

# بحار الأنوار

## BIHAR AL-ANWAAR

الجزء المائة

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**Bihar Al-Anwaar – The summary of the pearls of the  
Ahadeeth of the Pure Imams<sup>-asws</sup>**

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**THE BOOK OF CONTRACTS AND DECLARATIONS**

باب 1 الحث على طلب الحلال و معنى الحلال

**CHAPTER 1 – THE URGING UPON SEEKING THE PERMISSIBLE (EARNINGS) AND MEANING OF THE ‘PERMISSIBLE’**

الآيات المائدة قُلْ لَا يَسْتَوِي الْحَيُّثُ وَالطَّيِّبُ وَلَوْ أَعْجَبَكَ كَثْرَةُ الْحَيِّثِ فَاتَّقُوا اللَّهَ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تُفْلِحُونَ

The Verses – (Surah) Al Maidah: **Say: ‘The bad and the good are not equal, and even though the abundance of the bad fascinates you’. Therefore fear Allah, O ones of understanding, perhaps you would be successful [5:100].**

النحل وَ لَتَبْتَغُوا مِنْ فَضْلِهِ

(Surah) Al Maidah: **and for you to seek His Grace [16:14].**

الإسراء لَتَبْتَغُوا فَضْلاً مِنْ رَبِّكُمْ

(Surah) Al Isra: **for you to seek Grace from your Lord [17:12].**

و قال تعالى رَبُّكُمْ الَّذِي يُرْجِي لَكُمْ الْفُلْكَ فِي الْبَحْرِ لَتَبْتَغُوا مِنْ فَضْلِهِ إِنَّهُ كَانَ بِكُمْ رَحِيماً

And Said: **Your Lord is He Who Drives on the ships for you in the sea for you to be seeking from His Grace. Surely, He was always Merciful with you [17:66].**

المزمل وَ آخِرُونَ يَصْطَرِبُونَ فِي الْأَرْضِ يَبْتَغُونَ مِنْ فَضْلِ اللَّهِ.

(Surah) Al Muzzammil: **and others would be going about in the earth seeking from the Grace of Allah [73:20].**

1 لي، الأماالي للصدوق ابن المغيرة بإسناده عن السكوني عن الصادق ع قال قال رسول الله ص من بات كالأل من طلب الحلال بات مغفوراً له.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Mugheira, by his chain from Al Sakuni,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘One who spends a night exhausted from seeking the Permissible (earnings) spends the night as Forgiven!’<sup>1</sup>

2- فس، تفسير القمي عن أمير المؤمنين ع قال: طوي لمن دل في نفسه و طاب كسبه.

<sup>1</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 – H 1

(The book) 'Tafseer Al Qummi' –

'From Amir Al-Momineen<sup>-asws</sup> having said: 'Beatitude be for one who is humble within himself and his earnings are good'.<sup>2</sup>

3- فس، تفسیر القمي ذكر رجل عند أبي عبد الله ع الأعنياء و وقع فيهم فقال أبو عبد الله ع اسكت إن العني إذا كان وصولاً لرحمه باراً بإخوانه أضعف الله له الأجر ضعفين لأن الله يقول و ما أموالكم و لا أولادكم بالتي تُفترىكم عندنا زلفى إلا من آمن و عمل صالحاً فأولئك هم جزاء الضعيف بما عملوا و هم في الغرفات آمنون.

(The book) 'Tafseer Al Qummi' –

'A man mentioned the rich (people) in the presence of Abu Abdullah<sup>-asws</sup> and talked badly regarding them. Abu Abdullah<sup>-asws</sup> said: 'Be quiet, for when the rich one is a maintainer of his kinship, righteous with his brethren, Allah<sup>-azwj</sup> will Multiply the Recompense for him as double, because Allah<sup>-azwj</sup> Says: **And neither your wealth nor your children would be those drawing you closer in Our Presence, except the one who believes and does righteous deeds. So they, for them would be the double Recompense due to what they had done, and they would be secure in the chambers [34:37]**'.<sup>3</sup>

4- كا، الكافي العدة عن البرقي عن البرنطي قال: قلت للرضا ع جعلت فداك ادع الله عز و جل أن يزفني الحلال

(The book) 'Al Kafi' – The number, from Al Barqy, from Al Bazanty who said,

'I said to Al-Reza<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! Supplicate to Allah<sup>-azwj</sup> Mighty and Majestic to Provide me the Permissible (earnings)!'

فقال أ تدرى ما الحلال

He<sup>-asws</sup> said: 'Do you know what is the 'Permissible'?'

قلت الذي عندنا الكسب الطيب

I said, 'That which is with us is the good earnings!'

فقال كان علي بن الحسين ع يقول الحلال هو قوت المصطفى

He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> had said: 'The 'Permissible', it is daily subsistence of the Chosen ones'.

ثم قال قل أسألك من رزقك الواسع.

Then he<sup>-asws</sup> said: 'Say, 'I ask You<sup>-azwj</sup> for the vast sustenance''.<sup>4</sup>

<sup>2</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 2

<sup>3</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 3

<sup>4</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 4

5- ب، قرب الإسناد هارون عن ابن صدقة عن الصادق عن آتاه ع أن رسول الله ص قال: أصناف لا يستجاب لهم منهم من أذن رجلاً ديناً إلى أجل فلم يكتب عليه كتاباً ولم يشهد عليه شهوداً ورجل يدعو على ذي رحم

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>: 'Rasool-Allah<sup>-saww</sup> said: 'There are types (a supplication) is not Answered for them. From them is one who lends a loan to a man up to a (specified) term but he does not write an agreement upon and does not keep any witnesses upon it; and a man who supplicates against one with kinship.

و رجل يؤذيه امرأته بكلمة ما يقدر عليه و هو في ذلك يدعو الله عليها و يقول اللهم أرخني منها فهذا يقول الله له عبدي أ و ما قلدكك أمرها فإن شئت خلقتها و إن شئت أفسكتها

And a man whose wife hurts him with (hurtful) speech he is not able upon, and during that he supplicates to Allah<sup>-azwj</sup> and says, 'O Allah<sup>-azwj</sup>! Give me rest from her!' So, this one, Allah<sup>-azwj</sup> Says to him: "And did I<sup>-azwj</sup> not Collar you with her matter? If you desire you may free her and if you desire you can withhold her!"

و رجل رزقه الله تبارك و تعالى ما لا ثم أنفقه في البر و التقوى فلم يبق منه شيء و هو في ذلك يدعو الله أن يرزقه فهذا يقول له الرب تبارك و تعالى أ و لم أرزقك و أعنتك أ فلا افتصدت و لم تسرف إني لا أحب المُسرفين

And a man Allah<sup>-azwj</sup> Blessed and Exalted Provides wealth to, then he spends it in righteous ways and piously. Then nothing from it remains, and during that he supplicates to Allah<sup>-azwj</sup> to Provide him (more). So, this one, the Lord<sup>-azwj</sup>, Blessed and Exalted Says to him: "And did I<sup>-azwj</sup> not Provide you and Assist you? Why were you not moderate, and why were you extravagant? I<sup>-azwj</sup> do not Answer the extravagant ones!"

و رجل قاعد في بيته و هو يدعو الله أن يرزقه لا يخرج و لا يطلب من فضل الله كما أمره الله هذا يقول الله له عبدي إني لم أخطر عليك الدنيا و لم أزمك في جوارحك و أرضي واسعة فلا تخرج و تطلب الرزق فإن حرمتك عذرتك و إن رزقتك فهو الذي تريد.

And a man sits in his house and he supplicates to Allah<sup>-azwj</sup> to Provide him (sustenance). He neither goes out nor seeks from the Grace of Allah<sup>-azwj</sup> just as Allah<sup>-azwj</sup> has Commanded him. This one, Allah<sup>-azwj</sup> Says to him: "My servant! I<sup>-azwj</sup> did not Forbid the world upon you, and did not Throw (disability) in your limbs, and My<sup>-azwj</sup> earth is vast. Why don't you go out and seek the sustenance? If I<sup>-azwj</sup> Deprive you, I<sup>-azwj</sup> will Excuse you, and if I<sup>-azwj</sup> Provide you, it is what you want!"<sup>5</sup>

6- ب، قرب الإسناد ابن عيسى عن علي بن الحكم عن موسى بن بكر قال: قال لي أبو الحسن الأول ع من طلب هذا الرزق من حله ليعود به على نفسه و عياله كان كالمجاهد في سبيل الله

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Ali Bin Al Hakam, from Musa Bin Bakr who said,

<sup>5</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 5



'Abu Al-Hassan<sup>-asws</sup> the 1<sup>st</sup> said to me: 'One who seeks this sustenance from its Permissible (means) in order to provide for himself and his dependants would be like the holy warrior in the way of Allah<sup>-azwj</sup>!

فَإِنْ عَلَبَ فَلْيَسْتَدِنْ عَلَى اللَّهِ وَ عَلَى رَسُولِهِ ص مَا يَفُوتُ بِهِ عِيَالُهُ فَإِنْ مَاتَ وَ لَمْ يَقْضِ كَانَ عَلَى الْإِمَامِ قَضَاؤُهُ فَإِنْ لَمْ يَقْضِهِ كَانَ عَلَيْهِ وَزْرُهُ

If he is overcome (by hardships), let him borrow (relying) upon Allah<sup>-azwj</sup> and His<sup>-azwj</sup> Rasool<sup>-saww</sup> what he can subsist his dependents with. If he dies and has not paid off, it would be upon the Imam<sup>-asws</sup> to pay it off. If he<sup>-asws</sup> does not pay it, it would be upon his<sup>-asws</sup> Vizier.

إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسْكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةِ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ الْغَارِمِينَ فَهُوَ فَقِيرٌ مُسْكِينٌ مُعْرَمٌ.

Allah<sup>-azwj</sup> Blessed and Exalted Says: ***But rather, the charities are for the poor and the needy, and the office bearers upon it, and the ones (recently) inclined of their hearts (to Al-Islam), and ones in bondage, and the ones in debt, [9:60].*** He is poor, needy, indebted".<sup>6</sup>

7- ب، قرب الإسناد ابن عيسى عن البرنطقي قال: قُلْتُ لِلرِّضَا ع جُعِلَتْ فِدَاكَ إِنَّ الْكُوفَةَ قَدْ تَدْرِي وَ الْمَعَاشُ بِهَا ضَيْقٌ وَ إِنَّمَا كَانَ مَعَاشُنَا بِعَدَاةٍ وَ هَذَا الْجَبَلُ قَدْ فُتِحَ عَلَى النَّاسِ مِنْهُ بَابُ رِزْقٍ

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

'I said to Al-Reza<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! Surely you<sup>-asws</sup> know Al-Kufa. The livelihood is constricted at it, and rather our livelihood used to be at Baghdad, and this mountain is such, a door of sustenance has been opened upon the people from it!'

فَقَالَ إِنَّ أَرَدْتَ الْخُرُوجَ فَاخْرُجْ فَإِنَّهَا سَنَةٌ مُضْطَرِبَّةٌ وَ لَيْسَ لِلنَّاسِ بُدٌّ مِنْ مَعَاشِهِمْ فَلَا تَدَعِ الطَّلَبَ

He<sup>-asws</sup> said: 'If you want to go out, then go out, for it is a year of desperation, and there isn't any escape for the people from their livelihoods, so do not leave the seeking!'

فَقُلْتُ لَهُ جُعِلَتْ فِدَاكَ إِنَّهُمْ قَوْمٌ مَالٌ [مِلَاءٌ] وَ نَحْنُ نَحْتَمِلُ التَّأْخِيرَ فَنُبَايِعُهُمْ بِتَأْخِيرِ سَنَةٍ

I said to him<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! They are a delaying people and we can tolerate the delay. Shall we sell to them with the delay (in payment) for a year?'

قَالَ بَعْضُهُمْ

He<sup>-asws</sup> said: 'Sell to them!'

قُلْتُ ثِنْتَيْنِ

I said, 'Two years?'

<sup>6</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 6

قَالَ يَعْهُمْ

He<sup>-asws</sup> said: 'Sell it to them!'

قُلْتُ ثَلَاثَ سِنِينَ

I said, 'Three years?'

قَالَ لَا يَكُونُ لَكَ شَيْءٌ أَكْثَرَ مِنْ ثَلَاثَ سِنِينَ.

He<sup>-asws</sup> said: 'There should not be anything for you more than three years!''<sup>7</sup>

8- ب، قرب الإسناد ابن أبي الخطاب عَنِ الْبَرْظِيِّ قَالَ: قُلْتُ لِلرِّضَا ع جُعِلْتُ فِدَاكَ ادْعُ اللَّهَ أَنْ يَرْزُقَنِي حَلَالًا

(The book) 'Qurb Al Isnaad' – Ibn Abu Al Khattab, from Al Bazanty who said,

'I said to Al-Reza<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! Supplicate to Allah<sup>-azwj</sup> to Provide me Permissible (sustenance)!'

قَالَ تَدْرِي مَا الْحَلَالُ

He<sup>-asws</sup> said: 'Do you know what is the 'Permissible'?''

قُلْتُ لَهُ جُعِلْتُ فِدَاكَ أَمَّا الَّذِي عِنْدَنَا فَالْكَسْبُ الطَّيِّبُ

I said to him<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! As for that which is with us, it is the good earnings'.

قَالَ كَانَ عَلَيَّ بِنُ الْحُسَيْنِ صَلَوَاتُ اللَّهِ عَلَيْهِ يَقُولُ الْحَلَالُ هُوَ قُوتُ الْمُصْطَفَيْنِ وَ لَكِنْ قُلْ أَسْأَلُكَ مِنْ رِزْقِكَ الْوَاسِعِ.

He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup> had said, 'The 'Permissible', it is subsistence of the Chosen ones, but say, 'I ask You<sup>-azwj</sup> from Your<sup>-azwj</sup> vast sustenance''<sup>8</sup>.

9- ل، الخصال ماجيلويه عَنْ عَمِّهِ عَنِ الْبَرْظِيِّ عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ أَبَانَ بْنِ تَغْلِبٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مِنَ الْمَرْوَةِ اسْتِصْلَاحُ الْمَالِ.

(The book) 'Al Khisaal' – Majaylawiya, from his uncle, from Al Barqy, from Ismail Bin Mihran, from Salih Bin Saeed, from Aban Bin Taghlib,

<sup>7</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 7

<sup>8</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 8

‘From Abu Ja’far<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘From the manliness is the proper management of wealth’’.<sup>9</sup>

10 مع، معاني الأخبار أبي عن سعد عن البرقي مثله.

(The book) ‘Ma’any Al Akhbar’ – My father, from Sa’ad, from Al Barqy, similar to it.<sup>10</sup>

11- ل، الخصال أبي عن الحميري عن إبراهيم بن مهران عن أخيه علي عن فضالة عن سليمان بن دُرستويه عن عجلان عن أبي عبد الله ع قال: ثلاثة يُدخلهم الله الجنة بغير حساب إمام عادل و تاجر صدوق و شيخ أفنى عمره في طاعة الله عز و جل.

(The book) ‘Al Khisaal’ – My father, from Al Himeyri, from Ibrahim Bin Mahziyar, from his brother Ali, from Fazala, from Suleyman Bin Dorostaweyh, from Ajlan,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Three, Allah<sup>-azwj</sup> will Admit them into the Paradise without Reckoning – a just imam (leader), and a truthful trader, and an old man finishing his lifespan in the obedience of Allah<sup>-azwj</sup> Mighty and Majestic’’.<sup>11</sup>

12- ل، الخصال أبي عن السعدآبادي عن البرقي عن أبيه عن ابن أبي عمير عن هشام بن الحكم عن أبي عبد الله ع قال: من كسب مالا من غير حل سخط الله عليه البناء و الماء و الطين.

(The book) ‘Al Khisaal’ – My father, from Al Sa’dabady, from Al Barqy, from his father, from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘One who earns wealth from non-Permissible (means), Allah<sup>-azwj</sup> will Subject him to spend it on the building, and the water and the clay’’.<sup>12</sup>

13- ل، الخصال أبي عن محمد بن العطار عن الأشعري عن سهل عن الحسين بن يزيد عن سفيان الجري عن عبد المؤمن الأنصاري عن أبي جعفر قال قال رسول الله ص البركة عشرة أجزاء تسعة أعشارها في التجارة و العشر الباقي في الجلود.

(The book) ‘Al Khisaal’ – My father, from Muhammad Bin Al Attar, from Ash’ary, from Sahl, from Al-Husayn Bin Yazeed, from Sufyan Al Jareery, from Abdul Momin Al Ansari,

‘From Abu Ja’far<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The Blessing is of ten segments, nine-tenth of it is in the trading, and the remaining tenth is in the skins (farming herd)’’.<sup>13</sup>

قال الصدوق يعني بالجلود الغنم لما سيأتي.

*Al-Sadouq said, ‘The meaning of ‘the skins’, is the sheep, due to what I shall come with’.*

<sup>9</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 9

<sup>10</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 10

<sup>11</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 11

<sup>12</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 12

<sup>13</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 13

14 ل، الخصال القُطَّانُ عَنِ ابْنِ زَكْرِيَّا الْقُطَّانِ عَنِ ابْنِ حَبِيبٍ عَنِ ابْنِ بُهْلُولٍ عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ عَنِ الْحُسَيْنِ بْنِ زَيْدٍ عَنْ أَبِيهِ زَيْدٍ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ النَّبِيِّ ص أَنَّهُ قَالَ: تِسْعَةُ أَعْشَارِ الرِّزْقِ فِي التِّجَارَةِ وَالْجُزْءُ الْبَاقِي فِي السَّابِغَاتِ [السَّابِغَاتُ] يَعْنِي الْغَنَمَ.

(The book) 'Al Khisaal' – Al Qattan, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Buhloul, from Saeed Bin Abdul Rahman, from Al-Husayn Bin Yazeed,

'From Zayd son of Ali<sup>-asws</sup> (Bin Al-Husayn<sup>-asws</sup>), from his father Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup>, from the Prophet<sup>-saww</sup>, he<sup>-saww</sup> said: 'Nine-tenths of the sustenance is in the trading, and the remaining segment is in 'Al-Sabiya', meaning the sheep".<sup>14</sup>

15- ل، الخصال عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: الْبُكُورُ فِي طَلَبِ الرِّزْقِ يَزِيدُ فِي الرِّزْقِ.

(The book) 'Al-Khisaal' –

'From Amir Al-Momineen<sup>-asws</sup> having said: 'The (going) early morning in seeking the sustenance increases in the sustenance".<sup>15</sup>

16- مع، معاني الأخبار ل، الخصال فِيمَا أَوْصَى بِهِ النَّبِيُّ ص أَبَا ذَرٍّ عَلَى الْعَاقِلِ أَنْ يَكُونَ طَالِبًا لِثَلَاثٍ مَرْمَةِ لِمَعَاشٍ أَوْ تَزُودٍ لِمَعَادٍ أَوْ تَلَدُّدٍ فِي غَيْرِ مُحَرَّمٍ.

(The book) 'Ma'any Al Akhbar', (and) 'Al Khisal' –

'Among what the Prophet<sup>-saww</sup> bequeathed to Abu Zarr<sup>-ra</sup> (was): 'Upon the intellectual is that he should be a seeker of three – improving the livelihood, or providing for the Hereafter, or deriving pleasure in non-Prohibited (activities)".<sup>16</sup>

17- ما، الأماالي للشيخ الطوسي عَنْ أَبِي قَلَابَةَ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ كَسَبَ مَالًا مِنْ غَيْرِ حِلِّهِ أَفْقَرُهُ اللَّهُ.

(The book) 'Al Amaali' of the Sheykh Al Tusi, from Abu Qalaba who said,

'One who earns wealth from non-Permissible (means), Allah<sup>-azwj</sup> will Impoverish him".<sup>17</sup>

18- ما، الأماالي للشيخ الطوسي الْجَعَابِيُّ عَنْ ابْنِ عُقْدَةَ عَنْ يَحْيَى بْنِ زَكْرِيَّا عَنْ مُحَمَّدِ بْنِ مَرْوَانَ عَنْ عَمْرِو بْنِ سَيْفٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَالَ لِي لَا تَدْعُ طَلَبَ الرِّزْقِ مِنْ حِلِّهِ فَإِنَّهُ عَوْنٌ لَكَ عَلَى دِينِكَ وَاعْقِلْ رَاحِلَتَكَ وَتَوَكَّلْ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Jiany, from Ibn Uqdah, from Yahya Bin Zakariya, from Muhammad Bin Marwan, from Amro Bin Sayf,

<sup>14</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 14

<sup>15</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 15

<sup>16</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 16

<sup>17</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 17

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'He<sup>-asws</sup> said to me: 'Do not leave seeking the sustenance from its Permissible means for it will be an assistance for you upon your religion, and tip up your belongings and rely (upon Allah<sup>-azwj</sup>)'.<sup>18</sup>

19- ما، الأماالي للشيخ الطوسي بالإسناد إلى أبي قتادة عن داود قال قال أبو عبد الله ع ثلاثة هي من السعادة الزوجة المؤمنة و الولد البار و الرزق يوزق معيشة يعلو على صلاحها و يروح على عياله.

(The book) 'Al Amaali' of the Sheykh Al Tusi – By the chain to Abu Qatada, from Dawood who said,

'Abu Abdullah<sup>-asws</sup> said: 'Three, these are from the good fortune – the supportive wife, and the righteous son, and the provision sustaining the livelihood. He goes in the morning upon improving it and returns to his family'' (in the evening).<sup>19</sup>

20- مع، معاني الأخبار أبي عن سعد عن إبراهيم بن هاشم عن النوفلي عن السكوني عن الصادق عن آبائه ع قال قال أمير المؤمنين ع في قول الله عز و جل و أنه هو أغنى و أفنى قال أغنى كل إنسان بمعيسته و أرضاه يكسب يده.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibrahim Bin Hashim, from Al Nowfaly, from Al Sakuni,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said regarding the Word of Allah<sup>-azwj</sup> Mighty and Majestic: **And it is He Who Enriches and Satisfies [53:48]**. He<sup>-asws</sup> said: 'Enriches every person with his livelihood, and Satisfy him with the earnings by his hand''.<sup>20</sup>

21- مع، معاني الأخبار ابن الوليد عن الصفار عن البرقي عن عبد الرحمن بن العباس رفعه قال: سأل معاوية الحسن بن علي ع عن المرأة فقال شح الرجل على دينه و إصلاحه ماله و قيامه بالحقوقي

(The book) 'Ma'any Al Akhbar' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from Abdul Rahman Bin Al Abbas raising it, said,

'Muawiya asked Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup> about the manliness. He<sup>-asws</sup> said: 'Zeal of the man upon his religion, and improving his wealth, and his standing with the rights!'

فقال معاوية أحسنت يا أبا محمد أحسنت يا أبا محمد

Muawiya said, 'You<sup>-asws</sup> have spoken excellently, O Abu Muhammad<sup>-asws</sup>! You<sup>-asws</sup> have spoken excellently, O Abu Muhammad<sup>-asws</sup>!'

قال فكان معاوية يقول بعد ذلك وددت أن يزيد قائلها و أنه كان أعور.

<sup>18</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 18

<sup>19</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 19

<sup>20</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 20

He (the narrator) said, 'Muawiya used to say after that, 'I would have loved it if Yazeed<sup>-la</sup> had said it, and even if he was one-eyed!'"<sup>21</sup>

22- مع، معاني الأخبار أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنِ ابْنِ مِهْرَانَ عَنْ ابْنِ أَثَمَةَ بْنِ مُحَمَّدٍ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: كَانَ الْحَسَنُ بْنُ عَلِيٍّ ع فِي نَفَرٍ مِنْ أَصْحَابِهِ عِنْدَ مُعَاوِيَةَ فَقَالَ لَهُ يَا أَبَا مُحَمَّدٍ خَبِّرْنِي عَنِ الْمُرُوءَةِ

(The book) 'Ma'any Al Akhbaar' – My father from Sa'ad Bin Al Barqy, from Ibn Mihran, from Ayman Bin Muhriz, from Muawiya Bin Wahab,

'From Abu Abdullah<sup>-asws</sup> having said: 'Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup> was among a number of his<sup>-asws</sup> companions in the presence of Muawiya. He said to him<sup>-asws</sup>, 'O Abu Muhammad<sup>-asws</sup>, inform me about the manliness!'

فَقَالَ حَفِظَ الرَّجُلُ دِينَهُ وَ قِيَامُهُ فِي إِصْلَاحِ ضَيْعَتِهِ وَ حُسْنُ مُنَازَعَتِهِ وَ إِفْشَاءُ السَّلَامِ وَ لِينُ الْكَلَامِ وَ الْكَفُّ وَ التَّحَبُّبُ إِلَى النَّاسِ.

He<sup>-asws</sup> said: 'The man protecting his religion, and his standing in maintaining and improving his estate, his good conduct in disagreement, spreading peace, speaking gently, refraining from harm, and showing affection toward the people!'"<sup>22</sup>

23- مع، معاني الأخبار أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ رَفَعَهُ إِلَى ابْنِ طَرِيفٍ عَنِ ابْنِ ثُبَّانَةَ عَنِ الْحَارِثِ الْأَعْوَرِ قَالَ: قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لِلْحَسَنِ ابْنِهِ يَا بُنَيَّ مَا الْمُرُوءَةُ

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Al Barqy, raising it to Ibn Tareyf, from Al Haris Al Awr who said,

'Amir Al-Momineen<sup>-asws</sup> said to his<sup>-asws</sup> son<sup>-asws</sup> Al-Hassan<sup>-asws</sup>: 'O my<sup>-asws</sup> son<sup>-asws</sup>! What is the manliness?'

فَقَالَ الْعِفَافُ وَ إِصْلَاحُ الْمَالِ.

He<sup>-asws</sup> said: 'The chastity and improving the wealth'"<sup>23</sup>.

24- مع، معاني الأخبار أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ حَمَّادٍ الْأَنْصَارِيِّ رَفَعَهُ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع تَعَاهَدُ الرَّجُلُ ضَيْعَتَهُ مِنَ الْمُرُوءَةِ.

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Al Barqy, from Muhammad Bin Isa, from Abdullah Bin Umar Bin Hammad Al Ansari, raising it, said,

'Abu Abdullah<sup>-asws</sup> said: 'A man's care for his estate is from the manliness'"<sup>24</sup>.

<sup>21</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 21

<sup>22</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 22

<sup>23</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 23

<sup>24</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 24

25- مع، معاني الأخبار أبي عن علي عن أبيه عن النوفلي عن الشكوني عن الصادق عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْعِبَادَةُ سَبْعُونَ جُزْءًا وَ أَفْضَلُهَا جُزْءًا طَلَبُ الْحَلَالِ.

(The book) 'Ma'any Al Akhbaar' – My father, from Ali, from his father, from Al Nowfali, from Al Sakuni,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'The worship is of seventy segments, and their most superior is a segment of seeking the Permissible (sustenance)'.<sup>25</sup>

26- ما، الأماالي للشيخ الطوسي فيما أوصى أمير المؤمنين ابنه ع أَنَّهُ لَيْسَ لِلْمُؤْمِنِ بُدٌّ مِنْ أَنْ يَكُونَ شَاخِصًا فِي ثَلَاثٍ مَرْمَّةٍ لِمَعَاشٍ أَوْ خُطْوَةٍ لِمَعَادٍ أَوْ لَذَّةٍ فِي غَيْرِ مُحَرَّمٍ.

(The book) 'Al Amaali' of the Sheykh Al Tusi –

'Among what Amir Al-Momineen<sup>-asws</sup> bequeathed to his<sup>-asws</sup> son<sup>-asws</sup>: 'There isn't any escape for the Momin from pursuing in three – securing his livelihood, or taking steps for the Hereafter, or deriving pleasure in other than the Prohibited''.<sup>26</sup>

27- ل، الخصال أبي عن السعدآبادي عن البرقي عن عثمان بن عيسى عن ابن مسكان رَفَعَهُ إِلَى عَلِيِّ بْنِ الْحُسَيْنِ ع قَالَ: مِنْ سَعَادَةِ الْمَرْءِ الْمُسْلِمِ أَنْ يَكُونَ مَتَجَرَّةً فِي بِلَادِهِ وَ يَكُونَ خُلَطَاءُوهُ صَالِحِينَ وَ يَكُونَ لَهُ وَلَدٌ يَسْتَعِينُ بِهِ.

(The book) 'Al Khisaal' – My father, from Al Sa'dabadi, from Al Barqy, from Usman Bin Isa, from Ibn Muskan, raising it to,

'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> said: 'From happiness of the Muslim man is that he would be a trader in his city, and his affiliations would be righteous, and there would be a son for him he can be assisted with''.<sup>27</sup>

28- ثو، ثواب الأعمال ابن الوليد عن الصَّغَفَرِ عَنِ ابْنِ مَعْرُوفٍ عَنِ ابْنِ مَهْرَبَانَ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنْ سَيْفٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ لَمْ يَسْتَحِ مِنْ طَلَبِ الْمَعَاشِ خَفَّتْ مَثُونَتُهُ وَ رَخِيَ بَالُهُ وَ نَعِمَ عِيَالُهُ.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Ja'far Bin Bashir, from Sayf,

'From Abu Abdullah<sup>-asws</sup> having said: 'One who is not embarrassed from seeking the livelihood, his burden will be light, and his mind will be at ease, and his dependents will live a good life'.<sup>28</sup>

29- ثو، ثواب الأعمال أبي عن أحمد بن إدريس عن الأشعري بإسناده قَالَ قَالَ رَسُولُ اللَّهِ ص الْعِبَادَةُ سَبْعُونَ جُزْءًا أَفْضَلُهَا جُزْءًا طَلَبُ الْحَلَالِ.

<sup>25</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 25

<sup>26</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 26

<sup>27</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 27

<sup>28</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 28

(The book) 'Sawaab Al Amaal' – My father, from Ahmad Bin Idrees, from Al Ash'ari, by his chain, said,

'Rasool-Allah<sup>-saww</sup> said: 'The worship is of seventy segments. Their most superior is a segment of seeking the Permissible.<sup>29</sup>

30- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مُحَمَّدٍ عَنِ الْحَارِثِ بْنِ بَهْرَامٍ عَنْ عَمْرِو بْنِ جُمَيْعٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا خَيْرَ فِي مَنْ لَا يُحِبُّ جَمْعَ الْمَالِ مِنْ خَلَالٍ فَيَكْفُفَ بِهِ وَجْهَهُ وَيَقْضِيَ بِهِ ذَنْبَهُ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Abdul Rahman Bin Muhammad, from Al Haris Bin Bahram, from Amro Bin Jumie who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'There is no goodness in the one who does not like to amass the wealth from Permissible (means), so he suffices his own face with it and fulfils his debts with it''<sup>30</sup>

31- وَ فِي حَدِيثٍ آخَرَ مَنْ طَلَبَ الدُّنْيَا اسْتَيْغْنَاءً عَنِ النَّاسِ وَ تَعَطُّفًا عَلَى الْجَارِ لَقِيَ اللَّهَ وَ وَجْهَهُ كَالْقَمَرِ لَيْلَةَ الْبَدْرِ.

And in another Hadeeth: 'One who seeks the world to be self-sufficient from the people and to be compassionate upon the neighbour, will meet Allah<sup>-azwj</sup> and his face will be like the moon on a night of the full-moon'.<sup>31</sup>

32- ير، بصائر الدرجات مُحَمَّدُ بْنُ أَحْمَدَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ جَمَعَ مَالًا مِنْ مَهَائِشٍ أَذْهَبَهُ اللَّهُ فِي نَهَابٍ.

(The book) 'Basaair Al Darajaat' – Muhammad Bin Ahmad,

'From Abu Abdullah<sup>-asws</sup> having said: 'One who amasses wealth from unlawful means, Allah<sup>-azwj</sup> will Cause it to be lost in calamities''<sup>32</sup>

33- سن، المحاسن أَبِي عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ كَسَبَ مَالًا مِنْ غَيْرِ جَلِيهِ سُلِطَ عَلَيْهِ الْبِنَاءُ وَ الطِّينُ وَ الْمَاءُ.

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

'From Abu Abdullah<sup>-asws</sup> having said: 'One who earns wealth from other than its Permissible means, Allah<sup>-azwj</sup> will Subject him to spend it on the building, and the water and the clay'.<sup>33</sup>

34- شاء، الإرشاد أَبُو مُحَمَّدٍ الْحَسَنِ بْنُ مُحَمَّدٍ عَنْ جَدِّهِ عَنِ ابْنِ يَزِيدَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحُجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ مُحَمَّدَ بْنَ الْمُنْكَدِرِ كَانَ يَقُولُ مَا كُنْتُ أَرَى أَنَّ مِثْلَ عَلِيِّ بْنِ الْحُسَيْنِ يَدْعُ خَلْفًا لِفَضْلِ عَلِيِّ بْنِ الْحُسَيْنِ حَتَّى رَأَيْتُ ابْنَهُ مُحَمَّدَ بْنَ عَلِيٍّ فَأَرَدْتُ أَنْ أَعْطَهُ فَوَعَّظَنِي

(The book) 'Al Irshad' – Abu Muhammad Al-Hassan Bin Muhammad, from his grandfather, from Ibn Yazeed, from Ibn Umeyr, from Abdul Rahman Bin Al Hajjaj,

<sup>29</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 29

<sup>30</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 30

<sup>31</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 31

<sup>32</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 32

<sup>33</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 33



‘From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, ‘Muhammad Bin Al-Munkadir had said, ‘I did view that the likes of Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> could leave a successor<sup>-asws</sup> like him<sup>-asws</sup>, due to the merits of Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>, until I saw his<sup>-asws</sup> son<sup>-asws</sup> Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup>. I intended to advise him<sup>-asws</sup>, but he<sup>-asws</sup> advised me (instead)’.

فَقَالَ لَهُ أَصْحَابُهُ بِأَيِّ شَيْءٍ وَعَظَكَ

His companions said to him, ‘With which thing did he<sup>-asws</sup> advise you?’

قَالَ خَرَجْتُ إِلَى بَعْضِ نَوَاحِي الْمَدِينَةِ فِي سَاعَةِ حَارَّةٍ فَلَقَيْتُ مُحَمَّدَ بْنَ عَلِيٍّ وَكَانَ رَجُلًا بَدِينًا وَهُوَ مُتَّكِ عَلَى غُلَامَيْنِ لَهُ أَسْوَدَيْنِ أَوْ مَوْلَيْنِ فَقُلْتُ فِي نَفْسِي شَيْخٌ مِنْ شُبُوحِ قُرَيْشٍ فِي هَذِهِ السَّاعَةِ عَلَى هَذِهِ الْحَالِ فِي طَلَبِ الدُّنْيَا أَشْهَدُ لَأَعْظَنَّهُ

He (the narrator) said, ‘I went out to one of the areas of Al-Medina in a time of severe heat. I met Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup>, and he<sup>-asws</sup> was a large-bodied man, and he<sup>-asws</sup> was leaning upon two of his black slaves or two servants. I said within myself, ‘A Sheykh from the Sheykhsh of Qureysh, in this time, upon this state in seeking the world! I testify, I shall advise him<sup>-asws</sup>!

فَدَنَوْتُ مِنْهُ فَسَلَّمْتُ عَلَيْهِ فَسَلَّمَ عَلَيَّ بَنَهْرٍ وَ قَدْ تَصَبَّبَ عَرَقًا فَقُلْتُ أَصْلَحَكَ اللَّهُ شَيْخٌ مِنْ أَشْيَاحِ قُرَيْشٍ فِي هَذِهِ السَّاعَةِ عَلَى هَذِهِ الْحَالِ فِي طَلَبِ الدُّنْيَا لَوْ جَاءَكَ الْمَوْتُ وَ أَنْتَ عَلَى هَذِهِ الْحَالِ

I went near to him<sup>-asws</sup>. I greeted unto him<sup>-asws</sup>, he greeted to me warmly and he<sup>-asws</sup> was sweating profusely. I said, ‘May Allah<sup>-azwj</sup> Keep you<sup>-asws</sup> well! A Sheykh from the Sheykhsh of Qureysh in this time, upon this state in seeking the world! Supposing the death comes to you<sup>-asws</sup> while you<sup>-asws</sup> are upon this state?’

قَالَ فَخَلَّى عَنِ الْغُلَامَيْنِ مِنْ يَدَيْهِ ثُمَّ تَسَاءَدَ عَ وَ قَالَ لَوْ جَاءَنِي وَاللَّهِ الْمَوْتُ وَ أَنَا فِي هَذِهِ الْحَالِ جَاءَنِي وَ أَنَا فِي طَاعَةٍ مِنْ طَاعَاتِ اللَّهِ تَعَالَى أَكُفُّ بِهَا نَفْسِي عَنْكَ وَ عَنِ النَّاسِ وَ إِنَّمَا كُنْتُ أَخَافُ الْمَوْتَ لَوْ جَاءَنِي وَ أَنَا عَلَى مَعْصِيَةٍ مِنْ مَعَاصِي اللَّهِ

He (the narrator) said, ‘He<sup>-asws</sup> let go of the two slaves from his<sup>-asws</sup> hands, then supported himself<sup>-asws</sup> and said: ‘By Allah<sup>-azwj</sup>! If death comes to me<sup>-asws</sup> while I<sup>-asws</sup> am upon this state, it would come to me while I<sup>-asws</sup> am in an act of obedience from obedience of Allah<sup>-azwj</sup> the Exalted! I<sup>-asws</sup> suffice myself<sup>-asws</sup> from you and from the people, and rather, I<sup>-asws</sup> would fear if the death comes to me<sup>-asws</sup> while I<sup>-asws</sup> am upon an act of disobedience from disobedience of Allah<sup>-azwj</sup>!’

فَقُلْتُ يَرْحَمَكَ اللَّهُ أَرَدْتُ أَنْ أَعْظَكَ قَوْعَظَنِي.

I said, ‘May Allah<sup>-azwj</sup> Mercy you<sup>-asws</sup>! I wanted to advise you<sup>-asws</sup>, but you<sup>-asws</sup> advised me (instead)!’<sup>34</sup>

<sup>34</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 34

35- جمع، جامع الأخبار قَالَ رَسُولُ اللَّهِ ﷺ طَلَبُ الْحَلَالِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ وَ مُسْلِمَةٍ.

(The book) 'Jamie Al Akhbaar' –

'Rasool-Allah<sup>-saww</sup> said: 'Seeking the Permissible sustenance is an obligation upon every Muslim man and Muslim woman''.<sup>35</sup>

36- وَ رُوِيَ عَنِ النَّبِيِّ ﷺ صَ الْعِبَادَةُ سَبْعُونَ جُزْءًا أَفْضَلُهَا طَلَبُ الْحَلَالِ.

And it is reported from the Prophet<sup>-saww</sup>: 'The worship is of seventy segments. Their most superior is seeking the Permissible sustenance'.<sup>36</sup>

37- وَ قَالَ عَ الْعِبَادَةُ عَشْرَةُ أَجْزَاءٍ تِسْعَةُ أَجْزَاءٍ فِي طَلَبِ الْحَلَالِ.

And he<sup>-saww</sup> said: 'The worship is of ten segments. Nine segments are in seeking the Permissible (sustenance)'.<sup>37</sup>

38- رَوَى ابْنُ عَبَّاسٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا نَظَرَ إِلَى الرَّجُلِ فَأَعْجَبَهُ فَقَالَ هَلْ لَهُ حِرْفَةٌ

It is reported by Ibn Abbas who said,

'When Rasool-Allah<sup>-saww</sup> looked at a man who impressed him<sup>-saww</sup>, he<sup>-saww</sup> said: 'Is there a profession for him?'

فَإِنْ قَالُوا لَا قَالَ سَقَطَ مِنْ عَيْنِي

If they said, 'No', he<sup>-saww</sup> said: 'He has fallen from my<sup>-saww</sup> eyes!'

قِيلَ وَ كَيْفَ ذَلِكَ يَا رَسُولَ اللَّهِ

It was said, 'And how is that so, O Rasool-Allah<sup>-saww</sup>?'

قَالَ لِأَنَّ الْمُؤْمِنَ إِذَا لَمْ يَكُنْ لَهُ حِرْفَةٌ يَعْيشُ بِدِينِهِ.

He<sup>-saww</sup> said: 'Because the believer, when he does not have a profession for him, he would live off his religion!'<sup>38</sup>

39- وَ قَالَ: مَنْ أَكَلَ مِنْ كَدِّ يَدِهِ مَرَّ عَلَى الصِّرَاطِ كَالْبَرْقِ الْخَاطِفِ.

<sup>35</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 35

<sup>36</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 36

<sup>37</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 37

<sup>38</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 38

And he<sup>-saww</sup> said: ‘One who eats from the toil of his hands will pass upon the Bridge like the bolt of lightning!’<sup>39</sup>

40- وَقَالَ ع مَنْ أَكَلَ مِنْ كَدِّ يَدِهِ نَظَرَ اللَّهُ إِلَيْهِ بِالرَّحْمَةِ ثُمَّ لَا يُعَذِّبُهُ أَبَدًا.

And he<sup>-saww</sup> said: ‘One who eats from the toil of his hands, Allah<sup>-azwj</sup> will Look at him with Mercy, then not Punish him, ever!’<sup>40</sup>

41- وَقَالَ ع مَنْ أَكَلَ مِنْ كَدِّ يَدِهِ حَلَالًا فَتُحِلُّ لَهُ أَبْوَابُ الْجَنَّةِ يَدْخُلُ مِنْ أَيِّهَا شَاءَ.

And he<sup>-saww</sup> said: ‘One who eats from the toil of his hands, Permissible sustenance, the doors of Paradise will be opened for him, he can enter from whichever door he so desires to!’<sup>41</sup>

42- وَقَالَ: مَنْ أَكَلَ مِنْ كَدِّ يَدِهِ كَانَ يَوْمَ الْقِيَامَةِ فِي عِدَادِ الْأَنْبِيَاءِ وَ يَأْخُذُ ثَوَابَ الْأَنْبِيَاءِ.

And he<sup>-saww</sup> said: ‘One who eats from the toil of his hands, on the Day of Qiyamah he would be among a number of Prophets<sup>-as</sup>, and take Rewards of the Prophets<sup>-as</sup>’.<sup>42</sup>

43- ط، الأمان من كتاب مسائل الرجال لمؤلفنا أبي الحسن الهادي ع قال محمد بن الحسن قال محمد بن هارون الجلاب قلت رؤينا عن آبائك أنه يأتي على الناس زمان لا يكون شيء أعز من أخ أنيس أو كسب درهم من حلال

(The book) ‘Al-Amaan’, from the book of questions by the men to our master Abu Al-Hassan Al-Hadi<sup>-asws</sup>. Muhammad Bin Al-Hassan said, ‘Muhammad Bin Haroun Al-Jallab said, ‘I said, ‘We are reporting from your<sup>-asws</sup> forefathers<sup>-asws</sup> that there shall come a time upon the people, there will be nothing dearer (rarer) that a comforting brother or earning a Dirham from Permissible means!’

فَقَالَ لِي يَا أَبَا مُحَمَّدٍ إِنَّ الْعَزِيزَ مُوجُودٌ وَلَكِنَّكَ فِي زَمَانٍ لَيْسَ شَيْءٌ أَعْسَرَ مِنْ دَرَاهِمٍ حَلَالٍ وَ أَخٍ فِي اللَّهِ عَزَّ وَ جَلَّ.

He<sup>-asws</sup> said to me: ‘O Abu Muhammad! The rare can be found, but you are in an era, there isn’t anything more difficult than a Permissible Dirham, and a brother for the Sake of Allah<sup>-azwj</sup> Mighty and Majestic!’<sup>43</sup>

44- نبه، تنبيه الخاطر أصاب أنصارياً حاجة فأخبر بها رسول الله ص فقال ابني بما في منزلك ولا تحقر شيئاً

(The book) ‘Tanbeeh Al Khatir’ –

<sup>39</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 39

<sup>40</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 40

<sup>41</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 41

<sup>42</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 42

<sup>43</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 43

'An 'Ansari' was hit by need, so he informed Rasool-Allah<sup>-saww</sup> of it. He<sup>-saww</sup> said: 'Come to me with whatever is in your house, and do not belittle anything!'

فَأَتَاهُ بِجِلْسٍ وَ قَدَحٍ

He came to him<sup>-saww</sup> with a straw mat and a cup.

فَقَالَ رَسُولُ اللَّهِ ص مَنْ يَشْتَرِيهِمَا

Rasool-Allah<sup>-saww</sup> said: 'Who will buy these two?'

فَقَالَ رَجُلٌ هُمَا عَلَيَّ بِدِرْهَمٍ

A man said, 'These are for me for a Dirham!'

فَقَالَ مَنْ يَزِيدُ

He<sup>-saww</sup> said: 'Who can increase?'

فَقَالَ رَجُلٌ هُمَا عَلَيَّ بِدِرْهَمَيْنِ

A man said, 'These are for me for two Dirhams!'

فَقَالَ هُمَا لَكَ

He<sup>-saww</sup> said: 'These are for you!'

فَقَالَ ابْتَغِ بِأَحَدِهِمَا طَعَاماً لِأَهْلِكَ وَ ابْتَغِ بِالْآخَرِ فُأْساً

He<sup>-saww</sup> said: 'With one of these (Dirhams) buy some food for your family, and buy an axe (handle) with the other'.

فَأَتَاهُ بِفُأْسٍ فَقَالَ ع مَنْ عِنْدَهُ نَصَابٌ لِهَذِهِ الْفُأْسِ

He came to him<sup>-saww</sup> with an axe (handle). He<sup>-saww</sup> said: 'Who has a blade for this axe (handle)?'

فَقَالَ أَحَدُهُمَا عِنْدِي

One of them said, 'There is with me!'

فَأَخَذَهُ رَسُولُ اللَّهِ ص فَأَثْبَتَهُ بِيَدِهِ وَ قَالَ اذْهَبْ فَاحْتَطِبْ وَ لَا تُحَقِّرَنَّ شَوْكاً وَ لَا رَطْباً وَ لَا يَابِساً

Rasool-Allah<sup>-saww</sup> took it and affirmed it with his<sup>-saww</sup> own hands and said: 'Go and gather firewood and neither belittle a thorn nor anything wet nor dry!'

فَفَعَلَ ذَلِكَ حَمْسَ عَشْرَةَ لَيْلَةً فَأَتَاهُ وَ قَدْ حَسُنَتْ خَالُهُ فَقَالَ عَ هَذَا خَيْرٌ مِنْ أَنْ تَجِيءَ يَوْمَ الْقِيَامَةِ وَ فِي وَجْهِكَ كُدُوحُ الصَّدَقَةِ.

He did that for fifteen nights. He came to him<sup>-saww</sup> and his situation was better. He<sup>-saww</sup> said: 'This is better than your coming on the Day of Qiyamah and in your face is the mark of alms!'<sup>44</sup>

45- جتص، الاختصاص قَالَ رَسُولُ اللَّهِ ص مِنْ اِكْتَسَبَ مَالًا مِنْ غَيْرِ جِلِّهِ كَانَ زَادَهُ إِلَى النَّارِ.

(The book) 'Al Ikhtisas' –

'Rasool-Allah<sup>-saww</sup> said: 'One who earns wealth from non-Permissible means, his provision would be to the Fire!''<sup>45</sup>

46- وَ قَالَ النَّبِيُّ ص قَالَ اللَّهُ عَزَّ وَ جَلَّ مَنْ لَمْ يُبَالِ مِنْ أَيِّ بَابٍ اِكْتَسَبَ الدِّينَارَ وَ الدِّرْهَمَ لَمْ أَتَالِ يَوْمَ الْقِيَامَةِ مِنْ أَيِّ أَبْوَابِ النَّارِ اَدْخَلْتُهُ.

And the Prophet<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> Mighty and Majestic Said: "One who does not care from which door he earns the Dinars and the Dirhams, I<sup>-azwj</sup> will not Care from which doors of the Fire I<sup>-saww</sup> Make him enter!''<sup>46</sup>

47- مجالس، المجالس و الأخبار جَمَاعَةً عَنْ أَبِي الْمُفَضَّلِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ حَفْصٍ عَنْ هِشَامِ النَّهْشَلِيِّ عَنْ عَمْرِو بْنِ هَاشِمٍ عَنْ مَعْرُوفِ بْنِ خَرْبُودَ عَنْ عَامِرِ بْنِ وَائِلَةَ عَنْ أَبِي بُرْزَةَ الْأَسْلَمِيِّ قَالَ سَمِعْتُ رَسُولَ اللَّهِ ص قَالَ: لَا تَزُولُ قَدَمُ عَبْدٍ يَوْمَ الْقِيَامَةِ حَتَّى يُسْأَلَ عَنْ أَرْبَعٍ عَنْ جَسَدِهِ فِيمَا أَبْلَاهُ وَ عَنْ عُمْرِهِ فِيمَا أَفْنَاهُ وَ عَنْ مَالِهِ فِيمَا اِكْتَسَبَهُ وَ فِيمَا أَنْفَقَهُ وَ عَنْ حَيْثَا أَهْلَ الْبَيْتِ.

(The books) 'Al Majalis', (and) 'Al Akhbar' – A group, from Abu Al Mufazzal, from Muhammad Bin Al-Hassan Bin Hafs, from Hisham Al Nahshaly, from Amro Bin Hashim, from Marouf Bin Kharbouz, from Aamir Bin Waskla, from Abu Burdah Al Aslami who said,

'I heard Rasool-Allah<sup>-saww</sup> say: 'The feet of a servant will not move on the Day of Qiyamah until he is questioned about four – about his body, in what did he use it, and about his lifespan, in what did he spend it, and about his wealth, from what did he earn it and in what did he spend it, and about our<sup>-asws</sup> love, People<sup>-asws</sup> of the Household!''<sup>47</sup>

48- عَنِ الْحُسَيْنِ بْنِ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ وَهْبَانَ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ زَكَرِيَّا عَنِ الْحُسَيْنِ بْنِ فَضَالٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنِ الْحُسَيْنِ بْنِ مُوسَى الْحَنَاطِ عَنْ أَبِيهِ قَالَ: ذَكَرَ عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ ذَكَرَ عِنْدَهُ رَجُلٌ فَقَالَ إِنَّ الرَّجُلَ إِذَا أَصَابَ مَالًا مِنْ حَرَامٍ لَمْ يُقْبَلْ مِنْهُ حَجٌّ وَ لَا عُمْرَةٌ وَ لَا صَلَةٌ رَجِمَ حَتَّى إِنَّهُ يَفْسُدُ فِيهِ الْفَرْخُ.

From Al-Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Muhammad Bin Ahmad Bin Zakariya, from Al-Hassan Bin Fazzal, from Ali Bin Uqbah, from Al-Husayn Bin Musa Al Hannat, from his father who said,

'It is mentioned from Abu Ja'far<sup>-asws</sup>, a man was mentioned in his<sup>-asws</sup> presence. He<sup>-asws</sup> said: 'The man, when he attains wealth from Prohibited means, neither will Hajj be Accepted from

<sup>44</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 44

<sup>45</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 45

<sup>46</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 46

<sup>47</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 47

him, nor Umrah, nor connecting the kinship, to the extent that the private parts will be corrupted in it".<sup>48</sup>

49- نُقِلَ مِنْ حِطِّ الشَّيْخِ الشَّهِيدِ قَدَّسَ اللَّهُ رُوحَهُ نَقْلًا مِنْ كِتَابِ التَّجَارَةِ لِلْحُسَيْنِ بْنِ سَعِيدٍ رَوَى عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبِلَادِ عَنْ أَبِيهِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَيْسَ مِنْ نَفْسٍ إِلَّا وَ قَدْ فَرَضَ اللَّهُ لَهَا رِزْقًا حَلَالًا يَأْتِيهَا فِي عَاقِبَةِ وَ عَرَضَ لَهَا بِالْحَرَامِ مِنْ وَجْهِ آخَرَ فَإِنْ هِيَ تَنَاوَلَتْ شَيْئًا مِنَ الْحَرَامِ قَاصَّهَا مِنَ الْحَلَالِ الَّذِي فَرَضَ لَهَا وَ عِنْدَ اللَّهِ سَوَاهُمَا فَضْلٌ كَثِيرٌ وَ هُوَ قَوْلُهُ وَ سَأَلُوا اللَّهَ مِنْ فَضْلِهِ.

It is copied from the handwriting of the Sheykh Al Shaheed, may Allah -azwj Sanctify his soul, copying from 'Kitab Al Tijara' of Al-Husayn Bin Saeed. It is reported from Ibrahim Bin Abu Al Bilad, from his father,

'From Abu Ja'far<sup>-asws</sup> having said: 'There is none from a soul except and Allah<sup>-azwj</sup> has obligated Permissible sustenance for it in well-being, and Presents to him the Prohibited from another aspect. If it takes anything from the Permissible, it is reduced from the Permissible which Allah<sup>-azwj</sup> had obligated for it, and in the Presence of Allah<sup>-azwj</sup>, besides these two, there is a lot of Grace, and it is His<sup>-azwj</sup> Word: **and ask Allah from His Grace [4:32]**'.<sup>49</sup>

50- الدَّعَوَاتُ لِلرَّائِدِي، قَالَ النَّبِيُّ ص مَنْ أَكَلَ الْحَلَالَ قَامَ عَلَى رَأْسِهِ مَلَكٌ يَسْتَعْفِرُ لَهُ حَتَّى يَفْرُغَ مِنْ أَكْلِهِ.

(The book) 'Al Dawaat Al Rawandy' –

'The Prophet<sup>-saww</sup> said: 'One who eats Permissible sustenance, an Angel will stand upon his head seeking Forgiveness for him until he is free from eating it".<sup>50</sup>

51 وَ قَالَ: لَرُدُّ دَانِيٍّ مِنْ حَرَامٍ يَعْدِلُ عِنْدَ اللَّهِ سَبْعِينَ أَلْفَ حَجَّةٍ مَبْرُورَةٍ.

And he<sup>-asws</sup> said: 'Rejecting a Prohibited 'Danic' (small coin) equates in the Presence of Allah<sup>-azwj</sup> to seventy thousand accomplished Hajj".<sup>51</sup>

52 وَ قَالَ ع إِذَا وَقَعَتِ اللَّقْمَةُ مِنْ حَرَامٍ فِي جُوفِ الْعَبْدِ لَعَنَهُ كُلُّ مَلَكٍ فِي السَّمَاوَاتِ وَ فِي الْأَرْضِ.

And he<sup>-asws</sup>: 'When the Prohibited morsel falls into the interior of a servant, he is cursed by every Angel in the skies and in the earth".<sup>52</sup>

53 وَ قَالَ الصَّادِقُ ع أَرْبَعٌ لَا يُسْتَجَابُ لِهِنَّ دُعَاءُ رَجُلٍ جَالِسٍ فِي بَيْتِهِ يَقُولُ يَا رَبِّ ارْزُقْنِي فَيَقُولُ لَهُ أَمْ أَمْرَكَ بِالطَّلَبِ وَ رَجُلٌ كَانَتْ لَهُ امْرَأَةٌ قَدْ غَابَتْهَا فَيَقُولُ أَمْ أَجْعَلَ أَمْرَهَا بِيَدِكَ

And Al-Sadiq<sup>-asws</sup> said: 'Four, supplication is not Answered for them – a man sitting in his house saying, 'O Lord<sup>-azwj</sup>, Provide me!' He<sup>-azwj</sup> Says to him: "Did I<sup>-azwj</sup> not Command you with seeking

<sup>48</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 48

<sup>49</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 49

<sup>50</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 50

<sup>51</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 51

<sup>52</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 52

(the livelihood)?”; and a man having a wife for him being overcome by her. He<sup>-azwj</sup> Says: “Did I<sup>-azwj</sup> not Make her matter to be in your hands?”

وَرَجُلٌ كَانَ لَهُ مَالٌ فَأَفْسَدَهُ فَيَقُولُ يَا رَبِّ ارْزُقْنِي فَيَقُولُ لَهُ أَمْ أَمْرُكَ بِالْإِقْصَادِ أَمْ أَمْرُكَ بِالْإِصْلَاحِ

And a man who had wealth for him, but he spoilt it, so he says, ‘O Lord<sup>-azwj</sup>, Provide me!’ He<sup>-azwj</sup> Says: “Did I<sup>-azwj</sup> not Command you with moderation? Did I not Command you with being rectifying (the wealth)?”

ثُمَّ قَرَأَ وَالدِّينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَ لَمْ يَقْتُرُوا وَ كَانَ بَيْنَ ذَلِكَ قَوَاماً وَ رَجُلٌ كَانَ لَهُ مَالٌ فَأَدَانَهُ بِغَيْرِ بَيِّنَةٍ فَيَقُولُ أَمْ أَمْرُكَ بِالشَّهَادَةِ.

Then he<sup>-asws</sup> recited: **And those, when they spend, are not being extravagant and are not stingy, and are moderate between that [25:67];** and a man who had wealth for him but he lent it without any proof. He<sup>-azwj</sup> Says: “Did I not Command you with keeping witnesses?”<sup>53</sup>

54 وَ قَالَ رَسُولُ اللَّهِ ص إِنَّهُ لَيَأْتِي عَلَى الرَّجُلِ مِنْكُمْ لَا يُكْتَنِبُ عَلَيْهِ سَيِّئُهُ وَ ذَلِكَ أَنَّهُ مُبْتَغَى بِحِمِّ الْمَعَاشِ.

And Rasool-Allah<sup>-sawww</sup> said: ‘There shall come (a time) upon the man from you, none of his evil deeds will be recorded against him, and that is because he would be afflicted with worries of the livelihood’.<sup>54</sup>

55 تَخِجُ الْبَلَاغَةَ، مَنْ طَلَبَ شَيْئاً نَالَهُ أَوْ بَعْضَهُ.

(The book) ‘Nahj Al Balagah’ –

‘One who strives for something, will either attain it, or part of it’.<sup>55</sup>

56 وَ قَالَ عَ لِلْمُؤْمِنِ ثَلَاثُ سَاعَاتٍ فَسَاعَةٌ يُنَاجِي فِيهَا رَبَّهُ وَ سَاعَةٌ فِيهَا يَرْكُزُ مَعَاشُهُ وَ سَاعَةٌ يُحَلِّي بَيْنَ نَفْسِهِ وَ بَيْنَ لَدُنْهَا فِيمَا يَحِلُّ وَ يَجْمُلُ وَ لَيْسَ لِلْعَاقِلِ أَنْ يَكُونَ شَاخِصاً إِلَّا فِي ثَلَاثٍ مَرْمَةٍ لِمَعَاشٍ أَوْ حُطْوَةٍ فِي مَعَادٍ أَوْ لَدَّةٍ فِي غَيْرِ مُحَرَّمٍ.

And he<sup>-asws</sup> said: ‘For the Momin there are three timings. A time in which he whispers to his Lord<sup>-azwj</sup>, and a time in which he maintains his livelihood, and a time he is alone with himself and the pleasures in what is Permissible and beautiful, and it isn’t for the intellectual that he should be engaging except in three – maintaining the livelihood, or taking steps regarding Hereafter, or derive pleasure in non-Prohibited matters’.<sup>56</sup>

57 وَ قَالَ عَ إِنَّ أَعْظَمَ الْحَسَرَاتِ يَوْمَ الْقِيَامَةِ حَسْرَةُ رَجُلٍ كَسَبَ مَالاً فِي غَيْرِ طَاعَةِ اللَّهِ فَوَرَّثَهُ رَجُلًا فَأَنْفَقَهُ فِي طَاعَةِ اللَّهِ سُبْحَانَهُ فَدَخَلَ بِهِ الْجَنَّةَ وَ دَخَلَ بِهِ الْأَوَّلَ النَّارِ.

<sup>53</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 53

<sup>54</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 54

<sup>55</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 55

<sup>56</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 56

And he<sup>-asws</sup> said: ‘The mightiest of regrets on the Day of Qiyamah is regret of a man who earned wealth in other than the disobedience to Allah<sup>-azwj</sup>, so a man inherited him and spent it in the obedience of Allah<sup>-azwj</sup> the Glorious and enters the Paradise due to it while the first one enters the Fire due to it’.<sup>57</sup>

58 كُنْزُ الْكَرَاجِكِيِّ، رُوي عَنِ الصَّادِقِ ع أَنَّهُ قَالَ: ثَلَاثَةٌ يَدْعُونَ فَلَا يُسْتَجَابُ لَهُمْ رَجُلٌ جَلَسَ عَنْ طَلَبِ الرِّزْقِ ثُمَّ يَقُولُ اللَّهُمَّ ارْزُقْنِي يَقُولُ اللَّهُ تَعَالَى أَلَمْ أَجْعَلْ لَكَ طَرِيقًا إِلَى الطَّلَبِ

(The book) ‘Kanz’ of Al Karajaky –

‘It is reported from Al-Sadiq<sup>-asws</sup>, he<sup>-asws</sup> said: ‘Three supplicate, but it is not Answered for them – a man sitting back from seeking the sustenance, then he says, ‘O Allah<sup>-azwj</sup>! Provide me!’ Allah<sup>-azwj</sup> the Exalted Says: “Did I not Make a way for you to seek?”

وَرَجُلٌ لَهُ امْرَأَةٌ سَوِيَّةٌ يَقُولُ اللَّهُمَّ خَلِّصْنِي مِنْهَا يَقُولُ اللَّهُ تَعَالَى أَلَيْسَ قَدْ جَعَلْتُ أَمْرَهَا بِيَدِكَ وَرَجُلٌ سَلَّمَ مَالَهُ إِلَى رَجُلٍ لَمْ يُشْهَدْ عَلَيْهِ بِهِ فَجَحَدَهُ إِذَا هُوَ يَدْعُو عَلَيْهِ فَيَقُولُ اللَّهُ تَعَالَى قَدْ أَمَرْتُكَ بِالْإِشْهَادِ فَلَمْ تَفْعَلْ.

And man having an evil way for him. He says, ‘O Allah<sup>-azwj</sup>! Rescue me from her!’ Allah<sup>-azwj</sup> the Exalted Says: “Haven’t I Made her matter in your hand?” And a man who submits wealth to a man but does not keep witnesses upon it. So, he rejects it for him, so he supplicates against him. Allah<sup>-azwj</sup> the Exalted Says: “I<sup>-azwj</sup> have Commanded you with keeping the witnesses but you did not do so!”<sup>58</sup>

59 عِدَّةُ الدَّاعِي، قَالَ رَسُولُ اللَّهِ ص الْكَادُّ عَلَى عِيَالِهِ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ.

(The book) Uddat Al Daie’ –

‘Rasool-Allah<sup>-saww</sup> said: ‘The one toiling for his dependants is like the Holy warrior in the way of Allah<sup>-azwj</sup>!’<sup>59</sup>

60 وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع انْجُزُوا بَارَكَ اللَّهُ لَكُمْ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ الرِّزْقُ عَشْرَةُ أَجْزَاءٍ تِسْعَةٌ فِي التِّجَارَةِ وَ وَاحِدٌ فِي غَيْرِهَا.

And Amir Al-Momineen<sup>-asws</sup> said: ‘Trade, Allah<sup>-azwj</sup> will Bless for you, for I heard Rasool-Allah<sup>-saww</sup> saying: ‘The sustenance is of ten segments, nine are in the trading and one in something else’.<sup>60</sup>

61 وَ قَالَ الصَّادِقُ ع كَفَى بِالْمَرْءِ إِثْمًا أَنْ يُضَيِّعَ مَنْ يَقُولُ.

<sup>57</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 57

<sup>58</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 58

<sup>59</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 59

<sup>60</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 60



And Al-Sadiq<sup>-asws</sup> said: 'It suffice as a sin from the man if he wastes (neglects) the one he is responsible for'.<sup>61</sup>

62 وَ قَالَ النَّبِيُّ ص مَلْعُونٌ مَلْعُونٌ مَنْ ضَيَّعَ مَنْ يَغُولُ.

And the Prophet<sup>-saww</sup> said: 'Accursed! Accursed is the one who wastes (neglects) the one he is responsible for!'<sup>62</sup>

63 وَ قَالَ ص مَنْ لَمْ يُبَالِ مِنْ أَيْنَ اكْتَسَبَ الْمَالَ لَمْ يُبَالِ اللَّهُ مِنْ أَيْنَ أَدْخَلَهُ النَّارَ.

And he<sup>-saww</sup> said: 'One who does not care from where he earns the wealth, Allah<sup>-azwj</sup> will not Care from where he enters the Fire!'<sup>63</sup>

64 وَ رَوَى الصَّدُوقُ بِإِسْنَادِهِ عَنْ أَبِي الدَّرْدَاءِ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَصْبَحَ مُعَاتِي فِي جَسَدِهِ آمِنًا فِي سَرِيرِهِ عِنْدَهُ قُوْتُ يَوْمِهِ وَ لَيْلَتِهِ فَكَأَنَّمَا حَبِزَتْ لَهُ الدُّنْيَا

And Al Sadouq reported by his chain from Abu Al Darda'a who said,

'Rasool-Allah<sup>-saww</sup> said: 'One who comes to a morning with health in his body, secure in his surroundings, having subsistence for his day and his night in his possession, it is as if the world has been gathered for him!

يَا ابْنَ جُعْشَمٍ يَكْفِيكَ مِنْهَا مَا سَدَّ جَوْعَتَكَ وَ وَارَى عَوْرَتَكَ فَإِنْ يَكُنْ بَيْنَكَ وَ بَيْنَكَ فَدَاكَ وَ إِنْ يَكُنْ ذَائِبَةً تَزْكِيهَا فَبِحْ وَ إِلَّا فَالْحَبْرُ وَ مَاءُ الْبَحْرِ وَ مَا بَعْدَ ذَلِكَ حِسَابٌ عَلَيْكَ أَوْ عَذَابٌ.

O Ibn Jo'sham! It suffice you from it what blocks your hunger, and covers your nakedness. If there happens to be a house for you, so that (is good), and if there happens to be a mount for you to ride, congratulations, congratulation, or else the bread and water of the sea (river), and whatever is after that there is either Reckoning upon you or Punishment'.<sup>64</sup>

65 وَ رَوَى عَنْ عُمَرَ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنْ أَرَكَبْتَ فِي الْحَاجَةِ الَّتِي كَفَاهَا اللَّهُ مَا أَرَكَبْتَ فِيهَا إِلَّا التَّمَسَّ أَنْ يَرَاكَ اللَّهُ أَصْحَى فِي طَلَبِ الْحَلَالِ أَمَا تَسْمَعُ قَوْلَ اللَّهِ عَزَّ وَ جَلَّ اسْمُهُ فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَ ابْتَغُوا مِنْ فَضْلِ اللَّهِ

And it is reported from Umar Bin Yazeed,

'From Abu Abdullah<sup>-asws</sup> having said: 'I<sup>-asws</sup> ride regarding the need which Allah<sup>-azwj</sup> has already sufficed for! I<sup>-asws</sup> do not ride regarding it except for the seeking that Allah<sup>-azwj</sup> would see me striving in seeking the Permissible sustenance! Have you not heard Allah<sup>-azwj</sup> Mighty and Majestic is His<sup>-azwj</sup> Name: **But when you have accomplished the Salat, then disperse in the earth and seek from the Grace of Allah [62:10]!**

<sup>61</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 61

<sup>62</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 62

<sup>63</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 63

<sup>64</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 64

أَرَأَيْتَ لَوْ أَنَّ رَجُلًا دَخَلَ بَيْتًا وَ طَيَّنَ عَلَيْهِ بَابَهُ ثُمَّ قَالَ رَزَقِي يَنْزِلُ عَلَيَّ كَانَ يَكُونُ هَذَا أَمَا إِنَّهُ أَحَدُ الثَّلَاثَةِ الَّذِينَ لَا يُسْتَجَابُ لَهُمْ دَعْوَةٌ

What is your view if a man enters a house and seals his door shut upon him, then says, 'My sustenance will descend unto me!' Can this happen? But, he is one of the three, those a supplication is not Answered for them!

قَالَ قُلْتُ مَنْ هَؤُلَاءِ

He (the narrator) said, 'I said, 'Who are they?'

قَالَ رَجُلٌ يَكُونُ عِنْدَهُ الْمَرْأَةُ فَيَدْعُو عَلَيْهَا فَلَا يُسْتَجَابُ لَهُ لِأَنَّ عِصْمَتَهَا فِي يَدِهِ لَوْ شَاءَ أَنْ يُخَلِّيَ سَبِيلَهَا وَ الرَّجُلُ يَكُونُ لَهُ الْحَقُّ عَلَى الرَّجُلِ فَلَا يُشْهِدُ عَلَيْهِ فَيَجْحَدُ حَقَّهُ فَيَدْعُو عَلَيْهِ فَلَا يُسْتَجَابُ لَهُ لِأَنَّهُ تَرَكَ مَا أُمِرَ بِهِ

He<sup>-asws</sup> said: 'A man having a wife with him, and he supplicates against her, but it is not Answered for him because her protection is in his hand. Whenever he so desires, he can free her way; and the man having the right for him upon a man but he had not kept witnesses upon it, and he rejects his right, so he supplicates against him. It is not Answered for him because he had neglected what he had been Commanded with!

وَ الرَّجُلُ يَكُونُ عِنْدَهُ شَيْءٌ فَيَجْلِسُ فِي بَيْتِهِ فَلَا يَنْتَشِرُ وَ لَا يَطْلُبُ وَ لَا يَلْتَمِسُ حَتَّى يَأْكُلَهُ ثُمَّ يَدْعُو فَلَا يُسْتَجَابُ لَهُ.

And the man having something in his possession, so he sits in his house and does not strive nor seeks nor pursues until he consumes it. Then he supplicates, so it is not Answered for him".<sup>65</sup>

66 وَ قَالَ الصَّادِقُ ع اِسْتَدَّتْ خَالُ رَجُلٍ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ص فَقَالَتْ لَهُ امْرَأَتُهُ لَوْ أَتَيْتَ النَّبِيَّ ص فَسَأَلْتَهُ

And Al-Sadiq<sup>-asws</sup> said: 'The situation of a man from the companions of Rasool-Allah<sup>-saww</sup> became severe. His wife said to him, 'If you could go to the Prophet<sup>-saww</sup> and ask him<sup>-saww</sup>!'

فَجَاءَ إِلَى النَّبِيِّ ص فَسَمِعَهُ يَقُولُ مَنْ سَأَلَنَا أَعْطَيْنَاهُ وَ مَنْ اسْتَعْنَى أَعْنَاهُ اللَّهُ

He came to the Prophet<sup>-saww</sup>. He heard him<sup>-asws</sup> saying, 'One who asks us<sup>-asws</sup>, we give him, and one who is needless, Allah<sup>-azwj</sup> will Enrich him!'

فَقَالَ الرَّجُلُ مَا بَعْثَ غَيْرِي فَرَجَعَ إِلَى امْرَأَتِهِ فَأَعْلَمَهَا فَقَالَتْ إِنَّ رَسُولَ اللَّهِ ص بَشَّرَ فَأَعْلِمَهُ فَأَتَاهُ

The man said (to himself), 'He<sup>-saww</sup> does not mean other than me!' So he returned to his wife and informed her. She said, 'Rasool-Allah<sup>-saww</sup> is a mortal, so let him<sup>-saww</sup> know!'

فَلَمَّا رَأَاهُ قَالَ مَنْ سَأَلَنَا أَعْطَيْنَاهُ وَ مَنْ اسْتَعْنَى أَعْنَاهُ اللَّهُ حَتَّى فَعَلَ ذَلِكَ ثَلَاثَ مَرَّاتٍ

<sup>65</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 65

When he<sup>-saww</sup> saw him, he<sup>-saww</sup> said: 'One who asks us<sup>-asws</sup>, we<sup>-asws</sup> give him, and one who is needless, Allah<sup>-azwj</sup> will Enrich him!' – until he had done that three times.

ثُمَّ ذَهَبَ الرَّجُلُ فَاسْتَعَارَ فُأْسًا ثُمَّ أَتَى الْجَبَلَ فَصَعِدَهُ وَ قَطَعَ خَطْبًا ثُمَّ جَاءَ بِهِ فَبَاعَهُ بِنَصْفِ مِدٍّ مِنْ دَقِيقٍ ثُمَّ ذَهَبَ مِنَ الْغَدِ فَبَاءَ بِأَكْثَرِ مِنْهُ فَبَاعَهُ وَ لَمْ يَزَلْ يَغْمَلُ وَ يَجْمَعُ حَتَّى اشْتَرَى فُأْسًا ثُمَّ جَمَعَ حَتَّى اشْتَرَى بَكْرَيْنِ وَ غُلَامًا ثُمَّ أَتَى وَ حَسُنَتْ حَالُهُ فَبَاءَ النَّبِيَّ ص فَأَعْلَمَهُ كَيْفَ جَاءَ يَسْأَلُهُ وَ كَيْفَ سَمِعَهُ يَقُولُ

Then the man went and rented an axe. Then he came to the mountains and ascended it and cut some firewood. Then he came with it and sold it for half a handful of flour. Then he went the next morning and came with more than it. He sold it, and he did not cease working and gathering until he bought an axe. Then he gathered until he bought two goats and a slave. Then he became affluent and his situation was excellent. He came to the Prophet<sup>-saww</sup> and informed him<sup>-saww</sup> house he had come to ask him<sup>-saww</sup>, and how he had heard him<sup>-saww</sup> saying.

فَقَالَ ص قُلْتُ لَكَ مَنْ سَأَلَنَا أَعْطَيْنَاهُ وَ مَنْ اسْتَعَى أَغْنَاهُ اللَّهُ.

He<sup>-saww</sup> said: 'I<sup>-saww</sup> had said to you: 'One who asks us<sup>-asws</sup> we<sup>-asws</sup> will give him, and one who is needless, Allah<sup>-azwj</sup> will Enrich him''.<sup>66</sup>

67 وَ عَنِ النَّبِيِّ ص قَالَ: لَا يَكْتَسِبُ الْعَبْدُ مَالًا حَرَامًا وَ يَتَصَدَّقَ مِنْهُ فَيُؤْجَرَ عَلَيْهِ وَ لَا يُنْفِقُ مِنْهُ فَيُبَارِكَ لَهُ فِيهِ وَ لَا يَتْرُكُهُ خَلْفَ ظَهْرِهِ إِلَّا كَانَ زَادَهُ إِلَى النَّارِ.

And from the Prophet<sup>-saww</sup> having said: 'The servant does not earn Prohibited wealth and gives in charity from it, and be Rewarded upon it, nor spends from it and there will be Blessings for him in it, nor leave it as legacy behind except it would be his provision to the Fire!''<sup>67</sup>

68 وَ سِئِلَ أَمِيرُ الْمُؤْمِنِينَ مِنَ الْعَظِيمِ الشَّقَا

And Amir Al-Momineen<sup>-asws</sup> was asked, 'Who is the mightiest wretch?'

قَالَ رَجُلٌ تَرَكَ لِلدُّنْيَا فَعَائِنَهُ الدُّنْيَا وَ خَسِرَ الْآخِرَةَ وَ رَجُلٌ تَعَبَدَ وَ اجْتَهَدَ وَ صَارَ يُرَآئِي النَّاسَ فَذَاكَ الَّذِي حُرِمَ لَذَاتِ الدُّنْيَا مِنْ رِبَاءٍ وَ لَحِقَهُ التَّعَبُ الَّذِي لَوْ كَانَ بِهِ مُخْلِصًا لَا سَتَحَقُّ ثَوَابُهُ فَوَرَدَ الْآخِرَةَ وَ هُوَ يَظُنُّ أَنَّهُ قَدْ عَمِلَ مَا يَنْفُلُ بِهِ مِيزَانُهُ فَيَجِدُهُ هَبَاءً مَنْثُورًا

He<sup>-asws</sup> said: 'A man who neglected the world, so he missed out the world and he loses the Hereafter; and a man who worships and struggles and becomes showing off to the people. So that is the one who is deprived of pleasures of the world for showing off, and is hit by the tiredness which if had he been sincere, he would have deserved its Rewards. So he arrives in the Hereafter and he thinks he has done the deeds that his scale would be heavy with, but he finds it as floating dust!'

قِيلَ فَمَنْ أَعْظَمُ النَّاسِ حَسْرَةً

It was said, 'So who of the people is of the mightiest regret?'

<sup>66</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 66

<sup>67</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 67

قَالَ مَنْ رَأَى مَالَهُ فِي مِيزَانٍ غَيْرِهِ فَأَدْخَلَهُ اللَّهُ بِهِ النَّارَ وَ أَدْخَلَ وَارِثُهُ بِهِ الْجَنَّةَ

He<sup>-asws</sup> said: 'One who sees his wealth in the scale of others, so Allah<sup>-azwj</sup> Enters him into the Fire due to it and Enters his inheritors into the Paradise due to it'.

قِيلَ فَكَيْفَ يَكُونُ هَذَا

It was said, 'How can this be so?'

قَالَ كَمَا حَدَّثَنِي بَعْضُ إِخْوَانِنَا عَنْ رَجُلٍ دَخَلَ إِلَيْهِ وَ هُوَ يَسُوقُ فَقَالَ لَهُ يَا فُلَانُ مَا تَقُولُ فِي مِائَةِ أَلْفٍ فِي هَذَا الصُّنْدُوقِ مَا أَذَيْتُ مِنْهَا زَكَاةً قَطُّ

He<sup>-asws</sup> said: 'Just like what one of our brothers narrated to me<sup>-asws</sup> about a man who entered to see him while he was ushering (livestock). He said to him, 'O so and so! What do you say regarding one hundred thousand (Dirhams) being in this box, I have not paid Zakat from it at all?'

قَالَ قُلْتُ فَعَلَّامَ جَمَعْتَهَا

He said, 'I said, 'Then for what reason did you collect it?'

قَالَ لِحَوْفِ السُّلْطَانِ وَ مُكَائِرَةِ الْعَشِيرَةِ وَ لِحَوْفِ الْفَقْرِ عَلَى الْعِيَالِ وَ لِرُؤُوعَةِ الزَّمَانِ

He said, 'Fear of the ruler and competing with the clan, and fear of the poverty upon the dependants, and for dread of the times!'

قَالَ ثُمَّ لَمْ يَخْرُجْ مِنْ عِنْدِهِ حَتَّى فَاضَتْ نَفْسُهُ

He said, 'The he had not exited from his presence until his soul departed'.

ثُمَّ قَالَ عَلِيُّ ع الْحَمْدُ لِلَّهِ الَّذِي أَخْرَجَهُ مِنْهَا مَلُومًا [مَلِيمًا] بِبَاطِلٍ جَمَعَهَا وَ مِنْ حَقِّ مَنَعَهَا فَأَوْعَاَهَا وَ شَدَّهَا فَأَوْكَاَهَا فَفُتِّعَ فِيهَا الْمَقَاوِرُ وَ الْفَقَارُ وَ لُجَجُ الْبَحَارِ

Then Ali<sup>-asws</sup> said: 'The Praise is for Allah<sup>-azwj</sup> Who Took him out of this world blameworthy, for he had gathered it through falsehood and withheld it from its rightful place. He stored it up and bound it tightly, traversed deserts, wastelands, and the depths of the seas for it!

أَيُّهَا الْوَاقِفُ لَا تَخْدَعْ كَمَا خَدِعَ صَوْبُجُوكَ بِالْأَمْسِ إِنَّ أَشَدَّ النَّاسِ حَسْرَةً يَوْمَ الْقِيَامَةِ مَنْ رَأَى مَالَهُ فِي مِيزَانٍ غَيْرِهِ أَدْخَلَ اللَّهُ هَذَا بِهِ الْجَنَّةَ وَ أَدْخَلَ هَذَا بِهِ النَّارَ.

O you who stand here! Do not be deceived as your companion was deceived yesterday! Indeed, the people with the greatest regret on the Day of Qiyamah will be those who see their

wealth in the scales of others. Allah-<sup>azwj</sup> will Admit this one into the Paradise due to it, and Enter that one into the Fire due to it!”<sup>68</sup>

69 **وَقَالَ الصَّادِقُ ع** وَاعْظُمُ مِنْ هَذَا حَسْرَةَ رَجُلٍ جَمَعَ مَالًا عَظِيمًا بِكَدِّ شَدِيدٍ وَ مُبَاشَرَةِ الْأَهْوَالِ وَ تَعَرُّضِ الْأَفْطَارِ ثُمَّ أَفْنَى مَالَهُ صَدَقَاتٍ وَ مَبَرَّاتٍ وَ أَفْنَى شَبَابَهُ وَ قُوَّتَهُ عِبَادَاتٍ وَ صَلَوَاتٍ وَ هُوَ مَعَ ذَلِكَ لَا يَرَى لِعَلِيٍّ بْنِ أَبِي طَالِبٍ عَلَيْهِ السَّلَامُ [حَقَّهُ] وَ لَا يَعْرِفُ لَهُ مِنَ الْإِسْلَامِ حَقَّهُ

And Al-Sadiq-<sup>asws</sup> said: ‘And mightier than this regret is a man who amassed immense wealth with severe toil, direct confrontation with hardships, and travelling across regions. Then he spent his wealth on charity and good deeds, and spent his youth and strength in worship and Salat, yet despite all this, he did not acknowledge the right of Ali-<sup>asws</sup> Bin Abu Talib-<sup>asws</sup>, may the greeting be upon him-<sup>asws</sup>, nor did he recognise his-<sup>asws</sup> true status in Islam!

وَ يَرَى مَنْ لَا يَعْرِضُهُ وَ لَا يَغْنِيهِ عَشْرُ مِثْلِهِ أَفْضَلُ مِنْهُ يُوَاقِفُ عَلَى الْحُجَجِ وَ لَا يَتَأَمَّلُهَا وَ يَحْتَجُّ عَلَيْهِ بِالْآيَاتِ وَ الْأَخْبَارِ فَمَا يَزِيدُ إِلَّا تَمَادِيًا فِي عَيْبِهِ

He considered someone inferior, who is not even a tenth of a tenth of merit of Ali-<sup>asws</sup> as superior than him-<sup>asws</sup>. He encountered clear proofs but did not reflect on them, and when the Verses and reports were presented to him as evidence, he only increased in misguidance and stubbornness.

فَإِنَّكَ أَعْظَمُ مِنْ كُلِّ حَسْرَةٍ وَ يَأْتِي يَوْمَ الْقِيَامَةِ وَ صَدَقَاتُهُ مُثَلَّةٌ لَهُ فِي مِثَالِ الْأَفَاعِي تَنْهَشُهُ وَ صَلَوَاتُهُ وَ عِبَادَاتُهُ مُثَلَّةٌ فِي مِثْلِ الرِّبَابِيَّةِ تَدْفَعُهُ حَتَّى تَدْعُهُ إِلَى جَهَنَّمَ دَعَاً يَقُولُ يَا وَيْلِي أَلَمْ أَكُ مِنَ الْمُصَلِّينَ أَلَمْ أَكُ مِنَ الْمُزَكِّينَ أَلَمْ أَكُ عَنْ أَمْوَالِ النَّاسِ وَ نِسَائِهِمْ مِنَ الْمُتَعَفِّفِينَ فَلِمَاذَا ذُهِبَتْ بِمَا ذُهِبَتْ

That is the one of the greatest regret of all. On the Day of Qiyamah, his charities will appear before him in the form of serpents that bite him, and his Salats and acts of worship will appear in the form of the guardians of Hell, pushing him until they drive him violently into Hell! He will say, ‘Woe to me! Was I not among those who prayed? Was I not among those who gave charity? Was I not chaste, refraining from people’s wealth and their chaste women? So why was I struck with what I was struck with?’

فَيُقَالُ لَهُ يَا سَقِي مَا يَنْفَعُكَ مَا عَلِمْتَ وَ قَدْ صَبَّغْتَ أَعْظَمَ الْفُرُوضِ بَعْدَ تَوْحِيدِ اللَّهِ وَ الْإِيمَانِ بِنُبُوَّةِ مُحَمَّدٍ ص وَ صَبَّغْتَ مَا لَزِمَكَ مِنْ مَعْرِفَةِ حَقِّ عَلِيٍّ وَ لِيِ اللَّهِ وَ التَّزَمْتَ مَا حَرَّمَ اللَّهُ عَلَيْكَ مِنَ الْإِثْمَامِ بَعْدَ اللَّهِ

It will be said to him, ‘O miserable one, what you have learned will not benefit you, for you have neglected the greatest obligations after the Oneness of Allah-<sup>azwj</sup> and Eman with the Prophethood of Muhammad-<sup>saww</sup>, You have also neglected what was incumbent upon you of recognising the right of Ali-<sup>asws</sup> the guardian Allah-<sup>azwj</sup>, and instead you adhered to what Allah-<sup>azwj</sup> has Forbidden you, which is adherence to the enemy of Allah-<sup>azwj</sup>!

فَلَوْ كَانَ بَدَلُ أَعْمَالِكَ هَذِهِ عِبَادَةُ الدَّهْرِ مِنْ أَوَّلِهِ إِلَى آخِرِهِ وَ بَدَلُ صَدَقَاتِكَ الصَّدَقَةُ بِكُلِّ أَمْوَالِ الدُّنْيَا بِمِلْءِ الْأَرْضِ ذَهَبًا لَمَا زَادَكَ ذَلِكَ مِنَ اللَّهِ إِلَّا بُعْدًا وَ مِنْ سَخَطِهِ إِلَّا قُرْبًا.

If all your deeds were replaced by the worship of time from its beginning to its end, and all your charity replaced by charity with all the wealth of the world filling the earth in gold, that would not increase you with Allah<sup>-azwj</sup> except in remoteness and from His<sup>-azwj</sup> Wrath, only closeness!”<sup>69</sup>

70 وَ يُرَوَّى عَنْ سَيِّدِنَا أَمِيرِ الْمُؤْمِنِينَ أَنَّهُ لَمَّا كَانَ يُفْرُغُ مِنَ الْجِهَادِ يَتَفَرَّغُ لِلتَّعْلِيمِ النَّاسِ وَالْقَضَاءِ بَيْنَهُمْ فَإِذَا فَرَغَ مِنْ ذَلِكَ اشْتَغَلَ فِي حَاطِطٍ لَهُ يَعْمَلُ فِيهِ بِيَدِهِ وَ هُوَ مَعَ ذَلِكَ ذَاكِرُ اللَّهِ جَلَّ جَلَالُهُ.

And it is reported from our chief Amir Al-Momineen<sup>-asws</sup>, whenever he<sup>-asws</sup> was free from the Jihad, he<sup>-asws</sup> would free himself<sup>-asws</sup> for teaching the people and judge between them. When he<sup>-asws</sup> was free from that, he<sup>-asws</sup> would pre-occupy in a garden of his<sup>-asws</sup> working in it with his<sup>-asws</sup> hands, and along with that he<sup>-asws</sup> would do Zikr of Allah<sup>-azwj</sup>, Majestic is His<sup>-azwj</sup> Majesty!”<sup>70</sup>

71 وَ عَنْ النَّبِيِّ ص قَالَ: مَنْ أَكَلَ الْحَلَالَ أَرْبَعِينَ يَوْماً نَوَّرَ اللَّهُ قَلْبَهُ.

And from the Prophet<sup>-saww</sup> having said: ‘One who consumes the Permissible for forty days, Allah<sup>-azwj</sup> will Irradiate his heart’.”<sup>71</sup>

72 وَ قَالَ: إِنَّ لِلَّهِ مَلَكاً يُنَادِي عَلَى بَيْتِ الْمُقَدَّسِ كُلِّ لَيْلَةٍ مَنْ أَكَلَ حَرَاماً مَا لَمْ يَقْبَلِ اللَّهُ مِنْهُ صَرْفاً وَ لَا عَدَلاً وَ الصَّرْفُ النَّافِلَةُ وَ الْعَدْلُ الْقَرِصَةُ.

And he<sup>-saww</sup> said: ‘For Allah<sup>-azwj</sup> there is an Angel calling out upon Bayt Al-Maqdis every night: ‘One who eats Prohibited (items), Allah<sup>-azwj</sup> will neither Accept any ‘Sarf’ nor ‘Adl’, and the ‘Sarf’ is the voluntary (act of worship), and the ‘Adl’ is the obligatory (act of worship)’.”<sup>72</sup>

73 وَ عَنْهُ ص الْعِبَادَةُ مَعَ أَكْلِ الْحَرَامِ كَالْبِنَاءِ عَلَى الرَّفْلِ وَ قِيلَ عَلَى الْمَاءِ.

And from him<sup>-saww</sup>: ‘The worship with the Prohibited consumption is like the building upon the sand!’ – and it is said: ‘Upon the water!’”<sup>73</sup>

74 أَعْلَامُ الدِّينِ، رَوَى عِيسَى بْنُ مُوسَى عَنِ الصَّادِقِ ع قَالَ قَالَ: يَا عِيسَى الْمَالُ مَالُ اللَّهِ عَزَّ وَ جَلَّ جَعَلَهُ وَدَائِعَ عِنْدَ خَلْقِهِ وَ أَمَرَهُمْ أَنْ يَأْكُلُوا مِنْهُ قَصْداً وَ يَشْرَبُوا مِنْهُ قَصْداً وَ يَلْبَسُوا مِنْهُ قَصْداً وَ يَنْكِحُوا مِنْهُ قَصْداً وَ يَرْكَبُوا مِنْهُ قَصْداً وَ يَعُودُوا بِمَا سِوَى ذَلِكَ عَلَى فُقَرَاءِ الْمُؤْمِنِينَ

(The book) ‘A’lam Al Deen’ – It is reported by Isa Bin Musa,

‘From Al-Sadiq<sup>-asws</sup>, he (the narrator) said, ‘He<sup>-asws</sup> said: ‘O Isa! The wealth is wealth of Allah<sup>-azwj</sup> Mighty and Majestic. He<sup>-azwj</sup> Makes it a deposit with His<sup>-azwj</sup> creatures and Commanded them to consume from it moderately, and drink from it moderately, and wear from it

<sup>69</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 69

<sup>70</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 70

<sup>71</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 71

<sup>72</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 72

<sup>73</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 73

moderately, and marry from it moderately, and ride from it moderately, and return with whatever is besides that to the poor Momineen.

فَمَنْ تَعَدَّى ذَلِكَ كَانَ مَا أَكَلَهُ حَرَاماً وَ مَا شَرِبَ مِنْهُ حَرَاماً وَ مَا لَبَسَهُ مِنْهُ حَرَاماً وَ مَا نَكَحَهُ مِنْهُ حَرَاماً وَ مَا رَكَبَهُ مِنْهُ حَرَاماً.

Then one who exceeds that, whatever he had eaten would be unlawful, and whatever he had drunk from it would be unlawful, and whatever he wore from it would be unlawful, and whatever he had married from would be unlawful, and whatever he rode from it would be unlawful”<sup>74</sup>

75 **وَعَنِ النَّبِيِّ ص قَالَ:** تَكُونُ أُمَّتِي فِي الدُّنْيَا عَلَى ثَلَاثَةِ أَطْبَاقٍ أَمَّا الطَّبَقُ الْأَوَّلُ فَلَا يُحِبُّونَ جَمْعَ الْمَالِ وَ إِخَارَهُ وَ لَا يَسْعَوْنَ فِي اقْتِنَائِهِ وَ اخْتِكَارِهِ وَ إِنَّمَا أَرْضَاهُمْ مِنَ الدُّنْيَا سُدُّ جُوعَةٍ وَ سِتْرُ عَوْرَةٍ وَ أَغْنَاءُهُمْ فِيهَا مَا بَلَغَ بِهِمُ الْآخِرَةُ فَأُولَئِكَ الْأَمْثُونَ الَّذِينَ لَا خَوْفٌ عَلَيْهِمْ وَ لَا هُمْ يَحْزَنُونَ

And from the Prophet<sup>saww</sup> having said: ‘My<sup>saww</sup> community would be in the world upon three categories. As for the first category, they will not love amassing the wealth and hoarding it, nor will they be striving in acquiring it and monopolising it, and rather what satisfies them from the world is blocking the hunger, and covering nakedness, and their enrichment in it is what they can reach the Hereafter with. They are the secure ones, those neither be fearful upon them nor will be grieving!

وَأَمَّا الطَّبَقُ الثَّانِي فَإِنَّهُمْ يُحِبُّونَ جَمْعَ الْمَالِ مِنْ أَطْيَبِ وُجُوهِهِ وَ أَحْسَنِ سُبُلِهِ يَصِلُونَ بِهِ أَرْحَامَهُمْ وَ يَبْرُونَ بِهِ إِخْوَانَهُمْ وَ يُؤَسُّونَ بِهِ فُقَرَاءَهُمْ وَ لَعَضُ أَعْدِيهِمْ عَلَى الرَّصِيفِ أَيْسَرُ عَلَيْهِ مِنْ أَنْ يَكْسِبَ رِزْقَهُمَا مِنْ غَيْرِ حِلٍّ أَوْ يَمْنَعَهُ مِنْ حَقِّهِ أَوْ أَنْ يَكُونَ لَهُ خَازِنًا إِلَى حِينِ مَوْتِهِ فَأُولَئِكَ الَّذِينَ إِنْ نُوقِشُوا غَدَّبُوا وَ إِنْ عُفِيَ عَنْهُمْ سَلِمُوا

And as for the second category, they are loving amassing the wealth from its good aspect, and its excellent ways. They are connecting their kinship with it, and they are being righteous with their brethren, and are helping the poor with it. Biting on a stone sidewalk is easier for one of them than to earn a single Dirham unlawfully, or to withhold it from its rightful due, or to act as a mere treasurer of it until his death. They are the ones who, if they are investigated, will be Punished, and if Pardoned, they will be safe!

وَأَمَّا الطَّبَقُ الثَّالِثُ فَإِنَّهُمْ يُحِبُّونَ جَمْعَ الْمَالِ بِمَا حَلَّ وَ حَرَّمَ وَ مَنَعَهُ بِمَا افْتُرِضَ وَ وَجِبَ إِنْ أَنْفَقُوهُ أَنْفَقُوهُ إِسْرَافاً وَ يَدَاراً وَ إِنْ أَمْسَكُوهُ أَمْسَكُوهُ بُخَالاً وَ اخْتِكَاراً.

And as for the third category, they are loving amassing the wealth from whatever means, Permissible and Prohibited, and they prevent from what is necessitated and obligated! If they spend it, they spend it extravagantly and hastily, and if they withhold it, they withhold it out of miserliness and hoarding!”<sup>75</sup>

<sup>74</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 74

<sup>75</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 75

76 وَعَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ اكْتَسَبَ مَالًا حَرَامًا لَمْ يَقْبَلِ اللَّهُ مِنْهُ صَدَقَةً وَلَا عِتْقًا وَلَا حَجًّا وَلَا اعْتِمَارًا وَكَتَبَ اللَّهُ عَزَّ وَجَلَّ لَهُ بِعَدَدِ أَجْرِ ذَلِكَ أُوزَارًا وَمَا بَقِيَ بَعْدَ مَوْتِهِ كَانَ زَادَهُ إِلَى النَّارِ وَمَنْ قَدَّرَ عَلَيْهَا فَتَرَكَهَا خَافَةَ اللَّهُ عَزَّ وَجَلَّ دَخَلَ فِي حُبَّتِهِ وَرَحْمَتِهِ وَيُؤْمَرُ بِهِ إِلَى الْجَنَّةِ.

And from the Prophet<sup>-saww</sup> having said: ‘One who earns Prohibited wealth, Allah<sup>-azwj</sup> neither Accept from him any charity, nor liberation (of slave), nor Hajj, nor Umrah, and Allah<sup>-azwj</sup> Mighty and Majestic will Write for him the number of that Recompense, burdens of sin, and whatever remains after his death would be his provision to the Fire, and the one who is able upon it, so he neglects if fearing Allah<sup>-azwj</sup> Mighty and Majestic will enter into His<sup>-azwj</sup> Love, and His<sup>-azwj</sup> Mercy, He<sup>-azwj</sup> will Command with him to go to the Paradise!’<sup>76</sup>

77 كِتَابُ الْغَايَاتِ، قِيلَ لِسَلْمَانَ رَحِمَهُ اللَّهُ عَلَيْهِ أَيْ الْأَعْمَالِ أَفْضَلُ

(The book) ‘Kitab Al Ghayaat’ –

‘It was said to Salman<sup>-ra</sup>, may Allah<sup>-azwj</sup> Mercy him<sup>-ra</sup>, ‘Which of the deeds is the most superior?’

قَالَ الْإِيمَانُ بِاللَّهِ وَ الْحُبُّ خَلَالٍ.

He<sup>-ra</sup> said: ‘The Eman with Allah<sup>-azwj</sup> and the Permissible bread!’<sup>77</sup>

78 كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الشَّائِخُ فِي طَلَبِ الرِّزْقِ الْحَلَالِ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ.

(The book) ‘Kitab Al Imama Wa Al Tabsira’ – From Haroun Bin Musa, from Muhammad Bin Ali, from Muhammad Bin Al-Husayn, from Ali Bin Asbaat, from Ibn Fazzal,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: ‘The striver in seeking the Permissible sustenance is like the Holy warrior in the way of Allah<sup>-azwj</sup>!’<sup>78</sup>

79 وَ مِنْهُ عَنِ الْقَاسِمِ بْنِ عَلِيٍّ الْعُلَوِيِّ عَنْ مُحَمَّدِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ طَلَبُ الْكَسْبِ فَرِيضَةٌ بَعْدَ الْفَرِيضَةِ.

And from him, from Al Qasim Bin Ali Al Alawy, from Muhammad Bin Abu Abdullah, from Sahl Bin Ziyad, from Al Nowfaly, from Al Sakuny,

‘From Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Seeking the earnings is an obligation after the obligatory acts!’<sup>79</sup>

<sup>76</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 76

<sup>77</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 77

<sup>78</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 78

<sup>79</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 79



80 وَ مِنْهُ عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدٍ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْعِبَادَةُ سَبْعُونَ جُزْءًا أَفْضَلُهَا جُزْءًا طَلَبُ الْحَلَالِ.

And from him, from Sahl Bin Ahmad, from Muhammad Bin Muhammad Al Ash'as,

From Musa Bin Ismail son of Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers having said: 'Rasool-Allah<sup>-saww</sup> said: 'The worship is of seventy segments. Their most superior is seeking the Permissible (sustenance)'.<sup>80</sup>

81 وَ مِنْهُ بِهَذَا الْإِسْنَادِ الْعِبَادَةُ عَشْرَةُ أَجْزَاءٍ تِسْعَةُ أَجْزَاءٍ فِي طَلَبِ الْحَلَالِ.

And from him, by this chain, 'The worship is of ten segments. Nine segments are in seeking the Permissible (sustenance)'.<sup>81</sup>

باب 2 الإجمال في الطلب

## CHAPTER 2 – THE GENERALISING REGARDING THE SEEKING

1- كُنْزُ الْكَرَاجِكِيِّ، قَالَ رَسُولُ اللَّهِ ص لَيْسَ الْغِنَى فِي كَثْرَةِ الْعَرَضِ وَ إِنَّمَا الْغِنَى غِنَاءُ النَّفْسِ.

(The book) 'Kanz' of Al Karajaky –

'Rasool-Allah<sup>-saww</sup> said: 'The riches isn't in (having) many possessions, and rather the riches is richness of the soul!''<sup>82</sup>

2- وَ قَالَ ص ثَلَاثُ خِصَالٍ مِنْ صِفَةِ أَوْلِيَاءِ اللَّهِ الْيَقِينُ بِاللَّهِ فِي كُلِّ شَيْءٍ وَ الْغِنَى بِهِ عَنْ كُلِّ شَيْءٍ وَ الْإِفْتِقَارُ إِلَيْهِ فِي كُلِّ شَيْءٍ.

And he<sup>-saww</sup> said: 'The characteristics are from description of the friends of Allah<sup>-azwj</sup> – trusting Allah<sup>-azwj</sup> in all things, and being needless (sufficing) with Him<sup>-azwj</sup> from all things, and the need to Him<sup>-azwj</sup> in all things!''<sup>83</sup>

3- وَ قَالَ ص أَلَا أُخْبِرُكُمْ بِأَشَقَى الْأَشْقِيَاءِ

And he<sup>-saww</sup> said: 'Shall I<sup>-saww</sup> inform you with the most wretched of the wretched ones?'

قَالُوا بَلَى يَا رَسُولَ اللَّهِ

They said, 'Yes, O Rasool-Allah<sup>-saww</sup>!'

<sup>80</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 80

<sup>81</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 1 H 81

<sup>82</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 1

<sup>83</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 2

قَالَ مَنْ اجْتَمَعَ عَلَيْهِ فَقْرُ الدُّنْيَا وَ عَذَابُ الْآخِرَةِ نَعُوذُ بِاللَّهِ مِنْ ذَلِكَ.

He<sup>-saww</sup> said: 'One upon whom are gathered poverty of the world and Punishment of the Hereafter. We<sup>-saww</sup> seek Refuge of Allah<sup>-azwj</sup> from that!'<sup>84</sup>

4- وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الْفَقْرُ يُجْرِسُ الْفَطْنَ عَنْ حُجَّتِهِ وَ الْمُقَالُ غَرِيبٌ فِي بَلَدِهِ وَ مَنْ فَتَحَ عَلَى نَفْسِهِ بَاباً مِنَ الْمَسْأَلَةِ فَتَحَ اللَّهُ عَلَيْهِ بَاباً مِنَ الْفَقْرِ.

And Amir Al-Momineen<sup>-asws</sup> said: 'The poverty silences the intelligent from presenting his argument, and a person with scarcity is a stranger in his own land. Whoever opens upon himself a door of begging, Allah<sup>-azwj</sup> Opens upon him a door of poverty!'<sup>85</sup>

5- وَ قَالَ ع الْعِفَافُ زِينَةُ الْفَقْرِ وَ الشُّكْرُ زِينَةُ الْعَنَاءِ.

And he<sup>-asws</sup> said: 'The chastity is an adornment in the poverty, and the thanking is an adornment in the riches'.<sup>86</sup>

6- وَ قَالَ ع مَنْ كَسَاهُ الْعَنَاءُ ثَوْبَهُ خَفِيَ عَنِ الْعُيُونِ عَيْبُهُ.

And he<sup>-asws</sup> said: 'One who is clothed by the garment of riches, his defects are hidden from the eyes (of the people)!'<sup>87</sup>

7- وَ قَالَ ع مَنْ أَبْدَى إِلَى النَّاسِ صَرَّهُ فَقَدْ فَضَحَ نَفْسَهُ وَ خَبَرَ الْعَنَاءِ تَرَكُ السُّؤَالِ وَ شَرُّ الْفَقْرِ لُزُومُ الْخُضُوعِ.

And he<sup>-asws</sup> said: 'One who reveals his hardship to people has exposed himself, and the best form of wealth is to refrain from asking, while the worst form of poverty is constant humiliation'.<sup>88</sup>

8- وَ قَالَ ع اسْتَغْنِ بِاللَّهِ عَمَّنْ شِئْتَ تَكُنْ نَظِيرُهُ وَ احْتَجِ إِلَى مَنْ شِئْتَ تَكُنْ أَسِيرُهُ وَ أَفْضَلُ عَلَى مَنْ شِئْتَ تَكُنْ أَمِيرُهُ.

And he<sup>-asws</sup> said: 'Seek sufficiency in Allah<sup>-azwj</sup> from whomsoever you wish, and you will be his equal. Depend on whomsoever you wish, and you will be his captive. Show generosity to whomsoever you wish, and you will be his master!'<sup>89</sup>

9- وَ قَالَ ع لَا مُلْكَ أَذْهَبَ بِالْفَقَاةِ مِنَ الرِّضَا بِالْقُنُوعِ.

And he<sup>-asws</sup> said: 'There is no sovereignty that removes poverty more effectively than contentment with sufficiency!'<sup>90</sup>

<sup>84</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 3

<sup>85</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 4

<sup>86</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 5

<sup>87</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 6

<sup>88</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 7

<sup>89</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 8

<sup>90</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 9

10- **وَرُوي أَنَّ الْمَاءَ نَصَبَ عَلَى صَخْرَةٍ فَوُجِدَ عَلَيْهَا مَكْتُوباً إِنَّمَا يَنْبَغِي الْغِنَاءُ وَالْفَقْرُ بَعْدَ الْغَرَضِ عَلَى اللَّهِ عَزَّ وَ جَلَّ.**

And it is reported that the water was poured upon a rock, and it was found engraved upon it: 'The riches and poverty become clear after the presentation to Allah<sup>-azwj</sup> Mighty and Majestic".<sup>91</sup>

11- **وَقَالَ رَجُلٌ لِلصَّادِقِ ع عَظُمِي**

And a man said to Al-Sadiq<sup>-asws</sup>: 'Advise me!'

**فَقَالَ لَا تُحَدِّثْ نَفْسَكَ بِفَقْرٍ وَلَا بِطُولِ عُمُرٍ.**

He<sup>-asws</sup> said: 'Neither talk to yourself about poverty nor a long life".<sup>92</sup>

12- **وَقِيلَ مَا اسْتَغْنَى أَحَدٌ بِاللَّهِ إِلَّا افْتَقَرَ النَّاسُ إِلَيْهِ.**

And it is said: 'No one becomes self sufficient with Allah<sup>-azwj</sup> except the people become impoverished to him".<sup>93</sup>

13- **وَأُنْشِدَ لِأَمِيرِ الْمُؤْمِنِينَ ع**

**ادْفَعْ الدُّنْيَا بِمَا انْدَفَعَتْ      وَ اقْطَعْ الدُّنْيَا بِمَا انْقَطَعَتْ**  
**يَطْلُبُ الْمَرْءُ الْعَنَاءَ عَبَثًا      وَ الْعَنَاءُ فِي النَّفْسِ لَوْ قَبِعَتْ.**

And it is prosed by Amir Al-Momineen<sup>-asws</sup>: '*Repel the world with what is repelled, and cut off the world with what is cut off! The person seeks the riches in vain while the riches are in the soul, if it (soul) were contented.*'<sup>94</sup>

14- **وَعَنِ النَّبِيِّ ص قَالَ: أَكْثِرُوا الْإِسْتِغْفَارَ فَإِنَّهُ يَجْلِبُ الرِّزْقَ.**

And from the Prophet<sup>-saww</sup> having said: 'Frequent seeking the Forgiveness for it attracts the sustenance!"<sup>95</sup>

15- **وَقَالَ ص مَنْ رَضِيَ بِالْيَسِيرِ مِنَ الرِّزْقِ رَضِيَ اللَّهُ مِنْهُ بِالْيَسِيرِ مِنَ الْعَمَلِ.**

<sup>91</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 10

<sup>92</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 11

<sup>93</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 12

<sup>94</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 13

<sup>95</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 14

And he<sup>-saww</sup> said: ‘One who is satisfied with the little from the sustenance, Allah<sup>-azwj</sup> will be Satisfied from him with the little of the deeds’.<sup>96</sup>

16- وَ رُوي أَنَّ اللَّهَ عَزَّ وَ جَلَّ أَوْحَى إِلَى عِيسَى ابْنِ مَرْيَمَ لِيُحَدِّثَ الَّذِي يَسْتَبْطِئُ فِي الرِّزْقِ أَنْ أَعْصَبَ فَأُفْتَحَ عَلَيْهِ بَاباً مِنَ الدُّنْيَا.

And he<sup>-saww</sup> said: ‘And it is reported that Allah<sup>-azwj</sup> Mighty and Majestic Revealed to Isa<sup>-as</sup> Ibn Maryam<sup>-as</sup>: “Let him be cautious, the one who finds My<sup>-azwj</sup> Provision to be slow, lest I<sup>-azwj</sup> become Wrathful and Open upon him a door of the world!”’<sup>97</sup>

17- وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الرِّزْقُ رِزْقَانِ رِزْقٌ تَطْلُبُهُ وَ رِزْقٌ يَطْلُبُكَ فَإِنْ لَمْ تَأْتِهِ أَتَاكَ.

And Amir Al-Momineen<sup>-asws</sup> said: ‘The sustenance is of two types – a sustenance you seek, and a sustenance seeking you. If you don’t go to it, it will come to you!’<sup>98</sup>

18- وَ قَالَ ع مَنْ حَسُنَتْ نِيَّتُهُ زِيدَ فِي رِزْقِهِ.

And he<sup>-asws</sup> said: One whose intention is good, there will be an increase in his sustenance.<sup>99</sup>

19- عِدَّةُ الدَّاعِي، قَالَ رَسُولُ اللَّهِ ص لِيَعْضُ أَصْحَابِهِ كَيْفَ بِكَ إِذَا بَقِيتَ فِي قَوْمٍ يَجُوبُونَ رِزْقَ سَنَتِهِمْ لِضَعْفِ الْيَقِينِ فَإِذَا أَصْبَحْتَ فَلَا تُحَدِّثْ نَفْسَكَ بِالْمَسَاءِ وَ إِذَا أَمْسَيْتَ فَلَا تُحَدِّثْ نَفْسَكَ بِالصَّبَاحِ فَإِنَّكَ لَا تَدْرِي مَا اسْمُكَ غَدًا.

(The book) ‘Uddat Al Daie’ –

‘Rasool-Allah<sup>-saww</sup> said to one of his<sup>-saww</sup> companions: ‘How would it be with you when you remain among a people piling up sustenance of their year due to the weakness in conviction? When you come to a morning, do not discuss with yourself with the (burden of) evening, and when you come to an evening, do not discuss yourself with the (worries of the) morning, for you don’t know what your name will be the next day (among the dead or living).’<sup>100</sup>

20- وَ قَالَ ص مَنْ بَدَّرَ أَفْقَرَهُ اللَّهُ.

And he<sup>-saww</sup> said: ‘One who is wasteful, Allah<sup>-azwj</sup> will Impoverish him’.<sup>101</sup>

21- وَ قَالَ ص مَا عَالَ امْرُؤٌ اقْتَصَدَ.

And he<sup>-saww</sup> said: ‘A person being moderate will not become destitute’.<sup>102</sup>

<sup>96</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 15

<sup>97</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 16

<sup>98</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 17

<sup>99</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 18

<sup>100</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 19

<sup>101</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 20

<sup>102</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 21

22- وَ فِي الْوَحْيِ الْقَدِيمِ يَا ابْنَ آدَمَ خَلَقْتُكَ مِنْ تُرَابٍ ثُمَّ مِنْ نُطْفَةٍ فَلَمْ أَعْيَ بِخَلْقِكَ أَوْ يُعْيِيَنِي رَغِيفٌ أَسُوْفُهُ إِلَيْكَ فِي حَيِّهِ.

And in the ancient Revelation: "O son of Adam<sup>-as</sup>! I<sup>-azwj</sup> Created you from soil, then from a seed and I<sup>-saww</sup> was not Tired by Creating you. Will it Tire Me<sup>-azwj</sup> providing a loaf of bread to you in its time?"<sup>103</sup>

23- وَ فِيمَا أَوْحَى اللَّهُ إِلَى دَاوُدَ عَ مِنْ أَنْقَطَعَ إِلَيَّ كَفَيْتُهُ.

And among what Allah<sup>-azwj</sup> Revealed to Dawood<sup>-as</sup>: "One cuts off (from others) to Me<sup>-azwj</sup>, I<sup>-azwj</sup> shall Suffice him!"<sup>104</sup>

24- وَ عَنْ أَبِي عَبْدِ اللَّهِ عَ فِي حَدِيثٍ مَرْفُوعٍ إِلَى النَّبِيِّ صَ قَالَ: جَاءَ جِبْرَائِيلُ إِلَى النَّبِيِّ صَ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ أَرْسَلَنِي إِلَيْكَ بِحَدِيثٍ لَمْ يُعْطَهَا أَحَدًا قَبْلَكَ

And from Abu Abdullah<sup>-asws</sup> in a Hadeeth raised to the Prophet<sup>-saww</sup> having said: 'Jibraeel<sup>-as</sup> came to the Prophet<sup>-saww</sup>! He<sup>-as</sup> said: 'O Rasool-Allah<sup>-saww</sup>! Allah<sup>-azwj</sup> has Sent me<sup>-as</sup> to you<sup>-saww</sup> with a gift He<sup>-azwj</sup> has not Given to anyone before you<sup>-saww</sup>!'

قَالَ رَسُولُ اللَّهِ صَ فَقُلْتُ مَا هِيَ

Rasool-Allah<sup>-saww</sup> said: 'I<sup>-saww</sup> said; 'What is it?'

قَالَ الْفَقْرُ وَ أَحْسَنُ مِنْهُ

He<sup>-as</sup> said: 'The poverty, and better than it!'

قُلْتُ وَ مَا هُوَ

I<sup>-saww</sup> said: 'And what is it?'

قَالَ الْقَنَاعَةُ وَ أَحْسَنُ مِنْهَا

He<sup>-as</sup> said: 'The contentment, and better than it!'

قُلْتُ وَ مَا هُوَ

I said, 'And what is it?'

قَالَ الرِّضَا وَ أَحْسَنُ مِنْهُ

<sup>103</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 22

<sup>104</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 23

He<sup>-as</sup> said: 'The satisfaction, and better than it!'

قُلْتُ وَ مَا هُوَ

I<sup>-saww</sup> said: 'And what is it?'

قَالَ الرُّغْدُ وَ أَحْسَنُ مِنْهُ

He<sup>-as</sup> said: 'The asceticism, and better than it!'

قُلْتُ وَ مَا هُوَ

I<sup>-saww</sup> said: 'And what is it?'

قَالَ الْإِحْلَاصُ وَ أَحْسَنُ مِنْهُ

He<sup>-as</sup> said: 'The sincerity, and better than it!'

قُلْتُ وَ مَا هُوَ

I (s.aw.) said: 'And what is it?'

قَالَ الْيَقِينُ وَ أَحْسَنُ مِنْهُ

He<sup>-saww</sup> said: 'The conviction, and better than it!'

قُلْتُ وَ مَا هُوَ

I<sup>-saww</sup> said: 'And what is it?'

قَالَ إِنَّ مَدْرَجَةَ ذَلِكَ كُلِّهِ التَّوَكُّلُ عَلَى اللَّهِ

He<sup>-as</sup> said: 'The staircase (foundation) of that, all of it is reliance upon Allah<sup>-azwj</sup>'.

قُلْتُ يَا جِبْرَائِيلُ وَ مَا تَفْسِيرُ التَّوَكُّلِ عَلَى اللَّهِ

I<sup>-saww</sup> said: 'O Jibraeel<sup>-as</sup>, and what is the interpretation of the reliance upon Allah<sup>-azwj</sup>?'

قَالَ الْعِلْمُ بِأَنَّ الْمَخْلُوقَ لَا يَضُرُّ وَ لَا يُنْفَعُ وَ لَا يُعْطَى وَ لَا يَمْتَنِعُ وَ اسْتِعْمَالُ الْيَأْسِ مِنَ الْمَخْلُوقِ فَإِذَا كَانَ الْعَبْدُ كَذَلِكَ لَمْ يَعْمَلْ لِأَحَدٍ سِوَى اللَّهِ وَ لَمْ يَرْغُ قَلْبُهُ وَ لَمْ يَخَفْ سِوَى اللَّهِ وَ لَمْ يَطْمَعْ إِلَى أَحَدٍ سِوَى اللَّهِ فَهَذَا هُوَ التَّوَكُّلُ

He<sup>-as</sup> said: 'The knowledge that the created beings can neither harm nor benefit, nor give nor prevent, and utilising despair from the created being. When the servant would be like that, he will not work for anyone apart from Allah<sup>-azwj</sup>, and his heart will not deviate, and he will

not fear other than Allah<sup>-azwj</sup>, and will not cove to anyone other than Allah<sup>-azwj</sup>. So, this is the reliance!’

قَالَ قُلْتُ يَا جِبْرِيلُ فَمَا تَفْسِيرُ الصَّبْرِ

He<sup>-saww</sup> said: ‘I<sup>-saww</sup> said: ‘O Jibraeel<sup>-as</sup>! What is the interpretation of patience?’

قَالَ يَصْبِرُ فِي الصَّرَاءِ كَمَا يَصْبِرُ فِي السَّرَّاءِ وَ فِي الْفَاقَةِ كَمَا يَصْبِرُ فِي الْغِنَى وَ فِي الْعَنَاءِ كَمَا يَصْبِرُ فِي الْعَاقِبَةِ وَ لَا يَشْكُو خَالِقَهُ عِنْدَ الْمَخْلُوقِ بِمَا يُصِيبُهُ مِنَ الْبَلَاءِ

He<sup>-as</sup> said: ‘Being patient upon the harm just as one is patient during the ease, and during the destitution just as one is patient during the affluence, and in the illnesses just as one is patience in the well-being, nor complain of his Creator in the presence of the created beings of whatever hits him from the afflictions!’

قُلْتُ فَمَا تَفْسِيرُ الْقَنَاعَةِ

I<sup>-saww</sup> said: ‘So what is the interpretation of the contentment?’

قَالَ يَقْنَعُ بِمَا يُصِيبُ مِنَ الدُّنْيَا يَقْنَعُ بِالْقَلِيلِ وَ يَشْكُرُ بِالْيَسِيرِ

He<sup>-as</sup> said: ‘He should be content with whatever he attains from the world, content with the little and grateful for the little’.

قُلْتُ فَمَا تَفْسِيرُ الرِّضَا

I<sup>-saww</sup> said: ‘So what is the interpretation of the satisfaction?’

قَالَ الرَّاظِي الَّذِي لَا يَسْخَطُ عَلَى سَيِّدِهِ أَصَابَ مِنَ الدُّنْيَا أَوْ لَمْ يُصِيبْ وَ لَا يَرْضَى مِنْ نَفْسِهِ بِالْيَسِيرِ

He<sup>-as</sup> said: ‘The satisfied is the one who is not angered upon his master, whether he attains from the world or does not attain, and he is not satisfied from himself with the little (deeds)’.

قُلْتُ يَا جِبْرِيلُ فَمَا تَفْسِيرُ الزَّاهِدِ

I<sup>-saww</sup> said: ‘O Jibraeel<sup>-as</sup>! So, what is the interpretation of the ascetic?’

قَالَ الزَّاهِدُ يُحِبُّ مَنْ يُحِبُّ خَالِقَهُ وَ يُبْغِضُ مَنْ يُبْغِضُ خَالِقَهُ وَ يَتَحَرَّجُ مِنْ خَلَالِهَا وَ لَا يَلْتَفِتُ إِلَى حَرَامِهَا فَإِنَّ خَلَالَهَا حِسَابٌ وَ حَرَامُهَا عِقَابٌ وَ يَرْحُمُ جَمِيعَ الْمُسْلِمِينَ كَمَا يَرْحُمُ نَفْسَهُ

He<sup>-as</sup> said: ‘The ascetic loves the one who loves his Creator and hates the one who hates his Creator. He abstains from its Permissible and does turn to its Prohibitions, for regarding its

Permissible there is Reckoning, and regarding its Prohibition, there is Punishment, and he is merciful to the entirety of the Muslims just as he mercies himself!

وَيَخْرُجُ مِنَ الْكَلَامِ فِيمَا لَا يَغْنِيهِ كَمَا يَخْرُجُ مِنَ الْحَرَامِ وَيَخْرُجُ مِنْ كَثْرَةِ الْأُكُلِ كَمَا يَخْرُجُ مِنَ الْمَيْتَةِ الَّتِي قَدْ اشْتَدَّ نَجْسُهَا وَيَخْرُجُ مِنْ حُطَامِ الدُّنْيَا وَزِينَتِهَا كَمَا يَتَجَنَّبُ النَّارَ أَنْ يَغْشَاهَا وَأَنْ يُقْصَرَ أَمَلُهُ وَكَانَ بَيْنَ عَيْنَيْهِ أَجَلُهُ

And he abstains from talking about what does not concern him, just as he avoids the Prohibition. He avoids eating a lot just like he abstains from the dead whose stench has intensified, and he abstains from debris of the world and its adornments just as he shuns the fire from being engulfed by it, and he reduces his wishes, and his term (death) would be in front of his eyes.

قُلْتُ يَا جِبْرَائِيلُ فَمَا تَفْسِيرُ الْإِحْلَاصِ

I said, 'O Jibraeel<sup>as</sup>! So, what is the interpretation of the sincerity?'

قَالَ الْمُخْلِصُ الَّذِي لَا يَسْأَلُ النَّاسَ شَيْئًا حَتَّى يَجِدَ وَإِذَا وَجَدَ رَضِيَ وَإِذَا بَقِيَ عِنْدَهُ شَيْءٌ أَعْطَاهُ اللَّهُ فَإِنْ لَمْ يَسْأَلِ الْمَخْلُوقَ فَقَدْ أَقْرَ اللَّهُ بِالْعُبُودِيَّةِ وَإِذَا وَجَدَ أَقْرَضَ فَهُوَ عَنِ اللَّهِ رَاضٍ وَاللَّهُ تَبَارَكَ وَتَعَالَى عَنْهُ رَاضٍ وَإِذَا أَعْطَاهُ اللَّهُ فَهُوَ جَدِيرٌ

He<sup>as</sup> said: 'The sincere is the one who does not ask the people anything until he finds it, and when he finds it, he is satisfied, and when something remains in his possession, he gives it to Allah<sup>azwj</sup> (charity). If he does not ask the created beings, he has accepted for Allah<sup>azwj</sup> with servitude, and when he finds it, he lends it. Thus, he is satisfied with Allah<sup>azwj</sup> and Allah<sup>azwj</sup> Blessed and Exalted is Satisfied with him, and when Allah<sup>azwj</sup> Give him, he is deserving of it!'

قُلْتُ فَمَا تَفْسِيرُ الْيَقِينِ

I<sup>saww</sup> said, 'So what is the interpretation the certainty?'

قَالَ الْمُؤَقِّنُ الَّذِي يَعْمَلُ لِلَّهِ كَأَنَّهُ يَرَاهُ وَإِنْ لَمْ يَكُنْ يَرَى اللَّهَ فَإِنَّ اللَّهَ يَرَاهُ وَأَنْ يَعْلَمَ يَقِينًا أَنَّ مَا أَصَابَهُ لَمْ يَكُنْ لِيُخْطِئَهُ وَأَنْ مَا أَخْطَأَهُ لَمْ يَكُنْ لِيُصِيبَهُ وَهَذَا كُلُّهُ أَعْصَانٌ وَمَدْرَجَةُ الرَّهْدِ.

He<sup>as</sup> said: 'The convinced is the one who works for Allah<sup>azwj</sup> as if he can see Him<sup>azwj</sup>, and even though he does not happen to see Allah<sup>azwj</sup>, surely Allah<sup>azwj</sup> Sees him, and he knows with certainty that whatever afflicts him was not going to miss him, and whatever misses him was not going to hit him, and this, all of it are branches, and staircase of the asceticism".<sup>105</sup>

25- وَرُوي عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى وَمَا يُؤْمِنُ أَكْثَرُهُمْ بِاللَّهِ إِلَّا وَهُمْ مُشْرِكُونَ قَالَ هُوَ قَوْلُ الرَّجُلِ لَوْ لَا فَلَانٌ لَهْكُتْ وَلَوْ لَا فَلَانٌ لَمَا أَصَبْتُ كَذَا وَكَذَا وَلَوْ لَا فَلَانٌ لَصَاعَ عِيَالِي أَلَا تَرَى أَنَّهُ قَدْ جَعَلَ لِلَّهِ شَرِيكَاً فِي مُلْكِهِ يَزُرُّهُ وَيُدْفَعُ عَنْهُ

And it is reported from Abu Abdullah<sup>asws</sup> regarding Words of Allah<sup>azwj</sup> Blessed and Exalted: **And most of them do not believe in Allah except that they are associating [12:106].** He<sup>asws</sup>

<sup>105</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 24



said: 'It is the word of the man, 'Had it not been for so and so, I would have been destroyed!', and 'Had it not been for so and so, I would not have attained such and such', and 'Had it not been for so and so, my dependants would have been wasted (lost)!' Don't you see that he has made an associate for Allah<sup>-azwj</sup> in His<sup>-azwj</sup> Kingdom, providing him and defending him?'

فُلْتُ فَنَقُولُ لَوْ لَا أَنَّ اللَّهَ مَعَ عَلِيٍّ بُلْغَانٍ لَهْلَكْتُ

I said, 'So, can we be saying, 'Had it not been for Allah<sup>-azwj</sup> Conferring upon me through so and so, I would have been destroyed?'

قَالَ نَعَمْ لَا بَأْسَ.

He<sup>-asws</sup> said: 'Yes, there is no problem'.<sup>106</sup>

26- وَ عَنِ ابْنِ عُمَرَ قَالَ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ أَمَّتِي فِي الدُّنْيَا عَلَى ثَلَاثَةِ أَطْبَاقٍ أَمَّا الطَّبَقُ الْأَوَّلُ فَلَا يُحِبُّونَ جَمْعَ الْمَالِ وَ إِخَارَهُ وَ لَا يَسْعَوْنَ فِي أَقْبَاتِهِ وَ احْتِكَارِهِ وَ إِنَّمَا رِضَاهُمْ مِنَ الدُّنْيَا سُدُّ جَوْعَةٍ وَ سِتْرُ عَوْرَةٍ وَ غِنَاهُمْ مِنْهَا مَا بَلَغَ بِهِمُ الْآخِرَةَ فَأُولَئِكَ الْأَمْثُونَ الَّذِينَ لَا خَوْفٌ عَلَيْهِمْ وَ لَا هُمْ يَحْزَنُونَ

And from Ibn Umar who said,

'I heard Rasool-Allah<sup>-saww</sup> saying: 'My<sup>-saww</sup> community in the world are upon three categories. As for the first category, they are not loving amassing the wealth and hoarding it, nor are they striving in acquiring it and monopolising it, and rather their satisfaction from the world is blocking hunger, and covering nakedness, and their richness from it is what reaches the Hereafter with them. They are the secure ones, those there will neither be feared upon them nor will they be grieving!

وَ أَمَّا الطَّبَقُ الثَّانِي فَإِنَّهُمْ يُحِبُّونَ جَمْعَ الْمَالِ مِنْ أَطْيَبِ وُجُوهِهِ وَ أَحْسَنِ سُبُلِهِ يَصِلُونَ بِهِ أَرْحَامَهُمْ وَ يَبْرُونَ بِهِ إِخْوَانَهُمْ وَ يُؤَسِّسُونَ بِهِ فُقَرَاءَهُمْ وَ لَعَضُ أَحَدِهِمْ عَلَى الرِّضْفِ أَيْسَرُ عَلَيْهِ مِنْ أَنْ يَكْتَسِبَ دِرْهَمًا مِنْ غَيْرِ حِلِّهِ أَوْ يَمْنَعَهُ مِنْ خَفِّهِ أَوْ يَكُونَ لَهُ خَازِنًا إِلَى يَوْمِ مَوْتِهِ فَأُولَئِكَ الَّذِينَ إِنْ نُوقِشَ عَنْهُمْ عُذْبُوا وَ إِنْ غَفِيَ عَنْهُمْ سَلِمُوا

And as for the second category, they love amassing wealth from its good aspects and excellent ways. They are connecting their kinship with it, and being righteous with their brethren, and consoling their poor ones with it, and one of them biting upon the metal sheet is easier upon him than him earning a Dirham from unlawful means, or preventing from his rights, or there would be a treasurer for him up to the day of his death. They are those, if they are investigated, they will be Punished, and if they are Pardoned, they will be safe!

وَ أَمَّا الطَّبَقُ الثَّالِثُ فَإِنَّهُمْ يُحِبُّونَ جَمْعَ الْمَالِ بِمَا حَلَّ وَ حُرِّمَ وَ مَنَعَهُ بِمَا افْتَرَضَ وَ وَجِبَ إِنْ أَنْفَقُوهُ أَنْفَقُوا إِسْرَافًا وَ بَدَارًا وَ إِنْ أَمْسَكُوهُ أَمْسَكُوا بُخْلًا وَ احْتِكَارًا أُولَئِكَ الَّذِينَ مَلَكَتِ الدُّنْيَا زِمَامَ قُلُوبِهِمْ حَتَّى أَوْزَعَتْهُمْ النَّارَ يَذْنُوهُمْ.

And as for the third category, they love amassing the wealth from whatever, Permissible and Prohibited means, and preventing it from what has been necessitated and obligated. If they spend it, they spend it extravagantly and wastefully, and if they withhold it, they withhold out

<sup>106</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 25

of miserliness and hoarding. They are those whose reins of their hearts are controlled by the world until it makes them arrive at the Fire due to their sins!”<sup>107</sup>

27- وَ عَنْ النَّبِيِّ ص اخذُوا الْمَالَ فَإِنَّهُ كَانَ فِيْمَا مَضَى رَجُلٌ قَدْ جَمَعَ مَالًا وَ وَلَدًا وَ أَقْبَلَ عَلَى نَفْسِهِ وَ جَمَعَ لَهُمْ فَأَوْعَى فَأَتَاهُ مَلَكُ الْمَوْتِ فَفَرَعَ بَابَهُ وَ هُوَ فِي زِيٍّ مِسْكِينٍ فَخَرَجَ إِلَيْهِ الْحُجَّابُ فَقَالَ لَهُمْ ادْعُوا لِي سَيِّدَكُمْ

And from the Prophet<sup>-saww</sup>: ‘Beware of the wealth! There was a man in what has passed. He amassed wealth and children and turned to himself, and he amassed for them and stored it. The Angel of Death came to him. He<sup>-as</sup> knocked his door, and he<sup>-as</sup> was in the appearance of a poor beggar. The guards came out to him<sup>-as</sup>. He<sup>-as</sup> said to them: ‘Call your master to me!’

قَالُوا أَوْ يَخْرُجُ سَيِّدُنَا إِلَى مِثْلِكَ وَ دَفَعُوهُ حَتَّى نَحْذُوهُ عَنِ الْبَابِ

They said, ‘And will our master come out to the likes of you?’ and they repelled him<sup>-as</sup> until they moved him<sup>-as</sup> aside from the door.

ثُمَّ عَادَ إِلَيْهِمْ فِي مِثْلِ تِلْكَ الْهَيْئَةِ وَ قَالَ ادْعُوا لِي سَيِّدَكُمْ وَ أَخْبَرُوهُ أَنَّ مَلَكُ الْمَوْتِ

Then he<sup>-as</sup> returned to them in an appearance similar to that and said, ‘Call your master to me and bring him out! I<sup>-as</sup> am the Angel of death!’

فَلَمَّا سَمِعَ سَيِّدُهُمْ هَذَا الْكَلَامَ قَعَدَ قَرِيقًا وَ قَالَ لِأَصْحَابِهِ لِيُنْشِئُوا لَهُ فِي الْمَقَالِ وَ قُولُوا لَهُ لَعَلَّكَ تَطْلُبُ غَيْرَ سَيِّدِنَا بَارَكَ اللَّهُ فِيكَ

When their master heard this speech, he sat down in fear and said to his companions, ‘Be gentle to him in the talk, and say to him, ‘Perhaps you are seeking other than our master, may Allah<sup>-azwj</sup> Bless you!’

قَالَ لَهُمْ لَا وَ دَخَلَ عَلَيْهِ وَ قَالَ لَهُ ثُمَّ فَأَوْصِ مَا كُنْتُ مُوصِيًا فَإِنِّي قَابِضٌ رُوحَكَ قَبْلَ أَنْ أَخْرُجَ

He<sup>-as</sup> said to them: ‘No!’, and he<sup>-as</sup> entered towards him and said to him: ‘Bequeath whatever you had wanted to bequeath, for I<sup>-as</sup> am about to capture your soul before I<sup>-as</sup> exit!’

فَصَاحَ أَهْلُهُ وَ بَكَوْا فَقَالَ افْتَحُوا الصَّنَادِيقَ وَ اكْتُبُوا مَا فِيهَا مِنَ الذَّهَبِ وَ الْفِضَّةِ

His family members shouted and cried. He said, ‘Open the treasure chests and write whatever gold and silver is in it!’

ثُمَّ أَقْبَلَ عَلَى الْمَالِ يَسُبُّهُ وَ يَقُولُ لَهُ لَعَنَكَ اللَّهُ يَا مَالُ أَنْتَ أَنْسَيْتَنِي ذِكْرَ رَبِّي وَ أَعْفَلْتَنِي عَنْ أَمْرِ آخِرَتِي حَتَّى بَعَثَنِي مِنْ أَمْرِ اللَّهِ مَا قَدْ بَعَثَنِي

Then he turned to the wealth and reviled it and said to it, ‘May Allah<sup>-azwj</sup> Curse you O wealth! You caused me to forget the Zikr of my Lord<sup>-azwj</sup> and made me heedless from the matters of my Hereafter until there came the surprise for me from the Commands of Allah<sup>-azwj</sup> what has surprised me!’

<sup>107</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 26

فَأَنْطَقَ اللَّهُ الْمَالَ فَقَالَ لَهُ لِمَ تَسُبُّنِي وَأَنْتَ الْأَلَمُّ مِنِّي أَمْ تَكُنْ فِي أَعْيُنِ النَّاسِ حَقِيرًا فَرَفَعُواكَ لِمَا رَأَوْا عَلَيْكَ مِنْ أَثَرِي أَمْ تَحْضُرُ أَبْوَابَ الْمُلُوكِ وَالسَّادَةِ وَ يَحْضُرُهَا الصَّالِحُونَ وَ تَدْخُلُ قُبُلَهُمْ وَ يُؤَخَّرُونَ أَمْ تَخْطُبُ بَنَاتِ الْمُلُوكِ وَالسَّادَةِ وَ يَخْطُبُهُنَّ الصَّالِحُونَ فَتَنْكَحُ وَ يَرُدُّونَ فَلَوْ كُنْتَ تُنْفِقُنِي فِي سَبِيلِ الْخَيْرَاتِ لَمْ أَمْتِنِعْ عَلَيْكَ

Allah<sup>-azwj</sup> Caused the wealth to speak: 'It said to him, 'Why are you reviling me and you are more blameworthy than me! Were you not deemed insignificant in the eyes of people, and they raised you (in their eyes) because of what they saw of my traces upon you? Did you not attend the doors of kings and nobles, where the righteous also attend, yet you would enter before them and they would be delayed? Did you not seek to marry the daughters of kings and nobles, while the righteous also proposed to them, and you were married while they were rejected?

وَ لَوْ كُنْتَ تُنْفِقُنِي فِي سَبِيلِ اللَّهِ لَمْ أَنْقُصْ عَلَيْكَ فَلِمَ تَسُبُّنِي وَأَنْتَ الْأَلَمُّ مِنِّي إِنَّمَا خُلِقْتُ أَنَا وَ أَنْتَ مِنْ تُرَابٍ فَأَنْطَلِقُ تُرَابًا وَ أَنْطَلِقُ بِإِثْمِي هَكَذَا يَقُولُ الْمَالَ لِصَاحِبِهِ.

Had you spent me in the path of goodness, I would not have resisted you. Had you spent me in the path of Allah<sup>-azwj</sup>, I would not have decreased. So why do you insult me when you are more blameworthy than I am? I and you were both created from dust. Now I return as inheritance, and you depart with the burden of my sin'. Thus, (this is how) wealth tends to speak to its owner.<sup>108</sup>

28- وَ رَوَى أَبُو سَعِيدٍ الْخُدْرِيُّ قَالَ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ عِنْدَ مَنْصَرِفِهِ مِنْ أَحَدٍ وَ النَّاسُ مُخِذُونَ بِهِ وَ قَدْ أَسْنَدَ ظَهْرُهُ إِلَى طَلْحَةٍ هُنَاكَ أَيُّهَا النَّاسُ أَقْبِلُوا عَلَى مَا كَلَّفْتُمُوهُ مِنْ إِصْلَاحٍ آخِرَتِكُمْ وَ اغْرِضُوا عَمَّا ضَمِنَ لَكُمْ مِنْ دُنْيَاكُمْ

And it is reported by Abu Saeed Al Khudry who said,

'I heard Rasool-Allah<sup>-saww</sup> saying at his<sup>-saww</sup> leaving from (battle of) Ohad, and the people were gazing at him<sup>-saww</sup>, and he<sup>-saww</sup> was leaning his<sup>-saww</sup> back to a tree over there: 'O people! Turn (your attention) to what you have been encumbered with to rectify (the matters of) your Hereafter, and turn away from what has (already) been guaranteed for you from your world!

وَ لَا تَسْتَغْمِلُوا جَوَارِحَ [جَوَارِحَ] غُدَيْتَ بِنِعْمَتِهِ فِي التَّعَرُّضِ لِسَخَطِهِ بِمَعْصِيَتِهِ وَ اجْعَلُوا شُغْلَكُمْ فِي التَّيَمَّاسِ مَغْفِرَتِهِ وَ اصْرِفُوا هَمَّكُمْ بِالْتَّقَرُّبِ إِلَى طَاعَتِهِ

And do not utilise your limbs, which have been fed with His<sup>-azwj</sup> bounties, to be exposed His<sup>-azwj</sup> Wrath by disobeying Him<sup>-azwj</sup>, and make your pre-occupation in seeking His<sup>-azwj</sup> Forgiveness, and direct your concerns for drawing closer to obey Him<sup>-azwj</sup>!

مَنْ بَدَأَ بِنَصِيْبِهِ مِنَ الدُّنْيَا فَاتَهُ نَصِيْبُهُ مِنَ الْآخِرَةِ وَ لَمْ يَدْرِكْ مِنْهَا مَا يُرِيدُ وَ مَنْ بَدَأَ بِنَصِيْبِهِ مِنَ الْآخِرَةِ وَصَلَ إِلَيْهِ نَصِيْبُهُ مِنَ الدُّنْيَا وَ أَذْرَكَ مِنَ الْآخِرَةِ مَا يُرِيدُ.

<sup>108</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 27

One who begins with his share of the world will miss his share of the Hereafter, and he will not achieve from it what he wants, and one who begins with his share of the Hereafter, his share of the world will arrive to him and he will achieve from the Hereafter what he wants.<sup>109</sup>

29- قَالَ ص إِنَّ اللَّهَ يُعْطِي الدُّنْيَا بِعَمَلِ الْآخِرَةِ وَ لَا يُعْطِي الْآخِرَةَ بِعَمَلِ الدُّنْيَا.

He<sup>-saww</sup> said: ‘Allah<sup>-azwj</sup> Gives the world due to deeds for the Hereafter and does not Give the Hereafter due to deeds for the world!’<sup>110</sup>

30- أَغْلَامُ الدِّينِ، لِلدَّيْلَمِيِّ عَنِ النَّبِيِّ ص قَالَ: مَا مِنْ مُؤْمِنٍ إِلَّا وَ لَهُ بَابٌ يَصْعَدُ مِنْهُ عَمَلُهُ وَ بَابٌ يَنْزِلُ مِنْهُ رِزْقُهُ فَإِنْ مَاتَ بَكْيَا عَلَيْهِ وَ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ فَمَا بَكَتْ عَلَيْهِمُ السَّمَاءُ وَ الْأَرْضُ وَ مَا كَانُوا مُنْتَظَرِينَ.

(The book) ‘A’lam Al Deen’ of Al Daylami,

‘From the Prophet<sup>-saww</sup> having said: ‘There is none from a Momin except and for him there is a door his deeds ascend from, and a door his sustenance descends from. If he dies, these (doors) cry upon him, and that is the Word of Allah<sup>-azwj</sup> Mighty and Majestic: ***So the sky and the earth did not weep upon them, nor were they Respited [44:29]***’.<sup>111</sup>

31- مُسَكِّنُ الْفَوَادِ، قَالَ النَّبِيُّ ص إِذَا كَانَ يَوْمُ الْقِيَامَةِ أَتَبَتِ اللَّهُ تَعَالَى لِطَائِفَةٍ مِنْ أُمَّتِي أَحْبَحَةً فَيَطِيرُونَ مِنْ قُبُورِهِمْ إِلَى الْجَنَانِ يَسْرَحُونَ فِيهَا وَ يَتَنَعَّمُونَ كَيْفَ شَاءُوا فَتَقُولُ لَهُمُ الْمَلَائِكَةُ هَلْ رَأَيْتُمْ الْحِسَابَ

(The book) ‘Musakkin Al Fawaad’ –

‘The prophet<sup>-saww</sup> said: ‘When it will be the Day of Qiyamah, Allah<sup>-azwj</sup> will Grow wings for a group from my<sup>-saww</sup> community. They will fly from their graves to the Gardens, roaming in it and enjoying however they so desire to. The Angels will say to them, ‘Have you seen the Reckoning?’

فَيَقُولُونَ مَا رَأَيْنَا حِسَاباً

They will say, ‘We have not seen any Reckoning’.

فَيَقُولُونَ هَلْ جُزْتُمُ الصِّرَاطَ

They will say, ‘Did you cross the Bridge?’

فَيَقُولُونَ مَا رَأَيْنَا صِرَاطاً

They will say, ‘We have not seen any Bridge’.

فَيَقُولُونَ هَلْ رَأَيْتُمْ جَهَنَّمَ

<sup>109</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 28

<sup>110</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 29

<sup>111</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 30

They will say, 'Did you see Hell?'

فَيَقُولُونَ مَا رَأَيْنَا شَيْئًا

They will say, 'We have not seen anything'.

فَتَقُولُ الْمَلَائِكَةُ مِنْ أُمَّةٍ مَنْ أَنْتُمْ

The Angels will say, 'From whose community are you?'

فَيَقُولُونَ مِنْ أُمَّةٍ مُحَمَّدٍ ص

They will say, 'From the community of Muhammad<sup>-saww</sup>'.

فَيَقُولُونَ نَشَدْنَاكَ اللَّهُ حَدِّثُونَا مَا كَانَتْ أَعْمَالُكُمْ فِي الدُّنْيَا

They will say, 'We adjure you with Allah<sup>-azwj</sup>! Narrate to us what your deeds were in the world!'

فَيَقُولُونَ خَصَلْتَانِ كَانَتَا فِيْنَا فَبَلَّغَنَا اللَّهُ هَذِهِ الدَّرَجَةَ بِفَضْلِ رَحْمَتِهِ

They will say, 'Two characteristics were in us, so Allah<sup>-azwj</sup> Made us reach this rank by the Grace of His<sup>-azwj</sup> Mercy'.

فَيَقُولُونَ وَ مَا هُمَا

They will say, 'And what are these?'

فَيَقُولُونَ كُنَّا إِذَا خَلَوْنَا نَسْتَحْيِي أَنْ نَعْصِيَهُ وَ نَرْضَى بِالْيَسِيرِ مِمَّا قُسِمَ لَنَا

They will say, 'Whenever we were alone, we were too embarrassed from disobeying Him<sup>-azwj</sup>, and we were satisfied with the little of what had been Apportioned for us!'

فَتَقُولُ الْمَلَائِكَةُ حَقٌّ لَكُمْ هَذَا.

The Angels will say, 'This (rank) is a right for you all!'<sup>112</sup>

32- أَغْلَامُ الدِّينِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الدُّنْيَا دَوَّلٌ فَاطْلُبْ حَظَّكَ مِنْهَا بِأَجْمَلِ الطَّلَبِ.

(The book) 'A'lam Al Deen' –

'Amir Al-Momineen<sup>-asws</sup> said: 'The world is in turns (revolving, i.e., day in day out), so seek your share from these with the most beautiful seeking.<sup>113</sup>

<sup>112</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 31

<sup>113</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 32

33- وَقَالَ ع مَنْ أَكْثَرَ ذِكْرَ الْمَوْتِ رَضِيَ مِنَ الدُّنْيَا بِالْيُسْرِ.

And he<sup>-asws</sup> said: 'One who frequently remembers the death will be satisfied with the little from the world'.<sup>114</sup>

34- وَقَالَ الصَّادِقُ ع إِذَا أَحَبَّ اللَّهُ عَبْدًا أَهْمَهُ الطَّاعَةَ وَآزَمَهُ الْقَنَاعَةَ وَفَقَّهُهُ فِي الدِّينِ وَفَوَّاهُ بِالْيَقِينِ فَاتَّكَفَى بِالْكَفَافِ وَاتَّسَى بِالْعَفَافِ

And Al-Sadiq<sup>-asws</sup> said: 'When Allah<sup>-azwj</sup> Loves a servant, Inspires him the obedience, and Necessitates him the contentment, and Casts understanding to him in the religion, and Strengthens him with the conviction. So he would suffice with the sufficient, and clothes himself with the chastity!

وَ إِذَا أَبْغَضَ اللَّهُ عَبْدًا حَبَّبَ إِلَيْهِ الْمَالَ وَ بَسَطَ لَهُ وَ أَهْمَهُ دُنْيَاهُ وَ وَكَلَهُ إِلَى هَوَاهُ فَرَكِبَ الْعِنَادَ وَ بَسَطَ الْفَسَادَ وَ ظَلَمَ الْعِبَادَ.

And when Allah<sup>-azwj</sup> Hates a servant, Causes the wealth to be beloved to him, and Extends for him, and Inspires him his world, and Allocates him to his personal desires. So, he rides the obstinacy, and extends the mischief, and oppresses the servants".<sup>115</sup>

35- وَ عَنْ أَبِي مُحَمَّدٍ الْعَسْكَرِيِّ ع قَالَ: ادْفَعْ الْمَسْأَلَةَ مَا وَجَدْتَ التَّحَمُّلَ بِمَكْنِكَ فَإِنَّ لِكُلِّ يَوْمٍ رِزْقًا جَدِيدًا وَ اعْلَمْ أَنَّ الْإِلْحَاحَ فِي الْمَطَالِبِ يَسْلُبُ الْبَهَاءَ وَ يُورِثُ التَّعَبَ وَ الْعَنَاءَ فَاصْبِرْ حَتَّى يَفْتَحَ اللَّهُ لَكَ بَاباً يَسْهُلَ الدُّخُولُ فِيهِ

And from Abu Muhammad Al-Askari<sup>-asws</sup>, said: 'Avoid the asking (begging) for as long as you can feel the ability to endure. For every day there is a new sustenance; and know that the insistence in the demanding strips the splendour and inherits the fatigue and suffering, so be patient until Allah<sup>-azwj</sup> Opens for you a door, facilitating the entry into it!

فَمَا أَقْرَبَ الصُّنْعَ مِنَ الْمَلْهُوفِ وَ الْأَمْنُ مِنَ الْهَارِبِ الْمَخُوفِ فَرُبَّمَا كَانَتْ الْعِزُّ نَوْعاً مِنْ آدَبِ اللَّهِ وَ الْخُطُوطُ مَرَاتِبَ فَلَا تُعْجَلْ عَلَى ثَمَرَةٍ لَمْ تُدْرِكْ وَ إِنَّمَا تَنَالُهَا فِي أَوَانِهَا

Indeed! How near is the relief for the distressed, and the security from the fearful fugitive! Sometimes, the change in circumstances is a type of discipline of Allah<sup>-azwj</sup>, and the fortunes are in degrees, so do not be hasty upon a fruit which has not yet ripened, and rather take it in its season!

وَ اعْلَمْ أَنَّ الْمُدَبِّرَ لَكَ أَعْلَمَ بِالْوَقْتِ الَّذِي يَصْلُحُ خَالُكَ فِيهِ فَتَقِ بِخَيْرَتِهِ فِي جَمِيعِ أُمُورِكَ يَصْلُحُ خَالُكَ وَ لَا تُعْجَلْ بِخَوَائِجِكَ قَبْلَ وَفْقِهَا فَيَضِيقَ قَلْبُكَ وَ صَدْرُكَ وَ يَغْشَاكَ الْفُتُونُ.

And know that the One Managing you (your affairs) is more Knowing of the timing, which your situation will be rectified. Trust in His<sup>-azwj</sup> Choice in entirety of your matters, your situation

<sup>114</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 33

<sup>115</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 34

will be corrected, and do not be hasty with your needs before their time, for your heart and your chest will be constricted, and the despondency will overcome you!"<sup>116</sup>

36- وَقَالَ ع الْمَقَادِيرُ لَا تُدْفَعُ بِالْمُعَالِيَةِ وَالْأَرْزَاقُ الْمَكْتُوبَةُ لَا تُنَالُ بِالشَّرِّهِ وَلَا تُدْفَعُ بِالْإِمْسَاكِ عَنْهَا.

And he<sup>-asws</sup> said: 'The destinies cannot be repelled by the overcoming (force), and the sustenance is Prescribed. It can neither be achieved by greed nor can it be repelled by withholding from (seeking) it'.<sup>117</sup>

37- وَعَنِ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللَّهِ ص أَيُّهَا النَّاسُ إِنَّ الرِّزْقَ مَقْسُومٌ لَنْ يَغْدُوَ امْرُؤٌ مَا قُسِمَ لَهُ فَأَجْمِلُوا فِي الطَّلَبِ وَإِنَّ الْعُمْرَ مَحْدُودٌ لَنْ يَنْجَاوَزَ أَحَدٌ مَا قُدِّرَ لَهُ فَبَادِرُوا قَبْلَ نَفَاذِ الْأَجَلِ وَالْأَعْمَالُ مَحْصِيَّةٌ. لَنْ يُهْمَلَ مِنْهَا صَغِيرَةٌ وَلَا كَبِيرَةٌ فَأَكْثِرُوا مِنْ صَالِحِ الْعَمَلِ

And from Ibn Abbas who said,

'Rasool-Allah<sup>-saww</sup> said: 'O you people! The sustenance is apportioned. A person will never exceed what has been apportioned for him. So be beautiful in the seeking, and the lifespan is limited. No one can exceed what has been Determined for him. Therefore, rush before the depletion of the term, and the deeds are counted (precisely enumerated). From these, neither small nor big will be neglected. Therefore, frequent the righteous deeds!

أَيُّهَا النَّاسُ إِنَّ فِي الْفُنُوعِ تِسْعَةَ [لِسَعَةٍ] وَإِنَّ فِي الْاِقْتِصَادِ لُبْلُعَةً وَإِنَّ فِي الزُّهْدِ لِرَاحَةً وَإِنَّ لِكُلِّ عَمَلٍ جَزَاءً وَكُلُّ آتٍ قَرِيبٌ.

O you people! In the contentment, there is vastness, and in moderation there is sufficiency, and in the asceticism there is rest, and for every deed is a Reward, and every (thing) coming, is near".<sup>118</sup>

38- وَقَالَ ص وَإِنَّ أَفْضَلَ النَّاسِ عَبْدٌ أَخَذَ مِنَ الدُّنْيَا الْكَفَافَ وَصَاحَبَ فِيهَا الْعَفَافَ وَتَزَوَّدَ لِلرَّحِيلِ وَتَأَهَّبَ لِلْمَسِيرِ.

And he<sup>-asws</sup> said: 'And best of the people is a servant who takes from the world what suffices, and accompanies (lives) in it with chastity, and provides for the departure, and readies himself for the journey".<sup>119</sup>

39- وَعَنِ ابْنِ مَسْعُودٍ قَالَ قَالَ رَسُولُ اللَّهِ ص قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى يَا ابْنَ آدَمَ يُؤْتَى كُلُّ يَوْمٍ بِرِزْقِكَ وَأَنْتَ تَحْزَنُ وَبِنَقْصِ كُلِّ يَوْمٍ مِنْ عُمْرِكَ وَأَنْتَ تَفْرَحُ أَنْتَ فِيمَا يَكْفِيكَ وَتَطْلُبُ مَا يُطْعِمُكَ لَا بِقَلِيلٍ تَفْنَعُ وَلَا مِنْ كَثِيرٍ تَشْبَعُ.

And from Ibn Masoud who said,

'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> Blessed and Exalted Said: "O son of Adam<sup>-as</sup>! Every day will come your sustenance, and you are grieving? And every day reduces a day from your lifespan,

<sup>116</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 35

<sup>117</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 36

<sup>118</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 37

<sup>119</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 38

and you are joyful? You are (living) in what suffices you, and you are seeking what would overwhelm you! Neither are you contented with little nor satiated with a lot!”<sup>120</sup>

40- وَ عَنْهُ ص قَالَ: إِيَّاكُمْ وَ فَضُولَ الْمُطْعَمِ فَإِنَّهُ يَسْمُ الْقَلْبَ بِالنَّفْسِ وَ يُبْطِئُ بِالْجَوَارِحِ لِلطَّاعَةِ وَ يُصِمُّ الْهَيْمَمَ عَنْ سَمَاعِ الْمُوعِظَةِ وَ إِيَّاكُمْ وَ فَضُولَ النَّظَرِ فَإِنَّهُ يَبْذُرُ الْهَوَى وَ يُؤَلِّدُ الْعُقْلَةَ وَ إِيَّاكُمْ وَ اسْتِشْعَارَ الطَّمَعِ فَإِنَّهُ يَشْتُبُ الْقَلْبَ شِدَّةَ الْحِرْصِ وَ يَحْتِمُ عَلَى الْقُلُوبِ بِطَائِعِ حُبِّ الدُّنْيَا وَ هُوَ مِفْتَاحُ كُلِّ سَيِّئَةٍ وَ رَأْسُ كُلِّ خَطِيئَةٍ وَ سَبَبُ إِخْبَاطِ كُلِّ حَسَنَةٍ.

And it is from him<sup>-saww</sup> (Rasool Allah) who said: ‘Beware of excess in food for it hardens the heart, slows the limbs from obedience, and deafens the will from hearing advice! Beware of excess in looking, for it sows desire and gives birth to heedlessness! Beware of nurturing greed, for it fills the heart with intense craving, seals the hearts with the stamp of love for the world, and that is the key to every evil, the root of every sin, and the cause of the ruin of every good deed!’<sup>121</sup>

41- وَ عَنِ الْحُسَيْنِ ع أَنَّهُ قَالَ لِرَجُلٍ يَا هَذَا لَا تُجَاهِدْ فِي الرِّزْقِ جِهَادَ الْغَالِبِ وَ لَا تَتَّكِلْ عَلَى الْقَدْرِ اتَّكِلْ مُسْتَسْلِمًا فَإِنَّ اتِّبَاعَ الرِّزْقِ مِنَ الشُّنَّةِ وَ الْإِحْمَالِ فِي الطَّلَبِ مِنَ الْعِفَّةِ وَ لَيْسَ الْعِفَّةُ بِمَانِعَةٍ رِزْقًا.

And from Al-Husayn<sup>-asws</sup>, he<sup>-asws</sup> said to a man: ‘O you! Do not strive too hard regarding the sustenance as the fighting in Jihad, nor rely upon the Pre-determination, the reliance of the surrendering one, for seeking the sustenance is from the Sunnah, and the beauty in the seeking is from the chastity, and the chastity doesn’t prevent sustenance’.<sup>122</sup>

42- قَالَ: وَ لَا الْحِرْصُ بِجَالِبٍ فَضْلًا وَ إِنَّ الرِّزْقَ مَقْسُومٌ وَ الْأَجَلَ مُحْتَرَمٌ وَ اسْتِعْمَالَ الْحِرْصِ طَلَبُ الْمَأْتَمِ.

He<sup>-asws</sup> said: ‘And greed does not bring extra bounty, for sustenance is apportioned and the term of life is Ordained, and using greed is the pursuit of sin!’<sup>123</sup>

43- لِي، الْأَمَالِي لِلصَّدِيقِ ابْنِ إِدْرِيسَ عَنِ ابْنِ عَبْدِ الْجُبَّارِ عَنِ الْأَزْدِيِّ عَنِ أَبِي حَمْزَةَ عَنِ الصَّادِقِ ع قَالَ: إِنْ كَانَ اللَّهُ تَبَارَكَ وَ تَعَالَى قَدْ تَكَفَّلَ بِالرِّزْقِ فَاهْتِمَامُكَ لِمَا دَا وَ إِنْ كَانَ الرِّزْقُ مَقْسُومًا فَالْحِرْصُ لِمَا دَا وَ إِنْ كَانَ الْحِسَابُ حَقًّا فَالْجُمُعُ لِمَا دَا وَ إِنْ كَانَ الْخُلْفُ مِنَ اللَّهِ عَزَّ وَ جَلَّ حَقًّا فَالْبُخْلُ لِمَا دَا الْخَيْرَ.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Idrees, from Ibn Abdul Jabbar, from Al Azdy, from Abu Hamza,

‘From Al-Sadiq<sup>-asws</sup> having said: ‘Even though Allah<sup>-azwj</sup> Blessed and Exalted has Guaranteed the sustenance, then your anxiousness, what is that for? And even though the sustenance is apportioned, then the greed, what is that for? And even though the Reckoning is true, then the amassing, for what is that for? And even though the replacement from Allah<sup>-azwj</sup> Mighty and Majestic is true, then the miserliness, what is that for?’ – the Hadeeth’.<sup>124</sup>

<sup>120</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 39

<sup>121</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 40

<sup>122</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 41

<sup>123</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 42

<sup>124</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 43



44- لي، الأمايلي للصدوق أبي عن علي عن أبيه عن ابن أبي عمير عن مُرازم بن حكيم عن أبي عبد الله ع قال قال رسول الله ص إنَّ الرُّوحَ الأَمِينُ جِبْرِيلُ أَخْبَرَنِي عَنْ رَبِّي تَبَارَكَ وَ تَعَالَى أَنَّهُ لَنْ تَمُوتَ نَفْسٌ حَتَّى تَسْتَكْمِلَ رِزْقَهَا فَاتَّقُوا اللَّهَ وَ أَجْمِلُوا فِي الطَّلَبِ

(The book) 'Al Amaali' of Al Sadouq – My father, from Ali, from his father, from Ibn Abu Umeyr, from Murazim Bin Hakeem,

'From Abu Abdullah<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The Trustworthy Spirit, Jibraeel<sup>-as</sup>, informed me<sup>-saww</sup> from my<sup>-saww</sup> Lord<sup>-azwj</sup> Blessed and Exalted, that no soul will die until it has completed its sustenance. So, fear Allah<sup>-azwj</sup> and be beautiful in its seeking!

وَ اعْلَمُوا أَنَّ الرِّزْقَ رِزْقَانِ فَرِزْقٌ تَطْلُبُونَهُ وَ رِزْقٌ يَطْلُبُكُمْ فَاطْلُبُوا أَرْزَاقَكُمْ مِنْ حَلَالٍ فَإِنَّكُمْ أَكَلُوهَا حَلَالًا إِنْ طَلَبْتُمُوهَا مِنْ وُجُوهِهَا وَ إِنْ لَمْ تَطْلُبُوهَا مِنْ وُجُوهِهَا أَكَلْتُمُوهَا حَرَامًا وَ هِيَ أَرْزَاقُكُمْ لَا بُدَّ لَكُمْ مِنْ أَكْلِهَا.

And know that the sustenance is of two types – sustenance you seek and sustenance seeking you. Therefore, seek your sustenance from Permissible (means) for you will be consuming it lawfully, if you have sought it from its aspect; and if you did not seek it from its aspects, you will be consuming it unlawfully, and these are your sustenance(s). There is no escape for you from consuming it".<sup>125</sup>

45- ماء، الأمايلي للشيخ الطوسي الفخام عن مُحَمَّدِ بْنِ عِيسَى بْنِ هَارُونَ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الصَّمَدِ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ قَالَ سَيِّدُنَا الصَّادِقُ ع مَنِ اهْتَمَّ لِرِزْقِهِ كَتَبَ عَلَيْهِ خَطِيئَةٌ إِنْ دَانِيَالَ كَانَ فِي زَمَنِ مَلِكٍ جَبَّارٍ عَاتٍ أَخَذَهُ فَطَرَحَهُ فِي جُبٍّ وَ طَرَحَ مَعَهُ السِّبَاعَ فَلَمْ تَدْنُوا مِنْهُ وَ لَمْ تَخْرُجْهُ

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Fahham, from Muhammad Bin Isa Bin Haroun, from Ibrahim Bin Abdul Samad, from his father, from his grandfather who said,

'Our master Al-Sadiq<sup>-asws</sup> said: 'One who worries for his sustenance, a misdeed is written against him. Daniyal<sup>-as</sup> was in the era of a tyrannous obstinate king. He seized him<sup>-as</sup> and dropped him<sup>-as</sup> into a pit, and dropped the lions with him<sup>-as</sup>. But they did not come near him<sup>-as</sup> and did not injure him<sup>-as</sup>.

فَأَوْحَى اللَّهُ إِلَى نَبِيِّ مِنْ أَنْبِيَائِهِ أَنْ ائْتِ دَانِيَالَ بِطَعَامٍ

Allah<sup>-azwj</sup> Revealed to a Prophet<sup>-as</sup> from His<sup>-azwj</sup> Prophets<sup>-as</sup>: "Go to Daniyal<sup>-as</sup> with food!"

قَالَ يَا رَبِّ وَ أََيْنَ دَانِيَالُ

He<sup>-as</sup> said: 'O Lord<sup>-azwj</sup>, and where is Daniyal<sup>-as</sup>?'

قَالَ خَرُجْ مِنَ الْقَرْيَةِ فَيَسْتَقْبِلُكَ صَبُعٌ فَاتَّبِعْهُ فَإِنَّهُ يَدُلُّكَ

<sup>125</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 44

He<sup>-azwj</sup> Said: 'Go out from the town, a hyena will meet you<sup>-as</sup>. It will point you<sup>-as</sup>!'

فَأَتَتْ بِهِ الضَّبُعُ إِلَى ذَلِكَ الْجُبِّ فَإِذَا فِيهِ دَانِيَالُ فَأَذَلَّ إِلَيْهِ الطَّعَامَ

The hyena came with him<sup>-as</sup> to that pit, and in it was Daniyal<sup>-as</sup>. He<sup>-as</sup> lowered the food to him<sup>-as</sup>.

فَقَالَ دَانِيَالُ الْحَمْدُ لِلَّهِ الَّذِي لَا يَنْسَى مَنْ ذَكَرَهُ الْحَمْدُ لِلَّهِ الَّذِي لَا يُخَيِّبُ مَنْ دَعَاهُ الْحَمْدُ لِلَّهِ الَّذِي مَنْ تَوَكَّلَ عَلَيْهِ كَفَاهُ الْحَمْدُ لِلَّهِ الَّذِي مَنْ وَثِقَ بِهِ لَمْ يَكِلْهُ إِلَى غَيْرِهِ الْحَمْدُ لِلَّهِ الَّذِي يَجْزِي بِالْإِحْسَانِ إِحْسَانًا وَبِالصَّبْرِ نَجَاتًا

Daniyal<sup>-as</sup> said: 'The Praise is for Allah<sup>-azwj</sup> Who does not Forget the one remembering Him<sup>-azwj</sup>! The Praise is for Allah<sup>-azwj</sup> Who does not disappoint the one supplicating to Him<sup>-azwj</sup>! The Praise is for Allah<sup>-azwj</sup> Who, the one who relies upon Him<sup>-azwj</sup>, Suffices him! The Praise is for Allah<sup>-azwj</sup> Who, the one who trusts Him<sup>-azwj</sup>, does not Allocate him to others! The Praise is for Allah<sup>-azwj</sup> Who Rewards the Favour for the favour, and salvation for the patience!'

ثُمَّ قَالَ الصَّادِقُ ع إِنَّ اللَّهَ أَتَى إِلَّا أَنْ يَجْعَلَ أَرْزَاقَ الْمُتَّقِينَ مِنْ حَيْثُ لَا يَحْتَسِبُونَ وَأَنْ لَا يُقْبَلَ لِأَوْلِيَائِهِ شَهَادَتُهُ فِي دَوْلَةِ الظَّالِمِينَ.

Then Al-Sadiq<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> Refused except that He<sup>-azwj</sup> will Make sustenance of the pious from where they are not anticipating, and not to accept the testimony of His<sup>-azwj</sup> friends in the state of the oppressors!'<sup>126</sup>

46- ص، قصص الأنبياء عليهم السلام بِالْإِسْنَادِ إِلَى الصَّدُوقِ عَنِ ابْنِ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ الْفَاسَّائِيِّ عَنِ الْأَصْبَهَانِيِّ عَنِ الْمُنْقَرِيِّ عَنِ حَفْصِ عَنْهُ ع مِثْلُهُ.

(The book) 'Qasas Al Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – By the chains to Al Sadouq, from Ibn Al Waleed, from Al Saffar, from Al Qasany, from Al Asbahany, from Al Minqary, from Hafs, 'From him<sup>-asws</sup> – similar to it.<sup>127</sup>

47- ع، علل الشرائع أَبِي عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الرَّبِيعِ بْنِ مُحَمَّدٍ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّ اللَّهَ عَزَّ وَجَلَّ أَوْسَعَ فِي أَرْزَاقِ الْحَقْمَى لِبَعْثِ الْعُقَلَاءِ وَ يَغْلَمُوا أَنَّ الدُّنْيَا لَا تُنَالُ بِالْعَقْلِ وَلَا بِالْحِيلَةِ.

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al Rabie Bin Muhammad, from Abdullah Bin Suleyman who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'Allah<sup>-azwj</sup> Mighty and Majestic Expands in the sustenance of the idiots for the intellectuals to take a lesson and they would know that the world cannot be achieved with the intellect nor with the strategy'.<sup>128</sup>

<sup>126</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 45

<sup>127</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 46

<sup>128</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 47

48- فس، تفسیر القمی مُحَمَّدُ بْنُ أَحْمَدَ بْنِ ثَابِتٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ مَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَ يَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ قَالَ فِي دُنْيَاهُ.

(The book) 'Tafseer Al Qummi' – Muhammad Bin Ahmad Bin Sabit, from Al-Hassan Bin Muhammad, from Muhammad Bin Ziyad, from Abu Ayoub, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> Mighty and Majestic: **And one who fears Allah, He would Make an outlet for him [65:2] And He would Sustain him from where he does not reckon [65:3].** He<sup>-asws</sup> said: 'In his world'<sup>129</sup>

49- ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنِ ابْنِ عِيسَى عَنِ ابْنِ حُبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ وَ عَبْدِ الْعَزِيزِ عَنِ ابْنِ أَبِي يَعْقُوبٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَصْبَحَ وَ أَمْسَى وَ الْآخِرَةُ أَكْبَرُ هَوَاهُ جَعَلَ اللَّهُ لَهُ الْغِنَى فِي قَلْبِهِ وَ جَمَعَ لَهُ أَمْرَهُ وَ لَمْ يَخْرُجْ مِنَ الدُّنْيَا حَتَّى يَسْتَكْمِلَ رِزْقَهُ

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abdullah Bin Sinan and Abdul Aziz, from Ibn Abu Yafour,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who comes to morning and evening, and the Hereafter is his greatest worry, Allah<sup>-azwj</sup> will Make the riches to be in his heart, and Gather his affairs for him, and he will not exit from the world until he completes (consumption of) his sustenance!

وَ مَنْ أَصْبَحَ وَ أَمْسَى وَ الدُّنْيَا أَكْبَرُ هَوَاهُ جَعَلَ اللَّهُ الْفَقْرَ بَيْنَ عَيْنَيْهِ وَ شَتَّتْ عَلَيْهِ أَمْرَهُ وَ لَمْ يَنْلَ مِنَ الدُّنْيَا إِلَّا مَا قُسِمَ لَهُ.

And one who comes to morning and evening, and the world is his greatest worry, Allah<sup>-azwj</sup> will Make poverty to be in front of his eyes, and Scatter his affairs upon him, and he will not achieve from the world except what has been apportioned for him!"<sup>130</sup>

50- ثو، ثواب الأعمال أَبِي عَنْ عَلِيِّ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع كَانَتْ الْفُقَهَاءُ وَ الْحُكَمَاءُ إِذَا كَاتَبَ بَعْضُهُمْ بَعْضًا كَتَبُوا بِثَلَاثٍ لَيْسَ مَعَهُمْ رَابِعَةٌ

(The book) 'Sawaab Al Amaal' – My father, from Ali, from his father, from Al Nowfaly, from Al Sakuny,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'The jurists and the wise ones, whenever they wrote to each other, they wrote with three (matters). There wasn't a fourth with these: -

مَنْ كَانَتْ الْآخِرَةُ هَمَّهُ كَفَاهُ اللَّهُ هَمَّهُ مِنَ الدُّنْيَا وَ مَنْ أَصْلَحَ سَرِيرَتَهُ أَصْلَحَ اللَّهُ عِلَاقَتَهُ وَ مَنْ أَصْلَحَ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ أَصْلَحَ اللَّهُ فِيمَا بَيْنَهُ وَ بَيْنَ النَّاسِ.

'One whose worry was the Hereafter, Allah<sup>-azwj</sup> will suffice him of worries of the world; and one who rectifies his secrets, Allah<sup>-azwj</sup> will Rectify his announcements; and one who rectifies regarding what is between him and Allah<sup>-azwj</sup>, Allah<sup>-azwj</sup> will Rectify regarding what is between him and the people!"<sup>131</sup>

<sup>129</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 48

<sup>130</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 49

<sup>131</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 50

51 ثو، ثواب الأعمال ماجيلويه عن علي عن أبيه عن التوفلي عن السكوني عن الصادق ع عن آبائه ع قال قال رسول الله ص إن لله عز وجل فضولاً من رزقه ينحله من يشاء من خلقه.

(The book) 'Sawab Al Amaal' – Majaylawiya, from Ali, from his father, from Al Nowfaly, from Al Sakuny,

'From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> forefathers<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'For Allah<sup>azwj</sup> Mighty and Majestic there is extra from His<sup>azwj</sup> sustenance. He<sup>azwj</sup> Grants it to the one He<sup>azwj</sup> so Desires to, from His<sup>azwj</sup> creatures''<sup>132</sup>

52 ص، قصص الأنبياء عليهم السلام عن حفص بن غياث عن أبي عبد الله صلوات الله عليه قال: كان في بني إسرائيل رجلٌ وكان محتاجاً فألححت عليه امرأته في طلب الرزق فرأى في النوم أنما أحب إليك درهمان من حلٍ أو ألفان من حرام فقال درهمان من حلٍ فقال تحت رأسك

(The book) 'Qasas Al Anbiya<sup>as</sup>', may the greeting be upon them<sup>as</sup> – From Hafs Bin Giyas,

'From Abu Abdullah<sup>asws</sup>, may the Salawaat of Allah<sup>azwj</sup> be upon him<sup>asws</sup>, said: 'There used to be a man among the children of Israel, and he was needy. His wife insisted upon him to seek the sustenance. He saw in the dream, 'Which of the two is more beloved to you – two Dirhams from lawful means or two thousand from unlawful means?' He said, 'Two Dirhams from lawful means!' He said, 'These are beneath your head (pillow)!'

فأنتبه فرأى الدرهمين تحت رأسه فأخذهما واشترى بديرهم سمكة فأقبل إلى منزله فلما رآته المرأة أقبلت عليه كاللائمة و أقسمت أن لا تمسها فقام الرجل إليها فلما شق بطنها إذا بديرين فباعهما بأربعين ألف درهم.

He woke up and saw the two Dirhams beneath his head. He took these and bought a fish with one Dirham and came to his dwelling. When the wife saw him, she faced towards him like the blamer and vowed that he would not touch her. The man stood up to it (fish) and split its belly, and there were two gems. He sold these for forty thousand Dirhams''<sup>133</sup>

53 ص، قصص الأنبياء عليهم السلام بالإسناد إلى الصدوق عن ماجيلويه عن عبيد عن الكوفي عن محمد بن عبد الله بن زرارة عن محمد بن الفضل عن أبي حمزة عن أبي جعفر ع قال: كان في بني إسرائيل عابدٌ وكان عارفاً تُنفق عليه امرأته فجاءها يوماً فدفعته إليه عزلاً فذهب فلم يشتَرِ بشيءٍ فجاء إلى البحر فإذا هو بصيادٍ قد اصطاد سمكاً كثيراً فأعطاه الغزل وقال انتفع به في شبكتك

(The book) 'Qasas Al Anbiya<sup>as</sup>', may the greeting be upon them<sup>as</sup> – By the chain to Al Sadouq, from Majaylawiya, from his uncle, from Al Kufi, from Muhammad Bin Abdullah Bin Zurara, from Muhammad Bin Al Fuzeyl, from Abu Hamza,

'From Abu Ja'far<sup>asws</sup> having said: 'There was a worshipper among the children of Israel, and he was a gnostic. His wife was supporting him (financially). He came to her one day and she handed some yarn to him. He went but could not buy anything with (bartering) it. He came to the sea, and there was a fisherman who had caught a lot of fish. He gave him the yarn and say, 'Benefit with it in your net!'

<sup>132</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 51

<sup>133</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 52

فَدَفَعَ إِلَيْهِ سَكَّةً فَأَخَذَهَا وَخَرَجَ بِهَا إِلَى زَوْجَتِهِ فَلَمَّا شَقَّهَا بَدَتْ مِنْ جَوْفِهَا لُؤْلُؤَةٌ فَبَاعَهَا بِعِشْرِينَ أَلْفَ دِرْهَمٍ.

He handed a fish to him. He took it and went with it to his wife. When he split it there appeared a pearl from its interior. He sold it for twenty thousand Dirhams.<sup>134</sup>

54 قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ كَانَ فِيمَا وَعَظَ لُقْمَانُ ابْنَهُ أَنَّهُ قَالَ يَا بُنَيَّ لِيَعْتَبِرَ مَنْ قَصَرَ يَتَبَنُّهُ وَصَغُفَ تَعَبُهُ فِي طَلَبِ الرِّزْقِ أَنَّ اللَّهَ تَعَالَى خَلَقَهُ فِي ثَلَاثَةِ أَحْوَالٍ مِنْ أَمْرِهِ وَآتَاهُ رِزْقَهُ وَ لَمْ يَكُنْ لَهُ فِي وَاحِدَةٍ مِنْهَا كَسْبٌ وَ لَا حِيلَةٌ أَنَّ اللَّهَ سَيَرْزُقُهُ فِي الْحَالِ الرَّابِعَةِ

Amir Al-Momineen<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, said: 'It was among what Luqman<sup>-as</sup> advised to his<sup>-as</sup> son, he<sup>-as</sup> said: 'O my<sup>-as</sup> son! Let him take a lesson, one whose conviction is deficient and his efforts are weak in seeking the sustenance. Allah<sup>-azwj</sup> the Exalted Created him in three situations from his matters and Gave him his sustenance, and there did not happen to be any earning for him in any one of these nor any strategy. Surely Allah<sup>-azwj</sup> will Sustain him in the fourth situation (as well)!

أَمَّا أَوَّلُ ذَلِكَ فَإِنَّهُ كَانَ فِي رَحِمِ أُمِّهِ يُرْزَقُهُ هُنَاكَ فِي قَرَارٍ مُكِينٍ حَيْثُ لَا يَبْدُ يُؤْذِيهِ وَ لَا حَرٌّ ثُمَّ أَخْرَجَهُ مِنْ ذَلِكَ وَ أَجْرَى لَهُ مِنْ لَبَنِ أُمِّهِ مَا يُرَبِّيهِ مِنْ غَيْرِ حَوْلٍ بِهِ وَ لَا قُوَّةٍ

As for the first of that, he was in the womb of his mother being sustained over there in a secure settlement where neither cold bothered him nor heat. Then He<sup>-azwj</sup> Extracted him from that and Flowed for him from the milk of his mother what nourished him from, without there being any might with him nor strength.

ثُمَّ فَطِمَ مِنْ ذَلِكَ فَأَجْرَى لَهُ مِنْ كَسْبِ آبَائِهِ بِرَأْفَةٍ وَ رَحْمَةٍ مِنْ تَلْوِيهِمَا [فُلُوْهِمَا] حَتَّى إِذَا كَبُرَ وَ عَقَلَ وَ اكْتَسَبَ لِنَفْسِهِ ضَاقَ بِهِ أَمْرُهُ فَظَلَّ الظُّنُونِ بِرَبِّهِ وَ جَحَدَ الْحُقُوقِ فِي مَالِهِ وَ قَتَرَ عَلَى نَفْسِهِ وَ عِيَالِهِ مَخَافَةَ الْفَقْرِ.

Then he was weaned from that, so there flowed for him from the earnings of his parents with kindness and mercy of their hearts until when he grew older and had intellect and earned for himself and his matter was constricted with him, so he though evil thoughts with his Lord<sup>-azwj</sup> and rejected the rights in his wealth and was miserly upon himself and his dependants, fearing the poverty".<sup>135</sup>

55 ص، قصص الأنبياء عليهم السلام عَنِ النَّبِيِّ ص قَالَ: أَبَى اللَّهُ أَنْ يَرْزُقَ عَبْدَهُ إِلَّا مِنْ حَيْثُ لَا يَعْلَمُ فَإِنَّ الْعَبْدَ إِذَا لَمْ يَعْلَمْ وَجْهَ رِزْقِهِ كَثُرَ دَعَاؤُهُ.

(The book) 'Qasas Al-Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup>, from the Prophet<sup>-saww</sup> having said: 'Allah<sup>-azwj</sup> Refused to Provide His<sup>-azwj</sup> servant except from where he does not know, for the servant, when he does not know the direction of his sustenance, his supplications will be frequent".<sup>136</sup>

<sup>134</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 53

<sup>135</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 54

<sup>136</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 55

56 فس، تفسير القمي أحمد بن محمد بن الحسين بن سعيد عن إبراهيم بن أبي البلاد عن أبيه عن أبي عبد الله ع قال قال رسول الله ص يا أيها الناس إنه نقت في روعي روح القدس أنه لم تمت نفس حتى تستوفي أقصى رزقها وإن أبطأ عليها فاتقوا الله وأجلوا في الطلب ولا يحملنكم استبطاء شيء مما عند الله أن تضيئوه بمعصية فإن الله لا ينال ما عنده إلا بالطاعة.

(The book) 'Tafseer Al Qummi' – Ahmad Bin Muhammad, from Al-Husayn Bin Saeed, from Ibrahim Bin Abu Al Bilad, from his father,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'O people! Surely the Holy Spirit blew into my heart that no soul will die until the fullest of its sustenance has been fulfilled and even if there is a delay over it. Therefore, fear Allah<sup>-azwj</sup> and be beautiful in the seeking, and do let the delay of something from what is with Allah<sup>-azwj</sup> carry you to achieve it by disobedience, for whatever is with Allah<sup>-azwj</sup> cannot be achieved except with the obedience'.<sup>137</sup>

57 ضا، فقه الرضا عليه السلام اتق في طلب الرزق وأجل بالطلب واحفظ في المكسب

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Be pious in seeking the sustenance and beautiful in the (manner of) seeking, and be protective (mindful) regarding the earning!

وَاعْلَمْ أَنَّ الرِّزْقَ رِزْقَانِ فَرِزْقٌ تَطْلُبُهُ وَرِزْقٌ يَطْلُبُكَ فَأَمَّا الَّذِي تَطْلُبُهُ فَاطْلُبْهُ مِنْ حَلَالٍ فَإِنَّ أَكْلَهُ حَلَالٌ إِنْ طَلَبْتَهُ فِي وَجْهِهِ وَإِلَّا أَكَلْتَهُ حَرَامًا وَهُوَ رِزْقُكَ لَا بُدَّ لَكَ مِنْ أَكْلِهِ.

And know that the sustenance is of two types – sustenance you seek and sustenance seeking you! As for that which you seek, seek it from lawful, for consuming it is lawful if you had sought it in its aspect, or else consuming it is unlawful, and it is your sustenance, there is no escape for you from consuming it".<sup>138</sup>

58 شي، تفسير العياشي قال أمير المؤمنين صلوات الله عليه يا ابن آدم لا يكن أكبر همتك يومك الذي إن فاتك لم يكن من أجلك فإن هتك يوم فإن كل يوم تحضره يأتي الله فيه برزقك

(The book) 'Tafseer Al Ayyashi' –

'Amir Al-Momineen<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, said: 'O son of Adam<sup>-as</sup>! Let not the main concern of your day be that which, if it passes you, is not from your destined time. If you must worry about a day, then know that every day you live, Allah<sup>-azwj</sup> Brings your sustenance in it.

وَاعْلَمْ أَنَّكَ لَنْ تُكْتَسِبَ شَيْئًا فَوْقَ قُوَّتِكَ إِلَّا كُنْتَ فِيهِ حَازِنًا لِعَيْزِكَ تُكْثِرُ فِي الدُّنْيَا بِهِ نَصَبَكَ وَتُحْطِي بِهِ وَارْتِكَ وَ يَطُولُ مَعَهُ يَوْمَ الْقِيَامَةِ حَسَابُكَ

<sup>137</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 56

<sup>138</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 57

And know that you will not acquire anything beyond your necessary provision except that you become a keeper of it for someone else, tiring yourself in this world for it, benefiting your heir with it, and prolonging your Reckoning on the Day of Qiyamah because of it.

فَاسْعُدْ بِمَالِكَ فِي حَيَاتِكَ وَ قَدِّمْ لِيَوْمِ مَعَادِكَ زَادًا يَكُونُ أَمَامَكَ فَإِنَّ السَّفَرَ بَعِيدٌ وَ الْمَوْعِدَ الْقِيَامَةُ وَ الْمَوْرَدَ الْجَنَّةُ أَوْ النَّارُ.

So be happy with your wealth during your life, and send forth provisions for the Day of your return that will go ahead of you, for the journey is long, the appointed time is the Resurrection, and the destination is either Paradise or Hell!"<sup>139</sup>

59 شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ الْقُضَيْلِ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: أَتَى رَسُولَ اللَّهِ ص رَجُلٌ مِنْ أَهْلِ الْبَادِيَةِ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ لِي بَنِينَ وَ بَنَاتٍ وَ إِخْوَةً وَ أَخَوَاتٍ وَ بَنِي بَنَاتٍ وَ بَنِي إِخْوَةٍ وَ بَنِي أَخَوَاتٍ وَ الْمَعِيشَةُ عَلَيْنَا خَفِيفَةٌ فَإِنْ رَأَيْتَ يَا رَسُولَ اللَّهِ ص أَنْ تَدْعُو اللَّهَ أَنْ يُوسِّعَ عَلَيْنَا

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Al Fuzeyl, from Jabir,

'From Abu Ja'far<sup>asws</sup> having said: 'A man from the people of valleys came to Rasool-Allah<sup>saww</sup>. He said, 'O Rasool-Allah<sup>saww</sup>! For me there are sons and daughters, and brothers and sisters, and sons of sons, and sons of daughters, and sons of brothers, and sons of sisters, and the livelihood is light upon us. If you<sup>saww</sup> could see fit, O Rasool-Allah<sup>saww</sup>, to supplicate to Allah<sup>azwj</sup> to Expand upon us!'

قَالَ وَ بَكَى فَرَقَّ لَهُ الْمُسْلِمُونَ

He<sup>asws</sup> said, 'And he cried, and the Muslims pitied him.

فَقَالَ رَسُولُ اللَّهِ ص مَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا وَ يَعْلَمُ مُسْتَقَرَّهَا وَ مُسْتَوْدَعَهَا كُلٌّ فِي كِتَابٍ مُبِينٍ

Rasool-Allah<sup>saww</sup> said: '**And there is none from an animal in the earth except upon Allah is its sustenance, and He Knows its resting place and its depository. All things are in a Clarifying Book [11:6].**

مَنْ كَفَلَ بِهَذِهِ الْأَفْوَاهِ الْمَضْمُونَةَ عَلَى اللَّهِ رِزْقُهَا صَبَّ اللَّهُ عَلَيْهِ الرِّزْقَ صَبًّا كَالْمَاءِ الْمُنْهَمِرِ إِنْ قَلِيلًا فَقَلِيلًا وَ إِنْ كَثِيرًا فَكَثِيرًا

Whoever takes responsibility of these mouths whose sustenance is Guaranteed by Allah<sup>azwj</sup>, Allah<sup>azwj</sup> will Pour down sustenance upon him abundantly like pouring rain, if little, then little, or more, then more".

قَالَ ثُمَّ دَعَا رَسُولُ اللَّهِ ص وَ آمَنَ لَهُ الْمُسْلِمُونَ

He<sup>asws</sup> said, 'Then Rasool-Allah<sup>saww</sup> supplicated, and the Muslims said, 'Ameen' to it.

قَالَ أَبُو جَعْفَرٍ ع فَحَدَّثَنِي مَنْ رَأَى الرَّجُلَ فِي زَمَنِ عُمَرَ فَسَأَلَهُ عَنْ خَالِهِ فَقَالَ مِنْ أَحْسَنِ مَنْ حَوْلَهُ خَلَالًا وَ أَكْثَرَهُمْ مَالًا.

<sup>139</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 58

Abu Ja'far<sup>-asws</sup> said: 'It is narrated to me<sup>-asws</sup> by the one who saw the in the era of Umar. He asked him about his situation. He said, 'I am among the best of those whom He<sup>-azwj</sup> has Provided lawful sustenance and among the wealthiest of them!'"<sup>140</sup>

60 جاء المجالس للمفيد محمد بن الحسين عن علي بن الحسين الصيقلاني عن أحمد بن محمد مولى بني هاشم عن أبي نصر المخزومي عن الحسن بن أبي الحسن البصري قال: دخل أمير المؤمنين ع سوق البصرة فنظر إلى الناس يبيعون و يشترون فبكى بكاء شديدا ثم قال يا عبيد الدنيا و عمال أهلها إذا كنتم بالنهار تحلفون و بالليل في فرشكم تنامون و في خلال ذلك عن الآخرة تغفلون فمتى تجهزون الزاد و تفكرون في المعاد

(The book) 'Al Majalis' of Al Mufeed – Muhammad Bin Al-Husayn, from Ali Bin Al-Husayn Al Saddalani, from Ahmad Bin Muhammad, slave of the clan of Hashim<sup>-as</sup>, from Abu Nasr Al Makhzumi, from Al-Hassan Bin Abu Al-Hassan Al Basri who said,

'Amir Al-Momineen<sup>-asws</sup> entered the market of Al-Basra. He<sup>-asws</sup> looked at the people selling and buying. He<sup>-asws</sup> cried with intense crying, then said: 'O slave of the world and workers for its people! When you are at daytime, you are swearing oaths, and at night you are sleeping in your beds, and in the middle of that you are heedless of the Hereafter! When will you prepare the provision and think about the return?'

قال فقال له رجل يا أمير المؤمنين لا بُدَّ لنا من المعاش فكيف نصنع

He (the narrator) said, 'A man said to him<sup>-asws</sup>, 'O Amir Al-Momineen<sup>-asws</sup>! There is no escape for us from the livelihood. How should we do it?'

فقال أمير المؤمنين ع إن طلب المعاش من حله لا يشغل عن عمل الآخرة فإن قلت لا بُدَّ لنا من الإحتكار لم تكن مغدورا فوالى الرجل باكيا

Amir Al-Momineen<sup>-asws</sup> said: 'Seeking the livelihood from its Permissible does not pre-occupy from the Hereafter! If you say, 'There is no escape for us from the hoarding', you will not be excused!' The man turned around weeping.

فقال له أمير المؤمنين ع أقبل عليّ أزدك بيانا فعاد الرجل إليه

Amir Al-Momineen<sup>-asws</sup> said to him: 'Come back to me, I<sup>-asws</sup> shall increase you the explanation!' The man returned to him<sup>-asws</sup>.

فقال له اعلم يا عبد الله أن كل عامِلٍ في الدنيا للآخرة لا بُدَّ أن يوفى أجر عمله في الآخرة و كل عامِلٍ للدنيا عماله في الآخرة نار جهنم

He<sup>-asws</sup> said to him: 'Know, O servant of Allah<sup>-azwj</sup>! Every worker in the world working for the Hereafter, will inevitably be fulfilled the Reward of his work in the Hereafter, and every worker working for the world, his wage in the Hereafter would be the Fire of Hell!'

ثم تلا أمير المؤمنين ع قوله تعالى فأما من طغى و آثر الحياة الدنيا فإن الجحيم هي المأوى.

<sup>140</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 59



Then Amir Al-Momineen<sup>-asws</sup> recited Words of the Exalted: ***So as for one who transgresses [79:37] And prefers the life of the world [79:38] Then surely the Blazing Fire, it is the abode [79:39]***".<sup>141</sup>

61 ج، المجالس للمفيد أحمد بن الوليد عن أبيه عن الصفار عن ابن معروف عن ابن مهزيار رفعه قال كان أمير المؤمنين ع يقول قربوا على أنفسكم البعيد و هوئوا عليها الشديد و اعلموا أن عبداً و إن ضعفت حيلته و وهنت مكيده أنه لن ينقص مما قدر الله له و إن قوي عبده في شدة الحيلة و قوة المكيده أنه لن يزد على ما قدر الله له.

(The book) 'Al Majalis' of Al Mufeed – Ahmad Bin Al Waleed, from his father, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, raising it, said,

'Amir Al-Momineen<sup>-asws</sup> had said: 'Draw closer to yourselves what is remote, and make the difficult easy upon yourself, and know that a servant, and even if his means are weak and his planning is feeble, he will never be reduced from what Allah<sup>-azwj</sup> has Pre-Determined for him, and if a servant is strong in his means and the planning is strong, he will never increase upon what Allah<sup>-azwj</sup> has Determined for him".<sup>142</sup>

62 جع، جامع الأخبار قال رسول الله ص الرزق يطلب العبد أشد من أجله.

(The book) 'Jamie Al Akhbar' –

'Rasool-Allah<sup>-saww</sup> said: 'The sustenance seeks the servant more intensely than his death!"<sup>143</sup>

و قال ع إن الرزق يطلب العبد كما يطلبه أجله.

And he<sup>-saww</sup> said: 'The sustenance seeks the servant just as his death seeks him!"<sup>144</sup>

و قال ع لو أن أحدكم فر من رزقه لتبعه الموت.

And he<sup>-saww</sup> said: 'Even if one of you were to flee from his sustenance, it would pursue him just as the death pursues him!"<sup>145</sup>

قال ع لأبي ذر لو أن ابن آدم فر من رزقه كما يفر من الموت لأدركه رزقه كما يدركه الموت.

And he<sup>-saww</sup> said to Abu Zarr<sup>-ra</sup>: 'If a son of Adam<sup>-as</sup> were to flee from his sustenance just as he flees from the death, his sustenance will catch him just as the death catches him".<sup>146</sup>

و قال علي ع

<sup>141</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 60

<sup>142</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 61

<sup>143</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 62 a

<sup>144</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 62 b

<sup>145</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 62 c

<sup>146</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 62 d

و فِي الْعَيْشِ فَلَا تَطْمَعُ  
فَلَا تَدْرِي لِمَنْ يَجْمَعُ  
أَمْ فِي غَيْرِهَا تُصْرَعُ  
وَ كَدُّ الْمَرْءِ لَا يَنْفَعُ  
عَنِّي كُلُّ مَنْ يَفْتَعُ.

دَعِ الْخَيْرَ عَلَى الدُّنْيَا  
وَلَا يَجْمَعُ مِنَ الْمَالِ  
وَلَا تَدْرِي أَيْ أَرْضِكَ  
فَإِنَّ الرِّزْقَ مَقْسُومٌ  
فَقِيرٌ كُلُّ مَنْ يَطْمَعُ

And Ali<sup>asws</sup> said: 'Abandon greed of the world and do not be covetous in living. Do not hoard wealth, for you do not know for whom you are gathering it for, and you do not know whether you will fall (dead) in your own land or in another! Indeed, sustenance is apportioned, and a person's striving will not increase it. Everyone who is greedy is poor, and everyone who is content is rich!'<sup>147</sup>

63 نبه، تنبيه الخاطر ابن فضالة عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لِيَكُنْ طَلَبُكَ الْمَعِيشَةَ فَوْقَ كَسْبِ الْمُضَيِّعِ دُونَ طَلَبِ الْخَرِصِ الرَّاضِي بِالدُّنْيَا الْمُطْمَئِنِّ إِلَيْهَا وَ لَكِنْ أَنْزِلْ نَفْسَكَ مِنْ ذَلِكَ بِمَنْزِلَةِ الْمُتَعَفِّفِ تَرْفَعُ نَفْسَكَ عَنْ مَنْزِلَةِ الْوَاهِي الضَّعِيفِ وَ تَكْتَسِبُ مَا لَا يَدُّ لِلْمُؤْمِنِ مِنْهُ إِنَّ الَّذِينَ أُعْطُوا الْمَالَ ثُمَّ لَمْ يَشْكُرُوا لَا مَالَ لَهُمْ.

(The book) 'Tanbeeh Al Khatir' – Ibn Fazala, from the one who mentioned it,

'From Abu Abdullah<sup>asws</sup> having said: 'Let your pursuit of livelihood be above that of the negligent but below that of the greedy, (like) the one content with this world and at ease in it! Rather, place yourself in the position of one who is fair and self-restrained. Raise yourself above the rank of the weak and incapable, and seek what the believer cannot do without. Indeed, those who are given wealth and do not show gratitude, they truly possess nothing!'<sup>148</sup>

ابن جُمُهور عَنْ أَبِيهِ رَفَعَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ ع كَثِيرًا مَا يَقُولُ اعْلَمُوا عِلْمًا يَقِينًا أَنَّ اللَّهَ تَعَالَى لَمْ يَجْعَلْ لِلْعَبْدِ وَ إِنِ اشْتَدَّ جَهْدُهُ وَ عَظُمَتْ حِيلَتُهُ وَ كَثُرَتْ مَكَايِدَتُهُ أَنْ يَسْبِقَ مَا سُمِّيَ لَهُ فِي الدِّكْرِ الْحَكِيمِ وَ لَمْ يَجْعَلْ بَيْنَ الْعَبْدِ فِي ضَعْفِهِ وَ قِلَّةِ حِيلَتِهِ وَ بَيْنَ أَنْ يَبْلُغَ مَا سُمِّيَ لَهُ فِي الدِّكْرِ الْحَكِيمِ

Ibn Jamhour, from his father raising it,

'From Abu Abdullah<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> used to frequently say: 'Know with certain knowledge that Allah<sup>azwj</sup> the Exalted, has not Decreed for any servant, no matter how intense his striving, how clever his strategies, or how vast his schemes, to attain more than what is written for him in the Wise Remembrance, and He<sup>azwj</sup> does not Prevent a weak servant, lacking means and strength, from reaching what has been specified for him in the Wise Remembrance!

<sup>147</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 62 e

<sup>148</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 63 a

أَيُّهَا النَّاسُ إِنَّهُ لَنْ يَزِدَّادَ أَمْرُهُ تَغْيِيرًا [تَغْيِيرًا] يَحْدُثُهُ وَ لَنْ يَنْقُصَ أَمْرُهُ فَقِير [تَغْيِيرًا] لِحُرْفِهِ فَالْعَالِمُ بِحَذَا الْعَامِلُ بِهِ أَعْظَمُ النَّاسِ رَاحَةً فِي مَنْفَعَةٍ وَ الْعَالِمُ بِحَذَا النَّارِكُ لَهُ أَعْظَمُ النَّاسِ شُغْلًا فِي مَضَرَّةٍ

O people! No one will ever increase by his skill even the smallest amount of provision, nor will anyone decrease it due to his lack of skill by even a speck! The one who knows this and acts upon it is the most at ease among people in benefit, and the one who knows it but abandons it is the most burdened among people in harm.

وَ رَبُّ مُنْعِمٍ عَلَيْهِ مُسْتَدْرَجٌ بِالْإِحْسَانِ إِلَيْهِ وَ رَبُّ مَعْدُورٍ فِي النَّاسِ مَصْنُوعٌ لَهُ

And how many are those who are being indulged by bounties while being gradually led to ruin, and how many are excused among people while aid is being prepared for them.

فَارْفُقْ أَيُّهَا السَّاعِي مِنْ سَعْيِكَ وَ أَقْصِرْ مِنْ عَجَلَتِكَ وَ انْتَبِهْ مِنْ سِنَةِ عَقْلَتِكَ وَ تَفَكَّرْ فِيمَا جَاءَ عَنِ اللَّهِ عَزَّ وَ جَلَّ عَلَى لِسَانِ نَبِيِّهِ ص

So be gentle, O seeker, in your seeking, and reduce your haste. Wake up from the slumber of your heedlessness, and reflect upon what has come from Allah<sup>-azwj</sup> Mighty and Majestic, through the tongue of His<sup>-azwj</sup> Prophet<sup>-saww</sup>.

وَ اخْتَفِظُوا بِهَذِهِ الْخُصُوفِ السَّبْعَةِ فَإِنَّهَا مِنْ أَهْلِ الْحِجَى وَ مِنْ عَزَائِمِ اللَّهِ فِي الذِّكْرِ الْحَكِيمِ أَنَّهُ لَيْسَ لِأَحَدٍ أَنْ يُلْقَى اللَّهُ عَزَّ وَ جَلَّ بِخَلَّةٍ مِنْ هَذِهِ الْخِلَالِ

Preserve these seven characteristics, for they belong to the people of understanding and are among the firm Commands of Allah<sup>-azwj</sup> in the Wise Remembrance, that no one should meet Allah<sup>-azwj</sup> Mighty and Majestic, while bearing any of these traits: -

الْبِرْكُ بِاللَّهِ فِيمَا افْتَرَضَ أَوْ شَفَاءَ غَيْظٍ بِحَلَاكِ نَفْسِهِ أَوْ أَمْرٍ بِأَمْرٍ يَعْصِي غَيْرَهُ وَ [أَوْ أَمْرٍ بِأَمْرٍ يَعْصِي غَيْرَهُ أَوْ] اسْتَنْجَحَ إِلَى خُلُوقِهِ بِإِظْهَارِ بِدْعَةٍ فِي دِينِهِ أَوْ سَرَّهُ أَنْ يَحْمَدَهُ النَّاسُ بِمَا لَمْ يَفْعَلْ وَ الْمُتَحَيَّرُ الْمُخْتَالُ وَ صَاحِبُ الْأُفْهَةِ.

Associating partners with Allah<sup>-azwj</sup> in what He<sup>-azwj</sup> has Obligated; healing one's anger through self-destruction; commanding others to act while doing otherwise; or introducing an innovation in religion to gain favour from creatures; or being pleased that people praise him for what he had not done; or being arrogant and proud; or seeking grandeur and pomp!"<sup>149</sup>

عَبْدُ اللَّهِ بْنُ سُلَيْمَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّ اللَّهَ تَعَالَى وَسِعَ أَرْزَاقَ الْخُمُفَى لِيَغْتَبِرَ الْعُقَلَاءُ وَ يَعْلَمُوا أَنَّ الدُّنْيَا لَيْسَ يُنَالُ مَا فِيهَا بِعَمَلٍ وَ لَا حِيلَةٍ.

Abdullah Bin Suleyman said,

<sup>149</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 63 b

'I heard Abu Abdullah<sup>-asws</sup> saying: 'Allah<sup>-azwj</sup> the Exalted has Expanded the sustenance(s) of the idiots, for the intellectual to take a lesson that the world and whatever is in it isn't to be attained by deeds nor by strategies.<sup>150</sup>

64 ختص، الاختصاص قَالَ الصَّادِقُ ع إِذَا كَانَ عِنْدَ غُرُوبِ الشَّمْسِ وَكَلَّ اللَّهُ بِهَا مَلَكًا يُنَادِي أَيُّهَا النَّاسُ أَقْبِلُوا عَلَى رَبِّكُمْ فَإِنَّ مَا قَلَّ وَكَفَى خَيْرٌ بِمَا كَثُرَ وَ أَلْهَى

(The book) 'Al Ikhtisas' –

'Al-Sadiq<sup>-asws</sup> said: 'When the sun sets, Allah<sup>-azwj</sup> Assigns an Angel to it who calls out, 'O people! Turn to your Lord<sup>-azwj</sup>, for what is little but sufficient is better than what is abundant but distracting!'

وَمَلَكٌ مُوَكَّلٌ بِالشَّمْسِ عِنْدَ طُلُوعِهَا يَا ابْنَ آدَمَ لِدَ اللَّيْلِ وَابْنَ الْخَرَابِ وَاجْمَعْ لِلْفَنَاءِ.

And there is an Angel appointed at the rising of the sun who calls out, 'O son of Adam<sup>-as</sup>! You give birth for the death, and build for the ruination, and amass for the annihilation!"<sup>151</sup>

65 ص، قصص الأنبياء عليهم السلام عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَا سَدَّ اللَّهُ عَلَى مُؤْمِنٍ رِزْقًا يَأْتِيهِ مِنْ وَجْهِ إِلَّا فَتَحَ لَهُ مِنْ وَجْهِ آخَرَ فَأَتَاهُ وَ إِنْ لَمْ يَكُنْ لَهُ فِي حِسَابِهِ.

(The book) 'Qasas Al Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> does not Close upon a Momin sustenance coming to him from one source except He<sup>-azwj</sup> Opens for him from another source. It comes to him, and even if it does not happen to be in his calculations.<sup>152</sup>

66 ص، قصص الأنبياء عليهم السلام عَنْ جَابِرٍ قَالَ: قَالَ الْحَسَنُ بْنُ عَلِيٍّ ع لِرَجُلٍ يَا هَذَا لَا تُجَاهِدِ الطَّلَبَ جِهَادَ الْعَدُوِّ وَلَا تَتَكَلَّمْ عَلَى الْقَدْرِ إِيكَالَ الْمُسْتَسْلِمِ فَإِنَّ إِثْثَاءَ الْفُضْلِ مِنَ السُّنَّةِ وَالْإِجْمَالِ فِي الطَّلَبِ مِنَ الْعِفَّةِ وَ لَيْسَتْ الْعِفَّةُ بِدَافِعَةٍ رِزْقًا وَلَا الْحِرْصُ بِجَالِبٍ فَضْلًا فَإِنَّ الرِّزْقَ مَقْسُومٌ وَ اسْتِعْمَالُ الْحِرْصِ اسْتِعْمَالُ الْمَأْتَمِّ.

(The book) 'Qasas Al Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – from Jabir who said,

'Al-Hassan Bin Ali<sup>-asws</sup> said to a man: 'O you! Do not strive for provision with the struggle of one who fights an enemy, nor rely on predestination like one who surrenders completely, for seeking bounty is part of the Sunnah, and moderation in seeking is part of chastity. Chastity does not prevent sustenance, and greed does not bring more bounty. Indeed, sustenance is apportioned, and utilising greed is utilising sin!"<sup>153</sup>

<sup>150</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 63 c

<sup>151</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 64

<sup>152</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 65

<sup>153</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 66

67 ص، قصص الأنبياء عليهم السلام عَبْدُ اللَّهِ بْنُ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: مِنْ صِحَّةِ يَقِينِ الْمُؤْمِنِ أَنْ لَا يُرْضِيَ النَّاسَ بِسَخَطِ اللَّهِ وَ لَا يَحْمَدُهُمْ عَلَى مَا رَزَقَ اللَّهُ وَ لَا يُلَوِّمُهُمْ عَلَى مَا لَمْ يُؤْتِهِ اللَّهُ فَإِنَّ رِزْقَ اللَّهِ لَا يَسُوْقُهُ حِرْصُ حَرِيصٍ وَ لَا يَرُدُّهُ كُزُّ كَارِهٍ وَ لَوْ أَنَّ أَحَدَكُمْ فَرَّ مِنْ رِزْقِهِ كَمَا يَفِرُّ مِنَ الْمَوْتِ لَأَدْرَكَهُ رِزْقُهُ قَبْلَ مَوْتِهِ كَمَا يُدْرِكُهُ الْمَوْتُ.

(The book) 'Qasas Al Anbiya<sup>as</sup>', may the greeting be upon them<sup>as</sup> – Abdullah Bin Sinan,

'From Abu Abdullah<sup>asws</sup>, he<sup>asws</sup> said: 'Part of the soundness of a Muslim man's certainty is that he does not seek to please people by displeasing Allah<sup>azwj</sup>, nor does he praise them for what Allah<sup>azwj</sup> has Provided, nor blame them for what Allah<sup>azwj</sup> has not Given him. For indeed, sustenance of Allah<sup>azwj</sup> is not brought by the eagerness of the eager, nor is it turned away by the dislike of the unwilling. And if one of you were to flee from his sustenance as he flees from death, his sustenance would reach him before his death, just as death reaches him!'<sup>154</sup>

68 محص، التمهيص عَنِ الثَّمَالِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص فِي حَجَّةِ الْوَدَاعِ أَلَا إِنَّ الرُّوحَ الْأَمِينَ نَفْسٌ لَا تَمُوتُ نَفْسٌ حَتَّى تَسْتَكْمِلَ رِزْقَهَا

(The book) 'Al Tamhees' – from Al Muallah,

'From Abu Ja'far<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said during the farewell Hajj: 'Indeed! The trustworthy Spirit blew into my<sup>saww</sup> soul that no soul will die until it completes its sustenance.

فَاتَّقُوا اللَّهَ وَ أَجْمَلُوا فِي الطَّلَبِ وَ لَا يَحْمِلَنَّكُمْ اسْتِيطَاءُ شَيْءٍ مِنَ الرِّزْقِ أَنْ تَطْلُبُوهُ بِشَيْءٍ مِنْ مَعْصِيَةِ اللَّهِ فَإِنَّ اللَّهَ لَا يُنَالُ مَا عِنْدَهُ إِلَّا بِطَاعَتِهِ قَدْ فَسَّمَ الْأَرْزَاقَ بَيْنَ خَلْقِهِ فَمَنْ هَتَكَ حِجَابَ السِّرِّ وَ عَجَلَ فَأَخَذَهُ مِنْ غَيْرِ جِلِّهِ قَصَّ مِنْ رِزْقِهِ الْحَلَالِ وَ حُوسِبَ عَلَيْهِ يَوْمَ الْقِيَامَةِ.

Fear Allah<sup>azwj</sup> be beautiful in the seeking, and do not let the delay of something from the sustenance carry you to seek it with something from disobedience to Allah<sup>azwj</sup>. Whatever is with Allah<sup>azwj</sup> cannot be attained except by obeying Him<sup>azwj</sup>. The sustenance(s) has been apportioned between His<sup>azwj</sup> creatures. The one who violates the veil of concealment and is hasty and takes it from non-lawful means, it will be reduced from his lawful sustenance and will be Reckoned against him on the Day of Qiyamah!'<sup>155</sup>

69 محص، التمهيص عَنْ سَهْلِ رَفَعَهُ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع كَمْ مِنْ مُتْعِبٍ نَفْسُهُ مُتْعَبٌ عَلَيْهِ وَ مُقْتَصِدٍ فِي الطَّلَبِ قَدْ سَاعَدَتْهُ الْمَقَادِيرُ.

(The book) 'Al Tamhees' – From Sahl, raising it, said,

'Amir Al-Momineen<sup>asws</sup> said: 'How many exhaust themselves in striving while sustenance is restricted for them, and how many are moderate in seeking while destiny assists them!'<sup>156</sup>

70 محص، التمهيص عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّ اللَّهَ وَسَّعَ فِي أَرْزَاقِ الْحَمَقَى لِيَعْتَبِرَ الْعُقَلَاءُ وَ يَعْلَمُوا أَنَّ الدُّنْيَا لَيْسَ يُنَالُ مَا فِيهَا بِعَمَلٍ وَ لَا حِيلَةٍ.

<sup>154</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 67

<sup>155</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 68

<sup>156</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 69

(The book) 'Al Tamhees' – from Abdullah Bin Suleyman who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'Allah<sup>-azwj</sup> Expands the sustenance(s) of the idiots for the intellectuals to take lessons and know that the world, whatever is in it, isn't attained by deeds nor strategies!''<sup>157</sup>

71 محص، التمحيص عن أبي عبد الله ع قال: لو كان العبد في جحر لأتاه رزقه فأجملوا في طلب.

(The book) 'Al Tamhees' –

'From Abu Abdullah<sup>-asws</sup> having said: 'Even if the servant were to be in a hole, his sustenance would come to him, so be beautiful in the seeking''.<sup>158</sup>

72 محص، التمحيص عن محمد بن مسلم عن أبي عبد الله ع قال: أتى الله أن يجعل أرزاق المؤمنين إلا من حيث لا يحتسبون.

(The book) 'Al Tamhees' – From Muhammad Bin Muslim,

'From Abu Abdullah<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> Refused to Make sustenance(s) of the Momineen except from where they are not anticipating''.<sup>159</sup>

73 محص، التمحيص عن علي بن السندي عن أبي عبد الله ع قال: إن الله جعل أرزاق المؤمنين من حيث لا يحتسبون و ذلك أن العبد إذا لم يعرف وجه رزقه كثر دعاؤه.

(The book) 'Al Tamhees' – from Ali Bin Al Sindy,

'From Abu Abdullah<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> Makes the sustenance(s) of the Momineen from where they are not anticipating, and that is because the servant, when he does not know the direction of sustenance, will supplicate frequently.'<sup>160</sup>

74 محص، التمحيص عن أبي جعفر ع قال قال رسول الله ص الدنيا دُولٌ فما كان لك منها أتك على ضعفك و ما كان منها عليك لم تدفعه بقوتك و من انقطع رجاؤه بما فات استراح بدنه و من رضي بما رزقه الله قرت عينه.

(The book) 'Al Tamhees' –

'From Abu Ja'far<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The world is in turns. What is meant for you from it will come to you even in your weakness, and what is against you from it, you will not be able to repel with your strength. Whoever lets go of hope for what has passed finds rest in his body, and whoever is content with what Allah<sup>-azwj</sup> has Provided, his eyes are delighted!''<sup>161</sup>

<sup>157</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 70

<sup>158</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 71

<sup>159</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 72

<sup>160</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 73

<sup>161</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 74

75 محص، التمحيص عَنِ ابْنِ فَضَّالٍ رَفَعَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَيْكُنْ طَلَبُكَ لِلْمَعِيشَةِ فَوْقَ كَسْبِ الْمُضَيِّعِ وَ دُونَ طَلَبِ الْخَرِيسِ الرَّاضِي بِدُنْيَاهُ الْمُطْمَئِنِّ إِلَيْهَا وَ أَنْزَلَ نَفْسَكَ مِنْ ذَلِكَ بِمَنْزِلَةِ الْمُتَعَفِّفِ تَرْفَعُ نَفْسَكَ عَنْ مَنْزِلَةِ الْوَاهِنِ الضَّعِيفِ وَ تَكْتَسِبُ مَا لَا بُدَّ لِلْمُؤْمِنِ مِنْهُ إِنَّ الَّذِينَ أُعْطُوا الْمَالَ ثُمَّ لَمْ يَشْكُرُوا لَا مَالَ لَهُمْ.

(The book) 'Al Tamhees' – From Ibn Fazzal, raising it,

'From Abu Abdullah<sup>asws</sup> having said: 'Let your pursuit of livelihood be above the earning of the negligent and below the pursuit of the greedy who is content with his worldly life and at ease in it. Place yourself in the position of the fair and modest person, raising yourself above the level of the weak and feeble. Earn what the Momin cannot do without. Indeed, those who were given wealth and did not show gratitude, there is no wealth for them!'"<sup>162</sup>

76 دَعَاوَاتِ الرَّاَوْنَدِيِّ، ذَكَرُوا أَنَّ سُلَيْمَانَ ع كَانَ جَالِسًا عَلَى شَاطِئِ بَحْرِ فَبَصُرَ بِنَمْلَةٍ تَحْمِلُ حَبَّةَ قَمْحٍ تَذْهَبُ بِهَا نَحْوَ الْبَحْرِ فَجَعَلَ سُلَيْمَانُ يَنْتَظِرُ إِلَيْهَا حَتَّى بَلَغَتِ الْمَاءَ فَإِذَا بِضَفْدَعَةٍ قَدْ أَخْرَجَتْ رَأْسَهَا مِنَ الْمَاءِ وَ فَتَحَتْ فَاها فَدَخَلَتِ النَّمْلَةُ فَاهَا وَ غَاصَتِ الضَّفْدَعَةُ فِي الْبَحْرِ سَاعَةً طَوِيلَةً وَ سُلَيْمَانُ يَتَفَكَّرُ فِي ذَلِكَ مُتَعَجِّبًا ثُمَّ إِذَا خَرَجَتْ مِنَ الْمَاءِ وَ فَتَحَتْ فَاهَا فَخَرَجَتِ النَّمْلَةُ مِنْ فِيهَا وَ لَمْ تَكُنْ مَعَهَا الْحَبَّةُ

(The book) 'Dawaat' of Al Rawandi –

'They mentioned that Suleyman<sup>as</sup> was seated at the riverbank. He<sup>as</sup> sighted an ant carrying a grain of wheat. It went with it towards the sea. Suleyman<sup>as</sup> went on looking at it until it reached the water. There was a frog which had protruded its head from the water and opened its mouth. The ant entered into its mouth and the frog immersed in the water for a long time, and Suleyman<sup>as</sup> was thinking regarding that, astounded. Then it emerged from the water and opened its mouth. The ant came out from its mouth and the grain wasn't with it.

فَدَعَاها سُلَيْمَانُ وَ سَأَلَهَا عَنْ خَالِهَا وَ شَأْنِهَا وَ أَتَيْنَ كَانَتْ فَقَالَتْ يَا نَبِيَّ اللَّهِ فِي قَعْرِ هَذَا الْبَحْرِ الَّذِي تَرَاهُ صَخْرَةٌ مُجَوَّفَةٌ وَ فِي جَوْفِهَا دُودَةٌ عَمِيَاءُ وَ قَدْ خَلَقَهَا اللَّهُ تَعَالَى هُنَالِكَ فَلَا تَقْدِرُ أَنْ تَخْرُجَ مِنْهَا لِطَلَبِ مَعَاشِهَا وَ قَدْ وَكَّلَنِي اللَّهُ بِرِزْقِهَا

Suleyman<sup>as</sup> called it and asked it about its situation and its affair, and where it was. It said, 'O Prophet<sup>as</sup> of Allah<sup>azwj</sup>! in the bottom of this sea which you<sup>as</sup> see, there is a hollow rock, and in its interior there is a blind insect, and Allah<sup>azwj</sup> has Created it over there. It is no able upon coming out from it to seek its livelihood, and Allah<sup>azwj</sup> has Allocated me with its sustenance.

فَأَنَا أَحْمِلُ رِزْقَهَا وَ سَخَّرَ اللَّهُ هَذِهِ الضَّفْدَعَةَ لِتَحْمِلَنِي فَلَا يَضُرُّنِي الْمَاءُ فِي فِيهَا وَ تَضَعُ فَاهَا عَلَى ثُقْبِ الصَّخْرَةِ وَ أَدْخُلُهَا ثُمَّ إِذَا أُوْصِلْتُ رِزْقَهَا إِلَيْهَا خَرَجْتُ مِنْ ثُقْبِ الصَّخْرَةِ إِلَى فِيهَا فَتُخْرِجُنِي مِنَ الْبَحْرِ

Thus, I carry its sustenance, and Allah<sup>azwj</sup> has Subdue this frog to carry me, so the water would not harm me inside it, and it places its mouth upon a hole of the rock and I enter it. Then when I deliver its sustenance to it, I come out from the hold of the rock to its mouth and it expels me from the sea'.

<sup>162</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 75

قَالَ سُلَيْمَانُ وَ هَلْ سَمِعْتِ لَهَا مِنْ تَسْبِيحَةٍ

Suleyman<sup>as</sup> said: 'And have you heard any glorification for it?'

قَالَتْ نَعَمْ تَقُولُ يَا مَنْ لَا تَنْسَانِي فِي جُوفِ هَذِهِ الصَّخْرَةِ تَحْتَ هَذِهِ اللَّجَّةِ بِرُزْقِكَ لَا تَنْسَ عِبَادَكَ الْمُؤْمِنِينَ بِرَحْمَتِكَ.

It said, 'Yes! It says, 'O One who did not Forget me in the interior of this rock, beneath these depths with Your<sup>azwj</sup> sustenance! Do not Forget Your<sup>azwj</sup> believing servants, by Your<sup>azwj</sup> Mercy! (unknown source, derogatory)<sup>163</sup>

77 نَحَجُ، نَحَجُ الْبَلَاغَةَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع يَا ابْنَ آدَمَ لَا تَحْمِلْ هَمَّ يَوْمِكَ الَّذِي لَمْ يَأْتِكَ عَلَى هَمِّ يَوْمِكَ الَّذِي قَدْ أَتَاكَ فَإِنَّهُ إِنْ يَكُ مِنْ عُمْرِكَ يَأْتِ اللَّهُ فِيهِ بِرُزْقِكَ.

(The book) 'Nahj Al Balagah' –

'Amir Al-Momineen<sup>asws</sup> said: 'Do not carry the worries of your day which has yet to come to you over your day which has already come to you, for if it does happen to be in your lifespan, Allah<sup>azwj</sup> will Bring its sustenance to you''.<sup>164</sup>

78 وَ قَالَ ع اَعْلَمُوا عِلْمًا يَقِينًا أَنَّ اللَّهَ لَمْ يَجْعَلْ لِلْعَبْدِ وَ إِنْ عَظُمَتْ حِيلَتُهُ وَ اشْتَدَّتْ طَلِبَتُهُ وَ قَوِيَتْ مَكِيدَتُهُ أَكْثَرَ مِمَّا سَمِيَ لَهُ فِي الذِّكْرِ الْحَكِيمِ وَ لَمْ يَخْلُ بَيْنَ الْعَبْدِ وَ فِي ضَعْفِهِ وَ فِي قِلَّةِ حِيلَتِهِ وَ بَيْنَ أَنْ يَبْلُغَ مَا سَمِيَ لَهُ فِي الذِّكْرِ الْحَكِيمِ

And he<sup>asws</sup> said: 'Know with certain knowledge that Allah<sup>azwj</sup> has not Made for the servant, and even if his means are great, and his demand is intense, and his plans are strong, any more than what has been specified for him in the Wise Reminder (Quran), and did not Form a barrier between the servants during his weakness, and lack of his means, and between his receiving what had been named for him in the Wise Reminder (Quran).

الْعَارِفُ بِهَذَا الْعَامِلُ بِهِ أَعْظَمُ النَّاسِ رَاحَةً فِي مَنَفَعَةٍ وَ التَّارِكُ لَهُ الشَّاكُّ فِيهِ أَعْظَمُ النَّاسِ شُغْلًا فِي مَضَرَّةٍ

And the recogniser of this, the one working with it, will be mightiest of the people in comfort regarding benefit, and the neglecter of it, the one doubting in it, will be mightiest of the people of pre-occupation being busy in harms.

وَ رَبُّ مُنْعَمٍ عَلَيْهِ مُسْتَدْرِجٌ بِالنُّعْمَى وَ رَبُّ مُبْتَلَى مُصْنُوعٌ لَهُ بِالْبُلُوَى

And sometimes the one who is Favoured upon is gradually encroached by the bounties, and sometimes an afflicted one is being done good to by the afflictions.

فَرَدُّ أَثَرِهَا الْمُسْتَمِعُ فِي شُكْرِكَ وَ قَصْرُ مِنْ عَجَلَتِكَ وَ قِفْ عِنْدَ مُنْتَهَى رِزْقِكَ.

<sup>163</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 76

<sup>164</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 77



Therefore increase, O listener, in your thanking, and reduce from your haste, and pause at the ends of your sustenance.<sup>165</sup>

79 وَ قَالَ ع لَا يُصَدِّقُ إِيمَانُ عَبْدٍ حَتَّى يَكُونَ بِمَا فِي يَدِ اللَّهِ سُبْحَانَهُ أَوْثَقَ مِنْهُ بِمَا فِي يَدِهِ.

And he<sup>-asws</sup> said: ‘Eman of a servant is not sincere until he trusts more in what is in the hand of Allah<sup>-azwj</sup> the Glorious, than in what is in his own hand!’<sup>166</sup>

80 وَ قِيلَ لَهُ لَوْ سَدَّ عَلَى رَجُلٍ بَابُ بَيْتٍ وَ تَرِكَ فِيهِ مِنْ أَيْنَ كَانَ يَأْتِيهِ رِزْقُهُ

And it was said to him<sup>-asws</sup>, ‘If a door is locked upon a servant and he is left in it, from where would his sustenance come to him?’

فَقَالَ مِنْ حَيْثُ يَأْتِيهِ أَجَلُهُ.

He<sup>-asws</sup> said: ‘From where his death would come to him’.<sup>167</sup>

81 وَ قَالَ ع الرِّزْقُ رِزْقَانِ رِزْقٌ تَطْلُبُهُ وَ رِزْقٌ يَطْلُبُكَ فَإِنْ لَمْ تَأْتِهِ أَتَاكَ فَلَا تَحْمِلْ هَمَّ سَنَتِكَ عَلَى هَمِّ يَوْمِكَ كَفَاكَ كُلَّ يَوْمٍ مَا فِيهِ

And he<sup>-asws</sup> said: ‘And he<sup>-asws</sup> said: ‘O son of Adam<sup>-as</sup>! The sustenance is (two types of) sustenance(s) – a sustenance you are seeking it, and a sustenance seeking you. If you don’t go to it, it will come to you, therefore, do not carry worries of your (whole) year upon the worries of your day. Every day suffices you upon what is in it.

فَإِنْ تَكُنِ السَّنَةُ مِنْ عُمْرِكَ فَإِنَّ اللَّهَ تَعَالَى سَيُؤْتِيكَ فِي كُلِّ عَدٍ جَدِيدٍ مَا قَسَمَ لَكَ وَ إِنْ لَمْ تَكُنِ السَّنَةُ مِنْ عُمْرِكَ فَمَا تَصْنَعُ بِهِمَا لَيْسَ لَكَ

If the year from your life happens, then Allah<sup>-azwj</sup> the Exalted will be Giving you a new what He<sup>-azwj</sup> has Apportioned for you; and if the year from your life does not happen, then what have you to do with the worries regarding what isn’t for you?

وَ [لَمْ يَسْبِقْكَ] لَنْ يَسْبِقَكَ إِلَى رِزْقِكَ طَالِبٌ وَ لَنْ يَغْلِبَكَ عَلَيْهِ غَالِبٌ وَ لَنْ يُبْطِئَ عَنْكَ مَا قَدْ قُدِّرَ لَكَ

And a seeker will not precede you to your sustenance and an overcomer will never overcome you upon it, and it will never be delayed what has been Pre-determined for you’.<sup>168</sup>

82 وَ قَالَ ع مَنْ لَمْ يُعْطَ قَاعِدًا لَمْ يُعْطَ قَائِمًا.

And he<sup>-asws</sup> said: ‘And one not being given while seated will not be given while standing!’<sup>169</sup>

<sup>165</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 78

<sup>166</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 79

<sup>167</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 80

<sup>168</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 81

<sup>169</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 82

83 وَ قَالَ ع لُحْدٌ مِّنَ الدُّنْيَا مَا أَتَاكَ وَ تَوَلَّ عَمَّا تَوَلَّى عَنْكَ فَإِنْ أَنْتَ لَمْ تَفْعَلْ فَأَجِمْ فِي الطَّلَبِ.

And he<sup>-asws</sup> said: 'Take from the world what it has given you, and turn around from what it turns away from you, for it you cannot do so, then be moderate in the seeking'.<sup>170</sup>

84 وَ قَالَ ع كُلُّ مُقْتَصِرٍ عَلَيْهِ كَافٍ.

And he<sup>-asws</sup> said: 'Everything contented upon, suffices'.<sup>171</sup>

85 وَ قَالَ ع إِنَّ أَحْسَرَ النَّاسِ صَفَقَةً وَ أَخْيَبَهُمْ سَعْيًا رَجُلٌ أَحْلَقَ بَدَنَهُ فِي طَلَبِ آمَالِهِ لَمْ تُسَاعِدْهُ الْمَقَادِيرُ عَلَى إِزَادَتِهِ فَخَرَجَ مِنَ الدُّنْيَا بِحَسْرَتِهِ وَ قَدِيمَ عَلَى الْآخِرَةِ بِتَبِعَتِهِ.

And he<sup>-asws</sup> said: 'The most loss-making of the people in a bargain and their most disappointed in striving is a man who wears out his body in seeking wishes but the fate does not assist him upon his intentions, so he exits from the world with his regrets and goes ahead to the Hereafter with its consequences'.<sup>172</sup>

86 وَ قَالَ ع الرَّزْقُ رِزْقَانِ طَالِبٌ وَ مَطْلُوبٌ فَمَنْ طَلَبَ الدُّنْيَا طَلَبَ الْمَوْتَ حَتَّى يَخْرُجَ عَنْهَا وَ مَنْ طَلَبَ الْآخِرَةَ طَلَبَتِ الدُّنْيَا حَتَّى يَسْتَوِي رِزْقُهُ مِنْهَا.

And he<sup>-asws</sup> said: 'There are two types of sustenance(s) – a seeker and a sought. The one who seeks the world, the death will seek him until he exits from it, and the one who seeks the Hereafter, the world will seek him until he gets his plentiful share of sustenance from it'.<sup>173</sup>

87 وَ قَالَ ع أَمَّا بَعْدُ فَإِنَّ الْأَمْرَ يَنْزِلُ مِنَ السَّمَاءِ إِلَى الْأَرْضِ كَقَطْرِ الْمَطَرِ إِلَى كُلِّ نَفْسٍ بِمَا قُسِمَ لَهَا مِنْ زِيَادَةٍ أَوْ نُقْصَانٍ فَإِذَا رَأَى أَحَدُكُمْ لِأَخِيهِ غَفِيرَةً مِنْ أَهْلٍ أَوْ مَالٍ أَوْ نَفْسٍ فَلَا تُكُونَنَّ لَهُ فِتْنَةً فَإِنَّ الْمَرْءَ الْمُسْلِمَ مَا لَمْ يَعْشَ دَنَاءَةً تَظْهَرُ فَيَحْشَعُ لَهَا إِذَا ذُكِرَتْ وَ تُعْرَى بِهِ لِقَامُ النَّاسِ كَانَ كَالْفَالِجِ الْيَاسِرِ الَّذِي يَنْتَظِرُ أَوَّلَ فَوْزَةٍ مِنْ قَدَاحِهِ يُوجِبُ لَهُ الْمَعْنَمَ وَ يُرْفَعُ عَنْهُ بِهَا الْمَعْرَمُ

As for after, the Command descends from the sky to the earth like the drops of rain, to every person with what has been Apportioned for it or reduction. If one of you were to see his brother having abundance regarding the family, or wealth, or persons, it should not be a Fitna for him, for the Muslim person, for as long as the lowliness does not overwhelm him apparently, he should be humble to it when reminded, the lowly people would be emboldened by it, would be like that affluent gambler who awaits the first success from his cup (roll of dice) to pull the riches to him and the creditors would be raised away from him.

وَ كَذَلِكَ الْمَرْءُ الْمُسْلِمُ الْبَرِيءُ مِنَ الْخِيَانَةِ يَنْتَظِرُ مِنَ اللَّهِ إِحْدَى الْحُسَيْنَيْنِ إِمَّا دَاعِيَ اللَّهِ فَمَا عِنْدَ اللَّهِ خَيْرٌ لَهُ وَ إِمَّا رِزْقَ اللَّهِ

And like that is the Muslim person, the one disavowed from the betrayal, he awaits from Allah<sup>-azwj</sup> one of the two good things – either the caller of Allah<sup>-azwj</sup>, so whatever is with Allah<sup>-azwj</sup> is better for him, or sustenance of Allah<sup>-azwj</sup> (in this world).

<sup>170</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 83

<sup>171</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 84

<sup>172</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 85

<sup>173</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 86

فَإِذَا هُوَ دُوْ أَهْلٍ وَ مَالٍ وَ مَعَهُ دِينُهُ وَ حَسْبُهُ إِنَّ الْمَالَ وَ الْبَنِينَ خَزَنَةُ الدُّنْيَا وَ الْعَمَلُ الصَّالِحُ خَزَنَةُ الْآخِرَةِ وَ قَدْ جَمَعَهَا اللَّهُ لِأَقْوَامٍ

So, when is with family and wealth, and with him is his religion and his respect, and surely the wealth and the sons are a cultivation of the world, while the righteous deeds are a cultivation of the Hereafter, and Allah<sup>-azwj</sup> has Gathered both for a people.

فَاخْذَرُوا مِنَ اللَّهِ مَا خَدَرَكُمْ مِنْ نَفْسِهِ وَ اخْشَوْهُ خَشْيَةً لَيْسَتْ بِتَعْدِيرٍ وَ اعْمَلُوا فِي غَيْرِ رِيَاءٍ وَ لَا سُمْعَةٍ فَإِنَّهُ مَنْ يَعْمَلْ لِغَيْرِ اللَّهِ يَكِلْهُ اللَّهُ إِلَى مَنْ عَمِلَ لَهُ

Therefore, be caution from Allah<sup>-azwj</sup> of what He<sup>-azwj</sup> has Cautioned you all from Himself<sup>-azwj</sup> and fear Him<sup>-azwj</sup> with a fear which isn't with an excuse, and work without showing off and not to be heard (reputation), for the one who works for other than Allah<sup>-azwj</sup>, Allah<sup>-azwj</sup> will Allocate him to the one he had worked for.

نَسْأَلُ اللَّهَ مَنَازِلَ الشُّهَدَاءِ وَ مُعَايِشَةَ السُّعَدَاءِ وَ مُرَافَقَةَ الْأَنْبِيَاءِ الْحَقُّبَةِ.

We ask Allah<sup>-azwj</sup> for the status of the martyrs, and the living of the fortunate ones, and the friendship of the Prophets<sup>-as'</sup> – the sermon<sup>174</sup>.

88 وَ قَالَ ع فِي وَصِيَّتِهِ لِلْحَسَنِ وَ اعْلَمْ يَقِيناً أَنَّكَ لَنْ تَبْلُغَ أَمْلَكَ وَ لَنْ تَعْدُوَ أَجَلَكَ وَ أَنَّكَ فِي سَبِيلِ مَنْ كَانَ قَبْلَكَ فَحَفِظْ فِي الطَّلَبِ وَ أَجْمِلْ فِي الْمُكْتَسَبِ فَإِنَّهُ رَبُّ طَلَبٍ قَدْ جَرَّ إِلَى حَرْبٍ فَلَيْسَ كُلُّ طَالِبٍ بِمَرْزُوقٍ

And he<sup>-asws</sup> said in a bequest to Al-Hassan<sup>-asws</sup>: 'And know with certainty that you<sup>-asws</sup> will never reach your<sup>-asws</sup> wishes and will never exceed your<sup>-asws</sup> term, and you<sup>-asws</sup> are in a way of the ones who existed before you<sup>-asws</sup>. Therefore, be humble in the seeking, and be moderate in the earnings, for sometimes a seeking drags to a war, and it isn't so that every seeker will be Graced, nor will every moderate one be deprived.

وَ أَكْرَمِ نَفْسَكَ عَنْ كُلِّ دَنِيَّةٍ وَ إِنْ سَافَتْكَ إِلَى الرِّعَائِبِ فَإِنَّكَ لَنْ تَعْتَاضَ بِمَا تَبْدُلُ مِنْ نَفْسِكَ عِوَضاً وَ لَا تُكُنْ عَبْدَ غَيْرِكَ وَ قَدْ جَعَلَ اللَّهُ حُرّاً وَ مَا خَيْرَ خَيْرٍ لَا يُنَالُ إِلَّا بِشَرٍّ وَ يُسَرُّ لَا يُنَالُ إِلَّا بِعُسْرِ

And honour yourself<sup>-asws</sup> from every lowliness and even if it were to reach to your<sup>-asws</sup> desires, for you<sup>-asws</sup> will never be reimbursed with what you had spent from yourself<sup>-asws</sup> (honour); and do not be a slave of others, and Allah<sup>-azwj</sup> has Made you<sup>-asws</sup> free; and there is no good in any good which cannot be attained except by evil, nor in an ease which brings hardship (later).

وَ إِيَّاكَ أَنْ تُوجِفَ بِكَ مَطَايَا الطَّمَعِ فَتُورِدَكَ مَنَاهِلَ الْهَلَكَةِ وَ إِنْ اسْتَطَعْتَ أَنْ لَا يَكُونَ بَيْنَكَ وَ بَيْنَ اللَّهِ دُوْ نِعْمَةٍ فَافْعَلْ فَإِنَّكَ مُدْرِكُ قَسْمِكَ وَ أَخِذْ سَهْمَكَ وَ إِنْ أَلْسِيزَ مِنَ اللَّهِ سُبْحَانَهُ أَكْرَمُ وَ أَعْظَمُ مِنَ الْكَثِيرِ مِنْ خَلْقِهِ وَ إِنْ كَانَ كُلُّ مَنْهُ

And beware not to overburden with the bags of greed for these will bring you<sup>-asws</sup> to the springs of destruction; and if you<sup>-asws</sup> have the capacity for there not to be anyone with bounties between you<sup>-asws</sup> and Allah<sup>-azwj</sup>, then do so for you<sup>-asws</sup> will realise your<sup>-asws</sup> portion and take your<sup>-asws</sup> share, and that the less from Allah<sup>-azwj</sup> the Glorious is mightier and more honourable than the lot from His<sup>-azwj</sup> creatures, and even thought all of it is from Him<sup>-azwj</sup>.

<sup>174</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 87

و تَلَفِيكَ مَا فَرَطَ مِنْ صَمْتِكَ أَيْسَرُ مِنْ إِذْرَاكِكَ مَا فَاتَ مِنْ مَنْطِقِكَ وَ حِفْظُ مَا فِي الْوَعَاءِ بِشَدِّ الْوَكَاةِ

And rectifying what is excessive from your<sup>-asws</sup> silence is easier than your<sup>-asws</sup> recalling what has escaped from your speaking and protect what is in the container by closing the lid.

وَ حِفْظُ مَا فِي يَدَيْكَ أَحَبُّ إِلَيَّ مِنْ طَلَبِ مَا فِي يَدَيْ غَيْرِكَ وَ مَرَارَةُ النَّاسِ خَيْرٌ مِنَ الطَّلَبِ إِلَى النَّاسِ وَ الْحِرْفَةُ مَعَ الْعَقَّةِ خَيْرٌ مِنَ الْغِنَى مَعَ الْفُجُورِ

And protecting what is in your<sup>-asws</sup> hands is more beloved to me<sup>-asws</sup> than seeking what is in the hands of others, and bitterness of the despair is better than seeking to the people, and the manual labour with the chastity is better than the riches with the immoralities.

وَ رَبِّ سَاعٍ فِيمَا يَضُرُّهُ وَ يَنْسِنُ الطَّعَامُ الْحَرَامُ النَّاجِرُ مُخَاطِرٌ رَبِّ يَسِيرٌ أَمْنَى مِنْ كَثِيرٍ

And sometimes one strives for what harms him, and evil is the unlawful food. The merchant takes risks. Often, a little is more Blessed and fruitful than much.

وَ اعْلَمْ يَا بُنَيَّ أَنَّ الرِّزْقَ رِزْقَانِ رِزْقٌ تَطْلُبُهُ وَ رِزْقٌ يَطْلُبُكَ فَإِنْ أَنْتَ لَمْ تَأْتِهِ أَتَاكَ.

And know, O my<sup>-asws</sup> son<sup>-asws</sup>! The sustenance is (two types of) sustenance(s) – a sustenance you seek and a sustenance seeking you<sup>-asws</sup>, so if you<sup>-asws</sup> do not go to it, it will come to you<sup>-asws</sup>.<sup>175</sup>

89 وَ قَالَ عَ سَاهِلِ الدَّهْرِ مَا ذَلَّ لَكَ قَعُودُهُ وَ لَا تُخَاطِرْ بِشَيْءٍ رَجَاءَ أَكْثَرِ مِنْهُ.

And he<sup>-asws</sup> said: ‘Be easy-going with the times for as long as it’s seating is humbled to you<sup>-asws</sup>; and do not take risk with anything hoping for more than it’.<sup>176</sup>

باب 3 المبكرة في طلب الرزق

## CHAPTER 3 – RISING EARLY IN SEEKING THE SUSTENANCE

1- ن، عيون أخبار الرضا عليه السلام ل، الخصال مُحَمَّدُ بْنُ أَحْمَدَ الْبَغْدَادِيُّ عَنْ عَلِيِّ بْنِ مُحَمَّدَ بْنِ جَعْفَرٍ عَنْ دَارِمِ بْنِ قَبِيصَةَ وَ نُعَيْمِ بْنِ صَالِحٍ عَنِ الرِّضَا عَنْ آبَائِهِ عَ قَالَ قَالَ رَسُولُ اللَّهِ ص اللَّهُمَّ بَارِكْ لِأُمَّتِي فِي بُكُورِهَا يَوْمَ سَبِّحِهَا وَ حَمْسِهَا.

(The book) ‘Uyoun Akhbar Al Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>, (and) ‘Al Khisaal’ – Muhammad Bin Ahmad Al Baghdadi, from Ali Bin Muhammad Bin Ja’far, from Darim Bin Qabeysa, and Nueym Bin Salih,

‘From Al Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘O Allah<sup>-azwj</sup>! Bless for my<sup>-saww</sup> community in their going out early (for earning), on their Saturdays and their Thursdays’.<sup>177</sup>

<sup>175</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 88

<sup>176</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 2 H 89

<sup>177</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 3 H 1

2- ل، الخصال بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص بَاكِزُوا بِالْحَوَائِجِ فَإِنَّهَا مُيسَّرَةٌ وَ تَرَبُّوا الْكِتَابَ فَإِنَّهُ أَنْجَحٌ لِلْحَاجَةِ وَ اطلُّوا الْخَيْرَ عِنْدَ حَسَنِ الْوُجُوهِ.

(The book) 'Al Khisaal' – By this chain, said,

'Rasool-Allah<sup>-saww</sup> said: 'Set out early for the needs for these would be easily fulfilled, (apply) dust on the letter (seal it), for it would be most successful for the need, and seek the goodness in the presence of the good faces''.<sup>178</sup>

3- ن، عيون أخبار الرضا عليه السلام ل، الخصال ماجيلويه عَنْ غَمِيهِ عَنِ الرَّبِيعِيِّ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ عَنْ أَبِي أَيُّوبَ الْمَدِينِيِّ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ عَنِ الرِّضَا عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص تَعَلَّمُوا مِنَ الْغُرَابِ خِصَالًا ثَلَاثًا اسْتِثَارَهُ بِالسِّفَادِ وَ بُكُورَهُ فِي طَلَبِ الرِّزْقِ وَ حَدَرَهُ.

(The book) 'Uyoun Akhbar Al Reza<sup>-asws</sup>', (and) 'Al Khisaal' – Majaylawiya, from his uncle, from Al Barqy, from Ali Bin Muhammad, from Abu Ayoub Al Madany, from Suleyman Bin Ja'far,

'From Al Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Learn three characteristics from the crow – concealing the copulation, and its setting out early in seeking the sustenance, and its cautiousness''.<sup>179</sup>

4- جاء، المجالس للمفيد الجعافي عَنِ ابْنِ عُقْدَةَ عَنْ جَعْفَرِ بْنِ عَبْدِ اللَّهِ عَنْ أَخِيهِ مُحَمَّدٍ عَنْ إِسْحَاقَ بْنِ جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ هِلَالٍ قَالَ قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ الصَّادِقُ ع إِذَا كَانَتْ لَكَ حَاجَةٌ فَأَعِدْ فِيهَا فَإِنَّ الْأَرْزَاقَ تُقَسَّمُ قَبْلَ طُلُوعِ الشَّمْسِ وَ إِنَّ اللَّهَ تَعَالَى بَارَكَ لِهَذِهِ الْأُمَّةِ فِي بُكُورِهَا وَ تَصَدَّقَ بِشَيْءٍ عِنْدَ الْبُكُورِ فَإِنَّ الْبَلَاءَ لَا يَنْحَطِّي الصَّدَقَةَ.

(The book) 'Al Majalis' of Al Mufeed – Al Jiany, from Ibn Uqdah, from Ja'far Bin Abdullah, from his father Muhammad, from Is'haq Bin Ja'far, from Muhammad Bin Hilal who said,

'Ja'far Bin Muhammad Al-Sadiq<sup>-asws</sup>: 'When there were to a need for you, go early morning regarding it, for the sustenance(s) are distributed before rising of the sun, and Allah<sup>-azwj</sup> the Exalted has Blessed the community in its setting out early, and donate something at early morning for the affliction does not get past the charity''.<sup>180</sup>

باب 4 جوامع المكاسب المحرمة و المحللة

## CHAPTER 4 – SUMMARY OF THE EARNINGS, THE PROHIBITED AND THE PERMISSIBLE

الآيات البقرة وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

The Verses: - (Surah Al Baqarah): **And do not devour your wealth between yourselves by falsehood [2:188].**

النساء لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ

<sup>178</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 3 H 2

<sup>179</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 3 H 3

<sup>180</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 3 H 4

(Surah) Al Nisaa: ***O you who believe! Do not devour your property among yourselves by the falsehood except if you happen to trade by an agreement from you; [4:29].***

و قال الله في ذم اليهود وَ أَكْلِهِمْ أَمْوَالَ النَّاسِ بِالْبَاطِلِ

And Allah<sup>-azwj</sup> Said in Condemnation of the Jews: ***and their devouring the wealth of the people by falsehood; [4:161].***

المائدة يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

(Surah) Al Maidah: ***O you who believe! Fulfil the agreements. [5:1].***

التوبة يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِنَ الْأَخْبَارِ وَ الرُّهْبَانِ لَيَأْكُلُونَ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَ يَصُدُّونَ عَنْ سَبِيلِ اللَّهِ

(Surah) Al Tawbah: ***O you who believe! Surely many of the Rabbis and the Monks are devouring the wealth of the people falsely and are hindering from the Way of Allah<sup>-azwj</sup>; [9:34].***

النور وَ لَا تُكْرِهُوا فَتَيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِيَبْتِغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا.

(Surah) Al Noor: ***and do not compel your young girls upon the immoralities if they want the chastity, in order to see the display the world of the world. [24:33].***

1- فس، تفسير القمي أبي عن الثؤفلي عن السكوتي عن أبي عبد الله ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع مِنَ السُّخْتِ ثَمَنُ الْمَيْتَةِ وَ ثَمَنُ الْكَلْبِ وَ مَهْرُ الْبَغِيِّ وَ الرِّشْوَةُ فِي الْحُكْمِ وَ أَجْرُ الْكَاهِنِ.

(The book) 'Tafseer al Qummi' – My father, from Al Nowfali, from Al Sakuni,

'From Abu Abdullah<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'From the ill-gotten gains is the price of the dead animal, and price of the dog, and dower of the prostitute, and bribe regarding the decision, and payment to a soothsayer (fortune teller).<sup>181</sup>

2- ب، قرب الإسناد مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبِلَادِ قَالَ: قُلْتُ لِأَبِي الْحَسَنِ الْأَوَّلِ ع جُعِلْتُ فِدَاكَ إِنَّ رَجُلًا مِنْ مَوَالِيكَ عِنْدَهُ جَوَارِ مُغَنِّيَاتٍ قِيمَتُهُنَّ أَرْبَعَةُ عَشَرَ أَلْفَ دِينَارٍ وَ قَدْ جَعَلَ لَكَ ثُلُثَهَا

(The book) 'Qurb al Isnaad' – Muhammad Bin Al-Husayn, from Ibrahim Bin Abu Al Bilad who said,

'I said to Abu Al-Hassan<sup>-asws</sup> the 1<sup>st</sup>, 'May I be sacrificed for you<sup>-asws</sup>! A man from your<sup>-asws</sup> friends has singing slave girls in his possession. Their value is fourteen thousand Dinars, and he has made a third of it for you<sup>-asws</sup>.

فَقَالَ لَا حَاجَةَ لِي فِيهَا إِنَّ ثَمَنَ الْكَلْبِ وَ الْمُغَنِّيَةِ سُخْتٌ.

<sup>181</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 1

He<sup>-asws</sup> said: 'There is no need for me regarding it. The price of the dog and the singers are ill-gotten gains!'<sup>182</sup>

3- ل، الخصال ابن الوليد عن محمد العطار عن الأشعري عن موسى بن عمر عن ابن المغيرة عن السكوني عن الصادق عن آبائه عن علي ع قال: السُّحْتُ ثَمَنُ الْمَيْتَةِ وَ ثَمَنُ الْكَلْبِ وَ ثَمَنُ الْخَمْرِ وَ مَهْرُ الْبَغِيِّ وَ الرِّشْوَةُ فِي الْحُكْمِ وَ أَجْرُ الْكَاهِنِ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ash'ary, from Musa Bin Umar, from Ibn Al Mugheira, from Al Sakuni,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from Ali<sup>-asws</sup> having said: 'The ill-gotten gains are, price of the dead animal, and price of the dog, and price of the wine, and dower of the prostitute, and the bribe regarding the decision, and payment to a sooth-sayer''<sup>183</sup>

4 شي، تفسير العياشي عن السكوني مثله.

(The book) 'Tafseer Al Ayyashi – From Al Sakuni, similar to it.<sup>184</sup>

5- ل، الخصال أبي عن سعد عن ابن عيسى عن ابن محبوب عن أبي أيوب عن عمارة بن مزوان قال قال أبو عبد الله ع السُّحْتُ أَنْوَاعٌ كَثِيرَةٌ مِنْهَا مَا أُصِيبَ مِنْ أَعْمَالِ الْوَلَاةِ الظَّالِمَةِ وَ مِنْهَا أَجُورُ الْقَضَاةِ وَ أَجُورُ الْقَوَاجِرِ وَ ثَمَنُ الْخَمْرِ وَ التَّبِيدِ الْمُسْكِرِ وَ الرِّبَا بَعْدَ التَّيَبُّتِ فَأَمَّا الرِّشْوَةُ يَا عَمَّارُ فِي الْأَحْكَامِ فَإِنَّ ذَلِكَ الْكُفْرُ بِاللَّهِ الْعَظِيمِ وَ بِرَسُولِهِ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abu Ayoub, from Ammar Bin Marwan who said,

'Abu Abdullah<sup>-asws</sup> said: 'The ill-gotten gains are of many types. From these is what is gained from working for the unjust rulers, and from these are wages of the judges, and wages of the immoral women, and the price of wine, and the intoxicating Al-Nabeez, and the usury (interest) after the clear evidence. As for the bribery regarding the decision, O Ammar, that is the Kufr with Allah<sup>-azwj</sup> the Magnificent, and His<sup>-azwj</sup> Rasool<sup>-saww</sup>!'<sup>185</sup>

6- مع، معاني الأخبار ابن المونكل عن الحميري عن محمد بن الحسين عن ابن محبوب عن أبي أيوب عن عمارة بن مزوان قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الْغُلُولِ فَقَالَ كُلُّ شَيْءٍ غُلٌّ مِنَ الْإِمَامِ فَهُوَ سُحْتُ وَ أَكُلَ مَالِ الْيَتِيمِ سُحْتُ وَ السُّحْتُ أَنْوَاعٌ كَثِيرَةٌ إِلَى آخِرِ مَا مَرَّ.

(The book) 'Ma'any Al Akhbar' – Ibn Al Mutawakkil, from Al Himeyri, from Muhammad Bin Al-Husayn, from Ibn Mahboub, from Abu Ayoub, from Ammar Bin Marwan who said,

'I asked Abu Abdullah<sup>-asws</sup> about the embezzlement. He<sup>-asws</sup> said: 'All things embezzled from the Imam<sup>-asws</sup> is an ill-gotten gain, and devouring wealth of the orphan is an ill-gotten gain, and the ill-gotten gain is of many types' – up to end of what has passed''<sup>186</sup>

<sup>182</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 2

<sup>183</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 3

<sup>184</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 4

<sup>185</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 5

<sup>186</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 6

7 شي، تفسير العياشي عن عَمَّارٍ مِثْلَهُ.

(The book) 'Tafseer Al Ayyash' – From Ammar, similar to it.<sup>187</sup>

8- ل، الخصال إبراهيم بن محمد بن حمزة عن سالم بن سالم و أبي عروبة معاً عن أبي الخطاب عن هارون بن مسلم عن القاسم بن عبد الرحمن عن محمد بن علي عن أبيه عن الحسين بن علي ع قال: لما افتتح رسول الله ص خيبر دعا يقوسه فأتكى على سبيلها ثم حمد الله و أتى عليه و ذكر ما فتح الله له و نصره به

(The book) 'Al Khisaal' – Ibrahim Bin Muhammad Bin Hamza, from Salim Bin Salim, and Abu Arouba, both together from Abu Al Khattab, from Haroun Bin Muslim, from Al Qasim Bin Abdul Rahman, from Muhammad Bin Ali, from his father,

'From Al-Husayn Bin Ali<sup>asws</sup> having said: 'When Rasool-Allah<sup>saww</sup> conquered Khyber, he<sup>saww</sup> called for his<sup>saww</sup> bow. He<sup>saww</sup> leant upon its end. Then he<sup>saww</sup> praised Allah<sup>azwj</sup> and lauded upon Him<sup>azwj</sup>, and he<sup>saww</sup> mentioned what Allah<sup>azwj</sup> had Conquered for him<sup>saww</sup> and Helped him<sup>saww</sup> with.

و هَمَى عَنْ خِصَالٍ تَسْعَةَ عَنْ مَهْرٍ الْبَغِيِّ وَ عَنْ عَسِيبِ الدَّائِيَةِ يَعْنِي كَسْبَ الْفُحْلِ وَ عَنْ حَاتِمِ الذَّهَبِ وَ عَنْ ثَمَنِ الْكَلْبِ وَ عَنْ مِائِثِ الْأَرْجَوَانِ قَالَ أَبُو عَرُوبَةَ عَنْ مِائِثِ الْحُمْرِ وَ عَنْ ثَبُوسِ ثِيَابِ الْقَسِيِّ وَ هِيَ ثِيَابٌ تُنْسَجُ بِالشَّامِ وَ عَنْ أَكْلِ لُحُومِ السَّبَاعِ وَ عَنْ صَرْفِ الذَّهَبِ بِالذَّهَبِ وَ الْفِضَّةِ بِالْفِضَّةِ بَيْنَهُمَا فَضْلٌ وَ عَنْ النَّظَرِ فِي النُّجُومِ.

And he<sup>saww</sup> forbade from nine characteristics – from dower of the prostitute, and from the stud fee of a stallion, wearing gold rings, the price of a dog, garments made from crimson velvet (Abu 'Aroobah said, 'Garments associated with wine) wearing clothes made of Qassi fabric (which are garments woven in Syria), eating the flesh of predatory animals, exchanging gold for gold and silver for silver with a surplus between them, and gazing into the stars (astrology)".<sup>188</sup>

9- لي، الأماالي للصدوق في خبر مناهي النبي ص أنه هَمَى عَنْ بَيْعِ التَّرْدِ وَ الشِّطْرَنْجِ وَ قَالَ مَنْ فَعَلَ ذَلِكَ فَهُوَ كَأَكْلِ لَحْمِ الْخِنْزِيرِ وَ هَمَى عَنْ بَيْعِ الْحُمْرِ وَ أَنْ تُشْتَرَى الْحُمْرُ وَ أَنْ تُسْقَى الْحُمْرُ

(The book) 'Al Amaali' of Al Sadouq –

In a Hadeeth of prohibitions by the Prophet<sup>saww</sup>, he<sup>saww</sup> prohibited from the sale of dice and chess, and he<sup>saww</sup> said: 'One who does that, he is like the consumer of the flesh of swine', and he<sup>saww</sup> prohibited selling the wine and buying the wine, and quenching (serving) the wine.

وَ قَالَ ص لَعَنَ اللَّهُ الْحُمْرَ وَ غَاصِرَهَا وَ غَارِسَهَا وَ شَارِبَهَا وَ سَاقِيَهَا وَ بَائِعَهَا وَ مُشْتَرِيَهَا وَ آكِلَ ثَمَنِهَا وَ حَامِلَهَا وَ الْمَحْمُولَةَ إِلَيْهِ.

And he<sup>saww</sup> said: 'May Allah<sup>azwj</sup> Curse the wine, and its presser, and its planter, and its drinker, and its quencher (server), and its seller, and its buyer, and consumer of its price, and its carrier, and the one carried to!"<sup>189</sup>

<sup>187</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 7

<sup>188</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 8

<sup>189</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 9



10- وَقَالَ عَمِنْ اشْتَرَى خِيَانَةً وَهُوَ يَعْلَمُ فَهُوَ كَالَّذِي خَانَهَا.

And he<sup>-asws</sup> said: 'One who buys stolen items while he knows, he is like the one who stole it!'<sup>190</sup>

11- تحف العقول سَأَلَ الصَّادِقَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ سَائِلٌ فَقَالَ كَمْ جِهَاتٍ مَعَاشِ الْعِبَادِ الَّتِي فِيهَا الْاِكْتِسَابُ أَوْ التَّعَامُلُ بَيْنَهُمْ وَ وُجُوهُ النِّفَقَاتِ

(The book) 'Tuhaf Al Uqoul' –

Al-Sadiq<sup>-asws</sup>, upon him<sup>-asws</sup> be the Salawaat and the greetings, was asked by a questioner. The questioner asked: 'How many sources of livelihood are there for the servants through which they earn or deal with one another, and what are the forms of expenditure?'

فَقَالَ جَمِيعُ الْمَعَاشِ كُلُّهَا مِنْ وُجُوهِ الْمَعَامَلَاتِ فِيمَا بَيْنَهُمْ مِمَّا يَكُونُ لَهُمْ فِيهِ الْمَكَاسِبُ أَرْبَعُ جِهَاتٍ مِنَ الْمَعَامَلَاتِ

The Imam<sup>-asws</sup> answered: 'All livelihoods, in all their forms, arise from transactions among (people) through which they gain their earnings, and these transactions are of four categories.'

فَقَالَ لَهُ أَكُلُّ هَؤُلَاءِ الْأَرْبَعَةِ أَجْنَاسٍ حَلَالٌ أَوْ كُلُّهَا حَرَامٌ أَوْ بَعْضُهَا حَلَالٌ وَ بَعْضُهَا حَرَامٌ

The questioner said to him<sup>-asws</sup>, 'Are all these four categories lawful, or are all of these unlawful, or are some of these lawful and some of these unlawful?'

فَقَالَ قَدْ يَكُونُ فِي هَؤُلَاءِ الْأَجْنَاسِ الْأَرْبَعَةِ حَلَالٌ مِنْ جِهَةٍ حَرَامٌ مِنْ جِهَةٍ وَ هَذِهِ الْأَجْنَاسُ مُسَمَّيَاتٌ مَعْرُوفَاتُ الْجِهَاتِ

The Imam<sup>-asws</sup> replied: 'These four categories may be lawful from an aspect, and unlawful from an aspect, and these categories have been specified and are known.

فَأَوَّلُ هَذِهِ الْجِهَاتِ الْأَرْبَعَةِ الْوِلَايَةُ وَ التَّوْلِيَةُ بَعْضُهُمْ عَلَى بَعْضٍ فَأَوَّلُ الْوِلَايَةِ الْوِلَايَةُ الْوَلَاةُ وَ وِلَاةُ الْوَلَاةِ إِلَى أَذْنَاهُمْ بَاباً مِنْ أَبْوَابِ الْوِلَايَةِ عَلَى مَنْ هُوَ وَائِلٍ عَلَيْهِ

'As for the first of these four aspects, it is authority and the assignment of authority of some over others. The foremost form of authority is the authority of the governors and the governors (appointing) further governors down to the lowest level, which is one of the doors of authority over those under their governance.

ثُمَّ التَّجَارَةُ فِي جَمِيعِ الْبَيْعِ وَ الشِّرَاءِ بَعْضُهُمْ مِنْ بَعْضٍ ثُمَّ الصَّنَاعَاتُ فِي جَمِيعِ صُنُوفِهَا ثُمَّ الْإِجَارَاتُ فِي كُلِّ مَا يُحْتَاجُ إِلَيْهِ مِنَ الْإِجَارَاتِ

'Then the trading in entirety of the buying and selling to each other; then the crafts (skill-based) in entirety of the manufacturing; then the employment in all that is needed from the employments (hired services and administration).

<sup>190</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 10



فَلِذَلِكَ كَانَ السَّاعِي فِي تَقْوِيَةِ سُلْطَانِهِ وَ الْمُعِينُ لَهُ عَلَى وِلَايَتِهِ سَاعِيًا فِي طَاعَةِ اللَّهِ مُقْوِيًا لِدِينِهِ

‘For that reason, the one who strives to strengthen his<sup>-asws</sup> authority and assists him<sup>-asws</sup> in his<sup>-asws</sup> governance is the one who seeks in obedience to Allah<sup>-azwj</sup> and strengthens His<sup>-azwj</sup> religion.

وَأَمَّا وَجْهُ الْحَرَامِ مِنَ الْوِلَايَةِ فَوِلَايَةُ الْوَالِي الْجَائِرِ وَ وِلَايَةُ الرَّئِيسِ مِنْهُمْ وَ أَتْبَاعُ الْوَالِي فَمَنْ دُونَهُ مِنْ وِلَاةِ الْوِلَاةِ إِلَى أَذْنَاهُمْ بَابًا مِنْ أَبْوَابِ الْوِلَايَةِ عَلَى مَنْ هُوَ وَالٍ عَلَيْهِ وَ الْعَمَلُ لَهُمْ وَ الْكَسْبُ مَعَهُمْ بِجَهَةِ الْوِلَايَةِ هُمْ حَرَامٌ وَ مُحَرَّمٌ مُعَذَّبٌ

‘As for the unlawful aspect of authority, it is the authority of the unjust ruler and the authority of their leaders and followers, and those under them from among the governors of governors (governors appointing governors) down to the lowest level, which is one of the doors of authority over those who (live) under their governance. Working for them and earning with them by way of serving their authority is unlawful, forbidden, and deserving of Punishment.

مَنْ فَعَلَ ذَلِكَ عَلَى قَلِيلٍ مِنْ فِعْلِهِ أَوْ كَثِيرٍ لِأَنَّ كُلَّ شَيْءٍ مِنْ جَهَةِ الْمَعُونَةِ مَغْصِبَةٌ كَبِيرَةٌ مِنَ الْكِبَائِرِ

‘Whoever does that, whether little or much, has committed a major sin, because everything done in the way of assisting them (unjust governance) is a great act of disobedience and one of the major sins.

وَ ذَلِكَ أَنَّ فِي وِلَايَةِ الْوَالِي الْجَائِرِ ذُرُوسَ الْحَقِّ كُلِّهِ وَ إِخْيَاءَ الْبَاطِلِ كُلِّهِ وَ إِظْهَارَ الظُّلْمِ وَ الْجَوْرِ وَ الْفَسَادِ وَ إِبْطَالَ الْكُتُبِ وَ قَتْلَ الْأَنْبِيَاءِ وَ الْمُؤْمِنِينَ وَ هَدْمَ الْمَسَاجِدِ وَ تَبْدِيلَ سُنَّةِ اللَّهِ وَ شَرَائِعِهِ

‘This is because under the authority of the unjust ruler, all truth is erased, all falsehood is revived, injustice, oppression, and corruption are manifested, the Divine Books are nullified, the Prophets<sup>-as</sup> and believers are killed, Masjids are destroyed, and the Laws and Sunnah of Allah<sup>-azwj</sup> are altered.

فَلِذَلِكَ حُرِّمَ الْعَمَلُ مَعَهُمْ وَ مَعُونَتُهُمْ وَ الْكَسْبُ مَعَهُمْ إِلَّا بِجَهَةِ الضَّرُورَةِ نَظِيرَ الضَّرُورَةِ إِلَى الدَّمِ وَ الْمَيْتَةِ

‘Therefore, working with them, assisting them, and earning alongside them is forbidden, except in cases of compulsion, similar to the compulsion of consuming blood or the dead (carrion).’

### Explanation of the Commerce:

وَأَمَّا تَفْسِيرُ التَّجَارَاتِ فِي جَمِيعِ الْبُيُوعِ وَ وُجُوهِ الْحَلَالِ مِنْ وَجْهِ التَّجَارَاتِ الَّتِي يَجُوزُ لِلْبَائِعِ أَنْ يَبِيعَ بِمَا لَا يَجُوزُ لَهُ وَ كَذَلِكَ الْمُشْتَرِي الَّذِي يَجُوزُ لَهُ شِرَاؤُهُ بِمَا لَا يَجُوزُ لَهُ

‘As for the explanation of trade in all forms of sales, and the lawful aspects of trade that make it allowed for a seller to sell, and what is not allowed for him, and likewise for the buyer to purchase and what is allowed or not allowed for him.’

## The Lawful Aspects of Buying and Selling:

فَكُلُّ مَأْمُورٍ بِهِ مِمَّا هُوَ غِذَاءٌ لِلْعِبَادِ وَ قَوَائِمُهُمْ بِهِ فِي أُمُورِهِمْ فِي وُجُوهِ الصَّلَاحِ الَّذِي لَا يُقِيمُهُمْ غَيْرُهُ مِمَّا يَأْكُلُونَ وَ يَشْرَبُونَ وَ يَلْبَسُونَ وَ يَنْكِحُونَ وَ يَمْلِكُونَ وَ يَسْتَعْمِلُونَ مِنْ جِهَةِ مِلْكِهِمْ وَ يَجُوزُ لَهُمْ الْإِسْتِعْمَالُ لَهُ مِنْ جَمِيعِ جِهَاتِ الْمَنَافِعِ لَهُمُ الَّتِي لَا يُقِيمُهُمْ غَيْرُهَا مِنْ كُلِّ شَيْءٍ يَكُونُ لَهُمْ فِيهِ الصَّلَاحُ مِنْ جِهَةِ الْجِهَاتِ وَ هَذَا كُلُّهُ خِلَالِ بَيْعِهِ وَ شِرَاؤِهِ وَ إِسْكَائِهِ وَ اسْتِعْمَالِهِ وَ هِبَتِهِ وَ عَارِيَّتِهِ

‘Then everything that is Commanded and serves as sustenance for the servants and that upholds their affairs in matters of well-being, which cannot be maintained without it, such as what they eat, drink, wear, marry, own, and use by way of ownership, and what is allowed for them to use for all types of benefits which cannot be upheld without them, in every matter that brings them well-being in any aspect, all of this is lawful, its sale, its purchase, its possession, its use, its gifting, and its lending.’

## The Unlawful Aspects of Buying and Selling:

وَ أَمَّا وَجُوهُ الْحَرَامِ مِنَ الْبَيْعِ وَ الشِّرَاءِ فَكُلُّ أَمْرٍ يَكُونُ فِيهِ الْفَسَادُ بِمَا هُوَ مَنْهِيٌّ عَنْهُ مِنْ جِهَةِ أَكْلِهِ وَ شُرْبِهِ أَوْ كَسْبِهِ أَوْ نِكَاحِهِ أَوْ مِلْكِهِ أَوْ إِسْكَائِهِ أَوْ هِبَتِهِ أَوْ عَارِيَّتِهِ أَوْ شَيْءٍ يَكُونُ فِيهِ وَجْهٌ مِنْ وَجُوهِ الْفَسَادِ نَظِيرَ الْبَيْعِ بِالرِّبَا لِمَا فِي ذَلِكَ مِنَ الْفَسَادِ أَوْ الْبَيْعِ لِلْمَيْتَةِ أَوْ الدَّمِ أَوْ لَحْمِ الْخِنْزِيرِ أَوْ لَحْمِ السَّبَاعِ مِنْ صُنُوفِ سَبَاعِ الْوَحْشِ أَوْ الطَّيْرِ أَوْ جُلُودِهَا أَوْ الْحَمْرِ أَوْ شَيْءٍ مِنْ وَجُوهِ التَّنَجِّسِ

‘As for the unlawful aspects of buying and selling, they include everything that involves corruption and is prohibited due to its consumption, drinking, acquisition, marriage, ownership, possession, gifting, lending, or anything that contains an element of corruption. This includes, for example, selling with interest because of the corruption it entails, or selling carrion (the dead), blood, pork, the meat of predatory animals from wild beasts or birds, or their skins, or wine, or anything that is considered impure in any form.

فَهَذَا كُلُّهُ حَرَامٌ وَ مُحَرَّمٌ لِأَنَّ ذَلِكَ كُلَّهُ مَنْهِيٌّ عَنْ أَكْلِهِ وَ شُرْبِهِ وَ لُبْسِهِ وَ مِلْكِهِ وَ إِسْكَائِهِ وَ التَّقَلُّبِ فِيهِ بِوَجْهِهِ مِنَ الْوُجُوهِ لِمَا فِيهِ مِنَ الْفَسَادِ فَجَمِيعُ تَقْلِيْبِهِ فِي ذَلِكَ حَرَامٌ

‘All of this is forbidden and prohibited because it is all prohibited to eat, drink, wear, own, possess, or use in any way, due to the corruption it contains. Therefore, all dealings in those are unlawful.

وَ كَذَلِكَ كُلُّ بَيْعٍ مَلْهُوٍّ بِهِ وَ كُلُّ مَنْهِيٍّ عَنْهُ مِمَّا يَنْتَقِرُ بِهِ لِغَيْرِ اللَّهِ أَوْ يَقْوَى بِهِ الْكُفْرُ وَ الشِّرْكُ مِنْ جَمِيعِ وَجُوهِ الْمَعَاصِي أَوْ بَابٌ مِنَ الْأَبْوَابِ يَقْوَى بِهِ بَابٌ مِنَ أَبْوَابِ الضَّلَالَةِ أَوْ بَابٌ مِنَ أَبْوَابِ الْبَاطِلِ أَوْ بَابٌ يُؤْخِرُ بِهِ الْحَقُّ فَهُوَ حَرَامٌ مُحَرَّمٌ حَرَامٌ بَيْعُهُ وَ شِرَاؤُهُ وَ إِسْكَائُهُ وَ مِلْكُهُ وَ هِبَتُهُ وَ عَارِيَّتُهُ وَ جَمِيعُ التَّقَلُّبِ فِيهِ إِلَّا فِي حَالٍ تَدْعُو الضَّرُورَةُ فِيهِ إِلَى ذَلِكَ

‘Likewise, every sale that is contaminated by it, and everything prohibited that is used to seek nearness to others rather than Allah<sup>-azwj</sup>, or that strengthens disbelief and polytheism in all their forms of sin, or is a door to misguidance, falsehood, or weakens the truth, is forbidden and prohibited. Its sale, purchase, possession, ownership, gifting, lending, and all dealings in these are unlawful, except in cases of necessity compelling him to that.’

## The Lawful Services - working for wages:

وَأَمَّا تَفْسِيرُ الْإِجَارَاتِ فِإِجَارَةُ الْإِنْسَانِ نَفْسَهُ أَوْ مَا يَمْلِكُ أَوْ يَلِي أَمْرَهُ مِنْ قَرَابَتِهِ أَوْ دَابَّتِهِ أَوْ ثَوْبِهِ بِوَجْهِ الْحَلَالِ مِنْ جِهَاتِ الْإِجَارَاتِ أَوْ يُؤْجَرُ نَفْسَهُ أَوْ دَارَهُ أَوْ أَرْضَهُ أَوْ شَيْئاً يَمْلِكُهُ فِيمَا يُنْتَفَعُ بِهِ مِنْ وَجْهِ الْمَنَافِعِ أَوْ الْعَمَلِ بِنَفْسِهِ وَ وَلَدِهِ وَ مَمْلُوكِهِ أَوْ أَجِيرِهِ مِنْ غَيْرِ أَنْ يَكُونَ وَكِيلاً لِلْوَالِي أَوْ وَالِيّاً لِلْوَالِي

‘As for the explanation of rentals (employment), it is the renting of a person’s self or what they own or manage, such as their relatives, animals, or clothing, in a lawful manner regarding the various types of rentals. A person may rent out themselves, their house, their land, or something they own from which benefit is derived, or the labour of themselves, their child, their servant, or their hired worker, provided that they are not acting as an agent for the ruler or a governor for the ruler.

فَلَا بَأْسَ أَنْ يَكُونَ أَجِيرًا يُؤْجَرُ نَفْسَهُ أَوْ وَلَدَهُ أَوْ قَرَابَتَهُ أَوْ مَلَكُهُ أَوْ وَكِيلَهُ فِي إِجَارَتِهِ لِأَنَّهُمْ وَكَلَاءُ الْأَجِيرِ مِنْ عِنْدِهِ لَيْسَ لَهُمْ بَوْلَاءُ الْوَالِي نَظِيرُ الْحَمَالِ الَّذِي يَحْمِلُ شَيْئاً بِشَيْءٍ مَعْلُومٍ إِلَى مَوْضِعٍ مَعْلُومٍ فَيَحْمِلُ ذَلِكَ الشَّيْءَ الَّذِي يُجَوِّزُ لَهُ حَمْلُهُ بِنَفْسِهِ أَوْ بِمَمْلُوكِهِ أَوْ دَابَّتِهِ أَوْ يُؤْجَرُ نَفْسَهُ فِي عَمَلٍ يَعْمَلُ ذَلِكَ الْعَمَلُ بِنَفْسِهِ أَوْ بِمَمْلُوكِهِ أَوْ قَرَابَتِهِ أَوْ بِأَجِيرٍ مِنْ قَبْلِهِ

‘There is no harm in a hired person renting out themselves, their child, their relatives, their property, or their agent in the rental, because they are agents of the hired person and do not have authority over the ruler, similar to a porter who carries something with a known item to a known place. He holds that thing which he is allowed to carry himself, or with his servant or beast of burden, or he rents out himself to perform a task which he does with his own effort, or with his servant, relative, or a hired worker under his direction.

فَهَذِهِ وَجُوهٌ مِنْ وَجْهِ الْإِجَارَاتِ خَلَالَ لِمَنْ كَانَ مِنَ النَّاسِ مَلِكاً أَوْ سَوْقَةً أَوْ كَافِراً أَوْ مُؤْمِناً فَحَلَالَ إِجَارَتُهُ وَ حَلَالَ كَسْبِهِ مِنْ هَذِهِ الْوُجُوهِ

‘These are forms of rentals that are lawful for anyone who owns, drives, whether he is a disbeliever, or a believer. Therefore, their renting and earning from these forms is lawful.’

## The Unlawful Services - working for wages:

فَأَمَّا وَجْهُ الْحَرَامِ مِنْ وَجْهِ الْإِجَارَةِ نَظِيرُ أَنْ يُؤْجَرَ نَفْسَهُ عَلَى مَا يَحْرُمُ عَلَيْهِ أَكْلُهُ أَوْ شُرْبُهُ أَوْ لُبْسُهُ أَوْ يُؤْجَرَ نَفْسَهُ فِي صَنْعَةِ ذَلِكَ الشَّيْءِ أَوْ حِفْظِهِ أَوْ لُبْسِهِ أَوْ يُؤْجَرَ نَفْسَهُ فِي هَذَا الْمَسَاجِدِ ضَرَاراً أَوْ قَتْلِ النَّفْسِ بِغَيْرِ حِلٍّ أَوْ حَمْلِ التَّصَاوِيرِ وَ الْأَصْنَامِ وَ الْمَزَامِيرِ وَ الْبُرَابِطِ وَ الْحُمْرِ وَ الْخَنَازِيرِ وَ الْمَيْتَةِ وَ الدَّمِ أَوْ شَيْءٍ مِنْ وَجْهِ الْفُسَادِ الَّذِي كَانَ مُحَرِّماً عَلَيْهِ مِنْ غَيْرِ جِهَةٍ الْإِجَارَةِ فِيهِ

‘As for the unlawful forms of rental, they include renting oneself out (employment) for something that is forbidden to consume, drink, or wear, or renting oneself to produce, guard, or wear such a thing, or renting oneself to demolish mosques out of harm, or to unlawfully kill a soul, or to carry images, idols, musical instruments, lutes, wine, pigs, carrion, blood, or anything associated with corruption that is already forbidden, regardless of whether the prohibition comes through the act of renting or from another source.

وَ كُلُّ أَمْرٍ مَنُوهٍ عَنْهُ مِنْ جِهَةٍ مِنَ الْجِهَاتِ مُحَرَّمٌ عَلَى الْإِنْسَانِ إِجَارَتُهُ نَفْسِهِ فِيهِ أَوْ لَهُ أَوْ شَيْءٍ مِنْهُ أَوْ لَهُ إِلَّا لِمَنْفَعَةٍ مِنْ اسْتَأْجَرَهُ كَالَّذِي يَسْتَأْجِرُ الْأَجِيرَ يَحْمِلُ لَهُ الْمَيْتَةَ يَنْجِيهَا عَنْ أَذَاهُ أَوْ أَدَى غَيْرِهِ وَ مَا أَشْبَهَ ذَلِكَ وَ الْفَرْقُ بَيْنَ مَعْنَى الْوَلَايَةِ وَ الْإِجَارَةِ وَ إِنْ كَانَ كِلَاهُمَا يَعْمَلَانِ بِأَجَرٍ

‘Every matter that is prohibited from any aspect is forbidden for a person to rent themselves out for, or rent it to another, unless the benefit is for the one renting, such as someone hiring a worker to remove carrion to eliminate harm to themselves or others, or anything similar to that. The distinction between the meaning of authority and rental remains, even though both involve working for compensation.

أَنَّ مَعْنَى الْوَلَايَةِ أَنَّ يَلِيَّ الْإِنْسَانَ لِوَالِي الْوَلَاةِ أَوْ لِوَلَاةِ الْوَلَاةِ فَيَلِيَّ أَمْرَ غَيْرِهِ فِي التَّوَلِيَّةِ عَلَيْهِ وَ تَسْلِيطِهِ وَ جَوَازِ أَمْرِهِ وَ تَحْيِهِ وَ قِيَامِهِ مَقَامَ الْوَلِيِّ إِلَى الرَّئِيسِ أَوْ مَقَامَ وَكَلَايَتِهِ فِي أَمْرِهِ وَ تَوْكِيدِهِ فِي مَعُونَتِهِ وَ تَسْلِيدِهِ وَ لَوَايَتِهِ وَ إِنْ كَانَ أَدْنَاهُمْ وَلَايَةً

‘The meaning of authority is that a person assumes a position under the chief ruler or under the governors of the rulers, thereby taking charge over others by being appointed over them, exercising control, and having the right to command and forbid. He acts in the place of the ruler before the superior or in the place of his deputies in carrying out his duties, supporting him, and strengthening his authority, even if he holds the lowest level of authority.

فَهُوَ وَالٍ عَلَى مَنْ هُوَ وَالٍ عَلَيْهِ يَجْرِي مَجْرَى الْوَلَاةِ الْكِبَارِ الَّذِينَ يَلُونِ وَلَايَةَ النَّاسِ فِي قَتْلِهِمْ مَنْ قَتَلُوا وَ إِظْهَارِ الْجَوْرِ وَ الْفُسَادِ

‘So, he is a ruler over those under his authority, functioning like the senior rulers who govern the people, in that they kill whom they wish to kill and manifest tyranny and corruption.’

### The Meanings of Services:

وَأَمَّا مَعْنَى الْإِجَارَةِ فَعَلَى مَا فَسَّرْنَا مِنْ إِجَارَةِ الْإِنْسَانِ نَفْسَهُ أَوْ مَا يَمْلِكُهُ مِنْ قَبْلِ أَنْ يُؤَاجَرَ لِشَيْءٍ مِنْ غَيْرِهِ فَهُوَ يَمْلِكُ يَمِينَهُ لِأَنَّهُ لَا يَلِيَّ أَمْرَ نَفْسِهِ وَ أَمْرَ مَا يَمْلِكُ قَبْلَ أَنْ يُؤَاجَرَ بِمَنْ هُوَ آجَرُهُ وَ الْوَالِي لَا يَمْلِكُ مِنْ أُمُورِ النَّاسِ شَيْئاً إِلَّا بَعْدَ مَا يَلِيَّ أُمُورَهُمْ وَ يَمْلِكُ تَوَلِيَّتَهُمْ

‘As for the meaning of rental, it is as we<sup>asws</sup> have explained. When a person rents out himself or what he owns before being hired for something by another, then he owns his right hand, because he does not assume authority over himself or what he owns until he rents it out to the one who hires him. A ruler, however, does not possess any authority over people’s affairs except after assuming their governance and holding authority over them.

وَ كُلُّ مَنْ آجَرَ نَفْسَهُ أَوْ آجَرَ مَا يَمْلِكُ نَفْسَهُ أَوْ يَلِيَّ أَمْرَهُ مِنْ كَافِرٍ أَوْ مُؤْمِنٍ أَوْ مَلِكٍ أَوْ سُوقَةٍ عَلَى مَا فَسَّرْنَا بِمَا يَجُوزُ الْإِجَارَةُ فِيهِ فَحَالاً مُحَلَّلاً فَعَلُهُ وَ كَسْبُهُ

‘So, whoever rents himself or what he owns, or what he has authority over, whether disbeliever or believer, king or commoner, in any matter where rental is allowed as we have explained, then his action and his earnings are lawful and permitted.’

### The Skilled or Technical-Based Services:

وَأَمَّا تَفْسِيرُ الصَّنَاعَاتِ فَكُلُّ مَا يَتَعَلَّمُ الْعِبَادُ أَوْ يُعَلِّمُونَ غَيْرَهُمْ مِنْ صُنُوفِ الصَّنَاعَاتِ مِثْلَ الْكِتَابَةِ وَ الْحِسَابِ وَ التِّجَارَةِ وَ الصِّبَاغَةِ وَ الْبِرَاجَةِ وَ الْبِنَاءِ وَ الْحَيَاكَةِ وَ الْقَصَارَةِ وَ الْحَيَاطَةِ وَ صَنْعَةِ صُنُوفِ التَّصَاوِيرِ مَا لَمْ يَكُنْ مِثْلَ الرُّوحَانِيِّ وَ أَنْوَاعِ صُنُوفِ الْأَلَاتِ الَّتِي يَخْتَلِجُ إِلَيْهَا الْعِبَادُ الَّتِي مِنْهَا مَنَافِعُهُمْ وَ بِهَا قَوَائِمُهُمْ وَ فِيهَا بُلْغَةُ جَمِيعِ حَوَائِجِهِمْ

‘As for the explanation of crafts, it includes everything that people learn or teach others from among the various types of crafts, such as writing, arithmetic, trade, dyeing, oil pressing, construction, weaving, cloth cleaning, tailoring, and the making of various images, as long as they are not representations of spiritual beings, as well as the different kinds of tools and instruments that people need, which bring them benefit, support their livelihood, and fulfil all their needs.

فَحَلَّالٌ فِعْلُهُ وَ تَعْلِيمُهُ وَ الْعَمَلُ بِهِ وَ فِيهِ لِنَفْسِهِ أَوْ لغيرِهِ وَ إِنْ كَانَتْ تِلْكَ الصِّنَاعَةُ وَ تِلْكَ الْأَلَّةُ قَدْ يُسْتَعَانُ بِهَا عَلَى وَجْهِ الْفَسَادِ وَ وَجْهِ الْمَعَاصِي وَ يَكُونُ مَعُونَةً عَلَى الْحَقِّ وَ الْبَاطِلِ

‘Then lawful is its practice, teaching, and work with it or through it, for oneself or for others, even if that craft or tool might be used in ways that support corruption and acts of disobedience, for it can serve as assistance in both truth and falsehood.

فَلَا بَأْسَ بِصِنَاعَتِهِ وَ تَعْلِيمِهِ نَظِيرَ الْكِتَابَةِ الَّتِي هِيَ عَلَى وَجْهِ مِنْ وَجْهِ الْفَسَادِ مِنْ تَقْوِيَةِ مَعُونَةٍ وَلَا يَتَنَزَّلُ وَ لَا يَتَنَزَّلُ وَ كَذَلِكَ السِّكِّينُ وَ السَّيْفُ وَ الرُّمْحُ وَ الْقَوْسُ وَ غَيْرُ ذَلِكَ مِنْ وَجْهِ الْأَلَّةِ الَّتِي قَدْ تُصَرَّفُ إِلَى جِهَاتِ الصَّلَاحِ وَ جِهَاتِ الْفَسَادِ وَ تَكُونُ آلَةً وَ مَعُونَةً عَلَيْهَا

‘There is no harm in practising or teaching such a craft, like writing, which can be used in corrupt ways, such as supporting the authority of unjust rulers. The same applies to knives, swords, spears, bows, and other tools that may be directed toward either good or evil, serving as instruments and means against it (as well).

فَلَا بَأْسَ بِتَعْلِيمِهِ وَ تَعْلُمِهِ وَ أَخْذِ الْأَجْرِ عَلَيْهِ وَ فِيهِ وَ الْعَمَلُ بِهِ وَ فِيهِ لِمَنْ كَانَ لَهُ فِيهِ جِهَاتُ الصَّلَاحِ مِنْ جَمِيعِ الْخَلَائِقِ وَ مُحَرَّمٌ عَلَيْهِمْ فِيهِ تَصْرِيفُهُ إِلَى جِهَاتِ الْفَسَادِ وَ الْمَصَارِفِ فَلَيْسَ عَلَى الْعَالِمِ وَ الْمُتَعَلِّمِ إِثْمٌ وَ لَا وَزْرٌ لِمَا فِيهِ مِنَ الرُّجْحَانِ فِي مَنَافِعِ جِهَاتِ صَلَاحِهِمْ وَ قَوَامِهِمْ وَ بَقَائِهِمْ

‘There is no harm in teaching it, learning it, receiving payment for it or through it, and working with it or through it for those who use it in ways that bring benefit and righteousness among all people. It is forbidden for them to direct it toward corruption and harm. Thus, the scholar and the student bear no sin or blame, due to the greater weight of their benefits in supporting their well-being, livelihood, and survival.’

### The Unlawful Skilled or Technical Services:

وَ إِنَّمَا الْإِثْمُ وَ الْوِزْرُ عَلَى الْمُتَصَرِّفِ بِهَا فِي وَجْهِ الْفَسَادِ وَ الْحَرَامِ وَ ذَلِكَ إِنَّمَا حَرَّمَ اللَّهُ الصِّنَاعَةَ الَّتِي حَرَّمَ كُلُّهَا الَّتِي يَجِيءُ مِنْهَا الْفَسَادُ مُحْضًا نَظِيرَ الرِّبَاطِ وَ الْمَزَامِيرِ وَ الشُّطْرُنَجِ وَ كُلِّ مِثْلِهِ بِهِ وَ الصُّلْبَانِ وَ الْأَصْنَامِ وَ مَا أَشْبَهَ ذَلِكَ مِنْ صِنَاعَاتِ الْأَشْرِيَةِ الْحَرَامِ وَ مَا يَكُونُ مِنْهُ وَ فِيهِ الْفَسَادُ مُحْضًا وَ لَا يَكُونُ فِيهِ وَ لَا مِنْهُ شَيْءٌ مِنْ وَجْهِ الصَّلَاحِ

‘The sin and burden fall only on the one who uses it in ways of corruption and unlawfulness. Indeed, Allah<sup>-azwj</sup> has only Forbidden the craft that is entirely unlawful, from which pure corruption results, such as musical instruments, flutes, chess, all forms of distraction, crosses, idols, and similar things, including the production of forbidden drinks and anything from which and in which there is only corruption and there is no aspect of benefit or righteousness.



فَحَرَامٌ تَعْلِيمُهُ وَتَعَلُّمُهُ وَ الْعَمَلُ بِهِ وَ اخْذُ الْأَجْرِ عَلَيْهِ وَ جَمِيعُ التَّقَلُّبِ فِيهِ مِنْ جَمِيعِ وُجُوهِ الْحَرَكَاتِ كُلِّهَا إِلَّا أَنْ يَكُونَ صِنَاعَةً قَدْ تُصَرَّفُ إِلَى جِهَاتِ الصَّنَائِعِ وَ إِنْ كَانَ قَدْ يُتَصَرَّفُ بِهَا وَ يُتَنَاوَلُ بِهَا وَجْهٌ مِنْ وُجُوهِ الْمَعَاصِي فَلَعَلَّهُ لِمَا فِيهِ مِنَ الصَّلَاحِ خَلَّ تَعَلُّمُهُ وَ تَعْلِيمُهُ وَ الْعَمَلُ بِهِ وَ يَحْرُمُ عَلَى مَنْ صَرَفَهُ إِلَى غَيْرِ وَجْهِ الْحَقِّ وَ الصَّلَاحِ

‘So, it is forbidden to teach it, learn it, work with it, receive payment for it, and engage in it in any form of activity whatsoever, unless it is a craft that can be directed toward beneficial uses, even if it may also be used in aspects of disobedience. So perhaps, due to the benefit it contains, learning it, teaching it, and working with it becomes permissible, while it is forbidden for anyone to direct it toward anything other than truth and righteousness.

فَهَذَا بَيَانُ تَفْسِيرِ وَجْهِ اكْتِسَابِ مَعَاشِ الْعِبَادِ وَ تَعْلِيمِهِمْ فِي جَمِيعِ وُجُوهِ اكْتِسَابِهِمْ وَجْهٌ إِخْرَاجُ الْأَمْوَالِ وَ انْفَاقُهَا

‘This is an explanation of the interpretation of the aspects of earning, livelihoods of the servants, and their teaching in the entirety of the aspects of their earnings, and aspects of extracting the wealth and spending it.’

### Kinds of Spending and Incurred Expenses:

وَ أَمَّا الْوُجُوهُ الَّتِي فِيهَا إِخْرَاجُ الْأَمْوَالِ فِي جَمِيعِ وُجُوهِ الْحَلَالِ الْمُفْتَرَضِ عَلَيْهِمْ وَ وُجُوهُ النَّوَافِلِ كُلِّهَا فَأَرْبَعَةٌ وَ عِشْرُونَ وَجْهًا مِنْهَا سَبْعَةٌ وَجْهٌ عَلَى خَاصَّةٍ نَفْسِهِ وَ خَمْسَةٌ وَجْهٌ عَلَى مَنْ يَلْزَمُ نَفْسَهُ وَ ثَلَاثَةٌ وَجْهٌ يَلْزَمُهُ فِيهَا مِنْ وُجُوهِ الدِّينِ وَ خَمْسَةٌ وَجْهٌ يَلْزَمُهُ فِيهَا مِنْ وُجُوهِ الصَّلَاتِ وَ أَرْبَعَةٌ وَجْهٌ يَلْزَمُهُ فِيهَا النَّفَقَةُ مِنْ وُجُوهِ اصْطِنَاعِ الْمَعْرُوفِ

‘As for the ways in which wealth is to be spent in all lawful and obligatory forms, as well as in all recommended (non-obligatory) acts, they are twenty-four in total. Of these, seven pertain specifically to oneself, five to those whom one is personally obligated to support, three relate to obligations arising from debt, five involve acts of devotion, and four pertain to expenditures in doing acts of kindness and generosity.

فَأَمَّا الْوُجُوهُ الَّتِي يَلْزَمُهُ فِيهَا النَّفَقَةُ عَلَى خَاصَّةٍ نَفْسِهِ فَهِيَ مَطْعَمُهُ وَ مَشْرَبُهُ وَ مَلْبَسُهُ وَ مَنْكُحُهُ وَ مَخْدَمُهُ وَ عَطَاؤُهُ فِيمَا يَخْتَاجُ إِلَيْهِ مِنَ الْأَجْرِ عَلَى مَرَّةٍ مَتَاعِهِ أَوْ حَمْلِهِ أَوْ حِفْظِهِ وَ مَعْنَى مَا يَخْتَاجُ إِلَيْهِ فَبَيِّنْ نَحْوَ مَنْزِلِهِ أَوْ آلَةٍ مِنَ الْأَلَاتِ يَسْتَعِينُ بِهَا عَلَى حَوَائِجِهِ

‘As for the expenditures that are obligatory upon a person for himself, they include his food, drink, clothing, marriage, servant, and payment for what he needs in terms of wages for repairing his belongings, transporting them, or safeguarding them. The meaning of what he needs is clear, such as his home or tools he uses to be assisted with upon his needs.

وَ أَمَّا الْوُجُوهُ الْخَمْسُ الَّتِي يَجِبُ عَلَيْهِ النَّفَقَةُ لِمَنْ يَلْزَمُهُ نَفْسُهُ فَعَلَى وَلَدِهِ وَ الْوَلَدَةِ وَ امْرَأَتِهِ وَ مَمْلُوكِهِ لِأَنَّهُ لَهُ ذَلِكَ فِي حَالِ الْيُسْرِ وَ الْعُسْرِ وَ أَمَّا الْوُجُوهُ الثَّلَاثَةُ الْمَفْرُوضَةُ مِنْ وُجُوهِ الدِّينِ فَالزَّكَاةُ الْمَفْرُوضَةُ الْوَاجِبَةُ فِي كُلِّ عَامٍ وَ الْحَجُّ الْمَفْرُوضُ وَ الْجِهَادُ فِي إِثَابِهِ وَ زَمَانِهِ

‘As for the five categories for which he is obligated to spend on those whom he is personally responsible for, they are his children, his parents, his wife, and his servant, this obligation is binding upon him in both times of ease and hardship. As for the three obligatory categories



related to religious duties, they are - the obligatory annual Zakat, the obligatory Hajj, and Jihad at its period and due time.

وَأَمَّا الْوُجُوهُ الْخَمْسُ مِنْ وَجُوهِ الصَّلَاتِ النَّوَافِلِ فَصَلَتُهُ مَنْ فَوْقَهُ وَصَلَةُ الْقَرَابَةِ وَصَلَةُ الْمُؤْمِنِينَ وَالتَّنَقُّلُ فِي وَجُوهِ الصَّدَقَةِ وَالْبِرِّ وَالْعَتَقِ

‘And as for the five categories of voluntary charitable acts, these are - maintaining ties with those above him (i.e., parents), giving to relatives, giving to fellow believers, voluntary charity and acts of kindness, and the liberation (of slaves).

وَأَمَّا الْوُجُوهُ الْأَرْبَعُ فَقَضَاءُ الدَّيْنِ وَالْعَارِيَّةِ وَالْقَرْضُ وَإِقْرَاءُ الضَّيْفِ وَاجِبَاتُ فِي السُّنَّةِ

‘As for the four categories, they are - repayment of debt, lending of items (for temporary use), giving loans, and hosting guests. These are duties affirmed in the Sunnah.

مَا يَحِلُّ وَ يَحْجُزُ لِلْإِنْسَانِ أَكْلُهُ فَأَمَّا مَا يَحِلُّ لِلْإِنْسَانِ أَكْلُهُ مِمَّا أَخْرَجَتِ الْأَرْضُ فَثَلَاثَةٌ صُنُوفٍ مِنَ الْأَعْدِيَةِ صِنْفٌ مِنْهَا جَمِيعُ الْحَبِّ كُلِّهِ مِنَ الْخِنْطَةِ وَالشَّعِيرِ وَالْأُرْزْرِ وَالْحِمَصِ وَ غَيْرِ ذَلِكَ مِنْ صُنُوفِ الْحَبِّ وَ صُنُوفِ السَّمَاكِسِ وَ غَيْرَهَا كُلُّ شَيْءٍ مِنَ الْحَبِّ مَا يَكُونُ فِيهِ غِذَاءُ الْإِنْسَانِ فِي بَدَنِهِ وَ قُوَّتُهُ فَحَلَالٌ أَكْلُهُ وَ كُلُّ شَيْءٍ تَكُونُ فِيهِ الْمَضَرَّةُ عَلَى الْإِنْسَانِ فِي بَدَنِهِ فَحَرَامٌ أَكْلُهُ إِلَّا فِي حَالِ الضَّرُورَةِ

‘As for what is lawful and permissible for a person to eat, it includes that which the earth produces. There are three types of foods in this regard. One type is, all kinds of grains, such as wheat, barley, rice, chickpeas, and other kinds of seeds and legumes. These include anything from grains that provide nourishment for the human body and strengthen it. So, it is lawful to eat it, and anything that causes harm to a person's body is unlawful to eat, except in a case of necessity.

وَ الصَّنْفُ الثَّانِي مِمَّا أَخْرَجَتِ الْأَرْضُ مِنْ جَمِيعِ صُنُوفِ الثَّمَارِ كُلِّهَا مِمَّا يَكُونُ فِيهِ غِذَاءُ الْإِنْسَانِ وَ مَنْفَعَةٌ لَهُ وَ قُوَّتُهُ بِهِ فَحَلَالٌ أَكْلُهُ وَ مَا كَانَ فِيهِ الْمَضَرَّةُ عَلَى الْإِنْسَانِ فِي أَكْلِهِ فَحَرَامٌ أَكْلُهُ

‘The second type of what the earth produces includes all kinds of fruits that provide nourishment, benefit, and sustenance to human beings. So, it is lawful to eat it, and whatever causes harm to a person when eaten is unlawful to eat.’

### The Permissible Food:

وَ الصَّنْفُ الثَّالِثُ جَمِيعُ صُنُوفِ الْبُثُولِ وَ النَّبَاتِ وَ كُلُّ شَيْءٍ تُنْبِتُ الْأَرْضُ مِنَ الْبُثُولِ كُلِّهَا مِمَّا فِيهِ مَنَافِعُ الْإِنْسَانِ وَ غِذَاؤُهُ فَحَلَالٌ أَكْلُهُ وَ مَا كَانَ مِنْ صُنُوفِ الْبُثُولِ مِمَّا فِيهِ الْمَضَرَّةُ عَلَى الْإِنْسَانِ فِي أَكْلِهِ نَظِيرَ بُثُولِ السُّمُومِ وَ الْقَاتِلَةِ وَ نَظِيرِ الدِّفْلَى وَ غَيْرِ ذَلِكَ مِنْ صُنُوفِ السِّمِّ الْقَاتِلِ فَحَرَامٌ أَكْلُهُ

‘The third type includes all types of herbs and plants, and everything the earth produces of herbs that contain benefits and nourishment for human beings. So, it is lawful to eat it, and whatever is from the types of herbs that cause harm to a person when eaten, such as poisonous and deadly herbs, like oleander and other forms of lethal poison, is unlawful to eat.

وَأَمَّا مَا يَحِلُّ أَكْلُهُ مِنْ لُحُومِ الْحَيَوَانِ فَلِلْحُومِ الْبَقَرِ وَالْأَنْعَمِ وَالْإِبِلِ وَمَا يَحِلُّ مِنْ لُحُومِ الْوَحْشِ كُلِّ مَا لَيْسَ فِيهِ نَابٌ وَلَا لَهُ مَخْلَبٌ وَمَا يَحِلُّ مِنْ أَكْلِ لُحُومِ الطَّيْرِ كُلِّهَا مَا كَانَتْ لَهُ قَائِصَةٌ فَحَلَالٌ أَكْلُهُ وَمَا لَمْ يَكُنْ لَهُ قَائِصَةٌ فَحَرَامٌ أَكْلُهُ وَلَا بَأْسَ بِأَكْلِ صُنُوفِ الْجَرَادِ

‘As for the meat of animals that are lawful to eat, these include the meat of cattle, sheep, and camels, and from wild animals, whatever does not have fangs or claws is lawful. As for the meat of birds, all birds that have a grasping claw are lawful to eat, and those that do not have such a claw are unlawful to eat. There is no harm in eating various types of locusts.

وَأَمَّا مَا يَجُوزُ أَكْلُهُ مِنَ الْبَيْضِ فَكُلُّمَا اخْتَلَفَ طَرَفَاهُ فَحَلَالٌ أَكْلُهُ وَمَا اسْتَوَى طَرَفَاهُ فَحَرَامٌ أَكْلُهُ

‘As for the eggs that are permissible to eat, any egg that has differing ends is lawful to eat, and whatever has equal ends is unlawful to eat.

وَمَا يَجُوزُ أَكْلُهُ مِنْ صَيْدِ الْبَحْرِ مِنْ صُنُوفِ السَّمَكِ مَا كَانَ لَهُ قُشُورٌ فَحَلَالٌ أَكْلُهُ وَمَا لَمْ يَكُنْ لَهُ قُشُورٌ فَحَرَامٌ أَكْلُهُ

‘As for what is permissible to eat from sea game among types of fish, whatever has scales is lawful to eat, and whatever does not have scales is unlawful to eat.’

### The Permissible from Drinkables:

وَأَمَّا مَا يَجُوزُ مِنَ الْأَشْرَبَةِ مِنْ جَمِيعِ صُنُوفِهَا فَمَا لَا يُغَيِّرُ الْعَقْلَ كَثِيرُهُ فَلَا بَأْسَ بِشَرْبِهِ وَكُلِّ شَيْءٍ يُغَيِّرُ مِنْهَا الْعَقْلَ كَثِيرُهُ فَالْقَلِيلُ مِنْهُ حَرَامٌ

‘As for what is permissible from all types of drinks, whatever does not intoxicate the mind in large amounts, there is no harm in drinking it. But whatever intoxicates the mind in large amounts, then even a small amount of it is unlawful.’

### The Permissible from Clothing:

وَمَا يَجُوزُ مِنَ اللَّيَاسِ كُلُّ مَا أَتَتْهُ الْأَرْضُ فَلَا بَأْسَ بِلَبْسِهِ وَالصَّلَاةُ فِيهِ وَكُلِّ شَيْءٍ يَحِلُّ خَمُّهُ فَلَا بَأْسَ بِلَبْسِ جُلْدِهِ الذِّكِّيِّ مِنْهُ وَصُوفِهِ وَشَعْرِهِ وَوَبَرِّهِ وَإِنْ كَانَ الصُّوفُ وَالشَّعْرُ وَالرِّيشُ وَالْوَبَرُ مِنَ الْمَيْتَةِ وَغَيْرِ الْمَيْتَةِ ذَكِيًّا فَلَا بَأْسَ بِلَبْسِ ذَلِكَ وَالصَّلَاةُ فِيهِ

‘As for what is permissible in clothing, everything that the earth produces is permissible to wear and to pray Salat in, and everything whose meat is lawful to eat, there is no harm in wearing its tanned hide, its wool, its hair, and its fur. Even if the wool, hair, feathers, or fur comes from a dead animal or a slaughtered one, if it has been purified (tanned), there is no harm in wearing it and praying Salat in it.

وَكُلِّ شَيْءٍ يَكُونُ غِذَاءً لِلْإِنْسَانِ فِي مَطْعَمِهِ أَوْ مَشْرَبِهِ أَوْ مَلْبَسِهِ فَلَا يَجُوزُ الصَّلَاةُ عَلَيْهِ وَلَا السُّجُودُ إِلَّا مَا كَانَ مِنْ نَبَاتِ الْأَرْضِ مِنْ غَيْرِ نَمْرٍ قَبْلَ أَنْ يَصِيرَ مَغْرُولًا فَإِذَا صَارَ غَرْلًا فَلَا يَجُوزُ الصَّلَاةُ عَلَيْهِ إِلَّا فِي حَالِ الضَّرُورَةِ

‘And anything that is considered human food, whether in eating, drinking, or clothing, it is not permissible to pray Salat on it or to prostrate upon it, except for what grows from the earth

that has no fruit, and before it becomes spun thread. But once it is spun thread, it is not permissible to pray Salat on it except in cases of necessity.'

### The Permissible from Nikah (Marriage):

وَأَمَّا مَا يُجُوزُ مِنَ الْمَنَاحِجِ فَأَرْبَعَةٌ وَجُوهُ نِكَاحٍ بِمِيرَاثٍ وَ نِكَاحٍ بِغَيْرِ مِيرَاثٍ وَ نِكَاحُ الْيَمِينِ وَ نِكَاحُ بَتْحَلِيلٍ مِنَ الْمُحَلَّلِ لَهُ مِنْ مَلِكٍ مِنْ يَمْلِكُ

'As for what is permissible in forms of marriage, there are four types, marriage with inheritance, marriage without inheritance, marriage through ownership (concubine), and marriage by authorisation from one who is allowed to permit it through ownership by someone who owns.

وَأَمَّا مَا يُجُوزُ مِنَ الْمَلِكِ وَ الْخِدْمَةِ فَسِتَّةٌ وَجُوهُ مَلِكٍ الْعَيْمَةِ وَ مَلِكِ الشِّرَاءِ وَ مَلِكِ الْمِيرَاثِ وَ مَلِكِ الْهَبَةِ وَ مَلِكِ الْعَارِيَةِ وَ مَلِكِ الْأَجْرِ

'As for what is permissible in ownership and service, there are six forms, ownership through war booty, ownership through purchase, ownership through inheritance, ownership through gift, ownership through borrowing for use, and ownership through wages.

فَهَذِهِ وَجُوهُ مَا يَحِلُّ وَ مَا يُجُوزُ لِلْإِنْسَانِ إِنْقَاضُ مَالِهِ وَ إِخْرَاجُهُ بِجَهَةِ الْحَالِ فِي وَجُوهِهِ

'So, these aspects are what is permissible and allowed for the human being to spend his wealth and extract it in the lawful aspects in its categories.

وَ مَا يُجُوزُ فِيهِ التَّصَرُّفُ وَ التَّقْلُبُ مِنْ وَجُوهِ الْفَرِيضَةِ وَ النَّافِلَةِ.

'It is also permissible for a person to spend and dispose of their wealth through lawful means in these categories, and to engage in transactions and dealings within what is obligatory and recommended.'<sup>191</sup>

12- ضَاءُ، فَقَّه الرضا عليه السلام اعْلَمْ يَرْحَمَكَ اللَّهُ أَنَّ كُلَّ مَا مُؤْمَرٍ بِهِ بِمَا هُوَ عَوْنٌ عَلَى الْعِبَادِ وَ قَوَامٌ لَهُمْ فِي أُمُورِهِمْ مِنْ وَجُوهِ الصَّلَاحِ الَّذِي لَا يُقِيمُهُمْ غَيْرُهُ بِمَا يَأْكُلُونَ وَ يَشْرَبُونَ وَ يَلْبَسُونَ وَ يَنْكِحُونَ وَ يَمْلِكُونَ وَ يَسْتَعْمِلُونَ فَهَذَا كُلُّهُ حَلَالٌ بَيْعُهُ وَ شِرَاؤُهُ وَ هِبَتُهُ وَ عَارِيَتُهُ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Know, may Allah<sup>-azwj</sup> Mercy you! Everything which is Commanded and serves as assistance for the people and supports them in their affairs from the aspects of well-being that cannot be upheld without it, such as what they eat, drink, wear, marry, own, or use, then all of this is lawful to buy, sell, gift, or lend it.

وَ كُلُّ أَمْرٍ يَكُونُ فِيهِ الْفَسَادُ بِمَا قَدْ نُحِيَ عَنْهُ مِنْ جَهَةِ أَكْلِهِ وَ شُرْبِهِ وَ لُبْسِهِ وَ نِكَاحِهِ وَ إِفْسَادِهِ لَوْجِهِ الْفَسَادِ مِثْلُ الْمَيْتَةِ وَ الدَّمِ وَ لَحْمِ الْخَنْزِيرِ وَ الرِّبَا وَ جَمِيعِ الْفَوَاحِشِ وَ لُحُومِ السِّبَاعِ وَ الْخَمْرِ وَ مَا أَشَبَّهُ ذَلِكَ فَحَرَامٌ ضَارٌّ لِلْجَسْمِ وَ فَسَادٌ لِلنَّفْسِ.

<sup>191</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 11

And everything that involves corruption, which has been Prohibited in terms of consumption, drinking, clothing, marriage, or possession due to its corruptive nature, like carrion (dead animal), blood, pork, usury (interest), all immoralities, the meat of predators, intoxicants, and the like, is forbidden, harmful to the body, and corruptive for the soul".<sup>192</sup>

13- ضا، فقه الرضا عليه السلام كَسَبَ الْمُغَيَّبَةُ حَرَامٌ وَ لَا بَأْسَ بِكَسَبِ النَّاحِيَةِ إِذَا قَالَتْ صِدْقاً وَ لَا بَأْسَ بِكَسَبِ الْمَاشِطَةِ إِذَا لَمْ تُشَارِطْ وَ قِيلَتْ مَا تُعْطَى وَ لَا تَصِلُ شَعْرُ الْمَرْأَةِ بِغَيْرِ شَعْرِهَا وَ أَمَّا شَعْرُ الْمَعْرِ فَلَا بَأْسَ بِأَنْ يُوصَلَ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Earning from singers is forbidden, and there is no harm in earning from a mourner if she speaks truthfully. There is no harm in earning from a hairdresser if she does not impose conditions and accepts what she is given. A woman's hair should not be connected with hair that is not hers. As for goat hair, it is permissible to connect it.

وَ قَدْ لَعَنَ النَّبِيُّ ص سَبْعَةَ الْوَاصِلِ شَعْرُهُ بِغَيْرِ شَعْرِهِ وَ الْمُتَشَبِّهَةَ مِنَ النِّسَاءِ بِالرِّجَالِ وَ الرِّجَالَ بِالنِّسَاءِ وَ الْمُفْلِحَ بِأَسْنَانِهِ وَ الْمُوشِمَ بِيَدَيْهِ وَ الدَّعِيَّ إِلَى غَيْرِ مَوْلَاهُ وَ الْمُتَعَاوِلَ عَلَى زَوْجَتِهِ وَ هُوَ الذِّيْوثُ

The Prophet<sup>-saww</sup> cursed seven types - the one who connects his hair with what is not his, the one who imitates the opposite gender, the one who sharpens his teeth, the one who tattoos his hands, the one who calls to someone other than his master, and the one who neglects his wife while being a cuckold.

وَ قَالَ رَسُولُ اللَّهِ ص افْتُلُوا الذِّيْوثَ وَ لَوْ أَنَّ رَجُلًا أَعْطَتْهُ امْرَأَتُهُ مَالًا وَ قَالَتْ لَهُ اصْنَعْ بِهِ مَا شِئْتَ فَإِنْ أَرَادَ الرَّجُلُ يَشْتَرِي بِهِ جَارِيَةً يَطْهَرُهَا لَمَّا جَازَ لَهُ لِأُخَاهُ أَرَادَتْ مَسَرَّتَهُ لَيْسَ لَهُ مَا يَسُوُّهَا

And Rasool-Allah<sup>-saww</sup> said: 'Killed the cuckold!', and if a man was given money by his wife and she says to him, 'Do what you like', so if the man intends to buy a slave girl with it to have union with her, it would not be allowed for him because she had intended to please him, and it isn't for him to be bad to her.

وَ اعْلَمُوا أَنَّ أُجْرَةَ الزَّانِيَةِ وَ ثَمَنَ الْكَلْبِ سُخْتٌ إِلَّا كَلَبَ الصَّيْدِ وَ أَمَّا الرِّشَاءُ فِي الْحُكْمِ فَهِيَ الْكُفْرُ بِاللَّهِ الْعَظِيمِ.

And know that the payment of the adulteress (prostitute) and price of the dog are ill-gotten gains except the hunting dog, and as for the bribe regarding the decision, it is the Kufr with Allah<sup>-azwj</sup> the Magnificent!"<sup>193</sup>

14- ضا، فقه الرضا عليه السلام اعْلَمُوا يَرْحَمَكُمُ اللَّهُ أَنَّ كُلَّ مَا يَتَعَلَّمُهُ الْعِبَادُ مِنْ أَنْوَاعِ الصَّنَائِعِ مِثْلَ الْكِتَابِ وَ الْحِسَابِ وَ التِّجَارَةِ وَ النُّجُومِ وَ الطِّبِّ وَ سَائِرِ الصَّنَائِعَاتِ كَالْأَنْبِيَةِ وَ الْهَنْدَسَةِ وَ التَّصَاوِيرِ مَا لَيْسَ فِيهِ مِثَالُ الرُّوحَانِيَّةِ وَ أَبْوَابِ صُنُوفِ الْأَلَاتِ الَّتِي يُحْتَاجُ إِلَيْهَا بِمَا فِيهِ مَنَافِعُ وَ قَوَائِمُ مَعَاشٍ وَ طَلَبُ الْكَسْبِ فَحَلَالٌ كُلُّهُ تَعْلِيمُهُ وَ الْعَمَلُ بِهِ وَ اخْذُ الْأُجْرَةِ عَلَيْهِ وَ إِنْ قَدْ تَصَرَّفَ بِهَا فِي وُجُوهِ الْمَعَاصِي أَيْضاً مِثْلَ اسْتِعْمَالِ مَا جُعِلَ لِلْحَلَالِ

<sup>192</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 12

<sup>193</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 13

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Know, may Allah<sup>-azwj</sup> Mercy you, that everything servants learn from various crafts such as writing, arithmetic, trade, astronomy, medicine, and other crafts like construction, engineering, and images, which do not involve spiritual examples or devices used in spiritual practices but are needed for benefits, livelihoods, and earning a living, all of this is lawful to learn, practice, and receive payment for, and even if one sometimes uses it in ways related to sins, such as using what is meant for lawful purposes.

ثُمَّ تَصْرِفُهُ إِلَى أَبْوَابِ الْحَرَامِ وَ مِثْلَ مُعَاوَنَةِ الظَّالِمِ وَ غَيْرِ ذَلِكَ مِنْ أَسْبَابِ الْمَعَاصِي مِثْلَ الْإِنَاءِ وَ الْأَقْدَاحِ وَ مَا أَشَبَّهُ ذَلِكَ وَ لَعَلَّهُ لِمَا فِيهِ مِنَ الْمَنَافِعِ جَازَ تَعْلِيمُهُ وَ عَمَلُهُ وَ حَزْمَ عَلَى مَنْ يَصْرِفُهُ إِلَى غَيْرِ وَجْهِ الْحَقِّ وَ الصَّلَاحِ الَّذِي أَمَرَ اللَّهُ بِهَا دُونَ غَيْرِهَا

Then one directs it toward forbidden matters, such as helping the oppressor and other causes of sins like vessels, cups, and the like. Perhaps because of the benefits involved, teaching and practising it is allowed, but it becomes forbidden for the one who directs it away from the paths of truth and righteousness which Allah<sup>-azwj</sup> has Commanded to be followed other than something else.

اللَّهُمَّ إِلَّا أَنْ يَكُونَ صِنَاعَةً مُحَرَّمَةً أَوْ مِنْهَا مِثْلُ الْغِنَاءِ وَ صَنْعَةِ آلَاتِهِ وَ مِثْلُ بِنَاءِ الْبَيْعَةِ وَ الْكَتَائِسِ وَ بَيْتِ النَّارِ وَ تَصَاوِيرِ دَوَى الْأَزْوَاجِ عَلَى مِثَالِ الْحَيَوَانِ وَ الرُّوحَانِيِّ وَ مِثْلَ صَنْعَةِ الدَّفِّ وَ الْعُودِ وَ أَشْبَاهِهِ وَ عَمَلِ الْحُمْرِ وَ الْمُسْكِرِ وَ الْآلَاتِ الَّتِي لَا تَصْلُحُ فِي شَيْءٍ مِنَ الْمُحَلَّلَاتِ فَحَرَامَ عَمَلُهُ وَ تَعْلِيمُهُ وَ لَا يُجُوزُ ذَلِكَ وَ بِاللَّهِ التَّوْفِيقُ.

Except if it is a forbidden craft or one that is prohibited, such as singing and making its instruments, building brothels, churches, and the temples of fire worship, images of beings with souls resembling animals or spirits, making the tambourine, lute and similar instruments, producing wine and intoxicants, and instruments that have no use in lawful matters. Its practice and teaching are forbidden, and that is not permissible. And with Allah<sup>-azwj</sup> is inclination!"<sup>194</sup>

15- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ خَالِدٍ الصَّنَبِيِّ قَالَ: مَرَّ إِبْرَاهِيمُ النَّخَعِيُّ عَلَى امْرَأَةٍ وَ هِيَ جَالِسَةٌ عَلَى بَابِ دَارِهَا بُكْرَةً وَ كَانَ يُقَالُ لَهَا أُمُّ بَكْرٍ وَ فِي يَدِهَا مِغْرَلٌ تَغْرُلُ بِهِ فَقَالَ يَا أُمُّ بَكْرٍ أَمَا كَبُرَتْ أَلَمْ يَأْنِ لَكَ أَنْ تَضَعِي هَذَا الْمِغْرَلَ

(The book) 'Tafseer Al Ayyashi' – from Muhammad Bin Khalid Al Zaby who said,

'Ibrahim Al-Nakhaie passed by a woman sitting at the door of her house in the morning. She was known as Umm Bakr, and in her hand was a spindle with which she was spinning. He said, 'O Umm Bakr, and have you not grown old? Has the time not come for you to put down this spindle?'

فَقَالَتْ وَ كَيْفَ أَضَعُهُ وَ سَمِعْتُ عَلِيَّ بْنَ أَبِي طَالِبٍ أَمِيرَ الْمُؤْمِنِينَ ع يَقُولُ هُوَ مِنْ طَيِّبَاتِ الْكَسْبِ.

<sup>194</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 14

She replied, 'And how can I put it down when I heard Ali<sup>-asws</sup> Bin Abu Talib Amir Al-Momineen<sup>-asws</sup> saying it is from the good earnings?'<sup>195</sup>

16- شي، تفسير العياشي سَمَاعُهُ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ عِ الْغُلُولُ كُلُّ شَيْءٍ غُلٌّ مِنَ الْإِمَامِ وَ أَكَلَ مَالِ الْيَتِيمِ شِبْهُهُ وَ السُّحْتُ شِبْهُهُ.

(The book) 'Tafseer Al Ayyashi' – Sama'at said,

'Abu Abdullah<sup>-asws</sup> said: 'Embezzlement of all things is embezzling from the Imam<sup>-asws</sup>, and devouring wealth of the orphan resembles it, and the ill-gotten gain resembles it'.<sup>196</sup>

17- سر، السرائر مِنْ جَامِعِ الْبَزَنْطِيِّ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ عِ قَالَ: بَيْعُ الشَّطْرَنْجِ حَرَامٌ وَ أَكْلُ ثَمَنِهِ سُحْتُ وَ اخْتِادُهَا كُفْرٌ.

(The book) 'Al Saraair', from 'Jamie' of Al Bazanty, from Abu Baseer,

'From Abu Abdullah<sup>-asws</sup> having said: 'Selling chess is Prohibited, and consuming its prices is an ill-gotten gain, and taking (playing) it is Kufr'.<sup>197</sup>

18- شي، تفسير العياشي عَنِ الْوَشَّاءِ عَنِ الرِّضَا عِ قَالَ سَمِعْتُهُ يَقُولُ ثَمَنُ الْكَلْبِ سُحْتُ وَ السُّحْتُ فِي النَّارِ.

(The book) 'Tafseer Al Ayyashi' – from Al Washa

'From Al-Reza<sup>-asws</sup>, he (the narrator) said, 'I heard him<sup>-asws</sup> saying: 'The price of a dog is an ill-gotten gain, and the ill-gotten gainer would be in the Fire'.<sup>198</sup>

19 شي، تفسير العياشي عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ وَ أَبِي الْحَسَنِ عِ قَالَ: السُّحْتُ أَنْوَاعٌ كَثِيرَةٌ مِنْهَا كَسْبُ الْحَجَّامِ وَ أَجْرُ الزَّانِيَةِ وَ ثَمَنُ الْخَمْرِ وَ أَمَّا الرِّشَا فِي الْحُكْمِ فَهُوَ الْكُفْرُ بِاللَّهِ.

(The book) 'Tafseer Al-Ayyashi' – from Sama'at,

'From Abu Abdullah<sup>-asws</sup> and Abu Al-Hassan<sup>-asws</sup> having said: 'The ill-gotten gains are of many types. From these is earning of the cupper, and payment to the adulteress (prostitute), and price of the wine, and as for the bribe regarding the decision, it is the Kufr with Allah<sup>-azwj</sup>'.<sup>199</sup>

20- شي، تفسير العياشي عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عِ قَالَ: مِنْ أَكْلِ السُّحْتِ الرِّشْوَةُ فِي الْحُكْمِ وَ عَنْهُ وَ مَهْرُ الْبَغِيِّ.

(The book) 'Tafseer Al Ayyashi' – from Jarrah Al Madainy,

<sup>195</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 15

<sup>196</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 16

<sup>197</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 17

<sup>198</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 18

<sup>199</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 19

‘From consumption of the ill-gotten gain is the bribery regarding the decision’, and from him<sup>-asws</sup>: ‘And dower (payment) of the prostitute’.<sup>200</sup>

21- شي، تفسير العياشي عن السكوني عن جعفر عن أبيه ع أنه كان ينهى عن الجوز الذي يجويه الصبيان من القمار أن يؤكل وقال هو السحت.

(The book) ‘Tafseer Al Ayyashi’ – from Al Sakuni,

‘From Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, he<sup>-asws</sup> had forbidden from eating the walnuts which the children obtain from the gambling, and said: ‘It is the ill-gotten gain’.<sup>201</sup>

22- ضا، فقه الرضا عليه السلام سئل أبو عبد الله ع عن شراء الحنات والسرفقة قال إذا عرفت ذلك فلا تشتره إلا من العمال.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>, ‘Abu Abdullah<sup>-asws</sup> was asked about betrayed (embezzled) and the stolen (goods). He<sup>-asws</sup> said: ‘When you know that, do not buy it except from the workers (the manufacturer).’<sup>202</sup>

23- وقيل لأبي عبد الله ع الرجل يطلب من الرجل متاعاً بعشرة آلاف درهم وليس عنده إلا يقدار ألف درهم فيأخذ من جيرانه ومعاويله ثم شراء أو عارئة أو يؤويه ثم يشريه منه أو بمن يشتره منه فيرده على أصحابه

And it was said to Abu Abdullah<sup>-asws</sup>, ‘A man asks another man for goods worth ten thousand Dirhams, while he only possesses goods worth one thousand Dirhams. So, he takes the remaining amount from his neighbours and associates, either by purchase or as a loan, and then completes the amount, buys it from him or from someone who buys it from him, and returns it to its original owners’.

قال لا بأس.

He said: ‘There is no problem’.<sup>203</sup>

24- جدّي الصادق و سئل عن السهم التي يضربها الفصّابون فكرهها إذا وقع بينهم أفضل من سهم.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>: ‘My<sup>-asws</sup> grandfather<sup>-asws</sup> Al-Sadiq<sup>-asws</sup> said, and he<sup>-asws</sup> was asked about the arrows (lots) cast by the butchers. He<sup>-asws</sup> disliked it if there occurs between them more than a (single) share’.<sup>204</sup>

25- عن أبي جعفر ع قال: لا بأس بجوائز السلطان

From Abu Ja’far<sup>-asws</sup> having said: ‘There is no problem with gifts by the ruler’.

<sup>200</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 20

<sup>201</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 21

<sup>202</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 22

<sup>203</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 23

<sup>204</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 24

25- عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا بَأْسَ بِمُجَاوِزِ السُّلْطَانِ

And he<sup>-asws</sup> was asked about a man taking wealth by speculation, 'Is it Permissible for him to give it to another for less than what he had taken it?'

قَالَ لَا وَ لَا يَشْتَرِي الرَّجُلُ مِمَّا يَتَصَدَّقُ بِهِ وَ إِنْ تَصَدَّقَ بِمَسْكِيهِ عَلَى قَرَابَتِهِ سَكَنَ مَعَهُمْ إِنْ شَاءَ وَ السِّمْسَارُ يَشْتَرِي لِلرَّجُلِ بِأَجْرٍ فَيَقُولُ لَهُ خُذْ مَا شِئْتَ وَ انْزُكْ مَا شِئْتَ قَالَ لَا بَأْسَ.

He<sup>-asws</sup> said: 'No, and a man should not buy from what has been given in charity, and if he donates his house to his relatives, he may live with them in it if he wishes. As for the broker, he may buy on behalf of a person for a fee and say to him: 'Take whatever you wish and leave what you wish', he<sup>-asws</sup> said: 'There is no problem'.<sup>205</sup>

26- نَوَادِرُ الرَّاَوْنِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ أَخَوْفَ مَا أَخَافُ عَلَى أُمَّتِي مِنْ بَعْدِي هَذِهِ الْمَكَايِسُ الْمُحَرَّمَةُ وَ الشَّهْوَةُ الْحَنَافِيَّةُ وَ الرِّبَا.

(The book) 'Nawadir' of Al-Rawandi – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The scariest of what I<sup>-saww</sup> fear upon my<sup>-saww</sup> community from after me<sup>-saww</sup> are these forbidden earnings, and the hidden lustful desires, and the usury (interest)!''<sup>206</sup>

27- وَ يَحْتَدِ الْأِسْنَادُ قَالَ: نَحَى رَسُولُ اللَّهِ ص عَنْ زَيْنِ الْمُشْرِكِينَ يُرِيدُ بِهِ هَذَا يَا أَهْلَ الْحَرْبِ.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> prohibited from 'butter' of the Polytheists' – meaning by it gifts to the people at war''<sup>207</sup>

28- أَقُولُ وَجَدْتُ بِحِطِّ الشَّيْخِ مُحَمَّدِ بْنِ عَلِيِّ الْجُبَاعِيِّ رَحِمَهُ اللَّهُ نَقْلًا مِنْ حِطِّ الشَّهِيدِ قَدَسَ اللَّهُ رُوحَهُ عَنْ يُوسُفَ بْنِ جَابِرٍ عَنْ أَبِي جَعْفَرٍ الْبَاقِرِ ع قَالَ: لَعَنَ رَسُولُ اللَّهِ ص مَنْ نَظَرَ إِلَى فَرْجِ امْرَأَةٍ لَا تَحِلُّ لَهُ وَ رَجُلًا حَانَ أَخَاهُ فِي امْرَأَتِهِ وَ رَجُلًا احْتَاجَ النَّاسُ إِلَيْهِ لِيَفْقَهُهُمْ فَسَأَلَهُمُ الرِّشْوَةَ.

I say, 'I found in the handwriting of Muhammad Bin Ali Al Jubaie, may Allah<sup>-azwj</sup> Mercy him, copying from the handwriting of Al Shaheed, may Allah<sup>-azwj</sup> Sanctify his soul, from Yusuf Bin Jabir,

'From Abu Ja'far Al-Baqir<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> Cursed the one who looks at private parts of a woman not Permissible for him, and a man who betrays his brother regarding his wife, and a man the people need from him to give them understanding, so he asks them for the bribe''<sup>208</sup>

<sup>205</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 25

<sup>206</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 26

<sup>207</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 27

<sup>208</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 28



29- وَ يَحْطِهُ أَيْضاً عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ص قَالَ: إِذَا حَرَّمَ اللَّهُ شَيْئاً حَرَّمَ ثَمَنَهُ.

And in his handwriting as well, from Ibn Abbas,

‘From the Prophet<sup>-saww</sup> having said: ‘If Allah<sup>-azwj</sup> has Prohibited a thing, He<sup>-azwj</sup> has also Prohibited its price.’<sup>209</sup>

30- دَعَاؤُ الرَّاوْدِيّ، سُئِلَ الرِّضَا ع عَنْ مَالِ بَنِي أُمَيَّةَ فَقَالَ ع وَ لِي بَنِي أُمَيَّةَ مَالٌ.

(The book) ‘Dawaat’ of Al Rawandi –

‘Al-Reza<sup>-asws</sup> was asked about wealth of the clan of Umayya. He<sup>-asws</sup> said: ‘And for the clan of Umayya there is wealth (as its all ill-gotten which is worthless)?’<sup>210</sup>

31- كِتَابُ صِفِّينَ لِنَصْرِ بْنِ مُزَاهِمٍ قَالَ: لَمَّا مَرَّ أَمِيرُ الْمُؤْمِنِينَ ع بِالْأَنْبَارِ اسْتَقْبَلَهُ بَنُو خَشْنَوْشَكٍ دَهَاقَتَهُمَا

(The book) ‘Kitab Siffeen’ of Nasr Bin Muzahim who said,

‘When Amir Al-Momineen<sup>-asws</sup> passed by Al-Anbar. The clan of Khashnoushak of its people welcomed him<sup>-asws</sup>.

قَالَ سُلَيْمَانُ حَشَ طَيِّبٌ نَوْشَكٌ رَاضِي يَعْني بَنِي الطَّيِّبِ الرَّاضِي بِالْقَارِسِيَّةِ

Suleyman said, ‘The term ‘Khash’ means good, and ‘Nushak’ means satisfied, meaning the clan which is good, the contented in Persian.

قَالَ فَلَمَّا اسْتَقْبَلُوهُ نَزَلُوا عَنْ خُيُولِهِمْ ثُمَّ جَاءُوا يَسْتَنْدُونَ مَعَهُ وَ بَيْنَ يَدَيْهِ وَ مَعَهُمْ بَرَادِيْنٌ قَدْ أَوْقَفُوْهَا فِي طَرِيقِهِ فَقَالَ مَا هَذِهِ الدَّوَابُّ الَّتِي مَعَكُمْ وَ مَا أَرَدْتُمْ بِهَذَا الَّذِي صَنَعْتُمْ

He (the narrator) said, ‘When they welcomed him<sup>-asws</sup>, they descended from their horses, then they came adhering with him<sup>-asws</sup>, and in front of him<sup>-asws</sup>, and with them were horses whom they paused in his<sup>-asws</sup> path. He<sup>-asws</sup> said: ‘What are these animals which are with you, and what are you intending with this which you are doing?’

قَالُوا أَمَّا هَذَا الَّذِي صَنَعْنَا فَهُوَ خَلْقٌ مِنَّا نُعْظِمُ بِهِ الْأُمَرَاءَ وَ أَمَّا هَذِهِ الْبَرَادِيْنُ فَهَدِيَّةٌ لَكَ وَ قَدْ صَنَعْنَا لِلْمُسْلِمِينَ طَعَاماً وَ هَيَّأْنَا لِدَوَابِّكُمْ عِلْفاً كَثِيراً

They said, ‘As for this which we are doing, it is a mannerism from us we revere the commanders with, and as for these horses, it is a gift for you<sup>-asws</sup> and we have prepared meals for the Muslims, and we have a lot of fodder for your animals’.

<sup>209</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 29

<sup>210</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 30

فَقَالَ عَ أَمَّا هَذَا الَّذِي رَعَمْتُمْ أَنَّهُ فِيكُمْ خُلِقَ تُعْظَمُونَ بِهِ الْأُمَرَاءَ فَوَ اللَّهُ مَا يَنْفَعُ ذَلِكَ الْأُمَرَاءَ وَ إِنَّا نَكُفُّونَ بِهِ عَلَى أَنْفُسِكُمْ وَ أَبْدَانِكُمْ فَلَا تَعُودُوا لَهُ وَ أَمَّا دَوَابُّكُمْ هَذِهِ فَإِنْ أَحْبَبْتُمْ أَنْ آخُذَهَا مِنْكُمْ وَ أَحْسَبَهَا لَكُمْ مِنْ خَرَايجِكُمْ آخُذْنَاهَا مِنْكُمْ وَ أَمَّا طَعَامُكُمْ الَّذِي صَنَعْتُمْ لَنَا فَإِنَّا نَكْرَهُ أَنْ نَأْكُلَ مِنْ أَمْوَالِكُمْ إِلَّا بِثَمَنِ

He<sup>-asws</sup> said: 'As for this which you are claiming that it is a mannerism among you all revering the commanders with, by Allah<sup>-azwj</sup>, that does not benefit the commanders, and you are causing difficulties upon yourselves and your bodies, so do not be returning to it (leave this tradition). And as for these animals of your, I<sup>-asws</sup> would love to take them from you, and I<sup>-asws</sup> shall be reckoning it for you to be from your taxes having been taken from you. And as for your meals which you have prepared for us, we dislike to eat from your wealth except with a price'.

قَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ خُذْ نَقُولُ لَكَ إِذَا لَا تُقَوِّمُونَهُ قِيمَتَهُ خُذْ نَكْتَفِي بِمَا هُوَ دُونَهُ

They said, 'O Amir Al-Momineen<sup>-asws</sup>! We shall value it, then we shall accept its price'. He<sup>-asws</sup> said: 'Then you will not evaluate it, we shall suffice you with what is besides it'.

قَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ فَإِنَّ لَنَا مِنَ الْعَرَبِ مَوَالِي وَ مَعَارِفَ أَمْنَعْنَا أَنْ تُهْدِيَ لَهُمْ أَوْ مَنَعَهُمْ أَنْ يَقْبَلُوا [يَقْبَلُوا] مِنَّا فَقَالَ كُلُّ الْعَرَبِ لَكُمْ مَوَالٍ وَ لَيْسَ لِأَحَدٍ مِنَ الْمُسْلِمِينَ أَنْ يَقْبَلَ هَدِيَّتَكُمْ وَ إِنْ غَضَبَكُمْ أَحَدٌ فَأَعْلَمُونَا

They said, 'O Amir Al-Momineen<sup>-asws</sup>! There are friends for us from the Arabs and people we know. Are you<sup>-asws</sup> forbidding us from gifting to them, or refusing them to accept from us (for free)?' He<sup>-asws</sup> said: 'All Arabs are your friends, and it isn't for anyone from the Muslims that he should accept your gifts, and if anyone usurps you, then let us know'.

قَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّا نَحِبُّ أَنْ تَقْبَلَ هَدِيَّتَنَا وَ كَرَامَتَنَا قَالَ وَ يَتَكَبَّرُ عَنْكُمْ فَخُذْ عَنْكُمْ فَتَرَكَهُمْ وَ سَارَ.

They said, 'O Amir Al-Momineen<sup>-asws</sup>! We would love it if you<sup>-asws</sup> could accept our gifts and our prestige'. He<sup>-asws</sup> said: 'Woe be unto you! We are needless from you'. He<sup>-asws</sup> left them and travelled".<sup>211</sup>

32- تَحِيَّ الْبَلَاغَةِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع قَالَ رَسُولُ اللَّهِ ص يَا عَلِيُّ إِنَّ الْقَوْمَ سَيُفْتَنُونَ بِغَدِي بِأَمْوَالِهِمْ وَ يَمُنُّونَ بِدِينِهِمْ عَلَى رَجِيمٍ وَ يَتَمَنُّونَ رَحْمَتَهُ وَ يَأْمَنُونَ سَطَوَتَهُ وَ يَسْتَحِلُّونَ حَرَامَهُ بِالشُّبُهَاتِ الْكَاذِبَةِ وَ الْأَهْوَاءِ السَّاهِيَةِ فَيَسْتَحِلُّونَ الْحَفَرَ بِالنَّبِيدِ وَ السُّخْتِ بِالْهَدِيَّةِ وَ الرِّبَا بِالْبَيْعِ

(The book) 'Nahj Al Balagah' –

'Amir Al-Momineen<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'O Ali<sup>-asws</sup>! The people will be tempted with the wealth, and they will (think) they are conferring a favour with their religion upon their Lord<sup>-azwj</sup>, and they are wishing for His<sup>-azwj</sup> Mercy, and are feeling safe from His<sup>-azwj</sup> Punishment, and they are permitting His<sup>-azwj</sup> Prohibition with the false suspicions and deceptive whims. So, they permitted the wine through Al-Nabeez, and the ill-gotten gains as the gifts, and the interest as the selling (money)'.

<sup>211</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 31

فُلْتُ يَا رَسُولَ اللَّهِ فَبِأَيِّ الْمَنَازِلِ أَنْزَلَهُمْ عِنْدَ ذَلِكَ أَمْ بِمَنْزِلَةِ فِتْنَةٍ

I<sup>-asws</sup> said: 'O Rasool-Allah<sup>-saww</sup>! So, at which status should I<sup>-asws</sup> status them during that, is it as the status of apostasy or the status of Fitna?'<sup>212</sup>

33- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنِ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنِ النَّبِيِّ ص قَالَ: شَرُّ الْكَسْبِ ثَمْنُ الْكَلْبِ وَ مَهْرُ الْبَغِيِّ وَ كَسْبُ الْحُجَّامِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Haroun Bin Musa, from Muhammad Bin Ali, from Muhammad Bin Al-Husayn, from Ali Bin Asbaat, from Ibn Fazzal,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: 'The evil earnings are price of the dog, and dower (payment) of the prostitute, and earning of the cupper''<sup>213</sup>

34- الدُّرُّ الْمَنْتَوَّرُ عَنِ ابْنِ عَبَّاسٍ قَالَ: كَانَ آدَمُ حَزَانًا وَ كَانَ إِدْرِيسُ خَيْطًا وَ كَانَ نُوحٌ عَ تَجَارًا وَ كَانَ هُودٌ تَاجِرًا وَ كَانَ إِبْرَاهِيمُ ص رَاعِيًا وَ كَانَ دَاوُدُ زَرَادًا وَ كَانَ سُلَيْمَانُ خَوَاصًا وَ كَانَ مُوسَى أَجِيرًا وَ كَانَ عِيسَى سَيَّاحًا وَ كَانَ مُحَمَّدٌ ص شَجَاعًا جُعِلَ رِزْقُهُ تَحْتَ رُجْحِهِ.

(The book) 'Al Durr Al Mansour' – From Abbas who said,

'Adam<sup>-as</sup> was a farmer, and Idrees<sup>-as</sup> was a tailor, and Noah<sup>-as</sup> was a carpenter, and Hud<sup>-as</sup> was a trader, and Ibrahim<sup>-as</sup> was a shepherd, and Dawood<sup>-as</sup> was an armour-maker, and Suleyman<sup>-as</sup> was a (cloth) weaver, and Musa<sup>-as</sup> was an employee, and Isa<sup>-as</sup> was a wanderer, and Muhammad<sup>-saww</sup> was brave (warrior). His<sup>-saww</sup> sustenance was made to be beneath his<sup>-saww</sup> spear''<sup>214</sup>

35- وَ عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ لِرَجُلٍ عِنْدَهُ اذْنٌ مِنِّي أَخَذْتُكَ عَنِ الْأَنْبِيَاءِ الْمَذْكُورِينَ فِي كِتَابِ اللَّهِ أَخَذْتُكَ عَنْ آدَمَ كَانَ حَزَانًا وَ عَنْ نُوحٍ كَانَ تَجَارًا وَ عَنْ إِدْرِيسَ كَانَ خَيْطًا وَ عَنْ دَاوُدَ كَانَ زَرَادًا وَ عَنْ مُوسَى كَانَ رَاعِيًا وَ عَنْ إِبْرَاهِيمَ كَانَ زَرَاعًا عَظِيمَ الصِّيَافَةِ

And from Ibn Abbas, he said to a man in his presence, 'Come near me, I will narrate to you from the Prophets<sup>-as</sup> mentioned in the Book of Allah<sup>-azwj</sup>! I narrate to you about Adam<sup>-as</sup> he<sup>-as</sup> was a farmer, and about Noah<sup>-as</sup> he<sup>-as</sup> was a carpenter, and about Idrees<sup>-as</sup> he<sup>-as</sup> was a tailor, and about Dawood<sup>-as</sup> he<sup>-as</sup> was an armour maker, and about Musa<sup>-as</sup> he<sup>-as</sup> was a shepherd, and about Ibrahim<sup>-as</sup> he<sup>-as</sup> was a shepherd, of mighty hospitality.

وَ عَنْ شُعَيْبٍ كَانَ رَاعِيًا وَ عَنْ لُوطٍ كَانَ زَرَاعًا وَ عَنْ صَالِحٍ كَانَ تَاجِرًا وَ عَنْ سُلَيْمَانَ كَانَ أَوْتِي الْمُلْكِ وَ يَصُومُ مِنَ الشَّهْرِ ثَلَاثَةَ أَيَّامٍ فِي أَوَّلِهِ وَ ثَلَاثَةَ أَيَّامٍ فِي وَسْطِهِ وَ ثَلَاثَةَ أَيَّامٍ فِي آخِرِهِ وَ كَانَتْ لَهُ سَبْعُمِائَةِ سُرِّيَّةٍ وَ ثَلَاثُ مِائَةِ مَهِيرَةٍ

And about Shueyb<sup>-as</sup> he<sup>-as</sup> was a shepherd, and about Lut<sup>-as</sup> he<sup>-as</sup> was a cultivator (farmer), and about Salih<sup>-as</sup> he<sup>-as</sup> was a trader, and about Suleyman<sup>-as</sup> he<sup>-as</sup> was Given the kingdom and he<sup>-as</sup> fasted from the month, three days in its beginning, and three days in its middle, and three

<sup>212</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 32

<sup>213</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 33

<sup>214</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 34

days in its end, and there were seven hundred concubines and three hundred dowered (wives).

وَأُحَدِّثُكَ عَنْ ابْنِ الْعَدْرَاءِ الْبُتُولِ عِيسَى عَ أَنَّهُ كَانَ لَا يَحْبُ شَيْئًا لَعْدٍ وَ يَقُولُ الَّذِي عَدَّانِي سَوْفَ يُعَشِّينِي وَ الَّذِي عَشَّانِي سَوْفَ يُغَدِّبُنِي يَغْبُدُ اللَّهُ لَيْلَتَهُ كُلَّهُ وَ هُوَ بِالنَّهَارِ صَائِمٌ.

And I shall narrate to you about the son<sup>-as</sup> of the chaste virgin, Isa<sup>-as</sup>. He<sup>-as</sup> would not store anything for the following day, and he<sup>-as</sup> said: ‘The One Who Gave me breakfast will soon be Giving me dinner, and the One Who Gives me dinner will soon be Giving me breakfast!’ He<sup>-as</sup> worshipped Allah<sup>-azwj</sup> all of his<sup>-as</sup> nights and at the daytime he<sup>-as</sup> would be fasting’.<sup>215</sup>

36- وَ عَنْ أَنَسٍ قَالَ: هَبَطَ آدَمُ وَ حَوَاءُ غُرَيَانَتَيْنِ جَمِيعاً عَلَيْهِمَا وَرَقُ الْجَنَّةِ فَأَصَابَهُ الْحَرُّ حَتَّى قَعَدَ يَبْكِي وَ يَقُولُ يَا حَوَاءُ قَدْ آذَانِي الْحَرُّ

And from Anas (a well-known fabricator), ‘Adam<sup>-as</sup> and Hawwa<sup>-as</sup> both descended (from Paradise) without garments, and upon them<sup>-as</sup> were the leaves of Paradise. The heat afflicted him<sup>-as</sup> to the extent that he<sup>-as</sup> sat down crying and saying: ‘O Hawwa<sup>-as</sup>, the heat is hurting me!’

فَجَاءَ جِبْرِئِيلُ بِقُطْنٍ وَ أَمَرَهَا أَنْ تَغْزِلَهُ وَ عَلَّمَهَا وَ أَمَرَ آدَمَ بِالْحَيَاكَةِ وَ عَلَّمَهُ.

Jibraeel<sup>-as</sup> came with cotton and instructed her<sup>-as</sup> to spin it and instructed Adam<sup>-as</sup> with weaving and taught him<sup>-as</sup>’.<sup>216</sup>

[باب 5 كسب الناحية و المغنية](#)

## CHAPTER 5 – EARNINGS OF THE MOURNER AND THE SINGER

1- ب، قرب الإسناد عَنْهُمْ عَنْ حَنَانٍ قَالَ: كَانَتْ امْرَأَةٌ مَعَنَا فِي الْحَيِّ وَ كَانَتْ لَهَا جَارِيَةٌ نَائِحَةٌ فَجَاءَتْ إِلَى أَبِي فَقَالَتْ جُعِلْتُ فِدَاكَ يَا عَمَّاهُ إِنَّكَ نَعْلَمُ أَنَّ مَعِيشَتِي مِنَ اللَّهِ عَزَّ وَ جَلَّ ثُمَّ مِنْ هَذِهِ الْجَارِيَةِ وَ قَدْ أُحِبُّ أَنْ تَسْأَلَ أَبَا عَبْدِ اللَّهِ عَ عَنْ ذَلِكَ فَإِنْ يَكُ ذَلِكَ حَلَالًا وَ إِلَّا لَمْ تَنْحُ وَ بَعُثَهَا وَ أَكَلْتُ مِنْهَا حَتَّى يَأْتِيَ اللَّهُ بِفَرْجٍ

(The book) ‘Qurb Al Isnaad’ – From Hanan who said,

‘There was a woman among us in the neighbourhood who had a slave girl who was a mourner. She came to my father and said, ‘May I be your ransom, uncle. You know that my livelihood is from Allah, the Mighty and Majestic, and then from this slave girl. I would like you to ask Abu Abdullah<sup>-asws</sup> about that. If it is lawful, then fine, otherwise, she will not mourn, and I will sell her and consume her price until Allah<sup>-azwj</sup> brings relief’.

قَالَ فَقَالَ لَهَا أَبِي وَ اللَّهُ إِنِّي لَأُعْظِمُ أَبَا عَبْدِ اللَّهِ أَن أَسْأَلَهُ عَنْ هَذِهِ الْمَسْأَلَةِ

<sup>215</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 35

<sup>216</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 4 H 36

He (the narrator) said, 'He said to her, 'By Allah<sup>-azwj</sup>! I revere Abu Abdullah<sup>-asws</sup> too much to ask him<sup>-asws</sup> about this matter!'

قَالَ فَعُلْتُ لَهَا أَنَا أَسْأَلُهُ لَكَ عَنْ هَذَا

He (the narrator) said, 'I said to her, 'I shall ask him<sup>-asws</sup> for you about this'.

فَلَمَّا قَدِمْنَا دَخَلْتُ عَلَيْهِ فَعُلْتُ إِنَّ امْرَأَةً جَارَةٌ لَنَا وَ هِيَ جَارِيَةٌ نَائِحَةٌ إِنَّمَا عَشِيَّتُهَا [عَيْشُهَا] مِنْهَا بَعْدَ اللَّهِ فَالْتَّ لِي أَسْأَلُ أَبَا عَبْدِ اللَّهِ عَنْ كَسْبِهَا إِنْ يَكُنْ حَالًا لَا وَ إِلَّا يَغْتَنُهَا

When we arrived, I entered to see him<sup>-asws</sup>. I said, 'There is a woman neighbour of ours and there is a slave girl for her, a mourner. But rather, her livelihood is from it, after Allah<sup>-azwj</sup>. She said to me, 'Ask Abu Abdullah<sup>-asws</sup> about her earnings, whether it is Permissible, or else I will sell her'.

قَالَ أَبُو عَبْدِ اللَّهِ ع تَشَارِطُ

Abu Abdullah<sup>-asws</sup> said: 'She makes a prior agreement (fix the price)?'

قُلْتُ وَ اللَّهُ مَا أَذْرِي تَشَارِطُ أَمْ لَا

I said, 'By Allah<sup>-azwj</sup>! I don't know whether she makes a prior agreement (for the fee) or not!'

فَقَالَ لِي قُلْ لَهَا لَا تَشَارِطُ وَ تَقْبَلُ مَا أُعْطِيَ.

He<sup>-asws</sup> said to me: 'Say to her, 'Do not make a prior agreement and accept whatever is given''<sup>217</sup>

2- ل، الخصال ابن الوليد عَنِ الصَّفَّارِ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ عَنِ إِسْحَاقَ بْنِ إِبْرَاهِيمَ عَنْ نَصْرِ بْنِ قَابُوسَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ الْمُنَجِّمُ مَلْعُونٌ وَ الْكَاهِنُ مَلْعُونٌ وَ السَّاحِرُ مَلْعُونٌ وَ الْمُغَيِّبُ مَلْعُونٌ وَ مَنْ آوَاهَا مَلْعُونٌ وَ أَكَلُ كَسْبِهَا مَلْعُونٌ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al-Hassan Bin Ali, from Is'haq Bin Ibrahim, from Nasr Bin Qabous who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'The astrologer is an accursed, and the soothsayer is an accursed, and the sorcerer is an accursed, and the female singer is an accursed, and the one who shelters her is an accursed, and the consumer of her earnings is an accursed!''<sup>218</sup>

3- قَالَ وَ قَالَ ع الْمُنَجِّمُ كَالْكَاهِنِ وَ الْكَاهِنُ كَالسَّاحِرِ وَ السَّاحِرُ كَافِرٌ وَ الْكَافِرُ فِي النَّارِ.

<sup>217</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 5 H 1

<sup>218</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 5 H 2

He said, 'And he<sup>-asws</sup> said: 'The astrologer is like the soothsayer, and the soothsayer is like the sorcerer, and the sorcerer is a Kafir, and the Kafir is in the Fire!''<sup>219</sup>

باب 6 الحجامه و فحل الضراب

## CHAPTER 6 – THE CUPPING AND STUD (HORSE/CAMEL) FOR THE MATING

1- ب، قرب الإسناد ابن طريف عن ابن علقوان عن الصادق عن أبيه ع قال: إِنَّ رَسُولَ اللَّهِ ص اخْتَجَمَ وَسَطَ رَأْسِهِ حَجْمَهُ أَبُو طَيِّبَةَ يَحْجِمُهُ مِنْ صُفْرِ وَ أَعْطَاهُ رَسُولُ اللَّهِ ص صَاعًا مِنْ تَمْرٍ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> had cupping done in the middle of his<sup>-saww</sup> head. Abu Tayyiba did the cupping for him<sup>-saww</sup> with a cupping tool made of brass, and Rasool-Allah<sup>-saww</sup> gave him a Sa'a (measure) of dates''<sup>220</sup>

2- ن، عيون أخبار الرضا عليه السلام بألسانيد الثلاثة عن الرضا عن آتائه ع قال قال رسول الله ص إِنَّا أَهْلُ بَيْتٍ لَا نَحِلُّ لَنَا الصَّدَقَةُ وَ أَمْرُنَا بِإِسْبَاغِ الطَّهْوَرِ وَ أَنْ لَا نُتْرَى جَمَارًا عَلَى عَتِيقَةٍ.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – By the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'We<sup>-asws</sup> People<sup>-asws</sup> of the Household, the charity is not Permissible for us, and we<sup>-asws</sup> have been commanded to perfect purification and not to mate a donkey with a noble-bred female!''<sup>221</sup>

باب 7 بيع المصاحف و أجر كتابتها و تعليمها

## CHAPTER 7 – SELLING (COPIES OF) THE QUEAN, AND PAYMENT OF WRITING IT AND TEACHING IT

الآيات البقرة وَ لَا تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا.

The Verses – (Surah) Al Baqarah: **and do not be exchanging My verses for a small price; [2:41].**

1- ب، قرب الإسناد علي عن أخيه ع قال: سَأَلْتُهُ عَنِ الرَّجُلِ يَكْتُبُ الْمُصْحَفَ بِالْأَجْرِ قَالَ لَا بَأْسَ.

(The book) 'Qurb Al Isnaad' –

<sup>219</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 5 H 3

<sup>220</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 6 H 1

<sup>221</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 6 H 2

Ali, from his brother (Musa Al-Kazim<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the man writing the Parchment (Quran) for the payment. He<sup>-asws</sup> said: 'There is no problem''.<sup>222</sup>

2 سر، السرائر من جامع البرزطي مثله.

(The book) 'Al Saraair', from 'Jamie' Al Bazanty – similar to it.<sup>223</sup>

3- ضا، فقه الرضا عليه السلام اعلم أن أجره المعلوم حرام إذا شارب في تعليم القرآن أو معلّم لا يعلمه إلا قرآناً فقط فحرام أجره إن شارب أو لم يُشارِب.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Know that wages of the teacher are Prohibited when he stipulates a condition for teaching the Quran, or a teacher who does not teach except Quran only. His wages would be Prohibited whether he stipulates or does not stipulate''.<sup>224</sup>

4- وَ رُوِيَ عَنِ ابْنِ عَبَّاسٍ فِي قَوْلِهِ أَكْأَلُونَ لِلْسُّحْتِ قَالَ أَجْرُ الْمُعَلِّمِينَ الَّذِينَ يُشَارِبُونَ فِي تَعْلِيمِ الْقُرْآنِ.

And it is reported from Ibn Abbas regarding His<sup>-azwj</sup> Words: **devouring the ill-gotten gains [5:42]**. He said, 'Payments to the teachers, those who are stipulating regarding teaching the Quran''.<sup>225</sup>

5- وَ رُوِيَ أَنَّ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ جَاءَ إِلَى النَّبِيِّ ص فَقَالَ يَا رَسُولَ اللَّهِ أَعْطَانِي فُلَانٌ الْأَعْرَابِي نَاقَةً يَوْلِدُهَا

And it is reported that Abdullah Bin Masoud came to the Prophet<sup>-saww</sup>. He said, 'O Rasool-Allah<sup>-saww</sup>! So and so the Bedouin gave me a she-camel along with her young child!'

فَقَالَ النَّبِيُّ ص لِمَ يَا ابْنَ مَسْعُودٍ

The Prophet<sup>-saww</sup> said: 'Why, O Ibn Masoud?'

فَقَالَ إِنِّي كُنْتُ عَلَّمْتُ لَهُ أَرْبَعَ سُورٍ مِنْ كِتَابِ اللَّهِ

He said, 'I had taught him four Chapters from the Book of Allah<sup>-azwj</sup>'.

فَقَالَ رُدَّ عَلَيْهِ يَا ابْنَ مَسْعُودٍ فَإِنَّ الْأَجْرَةَ عَلَى الْقُرْآنِ حَرَامٌ.

He<sup>-saww</sup> said: 'Return it to him, O Ibn Masoud, for taking the payment for the Quran is Prohibited!''<sup>226</sup>

باب 8 بيع السلاح من أهل الحرب

<sup>222</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 7 H 1

<sup>223</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 7 H 2

<sup>224</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 7 H 3

<sup>225</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 7 H 4

<sup>226</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 7 H 5

## CHAPTER 8 – SELLING WEAPONS TO THE PEOPLE OF WAR

1- ب، قرب الإسناد عليّ عن أخيه قال: سألتُه عن الرجل المسلم يحمل التجارة إلى المشركين قال إذا لم يحملوا سلاحاً فلا بأس.

(The book) ‘Qurb Al Isnaad’ –

Ali, from his brother (Al-Kazim<sup>-asws</sup>), ‘I asked him<sup>-asws</sup> about the Muslim man carrying the trade (merchandise) to the Polytheists. He<sup>-asws</sup> said: ‘If he does not carry weapons, there is no problem’’.<sup>227</sup>

2- ل، الخصال فيما أوصى به النبي ص يا عليّ كفر بالله العظيم من هذه الأمة عشرة القنات و الساجر و الديوث و ناكح المرأة حراماً في ذريها و ناكح البهيمه و من نكح ذات محرم منه و الساعي في الفتنة و بائع السلاح من أهل الحرب و مانع الزكاة و من وجد سعة فمات و لم يخرج.

(The book) ‘Al Khisaal’ –

‘Among what the Prophet<sup>-saww</sup> bequeathed with: ‘O Ali<sup>-asws</sup>! The disbelievers in Allah<sup>-azwj</sup> the Magnificent, from this community are ten – the talebearer, and the sorcerer, and the cuckold, and the union with the wife unlawful in her rear, and the union with the beasts (bestiality), and one who has union with someone sanctimonious to him (Mahram), and the striver in the Fitna, the seller of weapons to the people of war, and the preventer of Zakat, and one who finds capacity, but he dies and did not perform Hajj’’.<sup>228</sup>

باب 9 بيع الوقف

## CHAPTER 9 – SELLING ENDOWMENTS (WAQF – DESIGNATED PROPERTY)

1- ج، الإحتجاج كتب الحميري إلى الناجية المقدسة أن لبعض إخواننا ممن نعرفه ضيعة جديدة يجنب ضيعة خراب للسلطان فيها حصته و أكرته ربما زرعوها حُدودها و تؤذيهم عمال السلطان و تتعرض في الأكل من غلات ضيعته

(The book) ‘Al-Ihtijaj’ –

‘Al-Himyari wrote to the Holy area (Imam Al Mahdi<sup>-ajfi</sup>) saying, ‘One of our brothers, whom we know, owns a new estate next to a ruined estate belonging to the ruler, in which he holds a share and has hired labourers. Sometimes, they plant along its borders, and the ruler's agents harm them and interfere by taking from the produce of their estate.

و ليس لها قيمة لجراها و إنما هي بائرة منذ عشرين سنة و هو يتخرج من شرائها لأنه يقال إن هذه الحصة من هذه الضيعة كانت قبضت عن الوقف قديماً للسلطان

And there isn't any value for it due to its desolation and rather it has been barren for twenty years. He hesitates to purchase it because it is said that this share of the estate was originally taken long ago from endowment (Waqf) property by the ruler.

<sup>227</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 8 H 1

<sup>228</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 8 H 2



فَإِنْ جَازَ شِرَاؤُهَا مِنَ السُّلْطَانِ وَكَانَ ذَلِكَ صَوَابًا كَانَ ذَلِكَ صَاحِبًا لَهُ وَ عِمَارَةً لِضَيْعَتِهِ وَ أَنَّهُ يَزْرَعُ هَذِهِ الْحِصَّةَ مِنَ الْقَرْيَةِ الْبَائِرَةِ لِفَضْلِ مَاءِ ضَيْعَتِهِ الْعَامِرَةِ وَ يَنْحَسِبُ عَنْهُ طَمَعُ أَوْلِيَاءِ السُّلْطَانِ وَ إِنْ لَمْ يَجُزْ ذَلِكَ عَمِلَ بِمَا تَأْمُرُهُ إِنْ شَاءَ اللَّهُ

If it is permissible to buy it from the ruler and if that would be correct, then it would be beneficial for him and help revive his estate. He would then cultivate that share of the barren village using the surplus water from his cultivated estate and would be protected from the ambitions of the ruler's agents. If it is not permissible, he will act according to your<sup>-ajfi</sup> orders, if Allah<sup>-azwj</sup> so Desires!

فَأَجَابَ عِ الضَّيْعَةَ لَا يَجُوزُ ائْتِيَاغُهَا إِلَّا مِنْ مَالِكِهَا أَوْ بِأَمْرِهِ وَ رِضَا مِنْهُ.

He<sup>-ajfi</sup> replied: 'The estate, it is not allowed to purchase it except from its owner, or by his instruction and agreement from him'.<sup>229</sup>

2- وَ كَتَبَ رُؤْيٍ عَنِ الْفَقِيهِ فِي بَيْعِ الْوُقُوفِ خَبْرًا مَأْثُورًا إِذَا كَانَ الْوَقْفُ عَلَى قَوْمٍ بِأَعْيَانِهِمْ وَ أَعْقَابِهِمْ فَاجْتَمَعَ أَهْلُ الْوَقْفِ عَلَى بَيْعِهِ وَ كَانَ ذَلِكَ أَصْلَحَ لَهُمْ أَنْ يَبِيعُوهُ فَهَلْ يَجُوزُ أَنْ يُشْتَرَى مِنْ بَعْضِهِمْ إِنْ لَمْ يَجْتَمِعُوا كُلَّهُمْ عَلَى الْبَيْعِ أَمْ لَا يَجُوزُ إِلَّا أَنْ يَجْتَمِعُوا كُلَّهُمْ عَلَى ذَلِكَ وَ عَنِ الْوَقْفِ الَّذِي لَا يَجُوزُ بَيْعُهُ

It was written, 'It is narrated from the jurist regarding the sale of endowments (waqf) that there is a transmitted report – 'If the endowment is for specific people and their descendants, and the beneficiaries of the endowment all agree to sell it, and selling it is better for them, then may they sell it? And is it permissible to buy it from some of them if all of them do not agree to the sale? Or is it not permissible unless they all agree? And regarding the type of endowment whose sale is not permissible.

فَأَجَابَ إِذَا كَانَ الْوَقْفُ عَلَى إِمَامٍ الْمُسْلِمِينَ فَلَا يَجُوزُ بَيْعُهُ وَ إِنْ كَانَ عَلَى قَوْمٍ مِنَ الْمُسْلِمِينَ فَلْيَبِيعْ كُلُّ قَوْمٍ مَا يَقْدِرُونَ عَلَى بَيْعِهِ مُجْتَمِعِينَ وَ مُتَفَرِّقِينَ إِنْ شَاءَ اللَّهُ.

The 12<sup>th</sup> Imam<sup>-ajfi</sup> replied: 'If the endowment is for the Imam<sup>-ajfi</sup> of the Muslims, then its sale is not Permissible. But if it is for a group of Muslims, then let each group sell what they are able to sell, whether together or separately, if Allah<sup>-azwj</sup> so Desires'.<sup>230</sup>

باب 10 استحباب الزرع و الغرس و حفر القلبان و إجراء القنوات و الأنهار و آداب جميع ذلك

## CHAPTER 10 – THE RECOMMENDATION OF PLANTIC CROPS AND THE TREES, AND DIGGING THE WELLS, AND FLOWING THE WATER CHANNELS, AND THE RIVERS, AND METHODS OF ALL THAT

الآيات الواقعة أَمَّا قَرَأْتُمْ مَا تَحْرُثُونَ أَمْ أَنْتُمْ نَزَعُونَهُ أَمْ نَحْنُ الزَّارِعُونَ لَوْ نَشَاءُ لَجَعَلْنَاهُ حُطَامًا فَظَلْتُمْ تَفَكَّهُونَ إِنَّا لَمُعْرِمُونَ بَلْ نَحْنُ مُحْزَمُونَ

The Verses – (Surah) Al Waqia: **Have you considered what you cultivate? [56:63] Are you its growers or are We the Growers? [56:64] If We so Desire, We can Make it to be debris, then**

<sup>229</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 9 H 1

<sup>230</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 9 H 2

**you would be upset [56:65] (Saying), ‘We have been penalised! [56:66] But, we have been deprived!’ [56:67].**

1- وَ فِي جَمْعِ الْبَيِّنَاتِ عَنِ النَّبِيِّ صَلَّى لَا يَقُولَنَّ أَحَدُكُمْ زَرَعْتُ وَ لَيْتُنِي خَرْتُ.

And in ‘Majma Al-Bayaan’ – ‘From the Prophet<sup>saww</sup>: ‘Let not one of you be saying, ‘I cultivated’, and let him say, ‘I tilled (the land)’”.<sup>231</sup>

2- الْعِلَلُ، عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى الْعَلَوِيِّ عَنْ مُحَمَّدِ بْنِ أَصْبَاطٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَبْدِ اللَّهِ عَنْ عِيْسَى بْنِ جَعْفَرٍ الْعَلَوِيِّ الْعُمَرِيِّ عَنْ آبَائِهِ عَنْ عُمَرَ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَلِيٍّ بْنِ أَبِي طَالِبٍ ع أَنَّ النَّبِيَّ صَلَّى قَالَ: مَرَّ أَخِي عِيْسَى بِمَدِينَةٍ وَ إِذَا فِي ثَمَارِهَا الدُّودُ فَشَكَوَا إِلَيْهِ مَا بِهِمْ

(The book) ‘Al-Ilal’ – from Ahmad Bin Muhammad Bin Isa Al Alawy, from Muhammad Bin Asbat, from Ahmad Bin Muhammad Bin Ziyad, from Ahmad Bin Muhammad Bin Abdullah, from Isa Bin Ja’far Al Alawy Al Umari, from his forefathers,

‘From Umar son of Ali<sup>asws</sup>, from his father Ali<sup>asws</sup> Bin Abu Talib<sup>asws</sup>: ‘The Prophet<sup>saww</sup> said: ‘My<sup>saww</sup> brother Isa<sup>as</sup> passed by a town, and its fruits were filled with worms. The people complained to him about what they were suffering.

فَقَالَ دَوَاءُ هَذَا مَعَكُمْ وَ لَيْسَ تَعْلَمُونَ أَنْتُمْ قَوْمٌ إِذَا غَرَسْتُمْ الْأَشْجَارَ صَبَبْتُمْ التُّرَابَ ثُمَّ صَبَبْتُمْ الْمَاءَ وَ لَيْسَ هَكَذَا يَجِبُ بَلْ يَنْبَغِي أَنْ تَصُبُّوا الْمَاءَ فِي أَصُولِ الشَّجَرِ ثُمَّ تَصُبُّوا التُّرَابَ لِكَيْلَا يَقَعَ فِيهِ الدُّودُ

He<sup>as</sup> said, ‘The remedy for this is with you, but you do not know it. You are people who, when you plant trees, pour the soil first and then pour the water. This is not how it should be. Rather, you should pour water at the roots of the tree first, then pour the soil, so that worms do not occur in it’.

فَاسْتَأْنَفُوا كَمَا وَصَفَ فَذَهَبَ ذَلِكَ عَنْهُمْ.

They followed his<sup>as</sup> instructions, that went away from them”.<sup>232</sup>

3- ل، الخصال لي، الأمالي للصدوق أبي عن سعدٍ عن أبي بصيرٍ عن محمد بن شعيبٍ عن الهيثم بن أبي كهمسٍ عن الصادق ع قال: سِتُّ خِصَالٍ يَنْتَفِعُ بِهَا الْمُؤْمِنُ مِنْ بَعْدِ مَوْتِهِ وَلَدٌ صَالِحٌ يَسْتَغْفِرُ لَهُ وَ مُصْحَفٌ يُقْرَأُ مِنْهُ وَ قَلِيبٌ يَخْفِزُهُ وَ غَرْسٌ يَغْرِسُهُ وَ صَدَقَةٌ مَاءٍ يُجْرِيهِ وَ سَنَةٌ حَسَنَةٌ يُؤْخَذُ بِهَا بَعْدَهُ.

(The book) ‘Al Khisaal’, (and) ‘Al Amaali’ of Al Sadouq – My father, from Sa’ad, from Al Yaqteeny, from Muhammad Bin Shueyb, from Al Heysam Bin Abu Kahmas,

‘From Al-Sadiq<sup>asws</sup> having said: ‘There are six characteristics the Momin can benefit with after his death – a righteous sons seeking Forgiveness for him, and a Quran being read from, and a

<sup>231</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 1

<sup>232</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 2

well he had dug, and a plant he had planted, and charity of water he caused to flow, and a good conduct (tradition) he had left behind as his legacy”.<sup>233</sup>

4- مع، معاني الأخبار لي، الأمالي للصدوق أبي [عَنْ عَلِيِّ ع] عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ: سُئِلَ رَسُولُ اللَّهِ ص أَيُّ الْمَالِ خَيْرٌ

(The book) ‘Ma’any Al Akhbar’, (and) ‘Al Amaali’ of Al Sadouq – My father, from his father, from Al Nowfali, from Al Sakuni,

From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> was asked, ‘Which wealth is good?’

قَالَ زَرْعٌ زَرْعُهُ صَاحِبُهُ وَ أَصْلَحُهُ وَ أَدَّى حَقَّهُ يَوْمَ حَصَادِهِ

He<sup>-saww</sup> said: ‘A cultivation its owner cultivates and rectifies it, and pays its dues on the day of its harvest’.

قِيلَ يَا رَسُولَ اللَّهِ فَأَيُّ الْمَالِ بَعْدَ الزَّرْعِ خَيْرٌ

It was said, ‘O Rasool-Allah<sup>-saww</sup>! So, after the cultivation, which wealth is better?’

قَالَ رَجُلٌ فِي غَنَمِهِ قَدْ تَبَعَ بِهَا مَوَاضِعَ الْفَطْرِ يُقِيمُ الصَّلَاةَ وَ يُؤْتِي الزَّكَاةَ

He<sup>-saww</sup> said: ‘A man among his sheep pursuing the places of rains with these. He established the Salat and gives the Zakat’.

قِيلَ يَا رَسُولَ اللَّهِ فَأَيُّ الْمَالِ بَعْدَ الْغَنَمِ خَيْرٌ

It was said, ‘O Rasool-Allah<sup>-saww</sup>! So, after the sheep, which wealth is better?’

قَالَ الْبَقَرُ تَغْدُو بِحَيْرٍ وَ تَرُوحُ بِحَيْرٍ

He<sup>-saww</sup> said: ‘The cows going out in the morning with goodness and returning with goodness’.

قِيلَ يَا رَسُولَ اللَّهِ فَأَيُّ الْمَالِ بَعْدَ الْبَقَرِ خَيْرٌ

It was said, ‘O Rasool-Allah<sup>-saww</sup>! So, after the cows, which wealth is better?’

قَالَ الرَّاسِيَاتُ فِي الْوَحْلِ وَ الْمُطْعِمَاتُ فِي الْمَحْلِ نِعَمَ الشَّيْءِ النَّخْلُ مَنْ بَاعَهُ فَإِنَّمَا ثَمَنُهُ بِمَنْزِلَةِ رَمَادٍ عَلَى رَأْسٍ شَاهِقَةٍ اسْتَدَّتْ بِهِ الرِّيحُ فِي يَوْمٍ عَاصِفٍ إِلَّا أَنْ يُجْلِفَ مَكَانَهُ

<sup>233</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 3

He<sup>-saww</sup> said: 'The (animals) firm in the mud and feeding in the drought. Best of the things is the palm tree! One who sells it, rather its price would be at the status of ashes on top of a hill the wind is intense with it during a day of storm, except if he were to replace (another) in its place'.

قِيلَ يَا رَسُولَ اللَّهِ فَأَيُّ الْمَالِ بَعْدَ النَّخْلِ خَيْرٌ

It is said, 'O Rasool-Allah<sup>-saww</sup>! So, after the palm tree, which wealth is better?'

فَسَكَتَ فَقَالَ لَهُ رَجُلٌ فَأَيُّ الْإِبِلِ

He<sup>-saww</sup> was silent. A man said to him<sup>-saww</sup>, 'So where are the camels?'

قَالَ فِيهَا الشَّقَاءُ وَالْجَفَاءُ وَالْعَنَاءُ وَ بُعْدُ الدَّارِ تَعْدُو مُدْبِرَةً وَ تَزُوحُ مُدْبِرَةً لَا بَأْسَ بِخَيْرِهَا إِلَّا مِنْ جَانِبِهَا الْأَشْأَمِ أَمَا إِنَّهَا لَا تَعْدُمُ الْأَشْقِيَاءَ الْفَجْرَةَ.

He<sup>-saww</sup> said: 'In these is the hardship, and the harshness, and the exhaustion, and remoteness of the house. They go (tend to wander around), turned away and return turned away (still hostile). Its goodness does not come except from its unfavourable sides. But, these are not devoid of the wretched, the immoral ones (among them)'.<sup>234</sup>

5 ل، الخصال ماجيلويه عن مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ مِثْلَهُ.

(The book) 'Al Khisaal' – Majaylawiya, from Muhammad Al Attar, from Al Ash'ary, from Ibrahim Bin Hashim, from Al Nowfali, from Al Sakuni, similar to it.<sup>235</sup>

6 أَرْبَعِينَ الشَّهِيدِ بِإِسْنَادِهِ عَنِ الصَّدُوقِ مِثْلَهُ.

'Arbaeen Al Shaheed' – By his chain, from Al Sadouq, similar to it.<sup>236</sup>

7 كِتَابُ الْغَايَاتِ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع إِلَى آخِرِ الْحَرْفِ.

(The book) 'Kitab Al Ghayaat' –

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, up to end of the Hadeeth.<sup>237</sup>

8- ع، علل الشرائع أَبِي عَنْ سَعْدِ بْنِ أَبِي الْخَطَّابِ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ مُحَمَّدِ بْنِ عَطِيَّةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّ اللَّهَ عَزَّ وَ جَلَّ أَحَبُّ لِلْأَنْبِيَاءِ مِنَ الْأَعْمَالِ الْحُرَثِ وَالرَّعْيِ لِأَنَّهُمْ يَكْرَهُوا شَيْئاً مِنْ قَطْرِ السَّمَاءِ.

<sup>234</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 4

<sup>235</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 5

<sup>236</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 6

<sup>237</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 7

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Muhammad Bin Sinan, from Muhammad Bin Atiya who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'Allah<sup>-azwj</sup> Mighty and Majestic Loved for His<sup>-azwj</sup> Prophets<sup>-as</sup> from the works, the farming and the shepherding, lest they<sup>-as</sup> dislike anything from drops of the sky!'<sup>238</sup>

9- مع، معاني الأخبار ابن بشار بن المظفر بن أحمد عن محمد بن جعفر الكوفي عن عبد الله بن أحمد عن جعفر بن سليمان عن ثابت عن علي بن الحسين عن أبيه عن جدّه ع قال قال رسول الله ص خير المال سكة مأبورة ومهرة مأبورة.

(The book) 'Ma'ani Al Akhbaar' – Ibn Bashar Bin Ahmad, from Muhammad Bin Ja'far Al Kufi, from Abdullah Bin Ahmad, from Ja'far Bin Suleyman, from Sabit,

'From Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The best wealth is fertile land and a trained mare.'<sup>239</sup>

10- ب، قرب الإسناد ابن طريف عن ابن علوان عن الصادق عن أبيه ع قال كان أمير المؤمنين ع يقول من وجد ماء و نراباً ثم افتقر فأبعده الله.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> had said: 'One who finds water and soil, then is impoverished, Allah<sup>-azwj</sup> has Distanced him''<sup>240</sup>

11- ب، قرب الإسناد أبو البخاري عن الصادق عن أبيه ع قال: إن علياً ع كان لا يرى بأساً أن يطرح في المزارع العذرة.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> had not seen any problem in dropping the dung in the fields''<sup>241</sup>

12- ب، قرب الإسناد ابن عيسى عن البرنطي قال: سألت الرضا ع عن قطع البندر فقال سألني رجل من أصحابك عنه و كتبت إليه أن أبا الحسن قطع سدره و غرس مكانه عنباً.

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

'I asked Al-Reza<sup>-asws</sup> about cutting down the lote tree. He<sup>-asws</sup> said: 'A man from your companions had asked me about it and I<sup>-asws</sup> wrote to him that Abu Al-Hassan<sup>-asws</sup> had cut down a lote tree and planted grapes in its place''<sup>242</sup>

<sup>238</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 8

<sup>239</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 9

<sup>240</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 10

<sup>241</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 11

<sup>242</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 12

13- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْخَزَّازِ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ الْمَرْأَةَ خُلِقَتْ مِنَ الرَّجُلِ وَ إِنَّمَا هَمَّتْهُ فِي الرِّجَالِ فَأَحْبَبُوا نِسَاءَكُمْ وَ إِنَّ الرَّجُلَ خُلِقَ مِنَ الْأَرْضِ وَ إِنَّمَا هَمَّتْهُ فِي الْأَرْضِ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Muhammad Bin Yahya Al Khazzaz, from Giyas Bin Ibrahim,

'From Abu Abdullah<sup>asws</sup> having said: 'The woman was Created for the man, and rather her inclination is regarding the men, therefore love your women, and the man was Created from the earth, and rather his inclination is regarding the land''<sup>243</sup>

14- شي، تفسير العياشي عَنْ أَبِي عَلِيِّ الْوَاسِطِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ اللَّهَ خَلَقَ آدَمَ مِنَ الْمَاءِ وَ الطِّينِ فَهَمَّتْهُ آدَمَ فِي الْمَاءِ وَ الطِّينِ وَ إِنَّ اللَّهَ خَلَقَ حَوَاءَ مِنْ آدَمَ فَهَمَّتْهُ النِّسَاءُ فِي الرِّجَالِ فَحَصَّنُوهُنَّ فِي الْبُيُوتِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Ali Al Wasity who said,

'Abu Abdullah<sup>asws</sup> said: 'Allah<sup>azwj</sup> Created Adam<sup>as</sup> from the water and the clay, so the inclination of Adam<sup>as</sup> is regarding the water and the clay, and Allah<sup>azwj</sup> Created Hawwa<sup>as</sup> for Adam<sup>as</sup>, thus the inclination of the women is regarding the men, therefore fortify them in the houses!''<sup>244</sup>

15- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَعْفُورٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ مَنْ زَرَعَ حِنْطَةً فِي أَرْضٍ فَلَمْ يَزُكْ زَرْعُهُ أَوْ خَرَجَ زَرْعُهُ كَثِيرَ الشَّعِيرِ فَبِظُلْمٍ عَمَلَهُ فِي مِلْكٍ رَقَبَةِ الْأَرْضِ أَوْ بِظُلْمٍ لِمَزَارِعِهِ وَ أَكْرَهِيهِ لِأَنَّ اللَّهَ يَقُولُ فَبِظُلْمٍ مِنَ الَّذِينَ هَادُوا حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ يَعْني حُومَ الْإِبِلِ وَ الْبَقَرِ وَ الْعَنَمِ

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Abu Yafour who said,

'I heard Abu Abdullah<sup>asws</sup> saying: 'Whoever plants wheat in land, but his crop does not grow well, or much barley appears in it instead, then it is due to some injustice he committed, either by wrongdoing in his ownership of the land or by injustice toward his farmers or his labourers, because Allah<sup>azwj</sup> Says: **Due to the injustice from those who are Jews, We Prohibited unto them the good things which had been Permitted for them, [4:160]** – meaning meat of the camels and the cows and the sheep'.

وَ قَالَ إِنَّ إِسْرَائِيلَ كَانَ إِذَا أَكَلَ مِنْ لَحْمِ الْبَقَرِ هَيَّجَ عَلَيْهِ وَجَعَ الْحَاصِرَةَ فَحَرَّمَ عَلَى نَفْسِهِ لَحْمَ الْإِبِلِ وَ ذَلِكَ مِنْ قَبْلِ أَنْ يُنْزَلَ التَّوْرَةُ فَلَمَّا أُنْزِلَتِ التَّوْرَةُ لَمْ يُحَرِّمَهُ وَ لَمْ يَأْكُلْهُ.

And he<sup>asws</sup> said: 'Israel (Yaqoub<sup>as</sup>) was such that whenever he<sup>as</sup> are from the meat of a cow, it would agitate pain upon him<sup>as</sup> in his<sup>as</sup> side, so he<sup>as</sup> forbade upon himself<sup>as</sup> meat of the camels, and that was from before Torah had been Revealed. When the Torah was Revealed, he<sup>as</sup> did not forbid it and did not eat it either''<sup>245</sup>

<sup>243</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 13

<sup>244</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 14

<sup>245</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 15

16- شي، تفسير العياشي عَنِ الْحَسَنِ بْنِ طَرْفٍ عَنْ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ عَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ قَالَ الرَّارِعُونَ.

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan Bin Zareyf, from Muhammad,

'From Abu Abdullah<sup>-asws</sup> regarding Words of Mighty and Majestic: **and upon Allah let the Momineen rely [3:122]**. He<sup>-asws</sup> said: 'The farmers''<sup>246</sup>

17- مكا، مكارم الأخلاق عَنْ أَبِي جَعْفَرٍ ع إِذَا أَرَدْتَ أَنْ تَزْرَعَ زَرْعاً فَخُذْ قَبْضَةً مِنَ الْبُذْرِ بِيَدِكَ ثُمَّ اسْتَقْبِلِ الْقِبْلَةَ وَ قُلْ أ أَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الرَّارِعُونَ ثَلَاثَ مَرَّاتٍ

(The book) 'Makarim Al Akhlaq' –

'From Abu Ja'far<sup>-asws</sup>: 'Whenever you intend to cultivate a farm, so grab a handful of the seeds and face towards the Qiblah and say, **Have you considered what you cultivate? [56:63] Are you its growers or We are the Growers? [56:64]** – three times.

ثُمَّ قُلِ اللَّهُمَّ اجْعَلْهُ حَزْناً مُبَارَكاً وَ ارْزُقْنَا فِيهِ السَّلَامَةَ وَ التَّمَامَ وَ اجْعَلْهُ حَبّاً مُتَرَكِّباً وَ لَا تَحْرِفْنِي خَيْرَ مَا أَسْتَعِي وَ لَا تُفْنِنِي بِمَا مَتَّعَنِي بِحَقِّ مُحَمَّدٍ وَ آلِهِ الطَّاهِرِينَ

Then say, 'O Allah<sup>-azwj</sup>! Make it to be a Blessed crop, Grant us safety and completion in it, Make it layered grain, and do not Deprive me of the best of what I seek. Do not Test me through what You<sup>-azwj</sup> have Granted me, by the right of Muhammad<sup>-saww</sup> and his<sup>-saww</sup> pure Progeny<sup>-asws</sup>!'

ثُمَّ ابْذُرِ الْقَبْضَةَ الَّتِي فِي يَدِكَ إِنْ شَاءَ اللَّهُ.

Then scatter the handful which is in your hand, if Allah<sup>-azwj</sup> so Desires''<sup>247</sup>

18- كشف، كشف الغمة عَنْ عَبْدِ الْعَزِيزِ الْجَنَابِزِيِّ قَالَ رَوَى عَنْ أَبِي جَعْفَرٍ ع بِسَنَدٍ رَفَعَهُ إِلَيْهِ قَالَ: إِذَا أَرَدْتَ أَنْ تُلْقِيَ الْحَبَّ فِي الْأَرْضِ فَخُذْ قَبْضَةً مِنْ ذَلِكَ الْبُذْرِ ثُمَّ اسْتَقْبِلِ الْقِبْلَةَ ثُمَّ قُلْ أَفَرَأَيْتُمْ مَا تَحْرَثُونَ أ أَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الرَّارِعُونَ

(The book) 'Kashf Al Ghamma' – From Abdul Aziz Al Janabizy who said,

'It is reported from Abu Ja'far<sup>-asws</sup> by a chain raised to him<sup>-asws</sup>, said: 'When you want to cast the seed in the ground, take a handful from those seeds, then face the Qiblah, then say, '**Have you considered what you cultivate? [56:63] Are you its growers or We are the Growers? [56:64]**'.

ثُمَّ قُلْ لَا بَلِ اللَّهُ الرَّارِعُ لَا فُلَانٌ وَ تُسَمِّي بِاسْمِ صَاحِبِهِ

Then say, 'No, but Allah<sup>-azwj</sup> is the Grower, not so and so!' – and name the name of its owner.

<sup>246</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 16

<sup>247</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 17

ثُمَّ قُلِ اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ وَاجْعَلْهُ مُبَارَكًا وَارْزُقْهُ السَّلَامَةَ وَالْعَافِيَةَ وَالسُّرُورَ وَالْعِظَّةَ ثُمَّ ابْدُرِ الْيَدِي بِيَدِكَ وَ سَائِرِ الْبُذُرِ .

Then say, ‘O Allah<sup>-azwj</sup>! Send Salawaat upon Muhammad<sup>-sawww</sup> and Progeny<sup>-asws</sup> of Muhammad<sup>-sawww</sup>, and Make it Blessed and Provide it the safety, and the well-being, and the joy and the happiness!’ – then scatter that which is in your hand, and rest of the seeds”.<sup>248</sup>

19 وَ رَوَى الْحُسَيْنُ بْنُ سُلَيْمَانَ فِي كِتَابِ الْمُخْتَصَرِ مِنْ كِتَابِ الشِّفَاءِ وَالْجِلَاءِ عَنْهُ عَ مِثْلَهُ.

And it is reported by Al-Hassan Bin Suleyman in the book ‘Al Mukhtasar’, from ‘Kitab Al Shifa Wa Al Jalaa’ – similar to it.<sup>249</sup>

20- مَجَالِيسُ الشَّيْخِ، مُحَمَّدُ بْنُ أَحْمَدَ بْنِ الْحَسَنِ بْنِ شَذَّانَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ أَبِي الْقَاسِمِ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ الْقَاشَانِيِّ عَنْ أَبِي أَيُّوبَ الْمَدَائِنِيِّ عَنْ سُلَيْمَانَ الْجَعْفَرِيِّ عَنِ الرِّضَا ع عَنْ أَبِيهِ عَنْ جَدِّهِ ع قَالَ كَانَ عَلِيُّ بْنُ الْحُسَيْنِ ع يَقُولُ مَا أَرْزَعُ الرَّزْعَ لَطَلَبِ الْفَضْلِ فِيهِ وَ مَا أَرْزَعُهُ إِلَّا لِيَتَنَاوَلَهُ الْفَقِيرُ وَ ذُو الْحَاجَةِ وَ لِيَتَنَاوَلَ مِنْهُ الْفَتْرَةُ خَاصَّةً مِنَ الطَّيْرِ.

(The book) ‘Majalis’ of the Sheykh – Muhammad Bin Ahmad Bin Al-Hassan Bin Shazan, from his father, from Muhammad Bin Al-Hassan, from Muhammad Bin Abu Al Qasim, from Ahmad Bin Abu Abdullah, from Ali Bin Muhammad Al Qashani, from Abu Ayoub Al Hamdani, from Suleyman Al Ja’fari,

‘From Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup> having said: ‘Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> had said: ‘I<sup>-asws</sup> do not plant crops seeking profit from them. I<sup>-asws</sup> only plant so that the poor and those in need may partake of it, and so that even the quail, specifically among the birds, may eat from it!’<sup>250</sup>

21- عِدَّةُ الدَّاعِي، رُفِيَةُ الدُّودِ الَّذِي يَأْكُلُ الْمَبَاطِخَ وَ الرَّزْعَ يُكْتَبُ عَلَى أَرْبَعِ قَصَبَاتٍ وَ يُجْعَلُ عَلَى أَرْبَعِ قَصَبَاتٍ فِي أَرْبَعِ جَوَانِبِ الْمَبْطِخَةِ وَ الرَّزْعِ أُيْهِيَ الدَّوَابُّ وَ الْهُوَامُ وَ الْحَيَوَانَاتُ اخْرُجُوا مِنْ هَذِهِ الْأَرْضِ وَ الرَّزْعَ إِلَى الْخَرَابِ كَمَا خَرَجَ ابْنُ مَتَّى مِنْ بَطْنِ الْخُوبِ وَ إِنْ لَمْ تَخْرُجُوا أُرْسِلَتْ عَلَيْكُمْ شَوَاطِئُ مِنْ نَارٍ وَ نُحَاسٌ فَلَا تَنْتَصِرُونَ

(The book) ‘Uddat Al Daie’ –

‘A ‘Ruqya’ (incantation) for worms that eat melons and crops - write it on four reeds and place them at the four corners of the melon patch or the field, ‘O insects, pests, and creatures! Leave this land and these crops and go to the desolate places, just as the son of Matta (Yunus<sup>-as</sup>) came out of the belly of the whale, and if you don’t leave, **Flames of fire and smoke would be Sent upon you two, and you will not (be able to) help each other [55:35].**

أَلَمْ تَرَ إِلَى الَّذِينَ خَرَجُوا مِنْ دِيَارِهِمْ وَ هُمْ أُلُوفٌ حَذَرَ الْمَوْتِ فَقَالَ لَهُمُ اللَّهُ مُوتُوا فَمَاتُوا

**Have you not seen those who exited from their homes fearing death, and they were thousands, so Allah Said to them: “Die!” [2:243].**

<sup>248</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 18

<sup>249</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 19

<sup>250</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 20



الْخُرُجُ مِنْهَا فَإِنَّكَ رَجِيمٌ فَخَرَجَ مِنْهَا خَائِفًا يَتَرَقَّبُ سُبْحَانَ الَّذِي أَسْرَى بِعَبْدِهِ لَيْلًا مِنَ الْمَسْجِدِ الْحَرَامِ إِلَى الْمَسْجِدِ الْأَقْصَى كَأَنَّهُمْ يَوْمَ يَرَوُهَا لَمْ يَلْبُثُوا إِلَّا عَشِيَّةً أَوْ ضُحَاهَا

**He said: "Then exit from it, for you are Pelted [15:34] So he became fearful in the city, awaiting, [28:18] Glorified is He Who Journeyed His Servant on a night from the Sacred Masjid to Masjid Al-Aqsa [17:1] On the Day that they see it, it will be as if they did not remain (in the world) except an evening or its day [79:46].**

فَأَخْرَجْنَاهُمْ مِنْ جَنَّاتٍ وَ عُيُونٍ وَ زُرُوعٍ وَ مَقَامٍ كَرِيمٍ وَ نَعْمَةً كَانُوا فِيهَا فَكَيْهِنَ فَمَا بَكَتْ عَلَيْهِمُ السَّمَاءُ وَ الْأَرْضُ وَ مَا كَانُوا مُنْظَرِينَ

**But (instead), We Turned them out from gardens and springs [26:57] And treasures and honourable places [26:58] And bounties they used to enjoy in? [44:27] So the sky and the earth did not weep upon them, nor were they Respited [44:29].**

فَاهْبِطْ مِنْهَا فَمَا يَكُونُ لَكَ أَنْ تَتَكَبَّرَ فِيهَا فَاخْرُجْ إِنَّكَ مِنَ الصَّاغِرِينَ الْخُرُجُ مِنْهَا مَذْمُومٌ مَذْخُورٌ فَلَنَأْتِيَنَّهُمْ بِجُنُودٍ لَا قِبَلَ لَهُمْ بِهَا وَ لَنَخْرِجَنَّهُمْ مِنْهَا أَذِلَّةً وَ هُمْ صَاغِرُونَ.

**"Then get down from it, and there would not happen to be for that you be arrogant therein. Therefore, get out, for you are from the belittled ones" [7:13] "Get out from it, disgraced, expelled! [7:18] and we will come to them with armies they will not be able to face, and we will expel them from it in disgrace, and they would be belittled!" [27:37]"**.<sup>251</sup> (Not a Hadeeth)

22- تَوْحِيدُ الْمُفَضَّلِ، بِرَوَايَةِ مُحَمَّدِ بْنِ سِنَانٍ عَنْهُ عَنِ الصَّادِقِ ع قَالَ: فَاعْتَبِرْ بِمَا تَرَى مِنْ ضُرُوبِ الْمَارِبِ فِي صَغِيرِ الْخَلْقِ وَ كَبِيرِهِ وَ بِمَا لَهُ قِيمَةٌ وَ مَا لَا قِيمَةَ لَهُ وَ أَحْسَنُ مِنْ هَذَا وَ أَحَقُّهُ الزَّيْلُ وَ الْعَذْرَةُ الَّتِي اجْتَمَعَتْ فِيهَا الْحَسَّاسَةُ وَ النَّجَاسَةُ مَعًا وَ مَوْقِعُهَا مِنَ الزُّرُوعِ وَ الْبُقُولِ وَ الْخَضَرِ أَجْمَعِ الْمَوْقِعِ الَّذِي لَا يَعْدِلُهُ شَيْءٌ حَتَّى إِنْ كُلَّ شَيْءٍ مِنَ الْخَضَرَةِ لَا يَصْلُحُ وَ لَا يَزْكُو إِلَّا بِالزَّيْلِ وَ السَّمَادِ الَّذِي يَسْتَفْذِرُهُ النَّاسُ وَ يَكْرَهُونَ الدُّنُوَّ مِنْهُ الْخَيْرُ.

(The book) 'Tawheed Al Mufazzal' – By a report of Muhammad Bin Sinan,

'From Al-Sadiq<sup>asws</sup> having said: 'Reflect on what you observe of the various uses in both the small and large aspects of creation, in things that have value and those that do not. The lowest and most despicable of these is dung and excrement, in which filth and impurity are combined. Yet their role in crops, herbs, and vegetables is the most essential, nothing can equal it. Indeed, every green plant cannot grow or thrive except with dung and fertilizer, which people find repulsive and dislike even coming near!' – the Hadeeth".<sup>252</sup>

23 إِيْخْتِيَارُ ابْنِ الْبَاقِي، مَنْ غَرَسَ غَرْسًا يَوْمَ الْأَرْبَعَاءِ وَ قَالَ سُبْحَانَ اللَّهِ الْبَاعِثِ الْوَارِثِ فَإِنَّهُ يَأْكُلُ مِنْ أَثْمَارِهَا.

(The book) 'Ikhtiyar' of Ibn Al Baqie –

'One who plants a plant on the day of Wednesday and says, 'Glorious is Allah<sup>azwj</sup> the Resurrector, the Inheritor', he will surely each from its fruit".<sup>253</sup> (Not a Hadeeth)

<sup>251</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 21

<sup>252</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 22

<sup>253</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 23

24- كِتَابُ الْغَايَاتِ، لِلشَّيْخِ جَعْفَرِ بْنِ أَحْمَدَ الْقُمِّيِّ رَحِمَهُ اللَّهُ تَعَالَى عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلَهُ رَجُلٌ وَ أَنَا عِنْدَهُ فَقَالَ جُعِلْتُ فِدَاكَ أَسْمِعْ قَوْمًا يَقُولُونَ إِنَّ الزَّرَاعَةَ مَكْرُوهَةٌ فَقَالَ ع ازْرَعُوا وَ اغْرَسُوا وَ اللَّهُ مَا عَمِلَ النَّاسُ عَمَلًا أَجَلَ وَ لَا أَطْيَبَ مِنْهُ وَ اللَّهُ لَيَزْرَعَنَّ الزَّرْعَ وَ لَيَغْرِسَنَّ الْغَرْسَ بَعْدَ خُرُوجِ الدَّجَالِ.

(The book) 'Kitab Al Ghayaat' of the Sheykh Ja'far Bin Ahmad Al Qummi, may Allah<sup>-azwj</sup> the Exalted Mercy him,

'From Abu Abdullah<sup>-asws</sup>, he (narrator) said, 'A man asked him<sup>-asws</sup> while I was in his<sup>-asws</sup> presence. He said: 'May I be sacrificed for you<sup>-asws</sup>! I hear a group saying that the farming is disliked. He<sup>-asws</sup> said: 'Farm, farm! By Allah<sup>-azwj</sup>, the people will not work any work more majestic nor any better than it, and Allah<sup>-azwj</sup> will Snatch away planting the plants after emergence of Dajjal<sup>-la</sup>'.<sup>254</sup>

25- وَ مِنْهُ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع قَالَ: مَا فِي الْأَعْمَالِ شَيْءٌ أَحَبُّ إِلَى اللَّهِ تَعَالَى مِنَ الزَّرَاعَةِ وَ مَا بَعَثَ اللَّهُ نَبِيًّا إِلَّا زَرَعَ إِلَّا إِذْ رِيسَ فَإِنَّهُ كَانَ خِيَّاطًا.

And from him, from Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> having said: 'There is nothing in the works more Beloved to Allah<sup>-azwj</sup> the Exalted than the farming, and Allah<sup>-azwj</sup> has not Sent a Prophet<sup>-as</sup> except he<sup>-as</sup> was a farmer except Idrees<sup>-as</sup>, for he<sup>-as</sup> was a tailor'.<sup>255</sup>

26- وَ مِنْهُ، قَالَ أَبُو جَعْفَرٍ ع كَانَ أَبِي يَقُولُ خَيْرُ الْأَعْمَالِ زَرْعٌ يَزْرَعُهُ فَيَأْكُلُ مِنْهُ الْبَرُّ وَ الْفَاجِرُ أَمَّا الْبَرُّ فَمَا أَكَلَ مِنْهُ وَ شَرِبَ يَسْتَغْفِرُ لَهُ وَ أَمَّا الْفَاجِرُ فَمَا أَكَلَ مِنْهُ مِنْ شَيْءٍ يَلْعَنُهُ وَ تَأْكُلُ مِنْهُ السَّبَاعُ وَ الطَّيْرُ.

And from him, 'Abu Ja'far<sup>-asws</sup> said: 'My<sup>-asws</sup> father<sup>-asws</sup> had said: 'Best of the works is cultivating his farm so the righteous and the immoral eat from it. As for the righteous, whatever he eats from it and drinks will seek Forgiveness for him, and as for the immoral, whatever thing he eats from it will curse him, and the wild animals and the birds eat from it'.<sup>256</sup>

27- دَلَالِ الْطَّرِيقِ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ ع قَالَ حَدَّثَنِي أَبِي عَنْ جَدِّي أَنَّ بَائِعَ الضَّيْعَةِ مَخْذُوقٌ وَ مُشْتَرِيهَا مَرْزُوقٌ.

(The book) 'Dalail' of Al Tabari – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup> having said: 'My<sup>-asws</sup> father<sup>-asws</sup> narrated to me<sup>-asws</sup> from my<sup>-asws</sup> grandfather<sup>-asws</sup>: 'The seller of the estate is obliterated and its buyer is Graced'.<sup>257</sup>

باب 11 بيع النجس و ما يصح بيعه من الجلود و حكم ما يباع في أسواق المسلمين

## CHAPTER 11 – SELLING THE UNCLEAN (NAJIS), AND WHAT SKINS ARE CORRECT TO SELL, AND RULING OF WHAT IS SOLD IN MUSLIM MARKETS

1- ب، قرب الإسناد حماد بن عيسى عن أبي عبد الله ع قال: كَانَ أَبِي يَبْعُثُ بِالْدَّرَاهِمِ إِلَى السُّوقِ فَيَشْتَرِي لَهُ بِهَا جُبْنًا فَيُسَمِّي وَ يَأْكُلُ وَ لَا يَسْأَلُ عَنْهُ.

<sup>254</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 24

<sup>255</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 25

<sup>256</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 26

<sup>257</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 10 H 27

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa,

'From Abu Abdullah<sup>-asws</sup> having said: 'My<sup>-asws</sup> father<sup>-asws</sup> used to send someone with the Dirhams to the market to buy with it some cheese for him. He<sup>-asws</sup> would name (Bismillah) and eat, and he<sup>-asws</sup> would not ask about it''.<sup>258</sup>

2- ب، قرب الإسناد عنهما عن حنان قال: سمعت رجلاً يسأل أبا عبد الله عن حمل يرضع من خنزيرة ثم استئجل الحمل في عتم فخرج له نسل ما قُولك في نسليه

(The book) 'Qurb Al Isnaad' – From them both, from Hanan who said,

'I heard a man asking Abu Abdullah<sup>-asws</sup> about a lamb that nursed from a pig and then grew up among sheep and produced offspring. He asked, 'What is your<sup>-asws</sup> word about its offspring?'

فَقَالَ مَا عَلِمْتُ أَنَّهُ مِنْ نَسْلِهِ بَعِيهِ فَلَا تَقْرَبْهُ وَ أَمَا مَا لَمْ تَعْلَمْ أَنَّهُ مِنْهُ فَهُوَ بِمَنْزِلَةِ الْجُبِّي كُلِّ وَ لَا تَسْأَلْ عَنْهُ.

He<sup>-asws</sup> said: 'If you know for certain that it is from his very offspring, then do not go near it! But as for what you do not know to be from him, then it is like cheese, eat and do not ask about it''.<sup>259</sup>

3- ب، قرب الإسناد ابن أبي الخطّاب عن البرنطقي قال: سألت الرضا ع عن الحفّاف يأتي الرجل السوق ليشتري الحفّ لا يدري دكي هو أم لا ما تقول في الصلاة فيه و هو لا يدري

(The book) 'Qurb Al Isnaad' – Ibn Abu Al Khattab, from Al Bazanty who said,

'I asked Al-Reza<sup>-asws</sup> about the, 'A man goes to the market to buy footwear, not knowing whether it was from a lawfully slaughtered animal or not. What do you<sup>-asws</sup> say about praying Salat in these, while he does not know?'

قَالَ نَعَمْ أَنَا أَشْتَرِي الحفّ مِنَ السُّوقِ وَ أَصَلِّي فِيهِ وَ لَيْسَ عَلَيْكُمُ الْمَسْأَلَةُ

He<sup>-asws</sup> said, 'Yes, I buy footwear from the market and pray Salat in these, and it isn't a requirement upon you to ask'.

قَالَ وَ سَأَلْتُهُ عَنِ الْجُبَّةِ الْفَرَاءِ يَأْتِي الرَّجُلُ السُّوقَ مِنْ أَسْوَاقِ الْمُسْلِمِينَ فَيَشْتَرِي الْجُبَّةَ لَا يَدْرِي أَ هِيَ ذَكِيَّةٌ أَمْ لَا يُصَلِّي فِيهَا

He (the narrator) said, 'And I asked him about the fur cloak, A man goes to the market from among the markets of the Muslims and buys a cloak, not knowing whether it is from a lawfully slaughtered animal or not, can he pray Salat in it?'

<sup>258</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 1

<sup>259</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 2

قَالَ نَعَمْ إِنَّ أَبَا جَعْفَرٍ ع كَانَ يَقُولُ إِنَّ الْخَوَارِجَ ضَيَّفُوا عَلَى أَنْفُسِهِمْ بِجَهَالَتِهِمْ إِنَّ الدِّينَ أَوْسَعُ مِنْ ذَلِكَ إِنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ ع كَانَ يَقُولُ إِنَّ شَيْعَتَنَا فِي أَوْسَعِ مَا بَيْنَ السَّمَاءِ إِلَى الْأَرْضِ أَنْتُمْ مَغْفُورٌ لَكُمْ.

He<sup>-asws</sup> said, 'Yes. Abu Ja'far<sup>-asws</sup> had said, 'The Kharijites made things difficult for themselves due to their ignorance, but the religion is broader than that. Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> had said, 'Our Shia are in the widest (leeway) than what lies between the sky and the earth. You are all Forgiven!''<sup>260</sup>

4- ب، قرب الإسناد عليّ عن أخيه ع قال: سَأَلْتُهُ عَنِ الْقَعْدَةِ وَ الْقِيَامِ عَلَى جُلُودِ السَّبَاعِ وَ رُكُوبِهَا وَ بَيْعِهَا أ يَصْلُحُ ذَلِكَ

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about the sitting and the standing upon the lion skin, and riding on it, and selling it, 'Is that correct?'

قَالَ لَا بَأْسَ مَا لَمْ يُسْجَدْ عَلَيْهَا.

He<sup>-asws</sup> said: 'There is no problem for as long as he does not do Sajdah upon it''<sup>261</sup>

5- قَالَ: وَ سَأَلْتُهُ عَنْ حَبِّ دُهْنٍ مَاتَتْ فِيهِ فَأَرَّةٌ قَالَ لَا يَدَّهْنُ بِهِ وَ لَا يَبِيعُهُ لِمُسْلِمٍ.

He said, 'And I asked him<sup>-asws</sup> about a container of oil in which a mouse had died. He said: 'Do not use it for anointing, and do not sell it to a Muslim''<sup>262</sup>

6- قَالَ: وَ سَأَلْتُهُ عَنْ فَأَرَةٍ وَقَعَتْ فِي حَبِّ دُهْنٍ فَأُخْرِجَتْ قَبْلَ أَنْ تَمُوتَ أ يَبِيعُهُ مِنْ مُسْلِمٍ قَالَ نَعَمْ وَ يَدَّهْنُ بِهِ.

He said, 'And I asked him<sup>-asws</sup> about a mouse falling into a container of oil. It is extracted before it dies, 'Can it (oil) be sold to a Muslim?' He<sup>-asws</sup> said: 'Yes, and anointed with it''<sup>263</sup>

7- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ لَهُ الْغَنَمُ يَقْطَعُ مِنْ أَلْيَايَها وَ هِيَ أَحْيَاءُ أ يَصْلُحُ أَنْ يَبِيعَ مَا قَطَعَ

He said, 'And I asked him<sup>-asws</sup> about the man having the sheep for him. He cuts from their backs (fat) while these are alive, 'Is it correct to sell what he has cut off?'

قَالَ نَعَمْ يُذَبِّحُهَا وَ يُسْرِجُ بِهَا وَ لَا يَأْكُلُهَا وَ لَا يَبِيعُهَا.

He<sup>-asws</sup> said: 'Yes, one can melt these and light lamps with it, and he should neither eat it nor sell it''<sup>264</sup>

<sup>260</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 3

<sup>261</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 4

<sup>262</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 5

<sup>263</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 6

<sup>264</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 7

8- قَالَ: وَ سَأَلْتُهُ عَنِ الْمَائِيَةِ تَكُونُ لِلرَّجُلِ فَيَمُوتُ بَعْضُهَا يَصْلُحُ لَهُ أَنْ يَبِيعَ جُلُودَهَا وَ دَبَاغُهَا وَ يُبْسَهَا

He said, 'And I asked him<sup>-asws</sup> about the livestock that a man owns, and some of them die, 'Can he sell their hides, tan them, and wear them?'

قَالَ لَا وَ إِنْ لَبَسَهَا فَلَا يُصَلِّي فِيهَا.

He<sup>-asws</sup> said: 'No, and if he does wear them, he should not pray Salat in them'.<sup>265</sup>

9- دَعَائِمُ الْإِسْلَامِ، عَنْ عَلِيِّ ع فِي الزَّيْتِ النَّجِسِ يَعْمَلُهُ صَابُونًا إِنْ شَاءَ.

(The book) 'Da'aim Al Islam' –

'From Ali<sup>-asws</sup> regarding the unclean oil, he can make it into soap if he so desires'.<sup>266</sup>

10- وَ قَالُوا ع إِذَا أُخْرِجَتِ الدَّابَّةُ حَيَّةً وَ لَمْ تَمُتْ فِي الْإِدَامِ لَمْ يَنْجَسْ وَ يُؤْكَلُ وَ إِذَا وَقَعَتْ فِيهِ فَمَاتَتْ لَمْ يُؤْكَلْ وَ لَمْ يُبَاعْ وَ لَمْ يُشْتَر.

And they<sup>-asws</sup> said: 'If the animal is taken out alive and does not die in the food, it (food) is not rendered impure and may be eaten. But if it falls into it and dies, then it may not be eaten, sold, or bought'.<sup>267</sup>

و النهي عن بيع مثل هذا مأخوذ أيضا من قَوْلِ رَسُولِ اللَّهِ ص لَعَنَ اللَّهُ الْيَهُودَ حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَبَاعُوهَا وَ أَكَلُوا أَثْمَانَهَا.

And the prohibition from selling similar to this is taken as well from words of Rasool-Allah<sup>-saww</sup>: 'May Allah<sup>-azwj</sup> Curse the Jews! The fats were prohibited unto them, so they sold it and consumed the price'.<sup>268</sup>

11- وَ رَوَيْنَا عَنْ أَهْلِ الْبَيْتِ ع تَحْرِيمَ أَنْ تُبَاعَ الْمَيْتَةُ أَوْ تُشْتَرَى أَوْ يُصَلَّى فِيهِ وَ رَحَصُوا فِي الْإِنْتِفَاعِ بِهِ كَمَا يُنْتَفَعُ بِالْقَوْبِ النَّجِسِ يُتَدَثَّرُ بِهِ وَ يُسْتَدْفَأُ وَ لَا يُصَلَّى فِيهِ وَ لَا يُطَهَّرُ شَيْئًا مِنَ الْمَيْتَةِ دَبَاغٌ وَ لَا غُسْلٌ وَ لَا غَيْرُ ذَلِكَ.

And we are reporting from People<sup>-asws</sup> of the Household: 'The prohibition of selling or buying a carcass (of dead animal), or praying Salat in it. However, they permitted benefiting from it, just as one benefits from a ritually impure garment, covering oneself with it or using it for warmth, but not praying Salat in it. No part of the carcass is purified by tanning, washing, or anything else!'<sup>269</sup>

12- وَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع أَنَّهُ سِئِلَ عَنْ جُلُودِ الْغَنَمِ يَحْتَلِطُ الدَّكِيُّ مِنْهَا بِالْمَيْتَةِ وَ يَعْمَلُ مِنْهَا الْفِرَاءَ

<sup>265</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 8

<sup>266</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 9

<sup>267</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 10 a

<sup>268</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 10 b

<sup>269</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 11

And from Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, he<sup>-asws</sup> was asked about the sheep skin where those from lawfully slaughtered animals are mixed with those from dead animals, and furs are made from them.

قَالَ إِنَّ لِبِسْتَهَا فَلَا تُصَلِّ فِيهَا وَإِنْ عَلِمْتَ أَنَّهَا مَيْتَةٌ فَلَا تَشْتَرِهَا وَلَا تَبْعَهَا وَإِنْ لَمْ تَعْلَمْ اشْتَرِ وَبِعْ.

He<sup>-asws</sup> said: 'If you wear them, then do not pray Salat in them, and if you know that they are from dead animals, then do not buy or sell them. But if you do not know, then you can buy and sell'.<sup>270</sup>

13- وَ عَنْ عَلِيٍّ ع أَنَّهُ قَالَ: مِنَ السُّحْتِ ثَمَنُ جُلُودِ السِّبَاعِ.

And from Ali<sup>-asws</sup>, he<sup>-asws</sup> said: 'From the ill-gotten gains is price of the lion (wild animal) skins'.<sup>271</sup>

باب 12 النصارى يبيع الخمر و الخنزير ثم يسلم قبل قبض الثمن

## CHAPTER 12 – THE CHRISTIAN SELLS THE WINE AND THE POKE, THEN BECOMES MUSLIM BEFORE TAKING THE PRICE

1- ب، قرب الإسناد علي عن أخيه قال: سألته عن رجلين نصرانيين باع أحدهما خنزيراً أو خمرًا إلى أجل فأسلما قبل أن يقبضا الثمن هل يحل لهما ثمنه بعد الإسلام

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about two Christian men. One of them sells pork or wine to a (specified) term (on credit), but they become Muslims before they take the price, 'Is its price Permissible for them after becoming Muslim?'

قَالَ إِنَّمَا لَهُ الثَّمَنُ فَلَا بَأْسَ أَنْ يَأْخُذَهُ.

He<sup>-asws</sup> said: 'But rather, for him is the price. There is no problem if he takes it'.<sup>272</sup>

باب 13 ما يحل للوالد من مال الولد و بالعكس

## CHAPTER 13 – WHAT IS PERMISSIBLE FOR THE FATHER FROM WEALTH OF THE SON, AND VICE VERSA

1- ب، قرب الإسناد علي عن أخيه قال: سألته عن رجل تصدق على ولده بصدقة ثم بدا له أن يدخل فيه غيره مع ولده أ يصلح ذلك

<sup>270</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 12

<sup>271</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 11 H 13

<sup>272</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 12 H 1

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about a man who donates charity to his son, then there is a change of decision for him to include someone else in it with his son, 'Is that correct?'

قَالَ نَعَمْ يَصْنَعُ الْوَالِدُ بِمَالِ وَلَدِهِ مَا أَحَبَّ وَ الْهَبَةُ مِنَ الْوَلَدِ بِمَنْزِلَةِ الصَّدَقَةِ مِنْ غَيْرِهِ.

He<sup>-asws</sup> said: 'The father can do with the wealth of his son whatever he likes, and the gift from the son is as the status of the charity from someone else'.<sup>273</sup>

2- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَأْخُذُ مِنْ مَالِ وَلَدِهِ قَالَ لَا إِلَّا بِإِذْنِهِ أَوْ يُضْطَرَّ فَيَأْكُلُ بِالْمَعْرُوفِ أَوْ يَسْتَقْرِضُ مِنْهُ حَتَّى يُعْطِيَهُ إِذَا أُبْسِرَ وَ لَا يَصْلُحُ لِلْوَلَدِ أَنْ يَأْخُذَ مِنْ مَالِ وَالِدِهِ إِلَّا بِإِذْنِ وَالِدِهِ.

He said, 'And I asked him<sup>-asws</sup> about the man taking from wealth of his son. He<sup>-asws</sup> said: 'No, except with his permission, or if he is desperate, he can consume with the moderation, or he can borrow from it until he gives it back when he has money, and it is not correct for the son to take from the wealth of his father except by permission of his father'.<sup>274</sup>

3- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع في علل ابن سينان عَنِ الرِّضَا ع أَنَّهُ كَتَبَ إِلَيْهِ عِلَّةٌ تَحْلِيلُ مَالِ الْوَلَدِ لِلْوَالِدِ بِعَازِئِهِ وَ لَيْسَ ذَلِكَ لِلْوَلَدِ لِأَنَّ الْوَلَدَ مَوْهُوبٌ لِلْوَالِدِ فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ يَهَبُ لِمَنْ يَشَاءُ إِنِاثًا وَ يَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ

(The book) 'Uyoun Akhbar of Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, (and) 'Ilal Al Sharaie', in 'Ilal' – Ibn Sinan,

'From Al-Reza<sup>-asws</sup> wrote to him regarding the reason of Permissibility of wealth of the son for the father without his permission, and that isn't for the son, because the son is a gift for the father in the Words of Allah<sup>-azwj</sup> Mighty and Majestic: **He Grants to whom He pleases daughters and Grants to whom He pleases sons [42:49].**

مَعَ أَنَّهُ الْمَأْخُودُ بِمَقْوَنَتِهِ صَغِيرًا وَ كَبِيرًا وَ الْمَنْسُوبُ إِلَيْهِ وَ الْمَدْعُوُّ لَهُ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ ادْعُوهُمْ لِأَبَائِهِمْ هُوَ أَفْسَطُ عِنْدَ اللَّهِ

Along with the fact that he (the son) is cared for at the father's expense, both in childhood and adulthood, and is attributed to him and called by his name, due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **Assert them to their fathers, this is more equitable in the Presence of Allah. [33:5].**

وَ قَوْلِ النَّبِيِّ ص أَنْتَ وَ مَالُكَ لِأَبِيكَ وَ لَيْسَ الْوَالِدَةُ كَذَلِكَ لَا تَأْخُذُ مِنْ مَالِهِ إِلَّا بِإِذْنِهِ أَوْ بِإِذْنِ الْأَبِ لِأَنَّ الْأَبَ مَأْخُودٌ بِنَفَقَةِ الْوَلَدِ وَ لَا تُؤْخَذُ الْمَرْأَةُ بِنَفَقَةِ وَلَدِهَا.

And words of the Prophet<sup>-saww</sup>: 'You and your wealth are for your father, and the mother isn't like that. She cannot take from his (son's) wealth except with his permission or permission of

<sup>273</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 13 H 1

<sup>274</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 13 H 2

the father because the father is responsible for expense of the son, and the woman is not responsible for the expenditure of her son”<sup>275</sup>

4- ع، علل الشرائع أَبِي عَنِ الْحِمَيْرِيِّ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ بَرِيْعٍ عَنْ صَالِحِ بْنِ عُقْبَةَ عَنْ عُرْوَةَ الْخَنَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لَهُ لِمَ يُحْرَمُ عَلَى الرَّجُلِ جَارِيَةُ ابْنِهِ وَ إِنْ كَانَ صَغِيرًا وَ أُحِلَّ لَهُ جَارِيَةُ ابْنَتِهِ

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Bazie, from Salih Bin Uqbah, from Urwah Al Hannat,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, 'Why is it forbidden upon the man to (have a union with) a slave girl of his son, and even if he was small, and it is Permissible for him the slave girl of his daughter?'

قَالَ لِأَنَّ الْإِبْنَةَ لَا تُنْكَحُ وَ الْإِبْنُ يَنْكَحُ وَ لَا تَدْرِي لَعَلَّهُ يَنْكَحُهَا وَ يُخْفَى ذَلِكَ عَلَى ابْنِهِ وَ يَنْسِبُ ابْنُهُ فَيَنْكَحُهَا فَيَكُونُ وَرَثَةً فِي عُنُقِ أَبِيهِ.

He<sup>-asws</sup> said: 'Because the daughter cannot marry her, and you don't know perhaps he (father) would marry her (son's slave girl) and that could be hidden unto his son, and his son would become a youth and (have union with) her, so his burden would be in the neck of his father”<sup>276</sup>

5- مع، معاني الأخبار أَبِي عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنِ الْأَشْعَرِيِّ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْحُسَيْنِ بْنِ أَبِي الْعَلَاءِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع مَا يَحِلُّ لِلرَّجُلِ مِنْ مَالِ وَلَدِهِ

(The book) 'Ma'any Al Akhbar' – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Muhammad Bin Isa, from Ali Bin Al Hakam, from Al-Husayn Bin Abu Al A'ala who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'What is Permissible for the man from wealth of his son?'

فَقَالَ قُوَّتُهُ بِغَيْرِ سَرْفٍ إِذَا اضْطُرَّ إِلَيْهِ

He<sup>-asws</sup> said: 'His daily subsistence without extravagance when he is desperate to it'.

قَالَ فَقُلْتُ لَهُ فَقَوْلُ رَسُولِ اللَّهِ ص لِلرَّجُلِ الَّذِي أَتَاهُ فَقَدِمَ إِلَيْهِ أَنَاهُ فَقَالَ أَنْتَ وَ مَالُكَ لِأَبِيكَ

He (the narrator) said, 'I said to him<sup>-asws</sup>, '(What about) words of Rasool-Allah<sup>-saww</sup> to the man, and his father arrived, so he<sup>-saww</sup> said: 'You and your wealth are for your father?'

فَقَالَ إِنَّمَا جَاءَ بِأَبِيهِ إِلَى النَّبِيِّ ص وَ قَالَ لَهُ يَا رَسُولَ اللَّهِ هَذَا أَبِي وَ قَدْ ظَلَمَنِي مِيرَاثِي مِنْ أُمِّي فَأَخْبِرْهُ الْأَبُ أَنَّهُ قَدْ أَنْفَقَهُ عَلَيْهِ وَ عَلَى نَفْسِهِ فَقَالَ أَنْتَ وَ مَالُكَ لِأَبِيكَ وَ لَمْ يَكُنْ عِنْدَ الرَّجُلِ شَيْءٌ أَوْ كَانَ رَسُولُ اللَّهِ ص يَحْسِبُ أَبَا لِابْنِ.

He<sup>-asws</sup> said: 'But rather he had come with his father to the Prophet<sup>-saww</sup>, and said to him<sup>-saww</sup>, 'O Rasool-Allah<sup>-saww</sup>! This is my father and he has been unjust to me regarding my inheritance from my mother'. The father informed him<sup>-saww</sup> that he had spent it on him and upon himself,

<sup>275</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 13 H 3

<sup>276</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 13 H 4



so he<sup>-saww</sup> said: 'You and your wealth are for your father', and there did not happen to be anything in the possession of the man, and would Rasool-Allah<sup>-saww</sup> detain a father for a son?'<sup>277</sup>

6- ضا، فقه الرضا عليه السلام اعلم أنه جاز للوالد أن يأخذ من مال ولده بغير إذنه و ليس للولد أن يأخذ من مال والده إلا بإذنه

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Know that it is Permissible for the father to take from his son's wealth without his permission, but the son is not permitted to take from his father's wealth except with his permission.

و للمرأة أن تنفق من مال زوجها بغير إذنه المأدوم دون غيره و إذا أرادت الأم أن تأخذ من مال ولدها فليس لها إلا أن تقوم على نفسها ليرده عليه

It is also permissible for a woman to spend from her husband's wealth without his permission if he is unable to provide, but not otherwise, and if the mother wants to take from her son's wealth, she may only do so by estimating its value upon herself to return it to him.

و لا بأس للرجل أن يأكل من بيت أبيه و أخيه و أمه و أخته و صديقه ما لم يخش عليه الفساد من يومه بغير إذنه مثل البقول و الفاكهة و أشباه ذلك و لو كان على رجل دين و لم يكن له مال و كان لابنه مال جاز أن يأخذ من مال ابنه فيقضي به دينه.

There is no harm for a man to eat from the house of his father, brother, mother, sister, or friend, so long as he does not fear causing them harm that same day, and without their permission, such as greens, fruits, and similar things. If a man is in debt and has no wealth, but his son has wealth, it is permissible for him to take from his son's wealth to repay his debt<sup>278</sup>.

باب 14 ما يجوز للمارة أكله من الثمرة

## CHAPTER 14 – WHAT IS ALLOWED FOR THE PASSER-BY TO EAT FROM THE FRUIT

1- ج، الإحتجاج الأسدي قال: كان فيما ورد علي من العمري في جواب المسائل أما ما سألت عنه من التمار من أموالنا يمر به المار فيتناول منه و يأكل هل يحل له فإنه يحل له أكله و يجوز عليه حمله.

(The book) 'Al Ihtijaj' of Al Asady who said,

'Among what arrived to me from Al-Amry in response to the question: 'As for what you asked about the fruits of our property the passer-by passes by it and takes from it and eats, whether it is Permissible for him. It is Permissible for him to eat it and Prohibited for him to carry it (away).<sup>279</sup>

<sup>277</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 13 H 5

<sup>278</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 13 H 6

<sup>279</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 1

2- ب، قرب الإسناد هارون عن ابن زياد قال: سئل الصادق ع عما يأكل الناس من الفاكهة والرطب بما هو لهم حلال فقال لا يأكل أحد إلا من ضرورة ولا يفسد إذا كان عليها فناء محاط ومن أجل أهل الضرورة هي رسول الله ص أن يبنى على خدائق النخل و التمار بناء لكي يأكل منها كل أحد.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Ziyad who said,

'Al-Sadiq<sup>asws</sup> was asked about what the people can eat, from the fruits and the dates, from what is Permissible for them. He<sup>asws</sup> said: 'No one can eat except necessity, nor cause damage if the orchard is surrounded by an enclosure. It was for the sake of those in need that Rasool-Allah<sup>saww</sup> forbade the building of walls around date palm and fruit orchards, so that everyone could eat from them'.<sup>280</sup>

3- ب، قرب الإسناد أبو البخترى عن الصادق ع أبيه ع قال قال علي ع كان ناس يأتون النبي ص لا شيء لهم فقالوا الأنصار لو نحن لهذا اليوم من كل حائط قنوا من تمر فجرت السنة إلى اليوم.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup> having said: 'Ali<sup>asws</sup> said: 'The people used to come to the Prophet<sup>saww</sup>, there was nothing (possessions) for them. The Helpers said, 'What if we give these people a cluster of dates from each orchard?' And, thus this practice became a tradition that continues to this day'.<sup>281</sup>

4- سن، المحاسن علي بن محمد القاساني عن حماد بن عمار عن عبد الله بن القاسم الجعفي عن أبيه قال: كان النبي ص إذا بلغت التمار أمر بالخائط فقلمت.

(The book) 'Al Mahasin' – Ali Bin Muhammad Al Qasany, from the one who narrated it, from Abdullah Bin Al Qasim Al Ja'fari, from his father who said,

'Whenever the fruits matured, the Prophet<sup>saww</sup> would order for a hole (small entrance) to be made in the orchard'.<sup>282</sup>

5- سن، المحاسن أبي عن يونس بن عبد الرحمن عن عبد الله بن سنان عن أبي عبد الله ع قال: لا بأس بالرجل يمر على التمرة يأكل منها ولا يفسد وقد هي رسول الله ص أن تبنى الحيطان بالمدينة لئلا يكون الماء قال فإذا كان بلغ نخلة أمر بالميطان فخربت لئلا يكون الماء.

(The book) 'Al Mahasin' – My father, from Yunus Bin Abdul Rahman, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>asws</sup> having said: 'There is no problem if a man passes by fruit and eats from it without causing damage. Rasool-Allah<sup>saww</sup> forbade the building of walls in Medina because of the passers-by. He<sup>saww</sup> said: 'When the palm trees had ripened, he<sup>saww</sup> would order the walls to be torn down for the sake of the passers-by'.<sup>283</sup>

<sup>280</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 2

<sup>281</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 3

<sup>282</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 4

<sup>283</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 5

6- ضا، فقه الرضا عليه السلام إِذَا مَرَرْتَ بِبُسْتَانٍ فَلَا تَأْسَ أَنْ تَأْكُلَ مِنْ ثَمَارِهَا وَلَا تَحْمِلَ مَعَكَ شَيْئاً.

(The book) 'Fiqh Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> – 'When you pass by an orchard, there is no problem if you were to eat from its fruit and not carry anything with you'.<sup>284</sup>

7- سر، السرائر من كتاب المسائل عن داود الصرمي قال: سَأَلْتُ أَبَا الْحَسَنِ عَ عَنِ الرَّجُلِ دَخَلَ بُسْتَاناً أَوْ يَأْكُلُ مِنَ الثَّمَرَةِ مِنْ غَيْرِ عِلْمِ صَاحِبِ الْبُسْتَانِ فَقَالَ نَعَمْ.

(The book) 'Al Saraair', from 'Kitab Al Masaail', from Dawood Al Sarmy who said,

'I asked Abu Al Hassan<sup>asws</sup> about the man who enters an orchard, 'Can he eat from the fruit from without the knowledge owner of the orchard?' He<sup>asws</sup> said: 'Yes'.<sup>285</sup>

#### باب 15 الصنائع المكروهة

### CHAPTER 15 – THE DISLIKED CRAFTS

1- مع، معاني الأخبار أبي عن سعد بن الربيع عن محمد بن علي الكوفي عن الدهقان عن دُرُسْتِ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي الْحَسَنِ مُوسَى ع قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ص فَقَالَ يَا رَسُولَ اللَّهِ قَدْ عَلَّمْتُ ابْنِي هَذَا الْكِتَابَ فَقِي أَيِّ شَيْءٍ أُسْلِمُهُ

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Al Barqy, from Muhammad Bin Ali Al Kufi, from Al Dahqan, from Dorost, from Ibrahim Bin Abdul Hameed,

'From Abu Al Hassan Musa<sup>asws</sup> having said: 'A man came to the Prophet<sup>saww</sup>. He said, 'O Rasool-Allah<sup>saww</sup>! I have taught my son this Book, so in what matter should I entrust him?'

فَقَالَ سَلِمُهُ [أَسْلِمُهُ] لِلَّهِ أَبُوكَ وَ لَا تُسْلِمُهُ فِي خَمْسٍ لَا تُسْلِمُهُ سَيِّئاً وَ لَا صَائِغاً وَ لَا قَصَّاباً وَ لَا حَنَاطَاً وَ لَا نَحَّاساً

He replied, 'Entrust him to Allah<sup>azwj</sup>. Your father had done so before you. But, do not entrust him to five professions. Neither make him 'Al Sayya', nor a goldsmith, nor a butcher, nor a grain seller, nor a slave trader'.

He said, 'O Rasool-Allah<sup>saww</sup>, and what is 'Al-Sayya'?

فَقَالَ يَا رَسُولَ اللَّهِ ص وَ مَا السَّيِّئُ قَالَ الَّذِي يَبِيعُ الْأَكْفَانَ وَ يَتَمَتَّى مَوْتَ أُمَّتِي وَ لِلْمَوْلُودِ مِنْ أُمَّتِي أَحَبُّ إِلَيَّ بِمَا طَلَعَتْ عَلَيْهِ الشَّمْسُ وَ أَمَّا الصَّائِغُ فَإِنَّهُ يُعَالِجُ غَبْنَ أُمَّتِي فَأَمَّا الْقَصَّابُ فَإِنَّهُ يَذْبَحُ حَتَّى تَذْهَبَ الرَّحْمَةُ مِنْ قَلْبِهِ

He<sup>saww</sup> said: 'The one who sells the shroud and wishes death on my<sup>saww</sup> community and yet the new-born of my<sup>saww</sup> community is more beloved to me<sup>saww</sup> that whatever the sun rises

<sup>284</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 6

<sup>285</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 14 H 7

upon; and as for the goldsmith, he treats fraud of my<sup>-saww</sup> community; as for the butcher, he slaughters to the extent that the mercy goes away from his heart.

وَأَمَّا الْخَنَاطُ فَإِنَّهُ يَخْتَكِرُ الطَّعَامَ عَلَى أَمْتِي وَلَئِنْ يَلْقَى اللَّهَ الْعَبْدُ سَارِقاً أَحَبُّ إِلَيَّ مِنْ أَنْ يَلْقَاهُ قَدِ اخْتَكَرَ طَعَاماً أَرْزَعِينَ يَوْماً

As for the grain-seller, he hoards the food from my<sup>-saww</sup> community. The servant meeting Allah<sup>-azwj</sup> as a thief is more beloved to me<sup>-saww</sup> than if he were to meet Him<sup>-azwj</sup> having hoarded food for forty days!

وَأَمَّا النَّحَّاسُ فَإِنَّهُ أَتَانِي جِبْرِيلُ عَلَيْهِ السَّلَامُ فَقَالَ يَا مُحَمَّدُ إِنَّ شِرَارَ أُمَّتِكَ الَّذِينَ يَبِيعُونَ النَّاسَ.

And as for the slave trader, Jibraeel<sup>-as</sup>, may the greeting be upon him<sup>-as</sup>, came to me<sup>-saww</sup>. He<sup>-as</sup> said: 'O Muhammad<sup>-saww</sup>! Evil ones of your<sup>-saww</sup> community are those who are selling the people!'”<sup>286</sup>

2 ع، علل الشرائع ل، الخصال ابن الوليد عن الصَّفَّارِ عَنِ الْبَرْقِيِّ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنِ الدَّهْقَانِ مِثْلَهُ.

(The book) 'Ilal Al Sharaie', (and) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from Muhammad Bin Isa, from Al Dahqan, similar to it.<sup>287</sup>

3- ع، علل الشرائع ابن الوليد عن الصَّفَّارِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ يَحْيَى الْحُزَاعِيِّ عَنْ يَحْيَى بْنِ أَبِي الْعَلَاءِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ عَ فَخَبَّرْتُهُ أَنَّهُ وَلَدَ لِي غُلَامٌ فَقَالَ أَلَا سَمَّيْتَهُ مُحَمَّدًا

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ahmad Bin Muhammad, from Ja'far Bin Yahya Al Khuzaie, from Yahya Bin Abu Al A'la, from Is'haq Bin Ammar who said,

'I entered to see Abu Abdullah<sup>-asws</sup>. I informed him<sup>-asws</sup> that a boy had been born for me. He<sup>-asws</sup> said: 'Have you not named him as 'Muhammad'?'

قُلْتُ قَدْ فَعَلْتُ

I said, 'I have done so!'

قَالَ فَلَا تَضْرِبْ مُحَمَّدًا وَلَا تَسْتَيْمُهُ جَعَلَهُ اللَّهُ فُرَّةَ عَيْنٍ لَكَ فِي حَيَاتِكَ وَخَلَفَ صِدْقٍ بَعْدَكَ

He<sup>-asws</sup> said: 'Neither beat a 'Muhammad', nor insult him! Allah<sup>-azwj</sup> will Make him the delight of your eyes during your lifetime and a true successor after you'.

قَالَ قُلْتُ جُعِلْتُ فِدَاكَ وَ فِي أَيِّ الْأَعْمَالِ أَصْعُهُ

<sup>286</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 1

<sup>287</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 2

He (the narrator) said, 'I said, 'May I be sacrificed for you<sup>-asws</sup>, and in which of the works shall I place him?'

قَالَ إِذَا عَزَلْتُهُ عَنْ خَمْسَةِ أَشْيَاءَ فَضَعُهُ حَيْثُ شِئْتَ لَا تُسَلِّمُهُ إِلَى صَبْرِي فَإِنَّ الصَّبْرِيَّ لَا يَسْلَمُ مِنَ الرِّبَا وَلَا إِلَى بَيْعِ الْأَكْفَانِ فَإِنَّ صَاحِبَ الْأَكْفَانِ يَسْرُهُ الْوَبَاءُ إِذَا كَانَ وَلَا إِلَى صَاحِبِ طَعَامٍ فَإِنَّهُ لَا يَسْلَمُ مِنَ الْإِخْتِكَارِ وَلَا إِلَى جَزَّارٍ فَإِنَّ الْجَزَّارَ تُسَلِّبُ مِنْهُ الرَّحْمَةَ وَلَا تُسَلِّمُهُ إِلَى نَخَّاسٍ فَإِنَّ رَسُولَ اللَّهِ ص قَالَ شَرُّ النَّاسِ مَنْ بَاعَ النَّاسَ.

He<sup>-asws</sup> said: 'If you keep him away from five things, then place him wherever you wish! Do not entrust him to a money changer, for the money changer does not remain free from usury interest), nor to a seller of shrouds, for the shroud seller is pleased when a plague occurs, nor to a food merchant, for he does not remain free from hoarding, nor to a butcher, for mercy is stripped from the butcher, nor entrust him to a slave trader, for Rasool-Allah<sup>-saww</sup> said: 'The evillest of people are those who sell people!'<sup>288</sup>

4- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْحَزَّازِ عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنِّي أَغْطَيْتُ خَالَتِي غُلَامًا وَ هَمَيْتُهَا أَنْ تَجْعَلَهُ حَجَّامًا أَوْ قَصَّابًا أَوْ صَانِعًا.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Muhammad Bin Yahya Al Khazzaz, from Talha Bin Zayd,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'I<sup>-saww</sup> gave my<sup>-saww</sup> maternal aunt a servant and forbade her from making him a cupper, or a butcher, or a goldsmith''.<sup>289</sup>

5- شَرْحُ النَّهْجِ لِابْنِ مَيْثَمٍ يُؤَيِّ عَنِ الصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ ع عَقْلٌ أَرْبَعِينَ مُعَلِّمًا عَقْلٌ خَائِكٍ وَ عَقْلٌ خَائِكٍ عَقْلُ امْرَأَةٍ وَ الْمَرْأَةُ لَا عَقْلَ لَهَا.

(The book) 'Sharah Al Nahj' of Ibn Meesam –

'It is reported from Al-Sadiq Ja'far<sup>-asws</sup> Bin Muhammad Al-Sadiq<sup>-asws</sup> said: 'The intellect of forty instructors (Philosophers) is equal to the intellect of a weaver (schemers/politicians), and the intellect of a weaver is equal to the intellect of a woman, and the woman, there is no intellect for her''.<sup>290</sup>

6- وَ عَنْ مُوسَى بْنِ جَعْفَرٍ ع أَنَّهُ قَالَ: لَا تَسْتَشِيرُوا الْمُعَلِّمِينَ وَ لَا الْحُكَمَاءَ فَإِنَّ اللَّهَ تَعَالَى قَدْ سَلَبَهُمْ عُقُولَهُمْ.

And from Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup> having said: 'Do not seek consultation of the instructors (philosophers) nor of the weavers (schemers/politicians), for Allah<sup>-azwj</sup> the Exalted has Stripped them of their intellects''.<sup>291</sup>

<sup>288</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 3

<sup>289</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 4

<sup>290</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 5

<sup>291</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 6

7- **وَرُوِيَ أَنَّ رَسُولَ اللَّهِ ص دَفَعَ إِلَى خَائِكٍ مِنْ بَنِي النَّجَّارِ عَزْلًا لِيَنْسِجَ لَهُ صُوفًا فَكَانَ يَمْطُلُهُ وَ يَأْتِيهِ عَ مُتَقَاضِيًا وَ يَقِفُ عَلَى بَابِهِ وَ يَقُولُ رُدُّوا عَلَيْنَا ثَوْبَنَا لِنَتَّجِمَلَ بِهِ فِي النَّاسِ وَ لَمْ يَزَلْ يَمْطُلُهُ حَتَّى تُوُفِيَ ص.**

And it is reported that Rasool-Allah<sup>-saww</sup> had handed some yarn to a weaver from the clan of Najjar for him to spin wool for him. He delayed it, and he<sup>-saww</sup> came to him demanding and pausing at his door and saying: 'Return our cloth to us for us to adorn with among the people!', and he did not cease delaying it until he<sup>-saww</sup> passed away".<sup>292</sup>

8- **نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: مَرَّ عَلَيَّ عَلَيْهِ السَّلَامُ عَلَى بَيْمَةٍ وَ فَحَلَّ يَشْفُدُهَا عَلَى ظَهْرِ الطَّرِيقِ فَأَعْرَضَ بِوَجْهِهِ عَنْهَا فَقِيلَ لَهُ لِمَ فَعَلْتَ**

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup>, may the greeting be upon him<sup>-asws</sup>, passed by an animal and a foal (horse) mounting upon it on the surface of the road. He<sup>-asws</sup> turned his<sup>-asws</sup> face away from it. It was said to him<sup>-asws</sup>, 'Why did you<sup>-asws</sup> do so?'

**فَقَالَ لَا يَتَّبِعِي أَنْ تُدْبِعُوا هَذَا وَ هُوَ مِنَ الْمُنْكَرِ وَ لَكِنْ يَتَّبِعِي لَهْمُ أَنْ يُؤَاوَهُ وَ حَيْثُ لَا يَرَاهُ رَجُلٌ وَ لَا امْرَأَةٌ.**

He<sup>-asws</sup> said: 'It is not appropriate for this to be done, and it is from the evil, but it is befitting for them to be covered and whereby they can neither be seen by a man nor a woman".<sup>293</sup>

9- **شَرْحُ النَّفْلِيَّةِ، لِلشَّهِيدِ الثَّانِي رَحِمَهُ اللَّهُ رَوَى الْفَقِيهَ جَعْفَرُ بْنُ أَحْمَدَ الْقُمِّي فِي كِتَابِ الْإِمَامِ وَ الْمَأْمُومِ بِإِسْنَادِهِ إِلَى الصَّادِقِ ع عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تُصَلُّوا خَلْفَ الْحَائِكِ وَ لَوْ كَانَ عَالِمًا وَ لَا تُصَلُّوا خَلْفَ الْحُجَّامِ وَ لَوْ كَانَ زَاهِدًا وَ لَا تُصَلُّوا خَلْفَ الدَّبَّاحِ وَ لَوْ كَانَ عَابِدًا.**

(The book) 'Sharah Al Nafliya' of Al Shaheed Al Sany, may Allah<sup>-azwj</sup> Mercy him – It is reported by the juris Ja'far Bin Ahmad Al Qummi in the book 'Al Imam Wa Al Mamoun', by his chain to,

'Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Do not pray behind the weaver and even if he was knowledgeable, and do not pray behind the cupper and even if he was ascetic, and do not pray behind the tanner and even if he was a worshipper".<sup>294</sup>

10- **كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنِ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنِ أَبِيهِ عَنْ آبَائِهِ ع عَنِ النَّبِيِّ ص قَالَ: شَرَّ أَوَّلِ النَّاسِ مَنْ بَاعَ الْحَيَوَانَ.**

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Haroun Bin Musa, from Muhammad Bin Ali, from Muhammad Bin Al Husayn, from Ali Bin Asbat, from Ibn Fazzal,

<sup>292</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 7

<sup>293</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 8

<sup>294</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 9

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: ‘The vilest of the people are the ones selling the living beings’.<sup>295</sup>

11- وَ مِنْهُ عَنِ الْقَاسِمِ بْنِ عَلِيٍّ الْعَلَوِيِّ عَنْ مُحَمَّدِ بْنِ أَبِي مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص طَرَقَ طَائِفَةٌ مِنْ بَنِي إِسْرَائِيلَ لَيْلًا عَذَابٌ فَأَصْبَحُوا وَقَدْ فَقَدُوا أَرْبَعَةَ أَصْنَافٍ الطَّبَّالِينَ وَالْمُعَنِّيَّ وَالْمُحْتَكِرِينَ لِلطَّعَامِ وَالصَّيَّارِفَةَ أَكَلَةَ الرِّبَا مِنْهُمْ.

And from him, from Al Qasim Bin Ali Al Alawy, from Muhammad Bin Abu Abdullah, from Suheyl Bin Ziyad, from Al Nowfali, from Al Sakuni,

‘From Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Punishment knocked on the door of a group from the children of Israel at night. In the morning, they had lost four types – the drummers, and the singers, and the hoarders of the food, and the money-changers, eaters of the usury (interest) among them’.<sup>296</sup>

باب 16 باب ما نهي عنه من أنواع البيع والنهي عن الغش والدخول في السوم والنجش ومبايعة المضطرين والربح على المؤمن

## CHAPTER 16 – CHAPTER ON WHAT HAS BEEN PROHIBITED FROM THE TYPES OF SALES, AND THE PROHIBITION OF CHEATING, AND ENTERING INTO THE BIDDING WITHOUT INTENT TO BUY, ARTIFICIAL PRICE INFLATION, TRADING WITH THOSE IN DISTRESS, AND MAKING A PROFIT FROM A MOMIN

1- لِي، الْأَمَالِي لِلصَّدُوقِ فِي حَبْرِ مَنْهَيْ النَّبِيِّ ص أَنَّهُ نَهَى أَنْ يَدْخُلَ الرَّجُلُ فِي سَوْمٍ أَخِيهِ الْمُسْلِمِ وَ نَهَى عَنْ بَيْعٍ وَ سَلَفٍ وَ نَهَى عَنْ بَيْعَيْنِ فِي بَيْعٍ وَ نَهَى عَنْ بَيْعٍ مَا لَيْسَ عِنْدَكَ وَ نَهَى عَنْ بَيْعٍ مَا لَمْ يَضْمَنْ

(The book) ‘Al Amaali’ of Al Sadouq –

In a Hadeeth of prohibitions by the Prophet<sup>-saww</sup>, he<sup>-saww</sup> had prohibited a man from entering into the bidding of his Muslim brother. He<sup>-saww</sup> forbade combining a sale with a loan. He<sup>-saww</sup> forbade two sales in one. He<sup>-saww</sup> forbade selling what you do not possess. He<sup>-saww</sup> forbade selling what one has not yet guaranteed.

وَ نَهَى عَنْ بَيْعِ الذَّهَبِ وَ الْفِضَّةِ بِالنَّسِئَةِ وَ نَهَى عَنْ بَيْعِ الذَّهَبِ بِالذَّهَبِ زِيَادَةً إِلَّا وَزناً يوزن وَ قَالَ مَنْ عَشَّ مُسْلِمًا فِي شِرَاءٍ أَوْ بَيْعٍ فَلَيْسَ مِنَّا وَ يُخْشَرُ يَوْمَ الْقِيَامَةِ مَعَ الْيَهُودِ لِأَنَّهُمْ أَغَشُّوا الْخَلْقَ لِلْمُسْلِمِينَ.

He<sup>-saww</sup> forbade selling gold and silver on credit. He<sup>-saww</sup> forbade selling gold for gold with an increase, except weight for weight, and he<sup>-saww</sup> said: ‘Whoever cheats a Muslim in buying or

<sup>295</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 10

<sup>296</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 15 H 11

selling is not from us<sup>asws</sup> and will be Resurrected on the Day of Qiyamah with the Jews, because they are the most deceitful people toward Muslims!”<sup>297</sup>

2- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ الرَّجَائِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عُبَيْدٍ الْقَاسِمِ بْنِ سَلَامٍ بِأَسَانِيدٍ مُتَّصِلَةٍ إِلَى النَّبِيِّ ص فِي أَخْبَارٍ مُتَّفَقَةٍ أَنَّهُ نَهَى عَنِ الْمُنَابَذَةِ وَالْمَلَامَسَةِ وَبَيْعِ الْحَصَاةِ.

(The book) ‘Ma’any Al Akhbar’ – Muhammad Bin Haroun Al Zanjani, from Ali Bin Abdul Aziz,

‘From Abu Ubeyd Al-Qasim Bin Sallam by chains connected to the Prophet<sup>-saww</sup> in the separated reports, he<sup>-saww</sup> had forbidden from ‘Al-Munabaza’, and ‘Al-Mulamasa’, and ‘Baya Al-Hasa’.<sup>298</sup>

ففي كل واحدة منها قولان أما المنابذة فيقال إنما أن يقول الرجل لصاحبه انبذ إلي الثوب أو غيره من المتاع أو أنبذه إليك وقد وجب البيع بكذا وكذا و يقال إنما هو أن يقول الرجل إذا نبذت الحصاة فقد وجب البيع و هو معنى قوله إنه نهى عن بيع الحصاة

*There are two interpretations for each of them. As for ‘Al-Munabaza’, it is said that it refers to a man saying to his companion, ‘Throw to me the garment or other merchandise, and I will throw it to you’, and the sale is concluded for such and such price. It is also said that it means that a man says, ‘Once the pebble is thrown, the sale is concluded’, and this is the meaning of the Prophet<sup>-saww</sup> prohibiting ‘sale of the pebble’.*

و الملامسة أن تقول إذا لمست ثوبي أو لمست ثوبك فقد وجب البيع بكذا وكذا و يقال بل هو أن يلمس المتاع من وراء الثوب و لا ينظر إليه فيقع البيع على ذلك و هذه بيوع كان أهل الجاهلية يتبايعونها فنهى رسول الله ص عنها لأنها غدر كلها

*As for ‘Al-Mulamasa’, it is said to be when someone says, ‘If you touch my garment or I touch yours, the sale is concluded for such and such price’. It is also said that it refers to someone touching the merchandise through the garment without inspecting it, and the sale is concluded in that condition. These were types of transactions practised by the people of the pre Islamic period, and Rasool-Allah<sup>-saww</sup>, forbade them because they all involve deception.*

و نَهَى عَنِ بَيْعِ الْمَجْرِ.

And he<sup>-saww</sup> forbade from ‘Baya Al-Majr’.

و هو أن يباع البعير أو غيره بما في بطن الناقة و يقال منه أجمرت في البيع إجمارا و نهى ع عن الملاقيح و المضامين فالملاقيح ما في البطون و هي الأجنة و الواحدة منها ملقوحة

*It refers to selling a camel or something else in exchange for what is in the womb of a she-camel. It is said in such cases, ‘He engaged in the sale through imjar’ (uncertain transaction).*

<sup>297</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 1

<sup>298</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 2



*He<sup>-saww</sup>, forbade selling ‘malaqih’ and ‘muzamin’. ‘Malaqih’ refers to what is in the wombs, the fetuses, and a single one is called ‘malquha’.*

و أما المضامين فما في أصلاب الفحول و كانوا يبيعون الجنين في بطون الناقة و ما يضرب الفحل في عامه و في أعوام و نهي عن بيع حبل الحبله و معناه ولد ذلك الجنين الذي في بطن الناقة و قال غيره هو نتاج التاج و ذلك غرر

*As for ‘muzamin’, it refers to what is in the loins of male camels. They used to sell the foetus in the womb of a she-camel, and also what the male camel might impregnate in that year or in the years to come. He also forbade the sale of ‘ḥabl al ḥabla’, which means the offspring of the foetus in the womb of the she-camel. Others said it means the offspring of the offspring. This is considered risky and uncertain (gharar).*

و قَالَ ص لَا تَنَاجِشُوا وَ لَا تَدَابِرُوا.

And he<sup>-saww</sup> said: ‘Neither ‘Tanajashu’ (artificially inflate a price) nor turn your backs to each other (boycott or sever ties)’.

معناه أن يزيد الرجل في ثمن السلعة و هو لا يريد شراءها و لكن يسمعه غيره فيزيد لزيادته و الناجش خائن.

*Its meaning is that a man increases the price of a commodity without intending to buy it, but others hear him and raise their offers because of his increase. The one who engages in ‘najash’ is a deceiver.*

3- ل، الخصال ابن الوليد عَنِ الصَّفَّارِ عَنِ الرَّجِيِّ عَنِ عَبْدِ الرَّحْمَنِ بْنِ حَمَّادٍ عَنْ مُحَمَّدِ بْنِ سِنَانٍ مُسْنَدًا إِلَى أَبِي جَعْفَرٍ ع أَنَّهُ كَرِهَ بَيْعِينَ اطْرَحَ وَ خُذَ مِنْ غَيْرِ تَقْلِيلٍ وَ شَرَى مَا لَمْ تَرَهُ.

(The book) ‘Al Khisaal’ – Ibn Al Waleed, from Al Saffar, from Al Barqy, from Abdul Rahman Bin Hammad, from Muhammad Bin Sinan attributing to,

‘Abu Ja’far<sup>-asws</sup> disliked two types of sales – ‘Throw and take without inspection’ and buying something that one has not seen”<sup>299</sup>.

4- ن، عيون أخبار الرضا عليه السلام بِإِسْنَادِ الثَّلَاثَةِ عَنِ الرِّضَا عَنْ آبَائِهِ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ صَلَوَاتُ اللَّهِ عَلَيْهِمْ قَالَ: خَطَبَنَا أَمِيرُ الْمُؤْمِنِينَ ع فَقَالَ سَيَأْتِي عَلَى النَّاسِ زَمَانٌ غَضُوضٌ يَعْضُ الْمُؤْمِنُ عَلَى مَا فِي يَدِهِ وَ لَمْ يُؤْمَرْ بِذَلِكَ قَالَ اللَّهُ تَعَالَى وَ لَا تَتَسَوَّأُ الْفَضْلَ بَيْنَكُمْ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

(The book) ‘Uyoun Akhbar Al-Reza<sup>-asws</sup>, may the greeting be upon him<sup>-asws</sup> – By the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from Al Husayn Bin Ali<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon them<sup>-asws</sup>, said: ‘Amir Al-Momineen<sup>-asws</sup> addressed us. He<sup>-asws</sup> said: ‘And there shall come a time of biting (snatching) upon the people, the Momin will bite upon what is in his hand (unlawfully take away whatever he gets his hands to), and he would not have been Commanded with that. Allah<sup>-azwj</sup> the Exalted Says: **and do not forget the favours between you; Allah is Seeing what you are doing [2:237]!**

وَسَيَأْتِي زَمَانٌ يُقَدَّمُ فِيهِ الْأَشْرَارُ وَ يُنْسَأُ فِيهِ الْأَخْيَارُ وَ يُبَاعُ الْمُضْطَرُّ وَ قَدْ نَهَى رَسُولُ اللَّهِ ص عَنْ بَيْعِ الْمُضْطَرِّ وَ عَنْ بَيْعِ الْغَرَرِ فَاتَّقُوا اللَّهَ يَا أَيُّهَا النَّاسُ وَ أَصْلِحُوا ذَاتَ بَيْنِكُمْ وَ احْفَظُوا لِي أَهْلِي.

And there shall come a time the evil ones will be advanced and the good ones will be forgotten, and the desperate ones will be sold to, although Rasool-Allah<sup>-saww</sup> has forbidden from selling to the desperate, and from the uncertain sale, therefore fear Allah<sup>-azwj</sup> O people, and reconcile between yourselves, and protect me<sup>-saww</sup> regarding my<sup>-saww</sup> family”.<sup>300</sup>

5 صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) ‘Saheefa Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>, from him<sup>-asws</sup> – similar to it.<sup>301</sup>

6- ثو، ثواب الأعمال أبي عن محمد بن أبي القاسم عن الكوفي عن محمد بن سنان عن فورات بن أحنف قال قال أبو عبد الله ع ربح المؤمن على المؤمن رباً.

(The book) ‘Sawaab Al Amaal’ – My father, from Muhammad Bin Abu Al Qasim, from Al Kufi, from Muhammad Bin Sinan, from Furat Bin Ahnaf who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘Profiting by the Momin upon the Momin is usury (interest)?’<sup>302</sup>

7 سن، المحاسن محمد بن علي عن ابن سنان مثله.

(The book) ‘Al Mahasin’ – Muhammad Bin Ali, from Ibn Sinan, similar to it.<sup>303</sup>

8- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: مَلْعُونٌ مَنْ عَشَّ مُسْلِمًا أَوْ مَآكِرُهُ أَوْ غَرَّهُ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Accursed is the one cheats a Muslim or deceives him, or deludes (misleads) him!’<sup>304</sup>

9- نَهْجُ الْبَلَاغَةِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع يَا أَيُّهَا النَّاسُ زَمَانٌ عَصُوضٌ يَعْصُ الْمُوسِرُ فِيهِ عَلَى مَا فِي يَدَيْهِ وَ لَمْ يُؤْمَرْ بِذَلِكَ قَالَ اللَّهُ تَعَالَى وَ لَا تَنْسُوا الْفَضْلَ بَيْنَكُمْ

(The book) ‘Nahj Al Balagah’ –

<sup>300</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 4

<sup>301</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 5

<sup>302</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 6

<sup>303</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 7

<sup>304</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 8

'Amir Al-Momineen<sup>-asws</sup> said: 'There shall come a severe time upon the people. During it the rich will bite upon what is in his hands (be miserly), and he has not been Commanded with that. Allah<sup>-azwj</sup> the Glorious Says: **and do not forget the favours between you; [2:237]**.

يَنْهَدُ فِيهِ الْأَشْرَارُ وَ يُسْتَنْدِلُ الْأَخْيَارُ وَ يُبَايِعُ الْمُضْطَرُّونَ وَ نَهَى رَسُولُ اللَّهِ ص عَنْ بَيْعِ الْمُضْطَرِّينَ.

The evil ones will rise higher and humiliate the good ones, and they will buy from the desperate ones, and Rasool-Allah<sup>-saww</sup> has forbidden buying from the desperate ones.<sup>305</sup>

10- أَعْلَامُ الدِّينِ، رُوِيَ عَنِ النَّبِيِّ ص أَنَّهُ قَالَ: يَأْتِي عَلَى أُمَّتِي زَمَانٌ تَكُونُ أُمَرَاؤُهُمْ عَلَى الْجَوْرِ وَ عُلَمَاؤُهُمْ عَلَى الطَّمَعِ وَ قِلَّةُ الْوَرَعِ وَ عِبَادُهُمْ عَلَى الرِّيَاءِ وَ بُحَاثُهُمْ عَلَى أَكْلِ الرِّبَا وَ كِتْمَانِ الْعَيْبِ فِي الْبَيْعِ وَ الشَّرَى وَ نِسَاؤُهُمْ عَلَى زِينَةِ الدُّنْيَا

(The book) 'A'alam Al Deen' –

'It is reported from the Prophet<sup>-saww</sup> having said: 'There shall come a time upon my<sup>-saww</sup> community, their governors would be upon the tyranny, and their scholars would be upon the greed and lack of piety, and their worshippers upon the showing off, and their traders upon consuming the usury (interest) and concealment of defects during the selling and the buying, and their women upon adornment of the world.

فَعِنْدَ ذَلِكَ يُسَلِّطُ عَلَيْهِمْ شِرَارَهُمْ فَيَدْعُو خِيَارَهُمْ فَلَا يُسْتَجَابُ لَهُمْ.

During that, Allah<sup>-azwj</sup> will Cause their evil ones to prevail upon them, so their good ones will supplicate, but these will not be Answered for them!"<sup>306</sup>

باب 17 من يستحب معاملته و من يكره

## CHAPTER 17 – ONES IT IS RECOMMENDED TO DEAL WITH AND ONES IT IS DISLIKED

1- ما، الأماالي للشيخ الطوسي عَنْ أَبِي سَعِيدٍ قَالَ قَالَ رَسُولُ اللَّهِ ص اطلبوا الخيرَ عِنْدَ حَسَنِ الْوُجُوهِ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – from Abu Saeed who said,

'Rasool-Allah<sup>-saww</sup> said: 'Seek the goodness in the presence of the good-looking (radiating) faces"<sup>307</sup>.

2- ختص، الإختصاص عَنْهُ ص مِثْلُهُ.

<sup>305</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 9

<sup>306</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 16 H 10

<sup>307</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 1

(The book) 'Al Ikhtisas' – From him<sup>-saww</sup>, similar to it.<sup>308</sup>

3- ع، علل الشرائع ابنُ الْمُتَوَكِّلِ عَنِ الْحِمَيْرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مُحْبُوبٍ عَنِ الْعَبَّاسِ بْنِ الْوَلِيدِ بْنِ صَبِيحٍ عَنْ أَبِيهِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع يَا وَلِيدُ لَا تَشْتَرِ لِي مِنْ مُحَارِفٍ شَيْئاً فَإِنَّ خُلُطَتَهُ لَا بَرَكَهَ فِيهَا.

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al Abbas Bin Al Waleed Bin Sabeeh, from his father having said,

'Abu Abdullah<sup>-asws</sup> said: 'O Waleed! Do not buy anything for me from a depraved (muhrif), for mingling with him has no blessing in it'.<sup>309</sup>

4- ع، علل الشرائع ابنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ فَضَّالٍ عَنْ طَرِيفِ بْنِ نَاصِحٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا تُخَالِطُوا وَ لَا تُعَامِلُوا إِلَّا مَنْ نَشَأَ فِي خَيْرٍ.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Fazzal, from Tareyf Bin Nasih who said,

'Abu Abdullah<sup>-asws</sup> said: 'Neither mingle nor deal except with the one raised (upbringing is) in goodness.<sup>310</sup>

5- ع، علل الشرائع ابنُ الْوَلِيدِ عَنِ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ رَفَعَهُ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع اخَذُوا مُعَامَلَةَ أَصْحَابِ الْعَاهَاتِ فَإِنَّهُمْ أَظْلَمُ شَيْءٍ.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ash'ary, from Ahmad Bin Muhammad raising it, said,

'Abu Abdullah<sup>-asws</sup> said: 'Beware of dealing with the ones with physical disabilities, for they are most unjust of things.<sup>311</sup>

6- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَمَّنْ حَدَّثَهُ عَنْ أَبِي الرَّبِيعِ الشَّامِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع فَقُلْتُ لَهُ إِنَّ عِنْدَنَا قَوْمًا مِنَ الْأَكْرَادِ يَجِئُونَنَا بِالْبَيْعِ وَ نُبَايِعُهُمْ

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from the one who narrated it, from Abu Al Rabie Al Shamy who said,

'I asked Abu Abdullah<sup>-asws</sup>. I said to him<sup>-asws</sup>, 'There are some people with us from the Kurds. They come to us with the sales and we sell to them'.

فَقَالَ يَا أَبَا الرَّبِيعِ لَا تُخَالِطُهُمْ فَإِنَّ الْأَكْرَادَ حَيٌّ مِنَ الْجِنَّ كَشَفَ اللَّهُ عَنْهُمْ الْغِطَاءَ فَلَا تُخَالِطُهُمْ.

<sup>308</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 2

<sup>309</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 3

<sup>310</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 4

<sup>311</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 5

He<sup>-asws</sup> said: 'O Abu Al Rabie! Do not mingle with them, for the Kurds are a tribe from the Jinn. Allah<sup>-azwj</sup> has Removed the covering from them, so do not mingle with them'.<sup>312</sup>

7 ع، علل الشرائع ابن الوليد عن الحسن بن ميثيل عن محمد بن الحسين عن جعفر بن بشير عن حفص عن عمه حذثة عن أبي الربيع مثله.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Hassan Bin Mateel, from Muhammad Bin Al Husayn, from Ja'far Bin Bashir, from Hafs, from the one who narrated it, from Abu Al-Rabie, similar to it.<sup>313</sup>

8- ع، علل الشرائع أبي عن أحمد بن إدريس عن الأشعري عن محمد بن عيسى عن الحسن بن علي بن يقطين عن الحسين بن ميثاق عن عيسى قال قال أبو عبد الله ع إياك و مخالطة السفلة فإن السفلة لا تقول إلى خير.

(The book) 'Ilal Al Sharaie' – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Muhammad Bin Isa, from Al Hassan Bin Ali Bin Yaqteen, from Al Husayn Bin Mayyah, from Isa who said,

'Abu Abdullah<sup>-asws</sup> said: 'Beware of mingling with the lowly, for the lowly do not lead to good'.<sup>314</sup>

9- يج، الخرائج و الجرائح زوي عن أبي عبد الله ع قال: إن أول ما ملكته لديناران على عهد أبي و كان رجل يشتري الأردية من صنعاء فأردت أن أبضعه فقال لي لا تبضعه

(The book) 'Al Kharaij Wa Al Jaraih' –

'It is reported from Abu Abdullah<sup>-asws</sup> having said: 'The first thing I<sup>-asws</sup> ever possessed was two Dinars during the era of my<sup>-asws</sup> father<sup>-asws</sup>. There was a man who used to buy cloaks from Sana'a, and I<sup>-asws</sup> wanted to entrust him with the amount to invest. My father said to me, 'Do not entrust him!'

قال فدفعته إليه سراً من أبي فخرج الرجل فلما رجع بعثت إليه رسولا فقال لي ما دفع إلي شيئا

He<sup>-asws</sup> said: 'But I<sup>-asws</sup> secretly gave it to him. The man went out. When he returned, I dispatched a messenger to him. He said to me, 'Nothing was given to me!'

قال فظننت أنه إنما ستر ذلك من أبي فذهبت إليه بنفسي و قلت الديناران

He<sup>-asws</sup> said: 'I<sup>-asws</sup> thought, he had rather concealed that from my<sup>-asws</sup> father<sup>-asws</sup>. So, I<sup>-asws</sup> went to him myself<sup>-asws</sup> and said: 'The two Dinars!'

قال ما دفعت إلي شيئا

He said, 'You<sup>-asws</sup> have not given me anything!'

<sup>312</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 6

<sup>313</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 7

<sup>314</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 8

فَأَتَيْتُ أَبِي فَلَمَّا رَأَى رَفَعَ رَأْسَهُ ثُمَّ قَالَ مُتَبَسِّمًا يَا بُنَيَّ أَلَمْ أَقُلْ لَكَ أَنْ لَا تَدْفَعَ إِلَيْهِ إِنَّهُ مِنْ اتِّمَنِ شَارِبِ الْخَمْرِ فَلَيْسَ لَهُ عَلَى اللَّهِ ضَمَانٌ إِنَّ اللَّهَ يَقُولُ  
وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ

I<sup>-asws</sup> came to my<sup>-asws</sup> father<sup>-asws</sup>. When he<sup>-asws</sup> saw me<sup>-asws</sup>, he<sup>-asws</sup> raised his<sup>-asws</sup> head to me<sup>-asws</sup>, then said, smiling: 'O my<sup>-asws</sup> son<sup>-asws</sup>! Did I<sup>-asws</sup> not say to you<sup>-asws</sup> not to hand it to him: Surely the one who entrusts the wine drinker, there is no guarantee for him upon Allah<sup>-azwj</sup>. Allah<sup>-azwj</sup> Says: **And do not give your wealth to the foolish which Allah has made a (means of) support for you, [4:5]!**

So, which foolish one is more foolish than the drinker of wine? It isn't for me<sup>-asws</sup> to keep him as a witness. His testimony will not be accepted, and if intercedes, he will not be interceded, and if he proposes, he will not be married to!"

فَأَيُّ سَفِيهِ أَسْفَهُ مِنْ شَارِبِ الْخَمْرِ فَلَيْسَ إِنْ أَشْهَدَكُمْ [شَهِدًا] لَمْ تُقْبَلْ شَهَادَتُهُ وَإِنْ شَفَعَ لَمْ يُشَفَّعْ وَإِنْ خَطَبَ لَمْ يُزَوَّجْ.

And who is more foolish than a wine drinker? If he testifies, his testimony is not accepted. If he intercedes, his intercession is not accepted. If he proposes, he is not to be married.<sup>315</sup>

10- شي، تفسير العياشي عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ تَعَالَى وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ قَالَ مَنْ لَا تَقِي بِهِ.

(The book) Tafseer Al Ayyashi – From Yunus Bin Yaqoub who said,

'I asked Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> the Exalted: **And do not give your wealth to the foolish [4:5]**. He<sup>-asws</sup> said: "One who cannot be trusted with".<sup>316</sup>

11- شي، تفسير العياشي عَنْ حَمَّادٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فَيَمَنْ شَرِبَ الْخَمْرَ بَعْدَ أَنْ حَرَّمَهَا اللَّهُ عَلَى لِسَانِ نَبِيِّهِ ص لَيْسَ بِأَهْلٍ أَنْ يُزَوَّجَ إِذَا خَطَبَ وَ أَنْ يُصَدَّقَ إِذَا حَدَّثَ وَ لَا يُشَفَّعَ إِذَا شَفَعَ وَ لَا يُؤْتَمَنَ عَلَى أَمَانَةٍ

(The book) 'Tafseer Al Ayyashi' – From Hammad,

'From Abu Abdullah<sup>-asws</sup>: 'Regarding one who drinks wine after Allah<sup>-azwj</sup> has Forbidden it through the tongue of His<sup>-azwj</sup> Prophet<sup>-saww</sup>: 'He is not worthy to be married if he proposes, nor to be believed if he speaks, nor to have his intercession accepted if he intercedes, nor to be entrusted with any trust.

فَمَنْ اتَّيَمَّنَهُ عَلَى أَمَانَةٍ فَأَهْلَكَهَا أَوْ ضَيَّعَهَا فَلَيْسَ لِلَّذِي اتَّيَمَّنَهُ أَنْ يَأْجُرَهُ اللَّهُ وَ لَا يُخْلِفَ عَلَيْهِ

So, whoever entrusts him with a trust, and he ruins it or wastes it, then the one who entrusted him has no right to expect a Reward from Allah<sup>-azwj</sup> or replacement for it.

قَالَ أَبُو عَبْدِ اللَّهِ ع إِنْ أَرَدْتُ أَنْ أَسْتَبْضِعَ بَضَاعَةً إِلَى الْيَمَنِ فَأَتَيْتُ أَبَا جَعْفَرٍ ع فَقُلْتُ إِنْ أَرَدْتُ أَنْ أَسْتَبْضِعَ فَلَانًا

<sup>315</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 9

<sup>316</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 10

Abu Abdullah<sup>-asws</sup> said: 'I<sup>-asws</sup> wanted to entrust merchandise to be sent to Al-Yemen (for trade), so I<sup>-asws</sup> came to Abu Ja'far<sup>-asws</sup>. I<sup>-asws</sup> said: 'I<sup>-asws</sup> want to send merchandise with so and so!'

فَقَالَ لِي أَمَا عَلِمْتَ أَنَّهُ يَشْرَبُ الْخَمْرَ

He<sup>-asws</sup> said to me<sup>-asws</sup>: 'Don't you<sup>-asws</sup> know that he is a wine drinker?'

فَقُلْتُ قَدْ بَلَغَنِي عَنِ الْمُؤْمِنِينَ أَنَّهُمْ يَقُولُونَ ذَلِكَ

I said: 'It has reached me from the Momineen. They are saying that'.

فَقَالَ صَدَقْتَهُمْ لِأَنَّ اللَّهَ يَقُولُ يُؤْمِنُ بِاللَّهِ وَ يُؤْمِنُ لِلْمُؤْمِنِينَ

He<sup>-asws</sup> said: 'Ratify them, because Allah<sup>-azwj</sup> Says: **He believes in Allah and has faith in the Momineen, [9:61]**'.

ثُمَّ قَالَ إِنَّكَ إِنِ اسْتَبْضَعْتَهُ فَهَلَكْتَ أَوْ ضَاعَتْ فَلَيْسَ عَلَى اللَّهِ أَنْ يَأْجُرَكَ وَ لَا يُخْلِفَ عَلَيْكَ

Then he<sup>-asws</sup> said: 'If you<sup>-asws</sup> want to send merchandise and these are destroyed or wasted, it wouldn't be upon Allah<sup>-azwj</sup> to Reward you<sup>-asws</sup> nor Replace upon you<sup>-asws</sup>!'

فَقُلْتُ وَ لِمَ

I<sup>-asws</sup> said: 'And why?'

قَالَ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا

He<sup>-asws</sup> said: 'Because Allah<sup>-azwj</sup> the Exalted Says: **And do not give your wealth to the foolish which Allah has made a (means of) support for you, [4:5]**!'

فَهَلْ سَفِيهٌ أَسْفَهُ مِنْ شَارِبِ الْخَمْرِ إِنَّ الْعَبْدَ لَا يَزَالُ فِي فُسْحَةٍ مِنْ رَبِّهِ مَا لَمْ يَشْرَبِ الْخَمْرَ فَإِذَا شَرِبَهَا خَرَقَ اللَّهُ عَلَيْهِ سِرْبَالَهُ فَكَانَ وُلْدُهُ وَ أَخُوهُ وَ سَمْعُهُ وَ بَصَرُهُ وَ يَدُهُ وَ رِجْلُهُ إِبْلِيسَ يَسُوْقُهُ إِلَى كُلِّ شَرٍّ وَ يَصْرِفُهُ عَنْ كُلِّ خَيْرٍ.

Is there any foolish one more foolish than the drinker of wine? The servant does not cease to be in leeway from his Lord<sup>-azwj</sup> for as long as he does not drink the wine. When he drinks it, Allah<sup>-azwj</sup> Tears down upon him his protection. So, his children, and his brother, and his hearing, and his sight, and his hands and his legs would be for Iblees<sup>-la</sup>. He<sup>-la</sup> would usher him to every evil and turn him away from every good".<sup>317</sup>

<sup>317</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 11

12- شي، تفسير العياشي عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ هَذِهِ الْآيَةِ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ قَالَ ع كُلُّ مَنْ يَشْرَبُ الْمُسْكِرَ فَهُوَ سَفِيهٌ.

(The book) 'Tafseer Al Ayyashi' – From Ibrahim Bin Abdul Hameed who said,

'I asked Abu Ja'far<sup>-asws</sup> about this Verse: **And do not give your wealth to the foolish [4:5]!** He<sup>-asws</sup> said: 'Everyone who drinks the intoxicant, he is "foolish"'.<sup>318</sup>

13- شي، تفسير العياشي عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنِّي أَرَدْتُ أَنْ أَسْتَبْضِعَ بِضَاعَةً إِلَى الْيَمَنِ فَأَتَيْتُ إِلَى أَبِي جَعْفَرٍ ع فَقُلْتُ إِنِّي أُرِيدُ أَنْ أَسْتَبْضِعَ فَلَاناً

(The book) 'Tafseer Al Ayyashi' – From Hammad Bin Usman,

'From Abu Abdullah<sup>-asws</sup> (when I approached and said): 'I wanted to send merchandise to Al-Yemen. I came to Abu Ja'far<sup>-asws</sup>. I said: 'I want to send merchandise with so and so!'

فَقَالَ لِي أَمَا عَلِمْتَ أَنَّهُ يَشْرَبُ الْخَمْرَ

He<sup>-asws</sup> said to me<sup>-asws</sup>: 'Don't you know he drinks the wine?'

فَقُلْتُ قَدْ بَلَغَنِي مِنَ الْمُؤْمِنِينَ أَنَّهُمْ يَقُولُونَ ذَلِكَ

I said: 'It has reached me from the Momineen. They are saying that!'

فَقَالَ صَدَقْتَهُمْ فَإِنَّ اللَّهَ يَقُولُ يُؤْمِنُ بِاللَّهِ وَ يُؤْمِنُ لِلْمُؤْمِنِينَ

He<sup>-asws</sup> said: 'Ratify them, for Allah<sup>-azwj</sup> Says: **He believes in Allah and has faith in the Momineen, [9:61]**'.

فَقَالَ يُغْنِي يُصَدِّقُ اللَّهَ وَ يُصَدِّقُ الْمُؤْمِنِينَ لِأَنَّهُ كَانَ رُؤُوفاً رَحِيماً بِالْمُؤْمِنِينَ.

He<sup>-asws</sup> said: 'Meaning, he should ratify Allah<sup>-azwj</sup> and ratify the Momineen because He<sup>-azwj</sup> would always be Kind, Merciful with the Momineen".<sup>319</sup>

14- ختص، الإختصاص عَنْ أَبِي حَزْمَةَ الثَّمَالِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: مَنْ عَرَفَ مِنْ عَبْدٍ مِنْ عِبِيدِ اللَّهِ كَذِباً إِذَا حَدَّثَ وَ خُلْفاً إِذَا وَعَدَ وَ خِيَانَةً إِذَا ائْتَمَّنَ ثُمَّ ائْتَمَّنَهُ عَلَى أَمَانَةٍ كَانَ حَقّاً عَلَى اللَّهِ أَنْ يَبْتَلِيَهُ فِيهَا ثُمَّ لَا يُخْلِفَ عَلَيْهِ وَ لَا يَأْجُرُهُ.

(The book) 'Al Ikhtisaas' – From Abu Hamza Al Sumali,

'From Abu Ja'far<sup>-asws</sup> having said: 'One who recognises from a servant from servants of Allah<sup>-azwj</sup> that he lies when he narrates, and breaks when he promises, and betrays when he is

<sup>318</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 12

<sup>319</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 13



entrusted, then he still entrusts him upon an entrustment, there would be a right upon Allah-<sup>azwj</sup> to Try him regarding it, then He-<sup>azwj</sup> will neither Replace upon him nor Reward him”.<sup>320</sup>

15- ختص، الإختصاص عَنْ دَاوُدَ الرَّقِّيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ: يَا دَاوُدُ لَأَنْ تُدْخِلَ يَدَكَ فِي فَمِ التَّيْتِ إِلَى الْمِرْفَقِ خَيْرٌ لَكَ مِنْ طَلَبِ الْحَوَائِجِ مِمَّنْ لَمْ يَكُنْ فُكَّانًا.

(Then book) 'Al Ikhtisas – From Dawood Al Raqy,

‘From Abu Abdullah-<sup>asws</sup>, he (the narrator) said, ‘He-<sup>asws</sup> said: ‘O Dawood! If you were to insert your hand in the mouth of a dragon up to the elbow, it would be better for you than seeking the needs from the one did not happen to be (anything), so he became (something) (i.e., from a lowly person).<sup>321</sup>

16- كِتَابُ صِفَاتِ الشَّيْعَةِ، لِلصَّدُوقِ بِإِسْنَادِهِ عَنْ سَعِيدِ بْنِ غَزْوَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع الْمُؤْمِنُ لَا يَكُونُ مُحَارَفًا.

(The book) 'Kitab Sifaat Al Shia' of Al Sadouq, by his chain from Saeed Bin Gazwan who said,

‘Abu Abdullah-<sup>asws</sup> said: ‘The Momin cannot be depraved’.<sup>322</sup>

17- نَوَادِرُ الرَّاَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص أَرْبَعٌ مِنْ سَعَادَةِ الْمَرْءِ الْخُلَطَاءُ الصَّالِحُونَ وَالْوَلَدُ الْبَارُّ وَالْمَرْأَةُ الْمُؤَاتِيَّةُ وَأَنْ تَكُونَ مَعِيشَتُهُ فِي بَلَدِهِ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

‘From Musa-<sup>asws</sup> Bin Ja’far-<sup>asws</sup>, from his-<sup>asws</sup> forefathers-<sup>asws</sup> having said: ‘Rasool-Allah-<sup>saww</sup> said: ‘Four are from the good fortune of the man – the righteous mingling ones (companions), and the righteous child, and the supportive wife, and his livelihood being in his city’.<sup>323</sup>

18- الدَّرَةُ الْبَاهِرَةُ، قَالَ الْكَاطِمُ ع مَنْ وَلَدَهُ الْفَقْرُ أَبْطَرَهُ الْغِنَى.

(The book) 'Al Durr Al Bahira' –

‘Al-Kazim-<sup>asws</sup> said: ‘One who is born into poverty, the riches will make him arrogant’.<sup>324</sup>

19- دَعَوَاتُ الرَّاَوْنَدِيِّ، قَالَ الصَّادِقُ ع لَا تَشْتَرُوا لِي مِنْ مُحَارَفٍ فَإِنَّ خُلُطَتَهُ لَا بَرَكَةَ فِيهَا وَلَا تُخَالِطُوا إِلَّا مَنْ نَشَأَ فِي الْخَيْرِ.

(The book) 'Dawaat' of Al Rawandy –

<sup>320</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 14

<sup>321</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 15

<sup>322</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 16

<sup>323</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 17

<sup>324</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 18

'Al-Sadiq<sup>-asws</sup> said: 'Do not buy anything from a depraved, for mingling with him has no Blessing in it, nor mingle except with the one who has grown up (raised) in goodness'.<sup>325</sup>

20- هَمَّجُ الْبَلَاغَةِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع شَارِكُوا الَّذِي قَدْ أَقْبَلَ عَلَيْهِ الرِّزْقُ فَإِنَّهُ أَخْلَقُ لِلْغَنَى وَ أَجْدَرُ بِإِقْبَالِ الْخُطِّ.

(The book) 'Nahj Al Balagah' –

Amir Al-Momineen<sup>-asws</sup> said: 'Participate with the one the sustenance has turned to them, for it would get a bigger share of the riches and is more appropriate with getting the increase upon it'.<sup>326</sup>

21- وَ قَالَ ع الطَّمَأْنِينَةُ إِلَى كُلِّ أَحَدٍ قَبْلَ الْإِخْتِيَارِ عَجْزٌ.

And he<sup>-asws</sup> said: 'Being reassured to everyone before the choosing, is frustration'.<sup>327</sup>

22- أَعْلَامُ الدِّينِ، قَالَ النَّبِيُّ ص لَا تَلْتَمِسُوا الرِّزْقَ مِمَّنْ اكْتَسَبَهُ مِنْ أَلْسِنَةِ الْمَوَازِينِ وَ رُؤُوسِ الْمَكَايِيلِ وَ لَكِنَّ عِنْدَ مَنْ فُتِحَتْ عَلَيْهِ الدُّنْيَا.

(The book) A'Iam Al Deen' –

'The Prophet<sup>-saww</sup> said: 'Do not seek sustenance from those who earn it through manipulating the scales and the tops of measuring containers, but rather from those upon whom the world has been opened (Blessed by Allah<sup>-azwj</sup>).<sup>328</sup>

باب 18 الاحتكار و التلقي و بيع الحاضر للبادي و العربون

## CHAPTER 18 – THE HOARDING AND THE INTERCEPTION (OF THE GOODS BEFORE REACHING THE MARKET), AND THE URBAN SELLERS FOR THE BEDOUINS, AND ADVANCE DEPOSITS (EARNEST MONEY)

1 ب، قرب الإسناد أبو الْبَخْتَرِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ عَلِيًّا ع كَانَ يَنْهَى عَنِ الْخُكْرَةِ فِي الْأَمْصَارِ فَقَالَ فَإِنَّهُ لَيْسَ الْخُكْرَةُ إِلَّا فِي الْخِنْطَةِ وَ الشَّعِيرِ وَ التَّمْرِ وَ الزَّيْبِ وَ السَّمْنِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup> had prohibited from the hoarding in the cities. He<sup>-asws</sup> said: 'There isn't any hoarding except in the wheat, and the barley, and the dates, and the oil, and the butter'.<sup>329</sup>

<sup>325</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 19

<sup>326</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 20

<sup>327</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 21

<sup>328</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 17 H 22

<sup>329</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 1

2- ل، الخصال حمزة العلوي عن علي عن أبيه عن النوفلي عن السكوني عن الصادق ع عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْحُكْرَةُ فِي سِتَّةِ أَشْيَاءَ فِي الْحِنْطَةِ وَالشَّعِيرِ وَالْتَمْرِ وَالزَّيْبِ وَالسَّمْنِ وَالزَّيْتِ.

(The book) 'Al Khisaal' – Hamza Al Alawy, from Ali, from his father, from Al Nowfali, from Al Sakuni,

'From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> forefathers<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup>: 'The hoarding is in six things – in the wheat, and the barley, and the dates, and the oil, and the butter, and the oil''.<sup>330</sup>

3- ل، الخصال أبي عن أحمد بن إدريس عن ابن عيسى عن علي بن الحكم عن الخزاز عن الثمالي قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ اللَّهَ عَزَّ وَجَلَّ تَطَوَّلَ عَلَى عِبَادِهِ بِالْحَبَّةِ فَسَلَّطَ عَلَيْهَا الْقُمَّلَةَ وَ لَوْ لَا ذَلِكَ لَخَزَنَتَهَا الْمُلُوكُ كَمَا يَخْزِنُونَ الذَّهَبَ وَالْفِضَّةَ.

(The book) 'Al Khisaal' – My father, from Ahmad Bin Idrees, from Ibn Isa, from Ali Bin Al Hakam, from Al Khazzaz, from Al Sumali who said,

'Abu Abdullah<sup>asws</sup> said: 'Allah<sup>azwj</sup> Mighty and Majestic has Conferred upon His<sup>azwj</sup> servants with the grains, so He<sup>azwj</sup> Caused the weevil (insect) to prevail upon these, and had it not been for that, the kings would have treasured (hoarded) it just as they are treasuring (hoarding) the gold and the silver''.<sup>331</sup>

4- ل، الخصال أبي عن علي عن أبيه عن ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قَالَ: إِنَّ اللَّهَ عَزَّ وَجَلَّ تَطَوَّلَ عَلَى عِبَادِهِ بِثَلَاثِ أَلْفَى عَلَيْهِمُ الرِّيحُ بَعْدَ الرُّوحِ وَ لَوْ لَا ذَلِكَ مَا دَفَنَ حَمِيمٌ حَمِيمًا وَ أَلْفَى عَلَيْهِمُ السَّلْوَةُ بَعْدَ الْمُصِيبَةِ وَ لَوْ لَا ذَلِكَ لَانْقَطَعَ النَّسْلُ وَ أَلْفَى عَلَى هَذِهِ الْحَبَّةِ الدَّابَّةُ وَ لَوْ لَا ذَلِكَ لَكَتَزَتْهَا مَلُوكُهُمْ كَمَا يَكْتَزُونَ الذَّهَبَ وَالْفِضَّةَ.

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

'From Abu Abdullah<sup>asws</sup> having said: 'Allah<sup>azwj</sup> Mighty and Majestic has Conferred upon His<sup>azwj</sup> servants with three – He<sup>azwj</sup> Casts the stench upon them after the soul, and had it not been for that, no loving one would have buried a loved one; and He<sup>azwj</sup> Casts the comfort (consolation) after the difficulty, and had it not been that, the lineages would have been cut off; and He<sup>azwj</sup> Casts the insects upon these grains, and had it not been that, their kings would have hoarded these just as they are hoarding the gold and the silver''.<sup>332</sup>

5 سن، المحاسن أبي عن ابن أبي عمير مثله.

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, similar to it.<sup>333</sup>

6- ما، الأمالي للشيخ الطوسي ابن بشران عن إسماعيل بن محمد الصفار عن جعفر بن محمد الوراق عن عاصم عن قيس بن الربيع عن سفيان بن عيينة عن أبي الزبير عن جابر قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يَبِيعُ حَاضِرٌ لِنَادٍ دَعَا النَّاسَ يَرْزُقُ اللَّهُ بَعْضُهُمْ مِنْ بَعْضٍ.

<sup>330</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 2

<sup>331</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 3

<sup>332</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 4

<sup>333</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 5

(The book) 'Al Amaali' of the Sheykh Al Tusi – Ibn Bushran, from Ismail Bin Muhammad Al Saffar, from Ja'far Bin Muhammad Al Warraq, from Aasim, from Qays Bin Al Rabie, from Sufyan Bin Uyayna, from Abu Al Zubeir, from Jabir who said,

'Rasool-Allah<sup>-saww</sup> said: 'A present should not sell to an absentee. Leave the people! Allah<sup>-azwj</sup> Provides them (sustenance) from each other''.<sup>334</sup>

7- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أنَّ علياً ع كان يقول لا يجوز العربون إلا أن يكون نقداً من الثمن.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup> had said: 'A deposit (earnest money) is not permissible except if it is in cash from the price''.<sup>335</sup>

8- سن، المحاسن أبي عن هارون بن الجهم عن أبي جميلة عن ابن طريف عن ابن ثبالة قال: سب الناس هذه الدابة التي تكون في الطعام فقال علي ع لا تسبونها فوالذي نفسي بيده لو لا هذه الدابة لحزنوها عندكم كما يحزن الذهب والفضة.

(The book) 'Al Mahasin' – My father, from Haroun Bin Al Jahm, from Abu Jameela, from Ibn Tareyf, from Ibn Nubata who said,

'The people reviled these insects, which tend to be in the food (items). Ali<sup>-asws</sup> said: 'Do not revile these! By the One<sup>-azwj</sup> in Whose Hand is my<sup>-asws</sup> soul! Had it not been for this insect, they would have hoarded it among you just as the gold and the silver are hoarded!''<sup>336</sup>

9- نهج، نهج البلاغة فيما كتب أمير المؤمنين ع للأشتر حين ولاه مصر ثم استوصى بالتجار و ذوي الصناعات و أوصى بهم خيراً المقيم منهم و المضطرب بماله و المترقب بدينه فإنهم مواد المنافع و أسباب المرافق و جلأها من المباعيد و المطارح في برك و برك و سهلك و جبلك و حيث لا يلتئم الناس لمواضعها و لا يترؤون عليها فإنهم سلم لا تخاف بائقته و صلح لا تخشى غائلته

(The book) 'Nahj Al Balagah' –

'Among what Amir Al-Momineen<sup>-asws</sup> wrote to Al-Ashtar when he<sup>-asws</sup> made him governor of Egypt: 'Then be advised by the traders and ones with manufacturing, and advise them goodly, the ones from them established, the one trading with his wealth, and the physical labourers, for they are sources of profit and the causes of the items, and their importers from the remote areas and the travellers in your land, and your sea, and your coast, and your mountain, and where the people cannot get to these places nor would they dare upon these, for they are peaceful, there is no fear with a rebellion and truce, there is no fearing its treason.

و تفقد أمورهم بخضرتك و في خواشي بلادك و اعلم مع ذلك أن في كثير منهم ضيقاً فاحشاً و شخاً قبيحاً و اختكاراً للمنافع و تحكماً في البياعات و ذلك باب مصرة للعامة و عيب على الولاة

<sup>334</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 6

<sup>335</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 7

<sup>336</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 8

And check out their affairs in your presence and in the areas of your country and know along with that is most of them there is narrow-mindedness, immorality, and ugly greed, and they hoard for the benefit and fix high prices in the selling, and that is a harmful door for the public, and a fault upon the ruler.

فَأَمْنَعُ مِنَ الْاِخْتِكَارِ فَإِنَّ رَسُولَ اللَّهِ ص مَنَعَ مِنْهُ وَ لِيَكُنِ الْبَيْعُ بَيْعاً سَوَاحٍ بِمَوَازِينِ عَدْلِ وَ أَسْعَارٍ لَا تُجْحِفُ بِالْفَرِيقَيْنِ مِنَ الْبَائِعِ وَ الْمُشْتَاعِ فَمَنْ قَارَفَ حُكْرَةً بَعْدَ هَيْكَلِ إِثَاءِ فَتَكِلَ بِهِ وَ عَاقِبَتْ فِي غَيْرِ إِسْرَافٍ

Prohibit the hoarding for Rasool-Allah<sup>-saww</sup> had forbidden it, and let the selling be a smooth selling with scales of justice and prices, not harmful to the two parties from the seller and the buyer. The one who practices hoarding after you prohibiting it, then be exemplary with him and punish without being excessive”.<sup>337</sup>

10- مَجَالِسُ الشَّيْخِ، عَنْ أَحْمَدَ بْنِ عُثْمَانَ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ الرُّبَيْعِ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ فَصَّالٍ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ عَنْ أَحْمَدَ بْنِ رِزْقٍ الْعُمَشَانِيِّ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص أَمَّا رَجُلٌ اشْتَرَى طَعَاماً فَكَبَسَهُ أَرْبَعِينَ صَبَاحاً يُرِيدُ بِهِ غَلَاءَ الْمُسْلِمِينَ ثُمَّ بَاعَهُ فَتَصَدَّقَ بِشَيْءٍ لَمْ يَكُنْ كَقَارَةِ لِمَا صَنَعَ.

(The book) ‘Majaalis’ of the Sheykh – From Ahmad Bin Ubdown, from Ali Bin Muhammad Bin Al Zubeyr, from Ali Bin Al Hassan Bin Fazzal, from Al Abbas Bin Aamir, from Ahmad Bin Rizq Al Ghumshani, from Abu Maryam,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Whoever buys food and stores it for forty mornings intending to cause hardship to the Muslims by raising prices, then sells it and gives away its price in charity, it will still not be an atonement for what he has done!’”<sup>338</sup>

11- كِتَابُ الْأَعْمَالِ الْمَانِعَةِ مِنَ الْجَنَّةِ لِلشَّيْخِ جَعْفَرِ بْنِ أَحْمَدَ الْقُمِّيِّ عَنْ هِشَامِ بْنِ عُزْوَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ اخْتَكَرَ فَوْقَ أَرْبَعِينَ يَوْماً فَإِنَّ الْجَنَّةَ تُوجَدُ رِجْهًا مِنْ مَسِيرَةِ مِائَةِ عَامٍ وَ إِنَّهُ لَحَرَامٌ عَلَيْهِ.

(The book) ‘Kitab Al Amaal Almaniya Min Al Jannah’ of the Sheykh Ja’far Bin Ahmad Al Qummi, from Hisham Bin Urwah, from his father, from his grandfather who said,

‘Rasool-Allah<sup>-saww</sup> said: ‘One who hoards above forty days, even though the aroma of Paradise will be felt from a travel distance of five hundred years, it would be Prohibited upon him’”.<sup>339</sup>

12- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنِ الْقَاسِمِ بْنِ عَلِيٍّ الْعَلَوِيِّ عَنْ مُحَمَّدِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص طَرِقَ طَائِفَةٌ مِنْ بَنِي إِسْرَائِيلَ لَيْلًا عَذَابٌ فَأَصْبَحُوا وَ قَدْ فَقَدُوا أَرْبَعَةَ أَصْنَافٍ الطَّبَالَيْنِ وَ الْمُغَنِّيَيْنِ وَ الْمُخْتَكِرِينَ لِلطَّعَامِ وَ الصَّبَارَةِ أَكَلَةَ الرِّثَا مِنْهُمْ.

(The book) ‘Kitab Al Imama Wa Al Tabsira’ – From Al Qasim Bin Ali Al Alawy, from Muhammad Bin Abdullah, from Sahl Bin Ziyad, from Al Nowfaly, from Al Sakuni,

‘From Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, having said; ‘Rasool-Allah<sup>-saww</sup> said: ‘Punishment knocked on a group from the children of

<sup>337</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 9

<sup>338</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 10

<sup>339</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 11

Israel<sup>as</sup> at night. They woke up in the morning and they had lost four types (of people) – the drummers, and the singers, and the hoarders of the food, and the money-changers from them consuming the usury (interest)’<sup>340</sup>.

باب 1 آداب التجارة و أدعيها و أدعية السوق و ذمه

## CHAPTER 19 – THE ETIQUETTES OF TRADING, AND ITS SUPPLICATIONS, AND SUPPLICATIONS OF THE MARKET, AND ITS CONDEMNATION

الآيات النور رجال لا تلهيهم تجارة ولا بيع عن ذكر الله وإقام الصلاة وإيتاء الزكاة

The Verses – (Surah) Al Noor: **Men whom neither trading nor selling diverts them from the Zikr of Allah and establishing the Salat and giving the Zakat [24:37].**

الجمعة فإذا قضيت الصلاة فانتشروا في الأرض وابتغوا من فضل الله واذكروا الله كثيراً لعلكم تفلحون.

(Surah) Al Jummah: **But when you have accomplished the Salat, then disperse in the earth and seek from the Grace of Allah, and remember Allah much, that you may be successful [62:10].**

1- شي، تفسير العياشي عن السكوني عن جعفر بن محمد عن أبيه ع قال قال رسول الله ص ثلاثة لا ينظر الله إليهم يوم القيامة ولا يُزكِّيهم ولا هم عذاب أليم المُرْخِي ذَنْبَهُ مِنَ الْعَظَمَةِ وَالْمُرْكَي سَلْعَتَهُ بِالْكَذِبِ وَرَجُلٌ اسْتَقْبَلَكَ بِوَدِّ صَدْرِهِ فَيُؤَارِي وَ قَلْبُهُ مُتَلَيِّ غِشًّا.

(The book) ‘Tafseer Al Ayyashi – From Al Sakuni,

‘From Ja’far<sup>asws</sup> Bin Muhammad<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup> having said: ‘Rasool-Allah<sup>saww</sup> said: ‘Three, Allah<sup>azwj</sup> will not **Look at them on the Day of Qiyamah, nor will He Purify them, and for them would be a painful Punishment [3:77]** - One who lets his garment drag out of arrogance, one who promotes his merchandise through lies, and a man who meets you with apparent affection while his heart is full of deceit’<sup>341</sup>.

2- شي، تفسير العياشي عن أبي ذر عن النبي ص أنه قال: ثلاثة لا يكلمهم الله يوم القيامة ولا يُزكِّيهم ولا هم عذاب أليم

(The book) ‘Tafseer Al Ayyashi’ –

‘From Abu Zarr<sup>ra</sup>, from the Prophet<sup>saww</sup>, he<sup>saww</sup> said: ‘Three, neither **will Allah Speak to them, nor will He Look at them on the Day of Qiyamah, nor will He Purify them, and for them would be a painful Punishment [3:77]**’.

قُلْتُ مَنْ هُمْ خَائِبُوا وَ خَسِرُوا

I said, ‘Who are they, who will be disappointed and lose?’

<sup>340</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 18 H 12

<sup>341</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 1

قَالَ الْمُسْبِلُ وَالْمَنَّانُ وَالْمُنْفِقُ سَلَعَتُهُ بِالْحَلْفِ الْكَاذِبِ أَعَادَهَا ثَلَاثًا.

He<sup>-saww</sup> said: 'The one who lets his garment trail (out of pride), the boastful giver, and the one who promotes his merchandise with false oaths'. He<sup>-saww</sup> he repeated it three times"<sup>342</sup>

3- شي، تفسير العياشي عَنْ سَلْمَانَ قَالَ: ثَلَاثَةٌ لَا يَنْظُرُ اللَّهُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ الْأَشْمُطُ الرَّانِ [الرَّائِي] وَ رَجُلٌ مُفْلِسٌ مُنِخٌ مُخْتَالٌ وَ رَجُلٌ اتَّخَذَ بَيْعَهُ بَضَاعَةً فَلَا يَشْتَرِي إِلَّا بِبَيْعِينَ وَ لَا يَبِيعُ إِلَّا بِبَيْعِينَ.

(The book) 'Tafseer Al Ayyashi' –

'From Salman<sup>-ra</sup> having said, 'Three, Allah<sup>-azwj</sup> will not **Look at them on the Day of Qiyamah [3:77]** - The grey-haired adulterer, a bankrupt man who is arrogant and boastful, and a man who uses his oath as merchandise. He neither buys except with an oath nor sells except with an oath"<sup>343</sup> (Not a Hadeeth)

4- مَكَاءُ، مَكَارِمُ الْأَخْلَاقِ إِذَا أَرَدْتَ أَنْ تَعْدُوَ بِي حَاجَتِكَ وَ قَدْ طَلَعَتِ الشَّمْسُ وَ ذَهَبَتْ حُمْرُهَا فَصَلِّ رَكْعَتَيْنِ بِالْحَمْدِ وَ قُلْ هُوَ اللَّهُ أَحَدٌ وَ قُلْ يَا أَيُّهَا الْكَافِرُونَ فَإِذَا سَلَّمْتَ فَقُلِ اللَّهُمَّ إِنِّي عَدَوْتُ أَلْتَمِسُ مِنْ فَضْلِكَ كَمَا أَمَرْتَنِي فَأَرْزُقْنِي مِنْ فَضْلِكَ رِزْقًا حَسَنًا وَاسِعًا خَالَا طَيِّبًا وَ أَعْطِنِي فِيمَا رَزَقْتَنِي الْعَافِيَةَ

(The book) 'Makarim Al Akhlaq' –

'When you want to go regarding your need and the sun has risen and its redness has gone, pray two units Salat with (Surahs) Al Hamd, and Al Tawheed, and Al Kafiroun. When you have performed Salaam, say, 'O Allah<sup>-azwj</sup>! I have gone to seek from Your<sup>-azwj</sup> Grace just as You<sup>-azwj</sup> have Commanded me, so Provide me sustenance from Your<sup>-azwj</sup> Grace, excellent, vast, Permissible, good, and Grant me the well-being in what You<sup>-azwj</sup> Grant me!

عَدَوْتُ بِحَوْلِ اللَّهِ وَ قُوَّتِهِ عَدَوْتُ بِغَيْرِ حَوْلٍ مِنِّي وَ لَا قُوَّةَ وَ لَكِنْ بِحَوْلِكَ وَ قُوَّتِكَ وَ أَبْرَأُ إِلَيْكَ مِنَ الْحَوْلِ وَ الْقُوَّةِ

I have gone out by the Mighty of Allah<sup>-azwj</sup> and His<sup>-azwj</sup> Strength! I have gone out without any might from me nor strength, but Your<sup>-azwj</sup> Might and Your<sup>-azwj</sup> Strength, and I disavow to You<sup>-azwj</sup> from the might and strength!

اللَّهُمَّ إِنِّي أَسْأَلُكَ بَرَكَةَ هَذَا الْيَوْمِ فَبَارِكْ لِي فِي جَمِيعِ أُمُورِي يَا أَرْحَمَ الرَّاحِمِينَ وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ وَ آلِهِ الطَّيِّبِينَ

O Allah<sup>-azwj</sup>! I ask You<sup>-azwj</sup> for Blessing of this day, so Bless for me in entirety of my affairs, O most Merciful of the merciful ones! And may Allah<sup>-azwj</sup> Send Salawaat upon Muhammad<sup>-saww</sup> and his<sup>-saww</sup> goodly Progeny<sup>-asws</sup>!

فَإِذَا انْتَهَيْتَ إِلَى السُّوقِ فَقُلْ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَ لَهُ الْحَمْدُ يُحْيِي وَ يُمِيتُ وَ يُحْيِي وَ يُمِيتُ وَ هُوَ حَيٌّ لَا يَمُوتُ بِيَدِهِ الْحَيُّ وَ هُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ وَ أَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ

<sup>342</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 2

<sup>343</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 3

When you end to the market, say, 'I testify that there is no god except Allah<sup>-azwj</sup> Alone, there is no associate for Him<sup>-azwj</sup>! For Him<sup>-azwj</sup> is the Kingdom, and for Him<sup>-azwj</sup> is the Praise! He<sup>-azwj</sup> Causes to live and causes to die, and He<sup>-azwj</sup> Causes to die and Causes to live, while He<sup>-azwj</sup> is Alive and does not die. The good is in His<sup>-azwj</sup> Hand, and He<sup>-azwj</sup> is Able upon all things, and I testify that Muhammad<sup>-saww</sup> is His<sup>-azwj</sup> servant and His<sup>-azwj</sup> Rasool<sup>-saww</sup>!

اللَّهُمَّ إِنِّي أَسْأَلُكَ خَيْرَهَا وَ خَيْرَ أَهْلِهَا وَ أَعُوذُ بِكَ مِنْ شَرِّهَا وَ شَرِّ أَهْلِهَا

O Allah<sup>-azwj</sup>! I ask You<sup>-azwj</sup> of its goodness, and goodness of its people, and I seek Refuge from its evil and evil of its people!

اللَّهُمَّ إِنِّي أَعُوذُ بِكَ أَنْ أُبْعِيَ أَوْ يُبْعَى عَلَيَّ أَوْ أَنْ أَظْلَمَ أَوْ أُظْلَمَ أَوْ أُعْتَدِيَ أَوْ يُعْتَدَى عَلَيَّ وَ أَعُوذُ بِكَ مِنْ إِبْلِيسَ وَ جُنُودِهِ وَ فَسَقَةِ الْعَرَبِ وَ الْعَجَمِ  
حَسْبِيَ اللَّهُ لَا إِلَهَ إِلَّا هُوَ عَلَيْهِ تَوَكَّلْتُ وَ هُوَ رَبُّ الْعَرْشِ الْعَظِيمِ

O Allah<sup>-azwj</sup>! I seek Refuge with You<sup>-azwj</sup> from wronging or being wronged, from transgressing or being transgressed against, from seeking injustice or having injustice sought against me. I seek refuge with You<sup>-azwj</sup> from Iblees<sup>-la</sup> and his<sup>-la</sup> forces, and from the wicked among the Arabs and the non-Arabs. **'Allah is Sufficient for me, there is no god but He; upon Him do I rely, and He is Lord of the Magnificent Throne [9:129]'**.

وَ إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ شَيْئاً فَقُلْ يَا حَيُّ يَا قَيُّوْمُ يَا دَائِمُ يَا رَءُوفُ يَا رَحِيمُ أَسْأَلُكَ بِعَوْنِكَ وَ قُدْرَتِكَ وَ مَا أَحَاطَ بِهِ عِلْمُكَ أَنْ تُقَسِّمَ لِي مِنَ التَّجَارَةِ الْيَوْمَ  
أَعْظَمَهَا رِزْقاً وَ أَوْسَعَهَا فَضْلاً وَ خَيْرَهَا لِي عَاقِبَةً لَهُ لِأَنَّهُ لَا خَيْرَ فِيمَا لَا عَاقِبَةَ لَهُ

And when you want to buy something, say, 'O Living, O Eternal, O Permanent, O Kind, O Merciful! I ask You<sup>-azwj</sup>, by Your<sup>-azwj</sup> Support and Your<sup>-azwj</sup> Power, and what Your<sup>-azwj</sup> Knowledge contains, to Apportion for me from the trade today, its mightiest sustenance, and its vastest Grave, and its best for me in outcome, because there is no good in what there is no outcome for it!'

وَ إِذَا اشْتَرَيْتَ دَابَّةً أَوْ رَأْساً فَقُلِ اللَّهُمَّ ارْزُقْنِي أَطْوَلَهَا حَيَاةً وَ أَكْثَرَهَا مَنَفَعَةً وَ خَيْرَهَا عَاقِبَةً عَنِ الصَّادِقِ ع.

And when you buy an animal, or a head (slave), say, 'O Allah<sup>-azwj</sup>! Provide me its longest life, and its most benefit, and its best outcome!' – from Al-Sadiq<sup>-asws</sup>".<sup>344</sup>

وَ عَنْهُ أَيْضاً إِذَا اشْتَرَيْتَ شَيْئاً مِنْ مَتَاعٍ أَوْ غَيْرِهِ فَكَبِّرْهُ [فَكَبِّرْ] وَ قُلِ اللَّهُمَّ إِنِّي اشْتَرَيْتُهُ أَلْتَمِسُ فِيهِ مِنْ فَضْلِكَ فَاجْعَلْ لِي فِيهِ فَضْلاً اللَّهُمَّ إِنِّي اشْتَرَيْتُهُ أَلْتَمِسُ فِيهِ مِنْ رِزْقِكَ فَاجْعَلْ لِي فِيهِ رِزْقاً

And from him<sup>-asws</sup> as well: 'When you buy something from chattels or something else, exclaim Takbeer and said, 'O Allah<sup>-azwj</sup>! I am buying it to seek Your<sup>-azwj</sup> Grace from it, so Make Grace for me to be in it! O Allah<sup>-azwj</sup>! I am buying it to seek Your<sup>-azwj</sup> sustenance from it, so Make sustenance for me to be in it!'

<sup>344</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 4 a



ثُمَّ أَعِدْ كُلَّ وَاحِدَةٍ ثَلَاثَ مَرَّاتٍ.

Then repeat each one three times”.<sup>345</sup>

5- نَوَادِيرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص أَرْبَعَةٌ لَا عُذْرَ لَهُمْ رَجُلٌ عَلَيْهِ دَيْنٌ مُحَارَفٌ فِي بِلَادِهِ لَا عُذْرَ لَهُ حَتَّى يُهَاجِرَ فِي الْأَرْضِ يَلْتَمِسَ مَا يَقْضِي دَيْنَهُ

(The book) ‘Nawadir’ of Al Rawandi –

‘By his chain from Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Four, there is no excuse for them – a man having debts upon him struggling in his city. There is no excuse for him until he emigrates in the earth seeking what he can pay off his debts with.

و رَجُلٌ أَصَابَ عَلَى بَطْنِ امْرَأَتِهِ رَجُلًا لَا عُذْرَ لَهُ حَتَّى يُطْلَقَ لِفَالٍ يَشْرِكُهُ فِي الْوَلَدِ غَيْرُهُ وَ رَجُلٌ لَهُ مَمْلُوكٌ سَوِيٌّ فَهُوَ يُعَذِّبُهُ لَا عُذْرَ لَهُ إِلَّا أَنْ يَبِيعَ وَ إِمَّا أَنْ يُغْنِقَ وَ رَجُلَانِ اصْطَحَبَا فِي السَّفَرِ هُمَا يَتَلَاَعَنَانِ لَا عُذْرَ لَهُمَا حَتَّى يَفْتَرِقَا.

And a man who finds another man upon the belly of his wife, there is no excuse for him until he divorces, let him participate in the child of another; and a man having an evil slave for him, so he punishes him. There is no excuse for him except that he either sells, or frees; and two men accompanying in the journey cursing each other, there is no excuse for them until they separate.<sup>346</sup>

6- مَجَالِيسُ الشَّيْخِ، عَنْ أَحْمَدَ بْنِ عُثْبُونٍ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ الرُّبَيْرِ عَنْ عَلِيِّ بْنِ فَضَّالٍ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ عَنْ أَحْمَدَ بْنِ رَزْقٍ عَنْ يَحْيَى بْنِ الْعَلَا وَ إِسْحَاقَ بْنِ عَمَّارٍ جَمِيعًا عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَا مَا وَدَّعْنَا قَطُّ إِلَّا أَوْصَانَا بِحُصْلَتَيْنِ عَلَيْكُمُ بَصِيقُ الْحَدِيثِ وَ آدَاءُ الْأَمَانَةِ إِلَى الْبَرِّ وَ الْفَاجِرِ فَإِخْمَا مِفْتَاحَ الرِّزْقِ.

(The book) ‘Majalis’ of the Sheykh – From Ahmad Bin Ubdown, from Ali Bin Muhammad Bin Al Zubeyr, from Ali Bin Fazzal, from Al Abbas Bin Aamir, from Ahmad Bin Rizq, from Yahya Bin Al Ala, and Is’haq Bin Ammar together,

‘From Abu Abdullah<sup>-asws</sup>, they both said, ‘We did not bid farewell at all except he<sup>-asws</sup> advised us with two characteristics: ‘Upon you is being with truthful narration and fulfilling the entrustment, to the righteous and the immoral, for these two are keys of the sustenance’.<sup>347</sup>

7- وَ مِنْهُ، عَنِ الْحُسَيْنِ بْنِ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ وَهْبَانَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ حَيَّانَ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ حُفْصٍ عَنْ عَبَّادِ بْنِ يَعْقُوبَ عَنْ خَلَّادٍ أَبِي عَلِيٍّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَالَ رَجُلٌ يَا جَعْفَرُ الرَّجُلُ يَكُونُ لَهُ مَالٌ فَيُضَيِّعُهُ فَيَذْهَبُ

And from him, from Al Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Muhammad Bin Ismail Bin Hayyan, from Muhammad Bin Al Husayn Bin Hafs, from Abbad Bin Yaqoub, from Khallad Abu Ali,

‘From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, ‘A man said, ‘O Ja’far<sup>-asws</sup>! A man happened to have wealth for him, but he wasted it and is gone!’

<sup>345</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 4 b

<sup>346</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 5

<sup>347</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 6

قَالَ اخْتَفِظْ بِمَا لَكَ فَإِنَّهُ قِوَامُ دِينِكَ

He<sup>-asws</sup> said: 'Protect your wealth for it is a support of your religion!'

ثُمَّ قَرَأَ وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا.

Then he<sup>-asws</sup> read: '**And do not give your wealth to the foolish which Allah has made a (means of) support for you [4:5]**'.<sup>348</sup>

من خط الشهيد روح الله حرز للمسافر و المتجر إذا دخل حانوته أول النهار يقرأ الإخلاص إحدى و عشرين مرة ثم يقول اللهم يا واحد يا أحد يا من ليس كمثل أحد أسألك بفضل قل هو الله أحد أن تبارك لي فيما رزقتني و أن تكفيني شر كل أحد.

*From the handwriting of the martyr Ruhullah, May Allah<sup>-azwj</sup> Comfort his soul, it is a safeguard for the traveller and the merchant. When he enters his shop at the beginning of the day, he recites Surah Al Ikhlas twenty-one times, then says: 'O Allah<sup>-azwj</sup>, O Allah<sup>-azwj</sup>, O Unique, O He<sup>-azwj</sup> for Whom there is none like Him<sup>-azwj</sup>! I ask You<sup>-azwj</sup> by the virtue of Surah Al Ikhlas that You<sup>-azwj</sup> Bless what You<sup>-azwj</sup> have Provided me and Protect me from the evil of every person!'*

8- تَخَجُّجُ الْبَلَاغَةِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع مَنْ أَمَرَ بِغَيْرِ فِقْهِ ارْتَضَمَ فِي الرِّبَا.

(The book) 'Nahj Al Balagah' –

'Amir Al-Momineen<sup>-asws</sup> said: 'One who trades without 'Fiqh' (religious understanding), would fall into inescapable usury (interest)'.<sup>349</sup>

9- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْبَلَحِ الْبَصْرِيِّ عَنْ أَبِي بَكْرٍ بْنِ عِيَّاشٍ عَنْ أَبِي خَصِيرَةَ عَنْ مُحَمَّدٍ التَّمَّارِ وَ كَانَ رَجُلًا مِنْ أَهْلِ الْبَصْرَةِ قَالَ: كُنْتُ أَيْتُ فِي مَسْجِدِ الْكُوفَةِ وَ أَبُولُ فِي الرَّحْبَةِ وَ أَخُذُ الْخُبْزَ مِنَ الْبُقَالِ

(The book) 'Kitab Al-Gharaat' of Ibrahim Bin Muhammad Al-Saqafy, from Abdullah Bin Al-Balah Al-Basry, from Abu Bakr Bin Ayyash, from Abu Haseera, from Mukhtar Al-Tammar, and he was a man from the people of Al-Basra. He said, 'I used to sleep in the Masjid of Al-Kufa and relieve myself (urinate) in the open courtyard, and I would take bread from the grocer.

فَخَرَجْتُ ذَاتَ يَوْمٍ أُرِيدُ بَعْضَ أُسُوفِهَا فَإِذَا بَصَوْتُ بِي فَقَالَ يَا هَذَا ارْزُقْ إِذَا رَكَ فَإِنَّهُ أَنْقَى لِبُؤْبِكَ وَ أَنْقَى لِرَبِّكَ

One day, I went out intending to visit some of its markets when a voice called out to me: 'O you! Raise your waist cloth for it is purer for your clothing and more pious to your Lord<sup>-azwj</sup>!'

قُلْتُ مَنْ هَذَا

O said, 'Who is this?'

<sup>348</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 7

<sup>349</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 8

فَقِيلَ لِي هَذَا أَمِيرُ الْمُؤْمِنِينَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع

It was said to me, 'This is Amir Al-Momineen Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>!'

فَخَرَجْتُ أَتْبَعُهُ وَهُوَ مُتَوَجِّهٌ إِلَى سُوقِ الْإِبِلِ فَلَمَّا أَتَاهَا وَقَفْتُ فِي وَسْطِ السُّوقِ فَقَالَ يَا مَعْشَرَ التُّجَّارِ إِنَّا كُمْ وَالْيَمِينِ الْفَاجِرَةِ فَإِنَّهَا تُنْفِقُ السِّلْعَةَ وَتَمْحَقُ الْبَرَكَهَ

I went out following him<sup>-asws</sup> and he<sup>-asws</sup> was heading towards the camel market. When he<sup>-asws</sup> came to it, he<sup>-asws</sup> stood in the middle of the market. He<sup>-asws</sup> said: 'O community of traders! Beware of the immoral (false) oaths, for these would sell the merchandise but obliterate the Blessings!'

ثُمَّ أَتَى سُوقَ الْكَرَابِيسِ فَإِذَا هُوَ بِرَجُلٍ وَسِيمٍ فَقَالَ يَا هَذَا عِنْدَكَ ثَوْبَانِ بِخَمْسَةِ دَرَاهِمٍ

Then he<sup>-asws</sup> came to the clothing market, and there was a handsome man. He<sup>-asws</sup> said: 'O you! Have you two clothes for five Dirhams?'

فَوَتَّبَ الرَّجُلُ فَقَالَ نَعَمْ يَا أَمِيرَ الْمُؤْمِنِينَ

The man leapt up. He said, 'Yes, O Amir Al-Momineen<sup>-asws</sup>!'

فَلَمَّا عَرَفَهُ مَضَى عَنْهُ وَتَرَكَهُ فَوَقَفَ عَلَى غُلَامٍ فَقَالَ لَهُ يَا غُلَامُ عِنْدَكَ ثَوْبَانِ بِخَمْسَةِ دَرَاهِمٍ

When he had recognised him<sup>-asws</sup>, he<sup>-asws</sup> continued and left him. He<sup>-asws</sup> paused by a young boy. He<sup>-asws</sup> said to him: 'O boy! Have you got two clothes for five Dirhams?'

قَالَ نَعَمْ عِنْدِي ثَوْبَانِ أَحَدُهُمَا أَحَبُّ مِنْ الْآخَرِ وَاحِدٌ بِثَلَاثَةٍ وَالْآخَرُ بِدِرْهَمَيْنِ

He said, 'Yes, I have got two clothes. One of these is better than the other. One is for three and the other is for two Dirhams'.

قَالَ هَلُمَّهُمَا

He<sup>-asws</sup> said: 'Give them!'

فَقَالَ يَا قَنْبَرُ خُذِ الَّذِي بِثَلَاثَةٍ

He<sup>-asws</sup> said: 'O Qanbar! Take the one which is for three!'

قَالَ أَنْتَ أَوْلَى بِهِ يَا أَمِيرَ الْمُؤْمِنِينَ تَصْعَدُ الْمِنْبَرَ وَتُخْطُبُ النَّاسَ

He said, 'You<sup>-asws</sup> are foremost with it, O Amir Al-Momineen<sup>-asws</sup>! You<sup>-asws</sup> ascend the pulpit and address the people'.

قَالَ يَا قَنْبَرُ أَنْتَ شَابٌّ وَ لَكَ شِرَّةُ الشَّبَابِ وَ أَنَا أَسْتَحْيِي مِنْ رَبِّي أَنْ أَتَفَضَّلَ عَلَيْكَ لِأَنِّي سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ أَلْبَسُوهُمْ مِمَّا تَلْبَسُونَ وَ أَطْعِمُوهُمْ مِمَّا تَأْكُلُونَ

He<sup>-asws</sup> said: 'O Qanbar! You are a youth and for you is the vitality of a youth, and I<sup>-asws</sup> am embarrassed from my<sup>-asws</sup> Lord<sup>-azwj</sup> in preferring myself<sup>-asws</sup> over you, because I<sup>-asws</sup> heard Rasool-Allah<sup>-saww</sup> saying: 'Clothe them from what you are wearing, and feed them from what you are eating'.

ثُمَّ لَبَسَ الْقَمِيصَ وَ مَدَّ يَدَهُ فِي رُذْنِهِ فَإِذَا هُوَ يَفْضُلُ عَنْ أَصَابِعِهِ فَقَالَ يَا غُلَامُ اقْطَعْ هَذَا الْفَضْلَ

Then he<sup>-asws</sup> wore the shirt and extended his<sup>-asws</sup> hand in its sleeve, and it exceeded from his fingers. He<sup>-asws</sup> said: 'O boy! Cut off this extra bit!'

فَقَطَعَهُ فَقَالَ الْغُلَامُ هَلُمَّ أَكْفُهُ يَا شَيْخُ

He cut it. The boy said, 'Shall I hem it for you<sup>-asws</sup> O Sheykh?'

فَقَالَ دَعَهُ كَمَا هُوَ فَإِنَّ الْأَمْرَ أَسْرَعُ مِنْ ذَلِكَ.

He<sup>-asws</sup> said: 'Leave it just as it is, for the matter is quicker than that!'<sup>350</sup>

10- لي، الأمايلي للصدوق أبي عن سعد بن عبد الله عن أبي جعفر عن أبي جعفر ع قال: كان علي ع كلاً بكرة يطوف في أسواق الكوفة سوقاً سوفاً ومعه الدرة على عاتقه وكان لها طرفان وكانت تسمى السبيبة [السبيبة]

(The book) 'Al Amaali' of Al Sadouq – My father, from Sa'ad, from Ibn Hashim, from Ibn Abu Najran, from Ibn Humeid, from Muhammad Bin Qays,

'From Abu Ja'far<sup>-asws</sup> having said: 'Every early morning Ali<sup>-asws</sup> used to circle in the markets of Al-Kufa, market by market, and with him<sup>-asws</sup> was a whip upon his<sup>-asws</sup> shoulder, and it had two ends for it, and it was named as 'Al-Sabeeba'.

فَيَقِفُ عَلَى سَوَاقِ سَوَاقِ سَوَاقِ قَدَمُوا فِيهِ الْإِسْتِخَارَةَ وَ تَبَرَّكُوا بِالسُّهُولَةِ وَ اقْتَرَبُوا مِنَ الْمُتَبَاعِينَ وَ تَزَيَّنُوا بِالْحِلْمِ وَ تَنَاهَوْا عَنِ الْكَذِبِ وَ الْيَمِينِ وَ اجْتَنَبُوا عَنِ الظُّلْمِ وَ أَنْصَبُوا الْمَظْلُومِينَ وَ لَا تَقْرَبُوا الرِّبَا وَ أَوْفُوا الْكَفِيلَ وَ الِمْبَازَ وَ لَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَ لَا تَعْتَوُوا فِي الْأَرْضِ مُفْسِدِينَ

He<sup>-asws</sup> paused at a market by market. He<sup>-asws</sup> called out: 'O community of traders? Precede with 'Al-Istikhara' (Choice of Allah<sup>-azwj</sup>), and be Blessed with the ease, and draw closer to the distant ones and adorn yourselves with the forbearance, and keep aside from the lying and the swearing, and forsake the injustice, and be fair to the oppressed, and do not go near the usury (interest), and **Fulfil the measures and the weights with fairness, and do not undervalue the people of their things and do not make mischief in the land as corrupters [11:85]!**

يَطُوفُ فِي جَمِيعِ أَسْوَاقِ الْكُوفَةِ فَيَقُولُ هَذَا ثُمَّ يَقُولُ

<sup>350</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 9

مِنَ الْحَرَامِ وَ يَبْقَى الْإِثْمُ وَ الْعَارُ  
لَا خَيْرَ فِي لَذَّةٍ مِنْ بَعْدِهَا النَّارُ

تَفْنَى اللَّذَازَةُ مِمَّنْ نَالَ صَفْوَتَهَا  
تَبْقَى عَوَاقِبُ سُوءٍ فِي مَعْنَتِهَا

He<sup>-asws</sup> would circle in entirety of the markets of Al-Kufa saying this. Then he<sup>-asws</sup> said (a couplet): *'The pleasure fades for the one who tasted its delight through the unlawful, but the sin and shame remain. Evil consequences follow in its aftermath; there is no good in pleasure followed by the Fire'*.<sup>351</sup>

11 جاء، المجالس للمفيد أحمد بن الوليد عن أبيه عن الصفار عن ابن معروف عن ابن مهزيار عن ابن محبوب عن ابن أبي المقدام عنه ع مثله.

(The book) 'Al Majalis' of Al Mufeed – Ahmad Bin Al Waleed, from his father, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Ibn Mahboub, from Ibn Abu Al Miqdam, from him<sup>-asws</sup> similar to it.<sup>352</sup>

12- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آبائه ع قال قال رسول الله ص المعبون لا تخمود و لا مأجور.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup>: 'The embezzled is neither praised nor Rewarded''.<sup>353</sup>

13- صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) 'Saheefa Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, from him<sup>-asws</sup> similar to it.<sup>354</sup>

14- ل، الخصال ابن المتوكّل عن محمد الطّار عن الأشعري رفعه إلى الحسين بن زيد عن أبيه عن عليّ ع قال قال رسول الله ص إذا التاجران صدقا و برا بورك لهما و إذا كذبا و خانا لم يبارك لهما و هما بالخيار ما لم يفترا فإن اختلفا فالقول قول رب السّعة أو يتنازعا.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Muhammad Al Attar, from Al Ash'ary, raising it to Al Husayn Bin Zayd, from his forefathers,

'From Ali<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'When the two traders are truthful and honest, they will be Blessed, but if they lie and betray, no Blessing will be Given to them. They have the option (to cancel the deal) as long as they have not separated. If they disagree, the statement of the owner of the goods is to be accepted, or they should abandon the transaction.'<sup>355</sup>

15- ل، الخصال أبي عن سعد عن ابن بريد [يزيد] عن مروق عمّن ذكره عن أبي عبد الله ع أنّه قال: في الجدي دعوتان و في الرديّ دعوتان يقال لصاحب الجدي بارك الله فيك و فيمن باعك و يقال لصاحب الرديّ لا بارك الله فيك و لا فيمن باعك.

<sup>351</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 10

<sup>352</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 11

<sup>353</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 12

<sup>354</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 13

<sup>355</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 14

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Yazeed, from Marwak, from the one who mentioned it,

'From Abu Abdullah<sup>-asws</sup> having said: 'With a good-quality item, there are two supplications, and with a poor-quality item, there are two supplications. It is said to the one who owns the good-quality item, 'May Allah<sup>-azwj</sup> Bless you and the one who sold it to you!', and it is said to the one who owns the poor-quality item, 'May Allah<sup>-azwj</sup> not Bless you nor the one who sold it to you!''<sup>356</sup>

16- ل، الخصال الخليل عني ابن حنيفة عن أبي موسى عن عبد الرحمن عن سفيان عن الأعمش عن سليمان بن مسهر عن خزيمة بن الحزري عن أبي ذر عني النبي ص قال: ثلاثة لا يكلمهم الله عز وجل المَنَّان الذي لا يعطي شيئاً إلا بمِنَّةٍ وَ الْمُسْبِلُ إِزَارَهُ وَ الْمُنْفِقُ سِلْعَتَهُ بِالْحَلْفِ الْفَاجِرِ.

(The book) 'Al Khisaal' – Al Khaleel, from Ibn Khuzeyma, from Abu Musa, from Abdul Rahman, from Sufyan, from Al Amsh, from Suleyman Bin Mus'hir, from Kharsha Bin Al Hur,

'From Abu Zarr<sup>-ra</sup>, from the Prophet<sup>-saww</sup> having said: 'Three, Allah<sup>-azwj</sup> Mighty and Majestic, will not Speak to them – the bestower who does not give anything except with his conferment (reproach), and the dragger of his cloth, and the seller of his merchandise with the immoral (false) oath''.<sup>357</sup>

17- ل، الخصال أحمد بن محمد بن تميم عن محمد بن إدريس عن الحسن بن محمد الزعفراني عن عبد الوهاب بن عطاء عن إسرائيل بن يونس عن زيد بن عطاء عن محمد بن المنكدر عن جابر بن عبد الله قال قال رسول الله ص غفر الله عز وجل لرجل كان من قبلكم كان سهلاً إذا باع سهلاً إذا اشتري سهلاً إذا قضى سهلاً إذا افتضى.

(The book) 'Al Khisaal' – Ahmad Bin Muhammad Bin Tameem, from Muhammad Bin Idrees, from Al Hassan Bin Muhammad Al Zafrany, from Abdul Wahhab Bin Ata'a, from Israil Bin Yunus, from Zayd Bin Ata'a, from Muhammad Bin Al Munkadir,

'From Jabir<sup>-ra</sup> Bin Abdullah<sup>-ra</sup> who said, 'Rasool-Allah<sup>-saww</sup> said: 'May Allah<sup>-azwj</sup> Mighty and Majestic Forgive a man from among those before you who was easy-going when he sold, easy-going when he bought, easy-going when he paid, and easy-going when he demanded payment''.<sup>358</sup>

18- ل، الخصال أبي عن سعد عن ابن هاشم عن النوفلي عن السكوني عن الصادق ع قال قال رسول الله ص من باع واشترى فليجنب خمس خصالٍ ولا فلا يبيع ولا يشتري الربا والحلف و كتمان العيب و الحمد إذا باع و الذم إذا اشترى.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Hashim, from Al Nowfali, from Al Sakuni,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who sells and buys, let him shun five characteristics or else he should neither sell nor buy – the

<sup>356</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 15

<sup>357</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 16

<sup>358</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 17

usury (interest)), and the swearing, and concealing the defect, and the praising when he sells and condemning when he buys”<sup>359</sup>

19- ل، الخصال الأربعة قال أمير المؤمنين ع أَكْثِرُوا ذِكْرَ اللَّهِ عَزَّ وَ جَلَّ إِذَا دَخَلْتُمُ الْأَسْوَاقَ وَ عِنْدَ اشْتِعَالِ النَّاسِ فَإِنَّهُ كَفَّارَةٌ لِلذُّنُوبِ وَ زِيَادَةٌ فِي الْحَسَنَاتِ وَ لَا تُكْتَبُوا فِي الْعَافِينَ.

(The book) ‘Al Khisaal’ –

‘The Four Hundred’ (Ahadeeth) – Amir Al-Momineen<sup>-asws</sup> said: ‘Frequent the Zikr of Allah<sup>-azwj</sup> Mighty and Majestic when you enter the markets, and at pre-occupying the people for it would be an atonement for the sins and increase in the good deeds, and you will not be written as being among the heedless”<sup>360</sup>

20- وَ قَالَ ع الْمَغْبُوتُ غَيْرُ مَحْمُودٍ وَ لَا مَأْجُورٍ.

And he<sup>-asws</sup> said: ‘The embezzled is neither praised nor Rewarded”<sup>361</sup>

21- وَ قَالَ ع تَعَرَّضُوا لِلتَّجَارَةِ فَإِنَّ فِيهَا غَى لَكُمْ عَمَّا فِي أَيْدِي النَّاسِ وَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يُحِبُّ الْمُتَحَرِّفَ الْأَمِينَ.

And he<sup>-asws</sup> said: ‘Engage in trade, for therein is independence from what is in the hands of others. Indeed, Allah<sup>-azwj</sup> Mighty and Majestic, Loves the trustworthy tradesman (professional)!”<sup>362</sup>

22- وَ قَالَ ع إِذَا اشْتَرَيْتُمْ مَا تَحْتَاجُونَ إِلَيْهِ مِنَ السُّوقِ فَقُولُوا حِينَ تَدْخُلُونَ الْأَسْوَاقَ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ ص اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ صَفْقَةٍ خَاسِرَةٍ وَ بَيْنٍ فَاجِرَةٍ وَ أَعُوذُ بِكَ مِنْ بَوَارِ الْأَلَمِ.

And he<sup>-asws</sup> said: ‘When you buy from the market what you are needy of, say when you enter the markets, ‘I testify that there is no god except Allah<sup>-azwj</sup> Alone, there is no associate for Him<sup>-azwj</sup>, and I testify that Muhammad<sup>-saww</sup> is His<sup>-azwj</sup> servant and His<sup>-azwj</sup> Rasool<sup>-saww</sup>! O Allah<sup>-azwj</sup>! I seek Refuge with You<sup>-azwj</sup> from the losing deal, and false oath, and I seek Refuge with You<sup>-azwj</sup> from ruination of the oath swearer!”<sup>363</sup>

23- يد، التوحيد أبي عَنْ سَعْدٍ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ وَ غَيْرِهِ عَنْ خَلْفِ بْنِ حَمَّادٍ عَنِ الْحُسَيْنِ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَالَ النَّبِيُّ ص لَزَيْنَبَ الْعَطَّارَةِ إِذَا بَعْتَ فَأَحْسِنِي فَإِنَّهُ أَنْتَقَى وَ أَبْقَى لِلْمَالِ الْحَتَرَ.

(The book) ‘Al Tawheed’ – My father, from Sa’ad, from Ibrahim Bin Hashim and someone else from Khalaf Bin Hammad, from Al Husayn Bin Zayd,

<sup>359</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 18

<sup>360</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 19

<sup>361</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 20

<sup>362</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 21

<sup>363</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 22

‘From Abu Abdullah<sup>-asws</sup> having said: ‘The Prophet<sup>-saww</sup> said to Zainab the perfume-seller: ‘When you sell, do it goodly for it is more pious and more remaining for the wealth!’ – the Hadeeth”<sup>.364</sup>

24- ل، الخصال حمزة العلوي عن أبيه عن عثمان بن عيسى عن سماعة عن أبي عبد الله ع قال: أَرْبَعَةٌ يَنْظُرُ اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ مَنْ أَقَالَ نَادِماً أَوْ أَغَاثَ لَهْفَاناً أَوْ أَعْتَقَ نَسَمَةً أَوْ زَوَّجَ عَزَباً.

(The book) ‘Al Ikhlās’ – Hamza Al Alaway, from his father, from Usman Bin Isa, from Sama’at,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Four, Allah<sup>-azwj</sup> Mighty and Majestic will Look at them on the Day of Qiyamah with Mercy – one who consoled a remorseful person, or helped a distressed, or liberated a person (slave), or attend a celibate married”<sup>.365</sup>

25- لي، الأماالي للصدوق ابن البرقي عن أبيه عن جدّه عن سليمان بن مفضل عن ابن أبي عمير عن سعد بن أبي خلف عن أبي عبيدة قال قال أبو عبد الله ع مَنْ قَالَ فِي السُّوقِ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ كَتَبَ اللَّهُ لَهُ أَلْفَ حَسَنَةٍ.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Barqy, from his father, from his grandfather, from Suleyman Bin Muqbil, from Ibn Abu Umeyr, from Sa’ad Bin Abu Khalaf, from Abu Ubeyda who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘One who says in the market, ‘I testify that there is no god except Allah<sup>-azwj</sup> Alone, there is no associate for Him<sup>-azwj</sup>, and I testify that Muhammad<sup>-saww</sup> is His<sup>-azwj</sup> servant and His<sup>-azwj</sup> Rasool-Allah<sup>-saww</sup>, Allah<sup>-azwj</sup> will Write a million good deeds for him”<sup>.366</sup>

26- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آبائه ع قال قال رسول الله ص مَنْ قَالَ حِينَ يَدْخُلُ السُّوقَ سُبْحَانَ اللَّهِ وَ الْحَمْدُ لِلَّهِ وَ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَ لَهُ الْحَمْدُ يُحْيِي وَ يُمِيتُ وَ هُوَ حَيٌّ لَا يَمُوتُ بِيَدِهِ الْحَيَرُ وَ هُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ أُعْطِيَ مِنَ الْأَجْرِ عَدَدَ مَا خَلَقَ اللَّهُ إِلَى يَوْمِ الْقِيَامَةِ.

(The book) ‘Uyoun Akhbar Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>, by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘One who says when he enters the market, ‘Glory be to Allah<sup>-azwj</sup>, and the Praise is for Allah<sup>-azwj</sup>, and there is no god except Allah<sup>-azwj</sup> Alone, there is no associate for Him<sup>-azwj</sup>! For Him<sup>-azwj</sup> is the Kingdom and for Him<sup>-azwj</sup> is the Praise! He<sup>-azwj</sup> Causes to live and Causes to die while He<sup>-azwj</sup> Alive not dying, the good is in His<sup>-azwj</sup> Hand, and He<sup>-azwj</sup> is Able upon all things!’, will be Given the Reward of the number of what Allah<sup>-azwj</sup> Creates up to the Day of Qiyamah”<sup>.367</sup>

27 صح، صحيفة الرضا عليه السلام عن الرضا ع عن آبائه ع مثله.

(The book) ‘Saheefa Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>, from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, similar to it”<sup>.368</sup>

<sup>364</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 23

<sup>365</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 24

<sup>366</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 25

<sup>367</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 26

<sup>368</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 27



28- مع، معاني الأخبار أبي عن سعد بن أبي عيسى عن البرزنجي عن مفضل بن سعيد عن أبي جعفر ع قال: جاء أغرابي أخذ بني عامر إلى النبي ص فسأله و ذكر حديثاً طويلاً يذكر في آخره أنه سأله الأغرابي عن الصليعاء و الفرعاء و خير بقاع الأرض و شر بقاع الأرض

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Isa, from Al Bazanty, from Mufazzal Bin Saeed,

'From Abu Ja'far<sup>asws</sup> having said: 'A Bedouin, one of the clan of Aamir came to the Prophet<sup>saww</sup>. He asked him<sup>asws</sup> – and he<sup>asws</sup> mentioned a lengthy Hadeeth, mentioning in its end that the Bedouin asked him<sup>saww</sup> about 'Al-Sul'a', and 'Quraya', and best spot of the earth and worse spot of the earth.

فقال بعد أن أتاه جبرئيل فأخبره إن الصليعاء الأرض السبخة التي لا تروى و لا يسبح مرعاها و الفرعاء الأرض التي لا تعطي بركتها و لا يخرج نباتها و لا يدرك ما أنفق فيها

He<sup>saww</sup> said after Jibraeel<sup>as</sup> came to him<sup>saww</sup> and informed him<sup>saww</sup> that 'Al-Sul'a' is the low-lying land that is not irrigated and whose pasture does not satisfy. The 'Quraya' is the land that does not give its Blessing, where nothing grows, and what is spent on it is not recovered.

و شر بقاع الأرض الأسواق و هو ميدان إبليس يغدو برأيه و يضع كرسيه و يثبت دريته فبين مطفئ في قفيز أو طائش في ميزان أو سارق في ذراع أو كاذب في سلعة فيشول عليكم رجل مات أبوه و أبوكم حي فلا يزال مع أول من يدخل و آخر من يرجع

And worse spots of the earth are the markets and it is a playing field of Iblees<sup>la</sup> who goes there carrying his<sup>la</sup> banner, placing his<sup>la</sup> throne, and spreading his<sup>la</sup> offspring. Among them is the one dishonest in measure, the negligent in balance, the thief in the span, and the liar in his merchandise. He<sup>la</sup> says to them, 'There is a man whose father has died while your father is still alive'. He<sup>la</sup> continues to be with the first to enter and the last to return (exit).

و خير البقاع المساجد و أحبهم إليه أولهم دحولا و آخرهم خروجا.

The best spots are the Masjids, and their most Beloved to Him<sup>azwj</sup>, and their first ones to enter and their last ones to exit".<sup>369</sup>

29- ما، الأماالي للشيخ الطوسي المفيد عن ابن قولويه عن أبيه عن سعد بن أبي عيسى عن ابن محبوب عن ابن عميرة عن جابر الجعفي عن أبي جعفر ع قال: قال رسول الله ص لجبرئيل أي البقاع أحب إلى الله تبارك و تعالى

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed, from Ibn Qawlawayya, from his father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Ibn Ameyra, from Jabir Al Ju'fi,

'From Abu Ja'far<sup>asws</sup>, from his<sup>asws</sup> forefathers<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said to Jibraeel<sup>as</sup>: 'Which spot is the most Beloved to Allah<sup>azwj</sup> Blessed and Exalted?'

قال المساجد و أحب أهلها إلى الله أولهم دحولا إليها و آخرهم خروجا منها

He<sup>-as</sup> said: ‘The Masjids, and the most Beloved to Allah<sup>-azwj</sup> is their first ones to enter and their last ones to exit from these’.

قَالَ فَأَيُّ الْبِقَاعِ أَبْعَضُ إِلَى اللَّهِ تَعَالَى

He<sup>-saww</sup> said: ‘So which of the spots is the most hateful to Allah<sup>-azwj</sup> the Exalted?’

قَالَ الْأَسْوَاقُ وَ أَبْعَضُ أَهْلِهَا إِلَيْهِ أَوْهُمْ دُخُولًا إِلَيْهَا وَ آخِرُهُمْ خُرُوجاً مِنْهَا.

He<sup>-as</sup> said: ‘The markets, and the most hateful of its people to Him<sup>-azwj</sup> are their first ones to enter into these and their last ones to exit from these’.<sup>370</sup>

30- ماء، الأماالي للشيخ الطوسي المفيض عن الجعابي عن ابن عقدة عن عبد الله بن أحمد بن مستورد عن عبد الله بن يحيى عن محمد بن عثمان بن زيد بن بكار بن الوليد قال سمعت أبا عبد الله ع يقول من دخل سوقاً فقال أشهد أن لا إله إلا الله وحده لا شريك له و أن محمداً عبده و رسوله اللهم إني أعوذ بك من الظلم و المأثم و المعرم كتب الله له من الحسنات عدد من فيها من فصيح و أعجم.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Al Mufeed, from Al Jiany, from Ibn Uqdah, from Abdullah Bin Ahmad Bin Mastawrid, from Abdullah Bin Yahya, from Muhammad Bin Usman Bin Zayd Bin Bakkar, from Al Waleed who said,

‘I heard Abu Abdullah<sup>-asws</sup> saying: ‘One who enters a market so he says, ‘I testify that there is no god except Allah<sup>-azwj</sup> Alone, there is no associate for Him<sup>-azwj</sup>, and Muhammad<sup>-saww</sup> is His<sup>-azwj</sup> servant and His<sup>-azwj</sup> Rasool<sup>-saww</sup>! O Allah<sup>-azwj</sup>! I seek Refuge with You<sup>-azwj</sup> from the injustice and the sin, and the loss!’ – Allah<sup>-azwj</sup> will Write for him the good deeds of the number of the ones in it, whether from eloquent ones or the mute’.<sup>371</sup>

31- لي، الأماالي للصدوق ابن إدريس عن أبيه عن ابن أبي الخطاب عن حماد بن عيسى عن الحسين بن المختار عن أبي عبد الله ع قال: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى لَيَبْعُضُ الْمُتَّقِ سِلْعَتَهُ بِالْأَمَانِ.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Idrees, from his father, from Ibn Abu Al Khattab, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Allah<sup>-azwj</sup> Blessed and Exalted Hates the sellers of his merchandise with the swear (oath)’.<sup>372</sup>

32- ثواب الأعمال أبي عن سعد عن الحفيري عن إبراهيم بن مهزيار عن أخيه علي عن فضالة عن سليمان بن دُرستويه عن عجلان عن أبي عبد الله ع قال: ثَلَاثَةٌ يُدْخِلُهُمُ اللَّهُ الْجَنَّةَ بِغَيْرِ حِسَابٍ إِمَامٌ عَادِلٌ وَ تَاجِرٌ صَدُوقٌ وَ شَيْخٌ أَفْقَى غُمُرُهُ فِي طَاعَةِ اللَّهِ.

(The book) ‘Sawab Al Amaal’ – My father, from Sa’ad, from Al Himeyri, from Ibrahim Bin Mahziyar, from his father Ali, from Fazala, from Suleyman Bin Dorostweyh, from Ajlan,

<sup>370</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 29

<sup>371</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 30

<sup>372</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 31

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Three, Allah<sup>-azwj</sup> will Admit them into the Paradise without Reckoning – a just leader, and a truthful trader, and an old man having finished his lifespan in the obedience of Allah<sup>-azwj</sup>’<sup>373</sup>

33- ثواب الأعمال ابنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ ابْنِ أَبِي عَرَبَةَ عَنْ مَنْصُورِ بْنِ الْعَبَّاسِ عَنْ سَعِيدِ بْنِ جَنَاحٍ عَنْ حُسَيْنِ بْنِ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: ثَلَاثَةٌ لَا يَنْظُرُ اللَّهُ عَزَّ وَجَلَّ إِلَيْهِمْ ثَانِي عَطْفِهِ وَ مُسْبِلِ إِزَارِهِ خِيَلَاءَ وَ الْمُتَّقِ سِلْعَتُهُ بِالْإِيمَانِ إِنَّ الْكَثِيرَ يَأْتِيهِ رَبُّ الْعَالَمِينَ.

(The book) ‘Sawaab Al Amaal’ – Ibn Al Mutawakkil, from Al Sa’dabadi, from Al Barqy, from Mansour Bin Al Abbas, from Saeed Bin Janah, from Husayn Bin Mukhtar,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Three, Allah<sup>-azwj</sup> Mighty and Majestic will not Look at them - the one who walks arrogantly with his shoulders turned, the one who lets his garment drag out of pride, and the one who promotes his merchandise with false oaths. Indeed, pride belongs to Allah<sup>-azwj</sup> Lord<sup>-azwj</sup> of the worlds!’<sup>374</sup>

34- سن، المحاسن يحيى بن إبراهيم عن الحسين بن المختار مثله.

(The book) ‘Al Mahasin’ – Yahya Bin Ibrahim, from Al Husayn Bin Al Mukhtar – similar to it.<sup>375</sup>

35- سن، المحاسن في رواية الحسين بن المختار عن أبي عبد الله ع قَالَ: إِنَّ اللَّهَ يُبْغِضُ الْمُتَّقِ سِلْعَتُهُ بِالْإِيمَانِ.

(The book) ‘Al Mahasin’ – In a report by Al Husayn Bin Al Mukhtar,

‘from Abu Abdullah<sup>-asws</sup> having said: ‘Allah<sup>-azwj</sup> Hates the seller of his merchandise with the swearing!’<sup>376</sup>

36- حقه، فرحة الغري عبد الرحمن بن أحمد عن عبد العزيز بن الأخضر عن أبي الفضل بن ناصر عن محمد بن علي بن ميمون عن محمد بن علي بن الحسين العلوي عن محمد بن عبد الله بن الحسين الجعفي و محمد بن حسين بن عزال عن علي بن الحسين بن القاسم عن محمد بن مغروف الهلالي

(The book) ‘Farhat Al Ghary’ – Abdul Raham Bin Ahmad, from Abdul Aziz Bin Al Akhzar, from Abu Al Fazl Bin Nasir, from Muhammad Bin Ali Bin Maymoun, from Muhammad Bin Ali Bin Al Husayn Al Alawy, from Muhammad Bin Abdullah Bin Al Husayn Al Jufy and Muhammad Bin Husayn Bin Gazaal, from Ali Bin Al Husayn Bin Al Qasim, from Muhammad Bin Marouf Al Hilaly,

عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع قَالَ: لَيْسَ لِلْبَحْرِ جَارٌ وَ لَا لِلْمَلِكِ صَدِيقٌ وَ لَا لِلْعَافِيَةِ ثَمَنٌ وَ كَم مِنْ نَاعِمٍ وَ هُوَ لَا يَعْلَمُ

‘From Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> having said: ‘There isn’t any neighbour for the sea, nor a friend for the king, nor any price for the well-being, and how many a person is living in comfort and he does not know!’

<sup>373</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 32

<sup>374</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 33

<sup>375</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 34

<sup>376</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 35

وَقَالَ تَمَسَّكُوا بِالْحَمِيسِ وَ قَدِّمُوا الْإِسْتِخَارَةَ وَ تَزَكُّوا بِالسُّهُولَةِ وَ تَزَيَّنُوا بِالْحِلْمِ وَ اجْتَنِبُوا الْكُذْبَ وَ أَوْفُوا الْمِكْيَالَ وَ الْمِيزَانَ.

And he<sup>-asws</sup> said: ‘Adhere with the fifth, and give precedence to Al-Istikhara (seeking the Choice of Allah<sup>-azwj</sup>), and purify with the ease, and adorn with the forbearance, and shun the lying, and fulfil the measure and the weight!’<sup>377</sup>

37- سن، المحاسن أبو سليمان الحذاء عن محمد بن قيس قال: سألت أبا عبد الله ع عن الرجل يشتري ما يذاق أ يذوقه قبل أن يشتريه

(The book) ‘Al Mahasin’ – Abu Suleyman Al Haza’a, from Muhammad Bin Feyz who said,

‘I asked Abu Abdullah<sup>-asws</sup> about the man who buys what can be tasted, ‘Can he taste it before he buys it?’

قَالَ نَعَمْ فَلْيَذُقْهُ وَ لَا يَذُوقَنَّ مَا لَا يَشْتَرِيهِ.

He<sup>-asws</sup> said: ‘Yes. Let him taste it, and he should not taste what he does not (intend to) buy.’<sup>378</sup>

38- ضا، فقه الرضا عليه السلام روي أن من أجز بعير علم ولا يفقه ارتطم في الرثا ارتطاماً.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – It is reported that one who trades with neither knowledge nor understanding will crash into the usury with a crash.<sup>379</sup>

39- وَ روي أن من باع أو اشترى فليحفظ خمس خصالٍ وإلا فلا يبيع ولا يشتري الرثا والحلف وكتمان العيب والمدح إذا باع والذم إذا اشترى.

And it is reported that the one who sells or buys, let him protect from five characteristics, or else he should neither sell nor buy – the usury (interest), and the swearing, and concealment of the defect, and the praising when he sells and the condemning when he buys’.<sup>380</sup>

40- وَ روي ربح المؤمن على أخيه ربا إلا أن يشتري منه شيئا بأكثر من مائة درهم فيربح فيه فوت يومه أو يشتري متاعاً للتجارة فيربح عليه ربحاً خفيفاً

And it is reported – ‘Profiting by the Momin upon his brother is usury (interest) except if he buys something from him for more than a hundred Dirhams, so he can have profit in it for the subsistence of his day, or he buys chattels for the trading so he can have profit upon it, a slight profit.

وَ إِذَا كُنْتَ فِي تِجَارَتِكَ وَ حَضَرَتِ الصَّلَاةُ فَلَا يَسْغَلُكَ عَنْهَا مَنَجْرُكَ فَإِنَّ اللَّهَ وَصَفَ قَوْمًا وَ مَدَحَهُمْ فَقَالَ رَجُلٌ لَا تُلْهِبِهِمْ تِجَارَةً وَ لَا بَيْعَ عَنْ ذِكْرِ اللَّهِ وَ كَانَ هَؤُلَاءِ الْقَوْمُ يَتَجَرَّوْنَ فَإِذَا حَضَرَتِ الصَّلَاةُ تَزَكُّوا بِتِجَارَتِهِمْ وَ قَامُوا إِلَى صَلَاتِهِمْ وَ كَانُوا أَكْثَرَ أَجْرًا مِمَّنْ لَا يَتَجَرَّرُ فَيُصَلِّي

<sup>377</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 36

<sup>378</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 37

<sup>379</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 38

<sup>380</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 39

And when you are in your trading, and the Salat presents, your trading should not pre-occupy you from it, for Allah<sup>-azwj</sup> has Described a people and praised them. He<sup>-azwj</sup> Said: ***‘Men whom neither trading nor selling diverts them from the Zikr of Allah [24:37]***, and these people were trading when the Salat presented. They neglected their trading and stood to their Salat(s), and they were of mightier Reward than the ones who did not trade, so he prayed Salat.

وَمَنْ ابْتَغَىٰ فَلْيَجْتَنِبِ الْكَذِبَ وَ لَوْ أَنَّ رَجُلًا حَاطَ قَلَانِسَ وَ حَشَاها فُطْنًا عَتِيقًا لَمَا جَازَ لَهُ حَتَّىٰ يُبَيِّنَ عَيْبَهُ الْمَكْتُومَ وَ إِذَا سَأَلَكَ شَرَىٰ ثَوْبٍ فَلَا تُعْطِهِ مِنْ عِنْدِكَ فَإِنَّهَا خِيَانَةٌ وَ لَوْ كَانَ الَّذِي عِنْدَكَ أَجْوَدَ بِمَا عِنْدَ غَيْرِكَ

So the one who trades, let him shun the lying, and if a man sews hats and stuffs them with old cotton, it is not Permissible for him until he makes clear the hidden defect, and if someone asks you about purchasing a garment, do not give him from what you have unless he asks, for that would be a betrayal, even if what you have is better than what others have.

وَ اسْتَعْمِلْ فِي تِجَارَتِكَ مَكَارِمَ الْأَخْلَاقِ وَ الْأَفْعَالِ الْجَمِيلَةِ لِلدُّنْيَا.

In your trading, practice noble character and beautiful conduct for the sake of both religion and worldly life<sup>381</sup>.

41- ضا، فقه الرضا عليه السلام إِذَا اشْتَرَيْتَ مَتَاعًا أَوْ سِلْعَةً أَوْ جَارِيَةً أَوْ دَابَّةً فَقُلِ اللَّهُمَّ إِنِّي اشْتَرَيْتُ أَلْتَمِسُ فِيهِ مِنْ رِزْقِكَ فَاجْعَلْ لِي فِيهِ رِزْقًا اللَّهُمَّ

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – ‘When you buy chattels, or merchandise, or a slave girl, or an animal, say, ‘O Allah<sup>-azwj</sup>! I have bought seeking in it from Your<sup>-azwj</sup> Grace, so Make sustenance for me to be in it!

إِنِّي أَلْتَمِسُ فِيهِ فَضْلَكَ فَاجْعَلْ لِي فِيهِ فَضْلًا اللَّهُمَّ إِنِّي أَلْتَمِسُ فِيهِ مِنْ خَيْرِكَ وَ بَرَكَتِكَ وَ سَعَةِ رِزْقِكَ فَاجْعَلْ لِي فِيهِ رِزْقًا وَاسِعًا وَ رِيحًا طَيِّبًا هَنِيئًا مَرِيئًا تَقُولُهَا ثَلَاثَ مَرَّاتٍ

O Allah<sup>-azwj</sup>! I have sought Your<sup>-azwj</sup> Grace in it, so Make Your<sup>-azwj</sup> Grace to be in it! O Allah<sup>-azwj</sup>! I have sought in it Your<sup>-azwj</sup> goodness, and Your<sup>-azwj</sup> Blessings, and vastness of Your<sup>-azwj</sup> sustenance, so Make in it Your<sup>-azwj</sup> vast sustenance, and good profit, pleasant, wholesome! – saying it three times.

وَ إِذَا أُصِيبْتَ بِمَالٍ فَقُلِ اللَّهُمَّ إِنِّي عَبْدُكَ وَ ابْنُ عَبْدِكَ وَ ابْنُ أَمَتِكَ وَ فِي قَبْضَتِكَ نَاصِيَتِي بِيَدِكَ تَحْكُمُ فِيمَا تَشَاءُ وَ تَفْعَلُ مَا تُرِيدُ

And if you are afflicted with the wealth, say, ‘O Allah<sup>-azwj</sup>! I am Your<sup>-azwj</sup> servant and son of Your<sup>-azwj</sup> servant and son of Your<sup>-azwj</sup>, and in Your<sup>-azwj</sup> Grip is my forelock! By Your<sup>-azwj</sup> Hand You<sup>-azwj</sup> Judge whatever You<sup>-azwj</sup> Desire to and Do what You<sup>-azwj</sup> Want!

<sup>381</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 40

اللَّهُمَّ فَلَكَ الْحَمْدُ عَلَى حُسْنِ قَضَائِكَ وَ بِلَايِكَ اللَّهُمَّ هُوَ مَالِكَ وَ رِزْقِكَ وَ أَنَا عَبْدُكَ خَوَّلْتَنِي حِينَ رَزَقْتَنِي اللَّهُمَّ فَأَلْهِمْنِي شُكْرَكَ فِيهِ وَ الصَّبْرَ عَلَيْهِ حِينَ أَصِيبُ وَ أُجِدُّ اللَّهُمَّ أَنْتَ أَعْطَيْتَ فَأَنْتَ أَصِيبُ

O Allah-azwj! For You-azwj is the Praise upon Your-azwj excellent Decrees and Your-azwj Trials! O Allah-azwj! It is Your-azwj wealth and Your-azwj sustenance and I am Your-azwj servant! You-azwj Bestowed me when You-azwj Provided me! O Allah-azwj! Inspire me to thank You-azwj regarding it, and to be patient upon it when I am afflicted and seized! O Allah-azwj! You-azwj Gave and You-azwj Afflicted!

اللَّهُمَّ لَا تَحْرِمْنِي ثَوَابَهُ وَ لَا تَنْسِنِي مِنْ خَلْقِهِ [خَلْفِهِ] فِي دُنْيَايَ وَ آخِرَتِي إِنَّكَ عَلَى ذَلِكَ قَادِرٌ اللَّهُمَّ أَنَا لَكَ وَ بِكَ وَ إِلَيْكَ وَ مِنْكَ لَا أَمْلِكُ لِنَفْسِي ضَرًّا وَ لَا نَفْعًا

O Allah-azwj! Do not Deprive me of its Reward nor Ignore me of its replacement in my world and my Hereafter, You-azwj are Able upon that! O Allah-azwj! I am for You-azwj, and with You-azwj, and to You-azwj, and from You-azwj! I neither control any harm for myself nor benefit!

وَ إِذَا أَرَدْتُ أَنْ تُحَرِّزَ مَتَاعَكَ فَأَقْرَأْ آيَةَ الْكُرْسِيِّ وَ اكْتُبْهَا وَ ضَعُهَا فِي وَسْطِهِ وَ اكْتُبْ أَيْضًا وَ جَعَلْنَا مِنْ بَيْنِ أَيْدِيهِمْ سَدًّا وَ مِنْ خَلْفِهِمْ سَدًّا فَأَعْشَيْنَاهُمْ فَهُمْ لَا يُبْصِرُونَ

And when you want to protect your belongings, read Ayat Al Kursi, and write it, and place it in its midst, and write as well, **And We Made a barrier to be from their front and a barrier from their back, and We Covered them, so they are not seeing [36:9]!**

لَا ضَيْعَةَ عَلَى مَا حَفِظَهُ اللَّهُ فَإِنْ تَوَلَّوْا فَقُلْ حَسْبِيَ اللَّهُ لَا إِلَهَ إِلَّا هُوَ عَلَيْهِ تَوَكَّلْتُ وَ هُوَ رَبُّ الْعَرْشِ الْعَظِيمِ فَإِنَّكَ قَدْ أَحْرَزْتَ إِنْ شَاءَ اللَّهُ فَلَا يَصِلُ إِلَيْهِ سُوءٌ بِإِذْنِ اللَّهِ.

There is no wastage of what Allah-azwj Protects. **But if they turn back, say: 'Allah is Sufficient for me, there is no god but He; upon Him do I rely, and He is Lord of the Magnificent Throne [9:129]!' – you will be Protected if Allah-azwj Desires and no evil will arrive to it by Permission of Allah-azwj**.<sup>382</sup>

42- مص، مصباح الشريعة قَالَ الصَّادِقُ ع مَنْ كَانَ الْأَخْذُ أَحَبَّ إِلَيْهِ مِنَ الْإِعْطَاءِ فَهُوَ مَغْبُوتٌ لِأَنَّهُ يَرَى الْعَاجِلَ بِعَفْلَانِهِ أَفْضَلَ مِنَ الْآجِلِ وَ يَتَّبِعِي لِلْمُؤْمِنِ إِذَا أَخَذَ أَنْ يَأْخُذَ بِحَقِّهِ وَ إِذَا أَعْطَى فَفِي حَقِّهِ وَ يَحْقِّقُ وَ مِنْ حَقِّ فِكُمْ مِنْ أَخِذٍ مُعْطٍ دِينَهُ وَ هُوَ لَا يَشْعُرُ وَ كَمْ مِنْ مُعْطٍ مُورِثٍ نَفْسَهُ سَخَطَ اللَّهُ

(The book) 'Misbah Al Sharia' –

'Al-Sadiq-asws said: 'One who prefers taking over giving is deceived, because he values the immediate due to his heedlessness over the deferred. A Momin should take only with right, and when he gives, it should be in right, by right, and from right. How many who take end up giving away their religion without realising it, and how many who give bring upon themselves the Wrath of Allah-azwj.

<sup>382</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 41

وَلَيْسَ الشَّأْنُ فِي الْأَخْذِ وَالْإِعْطَاءِ وَلَكِنَّ النَّاجِيَ مَنْ اتَّقَى اللَّهَ فِي الْأَخْذِ وَالْإِعْطَاءِ وَاعْتَصَمَ بِحَبَالِ الْوَرَعِ وَالنَّاسُ فِي هَاتَيْنِ الْحُصْلَتَيْنِ خَاصٌّ وَعَامٌّ

The matter is not merely in taking and giving, but the one who is truly saved is the one who fears Allah<sup>-azwj</sup> in both taking and giving, and clings to the ropes of piety. People in these two qualities, taking and giving, are of two kinds - the special and the general.

فَالْخَاصُّ يَنْظُرُ فِي دَقِيقِ الْوَرَعِ فَلَا يَتَنَاوَلُ حَتَّى يَتَيَقَّنَ أَنَّهُ حَلَالٌ وَإِذَا أَشْكَلَ عَلَيْهِ تَنَاوَلَ عِنْدَ الضَّرُورَةِ وَالْعَامُّ يَنْظُرُ فِي الظَّاهِرِ فَمَا لَمْ يَجِدْهُ وَلَا يَعْلَمُهُ غَضَبًا وَلَا سَرِقَةً تَنَاوَلَ وَقَالَ لَا بَأْسَ هُوَ لِي حَلَالٌ وَالْأَمِينُ فِي ذَلِكَ مَنْ يَأْخُذُ بِحُكْمِ اللَّهِ وَ يُنْفِقُ فِي رِضَا اللَّهِ.

The special ones observe precise piety and do not partake in anything until they are certain it is lawful, and if something is unclear to them, they only partake in it out of necessity. The general only looks at appearances, as long as they do not find or know that it is usurped or stolen, they consume it and say, 'There is no harm, it is lawful for me!' The trustworthy one in this matter is he who takes by the Ruling of Allah<sup>-azwj</sup> and spends in what Pleases Allah<sup>-azwj</sup> 383

43- فتح، فتح الأبواب أحمد بن محمد بن يحيى عن بعض أصحابه عن أبي عبد الله ع أَنَّهُ أَوْصَاهُ فِي التِّجَارَةِ فَقَالَ عَلَيْكَ بِصِدْقِ اللِّسَانِ فِي حَدِيثِكَ وَلَا تَكُنْ عَيْبًا يَكُونُ فِي تِجَارَتِكَ وَلَا تَغِبِ الْمُسْتَرْسِلَ فَإِنَّ غِبَّتَهُ رِبَاً وَلَا تَرْضَ لِلنَّاسِ إِلَّا مَا تَرْضَاهُ لِنَفْسِكَ وَأَعْطِ الْحَقَّ وَ اخْذْهُ

(The book) 'Fatah Al Abwaab' – Ahmad Bin Muhammad Bin Yahya, from one of his companions,

'From Abu Abdullah<sup>-asws</sup> having advised regarding the trading. He<sup>-asws</sup> said: 'Upon you is to be truthful in your narration, and do not conceal any defect happening to be in your trade, and do not deceive the unsuspecting customer, for deceiving him is usury. Do not be pleased for others with anything you would not be pleased with for yourself. Give what is right and take what is right.

وَلَا تَحِفْ وَلَا تَخُنْ فَإِنَّ التَّاجِرَ الصَّدُوقَ مَعَ السَّفَرَةِ الْكِرَامِ الْبَرَّةِ يَوْمَ الْقِيَامَةِ وَاجْتَنِبِ الْحَلْفَ فَإِنَّ الْيَمِينَ الْفَاجِرَةَ تُورِثُ صَاحِبَهَا النَّارَ وَ التَّاجِرُ فَاجِرٌ إِلَّا مَنْ أَعْطَى الْحَقَّ وَ أَخَذَهُ إِذَا عَزَمْتَ عَلَى السَّفَرِ أَوْ حَاجَةً مُهِمَّةً فَأَكْثِرِ الدُّعَاءَ وَ الْإِسْتِخَارَةَ.

Do not act unjustly or betray, for the truthful and honest trader will be with the noble, righteous scribes on the Day of Qiyamah. Avoid swearing oaths, for a false oath leads its owner to the Fire. The trader is sinful unless he gives what is right and takes what is right. And if you intend to travel or attend to an important matter, increase your supplication and seek guidance through the Istikhara (seeking the Choice of Allah<sup>-azwj</sup>)! 384

44- كِتَابُ الْعَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّفْعِيِّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي شَيْبَةَ عَنْ جَعْفَرِ بْنِ عَوْنٍ عَنْ مِسْعَرٍ عَنْ أَبِي جَعْفَرٍ عَنْ أَبِي سَعِيدٍ قَالَ: كَانَ عَلِيٌّ ع بَأْتِي السُّوقَ فَيَقُولُ يَا أَهْلَ السُّوقِ اتَّقُوا اللَّهَ وَ إِيَّاكُمْ وَ الْحَلْفَ فَإِنَّهُ يُنْفِقُ السِّلْعَةَ وَ يَمَحِقُ الْبُرْكَهَ وَ إِنَّ التَّاجِرَ فَاجِرٌ إِلَّا مَنْ أَخَذَ الْحَقَّ وَ أَعْطَاهُ السَّلَامَ عَلَيْكُمْ

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(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafi, from Abdullah Bin Abu Sheyba, from Ja'far Bin Awn, from Mis'ar, from Abu Hijara, from Abu Saeed who said,

'Ali<sup>-asws</sup> used to come to the market. He<sup>-asws</sup> would say: 'O people of the market! Fear Allah<sup>-azwj</sup> and beware of the swearing, for it sells the merchandise and (but) it obliterates the Blessing, and the trader is immoral except the one who takes the right and gives it! The greeting be upon you all!'

ثُمَّ يَمْكُثُ الْيَّامَ ثُمَّ يَأْتِي فَيَقُولُ مِثْلَ مَقَالِيهِ فَكَانَ إِذَا جَاءَ قَالُوا قَدْ جَاءَ الْمُرْدُ شَكَبَهُ أَيُّ قَدْ جَاءَ عَظِيمُ الْبَطْنِ فَيَقُولُ أَسْفَلُهُ طَعَامٌ وَ أَعْلَاهُ عِلْمٌ.

Then he<sup>-asws</sup> would remain (withhold) for days, then he<sup>-asws</sup> would come and say similar to his<sup>-asws</sup> words. It so happened that whenever he<sup>-asws</sup> came, they said, 'Here comes the one with a swollen belly!' – i.e. here comes the large-bellied one. He<sup>-asws</sup> said: 'Its lower part is food and its top part is knowledge!'<sup>385</sup>

45- وَ مِنْهُ، عَنْ بَشِيرِ بْنِ حَبِئَمَةَ الْمُرَادِيِّ عَنْ عَبْدِ الْقُدُّوسِ عَنْ أَبِي إِسْحَاقَ عَنِ الْحَارِثِ عَنْ عَلِيٍّ ع أَنَّهُ دَخَلَ السُّوقَ فَقَالَ يَا مَعْشَرَ اللَّحَّامِينَ مَنْ نَفَخَ مِنْكُمْ فِي اللَّحْمِ فَلَيْسَ مِنَّا.

And from him, from Bashir Bin Khaysama Al Muradi, from Abdul Qudous, from Abu Is'haq, from Al Haris,

'From Ali<sup>-asws</sup> having entered the market. He<sup>-asws</sup> said: 'O community of meat sellers! One from you who blows into the meat (to inflate), he isn't from us!'<sup>386</sup>

46- وَ مِنْهُ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي شَيْبَةَ عَنْ أَبِي مُعَاوِيَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ عَنِ التُّعْمَانِ بْنِ سُوْرٍ عَنْ عَلِيٍّ ع قَالَ: كَانَ يُخْرِجُ إِلَى السُّوقِ وَ مَعَهُ الدَّرَّةُ فَيَقُولُ إِنِّي أَغُوذُ بِكَ مِنَ الْفُسُوقِ وَ مِنْ شَرِّ هَذِهِ السُّوقِ.

And from him, from Abdullah Bin Abu Sheyba, from Abu Muawiya, from Abdul Rahman Bin Is'haq, from Al Numan Bin Sowr,

'From Ali<sup>-asws</sup>, he (the narrator) said, 'He<sup>-asws</sup> would go out to the market and with him<sup>-asws</sup> would be the whip. He<sup>-asws</sup> said: 'I<sup>-asws</sup> seek Refuge with You<sup>-azwj</sup> from the mischief (corruption) and from evil of this market!'<sup>387</sup>

47- عِدَّةُ الدَّاعِي، عَنِ النَّبِيِّ ص مَنْ ذَكَرَ اللَّهَ فِي السُّوقِ مُخْلِصًا عِنْدَ غَفْلَةِ النَّاسِ وَ شُغْلِهِمْ بِمَا فِيهِ كَتَبَ اللَّهُ لَهُ أَلْفَ حَسَنَةٍ وَ يَغْفِرُ اللَّهُ لَهُ يَوْمَ الْقِيَامَةِ مَغْفِرَةً لَمْ تَخْطُرْ عَلَى قَلْبِ بَشَرٍ.

(The book) 'Uddat Al Daie' –

'From the Prophet<sup>-saww</sup>: 'One who remembers Allah<sup>-azwj</sup> sincerely in the Market at the heedlessness of the people and their pre-occupation with whatever is in it, Allah<sup>-azwj</sup> will Write

<sup>385</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 44

<sup>386</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 45

<sup>387</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 46



for him a thousand good deeds, and Allah<sup>-azwj</sup> will Forgive for him on the Day of Qiyamah with such Forgiveness, it would not have occurred upon the heart of any mortal”<sup>388</sup>

48- أَغْلَامُ الدِّينِ، قَالَ رَسُولُ اللَّهِ ص رِنِحُ الْمُؤْمِنِ عَلَى الْمُؤْمِنِ رِبًا.

(The book) ‘A’lam Al Deen’ –

‘Rasool-Allah<sup>-saww</sup> said: ‘Profit by the Momin upon the Momin is usury (interest)’<sup>389</sup>

49- الْهِدَايَةُ، مَنْ أَتَجَرَ فَلْيَجْتَنِبْ خَمْسَةَ أَشْيَاءَ الْيَمِينِ وَ الْكَذِبِ وَ كَيْتَمَانَ الْعَيْبِ وَ الْمَدْحَ إِذَا بَاعَ وَ الذَّمَّ إِذَا اشْتَرَى وَ الْكَادُ عَلَى عِيَالِهِ مِنْ حَلَالٍ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ.

(The book) ‘Al Hidayah’ –

‘One who trades, let him shun five things – the swear, and the lies, and concealment of the defect, and the praise when he sells, and the condemnation when he buys; and the toiler for his dependants from lawful means is like the Holy warrior in the way of Allah<sup>-azwj</sup>’<sup>390</sup>

50- وَ قَالَ الصَّادِقُ ع مَا أَجْمَلَ فِي الطَّلَبِ مَنْ رَكِبَ الْبَحْرَ.

And Al-Sadiq<sup>-asws</sup> said: ‘How admirable he is in the seeking, one who sails the sea!’<sup>391</sup>

51 وَ قَالَ ع الرِّزْقُ رِزْقَانِ رِزْقٌ تَطْلُبُهُ وَ رِزْقٌ يَطْلُبُكَ وَ إِنْ لَمْ تَأْتِهِ أَتَاكَ فَاطْلُبْهُ مِنْ حَلَالٍ فَإِنَّكَ أَكَلْتَهُ حَلَالًا إِنْ طَلَبْتَهُ مِنْ وَجْهِهِ وَ إِلَّا أَكَلْتَهُ حَرَامًا وَ هُوَ رِزْقُكَ لَا بُدَّ مِنْ أَكْلِهِ

And he<sup>-asws</sup> said: ‘The sustenance is of two types, a sustenance you seek and a sustenance seeking you, and even if you don’t go to it, it will come to you. Therefore, seek it from lawful means, for you will be eating it lawfully, if you have sought it from its aspect, or else you will be eating it unlawfully, and it is your sustenance. There is no escape from eating it!

وَ كَسَبُ الْمُغَنِيَةِ حَرَامٌ وَ لَا بَأْسَ بِكَسَبِ النَّائِحَةِ إِذَا قَالَتْ صِدْقًا.

And earning of the female singer is forbidden, and there is no problem with earnings of the mourner when she speaks the truth”<sup>392</sup>

52 وَ قَدْ رُوِيَ أَنَّهَا تَسْتَحِلُّهُ بِضَرْبِ إِحْدَاهُمَا عَلَى الْأُخْرَى وَ لَا بَأْسَ بِكَسَبِ الْمَايِطَةِ إِذَا لَمْ تُشَارِطْ وَ قَبِلَتْ مَا تُعْطَى وَ لَا تَصِلُ شَعْرُ الْمَرْأَةِ بِشَعْرِ امْرَأَةٍ غَيْرِهَا فَأَمَّا شَعْرُ الْمَغْرَفِ فَلَا بَأْسَ أَنْ يُوصَلَ بِشَعْرِ امْرَأَةٍ.

<sup>388</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 47

<sup>389</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 48

<sup>390</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 49

<sup>391</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 50

<sup>392</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 51

And it has been reported, she is permitted to strike one of (the hands) upon the other, and there is no problem with earnings of the hairdresser when she does not stipulate, and she accepts whatever is given, and does not connect hair of one woman to hair of another woman. As for goat hair, there is no problem in connecting with hair of a woman".<sup>393</sup>

53 كِتَابُ زَيْدِ النَّارِيِّ، عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا أَحْرَزْتَ مَتَاعاً فَقُلِ اللَّهُمَّ إِنِّي اسْتَوْدَعْتُكَه يَا مَنْ لَا يُضَيِّعُ وَدِيعَتَهُ وَاسْتَحْرَسْتُكَه فَاحْفَظْهُ عَلَيَّ وَاحْرُسْهُ لِي بِعَيْنِكَ الَّتِي لَا تَنَامُ وَبِرُكْنِكَ الَّذِي لَا يُرَامُ وَبِعِزِّكَ الَّذِي لَا يَذُلُّ وَبِسُلْطَانِكَ الْفَاهِرِ الْعَالِبِ لِكُلِّ شَيْءٍ.

The book of Zayd Al Narsy,

'From Abu Abdullah<sup>-asws</sup> having said: 'When you (want to) protect belongings, say, 'O Allah<sup>-azwj</sup>! I entrust it to You<sup>-azwj</sup>! O One Who does not Waste His<sup>-azwj</sup> entrustments, and place it in Your<sup>-azwj</sup> Care, so Protect it for me and Guard it for me with Your<sup>-azwj</sup> Eye which does not sleep, and by Your<sup>-azwj</sup> Support which does not break, and by Your<sup>-azwj</sup> Might which is not humbles, and by Your<sup>-azwj</sup> Authority, the Subduing, the Forceful, the Prevailing over all things!'"<sup>394</sup>

54 كِتَابُ الْغَايَاتِ، قَالَ ع شَرَّ النَّاسِ الزَّعَاوُونَ وَالتُّجَّارُ إِلَّا مَنْ شَحَّ مِنْهُمْ عَلَى دِينِهِ.

(The book) 'Kitab Al Ghayaat' –

'He<sup>-asws</sup> said: The worst people are the farmers and the traders except the one from them who is protective of his religion.<sup>395</sup>

55 وَ قَالَ ع شَرُّ الرِّجَالِ التُّجَّارُ الْخَوَنَةُ.

And he<sup>-asws</sup> said: 'The worst of men and the treacherous traders'.<sup>396</sup>

56 كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدٍ بْنِ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص رَحِمَ اللَّهُ عَبْدًا سَمَحًا قَاضِيًا وَ سَمَحًا مُقْتَضِيًا.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Ash'as,

'From Musa Bin Ismail son of Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'May Allah<sup>-azwj</sup> Mercy a servant who is lenient in lending and lenient in demanding (it back)'.<sup>397</sup>

<sup>393</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 52

<sup>394</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 53

<sup>395</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 54

<sup>396</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 55

<sup>397</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 56

57 وَ مِنْهُ، عَنْ أَحْمَدَ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ الصَّفَّارِ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص عَبْنُ الْمُسْتَرْسِلِ رِبَاً.

And from him, from Ahmad Bin Ali, from Muhammad Bin Al Hassan, from Muhammad Bin Al Hassan Al Saffar, from Ibrahim Bin Hashim, from Al Nowfali, from Al Sakuni,

‘From Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Embezzling the unsuspecting buyer is usury (interest)’.<sup>398</sup>

[باب 20 الكيل و الوزن](#)

## CHAPTER 20 – THE MEASURE AND THE WEIGHT

1- فس، تفسير القمي وَ أَوْفُوا الْكَيْلَ إِذَا كِلْتُمْ وَ زِنُوا بِالْقِسْطِ الْمُسْتَقِيمِ أَيَّ بِالْإِسْوَاءِ.

(The book) ‘Tafseer Al Qummi - **And fulfil the measure when you measure out and weigh with the straight scale; [17:35]** – i.e. with the sameness.<sup>399</sup> (opinion)

وَ فِي رَوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: الْقِسْطُ الْمُسْتَقِيمُ هُوَ الْمِيزَانُ الَّذِي لَهُ لِسَانٌ.

And in a report of Abu Al Jaroud,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘The ‘straight scale’, it is the scale which has a tongue for it’.<sup>400</sup>

2- فس، تفسير القمي وَإِلَّا لِلْمُطَقِّفِينَ قَالَ الَّذِينَ يَبْخَسُونَ الْمِكْيَالَ وَ الْمِيزَانَ.

(The book) ‘Tafseer Al-Qummi’ - **Woe be unto the fraudsters [83:1]**. He said: ‘Those who are underestimating the measure and the weight’.<sup>401</sup> (opinion)

وَ فِي رَوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: نَزَلَتْ عَلَى نَبِيِّ اللَّهِ ص حِينَ قَدِمَ الْمَدِينَةَ وَ هُمْ يَوْمَعِدِ اسُنُوا النَّاسَ كَيْلًا فَأَخْسَنُوا بَعْدَ الْكَيْلِ

And in a report by Abu Al Jaroud,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘It was Revealed unto the Prophet<sup>-saww</sup> of Allah<sup>-azwj</sup> when he<sup>-saww</sup> arrived at Al-Medina, and in those days they were evillest of the people in measuring. Afterwards they improved the measuring’.

فَأَمَّا الْوَيْلُ فَبَلَعْنَا وَ اللَّهُ أَعْلَمُ أَنَّهَا بَقَرٌ فِي جَهَنَّمَ.

<sup>398</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 19 H 57

<sup>399</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 1 a

<sup>400</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 1 b

<sup>401</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 2 a

It has reached us, and Allah<sup>-azwj</sup> is more Knowing, that it is a well in Hell".<sup>402</sup>

3- حَدَّثَنَا سَعِيدُ بْنُ مُحَمَّدٍ قَالَ حَدَّثَنَا بَكْرُ بْنُ سَهْلٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ سَعِيدٍ عَنْ مُوسَى بْنِ عَبْدِ الرَّحْمَنِ عَنْ ابْنِ جَرِيحٍ عَنْ عَطَاءٍ عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ تَعَالَى الَّذِينَ إِذَا اكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ

It is narrated to us by Saeed Bin Muhammad who said, 'It is narrated to us by Bakr Bin Sahl, from Abdul Ghani Bin Saeed, from Musa Bin Abdul Rahman, from Ibn Jareeh, from Ata'a,

'From Ibn Abbas regarding Words of the Exalted: **Those, when they take a measure from the people, they take it fully [83:2] But when they measure out them, or weigh out to them, they are being deficient [83:3].**

قَالَ كَانُوا إِذَا اشْتَرَوْا يَسْتَوْفُونَ بِكَائِلٍ رَاحٍ وَإِذَا بَاعُوا يَبْخَسُونَ الْمِكْيَالَ وَالْمِيزَانَ وَكَانَ هَذَا فِيهِمْ وَانْتَهَوْا.

He said, 'Whenever they bought, they took it fully along with the extra, and whenever they sold they underestimated the measure and the weight, and this was (normal) among them, and (then) they desisted.<sup>403</sup>

4- ب، قرب الإسناد السنيديُّ بْنُ مُحَمَّدٍ عَنْ صَفْوَانَ الْجَمَّالِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع قَالَ رَسُولُ اللَّهِ ص إِنَّ فِيكُمْ خَصْلَتَيْنِ هَلَكَ فِيهِمَا مِنْ قَبْلِكُمْ أُمَّمٍ مِنَ الْأُمَمِ

(The book) 'Qurb Al Isnaad' – Al Sindy Bin Muhammad, from Safwan Al Jammal who said,

'Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Among you there are two characteristics. The communities, from (the previous) communities, were destroyed regarding these two!'

قَالُوا وَمَا هُمَا يَا رَسُولَ اللَّهِ ص

They said, 'And what are these, O Rasool-Allah<sup>-saww</sup>?'

قَالَ الْمِكْيَالُ وَالْمِيزَانُ.

He<sup>-saww</sup> said: 'The measure and the weight'.<sup>404</sup>

5- ب، قرب الإسناد عليّ عَنْ أَخِيهِ قَالَ: سَأَلْتُهُ عَنْ الرَّجُلِ يَشْتَرِي الْمَتَاعَ فِي النَّاسِيَةِ وَالْجُودِيقِ فَيَقُولُ ادْفَعْ لِلنَّاسِيَةِ رِطْلًا أَوْ أَقْلًا أَوْ أَكْثَرَ مِنْ ذَلِكَ أَيْ يَحِلُّ ذَلِكَ الْبَيْعُ

(The book) 'Qurb Al Isnaad' –

<sup>402</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 2 b

<sup>403</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 3

<sup>404</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 4

‘Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, ‘I asked him<sup>-asws</sup> about the man who buys goods by the sack (Nasiyah) and the bag (Jawaliq), and he says, ‘Give a ‘Rat’I’ for the sack!’ whether it be less or more than that, ‘Is such a sale Permissible?’

قَالَ إِذَا لَمْ يُعْلَمْ وَزُنُ النَّاسِيَةِ وَ الْجَوَالِيْقِ فَلَا بَأْسَ إِذَا تَرَاضَيَا.

He<sup>-asws</sup> said: ‘If the weight of the sack and the bag is not known, then there is no problem as long as both are in mutual agreement.’<sup>405</sup>

6- ماء، الأماالي للشيخ الطوسي المُفيد عَنْ أَحْمَدَ بْنِ الْوَلِيدِ عَنْ أَبِيهِ عَنِ الصَّفَّارِ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مَالِكِ بْنِ عَطِيَّةٍ عَنِ الثُّمَالِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: وَجَدْتُ فِي كِتَابِ عَلِيِّ بْنِ أَبِي طَالِبٍ ع إِذَا ظَهَرَ الرِّثَا مِنْ بَعْدِي ظَهَرَتْ مَوْتَةُ الْفَجَاءِ وَ إِذَا طُقِفَتِ الْمَكَائِلُ أَخَذَهُمُ اللَّهُ بِالسِّنِينَ وَ النَّقْصِ وَ إِذَا مَنَعُوا الزَّكَاةَ مَنَعَتِ الْأَرْضُ بَرَكَاتَهَا مِنَ الزَّرْعِ وَ الْبَمَارِ وَ الْمَعَادِنِ كُلِّهَا

(The book) ‘Al-Amaali’ of the sheykh Al Tusi – Al Mufeed, from Ahmad Bin Al Waleed, from his father, from Al Saffar, from Muhammad Bin Isa, from Ibn Abu Umeyr, from Malik Bin Atiyya, from Al Sumali,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘I found in the book of Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>: ‘When the adultery prevails from after me<sup>-asws</sup> the sudden death will prevail, and when the measures are defrauded Allah<sup>-azwj</sup> will Seize them with the years (of famine/drought) and the losses, and when they prevent the Zakat the ground will prevent its Blessings from the crops and the fruits and the minerals, all of them!

وَ إِذَا جَارُوا فِي الْحُكْمِ تَعَاوَنُوا عَلَى الْإِثْمِ وَ الْعُدْوَانِ وَ إِذَا نَقَضُوا الْعَهْدَ سَلَطَ اللَّهُ عَلَيْهِمْ شِرَارَهُمْ ثُمَّ تَدْعُو حِيَارَهُمْ فَلَا يُسْتَجَابُ لَهُمْ.

And when they are tyrannous in the ruling, they will assist each other upon the sinning and the aggression, and when they break the agreements Allah<sup>-azwj</sup> will Cause their evils ones to prevail upon them. Then their good ones will supplicate, but these will not be Answered for them!”<sup>406</sup>

7 ع، علل الشرائع ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ أَبَادِي عَنِ الْبَرْهِيِّ عَنِ ابْنِ حُبُوبٍ مِنْ مَالِكِ بْنِ عَطِيَّةٍ عَنِ الثُّمَالِيِّ مِثْلَهُ.

(The book) ‘Ilal Al Sharaie’ – Ibn Al Mutawakkil, from Al Sa’dabadi, from Al Barqy, from Ibn Mahboub, from Malik Bin Atiyya, from Al Sumali – similar to it.<sup>407</sup>

8- نَحْجُ، نَحْجُ الْبَلَاغَةِ وَ مِنْ خُطْبَةٍ لَهُ فِي ذِكْرِ الْمَكَائِلِ وَ الْمَوَازِينِ عِبَادَ اللَّهِ إِنَّكُمْ وَ مَا تَأْمَلُونَ مِنْ هَذِهِ الدُّنْيَا أَتَوِيَاءُ مُؤْجَلُونَ وَ مَدِينُونَ مُقْتَضُونَ أَجَلٌ مُنْقُوصٌ وَ عَمَلٌ مَحْفُوظٌ قَرَبٌ دَائِبٌ مُضْبَعٌ وَ رَبٌّ كَادِحٌ خَاسِرٌ

(The book) ‘Nahj Al Balagah’ –

‘And from his<sup>-asws</sup> sermons in mentioning the measures and the weights – ‘Servants of Allah<sup>-azwj</sup>! You and what you are wishing for from this world, are fixed-term guests and debtors

<sup>405</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 5

<sup>406</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 6

<sup>407</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 7

being called upon to pay. (It is) a short duration, and deeds are being preserved. Perhaps a persevering one would be wasting and perhaps a toiling one would be incurring losses.

وَقَدْ أَصْبَحْتُمْ فِي زَمَنٍ لَا يَزْدَادُ الْخَيْرُ فِيهِ إِلَّا إِذْبَارًا وَلَا الشَّرُّ فِيهِ إِلَّا إِقْبَالًا وَلَا الشَّيْطَانُ فِي هَلَاكِ النَّاسِ إِلَّا طَمَعًا فَهَذَا أَوَانٌ قَوِيَتْ عُذَّتُهُ وَ عَمَّتْ مَكِيدَتُهُ وَ أَمَكَنْتْ فَرِسَتُهُ

And you have come to be in a time in which the good increasing except in turning around, and the evil (is not increasing) except coming forward, and the Satan<sup>-la</sup> (is not increasing) in destroying people except in eagerness. So, this is a season his<sup>-la</sup> tools are strengthened, and his<sup>-la</sup> traps are camouflaged, and his<sup>-la</sup> discernment is enabled.

اضْرِبْ بِطَرَفِكَ حَيْثُ شِئْتَ مِنَ النَّاسِ فَهَلْ تُبْصِرُ إِلَّا فَقِيرًا يَكَايِدُ فَقْرًا أَوْ غَنِيًّا بَدَّلَ نِعْمَةَ اللَّهِ كُفْرًا أَوْ بَحِيلًا اتَّخَذَ الْبُخْلَ بِحَقِّ اللَّهِ وَقْرًا أَوْ مُتَمَرِّدًا كَانَتْ بِأُذُنِهِ عَنْ سَمْعِ الْمَوَاعِظِ وَقْرًا

Strike with your eyes (look) wherever you want at the people. Do you see except a poor one suffering in poverty, or a rich one replacing the bounties of Allah<sup>-azwj</sup> with disbelief, or a miser taking with the miserliness with the rights of Allah<sup>-azwj</sup> to have plentiful (more), or an insurgent as if he is deaf to hearing the preaching?

أَيْنَ أَخْيَارُكُمْ وَ صَلَحَاؤُكُمْ وَ أَيْنَ أَخْرَاجُكُمْ وَ سُمْخَاؤُكُمْ وَ أَيْنَ الْمُتَوَرِّعُونَ فِي مَكَاسِبِهِمْ وَ الْمُتَنَزِّهُونَ فِي مَذَاهِبِهِمْ أَلَيْسَ قَدْ طَعَنُوا جَمِيعًا عَنْ هَذِهِ الدُّنْيَا الدَّيَّيَّةِ وَ الْعَاجِلَةِ الْمُتَعَصِّةِ وَ هَلْ [خُلِقْتُمْ] خُلِقْتُمْ إِلَّا فِي خِفَالَةٍ لَا تَلْتَقِي إِلَّا بِدَمِهِمُ الشَّقَاتَانِ اسْتِصْغَارًا لِقُدْرِهِمْ وَ ذَهَابًا عَنْ ذِكْرِهِمْ

Where are your good ones and your righteous ones, and where are your free ones and your forgivers? And where are the ones pious in their earnings and the ones of integrity in their doctrines? Haven't they all departed from this lowly world and the transitory discomfort? And are you left behind, except among such refuse, the two lips do not even meet in their condemnation due to their little worth, and have gone away from even mentioning them?

فَ إِنَّا لِلَّهِ وَ إِنَّا إِلَيْهِ رَاجِعُونَ ظَهَرَ الْفَسَادُ فَلَا مُنْكَرَ مُعَيَّرٍ وَلَا رَاجِزٍ مُزْدَجِرٍ أَفَبِهَذَا تُرِيدُونَ أَنْ تُجَاوِرُوا اللَّهَ فِي دَارِ قُدْسِهِ وَ تَكُونُوا أَعَزَّ أَوْلِيَائِهِ عِنْدَهُ هَبْهَاتَ لَا يُخَدِّعُ اللَّهُ عَنْ جَنَّتِهِ وَ لَا تُنَالُ مَرْضَاتُهُ إِلَّا بِطَاعَتِهِ

So, **we are for Allah and we are returning to Him [2:156]**. The corruption has appeared, so there is neither any denier to change it nor any rebuke to rebuke it. Is it with this (behaviour) that you would be in the vicinity of Allah<sup>-azwj</sup> in His<sup>-azwj</sup> Holy House (Hereafter) and become His<sup>-azwj</sup> honourable friend in His<sup>-azwj</sup> Presence?! Far be it! Allah<sup>-azwj</sup> will not be deceived about His<sup>-azwj</sup> Paradise, nor can His<sup>-azwj</sup> Pleasure be attained except by obeying Him<sup>-azwj</sup>.

– لَعَنَ اللَّهُ الْأَمْرِينَ بِالْمَعْرُوفِ النَّارِكِينَ لَهُ وَ النََّاهِينَ عَنِ الْمُنْكَرِ الْعَامِلِينَ بِهِ

May Allah<sup>-azwj</sup> Curse the instructors of the good who are (themselves) neglecters of it, and the forbidders from the evil who (themselves) are the workers with it".<sup>408</sup>

9- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا طَفَقَتْ أُمَّتِي مَكْيَالَهَا وَ مِيزَانَهَا وَ اخْتَانُوا وَ خَفَرُوا الدِّمَّةَ وَ طَلَبُوا يَعْمَلُ الْآخِرَةَ الدُّنْيَا فَعِنْدَ ذَلِكَ يَرْكُونَ أَنْفُسَهُمْ وَ يُتَوَرَّعُ مِنْهُمْ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'Musa Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'When my<sup>-saww</sup> community defrauds its measures and its weights, and they betray and violate the trusts, and they seek the world by deeds of the Hereafter, during that they will consider themselves pure and (people) will detach from them''.<sup>409</sup>

[باب 21 أقسام الخیار و أحكامها](#)

## CHAPTER 21 – THE TYPES OF CHOICES AND THEIR RULINGS

1- ب، قرب الإسناد حماد بن عيسى قال سمعت أبا عبد الله ع يقول إن جدي علي بن الحسين ع قال: كَانَ الْقَضَاءُ فِيمَا مَضَى إِذَا ابْتَاعَ الرَّجُلُ الْجَارِيَةَ فَوَطَّئَهَا ثُمَّ يَطْهَرُ عَيْبٌ أَنَّ الْبَيْعَ لَا زِمَ لَا يُرَدُّ وَ يَأْخُذُ أَزْشَ الْعَيْبِ.

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'My<sup>-asws</sup> grandfather<sup>-asws</sup> Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> said: 'The ruling in the past was that if a man bought a slave girl, had union with her, and then a defect became apparent, the sale would be binding and not subject to return, and he would take indemnity (compensation) for the defect''.<sup>410</sup>

2- ب، قرب الإسناد ابن رباب قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ اشْتَرَى جَارِيَةً لِمَنِ الْخِيَارُ لِلْمُشْتَرِي أَوْ لِلْبَائِعِ أَوْ لِكِلَاهُمَا

(The book) 'Qurb Al Isnaad' – Ibn Riab who said,

'I asked Abu Abdullah<sup>-asws</sup> about a man who buy a slave girl, 'Who has the option (of cancelling the sale), the buyer, the seller, or both of them?'

قَالَ فَقَالَ الْخِيَارُ لِمَنِ اشْتَرَى ثَلَاثَةَ أَيَّامٍ نَظَرَةً فَإِذَا مَضَتْ ثَلَاثَةُ أَيَّامٍ فَقَدْ وَجِبَ الشِّرَاءُ

He (the narrator) said: 'He<sup>-asws</sup> said: 'The option belongs to the buyer for three days as a period of consideration. If three days pass, the purchase becomes obligatory (binding)'.<sup>410</sup>

قُلْتُ لَهُ أَرَأَيْتَ إِنْ قَبَّلَهَا الْمُشْتَرِي أَوْ لَامَسَ

I said to him<sup>-asws</sup>, 'What is your<sup>-asws</sup> view, if the buyer kisses her or touches her?'

<sup>409</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 20 H 9

<sup>410</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 1

قَالَ فَقَالَ إِذَا قَبِلَ أَوْ لَامَسَ أَوْ نَظَرَ مِنْهَا إِلَى مَا يَحْرُمُ عَلَى غَيْرِهِ فَقَدْ انْقَضَى الشَّرْطُ وَ لَزِمَتْهُ.

He<sup>-asws</sup> said: 'If he kisses, touches, or looks at what is unlawful for others to see, then the condition is void, and the sale becomes binding upon him'.<sup>411</sup>

3- ل، الخصال أبي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنِ ابْنِ مَحْبُوبٍ عَنْ جَمِيلٍ عَنْ فَضِيلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لَهُ مَا الشَّرْطُ فِي الْحَيَوَانِ

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Jameel, from Fuzeyl Bin Yasaar,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, 'What is the condition regarding the living beings?'

قَالَ ثَلَاثَةُ أَيَّامٍ لِلْمُشْتَرِي

He<sup>-asws</sup> said: 'Three days for the buyer'.

قُلْتُ فَمَا الشَّرْطُ فِي غَيْرِ الْحَيَوَانِ

I said, 'So what is the condition regarding other than the living beings?'

قَالَ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا فَإِذَا افْتَرَقَا فَلَا خِيَارَ بَعْدَ الرِّضَا مِنْهُمَا.

He<sup>-asws</sup> said: 'Both the two sellers are with the choice for as long as they (buyer and seller) have not separated. When they do separate, there is no choice after the agreement from them'.<sup>412</sup>

4- ل، الخصال ابنُ الْمُتَوَكِّلِ عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ رَفَعَهُ إِلَى الْحُسَيْنِ بْنِ زَيْدٍ عَنْ آبَائِهِ عَنْ عَلِيِّ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا التَّاجِرَانِ صَدَقَا وَ بَرَّا بُورِكَ لَهُمَا وَ إِذَا كَذَبَا وَ خَانَا لَمْ يُبَارَكْ لَهُمَا وَ هُمَا بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا فَإِنْ احْتَلَقَا فَالْقَوْلُ قَوْلُ رَبِّ السِّلَعَةِ أَوْ يَتَّزَكَا.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Muhammad Al Attar, from Al Ash'ary, raising it to Al-Husayn Bin Zaid, from his forefathers,

'From Ali<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'If two traders are honest and truthful, they will be Blessed, but if they lie and betray, no Blessing will be Given to them. They have the option (to cancel the sale) as long as they have not separated. If they disagree, then the word is accepted from the owner of the goods, or they should abandon the transaction!'<sup>413</sup>

<sup>411</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 2

<sup>412</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 3

<sup>413</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 4



5- ماء، الأماالي للشيخ الطوسي عَنِ ابْنِ عُمَرَ قَالَ قَالَ النَّبِيُّ ص مَنِ اشْتَرَى شَاءَ مُصَرَّةً فَهُوَ بِالْخِيَارِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – From Ibn Umar who said,

'The Prophet<sup>-saww</sup> said: 'Whoever buys a she-camel or ewe whose milk has been retained (i.e., not milked to deceive the buyer), then he is with the choice (to return it)'.<sup>414</sup>

6- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ الرَّجَّائِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عُبَيْدٍ رَفَعَهُ إِلَى النَّبِيِّ ص قَالَ: لَا تُصَرُّوا الْإِبِلَ وَالْأَنْعَمَ مَنِ اشْتَرَى مُصَرَّةً فَهُوَ بِأَحْرِ النَّظَرَيْنِ إِنْ شَاءَ رَدَّهَا أَوْ رَدَّ مَعَهَا صَاعاً مِنْ تَمْرٍ.

(The book) 'Ma'any Al Akhbar' – Muhammad Bin Haroun Al Zanjany, from Ali Bin Abdul Aziz, from Abu Ubeyd raising it to,

'The Prophet<sup>-saww</sup> said: 'Do not bind the udders of camels and sheep (to deceive buyers). Whoever buys an animal whose milk has been retained has the right of final choice, if he wishes, he may return it, or return it along with a Sa'a (unit of measure) of dates'.<sup>415</sup>

7- وَ فِي حَدِيثٍ آخَرَ مَنِ اشْتَرَى مُحَفَّلَةً فَرَدَّهَا فَلْيَرُدَّ مَعَهَا صَاعاً.

And in another Hadeeth: 'One who buys an animal with retained milk and returns it, let him return it along with a Sa'a (unit of measure of dates)'.<sup>416</sup>

8 ل، الخصال ماجيلويه عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ الْبُظْطِينِيِّ عَنِ ابْنِ فَضَّالٍ عَنِ الرِّضَا ع قَالَ: فِي أَرْبَعَةِ أَشْيَاءَ خِيَارٌ سَنَةِ الْجُنُونِ وَالْجَذَامِ وَالْبَرَصِ وَالْقَرْنِ.

(The book) 'Al Khisaal' – Majaylawiya, from Muhammad Al Attar, from Al Ash'ary, from Al Yaqteeny, from Ibn Fazzal,

'From Al-Reza<sup>-asws</sup> having said: 'In four things there is choice for a year (to cancel a sale) – the insane, and the leprosy, and the vitiligo, and the damaged genitals'.<sup>417</sup>

9- ضا، فقه الرضا عليه السلام رُوي إِذَا صَفَّقَ الرَّجُلُ عَلَى الْبَيْعِ فَقَدْ وَجَبَ وَ إِنْ لَمْ يَفْتَرِقَا.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>: 'It is reported that when a man strikes hands on a sale (i.e. confirms it by gesture), the sale becomes binding even if they have not yet separated'.<sup>418</sup>

10- وَ رُوي أَنَّ الشَّرْطَ فِي الْحَيَوَانِ ثَلَاثَةٌ أَيَّامٍ اشْطَرَطَ أَوْ لَمْ يَشْطَرَطَ.

<sup>414</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 5

<sup>415</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 6

<sup>416</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 7

<sup>417</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 8

<sup>418</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 9

And it is reported that the condition regarding the living beings is of three days, whether it has been stipulated or not stipulated.<sup>419</sup>

11- **وَرُوي** فِي الرَّجُلِ يَشْتَرِي الْمَتَاعَ فَيَجِدُ بِهِ عَيْبًا يُوجِبُ الرَّدَّ فَإِنْ كَانَ الْمَتَاعُ قَائِمًا بِعَيْنِهِ رَدَّ عَلَى صَاحِبِهِ وَإِنْ كَانَ قَدْ قُطِعَ أَوْ خِيطَ أَوْ حَدَّثَتْ فِيهِ خَادِئَةٌ رَجَعَ فِيهِ بِتُقْصَانِ الْعَيْبِ عَلَى سَبِيلِ الْأَرْضِ.

And it is reported regarding the man who buys the merchandise and finds in it a defect that justifies returning it - if the merchandise is still present in its original state, it is to be returned to its owner. But if it has been cut, sewn, or something has occurred to it, then he is to be compensated for the defect through a reduction in the price by way of indemnity (compensation).<sup>420</sup>

12- **وَرُوي** أَنَّ كُلَّ زَائِدَةٍ فِي الْبَدَنِ مِمَّا هُوَ فِي أَصْلِ الْخَلْقِ نَاقِصٌ مِنْهُ يُوجِبُ الرَّدَّ فِي الْبَيْعِ وَاعْلَمْ أَنَّ الْبَائِعِينَ بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا فَإِذَا افْتَرَقَا فَلَا خِيَارَ لَوَاحِدٍ مِنْهُمَا

And it is reported that any extra part on the body or any deficiency in what is normally part of the natural creation is grounds for returning an item in a sale. Know that both parties to the sale have the option (to cancel) as long as they have not separated. Once they separate, neither of them has the option any more.

فَإِنْ خَرَجَ فِي السِّلْعَةِ عَيْبٌ وَاعْلَمْ الْمُشْتَرِي فَالْخِيَارُ إِلَيْهِ إِنْ شَاءَ رَدَّ وَإِنْ شَاءَ أَخَذَهُ أَوْ رَدَّ عَلَيْهِ بِالْقِيَمَةِ أَرْضَ الْعَيْبِ وَإِنْ كَانَ الْعَيْبُ فِي بَعْضِ مَا اشْتَرَى وَارَادَ أَنْ يَرُدَّهُ عَلَى الْبَائِعِ رَدَّهُ وَرَدَّ عَلَيْهِ بِالْقِيَمَةِ وَالْقِيَمَةُ أَنْ تُقَوَّمَ السِّلْعَةُ صَحِيحَةً وَتُقَوَّمَ مَعِيَةً فَيُعْطَى الْمُشْتَرِي مَا بَيْنَ الْقِيَمَتَيْنِ.

If a defect is found in the item and the buyer becomes aware of it, then the choice is his, if he wishes, he may return it, or if he wishes, he may keep it and take compensation equal to the value of the defect. If the defect is in part of what was purchased and he wishes to return that part to the seller, he may do so and be compensated accordingly. The compensation is determined by evaluating the item in its sound condition and then in its defective condition, and the buyer is given the difference in value between the two”.<sup>421</sup>

باب 22 بيع السلف و النسيئة و أحكامها

## CHAPTER 22 – THE SALE OF ADVANCE PAYMENT AND THE DEFERRED PAYMENT, AND THEIR RULINGS

1- ب، قرب الإسناد عَنْ عَلِيٍّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ السَّلَمِ فِي الدَّيْنِ قَالَ إِذَا قَالَ اشْتَرَيْتُ مِنْكَ كَذَا وَكَذَا بِكَذَا فَلَا بَأْسَ

(The book) ‘Qurb Al Isnaad’ –

<sup>419</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 10

<sup>420</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 11

<sup>421</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 12

'From Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about advance payment in debt. He<sup>-asws</sup> said: 'If someone says, 'I have purchased from you such and such for such and such', then there is no problem'.

وَسَأَلْتُهُ عَنْ رَجُلٍ يُسَلِّمُ فِي النَّخْلِ قَبْلَ أَنْ يَطْلُعَ قَالَ لَا يَصْلُحُ السَّلَامُ فِي النَّخْلِ

And I asked him<sup>-asws</sup> about a man who pays in advance for dates before they appear. He<sup>-asws</sup> said: 'Advance payment in dates is not correct'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ عَلَى آخَرٍ كُرٌّ مِنْ حِنْطَةٍ أَوْ يَأْخُذُ بِكَئِلِهَا شَعِيرًا أَوْ تَمْرًا قَالَ إِذَا تَرَاضَيَا فَلَا بَأْسَ

He said, 'And I asked him about a man who is owed a 'Kur' (unit of measure) of wheat by another, Can he take barley or dates instead, by its measure?' He<sup>-asws</sup> said: 'If they both agree, there is no problem'.

وَقَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ عَلَى رَجُلٍ آخَرٍ تَمْرٌ أَوْ حِنْطَةٌ أَوْ شَعِيرٌ أَوْ يَأْخُذُ بِقِيَمَتِهِ دِرَاهِمَ قَالَ فَسَدَ لِأَنَّ أَصْلَ الشَّيْءِ دِرَاهِمٌ

He said, 'I asked him about a man who is owed dates, wheat, or barley, can he take their value in Dirhams?' He<sup>-asws</sup> said: 'That is invalid, because the original basis of the item is Dirhams'.

قَالَ إِذَا قَوَّمُوهُ فَسَدَ لِأَنَّ أَصْلَ مَالِهِ الَّذِي يُشْتَرَى بِهِ دِرَاهِمٌ فَلَا يَصْلُحُ لَهُ دِرْهَمٌ بِدِرْهَمٍ.

He<sup>-asws</sup> said: 'If they assign a value to it, it becomes invalid, because the original capital with which it was purchased is Dirhams, so it is not valid to exchange Dirham for Dirham'.<sup>422</sup>

2- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ بَاعَ بَيْعًا إِلَى أَجَلٍ فَجَاءَ الْأَجَلُ وَ الْبَيْعُ عِنْدَ صَاحِبِهِ فَأَتَاهُ الْبَائِعُ فَقَالَ بَعْثِي الَّذِي اشْتَرَيْتَ مِنِّي وَ حُطَّ عَنِّي كَذَا وَ كَذَا وَ أَقَاصُكَ بِمَا لِي عَلَيْكَ أَ يَحِلُّ ذَلِكَ

And I asked him<sup>-asws</sup> about a man who sold something on deferred payment, and when the due date arrived, the item was still with the buyer, the seller then came to him and said, 'Sell me what you bought from me, and I will reduce such-and-such from the price, and we will settle it against what you owe me'. Is that Permissible?'

قَالَ إِذَا تَرَاضَيَا فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'If they both agree, then there is no problem'.<sup>423</sup>

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ بَاعَ ثَوْبًا بِعَشْرَةِ دِرَاهِمَ إِلَى أَجَلٍ ثُمَّ اشْتَرَاهُ بِخَمْسَةِ دِرَاهِمَ أَ يَحِلُّ

<sup>422</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 1

<sup>423</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 2

He said, 'And I asked him<sup>-asws</sup> about a man who sold a garment for ten Dirhams on deferred payment, then bought it back for five Dirhams, Is that Permissible?'

قَالَ إِذَا لَمْ يَشْتَرِطْ وَ رَضِيَ فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'If there was no prior condition and both parties agreed, then there is no problem.'<sup>424</sup>

4- ب، قرب الإسناد ابن عيسى عَنِ الْبَرْقُطِيِّ قَالَ: قُلْتُ لِلرِّضَا ع أَخْرِجْ إِلَى الْجَبَلِ وَ إِنَّهُمْ قَوْمٌ مِلَاءٌ وَ نَحْنُ نَحْتَمِلُ التَّأْخِيرَ فَنُبَايِعُهُمْ بِتَأْخِيرِ سَنَةٍ

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

'I said to Al-Reza<sup>-asws</sup>, 'We tend to go out to the mountain, and they are a people who delay payment, and we can endure the delay. Can we sell to them with deferred payment to a year?'

قَالَ بَعْضُهُمْ

He<sup>-asws</sup> said: 'Sell it to them'.

قُلْتُ سَنَتَيْنِ

I said, 'Two years?'

قَالَ بَعْضُهُمْ

He<sup>-asws</sup> said: 'Sell it to them'.

قُلْتُ ثَلَاثَ سِنِينَ

I said, 'Three years?'

قَالَ لَا يَكُونُ لَكَ شَيْءٌ أَكْثَرَ مِنْ ثَلَاثِ سِنِينَ.

He<sup>-asws</sup> said: 'No! Nothing can be for you more than three years!'<sup>425</sup>

5- سر، السرائر من كتاب المسائل عن محمد بن أحمد بن محمد بن زياد و موسى بن محمد بن علي بن عيسى عن محمد بن علي بن عيسى عن طاهر قال: كتبت إلى أبي الحسن ع أسأله عن الرجل يعطي الرجل مالا يبيعه به شيئاً بعشرين درهماً ثم يحول عليه الحول فلا يكون عنده شيء فيبيعه شيئاً آخر فأجابني ما يبايعه الناس حلالاً و ما لم يبايعوه قرباً.

(The book) 'Al Saraair', from 'Kitab Al Masaail' – from Muhammad Bin Ahmad Bin Muhammad Bin Ziyad, and Musa Bin Muhammad Bin Ali Bin Isa, from Muhammad Bin Ali Bin Isa, from Tahir who said,

<sup>424</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 3

<sup>425</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 4

'I wrote to Abu Al-Hassan<sup>-asws</sup> asking him<sup>-asws</sup> about the man who gives wealth to the man to sell (and buy) something with it for twenty Dirhams. Then the year passes by upon him and there does happen to be anything in his possession, so he sells (trades for) something else. He<sup>-asws</sup> answered me: 'Whatever the people trade is Permissible and whatever they do not trade, so it is usury (interest, if more than original amount is demanded)'.<sup>426</sup>

(so he cannot take additional amount if there is no profit from the trade, either it was carried out or due to no activity)

#### باب 5 الربا و أحكامها

### CHAPTER 23 – THE USURY (INTEREST) AND ITS RULINGS

1- **تَحْتِ الْبَلَاغَةِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع قَالَ النَّبِيُّ ص عِنْدَ ذِكْرِ أَهْلِ الْفِتْنَةِ فَيَسْتَجْلُونَ الْحَمْرَ بِالْبَيْدِ وَ السُّحْتِ بِالْهَدْيَةِ وَ الرِّبَا بِالْبَيْعِ.**

(The book) 'Nahj Al Balagah' –

'Amir Al-Momineen<sup>-asws</sup> said: 'The Prophet<sup>-saww</sup> said at the mention of the Fitna: 'They permitted the wine through Al-Nabeez, and the ill-gotten gains as the gifts, and the interest as the selling (money)'.<sup>427</sup>

2- **الْهَدَايَةُ، لَيْسَ الرِّبَا إِلَّا فِيْمَا يُكَالُ أَوْ يُوزَنُ وَ دِرْهَمٌ رِبَاً أَعْظَمُ مِنْ سَبْعِينَ زَنْبَةً كُلُّهَا يَذَاتِ مَحْرَمٍ وَ الرِّبَا رِبَاءَانِ رِبَاً يُؤْكَلُ وَ رِبَاً لَا يُؤْكَلُ**

(The book) 'Al Hidayah' –

'Usury (interest) exists only in what is measured by volume or by weight. A single Dirham taken as usury is more severe than seventy acts of fornication, all committed with a close blood relative. Usury is of two kinds - usury that is consumed and usury that is not consumed.

**فَأَمَّا الَّذِي يُؤْكَلُ فَهَدْيُكَ إِلَى الرَّجُلِ تُرِيدُ الثَّوَابَ أَفْضَلَ مِنْهَا وَ أَمَّا الَّذِي لَا يُؤْكَلُ فَهُوَ أَنَّ يَدْفَعَ الرَّجُلُ عَشْرَةَ دَرَاهِمَ عَلَى أَنْ يَرُدَّ عَلَيْهِ أَكْثَرُ مِنْهَا فَهُوَ الرِّبَا الَّذِي هُوَ اللَّهُ عَنْهُ**

As for the usury that is consumed, it is when you give a gift to someone intending a better return from him (optional, as he may return less or more or not at all). As for the usury that is not consumed, it is when a man gives ten Dirhams on the condition that more than that will be returned to him. This is the usury that Allah<sup>-azwj</sup> has Forbidden.

**وَ مَنْ أَكَلَ الرِّبَا بَجَهَالَةٍ وَ هُوَ لَا يَعْلَمُ أَنَّهُ حَرَامٌ فَلَهُ مَا سَلَفَ وَ لَا إِثْمَ عَلَيْهِ فِيْمَا لَا يَعْلَمُ وَ مَنْ عَادَ فَأُولَئِكَ مِنْ أَصْحَابِ النَّارِ.**

<sup>426</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 5

<sup>427</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 1

Whoever consumes usury out of ignorance, not knowing it is Forbidden, then what has already passed is excused, and there is no sin upon him for what he did not know. But whoever returns to it, they are from companions of the Fire!”<sup>428</sup>

3- كِتَابُ الْإِمَامَةِ وَالتَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيٍّ بْنِ أَشْبَاطٍ عَنْ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنِ النَّبِيِّ ص قَالَ: شَرُّ الْكَسْبِ كَسْبُ الرِّبَا الْحَبِيرِ.

(The book) ‘Kitab Al Imama Wa Al Tabsira’ – From Haroun Bin Musa, from Muhammad Bin Ali, from Muhammad Bin Al-Husayn, from Ali Bin Asbaat, from Ibn Fazzal,

‘From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup>, from his<sup>asws</sup> forefathers<sup>asws</sup>, from the Prophet<sup>saww</sup> having said: ‘The worst earning is earning the usury (interest)’ – the Hadeeth”<sup>.429</sup>

4- ع، علل الشرائع أحمد بن محمد العلوي عن محمد بن أسباط عن أحمد بن محمد بن زياد عن أحمد بن محمد بن عبد الله عن عيسى بن جعفر العلوي الغمري عن آبائه عن علي ع أنه سئل مم خلق الله الشعير

(The book) ‘Ilal Al Sharie’ – Ahmad Bin Muhammad Al Alawy, from Muhammad Bin Asbaat, from Ahmad Bin Muhammad Bin Ziyad, from Ahmad Bin Muhammad Bin Abdullah, from Isa Bin Ja’far Al Alawy Al Umari, from his forefathers,

‘From Ali<sup>asws</sup>, he<sup>asws</sup> was asked, ‘From what did Allah<sup>azwj</sup> Create barley?’

فَقَالَ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى أَمَرَ آدَمَ ع أَنْ ازْرَعْ بِمَا اخْتَرْتَ لِنَفْسِكَ

He<sup>asws</sup> said: ‘Indeed, Allah<sup>azwj</sup>, Blessed and Exalted, Commanded Adam<sup>as</sup>, “Plant from what you<sup>as</sup> have chosen for yourself<sup>as</sup>!”

وَ جَاءَ جِبْرِيلُ بِقُبْضَةٍ مِنَ الْخِنْطَةِ فَقَبَضَ آدَمُ عَلَى قُبْضَةٍ وَ قَبَضَتْ حَوَاءُ عَلَى أُخْرَى فَقَالَ آدَمُ لِحَوَاءَ لَا تَزْرَعِي أَنْتِ

So, Jibraeel<sup>as</sup> came with a handful of wheat. Adam<sup>as</sup> took one handful, and Hawwa took another. Adam<sup>as</sup> said to Hawwa<sup>as</sup>: ‘Do not plant!’

فَلَمْ تَقْبَلْ أَمَرَ آدَمَ فَكُلَّمَا زَرَعَ آدَمُ جَاءَ خِنْطَةٌ وَ كُلَّمَا زَرَعَتْ حَوَاءُ جَاءَ شَعِيرًا.

But she<sup>as</sup> did not accept the instructions of Adam<sup>as</sup>. Every time Adam<sup>as</sup> planted, wheat grew, and every time Hawwa<sup>as</sup> planted, barley grew”<sup>.430</sup>

5- لي، الأما لي للصدوق أحمد بن علي بن إبراهيم عن أبيه عن حماد بن عيسى عن الحسين بن المختار عن أبي بصير عن أبي عبد الله ع قال: دَرَجَهُمْ رَبًّا أَعْظَمَ عِنْدَ اللَّهِ مِنْ ثَلَاثِينَ زَنْبَةً كُلُّهَا بِذَاتِ حَرَمٍ مِثْلَ حَالَتِهِ وَ عَمَّتِهِ.

<sup>428</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 2

<sup>429</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 3

<sup>430</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 4

(The book) 'Al Amaali' of Al Sadouq – Ahmad Bin Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Al-Husayn Bin Al Mukhtar, from Abu Baseer,

'From Abu Abdullah<sup>-asws</sup> having said: 'A Dirham of usury is more grievous in the Presence of Allah<sup>-azwj</sup> than thirty acts of adultery, all of these being with someone with sanctity, like his maternal aunt or paternal aunt''.<sup>431</sup>

6- ضا، فقه الرضا عليه السلام قَالَ أَبُو جَعْفَرٍ ع دَرَاهِمُ رِبَاً أَكْثَرُ عِنْدَ اللَّهِ مِنْ أَرْبَعِينَ زَنْبَةً

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Abu Ja'far<sup>-asws</sup> said; 'A Dirham of usury is more grievous in the Presence of Allah<sup>-azwj</sup> than forty acts of adultery!'

وَقَالَ السُّحْتُ الرِّبَا

And he<sup>-asws</sup> said: 'The ill-gotten gains are usury!'

وَسُئِلَ عَنِ الْخُبْرِ بَعْضُهُ أَكْبَرُ مِنْ بَعْضٍ قَالَ لَا يَأْسُ إِذَا أَقْرَضْتَهُ.

And he<sup>-asws</sup> was asked about the bread, part of it bigger than a part. He<sup>-asws</sup> said: 'There is no problem if he has lent it''.<sup>432</sup>

7- لي، الأماالي للصدوق في مناهي النبي ص أَنَّهُ هِيَ عَنْ أَكْلِ الرِّبَا وَ شَهَادَةِ الزُّورِ وَ كِتَابَةِ الرِّبَا.

(The book) 'Al Amaali' of Al Sadouq –

'Among prohibitions by the Prophet<sup>-saww</sup>, he<sup>-saww</sup> prohibited from consuming the usury, and the false testimony, and recording the (transaction of) usury''.<sup>433</sup>

8- وَقَالَ ص إِنَّ اللَّهَ عَزَّ وَ جَلَّ لَعَنَ آكِلَ الرِّبَا وَ مُوَكَّلَهُ وَ كَاتِبَهُ وَ شَاهِدِيهِ.

And he<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> Mighty and Majestic has Cursed the consumer of usury, and its feeder (giver), and its recorder, and its two witnesses''.<sup>434</sup>

9- وَ هِيَ عَنْ بَيْعِ الذَّهَبِ بِالذَّهَبِ زِيَادَةً إِلَّا وَزْناً بِوَزْنٍ.

And he<sup>-saww</sup> forbade from selling the gold for the more gold except weight by (same) weight''.<sup>435</sup>

<sup>431</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 5

<sup>432</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 6

<sup>433</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 7

<sup>434</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 8

<sup>435</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 9

10- لي، الأماالي للصدوق أبي عن علي عن أبيه عن صفوان عن الكِنَانِي ع قَالَ قَالَ رَسُولُ اللَّهِ ص شَرُّ الْكَسْبِ كَسْبُ الرِّبَا.

(The book) 'Al Amaali' of Al Sadouq – My father, from Ali, from his father, from Safwan, from Al Kinani,

'From Al Sadiq<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'The worst earnings is the earning of usury (interest)'.<sup>436</sup>

11- فس، تفسير القمي أبي عن ابن أبي عمير عن هشام عن أبي عبد الله ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَمَّا أُسْرِيَ بِي إِلَى السَّمَاءِ رَأَيْتُ قَوْمًا يُرِيدُ أَخَذَهُمْ أَنْ يَقُومَ فَلَا يَقْدِرُ أَنْ يَقُومَ مِنْ عَظَمِ بَطْنِهِ فَقُلْتُ مَنْ هَؤُلَاءِ يَا جَبْرَيْلُ

(The book) 'Tafseer Al Qummi' – My father, from Ibn Abu Umeyr, from Hisham,

'From Abu Abdullah<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'When there was an ascension with me<sup>saww</sup> to the sky, I<sup>saww</sup> saw a people, one of them wanted to stand up but was not able upon it due to the largeness of his belly. I<sup>saww</sup> said: 'Who are they, O Jibraeel<sup>as</sup>?'

قَالَ هَؤُلَاءِ الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِ وَ إِذَا هُمْ بِسَبِيلِ آلِ فِرْعَوْنَ يُعْرَضُونَ عَلَى النَّارِ عُذُوًا وَ عَشِيًّا يَقُولُونَ رَبَّنَا مَتَى تَقُومُ السَّاعَةُ.

He<sup>as</sup> said: 'They are **those who are consuming the interest are not standing except as the standing of the one whom the Satan has confused him from the craze [2:275]**, and then they are the people of Pharaoh<sup>la</sup>. They are being presented to the Fire morning and evening. They said, 'Our Lord<sup>azwj</sup>! When will the House be established?'<sup>437</sup>

12- فس، تفسير القمي يَحْقُ اللَّهُ الرِّبَا وَ يُرِي الصَّدَقَاتِ قَالَ قِيلَ لِلصَّادِقِ ع قَدْ نَرَى الرَّجُلَ يُرِي وَ مَالُهُ يَكْثُرُ

(The book) 'Tafseer Al-Qummi' - **Allah Obliterates the interest, and He Nourishes the charities; [2:276]**. He said, 'It was said to Al-Sadiq<sup>asws</sup>, 'We have seen the man dealing in usury and yet his wealth increases!'

فَقَالَ يَحْقُ اللَّهُ دِينَهُ وَ إِنْ كَانَ مَالُهُ يَكْثُرُ.

He<sup>asws</sup> said: 'Allah<sup>azwj</sup> Obliterates his religion, and even if his wealth increases''<sup>438</sup>

13- فس، تفسير القمي أبي عن ابن أبي عمير عن جميل عن أبي عبد الله ع قَالَ: دَرَبَهُمْ رَبًّا أَغْظَمَ عِنْدَ اللَّهِ مِنْ سَبْعِينَ زَنْيَةً بَدَاتِ مُحَرَّمٍ فِي بَيْتِ اللَّهِ الْحَرَامِ

(The book) 'Tafseer Al Qummi' – My father, from Ibn Abu Umeyr, from Jameel,

<sup>436</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 10

<sup>437</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 11

<sup>438</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 12



'From Abu Abdullah<sup>-asws</sup> having said: 'A Dirham of usury is more grievous in the Presence of Allah<sup>-azwj</sup> than seventy acts of adultery with someone with sanctimony in the House of Allah<sup>-azwj</sup>!'

وَقَالَ الرَّبَا سَبْعُونَ جُزْءاً أَيْسَرُهُ أَنْ يَنْكِحَ الرَّجُلُ أُمَّهُ فِي بَيْتِ اللَّهِ الْحَرَامِ.

And he<sup>-asws</sup> said: 'The usury is of seventy segments. The least of it is the man has been immoral to his mother in the Sacred House of Allah<sup>-azwj</sup>!'<sup>439</sup>

14- ضا، فقه الرضا عليه السلام قَالَ أَبُو عَبْدِ اللَّهِ ع مَا خَلَقَ اللَّهُ خَلَالًا وَ لَا حَرَامًا إِلَّا وَ لَهُ حُدُودٌ كَحُدُودِ الدَّارِ فَمَا كَانَ مِنْ حُدُودِ الدَّارِ فَهُوَ مِنَ الدَّارِ حَتَّى أَزْشُ الْحُدُوشِ فَمَا سِوَاهُ وَ الْجُلْدَةُ وَ نِصْفُ الْجُلْدَةِ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Abu Abdullah<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> neither Created lawful and unlawful except and there is a boundary for it like boundaries of the house. Thus, whatever is from the boundary of the house, it is from the house, to the extent of compensation of a scratch and whatever is besides it, and a lash and half the lash.

وَ إِنْ رَجُلًا أَزْشَى دَهْرًا مِنَ الدَّهْرِ فَخَرَجَ قَاصِدًا أَبَا جَعْفَرٍ ع فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ لَهُ خُزْجِكَ مِنْ كِتَابِ اللَّهِ يَقُولُ اللَّهُ فَمَنْ جَاءَهُ مُوعِظَةٌ مِنْ رَبِّهِ فَأَنْتَهَى فَلَهُ مَا سَلَفَ

A man once dealt in usury for a long time, then set out intending to see Abu Ja'far<sup>-asws</sup> and asked him about it. He<sup>-asws</sup> said to him: 'Your way out is from the Book of Allah<sup>-azwj</sup> whereby Allah<sup>-azwj</sup> Says: where Allah<sup>-azwj</sup> says: **So the one to whom comes an Advice from his Lord, and he ends it, then for him would be what has passed [2:275]!**

وَ الْمَوْعِظَةُ هِيَ التَّوْبَةُ فَجَهْلُهُ بِتَحْرِيمِهِ ثُمَّ مَعْرِفَتُهُ بِهِ فَمَا مَضَى فَخَلَالَ وَ مَا بَقِيَ فَلْيَحْفَظْ.

And the advice, it is the repentance. He was ignorant of its Prohibition, then knew it, then acknowledged it. Thus, whatever has passed, it is Permissible, and whatever remains, let him protect".<sup>440</sup>

15- أَبِي قَالَ وَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَكُونُ الرَّبَا إِلَّا فِيمَا يُوزَنُ أَوْ يُكَالُ وَ مَنْ أَكَلَهُ جَاهِلًا بِتَحْرِيمِ اللَّهِ لَهُ لَمْ يَكُنْ عَلَيْهِ شَيْءٌ.

My father said, 'And Abu Abdullah<sup>-asws</sup> said: 'The usury cannot be, except in what can be weighed or measured, and one who consumes it out of ignorance of the Prohibition of Allah<sup>-azwj</sup>, there would not be anything upon him".<sup>441</sup>

16- ضه، روضة الواعظين قَالَ أَمِيرُ الْمُؤْمِنِينَ ع مَعَاشِرَ النَّاسِ الْفَقْهُ ثُمَّ الْمَنْجَرُ وَ اللَّهُ لِلرَّبَا فِي هَذِهِ الْأُمَّةِ أَخْفَى مِنْ دَيْبِ النَّمْلِ عَلَى الصَّفَا.

(The book) 'Rowzat Al Waizeen' –

<sup>439</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 13

<sup>440</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 14

<sup>441</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 15

'Amir Al-Momineen<sup>-asws</sup> said: 'Community of people! The understanding (first), then the trading! By Allah<sup>-azwj</sup>, the usury tends to be more stealthier in this community than steps of the an upon the solid rock!'<sup>442</sup>

17- وَقَالَ ع مَنْ لَمْ يَتَفَقَّهْ فِي دِينِهِ ثُمَّ اجْتَرَ ارْتَضَمَ فِي الرِّبَا ثُمَّ ارْتَضَمَ.

And he<sup>-asws</sup> said: 'One who does not ponder in his religion, then he trades, will plunge into the usury, then plunge (again)'.<sup>443</sup>

18- فس، تفسير القمي يا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ فَإِنَّهُ كَانَ سَبَبَ نُزُولِهَا أَنَّهُ لَمَّا أُنْزِلَ اللَّهُ الَّذِينَ يَأْكُلُونَ الرِّبَا الْأَيَّةَ فَقَامَ خَالِدُ بْنُ الْوَلِيدِ إِلَى رَسُولِ اللَّهِ ص فَقَالَ يَا رَسُولَ اللَّهِ ص رَبِّي أَبِي فِي تَقْيِفٍ وَ قَدْ أَوْصَانِي عِنْدَ مَوْتِهِ بِأَخْذِهِ

Tafseer Al-Qummi - **O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest if you are Momineen [2:278].** The reason for its Revelation – When Allah<sup>-azwj</sup> Revealed the Verse: **those who are consuming the interest [2:275],** Khalid Bin Al Waleed stood up to Rasool-Allah<sup>-saww</sup>. He said, 'O Rasool-Allah<sup>-azwj</sup>! There is usury (interest) due to my father in Saqueef, and he had bequeathed me at his death, to take it!'

فَأَنْزَلَ اللَّهُ تَعَالَى يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِمَرْبٍ مِنَ اللَّهِ وَ رَسُولِهِ قَالَ مَنْ أَخَذَ الرِّبَا وَجِبَ عَلَيْهِ الْقِتْلُ وَ كُلُّ مَنْ أَرَى وَجِبَ عَلَيْهِ الْقِتْلُ.

So, Allah<sup>-azwj</sup> the Exalted Revealed: **O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest if you are Momineen [2:278] But if you don't do it, then be Notified of a war from Allah And His Rasool; [2:279].** He<sup>-saww</sup> said: 'One who takes the usury, being killed is obligated upon him, and every one who takes usury, being killed is obligated upon him'.<sup>444</sup>

19- ب، قرب الإسناد علي عن أخيه ع قال: سألتُهُ عَنْ رَجُلٍ اشْتَرَى سَمْنًا فَقَضَلَ لَهُ فَضْلٌ أَيْحِلُّ لَهُ أَنْ يَأْخُذَ مَكَانَهُ رِطْلًا أَوْ رِطْلَيْنِ زَيْتًا

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man I asked him about a man who bought clarified butter and there remained an excess, 'Would it be Permissible for him to take in its place a Rat'l or two of oil?'

قَالَ إِذَا اخْتَلَفَا أَوْ تَرَاضَيَا فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'If they differ in kind or agree by mutual consent, then there is no problem.'<sup>445</sup>

20- ل، الخصال ابْنُ الْوَلِيدِ عَنْ مُحَمَّدِ بْنِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ الْجَامُورِيِّ عَنِ الْوَلَوِيِّ عَنِ الْحُسَيْنِ بْنِ يُونُسَ عَنِ الْحُسَيْنِ بْنِ زَيْنَادِ الْعَطَّارِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع ثَلَاثَةٌ فِي حِزِّ اللَّهِ عَزَّ وَ جَلَّ إِلَى أَنْ يَفْرَغَ اللَّهُ مِنَ الْحِسَابِ رَجُلٌ لَمْ يَهْمُ بِرَبَا قَطُّ وَ رَجُلٌ لَمْ يَشُبْ مَالُهُ بِرَبَا قَطُّ وَ رَجُلٌ لَمْ يَسْنَعْ فِيهِمَا قَطُّ.

<sup>442</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 16

<sup>443</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 17

<sup>444</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 18

<sup>445</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 19

(The book) 'Al Khisaal' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ash'ary, from Al Jamourani, from Al Luluie, from Al-Husayn Bin Yusuf Bin Yusuf, from Al-Hassan Bin Ziyad Al Attar who said,

'Abu Abdullah<sup>-asws</sup> said: 'Three will be in the Protection of Allah<sup>-azwj</sup> Mighty and Majestic until He<sup>-azwj</sup> is free from the Reckoning – a man who did not think of committing adultery at all, and a man who did not taint his wealth with usury at all, and a man who did not strive regarding these at all!''<sup>446</sup>

21- ل، الخصال عن ابن عمر قال قال رسول الله ص في حجة الوداع في خطبة كل رباً كان في الجاهلية فمؤمناً و أول رباً وضع رباً العباس بن عبد المطلب الخبر.

(The book) 'Al Khisaal' – From Ibn Umar who said,

'Rasool-Allah<sup>-saww</sup> said during the farewell Hajj in a sermon: 'All usury which happened during the Pre-Islamic period is hereby dropped (written off)!', and the first one to drop usury as Al-Abbas Bin Abdul Muttalib<sup>-asws</sup> – the Hadeeth''<sup>447</sup>

22- ل، الخصال فيما أوصى به النبي ص علياً يا علي الربا سبعةون جزءاً فأيسرها مثل أن ينكح الرجل أمه في بيت الله الحرام يا علي درهم

(The book) 'Al Khisaal' –

'Among what the Prophet<sup>-saww</sup> bequeathed to Ali<sup>-asws</sup>: 'O Ali<sup>-asws</sup>! The usury is of seventy segments. The least of these is like the man who is immoral to his mother in the Sacred House of Allah<sup>-azwj</sup>!

رباً أعظم من سبعين زنية كللها بذات محرم في بيت الله الحرام.

O Ali<sup>-asws</sup>! A Dirham of usury is more grievous than seventy acts of adultery with someone of sanctity (incest) in the Sacred House of Allah<sup>-azwj</sup>!''<sup>448</sup>

23- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سينان أنه كتب الرضا ع إليه عللة تحريم الربا

(The book) 'Ilal Al-Sharaie', (and) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, in 'Ilal' of Ibn Sinan – 'Al-Reza<sup>-asws</sup> wrote to him regarding reason of prohibition of the usury:

إنما هي الله عز وجل عنه لما فيه من فساد الأموال لأن الإنسان إذا اشترى الدرهم بالدرهمين كان ثمن الدرهم درهمين و ثمن الآخر باطلاً فبيع الربا و شراؤه و كس على كل حال على المشتري و على البائع

'But rather, Allah<sup>-azwj</sup> Mighty and Majestic Prohibited from it due to the corruption of wealth which is in it, because the person, when he buys the Dirham for the two Dirhams, the price of

<sup>446</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 20

<sup>447</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 21

<sup>448</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 22

the (first) Dirham would be a Dirham, while the other would be invalid. Thus, the buying and selling of usury is a loss in all cases, for both the buyer and the seller.

فَحَظَرَ اللَّهُ تَبَارَكَ وَ تَعَالَى عَلَى الْعِبَادِ الرِّبَا لِعِلَّةِ فَسَادِ الْأَمْوَالِ كَمَا خَظَرَ عَلَى السَّفِيهِ أَنْ يُدْفَعَ إِلَيْهِ مَالُهُ لِمَا يَتَخَوَّفُ عَلَيْهِ مِنْ إِفْسَادِهِ حَتَّى يُؤَنَسَ مِنْهُ رُشْدًا

Allah<sup>-azwj</sup> Blessed and Exalted, Cautioned (Prohibited) usury for His<sup>-azwj</sup> servants due to the reason of wealth corruption, just as He<sup>-azwj</sup> Prohibited giving wealth to the foolish out of fear that they would ruin it, until sound judgment is observed from them.

فَلِهَذِهِ الْعِلَّةِ حَرَّمَ اللَّهُ الرِّبَا وَ بَيْعَ الدَّرْهَمِ بِالْدَّرْهَمَيْنِ يَدًا بِيَدٍ وَ عِلَّةٌ تَحْرِيمِ الرِّبَا بَعْدَ التَّبَيُّنِ لِمَا فِيهِ مِنَ الْإِسْتِخْفَافِ بِالْحَرَامِ الْمُحَرَّمِ وَ هِيَ كَبِيرَةٌ بَعْدَ الْبَيَانِ وَ تَحْرِيمِ اللَّهِ عَزَّ وَ جَلَّ لَهَا وَ لَمْ يَكُنْ ذَلِكَ مِنْهُ إِلَّا اسْتِخْفَافًا بِالْمُحَرَّمِ وَ الْحَرَامِ وَ الْإِسْتِخْفَافُ بِذَلِكَ دُخُولٌ فِي الْكُفْرِ

So, for this reason, Allah<sup>-azwj</sup> Prohibited usury and the sale of a Dirham for two Dirhams by hand-to-hand exchange. The reason for the prohibition of usury, after the clear explanation, is because it involves belittling what is Forbidden, and that is a grave sin after the clarification and explicit Prohibition of Allah<sup>-azwj</sup> of it. Such behaviour indicates only a disregard for what is unlawful, and this belittling is an entry into Kufr.

وَ الْعِلَّةُ فِي تَحْرِيمِ الرِّبَا بِالنَّسِيئَةِ لِعِلَّةِ ذَهَابِ الْمَعْرُوفِ وَ تَلَفِ الْأَمْوَالِ وَ رَغْبَةِ النَّاسِ فِي الرِّبْحِ وَ تَرْكِهِمُ الْقَرْضَ وَ صَنَائِعَ الْمَعْرُوفِ وَ لِمَا فِي ذَلِكَ مِنَ الْفُسَادِ وَ الظُّلْمِ وَ فَنَاءِ الْأَمْوَالِ.

The reason for the prohibition of delayed usury is due to the loss of benevolence, the destruction of wealth, people's eagerness for profit, their abandonment of lending and acts of kindness, and because of the corruption, injustice, and destruction of wealth it leads to".<sup>449</sup>

24- ع، علل الشرائع علي بن أحمد عن الأسدي عن محمد بن أبي بشير عن علي بن العباس عن عمر بن عبد العزيز عن هشام بن الحكم قال: سألت أبا عبد الله ع عن علة تحريم الرِّبَا قَالَ إِنَّهُ لَوْ كَانَ الرِّبَا حَالًا لَتَرَكَ النَّاسُ التِّجَارَاتِ وَ مَا يَحْتَاجُونَ إِلَيْهِ فَحَرَّمَ اللَّهُ الرِّبَا لِتَفَرُّ النَّاسِ عَنِ الْحَرَامِ إِلَى التِّجَارَاتِ وَ إِلَى الْبَيْعِ وَ الشِّرَاءِ فَيَتَّصِلَ ذَلِكَ بَيْنَهُمْ فِي الْقَرْضِ.

(The book) 'Ilal Al Sharaie' – Ali Bin Ahmad, from Al Asadi, from Muhammad Bin Abu Bashir, from Ali Bin Al Abbas, from Umar Bin Abdul Aziz, from Hisham Bin Al Hakam who said,

'I asked Abu Abdullah<sup>-asws</sup> about reason of prohibition of the usury. He<sup>-asws</sup> said: 'If the usury had been Permitted, the people would have neglected the trading and whatever they are needy to. Therefore Allah<sup>-azwj</sup> Prohibited the usury to Drive the people away from the Prohibited to the trading, and to the selling and the buying, so that may connect between them regarding the lending".<sup>450</sup>

25- ع، علل الشرائع علي بن حاتم عن محمد بن أحمد بن ثابت عن عبيد عن ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قَالَ: إِنَّمَا حَرَّمَ اللَّهُ عَزَّ وَ جَلَّ الرِّبَا لِمَا يَمْتَنِعُوا مِنْ اصْطِنَاعِ الْمَعْرُوفِ.

<sup>449</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 23

<sup>450</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 24

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Muhammad Bin Ahmad Bin Sabit, from Ubeyd, from Ibn Abu Umeyr, from Hisham Bin Salim,

'From Abu Abdullah<sup>-asws</sup> having said: 'But rather, Allah<sup>-azwj</sup> Mighty and Majestic Prohibited the usury lest they are prevented from the acts of kindness!'"<sup>451</sup>

26- ع، علل الشرائع علي بن خاتم عن القاسم بن جميل عن عبد الله التميمي عن علي الطاطري عن دُرست عن محمد بن عطاء عن زرارة قال أبو جعفر ع إنما حُرِّمَ الرِّبَا لئلاَّ يَذْهَبَ الْمَعْرُوفُ.

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Al Qasim Bin Jameel, from Abdullah Al Naheyki, from Ali Al Tatari, from Dorost, from Muhammad Bin Atiya, from Zurara who said,

'Abu Ja'far<sup>-asws</sup> said: 'But rather, the usury is Prohibited lest the acts of kindness disappear.'<sup>452</sup>

27- جع، جامع الأخبار قال النبي ص مَنْ أَكَلَ الرِّبَا مَلَأَ اللَّهُ بَطْنَهُ نَارَ جَهَنَّمَ بِقَدْرِ مَا أَكَلَ فَإِنْ كَسَبَ مِنْهُ مَالًا لَمْ يَقْبَلِ اللَّهُ شَيْئًا مِنْ عَمَلِهِ وَ لَمْ يَزَلْ فِي لَعْنَةِ اللَّهِ وَ مَلَأَتْكَ مِمَّا دَامَ مَعَهُ قِرَاطٌ.

(The book) 'Jamie Al Akhbar' –

'The Prophet<sup>-saww</sup> said: 'One who consumes the usury, Allah<sup>-azwj</sup> will Fill his belly with the Fire of Hell in accordance to what he had consumed. If he has earned wealth from it, Allah<sup>-azwj</sup> will not Accept anything from his deeds, and he will not cease to be in the Curse of Allah<sup>-azwj</sup> and His<sup>-azwj</sup> Angels for as long as a carat (0.195 gms) is with him".<sup>453</sup>

28- وَ قَالَ ص شَرُّ الْمَكَاسِبِ كَسْبُ الرِّبَا.

And he<sup>-saww</sup> said: 'The worst earning, is the earning of usury".<sup>454</sup>

29- مع، معاني الأخبار القُطَّانُ عَنِ ابْنِ زَكْرِيَّا الْقُطَّانِ عَنِ ابْنِ حَبِيبٍ عَنِ ابْنِ مُثَلْوَلٍ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع مَا مَعْنَى قَوْلِ الْمُصَلِّي فِي تَشَهُدِهِ لِلَّهِ مَا طَابَ وَ طَهَّرَ وَ مَا حُبْتُ فَلِعَبْرِهِ

(The book) 'Ma'any Al Akhbar' – Al Qattan, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Buhloul, from his father, from Abdullah Bin Al Fazl who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'What is the meaning of the words of Al-Mustafa<sup>-saww</sup> in 'Tashahhud': 'For Allah<sup>-azwj</sup> is what is good and pure, while whatever is wicked is for others?'

قَالَ مَا طَابَ وَ طَهَّرَ كَسْبُ الْحَلَالِ مِنَ الرِّزْقِ وَ مَا حُبْتُ فَالرِّبَا.

He<sup>-asws</sup> said: 'What is good and pure is the lawful earning from the sustenance, and what is wicked is usury".<sup>455</sup>

<sup>451</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 25

<sup>452</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 26

<sup>453</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 27

<sup>454</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 28

<sup>455</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 29

30- شي، تفسير العياشي عن شهاب بن عبد ربّه قال سمعتُ أبا عبد الله ع يقول أكل الربّا لا يخرج من الدنيا حتّى يتخبّطه الشيطان.

(The book) 'Tafseer Al Ayyashi – From Shihad Bin Abd Rabbih who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'The consumer of usury does not exit from the world until the Satan<sup>-la</sup> makes him stumble''.<sup>456</sup>

31- سر، السرائر من كتاب المسائل عن محمد بن أحمد بن محمد بن زياد و موسى بن محمد بن علي بن عيسى عن محمد بن علي بن عيسى عن طاهر قال: كتبت إلى أبي الحسن ع أسأله عن الرجل يعطي الرجل مالا يبيعه به شيئاً بعشرين درهماً ثم يحول عليه الحول فلا يكون عنده شيء فيبيعه شيئاً آخر فأجابتني ما يباعه الناس حلالاً و ما لم يباعوه قريباً.

(The book) 'Al Saraair', from 'Kitab Al Masaail' – From Muhammad Bin Ahmad Bin Muhammad Bin Ziyad, and Musa Bin Muhammad Bin Ali Bin Isa, from Muhammad Bin Ali Bin Isa, from Tahir who said,

'I wrote to Abu Al-Hassan<sup>-asws</sup> asking him<sup>-asws</sup> about the man who gives wealth to the man to sell (and buy) something with it for twenty Dirhams. Then the year passes by upon him and there does happen to be anything in his possession, so he sells (trades for) something else. He<sup>-asws</sup> answered me: 'Whatever the people trade is Permissible and whatever they do not trade is usury (to take interest when it is not traded)'.<sup>457</sup>

32- يج، الخرائج و الجرائج قال أبو هاشم أذخلت الحجاج بن سفيان العبدي على أبي محمد ع فسأله المبيعة قال رُبما يبيع الناس فتوضع عنهم الموضعة إلى الأصل

(The book) 'Al Kharaij Wa Al Jaraih' – Abu Hashim said,

'I brought Al-Hajjaj Ibn Sufyan Al-Abdi to Abu Muhammad<sup>-asws</sup> and asked him about the sale contract. He said: 'Sometimes I sold to people and then reduced the terms to the original'.

قال لا بأس الدينار بالدينارين بينهما خرزة

He<sup>-asws</sup> said: 'There is no harm if a Dinar is exchanged for two Dinars with a bead between them'.

فقلت في نفسي هذا شبه ما يفعل المربون

I thought to myself, 'This is similar to what usurers do'.

فالتفت إليّ فقال إنما الربا الحرام ما قصد به الحرام فإذا جاوز حدود الربا و روي عنه فلا بأس الدينار بالدينارين يداً بيد و يُكره أن لا يكون بينهما شيء يوقع عليه البيع.

<sup>456</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 30

<sup>457</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 31

He<sup>-asws</sup> looked at me and said: ‘The Forbidden usury is only that which is intended to be Forbidden. If it exceeds the limits of usury and moves away from it, then there is no harm if a Dinar is exchanged for two Dinars hand to hand. However, it is disliked that there be nothing between them on which the sale is made’.<sup>458</sup>

33- ضا، فقه الرضا عليه السلام اعلم يرحمك الله أن الربا حرام سحت من الكبائر وما قد وعد الله عليه النار فتعود بالله منها وهو محرم على لسان كل نبي وفي كل كتاب

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – ‘Know, may Allah<sup>-azwj</sup> Mercy you, that the usury is Prohibited, an ill-gotten gain, from the major sins, and from what Allah<sup>-azwj</sup> has Promised Fire upon. So we seek refuge with Allah<sup>-azwj</sup> with Allah<sup>-azwj</sup> from it, and it is forbidden upon the tongue of every Prophet<sup>-saww</sup>, and in every (Revealed) Book!’

و قد أروي عن العالم ع أنه قال إنما حرم الله الربا لئلا يتمنع الناس المعروف.

And it has been reported from the Scholar (Imam<sup>-asws</sup>), he<sup>-asws</sup> said: ‘But rather, Allah<sup>-azwj</sup> Prohibited usury lest the people are prevented from the acts of kindness’.<sup>459</sup>

34- و سئل العالم عن الشاة بالشأتين و البیضة بالبیضتین فقال لا بأس إذا لم يكن كئیلا و لا وزنا.

And the Scholar (Imam<sup>-asws</sup>) was asked about the sheep for two sheep, and the egg for two eggs. He<sup>-asws</sup> said: ‘There is no problem when it neither happens to be measure nor weight.’<sup>460</sup>

35- و سئل عن حد الربا و العیة فقال كل ما یبایع علیه فهو حلال و كل ما فرت من الحرام إلى الحلال فهو حلال

And he<sup>-asws</sup> was asked about the definition of usury and ‘Iyna’ (a type of sale involving deception to make interest appear lawful), and he<sup>-asws</sup> said: ‘Everything that is sold in a lawful transaction is Permissible, and whatever you flee from the unlawful toward the lawful is also Permissible.

و كل ما یباع بالنسیئة سعة یومه ما لم یُنقص و مثل الصرف بالنسیئة و الدینار بدینار و حبة و ما فوقه و شراء الدراهم بالدراهم و الذهب بالذهب المتفاضل ما ینبهما فی الوزن حتی طعام اللین من الخبز بالبایس و الخبز النقی بالخشکار بالفضل لا یجوز فهو الربا إلا أن یكون بالسوی و مثله و أشباهه فكلها ربا.

And whoever sells on credit at the current day’s price, as long as it is not less, that is allowed. But what resembles currency exchange on credit, or exchanging a Dinar for a Dinar and a grain more, or more than that, and buying Dirhams for Dirhams, or gold for gold with inequality in weight, even soft bread for hard bread, or refined bread for coarse bread with a surplus, is

<sup>458</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 32

<sup>459</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 33

<sup>460</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 34

not Permissible, that is usury, unless it is equal and of the same kind. All such transactions and their likes are usury".<sup>461</sup>

36- وَ اعْلَمُ أَنَّ الرِّبَا رِبَاءَانِ رِبَا يُؤْكَلُ وَ رِبَا لَا يُؤْكَلُ فَأَمَّا الرِّبَا الَّذِي يُؤْكَلُ فَهُوَ هَدِيَّتُكَ إِلَى رَجُلٍ تَطْلُبُ الثَّوَابَ أَفْضَلَ مِنْهُ فَأَمَّا الَّذِي لَا يُؤْكَلُ فَهُوَ مَا يُكَالُ وَ يُوزَنُ

'And know that the usury is of two types, - usury consumed and usury not consumed. As for the usury that is consumed, it is your gift to a man from whom you seek something in return better than what you gave. As for the usury that is not consumed, it is that which is measured and weighed.

فَإِذَا دَفَعَ الرَّجُلُ إِلَى رَجُلٍ عَشْرَةَ دَرَاهِمَ عَلَى أَنْ يَرُدَّ عَلَيْهِ أَكْثَرَ مِنْهَا فَهُوَ الرِّبَا الَّذِي هَمَى اللَّهُ عَنْهُ فَقَالَ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ ذَرُوا مَا بَقِيَ مِنَ الرِّبَا  
الْآيَةَ

So, if a man gives another ten Dirhams on the condition that he returns more than that, then this is the usury that Allah<sup>-azwj</sup> has Forbidden, as He<sup>-azwj</sup> Said: ***O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest [2:278] – the Verse.***

What is meant by this is that he should return the excess he had taken over his capital. Even the flesh that has grown on his body from what he carried of usury must be removed if he repents, by entering the bathhouse every day on an empty stomach. This applies when he repents from consuming usury, taking it, and dealing in it.

عَنِ بِذَلِكَ أَنْ يَرُدَّ الْفَضْلَ الَّذِي أَخَذَهُ عَلَى رَأْسِ مَالِهِ حَتَّى اللَّحْمُ الَّذِي عَلَى بَدَنِهِ مِمَّا حَمَلَهُ مِنَ الرِّبَا إِذَا تَابَ أَنْ يَضَعَ عَنْهُ ذَلِكَ اللَّحْمَ عَنْ بَدَنِهِ بِالْذُّحُولِ إِلَى الْحُمَامِ كُلِّ يَوْمٍ عَلَى الرِّبْقِ هَذَا إِذَا تَابَ عَنْ أَكْلِ الرِّبَا وَ أَخَذَهُ وَ مُعَامَلَتِهِ

There is no usury between a parent and child, nor between a husband and wife, nor between a master and his slave, nor between a Muslim and a Zimmi (non-Muslim under protection).

وَ لَيْسَ بَيْنَ الْوَالِدِ وَ وَلَدِهِ رِبَاً وَ لَا بَيْنَ الزَّوْجِ وَ الْمَرْأَةِ رِبَاً وَ لَا بَيْنَ الْمُؤَلَّى وَ الْعَبْدِ وَ لَا بَيْنَ الْمُسْلِمِ وَ الذَّمِي وَ لَوْ أَنَّ رَجُلًا بَاعَ ثَوْبًا بِثَوْبَيْنِ أَوْ حَيَوَانًا بِحَيَوَانَيْنِ مِنْ أَعْيِ جَنْسٍ يَكُونُ لَا يَكُونُ ذَلِكَ رِبَاً وَ لَوْ بَاعَ ثَوْبًا يَسُوَّى عَشْرَةَ دَرَاهِمَ بِعِشْرِينَ دِرْهَمًا أَوْ خَاتَمًا يَسُوَّى دِرْهَمًا بِعِشْرٍ مَا دَامَ عَلَيْهِ فَضْلٌ لَا يَكُونُ شَيْئاً فَلَيْسَ بِالرِّبَا.

If a man sells a garment for two garments, or an animal for two animals of any kind, that is not usury. And if he sells a garment worth ten Dirhams for twenty Dirhams, or a ring worth one Dirham for ten, as long as it has a gemstone, it is nothing and not considered usury".<sup>462</sup>

37 شي، تفسير العياشي عَنْ زُرَّارَةَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَكُونُ الرِّبَا إِلَّا بِمَا يُوزَنُ وَ يُكَالُ.

<sup>461</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 35

<sup>462</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 36



(The book) 'Tafseer Al Ayyashi' – From Zurara who said,

'Abu Abdullah<sup>-asws</sup> said: 'The usury cannot be except from what is weighed or measured''<sup>.463</sup>

38- شي، تفسير العياشي عن محمد بن مسلم عن أبي عبد الله ع في قول الله تعالى فمن جاءه موعظة من ربه فانتهى فله ما سلف وأمره إلى الله قال الموعظة التوبة.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

'From Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> the Exalted: ***So the one to whom comes an Advice from his Lord, and he ends it, then for him would be what has passed and his affairs are (up) to Allah [2:275].*** He<sup>-asws</sup> said: 'The advice is the repentance''<sup>.464</sup>

39- شي، تفسير العياشي عن محمد بن مسلم أن رجلاً سأل أبا جعفر ع وقد عمل بالربا حتى كثر ماله بعد أن سأل غيره من الفقهاء فقالوا له ليس يقبل منك شيء إلا أن تردّه إلى أصحابه

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

'A man asked Abu Ja'far<sup>-asws</sup>, and he had worked with the usury until his wealth had multiplied, after he had asked others from the jurists. They had said to him, 'Nothing is Accepted from you except if you return it to its owner!'

فلمّا قصّ على أبي جعفر ع قال له أبو جعفر خذك في كتاب الله قوله فمن جاءه موعظة من ربه فانتهى فله ما سلف وأمره إلى الله والموعظة التوبة.

When he narrated unto Abu Ja'far<sup>-asws</sup>, Abu Ja'far<sup>-asws</sup> said to him: 'Your outlet is in the Book of Allah<sup>-azwj</sup>, His<sup>-azwj</sup> Words: ***So the one to whom comes an Advice from his Lord, and he ends it, then for him would be what has passed and his affairs are (up) to Allah [2:275].*** and the advice is the repentance''<sup>.465</sup>

40- شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع عن الرجل يكون عليه دين إلى أجل مسمى فيأتيه غريمه فيقول انقذ لي

(The book) 'Tafseer Al Ayyashi' – From Al Halby,

'From Abu Abdullah<sup>-asws</sup> about the man having debts upon him to a specified term. His creditor comes to him. He says, 'Give cash to me!'

فقال لا أرى به بأساً لأنه لم يرد على رأس ماله وقال الله تعالى فلكم رؤس أموالكم لا تظلمون ولا تظلمون.

<sup>463</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 37

<sup>464</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 38

<sup>465</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 39

He<sup>-asws</sup> said: 'I<sup>-asws</sup> don't see any problem with it, because he is not increasing upon his capital wealth, and Allah<sup>-azwj</sup> the Exalted Said: **so for you would be the capital of your wealth. Neither should you deal unjustly nor would you be Dealt with unjustly [2:279]!**'<sup>466</sup>

41- شي، تفسير العياشي عن أبي عمرو الزُّبَيْرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ التَّوْبَةَ مُطَهِّرَةٌ مِنْ دَنَسِ الْخَطِيئَةِ قَالَ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ ذَرُّوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنتُمْ مُؤْمِنِينَ إِلَى قَوْلِهِ تَطْلُمُونَ

(The book) 'Tafseer Al Ayyashi' – From Abu Amro Al Zubeyri,

'From Abu Abdullah<sup>-asws</sup> having said: 'The repentance is a purifier from the filth of misdeeds. He<sup>-azwj</sup> Said: **O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest if you are Momineen [2:278]** – up to His<sup>-azwj</sup> Words: **nor would you be Dealt with unjustly [2:279]!**

فَهَذَا مَا دَعَا اللَّهُ إِلَيْهِ عِبَادَهُ مِنَ التَّوْبَةِ وَ وَعَدَ عَلَيْهِمَا مِنْ ثَوَابِهِ فَمَنْ خَالَفَ مَا أَمَرَهُ اللَّهُ بِهِ مِنَ التَّوْبَةِ سَخَطَ اللَّهُ عَلَيْهِ وَ كَانَتْ النَّارُ أُولَىٰ بِهِ وَ أَحَقَّ.

So, this is what repentance Allah<sup>-azwj</sup> has Called His<sup>-azwj</sup> servants to, and Promised His<sup>-azwj</sup> Rewards upon it. So, the one opposes what Allah<sup>-azwj</sup> has Commanded with of the repentance, the Wrath of Allah<sup>-azwj</sup> will be upon him, and the Fire would be foremost with him, and most rightful (deserving)'<sup>467</sup>.

باب 24 بيع الصرف و المراكب و السيوف المحلاة

## CHAPTER 24 – THE EXCHANGE SELLING, AND THE SHIPS, AND THE ADORNED SWORDS

1- لي، الأماالي للصديق في خَيْرِ الْمَنَاهِي أَنَّهُ هَمَى النَّبِيُّ ص عَنْ بَيْعِ الذَّهَبِ وَ الْفِضَّةِ بِالنَّسِيبَةِ.

(The book) 'Al Amaali' of Al-Sadouq in a Hadeeth of the prohibitions – The Prophet<sup>-saww</sup> forbade from selling the gold and the silver with the deferred payment''<sup>468</sup>.

2- ب، قرب الإسناد علي عن أخيه ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ لَهُ عَلَى رَجُلٍ دَنَانِيرٌ فَبَايَعَهَا بِسَعْرِهَا وَرَقًا قَالَ لَا بَأْسَ.

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man having (a debt) of Dinars upon a man, so he takes these with its current price of silver. He<sup>-asws</sup> said: 'There is no problem''<sup>469</sup>.

<sup>466</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 40

<sup>467</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 41

<sup>468</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 42

<sup>469</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 24 H 1

3- قَالَ: وَ سَأَلْتُهُ عَنِ الْفِضَّةِ فِي الْخَوَانِ وَ الْفُصْعَةِ وَ السَّيْفِ وَ الْمِنْطَقَةِ وَ السَّرْجِ وَ اللَّجَامِ يُبَاعُ بِدِرَاهِمٍ أَقَلِّ مِنْ الْفِضَّةِ أَوْ أَكْثَرَ يَحِلُّ قَالَ ثُبَاغُ الْفِضَّةِ بِدَنَانِيرٍ وَ مَا سِوَى ذَلِكَ بِدِرَاهِمٍ.

He said, 'And I asked him<sup>asws</sup> about the silver used in trays, bowls, swords, belts, saddles, and bridles, if it is sold for Dirhams, either less or more than the silver content, whether that is Permissible. He<sup>asws</sup> said: 'Silver may be sold for gold coins (Dinars), and anything else may be sold for Dirhams''.<sup>470</sup>

باب 25 بيع الثمار و الزروع و الأراضي و المياه

## CHAPTER 25 – SELLING THE FRUITS, AND THE CROPS, AND THE LANDS, AND THE WATERS

1- لي، الأماالي للصدوق في مناهي النبي ص أنه هُي عَنْ أَنَّ يُبَاعَ التَّمَارُ حَتَّى يَزْهُوَ يَعْنِي يَصْفُرُ وَ يَجْمُرُ وَ هُي عَنْ الْمُحَاقَلَةِ يَعْنِي يَبْعُ التَّمَرِ بِالزَّيْبِ وَ مَا أَشْبَهَ ذَلِكَ.

(The book) 'Al Amaali' of Al Sadouq –

'Among prohibitions by the Prophet<sup>saww</sup>, he<sup>saww</sup> forbade from selling the fruits until they ripen, meaning become yellow and red, and forbade from 'Al-Muhaqala', meaning selling the dates for the raisings, and what resembles that''.<sup>471</sup>

2- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ الرَّجَائِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عُبَيْدٍ الْقَاسِمِ بْنِ سَلَامٍ بِإِسْنَادٍ مُتَّصِلَةٍ إِلَى النَّبِيِّ ص فِي أَحْبَابٍ مُتَّفَرِّقَةٍ أَنَّهُ هُي عَنْ الْمُحَاقَلَةِ وَ الْمُزَابَنَةِ.

(The book) 'Ma'any Al Akhbaar' – Muhammad Bin Haroun Al Zanjani, from Ali Bin Abdul Aziz, from Abu Ubeyd Al Qasim Bin Sallam, by connected chains to,

'The Prophet<sup>saww</sup> in separate Ahadeeth, he<sup>saww</sup> forbade from 'Al-Muhaqala' (selling the dates for the raisings, etc.) and Al-Muzabanah (selling the dates on top of the tree for the dates)''.<sup>472</sup>

قَالَ: وَ كَانَ النَّبِيُّ ص إِذَا بَعَثَ الْحُرَّاصَ قَالَ خَفِّفُوا فِي الْحُرْصِ فَإِنَّ فِي الْمَالِ الْعَرِيَّةَ وَ الْوَصِيَّةَ.

He said: And the Prophet<sup>saww</sup>, when he<sup>saww</sup> dispatched the estimators, said: 'Be lenient in the estimating, for in the goods there may be a gift of fruit or a bequest!''<sup>473</sup>

قَالَ: وَ هُي عَنْ الْمُخَابَرَةِ.

<sup>470</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 24 H 2

<sup>471</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 1

<sup>472</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 a

<sup>473</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 b

He said, 'And he<sup>-saww</sup> forbade from 'Al-Mukhabarah (share-cropping)'.<sup>474</sup>

وَهَى عَنِ الْمُخَابَرَةِ.

And he<sup>-saww</sup> forbade from 'Al-Mukhazara' (sale of fruits before their ripeness appears)'.<sup>475</sup>

وَهَى عَنِ بَيْعِ الثَّمَرِ قَبْلَ أَنْ يَزْهُو.

And he<sup>-saww</sup> forbade from selling the fruits before their ripening (turning red or yellow)'.<sup>476</sup>

وَفِي حَدِيثٍ آخَرَ هَى عَنِ بَيْعِهِ قَبْلَ أَنْ تُشْفَخَ.

And in another Hadeeth, he<sup>-saww</sup> forbade from selling it before it begins to ripen'.<sup>477</sup>

وَقَالَ ص مِنْ أَجْبَى فَقَدْ أَزْنَى.

And he<sup>-saww</sup> said: 'One who sells 'Ajba' (unripe fruits) has committed usury'.<sup>478</sup>

3- ب، قرب الإسناد عليّ عن أخيه قال: سَأَلْتُهُ عَنْ بَيْعِ النَّخْلِ أَوْ يَحِلُّ إِذَا كَانَ زَهُوًّا

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about selling the palm tree, 'Is it Permissible when it was 'Zahwa' (a stage of growth)?'

قَالَ إِذَا اسْتَبَانَ الْبُسْرُ مِنَ الشَّيْصِ حَلَّ بَيْعُهُ وَ شِرَاؤُهُ

He<sup>-asws</sup> said: 'When its ripeness becomes clear from its early stage, it is Permissible to sell it and buy it'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ يُسَلِّمُ فِي النَّخْلِ قَبْلَ أَنْ يَطْلُعَ قَالَ لَا يَصْلُحُ السَّلَامُ فِي النَّخْلِ.

He said, 'And I asked him<sup>-asws</sup> about a man who makes a 'Salam' contract regarding the palm tree before it emerges. He<sup>-asws</sup> said: 'The 'Salam' contract is not correct regarding the palm trees'.<sup>479</sup>

4- ع، علل الشرائع أبي عن سعد عن ابن عيسى عن ابن محبوب عن عبد الله بن سنان عن أبي عبد الله ع قال: قُلْتُ لَهُ الرَّجُلُ يَبِيعُ الثَّمَرَ الْمُسَمَّاةَ مِنَ الْأَرْضِ الْمُسَمَّاةَ فَتَهْلِكُ ثَمَرُهُ تِلْكَ الْأَرْضُ كُلُّهَا

<sup>474</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 c

<sup>475</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 d

<sup>476</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 e

<sup>477</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 f

<sup>478</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 g

<sup>479</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 3

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'A man sells the specified fruits from the specified land, but the fruits of that land perish, all of it'.

فَقَالَ قَدْ اخْتَصَمُوا فِي ذَلِكَ إِلَى رَسُولِ اللَّهِ ص كَانُوا يَذْكُرُونَ ذَلِكَ كُلَّهُ فَلَمَّا رَأَوْهُ لَا يَنْتَهُونَ عَنِ الْخُصُومَةِ فِيهِ تَهَاوَمَ عَنِ الْبَيْعِ حَتَّى تَبْلُغَ الثَّمَرَةُ وَ لَمْ يَحْرِمْهُ  
وَ لَكِنَّهُ فَعَلَ ذَلِكَ مِنْ أَجْلِ خُصُومَتِهِمْ فِيهِ.

He<sup>-asws</sup> said: 'They had disputed regarding that to Rasool-Allah<sup>-saww</sup>. They had mentioned that, all of it. When he<sup>-saww</sup> saw them that they are not desisting from the disputing regarding it, he<sup>-saww</sup> forbade them from selling until the fruits mature, and he<sup>-saww</sup> did not forbid it, but he<sup>-saww</sup> did that for the reason of their disputing regarding it".<sup>480</sup>

5- ب، قرب الإسناد عليّ عن أخيه قال: سألتُهُ عَنْ قَوْمٍ كَانَتْ بَيْنَهُمْ قَنَاءُ مَاءٍ لِكُلِّ إِنْسَانٍ مِنْهُمْ شَرْبٌ مَعْلُومٌ فَبَاعَ أَحَدُهُمْ شَرْبَهُ بِدِرَاهِمٍ أَوْ بِطَعَامٍ هَلْ  
يَصْلُحُ ذَلِكَ قَالَ نَعَمْ لَا بَأْسَ.

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a people who shared a water canal, with each person having a known share of water. One of them sold his share for Dirhams or food. Is that Permissible?' He<sup>-asws</sup> said: 'Yes, there is no problem".<sup>481</sup>

6- ين، كتاب حسين بن سعيد و النوادر ابنُ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ لَهُ الشَّرْبُ فِي شَرَكَةٍ أَيْحِلُ لَهُ بَيْعُهُ قَالَ لَهُ بَيْعُهُ بِوَرَقٍ أَوْ  
بِشَعِيرٍ أَوْ بِخِنْطَلٍ أَوْ بِمَا شَاءَ

The book of Husayn Bin Saeed, and 'Al Nawadir' of Ibn Muskan, from Al Halby who said,

'I asked him<sup>-asws</sup> about a man who has a share of water in a partnership, 'Can he sell it?' He<sup>-asws</sup> said: 'He may sell it for silver, barley, wheat, or whatever he wishes'.

وَ قَالَ مَنْ اشْتَرَى أَرْضَ الْيَهُودِ وَجِبَ عَلَيْهِ مَا يَجِبُ عَلَيْهِمْ مِنْ حَرَاجِهَا وَ أَيُّ أَرْضٍ ادَّعَاهَا أَهْلُ الْحَرَاجِ لَا يَشْتَرِيهَا الْمُشْتَرِي إِلَّا بِرِضَاهُمْ.

And he<sup>-asws</sup> said: 'Whoever buys land from the Jews is obligated to pay what they are obligated to pay from its land tax, and any land claimed by the people responsible for land tax must not be purchased by the buyer except with their consent".<sup>482</sup>

7- نَوَادِرُ الرَّوَنْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع مَنْ بَاعَ قَضْلَ مَائِهِ مَنَعَهُ اللَّهُ قَضْلَهُ يَوْمَ الْقِيَامَةِ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

<sup>480</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 4

<sup>481</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 5

<sup>482</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 6

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'One who sells his excess water, Allah<sup>-azwj</sup> will Prevent him from His<sup>-azwj</sup> Grace on the Day of Qiyamah''.<sup>483</sup>

8- قُرْبُ الْإِسْنَادِ، لِلْحِمَيْرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ الْبَرْقُطِيِّ قَالَ سَمِعْتُ الرِّضَا ع فِي تَفْسِيرِ قَوْلِهِ تَعَالَى وَاللَّيْلِ إِذَا يَغْشَى الْآيَاتِ

(The book) 'Qurb Al Isnaad' of Al Himeyri, from Ahmad Bin Muhammad Bin Isa, from Al Bazanty who said,

'I heard Al-Reza<sup>-asws</sup> regarding interpretation of Word of the Exalted: **'(I Swear) by the night when it overcomes [92:1] – the Verses.**

قَالَ إِنَّ رَجُلًا مِنَ الْأَنْصَارِ كَانَ لِرَجُلٍ فِي حَائِطِهِ نَخْلَةٌ وَكَانَ يُضِرُّ بِهِ فَشَكَا ذَلِكَ إِلَى رَسُولِ اللَّهِ ص فَدَعَاهُ فَقَالَ أُعْطِنِي نَخْلَتَكَ بِنَخْلَةٍ فِي الْجَنَّةِ فَأَبَى

He<sup>-asws</sup> said: 'A man from the Helpers had a palm tree in another man's garden, and he would cause him harm because of it. The man complained to Rasool-Allah<sup>-saww</sup>, so he<sup>-saww</sup> called the owner and said, 'Give me your palm tree in exchange for a palm tree in Paradise'. But the man refused.

فَبَلَغَ ذَلِكَ رَجُلًا مِنَ الْأَنْصَارِ يُكْنَى أَبُو الدَّحْدَاحِ جَاءَ إِلَى صَاحِبِ النَّخْلَةِ فَقَالَ بَغْنِي نَخْلَتَكَ بِحَائِطِي فَبَاعَهُ

Then the matter reached another man from the Helpers known as Abu Al-Dahdah. He went to the owner of the palm tree and said, 'Sell me your palm tree in exchange for my garden!' He sold it to him.

فَجَاءَ إِلَى رَسُولِ اللَّهِ ص فَقَالَ يَا رَسُولَ اللَّهِ قَدْ اشْتَرَيْتُ نَخْلَةَ فُلَانٍ بِحَائِطِي

Abu Al-Dahdah then came to Rasool-Allah<sup>-saww</sup> and said, 'O Rasool-Allah<sup>-saww</sup>! I have bought the man's palm tree in exchange for my garden!'

قَالَ فَقَالَ لَهُ رَسُولُ اللَّهِ ص فَكَفَ بَدَلُهَا نَخْلَةً فِي الْجَنَّةِ

Rasool-Allah<sup>-saww</sup> said to him: 'You shall have in its place, a palm tree in Paradise!'

فَأَنْزَلَ اللَّهُ تَبَارَكَ وَتَعَالَى عَلَى نَبِيِّهِ وَ مَا خَلَقَ الذَّكَرَ وَ الْأُنْثَى إِنَّ سَعْيَكُمْ لَشَتَّى فَأَمَّا مَنْ أَعْطَى بَغْنِي النَّخْلَةَ وَ اتَّقَى وَ صَدَّقَ بِالْحُسْنَى يُوعَدُ رَسُولُ اللَّهِ ص فَسَنُيَسِّرُهُ لِلْيُسْرَى.

Then Allah<sup>-azwj</sup> **And what is Created of the male and the female [92:3] Surely, your striving is various [92:4] So, as for one who gives and fears [92:5] And ratifies the most excellent [92:6] – the promise of Rasool-Allah<sup>-saww</sup> - So We will be Facilitating him to the ease [92:7]''<sup>484</sup>**

9- وَ رَوَاهُ عَلِيُّ بْنُ إِبْرَاهِيمَ مُرْسَلًا قَالَ: كَانَ لِرَجُلٍ مِنَ الْأَنْصَارِ نَخْلَةٌ فِي دَارِ رَجُلٍ كَانَ يَدْخُلُ عَلَيْهِ بِغَيْرِ إِذْنٍ فَشَكَا ذَلِكَ إِلَى رَسُولِ اللَّهِ ص فَقَالَ رَسُولُ اللَّهِ ص بَغْنِي نَخْلَتَكَ هَذِهِ بِنَخْلَةٍ فِي الْجَنَّةِ

<sup>483</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 7

<sup>484</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 8

And it is reported by Ali Bin Ibrahim with an unbroken chain, said,

‘A man from the Helpers had a palm tree inside the house of another man, and he would enter it without permission. The man complained to Rasool-Allah<sup>-saww</sup>), so the Prophet<sup>-saww</sup> said to the owner: ‘Sell me<sup>-saww</sup> your palm tree in exchange for a palm tree in Paradise!’

فَقَالَ لَا أَفْعَلُ

He said, ‘I will not do it!’

قَالَ فَبِعَيْنِهَا بِحَدِيثَةٍ فِي الْجَنَّةِ

He<sup>-saww</sup> said: ‘Sell it to me<sup>-saww</sup> for a Garden in the Paradise!’

فَقَالَ لَا أَفْعَلُ وَ انْصَرَفَ

He said, ‘I will not do it’, and he left.

فَمَضَى إِلَيْهِ أَبُو الدَّخْدَاحِ وَ اشْتَرَاهَا وَ أَتَى النَّبِيَّ ص فَقَالَ أَبُو الدَّخْدَاحِ يَا رَسُولَ اللَّهِ ص خُذْهَا وَ اجْعَلْ لِي فِي الْجَنَّةِ الَّذِي قُلْتَ لِهَذَا فَلَمْ يَقْبَلْهُ

Abu Al-Dahdah went to him and bought it, and he came to the Prophet<sup>-saww</sup>. Abu Al-Dahda said, ‘O Rasool-Allah<sup>-saww</sup>! Take it and make for me in the Paradise that which you<sup>-saww</sup> had said to this (man), but he did not accept it!’

فَقَالَ رَسُولُ اللَّهِ ص لَكَ فِي الْجَنَّةِ حَدَائِقُ وَ حَدَائِقُ

Rasool-Allah<sup>-saww</sup> said: ‘For you in the Paradise will be Gardens and Gardens!’

فَأَنْزَلَ اللَّهُ فِي ذَلِكَ فَأَمَّا مَنْ أُعْطِيَ وَ اتَّقَى وَ صَدَّقَ بِالْحُسْنَى يَغْنِي أَبَا الدَّخْدَاحِ.

Allah<sup>-azwj</sup> Revealed regarding that: **So, as for one who gives and fears [92:5] And ratifies the most excellent [92:6] – meaning Abu Al-Dahda**”.<sup>485</sup>

باب 26 بيع المالك و أحكامها

## CHAPTER 26 – SELLING THE SLAVE AND ITS RULINGS

1- ب، قرب الإسناد عليّ عن أخيه قال: سألتُهُ عن الرَّجُلِ يَشْتَرِي الْجَارِيَةَ فَيَقْعُ عَلَيْهَا أَوْ يَصْلُحُ بِبَيْعِهَا مِنَ الْجَدِّ قَالَ لَا بَأْسَ.

(The book) ‘Qurb Al Isnaad’ –

<sup>485</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 9

Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about the man who buys the slave girl. He sleeps with her, 'Is it correct to sell her?' He<sup>-asws</sup> said: 'No problem'.<sup>486</sup>

2- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ سَرَقَ جَارِيَتَهُ ثُمَّ بَاعَهَا بِحِلٍّ فَرَجَّهَا لِمَنْ اشْتَرَاهَا

He said, 'And I asked him<sup>-asws</sup> about the man who steals a slave girl, then sells her, 'Is here private part Permissible for the one who buys her?'

قَالَ إِذَا أَنْبَأَهُمْ أَنَّهَا سَرِقَةٌ فَلَا يَحِلُّ وَ إِنْ لَمْ يَعْلَمْ فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'When he informs them that she has been stolen, then it is not Permissible, but if he does not know, there is no problem'.<sup>487</sup>

3- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ عَافٍ كُلِّ ذَنْبٍ إِلَّا مَنْ أَخَذَتْ دِينًا أَوْ اعْتَصَبَ أَجِيرًا أَوْ جَرَهُ أَوْ رَجُلًا بَاعَ حُرًّا.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> is Forgiver of every sin except the one who innovates a religion, or usurps an employee of his wages, or a man who sells a free person (as a slave)'.<sup>488</sup>

4- ما، الأمايلي للشيخ الطوسي ابن مَخْلَدٍ عَنِ ابْنِ السِّمَاقِ عَنِ عَبْدِ الْكَرِيمِ بْنِ الْهَيْثَمِ عَنِ أَبِي تَوْبَةَ عَنْ مُصْعَبٍ عَنْ سُفْيَانَ عَنْ مَعْمَرٍ عَنِ الزُّهْرِيِّ عَنِ سَالِمٍ عَنْ أَبِيهِ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ بَاعَ عَبْدًا وَ لَهُ مَالٌ فَمَالُهُ لِلْبَّاعِ إِلَّا أَنْ يَشْتَرِطَهُ الْمُبْتَاعُ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – Ibn Makhliid, from Ibn Al Simak, from Abdul Kareem Bin Al Haysam, from Abu Twabah, from Mus'ab, from Sufyan, from Ma'mar, from Al Zuhry, from Salim, from his father who said,

'Rasool-Allah<sup>-saww</sup> said: 'One who sells a slave and there is wealth for him, his wealth is for the seller except if the buyer stipulates it'.<sup>489</sup>

5- ل، الخصال ابن الْمُتَوَكِّلِ عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ عَلِيٍّ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ حَمَّادٍ الْحَارِثِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص خُمْسَةٌ لَا يُسْتَجَابُ لَهُمْ رَجُلٌ جَعَلَ اللَّهُ بَيْدَهُ طَلَّاقَ امْرَأَتِهِ فَهِيَ تُؤْذِيهِ وَ عِنْدَهُ مَا يُعْطِيهَا وَ لَمْ يَحِلَّ سَبِيلُهَا وَ رَجُلٌ أَبْقَى مَمْلُوكَهُ ثَلَاثَ مَرَّاتٍ وَ لَمْ يَبْعُهُ وَ رَجُلٌ مَرَّ بِخَائِطٍ مَائِلٍ وَ هُوَ يَقْبِلُ إِلَيْهِ وَ لَمْ يُسْرِعِ الْمَشْيَ حَتَّى سَقَطَ عَلَيْهِ وَ رَجُلٌ أَقْرَضَ رَجُلًا مَالًا فَلَمْ يُشْهَدْ عَلَيْهِ وَ رَجُلٌ جَلَسَ فِي بَيْتِهِ وَ قَالَ اللَّهُمَّ ارْزُقْنِي وَ لَمْ يَطْلُبْ.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Muhammad Al Attar, from Muhammad Bin Ahmad Bin Ali, and Muhammad Bin Al-Husayn, from Muhammad Bin Hammad Al Harisy,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Five, (supplication) is not Answered for them – a man who has been given by Allah<sup>-azwj</sup> the authority to divorce his wife,

<sup>486</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 1

<sup>487</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 2

<sup>488</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 3

<sup>489</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 4



yet she harms him while he possesses what he could give her, and he does not let her go; and a man whose slave has run away three times and he does not sell him; and a man who walks by a leaning wall and continues toward it without hurrying his pace until it falls on him; and a man who lends money to another without keeping witnesses; and a man who sits in his house and says, 'O Allah<sup>-azwj</sup>! Provide me!', while he does not seek provision.<sup>490</sup>

6- ب، قرب الإسناد ابن طريف عن ابن علقوان عن الصادق عن أبيه ع أَنَّ عَلِيّاً عَلَيْهِ الصَّلَاةُ وَ السَّلَامُ كَانَ إِذَا أَرَادَ أَنْ يَتَنَاعَ الْجَارِيَةَ يَكْشِفُ عَنْ سَاقَيْهَا فَيَنْظُرُ إِلَيْهَا.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup>, upon him<sup>-asws</sup> be the Salawaat and the greeting, was such that whenever he<sup>-asws</sup> wanted to buy a slave girl, he<sup>-asws</sup> would uncover from her ankle to look at it".<sup>491</sup>

7- صح، صحيفة الرضا عليه السلام عن الرضا عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَعَالَى عَافِرٌ كُلِّ ذَنْبٍ إِلَّا مَنْ جَحَدَ مَهْرًا أَوْ اغْتَصَبَ أُجِيرًا أَجْرَهُ أَوْ بَاعَ رَجُلًا حُرًّا.

(The book) 'Saheefa Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> the Exalted is a Forgive of every sin except the one who rejects dowry, or usurps an employee of his wages, or sells a free man".<sup>492</sup>

8- ضا، فقه الرضا عليه السلام رَوَى فِي الْجَارِيَةِ الصَّغِيرَةِ تُشْتَرَى وَ يُفَرَّقُ بَيْنَهَا وَ بَيْنَ أُمِّهَا فَقَالَ إِنْ كَانَتْ قَدْ اسْتَعْنَتْ عَنْهَا فَلَا بَأْسَ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – It is reported regarding a young slave girl who is purchased and separated from her mother. He<sup>-asws</sup> said: 'If she has become independent of her mother, then there is no problem".<sup>493</sup>

9- سن، المحاسن أبي عن ابن أبي عمير عن مزوان قال: قَالَ لِي عَبْدُ اللَّهِ بْنُ أَبِي عَبْدِ اللَّهِ اشْتَرِ لِي غُلَامًا عَارِفًا لِهَذَا الْأَمْرِ يَتَّقِي فِي ضَيْعَتِي يَكُونُ فِيهَا

(The book) 'My father, from Ibn Abu Umeyr, from Marwan who said,

'Abdullah son of Abu Abdullah<sup>-asws</sup> said to me, 'Buy a slave for me who is a recogniser of this matter, he can be standing in my estate to be in it!'

قَالَ فَقَالَ أَبُو الْحَسَنِ صَلَاحُهُ لِنَفْسِهِ وَ لَكِنْ اشْتَرِ لَهُ مَمْلُوكًا قَوِيًّا يَكُونُ فِي ضَيْعَتِهِ

<sup>490</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 5

<sup>491</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 6

<sup>492</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 7

<sup>493</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 8

He (the narrator) said, ‘Abu Al-Hassan<sup>-asws</sup> said: ‘He will be good only for himself, but buy for him a strong one would be in his estate!’

قَالَ فَقَالَ اشْتَرِ مَا يُقْوِلُ لَكَ.

He (the narrator) said, ‘He<sup>-asws</sup> said: ‘Buy what he<sup>-asws</sup> said to you!’<sup>494</sup>

10- سن، المحاسن أبي عن صفوان بن يحيى عن أبي مخلد السراج قال: قَالَ أَبُو عَبْدِ اللَّهِ ع لِإِسْمَاعِيلَ حَبِيبِهِ وَ حَارِثِ الْبَصْرِيِّ اطْلُبُوا لِي جَارِيَةً مِنْ هَذَا الَّذِي تُسَمُّوْنَهَا كَدْبُوْجَه [كَدْبَانُوْجَه] مُسْلِمَةً تَكُوْنُ مَعَ أُمِّ فَرْوَةَ

(The book) ‘Al Mahasin’ – My father, from Safwan Bin Yahya, from Abu Makhlad Al Sarraj who said,

‘Abu Abdullah<sup>-asws</sup> said to Ismail his<sup>-asws</sup> beloved, and Haris Al-Basri: ‘Seek out a slave girl for me from this which you are naming as ‘Kadbanuja’, a Muslim woman, to be with Umm Farwarah!’

فَدَلُّوْهُ عَلَى جَارِيَةٍ كَانَتْ لِشَرِيْكَ لِأَبِي مِنْ السَّرَّاجِيْنَ فَوَلَدَتْ لَهُ بِنْتًا وَ مَاتَ وَلَدَهَا فَأَحْبَرُوْهُ بِحَبْرَهَا فَأَشْتَرُوْهَا وَ حَمَلُوْهَا إِلَيْهِ وَ كَانَ اسْمُهَا رَسَالَةَ فَحَوَّلَ اسْمَهَا فَسَمَّاها سَلْمَى وَ زَوَّجَهَا سَلَمًا.

They pointed him<sup>-asws</sup> to a slave girl who had belonged to a partner of his father from among the saddlers. She had given birth to a daughter for him, but the child died. They informed him<sup>-asws</sup> of her story, so they purchased her and brought her to him. Her name was Risalah and he changed her name and named her as Salma, and got her married to Saalim”.<sup>495</sup>

11- ضا، فقه الرضا عليه السلام أبي عن جعفر عن آبائه ع أَنَّ عَلِيًّا أَوْثِيَّ بِعَبْدٍ ذِيٍّ قَدْ أَسْلَمَ فَقَالَ اذْهَبُوا فَبِيعُوْهُ لِلْمُسْلِمِيْنَ وَ ادْفَعُوا ثَمَنَهُ إِلَى صَاحِبِهِ وَ لَا تُقْرُوْهُ عِنْدَهُ.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – from Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>: ‘Ali<sup>-asws</sup> was brought a Zimmy slave who had become a Muslim. He<sup>-asws</sup> said: ‘Go and sell him to the Muslims and hand over his price to his owner, and do not leave him with him (Zimmy master)’”.<sup>496</sup>

12- نَوَادِرُ الرَّوَانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص عَلَيْكُمْ بِقَصَارِ الْحَدَمِ فَإِنَّهُ أَقْوَى لَكُمْ فِيْمَا تُرِيدُوْنَ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Keep short servants for it is stronger for you regarding what you want’”.<sup>497</sup>

<sup>494</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 9

<sup>495</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 10

<sup>496</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 11

<sup>497</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 12

## CHAPTER 27 – THE WAITING PERIOD AND RULINGS OF MOTHERS OF CHILDREN

1- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع عن علي صلوات الله عليه قال: تُسْتَبْرَأُ الْأَمَةُ إِذَا اشْتَرِيَتْ بِحَيْضَةٍ وَ إِنْ كَانَ لَا تَحِيضُ فَبِحُمْسَةِ وَ أَرْبَعِينَ يَوْمًا.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup>, from Ali<sup>asws</sup>, may the Salawaat of Allah<sup>azwj</sup> be upon him<sup>asws</sup>, said: 'A slave woman, when purchased, must undergo a waiting period with one menstrual cycle. If she does not menstruate, then the waiting period is forty-five days'.<sup>498</sup>

2- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قال: إِذَا اسْقَطَتِ الْجَارِيَةُ مِنْ سَيِّدِهَا فَقَدْ عَتَقَتْ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup> having said: 'When the slave girl miscarries from her master, she is liberated'.<sup>499</sup>

3- ب، قرب الإسناد مُحَمَّدُ بْنُ عَيْسَى عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ عَنِ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ وَ هِيَ حُبْلَى أَيْطُوهَا

(The book) 'Qurb Al Isnaad' – Muhammad Bin Isa, from Ibrahim Bin Abdul Hameed who said,

'I asked Abu Al-Hassan<sup>asws</sup> about the man who buys the slave girl while she is pregnant, 'Can he sleep with her?'

قَالَ لَا يَفْرُغُهَا.

He<sup>asws</sup> said: 'He should not go near her'.<sup>500</sup>

4- ن، عيون أخبار الرضا عليه السلام جَعْفَرُ بْنُ نُعَيْمٍ عَنْ عَمِّهِ مُحَمَّدِ بْنِ شَاذَانَ عَنِ الْفَضْلِ عَنِ ابْنِ زَيْعٍ قَالَ: سَأَلْتُ الرِّضَا عَ عَنْ حَدِّ الْجَارِيَةِ الصَّغِيرَةِ السَّرِيِّ الَّذِي إِذَا لَمْ تَبْلُغْهُ لَمْ يَكُنْ عَلَى الرِّجَالِ اسْتِبْرَؤُهَا فَقَالَ إِذَا لَمْ تَبْلُغْ اسْتَبْرَأَتْ بِشَهْرٍ

(The book) 'Uyoun Akhbar Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> – Ja'far Bin Nueym, from his uncle Muhammad Bin Shazan, from Al Fazl, from Ibn Bazie who said,

'I asked Al-Reza<sup>asws</sup> about the age limit of a young slave girl below which a man is not required to observe waiting period for her. He<sup>asws</sup> said: 'If she has not reached puberty, she must undergo a one-month waiting period'.

<sup>498</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 1

<sup>499</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 2

<sup>500</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 3

قُلْتُ فَإِنْ كَانَتْ ابْنَةُ سَبْعِ سِنِينَ أَوْ نَحْوَهَا يَمْنُ لَا تَحْمِلُ

I said, 'What if she is seven years old or around that age, among those who do not conceive?'

فَقَالَ هِيَ صَغِيرَةٌ وَ لَا يَضُرُّكَ أَنْ لَا تَسْتَبْرَأَ بِهَا

He<sup>-asws</sup> said: 'She is young, and it does not harm you if you do not observe waiting period for her'.

فَقُلْتُ مَا بَيْنَهَا وَ بَيْنَ تِسْعِ سِنِينَ

I said, 'What about between that and nine years?'

فَقَالَ نَعَمْ تِسْعَ سِنِينَ.

He<sup>-asws</sup> said: Yes, nine years is the limit".<sup>501</sup>

5- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ مُحَمَّدٍ بْنِ الْحُسَيْنِ عَنْ مُوسَى بْنِ سَعْدَانَ عَنْ عَبْدِ اللَّهِ بْنِ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع أَشْتَرِي الْجَارِيَةَ مِنَ الرَّجُلِ الْمَأْمُونِ فَيُخْبِرُنِي أَنَّهُ لَمْ يَمَسَّهَا مِنْذُ طَمِثَتْ عِنْدَهُ وَ طَهَّرَتْ

(The book) 'Ilal Al Sharaie' – From Sa'ad, from Muhammad Bin Al-Hassan, from Musa Bin Sa'dan, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'I buy a slave girl from a trustworthy man, and he tells me that he has not touched her since she menstruated with him and then became pure'.

قَالَ لَيْسَ بِجَائِزٍ لَكَ أَنْ تَأْتِيَهَا حَتَّى تَسْتَبْرَأَ بِهَا بِحَيْضَةٍ وَ لَكِنْ يُجُوزُ لَكَ مَا دُونَ الْفَرْجِ إِنَّ الَّذِينَ يَشْتَرُونَ الْإِمَاءَ ثُمَّ يَأْتُوهُنَّ قَبْلَ أَنْ يَسْتَبْرَأُوهُنَّ فَأُولَئِكَ الرِّثَاءُ بِأَمْوَالِهِمْ.

He<sup>-asws</sup> said: 'It is not permissible for you to sleep with her until you observe waiting period of one menstrual cycle. However, what is besides union is Permissible for you. Indeed, those who purchase slave girls and then sleep with them before observing waiting period, they are committing adultery with their wealth".<sup>502</sup>

6- ضا، فقه الرضا عليه السلام إِذَا تَرَكَ الرَّجُلُ جَارِيَةً أُمَّ وَلَدٍ وَ لَمْ يَكُنْ وَلَدُهُ مِنْهَا بَاقِيًا فَإِنَّهَا مَمْلُوكَةٌ لِلْوَرِثَةِ فَإِنْ كَانَ وَلَدُهَا بَاقِيًا فَإِنَّهَا لِلْوَلَدِ وَ هُمْ لَا يَمْلِكُونَهَا وَ هِيَ حُرَّةٌ لِأَنَّ الْإِنْسَانَ لَا يَمْلِكُ أَبَوَيْهِ وَ لَا وَلَدَهُ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'If a man leaves behind a slave woman who is a mother of his child, and his child from her is no longer living, then she remains the property of the heirs. But if her child is still alive, then she belongs to the child,

<sup>501</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 4

<sup>502</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 5

and they do not own her, rather, she is free, because a person does not own their parents or their children.

فَإِنْ كَانَ لِلْمَيِّتِ وَلَدٌ مِنْ غَيْرِ هَذِهِ الَّتِي هِيَ أُمُّ وَلَدِهِ فَإِنَّهَا تُجْعَلُ فِي نَصِيبِ وَلَدِهَا إِذَا كَانُوا صِبْغَاراً فَإِذَا أَذْرَكُوا تَوَلَّوْا هُمْ عَتَقَهَا [عَتَقَهَا] فَإِنْ مَاتُوا قَبْلَ أَنْ يُدْرِكُوا أُحْضَتْ مِيرَاثاً لِلْوَرَثَةِ وَ بِاللَّهِ التَّوْفِيقُ.

If the deceased has a child from another woman, not from this mother of the child, then she is assigned to the share of her own child if the child is still a minor. When they reach maturity, they themselves carry out her emancipation. But if they die before reaching maturity, she is included in the inheritance for the heirs. And with Allah<sup>-azwj</sup> is the inclination".<sup>503</sup>

باب 28 بيع المراجعة و أخواتها و بيع ما لم يقبض

## CHAPTER 28 – ‘AL-MURABAHA’ SALE AND ITS TYPES, AND SELLING WHAT HAS YET TO BE TAKEN POSSESSION OF

1- ب، قرب الإسناد الطيالسي عَنِ الْعَلَاءِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ الرَّجُلُ يُرِيدُ أَنْ يَبِيعَ الْبَيْعَ فَيَقُولُ أَبِيعْكَ بِدَهْ يَارَدَهْ أَوْ بِدَهْ دَوَارَدَهْ

(The book) ‘Qurb Al Isnaad’ – Al Tayalisi, from Al A’la who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘A man wants to sell an item and says, ‘I will sell it to you for ten with a profit of one’, or ‘for ten with a profit of two’.

قَالَ لَا بَأْسَ إِنَّمَا هُوَ الْبَيْعُ فَإِذَا جَمَعَ الْبَيْعَ يَجْعَلُهُ جُمْلَةً وَاحِدَةً.

He<sup>-asws</sup> said: ‘There is no problem, it is simply a sale. But when the sale is finalised, he should state it as a single amount.’<sup>504</sup>

2- ب، قرب الإسناد علي عَنِ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى طَعَاماً أَوْ يَصْلُحُ أَنْ يُؤَيَّ مِنْهُ قَبْلَ أَنْ يَقْبِضَهُ

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, ‘I asked him<sup>-asws</sup> about a man who buys food, ‘Is it correct for him if he appoints someone to take over (sell) from it before taking possession of it?’

قَالَ إِذَا رَيْحَ فَلَا يَصْلُحُ حَتَّى يَقْبِضَهُ وَ إِنْ كَانَ يُؤَيَّ مِنْهُ فَلَا بَأْسَ.

He<sup>-asws</sup> said: ‘If he intends to make a profit, then it is not Permissible until he takes possession of it. But if he is, simply, transferring it without profit, then there is no problem’.<sup>505</sup>

<sup>503</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 6

<sup>504</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 1

<sup>505</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 2

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ يَبِيعُ السِّلْعَةَ وَ يَشْتَرِطُ أَنَّ لَهُ نِصْفَهَا ثُمَّ يَبِيعُهَا مُرَابِحَةً أَيْحِلُ ذَلِكَ قَالَ لَا بَأْسَ.

He said, 'And I asked him<sup>-asws</sup> about a man who sells the merchandise and stipulates that for him is half of it. Then he sells it for a profit, 'Is that Permissible?' He<sup>-asws</sup> said: 'There is no problem'.<sup>506</sup>

4- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى مَبِيعًا كَيْلًا أَوْ وَزْنًا هَلْ يَصْلُحُ بَيْعُهُ مُرَابِحَةً

He said, 'And I asked him<sup>-asws</sup> about a man who buys goods by measure or weight, can he sell them for a profit?'

قَالَ إِذَا تَرَاضَيَا الْبَيْعَانِ فَلَا بَأْسَ فَإِنْ سُمِّيَ كَيْلًا أَوْ وَزْنًا فَلَا يَصْلُحُ بَيْعُهُ حَتَّى يَكِيلَهُ أَوْ يَزِنَهُ.

He said: 'If both seller and buyer agree, there is no problem. However, if it was purchased specifically by measure or weight, then it is not permissible to sell it until he measures or weighs it'.<sup>507</sup>

5- لِي، الْأَمَالِي لِلصَّدُوقِ فِي خَيْرِ الْمَنَاهِي إِنَّ النَّبِيَّ صَلَّى عَنْ بَيْعِ مَا لَمْ يُضْمَنْ.

(The book) 'Al Amaali' of Al Sadouq –

'In a Hadeeth of the prohibitions, the Prophet<sup>-saww</sup> prohibited from selling what is not guaranteed'.<sup>508</sup>

6- مَا، الْأَمَالِي لِلشَّيْخِ الطُّوسِيِّ ابْنِ حَمَّوَيْهِ عَنْ مُحَمَّدٍ بْنِ مُحَمَّدٍ عَنْ أَبِي خَلِيفَةَ عَنْ مُسَدِّدٍ عَنْ أَبِي الْأَخْوَصِ عَنْ عَبْدِ الْعَزِيزِ بْنِ زَيْعٍ عَنْ عَطَاءٍ عَنْ جَزَّامِ بْنِ حَكِيمٍ قَالَ: ابْتَعْتُ طَعَامًا مِنْ طَعَامِ الصَّدَقَةِ فَأَرَبْتُ فِيهِ قَبْلَ أَنْ أَقْبِضَهُ فَأَرَدْتُ بَيْعَهُ فَسَأَلْتُ النَّبِيَّ صَلَّى عَنْ بَيْعِهِ حَتَّى تَقْبِضَهُ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Hammawayh, from Muhammad Bin Muhammad Bin Bakr, from Abu Khaleefa, from Musaddid, from Abu Al Ahwas, from Abdul Aziz, from Ata'a, from Hizan Bin Hakeem who said,

'I purchased food from the charity food and made a profit on it before taking possession of it. I wanted to sell it, so I asked the Prophet<sup>-saww</sup>, and he<sup>-saww</sup> said: 'Do not sell it until you take possession of it!'<sup>509</sup>

باب 29 بيع الحيوان

## CHAPTER 29 – THE SALE OF ANIMALS

1- ب، قرب الإسناد عليّ عن أخيه قال: سَأَلْتُهُ عَنِ الْحَيَّاتِ بِالْحَيَّاتِ بِنَسِيئَةٍ وَ زِيَادَةِ دِرْهَمٍ يَنْقُذُ الدَّرْهَمَ وَ يُؤَخِّرُ الْحَيَّاتَ قَالَ إِذَا تَرَاضَيَا فَلَا بَأْسَ.

<sup>506</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 3

<sup>507</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 4

<sup>508</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 5

<sup>509</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 6

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the animal for the animal for deferred payment and additional Dirham. The Dirham is paid cash and the animal is delayed. He<sup>-asws</sup> said: 'When they both agree, there is no problem''.<sup>510</sup>

2- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آبائه عن الحسين بن علي ع قال: اختصم إلى علي ع رجلان أحدهما باع الآخر بغير رأس واستثنى الرأس والجلد ثم بدا له أن ينحره قال هو شريكه في البعير على قدر الرأس والجلد.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from Al-Husayn<sup>-asws</sup> Bin Ali<sup>-asws</sup>, having said: 'Two men brought their dispute to Ali<sup>-asws</sup>. One of them had sold a camel to the other and bought the head and the skin. Then there was a change of decision for him, he slaughtered it. He<sup>-asws</sup> said: 'He is his partner in the camel upon a measurement of the head and the skin''.<sup>511</sup>

3- صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) 'Saheefa Al-Reza<sup>-asws</sup>, may the greeting be upon him<sup>-asws</sup> – similar to it.<sup>512</sup>

باب 30 متفرقات أحكام البيوع وأنواعها من البيع الفضولي وغيره

## CHAPTER 30 – MISCELLANEOUS RULING OF THE SALES AND THEIR TYPES, FROM THE UNAUTHORISED SALES AND OTHER SUCH

1- ما، الأمايلي للشيخ الطوسي ابن مكلد عن جعفر بن محمد بن نصير عن عبد الله بن يوسف عن محمد بن سليمان عن عبد الوارث بن سعيد قال: قدمت مكة فوجدت فيها أبا حنيفة وابن أبي ليلى وابن شبرمة فسألت أبا حنيفة فقلت ما تقول في رجل باع بيعاً و شرط شرطاً

(The book) 'Al Amaali' of the Sheykh Al Tusi – Ibn Makhlad, from Ja'far Bin Muhammad Bin Nuseyr, from Abdullah Bin Yusuf, from Muhammad Bin Suley, from Abdul Al Waris Bin Saeed who said,

'I arrived at Makkah and found Abu Haneefa, and Ibn Abu Layli, and Ibn Shubrama there. I asked Abu Haneefa. I said, 'What are you saying regarding a man who conducts a sale and stipulates a condition?'

قال البيوع باطل و الشرط باطل

He said, 'The sale is invalid and the stipulation is invalid!'

ثم أتيت ابن أبي ليلى فسألته فقال البيع جائز و الشرط باطل

<sup>510</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 29 H 1

<sup>511</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 29 H 2

<sup>512</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 29 H 3

Then I came to Abu Layli. I asked him. He said, 'The sale is allowed and the stipulation is invalid!'

ثُمَّ أَتَيْتُ ابْنَ شُبْرُمَةَ فَسَأَلْتُهُ فَقَالَ الْبَيْعُ جَائِزٌ وَ الشَّرْطُ جَائِزٌ

Then, I came to Ibn Shubruma and asked him. He said, 'The sale is allowed and the stipulation is allowed!'

فَقُلْتُ سُبْحَانَ اللَّهِ ثَلَاثٌ مِنْ فُقَهَاءِ أَهْلِ الْعِرَاقِ اخْتَلَفْتُمْ عَلَيَّ فِي مَسْأَلَةٍ وَاحِدَةٍ

I said, 'Glory be to Allah<sup>-azwj</sup>! (three times) From jurists of the people of Iraq are differing upon me regarding one issue'.

فَأْتَيْتُ أَبَا حَنِيفَةَ فَأَخْبَرْتُهُ فَقَالَ مَا أَدْرِي مَا قَالَا حَدَّثَنِي عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعٍ وَ شَرْطٍ الْبَيْعُ بَاطِلٌ وَ الشَّرْطُ بَاطِلٌ

I came to Abu Haneefa and informed him. He said, 'I don't know what they both said. It is narrated to me by Amro Bin Shueyb, from his father, from his grandfather that the Prophet<sup>-saww</sup> forbade from selling and stipulating. The sale is invalid and the stipulation is invalid!'

ثُمَّ أَتَيْتُ ابْنَ أَبِي لَيْلَى فَأَخْبَرْتُهُ فَقَالَ مَا أَدْرِي مَا قَالَا حَدَّثَنِي هِشَامٌ عَنْ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ أَمَرَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ أَشْتَرِيَ بَرِيَّةً فَأَعْتَقَهَا الْبَيْعُ جَائِزٌ وَ الشَّرْطُ بَاطِلٌ

Then I came to Ibn Abu Layli and informed him. He said, 'I don't know what they both said. It is narrated to me by Hisham, from Urwah, from Ayesha. She said, 'Rasool-Allah<sup>-saww</sup> instructed me to buy a slave girl with a waiting period, and free her. The sale is allowed and the stipulation is invalid'.

ثُمَّ أَتَيْتُ ابْنَ شُبْرُمَةَ فَأَخْبَرْتُهُ فَقَالَ مَا أَدْرِي مَا قَالَا حَدَّثَنِي مِسْعَرُ بْنُ كِدَامٍ عَنْ مُحَارِبِ بْنِ زِيَادٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَافَةَ شَرَطَ لِي جَلَابِهَا إِلَى الْمَدِينَةِ الْبَيْعُ جَائِزٌ وَ الشَّرْطُ جَائِزٌ.

Then I came to Ibn Shubruma and informed him. He said, 'I don't know what they both said. It is narrated to me by Mis'ar Bin Kadam, from Muharib Bin Ziyad, from Jabir Bin Abdullah<sup>-ra</sup>. He<sup>-ra</sup> said: 'I<sup>-ra</sup> sold a she-camel to the Prophet<sup>-saww</sup>. He<sup>-saww</sup> stipulated to me that I keep milking her up to (reaching) Al-Medina. The sale is allowed, and the stipulation is allowed'.<sup>513</sup>

2- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن رجل كان له على آخر عشرة ذراهم فقال اشتر لي ثوباً فبعه و أقبض ثمنه فما وضعت فهو علي أجيل ذلك

(The book) 'Qurb Al Isnaad' –



'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man who had a debt of ten Dirhams upon another. He said, 'Buy a garment for me, sell it and take its price. Whatever it loses, it is upon me', 'Is that Permissible?'

قَالَ إِذَا تَرَضَيْتَا فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'When they both agree, there is no problem'.<sup>514</sup>

3- ل، الخصال ابن المَوَكَّلِ عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ الْأَشْعَرِيِّ رَفَعَهُ إِلَى الْحُسَيْنِ بْنِ زَيْدٍ عَنْ آبَائِهِ عَنْ عَلِيِّ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا التَّاجِرَانِ صَدَقَا وَ بَرَّا بُورِكَ لَهُمَا وَإِذَا كَذَبَا وَ خَانَا لَمْ يُبَارَكْ لَهُمَا وَ هُمَا بِالْخِيَارِ مَا لَمْ يَفْتَرَقَا فَإِنْ اخْتَلَفَا فَالْقَوْلُ قَوْلُ رَبِّ السِّلْعَةِ أَوْ يَتَّارِكَا.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Muhammad Al Attar, from Al Ash'ary, raising it to Al-Husayn Bin Zayd, from his forefathers,

'From Ali<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'When two traders are honest and righteous, there is Blessing for them, and when they are liars and betray, there will be no Blessing for them, and they are with the choice (whether to cancel the sale or not) for as long as they do not separate. If they differ, the (final) word is of the owner of the merchandise, or they should abandon.<sup>515</sup>

4- ما، الأماالي للشيخ الطوسي حَمَوِيهِ عَنْ أَبِي الْحُسَيْنِ عَنْ أَبِي خَلِيفَةَ عَنْ مُحَمَّدِ بْنِ كَثِيرٍ عَنْ سُفْيَانَ عَنْ أَبِي حُصَيْنٍ عَنْ شَيْخٍ مِنْ أَهْلِ الْمَدِينَةِ عَنْ حَكِيمِ بْنِ حَزَلَمٍ أَنَّ النَّبِيَّ ص بَعَثَ مَعَهُ بِدِينَارٍ يَشْتَرِي لَهُ أَصْحِيَّةً فَاشْتَرَاهَا بِدِينَارٍ وَ بَاعَهَا بِدِينَارَيْنِ فَرَجَعَ فَاشْتَرَى أَصْحِيَّةً بِدِينَارٍ وَ جَاءَ بِدِينَارٍ إِلَى النَّبِيِّ ص فَتَصَدَّقَ بِهِ النَّبِيُّ ص وَ دَعَا أَنْ يُبَارَكَ لَهُ فِي تِجَارَتِهِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Hammawiya, from Abu Al-Husayn, from Abu Khaleefa, from Muhammad Bin Kazeer, from Sufyan, from Abu Huseyn, from sheykh from the people of Medina, from Hakeem Bin Hazim,

The Prophet<sup>-saww</sup> sent him with a Dinar to buy a sacrificial animal for him<sup>-saww</sup>. He bought it for a Dinar and sold it for two Dinars. Then he bought a sacrificial animal for a Dinar and came with a Dinar to the Prophet<sup>-saww</sup>. The Prophet<sup>-saww</sup> donated it in charity and supplicated that there be Blessing for him in his trade".<sup>516</sup>

5- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنِ الْحُسَيْنِ بْنِ حَمْزَةَ الْعُلَوِيِّ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ أَبِي الْقَاسِمِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص صَاحِبُ السِّلْعَةِ أَحَقُّ بِالسُّؤْمِ.

(The book) 'Kitab Al Imamah Wa Al Tabsira' – from Al-Hassan Bin Hamza Al Alawy, from Ali Bin Muhammad Bin Abu Al Qasim, from his father, from Haroun Bin Muslim, from Mas'adq Bin Sadaqa,

<sup>514</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 2

<sup>515</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 3

<sup>516</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 4

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Owner of the merchandise is more rightful with the bargaining’’.<sup>517</sup>

6- الكافي، عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ ابْنِ عِيْسَى عَنْ ابْنِ أَبِي نُجْرَانَ عَنْ عَلِيِّ بْنِ عَبْدِ الرَّحِيمِ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ هَلُمَّ أَحْسِنَ بَيْعَكَ يَحْزَمُ عَلَيْهِ الرِّبْحُ.

(The book) ‘Al Kafi’ – From Muhammad Bin Yahya, from Ibn Isa, from Ibn Abu Najran, from Ali Bin Abdul Rahman, from a man,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘When the man says to the man, ‘Come, I will improve your sale, the profiting becomes prohibited upon him’’.<sup>518</sup>

7 وفيه، وفيه، تهذيب الأحكام بأسانيد المسلمين عند شروطهم إلا ما خالف كتاب الله.

And in (the book) ‘Tahzeeb Al-Ahkaam’ – By chains, ‘The Muslims are with their stipulated conditions except what opposes the Book of Allah<sup>-azwj</sup>’.<sup>519</sup>

8- يب، تهذيب الأحكام بإسناده عن الصفار عن الحشّاب عن ابن كلّوب عن إسحاق بن عمّار عن جعفر عن أبيه ع أن عليّاً ع كان يقول من شرط لامرأته شرطاً فليف بها فإن المسلمين عند شروطهم إلا شرطاً حرم خلافاً أو أحلّ حراماً.

(The book) ‘Tahzeeb Al Ahkaam’ – By his chain from Al Saffar, from Al Khashaab, from Ibn Kaloub, from Is’haq Bin Ammar,

‘From Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> that Ali<sup>-asws</sup> had said: ‘One who stipulates a condition to his wife, let him be loyal with it, for the Muslims are with their conditions except a condition prohibiting a Permissible, or permitting a Prohibition’.<sup>520</sup>

9- كا، الكافي عن العدة عن ابن عيسى عن ابن أبي عمير عن حفص بن سوفة عن الحسين بن المنذر قال: قلت لأبي عبد الله ع يجئني الرجل فيطلب العينة فأشترى له المتاع مراحته ثم أبيعها إياه ثم أشتريه منه مكاني

(The book) ‘Al Kafi’ – From the number, from Ibn Isa, from Ibn Abu Umeyr, from Hafs Bin Sowqah, from Al-Husayn Bin Al Munzir who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘A man comes to me requesting ‘Inah’ (a sale with a buy-back arrangement), so I purchase the goods for him on a profit basis, then sell it to him, and then buy it back from him at my place’.

قَالَ إِذَا كَانَ بِالْخِيَارِ إِنْ شَاءَ بَاعَ وَ إِنْ شَاءَ لَمْ يَبِعْ وَ كُنْتُ أَنْتَ بِالْخِيَارِ إِنْ شِئْتَ اشْتَرَيْتَ وَ إِنْ شِئْتَ لَمْ تَشْتَرِ فَلَا بَأْسَ.

<sup>517</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 5

<sup>518</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 6

<sup>519</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 7

<sup>520</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 8

He<sup>-asws</sup> said: 'If he has the choice, if he wishes, he may sell, and if he wishes, he may not, and you also have the choice, if you wish, you may buy, and if you wish, you may not, then there is no problem'.<sup>521</sup>

10- كا، الكافي عن العدة عن أحمد بن محمد عن ابن أبي عمير عن يحيى بن الحجاج عن خالد بن الحجاج قال: قلت لأبي عبد الله ع الرجل يبيء فيقول اشتر هذا الثوب وأربحك كذا وكذا

(The book) 'Al Kafi' – from the number, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Yahya Bin Al Hajjal, from Khalid Bin Al Hajjaj who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'The man comes and says, 'Buy this garment and I will profit you such and such!'

قال أليس إن شاء ترك وإن شاء أخذ

He<sup>-asws</sup> said: 'Is it not the case that if he wishes, he may leave it, and if he wishes, he may take it?'

قلت بلى

I said, 'Yes'.

قال لا بأس به إنما يحل الكلام ويحرم الكلام.

He<sup>-asws</sup> said: 'There is no harm in it. It is words that make something lawful and words that make it unlawful'.<sup>522</sup>

11 و منه، عن علي عن أبيه عن ابن أبي عمير مثله.

And from him, from Ali, from his father, from Ibn Abu Umeyr – similar to it.<sup>523</sup>

12- و منه، عن فضالة عن معاوية بن عمارة قال: قلت لأبي عبد الله ع يجئني الرجل يطلب مني بيع الحرير وليس عندي منه شيء فيقول لي عليه وأقول له في الربح والأجل حتى تجتمع على شيء ثم أذهب فأشترى له الحرير فأدعوه إليه

And from him, from Fazala, from Muawiya Bin Ammar who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'A man comes to me asking to buy silk, and I do not have any. So, he negotiates with me, and I negotiate with him regarding profit and payment term until we agree on something. Then I go and buy the silk for him and call him to take it'.

<sup>521</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 9

<sup>522</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 10

<sup>523</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 11

فَقَالَ أَرَأَيْتَ إِنْ وَجَدَ بَيْعاً هُوَ أَحَبُّ إِلَيْهِ مِمَّا عِنْدَكَ أَوْ يَدْعُكَ إِلَيْهِ وَ يَدْعُكَ أَنْ تَنْصَرِفَ إِلَيْهِ وَ تَدْعُهُ

He<sup>-asws</sup> said: 'What is your view, if he finds a better offer that he prefers over yours, can he go to it and leave yours? Or if you find a better deal, can you go to it and leave him'?

فُلْتُ نَعَمْ

I said, 'Yes'.

قَالَ لَا بَأْسَ.

He said: Then there is no problem'.<sup>524</sup>

وَرُويَ مِثْلُهُ بِاخْتِلَافٍ يَسِيرٍ بِأَسَانِيدَ كَثِيرَةٍ.

And similar to it is reported with slight differences by many chains.

باب 31 ثواب القرض و ذم من منعه عن المحتاجين

## CHAPTER 31 – THE REWARD OF LENDING AND CONDEMNATION OF PREVENTING IT FROM THE NEEDY

1- لي، الأماالي للصدوق في حَبْرِ الْمَنَاهِي قَالَ النَّبِيُّ ص مَنْ احتَاجَ إِلَيْهِ أَخُوهُ الْمُسْلِمُ فِي قَرْضٍ وَ هُوَ يُعْذِرُ عَلَيْهِ فَلَمْ يَفْعَلْ حَرَّمَ اللَّهُ عَلَيْهِ رِيحَ الْجَنَّةِ.

(The book) 'Al Amaali' of Al Sadouq –

'In a Hadeeth of prohibitions, the Prophet<sup>-saww</sup> said: 'One who is needy for a loan to his Muslim brother while he is able upon it but does not do so, Allah<sup>-azwj</sup> will Prohibited upon him the aroma of Paradise''.<sup>525</sup>

2- فس، تفسير القمي قَالَ الصَّادِقُ ع عَلَى بَابِ الْجَنَّةِ مَكْتُوبٌ الْقَرْضُ بِثَمَانِيَةِ عَشَرَ وَ الصَّدَقَةُ بِعَشْرَةٍ وَ ذَلِكَ أَنَّ الْقَرْضَ لَا يَكُونُ إِلَّا فِي يَدِ الْمُحْتَاجِ وَ الصَّدَقَةُ رُبَّمَا وَقَعَتْ فِي يَدِ غَيْرِ مُحْتَاجٍ.

(The book) 'Tafseer Al Qummi' –

'Al-Sadiq<sup>-asws</sup> said: 'Upon a door of the Paradise it is inscribed: 'The loan is with eighteen (multiple) and the charity is with ten', and that is because the loan cannot be except in the hand of the needy, while the charity sometimes falls in the hand of a non-needy'.<sup>526</sup>

<sup>524</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 12

<sup>525</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 1

<sup>526</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 2

3- فس، تفسير القمي أحمد بن إدريس عن أحمد بن محمد عن علي بن الحكم عن أبي المعز عن إسحاق بن عمار قال: سألت أبا إبراهيم ع عن قول الله تعالى من ذا الذي يقرض الله قرضاً حسناً فيضاعفه له و له أجر كريم قال نزلت في صلة الأرحام.

(The book) 'Tafseer Al Qummi' – Ahmad Bin Idrees, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Al Mi'za, from Is'haq Bin Ammar who said,

'I asked Abu Ibrahim<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> the Exalted: **The charitable men and the charitable women, and the lenders to Allah of a goodly loan, it shall be doubled for them and they shall have an honourable Recompense [57:18].** He<sup>-asws</sup> said: 'It was Revealed regarding connecting (helping) the kindred"<sup>527</sup>

4- ثو، ثواب الأعمال ابن الوليد عن الصغار عن البرقي عن أبيه عن أحمد بن النضر عن عمرو بن شمير عن أبي عبد الله ع قال قال رسول الله ص من أقرض مؤمناً قرضاً ينتظر به ميسوره كان ماله في زكاة وكان هو في صلاة من الملائكة حتى يؤديه إليه.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ahmad Bin Al Nazr, from Amro Bin Shimir,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup>: 'One lends a loan to a Momin awaiting with him for his affluence, his wealth would be in Zakat, and he would be in Salawaat from the Angels until he returns it to him"<sup>528</sup>

5- ثو، ثواب الأعمال أبي عن سعد عن التهدي عن محمد بن جناب عن شيخ كان عندنا قال سمعت أبا عبد الله ع يقول لأن أقرض قرضاً أحب إلي من أن أصل يثله

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Nahdy, from Muhammad Bin Janab, from a sheykh who was with us who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'If I<sup>-asws</sup> were to lend a loan to a Momin, it would be more beloved to me than if I were to donate similar to it'.

قال وكان يقول من أقرض قرضاً فضرّب له أجلاً فلم يأت به عند ذلك الأجل فإن له من الثواب في كل يوم يتأخر عن ذلك الأجل يثّل صدقة دينار واحد في كل يوم.

He (the narrator) said, 'And he<sup>-asws</sup> had said: 'One who lends a loan so he strikes (stipulates) a term for it, but he (borrower) does not come with it during that term, for him (lender) would be a Reward for each day he is delayed from that term, like charity of one Dinar during every day"<sup>529</sup>

6- ثو، ثواب الأعمال ابن الوليد عن الصغار عن البرقي عن أبيه عن ابن سنان عن الفضيل قال قال أبو عبد الله ع ما من مسلم أقرض مسلماً قرضاً يريد وجه الله إلا احتسب له أجرها بحساب الصدقة حتى ترجع إليه.

<sup>527</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 3

<sup>528</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 4

<sup>529</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 5

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ibn Sinan, from Al Fuzeyl who said,

'Abu Abdullah<sup>-asws</sup> having said: 'There is none from a Muslim lending a loan to a Muslim intending the Face of Allah<sup>-azwj</sup>, except it's Reward will be calculated for him as calculation of the charity until he returns it to him'.<sup>530</sup>

7- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هَيْثَمِ الصَّيْرِيِّ وَغَيْرِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْقَرْضُ الْوَاحِدُ بِثَمَانِيَةِ عَشَرَ وَ إِنْ مَاتَ اخْتُسِبَ بِهَا مِنَ الزَّكَاةِ.

(The book) 'Sawaab Al Amaal' – My father, from Ali, from his father, from Ibn Abu Umeyr, from Haysham Al Sayfari and someone else,

'From Abu Abdullah<sup>-asws</sup> having said: 'Lending the one is with (a multiple of) eighteen, and if he dies, it will be calculated as being from the Zakat'.<sup>531</sup>

8- ثَوَابُ الْأَعْمَالِ ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَعْبُدٍ عَنْ عَبْدِ اللَّهِ بْنِ قَاسِمٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ النَّبِيُّ ص أَلْفُ دَرَاهِمٍ أَقْرَضُهَا مَرَّتَيْنِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَتَصَدَّقَ بِهَا مَرَّةً وَ كَمَا لَا يَحِلُّ لِعَرِيضِكَ أَنْ يَمْطُلَكَ وَ هُوَ مُوسِرٌ فَكَذَلِكَ لَا يَحِلُّ لَكَ أَنْ تُغْسِرَهُ إِذَا عَلِمْتَ أَنَّهُ مُعْسِرٌ.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Ma'bad, from Abdullah Bin Qasim, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> said: 'A thousand Dirhams I<sup>-asws</sup> lend it twice is more beloved to me<sup>-asws</sup> than if I<sup>-asws</sup> were to donate charity with it once, and just as it is not Permissible for your debtor to delay while he is able, like that it is not Permissible for you to pressure him when you know he is not able'.<sup>532</sup>

9- الْهُدَايَةُ، قَالَ الصَّادِقُ ع مَكْتُوبٌ عَلَى بَابِ الْجَنَّةِ الصَّدَقَةُ بِعَشْرَةٍ وَ الْقَرْضُ بِثَمَانِيَةِ عَشَرَ وَ إِنْمَا صَارَ الْقَرْضُ أَفْضَلَ مِنَ الصَّدَقَةِ لِأَنَّ الْمُسْتَقْرِضَ لَا يَسْتَقْرِضُ إِلَّا مِنْ حَاجَةٍ وَ قَدْ يَطْلُبُ الصَّدَقَةَ مَنْ لَا يَحْتَاجُ إِلَيْهَا.

(The book) 'Al Hidayah' –

'Al-Sadiq<sup>-asws</sup> said: 'It is inscribed upon a door of the Paradise, 'The charity is with them and the loan is with eighteen', and rather the loan became superior to the Charity because the borrower does not borrow except from a need, and he seeks the charity one who is not needy to it'.<sup>533</sup>

10- ف، تحف العقول فِي حَبْرِ طَوِيلٍ عَنِ الصَّادِقِ ع قَالَ: أَمَّا الْوُجُوهُ الْأَرْبَعَةُ الَّتِي يَلْزَمُهُ فِيهَا التَّقَهُ مِنْ وَجُوهِ اصْطِنَاعِ الْمَعْرُوفِ فَقَضَاءُ الدَّيْنِ وَ الْعَارِيَّةُ وَ الْقَرْضُ وَ إِقْرَاءُ الصَّنِيفِ وَاجِبَاتٌ فِي السُّنَّةِ.

<sup>530</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 6

<sup>531</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 7

<sup>532</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 8

<sup>533</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 9

(The book) 'Tuhaf Al Uqoul' –

'In a lengthy Hadeeth from Al-Sadiq<sup>asws</sup> having said: 'As for the four aspects for those one is obligated to spend as part of acts of kindness, they are - repaying debt, returning a borrowed item, giving a loan, and hosting a guest. These are obligated in the Sunnah".<sup>534</sup>

11- ضا، فقه الرضا عليه السلام رُوِيَ أَنَّ أَجْرَ الْقَرْضِ ثَمَانِيَّةٌ عَشْرَ ضِعْفًا مِنْ أَجْرِ الصَّدَقَةِ لِأَنَّ الْقَرْضَ يَصِلُ إِلَى مَنْ لَا يَضَعُ نَفْسَهُ لِلصَّدَقَةِ لِأَخْذِ الصَّدَقَةِ.

(The book) 'Fiqh Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> – It is reported that Reward of the loan is of eighteen multiples from the Rewards of charity because the loan arrives to the one who does not drop himself for the charity to take the charity".<sup>535</sup>

12- شي، تفسير العياشي عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ بَعْضِ الْقُمِيِّينَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ تَعَالَى لَا خَيْرَ فِي كَثِيرٍ مِنْ نَجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ يَغْنِي بِالْمَعْرُوفِ الْقَرْضَ.

(The book) 'Tafseer Al Ayyashi' – From Ibrahim Bin Abdul Hameed, from one of the people of Qum,

'From Abu Abdullah<sup>asws</sup> regarding Words of the Exalted: ***There is no good in most of their secret counsels except of the one who either enjoins charity, or goodness, or reconciliation between people; [4:114]*** – meaning with the 'goodness', the loan".<sup>536</sup>

13- م، تفسير الإمام عليه السلام أَنَا الْقَرْضُ فَقَرْضُ دِرْهَمٍ كَصَدَقَةِ دِرْهَمَيْنِ سَمِعْتُ رَسُولَ اللَّهِ ص فَقَالَ هُوَ عَلَى الْأَغْنِيَاءِ.

(The book) 'Tafseer of the Imam (Hassan Al-Askari<sup>asws</sup>), may the greeting be upon him<sup>asws</sup>: 'As for the lean, lending a dirham like charity of two Dirhams. I<sup>asws</sup> heard Rasool-Allah<sup>saww</sup>, he<sup>saww</sup> said: 'It is upon the wealthy".<sup>537</sup>

14 نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الصَّدَقَةُ بِعَشْرَةٍ وَ الْقَرْضُ بِثَمَانِيَّةٍ عَشْرَ وَ صِلَةُ الْإِخْوَانِ بِعِشْرِينَ وَ صِلَةُ الرَّحِمِ بِأَرْبَعٍ وَ عِشْرِينَ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>asws</sup> Bin Ja'far<sup>asws</sup>, from his<sup>asws</sup> forefathers<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'The charity is with ten (multiple of Rewards) and the loan is with eighteen, and connecting (helping) the brethren is with twenty, and connecting (helping) the kindred is with twenty-four (multiple)".<sup>538</sup>

<sup>534</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 10

<sup>535</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 11

<sup>536</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 12

<sup>537</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 13

<sup>538</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 14

## CHAPTER 32 – WHAT HAS BEEN REFERRED TO REGARDING INCURRING DEBTS

1- ع، علل الشرائع ل، الخصال ابن الوليد عن الصَّفَّارِ عَنِ ابْنِ مَعْرُوفٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ حَنَانِ بْنِ سَدِيرٍ عَنْ أَبِيهِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كُلُّ ذَنْبٍ يُكَفِّرُهُ الْقَتْلُ فِي سَبِيلِ اللَّهِ إِلَّا الدَّيْنَ فَإِنَّهُ لَا كَفَّارَةَ لَهُ إِلَّا أَدَاؤُهُ أَوْ يَقْضِي صَاحِبُهُ أَوْ يَغْفُوَ الَّذِي لَهُ الْحَقُّ.

(The book) 'Ilal Al Sharaie', (and) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahboub, from Hanan Bin Sadeyr, from his father,

'From Abu Ja'far<sup>asws</sup> having said: 'Every sin can be atoned for by being killed in the way of Allah<sup>azwj</sup> except the debt, for there is no atonement for it except paying it, or its owner (borrower) settles it or the one who has the right for it, forgives'.<sup>539</sup>

2- ل، الخصال أبي عن أحمد بن إدريس عن الأشعري عن يوسف بن الحارث عن عبد الله بن يزيد عن حياة بن شريح عن سالم بن عجلان عن دراج عن أبي الهيثم عن أبي سعيد الخدري قال سمعت رسول الله ص يقول أعوذ بالله من الكفر و الدين

(The book) 'Al Khisaal' – My father, from Ahmad Bin Idrees, from Al Ash'ari, from Yusuf Bin Al Haris, from Abdullah Bin Yazeed, from Hayat Bin Shureyh, from Salim Bin Gaylan, from Darraj, from Abu Al Haysam, from Abu Saeed Al Khudri who said,

'I heard Rasool-Allah<sup>saww</sup> saying: 'I seek refuge with Allah<sup>azwj</sup> from the Kufr and the debt!'

قِيلَ يَا رَسُولَ اللَّهِ ص أَ يَغْدِلُ الدِّينُ بِالْكُفْرِ

It was said, 'O Rasool-Allah<sup>saww</sup>! Does the debt equate to the Kufr?'

فَقَالَ نَعَمْ.

He<sup>saww</sup> said: 'Yes'.<sup>540</sup>

3- ع، علل الشرائع العطار عن أبيه عن الأشعري مثله.

(The book) 'Ilal Al Sharaie' – From his father, from Al-Ashari, similar to it.<sup>541</sup>

4- ع، علل الشرائع ابن الوليد عن الصَّفَّارِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنِ ابْنِ الْمُغِيرَةِ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِيَّاكُمْ وَ الدِّينَ فَإِنَّهُ هَمٌّ بِاللَّيْلِ وَ ذُلٌّ بِالنَّهَارِ.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ahmad Bin Muhammad, from his father, from Ibn Al Mugheira, from Al Sakuni,

<sup>539</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 1

<sup>540</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 2

<sup>541</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 3



'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Beware of the debts, for it is a worry by the night and humiliation by the day!'"<sup>542</sup>

5- ع، علل الشرائع ماجيلويه عن علي عن أبيه عن عبد الله بن ميثون عن الصادق ع قَالَ قَالَ عَلِيٌّ ع إِيَّاكُمْ وَ الدَّيْنُ فَإِنَّهُ مَذَلَّةٌ بِالنَّهَارِ وَ مَهْمَةٌ بِاللَّيْلِ وَ قَضَاءٌ فِي الدُّنْيَا وَ قَضَاءٌ فِي الْآخِرَةِ.

(The book) 'Ilal Al Sharaie' – Majaylawiya, from Ali, from his father, from Abdullah Bin Maymoun,

'From Al-Sadiq<sup>-asws</sup> having said 'Ali<sup>-asws</sup> said: 'Beware of the debts, for it is a disgrace at daytime and worry at night, and a due in the world and a due in the Hereafter!'"<sup>543</sup>

6- ع، علل الشرائع أبي عن الحميري عن هارون بن مسلم عن سعدان عن أبي الحسن الليثي عن الصادق ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَا الْوَجْعُ إِلَّا وَجَعُ الْعَيْنِ وَ مَا الْهَمُّ إِلَّا هَمُّ الدَّيْنِ.

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, from Haroun Bin Muslim, from Sa'dan, from Abu Al-Hassan Al Laysi,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There is no pain except the pain of the eyes, and there is no worry except worry of the debt.'<sup>544</sup>

7- ع، علل الشرائع بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص الدَّيْنُ رَأْيُهُ اللَّهُ عَزَّ وَ جَلَّ فِي الْأَرْضِ فَإِذَا أَرَادَ أَنْ يُذِلَّ عَبْدًا وَضَعَهُ فِي عُنُقِهِ.

(The book) 'Ilal Al Sharaie' – By this chain, said,

'Rasool-Allah<sup>-saww</sup> said: 'The debt is a banner of Allah<sup>-azwj</sup> Mighty and Majestic in the earth. When He<sup>-azwj</sup> Wanted to Humiliate a servant, He<sup>-azwj</sup> Places it around his neck'".<sup>545</sup>

8- ع، علل الشرائع ابن إدريس عن أبيه عن الأشعري عن الجاموري عن الحسن بن علي عن أبي عثمان عن حفص بن غياث عن ليث عن سعد عن عمر بن أبي سلمة عن أبي هريرة عن النبي ص قَالَ: لَا تَزَالُ نَفْسُ الْمُؤْمِنِ مُعَلَّقَةً مَا كَانَ عَلَيْهِ الدَّيْنُ.

(The book) 'Ilal Al Sharaie' – Ibn Idrees, from his father, from Al Ashari, from Al Jamourani, from Al-Hassan Bin Ali, from Abu Usman, from Hafs Bin Giyas, from Lays, from Sa'ad, from Umar Bin Abu Salama, from Abu Hureyra (well-known fabricator),

'From the Prophet<sup>-saww</sup> having said: 'The soul of a Momin does not cease to be suspended for as long as there is debt upon him.'<sup>546</sup>

9- ع، علل الشرائع بالإسناد عن الأشعري عن ابن يزيد عن بعض أصحابنا رفعه عن أحدهم قال: يُؤْتَى يَوْمَ الْقِيَامَةِ بِصَاحِبِ الدَّيْنِ يَشْكُو الْوَحْشَةَ فَإِنْ كَانَتْ لَهُ حَسَنَاتٌ أُخِذَتْ مِنْهُ لِصَاحِبِ الدَّيْنِ

<sup>542</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 4

<sup>543</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 5

<sup>544</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 6

<sup>545</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 7

<sup>546</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 8

(The book) 'Ilal Al Sharaie' – By the chain from Al Ashari, from Ibn Yazeed, from one of our companions raising it,

'From one of them (Imams<sup>-asws</sup>) having said: 'The one in debt will be brought on the Day of Qiyamah complaining of the loneliness. If there were to be good deeds for him, these would be seized from him for the owner of the debt!'

وَقَالَ وَ إِنْ لَمْ يَكُنْ لَهُ حَسَنَاتٌ أُلْقِيَ عَلَيْهِ مِنْ سَيِّئَاتٍ صَاحِبِ الدِّينِ إِنَّ عَلَى عَهْدِ رَسُولِ اللَّهِ ص مَاتَ رَجُلٌ وَ عَلَيْهِ دِينَارَانِ فَأُخْبِرَ النَّبِيُّ ص فَأَبَى أَنْ يُصَلِّيَ عَلَيْهِ وَ إِنَّمَا فَعَلَ ذَلِكَ لِكَيْ لَا يَجْتَرَّءُوا عَلَى الدِّينِ

And he<sup>-asws</sup> said: 'And there do not happen to be any good deeds for him, there shall be thrown upon him, from evil deeds of owner of the debt. In the era of Rasool-Allah<sup>-saww</sup>, a man died and upon him (was a debt of) two Dinars. The Prophet<sup>-saww</sup> was informed, and he<sup>-saww</sup> refused to pray Salat upon him, and rather he<sup>-saww</sup> did that so they would not take the debts lightly.

وَقَالَ قَدْ مَاتَ رَسُولُ اللَّهِ ص وَ عَلَيْهِ دَيْنٌ وَ مَاتَ الْحَسَنُ ع وَ عَلَيْهِ دَيْنٌ.

And he<sup>-asws</sup> said: 'And Rasool-Allah<sup>-saww</sup> had passed away and upon him<sup>-saww</sup> were debts, and Al-Hassan<sup>-asws</sup> had passed away and upon him<sup>-asws</sup> were debts, and Al-Husayn<sup>-asws</sup> was killed and upon him<sup>-asws</sup> were debts''<sup>547</sup>

10- ع، علل الشرائع بالإِسْنَادِ إِلَى الْأَشْعَرِيِّ عَنِ الْبُقَاطِيِّ عَنْ عُثْمَانَ بْنِ سَعِيدٍ عَنْ عَبْدِ الْكَرِيمِ الْهَمْدَانِيِّ - عَنْ أَبِي ثَمَامَةَ قَالَ: دَخَلْتُ عَلَى أَبِي جَعْفَرٍ ع وَ قُلْتُ لَهُ جَعَلْتُ فِدَاكَ إِنِّي رَجُلٌ أُرِيدُ أَنْ أَلْزِمَ مَكَّةَ وَ عَلَيَّ دَيْنٌ لِلْمُرْجَةِ فَمَا تَقُولُ

(The book) 'Ilal Al Sharaie' – By the chain to Al Ash'ary, from Al Yaqteny, from Usman Bin Saeed, from Abdul Kareem Al Hamdani, from Abu Sumama who said,

'I entered to see Abu Ja'far<sup>-asws</sup> and said to him<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! I am a man who intends to stay in Makkah, and upon me there is debt for a Murjiite. What do you<sup>-asws</sup> say?'

قَالَ فَقَالَ ارْجِعْ إِلَى مُؤَدِّي دَيْنِكَ وَ انْظُرْ أَنْ تَلْقَى اللَّهَ عَزَّ وَ جَلَّ وَ لَيْسَ عَلَيْكَ دَيْنٌ فَإِنَّ الْمُؤْمِنَ لَا يُخُونُ.

He (the narrator) said, 'He<sup>-asws</sup> said: 'Return to pay off your debt and look (consider) meeting Allah<sup>-azwj</sup> Mighty and Majestic, and there shouldn't be any debt upon you, for the Momin does not betray!''<sup>548</sup>

11- ع، علل الشرائع بالإِسْنَادِ عَنِ الْبُقَاطِيِّ عَنِ الْهَيْثَمِيِّ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْوَلِيدِ بْنِ صَبِيحٍ قَالَ: جَاءَ رَجُلٌ إِلَى أَبِي عَبْدِ اللَّهِ ع يَدْعِي عَلَى الْمُعَلَّى بْنِ حُنَيْسٍ دَيْنًا عَلَيْهِ

(The book) 'Ilal Al Sharaie' – By the chain from Al Yaqteeny, from Al Haysam, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Waleed Bin Sabeeh who said,

<sup>547</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 9

<sup>548</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 10

‘A man came to Abu Abdullah<sup>-asws</sup> claiming upon Moallah Bin Khuneys owed him a debt’.

قَالَ فَقَالَ ذَهَبَ بِحَقِّي

He (the narrator) said, ‘He (the man) said, ‘He has gone with my right!’

قَالَ فَقَالَ ذَهَبَ بِحَقِّكَ الَّذِي قَتَلَهُ

He (the narrator) said, ‘He<sup>-asws</sup> said: ‘He has gone with your right, the one who killed him (Moallah)!’

ثُمَّ قَالَ لِلْوَلِيدِ ثُمَّ إِلَى الرَّجُلِ فَأَقْضِهِ مِنْ حَقِّهِ فَإِنِّي أُرِيدُ أَنْ أَبْرِدَ عَلَيْهِ جِلْدَهُ وَ إِنْ كَانَ بَارِدًا.

Then he<sup>-asws</sup> said to Al-Waleed: ‘Stand to the man and fulfil his right, for I<sup>-asws</sup> want to cool his skin (from punishment) and even though it was cold (being dead).<sup>549</sup>

12- ع، علل الشرائع ابن الوليد عن الصفار عن ابن هاشم عن ابن مزار عن يونس عن معاوية بن وهب قال: قلت لأبي عبد الله ع بلغنا أن رجلاً من الأنصار مات وعليه دين فلم يصل عليه النبي ص و قال لا تصلوا على صاحبكم حتى يقضى عنه الدين

(The book) ‘Ilal Al Sharaie’ – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Marrar, from Yunus, from Muawiya Bin Wahb who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘It has reached us that a man from the Helpers dies and upon him was a debt, so the Prophet<sup>-saww</sup> did not pray Salat upon him, and said: ‘Do not pray Salat upon you companion until the debt is paid off on his behalf!’

فَقَالَ ذَلِكَ حَقٌّ

He<sup>-asws</sup> said: ‘That is true!’

قَالَ ثُمَّ قَالَ إِنَّمَا فَعَلَ رَسُولُ اللَّهِ ص ذَلِكَ لِيَتَعَاطَوْا الْحَقَّ وَ يُؤَدِّيَ بَعْضُهُمْ إِلَى بَعْضٍ وَ لِقَالِ يَسْتَحْفُوا بِالَّذِينَ

He (the narrator) said, ‘Then he<sup>-asws</sup> said: ‘But rather Rasool-Allah<sup>-saww</sup> did that so they would deal with the right and fulfil to each other, and let they take lightly with the debt!

قَدْ مَاتَ رَسُولُ اللَّهِ ص وَ عَلَيْهِ دَيْنٌ وَ مَاتَ عَلِيٌّ وَ عَلَيْهِ دَيْنٌ وَ مَاتَ الْحَسَنُ وَ عَلَيْهِ دَيْنٌ وَ قُتِلَ الْحُسَيْنُ وَ عَلَيْهِ دَيْنٌ.

Rasool-Allah<sup>-saww</sup> had passed away and there was debt upon him<sup>-saww</sup>, and Ali<sup>-asws</sup> passed away and there was debt upon him<sup>-asws</sup>, and Al-Hassan<sup>-asws</sup> passed away and there was debt upon him<sup>-asws</sup>, and Al-Husayn<sup>-asws</sup> was killed and there was debt upon him<sup>-asws</sup>.<sup>550</sup>

13 سن، المحاسن أبي عن يونس مثله.

<sup>549</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 11

<sup>550</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 12

(The book) 'Al Mahasin' – My father, from Yunus, similar to it.<sup>551</sup>

14- ما، الأمايلي للشيخ الطوسي الحفار عن أبي القاسم الدعبل عن أبيه عن أخي دعبل بن علي عن محمد بن إسماعيل و سعيد بن سفيان عن أبي عبد الله عن أبيه ع عن عبد الله بن جعفر بن أبي طالب رضي الله عنه أن رسول الله ص قال: إن الله مع الدائنين حتى يقضي دينه ما لم يكن دينه في أمر يكرهه الله

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Abu Al Qasim Al Deobali, from his father, from a brother of Deobel Bin Ali, from Muhammad Bin Ismail and Saeed Bin Sufyan, from Abdullah,

'From his father<sup>-asws</sup>, from Abdullah<sup>-asws</sup> Bin Ja'far<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>, may Allah<sup>-azwj</sup> be Pleased with him<sup>-ra</sup>: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> is with the debtor until, he pays his debt, for as long as his debt does not happen to be regarding a matter Allah<sup>-azwj</sup> Dislikes!'

قَالَ وَكَانَ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ يَقُولُ لِجَارِيَتِهِ أَذْهَبِي فَخُذِي لِي بِدَيْنٍ فَإِنِّي أَكْرَهُ أَنْ أَبِيتَ لَيْلَةً إِلَّا وَاللَّهِ مَعِيَ بَعْدَ الَّذِي سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ص.

He<sup>-asws</sup> said: 'And it so happened that Abdullah Bin Ja'far had said to his slave girl, 'Go and take (something) for me with a debt (on credit), for I dislike to spend a night except and Allah<sup>-azwj</sup> is with me, after what I have heard from Rasool-Allah<sup>-saww</sup>'.<sup>552</sup>

15- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ طَلَبَ رِزْقَ اللَّهِ حَلَالًا فَأَعْمَلَ فَلَيْسَتْ دَيْنٌ عَلَى اللَّهِ وَ عَلَى رَسُولِ اللَّهِ ص.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One seeks the lawful sustenance of Allah<sup>-azwj</sup> but falls short, let him borrow (based) upon Allah<sup>-azwj</sup> and upon Rasool-Allah<sup>-saww</sup>'.<sup>553</sup>

16- ب، قرب الإسناد بهذا الإسناد قَالَ: إِنَّ رَسُولَ اللَّهِ ص لَمْ يُوْرَثْ دِينَارًا وَلَا دِرْهَمًا وَلَا عَبْدًا وَلَا وَلِيدَةً وَلَا شَاءَ وَلَا بَعِيرًا وَلَقَدْ قُبِضَ رَسُولُ اللَّهِ ص وَ إِنَّ دِرْعَهُ مَرْهُونَةٌ عِنْدَ يَهُودِيٍّ مِنْ يَهُودِ الْمَدِينَةِ بِعِشْرِينَ صَاعًا مِنْ شَعِيرٍ اسْتَسْلَفَهَا نَفَقَةً لِأَهْلِهِ.

(The book) 'Qurb Al Isnaad' – By this chain, said,

'Rasool-Allah<sup>-azwj</sup> neither leave for inheritance a Dinar, nor Dirham, nor slave, nor maid, nor sheep, nor camel, and Rasool-Allah<sup>-saww</sup> was recalled and his<sup>-saww</sup> armour had been mortgaged with a Jew from the Jews of Medina for twenty Sa'a of barley which he<sup>-saww</sup> had borrowed for expenditure of his<sup>-saww</sup> family'.<sup>554</sup>

17- شي، تفسير العياشي عن سماعة قال: سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ عِنْدَهُ شَيْءٌ يَتَبَلَّغُ بِهِ وَ عَلَيْهِ دَيْنٌ أَوْ يُطْعِمُهُ عِيَالَهُ حَتَّى يَأْتِيَهُ اللَّهُ تَبَارَكَ وَ تَعَالَى بِمَيْسَرَةٍ فَيَقْضِي دَيْنَهُ أَوْ يَسْتَقْرِضُ عَلَى طَهْرِهِ فِي حُبِّ الزَّوْمَانِ وَ شِدَّةِ الْمَكَاسِبِ أَوْ يَقْبَلُ الصَّدَقَةَ أَوْ يَقْضِي بِمَا كَانَ عِنْدَهُ دَيْنَهُ

<sup>551</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 13

<sup>552</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 14

<sup>553</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 15

<sup>554</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 16

(The book) 'Tafseer Al Ayyashi' – From Sama'at who said,

'I asked him<sup>-asws</sup> (Abu Abdullah<sup>-asws</sup>) about the man who has something in his possession with which he can sustain himself, but he is in debt. Should he use it to feed his family until Allah<sup>-azwj</sup> Blessed and Exalted, Brings him ease so that he can repay his debt, or should he borrow further upon himself in a time of hardship and difficulty in earning, or should he accept charity, or should he use what he has to repay his debt?'

قَالَ يَقْضِي بِمَا كَانَ عِنْدَهُ دَيْنُهُ وَ يَقْبَلُ الصَّدَقَةَ وَ لَا يَأْخُذُ أَمْوَالَ النَّاسِ إِلَّا وَ عِنْدَهُ وَقَاءٌ لِمَا يَأْخُذُ مِنْهُمْ أَوْ يُفْرَضُونَ إِلَى مَيْسَرَةٍ

He<sup>-asws</sup> said: 'He should repay his debt with what he has, and he may accept charity. He must not take people's money unless he has the means to repay what he takes from them, or unless they lend to him until a time of ease.

فَإِنَّ اللَّهَ يَقُولُ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ بِجَارَةٍ عَنْ تَرَاضٍ مِنْكُمْ فَلَا يَسْتَفْرِضُ عَلَى ظَهْرِهِ إِلَّا وَ عِنْدَهُ وَقَاءٌ وَ لَوْ طَافَ عَلَى أَبْوَابِ النَّاسِ فَرَزَدُوهُ بِاللُّقْمَةِ وَ اللَّقْمَتَيْنِ وَ التَّمْرَةِ وَ التَّمْرَتَيْنِ إِلَّا أَنْ يَكُونَ لَهُ وَلِيٌّ يَقْضِي دَيْنَهُ مِنْ بَعْدِهِ

Allah<sup>-azwj</sup> Says: ***O you who believe! Do not devour your property among yourselves by the falsehood except if you happen to trade by an agreement from you [4:29].*** So, he must not borrow upon himself unless he has the ability to repay, even if he must go around to the doors of people who give him a bite or two of food, or a date or two, unless he has a guardian who will settle his debt after him.

إِنَّهُ لَيْسَ مِنَّا مَنْ مَاتَ مَيِّتٍ مَيِّتٍ إِلَّا جَعَلَ اللَّهُ لَهُ وَلِيًّا يَقُومُ فِي عِدَّتِهِ وَ دَيْنِهِ.

Indeed, there is none among our<sup>-asws</sup> deceased except that Allah<sup>-azwj</sup> Appoints a guardian to fulfil his (wife's) waiting period and his debt".<sup>555</sup>

18- سر، السرائر من كتاب المشيخة لابن محبوب عن أبي أيوب عن سماعة قال يقضي بما عنده دينه و يقبل الصدقة

(The book) 'Al Saraair', from 'Kitab Al Masheykha' of Ibn Mahboub, from Abu Ayoub, from Sama'at,

'He<sup>-asws</sup> said: 'He should repay his debt with what he has and may accept charity'.

وَ قَالَ لَا يَأْكُلُ أَمْوَالَ النَّاسِ إِلَّا وَ عِنْدَهُ مَا يُؤَدِّي إِلَيْهِ حُقُوقُهُمْ إِنَّ اللَّهَ تَعَالَى يَقُولُ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

He<sup>-asws</sup> said: 'Let him not consume people's wealth unless he possesses what he can use to fulfil their rights. Indeed, Allah the Exalted Says: ***O you who believe! Do not devour your property among yourselves by the falsehood [4:29].***

وَ قَالَ مَا أَحْبَبُّ لَهُ أَنْ يَسْتَفْرِضَ إِلَّا وَ عِنْدَهُ وَقَاءٌ بِذَلِكَ إِمَّا فِي عُقْدَةٍ أَوْ فِي بِجَارَةٍ وَ لَوْ طَافَ عَلَى أَبْوَابِ النَّاسِ فَرَزَدُوهُ بِاللُّقْمَةِ وَ اللَّقْمَتَيْنِ إِلَّا أَنْ يَكُونَ لَهُ وَلِيٌّ يَقْضِي دَيْنَهُ عَنْهُ مِنْ بَعْدِهِ

<sup>555</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 17

And he<sup>-asws</sup> said: 'I<sup>-asws</sup> do not like for him to borrow unless he has the means to repay it, either through a fixed agreement or through trade, even if he must go door to door and be given a bite or two of food, unless he has a guardian who will repay his debt after him'.

ثُمَّ قَالَ إِنَّهُ لَيْسَ مِنَّا مَنْ يَمُوتُ إِلَّا جَعَلَ اللَّهُ لَهُ وَلِيًّا يَقُومُ فِي دَيْنِهِ فَيَقْضِي عَنْهُ.

Then he<sup>-asws</sup> said: 'There is no one from among us<sup>-asws</sup> who dies except that Allah<sup>-azwj</sup> Appoints a guardian to settle his debt on his behalf'.<sup>556</sup>

19- أَقُولُ وَجَدْتُ فِي كِتَابِ كَشْفِ الْمَحْجَةِ لِلْسَّيِّدِ بْنِ طَاوُسٍ أَنَّهُ قَالَ رَأَيْتُ فِي كِتَابِ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ الثَّقَةِ بِإِسْنَادِهِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قُبِضَ عَلَيَّ ع وَ عَلَيْهِ دَيْنٌ ثَمَانٍ مِائَةٍ أَلْفٍ دِرْهَمٍ فَبَاعَ الْحُسَيْنُ ضَيْعَةً لَهُ بِخَمْسِمِائَةِ أَلْفٍ وَ قَضَاهَا عَنْهُ وَ بَاعَ ضَيْعَةً لَهُ أُخْرَى بِثَلَاثِمِائَةِ أَلْفٍ دِرْهَمٍ فَقَضَاهَا عَنْهُ وَ ذَلِكَ أَنَّهُ لَمْ يَكُنْ يَدْرُ مِنْ الْخُمْسِ شَيْئًا وَ كَانَتْ ثَنُوْبُهُ نَوَائِبُ.

I say, 'I found in the book 'Kashf Al Mahja' of the Seyyid Bin Tawoos, he said, 'I saw in the boo of Ibrahim Bin Muhammad Al Ashary, the trustworthy, by his chain,

'From Abu Ja'far<sup>-asws</sup> having said: ' (Imam) Ali<sup>-asws</sup> passed away and upon him<sup>-asws</sup> were debts of eight hundred thousand Dirhams. So, (Imam) Al-Hassan<sup>-asws</sup> sold an estate of his<sup>-asws</sup> for it, for five hundred thousand Dirhams and fulfilled it on his<sup>-asws</sup> behalf, and he<sup>-asws</sup> sold another estate of his<sup>-asws</sup> for three hundred thousand Dirhams and paid it on his<sup>-asws</sup> behalf, and that is because he<sup>-asws</sup> did not retain anything from the Khums and was beset by unexpected financial obligations.<sup>557</sup>

20- وَ رَأَيْتُ فِي كِتَابِ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ بِإِسْنَادِهِ عَنْ أَبِي جَعْفَرٍ ع أَنَّ الْحُسَيْنَ ع قُتِلَ وَ عَلَيْهِ دَيْنٌ وَ إِنَّ عَلِيَّ بْنَ الْحُسَيْنِ ع بَاعَ ضَيْعَةً لَهُ بِثَلَاثِ مِائَةِ أَلْفٍ لِيَقْضِيَ دَيْنَ الْحُسَيْنِ ع وَ عِدَاتٍ كَانَتْ عَلَيْهِ.

And I saw in the book of Abdullah Bin Bukeyr by his chain,

'From Abu Ja'far<sup>-asws</sup>: 'Al-Husayn<sup>-asws</sup> was killed and upon him<sup>-asws</sup> were debts, and Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> sold an estate of his<sup>-asws</sup> for it, for three hundred thousand (Dirhams) in order to pay off the debts of Al-Husayn<sup>-asws</sup>, and promises which were upon him<sup>-asws</sup>'.<sup>558</sup>

21- مَا، الْأَمَالِي لِلشَّيْخِ الطُّوسِيِّ الْحُسَيْنُ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ وَهْبَانَ عَنْ عَلِيِّ بْنِ حَبِشٍ عَنِ الْعَبَّاسِ بْنِ مُحَمَّدٍ بْنِ الْحُسَيْنِ عَنْ أَبِيهِ عَنْ صَفْوَانَ بْنِ يَحْيَى وَ جَعْفَرِ بْنِ عِيْسَى عَنِ الْحُسَيْنِ بْنِ أَبِي عُندَرٍ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: خَفَّفُوا الدَّيْنَ فَإِنَّ فِي خَفْفَةِ الدَّيْنِ زِيَادَةَ الْعُمْرِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al-Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Ali Bin Habashi, from Al Abbas Bin Muhammad Bin Al-Husayn, from his father, from Safwan Bin Yahya and Ja'far Bin Isa, from Al-Husayn Bin Abu Gundar, from his father,

<sup>556</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 18

<sup>557</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 19

<sup>558</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 20

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Lighten the debts, for in lightening of the debts is an increase in the lifespan!’<sup>559</sup>

باب 3 المظلل في الدين

## CHAPTER 33 – THE DELAYED PAYMENT REGARDING THE DEBTS

1- ل، الخصال ابن الوليد عن محمد العطار عن الأشعري عن الجماوراني عن علي بن سليمان عن الحسن بن علي بن يقطين عن يونس عن إسماعيل بن كثير قال قال أبو عبد الله ع السراق ثلاثة مانع الزكاة و مستحل مهوور النساء و كذلك من استدان و لم ينو قضاءه.

(The book) ‘Al Khisaal’ – Ibn Al Waleed, from Muhammad Al Attar, from Al Ashary, from Al Jamourani, from Ali Bin Suleyman, from Al-Hassan Bin Ali Bin Yaqteen, from Yunus, from Ismail Bin Kaseer who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘The thief are three – prevented of the Zakat, and legaliser of dowries of the wives, and like that is the one who borrows and does not intend to pay it back!’<sup>560</sup>

2- ل، الخصال ابن الهيثم عن ابن زكريا القطان عن ابن حبيب عن ابن هلول عن أبيه عن عبد الله بن الفضل عن أبي عبد الله ع قال: ثلاثة من عازهم ذل الولد و السلطان و العريم.

(The book) ‘Al Khisaal’ of Ibn al Haysam, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Buhloul, from his father, from Abdullah Bin Al Fazl,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Three, one who harms them, is humiliated – the parent, and the ruler, and the creditor’.<sup>561</sup>

3- لي، الأماالي للصدوق في خير المناهي قال النبي ص من يمتطئ على ذي حق حقه و هو يقدر على أداء حقه فعليه كل يوم خطيئة عشر.

(The book) ‘Al Amaali of Al Sadouq –

In a Hadeeth of the prohibitions, the Prophet<sup>-saww</sup> said: ‘One who delays upon one with a right, of his right while he is able upon fulfilling his right, upon him during every day would be a sin of a tax collector’.<sup>562</sup>

4- ما، الأماالي للشيخ الطوسي بإسناد المجاشعي عن الصادق عن آبائه ع قال قال رسول الله ص لي الواجد بالدين يحل عرضه و عقوبته ما لم يكن دينه فيما يكره الله عز و جل.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – By a chain of Al Mujashie,

<sup>559</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 21

<sup>560</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 1

<sup>561</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 2

<sup>562</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 3

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The able one delaying payment of the debt, his honour and his punishment are legalised for as long as his debt does not happen to be regarding what Allah<sup>-azwj</sup> Mighty and Majestic Dislikes’’.<sup>563</sup>

5- ل، الخصال أبي عن محمد العطار عن الأشعري عن الجائوري عن منصور بن العباس عن الحسن بن علي بن يقطين عن عمرو عن خلف بن حماد عن مخرز عن أبي بصير عن أبي عبد الله ع قال قال رسول الله ص الدين على ثلاثة وجوه رجل إذا كان له فأنظر وإذا كان عليه أعطى ولم يماطل فذلك له ولا عليه

(The book) ‘Al Khisaal’ – My father, from Muhammad Al Attar, from Al Ashari, from Al Jamourany, from Mansour Bin Al Abbas, from Al-Hassan Bin Ali Bin Yaqteen, from Amro, from Khalaf Bin Hammad, from Muhriz, from Abu Baseer,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The debt is upon three aspect – a man, when it was for him, he respites, and when it was upon him, gives and does not delay. That is for him and not against him.

و رجل إن كان له استوفى وإن كان عليه أوفى فذلك لا له ولا عليه و رجل إذا كان له استوفى وإذا كان عليه مطلق فذلك عليه ولا له.

And a man, if it were for him, he seeks fulfilment, and if it was upon him, he fulfils. So that is neither for him nor against him; and a man, when it was for him, he seeks fulfilment, and when it was upon him, he delays. So that is against him and not for him!’<sup>564</sup>

6- ثواب الأعمال ابن الوليد عن محمد بن أبي القاسم عن الكوفي عن محمد بن سينان عن المفضل عن ابن طبيان قال قال أبو عبد الله ع يا يونس من حبس حق المؤمنين أقامه الله يوم القيامة خمسمائة عام على رجله حتى يسيل من عرقه أودية و ينادي مناد من عند الله هذا الظالم الذي حبس عن المؤمنين حقه

(The book) ‘Sawaab Al Amaal’ – Ibn Al Waleed, from Muhammad Bin Abu Al Qasim, from Al Kufi, from Muhammad Bin Sinan, from Al Mufazzal, from Ibn Zabyan who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘O Yunus! One who withholds the right of a Momin, Allah<sup>-azwj</sup> will Make him stand upon his legs on the Day of Qiyamah for five hundred years until his sweat flows as valleys, and a caller will call out from the Presence of Allah<sup>-azwj</sup>: ‘The oppressor who withheld from the Momin his right!’

قال فيوتح أربعين عاماً ثم يؤمر به إلى النار.

He<sup>-asws</sup> said: ‘He will be rebuked for forty years, then Commanded to the Fire’’.<sup>565</sup>

7- ثواب الأعمال بهذا الإسناد عن محمد بن سينان عن المفضل عن أبي عبد الله ع قال: إنما مؤمن حبس مؤمناً عن ماله و هو محتاج إليه لم يذق و الله من طعام الجنة و لا يشرب من الرحيق المخبثوم.

<sup>563</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 4

<sup>564</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 5

<sup>565</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 6



(The book) 'Sawaab Al Amaal' – By this chain, from Muhammad Bin Sinan, from Al Mufazzal,

'From Abu Abdullah<sup>-asws</sup> having said: 'Whichever Momin withholds from a Momin his wealth and he is needy to it, by Allah<sup>-azwj</sup> he will not taste from the food of Paradise nor drink from the Sealed nectar''.<sup>566</sup>

8- ضا، فقه الرضا عليه السلام روي أَنَّ مَنْ كَانَ عَلَيْهِ دَيْنٌ يُنَوِي قَضَاءَهُ يُنْصَبُ مِنَ اللَّهِ حَافِظَانِ يُعِينَانِهِ عَلَى الْأَدَاءِ فَإِنْ قَصَرَتْ نِيَّتُهُ نَقَصُوا عَنْهُ مِنَ الْمَعُونَةِ بِمِقْدَارِ مَا يَقْصُرُ مِنْ نِيَّتِهِ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – It is reported that the one who has debt upon him he intends to pay it, two protectors will be Nominated from Allah<sup>-azwj</sup> to assist him upon the payment. If his intention is deficient, they are deficient from him in the assistance in accordance with whatever was deficient from his intention.<sup>567</sup>

باب 4 إِنْظَارِ الْمَعْسَرِ وَتَحْلِيلِهِ وَ أَنْ عَلَى الْوَالِي أَدَاءَ دَيْنِهِ

## CHAPTER 34 – RESPITING THE UNABLE AND RELEASING HIM, AND IT IS UPON THE GUARDIAN TO PAY OFF HIS DEBTS

1- فس، تفسير القمي أبي عن الشُّكُونِيِّ عَنْ مَالِكِ بْنِ صَغِيرَةَ [مُغِيرَةَ] عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ جُدْعَانَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ عَائِشَةَ أَهْمَا قَالَتْ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ مَا مِنْ غَرِيمٍ ذَهَبَ بِغَرِيمِهِ إِلَى وَالٍ مِنْ وَلَدَةِ الْمُسْلِمِينَ وَ اسْتَبَانَ لِلْوَالِي عُشْرَتُهُ إِلَّا بَرَأَ هَذَا الْمُغِيرُ مِنْ دَيْنِهِ وَ صَارَ دَيْنُهُ عَلَى وَالٍ الْمُسْلِمِينَ فِيمَا فِي يَدِهِ مِنْ أَمْوَالِ الْمُسْلِمِينَ.

(The book) 'Tafseer Al Qummi' – My father, from Al Sakuni, from Malik Bin Mugheira, from Hammad Bin Salama, from Jud'an, from Saeed Bin Al Musayyab, from Ayesha, she said,

'I heard Rasool-Allah<sup>-saww</sup> saying: 'There is none from a debtor who goes with his creditor to a ruler from the Muslim authorities, and the ruler, clearly perceives his hardship, except that this debtor is absolved of his debt, and his debt becomes upon the Muslim ruler from the wealth of the Muslims in his possession''.<sup>568</sup>

قَالَ ص وَ مَنْ كَانَ لَهُ عَلَى رَجُلٍ مَالٌ أَخَذَهُ وَ لَمْ يُنْفِقْهُ فِي إِسْرَافٍ أَوْ فِي مَعْصِيَةٍ فَعَسَرَ عَلَيْهِ أَنْ يَقْضِيَهُ فَعَلَى مَنْ لَهُ الْمَالُ أَنْ يُنْظِرَهُ حَتَّى يَرْزُقَهُ اللَّهُ فَيَقْضِيَهُ.

He<sup>-saww</sup> said: 'And one who has money owed to him by a man and takes it without spending it in extravagance or sin, and then it becomes difficult for that man to repay it, it is upon the one who owns the money to grant him respite until Allah<sup>-azwj</sup> Provides for him and he can repay it''.<sup>569</sup>

<sup>566</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 7

<sup>567</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 8

<sup>568</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 1 a

<sup>569</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 1 b

و إذا كان الإمام العادل قائما فعليه أن يقضي عنه دينه **لِقَوْلِ رَسُولِ اللَّهِ ص** مَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ وَ مَنْ تَرَكَ دَيْنًا أَوْ ضَيَاعًا فَعَلَيَّ.

*And if the just Imam<sup>-asws</sup> is in power, it is upon him<sup>-asws</sup> to pay off his debt, due to words of Rasool-Allah<sup>-saww</sup>: ‘Whoever leaves wealth, it belongs to his heirs, and whoever leaves debt or unresolved matters, they are upon me<sup>-saww</sup>!’<sup>570</sup>*

و على الإمام ما ضمنه الرسول و إن كان صاحب المال موسرا و تصدق بماله عليه أو تركه فهو خير له لقوله **وَأَنْ تَصَدَّقُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ**.

*And upon the Imam<sup>-asws</sup> is whatever Rasool-Allah<sup>-saww</sup> had guaranteed. If the creditor is wealthy and chooses to give his money as charity to the debtor or to waive it, then that is better for him, as Allah<sup>-azwj</sup> Says: **and if you (write it off) as charity it would be better for you, if you were knowing [2:280]**.*

2- فس، تفسير القمي دَخَلَ رَجُلٌ عَلَى أَبِي عَبْدِ اللَّهِ فَقَالَ أَبُو عَبْدِ اللَّهِ مَا لِفُلَانٍ يَشْكُوكَ

(The book) ‘Tafseer Al Qummi –

‘A man entered to see Abu Abdullah<sup>-asws</sup>. Abu Abdullah<sup>-asws</sup> said: ‘What is the matter so and so is complaining about you?’

قَالَ طَالِبْتُهِ بِحَقِّي

He said, ‘I demanded my right!’

فَقَالَ أَبُو عَبْدِ اللَّهِ ع وَ تَرَى أَنَّكَ إِذَا اسْتَفْصَيْتَ عَلَيْهِ لَمْ تُسَيِّ بِهَ أَرَى الَّذِي حَكَى اللَّهُ عَزَّ وَ جَلَّ فِي قَوْلِهِ **وَيَخَافُونَ سُوءَ الْحِسَابِ** يَخَافُونَ أَنْ يَجُورَ اللَّهُ عَلَيْهِمْ وَ اللَّهُ مَا خَافُوا ذَلِكَ وَ لَكِنَّهُمْ خَافُوا الْإِسْتِفْصَاءَ فَسَمَاءُ اللَّهِ سُوءَ الْحِسَابِ.

Abu Abdullah<sup>-asws</sup> said: ‘Abu Abdullah, peace be upon him, said: ‘And are you viewing that if you demand (full) repayment from him, you are not doing him wrong? I<sup>-asws</sup> see what Allah<sup>-azwj</sup> Mighty and Majestic which Allah<sup>-azwj</sup> Mighty and Majestic has Narrated in His<sup>-azwj</sup> Words: **and are fearing the evil Reckoning [13:21]**. Did they fear that Allah<sup>-azwj</sup> would be tyrannous upon them? By Allah<sup>-azwj</sup>, they did not fear that, but rather they feared the (full) Demanding. Allah<sup>-azwj</sup> Named it as ‘evil Reckoning’<sup>571</sup>.

3- جاء، المجالس للمفيد ما، الأماالي للشيخ الطوسي الْمُفِيدُ عَنِ الْجَعَابِيِّ عَنِ ابْنِ عُقْدَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَرِيشٍ عَنْ أَحْمَدَ بْنِ بُرْدٍ عَنْ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ أَبِيهِ جَعْفَرٍ عَنْ مُحَمَّدٍ عَنْ أَبِيهِ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ أَبِي لُبَابَةَ بْنِ عَبْدِ الْمُنْدَرِ أَنَّهُ جَاءَ يَتَّقَاضِي أَبَا الْبَشْرِ دَيْنًا لَهُ عَلَيْهِ فَمَسَمِعَهُ يَقُولُ قَوْلُوا لَهُ لَيْسَ هُوَ هُنَا

(The book) ‘Majaalis’ of Al Mufeed, (and) ‘Al Amaali’ of the sheykh Al Tusi – Al Mufeed, from Al Jiany, from Ibn Uqdah, from Abdullah Bin Jareysh, from Ahmad Bin Burd,

‘From Muhammad son of Ja’far<sup>-asws</sup>, from his father<sup>-asws</sup> Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup>, from Abu Lubaba Bin Abdul Munzar, He came to collect a debt from Abu Al-Bishr and heard someone say, ‘Tell him he is not here!’

<sup>570</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 1 c

<sup>571</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 2

فَصَاحَ أَبُو لُبَابَةَ يَا أَبَا الْبِشْرِ اخْرُجْ إِلَيَّ

Abu Lubabah shouted, 'O Abu Al Bishr, come out to me!'

فَخَرَجَ إِلَيْهِ فَقَالَ مَا حَمَلَكَ عَلَى هَذَا

He came out, and Abu Lubabah asked, 'What carried you upon (doing) this?'

فَقَالَ الْغُسْنُ يَا أَبَا لُبَابَةَ قَالَ اللَّهُ قَالَ اللَّهُ

He replied, 'Hardship, O Abu Lubabah! Allah<sup>-azwj</sup> Said (such and such)! Allah<sup>-azwj</sup> Said: 'Such and such)!'

قَالَ أَبُو لُبَابَةَ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ مَنْ أَحَبَّ أَنْ يَسْتَظِلَّ مِنْ فُورِ جَهَنَّمَ

Abu Lubaba said, 'I heard Rasool-Allah<sup>-saww</sup> saying: 'One who loves to be shaded from the fury of Hell. . . '.

فَقُلْنَا كُلُّنَا نُحِبُّ ذَلِكَ

We said, 'All of us would love that!'

قَالَ فَلْيُنْظَرْ غَرِيماً أَوْ لِيَدْعَ لِمُعْسِرٍ.

He said, 'So let him respite a debtor, or let him leave (forgive) the one in hardship'.<sup>572</sup>

4 ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن محمد بن ذليل بن بشر عن أحمد بن الوليد عن محمد بن جعفر مثله.

(The book) 'Al Amaali' of the sheykh Al Tusi – a group, from Abu Al Mufazzal, from Muhammad Bin Daleel Bin Bishr, from Ahmad Bin Al Waleed, from Muhammad son of Ja'far<sup>-asws</sup>, similar to it.<sup>573</sup>

5- ثواب الأعمال أبي عن الحميري عن ابن يزيد عن ابن محبوب عن حماد عن سدير عن أبي جعفر ع قال: يُبْعَثُ يَوْمَ الْقِيَامَةِ قَوْمٌ تَحْتَ ظِلِّ الْعَرْشِ وَجُوهُهُمْ مِنْ نُورٍ وَرِيشُهُمْ مِنْ نُورٍ جُلُوسٌ عَلَى كُرَاسِيٍّ مِنْ نُورٍ

(The book) 'Sawaab Al Amaal' – My father, from Al Himeyri, from Ibn Yazeed, from Ibn Mahboub, from Hammad Bin Sadeyr,

'From Abu Ja'far<sup>-asws</sup> having said: 'A group will be Resurrected on the Day of Qiyamah beneath the shade of the Throne and their faces would be of Noor (Light), and their garments would be of Noor (Light), seated upon chairs of Noor'.

قَالَ فَتَسَرُّهُمُ الْخَلَائِقُ فَيَقُولُونَ هَؤُلَاءِ الْأَنْبِيَاءُ

<sup>572</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 3

<sup>573</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 4

He<sup>-asws</sup> said: 'The creatures will look at them. They would say, 'They are Prophets<sup>-as</sup>!'

فَيَنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ أَنْ لَيْسَ هَؤُلَاءِ بِأَنْبِيَاءَ

A caller will call out from beneath the Throne: 'They aren't Prophets<sup>-as</sup>!'

قَالَ فَيَقُولُونَ هَؤُلَاءِ شُهَدَاءُ

He<sup>-asws</sup> said: 'They will say, 'They are martyrs!'

فَيَنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ لَيْسَ هَؤُلَاءِ شُهَدَاءَ وَ لَكِنَّ هَؤُلَاءِ قَوْمٌ كَانُوا يُبَيِّسُونَ عَلَى الْمُؤْمِنِينَ وَ يُنْظِرُونَ الْمُعْسِرَ حَتَّى يُيَسَّرَ.

A caller will call out from beneath the Throne: 'They aren't martyrs, but they are a people who were facilitating upon the Momineen and they were respiting the one in hardship until ease!'<sup>574</sup>

6- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدٍ عَنِ ابْنِ يَزِيدَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِسْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ لِعَبْدِ الرَّحْمَنِ بْنِ سَيَابَةَ دَيْنًا عَلَى رَجُلٍ قَدْ مَاتَ كَلَّمْنَاهُ أَنْ يُحْلِلَهُ فَأَبَى

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Al Hameed who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'For Abdul Rahman Bin Sayaba there was debt upon a man who had died. He had spoken to him to release him but he refused'.

فَقَالَ وَيْحَهُ أَمَا يَعْلَمُ أَنَّ لَهُ بِكُلِّ دِرْهَمٍ عَشْرًا إِذَا حَلَّلَهُ وَ إِنْ لَمْ يُحْلِلْهُ إِنَّمَا هُوَ دِرْهَمٌ بَدَلَ دِرْهَمٍ.

He<sup>-asws</sup> said: 'Woe be to him! Does he not know that for every Dirham there would be ten for him when he releases him? And if he does not release him, but rather it is a Dirham in replacement of a Dirham'<sup>575</sup>.

7- ضَا، فَقَه الرضا عليه السلام رَوَى أَنَّ صَاحِبَ الدَّيْنِ يُدْفَعُ إِلَى غُرْمَائِهِ فَإِنْ شَاءُوا أَخَذُوهُ وَ إِنْ شَاءُوا اسْتَعْمَلُوهُ وَ إِنْ كَانَ لَهُ صَبِغَةٌ أُخِذَ مِنْهُ بَعْضُهَا وَ تُرِكَ الْبَعْضُ إِلَى مَيْسَرَةٍ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', the greeting be upon him<sup>-asws</sup> – It is reported that the debtor will be handed over to his creditors, and if they wish, they may seize him, and if they wish, they may employ him. And if he owns a property, part of it will be taken from him and part will be left until he becomes able to repay'.<sup>576</sup>

8- وَ رَوَى أَنَّهُ لَا تُبَاعُ الدَّارُ وَ لَا الْجَارِيَةُ عَلَيْهِ.

<sup>574</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 5

<sup>575</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 6

<sup>576</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 7

And it is reported neither the house nor the slave girl is to be sold from him.<sup>577</sup>

9- وَ رُوِيَ مَنْ أَقْرَضَ قَرْضًا وَ ضَرَبَ لَهُ أَجَلًا فَلَمْ يُرِدْ إِلَيْهِ عِنْدَ انْقِضَاءِ الْأَجَلِ كَانَ لَهُ مِنَ الثَّوَابِ فِي كُلِّ يَوْمٍ مِثْلُ صَدَقَةِ دِينَارٍ .

And it is reported, 'One who lends a loan and strikes a term for it, but he does not return it to him at the termination of the term, for him (lender) would be the Reward during every day, similar to having donated a Dinar'.<sup>578</sup>

10- وَ رُوِيَ كَمَا لَا يَحِلُّ لِلْعَرِيمِ الْمَطْلُ وَ هُوَ مُوسِرٌ كَذَلِكَ لَا يَحِلُّ لِصَاحِبِ الْمَالِ أَنْ يُعْسِرَ الْمُعْسِرَ .

And it is reported, 'Just as it is not Permissible for the debtor to delay if he is able, like that it is not Permissible for owner of the wealth to squeeze the unable'.<sup>579</sup>

11- ضَا، فَقَه الرضا عليه السلام اعْلَمْ أَنَّ مَنْ اسْتَدَانَ دَيْنًا وَ نَوَى قَضَاءَهُ فَهُوَ فِي أَمَانِ اللَّهِ حَتَّى يَقْضِيَهُ فَإِنْ لَمْ يَنْوِ قَضَاءَهُ فَهُوَ سَارِقٌ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', the greeting be upon him<sup>-asws</sup> – 'Know that whoever takes on a debt intending to repay it, is under the Protection of Allah<sup>-azwj</sup> until he repays it. But if he does not intend to repay it, then he is a thief.

فَاتَّقِ اللَّهَ وَ أَدِّ إِلَى مَنْ لَهُ عَلَيْكَ وَ ارْضُفْ بِمَنْ لَكَ عَلَيْهِ حَتَّى تَأْخُذَهُ مِنْهُ فِي عَفَافٍ وَ كِفَافٍ فَإِنْ كَانَ غَرِمَكَ مُعْسِرًا وَ كَانَ أَنْفَقَ مَا أَخَذَ مِنْكَ فِي طَاعَةِ اللَّهِ فَأَنْظِرْهُ إِلَى مَيْسَرَةٍ وَ هُوَ أَنْ يُبَلِّغَ خَبْرَهُ إِلَى الْإِمَامِ فَيَقْضِي عَنْهُ أَوْ يَجِدَ الرَّجُلُ طَوْلًا فَيَقْضِي دَيْنَهُ

Therefore, fear Allah<sup>-azwj</sup> and repay what you owe to those who have a right over you, and be gentle with those who owe you until you take it back from them in decency and sufficiency. If your debtor is in hardship and has spent what he took from you in obedience to Allah<sup>-azwj</sup>, then give him time until ease comes, either until his situation reaches the Imam<sup>-asws</sup>, who then repays on his behalf, or until the man gains the means and repays his debt.

وَ إِنْ كَانَ [مَا] أَنْفَقَ مَا أَخَذَهُ مِنْكَ فِي مَعْصِيَةِ اللَّهِ فَطَالِبُهُ بِحَقِّكَ فَلَيْسَ هُوَ مِنْ أَهْلِ هَذِهِ الْآيَةِ.

But if he spent what he took from you in disobedience to Allah<sup>-azwj</sup>, then demand your right from him, for he is not among those included in this Verse!<sup>580</sup>

12- شي، تفسير العياشي عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ الدُّهْنِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ قَالَ رَسُولُ اللَّهِ ص مَنْ أَرَادَ أَنْ يُظْلِلَهُ اللَّهُ فِي ظِلِّ عَرْشِهِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ فَلْيُنْظِرْ مُعْسِرًا أَوْ لِيَدْعَ لَهُ عَنْ حَقِّهِ.

(The book) 'Tafseer Al Ayyashi' – From Muawiya Bin Ammar Al Duhnny who said,

<sup>577</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 8

<sup>578</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 9

<sup>579</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 10

<sup>580</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 11

'I heard Abu Abdullah<sup>-asws</sup> saying: 'Rasool-Allah<sup>-saww</sup> said: 'One who wants that Allah<sup>-azwj</sup> would Shade him in the Shade of His<sup>-azwj</sup> Throne on a Day there will be no shade except His<sup>-azwj</sup> Shade, let him respite the unable (one in financial hardship), or let him leave (write-off) his right from him''.<sup>581</sup>

13- شي، تفسير العياشي عن أبي الجارود عن أبي جعفر ع قال قال رسول الله ص من سره أن يقيه من نفحات جهنم فلينظر موعباً أو ليدع له من حقه.

(The book) 'Tafseer Al Ayyashi' – From Abu Al Jaroud,

'From Abu Ja'far<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One whom it cheers to be saved from bursts of Hell, let him respite the one in hardship or let him leave his right from him''.<sup>582</sup>

14- شي، تفسير العياشي عن إسحاق بن عمار قال: قلت لأبي عبد الله ع ما للرجل أن يبلغ من غريمه

(The book) 'Tafseer Al Ayyashi' – From Is'haq Bin Ammar who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'What is for the man to pursue his debtor?'

قال لا يبلغ به شيئاً الله أنظره.

He<sup>-asws</sup> said: 'Not go to extreme with him of anything! Allah<sup>-azwj</sup> has Respited him''.<sup>583</sup>

15- شي، تفسير العياشي عن أبان عمّن أخبره عن أبي عبد الله ع قال: قال رسول الله ص في يوم حار من سره أن يظله الله في يوم لا ظل إلا ظله فلينظر غريباً أو ليدع لمعسر.

(The book) 'Tafseer Al Ayyashi' – From Aban, from the one who informed him,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said during a day of heat: 'One whom it cheers that Allah<sup>-azwj</sup> would Shade him during a Day there will be not shade except His<sup>-azwj</sup> Shade, let him respite a debtor or let him leave one in hardship''.<sup>584</sup>

16- شي، تفسير العياشي عن حنان بن سدير عن أبيه عن أبي جعفر ع قال: يبعث الله قوماً من تحت العرش يوم القيامة وجوههم من نور و لباسهم من نور و ريشهم من نور جلوس على كراسي من نور

(The book) 'Tafseer Al Ayyashi' – From Hanan Bin Sadeyr, from his father,

'From Abu Ja'far<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> will Resurrect a people from beneath the Throne on the Day of Qiyamah. Their faces will be of Noor, and their clothing will be of Noor, and their adornments will be of Noor. They will be seated upon chairs of Noor (light)'.<sup>585</sup>

<sup>581</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 12

<sup>582</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 13

<sup>583</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 14

<sup>584</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 15

قَالَ فَيَشْرِفُ لَهُمُ الْخَلْقُ فَيَقُولُونَ هَؤُلَاءِ الْأَنْبِيَاءُ

He<sup>-asws</sup> said: 'The creatures will look at them. They will say, 'They are Prophets<sup>-as</sup>!'

فَيَنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ هَؤُلَاءِ لَيْسُوا بِأَنْبِيَاءَ

A caller will call out from beneath the Throne: 'They aren't Prophets<sup>-as</sup>!'

قَالَ فَيَقُولُونَ هَؤُلَاءِ شُهَدَاءُ

He<sup>-asws</sup> said: 'They are martyrs!'

قَالَ فَيَنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ لَيْسَ هَؤُلَاءِ شُهَدَاءَ وَ لَكِنَّ هَؤُلَاءِ قَوْمٌ يُسَيِّرُونَ عَلَى الْمُؤْمِنِينَ وَ يُنْظَرُونَ الْمُعْسِرَ حَتَّى يُيسَّرَ.

He<sup>-asws</sup> said: 'A caller will call out from beneath the Throne: 'They aren't martyrs, but they are a people who were facilitating upon the Momineen and respiting the one in hardship until he was in ease.<sup>585</sup>

17- شي، تفسير العياشي عن ابن سنان عن أبي حمزة قال: ثَلَاثَةٌ يُظْلَهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ يَوْمٌ لَا ظِلَّ إِلَّا ظِلُّهُ رَجُلٌ دَعَتْهُ امْرَأَةٌ ذَاتُ حَسَبٍ إِلَى نَفْسِهَا فَتَرَكَهَا وَ قَالَ إِنِّي أَخَافُ اللَّهَ رَبَّ الْعَالَمِينَ وَ رَجُلٌ أَنْظَرَ مُعْسِرًا أَوْ تَرَكَ لَهُ مِنْ حَقِّهِ وَ رَجُلٌ مَعَلَّقٌ قَلْبُهُ بِحُبِّ الْمَسَاجِدِ

(The book) 'Tafseer Al Ayyashi' – From Ibn Sinan, from Abu Hamza who said,

'Three, Allah<sup>-azwj</sup> will Shade them on the Day of Qiyamah, a Day there will be no shade except His<sup>-azwj</sup> Shade – a man invited by a woman of good lineage to herself, but he neglects her and says, 'I fear Allah<sup>-azwj</sup> Lord<sup>-azwj</sup> of the worlds!'; a man who respites one in hardship, or leaves his rights from him; and a man whose heart is attached with love of the Masjids!

وَ أَنَّ تَصَدَّقُوا خَيْرٌ لَكُمْ يَغْنِي أَنْ تَصَدَّقُوا بِمَا لَكُمْ عَلَيْهِ فَهُوَ خَيْرٌ لَكُمْ فَلْيَدْعُ مُعْسِرًا أَوْ لِيَدْعَ لَهُ مِنْ حَقِّهِ نَظْرًا.

**And if you (write it off) as charity it would be better for you [2:280]** – meaning, if you were to donate your wealth to him, it is better for you. So let him leave the one in hardship, or let him leave his right for him as respite".<sup>586</sup>

قَالَ أَبُو عَبْدِ اللَّهِ ع قَالَ رَسُولُ اللَّهِ ص مَنْ أَنْظَرَ مُعْسِرًا كَانَ لَهُ عَلَى اللَّهِ فِي كُلِّ يَوْمٍ صَدَقَةٌ بِمِثْلِ مَا لَهُ عَلَيْهِ حَتَّى يَسْتَوْفِيَ حَقَّهُ.

Abu Abdullah<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'One who respites one in hardship, there would be donation of charity for him to Allah<sup>-azwj</sup> during every day similar to what is for him upon him until he fulfils his right".<sup>587</sup>

<sup>585</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 16

<sup>586</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 17 a

<sup>587</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 17 b

18- شي، تفسير العياشي عَنْ عُمَرَ بْنِ سُلَيْمَانَ عَنْ رَجُلٍ مِنْ أَهْلِ الْجَزِيرَةِ قَالَ: سُئِلَ الرِّضَا عَنْ فَقَالَ لَهُ جُعِلْتُ فِدَاكَ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ فَتَطْرُقُ إِلَى مَيْسَرَةٍ فَأَخْبِرُنِي عَنْ هَذِهِ النَّظَرَةِ الَّتِي ذَكَرَهَا اللَّهُ لَهَا حَدٌّ يُعْرَفُ إِذَا صَارَ هَذَا الْمُعْسِرُ لَا بُدَّ لَهُ مِنْ أَنْ يُنْتَظَرَ وَ قَدْ أَخَذَ مَالَ هَذَا الرَّجُلِ وَ أَنْفَقَ عَلَى عِيَالِهِ وَ لَيْسَ لَهُ غَلَّةٌ يُنْتَظَرُ إِدْرَاكُهَا وَ لَا دَيْنٌ يُنْتَظَرُ مَحَلُّهُ وَ لَا مَالٌ غَائِبٌ يُنْتَظَرُ قُدُومُهُ

(The book) 'Tafseer Al Ayyashi' – From Umar Bin Suleyman, from a man from the people of Al Jazeera who said,

'Al-Reza<sup>-asws</sup> was asked, 'May I be sacrificed for you<sup>-asws</sup>! Allah<sup>-azwj</sup> Blessed and Exalted Saying: **so (let there be) postponement until ease [2:280]**. Inform me about this postponement (respite) which Allah<sup>-azwj</sup> has Mentioned. Is there a known limit for it when this one in hardship come to be, there is no escape for him from respiting, and this man has taken wealth of this man and spent it upon his dependants, and there isn't any yield for him he can await its realisation, nor any debt he is awaiting its release, nor any absent wealth he is awaiting its arrival?'

قَالَ نَعَمْ يُنْتَظَرُ بِقَدْرِ مَا يَنْتَهِي خَبَرُهُ إِلَى الْإِمَامِ فَيَقْضِي عَنْهُ مَا عَلَيْهِ مِنْ سَهْمِ الْغَارِمِينَ إِذَا كَانَ أَنْفَقَهُ فِي طَاعَةِ اللَّهِ فَإِنْ كَانَ أَنْفَقَهُ فِي مَعْصِيَةِ اللَّهِ فَلَا شَيْءَ لَهُ عَلَى الْإِمَامِ

He<sup>-asws</sup> said: 'Yes. He should wait until news of his situation reaches the Imam<sup>-asws</sup>, who will then repay his debt from the share allocated for debtors, if he had spent it in obedience to Allah<sup>-azwj</sup>. But if he had spent it in disobedience to Allah<sup>-azwj</sup>, then is nothing for him upon the Imam<sup>-asws</sup>'.

قُلْتُ فَمَا لِهَذَا الرَّجُلِ الَّذِي اتَّيَمَّنَهُ وَ هُوَ لَا يَعْلَمُ فِيْمَ أَنْفَقَهُ فِي طَاعَةِ اللَّهِ أَوْ مَعْصِيَتِهِ

I said, 'What about the person who trusted him, not knowing whether he spent it in obedience or disobedience to Allah<sup>-azwj</sup>?'

قَالَ يَسْعَى لَهُ فِيمَا لَهُ فَيُرَدُّهُ وَ هُوَ صَافِرٌ.

He<sup>-asws</sup> said: 'He must pursue what is owed to him and have it returned to him, and the debtor will return it and he would be belittled'<sup>588</sup>.

19- سر، السرائر السَّيَّارِيُّ عَنْ هِشَامِ بْنِ مُحَمَّدٍ قَالَ: دَخَلَ رَجُلٌ عَلَى أَبِي عَبْدِ اللَّهِ ع فَقَالَ لَهُ مَا بَأْسُ أَخِيكَ يَشْكُوكَ

(The book) 'Al Saraair' of Al Sayyari – From Hisham Bin Mahmoud who said,

'A man entered to see Abu Abdullah<sup>-asws</sup>. He<sup>-asws</sup> said to him: 'What is the matter your brother is complaining about you?'

قَالَ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ ص يَشْكُونِي أَنِّي اسْتَفْصَيْتُ عَلَيْهِ حَقِّي



He (the narrator) said, 'He said, 'O son<sup>-asws</sup> of Rasool-Allah<sup>-saww</sup>! He is complaining of me that I demanded my right upon him!'

قَالَ وَكَانَ مُتَّكِئاً فَاسْتَوَى جَالِساً ثُمَّ قَالَ تَرَى أَنَّكَ إِذَا اسْتَقْصَيْتَ حَقَّكَ لَمْ تُسِئْ إِنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ فِي كِتَابِهِ يَخْشَوْنَ رَبَّهُمْ وَيَخَافُونَ سُوءَ الْحِسَابِ أ

He (the narrator) said, 'He<sup>-asws</sup> was leaning, so he<sup>-asws</sup> sat up straight, then said: 'You are viewing that when you demand your (full) right you are not doing anything wrong? Allah<sup>-azwj</sup> Mighty and Majestic Says in His<sup>-azwj</sup> Book: **and are in awe of their Lord and are fearing the evil Reckoning [13:21]**.

تَرَاهُمْ خَافُوا مِنَ اللَّهِ أَنْ يَظْلِمَهُمْ لَا وَاللَّهِ وَكَانَهُمْ خَافُوا مِنْهُ أَنْ يَسْتَقْصِي عَلَيْهِمْ فَيُهْلِكَهُمْ نَعَمْ مِنْ اسْتَقْصَى فَقَدْ أَسَاءَ ثَلَاثاً.

Do you view they are fearing from Allah<sup>-azwj</sup> that He<sup>-azwj</sup> might be unjust to them? No, by Allah<sup>-azwj</sup>! But, they are fearing from Him<sup>-azwj</sup> that He<sup>-azwj</sup> would Demand (full right) from them, so they will be destroyed! Yes, One who thoroughly investigates, he has done wrong! (thrice)".<sup>589</sup>

20- وَجَدْتُ بِحَظِّ الشَّيْخِ الْجَلِيلِ مُحَمَّدِ بْنِ عَلِيِّ الْجُبَعِيِّ رَحِمَهُ اللَّهُ عَلَيْهِ ثَقُلًا مِنْ حَظِّ الشَّهِيدِ رَفَعَ اللَّهُ دَرَجَتَهُ قَالَ: مَرَّ أَبُو عَبْدِ اللَّهِ عَ بِرَجُلٍ قَدْ ارْتَفَعَ صَوْتُهُ عَلَى رَجُلٍ يَفْتَضِيهِ شَيْئاً يَسِيرًا فَقَالَ يَكُمُ طَالِيَهُ

I found in the handwriting of the majestic sheykh Muhammad Bin Ali Al-Kubaie, may Allah<sup>-azwj</sup> Mercy him, copying from the handwriting of Al-Shaheed, may Allah<sup>-azwj</sup> Raise his rank, who said,

'Abu Abdullah<sup>-asws</sup> passed by a man who was raising his voice at a man to demand something little. He<sup>-asws</sup> said: 'How much are you demanding from him?'

فَذَكَرَ مَبْلَغَهُ فَقَالَ عَ يَكْفِيكَ أَنَّهُ كَانَ يُقَالُ لَا دِينَ لِمَنْ لَا مَرْوَةَ لَهُ.

He mentioned its extent. He<sup>-asws</sup> said: 'It should suffice you that it has been said, 'There is no religion for the one having no chivalry (strong and reliable) for him".<sup>590</sup>

21- أَغْلَامُ الدِّينِ، قَالَ النَّبِيُّ ص مِنْ سَرَّهُ أَنْ يُنْفَسَ اللَّهُ كُرْبَتَهُ فَلْيَسِّرْ عَلَى مُؤْمِنٍ مُعْسِرٍ أَوْ فَلْيَدَعْ لَهُ فَإِنَّ اللَّهَ تَعَالَى يُحِبُّ إِعَاثَةَ الْمَلْهُوفِ.

A'lam Al Deen' –

'The Prophet<sup>-saww</sup> said: 'One whom it cheers that Allah<sup>-azwj</sup> relieves his distress, let him be easy upon the Momin in hardship, or let him leave (the debt) for him, for Allah<sup>-azwj</sup> the Exalted Loves helping the distressed.<sup>591</sup>

<sup>589</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 19

<sup>590</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 20

<sup>591</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 21

22- وَعَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ع مَنْ يَسِّرْ عَلَى مُؤْمِنٍ وَهُوَ مُعْسِرٌ يَسِّرَ اللَّهُ عَلَيْهِ حَوَائِجَهُ فِي الدُّنْيَا وَالْآخِرَةِ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ فِي عَوْنِ الْمُؤْمِنِ مَا كَانَ الْمُؤْمِنُ فِي عَوْنِ أَخِيهِ الْمُؤْمِنِ اتَّفَعُوا [بِالْعِظَةِ وَ ارْغَبُوا فِي الْخَيْرِ].

And from Abu Abdullah<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘One who eases upon a Momin while he is in hardship, Allah<sup>-azwj</sup> will Ease his needs upon him in the world and the Hereafter, for Allah<sup>-azwj</sup> is in Assistance of the Momin for as long as he was in assistance of his Momin brother’. Benefit with the preaching and be desirous of the good (deeds)!’<sup>592</sup>

23- الْهِدَايَةُ، مَنْ اسْتَدَانَ دَيْنًا وَ نَوَى قَضَاءَهُ فَهُوَ فِي أَمَانِ اللَّهِ عَزَّ وَ جَلَّ حَتَّى يَقْضِيَهُ فَإِنْ لَمْ يَنْوَ فَهُوَ سَارِقٌ.

(The book) ‘Al Hidayah’ – One who incurs a debt and intends to pay it back, he is in the Security of Allah<sup>-azwj</sup> Mighty and Majestic until he pays it off. If he does not intend to, he is a thief!’<sup>593</sup>

24- وَقَالَ الصَّادِقُ ع إِنَّ اللَّهَ عَزَّ وَ جَلَّ يُحِبُّ أَنْظَارَ الْمُعْسِرِ وَ مَنْ كَانَ عَرِيقُهُ مُعْسِرًا فَعَلَيْهِ أَنْ يُنْظِرَهُ إِلَى مَيْسَرَةٍ وَ إِنْ كَانَ أَنْفَقَ ذَلِكَ فِي مَعْصِيَةِ اللَّهِ فَلَيْسَ عَلَيْهِ أَنْ يُنْظِرَهُ إِلَى مَيْسَرَةٍ وَ لَيْسَ هُوَ مِنْ أَهْلِ الْآيَةِ الَّتِي قَالَ اللَّهُ عَزَّ وَ جَلَّ فَتَنْظِرُهُ إِلَى مَيْسَرَةٍ.

And Al-Sadiq<sup>-asws</sup> said: ‘Allah<sup>-azwj</sup> Mighty and Majestic Loves respiting the one in hardship, and the one whose debtor was in hardship, upon him is to respite him up to his ease, and if had spent that in disobedience of Allah<sup>-azwj</sup>, it isn’t upon him to respite him up to ease, and he isn’t the one rightful of the Verse which Allah<sup>-azwj</sup> Mighty and Majestic Said: **so (let there be) postponement until ease [2:280]**’.<sup>594</sup>

25- كِتَابُ الْغَايَاتِ، عَنْ جَابِرٍ أَنَّ النَّبِيَّ ص خَطَبَ النَّاسَ فَقَالَ بَعْدَ حَمْدِ اللَّهِ وَ النَّعَاءِ عَلَيْهِ أَمَّا بَعْدُ فَإِنَّ أَصْدَقَ الْحَدِيثِ كِتَابُ اللَّهِ وَ إِنَّ أَفْضَلَ الْهُدَى هَدْيُ مُحَمَّدٍ وَ شَرُّ الْأُمُورِ مُحْدَثَاتُهَا وَ كُلُّ بَدْعَةٍ ضَلَالَةٌ

(The book) ‘Kitab Al Ghayaat’ –

‘From Jabir, ‘The Prophet<sup>-saww</sup> addressed the people. He<sup>-saww</sup> said after praise of Allah<sup>-azwj</sup> and the laudation upon Him<sup>-azwj</sup>: ‘As for after! The most truthful of the Hadeeth (narration) is the Book of Allah<sup>-azwj</sup>, and the most superior of the guidance is the guidance of Muhammad<sup>-saww</sup>, and the worst of matters is their innovations, and every innovation is a straying!’

ثُمَّ رَفَعَ صَوْتَهُ وَ تَحَمَّرَ وَجْنَتَاهُ وَ يَشْتَدُّ غَضَبُهُ إِذَا ذَكَرَ السَّاعَةَ كَأَنَّهُ مُنَادِرُ جَيْشٍ ثُمَّ يَقُولُ بُعِثْتُ وَ السَّاعَةُ كَهَاتَيْنِ

Then he<sup>-saww</sup> raised his<sup>-saww</sup> voice and his<sup>-saww</sup> cheeks reddened, and his anger intensified as it would whenever he<sup>-saww</sup> mentioned the Hour, as if he<sup>-saww</sup> was awaiting an (invading) army. Then he<sup>-saww</sup> said: ‘I<sup>-saww</sup> and the Hour have been Sent like these two!’ (holding his<sup>-as</sup> two fingers sticking together).

ثُمَّ يَقُولُ أَنْتَكُمُ السَّاعَةُ مُصْبِحُكُمْ أَوْ مُمَسَّاكُمُ مَنْ تَرَكَ مَالًا فَلْيَوَرِّثْهُ وَ مَنْ تَرَكَ دَيْنًا أَوْ ضَيْعًا فَلْيَأْتِ أَوْ عَلَيَّ.

<sup>592</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 22

<sup>593</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 23

<sup>594</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 24

Then he<sup>-saww</sup> said: ‘The Hour shall come to you in your morning or your evening! One who leaves wealth, it is for his inheritors, and one who leaves debts or estate, it is to me, or Ali<sup>-asws</sup>’<sup>595</sup>

باب 35 آداب الدين و أحكامه

## CHAPTER 35 – ETIQUETTES OF THE DEBTS AND ITS RULINGS

1- ب، قرب الإسناد أبو البخاري عن الصادق عن أبيه ع قال: قال قضى علي ع في رجل مات وترك ورثة فأقر أحد الورثة بدين على أبيه قال يلزمه في حصته بقدر ما ورث ولا يكون ذلك في ماله كله

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari –

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: ‘Ali<sup>-asws</sup> judged regarding a man who died and left an inheritance. One of the inheritors acknowledged of a debt upon his father. He<sup>-asws</sup> said: ‘That heir is bound to pay the debt from his share according to what he inherited, and it is not to be taken from the entire estate.

و إن أقر اثنان من الورثة وكانا عذولاً أُجيز ذلك على الورثة وإن لم يكونا عذولاً ألزمنا في حصتهما بقدر ما ورثا وكذلك إن أقر بعض الورثة بأخ أو أخت إنما يلزمه في حصته

If two of the heirs acknowledge the debt and they are trustworthy, then it is accepted and applies to all the heirs. But if they are not trustworthy, they are held accountable for the debt only in proportion to their own shares. Like that, if some of the heirs acknowledge a brother or sister, that only obliges him within his own share.

قال وقال علي ع من أقر لأخيه فهو شريك في المال ولا يثبت نسبُه فإن أقر له اثنان فكذلك إلا أن يكونا عذلين فيلحق بنسبه و يضرب في الميراث معهم.

He (the narrator) said, ‘And Ali<sup>-asws</sup> said: ‘One who acknowledges for his brother shares the inheritance with him, but the lineage is not established. If two acknowledge him, then the same applies, unless they are both trustworthy, in which case his lineage is affirmed, and he shares the inheritance with them’<sup>596</sup>.

2- ب، قرب الإسناد علي عن أخيه ع قال: سألت عن رجلين اشترا في السلم أ يصلح لهما أن يقتسما قبل أن يقبضا

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, ‘I asked him<sup>-asws</sup> about two men participating in the ‘Salam’ deal, ‘Is it correct for them to divide it before they take possession?’

قال لا بأس

<sup>595</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 25

<sup>596</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 1

He<sup>-asws</sup> said: 'There is no problem'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ الْجَحُودِ أَيْحِلُّ أَنْ يَجْحَدَهُ مِثْلُ مَا جَحَدَ

He said, 'And I asked him<sup>-asws</sup> about the man, the denier (of debt), 'Is it Permissible to deny him like what he denies?'

قَالَ نَعَمْ وَ لَا يَزِيدَا.

He<sup>-asws</sup> said: 'Yes, and not more'<sup>597</sup>

3- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنْ إِبْرَاهِيمَ بْنِ الْمَيْتَمِ عَنْ النَّضْرِ عَنْ رَجُلٍ عَنِ الْحَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تُبَاعُ الدَّارُ وَ لَا الْجَارِيَةُ فِي الدَّيْنِ وَ ذَلِكَ أَنَّهُ لَا بُدَّ لِلرَّجُلِ الْمُسْلِمِ مِنْ ظِلٍّ يَسْكُنُهُ وَ خَادِمٍ يَخْدُمُهُ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibrahim Bin Hashim, from Ibrahim Bin Al Haysam, from Al Nazr, from a man, from Al Halby,

'From Abu Abdullah<sup>-asws</sup> having said: 'Neither (force) sell the house (of a debtor) nor the slave girl regarding the debt, and that is because there is no escape for the Muslim man from a shade he settles in, and a servant serving him'<sup>598</sup>

4- ع، علل الشرائع ابْنُ الْوَلِيدِ عَنْ عَلِيٍّ عَنْ أَبِيهِ قَالَ: كَانَ ابْنُ أَبِي عُمَيْرٍ رَجُلًا بَرَّازًا وَ كَانَ لَهُ عَلَى رَجُلٍ عَشْرَةُ آلَافٍ دِرْهَمٍ فَذَهَبَ مَالُهُ وَ افْتَقَرَ فَجَاءَ الرَّجُلُ فَبَاعَ دَارًا لَهُ بِعَشْرَةِ آلَافٍ دِرْهَمٍ وَ حَمَلَهَا إِلَيْهِ فَدَقَّ عَلَيْهِ الْبَابَ فَخَرَجَ إِلَيْهِ مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ فَقَالَ لَهُ الرَّجُلُ هَذَا مَالُكَ الَّذِي لَكَ عَلَيَّ فَخُذْهُ

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Ali, from his father who said,

'Ibn Abu Umeyr was a garment merchant, and there were a thousand Dirhams for him upon a man. His wealth was gone and he was impoverished. The man came and sold a house of his for ten thousand Dirham and carried it to him. He knocked the door upon him. Muhammad Bin Abu Umeyr came out to him. The man said to him, 'This is your wealth which is for you, upon me, so take it!'

فَقَالَ ابْنُ أَبِي عُمَيْرٍ فَمِنْ أَيْنَ لَكَ هَذَا الْمَالُ وَرِثْتُهُ

Ibn Abu Umeyr said, 'From where came this wealth for you? Did you inherit it?'

قَالَ لَا

He said, 'No'.

قَالَ وَهَبَ لَكَ

He said, 'Was it gifted to you?'

<sup>597</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 2

<sup>598</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 3

قَالَ لَا وَ لَكِي دَارِي الْفُلَانِي لِأَقْضِي دَيْنِي

He said, 'No, but I sold my such and such house to pay off my debts'.

فَقَالَ ابْنُ أَبِي عُمَيْرٍ حَدَّثَنِي ذَرِيْعَةُ الْمُحَارِبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ لَا يُجْرُجُ الرَّجُلُ عَنْ مَسْقُطِ رَأْسِهِ بِالْذَّيْنِ اِرْفَعَهَا فَلَا حَاجَةَ لِي فِيهَا وَ اللَّهُ إِنِّي مُخْتَارٌ فِي وَفْيِي هَذَا إِلَى دِرْهَمٍ وَ مَا يَدْخُلُ مِنْهَا دِرْهَمٌ.

Ibn Abu Umeyr said, 'It is narrated to me by Zareeh Al-Muhariby, from Abu Abdullah<sup>-asws</sup> that he<sup>-asws</sup> said: 'Do not expel the man from his home for a debt'. Raise it (take it away), for there is no need for me regarding it! By Allah<sup>-azwj</sup>, I am in no need, at this time of mine to a single Dirham, and no Dirham from it will enter into my ownership!'"<sup>599</sup>

5 ختص، الإختصاص أَبُو غَالِبِ الزُّرَّارِيُّ عَنْ مُحَمَّدِ بْنِ الْمُحَسِّنِ السَّجَّادِ عَنْ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ مِثْلَهُ.

(The book) 'Al Ikhtisaas' – Abu Khalib Al Zurary, from Muhammad Bin Al Muhassin Al Sajjad, from Ali Bin Ibrahim, from his father, similar to it.<sup>600</sup>

6- ضا، فقه الرضا عليه السلام إِنَّ كَانَ لَكَ عَلَى رَجُلٍ حَقٌّ فَوَجَدْتَهُ بِمَكَّةَ أَوْ فِي الْحَرَمِ فَلَا تُطَالِبُهُ وَ لَا تُسَلِّمْ عَلَيْهِ فُتُغِرَّعَهُ إِلَّا أَنْ تَكُونَ أُعْطِيَتْهُ حَقُّكَ فِي الْحَرَمِ فَلَا تَأْسَ أَنْ تُطَالِبَهُ فِي الْحَرَمِ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'If there was a right for you upon a man and you find him at Makkah, or in the Sanctuary, do not demand it, and do not greet unto him for you will panic him, except if you had given him your right in the Sanctuary, so there would be no problem in demanding it in the Sanctuary'".<sup>601</sup>

7- وَ إِذَا كَانَ عَلَى رَجُلٍ دَيْنٌ إِلَى أَجَلٍ فَإِذَا مَاتَ الرَّجُلُ فَقَدْ حَلَّ الدَّيْنُ.

And when there was a debt upon a man to a term, when the man dies (before it), the debt becomes due.<sup>602</sup>

8- وَ إِذَا مَاتَ رَجُلٌ وَ لَهُ دَيْنٌ عَلَى رَجُلٍ فَإِنْ أَخَذَهُ وَارِثُهُ مِنْهُ فَهُوَ لَهُ وَ إِنْ لَمْ يُعْطِهِ فَهُوَ لِلْمَيِّتِ فِي الْآخِرَةِ.

And when a man dies and there is a debt for him upon a man, so if his inheritors take it from him, it is for him, and if he (borrower) does not give it, it is for the deceased in the Hereafter.<sup>603</sup>

9- وَ إِذَا مَاتَ رَجُلٌ وَ عَلَيْهِ دَيْنٌ وَ لَمْ يَكُنْ لَهُ إِلَّا قَدْرٌ مَا يُكْفَى بِهِ كُفِّنَ بِهِ فَإِنْ تَفَضَّلَ عَلَيْهِ رَجُلٌ بِكَفْنٍ كُفِّنَ بِهِ وَ يُقْضَى بِمَا تَرَكَ دَيْنُهُ.

And when a man dies and there is debt upon him and possesses nothing except what is sufficient for his shroud, he is to be shrouded with it. But if another man donates a shroud for

<sup>599</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 4

<sup>600</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 5

<sup>601</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 6

<sup>602</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 7

<sup>603</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 8

him, then he is to be shrouded with that, and whatever he left behind is used to repay his debt.

وَ إِذَا مَاتَ رَجُلٌ وَ عَلَيْهِ دَيْنٌ وَ لَمْ يَخْلَفْ شَيْئاً فَكَفَّنَهُ رَجُلٌ مِنْ زَكَاةِ مَالِهِ فَهُوَ جَائِزٌ لَهُ فَإِنْ أَنْجَزَ عَلَيْهِ رَجُلٌ آخَرُ بِكَفْنٍ يُكْفَنُ مِنَ الزَّكَاةِ وَ جَعَلَ الَّذِي أَنْجَزَ عَلَيْهِ لَوْرَثَتِهِ يُصَلِّحُونَ بِهِ حَالَهُمْ لِأَنَّ هَذَا لَيْسَ بِزَكَاةٍ الْمَيِّتِ إِنَّمَا هُوَ شَيْءٌ صَارَ إِلَيْهِمْ بَعْدَ مَوْتِهِ وَ بِاللَّهِ الْإِغْتِصَامُ.

And if a man dies owing a debt and leaves behind nothing, and another man provides a shroud for him from his Zakat money, it is Permissible for him. If another man had already arranged for a shroud, then the shroud can be taken from the Zakat, and what the first man had arranged is given to the heirs so they may use it to improve their situation. This is because it is not considered part of the deceased's estate, and rather, it is something that came to them after his death. And with Allah<sup>-azwj</sup> is the adherence. <sup>604</sup>

باب 6 الربا في الدين زائدا على ما مر في باب الربا و أحكامه

## CHAPTER 36 – THE USURY IN THE DEBT, ADDITIONAL TO WHAT HAS PASSED IN THE CHAPTER ON USURY AND ITS RULINGS

1- فس، تفسير القمي عن الأصهباني عن المنقري عن حفصي قال قال أبو عبد الله ع الربا رباءان أحدهما حلال و الآخر حرام فأما الحلال فهو أن يُقرض الرجل أخاه قرضاً طمعاً أن يريده و يُعوضه بأكثر مما يأخذه بلا شرط بينهما فإن أعطاه أكثر مما أخذ من غير شرط بينهما فهو مباح له و ليس له عند الله ثواب فيما أقرضه و هو قوله فلا يربوا عند الله

(The book) 'Tafseer al Qummi' – From Al Asbahani, from Al Munqari, from Hafs who said,

'Abu Abdullah<sup>-asws</sup> said: 'The usury is of two types – one of these is lawful and the other is unlawful. As for the lawful, it is the man lending a loan to his brother coveting that he increases it and compensates him with more than what he had taken, without any stipulated condition between them. If he gives him more, he takes it from without any condition (attached), it is legal for him and there isn't any Reward for him regarding what he had lent him, and it is His<sup>-azwj</sup> Word: **it would not increase in the Presence of Allah [30:39]**.

و أما الحرام فالرجل يُقرض قرضاً يشترط أن يرد أكثر مما أخذ فهذا هو الحرام.

And as for the unlawful, the man lends a loan with a condition that he return more than what he takes. This, is the unlawful". <sup>605</sup>

2- ب، قرب الإسناد علي عن أخيه قال: سأله عن رجل أعطى رجلاً مائة درهم على أن يُعطيه خمسة دراهم أو أكثر أو أقل قال هذا الربا المخص.

(The book) 'Qurb Al Isnaad' –

<sup>604</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 9

<sup>605</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 1

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), 'I asked him about a man who gives one hundred Dirhams to a man upon (the condition that) he would give him five Dirhams, or more or less (in addition to the original amount). He<sup>-asws</sup> said: 'This is pure usury'.<sup>606</sup>

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ أُعْطِيَ عَبْدُهُ عَشْرَةَ دَرَاهِمٍ عَلَى أَنْ يُؤْذِيَ إِلَيْهِ الْعَبْدُ كُلَّ شَهْرٍ عَشْرَةَ دَرَاهِمٍ فَيَجِلُ ذَلِكَ قَالَ لَا بَأْسَ.

And I asked him<sup>-asws</sup> about a man who gives ten Dirhams to his slave upon (a condition) that he gives him ten Dirhams every month (until the original amount is fully paid), 'Is that Permissible?' He<sup>-asws</sup> said: 'There is no problem.'<sup>607</sup>

4- ب، قرب الإسناد ابن طريف عن ابن علقوان عن الصادق عن أبيه ع قَالَ: جَاءَ إِلَى النَّبِيِّ ص سَائِلٌ يَسْأَلُهُ فَقَالَ رَسُولُ اللَّهِ ص هَلْ مِنْ رَجُلٍ عِنْدَهُ سَلَفٌ

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'A beggar came to the Prophet<sup>-saww</sup> to beg him<sup>-saww</sup>. Rasool-Allah<sup>-saww</sup> said: 'Is there any man who has any advance (loan to offer)?'

فَقَامَ رَجُلٌ مِنَ الْأَنْصَارِ مِنْ بَنِي الْجَبَلِيِّ فَقَالَ عِنْدِي يَا رَسُولَ اللَّهِ ص

A man from the Helpers from the clan of Al-Jabali stood up. He said, 'There is with me, O Rasool-Allah<sup>-saww</sup>!'

قَالَ فَأَعْطِ هَذَا السَّائِلَ أَرْبَعَةَ أَوْسَاقٍ تَمْرٍ

He<sup>-saww</sup> said: 'Give this beggar four Wasqs (one Wasq = 130 kg) of dates!'

قَالَ فَأَعْطَاهُ

He<sup>-asws</sup> said: 'He gave it'.

قَالَ ثُمَّ جَاءَ الْأَنْصَارِيُّ بَعْدَ إِلَى النَّبِيِّ ص يَتَقَاضَاهُ فَقَالَ لَهُ يَكُونُ إِنْ شَاءَ اللَّهُ

He<sup>-asws</sup> said: 'Then afterwards the Helper came to the Prophet<sup>-saww</sup> demanding it. He<sup>-saww</sup> said: 'It will happen, if Allah<sup>-azwj</sup> so Desires!'

ثُمَّ عَادَ إِلَيْهِ الثَّانِيَةَ فَقَالَ لَهُ يَكُونُ إِنْ شَاءَ اللَّهُ

Then he returned to him<sup>-saww</sup> a second time. He<sup>-saww</sup> said to him: 'It will happen, if Allah<sup>-azwj</sup> so Desires'.

ثُمَّ عَادَ إِلَيْهِ الثَّالِثَةَ فَقَالَ يَكُونُ إِنْ شَاءَ اللَّهُ

<sup>606</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 2

<sup>607</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 3

Then he returned to him for the third time. He<sup>-saww</sup> said: 'It will happen, if Allah<sup>-azwj</sup> so Desires'.

فَقَالَ قَدْ أَكْثَرْتَ يَا رَسُولَ اللَّهِ مِنْ قَوْلٍ يَكُونُ إِنْ شَاءَ اللَّهُ

He said, 'O Rasool-Allah<sup>-azwj</sup>! It has become too much, the word: 'It will happen, if Allah<sup>-azwj</sup> so Desires'!

قَالَ فَضَحِكَ رَسُولُ اللَّهِ ص فَقَالَ هَلْ مِنْ رَجُلٍ عِنْدَهُ سَلَفٌ

He<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> smiled. He<sup>-saww</sup> said: 'Is there any man having any advance (loan) to offer?'

قَالَ فَقَامَ رَجُلٌ فَقَالَ لَهُ عِنْدِي يَا رَسُولَ اللَّهِ ص

He<sup>-asws</sup> said: 'A man stood up. He said to him<sup>-saww</sup>, 'With me, O Rasool-Allah<sup>-saww</sup>!'

قَالَ وَكَمْ عِنْدَكَ

He<sup>-saww</sup> said: 'And how much is there with you?'

قَالَ مَا شِئْتُ

He said, 'Whatever you<sup>-saww</sup> like'.

قَالَ فَأَعْطِ هَذَا ثَمَانِيَةَ أَوْسُقٍ مِنْ تَمْرٍ

He<sup>-saww</sup> said: 'Give this one eight Wasqs of dates!'

فَقَالَ الْأَنْصَارِيُّ إِنَّمَا لِي أَرْبَعَةٌ يَا رَسُولَ اللَّهِ ص

The Helper said, 'But rather, for me there are (only) four, O Rasool-Allah<sup>-saww</sup>!'

قَالَ رَسُولُ اللَّهِ ص وَ أَرْبَعَةٌ أَيْضًا.

Rasool-Allah<sup>-saww</sup> said: 'And four as well!'<sup>608</sup>

5- ضا، فقه الرضا عليه السلام أَرْوَى أَنَّهُ سُئِلَ الْعَالِمُ ع عَنْ رَجُلٍ لَهُ دَيْنٌ قَدْ وَجِبَ فَيَقُولُ أَسْأَلُكَ دَيْنًا آخَرَ بِهِ وَ أَنَا أُرِيحُكَ فَيَبِيعُهُ حَبَّةَ لَوْ لِي تُقَوِّمَ بِأَلْفٍ دِينَهِمْ بِعَشْرَةِ آلَافٍ دِينَهِمْ أَوْ بِعَشْرِينَ أَلْفًا فَقَالَ لَا بَأْسَ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', the greeting be upon him<sup>-asws</sup> – 'It is reported that the Scholar (Imam<sup>-asws</sup>) was asked about a man having debt due for him, so he says, 'I ask you for another

<sup>608</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 4



loan with it, and I shall profit you'. So, he sells him a pearl seed valued at a thousand Dirhams, for ten thousand Dirhams, or for twenty thousand. He<sup>-asws</sup> said: 'There is no problem'.<sup>609</sup>

6- وَ رُوِيَ فِي خَيْرِ آخِرِ مِثْلِهِ لَا تَأْسَ وَ قَدْ أَمَرَنِي أَبِي فَفَعَلْتُ مِثْلَ هَذَا.

And it is report in another Hadeeth, similar to it: 'There is no problem, and my<sup>-asws</sup> father<sup>-asws</sup> had instructed me<sup>-asws</sup>, so I<sup>-asws</sup> did similar to this'.<sup>610</sup>

باب 7 الرهن و أحكامه

## CHAPTER 37 – PLEDGES (PAWNEED ITEMS) AND THEIR RULINGS

1- ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ عَنْ ابْنِ بُكَيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ رَهَنَ رَهْنًا ثُمَّ انْطَلَقَ فَلَا يُقَدِّرُ عَلَيْهِ أَيْبَاعُ الرَّهْنِ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Ibn Bukeyr who said,

'I asked Abu Abdullah<sup>-asws</sup> about the man pawning a pledged item. Then he goes and is not able upon (freeing) it. Can the pawned item be sold?'

قَالَ لَا حَتَّى يَجِيءَ الرَّاهِنُ.

He<sup>-asws</sup> said: 'No, until the pledger returns'.<sup>611</sup>

2- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ بْنِ أَبِي يَزِيدَ عَنْ مَرْوَكِ بْنِ عُبَيْدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ كَانَ الرَّهْنُ عِنْدَهُ أَوْثَقَ مِنْ أَخِيهِ الْمُسْلِمِ فَأَنَا مِنْهُ بَرِيءٌ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Yazeed, from Marwak Bin Ubeyd, from one of our companions,

'From Abu Abdullah<sup>-asws</sup> having said: 'One in whose view the pledged item was more trustworthy than his Muslim brother, I<sup>-asws</sup> am disavowed from him!'<sup>612</sup>

3 سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنْ مَرْوَكِ مِثْلَهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Marwak, similar to it.<sup>613</sup>

4- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا رَهْنٌ إِلَّا مُقْبُوضًا.

(The book) 'Tafseer Al Ayyashi – From Muhammad Bin Isa,

<sup>609</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 5

<sup>610</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 6

<sup>611</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 1

<sup>612</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 2

<sup>613</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 3

'From Abu Ja'far<sup>-asws</sup> having said: 'There is no valid pledged item except what is taken in possession.'<sup>614</sup>

5- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، لِعَلِيِّ بْنِ أَبِيهِ عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الرَّهْنُ يُرْكَبُ إِذَا كَانَ مَرْهُونًا وَ عَلَى الَّذِي يَرْكَبُ الظَّهْرَ نَفَقَتُهُ.

(The book) 'Kitab Al Imamah Wa Al Tabsira' of Ali Bin Babuwayh, from Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Ash'as,

'From Musa Bin Ismail son of Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The pledged (pawned) animal can be ridden when it was pledged, and it is upon the one who rides the back, its expenses''.<sup>615</sup>

And from him<sup>-asws</sup>, by this chain, said: 'Rasool-Allah<sup>-saww</sup> said: 'The pledge is according to what it contains. If what is in the hand of the pledgee is more than what he gave, he must return the excess to the pledger. If what is in his hand is less than what the pledger gave, then the pledger must return the excess. And if the value of the pledge matches what was given, then it remains as it is''.<sup>616</sup>

وَ قَالَ ص الرَّهْنُ مَغْلُوبٌ وَ مَرْكُوبٌ.

And he<sup>-saww</sup> said: 'The pledged may be used and ridden (if an animal)''.<sup>617</sup>

باب 38 الحجر و فيه حد البلوغ و أحكامه

## CHAPTER 38 – LEGAL RESTRICTIONS, AND IN IT IS A LIMIT OF THE ADULTHOOD AND ITS RULINGS

1- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قَالَ: عَرَضَهُمْ رَسُولُ اللَّهِ ص يَوْمَئِذٍ يَغْنِي بَنِي قُرَيْظَةَ عَلَى الْعَانَاتِ فَمَنْ وَجَدَهُ أَتْبَتَ قَتْلَهُ وَ مَنْ لَمْ يَجِدْهُ أَتْبَتَ أَحَقَّ بِالذَّرَارِي.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari –

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'On that day, Rasool-Allah<sup>-saww</sup> presented them, meaning the clan of Qureyza based upon the armpit hair. The one who was found to have grown (armpit hair), killed him, and one who was not found to have grown, joined him with the offspring (children)''.<sup>618</sup>

2- ب، قرب الإسناد علي عن أخيه ع قَالَ: سَأَلْتُهُ عَنِ الْيَتِيمِ مَتَى يَنْقَطِعُ يُتْمُهُ

<sup>614</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 4

<sup>615</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 5

<sup>616</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 6 a

<sup>617</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 6 b

<sup>618</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 1

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the orphan, 'When does his orphanhood terminate?'

قَالَ إِذَا اخْتَلَمَ وَ عَرَفَ الْأَخَذَ وَ الْإِعْطَاءَ.

He<sup>-asws</sup> said: 'When he attains puberty and understands the taking and the giving (financial dealings).<sup>619</sup>

3- ل، الخصال ابن الوليد عن الصفار عن أحمد و عبد الله ابني محمد بن عيسى عن ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع قال: إِنَّ نَجْدَةَ الْحَوْرِيِّ كَتَبَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنْ أَرْبَعَةِ أَشْيَاءَ هَلْ كَانَ رَسُولُ اللَّهِ ص يَغْزُو بِالنِّسَاءِ وَ هَلْ كَانَ يَقْسِمُ لَهُنَّ شَيْئاً وَ عَنْ مَوْضِعِ الْخُمْسِ وَ عَنْ الْيَتِيمِ مَتَى يَنْقُطُ يَتِيمُهُ وَ عَنْ قَتْلِ الذَّرَارِيِّ

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ahmad and Abdullah, two sons of Muhammad Bin Isa, from Ibn Abu Umeir, from Hammad, from Al Halby,

'From Abu Abdullah<sup>-asws</sup> having said: 'Najdah Al-Harouri wrote to Ibn Abbas asking him about four things, whether Rasool-Allah<sup>-saww</sup> went on a military expedition with the wives, and had he<sup>-saww</sup> distributed anything for them, and about the placing of the Khums, and about the orphan, when does his orphanhood terminate, and about killing the offspring (children)'.<sup>620</sup>

فَكَتَبَ إِلَيْهِ ابْنُ عَبَّاسٍ أَمَّا قَوْلُكَ فِي النِّسَاءِ فَإِنَّ رَسُولَ اللَّهِ ص كَانَ يُجْزِيهِنَّ وَ لَا يَقْسِمُ لَهُنَّ شَيْئاً وَ أَمَّا الْخُمْسُ فَإِنَّا نَزْعُمُ أَنَّهُ لَنَا وَ زَعَمَ قَوْمٌ أَنَّهُ لَيْسَ لَنَا فَصَبَرْنَا وَ أَمَّا الْيَتِيمُ فَانْقِطَاعُ يَتِيمِهِ أَشَدُّ وَ هُوَ الْإِخْتِلَامُ إِلَّا أَنْ لَا تُؤْنِسَ مِنْهُ رُشْداً فَيَكُونُ عِنْدَكَ سَفِيهاً أَوْ ضَعِيفاً فَيَمْسِكُ عَلَيْهِ وَلِيُّهُ

Ibn Abbas wrote to him, 'As for your word regarding the wives, Rasool-Allah<sup>-saww</sup> had given them a share (from the spoils) and did not distribute anything for them; and as for the Khums, we claim it is for us while a group is claiming it isn't for us, so we are patient; and as for the orphan, his orphanhood terminates at his maturity, and it is the puberty, except if you do not find sound judgment from him, so he would be fooling in your view or of weak intellect, so his guardian can withhold upon him.

وَ أَمَّا الذَّرَارِيُّ فَلَمْ يَكُنِ النَّبِيُّ ص يَقْتُلُهَا وَ كَانَ الْخَصِيرُ ع يَقْتُلُ كَافِرَهُمْ وَ يَبْرُكُ مُؤْمِنَهُمْ فَإِنْ كُنْتَ تَعْلَمُ مِنْهُمْ مَا يَعْلَمُ الْخَصِيرُ فَأَنْتَ أَعْلَمُ.

And as for the offspring (children), the Prophet<sup>-saww</sup> would not kill them, and Al-Khizr<sup>-as</sup> had killed their Kafirs and left their believer. Thus, if you know from what Al-Khizr<sup>-as</sup> had known, then you are more knowing".<sup>620</sup>

4- ل، الخصال أبي عن علي عن أبيه عن ابن أبي عمير عن غير واحد عن أبي عبد الله ع قال: حَدُّ بُلُوغِ الْمَرْأَةِ تِسْعُ سِنِينَ.

<sup>619</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 2

<sup>620</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 3

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Ibn Abu Umeyr, from someone else,

'From Abu Abdullah<sup>-asws</sup> having said: 'Limit (age) of maturity of the woman is nine years'.<sup>621</sup>

5- ل، الخصال أبي عن سعد عن أبي عيسى عن البرقي عن أبي الحسن الخادم عن عبد الله بن سنان عن أبي عبد الله ع قال: سأله أبي و أنا حاضراً عن النسيم متى يجوز أمره قال حتى يبلغ أشده

(The book) 'Al Khisaal' – My father, from Sa'ad, from Abu Isa, from Al Bazanty, from Abu Al-Husayn Al Khadim, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'He<sup>-asws</sup> asked his<sup>-asws</sup> father<sup>-asws</sup> while I was present, about the orphan, when is his instruction allowed. He<sup>-asws</sup> said: 'Until he reaches his maturity'.

قال قلت و ما أشده

He (the narrator) said, 'I said, 'And what is his maturity?'

قال احتلامه

He<sup>-asws</sup> said: 'His puberty'.

قال قلت قد يكون الغلام ابن ثمان عشرة سنة أو أقل أو أكثر و لا يحتلم

He (the narrator) said, 'I said, 'It has happened that the boy could be eighteen or less, or more, and he does not attain puberty.

قال إذا بلغ و كتب عليه الشيء جاز أمره إلا أن يكون سفيهاً أو ضعيفاً.

He<sup>-asws</sup> said: 'When he reaches (the age) and the thing (obligation) is prescribed upon him, his instructions are allowed except if he happens to be foolish or of weak intellect'.<sup>622</sup>

6- ل، الخصال ابن المغيرة بإسناده عن العباس بن عامر عن ذكره عن أبي عبد الله ع قال: يؤدب الصبي على الصوم ما بين خمس عشرة سنة إلى ست عشرة سنة.

(The book) 'Al Khisaal' – Ibn Al Mugheira, by his chain from Al Abbas Bin Aamir, from the one who mentioned it,

'From Abu Abdullah<sup>-asws</sup> having said: 'The young boy would be educated upon the fasting what is between fifteen years up to sixteen years'.<sup>623</sup>

<sup>621</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 4

<sup>622</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 5

<sup>623</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 6

7- ل، الخصال أبي عن مُحَمَّدٍ الْعَطَّارِ عَنِ ابْنِ عِيْسَى عَنِ الْوَشَّاءِ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا بَلَغَ الْغُلَامُ أَشَدَّهُ ثَلَاثَ عَشْرَةَ سَنَةً وَ دَخَلَ فِي الْأَرْبَعِ عَشْرَةَ سَنَةً وَجَبَ عَلَيْهِ مَا وَجَبَ عَلَى الْمُحْتَلِمِينَ اخْتَلَمَ أَمْ لَمْ يَخْتَلَمْ وَكُتِبَتْ عَلَيْهِ السَّيِّئَاتُ وَكُتِبَتْ لَهُ الْحَسَنَاتُ وَ جَازَ لَهُ كُلُّ شَيْءٍ مِنْ مَالِهِ إِلَّا أَنْ يَكُونَ ضَعِيفًا أَوْ سَفِيهًا.

(The book) 'Al Khisaal' – My father, from Muhammad Al Attar, from Ibn Isa, from Al Washa, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'When a boy reaches his maturity at thirteen years and enters into his fourteenth year, then what is obligatory upon those who reach puberty becomes obligatory upon him, whether he has experienced a wet dream or not. Bad deeds are written against him and good deeds are written for him, and he may manage all of his wealth, unless he is weak (of intellect) or foolish'.<sup>624</sup>

8- ما، الأماالي للشيخ الطوسي الْعُضَائِرِيُّ عَنِ الصَّدُوقِ عَنِ ابْنِ الْوَلِيدِ عَنِ ابْنِ أَبَانَ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدٍ بْنِ إِسْمَاعِيلَ عَنِ مَنْصُورٍ بْنِ يُوسُفَ عَنْ مَنْصُورٍ بْنِ خَازِمٍ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا رَضَاعَ بَعْدَ فِطَامٍ وَلَا يُتِمُّ بَعْدَ اخْتِلَامِ الْحَبْرِ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Ghazairy, from Al Sadouq, from Ibn Al Waleed, from Ibn Aban, from Al-Husayn Bin Saeed, from Ibn Abu Umeyr, and Muhammad Bin Ismail, from Masour Bin Yunus, from Mansour Bin Hazim,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There is no breastfeeding after the weaning, and there is no orphan after the puberty' – the Hadeeth.<sup>625</sup>

9- ن، عيون أخبار الرضا عليه السلام جَعْفَرُ بْنُ نُعَيْمٍ عَنْ عَمِّهِ مُحَمَّدِ بْنِ شَاذَانَ عَنِ الْفَضْلِ عَنِ ابْنِ زَيْعٍ قَالَ: سَأَلْتُ الرِّضَا ع عَنْ حَدِّ الْجَارِيَةِ الصَّغِيرَةِ السَّرِيِّ الَّذِي إِذَا لَمْ تَبْلُغْهُ لَمْ يَكُنْ عَلَى الرَّجُلِ اسْتِبْرَؤُهَا فَقَالَ إِذَا لَمْ تَبْلُغْ اسْتَبْرَأَتْ بِشَهْرِ

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', the greeting be upon him<sup>-asws</sup> – Ja'far Bin Nueym, from his uncle Muhammad Bin Shazan, from Al Fazl, from Ibn Bazie who said,

'I asked Al-Reza<sup>-asws</sup> about the age girl of young age when she has not reached it, a man is not required to observe a waiting period for her. He<sup>-asws</sup> said: 'If she has not reached puberty, her waiting period is one month'.

قُلْتُ فَإِنْ كَانَتْ ابْنَةً سَبْعَ سِنِينَ أَوْ نُحْوَهَا بِمَنْ لَا تَحْمِلُ

I said, 'What if she is seven years old or around that age, from among those who do not become pregnant?'

فَقَالَ هِيَ صَغِيرَةٌ وَلَا يَضُرُّكَ أَنْ لَا تَسْتَبْرَأَهَا

<sup>624</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 7

<sup>625</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 8

He<sup>-asws</sup> said: ‘She is a small girl, and it does not harm you not to observe a waiting period for her’.

فَقُلْتُ مَا بَيْنَهَا وَ بَيْنَ تِسْعِ سِنِينَ

I said, ‘What about between that and nine years old?’

فَقَالَ نَعَمْ تِسْعَ سِنِينَ.

He said: ‘Yes, nine years’’.<sup>626</sup>

10- فس، تفسير القمي في رواية أبي الجارود عن أبي جعفر ع في قوله وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ فَالسُّفَهَاءُ النِّسَاءُ وَ الْوَلَدُ إِذَا عَلِمَ الرَّجُلُ أَنَّ امْرَأَتَهُ سَفِيهَةٌ مُفْسِدَةٌ وَ وَلَدَهُ سَفِيهٌ مُفْسِدٌ لَمْ يَنْبَغِ لَهُ أَنْ يُسَلِّطَ وَاحِدًا مِنْهُمَا عَلَى مَالِهِ الَّذِي جَعَلَ اللَّهُ لَهُ قِيَامًا يَقُولُ لَهُ مَعَاشًا

(The book) ‘Tafseer Al Qummi’ – In a report by Abu Al Jaroud,

‘From Abu Ja’far<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **And do not give your wealth to the foolish [4:5].** The foolish ones among women and children, if a man knows that his wife is foolish and wasteful, and that his child is foolish and wasteful, it is not proper for him to give authority to either of them over his wealth, which Allah<sup>-azwj</sup> has made a means of sustenance for him, calling it a livelihood.

قَالَ وَ ارْزُقُوهُمْ فِيهَا وَ اكْسُوهُمْ وَ قُولُوا لَهُمْ قَوْلًا مَعْرُوفًا وَ الْمَعْرُوفُ الْعِدَّةُ

He<sup>-asws</sup> said: **‘and sustain them from it and clothe them and speak to them kind words [4:5],** and the kindness is the waiting period.

Words of the Exalted: قَوْلُهُ تَعَالَى وَ ابْتَلُوا الْيَتَامَى حَتَّى إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَ لَا تَأْكُلُوهَا إِسْرَافًا وَ بِدَارًا أَنْ يَكْبَرُوا

**And test the orphans until they reach the marriageable age; then if you sense maturity from them, then hand over their wealth to them, and do not devour it extravagantly and hastily lest they grow older [4:6].**

قَالَ مَنْ كَانَ فِي يَدِهِ مَالُ بَعْضِ الْيَتَامَى فَلَا يَجُوزُ لَهُ أَنْ يُؤْتِيَهُ حَتَّى يَبْلُغَ النِّكَاحَ وَ يَحْتَلِمَ فَإِذَا اخْتَلَمَ وَ وَجِبَ عَلَيْهِ الْحُدُودُ وَ إِقَامَةُ الْفَرَائِضِ وَ لَا يَكُونُ مُضَيِّعًا وَ لَا شَارِبَ خَمْرٍ وَ لَا زَانِيًا فَإِذَا آنَسَ مِنْهُ الرُّشْدَ دَفَعَ إِلَيْهِ الْمَالَ وَ أَشْهَدَ عَلَيْهِ

He<sup>-asws</sup> said: ‘Whoever holds the wealth of an orphan, it is not Permissible for him to hand it over until the orphan reaches the age of marriage and experiences puberty. Once he reaches puberty, and legal punishments and the obligation of religious duties apply to him, and he is not wasteful, nor a drinker of wine, nor a fornicator, then if sound judgment is observed in him, the wealth should be given to him with witnesses.

<sup>626</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 9

وَ إِنْ كَانُوا لَا يَعْلَمُونَ أَنَّهُ قَدْ بَلَغَ فَإِنَّهُ يُمْتَحَنُ بِرِيحِ إِبْطِهِ أَوْ تَبَيَّنَ عَائِنُهُ فَإِذَا كَانَ ذَلِكَ فَقَدْ بَلَغَ فَيُدْفَعُ إِلَيْهِ مَالُهُ إِذَا كَانَ رَشِيداً وَ لَا يَجُوزُ أَنْ يَحْبَسَ عَنْهُ مَالُهُ وَ يَعْتَلَّ عَلَيْهِ أَنَّهُ لَمْ يَكْبُرْ بَعْدُ

And if it is not known whether he has reached puberty, he is to be examined by the presence of underarm odour or pubic hair. If that is found, then he has reached puberty, and his wealth is to be given to him if he is mature. It is not Permissible to withhold his wealth under the pretext that he has not yet grown up.

وَ قَوْلُهُ وَ لَا تَأْكُلُوهَا إِسْرَافاً وَ بِدَاراً أَنْ يَكْبُرُوا فَإِنْ كَانَ فِي يَدِهِ مَالٌ يَتِيمٍ وَ هُوَ غَنِيٌّ فَلَا يَحِلُّ لَهُ أَنْ يَأْكُلَ مِنْ مَالِ الْيَتِيمِ وَ مَنْ كَانَ فَقِيراً فَقَدْ حَبَسَ نَفْسَهُ عَلَى مَالِهِ فَلَهُ أَنْ يَأْكُلَ بِالْمَعْرُوفِ.

And His<sup>-azwj</sup> Words: **and do not devour it extravagantly and hastily lest they grow older [4:6].** If there was wealth of an orphan in his hand and he was rich, it is not Permissible for him to consume from wealth of the orphan, and the one who was poor, and he has withheld himself upon his wealth, for him is to consume with the moderation".<sup>627</sup>

11- شي، تفسير العياشي عن ابنِ سنانٍ قَالَ: قُلْتُ لِأبي عَبْدِ اللَّهِ ع مَتَى يُدْفَعُ إِلَى الْعَلَامِ مَالُهُ

(The book) 'Tafseer Al Ayyashi' – From Ibn Sinan who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'When should the wealth of the boy be handed to him?'

قَالَ إِذَا بَلَغَ وَ أَوْنَسَ مِنْهُ رُشْدٌ وَ لَمْ يَكُنْ سَفِيهاً أَوْ ضَعِيفاً

He<sup>-asws</sup> said: 'When he reaches puberty and sound judgment is observed in him, and he is neither foolish nor weak (of intellect)'.

قَالَ قُلْتُ فَإِنَّ مِنْهُمْ مَنْ يَبْلُغُ خَمْسَ عَشْرَةَ سَنَةً وَ سِتَّ عَشْرَةَ سَنَةً وَ لَمْ يَبْلُغْ

He (the narrator) said, 'I said, 'But among them are those who reach fifteen or sixteen years of age and have not reached puberty!'

قَالَ إِذَا بَلَغَ ثَلَاثَ عَشْرَةَ سَنَةً جَازَ أَمْرُهُ إِلَّا أَنْ يَكُونَ سَفِيهاً أَوْ ضَعِيفاً

He<sup>-asws</sup> said: 'Once he reaches thirteen years of age, his instructions are allowed unless he is foolish or weak'.

قَالَ قُلْتُ وَ مَا السَّفِيهُ وَ الضَّعِيفُ

I said, 'What is meant by foolish and weak?'

قَالَ السَّفِيهُ شَارِبُ الْخَمْرِ وَ الضَّعِيفُ الَّذِي يَأْخُذُ وَاجِداً بِاثْنَيْنِ.

<sup>627</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 10

He<sup>-asws</sup> said: 'The foolish is the one who drinks wine, and the weak is the one who takes one by giving two'.<sup>628</sup>

12- شي، تفسير العياشي عن يونس بن يعقوب قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ قَالَ مَنْ لَا تَتَّقِي بِهِ.

(The book) 'Tafseer Al Ayyashi' – From Yunus Bin Yaqoub who said,

'I asked Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup>: **And do not give your wealth to the foolish [4:5]**. He<sup>-asws</sup> said: 'One who cannot be trusted with it'.<sup>629</sup>

13- شي، تفسير العياشي عن حماد عن أبي عبد الله ع فِيمَنْ شَرِبَ الْخَمْرَ بَعْدَ أَنْ حَرَّمَهَا اللَّهُ عَلَى لِسَانِ نَبِيِّهِ ص لَيْسَ بِأَهْلٍ أَنْ يُزَوَّجَ إِذَا خَطَبَ وَ أَنْ يُصَدَّقَ إِذَا حَدَّثَ وَ لَا يُشْفَعَ إِذَا شَفَعَ وَ لَا يُؤْتَمَنَ عَلَى أَمَانَةٍ فَمَنْ ائْتَمَنَهُ عَلَى أَمَانَةٍ فَأَهْلَكَهَا أَوْ ضَيَعَهَا فَلَيْسَ لِلَّذِي ائْتَمَنَهُ أَنْ يَأْجُرَهُ اللَّهُ وَ لَا يُخْلِفَ عَلَيْهِ

(The book) 'Tafseer Al Ayyashi' – From Hammad,

'From Abu Abdullah<sup>-asws</sup> regarding the one who drinks the wine after Allah<sup>-azwj</sup> had Prohibited it upon the tongue of His<sup>-azwj</sup> Prophet<sup>-saww</sup>: 'He is not worthy to be married to if he proposes, nor to be believed if he speaks, nor to be a mediator if he intervenes, nor to be entrusted with a trust. Whoever entrusts him with a trust and he destroys or loses it, Allah<sup>-azwj</sup> will neither Reward the one who entrusted him nor Replace upon him'.

قَالَ أَبُو عَبْدِ اللَّهِ ع إِنِّي أَرَدْتُ أَنْ أَسْتَبْضِعَ بِضَاعَةً إِلَى الْيَمَنِ فَأَتَيْتُ أَبَا جَعْفَرٍ ع فَقُلْتُ إِنِّي أَرَدْتُ أَنْ أَسْتَبْضِعَ فَلَانًا

Abu Abdullah<sup>-asws</sup> said: 'I<sup>-asws</sup> wanted to sell merchandise to Al-Yemen. I<sup>-asws</sup> came to Abu Ja'far<sup>-asws</sup>. I<sup>-asws</sup> want to sell Merchandise through so and so!'

فَقَالَ لِي أَمَا عَلِمْتَ أَنَّهُ يَشْرِبُ الْخَمْرَ

He<sup>-asws</sup> said to me<sup>-asws</sup>: 'Don't you<sup>-asws</sup> know that he<sup>-asws</sup> drinks the wine?'

فَقُلْتُ قَدْ بَلَغَنِي مِنَ الْمُؤْمِنِينَ أَنَّهُمْ يَقُولُونَ ذَلِكَ

I<sup>-asws</sup> said: 'It has reached me<sup>-asws</sup> from the Momineen, they are saying that.

فَقَالَ صَدِّقُهُمْ لِأَنَّ اللَّهَ يَقُولُ يُؤْمِنُ بِاللَّهِ وَ يُؤْمِنُ لِلْمُؤْمِنِينَ

He<sup>-asws</sup> said: 'Ratify them, because Allah<sup>-azwj</sup> Says: **He believes in Allah and has faith in the Momineen, [9:61]**'.

ثُمَّ قَالَ إِنَّكَ إِنِ اسْتَبْضَعْتَهُ فَهَلَكَتْ أَوْ ضَاعَتْ فَلَيْسَ عَلَى اللَّهِ أَنْ يَأْجُرَكَ وَ لَا يُخْلِفَ عَلَيْكَ

<sup>628</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 11

<sup>629</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 12



Then he<sup>-asws</sup> said: ‘You<sup>-asws</sup>, when you<sup>-asws</sup> seek to sell the merchandise so it gets destroyed, or wasted, it wouldn’t be upon Allah<sup>-azwj</sup> that He<sup>-azwj</sup> Recompenses you<sup>-asws</sup> nor Replace upon you<sup>-asws</sup>!’

فَقُلْتُ وَ لَمْ

I<sup>-asws</sup> said: ‘And why?’

قَالَ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَاماً فَهَلْ سَفِيهَةٌ أَسْفَهُ مِنْ شَارِبِ الْخَمْرِ إِنَّ الْعَبْدَ لَا يَزَالُ فِي فُسْحَةٍ مِنْ رَبِّهِ مَا لَمْ يَشْرَبِ الْخَمْرَ فَإِذَا شَرِبَهَا خَرَقَ اللَّهُ عَلَيْهِ سِرْبَالَهُ فَكَانَ وَلَدُهُ وَ أَخُوهُ وَ سَمْعُهُ وَ بَصَرُهُ وَ يَدُهُ وَ رِجْلُهُ إِبْلِيسَ يَسْتَوْفُهُ إِلَى كُلِّ شَيْءٍ وَ يَصْرِفُهُ عَنْ كُلِّ خَيْرٍ.

He<sup>-asws</sup> said: ‘Because Allah<sup>-azwj</sup> the Exalted Says: **And do not give your wealth to the foolish which Allah has made a (means of) support for you, [4:5].** Is there any foolish one more foolish than the drinker of wine? The servant does not cease to be in leeway from his Lord<sup>-azwj</sup> for as long as he does not drink the wine. When he drinks it, Allah<sup>-azwj</sup> Tears his garment, so his children, and his brother, and his hearing, and his sight, and his hand and his leg. Iblees<sup>-la</sup> would usher him to every evil and Turn him away from every good”<sup>630</sup>.

14- شي، تفسير العياشي عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ هَذِهِ الْآيَةِ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ قَالَ كُلُّ مَنْ يَشْرَبُ الْمُسْكِرَ فَهُوَ سَفِيهٌ.

Tafseer Al Ayyashi, from Ibrahim Bin Abdul Hameed who said,

‘I asked Abu Ja’far<sup>-asws</sup> about this Verse: **And do not give your wealth to the foolish [4:5].** He<sup>-asws</sup> said: ‘Everyone who drinks the intoxicant, he is foolish’.<sup>631</sup>

15- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّ نَجْدَةَ الْخُرُورِيِّ كَتَبَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنْ أَشْيَاءَ عَنِ النَّبِيِّ مَتَى يَنْقَطِعُ بُتْمُهُ فَكَتَبَ إِلَيْهِ ابْنُ عَبَّاسٍ أَمَّا النَّبِيُّ فَأَنْقَطَعَ بُتْمُهُ إِلَى مَا إِذَا بَلَغَ أَشُدَّهُ وَ هُوَ الْإِحْتِلَامُ.

(The book) ‘Tafseer Al Ayyashi’ – From Abdullah Bin Sinan,

‘From Abu Abdullah<sup>-asws</sup>: ‘Najd Al-Haroury wrote to Ibn Abbas asking him about things (issues) about the orphan, when does his orphanhood terminate. Ibn Abbas wrote to him, ‘As for the orphan, his orphanhood terminates at whatever age he reaches his maturity, and it is the puberty”<sup>632</sup>.

16- وَ فِي رِوَايَةٍ أُخْرَى عَنْ عَبْدِ اللَّهِ عَنَّهُ قَالَ: سَأَلَهُ أَبِي وَ أَنَا حَاضِرٌ عَنِ النَّبِيِّ مَتَى يَكُونُ أَمْرُهُ فَقَالَ حِينَ يَبْلُغَ أَشُدَّهُ

And in another report of Abdullah, from him, said,

‘My father asked him<sup>-asws</sup> while I was present, about the orphan, when are his instructions allowed. He<sup>-asws</sup> said: ‘When he reaches his maturity’.

<sup>630</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 13

<sup>631</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 14

<sup>632</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 15

قُلْتُ وَ مَا أَشَدُّهُ

I said, 'And what is his maturity?'

قَالَ الْإِخْتِلَامُ

He<sup>-asws</sup> said: 'The puberty'.

قُلْتُ قَدْ يَكُونُ الْغُلَامُ ابْنَ ثَمَانِي عَشْرَةَ سَنَةً لَا يَحْتَلِمُ أَوْ أَقَلَّ أَوْ أَكْثَرَ

I said, 'It has happened that the boy of eighteen year does not attain puberty, or of less or more!'

قَالَ إِذَا بَلَغَ ثَلَاثَ عَشْرَةَ سَنَةً كُتِبَ لَهُ الْحَسَنُ وَ كُتِبَ عَلَيْهِ السَّيِّئُ وَ جَازَ أَمْرُهُ إِلَّا أَنْ يَكُونَ سَفِيهَاً أَوْ ضَعِيفاً.

He<sup>-asws</sup> said: 'When he reaches thirteen years, the good deeds are written for him and the evil deeds are written against him, and his instructions are allowed except if he happens to be foolish or weak (of intellect)'.<sup>633</sup>

17- كِتَابُ سُلَيْمِ بْنِ قَيْسٍ، عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ قَالَ: عِنْدَ ذِكْرِ بَدْعِ عُمَرَ وَ إِسْرَالِهِ إِلَى عُمَالِهِ بِالْبَصْرَةِ بِحَبْلِ خَمْسَةِ أَشْبَارٍ وَ قَوْلِهِ مَنْ أَخَذْتُمُوهُ مِنَ الْأَعَاجِمِ قَبْلَ أَنْ يَبْلُغَ طُولُهُ هَذَا الْحَبْلَ فَاضْرِبُوا عُنُقَهُ وَ إِسْرَالِهِ لِصِبْيَانٍ سَرَقُوا بِالْبَصْرَةِ وَ قَوْلِهِ مَنْ بَلَغَ طُولُهُ هَذَا الْحَبْلَ فَاقْطَعُوهُ.

(The book) 'Kitab Suleym Bin Qays' –

'From Amir Al-Momineen<sup>-asws</sup>, he<sup>-asws</sup> said at the mention of the innovations of Umar: 'And he sent to his officials in Basra a rope measuring five spans, along with his statement, 'Whoever among the non-Arabs you capture and whose height reaches this rope, then strike off his neck!' And his sending another rope regarding children who had stolen (theft) in Basra, along with his statement, 'Whoever reaches the height of this rope, cut his hand''.<sup>634</sup>

18- نَوَادِيرُ الرَّاَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يُنْمَ بَعْدَ الْحُلُمِ الْخَيْرُ.

(The book) 'Nawadir' of Al Rawandy –

'By his chain from Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There is no orphanhood after the puberty' – the Hadeeth''.<sup>635</sup>

باب 39 أن العبد هل يملك شيئاً

## CHAPTER 39 – CAN THE SLAVE OWN ANYTHING

<sup>633</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 16

<sup>634</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 17

<sup>635</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 18

الآيات النحل ضَرَبَ اللهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ وَ مَنْ رَزَقْنَاهُ مِنْنا رِزْقًا حَسَنًا فَهُوَ يُنْفِقُ مِنْهُ سِرًّا وَ جَهْرًا هَلْ يَسْتَوُونَ الْحَمْدُ لِلَّهِ بَلْ أَكْثَرُهُمْ لَا يَعْلَمُونَ.

(Surah) Al Nahl: **Allah Strikes an example of an owned slave, not being able upon anything; and one We Graced from Us a goodly sustenance, so he spends from it secretly and openly, are they equal? The Praise is for Allah! But, most of them do not know [16:75].**<sup>636</sup>

#### باب 40 الإجارة والقبالة و أحكامهما

## CHAPTER 40 – LEASING, CONTRACT HIRE AND THEIR RULINGS

1- لي، الأماالي للصدوق في حَرِّ الْمَنَاهِي أَنَّ النَّبِيَّ صَلَّى عَلَى مَنْ هِيَ أَنْ يُسْتَعْمَلَ أَجِيرٌ حَتَّى يَعْلَمَ مَا أُجِرَتْهُ.

(The book) 'Al Amaali' of Al Sadouq –

'In a Hadeeth of the Syrian, 'The Prophet<sup>-saww</sup> prohibited utilising an employee until he known what his wages would be'.<sup>637</sup>

2- وَ قَالَ ص مَنْ ظَلَمَ أَجِيرًا أَجْرَهُ أَخْبَطَ اللَّهُ عَمَلَهُ وَ حَرَّمَ عَلَيْهِ رِيحَ الْجَنَّةِ وَ إِنَّ رِيحَهَا لَتُوجَدُ مِنْ مَسِيرَةِ خَمْسِمِائَةِ عَامٍ.

And he<sup>-saww</sup> said: 'One who is unjust to an employee of his wages, Allah<sup>-azwj</sup> will Nullify his deeds and Prohibited upon him the aroma of Paradise, although its aroma can be felt from a travel distance of five hundred years!'<sup>638</sup>

3- ن، عيون أخبار الرضا عليه السلام بِالْأَسَانِيدِ الثَّلَاثَةِ عَنِ الرِّضَا ع عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ غَافِرُ كُلِّ ذَنْبٍ إِلَّا مَنْ أَخَذَتْ دِينًا أَوْ اغْتَصَبَ أَجِيرًا أَجْرَهُ أَوْ رَجُلًا [رَجُلًا] بَاعَ حُرًّا.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> is a Forgiver of every sin except one who innovates a religion or usurps wages of his employee, or a man sells a free man'.<sup>639</sup>

4- ع، علل الشرائع ابْنُ الْوَلِيدِ عَنِ الصَّغْفَرِ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَرْزَارٍ عَنْ يُونُسَ عَنْ غَيْرٍ وَاحِدٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع أَهْمَا سُيَلًا مَا الْعِلَّةُ الَّتِي مِنْ أَجْلِهَا لَا يَجُوزُ أَنْ تُؤَاجَرَ الْأَرْضُ بِالطَّعَامِ وَ يُؤَاجَرَهَا [تُؤَاجَرَهَا] بِالذَّهَبِ وَ الْفِضَّةِ

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Marrar, from Yunus, from someone else,

<sup>636</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 39 H 1

<sup>637</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 1

<sup>638</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 2

<sup>639</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 3

From Abu Ja'far<sup>-asws</sup> and Abu Abdullah<sup>-asws</sup>, they<sup>-asws</sup> were asked, 'What is the reason due to which it is not allowed to lease land for food (as payment), but it is allowed to lease it for gold and silver (as payment)?'

قَالَ الْعَلَّةُ فِي ذَلِكَ أَنَّ الَّذِي يُخْرَجُ مِنْهَا حِنْطَةٌ وَ شَعِيرٌ وَ لَا يَجُوزُ إِجَارَةُ حِنْطَةٍ بِحِنْطَةٍ وَ لَا شَعِيرٍ بِشَعِيرٍ.

They<sup>-asws</sup> said: 'The reason is that what comes out of the land is wheat and barley, and it is not allowed to lease wheat for wheat, nor barley for barley'.<sup>640</sup>

5- مع، معاني الأخبار أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ السِّنْدِيِّ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تَسْتَأْجِرُ الْأَرْضَ بِالتَّمْرِ وَ لَا بِالْحِنْطَةِ وَ لَا بِالشَّعِيرِ وَ لَا بِالْأَرْبَعَاءِ وَ لَا بِالنِّطَافِ

(The book) 'Ma'any Al Akhbaar' – My father, from Muhammad Al Attar, from Muhammad Bin Ali Bin Mahboub, from Ali Bin Al Sindy, from Safwan, from Is'haq Bin Ammar,

'From Abu Abdullah<sup>-asws</sup> having said: 'Neither lease the land for the dates (as payment), nor wheat, nor barley, nor 'Al-Arbia', nor 'Al-Nitaf'.

فُلْتُ مَا الْأَرْبَعَاءُ

I said, 'What is 'Al-Arbia'?'

قَالَ الشَّيْخُ وَ النَّطَافُ فَضْلُ الْمَاءِ وَ لَكِنْ يَقْبَلُهَا [تَقَبَّلَهَا] بِالذَّهَبِ وَ الْفِضَّةِ وَ الْيَصْفِ وَ الثُّلُثِ وَ الرَّبْعِ.

He<sup>-asws</sup> said: 'The drink, and 'Al-Nitaf' is the excess water. But accept it for the gold and the silver, and the half, and the third, and the quarter (of the yield).<sup>641</sup>

6- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ عَلِيًّا ع كَانَ لَا يُضْمِنُ صَاحِبَ الْحَمَّامِ وَ يَقُولُ إِنَّمَا يَأْخُذُ أَجْرًا عَلَى الدُّخُولِ إِلَى الْحَمَّامِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup> had not held owner of the bathhouse liable, and he<sup>-asws</sup> said: 'But rather he takes recompense (entrance fee) upon the entering into the bathhouse''.<sup>642</sup>

7- ب، قرب الإسناد عَلِيُّ ع عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ بَيْتًا بِعَشْرَةِ دَرَاهِمٍ فَأَتَاهُ الْخِيَاطُ أَوْ غَيْرُ ذَلِكَ فَقَالَ أَعْمَلُ فِيهِ وَ الْأَجْرُ بَيْنِي وَ بَيْنَكَ وَ مَا رَجَحْتُ فَلِي وَ لَكَ فَرَجَحْتُ أَكْثَرَ مِنْ أَجْرِ الْبَيْتِ أَ يَحِلُّ ذَلِكَ قَالَ نَعَمْ لَا بَأْسَ.

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man who leases a house for ten Dirhams. Then a tailor or someone else came to him and says, 'I will work in it, and the

<sup>640</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H4

<sup>641</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 5

<sup>642</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 6

wage will be between you and me, and whatever profit I make is for both you and me'. Then he made a profit greater than the rent of the house. Is that Permissible?' He<sup>-asws</sup> said: 'Yes, there is no problem'.<sup>643</sup>

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِرَجُلٍ عَلَّمَنِي عَمَلَكَ وَ أُعْطَيْتُكَ سِتَّةَ دِرَاهِمٍ وَ شَارَكْنِي قَالَ إِذَا رَضِي فَلَا بَأْسَ.

He said, 'And I asked him<sup>-asws</sup> about a man who says to a man, 'Teach me your work and I will give you six Dirhams, and make me a partner'. He<sup>-asws</sup> said: 'When he agrees, there is no problem'.<sup>644</sup>

9- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ دَارًا سَتَتَيْنِ مُسَمَّائَيْنِ عَلَى أَنَّ عَلَيْهِ بَعْدَ ذَلِكَ تَطْيِينَهَا وَ إِصْلَاحَ أَبْوَابِهَا أَمْحِلْ ذَلِكَ قَالَ لَا بَأْسَ.

He said, 'And I asked him<sup>-asws</sup> about a man who leases a house for two specified years based upon that, afterward it would be upon him to make it good and repair its door. 'Is that Permissible?' He<sup>-asws</sup> said: 'There is no problem'.<sup>645</sup>

10- ب، قرب الإسناد ابن أبي الخطاب عن البرنظري عن الرضا ع قَالَ: مَا أُخِذَ بِالسَّيْفِ فَذَلِكَ إِلَى الْإِمَامِ يُقْبَلُ بِالَّذِي يَرَى كَمَا صَنَعَ رَسُولُ اللَّهِ ص بِخَيْرٍ قَبْلَ أَرْضِهَا وَ تَحْلُفُهَا وَ النَّاسُ يَقُولُونَ لَا يَصْلُحُ قِبَالَهُ الْأَرْضُ وَ التَّحْلُفُ إِذَا كَانَ الْبَيَاضُ أَكْثَرَ مِنَ السَّوَادِ وَ قَدْ قَبِلَ رَسُولُ اللَّهِ ص خَيْرَ وَ عَلَيْهِمْ فِي حَصَّتِهِمُ الْعُشْرُ وَ نِصْفُ الْعُشْرِ.

(The book) 'Qurb Al Isnaad' – Ibn Abu Al Khattab, from Al Bazanty,

'From Al-Reza<sup>-asws</sup> having said: 'What is taken by the sword belongs to the Imam<sup>-asws</sup>. He<sup>-asws</sup> he may lease it out as he sees fit, just as Rasool-Allah<sup>-saww</sup> had done with Khaybar. He<sup>-saww</sup> leased out its land and palm trees, while people say that it is not valid to lease out land and palm trees if the uncultivated area is more than the cultivated. Yet Rasool-Allah<sup>-saww</sup> leased out Khaybar, and those working on it were required to pay one-tenth or half of one-tenth from their share'.<sup>646</sup>

11- صح، صحيفة الرضا عليه السلام عن الرضا عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ غَافِرُ كُلِّ ذَنْبٍ إِلَّا مَا جَحَدَ مَهْرًا أَوْ اغْتَصَبَ أَجِيرًا أَوْ بَاعَ رَجُلًا حُرًّا.

(The book) 'Saheefa Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> is a Forgiver of every sin except one who rejects dowry, or usurps an employee of his wages, or a man sells a free man'.<sup>647</sup>

<sup>643</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 7

<sup>644</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 8

<sup>645</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 9

<sup>646</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 10

<sup>647</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 11

12- سر، السرائر موسى بن بكر عن العبد الصالح قال: سألتُه عن رجل استأجر ملاحاً و حملهُ طعاماً في سفينته و اشترطَ عليه إن نقص فعليه قال إن نقص فعليه-

(The book) 'Al Saraair' – Musa Bin Bakr,

'From Al-Abd Al-Salih (Al-Kazim<sup>-asws</sup>), he (the narrator) said, 'I asked him<sup>-asws</sup> about a man who hires a boatman and loads food items in his ship, and stipulates a condition upon him that if there is a loss, it would be upon him. He<sup>-asws</sup> said: 'The loss is upon him'.

قُلْتُ فَرُبَّمَا زَادَ

I said, 'Sometimes there is an increase.

قَالَ يَدَّعِي هُوَ أَنَّهُ زَادَ فِيهِ

He<sup>-asws</sup> said: 'Did he (the boatman) claim that he had added in it?'

قُلْتُ لَا

I said, 'No'.

قَالَ هُوَ لَكَ.

He<sup>-asws</sup> said: 'It is for you'.<sup>648</sup>

13- سر، السرائر في جامع البرنطقي عن أمير المؤمنين ع أنه كان يُضَمُّنُ الصَّبَّاعَ وَ الْقَصَّارَ وَ الصَّائِغَ اخْتِطَافاً عَلَى أَمْتِغَةِ النَّاسِ وَ كَانَ لَا يُضَمِّنُ مِنَ الْغَرَقِ وَ الْحَرَقِ وَ الشَّيْءِ الْغَالِبِ.

(The book) 'Al Saraair' – In 'Jamie' of Al Bazanty,

'From Amir Al-Momineen<sup>-asws</sup>, he<sup>-asws</sup> used to hold the dyer, and the washer, and the goldsmith liable as a precaution, upon belongings of the people, and he<sup>-asws</sup> did not hold liable from the drowning, and the burning, and the prevailing thing (calamity).<sup>649</sup>

14- قب، المناقب لابن شهر آشوب النِّهَايَةُ رَوَى الْمُحَامِلِيُّ عَنِ الرَّفَاعِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ قَبَّلَ رَجُلًا يَخْفَرُ لَهُ بِفِرٍّ عَشْرَ قَامَاتٍ بِعَشْرَةِ دَرَاهِمَ فَحَقَّرَ لَهُ قَامَةً ثُمَّ عَجَزَ قَالَ تُقَسِّمُ عَشْرَةً عَلَى خَمْسَةٍ وَ خَمْسِينَ جُزْءاً فَمَا أَصَابَ وَاحِدًا فَهُوَ لِلْقَامَةِ الْأُولَى وَ الْاِثْنَيْنِ لِلْاِثْنَيْنِ وَ الثَّلَاثَةِ لِلثَّلَاثَةِ وَ عَلَى هَذَا الْحِسَابِ إِلَى عَشْرَةٍ.

(The books) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Al Nihaya' – It is reported by Al Mahamili, from Al Rafaie who said,

<sup>648</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 12

<sup>649</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 13

'I asked Abu Abdullah<sup>-asws</sup> about a man who contracted a man to dig a well for him of ten statures (depth) for ten Dirhams. He dug a stature (depth) for him, then he was unable. He<sup>-asws</sup> said: 'The ten (Dirhams) would be divided into fifty-five segments. Whatever one stature is achieved, it is for the first stature (dug), and the two for the two, and the three for the three, and upon this would be the calculation up to the ten''<sup>650</sup>

15- مكا، مكارم الأخلاق من كتاب المحاسن عن الصادق ع قال: أَقْدَرُ الذُّنُوبِ ثَلَاثَةٌ قَتْلُ الْبَهِيمَةِ وَ حَبْسُ مَهْرِ الْمَرْأَةِ وَ مَنْعُ الْأَجِيرِ أَجْرَهُ.

(The book) 'Makarim Al Akhlaq' from the book 'Al Mahasin',

'From Al-Sadiq<sup>-asws</sup> having said: 'Filthiest of the sins are three – killing the animal (unnecessarily), and withholding dowry of the wife, and preventing the employee from receiving his wages'.<sup>651</sup>

16- ين، كتاب حسين بن سعيد و النوادر ابن مسكان عن الحلبي قال: سَأَلْتُهُ عَنِ الرَّجُلِ يَسْتَأْجِرُ أَرْضاً فَيُؤَاجِرُهَا بِأَكْثَرَ مِنْ ذَلِكَ قَالَ لَيْسَ بِهِ بَأْسٌ إِنَّ الْأَرْضَ لَيْسَتْ بِمَنْزِلَةِ الْبَيْتِ وَ الْأَجِيرُ إِنَّ الْبَيْتَ وَ الْأَجِيرَ حَرَامٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' of Ibn Muskan, from Al Halby who said,

'I asked him<sup>-asws</sup> about the man who leases land and leases it out for more than that. He<sup>-asws</sup> said: 'There isn't any problem with it. The land isn't at the status of the house and the employee. (Doing this for) the house and the employee is unlawful''<sup>652</sup>

17- وَ مَنْ اسْتَأْجَرَ أَرْضاً بِأَلْفٍ وَ آجَرَ بَعْضَهَا بِمِائَتَيْنِ ثُمَّ قَالَ لَهُ صَاحِبُ الْأَرْضِ الَّذِي آجَرَهَا إِنِّي أَدْخُلُ مَعَكَ فِيهَا بِالَّذِي اسْتَأْجَرْتَ مِنِّي فَتَقَفَا جَمِيعاً فَمَا كَانَ مِنْ فَضْلٍ فَهُوَ بَيْنَهُمْ كَانَ ذَلِكَ جَائِزاً.

And whoever leases land for a thousand, then leases out part of it for two hundred, and the owner of the land who had rented it out says to him: 'I will enter with you into it for the same amount for which you rented it from me', and then both of them spend jointly on it whatever profit results will be shared between them, that is allowed'.<sup>653</sup>

18- وَ عَنْ رَجُلٍ اسْتَأْجَرَ أَرْضاً بِمِائَةِ دِينَارٍ فَآجَرَ بَعْضَهَا بِتِسْعٍ وَ تِسْعِينَ دِينَاراً وَ عَمِلَ فِي الْبَاقِي قَالَ لَا بَأْسَ وَ الْمُزَارَعَةُ عَلَى الْبِصْفِ جَائِزَةٌ قَدْ زَارَعَ رَسُولُ اللَّهِ ص عَلَى أَنَّ عَلَيْهِمُ الْمُتُونَةَ.

And about a man who leases land for one hundred Dinars, then leased out part of it for ninety-nine dinars and worked on the rest himself, he<sup>-asws</sup> said: 'No problem, and sharecropping on the basis of half is allowed. Rasool-Allah<sup>-saww</sup> had engaged in sharecropping on the condition that the workers bear the expenses'.<sup>654</sup>

<sup>650</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 14

<sup>651</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 15

<sup>652</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 16

<sup>653</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 17

<sup>654</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 18

19- أَبُو عَبْدِ اللَّهِ ع سُئِلَ عَنِ الْقَرْيَةِ فِي أَيْدِي أَهْلِ الدِّمَةِ لَا يُدْرَى أَهِيَ لَهُمْ أَمْ لَا سَأَلُوا رَجُلًا مِنَ الْمُسْلِمِينَ قَبْضَهَا مِنْ أَيْدِيهِمْ وَ أَدَّى خَرَجَهَا فَمَا فَضَّلَ فَهُوَ لَهُ قَالَ ذَلِكَ جَائِزٌ.

Abu Abdullah<sup>-asws</sup> was asked about the town in the hands (control) of the people under the responsibility (Zimmi). It is unknown whether it is theirs or not. They asked a man from the Muslims to take possession of it from their hands and pay its tax. Whatever is extra, it would be for him. He<sup>-asws</sup> said: 'That is allowed'.<sup>655</sup>

20- وَ سُئِلَ عَنِ الْغُلُوجِ إِذَا كَانُوا فِي قَرْيَةٍ وَ عَلَيْهِمْ خَرَجُ الرُّهُوسِ يُؤْخَذُ مِنْهُمْ الْمِائَةُ وَ دُونَ ذَلِكَ وَ أَكْثَرَ فَكَيْفَ أَعْمَالُهُمْ

And he<sup>-asws</sup> was asked about the Non-Muslims when they are in a town and are subject to tax, from whom amounts are taken, sometimes a hundred, sometimes less than that or more. How should I deal with them?'

قَالَ اصْنَعْ بِهِمْ مِنْ صَالِحِ مَا تَصْنَعُ بِأَهْلِ الْبَلَدِ فَإِنَّهُ لَيْسَ لَهُمْ دِمَةٌ.

He<sup>-asws</sup> said: 'Treat them in the best way you treat the people of the city, for there isn't any responsibility (covenant) for them'.<sup>656</sup>

21- وَ سُئِلَ عَنْ رَجُلٍ تَرَكَ أُيْتَامًا وَ هُمْ ضَبْعَةٌ يَبِيعُونَ عَصِيرَهَا لِمَنْ يَجْعَلُهُ خَمْرًا وَ يُؤَاجِرُ أَرْضَهَا بِالطَّعَامِ قَالَ أَمَّا يَبِيعُ الْعَصِيرَ يَمْنُ يَجْعَلُهُ خَمْرًا فَلَا بَأْسَ وَ أَمَّا إِجَارَةُ الْأَرْضِ بِالطَّعَامِ فَلَا يَجُوزُ وَ لَا يُؤْخَذُ مِنْهَا شَيْءٌ [شَيْءٌ] إِلَّا أَنْ يُؤَاجَرَ بِالنِّصْفِ وَ الثُّلُثِ.

He<sup>-asws</sup> was asked about a man who left behind orphans, and they had an estate from which they sold grape juice to those who would turn it into wine, and they leased the land for food. He said: 'As for selling the juice to someone who will make it into wine, there is no problem. But as for leasing the land for food, that is not permissible, and nothing may be taken from it unless it is leased for a half or a third (of the yield)'.<sup>657</sup>

22- قَالَ: لَا يُؤَاجِرُ الْأَرْضَ بِالْحِنْطَةِ وَ الشَّعِيرِ وَ الْأَرْبَعَاءِ وَ هُوَ الشَّرْبُ وَ لَا بِالطَّافِ وَ هُوَ فَصَالَتُ الْمِيَاهِ وَ لَكِنْ بِالذَّهَبِ وَ الْفِضَّةِ وَ إِذَا اسْتَأْجَرَهَا بِالذَّهَبِ وَ الْفِضَّةِ فَلَا يُؤَاجِرُهَا بِأَكْثَرَ لِأَنَّ الذَّهَبَ وَ الْفِضَّةَ مَضْمُونٌ وَ هَذَا لَيْسَ بِمَضْمُونٍ وَ هُوَ بِمَا أُخْرِجَتِ الْأَرْضُ.

He<sup>-asws</sup> said: 'One must not lease land for wheat, barley, or 'Al Alrbia' (share of water), and 'Al-Nitaf' (excess water). But it may be leased for gold and silver (as payment). And if he leases it out for gold and silver, he must not then lease it for more than that, because gold and silver are guaranteed, whereas this, from what the land produces is not guaranteed'.<sup>658</sup>

23- وَ إِنْ اسْتَبَانَ لَكَ ثَمَرَةُ الْأَرْضِ سَنَةً أَوْ أَكْثَرَ صَلَحَ إِجَارَتُهَا وَ إِلَّا لَمْ يَصْلُحْ ذَلِكَ.

<sup>655</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 19

<sup>656</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 20

<sup>657</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 21

<sup>658</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 22



If fruits of the land are clear for you, for a year or more, it is correct to lease it out, or else that is not correct”.<sup>659</sup>

24- وَإِنْ تَقَبَّلَ الرَّجُلُ أَرْضاً عَلَى أَنْ يَعْمُرَهَا وَيَرْكَبَهَا عَامِراً بَعْدَ سِنَيْنِ مَعْلُومَةٍ عَلَى أَنَّ لَهُ مَا أَكَلَ مِنْهَا فَلَا بَأْسَ.

And if a man accepts land on the condition that he will cultivate it and return it developed after a known number of years, with the agreement that he may benefit from what he consumes from it, there is no problem.<sup>660</sup>

25- وَ سُئِلَ عَنِ الْمُتَقَبِّلِ أَرْضاً وَ قَرْنَةَ غُلُوجاً بِمَالٍ مَعْلُومٍ قَالَ أَكْرَهُ أَنْ يُسَمَّى الْغُلُوجُ فَإِنْ لَمْ يُسَمَّ غُلُوجاً فَلَا بَأْسَ بِهِ.

And he<sup>-asws</sup> was asked about someone who accepts land and a village inhabited by non-Muslims for a specified sum of money. He said: ‘I<sup>-asws</sup> dislike that the non-Muslims be specified. But if non-Muslims are not named, then there is no problem with it’.<sup>661</sup>

26- وَ لَيْسَ لِلرَّجُلِ أَنْ يَتَنَاوَلَ مِنْ ثَمَرِ بُسْتَانٍ أَوْ أَرْضٍ إِلَّا بِإِذْنِ صَاحِبِهِ إِلَّا أَنْ يَكُونَ مُضْطَرّاً قُلْتُ فَإِنَّهُ يَكُونُ فِي الْبُسْتَانِ الْأَجِيرُ وَ الْمَمْلُوكُ

And it isn’t for the man that he takes from fruits of an orchard or land except by the permission of its owner, except if he happens to be desperate. I said, ‘Supposing there happen to be in the orchard, the employees and the slaves?’

قَالَ لَيْسَ لَهُ أَنْ يَتَنَاوَلَ إِلَّا بِإِذْنِ صَاحِبِهِ.

He<sup>-asws</sup> said: ‘It isn’t for him to take it except by permission of its owner’.<sup>662</sup>

27- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ خَلْفٍ عَنْ مُوسَى بْنِ إِبْرَاهِيمَ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص ظَلَمَ الْأَجِيرَ أَجْرَهُ مِنَ الْكِبَائِرِ.

(The book) ‘Kitab Al Imama Wa Al Tabsira’ – From Haroun Bin Musa, from Muhammad Bin Musa, from Muhammad Bin Ali Bi Khalaf, from Musa Bin Ibrahim,

‘From Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Being unjust to an employee of his wages is from the major sins.’<sup>663</sup>

باب 41 المزارعة و المساقاة

## CHAPTER 41 – SHARE CROPPING AND IRRIGATION PARTNERSHIPS

<sup>659</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 23

<sup>660</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 24

<sup>661</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 25

<sup>662</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 26

<sup>663</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 27

1- ما، الأماي للشيخ الطوسي ابن الصلت عن ابن عُدَّة عن الحسن بن القاسم عن بشير بن إبراهيم بن شيبان عن سليمان [بن] بلال عن الرضا عن آتائه ع أن رسول الله ص دفع خيبر إلى أهلها بالشطر فلما كان عند الصرام بعث عبد الله بن رواحة فحرسها عليهم ثم قال إن شئتم أخذتم بخيرنا و إن شئنا أخذنا و احتسبنا لكم

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Al Salt, from Ibn Uqdah, from Al-Hassan Bin Al Qasim, from Bashir Bin Ibrahim Bin Shayban, from Suleyman Bin Bilal,

'From Al-Reza<sup>-asws</sup> of his<sup>-asws</sup> forefathers<sup>-asws</sup>: 'Rasool-Allah<sup>-saww</sup> handed Khyber back to its people with the condition. Whenever it would be harvest (time), he<sup>-saww</sup> sent Abdullah Bin Rawaha who would estimate upon them. The he<sup>-saww</sup> said, 'If you like you can take with our estimate, and if we like, we shall take (from your estimate) and our calculating is for you'.

فَقَالُوا هَذَا الْحَقُّ يَحْدَا قَامَتِ السَّمَاوَاتُ وَالْأَرْضُ.

They said, 'This is the truth. This is by which the skies and earth stand!'<sup>664</sup>

2- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عُبَيْدٍ رَفَعَهُ إِلَى النَّبِيِّ ص أَنَّهُ نَهَى عَنِ الْمُخَابَرَةِ وَ هِيَ الْمُرَاعَةُ بِالنِّصْفِ وَالثُلُثِ وَالرُّبُعِ وَأَقَلَّ مِنْ ذَلِكَ وَ أَكْثَرَ وَ هُوَ الْخَبَرُ أَيْضاً

(The book) 'Ma'any Al Akhbar' – Muhammad Bin Haroun, from Ali Bin Abdul Aziz,

'From Abu Ubeyd raising it to the Prophet<sup>-saww</sup>, he<sup>-saww</sup> prohibited Al-Mukhaba, and it is the sharecropping based on the half, and the third, and the fourth, or less than that or more. It is also called Al-Khabar.

وَ كَانَ أَبُو عُبَيْدَةَ يَقُولُ لِهَذَا سُمِّيَ الْأَكَّارُ الْخَبِيرَ لِأَنَّهُ يُخْبِرُ الْأَرْضَ وَ الْمُخَابَرَةُ الْمُؤَاكَرَةُ وَ الْحَبِيرَةُ الْفِعْلُ وَ الْخَبِيرُ الرَّجُلُ وَ لِهَذَا سُمِّيَ الْأَكَّارُ لِأَنَّهُ يُؤَاكِرُ الْأَرْضَ أَيْ يَشَقُّهَا.

And Abu Ubaydah used to say, 'For this reason, the farmer (Al-Akkār) is called Al-Khabīr because he works the land. Al-Mukhabara is Al-Muakkara (a form of sharecropping). Al-Khabira refers to the action, and Al-Khabir is the person. The farmer is called so because he works (Yuakkar) the land, meaning he breaks or tills it'<sup>665</sup>.

3- سر، السرائر مِنْ كِتَابِ الْمَشِيخَةِ لِابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الرَّجُلِ يُزَارِعُ بِنَدْرِهِ مِائَةَ حَرِيرٍ مِنَ الطَّعَامِ أَوْ غَيْرِهِ مِمَّا يُزَارِعُ ثُمَّ يَأْتِيهِ رَجُلٌ فَيَقُولُ لَهُ خُذْ مِنِّي نِصْفَ بَذْرِكَ وَ نِصْفَ نَفَقَتِكَ فِي هَذِهِ الْأَرْضِ وَ أَشَارَكَكَ قَالَ لَا بَأْسَ بِذَلِكَ.

(The book) 'Al Saraair', from the book 'Al Masheykha' of Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'I asked Abu Abdullah<sup>-asws</sup> about the man who engages in sharecropping with his own seed on a hundred 'Jaribs' of grain or other crops typically cultivated, then another man comes to him

<sup>664</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 1

<sup>665</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 2

and says, 'Take from me half the seed and half the expenses for this land, and I will be a partner with you'. He<sup>-asws</sup> said: 'There is no problem with that'.<sup>666</sup>

4- ين، كتاب حسين بن سعيد و النوادر ابنُ مُسْكَانَ عَنْ مُحَمَّدِ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ حَدَّثَنِي أَبِي أَنَّ أَبَاهُ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ ص أَعْطَى خَيْبَرَ بِالنِّصْفِ أَرْضَهَا وَ نَحْلَهَا فَلَمَّا أَذْرَكَتْ بَعَثَ عَبْدُ اللَّهِ بْنُ رَوَاحَةَ فَقَوَّمَ عَلَيْهِمْ قِيمَةً فَقَالَ إِنَّمَا أَنْ تَأْخُذُوهُ وَ تُعْطُونِي نِصْفَ الثَّمَنِ وَ إِنَّمَا آخُذُهُ وَ أُعْطِيكُمْ نِصْفَ الثَّمَنِ

The book of Haseen Bin Saeed, and 'Al Nawadir' of Ibn Muskan, from Muhammad Al Halby,

'From Abu Abdullah<sup>-asws</sup> having said: 'My<sup>-asws</sup> father<sup>-asws</sup> narrator to me<sup>-asws</sup> that his<sup>-asws</sup> father<sup>-asws</sup> had narrated to him<sup>-asws</sup> that Rasool-Allah<sup>-saww</sup> gave Khyber for half of its land and its palm trees. When they matured, he<sup>-saww</sup> sent Abdullah Bin Rawaha. He evaluated a price upon them. He<sup>-saww</sup> said: 'Either you take it and give me half the price, or I take it and give you half the price!'

فَقَالُوا يَهْدَا قَامَتِ السَّمَاوَاتُ وَ الْأَرْضُ.

They said, 'With this stand the skies and the earth!'<sup>667</sup>

5- ابْنُ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ شِرَى أَرْضِ الْيَهُودِ وَ النَّصَارَى قَالَ لَا بَأْسَ قَدْ ظَهَرَ رَسُولُ اللَّهِ ص عَلَى أَهْلِ خَيْبَرَ فَحَارَثَهُمْ عَلَى أَنْ يَتْرَكَ الْأَرْضَ فِي أَيْدِيهِمْ يَعْمُرُونَهَا وَ مَا بَعَا بَأْسٌ إِنْ اشْتَرَيْتَ وَ أَيُّ قَوْمٍ أَخِيذُوا مِنْهَا فَهُمْ أَحَقُّ بِهِ وَ هُوَ لَهُمْ.

Ibn Muslim said, 'I asked Abu Ja'far<sup>-asws</sup> about buying land of the Jews and the Christians. He<sup>-asws</sup> said: 'There is no problem. Rasool-Allah<sup>-saww</sup> had prevailed upon the people of Khyber by allowing them to keep the land in their hands to cultivate it, and there was no harm in that if it was purchased, and any people who revive (farm) part of it are most entitled to it, and it would be for them'.<sup>668</sup>

6- قَالَ: وَ كَانَ عَلِيٌّ ع يَكْتُبُ إِلَى عُمَّالِهِ لَا تُسَجِّرُوا الْمُسْلِمِينَ قَتْلُهُمْ وَ مَنْ سَأَلَكُمْ عَنْ الْفَرِيضَةِ فَقَدْ اعْتَدَى

He<sup>-asws</sup> said, 'And Ali<sup>-asws</sup> wrote to his<sup>-asws</sup> workers: 'Do not subjugate (force) the Muslims into labour, thereby humiliating them. Whoever asks you for anything beyond what is obligatory has transgressed.

وَ يُوصِي بِالْأَكَارِينِ وَ هُمْ الْفَلَاحُونَ.

And he<sup>-asws</sup> would advise regarding the farmers, who are the cultivators of the land.<sup>669</sup>

<sup>666</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 3

<sup>667</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 4

<sup>668</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 5

<sup>669</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 6

7- وَلَا يَصْلُحُ أَنْ يُقْبَلَ أَرْضٌ بِتَمَرٍ مُسَمًّى وَ لَكِنْ بِالنَّصْفِ وَ الثُّلُثِ وَ الرَّبْعِ وَ الْخُمْسِ لَا بَأْسَ بِهِ.

And it is not correct to lease land for a specified amount of produce, but for the half, and the third, and the quarter, and the fifth, there is no problem with it.<sup>670</sup>

8- وَ سُئِلَ عَنْ مُزَارَعَةِ الْمُسْلِمِ الْمُشْرِكِ يَكُونُ مِنَ الْمُسْلِمِ الْبَذْرُ جَرِيبٌ مِنْ طَعَامٍ أَوْ أَقْلٌ أَوْ أَكْثَرُ فَيَأْتِيهِ رَجُلٌ آخَرُ فَيَقُولُ خُذْ مِنِّي نِصْفَ الْبَذْرِ وَ نِصْفَ النَّفَقَةِ وَ أَشْرِكْنِي قَالَ لَا بَأْسَ

And he<sup>-asws</sup> was asked about a Muslim engaging in sharecropping with a Polytheist, where the seeds belong to the Muslim, a Jarib of grain, or less or more, then another man comes to him and says, 'Take from me half the seed and half the expenses, and make me your partner'. He<sup>-asws</sup> said: 'No problem'.

قُلْتُ الَّذِي زَرَعَهُ فِي الْأَرْضِ لَمْ يَشْتَرِهِ إِنَّمَا هُوَ شَيْءٌ كَانَ عِنْدَهُ

I said: 'The seed he planted in the land was not purchased. It was something he already had!'

قَالَ يَقُومُ قِيمَةً كَمَا يُبَاعُ يَوْمَئِذٍ ثُمَّ يَأْخُذُ نِصْفَ الْقِيمَةِ وَ نِصْفَ النَّفَقَةِ وَ يُشَارِكُهُ.

He<sup>-asws</sup> said: 'He should estimate its value as it would be sold on that day, then take half of the value and half of the expenses, and they can share as partners.'<sup>671</sup>

9- وَ سَأَلْتُهُ عَنْ الرَّجُلِ يَكُونُ لَهُ السَّرَبُ فِي شَرَكَةٍ أَيْحِلُ لَهُ بَيْعُهُ

And I asked him<sup>-asws</sup> about the man who owns a water channel in partnership, is it Permissible for him to sell his share?'

قَالَ لَهُ بَيْعُهُ بِوَرَقٍ أَوْ بِشَعِيرٍ أَوْ بِحِنْطَةٍ أَوْ بِمَا شَاءَ.

He<sup>-asws</sup> said: 'He may sell it for silver, or for barley, or for wheat, or for whatever he likes to'.<sup>672</sup>

10- وَ قَالَ فِي رَجُلٍ زَرَعَ أَرْضَ غَيْرِهِ فَقَالَ ثُلُثٌ لِلْأَرْضِ وَ ثُلُثٌ لِلْبَقَرِ وَ ثُلُثٌ لِلْبَذْرِ

And he<sup>-asws</sup> said regarding a man who cultivated someone else's land. He said: 'One third is for the land, one third for the oxen, and one third for the seeds!'

قَالَ لَا يُسَمَّى بَذْرًا وَ لَا بَقْرًا وَ لَكِنْ يَقُولُ ارْزُقْ فِيهَا كَذَا إِنْ شِئْتَ نِصْفًا أَوْ ثُلُثًا

<sup>670</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 7

<sup>671</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 8

<sup>672</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 9

He<sup>-asws</sup> said: 'He should not specify seed or oxen, but rather say, 'Cultivate it for such and such a share, if you wish, half or a third'.

وَقَالَ الْمُزَارَعَةُ عَلَى الْبَصْفِ جَائِزَةٌ قَدْ زَارَعَ رَسُولُ اللَّهِ ص عَلَى أَنَّ عَلَيْهِمُ الْمُثُونَةَ.

And he<sup>-asws</sup> said: 'Share-cropping on the basis of half is permissible. Rasool-Allah<sup>-saww</sup> engaged in share-cropping on the condition that the expenses would be upon them.<sup>673</sup>

11- نَوَادِيرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَعَالَى غَافِرٌ كُلِّ ذَنْبٍ إِلَّا رَجُلًا اغْتَصَبَ أَجِيرًا أَجْرَهُ أَوْ مَهْرَ امْرَأَةٍ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> the Exalted is a Forgiver of sins except a man who usurps an employee of his wages, or dowry of a woman.<sup>674</sup>

[باب 42 الوديعة](#)

## CHAPTER 42 – THE DEPOSIT

1- ب، قرب الإسناد عليّ عن أخيه ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ عِنْدَهُ وَدِيعَةٌ لِرَجُلٍ فَاحْتَاجَ إِلَيْهَا هَلْ يَصْلُحُ لَهُ أَنْ يَأْخُذَ مِنْهَا وَهُوَ مُجْمِعٌ أَنْ يَرُدَّهَا بِغَيْرِ إِذْنِ صَاحِبِهَا

(The book) 'Qurb Al-Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> a man who had a deposit with him for a man. He was needy to it, 'Is it correct for him to take from it, and he is resolved upon returning it, without permission of its owner?'

قَالَ إِذَا كَانَ عِنْدَهُ فَلَا بَأْسَ أَنْ يَأْخُذَ وَ يَرُدَّهُ.

He<sup>-asws</sup> said: 'When it was in his possession, there is no problem with him taking and returning it'.<sup>675</sup>

2 سر، السرائر من جامع الترمذي مثله.

(The book) 'Al Saraair', from 'Jamie' of Al Bazanty – similar to it.<sup>676</sup>

<sup>673</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 10

<sup>674</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 11

<sup>675</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 1

<sup>676</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 2

قال محمد بن إدريس لا يلتفت إلى هذا الحديث لأنه ورد في نادر الأخبار و الدليل بخلافه و هو الإجماع منعقد على تحريم التصرف في الوديعة بغير إذن ملاكها فلا نرجع عما يقتضيه العلم إلى ما يقتضيه الظن.

*Muhammad Bin Idrees said, 'This narration is not to be considered, because it appears among rare reports, and the evidence is contrary to it. There is a consensus established on the prohibition of disposing of a deposit without the owner's permission. Therefore, we do not abandon what is required by certainty for what is based on conjecture.'*

3- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تَخُنْ مَنْ خَانَكَ فَتَكُونَ مِثْلَهُ.

(The book) 'Nawadir' of Al Rawandi – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Do not betray the one who betrays you for you will become similar to him!''<sup>677</sup>

4- كِتَابُ زَيْدِ النَّرْسِيِّ، قَالَ سَمِعْتُ أَبَا الْحَسَنِ مُوسَى ع يَقُولُ قَالَ أَبِي جَعْفَرٌ يَا بُنَيَّ إِنْ مِنْ أَتَمَنْ شَارِبِ خَمْرٍ عَلَى أَمَانَةٍ فَلَمْ يُؤَدِّهَا إِلَيْهِ لَمْ يَكُنْ لَهُ عَلَى اللَّهِ ضَمَانٌ وَ لَا أَجْرٌ وَ لَا حَلْفٌ ثُمَّ إِنْ ذَهَبَ لِيَدْعُو اللَّهَ لَمْ يَسْتَجِبِ اللَّهُ دُعَاؤَهُ.

The book of Zayd Al Narsi who said,

'I heard Abu Al-Hassan Musa<sup>-asws</sup> saying: 'Abu Ja'far<sup>-asws</sup> said: 'O my<sup>-asws</sup> son<sup>-asws</sup>! One who entrusts a drinker of wine upon an entrustment, and he does not return it to him, there would not be any guarantee of Allah<sup>-azwj</sup> for him, nor any Reward, nor replacement, then if he goes to supplicate to Allah<sup>-azwj</sup>, Allah<sup>-azwj</sup> will not Answer his supplication.'<sup>678</sup>

#### باب 43 العارية

### CHAPTER 43 – THE LENDING OF ITEMS (WITHOUT COMPENSATION)

1- ل، الخصال قَالَ أَبُو عَبْدِ اللَّهِ ع حَرَّثَ فِي صَفْوَانَ بْنِ أُمَيَّةَ الْجُمَحِيِّ ثَلَاثَ مِائَةِ السَّنِ اسْتَعَارَ مِنْهُ رَسُولُ اللَّهِ ص سَبْعِينَ دِرْعًا حُطْمِيَّةً فَقَالَ أَعْصَبًا يَا مُحَمَّدٌ

(The book) 'Al Khisaal' –

'Abu Abdullah<sup>-asws</sup> said: 'Three of the Sunnahs flowed in Safwan Bin Umayya Al-Jumhy. Rasool-Allah<sup>-saww</sup> borrowed from him seventy broken armours. He said, 'Are these being usurped, O Muhammad<sup>-saww</sup>!?'

قَالَ بَلْ عَارِيَّةٌ مُؤَدَّاةٌ

He<sup>-saww</sup> said: 'But these are returnable loans.

<sup>677</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 3

<sup>678</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 4

فَقَالَ يَا رَسُولَ اللَّهِ ص اِقْبَلْ هِجْرَتِي

He said, 'O Rasool-Allah<sup>-saww</sup>! Accept my emigration!'

فَقَالَ النَّبِيُّ ص لَا هِجْرَةَ بَعْدَ الْفَتْحِ

The Prophet<sup>-saww</sup> said: 'There is no emigration after the conquest (of Makkah)!'

وَكَانَ رَاقِداً فِي مَسْجِدِ رَسُولِ اللَّهِ ص وَتَحْتَ رَأْسِهِ رِدَاؤُهُ فَخَرَجَ يَبُولُ فَجَاءَهُ وَ قَدْ سُرِقَ رِدَاؤُهُ فَقَالَ مَنْ ذَهَبَ بِرِدَائِي وَ خَرَجَ فِي طَلْبِهِ فَوَجَدَ فِي يَدِ رَجُلٍ  
فَرَفَعَهُ إِلَى النَّبِيِّ ص

And he was lying down in Masjid of Rasool-Allah<sup>-saww</sup>, and beneath his head was his cloak. He went out to urinate. He came back, and his cloak had been stolen. He said, 'Who has gone with my cloak?', and he went out in search of it. He found it in the hand of a man. He brought him to the Prophet<sup>-saww</sup>.

فَقَالَ اقْطَعُوا يَدَهُ

He<sup>-saww</sup> said, 'Cut his hand!'

فَقَالَ أ تَقْطَعُ يَدَهُ مِنْ أَجْلِ رِدَائِي يَا رَسُولَ اللَّهِ فَإِنَّا أَهْبُهُ لَهُ

He said, 'Will you<sup>-saww</sup> cut his hand for the reason of my cloak, O Rasool-Allah<sup>-saww</sup>? I hereby gift it to him!'

فَقَالَ أ لَا كَانَ هَذَا قَبْلَ أَنْ تَأْتِيَنِي بِهِ فَقُطِعَتْ يَدُهُ.

He<sup>-saww</sup> said: 'Why did this not happen before you came to me<sup>-saww</sup> with him?' So, he<sup>-saww</sup> cut his hand".<sup>679</sup>

2- ف، تحف العقول في خبر طويل عن الصادق ع قال: أما الوجوه الأربعة التي يلزمها فيها النفقة من وجوه اصطناع المعروف فقضاء الدين و العارية و القرض و إقراء الصنف وإجبات في السنة.

(The book) 'Tuhaf Al Uqoul' –

'In a lengthy Hadeeth from Al-Sadiq<sup>-asws</sup> having said: 'As for the four aspects in which one is obligated to bear the expense as part of acts of kindness, these are - repaying a debt, returning a borrowed item, repaying a loan, and hosting a guest. These are obligatory in the Sunnah.'<sup>680</sup>

<sup>679</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 43 H 1

<sup>680</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 43 H 2

## CHAPTER 44 – THE SURETY AND THE GUARANTEE

1- ل، الخصال أبي عن سعد بن ابن عيسى عن الوشاء عن أبي الحسن الحذاء قال: سمعت أبا عبد الله ع يقول لأبي العباس البقاعي ما منعك من الحج

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Al Washa, from Abu Al-Hassan Al Haza'a who said,

'I heard Abu Abdullah<sup>-asws</sup> saying to Abu Al-Abbas Al-Baqbaq, 'What prevents you from the Hajj?'

قال كفالة كفلت بها

He said, 'A surety I have undertaken with'.

قال ما لك و لكفالات أ ما علمت أن الكفالة هي التي أهلكت القرون الأولى.

He<sup>-asws</sup> said: 'What is it for you and the sureties? Don't you know that the surety, it is what destroyed the previous generations?'<sup>681</sup>

2- ضا، فقه الرضا عليه السلام روي إذا كفّل الرجل بالرجل حيس إلى أن يأتي صاحبه.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – It is reported that when the man gives surety of the man, he is withheld until his companion comes"<sup>682</sup>.

3- و روي ليس على الضامن من غرم الغرم على من أكل المال و إن كان لك على رجل مال و ضمنه رجل عند موته و قبلت ضمانه فالميّ قد برئ منه و قد لزم الضامن رده عليك.

And it is reported that there is no liability on the guarantor. The liability is upon the one who consumed the wealth. And if you had money owed to you by a man, and another man guaranteed it at the time of his death, and you accepted his guarantee, then the deceased is absolved of it, and it becomes obligatory upon the guarantor to repay it to you.<sup>683</sup>

4- سر، السرائر من كتاب عبد الله بن بكير قال: سألت أبا عبد الله ع عن رجل ضمن عن رجل ضماناً ثم صالح على بعض ما ضمن عنه فقال ليس له إلا الذي صالح عليه.

(The book) 'Al Saraair' – From the book of Abdullah Bin Bukeyr who said,

<sup>681</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 1

<sup>682</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 2

<sup>683</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 3



'I asked Abu Abdullah<sup>-asws</sup> about a man who guaranteed on behalf of another, then settled for part of what he had guaranteed for him. He said: He is entitled only to what he settled for. He<sup>-asws</sup> said: 'It isn't for him except that which he had settled upon.'<sup>684</sup>

#### باب 15 الوكالة

### CHAPTER 45 – THE AGENCY

كذا في نسخة الأصل، و بعده بياض لا يوجد فيه حديث: و مع ذلك فقد رقم للباب رقم

*As it appears in the original copy, followed by a blank space with no hadith in it. Nonetheless, the chapter was still numbered as Chapter 45.*

#### باب 46 الصلح

### CHAPTER 46 – THE RECONCILIATION

1- **الْهُدَايَةُ، وَ الصَّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا صَلْحًا أَحَلَ حَرَامًا أَوْ حَرَّمَ حَلَالًا.**

(The book) 'Al Hidayah' –

'And the reconciliation is allowed between the Muslims except a reconciliation to permit a Prohibition or to prohibit a Permissible.'<sup>685</sup>

2- **كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنِ الْحَسَنِ بْنِ حَمَزَةَ الْعَلَوِيِّ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ أَبِي الْقَاسِمِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الصَّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا مَا حَرَّمَ حَلَالًا أَوْ حَلَّلَ حَرَامًا.**

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Al-Hassan Bin Hamza Al Alawy, from Ali Bin Muhammad Bin Abu Al Qasim, from his father, from Haroun Bin Muslim, from Mas'ada Bin Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The reconciliation is allowed between the Muslims except what prohibits a Permissible or permits a Prohibition''<sup>686</sup>

#### باب 47 المضاربة

### CHAPTER 47 – PROFIT-SHARING PARTNERSHIP

1 **ب، قرب الإسناد ابن رثاب قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا يَنْبَغِي لِلرَّجُلِ الْمُؤْمِنِ مِنْكُمْ أَنْ يُشَارِكَ الذَّيِّبِ وَ لَا يُبْضِعَهُ بِضَاعَةً وَ لَا يُودِعَهُ وَدِيعَةً وَ لَا يُصَافِيَهُ الْمَوَدَّةَ.**

<sup>684</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 4

<sup>685</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 46 H 1

<sup>686</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 46 H 2

(The book) 'Qurb Al Isnaad' – Ibn Riab who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'It is not befitting for the Momin from you to be a partner with a Zimmy, nor entrust him merchandise, nor deposit a deposit with him, nor form a cordial bond with him'.<sup>687</sup>

2- ب، قرب الإسناد علي عن أخيه قال قال: إِنَّ الْعَبَّاسَ كَانَ ذَا مَالٍ كَثِيرٍ وَكَانَ يُعْطِي مَالَهُ مُضَارَبَةً وَ يَشْتَرِطُ عَلَيْهِمْ أَنْ لَا يَنْزِلُوا بَطْنَ وَادٍ وَلَا يَشْتَرُوا كَبِدًا رَطْبَةً وَأَنْ يُهْرِيقَ الْمَاءَ عَلَى الْمَاءِ فَإِنْ خَالَفَ عَنْ شَيْءٍ مِمَّا أَمَرْتُ فَهُوَ لَهُ ضَامِنٌ.

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said: 'He<sup>-asws</sup> said: 'Al-Abbas was a man of great wealth, and he used to give his wealth for profit-sharing stipulating to his partners that they must not descend into the bottom of a valley, nor buy fresh liver, and that they must pour water over water. 'If anyone violates anything from what I have instructed then he is liable for it!''<sup>688</sup>

3- ب، قرب الإسناد هارون عن ابن زياد قال: سَمِعْتُ أَبَا الْحَسَنِ ع يَقُولُ لِأَبِيهِ يَا أَبَتِي إِنَّ فُلَانًا يُرِيدُ الْيَمْنَ أَ فَلَا أَرْوُدُهُ بِيضَاعَةً لِيَشْتَرِيَ لِي بِهَا عَصَبَ الْيَمَنِ

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Ziyad who said,

'I heard Abu Al-Hassan<sup>-asws</sup> saying to his<sup>-asws</sup> father<sup>-asws</sup>: 'O father<sup>-asws</sup>! So and so is intending to go to Al-Yemen. Shall I<sup>-asws</sup> provide him with merchandise for him to buy for me<sup>-asws</sup> a product of Al-Yemen?'

فَقَالَ لَهُ يَا بُنَيَّ لَا تَفْعَلْ

He<sup>-asws</sup> said to him<sup>-asws</sup>: 'O my<sup>-asws</sup> son<sup>-asws</sup>, don't do it!'

قَالَ فَلِمَ

He<sup>-asws</sup> said: 'Why?'

قَالَ لِأَنَّهَا إِنْ ذَهَبَتْ لَمْ تُؤْجَرْ عَلَيْهَا وَ لَمْ يُخْلَفْ عَلَيْكَ لِأَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا فَأَيُّ سَفِيهٍ أَسْفَهُ بَعْدَ النِّسَاءِ مِنْ شَارِبِ الْخَمْرِ

He<sup>-asws</sup> said: 'Because if it goes, you<sup>-asws</sup> will not be Rewarded upon it and will not be replaced upon you, because Allah<sup>-azwj</sup> Blessed and Exalted Saying: '**And do not give your wealth to the foolish which Allah has made a (means of) support for you, [4:5]**. So, which foolish one is more foolish, after the women, than the drinker of the wine?

<sup>687</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 1

<sup>688</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 2

يَا بُنَيَّ أَبِي حَدَّثَنِي عَنْ آبَائِهِ أَنَّ رَسُولَ اللَّهِ ص قَالَ مَنْ ائْتَمَنَ غَيْرَ أَمِينٍ فَلَيْسَ لَهُ عَلَى اللَّهِ ضَمَانٌ لِأَنَّهُ قَدْ هَمَّ أَنْ يَأْتِمَنَهُ.

O my<sup>asws</sup> son<sup>asws</sup>! My<sup>asws</sup> father<sup>asws</sup> narrated to me<sup>asws</sup> from his<sup>asws</sup> forefathers<sup>asws</sup> that Rasool-Allah<sup>saww</sup> said: ‘On who entrusts an untrustworthy one, there is no guarantee for him upon Allah<sup>azwj</sup> because He<sup>azwj</sup> has Prohibited from entrusting him’.<sup>689</sup>

4- ضا، فقه الرضا عليه السلام أبي قال: كَانَ لِلْعَبَّاسِ مَالٌ مُضَارَبَةٌ فَكَانَ يَشْتَرِطُ أَنْ لَا يَرْكَبُوا بَحْرًا وَلَا يَنْزِلُوا وَادِيًا فَإِنْ فَعَلْتُمْ فَأَنْتُمْ ضَامِنُونَ وَ أُنْبِغَ ذَلِكَ رَسُولَ اللَّهِ ص فَأَجَازَ شَرْطُهُ عَلَيْهِمْ.

(The book) ‘Fiqh Al-Reza<sup>asws</sup>’, may the greeting be upon him<sup>asws</sup> – ‘My<sup>asws</sup> father<sup>asws</sup> said: ‘Al-Abbas had money for partnership trade, and he stipulated that they should neither sail by sea nor go down into a valley. If they did, they would be responsible. He conveyed this to Rasool-Allah<sup>saww</sup>. He<sup>saww</sup> allowed his<sup>saww</sup> condition upon them’’.<sup>690</sup>

5- وَ سُئِلَ أَبُو جَعْفَرٍ ع عَنْ رَجُلٍ أَخَذَ مَالًا مُضَارَبَةً أَعْجَلَهُ أَنْ يُعْطِيَهُ آخَرَ بِأَقَلِّ بِمَّا أَخَذَهُ قَالَ لَا.

And Abu Ja’far<sup>asws</sup> was asked about a man who took money for partnership trade. Is it permissible for him to give it to another for less than what he received?’ He<sup>asws</sup> said: ‘No’.<sup>691</sup>

#### باب 48 الشراكة

### CHAPTER 48 – THE PARTNERSHIP

1- سر، السرائر من كتاب المشيخة لابن محبوب عن أبي أيوب عن سماعة قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الرَّجُلِ يُزَارِعُ بِنَدْرِهِ مَائَةَ جَرِيبٍ مِنَ الطَّعَامِ أَوْ غَيْرِهِ بِمَّا يُزَارِعُ ثُمَّ يَأْتِيهِ رَجُلٌ آخَرُ فَيَقُولُ لَهُ خُذْ مِنِّي نِصْفَ بَدْرِكَ وَ نِصْفَ نَفَقَتِكَ فِي هَذِهِ الْأَرْضِ وَ أَشَارِكَ قَالَ لَا بَأْسَ بِذَلِكَ.

(The book) ‘Al Saraair’ – From ‘Kitab Al Masheykha’ of Ibn Mahboub, from Abu Ayoub, from Sama’at who said,

‘I asked Abu Abdullah<sup>asws</sup> about a man who farms with his seeds one hundred ‘Jaribs’ of food or other crops, then another man comes to him and says, ‘Take half of your seeds and half of your expenses on this land from me, and I will share the partnership with you!’ He<sup>asws</sup> said, ‘There is no problem with that’’.<sup>692</sup>

#### باب 49 الجعالة

### CHAPTER 49 – THE REWARD

1- ب، قرب الإسناد علي عن أخيه ع قال: سَأَلْتُهُ عَنْ جُعْلِ الْآبِقِ وَ الضَّائِلَةِ قَالَ لَا بَأْسَ.

<sup>689</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 3

<sup>690</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 4

<sup>691</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 5

<sup>692</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 48 H 1

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>asws</sup>), he said, 'I asked him<sup>asws</sup> about reward for the absconding slave and the lost (animal). He<sup>asws</sup> said: 'There is no problem''.<sup>693</sup>

باب 50 الوقف و فضله و أحكامه

## CHAPTER 50 – ENDOWMENT AND ITS MERITS AND ITS RULINGS

1- لي، الأماالي للصدوق ل، الخصال أبي عن سعد بن أبي شبيب عن محمد بن أبي كهمس عن أبي عبد الله ع قال: يست خصال يتنفع بها المؤمن من بعد موته ولد صالح يستغفر له و مصحف يقرأ فيه و قلب يخفره و عرس يكرسه و صدقة ماء يجريه و سنة حسنة يؤخذ بها بعده.

(The book) 'Al Amaali' of Al Sadouq, (and) 'Al Khisaal' – My father, from Sa'ad, from Al Yaqteeny, from Muhammad Bin Shueyb, from Al Haysam Bin Abu Kahmas,

'From Abu Abdullah<sup>asws</sup> having said: 'Six characteristics the Momin benefits with from after his death – a righteous son seeking Forgiveness for him, and a Quran being read, and a well he had dug, and a plant he had planted, and charity of water he had flowed, and a good conduct taken with after him''.<sup>694</sup>

2- ما، الأماالي للشيخ الطوسي المفيد عن أحمد بن الوليد عن أبيه عن الصقار عن ابن عيسى عن يونس عن السري عن عيسى عن عبد الحلي بن عبد ربه قال قال أبو عبد الله ع خير ما يخلقه الرجل بعده ثلاثة ولد بار يستغفر له و سنة خير يقتدى به فيها و صدقة تجري من بعده.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed, from Ahmad Bin Al Waleed, from his father, from Al Saffar, from Ibn Isa, from Yunus, from Al Sary Bin Isa, from Abdul Khaliq Bin Abdul Rabbih who said,

'The best of what the man leaves behind after him are three – a righteous son seeking Forgiveness for him, and a good conduct followed by, and a charity he had left behind to flow.<sup>695</sup>

3- ل، الخصال أبي عن الحميري عن ابن عيسى عن ابن محبوب عن ابن رباب عن الحلي عن أبي عبد الله ع قال: ليس يتنفع الرجل بعد موته من الأجر إلا ثلاث خصال صدقة أجزاها في حياته فهي تجري بعد موته إلى يوم القيامة و صدقة مؤقوفة لا تورث أو سنة هدى سنّها فكان يعمل بها و عمل بها من بعده غيره أو ولد صالح يستغفر له.

(The book) 'Al Khisaal' – My father, from Al Himeyri, from Ibn Isa, from Ibn Mahboub, from Ibn Riab, from Al Halby,

'From Abu Abdullah<sup>asws</sup> having said: 'The Reward does not follow the man after his death except in three qualities – a charity he had flowed during his lifetime so it keeps flowing after his death up to the Day of Qiyamah, and a dedicated charity not getting inherited, or a guiding

<sup>693</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 48 H 2

<sup>694</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 1

<sup>695</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 2

conduct he had enacted, so it would be acted with and worked with by others from after him, or a righteous son seeking Forgiveness for him”<sup>696</sup>

4- لي، الأماالي للصدوق العطار عن سعد بن النهدى عن ابن محبوب عن مالك بن عطيئة عن ضريس عن أبي جعفر الباقر عن أبيه ع أَنَّ رَسُولَ اللَّهِ ص مَرَّ بِرَجُلٍ يَغْرِسُ غَرْسًا فِي حَائِطٍ لَهُ فَوَقَفَ عَلَيْهِ فَقَالَ أَلَا أَذْلُكَ عَلَى غَرْسٍ أَثْبَتَ أَصْلًا وَ أَسْرَعَ إِبْنَاعًا وَ أَطْيَبَ ثَمَرًا وَ أَنْفَى

(The book) ‘Al Amaali’ of Al Sadouq – Al Attar, from Sa’ad, from Al Nahdy, from Ibn Mahboub, from Malik Bin Atiya, from Zureys,

‘From Abu Ja’far Al Baqir<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>: ‘Rasool-Allah<sup>-saww</sup> passed by a man planting a plant in a garden of his. He<sup>-saww</sup> paused to him. He<sup>-saww</sup> said: ‘Shall I<sup>-saww</sup> point you to a plant whose roots are firm, and is quick in growth, and best of fruit and purest?’

قَالَ بَلَىٰ فِدَاكَ أَبِي وَ أُمِّي يَا رَسُولَ اللَّهِ ص

He said, ‘Yes. May my father and my mother be sacrificed for you<sup>-saww</sup>, O Rasool-Allah<sup>-saww</sup>!’

فَقَالَ إِذَا أَصْبَحْتَ وَ أَمْسَيْتَ فَقُلْ سُبْحَانَ اللَّهِ وَ الْحَمْدُ لِلَّهِ وَ لَا إِلَهَ إِلَّا اللَّهُ وَ اللَّهُ أَكْبَرُ فَإِنَّ لَكَ بِذَلِكَ إِنْ قُلْتَهُ بِكُلِّ تَسْبِيحَةٍ عَشْرُ شَجَرَاتٍ فِي الْجَنَّةِ مِنْ أَنْوَاعِ الْفَاكِهَةِ وَ هُنَّ مِنَ الْبَاقِيَّاتِ الصَّالِحَاتِ

He<sup>-saww</sup> said: ‘When you come to a morning and evening, say, ‘Glory be to Allah<sup>-azwj</sup>, and the Praise is for Allah<sup>-azwj</sup>, and there is no god except Allah<sup>-azwj</sup>, and Allah<sup>-azwj</sup> is Greatest!’ For you, with that, if you were to say it, with every glorification would be ten trees in the Paradise from a variety of fruits, and these are from the everlasting righteous deeds!’

قَالَ فَقَالَ الرَّجُلُ أَشْهَدُكَ يَا رَسُولَ اللَّهِ أَنَّ حَائِطِي هَذَا صَدَقَةٌ مَقْبُوضَةٌ عَلَى قُرَاءَةِ الْمُسْلِمِينَ مِنْ أَهْلِ الصُّفَّةِ

He<sup>-asws</sup> said: ‘The man said, ‘I keep you<sup>-asws</sup> as witness, O Rasool-Allah<sup>-saww</sup>, that this garden of mine is charity held for the poor Muslims from the people of the platform (destitute emigrants in Al-Medina)’.

فَأَنْزَلَ اللَّهُ تَبَارَكَ وَ تَعَالَىٰ فَأَمَّا مَنْ أَعْطَىٰ وَ اتَّقَىٰ وَ صَدَقَ بِالْحَسَنَىٰ فَسَنُيَسِّرُهُ لِلْيُسْرَىٰ.

Allah<sup>-azwj</sup> Blessed and Exalted Revealed: **So, as for one who gives and fears [92:5] And ratifies the most excellent [92:6] So We will be Facilitating him to the ease [92:7]**<sup>697</sup>

5- ج، الإحتجاج الأُسدي قَالَ: كَانَ فِيمَا وَرَدَ عَلَيَّ مِنَ النَّاحِيَةِ الْمُقَدَّسَةِ عَلَى يَدِ مُحَمَّدِ بْنِ عُثْمَانَ الْعُمَرِيِّ أَمَّا مَا سَأَلْتُ عَنْهُ مِنَ الْوَقْفِ عَلَى نَاحِيَّتِنَا وَ مَا يُجْعَلُ لَنَا ثُمَّ يَخْتِاجُ إِلَيْهِ صَاحِبُهُ فَكُلُّ مَا لَمْ يُسَلِّمْ فَصَاحِبُهُ بِالْخِيَارِ وَ كُلُّ مَا سَلَّمَ فَلَا خِيَارَ لِصَاحِبِهِ فِيهِ إِحْتَاجُ أَوْ لَمْ يَخْتِجْ افْتَقَرَ إِلَيْهِ أَوْ اسْتَعْنَى عَنْهُ.

(The book) ‘Al Ihtijaj’ of Al Asady who said,

<sup>696</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 3

<sup>697</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 4

'It was among what arrived to me from the Holy area (Al-Mahdi-<sup>ajfi</sup>) upon the hand of Muhammad Bin Usman Al-Amry: 'As for what you asked about the designated donation to our-<sup>ajfi</sup> cause, whatever is made to be for us-<sup>ajfi</sup>, then its owner becomes needy to it, so all what has not been submitted yet, its owner is with the choice, and all what has already been submitted, there is no choice for its owner in it, whether he is need, impoverished to it or needless of it!'<sup>698</sup>

6- وَ أَمَّا مَا سَأَلْتَ عَنْهُ مِنْ أَمْرِ الضَّيَاعِ الَّتِي لِنَاجِيَتِنَا هَلْ يَجُوزُ الْقِيَامُ بِعِمَارَتِهَا وَ أَدَاءُ الْحَرَجِ مِنْهَا وَ صَرْفُ مَا يَقْضَى مِنْ دَخْلِهَا إِلَى النَّاحِيَةِ اخْتِسَاباً لِلْآخِرِ وَ تَقَرُّباً إِلَيْكُمْ فَلَا يَحِلُّ لِأَحَدٍ أَنْ يَتَصَرَّفَ فِي مَالِ غَيْرِهِ بِغَيْرِ إِذْنِهِ فَكَيْفَ يَحِلُّ ذَلِكَ فِي مَالِنَا

And as for what you asked about of the matter of the estates which is for our-<sup>ajfi</sup> cause whether it is permissible to undertake their maintenance, pay the land tax from their yield, and direct any surplus income toward the cause, seeking reward and drawing near to us-<sup>ajfi</sup>, no one is permitted to dispose of another's property without their permission, so how could it be permissible with regard to our-<sup>ajfi</sup> wealth?

مَنْ فَعَلَ شَيْئاً مِنْ ذَلِكَ بِغَيْرِ أَمْرِنَا فَقَدْ اسْتَحَلَّ مِنَّا مَا حَرَّمَ عَلَيْهِ وَ مَنْ أَكَلَ مِنْ أَمْوَالِنَا شَيْئاً فَإِنَّمَا يَأْكُلُ فِي بَطْنِهِ نَاراً وَ سَيَصْلَى سَعِيرًا.

Whoever does any of this without our-<sup>ajfi</sup> command has made lawful from us-<sup>ajfi</sup> what is forbidden to him, and whoever consumes anything from our-<sup>ajfi</sup> wealth is only filling his belly with fire, and he will arrive in 'Saeer' (a level of Hell)!<sup>699</sup>

7- وَ أَمَّا مَا سَأَلْتَ عَنْهُ مِنْ أَمْرِ الرَّجُلِ الَّذِي يَجْعَلُ لِنَاجِيَتِنَا ضَيْعَةً وَ يُسَلِّمُهَا مِنْ قِيمِ يَقُومُ بِهَا وَ يَعْمُرُهَا وَ يُؤَدِّي مِنْ دَخْلِهَا خَرَاجَهَا وَ مُؤَنَّتَهَا وَ يَجْعَلُ مَا يَبْقَى مِنَ الدَّخْلِ لِنَاجِيَتِنَا فَإِنَّ ذَلِكَ جَائِزٌ لِمَنْ جَعَلَهُ صَاحِبُ الضَّيْعَةِ قِيَمًا عَلَيْهَا إِنَّمَا لَا يَجُوزُ ذَلِكَ لِغَيْرِهِ.

As for what you asked about regarding a man who dedicates an estate to our-<sup>ajfi</sup> cause and assigns a caretaker to manage it, maintain it, pay its land tax and expenses from its income, and allocate the remaining income to our-<sup>ajfi</sup> cause, this is permissible for the one whom the owner of the estate has appointed as its caretaker. It is only not permissible for anyone else!<sup>700</sup>

8- وَ أَمَّا مَا سَأَلْتَ عَنْهُ مِنَ التَّمَارِ مِنْ أَمْوَالِنَا يَجُوزُ بِهِ الْمَارُ فَيَتَنَاوَلُ مِنْهُ وَ يَأْكُلُ هَلْ يَحِلُّ لَهُ ذَلِكَ فَإِنَّهُ يَحِلُّ لَهُ أَكْلُهُ وَ يَحْرُمُ عَلَيْهِ حَمْلُهُ.

As for what you asked about regarding the fruits from our-<sup>ajfi</sup> property that a passerby comes across and picks to eat, then it is permissible for him to eat from it, but it is forbidden for him to carry any of it away!<sup>701</sup>

9- ب، قرب الإسناد عليّ عن أخيه ع قال: سألته عن رجل تصدّق على ولده بصدقة ثم بدا له أن يدخل فيه غيره مع ولده أ يصلح ذلك

<sup>698</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 5

<sup>699</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 6

<sup>700</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 7

<sup>701</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 8

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man donating charity to his own son, then there is a change of decision for him to include someone else in it. 'Is that correct?'

قَالَ نَعَمْ يُصْنَعُ الْوَالِدُ بِمَالِ وَلَدِهِ مَا أَحَبَّ وَ أَهْبَهُ مِنَ الْوَلَدِ بِمَنْزِلَةِ الصَّدَقَةِ مِنْ غَيْرِهِ.

He<sup>-asws</sup> said: 'Yes, the father can do so with the wealth of his son whatever he likes, while the gift from the son is at the status of the charity from someone else'.<sup>702</sup>

10- ب، قرب الإسناد ابنُ عيسى عَنِ الزُّنْطِطِيِّ قَالَ: سَأَلْتُ الرِّضَا عَ عَنِ الْحِطَّانِ السَّبْعَةِ فَقَالَ كَانَتْ مِيرَاثاً مِنْ رَسُولِ اللَّهِ ص وَفَقَ [وَقَفَا] فَكَانَ رَسُولُ اللَّهِ ص يَأْخُذُ مِنْهَا مَا يُنْفِقُ عَلَى أَصْيَافِهِ وَ النَّائِبَةِ يَلْزُمُهُ فِيهَا

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

'I asked Al-Reza<sup>-asws</sup> about the seven gardens. He<sup>-asws</sup> said: 'These were an inheritance from Rasool-Allah<sup>-saww</sup>, designated (Waqf). Rasool-Allah<sup>-saww</sup> used to take from these what he<sup>-saww</sup> spent upon his<sup>-saww</sup> guests, and the deputy staying in it.

فَلَمَّا فُيْضَ جَاءَ الْعَبَّاسُ يُخَاصِمُ فَاطِمَةَ ع فَشَهِدَ عَلِيُّ ع وَ غَيْرُهُ أَنَّهَا وَقَفَتْ وَ هِيَ الدَّلَالُ وَ الْعَوَافُ وَ الْحُسْنَى وَ الصَّافِيَةُ وَ مَالُ أُمِّ إِبْرَاهِيمَ وَ الْمَنْبُتُ وَ بَرْقَةُ.

When he<sup>-saww</sup> passed away, Al-Abbas came disputing against (Syeda) Fatima<sup>-asws</sup>. Ali<sup>-asws</sup> testified, and so did others that these are designated (Waqf), and these are – Al-Dalal, and Al-Awaf, and Al-Hasna, and Al-Safiya, and Mal Umm Ibrahim<sup>-as</sup>, and Al-Manbat, and Burqah".<sup>703</sup>

11- ع، علل الشرائع جَعْفَرُ بْنُ عَلِيٍّ عَنْ أَبِيهِ عَنْ جَدِّهِ الْحُسَيْنِ بْنِ عَلِيٍّ الْكُوفِيِّ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ عَنْ أَبِي الصَّخَّالِكِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لَهُ رَجُلٌ اشْتَرَى دَاراً فَبَنَاهَا فَبَقِيَتْ عَرَصَةٌ فَبَنَاهَا بَيْتَ غَلَّةٍ أَوْ قَوْفُهُ عَلَى الْمَسْجِدِ

(The book) 'Ilal Al Sharaie' – Ja'far Bin Ali, from his father, from his grandfather Al-Hassan Bin Ali Al Kufi, from Al Abbas Bin Aamir, from Abu Al Zahhak,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, 'A man bought a house and built it, and a courtyard remained, so he built a revenue-generating house on it. Can he dedicate it (as Waqf) for the Masjid?'

قَالَ إِنَّ الْمَجُوسَ وَقَفُوا عَلَى بَيْتِ النَّارِ.

He<sup>-asws</sup> said: 'Even the Magians made endowments for the house of fire worship'.<sup>704</sup>

<sup>702</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 9

<sup>703</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 10

<sup>704</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 11

12- نَحَجَّ الْبَلَاغَةَ، مِنْ وَصِيَّتِهِ لَهُ عَ بِمَا يُعْمَلُ فِي أَمْوَالِهِ كَتَبَهَا بَعْدَ مُنْصَرَفِهِ مِنْ صِفِّينَ هَذَا مَا أَمَرَ بِهِ عَبْدُ اللَّهِ عَلِيُّ بْنُ أَبِي طَالِبٍ أَمِيرُ الْمُؤْمِنِينَ فِي مَالِهِ ابْتِغَاءَ وَجْهِ اللَّهِ لِيُؤَلِّجَنِي بِهِ الْجَنَّةَ وَ يُعْطِيَنِي الْأَمَنَةَ

(The book) 'Nahj Al Balagah' –

'From a bequest of his<sup>-asws</sup> (Ali<sup>-asws</sup>) with what is to be worked regarding his<sup>-asws</sup> properties. He<sup>-asws</sup> wrote it after his<sup>-asws</sup> leaving from (battle of) Sifeen: 'This is what the servant of Allah<sup>-azwj</sup>, Ali<sup>-asws</sup> Bin Abu Talib Amir Al-Momineen<sup>-asws</sup> is instructing with regarding his<sup>-asws</sup> wealth seeking the Face of Allah<sup>-azwj</sup> for Him<sup>-azwj</sup> to Take me<sup>-asws</sup> to the Paradise due to it, and Grant me<sup>-asws</sup> the wishes'.

مِنْهَا وَ إِنَّهُ يَقُومُ بِذَلِكَ الْحَسَنُ بْنُ عَلِيٍّ يَأْكُلُ مِنْهُ بِالْمَعْرُوفِ وَ يُنْفِقُ مِنْهُ فِي الْمَعْرُوفِ فَإِنْ حَدَثَ بِحَسَنِ حَدَثٌ وَ حُسَيْنٌ حَيٌّ قَامَ بِالْأَمْرِ بَعْدَهُ وَ أَصْدَرَهُ مَصْدَرَهُ

From it - 'So he<sup>-asws</sup>, Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup> will be standing with that. He<sup>-asws</sup> can consume from it with the moderation and spend from it with the moderation. If there is an occurrence of death with Hassan<sup>-asws</sup> while Al-Husayn<sup>-asws</sup> is still alive, then he<sup>-asws</sup> will stand with the matter after him<sup>-asws</sup> and implement his<sup>-asws</sup> implementations.

وَ إِنْ لَانَتْ فَاطِمَةُ مِنْ صَدَقَةٍ عَلَيَّ مِثْلَ الَّذِي لَبِنِي عَلَيٍّ وَ إِنْ إِنَّمَا جَعَلْتُ الْقِيَامَ بِذَلِكَ إِلَى ابْنِي فَاطِمَةَ ابْتِغَاءَ وَجْهِ اللَّهِ وَ قُرْبَةً إِلَى رَسُولِ اللَّهِ ص وَ تَكْرِيمًا لِحُزْمَتِهِ وَ تَشْرِيفًا لِمُؤَصَّلَتِهِ

And for the two sons<sup>-asws</sup> of (Syeda) Fatima<sup>-asws</sup> from the charity of Ali<sup>-asws</sup>, is similar to that which is for the (other) sons of Ali<sup>-asws</sup>, and rather I<sup>-asws</sup> am making the custody of what to the two sons<sup>-asws</sup> of (Syeda) Fatima<sup>-asws</sup> seeking the Face of Allah<sup>-azwj</sup> and drawing closer to Rasool-Allah<sup>-saww</sup>, and honouring of his<sup>-saww</sup> sanctity, and ennobling to his<sup>-saww</sup> kinship.

وَ يَشْتَرُ عَلَى الَّذِي يَجْعَلُهُ إِلَيْهِ أَنْ يَتْرَكَ الْمَالَ عَلَى أَصُولِهِ وَ يُنْفِقَ مِنْ ثَمَرِهِ حَبْتٌ أَمَرَ بِهِ وَ هُدًى لَهُ وَ أَلَّا يَبِيعَ مِنْ أَوْلَادٍ يُخِيلُ هَذِهِ الثَّمَرِ وَدِيَّةً حَتَّى تُشْكِلَ أَرْضُهَا غُرَاسًا

And he<sup>-asws</sup> should stipulate upon the one whom he<sup>-asws</sup> makes it to, that he should leave the wealth upon its origin and spend from the fruits wherever he<sup>-asws</sup> had instructed him with, and gifted it to, and that he should not sell from the produce of the palm trees of this town as a deposit until it forms as plants of its land.

وَ مَنْ كَانَ مِنْ إِمَائِي اللَّائِي أَطُوفُ عَلَيْهِنَ لَهَا وَلَدٌ أَوْ هِيَ حَامِلٌ فْتُمْسِكْ عَلَى وَلَدِهَا وَ هِيَ مِنْ خَطِّهِ فَإِنْ مَاتَ وَلَدُهَا وَ هِيَ حَيَّةٌ فَهِيَ عَقِيقَةٌ قَدْ أَفْرَجَ عَنْهَا الرِّقُّ وَ حَرَّرَهَا الْعَنْقُ

And the one who were from my<sup>-asws</sup> slave girls, those whom I<sup>-asws</sup> had circled upon, having a child for her, or she is pregnant, she should be adhered with her child, and she is from his share. If her child were to die while she is still alive, then she is free, the slavery would be relieved from her, and her freedom is the liberation'.<sup>705</sup>

<sup>705</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 12



قال السيد رضي الله عنه قوله ع في هذه الوصية و أن لا يبيع من نخلها ودية فإن الودية الفسيلة و جمعها ودي و قوله حتى تشكل أرضها غراسا فهو من أفصح الكلام و المراد به أن الأرض يكثر فيها غرائس النحل حتى يراها الناظر على تلك الصفة التي عرفها بما فيشكل عليه أمرها و يحسبها غيرها.

*And his<sup>-asws</sup> words: 'until it forms as plants of its land', it is from the most eloquent of the speeches, and the intent with it is that the land having a lot of palm trees in it until the beholder sees it upon other than that description which it is being recognised with, so its affair is problematic upon him, and he reckons it as something else'.*

13- مِصْبَاحُ الْأَنْوَارِ، عَنْ أَبِي جَعْفَرٍ ع قَالَ مُحَمَّدُ بْنُ إِسْحَاقَ وَ حَدَّثَنِي أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيٍّ أَنَّ فَاطِمَةَ عَاشَتْ بَعْدَ رَسُولِ اللَّهِ ص سِتَّةَ أَشْهُرٍ

(The book) 'Misbah Al Anwaar' –

'From Abu Ja'far<sup>-asws</sup>. Muhammad Bin Is'haq said, 'And it is narrated to me by Abu Ja'far Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup> that (Syeda) Fatima<sup>-asws</sup> lived after Rasool-Allah<sup>-saww</sup>, for six months'.

قَالَ وَ إِنَّ فَاطِمَةَ بِنْتَ رَسُولِ اللَّهِ ص كَتَبَتْ هَذَا الْكِتَابَ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا كَتَبَتْ فَاطِمَةُ بِنْتُ مُحَمَّدٍ فِي مَالِهَا إِذَا حَدَثَ بِهَا حَدِيثٌ تَصَدَّقْتُ بِتَمَانِينَ أَوْفِيَّةً تُنْفَقُ عَنْهَا مِنْ ثَمَارِهَا الَّتِي لَهَا كُلَّ عَامٍ فِي كُلِّ رَجَبٍ بَعْدَ نَقْعَةِ السَّقِيِّ وَ نَقْعَةِ الْمَغْلِ [الْعَمَلِ]

He said, 'And (Syeda) Fatima<sup>-asws</sup>, daughter of Rasool-Allah<sup>-azwj</sup> wrote this letter: - 'In the Name of Allah<sup>-azwj</sup> the Beneficent, the Merciful! This is what is written by (Syeda) Fatima<sup>-asws</sup> daughter of Muhammad<sup>-as</sup>, if an event (of death) were to occur with her<sup>-asws</sup>. She<sup>-asws</sup> donates in charity eight 'Owqiyas' (1 Owqiya – 128 gms. or 40 Dirhams) to be spent on her<sup>-asws</sup> behalf from her<sup>-asws</sup> fruits which are for her<sup>-asws</sup> every year during every (month of) Rajab after spending on the irrigation and the workers'.

وَ أَنَّمَا أَنْفَقْتُ أَثْمَارَهَا الْعَامَ وَ أَثْمَارَ الْقَمْحِ عَاماً قَابِلاً فِي أَوَانٍ عَلَيْهَا وَ أَنَّمَا أَمَرْتُ لِنِسَاءِ مُحَمَّدٍ أَيْبَهَا خَمْسَ [خَمْسًا] وَ أَرْبَعِينَ أَوْفِيَّةً وَ أَمَرْتُ لِفُقَرَاءِ بَنِي هَاشِمٍ وَ بَنِي عَبْدِ الْمُطَّلِبِ بِخَمْسِينَ أَوْفِيَّةً وَ كَتَبْتُ فِي أَصْلِ مَالِهَا فِي الْمَدِينَةِ

And she<sup>-asws</sup> had spent its produce for that year, along with the wheat yield for the following year, at the time of its harvest. She<sup>-asws</sup> designated forty-five Owqiyas for the wives of her<sup>-asws</sup> father<sup>-saww</sup> Muhammad<sup>-saww</sup>, and she<sup>-asws</sup> allocated fifty Owqiyas for the poor among the clan of Hashim<sup>-as</sup> and the clan of Abd Al Muttalib<sup>-as</sup>. Syeda<sup>-asws</sup> also recorded this in the principal part of her<sup>-asws</sup> wealth in Medina.

أَنَّ عَلِيًّا ع سَأَلَهَا أَنْ تُؤَلِّيَهُ مَالَهَا فَيَجْمَعَ مَالُهَا إِلَى مَالِ رَسُولِ اللَّهِ ص فَلَا تُفَرَّقَ

Ali<sup>-asws</sup> asked her<sup>-asws</sup> to appoint him over her<sup>-asws</sup> wealth so that he<sup>-asws</sup> could combine her<sup>-asws</sup> property with that of Rasool-Allah<sup>-saww</sup>, and it would not be divided.

وَ تَلِيهِ [يَلِيهِ] مَا دَامَ حَيًّا فَإِذَا حَدَثَ بِهِ حَدِيثٌ دَفَعَهُ إِلَى ابْنَيْ الْحُسَيْنِ وَ الْحُسَيْنِ فَيَلِيَانِهِ

'He<sup>-asws</sup> would manage it as long as he<sup>-asws</sup> lived, and when the event of death happens to him<sup>-asws</sup>, he<sup>-asws</sup> would hand it over to my<sup>-asws</sup> two sons, Al-Hassan<sup>-asws</sup> and Al-Husayn<sup>-asws</sup>, so they<sup>-asws</sup> would manage it.

وَإِنِّي دَفَعْتُ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ عَلَى أَنِّي أَخْلَلُهُ فِيهِ فَيَدْفَعُ مَالِي وَ مَالُ مُحَمَّدٍ ص لَا يُفَرِّقُ مِنْهُ شَيْئاً يَفْضِي عَنِّي مِنْ أَمْثَارِ الْمَالِ مَا أَمَرْتُ بِهِ وَ مَا تَصَدَّقْتُ بِهِ

I<sup>-asws</sup> have entrusted it to Ali<sup>-asws</sup> Ibn Abu Talib<sup>-asws</sup> on the condition that I<sup>-asws</sup> make it permissible for him<sup>-asws</sup> to act with it. He<sup>-asws</sup> shall deliver my<sup>-asws</sup> wealth and the wealth of Muhammad<sup>-saww</sup> without separating any part of it. He<sup>-asws</sup> shall fulfil from the produce of the wealth what I<sup>-asws</sup> have instructed and what I<sup>-asws</sup> have given in charity.

فَإِذَا قَضَى اللَّهُ صَدَقَتَهَا وَ مَا أَمَرْتُ بِهِ فَأَلَأَمُرُ بِيَدِ اللَّهِ تَعَالَى وَ بِيَدِ عَلِيٍّ يَتَصَدَّقُ وَ يُنْفِقُ حَيْثُ شَاءَ لَا حَرَجَ عَلَيْهِ

When Allah<sup>-azwj</sup> has Fulfilled the charity and what I<sup>-asws</sup> have instructed, then the matter is in the Hand of Allah<sup>-azwj</sup> the Exalted, and in the hand of Ali<sup>-asws</sup>, to give in charity and spend as he<sup>-asws</sup> sees fit, with no blame upon him<sup>-asws</sup>.

فَإِذَا حَدَّثَ بِهِ حَدَّثَ دَفَعَهُ إِلَى ابْنَيْ الْحُسَيْنِ وَ الْحُسَيْنِ الْمَالَ جَمِيعاً مَالِي وَ مَالُ مُحَمَّدٍ ص فَيُنْفِقَانِ وَ يَتَصَدَّقَانِ حَيْثُ شَاءَ أَوْ لَا حَرَجَ عَلَيْهِمَا

When the event of death occurs with him<sup>-asws</sup>, he<sup>-asws</sup> shall hand over all the wealth, my<sup>-asws</sup> wealth and the wealth of Muhammad<sup>-saww</sup> to my<sup>-asws</sup> two sons, Al-Hassan<sup>-asws</sup> and Al-Husayn<sup>-asws</sup>. They<sup>-asws</sup> may spend and give in charity from it as they<sup>-asws</sup> wish, and there is no blame upon them<sup>-asws</sup>.

وَ إِنَّ لَابْنَةَ جُنْدَبٍ بَغِي بِنْتُ أَبِي ذَرٍّ الْغِفَارِيِّ الثَّابُوتِ الْأَصْغَرَ وَ تَغْطِيهَا [يُعْطِيهَا] فِي الْمَالِ مَا كَانَ وَ نَعْلِي الْأَكْمِيَيْنِ وَ النَّمْطُ وَ الْجُبَّ وَ السَّرِيرُ وَ الزَّرِينَةُ وَ الْقَطِيفَتَيْنِ

As for the daughter of Jundab<sup>-ra</sup>, i.e. the daughter of Abu Zarr Al-Ghifari<sup>-ra</sup>, she is to be given the small chest and what is in it, and she is to be given from the wealth whatever it may be, along with my<sup>-asws</sup> two leather shoes, the mat, the cloak, the bed, the straw mat, and the two blankets.

وَ إِنَّ حَدَّثَ بِأَحَدٍ مِّنْ أَوْصِيَّتِ لَهُ قَبْلَ أَنْ يُدْفَعَ إِلَيْهِ فَإِنَّهُ يُنْفِقُ فِي الْفُقَرَاءِ وَ الْمَسَاكِينِ وَ إِنَّ الْأَسْتَارَ لَا يَسْتَتِرُ بِهَا امْرَأَةٌ إِلَّا إِحْدَى ابْنَتِي غَيْرَ أَنَّ عَلِيّاً يَسْتَتِرُ بِهِمْ إِنْ شَاءَ مَا لَمْ يَنْكِحْ

If anyone from among those I<sup>-asws</sup> bequeathed to dies before the bequest reaches them, it shall be spent on the poor and needy. As for the curtains, no woman is to use them except one of my<sup>-asws</sup> two daughters. However, Ali<sup>-asws</sup> may use them if he<sup>-asws</sup> wishes, as long as he<sup>-asws</sup> does not re-marry’.

وَ إِنَّ هَذَا مَا كَتَبْتُ فَاطِمَةَ فِي مَالِهَا وَ قَضَتْ فِيهِ وَ اللَّهُ شَهِيدٌ وَ الْمُقْدَادُ بْنُ الْأَسْوَدِ وَ الزُّبَيْرُ بْنُ الْعَوَّامِ وَ عَلِيٌّ بْنُ أَبِي طَالِبٍ كَتَبْتُهَا وَ لَيْسَ عَلَى عَلِيٍّ حَرَجٌ فِيمَا فَعَلَ مِنْ مَعْرُوفٍ

This is what (Syeda) Fatimah<sup>-asws</sup> wrote regarding her<sup>-asws</sup> wealth and what she<sup>-asws</sup> ruled concerning it. Allah<sup>-azwj</sup> was a Witness, and Al-Miqdad Bin Al Aswad, Al-Zubayr Bin Al-Awwam, and Ali<sup>-asws</sup> Bin Abi Talib<sup>-asws</sup> wrote it, and there isn’t any blame upon Ali<sup>-asws</sup> regarding whatever he<sup>-asws</sup> does from the acts of kindness’.

قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ قَالَ أَبِي هَذَا وَجَدْنَاهُ وَهَكَذَا وَجَدْنَا وَصِيَّتَهَا ع.

Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> said: 'My<sup>-asws</sup> father<sup>-asws</sup> said: 'This is what we<sup>-asws</sup> found, and like this we<sup>-asws</sup> found her<sup>-asws</sup> bequest to be'.<sup>706</sup>

14- عَنْ زَيْدِ بْنِ عَلِيٍّ قَالَ أَخْبَرَنِي [أَبِي] عَنِ الْحَسَنِ بْنِ عَلِيٍّ ع قَالَ: هَذِهِ وَصِيَّةُ فَاطِمَةَ بِنْتِ مُحَمَّدٍ أَوْصَتْ بِحَقِّ أَرْطِهَا [بِحَوَائِطِهَا] السَّبْعِ الْعَوَافِ وَ الدَّلَالِ وَ الْبُرْقَةِ وَ الْمَبِيرِ وَ الْحُسْنَى وَ الصَّافِيَةِ وَ مَالِ أُمِّ إِبْرَاهِيمَ إِلَى عَلِيٍّ بْنِ أَبِي طَالِبٍ ع

From Zayd son of Ali<sup>-asws</sup> (Bin Al-Husayn<sup>-asws</sup>) said, 'My father<sup>-asws</sup> informed me from Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup> having said: 'This is the bequest of (Syeda) Fatimah<sup>-asws</sup> daughter of Muhammad<sup>-saww</sup>. She<sup>-asws</sup> bequeathed the right to her<sup>-asws</sup> properties, her<sup>-asws</sup> seven gardens – Al-Awaf, Al-Dalal, Al-Burqah, Al-Mabir, Al-Husna, Al-Safiyya, and the estate of Umm Ibrahim<sup>-as</sup> (Maria<sup>-ra</sup> the Coptic) to Ali Bin Abi Talib<sup>-asws</sup>.

فَإِنْ مَضَى عَلِيٌّ فَإِلَى الْحَسَنِ بْنِ عَلِيٍّ ع وَ إِلَى أَخِيهِ الْحُسَيْنِ صَلَوَاتُ اللَّهِ عَلَيْهِ وَ إِلَى الْأَكْثَرِ فَلَاكُثْرٍ مِنْ وَلَدِ رَسُولِ اللَّهِ ص

If Ali<sup>-asws</sup> passes away, then to Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup>, and then to his<sup>-asws</sup> brother Al-Husayn<sup>-asws</sup>, and then to the eldest after the eldest from the sons<sup>-asws</sup> of Rasool-Allah<sup>-saww</sup>.

ثُمَّ إِنِّي أُوصِيكَ فِي نَفْسِي وَ هِيَ أَحَبُّ الْأَنْفُسِ إِلَيَّ بَعْدَ رَسُولِ اللَّهِ ص إِذَا أَنَا مِتُّ فَعَسَلْنِي بِيَدِكَ وَ حَيَّطْنِي وَ كَفَّنِي وَ اذْفَنِي لَيْلًا وَ لَا يَشْهَدْنِي فَلَانٌ وَ فَلَانٌ

Then Syeda<sup>-asws</sup> said: 'I<sup>-asws</sup> advise you (Ali<sup>-asws</sup>) concerning myself' - and she<sup>-asws</sup> was the most beloved of souls to me<sup>-asws</sup> after Rasool-Allah<sup>-saww</sup>, 'when I<sup>-asws</sup> die, you<sup>-asws</sup> wash me<sup>-asws</sup> with your<sup>-asws</sup> own hands, anoint me<sup>-asws</sup>, shroud me<sup>-asws</sup>, and bury me<sup>-asws</sup> at night. Let not so-and-so and so-and-so (Abu Bakr and Umar) attend me<sup>-asws</sup> (funeral).

وَ لَا زِيَادَةَ عِنْدَكَ فِي وَصِيَّتِي إِلَيْكَ وَ اسْتَوْدَعْتُكَ اللَّهُ تَعَالَى حَتَّى أَلْقَاكَ جَمَعَ اللَّهُ بَيْنِي وَ بَيْنَكَ فِي دَارِهِ وَ قُرْبِ جَوَارِهِ وَ كَتَبَ ذَلِكَ عَلَيَّ ع يَدِهِ.

And there are no additions with you<sup>-asws</sup> regarding my<sup>-asws</sup> bequest to you<sup>-asws</sup>, and I<sup>-asws</sup> entrust you<sup>-asws</sup> to Allah<sup>-azwj</sup> the Exalted until I<sup>-asws</sup> meet you<sup>-asws</sup>. May Allah<sup>-azwj</sup> Gather you<sup>-asws</sup> and me<sup>-asws</sup> in His<sup>-azwj</sup> House and in the closeness of His<sup>-azwj</sup> vicinity!' – and Ali<sup>-asws</sup> wrote that by his<sup>-asws</sup> hand'.<sup>707</sup>

15- الْهِدَايَةُ، الْوَقْفُ عَلَى ثَلَاثَةِ أَجْزَاءٍ أَحَدُهَا أَنْ يُذَكَّرَ فِيهَا الْحُجَّ وَ الثَّانِي مَا يُذَكَّرُ فِيهَا لِلْإِمَامِ وَ الثَّالِثُ مَا يُذَكَّرُ فِيهِ إِلَى أَنْ يَرِثَ اللَّهُ الْأَرْضَ وَ مَنْ عَلَيْهَا فَهَذِهِ الْوُقُوفُ مَا فِيهِ مُؤَبَّدَةٌ جَائِزَةٌ

(The book) 'Al-Hidaya' - Endowments (Waqf) are of three types. The first is that in which Hajj is mentioned; the second is that in which it is designated for the Imam<sup>-asws</sup>; and the third is

<sup>706</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 13

<sup>707</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 14

that in which it is stated, 'Until Allah<sup>-azwj</sup> Inherits the earth and whoever is on it. These types of endowments, which are perpetual, are allowed.

وَكُلُّ مَنْ وَقَفَ إِلَى غَيْرِ وَقْتٍ مَعْلُومٍ فَهُوَ غَيْرُ جَائِزٍ مَرْدُودٌ عَلَى الْوَرَثَةِ وَ لِلرَّجُلِ أَنْ يَرْجِعَ فِي الْوَقْفِ مَا لَمْ يَمُضِ مِنْهُ وَ كَذَلِكَ فِي الصَّدَقَةِ وَ الْهَبَةِ وَ لَهُ أَنْ يَرْجِعَ فِي وَصِيَّتِهِ مَتَى شَاءَ إِلَى أَنْ يَمُوتَ.

But whoever makes an endowment without specifying a known time, it is invalid and is to be returned to the heirs. A person may revoke an endowment so long as it has not yet been delivered, and the same applies to charity and gifts. He may also revoke his will whenever he wishes, up until he dies'.<sup>708</sup>

باب 51 الحبس و السكنى و العمرى و الرقي

## CHAPTER 51 – THE RETENTION, AND THE RESIDENCE, AND THE LIFETIME GIFT AND THE CONDITIONAL GIFTS

1- مع، معاني الأخبار أبي عن سعد بن ابن عيسى عن محمد البرقي عن ابن المغيرة عن عبد الرحمن الجعفي قال: كنت أختلِفُ إلى ابن أبي ليلى في موارِيثَ وَ كَانَ يُدَاغِنِي فَلَمَّا طَالَ ذَلِكَ عَلَيَّ شَكْوَتُهُ إِلَى جَعْفَرِ بْنِ مُحَمَّدٍ ع فَقَالَ أَوْ مَا عَلِمَ أَنَّ رَسُولَ اللَّهِ ص أَمَرَ بِرَدِّ الْحَبْسِ وَ إِنْفَادِ الْمَوَارِيثِ

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Isa, from Muhammad Al Barqy, from Ibn Al Mugheira, from Abdul Rahman Al Jufy who said,

'I used to interchange with Ibn Abu Layli regarding inheritances, and he kept avoiding me. When that prolonged upon me, I complained to Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>. He<sup>-asws</sup> said: 'And does he not know that Rasool-Allah<sup>-saww</sup> had ordered with returning the withheld and implementation of the inheritances?'

قَالَ فَأَتَيْتُهُ فَفَعَلَ كَمَا كَانَ يَفْعَلُ فَمُلْتُ لَهُ إِلَيَّ شَكْوَتَكَ إِلَى جَعْفَرِ بْنِ مُحَمَّدٍ ع

He (the narrator) said, 'I came to him and he did just as he had done before. I said to him, 'I complained of you to Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>!'

فَقَالَ لِي كَيْتَ وَ كَيْتَ فَحَلَفَنِي ابْنُ أَبِي لَيْلَى أَنَّهُ قَالَ ذَلِكَ فَحَلَفْتُ لَهُ فَقَضَى لِي بِذَلِكَ.

He said such and such to me. Ibn Abu Layli swore an oath that he had said that. I swore on oath to him, so he had to judge for me with that".<sup>709</sup>

2- مع، معاني الأخبار أبي عن أحمد بن إدريس عن الأشعري عن عبد الله بن أحمد الرازي عن بكر بن صالح عن ابن أبي عمير عن ابن عبيدة البصري قال: كنت شاهداً بين أبي ليلى و قضى في رجل جعل لبعض قرائبه علة دار و لم يؤقت لهم وقتاً فمات الرجل فحضر ورثته ابن أبي ليلى و حضر قريبه الذي جعل له الدار

<sup>708</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 15

<sup>709</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 51 H 1

(The book) 'Ma'any Al Akhbaar' – My father, from Ahmad Bin Idrees, from Al Ash'ari, from Abdullah Bin Ahmad Al Razy, from Bakr Bin Salih, from Ibn Abu Umeyr, from Ibn Uyayna Al Basry who said,

'I was attending (court of) Ibn Abu Layli and he judged regarding a man who had made the yield of a house to be for one of his relatives and did not time it for them a time (period). The man died, and his inheritors presented to Ibn Abu Layli, and his relative presented, the one for whom the house was made to be.

فَقَالَ ابْنُ أَبِي لَيْلَى أَرَى أَنْ أَدْعَهَا عَلَى مَا تَرَكَهَا صَاحِبُهَا

Ibn Abu Layli said, 'I view that it should be left as its owner had left it!'

فَقَالَ لَهُ مُحَمَّدُ بْنُ مُسْلِمٍ التَّقْنِي أَمَا إِنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ صَلَوَاتُ اللَّهِ عَلَيْهِ قَضَى فِي هَذَا الْمَسْجِدِ بِخِلَافِ مَا قَضَيْتَ

Muhammad Bin Muslim Al-Saqafy said to him, 'But surely, Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, had judged regarding this Masjid, opposite to what you have judged!'

قَالَ وَ مَا عِلْمُكَ

He said, 'And made you know?'

قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ قَضَى عَلِيُّ بْنُ أَبِي طَالِبٍ ع بِرَدِّ الْحَبْسِ وَ إِنْقَاذِ الْمَوَارِيثِ

He said, 'I heard Abu Ja'far<sup>-asws</sup> saying Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> had judged with returning the withheld and implementation of the inheritances'.

فَقَالَ ابْنُ أَبِي لَيْلَى هُوَ عِنْدَكَ فِي كِتَابٍ

Ibn Abu Layli said, 'Is it with you in a book?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَأَرْسِلْ إِلَيْهِ فَأَتِنِي بِهِ

He said, 'Send for it and come to me with it!'

فَقَالَ مُحَمَّدُ بْنُ مُسْلِمٍ عَلَى أَنْ لَا تَنْظُرَ فِي الْكِتَابِ إِلَّا فِي ذَلِكَ الْحَدِيثِ

Muhammad Bin Muslim said, 'Do not look into that book except regarding that Hadeeth!'

قَالَ لَكَ ذَلِكَ

He said, 'That is for you'.

قَالَ فَأَرَاهُ الْحَدِيثَ عَنْ أَبِي جَعْفَرٍ ع فِي الْكِتَابِ فَرَدَّ قَضِيَّتَهُ وَ الْحَبْسُ هُوَ كُلُّ وَفْقٍ إِلَى وَقْتٍ غَيْرِ مَعْلُومٍ هُوَ مَرْذُودٌ عَلَى الْوَرْتَةِ.

He (the narrator) said, 'He showed him the Hadeeth from Abu Ja'far<sup>asws</sup> in the book. He retracted his judgment; and the retention, it is every designated (Waqf) up to an unknown time is to be returned to the inheritors.<sup>710</sup>

3- ب، قرب الإسناد أبو البختري عن الصادق ع عن أبيه عن علي ع قال: إِنَّ السُّكُنَى بِمَثَلِ الْعَارِيَةِ إِنْ أَحَبَّ صَاحِبُهَا أَنْ يَأْخُذَهَا أَخَذَهَا وَ إِنْ أَحَبَّ أَنْ يَدَعَهَا فَعَلَّ أَيُّ ذَلِكَ شَاءَ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtary,

'From Al-Sadiq<sup>asws</sup>, from his<sup>asws</sup> father<sup>asws</sup>, from Ali<sup>asws</sup> having said: 'Residence is like a lent item; if its owner wishes to take it back, he may take it, and if he wishes to leave it, he may do so, he may choose either as he desires to.<sup>711</sup>

[باب 52 الهبة](#)

## CHAPTER 52 – THE GIFTS

1- مع، معاني الأخبار أبي عن سعد عن ابن يزيد عن ابن أبي عمير عن أبي المغراء عن أبي بصير عن أبي جعفر ع قال: الْهِبَةُ جَائِزَةٌ قُبِضَتْ أَوْ لَمْ تُقْبَضْ قُسِمَتْ أَوْ لَمْ تُقَسَمْ وَ إِنَّمَا أَرَادَ النَّاسُ التَّحْلُفَ فَأَخْطَفُوا وَ التَّحْلُفُ لَا تَجُوزُ حَتَّى تُقْبَضَ.

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Abu Al Magra'a, from Abu Baseer,

'Abu Ja'far<sup>asws</sup> having said: 'The gifting is valid, whether it is received or not, distributed or not distributed, and rather the people want the grant. But, they are mistaken, and the grant is not valid until it is received'.<sup>712</sup>

2- شي، تفسير العياشي عن علي بن رباب عن زُرارة قال: لَا تَرْجِعِ الْمَرْأَةُ فِيمَا تَهَبُ لِزَوْجِهَا حَيْثُ أَوْ لَمْ تُخْزَأَ لَيْسَ اللَّهُ يَقُولُ فَإِنْ طِبَنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا.

(The book) 'Tafseer Al Ayyashi' – From Ali Bin Riab, from Zurara who said,

'The wife cannot retract what she gifts to her husband, whether received or not. Isn't Allah<sup>azwj</sup> Saying: **but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4]**'.<sup>713</sup>

<sup>710</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 51 H 2

<sup>711</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 51 H 3

<sup>712</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 1

<sup>713</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 2

3- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا يَنْبَغِي لِمَنْ أَعْطَى اللَّهَ شَيْئاً أَنْ يَرْجِعَ فِيهِ وَ مَا لَمْ يُعْطِ اللَّهَ وَ فِي اللَّهِ فَلَهُ أَنْ يَرْجِعَ فِيهِ خِلَّةً كَانَتْ أَوْ هِبَةً حِيزَتْ أَوْ لَمْ تُحْزَرْ

(The book) 'Tafseer Al Ayyashi' – From Zurara,

'From Abu Ja'far<sup>-asws</sup> having said: 'It is not befitting for the one who grants something for Allah<sup>-azwj</sup> that he retracts in it, and what has not been Given for Allah<sup>-azwj</sup> and for the Sake of Allah<sup>-azwj</sup>, for him is (the option to) retract in it, whether it was a grant or a gift, received or not.

وَ لَا يَرْجِعُ الرَّجُلُ فِيمَا يَهَبُ لِامْرَأَتِهِ وَ لَا الْمَرْأَةُ فِي مَا تَهَبُ لِزَوْجِهَا حِيزَتْ أَوْ لَمْ تُحْزَرْ أَلَيْسَ اللَّهُ يَقُولُ فَلَا تَأْخُذُوا بِمَا آتَيْتُمُوهُمْ شَيْئاً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْساً فَكُلُوهُ هَنِيئاً مَرِيئاً.

And the man cannot retract regarding he had gifted to his wife, nor can the wife regarding what she gifts to her husband, received or not received. Isn't Allah<sup>-azwj</sup> Saying not to take from whatever you give them of anything, **but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4]**'.<sup>714</sup>

4- عِدَّةُ الدَّاعِي، قَالَ الصَّادِقُ ع مَنْ تَصَدَّقَ بِصَدَقَةٍ ثُمَّ رُدَّتْ فَلَا يَبِيعُهَا وَ لَا يَأْكُلُهَا لِأَنَّهُ لَا شَرِيكَ لَهُ فِي شَيْءٍ بِمَا جُعِلَ لَهُ إِنَّمَا هِيَ بِمَنْزِلَةِ الْعَتَاقَةِ لَا يَصْلُحُ لَهُ رُدُّهَا بَعْدَ مَا يُعْتِقُ.

(The book) 'Uddat Al Daie' –

'Al-Sadiq<sup>-asws</sup> said: 'Whoever donates a charity, then it is returned, he should neither sell it nor consume it, because there is no associate for Him<sup>-azwj</sup> regarding anything from what is Made to be for Him<sup>-azwj</sup>. But rather it is at the status of the liberated slave. It is not correct for him to retract after having liberated.'<sup>715</sup>

5- وَ عَنْهُ ع فِي الرَّجُلِ يَخْرُجُ بِالصَّدَقَةِ لِيُعْطِيَهَا السَّائِلَ فَيَجِدُهُ قَدْ ذَهَبَ قَالَ فَلْيُعْطِهَا غَيْرَهُ وَ لَا يَرُدُّهَا فِي مَالِهِ.

And from him<sup>-asws</sup> regarding the man extracting the charity in order to give it to the beggar. He finds him to have gone. He<sup>-asws</sup> said: 'Let him give it to another and not return it into his wealth''.<sup>716</sup>

6- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدٍ بْنِ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْمِهِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Ash'as,

<sup>714</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 3

<sup>715</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 4

<sup>716</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 4

'From Musa Bin Ismail, son of Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who takes back a gift is like the one retracting his own vomit''.<sup>717</sup>

باب 4 السبق و الرماية و أنواع الرهان

## CHAPTER 53 – THE RACING, AND THE ARCHERY, AND TYPES OF GAMBLING

1- لي، الأماالي للصدوق ابن المَتَوَكِّل عَنِ السَّعْدِ أَبَا دِي عَنِ الْبَرْقِيِّ عَنِ أَبِيهِ عَنْ فَضَالَةَ عَنْ زَيْدِ الشَّحَامِ عَنِ الصَّادِقِ عَنْ آبَائِهِ ع قَالَ: دَخَلَ النَّبِيُّ ص دَاتِ لَيْلَةٍ بَيْتَ فَاطِمَةَ ع وَ مَعَهُ الْحَسَنُ وَ الْحُسَيْنُ ع فَقَالَ لهُمَا النَّبِيُّ ص قُومَا فَاصْطَرِعَا

(The book) 'Al Amaali' of Al-Sadiq<sup>-asws</sup> – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from his father, from Fazala, from Zayd Al Shaham,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'One night the Prophet<sup>-saww</sup> entered the house of (Syeda) Fatima<sup>-asws</sup> and with him<sup>-saww</sup> were Al-Hassan<sup>-asws</sup> and Al-Husayn<sup>-asws</sup>. The Prophet<sup>-saww</sup> said to them<sup>-asws</sup>: 'Stand up and wrestle!'

فَقَامَا لِيَصْطَرِعَا وَ قَدْ خَرَجَتْ فَاطِمَةُ صَلَوَاتُ اللَّهِ عَلَيْهَا فِي بَعْضِ خِدْمَتِهَا فَدَخَلَتْ فَسَمِعَتْ النَّبِيَّ ص وَ هُوَ يَقُولُ إِيهِن [إِيهًا] يَا حَسَنُ شُدَّ عَلَى الْحُسَيْنِ فَاصْرَعُهُ

They<sup>-asws</sup> stood up to wrestle, and (Syeda) Fatima<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon her<sup>-asws</sup>, came out regarding one of her<sup>-asws</sup> tasks. She<sup>-asws</sup> heard the Prophet<sup>-saww</sup> and he<sup>-saww</sup> was saying: 'Go on Hassan<sup>-asws</sup>! Press upon Al-Husayn<sup>-asws</sup> and knock him<sup>-asws</sup> down!'

فَقَالَتْ لَهُ يَا أَبَتُ وَ عَجَبًا أَ تُشَجِّعُ هَذَا عَلَى هَذَا تُشَجِّعُ الْكَبِيرَ عَلَى الصَّغِيرِ

Syeda<sup>-asws</sup> said to him<sup>-saww</sup>: 'O father<sup>-saww</sup>! Oh how strange! You<sup>-saww</sup> are emboldening this one over this one? You<sup>-saww</sup> are emboldening the older over the younger?'

فَقَالَ لَهَا يَا بِنْتِي أَمَا تَرْضَيْنِ أَنْ أَقُولَ أَنَا يَا حَسَنُ شُدَّ عَلَى الْحُسَيْنِ فَاصْرَعُهُ وَ هَذَا حَبِيبِي جَبْرِئِيلُ ع يَقُولُ يَا حُسَيْنُ شُدَّ عَلَى الْحَسَنِ فَاصْرَعُهُ.

He<sup>-saww</sup> said to her<sup>-asws</sup>: 'O daughter<sup>-asws</sup>! Are you<sup>-asws</sup> not pleased that I<sup>-saww</sup> am saying: 'Go on, O Hassan<sup>-asws</sup>! Press upon Al-Husayn<sup>-asws</sup> and knock him<sup>-asws</sup> down!', while this here is my<sup>-saww</sup> beloved Jibraeel<sup>-as</sup> saying: 'O Husayn<sup>-asws</sup>! Press upon Al-Hassan<sup>-asws</sup>, and knock him<sup>-asws</sup> down!''<sup>718</sup>

2- فس، تفسير القمي وَ أَنْ تَسْتَفْسِمُوا بِالْأُزْلَامِ ذَلِكَمُ فِسْقٌ قَالَ كَانُوا يَغْمِدُونَ إِلَى الْجُرُورِ فَيَجْرَهُ وَهُوَ عَشْرَةُ أَجْزَاءٍ ثُمَّ يَجْتَمِعُونَ عَلَيْهِ فَيَخْرِجُونَ السِّهَامَ وَ يَدْفَعُونَهَا إِلَى رَجُلٍ وَ السِّهَامُ عَشْرَةُ سَبْعَةٍ لَهَا أَنْصِبَاءُ وَ ثَلَاثَةٌ لَا أَنْصِبَاءَ لَهَا

(The book) 'Tafseer Al Qummi' –

<sup>717</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 5

<sup>718</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 1



**‘And that which you are apportioning with the arrows, that is a transgression [5:3]** – He said: ‘They take a camel and divide it into ten parts. Then they would gather around it and draw lots, giving the arrows to a man. The arrows were ten in total, seven of them had shares and three had no shares.

فَأَتَى لَهَا أَنْصِبَاءُ الْفَدَى وَالتَّوَأْمُ وَالمُسْبِلُ وَ النَّافِيسُ وَ الْحِلْسُ وَ الرَّقِيبُ وَ الْمُعَلَّى فَأَلْقَدُ لَهُ سَهْمٌ وَ التَّوَأْمُ لَهُ سَهْمَانِ وَ الْمُسْبِلُ لَهُ ثَلَاثَةُ أَشْهُمٍ وَ النَّافِيسُ لَهُ أَرْبَعَةُ أَشْهُمٍ وَ الْحِلْسُ لَهُ خَمْسَةُ أَشْهُمٍ وَ الرَّقِيبُ لَهُ سِتَّةُ أَشْهُمٍ وَ الْمُعَلَّى لَهُ سَبْعَةُ أَشْهُمٍ

Those which having a share for these were – Al-Faz, and Al-Tawwam, and Al-Musbil, and Al-Nafis, and Al-Hils, and Al-Raqeeb, and Al-Moalla. For Al-Faz had one share for it, and Al-Tawwan had two shares for it, and Al-Musbil had three shares for it, and the Nafis had four shares for it, and Al-Hils had five shares for it, and Al-Raqeeb had six shares for it, and Al-Moalla had seven shares for it.

وَ الَّتِي لَا أَنْصِبَاءَ لَهَا السَّفِيحُ وَ الْمَنِيخُ وَ الْوَعْدُ وَ تَمَنُ الْجُرُورِ عَلَى مَا لَمْ يُخْرَجْ لَهُ الْأَنْصِبَاءُ شَيْئاً وَ هُوَ الْقِمَارُ فَحَرَّمَهُ اللَّهُ عَزَّ وَ جَلَّ.

And those which had no share for them – Al-Safeeh, and Al-Maneeh, and Al-Wagd. And the price of the camel would fall upon the one a share did not come out for, and it is the gambling, so Allah<sup>-azwj</sup> Mighty and Majestic Prohibited it”.<sup>719</sup>

3- فس، تفسير القمي فِي رَوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ قَالَ: أَمَّا الْمَيْسِرُ فَالتَّرْدُ وَ الشَّطْرُنْجُ وَ كُلُّ قِمَارٍ مَيْسِرٌ وَ أَمَّا الْأَنْصَابُ فَالْأَوْثَانُ الَّتِي كَانَتْ تَعْبُدُهَا الْمُشْرِكُونَ وَ أَمَّا الْأَزْلَامُ فَالْقِدَاحُ الَّتِي كَانَتْ تَسْتَقْسِمُ بِهَا مُشْرِكُو الْعَرَبِ فِي الْجَاهِلِيَّةِ

(The book) ‘Tafseer Al Qummi’ – In a report of Abu Al Jaroud,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘As for He said: As for Al-Maysir (games of chance), it refers to dice and chess, and every form of gambling is ‘Maysir’. As for ‘Al-Anasaab’, they are the idols that the Polytheists used to worship. And as for Al-Azlaam, they are the arrows with which the Polytheistic Arabs in the pre-Islamic era used to seek decisions.

كُلُّ هَذَا بَيْعُهُ وَ شِرَاؤُهُ وَ الْإِنْتِفَاعُ بِشَيْءٍ مِنْ هَذَا حَرَامٌ مِنَ اللَّهِ مُحَرَّمٌ وَ هُوَ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ وَ قَرَنَ اللَّهُ الْحَمْرَ وَ الْمَيْسِرَ مَعَ الْأَوْثَانِ.

All of this, its buying, selling, and benefiting from it in any way is forbidden by Allah<sup>-azwj</sup>, Prohibited, and it is filth from the work of Satan<sup>-la</sup>. Allah<sup>-azwj</sup> has Mentioned wine and gambling alongside the idols”.<sup>720</sup>

4- ب، قرب الإسناد ابْنُ طَرِيفٍ عَنْ ابْنِ غُلَوَانَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ رَسُولَ اللَّهِ ص سَابَقَ بَيْنَ الْخَيْلِ وَ أُعْطِيَ السَّوَابِقَ مِنْ عِنْدِهِ.

(The book) ‘Qurb Al Isnaad’ – Ibn Tareyf, from Ibn Ulwan,

<sup>719</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 2

<sup>720</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 3

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Rasool-Allah<sup>-saww</sup> raced the horses, and gave (prizes to) the racers from his<sup>-saww</sup> own possessions''.<sup>721</sup>

5- ب، قرب الإسناد بهذا الإسناد قال قال رسول الله ص لا سبق إلا في خافر أو نصل أو حفر.

(The book) 'Qurb Al Isnaad' –

He said, 'Rasool-Allah<sup>-saww</sup> said: 'There is no racing except regarding a hooved-one (horses) or arrows, or padded hooves (camels)!''<sup>722</sup>

6- ب، قرب الإسناد أبو البخاري عن الصادق ع عن أبيه عن جدّه ع أنّ النبي ص أجرى الخيل و جعل فيها سبع أواق من فضة و أنّ النبي ص أجرى الإبل مقلّة من ثبوك فسبقت العصابة و عليها أسامة فجعل الناس يقولون سبق رسول الله ص و رسول الله يقول سبق أسامة.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup>: 'The Prophet<sup>-saww</sup> held horse races and set a prize of seven ounces of silver. He<sup>-saww</sup> also held camel races as they were returning from Tabuk, and the camel Al-Azba won, with Usama riding it. The people went on to say, 'Rasool-Allah<sup>-saww</sup> won!', and Rasool-Allah<sup>-saww</sup> said: 'Usama won!''<sup>723</sup>

7- مع، معاني الأخبار أبي عن سعد عن ابن أبي الخطاب عن جعفر بن بشير عن غياث قال سمعت أبا عبد الله ع يقول لا جنب و لا جلب و لا شغار في الإسلام

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Ja'far Bin Bashir, from Giyas who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'I heard Abu Abdullah<sup>-asws</sup> say: There is neither 'Janab', nor 'Jalab', nor 'Shighar' in Al-Islam!'

قال الجلب الذي يجلب مع الخيل يزكض معها و الجنب الذي يقوم في أعراض الخيل فيصيح بها و الشغار كان يزوج في الجاهلية ابنته بأخته.

He<sup>-asws</sup> explained: *Jalab* is when someone runs alongside the horses to urge them on. *Janab* is when someone stands to the side of the horses and shouts at them. *Shighar* was a practice in the pre-Islamic era where a man would marry off his daughter in exchange for marrying another man's sister''.<sup>724</sup>

8- ضا، فقه الرضا عليه السلام إياك و الصرّة بالصوّجان فإن الشيطان يزكض معك و الملائكة تنفر عنك و من عثر دابته فمات دخل النار.

<sup>721</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 4

<sup>722</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 5

<sup>723</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 6

<sup>724</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 7

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>: 'Beware of striking with the polo stick, for Satan<sup>-la</sup> runs with you, and the Angels flee from you. And whoever's mount stumbles and he dies, he enters the Fire'.<sup>725</sup>

9- سن، المحاسن أبي عن ابن المغيرة و محمد بن سنان عن طلحة بن زيد عن أبي عبد الله عن أبيه ع أنه كره إحصاء الدواب و التحريش بينهما.

(The book) 'Al Mahasin' – My father, from Ibn Al Mugheira and Muhammad Bin Sinan, from Talha Bin Zayd,

'From Abu Abdullah<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, he<sup>-asws</sup> disliked castrating the animals and inciting between them'.<sup>726</sup>

10- سن، المحاسن علي بن الحكم عن أبان بن عثمان عن أبي العباس عن أبي عبد الله ع قال: سألتُهُ عن البهائم فقال كُلُّهُ مَكْرُوهٌ إِلَّا الْكِلَابَ.

(The book) 'Al Mahasin' – Ali Bin Al Hakam, from Aban Bin Usman, from Abu Al Abbas,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the inciting between the animals. He<sup>-asws</sup> said: 'All of it is dislike except the dogs'.<sup>727</sup>

11- شي، تفسير العياشي عن محمد بن عيسى عن ذكره عن أبي عبد الله ع في قول الله تعالى و أعدوا لهم ما استطعتم من قوة قال سيف و ثرس.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Isa, from the one who mentioned it,

'From Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> the Exalted: **And prepare for them whatever force you are able to [8:60]**. He<sup>-asws</sup> said: 'Sword and shield'.<sup>728</sup>

12- شي، تفسير العياشي عن عبد الله بن المغيرة رفعه قال قال رسول الله ص في قوله تعالى و أعدوا لهم ما استطعتم من قوة قال الرمي.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Al Mugheira raising it, said,

'Rasool-Allah<sup>-saww</sup> said regarding Words of the Exalted: **And prepare for them whatever force you are able to [8:60]**. He<sup>-saww</sup> said: 'The arrows'.<sup>729</sup>

13- ين، كتاب حسين بن سعيد و النوادر بعض أصحابنا عن علي بن شجرة عن عمه بشير النبال عن أبي عبد الله ع قال: قدِمَ أَعْرَابِيٌّ النَّبِيَّ ص فَقَالَ يَا رَسُولَ اللَّهِ تُسَابِقُنِي بِنَافَتِكَ هَذِهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – One of our companions, from Ali Bin Shajarah, from his uncle Bashir Al Nabbal,

<sup>725</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 8

<sup>726</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 9

<sup>727</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 10

<sup>728</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 11

<sup>729</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 12

'From Abu Abdullah<sup>-asws</sup> having said: 'A Bedouin came to the Prophet<sup>-saww</sup>. He said, 'O Rasool-Allah<sup>-saww</sup>! Will you<sup>-saww</sup> race me with this she-camel of yours?'

قَالَ فَسَابِقْهُ فَسَبَقَهُ الْأَعْرَابِيُّ فَقَالَ رَسُولُ اللَّهِ ص إِنَّكُمْ رَفَعْتُمُوهَا فَأَحَبَّ اللَّهُ أَنْ يَضَعَهَا إِنَّ الْجِبَالَ تَطَاوَلَتْ لِسَفِينَةِ نُوحٍ ع وَكَانَ الْجُودِيَّ أَشَدَّ تَوَاضَعًا فَخَطَّ اللَّهُ بِهَا عَلَى الْجُودِيَّ.

He<sup>-asws</sup> said: 'The Bedouin raced him<sup>-saww</sup>, and he<sup>-saww</sup> won. Rasool-Allah<sup>-saww</sup> said: 'You raised it, so Allah<sup>-azwj</sup> Wanted to lower it. The mountains competed in height for the Ark of Noah<sup>-as</sup>, but Mount Judi was the most humble, so Allah<sup>-azwj</sup> Brought it to rest upon Mount Judi''.<sup>730</sup>

14- كِتَابُ الْمَسَائِلِ، لِعَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى ع قَالَ: سَأَلْتُهُ عَنِ الْمُحَرِّمِ هَلْ يَصْلُحُ لَهُ أَنْ يُصَارَعَ

(The book) 'Kitab Al-Masaail' of Ali son of Ja'far<sup>-asws</sup>, from his brother Musa<sup>-asws</sup>, he said, 'I asked him<sup>-asws</sup> about the one in Ihraam (of Hajj), 'Is it correct for him to wrestle?'

قَالَ لَا يَصْلُحُ خَافَهُ أَنْ يُصِيبَهُ جَرْحٌ أَوْ يَنْقَعُ بَعْضُ شَعْرِهِ.

He<sup>-asws</sup> said: 'It is not correct, fearing that an injury might hit him or some of his hair might fall out''.<sup>731</sup>

15- كِتَابُ زَيْدِ النَّرْسِيِّ، قَالَ سَمِعْتُهُ يَقُولُ إِيَّاكُمْ وَ مُجَالَسَةِ اللَّعَّانِ فَإِنَّ الْمَلَائِكَةَ تَنْفِرُ عِنْدَ اللَّعَّانِ وَ كَذَلِكَ تَنْفِرُ عِنْدَ الرَّهَّانِ وَ إِيَّاكُمْ وَ الرَّهَّانِ إِلَّا رِهَّانَ الْحُفِّ وَ الْخَافِرِ وَ الرَّيْشِ فَإِنَّهُ تَحْضُرُهُ الْمَلَائِكَةُ

The book of Zayd Al Narsy who said,

'I heard him<sup>-asws</sup> saying: 'Beware of sitting with those who curse frequently, for indeed the Angels withdraw when cursing occurs, and likewise they withdraw when there is gambling! Beware of gambling, except for gambling on camels' hooves, horses' hooves, and arrows (i.e., races or competitions involving these), for the Angels attend those.

فَإِذَا سَمِعْتَ اثْنَيْنِ يَتَلَاَعَنَانِ فَقُلِ اللَّهُمَّ بَدِيعَ السَّمَاوَاتِ وَ الْأَرْضِ صَلِّ عَلَى مُحَمَّدٍ وَ عَلَى آلِ مُحَمَّدٍ وَ لَا تَجْعَلَ ذَلِكَ إِلَيْنَا وَاصِلًا وَ لَا تَجْعَلَ لِلْعَيْنِكَ وَ سَخَطِكَ وَ نَقِمَتِكَ إِلَى وَلِيِّ الْإِسْلَامِ وَ أَهْلِهِ مَسَاقًا

And if you hear two people cursing each other, say, 'O Allah<sup>-azwj</sup>, Originator of the skies and the earth! Send Salawaat upon Muhammad<sup>-saww</sup> and the Progeny<sup>-asws</sup> of Muhammad<sup>-saww</sup>, and do not Place that upon us nor make Your<sup>-azwj</sup> Curse, Wrath, or Punishment reach the guardian<sup>-asws</sup> of Islam and its people!

اللَّهُمَّ قَدِّسِ الْإِسْلَامَ وَ أَهْلَهُ تَقْدِيسًا لَا يُسَبِّحُ إِلَيْهِ سَخَطُكَ وَ اجْعَلْ لَعْنَتَكَ عَلَى الظَّالِمِينَ الَّذِينَ ظَلَمُوا أَهْلَ دِينِكَ وَ حَارَبُوا رَسُولَكَ وَ وَلِيَّكَ وَ أَعَزَّ الْإِسْلَامَ وَ أَهْلَهُ وَ زَيَّنَّهُمْ بِالتَّقْوَى وَ جَنَّبَهُمُ الرَّذَى.

<sup>730</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 13

<sup>731</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 14

O Allah<sup>-azwj</sup>! Sanctify Islam and its people with a sanctification that Your<sup>-azwj</sup> Wrath cannot reach, and Place Your<sup>-azwj</sup> Curse upon the wrongdoers who wronged the people of Your<sup>-azwj</sup> religion, fought Your<sup>-azwj</sup> Rasool<sup>-saww</sup> and Your<sup>-azwj</sup> guardian<sup>-asws</sup>. Strengthen Islam and its people, Adorn them with piety, and Protect them from the regress!"<sup>732</sup>

16- بِشَارَةُ الْمُصْطَفَى، قَالَ حَدَّثَنَا الشَّيْخُ الْعَالِمُ أَبُو إِسْحَاقَ إِسْمَاعِيلُ بْنُ أَبِي الْقَاسِمِ بْنِ أَحْمَدَ الدَّيْلَمِيُّ عَنْ أَبِي إِسْحَاقَ إِبْرَاهِيمَ بْنِ بُنْدَارٍ الصَّبْرِيِّ عَنِ الْقَاضِي أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيِّ الْجُبَلِيِّ عَنِ السَّيِّدِ أَبِي طَالِبٍ الْحُسَيْنِيِّ عَنْ أَبِي مَنْصُورٍ مُحَمَّدٍ الدَّيْنَوَرِيِّ عَنْ أَبِي شَاكِرٍ بْنِ الْبُخَيْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ الْعَبَّاسِ الصَّيِّغِيِّ عَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ عَبْدِ اللَّهِ بْنِ الْوَسِيمِ عَنْ أَبِي رَافِعٍ قَالَ:

(The book) 'Bashaarat Al Mustafa<sup>-saww</sup> - It was narrated to us by the Shekh, the scholar Abu Is'haq Ismail Bin Abu Al Qasim Bin Ahmad Al Daylami, in his house, by dictation in the locality of the Helper of the Truth, during Rabbi Al Awwal of the year five hundred and twenty, from his words, from Abu Is'haq Ibrahim Bin Bundar Al Sayrafi, from the judge Abu Ja'far Muhammad Bin Ali Al Jabaly, from Al Seyyid, the imam Abu Talib Al-Husayni, from Abu Mansour Muhammad Bin Al Deynawary, from Ali Bin Shakir Bi Al Bakhtary, from Abdullah Bin Mohammad Bin Al Abbas Al Zabby, from Yahya Bin Saeed Al Qattan, from Ubeydullah Bin Al Waseem, from Abu Rafi'u who said,

كُنْتُ أَلْعِبُ الْحَسَنَ بْنَ عَلِيٍّ صَلَوَاتُ اللَّهِ عَلَيْهِ وَهُوَ صَبِيٌّ بِالْمَدَاحِي فَإِذَا أَصَابَتْ مِدْحَاتِي مِدْحَاتُهُ قُلْتُ احْمِلْنِي

I was playing with Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup>, and he<sup>-asws</sup> was a child, with Al-Madahy (a toy). So, when my toy hit his<sup>-asws</sup> toy, I said, 'You<sup>-asws</sup> have to carry me'.

فَيَقُولُ وَيَحْكُ أَ تَرْكَبُ ظَهْرًا حَمَلَهُ رَسُولُ اللَّهِ ص

He<sup>-asws</sup> said: 'Will you ride upon a back which Rasool-Allah<sup>-saww</sup> carried?'

فَأَنْتَزَعَهُ فَإِذَا أَصَابَتْ مِدْحَاتُهُ مِدْحَاتِي قُلْتُ لَهُ لَا اَحْمِلُكَ كَمَا لَمْ تَحْمِلْنِي

I left him<sup>-asws</sup>. And when his<sup>-asws</sup> toy hit my toy, I said, to him<sup>-asws</sup>, 'I will not carry you<sup>-asws</sup> just as you<sup>-asws</sup> did not carry me'.

فَيَقُولُ أَوْ مَا تَرْضَى أَنْ تَحْمِلَ بَدَنًا حَمَلَهُ رَسُولُ اللَّهِ ص فَأَحْمِلُهُ.

He<sup>-asws</sup> said: 'Or are you not pleased that you carry a body which Rasool-Allah<sup>-saww</sup> carried?' So I carried him<sup>-asws</sup>'.<sup>733</sup>

باب 54 فضل الوصية و آدابها و قبول الوصية و لزومها

## CHAPTER 54 – THE MERITS OF MAKING A WILL, AND ITS METHOD, AND ACCEPTANCE OF THE WILL AND ITS BINDING

<sup>732</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 15

<sup>733</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 16

1- تم، فلاح السائل بإسنادنا إلى التلعكبري عن الجلودي عن أحمد بن عمار بن خالد بن زكريا بن يحيى الساجي عن مالك بن خالد الأسدي عن الحسن بن إبراهيم بن عبد الله بن حسن بن أبي عبد الله جعفر بن محمد ع عن أبيه قال قال رسول الله ص من لم يحسن الوصية عند موته كان نقصاً في عقله و مروته

(The book) 'Falah Al Saail' – By our chain to Al Talukbari, from Al Jaloudi, from Ahmad Bin Ammar Bin Khalid, from Zakaria Bin Yahya Al Saji, from Malik Bin Khalid Al Asady, from Al-Hassan Bin Ibrahim Bin Abdullah Bin Hassan Bin Hassan,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who does not make good (through leaving a) will at his death would be deficient in his intellect and his chivalry'.

قَالُوا يَا رَسُولَ اللَّهِ وَ كَيْفَ الْوَصِيَّةُ

They said, 'O Rasool-Allah<sup>-saww</sup>, and how is the will (done)?'

قَالَ إِذَا حَضَرْتَهُ الْوَفَاةُ وَ اجْتَمَعَ النَّاسُ إِلَيْهِ قَالَ اللَّهُمَّ فَاطِرَ السَّمَاوَاتِ وَ الْأَرْضِ عَالِمِ الْغَيْبِ وَ الشَّهَادَةِ الرَّحْمَنُ الرَّحِيمُ إِنِّي أَغْهَدُ إِلَيْكَ أَنِّي أَشْهَدُ أَنَّ لَا إِلَهَ إِلَّا أَنْتَ وَحْدَكَ لَا شَرِيكَ لَكَ وَ أَنَّ مُحَمَّدًا عَبْدُكَ وَ رَسُولُكَ وَ أَنَّ السَّاعَةَ آتِيَةٌ لَا رَيْبَ فِيهَا

He<sup>-saww</sup> said: 'When the expiry presents to him and the people gather to him, he said, 'O Allah<sup>-azwj</sup>, Originator of the skies and the earth, Knower of the unseen and the seen, the Beneficent, the Merciful! I pact to You<sup>-azwj</sup> that I testify there is no god except You<sup>-azwj</sup> Alone, there is no associate for You<sup>-azwj</sup>, and Muhammad<sup>-saww</sup> is Your<sup>-azwj</sup> servant and Your<sup>-azwj</sup> Rasool<sup>-saww</sup>, and the Hour is coming, there is no doubt in it!

وَ أَنَّكَ تَبْعُثُ مَنْ فِي الْقُبُورِ وَ أَنَّ الْحِسَابَ حَقٌّ وَ أَنَّ الْجَنَّةَ حَقٌّ وَ مَا وَعَدَ اللَّهُ فِيهَا مِنَ النَّعِيمِ وَ مِنَ الْمَأْكَلِ وَ الْمَشْرَبِ وَ النِّكَاحِ حَقٌّ وَ أَنَّ النَّارَ حَقٌّ وَ أَنَّ الْإِيمَانَ حَقٌّ وَ أَنَّ الدِّينَ كَمَا وَصَفْتَ وَ أَنَّ الْإِسْلَامَ كَمَا شَرَعْتَ وَ أَنَّ الْقَوْلَ كَمَا قُلْتَ وَ أَنَّ الْقُرْآنَ كَمَا أَنْزَلْتَ وَ أَنَّكَ أَنْتَ اللَّهُ الْحَقُّ الْمُبِينُ

And You<sup>-azwj</sup> will Resurrect ones in the graves, and the Reckoning is true, and the Paradise is true, and what Allah<sup>-azwj</sup> has Promised in it is true, of the bounties in it, and the food and the drink and the marriages, are true, and the Fire is true, and the Eman is true, and the religion is just as You<sup>-azwj</sup> Described, and Al-Islam is just as You<sup>-azwj</sup> Legislated, and the Word is just as You<sup>-azwj</sup> Said, and the Quran is just as You<sup>-azwj</sup> revealed, and surely You<sup>-azwj</sup> are Allah<sup>-azwj</sup> the Manifest Truth!

وَ إِنِّي أَغْهَدُ إِلَيْكَ فِي دَارِ الدُّنْيَا أَنِّي رَضِيتُ بِكَ رَبًّا وَ بِالْإِسْلَامِ دِينًا وَ بِمُحَمَّدٍ ص نَبِيًّا وَ بِعَلِيِّ ع إِمَامًا وَ بِالْقُرْآنِ كِتَابًا وَ أَنَّ أَهْلَ بَيْتِ نَبِيِّكَ عَلَيْهِ وَ عَلَيْهِمُ السَّلَامُ أَئِمَّتِي

And I pledge to You<sup>-azwj</sup> in the house of the world, I am pleased with You<sup>-azwj</sup> as Lord<sup>-azwj</sup>, and with Islam as religion, and with Muhammad<sup>-saww</sup> as Prophet<sup>-saww</sup>, and with Ali<sup>-asws</sup> as Imam<sup>-asws</sup>, and with the Quran as Book, and People<sup>-asws</sup> of the Household of Your<sup>-azwj</sup> Prophet<sup>-saww</sup> are my Imams<sup>-asws</sup>, upon them<sup>-asws</sup> be the greetings!

اللَّهُمَّ أَنْتَ ثِقَتِي عِنْدَ شِدَّتِي وَ رَحَائِي عِنْدَ كُرْبَتِي وَ عُذَّتِي عِنْدَ الْأُمُورِ الَّتِي تُنْزِلُ بِي وَ أَنْتَ وَلِيِّي فِي نِعْمَتِي وَ إِهْيَا وَ إِلهُ آبَائِي صَلِّ عَلَى مُحَمَّدٍ وَ آلِهِ وَ لَا تَكِلْنِي إِلَى نَفْسِي طَوْفَةً عَيْنٍ أَبَدًا وَ آوِسْ فِي قَبْرِي وَ خَشْتِي وَ اجْعَلْ لِي عِنْدَكَ عَهْدًا يَوْمَ أَلْقَاكَ مَنْشُورًا

O Allah-<sup>azwj</sup>! You-<sup>azwj</sup> are my trust in my adversity, and my hope in my distress, and my weapon in the matters which befall me, and You-<sup>azwj</sup> are my Guardian regarding my bounties, and my God-<sup>azwj</sup> and God-<sup>azwj</sup> of my forefathers! Send Salawaat upon Muhammad-<sup>saww</sup> and his-<sup>saww</sup> Progeny-<sup>asws</sup>, and do not Allocate me to myself in the blink of an eye, ever, and comfort in my grave of my loneliness, and Make for me a pact in Your-<sup>azwj</sup> Presence on the Day I meet You-<sup>azwj</sup>, publicised!’

فَهَذَا عَهْدُ الْمَيِّتِ يَوْمَ يُوصِي بِحَاجَتِهِ وَ الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ

So, this is the pact of a deceased on the day he bequeaths with his need, and the will is a right upon every Muslim’.

قَالَ أَبُو عَبْدِ اللَّهِ ع وَ تَصْدِيقُ هَذَا فِي سُورَةِ مَرْيَمَ قَوْلُ اللَّهِ تَبَارَكَ وَ تَعَالَى لَا يَمْلِكُونَ الشَّفَاعَةَ إِلَّا مَنِ اخْتَدَ عِنْدَ الرَّحْمَنِ عَهْدًا وَ هَذَا هُوَ الْعَهْدُ.

Abu Abdullah-<sup>asws</sup> said: ‘And the verification of this is in Surah Maryam-<sup>as</sup>, Words of Allah-<sup>azwj</sup> Blessed and Exalted: ***They shall not be controlling the intercession, except one who takes a Pact with the Beneficent [19:87]***. And this, it is the pact.<sup>734</sup>

2- وَ قَالَ النَّبِيُّ ص لِعَلِيِّ ع تَعَلَّمَهَا أَنْتَ وَ عَلَّمَهَا أَهْلَ بَيْتِكَ وَ شِيعَتَكَ

And the Prophet-<sup>saww</sup> said to Ali-<sup>asws</sup>: ‘You-<sup>asws</sup> learn it and teach it to People-<sup>asws</sup> of your-<sup>asws</sup> Household and your-<sup>asws</sup> Shias!’

قَالَ وَ قَالَ ع عَلَّمْنِيهَا جِبْرِئِيلُ.

He (the narrator) said, ‘And he-<sup>saww</sup>, ‘Jibraeel-<sup>as</sup> taught it’.<sup>735</sup>

3- أَقُولُ وَجَدْتُ مَنْقُولًا مِنْ خَطِّ الشَّهِيدِ نَقْلًا مِنْ كِتَابِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ بَعْضِ أَصْحَابِهِ رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع مِثْلَهُ ضِه،

I say, ‘I found copied from handwriting of Al-Shaheed, copying from the book of Al-Husayn Bin Saeed, from one of his companions, raising it to Abu Abdullah-<sup>asws</sup>, similar to it.

روضة الواعظين قَالَ رَسُولُ اللَّهِ ص مَا يَنْبَغِي لِأَمْرٍ مُسْلِمٍ أَنْ يَبِيتَ لَيْلَةً إِلَّا وَ وَصِيَّتُهُ تَحْتَ رَأْسِهِ.

(The book) ‘Rowzat Al Waizeen – Rasool-Allah-<sup>saww</sup> said: ‘It is not befitting for a Muslim man that he spends a night except that his will should be beneath his head’.<sup>736</sup>

4- وَ قَالَ ص الْوَصِيَّةُ تَمَامٌ مَا نَقَصَ مِنَ الزَّكَاةِ.

And he-<sup>saww</sup> said: ‘The will completes what was deficient from the (payments of) Zakat’.<sup>737</sup>

<sup>734</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 1

<sup>735</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 2

<sup>736</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 3

<sup>737</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 4

5- **وَقَالَ:** مَنْ لَمْ يُحْسِنْ وَصِيَّتَهُ عِنْدَ الْمَوْتِ كَانَ نَقْصاً فِي مُرُوتِهِ وَ عَقْلِهِ.

And he said: 'One who does not make good (through leaving) his will at the death, there would be deficient in his Chivalry and his intellect'.<sup>738</sup>

6- **وَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع** مَنْ أَوْصَى وَلَمْ يَحْفَ وَلَمْ يُضَارَّ كَانَ كَمَنْ تَصَدَّقَ بِهِ فِي حَيَاتِهِ.

And Amir Al-Momineen<sup>asws</sup> said: 'One who makes a will and is not excessive and does not harm would be like the one who has donated it during his lifetime'.<sup>739</sup>

7- **وَقَالَ ع** مَا أَتَابِي أَضْرَرْتُ يَوْمَئِذِي أَوْ سَرَقْتُهُمْ ذَلِكَ الْمَالَ.

And he<sup>asws</sup> said: 'I<sup>asws</sup> don't care whether I<sup>asws</sup> harm my<sup>asws</sup> inheritors or I<sup>asws</sup> turn it away from them, that wealth'.<sup>740</sup> (Recording error according to the book Al Saraair)

8- **وَقَالَ الصَّادِقُ ع** الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

And Al-Sadiq<sup>asws</sup> said: '(Making) the will is a right upon every Muslim'.<sup>741</sup>

9- **وَقَالَ ع** مَا مِنْ مَيِّتٍ تَحْضُرُهُ الْوَفَاءُ إِلَّا رَدَّ اللَّهُ عَلَيْهِ مِنْ سَمْعِهِ وَ بَصَرِهِ وَ عَقْلِهِ لِلْوَصِيَّةِ أَخَذَ الْوَصِيَّةَ أَوْ تَرَكَ وَ هِيَ الرَّاحَةُ الَّتِي يُقَالُ لَهَا رَاحَةُ الْمَوْتِ فَهِيَ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

And he<sup>asws</sup> said: 'There is none from a dying one, the expiry presents to him, except Allah<sup>azwj</sup> Return to him his hearing, and his sight, and his intellect for making the will. He either makes the will or neglects, and it is the rest which is called 'the rest of death', for it is a right upon every Muslim'.<sup>742</sup>

10- **جع، جامع الأخبار قَالَ رَسُولُ اللَّهِ ص** مَنْ ضَمِنَ وَصِيَّةَ الْمَيِّتِ فِي أَمْرِ الْحَجِّ ثُمَّ قَرَطَ فِي ذَلِكَ مِنْ غَيْرِ عُذْرٍ لَا يَقْبَلُ اللَّهُ صَلَاتَهُ وَ صِيَامَهُ وَ لَا يُسْتَجَابُ دُعَاؤُهُ وَ كُتِبَ عَلَيْهِ كُلُّ يَوْمٍ وَ لَيْلَةٍ مِائَةُ خَطِيئَةٍ أَصْغَرُهَا كَمَنْ زَنَى بِأُمِّهِ أَوْ بِابْنَتِهِ

(The book) 'Jamie Al Akhbaar' –

'Rasool-Allah<sup>saww</sup> said: 'One who takes responsibility of a will of the deceased regarding the matter of Hajj, then he neglects regarding that from without a (valid) excuse, Allah<sup>azwj</sup> will neither Accept his Salat, nor his Fast, nor Answer his supplication, and will Write against him during every day and night, one hundred misdeeds, their smallest being the like the one who has committed adultery with his mother or with his sister.

<sup>738</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 5

<sup>739</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 6

<sup>740</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 7

<sup>741</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 8

<sup>742</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 9



وَ إِنْ قَامَ بِهَا مِنْ عَامِهِ كُتِبَ لَهُ بِكُلِّ دِرْهَمٍ ثَوَابٌ حَجَّةٍ وَ عُمْرَةٍ فَإِنْ مَاتَ مَا بَيْنَهُ وَ بَيْنَ الْقَابِلِ مَاتَ شَهِيداً وَ كُتِبَ لَهُ مَا بَيْنَهُ وَ بَيْنَ الْقَابِلِ كُلِّ يَوْمٍ وَ لَيْلَةٍ ثَوَابٌ شَهِيدٍ وَ قُضِيَ لَهُ حَوَائِجُ الدُّنْيَا وَ الْآخِرَةِ.

And if he were to stand by it in his year, there will be Written for him with every Dirham, Rewards of a Hajj and an Umrah. If he dies in what is between it and the following year, would dies as a martyr, and in what is between it and the following year there will be Written for him every day and night, Rewards of a martyr, and there will be fulfilled for him needs of the world and the Hereafter".<sup>743</sup>

11- وَ قَالَ ع مَنْ ضَمِنَ وَصِيَّةَ الْمَيِّتِ ثُمَّ عَجَزَ عَنْهَا مِنْ غَيْرِ عُدْرِ لَا يُقْبَلُ مِنْهُ صَرْفٌ وَ لَا عَدْلٌ وَ لَعَنَهُ كُلُّ مَلَكٍ بَيْنَ السَّمَاءِ وَ الْأَرْضِ وَ يُصْبِحُ وَ يُمَسِّي فِي سَحْطِ اللَّهِ وَ كُلَّمَا قَالَ يَا رَبِّ نَزَلَتْ عَلَيْهِ اللَّعْنَةُ وَ كَتَبَ اللَّهُ ثَوَابَ حَسَنَاتِهِ كُلِّهِ لِدَلِيلِكَ الْمَيِّتِ فَإِنْ مَاتَ عَلَى خَالِهِ دَخَلَ النَّارَ

And he<sup>asws</sup> said: 'One who takes responsibility of a will of the deceased, then is unable from it without a (valid) excuse, neither compensation nor a substitute will be Accepted from him, and every Angel between the sky and the earth will curse him, and morning and evening he will be in the wrath of Allah<sup>azwj</sup>; and every time he says, 'O Lord<sup>azwj</sup>!', the curse will descend upon him, and Allah<sup>azwj</sup> will Write the Rewards of his good deeds, all of them, to be for the deceased. If he dies upon his state, he will enter the Fire!

فَإِنْ قَامَ بِهِ كُتِبَ لَهُ كُلُّ يَوْمٍ وَ لَيْلَةٍ عِتْقٌ رَقَبَةٍ وَ لَهُ عِنْدَ اللَّهِ بِكُلِّ دِرْهَمٍ مَدِينَةٌ وَ سِتُونَ حُورَاءَ وَ يُمَسِّي وَ يُصْبِحُ وَ لَهُ بَابَانِ مَفْتُوحَانِ إِلَى الْجَنَّةِ

If he stands by it, there shall be written for him, every day and night, (Rewards of) liberation of a neck, and for him, with every Dirham, would be a city in the Presence of Allah<sup>azwj</sup>, and sixty Maiden Houries, and evening and morning two doors will be opened for him to the Paradise.

فَإِنْ مَاتَ مَا بَيْنَهُ وَ بَيْنَ الْقَابِلِ مَاتَ مَغْفُوراً لَهُ وَ أَعْطَاهُ اللَّهُ يَوْمَ الْقِيَامَةِ مِثْلَ ثَوَابِ مَنْ حَجَّ وَ اعْتَمَرَ وَ يَكُونُ فِي الْجَنَّةِ زَوْجاً لِرَبِّهِ بْنِ زَكْرِيَّا.

If he dies in what is between it and the following year, he would die having been Forgiven, and on the Day of Qiyamah Allah<sup>azwj</sup> will Give him Rewards similar to one performing Hajj and Umrah, and in the Paradise he will be a friend of Yahya Bin Zakariya<sup>as</sup>".<sup>744</sup>

12- وَ قَالَ ع مَنْ ضَمِنَ وَصِيَّةَ الْمَيِّتِ مِنْ أَمْرِ الْحَجِّ فَلَا يَعْجِزَنَّ فِيهَا فَإِنَّ عُقُوبَتَهَا شَدِيدَةٌ وَ نَدَامَتُهَا طَوِيلَةٌ لَا يَعْجِزُ عَنْ وَصِيَّةِ الْمَيِّتِ إِلَّا شَقِيٌّ وَ لَا يَفُومُ بِهَا إِلَّا سَعِيدٌ

And he<sup>asws</sup> said: 'One who takes responsibility of a will of the deceased, regarding the matter of Hajj, and does not fulfil it, its punishment is severe and its regret will be lengthy. No one will fail in a will of the deceased except a wretch, nor stand by it except a fortunate one!

فَمَنْ أَقَامَ بِهَا سَرِيعاً حَرَّمَ اللَّهُ جَسَدَهُ عَلَى النَّارِ وَ أَدْخَلَهُ الْجَنَّةَ مَعَ الصِّدِّيقِينَ وَ الشُّهَدَاءِ وَ أَكْرَمَهُ كَرَامَةً سَبْعِينَ شَهِيداً وَ كُتِبَ لَهُ مَا دَامَ حَيّاً كُلَّ يَوْمٍ أَلْفَ حَسَنَةٍ وَ رَفَعَ لَهُ أَلْفَ دَرَجَةٍ

<sup>743</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 10

<sup>744</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 11

The one who stands by it swiftly, Allah<sup>-azwj</sup> will Prohibit his body unto the Fire and Admit him into the Paradise along with the truthful, and the martyrs, and Honour him with honours of seventy martyrs, and Write for him, for as long as he is alive, a thousand good deeds every day, and Raise for him a thousand ranks.

الْوَيْلُ لِمَنْ عَجَزَ عَنْهَا كُتِبَ عَلَيْهِ كُلُّ يَوْمٍ أَلْفٌ خَطِيئَةٍ وَ يُبْنَى لَهُ بِكُلِّ قَدَمٍ نَبْتٌ فِي النَّارِ وَ لَا يَنْظُرُ اللَّهُ إِلَيْهِ حَيًّا وَ لَا مَيِّتًا فَإِنْ مَاتَ عَلَى خَالِهِ قَامَ مِنْ قَبْرِهِ مَكْتُوبٌ بَيْنَ عَيْنَيْهِ آيِسٌ مِنْ رَحْمَتِهِ.

The woe be to the one who fails from it! Every day there will be written against him a thousand misdeeds, and there will be built for him, with every step, a house in the Fire, and Allah<sup>-azwj</sup> will not Look at him, neither alive nor when dead. If he dies upon his state, he will stand from his grave and it shall be written between his eyes: ‘Despaired from His<sup>-azwj</sup> Mercy’.<sup>745</sup>

13- نُقِلَ مِنْ خَطِّ الشَّهِيدِ رَحِمَهُ اللَّهُ نَقْلًا مِنْ خَطِّ الشَّيْخِ أَبِي جَعْفَرٍ الطُّوسِيِّ قَالَ رَوَى الْحُسَيْنُ بْنُ سَعِيدٍ فِي كِتَابِهِ عَنْ مُحَمَّدِ بْنِ الْفَضْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

It is copied from handwriting of Al Shaheed, may Allah<sup>-azwj</sup> Mercy him, copying from handwriting of the sheykh Abu Ja'far Al Tusi who said, ‘It is reported by Al-Husayn Bin Saeed in his book, from Muhammad Bin Al Fuzeyl, from Abu Al Sabbah Al Kinani who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘The will is a right upon every Muslim’.<sup>746</sup>

14- نَحَجُ، نَحَجُ الْبَلَاغَةَ قَالَ ع يَا ابْنَ آدَمَ كُنْ وَصِيَّ نَفْسِكَ وَ اعْمَلْ فِي مَالِكَ مَا تُؤْتِرُ أَنْ تَعْمَلَ فِيهِ مِنْ بَعْدِكَ.

(The book) ‘Nahj Al Balagah’ –

He<sup>-asws</sup> said: ‘O son of Adam<sup>-as</sup>! Be an advisor to yourself regarding your wealth, and work in your wealth as you would prefer that it be worked with from after you’.<sup>747</sup>

15- ب، قرب الإسناد هارون عن ابنِ صدقة عن الصادق عن أبيه ع يَنْفَعُهُ قَالَ: الْحَيْفُ فِي الْوَصِيَّةِ مِنَ الْكِبَائِرِ يَغْنِي الظُّلْمَ فِيهَا.

(The book) ‘Qurb Al Isnaad’ – Haroun Ibn Sadaqa,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> raising it, said: ‘The wrongdoing in the will is from the major sins, meaning the injustice in it’.<sup>748</sup>

16 ع، علل الشرائع أبي عن الحِمَيرِيِّ مِثْلَهُ.

(The book) ‘Ilal Al Sharaie’ – My father, from Al Himeyri, similar to it.<sup>749</sup>

<sup>745</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 12

<sup>746</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 13

<sup>747</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 14

<sup>748</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 15

<sup>749</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 16

17- ب، قرب الإسناد بهذا الإسناد عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: مَنْ عَدَلَ فِي وَصِيَّتِهِ كَانَ بِمَنْزِلَةِ مَنْ تَصَدَّقَ بِهَا فِي حَيَاتِهِ وَ مَنْ جَارَ فِي وَصِيَّتِهِ لَقِيَ اللَّهَ يَوْمَ الْقِيَامَةِ وَ هُوَ عَنْهُ مُعْرِضٌ.

(The book) 'Qurb Al Isnaad' – By this chain,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'One who is just in his will would be at the status of the one who has donated in charity with it during his lifetime, and one who is tyrannous in his will meet Allah<sup>-azwj</sup> on the Day of Qiyamah and He<sup>-azwj</sup> Turn away from him'.<sup>750</sup>

18- ع، علل الشرائع أَبِي عَنِ الْحَمِيرِيِّ مِثْلَهُ.

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, similar to it.<sup>751</sup>

19- ب، قرب الإسناد بهذا الإسناد قَالَ: إِنَّ رَسُولَ اللَّهِ ص بَلَغَهُ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ تُوفِّيَ وَ لَهُ صَبِيَّةٌ صِغَارٌ وَ لَيْسَ لَهُ مَبِيتٌ لَيْلَةٍ تَرْكُهُمْ يَتَكَفَّفُونَ النَّاسَ وَ قَدْ كَانَ لَهُ سِتَّةٌ مِنَ الرِّقَبِ لَيْسَ لَهُ غَيْرُهُمْ وَ إِنَّهُ أَعْتَقَهُمْ عِنْدَ مَوْتِهِ

(The book) 'Qurb Al Isnaad' – By this chain who said,

'It reached Rasool-Allah<sup>-saww</sup> that a man from the Helpers had expired and for him were young girls, and there wasn't for him anything for him he had left them to beg from the people, and there were six slaves for him. There wasn't for him other than them, and he had freed them at his death.

فَقَالَ لِقَوْمِهِ مَا صَنَعْتُمْ بِهِ

He<sup>-saww</sup> said to his people: 'What did you do with him?'

قَالُوا دَفَنَاهُ

They said, 'We buried him!'

فَقَالَ أَمَا إِنِّي لَوْ عَلِمْتُهِ مَا تَرَكْتُكُمْ تَدْفِنُونَهُ مَعَ أَهْلِ الْإِسْلَامِ تَرَكَ وَلَدَهُ صِغَارًا يَتَكَفَّفُونَ النَّاسَ.

He<sup>-saww</sup> said: 'But, had I<sup>-saww</sup> known of it, I<sup>-saww</sup> would not have left you to bury him with the people of Islam! He neglected his small children to beg from the people!'<sup>752</sup>

20- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ لَأَنَّ أُوصِيَّ بِالْخُمْسِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَّ بِالرُّبْعِ وَ لَأَنَّ أُوصِيَّ بِالرُّبْعِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَّ بِالثُّلُثِ مَنْ أُوصِيَ بِالثُّلُثِ فَلَمْ يَتْرُكْ شَيْئًا.

(The book) 'Qurb Al Isnaad' – By this chain, said,

<sup>750</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 17

<sup>751</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 18

<sup>752</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 19

'Amir Al-Momineen<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, said: 'If I<sup>-asws</sup> were to bequeath with the fifth, it would be more beloved to me<sup>-asws</sup> than if I<sup>-asws</sup> were to bequeath with the quarter, and if I<sup>-asws</sup> were to bequeath with the quarter it would be more beloved to me<sup>-asws</sup> than if I<sup>-asws</sup> were to bequeath with the third! One who bequeaths with the third had not neglected anything'.<sup>753</sup>

21 ع، علل الشرائع أبي عن الحُمَيْرِي مثله.

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, similar to it.<sup>754</sup>

22- ب، قرب الإسناد هارون عن ابنِ صدقة قال قال الصادق ع إن أقبلت في عمرك يومين فاجعل أحدهما لإخيتك تستعين به على يوم موتك

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Sadaqa who said,

'Al-Sadiq<sup>-asws</sup> said: 'If only two days remain in your lifespan, make one of these for your Hereafter to be assisted with upon the day of your death!'

فَقِيلَ وَ مَا تِلْكَ الْإِسْتِعَانَةُ

It was said, 'And what is that assistance?'

قَالَ لِيُحْسِنَ تَدْبِيرَ مَا يُخَلِّفُ وَ يُحْكِمُهُ بِهِ.

He<sup>-asws</sup> said: 'For him to improve management of what he leaves behind, and decide with it'.<sup>755</sup>

23- ل، الخصال ابن الوليد عن الصفار عن اليمطيبي عن زكريا المؤمن عن علي بن أبي نعيم عن أبي حمزة عن أبي جعفر ع قال: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ ابْنُ آدَمَ تَطَوَّلْتُ عَلَيْكَ بِثَلَاثِ سَنَاتٍ عَلَيْكَ مَا لَوْ يَعْلَمُ بِهِ أَهْلُكَ مَا وَارَوْكَ وَ أَوْسَعْتُ عَلَيْكَ فَاسْتَفْرَضْتُ مِنْكَ فَلَمْ تُقَدِّمْ خَيْرًا وَ جَعَلْتُ لَكَ نَظِيرَةً عِنْدَ مَوْتِكَ فِي ثُلُثِكَ فَلَمْ تُقَدِّمْ خَيْرًا.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Yaqteeny, from Zakariya Al Momin, from Ali Bin Abu Nueym, from Abu Hamza,

'From Abu Ja'far<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> Blessed and Exalted Says: "Son of Adam<sup>-as</sup>! I<sup>-azwj</sup> have Conferred upon you with three – I<sup>-azwj</sup> have Covered upon you what, had your family known of it, they would not have buried you! And I<sup>-azwj</sup> have Expanded (sustenance) upon you, then I<sup>-azwj</sup> asked to borrow from you, but you did not advance any good! And I<sup>-azwj</sup> Made for you at your death, a consideration regarding your third, but you did not advance any good'.<sup>756</sup>

24- ع، علل الشرائع أبي عن أحمد بن إدريس عن ابن عيسى عن الحسين بن سعيد عن حماد بن عيسى عن معاوية بن عمار عن أبي عبد الله ع قال: كَانَ الْبَرَاءُ بْنُ مَعْرُورٍ الْأَنْصَارِيُّ بِالْمَدِينَةِ وَ كَانَ رَسُولُ اللَّهِ ص بِمَكَّةَ وَ أَنَّهُ حَضَرَهُ الْمَوْتُ فَأَوْصَى بِثُلُثِ مَالِهِ فَجَرَّتْ بِهِ السُّنَّةُ.

<sup>753</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 20

<sup>754</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 21

<sup>755</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 22

<sup>756</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 23

(The book) 'Ilal Al Sharaie' – My father, from Ahmad Bin Idrees, from Ibn Isa, from Al-Husayn Bin Saeed, from Hammad Bin Isa, from Muawiya Bin Ammar,

'From Abu Abdullah<sup>-asws</sup> having said: 'Al-Bara'a Bin Marour the Helper was at Al-Medina, and Rasool-Allah<sup>-saww</sup> was at Makkah, and the death presented to him, so he bequeathed a third of his wealth, and the Sunnah flowed with it'.<sup>757</sup>

25 ل، الخصال الهمداني عن علي عن أبيه عن عمرو بن عثمان عن الحسين بن مضعب عن أبي عبد الله ع مثله.

(The book) 'Al Khisaal' – 'Al Hamdany, from Ali, from his father, from Amro Bin Usman, from Al-Husayn Bin Mus'ab,

'From Abu Abdullah<sup>-asws</sup>, similar to it'.<sup>758</sup>

26- ع، علل الشرائع ابن الوليد عن الصغار عن عبد الله بن الصلت عن يونس رفعه إلى أبي عبد الله ع في قوله عز وجل فمن خاف من موص جنفاً أو إثماً فأصلح بينهم فلا إثم عليه قال يعني إذا اعتدى في الوصية إذا زاد على الثلث.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Abdullah Bin Al Salt, from Yunus raising it to,

Abu Abdullah<sup>-asws</sup> regarding Words of Mighty and Majestic: ***But the one who fears from a testator, either an injustice (partiality) or a sin, so he reconciles between them, then there is no sin upon him [2:182].*** He<sup>-asws</sup> said: 'When he transgresses regarding the will, when he increases upon the third'.<sup>759</sup>

27- ع، علل الشرائع أبي عن الحميري عن هارون عن ابن صدقة عن الصادق ع أبيه ع أن رجلاً من الأنصار ثوبى له صبيّة صغاراً وله ستة من الرقيق فأعتقهم عند موته وليس له مال غيرهم فأبى النبي ص فأخبر فقال ما صنعتكم بصاحبكم

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, from Haroun, from Ibn Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'A man from the Helpers died and for him were small girls, for him were six slaves. He freed them at his death, and there wasn't any wealth for him other than them. The Prophet<sup>-saww</sup> came and was informed. He<sup>-saww</sup> said: 'What did you do with your companion?'

قَالُوا دَفَنَاهُ

They said, 'We buried him'.

قَالَ لَوْ عَلِمْتُ مَا دَفَنْتُهُ مَعَ أَهْلِ الْإِسْلَامِ تَرَكَ وَلَدَهُ يَتَكَفَّفُونَ النَّاسَ.

He<sup>-saww</sup> said: 'Had I<sup>-saww</sup> known I<sup>-saww</sup> would not have let him be buried with the people of Islam. He neglected his children to beg the people!'<sup>760</sup>

<sup>757</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 24

<sup>758</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 25

<sup>759</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 26

<sup>760</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 27

28- ضا، فقه الرضا عليه السلام اعْلَمْ أَنَّ الْوَصِيَّةَ حَقٌّ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ وَ يُسْتَحَبُّ أَنْ يُوصِيَ الرَّجُلُ لِقَرَابَتِهِ مَنْ لَا يَرِثُ شَيْئاً مِنْ مَالِهِ قَلٌّ أَوْ كَثْرٌ وَ إِنْ لَمْ يَفْعَلْ فَقَدْ خَتَمَ عَمَلَهُ بِالْمَعْصِيَةِ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Know that making a will is a rightful and obligatory duty upon every Muslim. It is recommended that a man make a will for his relatives who do not inherit anything from his wealth, whether the amount is small or significant. If he does not do so, he ends his deeds with disobedience.

وَمَنْ أَوْصَى بِمَالِهِ أَوْ يَغْضِبُهُ فِي سَبِيلِ اللَّهِ مِنْ حَجٍّ أَوْ عَتَقٍ أَوْ صَدَقَةٍ أَوْ مَا كَانَ مِنْ أَبْوَابِ الْخَيْرِ فَإِنَّ الْوَصِيَّةَ جَائِزَةٌ لَا يَحِلُّ تَبْدِيلُهَا لِأَنَّ اللَّهَ يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

Whoever makes a will with all or part of his wealth for the Sake of Allah<sup>-azwj</sup> whether for Hajj, liberation (of a slave), charity, or any other act of kindness, then such a will is valid and must not be altered, for Allah<sup>-azwj</sup> Says: ***So the one who alters it after having heard it, so its sin is upon those who are altering it; surely Allah is Hearing, Knowing [2:181]!***

فَإِنْ أَوْصَى فِي غَيْرِ حَقٍّ أَوْ فِي غَيْرِ سُنَّةٍ فَلَا حَرَجَ أَنْ يَرُدَّهُ إِلَى حَقٍّ وَ سُنَّةٍ فَإِنْ أَوْصَى بِرُبْعِ مَالِهِ فَهُوَ أَحَبُّ إِلَيَّ مِنْ أَنْ يُوصِيَ بِالثُّلُثِ فَإِنْ أَوْصَى بِالثُّلُثِ فَهُوَ أَلْغَايَةُ فِي الْوَصِيَّةِ فَإِنْ أَوْصَى بِمَالِهِ كُلِّهِ فَهُوَ أَكْمَلُ مَا فَعَلَهُ وَ يُلْزَمُ الْوَصِيُّ إِثْقَادُ وَصِيَّتِهِ عَلَى مَا أَوْصَى بِهِ.

If he makes a will that is not in accordance with what is right or not in line with the Sunnah, then there is no harm in returning it to what is right and in accordance with the Sunnah. If he makes a will for one-fourth of his wealth, that is more beloved to me than making a will for one-third. If he makes a will for one-third, that is the limit in making a will. If he makes a will for all of his wealth, then he knows best what he has done, and it is binding upon the executor to carry out his will as he had bequeathed with'.<sup>761</sup>

29 شي، تفسير العياشي السكوني عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَلِيِّ ع قَالَ: السُّكْرُ مِنَ الْكِبَائِرِ وَ الْخَيْفُ فِي الْوَصِيَّةِ مِنَ الْكِبَائِرِ.

(The book) 'Tafseer Al Ayyashi' – Al Sakuni,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from Ali<sup>-asws</sup> having said: 'The intoxication is from the major sins, and the wrongdoing in the will is from the major sins'.<sup>762</sup>

30- شي، تفسير العياشي عَنْ عَمَّارِ بْنِ مَرْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ إِنَّ تَرَكَ خَيْرًا الْوَصِيَّةُ قَالَ حَقٌّ جَعَلَهُ اللَّهُ فِي أَمْوَالِ النَّاسِ لِصَاحِبِ هَذَا الْأَمْرِ

(The book) 'Tafseer Al Ayyashi' – From Ammar Bin Marwak,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about Words of Allah<sup>-azwj</sup>: ***that he leaves behind good [2:180]***. He<sup>-asws</sup> said: 'A right Allah<sup>-azwj</sup> has Made in wealth of the people for Master of this Command (Al-Mahdi<sup>-ajfj</sup>)'.

<sup>761</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 28

<sup>762</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 29

قَالَ قُلْتُ لِدَلِكْ حَدٌّ مُحْدُوْدٌ

He (the narrator) said, 'I said, 'Is there a limiting limit for that?'

قَالَ نَعَمْ

He<sup>-asws</sup> said: 'Yes'.

قُلْتُ كَمْ

I said, 'How much?'

قَالَ اَدْنَاهُ السُّدُسُ وَ اَكْثَرُهُ التُّلُثُ.

He<sup>-asws</sup> said: 'The least is the sixth (1/6) and its most is the third (1/3)'.<sup>763</sup>

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the will, 'Is it allowed for the inheritors?'

31- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنِ الْوَصِيَّةِ يَجُوزُ لِلْوَارِثِ قَالَ نَعَمْ ثُمَّ تَلَا هَذِهِ الْآيَةَ إِنَّ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْأُولَادَيْنِ وَالْأَقْرَبِينَ.

He<sup>-asws</sup> said: 'Yes'. Then he<sup>-asws</sup> recited: **that he leaves behind good for the parents, and the relatives [2:180]**.<sup>764</sup>

32- شي، تفسير العياشي عن السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَلِيٍّ ع قَالَ: مَنْ لَمْ يُوصِ عِنْدَ مَوْتِهِ لِذِي قَرَابَةٍ مِمَّنْ لَا يَرِثُ فَقَدْ حَتَمَ عَمَلَهُ بِمَعْصِيَةٍ.

(The book) 'Tafseer Al Ayyashi' – From Al Sakuni,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from Ali<sup>-asws</sup> having said: 'One who at his death, does not bequeath for his relative, from the one who do not inherit, he has ended his deeds with disobedience'.<sup>765</sup>

33- شي، تفسير العياشي عن ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا ع قَالَ: كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْأُولَادَيْنِ وَالْأَقْرَبِينَ قَالَ هِيَ مَنْسُوخَةٌ نَسَخَهَا آيَةُ الْفَرَائِضِ الَّتِي هِيَ الْمَوَارِثُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ يَغْنِي بِدَلِكِ الْوَصِي.

(The book) 'Tafseer Al Ayyashi' – From Ibn Muskan, from Abu Baseer,

<sup>763</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 30

<sup>764</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 31

<sup>765</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 32

‘From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>) having said: ***The bequest is Prescribed upon you, when the death presents to one of you, that he leaves behind good for the parents, and the relatives [2:180].*** He<sup>-asws</sup> said: ‘This has been Abrogated. It is the Verse of the Obligations of the inheritances which Abrogated it ***So the one who alters it after having heard it, [2:181] –*** Meaning with that the trustee’’.<sup>766</sup>

34- شي، تفسير العياشي عن سماعة عن أبي عبد الله ع في قوله تعالى إن ترك خيراً الوصية للوالدين والأقربين بالمعروف حثاً على المتقين قال شيئاً جعل الله لصاحب هذا الأمر

(The book) ‘Tafseer Al Ayyashi’ – From Sama’at,

‘From Abu Abdullah<sup>-asws</sup> regarding Words of the Exalted: ***that he leaves behind good for the parents, and the relatives with the reasonableness; a right upon the pious [2:180].*** He<sup>-asws</sup> said: ‘A thing Allah<sup>-azwj</sup> has Made for Master of this command (Al-Mahdi<sup>-ajfj</sup>)’.

قَالَ قُلْتُ فَهَلْ لِدَٰلِكَ حَدٌّ

He (the narrator) said, ‘I said, ‘Is there any limit for that?’

قَالَ نَعَمْ

He<sup>-asws</sup> said: ‘Yes’.

قُلْتُ وَ مَا هُوَ

I said, ‘And what is it?’

قَالَ أَذْنَىٰ مَا يَكُونُ ثُلُثُ الثَّلَاثِ.

He<sup>-asws</sup> said: ‘The least of what can be, is a third of the third’’.<sup>767</sup>

35- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ عَلَيْهِ الصَّلَاةُ وَ السَّلَامُ مَا أَتَانِي أَصْرَرْتُ بِوَارِثِي أَوْ سَرَقْتُ ذَلِكَ الْمَالَ فَتَصَدَّقْتُ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Ali<sup>-asws</sup>, may the Salawaat and the greeting be upon him<sup>-asws</sup>, said: ‘I<sup>-asws</sup> don’t care whether I<sup>-asws</sup> harm my<sup>-asws</sup> inheritors or I<sup>-asws</sup> turn away that wealth, and donate in charity’’.<sup>768</sup> Recording error, see Hadeeth no. 7 above)

<sup>766</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 33

<sup>767</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 34

<sup>768</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 35



36- دَعَاؤُ الرَّاوَدِيِّ، قَالَ النَّبِيُّ ﷺ مَنْ مَاتَ عَلَى وَصِيَّةٍ حَسَنَةٍ مَاتَ شَهِيداً

(The book) 'Dawaat' of Al Rawandi –

'The Prophet <sup>-saww</sup> said: 'One who dies upon a good will dies as a martyr'.

وَقَالَ مَنْ لَمْ يُحْسِنِ الْوَصِيَّةَ عِنْدَ مَوْتِهِ كَانَ ذَلِكَ نَقْصاً فِي عَقْلِهِ وَ مُرُوءَتِهِ وَ الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

And said: 'One who does not make a good will at his death, that would be a deficiency in his intellect and his manliness'.<sup>769</sup>

37- وَقَالَ: إِنَّ الرَّجُلَ لَيَعْمَلُ بِعَمَلِ أَهْلِ الْجَنَّةِ سَبْعِينَ سَنَةً فَيُحْيِفُ فِي وَصِيَّتِهِ فَيُخْتَمُ لَهُ بِعَمَلِ أَهْلِ النَّارِ وَ إِنَّ الرَّجُلَ لَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ سَبْعِينَ سَنَةً فَيَعْدِلُ فِي وَصِيَّتِهِ فَيُخْتَمُ لَهُ بِعَمَلِ أَهْلِ الْجَنَّةِ

And he <sup>-saww</sup> said: 'A man may act with the deeds of the people of Paradise for seventy years, then commit injustice in his will, and his end will be sealed with the deeds of the people of the Fire. And a man may act with the deeds of the people of the Fire for seventy years, then act justly in his will, and his end will be sealed with the deeds of the people of Paradise'.

ثُمَّ قَرَأَ وَ مَنْ يَتَعَدَّ حُدُودَ اللَّهِ وَ قَالَ تِلْكَ حُدُودُ اللَّهِ.

Then he <sup>-saww</sup> recited: **and the one who exceeds the Limits of Allah, [2:229]**. And Said: 'These are the limits of Allah' <sup>-azwj</sup>.<sup>770</sup>

## باب 55 أحكام الوصايا

## CHAPTER 55 – RULINGS ON THE WILLS

1- فس، تفسير القمي كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْوَالِدَيْنِ وَ الْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Tafseer Al Qummi - **The bequest is Prescribed upon you, when the death presents to one of you, that he leaves behind good for the parents, and the relatives with the reasonableness; a right upon the pious [2:180].**

فَإِنَّهَا مَنْسُوخَةٌ بِقَوْلِهِ تَعَالَى يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ

It is Abrogated by Words of the Exalted: **Allah Directs you regarding your children: "For the male is a share of two females [4:11].**

وَ قَوْلِهِ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ يَعْنِي بِذَلِكَ الْوَصِيَّةَ

<sup>769</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 36

<sup>770</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 37

And His<sup>-azwj</sup> Words: ***So the one who alters it after having heard it, so its sin is upon those who are altering it; surely Allah is Hearing, Knowing [2:181]*** – meaning by that the will.

ثُمَّ رَحَصَ فَقَالَ فَمَنْ خَافَ مِنْ مُوصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ.

Then He<sup>-azwj</sup> Allowed, so He<sup>-azwj</sup> Said: ***But the one who fears from a testator, either an injustice (partiality) or a sin, so he reconciles between them, then there is no sin upon him [2:182]***. (opinion)

قَالَ الصَّادِقُ ع إِذَا أَوْصَى الرَّجُلُ يَوْصِيَةً فَلَا يَحِلُّ لِلْوَصِيِّ أَنْ يَغْيِرَ وَصِيَّتَهُ يُضَيِّفُهَا عَلَى مَا أَوْصَى إِلَّا أَنْ يُوصِيَ بِغَيْرِ مَا أَمَرَ اللَّهُ فَيَغْصِي فِي الْوَصِيَّةِ وَيُظْلِمَ فَالْمُوصَى إِلَيْهِ جَائِزٌ لَهُ أَنْ يَرُدَّهُ إِلَى الْحَقِّ

Al-Sadiq<sup>-asws</sup> said: 'If a man makes a will, it is not lawful for the executor to alter his will. He must carry it out as it was instructed unless the will contains something contrary to what Allah<sup>-azwj</sup> has Commanded, involving disobedience or injustice. In such a case, the one entrusted with the will is permitted to return it to what is right.

مِثْلَ رَجُلٍ يَكُونُ لَهُ وَرَثَةٌ فَيَجْعَلُ الْمَالَ كُلَّهُ لِبَعْضٍ وَرَثَتِهِ وَ يَحْرِمُ بَعْضًا فَالْوَصِيُّ جَائِزٌ لَهُ أَنْ يَرُدَّهُ إِلَى الْحَقِّ وَ هُوَ قَوْلُهُ جَنَفًا أَوْ إِثْمًا

For example, if a man has heirs and gives all his wealth to some of them while depriving others, then it is allowed for him (the executor) to return it to the truth, and it is His<sup>-azwj</sup> Words: ***either an injustice (partiality) or a sin, [2:182]***.

فَأَجَنَفَ الْمِثْلَ إِلَى بَعْضٍ وَرَثَتِكَ دُونَ بَعْضٍ وَ الْإِثْمُ أَنْ يَأْمُرَ بِعِمَارَةٍ بُيُوتِ النَّبِرَانِ وَ اتَّخَذَ الْمُسْكِرَ فَيَحِلُّ لِلْوَصِيِّ أَنْ لَا يَعْمَلَ بِشَيْءٍ مِنْ ذَلِكَ.

The partiality is the inclination towards one of your inheritors rather than another, and the sin is that he instructs building a building for fire worship and takes the intoxicants, so it is permissible for the executor that he works with something from that.<sup>771</sup>

2- ب، قرب الإسناد علي<sup>ع</sup> عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اخْتَلَفَ لِسَانُهُ عِنْدَ الْمَوْتِ أَوْ الْمَرَأَةُ فَجَعَلَ أَهْلِيهَا يَسْأَلُهُ أَعْتَقْتَ فُلَانًا وَ فُلَانًا فَيُؤَمِّرُ بِرَأْسِهِ أَوْ تُؤَمِّرُ بِرَأْسِهَا فِي بَعْضٍ نَعَمْ وَ فِي بَعْضٍ لَا وَ فِي الصَّدَقَةِ مِثْلَ ذَلِكَ هَلْ يَكُونُ ذَلِكَ

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Al-Kazim<sup>-asws</sup>). He said, 'I asked him<sup>-asws</sup> about a man or a woman whose tongue is restrained at the death, and his family members go on to ask him whether he has freed so and so, and so and so slave. So he gestures with his head or she gestures with her head regarding some of it, 'No', and regarding the charity, similar to that. 'Is that allowed?'

قَالَ نَعَمْ هُوَ جَائِزٌ.

<sup>771</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 1

He<sup>-asws</sup> said: 'Yes, that is allowed'.<sup>772</sup>

3- ب، قرب الإسناد ابن أبي الخطاب عن البرزطي قال: كُتِبَتْ إِلَى الرِّضَا ع رَجُلٌ أَوْصَى لِقَرَابَتِهِ بِأَلْفِ دِرْهَمٍ وَ لَهُ قَرَابَةٌ مِنْ قِبَلِ أَبِيهِ وَ قَرَابَةٌ مِنْ قِبَلِ أُمِّهِ مَا خَدَّ الْقَرَابَةَ يُعْطَى كُلُّ مَنْ بَيْنَهُ وَ بَيْنَهُ قَرَابَةٌ أَمْ لِهَذَا حَدٌّ يَنْتَهِي إِلَيْهِ رَأْيُكَ فَدَنْتُكَ نَفْسِي

(The book) 'Qurb Al Isnaad' – Ibn Abu Al Khattab, from Al Bazanty who said,

'I wrote to Al-Reza<sup>-asws</sup>, 'A man bequeathed for his relatives a thousand Dirhams, and for him were relatives from the direction of his father, and relatives from the direction of his mother. What is the limit of kinship? Should everyone who is related to him receive a share, or is there a specific limit for this to end to? What is your<sup>-asws</sup> view? May my soul be sacrificed for you<sup>-asws</sup>!'

فَكُتِبَ إِذَا لَمْ يُسَمَّ أُعْطِيَ أَهْلُ قَرَابَتِهِ.

He<sup>-asws</sup> wrote: 'If he has not specified, then (all) people of his kinship will be given'.<sup>773</sup>

4- ن، عيون أخبار الرضا عليه السلام الهمداني عن علي عن أبيه عن ياسر الخادم قال: كُتِبَتْ مِنْ نَيْشَابُورَ إِلَى الْمَأْمُونِ أَنَّ رَجُلًا مِنَ الْمَجُوسِ أَوْصَى عِنْدَ مَوْتِهِ بِمَالٍ جَلِيلٍ يُفَرَّقُ فِي الْمَسَاكِينِ وَ الْفُقَرَاءِ فَفَرَّقَهُ قَاضِي نَيْشَابُورَ فِي فُقَرَاءِ الْمُسْلِمِينَ

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Al Hamdany, from Ali, from his father, from Yasir Al Khadim who said,

'I wrote from Neshapur to Al-Mamoun, 'A man from the Magians bequeathed at his death with immense wealth to be distributed among the needy and the poor. A judge of Neshapur distributed it among the poor Muslims.

فَقَالَ الْمَأْمُونُ لِلرِّضَا ع يَا سَيِّدِي مَا تَقُولُ فِي ذَلِكَ

Al Mamoun said to Al-Reza<sup>-asws</sup>, 'O my chief! What are you<sup>-asws</sup> saying regarding that?'

فَقَالَ الرِّضَا ع إِنَّ الْمَجُوسَ لَا يَتَصَدَّقُونَ عَلَى فُقَرَاءِ الْمُسْلِمِينَ

Al-Reza<sup>-asws</sup> said: 'The Magians are not donating charity upon the poor Muslims!'

فَاكْتُبَ إِلَيْهِ أَنْ يُخْرِجَ بِقَدْرِ ذَلِكَ مِنْ صَدَقَاتِ الْمُسْلِمِينَ فَيَتَصَدَّقَ بِهِ عَلَى فُقَرَاءِ الْمَجُوسِ.

Then he<sup>-asws</sup> wrote to him to extract a measurement of that from the Muslim charities and donate with it to the poor Magians'.<sup>774</sup>

<sup>772</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 2

<sup>773</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 3

<sup>774</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 4

5- ضا، فقه الرضا عليه السلام إذا أوصى رجل إلى رجلٍ وَ هُوَ شَاهِدٌ فَلَهُ أَنْ يَمْتَنِعَ مِنْ قَبُولِ الْوَصِيَّةِ فَإِنْ كَانَ الْمُوصَى إِلَيْهِ غَائِباً وَ مَاتَ الْمُوصِي مِنْ قَبْلِ أَنْ يَلْتَقِيَ مَعَ الْمُوصَى إِلَيْهِ فَإِنَّ الْوَصِيَّةَ لَازِمَةٌ لِلْمُوصَى إِلَيْهِ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'If a man appoints another as executor of his will while that person is present, he has the right to refuse the appointment. But if the appointed executor was absent and the testator dies before meeting him, then the will becomes binding upon the one appointed.

وَ يَجُوزُ شَهَادَةُ كَافِرَيْنِ فِي الْوَصِيَّةِ إِذَا لَمْ يَكُنْ هُنَاكَ مُسْلِمَانِ وَ يَجُوزُ شَهَادَةُ امْرَأَتِهِ فِي رُبْعِ الْوَصِيَّةِ إِذَا لَمْ يَكُنْ مَعَهَا غَيْرُهَا وَ يَجُوزُ شَهَادَةُ الْمَرْأَةِ وَحْدَهَا فِي مَوْلُودٍ يُولَدُ فَيَمُوتُ مِنْ سَاعَتِهِ

The testimony of two Kafirs is permissible in matters of a will if no two Muslims are available. The testimony of his wife is accepted for a quarter of the will if no one else is present with her. The testimony of a single woman is accepted in the case of a newborn who is born and dies immediately.

وَ إِذَا أَوْصَى رَجُلٌ إِلَى رَجُلَيْنِ فَلَيْسَ لهُمَا أَنْ يَنْفَرِدَ كُلُّ وَاحِدٍ مِنْهُمَا بِنِصْفِ التَّرَكَةِ وَ عَلَيْهِمَا إِنْقَاذُ الْوَصِيَّةِ عَلَى مَا أَوْصَى الْمَيِّتُ

If a man appoints two people as executors of his will, neither of them is allowed to independently take control of half the estate. Both are responsible for carrying out the will according to what the deceased instructed.

وَ إِذَا أَوْصَى رَجُلٌ لِرَجُلٍ بِصُنْدُوقٍ أَوْ سَفِينَةٍ وَ كَانَ فِي الصُّنْدُوقِ أَوْ السَّفِينَةِ مَتَاعٌ أَوْ غَيْرُهُ فَهُوَ مَعَ مَا فِيهِ لِمَنْ أَوْصَى لَهُ إِلَّا أَنْ يَكُونَ قَدْ اسْتَنْتَى بِمَا فِيهِ

If a man makes a will for another granting him a chest (box) or a ship, and there are belongings or other items inside, then the chest (box) or ship and everything in it belong to the person the will was made for, unless the contents were specifically excluded.

وَ إِذَا أَوْصَى لِرَجُلٍ بِسُكْنَى دَارِهِ فَلَا زِمَ لِلْوَرَثَةِ أَنْ يَمُضِيَ [يَمُضُوا] وَصِيَّتُهُ وَ إِذَا مَاتَ الْمُوصَى لَهُ رَجَعَتِ الدَّارُ مِيراثاً لِلْوَرَثَةِ الْمَيِّتِ

If a man makes a will for someone to live in his house, it is binding upon the heirs to carry out that will. But if the beneficiary dies, the house returns as an inheritance to the heirs of the deceased.

وَ لَا بَأْسَ لِلرَّجُلِ إِذَا كَانَ لَهُ أَوْلَادٌ أَنْ يُفَضِّلَ بَعْضَهُمْ عَلَى بَعْضٍ وَ إِنْ أَوْصَى لِمَمْلُوكِهِ بِثُلْثِ مَالِهِ فَوَيْمَ الْمَمْلُوكِ قِيَمَةٌ عَادِلَةٌ فَإِنْ كَانَتْ قِيَمَتُهُ أَكْثَرَ مِنْ الثُّلْثِ اسْتَنْعَى لِلْفَضْلَةِ ثُمَّ أُعْتِقَ

There is no harm if a man, when he has children, prefers some of them over others. If he makes a will for his slave with one-third of his wealth, the slave is to be appraised at a fair market value. If the value exceeds one-third, the slave must work to pay the excess, then is set free.

وَ إِنْ أَوْصَى بِحَجٍّ وَ كَانَ صَرُورَةً حُجَّ عَنْهُ مِنْ جَمِيعِ مَالِهِ وَ إِنْ كَانَ قَدْ حَجَّ فَمِنْ الثُّلْثِ

If he makes a will for Hajj and he was a first-timer, then Hajj is to be performed on his behalf from his entire estate. But if he had already performed Hajj, then it is to be carried out from one-third of his wealth.

فَإِنْ لَمْ يَبْلُغْ مَالُهُ مَا يُحُجُّ عَنْهُ مِنْ بَلَدِهِ حُجَّ عَنْهُ مِنْ حَيْثُ يَتَهَيَّأُ وَإِنْ أَوْصَى بِثُلُثِ مَالِهِ فِي حَجٍّ وَعِنَقٍ وَصَدَقَةٍ تُخَصَّى وَصِيَّتُهُ

If his wealth is not enough for Hajj to be performed on his behalf from his home country, then Hajj should be performed on his behalf from wherever it can be arranged. And if he makes a will that one-third of his wealth be spent on Hajj, liberation (of a slave), and charity, then his will is to be implemented.

فَإِنْ لَمْ يَبْلُغْ ثُلُثُ مَالِهِ مَا يُحُجُّ عَنْهُ وَ يُعْتَقُ وَ يُتَصَدَّقُ مِنْهُ بِدَى بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ وَ مَا يَبْقَى لَجْعَلٍ فِي عِنَقٍ أَوْ صَدَقَةٍ إِنْ شَاءَ اللَّهُ

If one-third of his wealth is not enough to cover the expenses of Hajj, liberation (of a slave), and charity, then Hajj should be given priority because it is an obligation. Whatever remains may be used for liberation (of a slave) or charity, if Allah<sup>-azwj</sup> so Desires.

وَ إِذَا أَوْصَى رَجُلٌ إِلَى امْرَأَتِهِ وَ غُلَامٍ غَيْرِ مُدْرِكٍ فَجَائِزٌ لِلْمَرْأَةِ أَنْ تُنْفِذَ الْوَصِيَّةَ وَ لَا تَنْتَظِرَ بُلُوغَ الْغُلَامِ وَ لَيْسَ لِلْغُلَامِ أَنْ يَرْجِعَ فِي شَيْءٍ بِمَا أَنْفَذَتْهُ الْمَرْأَةُ إِلَّا مَا كَانَ مِنْ تَغْيِيرٍ أَوْ تَبْدِيلٍ.

And if a man appoints his wife and a young boy who has not reached maturity as executors of his will, it is permissible for the woman to carry out the will without waiting for the boy to come of age. The boy does not have the right to revoke anything the woman has already carried out, except in cases where there was alteration or change from the original will".<sup>775</sup>

6- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ أَوْصَى بِمَالِهِ فِي سَبِيلِ اللَّهِ قَالَ أَعْطَاهُ لِمَنْ أَوْصَى لَهُ وَ إِنْ كَانَ يَهُودِيًّا أَوْ نَصْرَانِيًّا لِأَنَّ اللَّهَ يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ.

(The book) 'Tafseer Al Qummi' – From Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about a man who bequeathed his wealth in the way of Allah<sup>-azwj</sup>. He<sup>-asws</sup> said: 'Give it to the one he has bequeathed for and even if he was a Jew or a Christian, because Allah<sup>-azwj</sup> Says: **So the one who alters it after having heard it, so its sin is upon those who are altering it; [2:181]**'.<sup>776</sup>

7- شي، تفسير العياشي عَنْ أَبِي سَعِيدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَوْصَى فِي حَجَّةٍ فَجَعَلَهَا وَصِيَّةً فِي نَسَمَةٍ قَالَ يَغْرُمُهَا وَصِيَّتُهُ وَ يَجْعَلُهَا فِي حَجَّةٍ كَمَا أَوْصَى إِنَّ اللَّهَ تَعَالَى يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ.

(The book) 'Tafseer Al Ayyashi' – From Abu Saeed,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> was asked about a man who bequeathed regarding Hajj, but his executor made it to be regarding (liberation of) a slave. He<sup>-asws</sup> said: 'His executor would

<sup>775</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 5

<sup>776</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 6

be fined and he will have to make it regarding Hajj just as had been bequeathed. Allah<sup>-azwj</sup> the Exalted Says: ***So, the one who alters it after having heard it, so its sin is upon those who are altering it [2:181]***.<sup>777</sup>

8- شي، تفسير العياشي عن مثنى بن عبد السلام عن أبي عبد الله ع قال: سألتُه عن رجلٍ أوصى له بوصيةٍ فمات قبل أن يقبضها و لم يترك عقيباً قال اطلب له وارثاً أو مولياً فادفعها إليه فإن الله يقول فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه

(The book) 'Tafseer Al Ayyashi' – from Musanna Bin Abdul Salam,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about a man who was given a bequest but died before receiving it and left no offspring. He<sup>-asws</sup> said: 'Look for an inheritor or a guardian, and give it to him, for Allah<sup>-azwj</sup> Says: ***So, the one who alters it after having heard it, [2:181]***.'

فُلْتُ إِنَّ الرَّجُلَ كَانَ مِنْ أَهْلِ فَارِسَ دَخَلَ فِي الْإِسْلَامِ لَمْ يُسَمَّ وَ لَا يُعْرَفُ لَهُ وَلِيٌّ

I said: 'The man was from the people Persia, entered Islam, was not named, and no guardian is known for him'.

قَالَ اجْتَهِدْ أَنْ تُقَدِّرَ لَهُ عَلَى وَلِيٍّ فَإِنْ لَمْ تَجِدْهُ وَ عَلِمَ اللَّهُ مِنْكَ الْجَهْدَ تَتَصَدَّقُ بِهَا.

He<sup>-asws</sup> said: 'Make every effort to find a guardian for him. If you cannot find one, and Allah<sup>-azwj</sup> knows you exerted effort, donate in charity with it'.<sup>778</sup>

9- شي، تفسير العياشي عن محمد بن سوفة قال: سألت أبا جعفر ع عن قول الله تعالى فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه قال نسختها التي بعدها فمن خاف من موصٍ جَنَفًا أو إثمًا يغني الموصي إليه إن خاف جَنَفًا من الموصي إليه في ثلثه جميعاً فيما أوصى به إليه بما لا يرضى الله به في خلاف الحق فلا إثم على الموصي إليه أن يبدله إلى الحق وإلى ما يرضى الله به من سبيل الخير.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Sowqah who said,

I asked Abu Ja'far<sup>-asws</sup> about ***So the one who alters it after having heard it, so its sin is upon those who are altering it [2:181]***. It is Abrogated by which follows it: ***But the one who fears from a testator, either an injustice (partiality) or a sin, [2:182]*** - It means that if the one entrusted with the will fears a partiality from the testator in his bequest regarding the entire third (of his wealth) in a manner that is not pleasing to Allah<sup>-azwj</sup> and is contrary to what is right, then there is no sin upon the executor of the will to change it to what is just and to what Pleases Allah<sup>-azwj</sup> in the proper way' – the Hadeeth".<sup>779</sup>

10- شي، تفسير العياشي عن يونس رفعه إلى أبي عبد الله ع في قوله فمن خاف من موصٍ جَنَفًا أو إثمًا فأصلح بينهم فلا إثم عليه قال يعني إذا ما اعتدى في الوصية و زاد في الثلث.

<sup>777</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 7

<sup>778</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 8

<sup>779</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 9

(The book) 'Tafseer Al Ayyashi – From Yunus raising it to,

'Abu Abdullah<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: ***But the one who fears from a testator, either an injustice (partiality) or a sin, so he reconciles between them, then there is no sin upon him [2:182].*** He<sup>-asws</sup> said: 'It means when he transgresses in the bequest and increases in the third'.<sup>780</sup>

11- قب، المناقب لابن شهر آشوب أوصى رجل بألف درهم للكعبة فجاء الوصي إلى مكة و سأل فدلوه إلى بني شيبه فأتاهم فأخبرهم الخبر فقالوا له برئت ذمتك اذفعه إلينا

(The book) 'Al Manaqib' of Ibn Shehr Ashoub –

'A man made a will of one thousand dirhams for the Kabah. The executor of the will went to Makkah and asked, and they directed him to the clan of Shaybah. He went to them and informed them of the matter. They said to him, 'Your obligation is fulfilled, give it to us!'

فَقَالَ النَّاسُ سَلْ أَبَا جَعْفَرٍ ع

The people said to him, 'Ask Abu Ja'far<sup>-asws</sup>'.

فَسَأَلَهُ ع فَقَالَ إِنَّ الْكُعْبَةَ غَنِيَّةٌ عَنْ هَذَا انْظُرْ إِلَى مَنْ زَارَ هَذَا الْبَيْتَ فَقُطِعَ بِهِ أَوْ ذَهَبَتْ نَفَقَتُهُ أَوْ ضَلَّتْ رَاحِلَتُهُ أَوْ عَجَزَ أَنْ يَرْجِعَ إِلَى أَهْلِهِ فَادْفَعَهَا إِلَى هَؤُلَاءِ.

So, he asked him<sup>-asws</sup>, and he<sup>-asws</sup> said, 'The Kabah has no need of this. Look for someone who has visited this House and has become stranded, or whose provisions have run out, or whose mount has been lost, or who is unable to return to his family, and give it to such people'.<sup>781</sup>

12- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الله بن سنان عن أبي عبد الله ع قال: الغلام إذا أذركه الموت و لم يدرك مبلع الرجال و أوصى جازت وصيته لدوي الأرحام و لم يجز لغيرهم.

The book of Haseen Bin Saeed and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'The boy, when he comes across the death and he has not yet become an adulthood of the men, and he bequeaths, his bequest is allowed for the kindred and is not allowed for others'.<sup>782</sup>

13- كشف، كشف الغمة من دلائل الحميري، عن الأشاء قال حدثني محمد بن يحيى عن وصي علي بن السري قال: قلت لأبي الحسن موسى بن جعفر ع إن علي بن السري توفي و أوصى إلي

<sup>780</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 10

<sup>781</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 11

<sup>782</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 12

(The book) 'Kashf Al Ghumma', from 'Dalail' of Al Himeyri, from Al Washa who said, 'It is narrated to me by Muhammad Bin Yahya, from an executor of Ali Bin Al Sary who said,

'I said to Abu Al-Hassan Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, 'Ali Bin Al-Sary has died and appointed me as his executor'.

فَقَالَ رَحِمَهُ اللَّهُ فَقُلْتُ وَ إِنَّ ابْنَهُ جَعْفَرًا وَقَعَ عَلَى أُمِّ وَلَدٍ لَهُ وَ أَمَرَنِي أَنْ أُخْرِجَهُ مِنَ الْمِيرَاثِ

He, may Allah<sup>-azwj</sup> Mercy him, said, 'I said, 'And his son Ja'far had slept with a mother of children of his and instructed me that I expel him from the inheritance'.

فَقَالَ لِي أَخْرِجْهُ وَ إِنَّ كَانَ صَادِقًا فَسَيُصِيبُهُ حَبَلٌ

He<sup>-asws</sup> said to me: 'Exclude him, and if he was truthful, he will be afflicted with insanity!'

قَالَ فَرَجَعْتُ فَقَدَمَنِي إِلَى أَبِي يُوسُفَ الْقَاضِي قَالَ لَهُ أَصْلَحَكَ اللَّهُ أَنَا جَعْفَرُ بْنُ عَلِيٍّ السَّرِيِّ وَ هَذَا وَصِيُّ أَبِي فَمَرُهُ فَلْيَدْفَعْ إِلَيَّ مِيرَاثِي مِنْ أَبِي

He (the narrator) said, 'I returned and he took me to Abu Yusuf the judge. He said to him, 'May Allah<sup>-azwj</sup> Keep you well! I am Ja'far Bin Ali Al-Sary and this is the executor of my father. Order him to hand over my inheritance from my father, to me!'

فَقَالَ مَا تَقُولُ

He said, 'What are you saying?'

قُلْتُ نَعَمْ هَذَا جَعْفَرٌ وَ أَنَا وَصِيُّ أَبِيهِ

I said, 'Yes, this is Ja'far and I am the executor of his father.'

قَالَ فَادْفَعْ إِلَيْهِ مَالَهُ

He said, 'Hand over his wealth to him!'

فَقُلْتُ لَهُ أُرِيدُ أَنْ أُكَلِّمَكَ

I said to him, 'I want to speak to you (privately)'.

قَالَ فَادْنُ

He said, 'Approach!'

فَدَنَوْتُ حَيْثُ لَا يَسْمَعُ أَحَدٌ كَلَامِي فَقُلْتُ هَذَا وَقَعَ عَلَى أُمِّ وَلَدٍ أَبِيهِ وَ أَمَرَنِي أَبُوهُ وَ أَوْصَانِي أَنْ أُخْرِجَهُ مِنَ الْمِيرَاثِ وَ لَا أُورِثُهُ شَيْئًا فَأَتَيْتُ مُوسَى بْنَ جَعْفَرٍ ع بِالْمَدِينَةِ فَأَخْبَرْتُهُ وَ سَأَلْتُهُ فَأَمَرَنِي أَنْ أُخْرِجَهُ مِنَ الْمِيرَاثِ وَ لَا أُورِثُهُ شَيْئًا



I went near him so that no one could hear my speech. I said, 'This one had slept with a mother of the children of his father, and his father had instructed me and bequeathed to me that I expel him from the inheritance and not let him inherit anything! I went to Musa Bin Ja'far<sup>-asws</sup> at Al Medina and informed him<sup>-asws</sup>, and asked him<sup>-asws</sup>. He<sup>-asws</sup> instructed me to expel him from the inheritance and not let him inherit anything!'

قَالَ فَقَالَ اللَّهُ إِنَّ أَبَا الْحَسَنِ أَمَرَكَ

He (the narrator) said, 'He said, 'Allah<sup>-azwj</sup>! Abu Al-Hassan<sup>-asws</sup> instructed you so?'

قُلْتُ نَعَمْ

I said, 'Yes!'

فَأَسْتَخْلَفَنِي ثَلَاثًا وَ قَالَ أَنْفِذْ مَا أَمَرْتُ بِهِ فَالْقَوْلُ قَوْلُهُ

He made me swear thrice and said, 'Implement what you have been instructed with, for the (final) word, is his<sup>-asws</sup> word!'

قَالَ الْوَصِيُّ فَأَصَابَهُ الْخُبْلُ بَعْدَ ذَلِكَ قَالَ الْحَسَنُ بْنُ عَلِيٍّ الْوَشَّاءُ رَأَيْتُهُ عَلَى ذَلِكَ قُلْتُ هَذَا الْخَبْرُ يَحْتَاجُ إِلَى فَضْلِ تَأْمُلٍ فِي مَعْرِفَةِ زَوَاتِهِ فَإِنَّهُ لَوْ صَحَّ ذَلِكَ عَنِ ابْنِ الْمَيِّتِ وَحَبَّ عَلَيْهِ الْحُدُّ وَ لَمْ يَسْقُطْ مِيرَاثُهُ

The executor said, 'He was afflicted with insanity after that. Al-Hassan Bin Ali Al Washa said, 'I saw him being upon that. I said, 'This narration is needy to extra pondering regarding recognition of its transmitter, for if that is correct for a son of the deceased, the legal punishment is obligatory upon him and his inheritance would not be dropped.

وَ بَلَغَنِي بَعْدَ ذَلِكَ أَنَّهُ كَانَ مِنْ مَذْهَبِ أَبِي يُوسُفَ أَنَّ الْمُجْتَهِدَ يَقُولُ مَنْ هُوَ أَغْلَمُ مِنْهُ وَ رُوِيَ فِي كُتُبِ أَصُولِهِمْ أَنَّ أَبَا يُوسُفَ حَكَّمَ عَلَى إِنْسَانٍ بِحُكْمٍ مَا فَقَالَ لَهُ لَقَدْ حَكَمْتَ عَلَيَّ بِخِلَافِ مَا حَكَّمَ لِي مُوسَى بْنُ جَعْفَرٍ ع

And it has reached me that it was from the doctrine of Abu Yusuf that the jurist should emulate the one who is more knowledgeable than him; and it is reported in books of their principles that Abu Yusuf had ruled against a person with a ruling. He said to him, 'Your ruling against me is opposite to what Musa Bin Ja'far<sup>-asws</sup> had ruled for me!'

قَالَ فَمَا الَّذِي حَكَّمَ بِهِ

He said, 'What is that which he<sup>-asws</sup> had ruled with?'

قَالَ كَذَا وَ كَذَا فَاسْتَخْلَفُهُ وَ أَجْرَاهُ عَلَى حُكْمِ مُوسَى فَلَعَلَّهَا إِشَارَةً إِلَى هَذِهِ الْقِصَّةِ.

He said, 'Such and such'. He made him swear and flowed it upon the ruling of Musa<sup>-asws</sup>. Perhaps it is an indication to this story".<sup>783</sup>

14- كَش، رجال الكشي حَمْدَوِيهِ عَنِ الْحَسَنِ بْنِ مُوسَى قَالَ رَوَى أَصْحَابُنَا عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحُجَّاجِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع أَتَانِي ابْنُ عَمٍّ لِي يَسْأَلُنِي أَنْ آدَنَ لِحَيَّانَ السَّرَّاجِ فَأَذْنْتُ لَهُ فَقَالَ لِي يَا أَبَا عَبْدِ اللَّهِ إِنِّي أُرِيدُ أَسْأَلُكَ عَنْ شَيْءٍ أَنَا بِهِ عَلِيمٌ إِلَّا أَنِّي أُحِبُّ أَنْ أَسْأَلَكَ عَنْهُ أَخْبِرْنِي عَنْ عَمِّكَ مُحَمَّدِ بْنِ عَلِيٍّ مَاتَ

(The book) 'Rijal' of Al Kashi – Hamdawiya, from Al-Hassan Bin Musa who said, 'It is reported by our companions, from Abdul Rahman Bin Al Hajjal who said,

'Abu Abdullah<sup>-asws</sup> said: 'A cousin of mine came to me asking me<sup>-asws</sup> to permit for Hayyan Al-Sarraj, so I<sup>-asws</sup> permitted for him. He said to me<sup>-asws</sup>, 'O Abu Abdullah<sup>-saww</sup>! I want to ask you<sup>-asws</sup> about something I already know of except I would love to ask you<sup>-asws</sup> about it. Inform me about your<sup>-asws</sup> paternal uncle Muhammad Bin Ali. Did he die?'

قَالَ فَمَلْتُ أَخْبِرْنِي أَبِي أَنَّهُ كَانَ فِي ضَيْعَةٍ لَهُ فَأَبَى فَقِيلَ لَهُ أَذْرِكَ عَمَّكَ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> said: 'My<sup>-asws</sup> father<sup>-asws</sup> informed me<sup>-asws</sup> that he<sup>-asws</sup> was in an estate of his<sup>-asws</sup>. Someone came and said to him<sup>-asws</sup>, 'Come and help your<sup>-asws</sup> uncle!'

قَالَ فَأَتَيْتُ وَ قَدْ كَانَتْ أَصَابَتْهُ غَشِيَّةٌ فَأَفَاقَ فَقَالَ لِي ارْجِعْ إِلَى ضَيْعَتِكَ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> went and unconsciousness had afflicted him. He awakened. He said to me<sup>-asws</sup>, 'Return to your<sup>-asws</sup> estate!'

قَالَ فَأَبَيْتُ فَقَالَ لِرَزِجَعَنَّ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> refused. He said, 'You<sup>-asws</sup> must return!'

قَالَ فَأَنْصَرَفْتُ فَمَا بَلَغْتُ الضَّيْعَةَ حَتَّى أَتَوْنِي فَقَالُوا أَذْرِكُهُ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> left. I<sup>-asws</sup> had not reached the estate until they came to me. They said, 'Help him!'

فَأَتَيْتُهُ فَوَجَدْتُهُ قَدْ اعْتَقَلَ لِسَانُهُ فَأَتَوْا بِطَشْتٍ وَ جَعَلَ يَكْتُبُ وَصِيَّتَهُ فَمَا بَرِحْتُ حَتَّى عَمَضْتُهُ وَ كَفَنْتُهُ وَ عَسَلْتُهُ وَ صَلَّيْتُ عَلَيْهِ وَ دَفَنْتُهُ

I<sup>-asws</sup> came to him and found him, his tongue had been paralysed. They came with a washbasin and he went on to write his will. I<sup>-asws</sup> had not departed until I<sup>-asws</sup> had closed his eyes and enshrouded him, and washed him, and prayed Salat upon him and buried him'.

فَإِنْ كَانَ هَذَا مَوْتًا فَقَدْ وَ اللَّهِ مَاتَ

<sup>783</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 13

So, if this was death, then by Allah<sup>-azwj</sup>, he died!’

قَالَ فَقَالَ لِي رَحِمَكَ اللَّهُ شَيْءٌ عَلَى أَبِيكَ

He (the narrator) said, ‘He<sup>-asws</sup> said to me: ‘May Allah<sup>-azwj</sup> Mercy you, doubting upon your father’.

قَالَ فقلتُ يَا سُبْحَانَ اللَّهِ أَنْتَ تَصْدِفُ عَلَى قَلْبِكَ

He (the narrator) said, ‘I said, ‘O Glory be to Allah<sup>-azwj</sup>! You<sup>-asws</sup> are ‘Sadif’ upon your<sup>-asws</sup> heart!’

قَالَ فَقَالَ لِي وَ مَا الصَّدْفُ عَلَى الْقَلْبِ

He (the narrator) said, ‘He<sup>-asws</sup> said to me: ‘And what is ‘Al-Sadaf’ upon the heart?’

قَالَ قُلْتُ الْكَذِبُ.

He (the narrator) said, ‘I said, ‘The lying!’”<sup>784</sup>

15- مجالس الشيخ، عن المفيد عن إبراهيم بن الحسن بن جمهور عن أبي بكر المفيد الجرجاني عن أبي الدنيا المعمر المغربي عن أمير المؤمنين ع قال: قضى رسول الله ص أن الدين قبل الوصية وأنتم تقرءون من بعد وصية يوصي بها أو دين.

(The book) ‘Majalis’ of the sheikh – From Al Mufeed, from Ibrahim Bin Al-Hassan Bin Jumhour, from Abu Bakr Al Mufeed Al Jarjaie, from Abu Al Dunya Al Muammar Al Maghribi,

‘From Amir Al-Momineen<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> judged that the debts are (to be settled) before the will, and you are reading: **‘from after a bequest he has bequeathed with or a debt [4:11]’**.<sup>785</sup>

16- الهداية، قال رسول الله ص أول ما تبدأ به من تركة الميت الكفن ثم الدين ثم الوصية والميراث.

(The book) ‘Al Hidayah’ –

‘Rasool-Allah<sup>-saww</sup> said: ‘The first of what should be begun with from the legacy of a deceased is the shroud, then the debts, then the bequest and the inheritance’.<sup>786</sup>

17- وقال الصادق ع الوصية حق على كل مسلم ويستحب أن يوصي الرجل لذي قرابته ممن لا يرث بشيء قل أو كثر ومن لم يفعل فقد ختم عمله بمعصية.

And Al-Sadiq<sup>-asws</sup> said: ‘The will is a right upon every Muslim, and it is recommended that the man should bequeath for the ones with kinship, from the ones who do not inherit anything,

<sup>784</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 14

<sup>785</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 15

<sup>786</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 16

whether little of more, and the one who does not do so, he has ended his deeds with disobedience”.<sup>787</sup>

18- وَقَالَ: لَيْسَ لِلْمَيِّتِ مِنْ مَالِهِ إِلَّا الثُّلُثُ فَإِذَا أَوْصَى بِأَكْثَرَ مِنَ الثُّلُثِ رُدَّ إِلَى الثُّلُثِ وَإِذَا أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَالْجُزْءُ وَاحِدٌ مِنْ سَبْعَةِ لِقَوْلِ اللَّهِ تَعَالَى لَهَا سَبْعَةُ أَبْوَابٍ لِكُلِّ بَابٍ مِنْهُمْ جُزْءٌ مَقْسُومٌ

And he<sup>-asws</sup> said: ‘A deceased person only has authority over one-third of his wealth. So if he makes a bequest for more than one-third, it is reduced to the one-third. And if he bequeaths a ‘segment’ of his wealth, then the ‘segment’ is considered to be one-seventh, based on the Verse of Allah, the Exalted: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**.

وَقَدْ رُوِيَ أَنَّ الْجُزْءَ وَاحِدٌ مِنْ عَشْرَةِ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ ثُمَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُمْ جُزْءًا وَ كَانَتِ الْجِبَالُ عَشْرَةً

And it has been reported that the ‘part’ is one of ten due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **Then place on every mountain a part of them [2:260]**, and the mountains were ten.

فَإِذَا أَوْصَى بِسَهْمٍ مِنْ مَالِهِ أَوْ بِشَيْءٍ مِنْ مَالِهِ فَهُوَ وَاحِدٌ مِنْ سِتَّةٍ فَإِذَا أَوْصَى بِمَالٍ كَثِيرٍ فَالْكَثِيرُ ثَمَانُونَ وَ مَا زَادَ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَ كَانَتْ ثَمَانِينَ مَوْطِنًا.

And if he bequeaths a ‘share’ of his wealth or ‘something’ from his wealth, then it is one-sixth. And if he bequeaths ‘a large amount’ of wealth, then the ‘large amount’ is eighty or more, based on the Words of Allah<sup>-azwj</sup> Mighty and Majestic: **Allah has Helped you in many places, [9:25]**, and these were eighty in number”.<sup>788</sup>

19- وَ سُئِلَ عَنْ رَجُلٍ خَصَرَهُ الْمَوْتُ فَأَعْتَقَ مَمْلُوكًا لَيْسَ لَهُ غَيْرُهُ فَأَبَى الْوَرِثَةُ أَنْ يُجِيرُوا ذَلِكَ قَالَ مَا يُعْتَقُ مِنْهُ إِلَّا ثُلُثُهُ

And he<sup>-asws</sup> was asked about a man the death presented to, so he liberated a slave. There wasn’t for him another. The inheritors refused to validate that. He<sup>-asws</sup> said: ‘Nothing can be liberated from him except his third (price)’.

وَ عَنْ رَجُلٍ قَالَ هَذِهِ السَّفِينَةُ لِفُلَانٍ وَ لَمْ يُسَمَّ مَا فِيهَا وَ فِيهَا طَعَامٌ قَالَ هِيَ لِلَّذِي أَوْصَى لَهُ بِهَا وَ بِمَا فِيهَا إِلَّا أَنْ يَكُونَ صَاحِبُهَا اسْتَشْنَى مَا فِيهَا وَ لَيْسَ لِلْوَرِثَةِ فِيهَا شَيْءٌ

And about a man who said, ‘This ship of mine is for so and so’, and he did not specify what is in it, and therein was food. He<sup>-asws</sup> said: ‘It is for the one he had bequeathed it to and with whatever is in it, except if its owner had excluded what was in it, and there isn’t anything in it for the inheritors’.

وَ سُئِلَ عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِصُنْدُوقٍ فِيهِ مَالٌ فَقَالَ الصُّنْدُوقُ بِمَا فِيهِ لَهُ

<sup>787</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 17

<sup>788</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 18

And he<sup>-asws</sup> was asked about a man who bequeathed to a man, a box wherein was money. He<sup>-asws</sup> said: 'The box along with whatever is in it is for him'.

و سُئِلَ عَنْ رَجُلٍ أَوْصَى بِمَالٍ فِي سَبِيلِ اللَّهِ قَالَ فَهُوَ لِشِيعَتِنَا

And he<sup>-asws</sup> was asked about a man who bequeathed with money in the way of Allah<sup>-azwj</sup>. He<sup>-asws</sup> said: 'It is for our<sup>-asws</sup> Shias'.

و رُوِيَ أَنَّهُ قَالَ أَصْرُهُ فِي الْحَجِّ فَإِنِّي لَا أَعْرِفُ سَبِيلًا مِنْ سُبُلِهِ أَفْضَلَ مِنَ الْحَجِّ.

And it is reported he<sup>-asws</sup> said: 'Turn (spend) it in the Hajj, for I<sup>-asws</sup> do not know of any way from His<sup>-azwj</sup> ways, superior to Hajj'.<sup>789</sup>

20- وَ سُئِلَ الصَّادِقُ ع عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِسَيْفٍ كَانَ فِيهِ حَلِيَّةٌ فَقَالَ لَهُ الْوَرِثَةُ إِنَّمَا لَكَ التَّصَلُّ فَقَالَ السَّيْفُ بِمَا فِيهِ لَهُ.

And Al-Sadiq<sup>-asws</sup> was asked about a man who bequeathed to a man with a sword in which was an ornament. The inheritors said to him, 'But rather, for you is the blade (only)!' He<sup>-asws</sup> said: 'The sword along with whatever is in it, is for him'.<sup>790</sup>

21- كِتَابُ زَيْدِ النَّرْسِيِّ، عَنْ عَلِيِّ بْنِ مَرْثَدٍ صَاحِبِ السَّابِرِيِّ قَالَ: أَوْصَى إِلَيَّ رَجُلٌ بِرِكَابِهِ وَ أَمَرَنِي أَنْ أُحْجَّ بِهَا عَنْهُ فَتَنَظَّرْتُ فِي ذَلِكَ فَإِذَا شَيْءٌ يَسِيرٌ لَا يَكُونُ لِلْحَجِّ سَأَلْتُ أَبَا حَنِيفَةَ وَ غَيْرَهُ فَقَالُوا تَصَدَّقْ بِهَا

The book of Zayd Al Narsy – From Ali Bin Mazeed, companion of Al Sayyari who said,

'A man entrusted his estate to me and instructed me that a Hajj should be performed on his behalf using it. I looked into it and found it was a small amount, not sufficient for Hajj. I asked Abu Haneefa and others, and they said, 'Give it in charity'.

فَلَمَّا حَجَجْتُ لَقِيتُ عَبْدَ اللَّهِ بْنَ الْحُسَيْنِ فِي الطَّوَافِ فَقُلْتُ لَهُ ذَلِكَ فَقَالَ لِي هَذَا جَعَفَرُ بْنُ مُحَمَّدٍ فِي الْحِجْرِ فَاسْأَلْهُ

When I performed Hajj, I met Abdullah Ibn Al-Hassan during the Taweef and told him about it. He said to me, 'Here is Ja'far Bin Muhammad<sup>-asws</sup> at the (Black) Stone, ask him<sup>-asws</sup>!'

قَالَ فَدَخَلْتُ الْحِجْرَ فَإِذَا أَبُو عَبْدِ اللَّهِ ع تَحْتَ الْمِيزَابِ مُقْبِلٌ بِوَجْهِهِ عَلَى الْبَيْتِ يَدْعُو ثُمَّ التَفَتَ فَرَأَى فَقَالَ مَا حَاجَتُكَ

So, I entered Al-Hijr, and Abu Abdullah<sup>-asws</sup> was beneath the spout, facing the Kabah, supplicating. Then he<sup>-asws</sup> turned, saw me and said, 'What is your need?'

فَقُلْتُ جَعَلْتُ فِدَاكَ إِلَيَّ رَجُلًا مِنْ أَهْلِ الْكُوفَةِ مِنْ مَوَالِيكُمْ

I said, 'May I be sacrificed for you<sup>-asws</sup>! I am a man from the people of Kufa, from your<sup>-asws</sup> followers!'

<sup>789</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 19

<sup>790</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 20

فَقَالَ دَعْ ذَا عَنْكَ حَاجَتَكَ

He<sup>-asws</sup> said: 'Leave that from you! What is your need?'

قَالَ قُلْتُ رَجُلٌ مَاتَ وَ أَوْصَى بِرَكْبَتِهِ إِلَيَّ وَ أَمَرَنِي أَنْ أُحْجَّ بِمَا عَنْهُ فَتَنْظَرْتُ فِي ذَلِكَ فَوَجَدْتُهُ يَسِيرًا لَا يَكُونُ لِلْحَجِّ فَسَأَلْتُ مَنْ قَبَّلَنَا فَقَالُوا لِي تَصَدَّقْ بِهِ

I said, 'A man died and entrusted his estate to me and instructed me to perform Hajj on his behalf with it. I looked into it and found it to be small and not enough for Hajj. I asked those near us, and they told me to give it in charity'.

فَقَالَ لِي مَا صَنَعْتَ

He<sup>-asws</sup> said to me: 'What did you do?'

فَقُلْتُ تَصَدَّقْتُ بِهِ

I said, 'I donated to charity with it'.

قَالَ ضَمِنْتُ إِلَّا أَنْ لَا يَكُونُ يَبْلُغُ أَنْ يُحْجَّ بِهِ مِنْ مَكَّةَ فَإِنْ كَانَ يَبْلُغُ أَنْ يُحْجَّ بِهِ مِنْ مَكَّةَ فَأَنْتَ ضَامِنٌ وَ إِنْ لَمْ يَكُنْ يَبْلُغُ ذَلِكَ فَلَيْسَ عَلَيْكَ ضَمَانٌ.

He said, 'You are responsible except if it did not reach for Hajj to be performed with it from Makkah. If it was enough for Hajj to be performed from Makkah, then you are responsible, and if it could not have reached that, then there isn't any responsibility upon you'.<sup>791</sup>

باب 56 الوصايا المهمة

## CHAPTER 56 – AMBIGIOUS WILLS

1- مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام أبي عن أحمد بن إدريس عن الأشعري عن الجافوراني عن البرنطي عن الحسين بن خالد قال: سألت الرضا ع عن رجل أوصى بجزء من ماله قال سُبُعُ ثُلُثِهِ.

(The book) 'Ma'any Al Akhbaar', (and) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Al Jamourany, from Al Bazanty, from Al-Husayn Bin Khalid who said,

'I asked Al-Reza<sup>-asws</sup> about a man who bequeathed a segment of his wealth. He<sup>-asws</sup> said: 'Seventh of his third''.<sup>792</sup>

2- ن، عيون أخبار الرضا عليه السلام أبي و ابن الوليد معاً عن محمد العطار و أحمد بن إدريس معاً عن الأشعري عن ابن هاشم عن داود بن محمد التهدي عن بعض أصحابنا قال: دخل ابن أبي سعيد المكاربي على الرضا ع فقال له أبلغ الله من قدرك أن تدعي ما ادعى أبوك

<sup>791</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 21

<sup>792</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 1

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – My father and Ibn Al Waleed, both together, from Muhammad Bin Al Attar, and Ahmad Bin Idrees, both together from Al Ashary, from Ibn Hashim, from Dawood Bin Muhammad Al Nahdy, from one of our companions who said,

'Ibn Abu Saeed Al-Mukari entered to see Al-Reza<sup>-asws</sup>. He said to him<sup>-asws</sup>, 'Has Allah<sup>-azwj</sup> Made you<sup>-asws</sup> reach your<sup>-asws</sup> worth that you<sup>-asws</sup> are claiming what your<sup>-asws</sup> father<sup>-asws</sup> had claimed?' (i.e., Imamate)

فَقَالَ لَهُ مَا لَكَ أَطْفَأَ اللَّهُ نُورَكَ وَ أَذْخَلَ الْفَقْرَ بَيْتَكَ أَمَا عَلِمْتَ أَنَّ اللَّهَ عَزَّ وَ جَلَّ أَوْحَى إِلَى عِمْرَانَ أَنِّي وَاهِبٌ لَكَ ذَكَرًا فَوَهَبَ لَهُ مَرْيَمَ وَ وَهَبَ لِمَرْيَمَ عِيسَى وَ عِيسَى مِنْ مَرْيَمَ وَ مَرْيَمَ مِنْ عِيسَى وَ مَرْيَمَ وَ عِيسَى ع شَيْءٌ وَاحِدٌ وَ أَنَا وَ أَبِي مِثْلِي وَ أَبِي شَيْءٌ وَاحِدٌ

He<sup>-asws</sup> said to him: 'What is the matter with you? May Allah<sup>-azwj</sup> Extinguish your light and Cause the poverty to enter your house! Don't you know that Allah<sup>-azwj</sup> Mighty and Majestic Revealed to Imran<sup>-as</sup>: "I<sup>-azwj</sup> am Going to Bestow a male child to you<sup>-as</sup>!" But, He<sup>-azwj</sup> Bestowed Maryam<sup>-as</sup> to him<sup>-as</sup>, and Bestowed Isa<sup>-as</sup> to Maryam<sup>-as</sup>, and Isa<sup>-as</sup> is from Maryam<sup>-as</sup>, and Maryam<sup>-as</sup> is from Isa<sup>-as</sup>, one thing; and I<sup>-asws</sup> 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> and my<sup>-asws</sup> father<sup>-asws</sup> are one thing!'

فَقَالَ لَهُ ابْنُ أَبِي سَعِيدٍ فَأَسْأَلُكَ عَنْ مَسْأَلَةٍ

Ibn Abu Saeed said to him<sup>-asws</sup>, 'Then I ask you<sup>-asws</sup> about an issue!'

فَقَالَ لَا إِحْصَاكَ تُقْبَلُ مِنِّي وَ لَسْتُ مِنْ غَنَمِي وَ لَكِنْ هَلُمَّهَا

He<sup>-asws</sup> said: 'I<sup>-asws</sup> don't think you will accept from me<sup>-asws</sup>, and you aren't from my flock, but give it!'

فَقَالَ نَعَمْ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ فِي كِتَابِهِ حَتَّىٰ عَادَ كَالْعُرْجُونِ الْقَدِيمِ فَمَا كَانَ مِنْ مَمَالِكِهِ أَنَّىٰ لَهُ سِتَّةُ أَشْهُرٍ فَهُوَ قَدِيمٌ خُرٌّ

He<sup>-asws</sup> said: 'Yes. Allah<sup>-azwj</sup> Blessed and Exalted Says in His<sup>-azwj</sup> Book: **until it returns to be like the old palm branch [36:39]**. Thus whatever from his slaves, six months had come to him (of servitude), he is (classified as) 'old', free'.

قَالَ فَخَرَجَ الرَّجُلُ فَافْتَقَرَ حَتَّىٰ مَاتَ وَ لَمْ يَكُنْ عِنْدَهُ مَبِيتٌ لَيْلَةٍ لَعَنَهُ اللَّهُ.

He (the narrator) said, 'The man went out, and he was impoverished until he died, and there did not happen a place to spend a night. May Allah<sup>-azwj</sup> Curse him!''<sup>793</sup>

3- مع، معاني الأخبار أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ مِثْلُهُ.

(The book) 'Ma'any Al Akhbar' – My father, from Muhammad Al Attar, from Al Ashari, similar to it.<sup>794</sup>

<sup>793</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 2

<sup>794</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 3

4- كش، رجال الكشي حمدوه عن الحسن بن موسى عن علي بن عمر الزيات عن ابن أبي سعيد مثله.

(The book) 'Rijal' of Al Kashi – Hamdawiya, from Al-Hassan Bin Musa, from Ali Bin Umar Al Zayyar, from Ibn Abu Saeed, similar to it.<sup>795</sup>

5 مع، معاني الأخبار أبي عن علي عن أبيه عن النوفلي عن السكوني عن أبي عبد الله ع أنه سئل عن رجل يوصي بسهم من ماله فقال السهم واحد من ثمانية لقول الله عز وجل إنما الصدقات للفقراء والمساكين والعاملين عليها والمؤلفة قلوبهم وفي الرقاب والغارمين وفي سبيل الله وابن السبيل.

(The book) 'Ma'any Al Akhbaar' – My father, from Ali, from his father, from Al Nowfali, from Al Sakuni,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> was asked about a man who bequeathed with a 'share' of his wealth. He<sup>-asws</sup> said: 'The 'share' is one-eighth due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **But rather, the charities are for the poor and the needy, and the office bearers upon it, and the ones (recently) inclined of their hearts (to Al-Islam), and ones in bondage, and the ones in debt, and in the Way of Allah, and the wayfarer, [9:60]**'<sup>796</sup>

6- مع، معاني الأخبار ابن الوليد عن الصفار عن ابن عيسى عن أبيه عن صفوان بن يحيى قال: سألت الرضا ع عن رجل أوصى بسهم من ماله ولا يدرى السهم أي شيء هو فقال ليس عندكم فيما بلغكم عن جعفر وأبي جعفر ع فيها شيء

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from his father, from Safwan Bin Yahya who said,

'I asked Al-Reza<sup>-asws</sup> about a man who bequeathed a 'share' of his wealth, and he didn't know (specify) the 'share', which thing it is. He<sup>-asws</sup> said: 'Isn't it with you among what has reached you from Ja'far<sup>-asws</sup> or Abu Ja'far<sup>-asws</sup>, anything regarding it?'

فقلت له جعلت فداك ما سمعنا أصحابنا يذكرون شيئاً في هذا عن آبائك ع

I said to him<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! We have not heard anything from our companions mentioned anything regarding this from your<sup>-asws</sup> forefathers<sup>-asws</sup>'.

فقال السهم واحد من ثمانية

He<sup>-asws</sup> said: 'The 'share' is one from eight'.

فقلت جعلت فداك كيف صار واحداً من ثمانية

I said, 'May I be sacrificed for you<sup>-asws</sup>! How did it come to be one from eight?'

فقال أما تقرأ كتاب الله عز وجل

He<sup>-asws</sup> said: 'Have you not read the Book of Allah<sup>-azwj</sup> Mighty and Majestic?'

<sup>795</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 4

<sup>796</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 5



فَقُلْتُ جَعَلْتُ فِدَاكَ إِنِّي لَا أَفْرُؤُهُ وَ لَكِنْ لَا أَذْرِي أَيْنَ مَوْضِعُهُ

I said, 'May I be sacrificed for you<sup>-asws</sup>! I do read it, but I don't know where its place is!'

فَقَالَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسْكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةِ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ فِي سَبِيلِ اللَّهِ وَ ابْنِ السَّبِيلِ

He<sup>-asws</sup> said: 'Words of Allah<sup>-azwj</sup> Mighty and Majestic: **But rather, the charities are for the poor and the needy, and the office bearers upon it, and the ones (recently) inclined of their hearts (to Al-Islam), and ones in bondage, and the ones in debt, and in the Way of Allah, and the wayfarer, [9:60]**'.

ثُمَّ عَقَدَ بِيَدِهِ ثَمَانِيَةً قَالَ وَ كَذَلِكَ قَسَمَهَا رَسُولُ اللَّهِ ص عَلَى ثَمَانِيَةِ أَشْهُمٍ وَ السَّهْمُ وَاحِدٌ مِنْ ثَمَانِيَةٍ.

Then he<sup>-asws</sup> indicated 'eight' with his<sup>-asws</sup> hand. He<sup>-asws</sup> said: 'And like Rasool-Allah<sup>-saww</sup> distributed it upon eight shares, and the 'share' is one from eight".<sup>797</sup>

7- شي، تفسير العياشي عَنِ الْبَرْنُطِيِّ عَنْهُ ع مِثْلُهُ.

(The book) 'Tafseer Al Ayyashi' – from Al Bazanty, from him<sup>-asws</sup>, similar to it.<sup>798</sup>

8- مع، معاني الأخبار وَ قَدْ رُوِيَ أَنَّ السَّهْمَ وَاحِدٌ مِنْ سِتَّةٍ وَ ذَلِكَ عَلَى حَسَبِ مَا يُفْهَمُ مِنْ مُرَادِ الْمُوصِي وَ عَلَى حَسَبِ مَا يَعْلَمُ مِنْ سِهَامِ مَالِهِ بَيْنَهُمْ.

(The book) 'Ma'any Al Akhbaar' –

'And it has been reported that the 'share' is one from six, and that is based upon the calculation that is according to what is understood from the intention of the one making the will and according to what is known of the distribution of his wealth among them'.<sup>799</sup>

9- مع، معاني الأخبار أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنْ عَلِيِّ بْنِ السِّنْدِيِّ عَنْ مُحَمَّدِ بْنِ عَمْرٍو بْنِ سَعِيدٍ عَنْ جَمِيلٍ عَنْ أَبَانَ بْنِ تَغْلِبٍ عَنِ الثَّمَالِيِّ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ع قَالَ: قُلْتُ لَهُ رَجُلٌ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ فَقَالَ لِي فِي كِتَابِ عَلِيٍّ ع الشَّيْءُ مِنْ مَالِهِ وَاحِدٌ مِنْ سِتَّةٍ.

(The book) 'Ma'any Al Akhbaar' – My father, from Muhammad Al Attar, from Al Ashari, from Ali Bin Al Sindy, from Muhammad Bin Amro Bin Saeed, from Jameel, from Aban Bin Taghlib, from Al Sumali,

'From Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, 'A man bequeathed with 'something' from his wealth. He<sup>-asws</sup> said to me: 'In the book of Ali<sup>-asws</sup>, the 'something' from his wealth is one from six".<sup>800</sup>

<sup>797</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 6

<sup>798</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 7

<sup>799</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 8

<sup>800</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 9

10- مع، معاني الأخبار ابن الوليد عن أحمد بن إدريس عن الأشعري عن علي بن السندي عن محمد بن عمرو عن جميل عن ابن تغلب عن أبي جعفر ع أنه قال في الرجل يوصي بجزء من ماله إن الجزء واحد من عشرة لأن الله عز وجل يقول ثم اجعل على كل جبل منهن جزءاً وكانت الجبال عشرة والطير أربعة فجعل على كل منهن جزءاً.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Ahmad Bin Idrees, from Al Ashary, from Ali Bin Al Sindy, from Muhammad Bin Amro, from Jameel, from Ibn Taghlib,

'From Abu Ja'far<sup>-asws</sup>, he<sup>-asws</sup> said regarding the man who bequeathed with a 'segment' from his wealth: 'The 'segment is one from ten, because Allah<sup>-azwj</sup> Mighty and Majestic Says: **Then place on every mountain a part of them [2:260]**. The mountains were ten, and the birds were four. So he<sup>-as</sup> made a segment (part) upon each of these'.<sup>801</sup>

11- وروي أن الجزء واحد من سبعة لقول الله عز وجل لها سبعة أبواب لكل باب منهم جزء مقسوم.

And it is reported that the 'segment' is one from seven due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**'.<sup>802</sup>

12- مع، معاني الأخبار أبي عن سعد بن أبي عيسى عن علي بن الحکم عن أبان عن عبد الله بن سنان قال: سألت أبا عبد الله ع عن امرأة أوصت بثلاثي يفضي به دين ابن أخيها وجزء لفلان وثلثة فلم أعرف ذلك فقدمنا إلى ابن أبي ليلى

(The book) 'Ma'any Al Akhbaar' – My father, from Saad, from Ibn Isa, from Ali Bin Al Hakam, from Aban, from Abdullah Bin Sinan who said, '

'I asked Abu Abdullah<sup>-asws</sup> about a woman who bequeathed with her third to pay off debts of a son of her brother, and a 'segment' to be for so and so, and so and so. That 'segment' was not known, so we proceeded to Ibn Abu Layli.

قال فما قال لك

He<sup>-asws</sup> said: 'So what did he say to you?'

قلت قال ليس ههما شيء

I said, 'He said there isn't anything for them both'.

فقال كذب والله ههما العشر من الثلث.

He<sup>-asws</sup> said: 'He lied! By Allah<sup>-azwj</sup>, for them is the tenth from the third'.<sup>803</sup>

13- مع، معاني الأخبار أبي عن محمد العطار عن الأشعري عن اليقطيني عن محمد بن سليمان عن الحسين بن عمر قال: قلت لأبي عبد الله ع إن رجلاً أوصى إلي في سبيل الله

<sup>801</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 10

<sup>802</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 11

<sup>803</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 12

(The book) 'Ma'any Al Akhbaar' – My father, from Muhammad Al Attar, from Al Ashari, from Al Yaqteeny, from Muhammad Bin Suleyman, from Al-Husayn Bin Umar who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'A man bequeathed to me '(spend) in the way of Allah<sup>-azwj</sup>'.

قَالَ فَقَالَ لِي أَصْرِفُهُ فِي الْحَجِّ

He (the narrator) said, 'He<sup>-asws</sup> said to me: 'Spend it regarding the Hajj!'

قَالَ قُلْتُ إِنَّهُ أَوْصَى إِلَيَّ فِي السَّبِيلِ

He (the narrator) said, 'I said, 'He had bequeathed to me (to be spent) in the way (of Allah<sup>-azwj</sup>)!'

قَالَ أَصْرِفُهُ فِي الْحَجِّ فَإِنِّي لَا أَعْرِفُ سَبِيلًا مِنْ سُبُلِهِ أَفْضَلَ مِنَ الْحَجِّ.

He<sup>-asws</sup> said: 'Spend it regarding the Hajj, for I<sup>-asws</sup> don't know of any way from His<sup>-azwj</sup> ways, more superior to the Hajj!'<sup>804</sup>

14 شي، تفسير العياشي عَنِ الْحُسَيْنِ مِثْلَهُ.

(The book) 'Tafseer Al Ayyashi' – From Al-Husayn, similar to it.<sup>805</sup>

15- مع، معاني الأخبار أَبِي عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنِ الْأَشْعَرِيِّ عَنِ الْيَقُطِينِيِّ عَنِ الْحُسَيْنِ بْنِ زَائِدٍ قَالَ: سَأَلْتُ أَبَا الْحُسَيْنِ الْعَسْكَرِيَّ ع بِالْمَدِينَةِ عَنْ رَجُلٍ أَوْصَى بِمَالِهِ فِي سَبِيلِ اللَّهِ قَالَ سَبِيلُ اللَّهِ شَيْعَتُنَا.

(The book) 'Ma'any Al Akhbaar' – My father, from Ahmad Bin Idrees, from Al Ashari, from Al Yaqteeny, from Al-Hassan Bin Rashid who said,

'I asked Abu Al-Hassan Al-Askari<sup>-asws</sup> at Al-Medina, about a man who bequeathed with his wealth (to be spent) 'in the way of Allah<sup>-azwj</sup>'. He<sup>-asws</sup> said: 'The 'way of Allah<sup>-azwj</sup>', is our<sup>-asws</sup> Shias''.<sup>806</sup>

16- شي، تفسير العياشي عَنِ الْحُسَيْنِ مِثْلَهُ.

(The book) 'Tafseer Al-Ayyashi' – from Al-Hassan, similar to it.<sup>807</sup>

17- ضا، فقه الرضا عليه السلام وَ إِذَا أَوْصَى رَجُلٌ لِرَجُلٍ بِجُزْءٍ مِنْ مَالِهِ فَهُوَ وَاحِدٌ مِنْ عَشْرَةِ لِقَوْلِ اللَّهِ تَعَالَى ثُمَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا وَ كَانَتْ الْجِبَالُ عَشْرَةً

<sup>804</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 13

<sup>805</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 14

<sup>806</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 15

<sup>807</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 16

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'And when a man bequeaths to a man of a 'segment' of his wealth, it is one from ten, due to Words of Allah<sup>-azwj</sup> the Exalted: **Then place on every mountain a part of them [2:260]**. The mountains were ten.

وَرُويَ جُزْءاً مِنْ سَبْعَةِ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ لَهَا سَبْعَةُ أَبْوَابٍ لِكُلِّ بَابٍ مِنْهُمْ جُزْءٌ مَقْسُومٌ

And it is reported a 'segment' is one from seven due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**.

فَإِنْ أَوْصَى بِسَهْمٍ مِنْ مَالِهِ فَهُوَ سَهْمٌ مِنْ سِتَّةِ أَشْهُمٍ وَكَذَلِكَ إِذَا أَوْصَى بِشَيْءٍ مِنْ مَالِهِ غَيْرِ مَعْلُومٍ فَهُوَ وَاحِدَةٌ مِنْ سِتَّةٍ فَإِنْ أَوْصَى بِمَالِهِ فِي سَبِيلِ اللَّهِ وَ لَمْ يُسَمِّ السَّبِيلَ فَإِنْ شَاءَ جَعَلَهُ لِإِمَامِ الْمُسْلِمِينَ وَ إِنْ شَاءَ جَعَلَهُ فِي حَجٍّ أَوْ فَرَقَهُ عَلَى قَوْمٍ مُؤْمِنِينَ.

If he bequeaths with a 'share' from his wealth, it is a share from six shares, and like that when he bequeaths with 'something' from his wealth, unknown (amount), it is one from six. He bequeaths with his wealth (to be spent) in the way of Allah<sup>-azwj</sup>, and does not specify the 'way'. If he likes, he can make it for the Imam of the Muslims, and if he likes, he can make it regarding a Hajj, or distribute it upon a group of Momineen".<sup>808</sup>

18- شي، تفسير العياشي عن عَبْدِ الصَّمَدِ بْنِ بَشِيرٍ قَالَ: جُمِعَ لِأَبِي جَعْفَرٍ جَمِيعُ الْقَضَاةِ فَقَالَ لَهُمْ رَجُلٌ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَكَمْ الْجُزْءُ

(The book) 'Tafseer Al Ayyashi' – From Abdul Samad Bin Bashir who said,

'The judges gathered to Abu Ja'far (Al-Mansour the caliph). He said to them: 'A man bequeaths with a 'segment' of his wealth. How much is the 'segment'?'

فَلَمْ يَعْلَمُوا كَمَ الْجُزْءُ وَ اشْتَكَوْا إِلَيْهِ فِيهِ فَأَبْرَدَ بَرِيداً إِلَى صَاحِبِ الْمَدِينَةِ أَنْ يَسْأَلَ جَعْفَرَ بْنَ مُحَمَّدٍ عَ رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَكَمْ الْجُزْءُ فَقَدْ أَشْكَلَ ذَلِكَ عَلَى الْقَضَاةِ فَلَمْ يَعْلَمُوا كَمَ الْجُزْءُ فَإِنْ هُوَ أَخْبَرَكَ بِهِ وَ إِلَّا فَاحْمِلْهُ عَلَى الْبَرِيدِ وَ وَجْهُهُ إِلَيَّ

The did not know how much the 'segment' was, and they complained to him<sup>-asws</sup> regarding it. He sent a courier to the governor of Al-Medina to ask Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, 'A man bequeaths with a 'segment' of his wealth, so how much is a 'segment', for that is problematic upon the judges. They are not known how much the 'segment' is. If he<sup>-asws</sup> informs you of it (fine), or else carry him<sup>-asws</sup> upon the courier horse and bring him<sup>-asws</sup> to me!'

فَأَتَى صَاحِبَ الْمَدِينَةِ أَبَا عَبْدِ اللَّهِ عَ فَقَالَ لَهُ إِنَّ أَبَا جَعْفَرٍ بَعَثَ إِلَيَّ أَنْ أَسْأَلَكَ عَنْ رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ وَ سَأَلَ مَنْ قَبْلَهُ مِنَ الْقَضَاةِ فَلَمْ يُخْبِرُوهُ مَا هُوَ وَ قَدْ كَتَبَ إِلَيَّ إِنْ فَسَّرْتَ ذَلِكَ لَهُ وَ إِلَّا فَاحْمِلْكَ عَلَى الْبَرِيدِ إِلَيْهِ

The governor of Al-Medina came to Abu Abdullah<sup>-asws</sup>. He said to him<sup>-asws</sup>, 'Abu Ja'far (the caliph) has dispatched to me that I should ask you<sup>-asws</sup> about a man who bequeaths a 'segment' of his wealth, and he had asked the judges before him but they could not inform him<sup>-asws</sup> what it is, and he has written to me to have this interpreted for him, or else I should carry you<sup>-asws</sup> upon the courier horse to him!'

<sup>808</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 17

فَقَالَ أَبُو عَبْدِ اللَّهِ ع هَذَا فِي كِتَابِ اللَّهِ بَيِّنٌ إِنَّ اللَّهَ يَقُولُ لَمَّا قَالَ إِبْرَاهِيمُ رَبِّ أَرِنِي كَيْفَ تُحْيِي الْمَوْتَى إِلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءٌ فَكَانَتْ الطَّيْرُ أَرْبَعَةً وَ الْجِبَالُ عَشْرَةً يُخْرَجُ الرَّجُلُ مِنْ كُلِّ عَشْرَةٍ أَجْزَاءُ جُزْءاً وَاحِداً

Abu Abdullah<sup>-asws</sup> said: 'This is in the Book of Allah<sup>-azwj</sup>, clearly. Allah<sup>-azwj</sup> Said, when Ibrahim<sup>-as</sup> said: **'Lord! Show me how You Revive the dead'** – up to - **Then place on every mountain a part of them, [2:260]**. The birds were four and the mountains were ten. The man should extract from every ten segments, one segment.

وَ إِنَّ إِبْرَاهِيمَ دَعَا يَمْفَرَسَ فَدَقَّ فِيهِ الطُّيُورَ جَمِيعاً وَ حَبَسَ الرُّءُوسَ عِنْدَهُ ثُمَّ إِنَّهُ دَعَا بِالَّذِي أَمَرَ بِهِ فَجَعَلَ يَنْظُرُ إِلَى الرِّيشِ كَيْفَ يَخْرُجُ وَ إِلَى الْعُرُوقِ عِرْقاً عِرْقاً حَتَّى تَمَّ جَنَاحُهُ مُسْتَوِيّاً فَأَهْوَى نَحْوَ إِبْرَاهِيمَ

And Ibrahim<sup>-as</sup> called to a grinding stone. He<sup>-as</sup> pounded all the birds in it and withheld the heads in his<sup>-as</sup> possession. Then he<sup>-as</sup> called with that which he<sup>-as</sup> had been Commanded with. He<sup>-as</sup> went on looking at the feathers how these emerged, and the veins, vein by vein, until its wings were completed, equally. They inclined towards Ibrahim<sup>-as</sup>.

فَقَالَ إِبْرَاهِيمُ بَعْضُ الرُّءُوسِ فَاسْتَقْبَلَهُ بِهِ فَلَمْ يَكُنِ الرَّأْسُ الَّذِي اسْتَقْبَلَهُ بِهِ لِذَلِكَ الْبَدَنِ حَتَّى انْتَقَلَ إِلَيْهِ غَيْرُهُ فَكَانَ مُوَافِقاً لِلرَّأْسِ فَتَمَّتِ الْعِدَّةُ وَ تَمَّتِ الْأَبْدَانُ.

Ibrahim<sup>-as</sup> said regarding one of the heads: 'I faced it, but the head which I<sup>-as</sup> was facing with, did not happen to be for that body, until it transferred to another so it was compatible for the head. Thus, the number was completed, and the bodies were complete'.<sup>809</sup>

19- شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَيَابَةَ قَالَ: إِنَّ الْمَرْأَةَ أَوْصَتْ إِلَيَّ وَ قَالَتْ لِي ثُلَاثِي يُقْضَى بِهِ دَيْنُ ابْنِ أَخِي وَ جُزْءٌ مِنْهُ لِفُلَانَةٍ

(The book) 'Tafseer Al Ayyashi' – From Abdul Rahman Bin Sayaba who said,

'A woman bequeathed to me and said to me, 'My third, pay off the debts of a son of my brother, and a segment from it is for so and so woman'.

فَسَأَلْتُ عَنْ ذَلِكَ ابْنَ أَبِي لَيْلَى فَقَالَ مَا أَرَى لَهَا شَيْئاً وَ مَا أَدْرِي مَا الْجُزْءُ

I asked Ibn Abu Layli about that. He said, 'I don't see anything being for her, and I don't know what the segment is.'

فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ ع وَ أَخْبَرْتُهُ كَيْفَ قَالَتِ الْمَرْأَةُ وَ مَا قَالَ ابْنُ أَبِي لَيْلَى فَقَالَ كَذَبَ ابْنُ أَبِي لَيْلَى لَهَا عَشْرُ الثُّلَاثِ إِنَّ اللَّهَ أَمَرَ إِبْرَاهِيمَ ع فَقَالَ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءاً وَ كَانَتِ الْجِبَالُ يَوْمَئِذٍ عَشْرَةً وَ هُوَ الْعَشْرُ مِنَ الشَّيْءِ.

I asked Abu Abdullah<sup>-asws</sup> and informed him<sup>-asws</sup> how the woman had said and what Ibn Abu Layli had said. He<sup>-asws</sup> said: 'Ibn Abu Layli has lied. For her is a tenth of the third. Allah<sup>-azwj</sup> had Commanded Ibrahim<sup>-as</sup>. He<sup>-azwj</sup> Said: **Then place on every mountain a part of them, [2:260]**, and on that day, the mountains were ten, and (the segment), it is the tenth from the thing'.<sup>810</sup>

<sup>809</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 18

<sup>810</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 19

20- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَقَالَ جُزْءٌ مِنْ عَشْرَةٍ كَانَتْ الْجِبَالُ عَشْرَةً وَكَانَتْ الطَّيْرِ طَاوَسَ [الطَّائِسُ] وَ الْحَمَامَةُ وَ الدِّيَكُ وَ الْهُدْهُدُ

(The book0 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Abdullah<sup>asws</sup> regarding a man who bequeaths with a 'segment' of his wealth. He<sup>asws</sup> said: 'A segment from ten. The mountains were ten and the birds were a peacock, and the pigeon, and the rooster, and the hoopoe.

فَأَمَرَهُ اللَّهُ أَنْ يَقْطَعَهُنَّ وَ يَخْلُطَهُنَّ وَ أَنْ يَضَعَ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا وَ أَنْ يَأْخُذَ رَأْسَ كُلِّ طَيْرٍ مِنْهَا بِيَدِهِ قَالَ فَكَانَ إِذَا أَخَذَ رَأْسَ الطَّيْرِ مِنْهَا بِيَدِهِ تَطَايَرَ إِلَيْهِ مَا كَانَ مِنْهُ حَتَّى يَعُودَ كَمَا كَانَ.

Allah<sup>azwj</sup> Commanded him<sup>as</sup> to cut them and mix them, and to place upon each mountain, a part, and to take the head of each bird from these in his<sup>as</sup> hand. It so happened that when he<sup>as</sup> to the head of a bird from these in his<sup>as</sup> hand, it (body) flew to it, whatever was from it, until it returned to what it had been".<sup>811</sup>

21- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ قَالَ: جَاءَنِي أَبُو جَعْفَرٍ بْنُ سُلَيْمَانَ الْخُرَاسَانِيُّ وَ قَالَ نَزَلَ بِي رَجُلٌ مِنْ خُرَاسَانَ مِنَ الْحُجَّاجِ فَتَذَاكَرْنَا الْحَدِيثَ فَقَالَ مَاتَ لَنَا أَحَدٌ بِمَرَّةٍ وَ أَوْصَى إِلَيَّ بِمِائَةِ أَلْفٍ دِرْهَمٍ وَ أَمَرَنِي أَنْ أُعْطِيَ أَبَا حَنِيفَةَ مِنْهَا جُزْءًا وَ لَمْ أَعْرِفِ الْجُزْءَ كَمْ هُوَ بِمَا تَرَكَ

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Ismail, from Abdullah Bin Abdullah who said,

'Abu Ja'far Bin Suleyman of Khurasan came to me and said, 'A man from the pilgrims from Khurasan has lodged with me. We discussed the Hadeeth. He said, 'A brother of ours died at Merv and he bequeathed to me with a hundred thousand Dirhams, and instructed me to give it to Abu Haneefa a part (segment) from it, and I did not know how much the 'part' it, from what is left behind.

فَلَمَّا قَدِمْتُ الْكُوفَةَ أَتَيْتُ أَبَا حَنِيفَةَ فَسَأَلْتُهُ عَنِ الْجُزْءِ فَقَالَ لِي الرَّبْعُ

When I arrived to Al-Kufa, I came to Abu Haneefa to ask him about the 'segment' (part). He said to me, 'The quarter!'

فَأَبَى قَلْبِي ذَلِكَ فَقُلْتُ لَا أَفْعَلُ حَتَّى أَحُجَّ وَ أَسْتَقْصِيَ الْمَسْأَلَةَ فَلَمَّا رَأَيْتُ أَهْلَ الْكُوفَةِ قَدْ أَجْمَعُوا عَلَى الرَّبْعِ قُلْتُ لِأَبِي حَنِيفَةَ لَا سَوَاءَ بِذَلِكَ لَكَ أَوْصَى بِهَا يَا أَبَا حَنِيفَةَ وَ لَكِنْ أَحُجَّ وَ أَسْتَقْصِيَ الْمَسْأَلَةَ

My heart refused that. I said (to myself), 'I will not do it until I perform Hajj and investigate the issue. When I saw the people of Kufa being united upon the 'quarter', I said to Abu Haneefa, 'There is no shame with that for you. I have bequeathed with it, O Abu Haneefa, but I shall perform Hajj and investigate the issue!'

فَقَالَ أَبُو حَنِيفَةَ وَ أَنَا أُرِيدُ الْحُجَّ

<sup>811</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 20

Abu Haneefa said to him, 'And I intend the Hajj (also)'.

فَلَمَّا أَتَيْنَا مَكَّةَ وَكُنَّا فِي الطَّوَافِ فَإِذَا نَحْنُ بِرَجُلٍ شَيْخٍ قَاعِدٍ وَ قَدْ فَرَعَ مِنْ طَوَافِهِ وَ هُوَ يَدْعُو وَ يُسَبِّحُ إِذِ انْتَفَتَّ أَبُو حَنِيفَةَ فَلَمَّا رَأَاهُ قَالَ إِنَّ أَرَدْتُ أَنْ تَسْأَلَ غَايَةَ النَّاسِ فَاسْأَلْ هَذَا فَلَا أَحَدَ بَعْدَهُ

When we came to Makkah, and we were in the Tawaaf when we were with an old man seated, and he was free from his Tawaaf, and he was supplicating and glorifying, when Abu Haneefa turned. When he saw him, said, 'If you want to ask the peak of the people, then ask this one, for there is no one after him!'

قُلْتُ وَ مَنْ هَذَا

I said, 'And who is this?'

قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ ع

He said, 'Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>!'

فَلَمَّا قَعَدْتُ وَ اسْتَمَكَنْتُ إِذِ اسْتَدَارَ أَبُو حَنِيفَةَ ظَهَرَ جَعْفَرُ بْنُ مُحَمَّدٍ ع فَقَعَدَ قَرِيباً مِنِّي فَسَلَّمَ عَلَيْهِ وَ عَظَّمَهُ وَ جَاءَ غَيْرُ وَاحِدٍ مُزْدَلِفِينَ مُسَلِّمِينَ عَلَيْهِ وَ قَعَدُوا فَلَمَّا رَأَيْتُ ذَلِكَ مِنْ تَعْظِيمِهِمْ لَهُ اشْتَدَّ ظَهْرِي فَغَمَزَنِي أَبُو حَنِيفَةَ أَنْ تَكَلِّمْ

When I sat down and settled, then Abu Haneefa went round behind Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> and sat near to me. He greeted upon him<sup>-asws</sup> and showed him<sup>-asws</sup> great respect. Others also came, approaching with humility, greeting him<sup>-asws</sup> and sitting down. When I saw the way they honoured him, my back straightened with confidence, and Abu Haneefa nudged me to speak.

فَقُلْتُ جُعِلْتُ فِدَاكَ إِنِّي رَجُلٌ مِنْ أَهْلِ خُرَاسَانَ وَ إِنَّ رَجُلًا مَاتَ وَ أَوْصَى إِلَيَّ بِمِائَةِ أَلْفِ دِرْهَمٍ وَ أَمَرَنِي أَنْ أُعْطِيَ مِنْهَا جُزْءاً وَ سَمَّى لِي الرَّجُلَ فَكَمِ الْجُزْءَ جُعِلْتُ فِدَاكَ

I said, 'May I be sacrificed for you<sup>-asws</sup>! I am a man from the people of Khurasan, and a man died and bequeathed to me one hundred thousand Dirhams, and instructed me to give a 'part' (segment) from it, and named the man to me. So, how much is the 'segment'? May I be sacrificed for you<sup>-asws</sup>!'

فَقَالَ جَعْفَرُ بْنُ مُحَمَّدٍ ع يَا أَبَا حَنِيفَةَ إِنَّ لَكَ أَوْصَى قُلْ فِيهَا

Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> said: 'O Abu Haneefa! If he made a bequest to you, you would say regarding it?'

فَقَالَ الرَّبُّعُ

He said, 'The quarter'.

فَقَالَ لِابْنِ أَبِي لَيْلَى قُلْ فِيهَا

He<sup>-asws</sup> said to Ibn Abu Layly (the judge): ‘Speak regarding it’.

فَقَالَ الرَّبْعُ

He said, ‘The quarter’.

فَقَالَ جَعْفَرٌ ع وَ مِنْ أَيْنَ قُلْتُمْ الرَّبْعَ

Ja’far<sup>-asws</sup> said: ‘And from where are you all saying, ‘the quarter’?’

قَالُوا لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَخُذْ أَرْبَعَةً مِنَ الطَّيْرِ فَصُرْهُنَّ إِلَيْكَ ثُمَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا

They said, ‘Due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **“Then take four of the birds, so incline them towards you. Then place on every mountain a part of them, [2:260]”**.

فَقَالَ أَبُو عَبْدِ اللَّهِ هُمْ وَ أَنَا أَسْمَعُ هَذَا قَدْ عَلِمْتَ الطَّيْرَ أَرْبَعَةٌ فَكَمْ كَانَتْ الْجِبَالُ إِنَّمَا الْأَجْزَاءُ لِلْجِبَالِ لَيْسَ لِلطَّيْرِ

Abu Abdullah<sup>-asws</sup> said to them, and I was listening: ‘This you know that the birds were four, but how many were the mountains. But rather, the segments were for the mountains, not for the birds!’

فَقَالُوا ظَنَنَّا أَنَّهُا أَرْبَعَةٌ

They said, ‘We thought these were four’.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع وَ لَكِنَّ الْجِبَالَ عَشْرَةٌ.

Abu Abdullah<sup>-asws</sup> said: ‘But the mountains were ten!’<sup>812</sup>

22- قب، المناقب لابن شهر آشوب الأصنع أوصى رجلاً وَ دَفَعَ إِلَى الْوَصِيِّ عَشْرَةَ آلَافِ دِرْهَمٍ وَ قَالَ إِذَا أَدْرَكَ ابْنِي فَأَعْطِهِ مَا أَحْبَبْتَ مِنْهَا

(The book) ‘Al Manaqib’ of Ibn Shehr Ashub –

Al-Asbagh, ‘A man bequeathed and handed over ten thousand Dirhams to the executor and said, ‘When my son matures, give him whatever you like from it!’

فَلَمَّا أَدْرَكَ اسْتَعَدَّى عَلَيْهِ أَمِيرَ الْمُؤْمِنِينَ ع قَالَ لَهُ كَمْ تُحِبُّ أَنْ تُعْطِيَهُ

When he matured, he sought justice against him to Amir Al-Momineen<sup>-asws</sup>. He<sup>-asws</sup> said to him: ‘How much did you like to give him?’

قَالَ أَلْفُ دِرْهَمٍ

<sup>812</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 21



He said, 'A thousand Dirhams'.

قَالَ أَعْطِهِ تِسْعَةَ آلَافٍ دِرْهَمٍ فَهِيَ الَّتِي أَحْبَبْتُ وَ خُذِ الْأَلْفَ.

He<sup>-asws</sup> said: 'Give him nine thousand, for that is which you like (for yourself), and take the thousand (for yourself)'.<sup>813</sup>

23- شي، تفسير العياشي عَنِ الْبَرْزَنْطِيِّ عَنِ الرِّضَا ع قَالَ: جُزْءُ الشَّيْءِ مِنْ سَبْعَةٍ إِنَّ اللَّهَ يَقُولُ لَهَا سَبْعَةُ أَبْوَابٍ لِكُلِّ بَابٍ مِنْهُمْ جُزْءٌ مَقْسُومٌ.

(The book) 'Tafseer Al Ayyashi' – 'From Al Bazanty,

'From Al-Reza<sup>-asws</sup> having said: 'A 'segment' is the thing from seven. Allah<sup>-azwj</sup> Says: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**'.<sup>814</sup>

24- شي، تفسير العياشي عَنِ إِسْمَاعِيلَ بْنِ هَمَّامٍ الْكُوفِيِّ قَالَ: قَالَ الرِّضَا ع فِي رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَقَالَ جُزْءٌ مِنْ سَبْعَةٍ إِنَّ اللَّهَ يَقُولُ فِي كِتَابِهِ لَهَا سَبْعَةُ أَبْوَابٍ لِكُلِّ بَابٍ مِنْهُمْ جُزْءٌ مَقْسُومٌ.

(The book) 'Tafseer Al Ayyashi' – From Ismail Bin Hammam Al Kufi who said,

'Al-Reza<sup>-asws</sup> regarding a man who bequeaths with a 'part' (segment) of his wealth. He<sup>-asws</sup> said: 'A part from seven. Allah<sup>-azwj</sup> Says in His<sup>-azwj</sup> Book: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**'.<sup>815</sup>

25- قب، المناقب لابن شهر آشوب اَمْتِحَانُ الْفُقَهَاءِ رَجُلٌ كَانَ لَهُ ثَلَاثَةُ عِبْدٍ اسْمُ كُلِّ وَاحِدٍ مِنْهُمْ مَيْمُونٌ فَلَمَّا حَضَرَتْهُ الْوَفَاةُ قَالَ مَيْمُونٌ خُرُّ وَ مَيْمُونٌ عَبْدٌ وَ لِمَيْمُونٍ مِائَةُ دِينَارٍ مَنْ احْرُرَ وَ مَنْ الْعَبْدُ وَ لِمَنْ الْمِائَةُ الدِّينَارِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub, 'Imtihan Al Fuqaha' –

'A man had three slaves for him. The name of each of them was 'Maymoun'. When the death presented, he said, 'Maymoun is free, and Maymoun is a slave, and for Maymoun are a hundred Dinars!' Who is the free, and who is the slave, and for whom are the hundred Dinars?

الْمُعْتَقُ مَنْ هُوَ أَقْدَمُ صُحْبَةً عِنْدَ الرَّجُلِ وَ يُفْتَرَعُ الْبَاقِيَانِ فَأَيُّهُمَا وَقَعَتِ الْفُرْعَةُ فِي سَهْمِهِ فَهُوَ عَبْدٌ لِلَّذِي صَارَ حُرّاً وَ يَبْقَى الثَّلَاثُ مُدَبَّرًا لَا حُرٌّ وَ لَا مَمْلُوكٌ وَ يُدْفَعُ إِلَيْهِ الْمِائَةُ دِينَارٍ بِالْمَأْثُورِ عَنْ زَيْنِ الْعَابِدِينَ ع.

The one who has the earliest companionship with the man is to be set free. Then, a lot is drawn between the remaining two. Whichever of them the lot falls upon becomes a slave of the one who was freed. The third remains in a deferred state, neither free nor fully enslaved, and the hundred Dinars are to be given to him, based on what has been transmitted from Zayn Al-Abideen<sup>-asws</sup>.<sup>816</sup>

<sup>813</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 22

<sup>814</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 23

<sup>815</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 24

<sup>816</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 25 a

رَجُلٌ خَصَرَتْهُ الْوَفَاءُ فَقَالَ عِنْدَ مَوْتِهِ لِفُلَانٍ عِنْدِي أَلْفُ دِرْهَمٍ إِلَّا قَلِيلًا كَمِ الْقَلِيلِ هُوَ النَّصْفُ لِقَوْلِهِ تَعَالَى يَا أَيُّهَا الْمَرْمَلُ فِيمَ اللَّيْلِ إِلَّا قَلِيلًا نَصْفَهُ بِالْأَثَرِ عَنِ الرِّضَا ع.

A man, the death presented to him. He said at his death, 'For so and so, there are a thousand Dirhams in my possession except a little'. How much is the 'little'? It is the half due to Words of the Exalted: **O you, Al-Muzzammil (the wrapped one)! [73:1] Stand (to pray Salat) at night except a little [73:2] Half of it [73:3]** – from Al-Reza<sup>-asws</sup> 817.

#### باب 57 منجزات المريض

### CHAPTER 57 – ACTIONS BY A SICK PERSON

أقول: قد سبق خبر عتق الأنصاري في باب الوصية.

*I say, 'The report about the liberation of the Heller has already preceded in the chapter on wills'.*

#### باب 58 كراهة العزوبة و الحث على التزويج

### CHAPTER 58 – ABHORRENCE OF THE CELIBACY AND THE ENCOURAGEMENT UPON THE MARRIAGE

1- ب، قرب الإسناد مُحَمَّدُ بْنُ عِيسَى عَنِ الْقَدَّاحِ عَنِ الصَّادِقِ ع قَالَ: جَاءَ رَجُلٌ إِلَى أَبِي فَقَالَ لَهُ هَلْ لَكَ زَوْجَةٌ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Isa, from Al Qaddah,

'From Al-Sadiq<sup>-asws</sup>: 'A man came to my<sup>-asws</sup> father<sup>-asws</sup>. He<sup>-asws</sup> said to him: 'Is there a wife for you?'

قَالَ لَا

He said, 'No'.

قَالَ لَا أُحِبُّ أَنَّ لِي الدُّنْيَا وَ مَا فِيهَا وَ أَنِّي أَبِيتُ لَيْلَةً لَيْسَ لِي زَوْجَةٌ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> don't like that for me<sup>-asws</sup> should be the world and whatever is in it and I<sup>-asws</sup> spend a night not having a wife for me<sup>-asws</sup>!'

قَالَ ثُمَّ قَالَ إِنَّ رَغْبَتَيْنِ يُصْلِيهِمَا رَجُلٌ مُتَزَوِّجٌ أَفْضَلُ مِنْ رَجُلٍ يَتَوَصَّلُ لَيْلَةً وَ يَصُومُ نَهَارَهُ أَغْرَبَ

He (the narrator) said, 'Then he<sup>-asws</sup> said: 'Two units of Salat a man prays being married is superior to a man standing at night (for Salat) and fasting by day, being celibate!'

<sup>817</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 25 b

ثُمَّ أَعْطَاهُ أَبِي سَبْعَةَ دِينَارٍ قَالَ تَزَوَّجْ بِهَذِهِ

Then my<sup>-asws</sup> father<sup>-asws</sup> gave him seven Dinars. He<sup>-asws</sup> said: 'Get married with this!'

وَ حَدَّثَنِي بِذَلِكَ سَنَةَ ثَمَانٍ وَ تِسْعِينَ ثُمَّ قَالَ أَبِي قَالَ رَسُولُ اللَّهِ ص اتَّخِذُوا الْأَهْلَ فَإِنَّهُ أَرْزُقُ لَكُمْ.

And he<sup>-asws</sup> narrated to me<sup>-asws</sup> with that in the year one hundred and ninety-eight. Then my<sup>-asws</sup> father<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Take a family, for it would bring more sustenance for you!''<sup>818</sup>

2- ب، قرب الإسناد عَنِ الْقَدَّاحِ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: مَا أَفَادَ عَبْدٌ فَائِدَةً خَيْرًا مِنْ زَوْجَةٍ صَالِحَةٍ إِذَا رَأَاهَا سَرَّتُهُ وَ إِذَا غَابَ عَنْهَا حَفِظَتْهُ فِي نَفْسِهَا وَ مَالِهِ.

(The book) 'Qurb Al Isnaad' – From Al Qaddah,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'A servant will not benefit with any benefit better than a righteous wife. When he sees her, it would cheer him, and when he is absent from her, she will protect him regarding herself and his wealth''.<sup>819</sup>

3- ب، قرب الإسناد هَارُونُ عَنِ ابْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: إِنَّ مِنْ سَعَادَةِ الْمَرْءِ الْمُسْلِمِ أَنْ يُشَبِّهَهُ وَلَدُهُ وَ الْمَرْأَةُ الْجَمَلَاءُ ذَاتَ دِينٍ وَ الْمَرْكَبُ الْهَيِّئُ وَ الْمَسْكَنُ الْوَاسِعُ.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Rasool-Allah<sup>-saww</sup> said: 'From the good fortune of the Muslim man is that his son resembles him, and the beautiful wife with religion, and the pleasant ride, and the vast dwelling'.<sup>820</sup>

4- ل، الخصال ابْنُ الْوَلِيدِ عَنْ سَعْدِ بْنِ ابْنِ يَزِيدَ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ زِيَادٍ عَنِ الْحَلِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع ثَلَاثَةُ أَشْيَاءَ لَا يُحَاسِبُ اللَّهُ عَلَيْهَا الْمُؤْمِنَ طَعَامٌ يَأْكُلُهُ وَ ثَوْبٌ يَلْبَسُهُ وَ زَوْجَةٌ صَالِحَةٌ تُعَاوَنُهُ وَ تُحْصِنُ فَرْجَهُ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Sa'ad, from Ibn Yazeed, from Al-Hassan Bin Ali Bin Ziyad, from Al Halby who said,

'Abu Abdullah<sup>-asws</sup> said: 'Three things Allah<sup>-azwj</sup> will not Reckon the Momin upon these – the food he eats, and clothes he wears, and a righteous wife supporting him and protecting his private parts'.<sup>821</sup>

5- ل، الخصال أَبِي عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ الصَّلْتِ عَنِ الْبَرْقِيِّ عَنْ مَنْصُورِ بْنِ الْعَبَّاسِ عَنْ سَعِيدِ بْنِ جَنَاحٍ عَنْ مُطَرِّفِ مَوْلَى مَعْنٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: ثَلَاثَةٌ لِلْمُؤْمِنِ فِيهِنَّ رَاحَةٌ دَارٌ وَاسِعَةٌ تُوَارِي عَوْرَتَهُ وَ سُوءَ خَالِهِ مِنَ النَّاسِ وَ امْرَأَةٌ صَالِحَةٌ تُعِينُهُ عَلَى أَمْرِ الدُّنْيَا وَ الْآخِرَةِ وَ ابْنَةٌ أَوْ أُخْتُ تُخْرِجُهَا مِنْ مَنْزِلِهِ بِمَوْتٍ أَوْ بِتَزْوِيجٍ.

<sup>818</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 1

<sup>819</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 2

<sup>820</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 3

<sup>821</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 4

(The book) 'Al Khisaal' – My father, from Muhammad Bin Ali Bin Al Salt, from Al Barqy, from Mansour Bin Al Abbas, from Saeed Bin Janah, from Mutarraf a slave of Ma'an,

'From Abu Abdullah<sup>-asws</sup> having said: 'Three, there is rest for the Momin in these – a vast house to cover his defects and his evil state from the people, and a righteous wife supporting him upon matters of the world and the Hereafter, and a daughter or a sister he takes her out from his house either at death or marriage''.<sup>822</sup>

6 سن، المحاسن منصور بن العباس مثله.

(The book) 'Al Mahasin' – Mansour Bin Al Abbas, similar to it.<sup>823</sup>

7- ل، الخصال عن أنس عن النبي ص قال: حُبَّ إِلَيَّ مِنَ الدُّنْيَا النِّسَاءُ وَ الطِّيبُ وَ قُرَّةُ عَيْنِي فِي الصَّلَاةِ.

(The book) 'Al Khisaal' – From Anas (well-known fabricator),

'From the Prophet<sup>-saww</sup> having said: 'Beloved to me<sup>-saww</sup> from the worlds are the women, and the perfume, and delight of my<sup>-saww</sup> eyes is in the Salat''.<sup>824</sup>

8- ل، الخصال حمزة العلوي عن علي عن أبيه عن عثمان بن عيسى عن سماعة عن أبي عبد الله ع قال: أَرْبَعَةٌ يَنْظُرُ اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ مَنْ أَقَالَ نَادِمًا أَوْ أَغَاثَ لَهْقَانٍ أَوْ أَغْتَقَ نَسَمَةً أَوْ زَوَّجَ عَزَبًا.

(The book) 'Al Khisaal' – Hamza Al Alawy, from Ali, from his father, from Usman Bin Isa, from Sama'at,

'From Abu Abdullah<sup>-asws</sup> having said: 'Four, Allah<sup>-azwj</sup> will Look at (Consider) them on the Day of Qiyamah – One who accepts the retraction of a regretting one, or helps a distressed, or liberates a person, or gets a celibate married''.<sup>825</sup>

9- ل، الخصال ابن المتوكل عن علي عن أبيه عن محمد بن يحيى عن طلحة بن زيد عن الصادق عن آبائه ع قال قال رسول الله ص أَرْبَعٌ مِنْ سُنَنِ الْمُرْسَلِينَ الْعَطْرُ وَ النِّسَاءُ وَ الْمِسْوَاكُ وَ الْحَنَاءُ.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Ali, from his father, from Muhammad Bin Yahya, from Talha Bin Zayd,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Four are from the Sunnahs (practices) of the Messengers<sup>-as</sup> – the perfume, and the women, and the toothbrush, and the henna''.<sup>826</sup>

10- ل، الخصال الأزهري قال أمير المؤمنين ع تَزَوَّجُوا فَإِنَّ رَسُولَ اللَّهِ ص كَثِيرًا مَا كَانَ يَقُولُ مَنْ كَانَ يُحِبُّ أَنْ يَتَّبِعَ سُنَّتِي فَلْيَتَزَوَّجْ فَإِنَّ مِنْ سُنَّتِي التَّزْوِيجَ وَ اطْلُبُوا الْوَلَدَ فَإِنَّ أُكَاثِرَ بِكُمْ الْأُمَمَ عَدَا.

<sup>822</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 5

<sup>823</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 6

<sup>824</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 7

<sup>825</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 8

<sup>826</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 9

(The book) 'Al Khisaal' –

The four hundred (Ahadeeth) – 'Amir Al-Momineen<sup>asws</sup> said: 'Get married, for Rasool-Allah<sup>saww</sup> used to frequently say: 'One who loves to follow my<sup>saww</sup> Sunnah, let him get married, for the marriage is from my<sup>saww</sup> Sunnah, and seek to have the children for tomorrow I<sup>saww</sup> shall take pride with the (other) nations due to your large numbers!''<sup>827</sup>

11- ن، عيون أخبار الرضا عليه السلام أبي عن أحمد بن إدريس عن الأشعري عن إبراهيم بن حمويه عن البقاعي عن الرضا ع قال: في الديك الأبيض خمس خصال من خصال الأنبياء ع معرفته بأوقات الصلاة والعيرة والسخاء والشجاعة وكثرة الطرقة.

(The book) 'Uyoun Akhbar Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> – My father, from Ahmad Bin Idrees, from Al Ashari, from Ibrahim Bin Hammawiya, from Al Yaqteeny,

'From Al-Reza<sup>asws</sup> having said: 'In the white rooster there are five qualities from qualities of the Prophets<sup>as</sup> – its recognition of the timings of the Salat, and the self-esteem, and the generosity, and the bravery, and many marriages'.<sup>828</sup>

12- ما، الأماي للشيخ الطوسي بالإسناد إلى أبي قتادة عن داود قال قال أبو عبد الله ع ثلاثة هي من السعادة الزوجة المؤمنة والولد البار والرزق يزرق معيشة يغلو على صلاحها ويروح على عياله.

(The book) 'Al Amaali' of the sheykh Al Tusi – By the chain to Abu Qatadah, from Dawood who said,

'Abu Abdullah<sup>asws</sup> said: 'Three, these are from the good fortune – the compatible wife, and the righteous child, and the sustenance providing a livelihood one goes out upon its correctness and returns to his dependants'.<sup>829</sup>

13- ما، الأماي للشيخ الطوسي بالإسناد إلى أخي دعلج عن الرضا ع قال: إن امرأة سألت أبا جعفر ع فقالت أصلحك الله إني متبيلة

(The book) 'Al Amaali' – of the sheykh Al Tusi – By the chain to a brother of Deobel,

'From Al-Reza<sup>asws</sup> having said: 'A woman asked Abu Ja'far<sup>asws</sup>. She said, 'May Allah<sup>azwj</sup> Keep you<sup>asws</sup> well! I am celibate!'

فقال لها وما التبيل عندك

He<sup>asws</sup> said to her: 'And what is the celibacy in your view?'

قالت لا أريد التزويج أبداً

She said, 'I do not want to get married, ever!'

قال ولم

<sup>827</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 10

<sup>828</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 11

<sup>829</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 12

He<sup>-asws</sup> said: 'And why not?'

قَالَتْ أَلْتَمِسُ فِي ذَلِكَ الْفَضْلَ

She said, 'I seek the virtue in that'.

فَقَالَ أَنْصَرِفِي فَلَوْ كَانَ فِي ذَلِكَ فَضْلٌ لَكَانَتْ فَاطِمَةُ عَ أَحَقَّ بِهِ مِنْكِ إِنَّهُ لَيْسَ أَحَدٌ يَسْبِقُهَا إِلَى الْفَضْلِ.

He<sup>-asws</sup> said: 'Leave! Had there been virtue in that, (Syeda) Fatima<sup>-asws</sup> would have been more rightful with it than you are! Surely there isn't anyone, who can precede her<sup>-asws</sup> to the virtue!'<sup>830</sup>

14- ما، الأماالي للشيخ الطوسي بِإِسْنَادِ الْمُجَاشِعِيِّ عَنِ الصَّادِقِ ع عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ تَزَوَّجَ فَقَدْ أَخْرَزَ نِصْفَ دِينِهِ فَلْيَتَّقِ اللَّهَ فِي الْبَاقِي.

(The book) 'Al Amaali' of the sheykh Al Tusi – by a chain of Al Najashie,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who gets married has protected half his religion. Let him fear Allah<sup>-azwj</sup> regarding the remaining half!''<sup>831</sup>

15- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ عَنِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ حَكِيمٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنِ الْوَلِيدِ بْنِ صَبِيحٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: رَكْعَتَانِ يُصَلِّيهِمَا مُتَزَوِّجٌ أَفْضَلُ مِنْ سَبْعِينَ رَكْعَةً يُصَلِّيَهَا غَيْرُ مُتَزَوِّجٍ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Al-Hassan Bin Ali, from Ja'far Bin Muhammad Bin Hakeem, from Ibrahim Bin Abdul Hameed, from Al Waleed Bin Sabeeh,

'From Abu Abdullah<sup>-asws</sup> having said: 'Two units of Salat a married man prays is superior to seventy units prayed by an unmarried man'.<sup>832</sup>

16- مَكَارِمُ الْأَخْلَاقِ عَنِ الصَّادِقِ ع قَالَ: قِيلَ لِعِيسَى ابْنِ مَرْيَمَ مَا لَكَ لَا تَتَزَوَّجُ

(The book) 'Makarim Al Akhlaq' –

'From Al-Sadiq<sup>-asws</sup> having said: 'It was said to Isa<sup>-as</sup> Ibn Maryam<sup>-as</sup>, 'What is the matter you<sup>-as</sup> are not getting married?'

قَالَ مَا أَصْنَعُ بِالتَّزْوِيجِ

He<sup>-as</sup> said: 'What will I<sup>-as</sup> do with getting married?'

قَالُوا يُولَدُ لَكَ

<sup>830</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 13

<sup>831</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 14

<sup>832</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 15

They said, 'Children would be born for you<sup>-as</sup>'.

قَالَ وَ مَا أَصْنَعُ بِالْأَوْلَادِ إِنْ عَاشُوا فَتَنُّوْا وَ إِنْ مَاتُوا أَحْزَنُوا.

He<sup>-as</sup> said: 'And will I<sup>-as</sup> do with the children? If they live, they are a temptation, and if they die, they create grief'.<sup>833</sup>

17- ضه، روضة الواعظين قَالَ أَبُو جَعْفَرٍ ع لَهُوَ الْمُؤْمِنِ ثَلَاثَةُ أَشْيَاءَ التَّمَتُّعُ بِالنِّسَاءِ وَ مُفَاكَهَةُ الْإِخْوَانِ وَ الصَّلَاةُ بِاللَّيْلِ.

(The book) 'Rowzat Al Waizeen' –

'Abu Ja'far<sup>-asws</sup> said: 'The amusement of the Momin is in three things – enjoyment with the women, and pleasant conversations with the brethren, and the Salat at night'.<sup>834</sup>

18- وَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَحَبَّ أَنْ يَلْقَى اللَّهَ طَاهِرًا مُطَهَّرًا فَلْيَلْقُهُ بِزُجَّةٍ.

And Rasool-Allah<sup>-saww</sup> said: 'One who loves to meet Allah<sup>-azwj</sup> pure, purified, let him meet Him<sup>-azwj</sup> with a wife'.<sup>835</sup>

19- وَ قَالَ ص شِرَارُ مَوْتَاكُمْ الْعُزَّابُ.

And he<sup>-saww</sup> said: 'The worst of your deceased are the celibates!'<sup>836</sup>

20- وَ قَالَ ص يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَ فَلْيَتَزَوَّجْ وَ مَنْ لَمْ يَسْتَطِعْهَا فَلْيُذِمِّنِ الصَّوْمَ فَإِنَّهُ لَهُ وَجَاءٌ.

And he<sup>-saww</sup> said: 'O community of youths! One from you who is able to marry, let him do so; and whoever is not able, let him persist in fasting, for it is a protection for him'.<sup>837</sup>

21- وَ قَالَ ص رُذَالُ مَوْتَاكُمْ الْعُزَّابُ.

And he<sup>-saww</sup> said: 'The worst of your deceased are the celibates''.<sup>838</sup>

22- وَ قَالَ ص مَنْ تَزَوَّجَ فَقَدْ أُعْطِيَ نِصْفَ الْعِبَادَةِ.

And he<sup>-saww</sup> said: 'One who gets married has been Granted half the worship'.<sup>839</sup>

23- جَعَّ قَالَ ص الْبِكَاحُ سُنَّتِي فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي.

<sup>833</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 16

<sup>834</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 17

<sup>835</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 18

<sup>836</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 19

<sup>837</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 20

<sup>838</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 21

<sup>839</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 22

He<sup>-saww</sup> said: 'The marriage is my<sup>-saww</sup> Sunnah. The one who turns away from my<sup>-saww</sup> isn't from me<sup>-saww</sup>!' <sup>840</sup>

24- وَقَالَ: تَنَاصَحُوا تَكْثُرُوا فَإِنِّي أَنَا هِيَ بِكُمْ الْأُمَمِ يَوْمَ الْقِيَامَةِ وَ لَوْ بِالسَّقَطِ.

And he<sup>-saww</sup> said: 'Get married, multiply! I<sup>-saww</sup> will boasting with you at the (other) nations on the Day of Qiyamah, and even with a miscarried child' <sup>841</sup>.

25- وَقَالَ ص الْمُنْتَرَجِعُ النَّائِمُ أَفْضَلُ عِنْدَ اللَّهِ مِنَ الصَّائِمِ الْقَائِمِ الْعَزَبِ.

And he<sup>-saww</sup>: 'The sleeping married person is better in the Presence of Allah<sup>-azwj</sup> than the celibate fasting standing (for Salat) at night!' <sup>842</sup>

26- وَقَالَ ص يَفْتَحُ أَبْوَابُ السَّمَاءِ بِالرَّحْمَةِ فِي أَرْبَعِ مَوَاضِعَ عِنْدَ نُزُولِ الْمَطَرِ وَ عِنْدَ نَظَرِ الْوَلَدِ فِي وَجْهِ الْوَالِدَيْنِ وَ عِنْدَ فَتْحِ بَابِ الْكَعْبَةِ وَ عِنْدَ النِّكَاحِ.

And he<sup>-saww</sup> said: 'Doors of the sky are opened with the Mercy in four places – at the fall of rain, and at the child looking into the face of the parents, and at opening of the door of Kabah, and at the marriage' <sup>843</sup>.

27- وَقَالَ ع لِرَجُلٍ اسْمُهُ عَكَافُ أَلَيْكَ زَوْجَةٌ

And he<sup>-saww</sup> said to a man whose name was Akkaf, 'Is there a wife for you?'

قَالَ لَا يَا رَسُولَ اللَّهِ

He said, 'No, O Rasool-Allah<sup>-saww</sup>!'

قَالَ أَلَيْكَ جَارِيَةٌ

He<sup>-saww</sup> said: 'Is there are slave girl for you?'

قَالَ لَا يَا رَسُولَ اللَّهِ

He said, 'No, O Rasool-Allah<sup>-saww</sup>!'

قَالَ أَفَأَنْتَ مُوسِرٌ

He<sup>-saww</sup> said: 'Are you in financial hardship?'

قَالَ نَعَمْ

<sup>840</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 23

<sup>841</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 24

<sup>842</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 25

<sup>843</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 26



He said, 'Yes'.

قَالَ تَزَوَّجْ وَإِلَّا فَأَنْتَ مِنَ الْمُنْذَرِينَ.

He<sup>-saww</sup> said: 'Get married, or else you are from the sinners'.<sup>844</sup>

28- وَ فِي رِوَايَةٍ تَزَوَّجْ وَإِلَّا فَأَنْتَ مِنْ رُهْبَانِ النَّصَارَى.

And in a report: 'Get married, or else you are from the Christian Monks'.<sup>845</sup>

29- وَ فِي رِوَايَةٍ تَزَوَّجْ وَإِلَّا فَأَنْتَ مِنْ إِخْوَانِ الشَّيَاطِينِ.

And in a report, 'Get married, or else you are from the brothers of Satan<sup>-la</sup>'.<sup>846</sup>

30- وَ رُوِيَ أَنَّ الْحَسَنَ بْنَ عَلِيٍّ ع تَزَوَّجَ زِيَادَةً عَلَى مَائَتَيْنِ وَ رُبَّمَا كَانَ يَعْقِدُ عَلَى أَرْبَعٍ فِي عَقْدٍ وَاحِدٍ.

And it is reported that Al-Hassan Bin Ali<sup>-asws</sup> married more than two hundred times, and at times he<sup>-asws</sup> would contract with four (wives) in one contract".<sup>847</sup>

31- وَ قَالَ ع شِرَارُكُمْ عَزَابُكُمْ وَ الْعَزَابُ إِخْوَانُ الشَّيَاطِينِ.

And he<sup>-asws</sup> said: 'Your evil ones are your celibates, and the celibates are the brothers of Satan<sup>-la</sup>'.<sup>848</sup>

32- وَ قَالَ ع خِيَارُ أُمَّتِي الْمُتَاهِلُونَ وَ شِرَارُ أُمَّتِي الْعُزَابُ.

And he<sup>-asws</sup> said: 'Best of my<sup>-saww</sup> community are the married ones, and evil of my<sup>-saww</sup> community are the celibates".<sup>849</sup>

33- قَالَ رَسُولُ اللَّهِ ص مَنْ عَمِلَ فِي تَزْوِيجٍ حَلَالٍ حَتَّى يَجْمَعَ اللَّهُ بَيْنَهُمَا زَوْجَهُ اللَّهُ مِنَ الْخَوَرِ الْعَيْنِ وَ كَانَ لَهُ بِكُلِّ خُطْوَةٍ خَطَاَهَا وَ كَلِمَةٍ تَكَلَّمَ بِهَا عِبَادَةُ سَنَةٍ.

Rasool-Allah<sup>-saww</sup> said: 'One who works for lawful marriage until Allah<sup>-azwj</sup> Gathers between the two, Allah<sup>-azwj</sup> will Get him married to the Maiden Hourie, and for him, with every step taken and word spoken for it, would be worship of a year".<sup>850</sup>

<sup>844</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 27

<sup>845</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 28

<sup>846</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 29

<sup>847</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 30

<sup>848</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 31

<sup>849</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 32

<sup>850</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 33

34- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ عَنِ النَّبِيِّ ص قَالَ: مَا مِنْ شَابٍ تَزَوَّجَ فِي حَدَاثَةِ سِنِّهِ إِلَّا عَجَّ شَيْطَانُهُ يَا وَيْلَهُ يَا وَيْلَهُ عَصَمَ مِنِّي ثُلُثِي دِينِهِ فَلْيَتَّقِ اللَّهَ الْعَبْدُ فِي الثُّلُثِ الْبَاقِي.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: 'There is none from a youth getting married in young age except his Satan<sup>-la</sup> clamours, 'O woe! O woe he has protected from me<sup>-la</sup> two-thirds of his religion!' So let the servant fear Allah<sup>-azwj</sup> regarding the remaining third".<sup>851</sup>

35- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَحَبَّ أَنْ يَلْقَى اللَّهَ طَاهِرًا مُطَهَّرًا فَلْيَلْقُهُ بِزَوْجَةٍ.

And by this chain who said,

'Rasool-Allah<sup>-saww</sup> said: 'One who loves to meet Allah<sup>-azwj</sup> pure, purified, let him meet Him<sup>-azwj</sup> with a wife".<sup>852</sup>

36- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَحَبَّ أَنْ يَكُونَ عَلَى فِطْرَتِي فَلْيَسَنَّ بِسُنَّتِي وَإِنَّ مِنْ سُنَّتِي النِّكَاحَ.

And by this chain, said, 'Rasool-Allah<sup>-saww</sup> said: 'One who loves to be upon my<sup>-saww</sup> nature, let him practice my<sup>-saww</sup> Sunnah, and from my<sup>-saww</sup> Sunnah is the marriage".<sup>853</sup>

37- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص الدُّنْيَا مَتَاعٌ وَ خَيْرُ مَتَاعِهَا الزَّوْجَةُ الصَّالِحَةُ.

And by this chain, said, 'Rasool-Allah<sup>-saww</sup> said: 'The world is a provision, and best of its provision is the righteous servant".<sup>854</sup>

38- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص زَوِّجُوا أَيَامَكُمْ فَإِنَّ اللَّهَ يُحْسِنُ لَهُمْ فِي أَخْلَاقِهِمْ وَ يُوسِّعُ لَهُمْ فِي أَرْزَاقِهِمْ وَ يَزِيدُهُمْ فِي مُرَوَاتِهِمْ.

And by this chain, said, 'Rasool-Allah<sup>-saww</sup> said: 'Get your single ones married, for Allah<sup>-azwj</sup> will Improve their manners and Expand in their sustenance for them and Increase them in their manliness".<sup>855</sup>

39- الْهَدَايَةُ، النِّكَاحُ سُنَّةُ النَّبِيِّ ص وَ رُوي عَنْهُ ص أَنَّهُ قَالَ مِنْ سُنَّتِي التَّزْوِيجُ فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي.

(The book) 'Al Hidayah' – 'The marriage is a Sunnah of the Prophet<sup>-saww</sup>, and it is reported from him<sup>-saww</sup> that he<sup>-saww</sup> said: 'From my<sup>-saww</sup> Sunnah is the marriage. The one who turns away from my<sup>-saww</sup> Sunnah, he isn't for me!"<sup>856</sup>

<sup>851</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 34

<sup>852</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 35

<sup>853</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 36

<sup>854</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 37

<sup>855</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 38

<sup>856</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 39

40- وَقَالَ ع مَا بُنِيَ فِي الْإِسْلَامِ بِنَاءٌ أَحَبُّ إِلَى اللَّهِ عَزَّ وَجَلَّ وَ أَعَزُّ مِنَ التَّزْوِيجِ.

And he<sup>-saww</sup> said: ‘No building in Islam has been built which is more Beloved to Allah<sup>-azwj</sup> Mighty and Majestic, and Dearer than the marriage’.<sup>857</sup>

41 كِتَابُ الْغَايَاتِ، عَنْ عَلِيٍّ ع قَالَ: أَسْرَقُ السَّارِقِ [السَّرَاقِ] مَنْ سَرَقَ مِنْ لِسَانِ الْأَمِيرِ وَ أَعْظَمُ الْخَطَايَا اقْتِطَاعُ مَالِ امْرِئٍ مُسْلِمٍ بِغَيْرِ حَقِّهِ وَ أَفْضَلُ الشَّفَاعَاتِ أَنْ يَشْفَعَ بَيْنَ اثْنَيْنِ فِي نِكَاحٍ حَتَّى يَجْمَعَ شَتْلُهُمَا.

‘Kitab Al Ghayaat’ –

‘From Ali<sup>-asws</sup> having said: ‘The most stealing of the thieves is the one who steals from tongue of the leader, and mightiest of the wrongdoings is cutting (seizing) the wealth of a Muslim person without his right, and best of the intercessions is interceding between two regarding a marriage until their families are gathered (united/reconciled)’.<sup>858</sup>

42- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيٍّ بْنِ أَصْبَاطٍ عَنْ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنِ أَبِيهِ عَنْ آبَائِهِ ع عَنِ النَّبِيِّ ص قَالَ: شِرَارُ أُمَّتِي عَزَابُهَا.

‘Kitab Al Imama Wa Al Tabsira’ – From Haroun Bin Musa, from Muhammad Bin Ali, from Muhammad Bin Ali Husayn, from Ali Bin Asbaat, from Ibn Fazzal,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: ‘Evil ones of my<sup>-saww</sup> community are its celibates!’<sup>859</sup>

باب 59 فضل حب النساء و الأمر بمدارتهن و ذمهن و النهي عن طاعتهن

## CHAPTER 59 – MERIT OF LOVING THE WOMEN, AND THE COMMAND WITH BEING POLITE WITH THEM, AND CONDEMNATION AND THE PROHIBITION OF OBEYING THEM

1- ع، علل الشرائع لي، الأماالي للصدوق ابْنُ الْبَرْقِيِّ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ أَبِيهِ مُحَمَّدِ بْنِ الْبَرْقِيِّ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ عَنِ الصَّادِقِ ع عَنْ آبَائِهِ ع قَالَ: شَكَا رَجُلٌ مِنْ أَصْحَابِ أَمِيرِ الْمُؤْمِنِينَ ع نِسَاءَهُ فَقَامَ ع خَطِيباً فَقَالَ مَعَاشِرَ النَّاسِ لَا تُطِيعُوا النِّسَاءَ عَلَى حَالٍ وَ لَا تَأْتُمُوهُنَّ عَلَى مَالٍ وَ لَا تَذَرُوهُنَّ يُدِيرْنَ أَمْرَ الْعِيَالِ فَإِنَّهُنَّ إِنْ تَرَكْنَ وَ مَا أَرَدْنَ أَوْرَدْنَ الْمَهَالِكَ وَ عَدَوْنَ أَمْرَ الْمَالِكِ

(The book) ‘Ilal Al Sharaie’, (and) ‘Al Amaali’ of Al Sadouq – Ibn Al Barqy, from his father, from his grandfather, from his father Muhammad Al Barqy, from Ibn Abu Umeir, from someone else,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘A man from the companions of Amir Al-Momineen<sup>-asws</sup> complained of his wives. He<sup>-asws</sup> stood up to address. He<sup>-asws</sup> said: ‘Community of people! Do not obey the women upon any situation nor entrustment upon wealth, nor leave them to manage affairs of the dependants, for if they are left alone to what they want, they will bring about destruction, and disobey commands of the owner!’

<sup>857</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 40

<sup>858</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 41

<sup>859</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 58 H 42

فَإِنَّا وَجَدْنَاهُمْ لَا وَرَعَ لَهُمْ عِنْدَ حَاجَتِهِمْ وَلَا صَبْرَ لَهُمْ عَنْ شَهْوَتِهِمُ الْبَدْحُ لَهُمْ لَا زِمَ وَلَا كِبَرَ وَلَا عُجْبَ بَيْنَ لَاحِقٍ وَإِنْ عَجَزَ لَا يَشْكُرُونَ الْكَثِيرَ إِذَا مُنِعَ الْقَلِيلَ يَنْسِينَ الْخَيْرَ وَ يَحْفَظُونَ الشَّرَّ يَتَهَفَتْنَ بِالْبُهْتَانِ وَ يَتَمَادَيْنَ بِالطُّغْيَانِ فَدَارُوهُنَّ عَلَى كُلِّ حَالٍ وَ أَحْسِنُوا لَهُنَّ الْمَقَالَ لَعَلَّهُنَّ يُحْسِنَنَّ الْفِعَالَ.

We have found them lacking restraint when in need and lacking patience when faced with their desires. Extravagance clings to them even as they grow old, and vanity follows them even when they are weak. They do not appreciate abundance if deprived of a little; they forget good and remember evil. They rush into slander, persist in rebellion, and align themselves with Satan<sup>la</sup>. So, treat them with consideration in all situations and speak kindly to them, that they may perhaps do good in return<sup>860</sup>.

2- لي، الأماالي للصدوق ابن إدريس عن أبيه عن ابن عيسى عن أبيه عن عبد الله بن القاسم عن أبيه عن أبي بصير عن أبي عبد الله ع قال قال أمير المؤمنين ع لأهل الدين علامات يعرفون بها صدق الحديث و أداء الأمانة و الوفاء بالعهد و صلة الرحم و رحمة الضعفاء و قلة المؤمنات و بذل المعروف و حسن الخلق و سعة الخلق و اتباع العلم و ما يقرب إلى الله عز و جل طوبى لهم و حسن مآب الخير.

(The book) 'Al Amaali' of Al Sadouq – Ibn Idrees, from his father, from Ibn Isa, from his father, from Abdullah Bin Al Qasim, from his father, from Abu Baseer,

'From Abu Abdullah<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'For the religious people there are markings they are recognised with – truthful narration, and fulfilling the entrustment, and the loyalty with the pact, and connecting (helping) the kinship, and being merciful to the weak, and lack of looking at other women, and spending on the acts of kindness, and good manners, and broad-mindedness, and pursuing the knowledge and whatever draws closer to Allah<sup>-azwj</sup> Mighty and Majestic! Beatitude be for them and an excellent abode!' – the Hadeeth<sup>861</sup>.

3 مع، معاني الأخبار لي، الأماالي للصدوق الحافظ عن أحمد بن عبد الله عن عيسى بن محمد الكاتب عن المدائني عن غياث بن إبراهيم عن الصادق ع قال قال أمير المؤمنين ع غفول النساء في جمالهن و جمال الرجال في غفولهم.

(The book) 'Ma'any Al Akhbar', (and) 'Al Amaali' of Al Sadouq – Al Hafiz, from Ahmad Bin Abdullah, from Isa Bin Muhammad Al Katib, from Al Madainy, from Giyas Bin Ibrahim,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'Intellects of the women are in their beauty, and beauty of the men is in their intellects<sup>862</sup>.

4- لي، الأماالي للصدوق العطار عن أبيه عن ابن أبي الخطاب عن محمد بن سنان عن أبي الجارود عن أبي جعفر عن أبيه عن جدّه ع قال قال أمير المؤمنين ع اتقوا شزار النساء و كونوا من خيارهن على خدر إن أمرنكم بالمعروف فخالفوهن كيلا يطمعن منكم في المنكر.

(The book) 'Al Amaali' of Al Sadouq – Al Attar, from his father, from Ibn Abu Al Khattab, from Muhammad Bin Sinan, from Abu Al Jaroud,

<sup>860</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 1

<sup>861</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 2

<sup>862</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 3

'From Abu Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'Fear evil of the women and be upon caution from their good ones! If they instruct you with the act of kindness, oppose them lest they covet from you regarding the evil!''<sup>863</sup>

5- ب، قرب الإسناد هارون عن ابن صدقة عن الصادق عن أبيه ع قال: مَنْ اتَّخَذَ امْرَأَةً فَلْيُكْرِمْهَا فَإِنَّمَا امْرَأَةٌ أَخَذَكُمْ لُغْبَةً فَمَنْ اتَّخَذَهَا فَلَا يُضَيِّعَهَا.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'One who takes a woman (wife) let him honour her, for rather a woman of one of you is a plaything. So, the one who takes her, he should not waste her!''<sup>864</sup>

6- ب، قرب الإسناد هارون عن ابن زياد عن الصادق عن أبيه ع قال قال رسول الله ص أصناف لا يستجاب دعائهم رجل يؤذيه امرأته بكل ما تُقدِرُ عليه و هو في ذلك يدعو الله عليها و يقول اللهم أرخني منها فهذا يقول الله له عبدي أ و ما قلدئك أمراً فإن شئت حلّيتها و إن شئت أمسكتها.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Ziyad,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There are types of people, their supplications are not Answered – a man whose wife hurts him with all what he is able upon, and during that he supplicates to Allah<sup>-azwj</sup> against her and say, 'O Allah<sup>-azwj</sup>! Give me rest from her!' So this, Allah<sup>-azwj</sup> Says to him: "And have I<sup>-azwj</sup> not Collared you with her matter? If you like you have free her, and if you like you can withhold her!''<sup>865</sup>

7- ب، قرب الإسناد ابن طريف عن ابن علقوان عن الصادق عن أبيه ع قال قال رسول الله ص اتقوا الله اتقوا الله في الضعيفين اليتيم و المرأة فإن خيركم خيركم لأهلِهِ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Fear Allah<sup>-azwj</sup>! Fear Allah<sup>-azwj</sup> regarding the two weak ones, the orphan and the woman, for your best one is the one best to his wife''<sup>866</sup>.

8- ل، الخصال العطّار عن أبيه عن الأشعري عن علي بن السندي عن عثمان بن عيسى عن سماعة عن أبي عبد الله ع قال: اتقوا الله في الضعيفين يعني بذلك اليتيم و النساء.

(The book) 'Al Khisaal' – Al Attar, from his father, from Al Ashary, from Ali Bin Al Sindy, from Usman Bin Isa, from Sama'at,

<sup>863</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 4

<sup>864</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 5

<sup>865</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 6

<sup>866</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 7

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Fear Allah<sup>-azwj</sup> regarding the two weak ones!’ – meaning by that the orphan and the women”<sup>.867</sup>

9- ل، الخصال أبي عن أحمد بن إدريس عن الأشعري عن عبد الله بن محمد الرزي عن بكر بن صالح عن أبي أيوب عن محمد بن مسلم عن أبي عبد الله ع قال: مَنْ صَدَقَ لِسَانَهُ زَكَا عَمَلُهُ وَ مَنْ حَسُنَتْ نِيَّتُهُ زَادَ اللَّهُ فِي رِزْقِهِ وَ مَنْ حَسَنَ بِرُّهُ بِأَهْلِهِ زَادَ اللَّهُ فِي عُمْرِهِ.

(The book) ‘Al Khisaal’ – My father, from Ahmad Bin Idrees, from Al Ashari, from Abdullah Bin Muhammad Al Razy, from Bakr Bin Salih, from Abu Ayoub, from Muhammad Bin Muslim,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘One whose tongue is truthful his actions are pure, and one his intention is good, Allah<sup>-azwj</sup> will Increase in his sustenance, and one who is righteous with his wife Allah<sup>-azwj</sup> will Increase in his lifetime”<sup>.868</sup>

10- ل، الخصال ابن المتوكل عن السعدآبادي عن البرقي عن أبيه عن محمد بن سينان عن أبي الجارود عن ابن طريف عن ابن نبتة قال قال أمير المؤمنين ع الفتن ثلاث حب النساء و هو سيف الشيطان و شرب الخمر و هو فح الشيطان و حب الدينار و الدرهم و هو سهم الشيطان

(The book) ‘Al Khisaal’ – Ibn Al Mutawakkil – From Al Sa’dabadi, from Al Barqy, from his father, from Muhammad Bin Sinan, from Abu Al Jaroud, from Ibn Tareyf, from Ibn Nubata who said,

‘Amir Al-Momineen<sup>-asws</sup> said: ‘The Fitna (trials/temptations) are three – love of the women, and it is a sword of Satan<sup>-la</sup>; and drinking the wine, and it is a trap of Satan<sup>-la</sup>, and love of the Dinar and the Dirhams, and it is an arrow of Satan<sup>-la</sup>.

فَمَنْ أَحَبَّ النِّسَاءَ لَمْ يَنْتَفِعْ بِعَيْشِهِ وَ مَنْ أَحَبَّ الْأَشْرِبَةَ حُرِمَتْ عَلَيْهِ الْجَنَّةُ وَ مَنْ أَحَبَّ الدِّينَارَ وَ الدِّرْهَمَ فَهُوَ عَبْدُ الدُّنْيَا.

The one who loves the women will not benefit with his life, and the one who loves the drinking (intoxicants), the Paradise will be Forbidden unto him, and the one who loves the Dinar and the Dirham, he is a worshipper of the world!”<sup>869</sup>

11- ل، الخصال ابن المتوكل عن السعدآبادي عن البرقي عن أبيه يرفعه إلى أبي عبد الله ع أنه قال: خمس من خمس محال النصيحة من الحاسد محال و الشفقة من العدو محال و الخزعة من الفاسق محال و الوفاء من المرأة محال و الهبة من الفقير محال.

(The book) ‘Al Khisaal’ – Ibn Al Mutawakkil, from Al Sa’dabady, from Al Barqy, from his father raising it to,

‘Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> said: ‘Five from five are impossible – The good advice from the envier is impossible, and the compassion from the enemy is impossible, and the sanctity from the mischief-maker is impossible, and the loyalty from the woman is impossible, and the prestige from the poor is impossible’<sup>.870</sup>

12- ل، الخصال أبي عن علي بن أبيه عن علي بن معبد عن عبد الله بن القاسم عن عبد الله بن سينان عن أبي عبد الله ع قال قال رسول الله ص أول ما عصي الله تبارك و تعالى بسنة خصال حب الدنيا و حب الرئاسة و حب الطعام و حب النساء و حب النوم و حب الراحة.

<sup>867</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 8

<sup>868</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 9

<sup>869</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 10

<sup>870</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 11

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Ali Bin Ma'bad, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The first of Allah<sup>-azwj</sup> Blessed and Exalted has been disobeyed is with six characteristics – love of the world, and love of the governance, and love of the food, and love of the women, and love of the sleep, and love of the comfort".<sup>871</sup>

13- جاء المجلس للمفيد ما، الأماي للشيخ الطوسي المفيّد بإسناده قال قال رسول الله ص أَرْبَعَةٌ مَفْسَدَةٌ لِلْقُلُوبِ الْخُلُوعُ بِالنِّسَاءِ وَ الْإِسْتِمْتَاعُ مِنْهُنَّ وَ الْأَخْذُ بِرَأْيِهِنَّ وَ مُجَالَسَةُ الْمَوْتَى

(The book) 'Al Majaalis' of Al Mufeed, (and) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed by his chain, said,

'Rasool-Allah<sup>-saww</sup> said: 'Four are corrupters of the hearts – the seclusion with the women, and the listening intently to them, and the taking with their opinions, and gatherings of the dead!'

فَقِيلَ يَا رَسُولَ اللَّهِ وَ مَا مُجَالَسَةُ الْمَوْتَى

It was said, 'O Rasool-Allah<sup>-saww</sup>, and what gatherings of the dead?'

قَالَ مُجَالَسَةُ كُلِّ ضَالٍّ عَنِ الْإِيمَانِ وَ جَائِرٍ عَنِ الْأَحْكَامِ.

He<sup>-saww</sup> said: 'Gatherings of every one straying from the Eman, and deviating from the rulings".<sup>872</sup>

14- ما، الأماي للشيخ الطوسي بإسناده أَخْبَرَنَا أَخِي دَعْبَلٍ عَنِ الرِّضَا عَنِ أَبِيهِ عَنِ الْبَاقِرِ صَلَوَاتُ اللَّهِ عَلَيْهِ أَنَّهُ قَالَ: أَنْفَعُوا بِنِّسَاءِ زَوْجَاتِكُمْ قَالَ بِنِّمَا زَوَّجَكُمْ اللَّهُ عَلَى مَا فَرَضَ اللَّهُ عَلَيْكُمْ فِيمَا مَلَكَتْ أَيْمَانُكُمْ وَ اتَّقُوا اللَّهَ فِي الضَّعِيفِينَ النِّسَاءِ وَ الْيَتِيمِ فَإِنَّمَا هُمْ عَوْرَةٌ.

(The book) 'Al Amaali' of the sheykh – Al Tusi, by a chain of a brother of Deobel,

'From Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from Al Baqir<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, said: '**Spend out of what We have Given you [2:254]**. He<sup>-asws</sup> said: 'From what Allah<sup>-azwj</sup> has Provided them, (spending) upon what Allah<sup>-azwj</sup> has Obligated upon you regarding what your right hands possess, and fear Allah<sup>-azwj</sup> regarding the two weak ones – the women and the orphans, for rather, they are exposed (vulnerable)".<sup>873</sup>

15- ما، الأماي للشيخ الطوسي عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ص قَالَ: إِنَّ أَكْمَلَ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَ خَيْرًاكُمْ خِيَارُكُمْ لِنِسَائِهِمْ.

(The book) 'Al Amaali' of the sheykh Al Tusi – From Abu Hureyra (well-known fabricator),

'From the Prophet<sup>-saww</sup> having said: 'The most perfect of the Momineen in Eman is their most excellent of manners, and your best ones are your best to your women!'"<sup>874</sup>

<sup>871</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 12

<sup>872</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 13

<sup>873</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 14

<sup>874</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 15

16- ع، علل الشرائع أَبِي عَنْ سَعْدِ بْنِ أَبِي الْخَطَّابِ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْخَزَّازِ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ الْمَرْأَةَ خُلِقَتْ مِنَ الرَّجُلِ وَ إِنَّمَا هَمَّتْهَا فِي الرِّجَالِ فَأَجْبُوا نِسَاءَكُمْ وَ إِنَّ الرَّجُلَ خُلِقَ مِنَ الْأَرْضِ فَإِنَّمَا هَمَّتْهُ فِي الْأَرْضِ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Muhammad Bin Yahya Al Khazzaz, from Giyas Bin Ibrahim,

'From Abu Abdullah<sup>-asws</sup> having said: 'The woman was Created from the man, and rather her main concern is in the men, so love your women, and the man was Created from the earth, so rather his main concern is regarding the land'.<sup>875</sup>

17- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عَنِ الرِّضَا عَنْ آبَائِهِ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لِلْمَرْأَةِ عَشْرُ غَوَازٍ فَإِذَا زَوَّجْتَ سِتْرَتْ لَهَا غَوْرَةً وَ إِذَا مَاتَتْ سِتْرَتْ غَوْرَتُهَا كُلُّهَا.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'For the woman there are ten exposures. When she gets married, an exposure is covered for her, and when she dies, all of her exposures are covered''.<sup>876</sup>

18- ع، علل الشرائع ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ أَبَادِي عَنِ الْبَرْقِيِّ عَنْ عَبْدِ الْعَظِيمِ الْحُسَيْنِيِّ عَنْ مُحَمَّدِ بْنِ عُمَرَ بْنِ زَيْدٍ عَنْ حَمَّادِ بْنِ عُمَرَ عَنْ زَيْدِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع جَاءَتْ امْرَأَةٌ مِنْ أَهْلِ الْبَادِيَةِ إِلَى النَّبِيِّ ص وَ مَعَهَا صَبِيَّانِ حَامِلَةٌ وَاحِدًا وَ آخَرَ يَمْشِي فَأَعْطَاهَا النَّبِيُّ ص قُرْصًا فَقَلَقَتْهُ بَيْنَهُمَا فَقَالَ رَسُولُ اللَّهِ ص الْحَامِلَاتُ الرَّجِيمَاتُ لَوْ لَا كَثَرَةُ لَعِبِهِنَّ لَدَخَلَتْ مُصَلِّيَاتُهُنَّ الْجَنَّةَ.

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Al Sa'dabadi, from Al Barqy, from Abdul Azeem Al Hasany, from Muhammad Bin Umar Bin Yazeed, from Hammad Bin Usman, from Umar Bin Yazeed who said,

'Abu Abdullah<sup>-asws</sup> said: 'A woman from people of the valleys came to the Prophet<sup>-saww</sup> and with her were two young children. She was carrying one and the other one was walking. The Prophet<sup>-saww</sup> gave her a disc (of bread). She split it between the two (children). Rasool-Allah<sup>-saww</sup> said: 'The compassionate and caring mothers, were it not for the excess of their or distractions, their places of prayer would be included in Paradise!''<sup>877</sup>

19- ير، بصائر الدرجات مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنْ عُبَيْسَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: فِي كِتَابِ عَلِيٍّ ع الَّذِي أَمْلَى رَسُولُ اللَّهِ ص إِنَّ كَانَ الشُّؤْمُ فِي شَيْءٍ فَفِي النِّسَاءِ.

(The book) 'Basaair Al Darajaat' – Muhammad Bin Al Husayn, from Ja'far Bin Bashir, from Anbasa,

'From Abu Abdullah<sup>-asws</sup> having said: 'In the book of Ali<sup>-asws</sup> which Rasool-Allah<sup>-saww</sup> had dictated: 'If the misfortune was in anything, it would be in the women''.<sup>878</sup>

20- سر، السرائر مِنْ كِتَابِ أَبِي الْقَاسِمِ بْنِ قُلوْبِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: كُلُّ مَنْ اسْتَدَّ لَنَا حُبًّا اسْتَدَّ لِلنِّسَاءِ حُبًّا وَ لِلْخُلَوَاءِ.

<sup>875</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 16

<sup>876</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 17

<sup>877</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 18

<sup>878</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 19



(The book) 'Al Saraair' – From the book of Abu Al Qasim Bin Qawlawiyah,

'From Abu Abdullah<sup>-asws</sup> having said: 'Everyone who has intense love for us<sup>-asws</sup> has intense love for the women and for the sweets!''<sup>879</sup>

21- مَكَارِمُ الْأَخْلَاقِ كَانَ رَسُولُ اللَّهِ ص إِذَا أَرَادَ الْحَرْبَ دَعَا نِسَاءَهُ فَاسْتَشَارَهُنَّ ثُمَّ خَالَفَهُنَّ.

(The book) 'Makarim Al Akhlaaq' –

'Whenever Rasool-Allah<sup>-saww</sup> intended the war, would call the women. He<sup>-saww</sup> would consult them, then oppose them''<sup>880</sup>

22- وَ قَالَ ع طَاعَةُ الْمَرْأَةِ نَدَامَةٌ.

And he<sup>-asws</sup> said: 'Obedience to the women (leads to) regret''<sup>881</sup>

23- مِنْ كِتَابِ اللَّيْثِ عَنْ أَبِي عَبْدِ اللَّهِ ع عَنْ أَبِيهِ ع قَالَ: ذَكَرَ رَسُولُ اللَّهِ ص النِّسَاءَ فَقَالَ عِظُوهُنَّ بِالْمَعْرُوفِ قَبْلَ أَنْ يَأْمُرَنَّكُمُ بِالْمُنْكَرِ وَ تَعَوَّدُوا بِاللَّهِ مِنْ شِرَارِهِنَّ وَ سُوُّوهُنَّ مِنْ خِيَارِهِنَّ عَلَى حَدِّ.

From 'Kitab Al Libaas' –

'From Abu Abdullah<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> mentioned the women. He<sup>-saww</sup> said: 'Advise them with the kindness before they instruct you with the evil, and seek Refuge with Allah<sup>-azwj</sup> from their evil ones and be upon cautiousness from their good ones''<sup>882</sup>

24- عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا تُشَاوِرْهُنَّ فِي النَّجْوَى وَ لَا تُطِيعُوهُنَّ فِي ذِي قَرَابَةٍ إِنَّ الْمَرْأَةَ إِذَا كَبُرَتْ ذَهَبَ خَيْرُ شَطْرَيْهَا وَ بَقِيَ شَرُّهَا ذَهَبَ جَاهُهَا وَ عَقِمَ رَحْمَتُهَا وَ اخْتَدَّتْ لِسَانُهَا

From Abu Ja'far<sup>-asws</sup> having said: 'Do not consult women in confidential matters, and do not obey them concerning family relations. Indeed, when a woman grows old, the better half of her nature departs and the worse remains, her beauty fades, her womb becomes barren, and her tongue becomes sharp.

وَ إِنَّ الرَّجُلَ إِذَا كَبُرَ ذَهَبَ شَرُّ شَطْرَيْهِ وَ بَقِيَ خَيْرُهُمَا ثَبَتَ عَقْلُهُ وَ اسْتَحْكَمَ رَأْيُهُ وَ قَلَّ جَهْلُهُ.

But when a man grows old, the worse half of his nature departs and the better remains, his intellect becomes firmer, his judgment strengthens, and his ignorance lessens!''<sup>883</sup>

<sup>879</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 20

<sup>880</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 21

<sup>881</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 22

<sup>882</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 23

<sup>883</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 24

25- وَقَالَ عَلِيٌّ ع كُلُّ امْرِئٍ تُدَبِّرُهُ امْرَأَةٌ فَهُوَ مَلْعُونٌ.

And Ali<sup>-asws</sup> said: 'Every man who is managed by a woman, he is accursed!'<sup>884</sup>

26- وَقَالَ ع فِي خِلَافِهِنَّ الْبَرَكَةُ.

And he<sup>-asws</sup> said: 'Opposing them is a Blessing'<sup>885</sup>

27- عَنْ أَبِي عَبْدِ اللَّهِ ع عَنْ آبَائِهِ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَطَاعَ امْرَأَتَهُ أَكَبَّهُ اللَّهُ عَلَى وَجْهِهِ فِي النَّارِ

From Abu Abdullah<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who obeys his wife, Allah<sup>-azwj</sup> will Fling him upon his face in the Fire!'

قَالَ وَ مَا تِلْكَ الطَّاعَةُ

(Someone) said, 'And what is that obedience?'

قَالَ تَطْلُبُ إِلَيْهِ الدَّهَابَ إِلَى الْحُمَامَاتِ وَالْعُرْسَاتِ وَالْعِيدَانِ وَالنَّائِحَاتِ وَالتَّيَابِ الرِّقَاقَ فَيُجِيبُهَا.

He<sup>-saww</sup> said: 'When she seeks to him going to the bathhouses, and the weddings, and the festivals, and the mourning ceremonies, and wearing the thin clothes, so he answers (complies) with her'<sup>886</sup>

28- نَوَادِرُ الرَّاَوْنَدِيِّ، بِإِسْنَادٍ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص كُلَّمَا أَزْدَادَ الْعَبْدُ إِيمَانًا أَزْدَادَ حُبًّا لِلنِّسَاءِ.

(The book) 'Nawadir' of Al Rawandy –

'By a chain from Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Every time the servant increases in Eman, he increases love for the women!'<sup>887</sup>

29- وَ بِحَدِّثِ الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص أَعْطَيْنَا أَهْلَ الْبَيْتِ سَبْعَةً لَمْ يُعْطَهُنَّ أَحَدٌ كَانَ قَبْلَنَا وَلَا يُعْطَاهُنَّ أَحَدٌ بَعْدَنَا الصَّبَاحَةُ وَالْفَصَاحَةُ وَالسَّمَاحَةُ وَالشَّجَاعَةُ وَالْعِلْمُ وَالْحِلْمُ وَالْمَحَبَّةُ فِي النِّسَاءِ.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'We<sup>-asws</sup>, People<sup>-asws</sup> of the Household, have been Given seven (qualities) no one before us<sup>-asws</sup> has been Given, nor will anyone after us<sup>-asws</sup> be Given – the elegance, and the eloquence, and the forgiveness, and the bravery, and the knowledge, and the forbearance, and the love regarding the women'<sup>888</sup>

<sup>884</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 25

<sup>885</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 26

<sup>886</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 27

<sup>887</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 28

<sup>888</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 29

30- تَحَجُّجُ الْبَلَاغَةِ، قَالَ عِ الْمَرْأَةُ عَقْرَبٌ خُلُوَةُ السُّنْبَةِ.

(The book) 'Nahj Al Balagah' –

'He<sup>-asws</sup> said: 'The woman is a scorpion having a sweet sting''.<sup>889</sup>

31- وَ قَالَ عِ بَعْدَ حَرْبِ الْجَمَلِ فِي دَمِ النِّسَاءِ مَعَاشِرَ النَّاسِ إِنَّ النِّسَاءَ نَوَاقِصُ الْإِيمَانِ نَوَاقِصُ الْخُطُوطِ نَوَاقِصُ الْعُقُولِ

And he<sup>-asws</sup> said: 'After the battle of Al-Jamal in condemnation of the women: 'Community of the people! Women are deficient of the Eman, deficient of the shares, and deficient of the intellects!

فَأَمَّا نُقْصَانُ إِيْمَانِهِنَّ فَقَعُودُهُنَّ عَنِ الصَّلَاةِ وَ الصَّيَّامِ فِي أَيَّامِ حَيْضِهِنَّ وَ أَمَّا نُقْصَانُ عُقُولِهِنَّ فَشَهَادَةُ امْرَأَتَيْنِ كَشَهَادَةِ الرَّجُلِ الْوَاحِدِ وَ أَمَّا نُقْصَانُ خُطُوطِهِنَّ فَمَوَارِيثُهُنَّ عَلَى الْأَنْصَافِ مِنْ مَوَارِيثِ الرِّجَالِ

As for deficient of the Eman, it is their sitting back from the Salat and the Fasting during the days of menstruation; and as for deficient of their intellects, the testimony of two women from them is like the one testimony of a man; and as for deficiency of their shares, their inheritances are upon the half from the inheritances of the men.

فَاتَّقُوا شَرَّ النِّسَاءِ وَ كُونُوا مِنْ خِيَارِهِنَّ عَلَى حَذَرٍ وَ لَا تُطِيعُوهُنَّ فِي الْمَعْرُوفِ حَتَّى لَا يَطْمَعَنَّ فِي الْمُنْكَرِ

Fear evil of the women and be cautious from their choices, and do not obey them in the good so that would not make you covet the evil''.<sup>890</sup>

باب 60 أصناف النساء و صفاتهن و شرارهن و خيارهن و السعي في اختيارهن و الدعاء لذلك

## CHAPTER 60 – TYPES OF WOMEN, AND THEIR TRAITS, AND THEIR EVIL ONES AND THEIR GOOD ONES, AND THE STRIVING IN CHOOSING THEM, AND THE SUPPLICATION FOR THAT

1- ب، قرب الإسناد هارون بن زياد عن الصادق عن أبيه ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: ثَلَاثَةٌ هُنَّ أُمُّ الْفَوَاقِرِ سُلْطَانٌ إِنْ أَحْسَنْتَ إِلَيْهِ لَمْ يَشْكُرْ وَ إِنْ أَسَأْتَ إِلَيْهِ لَمْ يَغْفِرْ وَ جَارٌ عَيْنُهُ تَرَعَاكَ وَ قَلْبُهُ يَنْعَاكَ إِنْ رَأَى حَسَنَةً دَفَنَهَا وَ لَمْ يُفْشِهَا وَ إِنْ رَأَى سَيِّئَةً أَظْهَرَهَا وَ أَدَاعَهَا وَ رَوْجَةٌ إِنْ شَهِدْتَ لَمْ تَقَرَّ عَيْنُكَ بِهَا وَ إِنْ غَيْبَتْ لَمْ تَطْمَئِنَّ إِلَيْهَا.

(The book) 'Qurb Al Isnaad' – Haroun Bin Ziyad,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Rasool-Allah<sup>-saww</sup> said: 'Three, these are mother of the calamities – a ruler, if you are good to him, he is not grateful, and if you are bad to him, he does not forgive; and a neighbour watching you and his heart resents you. If he sees a good deed, he buries (conceals) it and does not spread it, and if he sees an evil deed, he

<sup>889</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 30

<sup>890</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 59 H 31

reveals it and broadcasts it; and a wife, if you are present your eyes are not delighted with her, and if you are absent, you are not re-assured with her”.<sup>891</sup>

2- مع، معاني الأخبار لي، الأمالي للصدوق ل، الخصال ماجيلويه عن محمد الطّار عن سهل عن عثمان بن عيسى عن خالد بن يحيى عن أبي عبد الله ع قال: تذاكروا الشؤم عنده فقال الشؤم في ثلاثة المرأة والدابة والدار

(The book) ‘Ma’any Al Akhbaar’, (and) ‘Al Amaali’ of Al Sadouq, (and) ‘Al Khisaal’ – Majaylawiya, from Muhammad Al Attar, from Sahl, from Usman Bin Isa, from Khliad Bin Najeeh,

‘From Abu Abdullah<sup>-asws</sup>, he (the narrator) said: ‘The misfortune was discussed in his<sup>-asws</sup> presence. The misfortune is in three – the woman, and the mount, and the house.

فأما شؤم المرأة فكثرة مهرها وعقوق زوجها وأما الدابة ففسوء خلقها ومنعها ظهرها وأما الدار فضيق ساحتها وشرب حيرانها وكثرة عيوبها.

As for the misfortune of the women, it is her large dowry and disloyalty to her husband; and as for the mount, it is its evil temperament its refusal of its back; and as for the house, the narrowness of its courtyard, and its evil neighbours, and its many defects”.<sup>892</sup>

3- ل، الخصال فيما أوصى به النبي ص علياً ع أربعة من فواصم الظهر إمام يعصي الله ويطاع أمره و زوجة يحفظها زوجها وهي تحونه وفقر لا يجد صاحب له مداوياً و جاز سوء في دار مقام.

(The book) ‘Al Khisaal’ –

‘Among what the Prophet<sup>-saww</sup> bequeathed with to Ali<sup>-asws</sup>: ‘Four are from breakers of the back – a leader who disobeys Allah<sup>-azwj</sup> and his orders are obeyed; and a wife whose husband protects her and she betrays him; and poverty which its owner cannot find a remedy for it; and an evil neighbour in a house of residence”.<sup>893</sup>

4- ل، الخصال ابن المغيرة بإسناده عن السكوني عن الصادق ع قال قال رسول الله ص النساء أربع جامع مجمع و ربيع مريع و كرب مقمع و غل قمل.

(The book) ‘Al Khisaal’ – Ibn Al Mugheira, by his chain from Al Sakuni,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The Women are of four types—one who gathers and unites, one who is like fertile springtime, one who brings crushing distress, and one who is like a filthy shackles!’<sup>894</sup>

قال الصدوق رضي الله عنه جامع مجمع أي كثيرة الخير مخضبة و ربيع مربع التي في حجرها ولد و في بطنها آخر و كرب مقمع أي سيئة الخلق مع زوجها و غل قمل أي هي عند زوجها كالغل القمل و هو غل من جلد يقع فيه القمل فيأكله فلا يتنها له أن يحك منه شيء و هو مثل للعرب.

*Al-Sadouq, may Allah<sup>-azwj</sup> be Pleased with him, said, ‘Gathers and unites’, i.e. of much good, fertile’; and ‘fertile springtime’ is one who has a child in her lap and another in her belly; ‘one*

<sup>891</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 1

<sup>892</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 2

<sup>893</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 3

<sup>894</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 4

*who brings crushing distress’, i.e. of evil manners with her husband; and ‘filthy shackle’, i.e. she is to her husband like a lice-infested shackle, a leather shackle in which lice multiply and bite, yet the wearer cannot scratch or relieve himself from it. It is an Arab proverb used to describe extreme discomfort and helplessness’.*

5 مع، معاني الأخبار عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ أَبِيهِ عَنْ ابْنِ الْمُغِيرَةِ عَنِ السَّكُونِيِّ مِثْلَهُ.

(The book) ‘Ma’any Al Akhbaar’ – From Ahmad Bin Idrees, from Abdullah Bin Muhammad Bin Isa, from his father, from Ibn Al Mugheira, from Al Sakuni, **similar to it.**<sup>895</sup>

6- مع، معاني الأخبار ل، الخصال مُحَمَّدُ بْنُ عُمَرَ الْبَصْرِيُّ عَنْ عَلِيِّ بْنِ حَسَنِ بْنِ بُنْدَارٍ عَنْ مُحَمَّدِ بْنِ يُوسُفَ الطَّبْرِيِّ عَنْ أَبِيهِ عَنْ عَلِيِّ بْنِ حَشْرَمٍ عَنِ الْفَضْلِ بْنِ مُوسَى قَالَ: قَالَ لِي أَبُو حَنِيفَةَ النُّعْمَانُ بْنُ ثَابِتٍ أُفِيدُكَ حَدِيثًا طَرِيفًا لَمْ تَسْمَعْ أُطْرَفَ مِنْهُ

(The book) ‘Ma’any Al Akhbar’, (and) ‘Al Khisaal’ – Muhammad Bin Umar Al Basry, from Ali Bin Hassan Bin Bundar, from Muhammad Bin Yusuf Al Tabarsy, from his father, from Ali Bin Khashram, from Al Fazeyl Bin Musa who said,

‘Abu Haneefa Al-Numan Bin Sabit said to me, ‘Shall I benefit you with an odd Hadeeth, you have not heard any odder than it?’

قَالَ فَقُلْتُ نَعَمْ

He (the narrator) said, ‘I said, ‘Yes’.

فَقَالَ أَبُو حَنِيفَةَ أَخْبَرَنِي حَمَّادُ بْنُ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ - عَنْ عَبْدِ اللَّهِ بْنِ نَجِيَّةٍ عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ قَالَ رَسُولُ اللَّهِ ص يَا زَيْدُ تَزَوَّجْتَ

Abu Haneefa said, ‘Hammad Bin Abu Suleyman informed me from Ibrahim Al-Nakhaie, from Abdullah Bin Najeeb, from Zayd Bin Sabit who said, ‘Rasool-Allah<sup>-saww</sup> said: ‘O Zayd! Are you married?’

قَالَ قُلْتُ لَا

He said, ‘I said, ‘No’.

قَالَ تَزَوَّجْ تَسْتَعِفَّ مَعَ عِفَّتِكَ وَ لَا تَتَزَوَّجْ خَمْسًا

He<sup>-saww</sup> said: ‘Get married to seek the chastity along with your chastity, and do not get married to five’.

قَالَ زَيْدٌ مَنْ هَؤُلَاءِ يَا رَسُولَ اللَّهِ

Zayd said, ‘Who are these, O Rasool-Allah<sup>-saww</sup>?’

<sup>895</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 5

فَقَالَ رَسُولُ اللَّهِ ص لَا تَنْزَوِجَنَّ شَهْبَرَةً وَلَا هَبْرَةً وَلَا هَيْدَرَةً وَلَا لَفُوتًا

Rasool-Allah<sup>-saww</sup>! Neither marry a 'Shahbara', nor a 'Lahbara', nor a 'Haydara', nor a 'Lafouta'!

قَالَ زَيْدٌ يَا رَسُولَ اللَّهِ مَا عَرَفْتُ بِمَا قُلْتَ شَيْئًا وَإِنِّي بِأَخْرَاجِهِمْ لَجَاهِلٌ

Zayd said, 'O Rasool-Allah<sup>-saww</sup>! I have not understood anything from what you<sup>-saww</sup> said, and I am totally ignorant of their last one!'

فَقَالَ رَسُولُ اللَّهِ ص أَلَسْتُمْ عَرَبًا أَمَّا الشَّهْبَرَةُ فَالزَّرْقَاءُ الْبَذِيَّةُ وَأَمَّا الْهَبْرَةُ فَالطَّوِيلَةُ الْمَهْرُولَةُ وَأَمَّا التَّهْبَرَةُ فَالْقَصِيرَةُ الدَّمِيمَةُ وَأَمَّا الْهَيْدَرَةُ فَالْعَجُوزَةُ الْمُدْبِرَةُ وَأَمَّا اللَّفُوتُ فَذَاكَ الْوَلَدُ مِنْ غَيْرِكَ.

Rasool-Allah<sup>-saww</sup> said: 'Aren't you an Arab? As for the 'Shahbara', she is the blue-eyed foul mouthed; and as for the 'Lahbara', she is the tall, abnormally thin; and as for the 'Nahbara', she is the short, the ugly; and as for the 'Haydara', she is the old, the turned-around (declining one); and as for the 'Lafout', that one begets from others'.<sup>896</sup>

7- مع، معاني الأخبار أبي عن عليٍّ عن أبيه عن عبد الله بن ميمون عن أبي عبد الله ع قَالَ قَالَ رَسُولُ اللَّهِ ص الشُّومُ فِي ثَلَاثَةِ أَشْيَاءٍ فِي الدَّائِبَةِ

(The book) 'Ma'any Al Akhbaar' – My father, from Ali, from his father, from Abdullah Bin Maymoun,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The misfortune is in three things – in the mount, and the woman, and the house.

وَالْمَرْأَةُ وَالِدَارُ فَأَمَّا الْمَرْأَةُ فَشُومُهَا غَلَاءُ مَهْرِهَا وَعُسْرُ وَلَادَتِهَا وَأَمَّا الدَّائِبَةُ فَشُومُهَا كَثْرَةُ عِلَلِهَا وَسُوءُ خُلُقِهَا وَأَمَّا الدَّارُ فَشُومُهَا ضِيقُهَا وَخُبْتُ جِوَارِهَا

As for the woman, her misfortune is her expensive dowry, and her difficulty in giving birth; and as for the mount, its misfortune is its frequent illness and its evil temperament; and as for the house, its misfortune is in its narrowness, and its wicked neighbours.

وَقَالَ مِنْ بَرَكَاتِ الْمَرْأَةِ خِفَةُ مَثُونَتِهَا وَيسْرُ وَلَادَتِهَا وَمِنْ شُومِهَا شِدَّةُ مَثُونَتِهَا وَعُسْرُ وَلَادَتِهَا.

And he<sup>-saww</sup> said: 'Blessings of the woman are her light burden and ease of her giving birth, and from her misfortune is her difficult burden and difficulty in her giving birth'.<sup>897</sup>

8- ما، الأماالي للشيخ الطوسي بإسناد أخى دَعْبَلٍ عَنِ الرِّضَا ع عَنْ آبَائِهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع خَيْرُ نِسَائِكُمُ الْخَمْسُ

(The book) 'Al Amaali' of the sheykh Al Tusi – By a chain of a brother of Deobel,

<sup>896</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 6

<sup>897</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 7

‘From Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Amir Al-Momineen<sup>-asws</sup> said: ‘Best of your women are five!’

فَقِيلَ وَمَا الْخَمْسُ

It was said, ‘And what are the five?’

قَالَ الْهَيْئَةُ اللَّيْنَةُ الْمُؤَاتِيَةُ الَّتِي إِذَا غَضِبَ زَوْجُهَا لَمْ تَكْتَنِجْ بِعُمُضٍ حَتَّى يَرْضَى وَ الَّتِي إِذَا غَابَ زَوْجُهَا حَفِظَتْهُ فِي غَيْبِهِ فَبَلَكَ غَامِلَةً مِنْ عُمَالِ اللَّهِ لَا تُحِبُّ.

He<sup>-asws</sup> said: ‘The gentle, soft-natured, and agreeable woman is the one who, if her husband becomes angry, does not rest until he is pleased, and if he is absent, she safeguards him in his absence. Such a woman is from the workers of Allah<sup>-azwj</sup>. She will not be disappointed!’<sup>898</sup>

9- ما، الأماالي للشيخ الطوسي بهذا الإسناد قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع النِّسَاءُ أَرْبَعٌ جَامِعٌ مُجْمِعٌ رَبِيعٌ مُرْبِعٌ وَ كَرْبٌ مُفْعَمٌ وَ غُلٌّ فَمِلٌ يَجْعَلُهُ اللَّهُ فِي عُنُقِ مَنْ يَشَاءُ وَ يَنْتَزِعُهُ مِنْهُ إِذَا شَاءَ.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – by this chain, said,

‘Amir Al-Momineen<sup>-asws</sup> said: ‘The women are four - —one who gathers and unites, one who is like fertile springtime, one who brings crushing distress, and one who is a shackle to the necks of the one He<sup>-azwj</sup> so Desires to, and Removes from him whenever He<sup>-azwj</sup> Desires’<sup>899</sup>.

10- مع، معاني الأخبار السناني عَنِ الْأَسَدِيِّ عَنِ سَهْلٍ عَنْ أَحْمَدَ بْنِ بَشِيرٍ الرَّقِّيِّ عَنْ يَحْيَى بْنِ الْمُثَنَّى عَنْ مُحَمَّدِ بْنِ أَبِي طَلْحَةَ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع أَنَّ رَسُولَ اللَّهِ ص قَالَ لِلنَّاسِ إِيَّاكُمْ وَ حَضَرَ الدِّمَنِ

(The book) ‘Ma’any Al Akhbar’ – Al Sinani, from Al Asady, from Sahl, from Ahmad Bin Bashir Al Raqy, from Yahya Bin Al Musanna, from Muhammad Bin Abu Talha,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> that Rasool-Allah<sup>-saww</sup> said to the people: ‘Beware of the green growth on a dung heap!’

قِيلَ يَا رَسُولَ اللَّهِ وَمَا حَضْرَاءُ الدِّمَنِ

It was said, ‘O Rasool-Allah<sup>-saww</sup>! What is a green growth on a dung heap?’

قَالَ الْمَرْءَةُ الْحَسَنَاءُ فِي مَنَبِتِ السَّوْءِ.

He<sup>-saww</sup> said: ‘A beautiful woman having grown in the evil (environment)’<sup>900</sup>.

<sup>898</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 8

<sup>899</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 9

<sup>900</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 10

11- مع، معاني الأخبار ابن المتوكل عن الحميري عن ابن عيسى عن ابن محبوب عن إبراهيم الكرخي قال: قلت لأبي عبد الله ع إن صاحبتي هلكَتْ وَكَانَتْ لِي مُوَافِقَةً وَ قَدْ هَمَمْتُ أَنْ أَتَزَوَّجَ

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Isa, from Ibn Mahboub, from Ibrahim Al Karkhy who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'My female companion has died and she was compatible with me, and I am thinking of getting married'.

فَقَالَ انْظُرْ أَيْنَ تَضَعُ نَفْسَكَ وَ مَنْ تُشْرِكُهُ فِي مَالِكَ وَ تُطْلِعُهُ عَلَى دِينِكَ وَ سِرِّكَ وَ أَمَانَتِكَ فَإِنْ كُنْتَ لَا بُدَّ فَأَعْلًا فَبِكْرًا تُنْسَبُ إِلَى الْخَيْرِ وَ إِلَى حُسْنِ الْخُلُقِ وَ اعْلَمْ أَنَّهُمْ كَمَا قَالَ

|                                            |                                         |
|--------------------------------------------|-----------------------------------------|
| فَمِنْهُنَّ الْعَنِيَمَةُ وَ الْعَرَامُ    | أَلَا إِنَّ النِّسَاءَ خُلِقْنَ شَتَّى  |
| لِصَاحِبِهِ وَ مِنْهُنَّ الظَّلَامُ        | وَ مِنْهُنَّ الْهَالِكُ إِذَا بَحَلَّى  |
| وَ مَنْ يُعَيِّنْ فَلَيْسَ لَهُ انْتِقَامٌ | فَمَنْ يَطْفُرْ بِصَالِحِيهِمْ يَسْعُدْ |

He<sup>-saww</sup> said: 'Consider where you place yourself, and who you participate in your wealth, and notify upon your religion and your secret and your entrustment. If you have no escape to doing (getting married), then (marry) a virgin attributed to the goodness and to good manners, and know that these (women) are just as has been said, 'Indeed, women are created in various forms, some are a Blessing and love, some are like the moon when it appears to its companion, and some are like darkness. So, whoever attains one of the righteous among them will be happy, and whoever is deceived, he has no recourse for revenge'.

وَ هُنَّ ثَلَاثٌ فَامْرَأَةٌ وَلَوْ وَدَّوْهُنَّ نِعِينَ زَوْجَهَا عَلَى ذَهَرِهِ لِدُنْيَاهُ وَ لِآخِرَتِهِ وَ لَا تُعِينُ الدَّهْرَ عَلَيْهِ وَ امْرَأَةٌ عَقِيمٌ لَا دَاثَ جَمَالٍ وَ لَا خُلُقٍ وَ لَا تُعِينُ زَوْجَهَا عَلَى خَيْرٍ وَ امْرَأَةٌ صَحَابَةٌ وَ لَا جَهَّةَ هَازَةً تَسْتَقِلُّ الْكَثِيرَ وَ لَا تَقْبَلُ الْيَسِيرَ.

And they are three - a woman who is fertile, loving, and supportive of her husband against the trials of life for his worldly affairs and his Hereafter and she does not assist the hardships of life against him; a woman who is barren, lacking beauty and character, and offers no support to her husband in doing good; and a woman who is loud, constantly going out, fault-finding, belittles much, and is never satisfied with little".<sup>901</sup>

12- مع، معاني الأخبار أبي عن محمد بن أبي القاسم عن محمد بن علي الكوفي عن عثمان بن عيسى عن عبد الله بن سنان عن بعض أصحابنا قال سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّمَا الْمَرْأَةُ قِلَادَةٌ فَإِنْظُرْ مَا تَتَقَلَّدُ وَ لَيْسَ لِامْرَأَةٍ خَطَرٌ لَا لِصَالِحِيهِمْ وَ لَا لِطَالِحِيهِمْ

(The book) 'Ma'any Al Akhbar' – My father, from Muhammad Bin Abu Al Qasim, from Muhammad Bin Ali Al Kufi, from Usman Bin Isa, from Abdullah Bin Sinan, from one of our companions who said,

<sup>901</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 11



'I heard Abu Abdullah<sup>-asws</sup> saying: 'But rather, the woman is a necklace, so consider what you are collaring with, and there isn't any true worth of a woman, neither for their righteous nor for their immoral ones!

فَأَمَّا صَالِحُهُمْ فَلَيْسَ خَطَرُهَا الذَّهَبُ وَ الْفِضَّةُ هِيَ خَيْرٌ مِنَ الذَّهَبِ وَ الْفِضَّةِ وَ أَمَّا طَالِحُهُمْ فَلَيْسَ خَطَرُهَا الذُّرَابُ الْكِرَابُ خَيْرٌ مِنْهَا.

As for their righteous one, her worth isn't the gold and the silver. She is better than the gold and the silver, and as for their immoral ones, her worth isn't even the soil. The soil is better than her!''<sup>902</sup>

13 ن، عيون أخبار الرضا عليه السلام بإسناد التميمي عن الرضا عن أبيه ع قَالَ قَالَ النَّبِيِّ خَيْرُ نِسَاءٍ رَكِبْنَ الْإِبِلَ نِسَاءُ قُرَيْشٍ أَخْنَاهُنَّ عَلَى زَوْجٍ.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – By a chain of Al-Tameemy, from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> said: 'The best women riders of the camels are women of Qureysh. They are most compassionate unto husbands''.<sup>903</sup>

14- ص، قصص الأنبياء عليهم السلام بإسناد إلى الصّدوق عن أبيه عن سعد عن ابن عيسى عن ابن محبوب عن مالك بن عطيّة عن الثّمالي عن أبي جعفر ع قَالَ: كَانَ فِي بَنِي إِسْرَائِيلَ رَجُلٌ عَاقِلٌ كَثِيرُ الْمَالِ وَ كَانَ لَهُ ابْنٌ يُشَبِّهُهُ فِي السَّمَائِلِ مِنْ زَوْجَةٍ غَنِيَةٍ وَ كَانَ لَهُ ابْنَانِ مِنْ زَوْجَةٍ غَيْرِ غَنِيَةٍ

(The book) 'Qasas Al-Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – By the chain to Al Sadouq, from his father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Malik Bin Atiya, from Al Sumali,

'From Abu Ja'far<sup>-asws</sup> having said: 'Among the children of Israel there was an intellectual man of a lot of wealth, and there was a son for him resembling him in the appearance from a chaste wife, and there were two sons for him from an unchaste wife.

فَلَمَّا حَضَرَتْهُ الْوَفَاةُ قَالَ لَهُمْ هَذَا مَالِي لِوَاحِدٍ مِنْكُمْ

When the death presented to him, he said to them, 'This wealth of mine is for one of you!'

فَلَمَّا تَوَفَّى قَالَ الْكَبِيرُ أَنَا ذَلِكَ الْوَاحِدُ وَ قَالَ الْأَوْسَطُ أَنَا ذَلِكَ وَ قَالَ الْأَصْغَرُ أَنَا ذَلِكَ

When he dies, the elder said, 'I am that one!' And the middle ones said: 'I am that!' And the young one said, 'I am that!'

فَاخْتَصَمُوا إِلَى قَاضِيهِمْ قَالَ لَيْسَ عِنْدِي فِي أَمْرِكُمْ شَيْءٌ انْطَلِقُوا إِلَى بَنِي غَنَامِ الْإِخْوَةَ الثَّلَاثِ

They took the dispute to their judge. He said, 'There is nothing with me regarding your matter. Go to the sons of Ghanaam, the three brothers!'

<sup>902</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 12

<sup>903</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 13

فَانْتَهَوْا إِلَى وَاحِدٍ مِنْهُمْ فَرَأَوْا شَيْخًا كَبِيرًا فَقَالَ لَهُمْ ادْخُلُوا إِلَى أَخِي فَلَانَ فَهُوَ أَكْبَرُ مِنِّي فَاسْأَلُوهُ

They ended to one of them. They saw him as an aged old man. He said to them, 'Enter to see so and so my brother, for he is older than me, and ask him!'

فَدَخَلُوا عَلَيْهِ فَخَرَجَ شَيْخٌ كَهْلٌ فَقَالَ سَلُّوا أَخِي الْأَكْبَرَ مِنِّي

They entered to see him. An old man in the prime of his middle age emerged. He said, 'Ask my brother older than me!'

فَدَخَلُوا عَلَى الثَّالِثِ فَإِذَا هُوَ فِي الْمُنْظَرِ أَصْغَرُ فَسَأَلُوهُ أَوَّلًا عَنْ حَالِهِمْ ثُمَّ مَبِيتًا لَهُمْ فَقَالَ أَمَّا أَخِي الَّذِي رَأَيْتُمُوهُ أَوَّلًا هُوَ الْأَصْغَرُ وَإِنَّ لَهُ امْرَأَةً سَوِيَّةَ تَسْوُوهُ وَ قَدْ صَبَرَ عَلَيْهَا خَافَةً أَنْ يُبْتَكَى بِبِلَالٍ لَا صَبْرَ لَهُ عَلَيْهِ فَهَرَمَتْهُ

They entered to see the third one. When he was in the younger scenario. They asked him first of their situation, then it became clear to them. He said, 'As for my brother whom you saw first, he is the youngest, and there is an evil wife for him. She is bad to him and he has been patient upon her fearing he might be afflicted with an affliction there will be no patience for him upon it, so this has aged him.

وَ أَمَّا الثَّانِي أَخِي فَإِنَّ عِنْدَهُ زَوْجَةً تَسْوُوهُ وَ تَسْرُهُ فَهُوَ مُتَمَاسِكُ السَّبَابِ

And as for my second brother, with him is a wife being bad to him and good to him, so he is adhering with the youthfulness.

وَ أَمَّا أَنَا فَزَوْجَتِي تَسْرُنِي وَ لَا تَسْوُونِي لَمْ يَلْزَمْنِي مِنْهَا مَكْرُوهٌ قَطُّ مُنْذُ صَحَبْتَنِي فَشَبَابِي مَعَهَا مُتَمَاسِكٌ

And as for me, my wife makes me happy and is not bad to me. No abhorrence has come to me from her at all since she accompanied me, therefore my youth with her, has adhered.

As for your narration which is a narration of your father, firstly, go and exhume his grave and extract his bones and burn them, then return for the judgment between you!'

فَانْصَرَفُوا فَأَخَذَ الصَّبِيُّ سَيْفَ أَبِيهِ وَ أَخَذَ الْأَخَوَانُ الْمَعَاوِلَ فَلَمَّا أَنْ هَمَّا بِذَلِكَ قَالَ لَهُمُ الصَّغِيرُ لَا تُبْعَثُوا قَبْرَ أَبِي وَ أَنَا أَدْعُ لَكُمَا حِصَّتِي

They left. The boy took a sword of his father, and the two brothers took the pickaxes. When they were both like that, the young one said to them, 'Do not exhume the grave of my father, and I shall give my share to you both!'

فَانْصَرَفُوا إِلَى الْقَاضِي فَقَالَ يُفْعَلُكُمَا هَذَا ابْتَوْنِي بِالْمَالِ

They left to go to the judge. He said, 'This should satisfy you both. Bring me the money!'

فَقَالَ لِلصَّغِيرِ خُذِ الْمَالَ

He said to the young one, 'Take the money!'

فَلَوْ كَانَا ابْنَيْهِ لَدَخَلَهُمَا مِنَ الرِّقَّةِ كَمَا دَخَلَ عَلَى الصَّغِيرِ .

(He<sup>-asws</sup> said): 'Had they been his sons, mercy (for him) would have entered them just as it had entered upon the young one'.<sup>904</sup>

15- ضا، فقه الرضا عليه السلام إِذَا أَرَدْتَ التَّزْوِيجَ فَاسْتَخِرْ فَأَمُضِ ثُمَّ صَلِّ رَكَعَتَيْنِ وَارْفَعْ يَدَيْكَ وَ قُلِ اللَّهُمَّ إِنِّي أُرِيدُ التَّزْوِيجَ فَسَهِّلْ لِي مِنَ النِّسَاءِ أَحْسَنَهُنَّ خُلُقًا وَ خَلْقًا وَ أَعَفَّهُنَّ فَرْجًا وَ أَحْفَظَهُنَّ نَفْسًا فِيَّ وَ فِي مَالِي وَ أَكْمَلَهُنَّ جَمَالًا وَ أَكْثَرَهُنَّ أَوْلَادًا

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'When you want to get married, seek the Choice (of Allah<sup>-azwj</sup>) and continue. Then pray two units Salat and raise (your voice) with that and say, 'O Allah<sup>-azwj</sup>! I want to get married, so Facilitate for me from the women, their best in manners and physique, and their most chaste of private parts, and their most protective of herself regarding me and regarding my wealth, and their most perfect in beauty, and their most numerous of children!'

وَ اعْلَمْ أَنَّ النِّسَاءَ شَتَّى فَمِنْهُنَّ الْغَنِيمَةُ وَ الْقَرَامَةُ وَ هِيَ الْمُتَحَبِّبَةُ لِرَوْحِهَا وَ الْعَاشِقَةُ لَهُ وَ مِنْهُنَّ الْهَالِلُ إِذَا بَجَلَى وَ مِنْهُنَّ الظَّلَامُ الْخُنْدِيسُ الْمُقَطَّبَةُ فَمَنْ ظَفِرَ بِصَالِحِيهِنَّ يَسْعُدْ وَ مَنْ وَقَعَ فِي طَالِحِيهِنَّ فَقَدْ ابْتُلِيَ وَ لَيْسَ لَهُ انْتِقَامٌ

And know that the women are various. From them is the one who brings gain and love, she is affectionate toward her husband and deeply loves him. Among them is one like the full moon when it appears. And among them is the intense darkness, frowning and harsh. Whoever is fortunate to have one of the righteous among them will be happy, and whoever ends up with one of the wicked among them has been tested and has no recourse.

وَ هُنَّ ثَلَاثٌ فَاِمْرَأَةٌ وَلَوْ وَدَّ تُعِينُ رَوْحَهَا عَلَى دَهْرِهِ لِدُنْيَاهُ وَ آخِرَتِهِ وَ لَا تُعِينُ الدَّهْرَ عَلَيْهِ وَ اِمْرَأَةٌ عَقِيمَةٌ لَا دَاثَ جَمَالٍ وَ لَا تُعِينُ رَوْحَهَا عَلَى خَيْرٍ وَ اِمْرَأَةٌ صَخَابَةٌ وَ لَا جَهَّةَ هَمَازَةٍ تَسْتَفِلُّ الْكَثِيرَ وَ لَا تُقْبَلُ الْكَثِيرَ

They are three types - a woman who is fertile, loving, and supportive of her husband in facing the trials of life, both in this world and the hereafter, and who does not side with life's hardships against him; and a woman who is barren, neither beautiful nor supportive of her husband in any good; and a woman who is loud, constantly going out, critical, who sees much as being little and does not appreciate what is abundant.

وَ إِذَاكَ أَنْ تَعْتَرَّ بِمَنْ هَذِهِ صِفَتُهَا فَإِنَّهُ قَالَ رَسُولُ اللَّهِ ص إِذَاكُمْ وَ خُضْرَاءُ الدِّمَنِ قَبِلَ يَا رَسُولَ اللَّهِ وَ مَنْ خُضْرَاءُ الدِّمَنِ قَالَ الْمَرْأَةُ الْحُسْنَاءُ فِي مَنْبِتِ السَّوْءِ .

<sup>904</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 14

Beware of being deceived by one with such traits, for Rasool-Allah<sup>-saww</sup> said: 'Beware of the green growth on dung!' It was said, "O Rasool-Allah<sup>-saww</sup>! What is the green growth on dung?" He<sup>-saww</sup> said: "A beautiful woman raised in an evil environment".<sup>905</sup>

16- مكا، مكارم الأخلاق من كتاب نَوَادِرِ الْحِكْمَةِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: مَنْ أَرَادَ الْبَاءَ فَلْيَتَزَوَّجْ امْرَأَةً قَرِيبَةً مِنَ الْأَرْضِ بَعِيدَةً مَا بَيْنَ الْمَنْكِبَيْنِ سَمَاءَ اللَّوْنِ فَإِنْ لَمْ يَخْطُهَا فَعَلَيْ مَهْرَهَا.

(The book) 'Makarim Al Akhlaaq', from the book 'Nawadir Al Hikmah' -

'From Amir Al-Momineen<sup>-asws</sup> having said: 'One who wants the strength for a man, should marry a woman who is close to the ground (short), wide between the shoulders, and dark in complexion. If she does not please him, then her dowry is upon me".<sup>906</sup>

17- وَ عَنْ الْحُسَيْنِ بْنِ بَشَّارٍ قَالَ: كَتَبْتُ إِلَى أَبِي الْحَسَنِ ع أَنَّ لِي قَرَابَةً قَدْ حَطَبَ إِلَيَّ وَ فِي حُلُقِهِ سُوءٌ

And from Al Husayn Bin Bashaar who said,

'I wrote to Abu Al-Hassan<sup>-asws</sup>, 'There is a relative of mine who has proposed to me (for my daughter), and his mannerisms are bad'.

قَالَ لَا تُزَوِّجْهُ إِنْ كَانَ سَيِّئَ الْخُلُقِ.

He<sup>-asws</sup> said: 'Do not marry her to him if he was of evil manners!"<sup>907</sup>

18- مكا، مكارم الأخلاق عَنْ ابْنِ أَبِي يَعْمُورٍ عَنِ الصَّادِقِ ع قَالَ: قُلْتُ لَهُ إِنِّي أُرِيدُ أَنْ أَتَزَوَّجَ امْرَأَةً وَ إِنَّ أَبَوَيَّ أَرَادَا غَيْرَهَا

(The book) 'Makarim Al Akhlaaq' – From Ibn Abu Yafour,

'From Al-Sadiq<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, 'I want to marry a woman and my parents want (me to marry) another!'

قَالَ تَزَوِّجِ الْآتِي هَوَيْتَ وَ دَعِ الْآتِي هَوِيَ آبَاكَ.

He<sup>-asws</sup> said: 'Marry the one whom you desire and leave the one whom your parents desire!"<sup>908</sup>

19- ضه، روضة الواعظين قَالَ رَسُولُ اللَّهِ ص مَنْ تَزَوَّجَ امْرَأَةً لَا يَتَزَوَّجُهَا إِلَّا لِحَمَالِهَا لَمْ يَرِ فِيهَا مَا يُحِبُّ وَ مَنْ تَزَوَّجَ امْرَأَةً لَا يَتَزَوَّجُهَا إِلَّا وَكَلَهُ اللَّهُ إِلَيْهِ فَعَلَيْكُمْ بِذَاتِ الدِّينِ.

<sup>905</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 15

<sup>906</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 16

<sup>907</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 17

<sup>908</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 18

(The book) 'Rowzat Al Waizeen' -

'He said, 'Rasool-Allah<sup>-saww</sup> said: 'One who marries a woman, not marrying her except for her beauty will not see in her what he likes, and one who marries her for here wealth, he will not marry her except and Allah<sup>-azwj</sup> will Leave him to it. Upon you all is (to marry) the one with the religion!''<sup>909</sup>

20- وَ قَالَ جَابِرُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ كُنَّا جُلُوسًا مَعَ رَسُولِ اللَّهِ ص فَذَكَرْنَا النِّسَاءَ وَ فَضَّلَ بَعْضُهُنَّ عَلَى بَعْضٍ فَقَالَ رَسُولُ اللَّهِ ص أَلَا أُخْبِرُكُمْ

And Jabir Bin Abdullah Al-Ansari<sup>-ra</sup> said, 'We were seated with Rasool-Allah<sup>-saww</sup>. We discussed the women and merits of some of them upon others. Rasool-Allah<sup>-saww</sup> said: 'Shall I<sup>-saww</sup> inform you all?'

فَقُلْنَا بَلَى يَا رَسُولَ اللَّهِ فَأَخْبِرْنَا

We said, 'Yes, O Rasool-Allah<sup>-saww</sup>, inform us!'

فَقَالَ إِنَّ مِنْ خَيْرِ نِسَائِكُمُ الْوُلُودَ الْوَدُودَ السَّيِّدَةَ الْغَزِيَّةَ فِي أَهْلِهَا الدَّلِيلَةَ مَعَ بَعْلِهَا الْمُتَبَرِّجَةَ مِنْ زَوْجِهَا الْحَصَانَ عَنْ غَيْرِهِ الَّتِي تَسْمَعُ قَوْلَهُ وَ تُطِيعُ أَمْرَهُ وَ إِذَا خَلَا بِهَا بَدَلَتْ لَهُ مَا أَرَادَ مِنْهَا وَ لَمْ تَبْدُلْ لَهُ تَبْدُلَ الرَّجُلِ

He<sup>-saww</sup> said: 'Among the best of your women is the one who is fertile, loving, modest, respected among her family, humble with her husband, adorns herself for her husband, guards herself from others, listens to his words, obeys his instructions, and when alone with him, offers him what he desires from her without behaving toward him like a man'.

ثُمَّ قَالَ أَلَا أُخْبِرُكُمْ بِشَرِّ نِسَائِكُمُ

Then he<sup>-saww</sup> said: 'Shall I<sup>-saww</sup> inform you of your worst women?'

قَالُوا بَلَى

They said, 'Yes!'

قَالَ إِنَّ مِنْ شَرِّ نِسَائِكُمُ الدَّلِيلَةَ فِي أَهْلِهَا الْغَزِيَّةَ مَعَ بَعْلِهَا الْعَقِيمِ الْخُمُودَ الَّتِي لَا تَتَوَرَّعُ مِنْ قَبِيحِ الْمُتَبَرِّجَةِ إِذَا غَابَ عَنْهَا بَعْلُهَا وَ إِذَا خَلَا بِهَا بَعْلُهَا تَمْنَعَتْ مِنْهُ تَمْنَعُ الصَّعْبَةِ عِنْدَ رُكُوبِهَا وَ لَا تَقْبَلُ مِنْهُ عُذْرًا وَ لَا تَغْفِرُ لَهُ ذَنْبًا.

He<sup>-saww</sup> said: 'Among the worst of your women is the one who is lowly among her family yet domineering with her husband, barren, spiteful, unrestrained from indecency, who flaunts herself when her husband is absent, and when he is alone with her, withholds herself from him like an unruly mount resisting its rider. She does not accept his excuse and does not forgive his offence!''<sup>910</sup>

<sup>909</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 19

<sup>910</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 20

21- وَ قَالَ ص تَزَوَّجُوا الْأَبْكَارَ فَإِنَّهُنَّ أَطْيَبُ شَيْءٍ أَفْوَاهاً وَ أَدْرُ شَيْءٍ أَخْلَافاً وَ أَحْسَنُ شَيْءٍ أَخْلَافاً وَ أَفْتَحُ شَيْءٍ أَرْحَاماً أَفْتَحُ أَنْعَمُ وَ أَلْيَنُ.

And he<sup>-saww</sup> said: ‘Marry the virgins for they are the sweetest of things of mouths, the most generous in giving milk, the best in character, and the most open in wombs—more receptive, more gentle, and more tender’.<sup>911</sup>

22- وَ قَالَ الصَّادِقُ ع قَامَ النَّبِيُّ خَطِيباً فَقَالَ أَيُّهَا النَّاسُ إِنَّا كُمْ وَ حَضْرَاءُ الدِّمَنِ

And Al-Sadiq<sup>-asws</sup> said: ‘The Prophet<sup>-saww</sup> stood to addressed. He<sup>-saww</sup> said: ‘O you people, beware of the green growth upon the dung!’

قِيلَ يَا رَسُولَ اللَّهِ ص وَ مَا حَضْرَاءُ الدِّمَنِ

It was said, ‘O Rasool-Allah<sup>-saww</sup>, and what is the green growth in the dung?’

قَالَ الْمَرْأَةُ الْحَسَنَاءُ فِي مَنَبِتِ السَّوْءِ.

He<sup>-saww</sup> said: ‘The excellent woman raised in the evil environment’.<sup>912</sup>

23- قَالَ الصَّادِقُ ع لَيْسَ لِلْمَرْأَةِ خَطَرٌ لَا لِصَالِحِيهِنَّ وَ لَا لِطَالِحِيهِنَّ أَمَّا صَالِحِيهِنَّ فَلَيْسَ خَطَرُهَا الذَّهَبُ وَ الْفِضَّةُ هِيَ خَيْرٌ مِنَ الذَّهَبِ وَ الْفِضَّةِ وَ أَمَّا طَالِحِيهِنَّ فَلَيْسَ التُّرَابُ خَطَرُهَا التُّرَابُ خَيْرٌ مِنْهَا.

Al-Sadiq<sup>-asws</sup> said: ‘There is no (true) worth for the woman, neither for their righteous nor for their immoral ones! As for their righteous ones, her worth isn’t the gold and the silver. She is better than the gold and the silver, and as for their immoral ones, her worth isn’t the soil. The soil is better than her!’<sup>913</sup>

24- قَالَ أَبُو عَبْدِ اللَّهِ ع مِنْ أَخْلَاقِ الْأَنْبِيَاءِ حُبُّ النِّسَاءِ.

Abu Abdullah<sup>-asws</sup> said: ‘From manners of the Prophets<sup>-saww</sup>, is loving the women’.<sup>914</sup>

25- قَالَ رَسُولُ اللَّهِ ص أَفْضَلُ نِسَاءٍ أُمِّي أَصْبَحُوهنَّ وَجْهاً وَ أَقْلُهنَّ مَهْراً.

Rasool-Allah<sup>-saww</sup> said: ‘The best women of my<sup>-saww</sup> community are their brightest of faces and their least of dowry!’<sup>915</sup>

<sup>911</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 21

<sup>912</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 22

<sup>913</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 23

<sup>914</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 24

<sup>915</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 25

26- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص أَرْبَعٌ مِنْ سَعَادَةِ الْمَرْءِ الْخُلَطَاءُ الصَّالِحُونَ وَالْوَلَدُ الْبَارُّ وَالْمَرْأَةُ الْمُؤَاتِيَةُ وَأَنْ تَكُونَ مَعِيشَتُهُ فِي بَلَدِهِ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Four are from good fortune of the man – righteous companions, and the righteous child, and the supportive wife, and that his livelihood happens to be in his city''.<sup>916</sup>

27- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص لَا خَيْلٌ أَبْقَى مِنَ الدُّهُمِ وَلَا امْرَأَةٌ كَانَتْهُ الْعَم.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'There is no horse more enduring than the dark-coloured one, and no woman like the daughter of one's paternal uncle''.<sup>917</sup>

28- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص اخْتَارُوا لِنُطْفِكُمْ فَإِنَّ الْخَالَ أَحَدُ الصَّغِيرَيْنِ.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Choose carefully for your seed, for the maternal uncle is one of the two contributors to the child's nature''.<sup>918</sup>

29- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص أَنْكِحُوا الْأَكْفَاءَ وَ انكِحُوا مِنْهُمْ وَ اخْتَارُوا لِنُطْفِكُمْ وَ إِيَّاكُمْ وَ نِكَاحَ الزَّيْجِ فَإِنَّهُ خَلَقَ مُشَوَّهًا.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Marry those who are compatible, and give your women in marriage to them. Choose carefully for your seed, and beware of marrying from among the Zanji, for they are a distorted creation''.<sup>919</sup>

30- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص تَزَوَّجُوا الْأَبْكَارَ فَإِنَّهُنَّ أَعَذَّبَ أَفْوَاهًا وَ أَرْبَقَ أَرْحَامًا وَ أَسْرَعَ تَعْلَمًا وَ أَثْبَتَ لِلْمَوَدَّةِ.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Marry virgins, for they are sweeter of the mouths, more intact in wombs, quicker to learn, and more stable in affection!''<sup>920</sup>

31- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص تَزَوَّجُوا الزُّرْقَ فَإِنَّ فِيهِمْ بُمْنًا.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Marry the blue-eyed women for there is Blessing in them' (in other Ahadith, it's abhorred).<sup>921</sup>

32- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص الْبَسَاءُ أَرْبَعٌ مُرْبِعٌ وَ جَامِعٌ مُجْمَعٌ وَ حَرْقَاءٌ مُقْمَعٌ وَ عَاقِرٌ.

<sup>916</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 26

<sup>917</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 27

<sup>918</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 28

<sup>919</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 29

<sup>920</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 30

<sup>921</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 31

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Women are of four types - one who is like a fertile pasture that brings increase, one who gathers and unites, one who is clumsy and oppressive, and one who is barren’’.<sup>922</sup>

33- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص تَزَوَّجُوا السَّوْدَاءَ الْوُلُودَ الْوُدُودَ وَ لَا تَزَوَّجُوا الْحَسَنَاءَ الْجَمِيلَةَ الْعَاقِرَ فَإِنِّي أَبَاهِي بِكُمْ الْأُمَمَ يَوْمَ الْقِيَامَةِ

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Marry the black women who are fertile and loving, and do not marry the beautiful barren women. Indeed, I<sup>-saww</sup> will boast about you to the nations on the Day of Qiyamah.

أَوْ مَا عَلِمْتُ أَنَّ الْوُلْدَانَ تَحْتَ عَرْشِ الرَّحْمَنِ يَسْتَغْفِرُونَ لِأَبَائِهِمْ يَخْضَعُونَ لِإِبْرَاهِيمَ وَ تُرَبِّعُهُمْ سَارَةُ صَلَّى اللَّهُ عَلَيْهِمَا فِي جَبَلٍ مِنْ مِسْكِ وَ عُنْبُرٍ وَ زَعْفَرَانٍ.

Do you not know that (deceased) children are beneath the Throne of the Beneficent, seeking Forgiveness for their parents? Ibrahim<sup>-as</sup> embraces them, and Sarah<sup>-as</sup> raises them on a mountain of musk, amber, and saffron’’.<sup>923</sup>

34- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص خَيْرُ نِسَائِكُمُ الْعَفِيفَةُ الْعَلِيمَةُ الْغَفِيفَةُ فِي فَرْجِهَا الْعَلِيمَةُ عَلَى زَوْجِهَا.

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The best of your women are the chaste and modest, the chaste in their private sanctity and the modest in their conduct toward their husbands’’.<sup>924</sup>

35- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا كُنْتُمْ وَ تَزَوَّجُوا الْحَمَقَاءَ فَإِنَّ صُحْبَتَهَا ضَيَاعٌ وَ وَلَدُهَا ضَيَاعٌ.

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Beware of marrying a foolish woman, for her companionship is loss and her children are like hyenas’’.<sup>925</sup>

36- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا أَرَادَ أَحَدُكُمْ أَنْ يَتَزَوَّجَ الْمَرْأَةَ فَلْيَسْأَلْ عَنْ شَعْرِهَا كَمَا يَسْأَلُ عَنْ وَجْهِهَا فَإِنَّ الشَّعْرَ أَحَدُ الْجَمَالَيْنِ.

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Whenever one of you wants to get married, let him ask about her hair just as he asks about her face, for the hair is one of the beauties’’.<sup>926</sup>

37- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص أَفْضَلُ نِسَاءٍ أُمَّتِي أَحْسَنُهُنَّ وَجْهًا وَ أَقْلُهُنَّ مَهْرًا.

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The best women of my<sup>-saww</sup> community are their most excellent of faces and their least of dowries!’’<sup>927</sup>

38- أَنَابِي الشَّيْخِ، جَمَاعَةً عَنْ أَبِي الْمُفَضَّلِ عَنْ عُبَيْدِ اللَّهِ بْنِ حُسَيْنٍ بْنِ إِبْرَاهِيمَ الْعَلَوِيِّ عَنْ إِبْرَاهِيمَ بْنِ أَحْمَدَ الْعَلَوِيِّ عَنْ عَمِّهِ الْحَسَنِ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ إِبْرَاهِيمَ عَنْ أَبِيهِ إِسْمَاعِيلَ عَنْ أَبِيهِ إِبْرَاهِيمَ بْنِ الْحَسَنِ بْنِ الْحُسَيْنِ عَنْ أُمِّهِ فاطمة بنت الحسين عن أبيها الحسين بن علي عن أبيه علي بن أبي طالب ع قَالَ

<sup>922</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 32

<sup>923</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 33

<sup>924</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 34

<sup>925</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 35

<sup>926</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 36

<sup>927</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 37



قَالَ رَسُولُ اللَّهِ ﷺ مَنْ أُعْطِيَ أَرْبَعَ خِصَالٍ فَقَدْ أُعْطِيَ خَيْرَ الدُّنْيَا وَالْآخِرَةِ وَفَارَ بِحُظِّهِ مِنْهُمَا وَرَعَ يَعْصِمُهُ عَنْ تَحَارِمِ اللَّهِ وَحُسْنُ خُلُقٍ يَعْيشُ بِهِ فِي النَّاسِ وَجَلَمٌ يَدْفَعُ بِهِ جَهْلَ الْجَاهِلِ وَزَوْجَةٌ صَالِحَةٌ تُعِينُهُ عَلَى أَمْرِ الدُّنْيَا وَالْآخِرَةِ.

(The book) 'Al Amaali' of the sheykh – A group, from Abu Al Mufazzal, from Ubeydullah Bin Husayn Bin Ibrahim al Alawy, from Ibrahim Bin Ahmad Al Alawy, from his uncle Al-Hassan Bin Ibrahim, from his father Ibrahim, from his father Ismail, from his father Ibrahim Bin Al-Hassan,

'From his mother (Syeda) Fatima<sup>-as</sup> daughter of Al-Husayn<sup>-asws</sup>, from her<sup>-as</sup> father Al-Husayn Bin Ali<sup>-asws</sup>, from his<sup>-asws</sup> father Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'One who is given four qualities has been given goodness of the world and the Hereafter and will win with his share from them – devoutness protecting him from Prohibitions of Allah<sup>-azwj</sup>, and good manners he lives with among the people, and forbearance he repels the ignorance of the ignorant ones, and a righteous wife supporting him upon matters of the world and the Hereafter''.<sup>928</sup>

39- وَ بِالْإِسْنَادِ عَنْ أَبِي الْمُفَضَّلِ عَنْ إِبْرَاهِيمَ بْنِ جَعْفَرٍ الْعَسْكَرِيِّ عَنْ عُبَيْدِ بْنِ هَيْثَمٍ عَنْ حُسَيْنِ بْنِ عَلْوَانَ عَنِ الصَّادِقِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ﷺ ص حُسْنُ الْبَشْرِ نِصْفُ الْعَقْلِ وَ التَّقْدِيرُ نِصْفُ الْمَعِيشَةِ وَ الْمَرْءُ الصَّالِحُ أَخَذَ الْكَاسِبِينَ.

And by the chain from Abu Al Mufazzal, from Ibrahim Bin Ja'far Al Askari, from Ubey Bin Haysam, from Husayn Bin Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Goodly cheerfulness is half the intellect, and the planning is half the livelihood, and the righteous woman is one of the two (sources of) earnings''.<sup>929</sup>

40- دَعَاؤُ الرَّاوُدِيِّ، عَنْ رَبِيعَةَ بْنِ كَعْبٍ قَالَ سَمِعْتُ النَّبِيَّ ﷺ مَنْ أُعْطِيَ خَمْسًا لَمْ يَكُنْ لَهُ عُذْرٌ فِي تَرْكِ عَمَلِ الْآخِرَةِ زَوْجَةٌ صَالِحَةٌ تُعِينُهُ عَلَى أَمْرِ دُنْيَاهُ وَ آخِرَتِهِ وَ بُنُونَ أَبْرَارٍ وَ مَعِيشَةٌ فِي بَلَدِهِ وَ حُسْنُ خُلُقٍ يُدَارِي بِهِ النَّاسَ وَ حُبُّ أَهْلِ بَيْتِي.

(The book) 'Dawaat' of Al Rawandi – From Rabie Bin Ka'ab who said,

I heard the Prophet<sup>-saww</sup> say, 'One who is given five, there will not be an excuse for him in neglecting working for the Hereafter – a righteous wife assisting him upon matters of his world and his Hereafter, and righteous sons, and livelihood in his own city, and good manners in dealing with the people, and love for People<sup>-asws</sup> of my<sup>-saww</sup> Household''.<sup>930</sup>

41- وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع عَلَيْكُمْ بِالْبِكْرِ وَ إِنْ بَارَتْ وَ الْجَادَّةِ وَ إِنْ دَارَتْ وَ بِالْمَدِينَةِ وَ إِنْ جَارَتْ.

And Amir Al-Momineen<sup>-asws</sup> said: 'Upon you all is with (marrying) the virgin and even if she is older, and the main road and even if it is difficult, and with the city and even if it is tyrannous''.<sup>931</sup>

<sup>928</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 38

<sup>929</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 39

<sup>930</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 40

<sup>931</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 41

42- تَحْتَجُّ الْبَلَاغَةَ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع خِيَارُ خِصَالِ النِّسَاءِ شَرَارُ خِصَالِ الرِّجَالِ الزُّهْمُ وَ الْجُبْنُ وَ الْبُخْلُ فَإِذَا كَانَتِ الْمَرْأَةُ ذَاتَ زَهْوٍ لَمْ تُتَكَبَّرْ مِنْ نَفْسِهَا وَ إِذَا كَانَتْ بِحِيلَةٍ حَفِظَتْ مَالَهَا وَ مَالَ بَعْلِهَا وَ إِذَا كَانَتْ جَبَانَةً فَرَقَتْ مِنْ كُلِّ شَيْءٍ يَعْزِضُ لَهَا.

(The book) 'Nahj Al Balagah' -

'Amir Al-Momineen<sup>-asws</sup> said: 'The best characteristics of the women and the evillest characteristics of the men – the arrogance, and the cowardice and the miserliness. When the woman were to be haughty, she would not enable upon herself; and when she were miserly, she would preserve her wealth, and wealth of her husband; and when she were a coward, she would panic from all things presenting to her''<sup>932</sup>

43- مِصْبَاحُ الْأَنْوَارِ، رُوِيَ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: أَخْبِرُونِي أَيُّ شَيْءٍ خَيْرٌ لِلنِّسَاءِ

(The book) 'Misbah Al Anwaar' -

'It is reported from Amir Al-Momineen<sup>-asws</sup> that Rasool-Allah<sup>-saww</sup> said: 'Inform me<sup>-saww</sup>! Which thing is best for the women?

فَقَالَتْ فَاطِمَةُ ع أَنَّ لَا يَرَيْنَ الرِّجَالَ وَ لَا يَرَاهُنَّ الرِّجَالَ

(Syeda) Fatima<sup>-asws</sup> said: 'They don't see the men and the men don't see them!'

فَأَعْجَبَ النَّبِيُّ ص وَ قَالَ إِنَّ فَاطِمَةَ بَضْعَةٌ مِنِّي.

The Prophet<sup>-saww</sup> marvelled and said: 'Surely Fatima<sup>-asws</sup> is a part of me<sup>-saww</sup>!''<sup>933</sup>

44- كِتَابُ الْغَايَاتِ، قَالَ رَسُولُ اللَّهِ ص خَيْرُ نِسَائِكُمُ الَّتِي إِذَا دَخَلَتْ مَعَ زَوْجِهَا خَلَعَتْ دِرْعَ الْحَيَاءِ.

'Kitab Al Gharaat' -

'Rasool-Allah<sup>-saww</sup> said: 'Best of your women is the one who, when her husband enters to see her, she removes the shield of shame!''<sup>934</sup>

45- وَ قَالَ ع الَّتِي إِنْ غَضِبَتْ أَوْ غَضِبَ تَقُولُ لِرَّوْجِهَا يَدِي فِي يَدِكَ لَا أَكْتَنِجُلُ عَيْنِي بِعُضْضِي حَتَّى تَرْضَى عَنِّي.

And he<sup>-asws</sup> said: 'The (wife who), if she is angry or he (her husband is angry) says to her husband, 'I will not close my eyes to sleep until you are pleased with me!''<sup>935</sup>

46- وَ قَالَ الصَّادِقُ ع خَيْرُ نِسَائِكُمُ الَّتِي إِنْ أُعْطِيَتْ شَكَرَتْ وَ إِنْ مُنِعَتْ رَضِيَتْ.

<sup>932</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 42

<sup>933</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 43

<sup>934</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 44

<sup>935</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 45

And Al-Sadiq<sup>-asws</sup> said: 'Best of your women is given, she appreciates, and if refused, she is satisfied'.<sup>936</sup>

47- وَقَالَ ع خَيْرُ نِسَائِكُمُ الَّتِي إِنْ أَنْفَقَتْ أَنْفَقَتْ بِمَعْرُوفٍ وَإِنْ أَمْسَكَتْ أَمْسَكَتْ بِمَعْرُوفٍ وَتِلْكَ مِنْ عَمَلِ اللَّهِ وَ عَامِلُ اللَّهِ لَا يَخِيبُ.

And he<sup>-asws</sup> said: 'Best of your women is the one who when she spends, spends with moderation, and if she withholds, withholds with moderation, and that one is from the workers of Allah<sup>-azwj</sup>, and a worker of Allah<sup>-azwj</sup> will not be disappointed'.<sup>937</sup>

48- وَقَالَ ع خَيْرُ نِسَائِكُمُ أَصْبَحُهُنَّ وَجْهًا وَأَقْلَهُنَّ مَهْرًا.

And he<sup>-asws</sup> said: 'Best of your women are their brightest of faces and their lowest of dowries!'<sup>938</sup>

49- وَقَالَ ع خَيْرُ نِسَائِكُمُ نِسَاءُ قُرَيْشٍ أَطْفُفُهُنَّ بِأَزْوَاجِهِنَّ وَأَرْحَمُهُنَّ بِأَوْلَادِهِنَّ الْمُجُونُ لِرُؤُوسِهَا الْحَصَانُ لِعَيْرِهِ

And he<sup>-asws</sup> said: 'Best of your women are women of Qureysh. They are kindest with their husbands, and most merciful with their children, playful for their husbands, fortified to others!'

قُلْنَا لَهُ وَمَا الْمُجُونُ

We said to him<sup>-asws</sup>, 'And what is 'being playful'?'

قَالَ الَّتِي لَا تُمْنَعُ.

He<sup>-asws</sup> said: 'The one who does not refuse'.<sup>939</sup>

50- وَقَالَ رَسُولُ اللَّهِ ص أَلَا أُخِيرُكُمْ بِمَخَيْرِ نِسَائِكُمْ

And Rasool-Allah<sup>-saww</sup> said: 'Shall I inform you all with best of your women?'

قُلْنَا بَلَى يَا رَسُولَ اللَّهِ

We said, 'Yes, O Rasool-Allah<sup>-saww</sup>!'

قَالَ إِنْ مِنْ خَيْرِ نِسَائِكُمْ الْوُلُودُ الْوُدُودُ السَّتِيرَةُ الْعَفِيفَةُ الْعَزِيزَةُ فِي أَهْلِهَا الدَّلِيلَةُ مَعَ بَعْلِهَا الْحَصَانُ مَعَ غَيْرِهِ الَّتِي تَسْمَعُ لَهُ وَ تُطِيعُ أَمْرَهُ إِذَا خَلَا بِهَا بَدَلَتْ مَا أَرَادَ مِنْهَا.

<sup>936</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 46

<sup>937</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 47

<sup>938</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 48

<sup>939</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 49

He<sup>-saww</sup> said: 'From the best of your women is the one who is fertile, loving, modest, chaste, respected among her family, humble with her husband, guarded with others, who listens to him and obeys his instructions. When he is alone with her, she offers him what he desires from her'.<sup>940</sup>

51 وَ قَالَ رَسُولُ اللَّهِ ص أَلَا أُخْبِرُكُمْ بِشَرِّ نِسَائِكُمْ

And Rasool-Allah<sup>-saww</sup> said: 'Shall I<sup>-saww</sup> inform you all of your worst women?'

قَالُوا بَلَى يَا رَسُولَ اللَّهِ ص

They said, 'Yes, O Rasool-Allah<sup>-saww</sup>!'

قَالَ إِنَّ مِنْ شَرِّ نِسَائِكُمُ الْعَقِيمَ الْحُقُودَ الَّتِي لَا تَتَوَرَّعُ مِنْ قَبِيحِ الْمُتَبَرِّجَةِ إِذَا غَابَ عَنْهَا بَعْلُهَا الْحَصَانَ مَعَ بَعْلِهَا الَّتِي لَا تَسْمَعُ قَوْلَهُ وَلَا تُطِيعُ أَمْرَهُ إِذَا خَلَا بِهَا بَعْلُهَا تَمْنَعَتْ عَلَيْهِ تَمْنَعُ الصَّعْبِ عِنْدَ رُكُوبِهَا وَلَا تَقْبَلُ مِنْهُ عُذْرًا وَلَا تَغْفِرُ لَهُ ذَنْبًا.

He<sup>-saww</sup> said: 'From worst of your women is the barren, spiteful one who does not refrain from indecency, who flaunts herself when her husband is absent, but is guarded only with him; who does not listen to his words nor obey his instructions; and when he is alone with her, she withholds herself from him like a difficult mount resisting its rider. She does not accept his excuse and does not forgive his fault'.<sup>941</sup>

52 وَ قَالَ ع شَرُّ الْأَشْيَاءِ الْمَرْءَةُ السَّوْءُ.

And he<sup>-asws</sup> said: 'Worst of the things is the evil woman (wife)'.<sup>942</sup>

53 وَ قَالَ رَسُولُ اللَّهِ ص أَغْلَبُ أَعْدَاءِ الْمُؤْمِنِينَ زَوْجَةُ السَّوْءِ.

And Rasool-Allah<sup>-saww</sup> said: 'The most prevailing enemy of the Momineen is the evil wife'.<sup>943</sup>

54 وَ قَالَ ع شَرُّ نِسَائِكُمُ الْجَفَّةُ الْفَرَّتُغُ الْبَافُوقُ الْفَحَّاشُ وَ السَّيْدُوحُ النَّمَامُ وَ هُوَ الْقَتَّاثُ وَ الْجَفَّةُ مِنَ النِّسَاءِ الْقَلِيلَةُ الْحَيَاءِ وَ الْفَرَّتُغُ الْعَاسِئَةُ.

And he<sup>-asws</sup> said: 'Worst of your women is the rude, shameless, loud-mouthed, foul-speaking, and meddlesome tale-bearer. The tale-bearer is the one who spreads gossip. The 'rude' among women is the one with little modesty, and the 'grim-faced' is the one who is constantly frowning (complaining)'.<sup>944</sup>

باب 61 أحوال الرجال و النساء و معاشرتهن مع بعض و فضل بعضهم على بعض و حقوق بعضهم على بعض

<sup>940</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 50

<sup>941</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 51

<sup>942</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 52

<sup>943</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 53

<sup>944</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 60 H 54

## CHAPTER 61 – THE SITUATIONS OF THE MEN AND THE WOMEN, AND THEIR DEALINGS WITH EACH OTHER, AND MERITS OF SOME OF THEM OVER THE OTHERS, AND THEIR RIGHTS OVER EACH OTHER

1- ع، علل الشرائع لي، الأماالي للصدوق ماجيلويه عن عمه عن البرقي عن علي بن الحسين البرقي عن عبد الله بن جبلة عن معاوية بن عمار عن الحسين بن عبد الله عن أبيه عن جدّه الحسين بن علي ع قال: جاء نفر من اليهود إلى رسول الله ص فسأله عن مسائل فكان فيما سأله أخبرني ما فضل الرجال على النساء

(The book) 'Ilal Al Sharaie', (and) 'Al Amaali' of Al Sadouq – Majaylawiya, from his uncle, from Al Barqy, from Al Bin Al Husayn Al Barqy, from Abdullah Bin Jabalah, from Muawiyah Bin Ammar, from Al-Hassan Bin Abdullah, from his father,

'From his grandfather Al-Hassan Bin Ali<sup>-asws</sup> who said, 'A number of Jews came to Rasool-Allah<sup>-saww</sup>. They asked him<sup>-saww</sup> about issues. It was among what they asked him<sup>-saww</sup>, 'Inform me, what is the merit of the men over the women?'

قال النبي ص كفضل السماء على الأرض أو كفضل الماء على الأرض فبالماء تحيا الأرض و بالرجال تحيا النساء لو لا الرجال ما خلق النساء لقول الله عز و جل الرجال قوامون على النساء بما فضل الله بعضهم على بعض

The Prophet<sup>-saww</sup> said: 'Like merit of the sky over the earth, or like merit of the water over the earth. With the water is life of the earth and through the men is life of the women. Had it not been for the men the women would not have been Created, due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **Men are guardians of the women due to what Allah has Made some of them to excel others [4:34]**'.

قال اليهودي لأي شيء كان هكذا

The Jew said, 'For which thing (reason) it happened like this?'

قال النبي ص خلق الله عز و جل آدم من طين و من فضله و بقيته خلقت حواء و أول من أطاع النساء آدم فأنزل الله من الجنة و قد بين فضل الرجال على النساء في الدنيا لا ترى إلى النساء كيف يحضن و لا يمكنهن العبادة من القذارة و الرجال لا يصيبهم شيء من الطمث

The Prophet<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> Mighty and Majestic Created Adam<sup>-as</sup> from clay, from its remnants and its remainder Hawwa<sup>-as</sup> was Created, and the first one to obey the woman was Adam<sup>-as</sup>, so Allah<sup>-azwj</sup> Sent him<sup>-as</sup> down from the Paradise. The merit of the men over the women is manifest in the world. Don't you see the women how they menstruate and the worship is not enabled for them due to the impurity, while the men are not afflicted by anything from the menstruation?'

قال اليهودي صدقت يا محمد.

The Jew said, 'You<sup>-saww</sup> speak the truth, O Muhammad<sup>-saww</sup>!'<sup>945</sup>

<sup>945</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 1

2- ل، الخصال أَبِي عَنِ الْحُمَيْرِيِّ عَنْ هَارُونَ عَنِ ابْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى جَعَلَ لِلْمَرْأَةِ صَبْرَ عَشْرَةِ رِجَالٍ فَإِذَا حَمَلَتْ زَادَهَا قُوَّةَ عَشْرَةِ رِجَالٍ أُخْرَى.

(The book) 'Al Khisaal' – My father, from Al Himeyri, from Haroun, from Ibn Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> Blessed and Exalted has Made for the woman patience of ten men. When she gets pregnant, He<sup>-azwj</sup> Increases her the strength (of patience) of ten more men'.<sup>946</sup>

3- ب، قرب الإسناد هَارُونَ عَنِ ابْنِ صَدَقَةَ مِثْلَهُ.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Sadaqa, similar to it.<sup>947</sup>

4 ل، الخصال أَبِي عَنْ سَعْدٍ عَنِ ابْنِ عَيْسَى عَنِ الْبَزْطِيِّ عَنْ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ اللَّهَ عَزَّ وَ جَلَّ جَعَلَ لِلْمَرْأَةِ صَبْرَ عَشْرَةِ رِجَالٍ فَإِذَا هَاجَتْ كَانَ لَهَا قُوَّةُ عَشْرَةِ رِجَالٍ.

(The book) 'My father, from Sa'ad, from Ibn Isa, from Al Bazanty, from Muhammad Bin Sama'at, from Is'haq Bin Ammar,

'From Abu Abdullah<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> Mighty and Majestic Made for the woman patience of ten men. When (her emotions are) stirred, there would be for her strength of ten men'.<sup>948</sup>

5- ل، الخصال أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ الْحُسَيْنِ عَنْ أَبِي الْحُسَيْنِ الْخَضْرَمِيِّ عَنْ مُوسَى بْنِ الْقَاسِمِ عَنْ جَبِيلِ بْنِ دَرَّاجٍ عَنْ مُحَمَّدِ بْنِ سَعِيدٍ عَنِ الْمُخَارِبِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع عَنْ عَلِيِّ ع قَالَ قَالَ النَّبِيُّ ص ثَلَاثٌ يَحْسُنُ فِيهِنَّ الْكَذِبُ الْمَكِيدَةُ فِي الْحَرْبِ وَ عِدَّتُكَ زَوْجَتِكَ وَ الْإِصْلَاحُ بَيْنَ النَّاسِ

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ahmad Bin Al Husayn, from Abu Al Husayn Al Hazramy, from Musa Bin Al Qasim, from Jameel Bin Darraj, from Muhammad Bin Saeed, from Al Muhariby,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from Ali<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> said: 'Regarding three matters lying is acceptable – the planning in the war, and your promising your wife, and reconciling between the people'.

وَ قَالَ ثَلَاثٌ يَفْبُحُ فِيهَا الصِّدْقُ النَّمِيمَةُ وَ إِخْبَارُكَ الرَّجُلَ عَنْ أَهْلِهِ بِمَا يَكْرَهُهُ وَ تَكْذِيبُكَ الرَّجُلَ عَنِ الْخَبَرِ

And he<sup>-saww</sup> said: 'Regarding three matters speaking the truth is inappropriate – the gossiping, and your informing the man about his wife with what he dislikes, and your belying the man about the news'.

وَ قَالَ ثَلَاثَةٌ مُجَالَسَتُهُمْ تُثَبِّتُ الْقُلُوبَ مُجَالَسَةُ الْأَنْدَالِ وَ الْحَدِيثُ مَعَ النِّسَاءِ وَ مُجَالَسَةُ الْأَعْيَانِ.

<sup>946</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 2

<sup>947</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 3

<sup>948</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 4

And he<sup>-saww</sup> said: ‘Three, their gatherings deaden the heart – gatherings of the ignoble, and the discussing with the women, and gatherings of the rich’.<sup>949</sup>

6- ل، الخصال فيما أوصى به النبي ص علياً ع يا علي ثلاثة مجالسهم تُميت القلب مجالسة الأثدال و مجالسة الأغنياء و الحديث مع النساء.

(The book) ‘Al Khisaal’ – Among what the Prophet<sup>-saww</sup> bequeathed with to Ali<sup>-asws</sup>: ‘O Ali<sup>-asws</sup>! Three, their gatherings deaden the heart – gatherings of the ignoble, and gatherings of the rich, and the discussion with the women’.<sup>950</sup>

7- ل، الخصال ابن الوليد عن الحميري عن هارون عن ابن صدقة عن الصادق عن أبيه ع قال قال رسول الله ص أربع يموت القلب الذنب على الذنب و كثرة مناقشة النساء يعني محادثتهن و مزاولة الأحمق تقول و يقول و لا يرجع إلى خير و مجالسة الموتى

(The book) ‘Al Khisaal’ – Ibn Al Waleed, from Al Himeyri, from Haroun, from Ibn Sadaqa,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Four deadens the heart – the sin upon the sin, and excessively discussing with the women, meaning talking to them, and arguing with an idiot. You say, and he says, and he will not return to good; and gatherings of the dead.

فَقِيلَ لَهُ يَا رَسُولَ اللَّهِ ص وَ مَا الْمَوْتَى

It was said to him<sup>-saww</sup>, ‘O Rasool-Allah<sup>-saww</sup>, and what are the ‘dead’?’

فَقَالَ كُلُّ عَنِي مُتْرَفٍ.

He<sup>-saww</sup> said: ‘Every luxuriously rich’.<sup>951</sup>

8- ل، الخصال عن أبي هُرَيْرَةَ عَنِ النَّبِيِّ ص قَالَ: مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ فَلَا يَدْعُ خَلِيلَتَهُ تَخْرُجُ إِلَى الْحَمَّامِ.

(The book) ‘Al Khisaal’ – From Abu Hureyra (well-known fabricator),

‘From the Prophet<sup>-saww</sup> having said: ‘One who was a believer in Allah<sup>-azwj</sup> and the Last Day, he should not let his wife to go out to the bathhouse’.<sup>952</sup>

9- ل، الخصال فيما أوصى به النبي ص علياً ع يا علي مَنْ أَطَاعَ أَمْرَأَتَهُ أَكَبَّهُ اللَّهُ عَلَى وَجْهِهِ فِي النَّارِ

(The book) ‘Al Khisaal’ -

‘Among what the Prophet<sup>-saww</sup> bequeathed with to Ali<sup>-asws</sup>: ‘O Ali<sup>-asws</sup>! One who obeys his wife, Allah<sup>-azwj</sup> will Fling him upon his face into the Fire!’

<sup>949</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 5

<sup>950</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 6

<sup>951</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 7

<sup>952</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 8

فَقَالَ عَلِيٌّ وَمَا تِلْكَ الطَّاعَةُ

Ali<sup>-asws</sup> said: 'And what is that obedience?'

قَالَ يَأْذُنُ لَهَا فِي الدَّهَابِ إِلَى الْحَمَامَاتِ وَالْغُرَسَاتِ وَالنَّيَاحَاتِ وَ لُبْسِ الثِّيَابِ الرِّقَاقِ.

He<sup>-saww</sup> said: 'He permits for her in going to the bathhouses, and the weddings, and the mourning ceremonies, and wearing the thin clothes'.<sup>953</sup>

10- ل، الخصال أبي عن مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ مَعْرُوفٍ عَنِ ابْنِ هَمَّامٍ عَنْ مُحَمَّدِ بْنِ عَزْوَانَ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع مَنْ أَطَاعَ امْرَأَتَهُ فِي أَرْبَعَةِ أَشْيَاءَ أَكَبَّهُ اللَّهُ عَلَى مَنْخَرِهِ فِي النَّارِ

(The book) 'Al Khisaal' – My father, from Muhammad Al Attr, from Al Ash'ary, from Ibn Marouf, from Ibn Hammam, from Muhammad Bin Gazwan, from Al Sakuni,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'One who obeys his wife in four things, Allah<sup>-azwj</sup> will Fling him into the Fire upon his nostrils!'

قِيلَ وَمَا هِيَ

It was said, 'And what are these?'

قَالَ فِي الثِّيَابِ الرِّقَاقِ وَالْحَمَامَاتِ وَالْغُرَسَاتِ وَالنَّيَاحَاتِ.

He<sup>-asws</sup> said: 'Regarding the thin clothes, and the bathhouses, and the weddings and the mourning ceremonies'.<sup>954</sup>

11- ثو، ثواب الأعمال أبي عن عَلِيٍّ عَنِ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ ع عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع مَنْ أَطَاعَ امْرَأَتَهُ أَكَبَّهُ اللَّهُ عَلَى وَجْهِهِ فِي النَّارِ

(The book) 'Sawaab Al Amaal' – My father, from Ali, from his father, from Al Nowfali, from Al Sakuni,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'One who obeys his wife, Allah<sup>-azwj</sup> will Fling him upon his face into the Fire!'

قِيلَ وَمَا تِلْكَ الطَّاعَةُ

It was said, 'And what is that obedience?'

قَالَ تَطْلُبُ إِلَيْهِ أَنْ تَذْهَبَ إِلَى الْحَمَامَاتِ وَ إِلَى الْغُرَسَاتِ وَ إِلَى النَّيَاحَاتِ وَ الثِّيَابِ الرِّقَاقِ فَيُجِيبُهَا.

He<sup>-asws</sup> said: 'She seeks to him to go to the bathhouses, and to the weddings, and to the mourning ceremonies, and wearing the thin clothes, so he answers to her'.<sup>955</sup>

<sup>953</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 9

<sup>954</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 10

<sup>955</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 11



12- ل، الخصال ماجيلويه عن عمه عن البرقي عن محمد بن علي الكوفي عن ابن بجاج عن زكريا بن محمد عن عبد الملك بن عمير عن أبي عبد الله ع قال: أربعة لا تقبل لهم صلاة الإمام الجائر و الرجل يؤم القوم و هم له كارهون و العبد الأبق من مواليه من غير ضرورة و المرأة تخرج من بيت زوجها بغير إذنه.

(The book) 'Al Khisaal' – Majaylawiya, from his uncle, from Al Barqy, from Muhammad Bin Ali Al Kufi, from Ibn Baqqah, from Zakariya Bin Muhammad, from Abdul Malik Bin Umeyr,

'From Abu Abdullah<sup>-asws</sup> having said: 'Four, Salat is not Accepted from them – the tyrannical leader, and the man leading the people (in Salat) and they are disliking him, and the slave absconding from his mater without desperation, and the wife who goes out from the house of her husband without his permission'.<sup>956</sup>

13- لي، الأماالي للصدوق في خبر المناهي إن النبي ص هي أن تخرج المرأة من بيتها بغير إذن زوجها فإن خرجت لعنه كل ملك في السماء و كل شيء تمر عليه من الجني و الإنس حتى ترجع إلى بيتها

(The book) 'Al Amaali' of Al Sadouq -

'In a Hadeeth of the prohibitions, the Prophet<sup>-saww</sup> prohibited the wife going out from her house without permission of her husband. If she does go out, she is cursed by every Angel in the sky, and everything she passes by, from the Jinn and the humans, until she returns to her house.

و هي أن تترجى المرأة لغير زوجها فإن فعلت كان حقا على الله عز و جل أن يحرقها بالنار و هي أن تتكلم المرأة عند غير زوجها و غير ذي محرم منها أكثر من خمس كلمات بما لا بد لها منه و هي أن تحدث المرأة بما تخلو به مع زوجها.

And he<sup>-saww</sup> prohibited the woman to adorn herself for other than her husband. If she does, there would be a right upon Allah<sup>-azwj</sup> Mighty and Majestic to Burn her with the Fire, and prohibited the wife to talk in the presence of other than her husband and every one other not being with sanctity from her more than five phrases from what there is no escape for her from it, and he<sup>-saww</sup> prohibited the wife from narrating what occurred with her privacy with her husband".<sup>957</sup>

14 و هي أن يدخل الرجل حليته إلى الحمام.

And he<sup>-saww</sup> prohibited the man to admit his wife into the bathhouse".<sup>958</sup>

15- و قال: أيما امرأة آذت زوجها بلسانها لم يقبل الله منها صرفاً و لا عدلاً و لا حسنة من عملها حتى ترضيه و إن صامت نهارها و قامت ليلها و اعتقت الرقاب و حملت على جباد الخيل في سبيل الله و كانت أول من يرد النار و كذلك الرجل إذا كان لها ظالماً.

And he<sup>-saww</sup> said: 'Whichever woman hurts her husband by her tongue, Allah<sup>-azwj</sup> will neither Accept any offering nor ransom, nor any good deed from her deeds until she pleases him, and even if she fasts her days and stands her night, and liberates necks, and loads upon the

<sup>956</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 12

<sup>957</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 13

<sup>958</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 14

military horses in the way of Allah<sup>-azwj</sup>, and she will be the first one to arrive at the Fire, and like that is the man when he was unjust to her”.<sup>959</sup>

16- أَلَا وَ مَنْ صَبَرَ عَلَى خُلُقِ امْرَأَةٍ سَبَّحَ المَلَكُ وَ اِخْتَسَبَ فِي ذَلِكَ الأَجْرَ اَعْطَاهُ الله ثَوَابَ الشَّاكِرِينَ فِي الآخِرَةِ أَلَا وَ اِنَّمَا امْرَأَةٌ لَمْ تَرْفُقْ بِرَوْحِهَا وَ حَمَلَتْهُ عَلَى مَا لَا يَغْدُرُ عَلَيْهِ وَ مَا لَا يُطِيقُ لَمْ تُقْبَلْ مِنْهَا حَسَنَةٌ وَ تَلْقَى الله وَ هُوَ عَلَيْهَا غَضَبًا.

Indeed, and the one who is patient upon the evil manners of his wife and anticipates the Recompense in that, Allah<sup>-azwj</sup> will Give him Rewards of the grateful in the Hereafter! Indeed, and whichever wife is not gentle with her husband and carries him to what he is not able upon and what he cannot endure, good deeds will not be Accepted from her and she will meet Allah<sup>-azwj</sup> and He<sup>-azwj</sup> would be Wrathful upon her!”<sup>960</sup>

17- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عَنِ الْمَرْأَةِ الْعَاصِيَةِ لِزَوْجِهَا هَلْ لَهَا صَلَاةٌ وَ مَا حَالُهَا قَالَ لَا تَزَالُ عَاصِيَةً حَتَّى يَرْضَى عَنْهَا.

(The book) ‘Qurb Al Isnaad’ -

Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, ‘I asked him<sup>-asws</sup> about the wife disobedient to her husband, ‘Is there any Salat for her and what is her state?’ He<sup>-asws</sup> said: ‘She will not cease to be in disobedience (to Allah<sup>-azwj</sup>) until he is pleased with her”.<sup>961</sup>

18- وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ هَلْ لَهَا أَنْ تُعْطِيَ مِنْ بَيْتِ زَوْجِهَا بِغَيْرِ إِذْنِهِ قَالَ لَا إِلَّا أَنْ يُحِلَّهَا.

And I asked him<sup>-asws</sup> about the woman, ‘Is it for her to give from the house of her husband without his permission?’ He<sup>-asws</sup> said: ‘No, except if he allows her”.<sup>962</sup>

19- وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ هَلْ لَهَا أَنْ تَخْرُجَ مِنْ بَيْتِ زَوْجِهَا بِغَيْرِ إِذْنِهِ قَالَ لَا.

And I asked him<sup>-asws</sup> about the woman, ‘Is it for her to go out from the house of her husband without his permission?’ He<sup>-asws</sup> said: ‘No”.<sup>963</sup>

20- ل، الخصال أبي عن سعدٍ عن ابنِ عيسى عن مُحَمَّدِ بْنِ سِنَانٍ عَنْ أَبِي خَالِدٍ الْقَمَاطِ عَنْ ضُرَيْسٍ عَنْ أَبِي عَبْدِ اللهِ ع قَالَ: إِنَّ اللهَ تَبَارَكَ وَ تَعَالَى جَعَلَ الشَّهْوَةَ عَشْرَةَ أَجْزَاءٍ تِسْعَةٌ مِنْهَا فِي النِّسَاءِ وَ وَاحِدًا فِي الرِّجَالِ وَ لَوْ لَا مَا جَعَلَ اللهُ عَزَّ وَ جَلَّ فِيهِمْ مِنْ أَجْزَاءِ الْحَيَاءِ عَلَى قَدَرِ أَجْزَاءِ الشَّهْوَةِ لَكَانَ لِكُلِّ رَجُلٍ تِسْعُ نِسَوَةٍ مُتَعَلِّقَاتٍ بِهِ.

(The book) ‘Al Khisaal’ – My father, from Sa’ad, from Ibn Isa, from Muhammad Bin Sinan, from Abu Al Khalid Al Qammat, from Zureys,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Allah<sup>-azwj</sup> Blessed and Exalted Made the desires as ten segments. Nine of these are in the women and one in the men, and had it not been for Allah

<sup>959</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 15

<sup>960</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 16

<sup>961</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 17

<sup>962</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 18

<sup>963</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 19

azwj Mighty and Majestic Making in them the segments of modesty in accordance to segments of the desire, for every men would have been nine women clinging to him!"<sup>964</sup>

21- ل، الخصال ابن الوليد عن أحمد بن إدريس عن الأشعري عن أحمد بن محمد بن محمد بن عتبة بإسناده يرفعه إلى الصادق ع أنه قال: الحياء عشرة أجزاء تسعة في النساء وواحد في الرجال فإذا خاضت الجارية ذهب جزء من حياءها فإذا تزوجت ذهب جزء فإذا افتترعت ذهب جزء فإذا ولدت ذهب جزء وبقي لها خمسة أجزاء فإن فجرت ذهب حياءها كله وإن عفت بقي خمسة أجزاء.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Ahmad Bin Idrees, from Al Ashary, from Ahmad Bin Muhammad and someone else by his chain, raising it to,

'Al-Sadiq<sup>asws</sup> said: 'The modesty is of ten segments. Nine of these are in the women and one in the men. When the girl (first) menstruates, a segment of her modesty goes. When she gets married, a segment goes. When she loses her virginity, a segment goes. When she gives birth a segment goes, and five segments remain for her. When she becomes immoral her modesty goes, all of it, and if she is chaste, five segments remain'.<sup>965</sup>

22- ل، الخصال عن ابن عمر قال خطب النبي ص فقال: يَا أَيُّهَا النَّاسُ إِنَّ النِّسَاءَ عِنْدَكُمْ عَوَارٍ لَا يَمْلِكُنَّ لَأَنْفُسِهِنَّ ضَرًّا وَلَا نَفْعًا أَخَذَقُوهُنَّ بِأَمَانَةِ اللَّهِ وَاسْتَحْلَلْنَهُنَّ فُرُوجَهُنَّ بِكَلِمَاتِ اللَّهِ

(The book) 'Al Khisaal' – From Ibn Umar who said,

'The Prophet<sup>saww</sup> addressed. He<sup>saww</sup> said: 'O you people! The women are an entrustment with you. They neither control harm nor benefit for themselves. You are taking them as a trust of Allah<sup>azwj</sup> and are permitting their private parts by the Phrases of Allah<sup>azwj</sup>.

فَلَكُمْ عَلَيْهِنَّ حَقٌّ وَهُنَّ عَلَيْكُمْ حَقٌّ وَ مِنْ حَقِّكُمْ عَلَيْهِنَّ أَنْ لَا يُوْطِنُوا [يُوْطِنُوا] فُرُشَكُمْ وَلَا يَعْصِيَنَّكُمْ فِي مَعْرُوفٍ فَإِذَا فَعَلْنَ ذَلِكَ فَلَهُنَّ رِزْقُهُنَّ وَ كِسْوَتُهُنَّ بِالْمَعْرُوفِ وَلَا تَضْرِبُوهُنَّ.

For you there are rights upon them and for them are rights upon you, and from your rights upon them is that they will not let your bed be trodden (by someone else), and they will not disobey you in acts of kindness. When they do that, for them is their sustenance and their clothing with the moderation, and do not beat them!"<sup>966</sup>

23- ل، الخصال الأتبعيعة قال أمير المؤمنين ع جهاد المرأة حسن التبعل

(The book) 'Al Khisaal' -

The Four hundred (Ahadeeth) – Amir Al-Momineen<sup>asws</sup> said: 'Jihad of the woman is (to be) the excellent wife!'

وَقَالَ لِيُطَيَّبِ الْمَرْأَةُ الْمُسْلِمَةُ لِرُوحِهَا.

<sup>964</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 20

<sup>965</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 21

<sup>966</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 22

And he<sup>-asws</sup> said: 'Let the Muslim wife perfume herself for her husband'.<sup>967</sup>

24- ن، عيون أخبار الرضا عليه السلام الوراق ع الأسدي عن سهل عن عبد العظيم الحسيني عن أبي جعفر الثاني عن أبيه ع قال قال أمير المؤمنين ع دخلت أنا و فاطمة على رسول الله ص فوجدته يبكي بكاء شديدا فقلت فذاك أبي و أمي يا رسول الله ما الذي أبكاك

(The book) 'Uyoun Akhbar Al Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Al Warraq, from Al Asady, from Sahl, from Abdul Azeem Al Hasany,

'From Abu Ja'far<sup>-asws</sup> the 2<sup>nd</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'I<sup>-asws</sup> and (Syeda) Fatima<sup>-asws</sup> entered to see Rasool-Allah<sup>-saww</sup>. I<sup>-asws</sup> found him<sup>-saww</sup> crying with intense crying. I<sup>-asws</sup> said, 'May my<sup>-asws</sup> father<sup>-as</sup> and my<sup>-asws</sup> mother<sup>-as</sup> be sacrificed for you<sup>-saww</sup>, O Rasool-Allah<sup>-saww</sup>! What is that which makes you<sup>-saww</sup> cry?'

فَقَالَ يَا عَلِيُّ لَيْلَةُ أُسْرِي بِي إِلَى السَّمَاءِ رَأَيْتُ نِسَاءً مِنْ نِسَاءِ أُمَّتِي فِي عَذَابٍ شَدِيدٍ فَأَنْكَرْتُ شَأْنَهُنَّ فَبَكَيْتُ لِمَا رَأَيْتُ مِنْ شِدَّةِ عَذَابِهِنَّ

He<sup>-saww</sup> said: 'O Ali<sup>-asws</sup>! On the night there was ascension with me<sup>-saww</sup> to the sky, I<sup>-saww</sup> saw women from the women of my<sup>-saww</sup> community being in severe torment. I<sup>-asws</sup> disliked their situation so I<sup>-asws</sup> cried due to what I<sup>-saww</sup> saw from the severity of their punishment.

رَأَيْتُ امْرَأَةً مُعَلَّقَةً بِشَعْرِهَا يَغْلِي دِمَاعُ رَأْسِهَا وَ رَأَيْتُ امْرَأَةً مُعَلَّقَةً بِلسانها وَ الْحَمِيمُ يُصَبُّ فِي حَلْقِهَا وَ رَأَيْتُ امْرَأَةً مُعَلَّقَةً بِبَدَنِهَا وَ رَأَيْتُ امْرَأَةً تَأْكُلُ لَحْمَ جَسَدِهَا وَ النَّارُ تُوقَدُ مِنْ تَحْتِهَا وَ رَأَيْتُ امْرَأَةً قَدْ شُدَّ رِجْلَاهَا إِلَى يَدَيْهَا وَ قَدْ سُلِطَ عَلَيْهَا الْحَيَّاتُ وَ الْعَقَّارِبُ

I<sup>-saww</sup> saw a woman suspended by her hair, the brain of her head was boiling, and I<sup>-asws</sup> saw a woman suspended by her tongue and the boiling water was being poured in her throat, and I<sup>-saww</sup> saw a woman suspended by her breasts, and I<sup>-saww</sup> saw a woman eating the meat of her own body and the fire was being ignited under her, and I<sup>-saww</sup> saw a woman whose legs were tied to her hands and the snakes and the scorpions prevailed over her!

وَ رَأَيْتُ امْرَأَةً صَمَاءَ عَمِيَاءَ خُرْسَاءَ فِي تَابُوتٍ مِنْ نَارٍ يُخْرُجُ دِمَاعُ رَأْسِهَا مِنْ مَنْخَرِهَا وَ بَدَنُهَا مُتَقَطِّعٌ مِنَ الْجَذَامِ وَ الْبَرَصِ وَ رَأَيْتُ امْرَأَةً مُعَلَّقَةً بِرِجْلَيْهَا فِي تَنْوْرِ مِنْ نَارٍ وَ رَأَيْتُ امْرَأَةً يُقَطَّعُ لَحْمُ جَسَدِهَا مِنْ مُقَدَّمِهَا وَ مُؤَخَّرِهَا بِمَقَارِضَ مِنْ نَارٍ وَ رَأَيْتُ امْرَأَةً يُحْرَقُ وَجْهُهَا وَ يَدَاهَا وَ هِيَ تَأْكُلُ أَمْعَاءَهَا

And I<sup>-saww</sup> saw a woman deaf, blind, mute, in a coffin of fire. The brain of her head was coming out from her nostrils and her body was cut (falling off) from the leprosy and the vitiligo, and I<sup>-saww</sup> saw a woman suspended by her legs in an oven of fire, and I<sup>-saww</sup> saw a woman whose flesh was being cut from her front and her back by scissors of fire, and I<sup>-saww</sup> was a woman who face and hands were burning while she was eating her own intestines!

وَ رَأَيْتُ امْرَأَةً رَأْسُهَا رَأْسُ خِنْزِيرٍ وَ بَدَنُهَا بَدَنُ الْحِمَارِ وَ عَلَيْهَا أَلْفُ أَلْفِ لَوْنٍ مِنَ الْعَذَابِ وَ رَأَيْتُ امْرَأَةً عَلَى صُورَةِ الْكَلْبِ وَ النَّارُ تَدْخُلُ فِي دُبُرِهَا وَ تَخْرُجُ مِنْ فِيهَا وَ الْمَلَائِكَةُ يَضْرِبُونَ رَأْسَهَا وَ بَدَنَهَا بِمِقَامِعَ مِنْ نَارٍ

And I<sup>-saww</sup> saw a woman, her head was head of a pig, and her body was the body of a donkey and upon her were a million types of punishments, and I<sup>-saww</sup> saw a woman upon the image

<sup>967</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 23

of a dog and the fire was entering her backside and coming out from her mouth, and the Angels were beating her head with hammers of fire!’

فَقَالَتْ فَاطِمَةُ ع حَبِيبِي وَفُتْرَةٌ عَنِّي أَخْبِرْنِي مَا كَانَ عَمَلُهُمْ وَ سِيرَتُهُمْ حَتَّى وَضَعَ اللَّهُ عَلَيْهِمْ هَذَا الْعَذَابَ

(Syeda) Fatima<sup>-asws</sup> said: ‘My<sup>-asws</sup> beloved and delight of my<sup>-asws</sup> eyes! Inform me<sup>-asws</sup>, what were their deeds and their conducts until Allah<sup>-azwj</sup> Placed these punishments upon them?’

فَقَالَ يَا بُنَيَّتِي أَمَّا الْمُعَلَّقَةُ بِشَعْرِهَا فَإِنَّهَا كَانَتْ لَا تُعْطِي شَعْرَهَا مِنَ الرِّجَالِ وَ أَمَّا الْمُعَلَّقَةُ بِلسَانِهَا فَإِنَّهَا كَانَتْ تُؤْذِي زَوْجَهَا وَ أَمَّا الْمُعَلَّقَةُ بِنَدْيِهَا فَإِنَّهَا كَانَتْ تَمْنَعُ مِنْ فِرَاشِ زَوْجِهَا وَ أَمَّا الْمُعَلَّقَةُ بِرِجْلَيْهَا فَإِنَّهَا كَانَتْ تُخْرِجُ مِنْ بَيْنِهَا بَغِيرَ إِذْنِ زَوْجِهَا

He<sup>-saww</sup> said: ‘O my<sup>-saww</sup> daughter<sup>-asws</sup>! As for the one suspended by her hair, she was not covering her hair from the men, and as for the one suspended by her tongue, she used to hurt her husband (by her speech), and as for the one suspended by her breasts, she used to refuse from the bed of her husband, and as for the one suspended by her legs, she used to go out from her house without permission of her husband.

وَ أَمَّا الَّتِي كَانَتْ تَأْكُلُ لَحْمَ جَسَدِهَا فَإِنَّهَا كَانَتْ تُزَيِّنُ بَدَنَهَا لِلنَّاسِ وَ أَمَّا الَّتِي شُدَّ يَدَاهَا إِلَى رِجْلَيْهَا وَ سَلَطَ عَلَيْهَا الْحَيَّاتُ وَ الْعَقَّارِبُ فَإِنَّهَا كَانَتْ قَذِرَةً الْوُضُوءِ قَذِرَةَ الْبَابِ وَ كَانَتْ لَا تَغْتَسِلُ مِنَ الْجَنَابَةِ وَ الْحَيْضِ وَ لَا تَتَنَطَّفُ وَ كَانَتْ تَسْتَهِينُ بِالصَّلَاةِ

And as for the one who was eating the meat of her own body, she used to adorn her body for the people, and as for the one whose hands were tied to her legs and the snakes and scorpions prevailed upon her, she was filthy in her Wud’u. Filthy of the clothes, and she would not wash from the sexual impurity and the menstruation, nor keep herself clean, and she used to take lightly with the Salat.

وَ أَمَّا الْعُمَيَاءُ الصَّمَاءُ الْخُرْسَاءُ فَإِنَّهَا كَانَتْ تَلْدُ مِنَ الزَّيْنِ فَتُعَلِّقُهُ فِي عُنُقِ زَوْجِهَا وَ أَمَّا الَّتِي كَانَتْ يُفْرَضُ لَحْمُهَا بِالْمَقَارِيطِ فَإِنَّهَا كَانَتْ تَعْرِضُ نَفْسَهَا عَلَى الرِّجَالِ وَ أَمَّا الَّتِي كَانَتْ يُخْرِقُ وَجْهَهَا وَ بَدَنُهَا وَ هِيَ تَأْكُلُ أَفْعَاءَهَا فَإِنَّهَا كَانَتْ قَوَادَةً وَ أَمَّا الَّتِي كَانَتْ رَأْسُهَا رَأْسَ خَنْزِيرٍ وَ بَدَنُهَا بَدَنَ الْحِمَارِ فَإِنَّهَا كَانَتْ نَمَامَةً كَذَّابَةً

And as for the blind, the deaf, the mute, she had given birth from the adultery and attached it in the neck of her husband, and as for the one whose flesh was being cut by the scissors, she used to present herself to the men, and as for the one whose face and hands were being burned while she was eating her own intestines, she was a pimp, and as for the one who head was head of a pig, and her body was the body of a donkey, she was a lying gossip.

وَ أَمَّا الَّتِي عَلَى صُورَةِ الْكَلْبِ وَ النَّارُ تَدْخُلُ فِي دُبُرِهَا وَ تُخْرِجُ مِنْ فِيهَا فَإِنَّهَا كَانَتْ قَيْنَةً نَوَاحَةً حَاسِدَةً

And as for the one upon the image of a dog and the fire was entering her backside and coming out from her mouth, she was a singer (singing slave girl), a (professional) mourner, envious!’

ثُمَّ قَالَ ص وَبِئْسَ لِمَرْأَةٍ أَغْضَبَتْ زَوْجَهَا وَ طَوَى لِمَرْأَةٍ رَضِيَ عَنْهَا زَوْجُهَا.

Then he<sup>-saww</sup> said: 'Woe be to a woman who angers her husband, and beatitude be for a woman whose husband is pleased with her'.<sup>968</sup>

25- ع، علل الشرائع ابن الوليد عن الصفار عن ابن عيسى عن علي بن الحكم عن محمد بن الفضل عن سعد الجلاب عن أبي عبد الله ع قال: إِنَّ اللَّهَ عَزَّ وَ جَلَّ لَمْ يَجْعَلِ الْغَيْرَةَ لِلنِّسَاءِ إِنَّمَا تَغَارُ الْمُنْكَرَاتُ مِنْهُنَّ فَأَمَّا الْمُؤْمِنَاتُ فَلَا وَ إِنَّمَا جَعَلَ اللَّهُ عَزَّ وَ جَلَّ الْغَيْرَةَ لِلرِّجَالِ لِأَنَّهُ قَدْ أَحَلَّ اللَّهُ عَزَّ وَ جَلَّ لَهُ الْأُرْبَاعَ وَ مَا مَلَكَتْ يَمِينُهُ وَ لَمْ يَجْعَلْ لِلْمَرْأَةِ إِلَّا زَوْجَهَا وَحْدَهُ فَإِنْ بَغَتْ غَيْرُهُ كَانَتْ زَانِيَةً.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ali Bin Al Hakam, from Muhammad Bin Al Fuzeyl, from Sa'ad Al Hallab,

'From Abu Abdullah<sup>-asws</sup> having said: 'Allah<sup>-azwj</sup> Mighty and Majestic did not Make the 'Ghayra' (jealousy/sense of honour) for the women. But rather, the evil ones from them are jealous. As for the believing women, so no, and rather Allah<sup>-azwj</sup> Mighty and Majestic has Made the 'Ghayra' for the men because Allah<sup>-azwj</sup> Mighty and Majestic has Made Permissible for him four (wives) and whatever his right hand possesses, and did not Make for the woman except one husband. If she seeks another, she would be an adulteress'.<sup>969</sup>

26- فس، تفسير القمي الرجال قوامون على النساء بما فضل الله بعضهن على بعض و بما أنفقوا من أموالهم يعني فرض الله على الرجال أن ينفقوا على النساء ثم مدح النساء فقال فالصالحات قانتات حافظات للغيب بما حفظ الله يعني تحفظ أنفسها إذا غاب عنها زوجها.

(The book) 'Tafseer Al-Qummi' - **Men are guardians of the women due to what Allah has Made some of them to excel others and because they are spending from their wealth [4:34]** – meaning Allah<sup>-azwj</sup> has Obligated upon the men that they spend upon the women. Then He<sup>-azwj</sup> Praised the women. He<sup>-azwj</sup> Said: **So the righteous women are the obedient, guarding the hidden with what Allah has Guarded [4:34]** – meaning protecting herself when her husband is absent from her. (opinion)

و في رواية أبي الجارود عن أبي جعفر ع في قوله قانتات أي مطيعات.

And in a report of Abu Al-Jaroud, from Abu Ja'far<sup>-asws</sup> regarding His<sup>-azwj</sup> Word: 'Qanitaat', i.e., obedient'.<sup>970</sup>

27 ثو، ثواب الأعمال أبي عن سعد عن ابن يزيد عن ابن أبي عمير عن إبراهيم بن عبد الحميد عن الوليد بن صبيح عن أبي عبد الله ع قال قال رسول الله ع أئمة امرأة تطيبت ثم خرجت من بيتها فهي تلعن حتى ترجع إلى بيتها متى رجعت.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Al Waleed Bin Sabeeh,

<sup>968</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 24

<sup>969</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 25

<sup>970</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 26

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Whichever woman perfumes herself, then goes out from her house, she is cursed until she returns to her house, whenever she returns'.<sup>971</sup>

28 ص، قصص الأنبياء عليهم السلام عن النبي ص قال: جَهِدُ الْمَرْأَةَ حُسْنَ التَّبَعْلِ لِرُؤُوسِهَا.

(The book) 'Qasas Al Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – from the Prophet<sup>-saww</sup> having said: 'Jihad of the wife is being an excellent wife to her husband'.<sup>972</sup>

29- ص، قصص الأنبياء عليهم السلام الصدوق عن أبيه عن سعد عن الحشّاب عن علي بن حسان عن عمه عبد الرحمن عن أبي عبد الله ع قال قال رسول الله ص لو أمرت أهدأ أن يسجد لأحدٍ لأمرت المرأة أن تسجد لرؤوسها.

(The book) 'Qasas Al Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – Al Sadouq, from his father, from Sa'ad, from Al Khashab, from Ali Bin Hassan, from his paternal uncle Abdul Rahman,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'If I<sup>-saww</sup> were to order anyone to prostrate to anyone, I<sup>-saww</sup> would order the wife to prostrate to her husband'.<sup>973</sup>

30- مكا، مكارم الأخلاق قال النبي ص من صبر على سوء خلق امرأته أعطاه الله من الأجر ما أعطاه داود ع على بلّائه و من صبر على سوء خلق زوجها أعطاه الله مثل ثواب آسية بنت مزاحم.

(The book) 'Makarim Al Akhlaq' -

'The Prophet<sup>-saww</sup> said: 'One who is patient upon the evil manners of his wife, Allah<sup>-azwj</sup> will Give him the Recompense what He<sup>-azwj</sup> Gave Dawood<sup>-as</sup> upon his<sup>-as</sup> afflictions, and the one who is patient upon evil manners of her husband, Allah<sup>-azwj</sup> will Give her like Rewards of Aasiya Bint Muzahim<sup>-as</sup>'.<sup>974</sup>

31- روى الحسن بن محبوب عن مالك بن عتيقة عن محمد بن مسلم عن الباقر ع قال: جاءت امرأة إلى رسول الله ص فقالت يا رسول الله ما حق الزوج على المرأة

It is reported by Al-Hassan Bin Mahboub, from Malik Bin Atiya, from Muhammad Bin Muslim,

'From Al-Baqir<sup>-asws</sup> having said: 'A woman came to Rasool-Allah<sup>-saww</sup>. She said, 'O Rasool-Allah<sup>-saww</sup>! What are the rights of a husband upon the wife?'

فقال لها طيعه و لا تعصيه و لا تنصدي من بينه بشيء إلا بإذنه و لا تصوم تطوعاً إلا بإذنه و لا تمنعه نفسها و إن كانت على ظهر قتب و لا تخرج من بينه إلا بإذنه فإن خرجت بغير إذنه لعنتها ملائكة السماء و ملائكة الأرض و ملائكة الغضب و ملائكة الرحمة حتى ترجع إلى بيتها

He<sup>-saww</sup> said: 'For her to obey him and not disobey him, and not donate anything from his house except with his permission, nor fast optional fasts except by his permission, nor refuse herself even if she was on the back of a camel, and not to go out from his house except by his

<sup>971</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 27

<sup>972</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 28

<sup>973</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 29

<sup>974</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 30

permission. If she does go out without his permission, she will be cursed by Angels of the sky and Angels of the earth, and the Angels of wrath and the Angels of mercy, until she returns to her house!’

فَقَالَتْ يَا رَسُولَ اللَّهِ ص مَنْ أَعْظَمُ النَّاسِ حَقًّا عَلَى الرَّجُلِ

She said, ‘O Rasool-Allah<sup>-saww</sup>! Who from the people is of the mightiest right upon the man?’

قَالَ وَالِدَاهُ

He<sup>-saww</sup> said: ‘His parents’.

قَالَتْ فَمَنْ أَعْظَمُ النَّاسِ حَقًّا عَلَى الْمَرْأَةِ

She said, ‘Who from the people is of the mightiest right upon the woman?’

قَالَ زَوْجُهَا

He<sup>-saww</sup> said: ‘Her husband’.

قَالَتْ فَمَا لِي عَلَيْهِ مِنَ الْحَقِّ مِثْلُ مَا لَهُ عَلَيَّ

She said, ‘So there is no right for me upon him like what is for him upon me?’

قَالَ لَا وَ لَا مِنْ كُلِّ مِائَةٍ وَاحِدٌ

He<sup>-saww</sup> said: ‘No, and not even one from a hundred!’

فَقَالَتْ وَ الَّذِي بَعَثَكَ بِالْحَقِّ لَا يَمْلِكُ رَقَبَتِي رَجُلٌ أَبَدًا.

She said, ‘By the One Who Sent you<sup>-saww</sup> with the truth! No man will own my neck, ever!’<sup>975</sup>

32- وَ عَنِ الصَّادِقِ ع قَالَ: انْصَرَفَ رَسُولُ اللَّهِ ص مِنْ سَرِيَّةٍ كَانَ أُصِيبَ فِيهَا نَاسٌ كَثِيرٌ مِنَ الْمُسْلِمِينَ فَاسْتَقْبَلَهُ النِّسَاءُ يَسْأَلْنَ عَنْ قَتْلَاهُنَّ فَدَنَتْ مِنْهُ امْرَأَةٌ فَقَالَتْ يَا رَسُولَ اللَّهِ ص مَا فَعَلَ فُلَانٌ

And from Al-Sadiq<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> left from a battalion in which a lot of people from the Muslims had been slain. The women met him<sup>-saww</sup> asking about their killed ones. A woman approached him<sup>-saww</sup>. She said, ‘O Rasool-Allah<sup>-saww</sup>! What happened with so and so?’

قَالَ وَ مَا هُوَ مِنْكَ

He<sup>-saww</sup> said: ‘And what is he to you?’

<sup>975</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 31



فَقَالَتْ أَخِي

She said, 'My brother'.

فَقَالَ أَحْمَدِي اللَّهُ وَاسْتَزْجِعِي فَقَدْ اسْتُشْهِدَ

He<sup>-saww</sup> said: 'Praise Allah<sup>-azwj</sup> and say, 'We are for Allah<sup>-azwj</sup> and return to Him<sup>-azwj</sup>', for he has been martyred!'

فَفَعَلْتُ ذَلِكَ ثُمَّ قَالَتْ يَا رَسُولَ اللَّهِ صَ مَا فَعَلَ فُلَانٌ

She did that, then said, 'O Rasool-Allah<sup>-saww</sup>! What happened with so and so?'

فَقَالَ وَ مَا هُوَ مِنْكَ

He<sup>-saww</sup> said: 'And what is he to you?'

قَالَتْ زَوْجِي

She said, 'My husband'.

فَقَالَ أَحْمَدِي اللَّهُ وَاسْتَزْجِعِي فَقَدْ اسْتُشْهِدَ

He<sup>-saww</sup> said: 'Praise Allah<sup>-azwj</sup> and say, 'We are for Allah<sup>-azwj</sup> and return to Him<sup>-azwj</sup>', for he has been martyred!'

فَقَالَتْ وَاءُ ذُلَّاهُ

She said, 'O the humiliation!'

فَقَالَ رَسُولُ اللَّهِ صَ مَا كُنْتُ أَظُنُّ أَنَّ الْمَرْأَةَ تَجِدُ بِزَوْجِهَا هَذَا كُلَّهُ حَتَّى رَأَيْتُ هَذِهِ الْمَرْأَةَ.

Rasool-Allah<sup>-saww</sup> said: 'I<sup>-saww</sup> did not think that the wife would feel all this for her husband until I<sup>-saww</sup> saw this woman!'<sup>976</sup>

33- مَكَاءُ، مَكَارِمُ الْأَخْلَاقِ قَالَ النَّبِيُّ صَ كَانَ إِبْرَاهِيمُ أَبِي عَيْشٍ وَأَنَا أَعْيُرُ مِنْهُ وَأَزْعَمُ اللَّهُ أَنْفَ مَنْ لَا يِعَاظُ مِنَ الْمُؤْمِنِينَ.

(The book) 'Makarim Al Akhlaaq' -

'The Prophet<sup>-saww</sup> said: 'My<sup>-saww</sup> father<sup>-as</sup> Ibrahim<sup>-as</sup> was a man with sense of honour (Ghayra) and I<sup>-saww</sup> am more with sense of honour than him<sup>-as</sup>, and may Allah<sup>-azwj</sup> Rub the nose of one from the Momineen who has no sense of honour!'<sup>977</sup>

<sup>976</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 32

<sup>977</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 33

34- جمع الأخبار قَالَ رَسُولُ اللَّهِ ﷺ مَنْ قَذَفَ امْرَأَتَهُ بِالنِّسَاءِ خَرَجَ مِنْ حَسَنَاتِهِ كَمَا تَخْرُجُ الْحَيَّةُ مِنْ جُلْدِهَا وَكُتِبَ لَهُ بِكُلِّ شَعْرَةٍ عَلَى بَدَنِهِ أَلْفٌ خَطِيئَةٌ.

(The book) 'Jamir Al Akhbaar' -

'Rasool-Allah<sup>-saww</sup> said: 'One who slanders his wife with the adultery will exit from his good deed just like the snake comes out from its skin, and there will be written for him, with every hair upon his body, a thousand misdeeds''<sup>978</sup>

35- وَقَالَ ع لَا تَقْذِفُوا نِسَاءَكُمْ بِالنِّسَاءِ فَإِنَّهُ شِبْهُ الطَّلَاقِ وَإِيَّاكُمْ وَالْغَيْبَةَ فَإِنَّهَا شِبْهُ الْكُفْرِ وَاعْلَمُوا أَنَّ الْقَذْفَ وَالْغَيْبَةَ يَهْدِمَانِ عَمَلَ مِائَةِ سَنَةٍ.

And he<sup>-asws</sup> said: 'Do not slander your women with the adultery for it resembles with the divorce, and beware of the backbiting for it resembles with the Kufr, and know that the slander and the backbiting both demolish the deeds of a hundred years!''<sup>979</sup>

36- وَقَالَ ع مَنْ قَذَفَ امْرَأَتَهُ بِالنِّسَاءِ نَزَلَتْ عَلَيْهِ اللَّعْنَةُ وَ لَا يُقْبَلُ مِنْهُ صَرْفٌ وَ لَا عَدْلٌ.

And he<sup>-asws</sup> said: 'One who slanders his wife with the adultery, the curse will descend upon him and neither compensation nor ransom will be Accepted from him!''<sup>980</sup>

37- وَقَالَ ع لَا يَقْذِفُ امْرَأَتَهُ إِلَّا مَلْعُونٌ أَوْ قَالَ مُنَافِقٌ فَإِنَّ الْقَذْفَ مِنَ الْكُفْرِ وَ الْكُفْرُ فِي النَّارِ لَا تَقْذِفُوا نِسَاءَكُمْ فَإِنَّ فِي قَذْفِهِنَّ نَدَامَةً طَوِيلَةً وَ عُثُوبَةً شَدِيدَةً.

And he<sup>-asws</sup> said: 'No one will slander his wife except an accursed!' – Or said: 'hypocrite, for the slander is from the Kufr, and the Kufr is in the fire. Do not slander your women, for there will be lengthy regret in slandering them and severe punishment'.<sup>981</sup>

38- وَقَالَ النَّبِيُّ ﷺ إِيَّيَّ أَنْتَعَجِبُ مِمَّنْ يَضْرِبُ امْرَأَتَهُ وَ هُوَ بِالضَّرْبِ أَوْلَى مِنْهَا لَا تَضْرِبُوا نِسَاءَكُمْ بِالْحَشَبِ فَإِنَّ فِيهِ الْفَصَاصَ وَ لَكِنْ اضْرِبُوهُنَّ بِالْجَوْعِ وَ الْغُرْيِ حَتَّى تُرْجِعُوا [تَرْجِعُوا] فِي الدُّنْيَا وَ الْآخِرَةِ

And the Prophet<sup>-saww</sup> said: 'I<sup>-saww</sup> surprised at the one who beats his wife, and he is foremost with being beaten than her! Do not strike your women with the wood for there is retaliation in it, but caution/discipline them with the hunger and the withholding of the privileges until they return, regarding the world and the Hereafter!

وَ إِذَا رَجُلٌ تَزَوَّجَ امْرَأَتَهُ وَ تَخْرُجُ مِنْ بَابِ دَارِهَا فَهُوَ دَيُوثٌ وَ لَا يَأْتِمُ مِنْ يُسَمِّيهِ دَيُوثًا وَ الْمَرْأَةُ إِذَا خَرَجَتْ مِنْ بَابِ دَارِهَا مُتَزَوِّجَةً مُنْعَطِرَةً وَ الزَّوْجُ بِذَلِكَ رَاضٍ يُبْنَى لِزَوْجِهَا بِكُلِّ قَدَمٍ بَيْتٌ فِي النَّارِ

And whichever man adorns his wife and she goes out from the door of her house, he is a cuckold, and there is no sin on the one who names him as a cuckold, and the wife who goes

<sup>978</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 34

<sup>979</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 35

<sup>980</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 36

<sup>981</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 37

out from the door of her house adorned, perfumed, and the husband is pleased with that, with every step she take, a house will be built for her husband in the Fire!

فَقَصِّرُوا أَجْبَحَةَ نِسَائِكُمْ وَلَا تُطَوِّلُوهَا فَإِنَّ فِي تَقْصِيرِ أَجْبَحَتِهَا رِضًى وَ سُورًا وَ دُخُولَ الْجَنَّةِ بِغَيْرِ حِسَابٍ احْفَظُوا وَصِيَّتِي فِي أَمْرِ نِسَائِكُمْ حَتَّى تَنْجُوا مِنْ شِدَّةِ الْحِسَابِ وَ مَنْ لَمْ يَحْفَظْ وَصِيَّتِي فَمَا أَسْأَأَ خَالَهُ بَيْنَ يَدَيِ اللَّهِ

Therefore, shorten the wings of your women and do not lengthen them, for in shortening of their wings is contentment and happiness, and entry into the Paradise without reckoning. Preserve my advice regarding the matter of your women until you are saved from the severity of the Reckoning, and the one who does not preserve my<sup>-saww</sup> advice, how evil will be his state in front of Allah<sup>-azwj</sup>!

وَ قَالَ عِ الْنِسَاءِ حَبَائِلُ الشَّيْطَانِ.

And he<sup>-asws</sup> said: 'The women are the ropes of Satan<sup>-la</sup>'.<sup>982</sup>

39- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص اضْرِبُوا النِّسَاءَ عَلَى تَعْلِيمِ الْحَتِّ.

(The book) 'Nawadir' of Al Rawandi –

'By his chain from Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Beat women upon learning the goodness!'"<sup>983</sup>

40- وَ هَذَا الْإِسْنَادُ قَالَ: إِنَّ فَاطِمَةَ دَخَلَ عَلَيْهَا عَلِيُّ بْنُ أَبِي طَالِبٍ ع وَ بِهِ كَاتِبَةٌ شَدِيدَةٌ فَقَالَتْ فَاطِمَةُ ع يَا عَلِيُّ مَا هَذِهِ الْكَاتِبَةُ

And by this chain, he<sup>-asws</sup> said: 'Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> entered to see (Syeda) Fatima<sup>-asws</sup> and upon him<sup>-asws</sup> was intense gloom. (Syeda) Fatima<sup>-asws</sup> said: 'O Ali<sup>-asws</sup>! What is this gloominess?'

فَقَالَ عَلِيُّ ع سَأَلْنَا رَسُولَ اللَّهِ ص عَنِ الْمَرْأَةِ مَا هِيَ فَقُلْنَا عَوْرَةٌ فَقَالَ فَمَتَى تَكُونُ أَذَى مِنْ رَجُلٍ فَلَمْ نَدْرِ

Ali<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> asked us about the woman, what she is. We said, 'Vulnerable'. He<sup>-saww</sup> said: 'So when does she happen to be closest to her Lord<sup>-azwj</sup>? We did not know'.

فَقَالَتْ فَاطِمَةُ لِعَلِّي ع ارْجِعْ إِلَيْهِ فَأَعْلِمُهُ أَنَّ أَذَى مَا تَكُونُ مِنْ رَجُلٍ أَنْ تَلْزَمَ فَعَرَّ بَيْنَهُمَا

(Syeda) Fatima<sup>-asws</sup> said to Ali<sup>-asws</sup>: 'Return to him<sup>-saww</sup> and let him<sup>-saww</sup> know that the closest of what she can be to her Lord<sup>-azwj</sup> is when she stays in the innermost part of her house'.

فَانْطَلَقَ فَأَخْبَرَ رَسُولَ اللَّهِ ص مَا قَالَتْ فَاطِمَةُ ع فَقَالَ رَسُولُ اللَّهِ ص إِنَّ فَاطِمَةَ بَضْعَةٌ مِنِّي.

He<sup>-asws</sup> went and informed Rasool-Allah<sup>-saww</sup> of what (Syeda) Fatima<sup>-asws</sup> had said. Rasool-Allah<sup>-saww</sup> said: '(Syeda) Fatima<sup>-asws</sup> is a part of me<sup>-saww</sup>!' "<sup>984</sup>

<sup>982</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 38

<sup>983</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 39

<sup>984</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 40

41- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع أَقْبَلَتْ امْرَأَةً إِلَى رَسُولِ اللَّهِ ص فَقَالَتْ يَا رَسُولَ اللَّهِ ص إِنَّ لِي زَوْجًا وَ لَهُ عَلَيَّ غِلْظَةٌ وَ إِنِّي صَنَعْتُ بِهِ شَيْئًا لِأَعْطِفَهُ عَلَيَّ

And by this chain, he<sup>-asws</sup> said, 'Ali<sup>-asws</sup> said: 'A woman came to Rasool-Allah<sup>-saww</sup>. She said, 'O Rasool-Allah<sup>-saww</sup>! There is a husband for me and there is harshness for him upon me, and I have done something with him to make him more affectionate to me!'

فَقَالَ رَسُولُ اللَّهِ ص أَفَ لَكَ كَدَّرْتَ دِينَكَ لَعَنَتِكَ الْمَلَائِكَةُ الْأَحْيَاءُ لَعَنَتِكَ الْمَلَائِكَةُ السَّمَاءُ لَعَنَتِكَ الْمَلَائِكَةُ الْأَرْضُ

Rasool-Allah<sup>-saww</sup> said: 'Ugh to you! You have dirtied your religion! The best Angels curse you! The Angels of the sky curse you! The Angels of the earth curse you!'

فَصَامَتْ نَهَارَهَا وَ قَامَتْ لَيْلَئِهَا وَ لَبَسَتْ الْمُسْوَحَ ثُمَّ خَلَقَتْ رَأْسَهَا فَقَالَ رَسُولُ اللَّهِ ص إِنَّ خَلْقَ الرَّأْسِ لَا يُقْبَلُ مِنْهَا إِلَّا أَنْ يَرْضَى الرَّؤُوحُ.

So, she fasted her days and stood (for Salat) her nights and wore the coarse clothes. Then she shaved off her head. Rasool-Allah<sup>-saww</sup> said: 'Shaving of the head is not accepted from her except if the husband is pleased'.<sup>985</sup>

42- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّمَا الْمَرْأَةُ لُغَبَةٌ فَمَنْ اتَّخَذَهَا فَلْيَبْضِعْهَا.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'But rather, the woman is a plaything. The one who takes her, let him handle her properly'.<sup>986</sup>

43- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص النِّسَاءُ عَوْرَةٌ أَحْبِسُوهُنَّ فِي الْبُيُوتِ وَ اسْتَعِينُوا عَلَيْهِنَّ بِالْعُرَى.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'The women are vulnerable. Withhold them in the houses and seek assistance upon them with the withholding of privileges'.<sup>987</sup>

44- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص الْغَيْرَةُ مِنَ الْإِيمَانِ وَ الْبَدَاءُ مِنَ الْجَفَاءِ.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'The 'Ghayra' (jealousy/sense of honour) is from the Eman, and the obscenity is from the disloyalty'.<sup>988</sup>

45- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص كَتَبَ اللَّهُ الْجِهَادَ عَلَى رِجَالِ أُمَّتِي وَ الْعِزَّةَ عَلَى نِسَاءِ أُمَّتِي فَمَنْ صَبَرَ مِنْهُمْ وَ اخْتَسَبَ أُعْطَاهُ أَجْرَ شَهِيدٍ.

And by this chain, he<sup>-asws</sup> said, 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> Prescribed the Jihad upon the men of my<sup>-saww</sup> community, and the 'Ghayra' (jealousy/sense of honour) upon women of my<sup>-saww</sup> community. The one from them who is patient and anticipates, Allah<sup>-azwj</sup> Give him Recompense of a martyr'.<sup>989</sup>

<sup>985</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 41

<sup>986</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 42

<sup>987</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 43

<sup>988</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 44

<sup>989</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 45

46- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع أَتَى النَّبِيَّ ص رَجُلٌ مِنَ الْأَنْصَارِ بَابْنَةً لَهُ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ زَوْجَهَا فَلَانٌ بَنُ فَلَانٍ الْأَنْصَارِيُّ فَضَرَبَهَا فَأَثَرٌ فِي وَجْهِهَا فَأَقْبَدَهُ لَهَا

And by this chain, he<sup>-asws</sup> said: ‘Ali<sup>-asws</sup> said: ‘A man from the Helpers came to the Prophet<sup>-saww</sup> with a daughter of his. He said, ‘O Rasool-Allah<sup>-saww</sup>! Her husband is so and so, son of so and so, the Helper. He beat her, and the impact is on her face. Take retribution for her from him!’

فَقَالَ رَسُولُ اللَّهِ ص لَكَ ذَلِكَ

Rasool-Allah<sup>-saww</sup> said: ‘That is for you!’

فَأَنْزَلَ اللَّهُ تَعَالَى قَوْلَهُ الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ الْآيَةَ فَقَالَ رَسُولُ اللَّهِ ص أَرَدْتُ أَفْرَأَ وَ أَرَادَ اللَّهُ تَعَالَى غَيْرَهُ.

Allah<sup>-azwj</sup> the Exalted Revealed His<sup>-azwj</sup> Words: **Men are guardians of the women [4:34]** – the Verse. Rasool-Allah<sup>-saww</sup> said: ‘I<sup>-saww</sup> wanted a matter and Allah<sup>-azwj</sup> the Exalted Wanted another (something else)’<sup>990</sup>

47- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّمَا رَجُلٌ رَأَى فِي مَنْزِلِهِ شَيْئاً مِنَ الْفُجُورِ فَلَمْ يُعَيِّرْ بَعَثَ اللَّهُ تَعَالَى طَيْراً أبيضَ يَطْلُبُ عَلَيْهِ أَرْبَعِينَ صَبَاحاً فَيَقُولُ كُلَّمَا دَخَلَ وَ خَرَجَ غَيْرَ غَيْرٍ فَإِنْ غَيَّرَ وَ إِلَّا مَسَحَ رَأْسَهُ بِجَنَاحَيْهِ عَلَى عَيْنَيْهِ فَإِنْ رَأَى حَسَناً لَمْ يَسْتَحْسِنْهُ وَ إِنْ بَرَى قَبِيحاً لَمْ يُنْكِرْهُ.

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Whichever man sees something from the immoralities in his house but does not change (it), Allah<sup>-azwj</sup> the Exalted Sends a white bird hovering upon him for forty mornings. Every time he enters and exits, it says, ‘Change! Change!’ If he changes, (fine), or else it wipes his head with its wings upon his eyes. Then, if he sees good, does not consider it as good, and if he sees ugliness, does not dislike it’<sup>991</sup>

48- أَمَّا ابْنُ الشَّيْخِ، جَمَاعَةٌ عَنْ أَبِي الْمُفَضَّلِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْحُسَيْنِيِّ عَنْ مُوسَى بْنِ عَبْدِ اللَّهِ الْحُسَيْنِيِّ عَنْ جَدِّهِ مُوسَى بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَبْدِ اللَّهِ بْنِ الْحُسَيْنِ وَ عَمِّهِ إِبْرَاهِيمَ وَ الْحُسَيْنِ ابْنِ الْحُسَيْنِ عَنْ أُمِّهِمْ فَاطِمَةَ بِنْتِ الْحُسَيْنِ عَنْ أَبِيهَا عَنْ جَدِّهَا عَلِيِّ بْنِ أَبِي طَالِبٍ ع عَنِ النَّبِيِّ ص قَالَ: النِّسَاءُ عِيٌّ وَ عَوْرَاتٌ فَدَاؤُوا عِيَّهُنَّ بِالسُّكُوتِ وَ عَوْرَاتِهِنَّ بِالْبُيُوتِ.

(The book) ‘Amaali’ of the Sheykh – A group, from Abu Al Mufazzal, from Ja’far Bin Muhammad Al Hasany, from Musa Bin Abdullah Al Hasany, from his grandfather Musa Bin Abdullah, from his father Abdullah Bin Al-Hassan and his uncles Ibrahim Al Al-Hassan, two sons of Al-Hassan,

‘From their mother Fatima<sup>-as</sup> daughter of Al-Husayn<sup>-asws</sup>, from her<sup>-as</sup> father<sup>-asws</sup>, from her<sup>-as</sup> grandfather Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: ‘The women are weak and vulnerable. Deal with their weakness with silence, and their vulnerability with (their staying) in the houses!’<sup>992</sup>

49- وَ مِنْهُ، جَمَاعَةٌ عَنْ أَبِي الْمُفَضَّلِ بِإِسْنَادِهِ رَفَعَهُ عَنِ الصَّادِقِ ع قَالَ: سَأَلْتُ أُمَّ سَلَمَةَ رَسُولَ اللَّهِ ص عَنْ فَضْلِ النِّسَاءِ فِي خِدْمَةِ أَرْوَاجِهِنَّ فَقَالَ إِنَّمَا امْرَأَةٌ رَفَعَتْ مِنْ بَيْتِ زَوْجِهَا شَيْئاً مِنْ مَوْضِعٍ إِلَى مَوْضِعٍ تُرِيدُ بِهِ صَلَاحاً إِلَّا نَظَرَ اللَّهُ إِلَيْهَا وَ مَنْ نَظَرَ اللَّهُ إِلَيْهَا لَمْ يُعَذِّبْهُ

<sup>990</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 46

<sup>991</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 47

<sup>992</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 48

And from him, a group, from Abu Al Mufazzal by his chain raising it,

‘From Al-Sadiq<sup>-asws</sup> having said: ‘Umm Salama<sup>-ra</sup> asked Rasool-Allah<sup>-saww</sup> about the merits of the women in serving their husbands. He<sup>-saww</sup> said: ‘Whichever woman raises from the house of her husband, a thing from its place to place it in another place intending correction with it, Allah<sup>-azwj</sup> Looks as her (with Consideration), and the one Allah<sup>-azwj</sup> Looks at, He<sup>-azwj</sup> will not Punish him’.

فَقَالَتْ أُمُّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا زِدْنِي فِي النِّسَاءِ الْمَسَاكِينِ مِنَ الثَّوَابِ بِأَبِي أَنْتَ وَأُمِّي

Umm Salama<sup>-ra</sup>, may Allah<sup>-azwj</sup> be Pleased with her<sup>-ra</sup>, said, ‘Increase for me<sup>-ra</sup> regarding the Rewards of the poor women. May my<sup>-ra</sup> father and my<sup>-ra</sup> mother be sacrificed for you<sup>-saww</sup>!’

فَقَالَ ص يَا أُمُّ سَلَمَةَ إِنَّ الْمَرْأَةَ إِذَا حَمَلَتْ كَانَ لَهَا مِنَ الْأَجْرِ كَمَنْ جَاهَدَ بِنَفْسِهِ وَ مَالِهِ فِي سَبِيلِ اللَّهِ عَزَّ وَ جَلَّ فَإِذَا وَصَعَتْ فِيلًا لَهَا قَدْ غُفِرَ لَكَ ذَنْبُكَ فَاسْتَأْنِفِي الْعَمَلَ فَإِذَا أَرْضَعَتْ فَلَهَا بِكُلِّ رَضْعَةٍ تَحْرِيرُ رَقَبَةٍ مِنْ وَلَدِ إِسْمَاعِيلَ.

He<sup>-saww</sup> said: ‘O Umm Salama<sup>-ra</sup>! The woman, when she gets pregnant, there would be for her Recompense like the one who fights with his soul and his wealth in the Way of Allah<sup>-azwj</sup> Mighty and Majestic. When she gives birth, it is said to her, ‘Your sins have been Forgiven for you, so resume anew!’ When she breastfeeds, for her would be with every breast-feeding, (Reward of) freeing a neck from the children of Ismail<sup>-as</sup>!’<sup>993</sup>

50- ما، الأماالي للشيخ الطوسي عن الحسين بن إبراهيم عن محمد بن وهبان عن أحمد بن إبراهيم عن الحسن بن علي الزعفراني عن البرقي عن أبيه أحمد عن ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قَالَ قَالَ رَسُولُ اللَّهِ ص النِّسَاءُ عِيٌّ وَ عَوْرَةٌ فَاسْتَوْزُوا الْعَوْرَاتِ بِالْبَيُوتِ وَ اسْتَوْزُوا الْعِيَّ بِالسُّكُوتِ.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – From Al Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Ahmad Bin Ibrahim, from Al-Hassan Bin Ali Al Zafrany, from Al Barqy, from his father Ahmad, from Ibn Abu Umeyr, from Hisham Bin Salim,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The women are weak and vulnerable. Cover the vulnerable with the houses and cover the weak with the silence!’<sup>994</sup>

51 نَحَجُ، نَحَجُ الْبَلَاغَةَ قَالَ ع غَيْرَةُ الْمَرْأَةِ كُفْرٌ وَ غَيْرَةُ الرَّجُلِ إِيمَانٌ.

(The book) ‘Nahj Al Balagah’ – He<sup>-asws</sup> said: ‘(Jealousy/sense of honour) ‘Ghayra’ of the woman is Kufr while Ghayra’ of the man is Eman’.<sup>995</sup>

52 وَ قَالَ ع جِهَادُ الْمَرْأَةِ حُسْنُ التَّبَعْلِ.

And he<sup>-asws</sup> said: ‘Jihad of the woman is to be excellent with her husband’.<sup>996</sup>

<sup>993</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 49

<sup>994</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 50

<sup>995</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 51

<sup>996</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 52

53 وَ قَالَ ع الْمَرْأَةُ شَرُّ كُلِّهَا وَ شَرُّ مَا فِيهَا أَنَّهُ لَا بُدَّ مِنْهَا.

And he<sup>-asws</sup> said: 'The woman is evil, all of her, and evil is what is in her. There is no escape from her'.<sup>997</sup>

54 وَ قَالَ: فِي وَصِيَّتِهِ لِأَنَّهُ الْحَسَنَ ع إِيَّاكَ وَ مُشَاوَرَةَ النِّسَاءِ فَإِنَّ رَأْيَهُنَّ إِلَى أَقْنٍ وَ عَزْمُهُنَّ إِلَى وَهْنٍ فَانْكُفْ عَلَيْهِنَّ مِنْ أَبْصَارِهِنَّ بِحِجَابِكَ إِيَّاهُنَّ فَإِنَّ شِدَّةَ الْحِجَابِ أَتَقَى عَلَيْهِنَّ وَ لَيْسَ خُرُوجُهُنَّ بِأَشَدَّ مِنْ إِدْخَالِكَ مَنْ لَا يُوثِقُ بِهِ عَلَيْهِنَّ وَ إِنْ اسْتَطَعْتَ أَنْ لَا يَعْرِفَنَّ عَنَّا فَافْعَلْ

And he<sup>-asws</sup> said in a bequest to his<sup>-asws</sup> son<sup>-asws</sup> Al-Hassan<sup>-asws</sup>: 'Beware of consulting the women for their opinions are to ruination and their determinations are to weakness, and refrain upon them of their sights by your veiling them, for the severe veil would be more lasting upon them, and their emerging is not severer than your letting enters the one who cannot be trusted upon (from) them, and if you are able that they do not know anyone other than you, then do so.

وَ لَا تَمْلِكِ الْمَرْأَةُ مِنْ أَمْرِهَا مَا جَاوَزَ نَفْسَهَا فَإِنَّ الْمَرْأَةَ رِيحَانَةٌ وَ لَيْسَتْ بِقَهْرْمَانَةٍ وَ لَا تَعُدْ بِكَرَامَتِهَا نَفْسَهَا وَ لَا تُطْمِعْهَا أَنْ تَشْفَعَ لِعَظِيمِهَا

And do not let the woman be in control of her affairs, what exceeds herself, for the woman is a fragrant basil and she isn't an administrator, and do not transgress herself with her honour nor covet her in interceding for others.

وَ إِيَّاكَ وَ التَّعَايُرَ فِي غَيْرِ مَوْضِعٍ غَيْرِهِ فَإِنَّ ذَلِكَ يَدْعُو الصَّحِيحَةَ إِلَى السَّقَمِ وَ الْبَرِيئَةَ إِلَى الرَّبِّ.

And beware of the (displaying) sense of honour (Ghayra) in other than the place of 'Ghayra' for that would call the healthy woman to the sickness, and the righteous one to the suspicion!<sup>998</sup>

55 كُنْزُ الْكَرَاجِكِيِّ، عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ شَاذَانَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ الْوَلِيدِ عَنْ مُحَمَّدِ بْنِ [ابن] الْحُسَيْنِ الصَّفَّارِ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ مُفَضَّلِ بْنِ عَمْرِو عَنْ يُوسُفَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَلْعُونَةٌ مَلْعُونَةٌ امْرَأَةٌ تُؤْذِي زَوْجَهَا وَ تَعْمَهُ وَ سَعِيدَةٌ سَعِيدَةٌ امْرَأَةٌ تُكْرِمُ زَوْجَهَا وَ لَا تُؤْذِيهِ وَ تُطِيعُهُ فِي جَمِيعِ أَحْوَالِهِ.

(The book) 'Kanz Al Karajaky' – From Muhammad Bin Ahmad Bin Shazan, from his father, from Muhammad Bin Al-Hassan Bin Al Waleed, from Muhammad Bin Al-Hassan Al Saffar, from Muhammad Bin Ziyad, from Mufazzal Bin Umar, from Yunus Bin Yaqoub,

'From Abu Abdullah<sup>-asws</sup> having said: 'Accursed! Accursed is a woman hurting her husband and saddening him, and fortunate, fortunate is a woman honouring her husband and does not hurt him, and obeys him in entirety of his situations!<sup>999</sup>

56 وَ مِنْهُ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع إِيَّاكَ وَ مُشَاوَرَةَ النِّسَاءِ إِلَّا مَنْ جَرَّبَتْ بِكَمَالِ عَقْلِ فَإِنَّ رَأْيَهُنَّ يَجْرُ إِلَى الْأَقْنِ وَ عَزْمُهُنَّ إِلَى وَهْنٍ

And from him,

<sup>997</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 53

<sup>998</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 54

<sup>999</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 55

'From Amir Al-Momineen<sup>-asws</sup>: 'Beware of consulting the women except the one you have experienced perfection of intellect, for their opinion leads to ruination and their determination to weakness.

وَقَصَّرَ عَلَيْهِنَّ حُجُبَهُنَّ فَهُوَ خَيْرٌ لَّهِنَّ وَ لَيْسَ خُرُوجُهُنَّ بِأَشَدَّ عَلَيْكَ مِنْ دُخُولِ مَنْ لَا يُوثِقُ بِهِ عَلَيْهِنَّ وَ إِنْ اسْتَطَعْتَ أَنْ لَا يَعْرِفَنَّ عَنِّيكَ فَافْعَلْ وَ لَا تُؤَلِّمَنَّ الْمَرْأَةَ مِنْ أَمْرِهَا مَا يُجَاوِزُ نَفْسَهَا فَإِنَّ ذَلِكَ أَنْعَمَ لِبَالِهَا وَ بِأَلْبَسِكَ

Restrict their exposure with proper veils, for that is better for them. Their going out is not more harmful to you than the entrance of someone untrustworthy upon them. If you are able to ensure that no one knows them besides you, then do so. Do not grant a woman control over matters beyond herself, for that is more calming for both her mind and yours.

وَ إِنَّمَا الْمَرْأَةُ رِيحَانَةٌ وَ لَيْسَتْ بِقَهْرْمَانَةٍ وَ لَا تُطْمِعُهَا أَنْ تَشْفَعَ لِعَزِّهَا وَ لَا تُطِيلَنَّ الْخُلُوءَ مَعَ النِّسَاءِ فَيَمْلَنَكَ وَ اسْتَبْقِ مِنْ نَفْسِكَ بَقِيَّةً وَ إِيَّاكَ وَ التَّعَايِرَ فِي عَمْرٍ مُؤْضِعٍ غَيْرِهِ فَإِنَّ ذَلِكَ يَدْعُو الصَّحِيحَةَ إِلَى السَّقَمِ وَ إِنْ رَأَيْتَ مِنْهُنَّ رِبَةً فَعَجِّلِ النِّكَاحَ وَ أَقِلَّ الْغَضَبَ عَلَيْهِنَّ إِلَّا فِي عَنَبٍ أَوْ ذَنْبٍ.

Indeed, the woman is a delicate flower, not a manager of affairs. Do not let her aspire to intercede for others, and do not prolong seclusion with women, lest they grow tired of you. Preserve some of yourself, and beware of Ghayra (jealousy/sense of honour) in matters where there is no cause, for that invites a healthy woman toward corruption. But if you see suspicious behaviour from them, then respond quickly with disapproval, and limit your anger toward them except in case of fault or offence!"<sup>1000</sup>

57 وَ قَالَ: لَا تُطْلِعُوا النِّسَاءَ عَلَى حَالٍ وَ لَا تَأْمَنُوهُنَّ عَلَى مَالٍ وَ لَا تَتَّقُوا بِهِنَّ فِي الْفِعَالِ فَإِنَّهُنَّ لَا عَهْدَ لَهُنَّ عِنْدَ عَاهِدِهِنَّ وَ لَا وَرَعَ لَهُنَّ عِنْدَ حَاجَتِهِنَّ وَ لَا دِينَ لَهُنَّ عِنْدَ شَهَوَتِهِنَّ يَحْفَظُنَّ الشَّرَّ وَ يَنْسِيْنَ الْخَيْرَ فَالْطُّفُوءَ لَهُنَّ عَلَى حَالٍ لَعَلَّهُنَّ يُحْسِنَ الْفِعَالَ.

And he<sup>-asws</sup> said: 'Do not disclose your conditions to women, do not entrust them with wealth, and do not rely on them in actions, for they have no loyalty to those who make agreements with them, no restraint when in need, and no religion when overtaken by desire. They remember evil and forget good. So, deal with them gently in all matters, perhaps they may act rightly!"<sup>1001</sup>

58 عِدَّةُ الدَّاعِي، قَالَ النَّبِيُّ ص مَا زَالَ جِبْرِئِيلُ يُوصِينِي بِالْمَرْأَةِ حَتَّى ظَنَنْتُ أَنَّهُ لَا يَنْبَغِي طَلَاقُهَا إِلَّا مِنْ فَاحِشَةٍ مُبِينَةٍ.

(The book) 'Uddat Al Daie' -

'The Prophet<sup>-saww</sup> said: 'Jibraeel<sup>-as</sup> did not cease advising me<sup>-saww</sup> regarding the woman until I<sup>saww</sup> thought it is not befitting to divorce her except due to open immorality!"<sup>1002</sup>

59 وَ قَالَ ص اتَّقُوا اللَّهَ فِي الضَّعِيفَيْنِ النِّسَاءِ وَ الْيَتِيمِ.

<sup>1000</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 56

<sup>1001</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 57

<sup>1002</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 58



And he<sup>-saww</sup> said: 'Fear Allah<sup>-azwj</sup> regarding the two weak ones – the women and the orphans!'<sup>1003</sup>

60 وَ قَالَ ص حَقُّ الْمَرْأَةِ عَلَى زَوْجِهَا أَنْ يَسُدَّ جُوعَهَا وَ أَنْ يَشْتُرَ عَوْرَتَهَا وَ لَا يَفْتَحَ لَهَا وَجْهًا فَإِذَا فَعَلَ ذَلِكَ فَقَدْ وَ اللَّهِ أَدَّى حَقَّهَا.

And he<sup>-saww</sup> said: 'A right of the wife upon her husband is that he block her hunger and covers her bareness, and is not ugly to her of face. When he does that, by Allah<sup>-azwj</sup> he has fulfilled her right!'<sup>1004</sup>

باب 62 جوامع أحكام النساء و نواذرهما

## CHAPTER 62 – COMPREHENSIVE RULINGS OF THE WOMEN AND ITS MISCELLANEOUS

1- ل، الخصال القطان عن السكري عن الجوهري عن جعفر بن محمد بن عمارة عن أبيه عن جابر الجعفي قال سمعت أبا جعفر ع يقول ليس على النساء أدان ولا إقامة ولا جمعة ولا جماعة ولا عيادة المريض ولا اتباع الجنائز ولا إجماع باللبية ولا الهرولة بين الصفا والمروة ولا استلام الحجر الأسود ولا دخول الكعبة ولا الحلق إنما يقصرن من شعورهن

(The book) 'Al Khisaal' – Al Qattan, from Al Sukary, from Al Jamhoury, from Ja'far Bin Muhammad Bin Mara, from his father, from Jaber Al Jufy who said,

'I heard Abu Ja'far<sup>-asws</sup> saying: 'It isn't upon the women, neither Azaan, nor Iqaama, nor Friday (Salat), nor congregation (Salat), nor consoling the sick, nor following the funeral, nor being loud with the Talbiyya, nor the sprinting between Al-Safa and Al-Marwa, nor kissing the Black Stone, nor entering the Kabah, nor shaving (the head). But rather, they should shorten from their hair.

وَ لَا تُؤَلَّى الْمَرْأَةُ الْقُضَاءَ وَ لَا تُؤَلَّى الْإِمَارَةَ وَ لَا تُسْتَشَارَ وَ لَا تُذْبَحُ إِلَّا مِنَ الْإِضْطِرَارِ وَ تَبْدَأُ فِي الْوُضُوءِ بِنَاطِنِ الدَّرَاعِ وَ الرَّجُلِ بظَاهِرِهِ وَ لَا تَمْسَحُ كَمَا يَمْسَحُ الرِّجَالُ بِلَا عَلَيْهَا أَنْ تُلْقِيَ الْخِمَارَ عَنْ مَوْضِعِ مَسْحِ رَأْسِهَا فِي صَلَاةِ الْعِدَاةِ وَ الْمَغْرِبِ وَ تَمْسَحُ عَلَيْهِ وَ فِي سَائِرِ الصَّلَوَاتِ تُدْخِلُ إصْبَعَهَا وَ تَمْسَحُ عَلَى رَأْسِهَا مِنْ غَيْرِ أَنْ تُلْقِيَ عَنْهَا خِمَارَهَا

And a woman is not to be appointed as judge, nor as a governor, nor is she to be consulted, nor is she to perform slaughter except out of necessity. In Wud'u, she begins with the inner part of the arm, while the man begins with the outer part. She does not wipe (the head) as men do; rather, she should remove her head covering from the area of wiping during the morning and evening Salats and wipe over it. In the other Salats, she should insert her finger and wipe over her head without removing her head covering.

وَ إِذَا قَامَتْ فِي صَلَاتِهَا ضَمَّتْ رِجْلَيْهَا وَ وَضَعَتْ يَدَيْهَا عَلَى صَدْرِهَا وَ تَضَعُ يَدَيْهَا فِي رُكُوعِهَا عَلَى فِجْدِيئِهَا وَ تَجْلِسُ إِذَا أَرَادَتْ السُّجُودَ وَ سَجَدَتْ لِأُطْلُقَ بِالْأَرْضِ وَ إِذَا رَفَعَتْ رَأْسَهَا مِنَ السُّجُودِ جَلَسَتْ ثُمَّ تَهَضُّ إِلَى الْقِيَامِ وَ إِذَا قَعَدَتْ لِلتَّشَهُدِ رَفَعَتْ رِجْلَيْهَا وَ ضَمَّتْ فِجْدِيئِهَا وَ إِذَا سَبَّحَتْ عَقَدَتْ عَلَى الْأُتَامِلِ لِأَنْهَى مَسْئُولَاتٍ

<sup>1003</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 59

<sup>1004</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 61 H 60

And when she stands in her Salat, she brings her feet together and places her hands on her chest. In Ruk'u, she places her hands on her thighs. When intending to do Sajdah, she first sits, then prostrates close to the ground. When raising her head from Sajdah, she sits before rising to stand. When she sits for the testimony (Tashahhud), she lifts her legs, brings her thighs together, and when glorifying, she counts on her fingertips, for these will be questioned.

وَ إِذَا كَانَتْ لَهَا إِلَى اللَّهِ حَاجَةٌ صَعِدَتْ فَوْقَ بَيْتِهَا وَ صَلَّتْ وَ كَشَفَتْ رَأْسَهَا إِلَى السَّمَاءِ فَإِنَّمَا إِذَا فَعَلَتْ ذَلِكَ اسْتَجَابَ اللَّهُ لَهَا وَ لَمْ يُحِبَّهَا وَ لَيْسَ عَلَيْهَا غُسْلُ الْجُمُعَةِ فِي السَّفَرِ وَ لَا يَجُوزُ لَهَا تَزَكُّهُ فِي الْخَضِرِ

And if a woman has a need to Allah<sup>-azwj</sup>, she should ascend to the roof of her house, pray Salat, and uncover her head toward the sky, for when she does that, Allah<sup>-azwj</sup> Responds to her and does not disappoint her. She is not required to perform the Friday ritual bath while travelling, but she is not permitted to neglect it while at home.

وَ لَا يَجُوزُ شَهَادَةُ النِّسَاءِ فِي شَيْءٍ مِنَ الْخُدُودِ وَ لَا يَجُوزُ شَهَادَتُهُنَّ فِي الطَّلَاقِ وَ لَا فِي رُؤْيَةِ الْهَلَالِ وَ يَجُوزُ شَهَادَتُهُنَّ فِيمَا لَا يَحِلُّ لِلرَّجُلِ النَّظَرُ لَهُ وَ لَيْسَ لِلنِّسَاءِ مِنْ سَرَائِطِ الطَّرِيقِ شَيْءٌ وَ هُنَّ جَنَبَاتُهُ وَ لَا يَجُوزُ لَهُنَّ نَزُولُ الْعُرْفِ وَ لَا تَعْلُمُ الْكِتَابَةَ وَ يُسْتَحَبُّ لَهُنَّ تَعْلِيمُ الْمِغْزَلِ وَ سُورَةُ التَّوْرِ وَ يُكْرَهُ لَهُنَّ تَعْلُمُ سُورَةِ يُوسُفَ

The testimony of women is not accepted in matters of legal punishments, nor in divorce, nor in the sighting of the new moon. Their testimony is accepted in matters that men are not permitted to look at. Women have no share in the prominent part of the road; rather, they are to keep to its sides. It is not permissible for them to descend into upper rooms, nor to learn writing. It is recommended for them to learn spinning and Surah Al Noor, and it is disliked for them to learn Surah Yusuf<sup>-as</sup>.

وَ إِذَا ارْتَدَّتِ الْمَرْأَةُ عَنِ الْإِسْلَامِ اسْتُشْبِيتَ فَإِنْ تَابَتْ وَ إِلَّا حُلِدَتْ فِي السِّجْنِ وَ لَا تُقْتَلُ كَمَا يُقْتَلُ الرَّجُلُ إِذَا ارْتَدَّ وَ لَكِنَّهَا تُسْتَحْدَمُ خِدْمَةً شَدِيدَةً وَ تُنْعَمُ مِنَ الطَّعَامِ وَ الشَّرَابِ إِلَّا مَا تُمْسِكُ بِهِ نَفْسَهَا وَ لَا تُطْعَمُ إِلَّا أَحَبُّ الطَّعَامِ وَ لَا تُكْسَى إِلَّا غَلِيظَ النَّيَابِ وَ حَشِنَهَا وَ تُضْرَبُ عَلَى الصَّلَاةِ وَ الصِّيَامِ وَ لَا جِزْيَةٌ عَلَى النِّسَاءِ

If a woman apostatises from Islam, she is to be called to repent. If she repents, then fine, otherwise, she is to be imprisoned for life and not executed as a man would be if he apostatises. However, she is to be subjected to harsh labour, denied food and drink except what keeps her alive, fed only the worst of food, clothed only in coarse and rough garments, and beaten to enforce Salat and fasting. There is no Jizya (tax) upon women.

وَ إِذَا خَضَرَ وَلَادَةُ الْمَرْأَةِ وَجِبَ إِخْرَاجُ مَنْ فِي الْبَيْتِ مِنَ النِّسَاءِ كَيْ لَا يَكُنْ أَوَّلُ نَاطِلٍ إِلَى عَوْرَتِهَا وَ لَا يَجُوزُ حُضُورُ الْمَرْأَةِ الْخَائِضِ وَ لَا الْجُنُبِ عِنْدَ تَلْقِيَنِ الْمَيِّتِ لِأَنَّ الْمَلَائِكَةَ تَنَادَى بِهِمَا وَ لَا يَجُوزُ لهما إِدْخَالُ الْمَيِّتِ قَبْرَهُ

When a woman is giving birth, it is obligatory to remove the other women from the house so that they are not the first to look upon her private parts. It is not permissible for a menstruating woman or someone in a state of sexual impurity to be present during the recitation of Indoctrination (Talqeen) to the dying, because the Angels are harmed by their presence, nor is it permissible for them to place the deceased into the grave.

وَ إِذَا قَامَتِ الْمَرْأَةُ مِنْ مَجْلِسِهَا فَلَا يَجُوزُ لِلرَّجُلِ أَنْ يَجْلِسَ فِيهِ حَتَّى يَبْرُدَ وَ جِهَادُ الْمَرْأَةِ حُسْنُ التَّبَعْلِ وَ أَعْظَمُ النَّاسِ حَقًّا عَلَيْهَا زَوْجُهَا وَ أَحَقُّ النَّاسِ بِالصَّلَاةِ عَلَيْهَا إِذَا مَاتَتْ زَوْجُهَا

When a woman rises from her seat, it is not permissible for a man to sit in it until it has cooled. A woman's Jihad is in being a good wife. The person with the greatest right over her is her husband, and the one most entitled to lead the Salat over her when she dies is her husband.

وَ لَا يَجُوزُ لِلْمَرْأَةِ أَنْ تَتَكَشَّفَ بَيْنَ يَدَيِ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ لِأَنَّهُنَّ يَصِفْنَ ذَلِكَ لِزَوَاجِهِنَّ وَ لَا يَجُوزُ لَهَا أَنْ تَتَطَيَّبَ إِذَا خَرَجَتْ مِنْ بَيْتِهَا وَ لَا يَجُوزُ لَهَا أَنْ تَتَشَبَّهَ بِالرِّجَالِ لِأَنَّ رَسُولَ اللَّهِ ص لَعَنَ الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ وَ لَعَنَ الْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ

It is not permissible for a woman to uncover herself in front of a Jewish or Christian woman because they may describe her to their husbands. It is not permissible for her to wear perfume when leaving her house, nor is it permissible for her to imitate men, for Rasool-Allah<sup>saww</sup> cursed the men who imitate women and the women who imitate men.

وَ لَا يَجُوزُ لِلْمَرْأَةِ أَنْ تُعْطِلَ نَفْسَهَا وَ لَوْ أَنَّ تَعْلِقَ فِي نَفْسِهَا خَيْطًا وَ لَا يَجُوزُ أَنْ تُرَى أَظْفَارُهَا بَيَضَاءً وَ لَوْ أَنَّ تَمْسَحَهَا بِالْحِنَاءِ مَسْحًا وَ لَا تَخْضِبُ يَدَيْهَا فِي خِيْطِهَا فَإِنَّهُ يَخَافُ عَلَيْهَا الشَّيْطَانُ

It is not permissible for a woman to leave herself without adornment, even if only by hanging a thread on herself. It is not permissible for her fingernails to be seen white, even if she only wipes them lightly with henna. She should not apply henna to her hands during menstruation, for it is feared that Satan<sup>la</sup> may affect her.

وَ إِذَا أَرَادَتِ الْمَرْأَةُ الْحَاجَةَ وَ هِيَ فِي صَلَاتِهَا صَفَّقَتْ يَدَيْهَا وَ الرَّجُلُ يَوْمِي بِرَأْسِهِ وَ هُوَ فِي صَلَاتِهِ وَ يُشِيرُ بِيَدِهِ وَ يُسَبِّحُ وَ لَا يَجُوزُ لِلْمَرْأَةِ أَنْ تُصَلِّيَ بِغَيْرِ خِمَارٍ إِلَّا أَنْ تَكُونَ أَمَةً فَإِنَّهَا تُصَلِّيَ بِغَيْرِ خِمَارٍ مَكْشُوفَةَ الرَّأْسِ

If a woman needs something while she is in her Salat, she should clap with her hands, whereas a man, if he is in his Salat, should signal with his head, gesture with his hand, and say Tasbeeh. It is not permissible for a woman to pray Salat without a head scarf unless she is a slave woman; in that case, she may pray Salat without a scarf, with her head uncovered.

وَ يَجُوزُ لِلْمَرْأَةِ لُبْسُ الدِّيَنَاجِ وَ الْحَرِيرِ فِي غَيْرِ صَلَاةٍ وَ إِحْرَامٍ وَ حُرْمَ ذَلِكَ عَلَى الرِّجَالِ إِلَّا فِي الْجِهَادِ وَ يَجُوزُ أَنْ تَتَخَتَّمَ بِالذَّهَبِ وَ تُصَلِّيَ فِيهِ وَ حُرْمَ ذَلِكَ عَلَى الرِّجَالِ قَالَ النَّبِيُّ ص يَا عَلِيُّ لَا تَتَخَتَّمَ بِالذَّهَبِ فَإِنَّهُ زِينَتُكَ فِي الْجَنَّةِ وَ لَا تَلْبَسِ الْحَرِيرَ فَإِنَّهُ لِيَأْسُكَ فِي الْجَنَّةِ

It is permissible for a woman to wear brocade and silk outside of Salat and Hajj, and that is forbidden for men except during jihad. It is also permissible for her to wear a gold ring and pray Salat while wearing it, whereas that is forbidden for men. The Prophet<sup>saww</sup> said: 'O Ali<sup>asws</sup>! Do not wear a gold ring, for it is your adornment in Paradise, and do not wear silk, for it is your clothing in Paradise!'

وَ لَا يَجُوزُ لِلْمَرْأَةِ فِي مَالِهَا عِنَقٌ وَ لَا بِرٌّ إِلَّا بِإِذْنِ زَوْجِهَا وَ لَا يَجُوزُ أَنْ تَخْرُجَ مِنْ بَيْتِهَا إِلَّا بِإِذْنِ زَوْجِهَا وَ لَا تَصُومُ تَطَوُّعًا إِلَّا بِإِذْنِ زَوْجِهَا وَ لَا يَجُوزُ لِلْمَرْأَةِ أَنْ تُصَافِحَ غَيْرَ ذِي حَرَمٍ إِلَّا مِنْ وَرَاءِ ثَوْبِهَا وَ لَا تُبَايِعَ إِلَّا مِنْ وَرَاءِ ثَوْبِهَا وَ لَا يَجُوزُ لَهَا أَنْ تَخُجَّ تَطَوُّعًا إِلَّا بِإِذْنِ زَوْجِهَا وَ لَا يَجُوزُ لِلْمَرْأَةِ أَنْ تَدْخُلَ الْحَمَامَ فَإِنَّ ذَلِكَ مُحَرَّمٌ عَلَيْهَا

A woman is not permitted to free a slave or give charity from her wealth without her husband's permission. She is not allowed to leave her house without her husband's permission. She may not fast voluntarily without his consent. It is not permissible for her to shake hands with a non-sanctimonious man except from behind a cloth, and she may not engage in a transaction of allegiance except from behind a cloth. She is not allowed to perform a voluntary Hajj without her husband's permission. It is also not permissible for a woman to enter a public bathhouse, for that is forbidden to her.

وَلَا يَجُوزُ لِلْمَرْأَةِ كُتُوبُ السَّرْحِ إِلَّا مِنْ ضَرُورَةٍ أَوْ فِي سَفَرٍ وَ مِيرَاثُ الْمَرْأَةِ نِصْفُ مِيرَاثِ الرَّجُلِ وَ دِيَّتُهَا نِصْفُ دِيَّةِ الرَّجُلِ وَ تُعَاقِلُ الْمَرْأَةُ الرَّجُلَ فِي الْجِرَاحَاتِ حَتَّى تَبْلُغَ ثُلُثَ الدِّيَّةِ فَإِذَا زَادَتْ عَلَى الثُّلُثِ ارْتَفَعَ الرَّجُلُ وَ سَفَلَتِ الْمَرْأَةُ

A woman is not permitted to ride a saddle animal except out of necessity or during travel. A woman's inheritance is half that of a man's, and her wergild is half that of a man's. In cases of bodily injury, a woman shares compensation with a man up to one-third of the full wergild. Once it exceeds one-third, the man's compensation is raised while the woman's is lowered.

وَ إِذَا صَلَّتِ الْمَرْأَةُ وَخَدَهَا مَعَ الرَّجُلِ قَامَتْ خَلْفَهُ وَ لَمْ تُعْمَ بِجَنْبِهِ وَ إِذَا مَاتَتِ الْمَرْأَةُ وَقَفَ الْمُصَلِّي عَلَىهَا عِنْدَ صَدْرِهَا وَ مِنَ الرَّجُلِ إِذَا صَلَّى عَلَيْهِ عِنْدَ رَأْسِهِ وَ إِذَا أُدْخِلَتِ الْمَرْأَةُ الْقَبْرَ وَقَفَ زَوْجُهَا فِي مَوْضِعٍ يَتَنَاوَلُ وَرَكَّهَا وَ لَا شَفِيعَ لِلْمَرْأَةِ أَنُجَحَ عِنْدَ رَبِّهَا مِنْ رِضَا زَوْجِهَا

If a woman prays Salat alone with a man, she stands behind him and does not stand beside him. When a woman dies, the one leading the Salat stands by her chest, while for a man, the Salat is led standing by his head. When a woman is placed into the grave, her husband stands at a position level with her hip. There is no intercessor for a woman more effective before her Lord<sup>-azwj</sup> than the pleasure of her husband.

وَ لَمَّا مَاتَتْ فَاطِمَةُ ع قَامَ عَلَيْهَا أَمِيرُ الْمُؤْمِنِينَ ع وَ قَالَ اللَّهُمَّ إِنِّي رَاضٍ عَنِ ابْنَةِ نَبِيِّكَ اللَّهُمَّ إِنَّهَا قَدْ أُوحِشَتْ فَأَنْسِهَا اللَّهُمَّ إِنَّهَا قَدْ هُجِرَتْ فَصَلِّهَا اللَّهُمَّ إِنَّهَا قَدْ ظَلِمَتْ فَاحْكُمْ لَهَا وَ أَنْتَ خَيْرُ الْحَاكِمِينَ.

And when (Syeda) Fatima<sup>-asws</sup> passed away, Amir Al-Momineen<sup>-asws</sup> stood by her<sup>-asws</sup> and said: 'O Allah<sup>-azwj</sup>! I<sup>-asws</sup> am pleased with the daughter<sup>-asws</sup> of Your<sup>-azwj</sup> Prophet<sup>-saww</sup>! O Allah<sup>-azwj</sup>! She<sup>-asws</sup> has been lonely, so Comfort her<sup>-asws</sup>! O Allah<sup>-azwj</sup>! She<sup>-asws</sup> was forsaken, so Connect her<sup>-asws</sup>! O Allah<sup>-azwj</sup>! She<sup>-asws</sup> has been oppressed, so Judge for her<sup>-asws</sup>, and You<sup>-azwj</sup> are Best of the judges!'”<sup>1005</sup>

2-ل، الخصال فيما أوصى به النبي ص علياً يا عليُّ ليس على النساءِ جماعةٌ ولا جماعةٌ ولا أذانٌ ولا إقامةٌ ولا عيادةُ المريضِ ولا اتباعُ جنازةٍ ولا هزولةُ بين الصفا والمروة ولا استلامُ الحجر ولا خلقٌ ولا توليُ القضاء ولا تستشار ولا تدبح إلا عند الضرورة ولا تجهر بالتلبية ولا تقيم عند قبرٍ ولا تسمع الخطبة ولا تتولى الترويح

(The book) 'Al Khisaal' -

'Among what the Prophet<sup>-saww</sup> advised Ali<sup>-asws</sup>: 'O Ali<sup>-asws</sup>! There is neither Friday Salat, upon women, nor congregational Salat, nor Azaan, nor Iqaama, nor consoling the sick, nor following a funeral procession, nor sprinting between Al-Safa and Al-Marwa, nor touching the Black Stone, nor shaving the head, nor appointment to judiciary, nor being consulted, nor

performing a slaughter except in necessity, nor raising the voice in Talbiyya (of Hajj), nor standing at a grave, nor listening to the sermon, nor conducting a marriage.

وَلَا تَخْرُجُ مِنْ بَيْتِ زَوْجِهَا إِلَّا بِإِذْنِهِ فَإِنْ خَرَجَتْ بِغَيْرِ إِذْنِهِ لَعَنَهَا اللَّهُ وَجَبْرَائِيلُ وَمِيكَائِيلُ وَلَا تُعْطِي مِنْ بَيْتِ زَوْجِهَا شَيْئًا إِلَّا بِإِذْنِهِ وَلَا تَبْسُ وَ زَوْجُهَا عَلَيْهَا سَاحِطٌ وَإِنْ كَانَ ظَالِمًا لَهَا.

And she is not to leave the house of her husband except with his permission. If she leaves without his permission, she is cursed by Allah<sup>-azwj</sup>, and Jibraeel<sup>-as</sup> and Mikaeel<sup>-as</sup>. She is not to give anything (in charity) from her husband's house except with his permission, and she must not spend the night while her husband is displeased with her, even if he has wronged her'.<sup>1006</sup>

3- مع، معاني الأخبار ابنُ الهيثم عن ابنِ زكريّا القطّان عن ابنِ حبيب عن ابنِ مُلُول عن أبيه عن عليّ بنِ غرابٍ قالَ حَدَّثَنِي حَبِيزُ الجَعْفَرِي جَعْفَرُ بْنُ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَلِيٍّ بْنِ الْحُسَيْنِ عَنْ أَبِيهِ الْحُسَيْنِ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَلِيٍّ بْنِ أَبِي طَالِبٍ ع قَالَ: لَعَنَ رَسُولُ اللَّهِ ص النَّامِصَةَ وَ الْمُتَمِصَّةَ وَ الْوَاشِرَةَ وَ الْمُتَوَشِّرَةَ وَ الْوَاصِلَةَ وَ الْمُسْتَوْصِلَةَ وَ الْوَاشِمَةَ وَ الْمُسْتَوْشِمَةَ.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Haysam, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Bahloul, from his father, from Ali Bin Ghuraab who said,

'It is narrated to me by the best of Ja'far's, Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>, from his<sup>-asws</sup> father Al-Husayn<sup>-asws</sup> Bin Ali<sup>-asws</sup>, from his<sup>-asws</sup> father Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> cursed the woman who plucks eyebrows and the one who has them plucked, the one who files teeth and the one who has them filed, the one who adds hair extensions and the one who has them added, the one who tattoos and the one who gets tattooed''.<sup>1007</sup>

4- مع، معاني الأخبار المُكْتَتَبُ عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ زِيَادٍ الْكَرْخِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَعَنَ اللَّهُ الْوَاصِلَةَ وَ الْمُتَوَصِّلَةَ يَغْنِي الرَّائِيَةَ وَ الْفَوَادَةَ.

(The book) 'Ma'any Al Akhbaar' – Al Mukattib, from Ali, from his father, from Ibn Abu Umeyr, from Ibrahim Bin Ziyad Al Karkhy who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'May Allah<sup>-azwj</sup> Curse the procuring woman and the procured!' – meaning the adulteress and the pimp'.<sup>1008</sup>

5- ع، علل الشرائع أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ الْبَرْقِيِّ عَنْ رَجُلٍ عَنِ ابْنِ أَسْبَاطٍ عَنْ عَمِّهِ رَفَعَهُ إِلَى عَلِيٍّ ع قَالَ قَالَ النَّبِيُّ ص نِعَمَ اللَّهُ الْمِعْزَلُ لِلْمَرْأَةِ الصَّالِحَةِ.

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ashary, from Al Barqy, from a man, from Ibn Asbaat, from his uncle raising it to,

<sup>1006</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 2

<sup>1007</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 3

<sup>1008</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 4

Ali<sup>-asws</sup> said: 'The Prophet<sup>-saww</sup> said: 'The best plaything for the righteous woman is the spinning wheel".<sup>1009</sup>

6- ع، علل الشرائع بهذا الإسناد عن البرقي عن أبي الجوزاء عن الحسين بن علوان عن عمرو بن خالد عن زيد بن علي عن أبيه عن علي ع قال قال رسول الله ص لعن الله المشتهين من الرجال بالنساء والمشتهيات من النساء بالرجال.

(The book) 'Ilal Al Sharaie' – By this chain, from Al Barqy, from Abu Al Jowza, from Al Husayn Bin Ulwan, from Amro Bin Khalid,

'From Zayd son of Ali<sup>-asws</sup> (Bin Al-Husayn<sup>-asws</sup>), from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from Ali<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'May Allah<sup>-azwj</sup> Curse the men resembling with the women, and the women resembling with the men".<sup>1010</sup>

7- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في خبر السامي أنه سأل أمير المؤمنين ع عن أربعة من أرض فقال أرض من مطر وأنتى من ذكر وعين من نظر وعالم من علم.

(The book) 'Ilal Al Sharaie', (and) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – In a Hadeeth about the Syrian, he asked Amir Al-Momineen<sup>-asws</sup> about four not being satiated from four. He<sup>-asws</sup> said: 'The land from rain, and female from a man, and eye from looking, and a scholar from knowledge".<sup>1011</sup>

8- ع، علل الشرائع أحمد بن محمد بن عيسى العلوي عن محمد بن إبراهيم بن أسباط عن أحمد بن زياد القطان عن أحمد بن محمد بن عبد الله عن عيسى بن جعفر العلوي العمري عن أبيه عن عمر بن علي عن أبيه عن علي بن أبي طالب ع أن النبي ص قال: مر أخي عيسى بمدينة وفيها رجل وامرأة يتصاحبان فقال ما شأنكما

(The book) 'Ilal Al Sharaie' – Ahmad Bin Muhammad Bin Isa Al Alawy, from Muhammad Bin Ibrahim Bin Asbaat, from Ahmad Bin Ziyad Al Qattan, from Ahmad Bin Muhammad Bin Abdullah, from Isa Bin Ja'far Al Alawy Al Umary, from his forefathers,

'From Umar son of Ali<sup>-asws</sup>, from his father Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> that the Prophet<sup>-saww</sup> said: 'My<sup>-saww</sup> brother Isa<sup>-as</sup> passed by a city and therein was a man and a woman shouting at each other. He<sup>-saww</sup> said: 'What is your problem?'

قال يا نبي الله هذه امرأتي وليس بها بأس صالحة ولا كبري أحب فراقها

He said, 'O Prophet<sup>-saww</sup> of Allah<sup>-azwj</sup>! This is my wife and there is no problem with her. She is righteous, but I would like to separate from her'.

قال فأخبرني على كل حال ما شأنكما

He<sup>-saww</sup> said: 'Inform me upon every state what her problem is'.

<sup>1009</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 5

<sup>1010</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 6

<sup>1011</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 7

قَالَ هِيَ خَلَقَهُ الْوَجْهِ مِنْ غَيْرِ كَثِيرٍ

He said, 'She has a worn-out face without old age!'

قَالَ لَهَا يَا امْرَأَةً أَتُحِبِّينَ أَنْ يَعودَ مَاءُ وَجْهِكَ طَرِيًّا

He<sup>-saww</sup> said to her: 'O woman! Would you like to return the water of freshness of your face?'

قَالَتْ نَعَمْ

She said, 'Yes'.

قَالَ لَهَا إِذَا أَكَلْتِ فَإِيَّاكَ أَنْ تَشْبَعِي لِأَنَّ الطَّعَامَ إِذَا تَكَاثَرَ عَلَى الصَّدْرِ فَزَادَ فِي الْقَدْرِ ذَهَبَ مَاءُ الْوَجْهِ

He<sup>-saww</sup> said to her: 'Whenever you eat, beware of being satiated fully because the food, when it accumulates upon the chest, increasing in the amount, water of the face (freshness) goes away!'

فَفَعَلَتْ ذَلِكَ فَعَادَ وَجْهُهَا طَرِيًّا.

She did that and her face returned to be fresh".<sup>1012</sup>

9- سن، المحاسن يعقوب بن يزيد عن يحيى بن بحر الحراساني قال: سأل رجل أبا عبد الله ع وأنا حاضِرُ ما بَالُ سَبِّهِ الرِّجَالِ تَنْبُثُ [يَنْبُثُ] وَ سَبِّهِ الْمَرْأَةُ لَا تَنْبُثُ [لَا يَنْبُثُ]

(The book) 'Al Mahasin' – Yaqoub Bin Yazeed, from Yahya Bin Bahr Al Khurasani who said,

'A man asked Abu Abdullah<sup>-asws</sup> while I was present, 'What is the matter the pubic hair of men grow firmly, while that of women does not grow firmly?'

فَقَالَ إِنَّ اللَّهَ حَمَى ذَلِكَ مِنَ الرِّجَالِ وَ جَعَلَهُ مَرْعَى لِلنِّسَاءِ.

He<sup>-asws</sup> said: 'Indeed, Allah<sup>-azwj</sup> has Protected that area from men and made it a pasture for women".<sup>1013</sup>

10- صح، صحيفة الرضا عليه السلام عن الرضا عن آبائه ع قَالَ قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع لِلْمَرْأَةِ عَشْرَةُ عَوَازٍ إِذَا تَزَوَّجَتْ سُرِزَتْ عَوْرَةٌ وَ إِذَا مَاتَتْ سُرِزَتْ عَوَازُهَا كُلُّهَا.

(The book) 'Saheefa Al Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, from Al Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> said: 'For them woman there are

<sup>1012</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 8

<sup>1013</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 9

ten exposures. When she gets married, an exposure is covered, and when she dies, all of her exposures are covered”<sup>1014</sup>.

11- م، تفسير الإمام عليه السلام أَتَتْ امْرَأَةً إِلَى النَّبِيِّ ص فَقَالَتْ مَا بَالُ الْمَرْأَتَيْنِ يَرْجُلِي فِي الشَّهَادَةِ وَالْمِيرَاثِ

Tafseer Al Imam (Hassan Al-Askari<sup>-asws</sup>), may the greeting be upon him<sup>-asws</sup> – ‘What is the matter, there should be two women for one man in the testimony and the inheritance?’

فَقَالَ لِأَنَّكَ نَاقِصَاتُ الدِّينِ وَالْعَقْلِ

He<sup>-asws</sup> said: ‘Because they are of deficient religion and the intellect’.

قَالَتْ يَا رَسُولَ اللَّهِ ص وَ مَا نُقْصَانُ دِينِنَا

She said, ‘O Rasool-Allah<sup>-saww</sup>, and what is the deficiency of our religion?’

قَالَ إِنَّ إِحْدَاكُنَّ تَفْعُدُ بَصْفَ دَهْرِهَا لَا تُصَلِّي وَ إِنَّكَ تُكْثِرُ اللَّعْنَ وَ تَكْفُرُنَ الْعِشْرَةَ تَمْكُثُ إِحْدَاكُنَّ عِنْدَ الرَّجُلِ عَشْرَ سِنِينَ فَصَاعِدًا يُحْسِنُ إِلَيْهَا وَ يُنْعِمُ عَلَيْهَا إِذَا ضَاقَتْ يَدُهُ يَوْمًا أَوْ خَاصَمَهَا قَالَتْ لَهُ مَا رَأَيْتُ مِنْكَ خَيْرًا قَطُّ

He<sup>-saww</sup> said: ‘One of you sits back half of her life without praying Salat, and you frequently curse and are ungrateful for companionship. One of you may stay with a man for ten years or more, during which he treats her well and provides for her generously, but if he faces hardship for a single day or argues with her, she says to him, ‘I have not seen any good from you at all!’

وَ مَنْ لَمْ تَكُنْ مِنَ النِّسَاءِ هَذَا خُلِقَتْهَا فَالَّذِي يُصِيبُهَا مِنْ هَذَا النُّقْصَانِ مُجَنَّةٌ عَلَيْهَا لِتَصْبِرَ فَيُعْظِمَ اللَّهُ ثَوَابَهَا فَأُبَشِّرِي

And who from the women does not happen to be of this nature? The one who is afflicted with this deficiency, there is a Trial upon her to be patient so Allah<sup>-azwj</sup> would Magnify her Rewards, so receive glad tidings!’

ثُمَّ قَالَ رَسُولُ اللَّهِ ص مَا مِنْ رَجُلٍ رَدِيٍّ إِلَّا وَ الْمَرْأَةُ الرَّدِيَّةُ أَرَادَى مِنْهُ وَ لَا مِنْ امْرَأَةٍ صَالِحَةٍ إِلَّا وَ الرَّجُلُ أَفْضَلُ مِنْهَا وَ مَا سَاوَى اللَّهُ قَطُّ امْرَأَةً بِرَجُلٍ إِلَّا مَا كَانَ مِنْ تَسْوِيَةِ اللَّهِ فَاطِمَةَ بِعَلِيِّ ع وَ الْحَاقِقَ بِهِ وَ هِيَ امْرَأَةٌ بِأَفْضَلِ رِجَالِ الْعَالَمِينَ.

Then Rasool-Allah<sup>-saww</sup> said: ‘There is none from a badman except and there is a woman worse than him, nor is there any righteous woman except and there is a man superior to her, and Allah<sup>-azwj</sup> has not Equated at all any woman with a man except what happened from the Equalisation by Allah<sup>-azwj</sup> of (Syeda) Fatima<sup>-asws</sup> with Ali<sup>-asws</sup> and Joining her<sup>-asws</sup> with him<sup>-asws</sup>, and she<sup>-asws</sup> is a woman superior to (all) men of the worlds!’<sup>1015</sup>

12- مكا، مكارم الأخلاق عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَخِيهِمَا ع وَ سُئِلَ عَنْ خَلِيِّ الذَّهَبِ لِلنِّسَاءِ قَالَ لَيْسَ بِهِ بَأْسٌ وَ لَا يَنْبَغِي لِلْمَرْأَةِ أَنْ تُعْطَلَ نَفْسُهَا وَ لَوْ أَنَّ تَعْلُقَ فِي عُقُقِهَا قِلَادَةً وَ لَا يَنْبَغِي لَهَا أَنْ تَدَعَ يَدَهَا مِنَ الْخِصَابِ وَ لَوْ أَنَّ تَمْسَحَهَا بِالْحِنَاءِ مَسْحًا وَ لَوْ كَانَتْ مُسِنَّةً.

<sup>1014</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 10

<sup>1015</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 11



(The book) 'Makarim Al Akhlaq' – From Muhammad Bin Muslim,

'From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), and he<sup>-asws</sup> was asked about ornaments of gold for the women. He<sup>-asws</sup> said: 'There is no problem with it, and it is not appropriate for a woman to neglect adorning herself, even if it is by hanging a necklace around her neck, nor should she leave her hand without dye, even if only by lightly applying henna, even if she is elderly'.<sup>1016</sup>

13- وَ هِيَ النَّبِيَّةُ أَنْ يُرَكَّبَ السَّرْجُ بِغَيْرِ الْمَرْأَةِ تَرْكَبُ بِسَرَجٍ.

And the Prophet<sup>-saww</sup> prohibited the saddle to be ridden by a private part, meaning the woman riding the saddle (like a man does)".<sup>1017</sup>

14- وَ عَنْ النَّبِيِّ ص قَالَ: لَا تَحْمِلُوا الْفُرُجَ عَلَى السُّرُجِ فَتُهَيَّجُوهُمْ.

And from the Prophet<sup>-saww</sup> having said: 'Do not carry the private parts upon the saddles for you will agitate them!'"<sup>1018</sup>

15- وَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا تُخْرِجِ الْمَرْأَةَ إِلَى الْحِنَاةِ وَ لَا يَوْمَ الْخُرُوجِ إِلَى الْحَلْبَةِ مِنَ النِّسَاءِ فَأَمَّا الْأَبْكَارُ فَلَا.

And from Abu Ja'far<sup>-asws</sup> having said: 'The woman should not go out to the funeral, nor on the day of public gatherings at the race-grounds from among the women. As for the virgins, then no'.<sup>1019</sup>

16- وَ عَنْ الصَّادِقِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تُنْزِلُوا النِّسَاءَ الْعُرْفَ وَ لَا تُعَلِّمُوهُنَّ الْكِتَابَةَ وَ أُمُرُوهُنَّ بِالْمِعْزَلِ وَ عَلِّمُوهُنَّ سُورَةَ النُّورِ.

And from Al-Sadiq<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Do not lodge the women in the upper rooms, and do not teach them the writing, and instruct them with the spindle, and teach them Surah Al Noor".<sup>1020</sup>

17- وَ عَنْهُ ع قَالَ: أَخَذَ رَسُولُ اللَّهِ ص عَلَى النِّسَاءِ أَنْ لَا يُتَخَنَّ وَ لَا يُخْمَشَنَّ وَ لَا يُفْعَدَنَّ مَعَ الرِّجَالِ فِي الْحَلَاءِ.

And from him<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> took (a pact) upon the women that they will neither wail, nor scratch their faces, nor sit with the men in the seclusion'.<sup>1021</sup>

18- وَ عَنْهُ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لَا يَعْصِيَنَّكَ فِي مَعْرُوفٍ قَالَ الْمَعْرُوفُ أَنْ لَا يَشْقُقَنَّ جَنْبًا وَ لَا يَلْطِمَنَّ وَجْهًا وَ لَا يَدْعُونَ وَيْلًا وَ لَا يَتَخَلَّفَنَّ عِنْدَ قَبْرِ وَ لَا يُسَوِّدَنَّ ثَوْبًا وَ لَا يَنْشُرَنَّ شَعْرًا.

<sup>1016</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 12

<sup>1017</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 13

<sup>1018</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 14

<sup>1019</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 15

<sup>1020</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 16

<sup>1021</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 17

And from him<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> Mighty and Majestic: ***nor disobey you in moderate (orders) [60:12]***. He<sup>-asws</sup> said: ‘The ‘moderate (orders)’ is that they will neither tear their pockets, nor slap their faces, nor call for woe, nor stay behind at a grave, nor wear black clothes, nor spread their hair’’.<sup>1022</sup>

19- وَ قَالَ النَّبِيُّ ص صَلَاةُ الْمَرْأَةِ وَخَدَهَا فِي بَيْتِهَا كَفَضْلِ صَلَاتِهَا فِي الْجَمْعِ خَمْسًا وَ عَشْرِينَ دَرَجَةً.

And the Prophet<sup>-saww</sup> said: ‘The woman praying Salat alone in her house is like the merit of her Salat in a congregation by twenty-five ranks’’.<sup>1023</sup>

20- وَ قَالَ ص نِعَمَ اللَّهُ الْمَعْرُوفُ لِلْمَرْأَةِ الصَّالِحَةِ.

And he<sup>-saww</sup> said: ‘Best of the plaything for the righteous woman is the spindle’’.<sup>1024</sup>

21- نَوَادِرُ الرَّائِدِيّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص قَلِّدُوا النِّسَاءَ وَ لَوْ بِسَبْرٍ.

(The book) ‘Nawadir’ of Al Rawandy -

‘By his chain from Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Adorn the women, and even if with a thread!’’’<sup>1025</sup>

22- ما، الأماالي للشيخ الطوسي الحسين بن إبراهيم القزويني عن محمد بن وهبان عن أحمد بن إبراهيم عن الحسن بن علي الرعقري عن أحمد بن أبي عبد الله البرقي عن أبيه عن ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قال: لَيْسَ لِلنِّسَاءِ مِنْ سَرَوَاتِ الطَّرِيقِ شَيْءٌ يَغْنِي وَسْطَ الطَّرِيقِ وَ لَكِنْ يَمْشِينَ فِي وَسْطِ الطَّرِيقِ.

(The book) ‘Al Amaali’ of the Sheykh Al Tusi – Al Husayn Bin Ibrahim Al Qazwiny, from Muhammad Bin Wahban, from Ahmad Bin Ibrahim, from Al-Hassan Bin Ali Al Zafrany, from Ahmad Bin Abu Abdullah Al Barqy, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘It isn’t for the women to be on anything of the main part of the road, meaning middle of the road, but they should walk in the side of the road’’.<sup>1026</sup>

23- أَعْلَامُ الدِّينِ، لِلدَّيْلَمِيِّ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لَيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ يُطْرَفُ فِيهِ الْفَاجِرُ وَ يُقَرَّبُ فِيهِ الْمَاجِنُ وَ يُضَعَّفُ فِيهِ الْمُتَنَصِّفُ

(The book) ‘A’lam Al Deen’ of Al Daylami – From Abdullah Bin Suleyman,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘Amir Al-Momineen<sup>-asws</sup> said: ‘A time will come upon the people in which the immoral will be considered refined, and the shameless would be drawn near, and just one will be deemed weak!’

<sup>1022</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 18

<sup>1023</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 19

<sup>1024</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 20

<sup>1025</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 21

<sup>1026</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 22

قَالَ فَقِيلَ لَهُ مَتَى يَا أَمِيرَ الْمُؤْمِنِينَ

He<sup>-asws</sup> said: 'It was said to him<sup>-asws</sup>, 'When, O Amir Al-Momineen<sup>-asws</sup>?'

فَقَالَ إِذَا انْجَدَّتِ الْأَمَانَةُ مَغْنَمًا وَ الزَّكَاةُ مَغْرَمًا وَ الْعِبَادَةُ اسْتِطَالَةً وَ الصِّلَةُ مَنًّا

He<sup>-asws</sup> said: 'When the entrustments will be taken as a gain, and the Zakat as penalty, and the worship as prolonged (hardship), and helping the relatives as a conferment!'

فَقِيلَ مَتَى ذَلِكَ يَا أَمِيرَ الْمُؤْمِنِينَ

It was said, 'When will that be, O Amir Al-Momineen<sup>-asws</sup>?'

فَقَالَ إِذَا نَسَلَطْنَ النِّسَاءُ وَ نَسَلَطْنَ الْإِمَاءُ وَ أَمَرَ الصِّبْيَانُ.

He<sup>-asws</sup> said: 'When the women prevail, and the slave girls prevail, and the children are placed in charge'.<sup>1027</sup>

24- كِتَابُ الْغَايَاتِ، لِلشَّيْخِ جَعْفَرِ بْنِ أَحْمَدَ الْقُمِّيِّ قَالَ عَ إِنِّي لَا بُعْضُ مِنَ النِّسَاءِ السَّلْتَاءِ وَ الْمَرْهَاءِ فَالسَّلْتَاءُ الَّتِي لَا تَخْتَضِبُ وَ الْمَرْهَاءُ الَّتِي لَا تَكْتَحِلُ.

(The book) 'Kitab Al Ghayaat' of the Sheykh Ja'far Bin Ahmad Al Qummi -

'He<sup>-asws</sup> said: 'I<sup>-asws</sup> dislike from the women, Al-Salta'a and Al-Marha'a! The Salta'a is the one who does not dye, and the Marha'a is the one who does not apply Kohl'.<sup>1028</sup>

25- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنِ النَّبِيِّ ص قَالَ: شَاوَرُوا النِّسَاءَ وَ خَالَفُوهُنَّ فَإِنَّ خِلَافَهُنَّ بَرَكَةٌ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Haroun Bin Musa, from Muhammad Bin Ali, from Muhammad Bin Al-Hassan, from Ali Bin Asbaat, from Ibn Fazzal,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, from the Prophet<sup>-saww</sup> having said: 'Consult the women and oppose them, for there is Blessing in opposing them!'<sup>1029</sup>

باب 63 الدعاء عند إرادة التزويج و الصيغة و الخطبة و آداب النكاح و الزفاف و الوليمة

## CHAPTER 63 – THE SUPPLICATE AT INTENDING THE MARRIAGE, AND THE WORDING AND THE PROPOSAL, AND METHOD OF THE WEDDING, AND THE ESCORTING, AND THE WEDDING FEAST

<sup>1027</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 23

<sup>1028</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 24

<sup>1029</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 62 H 25

1- مَكَارِمُ الْأَخْلَاقِ رَوَى أَنَّهُ سَأَلَ الصَّادِقُ عَ أَبَا بَصِيرٍ إِذَا تَزَوَّجَ أَحَدُكُمْ كَيْفَ يَصْنَعُ

(The book) 'Makarim Al-Akhlaq' – It is reported that Al-Sadiq<sup>asws</sup> asked Abu Baseer: 'When one of you gets married, how does he do it?'

قُلْتُ مَا أَذْرِي

I said, 'I don't know'.

قَالَ إِذَا هَمَّ بِذَلِكَ فَلْيَصَلِّ رَكَعَتَيْنِ وَيَحْمَدِ اللَّهَ عَزَّ وَجَلَّ وَ يَقُولِ اللَّهُمَّ إِنِّي أُرِيدُ أَنْ أَتَزَوَّجَ اللَّهُمَّ فَقَدِّرْ لِي مِنَ النِّسَاءِ أَحْسَنَهُنَّ خُلُقاً وَ خَلْقاً وَ أَعْقَهُنَّ فَرْجاً وَ أَحْفَظَهُنَّ لِي فِي نَفْسِهَا وَ مَالِي وَ أَوْسَعَهُنَّ رِزْقاً وَ أَعْظَمَهُنَّ بَرَكَهً وَ قِيْضٌ لِي مِنْهَا وَلِداً طَيِّباً يَجْعَلُهُ لِي خَلِفاً صَالِحاً فِي خِيَاتِي وَ بَعْدَ مَوْتِي.

He<sup>asws</sup> said: 'When he thinks of that, let him pray two units Salat and praise Allah<sup>azwj</sup> Mighty and Majestic, and he should say, 'O Allah<sup>azwj</sup>, I intend to get married! O Allah<sup>azwj</sup>! Determine for me from the women, their most excellent in manners and physique (appearance), and their most chaste of private parts, and their most protective for me regarding herself and my wealth, and their vastest of sustenance, and their mightiest of Blessing, and Ordain for me a good child from her. Make him a righteous successor during my lifetime and after my death!''<sup>1030</sup>

2- وَ خَطَبَ أَبُو طَالِبٍ عَ لَمَّا تَزَوَّجَ النَّبِيَّ صَ بِخَدِيجَةَ بِنْتِ حُوَيْلِدٍ بَعْدَ أَنْ خَطَبَهَا إِلَى أَبِيهَا وَ مِنَ النَّاسِ مَنْ يَقُولُ إِلَى عَمَّتِهَا فَأَخَذَ بَعْضَادَنِي الْبَابَ وَ مَنْ شَاهَدَهُ مِنْ قُرَيْشٍ حُضُوراً

And when the Prophet<sup>saww</sup> married (Syeda) Khadeeja<sup>asws</sup> Bint Khuwaylid<sup>as</sup>, Abu Talib<sup>asws</sup> addressed after having proposed to her<sup>as</sup> father, and from the people there are ones saying, to her<sup>as</sup> paternal uncle. He<sup>as</sup> held the frame of the door, and the ones from the Qureysh who witnessed it were present.

فَقَالَ الْحَمْدُ لِلَّهِ الَّذِي جَعَلَنَا مِنْ زُرْعِ إِبْرَاهِيمَ وَ دُرِّيَّةِ إِسْمَاعِيلَ وَ جَعَلَ لَنَا بَيْتاً مَحْجُوجاً وَ حَرَمًا مُبْجَى إِلَيْهِ ثَمَرَاتُ كُلِّ شَيْءٍ وَ جَعَلَنَا الْكَلَامَ عَلَى النَّاسِ فِي بَلَدِنَا الَّذِي نَحْنُ فِيهِ

He<sup>asws</sup> said: 'The Praise is for Allah<sup>azwj</sup> Who Made us from the descendants/linage of Ibrahim<sup>as</sup> and offspring of Ismail<sup>as</sup>, and Made for us a revered House and a Sacred Sanctuary to which the fruits of all things are brought, and Made us the rulers over the people in our land which we are in!

ثُمَّ إِنَّ ابْنَ أَخِي مُحَمَّدَ بْنَ عَبْدِ اللَّهِ بْنِ عَبْدِ الْمُطَّلِبِ لَا يُوزَنُ بِرَجُلٍ مِنْ قُرَيْشٍ إِلَّا رَجَحَ وَ لَا يُقَاسُ بِأَحَدٍ مِنْهُمْ إِلَّا عَظُمَ عَنْهُ وَ إِنْ كَانَ فِي الْمَالِ قُلٌّ فَإِنَّ الْمَالَ رِزْقٌ حَائِلٌ وَ ظِلٌّ زَائِلٌ

Indeed, my<sup>as</sup> nephew Muhammad<sup>saww</sup> son of Abdullah<sup>as</sup> son of Abdul Muttalib<sup>as</sup> will not be weighed with any man of Qureysh without outweighing him, and he<sup>saww</sup> is not compared to anyone among them without surpassing him. Though his<sup>saww</sup> wealth may be limited, wealth is a fleeting provision and a passing shadow.

<sup>1030</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 1

وَلَهُ فِي خَدِيجَةَ رَغْبَةٌ وَ لَهَا فِيهِ رَغْبَةٌ وَ الصَّدَاقُ مَا سَأَلْتُمْ عَاجِلُهُ وَ آجِلُهُ مِنْ مَالِي وَ لَهُ خَطَرٌ عَظِيمٌ وَ شَأْنٌ زَفِيعٌ وَ لِسَانٌ شَافِعٌ جَسِيمٌ

He<sup>-saww</sup> has desire for (Syeda) Khadeeja<sup>-as</sup>, and she<sup>-as</sup> has desire for him<sup>-saww</sup>! The dowry, both its immediate and deferred parts, is from my<sup>-as</sup> wealth. He<sup>-saww</sup> holds great status, elevated position, and an eloquent and powerful tongue!

فَزَوَّجَهُ وَ دَخَلَ بِهَا مِنَ الْعَدِ.

Thus, he<sup>-saww</sup> married her<sup>-as</sup>, and consummated the marriage with her<sup>-as</sup> the next day<sup>1031</sup>.

3- وَ لَمَّا تَزَوَّجَ الرِّضَا ع ابْنَةَ الْمَأْمُونِ خَطَبَ لِنَفْسِهِ فَقَالَ الْحَمْدُ لِلَّهِ مُتِمِّمِ النِّعَمِ بِرَحْمَتِهِ وَ الْهَادِي إِلَى شُكْرِهِ بِمَنِّهِ

And when Al-Reza<sup>-asws</sup> married the daughter of Al-Mamoun, he<sup>-asws</sup> addressed for himself. He<sup>-asws</sup> said: ‘The Praise is for Allah<sup>-azwj</sup> Who Perfects Blessings through His<sup>-azwj</sup> Mercy, and Guides to gratitude through His<sup>-azwj</sup> Grace!

وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ خَيْرِ خَلْقِهِ الَّذِي جَمَعَ فِيهِ مِنَ الْفَضْلِ مَا فَرَّقَهُ فِي الرُّسُلِ قَبْلَهُ وَ جَعَلَ ثِرَاتِهِ إِلَى مَنْ خَصَّهُ بِخِلَافَتِهِ وَ سَلَّمَ تَسْلِيمًا

May Allah<sup>-azwj</sup> send Salawaat upon Muhammad<sup>-saww</sup>, the best of His creation, in whom He<sup>-azwj</sup> Gathered the virtues He<sup>-saww</sup> had Distributed among the Messengers<sup>-as</sup> before him<sup>-as</sup>, and to whom He<sup>-azwj</sup> Assigned the inheritance through the one He<sup>-azwj</sup> Honoured with his<sup>-saww</sup> succession! May the greeting be upon him<sup>-asws</sup> abundantly.

وَ هَذَا أَمِيرُ الْمُؤْمِنِينَ زَوْجَنِي ابْنَتُهُ عَلَى مَا فَرَضَ اللَّهُ عَزَّ وَ جَلَّ لِلْمُسْلِمَاتِ عَلَى الْمُؤْمِنِينَ مِنْ إِفْسَاكِ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ وَ بَدَلْتُ لَهَا مِنَ الصَّدَاقِ مَا بَدَّلَهُ رَسُولُ اللَّهِ ص لِأَزْوَاجِهِ وَ هُوَ اثْنَتَا عَشْرَةَ أُوقِيَّةً وَ نَشٌّ عَلَى تَمَامِ الْحَمْسِمَائَةِ وَ قَدْ تَحَلَّتْهَا مِنْ مَالِي مِائَةُ أَلْفٍ دِرْهَمٍ زَوَّجْتَنِي يَا أَمِيرَ الْمُؤْمِنِينَ

This is the commander of the faithful who has given me<sup>-saww</sup> his daughter in marriage according to what Allah<sup>-azwj</sup> Almighty has Ordained for Muslim women upon believing men, of holding with kindness or releasing with good conduct. I<sup>-asws</sup> have given her as dowry what Rasool-Allah<sup>-saww</sup> gave to his<sup>-saww</sup> wives, which is twelve ounces and a ‘Nash’ to complete five hundred (Dirhams), and I<sup>-asws</sup> have granted her from my<sup>-asws</sup> wealth one hundred thousand Dirhams. Do you marry her to me<sup>-asws</sup>, O commander of the faithful?’

قَالَ بَلَى

He said, ‘Yes!’

قَالَ قَبِلْتُ وَ رَضِيتُ.

He<sup>-asws</sup> said: ‘I<sup>-asws</sup> accept and am pleased!’<sup>1032</sup>

4- وَ يُسْتَحَبُّ أَنْ يُخْطَبَ بِخُطْبَةِ الرِّضَا ع نَبْرُكًا بِهَا لِأَنَّهَا جَامِعَةٌ فِي مَعْنَاهَا وَ هُوَ

<sup>1031</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 2

<sup>1032</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 3

And it is recommended to address with the sermon of Al-Reza<sup>-asws</sup> to be Blessed by it, because it is comprehensive in its meaning, and it is: -

الْحَمْدُ لِلَّهِ الَّذِي حَمَدَ فِي الْكِتَابِ نَفْسَهُ وَ افْتَتَحَ بِالْحَمْدِ كِتَابَهُ وَ جَعَلَ الْحَمْدَ أَوَّلَ مَحَلِّ نِعْمَتِهِ وَ آخِرَ جَزَاءِ أَهْلِ طَاعَتِهِ وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ خَيْرِ الْبَرِيَّةِ وَ عَلَى آلِهِ أَئِمَّةِ الرَّحْمَةِ وَ مَعَادِنِ الْحِكْمَةِ

'The Praise is for Allah<sup>-azwj</sup> Who Praised Himself in the Book and Began His<sup>-azwj</sup> Book with the Praise, and Made the Praise and Made praise the first of His<sup>-azwj</sup> bounties and the final Reward for the ones obeying Him<sup>-azwj</sup>, and may Allah<sup>-azwj</sup> Send Salawaat upon Muhammad<sup>-saww</sup>, the best of created beings, and upon his<sup>-saww</sup> Progeny<sup>-asws</sup>, the Imams<sup>-asws</sup> of mercy and the mines of wisdom!

وَ الْحَمْدُ لِلَّهِ الَّذِي كَانَ فِي نَبِيِّهِ الصَّادِقِ وَ كِتَابِهِ النَّاطِقِ أَنَّ مِنْ أَحَقِّ الْأَسْبَابِ بِالصِّلَةِ وَ أَوَّلَى الْأُمُورِ بِالتَّقْدِيمَةِ سَبَباً وَ أَمراً أَعْقَبَ غَنًى

And the Praise is for Allah<sup>-azwj</sup> Who was the Truthful in His<sup>-azwj</sup> news, and His<sup>-azwj</sup> speaking Book of the most rightful of the cause for bonds to be maintained and the most worthy of being prioritised is a bond that becomes obligatory through lineage and a matter that brings about richness.

فَقَالَ جَلَّ ثَنَاؤُهُ وَ هُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَباً وَ صِهْرًا وَ كَانَ رُبُّكَ قَدِيرًا وَ قَالَ جَلَّ ثَنَاؤُهُ وَ أَنْكِحُوا الْأَيَامَى مِنْكُمْ وَ الصَّالِحِينَ مِنْ عِبَادِكُمْ وَ إِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَ اللَّهُ وَاسِعٌ عَلِيمٌ

He<sup>-azwj</sup>, Majestic is His<sup>-azwj</sup> Laudation, Said: **And He it is Who Created a person from the water, so He Made for him relationships of lineage and marriage; and your Lord was always Powerful [25:54].** And, Majestic is His<sup>-azwj</sup> Laudation, Said: **And marry the single ones from you, and the righteous ones from your slaves and maids. If they happen to be poor, Allah would Enrich them from His Grace, and Allah is Capacious, Knowing [].**

وَ لَوْ لَمْ تَكُنْ فِي الْمُنَافَكَةِ وَ الْمَصَاهِرَةِ آيَةً مُنْزَلَةً وَ لَا سُنَّةً مُتَّبَعَةً لَكَانَ مَا جَعَلَ اللَّهُ فِيهِ مِنْ بَرٍّ الْقَرِيبِ وَ تَأَلَّفِ الْبُعِيدِ مَا رَغِبَ فِيهِ الْعَاقِلُ اللَّيِّبُ وَ سَارَعَ إِلَيْهِ الْمُؤَفَّقُ الْمُصِيبُ

And even if there had not been a Revealed Verse regarding the marriages and the relationships, nor a Sunnah to be followed, whatever Allah<sup>-azwj</sup> has Made in it of kindness to relatives and the bonding of distant ones would be enough to make the intelligent and wise desire it and the guided and successful hasten toward it.

فَأَوَّلَى النَّاسِ بِاللَّهِ مَنْ اتَّبَعَ أَمْرَهُ وَ أَنْفَذَ حُكْمَهُ وَ أَمَضَى قَضَاءَهُ وَ رَجَا جَزَاءَهُ وَ نَحْنُ نَسْأَلُ اللَّهَ تَعَالَى أَنْ يَغْنِمَ لَنَا وَ لَكُمْ عَلَى أَوْفَى الْأُمُورِ

The foremost of the people with Allah<sup>-azwj</sup> is the one who obeys His<sup>-azwj</sup> Commands, and implements His<sup>-azwj</sup> Judgment, and carry out His<sup>-azwj</sup> Decree, and hope for His<sup>-azwj</sup> Reward. We ask Allah<sup>-azwj</sup> the Exalted, to Guide us and you to what is most proper and suitable.

ثُمَّ إِنْ فُلَانٌ بَنَ فُلَانٍ مَنْ قَدْ عَرَفْتُمْ مَرْوَعَتَهُ وَ عَقْلَهُ وَ صِلَاحَهُ وَ نَبَتَهُ وَ فَضْلَهُ وَ قَدْ أَحَبَّ شِرْكَتَكُمْ وَ حَطَبَ كَرِيمَتَكُمْ فُلَانَةً وَ بَدَّلَ لَهَا مِنْ الصَّدَاقِ كَذَا فَشَفِّعُوا شَافِعَكُمْ وَ أَنْكِحُوا خَاطِبَكُمْ فِي يَسْرِ غَيْرِ عُسْرٍ أَقُولُ قَوْلِي هَذَا وَ أَسْتَغْفِرُ اللَّهَ لِي وَ لَكُمْ.

Indeed, so-and-so, the son of so-and-so, whose dignity, intellect, righteousness, intention, and virtue you already know, has desired to join your family and has proposed to your noble daughter, so-and-so, and has offered her such-and-such as a dowry. So, support the one who seeks your approval, and marry your daughter to the one who has proposed, in ease and not in hardship. I say these words and seek the Forgiveness of Allah<sup>-azwj</sup> for myself and for you!"<sup>1033</sup>

5- حُطْبَةُ مُحَمَّدٍ التَّقِيّ عِندَ تَزْوِجِهِ بِنْتِ الْمَأْمُونِ الْحَمْدُ لِلَّهِ إِفْرَاراً بِنِعْمَتِهِ وَ لَا إِلَهَ إِلَّا اللَّهُ إِخْلَاصاً لَوْحَدَانِيَّتِهِ وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ سَيِّدِ بَرِيَّتِهِ وَ عَلَى الْأَصْفِيَاءِ مِنْ عِتْرَتِهِ

Sermon of Muhammad Al-Taqi<sup>-asws</sup> at his<sup>-asws</sup> marriage to a daughter of Al-Mamoun: 'The Praise is for Allah<sup>-azwj</sup> acknowledging His<sup>-azwj</sup> bounties, and there is no god except Allah<sup>-azwj</sup> being sincere of His<sup>-azwj</sup> Oneness, and may Allah<sup>-azwj</sup> Send Salawaat upon Muhammad<sup>-saww</sup>, chief of His<sup>-azwj</sup> created beings, and upon the elites from his<sup>-saww</sup> offspring!

أَمَّا بَعْدُ فَقَدْ كَانَ مِنْ فَضْلِ اللَّهِ تَعَالَى عَلَى الْأَنَامِ أَنْ أَغْنَاهُمْ بِالْحَلَالِ عَنِ الْحَرَامِ فَقَالَ سُبْحَانَهُ وَ أَنْكِحُوا الْأَيَامَى مِنْكُمْ وَ الصَّالِحِينَ مِنْ عِبَادِكُمْ وَ إِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَ اللَّهُ وَاسِعٌ عَلِيمٌ

As for after, it has been from the Grace of Allah<sup>-azwj</sup> the Exalted upon the people that He<sup>-azwj</sup> Made them self-sufficient with the lawful from the unlawful! He<sup>-azwj</sup> the Glorious Said: ***And marry the single ones from you, and the righteous ones from your slaves and maids. If they happen to be poor, Allah would Enrich them from His Grace, and Allah is Capacious, Knowing [24:32].***

ثُمَّ إِنَّ مُحَمَّدَ بْنَ عَلِيٍّ بِنِ مُوسَى يَخْطُبُ أُمَّ الْفَضْلِ ابْنَةَ عَبْدِ اللَّهِ الْمَأْمُونِ وَ قَدْ بَدَلَ لَهَا مِنَ الصَّدَاقِ مَهْرَ جَدَّتِهِ فَاطِمَةَ بِنْتِ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَ عَلَيْهَا وَ هُوَ خَمْسِمِائَةٌ دِرْهَمٍ جِبَاداً فَهَلْ زَوَّجْتَهُ يَا أَمِيرَ الْمُؤْمِنِينَ عَلَى الصَّدَاقِ الْمَذْكُورِ

Then, Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup> Bin Musa<sup>-asws</sup> hereby proposes to Umm Al-Fazl daughter of Abdullah Bin Al-Mamoun, and he spends for her from the dowry, a dower of his<sup>-asws</sup> grandmother<sup>-asws</sup> (Syeda) Fatima<sup>-asws</sup> daughter of Muhammad<sup>-saww</sup>! May the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-saww</sup> and upon her<sup>-asws</sup>, and it is five hundred Dirhams. Do you get him<sup>-asws</sup> married, O commander of the faithful, based upon the mentioned dowry?

قَالَ الْمَأْمُونُ نَعَمْ قَدْ زَوَّجْتُكَ يَا أَبَا جَعْفَرٍ أُمَّ الْفَضْلِ ابْنَتِي عَلَى الصَّدَاقِ الْمَذْكُورِ فَهَلْ قَبِلْتَ النِّكَاحَ

Al-Mamoun said, 'Yes, I do get you<sup>-asws</sup> married, O Abu Ja'far<sup>-asws</sup>, to my daughter Umm Al-Fazl, based upon the mentioned dowry! Do you<sup>-asws</sup> accept the marriage?'

قَالَ أَبُو جَعْفَرٍ ع نَعَمْ قَبِلْتُ النِّكَاحَ وَ رَضِيْتُ بِهِ.

Abu Ja'far<sup>-asws</sup> said: 'Yes, I have accepted the marriage and am pleased with it!"<sup>1034</sup>

<sup>1033</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 4

<sup>1034</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 5

6- مِنْ أَمَالِي السَّيِّدِ أَبِي طَالِبٍ الْهَرَوِيِّ عَنْ زَيْنِ الْعَابِدِينَ ع قَالَ: خَطَبَ النَّبِيُّ ص حِينَ زَوَّجَ فَاطِمَةَ مِنْ عَلِيٍّ ع فَقَالَ الْحَمْدُ لِلَّهِ الْمُحْمَدُ لِنِعْمَتِهِ الْمَعْبُودِ بِقُدْرَتِهِ الْمُطَاعِ لِسُلْطَانِهِ الْمَرْهُوبِ مِنْ عَذَابِهِ الْمَرْغُوبِ إِلَيْهِ فِيمَا عِنْدَهُ التَّائِيدِ أَمْرُهُ فِي سَمَائِهِ وَ أَرْضِهِ

(The book) 'Amaali' of the seyyid Abu Talib Al Harwy,

'From Zayn Al-Abideen<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> addressed when he<sup>-saww</sup> got (Syeda) Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>. He<sup>-saww</sup> said: 'The Praise is for Allah<sup>-azwj</sup> praised for His<sup>-azwj</sup> bounties, worshipped due to His<sup>-azwj</sup> Power, obeyed due to His<sup>-azwj</sup> Authority, feared for His<sup>-azwj</sup> Punishment, and hoped for what is with Him<sup>-azwj</sup>. His<sup>-azwj</sup> Command is implemented in His<sup>-azwj</sup> sky and His<sup>-azwj</sup> earth!

ثُمَّ إِنَّ اللَّهَ عَزَّ وَ جَلَّ أَمَرَنِي أَنْ أُزَوِّجَ فَاطِمَةَ مِنْ عَلِيٍّ فَقَدْ زَوَّجْتُهُ عَلَى أَرْبَعِمِائَةٍ مِثْقَالٍ فَضَّةٍ إِنْ رَضِيَ بِذَلِكَ عَلِيٌّ

Then, Allah<sup>-azwj</sup> Mighty and Majestic has Commanded me<sup>-saww</sup> to get (Syeda) Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>, so I<sup>-saww</sup> am marrying to him<sup>-asws</sup> based upon four hundred ounces of silver, if Ali<sup>-asws</sup> agrees with that!

ثُمَّ دَعَا بِطَبَقٍ بُشْرِ فَقَالَ انْتَهَبُوا

He<sup>-saww</sup> called for a tray of dates. He<sup>-saww</sup> said: 'Help yourselves!'

فَبَيْنَمَا نَنْتَهَبُ إِذْ دَخَلَ عَلِيٌّ فَقَالَ النَّبِيُّ ص يَا عَلِيُّ أَعْلِمْتُ أَنَّ اللَّهَ أَمَرَنِي أَنْ أُزَوِّجَكَ فَاطِمَةَ فَقَدْ زَوَّجْتُكَهَا عَلَى أَرْبَعِمِائَةٍ مِثْقَالٍ فَضَّةٍ إِنْ رَضِيتَ

While we were helping ourselves, Ali<sup>-asws</sup> entered. The Prophet<sup>-saww</sup> said: 'O Ali<sup>-asws</sup>! Do you<sup>-asws</sup> know that Allah<sup>-azwj</sup> has Commanded me<sup>-saww</sup> to get (Syeda) Fatima<sup>-asws</sup> married to you<sup>-asws</sup>, so I<sup>-saww</sup> hereby get her married upon four hundred ounces of silver, if you<sup>-asws</sup> agree!'

فَقَالَ عَلِيٌّ رَضِيتُ بِذَلِكَ عَنِ اللَّهِ وَ عَنْ رَسُولِهِ

Ali<sup>-asws</sup> said: 'I<sup>-asws</sup> am pleased with that with Allah<sup>-azwj</sup> and with His<sup>-azwj</sup> Rasool<sup>-saww</sup>!'

فَقَالَ النَّبِيُّ ص جَمَعَ اللَّهُ شَمْلَكُمَا وَ أَسْعَدَ جَدَّكُمَا وَ أَخْرَجَ مِنْكُمَا كَثِيرًا طَيِّبًا.

The Prophet<sup>-saww</sup> said: 'May Allah<sup>-azwj</sup> Unite both your<sup>-asws</sup> families and Make your<sup>-asws</sup> grandfathers happy and Extract many good offspring from you<sup>-asws</sup>!''<sup>1035</sup>

7- قَالَ رَسُولُ اللَّهِ ص أَنْكَحْتُ زَيْدَ بْنَ حَارِثَةَ زَيْنَبَ بِنْتُ جَحْشٍ وَ أَنْكَحْتُ الْمِقْدَادَ ضُبَاعَةَ بِنْتُ الرُّبَيْرِ بْنِ عَبْدِ الْمُطَّلِبِ لِيَعْلَمُوا أَنَّ أَشْرَفَ الشَّرَفِ الْإِسْلَامُ.

Rasool-Allah<sup>-saww</sup> said: 'I<sup>-saww</sup> hereby get married Zayd Bin Harisa with Zainab Bint Juhsh, and I<sup>-saww</sup> got Al-Miqdad<sup>-ra</sup> married to Zuba'a Bint Al-Zubeyr son of Abdul Muttalib<sup>-as</sup> for them to know that the noblest is the nobility of Al-Islam!''<sup>1036</sup>

<sup>1035</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 6

<sup>1036</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 7



8- عَنْ جَابِرِ الْأَنْصَارِيِّ قَالَ: لَمَّا زَوَّجَ رَسُولُ اللَّهِ ص فَاطِمَةَ مِنْ عَلِيٍّ عَلَيْهِمَا السَّلَامُ أَتَاهُ أَنْاسٌ مِنْ قُرَيْشٍ فَقَالُوا إِنَّكَ زَوَّجْتَ عَلِيًّا بِمَهْرٍ خَسِيسٍ

From Jabir Al-Ansari<sup>-ra</sup> having said: 'When Rasool-Allah<sup>-saww</sup> got (Syeda) Fatima<sup>-asws</sup> to Ali<sup>-asws</sup>, may the greeting be upon them<sup>-asws</sup>, people from Qureysh came to him<sup>-saww</sup>. They said, 'You<sup>-saww</sup> have got her<sup>-asws</sup> married to Ali<sup>-asws</sup> with a lowly dowry!'

فَقَالَ مَا أَنَا زَوَّجْتُ عَلِيًّا وَ لَكِنَّ اللَّهَ زَوَّجَهُ لَيْلَةَ أُسْرِي بِي عِنْدَ سِدْرَةِ الْمُنْتَهَى أَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَى السِّدْرَةِ أَنْ انْثَرِي مَا عَلَيْكَ فَانْثَرَتْ الدَّرُّ وَ الْجَوْهَرُ عَلَى الْخَوَرِ الْعَيْنِ فَهُنَّ يَتَهَادَيْنَهُ وَ يَتَفَاخَرْنَ بِهِ وَ يَقُلْنَ هَذَا مِنْ نَثَارِ فَاطِمَةَ بِنْتِ مُحَمَّدٍ ص

He<sup>-saww</sup> said: 'It was not me<sup>-saww</sup> who got her<sup>-asws</sup> married to Ali<sup>-asws</sup>, but Allah<sup>-azwj</sup> got him<sup>-asws</sup> married on the night there was ascension with me<sup>-saww</sup>, at Sidrat Al-Muntaha. Allah<sup>-azwj</sup> Mighty and Majestic Revealed to Al-Sidrat: "Sprinkle whatever is upon you!" So, it sprinkled the gems and the jewels upon the Maiden Houries. So, they are gifting to each other and priding with it and say, 'This is from the confetti of Fatima<sup>-asws</sup> daughter of Muhammad<sup>-saww</sup>!'

فَلَمَّا كَانَتْ لَيْلَةُ الرِّفَافِ أَتَى النَّبِيَّ ص بِبَعْثَةِ الشَّهْبَاءِ وَ ثَقِيَ عَلَيْهَا قَطِيفَةٌ وَ قَالَ لِفَاطِمَةَ ع اِزْكِي وَ أَمَرَ سَلْمَانَ رَحْمَةُ اللَّهِ عَلَيْهِ أَنْ يَفُودَهَا وَ النَّبِيُّ ص يَسُوقُهَا

When it was the night of the escorting, the Prophet<sup>-saww</sup> came with his<sup>-saww</sup> mule (called) 'Al-Shahba' and sat (Syeda) Fatima<sup>-asws</sup> upon it and said to (Syeda) Fatima<sup>-asws</sup>: 'Ride!' And he<sup>-saww</sup> instructed Salman<sup>-ra</sup>, may Allah<sup>-azwj</sup> Mercy him<sup>-ra</sup>: 'Guide it!', and the Prophet<sup>-saww</sup> ushered it.

فَبَيْنَمَا هُوَ فِي بَعْضِ الطَّرِيقِ إِذْ سَمِعَ النَّبِيُّ ص وَجْبَةً فَإِذَا هُوَ بِ جِبْرِئِيلَ عَلَيْهِ السَّلَامُ فِي سَبْعِينَ أَلْفًا وَ مِائَتَيْ أَلْفٍ فِي سَبْعِينَ أَلْفًا

While he<sup>-saww</sup> was in one of the roads when the Prophet<sup>-saww</sup> suddenly heard a voice. There he<sup>-saww</sup> was with Jibrael<sup>-as</sup>, may the greeting be upon him<sup>-as</sup> among seventy thousand Angels, and Mikaeel<sup>-as</sup> among seventy thousand.

فَقَالَ النَّبِيُّ ص مَا أَهْبَطَكُمْ إِلَى الْأَرْضِ

The Prophet<sup>-saww</sup> said: 'What made you<sup>-as</sup> come down to the earth?'

قَالُوا جِئْنَا نَزُّفُ فَاطِمَةَ إِلَى زَوْجِهَا

They<sup>-as</sup> said: 'We<sup>-as</sup> have come to escort (Syeda) Fatima<sup>-asws</sup> to her<sup>-asws</sup> husband!'

وَ كَثُرَ جِبْرِئِيلُ وَ كَثُرَ مِائَتَيْ أَلْفٍ وَ كَثُرَ الْمَلَائِكَةُ وَ كَثُرَ مُحَمَّدٌ ص فَوَضَعَ التَّكْبِيرُ عَلَى الْعَرَائِسِ مِنْ تِلْكَ اللَّيْلَةِ.

And Jibrael<sup>-as</sup> exclaimed Takbeer, and Mikaeel<sup>-as</sup> exclaimed Takbeer, and Muhammad<sup>-saww</sup> exclaimed Takbeer, so the Takbeer was placed upon the brides, from that night onwards!"<sup>1037</sup>

9- عَنْ الصَّادِقِ ع قَالَ: زُفُّوا عَرَائِسَكُمْ لَيْلًا وَ أَطْعِمُوا ضُحَى.

<sup>1037</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 8

From Al-Sadiq<sup>-asws</sup> having said: ‘Escort your brides at night and feed at forenoon!’<sup>1038</sup>

10- كِتَابُ الْإِمَامَةِ وَالتَّبَصُّرَةِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ جَعْفَرٍ بْنِ مُحَمَّدٍ الرَّزَّازِ عَنْ خَالِهِ عَلِيِّ بْنِ مُحَمَّدٍ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مِنْهُ.

(The book) ‘Kitab Al Imama Al Tabsira’ – From Muhammad Bin Abdullah, from Muhammad Bin Ja’far Bin Muhammad Al Razzaz, from his maternal uncle Ali Bin Muhammad, from Amro Bin Usman, from Al Nowfaly, from Al Sakuni,

‘From Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: - similar to it’.<sup>1039</sup>

11- ين، كتاب حسين بن سعيد و النواذر ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قال: إِنَّمَا جُعِلَتِ الْبَيِّنَاتُ لِلنَّسَبِ وَ الْمَوَارِيثِ وَ الْخُدُودِ.

The book of Haseen Bin Saeed and ‘Al Nawadir’ – Ibn Abu Umeyr, from Hisham Bin Salim,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘But rather the proofs (of marriages) have been Made for the lineages, and the inheritances, and the legal penalties!’<sup>1040</sup>

12- ين، كتاب حسين بن سعيد و النواذر القاسم بن عروة عن ابن بكير عن زرارة قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ تَزَوَّجَ مُتَعَةً بِغَيْرِ شُحُودٍ قَالَ لَا بَأْسَ وَ لَا بَأْسَ بِالتَّزْوِيجِ الْبَتَّةِ بِغَيْرِ شُحُودٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ إِنَّمَا جُعِلَ الشُّهُودُ فِي تَزْوِيجِ الْبَتَّةِ مِنْ أَجْلِ الْوَلَدِ لَوْ لَا ذَلِكَ لَمْ يَكُنْ بِهِ بَأْسٌ.

The book of Haseen Bin Saeed, and ‘Nawadir’ – Al Qasim Bin Urwah, from Ibn Bukeyr, from Zurara who said,

‘I asked Abu Abdullah<sup>-asws</sup> about a man who gets married temporarily without witnesses. He<sup>-asws</sup> said: ‘There is no problem, and there are no problems with the marriage absolutely without witnesses, and Allah<sup>-azwj</sup> has Explained, and rather the witnesses have been made to be in marriages absolutely due to the reason of the child. Had it not been for that, there would have been no problem with it!’<sup>1041</sup>

13- أَقُولُ ذَكَرَ فِي كِتَابِ جَوَاهِرِ الْمَطَالِبِ، أَنَّ رَسُولَ اللَّهِ ص لَمَّا زَوَّجَ فَاطِمَةَ عَلَيْهَا ع حَطَبَ بِهَذِهِ الْخُطْبَةِ الْحَمْدُ لِلَّهِ الْمَحْمُودِ بِنِعْمَتِهِ الْمَعْبُودِ بِقُدْرَتِهِ الْمُطَاعِ سُلْطَانُهُ الْمَرْهُوبِ عِقَابُهُ وَ سَطْوَتُهُ الْمَرْغُوبِ إِلَيْهِ فِيمَا عِنْدَهُ النَّافِدِ أَمْرُهُ فِي سَمَائِهِ وَ أَرْضِهِ

I say, ‘It is mentioned in the book ‘Jawahir Al-Matalib’ – ‘When Rasool-Allah<sup>-saww</sup> got (Syeda) Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>, he<sup>-saww</sup> addressed with this sermon: ‘The Praise is for Allah<sup>-azwj</sup> Who is praised for His<sup>-azwj</sup> bounties, worshipped due to His<sup>-azwj</sup> Power, obeyed due to His<sup>-azwj</sup> Authority, feared for His<sup>-azwj</sup> Punishment and Might, and hoped for what is with Him<sup>-azwj</sup>! His<sup>-azwj</sup> Command prevails in His<sup>-azwj</sup> sky and His<sup>-azwj</sup> earth.

الَّذِي خَلَقَ الْخَلْقَ بِقُدْرَتِهِ وَ دَبَّرَهُمْ بِحِكْمَتِهِ وَ أَمَرَهُمْ بِأَحْكَامِهِ وَ أَعَزَّهُمْ بِدِينِهِ وَ أَكْرَمَهُمْ بِنَبِيِّهِ مُحَمَّدٍ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى عَظَمَتْهُ جَعَلَ الْمُصَاهِرَةَ سَبَبًا لِأَحَقِّ وَ أَمْرًا مُفْتَرَضًا وَ شَجَّ بِهَا الْأَحْلَامَ وَ أَرَالَ بِهَا الْأَثَامَ وَ أَكْرَمَ بِهَا الْأَنَامَ

<sup>1038</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 9

<sup>1039</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 10

<sup>1040</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 11

<sup>1041</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 12

He<sup>-azwj</sup> is the One Who Created creation by His<sup>-azwj</sup> Power, Managed them by His<sup>-azwj</sup> Wisdom, Commanded them with His<sup>-azwj</sup> Laws, Honoured them with His<sup>-azwj</sup> religion, and ennobled them with His<sup>-azwj</sup> Prophet Muhammad<sup>-saww</sup>. Verily, Allah<sup>-azwj</sup> Blessed and Exalted is His<sup>-azwj</sup> Greatness, Made marriage ties a closely connected cause, an obligatory matter, by which He<sup>-azwj</sup> brought together minds, Removed sins, and Honoured the people!

فَقَالَ عَزَّ مِنْ قَائِلٍ وَ هُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَ صِهْرًا وَ كَانَ رَبُّكَ قَدِيرًا

The Almighty Said on behalf of a speaker: **And He it is Who Created a person from the water, so He Made for him relationships of lineage and marriage; and your Lord was always Powerful [25:54].**

وَ أَمُرُ اللَّهِ يَجْرِي إِلَى قَضَائِهِ وَ قَضَائُهُ يَجْرِي إِلَى قَدَرِهِ وَ لِكُلِّ قَضَاءٍ قَدَرٌ وَ لِكُلِّ أَجَلٍ كِتَابٌ يَخُودُ اللَّهُ مَا يَشَاءُ وَ يُثَبِّتُ وَ عِنْدَهُ أُمُّ الْكِتَابِ إِنَّ اللَّهَ أَمَرَنِي أَنْ أَزُوجَ فَاطِمَةَ مِنْ عَلِيٍّ وَ قَدْ أَوْجِبْتُهُ عَلَى أَنْعِمَائِهِ مِنْ ثَمَنٍ مِنْ فِضَّةٍ إِنْ رَضِيَ عَلَيَّ بِذَلِكَ

And, the Command of Allah<sup>-azwj</sup> Flowed to His<sup>-azwj</sup> Decree, and His<sup>-azwj</sup> Decree Flowed to His<sup>-azwj</sup> Pre-Determination, and for every Decree there is Pre-Determination, and for every term there is a Book **Allah Deletes and Affirms whatever He so Desires to, and with Him is the Mother of the Book [13:39]**. Allah<sup>-azwj</sup> has Commanded me<sup>-saww</sup> to get Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>, and has Obligated it upon four hundred ounces of silver, if Allah<sup>-azwj</sup> agrees with that’.

فَقَالَ عَلِيُّ رَضِيْتُ عَنِ اللَّهِ وَ عَنْ رَسُولِهِ

Ali<sup>-asws</sup> said: ‘I<sup>-asws</sup> am pleased with Allah<sup>-azwj</sup> and with His<sup>-azwj</sup> Rasool<sup>-saww</sup>!’

فَقَالَ صَلَوَاتُ اللَّهِ عَلَيْهِ وَ آلِهِ جَمَعَ اللَّهُ بَيْنَكُمَا وَ أَسْعَدَ جَدُّكُمَا وَ أَخْرَجَ مِنْكُمَا كَثِيرًا طَيِّبًا.

He<sup>-saww</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-saww</sup> and his<sup>-saww</sup> Progeny<sup>-asws</sup>, said: ‘May Allah<sup>-azwj</sup> Unite you<sup>-asws</sup> two and Make your<sup>-asws</sup> grandfathers happy, and Extract a lot of good offspring from you<sup>-asws</sup>!’<sup>1042</sup>

14- نَوَادِرُ الرَّالَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا سَهَرٌ إِلَّا فِي ثَلَاثٍ تَحْجِدُ بِالْقُرْآنِ أَوْ تَطْلُبُ عَلَيْهِ أَوْ غُرُوسٍ تُهْدَى إِلَى زَوْجِهَا.

(The book) ‘Nawadir’ of Al Rawandy –

‘By his chain from Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘There is no staying awake at night except in three – holding vigil with the Quran, or seeking the knowledge, or a bride being guided to her husband’<sup>1043</sup>.

15- وَ يَحْدَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص فُرْتُ بَيْنَ التَّكَاحِ وَ السِّتَاحِ ضَرَبَ الدَّف.

<sup>1042</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 13

<sup>1043</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 14

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The difference between the marriage and the fornication is striking of the tambourines!’<sup>1044</sup>

16- وَ يَحْدَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع قَالَتْ الْأَنْصَارُ يَا رَسُولَ اللَّهِ ص مَاذَا نَقُولُ إِذَا زَفَقْنَا النِّسَاءَ

And by this chain, he<sup>-asws</sup> said: ‘Ali<sup>-asws</sup> said: ‘The Helpers said, ‘O Rasool-Allah<sup>-saww</sup>! What is that we should be saying when we escort out women (brides)?’

فَقَالَ النَّبِيُّ ص قُولُوا أَتَيْنَاكُمْ أَتَيْنَاكُمْ فَحَيُّونَا حَيِّبَكُمْ لَوْ لَا الذَّهَبُ الْحُمْرَاءُ مَا حَلَّتْ قَتَاتُنَا بِوَادِيكُمْ.

The Prophet<sup>-saww</sup> said: ‘We are coming to you! We are coming to you, so welcome us, we will welcome you! Had it not been for the red gold, our young daughters would not have been in your valleys!’<sup>1045</sup>

17- وَ يَحْدَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص زُفُّوا عَرَائِسَكُمْ لَيْلًا وَ أَطْعِمُوا صُحَى.

And by this chain, he<sup>-asws</sup> said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Escort your brides at night and feed at forenoon!’<sup>1046</sup>

18- وَ يَحْدَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع مَنْ أَرَادَ مِنْكُمْ التَّزْوِيجَ فَلْيُصَلِّ رَكْعَتَيْنِ وَ لِيُفَرِّقْ سُورَةَ فَاتِحَةِ الْكِتَابِ وَ سُورَةَ يَسَ فَإِذَا فَرَغَ مِنَ الصَّلَاةِ فَلْيُحَمِّدِ اللَّهَ عَزَّ وَ جَلَّ وَ لِيُثْنِ عَلَيْهِ وَ لِيُثَلِّ

And by this chain, he<sup>-asws</sup> said: ‘Ali<sup>-asws</sup> said: ‘One from you who intends the marriage, let him pray two units Salat and read Surah Al Fatiha and Surah Yaseen. When he is free from the Salat, let him praise Allah<sup>-azwj</sup> Mighty and Majestic, and let him laud upon Him<sup>-azwj</sup> and let him say,

اللَّهُمَّ ارْزُقْنِي زَوْجَةً صَالِحَةً وَ دُوداً وَ لُوداً شُكُوراً قَنُوعاً غَيْرَاً إِنَّ أَحْسَنَتْ شُكْرَتْ وَ إِنَّ أَسَأَتْ عَفَرَتْ وَ إِنَّ ذَكَرْتَ اللَّهَ تَعَالَى أَعَانَتْ وَ إِنَّ نَسِيتُ ذَكَرَتْ وَ إِنَّ خَرَجْتُ مِنْ عِنْدِهَا حَفِظَتْ وَ إِنَّ دَخَلْتُ عَلَيْهَا سُرَّتْ وَ إِنَّ أَمَرْتُهَا أَطَاعَتْنِي وَ إِنَّ أَمْسَمْتُ عَلَيْهَا أَبْرَتْ فَسَمِعِي وَ إِنَّ غَضِبْتُ عَلَيْهَا أَرْضَعْنِي

‘O Allah<sup>-azwj</sup>! Provide me a righteous wife, affectionate, fertile, grateful, content, and protective, if I do good, she appreciates; if I do wrong, she forgives; if I do Your<sup>-azwj</sup> Zikr, she helps me; if I forget, she reminds me; if I leave her, she guards herself; if I enter to see her, she brings me joy; if I command her, she obeys me; if I swear an oath to her, she fulfils it; and if I become angry with her, she pleases me!

يَا ذَا الْجَلَالِ وَ الْإِكْرَامِ هَبْ لِي ذَلِكَ فَإِنَّمَا أَسْأَلُكَ وَ لَا أَجِدُ إِلَّا مَا قَسَمْتَ لِي فَمَنْ فَعَلَ ذَلِكَ أَعْطَاهُ اللَّهُ مَا سَأَلَ

O Possessor of the Majestic and the Benevolence! Grant me that, for I am only asking You<sup>-azwj</sup>, and I find nothing except what You<sup>-azwj</sup> have Decreed for me!’ Whoever does that, Allah<sup>-azwj</sup> will Grant him what he has asked.

<sup>1044</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 15

<sup>1045</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 16

<sup>1046</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 17

ثُمَّ إِذَا زُفَّتْ إِلَيْهِ وَ دَخَلَتْ عَلَيْهِ فَلْيُصَلِّ رَكَعَتَيْنِ ثُمَّ لِيَمْسَحْ يَدَهُ عَلَى نَاصِيَتِهَا وَ لِيَقُلِ اللَّهُمَّ بَارِكْ لِي فِي أَهْلِي وَ بَارِكْ لَهَا فِيَّ وَ مَا جَمَعْتَ بَيْنَنَا فَاجْمَعْ بَيْنَنَا فِي خَيْرٍ وَ بَرَكَةٍ وَ إِنْ جَعَلْتَهَا فُرْقَةً فَاجْعَلْهَا فُرْقَةً إِلَى خَيْرٍ.

Then, when she is escorted to him, and he enters to see him, let him pray two units Salat, then let him wife his hand upon her forehead and let him say, 'O Allah<sup>-azwj</sup>! Bless for me in my wife, and Bless for her regarding me, and whatever You<sup>-azwj</sup> United between us, Unite us in goodness, prosperity, and Blessing, and if You<sup>-azwj</sup> Make it a separation, then Make it a separation leading to goodness!'<sup>1047</sup>

19- **الْهِدَايَةُ**، إِذَا أَرَادَ الرَّجُلُ أَنْ يَتَزَوَّجَ فَلْيُصَلِّ رَكَعَتَيْنِ وَ يَرْفَعْ يَدَهُ يَسْأَلُ اللَّهَ عَزَّ وَ جَلَّ وَ يَقُولُ اللَّهُمَّ إِنِّي أُرِيدُ أَنْ أَتَزَوَّجَ فَتَسَهِّلْ لِي مِنَ النِّسَاءِ أَحْسَنَهُنَّ خُلُقًا وَ أَعَفَّهُنَّ فَرْجًا وَ أَحْفَظَّهُنَّ لِي فِي نَفْسِهَا وَ مَالِي وَ أَوْسَعَهُنَّ رِزْقًا وَ أَعْظَمَهُنَّ بَرَكَهً وَ قَبِيضٌ لِي مِنْهَا وَلَدًا تَجْعَلُهُ لِي خَلْفًا فِي حَيَاتِي وَ بَعْدَ مَوْتِي وَ لَا تَجْعَلَنَّ لِلشَّيْطَانِ فِيهِ شَرِكًا وَ لَا نَصِيبًا.

(The book) 'Al Hidayah' -

'When the man intends to get married, let him pray two units Salat and raise his hand asking Allah<sup>-azwj</sup> Mighty and Majestic, and he should say, 'O Allah<sup>-azwj</sup>! I intend to get married, so Facilitate for me from the women, their most excellent of manners, and their most chaste of private parts, and most protective for me regarding herself and my wealth, and their vastest of sustenance, and their mightiest of Blessing, and Ordain for me a good child from her. Make him a righteous successor during my lifetime and after my death, and do not Make for the Satan<sup>-la</sup> an association in it nor a share!'<sup>1048</sup>

20- **مِنْهُ**، وَ يُكْرَهُ التَّزْوِيجُ وَ الْقَمَرُ فِي الْعَقَرِ فَإِنَّهُ مَنْ فَعَلَ ذَلِكَ لَمْ يَرَ الْحَسَنَ.

And from him, 'And the marriage is disliked while the moon is in the Scorpio, for the one who does that will not see the goodness'".<sup>1049</sup>

21- **مُسْنَدُ فَاطِمَةَ صَلَوَاتِ اللَّهِ عَلَيْهَا**، عَنْ مُحَمَّدِ بْنِ هَارُونَ بْنِ مُوسَى عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي الْعَرِيبِ [الْغَرِيبِ] عَنْ مُحَمَّدِ بْنِ زَكْرِيَّا بْنِ دِينَارٍ عَنْ شُعَيْبِ بْنِ وَقْدٍ عَنِ اللَّيْثِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ جَابِرٍ قَالَ: لَمَّا أَرَادَ رَسُولُ اللَّهِ ص أَنْ يُزَوِّجَ فَاطِمَةَ ع عَلَيْهَا ع قَالَ لَهُ الْخُرُجُ يَا أَبَا الْحَسَنِ إِلَى الْمَسْجِدِ فَإِنِّي خَارِجٌ فِي أَثَرِكَ وَ مُزَوِّجُكَ بِحَضْرَةِ النَّاسِ وَ ذَاكِرٌ مِنْ فَضْلِكَ مَا تَقَرُّ بِهِ عَيْنُكَ

(The book) 'Musnad (Syeda) Fatima<sup>-asws</sup>', may the Salawaat of Allah<sup>-azwj</sup> be upon her<sup>-asws</sup> – From Muhammad Bin Haroun Bin Musa, from his father, from Ahmad Bin Muhammad Bin Abu Al Ghareeb, from Muhammad Bin Zakariya Bin Dinar, from Shueyb Bin Waqid, from Al Lays,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup>, from Jabir<sup>-ra</sup> having said, 'When Rasool-Allah<sup>-saww</sup> wanted to get (Syeda) Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>, He<sup>-saww</sup> said: 'Come out, O Abu Al-Hassan<sup>-asws</sup>, to the Masjid for I<sup>-saww</sup> will be coming out in your<sup>-asws</sup> tracks and get you<sup>-asws</sup> married in the presence of the people and be a mention of your<sup>-asws</sup> merits what your<sup>-asws</sup> eyes will be delighted with!'

<sup>1047</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 18

<sup>1048</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 19

<sup>1049</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 20

قَالَ عَلِيٌّ فَخَرَجْتُ مِنْ عِنْدِ رَسُولِ اللَّهِ ص وَ أَنَا لَا أَعْقِلُ فَرِحاً وَ سُوراًَ فَاسْتَقْبَلَنِي أَبُو بَكْرٍ وَ عُمَرُ قَالَا يَا أَبَا الْحَسَنِ

Ali<sup>-asws</sup> said: 'I went out from the presence of Rasool-Allah<sup>-saww</sup> and I<sup>-asws</sup> was not aware of any joy and happiness. Abu Bakr and Umar met me<sup>-asws</sup>. They said, 'What is behind you<sup>-asws</sup>, O Abu Al-Hassan<sup>-asws</sup>?'

فَقُلْتُ يُزَوِّجُنِي رَسُولُ اللَّهِ ص فَاطِمَةَ وَ أَخْبَرَنِي أَنَّ اللَّهَ قَدْ زَوَّجَهَا وَ هَذَا رَسُولُ اللَّهِ ص خَارِجٌ فِي أَثَرِي لِيَذْكُرَ بِحَضْرَةِ النَّاسِ

I<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> is getting me<sup>-asws</sup> married to (Syeda) Fatima<sup>-asws</sup> and he<sup>-saww</sup> informed me<sup>-asws</sup> that Allah<sup>-saww</sup> has Got her<sup>-asws</sup> married, and this is Rasool-Allah<sup>-saww</sup> coming out in my<sup>-asws</sup> tracks in order to mention in the presence of the people!'

فَفَرِحَا وَ سُرَّا وَ دَخَلَا مَعِيَ الْمَسْجِدَ

They were both joyful and happy, and entered the Masjid with me<sup>-asws</sup>.

قَالَ عَلِيٌّ فَوَ اللَّهُ مَا تَوَسَّطْنَاهُ حَتَّى لَحِقَ بِنَا رَسُولُ اللَّهِ ص وَ إِنَّ وَجْهَهُ يَنْهَلُ فَرِحاً وَ سُوراًَ فَقَالَ أَيْنَ بِلَالٌ

Ali<sup>-asws</sup> said: 'By Allah<sup>-azwj</sup>! We had not come to the middle of it until Rasool-Allah<sup>-saww</sup> joined with us and his<sup>-saww</sup> face beaming of joy and happiness. He<sup>-saww</sup> said: 'Where is Bilal<sup>-ra</sup>?'

فَأَجَابَ لَبَّيْكَ وَ سَعْدَيْكَ يَا رَسُولَ اللَّهِ

He<sup>-ra</sup> answered, 'Here I<sup>-ra</sup> and at your<sup>-saww</sup> service, O Rasool-Allah<sup>-saww</sup>!'

Then he<sup>-saww</sup> said: 'Where is Al-Miqdad<sup>-ra</sup>?'

ثُمَّ قَالَ أَيْنَ الْمُقْدَادُ فَأَجَابَ لَبَّيْكَ يَا رَسُولَ اللَّهِ ص

He<sup>-ra</sup> answered, 'Here I<sup>-ra</sup> am, O Rasool-Allah<sup>-saww</sup>!'

ثُمَّ قَالَ أَيْنَ سَلْمَانُ

Then he<sup>-saww</sup> said: 'Where is Salman<sup>-ra</sup>?'

فَأَجَابَ لَبَّيْكَ يَا رَسُولَ اللَّهِ ص

He<sup>-ra</sup> answered, 'Here I<sup>-ra</sup> am, O Rasool-Allah<sup>-saww</sup>!'

ثُمَّ قَالَ أَيْنَ أَبُو ذَرٍّ

Then he<sup>-saww</sup> said: 'Where is Abu Zarr<sup>-ra</sup>?'

فَأَجَابَ لَبَّيْكَ يَا رَسُولَ اللَّهِ ص

He<sup>-ra</sup> answered, 'Here I<sup>-ra</sup> am, O Rasool-Allah<sup>-saww</sup>!'

فَلَمَّا مَثَلُوا بَيْنَ يَدَيْهِ قَالَ انْطَلِقُوا بِأَجْمَعِكُمْ فَاقْتُمُوا فِي جَنْبَاتِ الْمَدِينَةِ وَاجْمَعُوا الْمُهَاجِرِينَ وَ الْأَنْصَارَ وَ الْمُسْلِمِينَ

When they stood in front of him<sup>-saww</sup>, he<sup>-saww</sup> said: 'Go altogether and stand in the sides of Al-Medina and gather the Emigrants and the Helpers and the (other) Muslims!'

فَانْطَلِقُوا لِأَمْرِ رَسُولِ اللَّهِ ص وَ أَقْبَلَ رَسُولُ اللَّهِ ص فَجَلَسَ عَلَى أَعْلَى دَرَجَةٍ مِنْ مَنَابِرِهِ فَلَمَّا حُشِدَ الْمَسْجِدُ بِأَهْلِهِ قَامَ رَسُولُ اللَّهِ ص فَحَمِدَ اللَّهَ وَ أَثْنَى عَلَيْهِ

They went at the instructions of Rasool-Allah<sup>-saww</sup>, and Rasool-Allah<sup>-saww</sup> came and sat on the top step of his<sup>-saww</sup> pulpit. When the Masjid filled up with its people, Rasool-Allah<sup>-saww</sup> stood. He<sup>-saww</sup> praised Allah<sup>-azwj</sup> and lauded upon Him<sup>-azwj</sup>!

فَقَالَ الْحَمْدُ لِلَّهِ الَّذِي رَفَعَ السَّمَاءَ فَبَنَاهَا وَ بَسَطَ الْأَرْضَ فَدَحَاهَا وَ أَثْبَتَهَا بِالْجِبَالِ فَأَنْسَاهَا أَخْرَجَ مِنْهَا مَاءَهَا وَ مَرْعَاهَا الَّذِي تَعَاطَمَ عَنْ صِفَاتِ الْوَاصِفِينَ وَ تَجَلَّلَ عَنْ تَحْيِيرِ لُغَاتِ النَّاطِقِينَ وَ جَعَلَ الْجَنَّةَ ثَوَابَ الْمُتَّقِينَ وَ النَّارَ عِقَابَ الظَّالِمِينَ وَ جَعَلَنِي نِعْمَةً لِلْكَافِرِينَ وَ رَحْمَةً وَ رَأْفَةً عَلَى الْمُؤْمِنِينَ

He<sup>-saww</sup> said: 'The Praise is for Allah<sup>-azwj</sup> Who Raised the sky and Built it, and Extended the earth and Spread it and Stabilised it with the mountains. He<sup>-azwj</sup> Brought forth from it its water and pastures. He<sup>-azwj</sup> is the One Who is Exalted beyond the descriptions of describers and far above the expressions of speakers. He<sup>-azwj</sup> Made Paradise the Reward for the righteous and Hell the punishment for the wrongdoers. He<sup>-azwj</sup> made me<sup>-saww</sup> a means of vengeance against the Kafirs and a mercy and compassion for the Momineen!

عِبَادَ اللَّهِ إِنَّكُمْ فِي دَارِ أَمَلٍ وَ عَدٍ وَ أَجَلٍ وَ صِحَّةٍ وَ عِلَلٍ دَارِ زَوَالٍ وَ تَقَلُّبِ أَحْوَالٍ جُعِلَتْ سَبَبًا لِلْإِنْخِلَالِ

O servants of Allah<sup>-azwj</sup>! You are in a dwelling of hope and preparation, of fixed terms and changing health and sickness, a dwelling that perishes and where conditions constantly change, made as a means for departure.

فَرَحِمَ اللَّهُ امْرَأً قَصَرَ مِنْ أَمَلِهِ وَ جَدَّ فِي عَمَلِهِ وَ أَنْفَقَ الْفُضْلَ مِنْ مَالِهِ وَ أَمْسَكَ الْفُضْلَ مِنْ قُوَّتِهِ قَدَّمَ لِيَوْمٍ فَاقَتْهُ يَوْمَ يُحْشَرُ فِيهِ الْأَمْوَاتُ وَ تَحْشَعُ لَهُ الْأَصْوَاتُ وَ تُذَكَّرُ الْأَوْلَادُ وَ الْأُمّهَاتُ

May Allah<sup>-azwj</sup> Mercy a person who shortens his hopes, strives earnestly in his actions, spends the surplus of his wealth, and withholds the excess from his provisions. He sends forth (good deeds) for the day of his need a Day when the dead will be Resurrected, voices will be humbled, and children and mothers will be mentioned.

وَ تَرَى النَّاسَ سُكَارَى وَ مَا هُمْ بِسُكَارَى يَوْمَ يُؤْفِقُهُمُ اللَّهُ دِينَهُمُ الْحَقُّ وَ يَعْلَمُونَ أَنَّ اللَّهَ هُوَ الْحَقُّ الْمُبِينُ يَوْمَ يُجَدُّ كُلُّ نَفْسٍ مَا عَمِلَتْ مِنْ خَيْرٍ مُحْضَرًا وَ مَا عَمِلَتْ مِنْ سُوءٍ تَوَدُّ لَوْ أَنَّ بَيْنَهَا وَ بَيْنَهُ أَمَدًا بَعِيدًا

**and you will see the people as intoxicated, and they will not be with intoxication [22:2] On that day Allah will Fulfil them, their Religion, the Truth, and they will come to know that Allah, He is the Manifest Truth [24:25] On the Day every soul shall find what it has done of good to be present and what it has done of evil. It will wish that between it and him there was a long duration [3:30].**



فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ لَيَوْمَ تَبْطُلُ فِيهِ الْأَنْسَابُ وَ تُقَطَّعُ الْأَسْبَابُ وَ يَشْتَدُّ فِيهِ عَلَى الْمُجْرِمِينَ الْحِسَابُ وَ يُدْفَعُونَ إِلَى الْعَذَابِ فَمَنْ زُخْرِحَ عَنِ النَّارِ وَ أُدْخِلَ الْجَنَّةَ فَقَدْ فَازَ وَ مَا الْحَيَاةُ الدُّنْيَا إِلَّا مَتَاعُ الْغُرُورِ

***So, one who does good of the weight of a particle would see it [99:7] And one who does evil of the weight of a particle would see it [9:8], for a Day the lineages will be suspended and the causes will be cut off, and during it there the Reckoning will be intensified upon the criminals and they will be pushed to the Punishment. So, the one who is removed far away from the Fire and enters the Paradise he indeed has succeeded; and what is the life of the world except for a deceptive pleasure? [3:185].***

أَيُّهَا النَّاسُ إِنَّمَا الْأَنْبِيَاءُ حُجَجُ اللَّهِ فِي أَرْضِهِ النَّاطِقُونَ بِكِتَابِهِ الْعَامِلُونَ بِوَحْيِهِ إِنَّ اللَّهَ عَزَّ وَ جَلَّ أَمَرَنِي أَنْ أُزَوِّجَ كَرِيمَتِي فَاطِمَةَ بِأَخِي وَ ابْنِ عَمِّي وَ أَوَّلَى النَّاسِ بِبِي عَلِيِّ بْنِ أَبِي طَالِبٍ

O you people! But rather the Prophets<sup>-as</sup> are Divine Authorities of Allah<sup>-azwj</sup> in His<sup>-saww</sup> earth, the speakers with His<sup>-azwj</sup> Book, the workers with His<sup>-azwj</sup> Revelation. Allah<sup>-azwj</sup> Mighty and Majestic has Commanded me<sup>-saww</sup> to get my<sup>-saww</sup> honourable (Syeda) Fatima<sup>-asws</sup> to my<sup>-saww</sup> brother<sup>-asws</sup> and son<sup>-asws</sup> of my<sup>-saww</sup> cousin, and foremost of the people with me<sup>-saww</sup>, Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>.

وَ إِنَّ قَدْ زَوَّجَهُ فِي السَّمَاءِ بِشَهَادَةِ الْمَلَائِكَةِ وَ أَمَرَنِي أَنْ أُزَوِّجَهُ وَ أَشْهَدُكُمْ عَلَى ذَلِكَ

And He<sup>-azwj</sup> has already got him<sup>-asws</sup> married in the sky with the Angels as witnesses and has Commanded me<sup>-saww</sup> that I<sup>-saww</sup> should get her<sup>-asws</sup> married to him<sup>-asws</sup> and keep you all as witnesses upon that!'

ثُمَّ جَلَسَ رَسُولُ اللَّهِ ص ثُمَّ قَالَ قُمْ يَا عَلِيُّ فَاحْطُبْ لِنَفْسِكَ

The Rasool-Allah<sup>-saww</sup> sat down. Then he<sup>-saww</sup> said: 'Stand, O Ali<sup>-asws</sup> and address for yourself<sup>-asws</sup>!'

قَالَ يَا رَسُولَ اللَّهِ ص أَحْطُبُ وَ أَنْتَ حَاضِرٌ

He<sup>-asws</sup> said: 'O Rasool-Allah<sup>-saww</sup>! Should I<sup>-asws</sup> address while you<sup>-saww</sup> are present?'

قَالَ احْطُبْ فَهَكَذَا أَمَرَنِي جِبْرِئِيلُ أَنْ أَمُرَكَ أَنْ تَحْطُبَ لِنَفْسِكَ وَ لَوْ لَا أَنَّ الْحَطِيبَ فِي الْجَنَانِ دَاوُدُ لَكُنْتُ أَنْتَ يَا عَلِيُّ

He<sup>-saww</sup> said: 'Address for that is how Jibraeel<sup>-as</sup> instructed me<sup>-saww</sup> to instruct you<sup>-asws</sup> to address for yourself<sup>-asws</sup>, and had it not been that Dawood<sup>-as</sup> is the preacher in the Paradise, it would have been you<sup>-asws</sup>, O Ali<sup>-asws</sup>!'

ثُمَّ قَالَ النَّبِيُّ ص أَيُّهَا النَّاسُ اسْمِعُوا قَوْلَ نَبِيِّكُمْ إِنَّ اللَّهَ بَعَثَ أَرْبَعَةَ آلَافٍ نَبِيٍّ لِكُلِّ نَبِيٍّ وَصِيٍّ وَ أَنَا خَيْرُ الْأَنْبِيَاءِ وَ وَصِيِّي خَيْرُ الْأَوْصِيَاءِ

Then the Prophet<sup>-saww</sup> said: 'O you people! Listen to the words of your Prophet<sup>-saww</sup>! Surely, Allah<sup>-azwj</sup> Sent (one hundred and twenty-) four thousand Prophets<sup>-as</sup>. For each Prophet<sup>-saww</sup> was a successor, and I<sup>-saww</sup> am best of the Prophets<sup>-as</sup> and my<sup>-saww</sup> successor<sup>-asws</sup> is best of the successors<sup>-as</sup>!'



ثُمَّ أَمْسَكَ رَسُولُ اللَّهِ ص وَابْتَدَأَ عَلَيَّ فَقَالَ الْحَمْدُ لِلَّهِ الَّذِي أَهَمَّ بِقَوَائِحِ عِلْمِهِ النَّاطِقِينَ وَ أَنْارَ بِقَوَائِبِ عَظَمَتِهِ قُلُوبَ الْمُتَّقِينَ وَ أَوْضَحَ بِدَلَائِلِ أَحْكَامِهِ طُرُقَ الْفَاصِلِينَ وَ أَهَجَّ بِإِنِّ عَنِّي الْمُصْطَفَى الْعَالَمِينَ وَ عَلَتْ دَعْوَتُهُ لِرَوَاعِي الْمُلْحِدِينَ وَ اسْتَظْهَرَتْ كَلِمَتُهُ عَلَى بَوَاطِلِ الْمُبْطِلِينَ وَ جَعَلَهُ خَاتَمَ النَّبِيِّينَ وَ سَيِّدَ الْمُرْسَلِينَ

Then Rasool-Allah<sup>-saww</sup> withheld, and Ali<sup>-asws</sup> initiated. He<sup>-asws</sup> said: 'The Praise is for Allah<sup>-azwj</sup> Who Inspired the speakers with openings of His<sup>-azwj</sup> Knowledge and Irradiated hearts of the pious with lights of His<sup>-azwj</sup> Magnificence, and Clarified the paths of the discerners with evidences of His<sup>-azwj</sup> Rulings, and Guided the worlds through my<sup>-asws</sup> uncle the Chosen ones, and Elevate his<sup>-saww</sup> call to confront the atheists, and Caused his<sup>-saww</sup> words to prevail upon falsehoods of the falsifiers, and Made him<sup>-saww</sup> last of the Prophets<sup>-as</sup> and chief of the Messengers<sup>-as</sup>.

فَبَلَّغَ رَسُولُ اللَّهِ ص وَ صَدَعَ بِأَمْرِهِ وَ بَلَّغَ عَنِ اللَّهِ آيَاتِهِ

So, he<sup>-saww</sup> delivered the Message of his<sup>-saww</sup> Lord<sup>-azwj</sup> and proclaimed with His<sup>-azwj</sup> Commands and Delivered His<sup>-azwj</sup> Verses on behalf of Allah<sup>-azwj</sup>!

وَ الْحَمْدُ لِلَّهِ الَّذِي خَلَقَ الْعِبَادَ بِقُدْرَتِهِ وَ أَعَزَّهُمْ بِدِينِهِ وَ أَكْرَمَهُمْ بِنَبِيِّهِ مُحَمَّدٍ ص وَ رَحِمَ وَ كَرَّمَ وَ شَرَّفَ وَ عَظَّمَ

And the Praise is for Allah<sup>-azwj</sup> Who Created the servant by His<sup>-azwj</sup> Power, and Strengthened them through His<sup>-azwj</sup> religion, and Honoured them with His<sup>-azwj</sup> Prophet<sup>-saww</sup>, and Showed Mercy, and Ennobled, and Magnified!

وَ الْحَمْدُ لِلَّهِ عَلَى نِعَمَائِهِ وَ آيَاتِهِ وَ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ شَهَادَةً تَبْلُغُهُ وَ تُرْضِيهِ وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ صَلَاةً تُرْمِئُهُ وَ تُخْطِئِهِ

And the Praise is for Allah<sup>-azwj</sup> His<sup>-azwj</sup> bounties and His<sup>-azwj</sup> Favour, and I<sup>-asws</sup> testify that there is no god except Allah<sup>-azwj</sup>, a testimony which reaches Him<sup>-azwj</sup> and Pleases Him<sup>-azwj</sup>, and may Allah<sup>-azwj</sup> Send Salawaat upon Muhammad<sup>-saww</sup> a Salawaat profiting him<sup>-saww</sup> and enlarging his<sup>-saww</sup> share!

وَ الْبَرَكَاتُ بِمَا أَمَرَ اللَّهُ بِهِ وَ أَذِنَ فِيهِ وَ مَجْلِسُنَا هَذَا بِمَا فَضَاهُ وَ رَضِيَهُ وَ هَذَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ رَوْحِي ابْنَتُهُ فَاطِمَةُ عَلَى صَدَاقِ أَرْبَعِ مِائَةِ دِرْهَمٍ وَ دِينَارٍ قَدْ رَضِيْتُ بِذَلِكَ فَاسْأَلُوهُ وَ اشْهَدُوا

And the marriage is from what Allah<sup>-azwj</sup> has Commanded with and has Permitted, and this gathering of ours is from what He<sup>-azwj</sup> has Decreed and Pleases Him<sup>-azwj</sup>, and this Muhammad<sup>-saww</sup> Bin Abdullah<sup>-as</sup> has married his<sup>-saww</sup> daughter (Syeda) Fatima<sup>-asws</sup> to me<sup>-asws</sup> upon a dower of four hundred Dirhams and one Dinar. I<sup>-asws</sup> am pleased with that, so ask him<sup>-saww</sup> and bear witness!'

فَقَالَ الْمُسْلِمُونَ زَوْجَتُهُ يَا رَسُولَ اللَّهِ

The Muslims said, 'Do you<sup>-azwj</sup> marry her<sup>-asws</sup> to him<sup>-asws</sup>, O Rasool-Allah<sup>-saww</sup>!'

قَالَ نَعَمْ

He<sup>-saww</sup> said: 'Yes!'

قَالَ الْمُسْلِمُونَ بَارَكَ اللَّهُ لُهُمَا وَعَلَيْهِمَا وَجَمَعَ شَتْلَهُمَا.

The Muslims said, 'May Allah<sup>-azwj</sup> Bless them<sup>-asws</sup> both, and upon them<sup>-asws</sup>, and Unite their lives!'<sup>1050</sup>

22- وَ مِنْهُ، عَنْ أَبِي الْمُفَضَّلِ عَنْ بَدْرِ بْنِ عَمَّارٍ الطَّبْرَسْتَانِيِّ عَنِ الصَّدُوقِ عَنْ مُحَمَّدِ بْنِ الْمُحَمَّدِ عَنِ أَبِيهِ قَالَ: حَضَرْتُ مَجْلِسَ أَبِي جَعْفَرٍ حِينَ تَزْوِيجِ الْمَأْمُونِ وَ كَانُوا يَبْعَثُونَ إِلَى يَحْيَى بْنِ أَكْثَمَ فَسَأَلُوهُ الْإِخْتِيَالَ عَلَى أَبِي جَعْفَرٍ عَ بِسْأَلَةٍ فِي الْفِقْهِ يُلْقِيهَا عَلَيْهِ

And from him, from Abu Al Mufazzal, from Badr Bin Ammar Al-Tabrastany, from Al-Sadouq, from Muhammad Al-Mahmoudy, from his father who said, 'I attended the gathering of Abu Ja'far<sup>-asws</sup> when Al-Mamoun married (his daughter) to him<sup>-asws</sup>, and they had sent for Yahya Bin Al-Aksam to ask him<sup>-asws</sup> a trick question of jurisprudence to be cast to him<sup>-asws</sup>.

فَلَمَّا اجْتَمَعُوا وَ حَضَرَ أَبُو جَعْفَرٍ عَ قَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ هَذَا يَحْيَى بْنُ أَكْثَمَ إِنْ أَذْنُتَ أَنْ يَسْأَلَ أَبَا جَعْفَرٍ عَنِ مَسْأَلَةٍ فِي الْفِقْهِ فَيَنْظُرَ كَيْفَ فَهَمُّهُ

When they had gathered and Abu Ja'far<sup>-asws</sup> presented, they said, 'O commander of the faithful! This is Yahya Bin Aksam, if you could permit him to ask Abu Ja'far<sup>-asws</sup> about an issue in jurisprudence so it can be seen how his<sup>-asws</sup> understanding is!'

فَأَذِنَ الْمَأْمُونُ فِي ذَلِكَ

Al-Mamoun permitted regarding that.

فَقَالَ يَحْيَى لِأَبِي جَعْفَرٍ عَ مَا تَقُولُ فِي مُحْرِمٍ قَتَلَ صَيْدًا

Yahya said to Abu Ja'far<sup>-asws</sup>, 'What are you<sup>-asws</sup> saying regarding someone in Ihraam (consecrated) who kills a prey?'

قَالَ أَبُو جَعْفَرٍ عَ فِي حِلٍّ أَمْ فِي حَرَمٍ عَالِمًا أَمْ جَاهِلًا عَمْدًا أَوْ خَطَأً صَغِيرًا أَوْ كَبِيرًا حُرًّا أَوْ عَبْدًا مُبْتَدَأً أَوْ مُقْبَلًا مِنْ ذَوَاتِ الطَّيْرِ أَوْ غَيْرَهَا مِنْ صِغَارِ الصَّيْدِ أَوْ مِنْ كِبَارِهَا مُصِرًّا أَوْ نَادِمًا رَمَى بِاللَّيْلِ أَوْ فِي وَكْرِهَا أَوْ بِالنَّهَارِ عَيْنًا مُحْرِمًا لِلْعُمْرَةِ أَوْ الْحَجِّ

Abu Ja'far<sup>-asws</sup> said: 'In the de-consecrated area or consecrated? Knowingly or ignorantly? Deliberately or mistakenly? Small (prey) or big? (Is he) a freeman or a slave? Initiating or in confrontation? From the birds or others from the small prey, or from their big ones? Persistently or regretfully? Pelting it at night or in its nest or at daytime? Intending his Ihraam for the Umrah or for the Hajj?'

فَانْقَطَعَ يَحْيَى انْقِطَاعًا لَمْ يَخَفْ عَلَى أَحَدٍ مِنْ أَهْلِ الْمَجْلِسِ وَ تَحَيَّرَ النَّاسُ تَعَجُّبًا مِنْ جَوَابِهِ وَ قَسَطَ [نَشِطَ] الْمَأْمُونُ فَقَالَ خُطِّبُ أَبَا جَعْفَرٍ عَ لِنَفْسِكَ

Yahya interrupted cutting him<sup>-asws</sup> off. It was not hidden unto anyone from the people of the gathering, and the people were confused, astonished from his<sup>-asws</sup> answer, and Al-Mamoun was activated. He said, 'Address, O Abu Ja'far<sup>-asws</sup>, for yourself<sup>-asws</sup>!'

<sup>1050</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 21

فَقَامَ ع فَقَالَ الْحَمْدُ لِلَّهِ مُنْعِمِ النِّعَمِ بِرَحْمَتِهِ وَ الْهَادِي لِإِفْضَالِهِ بِتَنَّةِ وَصَلَّى اللَّهُ عَلَى خَيْرِ خَلْقِهِ الَّذِي جَمَعَ فِيهِ مِنَ الْفَضْلِ مَا فَوَّقَهُ [فَرَّقَهُ] فِي الرُّسُلِ قَبْلَهُ وَ جَعَلَ ثَرَاتَهُ إِلَى مَنْ حَصَّهُ بِإِحْلَافَتِهِ وَ سَلَّمَ تَسْلِيمًا

He<sup>-asws</sup> stood up. He<sup>-asws</sup> said: 'The Praise is for Allah<sup>-azwj</sup>, Bestower of the bounties by His<sup>-azwj</sup> Mercy, and the Guide to His<sup>-azwj</sup> Grace by His<sup>-azwj</sup> Conferment, and may the Salawaat of Allah<sup>-azwj</sup> be upon the best of His<sup>-azwj</sup> creatures in whom He<sup>-azwj</sup> Gathered the merits that distinguished him<sup>-saww</sup> among the Messengers<sup>-as</sup> before him<sup>-saww</sup>, and Made his<sup>-saww</sup> inheritance to the one He<sup>-azwj</sup> Specialised with his<sup>-saww</sup> caliphate, and the abundant greetings.

وَ هَذَا أَمِيرُ الْمُؤْمِنِينَ رَوَّجَنِي ابْنَتَهُ عَلَى مَا جَعَلَ اللَّهُ لِلْمُسْلِمِينَ عَلَى الْمُسْلِمِينَ مِنْ إِمْسَاكِ بِمَعْرِفٍ أَوْ تَشْرِيحٍ بِإِحْسَانٍ وَ قَدْ بَدَّلْتُ لَهَا مِنْ الصَّدَاقِ مَا بَدَّلَهُ رَسُولُ اللَّهِ ص لِأَزْوَاجِهِ خَمْسِمِائَةَ دِرْهَمٍ وَ تَحْلُتُهَا مِنْ مَالِي مِائَةُ أَلْفٍ دِرْهَمٍ رَوَّجَنِي يَا أَمِيرَ الْمُؤْمِنِينَ

And this commander of the faithful is marrying (his daughter) to me<sup>-asws</sup> upon what Allah<sup>-azwj</sup> has Made for the Muslims upon the Muslims, either keeping them in kindness or releasing them with good treatment. I<sup>-asws</sup> have given her as dowry what Rasool-Allah<sup>-saww</sup> had given, five hundred Dirhams, and I<sup>-asws</sup> have additionally granted her one hundred thousand Dirhams from my<sup>-asws</sup> own wealth. Do you marry her to me<sup>-asws</sup>, O commander of the faithful?'

فَقَالَ الْمَأْمُونُ الْحَمْدُ لِلَّهِ إِفْرَاراً بِنِعْمَتِهِ وَ لَا إِلَهَ إِلَّا اللَّهُ إِحْلَاصاً لِعَظَمَتِهِ وَ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ عَبْدِهِ وَ خَيْرَتِهِ وَ كَانَ مِنْ قَضَاءِ اللَّهِ عَلَى الْأَنَامِ أَنْ أَعْنَاهُمْ بِالْحَلَالِ عَنِ الْحَرَامِ

Al-Mamoun said, 'The Praise is for Allah<sup>-azwj</sup> acknowledging His<sup>-azwj</sup> bounties, and there is no god except Allah<sup>-azwj</sup>, purely for His<sup>-azwj</sup> Magnificence, and may Allah<sup>-azwj</sup> Send Salawaat upon Muhammad<sup>-saww</sup> His<sup>-azwj</sup> servant and His<sup>-azwj</sup> Choice, and it has been from the Decree of Allah<sup>-azwj</sup> upon the people in order to Make them self-sufficient with the Permissible, from the Prohibited!

فَقَالَ وَ أَنْكِحُوا الْأَيَامَى مِنْكُمْ وَ الصَّالِحِينَ مِنْ عِبَادِكُمْ وَ إِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَ اللَّهُ وَاسِعٌ عَلِيمٌ

He<sup>-azwj</sup> Said: **And marry the single ones from you, and the righteous ones from your slaves and maids. If they happen to be poor, Allah would Enrich them from His Grace, and Allah is Capacious, Knowing [24:32].**

ثُمَّ إِنَّ مُحَمَّدَ بْنَ عَلِيٍّ خَطَبَ أُمَ الْفَضْلِ بِنْتَ عَبْدِ اللَّهِ وَ بَدَّلَ لَهَا مِنَ الصَّدَاقِ خَمْسِمِائَةَ دِرْهَمٍ وَ قَدْ رَوَّجْتُهَا فَهَلْ قَبِلَتْ يَا أَبَا جَعْفَرٍ

Then, Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup> hereby proposes to Umm Al-Fazl, daughter of Abdullah, and spends for her a dowry of five hundred Dirhams, and I marry her to him<sup>-asws</sup>. So, do you<sup>-asws</sup> accept, O Abu Ja'far<sup>-asws</sup>!'

قَالَ أَبُو جَعْفَرٍ ع قَدْ قَبِلْتُ هَذَا التَّزْوِيجَ بِهَذَا الصَّدَاقِ

Abu Ja'far<sup>-asws</sup> said: 'I<sup>-asws</sup> have accepted this marriage, with this dowry!'

ثُمَّ أَوَمَّ عَلَيْهِ الْمَأْمُونُ فَجَاءَ النَّاسُ عَلَى مَرَاتِبِهِمْ فَبَيَّنَا نَحْنُ كَذَلِكَ إِذْ سَمِعْنَا كَلَاماً كَأَنَّهُ كَلَامُ الْمَلَاحِينَ فَإِذَا نَحْنُ بِالْحَدَمِ يُجْرُونَ سَفِينَةً مِنْ فِصَّةٍ تَمْلُؤُهُ عَالِيَةٌ فَصَبَعُوا بِهَا لِحَى الْخَاصَّةِ ثُمَّ مَدُّوْهَا إِلَى دَارِ الْعَامَّةِ فَطَيَّبُوْهُمْ تَمَامَ الْحَبْرِ.

Then Al-Mamoun held a wedding feast for him, and people came according to their ranks. While we were in that state, we heard voices like those of sailors, and behold, servants were pulling along a boat made of silver, filled with perfumes of great value. They dyed the beards of the distinguished guests with it, then extended it to the common people and perfumed them as well. The complete Hadeeth".<sup>1051</sup>

قَالَ قَدْ مَضَى بِسَنَدَيْنِ فِي أَتَوَابِ الْجَوَادِ ع أَنَّهُ لَمَّا أَرَادَ الْمَأْمُونُ أَنْ يُزَوِّجَهُ ابْنَتَهُ قَالَ لَهُ أَعْطُبْ يَا أَبَا جَعْفَرٍ

I say, 'It has already passed with two chains of attribution in the chapter on the history of Al-Jawad<sup>-asws</sup> that when Al-Mamoun wanted to marry his daughter to him<sup>-asws</sup>, he said to him<sup>-asws</sup>, 'Will you<sup>-asws</sup> address, O Abu Ja'far<sup>-asws</sup>?'

أَقَالَ نَعَمْ يَا أَمِيرَ الْمُؤْمِنِينَ

He<sup>-asws</sup> said: 'Yes, O commander of the faithful!'

فَقَالَ لَهُ الْمَأْمُونُ اخْطُبْ لِنَفْسِكَ جُعِلَتْ فِدَاكَ فَقَدْ رَضِيْتُكَ لِنَفْسِي وَ أَنَا مُزَوِّجُكَ أُمَّ الْفَضْلِ ابْنَتِي وَإِنْ رَغِمَ قَوْمٌ لَذَلِكَ

Al-Mamoun said to him<sup>-asws</sup>, 'Address for yourself<sup>-asws</sup>, may I be sacrificed for you<sup>-asws</sup>, for I have agreed for myself, and I shall get my daughter married to you<sup>-asws</sup> and even if it rubs the noses of the people at that!'

فَقَالَ أَبُو جَعْفَرٍ ع الْحَمْدُ لِلَّهِ إِفْرَاراً بِنِعْمَتِهِ وَ لَا إِلَهَ إِلَّا اللَّهُ إِخْلَاصاً لَوْحْدَانِيَّتِهِ وَ صَلَّى اللَّهُ عَلَى سَيِّدِ بَرِيَّتِهِ وَ الْأَصْفِيَاءِ مِنْ عَشْرَتِهِ

Abu Ja'far<sup>-asws</sup> said: 'The Praise is for Allah<sup>-azwj</sup> in acknowledgement of His<sup>-azwj</sup> bounties, and there is no god except Allah<sup>-azwj</sup>, sincerely to His<sup>-azwj</sup> Oneness, and may Allah<sup>-azwj</sup> Send Salawaat upon the chief of His<sup>-azwj</sup> created beings, and the elites from his<sup>-saww</sup> family!

أَمَّا بَعْدُ فَقَدْ كَانَ مِنْ فَضْلِ اللَّهِ عَلَى الْأَنَامِ أَنْ أَغْنَاهُمْ بِالْحَالِلِ عَنِ الْحَرَامِ فَقَالَ سُبْحَانَهُ وَ أَنْكِحُوا الْأَيَامَى مِنْكُمْ وَ الصَّالِحِينَ مِنْ عِبَادِكُمْ وَ إِمَائِكُمْ إِنْ يَكُونُوا فَقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَ اللَّهُ وَاسِعٌ عَلِيمٌ

As for after, it has been from the Grace of Allah<sup>-azwj</sup> upon the people that He<sup>-azwj</sup> Makes them self-sufficient with the Permissible from the Prohibited. He<sup>-azwj</sup> the Glorious Said: **and marry the single ones from you, and the righteous ones from your slaves and maids. If they happen to be poor, Allah would Enrich them from His Grace, and Allah is Capacious, Knowing [24:32].**

ثُمَّ إِنَّ مُحَمَّدَ بْنَ عَلِيٍّ بْنِ مُوسَى يَخْطُبُ أُمَّ الْفَضْلِ بِنْتَ عَبْدِ اللَّهِ الْمَأْمُونِ وَ قَدْ بَدَّلَ لَهَا مِنَ الصَّدَاقِ مَهْرَ جَدَّتِهِ فَاطِمَةَ بِنْتَ مُحَمَّدٍ ص وَ هُوَ خَمْسِمِائَةِ دِرْهَمٍ حِينَئِذٍ فَهَلْ زَوَّجَتْهُ يَا أَمِيرَ الْمُؤْمِنِينَ بِهَا عَلَى هَذَا الصَّدَاقِ الْمَذْكُورِ

Then, Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup> Bin Musa<sup>-asws</sup> hereby proposes to Umm Al-Fazeyl daughter of Abdullah Al-Mamoun, and he<sup>-asws</sup> spends for her a dowry of his<sup>-asws</sup> grandmother<sup>-asws</sup>

<sup>1051</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 22 a

(Syeda) Fatima<sup>-asws</sup>, daughter<sup>-asws</sup> of Muhammad<sup>-saww</sup>, and it is five hundred Dirhams generously. So, do you marry her to him<sup>-asws</sup> upon this mentioned dower?’

فَقَالَ الْمَأْمُونُ نَعَمْ زَوَّجْتُكَ يَا أَبَا جَعْفَرٍ أُمُّ الْفَضْلِ بِنْتُ عَلِيِّ الصَّدَاقِ الْمَذْكُورِ فَهَلْ قَبِلْتَ النِّكَاحَ

Al-Mamoun said, ‘Yes O Abu Ja’far, I have married my daughter Umm Al-Fazl to you based upon the mentioned dowry. So, do you<sup>-asws</sup> accept the marriage?’

قَالَ أَبُو جَعْفَرٍ قَدْ قَبِلْتُ ذَلِكَ وَ رَضِيتُ بِهِ.

Abu Ja’far<sup>-asws</sup> said: ‘I<sup>-asws</sup> have accepted that and am pleased with it!’<sup>1052</sup>

23- ب، قرب الإسناد علي بن جعفر قال: كُنْتُ مَعَ أَخِي فِي طَرِيقٍ بَعْضُ أَمْوَالِهِ وَ مَا مَعَنَا غَيْرُ غُلَامٍ لَهُ فَقَالَ لَهُ تَنَحَّ يَا غُلَامُ فَإِنِّي أُرِيدُ أَنْ أَتَحَدَّثَ

(The book) ‘Qurb Al Isnaad’ -

‘Ali son of Ja’far<sup>-asws</sup> said, ‘I was with my brother (Al-Kazim<sup>-asws</sup>) in a street in one of his<sup>-asws</sup> properties and there was no one with us except a slave of his<sup>-asws</sup>. He<sup>-asws</sup> said to him: ‘Stay aside O slave, for I<sup>-asws</sup> want to narrate!’

فَقَالَ لِي مَا تَقُولُ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فِي هَذَا الْمَوْضِعِ وَ فِي غَيْرِهِ بِلاَ بَيِّنَةٍ وَ لَا شُهُودٍ

He<sup>-asws</sup> said to me: ‘What are you saying regarding a man who marries a woman in this place and elsewhere without any proof nor witnesses?’

فَقُلْتُ يُكْرَهُ ذَلِكَ

I said, ‘That is disliked’.

فَقَالَ لِي بَلَى فَإِنَّكِحْهَا فِي هَذَا الْمَوْضِعِ وَ فِي غَيْرِهِ بِلاَ شُهُودٍ وَ لَا بَيِّنَةٍ.

He<sup>-asws</sup> said to me: ‘Yes, he can marry her in this place and elsewhere without any witnesses or proof!’<sup>1053</sup>

24- ب، قرب الإسناد ابن عيسى عَنِ الْبَرْنَطِيِّ عَنِ الرِّضَا ع قَالَ: فِي الْبِكْرِ إِذَا صَمَتَتْهَا وَ اللَّيْبُ أَمْرُهَا إِلَيْهَا.

(The book) ‘Qurb Al Isnaad’ – Ibn Isa, from Al Bazanty,

‘From Al-Reza<sup>-asws</sup> having said regarding a virgin: ‘Her silence is her permission, and (as for) the married her matter is up to her’.<sup>1054</sup>

<sup>1052</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 22 b

<sup>1053</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 23

<sup>1054</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 24

25- ل، الخصال ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في خبر الشامي أنه قال أمير المؤمنين ع يوم الجمعة يوم خطبة و نكاح.

(The book) 'Al-Khisal', (and) 'Ilal Al-Sharaie', (and) 'Uyoun Akhbar Al-Reza<sup>asws</sup>', in a Hadeeth of the Syrian, Amir Al-Momineen<sup>asws</sup> said: 'The day of Friday is a day of proposing and the marriage'.<sup>1055</sup>

26- ع، علل الشرائع ابن الوليد عن الصفار عن ابن هاشم عن دُرست عن محمد بن عطية عن زرارة قال قال أبو جعفر ع إنما جعلت الشهادة في النكاح للميراث.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from the one who mentioned it, from Dorost, from Muhammad Bin Atiya, from Zurarah who said,

'Abu Ja'far<sup>asws</sup> said: 'But rather, the witnessing in the marriage is made to be for the inheritances'.<sup>1056</sup>

27- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع السناني عن الأسدي عن عبد العظيم الحسيني عن أبي الحسن الثالث عن أبيه عن أبي جعفر الباقر ع قال: يُكره للرجل أن يجامع في أول ليلة من الشهر و في وسطه و في آخره فإنه من فعل ذلك خرج الولد مجنوناً لا تری أن المجنون أكثر ما يُصرغ في أول الشهر و وسطه و آخره.

(The book) 'Uyoun Akhbar Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup>, (and) 'Ilal Al Sharaie' – Al Sinani, from Al Asady, from Abdul Azeem Al Hasany,

From Abu Al-Hassan<sup>asws</sup> the 3<sup>rd</sup>, from his<sup>asws</sup> forefathers<sup>asws</sup>, from Abu Ja'far Al-Baqir<sup>asws</sup> having said: 'It is disliked for the man that he has a union during the first night of the month, and in its middle, and in its end, for the one who does that, the child will come out as insane. Don't you see that the insane are mostly seized (by fits) in the beginning of the month, and its middle, and its end?'<sup>1057</sup>

28- و قال ع من تزوج في القمر في العُزْب لم ير الحسنى.

And he<sup>asws</sup> said: 'One who gets married while the moon is in Scorpio will not see goodness'.<sup>1058</sup>

29- و قال ع من تزوج في محاق الشهر فليسلم لِسْفَطِ الْوَلَدِ.

And he<sup>asws</sup> said: 'One who gets married during the waning phase of the moon should be prepared for the likelihood of miscarriage'.<sup>1059</sup>

30- ما، الأماشي للشيخ الطوسي عن الضحاك بن مزاحم في خبر تزويج فاطمة ع أن علياً ع قال فزوجني رسول الله ص ثم أتاني فأخذ بيدي فقال ثم باسم الله و قل على بركة الله و ما شاء الله لا قوة إلا بالله توكلت على الله

<sup>1055</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 25

<sup>1056</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 26

<sup>1057</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 27

<sup>1058</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 28

<sup>1059</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 29

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Zahhak Bin Muzahim,

'In a Hadeeth regarding the marriage of (Syeda) Fatima<sup>-asws</sup>, Ali<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> got me<sup>-asws</sup> married, then came to me<sup>-asws</sup>. He<sup>-saww</sup> grabbed my<sup>-asws</sup> hand. He<sup>-saww</sup> said: 'In the Name of Allah<sup>-azwj</sup>, and say: 'Upon the Blessings of Allah<sup>-azwj</sup>, and whatever Allah<sup>-azwj</sup> so Desires! There is no strength except with Allah<sup>-azwj</sup>! I<sup>-asws</sup> rely upon Allah<sup>-azwj</sup>!''

ثُمَّ جَاءَ بِي حَتَّى أَقْعَدَنِي عِنْدَهَا ثُمَّ قَالَ اللَّهُمَّ إِنِّمَا أَحَبُّ خَلْقِكَ إِلَيَّ فَأَحْبِبْهُمَا وَ بَارِكْ فِي ذُرِّيَّتِهِمَا وَ اجْعَلْ عَلَيْهِمَا مِنْكَ حَافِظًا وَ إِنِّي أُعِيدُهُمَا بِكَ وَ ذُرِّيَّتَهُمَا مِنَ الشَّيْطَانِ الرَّجِيمِ.

Then he<sup>-saww</sup> came with me<sup>-asws</sup> until he<sup>-saww</sup> made me<sup>-asws</sup> seated in her<sup>-asws</sup> presence, then said: 'O Allah<sup>-azwj</sup>! Both of them<sup>-asws</sup> are the most beloved of Your<sup>-azwj</sup> creatures to me<sup>-saww</sup>, so Love them<sup>-asws</sup> and Bless in their<sup>-asws</sup> offspring, and Make upon them<sup>-asws</sup> a protector from You<sup>-azwj</sup>, and I<sup>-saww</sup> seek Refuge with You<sup>-azwj</sup> for them<sup>-asws</sup> and their<sup>-asws</sup> offspring from the Pelted Satan<sup>-la</sup>'.<sup>1060</sup>

31- ما، الأماالي للشيخ الطوسي أبو عمرو عن ابن عقدة عن محمد بن أحمد بن الحسن عن موسى بن إبراهيم المروزي عن موسى بن جعفر عن أبيه عن جدّه ع عن جابر بن عبد الله قال: لما زوج رسول الله ص فاطمة من عليّ أتاه أناس من قُرَيْشٍ فقالوا إِنَّكَ زَوَّجْتَ عَلِيًّا بِمَهْرٍ خَسِيسٍ

(The book) 'Al Amaali' of the Sheykh Al Tusi – Abu Amro, from Ibn Uqdah, from Muhammad Bin Ahmad Bin Al-Hassan, from Musa Bin Ibrahim Al Marouzy,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup>, from Jabir Bin Abdullah<sup>-ra</sup> having said, 'When Rasool-Allah<sup>-saww</sup> got (Syeda) Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>, some people from Qureysh came to him<sup>-saww</sup>. They said, 'You<sup>-saww</sup> have got her<sup>-asws</sup> married to Ali<sup>-asws</sup> with a lowly dowry!'

فَقَالَ مَا أَنَا زَوَّجْتُ عَلِيًّا وَ لَكِنَّ اللَّهَ عَزَّ وَ جَلَّ زَوَّجَهُ لَيْلَةَ أُسْرِي بِي عِنْدَ سِدْرَةِ الْمُنْتَهَى أَوْحَى اللَّهُ إِلَيَّ السِّدْرَةَ أَنْ انْثَرِي مَا عَلَيْكَ فَتَنَّتِ الدُّرُّ وَ الْجَوْهَرُ وَ الْمَرْجَانُ فَابْتَدَرَتِ الْحُورُ الْعَيْنُ فَالْتَقَطْنَ فُهْنٌ يَتَهَادَيْنَهُ وَ يَتَفَاخَرْنَ وَ يَقُلْنَ هَذَا مِنْ نِثَارِ فَاطِمَةَ بِنْتِ مُحَمَّدٍ ع

He<sup>-saww</sup> said: 'It was not I<sup>-saww</sup> who got her<sup>-asws</sup> married to Ali<sup>-asws</sup>, but Allah<sup>-azwj</sup> Mighty Who got him<sup>-asws</sup> married on the night there was ascension with me<sup>-saww</sup> at Sidrat Al-Muntaha. Allah<sup>-azwj</sup> Revealed to the Sidrah: "Sprinkle whatever is upon you!" It sprinkled the gems, and the jewels, and the coral. The Maiden Houries rushed to pick these up. They are gifting it to each other and saying, 'This is from the confetti of (Syeda) Fatima<sup>-asws</sup> daughter<sup>-asws</sup> of Muhammad<sup>-saww</sup>!'

فَلَمَّا كَانَتْ لَيْلَةُ الرَّفَافِ أَتَى النَّبِيَّ ص بِبَغْلَتِهِ الشَّهْبَاءِ وَ ثَنَى عَلَيْهَا قَطِيفَةً وَ قَالَ لِفَاطِمَةَ ارْكَبِي وَ أَمَرَ سَلْمَانَ أَنْ يَقُودَهَا وَ النَّبِيُّ ص يَسُوقُهَا

When it was the night of the escorting, the Prophet<sup>-saww</sup> came with his<sup>-saww</sup> mule, Al-Shahba, and laid a cloak upon it and said to (Syeda) Fatima<sup>-asws</sup>: 'Ride!', and instructed Salman<sup>-ra</sup> to lead it while the Prophet<sup>-saww</sup> was ushering it.

فَبَيْنَمَا هُوَ فِي بَعْضِ الطَّرِيقِ إِذْ سَمِعَ النَّبِيَّ ص وَجِبَةً فَإِذَا هُوَ بِ جَبْرِئِيلَ فِي سَبْعِينَ أَلْفًا وَ مِكَائِيلَ فِي سَبْعِينَ أَلْفًا فَقَالَ النَّبِيُّ ص مَا أَهْبَطَكُمُ إِلَى الْأَرْضِ

While he<sup>-saww</sup> was in one of the streets when the Prophet<sup>-saww</sup> heard some noise. Behold, he<sup>-saww</sup> was with Jibraeel<sup>-as</sup> among seventy thousand, and Mikaeel<sup>-as</sup> among seventy thousand (Angels). The Prophet<sup>-saww</sup> said: 'What made you all to descend to the earth?'

قَالُوا جِئْنَا نَزْفُ فَاِطْمَءِ إِلَى عَلِيٍّ بْنِ أَبِي طَالِبٍ

They said, 'We have come to escort (Syeda) Fatima<sup>-asws</sup> to Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>!'

فَكَبَّرَ جِبْرِئِيلُ وَكَبَّرَ مِيكَائِيلُ وَكَبَّرَتِ الْمَلَائِكَةُ وَكَبَّرَ مُحَمَّدٌ ص فَوَقَعَ التَّكْبِيرُ عَلَى الْعَرَائِسِ مِنْ تِلْكَ اللَّيْلَةِ.

Jibraeel<sup>-as</sup> exclaimed Takbeer, and Mikaeel<sup>-as</sup> exclaimed Takbeer, and Muhammad<sup>-saww</sup> exclaimed Takbeer. Thus, the (exclamation of) Takbeer fell upon the weddings (as a tradition), from that night".<sup>1061</sup>

32- ما، الأمايلي للشيخ الطوسي. جماعة عن ابن الفضل عن الفضل بن محمد عن هارون بن عمرو المصاشي عن محمد بن جعفر بن محمد عن عيسى بن يزيد عن صفعي بن عبد الرحمن بن محمد بن علي بن هبار عن أبيه عن أبيه عن جدّه عليّ قال: اجتمع النبي ص بدار عليّ بن هبار فسمع صوت دفّ فقال ما هذا

(The book) 'Al Amaali' of the Sheykh Al Tusi — A group, from Ibn Al Mufazzal, from Al Fazl Bin Muhammad, from Haroun Bin Amro Al Mujashie, from Muhammad Bin Ja'far Bin Muhammad, from Isa Bin Yazeed, from Saifi Bin Abdul Rahman Bin Muhammad Bin Ali Bin Habbar, from his father, from his father,

~~'From his grandfather Ali<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> passed by the house of Ali Bin Habbar. He<sup>-saww</sup> heard the voice of a tambourine. He<sup>-saww</sup> said: 'What is this?'~~

قَالُوا عَلِيٌّ بْنُ هَبَّارٍ أُعْرِسَ بِأَخِيهِ

They said, 'Ali Bin Habbar is with his family getting married!'

فَقَالَ ص حَسَنٌ هَذَا النِّكَاحُ لَا الْبَيْعُ

He<sup>-saww</sup> said: 'Excellent! This is the marriage, not the fornication!'

ثُمَّ قَالَ ص أَسْبِدُوا النِّكَاحَ وَاعْلَمُوهُ بَيْنَكُمْ وَاضْرِبُوا عَلَيْهِ بِالْدَفِّ

~~Then he<sup>-saww</sup> said: 'Support the marriage and announce it between you, and strike the tambourine upon it!'~~

فَجَرَتْ السُّنَّةُ فِي النِّكَاحِ بِذَلِكَ.

~~The Sunnah (practice) flowed with that during the marriage'.<sup>1062</sup>-(the earlier party of the Hadith contradicts its later part)~~

<sup>1061</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 31

<sup>1062</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 32



33- ل، الخصال فيما أوصى به النبي ص علياً ع يا علي لا وليمة إلا في خمس في عرس أو خرس أو عذار أو وكر أو ركاز والعرس التزويج والخرس النفاس بالوليد والعذار الحتان والوكاز في شرى الدار والركاز الذي يقدم من مكة.

(The book) 'Al Khisaal' -

'Among what the Prophet<sup>-saww</sup> advised Ali<sup>-asws</sup> with: 'O Ali<sup>-asws</sup>! There is no feast except in five – in 'Urs', or 'Khurs', or 'Izar', or 'Wikar', or 'Rikaz'; and the 'Urs' is the marriage, and the 'Khurs' is the post-childbirth bleeding, and the 'Izar' is the circumcision, and the 'Wikar' is buying the house, and the 'Rikar' is arriving from Makkah (after Hajj)'.<sup>1063</sup>

34 ل، الخصال ماجيلويه عن عبيد بن الأبراهيم عن ابن أبي عثمان عن موسى بن بكر عن أبي الحسن الأول ع مثله.

(The book) 'Al Khisaal' – Majaylawiya, from his uncle, from Al Barqy, from Ibn Abu Usman, from Musa Bin Bakr, from Abu Al-Hassan<sup>-asws</sup>, similar to it.<sup>1064</sup>

35 مع، معاني الأخبار ابن الوليد عن محمد العطار عن الأشعري عن الجائوزي عن ابن أبي عثمان مثله.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Muhammad Al Attat, from Al Ashtary, from Al Jamourany, from Ibn Abu Usman - similar to it.<sup>1065</sup>

36- مع، معاني الأخبار أبي عن سعد عن الأصبهاني عن المنقري يرفع الحديث قال قال رسول الله ص أخذتموهن بأمانة الله واستحللتم فروجهن بكلمات الله فأما الأمانة فهي التي أخذ الله عز وجل على آدم حين زوجه حواء

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Al Asbahany, from Al Munqary raising the Hadeeth who said,

'Rasool-Allah<sup>-saww</sup> said: 'Take them (wives) as an entrustment of Allah<sup>-azwj</sup>, and you are legalising their private parts due to the Words of Allah<sup>-azwj</sup>. As for the entrustment, it is which Allah<sup>-azwj</sup> Mighty and Majestic Took upon Adam<sup>-as</sup> when He<sup>-azwj</sup> Married him<sup>-as</sup> to Hawwa<sup>-as</sup>.

و أما الكلمات فهي الكلمات التي شرط الله عز وجل بها على آدم أن يعبدني ولا يشرك به شيئاً ولا يزني ولا يتخذ من دونه ولياً.

And as for the Words, these are the Words which Allah<sup>-azwj</sup> Mighty and Majestic Stipulated with upon Adam<sup>-as</sup> that he<sup>-as</sup> should worship Him<sup>-azwj</sup> and not associate anything with Him<sup>-azwj</sup>, nor commit adultery, nor take any confidant other than Him<sup>-azwj</sup>'.<sup>1066</sup>

37- سن، المحاسن أبي عن يونس عن ابن مسكان عن زبارة عن أبي جعفر ع قال: إنما وضعت الشهادة للنكاح لمكان الميراث.

(The book) 'Al Mahasin' – My father, from Yunus, from Ibn Muskan, from Zurara,

<sup>1063</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 33

<sup>1064</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 34

<sup>1065</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 35

<sup>1066</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 36

‘From Abu Ja’far<sup>-asws</sup> having said: ‘But rather, the witnessing has been placed for the marriage due to the place of the inheritance’.<sup>1067</sup>

38- سن، المحاسن بغض أصحابنا عن ابن أسباط عن إبراهيم بن محمد بن حمزان عن أبيه عن أبي عبد الله ع قال: مَنْ سَافَرَ أَوْ تَزَوَّجَ وَ الْقَمَرُ فِي الْعَقَرِ لَمْ يَرَ الْحُسْنَى.

(The book) ‘Al Mahasin’ – One of our companion, from Ibn Asbaat, from Ibrahim Bin Muhammad Bin Humran, from his father,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘One who travels or gets married while the moon is in the Scorpio will not see the goodness’.<sup>1068</sup>

39- سن، المحاسن النوفلي عن السكوني بإسناده قال قال رسول الله ص الوليمة في أربع الغرس والحرس وهو المؤلود يعق عنه و يطعم له و العذار و هو ختان الغلام و الإياب و هو الرجل يدعو إخوانه إذا أب من غيبته.

(The book) ‘Al Mahasin’ – Al Nowfaly, from Al Sakuni by his chain, said,

‘Rasool-Allah<sup>-saww</sup> said: ‘The banquet in in four – The wedding, and ‘Al-Khurs’, and it is the new-born to perform Aqeeqa on his behalf and feeding for him, and ‘Al-Izar’, and it is circumcision of the boy, and ‘Al-Iyab’, and it is the man who invites his brother when he returns from his absence’.<sup>1069</sup>

40- سن، المحاسن ابن فضال رفعه إلى أبي جعفر ع قال: الوليمة يوماً أو يومين مكرمة و ثلاثه أيام رياء و سمعة.

(The book) ‘Al Mahasin’ – Ibn Fazzal raising it to,

Abu Ja’far<sup>-asws</sup> said: ‘The banquet for a day or two days is honourable, and three days is a show off and (for) reputation’.<sup>1070</sup>

41- سن، المحاسن النوفلي عن السكوني عن أبي عبد الله ع قال قال رسول الله ص أول يوم حق و الثاني معروف و ما زاد رياء و سمعة.

(The book) ‘Al Mahasin’ – Al Nowfali, from Al Sakuni,

‘From Abu Abdullah<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘The first day (of banquet) is a right, and the second is an act of kindness, and whatever exceeds is a show-off and (for) reputation’.<sup>1071</sup>

42- سن، المحاسن النوفلي عن أبي الحسن الرضا ع يقول إن النجاشي لما خطب لرسول الله ص أم حبيبة آمنة بنت أبي سفيان فزوجه دعا بطعام و قال إن من سنن المرسلين الإطعام عند التزويج.

<sup>1067</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 37

<sup>1068</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 38

<sup>1069</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 39

<sup>1070</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 40

<sup>1071</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 41

(The book) 'Al Mahasin' – Al Washa,

'From Abu Al-Hassan Al-Reza<sup>-asws</sup>, he<sup>-asws</sup> said: 'When Al-Najashi brought the proposal to Rasool-Allah<sup>-saww</sup> of Umm Habeeba Aamina Bint Abu Sufyan, he<sup>-saww</sup> married her. He<sup>-saww</sup> called for the meal and said, 'It is from the practice of the Messengers<sup>-as</sup> to feed after the marriage'.<sup>1072</sup>

43- سن، المحاسن أبي عن ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قال: إِنَّ رَسُولَ اللَّهِ ص حِينَ تَزَوَّجَ مَيْمُونَةَ بِنْتَ الْحَارِثِ أَوَّلَ مَا عَلِيَهَا وَ أَطْعَمَ النَّاسَ الْحَيْسَ.

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Hisham Bin Salim, '

'From Abu Abdullah<sup>-asws</sup> having said: 'When Rasool-Allah<sup>-saww</sup> married Maymouna Bin Al-Haris<sup>-ra</sup>, he<sup>-saww</sup> had a banquet upon it and fed the people 'Al-Hareys''.<sup>1073</sup>

44- سن، المحاسن بغض العزاقين عن إبراهيم عن عتبة عن جعفر القلانسي عن أبيه قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّا نَتَّخِذُ الطَّعَامَ وَ نُجَيِّدُهُ وَ نَتَنَوَّقُ فِيهِ فَلَا يَكُونُ لَهُ زَائِحَةُ طَعَامِ الْغُرْسِ

(The book) 'Al Mahasin' – One of the Iraqis, from Ibrahim, from Uqba, from Ja'far Al Qalanisy, from his father who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'We take the food, make it exquisite, and decorate it, yet it does not have the aroma of the wedding food'.

قَالَ ذَلِكَ لِأَنَّ طَعَامَ الْغُرْسِ هُبُّ فِيهِ زَائِحَةُ الْجَنَّةِ لِأَنَّهُ طَعَامٌ أُخِذَ لِلْخَلَالِ.

He<sup>-asws</sup> said: 'That is because the wedding meal, the aroma of Paradise is blown into it, because food has been prepared for the Permissible (occasion)'.<sup>1074</sup>

45- سن، المحاسن أبي عن ابن أبي عمير عن حماد بن عثمان قال: أَوَّلَ إِسْمَاعِيلَ رَهْ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع عَلَيْكَ بِالْمَسَاكِينِ فَأَشْبِعَهُمْ فَإِنَّ اللَّهَ يَقُولُ وَ مَا يُبْدِي الْبَاطِلُ وَ مَا يُعِيدُ.

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Hammad Bin Usman who said,

'Ismail had a banquet, so Abu Abdullah<sup>-asws</sup> said to him: 'Upon you is with (feeding) the poor, so satiate them, for Allah<sup>-azwj</sup> Says: **and what the falsehood started, will not be restored**' [34:49]'.<sup>1075</sup>

46- ضا، فقه الرضا عليه السلام إِذَا أُذْخِلْتَ عَلَيْكَ فَخْذُ بَنَاتِيهَا وَ اسْتَقْبِلِ الْقَبْلَةَ وَ قُلِ اللَّهُمَّ أَمَانِي أَخَذْتُهَا وَ بِيْتَايَ اسْتَخَلَلْتُ فَرَجَهَا اللَّهُمَّ فَارْزُقْنِي مِنْهَا وَلَدًا مُبَارَكًا سَوِيًّا وَ لَا تَجْعَلْ لِلشَّيْطَانِ فِيهِ شِرْكَاً وَ لَا نَصِيْباً

<sup>1072</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 42

<sup>1073</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 43

<sup>1074</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 44

<sup>1075</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 45

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'When she is brought to you, hold her forelock and face the Qiblah and say, 'O Allah<sup>-azwj</sup>! I take her as my entrustment and have legalised her private parts by my covenant! O Allah<sup>-azwj</sup>! Grace me a Blessed child from her and do not Make for the Satan<sup>-la</sup> any participation in it nor any share!

وَاتَّقِ التَّزْوِيجَ إِذَا كَانَ الْقَمَرُ فِي الْعَقْرِ فَإِنَّ أَبَا عَبْدِ اللَّهِ ع قَالَ مَنْ تَزَوَّجَ وَ الْقَمَرُ فِي الْعَقْرِ لَمْ يَرَ خَيْرًا أَبَدًا.

And fear the marriage when the moon would be in the Scorpio, for Abu Abdullah<sup>-asws</sup> said: 'The one who gets married while the moon is in the Scorpio will not see goodness, ever!'<sup>1076</sup>

47- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ التُّوفَلِيِّ رَفَعَهُ إِلَى أَبِي جَعْفَرٍ ع قَالَ: إِذَا طَلَبْتُمُ الْحَوَائِجَ فَاطْلُبُوهَا بِالنَّهَارِ فَإِنَّ اللَّهَ جَعَلَ الْحَبَاءَ فِي الْعَيْنَيْنِ وَ إِذَا تَزَوَّجْتُمُ فَتَزَوَّجُوا بِاللَّيْلِ فَإِنَّ اللَّهَ جَعَلَ اللَّيْلَ سَكْنًا.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Al Fazl Al Nowfali raising it to,

'Abu Ja'far<sup>-asws</sup> having said: 'When you seek the needs, seek these at daytime for Allah<sup>-azwj</sup> has Made the modesty in the eyes, and when you get married, get married at night, for Allah<sup>-azwj</sup> has Made the night for rest''<sup>1077</sup>.

48- شي، تفسير العياشي عَنْ الْحُسَيْنِ بْنِ عَلِيٍّ ابْنِ بِنْتِ إِبْرَاهِيمَ قَالَ سَمِعْتُ أَبَا الْحَسَنِ الرِّضَا ع يَقُولُ إِنَّ اللَّهَ جَعَلَ اللَّيْلَ سَكْنًا وَ جَعَلَ النَّسَاءَ سَكْنًا وَ مِنَ السُّنَّةِ التَّزْوِيجُ بِاللَّيْلِ وَ إِطْعَامُ الطَّعَامِ.

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan Bin Ali son of Bint Ilyas who said,

'I heard Abu Al-Hassan Al-Reza<sup>-asws</sup> saying: 'Allah<sup>-azwj</sup> Made the night for rest, and Made the women (wives), and from the Sunnah is the marriage at night and feeding the food'.<sup>1078</sup>

49- شي، تفسير العياشي عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: تَزَوَّجُوا بِاللَّيْلِ فَإِنَّ اللَّهَ جَعَلَهُ سَكْنًا وَ لَا تَطْلُبُوا الْحَوَائِجَ بِاللَّيْلِ فَإِنَّهُ مُظْلِمٌ.

(The book) 'Tafseer Al Ayyashi' – From Ali Bin Uqba, from his father,

'From Abu Abdullah<sup>-asws</sup> having said: 'Get married at night, for Allah<sup>-azwj</sup> has Made it for rest, and do not seek the needs at night for it is darkness!''<sup>1079</sup>

<sup>1076</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 46

<sup>1077</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 47

<sup>1078</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 48

<sup>1079</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 63 H 49

## CHAPTER 64 – GOING TO THE WEDDINGS AND RULING ON WHAT IS SCATTERED IN IT

1- لي، الأماالي للصدوق ابن الوليد عن سعد بن ابن عيسى عن علي بن الحكم عن الحسين بن أبي العلاء عن الصادق عليه السلام عن أبيه ع قال قال أمير المؤمنين صلوات الله عليه دخلت أم أيمن على النبي ص و في ملحفتها شيء فقال لها رسول الله ص ما معك يا أم أيمن

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Sa'ad, from Ibn Isa, from Ali Bin Al Hakam, from Al Husayn Bin Abu Al A'ala,

'From Al-Sadiq<sup>-asws</sup>, may the greeting be upon him<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, said: 'Umm Ayman<sup>-ra</sup> was brought to the Prophet<sup>-saww</sup> and there was something in her blanket. Rasool-Allah<sup>-saww</sup> said to her: 'What is with you O Umm Ayman<sup>-ra</sup>?'

فَقَالَتْ إِنَّ فُلَانَةً أَمْلَكُوها فَنَثَرُوا عَلَيْها فَأَخَذْتُ مِنْ ثَنَائِهِمْ

She said, 'So and so woman had owned it. They sprinkled it upon her so I took from their confetti'.

ثُمَّ بَكَتُ أُمُّ أَيْمَنُ وَ قَالَتْ يَا رَسُولَ اللَّهِ فَاطِمَةُ زَوَّجْتَهَا وَ لَمْ تَنْثُرْ عَلَيْها شَيْئاً

Then Umm Ayman<sup>-ra</sup> wept and said, 'O Rasool-Allah<sup>-saww</sup>! You<sup>-saww</sup> got (Syeda) Fatima<sup>-asws</sup> married and nothing was sprinkled upon her<sup>-asws</sup>!'

فَقَالَ رَسُولُ اللَّهِ ص يَا أُمُّ أَيْمَنُ لَمْ تَكْذِبِينَ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ لَمَّا زَوَّجْتُ فَاطِمَةَ عَلَيْها أَمَرَ أَشْجَارَ الْجَنَّةِ أَنْ تَنْثُرَ عَلَيْهِمْ مِنْ خَلِيلِها وَ حُلِيِّها وَ يَافُوقِها وَ دُرِّها وَ زُرُّدِها وَ إِسْتَبْرَقِها فَأَخَذُوا مِنْها ما لَا يَعْلَمُونَ

Rasool-Allah<sup>-saww</sup> said: 'O Umm Ayman<sup>-ra</sup>! Why are you lying, for when Allah<sup>-azwj</sup> Mighty and Majestic Got (Syeda) Fatima<sup>-asws</sup> married to Ali<sup>-asws</sup>, He<sup>-azwj</sup> Commanded the trees of Paradise to Sprinkle upon them from their jewellery and their ornaments, and their sapphire, and their gems, and their emeralds, and their brocade. They took from these what they didn't even know.

وَ لَقَدْ نَحَلَ اللَّهُ طُوبَى فِي مَهْرٍ فَاطِمَةَ صَلَوَاتُ اللَّهِ عَلَيْها فَجَعَلَهَا فِي مَنْزِلٍ عَلَيَّ صَلَوَاتُ اللَّهِ عَلَيْهِ.

And Allah<sup>-azwj</sup> Granted (the tree of) Tooba as a dowry of (Syeda) Fatima<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon her<sup>-asws</sup>, so He<sup>-azwj</sup> Made it to be in the house of Ali<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>.<sup>1080</sup>

2- ب، قرب الإسناد هارون عن ابن زياد عن الصادق عن أبيه ع أَنَّ النَّبِيَّ ص قَالَ: إِذَا دُعِيتُمْ إِلَى الْغُرَسَاتِ فَأَبْطِئُوا فَإِنَّهَا تُذَكِّرُ الدُّنْيَا وَ إِذَا دُعِيتُمْ إِلَى الْجَنَائِزِ فَاسْرِعُوا فَإِنَّهَا تُذَكِّرُ الْآخِرَةَ.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Ziyad,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'The Prophet<sup>-sawww</sup> said: 'Whenever you are invited to the weddings, be slow for these remind of the world, and whenever you are called to the funerals, hasten, for these remind of the Hereafter'''.<sup>1081</sup>

3- ب، قرب الإسناد عليّ عن أخيه قال: سألته عن الثَّارِ الشُّكْرِ وَاللُّوزِ وَغَيْرِهِ أَيجِزُ أَكُلُهُ

(The book) 'Qurb Al Isnad' -

'Ali from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the sprinklings of the sugar and the almonds and other such, 'Is it Permissible to eat it?'

قَالَ يُكْرَهُ أَكُلُ النَّهْبِ.

He<sup>-asws</sup> said: 'It is disliked to eat the plunder'''.<sup>1082</sup>

باب 65 آداب الجماع و فضله و النهي عن امتناع كل من الزوجين منه و ما يحل من الانتفاعات و الحد الذي يجوز فيه الجماع و سائر أحكامه

## CHAPTER 65 – ETIQUETTES OF THE MARITAL INTIMACY AND THE REFUSAL FROM ENJOYMENT FROM IT BY EACH OF THE TWO SPOUSES, AND WHAT IS PERMISSIBLE FROM THE BENEFITS, AND THE LIMITS WITHIN WHICH THE MARITAL INTIMACY IS ALLOWED, AND REST OF ITS RULINGS

1- ع، علل الشرائع لي، الأمالي للصدوق الطالقاني عن الحسن بن عليّ العدوي عن يوسف بن يحيى الأصبهاني عن إسماعيل بن خاتم عن أحمد بن صالح بن سعيد عن عمرو بن حفص عن إسحاق بن نجيب عن حصيب عن مجاهد عن أبي سعيد الخدري قال: أوصى رسول الله ص عليّ بن أبي طالب ع فقال يا عليّ إذا دخلت العروس بيتك فاخلع حُفَّتَيْهَا حين تجلس و اغسل رجلَيْهَا و صب الماء من باب دارك إلى أقصى دارك

(The book) 'Ilal Al Sharaie', (and) 'Al Amaali' of Al Sadouq – Al Talaqany, from Al Hassan Bin Ali Al Adawy, from Yusuf Bin Yahya Al Asbahani, from Ismail Bin Hatim, from Ahmad Bin Salih, from Saeed, from Amro Bin Hafs, from Is'haq Bin Najeeh, from Huseyb, from Mujahid, from Abu Saeed Al Khudry who said,

'Rasool-Allah<sup>-saww</sup> advised Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>. He<sup>-saww</sup> said: 'O Ali<sup>-asws</sup>! When the bride enters your<sup>-asws</sup> house, take off her shoes when she is seated and wash her feet and pour the water from the door of your house up to the outskirts of your<sup>-asws</sup> house.

فإنك إذا فعلت ذلك أخرج الله من دارك سبعين ألف لون من الفقر و أدخل فيها سبعين لوناً من البركة و أنزل عليك سبعين رحمة تعرف على رأس العروس حتى تنال بركتها كل زاوية في بيتك و تأمن العروس من الجنون و الجذام و البرص أن يصبها ما دامت في تلك الدار و افنع العروس في أسبوعها من الألبان و الحَلِّ و الكُرْبَرَةِ و التفاحَةِ الحامضة من هذه الأربعة الأشياء

When you<sup>-asws</sup> were to do that, Allah<sup>-azwj</sup> will Expel from your<sup>-asws</sup> house seventy thousand types of poverty and Enter into it seventy types of Blessings, and Send down upon you<sup>-asws</sup> seventy Mercies hovering upon the head of the bride until every corner in your house attains her Blessings, and the bride will be safe from the insanity, and the leprosy, and the vitiligo

<sup>1081</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 64 H 2

<sup>1082</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 64 H 3

afflicting her for as long as she is in that house, and prevent the bride in her (first) week from the dairy products, and the vinegar, and the coriander, and the sour apples, from these four things’.

فَقَالَ عَلِيٌّ ع يَا رَسُولَ اللَّهِ ص وَ لِأَيِّ شَيْءٍ أَمْنَعُهَا هَذِهِ الْأَشْيَاءَ الْأَرْبَعَةَ

Ali<sup>-asws</sup> said: ‘O Rasool-Allah<sup>-saww</sup>, and for which thing (reason) should I<sup>-asws</sup> prevent her from these four things?’

قَالَ لِأَنَّ الرَّحِمَ تَعْمَمُ وَ تَبْزُدُ مِنْ هَذِهِ الْأَرْبَعَةِ الْأَشْيَاءِ مِنَ الْوَلَدِ وَ حَصِيرٍ فِي نَاحِيَةِ الْبَيْتِ خَيْرٌ مِنْ امْرَأَةٍ لَا تَلِدُ

He<sup>-saww</sup> said: ‘Because the womb becomes barren from the child and cold from these four things, and the straw mat in a corner of the house is better than a woman not giving birth’.

فَقَالَ عَلِيٌّ ع يَا رَسُولَ اللَّهِ ص فَمَا بَالُ الْخَلِّ تَمْنَعُ مِنْهُ

Ali<sup>-asws</sup> said: ‘O Rasool-Allah<sup>-saww</sup>! What is the matter (reason) with the vinegar, she is prevented from it?’

قَالَ إِذَا حَاضَتْ عَلَى الْخَلِّ لَمْ تَطْهَرْ أَبَدًا طَهْرًا بَتَمَامٍ وَ الْكُزْبُرَةُ تُبْرِئُ الْحَيْضَ فِي بَطْنِهَا وَ تُشَدِّدُ عَلَيْهَا الْوِلَادَةَ وَ التُّفَّاحَةُ الْحَامِضَةُ تَقْطَعُ حَيْضَهَا فَيَصِيرُ دَاءً عَلَيْهَا

He<sup>-saww</sup> said: ‘When she menstruates being upon the vinegar she will never be completely pure, and the coriander provokes the menstruation in her belly and makes the childbirth harder for her, and the sour apples cuts her menstruation so it would become an illness upon her’.

ثُمَّ قَالَ يَا عَلِيٌّ لَا تُجَامِعِ امْرَأَتَكَ فِي أَوَّلِ الشَّهْرِ وَ وَسْطِهِ وَ آخِرِهِ فَإِنَّ الْجُنُونَ وَ الْجُدَامَ وَ الْخَلَّ يُسْرِعُ إِلَيْهَا وَ إِلَى وَلَدِهَا

Then he<sup>-saww</sup> said: ‘O Ali<sup>-asws</sup>! Do not have marital intimacy with your<sup>-asws</sup> wife in the beginning of the month, and its middle, and its end, for the insanity, and the leprosy, and the craze would be quicker to her and to her child.

يَا عَلِيٌّ لَا تُجَامِعِ امْرَأَتَكَ بَعْدَ الظُّهْرِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ فِي ذَلِكَ الْوَقْتِ يَكُونُ أَحْوَلَ وَ الشَّيْطَانُ يَفْرَحُ بِالْحَوْلِ فِي الْإِنْسَانِ

O Ali<sup>-asws</sup>! Do not have marital intimacy with your<sup>-asws</sup> wife after the midday, for if a child is conceived for you in that time it would be cross-eyed, and the Satan<sup>-la</sup> rejoices with the cross-eyed (ness) in the human being.

يَا عَلِيٌّ لَا تَتَكَلَّمْ عِنْدَ الْجَمَاعِ فَإِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ لَا يُؤْمِنُ أَنْ يَكُونَ أَحْسَرَ وَ لَا يَنْظُرَنَّ أَحَدُكُمْ إِلَى فَرجِ امْرَأَتِهِ وَ لَيُعَصَّ بَصَرُهُ عِنْدَ الْجَمَاعِ فَإِنَّ النَّظَرَ إِلَى الْفَرْجِ يُورِثُ الْعَمَى بَعْدَ الْوَلَدِ

O Ali<sup>-asws</sup>! Do not talk during the marital intimacy, for if a child is conceived between you, there is no safety from it being mute, and not one of you look at the private part of his wife and let him close his eyes during the marital intimacy, for looking at the private part inherits the blindness, meaning in the child.

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ بِشَهْوَةِ امْرَأَةٍ غَيْرِكَ فَإِنِّي أَخْشَىٰ إِنَّ فُضِي بَيْنَكُمَا وَلَدٌ أَنْ يَكُونَ مُحْنَتًا مُؤَنَّنًا بَحِيلاً

O Ali-asws! Do not have marital intimacy with your-asws wife with lust for another woman, for it is feared if a child is conceived between you it would be effeminate, weak, miserly.

يَا عَلِيُّ إِذَا كُنْتَ جُنْبًا فِي الْفِرَاشِ مَعَ امْرَأَتِكَ فَلَا تَقْرَأِ الْقُرْآنَ فَإِنِّي أَخْشَىٰ أَنْ يَنْزِلَ عَلَيْكُمَا نَارٌ مِنَ السَّمَاءِ فَتُحْرَقَكُمَا

O Ali-asws! When you are with intimate impurity with your-asws wife, do not read the Quran, for it is feared that a flame from the sky would descend upon you and incinerate you both.

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ إِلَّا وَ مَعَكَ خِرْقَةٌ وَ مَعَ امْرَأَتِكَ خِرْقَةٌ وَ لَا تَمْسَحْ بِخِرْقَةٍ وَاحِدَةٍ فَتَمُتِ الشَّهْوَةُ عَلَى الشَّهْوَةِ وَ إِنَّ ذَلِكَ يُعْقِبُ الْعَدَاوَةَ بَيْنَكُمَا ثُمَّ يُؤَدِّبَكُمَا إِلَى الْفُرْقَةِ وَ الطَّلَاقِ

O Ali-asws! Do not have intimate marital relation except and with you is a rag and with your wife is a rag, and do not wipe her with one rag for the desire will fall upon the desire, and that would result in enmity between you then it would lead you to the separation and the divorce.

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ مِنْ قِيَامٍ فَإِنَّ ذَلِكَ مِنْ فِعْلِ الْحُمَيْرِ وَ إِنَّ فُضِي بَيْنَكُمَا وَلَدٌ يَكُونُ بَوَّالًا فِي الْفِرَاشِ كَالْحُمَيْرِ الْبَوَّالَةِ فِي كُلِّ مَكَانٍ

O Ali-asws! Do not have intimate marital relations with your-asws wife while standing, for that is from actions of the donkeys, and if a child is conceived between you, he would be urinating in the bed like the donkeys urinate in every place.

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ فِي لَيْلَةِ الْفِطْرِ فَإِنَّهُ إِذَا فُضِيَ بَيْنَكُمَا وَلَدٌ فَيَكْبُرُ ذَلِكَ الْوَلَدُ وَ لَا يُصِيبُ وَلَدًا إِلَّا عَلَى كَبَرِ السِّنِّ

O Ali-asws! Do not have intimate marital relations with your-asws wife during the night of (Eid) Al-Fitr, for it a child is conceived between you, that child will get older and will not achieve a child except at old age.

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ فِي لَيْلَةِ الْأَصْحَىٰ فَإِنَّهُ إِذَا فُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ لَهُ سِتُّ أَصَابِعٍ أَوْ أَرْبَعُ أَصَابِعٍ

O Ali-asws! Do not have intimate marital relations with your-asws wife during the night of (Eid) Al-Azha, for if a child is conceived between you, there would either be six fingers for him or four fingers.

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ تَحْتَ شَجَرَةٍ مُثْمَرَةٍ فَإِنَّهُ إِذَا فُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ جَلَادًا قَتَالًا عَرِيفًا

O Ali-asws! Do not have intimate marital relations with your wife beneath a fruit-bearing tree, for if a child is conceived between you he will become an executioner, a killer, a corporal (in the army).

يَا عَلِيُّ لَا تُجَامِعِ امْرَأَتَكَ فِي وَجْهِ الشَّمْسِ وَ تَأْلُلُهَا إِلَّا أَنْ تُرْخِيَ عَلَيْكُمَا سِتْرًا فَإِنَّهُ إِذَا فُضِيَ بَيْنَكُمَا وَلَدٌ لَا يَزَالُ فِي بُؤْسٍ وَ فَقْرٍ حَتَّى يَمُوتَ

O Ali-asws! Do not have intimate marital relations with your-asws wife in face of the sun and its shining except if you drop a veil upon you, for if a child is conceived between you he will not cease to be in trouble and poverty until he dies.



يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ بَيْنَ الْأَذَانِ وَ الْإِقَامَةِ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ حَرِيصاً عَلَى إِهْرَاقِ الدِّمَاءِ

O Ali-<sup>asws</sup>! Do not have marital relations with your-<sup>asws</sup> wife between the (proclamations of) the Azaan and the Iqaama, for if a child is conceived he would be eager upon shedding the blood.

يَا عَلِيُّ إِذَا حَمَلَتْ امْرَأَتُكَ فَلَا تُجَامِعْهَا إِلَّا وَ أَنْتَ عَلَى وَضُوءٍ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ أَعْمَى الْقَلْبِ بَحِيلَ الْيَدِ

O Ali-<sup>asws</sup>! When your wife is pregnant, do not have intimate relations with her except while you-<sup>asws</sup> are upon Wud'u, for if a child is decreed between you, it would be blind of heart, stingy of the hand.

يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ فِي التَّصَفِّ مِنْ شَعْبَانَ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ مُسَوَّهاً ذَا شَامَةِ فِي شَعْرِهِ وَ وَجْهِهِ

O Ali-<sup>asws</sup>! Do not have intimate marital relations with your wife during the middle of Shaban, for if a child is conceived between you, it would be deformed, having a mark in his hair and his face.

يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ فِي آخِرِ دَرَجَةٍ مِنْهُ يَغْنِي إِذَا بَقِيَ يَوْمَانِ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ كَانَ مُقَدِّماً

O Ali-<sup>asws</sup>! Do not have intimate relations with your-<sup>asws</sup> wife in the last step from it, meaning when two days remains from it, for if a child is conceived between you it would be of lack of understanding.

يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ عَلَى شَهْوَةِ أُخْتِهَا فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ عَشَّاراً أَوْ عَوْناً لظَالِمٍ وَ يَكُونُ هَلَاكاً فِقَامٍ مِنَ النَّاسِ عَلَى يَدَيْهِ

O Ali-<sup>asws</sup>! Do not have marital relations with your-<sup>asws</sup> wife upon lustful desires for her sister, for if a child is conceived between you it would either be a tax collector, or an aider of an oppressor, and destruction of large numbers of people would be upon his hand.

يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ عَلَى سُتُوفِ الْبُنْيَانِ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ مُنَافِقاً مُتَارِياً مُبْتَدِعاً

O Ali-<sup>asws</sup>! Do not have marital relations with your wife upon rooftop of a building, for if a child is conceived between you it would be a hypocrite, argumentative, an innovator.

يَا عَلِيُّ وَ إِذَا خَرَجْتَ فِي سَفَرٍ فَلَا تُجَامِعْ أَهْلَكَ تِلْكَ اللَّيْلَةَ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ يُنْفِقُ مَالَهُ فِي غَيْرِ حَقٍّ وَ قَرَأَ رَسُولُ اللَّهِ ص إِنَّ الْمُبْدِرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ

O Ali-<sup>asws</sup>! And when you go out on a journey do not have marital relations with your wife on that night, for if a child is conceived between you he would spend his wealth in other than a right (rightful way)! – and Rasool-Allah-<sup>azwj</sup> recited: **Surely the squanderers were always the brethren of the Satans [17:27].**

يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ إِذَا خَرَجْتَ إِلَى مَسِيرَةِ ثَلَاثَةِ أَيَّامٍ وَ لَيْلِيَهِنَّ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ عَوْناً لِكُلِّ ظَالِمٍ

O Ali-asws! Do not have intimate marital relations with your wife when you go out to a travel distance of three days and their nights, for if a child is conceived between you he would be an aider of every oppressor.

يَا عَلِيُّ عَلَيْكَ بِالْجَمَاعِ لَيْلَةُ الْإِثْنَيْنِ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ يَكُونُ حَافِظًا لِكِتَابِ اللَّهِ رَاضِيًا بِمَا قَسَمَ اللَّهُ عَزَّ وَ جَلَّ

O Ali-asws! Upon you-asws is with having intimate marital relations on the night of Monday, for if a child is conceived between you, it would be a memoriser of the Book of Allah-azwj, satisfied with whatever has been Apportioned by Allah-azwj Mighty and Majestic.

يَا عَلِيُّ إِنْ جَامَعْتَ أَهْلَكَ فِي أَوَّلِ لَيْلَةِ الْثَلَاثَاءِ فَقُضِيَ بَيْنُكُمَا وَلَدٌ فَإِنَّهُ يُرِزُّ الشَّهَادَةَ بَعْدَ شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَلَا يُعَذِّبُهُ اللَّهُ عَزَّ وَ جَلَّ مَعَ الْمُشْرِكِينَ وَ يَكُونُ طَيِّبَ النَّكْهَةِ مِنَ الْقَمَرِ رَحِيمَ الْقَلْبِ سَخِيَّ الْيَدِ طَاهِرَ اللَّسَانِ مِنَ الْغِيْبَةِ وَ الْكَذِبِ وَ الْبُهْتَانِ

O Ali-asws! If you-asws were to have intimate marital relations with your-asws wife in the first night of Tuesday and a child is conceived between you, he will be Granted martyrdom after testifying that there is no god except Allah-azwj and that Muhammad-saww is the Messenger-saww of Allah-azwj. Allah-azwj Mighty and Majestic will not Punish him along with the Polytheists. He will have a pleasant fragrance from his mouth, a compassionate heart, generous hands, and a tongue pure from backbiting, lying, and slander.

يَا عَلِيُّ وَ إِنْ جَامَعْتَ أَهْلَكَ لَيْلَةَ الْخَمِيسِ فَقُضِيَ بَيْنُكُمَا وَلَدٌ فَإِنَّهُ يَكُونُ حَاكِمًا مِنَ الْحُكَّامِ أَوْ عَلِيًّا مِنَ الْعُلَمَاءِ وَ إِنْ جَامَعْتَهَا يَوْمَ الْخَمِيسِ عِنْدَ زَوَالِ الشَّمْسِ عَنْ كِبِدِ السَّمَاءِ فَقُضِيَ بَيْنُكُمَا وَلَدٌ فَإِنَّ الشَّيْطَانَ لَا يَقْرُبُهُ حَتَّى يَشِيبَ وَ يَكُونُ فِيمَا وَ يُرِزُّهُ اللَّهُ السَّلَامَةَ فِي الدِّينِ وَ الدُّنْيَا

O Ali-asws! And if you-asws were to have intimate marital relations with your-asws wife on the night of Thursday and if a child is conceived between you, he will become a ruler among rulers or a scholar among scholars, and if you have relations with her on Thursday during midday when the sun declines from the centre of the sky and a child is conceived between you, Satan-la will not approach him until he grows old. He will be intelligent, and Allah-azwj will Grant him safety in the religion and the world.

يَا عَلِيُّ وَ إِنْ جَامَعْتَهَا لَيْلَةَ الْجُمُعَةِ وَ كَانَ بَيْنُكُمَا وَلَدٌ يَكُونُ حَظِيًّا قَوْلًا مُفَوَّهًا وَ إِنْ جَامَعْتَهَا يَوْمَ الْجُمُعَةِ بَعْدَ الْعَصْرِ فَقُضِيَ بَيْنُكُمَا وَلَدٌ فَإِنَّهُ يَكُونُ مَعْرُوفًا مَشْهُورًا عَالِمًا وَ إِنْ جَامَعْتَهَا فِي لَيْلَةِ الْجُمُعَةِ بَعْدَ صَلَاةِ الْعِشَاءِ الْآخِرَةِ فَإِنَّهُ يُرْجَى أَنْ يَكُونُ وَلَدًا مِنْ الْأَبْدَالِ إِنْ شَاءَ اللَّهُ

O Ali-asws! And if you-asws were to have intimate marital relations with her on the night of Friday and a child happens between you, he would be he will be an eloquent and powerful speaker; and if you have intimate marital relations with her on Friday after the Asr Salat) and a child is conceived between you, he will be well-known, renowned, and knowledgeable; and if you have intimate marital relations with her on Friday night after the last Isha (Salat), it is hoped that he will be a child from among the spiritual substitutes (Al Abdal), if Allah-azwj so Desires.

يَا عَلِيُّ لَا تُجَامِعْ أَهْلَكَ فِي أَوَّلِ سَاعَةِ مِنَ اللَّيْلِ فَإِنَّهُ إِنْ قُضِيَ بَيْنُكُمَا وَلَدٌ لَا يُؤْمِنُ أَنْ يَكُونَ سَاحِرًا مُؤَثِّرًا لِلدُّنْيَا عَلَى الْآخِرَةِ

O Ali-asws! Do not have intimate marital relations with your-asws wife during the first hour of the night, for if a child is conceived between you it is not safe from him being a sorcerer, a preferrer of the world over the Hereafter.

يَا عَلِيُّ احْفَظْ وَصِيَّتِي هَذِهِ كَمَا حَفِظْتَهَا عَنْ جِبْرِئِيلَ ع.

O Ali<sup>-asws</sup>! Preserve this advice of mine just as I<sup>-saww</sup> have preserved it from Jibraeel<sup>-as</sup>!”<sup>1083</sup>

2 ختص، الإختصاص عَمُرُو بُو حَفْصٍ وَ أَبُو نَصْرِ عَنْ مُحَمَّدِ بْنِ أَهْيَمٍ عَنْ إِسْحَاقَ بْنِ تَمِيمٍ مِثْلَهُ.

(The book) ‘Al Ikhtisas’ – Amro Bin Hafs and Abu Nasr, from Muhammad Bin Al Haysam, from Is’haq Bin Najeeh – similar to it.<sup>1084</sup>

3- لي، الأماالي للصدوق ابْنُ الْمُتَوَكِّلِ عَنْ سَعْدٍ عَنِ ابْنِ هَاشِمٍ عَنِ الْحُسَيْنِ بْنِ الْحُسَيْنِ الْقُرَشِيِّ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ الْبَصْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْحُسَيْنِ بْنِ زَيْدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى كَرِهَ لَكُمْ أَيْتُهَا الْأُمَّةُ أَرْبَعًا وَ عِشْرِينَ خَصْلَةً وَ هَكَأُكُمْ عَنْهَا

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Mutawakkil, from Sa’ad, from Ibn Hashim, from Al-Husayn Bin Al Hassan Al Qureyshi, from Suleyman Bin Ja’far Al Basri, from Abdullah Bin Al-Husayn Bin Zaid, from his father,

‘From his forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Allah<sup>-azwj</sup> Blessed and Exalted has disliked twenty four characteristics for you, O you community, and has Prohibited you from these. It is dislike to look at private parts of the women’.

كَرِهَ النَّظَرَ إِلَى فُرُوجِ النِّسَاءِ وَ قَالَ يُورِثُ الْعَمَى وَ كَرِهَ الْكَلَامَ عِنْدَ الْجَمَاعِ

And he<sup>-saww</sup> said: ‘It inherits the blindness, and it is disliked to talk during the intimate marital relations’.

وَ قَالَ يُورِثُ الْحَرَسَ وَ كَرِهَ الْمُجَامَعَةَ تَحْتَ السَّمَاءِ وَ كَرِهَ لِلرَّجُلِ أَنْ يَغْشَى امْرَأَتَهُ وَ هِيَ حَائِضٌ فَإِنْ غَشِيَهَا وَ خَرَجَ الْوَلَدُ مَجْدُومًا أَوْ أَبْرَصَ فَلَا يُلُومَنَّ إِلَّا نَفْسَهُ

And he<sup>-saww</sup> said: ‘It inherits the muteness, and the intimate marital relations are dislike beneath the (open) sky, and it is dislike for the man to overwhelm his wife while she is menstruating. If he does overwhelm her and the child emerges as a leper or with vitiligo, he cannot blame except himself.

وَ كَرِهَ أَنْ يَغْشَى الرَّجُلُ الْمَرْأَةَ وَ قَدْ احْتَلَمَ حَتَّى يَغْتَسِلَ مِنْ احْتِلَامِهِ الَّذِي رَأَى فَإِنْ فَعَلَ وَ خَرَجَ الْوَلَدُ مَجْنُونًا فَلَا يُلُومَنَّ إِلَّا نَفْسَهُ.

And it is dislike for the man to overwhelm the wife and he has bed-wet, until he washes from his bed-wetting which he sees. If he does and the child emerges as a leper, he cannot blame except himself”<sup>1085</sup>.

4 ل، الخصال أَبِي عَنْ سَعْدٍ مِثْلَهُ.

<sup>1083</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 1

<sup>1084</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 2

<sup>1085</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 3

(The book) 'Al Khisaal' – My father, from Sa'ad, similar to it.<sup>1086</sup>

5 سن، المحاسن إبراهيم عن الحسن بن الحسين الفارسي عن سليمان بن جعفر البصري مثله.

(The book) 'Al Mahasin' – Ibrahim, from Al Hassan Bin Al-Husayn Al Farsy, from Suleyman Bin Ja'far Al Basry, similar to it.<sup>1087</sup>

6- لي، الأماالي للصدوق في خير المناهي أن النبي ص هي عن الأكل على الجنابة و قال إنه يورث الفقر

(The book) 'Al Amaali' of Al Sadouq -

'In a Hadeeth of the prohibitions, the Prophet<sup>-saww</sup> prohibited from the eating while being upon the sexual impurity, and he<sup>-saww</sup> said: 'It inherits of the poverty'.

و هي أن يكثر الكلام عند المجامعة و قال منه يكون خرس الولد

And he<sup>-saww</sup> prohibited to talk a lot during the intimate marital relations, and he<sup>-saww</sup> said: 'From it comes muteness of the child'.

و هي أن يجامع الرجل أهله مستقبل القبلة و على طريق غامر فمن فعل ذلك فعليه لعنة الله و الملائكة و الناس أجمعين

And he<sup>-saww</sup> prohibited the man from having intimate marital relations facing the Qiblah, and upon a busy road. The one who does that, upon him is the Curse of Allah<sup>-azwj</sup> and the Angels and of the people altogether.

و هي أن يدخل الرجل حليلته إلى الحمام.

And he<sup>-saww</sup> prohibited the man from entering his wife into the (public) bathhouse".<sup>1088</sup>

7- ب، قرب الإسناد أبو البخاري عن الصادق عن أبيه عن علي ع أنه كره أن يجامع الرجل مما يلي القبلة.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from Ali<sup>-asws</sup>, he<sup>-asws</sup> dislike for the man to have intimate marital relations from what follows the Qiblah".<sup>1089</sup>

8- و عنه عن جعفر عن أبيه عن ابن عباس أنهما قالا لا تنظر إلى الفرج عند الجماع يورث العمى.

And from him, from Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from Ibn Abbas, they both said, 'The looking at the private part during the intimate marital relations inherits the blindness".<sup>1090</sup>

<sup>1086</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 4

<sup>1087</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 5

<sup>1088</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 6

<sup>1089</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 7

<sup>1090</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 8

9- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ﷺ ثَلَاثَةٌ مِنَ الْجَفَاءِ أَنْ يَصْحَبَ الرَّجُلُ الرَّجُلَ فَلَا يَسْأَلُهُ عَنِ اسْمِهِ وَكُنْيَتِهِ أَوْ [أَنْ] يُدْعَى الرَّجُلُ إِلَى طَعَامٍ فَلَا يُجِيبُ أَوْ يُجِيبُ فَلَا يَأْكُلُ وَ مُوَافَعَةُ الرَّجُلِ أَهْلَهُ قَبْلَ الْمَلَاعِبَةِ.

(The book) 'Qurb Al Isnaad – By this chain,

'He<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Three are from the rudeness – a man accompanies a man but he does not ask his name and his teknonym, or a man invites him to a meal but he does not respond, or he does respond but he does not eat, and a man having intimate marital relation with his wife before the playfulness''.<sup>1091</sup>

10- ب، قرب الإسناد عليّ عن أخيه ع قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ هَلْ يَصْلُحُ لَهُ أَنْ يَقْبَلَ قُبْلَ الْمَرْأَةِ قَالَ لَا بَأْسَ.

(The book) 'Qurb Al Isnaad' -

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about the man, 'Is it correct for him to kiss the front part of the wife?' He<sup>-asws</sup> said: 'There is no problem''.<sup>1092</sup>

11- ب، قرب الإسناد هارون عن ابنِ صَدَقَةَ عَنِ الصَّادِقِ ع عَنْ آبَائِهِ ع قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ لِيَنْعَضِ أَصْحَابِهِ يَوْمَ جُمُعَةٍ هَلْ صُمْتَ الْيَوْمَ

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Sadaqa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said to one of his<sup>-saww</sup> companions: 'Have you fasted today?'

قَالَ لَا

He said, 'No'.

قَالَ لَهُ فَهَلْ تَصَدَّقْتَ الْيَوْمَ بِشَيْءٍ

He<sup>-saww</sup> said to him: 'Have you donated anything in charity today?'

قَالَ لَا

He said, 'No'.

قَالَ لَهُ فَمَنْ فَأَصِيبُ مِنْ أَهْلِكَ فَإِنَّ ذَلِكَ صَدَقَةٌ مِنْكَ عَلَيْهَا.

He<sup>-saww</sup> said: 'Stand and attain from your wife, for that is a charity from you upon her''.<sup>1093</sup>

<sup>1091</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 9

<sup>1092</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 10

<sup>1093</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 11

12 ل، الخصال ابن الوليد عن الصفار عن ابن عيسى عن علي بن الحَكَم رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع قَالَ: ثَلَاثٌ مِنْ سُنَنِ الْمُرْسَلِينَ الْعِطْرُ وَ إِحْفَاءُ الشَّعْرِ وَ كَثْرَةُ الطَّرِيقَةِ.

(The book) 'Al Khisal' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ali Bin Al Hakam raising it to,

'Abu Abdullah<sup>-asws</sup> said: 'Three are from the Sunnah (practices) of the Messengers<sup>-as</sup> – the perfume, and trimming the hair, and frequent marital relations"<sup>1094</sup>.

13 ن، عيون أخبار الرضا عليه السلام ل، الخصال ماجيلويه عن عمه عن البرقي عن علي بن محمد عن أبي أيوب المديني عن سليمان الجعفري عن الرضا عن آتائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص تَعَلَّمُوا مِنَ الْعَرَابِ خِصَالًا ثَلَاثًا اسْتِئْذَانُ بِالسِّقَادِ وَ بُكُورُهُ فِي طَلَبِ الرِّزْقِ وَ حَذَرُهُ.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, (and) 'Al Khisaal' – Majaylawiya, from his uncle, from Al Barqy, from Ali Bin Muhammad, from Abu Ayoub Al Madany, from Suleyman Al Ja'fary,

'From Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Learn three characteristics from the crow – its concealment during the mating, and its going early in seeking the sustenance, and its carefulness"<sup>1095</sup>.

14 ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آتائه ع قَالَ قَالَ عَلِيُّ ع مَنْ أَرَادَ الْبَقَاءَ وَ لَا بَقَاءَ فَلْيُبَاكِِرِ الْعَدَاءَ وَ يُجِدِّدِ الْحِدَاءَ وَ يُخَفِّفِ الرِّدَاءَ وَ يُثِقِلِ غُشْيَانَ النِّسَاءِ.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'One who desires to remain (having a long life), though there is no remaining (permanently), should take breakfast early, wear good shoes, keep his clothing light, and reduce intimate marital relations with women"<sup>1096</sup>.

15 مجالس الشَّيْخ، عن الحسين بن إبراهيم عن محمد بن وهبان عن علي بن حبشي عن العباس بن محمد بن الحسين عن أبيه عن صفوان و جعفر بن عيسى عن الحسين بن أبي غندير عن أبيه عن الصادق ع عَنْ أَمِيرِ الْمُؤْمِنِينَ ع مِثْلُهُ إِلَّا أَنَّهُ لَيْسَ فِيهِ وَ يُجِدِّدُ الْحِدَاءَ.

(The book) 'Majalis' of the sheykh, from Al-Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Ali Bin Habashi, from Al Abbas Bin Muhammad Bin Al-Husayn, from his father, from Safwan and Ja'far Bin Isa, from Al-Husayn Bin Abu Gundar, from his father,

'From Al-Sadiq<sup>-asws</sup>, from Amir Al-Momineen<sup>-asws</sup>, similar to it except there isn't in it, 'wear good shoes"<sup>1097</sup>.

16- ع، علل الشرائع علي بن حاتم عن ابن عُقْدَةَ عن المُنْدَرِجِ بن مُحَمَّدٍ عن الحسين بن مُحَمَّدٍ عن علي بن القاسم عن أبي خالد عن زَيْدِ بن عَلِيٍّ عن أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيٍّ عَلَيْهِمُ السَّلَامُ قَالَ: عَذَابُ الْقَبْرِ يَكُونُ مِنَ النَّيْمَةِ وَ الْبُؤْلِ وَ عَذَابِ الرَّجُلِ عَنْ أَهْلِهِ.

<sup>1094</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 12

<sup>1095</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 13

<sup>1096</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 14

<sup>1097</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 15

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Ibn Uqba, from Al Munzir Bin Muhammad, from Al-Husayn Bin Muhammad, from Ali Bin Al Qasim, from Abu Khalid,

'From Zayd son of Ali<sup>-asws</sup> (Bin Al-Husayn<sup>-asws</sup>), from his father<sup>-asws</sup>, from his grandfather<sup>-asws</sup>, from Ali<sup>-asws</sup>, may the greeting be upon them<sup>-asws</sup>, said: 'Punishment of the grave would be due to the gossiping, and the (inappropriate) urination, and the man abstaining from his wife'.<sup>1098</sup>

17- ع، علل الشرائع ابن الوليد عن الصَّغَارِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ الْجَوْهَرِيِّ عَنْ إِسْحَاقَ بْنِ إِبْرَاهِيمَ عَنْ حَنَانِ بْنِ سَدِيرٍ عَنْ أَبِيهِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا يُجَامِعُ الرَّجُلُ امْرَأَتَهُ وَلَا جَارِئَتَهُ وَ فِي الْبَيْتِ صَبِيٌّ فَإِنَّ ذَلِكَ مِمَّا يُورِثُهُ الرَّجُلَ.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ahmad Bin Muhammad, from his father, from Al Qasim Bin Muhammad Al Jowhary, from Is'haq Bin Ibrahim, from Hanan Bin Sadeyr, from his father who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'The man should not have intimate marital relation with his wife nor his slave-girl while there is a child in the room, for that is from what inherits the adultery'.<sup>1099</sup>

18- ع، علل الشرائع مُحَمَّدُ بْنُ عَلِيٍّ بْنِ الشَّاهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ التَّمِيمِيِّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ حَاتِمٍ عَنْ حَمَّادِ بْنِ عَمْرٍو عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ ع فِي حَدِيثٍ طَوِيلٍ يَذْكُرُ فِيهِ وَصِيَّةَ النَّبِيِّ ص وَ يَقُولُ فِيهَا إِنَّ رَسُولَ اللَّهِ ص كَرِهَ أَنْ يَغْتَسِيَ الرَّجُلُ امْرَأَتَهُ وَ هِيَ حَائِضٌ فَإِنْ فَعَلَ وَ خَرَجَ الْوَلَدُ مُجْدُومًا أَوْ بِهِ بَرَصٌ فَلَا يَلُومَنَّ إِلَّا نَفْسَهُ

(The book) 'Ilal Al Sharaie' – Muhammad Bin Ali Bin Al Shah, from Ahmad Bin Muhammad Bin Ahmad, from Ahmad Bin Khalid, from Muhammad Bin Ahmad Al Tameemi, from his father, from Muhammad Bin Hatim, from Hammad Bin Amro,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup>, from Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> in a lengthy Hadeeth mentioning in it advice by the Prophet<sup>-saww</sup>, and in it he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> disliked it for the man to overwhelm his wife while she is menstruating. If he does so and the child emerges either as a leper or there being vitiligo with him, he should not blame except himself.

وَ كَرِهَ أَنْ يَأْتِيَ الرَّجُلُ أَهْلَهُ وَ قَدْ اخْتَلَمَ حَتَّى يَغْتَسِلَ مِنَ الْإِخْلَامِ فَإِنْ فَعَلَ ذَلِكَ وَ خَرَجَ الْوَلَدُ مُجْنُونًا فَلَا يَلُومَنَّ إِلَّا نَفْسَهُ.

And he<sup>-saww</sup> disliked it for the man coming to his wife and he has bed-wet until he washing from the bed-wetting, for if he does that and the child emerges as insane, he should not blame except himself".<sup>1100</sup>

19- ل، الخصال الْأَرْبَعِيَّةُ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع إِذَا أَرَادَ أَحَدُكُمْ أَنْ يَأْتِيَ زَوْجَتَهُ فَلَا يُعْجَلْهَا فَإِنَّ لِلنِّسَاءِ حَوَائِجَ إِذَا رَأَى أَحَدُكُمْ امْرَأَةً تُغْجِبُهُ فَلْيَأْتِ أَهْلَهُ فَإِنَّ عِنْدَ أَهْلِهِ مِثْلَ مَا رَأَى وَ لَا يَجْعَلَنَّ لِلشَّيْطَانِ إِلَى قَلْبِهِ سَبِيلًا لِيَصْرِفَ بَصَرَهُ عَنْهَا

(The book) 'Al Khisaal' -

<sup>1098</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 16

<sup>1099</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 17

<sup>1100</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 18

(In the Ahadeeth) ‘Al-Arbamiya’ (400 Ahadith) from ‘Amir Al-Momineen<sup>-asws</sup> said: ‘Whenever one of you intends to come to his wife, he should not hasten it for there are needs for the women. Whenever one of you sees a woman who fascinates him, let him come to his wife, for with his wife is similar to what he has seen, and he should not make a way for the Satan<sup>-la</sup> to his heart. Let him turn his sight away from her.

فَإِنْ لَمْ تَكُنْ لَهُ زَوْجَةً فَلْيُصَلِّ رَكَعَتَيْنِ وَ يَحْمَدُ اللَّهَ كَثِيرًا وَ يُصَلِّي عَلَى النَّبِيِّ وَ آلِهِ ثُمَّ لِيَسْأَلَ اللَّهَ مِنْ فَضْلِهِ فَإِنَّهُ يُبَيِّحُ لَهُ بِرَأْفِقِهِ مَا يُغْنِيهِ

If there does not happen to be a wife for him, let him pray two units Salat and praise Allah<sup>-azwj</sup> a lot, and he should send Salawaat upon the Prophet<sup>-saww</sup> and his<sup>-saww</sup> Progeny<sup>-asws</sup>. Then let him ask Allah<sup>-azwj</sup> from His<sup>-azwj</sup> Grace, for He<sup>-azwj</sup> will Legalise for him, by His<sup>-azwj</sup> Kindness, what would suffice him.

إِذَا أَتَى أَحَدُكُمْ زَوْجَتَهُ فَلْيَقِلَّ الْكَلَامَ فَإِنَّ الْكَلَامَ عِنْدَ ذَلِكَ يُورِثُ الْحَرَسَ لَا يَنْظُرَنَّ أَحَدُكُمْ إِلَى بَاطِنِ فَرْجِ امْرَأَتِهِ لَعَلَّهُ يَرَى مَا يَكْرَهُ وَ يُورِثُ الْعَمَى

Whenever one of you comes to his wife, let him reduce the talk, for the talk during that inherits the muteness. Not one of you should look inside the private part of his wife lest he sees what he dislikes and he would inherit the blindness.

إِذَا أَرَادَ أَحَدُكُمْ مُجَامَعَةَ زَوْجَتِهِ فَلْيَقُلْ اللَّهُمَّ إِنِّي اسْتَحْلَلْتُ فَرْجَهَا بِأَمْرِكَ وَ قَبِلْتُهَا بِأَمَانَتِكَ فَإِنْ فَضَيْتَ لِي مِنْهَا وَلَدًا فَاجْعَلْهُ ذَكَرًا سَوِيًّا وَ لَا تَجْعَلْ لِلشَّيْطَانِ فِيهِ نَصِيبًا وَ لَا شَرِكًا.

When one of you intends to have intimate relations with his wife, let him say, ‘O Allah<sup>-azwj</sup>! I have legalised her private parts by Your<sup>-azwj</sup> Command, and have accepted her by You<sup>-azwj</sup> entrustment. If You<sup>-azwj</sup> were to Decree a child for me from her Make it a normal make (not disabilities), and do not Make for the Satan<sup>-la</sup> a share in it nor participation’<sup>1101</sup>.

وَ قَالَ ع إِذَا أَرَادَ أَحَدُكُمْ أَنْ يَأْتِيَ أَهْلَهُ فَلْيَتَوَقَّ أَوَّلَ الْأَهْلَةِ وَ أَنْصَافَ الشُّهُورِ فَإِنَّ الشَّيْطَانَ يَطْلُبُ الْوَلَدَ فِي هَذَيْنِ الْوَقْتَيْنِ وَ الشَّيَاطِينُ يَطْلُبُونَ الشَّرْكَ فِيهِمَا فَيَجِئُونَ وَ يُحْلُونَ.

And he<sup>-asws</sup> said: ‘Whenever one of you intends to come to his wife, let him fear beginning of the crescents, and middle of the months, for the Satan<sup>-la</sup> sees the child in these two timings, and the Satans<sup>-la</sup> are seeking the participation during these two (timings), so they<sup>-la</sup> would be coming and impregnating’<sup>1102</sup>.

20- ع، علل الشرائع أبي عن أحمد بن إدريس عن الأشعري عن ابن هاشم عن الحسين بن الحسن عن سليمان بن جعفر عن عبد الله بن الحسين بن زيد عن أبيه عن الصادق عن آبائه ع قال قال رسول الله ص إذا تجامع الرجل والمرأة فلا يتعريان فعلن الحمارين فإن الملائكة تخرج من بينهما إذا فعلا ذلك.

(The book) ‘Ilal Al Sharaie’ – My father, from Ahmad Bin Idrees, from Al Ash’ary, from Ibn Hashim, from Ibn Husayn Bin Al Hassan, from Suleyman Bin Ja’far, from Abdullah Bin Al-Husayn Bin Zayd, from his father,

<sup>1101</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 19 a

<sup>1102</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 19 b



‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘When the man and the woman have intimate marital relations, they should not be naked like two donkeys, for the Angels would exit from between them when they do that’<sup>.1103</sup>

21- لي، الأمايلي للصدوق ابن المُنَوِّكِل عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ ابْنِ عِيسَى عَنِ ابْنِ زَيْدٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَنْبَغِي لِلْمَرْأَةِ أَنْ تُعْطَلَ نَفْسَهَا وَ لَوْ أَنَّ تَعْلَقَ فِي عُنُقِهَا قِلَادَةً وَ لَا يَنْبَغِي أَنْ تَدْعَ يَدَهَا مِنَ الْخِصَابِ وَ لَوْ أَنَّ تَمْسَحَ بِالْحِجَاءِ مَسًّا وَ إِنَّ كَانَتْ مُسِنَّةً.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Mutawakkil, from Muhammad Al Attar, from Ibn Isa, from Bazanty, from Dawood Bin Sirham who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘A woman should not neglect adorning herself, even if only by hanging a necklace around her neck, nor should she leave her hand without dye, even if only by touching it lightly with henna, even if she is elderly’<sup>.1104</sup>

22 ما، الأمايلي للشيخ الطوسي العُضَائِرِيُّ عَنِ الصَّدُوقِ مِنْهُ.

(The book) ‘Al Amali’ of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.<sup>1105</sup>

ل، الخصال أبي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ ابْنِ عِيسَى عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا تَدْخُلُ بِالْجَارِيَةِ حَتَّى تَتِمَّ لَهَا تِسْعُ سِنِينَ أَوْ عَشْرُ سِنِينَ

(The book) ‘Al Khisal’ – From Muhammad Al Attar, from Ibn Isa, from his father, from Safwan, from Musa Bin Bakr, from Zurara,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘Do not have intimate marital relations with a girl until nine years are completed for her or ten year’.

وَ قَالَ أَنَا سَمِعْتُهُ يَقُولُ تِسْعَ أَوْ عَشْرَ.

And he (the narrator) said, ‘And I heard him<sup>-asws</sup> saying: ‘Nine or ten’<sup>.1106</sup>

23- ل، الخصال ابنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ يَزِيدَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ وَطِئَ امْرَأَتَهُ قَبْلَ تِسْعِ سِنِينَ فَأَصَابَهَا عَيْبٌ فَهُوَ ضَامِنٌ.

(The book) ‘Al Khisal’ – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘One who has intimate marital relations with his wife before she is of nine years, and a fault (harm) afflicts her, he is responsible’<sup>.1107</sup>

24- فس، تفسير القمي نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأَثُوا حَرْثَكُمْ أَنَّى شِئْتُمْ أَيَّ مَتَى شِئْتُمْ وَ تَأَوَّلَتِ الْعَامَةُ قَوْلَهُ أَنَّى شِئْتُمْ أَيَّ حَيْثُ شِئْتُمْ فِي الْقُبْلِ وَ الدُّبْرِ

<sup>1103</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 20

<sup>1104</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 21

<sup>1105</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 22 a

<sup>1106</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 22 b

<sup>1107</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 23

(The book) 'Tafseer Al Qummi' –

**'Your wives are a farm for you, so go to your farm as you like [2:223]** – i.e. whenever you like, and the general Muslims have interpreted His<sup>-azwj</sup> Words: **as you like [2:223]** as meaning wherever, in the front and the back.

وَقَالَ الصَّادِقُ ع أَنِّي سَمِعْتُ أَيْ مَنِ شِئْتُمْ فِي الْفَرْجِ وَ الدَّلِيلُ عَلَى قَوْلِهِ فِي الْفَرْجِ قَوْلُهُ نِسَاؤُكُمْ حَزَّتْ لَكُمْ فَاحْزَرْتُ الزَّوْعَ وَ الزَّوْعُ الْفَرْجُ فِي مَوْضِعِ الْوَلَدِ

And Al-Sadiq<sup>-asws</sup> said: **'as you like [2:223]**, i.e. whenever you like in the private part (front), and the evidence regarding the private part (front) are His<sup>-azwj</sup> Words: **Your wives are a farm for you**. The farm is the cultivation, and the cultivation of the frontal private part is in the place for (cultivating) the child'.

وَقَالَ الصَّادِقُ ع مَنْ أَتَى امْرَأَتَهُ فِي الْفَرْجِ فِي أَوَّلِ حَيْضِهَا فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِدِينَارٍ وَ عَلَيْهِ رُبْعُ حَذِّ الزَّانَا حَسَنٌ وَ عَشْرُونَ جَلْدَةً وَ إِنْ أَتَاهَا فِي آخِرِ أَيَّامِ حَيْضِهَا فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِنِصْفِ دِينَارٍ وَ يُضْرَبَ اثْنَتَيْ عَشْرَةَ جَلْدَةً وَ نِصْفًا.

And Al-Sadiq<sup>-asws</sup> said: 'One who comes to his wife in the frontal private part in the beginning of her menstruation, upon him is to donate in charity with a Dinar, and upon him is quarter of the penalty of adultery – twenty-five lashes, and if he comes to her in the end of her menstruation, upon him is to donate with half a Dinar and he would be struck twelve and a half lashes'.<sup>1108</sup>

25- ن، عيون أخبار الرضا عليه السلام بإسناد التميمي عن الرضا عن آبائه ع قال: هُوَ النَّبِيُّ ص عَنْ وَطءِ الْحَبَالَى حَتَّى يَضَعْنَ.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, by a chain of Al-Tameemi, from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> prohibited from having intimate marital relations with the pregnant (wife) until she has placed (given birth)'.<sup>1109</sup>

26- ثو، ثواب الأعمال ابْنُ الْمُتَوَكِّلِ عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنِ الْقَدَّاحِ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ ع قَالَ: قَالَ النَّبِيُّ ص لِرَجُلٍ أَصْبَحَتْ صَائِمًا

(The book) 'Sawaab Al Amaal' – Ibn Al Mutawakkil, from Ali, from his father, from Al Qaddah,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> said to a man: 'Have you come to the morning fasting?'

قَالَ لَا

He said, 'No'.

قَالَ فَعُدَّتْ مَرِيضًا

He<sup>-saww</sup> said: 'Did you console a sick one?'

<sup>1108</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 24

<sup>1109</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 25

قَالَ لَا

He said, 'No'.

قَالَ فَأَتَّبَعْتُ جَنَازَةً

He<sup>-saww</sup> said: 'Did you follow (escort) a funeral?'

قَالَ لَا

He said, 'No'.

قَالَ فَأَطْعَمْتُ مِسْكِينًا

He<sup>-saww</sup> said: 'Did you feed a needy one?'

قَالَ لَا

He said, 'No'.

قَالَ فَارْجِعْ إِلَى أَهْلِكَ فَأَصِْبْهُمْ فَإِنَّهُ عَلَيْهِمْ مِنْكَ صَدَقَةٌ.

He<sup>-saww</sup> said: 'Return to your family and make them attain (something), for it would be a charity upon them from you!'"<sup>1110</sup>

27- ير، بصائر الدرجات أحمد بن محمد الأهوازي عن ابن أبي عمير عن سالم مولى علي بن يقطين عن علي بن يقطين قال: أردت أن أكتب إليه أسأله ينزّل الرجل وهو جنب

(The book) 'Basaair Al Darajaat' – Ahmad Bin Muhammad Al Ahwazy, from Ibn Abu Umeyr, from Salim slave of Ali Bin Yaqteen, from Ali Bin Yaqteen who said,

'I intended to write to him<sup>-asws</sup> (Musa Al-Kazim<sup>-asws</sup>) asking him<sup>-asws</sup> whether the man can do waxing while he is with sexual impurity'.

قَالَ فَكَتَبْتُ إِلَى ابْنِ عَبْدِ اللَّهِ التُّورَةَ تَزِيدُ الْجُنُبَ نَظَافَةً وَ لَكِنْ لَا يُجَامِعُ الرَّجُلُ مُحْتَضِبًا وَ لَا يُجَامِعُ امْرَأَةً مُحْتَضِبَةً.

He (the narrator) said, 'He<sup>-asws</sup> wrote to me initiating: 'The waxing increases the one with sexual impurity in cleanliness, but the man should not have intimate marital relations while dyed nor should the woman have intimate sexual relations while dyed'"<sup>1111</sup>

28- سن، المحاسن محمد بن علي أبو سميعة عن محمد بن أسلم عن عبد الرحمن بن سالم عن أبيه عن أبي جعفر ع قال: قلت له هل يكره الجماع في وقت من الأوقات وإن كان حلالاً

<sup>1110</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 26

<sup>1111</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 27

(The book) 'Al Mahasin' – Muhammad Bin Ali Abu Sumeyna, from Muhammad Bin Aslam, from Abdul Rahman Bin Salim, from his father,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, 'Is the intimate marital relation dislike in any time from the timings, and even though it is Permissible?'

قَالَ نَعَمْ مَا بَيْنَ طُلُوعِ الْفَجْرِ إِلَى طُلُوعِ الشَّمْسِ وَ مِنْ مَغِيبِ الشَّمْسِ إِلَى مَغِيبِ الشَّفَقِ وَ فِي الْيَوْمِ الَّذِي تَنْكَسِفُ فِيهِ الشَّمْسُ وَ فِي اللَّيْلَةِ الَّتِي يَنْكَسِفُ فِيهَا الْقَمَرُ وَ فِي الْيَوْمِ وَ اللَّيْلَةِ الَّتِي تَكُونُ فِيهَا الرِّيحُ السَّودَاءُ وَ الرِّيحُ الْحُمْرَاءُ وَ الرِّيحُ الصَّفْرَاءُ وَ فِي الْيَوْمِ وَ اللَّيْلَةِ الَّتِي تَكُونُ فِيهَا الزَّلْزَلَةُ

He<sup>-asws</sup> said: 'Yes, what is between emergence of the dawn up to emergence of the sun, and from disappearance of the sun up to disappearance of the twilight, and during the day which the sun is eclipsed in, and during the night the moon is eclipsed in, and during the day and the night in which the black wind, and the red wind, and the yellow wind (storm) happens to be in, and the night in which the earthquake happens.

وَ لَقَدْ بَاتَ رَسُولُ اللَّهِ ص عِنْدَ بَعْضِ نِسَائِهِ فِي لَيْلَةٍ انْكَسَفَ فِيهَا الْقَمَرُ فَلَمْ يَكُنْ فِي تِلْكَ اللَّيْلَةِ مَا يَكُونُ مِنْهُ فِي غَيْرِهَا حَتَّى أَصْبَحَ فَقَالَتْ لَهُ يَا رَسُولَ اللَّهِ ص أَلَيْغَضٌ هَذَا مِنْكَ فِي هَذِهِ اللَّيْلَةِ

And Rasool-Allah<sup>-saww</sup> was spending a night with one of his<sup>-saww</sup> wives during a night the moon was eclipsed in, so it did not happen from him<sup>-saww</sup> what would happen in other nights until morning. She said to him<sup>-saww</sup>, 'O Rasool-Allah<sup>-saww</sup>! Is it due to hatred from you during this night?'

قَالَ لَا وَ لَكِنْ هَذِهِ الْآيَةُ ظَهَرَتْ فِي هَذِهِ اللَّيْلَةِ فَكَرِهْتُ أَنْ أَتَلَدَّدَ وَ أَهْوُ فِيهَا وَ قَدْ عَيَّرَ اللَّهُ أَقْوَامًا فِي كِتَابِهِ فَقَالَ وَ إِنَّ يَرَوْا كِسْفًا مِنَ السَّمَاءِ سَاقِطًا يَقُولُوا سَحَابٌ مَرْكُومٌ فَذَرْنَهُمْ يَخُوضُوا وَ يَلْعَبُوا حَتَّى يُلَاقُوا يَوْمَهُمُ الَّذِي فِيهِ يُصْعَقُونَ

He<sup>-saww</sup> said: 'No, but this sign has appeared during this night, so I<sup>-saww</sup> disliked to derive pleasure and amuse myself during it, and Allah<sup>-azwj</sup> has Faulted a people in His<sup>-azwj</sup> Book. He<sup>-azwj</sup> Said: **"And if they should see pieces of the sky falling down, they would be saying: 'Piled up clouds' [52:44] So leave them engaging in vanities and playing, until they meet their Day which they are Promised [43:83] in which they would be fainting [52:45]'**

ثُمَّ قَالَ أَبُو جَعْفَرٍ ع وَ إِيَّاهُ اللَّهُ لَا يُجَامِعُ أَحَدٌ فَيَزَوِّقَ وَلَدًا فَيَرَى فِي وَلَدِهِ ذَلِكَ مَا يُحِبُّ.

Then Abu Ja'far<sup>-asws</sup> said: 'And I<sup>-asws</sup> swear by Allah<sup>-azwj</sup>! No one will have intimate marital relations (during these times) and is Graced a child, and see in his child that what he likes!'"<sup>1112</sup>

29- خَتَصَ، الْإِحْتِصَاصَ الصَّدُوقُ عَنْ أَبِيهِ عَنْ سَعْدٍ عَنْ ابْنِ أَبِي الْخَطَّابِ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ الْجَبَلِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَالِمِ الْجَبَلِيِّ عَنْهُ مِثْلُهُ وَ زَادَ فِي آخِرِهِ ثُمَّ قَالَ أَبُو جَعْفَرٍ ع وَ إِيَّاهُ اللَّهُ لَا يُجَامِعُ أَحَدٌ فَيَزَوِّقَ وَلَدًا فِي شَيْءٍ مِنْ هَذِهِ الْأَوْقَاتِ الَّتِي نَهَى عَنْهَا رَسُولُ اللَّهِ ص وَ قَدْ انْتَهَى إِلَيْهِ الْحَبَرُ فَيَرَى فِي وَلَدِهِ مَا يُحِبُّ.

(The book) 'Al Ikhtisas' – Al Sadouq, from his father, from Sa'ad, from Ibn Abu Al Khattab, from Muhammad Bin Aslam Al Jabaly, from Abdul Rahman Bin Salim Al Jabali,

<sup>1112</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 28

‘From him, similar to it, and there is an addition in its end, ‘Then Abu Ja’far<sup>-asws</sup> said: ‘And I<sup>-asws</sup> swear by Allah<sup>-azwj</sup>! No one will have intimate marital relations and be Grace a child ruining anything from these timings which Rasool-Allah<sup>-saww</sup> has forbidden from, and the Hadeeth had ended to him, and see in his child what he likes”.<sup>1113</sup>

30- سن، المحاسن أبي عن القاسم بن محمد عن إسحاق بن إبراهيم عن ابن رشيدي عن أبيه قال سمعت أبا عبد الله ع يقول لا يجامع الرجل امرأته ولا جاريته ولا بني البنت حتى يأن ذلك مما يورث الزنا.

(The book) ‘Al Mahasin’ – My father, from Al Qasim Bin Muhammad, from Is’haq Bin Ibrahim, from Ibn Rusheyd, from his father who said,

‘I heard Abu Abdullah<sup>-asws</sup> saying: ‘The man should not have intimate marital relations with his wife nor his slave girl while there is a child in the room, for that is from what inherits the adultery”.<sup>1114</sup>

31- ضا، فقه الرضا عليه السلام إذا أردت الجماع بعد غسلك الميت من قبل أن تغتسل من غسله فتوضأ ثم جامع.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – ‘When you intend the intimate marital relations after you having washed a deceased from before you having bathed from having washed him, perform Wud’u, then have intimate marital relations”.<sup>1115</sup>

32- سن، المحاسن روي عن أبي عبد الله ع ثلاث يهدمن البدن و ربما قتلن أكل القديد الغات و دخول الحمام على البطنة و نكاح العجائز.

(The book) ‘Al Mahasin’ -

‘It is reported from Abu Abdullah<sup>-asws</sup>: ‘Three (things) demolish the body, and sometimes kill – eating the old dried meat, and entering the bathhouse being upon the full stomach, and having intimate marital relations with the old woman”.<sup>1116</sup>

و زاد فيه أبو إسحاق التهاوندي و غشيان النساء على الإفتلاء.

And there is an addition in it by Abu Is’haq Al Nahwandy: ‘And overwhelming the women while being upon the full belly”.<sup>1117</sup>

33- ضا، فقه الرضا عليه السلام اتق الجماع في أول ليلة من الشهر و في وسطه و في آخره فإنه من فعل ذلك ليس يسلم الولد من السفطة و إن تم يوشك أن يكون مجنوناً

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup>: ‘Fear the intimate marital relations during the first night of the month, and in its middle, and in its end, for the one who does that, the child will not be safe from being miscarried, and if it is completed, will almost be insane!

<sup>1113</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 29

<sup>1114</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 30

<sup>1115</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 31

<sup>1116</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 32 a

<sup>1117</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 32 b

وَاتَّقِ الْجَمَاعَ فِي الْيَوْمِ الَّذِي تَنْكَسِفُ فِيهِ الشَّمْسُ أَوْ فِي لَيْلَةٍ تَنْكَسِفُ فِيهَا الْقَمَرُ وَ فِي الزَّلْزَلَةِ وَ عِنْدَ الرِّيحِ الصَّفْرَاءِ وَ الْحُمْرَاءِ وَ السَّودَاءِ فَمَنْ فَعَلَ ذَلِكَ وَ قَدْ بَلَغَهُ الْحَدِيثَ رَأَى فِي وَلَدِهِ مَا يَكْرَهُ وَ لَا يَجَامِعُ فِي السَّفِينَةِ وَ لَا يَجَامِعُ مُسْتَقْبِلَ الْقِبْلَةِ وَ لَا تَسْتَدِيرُهَا.

And fear the intimate marital relations during the day in which the sun is eclipsed, or during the night in which the moon is eclipsed, and during the earthquake, and during the yellow wind, and the red, and the black (storms). The one who does that, and the Hadeeth has reached him, will see in his child what he dislikes; and you should not have intimate marital relations in the ship, nor while facing the Qiblah, nor with your back to it”<sup>1118</sup>

34- طب، طب، الأئمة عليهم السلام مُحَمَّدُ بْنُ جَعْفَرِ الْبُرَيْقِيِّ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْأَرْمَنِ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنِ الْمُفَضَّلِ بْنِ عُمَرَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ أَبِي طَالِبٍ عَنْ جَابِرِ الْمُجَفِّعِيِّ عَنْ مُحَمَّدِ الْبَاقِرِ عَنْ أَبِيهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع إِذَا كَانَ بِأَحَدِكُمْ أَوْجَاعٌ فِي جَسَدِهِ وَ قَدْ غَلَبَتْهُ الْحَرَارَةُ فَعَلَيْهِ بِالْفَرَاشِ

(The book) ‘Tibb Al-Aimma<sup>-asws</sup>’, may the greeting be upon them<sup>-asws</sup> – Muhammad Bin Ja’far Al Bursi, from Muhammad Bin Yahya Al Armani, from Muhammad Bin Sinan, from Al Mufazzal Bin Umar, from Muhammad, from Ismail Bin Abu Talib, from Jabir Al Jufy,

‘From Muhammad Al-Baqir<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: ‘Amir Al-Momineen<sup>-asws</sup> said: ‘When there are pains with anyone of you in his body and the heat is overcoming him, upon him is with the bed!’

قِيلَ لِلْبَاقِرِ ع يَا ابْنَ رَسُولِ اللَّهِ مَا مَعْنَى الْفَرَاشِ

It was said to Al-Baqir<sup>-asws</sup>, ‘O son<sup>-asws</sup> of Rasool-Allah<sup>-saww</sup>! What is the meaning of ‘the bed?’

قَالَ غَشِيَانُ النِّسَاءِ فَإِنَّهُ يُسَكِّنُهُ وَ يُطْفِئُهُ.

He<sup>-asws</sup> said: ‘Overwhelming (having intimate marital relations with) the women for it would settle it (pains) and extinguish it (heat)”<sup>1119</sup>

35- طب، طب، الأئمة عليهم السلام أَحْمَدُ بْنُ الْخَضِيبِ النَّيْسَابُورِيُّ عَنِ النَّضْرِ عَنْ فَضَالَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَالِمٍ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع جُعِلْتُ فِدَاكَ هَلْ يَكْرَهُ فِي وَقْتٍ مِنَ الْأَوْقَاتِ الْجَمَاعَ

(The book) ‘Tibb Al-Aimma<sup>-asws</sup>’, may the greeting be upon them<sup>-asws</sup> – Ahmad Bin Al Khazeyb Al Neshapuri, from Fazalah, from Abdul Rahman Bin Salim who said,

‘I said to Abu Ja’far<sup>-asws</sup>, ‘May I be sacrificed for you<sup>-asws</sup>! Is the intimate marital relation disliked in any time from the timings?’

قَالَ نَعَمْ وَ إِنْ كَانَ خَلَا يَكْرَهُ مَا بَيْنَ طُلُوعِ الْفَجْرِ إِلَى طُلُوعِ الشَّمْسِ وَ مَا بَيْنَ مَغِيبِ الشَّمْسِ إِلَى سُقُوطِ الشَّفَقِ وَ فِي الْيَوْمِ الَّذِي تَنْكَسِفُ فِيهِ الشَّمْسُ وَ فِي اللَّيْلَةِ وَ الْيَوْمِ الَّذِي يَكُونُ فِيهِ الزَّلْزَلَةُ وَ الرِّيحِ السَّودَاءِ وَ الرِّيحِ الْحُمْرَاءِ وَ الصَّفْرَاءِ

He<sup>-asws</sup> said: ‘Yes, and even if it was Permissible. It is disliked in what between emergence of the dawn up to emergence of the sun, and what is between disappearance of the sun up to falling of the twilight, and during the day in which the sun is eclipsed, and during the night

<sup>1118</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 33

<sup>1119</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 34

and the day in which is the earthquake, and the black wind, and the red wind, and the yellow (storms).

وَلَقَدْ بَاتَ رَسُولُ اللَّهِ ص مَعَ بَعْضِ نِسَائِهِ فِي لَيْلَةٍ انْكَسَفَتْ فِيهَا الْقَمَرُ فَلَمْ يَكُنْ مِنْهُ فِي تِلْكَ اللَّيْلَةِ شَيْءٌ مِمَّا كَانَ فِي غَيْرِهَا مِنَ اللَّيَالِي فَقَالَتْ لَهُ يَا رَسُولَ اللَّهِ ص لِيُغْضُ كَانَ هَذَا الْجَفَاءُ

And Rasool-Allah<sup>-saww</sup> was spending a night with one of his<sup>-saww</sup> wives during a night in which the moon had eclipsed, so it did not happen from him<sup>-saww</sup> during that night anything of what had happened during other of the nights. She said to him<sup>-saww</sup>, 'O Rasool-Allah<sup>-saww</sup>! Is this forsaking due to hatred?'

فَقَالَ عَ أَمَا عَلِمْتِ أَنَّ هَذِهِ الْآيَةَ ظَهَرَتْ فِي هَذِهِ اللَّيْلَةِ فَكَرِهْتُ أَنْ أَتَلَدَّ وَأَهْوُ فِيهَا وَ أَتَشَبَّهَ بِقَوْمٍ غَيْرِهِمْ اللَّهُ فِي كِتَابِهِ عَزَّ وَ جَلَّ وَ إِنَّ يَرَوْا كِسْفًا مِنَ السَّمَاءِ سَاقِطًا يُفُولُوا سَحَابَ مَرْكُومٍ فَذَرَهُمْ يَخُوضُوا وَ تَلْعَبُوا حَتَّى يُلَاقُوا يَوْمَهُمُ الَّذِي يَوْمُهُمُ الَّذِي فِيهِ يُصْعَقُونَ

He<sup>-saww</sup> said: 'Don't you know that this sign has appeared during this night? I<sup>-saww</sup> disliked to derive pleasure and amusing myself during it and to resemble a people Allah<sup>-azwj</sup> Mighty and Majestic has Faulted in His<sup>-azwj</sup> Book: ***And if they should see pieces of the sky falling down, they would be saying: 'Piled up clouds' [52:44] So leave them engaging in vanities and playing, until they meet their Day which they are Promised [43:83] in which they would be fainting [52:45]***.'

ثُمَّ قَالَ أَبُو جَعْفَرٍ ع وَ إِيَّاهُ اللَّهُ لَا يُجَامِعُ أَحَدٌ فِي هَذِهِ الْأَوْقَاتِ الَّتِي كَرِهَ رَسُولُ اللَّهِ ص الْجَمَاعَ فِيهَا ثُمَّ رَزَقَ لَهُ وَلَدٌ فَبَرَى فِي وَلَدِهِ مَا يُحِبُّ بَعْدَ أَنْ يَكُونَ عَلِيمَ مَا هُوَ عَنْهُ رَسُولُ اللَّهِ ص مِنَ الْأَوْقَاتِ الَّتِي كَرِهَ فِيهَا الْجَمَاعَ وَ اللَّهُوَ وَ اللَّذَّةُ

Then Abu Ja'far<sup>-asws</sup> said: 'And I<sup>-asws</sup> swear by Allah<sup>-azwj</sup>! No one will have intimate marital relations during these timing which Rasool-Allah<sup>-saww</sup> has disliked the intimate marital relations in, then a child is Graced for him, so he would see in his child what he likes, after having knowledge of what Rasool-Allah<sup>-saww</sup> had prohibited from, of the timings in which the intimate marital relations, and the amusements, and the pleasures are disliked.

وَ اعْلَمْ يَا ابْنَ سَلَمٍ أَنَّ مَنْ لَا يَجْتَنِبُ اللَّهُوَ وَ اللَّذَّةَ عِنْدَ ظُهُورِ الْآيَاتِ يَمُنْ كَانَ يَتَّخِذُ آيَاتِ اللَّهِ هُزُوً.

And know, O Ibn Salim! The one who does not shun the playfulness and the pleasure at appearance of the signs is from the one who had taken the signs of Allah<sup>-azwj</sup> in mockery!"<sup>1120</sup>

36- طَب، طَب الْأُئِمَّة عَلَيْهِمُ السَّلَام عَبْدُ اللَّهِ وَ الْحُسَيْنُ ابْنَا بَسْطَامٍ عَنْ مُحَمَّدِ بْنِ خَلْفٍ عَنِ الْوَشَاءِ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ الْجَهْمِ عَنْ سَعْدِ الْمَوْلَى قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ الصَّادِقُ ع إِنَّكَ وَ الْجَمَاعَ فِي اللَّيْلَةِ الَّتِي يُهَالُ فِيهَا الْهَلَالُ فَإِنَّكَ إِنْ فَعَلْتَ ثُمَّ رَزَقَكَ وَلَدًا كَانَ مُخْبُوطًا

(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Abdullah and Al-Husayn, two sons of Bistam, from Muhammad Bin Khalaf, from Al Washa Ali Bin Al-Husayn, from Muhammad Bin Al Jahm, from Sa'ad Al Mawla who said,

'Abu Abdullah Al-Sadiq<sup>-asws</sup> said to me: 'Beware of having intimate marital relations during the night in which the crescent is born, for if you were to do so, a child is Graced to you, it would be afflicted!'

قُلْتُ جُعِلْتُ فِدَاكَ وَ لَمْ تَكْرَهُوْنَ ذَلِكَ يَا ابْنَ رَسُولِ اللَّهِ

I said, 'May I be sacrificed for you<sup>-asws</sup>, and why is that disliked, O son<sup>-asws</sup> of Rasool-Allah<sup>-saww</sup>!'

قَالَ أَمَا تَرَى الْمَصْرُوعَ أَكْثَرُهُمْ لَا يُصْرَعُ إِلَّا فِي رَأْسِ الْهِلَالِ.

He<sup>-asws</sup> said: 'Don't you see the ones with seizure, most of them are seized during beginning of the crescent?'<sup>1121</sup>

37- طب، طب الأئمة عليهم السلام أحمد بن الحسن التيسابوري عن النضر عن فضالة عن عبد الرحمن بن سالم قال: قُلْتُ لِأبي جَعْفَرٍ الْبَاقِرِ ع جُعِلْتُ فِدَاكَ لَمْ تَكْرَهُوْنَ الْعِشْيَانَ عِنْدَ مُسْتَهْلِ الْهِلَالِ وَ فِي الْبَصْرِ مِنَ الشَّهْرِ

(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Ahmad Bin Al Hassan Al Neshapuri, from Al Nazr, from Fazalah, from Abdul Rahman Bin Salim who said,

'I said to Abu Ja'far Al-Baqir<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! Why is intimate marital relation disliked at beginning of the crescent, and in the middle of the month?'

قَالَ لِأَنَّ الْمَصْرُوعَ أَكْثَرُ مَا يُصْرَعُ فِي هَذَيْنِ الْوَقْتَيْنِ

He<sup>-asws</sup> said: 'Because the one seized with seizure are often seized during these timings'.

قُلْتُ يَا ابْنَ رَسُولِ اللَّهِ ص قَدْ عَرَفْتُ مُسْتَهْلَ الْهِلَالِ فَمَا بَالُ الْبَصْرِ مِنَ الشَّهْرِ

I said, 'O son<sup>-asws</sup> of Rasool-Allah<sup>-saww</sup>! I have recognised the beginning of the crescent, but what is the matter with middle of the month?'

قَالَ إِنَّ الْهِلَالَ يَتَحَوَّلُ عَنْ خَالَةٍ إِلَى خَالَةٍ وَ يَأْخُذُ فِي الْتَفْصَانِ فَإِنْ فَعَلَ ذَلِكَ ثُمَّ رَزَقَ وَلَدًا كَانَ مُقِلًّا فَقِيرًا ضَعِيلًا مُتَّخِنًا.

He<sup>-asws</sup> said: 'The crescent transfers from a state to a state and takes in the waning. If he does that, then he is Graced a child, it would be of scarce means, poor, frail, Tried with hardships'.<sup>1122</sup>

38- طب، طب الأئمة عليهم السلام محمد بن جعفر البرسي عن محمد بن يحيى الأزدي عن محمد بن سنان عن يونس بن طبيان عن إسماعيل بن أبي زينب عن أبي عبد الله ع أَنَّهُ قَالَ لِرَجُلٍ مِنْ أَوْلِيَائِهِ لَا يُجَامِعُ أَهْلَكَ وَ أَنْتَ مُحْتَضِبٌ فَإِنَّكَ إِنْ رَزَقْتَ وَلَدًا كَانَ مُحْنَتًا.

<sup>1121</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 36

<sup>1122</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 37



(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Muhammad Bin Ja'far Al Bursi, from Muhammad Bin Yahya Al Armani, from Muhammad Bin Sinan, from Yunus Bin Zabyan, from Ismail Bin Abu Zainab,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> said to a man from his<sup>-asws</sup> friends: 'Do not have intimate marital relations with your wife while you are dyed, for if you are Graced a child, it would be effeminate''.<sup>1123</sup>

39- طب، طب الأئمة عليهم السلام مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ الْقَاسِمِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَمْرِو بْنِ أَبِي الْمِقْدَامِ عَنْ جَابِرِ الْجَعْفِيِّ عَنْ أَبِي جَعْفَرٍ مُحَمَّدٍ الْبَاقِرِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع كَرِهَ رَسُولُ اللَّهِ ص الْجِمَاعَ فِي اللَّيْلَةِ الَّتِي تُرِيدُ فِيهَا الرَّجُلُ سَفَرًا

(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Muhammad Bin Ismail Bin Al Qasim, from Ahmad Bin Muhriz, from Amro Bin Abu Al Miqdam, from Jabir Al Jufy,

'From Abu Ja'far Muhammad Al-Baqir<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> disliked the intimate marital relations during the night in which the man returns from a journey'.

وَقَالَ إِنَّ زُرْقًا وَلَدًا كَانَ حَوَالَةَ [حَوَالَةً].

And he<sup>-asws</sup> said: 'If he is Graced a child it would be restless (wanderer)'.<sup>1124</sup>

وَعَنِ الْبَاقِرِ مُحَمَّدِ بْنِ عَلِيٍّ ع أَنَّهُ قَالَ: قَالَ الْحُسَيْنُ بْنُ عَلِيٍّ ع لِأَصْحَابِهِ اجْتَنِبُوا الْعِشْيَانَ فِي اللَّيْلَةِ الَّتِي تُرِيدُونَ فِيهَا السَّفَرَ فَإِنَّ مَنْ فَعَلَ ذَلِكَ ثُمَّ زُرِقَ وَلَدًا كَانَ حَوَالَةَ [حَوَالَةً].

And from Al Baqir Muhammad Bin Ali<sup>-asws</sup>, he<sup>-asws</sup> said: 'Al-Husayn Bin Ali<sup>-asws</sup> said to his<sup>-asws</sup> companions: 'Avoid the intimate marital relations during the night in which you are intending the journey, for the one who does that, then he is Graced a child, it would be restless (wanderer)'.<sup>1125</sup>

40- طب، طب الأئمة عليهم السلام أَحْمَدُ بْنُ الْحُسَيْنِ بْنِ الْخَلِيلِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ الْوَلِيدِ بْنِ مَرْوَانَ عَنِ الثُّعْمَانِ بْنِ بَعْلَى عَنْ جَابِرٍ قَالَ قَالَ أَبُو جَعْفَرٍ مُحَمَّدُ الْبَاقِرُ ع إِنَّكَ وَالْجِمَاعُ حَيْثُ يَرَاكَ صَبِيٌّ يُحْسِنُ أَنْ يَصِفَ خَالَكَ

(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Ahmad Bin Al Hassan Bin Al Khaleel, from Muhammad Bin Ismail Bin Al Waleed Bin Marwan, from Al Numan Bin Ya'l, from Jabir who said,

'Abu Ja'far Muhammad Al-Baqir<sup>-asws</sup> said: 'Beware of the intimate marital relations where a child can see you and is capable of describing your state!'

قُلْتُ يَا ابْنَ رَسُولِ اللَّهِ ص كَرَاهَةَ الشُّنْعَةِ

I said, 'O son<sup>-asws</sup> of Rasool-Allah<sup>-saww</sup>, dislike of repulsiveness?'

<sup>1123</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 38

<sup>1124</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 39 a

<sup>1125</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 39 b

قَالَ لَا فَإِنَّكَ إِنْ زُرُفْتَ وَلَدًا كَانَ شُهْرَةً وَ عَلَمًا فِي الْفُسْخِ وَالْفُجُورِ.

He<sup>-asws</sup> said: 'No, for if you are Graced a child, it would be notorious and prominent in the mischief and the immorality'.<sup>1126</sup>

41- طب، طب الأئمة عليهم السلام خَلَفُ بْنُ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ الرَّعْفَرِيِّ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ سَلَمَةَ بَيْتِ السَّائِرِيِّ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ الصَّادِقِ ع أَنَّهُ قَالَ لِي إِيَّاكَ أَنْ تُجَامِعَ أَهْلَكَ وَ صَبِيٌّ يَنْظُرُ إِلَيْكَ فَإِنَّ رَسُولَ اللَّهِ ص كَانَ يَكْرَهُ ذَلِكَ أَشَدَّ كَرَاهَةٍ.

(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Khalaf Bin Ahmad, from Muhammad Bin Marwan Al Zafrani, from Ibn Abu Umeyr, from Salama Baya Al Sabiry, from Abu Baseer,

'From Abu Abdullah Al-Sadiq<sup>-asws</sup>, he<sup>-asws</sup> said to me: 'Beware of the intimate marital relations with your wife while a child is looking at you, for Rasool-Allah<sup>-saww</sup> had disliked that with severe dislike!'<sup>1127</sup>

42- طب، طب الأئمة عليهم السلام الْمُنْذِرُ بْنُ مُحَمَّدٍ عَنْ سَالِمِ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَسْبَاطٍ عَنْ خَلَفِ بْنِ سَلَمَةَ عَنْ عَلَّانِ بْنِ مُحَمَّدٍ عَنْ ذَرِيحٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ الْبَاقِرُ ع لَا تُجَامِعُ الْحُرَّةَ بَيْنَ يَدَيِ الْحُرَّةِ فَأَمَّا الْإِمَاءُ بَيْنَ يَدَيِ الْإِمَاءِ فَلَا بَأْسَ.

(The book) 'Tibb Al-Aimma<sup>-asws</sup>', may the greeting be upon them<sup>-asws</sup> – Al Munzir Bin Muhammad, from Salim Bin Muhammad, from Ibn Asbat, from Khalaf Bin Salama, from Allah Bin Muhammad, from Zareeh,

'From Abu Abdullah<sup>-asws</sup> having said: 'Al-Baqir<sup>-asws</sup> said: 'Do not have intimate marital relations with the freewoman in front of the freewoman. As for the slave girl in front of the slave girl, there is no problem''.<sup>1128</sup>

43- شي، تفسير العياشي عَنْ عَيْسَى بْنِ عَبْدِ اللَّهِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع الْمَرْأَةُ تَحِيضُ نَحْمُ [يَحْزُمُ] عَلَى زَوْجِهَا أَنْ يَأْتِيَهَا فِي فَرْجِهَا لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لَا تَقْرُبُوهُنَّ حَتَّى يَطْهُرْنَ فَيَسْتَقِيمَ لِلرَّجُلِ أَنْ يَأْتِيَ امْرَأَتَهُ وَ هِيَ حَائِضٌ فِيمَا دُونَ الْفَرْجِ.

(The book) 'Tafseer Al Ayyashi' – From Isa Bin Abdullah who said,

'Abu Abdullah<sup>-asws</sup> said: 'The menstruating wife is prohibited unto her husband from coming to her frontal private part due to Words of Allah<sup>-azwj</sup> Mighty and Majestic: **and do not go near them until they are clean [2:222]**. It is allowed for the man to come to his wife while she is menstruating in what is other than the frontal private part''.<sup>1129</sup>

44- شي، تفسير العياشي عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ تَعَالَى لَا تُضَارَّ وَالِدَةُ بِوَلَدِهَا وَ لَا مَوْلُودٌ لَهُ بِوَلَدِهِ قَالَ الْجَمَاعُ.

(The book) 'Tafseer Al Ayyashi' – from Jameel Bin Darraj who said,

<sup>1126</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 40

<sup>1127</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 41

<sup>1128</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 42

<sup>1129</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 43

'I asked Abu Abdullah<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> the Exalted: **neither the mother is to be harmed by her child, nor a father by his child [2:233]**. He<sup>-asws</sup> said: 'The intimate marital relations''<sup>1130</sup>

45 شي، تفسير العياشي الحلبي قَالَ أَبُو عَبْدِ اللَّهِ ع لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَ لَا مَوْلُودٌ لَهُ بِوَلَدِهِ قَالَ كَانَتْ الْمَرْأَةُ مِمَّنْ تَرْفَعُ يَدَهَا إِلَى الرَّجُلِ إِذَا أَرَادَ مُجَامَعَتَهَا فَتَقُولُ لَا أَدْعُكَ إِلَيَّ أَخَافُ عَلَى وَلَدِي

(The book) 'Tafseer Al Ayyashi' – Al Halby,

'Abu Abdullah<sup>-asws</sup> said (regarding): '**neither the mother is to be harmed by her child, nor a father by his child [2:233]**. He<sup>-asws</sup> said: 'There was a woman from the ones who raised to the man when he intended to have intimate marital relations. She would say, 'I will not let you for I fear upon my child!'

و يَقُولُ الرَّجُلُ لِلْمَرْأَةِ لَا أُجَامِعُكَ إِلَيَّ أَخَافُ أَنْ تَعْلَقِي فَأَقْتُلَ وَلَدِي فَتَهَى اللَّهُ عَنْ أَنْ يُضَارَّ الرَّجُلُ الْمَرْأَةُ وَالْمَرْأَةُ الرَّجُلَ.

And the man would say to the woman, 'I will not have intimate marital relations with you, I fear that you might conceive and I would kill my child!' So Allah<sup>-azwj</sup> Prohibited from the man harming the woman, and the woman (harming) the man''<sup>1131</sup>

46- شي، تفسير العياشي عَنْ يُوسُفَ عَنْ أَبِي الرَّبِيعِ الشَّامِيِّ قَالَ: كُنْتُ عِنْدَهُ لَيْلَةً فَذَكَرَ شَرَكَ الشَّيْطَانِ فَعَظَّمَهُ حَتَّى أَفْرَعَنِي فَقُلْتُ جُعِلْتُ فِدَاكَ فَمَا الْمَخْرُجُ مِنْهَا وَ مَا نَصْنَعُ

(The book) 'Tafseer Al Ayyashi' – From Yunus, from Abu Al Rabie Al Shamy who said,

'I was in his<sup>-asws</sup> presence one night. He<sup>-asws</sup> mentioned participation of the Satan<sup>-la</sup>. He<sup>-asws</sup> magnified it to the extent he made me panic. I said, 'May I be sacrificed for you<sup>-asws</sup>! What is the outlet from it and what can we do?'

قَالَ إِذَا أَرَدْتَ الْمُجَامَعَةَ فَقُلْ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الَّذِي لَا إِلَهَ إِلَّا هُوَ بَدِيعَ السَّمَاوَاتِ وَ الْأَرْضِ اللَّهُمَّ إِنْ قَصَدْتُ مَيْي فِي هَذِهِ اللَّيْلَةِ وَلَدًا فَلَا تَجْعَلْ لِلشَّيْطَانِ فِيهِ نَصِيبًا وَ لَا شَرِكًا وَ لَا حَظًّا وَ اجْعَلْهُ عَبْدًا صَالِحًا مُصَفًّى [مُصَفًّى] وَ دُرَيْتَهُ جَلَّ تَنَاوُكُ.

He<sup>-asws</sup> said: 'When you intend the intimate marital relations, say, 'In the Name of Allah<sup>-azwj</sup> the Beneficent, the Merciful Who, there is no god except He<sup>-azwj</sup>, Initiator of the skies and the earth! O Allah<sup>-azwj</sup>! If a child is conceived from me during this night, do not Make for the Satan<sup>-la</sup> a share in it nor a participation nor a portion, and Make him a righteous servant, purified and his offspring. Majestic is Your<sup>-azwj</sup> Praise!''<sup>1132</sup>

47 شي، تفسير العياشي عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع مَا قَوْلُ اللَّهِ شَارِكُهُمْ فِي الْأَمْوَالِ وَ الْأَوْلَادِ فَقَالَ قُلْ فِي ذَلِكَ قَوْلًا أَعُوذُ بِاللَّهِ السَّمِيعِ الْعَلِيمِ مِنَ الشَّيْطَانِ الرَّجِيمِ.

<sup>1130</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 44

<sup>1131</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 45

<sup>1132</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 46

(The book) 'Tafseer Al Ayyashi' – From Suleyman Bin Khalid who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'What (is the meaning of the) Words of Allah<sup>-azwj</sup>: **and participate in their wealth and their children [17:64]**. He<sup>-asws</sup> said: 'Say during that the words, 'I seek Refuge with Allah<sup>-azwj</sup> the All-Hearing, the All-Knowing from the Pelted Satan<sup>-la</sup>'.<sup>1133</sup>

48- شي، تفسير العياشي عن الألاء بن رزين عن محمد عن أحدهما ع قال: شرك الشيطان ما كان من مال حرام فهو من شركه و يكون مع الرجل حين يجامع فيكون نطفته مع نطفته إذا كان حراماً

(The book) 'Tafseer Al Ayyashi' – From Al A'ala Bin Razeyn, from Muhammad,

'From one of the two (5<sup>th</sup> or 6<sup>th</sup>): 'Participation of the Satan<sup>-la</sup> is whatever was from the prohibited wealth, for it is from his<sup>-la</sup> participation, and he<sup>-la</sup> would be with the man when he has intimate marital relations, his seed would be with his<sup>-la</sup> seed when it was prohibited'.

قال كلتيهما جميعاً يختلطه

He<sup>-asws</sup> said: 'Both of them would be mingled together'.

و قال ربما خلق من واحد و ربما خلق منهما جميعاً.

And he<sup>-asws</sup> said: 'Sometimes (the child) is created from one, and sometimes created from both of them together'.<sup>1134</sup>

49- شي، تفسير العياشي صفوان الجمال قال: كنت عند أبي عبد الله ع فاستأذن عيسى بن منصور عليه فقال له ما لك و لفلان يا عيسى أما إنّه ما يجيبك

(The book) 'Tafseer Al Ayyashi' – Safwan Al Jammal who said,

'I was in the presence of Abu Abdullah<sup>-asws</sup>. Isa Bin Mansour sought permission to see him. He<sup>-asws</sup> said to him: 'What is the matter between you and so and so, O Isa? But, he does not like you!'

فقال بآبي و أمي يقول قولنا و يتولى من نتولى

He said, 'By my father and my mother! He says our word (belief) and befriends the one we befriend!'

فقال إن فيه نخوة إبليس

He<sup>-asws</sup> said: 'In him is arrogance of Iblees<sup>-la</sup>'.

فقال بآبي و أمي أ ليس يقول إبليس خلقتني من نار و خلقتّه من طين

<sup>1133</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 47

<sup>1134</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 48

He said, 'By my father and my mother! Isn't Iblees<sup>-la</sup> saying: **You Created me from fire and Created him from clay** [38:76]?'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع وَ قَدْ يَقُولُ اللَّهُ وَ شَارِكُهُمْ فِي الْأَمْوَالِ وَ الْأَوْلَادِ فَالْمَشَيْطَانُ يُبَاذِعُ ابْنَ آدَمَ هَكَذَا وَ قَرَنَ بَيْنَ إِصْبَعَيْهِ.

Abu Abdullah<sup>-asws</sup> said: 'And Allah<sup>-azwj</sup> has Said: **and participate in their wealth and their children [17:64]**. Satan<sup>-la</sup> copulates with a son of Adam<sup>-as</sup> like this!' – and he<sup>-asws</sup> paired between his<sup>-asws</sup> fingers".<sup>1135</sup>

50- كشف، كشف الغمة من دلائل الحميري عن الوشاء قال قال فلان بن مخزوم بلغنا أن أبا عبد الله ع كان إذا أراد أن يعاود أهله للجماع توضأ وضوء الصلاة فأجبت أن نسأل أبا الحسن الثاني عن ذلك

(The book) 'Kashf Al Ghumma', from 'Dalail' of Al Himeyri, from Al Washa who said, 'So and so son of Muhriz said,

'It reached us that Abu Abdullah<sup>-asws</sup>, whenever he<sup>-asws</sup> intended to return to his<sup>-asws</sup> wife for the intimate marital relations, he<sup>-asws</sup> would perform Wud'u of the Salat. So I loved to ask Abu Al Hassan<sup>-asws</sup> the 2<sup>nd</sup> about that.

قال الوشاء قد حلت عليه فابتدأني من غير أن أسأله فقال كان أبو عبد الله ع إذا جامع و أراد أن يعاود توضأ للصلاة و إذا أراد أيضا توضأ للصلاة

Al-Washa said, 'I entered to see him. He<sup>-asws</sup> initiated me from without my having asked him. He<sup>-asws</sup> said: 'Abu Abdullah<sup>-asws</sup>, whenever he<sup>-asws</sup> wanted to have intimate marital relations and intended to return, he<sup>-asws</sup> would perform Wud'u of the Salat, and when he<sup>-asws</sup> intended as well, he<sup>-asws</sup> would perform Wud'u of the Salat'.

فخرجت إلى الرجل فقلت قد أجابني عن مسألتك من غير أن أسأله.

I went out to the man. I said, 'He<sup>-asws</sup> has answered me about your question from without my having asked him<sup>-asws</sup>'.<sup>1136</sup>

51 نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا أَتَى أَحَدُكُمْ امْرَأَتَهُ فَلَا يُعَجِّلْهَا.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Whenever one of you comes to his wife, he should not hasten it''.<sup>1137</sup>

وَ هَكَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص إِيَّاكُمْ وَ أَنْ يُجَامِعَ الرَّجُلُ امْرَأَتَهُ وَ الصَّبِيُّ فِي الْمَهْدِ يَنْظُرُ إِلَيْهِمَا.

And by this chain,

<sup>1135</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 49

<sup>1136</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 50

<sup>1137</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 51 a

'He<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Beware and the man having intimate marital relation with his wife while the child in the cradle is looking at them!'"<sup>1138</sup>

52 **الْهَيْدَايَةُ**، وَ يُكْرَهُ الْجِمَاعُ فِي أَوَّلِ لَيْلَةٍ مِنَ الشَّهْرِ وَ فِي وَسْطِهِ وَ فِي آخِرِهِ وَ مَنْ فَعَلَ ذَلِكَ فَلَيْسَ لِمَنْ لِسَقِطِ الْوَلَدِ فَإِنْ نَمَّ أَوْشَكَ أَنْ يَكُونَ مَجْنُونًا أَلَا تَرَى أَنَّ الْمَجْنُونِ أَكْثَرُ مَا يُصْرَعُ فِي أَوَّلِ الشَّهْرِ وَ وَسْطِهِ وَ آخِرِهِ

(The book) 'Al Hidayah' -

'And the intimate marital relation is disliked during the first night of the month, and in its middle, and in its end, and the one who does that, let him be prepared for miscarriage of the child. If it is completed, then it will almost be insane. Don't you see that the insane ones is most struck by seizures in the beginning of the month, and its middle and its end?

وَ يُكْرَهُ الْجِمَاعُ فِي الْيَوْمِ الَّذِي تَنْكَسِفُ فِيهِ الشَّمْسُ وَ فِي اللَّيْلَةِ الَّتِي يَنْكَسِفُ فِيهَا الْقَمَرُ وَ فِي الزَّلْزَلَةِ وَ الرِّيحِ الصَّفْرَاءِ وَ السَّودَاءِ وَ الْحُمْرَاءِ فَإِنَّهُ مَنْ فَعَلَ ذَلِكَ وَ قَدْ بَلَغَهُ الْحَدِيثُ رَأَى فِي وَلَدِهِ مَا يَكْرَهُ

And the intimate marital relation is disliked during the day in which the sun is eclipsed, and during the night in which the moon is eclipsed, and during the earthquake, and the yellow wind, and the black, and the red (storms), for the one who does that, and the Hadeeth has reached him, he would see in his child what he dislikes.

وَ إِذَا تَزَوَّجَ الرَّجُلُ امْرَأَةً فَخَلَا بِهَا فَقَدْ وَجِبَ عَلَيْهِ الْمَهْرُ وَ الْعِدَّةُ وَ خَلَاؤُهُ دُخُولُهُ وَ إِذَا جَامَعَ الرَّجُلُ امْرَأَتَهُ وَ التَّقَى الْحَيَاتَانِ فَقَدْ وَجِبَ الْغُسْلُ أَنْزَلَ أَوْ لَمْ يُنْزَلْ

And when the man marries a woman and secludes with her, the dower and the waiting period is obligated upon him, and his seclusion is his consummation; and when the man has intimate marital relations with his wife and the two private parts meet, the washing is obligated, whether he discharges or does not discharge.

وَ إِنْ جَامَعَ مَفَاخِذَهَا - [مُفَاخِذَةً] فَأَهْرَقَ فَعَلَيْهِ الْغُسْلُ وَ لَيْسَ عَلَى الْمَرْأَةِ إِذَا عَلَيَهَا غَسْلُ الْفَخَذَيْنِ وَ إِنْ لَمْ يُنْزَلْ هُوَ فَلَيْسَ عَلَيْهِ غُسْلُ

And if he has intimate marital relations with her thighs and ejaculates, the washing is upon him and it isn't upon the woman. But rather, upon her to wash her things, and if did not discharge, washing is not upon him.

وَ لَا يَجُوزُ لِلرَّجُلِ أَنْ يُجَامِعَ امْرَأَتَهُ وَ هِيَ حَائِضٌ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ هَمَى عَنْ ذَلِكَ فَقَالَ وَ لَا تَقْرُبُوهُنَّ حَتَّى يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ أَعْنِي بِذَلِكَ الْغُسْلُ عَنِ الْحَيْضِ

And it is not allowed for the man that he has intimate marital relations with his wife while she is menstruating because Allah<sup>-azwj</sup> Mighty and Majestic has Prohibited from that. He<sup>-azwj</sup> Said: **'and do not go near them until they are clean [2:222]**, meaning by that the washing from the menstruation.

فَإِنْ كَانَ الرَّجُلُ مُسْتَعِجِلًا وَ أَرَادَ أَنْ يُجَامِعَهَا فَلْيَأْمُرْهَا أَنْ تَغْسِلَ فَرْجَهَا ثُمَّ يُجَامِعَهَا

If the man is hasty to have intimate relations with his wife while she is menstruation and he wants to have intimate marital relations with her, he should instruct her to wash her private part, then he can have intimate marital relation with her.

وَمَنْ جَامَعَ امْرَأَةً خَائِضًا فِي أَوَّلِ الْخَيْضِ فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِدِينَارٍ وَإِنْ كَانَ فِي وَسْطِهِ فَيَصِفُ دِينَارٍ فَإِنْ كَانَ فِي آخِرِهِ فَيُرْبِعُ دِينَارٍ وَمَنْ جَامَعَ أَمْتَهُ وَ هِيَ خَائِضٌ فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِثَلَاثَةِ أَمْدَادٍ مِنْ طَعَامٍ.

And one who has intimate marital relations with his menstruating wife in the beginning of the menstruation, upon him is to donate a Dinar, and if it was in its middle, half a Dinar. If it was in its end, a quarter of a Dinar; and the one who has intimate marital relations while she is menstruating, upon him is to donate three handfuls of food".<sup>1139</sup>

باب 66 وجوه النكاح وفيه إثبات المتعة وثوابها و جمل شرائط كل نوع منه و أحكامها

## CHAPTER 66 – THE ASPECTS OF MARRIAGE, AND IN IT ARE PROOFS OF TEMPORARY MARRIAGE AND ITS REWARDS, AND A SUMMARY OF CONDITIONS OF EACH TYPE OF IT AND ITS RULINGS

1- أَحْمَدُ بْنُ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنْ آبَائِهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ لِحُلِّ الْفُرُوجِ بِثَلَاثَةِ وَجُوهٍ نِكَاحٍ بِمِيرَاثٍ وَ نِكَاحٍ بِأَلَا مِيرَاثٍ وَ نِكَاحٍ بِمِلْكٍ يَمِينٍ.

Ahmad Bin Ali Bin Ibrahim, from his father, from his grandfather, from Al Nowfaly, from Al Sakuni,

‘From Al-Sadiq<sup>-asws</sup> having said: ‘Amir Al-Momineen<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>, said: ‘The private parts are legalised by three perspectives – marriage of inheritance, and marriage without inheritance, and marriage with possession of the right hand (slave girls)”.<sup>1140</sup>

2- ج، الإحتجاج كَتَبَ الْحَمَيْرِيُّ إِلَى النَّاحِيَةِ الْمُقَدَّسَةِ سَائِلًا عَنِ الرَّجُلِ مِمَّنْ يَقُولُ بِالْحَقِّ وَ يَرَى الْمُتْعَةَ وَ يَقُولُ بِالرُّجْعَةِ إِلَّا أَنَّ لَهُ أَهْلًا مُوَافِقَةً لَهُ فِي جَمِيعِ أُمُورِهِ وَ قَدْ غَاوَاهَا أَنْ لَا يَتَزَوَّجَ عَلَيْهَا وَ لَا يَتَمَتَّعَ وَ لَا يَتَسَرَّى وَ قَدْ فَعَلَ هَذَا مُنْذُ تِسْعِ عَشْرَةِ سَنَةً

(The book) ‘Al Ihtijaj’ –

‘Al-Himeyri wrote to the Holy Authority (12<sup>th</sup> Imam<sup>-ajfi</sup>) asking about the man who follows the truth, believes in temporary marriage (Mut’ah), and believes in the return (Raj’ah), but has a wife who is compatible with him in all his affairs. He made a pledge to her that he would neither marry another woman, nor enter into a Mut’ah contract, nor take a concubine. He has done this for nineteen years.

<sup>1139</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 65 H 52

<sup>1140</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 1

وَوَقَى بِقَوْلِهِ فَرَمًا غَابَ عَنْ مَنْزِلِهِ الْأَشْهُرَ فَلَا يَتَمَتَّعُ وَلَا يَتَحَرَّكُ [تَتَحَرَّكُ] نَفْسُهُ أَيْضًا لِذَلِكَ وَ يَرَى أَنَّ وَفُوفَ مَنْ مَعَهُ مِنْ أَخٍ وَ وَلَدٍ وَ غُلَامٍ وَ وَكِيلٍ وَ حَاشِيَةٍ بِمَا يُقَلِّلُهُ فِي أَعْيُنِهِمْ وَ يُحِبُّ الْمَقَامَ عَلَى مَا هُوَ عَلَيْهِ حُبَّةً لِأَهْلِهِ وَ مِثْلًا لِإِنِّهَا وَ صِيَانَةً لَهَا وَ لِنَفْسِهِ لَا لِتَحْرِيمِ الْمُتْنَعَةِ بَلْ يَدِينُ لِلَّهِ بِهَا فَهَلْ عَلَيْهِ فِي تَرْكِ ذَلِكَ مَأْتَمٌ أَمْ لَا

Sometimes he is absent from his home for months, yet he neither engages in Mut'ah nor feels any desire for it. He also thinks that doing so would lower his standing in the eyes of his companions, such as his brother, son, servant, agent, and household attendants. He prefers to maintain his current way of life out of love and affection for his wife and to protect both her and himself, not because he considers Mut'ah unlawful, but indeed, he believes in it as a religion of Allah<sup>-azwj</sup>. Is he committing a sin by refraining from it or not?

فَخَرَجَ الْجَوَابُ يُسْتَحَبُّ لَهُ أَنْ يُطِيعَ اللَّهَ تَعَالَى بِالْمُتْنَعَةِ لِيُؤْوَلَ عَنْهُ الْحِلْفُ فِي الْمَعْصِيَةِ وَ لَوْ مَرَّةً وَاحِدَةً.

The answer emerged: 'It is recommended for him to obey Allah<sup>-azwj</sup> the Exalted with performing the temporary marriage in order to remove the oath regarding the disobedience away from him, and even if one time".<sup>1141</sup>

3- فس، تفسير القمي أحمد بن إدريس عن أحمد بن محمد بن مالك بن عبد الله بن أسلم عن أبيه عن رجلٍ من الكوفيين عن أبي عبد الله ع في قول الله ما يفتح الله للناس من رحمة فلا ممسك لها قال و المتعة من ذلك.

(The book) 'Tafseer Al Qummi' – Ahmad Bin Idrees, from Ahmad Bin Muhammad, from Malik Bin Abdullah Bin Aslam, from his father, from a man from the people of Kufa,

'From Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup>: **Whatever Mercy Allah Opens to the people, so there is none to withhold it [35]**, he<sup>-asws</sup> said: 'And the temporary marriage is from that".<sup>1142</sup>

4- ب، قرب الإسناد ابن سعد عن الأزدی قال: سألت أبا عبد الله ع عن المتعة فقال فما استمتعتم به منهن فآتوهن أجورهن فريضة و لا جناح عليكم فيما تراضينهن به من بعد الفريضة

(The book) 'Qurb Al Isnad' – Ibn Sa'ad. From Al Azdy who said,

'I asked Abu Abdullah<sup>-asws</sup> about the temporary marriage. He<sup>-asws</sup> said: '**So whatever (Women) you enjoy with, give them their Obligatory recompense, and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower); [4:24]**'.

قال و سألت أبا الحسن موسى ع عنها أ من الأربع هي فقال لا.

And I asked Abu Al-Hassan Musa<sup>-asws</sup> about it, 'Is it from the four (maximum number of wives)?' He<sup>-asws</sup> said: 'No".<sup>1143</sup>

<sup>1141</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 2

<sup>1142</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 3

<sup>1143</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 4



5- ب، قرب الإسناد ابن سَعْدٍ عَنِ الْأَزْدِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْمُتْعَةِ فَقَالَ أَكْرَهُ لَهُ أَنْ يُخْرِجَ مِنَ الدُّنْيَا وَ قَدْ بَقِيَتْ عَلَيْهِ خَلَّةٌ مِنْ خِلَالِ رَسُولِ اللَّهِ ص لَمْ يَقْضِهَا.

(The book) 'Qurb Al Isnaad' – Ibn Sa'ad, from Al Azdy who said,

'I asked Abu Abdullah<sup>-asws</sup> about the temporary marriage. He<sup>-asws</sup> said: 'I<sup>-asws</sup> dislike to exit from the world and there remains upon me a characteristic from characteristics of Rasool-Allah<sup>-saww</sup> I<sup>-asws</sup> did not fulfil". 1144

6- ب، قرب الإسناد ابن رِثَابٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْمُتْعَةِ فَأَخْبَرَنِي أَنَّهَا حَلَالٌ وَ أَخْبَرَنِي أَنَّهُ يُجْزِي فِيهَا الدَّرَهَمَ فَمَا فَوْقَهُ.

(The book) 'Qurb Al Isnaad' – Ibn Riab said,

'I asked Abu Abdullah<sup>-asws</sup> about the temporary marriage. He<sup>-asws</sup> informed me it is Permissible, and informed me that a Dirham and whatever is above it suffices for it". 1145

7- ل، الخصال أَبِي عَنْ سَعْدٍ عَنْ حَمَّادِ بْنِ يَعْلَى عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: هُمُ الْمُؤْمِنِينَ فِي ثَلَاثَةِ أَشْيَاءَ التَّمَتُّعُ بِالنِّسَاءِ وَ مُفَاكَهَةِ الْإِخْوَانِ وَ الصَّلَاةُ بِاللَّيْلِ.

(The book) 'Al Khisal' – My father, from Sa'ad, from Hammad Bin Ya'la, from his father, from Hammad Bin Isa, from Zurara,

'From Abu Ja'far<sup>-asws</sup> having said: 'Amusement of the Momin is in three things – the enjoyment with the women, and pleasant conversation with the brethren, and the Salat at night". 1146

8- ل، الخصال فِي خَبَرِ الْأَعْمَشِيِّ عَنِ الصَّادِقِ ع قَالَ: تَحْلِيلُ الْمُتَعَتَيْنِ وَاجِبٌ كَمَا أَنْزَلَ اللَّهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ وَ سَنَّهَا رَسُولُ اللَّهِ ص مُتَعَةَ الْحَجِّ وَ مُتَعَةَ النِّسَاءِ.

(The book) 'Al Khisal', in a Hadeeth of Al Amsh,

'From Al-Sadiq<sup>-asws</sup> having said: 'Permissibility of the two 'Muta's' are obligatory just as Allah<sup>-azwj</sup> Mighty and Majestic has Revealed in His<sup>-azwj</sup> Book and practised by Rasool-Allah<sup>-saww</sup> – the Mut'ah of Hajj and Mut'ah of the women (temporary marriage)". 1147

9- ف، تحف العقول عَنِ الصَّادِقِ ع قَالَ: يَجُوزُ مِنَ الْمَنَاجِحِ أَرْبَعَةٌ وَجُودُ نِكَاحٍ بِمِيرَاثٍ وَ نِكَاحٍ بِغَيْرِ مِيرَاثٍ وَ نِكَاحُ الْيَمِينِ وَ نِكَاحُ تَحْلِيلٍ مِنَ الْمُحَلَّلِ لَهُ مِنْ مِلْكٍ مَنْ يَمْلِكُ.

(The book) 'Tuhaf Al Uqoul' -

1144 Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 5

1145 Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 6

1146 Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 7

1147 Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 8

‘From Al-Sadiq<sup>-asws</sup> having said: ‘Four aspects of the marriage are allowed – marriage with inheritance, and marriage without inheritance, and marriage of the ownership (slave girls), and marriage by permission granted by the one owning (a slave girl) he owns’’.<sup>1148</sup>

10- ضا، فقه الرضا عليه السلام اعلم ينحك الله أن وجه النكاح الذي أمر الله جل وعز بها أربعه أوجه منها نكاح ميراث وهو يولي وشاهدين ومهر معلوم ما يقع عليه الرضا من قليل أو كثير

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – ‘Know, may Allah<sup>-azwj</sup> Mercy you, that the aspects of marriage which Allah<sup>-azwj</sup> Majestic and Mighty has Commanded with are four aspects. From these is marriage with inheritance. It requires a guardian, two witnesses, and a specified dowry, whether small or large, according to mutual agreement.

وإنه اختيج إلى الشهود والمطلق من عدد النسوة في هذا الوجه من النكاح أربعة ولا يجوز لمن له أربع نسوة إذا عزم على التزويج إلا يطلق إحدى الأربع أن يتزوج حتى تنقضي عدة المطلقة منهن وتحل لغيره من الرجال لأنها ما لم تحل للرجال في حبالته

The presence of witnesses is necessary, and the unrestricted number of wives permitted in this type of marriage is four. It is not lawful for a man who already has four wives to marry another unless he first divorces one of the four, and he may not marry until the waiting period of the wife he divorces has ended and she becomes lawful for another man, because as long as she has not become lawful for other men, she remains bound to him.

والوجه الثاني نكاح بغير شهود ولا ميراث وهي نكاح المتعة بشرطها وهي أن تسأل المرأة فارغة هي أم مشغولة بزواج أو بعدة أو بحمل فإذا كانت خالية من ذلك قال لها متعني نفسك على كتاب الله وسنة نبيه ص نكاحاً غير سباح كذا وكذا بكذا وكذا وبتن المهر والأجل على أن لا ترثيني ولا أرتك وعلى أن الماء أضعه حيث أشاء وعلى أن الأجل إذا انقضى كان عليك عدة خمسة وأربعين يوماً

The second type is marriage without witnesses and without inheritance, which is the temporary marriage (muta’h) with its conditions. The woman is asked whether she is free of a husband, a waiting period (Idda), or pregnancy. If she is free of these, the man says to her: ‘I seek to enjoy myself with you according to the Book of Allah<sup>-azwj</sup> and the Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, as a marriage and not fornication, for such and such a period, for such and such an amount’, specifying the dowry and the term, on the condition that neither of them inherits from the other, that the man may place his semen where he wishes, and that when the term ends, the woman must observe a waiting period of forty-five days.

فإذا أتعمت قلت لها قد متعني نفسك وتعيد جميع الشرائط عليها لأن القول الأول خطبة وكل شرط قبل النكاح فاسد وإنما يتعقد الأمر بالقول الثاني فإذا قالت في الثاني نعم دفع إليها المهر أو ما حضر منه وكان ما ينمي ديناً عليك وقد حل لك حينئذ وطؤها

When she agrees, he says to her: “‘You have granted me enjoyment of yourself’, and he repeats all the conditions upon her, because the first statement is only a proposal, and every condition before the marriage contract is invalid. The matter is only concluded with the second statement. When she says ‘yes’ in response to the second statement, the dowry, or whatever portion of it is immediately available, is given to her, and the rest becomes a debt upon you. From that moment, intimate relations with her is lawful for you’.

وَرُوي لَا تَتَمَّعُ بِلِصَّةٍ وَلَا مَشْهُورَةٍ بِالْفُجُورِ وَادْعِ الْمَرْأَةَ قَبْلَ الْمُتَمَعِ إِلَى مَا لَا يَحِلُّ فَإِنْ أَجَابَتْ فَلَا تَتَمَّعُ بِهَا

Do not contract a temporary marriage with a thief or a woman known for debauchery, and invite the woman before the temporary marriage to something unlawful. If she agrees to it, then do not engage in temporary marriage with her’.

وَرُوي أَيْضاً رُخْصَةً فِي هَذَا الْبَابِ أَنَّهُ إِذَا جَاءَ بِالْأَجْرِ وَالْأَجَلِ جَازَ لَهُ وَإِنْ لَمْ يَسْأَلْهَا وَلَا يَتَحَنَّنْهَا فَلَا شَيْءَ عَلَيْهِ وَلَا يَسْأَلُهَا مِنْهُ عِدَّةٌ إِذَا عَزَمَ عَلَى أَنْ يَزِيدَ فِي الْمُدَّةِ وَالْأَجَلِ وَالْمَهْرِ وَإِنَّمَا الْعِدَّةُ عَلَيْهَا لِغَيْرِهِ إِلَّا أَنَّهُ يَهَبُ لَهَا مَا بَقِيَ مِنْ أَجَلِهِ عَلَيْهَا

It is also reported as a concession in this matter that if he specifies the payment and the term, it is permissible for him even if he does not ask her or test her, and there is no obligation upon him. There is no waiting period (Idda) required from her for him if he intends to extend the term and the payment, and the waiting period is only required of her for someone else, except that he grants to her what remains of his term with her.

وَهُوَ قَوْلُهُ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ وَهُوَ زِيَادَةُ فِي الْمَهْرِ وَالْأَجَلِ وَ سَبِيلُ الْمُتَمَعِ سَبِيلُ الْإِمَاءِ لَهُ أَنْ يَتَمَّعَ مِنْهُنَّ بِمَا شَاءَ وَ أَرَادَ

And it is Word: ***So whatever (Women) you enjoy with, give them their Obligatory recompense, and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower); surely Allah was always most-Knowing, Wise [4:24]***, and it is an increase in the dower and the term, and the way of temporary marriage is the way of the slave girl of his, that he can enjoy with them with whatever he so desires and wants.

وَالْوَجْهُ الثَّالِثُ نِكَاحُ مِلْكِ الْيَمِينِ وَهُوَ أَنْ يَبْتَاعَ الرَّجُلُ الْأَمَةَ فَحَلَّالٌ لَهُ نِكَاحُهَا إِذَا كَانَتْ مُسْتَبْرَأَةً وَالْإِسْتِبْرَاءُ حَيْضَةٌ وَهُوَ عَلَى الْبَائِعِ فَإِنْ كَانَ الْبَائِعُ ثَقَّةً وَ ذَكَرَ أَنَّهُ اسْتَبْرَأَهَا جَازَ نِكَاحُهَا مِنْ وَفَّيْهَا وَإِنْ لَمْ يَكُنْ ثَقَّةً اسْتَبْرَأَهَا الْمُشْتَرِي بِحَيْضَةٍ وَإِنْ كَانَتْ بَكْرًا أَوْ لَامْرَأَةً أَوْ يَمَنٌ لَمْ يَبْلُغْ حَدَّ الْإِذْرَاكِ اسْتَعْنَى عَنْ ذَلِكَ

The third aspect is marriage through ownership by right hand (concubinage), which is when a man purchases a female slave, and it is lawful for him to have relations with her if she has been cleared of pregnancy. The clearing (Istibra) is a single menstrual cycle, and this is required of the seller. If the seller is trustworthy and states that he has cleared her, then it is permissible to have relations with her immediately. If he is not trustworthy, the buyer must ensure she undergoes one menstrual cycle. If she is a virgin, a woman, or one who has not reached maturity, this requirement is unnecessary.

وَالْوَجْهُ الرَّابِعُ نِكَاحُ التَّحْلِيلِ وَهُوَ أَنْ يُحِلَّ الرَّجُلُ وَالْمَرْأَةُ فَرَجَ الْجَارِيَةِ مُدَّةً مَعْلُومَةً فَإِنْ كَانَتْ لِرَجُلٍ فَعَلَيْهِ قَبْلَ تَحْلِيلِهَا أَنْ يَسْتَبْرَأَهَا بِحَيْضَةٍ وَ يَسْتَبْرَأَهَا بَعْدَ أَنْ يَنْقُضِي أَيَّامَ التَّحْلِيلِ وَإِنْ كَانَتْ لِمَرْأَةٍ اسْتَعْنَى عَنْ ذَلِكَ.

The fourth type is the marriage of permissive transfer (Tahlil), which is when a man or a woman makes the private parts of a female slave permissible for a known period. If she belongs to a man, then before this permissive arrangement, he must clear her with one menstrual cycle, and he must also clear her after the period of permissive transfer ends. If she belongs to a woman, there is no need for this requirement”.<sup>1149</sup>

<sup>1149</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 10

11- قَالَ الْمُفَضَّلُ لِلصَّادِقِ ع يَا مَوْلَايَ فَالْمُنْعَةُ

Al-Mufazzal said to Al-Sadiq<sup>asws</sup>, 'O my master! (What about) the Mut'a (temporary marriage)?'

قَالَ الْمُنْعَةُ حَالًا طَلَّقَ وَالشَّاهِدُ بِمَا قَوْلُ اللَّهِ عَزَّ وَجَلَّ وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ ... عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا أَيْ مَشْهُودًا وَ الْقَوْلُ الْمَعْرُوفُ هُوَ الْمُسْتَهَرُّ بِالْوَلِيِّ وَ الشُّهُودِ

He<sup>asws</sup> said: **'And there is no blame upon you regarding what you display with from addressing the women or you conceal within yourselves; Allah Knows you would be mentioning to them, but do not promise them in secret unless if you are saying reasonable words [2:235]** – i.e. witnessed, and the 'reasonable words', it is the well-known (words), it is what is well-known with the guardian and the witnesses.

وَ إِنَّمَا اخْتِيجَ إِلَى الْوَلِيِّ وَ الشُّهُودِ فِي النِّكَاحِ لِثَبُوتِ النَّسْلِ وَ يُسْتَحَقُّ الْمِيرَاثُ وَ قَوْلُهُ وَ آتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيمًا مَرِيئًا

And rather it is a requirement of the guardian and the witnesses in the marriage in order to affirm the lineage and deserve the inheritance, and His<sup>azwj</sup> Words: **And give women their dowries as a gift, but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4].**

وَ جَعَلَ الطَّلَاقَ فِي النِّسَاءِ الْمَرْجُوحَاتِ غَيْرَ جَائِزٍ إِلَّا بِشَاهِدَيْنِ ذَوَيْ عَدْلٍ مِنَ الْمُسْلِمِينَ وَ قَالَ فِي سَائِرِ الشَّهَادَاتِ عَلَى الدِّمَاءِ وَ الْفُرُوجِ وَ الْأَمْوَالِ وَ الْأَمْلاكِ وَ اسْتَشْهَدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَ امْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ

He made divorce among married women not permissible except with two just witnesses from among the Muslims, and he said the same regarding all other testimonies concerning blood, private parts, wealth, and property, **And two witnesses should be bearing witness, from your men. But if there does not happen to be two men, then a man and two women from the ones you are agreeing with from the witnesses [2:282].**

وَ بَيَّنَّ الطَّلَاقَ عَزَّ ذِكْرُهُ فَقَالَ يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَ أَحْصُوا الْعِدَّةَ وَ اتَّقُوا اللَّهَ رَبَّكُمْ

And He<sup>azwj</sup>, Mighty is His<sup>azwj</sup> Mention, Explained the divorce. He<sup>azwj</sup> Said: **O you, the Prophet! (Say): 'When you divorce the women, then divorce them to their waiting period, and calculate the waiting period, and fear Allah your Lord! [65:1].**

وَ لَوْ كَانَتِ الْمُطَلَّغَةُ تَبِينُ بِثَلَاثِ تَطْلِيقَاتٍ تَجْمَعُهَا كَلِمَةٌ وَاحِدَةً أَوْ أَكْثَرُ مِنْهَا أَوْ أَقَلُّ لَمَا قَالَ اللَّهُ تَعَالَى وَ أَحْصُوا الْعِدَّةَ وَ اتَّقُوا اللَّهَ رَبَّكُمْ إِلَى قَوْلِهِ تِلْكَ حُدُودُ اللَّهِ وَ مَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُخْدِتُ بَعْدَ ذَلِكَ أَمْرًا

And if the divorced woman were to become irrevocably separated by three divorces combined in a single statement, or in more than one statement, or in fewer than that due to what Allah<sup>azwj</sup> the Exalted Said: **and calculate the waiting period, and fear Allah your Lord! [65:1]** – up to His<sup>azwj</sup> Words: **these are the Limits of Allah, and one who exceeds the Limits of Allah, so he has been unjust to himself. You don't know, perhaps Allah would Bring about a new Command after that' [65:1].**

فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهِدُوا ذَوْيَ عَدْلٍ مِنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ذَلِكَ يُوعِظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ  
الْآخِرِ وَقَوْلُهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُجْدِثُ بَعْدَ ذَلِكَ أَمْرًا

***So when they do reach their term, then either withhold them with kindness or separate them with kindness, and two just ones from you should bear witness, and they should establish the testimony for the Sake of Allah. That is (what) the ones who believed in Allah and the Last Day is Advised with [65:2], and His<sup>-azwj</sup> Words: You don't know, perhaps Allah would Bring about a new Command after that' [65:1].***

هُوَ نُكْرٌ يَفْعُ بَيْنَ الرُّوجِ وَ زَوْجَتِهِ فَيُطْلِقُ التَّطْلِيقَ الْأَوَّلَى بِشَهَادَةِ ذَوْيِ عَدْلٍ وَ حَدُّ وَقْتِ التَّطْلِيقِ هُوَ آخِرُ الرُّجْوَةِ وَ الرُّجْوَةُ هُوَ الْحَيْضُ وَ الطَّلَاقُ يَجِبُ عِنْدَ آخِرِ نُقْطَةٍ  
بِضَاءٍ تَنْزِلُ بَعْدَ الصُّغْرَةِ وَ الْحُمْرَةِ وَ إِلَى التَّطْلِيقِ الثَّانِيَةِ وَ الثَّالِثَةِ مَا يُجْدِثُ اللَّهُ بَيْنَهُمَا عَطْفًا أَوْ زَوَالِ مَا كَرِهَاهُ

It is an estrangement that occurs between a husband and his wife, so he pronounces the first divorce in the presence of two just witnesses. The proper time for divorce is at the end of the menstrual cycles, and a 'Qur' is menstruation. Divorce must take place at the very last white discharge that appears after the yellow and red discharges. Between the first, second, and third divorces, whatever affection Allah<sup>-azwj</sup> Creates between them or whatever dislike He<sup>-azwj</sup> Removes, may take place.

وَ هُوَ قَوْلُهُ وَ الْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَ لَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ وَ يُعَوَّلُتُهُنَّ أَحَقُّ  
بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَ هُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَ لِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَ اللَّهُ عَزِيزٌ حَكِيمٌ

And it is His<sup>-azwj</sup> Word: ***And the divorced women should keep themselves in waiting for three menses-free periods; and it is not Permissible for them that they should conceal what Allah has Created in their wombs, if they were believers in Allah and the Last Day; and their husbands are more rightful with their return regarding that if they are intending reconciliation; and for them is the like of that which is upon them with the reasonableness; and for the men is a degree upon them; and Allah is Mighty, Wise [2:228].***

هَذَا يَقُولُهُ فِي أَنَّ لِلْمُعُولَةِ مُرَاجَعَةَ النِّسَاءِ مِنْ تَطْلِيقَةٍ إِنْ أَرَادُوا إِصْلَاحًا وَ لِلنِّسَاءِ مُرَاجَعَةَ الرِّجَالِ فِي مِثْلِ ذَلِكَ بِمَنْ تَبَارَكَ وَ تَعَالَى فَقَالَ الطَّلَاقُ  
مَرَّتَانِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ

This refers to the fact that husbands have the right to take back their wives between one divorce and another if they desire reconciliation, and wives likewise have the right to return to their husbands in cases similar to that. Then the Blessed and Exalted Explained. He<sup>-azwj</sup> Said: ***The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229].***

وَ فِي الثَّالِثَةِ إِنْ طَلَّقَ الثَّالِثَةَ وَ بَانَتْ فَهُوَ قَوْلُهُ إِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُمْ يَكُونُ كَسَائِرِ الْخُطَابِ لَهَا

And regarding the third, if he pronounces the third divorce, she is irrevocably divorced. It is His<sup>-azwj</sup> Word: ***So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband [2:230].*** Then he would become like rest of the proposers to her.

وَالْمُنْعَةُ الَّتِي أَخْلَاهَا اللَّهُ فِي كِتَابِهِ وَ أَطْلَقَهَا الرَّسُولُ ص عَنِ اللَّهِ لِسَائِرِ الْمُسْلِمِينَ فَهِيَ قَوْلُهُ عَزَّ وَ جَلَّ وَ الْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ عَلَيْكُمْ وَ أَجَلَ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

And the temporary marriage which Allah<sup>-azwj</sup> has Legalised in His<sup>-azwj</sup> Book and the Rasool<sup>-saww</sup> allowed for rest of the Muslims, it is His<sup>-azwj</sup> Word, Mighty and Majestic: **And (Prohibited are) the married ones from the women except what your right hands possess, being an Ordinance of Allah upon you all; and Permissible to you are what is behind that, of you are seeking with your wealth, for marriage not for fornication. So whatever (Women) you enjoy with, give them their Obligatory recompense, and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower); surely Allah was always most-Knowing, Wise [4:24].**

وَ الْفَرَقُ بَيْنَ الْمَرْوُجَةِ وَ الْمُنْعَةِ أَنَّ لِلْمَرْوُجَةِ صَدَاقًا وَ لِلْمُنْعَةِ أُجْرَةً فَتَمَتَّعَ سَائِرُ الْمُسْلِمِينَ عَلَى عَهْدِ رَسُولِ اللَّهِ ص فِي الْحَجِّ وَ غَيْرِهِ وَ أَيَّامِ أَبِي بَكْرٍ وَ أَرْبَعِ سِنِينَ فِي أَيَّامِ عُمَرَ حَتَّى دَخَلَ عَلَى أُخْتِهِ عَفْرَاءَ فَوَجَدَ فِي حَجْرِهَا طِفْلًا يَرْضَعُ مِنْ ثَدْيِهَا فَتَنَظَّرَ إِلَى دَرَّةِ اللَّبَنِ فِي فَمِ الطِّفْلِ فَأَغْضَبَ وَ أَزْعَدَ وَ أَرِيدَ [إِزِيدَ] وَ أَخَذَ الطِّفْلَ مِنْ يَدِهَا وَ خَرَجَ حَتَّى أَتَى الْمَسْجِدَ وَ رَفَعِيَ الْمِنْبَرَ

The difference between a permanent) marriage and a temporary marriage (mut'a) is that a married woman has a dowry, whereas in mut'a there is a recompense. The rest of the Muslims engaged in mut'ah according to the Sunnah of the Rasool<sup>-saww</sup> during Hajj and elsewhere, and during the days of Abu Bakr and for four years in the days of Umar, until he entered upon his sister Afra and found in her lap a child nursing from her breast. He looked at the milk in the child's mouth, became angry and furious, foamed with rage, and took the child from her hand, and he went out to the Masjid and ascended the pulpit.

قَالَ نَادُوا فِي النَّاسِ أَنْ الصَّلَاةَ جَامِعَةً وَ كَانَ غَيْرُ وَقْتِ صَلَاةٍ فَعَلِمَ النَّاسُ أَنَّهُ لِأَمْرِ يُرِيدُهُ عُمَرُ فَحَضَرُوا

He said, 'Call out for the congregational Salat!', and it was not a time of Salat. The people knew that it is a matter Umar intended, so they presented.

فَقَالَ مَعَاشِرَ النَّاسِ مِنَ الْمُهَاجِرِينَ وَ الْأَنْصَارِ وَ أَوْلَادِ قَحْطَانَ مَنْ مِنْكُمْ يُحِبُّ أَنْ يَرَى الْمُحَرَّمَاتِ عَلَيْهِ مِنَ النِّسَاءِ وَ لَهَا مِثْلُ هَذَا الطِّفْلِ قَدْ خَرَجَ مِنْ أَحْشَائِهَا وَ هُوَ يَرْضَعُ عَلَى ثَدْيِهَا وَ هِيَ غَيْرُ مُتَبَعِّلَةٍ

He said, 'Community of people from the Emigrants and the Helpers, and children of Qahtan! Who from you likes to see the women forbidden unto him, and for her would be the child like this having emerged from her womb and is being breast-fed on her breasts, and she is not married?'

فَقَالَ بَعْضُ الْقَوْمِ مَا يُحِبُّ هَذَا

Some of the people said, 'This is not liked!'

فَقَالَ أَلَسْتُمْ تَعْلَمُونَ أَنَّ أُخْتِي عَفْرَاءَ بِنْتُ حَنْتَمَةَ أُمِّي وَ أَبِي الْخَطَّابِ غَيْرُ مُتَبَعِّلَةٍ

He said, 'Don't you know that my sister is daughter of my mother Hantama and my father Abu Al-Khattab is not married?'

قَالُوا بَلَى

They said, 'Yes!'

قَالَ فَإِنِّي دَخَلْتُ عَلَيْهَا فِي هَذِهِ السَّاعَةِ فَوَجَدْتُ هَذَا الطِّفْلَ فِي حَجْرِهَا فَتَنَاشَدْتُهَا أَنِّي لَكَ هَذَا فَقَالَتْ تَمَتَّعْتُ فَأَعْلِمُوا سَائِرَ النَّاسِ أَنَّ هَذِهِ الْمُنْعَةَ الَّتِي كَانَتْ خَالِلاً لِلْمُسْلِمِينَ فِي عَهْدِ رَسُولِ اللَّهِ ص قَدْ رَأَيْتُ تَحْرِمُهَا فَمَنْ أَتَى ضَرَبْتُ جَنْبِيهِ بِالسَّوْطِ

He said, 'I entered to see her in this very time and I found this child in her lap, so I adjured her, 'From where is this for you?' She said, 'I had contracted temporary marriage!' So let rest of the people know that this temporary marriage which was Permissible for the Muslims in the era of Rasool-Allah<sup>-saww</sup>, I have viewed it as prohibited. The one who refuses, I will strike his side with the whip!'

فَلَمْ يَكُنْ فِي الْقَوْمِ مُنْكَرٌ قَوْلُهُ وَلَا رَادٌّ عَلَيْهِ وَلَا قَائِلٌ لَا يَأْتِي رَسُولٌ بَعْدَ رَسُولِ اللَّهِ أَوْ كِتَابٌ بَعْدَ كِتَابِ اللَّهِ لَا نَقْبَلُ خِلَافَكَ عَلَى اللَّهِ وَعَلَى رَسُولِهِ وَكِتَابِهِ بَلْ سَلَّمُوا وَرَضُوا

There did not happen to be any denier of his words among the people nor a rebutter to him, nor a speaker that no Rasool<sup>-saww</sup> is to come after Rasool-Allah<sup>-saww</sup>, or a Book after the Book of Allah<sup>-azwj</sup> and we shall not accept you opposing against Allah<sup>-azwj</sup> and His<sup>-azwj</sup> Rasool<sup>-saww</sup> and His<sup>-azwj</sup> Book. But, they submitted and were pleased'.

قَالَ الْمُفَضَّلُ يَا مَوْلَايَ فَمَا شَرَائِطُ الْمُنْعَةِ

Al-Mufazzal said, 'O my master! What are the conditions of the temporary marriage?'

قَالَ يَا مُفَضَّلُ لَهَا سَبْعُونَ شَرْطاً مَنْ خَالَفَ مِنْهَا شَرْطاً وَاحِداً ظَلَمَ نَفْسَهُ

He<sup>-asws</sup> said: 'O Mufazzal, there are seventy conditions for it! One who opposes one condition from it has been unjust to himself (sinned)'.

قَالَ قُلْتُ يَا سَيِّدِي قَدْ أَمَرْتُمُونَا أَنْ لَا نَتَمَتَّعَ بِبَغِيٍّ وَلَا مَشْهُورَةٍ بِفَسَادٍ وَلَا مَجْنُونَةٍ وَأَنْ نَدْعُوَ الْمُنْعَةَ إِلَى الْفَاحِشَةِ فَإِنْ أَجَابَتْ فَقَدْ حُرِّمَ الْإِسْتِمْتَاعُ بِهَا وَأَنْ تُسْأَلَ أَوْ فَارِغَةً أَمْ مَشْغُولَةً بِغُلٍ أَوْ حَلٍّ أَوْ بَعْدَةٍ

He (Mufazzal) said, 'I said, 'O my chief! You<sup>-asws</sup> have instructed us not to contract temporary marriage with a prostitute, nor with one openly known for corruption, nor with an insane woman, and that we should invite the woman to chastity; if she responds, then it is forbidden to derive pleasure from her, and she should be asked whether she is free of obligations or occupied with a husband, pregnancy, or in a waiting period.

فَإِنْ شُعِلَتْ بِوَاحِدَةٍ مِنَ الثَّلَاثِ فَلَا تَحِلُّ وَإِنْ حَلَّتْ فَيَقُولُ لَهَا مَتَّعْنِي نَفْسَكَ عَلَى كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَ سُنَّةِ نَبِيِّهِ ص نِكَاحاً غَيْرَ سِقَاحٍ أَجَلاً مَعْلوماً بِأَجَرَةٍ مَعْلُومَةٍ وَ هِيَ سَاعَةٌ أَوْ يَوْمٌ أَوْ يَوْمَانِ أَوْ شَهْرٌ أَوْ سَنَةٌ أَوْ مَا دُونَ ذَلِكَ أَوْ أَكْثَرُ



If she is occupied with one of these three, then she is not lawful. But if she is free of them, he should say to her, 'Give yourself to me in temporary marriage according to the Book of Allah<sup>-azwj</sup> the Mighty and Majestic, and the Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, as a marriage and not fornication, for a specified term with a known payment', whether it be an hour, or a day, or two days, or a month, or a year, or less than that, or more.

وَالْأَجْرُ مَا تَرَضَيْنَا عَلَيْهِ مِنْ حَلَقَةٍ خَاتَمٍ أَوْ شَيْءٍ تَمَرَّةٍ إِلَى قَوْفٍ ذَلِكَ مِنَ الدَّرَاهِمِ وَالْدَّنَانِيرِ أَوْ عَرَضٍ تَرْضَى بِهِ فَإِنْ وَهَبَتْ لَهُ حَلَّ لَهُ كَالصَّدَاقِ الْمَوْهُوبِ مِنَ التِّسَاءِ الْمَرْجُوحَاتِ الَّذِينَ قَالَ اللَّهُ تَعَالَى عَنْهُمْ فَإِنْ طِبَّ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

The payment is whatever we mutually agreed upon, whether it be a ring, or a sandal strap, or half a date, up to any amount of silver, gold, or goods that please her. If she gives it to him as a gift, it is lawful for him, just as the dowry given as a gift is lawful from married women, about whom Allah the Exalted has said: **And give women their dowries as a gift, but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4].**

ثُمَّ يَقُولُ لَهَا عَلَى الْأَثَرِ لِي وَلَا أَرِثُكَ وَ عَلَى أَنَّ الْمَاءَ لِي أَضَعُهُ مِنْكَ حَيْثُ أَشَاءُ وَ عَلَيْكَ الْإِسْتِزَاءُ خَمْسَةً وَ أَرْبَعِينَ يَوْمًا أَوْ يَحِيضًا وَاحِدًا فَإِذَا قَالَتْ نَعَمْ أَعَدْتُ الْقَوْلَ ثَانِيَةً وَ عَقَدْتُ الْبَيْعَ فَإِنْ أَحْبَبْتُ وَ أَحْبَبْتَ هِيَ الْإِسْتِزَاءُ فِي الْأَجَلِ زِدْنَاهُ وَ فِيهِ مَا رَوَيْنَاهُ فَإِنْ كَانَتْ تَفْعَلُ فَعَلَيْهَا مَا تَوَلَّتْ مِنَ الْإِجْتِبَارِ عَنْ نَفْسِهَا وَ لَا جُنَاحَ عَلَيْكَ

Then he should say to her, 'You shall not inherit from me, nor shall I inherit from you, and the fluid is mine', I place it where I wish, and you must observe a waiting period of forty-five days or one menstrual cycle'. When she says 'yes', you repeat the statement a second time and conclude the contract of marriage. If you wish and she also wishes to extend the term, you may extend it. In this, is what we have narrated. If she complies, then she is responsible for truthfully informing about her own condition, and there is no blame on you.

وَ قَوْلُ أَمِيرِ الْمُؤْمِنِينَ ع لَعَنَ اللَّهُ ابْنَ الْخَطَّابِ فَلَوْلَهُ مَا رَأَى إِلَّا شَقِيًّا أَوْ شَقِيَّةً لِأَنَّهُ كَانَ يَكُونُ لِلْمُسْلِمِينَ غَنَاءٌ فِي الْمُتَعَةِ عَنِ الزَّيْنِ

And the words of Amir Al-Momineen<sup>-asws</sup>: 'May Allah<sup>-azwj</sup> Curse the son of Al-Khattab! Had it not been for him, nor one would have committed adultery except a wretched man or a wretched woman, because in the Mut'ah there would have been a needlessness for the Muslims from committing the adultery!'

ثُمَّ قَالَ وَ مِنَ النَّاسِ مَنْ يُغْجِبُكَ قَوْلُهُ فِي الْحَيَاةِ الدُّنْيَا وَ يُشْهَدُ اللَّهُ عَلَى مَا فِي قَلْبِهِ وَ هُوَ أَلَدُّ الْخِصَامِ وَ إِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَ يُهْلِكَ الْخَرْثَ وَ النَّسْلَ وَ اللَّهُ لَا يُحِبُّ الْفُسَادَ

Then he<sup>-asws</sup> recited: **And from the people there is one who astounds you with his speech regarding the life of the world, and he testifies to Allah upon what is in his heart, but he is the bitterest of the adversaries [2:204] And when he turns around, he runs along in the land to cause mischief therein and destroy the farm and the lineage; and Allah does not love the mischief [2:205].**

ثُمَّ قَالَ إِنَّ مَنْ عَزَلَ بِنُطْقِهِ عَنْ زَوْجَتِهِ فَدَيْتُهُ النُّطْقَةُ عَشْرَةُ دَنَانِيرٍ كَفَّارَةٌ وَ إِنْ مِنْ شَرِّطِ الْمُتَعَةِ أَنَّ مَاءَ الرَّجُلِ يَضَعُهُ حَيْثُ يَشَاءُ مِنَ الْمُتَمَتِّعِ بِهَا فَإِذَا وَضَعَهُ فِي الرَّحِمِ فَخَلِقَ مِنْهُ وَلَدٌ كَانَ لَاحِقًا بِأَبِيهِ.



Then he<sup>-asws</sup> said: ‘Then he said: ‘Whoever withdraws his seed from his wife must pay a compensation for the semen of ten Dinars as expiation. And among the conditions of temporary marriage is that the man may place his seed wherever he wishes with the woman he enjoys in Mut’ah. If he places it in the womb and a child is created from it, the child is attributed to his father’’.<sup>1150</sup>

12- تَفْسِيرُ سَعْدِ بْنِ عَبْدِ اللَّهِ، بِرَوَايَةِ جَعْفَرِ بْنِ قُلُوبِيهِ بِإِسْنَادِهِ قَالَ: قَرَأَ أَبُو جَعْفَرٍ وَأَبُو عَبْدِ اللَّهِ عَ فَمَا اسْتَمَعْتُم بِهِ مِنْهُمْ إِلَى أَجْلِ مُسَمًّى فَأَتَوْهُنَّ أَجُورُهُنَّ.

Tafseer of Sa’ad Bin Abdullah, by a report of Ja’far Bin Qawlawayi, by his chain, said,

‘Abu Ja’far<sup>-asws</sup> and Abu Abdullah<sup>-asws</sup> both read (the Verse as): ***So whatever (Women) you enjoy with up to a specified term, give them their Obligatory recompense [4:24]’***.<sup>1151</sup>

13- رِسَالَةُ الْمُتْعَةِ، لِلشَّيْخِ الْمُفِيدِ قَلَسَ اللَّهُ رُوحَهُ عَنْ أَبِي الْقَاسِمِ جَعْفَرِ بْنِ مُحَمَّدٍ بْنِ قُلُوبِيهِ عَنْ أَبِيهِ عَنْ سَعْدِ بْنِ عَبْدِ اللَّهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ عَ قَالَ: يُسْتَحَبُّ لِلرَّجُلِ أَنْ يَتَزَوَّجَ الْمُتْعَةَ وَ مَا أَحَبُّ لِلرَّجُلِ مِنْكُمْ أَنْ يَخْرُجَ مِنَ الدُّنْيَا حَتَّى يَتَزَوَّجَ الْمُتْعَةَ وَ لَوْ مَرَّةً.

(The book) ‘Risalat Al Mut’ah’ of the sheykh Al Mufeed, may Allah<sup>-azwj</sup> Sanctify his soul – from Abu Al Qasim Ja’far Bin Muhammad Bin Qawlawayi, from his father, from Sa’ad Bin Abdullah, from Ahmad Bin Muhammad Bin Isa, from Ibn Abu Umeyr, from Hisham Bin Salim,

‘It is recommended for the man that he should contract temporary marriage, and I<sup>-asws</sup> do not like it for the man that he exits from the world until he contracts temporary marriage, and even if only once’’.<sup>1152</sup>

14 وَ يَهْدَى الْإِسْنَادُ عَنْ ابْنِ عِيسَى الْمَذْكُورِ عَنْ بَكْرِ بْنِ مُحَمَّدٍ عَنِ الصَّادِقِ عَ حَيْثُ سُئِلَ عَنِ الْمُتْعَةِ فَقَالَ أَكْرَهُ لِلرَّجُلِ أَنْ يَخْرُجَ مِنَ الدُّنْيَا وَ قَدْ بَقِيََتْ حَلَّةٌ مِنْ جَلَالِ رَسُولِ اللَّهِ صَ لَمْ تُقْضَ.

And by this chain, from Ibn Isa Al Mazkour, from Bakr Bin Muhammad,

‘From Al-Sadiq<sup>-asws</sup> whereby he<sup>-asws</sup> was asked about the Mut’ah. He<sup>-asws</sup> said: ‘I<sup>-asws</sup> dislike it for the man that he exits from the world and there remains a characteristic from characteristics of Rasool-Allah<sup>-saww</sup> unaccomplished’’.<sup>1153</sup>

15 وَ بِالْإِسْنَادِ عَنْ ابْنِ عِيسَى عَنِ ابْنِ الْحُجَّاجِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ عَ أَنَّهُ قَالَ لِي مَتَّعْتَ

And by the chain, from Ibn Isa, from Ibn Al Hajjaj, from Al A’ala, from Muhammad Bin Muslim,

‘From Abu Abdullah<sup>-asws</sup> having said to me: ‘Have you contracted temporary marriage?’

فُلْتُ لَا

<sup>1150</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 11

<sup>1151</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 12

<sup>1152</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 13

<sup>1153</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 14

I said, 'No'.

قَالَ لَا تُخْرِجُ مِنَ الدُّنْيَا حَتَّى تُحْيِيَ السُّنَّةَ.

He<sup>-asws</sup> said: 'Do not exit from the world until you have kept the Sunnah alive!'<sup>1154</sup>

16- وَ بِهَذَا الْإِسْنَادِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَشْيَمٍ عَنْ مَرْوَانَ بْنِ مُسْلِمٍ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ الْهَاشِمِيِّ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ ع تَمَتَّعْتُ مِنْذُ خَرَجْتُ مِنْ أَهْلِكَ

And by this chain, from Ahmad Bin Muhammad, from Ibn Asheym, from Marwan Bin Muslim, from Ismail Bin Al Fazl Al Hashimy who said,

'Abu Abdullah<sup>-asws</sup> said to me: 'Have you contracted temporary marriage since you came out from your family?'

قُلْتُ لِكَثْرَةِ مَنْ مَعِيَ مِنَ الطَّرِيقَةِ أَغْنَانِي اللَّهُ عَنْهَا

I said, 'Due to the many available women from the ones with me, Allah<sup>-azwj</sup> has Made me needless of it'.

قَالَ وَ إِنْ كُنْتُ مُسْتَغْنِيًّا فَإِنِّي أَحِبُّ أَنْ تُحْيِيَ سُنَّةَ رَسُولِ اللَّهِ ص.

He<sup>-asws</sup> said: 'And even if you were needless, I<sup>-asws</sup> would love it if you could keep the Sunnah of Rasool-Allah<sup>-saww</sup> alive'<sup>1155</sup>

17- وَ بِالْإِسْنَادِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ سَعْدِ بْنِ سَعْدٍ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع يَا إِسْمَاعِيلُ تَمَتَّعْتَ الْعَامَ

And by the chain, from Ahmad Bin Muhammad Bin Khalid, from Sa'ad Bin Sa'ad, from Ismail Al Jufy who said,

'Abu Abdullah<sup>-asws</sup> said: 'O Ismail! Have you done Mut'ah this year?'

قُلْتُ نَعَمْ

I said, 'Yes'.

قَالَ لَا أَعْزِي مُنْعَةَ الْحَجِّ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> don't mean the Mut'ah of Hajj!'

قُلْتُ فَمَا

I said, 'Then what?'

<sup>1154</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 15

<sup>1155</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 16

قَالَ مُتْعَةَ النِّسَاءِ

He<sup>-asws</sup> said: 'The Mut'ah of women'.

قَالَ قُلْتُ فِي جَارِيَةٍ بَرْبَرِيَّةٍ فَارِهِةٍ

He said, 'I have spoken regarding an attractive Berber slave girl'.

قَالَ قَدْ قِيلَ يَا إِسْمَاعِيلُ تَمَتَّعْ بِمَا وَجَدْتَ وَ لَوْ سِنْدِيَّةً.

He<sup>-asws</sup> said: 'It has been said, O Ismail, you should contract Mut'ah with whatever you can find, and even if it is a Sindi woman'.<sup>1156</sup>

18- وَ هَذَا الْإِسْنَادُ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ عَلِيِّ بْنِ أَبِي حُمَزَةَ الْبَطَائِنِيِّ عَنْ أَبِي بَصِيرٍ قَالَ: دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ ع فَقَالَ يَا أَبَا مُحَمَّدٍ تَمَتَّعْتَ مُنْذُ خَرَجْتَ مِنْ أَهْلِكَ بِشَيْءٍ مِنَ النِّسَاءِ

And by this chain, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Abu Hamza Al Batainy, from Abu Baseer who said,

'I entered to see Abu Abdullah<sup>-asws</sup>. He<sup>-asws</sup> said: 'O Abu Muhammad! Have you don Mut'ah with anything from the women since you came out from your family?'

قُلْتُ لَا

I said, 'No'.

قَالَ وَلَمْ

He<sup>-asws</sup> said: 'And why not?'

قُلْتُ مَا مَعِيَ مِنَ التَّفَقَةِ يَقْصُرُ عَنْ ذَلِكَ

I said, 'Whatever expense money there is with me, it falls short from that!'

قَالَ فَأَمَرَ لِي بِدِينَارٍ وَ قَالَ أَفْسَمْتُ عَلَيْكَ إِنْ صِرْتَ إِلَى مَنْزِلِكَ حَتَّى تَفْعَلَ

He (the narrator) said, 'He<sup>-asws</sup> ordered a Dinar for me and said: 'I<sup>-asws</sup> vow upon you not to get to your house until you have done so!'

قَالَ فَفَعَلْتُ.

He (the narrator) said, 'I did so'.<sup>1157</sup>

<sup>1156</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 17

<sup>1157</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 18

19- وَ هَذَا الْإِسْنَادُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ صَالِحِ بْنِ عُقْبَةَ عَنْ أَبِيهِ عَنِ الْبَاقِرِ ع قَالَ: قُلْتُ لِلتَّمَنُّعِ ثَوَابٌ

And by this chain, from Ahmad Bin Muhammad Bin Isa, from Muhamad Bin Al-Hassan, from Muhammad Bin Abdullah, from Salih Bin Uqbah, from his father,

‘From Al-Baqir<sup>asws</sup>, he (the narrator) said, ‘I said, ‘There is Reward for doing Mut’ah?’

قَالَ إِنَّ كَانَ يُرِيدُ بِذَلِكَ اللَّهُ عَزَّ وَ جَلَّ وَ خِلَافاً لِلْعُلَّانِ لَمْ يُكَلِّمَهَا كَلِمَةً إِلَّا كَتَبَ اللَّهُ لَهُ حَسَنَةً وَ إِذَا دَنَا مِنْهَا غَفَرَ اللَّهُ لَهُ بِذَلِكَ ذَنْباً فَإِذَا اغْتَسَلَ غَفَرَ اللَّهُ لَهُ بِعَدَدِ مَا مَرَّ الْمَاءُ عَلَى شَعْرِهِ

He<sup>asws</sup> said: ‘If Allah<sup>azwj</sup> Mighty and Majestic is intended with that and opposition to so and so (Umar), he will not speak a word except Allah<sup>azwj</sup> will Write a good deed for him, and when he goes near her Allah<sup>azwj</sup> will Forgive a sin for him. When he washes, it is Forgiven for him with the number of what water passes over his hair’.

قَالَ قُلْتُ بِعَدَدِ الشَّعْرِ

He (the narrator) said, ‘I said, ‘The number of hair?’

قَالَ نَعَمْ بِعَدَدِ الشَّعْرِ.

He<sup>asws</sup> said: ‘Yes, the number of hair!’<sup>1158</sup>

20- وَ هَذَا الْإِسْنَادُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ الْحُسَيْنِ عَنْ مُوسَى بْنِ سَعْدَانَ عَنْ عَبْدِ اللَّهِ بْنِ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنِ الصَّادِقِ ع قَالَ: إِنَّ اللَّهَ عَزَّ وَ جَلَّ حَرَّمَ عَلَى شِيعَتِنَا الْمُسْكِرَ مِنْ كُلِّ شَرَابٍ وَ عَوَّضَهُمْ عَنْ ذَلِكَ الْمُنْعَةِ.

And by this chain, from Ahmad Bin Muhammad Bin Al-Hassan, from Musa Bin Sa’dan, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan,

‘From Al-Sadiq<sup>asws</sup> having said: ‘Allah<sup>azwj</sup> Mighty and Majestic has Prohibited upon our<sup>asws</sup> Shias the intoxicant from every drink, and has Compensated them with the (legalisation of) Mut’ah from that’.<sup>1159</sup>

21- وَ هَذَا الْإِسْنَادُ عَنْ أَحْمَدَ بْنِ عَلِيٍّ عَنِ الْبَاقِرِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَمَّا أُسْرِيَ بِي إِلَى السَّمَاءِ لَحِقَنِي جَبْرَائِيلُ فَقَالَ يَا مُحَمَّدُ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ إِنِّي قَدْ غَفَرْتُ لِلْمُتَمَتِّعِينَ مِنَ النِّسَاءِ.

And by this chain, from Ahmad Bin Ali,

‘From Al-Baqir<sup>asws</sup> having said: ‘Rasool-Allah<sup>sawww</sup> said: ‘When there was an ascension with me<sup>sawww</sup> to the sky, Jibraeel<sup>as</sup> met me<sup>sawww</sup>. He<sup>as</sup> said: ‘O Muhammad<sup>sawww</sup>! Allah<sup>azwj</sup> Mighty and Majestic Says: “I<sup>azwj</sup> have Forgiven the women who contract the Mut’ah!”<sup>1160</sup>

<sup>1158</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 19

<sup>1159</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 20

<sup>1160</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 21

22- وَ هَذَا الْإِسْنَادِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُوسَى بْنِ عَلِيٍّ بْنِ مُحَمَّدٍ الْهَمْدَانِيِّ عَنْ رَجُلٍ سَمَّاهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَا مِنْ رَجُلٍ تَمَتَّعَ ثُمَّ اغْتَسَلَ إِلَّا خَلَقَ اللَّهُ مِنْ كُلِّ فُطْرَةٍ تَفْطُرُ مِنْهُ سَبْعِينَ مَلَكًا يَسْتَغْفِرُونَ لَهُ إِلَى يَوْمِ الْقِيَامَةِ وَ يَلْعَنُونَ مُتَجَنِّبَهَا إِلَى أَنْ تَقُومَ السَّاعَةُ وَ هَذَا قَلِيلٌ مِنْ كَثِيرٍ فِي هَذَا الْمَعْنَى.

And by this chain, from Ahmad Bin Muhammad, from Musa Bin Ali Bin Muhammad Al Hamdani, from a man whom he named,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘There is none from a man doing Mut’ah, then washes except Allah<sup>-azwj</sup> Creates seventy Angels from every drop from him seeking Forgiveness for him up to the Day of Qiyamah, and cursing ones shunning it up to establishment of the Hour, and this is little from more in this meaning’<sup>1161</sup>.

23- وَ هَذَا الْإِسْنَادِ عَنْ ابْنِ قَوْلَوَيْهِ عَنْ مُحَمَّدٍ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيٍّ بْنِ الْحَكَمِ عَنْ بَشْرِ بْنِ حَمْرَةَ عَنْ رَجُلٍ مِنْ قُرَيْشٍ قَالَ: بَعَثْتُ إِلَى ابْنَتِهِ عَمَةً لِي لَهَا مَالٌ كَثِيرٌ قَدْ عَزَمْتُ كَثْرَةً مِنْ يَخْطُبُنِي مِنَ الرِّجَالِ وَ لَمْ أَرْوِجْهُمْ نَفْسِي وَ مَا بَعَثْتُ إِلَيْكَ رَغْبَةً فِي الرِّجَالِ غَيْرَ أَنَّهُ بَلَغَنِي أَنَّ الْمُتْعَةَ أَحَلَّهَا اللَّهُ فِي كِتَابِهِ وَ سَنَّهَا رَسُولُ اللَّهِ ص فِي سُنَّتِهِ فَحَرَمَهَا عُمَرُ فَأَخْبَيْتُ أَنْ أَطِيعَ اللَّهَ وَ رَسُولَهُ وَ أَغْصِي عُمَرَ فَتَزَوَّجَنِي مُتْعَةً

And by this chain, from Ibn Qawlawayyah, from Muhammad Bin Yaqoub, from Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Bishr Bin Hamza, from a man from Qureysh who said,

‘The daughter of my aunt had a lot of wealth sent a message to me, ‘You have known many of the men who have proposed to me and I did not give myself in marriage to them, and I have not sent a message to you in desiring the men, apart from that it has reached me that the Mut’ah, Allah<sup>-azwj</sup> has Legalised it in His<sup>-azwj</sup> Book and Rasool-Allah<sup>-saww</sup> had practised it, but Umar forbade it. I would love to obey Allah<sup>-azwj</sup> and His<sup>-azwj</sup> Rasool<sup>-saww</sup> and disobey Umar, so marry me in temporary marriage.’

فَقُلْتُ لَهَا حَتَّى أَذْخُلَ عَلَى أَبِي جَعْفَرٍ ع فَاسْتَشِيرَهُ

I said to her, ‘Until after I go to see Abu Ja’far<sup>-asws</sup> and consult him<sup>-asws</sup>’.

فَدَخَلْتُ عَلَيْهِ فَاسْتَشِيرْتُهُ فَقَالَ أَفْعَلْ.

I entered to see him<sup>-asws</sup> and consulted him<sup>-asws</sup>. He<sup>-asws</sup> said: ‘Do it!’<sup>1162</sup>

24- وَ هَذَا الْإِسْنَادِ إِلَى ابْنِ يَحْيَى عَنْ مُحَمَّدٍ بْنِ يَحْيَى عَنْ أَبِيهِ عَنِ ابْنِ حُبُوبٍ عَنْ عَلِيٍّ السَّائِي قَالَ: قُلْتُ لِأَبِي الْحَسَنِ ع إِنِّي كُنْتُ أَتَزَوَّجُ الْمُتْعَةَ فَكَرِهْتُهَا وَ سَمِعْتُهَا فَأَعْطَيْتُ اللَّهَ عَزَّ وَ جَلَّ عَهْدًا بَيْنَ الرُّكْنِ وَ الْمَقَامِ وَ جَعَلْتُ عَلَى كَذَا نَذْرًا وَ صِيَامًا أَنْ لَا أَتَزَوَّجَهَا ثُمَّ إِنَّ ذَلِكَ شَقَّ عَلَيَّ وَ نَدِمْتُ عَلَى بَيْعِي وَ لَمْ يَكُنْ بِيَدِي مِنَ الْقُوَّةِ مَا أَتَزَوَّجُ فِي الْعَلَانِيَةِ

And by this chain up to Ibn Yaqoub, from Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Ali Al Sa’aie who said,

‘I said to Abu Al-Hassan<sup>-asws</sup>, ‘I used to contract temporary marriage, but I came to dislike it and grew weary of it. So, I pledged to Allah<sup>-azwj</sup> the Mighty and Majestic, between the (Yemeni) Corner and the Station (of Ibrahim<sup>-as</sup>, and I made upon myself such and such a vow and fast

<sup>1161</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 22

<sup>1162</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 23

that I would not marry in this way. But afterward it became difficult for me, and I regretted my oath, and I did not have the means to marry openly’.

قَالَ فَقَالَ لِي عَاهَدْتُ اللَّهَ أَنْ لَا تُطِيعَهُ وَاللَّهُ لَئِنْ لَمْ تُطِيعَهُ لَتُغَصِبَنَّهُ.

He (the narrator) said, ‘He<sup>-asws</sup> said to me, ‘You pledged to Allah<sup>-azwj</sup> that you would not obey Him<sup>-azwj</sup>? By Allah<sup>-azwj</sup>, if you do not obey Him<sup>-azwj</sup>, you will surely disobey Him<sup>-azwj</sup>’’.<sup>1163</sup>

25 وَ رَوَى بِإِسْنَادِهِ إِلَى ابْنِ قَوْلُوَيْهِ عَنْ عَلِيِّ بْنِ حَاتِمٍ عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ السَّرِيِّ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ بْنِ يَقْطِينٍ قَالَ قَالَ أَبُو الْحُسَيْنِ مُوسَى بْنُ جَعْفَرٍ عَ أَذْنَى مَا يُجْزِي مِنَ الْقَوْلِ أَنْ يَقُولَ أَتَزَوَّجُكَ مُتَعَةً عَلَى كِتَابِ اللَّهِ وَ سُنَّةِ نَبِيِّهِ ص بِكَذَا وَ كَذَا إِلَى كَذَا.

And it is reported by his chain to Ibn Qawlawiyah, from Ali Bin Hatim, from Ahmad Bin Idrees, from Ahmad Bin Muhammad Bin Isa, from Al Sary, from Al-Hassan Bin Ali Bin Yaqteen who said,

‘Abu Al-Hassan Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup> said: ‘The least of what suffices from the words is that he should say, ‘I hereby marry you temporarily based upon the Book of Allah<sup>-azwj</sup> and Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup> with such and such up to such and such (time)’’.<sup>1164</sup>

26- وَ بِالْإِسْنَادِ إِلَى أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ رَجَالِهِ مَرْفُوعاً إِلَى الْأَيْمَةِ عَنْهُمْ مُحَمَّدُ بْنُ مُسْلِمٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا بَأْسَ بِتَزْوِيجِ الْبِكْرِ إِذَا رَضِيَتْ مِنْ غَيْرِ إِذْنِ أَبِيهَا.

And by the chain to Ahmad Bin Muhammad Bin Isa, from his men, raising it to the Imams<sup>-asws</sup>, from them being Muhammad Bin Muslim who said, ‘Abu Abdullah<sup>-asws</sup> said: ‘There is no problem with marrying the virgin when she agrees, from without the permission of her father’’.<sup>1165</sup>

وَ جَمِيلُ بْنُ دَرَّاجٍ حَيْثُ سَأَلَ الصَّادِقَ عَنِ التَّمَتُّعِ بِالْبِكْرِ قَالَ لَا بَأْسَ أَنْ يَتَمَتَّعَ بِالْبِكْرِ مَا لَمْ يُفْضَ إِلَيْهَا كَرَاهِيَةَ الْعَنْبِ عَلَى أَهْلِهَا.

And Jameel Bin Darraj whereby he asked Al-Sadiq<sup>-asws</sup> about the Mut’ah with the virgin. He<sup>-asws</sup> said: ‘There is no problem with doing Mut’ah with the virgin for as long as he does not deflower her, disliking (bringing) the shame upon her family’’.<sup>1166</sup>

27 وَ بِالْإِسْنَادِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى رَوَاهُ عَنِ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ رَوَاهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يَكُونُ مُتَعَةً إِلَّا بِأَمْرَيْنِ أَجَلٍ مُسَمًّى وَ أَجْرٍ مُسَمًّى.

And by the chain, from Ahmad Bin Muhammad Bin Isa, reported from Ibn Mahboub, from Jameel Bin Daraj, from the one who reported it,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘The Mutah cannot take place except with two matters – a specified term and a specified recompense’’.<sup>1167</sup>

<sup>1163</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 24

<sup>1164</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 25

<sup>1165</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 26 a

<sup>1166</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 26 b

<sup>1167</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 27

28- وَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ الثَّقَفِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَ حَيْثُ سَأَلَهُ كَمْ الْمَهْرُ فِي الْمُتْعَةِ

And from Muhammad Bin Muslim Al Saqafy,

‘From Abu Abdullah<sup>-asws</sup>, whereby he asked him<sup>-asws</sup>, ‘How much is the dower in the Mut’ah?’

قَالَ مَا تَرْضَا عَلَيْهِ إِلَى مَا شَاءَ مِنَ الْأَجَلِ.

He<sup>-asws</sup> said: ‘Whatever they agree upon up to whatever they desired from the term’<sup>1168</sup>.

29- وَ عَنْ مُحَمَّدِ بْنِ نُعْمَانَ الْأَحْوَلِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ مَا أَذْنَى مَا يَتَزَوَّجُ بِهِ الْمُتَمَتِّعُ

And from Muhammad Bin Numan Al Ahwal who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘What is the least of what one can marry with in Mut’ah?’

قَالَ بِكَفٍّ مِنْ بُرٍّ.

He<sup>-asws</sup> said: ‘A handful of wheat’<sup>1169</sup>.

30- وَ عَنْ هِشَامِ بْنِ سَالِمٍ عَنِ الصَّادِقِ عَ عَنِ الْأَدْنَى فِي الْمُتْعَةِ قَالَ سَوَاكُ يُعَضُّ عَلَيْهِ.

And from Hisham Bin Salim,

‘From Al-Sadiq<sup>-asws</sup> about the least (dower) regarding the Mut’ah. He<sup>-asws</sup> said: ‘The tooth-stick one bites upon’<sup>1170</sup>.

31- وَ عَنْ أَبِي بَصِيرٍ عَنِ الصَّادِقِ عَ فِي الْمُتْعَةِ يُجْزِيهَا الدَّرْهَمُ فَمَا فَوْقَهُ.

And from Abu Baseer,

‘From Al-Sadiq<sup>-asws</sup> regarding the Mut’ah: ‘The Dirham suffices it, and whatever is above it’<sup>1171</sup>.

32- وَ عَنْ أَبِي بَصِيرٍ عَنْهُ عَ كَفَّ مِنْ طَعَامٍ أَوْ ذَقِيقٍ أَوْ سَوِيقٍ أَوْ تَمْرٍ.

And from Abu Baseer,

‘From him<sup>-asws</sup>: ‘A handful of food, or flour, or porridge, or dates (suffices as recompense for Mut’ah)’<sup>1172</sup>.

<sup>1168</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 28

<sup>1169</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 29

<sup>1170</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 30

<sup>1171</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 31

<sup>1172</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 32

33- وَ عَنْ ابْنِ بَكَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ يَلْقَى الْمَرْأَةَ فَيَقُولُ لَهَا تَزَوَّجِيْنِي نَفْسَكَ شَهْرًا وَ لَا يُسَمِّي الشَّهْرَ بِعَيْنِهِ ثُمَّ يَمْضِي فَبَلَّغَهَا بَعْدَ سِنَيْنِ فَقَالَ لَهُ شَهْرُهُ إِنْ كَانَ سَمَاءً فَإِنْ لَمْ يَكُنْ سَمَاءً فَلَا سَبِيلَ لَهُ عَلَيْهَا.

And from Ibn Bakkar,

‘From Abu Abdullah<sup>-asws</sup> regarding the man who meets the woman so he says to her, ‘Marry yourself to me for a month’, and he does not specify the month exactly. Then he goes and reaches (come back to) her after years. He<sup>-asws</sup> said: ‘For him is his month if he had specified it. If he has not specified it, there is no way for him to her’.<sup>1173</sup>

34- وَ عَنْ ابْنِ قَوْلَوَيْهِ عَنْ عَلِيِّ بْنِ حَاتِمٍ عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنْ ابْنِ عِيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ مُحَمَّدِ بْنِ الْفَضْلِ عَنِ الْحَارِثِ بْنِ الْمُغِيرَةِ أَنَّهُ سَأَلَ أَبَا عَبْدِ اللَّهِ ع هَلْ يُجْزِي فِي الْمُتْعَةِ رَجُلٌ وَ امْرَأَتَانِ

From Ibn Qawlawayh, from Ali Bin Hatim, from Ahmad Bin Idrees, from Ibn Isa, from Ibn Mahboub, from Muhammad Bin Al Fazl, from Al Haris Bin Al Mugheira,

‘He asked Abu Abdullah<sup>-asws</sup>, ‘Is it sufficient regarding the Mut’ah, a man and two women (as witnesses)?’

قَالَ نَعَمْ وَ يُجْزِيهِ رَجُلٌ وَاحِدٌ وَ إِنَّمَا ذَلِكَ لِمَكَانِ الْبَرَاءَةِ وَ لِقَاءِ تَقُولَ فِي نَفْسِهَا هُوَ فَجُورٌ.

He<sup>-asws</sup> said: ‘Yes, and one man suffices, and rather that is due to the placing of the disavowing, and lest she says within herself, ‘It is immorality’.<sup>1174</sup>

35- وَ بِحَدِّهِ الْإِسْنَادِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ مُحَسِّنٍ عَنْ أَبَانَ عَنْ زُرَّارَةَ عَنْ حُمْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ أَتَزَوَّجُ الْمُتْعَةَ بِغَيْرِ شُهُودٍ

And by this chain, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Hakam and Muhassin, from Aban, from Zurara, from Humran,

‘From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, ‘I said, ‘Can I get married temporarily without witnesses?’

قَالَ لَا إِلَّا أَنْ تَكُونَ مِثْلَكَ.

He<sup>-asws</sup> said: ‘No, except if she is like you’.<sup>1175</sup>

36- وَ عَنْ ابْنِ قَوْلَوَيْهِ عَنْ أَبِيهِ عَنِ ابْنِ عِيْسَى عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنِ الْقَاسِمِ بْنِ عُثْوَةَ عَنْ عَبْدِ الْحَمِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ فِي الْمُتْعَةِ قَالَ لَيْسَ مِنَ الْأُزْبَعِ لِأَنَّهَا لَا تُطَلَّقُ وَ لَا تَرْتُّ.

<sup>1173</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 33

<sup>1174</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 34

<sup>1175</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 35



And from Ibn Qawlawayh, from his father, from Ibn Isa, from Muhammad Bin Khalid, from Al Qasim Bin Urwah, from Abdul Hameed, from Muhammad Bin Muslim,

‘Regarding the Mut’ah, he<sup>-asws</sup> said: ‘It isn’t from the four (permanent wives) because she is neither divorced nor inherits’<sup>1176</sup>.

37- وَ عَنْ حَمَّادِ بْنِ عِيسَى قَالَ: سُئِلَ الصَّادِقُ عَنِ الْمُتْعَةِ هِيَ مِنَ الْأَرْبَعَةِ

And from Hammad Bin Isa who said,

‘Al-Sadiq<sup>-asws</sup> was asked about the Mut’ah, ‘Is it from the four (limit of permanent wives)?’

قَالَ لَا وَلَا مِنَ السَّبْعِينَ.

He<sup>-asws</sup> said: ‘No, and not from the seventy’<sup>1177</sup>.

38- وَ عَنْ أَبِي بصيرٍ أَنَّهُ ذَكَرَ لِلصَّادِقِ عِ الْمُتْعَةِ هَلْ هِيَ مِنَ الْأَرْبَعِ فَقَالَ تَزَوَّجَ مِنْهُنَّ أَلْفًا.

And from Abu Baseer, he mentioned the Mut’ah to Al-Sadiq<sup>-asws</sup>, ‘Is it from the four?’ He<sup>-asws</sup> said: ‘He can marry a thousand from them’<sup>1178</sup>.

39- وَ عَنْ عُمَرَ بْنِ أُذَيْنَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عِ وَ الْبَزَنْطِيِّ عَنْ أَبِي الْحَسَنِ عِ أَنَّهَا مِنَ الْأَرْبَعِ.

And from Umar Bin Azina who said,

‘I said to Abu Abdullah<sup>-asws</sup>, (as well as) Al-Bazanty from Abu Al-Hassan<sup>-asws</sup>, she is one of the four’<sup>1179</sup>.

40- وَ عَنْ مُحَمَّدِ بْنِ فَضْلٍ عَنْ أَبِي الْحَسَنِ عِ فِي الْمَرْأَةِ الْحَسَنَاءِ الْفَاجِرَةِ هَلْ يَجُوزُ لِلرَّجُلِ أَنْ يَتَمَتَّعَ بِهَا يَوْمًا أَوْ أَكْثَرَ

And from Muhammad Bin Fazl,

‘From Abu Al-Hassan<sup>-asws</sup> regarding the beautiful immoral woman, ‘Is it allowed for the man to contract Mut’ah with what for a day or more?’

قَالَ إِذَا كَانَتْ مَشْهُورَةً بِالزِّنَا فَلَا يَتَمَتَّعُ بِهَا وَلَا يَنْكِحُهَا.

He<sup>-asws</sup> said: ‘When she was well-known with the adultery, he should not contract Mut’ah with her nor marry her’<sup>1180</sup>.

41- وَ عَنْ الْحُسَيْنِ بْنِ جَرِيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عِ فِي الْمَرْأَةِ تُزْنِي عَلَيْهَا أَيْتَمَتُّعُ بِهَا

<sup>1176</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 36

<sup>1177</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 37

<sup>1178</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 38

<sup>1179</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 39

<sup>1180</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 40

And from Al-Hassan Bin Jareer who said,

‘I asked Abu Abdullah<sup>-asws</sup> regarding the woman having accusation of adultery upon her, ‘Can one contract Mut’ah with her?’

قَالَ أَرَأَيْتَ ذَلِكَ

He<sup>-asws</sup> said: ‘Have you seen (witnessed) that?’

قُلْتُ لَا وَ لَكِنَّهَا تُرْمَى بِهِ

He said, ‘No, but she has been slandered with it’.

قَالَ نَعَمْ يُتَمَنَّعُ بِهَا عَلَى أَنَّكَ تُغَادِرُ وَ تُغْلِقُ بَابَكَ.

He<sup>-asws</sup> said: ‘Yes, one can contract Mut’ah with her based upon that you depart and lock your door’.<sup>1181</sup>

42 وَ عَنِ الْحَسَنِ أَيْضاً عَنِ الصَّادِقِ ع فِي الْمَرْأَةِ الْفَاجِرَةِ هَلْ يَحِلُّ تَزْوِجُهَا

And from Al-Hassan as well,

‘From Al-Sadiq<sup>-asws</sup> regarding the immoral woman, ‘Is it Permissible to marry her?’

قَالَ نَعَمْ إِذَا هُوَ اجْتَنَبَهَا حَتَّى تَنْقُضِي عِدَّتَهَا بِاسْتِئْزَاءِ رَجْمِهَا مِنْ مَاءِ الْفُجُورِ فَلَهُ أَنْ يَتَزَوَّجَهَا بَعْدَ أَنْ يَقِفَ عَلَى تَوْبَتِهَا.

He<sup>-asws</sup> said: ‘Yes, when he keeps away from her until she fulfils her waiting period by freeing her womb from the water of immorality. For him is to marry her after he stands upon her repentance’.<sup>1182</sup>

43- وَ عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ مُحَمَّدٍ بْنِ عَلِيٍّ ع قَالَ: مَنْ شَهَرَ بِالزَّانَا أَوْ أَقِيمَ عَلَيْهِ حَدٌّ فَلَا تَزْوِجُهُ.

And from Muhammad Bin Muslim,

‘From Abu Ja’far Muhammad<sup>-asws</sup> Bin Ali<sup>-asws</sup> having said: ‘One who is well-known with the adultery or a legal penalty has been established upon, do not marry to him’.<sup>1183</sup>

44- وَ عَنْ أَبَانَ بْنِ تَغْلِبٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع الرَّجُلُ يَتَزَوَّجُ مُنْعَةً إِلَى شَهْرٍ فَهَلْ يَجُوزُ أَنْ يَزِيدَهَا فِي أَجْرِهَا وَ يَزِدَادَ فِي الْأَكَامِ قَبْلَ أَنْ يَقْضِيَ أَتَامَهُ

And from Aban Bin Taghlib who said,

<sup>1181</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 41

<sup>1182</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 42

<sup>1183</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 43

'I said to Abu Abdullah<sup>-asws</sup>, 'The man marries in Mut'ah up to a month. Is it allowed for him to increase in her recompense and increase in the days before the expiry of his days?'

فَقَالَ لَا يَجُوزُ شَرْطَانِ فِي شَرْطٍ

He<sup>-asws</sup> said: 'Two conditions are not allowed in on condition'.

قُلْتُ وَكَيْفَ يَصْنَعُ

I said, 'And how should he do so?'

قَالَ يَتَصَدَّقُ عَلَيْهَا بِمَا بَقِيَ مِنَ الْأَيَّامِ ثُمَّ يَسْتَأْنِفُ شَرْطاً جَدِيداً.

He<sup>-asws</sup> said: 'He should donate upon her with whatever remains from the days, then resume with a new condition'.<sup>1184</sup>

45- وَ عَنْ عُمَرَ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: أَنْتَزِجَ الْمَرْأَةَ شَهْرًا فَتُرِيدُ مِنِّي الْمَهْرَ كَامِلًا وَ أَخْشَوْفُ أَنْ تُخْلِفَنِي

And from Umar Bin Hanzala,

'From Abu Abdullah<sup>-asws</sup> having said: 'I marry (in Mut'ah) a woman for a month, so she wants the full dowry from me, and I fear that she might break (her contract) with me'.

قَالَ أَحْسِنَ مَا قَدَرْتَ فَإِنْ هِيَ أَخْلَفَتْكَ فَخُذْ مِنْهَا بِقَدْرِ مَا تُخْلِفُكَ.

He<sup>-asws</sup> said: 'Withhold whatever you are able, so if she does break, take from her in accordance to what she has broken (not fulfilled)'.<sup>1185</sup>

46- عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لَهُ رَجُلٌ إِلَى أَنْ قَالَ إِنَّكَ لَا تُدْخِلُ فَرْجَكَ فِي فَرْجِي وَ تَلَذَّذُ بِمَا شِئْتَ

From Sama'at,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup> (regarding) a man, until he said, 'The woman says to him, 'You will not enter your private part into my private part, and you can derive pleasure with whatever you desire'.

قَالَ لَيْسَ لَهُ مِنْهَا إِلَّا مَا شَرَطَ.

He<sup>-asws</sup> said: 'It isn't for him from her except what has been stipulated'.<sup>1186</sup>

47- وَ عَنْ عِيسَى بْنِ يَرِيدٍ قَالَ: كَتَبْتُ إِلَى أَبِي جَعْفَرٍ ع فِي رَجُلٍ تَكُونُ فِي مَنْزِلِهِ امْرَأَةٌ تَخْدُمُهُ فَيَكْرَهُ النَّظَرَ إِلَيْهَا فَيَمْتَنِعُ بِهَا وَ الشَّرْطُ أَنْ لَا يَفْتَضَّهَا

<sup>1184</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 44

<sup>1185</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 45

<sup>1186</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 46

And from Isa Bin Yazeed who said,

‘I wrote to Abu Ja’far<sup>-asws</sup> regarding a man, a woman happens to be in his house serving him. He dislikes looking at her, so can he contract Mut’ah with her and stipulate that he will not deflower her?

فَكُنْتُ لَا بَأْسَ بِالشَّرْطِ إِذَا كَانَتْ مُتْعَةً.

He<sup>-asws</sup> wrote: ‘There is no problem with the condition when it was Mut’ah’’.<sup>1187</sup>

48- وَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا بَأْسَ أَنْ يَتَمَتَّعَ بِالْمَرْأَةِ عَلَى حُكْمِهِ وَ لَكِنْ لَا بُدَّ أَنْ يُعْطِيَهَا شَيْئاً لِأَنَّهُ إِنْ حَدَّثَ بِهَا حَدَثٌ لَمْ يَكُنْ لَهُ مِيرَاثٌ.

And from Ibn Abu Umeyr, from one of his companions,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘There is no problem if he were to contract Mut’ah with the woman upon its ruling, but there is no escape for him to give her something, because if a child were to occur with her, there would be no inheritance for him’’.<sup>1188</sup>

49- وَ عَنْ أَبَانَ بْنِ تَغْلِبٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمَرْأَةِ الْحَسَنَاءِ تُرَى فِي الطَّرِيقِ وَ لَا يُعْرَفُ أَنْ تَكُونَ ذَاتَ بَعْلِ أَوْ غَاهِرَةً فَقَالَ لَيْسَ هَذَا عَلَيْكَ إِنَّمَا عَلَيْكَ أَنْ تُصَدِّقَهَا فِي نَفْسِهَا.

And from Aban Bin Taghlib,

From Abu Abdullah<sup>-asws</sup> regarding the beautiful woman you see in the street and it is not known whether she is with a husband or a prostitute. He<sup>-asws</sup> said: ‘This isn’t upon you. But rather upon you is to ratify her regarding herself’’.<sup>1189</sup>

50- وَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ بْنِ عَبْدِ الْأَشْعَرِيِّ عَنْ أَبِيهِ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ ع عَنْ تَزْوِيجِ الْمُتْعَةِ وَ قُلْتُ أَهْمُهَا بَأَنَّ لَهَا زَوْجاً يَحِلُّ لِي الدُّخُولُ بِهَا

And from Ja’far Bin Muhammad Bin Ubeyd Al Ash’ary, from his father who said,

‘I asked Abu Al-Hassan<sup>-asws</sup> about the temporary marriage and said, ‘Can I accuse her that there is a husband for her allowing for me to having intimate relations with her?’

قَالَ ع أَرَيْتَكَ [أَرَأَيْتَكَ] إِنْ سَأَلْتَهَا الْبَيِّنَةَ عَلَى أَنْ لَيْسَ لَهَا زَوْجٌ تَقْدِرُ عَلَى ذَلِكَ.

He<sup>-asws</sup> said: ‘I<sup>-asws</sup> have shown you that if you ask her for proof upon that there isn’t any husband for her, you are able upon that’’.<sup>1190</sup>

<sup>1187</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 47

<sup>1188</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 48

<sup>1189</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 49

<sup>1190</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 50

51 وَ عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ قَالَ: كَتَبَ أَبُو الْحَسَنِ ع إِلَى بَعْضِ مَوَالِيهِ لَا تُلْحُوا فِي الْمُنْعَةِ إِنَّمَا عَلَيْكُمْ إِقَامَةُ السُّنَّةِ وَ لَا تَشْتَغِلُوا بِهَا عَنْ فُرُشِكُمْ وَ خَلَائِكُمْ فَيَكْفُرُوا وَ يَدَّعِيَنَّ عَلَى الْأَمِيرِينَ لَكُمْ بِذَلِكَ وَ يَلْعَنُونَا.

And from Sahl Bin Ziyad, from Muhammad Bin Al-Hassan Bin Shamoun who said,

‘Abu Al-Hassan<sup>-asws</sup> wrote to one of his<sup>-asws</sup> followers: ‘Do not persist on temporary marriage. Your duty is only to uphold the Sunnah, and do not let it distract you from your wives and lawful companions, lest they become ungrateful and accuse those who command you in this matter, and curse us<sup>-asws</sup>’.<sup>1191</sup>

52 وَ عَنْ عَلِيِّ بْنِ يَفْطِينَ عَنْ أَبِي الْحَسَنِ ع فِي الْمُنْعَةِ قَالَ وَ مَا أَنْتَ وَ ذَاكَ قَدْ أَعْطَى اللَّهُ عَنْهَا

And from Ali Bin Yaqtan,

‘From Abu Al-Hassan<sup>-asws</sup> regarding the Mut’ah. He<sup>-asws</sup> said: ‘And what have you to do with that? Allah<sup>-azwj</sup> has Sufficed from it’.

فُلْتُ إِنَّمَا أَرَدْتُ أَنْ أَعْلَمَهَا

I said, ‘But rather I wanted to know it’.

قَالَ هِيَ فِي كِتَابِ عَلِيٍّ ع.

He<sup>-asws</sup> said: ‘It is in the book of Ali<sup>-asws</sup>’.<sup>1192</sup>

53 وَ عَنِ الْفَضْلِ أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ ع يَقُولُ فِي الْمُنْعَةِ وَ نَحْوَهَا أَمَا يَسْتَحْيِ أَحَدُكُمْ أَنْ يَرَى فِي مَوْضِعِ الْعَوْرَةِ فَيَدْخُلَ بِذَلِكَ عَلَى صَالِحِ إِخْوَانِهِ وَ أَصْحَابِهِ.

And from Al-Fazl, he heard Abu Abdullah<sup>-asws</sup> saying regarding the Mut’ah and approximate to it: ‘Isn’t one of you embarrassed to be seen in the private place so he enters with that to his righteous brethren and companions?’<sup>1193</sup> (recording error)

54 وَ عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلَدٍ مِنْ أَصْحَابِنَا أَنَّ أَبَا عَبْدِ اللَّهِ ع قَالَ لِأَصْحَابِهِ هَبُوا لِي الْمُنْعَةَ فِي الْحَرَمَيْنِ وَ ذَلِكَ أَنَّكُمْ تُكْثِرُونَ الدُّخُولَ عَلَيَّ فَلَا آمَنُ مِنْ أَنْ تُؤْخَذُوا فَيُقَالُ هَؤُلَاءِ مِنْ أَصْحَابِ جَعْفَرٍ ع.

And from Sahl Bin Ziyad, from a number of our companions,

‘Abu Abdullah<sup>-asws</sup> said to his<sup>-asws</sup> companions: ‘Gift to me<sup>-asws</sup> (ignore) the Mut’ah in the two Sanctuaries, and that is because you are frequently entering to see me<sup>-asws</sup>, so there is no safety from your being seized and it be said, ‘They are from the companions of Ja’far<sup>-asws</sup>!’<sup>1194</sup>

<sup>1191</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 51

<sup>1192</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 52

<sup>1193</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 53

<sup>1194</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 66 H 54

قال جماعة من أصحابنا رضي الله عنهم العلة في نهي أبي عبد الله ع عنها في الحرمين أن أبان بن تغلب كان أحد رجال أبي عبد الله ع و المروي عنهم فتزوج امرأة بمكة و كان كثير المال فخدعته المرأة حتى أدخلته صندوقا لها ثم بعثت إلى الحماليين فحملوه إلى باب الصفا ثم قالوا يا أبان هذا باب الصفا و إنا نريد أن ننادي عليك هذا أبان بن تغلب أراد أن يفجر بامرأة فافتدى نفسه بعشرة آلاف درهم فبلغ ذلك أبا عبد الله ع فقال لهم وهبوها لي في الحرمين.

*A group of our companions, may Allah<sup>-azwj</sup> be Pleased with them, said, 'The reason for Abu Abdullah<sup>-asws</sup>, prohibition of temporary marriage in the two Sanctuaries was that Aban Bin Taghlib, was one of the men of Abu Abdullah<sup>-asws</sup>, and among those who narrated from them<sup>-asws</sup>, married a woman in Mecca. He was very wealthy, but the woman deceived him until she put him into box. Then she sent for the porters, who carried him to the Gate of Safa, saying, 'O Aban, this is the Gate of Safa, and we wish to announce upon you, 'Aban wanted to force the woman, so he redeemed himself with ten thousand Dirhams!' When this reached Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> said to them: Gift (Ignore) it in the two Sanctuaries''.*

55 وَ رَوَى أَصْحَابُنَا عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ لِإِسْمَاعِيلَ الْجُعْفِيِّ وَ عَمَّارِ السَّابَاطِيِّ حَرَّمْتَ عَلَيْكُمَا الْمُتْعَةَ مِنْ قِبَلِي مَا دُمْتُمَا تَدْخُلَانِ عَلَيَّ وَ ذَلِكَ لِأَنِّي أَخَافُ [أَنْ] تُؤْخَذَا فُتَضْرَبَا وَ تُشْهَرَا فَيُقَالَ هَؤُلَاءِ أَصْحَابُ جَعْفَرٍ.

And it is reported by our companions, from someone else,

'From Abu Abdullah<sup>-asws</sup> having said to Ismail Al-Jufy and Ammar Al-Sabaty: 'The Mut'ah is prohibited unto both of you from me<sup>-asws</sup> for as long as you are both coming to see me<sup>-asws</sup>, and that is because I<sup>-asws</sup> fear that you might be seized and struck (whipped) and become well-known, so it would be said, 'They are the companions of Ja'far<sup>-asws</sup>!''<sup>1195</sup>

[باب 67 أحكام المتعة](#)

## CHAPTER 67 – THE RULES OF MUT'AH

1- مع، معاني الأخبار أبي عن سعد بن الربيع عن داود بن إسحاق عن محمد بن الفضل قال: سألت أبا عبد الله ع عن المتعة فقال نعم إذا كانت غارفة

(The book) 'Ma'any Al-Akhbar' – My father, from Sa'ad, from Al Barqy, from Dawood Bin Is'haq, from Muhammad Bin Al Feyz who said,

'I asked Abu Abdullah<sup>-asws</sup> about the Mut'ah. He<sup>-asws</sup> said: 'Yes, when she was a knower'.

قُلْتُ جُعِلَتْ فِدَاكَ وَ إِنْ لَمْ تَكُنْ غَارِفَةً

I said, 'May I be sacrificed for you<sup>-asws</sup>, and if she does not happen to be a knower?'

قَالَ فَأَعْرِضْ عَلَيْهَا وَ قُلْ لَهَا فَإِنْ قَبِلَتْ فَتَزَوَّجْهَا وَ إِنْ أَبَتْ أَنْ تَرْضَى بِقَوْلِكَ فَدَعُهَا وَ إِنَّاكُمُ وَ الْكَوَاشِفَ وَ الدَّوَاعِي وَ الْبَغَايَا وَ دَوَاتِ الْأَزْوَاجِ

He<sup>-asws</sup> said: 'Present to her and say to her. If she accepts, marry her, and if she refuses to agree with your words, leave her; and beware of the exposing women, the inviters and the prostitutes, and those with husbands!'

فَقُلْتُ مَا الْكَوَاشِفُ

I said, 'What are the 'exposing women'?'

قَالَ اللَّوَاتِي يُكَاشِفْنَ وَبُيُوهُنَّ مَعْلُومَةٌ وَ يُؤْتَيْنَ

He<sup>-asws</sup> said: 'Those openly displaying (themselves) and their houses are well-known, and they are come to'.

قُلْتُ فَالدَّوَاعِي

I said, 'The 'inviters'?'

قَالَ اللَّوَاتِي يَدْعُونَ إِلَى أَنْفُسِهِنَّ وَ قَدْ عُرِفْنَ بِالْفَسَادِ

He<sup>-asws</sup> said: 'Those who are inviting to themselves and are recognised with the corruption'.

قُلْتُ فَالْبَغَايَا

I said, 'The 'prostitutes'?'

قَالَ الْمَعْرُوفَاتُ بِالزِّنَا

He<sup>-asws</sup> said: 'The ones well-known with the adultery'.

قُلْتُ فَذَوَاتُ الْأَرْوَاحِ

I said, 'The ones 'with the husbands'?'

قَالَ الْمُطَلَّقَاتُ عَلَى غَيْرِ السُّنَّةِ.

He<sup>-asws</sup> said: 'The ones not divorced upon the Sunnah'.<sup>1196</sup>

2 ب، قرب الإسناد ابن سَعْدٍ عَنِ الْأَزْدِيِّ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ مُوسَى عَ عَنِ الْمُتَعَةِ أَمْ مِنَ الْأَرْبَعِ هِيَ

(The book) 'Qurb Al Isnaad' – Ibn Sa'ad, from Al Azdy who said,

'I asked Abu Al-Hassan Musa<sup>-asws</sup> about the Mut'ah, 'Is it from the four (Permissible wives)?'

<sup>1196</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 1

فَقَالَ لَا.

He<sup>-asws</sup> said: 'No'.<sup>1197</sup>

3- ب، قرب الإسناد عليّ عن أخيه ع قال: سألته عن الرجل هل يصلح له أن يتزوج المرأة مُتَعَةً بِبَيِّنَةٍ

(The book) 'Qurb Al Isnaad' -

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the man, 'Is it correct for him to marry the woman in Mut'ah without proof?'

قَالَ إِذَا كَانَا مُسْلِمَيْنِ مَأْمُونَيْنِ فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'When they were both Muslims, trustworthy, there is no problem'.<sup>1198</sup>

4- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ تَزَوَّجَ امْرَأَةً مُتَعَةً كَمْ مَرَّةً يُرَدِّدُهَا وَ يُعِيدُ التَّزْوِيجَ

He said, 'And I asked him<sup>-asws</sup> about the man marrying the woman in Mut'ah, 'How many times can he repeat it, and repeat the marriage?'

قَالَ مَا أَحَبَّ.

He<sup>-asws</sup> said: 'Whatever he likes'.<sup>1199</sup>

5- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ تَحْتَهُ امْرَأَةٌ أَرَادَ أَنْ يُقِيمَ عَلَيْهَا وَ يُتَمَرَّهَا مَتَى يَفْعَلُ بِهَا ذَلِكَ قَبْلَ أَنْ يَنْقَضِيَ الْأَجَلُ أَوْ مِنْ بَعْدِهِ

And I asked him<sup>-asws</sup> about a man having a woman under him (as temporary) wife. He wants to stay upon her and give her dowry. When can he do that with her, before expiry of the term or after it?'

قَالَ إِنْ هُوَ زَادَهَا قَبْلَ أَنْ يَنْقَضِيَ الْأَجَلُ لَمْ يُرَدِّ بَيِّنَةً وَ إِنْ كَانَتْ الزَّيَادَةُ بَعْدَ انْقِضَاءِ الْأَجَلِ فَلَا بُدَّ مِنْ بَيِّنَةٍ.

He<sup>-asws</sup> said: 'If he increases it before expiry of the term, it does not require proof, and if the increase was after expiry of the term, there is no escape from having proof'.<sup>1200</sup>

6- ب، قرب الإسناد ابن عيسى عن البرنظي عن الرضا ع قال قال أبو جعفر ع عِدَّةُ الْمُتَعَةِ خِيضَةٌ وَ قَالَ خَمْسَةٌ وَ أَرْبَعُونَ يَوْمًا لِبَعْضِ أَصْحَابِهِ.

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty,

<sup>1197</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 2

<sup>1198</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 3

<sup>1199</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 4

<sup>1200</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 5



'From Al-Reza<sup>-asws</sup> having said: 'Abu Ja'far<sup>-asws</sup> said: 'Waiting period of the Mut'ah is a menstruation cycle', and he<sup>-asws</sup> said: 'Forty-five days' to one of his<sup>-asws</sup> companions".<sup>1201</sup>

7- ب، قرب الإسناد ابن عيسى عَنِ الْبَرْقُطِيِّ عَنِ الرِّضَا ع فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُتْعَةً ثُمَّ يَتَزَوَّجُهَا رَجُلٌ مِنْ بَعْدِهِ ظَاهِرًا فَسَأَلَتْهُ أَيُّ الرَّجُلَيْنِ أَوْلَى بِهَا

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty,

'From Al-Reza<sup>-asws</sup> regarding the man who marries the woman in Mut'ah, then (another) man marries her apparently. I asked him<sup>-asws</sup>, 'Which of the two men are foremost with her?'

فَقَالَ الرَّوْجُ الْأَوَّلُ

He<sup>-asws</sup> said: 'The first husband'.

وَقَالَ الْبِكْرُ لَا تَتَزَوَّجُ مُتْعَةً إِلَّا بِإِذْنِ أَبِيهَا.

And he<sup>-asws</sup> said: 'The virgin cannot get married in Mut'ah without permission of her father".<sup>1202</sup>

8- قَالَ: وَ سَأَلَتْهُ عَنِ الْمِيرَاثِ فَقَالَ كَانَ جَعْفَرٌ ع يَقُولُ نِكَاحٌ بِمِيرَاثٍ وَ نِكَاحٌ بِغَيْرِ مِيرَاثٍ إِنْ اشْتَرَطَتِ الْمِيرَاثُ كَانَ وَ إِنْ لَمْ تَشْتَرِطْ لَمْ يَكُنْ.

He said, 'And I asked him<sup>-asws</sup> about the inheritance. He<sup>-asws</sup> said: 'Abu Ja'far<sup>-asws</sup> had said: 'Marriage with inheritance and marriage without inheritance, if the inheritance is a stipulated condition, happens, and if it is not stipulated, does not happen".<sup>1203</sup>

9- قَالَ: وَ سَأَلَتْهُ مِنَ الْأَرْبَعِ هِيَ فَقَالَ اجْعَلُوهَا مِنَ الْأَرْبَعِ عَلَى الْإِحْتِيَاظِ.

He said, 'And I asked him<sup>-asws</sup>, 'Is it from the four?' He<sup>-asws</sup> said: 'Make these to be from the four based upon the precaution".<sup>1204</sup>

10- وَ قَالَ: فِي الْأَمَةِ يَتَمَتَّعُ بِهَا بِإِذْنِ أَهْلِهَا.

And he<sup>-asws</sup> said regarding the maid, he can do Mut'ah with her by the permission of her family".<sup>1205</sup>

11- ب، قرب الإسناد ابن عيسى عَنِ الْبَرْقُطِيِّ قَالَ: سَأَلْتُ الرِّضَا ع عَنْ رَجُلٍ تَكُونُ عِنْدَهُ الْمَرْأَةُ أَجَلٌ لَهُ أَنْ يَتَزَوَّجَ أُخْتُهَا مُتْعَةً

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

<sup>1201</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 6

<sup>1202</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 7

<sup>1203</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 8

<sup>1204</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 9

<sup>1205</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 10

'I asked Al-Reza<sup>-asws</sup> about a man having a wife with him, 'Is it Permissible for him to marry her sister in Mut'ah?'

قَالَ لَا

He<sup>-asws</sup> said: 'No'.

قُلْتُ إِنَّ زُرَّارَةَ حَكَى عَنْ أَبِي جَعْفَرٍ ع أَنَّهَا هُنَّ مِثْلُ الْإِمَاءِ يَتَزَوَّجُ مِنْهُنَّ مَا شَاءَ

I said, 'Zurrara narrated from Abu Ja'far<sup>-asws</sup>, but rather these are like the slave girls. One can marry them whatever he likes!'

فَقَالَ هِيَ مِنَ الْأَرْبَعِ.

He<sup>-asws</sup> said: 'She is from the four'.<sup>1206</sup>

12- ج، الإحتجاج كَتَبَ الْحِمَيْرِيُّ إِلَى الْقَائِمِ ع يَسْأَلُهُ عَنِ الرَّجُلِ تَزَوَّجَ امْرَأَةً بِشَيْءٍ مَعْلُومٍ إِلَى وَقْتٍ مَعْلُومٍ وَ بَقِيَ لَهُ عَلَيْهَا وَقْتُ فَجَعَلَهَا فِي حِلٍّ بِمَّا بَقِيَ لَهُ عَلَيْهَا وَ قَدْ كَانَتْ طَمِئَتْ قَبْلَ أَنْ يَجْعَلَهَا فِي حِلٍّ مِنْ أَيَّامِهَا بِثَلَاثَةِ أَيَّامٍ أَوْ يَجُوزُ أَنْ يَتَزَوَّجَهَا رَجُلٌ آخَرُ بِشَيْءٍ مَعْلُومٍ إِلَى وَقْتٍ مَعْلُومٍ عِنْدَ طَهْرِهَا مِنْ هَذِهِ الْحَيْضَةِ أَوْ يَسْتَقْبِلُ بِهَا حَيْضَةً أُخْرَى

(The book) 'Al Ihtijaj' –

'Al-Himeyri wrote to Al-Qaim<sup>-ajfj</sup> asking him<sup>-ajfj</sup> about the man who marries a woman with something known up to a known time, and there still remains some time for him upon her, so he makes her to be in a release from what remains for him upon her, and she had menstruated before he made her to be in release from her days by three days. 'Is it allowed for her to marry another man with something known up to a known time at her cleanliness from this menstruation, or another menstruation has to come to her?'

فَأَجَابَ تَسْتَقْبِلُ حَيْضَةً غَيْرَ تِلْكَ الْحَيْضَةِ لِأَنَّ أَقَلَّ تِلْكَ الْعِدَّةِ حَيْضَةٌ وَ طَهَارَةٌ تَامَّةٌ.

He<sup>-ajfj</sup> answered: 'She has to receive a menstruation other than that menstruation because the least of that waiting period is a menstruation and complete purity'.<sup>1207</sup>

13- فس، تفسير القمي فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ قَالَ الصَّادِقُ ع فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ مُسَمًّى فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً فَهَذِهِ الْآيَةُ دَلِيلٌ عَلَى الْمُتَعَةِ.

**So, the ones you enjoy with from them up to a specified term, give them their Obligatory recompense [4:24].** Al-Sadiq<sup>-asws</sup> said: 'Thus, this Verse evidences upon the Mut'ah (temporary marriage)'.<sup>1208</sup>

<sup>1206</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 11

<sup>1207</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 12

<sup>1208</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 13

14- سن، المحاسن ابن معروف عن القاسم بن عروة عن عبد الحميد الطائي عن محمد بن مسلم قال: قلت لأبي جعفر ع لم لا نُورث المرأة عمن يتمتع بها

(The book) 'Al Mahasin' – Ibn Marouf, from Al Qasim Bin Urwah, from Abdul Hameed Al Taie, from Muhammad Bin Muslim who said,

'I said to Abu Ja'far<sup>asws</sup>, 'Why doesn't the woman inherit from the one who does Mut'ah with her?'

فَقَالَ لَأَنَّهَا مُسْتَأْجَرَةٌ وَعِدَّتُهَا حَسَنَةٌ وَأَرْبَعُونَ يَوْمًا.

He<sup>asws</sup> said: 'Because she is hired, and her waiting period is of forty days'.<sup>1209</sup>

15- شي، تفسير العياشي عن محمد بن مسلم عن أبي جعفر ع قال [قال] جابر بن عبد الله عن رسول الله ص أنهم عَزَوْا مَعَهُ فَأَحَلَّ لَهُمُ الْمُتْعَةَ وَ لَمْ يُحَرِّمَهَا

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

'From Abu Ja'far<sup>asws</sup> having said: 'Jabir Bin Abdullah<sup>ra</sup> said from Rasool-Allah<sup>saww</sup>: 'They came to a military expedition with him<sup>saww</sup> and he<sup>saww</sup> allowed the Mut'ah for them. He<sup>saww</sup> did not forbid it.

وَ كَانَ عَلِيٌّ ع يَقُولُ لَوْ لَا مَا سَبَقَنِي بِهِ ابْنُ الْخَطَّابِ يَعْنِي عُمَرَ مَا زَنَى إِلَّا شَقِيًّا

And Ali<sup>asws</sup> had said: 'Had it not been for what the son of Al-Khattab, meaning Umar, had preceded me<sup>asws</sup> with, no one would have committed adultery except a wretch!'

وَ كَانَ ابْنُ عَبَّاسٍ يَقُولُ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ مُسَمًّى فَآتُوهُنَّ أُجُورَهُنَّ وَ هَؤُلَاءِ يَكْفُرُونَ بِهَا وَ رَسُولُ اللَّهِ ص أَحَلَّهَا وَ لَمْ يُحَرِّمَهَا.

And Ibn Abbas had said, 'The ones from them you contract Mut'ah with up to a specified term, give them their recompense, and they (general Muslims) are disbelieving in it, and Rasool-Allah<sup>azwj</sup> had permitted it and did not prohibit it'.<sup>1210</sup>

16- شي، تفسير العياشي عن أبي بصير ع عن أبي جعفر ع في الْمُتْعَةِ قَالَ نَزَلَتْ هَذِهِ الْآيَةُ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Ja'far<sup>asws</sup> regarding the Mut'ah. He<sup>asws</sup> said: 'This Verse was Revealed: **So whatever (Women) you enjoy with, give them their Obligatory recompense, and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower) [4:24].**

<sup>1209</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 14

<sup>1210</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 15

قَالَ لَا بَأْسَ بِأَنْ تَرِيدَهَا وَتَرِيدَكَ إِذَا انْقَطَعَ الْأَجَلُ فِيمَا بَيْنَكُمَا تَقُولُ اسْتَخْلَلْتُكَ بِأَجَلٍ آخَرَ بِرِضَى مِنْهَا وَ لَا تَحِلُّ لِعَبْرِكَ حَتَّى يَنْقُضِيَ عِدَّتُهَا وَ عِدَّتُهَا حَيْضَتَانِ.

He<sup>-asws</sup> said: 'There is no problem with you increasing her (in recompense) and her increasing you (in time). When the term in what is between you terminates, she says, 'I permit you with another term', with agreement from her, and she is not permitted for another until she fulfils her waiting period, and her waiting period is of two menstruations'.<sup>1211</sup>

17- شي، تفسير العياشي عَنْ أَبِي بصير عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَانَ يَقْرَأُ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ مُسَمًّى فَاتَّوَهَّنَ الْأُجُورُهنَّ فَرِيضَةً وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ فَقَالَ هُوَ أَنْ يَتَرَوَّجَهَا إِلَى أَجَلٍ ثُمَّ يُخْدِتُ شَيْئاً بَعْدَ الْأَجَلِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Ja'far<sup>-asws</sup> having said: **'So whatever (Women) you enjoy with – up to a specified term - give them their Obligatory recompense, and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower) [4:24].** He<sup>-asws</sup> said: 'It is that you marry her to a term, then something new occurs after the term'.<sup>1212</sup>

18- شي، تفسير العياشي عَنْ عَبْدِ السَّلَامِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ مَا تَقُولُ فِي الْمُتَعَةِ

(The book) 'Tafseer Al Ayyashi' – From Abdul Salam,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I said, 'What are you<sup>-asws</sup> saying regarding the Mut'ah?'

قَالَ قَوْلُ اللَّهِ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَاتَّوَهَّنَ الْأُجُورُهنَّ فَرِيضَةً إِلَى أَجَلٍ مُسَمًّى وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ

He<sup>-asws</sup> said: 'Words of Allah<sup>-azwj</sup>: **So whatever (Women) you enjoy with give them their Obligatory recompense – up to a specified term - and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower) [4:24].**

قَالَ قُلْتُ جُعِلْتُ فِدَاكَ أَ هِيَ مِنَ الْأَرْبَعِ

He (the narrator) said, 'I said, 'May I be sacrificed for you<sup>-asws</sup>! Is she from the four?'

قَالَ لَيْسَتْ مِنَ الْأَرْبَعِ إِنَّمَا هِيَ إِجَارَةٌ

He<sup>-asws</sup> said: 'She isn't from the four. But rather she is hired'.

فَقُلْتُ إِنْ أَرَادَ أَنْ يَزْدَادَ وَ تَزْدَادَ قَبْلَ انْقِضَاءِ الْأَجَلِ الَّذِي أُجِلَ

<sup>1211</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 16

<sup>1212</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 17

I said, 'If he wants, can he increase, and she increases before expiry of the term which had been specified?'

قَالَ لَا بَأْسَ إِنْ يَكُنْ ذَلِكَ بِرِضَا مِنْهُ وَ مِنْهَا بِالْأَجَلِ وَالْوَقْتِ

He<sup>-asws</sup> said: 'There is no problem if that happens with agreement from him and from her, with the term and the time'.

وَقَالَ يَزِيدُهَا بَعْدَ مَا يَمْضِي الْأَجَلُ.

And he<sup>-asws</sup> said: 'He can increase after passing of the term'<sup>1213</sup>.

19- سر السرائر عَبْدُ اللَّهِ بْنُ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُنْعَةً إِيَّهَامَا يَتَوَارَثَانِ إِذَا لَمْ يَشْتَرِطَا وَإِنَّمَا الشَّرْطُ بَعْدَ الْيَكَاحِ.

(The book) 'Al Saraair' – Abdullah Bin Bukeyr, from Muhammad Bin Muslim who said,

'I heard Abu Ja'far<sup>-asws</sup> saying regarding the man who marries the woman in Mut'ah: 'They both inherit each other when they do not stipulate, and rather the conditions are placed after the marriage'<sup>1214</sup>.

20- ين، كتاب حسين بن سعيد و النوادر عَنِ النَّضْرِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنِ الْمُنْعَةِ فَقَالَ نَزَلَتْ فِي الْقُرْآنِ وَ هُوَ قَوْلُ اللَّهِ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Al Nazr, from Aasim Bin Humeid, from Abu Baseer who said,

'I asked Abu Ja'far<sup>-asws</sup> about the Mut'ah. He<sup>-asws</sup> said: 'It was Revealed in the Quran, and it is the Word of Allah<sup>-azwj</sup>: ***So whatever (Women) you enjoy with give them their Obligatory recompense, and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower) [4:24]***'.

قَالَ لَا بَأْسَ أَنْ تَزِيدَهَا وَ تَزِيدَكَ إِذَا انْقَطَعَ الْأَجَلُ فِيمَا بَيْنَكُمْ تَقُولُ لَهَا اسْتَخْلُوكِ بِأَجَلٍ آخَرَ بِرِضَاهَا وَ لَا تَحِلُّ لِعَيْتِكَ حَتَّى تَنْقَضِيَ لَهَا عِدَّتُهَا وَ عِدَّتُهَا حَيْضَتَانِ.

He<sup>-asws</sup> said: 'There is no problem if you increase (dower) for her and she increases you (in time). When the term in what is between you terminates, you should say to her, 'I make you permissible for another term', with her agreement, and she is not permissible for someone else until her waiting period is fulfilled for her, and her waiting period is for two menstruations'<sup>1215</sup>.

<sup>1213</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 18

<sup>1214</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 19

<sup>1215</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 20

21- ين، كتاب حسين بن سعيد و النوادر النضر عن عاصم عن محمد بن مسلم عن أبي جعفر ع قال حدثني جابر بن عبد الله عن رسول الله ص أنهم غزوا معه فأحل لهم المنة ولم يحرمها

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Aasim, from Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup> having said: 'It is narrated to me<sup>-asws</sup> by Jabir Bin Abdullah<sup>-ra</sup>, from Rasool-Allah<sup>-saww</sup>, they went on a military expedition with him<sup>-saww</sup>. He<sup>-saww</sup> permitted the Mut'ah for them and did not prohibit it'.

قَالَ وَكَانَ عَلِيٌّ ع يَقُولُ لَوْ لَا مَا سَبَقَنِي بِهِ ابْنُ الْخَطَّابِ مَا زَنَى إِلَّا الشَّقِيَّ

He<sup>-asws</sup> said: 'And Ali<sup>-asws</sup> had said: 'Had it not been for what the son of Al-Khattab had preceded me<sup>-asws</sup> with, no one would commit adultery except the wretch!'

قَالَ وَكَانَ ابْنُ عَبَّاسٍ يَرَى الْمُتْعَةَ.

He<sup>-asws</sup> said: 'And Ibn Abbas viewed the Mut'ah (as permissible)'.<sup>1216</sup>

22- ين، كتاب حسين بن سعيد و النوادر النضر عن عاصم عن محمد بن مسلم قال: سألت أبا عبد الله ع كم المهر في المتعة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Aasim, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah<sup>-asws</sup>, 'How much is the dowry regarding the Mut'ah?'

فَقَالَ مَا تَرَاضِيَا عَلَيْهِ إِلَى مَا شَاءَا مِنَ الْأَجَلِ

He<sup>-asws</sup> said: 'Whatever they both agree upon, up to whatever term they both desire'.

قُلْتُ إِنْ حَبِلَتْ

I said, 'If she gets pregnant?'

قَالَ هُوَ وَلَدُهُ فَإِنْ أَرَادَ أَنْ يَسْتَتِيلَ أَمْرَهَا جَدِيداً فَعَلَ وَ لَيْسَ عَلَيْهَا الْعِدَّةُ مِنْهُ وَ عَلَيْهَا مِنْ غَيْرِهِ خَمْسٌ وَ أَرْبَعُونَ لَيْلَةً وَ إِنْ اشْتَرَطَ الْمِيرَاثَ فَهِيَ عَلَى شَرْطِهَا.

He<sup>-asws</sup> said: 'It is his child. If he wants to resume her matter anew, he can do so, and the waiting period from him isn't upon her, and upon her from someone else is forty-five nights, and if the inheritance is stipulated, they would both be upon the stipulation'.<sup>1217</sup>

23- ين، كتاب حسين بن سعيد و النوادر النضر عن موسى بن بكر عن زرارة عن أبي جعفر ع قال: عِدَّةُ الْمُتْعَةِ خَمْسٌ وَ أَرْبَعُونَ لَيْلَةً كَأَنِّي أَنْظُرُ إِلَى أَبِي جَعْفَرٍ ع يَعْقِدُ بِيَدِهِ خَمْسَةً وَ أَرْبَعِينَ يَوْماً

<sup>1216</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 21

<sup>1217</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 22

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Musa Bin Bakr, from Zurara,

'From Abu Ja'far<sup>-asws</sup> having said: 'The waiting period of Mut'ah is of forty-five nights!' - It is as if I am looking at Abu Ja'far<sup>-asws</sup> gesture by his<sup>-asws</sup> hand, 'Forty five days'.

فَإِذَا جَارَ الْأَجَلَ كَانَ فُرْقَةُ بَعْثٍ طَلَاقي فَإِذَا أَرَادَ أَنْ يَزْدَادَ فَلَا بُدَّ أَنْ يُصَدِّقَهَا شَيْئًا قَلَّ أَوْ كَثُرَ فِي تَمَنُّعٍ أَوْ تَزْوِيجٍ غَيْرِ مُنْعَةٍ وَلَا مِيرَاثَ بَيْنَهُمَا إِنْ مَاتَ أَحَدُهُمَا فِي ذَلِكَ الْأَجَلِ وَلَهُ أَنْ يَتَمَنَّعَ وَلَهُ امْرَأَةٌ إِنْ شَاءَ وَإِنْ كَانَ مُقِيمًا فِي مِصْرِهِ.

When the term passes, there would be separation without a divorce. When he wants to increase, there is no escape from giving her something as dower, whether little or more, in either Mut'ah or marriage without Mut'ah, and there would be no inheritance between them if one of them were to die during that term, and for him is to contract Mut'ah if he so desires, while there is a wife for him, and even if he was staying in his city".<sup>1218</sup>

24- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن بكير عن محمد بن مسلم و زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لِلْمُنْعَةِ خَمْسٌ وَ أَرْبَعُونَ لَيْلَةً.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Bukeyr, from Muhammad Bin Muslim and Zurara,

'From Abu Ja'far<sup>-asws</sup> having said: 'For the Mut'ah is (waiting period of) forty-five nights'.<sup>1219</sup>

25- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن عبد الله بن بكير قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ قَالَ مَا تَرَاضَوْا عَلَيْهِ مِنْ بَعْدِ النِّكَاحِ فَهُوَ جَائِزٌ وَ مَا كَانَ قَبْلَ النِّكَاحِ فَلَا يَجُوزُ إِلَّا بِرِضَاهَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Abdullah Bin Bukeyr who said,

'I asked Abu Abdullah<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> Mighty and Majestic: **and there is no blame upon you regarding what you make them agreeable with after the Obligatory (dower) [4:24]**. He<sup>-asws</sup> said: 'Whatever they both agree upon from after the marriage, it is allowed, and whatever was before the marriage, it is not allowed except with her agreement'.<sup>1220</sup>

26- ين، كتاب حسين بن سعيد و النوادر فضالة بن أيوب عن العلاء عن عبد الله بن أبي يعفور قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع يَتَزَوَّجُ الرَّجُلُ بِالْجَارِيَةِ مُنْعَةً

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazala Bin Ayoub, from Al A'ala, from Abdullah Bin Abu Yafour who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'Can the man marry a girl in Mut'ah?'

فَقَالَ نَعَمْ إِلَّا أَنْ يَكُونَ لَهَا أَبٌ وَ الْجَارِيَةُ تَسْتَأْمَرُهَا [يَسْتَأْمِرُهَا] كُلُّ أَحَدٍ إِلَّا أَبُوهَا.

<sup>1218</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 23

<sup>1219</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 24

<sup>1220</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 25

He<sup>-asws</sup> said: ‘Yes, except if there happens to be a father for her. Everyone has to ask her permission except her father’<sup>1221</sup>.

27- ين، كتاب حسين بن سعيد و النوادر القاسم بن محمد عن جميل بن صالح عن أبي بكر الحضرمي قال قال أبو عبد الله ع يا أبا بكر إناكم و الأبتكار أن تزوجهن منعة.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Qasim Bin Muhammad, from Jameel Bin Salih, from Abu Bakr Al Hazrami who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘O Abu Bakr! Beware of the virgins, marrying them in Mut’ah!’<sup>1222</sup>

28- ين، كتاب حسين بن سعيد و النوادر صفوان عن ابن مسكان عن المعلی بن حنيس قال: قلت لأبي عبد الله ع ما يجزي في المنعة من الشهود

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan, from Ibn Muskan, from Al Moallah Bin Khuneys who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘What witnesses suffice regarding the Mut’ah?’

قال رجلان أو رجل و امرأتان تشهدهما

He<sup>-asws</sup> said: ‘Two men or a man and two women to witness you both’.

قلت فإن لم يجد أحداً

I said, ‘Supposing he cannot find anyone?’

قال إنه لا يجوز لهم

He<sup>-asws</sup> said: ‘It is not allowed for them’.

قلت أ رأيت إن أشقوا أن يعلم بهم أحد يجزيهم رجل واحد

I said, ‘What is your view if they dread anyone knowing of them, would one man suffice them?’

قال نعم

He<sup>-asws</sup> said: ‘Yes’.

قلت جعلت فداك أكان المسلمون على عهد رسول الله ص يتزوجون المنعة بغير شهود

I said, ‘May I be sacrificed for you<sup>-asws</sup>! The Muslims in the era of Rasool-Allah<sup>-saww</sup> were contracting Mut’ah without witnesses!’

<sup>1221</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 26

<sup>1222</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 27



قَالَ لَا

He<sup>-asws</sup> said: 'No'.

قُلْتُ كَمْ الْعِدَّةُ

I said, 'How much is the waiting period?'

قَالَ خَمْسٌ وَارْبَعُونَ لَيْلَةً.

He<sup>-asws</sup> said: 'Forty-five nights'.<sup>1223</sup>

29- ين، كتاب حسين بن سعيد و النوادر ابنُ مُسْكَانَ عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ شُرُوطِ الْمُتْعَةِ قَالَ يُشَارِطُهَا عَلَى مَا شَاءَ مِنَ الْعَطِيَّةِ وَ يَشْتَرِطُ الْوَلَدَ إِنْ أَرَادَ أَوْلَاداً وَ لَيْسَ بَيْنَهُمَا مِيرَاثٌ وَ الْعِدَّةُ خَمْسٌ وَ أَرْبَعُونَ لَيْلَةً وَ إِنْ أَرَادَ أَنْ يُمْسِكَهَا فَإِذَا بَلَغَ أَجْلُهَا فَلْيُجَدِّدْ أَجْلاً آخَرَ وَ يَتَرَضَّيَانِ عَلَى مَا شَاءَا مِنَ الْأَجْرِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' of Ibn Muskan, from Umar Bin Hanzalat who said,

'I asked Abu Abdullah<sup>-asws</sup> about conditions of the Mut'ah. He<sup>-asws</sup> said: 'They can both stipulate whatever gift (recompense) they like, and condition of (having) the child, if he wants the children, and there isn't any inheritance between them, and the waiting period is of forty-five nights, and if he wants to withhold her when the (end of) term reaches, let him renew as another term, and they can both agree upon whatever recompense they so desire to'.<sup>1224</sup>

30- ين، كتاب حسين بن سعيد و النوادر ابنُ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدْبَنَةَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ الْهَاشِمِيِّ قَالَ: سَأَلْتُهُ [سَأَلْتُ] أَبَا عَبْدِ اللَّهِ ع عَنْ الْمُتْعَةِ فَقَالَ أَبُو [الْقِي] عَبْدُ الْمَلِكِ بْنُ جُرَيْجٍ فَسَلَّ عَنْهَا فَإِنَّ عِنْدَهُ مِنْهَا عِلْماً

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Umar Bin Uzina, from Ismail Bin Al Fazl Al Hashimy who said,

'I asked Abu Abdullah<sup>-asws</sup> about the Mut'ah. He<sup>-asws</sup> said: 'Meet Abdul Malik Bin Jureyh and ask him about it, for there is knowledge with him of it!'

فَلَقِيْتُهُ فَأَمْلَى عَلَيَّ مِنْهَا شَيْئاً كَثِيراً فَكَانَ فِيهَا مَا رَوَى لِي قَالَ لَيْسَ فِيهَا وَقْتُ وَ لَا عَدَدٌ إِنَّمَا هِيَ بِمَنْزِلَةِ الْإِمَاءِ يَتَزَوَّجُ مِنْهُنَّ كَمْ شَاءَ بَعْدَ وَلِيِّ وَ لَا شُهُودٍ وَ إِذَا انْقَضَى الْأَجَلُ بَانَ مِنْهُ بَعْدَ طَلَاقٍ وَ عِدَّتُهَا حَيْضَةٌ إِنْ كَانَتْ تَحِيضُ وَ إِنْ كَانَتْ لَا تَحِيضُ شَهْرٌ

I met him and he dictated to me a lot of things from it. Among what he reported to me, he said, 'There is neither any time in it nor number. But rather, she is at the status of the slave girl. He can marry from them however many he so desires to with neither a guardian nor witnesses, and whenever the term expires, she is irrevocable divorced from him without a divorce, and her waiting period is a menstruation, if she was menstruating, and if she was not menstruating, a month'.

<sup>1223</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 28

<sup>1224</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 29

فَانْطَلَقْتُ بِالْكِتَابِ إِلَى أَبِي عَبْدِ اللَّهِ عَ فَعَرَضْتُهُ عَلَيْهِ فَقَالَ صَدَقَ وَ أَقَرَّ بِهِ

I went with the letter to Abu Abdullah<sup>-asws</sup> and presented it unto him<sup>-asws</sup>. He<sup>-asws</sup> said: 'He spoke the truth', and acknowledged it.

قَالَ عُمَرُ بْنُ أُذَيْنَةَ وَ كَانَ زُرَّارَةُ يَقُولُ هَذَا وَ يَجْلِفُ بِاللَّهِ أَنَّهُ الْحَقُّ إِلَّا أَنَّهُ كَانَ يَقُولُ إِنَّ كَانَتْ تَحِيضُ فَحَيْضَةٌ وَ إِنْ كَانَتْ لَا تَحِيضُ فَشَهْرٌ وَ نِصْفٌ.

Umar Bin Uzina said, 'And Zurara had said this and he swore by Allah<sup>-azwj</sup> it is the truth except that he had said, 'If she was menstruating, so a menstruation, and if she was not menstruating, a month and a half'.<sup>1225</sup>

31- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنِ ابْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ قَالَ: جَاءَ عَبْدُ اللَّهِ بْنُ عُمَيْرٍ إِلَى أَبِي جَعْفَرٍ ع فَقَالَ مَا تَقُولُ فِي مُنْعَةِ النِّسَاءِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Abu Umeyr, from Ibn Uzina, from Zurara who said,

'Abdullah Bin Umeyr came to Abu Ja'far<sup>-asws</sup>. He said, 'What are you<sup>-asws</sup> saying regarding Mut'ah of the women?'

فَقَالَ أَحَلَّهَا اللَّهُ فِي كِتَابِهِ وَ عَلَى لِسَانِ نَبِيِّهِ فَهِيَ حَلَالٌ إِلَى يَوْمِ الْقِيَامَةِ

He<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> has Permitted it in His<sup>-azwj</sup> Book and upon the tongue of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, so it is Permissible up to the Day of Qiyamah!'

فَقَالَ يَا أَبَا جَعْفَرٍ مِثْلُكَ يَقُولُ هَذَا وَ قَدْ حَرَّمَهَا أَمِيرُ الْمُؤْمِنِينَ عُمَرُ

He said, 'O Abu Ja'far<sup>-asws</sup>! The likes of you<sup>-asws</sup> are saying this, and commander of the faithful Umar had prohibited it?'

فَقَالَ وَ إِنْ كَانَ فَعَلْ

He<sup>-asws</sup> said: 'And even if he had done so!'

فَقَالَ إِنِّي أُعِيدُكَ أَنْ تُحِلَّ شَيْئًا قَدْ حَرَّمَهُ عُمَرُ

He said, 'I seek refuge from you<sup>-asws</sup> permitting something Umar had prohibited!'

فَقَالَ وَ أَنْتَ عَلَى قَوْلِ صَاحِبِكَ وَ أَنَا عَلَى قَوْلِ رَسُولِ اللَّهِ ص فَهَلُمَّ فَأَلَاعِنُكَ أَنَّ الْقَوْلَ مَا قَالَ رَسُولُ اللَّهِ ص وَ أَنَّ الْبَاطِلَ مَا قَالَ صَاحِبُكَ

He<sup>-asws</sup> said: 'And you are upon the word (belief) of your master while I<sup>-asws</sup> am upon the word of Rasool-Allah<sup>-saww</sup>! Come, let the curse be upon you! The (true) word is what Rasool-Allah<sup>-saww</sup> had said, and the falsehood is what your master said'.

<sup>1225</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 30

قَالَ فَأَقْبِلْ عَلَيْهِ عَبْدُ اللَّهِ بْنُ عُمَيْرٍ فَقَالَ يَسُرُّكَ أَنْ نِسَاءُكَ وَبَنَاتُكَ وَأَخَوَاتُكَ وَبَنَاتِ عَمِّكَ يَفْعَلْنَ

He (the narrator) said, ‘Abdullah Bin Umeyr turned to him<sup>-asws</sup>. He said, ‘Would it cheer you<sup>-asws</sup> if your<sup>-asws</sup> womenfolk, and your<sup>-asws</sup> daughters, and your<sup>-asws</sup> sisters, and daughters of your<sup>-asws</sup> maternal aunt were to do so?’

فَأَعْرَضَ عَنْهُ أَبُو جَعْفَرٍ ع وَ عَنْ مَقَالَتِهِ حِينَ ذَكَرَ نِسَاءَهُ وَ بَنَاتِ عَمِّهِ.

Abu Ja’far<sup>-asws</sup> turned away from him and from his words when he mentioned his<sup>-asws</sup> womenfolk and daughter of his<sup>-asws</sup> maternal aunt”.<sup>1226</sup>

32- ين، كتاب حسين بن سعيد و النوادر ابن أبي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّمَا جُعِلَتِ الْبَيِّنَاتُ لِلنَّسَبِ وَ الْمَوَارِيثِ وَ الْحُدُودِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Hisham Bin Salim,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘But rather, the proofs are made to be for the lineages and the inheritances and the legal penalties’”.<sup>1227</sup>

33- ين، كتاب حسين بن سعيد و النوادر ابن أبي عُمَيْرٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ أَبُو عَبْدِ الْمَلِكِ بْنِ عُمَرَ قَالَتْ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الْمُتَعَةِ فَقَالَ إِنَّ أَمْرَهَا شَدِيدٌ فَاتَّقُوا الْأَبْكَارَ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Jameel Bin Salih, from Muhammad Bin Marwan Abu Abdullah Al Malik Bin Umar who said,

‘I asked Abu Abdullah<sup>-asws</sup> about the Mut’ah. He<sup>-asws</sup> said: ‘Its matter is severe, so fear (stay away from) the virgins!’”<sup>1228</sup>

34 ين، كتاب حسين بن سعيد و النوادر ابن أبي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ بَكْرِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَا كَانَ مِنْ شَرْطٍ قَبْلَ النِّكَاحِ هَدَمَ النِّكَاحَ وَ مَا كَانَ بَعْدَ النِّكَاحِ فَهُوَ نِكَاحٌ.

(The book) ‘Kitab Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Abdullah Bin Bukeyr who said,

‘Abu Abdullah<sup>-asws</sup> said: ‘Any condition set before the marriage invalidates the marriage, but any condition set after the marriage is (part of) the marriage’”.<sup>1229</sup>

قَالَ لِي مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الْمُتَعَةِ فَقَالَ لَا تُدَسِّسْ نَفْسَكَ بِهَا.

Muhammad Bin Abu Umeyr said to me, from Abdullah Bin Sinan who said,

‘I asked Abu Abdullah<sup>-asws</sup> about the Mut’ah. He<sup>-asws</sup> said: ‘Do not dirty yourself with it!’”<sup>1230</sup>

<sup>1226</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 31

<sup>1227</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 32

<sup>1228</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 33

<sup>1229</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 34 a

<sup>1230</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 34 b

35- ين، كتاب حسين بن سعيد و النوادر سمعت ابن أبي عمير عن علي بن يقطين قال: سألت أبا الحسن ع عن المتعة قال و ما أنت و ذاك و قد أغناك الله عنها

The book of Haseen Bin Saeed, and 'Al Nawadir' – I heard Ibn Abu Umeyr, from Ali Bin Yaqteen who said, '

'I asked Abu Al-Hassan<sup>-asws</sup> about the Mut'ah. He<sup>-asws</sup> said, 'And what have you to do with that, and Allah<sup>-azwj</sup> has Made you needless from it?'

قلت إنما أردت أن أعلمها

I said, 'But rather, I wanted to know it'.

قال في كتاب علي قد تزيدها و تزداد فقال و هل يطيبه إلا ذاك.

He<sup>-asws</sup> said: 'In the book of Ali<sup>-asws</sup>: 'You may increase for her, and she may increase for you. Then he said, 'And what else could make it good except that?'<sup>1231</sup>

36- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن هشام بن الحكم عن أبي عبد الله ع قال: ما تفعلها عندنا إلا الفواحش.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hisham Bin Al Hakam,

'From Abu Abdullah<sup>-asws</sup> having said: 'No one with us<sup>-asws</sup> does it (Mut'ah) except the immoral ones!'<sup>1232</sup>

37- ين، كتاب حسين بن سعيد و النوادر محمد بن إسماعيل بن بزيع قال: سأل رجل أبا الحسن ع و أنا أسمع عن رجل يتزوج المرأة متعة و يشترط عليها أن لا يطلب ولداً فبلي ذلك بوليد فشدد في إنكار الولد

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Ismail Bin Bazie who said,

'A man asked Abu Al-Hassan<sup>-asws</sup> and I was listening, about a man who marries a woman in Mut'ah and sets a condition upon her that does not seek a child. She becomes pregnant with a child. He is in intense denial of the child.

فقال يحجده إعظاماً

He<sup>-asws</sup> said: 'He denies it out of respect'.

فقال الرجل فإني أتهمها

Then man said, 'But I accuse her!'

<sup>1231</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 35

<sup>1232</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 36

فَقَالَ لَا يَنْبَغِي لَكَ إِلَّا أَنْ تَتَزَوَّجَ مُؤْمِنَةً أَوْ مُسْلِمَةً إِنَّ اللَّهَ يَقُولُ الرَّائِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحَرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ.

He<sup>-asws</sup> said: 'It is not befitting for you except that you marry a believing woman (Momina) or a Muslim woman. Allah<sup>-azwj</sup> Says: **The adulterer cannot marry except and adulteress or a Polytheist woman, and the adulteress, none can marry her except an adulterer or a Polytheist man; and that is Prohibited unto the Momineen [24:3]**'.<sup>1233</sup>

38- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ يَزِيدٍ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ عَ هَلْ يَجُوزُ لِلرَّجُلِ أَنْ يَتَمَتَّعَ مِنَ الْمَمْلُوكَةِ بِإِذْنِ أَهْلِهَا وَ لَهُ امْرَأَةٌ حُرَّةٌ

The book of Haseen Bin Saeed, and 'Al Nawadir – Muhammad Bin Ismail Bin Bazie said,

'I asked Abu Al-Hassan<sup>-asws</sup>, 'Is it allowed for the man to contract Mut'ah with the slave girls by the permission of her family, and for him is a freewoman as wife?'

قَالَ نَعَمْ إِذَا رَضِيَتْ الْحُرَّةُ

He<sup>-asws</sup> said: 'Yes, when the freewoman agrees'.

و قُلْتُ لَهُ الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ مُتْعَةً سَنَةً أَوْ أَقَلَّ أَوْ أَكْثَرَ إِذَا كَانَ الشَّيْءُ هُوَ الْمَعْلُومُ إِلَى أَجَلٍ مَعْلُومٍ

And I said to him, 'The man marries the woman in Mut'ah for a year, or less or more, when this is known, up to a known term'.

قَالَ نَعَمْ

He<sup>-asws</sup> said: 'Yes'.

قُلْتُ وَ اجْمَعْ مِنْهُمْ مَا شِئْتَ

I said, 'And he can gather from them whatever he likes?'

قَالَ فَسَكَتَ قَلِيلًا ثُمَّ قَالَ دَعْ عَنْكَ هَذَا.

He (the narrator) said, 'He<sup>-asws</sup> was silent for a while, then said: 'Leave this from you!''<sup>1234</sup>

39- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ كَيْفَ كَانُوا يَتَمَتَّعُونَ بِمَكَّةَ

The book of Haseen Bin Saeed, and 'Al Nawadir – Ibn Abu Umeyr, from Abu Ayoub, from Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'I<sup>-asws</sup> asked Jabir Bin Abdullah<sup>-ra</sup>, 'How were they contracting Mut'ah in Makkah?'

<sup>1233</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 37

<sup>1234</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 38

فَقَالَ إِنْ كَانَ أَحَدُنَا زَيْمًا تَمَتَّعَ بِكَفٍّ مِنَ الْبُرِّ.

He<sup>ra</sup> said: 'Sometimes if one of us would contract Mut'ah with a handful of wheat'.<sup>1235</sup>

40- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن محمد بن حمزة قال: قال بعض أصحابنا لأبي عبد الله ع البكر تزوج متعة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Muhammad Bin Hamza who said,

'One of our companions said to Abu Abdullah<sup>asws</sup>, 'Can the virgin marry in Mut'ah?'

قَالَ لَا بَأْسَ مَا لَمْ يَفْتَضَّهَا.

He<sup>asws</sup> said: 'There is no problem for as long as he does not deflower her'.<sup>1236</sup>

41- ين، كتاب حسين بن سعيد و النوادر القاسم عن أبيان عن إسحاق عن الفضل قال سمعت أبا عبد الله ع يقول بلغ عمر أن أهل العراق يزعمون أن عمر حرم المتعة فأرسل فلاناً سمأه فقال أخبرهم أبي لم أحرّمها وليس لعمر أن يحرم ما أحل الله و لكن عمر قد هوى عنها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Aban, from Is'haq, from Al Fazl who said,

'I heard Abu Abdullah<sup>asws</sup> saying: 'It reached Umar that the people of Iraq are claiming that Umar prohibited the Mut'ah. He dispatched so and so (he named him). He said: Tell them that I did not forbid it, and that Umar does not have the right to forbid what Allah<sup>azwj</sup> has permitted, but (in fact) Umar has forbidden it.'<sup>1237</sup>

42- ين، كتاب حسين بن سعيد و النوادر القاسم عن عروة عن عبد الحميد عن محمد بن مسلم عن أبي جعفر ع قال: في المتعة قال ليست من الأربع لأنها لا تطلق ولا ترث وإنما هي مستأجرة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Urwah, from Abdul Hameed, from Muhammad Bin Muslim,

From Abu Ja'far<sup>asws</sup> having said regarding the Mut'ah. He<sup>asws</sup> said: 'She isn't from the four because she is neither divorced, nor inherits, and rather she is hired'.

و قَالَ عِدَّتُهَا خَمْسٌ وَ أَرْبَعُونَ لَيْلَةً.

And he<sup>asws</sup> said: 'Her waiting period is of forty-five nights'.<sup>1238</sup>

43- ين، كتاب حسين بن سعيد و النوادر القاسم عن عروة عن ابن بكير عن زرارة قال: سألت أبا عبد الله ع عن رجل تزوج متعة بغير شهود قال لا بأس بالتزويج البتة بغير شهود بينه و بين الله و إنما جعل الشهود في تزويج البتة من أجل الولد لو لا ذلك لم يكن به بأس.

<sup>1235</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 39

<sup>1236</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 40

<sup>1237</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 41

<sup>1238</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 42

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Urwah, from Ibn Bukeyr, from Zurara who said,

'I asked Abu Abdullah<sup>-asws</sup> about a man who marries in Mut'ah without witnesses. He<sup>-asws</sup> said: 'There is no problem with the marriage absolutely without witnesses between him and Allah<sup>-azwj</sup>, and rather, the witnesses have been kept regarding the marriages absolutely for the reason of the child. Had it not been that, there would have been no problem with it'.<sup>1239</sup>

44- كشف، كشف الغمة من دلائل الحميري عن الحسن بن ظريف قال: كُتِبْتُ إِلَى أَبِي مُحَمَّدٍ ع وَ قَدْ تَرَكْتُ التَّمَنُّعَ ثَلَاثِينَ سَنَةً وَ قَدْ نَشِطْتُ لِذَلِكَ وَ كَانَ فِي الْحَيِّ امْرَأَةٌ وَصِفَتْ لِي بِالْجَمَالِ فَمَالَ إِلَيْهَا قَلْبِي وَ كَانَتْ عَاهِرًا لَا تَمْنَعُ يَدَ لَامِسٍ فَكَرِهْتُهَا ثُمَّ قُلْتُ قَدْ قَالَ تَمْنَعُ بِالْفَاجِرَةِ فَإِنَّكَ تُخْرِجُهَا مِنْ حَرَامٍ إِلَى حَلَالٍ

(The book) 'Kashf Al Ghumma', from 'Dalail' of Al Himeyri, from Al-Hassan Bin Tareyf who said,

'I wrote to Abu Muhammad<sup>-asws</sup>, and I had left the Mut'ah for thirty years, and I was motivated for that, and in my tribe was a woman described to me with the beauty, so my heart inclined to her, and she was immoral, not refusing the hand of a touching one. So, I disliked it. Then I said (to myself), 'He<sup>-asws</sup> had said: 'Contract Mut'ah with the immoral one for you will be extracting her from a Prohibition to a Permissible act'.

فَكُتِبْتُ إِلَى أَبِي مُحَمَّدٍ ع أَشَاوَرُهُ فِي الْمُنْعَةِ وَ قُلْتُ أَيْجُوزُ بَعْدَ هَذِهِ السِّنِينَ أَنْ أَمْتَنَعَ

I wrote to Abu Muhammad<sup>-asws</sup> consulting him<sup>-asws</sup> regarding the Mut'ah, and I said, 'Is it allowed after these (many) years that I do Mut'ah?'

فَكُتِبَ لِي أَنَّ مُحْيِي سُنَّةٍ وَ ثَمِيثَ بِدْعَةٍ وَ لَا بَأْسَ وَ إِيَّاكَ وَ جَارَتِكَ الْمَعْرُوفَةَ بِالْعَهْرِ وَ إِنْ حَدَّثَتْكَ نَفْسُكَ أَنَّ آبَائِي قَالُوا تَمْنَعُ بِالْفَاجِرَةِ فَإِنَّكَ تُخْرِجُهَا مِنْ حَرَامٍ إِلَى حَلَالٍ

He<sup>-asws</sup> wrote: 'But rather, you are reviving a Sunnah and killing an innovation, and there is no problem; and beware of your neighbour well-known with the immorality, and even if you have discussed within yourself that my<sup>-asws</sup> forefathers<sup>-asws</sup> have said: 'Contract Mut'ah with the immoral one, for you are extracting her from a Prohibition to a Permissible act'.

So, this woman is well-known with the violations, and she is a neighbour, and I<sup>-asws</sup> fear upon you exposure of the news!'

فَهَذِهِ امْرَأَةٌ مَعْرُوفَةٌ بِأَهْلَتِكَ وَ هِيَ جَارَةٌ وَ أَخَافُ عَلَيْكَ اسْتِفَاضَةَ الْخَبَرِ فِيهَا فَتَرَكْتُهَا وَ لَمْ أَمْتَنَعْ بِهَا وَ تَمْنَعُ بِهَا شَاذَانُ بْنُ سَعْدٍ رَجُلٌ مِنْ إِخْوَانِنَا وَ جِيرَانِنَا فَاشْتَهَرَ بِهَا حَتَّى عَلَا أَمْرُهُ وَ صَارَ إِلَى السُّلْطَانِ وَ عُزِمَ بِسَبِّهَا مَا لَا تَقْبِلُ وَ أَعَادَنِي اللَّهُ مِنْ ذَلِكَ بِرِزْقَةِ سَيِّدِي.

So, I neglected her and did not do Mut'ah with her, and Shazan Bin Sa'ad, a man from our brethren and our neighbours did Muta'h with her. He became famous with it until his matter was raised and came to the ruler, and he was fined a large sum of money, and Allah<sup>-azwj</sup> Sheltered me from that by the Blessings of my master".<sup>1240</sup>

<sup>1239</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 43

<sup>1240</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 44

الْهِدَايَةِ، وَ أَمَّا الْمُتَعَةُ فَإِنَّ رَسُولَ اللَّهِ ص أَخْلَهَا وَ لَمْ يُحَرِّمْهَا حَتَّى قُبِضَ فَإِذَا أَرَادَ الرَّجُلُ أَنْ يَتَمَتَّعَ بِامْرَأَةٍ فَلْتَكُنْ دَيِّتَةً مَأْمُونَةً فَإِنَّهُ لَا يَجُوزُ التَّمَتُّعُ بِزَانِيَةٍ أَوْ غَيْرِ مَأْمُونَةٍ فَلْيُحَاطَبِهَا وَ لِيُقَالُ مَتَّعَنِي نَفْسَكَ عَلَى كِتَابِ اللَّهِ وَ سُنَّةِ نَبِيِّهِ ص نِكَاحًا غَيْرَ سَفَاحٍ بِكَذَا وَ كَذَا دِرْهَمًا إِلَى كَذَا وَ كَذَا يَوْمًا

(The book) 'Al Hidayah' -

'And as for the Mut'ah, Rasool-Allah<sup>-saww</sup> had permitted it and did not prohibit it until he<sup>-saww</sup> passed away. When a man intends to do Mut'ah with a woman, let her be a religious, trustworthy woman, for it is not allowed to do Mut'ah with an adulteress or an untrustworthy one. Let him propose to her and let him say, 'Do Mut'ah with me based upon the Book of Allah<sup>-azwj</sup> and Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, a marriage not adultery, for such and such Dirhams, up to such and such day'.

فَإِذَا انْقَضَى الْأَجَلُ كَانَتْ فُرْقَةً بَعْدَ طَلَاقٍ وَ تَعْتَدُ مِنْهُ حَمْسًا وَ أَرْبَعِينَ لَيْلَةً فَإِنْ جَاءَتْ بِوَلَدٍ فَعَلَيْهِ أَنْ يَقْبَلَهُ وَ لَيْسَ لَهُ أَنْ يُنْكِرَهُ.

When the term expires, there would be separation without divorce, and she would observe a waiting period from him for forty-five nights. If she comes with a child, upon him is to accept it, and it isn't for him to deny it".<sup>1241</sup>

قَالَ الصَّادِقُ ع لَيْسَ مِنْهُ مَنْ لَمْ يُؤْمِنْ بِرَجْعَتِنَا وَ لَمْ يَسْتَحِلَّ مُتَعَتَنَا.

Al-Sadiq<sup>-asws</sup> said: 'He isn't from us<sup>-asws</sup>, one who does not believe in our<sup>-asws</sup> return, and does not consider our<sup>-asws</sup> Mut'ah permissible".<sup>1242</sup>

باب 68 الرضاع و أحكامه

## CHAPTER 68 – THE NURSING (BREAST-FEEDING) AND ITS RULES

1- ب، قرب الإسناد ابن عيسى عَنِ الْبَرْقُطِيِّ قَالَ: سَأَلْتُ الرِّضَا عَ عَنِ امْرَأَةٍ أَرْضَعَتْ جَارِيَةً ثُمَّ وَلَدَتْ أَوْلَادًا ثُمَّ أَرْضَعَتْ غُلَامًا يَحِلُّ لِلْغُلَامِ أَنْ يَتَزَوَّجَ تِلْكَ الْجَارِيَةِ الَّتِي أَرْضَعَتْ

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

'I asked Al-Reza<sup>-asws</sup> about a woman who breast-feeds a girl. Then she gives birth to children. Then she breastfeeds a boy. Is it Permissible for the boy to marry that girl which she had breast-fed?'

قَالَ لَا هِيَ أُخْتُهُ

He<sup>-asws</sup> said: 'No, she is his sister'.

وَ سَأَلْتُهُ عَنْ امْرَأَةٍ أَرْضَعَتْ جَارِيَةً وَ لَزَّوَجَهَا ابْنٌ مِنْ غَيْرِهَا يَحِلُّ لِابْنِ زَوْجِهَا أَنْ يَتَزَوَّجَ الْجَارِيَةَ الَّتِي أَرْضَعَتْ

<sup>1241</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 45

<sup>1242</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 67 H 46



And I asked him<sup>-asws</sup> about a woman who breast-feeds a girl, and for her husband there is a boy from someone else. Is it Permissible for the son to marry the girl whom she had breast-fed?’

قَالَ اللَّيْثُ لِلْمَحْضِلِ.

He<sup>-asws</sup> said: ‘The milk is for the stallion (male)’<sup>1243</sup>

2- ب، قرب الإسناد ابن رباب قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع مَا يُحَرِّمُ مِنَ الرِّضَاعِ

(The book) ‘Qurb Al Isnad’ – Ibn Riab who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘What makes sanctimony (Mahram) from the breast-feeding?’

قَالَ مَا أَتَيْتِ اللَّحْمَ وَ شَدَّ الْعَظْمَ

He<sup>-asws</sup> said: ‘What grows the flesh and strengthens the bones’.

قُلْتُ أَ تُحَرِّمُ عَشْرَ رَضَعَاتٍ

I said, ‘Do ten breast-feeding (sessions) make one sanctimonious (Mahram)?’

قَالَ إِنَّمَا لَا تُنْبِتُ اللَّحْمَ وَ لَا تَشُدُّ الْعَظْمَ عَشْرَ رَضَعَاتٍ.

He<sup>-asws</sup> said: ‘Ten breast-feeding sessions neither grow the flesh nor strengthen the bones’<sup>1244</sup>.

3- ب، قرب الإسناد ابن الوليد عن ابن بكير قال سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ عَشْرَ رَضَعَاتٍ لَا تُحَرِّمُ.

(The book) ‘Qurb Al Isnad’ – Ibn Al Waleed, from Ibn Bukeyr who said,

‘I heard Abu Abdullah<sup>-asws</sup> saying: ‘Ten breastfeeding sessions do not make one sanctimonious (Mahram)’<sup>1245</sup>.

4- ب، قرب الإسناد عَبْدُ اللَّهِ بْنُ عَامِرٍ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ صَالِحِ بْنِ عَبْدِ اللَّهِ الْحُتْعَمِيِّ قَالَ: كَتَبْتُ إِلَى أَبِي الْحَسَنِ مُوسَى ع أَسْأَلُهُ عَنْ أُمِّ وَلَدٍ لِي ذَكَرْتُ أَنَّهَا أَرْضَعَتْ جَارِيَةً لِي فَقَالَ لَا تُقْبَلُ قَوْلُهَا وَ لَا تُصَدِّقُهَا.

(The book) ‘Qurb Al Isnad’ – Abdullah Bin Aamir, from Ibn Abu Najran, from Salih Bin Abdullah Al Khas’amy who said,

<sup>1243</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 1

<sup>1244</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 2

<sup>1245</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 3

'I wrote to Abu Al-Hassan Musa<sup>-asws</sup> asking him<sup>-asws</sup> about mother of a child of mine. She mentioned that she had breast-fed a girl of mine. He<sup>-asws</sup> said: 'Neither will her word be accepted nor will she be ratified''.<sup>1246</sup>

5- مع، معاني الأخبار أبي عن أحمد بن إدريس عن الأشعري عن أحمد بن هلال عن ابن سينان عن حريز عن فضيل بن يسار عن أبي عبد الله ع قال: لا يحرم من الرضاع إلا ما كان مجبوراً

(The book) 'Ma'any Al Akhbar' – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Ahmad Bin Hilal, from Ibn Sinan, from Hareyz, from Fuzeyl Bin Yasaar,

'From Abu Abdullah<sup>-asws</sup> having said: 'Breastfeeding does not create a sanctimonious one (Mahram) except a 'Majboura'.

قَالَ قُلْتُ وَ مَا الْمَجْبُورُ

He (the narrator) said, 'I said, 'And what is 'Majboura'?

قَالَ أُمُّ مَرْيَمَةَ أَوْ ظَنَرُ مُسْتَأْجَرَةٍ أَوْ خَادِمٍ مُسْتَأْجَرَةٍ وَ مَا كَانَ مِثْلَ ذَلِكَ مُؤَقُوفٌ عَلَيْهِ.

He said, 'A mother who nourishes (the child), a hired wet nurse, a purchased servant, and anything similar that is dependent upon him''.<sup>1247</sup>

6- لي، الأماالي للصدوق ابن الوليد عن ابن أبان عن الحسين بن سعيد عن ابن أبي عمير و ابن بزيع عن منصور بن يونس عن منصور بن حازم و علي بن إسماعيل الميموني عن ابن حازم عن الصادق ع قال قال رسول الله ص لا رضاع بعد فطام الحبر.

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Ibn Abu Umeir and Ibn Bazie, from Mansour Bin Yunus, from Masour Bin Hazim, and Ali Bin Ismail Al Maysami, from Ibn Hazim,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There is no breast-feeding after the weaning'- the Hadeeth''.<sup>1248</sup>

7- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ ع عَنْ آبَائِهِ ع مِثْلُهُ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup>, similar to it.<sup>1249</sup>

8 ما، الأماالي للشيخ الطوسي العضايري عن الصدوق مِثْلُهُ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.<sup>1250</sup>

<sup>1246</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 4

<sup>1247</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 5

<sup>1248</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 6

<sup>1249</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 7

<sup>1250</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 8

9- ل، الخصال الأربعة قال أمير المؤمنين ع تَوَقَّظُوا عَلَى أَوْلَادِكُمْ لَيْتَ الْبَغْيِ مِنَ النِّسَاءِ وَ الْمَجْنُونَةِ فَإِنَّ اللَّبَنَ يُغْدِي.

(The book) 'Al Khisaal' -

'Al-Arbamiya – Amir Al-Momineen<sup>-asws</sup> said: 'Guard upon your children from the milk of prostitutes from the women, and the insane, for the milk transmits effects'.<sup>1251</sup>

10- ب، قرب الإسناد ابن طريف عن غلوان عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع كَانَ يَقُولُ تَخَيَّرُوا لِلرَّضَاعِ كَمَا تَتَخَيَّرُونَ لِلنِّكَاحِ فَإِنَّ الرِّضَاعَ يُغَيِّرُ الطَّبَاعَ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> that Ali<sup>-asws</sup> had said: 'Choose for the breast-feeding just as you tend to choose for the marriage, for the breast-feeding alters the nature (disposition)'.<sup>1252</sup>

11- ب، قرب الإسناد علي عن أخيه ع قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ الْمُسْلِمِ هَلْ يَصْلُحُ لَهُ أَنْ يَسْتَرْضِعَ لَوْلَدِهِ الْيَهُودِيَّةَ وَ النَّصْرَانِيَّةَ وَ هُنَّ يَشْرَبْنَ الْخَمْرَ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the Muslim man, 'Is it correct for him to seek the breast-feeding for his child to the Jewish woman and the Christian woman, and these are drinking the wine?'

قَالَ أَمْنَعُهُنَّ مِنْ شُرْبِ الْخَمْرِ مَا أَرْضَعْنَ لَكُمْ.

He<sup>-asws</sup> said: 'Prevent them from drinking the wine for as long as they are breast-feeding for you!'<sup>1253</sup>

12- قَالَ: وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ وَلَدَتْ مِنْ زَنًا هَلْ يَصْلُحُ أَنْ يُسْتَرْضَعَ بِلَبَنِهَا

He said, 'And I asked him<sup>-asws</sup> about the woman giving birth from the adultery, 'Is it correct that she is sought for her milk?'

قَالَ لَا وَ لَا الَّتِي ابْنَتْهَا وَلَدَتْ مِنَ الزَّانَا.

He<sup>-asws</sup> said: 'No, nor her daughter which she has given birth from the adultery'.<sup>1254</sup>

13- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آتائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تَسْتَرْضِعُوا الْحُمَقَاءَ وَ لَا الْعَمَشَاءَ فَإِنَّ اللَّبَنَ يُغْدِي.

<sup>1251</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 9

<sup>1252</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 10

<sup>1253</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 11

<sup>1254</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 12

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, by the three chains from Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Neither seek breast-feeding of the idiot (foolish woman), nor the blind, for the milk transmits its effects''.<sup>1255</sup>

14 صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) 'Saheefa Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – similar to it.<sup>1256</sup>

15 ن، عيون أخبار الرضا عليه السلام بهذا الإسناد قال قال رسول الله ص ليس للصبي لبن خير من لبن أمه.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'There isn't for the child any milk better than milk of its mother''.<sup>1257</sup>

16- صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) 'Saheefa Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, from him<sup>-asws</sup> – similar to it.<sup>1258</sup>

17 ضا، فقه الرضا عليه السلام و اعلم أنه يحرم من الرضاع ما يحرم من النسب في وجه النكاح فقط و قد يحل ملكه و بيعه و ثمنه إلا في الموضع نفسه و الفحل الذي اللبن منه فإيهما يقومان مقام الأبوين لا يحل بيعهما و لا ملكهما مؤمنين كانا أو مخالفين

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>: 'And know that sanctimony (Mahram) is created from the breast-feeding what is created from the lineage in perspective of the marriage only, and its ownership, and selling it and its price is lawful except the wet-nurse herself, and the male from whom the milk is from. So whichever of the two are standing in place of the parents, it is not permissible to sell them nor owning them, whether they are Momineen or adversaries.

و الحد الذي يحرم به الرضاع بما عليه عمل العصابة دون كل ما روي فإنه مختلف ما أثبت اللحم و قوى العظم و هو رضاع ثلاثة أيام متواليات أو عشرة رضعات متواليات محررات مرويات بلبن الفحل و قد روي مص و مصتين و ثلاثة.

And the limit which breastfeeding creates sanctimony (Mahram), according to what the community relies upon and not every report, is that which causes flesh to grow and bones to strengthen, and that is breastfeeding for three consecutive days or ten consecutive full feedings with the milk of the man (the father). It has also been reported as one suckling, two sucklings, and three''.<sup>1259</sup>

<sup>1255</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 13

<sup>1256</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 14

<sup>1257</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 15

<sup>1258</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 16

<sup>1259</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 17

18- قب، المناقب لابن شهر آشوب علي بن مهزيار عن أبي جعفر ع قال: قيل له إن رجلاً تزوج بجارية صغيرة فأرضعتها أمراًته ثم أرضعتها امرأة أخرى فقال ابن شبرمة حرمت عليه الجارية و أمراًته

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Ali Bin Mahziyar,

'From Abu Ja'far<sup>-asws</sup>, (the narrator) said, 'It was said to him<sup>-asws</sup>, 'A man marries a young girl and his wife breast-feeds her. Then another woman breast-feeds her. Ibn Shubrumah (a judge) said, 'The girl is prohibited unto him, and so is his wife'.

فَقَالَ ع أَخْطَأَ ابْنُ شَبْرُمَةَ حَرَّمَ عَلَيْهِ الْجَارِيَةُ وَ امْرَأَتُهُ الَّتِي أَرْضَعَتْهَا أَوَّلًا فَأَمَّا الْأَخِيرَةُ لَمْ تَحْرَمْ عَلَيْهِ لِأَنَّهَا أَرْضَعَتْ لِبَنِّهِ.

He<sup>-asws</sup> said: 'Ibn Shubrumah is mistaken! Prohibited unto him is the girl and his wife which had breast-fed her firstly. As for the latter one, she is not prohibited unto him because she breast-fed his daughter''<sup>1260</sup>

19- مكا، مكارم الأخلاق عن الصادق ع عن أبيه ع قال قال علي ع لا تَسْتَرْضِعُوا الْحُمْقَاءَ فَإِنَّ اللَّبَنَ يَغْلِبُ الطَّبَاعَ.

(The book) 'Makarim Al Akhlaq' -

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'Do not seek breast-feeding of the idiots, for the milk overcomes the disposition (nature)''<sup>1261</sup>

20- وَ قَالَ النَّبِيُّ ص لَا تَسْتَرْضِعُوا الْحُمْقَاءَ فَإِنَّ الْوَلَدَ يَشَبُّ عَلَيْهِ.

And the Prophet<sup>-saww</sup> said: 'Do not seek breast-feeding of the idiots, for the child will have resemblance upon it''<sup>1262</sup>

21- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِيَّاكُمْ أَنْ تَسْتَرْضِعُوا الْحُمْقَاءَ فَإِنَّ اللَّبَنَ يَشَبُّ عَلَيْهِ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup>: 'Beware of seeking breast-feeding of the idiots for the milk (child) will have resemblance upon it!''<sup>1263</sup>

22- الْهِدَايَةُ، وَ قَالَ الصَّادِقُ ع يَحْزَمُ مِنَ الْإِمَاءِ عَشْرٌ لَا يُجْمَعُ بَيْنَ الْأُمِّ وَالْإِبْنَةِ وَ لَا بَيْنَ الْأُخْتَيْنِ وَ لَا أُمْتُكَ وَ لَهَا زَوْجٌ وَ لَا أُمْتُكَ وَ هِيَ أُخْتُكَ مِنَ الرِّضَاعَةِ وَ لَا أُمْتُكَ وَ هِيَ عَمَّتُكَ وَ لَا أُمْتُكَ وَ هِيَ خَالَتُكَ مِنَ الرِّضَاعَةِ وَ لَا أُمْتُكَ وَ هِيَ خَائِصٌ حَتَّى تَطْهَرُ وَ لَا أُمْتُكَ وَ هِيَ رَضِيعَتُكَ وَ لَا أُمْتُكَ وَ لَكَ فِيهَا شَرِيكَ.

(The book) 'Al Hidayah' -

<sup>1260</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 18

<sup>1261</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 19

<sup>1262</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 20

<sup>1263</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 21

‘And Al-Sadiq<sup>asws</sup> said: ‘Prohibited from the slave girls are ten – neither gather between the mother and the daughter, nor between the two sisters, nor your slave girl having a husband for her, nor your slave girl and she is your sister from the breast-feeding, nor your slave girl and she is your paternal aunt, nor your slave girl and she is your maternal aunt from the breast-feeding, nor your slave girl while she is menstruating until she is pure, nor your slave girl and she had breast-fed you, nor your slave girl and there is a partner for you in her’’.<sup>1264</sup>

23- وَقَالَ الصَّادِقُ ع يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ وَ لَا يَحْرُمُ مِنَ الرِّضَاعِ إِلَّا رَضَاعُ حَمْسَةِ عَشَرَ يَوْمًا وَ لَيَالِيَهُنَّ وَ لَيْسَ بَيْنَهُنَّ رَضَاعٌ.

And Al-Sadiq<sup>asws</sup> said: ‘Sanctimony (Mahram) is created from the breast-feeding what is created from the lineage, and there is no sanctimony created from the breast-feeding except breast-feeding of fifteen days and their nights, and there isn’t any interruption of the breast-feeding between them’’.<sup>1265</sup>

باب 69 التحليل و أحكامه

## CHAPTER 69 – PERMISSIBILITY AND ITS RULES

1- ين، كتاب حسين بن سعيد و النوادر حماد بن عيسى عن الحسين بن المختار عن أبي بكر الحضرمي قال: قُلْتُ لِأبي عَبْدِ اللَّهِ ع امْرَأَتِي أَحَلَّتْ لِي جَارِيَتَهَا

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Hammad Bin Isa, from Al Husayn Bin Al Mukhtar, from Abu Bakr Al Hazramy who said,

‘I said to Abu Abdullah<sup>asws</sup>, ‘My wife has permitted her slave girl for me’.

فَقَالَ ائْتِكِيهَا إِنْ أَرَدْتَ

He<sup>asws</sup> said: ‘Have intimate marital relations with her if you want’.

قُلْتُ أبيعُهَا

I said, ‘Can I sell her?’

قَالَ إِمَّا حَلَّ مِنْهَا مَا أَحَلَّتْ.

He<sup>asws</sup> said: ‘But rather it is permitted from her what she has permitted’’.<sup>1266</sup>

2- ين، كتاب حسين بن سعيد و النوادر فضالة بن أيوب عن أبيان بن عثمان عن الحسن العطاري قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ عَارِيَةِ الْفَرَجِ فَقَالَ لَا بَأْسَ بِهِ

<sup>1264</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 22

<sup>1265</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 68 H 23

<sup>1266</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 1

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah Bin Ayoub, from Aban Bin Usman, from Al-Hassan Al Attar who said,

'I asked Abu Abdullah<sup>-asws</sup> about hiring the private part. He<sup>-asws</sup> said: 'There is no problem with it'.

قُلْتُ فَإِنْ كَانَ مِنْهُ الْوَلَدُ

I said, 'Supposing there is a child from it?'

قَالَ لِصَاحِبِ الْجَارِيَةِ إِلَّا أَنْ يَشْتَرِطَ عَلَيْهِ.

He<sup>-asws</sup> said: 'For owner of the slave girl except if he had placed a condition upon it'.<sup>1267</sup>

3- ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن محمد بن أحمد بن محمد بن عبد الكريم جميعاً عن أبي جعفر ع قال قلت للرجل لئله لأخيه فرج جارية

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'ala, from Muhammad, and Ahmad Bin Muhammad, from Abdul Kareem, altogether,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'I said, 'A man permits the private part of a slave girl for his brother'.

قَالَ نَعَمْ حَلَّ لَهُ مَا أَحَلَّ لَهُ مِنْهَا.

He<sup>-asws</sup> said: 'Yes, it is permissible for him what he had permitted from her for him'.<sup>1268</sup>

4- ين، كتاب حسين بن سعيد و النوادر حماد بن عيسى عن حريز عن محمد بن مسلم قال: سألت أبا عبد الله ع عن الرجل يكون له المملوكة فيجلبها لغيره قال لا بأس.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad Bin Isa, from Hareez, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah<sup>-asws</sup> about the man having the owned slave girl for him, so he legalises her for someone else. He<sup>-asws</sup> said: 'There is no problem'.<sup>1269</sup>

5- ين، كتاب حسين بن سعيد و النوادر القاسم بن سليمان عن حريز عن أبي عبد الله ع في الرجل يملك لغيره قال لا بأس بذلك

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Suleyman, from Hareez,

'From Abu Abdullah<sup>-asws</sup> regarding the man legalising the private part of his slave girl for his brother. He<sup>-asws</sup> said: 'There is no problem with that'.

<sup>1267</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 2

<sup>1268</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 3

<sup>1269</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 4

قُلْتُ فَإِنَّهُ أَوْلَدَهَا

I said, 'Supposing he impregnates her?'

قَالَ يَضُمُّ إِلَيْهِ وَلَدَهُ وَ يَرُدُّ الْجَارِيَةَ عَلَى مَوْلَاهَا.

He<sup>-asws</sup> said: 'His child will be attached to him and the slave girl will be returned to her master'.<sup>1270</sup>

6- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن حماد بن عيسى عن إسحاق بن عمار قال: سألت أبا عبد الله ع عن غلام لي وثب على جارية فأحبلها فأحسنا إلى لبنها فقال إن أحللت لهما ما صنعنا فطيب لبنها.

The book Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Hammad Bin Isa, from Is'haq Bin Ammar who said,

'I asked Abu Abdullah<sup>-asws</sup> about a boy of mine who pounces upon a slave girl and impregnates her. We became needy to her milk. He<sup>-asws</sup> said: 'If you had legalised for them both what they had done, her milk is good'.<sup>1271</sup>

8- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن القاسم بن عروة عن أبي العباس قال: كنت عند أبي عبد الله ع فقال له رجل أصلحك الله ما تقول في عارية الفرج

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Al Qasim Bin Urwah, from Abu Al Abbas who said,

'I was in the presence of Abu Abdullah<sup>-asws</sup>. A Man said to him<sup>-asws</sup>, 'May Allah<sup>-azwj</sup> Keep you<sup>-asws</sup> well! What are you saying regarding hiring the private part?'

قَالَ حَرَامٌ

He<sup>-asws</sup> said: 'Prohibited!'

ثُمَّ مَكَثَ قَلِيلًا ثُمَّ قَالَ لَا بَأْسَ بِأَنْ يُحِلَّ الرَّجُلُ جَارِيَتَهُ لِأَخِيهِ.

Then he<sup>-asws</sup> remained (silent) for a little while, then said: 'There is no problem with the man legalising his slave girl for his brother'.<sup>1272</sup>

9- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن سليمان الفراء عن حريز عن زُرَّارَةَ قُلْتُ لِأَبِي جَعْفَرٍ ع الرَّجُلُ يُحِلُّ جَارِيَتَهُ لِأَخِيهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Suleyman Al Fara'a, from Hareez, from Zurara,

<sup>1270</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 5

<sup>1271</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 6

<sup>1272</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 8



'I said to Abu Ja'far<sup>-asws</sup>, 'Can a man legalise his slave girl for his brother?'

فَقَالَ لَا بَأْسَ

He<sup>-asws</sup> said: 'There is no problem'.

فُلْتُ فَإِنَّمَا جَاءَتْ بِوَلَدٍ

I said, 'Supposing she comes with a child?'

قَالَ يَصْمُ إِلَيْهِ وَلَدُهُ وَ يُرَدُّ الْجَارِيَةُ عَلَى صَاحِبِهَا

He<sup>-asws</sup> said: 'His child will be attached to him and the slave girl will be returned to her master'.

فُلْتُ إِنَّهُ لَمْ يَأْذَنْ لَهُ فِي ذَلِكَ

I said, 'Supposing he had not permitted for him regarding that?'

فَقَالَ إِنَّهُ قَدْ أَذِنَ لَهُ وَ هُوَ لَا يَدْرِي أَنَّ يَكُونَ ذَلِكَ.

He<sup>-asws</sup> said: 'Surely, he had permitted for him, and he did not know that would happen'.<sup>1273</sup>

10- ين، كتاب حسين بن سعيد و النوادر القاسم بن محمد عن أبان عن المفضل قال: فُلْتُ لِأَبِي عَبْدِ اللَّهِ ع الرَّجُلُ يَقُولُ لِامْرَأَتِهِ أَجَلِي لِي جَارِيَتُكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Aban, from Al Mufazzal who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'The man says to his wife, 'Can you legalise your slave girl for me?'

قَالَ يُشْهَدُ عَلَيْهَا

He<sup>-asws</sup> said: 'He should keep witness upon her'.

فُلْتُ فَإِنْ لَمْ يُشْهَدْ عَلَيْهَا عَلَيْهِ شَيْءٌ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ

I said, 'If he does not keep witness upon her, there is something in what is between him and Allah<sup>-azwj</sup>!'

قَالَ هِيَ لَهُ حَلَالٌ.

He<sup>-asws</sup> said: 'She is permissible for him'.<sup>1274</sup>

<sup>1273</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 9

<sup>1274</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 10

11- ين، كتاب حسين بن سعيد و النواذر الحسن بن محبوب عن جميل بن صالح عن الفضيل بن يسار قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ بَعْضَ أَصْحَابِنَا قَدْ رَوَى عَنْكَ أَنَّكَ قُلْتَ إِذَا أَحَلَّ الرَّجُلُ لِأَخِيهِ الْمُؤْمِنِ جَارِيَتَهُ فَهِيَ لَهُ حَلَالٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Mahboub, from Jameel Bin Salih, from Al Fuzeyl Bin Yasaar who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'One of our companions has reported from you<sup>-asws</sup> that you<sup>-asws</sup> said: 'When the man legalises his slave girl for his Momin brother, she is lawful for him''.

قَالَ نَعَمْ يَا فُضَيْلُ

He<sup>-asws</sup> said: 'Yes, O Fuzeyl!'

قُلْتُ فَمَا تَقُولُ فِي رَجُلٍ عِنْدَهُ جَارِيَةٌ لَهُ نَفِيسَةٌ وَ هِيَ بِكَرٍّ أَحَلَّ مَا دُونَ الْفَرْجِ أَلَيْسَ أَنْ يَفْتَتِهَا

I said, 'What are you<sup>-asws</sup> saying regarding a man having a precious slave girl for him in his possession and she is a virgin, is it permissible whatever is besides the private part, or is it for him to deflower her?'

قَالَ لَيْسَ لَهُ إِلَّا مَا أَحَلَّ لَهُ مِنْهَا وَ لَوْ أَحَلَّ لَهُ قُبْلَةٌ مِنْهَا لَمْ يَحِلَّ لَهُ مَا سِوَى ذَلِكَ

He<sup>-asws</sup> said: 'It isn't for him except what he has permitted from her, for him, and if he had permitted a kiss from her for him, it will not be lawful for him besides that'.

قُلْتُ أَرَأَيْتَ إِنْ أَحَلَّ لَهُ دُونَ الْفَرْجِ فَعَلَبَتِ الشَّهْوَةُ فَأَفْضَاهَا

I said, 'What is your<sup>-asws</sup> view if he were to legalise for him apart from the private part, but the lust overcomes him so he deflowers her?'

قَالَ لَا يَنْبَغِي لَهُ ذَلِكَ

He<sup>-asws</sup> said: 'That is not appropriate for him!'

قُلْتُ فَإِنْ فَعَلَ يَكُونُ زَانِيًا

I said, 'If he does so, will he be an adulterer?'

قَالَ لَا وَ لَكِنْ خَائِنًا وَ يَغْرُمُ لِصَاحِبِهَا عَشْرَ قِيَمَتِهَا.

He<sup>-asws</sup> said: 'No, but a betrayer, and he will have to pay a fine to her owner, a tenth of her price'.<sup>1275</sup>

12- قَالَ الْحَسَنُ وَ حَدَّثَ رِفَاعَةُ بْنُ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ ع بِحُكْمِهِ إِلَّا أَنَّ رِفَاعَةَ قَالَ الْجَارِيَةُ النَّفِيسَةُ تَكُونُ عِنْدِي.

<sup>1275</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 11

Al-Hassan said, 'And Rifa'at Bin Musa narrated,

'From Abu Abdullah<sup>-asws</sup>, similar to it, except that Rifa'at said, 'The precious slave girl happens to be in my possession''.<sup>1276</sup>

13- ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن جميل بن صالح عن زُرَيْس بن عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ يُجِلُّ لِأَخِيهِ جَارِيَتَهُ وَ هِيَ تَخْرُجُ فِي حَوَائِجِهِ قَالَ هِيَ لَهُ حَلَالٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Mahboub, from Jameel Bin Salih, from Zureys Bin Abdul Malik,

'From Abu Abdullah<sup>-asws</sup> regarding the man who legalises his slave girl for his brother and she goes out regarding his need. He<sup>-asws</sup> said: 'She is lawful for him'.

قُلْتُ أَرَأَيْتَ إِنْ جَاءَتْ بِوَلَدٍ مَا يُصْنَعُ بِهِ

I said, 'What is your<sup>-asws</sup> view if she comes with a child, what should he do with it?'

قَالَ هُوَ لِمَوْلَى الْجَارِيَةِ إِلَّا أَنْ يَكُونَ اشْتَرَطَ عَلَيْهِ حِينَ أَحْلَاهَا لَهُ إِنْ جَاءَتْ بِوَلَدٍ مِنِّي فَهُوَ حُرٌّ

He<sup>-asws</sup> said: 'It is for the master of the slave girl, except if he has placed a condition upon him when he had legalised her for him that if she were to come with a child from me, it would be free'.

قُلْتُ فَيَمْلِكُ وَلَدُهُ

I said, 'So he owns his child?'

قَالَ إِنْ كَانَ لَهُ مَالٌ اشْتَرَاهُ بِالْقِيَمَةِ.

He<sup>-asws</sup> said: 'If there was wealth for him, he can buy him with the price''.<sup>1277</sup>

باب 70 وطء الصبية و ما يترتب عليه

## CHAPTER 70 – INTIMATE MARITAL RELATIONS WITH A YOUNG GIRL AND WHAT ITS CONSEQUENCES ARE

1- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عَبْدِ الْكَرِيمِ عَنْ أَبِي بصيرٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ لَا تُدْخِلِ الْمَرْأَةَ عَلَى زَوْجِهَا حَتَّى يَأْتِيَ لَهَا تِسْعُ سِنِينَ أَمْ عَشْرًا.

The book of Haseen Bin Saeed, and 'Al Nawadir – Ahmad Bin Muhammad, from Abdul Kareem, from Abu Baseer who said,

<sup>1276</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 12

<sup>1277</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 69 H 13

'I heard Abu Ja'far<sup>-asws</sup> saying: 'The woman cannot be entered (escorted) to her husband until nine or ten years have come to her''.<sup>1278</sup>

2- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع قال: إِذَا تَزَوَّجَ الرَّجُلُ بِالْجَارِيَةِ وَ هِيَ صَغِيرَةٌ فَلَا يَدْخُلُ بِهَا حَتَّى يَكُونَ لَهَا تِسْعَ سِنِينَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad, from Al Halby,

'From Abu Abdullah<sup>-asws</sup> having said: 'When the man gets married to the girl while she is young, he should not have intimate relations with her until there happens to be nine years for her''.<sup>1279</sup>

3- ين، كتاب حسين بن سعيد و النوادر التضرع عن موسى بن بكر عن زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا يَدْخُلُ بِالْجَارِيَةِ حَتَّى يَأْتِيَ لَهَا تِسْعَ أَوْ عَشْرَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Musa Bin Bakr, from Zurara,

'From Abu Ja'far<sup>-asws</sup> having said: 'Do not have intimate marital relations with the girl until nine or ten years have come for her''.<sup>1280</sup>

باب 71 أولياء النكاح و ما يشترط في الزوجين لصحة إيقاع العقد

## CHAPTER 71 – THE GUARDIANS OF THE MARRIAGE, AND WHAT CONDITIONS ARE PLACED IN THE TWO SPOUSES FOR THE HEALTH OF LASTING OF THE CONTRACT

1- ب، قرب الإسناد علي عن أخيه ع قال: سَأَلْتُهُ عَنْ رَجُلٍ أَتَاهُ رَجُلَانِ يَخْطُبَانِ ابْنَتَهُ فَهَوِيَ أَنْ يُزَوِّجَ أَحَدَهُمَا وَ هَوِيَ الْآخَرُ أُبُوهَا أَحَقُّ أَنْ يُنْكَحَ

(The book) 'Qurb Al Isnad' -

Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about a man, two men come to him to propose for his daughter. He inclines to marry to one of them, and his father inclines to marry to the other. Which of the two is more rightful for the marriage?'

قَالَ الَّذِي هَوِيَ الْجَدُّ لِأُمِّهَا وَ أَبَاهَا لِلْجَدِّ.

He<sup>-asws</sup> said: 'The one to whom the grandfather inclines to, because she and her father (both belong) to the grandfather''.<sup>1281</sup>

2- ن، عيون أخبار الرضا عليه السلام جعفر بن نعيم عن عمه محمد بن شاذان عن الفضل بن شاذان عن ابن بريق قال: سَأَلْتُ الرِّضَا عَ عَنْ الصَّبِيِّ يُزَوِّجُهَا أَبُوهَا ثُمَّ يَمُوتُ وَ هِيَ صَغِيرَةٌ ثُمَّ تَكْبُرُ قَبْلَ أَنْ يَدْخُلَ بِهَا زَوْجُهَا أَوْ يُزَوِّجَ عَلَيْهَا التَّرْوِيعَ أَوْ الْأَمْرَ إِلَيْهَا

<sup>1278</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 70 H 1

<sup>1279</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 70 H 2

<sup>1280</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 70 H 3

<sup>1281</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 1

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Ja'far Bin Nueym, from his uncle Muhammad Bin Shazan, from Al Fazl Bin Shazan, from Ibn Bazie who said,

'I asked Al-Reza<sup>-asws</sup> about the young girl, her father gets her married, then he dies while she is young. Then she grows older before her husband consummates the marriage, 'Is the marriage allowed upon her or is the matter up to her?'

فَقَالَ يَجُوزُ عَلَيْهَا تَزْوِيجُ أَبِيهَا.

He<sup>-asws</sup> said: 'The marriage by her father is allowed upon her'.<sup>1282</sup>

3- قَالَ: وَ سَأَلْتُهُ عَنِ امْرَأَةٍ ابْتُلِيَتْ بِشَرْبِ نَبِيذٍ فَسَكِرَتْ فَزَوَّجَتْ نَفْسَهَا مِنْ رَجُلٍ فِي سُكْرٍ ثُمَّ أَفَاقَتْ فَأَنْكَرَتْ ذَلِكَ ثُمَّ طَلَّتْ أَنَّهُ يَلْزِمُهَا فَوَرَعَتْ مِنْهُ فَأَقَامَتْ مَعَ الرَّجُلِ عَلَى ذَلِكَ التَّزْوِيجِ أَوْ خَلَّالَ هُوَ لَهَا أَمْ التَّزْوِيجِ فَاسِدٌ لِمَكَانِ السُّكْرِ وَ لَا سَبِيلَ لِلزَّوْجِ عَلَيْهَا

He said, 'And I asked him<sup>-asws</sup> about a woman who indulges in drinking 'Nabeez' (intoxicant). She marries herself to a man during her intoxication. Then she sobers and denies that. Then she assumes that it necessitates her, so she is afraid from it and stays with the man upon that marriage. 'Is he lawful for her or is the marriage invalid due to the place of the intoxication and there is no way for the husband to her?'

قَالَ إِذَا أَقَامَتْ مَعَهُ بَعْدَ مَا أَفَاقَتْ فَهُوَ رِضَاهَا

He<sup>-asws</sup> said: 'When she stays with him after having sobered, it is her agreement.

قُلْتُ وَ يَجُوزُ ذَلِكَ التَّزْوِيجُ عَلَيْهَا

I said, 'And that marriage is valid upon her?'

قَالَ نَعَمْ.

He<sup>-asws</sup> said: 'Yes'.<sup>1283</sup>

4- قَالَ: وَ سَأَلْتُهُ عَنْ مَمْلُوكَةٍ كَانَتْ بَيْنَ اثْنَيْنِ فَأَعْتَقَهَا وَ لَهَا أَخٌ غَائِبٌ وَ هِيَ بِكَرٍّ أَوْ يَجُوزُ لِأَخِيهَا أَنْ يُزَوِّجَهَا أَوْ لَا يَجُوزُ إِلَّا بِأَمْرِ أَخِيهَا

He said, 'And I asked him<sup>-asws</sup> about a slave girl being owned between two. They free her, and there is a brother of her who is absent, and she is a virgin, 'Is it allowed for one of them to marry her off or is it not allowed except by the instructions of her brother?'

فَقَالَ بَلَى يَجُوزُ أَنْ يُزَوِّجَهَا

He<sup>-asws</sup> said: 'Yes, it is allowed for her to marry her off'.

قُلْتُ فَيَتَزَوَّجُهَا هُوَ إِنْ أَرَادَ ذَلِكَ

<sup>1282</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 2

<sup>1283</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 3

I said, 'Can he marry her if he wants?'

قَالَ نَعَمْ.

He<sup>-asws</sup> said: 'Yes'.<sup>1284</sup>

5- ين، كتاب حسين بن سعيد و النوادر فضالة عن العلاء عن ابن أبي يعفور قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع يَتَزَوَّجُ الرَّجُلُ بِالْجَارِيَةِ مُتَعَةً

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah, from Al A'ala, from Ibn Abu Yafour who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'Can a man marry a girl in Mut'ah?'

فَقَالَ نَعَمْ إِلَّا أَنْ يَكُونَ لَهَا أَبٌ وَ الْجَارِيَةُ يَسْتَأْذِنُهَا كُلُّ أَحَدٍ إِلَّا أَبُوهَا.

He<sup>-asws</sup> said: 'Yes, except if there happens to be a father for her, and the girl, everyone has to seek her instructions except her father'.<sup>1285</sup>

6- ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن مُحَمَّدٍ عَنْ أَحَدِهِمَا ع قَالَ: قُلْتُ الرَّجُلُ يُزَوِّجُ ابْنَهُ وَ هُوَ صَغِيرٌ فَيَجُوزُ طَلَاقُ أَبِيهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'ala, from Muhammad,

'From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>, he (the narrator) said, 'I said, 'The man gets his son married while he is young. Is the divorce by his father valid?'

قَالَ لَا

He<sup>-asws</sup> said: 'No'.

قُلْتُ فَعَلَى مَنْ الصَّدَاقُ

I said, 'Upon whom is the dowry?'

قَالَ عَلَى أَبِيهِ إِذَا كَانَ قَدْ ضَمِنَهُ لَهُمْ فَإِنْ لَمْ يَكُنْ ضَمِنَهُ لَهُمْ فَعَلَى الْعُلَامِ إِلَّا أَنْ لَا يَكُونَ لِلْعُلَامِ مَالٌ فَعَلَى الْأَبِ ضَمِنْ أَوْ لَمْ يَضْمِنْ.

He<sup>-asws</sup> said: 'Upon his father if he had guaranteed it to them. If he did not guarantee, it would be upon the boy, except if there is no money for the boy, so it would be upon the father whether he had guaranteed it or not guaranteed it'.<sup>1286</sup>

7- ين، كتاب حسين بن سعيد و النوادر النضر عن القاسم بن سليمان عن عُبيد بن زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الصَّبِيِّ يَتَزَوَّجُ الصَّبِيَّةَ هَلْ يَتَوَارَثَانِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Al Qasim Bin Suleyman, from Ubeyd Bin Zurara,

<sup>1284</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 4

<sup>1285</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 5

<sup>1286</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 6

‘From Abu Abdullah<sup>-asws</sup> regarding the young boy marrying the young girl, ‘Will they inherit from each other?’

فَقَالَ إِنْ كَانَ آبَاؤُهُمَا اللَّذَانِ زَوَّجَاهُمَا حَيَّيْنِ فَنَعَمْ

He<sup>-asws</sup> said: ‘If their fathers, those who had got them married, were alive, yes’.

فُلْنَا فَهَلْ يَجُوزُ طَلَاقُ الْآبِ

We said, ‘Is divorce by the father allowed?’

قَالَ لَا.

He<sup>-asws</sup> said: ‘No’.<sup>1287</sup>

8- ين، كتاب حسين بن سعيد و النواذر صفوان عن عبد الله بن بكير عن عبيد بن زرار قال: سألت أبا عبد الله ع عن رجل يزوج ابنته و هو صغير قال إِنْ كَانَ لِابْنِهِ مَالٌ فَعَلَيْهِ الْمَهْرُ إِلَّا أَنْ يَكُونَ الْآبُ ضَمِنَ الْمَهْرَ وَ إِنْ لَمْ يَكُنْ لِلْآبِ مَالٌ فَالْآبُ ضَامِنٌ لِلْمَهْرِ ضَمِنَ أَوْ لَمْ يَضْمَنْ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan, from Abdullah Bin Bukeyr, from Ubeyd Bin Zurara who said,

‘I asked Abu Abdullah<sup>-asws</sup> about a man getting his son married while he is young. He<sup>-asws</sup> said: ‘If there was wealth for his son, upon him is the dowry, and if there does not happen to be any wealth for the son, the father is responsible for the dowry, whether he had guaranteed it or not’.<sup>1288</sup>

9- ين، كتاب حسين بن سعيد و النواذر صفوان عن العلاء عن محمد عن أخيهما ع، قال: فُلْتُ الصَّبِيَّ يَتَزَوَّجُ الصَّبِيَّةَ هَلْ يَتَوَارَثَانِ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan, from Al A’la, from Muhammad,

‘From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), he (the narrator) said, ‘I said, ‘The young boy married the young girl, will they inherit each other?’

قَالَ إِنْ كَانَ آبَاؤُهُمَا زَوَّجَاهُمَا فَنَعَمْ

He<sup>-asws</sup> said: ‘If their fathers who had got them married (were alive), yes’.

فُلْتُ فَهَلْ يَجُوزُ طَلَاقُ الْآبِ

I said, ‘Is divorce by the father allowed?’

قَالَ لَا.

<sup>1287</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 7

<sup>1288</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 8

He<sup>-asws</sup> said: 'No'.<sup>1289</sup>

10- ين، كتاب حسين بن سعيد و النوار صَفْوَانُ عَنِ الْعَلَاءِ عَنْ أَحَدِهِمَا ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ كَانَ لَهُ وَلَدٌ فَزَوَّجَ مِنْهُ ابْنَتِي وَ فَرَضَ الصَّدَاقُ ثُمَّ مَاتَ مِنْ أَثْنِ مَحْسَبِ الصَّدَاقِ قَالَ مِنْ جَمِيعِ الْمَالِ إِنَّمَا هُوَ بِمَنْزِلَةِ الدَّيْنِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'la,

'From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), he (the narrator) said, 'I asked him<sup>-asws</sup> about a man who has a son for him. He gets his son to marry my daughter and the dowry is obligated. Then he dies before the dowry is calculated. He<sup>-asws</sup> said: 'From entirety of the wealth. But rather, it is at the status of the debt'.<sup>1290</sup>

11- د، العدد القوية مُحَمَّدُ بْنُ جَرِيرٍ الطَّبْرِيُّ التَّبَعِيُّ عَنِ التَّارِخِيِّ قَالَ: لَمَّا وَرَدَ سَيِّئُ الْفُرْسِ إِلَى الْمَدِينَةِ أَرَادَ عُمَرُ بْنُ الْخَطَّابِ بَيْعَ النِّسَاءِ وَ أَنْ يَجْعَلَ الرِّجَالَ عِبِيداً فَمَنَعَهُ أَمِيرُ الْمُؤْمِنِينَ وَ اعْتَقَ نَصَبَهُ مِنْهُمْ ثُمَّ الصَّحَابَةُ وَهُبُوا أَنْصَبَاءَهُمْ فَقَبِلَ وَ اعْتَقَهُمْ جَمِيعاً

(The book) 'Al Adad Al Qawiya' – Muhammad Bin Jareer Al Tabari the Shia, not the historian, he said,

'When the Persian captives arrived at Al-Medina, Umar Bin Al-Khattab wanted to sell the women and make the men as captives. Amir Al-Momineen<sup>-asws</sup> prevented him and liberated his<sup>-asws</sup> share from them. Then the companions (also) gifted their shares. He accepted and freed them all.

ثُمَّ قَالَ ع هَؤُلَاءِ لَا يُكْرَهُنَّ عَلَى التَّزْوِيجِ وَ لَكِنْ يُخَيَّرْنَ

Then he<sup>-asws</sup> said: 'They will not be coerced upon the marriage, but they should be given a choice!'

فَلَمَّا خِيَرَتْ شَهْرَبَانُوَيْهَ فَقِيلَ لَهَا مَنْ تَخْتَارِينَ مِنْ حُطَّابِكَ وَ هَلْ أَنْتِ بِمَنْ يُرِيدُ بَعْلًا

When Shehrbanuwayh<sup>-ra</sup> was given a choice, it was said to her<sup>-asws</sup>, 'Whom do you<sup>-ra</sup> choose from the proposers, and are you<sup>-ra</sup> from the one who want a husband?'

فَسَكَتَتْ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع قَدْ أَرَادَتْ وَ بَقِيَ الْإِخْتِيَارُ

She<sup>-ra</sup> was silent. Amir Al-Momineen<sup>-asws</sup> said: 'She<sup>-ra</sup> has intended, and the choosing remains'.

فَقَالَ عُمَرُ وَ مَا عَلِمْتُكَ بِإِزَادَتِهَا الْبُعْلَ

Umar said, 'And what makes you<sup>-asws</sup> know of her<sup>-ra</sup> wanting the husband?'

قَالَ ع إِنَّ رَسُولَ اللَّهِ ص كَانَ إِذَا أَتَتْهُ كَرِيمَةٌ قَوْمٍ لَا وَلِيَ لَهَا وَ قَدْ حُطِبَتْ يَأْمُرُ أَنْ يُقَالَ لَهَا أَنْتِ رَاضِيَةٌ بِالْبُعْلِ فَإِنْ اسْتَحَبَّتْ وَ سَكَتَتْ جُعِلَتْ إِذْنُهَا صُمَامًا وَ أَمَرَ بِتَزْوِيجِهَا وَ إِنْ قَالَتْ لَا لَمْ تُكْرَهُ عَلَى مَا تَخْتَارُهُ

<sup>1289</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 9

<sup>1290</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 10



He<sup>-asws</sup> said: 'It so happened that when a noblewoman of a people was brought to him<sup>-asws</sup>, there being no guardian for her and she had been proposed to, he<sup>-saww</sup> instructed that it be said to her, 'Do you agree with (having) the husband?' If she is shy and remained silent, it was made to be her permission, and he<sup>-saww</sup> instructed with getting her married, and if she said, 'No', she was not coerced upon what she did not choose'.

وَأَنَّ شَهْرَبَانُوَيْهَ أَرَيْتِ الْخُطَّابَ فَأَوْمَأَتْ بِيَدِهَا وَ اخْتَارَتِ الْحُسَيْنَ ع فَأَعِيدَ الْقَوْلُ عَلَيْهَا فِي التَّخْيِيرِ فَأَشَارَتْ بِيَدِهَا وَقَالَتْ بَلَّغْتِهَا هَذَا إِنْ كُنْتُ مُحْزِيَةً وَ جَعَلْتُ أَمِيرَ الْمُؤْمِنِينَ ع وَلِيِّهَا وَ خُطِبَ حَدِيثُهُ إِلَى آخِرِ الْحَبَرِ وَ قَدْ مَرَّ فِي كِتَابِ الْجِهَادِ.

And Shehrbanuwayh<sup>-ra</sup> was shown the proposers, and she<sup>-ra</sup> gestured by her<sup>-ra</sup> hand and chose Al-Husayn<sup>-asws</sup>. The word was repeated unto her regarding the choice. She<sup>-ra</sup> indicated by her<sup>-ra</sup> hand and said in her<sup>-ra</sup> language: 'I<sup>-ra</sup> have chosen!', and she<sup>-ra</sup> made Amir Al-Momineen<sup>-asws</sup> her<sup>-ra</sup> guardian, and Huzeyfa addressed the proposal (on her<sup>-asws</sup> behalf) – up to end of the Hadeeth, and it has passed in the book of Jihad".<sup>1291</sup>

12- الْهَدَايَةُ، وَ لَا وَلَايَةَ لِأَحَدٍ عَلَى الْإِثْنَةِ إِلَّا لِأَبِيهَا مَا دَامَتْ بَكْرًا فَإِذَا صَارَتْ نِسَاءً فَلَا وَلَايَةَ لَهُ عَلَيْهَا وَ هِيَ أَمْلَكَ بِنَفْسِهَا

(The book) 'Al Hidayah' -

'And there is no governance for anyone upon the daughter (girl) except for her father for as long as she is a virgin. When she becomes deflowered, there is no governance for him upon her, and she is in control of herself.

وَ إِذَا كَانَتْ بَكْرًا وَ كَانَ لَهُ أَبٌ وَ جَدٌّ فَالْجَدُّ أَحَقُّ بِتَرْوِجِهَا مِنَ الْأَبِ مَا دَامَ الْأَبُ حَيًّا فَإِذَا مَاتَ الْأَبُ فَلَا وَلَايَةَ لِلْجَدِّ عَلَيْهَا لِأَنَّ الْجَدَّ إِنَّمَا يَمْلِكُ أَمْرَهَا فِي حَيَاةِ ابْنِهِ لِأَنَّهُ يَمْلِكُ ابْنَهُ فَإِذَا مَاتَ ابْنُهُ بَطَلَتْ وَلَايَتُهُ.

And when she was a virgin and there was a father for him and a grandfather, the grandfather is more rightful with getting her married than the father is, for as long as the father is alive. When the father dies, there is no governance for the grandfather upon her, because the grandfather rather is in control of her matter during the lifetime of his son because he controls his son. When his son dies, his governance is nullified".<sup>1292</sup>

باب 72 أحكام الإماء و ما يحل منها و ما يحرم

## CHAPTER 72 – RULES OF THE SLAVE GIRL AND WHAT IS PERMISSIBLE FROM HER AND WHAT IS PROHIBITED

1- ب، قرب الإسناد علي عن أخيه قال: سألتُهُ عَنْ رَجُلٍ قَالَ لِأَخَرٍ هَذِهِ الْجَارِيَةُ لَكَ حَيَاتُكَ أَوْ يَحِلُّ فُرْجُهَا

(The book) 'Qurb Al Isnaad' –

<sup>1291</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 11

<sup>1292</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 71 H 12

Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man who said to another, 'This slave girl is for you during your lifetime'. Is her private part permissible?'

قَالَ يَحِلُّ لَهُ فَرْجُهَا مَا لَمْ يَدْفَعْهَا إِلَى الَّذِي تَصَدَّقَ بِهَا عَلَيْهِ فَإِذَا تَصَدَّقَ بِهَا حُرِّمَتْ عَلَيْهِ.

He<sup>-asws</sup> said: 'Her private part is permissible for him for as long as he does not hand her back to the one who had donated her to him. When he donates her, she is prohibited unto him'.<sup>1293</sup>

2- وَ سَأَلْتُهُ عَنْ مَمْلُوكَةٍ بَيْنَ رَجُلَيْنِ تَزَوَّجَهَا أَحَدُهُمَا وَ الْآخَرُ غَائِبٌ هَلْ يَجُوزُ النِّكَاحُ

And I asked him<sup>-asws</sup> about a slave girl being between two men. One of them married her while the other was absent. Is the marriage valid?'

قَالَ إِذَا كَرِهَ الْغَائِبُ لَمْ يَجْزِ النِّكَاحُ.

He<sup>-asws</sup> said: 'When the absentee dislikes it, the marriage is not valid'.<sup>1294</sup>

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ جَارِيَةً أُخْتِهِ أَوْ عَمَّتِهِ أَوْ ابْنِ أُخْتِهِ فَوَلَدَتْ مَا حَالُهَا

And I asked him<sup>-asws</sup> about a man who marries a slave girl of his sister, or his paternal aunt, or son (daughter) of his sister, so she gives birth. What is his state?'

قَالَ إِذَا كَانَ الْوَلَدُ شَيْئاً مِمَّنْ يَمْلِكُهُ عَتَقَ.

He<sup>-asws</sup> said: 'When the child was something from the ones he owns, it is liberated'.<sup>1295</sup>

*No. 4 is missing*

5- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ فَيَقْعُ عَلَيْهَا أَوْ يَصْلُحُ بَيْنَهَا مِنَ الْجَدِّ

And I asked him<sup>-asws</sup> about the man who buys the slave girl. He has intimate marital relations with her. Is it permissible for her to be sold by the grandfather?'

قَالَ لَا بَأْسَ.

He<sup>-asws</sup> said: 'There is no problem'.<sup>1296</sup>

6- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَحْتَاجُ إِلَى جَارِيَةٍ ابْنِهِ فَيَطْوَها إِذَا كَانَ الْإِبْنُ لَمْ يَطْأَهَا هَلْ يَصْلُحُ ذَلِكَ

<sup>1293</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 1

<sup>1294</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 2

<sup>1295</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 3

<sup>1296</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 5

He said, 'And I asked him<sup>asws</sup> about the man who was in need to a slave girl of his son, so he has intimate marital relations with her. If the son had not had intimate marital relations with her, is that correct?'

قَالَ نَعَمْ هِيَ لَهُ حَلَالٌ إِلَّا أَنْ يَكُونَ الْأَبُ مُوسِراً فَيَقُومَ الْجَارِيَةُ عَلَى نَفْسِهِ قِيمَةً ثُمَّ يَرُدُّ الْقِيَمَةَ عَلَى ابْنِهِ.

He<sup>asws</sup> said: 'Yes, she is lawful for him except if the father happens to be affluent. The slave girl would be evaluated upon himself for a price. Then the price would be returned to his son'.<sup>1297</sup>

7- ل، الخصال ابن الوليد عن الحميري عن هارون عن ابن زياد قال قال أبو عبد الله ع يحرم من الإماء عشر لا يجتمع بين الأم والبنت وبين الأختين ولا أمتك وهي حامل من غيرك حتى تضع ولا أمتك ولها زوج ولا أمتك وهي أختك من الرضاعة ولا أمتك وهي عمك من الرضاعة ولا أمتك وهي خالتك من الرضاعة ولا أمتك وهي حاض حتى تطهر ولا أمتك وهي رضيعتك ولا أمتك ولا لك فيها شرك.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Himeyri, from Haroun, from Ibn Ziyad who said,

'Abu Abdullah<sup>asws</sup> said: 'Ten from the slave girls are prohibited – One cannot gather between the mother and the daughter, and between the two sisters, nor your slave girl while she is pregnant from another until she gives birth, nor your slave girl having a husband for her, nor your slave girl and she is your sister from the breast-feeding, nor your slave girl and she is your slave girl from the breast-feeding, nor your slave girl and she is your maternal aunt from the breast-feeding, nor your slave girl and she is menstruating until she is pure, nor your slave girl and she has breast-fed you, nor your slave and there is a partner for you in her'.<sup>1298</sup>

8- ن، عيون أخبار الرضا عليه السلام جعفر بن نعيم بن شاذان عن عمه محمد بن الفضل بن شاذان عن ابن بزيع قال: سألت الرضا ع عن الرجل له الجارية فيقبلها هل تحل لولد له

(The book) 'Uyoun Akhbar Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> – Ja'far Bin Nueym Bin Shazan, from his uncle Muhammad Bin al Fazl Bin Shazan, from Ibn Bazie who said,

'I asked Al-Reza<sup>asws</sup> about the man having a slave girl for him, and he kisses her. 'Is she lawful for his son?'

فَقَالَ بِشَهْوَةٍ

He<sup>asws</sup> said: 'With lust?'

قُلْتُ نَعَمْ

I said, 'Yes'.

قَالَ لَا مَا تَرَكَ شَيْئاً إِذَا قَبَّلَهَا بِشَهْوَةٍ

<sup>1297</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 6

<sup>1298</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 7

He<sup>-asws</sup> said: 'No! He has not left out anything when he had kissed her with lustful desire!

ثُمَّ قَالَ عَ إِتْدَاءَ مِنْهُ لَوْ جَرَدَهَا فَتَنَظَّرَ إِلَيْهَا بِشَهْوَةٍ حُرِّمَتْ عَلَى أَبِيهِ وَ ابْنِهِ

Then he<sup>-asws</sup> said initiating, from him<sup>-asws</sup>: 'If he bares her and looks at her with lustful desire, she is prohibited unto his father and his son'.

قُلْتُ إِذَا نَظَرَ إِلَى جَسَدِهَا

I said, 'When he looks at her body?'

قَالَ إِذَا نَظَرَ إِلَى فَرْجِهَا.

He<sup>-asws</sup> said: 'When he looks at her private part'<sup>1299</sup>.

9- قَالَ: وَ سَأَلْتُهُ عَنْ مُلْكَةٍ كَانَتْ بَيْنَ اثْنَيْنِ فَأَعْتَقَاهَا وَ لَهَا أَخٌ غَائِبٌ وَ هِيَ بِكَرٍّ أَيْحُورٌ لِأَحَدِهِمَا أَنْ يُزَوِّجَهَا أَوْ لَا يُزَوِّرُ إِلَّا بِأَمْرِ أَخِيهَا

And I asked him<sup>-asws</sup> about a slave girl being between two, so they both freed her, and there is an absentee brother for her, and she is a virgin. 'Is it allowed for one of them to marry her, or not allowed except by instructions of her brother?'

فَقَالَ بَلَى يُزَوِّرُ أَنْ يُزَوِّجَهَا

He<sup>-asws</sup> said: 'Yes, he can marry her off'.

قُلْتُ فَيُزَوِّجُهَا هُوَ إِنْ أَرَادَ ذَلِكَ

I said, 'Can he marry her if he wants?'

قَالَ نَعَمْ.

He<sup>-asws</sup> said: 'Yes'<sup>1300</sup>.

10- ع، علل الشرائع أَبِي عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ أَقْوَامٌ اشْتَرَكُوا فِي جَارِيَةٍ وَ اتَّخَمُوا بَعْضُهُمْ وَ جَعَلُوا الْجَارِيَةَ عِنْدَهُ فَوَطَّئَهَا

(The book) 'Ilal Al Sharaie' – My father, from Ali, from his father, from Salih Bin Saeed, from Yunus, from Abdullah Bin Sinan who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'A group of people associate in a slave girl and they entrust one of them and make the slave girl to be with him. He has intimate marital relations with her'.

<sup>1299</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 8

<sup>1300</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 9

قَالَ يُجْلَدُ الْحَدَّ وَ يُدْرَأُ عَنْهُ مِنَ الْحَدِّ بِقَدْرِ مَا لَهُ فِيهَا وَ تُقَوَّمُ الْجَارِيَةُ وَ يُعْرَمُ مَنَافِعُهَا لِلشُّرَكَاءِ

He<sup>-asws</sup> said: 'He will be struck the legal penalty and stave off from him the legal penalty in accordance of what (share) is for him in her, and the slave girl will be evaluated and he will be fined her price to be for the associates.

فَإِنْ كَانَتْ الْقِيَمَةُ فِي الْيَوْمِ الَّذِي وَطِئَ أَقَلَّ مِمَّا اشْتُرِيََتْ فَإِنَّهُ يُلْزَمُ أَكْثَرُ الثَّمَنِ لِأَنَّهُ قَدْ أَفْسَدَ عَلَى شُرَكَائِهِ وَ إِنْ كَانَتْ الْقِيَمَةُ فِي الْيَوْمِ الَّذِي وَطِئَ أَكْثَرَ مِمَّا اشْتُرِيََتْ بِهِ الزِّمَ الْأَكْثَرُ لَا سِتْفَسَادَهَا.

If the value during the day in which he had intimate marital relations with her was less than what she had been bought for, he will be necessitated the larger of the two values, because he had corrupted upon his associates; and if the value during the day in which he had intimate marital relations with her is more than what she had been bought for, he will be necessitated the larger (of the two values) because he had corrupted her".<sup>1301</sup>

11- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا كَانَ يَنْهَى الرَّجُلَ إِذَا كَانَتْ لَهُ أُمَةٌ وَ لَهَا وَلَدٌ مِنْ غَيْرِهِ فَمَاتَ وَلَدُهَا أَنْ يَمَسَّهَا حَتَّى تَحِيضَ حَيْضَةً أَوْ يَسْتَبِينَ حَامِلًا هِيَ أَمْ لَا.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup> had forbidden the man, when there was a slave girl for him and there was a child for her from someone else, so her child dies, (forbidden) from touching her until she menstruates a menstruation, or it becomes clear whether she is pregnant or not".<sup>1302</sup>

12- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ قَالَ عَلِيُّ ع مَنْ اتَّخَذَ مِنَ الْإِمَاءِ أَكْثَرَ مِمَّا يَنْكِحُ أَوْ نَكَحَ فَالْإِمَاءُ عَلَيْهِ إِنْ بَعِثَ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'One who takes more slave girls than what he can marry or has intimate marital relations with, the sin is upon him if he transgresses".<sup>1303</sup>

13- ل، الخصال أَبِي عَنْ سَعْدٍ عَنِ ابْنِ يَزِيدَ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ عَنِ الْحُسَيْنِ بْنِ الْمُخْتَارِ رَفَعَهُ إِلَى سَلْمَانَ رَحِمَهُ اللَّهُ عَلَيْهِ أَنَّهُ قَالَ فِي حَدِيثٍ لَهُ مَنْ اتَّخَذَ جَارِيَةً فَلَمْ يَأْتِهَا فِي كُلِّ أَرْبَعِينَ يَوْمًا ثُمَّ أَتَتْ مُحْرَمًا كَانَ وَزُرَ ذَلِكَ عَلَيْهِ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Yazeed, from Muhammad Bin Ibrahim, from Al-Husayn Bin Al Mukhtar, raising it to,

<sup>1301</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 10

<sup>1302</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 11

<sup>1303</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 12

Salman<sup>-ra</sup>, may Allah<sup>-azwj</sup> have Mercy upon him<sup>-ra</sup>, he<sup>-ra</sup> said in a Hadeeth: ‘One who takes a slave girl and does not come to her (at least) during every forty days, then she commits a prohibited act, the burden of that would be upon him’.<sup>1304</sup>

14- ل، الخصال ابن الوليد عن الصفار عن ابن يزيد عن عثمان بن عيسى عن ذكره عن أبي عبد الله ع قال: من أخذ جارية فلم يأتيها في كل أربعين يوماً كان وزر ذلك عليه.

(The book) ‘Al Khisaal’ – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Usman Bin Isa, from the one who mentioned it,

‘From Abu Abdullah<sup>-asws</sup> having said: ‘One who takes a slave girl but does not come to her during every forty days, the burden of that would be upon him’.<sup>1305</sup>

15- ج، الإحتجاج الرئان بن شبيب قال: سأل أبو جعفر ع يحيى بن أكنم القاضي في مجلس المأمون فقال ع أخبرني عن رجل نظر إلى امرأة في أول النهار و كان نظره إليها حراماً عليه فلما ارتفع النهار حلت له فلما زالت الشمس حرمت عليه فلما كان وقت العصر حلت له فلما غربت الشمس حرمت عليه فلما دخل وقت العشاء الآخرة حلت له فلما كان وقت انبصاف الليل حرمت عليه فلما طلع الفجر حلت ما حال هذه المرأة و بما ذا حلت له و حرمت عليه

(The book) ‘Al Ihtijaj’ – Al Rayyan Bin Shabeeb who said,

‘Abu Ja’far<sup>-asws</sup> was asked by Yahya Bin Aksam the judge in a gathering of Al-Mamoun. He<sup>-asws</sup> said: ‘Inform me about a man who looks at a woman in the beginning of the day, and his looking at her was prohibited unto him. When the day rose, she was lawful to him. When the sun declined (at midday), she was prohibited to him. When it was the time of Al Asr (afternoon), she was lawful for him. When the sun set (evening) she was prohibited to him. When the time of Al Isha the last (night) entered, she was lawful for him. When it was the time of midnight she was prohibited to him. When the dawn emerged, she was lawful. What is the state of this woman and what is what which is permissible for him and prohibited to him?’

فقال له يحيى بن أكنم لا والله لا أفتدي إلى جواب هذا السؤال ولا أعرف الوجه فيه فإن رأيت أن تُفيدناه

Yahya Bin Aksam said to him<sup>-asws</sup>, ‘No, by Allah<sup>-azwj</sup>! Neither am I guided to answer this question nor do I know the perspective in it. If you<sup>-asws</sup> deem fit to guide us’.

فقال أبو جعفر ع هذه أمة لرجل من الناس نظر إليها أجنبي في أول النهار فكان نظره إليها حراماً عليه فلما ارتفع النهار ابتاعها من مولاه فحلت له فلما كان عند الظهر اعتقها فحرمت عليه فلما كان وقت العصر تزوجها فحلت له

Abu Ja’far<sup>-asws</sup> said: ‘This is a slave girl of a man from the people. He looks at her as a stranger in the beginning of the day, so his looking at her is prohibited unto him. When the day rises, he buys her from her master so she becomes lawful for him. When it was at Al-Zohr (midday)

<sup>1304</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 13

<sup>1305</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 14

he frees her, so she becomes prohibited to him. When it was the time of Al-Asr (afternoon) he marries her, she became permissible for him.

فَلَمَّا كَانَ وَفْتُ الْمَغْرِبِ ظَاهَرَ مِنْهَا فَحُرِّمَتْ عَلَيْهِ فَلَمَّا كَانَ وَفْتُ الْعِشَاءِ الْآخِرَةِ كَفَّرَ عَنِ الطِّهَارِ فَحَلَّتْ لَهُ فَلَمَّا كَانَ نِصْفُ اللَّيْلِ طَلَّقَهَا وَاحِدَةً فَحُرِّمَتْ عَلَيْهِ فَلَمَّا كَانَ عِنْدَ الْفَجْرِ رَاجَعَهَا فَحَلَّتْ لَهُ.

When it was the time of Al-Maghrib (evening), he pronounces 'Zihaar' from her, so she was prohibited to him. When it was the time of Al-Isha the last (night), he expiates from the 'Zihaar', so she was permissible for him. When it was midnight he divorces her, one divorce, so she was prohibited unto him. When it was at day, he returns to her, so she was lawful for him".<sup>1306</sup>

16- شاء، الإرشاد رُفِعَ إِلَى أَمِيرِ الْمُؤْمِنِينَ ع بِالْيَمَنِ رَجُلَانِ بَيْنَهُمَا جَارِيَةٌ يَمْلِكَانِ رَقَّهَا عَلَى السَّوَاءِ قَدْ جَهَلَا حَظَّ وَطَيْهَا فَوَطَّأَهَا مَعًا فِي طَهْرٍ وَاحِدٍ عَلَى ظَنٍّ مِنْهُمَا جَوَّازَ ذَلِكَ لِقُرْبِ عَهْدِهَا بِالْإِسْلَامِ وَ قِلَّةِ مَعْرِفَتِهِمَا بِمَا تَصَمَّنْتُهُ الشَّرِيعَةُ مِنَ الْأَحْكَامِ

(The book) 'Al Irshad' -

'A case of two men who were raised to Amir Al-Momineen<sup>-asws</sup> at Al-Yemen having a slave girl. They owned her neck upon the equality. Being ignorant of the caution of having intimate marital relations with her both of them did so during one pure period upon the thinking from them of the validity of that due to the nearness of their period with Al-Islam and lack of their understanding with what the law had necessitated of the rulings.

فَحَمَلَتِ الْجَارِيَةُ وَ وَضَعَتْ غُلَامًا فَأَخْتَصَمَا إِلَيْهِ فِيهِ فَقَرَعَ عَلَى الْغُلَامِ بِاسْمَيْهِمَا فَخَرَجَتِ الْقُرْعَةُ لِأَحَدِهِمَا فَأَلْحَقَ الْغُلَامَ بِهِ وَ أَلْزَمَهُ نِصْفَ قِيَمَةِ الْوَلَدِ أَنَّ لَوْ كَانَ عَبْدًا لِشَرِيكِهِ وَ قَالَ لَوْ عَلِمْتُ أَنَّكُمَا أَقْدَمْتُمَا عَلَى مَا فَعَلْتُمَا بَعْدَ الْحِجَّةِ عَلَيْكُمَا بِحَظِّهِ لَبَاغَتْ فِي عُقُوبَتِكُمَا

The slave girl became pregnant and gave birth to a boy. They brought the dispute to him<sup>-asws</sup> regarding it. He<sup>-asws</sup> drew lots upon the boy with their names, and the lot came out for one of them, so he<sup>-asws</sup> attached the boy to him and necessitated him half the value of the child as if he was a slave of his partner, and he<sup>-asws</sup> said: 'Had I<sup>-asws</sup> known that both of you had gone ahead upon what you have done after the proof upon you of its caution, I<sup>-asws</sup> would have been extensive in punishing you two!'

وَ بَلَغَ رَسُولُ اللَّهِ ص هَذِهِ الْقِصَّةَ فَأَمَضَاهَا وَ أَفَرَّ الْحُكْمَ بِهَا فِي الْإِسْلَامِ وَ قَالَ الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ فِينَا أَهْلَ الْبَيْتِ مَنْ يَقْضِي عَلَى سُنَنِ دَاوُدَ ع.

And this story reached Rasool-Allah<sup>-saww</sup>, so he<sup>-saww</sup> continued it and accepted the judgment of it in Al-Islam, and said: 'The Praise is for Allah<sup>-azwj</sup> Who Made People<sup>-asws</sup> of the Household to be among us, someone who judges based upon the practice of Dawood<sup>-as</sup>'.<sup>1307</sup>

17- شي، تفسير العياشي عَنْ عِيْسَى بْنِ عَبْدِ اللَّهِ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنْ أُخْتَيْنِ مَمْلُوكَتَيْنِ يَنْكِحُ إِحْدَاهُمَا أَيْحِلُّ لَهُ الْآخَرَى

Tafseer Al Ayyashi – From Isa Bin Abdullah who said,

<sup>1306</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 15

<sup>1307</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 16

'Abu Abdullah<sup>-asws</sup> was asked about two sister slave girls. He has intimate marital relations with one of them, 'Is the other one lawful for him?'

فَقَالَ لَيْسَ يَنْكِحُ الْأُخْرَى إِلَّا دُونَ الْفَرْجِ وَإِنْ لَمْ يَفْعَلْ فَهُوَ خَيْرٌ لَهُ نَظِيرُ تِلْكَ الْمَرْأَةِ تَحِيضُ فَتَخْرُمُ عَلَى زَوْجِهَا أَنْ يَأْتِيَهَا فِي فَرْجِهَا لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَلَا تَقْرُبُوهُنَّ حَتَّى يَطْهُرْنَ قَالَ وَ أَنْ يَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ يَغْنِي فِي النِّكَاحِ فَيَسْتَقِيمُ لِلرَّجُلِ أَنْ يَأْتِيَ امْرَأَتَهُ وَ هِيَ حَائِضٌ فِيمَا دُونَ الْفَرْجِ.

He<sup>-asws</sup> said: 'He can only have intimate marital relations with the other only other than the private part, and if he does not do so, it is better for him, being similar to a woman menstruating being forbidden to her husband of her private part due to the Saying of Allah<sup>-azwj</sup> Mighty and Majestic: **and from gathering between the two sisters (in marriage) except for what has passed [4:23]** – meaning in the marriage. Thus, it is correct for the man if he comes to his wife while she is menstruating, other than the private part'.<sup>1308</sup>

18 شي، تفسير العياشي عَنْ أَبِي عَوْنٍ قَالَ سَمِعْتُ أَبَا صَالِحٍ قَالَ: قَالَ عَلِيٌّ ع ذَاتَ يَوْمٍ سَلُونِي

(The book) 'Tafseer Al Ayyashi' – from Abu Own who said, 'I heard Abu Salih saying,

'One day Ali<sup>-asws</sup> said: 'Ask me<sup>-asws</sup>!'

فَقَالَ ابْنُ الْكَوَّاءِ أَخْبَرَنِي عَنْ بِنْتِ الْأَخِ مِنَ الرِّضَاعَةِ وَ عَنِ الْمَمْلُوكَتَيْنِ الْأُخْتَيْنِ

Ibn Al-Kawwa said, 'Inform me about a daughter of the brother from the breast-feeding and about two sister slave girls!'

فَقَالَ إِنَّكَ لَذَاهِبٌ فِي التَّيِّهِ سَلْ مَا يَغْنِيكَ أَوْ مَا يَنْفَعُ

He<sup>-asws</sup> said: 'You have gone to the bottom! Ask what concerns you or what would benefit'.

فَقَالَ ابْنُ الْكَوَّاءِ إِنَّمَا نَسْأَلُكَ عَمَّا لَا نَعْلَمُ فَأَمَّا مَا نَعْلَمُ فَلَا نَسْأَلُكَ عَنْهُ

Ibn Al-Kawwa said, 'But rather we ask about what we don't know. As for what we know, we do not ask you<sup>-asws</sup> about it'.

ثُمَّ قَالَ أَمَّا الْأُخْتَانِ الْمَمْلُوكَتَانِ أَخْلَتَهُمَا آيَةٌ وَ حَرَمَتْهُمَا آيَةٌ وَ لَا أَحِلَّهُ وَ لَا أَحْرَمَهُ وَ لَا أَفْعَلُهُ أَنَا وَ لَا وَاحِدٌ مِنْ أَهْلِ بَيْتِي.

Then he<sup>-asws</sup> said: 'As for the two sister slave girls, a Verse legalises it and a Verse prohibits it, and I<sup>-asws</sup> neither legalise it nor do I<sup>-asws</sup> prohibited, and I<sup>-asws</sup> don't do it nor does anyone from People<sup>-asws</sup> of my<sup>-asws</sup> Household'.<sup>1309</sup>

19- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ الْقُضَيْلِ عَنْ أَبِي الصَّبَّاحِ قَالَ: سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ عَنْهُ أُخْتَانِ مَمْلُوكَتَانِ فَوَطِئَ إِحْدَاهُمَا ثُمَّ وَطِئَ الْأُخْرَى قَالَ حَرَمَتْ عَلَيْهِ الْأُولَى حَتَّى تَمُوتَ الْأُخْرَى

<sup>1308</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 17

<sup>1309</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 18



The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Al Fuzeyl, from Abu Al Sabbah who said,

'Abu Abdullah<sup>-asws</sup> was asked about a man having two sister slave girls in his possession. He has intimate marital relations with one of them, then the other one. He<sup>-asws</sup> said: 'The first one is prohibited unto him until the other one dies!'

قُلْتُ أَرَأَيْتَ إِنْ بَاعَهَا

I said, 'What is your<sup>-asws</sup> view if he were to sell her (the second one)?'

قَالَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا حَاجَةً وَ لَا يَخْطُرُ عَلَى بَالِهِ مِنَ الْأَوَّلِ شَيْءٌ فَلَا بَأْسَ وَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِيَرْجِعَ إِلَى الْأُولَى فَلَا.

He<sup>-asws</sup> said: 'If he was rather selling her out of need and nothing from the first one had crossed his mind, then there is no problem, and if he was rather selling in order to return to the first one, so no'.<sup>1310</sup>

20- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن جميل و حماد عن أبي عبد الله ع قال: الأُمُّ و الابنة سواء إذا لم يدخل بها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Jameel and Hammad,

'From Abu Abdullah<sup>-asws</sup> having said: 'The mother and the daughter (slave girls) are the same when he did not have intimate marital relations with her''.<sup>1311</sup>

21- ين، كتاب حسين بن سعيد و النوادر القاسم عن علي عن أبي إبراهيم ع قال: سألت عن رجل يملك أختين أ يطأهما جميعاً

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim,

'From Ali, from Abu Ibrahim<sup>-asws</sup>, he said, 'I asked him<sup>-asws</sup> about a man who owns two sisters, 'Can he have intimate marital relations with them both?'

قَالَ يَطَأُ إِحْدَاهُمَا فَإِذَا وَطِئَ الثَّانِيَةَ حُرِّمَتْ الْأُولَى عَلَيْهِ حَتَّى تَمُوتَ الثَّانِيَةُ أَوْ يُفَارِقَهَا وَ لَيْسَ لَهُ أَنْ يَبِيعَ الثَّانِيَةَ مِنْ أَجْلِ الْأُولَى لِيَرْجِعَ إِلَيْهَا إِلَّا أَنْ يُجَدِّدَ فِيهِ بِحَارِيتِهِ أَوْ يَتَصَدَّقَ بِهَا أَوْ تَمُوتَ.

He<sup>-asws</sup> said: 'He can have intimate marital relations with one of them. When he does it with the second one, the first one becomes prohibited unto him until the second one dies or he separates from her, and it isn't for him to sell the second one for the reason of the first one to be returning to her, except if there is a renewal for him regarding his slave girl, or he donates her, or she dies''.<sup>1312</sup>

22- كتاب، سليم بن قيس عن أمير المؤمنين ع في سبائك ذكر بدع عمر قال ع وَ عَنَّمْهُ أُمَهَاتِ الْأَوْلَادِ وَ أَخَذَ النَّاسُ بِقَوْلِهِ وَ تَرَكُوا أَمْرَ اللَّهِ وَ أَمْرَ رَسُولِهِ وَ رَدُّهُ سَبَائِلًا تُسْتَرَّ وَ هُنَّ حَبَالِي وَ إِعْتَاْفُهُ سَبَائِلًا أَهْلِ الْيَمَنِ الْحَدِيثِ.

<sup>1310</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 19

<sup>1311</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 20

<sup>1312</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 21

The book of Suleym Bin Qays -

‘From Amir Al-Momineen<sup>-asws</sup> in continuation of mention of the innovations by Umar, he<sup>-asws</sup> said: ‘And his freeing mothers of the children, and the people taking with his word, and their neglecting the Commands of Allah<sup>-azwj</sup> and instructions of His<sup>-azwj</sup> Rasool<sup>-saww</sup>, and his returning the captives of Tustar while they were pregnant, and his freeing captives of the people of Yemen’ – Hadeeth”.<sup>1313</sup>

23- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع إِنَّ رَجُلًا مِنَ الْأَنْصَارِ دَعَا رَسُولَ اللَّهِ ص إِلَى طَعَامِهِ فَإِذَا وَلِيدَةٌ عَظِيمَةٌ بَطْنُهَا تَحْتَلِفُ بِالطَّعَامِ فَقَالَ رَسُولُ اللَّهِ ص مَا هَذِهِ

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Ali<sup>-asws</sup> said: ‘A man from the Helpers invited Rasool-Allah<sup>-saww</sup> to his meal. There was a large-bellied woman coming and going with the food. Rasool-Allah<sup>-saww</sup> said: ‘What is this?’

فَقَالَ اشْتَرَيْتُهَا يَا رَسُولَ اللَّهِ ص وَبِهَا هَذَا الْحَبْلُ

He said, ‘I have bought her, O Rasool-Allah<sup>-saww</sup>, and this pregnancy was already with her’.

فَقَالَ النَّبِيُّ ص هَلْ تَرَاهَا

The Prophet<sup>-saww</sup> said: ‘Did you see her?’

قَالَ نَعَمْ

He said, ‘Yes’.

قَالَ لَوْ لَا حُرْمَةُ طَعَامِكَ لَلَعَنْتُكَ لَعْنَةً تَدْخُلُ عَلَيْكَ فِي قَبْرِكَ أَغْتَبِقُ مَا فِي بَطْنِهَا

He<sup>-saww</sup> said: ‘Had it not been for sanctity of your meal, I<sup>-saww</sup> would have cursed you with such a curse, it would enter upon you in your grave! Free what is her belly!’

فَقَالَ يَا رَسُولَ اللَّهِ وَبِمَ اسْتَحَقَّقَ الْعَنْقُ

He said, ‘O Rasool-Allah<sup>-saww</sup>, and due to what does it deserve the freedom?’

قَالَ لِأَنَّ نُطْقَتَكَ غَدَى سَمْعُهُ وَبَصَرُهُ وَلَحْمُهُ وَدَمُهُ وَشَعْرُهُ وَبَشَرُهُ.

He<sup>-saww</sup> said: ‘Because your seed is feeding its ears, and its sight, and its flesh, and its blood, and its hair, and its skin’”.<sup>1314</sup>

<sup>1313</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 22

<sup>1314</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 72 H 23

## CHAPTER 73 – RULES OF THE MARRIAGE OF SLAVE GIRLS, ADDITIONAL TO WHAT HAS PRECEDED IN THE PREVIOUS CHAPTER

1- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن رجل قال لأميته و أراد أن يُعَيِّمَهَا وَ يَتَزَوَّجَهَا أَعْتَقْتُكَ وَ جَعَلْتُ صَدَاقَكَ عِتْقَكَ

(The book) ‘Qurb Al Isnad’ -

‘Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, ‘I asked him<sup>-asws</sup> about a man who says to his slave girl, and he intends to liberate her and marry her, ‘I shall liberate you and make your freedom to be your dowry!’

قَالَ عَتَقْتُ وَ هِيَ بِالْخِيَارِ إِنْ شَاءَتْ تَزَوَّجَتْهُ وَ إِنْ شَاءَتْ فَلَا وَ إِنْ تَزَوَّجَتْهُ فَلْيُعْطِهَا شَيْئاً وَ إِنْ قَالَ تَزَوَّجْتُكَ وَ جَعَلْتُ مَهْرَكَ عِتْقَكَ كَانَ النِّكَاحُ شَيْئاً وَاجِباً إِلَى أَنْ يُعْطِيَهَا شَيْئاً.

He<sup>-asws</sup> said: ‘She is set free and she is with the choice. If she likes she can marry him and if she likes not to, so no, and if she does marry him let him give her something, and if he says, ‘I have married you and made your dowry to be your freedom, the marriage would be a thing obligated until he gives her something’.<sup>1315</sup>

2- ما، الأماالي للشيخ الطوسي حمويه عن أبي الحسين عن أبي خليفه عن شاكر بن العياض عن هاشم بن سعيد عن كنانة عن صفية قالت أعتقني رسول الله ص وَ جَعَلَ عِتْقِي صَدَاقِي.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Hammawiya, from Abu Al-Hassan, from Abu Khaleefa, from Shakir Bin Al Iyaz, from Hashim Bin Saeed, from Kinana, from Safiya who said,

‘Rasool-Allah<sup>-saww</sup> liberated me and made my freedom as my dowry’.<sup>1316</sup>

3- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع أن رسول الله ص قضى في برة بشيئين قضى فيها بأن الولاء لمن أعتق و قضى لها بالتخير حين أعتقت و قضى أن ما تصدق به عليها فأهدته فهي هديته لا بأس بأكله.

(The book) ‘Qurb Al Isnad’ – Ibn Tareyf, from Ibn Ulwan,

‘From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: ‘Rasool-Allah<sup>-saww</sup> decreed regarding Bareyra with two things – the governance is for the one who liberates and she is with the choice when freed; and decreed that whatever he donates with upon her, so she gifts it, it is a gift. There is no problem with him consuming it.<sup>1317</sup>

<sup>1315</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 1

<sup>1316</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 2

<sup>1317</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 3

4- ل، الخصال ابن الوليد عني الصفار عن أحمد و عبد الله ابني محمد بن عيسى عني ابن أبي عمير عن حماد عني الحلبي عن أبي عبد الله ع أنه ذكر أن برة كانت عند زوج لها و هي مملوكة فاشترتها عائشة فاعتقها [فأعتقها] فخيرها رسول الله ص إن شاءت أن تفر عند زوجها و إن شاءت فارقته و كان مواليتها الذين باعوها قد اشترطوا على عائشة أن لهم ولاتها

(The book) 'Al Khisal' – Ibn Al Waleed, from Al Saffar, from Ahmad and Abdullah, two sons of Muhammad Bin Isa, from Ibn Abu Umeir, from Hammad, from Al Halby,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> mentioned that Bareyra was with a husband of hers, and she was an owned slave. Ayesha bought her and liberated her. Rasool-Allah<sup>-saww</sup> gave her a choice. If she likes, she can stay with her husband, and if she likes, separate from him, and her masters, those that had sold her had stipulated upon Ayesha that her governance would be for them.

فقال رسول الله ص الولاء لمن أعتق و صدق على برة بلحيم فأهدته إلى رسول الله ص فعلقته عائشة و قالت إن رسول الله ص لا يأكل الصدقة

Rasool-Allah<sup>-saww</sup> said: 'The governance is for the one who liberates', and meat was donated in charity to Bareyra. She gifted it to Rasool-Allah<sup>-saww</sup>. Ayesha kept it aside and said, 'Rasool-Allah<sup>-saww</sup> does not consume the charity!'

فجاء رسول الله ص و اللحم فعلق فقال ما شأن هذا اللحم لم يطبخ

Rasool-Allah<sup>-saww</sup> came and the meat had been kept aside. He<sup>-asws</sup> said: 'What is the concern with this meat not being cooked?'

قالت يا رسول الله صدق به على برة فأهدته لنا و أنت لا تأكل الصدقة

She said, 'O Rasool-Allah<sup>-saww</sup>! It was donated in charity to Bareyra, so she gifted it to us, and you<sup>-saww</sup> do not consume the charity!'

فقال هو لها صدقة و لنا هديئة

He<sup>-saww</sup> said: 'It is charity for her, and for us it is a gift'.

ثم أمر بطبخه فجرت فيها ثلاث من السنين.

Then he<sup>-saww</sup> instructed with it being cooked, so three of the practices (Sunnah) flowed regarding her".<sup>1318</sup>

5- شي، تفسير العياشي عن محمد بن مسلم قال: سألت أبا جعفر ع عن قول الله تعالى و المخصنات من النساء إلا ما ملكتم أنفسكم قال هو أن يأمر الرجل عبده و تحته أمته فيقول له اعترها فلا تقرها ثم يجسها عنه حتى يبيض

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim who said,

'I asked Abu Ja'far<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> the Exalted: **'And (Prohibited are) the married ones from the women except what your right hands possess [4:24]**. He<sup>-asws</sup> said: 'It is the man ordering his slave while his slave girls is under (married to) him (the slave). He says to him, 'Isolate her and do not go near her!'

ثُمَّ يَمَسُّهَا فَإِذَا خَاضَتْ بَعْدَ مَسِّهِ إِذَاهَا رَدَّهَا عَلَيْهِ بِغَيْرِ نِكَاحٍ.

Then he touches her. When she has menstruated after his having touched her, he returns her to him (the slave) without a marriage".<sup>1319</sup>

6- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمُخَصَّنَاتِ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ قَالَ هُنَّ ذَوَاتُ الْأَزْوَاجِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Abdullah<sup>-asws</sup> regarding: **'And (Prohibited are) the married ones from the women except what your right hands possess [4:24]**. He<sup>-asws</sup> said: 'These are with the husbands".<sup>1320</sup>

7 شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمُخَصَّنَاتِ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ يَقُولُ تَأْمُرُ عَبْدَكَ وَ تَحْتَهُ أَمَتُكَ فَيَعْتَرِلُهَا حَتَّى تَحِيضَ فَتُصِيبُ مِنْهَا.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> regarding: **And (Prohibited are) the married ones from the women except what your right hands possess [4:24]**. He (the narrator) said, 'I heard him<sup>-asws</sup> saying: 'You can order your slave, and beneath (married to) him is your slave girl. So, he isolates from her until she has menstruated, then you can attain from her".<sup>1321</sup>

8- شي، تفسير العياشي عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بصيرٍ عَنْ أَحَدِهِمَا ع فِي قَوْلِ اللَّهِ وَ الْمُخَصَّنَاتِ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ قَالَ هُنَّ ذَوَاتُ الْأَزْوَاجِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ إِنْ كُنْتَ زَوَّجْتَ أَمَتَكَ غُلَامَكَ نَزَعَتْهَا مِنْهُ إِذَا شِئْتَ

(The book) 'Tafseer Al Ayyashi' – From Ibn Muskan, from Abu Baseer,

'From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>) regarding Words of Allah<sup>-azwj</sup>: **And (Prohibited are) the married ones from the women except what your right hands possess [4:24]**. He<sup>-asws</sup> said: 'These are with the husband, except what your right hands possess. If you have got your slave girl married to your slave man, you can remove her from him whenever you desire to'.

فَقُلْتُ أَرَأَيْتَ إِنْ زَوَّجَ غَيْرَ غُلَامِهِ

I said, 'What is your<sup>-asws</sup> view if he gets her married to other than his slave'.

<sup>1319</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 5

<sup>1320</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 6

<sup>1321</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 7

قَالَ لَيْسَ لَهُ أَنْ يَنْزِعَ حَتَّى يُبَاعَ فَإِنْ بَاعَهَا صَارَ بُضْعُهَا فِي يَدِ غَيْرِهِ فَإِنْ شَاءَ الْمُشْتَرِي فَرَّقَ وَ إِنْ شَاءَ أَقَرَّ.

He<sup>-asws</sup> said: 'It isn't for him to remove (her) until sold. When he sells, she comes to be in the hand (control) of another. If the buyer likes, he can separate her and if he likes he can let her stay".<sup>1322</sup>

9- شي، تفسير العياشي عَنِ الْبَزَنْطِيِّ قَالَ: سَأَلْتُ الرِّضَا عَ يُتَمَتَّعُ بِالْأَمَةِ بِإِذْنِ أَهْلِهَا

(The book) 'Tafseer Al Ayyashi' – From Al Bazanty who said,

'I asked Al-Reza<sup>-asws</sup>, 'Can I contract Mut'ah with the permission of her family?'

قَالَ نَعَمْ إِنَّ اللَّهَ يَقُولُ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ.

He<sup>-asws</sup> said: 'Yes. Allah<sup>-azwj</sup> Says: ***So marry them with the permission of their families [4:25]***'.<sup>1323</sup>

10- وَ قَالَ مُحَمَّدُ بْنُ صَدَقَةَ الْبَصْرِيِّ سَأَلْتُهُ عَنِ الْمُتَمَتِّعَةِ أَلَيْسَ هَذَا بِمَنْزِلَةِ الْإِمَاءِ

And Muhammad Bin Sadaqa Al Basry said,

'I asked him<sup>-asws</sup> about the Mut'ah, 'Isn't this one at the status of the slave girl?'

قَالَ نَعَمْ أَمَا تَقْرَأُ قَوْلَ اللَّهِ وَ مَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ إِلَى وَ لَا مُتَّحِدَاتٍ أَخْدَانٍ فَكَمَا لَا يَسْعُ الرَّجُلُ أَنْ يَنْزَوِيَ بِالْأَمَةِ وَ هُوَ يَسْتَطِيعُ أَنْ يَنْزَوِيَ بِالْحُرَّةِ فَكَذَلِكَ لَا يَسْعُ الرَّجُلُ أَنْ يَتَمَتَّعَ بِالْأَمَةِ وَ هُوَ يَسْتَطِيعُ أَنْ يَنْزَوِيَ بِالْحُرَّةِ.

He<sup>-asws</sup> said: 'Yes. Have you not read the Word of Allah<sup>-azwj</sup>: ***And the ones from you who do not have the capacity to marry the free Mominaat, then from what your right hands possess from your youthful Mominaat, [4:25]***. Just as the man has no leeway to marry the slave girl and he has the capacity to marry the free woman, like that the man has no leeway to do Mut'ah with the slave girl and he has the capacity to marry the free woman".<sup>1324</sup>

11- شي، تفسير العياشي عَنِ أَبِي الْعَبَّاسِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ يَنْزَوِي الرَّجُلُ بِالْأَمَةِ بِغَيْرِ إِذْنِ أَهْلِهَا

(The book) 'Tafseer Al Ayyashi' – from Abu Al Abbas who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'Can the man marry the slave girl without permission of her family?'

قَالَ هُوَ زَنَاءٌ إِنَّ اللَّهَ يَقُولُ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ.

<sup>1322</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 8

<sup>1323</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 9

<sup>1324</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 10

He<sup>-asws</sup> said: 'It is adultery! Allah<sup>-azwj</sup> Says: ***So marry them with the permission of their families [4:25]***'.<sup>1325</sup>

12- شي، تفسير العياشي عن عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْمُخَصَّنَاتِ مِنَ الْإِمَاءِ قَالَ هُنَّ الْمُسْلِمَاتُ.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Sinan,

'I asked him<sup>-asws</sup> about the married women from the slave girls. He<sup>-asws</sup> said: 'These are Muslim women''.<sup>1326</sup>

13- شي، تفسير العياشي عن عَبَّادِ بْنِ صُهَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يَنْبَغِي لِلرَّجُلِ الْمُسْلِمِ أَنْ يَتَزَوَّجَ مِنَ الْإِمَاءِ إِلَّا مِنْ خَشْيِ الْعَنْتِ وَ لَا يَحِلُّ لَهُ مِنَ الْإِمَاءِ إِلَّا وَاحِدَةٌ.

(The book) 'Tafseer Al Ayyashi' – from Abbad Bin Suheyb,

'From Abu Abdullah<sup>-asws</sup> having said: 'It is not befitting for the Muslim man that he marries from the slave girls except the one who fears the adversity and it is not permissible for him from the slave girls except one''.<sup>1327</sup>

14- سر، السرائر من كتاب المسائل عن دَاوُدَ الصَّرَمِيِّ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ ع عَنْ عَبْدٍ كَانَتْ تَحْتَهُ زَوْجَةٌ حُرَّةٌ ثُمَّ إِنَّ هَذَا الْعَبْدَ أَبَى فَطَلَّقَ امْرَأَتَهُ مِنْ أَجْلِ إِبَاقِهِ قَالَ نَعَمْ إِنْ أَرَادَتْ هِيَ ذَلِكَ.

(The book) 'Al Saraair', from the book 'Al Masaail', from Dawood Al Surimy who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about a slave under (married to) whom is a free woman. Then this slave absconds, so his wife is divorced from the reason of his absconding. He<sup>-asws</sup> said: 'Yes, if she wants that''.<sup>1328</sup>

15- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الرَّجُلِ يُنْكِحُ أَمَتَهُ مِنْ رَجُلٍ قَالَ إِنْ كَانَ مَمْلُوكًا فَلْيُفَرَّقِ بَيْنَهُمَا إِذَا شَاءَ لِأَنَّ اللَّهَ يَقُولُ عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ فَلَيْسَ لِلْعَبْدِ مِنَ الْأَمْرِ شَيْءٌ وَ إِنْ كَانَ زَوْجُهَا حُرًّا فَإِنَّ طَلَاقَهَا عَنْقُهَا.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim who said,

'I asked Abu Abdullah<sup>-asws</sup> about the man marrying his slave girl to a man. He<sup>-asws</sup> said: 'If he were a slave, he can separate between the two whenever he so desires to because Allah<sup>-azwj</sup> Says: ***an owned slave, not being able upon anything [16:75]***. Thus, there isn't anything from the matters for the slave, and if her husband were a free man, her divorce would be her freedom''.<sup>1329</sup>

<sup>1325</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 11

<sup>1326</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 12

<sup>1327</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 13

<sup>1328</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 14

<sup>1329</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 15

16- شي، تفسير العياشي عن مُحَمَّد بن مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: مَرَّ عَلَيْهِ غُلَامٌ لَهُ قَدَعَاهُ إِلَيْهِ ثُمَّ قَالَ يَا فَتَى أُرِدُّ عَلَيْكَ فُلَانَةً وَ تُطْعَمُنَا بِدِرْهَمٍ جَرِيبٍ [حَرْنَتْ]

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'A young slave of his<sup>-asws</sup> passed by. He<sup>-asws</sup> called him over, then said: 'O young man! Shall I return such and such girl to you and you feed us grain for a Dirham?'

قَالَ فَمُلْتُ جَعِلْتُ فِدَاكَ إِنَّا نَزَوِي عِنْدَنَا أَنَّ عَلِيًّا ع أُهْدِيَتْ لَهُ أَوْ اشْتَرِيَتْ جَارِيَةً فَسَأَلَهَا أ فَارِغَةٌ أَنْتِ أَمْ مَشْغُولَةٌ قَالَتْ مَشْغُولَةٌ

He said, 'I said, 'May I be sacrificed for you<sup>-asws</sup>! We are reporting among us that Ali<sup>-azwj</sup>, a slave girl was either gifted to him<sup>-asws</sup> or he<sup>-asws</sup> purchased her. He<sup>-asws</sup> asked her, 'Are you free (unmarried) or pre-occupied (married)?' She said, 'Pre-occupied'.

قَالَ فَأَرْسَلَ فَأَشْتَرَى بُضْعَهَا مِنْ زَوْجِهَا بِخَمْسِمِائَةِ دِرْهَمٍ

He said, 'He<sup>-asws</sup> sent a message and bought her private parts from her husband for five hundred Dirhams'.

فَقَالَ كَذَبُوا عَلَى عَلِيٍّ ع وَ لَمْ يَحْفَظُوا أَمَا تَسْمَعُ قَوْلَ اللَّهِ وَ هُوَ يَقُولُ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ.

He<sup>-asws</sup> said: 'They are lying upon Ali<sup>-asws</sup> and they have not preserved! Have you not heard the Words of Allah<sup>-azwj</sup> and He<sup>-azwj</sup> Says: **Allah Strikes an example of an owned slave, not being able upon anything [16:75]**'.<sup>1330</sup>

17- شي، تفسير العياشي عن زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمَمْلُوكُ لَا يَجُوزُ طَلَاقُهُ وَ لَا نِكَاحُهُ إِلَّا بِإِذْنِ سَيِّدِهِ

(The book) 'Tafseer Al Ayyashi' – From Zurara,

'From Abu Ja'far<sup>-asws</sup> and Abu Abdullah<sup>-asws</sup> having said: 'The owned slave, neither is his divorce allowed nor his marriage except by the permission of his master!'

قُلْتُ فَإِنْ كَانَ السَّيِّدُ زَوَّجَهُ بِيَدِهِ مِنَ الطَّلَاقِ

I said, 'If the master was the one who had married her off, in the hand of whom is the divorce?'

قَالَ بِيَدِ السَّيِّدِ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ أ فَتَشِيءُ الطَّلَاقُ.

He<sup>-asws</sup> said: 'In the hand (control) of the master. **Allah Strikes an example of an owned slave, not being able upon anything [16:75]**. Isn't the divorce 'a thing'?'<sup>1331</sup>

18- شي، تفسير العياشي عن أَبِي بَصِيرٍ فِي الرَّجُلِ يَنْكِحُ أُمَّةً لِرَجُلٍ أ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا إِذَا شَاءَ

<sup>1330</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 16

<sup>1331</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 17



(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'Regarding the man who marries off his slave girl to a man, 'Is it for him to separate between the two whenever he so desires to?'

قَالَ إِنْ كَانَ مَمْلُوكًا فَلْيُفَرِّقْ بَيْنَهُمَا إِذَا شَاءَ لِأَنَّ اللَّهَ يَقُولُ عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ فَلَيْسَ لِلْعَبْدِ مِنَ الْأَمْرِ شَيْءٌ وَإِنْ كَانَ زَوْجُهَا حُرًّا فَرَّقَ بَيْنَهُمَا إِذَا شَاءَ الْمَوْلَى.

He<sup>-asws</sup> said: 'If he was an owned slave, he can separate between the two whenever he so desires to, because Allah<sup>-azwj</sup> Says: **an owned slave, not being able upon anything [16:75]**. And if her husband were a free man, the master can separate between the two whenever he so desires to".<sup>1332</sup>

19- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ سَمِعْتُهُ يَقُولُ إِذَا زَوَّجَ الرَّجُلُ غُلَامَهُ جَارِيَتَهُ فَرَّقَ بَيْنَهُمَا مَتَى شَاءَ.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I heard him<sup>-asws</sup> saying: 'When the man marries off his slave to his slave girl, he can separate between the two whenever he so desires to".<sup>1333</sup>

20- شي، تفسير العياشي عَنْ الْحَلْبِيِّ عَنْهُ ع الرَّجُلُ يُنْكِحُ عَبْدَهُ أَمْتَهُ قَالَ يَنْزِعُهَا إِذَا شَاءَ بِغَيْرِ طَلَاقٍ لِأَنَّ اللَّهَ يَقُولُ عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ.

(The book) 'Tafseer Al Ayyashi' – From Al Halby,

'From him<sup>-asws</sup> regarding the man who gets his slave married to his slave girl. He<sup>-asws</sup> said: 'He can remove her whenever he so desires to without a divorce because Allah<sup>-azwj</sup> Says: **an owned slave, not being able upon anything [16:75]**'.<sup>1334</sup>

21- شي، تفسير العياشي عَنْ أَحْمَدَ بْنِ عَبْدِ اللَّهِ الْعُلَوِيِّ عَنِ الْحَسَنِ بْنِ الْحُسَيْنِ عَنِ الْحُسَيْنِ بْنِ زَيْدٍ عَنِ عَلِيِّ بْنِ جَعْفَرٍ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع قَالَ كَانَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع يَقُولُ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ

(The book) 'Tafseer Al Ayyashi' – From Ahmad Bin Abdullah Al Alawy, from Al-Hassan Bin Al-Husayn, from Al-Husayn Bin Zayd Bin Ali,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup> had said: **Allah Strikes an example of an owned slave, not being able upon anything [16:75]**'.

و يَقُولُ لِلْعَبْدِ لَا طَلَاقَ وَلَا نِكَاحَ ذَلِكَ إِلَى سَيِّدِهِ وَ النَّاسُ يَرَوْنَ خِلَافَ ذَلِكَ إِذَا أَذِنَ السَّيِّدُ لِعَبْدِهِ لَا يَرَوْنَ لَهُ أَنْ يُفَرَّقَ بَيْنَهُمَا.

<sup>1332</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 18

<sup>1333</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 19

<sup>1334</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 20

And he<sup>asws</sup> said: 'For the slave, there is neither divorce nor marriage. That is up to his master, and the people are viewing opposite to that, when the master permits for his slave, they are not viewing that for him is to separate between the two'.<sup>1335</sup>

22- مكا، مكارم الأخلاق عَنِ الْحُسَيْنِ بْنِ الْمُحْتَارِ يَرْفَعُهُ قَالَ: إِنَّ سَلْمَانَ تَزَوَّجَ امْرَأَةً عَنِيَّةً فَدَخَلَ فَإِذَا الْبَيْتُ فِيهِ الْفُرُشُ فَقَالَ إِنَّ بَيْتَكُمْ لَمْحَرَّمٌ إِذْ قَدْ تَحَوَّلَتْ فِيهِ الْكُعْبَةُ

(The book) 'Makarim Al Akhlaq' – from Al-Husayn Bin Al Mukhtar, raising it, said,

'Salman<sup>ra</sup> married a wealthy woman. He<sup>ra</sup> entered the house. In it were furnishings. He<sup>ra</sup> said, 'Your house is sacred as if the Kabah has been transferred into it!'

قَالَ فَإِذَا جَارِيَةٌ مُحْتَمَةٌ فَقَالَ لِمَنْ هَذِهِ

He (the narrator) said, 'There was a slave girl wearing a ring. He<sup>ra</sup> said: 'For whom is this one?'

فَقَالُوا لِفُلَانَةَ امْرَأَتِكَ

They said, 'For your<sup>ra</sup> so and so wife!'

قَالَ مَنْ اتَّخَذَ جَارِيَةً لَا يَأْتِيهَا ثُمَّ أَنْتَ مُحَرَّمٌ كَانَ وَرُبَّ ذَلِكَ عَلَيْهِ.

He<sup>asws</sup> said: 'One who take a slave girl and does not come to her, then she commits a prohibited act, the burden of that would be upon him!'<sup>1336</sup>

23- عَنِ الصَّادِقِ ع قَالَ: مَنْ اتَّخَذَ جَارِيَةً فَلْيَأْتِهَا فِي كُلِّ أَرْبَعِينَ يَوْمًا مَرَّةً.

From Al-Sadiq<sup>asws</sup> having said: 'One who takes a slave girl, let him come to her at least once every forty days'.<sup>1337</sup>

24- عَنْهُ ع قَالَ: إِذَا أَتَى الرَّجُلُ جَارِيَتَهُ ثُمَّ أَرَادَ أَنْ يَأْتِيَ الْآخَرَى تَوَضَّأَ.

From him<sup>asws</sup> having said: 'When the man comes to his slave girl, then wants to come to another, let him perform Wud'u'.<sup>1338</sup>

25- ين، كتاب حسين بن سعيد و النواذر صفوان عَنِ الْعَلَاءِ عَنِ مُحَمَّدٍ عَنْ أَحَدِهِمَا ع قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَمْلُوكَةَ عَلَى الْحُرَّةِ قَالَ لَا وَ إِذَا كَانَتْ تَحْتَهُ امْرَأَةٌ مَمْلُوكَةٌ فَتَزَوَّجَ عَلَيْهَا حُرَّةً قَسَمَ لِلْحُرَّةِ ثُلَاثِي مَا يَفْسِمُ لِلْأَمَةِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'la, from Muhammad,

<sup>1335</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 21

<sup>1336</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 22

<sup>1337</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 23

<sup>1338</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 24

'From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), he (the narrator) said, 'I asked him<sup>-asws</sup> about the man who marries a slave girl upon (while being married to) the free woman. He<sup>-asws</sup> said: 'No, and if there was a slave girl married to him, he can marry a free woman upon her. The apportionment of the free woman is two-thirds what is apportioned for the slave girl (one-third)'".<sup>1339</sup>

26- قَالَ مُحَمَّدٌ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَمْلُوكَةَ فَقَالَ لَا بَأْسَ إِذَا اضْطُرَّ إِلَيْهِ.

Muhammad said,

'And I asked him<sup>-asws</sup> about the man marrying the slave girl. He<sup>-asws</sup> said: 'There is no problem if he is desperate to it'".<sup>1340</sup>

27- ين، كتاب حسين بن سعيد و النواذر التضرُّ بنُ سُوَيْدٍ عَنْ عَاصِمٍ بْنِ حُمَيْدٍ عَنْ مُحَمَّدٍ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ع فِي رَجُلٍ نَكَحَ أَمَةً فَوَجَدَ طَوْلًا إِلَى حُرَّةٍ وَ كَرِهَ أَنْ يُطَلِّقَ الْأَمَةَ قَالَ يَنْكِحُ الْحُرَّةَ عَلَى الْأَمَةِ إِنْ كَانَتْ الْأَمَةُ أَوْلَاهُمَا عِنْدَهُ وَ لَيْسَ لَهُ أَنْ يَنْكِحَ الْأَمَةَ عَلَى الْحُرَّةِ إِذَا كَانَتْ الْحُرَّةُ أَوْلَاهُمَا عِنْدَهُ وَ يُقْسِمُ لِلْحُرَّةِ الثُّلُثَيْنِ مِنْ مَالِهِ وَ نَفْسِهِ وَ لِلْأَمَةِ الثُّلُثَ مِنْ مَالِهِ وَ نَفْسِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Aasim Bin Humeyd, from Muhammad Bin Qays,

'From Abu Ja'far<sup>-asws</sup> regarding a man who marries a slave girl. He found financial ease to marry a free woman and he disliked to divorce the slave girl. He<sup>-asws</sup> said: 'He can marry the free woman upon the slave girl, if the slave girl was first of the two with him, and it isn't for him that he marries the slave girl upon the free woman when the free woman was first of the two with him, and he should apportion for the free woman the two-thirds from his wealth and himself, and for the slave woman is the third from his wealth and himself'".<sup>1341</sup>

28- ين، كتاب حسين بن سعيد و النواذر الحسن بنُ محبوبٍ عَنْ يَحْيَى اللَّحَامِ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ يَتَزَوَّجُ امْرَأَةً حُرَّةً وَ لَهُ امْرَأَةٌ أَمَةٌ وَ لَمْ تَعْلَمْ الْحُرَّةُ أَنَّ لَهُ امْرَأَةً أَمَةً فَقَالَ إِنْ شَاءَتِ الْحُرَّةُ أَنْ تُقِيمَ مَعَ الْأَمَةِ أَقَامَتْ وَ إِنْ شَاءَتْ ذَهَبَتْ إِلَى أَهْلِهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Mahboub, from Al Laham, from Sama'at,

'From Abu Abdullah<sup>-asws</sup> regarding a man who marries a free woman and there is a slave girl wife for him, and the free woman did not know that there is a slave wife for him. He<sup>-asws</sup> said: 'If the free woman desires to stay with the slave woman, she can stay, and if she desires, she can go to her family'".

قُلْتُ لَهُ فَإِنْ لَمْ يَرْضَ بِذَهَابِهَا أَلَهُ عَلَيْهَا سَبِيلٌ

I said to him<sup>-asws</sup>, 'If he does not agree with her going away, is there any way for him to her?'

قَالَ لَا سَبِيلَ لَهُ عَلَيْهَا إِذَا لَمْ تَرْضَ بِالْمَقَامِ

<sup>1339</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 25

<sup>1340</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 26

<sup>1341</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 27

He<sup>-asws</sup> said: 'There is no way for him to her when she does not agree to stay'.

قُلْتُ فَذَهَابُهَا إِلَى أَهْلِهَا هُوَ طَلَقُهَا

I said, 'So her going to her family is her divorce?'

قَالَ نَعَمْ إِذَا خَرَجَتْ مِنْ مَنْزِلِهِ اعْتَدَتْ ثَلَاثَةَ أَشْهُرٍ ثُمَّ تَتَزَوَّجُ إِنْ شَاءَتْ.

He<sup>-asws</sup> said: 'Yes. When she went out from his house, she should observe waiting period of a menses-free period, or three months. Then she can get married if she so desires to'.<sup>1342</sup>

29- ين، كتاب حسين بن سعيد و النوادر علي بن النعمان عن يحيى الأزرق سأل أبا عبد الله ع عن الرجل عنده امرأة وليدة و تزوج حرة و لم يعلمها قال إن شاءت الحرة أقامت و إن شاءت لم تقوم

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ali Bin Al Numan, from Yahya Al Azraq -

'I asked Abu Abdullah<sup>-asws</sup> about the man having a slave girl with a child, and he marries a free woman and did not inform her. He<sup>-asws</sup> said: 'If the free woman desires, she can stay, and if she desires, she does not stay'.

قُلْتُ قَدْ أَخَذَتِ الْمَهْرَ فَتَذَهَبُ بِهِ

I said, 'She has already taken the dowry, so can she go with it?'

قَالَ نَعَمْ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا.

He<sup>-asws</sup> said: 'Yes, due to what she had legalised of her private parts'.<sup>1343</sup>

30- ين، كتاب حسين بن سعيد و النوادر النصير عن عبد الله بن سنان عن أبي عبد الله ع قال: لا ينكح الرجل الأمة على الحرة و إن شاء نكح الحرة على الأمة ثم يقسم للحرة مثل ما يقسم للأمة.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'The man cannot marry the slave girl upon the free woman, and if he so desires, he can marry the free woman upon the slave girl, then he should apportion for the free woman double of what he apportions for the slave girl'.<sup>1344</sup>

31- ين، كتاب حسين بن سعيد و النوادر صفوان عن ابني مسكان عن الحسن بن زياد قال قال أبو عبد الله ع تزوج الحرة على الأمة و لا تزوج الأمة على الحرة و لا النصرانية و لا اليهودية على المسلمة فمن فعل ذلك فبكاؤه باطل.

(The book) 'Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Inn Muskan, from Al-Hassan Bin Ziyad who said,

<sup>1342</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 28

<sup>1343</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 29

<sup>1344</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 30

'Abu Abdullah<sup>asws</sup> said: 'You can marry the free woman upon the slave girl but you cannot marry the slave girl upon the free woman, nor a Christian, nor a Jewess upon the Muslim woman. The one who does that, his marriage is invalid'.<sup>1345</sup>

32- ين، كتاب حسين بن سعيد و النواذر القاسم عن أبان عن عبد الرحمن عن أبي عبد الله ع قال: سألته هل للرجل أن يتزوج النصرانية على المسلمة و الأمة على الحرة

The book of Haseen Bin Saeed, and 'Al Nawadir – Al Qasim, from Aban, from Abdul Rahman,

'From Abu Abdullah<sup>asws</sup>, he (the narrator) said, 'I asked him<sup>asws</sup>, 'Is it for the man that he marries a Christian woman upon the Muslim woman, and the slave girl upon the free woman?'

قال لا يتزوج واحدة منهما على المسلمة و يتزوج المسلمة على الأمة و النصرانية و للمسلمة الثلثان و للأمة و النصرانية الثلث.

He<sup>asws</sup> said: 'Not one of the two can be married upon the Muslim woman, and he can marry the Muslim woman upon the slave girl and the Christian woman, and for the Muslim woman would be two-thirds, and for the slave girl and the Christian woman is the third'.<sup>1346</sup>

33- من كتاب صفوة الأخبار، قال: جاء رجل إلى أمير المؤمنين ع و قال إن هذا مملوكي و تزوج بغير إذني

From the book 'Safwat Al Akhbaar' –

'He said, 'A man came to Amir Al-Momineen<sup>asws</sup> and said: 'This is a slave of mine and he has got married without my permission.

فقال أمير المؤمنين ع فزق بينهما أنت

Amir Al-Momineen<sup>asws</sup> said: 'You can separate between the two'.

فالتفت الرجل إلى مملوكه و قال يا حبيبت طلق امرأتك

The man turned to his slave and said, 'O wicked one, divorce your wife!'

فقال أمير المؤمنين ع للعبد إن شئت فطلق و إن شئت فأمسك

Amir Al-Momineen<sup>asws</sup> said to the slave: 'If you desire, divorce, and if you desire, withhold'.

قال كان قول المالك للعبد طلق امرأتك رضاه بالتزويج فصار الطلاق عند ذلك للعبد.

<sup>1345</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 31

<sup>1346</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 32

He (the narrator) said, 'The word of the owner to the slave, 'Divorce your wife', is his agreement (recognition) with the marriage, therefore the divorce came to be for the slave due to that'.<sup>1347</sup>

34- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع إِذَا تَزَوَّجَ الرَّجُلُ حُرَّةً وَ أَمَةً فِي عَقْدٍ وَاحِدٍ فَبَكَحُهَا بَاطِلٌ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'When the man marries a free woman and a slave girl in one contract, both their marriages are invalid'.<sup>1348</sup>

35- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع إِذَا تَزَوَّجَ الْحُرُّ أَمَةً فَإِنَّهَا تَحْدُمُ أَهْلَهَا نَهَارًا وَ تَأْتِي زَوْجَهَا لَيْلًا وَ عَلَيْهِ النَّقْعَةُ إِذَا فَعَلُوا ذَلِكَ فَإِنْ خَالُوا بَيْنَهُ وَ بَيْنَهَا لَيْلًا فَلَا نَقْعَةَ.

And by this chain, he<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said: 'When a free man marries a slave-girl, she serves her master's household during the day and comes to her husband at night, and he is responsible for her maintenance if this arrangement is followed. But if they prevent him from her at night, then he has no obligation of maintenance'.<sup>1349</sup>

36- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع فِي بَرِيرَةَ أَنْبَغُ فَضِيَّاتٍ أَرَادَتْ عَائِشَةُ شِرَافَهَا فَاشْتَرَطَ مَوَالِيهَا أَنَّ الْوَلَاءَ لَهُمْ فَاشْتَرَتْهَا مِنْهُمْ عَلَى ذَلِكَ الشَّرْطِ فَصَعِدَ رَسُولُ اللَّهِ ص فَقَالَ مَا بَالُ أَقْوَامٍ يَبِيعُ أَحَدُهُمْ رَقِيقَهُ وَ يَشْتَرِطُ أَنَّ الْوَلَاءَ لَهُمْ إِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ وَ أَعْطَى الْمَالَ

And by this chain, he<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said: 'In Bareyra there are four decrees. Ayesha wanted to buy her, and she stipulated to her masters that the governance would be for them, so she bought her from them based upon that condition. Rasool-Allah<sup>-saww</sup> ascended (the pulpit). He<sup>-saww</sup> said: 'What is the matter with a people? One of them sold his slave girl and stipulated that the governance would be for them! The governance is for the one who liberates and gives the wealth!'

فَلَمَّا كَاتَبَتْهَا عَائِشَةُ كَانَتْ تَدُورُ فَتَسْأَلُ النَّاسَ وَ كَانَتْ تَأْتِي إِلَى عَائِشَةَ فَتُهْدِي إِلَيْهَا الْقَدِيدَ وَ الْحُبْزَ فَقَالَ النَّبِيُّ ص هَلْ مِنْ شَيْءٍ أَكَلُهُ

When Ayesha contracted her (freedom), she went around asking the people, and she was inclined to Ayesha. She gifted the meat and bread to her. The Prophet<sup>-saww</sup> said: 'Is there anything to eat?'

فَقَالَتْ لَا إِلَّا مَا أَتَيْتُنَا بِهِ بَرِيرَةُ

She said, 'No, except what Bareyra has come with'.

فَقَالَ ص هَاتِيهِ هُوَ عَلَيْهَا صَدَقَةٌ وَ لَنَا هَدِيَّةٌ فَأَكَلَهُ

<sup>1347</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 33

<sup>1348</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 34

<sup>1349</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 34

He<sup>-saww</sup> said: 'Give it! It is charity to her and a gift for us!', and he<sup>-saww</sup> ate it.

فَلَمَّا أَذَتْ كِتَابَتَهَا خَيْرَهَا رَسُولُ اللَّهِ ص وَكَانَ لَهَا زَوْجٌ فَاحْتَارَتْ نَفْسَهَا فَقَالَ النَّبِيُّ ص لَهَا اغْتَدِي ثَلَاثَ حِيضٍ.

When she had fulfilled her contract, Rasool-Allah<sup>-saww</sup> gave her a choice, and there was a husband for her. She chose herself. The Prophet<sup>-saww</sup> said to her: 'Observe waiting period of three menstruations'.<sup>1350</sup>

37- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّخَعِيِّ عَنْ يَحْيَى بْنِ صَالِحٍ عَنِ الثَّقَاتِ مِنْ أَصْحَابِهِ أَنَّ عَلِيًّا ع كَتَبَ مِنْ عَبْدِ اللَّهِ أَمِيرِ الْمُؤْمِنِينَ إِلَى عَوْسَجَةَ بِنِ شَدَّادٍ سَلَامٌ عَلَيْكَ أَمَّا بَعْدُ فَإِنَّ جُهَالَ الْعِبَادِ تُسْتَفْزُ قُلُوبُهُمْ بِالْأَطْمَاعِ حَتَّى تَسْتَعْلِقَ الْحَدَائِعَ فَتَرِينَ بِالْمُنَى

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafi, from Yahya Bin Salih, from the trusted ones from his companions,

'Ali<sup>-asws</sup> wrote: 'From a servant of Allah<sup>-azwj</sup>, Commander of the faithful, to Awsaja Bin Shaddad. The greeting be upon you! As for after, the hearts of ignorant servants are stirred by desires until they become entangled in deceptions, seeing wonders in their wishes.

عَجِبْتُ مِنْ ابْتِئَاعِكَ الْمَمْلُوكَةَ الَّتِي أَمَرْتُكَ بِابْتِئَاعِهَا مِنْ مَالِكِهَا وَ لَمْ تَعْلَمْ حِينَ ابْتِغَتْهَا أَنَّ لَهَا بَعْلًا فَلَمَّا أَتَنِي فَسَأَلْتُهَا رَدَّذْتُهَا إِلَيْكَ مَعَ مَوْلَايَ مُنْعَبٍ

I<sup>-asws</sup> was surprised from you having purchased a slave girl which I<sup>-asws</sup> had instructed to you buy her from her owners, and you did not know when you bought her that there is a husband for her. When she came to me I<sup>-asws</sup> asked her. I<sup>-asws</sup> am returner her to you along with my slave Mus'ab.

فَادْعُ الَّذِي بَاعَكَ الْجَارِيَةَ وَ ادْعُ زَوْجَهَا فَابْتَغِ مِنْ زَوْجِهَا بُضْعَهَا وَ أَخْلِصْهَا إِنْ رَضِيَ فَإِنْ أَبَى وَ كَرِهَ بِنِعْ بُضْعِهَا فَأَقْبِضْ ثَمَنَهَا وَ ارْزُدْهَا إِلَى الْبَائِعِ وَ السَّلَامُ

Summon the one who had sold you the slave girl and summon her husband, and buy from her private parts from her husband and her purify if he agrees. If he refuses and dislikes to sell her private parts, take her price back and return her to the seller; and the greetings!

وَ كَتَبَ عَبْدُ اللَّهِ بْنُ أَبِي رَافِعٍ فِي سَنَةِ تِسْعٍ وَ ثَلَاثِينَ.

And it is written by Abdullah Bin Abu Rafie in the year thirty-nine".<sup>1351</sup>

38- كِتَابُ عَاصِمِ بْنِ حُمَيْدٍ، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَرَّ عَلَيْهِ غُلَامٌ لَهُ فِدَعَاهُ فَقَالَ يَا قَبِيْرُ

The book of Aasim Bin Humeyd, from Muhammad Bin Muslim,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'A slave boy of his<sup>-asws</sup> passed by. He<sup>-asws</sup> called him. He<sup>-asws</sup> said: 'O 'Qayn'!

قَالَ قُلْتُ وَ مَا الْقَبِيْرُ

<sup>1350</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 35

<sup>1351</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 36

He said, 'I said, 'And what is 'Al-Qayn'?'

قَالَ الْحَدَّادُ

He<sup>-asws</sup> said: 'The blacksmith'.

قَالَ أَرَدْتُ عَلَيْكَ فُلَانَةً عَلَى أَنْ تُطْعَمَنَا بِدِرْهَمٍ خَزِيرَةً جَاشَتْهُ خَزِيرَةُ بَغْيِ الطَّبِيخِ

He<sup>-asws</sup> said: 'I<sup>-asws</sup> shall return so and so girl to you if you feed us 'Kharbiza' (meaning the melon)'.

قَالَ فَلْتُ لَهُ جُعِلَتْ فِدَاكَ إِنَّا نُرْوَى بِالْكُوفَةِ أَنَّ عَلِيًّا اشْتَرَيْتَ لَهُ جَارِيَةً أَوْ أَهْدَيْتَ لَهُ جَارِيَةً فَسَأَلَهَا أَوَّارَةً أَنْتِ أَمْ مَشْغُولَةٌ فَقَالَتْ مَشْغُولَةٌ فَأَرْسَلَ فَأَشْتَرَى بُضْعَهَا بِخَمْسِمِائَةِ دِرْهَمٍ

He said, 'I said to him<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! We are reporting at Al-Kufa that Ali<sup>-asws</sup> had bought a slave girl for himself, or a slave girl had been gifted to him<sup>-asws</sup>. He<sup>-asws</sup> asked her: 'Are you free (unmarried), or pre-occupied (married)?' She said, 'Pre-occupied (married)'. So he<sup>-asws</sup> sent a message and bought her private parts for five hundred Dirhams'.

قَالَ كَذَبُوا عَلَى عَلِيٍّ عَ أَوْ لَمْ يَحْفَظُوا أَمَا تَسْمَعُ إِلَى اللَّهِ عَزَّ وَ جَلَّ كَيْفَ يَقُولُ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ.

He<sup>-asws</sup> said: 'They are lying upon Ali<sup>-asws</sup>, or they have not preserved! Have you not listened to Allah<sup>-azwj</sup> Mighty and Majestic how He<sup>-azwj</sup> Said: **Allah Strikes an example of an owned slave, not being able upon anything [16:75]**?<sup>1352</sup>

[باب 74 المهور و أحكامها](#)

## CHAPTER 74 – THE DOWRIES AND THEIR RULES

1 ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ وَ مُحَمَّدُ بْنُ عَيْسَى وَ الْحَسَنُ بْنُ طَرِيفٍ وَ عَلِيُّ بْنُ إِسْمَاعِيلَ كُلُّهُمْ عَنْ حَمَّادِ بْنِ عَيْسَى عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: مَا زَوَّجَ رَسُولُ اللَّهِ ص شَيْئًا مِنْ بَنَاتِهِ وَ لَا تَزَوَّجَ شَيْئًا مِنْ نِسَائِهِ عَلَى أَكْثَرِ مِنْ اثْنَتَيْ عَشْرَةَ أُوقِيَّةً وَ نَشِيٍّ يَعْنِي نِصْفَ أُوقِيَّةٍ.

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, and Muhammad Bin Isa, and Al-Hassan Bin Zareyf, and Ali Bin Ismail, all of them from Hammad Bin Isa,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Neither did Rasool-Allah<sup>-saww</sup> give any of his<sup>-saww</sup> (step) daughters in marriage, nor did he<sup>-saww</sup> marry any of his<sup>-saww</sup> wives, for more than twelve Owqiyas and a Nash' – meaning half an Owqiya"<sup>1353</sup>. (1 Owqiya = 40 Dirhams)

2- أَرْبَعِينَ الشَّهْرِيَّ، بِإِسْنَادِهِ عَنِ الصُّدُوقِ عَنْ جَعْفَرِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ الْحَمِيرِيِّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ عَيْسَى الْأَشْعَرِيِّ عَنْ حَمَّادٍ مِثْلَهُ.

<sup>1352</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 73 H 37

<sup>1353</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 1



(The book) 'Arbaeen' of Al Shaheed – By his chain, from Al Sadouq, from Ja'far Bin Al-Husayn, from Muhammad Bin Abdullah Bin Ja'far Al Himeyri, from his father, from Muhammad Bin Isa Al Ash'ary, from Hammad, similar to it.<sup>1354</sup>

3- ب، قرب الإسناد أبو البخترى عن الصادق عن أبيه ع قَالَ قَالَ عَلِيٌّ ع إِنِّي لَأَكْرَهُ أَنْ يَكُونَ الْمَهْرُ أَقَلَّ مِنْ عَشْرَةِ دَرَاهِمٍ لَكِنِّي لَا يُشْبِهُ مَهْرَ الْبَغِيِّ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'I<sup>-asws</sup> dislike for the dowry to be less than ten Dirhams so that it may not resemble dower of the prostitute'.<sup>1355</sup>

4- ع، علل الشرائع أبي عن سعد عن البرقي عن أبيه عن أبي البخترى مثله.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy, from his father, from Abu Al Bakhtari, similar to it.<sup>1356</sup>

5- ع، علل الشرائع ابن الوليد عن الصفار عن ابن يزيد عن صفوان بن يحيى عن ابن مسكان عن أبي أيوب عن محمد بن مسلم عن أبي عبد الله ع قَالَ: قُلْتُ أَذْنَى مَا يُجْزِي مِنَ الْمَهْرِ

(The book) 'Ilal Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Safwan Bin Yahya, from Ibn Muskan, from Abu Ayoub, from Muhammad Bin Muslim,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I said, (What is) the least of what suffices from the dowry?'

قَالَ نَمَثَلٌ مِنْ سَكَّرَةٍ.

He<sup>-asws</sup> said: 'A lump of sugar'.<sup>1357</sup>

6- ب، قرب الإسناد محمد بن الوليد عن ابن بكير قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ رَوَّجَ رَسُولُ اللَّهِ ص عَلِيًّا فَاطِمَةَ صَلَوَاتُ اللَّهِ عَلَيْهِمَا عَلَى دِرْعٍ لَهُ حُطْمِيَّةٍ تَسَوَّى ثَلَاثِينَ دِرْهَمًا.

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Ibn Bukeyr who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'Rasool-Allah<sup>-saww</sup> got Ali<sup>-asws</sup> to (Syeda) Fatima<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon them<sup>-asws</sup>, upon a shield of his<sup>-asws</sup> (called) 'Hutamiya', valued at thirty Dirham'.<sup>1358</sup>

7- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام ماجيلويه عن علي عن أبيه عن علي بن معبد عن الحسين بن خالد قَالَ: سَأَلْتُ أَبَا الْحُسَيْنِ ع عَنْ مَهْرِ السُّنَّةِ كَيْفَ صَارَ حُسْمَانَةَ دَرْهَمٍ

<sup>1354</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 2

<sup>1355</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 3

<sup>1356</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 4

<sup>1357</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 5

<sup>1358</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 6

(The book) 'Ilal Al Sharaie', (and) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Majaylawiya, from Ali, from his father, from Ali Bin Ma'bad, from Al-Husayn Bin Khalid who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about the Sunnah dowry, 'How did it become five hundred Dirhams?'

فَقَالَ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَوْجَبَ عَلَى نَفْسِهِ أَنْ لَا يُكْبِرَهُ مُؤْمِنٌ مِائَةَ تَكْبِيرَةٍ وَ يُحَمِّدُهُ مِائَةَ تَحْمِيدَةٍ وَ يُسَبِّحُهُ مِائَةَ تَسْبِيحَةٍ وَ يُهَلِّلُهُ مِائَةَ تَهْلِيلَةٍ وَ يُصَلِّيَ عَلَى مُحَمَّدٍ وَ آلِ مُحَمَّدٍ مِائَةَ مَرَّةٍ ثُمَّ يَقُولُ اللَّهُمَّ زَوِّجْنِي مِنَ الْخُورِ الْعَيْنِ إِلَّا زَوْجَهُ اللَّهُ حَوْرَاءَ مِنَ الْجَنَّةِ وَ جَعَلَ ذَلِكَ مَهْرَهَا

He<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> Blessed and Exalted Obligated upon Himself that no Momin will exclaim one hundred Takbeers, and praise Him<sup>-azwj</sup> with one hundred praises, and glorify Him<sup>-azwj</sup> one hundred glorifications, and extols His<sup>-azwj</sup> Oneness with one hundred extollations, and sends Salawaat upon Muhammad<sup>-saww</sup> and Progeny<sup>-asws</sup> of Muhammad<sup>-saww</sup> one hundred times, then says, 'O Allah<sup>-azwj</sup>! Marry me to the Maiden Hourie', except Allah<sup>-azwj</sup> will get him married to a Hourie from the Paradise, and Make that to be her dowry.

فَمِنْ ثَمَّ أَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَى نَبِيِّهِ ص أَنَّ يَسُنَّ مَهْوَرُ الْمُؤْمِنَاتِ خَمْسِمِائَةَ دِرْهَمٍ فَقَعَلَ ذَلِكَ رَسُولُ اللَّهِ ص.

From then Allah<sup>-azwj</sup> Mighty and Majestic Revealed to His<sup>-azwj</sup> Prophet<sup>-saww</sup> to establish the practice of the believing women to be five hundred Dirhams, so Rasool-Allah<sup>-saww</sup> did that".<sup>1359</sup>

8- سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ أَبُو مُمَيِّنَةَ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ مِثْلَهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali Abu Sumeyna, from Muhammad Bin Aslam, from Al-Husayn Bin Khalid, similar to it.<sup>1360</sup>

9- خنص، الإختصاص مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ مِثْلَهُ.

(The book) 'Al Ikhtisas' – Muhammad Bin Al-Hassan, from Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Al-Husayn Bin Khalid, similar to it.<sup>1361</sup>

10- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام ابْنُ إِدْرِيسَ عَنْ أَبِيهِ عَنْ ابْنِ عَيْسَى عَنِ الْبَرْقُطِيِّ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ قَالَ: قُلْتُ لِأَبِي الْحُسَيْنِ ع جُعِلَتْ فِدَاكَ كَيْفَ صَارَ مَهْرُ النِّسَاءِ خَمْسِمِائَةَ دِرْهَمٍ اِثْنَتَيْ عَشْرَةَ أُوقِيَّةً وَ نَشَ [نَشَأَ]

(The book) 'Ilal Al Sharaie', (and) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Ibn Idrees, from his father, from Ibn Isa, from Al Bazanty, from Al-Husayn Bin Khalid who said,

'I said to Abu Al-Hassan<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! How did dowry of the women come to be five hundred Dirhams, twelve Owqiyas and a Nash (half)?'

<sup>1359</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 7

<sup>1360</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 8

<sup>1361</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 9

قَالَ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَوْجَبَ عَلَى نَفْسِهِ أَنْ لَا يُكَبِّرَهُ مُؤْمِنٌ مِائَةَ تَكْبِيرَةٍ وَ يُسَبِّحُهُ مِائَةَ تَسْبِيحَةٍ وَ يُحَمِّدُهُ مِائَةَ تَحْمِيدَةٍ وَ يُهَلِّلُهُ مِائَةَ مَرَّةٍ وَ يُصَلِّيَ عَلَى مُحَمَّدٍ وَ آلِ مُحَمَّدٍ مِائَةَ مَرَّةٍ ثُمَّ يَقُولُ اللَّهُمَّ رَوِّجْنِي مِنَ الْخَوَرِ الْعَيْنِ إِلَّا زَوْجَهُ اللَّهُ عَزَّ وَ جَلَّ

He<sup>-asws</sup> said: ‘Allah<sup>-azwj</sup> Blessed and Exalted Obligated upon Himself that no Momin will exclaim one hundred Takbeers, and glorify Him<sup>-azwj</sup> one hundred glorifications, and praise Him<sup>-azwj</sup> one hundred praises, and extol His<sup>-azwj</sup> Oneness one hundred times, and send Salawaat upon Muhammad<sup>-saww</sup> and Progeny<sup>-asws</sup> of Muhammad<sup>-saww</sup> one hundred times, then says, ‘O Allah<sup>-azwj</sup>! Get me married to the Maiden Hourie’, except Allah<sup>-azwj</sup> Mighty and Majestic will Get him married.

فَمِنْ ثَمَّ جُعِلَ مَهْرُ النِّسَاءِ خَمْسَمِائَةِ دِرْهَمٍ وَ أَلَمَّا مُؤْمِنٍ خَطَبَ إِلَى أَخِيهِ حَرَمَةَ [حُرْمَتَهُ] وَ بَدَّلَ لَهُ خَمْسَمِائَةِ دِرْهَمٍ فَلَمْ يُزَوِّجْهُ فَقَدْ عَقَبَهُ وَ اسْتَحَقَّ مِنَ اللَّهِ عَزَّ وَ جَلَّ أَلَّا يُزَوِّجَهُ حُزْرَاءَ.

From them He<sup>-azwj</sup> Made dowry of the women to be five hundred Dirhams, and whichever Momin proposes to his brother for his sanctimonious one (womenfolk) and spends five hundred Dirhams for it, but he does not get him married, has been disloyal to him and deserves from Allah<sup>-azwj</sup> Mighty and Majestic not to get him married to the Houries”.<sup>1362</sup>

11- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنِ السَّبَّارِيِّ عَمَّنْ ذَكَرَهُ عَنْ حَمَّادٍ عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ قَالَ قَالَ أَبُو جَعْفَرٍ ع أَتَدْرِي مِنْ أَيْنَ صَارَ مَهْرُ النِّسَاءِ أَرْبَعَةَ آلَافٍ دِرْهَمٍ

(The book) ‘Ilal Al Sharaie’ – My father, from Sa’ad, from Al Barqy, from Al Sayyari, from the one who mentioned it, from Hammad, from Hareez, from Muhammad Bin Is’haq who said,

‘Abu Ja’far<sup>-asws</sup> said: ‘Do you know from where did dowries of the woman became four thousand Dirhams?’

قُلْتُ لَا

I said, ‘No’.

قَالَ إِنَّ أُمَّ حَبِيبٍ بِنْتُ أَبِي سُفْيَانَ كَانَتْ بِالْحَبَشَةِ فَخَطَبَهَا النَّبِيُّ ص فَسَاقَ عَنْهُ النَّجَاشِيُّ أَرْبَعَةَ آلَافٍ دِرْهَمٍ فَمِنْ ثَمَّ هَؤُلَاءِ يَأْخُذُونَ [بِهِ] فَأَمَّا الْمَهْرُ فَأَتَيْنَا عَشْرَةَ أَوْفَقِيَّةٍ وَ نَشٍّ.

He<sup>-asws</sup> said: ‘Umm Habeeba<sup>-ra</sup>, daughter of Abu Sufyan was in Ethiopia. The Prophet<sup>-saww</sup> proposed to her. Al-Najashy (the king) ushered four thousand Dirhams on his<sup>-saww</sup> behalf, then they took with it. As for the dowry, it is twelve Owqiyas and a Nash”.<sup>1363</sup>

12- سنن، المحاسن أَبِي عَنْ حَمَّادٍ عَنْ حَرِيزٍ مِثْلَهُ.

(The book) ‘Al Mahasin’ – My father, from Hammad, from Hareez, similar to it.<sup>1364</sup>

<sup>1362</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 10

<sup>1363</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 11

<sup>1364</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 12

13- مع، معاني الأخبار أبي عن سعد بن أبي عيسى عن أبيه عن ابن أبي عمير عن بعض أصحابنا عن أبي عبد الله ع قال: ما تزوج رسول الله ص شيئاً من نسائه ولا زوج شيئاً من بناته على أكثر من اثنتي عشرة أوقية و نسي و الأوقية أربعون درهماً و النسي عشرون درهماً.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Isa, from his father, from Ibn Abu Umeir, from one of our companions,

'From Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> did not marry anyone of his<sup>-saww</sup> wives, nor got anyone of his<sup>-saww</sup> (step) daughters married upon more than twelve Owqiyas and a Nash; and the Owqiya is forty Dirhams, and the Nash is twenty Dirhams''<sup>1365</sup>

14- لي، الأماالي للصدوق في خبر المناهي عن النبي ص قال: من ظلم امرأة مهرها فهو عند الله زان يقول الله عز وجل يوم القيامة عبدي زوجتك أمي على عهدي فلم توف بعهدي و ظلمت أمي فليؤخذ من حسناته فيؤدع إليها بقدر حقها

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions from the Prophet<sup>-saww</sup> having said: 'One who oppresses a woman of her dowry, in the View of Allah<sup>-azwj</sup> he is an adulterer. Allah<sup>-azwj</sup> Mighty and Majestic will Say on the Day of Qiyamah: "My<sup>-azwj</sup> servant! I<sup>-azwj</sup> got you married to My<sup>-azwj</sup> maid upon My<sup>-azwj</sup> Pact, but you were not loyal to My<sup>-azwj</sup> Pact and were unjust to My<sup>-azwj</sup> maid! Take from his good deeds and hand it over to her in accordance with her right!"

فإذا لم يبق له حسنة أمر به إلى النار ينكح للعهد إن العهد كان مسئلاً.

When there does not remain any good deed for him, he will be Commanded with to the Fire due to his having broken the Pact: **and fulfil the oath, surely the oath would always be questioned about [17:34]**'<sup>1366</sup>

15 ل، الخصال ابن الوليد عن محمد العطار عن الأشعري عن الجماوراني عن علي بن سليمان عن الحسن بن علي بن يقطين عن يونس عن إسماعيل بن كثير قال قال أبو عبد الله ع السراق ثلاثة مانع الزكاة و مستحل مهوور النساء و كذلك من استدان و لم ينو قضاءه.

(The book) 'Al Khisal' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ash'ary, from Al Jamourany, from Ali Bin Suleyman, from Al-Hassan Bin Ali Bin Yaqteen, from Yunus, from Ismail Bin Kaseer who said,

Abu Abdullah<sup>-asws</sup> said: 'The thieves are three – preventer of the Zakat, and legaliser of dowries of the women, and like that is the one who borrows and does not intend to pay it back''<sup>1367</sup>

16- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع في علل ابن سينان عن الرضا ع أنه كتب إليه علة المهر و وجوبه على الرجال و لا يحب على النساء أن يعطين أزواجهن قال لأن على الرجال مؤنة المرأة [المرأة] بائعة نفسها و الرجل مشتر و لا يكون البيع بلا ثمن و لا الشراء بغير إعطاء الثمن مع أن النساء محظورات عن التعامل و المنعج مع علل كثيرة.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup>, (and) 'Ilal Al Sharaie', in 'Ilal' of Ibn Sinan,

<sup>1365</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 13

<sup>1366</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 14

<sup>1367</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 15

‘From Al-Reza<sup>-asws</sup>, he<sup>-asws</sup> wrote to him the reason of the dowry and its obligation upon the men and not obligated upon the women to give to their husbands. He<sup>-asws</sup> said: ‘Because upon the men is the provision of the woman (wife). She is selling herself and the man is a buyer, and the buying cannot happen except with a price, nor can the buying without the price being given. Moreover, women are generally restricted from trade and business dealings, along with many other reasons’.<sup>1368</sup>

17- ع، علل الشرائع وَ رُوِيَ فِي خَيْرِ آخَرٍ أَنَّ الصَّادِقَ ع قَالَ: إِنَّمَا صَارَ الصَّدَاقُ عَلَى الرَّجُلِ دُونَ الْمَرْأَةِ وَ إِنْ كَانَ فَعَلَهُمَا وَاحِدًا فَإِنَّ الرَّجُلَ إِذَا قَضَى حَاجَتَهُ مِنْهَا قَامَ عَنْهَا وَ لَمْ يَنْتَظِرْ فَرَاغَهَا فَصَارَ الصَّدَاقُ عَلَيْهِ دُونَهَا لِذَلِكَ.

(The book) ‘Ilal Al-Sharaia’ – And it is reported in another Hadeeth that Al-Sadiq<sup>-asws</sup> said: ‘But rather the dowry came to be upon the man rather than the woman, and even though their actions are one, because when the man has fulfilled his need from her, he stands from her and does not wait for her being free, therefore the dowry came to be upon him, rather than on her, due to that’.<sup>1369</sup>

18- صح، صحيفة الرضا عليه السلام عَنِ الرِّضَا ع عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَعَالَى غَافِرٌ كُلِّ ذَنْبٍ إِلَّا مَنْ جَحَدَ مَهْرًا أَوْ اعْتَصَبَ أَجِيرًا أَوْ بَاعَ رَجُلًا حُرًّا.

(The book) ‘Saheefa Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – From Al-Reza<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘Allah<sup>-azwj</sup> the Exalted, is a Forgiver of every sin except the one who rejects a dowry or usurps a recompense (wages), or sells a free person (as a slave)’.<sup>1370</sup>

19- ضا، فقه الرضا عليه السلام إِذَا تَزَوَّجْتَ فَاجْهَدِ أَنْ لَا تُجَاوِزَ مَهْرَهَا مَهْرَ السُّنَّةِ وَ هُوَ خَمْسِمِائَةٍ دِرْهَمٍ فَعَلَى ذَلِكَ زَوْجَ رَسُولِ اللَّهِ ص وَ تَزَوَّجَ نِسَاءَهُ وَ وَجَّهَ إِلَيْهَا قَبْلَ أَنْ تَدْخُلَ بِهَا مَا عَلَيْكَ أَوْ بَعْضُهُ مِنْ قَبْلِ أَنْ تَطْلُغَا فَلَا أَمَّ كَثُرَ مِنْ تَوْبٍ أَوْ دِرْهَمٍ أَوْ دَنَانِيرٍ أَوْ خَادِمٍ.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – ‘When you get married, strive that her dowry does not surpass the Sunnah, and it is five hundred Dirhams. Upon that, Rasool-Allah<sup>-saww</sup> married off (his<sup>-saww</sup> stepdaughters), and married his<sup>-saww</sup> wives, and divert to her, before you enter to be with her, whatever is upon you or part of it, from before you have intimate marital relations with her, be it little or more, whether from a garment, or Dirhams, or Dinars, or a servant’.<sup>1371</sup>

20- سر، السرائر البزنطية عَنْ حَمَّادٍ عَنْ حَدِيثَةِ بْنِ مَنْصُورٍ أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّ صَدَاقَ أَزْوَاجِ رَسُولِ اللَّهِ ص كَانَ اثْنَتَيْ عَشْرَةَ أُوقِيَّةً وَ نَشَأَ وَ الْأُوقِيَّةُ أَرْبَعُونَ دِرْهَمًا وَ النَّشْ نِصْفُ الْأُوقِيَّةِ.

(The book) ‘Al Saraair’ of Al Bazanty – From Hammad, from Huzeyfa Bin Mansour,

<sup>1368</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 16

<sup>1369</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 17

<sup>1370</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 18

<sup>1371</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 19

‘He heard Abu Abdullah<sup>-asws</sup> saying: ‘The dowry of wives of Rasool-Allah<sup>-saww</sup> was twelvever Owqiyas and a Nash – and the Owqiya is forty Dirhams, and the Nash is half the Owqiya’’.<sup>1372</sup>

21 شي، تفسير العياشي عن عُمَرَ بْنِ يَزِيدَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع أَخْبِرْنِي عَنْ تَزْوِجٍ عَلَى أَكْثَرٍ مِنْ مَهْرِ السُّنَّةِ أَيْجُوزُ لَهُ ذَلِكَ

(The book) ‘Tafseer Al Ayyashi’ – From Umar Bin Yazeed who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘Inform me about the one who gets married upon more than the Sunnah dowry, is that allowed for him?’

قَالَ إِذَا جَازَ مَهْرَ السُّنَّةِ فَلَيْسَ هَذَا مَهْرًا إِنَّمَا هُوَ نُحْلٌ لِأَنَّ اللَّهَ يَقُولُ فَإِنْ آتَيْتُمْ إِخْدَاهُنَّ فَنُطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا إِنَّمَا عَلَى النُّحْلِ وَ لَمْ يَعْزِ الْمَهْرُ

He<sup>-asws</sup> said: ‘When it exceeds the Sunnah dowry, this isn’t dowry. But rather, it is a gift, because Allah<sup>-azwj</sup> Says: **and you have given to one of them a heap (of gold), do not take anything from it [4:20]**. But rather He<sup>-azwj</sup> Means the gift, and does not Mean the dowry.

أَلَا تَرَى أَنَّهُ إِذَا أَمَّهَرَهَا مَهْرًا ثُمَّ اخْتَلَعَتْ كَانَ لَهَا أَنْ تَأْخُذَ الْمَهْرَ كَامِلًا فَمَا زَادَ عَلَى مَهْرِ السُّنَّةِ فَإِنَّمَا هُوَ نُحْلٌ كَمَا أَخْبَرْتُكَ فَمِنْ ثَمَّ وَجِبَ لَهَا مَهْرُ نِسَائِهَا لِعِلَّةٍ مِنَ الْعِلَلِ

Don’t you see, when he gives her dowry, then she gets divorced, it would be for her to take the total dowry. Whatever exceeds upon the Sunnah dowry, so rather it is a gift, just as I<sup>-asws</sup> have informed you. From them, dowry of her (his) wives would be obligated due to a reason from the reasons’.

قُلْتُ كَيْفَ يُعْطَى وَ كَمْ مَهْرُ نِسَائِهَا

I said, ‘How is it given and how much is the dowry of her (his) wives?’

قَالَ إِنَّ مَهْرَ الْمُؤْمِنَاتِ خَمْسِمِائَةٍ وَ هُوَ مَهْرُ السُّنَّةِ وَ قَدْ يَكُونُ أَقَلٌّ مِنْ خَمْسِمِائَةٍ وَ لَا يَكُونُ أَكْثَرُ مِنْ ذَلِكَ وَ مَنْ كَانَ مَهْرُهَا وَ مَهْرُ نِسَائِهَا أَقَلَّ مِنْ خَمْسِمِائَةٍ أُعْطِيَ ذَلِكَ الشَّيْءَ وَ مَنْ فَخَرَ وَ بَدَّخَ بِالْمَهْرِ فَازْدَادَ عَلَى خَمْسِمِائَةٍ ثُمَّ وَجِبَ لَهَا مَهْرُ نِسَائِهَا فِي عِلَّةٍ مِنَ الْعِلَلِ لَمْ يَزِدْ عَلَى مَهْرِ السُّنَّةِ خَمْسِمِائَةٍ دَرَاهِمٍ.

He<sup>-asws</sup> said: ‘The dowry of the believing women is five hundred (Dirhams), and it is the Sunnah dowry, and it can be less than five hundred and cannot be more than that, and the one who sets the dowry for his wife or wives at less than five hundred should give that amount. But if someone boasts and shows pride by increasing the dowry beyond five hundred, and then the dowry of his wives becomes obligatory for some reason, it should not exceed the dowry of the Sunnah, which is five hundred Dirhams’’.<sup>1373</sup>

22- مكا، مكارم الأخلاق من كتاب نوادر الحكمة عن علي ع قَالَ: لَا تُغَالُوا بِمُهورِ النِّسَاءِ فَيَكُونُ عَدَاوَةً.

<sup>1372</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 20

<sup>1373</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 21

(The book) 'Makarim Al Akhlaq' – From the book 'Nawadir Al Hikmah',

'From Ali<sup>-asws</sup> having said: 'Do not exaggerate with dowries of the women, for the enmity will happen''.<sup>1374</sup>

23- وَ عَنْ الصَّادِقِ ع عَنْ آبَائِهِ ع قَالَ قَالَ النَّبِيُّ ص مَا مِنْ امْرَأَةٍ تَصَدَّقَتْ عَلَى زَوْجِهَا بِمَهْرٍ قَبْلَ أَنْ يَدْخُلَ بِهَا إِلَّا كَتَبَ اللَّهُ لَهَا بِكُلِّ دِينَارٍ عِتْقَ رَقَبَةٍ

And from Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> said: 'There is none from a woman who donates her dowry upon her husband before he establishes intimate marital relations with her, except Allah<sup>-azwj</sup> will Write for her, with every Dinar, liberation of a neck!'

قِيلَ يَا رَسُولَ اللَّهِ ص فَكَيْفَ الْهَبَةُ بَعْدَ الدُّخُولِ

It was said, 'O Rasool-Allah<sup>-saww</sup>! How about the gifting after the establishment of intimate marital relations?'

قَالَ إِنَّمَا ذَلِكَ مِنَ الْمَوَدَّةِ وَالْأُلْفَةِ.

He<sup>-asws</sup> said: 'But rather, that is from the cordiality and the intimacy''.<sup>1375</sup>

24 وَ مِنْ كِتَابِ الْمَحَاسِنِ، عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: أَقْدَرُ الذُّنُوبِ ثَلَاثَةٌ قَتْلُ الْبَهِيمَةِ وَ حَبْسُ مَهْرِ الْمَرْأَةِ وَ مَنَعُ الْأَجِيرِ أَجْرَهُ.

And from the book 'Al Mahasin' -

'From Abu Abdullah<sup>-asws</sup> having said: 'Filthiest of the sins are three – killing the animal, and withholding dowry of the wife, and preventing the employee from his wage''.<sup>1376</sup>

25- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد قال: سألت أبا الحسن ع عن رجل تزوج امرأة بنسيئة فقال إن أبا جعفر ع تزوج امرأة بنسيئة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad said,

'I asked Abu Al-Hassan<sup>-asws</sup> about a man who marries a woman with deferred dowry. He<sup>-asws</sup> said: 'Abu Ja'far<sup>-asws</sup> had married a woman with deferred payment'.

ثُمَّ قَالَ لِأبي عَبْدِ اللَّهِ ع يَا بُنَيَّ إِنَّهُ لَيْسَ عِنْدِي مِنْ صَدَاقِهَا شَيْءٌ أُعْطِيهَا إِيَّاهُ أَذْخُلُ عَلَيْهَا فَأَعْطِي كَسَاكَ هَذَا فَأَعْطِيهَا إِيَّاهُ

Then he<sup>-asws</sup> said to Abu Abdullah<sup>-asws</sup>: 'O my<sup>-asws</sup> son<sup>-asws</sup>! There isn't anything in my<sup>-asws</sup> possession from her dowry I can give it to her to establish intimate marital relations with her, so give me<sup>-asws</sup> this cloak of yours<sup>-asws</sup> so I<sup>-asws</sup> can give it to her!'

<sup>1374</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 22

<sup>1375</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 23

<sup>1376</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 24

فَأَعْطَاهَا ثُمَّ دَخَلَ عَلَيْهَا.

He<sup>-asws</sup> gave it, then he entered to have intimate marital relations with her<sup>1377</sup>.

26- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ زُرَّارَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً أَوْ جِلْدَ لَهَا أَنْ يَدْخُلَ بِهَا قَبْلَ أَنْ يُعْطِيَهَا شَيْئًا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Abdullah Bin Bukeyr, from Zurara who said,

'I asked Abu Abdullah<sup>-asws</sup> about a man marrying a woman, 'Is it permissible for him to have intimate marital relations with her before he gives her something?'

قَالَ لَا حَتَّى يُعْطِيَهَا شَيْئًا.

He<sup>-asws</sup> said: 'No, until he does give her something!'<sup>1378</sup>

27- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى قُلْتُ لِأَبِي الْحَسَنِ ع قَوْلُ شُعَيْبٍ إِنِّي أُرِيدُ أَنْ أَنْكِحَكَ إِحْدَى ابْنَتَيَّ هَاتَيْنِ عَلَى أَنْ تَأْجُرَنِي ثَمَانِي حَجَجٍ فَإِنْ أَتَمَمْتَ عَشْرًا فَمِنْ عِنْدِكَ أَيْ الْأَجَلَيْنِ قَضَى مُوسَى قَالَ أَوْفَى مِنْهُمَا أَبْعَدُهُمَا عَشْرَ سِنِينَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya,

'I said to Abu Al-Hassan<sup>-asws</sup>, 'Words of Shueyb: **He said: 'I want to marry one of these two daughters of mine to you on a stipulation that you will hire yourself to me for eight years. So if you complete ten, then it would be from you [28:27]** – i.e. the two terms. Musa<sup>-as</sup> fulfilled. He<sup>-as</sup> said: 'I<sup>-as</sup> shall fulfil the most distant of the two, ten years!'

قُلْتُ فَدَخَلَ بِهَا قَبْلَ أَنْ يَمْضِيَ الشَّرْطُ أَوْ بَعْدَ انْقِضَائِهِ

I said, 'Did he<sup>-as</sup> have intimate marital relations with her before he<sup>-as</sup> accomplished the condition or after its expiry?'

قَالَ قَبْلَ أَنْ يَنْقَضِيَ

He<sup>-asws</sup> said: 'Before expiry'.

قُلْتُ فَالرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ وَ يَشْتَرِطُ لِأَيِّهَا إِجَارَةَ شَهْرَيْنِ أَوْ يَجُوزُ ذَلِكَ

I said, 'The man marries the woman and accepts a condition to her father of working for two month, is that allowed?'

<sup>1377</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 25

<sup>1378</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 26



فَقَالَ إِنَّ مُوسَى قَدْ عَلِمَ أَنَّهُ سَيُتِمُّ الشَّرْطَ هَذَا بِأَنْ يَعْلَمَ أَنَّهُ سَيَبْقَى حَتَّى يَفِيَّ وَ قَدْ كَانَ الرَّجُلُ عِنْدَ رَسُولِ اللَّهِ ص يَتَزَوَّجُ الْمَرْأَةَ عَلَى السُّورَةِ مِنَ الْقُرْآنِ وَ عَلَى الدَّرْهِمِ وَ عَلَى الْقُبْضَةِ مِنَ الْحِنْطَةِ

He<sup>-asws</sup> said: 'Musa<sup>-as</sup> had known that he<sup>-as</sup> will be completing the condition. How can it be for this one to know that he will be remaining alive until he fulfils? And the man would marry the woman in the presence of Rasool-Allah<sup>-saww</sup> upon (reading of) a chapter of the Quran, and upon the Dirhams, and upon the handful of wheat!'

فَقُلْتُ لَهُ الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ عَلَى الصَّدَاقِ الْمَعْلُومِ يَدْخُلُ بِهَا قَبْلَ أَنْ يُعْطِيَهَا شَيْئاً

I said to him<sup>-asws</sup>, 'The man marries the woman upon the known dowry, can he have intimate marital relations with her before he gives her anything?'

قَالَ يُعْطِيهِمْ إِلَيْهَا مَا قَلَّ أَوْ كَثُرَ إِلَّا أَنْ يَكُونَ لَهُ وَفَاءٌ مِنْ عَرَضٍ إِنْ حَدَثَ بِهِ حَدَثٌ أُذِيَ عَنْهُ فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'He should forward to her whatever it may be, little or more, except if there happens to be a loyalty of honour that in an event of death were to occur, it would be paid on his behalf, there is no problem'.<sup>1379</sup>

28- نَوَادِرُ الرَّاَوْنِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَا مِنْ امْرَأَةٍ تَصَدَّقَتْ عَلَى زَوْجِهَا قَبْلَ أَنْ يَدْخُلَ بِهَا إِلَّا كَتَبَ اللَّهُ تَعَالَى لَهَا مَكَانَ كُلِّ دِينَارٍ عُنُقَ رَقَبَةٍ

(The book) 'Nawadir' of Al Rawandi – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There is none from a woman donating her dowry upon her husband before he establishes intimate marital relations with her, except Allah<sup>-azwj</sup> the Exalted Writes for her, in place of each Dinar, liberation of a neck!'

قِيلَ يَا رَسُولَ اللَّهِ فَكَيْفَ بِالْهَبَةِ بَعْدَ الدُّخُولِ

It was said, 'O Rasool-Allah<sup>-saww</sup>! How can the gifting be after the intimate marital relations?'

فَقَالَ رَسُولُ اللَّهِ ص إِنَّمَا ذَلِكَ مِنْ مَوَدَّةٍ أَلْفَةٍ.

Rasool-Allah<sup>-saww</sup> said: 'But rather, that is from cordiality, the intimacy'.<sup>1380</sup>

وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَعَالَى غَافِرٌ كُلِّ ذَنْبٍ إِلَّا رَجُلًا اغْتَصَبَ أُجِيرًا أَجْرَهُ أَوْ مَهْرَ امْرَأَةٍ.

And by this chain,

<sup>1379</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 27

<sup>1380</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 28 a

'He<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> the Exalted is a Forgiver of every sin except a man who usurps wages of his employee, or dowry of a wife".<sup>1381</sup>

29- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع فِي قَوْلِهِ تَعَالَى وَ آتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً أَعْطَوْهُنَّ الصَّدَاقَ الَّذِي اسْتَحْلَلْتُمْ بِهِ فُرُوجَهُنَّ فَمَنْ ظَلَمَ الْمَرْأَةَ صَدَاقَهَا الَّذِي اسْتَحْلَلَ بِهِ فُرُوجَهَا فَقَدْ اسْتَبَاحَ فُرُوجَهَا زِنًا.

And by this chain,

'He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said regarding Words of the Exalted: **And give women their dowries as a gift [4:4]:** 'Give them the dowry which you have legalised their private parts with. The one who oppresses the wife of her dowry by which he had legalised her private parts, has violated her private part by adultery!"<sup>1382</sup>

30- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع إِذَا أَرْخَى السِّتْرَ فَقَدْ وَجَبَ الْمَهْرُ كُلُّهُ جَامِعٌ أَوْ لَمْ يُجَامِعْ.

And by this chain,

'He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said: 'When the curtain is drawn, the dowry is obligated, all of it, whether he has intimate marital relations or not".<sup>1383</sup>

31- وَ هَذَا الْإِسْنَادِ قَالَ: قَالَ عَلِيٌّ فِي الْمَكْرَهَةِ لَا حَدَّ عَلَيْهَا وَ لَهَا مَهْرٌ مِثْلُهَا.

And by the chain,

He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said regarding the coerced (raped) woman: 'There is no legal penalty upon her, and for her is a dowry a woman similar to her".<sup>1384</sup>

32- مَجَالِسُ الشَّيْخِ، عَنِ الْحُسَيْنِ بْنِ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ وَهْبَانَ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ زَكْرِيَّا عَنْ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَالٍ عَنْ عَلِيٍّ بْنِ عَقْبَةَ عَنِ الْحُسَيْنِ بْنِ مُوسَى الْخَبَّاطِ عَنْ أَبِيهِ أَنَّهُ قَالَ ذَكَرَ عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ ذَكَرَ عَنْهُ رَجُلٌ فَقَالَ إِنَّ الرَّجُلَ إِذَا أَصَابَ مَالًا مِنْ حَرَامٍ لَمْ يُقْبَلْ مِنْهُ حَجٌّ وَ لَا عُمْرَةٌ وَ لَا صَلَةٌ رَجِمَ حَتَّى أَنَّهُ يَفْسُدُ فِيهِ الْقَرْجُ.

(The book) 'Majalis' of the sheykh – from Al-Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Muhammad Bin Ahmad Bin Zakariya, from Al-Hassan Bin Ali Bin Fazzal, from Ali Bin Uqbah, from Al-Husayn Bin Musa Al Khayyat, from his father, he said mentioning,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'A man was mentioned in his<sup>-asws</sup> presence. He<sup>-asws</sup> said: 'When the man attains wealth from prohibited means, neither a Hajj is accepted from him, nor an Umrah, nor maintaining the kinship, to the extent that his marital relations will be corrupted".<sup>1385</sup>

<sup>1381</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 28 b

<sup>1382</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 29

<sup>1383</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 30

<sup>1384</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 31

<sup>1385</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 32

33- **الْهِدَايَةُ**، وَ مَهْرُ السُّنَّةِ خَمْسِمِائَةَ دِرْهَمٍ فَمَنْ زَادَ عَلَى السُّنَّةِ رُدَّ إِلَى السُّنَّةِ فَإِنْ أَعْطَاهَا مِنَ الْخُمُسِ مِائَةً دِرْهَمٍ وَاحِدًا أَوْ أَكْثَرَ مِنْ ذَلِكَ ثُمَّ دَخَلَ بِهَا فَلَا شَيْءَ لَهَا بَعْدَ ذَلِكَ إِلَّا مَا أَخَذَتْ مِنْهُ قَبْلَ أَنْ يَدْخُلَ.

(The book) 'Al Hidayah' -

'And the Sunnah dowry is five hundred Dirhams. The one who exceeds upon the Sunnah will be returned to the Sunnah. If he gives her even one Dirham out of the five hundred, or more than that, and then consummates the marriage, she has no further claim after that. She is only entitled to what she has already taken from it before consummation".<sup>1386</sup>

34- **الْمَجَازَاتُ النَّبَوِيَّةُ**، لِلسَّيِّدِ الرَّضِيِّ قَالَ ص لَا تُعَالُوا بِمُهورِ النِّسَاءِ فَإِنَّمَا هِيَ سُقْيَا اللَّهِ سُبْحَانَهُ.

(The book) 'Al Majazaat Al Nabawiya' of the seyyid Al Razy -

'He<sup>-saww</sup> said: 'Do not exaggerate with dowries of the women, for rather it is a provision of Allah<sup>-azwj</sup> the Glorious".<sup>1387</sup>

35 **الدُّرُّ الْمَنْثُورُ**، لِلسُّبُوطِيِّ عَنِ ابْنِ عَسَاكِرَ بِإِسْنَادِهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ جَدِّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ لَمَّا خَلَقَ الدُّنْيَا لَمْ يَخْلُقْ فِيهَا ذَهَبًا وَ لَا فِضَّةً فَلَمَّا أَنْ أَهْبَطَ آدَمَ وَ حَوَاءَ أَنْزَلَ مَعَهُمَا ذَهَبًا وَ فِضَّةً فَسَلَكَهُمَا بَنَائِعَ فِي الْأَرْضِ مَنَفَعَةً لِأَوْلَادِهِمَا مِنْ بَعْدِهِمَا وَ جَعَلَ ذَلِكَ صَدَاقَ آدَمَ لِحَوَاءَ فَلَا يَنْبَغِي لِأَحَدٍ أَنْ يَتَزَوَّجَ إِلَّا بِصَدَاقٍ.

(The book) 'Al Durr Al Mansour' (non-Shia source) of Al Suyuti – From Ibn Asakir, by his chain,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from his<sup>-asws</sup> grandfather<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'When Allah<sup>-azwj</sup> Created the world, He<sup>-azwj</sup> neither Created any gold in it nor silver. When Adam<sup>-as</sup> and Hawwa<sup>-as</sup> came down, gold and silver descended with them<sup>-as</sup>. He<sup>-azwj</sup> Made these as springs in the earth as a benefit for their<sup>-as</sup> children from after them<sup>-as</sup>, and Made that as dowry of Adam<sup>-as</sup> for Hawwa<sup>-as</sup>. Therefore, it is not appropriate for anyone to get married except with a dowry".<sup>1388</sup>

36- ب، قرب الإسناد ابْنُ طَرِيفٍ عَنِ ابْنِ غُلَوَانَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع عَنْ عَلِيِّ ع فِي الْمَرْأَةِ يَتَزَوَّجُهَا الرَّجُلُ ثُمَّ يَمُوتُ وَ لَمْ يَفْرِضْ لَهَا صَدَاقًا قَالَ حَسْبُهَا الْمِيرَاثُ.

(The book) 'Qurb Al Isnad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>, from Ali<sup>-asws</sup> regarding the woman whom the man marries, then he dies and did not necessitate the dowry for her. He<sup>-asws</sup> said: 'The inheritance suffices her".<sup>1389</sup>

37- ب، قرب الإسناد بِهَذَا الْإِسْنَادِ قَالَ: كَانَ يَقْضِي عَلِيُّ ع فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ وَ لَا يَفْرِضُ لَهَا صَدَاقًا ثُمَّ يَمُوتُ قَبْلَ أَنْ يَدْخُلَ بِهَا أَنَّ لَهَا الْمِيرَاثَ وَ لَا صَدَاقَ لَهَا.

<sup>1386</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 33

<sup>1387</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 34

<sup>1388</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 35

<sup>1389</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 36

(The book) 'Qurb Al Isnad' – By this chain,

'He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> had judged regarding the man who married the woman and did not necessitate a dowry for her, then he died before he had established intimate marital relations with her, that for her is the inheritance and there is no dowry for her".<sup>1390</sup>

38 ب، قرب الإسناد بهذا الإسناد قال قال علي ع لكل مطلقه مئة إلا المختلعة.

(The book) 'Qurb Al Isnad' – By this chain,

'He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said: 'For every divorced woman is Mut'ah except the one divorced by mutual consent (Khula)".<sup>1391</sup>

39 ب، قرب الإسناد ابن الوليد عن ابن بكير قال: سألت أبا عبد الله ع عن قول الله عز وجل و ما قدر الموسع قدره و ما قدر المقتر قدره

(The book) 'Qurb Al Isnad' – Ibn Al Waleed, from Ibn Bukeyr who said,

'I asked Abu Abdullah<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> Mighty and Majestic: **and their provision upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him [2:236]**, 'What is a measurement of the affluent and the financially straitened?'

قال كان علي بن الحسين ع يمتع بالراحلة.

He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> has done Mut'ah with the (dowry) of the riding animal".<sup>1392</sup>

40 ع، علل الشرائع ابن الوليد عن الصفار عن ابن عيسى عن ابن محبوب عن هشام بن سالم عن الحسين بن زرار عن أبيه قال: سألت أبا جعفر ع عن رجل تزوج امرأة على حكمها قال فقال لا يتجاوز حكمها مهر آل محمد ع اثنتا عشرة أوقية و نش و هو وزن خمسمائة درهم من الفضة

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ibn Mahboub, from Hisham Bin Salim, from Al-Husayn Bin Zurara, from his father who said,

'I asked Abu Ja'far<sup>-asws</sup> about a man who marries a woman upon her decision. He<sup>-asws</sup> said: 'Her decision cannot exceed dowries of Progeny<sup>-asws</sup> of Muhammad<sup>-saww</sup> of twelve Owqiyas and a Nash, and it is the weight of five hundred Dirhams of silver'.

قلت أ رأيت إن تزوجها على حكمه و رضيت بذلك

I said, 'What is your<sup>-asws</sup> view if he marries her upon his decision and she agrees with that?'

<sup>1390</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 37

<sup>1391</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 38

<sup>1392</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 39

فَقَالَ مَا حَكَمَ بِشَيْءٍ فَهُوَ جَائِزٌ عَلَيْهَا قَلِيلًا كَانَ أَوْ كَثِيرًا

He<sup>-asws</sup> said: 'Whatever he decides with something, it is allowed upon her, whether it is little or more'.

قَالَ قُلْتُ لَهُ كَيْفَ لَمْ يُجِزْ حُكْمَهَا عَلَيْهِ وَ أَجْزَتْ حُكْمَهُ عَلَيْهَا

He (the narrator) said, 'I said to him<sup>-asws</sup>, 'Why did you<sup>-asws</sup> not allow her decision upon him and allow his decision upon her?'

قَالَ فَقَالَ لِأَنَّهُ حَكَمَهَا فَلَمْ يَكُنْ لَهَا أَنْ تَجُوزَ مَا سَنَّ رَسُولُ اللَّهِ ص وَ تَزَوَّجَ عَلَيْهِ نِسَاءَهُ فَرَدَّذُهَا إِلَى السُّنَّةِ وَ أَجْزَتْ حُكْمَ الرَّجُلِ لِأَنَّهَا هِيَ حَكَمَتْ وَ جَعَلَتْ الْأَمْرَ فِي الْمَهْرِ إِلَيْهِ وَ رَضِيَتْ بِحُكْمِهِ فِي ذَلِكَ فَعَلَيْهَا أَنْ تَقْبَلَ حُكْمَهُ فِي ذَلِكَ قَلِيلًا كَانَ أَوْ كَثِيرًا.

He (the narrator) said, 'He<sup>-asws</sup> said: 'Because he sought her decision, so it was not for her to exceed what Rasool-Allah<sup>-saww</sup> had practised and married his<sup>-saww</sup> wives upon, so I<sup>-asws</sup> returned her to the Sunnah, and I<sup>-asws</sup> allowed decision of the man because she had decided and made the matter regarding the dowry to him, and she agreed with his decision in that. It is up to her to accept his decision in that, whether it was a little or more".<sup>1393</sup>

41- ب، قرب الإسناد أحمد بن محمد بن محمد بن الحسين معاً عن ابن محبوب عن ابن رباب قال: سئل أبو الحسن موسى ع و أنا حاضراً عن رجل تزوج امرأة على مائة دينار و على أن يخرج معه إلى بلاده فإن لم يخرج معه إلى بلاده

(The book) 'Qurb Al Isnaad' – Ahmad Bin Muhammad, and Muhammad Bin Al-Husayn, both together from Ibn Mahboub, from Ibn Riab who said,

'Abu Al-Hassan Musa<sup>-asws</sup> was asked while I was present, about a man who marries a woman upon one hundred Dinars and upon that she would go with him to his city. If she does not come out with him to his city, her dowry would be fifty Dinars. 'What is your<sup>-asws</sup> view if she does not go out with him to his city?'

قَالَ فَقَالَ إِنْ أَرَادَ أَنْ يَخْرُجَ بِهَا إِلَى بِلَادِ الشِّرْكِ فَلَا شَرْطَ لَهُ عَلَيْهَا فِي ذَلِكَ وَ لَهَا مِائَةُ دِينَارٍ الَّتِي أَصَدَّقَهَا بِهَا

He (the narrator) said, 'He<sup>-asws</sup> said: 'If he wanted to go out with her to a city of Polytheism, there is no condition for him upon her regarding that, and for her would be one hundred Dinars which he had dowered to her'.

قَالَ وَ إِنْ أَرَادَ أَنْ يَخْرُجَ بِهَا إِلَى بِلَادِ الْمُسْلِمِينَ وَ دَارِ الْإِسْلَامِ فَلَهُ مَا شَرَطَ عَلَيْهَا وَ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ وَ لَيْسَ لَهُ أَنْ يَخْرُجَ بِهَا إِلَى بِلَادِهِ حَتَّى يُؤَدِّيَ إِلَيْهَا صَدَاقَهَا أَوْ تَرْضَى مِنْهُ ذَلِكَ فَمَا رَضِيَتْهُ جَائِزٌ لَهُ.

He said, 'And if he wants to go out with her to a city of Muslims and the house of Islam, for him is what he had stipulated upon her, and the Muslims are with their condition, and it is

isn't for him that he goes out with her to his city until he pays her dowry to her, or she is satisfied with that from him. Whatever she is satisfied with is allowed for him".<sup>1394</sup>

42- ب، قرب الإسناد البزنطي قال: كُتِبَتْ إِلَى أَبِي الْحَسَنِ عَ أَسْأَلُهُ عَنْ خَصِيٍّ تَزَوَّجَ امْرَأَةً ثُمَّ طَلَّقَهَا بَعْدَ مَا دَخَلَ بِهَا وَ هِيَ مُسْلِمَانِ فَهَلْ لِلرَّوْجِ أَنْ يَرْجِعَ عَلَيْهَا بِشَيْءٍ مِنَ الْمَهْرِ وَ هَلْ عَلَيْهَا عِدَّةٌ رَأَيْكَ فَذَلِكَ نَفْسِي

(The book) 'Qurb Al Isnaad' – Al Bazanty who said,

'I wrote to Abu Al-Hassan<sup>-asws</sup> asking him<sup>-asws</sup> about a eunuch marrying a woman, then he divorces after having had intimate marital relations with her, and they are both Muslims. Is it for the husband that he retracts against her something from the dowry, and is there a waiting period for her? What is your<sup>-asws</sup> view? May my soul be sacrificed for you<sup>-asws</sup>!'

فَكُتِبَ هَذَا لَا يَصْلُحُ

He<sup>-asws</sup> wrote: 'This is not correct'.<sup>1395</sup>

43- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ وَ عَبْدِ اللَّهِ ابْنَيْ مُحَمَّدٍ بْنِ عِيسَى عَنْ ابْنِ مَجْبُوبٍ عَنْ جَمِيلٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ الْبُكَرَ أَوْ التَّيَّبَ فَيُرْخِي عَلَيْهِ وَ عَلَيْهَا السِّتْرُ أَوْ غَلَقَ عَلَيْهِ وَ عَلَيْهَا الْبَابُ ثُمَّ يُطَلِّقُهَا فَتَقُولُ لَمْ يَمَسَّنِي وَ يَقُولُ هُوَ لَمْ أَمَسَّهَا

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ahmad and Abdullah two sons of Muhammad Bin Isa, from Ibn Mahboub, from Jameel, from Abu Umeidi,

'From Abu Abdullah<sup>-asws</sup> regarding the man who marries the virgin woman or the previously married, so the curtain is drawn upon him and her, or the door is locked upon him and her. Then he divorces her so she says, 'He did not touch me', and he says he did not touch her'.

قَالَ لَا يُصَدِّقَانِ لِأَمَّا تَذْفَعُ عَنْ نَفْسِهَا الْعِدَّةَ وَ الرَّجُلُ يَذْفَعُ عَنْ نَفْسِهِ الْمَهْرَ.

He<sup>-asws</sup> said: 'They will not be ratified because she is repelling the waiting period away from her, and the man is repelling the dowry from himself'.<sup>1396</sup>

44- ج، الإحتجاج كُتِبَ الْحِمَيْرِيُّ إِلَى الْقَائِمِ ع أَنَّهُ قَدْ اخْتَلَفَ أَصْحَابُنَا فِي مَهْرِ الْمَرْأَةِ فَقَالَ بَعْضُهُمْ إِذَا دَخَلَ بِهَا سَقَطَ الْمَهْرُ وَ لَا شَيْءَ لَهَا وَ قَالَ بَعْضُهُمْ هُوَ لَا زِمَ فِي الدُّنْيَا وَ الْآخِرَةِ فَكَيْفَ ذَلِكَ وَ مَا الَّذِي يَجِبُ فِيهِ

(The book) 'Al Ihtijaj' -

'Al-Himeyri wrote to Al-Qaim<sup>-ajf</sup>, 'Our companions are differing regarding dowry of the woman. Some of them are saying, 'When he has intimate marital relations with her the dowry is dropped and there is nothing for her', and some of them are saying, 'It is necessary in the world and the Hereafter'. How can that be, and what is that which is obligated in it?'

<sup>1394</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 41

<sup>1395</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 42

<sup>1396</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 43

فَأَجَابَ إِنْ كَانَ عَلَيْهِ كِتَابٌ فِيهِ دَيْنٌ فَهُوَ لَازِمٌ لَهُ فِي الدُّنْيَا وَالْآخِرَةِ وَإِنْ كَانَ عَلَيْهِ كِتَابٌ فِيهِ ذِكْرُ الصَّدَقَاتِ سَقَطَ إِذَا دَخَلَ بِهَا وَإِنْ لَمْ يَكُنْ عَلَيْهِ كِتَابٌ فَإِذَا دَخَلَ بِهَا سَقَطَ بَاقِي الصَّدَاقِ.

He<sup>ajfi</sup> answered: 'If there is a written document against him stating a debt, it is binding upon him in this world and the Hereafter. But if there is a written document mentioning the dowry, it is nullified once he consummates the marriage. And if there is no written document, then once he consummates the marriage, the remainder of the dowry is nullified'.<sup>1397</sup>

45- ضا، فقه الرضا عليه السلام كُلُّ مَنْ طَلَّقَ امْرَأَتَهُ مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا فَلَا عِدَّةَ عَلَيْهَا مِنْهُ فَإِنْ كَانَ سَمَّى لَهَا صَدَاقاً فَلَهَا نِصْفُ الصَّدَاقِ وَإِنْ لَمْ يَكُنْ سَمَّى لَهَا صَدَاقاً يُمَتِّعُهَا بِشَيْءٍ قَلٍ أَوْ كَثْرٍ عَلَى قَدْرِ بَسَارِهِ

(The book) 'Fiqh Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> – 'Everyone who divorces his wife from before consummating the marriage with her, there is no waiting period upon her, from him. If he had specified the dowry for her would be half the dowry, and if he had not specified a dowry for her, he should give her something, little or more, in accordance to his financial ability.

فَالْمُوسِعُ يُتِمُّ بِخَادِمٍ أَوْ دَابَّةٍ أَوْ الْوَسْطُ بِثَوْبٍ أَوْ الْفَقِيرُ بِدِرْهَمٍ أَوْ خَاتَمٍ كَمَا قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى وَتَتَعَوَّضُ عَلَى الْمُوسِعِ قَدْرُهُ وَعَلَى الْمُفْتِرِ قَدْرُهُ مَتَاعاً بِالْمَعْرُوفِ.

The affluent can give a servant, or a riding animal, and the medium one with a garment, and the poor with a Dirham or a ring, just as Allah<sup>azwj</sup> has Said: **and their provision upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him, a provision with the reasonableness [2:236]**'.<sup>1398</sup>

46- سر، السرائر البزنطية عَنْ عَبْدِ اللَّهِ بْنِ عَجَلَانَ قَالَ: سَأَلْتُهُ عَمَّا يُوجِبُ الْغُسْلَ عَلَى الرَّجُلِ وَالْمَرْأَةِ قَالَ إِذَا أَوْجَبَهُ وَجِبَ الْغُسْلُ وَالْمَهْرُ وَالرَّجْمُ.

(The book) 'Al Saraair' – Al Bazanty, from Abdullah Bin Ajlan who said,

'I asked him<sup>asws</sup> about what obligates the washing upon the man and the woman. He<sup>asws</sup> said: 'When there is consummation, the washing, and the dowry and the stoning is obligated''.<sup>1399</sup>

47- شي، تفسير العياشي عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَوْ أَبِي الْحَسَنِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَإِنْ طَبِنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْساً فَكُلُوهُ هَنِيئاً مَرِيئاً قَالَ يَغْنِي بِذَلِكَ أَمْوَالُكُمُ الَّتِي فِي أَيْدِيهِمْ مِمَّا مَلَكَكُمْ.

Tafseer Al Ayyashi – From Sama'at Bin Mihran,

'From Abu Abdullah<sup>asws</sup>, or Abu Al-Hassan<sup>asws</sup>, he (the narrator) said, 'I asked him<sup>asws</sup> about Words of Allah<sup>azwj</sup> Mighty and Majestic: **And give women their dowries as a gift, but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4]**. He<sup>asws</sup> said: 'Meaning of that is their wealth, which is in their hands from what they own''.<sup>1400</sup>

<sup>1397</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 44

<sup>1398</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 45

<sup>1399</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 46

<sup>1400</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 47

48- شي، تفسير العياشي عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع جُعِلْتُ فِدَاكَ امْرَأَةً دَفَعَتْ إِلَى زَوْجِهَا مَالًا لِيَعْمَلَ بِهِ وَ قَالَتْ لَهُ حِينَ دَفَعَتْهُ إِلَيْهِ أَنْفَقَ مِنْهُ فَإِنْ حَدَثَ بِي حَدَثٌ فَمَا أَنْفَقْتُ مِنْهُ فَلَكَ حَلَالٌ طَيِّبٌ وَ إِنْ حَدَثَ بِكَ حَدَثٌ فَمَا أَنْفَقْتُ مِنْهُ فَلَكَ حَلَالٌ طَيِّبٌ

(The book) 'Tafseer Al Ayyashi' – From Saeed Bin Yasaar who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! A woman hands over money to her husband for him to work with and says to him when she hands it to him, 'Spend from it. If an event of death occurs with me, whatever you have spent from it, it is permissible for you, good, and if an event of death occurs with you, whatever you spend from it, for you it is permissible, good'.

قَالَ أَعِدْ يَا سَعِيدُ الْمَسْأَلَةَ

He<sup>-asws</sup> said: 'Repeat the question, O Saeed!'

فَلَمَّا دَهَبْتُ أَعْرَضَ عَلَيْهِ الْمَسْأَلَةَ عَرَضَ فِيهَا صَاحِبُهَا وَ كَانَ مَعِيَ فَأَعَادَ عَلَيْهِ مِثْلَ ذَلِكَ فَلَمَّا فَرَغَ أَشَارَ بِإِصْبَعِهِ إِلَى صَاحِبِ الْمَسْأَلَةِ فَقَالَ يَا هَذَا إِنْ كُنْتُ تَعْلَمُ أَنَّهَا قَدْ أَقْضَتْ بِذَلِكَ إِلَيْكَ فِيمَا بَيْنَكَ وَ بَيْنَهَا وَ بَيْنَ اللَّهِ فَحَلَالٌ طَيِّبٌ ثَلَاثَ مَرَّاتٍ

When I was about to present the question to him, the man concerned, and he was with me, spoke up and presented it himself. He<sup>-asws</sup> gave him the same answer as before. When he finished, he<sup>-asws</sup> pointed with his<sup>-asws</sup> finger to the man and said: 'O you! If you know that she has fully yielded herself to you in this matter, between you, her, and Allah<sup>-azwj</sup>, then it is lawful, good' – three times.

ثُمَّ قَالَ يَقُولُ اللَّهُ عَزَّ وَ جَلَّ فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا.

Then he<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> Mighty and Majestic Said: **And give women their dowries as a gift, but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4]**'.<sup>1401</sup>

49- شي، تفسير العياشي عَنْ خُفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ مُتَّعَهَا

(The book) 'Tafseer Al Ayyashi' – From Hafs Al Bakhtari -

'From Abu Abdullah<sup>-asws</sup> regarding the man who divorces his wife, should he provide for her?'

فَقَالَ نَعَمْ أَمَا تُحِبُّ أَنْ تَكُونَ مِنَ الْمُحْسِنِينَ أَمَا تُحِبُّ أَنْ تَكُونَ مِنَ الْمُتَّقِي.

He<sup>-asws</sup> said: 'Yes. Wouldn't you like to be from the good doers? Wouldn't you like to be from the pious?'<sup>1402</sup>

<sup>1401</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 48

<sup>1402</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 49



50 شي، تفسير العياشي عَنْ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا فَلَهَا نِصْفُ مَهْرِهَا وَإِنْ لَمْ يَكُنْ سَمِيَ لَهَا مَهْرًا فَمَتَاعٌ بِالْمَعْرُوفِ عَلَى الْمَوْسِعِ قَدْرُهُ وَعَلَى الْمُقْتَرِ قَدْرُهُ وَلَيْسَ لَهَا عِدَّةٌ وَتَنْزَوِجُ مَنْ شَاءَتْ فِي سَاعَتِهَا.

(The book) 'Tafseer Al Ayyashi' – From Abu Al Sabbah,

'From Abu Abdullah<sup>-asws</sup> having said: 'When the man divorces his wife before he has consummated the marriage with her, for her is half the dowry, and if he had not specified dowry to her, he should provide with the moderation: **upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him [2:236]**, and there isn't a waiting period for her, and she can marry the one she desires to in her very moment'.<sup>1403</sup>

51 شي، تفسير العياشي عَنْ الْحُلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمَوْسِعُ يُمْتَعُ بِالْعَبْدِ وَالْأَمَةِ وَبِثَمَنِ الْمَعْسِرِ بِالْحِنْطَةِ وَالزَّيْبِ وَالنُّوبِ وَالذَّرَاهِمِ

(The book) 'Tafseer Al Ayyashi' – From Al Halby,

'From Abu Abdullah<sup>-asws</sup> having said: 'They should provide a slave, and the maid, and the poor should provide the wheat, and the raisins, and the garment, and the Dirhams'.

وَقَالَ إِنَّ الْحُسَيْنَ بْنَ عَلِيٍّ مَتَّعَ امْرَأَةً طَلَّقَهَا أُمَةً لَمْ يَكُنْ يُطَلِّقُ امْرَأَةً إِلَّا مَتَّعَهَا بِشَيْءٍ.

And he<sup>-asws</sup> said: 'Al-Husayn<sup>-asws</sup> Bin Ali<sup>-asws</sup> had provided a maid to a woman he<sup>-asws</sup> had divorced. He<sup>-asws</sup> had not divorced a woman except he<sup>-asws</sup> had provided with something'.<sup>1404</sup>

52 عَنْ ابْنِ بُكَيْرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِهِ وَ مَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدْرُهُ وَعَلَى الْمُقْتَرِ قَدْرُهُ مَا قَدَرُ الْمَوْسِعِ وَالْمُقْتَرِ

From Ibn Bukeyr who said,

'I asked Abu Abdullah<sup>-asws</sup> about His<sup>-azwj</sup> Words: **upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him [2:236]**. What is a measurement for the affluent and the straitened?'

قَالَ كَانَ عَلِيُّ بْنُ الْحُسَيْنِ ع يُمْتَعُ بِرَاحِلَةٍ يَغْنِي حِمْلَهَا الَّذِي عَلَيْهَا.

He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> had provided a riding animal, meaning its load which was upon it'.<sup>1405</sup>

53 شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يُرِيدُ أَنْ يُطَلِّقَ امْرَأَتَهُ قَالَ يُمْتَعُهَا قَبْلَ أَنْ يُطَلِّقَهَا قَالَ اللَّهُ فِي كِتَابِهِ وَ مَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدْرُهُ وَعَلَى الْمُقْتَرِ قَدْرُهُ.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim who said,

<sup>1403</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 50

<sup>1404</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 51

<sup>1405</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 52

'I asked him<sup>-asws</sup> about the man who intends to divorce his wife. He<sup>-asws</sup> said: 'He should provide her before he divorces her. Allah<sup>-azwj</sup> Says in His<sup>-azwj</sup> Book: ***upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him [2:236]***'.<sup>1406</sup>

54 شي، تفسير العياشي عَنْ أُسَامَةَ بْنِ حَفْصٍ عَنْ مُوسَى بْنِ جَعْفَرٍ ع قَالَ: قُلْتُ لَهُ سَلُهُ عَنْ رَجُلٍ تَزَوَّجَ الْمَرْأَةَ وَ لَمْ يُسَمِّ لَهَا مَهْرًا قَالَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ وَ لَا مَهْرَ لَهَا

(The book) 'Tafseer Al Ayyashi' – from Usama Bin Hafs,

'Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, he (the narrator) said, 'I said to him<sup>-asws</sup>, asking him<sup>-asws</sup> about a man marrying the woman and did not name (specify) dowry her. He<sup>-asws</sup> said: 'For her is the inheritance and upon her is (to observe) the waiting period, and there is no dowry for her'.

وَ قَالَ أَمَا تَقْرَأُ مَا قَالَ اللَّهُ فِي كِتَابِهِ عَزَّ وَ جَلَّ إِنَّ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ وَ قَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَنِصْفُ مَا فَرَضْتُمْ.

And he<sup>-asws</sup> said: 'Have you not hear what Allah<sup>-azwj</sup> Mighty and Majestic Says in His<sup>-azwj</sup> Book: ***And if you divorce them before having touched them and you have necessitated for them the necessity (dowry), so it would be half of whatever you necessitated [2:237]***'.<sup>1407</sup>

55 شي، تفسير العياشي عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ: قُلْتُ لَهُ رَجُلٌ تَزَوَّجَ امْرَأَةً وَ سَمَّى لَهَا صَدَاقًا ثُمَّ مَاتَ عَنْهَا وَ لَمْ يَدْخُلْ بِهَا

(The book) 'Tafseer Al Ayyashi' – From Mansour Bin Hazim who said,

'I said to him<sup>-asws</sup>, 'A man marries a woman and specifies dowry to her, then he dies from her and had not consummated the marriage with her'.

قَالَ لَهَا الْمَهْرُ كَمَلًا وَ لَهَا الْمِيرَاثُ

He<sup>-asws</sup> said: 'For her is the whole dowry, and for her is the inheritance'.

قُلْتُ فَإِنَّهُمْ رَوَوْا عَنْكَ أَنَّ لَهَا نِصْفَ الْمَهْرِ

I said, 'But they are reporting from you<sup>-asws</sup> that for her is half the dowry!'

قَالَ لَا يَحْفَظُونَ عَنِّي إِلَّا مَا ذَاكَ الْمُطْلَقَةُ.

He<sup>-asws</sup> said: 'They are not memorising from me<sup>-asws</sup>. But rather that is the divorced woman'.<sup>1408</sup>

56 شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الَّذِي يَبْدِيهِ عُقْدَةُ النِّكَاحِ هُوَ وَلِيُّ أَمْرِهِ.

<sup>1406</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 53

<sup>1407</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 54

<sup>1408</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 55

(The book) 'Tafseer Al Ayyashi' – from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: 'The one in whose hand is the marriage tie, he is the guardian of his matter''<sup>1409</sup>.

57 شي، تفسير العياشي عن زُرَّارَةَ وَ هُمْرَانَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ إِلَّا أَنْ يَغْفُونَ أَوْ يَغْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ هُوَ الْوَلِيُّ وَ الَّذِينَ يَغْفُونَ عَنْهُ الصَّدَاقُ أَوْ يَحْطُونَ عَنْهُ بَعْضَهُ أَوْ كُلَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Zurara and Humran and Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup> and Abu Abdullah<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **or he excuses, the one in whose hand is the tie of marriage [2:237]**. He<sup>-asws</sup> said: 'He is the guardian and those who can excuse the dowry from him, or drop part of it or all of it'.<sup>1410</sup>

58 شي، تفسير العياشي عن أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِ اللَّهِ تَعَالَى أَوْ يَغْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ هُوَ الْأَبُ وَ الْأَخُ يُوصِي إِلَيْهِ وَ الَّذِي يَجُوزُ أَمْرُهُ فِي مَالِ الْمَرْأَةِ فَيَبْتَاعُ لَهَا وَ يَشْتَرِي فَأَيُّ هَؤُلَاءِ عَفَا فَقَدْ جَازَ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Ja'far<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> the Exalted: **or he excuses, the one in whose hand is the tie of marriage [2:237]**. He<sup>-asws</sup> said: 'He is the father, and the brother bequeathed to, and the one whose instruction is allowed in the wealth of the woman, so he can sell for her and buy. So whichever of them excuses, it is allowed'.<sup>1411</sup>

59 شي، تفسير العياشي عن رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ وَ هُوَ الْوَلِيُّ الَّذِي أَنْكَحَ يَأْخُذُ بَعْضاً وَ يَدَعُ بَعْضاً وَ لَيْسَ لَهُ أَنْ يَدَعَ كُلَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Rifa'at,

'From Abu Abdullah<sup>-asws</sup> having said: 'The one in whose hand is the marriage tie, and he is the guardian who got them married. He can take part and leave part, and it isn't for him to leave all of it''<sup>1412</sup>.

60 شي، تفسير العياشي عن أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ تَعَالَى أَوْ يَغْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ هُوَ الْأَبُ وَ الْأَخُ وَ الرَّجُلُ يُوصِي إِلَيْهِ وَ الَّذِي يَجُوزُ أَمْرُهُ فِي مَالِ بَقِيَمَتِهِ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer who said,

'From Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> the Exalted: **or he excuses, the one in whose hand is the tie of marriage [2:237]**. He<sup>-asws</sup> said: 'He is the father, and the brother, and the man bequeathed to, and the one whose instruction is allowed in wealth with its value'.

<sup>1409</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 56

<sup>1410</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 57

<sup>1411</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 58

<sup>1412</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 59

فُلْتُ أَرَأَيْتَ إِنْ قَالَتْ لَا أُجِيزُ مَا يَصْنَعُ

I said, 'What is your<sup>-asws</sup> view if she says, 'I did not allow what he has done!''?

قَالَ لَيْسَ ذَلِكَ أَجِيزُ بَيْعُهُ فِي مَالِهَا وَلَا يُجِيزُ هَذَا.

He<sup>-asws</sup> said: 'That can't be! She allows his selling in her wealth and does not allow this?'<sup>1413</sup>

61 شي، تفسير العياشي عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ فَقَالَ هُوَ الَّذِي يُزَوِّجُ يَأْخُذُ بَعْضًا وَ يَتْرُكُ بَعْضًا وَ لَيْسَ لَهُ أَنْ يَتْرُكَ كُلَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Rifa'at,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the one in whose hand is the marriage tie. He<sup>-asws</sup> said: 'He is the one who got them married. He can take part and leave part, and it isn't for him to leave all of it''<sup>1414</sup>

62 شي، تفسير العياشي عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ جَعْفَرَ بْنَ مُحَمَّدٍ ع عَنْ قَوْلِ اللَّهِ إِلَّا أَنْ يَغْفُوَ قَالَ الْمَرْأَةُ تَغْفُو عَنْ نَصِيبِ الصَّدَاقِ

(The book) 'Tafseer Al Ayyashi' – From Is'haq Bin Ammar who said,

'I asked Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> about Words of Allah<sup>-azwj</sup>: **or he excuses, the one in whose hand is the tie of marriage [2:237]**. He<sup>-asws</sup> said: 'The woman excuses half the dowry'.

فُلْتُ أَوْ يَغْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ

I said, '**or he excuses, the one in whose hand is the tie of marriage [2:237]**'.

قَالَ أَبُوهَا إِذَا عَفَا جَازَ لَهُ وَ أَخُوهَا إِذَا كَانَ يُقِيمُ بِهَا وَ هُوَ الْقَائِمُ عَلَيْهَا فَهُوَ بِمَنْزِلَةِ الْأَبِ يَجُوزُ لَهُ وَ إِذَا كَانَ الْأَخُ لَا يُقِيمُ بِهَا وَ لَا يَقُومُ عَلَيْهَا لَمْ يَجُزْ عَلَيْهَا أُمُّهُ.

He<sup>-asws</sup> said: 'Her father, if he excuses, it is allowed for him, and her brother if he was living with her, and he is the custodian upon her, for he is at the status of the father, it is allowed for him, and when it was the brother neither staying with her nor a custodian upon her, his instruction is not allowed upon her''<sup>1415</sup>

63 شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِهِ إِلَّا أَنْ يَغْفُوَ أَوْ يَغْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ الْوَلِيُّ الَّذِي يَغْفُو عَنِ الصَّدَاقِ أَوْ يَخْطُ بَعْضَهُ أَوْ كُلَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

<sup>1413</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 60

<sup>1414</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 61

<sup>1415</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 62

'From Abu Ja'far<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **except if they are excusing, or he excuses, the one in whose hand is the tie of marriage [2:237]**: 'The guardian who excuses from the dowry, or drop part of it or all of it'.<sup>1416</sup>

64 شي، تفسير العياشي عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَوْ يَعْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ هُوَ الْأَبُ وَالْأَخُ وَالرَّجُلُ يُوصَى إِلَيْهِ وَالَّذِي يَجُوزُ أَمْرُهُ فِي مَالِ الْمَرْأَةِ فَيُبْتَاعُ لَهَا وَ يَشْتَرَى فَأَيُّ هَؤُلَاءِ عَفَا فَقَدْ جَازَ

(The book) 'Tafseer Al Ayyashi' – From Sama'at,

'From Abu Abdullah<sup>-asws</sup>: **or he excuses, the one in whose hand is the tie of marriage [2:237]**. He<sup>-asws</sup> said: 'He is the father, and the brother, and the man bequeathed to, and the one who instructions are allowed regarding wealth of the woman, so he can sell for her and buy.

فُلْتُ أَرَأَيْتَ إِنْ قَالَتْ لَا أُجِيزُهَا مَا يَصْنَعُ

I said, 'What is your<sup>-asws</sup> view if she says, 'I had not allowed it, what he has done!''

قَالَ لَيْسَ لَهَا ذَلِكَ أُجِيزُ بَيْعَهُ فِي مَالِهَا وَلَا يُجِيزُ هَذَا.

He<sup>-asws</sup> said: 'That isn't for her! She allows his selling of her wealth and does not allow this?'<sup>1417</sup>

65 شي، تفسير العياشي عَنْ أَبِي بصير عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَلِلْمُطَلَّقاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ قَالَ مَتَاعُهَا بَعْدَ مَا تَنْقُضِي عِدَّتَهَا عَلَى الْمَوْسِعِ قَدْرُهُ وَعَلَى الْمُقْتِرِ قَدْرُهُ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Abdullah<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> Mighty and Majestic: **And for the divorced women there should be a provision with the reasonableness being a right upon the pious [2:241]**. He<sup>-asws</sup> said: 'Her provision is after her waiting period has expired, **upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him [2:236]**.

فَأَمَّا فِي عِدَّتِهَا فَكَتَبَ بِمَتَاعِهَا وَ هِيَ تَرْجُوهُ وَ هُوَ يَرْجُوهَا وَ يُجْرِي اللَّهُ بَيْنَهُمَا مَا شَاءَ أَمَّا إِنَّ الرَّجُلَ الْمُؤَسَّرَ يُمْتَعُ الْمَرْأَةُ الْعَبْدَ وَ الْأَمَةَ وَ يُمْتَعُ الْفَقِيرُ بِالْحِنْطَةِ وَ الزَّيْبِ وَ التَّوْبِ وَ الدَّرَاهِمِ فَإِنَّ الْحَسَنَ بِنَ عَلِيٍّ ع مَتَّعَ امْرَأَةً كَانَتْ لَهُ بِأَمَةٍ وَ لَمْ يُطَلِّقْ امْرَأَةً إِلَّا مَتَّعَهَا

As for during her waiting period, so how can he provide for her, and she is hoping for him and he is hoping for her, and Allah<sup>-azwj</sup> will Cause to flow between the two whatever He<sup>-azwj</sup> so Desires. As for the affluent man, he can provide the woman the slave and the maid, and the poor can provide the wheat, and the raisins, and the garment, and the Dirhams. Al-Hassan<sup>-asws</sup> Bin Ali<sup>-asws</sup> had provided a maid for a wife he<sup>-asws</sup> had for him<sup>-asws</sup>, and he<sup>-asws</sup> did not divorce any woman except he<sup>-asws</sup> provided her'.

<sup>1416</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 63

<sup>1417</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 64

قَالَ وَ قَالَ الْحَلْبِيُّ مَتَاعُهَا بَعْدَ مَا تَنْقُضِي عِدَّتَهَا عَلَى الْمَوْسِعِ قَدْرُهُ وَ عَلَى الْمُقْتَرِ قَدْرُهُ.

He (the narrator) said, 'And Al-Halby said, 'Providing her is after the expiry of her waiting period, **upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him [2:236]**'.<sup>1418</sup>

66 شي، تفسير العياشي عَنْ أَبِي عَبْدِ اللَّهِ ع وَ أَبِي الْحَسَنِ مُوسَى ع قَالَ: سَأَلْتُ أَحَدَهُمَا عَنِ الْمُطَلَّاقَةِ مَا لَهَا مِنَ الْمُتَعَةِ

(The book) 'Tafseer Al Ayyashi' -

'From Abu Abdullah<sup>-asws</sup> and Abu Al-Hassan Musa<sup>-asws</sup>, he (the narrator) said, 'I asked one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>) about the divorced woman, 'What is for her from the provisions?'

قَالَ عَلَى قَدْرِ مَالِ رَوْجِهَا.

He<sup>-asws</sup> said: 'In accordance to the wealth of her husband'.<sup>1419</sup>

67 شي، تفسير العياشي عَنِ الْحُسَيْنِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اللَّهِ ع عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ فَقَالَ إِنْ كَانَ سَمَى لَهَا مَهْرًا فَلَهَا نِصْفُ الْمَهْرِ وَ لَا عِدَّةَ عَلَيْهَا وَ إِنْ لَمْ يَكُنْ سَمَى لَهَا مَهْرًا فَلَا مَهْرَ لَهَا وَ لَكِنْ يُتَعَهَا فَإِنَّ اللَّهَ يَقُولُ فِي كِتَابِهِ وَ لِلْمُطَلَّاقَاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ.

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan Bin Ziyad,

'From Abu Abdullah<sup>-asws</sup> about a man who divorces his wife before he consummates with her. He (the narrator) said, 'He<sup>-asws</sup> said: 'If he had specified a dowry for her, for her is half the dowry, and there is no waiting period for her, and if he had not specified a dowry, there is no dowry for her, but he should provide for her, for Allah<sup>-azwj</sup> Says in His<sup>-azwj</sup> Book: **And for the divorced women there should be a provision with the reasonableness being a right upon the pious [2:241]**'.<sup>1420</sup>

16 قَالَ أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا إِنَّ مُنْعَةَ الْمُطَلَّاقَةِ فَرِيضَةٌ.

Ahmad Bin Muhammad said, from one of our companions,

'Provision for the divorced woman is an obligation'.<sup>1421</sup>

68 شي، تفسير العياشي عَنْ أَبِي بصيرٍ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع وَ لِلْمُطَلَّاقَاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ مَا أَذَى ذَلِكَ الْمَتَاعُ إِذَا كَانَ الرَّجُلُ مُعْسِرًا لَا يَجِدُ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer who said,

<sup>1418</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 65

<sup>1419</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 66

<sup>1420</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 67 a

<sup>1421</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 67 b

'I said to Abu Ja'far<sup>asws</sup>: **And for the divorced women there should be a provision with the reasonableness being a right upon the pious [2:241]**, what is the least of that provision if the man was poor, he cannot find (the means)?'

قَالَ الْحَمَّارُ وَ شَبَّهَهُ.

He<sup>asws</sup> said: 'The scarf, and it's like'.<sup>1422</sup>

[باب 75 التدليس و العيوب الموجبة للفسخ](#)

## CHAPTER 75 – DECEPTIONS AND THE DEFECTS WARRANTING ANNULMENT

1- سر، السرائر من كتاب البزنطي عن الحلبي قال: سألت أبا عبد الله ع عن البرصاء قال قضى أمير المؤمنين ع في امرأة زوجها وليها وهي برصاء أن لها مهرًا بما استحل من فرجها وأن المهر على الذي زوجها وإنما صار عليه المهر لأنه دلّسها

(The book) 'Al Saraair' – From the book of Al Bazanty, from Al Halby who said,

'I asked Abu Abdullah<sup>asws</sup> about the ones (women) with vitiligo. He said, 'Amir Al-Momineen<sup>asws</sup> judged regarding a woman, her husband was her guardian, and she was with vitiligo, that for her is dowry due to what she had legalised her private parts, and the dowry is upon the one who had got her married, and rather the dowry came to be upon him because (he had deceived the husband) of her deception.

و لو أن رجلاً تزوج امرأة و زوجها رجل لا يعرف دخيلة أمرها لم يكن عليه شيء و كان المهر يؤخذ منها.

And if a man were to marry a woman and a man got her married off not knowing of her hidden matter, there would not be anything upon him, and the dowry would be taken from her".<sup>1423</sup>

2- سر، السرائر البزنطي عن محمد بن سماعة عن عبد الحميد عن محمد بن مسلم عن أبي جعفر ع قال: سألت عن رجل خطب إلى رجل بنتاً له من مهبرة فلما كانت ليلة دخولها على زوجها أدخل عليه بنتاً له أخرى من أمة قال ثرد على أبيها و ثرد عليه امرأته و يكون مهرها على أبيها.

(The book) 'Al Saraair' of Al Bazanty – from Muhammad Bin Sama'at, from Abdul Hameed, from Muhammad Bin Muslim,

'From Abu Ja'far<sup>asws</sup>, he (the narrator) said, 'I asked him<sup>asws</sup> about a man who proposes to a man for a daughter of his daughters from a dowered wife. When it was the night of her to be escorted to her husband, he entered another daughter of his from a slave girl. He<sup>asws</sup> said: 'She will be returned to her father and his wife would be returned to him, and her dowry will be upon her father".<sup>1424</sup>

3- قب، المناقب لابن شهر آشوب إسماعيل بن موسى بإسناده أن رجلاً خطب إلى رجل ابنة له عربية فأنكحها إياه ثم بعث له ابنة له أمها أعجمية فعلم بذلك بعد أن دخل بها فأتى معاوية و قص عليه القصة فقال مغلظة لها أبو الحسن

<sup>1422</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 74 H 68

<sup>1423</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 1

<sup>1424</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 2

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Ismail Bin Musa by his chain,

'A man proposes to a man for an Arabian daughter of his, so he gets her married to him. Then he sent to him a daughter of his whose mother was not an Arab. He came to know that after he had consummated the marriage with her. He came to Muawiya and narrated the story to him. He said, 'A dilemma! Abu Al-Hassan<sup>-asws</sup> is for it'.

فَاسْتَأْذَنَهُ وَآتَى الْكُوفَةَ وَفَصَّ عَلَى أَمِيرِ الْمُؤْمِنِينَ ع فَقَالَ عَلَى أَبِي الْجَارِيَةِ أَنْ يُجَهِّزَ الْإِثْنَةَ الَّتِي أَنْكَحَهَا إِتَاءَهُ بِمِثْلِ صَدَاقِ الَّتِي سَاقَ إِلَيْهِ فِيهَا وَ يَكُونُ صَدَاقُ الَّتِي سَاقَ مِنْهَا لِأُخْتِهَا بِمَا أَصَابَ مِنْ فَرْجِهَا وَ أَمَرَهُ أَنْ لَا يَمَسَّ الَّتِي تُزْفُ إِلَيْهِ حَتَّى تَقْضِيَ عِدَّتَهَا وَ يُجْلَدَ أَبُوهَا نَكَالًا لِمَا فَعَلَ.

He sought his<sup>-asws</sup> permission and came to Al-Kufa and narrated to Amir Al-Momineen<sup>-asws</sup>. He<sup>-asws</sup> said: 'Upon father of the girl is that he must equip the daughter he married to him with a dowry equal to that which the husband had provided, and the dowry given by the husband is to be for her sister in compensation for what he consummated with her. He ordered that the husband must not touch the one who is now to be given to him until she has completed her waiting period, and that her father be flogged as a deterrent for what he had done'.<sup>1425</sup>

4- نَوَادِرُ الرَّوَانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: قَالَ رَجُلٌ لِعَلِيِّ ع يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ امْرَأَتِي خَدَعَتْنِي وَ عَرَّتْنِي بِثِيَابٍ وَ خَدَمٍ وَ غَيْرِهَا فَلَمَّا تَزَوَّجْتُهَا وَ أَمَهَرْتُهَا مَهْرًا ثَقِيلًا كَثِيرًا لَمْ تَكُنِ الْأَشْيَاءُ لَهَا

(The book) 'Nawadir' of Al Rawandy – By his chain,

'From Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'A man said to Ali<sup>-asws</sup>, 'O Amir Al-Momineen<sup>-asws</sup>! My wife has deceived me and deluded me with clothes, servants, and other things. When I married her and gave her a heavy and large dowry, I discovered that these things were not hers!'

فَقَالَ عَلِيُّ ع لَا شَيْءَ لَكَ إِنَّمَا أَرَادَتْ أَنْ تُتَفَقَّ نَفْسَهَا

Ali<sup>-asws</sup> said: 'You have no claim against her. She only intended to offer herself in marriage'.

وَ قَالَ أَرَأَيْتَ لَوْ قُلْتُ لَهَا لِي مِائَةُ أَلْفٍ دِرْهَمٍ فَتَزَوَّجْتُهَا أَوْ تَأْخُذُكَ مِائَةُ أَلْفٍ دِرْهَمٍ

And he<sup>-asws</sup> said: 'Suppose you told her you possessed one hundred thousand Dirhams and then married her, would she have the right to take one hundred thousand Dirhams from you?'

قَالَ لَا.

The man said, 'No'.<sup>1426</sup>

5- ب، قرب الإسناد ابن طريف عن ابن غلوان عن أبيه عن الصادق ع قال: كَانَ عَلِيُّ ع يَقْضِي فِي الْعَيْنِ أَنْ يُؤْجَلَ سَنَةً مِنْ يَوْمِ تَرْافِعُهُ الْإِمْرَأَةُ.

<sup>1425</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 3

<sup>1426</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 4



(The book) 'Qurb Al-Isnaad' – Ibn Tareyf, from Ibn Ulwan, from his father,

'Al-Sadiq<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> had judged regarding the impotent man that he be respited for a year from the day the wife raises his case"<sup>1427</sup>.

6- ب، قرب الإسناد علي عن أخيه قال: سألته عن حصي دلس نفسه لامرأة ما عليه

(The book) 'Qurb Al Isnaad' -

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a eunuch who deceived of his self to a woman, 'What is upon him?'

قال يوجب ظهره و يفرق بينهما و عليه المهر كاملاً إن دخل بها و إن لم يدخل بها فعليه نصف المهر.

He<sup>-asws</sup> said: 'His back would be pained and there would be separation between the two, and upon him is the whole dowry if he had consummated the married, and if he had not consummated with her, upon him is half the dowry"<sup>1428</sup>.

7- و سألته عن عيين دلس نفسه لامرأة ما حاله

And I asked him<sup>-asws</sup> about an impotent man who deceived of his self to a woman, 'What is his state?'

قال عليه المهر و يفرق بينهما إذا علم أنه لا يأتي النساء.

He<sup>-asws</sup> said: 'Upon him is the dowry and there would be separation between the two, when he knew that he could not go to the women"<sup>1429</sup>.

8- و سألته عن امرأة دلس نفسها لرجل و هي رتقاء قال يفرق بينهما و لا مهر لها.

And I asked him<sup>-asws</sup> about a woman deceiving of herself to a man and she is imperforate. He<sup>-asws</sup> said: 'There would be separation between the two and there is no dowry for her"<sup>1430</sup>.

9- مع، معاني الأخبار أبي عن أحمد بن إدريس عن الأشعري عن الجماوراني عن الحسن بن الحسين عن بابن الصريير أو غيره عن حماد بن عيسى عن جعفر بن محمد عن أبيه ع قال: خطب رجل إلى قوم فقالوا ما تجارئك

(The book) 'Ma'any Al Akhbaar' – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Al Jamourani, from Al-Hassan Bin Al Husayn, from Yaseen Al Zareer, or someone else, from Hammad Bin Isa,

<sup>1427</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 5

<sup>1428</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 6

<sup>1429</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 7

<sup>1430</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 8

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: 'A man brought proposal (for a woman) to a people. They said, 'What is your business?'

قَالَ أَبِيعَ الدَّوَابِّ

'He said, 'I sell the livestock!'

فَزَوَّجُوهُ فَإِذَا هُوَ يَبِيعُ السَّنَائِيرَ فَاخْتَصَمُوا إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ ع فَأَجَارَ نِكَاحَهُ وَ قَالَ السَّنَائِيرُ دَوَابُّ.

So, they got him married, and behold, he was a seller of cats. They brought the dispute to Ali<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>. He<sup>-asws</sup> allowed his marriage and said: 'The cats are livestock'.<sup>1431</sup>

10- ضاء، فقه الرضا عليه السلام إِذَا تَزَوَّجَ رَجُلٌ فَأَصَابَهُ بَعْدَ ذَلِكَ جُنُونٌ فَيَبْلُغُ بِهِ مَبْلَغًا حَتَّى لَا يَعْرِفَ أَوْقَاتَ الصَّلَاةِ فُرِّقَ بَيْنَهُمَا فَإِنْ عَرَفَ أَوْقَاتَ الصَّلَاةِ فَلْيَصْبِرِ الْمَرْأَةُ مَعَهُ فَقَدْ ابْتُلِيَتْ

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'When a man gets married, then after that insanity afflicts him and reaches him extensively to the extent that he does not know timings of the Salat, there would be separation between the two. If he does recognise timings of the Salat, let the wife be patient with him, so he has been afflicted.

وَ إِنْ تَزَوَّجَهَا خَصِيٌّ فَلْيَسْ نَفْسَهُ لَهَا وَ هِيَ لَا تَعْلَمُ فُرِّقَ بَيْنَهُمَا وَ يُوجِبُ ظَهْرُهُ كَمَا دَلَّسَ نَفْسَهُ وَ عَلَيْهِ نِصْفُ الصَّدَاقِ وَ لَا عِدَّةَ عَلَيْهَا مِنْهُ فَإِنْ رَضِيَتْ بِذَلِكَ لَمْ يُفَرَّقْ مَا بَيْنَهُمَا وَ لَيْسَ لَهَا الْخِيَارُ بَعْدَ ذَلِكَ

And if a eunuch marries her deceiving of his self to her and she did not know, there would be separation between the two and his back will be pained as he had deceived of his self, and upon him is half the dowry, and there is no waiting period upon her, from him. If she is satisfied with that, there would not be separation between them, and it wouldn't be for her to choose after that.

فَإِنْ تَزَوَّجَهَا عَيْنٌ وَ هِيَ لَا تَعْلَمُ فَإِنْ أَعْلَمَ أَنَّ فِيهِ عِلَّةً عَلَيْهَا أَنْ تَصْبِرَ حَتَّى يُعَالِجَ نَفْسَهُ سَنَةً فَإِنْ صَلَحَ فِيهِ امْرَأَتُهُ عَلَى التَّكَاحِ الْأَوَّلِ وَ إِنْ لَمْ يَصْلُحْ فُرِّقَ بَيْنَهُمَا وَ لَهَا نِصْفُ الصَّدَاقِ وَ لَا عِدَّةَ عَلَيْهَا مِنْهُ فَإِنْ رَضِيَتْ لَا يُفَرَّقُ بَيْنَهُمَا وَ لَيْسَ لَهَا خِيَارٌ بَعْدَ ذَلِكَ

If an impotent one marries her and she did not know, and if he knew that there is an illness with him, upon her is to be patient until he treats himself for a year. If he is healthy, she is his wife upon the first marriage, and if he is not corrected, there would be separation between the two, and for her would be half the dowry, and there is no waiting period upon her, from him. If she is satisfied, there would not be separation between them, and there wouldn't be a choice for her after that.

وَ إِذَا ادَّعَتْ أَنَّهُ لَا يُجَامِعُهَا عَيْنًا كَانَ أَوْ غَيْرَ عَيْنٍ فَيَقُولُ الرَّجُلُ إِنَّهُ قَدْ جَامَعَهَا فَعَلَيْهِ الْيَمِينُ وَ عَلَيْهَا الْبَيِّنَةُ لِأَنَّهَا الْمُدَّعِيَةُ وَ إِذَا ادَّعَتْ عَلَيْهِ أَنَّهُ عَيْنٌ وَ أَنْكَرَ الرَّجُلُ أَنْ يَكُونَ كَذَلِكَ فَإِنَّ الْحُكْمَ فِيهِ أَنْ يَجْلِسَ الرَّجُلُ فِي مَاءٍ بَارِدٍ فَإِنْ اسْتَرَحَى ذَكَرَهُ فَهُوَ عَيْنٌ وَ إِنْ تَشَنَّجَ فَلَيْسَ بِعَيْنٍ

And if she claims that he has not consummated the marriage with her, whether he was impotent or not impotent, and the man says he has consummated the marriage with her,

<sup>1431</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 9

upon him is to swear an oath and upon her is to provide proof because she is the claimant; and when she claims upon him that he is impotent, and the man denies that he happens to be like that, the ruling regarding it is that the man would be seated in cold water. If his organ is flaccid, he is impotent, and if it becomes rigid, he isn't impotent.

وَإِنْ تَزَوَّجَ بِامْرَأَةٍ فَوَجَدَهَا قَرْنَاءً أَوْ عَقْلَاءً أَوْ بَرَصَاءً أَوْ مَجْنُونَةً إِذَا كَانَ بِهَا ظَاهِرًا كَانَ لَهُ أَنْ يَرْدَّهَا عَلَى أَهْلِهَا بِغَيْرِ طَلَاقٍ وَ يَرْجِعَ الزَّوْجَ عَلَى وَلِيِّهَا مَا أَصْدَقَهَا إِنْ كَانَ أَعْطَاهَا شَيْئًا فَإِنْ لَمْ يَكُنْ أَعْطَاهَا الشَّيْءَ فَلَا شَيْءَ لَهُ.

And he marries a woman and finds her to have an obstruction of her private part, or a deformity, or is with vitiligo, or insanity, when it was apparent with her, it would be for him to return her to her family without a divorce, and husband would have recourse to her guardian of whatever dowry he had provided, if he had given her anything. If he had not given her anything, there is nothing for him".<sup>1432</sup>

11- ين، كتاب حسين بن سعيد و النوادر زُرْعَةُ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّ حَصِيْبًا دَلَّسَ نَفْسَهُ عَلَى امْرَأَةٍ قَالَتْ يُعْرِقُ بَيْنَهُمَا وَ يُؤْخَذُ مِنْهُ صَدَاقُهَا وَ يُوجِبُ ظَهْرُهَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Zur'ah, from Sama'at,

'From Abu Abdullah<sup>-asws</sup> about a eunuch deceiving of his self to the woman. He<sup>-asws</sup> said: 'There would be separation between the two and her dowry would be taken from him, and his back would be pained".<sup>1433</sup>

12- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ عَاصِمٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي الْمَرْأَةِ إِذَا انْتَمَتْ إِلَى قَوْمٍ وَ أَحْبَرَتْ أَنَّهَا مِنْهُمْ وَ هِيَ كَاذِبَةٌ وَ ادَّعَتْ أَنَّهَا حُرَّةٌ فَتَزَوَّجَتْ أَنَّهَا تُرَدُّ إِلَى أَزْيَاجِهَا وَ يَطْلُبُ زَوْجُهَا مَالَهُ الَّذِي أَصْدَقَهَا وَ لَا حَقَّ لَهَا فِي عُنُقِهِ وَ مَا وَلَدَتْ مِنْ وَلَدٍ فَهُمْ عَبِيدٌ.

(The book) 'The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Aasim, from Muhammad Bin Qays,

'From Abu Ja'far<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> judged regarding the woman when she claimed lineage to a people and informed that she is from them, and she was lying, and claimed that she was a free woman, so they got her married, she would be returned to her masters and her husband can demand his wealth which he had given as dowry, and there is no right for her in his neck, and whatever children she begets would be slaves".<sup>1434</sup>

13- ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ بْنُ يَحْيَى عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ع قَالَ: سَأَلْتُهُ عَنِ امْرَأَةٍ حُرَّةٍ تَزَوَّجَتْ رَجُلًا مُتْلُوكًا عَلَى أَنَّهُ حُرٌّ فَعَلِمْتُ بَعْدَ أَنَّهُ مُتْلُوكٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Al A'ala, from Muhammad Bin Muslim,

<sup>1432</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 10

<sup>1433</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 11

<sup>1434</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 12

‘From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), he said, ‘I asked him<sup>-asws</sup> about the free woman marrying a slave man based upon that he was free. She comes to know afterwards he is a slave.

قَالَ هِيَ أَمْلَكَ بِنَفْسِهَا فَإِنْ كَانَ دَخَلَ بِهَا فَلَهَا الصَّدَاقُ وَإِنْ لَمْ يَدْخُلْ بِهَا فَلَا شَيْءَ لَهَا وَإِنْ عَلِمَتْ هِيَ [هِيَ] وَ دَخَلَ بِهَا بَعْدَ مَا عَلِمَتْ أَنَّهُ مَمْلُوكٌ فَلَا خِيَارَ لَهَا.

He<sup>-asws</sup> said: ‘She is in control of herself. If he had consummated the marriage with her, for her is the dowry, and if he had not consummated the marriage with her, there is nothing for her, and if she had come to know, and he consummated the marriage with her after her having known that he is a slave, there is no choice for her’.<sup>1435</sup>

14- ين، كتاب حسين بن سعيد و النوادر النضر عن عاصم عن محمد بن قيس عن أبي جعفر ع قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي امْرَأَةٍ خُرِّجَتْ دَلَسَ عَلَيْهَا عَبْدٌ فَتَكَحَّهَا وَ لَا تَعْلَمُ أَنَّهُ عَبْدٌ بِالتَّفْرِقَةِ بَيْنَهُمَا إِنْ شَاءَتِ الْمَرْأَةُ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Nazr, from Aasim, from Muhammad Bin Qays,

‘From Abu Ja’far<sup>-asws</sup> having said: ‘Amir Al-Momineen<sup>-asws</sup> judged regarding a free woman who was deceived by a slave, and he married her and she did not know that he was a slave – there would be separation between the two if the woman so desires’.<sup>1436</sup>

15- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن داود بن سرحان عن أبي عبد الله ع فِي رَجُلٍ دَلَسَتْهُ امْرَأَةٌ أَمْرَهَا لَا يَعْلَمُ دَخِيلَةً أَمْرَهَا فَوَجَدَهَا قَدْ دَلَسَتْ عَيْبًا هُوَ بِهَا فَقَضَى أَنْ يَأْخُذَ مِنْهَا الْمَهْرَ وَ لَا يَكُونَ لَهَا عَلَى زَوْجِهَا شَيْءٌ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ahmad Bin Muhammad, from Dawood Bin Sirhan,

‘From Abu Abdullah<sup>-asws</sup> regarding a man regarding a woman who had deceived him. He did not know of her hidden matter and found that she had deceived him about a defect which was with her. He<sup>-asws</sup> judged that the dowry be taken from her and there would not be anything for her against her husband’.<sup>1437</sup>

16 ين، كتاب حسين بن سعيد و النوادر علي بن النعمان عن أبي الصَّبَّاحِ الْكِنَانِيِّ وَ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع مِثْلَهُ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ali Bin Al Numan, from Al Sabbah Al Kinani, and Ibn Abu Umeir, from Hammad, from Al Halby,

‘From Abu Abdullah<sup>-asws</sup>, similar to it’.<sup>1438</sup>

17- ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن محمد بن قيس عن أبي جعفر ع قَالَ: الْعَيْنُ يُرَبِّصُ بِهِ سَنَةً ثُمَّ إِنْ شَاءَتِ الْمَرْأَةُ تَزَوَّجَتْ وَ إِنْ شَاءَتْ أَقَامَتْ.

<sup>1435</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 13

<sup>1436</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 14

<sup>1437</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 15

<sup>1438</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 16

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'ala, from Muhammad Bin Qays,

'From Abu Ja'far<sup>asws</sup> having said: 'The impotent man will be respited with for a year. Then if the wife so desires she can marry (someone else), and if she desires, she can stay''.<sup>1439</sup>

18- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد بن عثمان عن الحلبي عن أبي عبد الله ع أنه قال: في الرجل يتزوج إلى قوميه فإذا امرأته عوراء و لم يبينوا به

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

'From Abu Abdullah<sup>asws</sup> having said regarding the man who gets married among his people, and behold, his wife turned out to be one-eyed, and they had not disclosed it to him.

قال لا يرُدُّ إنما يرُدُّ النكاح من البصر و الجذام و الجنون و العفل

He<sup>asws</sup> said: 'She will not be returned! But rather, the marriage is annulled due to the vitiligo, and the leprosy, and the insanity, and the private part deformity'.

فلت أ رأيت إن كان دخل بما كيف يصنع بمهرها

I said, 'What is your view if he had consummated the marriage with her, how is her dowry dealt with?'

قال لها المهر بما استحل من فرجها و يعمر وليها الذي أنكحها مثل ما ساق لها.

He<sup>asws</sup> said: 'For her is the dowry due to her having legalised her private part, and her guardian would be fined, the one who had married her off, similar to what had been given to her''.<sup>1440</sup>

19- ين، كتاب حسين بن سعيد و النوادر القاسم عن ابن أبي عمير عن عبد الرحمن بن أبي عبد الله ع قال: سألت أبا عبد الله ع عن رجل تزوج امرأة قد كانت زنت قال إن شاء زوجها أخذ الصداق بمن زوجها و لها الصداق بما استحل من فرجها و إن شاء تركها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Ibn Aban,

'From Abdul Rahman son of Abu Abdullah<sup>asws</sup>, he said, 'I asked Abu Abdullah<sup>asws</sup> about a man who marries a woman who had committed adultery. He<sup>asws</sup> said: 'If her husband so desires, he can take the dowry from the one who had got her married, and for her is the dowry due to what she had legalised of her private parts, and if so desires, he can leave it''.<sup>1441</sup>

20- ين، كتاب حسين بن سعيد و النوادر عن ابن النعمان عن أبي الصباح ع قال: سألت عن رجل تزوج امرأة فأبى بها عَمِيَاءُ أَوْ بَرَصَاءُ أَوْ عَرَجَاءُ قَالَ ثَرَدُ عَلَى مَنْ دَلَسَهَا وَ يُرَدُّ عَلَى زَوْجِهَا مَهْرُهَا الَّذِي لَهُ وَ يَكُونُ لَهَا الْمَهْرُ عَلَى وَلِيِّهَا فَإِنْ كَانَتْ بِهَا زَمَانَةٌ لَا يَرَاهَا الرِّجَالُ أُجِيرَتْ شَهَادَةُ النِّسَاءِ عَلَيْهَا.

<sup>1439</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 17

<sup>1440</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 18

<sup>1441</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 19

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Ibn Al Numan, from Abu Al Sabbah,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about a man who marries a woman, so they brought her a blind, or with vitiligo, or lame. He<sup>-asws</sup> said: 'She can be returned to the one who had deceived of her, and her dowry is to be returned to her husband, which is for him, and for her would be the dowry upon her guardian. If there was a defect with her the men cannot see, the testimony of women would be allowed upon her''.<sup>1442</sup>

21- ين، كتاب حسين بن سعيد و النوادر فضالة عن القاسم بن بُرَيْدٍ عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: فِي كِتَابِ عَلِيٍّ امْرَأَةٌ زَوَّجَهَا رَجُلًا وَ لَهَا عَيْبٌ دَلَّسَتْ بِهِ وَ لَمْ يُبَيِّنْ ذَلِكَ لِزَوْجِهَا فَإِنَّهُ يَكُونُ لَهَا الصَّدَاقُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَ يَكُونُ لِلَّذِي سَاقَ الرَّجُلَ إِلَيْهَا عَلَى الَّذِي زَوَّجَهَا وَ لَمْ يُبَيِّنْ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah, from Al Qasim Bin Bureyd, from Muhammad Bin Muslim,

'From Abu Ja'far<sup>-asws</sup> having said: 'In the book of Ali<sup>-asws</sup> – a woman was married by a man and for her was a defect she had deceived with and had not disclosed that to her husband, for her would be the dowry due to what she had legalised of her private parts, and that (dowry) which the man had given to her would be upon the one who had got her married and had not disclosed it (the defect)'.<sup>1443</sup>

22- ين، كتاب حسين بن سعيد و النوادر فضالة عن رفاعَةَ بْنِ مُوسَى قَالَ: سَأَلْتُهُ عَنِ الْمَحْدُودَةِ قَالَ لَا يَفْرَقُ بَيْنَهُمَا يَتَرَادَدَانِ النِّكَاحَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah, from Rifa'at Bin Musa who said,

'I asked him<sup>-asws</sup> about the woman with limited capability. He<sup>-asws</sup> said: 'There will be no separation between the two seeking the marriage'.

قَالَ وَ لَمْ يَفْضِ عَلَيَّ ع فِي هَذِهِ وَ لَكِنْ بَلَغَنِي فِي امْرَأَةٍ بَرَصَاءَ أَنَّهُ يُفْرَقُ بَيْنَهُمَا وَ يَجْعَلُ الْمَهْرَ عَلَى وَلِيِّهَا لِأَنَّهُ دَلَّسَهَا.

He said, 'And Ali<sup>-asws</sup> did not judge regarding this, but it has reached me<sup>-asws</sup> regarding a woman who had vitiligo that there would be separation between the two, and the dowry to be made upon her guardian because he had deceived of her (to her husband)'.<sup>1444</sup>

23- ين، كتاب حسين بن سعيد و النوادر ابنُ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحُلَيْيِّ قَالَ: سَأَلْتُهُ عَنِ الْمَرْأَةِ تَلِدُ مِنَ الزَّيْنِ وَ لَا يَعْلَمُ ذَلِكَ إِلَّا وَلِيُّهَا يَصْلُحُ لَهُ أَنْ يُزَوَّجَهَا يَسْكُتُ عَلَى ذَلِكَ إِذَا كَانَ قَدْ رَأَى مِنْهَا تَوْبَةً أَوْ مَعْرُوفًا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeir, from Hammad, from Al Halby who said,

'I asked him<sup>-asws</sup> about the woman giving birth from the adultery and no one knows that except her guardian, 'Is it correct for him to marry her, being silent upon that, if he were to see repentance from her or reasonableness?'

<sup>1442</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 20

<sup>1443</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 21

<sup>1444</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 22

قَالَ إِذَا لَمْ يُدْكِرْ ذَلِكَ لِرَوْجِهَا ثُمَّ عَلِمَ بَعْدَ ذَلِكَ فَشَاءَ أَنْ يَأْخُذَ صَدَاقَهَا مِنْ وَلِيِّهَا بِمَا دَلَّسَ لَهُ كَانَ ذَلِكَ لَهُ عَلَى وَلِيِّهَا وَكَانَ الصَّدَاقُ الَّذِي أَخَذَتْ مِنْهُ لَهَا وَ لَا سَبِيلَ لَهُ عَلَيْهَا بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَ إِنْ شَاءَ رَوْجُهَا أَنْ يُمْسِكَهَا فَلَا بَأْسَ.

He<sup>-asws</sup> said: 'If he had not mentioned that to her husband, then he came to know after that, if he desires, he can take her dowry from her guardian due to what he had been deceived with. That would be for him upon her guardians, and the dowry which had been taken from it for her, there would be no way for him upon her due to what she had legalised her private parts, and if her husband desires to keep her, there is no problem'.<sup>1445</sup>

24- ين، كتاب حسين بن سعيد و النوادر عن ابن أبي عمير عن حماد عن الحلي عن أبي عبد الله ع في رجل أتى قوماً فحطبت إليهم فقال أنا فلان بن فلان من بني فلان فوجد ذلك على غير ما أوماً

The book Haseen Bin Saeed, and 'Al Nawadir' – from Ibn Abu Umeyr, from Hammad, from Al Halby,

'From Abu Abdullah<sup>-asws</sup> said regarding a man who comes to a people and proposes to them (for a woman of theirs). He says, 'I am so and so, son of so and so, from so and so clan!' He is found to be upon other than what he had indicated.

قَالَ إِنَّ عَلِيًّا قَضَى فِي رَجُلٍ لَهُ ابْنَتَانِ إِحْدَاهُمَا لِمَهْرٍ وَ الْأُخْرَى لِأَمٍّ وَلَدٍ فَزَوَّجَ ابْنَةَ الْمَهْرَةِ فَلَمَّا كَانَ لَيْلَةُ الْبِنَاءِ أَدْخَلَ عَلَيْهِ ابْنَةَ أُمِّ الْوَلَدِ فَوَقَعَ عَلَيْهَا قَالَ يُرَدُّ عَلَيْهِ امْرَأَتُهُ الَّتِي كَانَ تَزَوَّجَهَا وَ تُرَدُّ هَذِهِ عَلَى أَبِيهَا وَ يَكُونُ مَهْرُهَا عَلَى أَبِيهَا

He<sup>-asws</sup> said: 'Ali<sup>-asws</sup> had decreed regarding a man having two daughters for him, one of them being for a dowered wife, and the other of a mother of a child. He marries off the daughter of the dowered woman. When it was the wedding night, the daughter of a mother of the children was brought to him, and he had intimate marital relations with her. He<sup>-asws</sup> said: 'His wife which he had married would be returned to him, and this one would be returned to her father, and her dowry would be upon her father'.

وَ قَالَ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً بَرَصَاءً أَوْ عَمِيَاءً أَوْ عَرَجَاءَ قَالَ تُرَدُّ عَلَى وَلِيِّهَا وَ يُرَدُّ عَلَى رَوْجِهَا الَّذِي رَزَّجَهَا عَلَيْهِ

And he<sup>-asws</sup> said regarding a man who marries a woman with vitiligo, or blind, or lame. He<sup>-asws</sup> said: 'She would be returned to her guardian and her dowry would be returned to her husband which he had married her upon'.

قَالَ وَ إِنْ كَانَ بِهَا مَا لَا يَرَاهُ الرِّجَالُ جَازَتْ شَهَادَةُ النِّسَاءِ عَلَيْهَا.

He<sup>-asws</sup> said: 'And if there was (defect) with her what the men cannot see, testimony the women would be allowed upon her'.<sup>1446</sup>

25- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ عَبْدِ الْحَمِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: تُرَدُّ الْبَرَصَاءُ وَ الْعَرَجَاءُ وَ الْعَمِيَاءُ.

<sup>1445</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 23

<sup>1446</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 24

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Muhammad, from Muhammad Bin Sama'at, from Abdul Hameed, from Muhammad Bin Muslim,

'From Abu Ja'far<sup>asws</sup> having said: 'The ones with vitiligo, and the lame, and the blind can be returned''.<sup>1447</sup>

26- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ الْفَضِيلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا تَزَوَّجَ الرَّجُلُ الْمَرْأَةَ وَ هُوَ لَا يَقْدِرُ عَلَى الْبَسَاءِ أَجَلَ سَنَةٍ حَتَّى يُعَالِجَ نَفْسَهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Al Fuzeyl, from Abu Al Sabbah Al Kinani,

'From Abu Abdullah<sup>asws</sup> having said: 'When the man marries the woman and he is not able upon (establishing intimate marital relations) with the women, he will be respited for a year until he treats himself'.

قَالَ وَ سَأَلْتُهُ عَنْ امْرَأَةٍ ابْتُلِيَ زَوْجُهَا فَلَا يَقْدِرُ عَلَى الْجَمَاعِ الْبَتَّةَ تُفَارِقُهُ

He (the narrator) said, 'And I asked him<sup>asws</sup> about a woman whose husband is afflicted so he is not able upon the marital relations absolutely, 'Will there be separation?'

قَالَ نَعَمْ إِنْ شَاءَتْ.

He said: 'Yes, if she so desires''.<sup>1448</sup>

27- كش، رجال الكشي مُحَمَّدُ بْنُ مَسْعُودٍ عَنْ مُحَمَّدِ بْنِ نُصَيْرٍ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ عَنِ ابْنِ مُسْكَانَ أَنَّهُ كَتَبَ إِلَى الصَّادِقِ ع مَعَ إِبْرَاهِيمَ بْنِ مَيْمُونٍ يَسْأَلُهُ عَنْ خَصِيٍّ دَلَسَ نَفْسَهُ عَلَى امْرَأَةٍ قَالَ يُفَرِّقُ بَيْنَهُمَا وَ يُوجِعُ ظَهْرَهُ.

(The book) 'Rijal' of Al Kashi – Muhammad Bin Masoud, from Muhammad Bin Nuseyr, from Muhammad Bin Isa, from Yunus, from Ibn Muskan,

'He wrote to Al-Sadiq<sup>asws</sup> (dispatched) with Ibrahim Bin Masoud, asking him<sup>asws</sup> about a eunuch deceiving his self to a woman. He<sup>asws</sup> said: 'There will be separation between the two and his back would be pained''.<sup>1449</sup>

28- مِنْ كِتَابِ صَفْوَةِ الْأَخْبَارِ، فَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي رَجُلٍ ادَّعَى امْرَأَتَهُ أَنَّهُ عَيْنٌ فَأَنْكَرَ الزَّوْجُ ذَلِكَ فَأَمَرَ النِّسَاءَ أَنْ يَحْشَوْنَ فَرْجَ الْإِمْرَأَةِ بِالْخُلُقِ وَ لَمْ يَعْلَمْ زَوْجُهَا بِذَلِكَ ثُمَّ قَالَ لَزَوْجِهَا انْتَبِهَا فَإِنْ تَلَطَّحَ الذَّكَرُ بِالْخُلُقِ فَلَيْسَ بِعَيْنٍ.

From the book 'Safwat Al Akhbar' -

'Amir Al-Momineen<sup>asws</sup> judged regarding a man, it was claimed he was impotent. The husband denied that. He<sup>asws</sup> ordered the women to stuff the private part of the woman with

<sup>1447</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 25

<sup>1448</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 26

<sup>1449</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 27



‘Khalouq’ (saffron), and not let her husband know of that. Then he<sup>-asws</sup> said: ‘Go to her!’ If the male organ is stained with the saffron, he isn’t impotent”.<sup>1450</sup>

باب 76 جوامع محرمات النكاح و عللها

## CHAPTER 76 – SUMMARY OF PROHIBITIONS OF THE MARRIAGE AND ITS REASONS

1- ل، الخصال الحسن بن حمزة العلوي عن محمد بن يزيد عن عبد الله بن أحمد عن سهل بن صالح عن إبراهيم بن عبد الرحمن عن موسى بن جعفر عن أبيه ع قال: سئل أبي ع عما حرم الله عز وجل من الفروج في القرآن وما حرمه رسول الله ص في سنته

(The book) ‘Al Khisaal’ – Al-Hassan Bin Hama Al Alawy, from Muhammad Bin Yazdad, from Abdullah Bin Ahmad, from Sahl Bin Salih, from Ibrahim Bin Abdul Rahman,

‘From Musa<sup>-asws</sup> Bin Ja’far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: ‘My<sup>-asws</sup> father<sup>-asws</sup> was asked about what private parts of women Allah<sup>-azwj</sup> has Prohibited in the Quran, and about what Rasool-Allah<sup>-saww</sup> had prohibited in his<sup>-saww</sup> Sunnah.

فقال الذي حرم الله عز وجل أربع وثلاثون وجهاً سبعة عشر في القرآن و سبعة عشر في السنة

He<sup>-asws</sup> said: ‘That which Allah<sup>-azwj</sup> Mighty and Majestic has Prohibited are thirty-four aspects – seventeen are in the Quran and seventeen are in the Sunnah.

فأما التي في القرآن فالزنا قال الله عز وجل لا تقربوا الزنى و نكاح امراء الأب قال الله عز وجل لا تنكحوا ما نكح آباؤكم من النساء

As for that which is in the Quran, it is the adultery. Allah<sup>-azwj</sup> Mighty and Majestic Said: **And do not go near the adultery [17:32]**, and marrying a wife of the father. Allah<sup>-azwj</sup> Mighty and Majestic Said: **And you cannot marry from the women whom your fathers married [4:22]**.

و أمهاتكم و بناتكم و أخواتكم و عماتكم و خالاتكم و بنات الأخ و بنات الأخت و أمهاتكم اللاتي أرضعنكم و أخواتكم من الرضاعة و أمهات نسائكم و ربائكم اللاتي في حجوركم من نسائكم اللاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم و خلل أبنائكم الذين من أصلابكم و أن تجمعوا بين الأختين

And **your mothers, and your daughters, and your sisters, and your paternal aunts, and your maternal aunts, and daughters of the brother and daughters of the sister, and your mothers who breast-fed you, and your sisters from the breast-feeding, and mothers of your wives, and your step-daughters who are in your care from the women whom you entered with, but, if you did not enter into them, then there is no blame upon you; and the wives of your sons who are from your loins, and from gathering between the two sisters (in marriage) [4:23]**.

و الحائض حتى تطهر قال الله عز وجل لا تقربوهن حتى يطهرن

<sup>1450</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 75 H 28

And the menstruating woman until she is pure. Allah<sup>-azwj</sup> Mighty and Majestic Says: **and do not go near them until they are clean [2:222].**

وَالنِّكَاحُ فِي الْإِعْتِكَافِ قَالَ اللَّهُ عَزَّ وَجَلَّ وَ لَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ

And the marriage during Itikaaf. Allah<sup>-azwj</sup> Mighty and Majestic Said: **and do not sleep with them while you are performing Itikaaf in the Masjid [2:187].**

وَأَمَّا الَّتِي فِي السُّنَّةِ فَأَلْمُؤَاقَعَةُ فِي شَهْرِ رَمَضَانَ نَهًى وَ تَزْوِيجُ الْمُلَاعَنَةِ بَعْدَ الْيَعَانِ وَ التَّزْوِيجُ فِي الْعِدَّةِ وَ الْمُؤَاقَعَةُ فِي الْإِحْرَامِ وَ الْمُحْرِمُ يَتَزَوَّجُ أَوْ يُزَوَّجُ وَ الْمُظَاهِرُ قَبْلَ أَنْ يُكْفَرَ

And as for which is in the Sunnah – intimate marital relations during the daytime in Ramazan; marrying a woman who has undergone mutual cursing after the cursing; marriage during a woman's waiting period, intercourse during Hajj while in the state of Ihraam; a person in Ihraam marrying or giving someone in marriage; a man who has declared Zihhaar (saying his wife is like his mother) before offering expiation.

وَ تَزْوِيجُ الْمُشْرِكَةِ وَ تَزْوِيجُ الرَّجُلِ امْرَأَةً قَدْ طَلَّقَهَا لِلْعِدَّةِ تِسْعَ تَطْلِيقَاتٍ وَ تَزْوِيجُ الْأُمَةِ عَلَى الْحُرَّةِ وَ تَزْوِيجُ الدِّمِيِّ عَلَى الْمُسْلِمَةِ وَ تَزْوِيجُ الْمَرْأَةِ عَلَى عَمَّتِهَا أَوْ خَالَتِهَا وَ تَزْوِيجُ الْأُمَةِ مِنْ غَيْرِ إِذْنِ مَوْلَاهَا وَ تَزْوِيجُ الْأُمَةِ لِمَنْ يَقْدِرُ عَلَى تَزْوِيجِ الْحُرَّةِ

And marrying a Polytheist woman, marrying a woman whom a man has divorced nine times in sets of three within the waiting periods, marrying a slave woman alongside a free woman, marrying a Zimmi woman (non-Muslim under Muslim protection) alongside a Muslim woman, marrying a woman together with her paternal or maternal aunt, marrying a slave woman without her master's permission, marrying a slave woman when capable of marrying a free woman.

وَ الْجَارِيَّةُ مِنَ السَّيِّئِ قَبْلَ الْقِسْمَةِ وَ الْجَارِيَّةُ الْمُشْرِكَةُ وَ الْجَارِيَّةُ الْمُشْرِكَةُ قَبْلَ أَنْ يَسْتَبْرَأَهَا وَ الْمُكَاتِبَةُ الَّتِي قَدْ أَذَتْ بَغْضَ الْمُكَاتِبَةِ.

And taking a slave girl (captive woman) before the spoils have been divided, taking a Polytheist slave woman, taking a purchased slave woman before ensuring she is not pregnant (by observing a waiting period), and marrying a slave woman who is under a contract of manumission when she has already paid part of her contract<sup>1451</sup>.

2- ج، الإحتجاج سَأَلَ الرَّبْدِيُّ فِيمَا سَأَلَ أَبَا عَبْدِ اللَّهِ ع لَمْ يَحَرِّمَ اللَّهُ الزَّيْنَةَ

(The book) 'Al Ihtijaj' -

'An atheist asked, among what he asked Abu Abdullah<sup>-asws</sup>, 'Why did Allah<sup>-azwj</sup> Prohibit the adultery?'

قَالَ لِمَا فِيهِ مِنَ الْقَسَادِ وَ ذَهَابِ الْمَوَارِيثِ وَ انْقِطَاعِ الْأَنْسَابِ لَا تَعْلَمُ الْمَرْأَةُ فِي الزَّيْنَةِ مَنْ أَحْبَبَهَا وَ لَا الْمَوْلُودُ يَعْلَمُ مَنْ أَبُوهُ وَ لَا أَرْحَامٌ مَوْصُولَةٌ وَ لَا قَرَابَةٌ مَعْرُوفَةٌ

<sup>1451</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 76 H 1

He<sup>-asws</sup> said: 'Due to the corruption what is in it, and misappropriation of the inheritances, and termination of the lineages. The woman in the adultery does not know who had impregnated her, nor does the new-born know who its father it, nor the connected kinship, nor are the relatives recognised'.

قَالَ فَلِمَ حَرَّمَ اللّٰوِاطَ

He said, 'Why did He<sup>-azwj</sup> Prohibit sodomy?'

قَالَ مِنْ أَجْلِ أَنَّهُ لَوْ كَانَ إِنْتِیَانُ الْغُلَامِ خَلَالًا لَاسْتَعْنَى الرَّجُلُ مِنَ النِّسَاءِ وَكَانَ فِيهِ قَطْعُ النَّسْلِ وَتَعْطِيلُ الْفُرُوجِ وَكَانَ فِي إِجَارَةِ ذَلِكَ فَسَادٌ كَثِيرٌ

He<sup>-asws</sup> said: 'For the reason, if approaching boys were permissible, men would have no need for women, lineages would be cut off, private parts would be rendered idle, and permitting such a thing would lead to a lot of corruption'.

قَالَ فَلِمَ حَرَّمَ إِنْتِیَانَ الْبَهِيمَةِ

He said, 'Why did He<sup>-azwj</sup> Prohibit approaching the animals (bestiality)?'

قَالَ كَرِهَ أَنْ يُصَيِّعَ الرَّجُلُ مَاءَهُ وَ يَأْتِيَ غَيْرَ شَكْلِهِ وَ لَوْ أَبَاحَ ذَلِكَ لَرَبَطَ كُلُّ رَجُلٍ أَتَانًا يَرْكَبُ ظَهْرَهَا وَ يَغْشَى فَرْجَهَا فَكَانَ يَكُونُ فِي ذَلِكَ فَسَادٌ كَثِيرٌ فَأَبَاحَ ظُهُورَهَا وَ حَرَّمَ عَلَيْهِمْ فُرُوجَهَا وَ خَلَقَ لِلرِّجَالِ النِّسَاءَ لِيَأْنِسُوا بِهِنَّ وَ يَسْكُنُوا إِلَيْهِنَّ وَ يَكُنَّ مَوْضِعَ شَهَوَاتِهِمْ وَ أُمَّهَاتِ أَوْلَادِهِمْ.

He<sup>-asws</sup> said: 'He<sup>-azwj</sup> Dislikes for the man to that a man should waste his water and approach something other than its proper form. If that were permitted, every man would tie up a she-donkey, ride on its back, and union with it, which would lead to great corruption. So, He<sup>-azwj</sup> Permitted their backs for riding but Forbade their private parts, and He<sup>-azwj</sup> Created women for men so they may find comfort with them, be at peace with them, and so that women would be the place for their desires and be mothers of their children!'<sup>1452</sup>

3- فس، تفسیر القمی قَالَ عَلِيُّ بْنُ إِبْرَاهِيمَ فِي قَوْلِهِ وَ لَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ فَإِنَّ الْعَرَبَ كَانُوا يَنْكِحُونَ نِسَاءَ آبَائِهِمْ فَكَانَ إِذَا كَانَ لِلرَّجُلِ أَوْلَادٌ كَثِيرٌ وَ لَهُ أَهْلٌ وَ لَمْ تَكُنْ أُمَّهُمُ ادَّعَى كُلُّ وَاحِدٍ فِيهَا فَحَرَّمَ اللَّهُ مُنَاكَحَتَهُمْ

(The book) 'Tafseer Al Qummi' –

Ali Bin Ibrahim said regarding His<sup>-azwj</sup> Words: ***And you cannot marry from the women whom your fathers married except for what has passed [4:22]***. The Arabs were marrying wives of their mothers and when a man had many sons and a wife who was not their mother, each one of them would lay claim to her. So, Allah<sup>-azwj</sup> Forbade them from marrying such women.

ثُمَّ قَالَ حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَ بنَاتُكُمْ وَ أَخَوَاتُكُمْ وَ عَمَّاتُكُمْ وَ خَالَاتُكُمْ وَ بنَاتُ الْأَخِ وَ بنَاتُ الْأُخْتِ إِلَى آخِرِ الْآيَةِ فَإِنَّ هَذِهِ الْمُحَرَّمَاتِ هِيَ حُرْمَتُهُ وَ مَا فَوْقَهَا إِلَى أَقْصَاهَا وَ كَذَلِكَ الْإِبْنَةُ وَ الْأُخْتُ

Then He<sup>-azwj</sup> Said: ***your mothers, and your daughters, and your sisters, and your paternal aunts, and your maternal aunts, and daughters of the brother and daughters of the sister***

**[4:23]** – up to the end of the Verse. So, these women who are forbidden in marriage are indeed prohibited, as well as those above them to the utmost degree, and likewise a daughter and a sister.

وَأَمَّا الَّتِي هِيَ مُحَرَّمَةٌ بِنَفْسِهَا وَبِنَتِّهَا حَلَالٌ فَالْعَمَّةُ وَالْحَالَةُ هِيَ مُحَرَّمَةٌ بِنَفْسِهَا وَبِنَتِّهَا حَلَالٌ وَ أُمَّهَاتُ النِّسَاءِ أُمَّهَاتُ مُحَرَّمَةٍ وَ بِنَتُّهَا حَلَالٌ إِذَا مَاتَتْ ابْنَتُهَا الْأُولَى الَّتِي هِيَ أُمُّهُ أَوْ طَلَّقَهَا.

As for those who are forbidden in themselves while their daughters are lawful, they are the paternal aunt and the maternal aunt, for they are forbidden in themselves while their daughters are lawful. And the mothers of wives are forbidden, while their daughters are lawful if his first wife, who is their mother, dies or if he divorces her".<sup>1453</sup>

4- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمُحْصَنَاتِ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ قَالَ هُنَّ ذَوَاتُ الْأَزْوَاجِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Abdullah<sup>-asws</sup> regarding **And (Prohibited are) the married ones from the women except what your right hands possess [4:24]**. He<sup>-asws</sup> said: 'These are ones with the husbands".<sup>1454</sup>

5- ين، كتاب حسين بن سعيد و النوادر عن ابن خُرَّازَدَعَمَنْ رَوَاهُ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ وَ الْمُحْصَنَاتِ مِنَ النِّسَاءِ قَالَ كُلُّ ذَوَاتِ الْأَزْوَاجِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ibn Khurrazad, from the one who reported it,

'From Abu Abdullah<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **And (Prohibited are) the married ones from the women [4:24]**. He<sup>-asws</sup> said: 'Every one with the husbands".<sup>1455</sup>

6- شي، تفسير العياشي أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْمُثَنَّى عَنْ زُرَّارَةَ وَ دَاوُدَ بْنِ سِرْحَانَ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أُدَيْمِ بْنِ أَبِي عُبَيْدٍ عَنِ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: الْمُلَاعَنَةُ إِذَا لَاعَنَهَا زَوْجُهَا لَمْ يَحِلَّ لَهُ أَبَدًا وَ الَّذِي يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا وَ هُوَ يَعْلَمُ لَا يَحِلُّ لَهُ أَبَدًا وَ الَّذِي يُطَلِّقُ الطَّلَاقَ الَّذِي لَا يَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ ثَلَاثَ مَرَّاتٍ لَا يَحِلُّ لَهُ أَبَدًا وَ الْمُخْرِمُ إِنْ تَزَوَّجَ وَ هُوَ يَعْلَمُ أَنَّهُ حَرَامٌ عَلَيْهِ لَا يَحِلُّ لَهُ أَبَدًا.

(The book) 'Tafseer Al Ayyashi' – Ahmad Bin Muhammad, from Al Musanna, from Zurara, and Dawood Bin Sirhan, from Abdullah Bin Bukeyr, from Udeym Baya Al Harwy,

'From Abu Abdullah<sup>-asws</sup> having said: 'The mutually cursed wife, when her husband curses her, she is not Permissible for him, ever, and the one who marries the woman during her waiting period while he knows, she is not Permissible for him, ever, and the one who divorces the divorce which is not permissible for him until she marries another husband three times, she is not permissible for him, ever, and the one in Ihraam, if he marries while he knows it is prohibited unto him, she is not permissible for him, ever".<sup>1456</sup>

<sup>1453</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 76 H 3

<sup>1454</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 76 H 4

<sup>1455</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 76 H 5

<sup>1456</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 76 H 6

باب 77 ما نهي عنه من نكاح الجاهلية

## CHAPTER 77 – WHAT IS PROHIBITED FROM IT, FROM THE PRE-ISLAMIC MARRIAGES

1- مع، معاني الأخبار أبي عن سعد عن ابن أبي الخَطَّاب عن جعفر بن بشير عن غيث قال سمعت أبا عبد الله ع يقول لا جَلَبٌ وَ لا جَنْبٌ وَ لا شِغَارٌ فِي الْإِسْلَامِ.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Ja'far Bin Bashir, from Giyas who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'There is neither 'Jalab', nor 'Janab', nor 'Shighar' in Al-Islam''.<sup>1457</sup>

قال الجلب الذي يجلب مع الخيل يركض معها و الجنب الذي يقوم في أعراض الخيل فيصيح بها و الشغار كان يزوج الرجل في الجاهلية ابنته بأخته. قال الصدوق يعني أنه كان الرجل في الجاهلية يزوج ابنته من رجل على أن يكون مهرها أن يزوجه ذلك الرجل أخته.

**Explanation** – 'Al-Jalab' is when someone drives horses, running along with them, and Janab' is when someone stands at the sides of the horses and shouts at them. As for 'Shighar', it was that in the pre-Islamic period a man would marry off his daughter in exchange for the other man marrying him his sister. Al-Saduq said, 'This means that in the Pre-Islamic period, a man would give his daughter in marriage to another man on the condition that the dowry would be that the other man give him his sister in marriage'.

2- مع، معاني الأخبار القاسم بن محمد السراج عن أحمد بن الحسين عن إبراهيم بن أحمد عن أبي الحُمَاني عن عبد السلام عن إسحاق بن عبد الله عن زيد بن أسلم عن عطاء بن يسار عن أبي هريرة قال: كَانَ الْبَدَلُ فِي الْجَاهِلِيَّةِ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ بَادِلِي بِامْرَأَتِكَ وَ أُبَادِلُكَ بِامْرَأَتِي تَتْرُكُ لِي عَنْ امْرَأَتِكَ فَأَتْرُكَ لَكَ عَنْ امْرَأَتِي فَأَنْزَلَ اللَّهُ عَزَّ وَ جَلَّ وَ لَا أَنْ تَبَدَّلَ بَحْرٍ مِنْ أَرْوَاحٍ وَ لَوْ أَعْجَبَكَ حُسْنُهُنَّ

(The book) 'Ma'any Al Akhbar' – Al Qasim Bin Muhammad Al Sarraj, from Ahmad Bin Al Husayn, from Ibrahim Bin Ahmad, from Abu Al Himmani, from Abdul Salam, from Is'haq Bin Abdullah, from Zayd Bin Aslam, from Ata'a Bin Yasaar, from Abu Hureyra (well-known fabricator) who said,

'The 'Badal' (exchange) during the pre-Islamic period was that the man would say to the man, 'Exchange for me your wife for mine! Leave your wife for me and I will leave my wife for you'. So, Allah<sup>-azwj</sup> Mighty and Majestic Revealed: **nor for you to replace them with (other) wives even though their beauty may fascinate you [33:52]**'.

قَالَ فَدَخَلَ عُيَيْنَةُ بْنُ حُصَيْنٍ عَلَى النَّبِيِّ ص وَ عِنْدَهُ عَائِشَةُ فَدَخَلَ بِغَيْرِ إِذْنٍ فَقَالَ لَهُ النَّبِيُّ ص فَأَيْنَ الْإِسْتِئْذَانُ

He (Abu Hureyra) said, 'Uyayna Bin Huseen entered to see the Prophet<sup>-saww</sup> and in his<sup>-saww</sup> presence was Ayesha. He entered without permission. The Prophet<sup>-saww</sup> said to him: 'So where is seeking of the permission?'

<sup>1457</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 77 H 1

قَالَ مَا اسْتَأْذَنْتُ عَلَى رَجُلٍ مِنْ مُضَرَ مُنْذُ أَذْرَكْتُ ثُمَّ قَالَ مَنْ هَذِهِ الْحُمَيْرَاءُ إِلَى جَنْبِكَ

He said, 'I have not sought permission to see any man from (the tribe of) Muzar since I became an adult!' Then he said, 'Who is this 'Al-Humeyra' to your<sup>-saww</sup> side?'

فَقَالَ رَسُولُ اللَّهِ ص هَذِهِ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ

Rasool-Allah<sup>-saww</sup> said: 'This is Ayesha, mother of the believers'.

قَالَ عُيَيْنَةُ أَفَلَا أَتَيْتُكَ لَكَ عَنْ أَحْسَنِ الْخَلْقِ وَ تَتْرُكُ عَنْهَا

Uyayna said, 'Shall I leave for you<sup>-saww</sup> the most beautiful of the creatures and you<sup>-saww</sup> leave her (for me)?'

فَقَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ حَرَّمَ ذَلِكَ عَلَيَّ

Rasool-Allah<sup>-saww</sup> said: 'Allah<sup>-azwj</sup> Mighty and Majestic has Prohibited that unto me<sup>-saww</sup>!'

فَلَمَّا خَرَجَ قَالَتْ لَهُ عَائِشَةُ مَنْ هَذَا يَا رَسُولَ اللَّهِ

When he went out, Ayesha said to him<sup>-saww</sup>, 'Who is this, O Rasool-Allah<sup>-saww</sup>?'

قَالَ هَذَا أَحْمَقُ مُطَاعٌ وَإِنَّهُ عَلَى مَا تَرَيْنَ سَيِّدُ قَوْمِهِ.

He<sup>-saww</sup> said: 'This is an idiot obeyed (by the people), and upon what you have seen, he is chief of his people'.<sup>1458</sup>

3- لي، الأماالي للصديق في خبر المناهي أَنَّ النَّبِيَّ ص نَهَى أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ زَوِّجْنِي أُخْتَكَ أَوْ زَوْجَكَ أُخْتِي.

(The book) 'Al Amaali' of Al Sadouq -

'In a Hadeeth of the prohibitions, the Prophet<sup>-saww</sup> prohibited the man from saying to the man, 'Get your sister married to me, I will get my sister married to you!''<sup>1459</sup>

<sup>1458</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 77 H 2

<sup>1459</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 77 H 3

باب 21 الكفاءة في النكاح و أن المؤمنين بعضهم أكفاء بعض و من يكره نكاحه و النهي على العضل

## CHAPTER 78 – THE MATCHING IN THE MARRIAGE AND THAT SOME OF THE MOMINEEN ARE A MATCH FOR SOME, AND ONE WHOSE MARRIAGE IS DISLIKED, AND THE PROHIBITION OF THE PREVENTION (OF MARRIAGE)

1- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام أبي عن القاسم بن محمد بن علي النّهاوندي عن صالح بن راهويه عن أبي حنّون مؤلّ الرضا ع قال: نزل جبرئيل على النبي ع فقال يا محمد ربك يقرئك السلام و يقول إن الأبكار من النساء بمنزلة الثمر على الشجر فإذا أئنع فلا دواء له إلا اجتنأه و إلا أفسدته الشمس و غيرته الريح و إن الأبكار إذا أذركن ما تدرى النساء فلا دواء لكن إلا البعول و إلا لم يؤمن عليهن الفتنة

(The book) 'Ilal Al Shara'ie', (and) 'Uyoun Akhbar Al-Reza'-asws, may the greeting be upon him-asws – My father, from Al Qasim Bin Muhammad Bin Ali Al Nahwandy, from Salih Bin Rahway,

'From Abu Hayoun slave of Al-Reza'-asws said: 'Jibraeel-as descended unto the Prophet-saww. He-as said: 'O Muhammad-saww! Your-saww Lord-azwj Conveys the greeting to you-saww and Says: 'The virgins from the women are at the status of the fruit upon the tree. When they ripen, there is no cure for it except to pick it, or else the sun would spoil it and the wind will alter it! And the virgins, when they mature what the women mature to, there is no cure for them except the husbands, or else there is no safety upon them of the Fitna (temptation)!'

فَصَعِدَ رَسُولُ اللَّهِ ص الْمِنْبَرَ فَخَطَبَ النَّاسَ ثُمَّ أَعْلَمَهُمْ مَا أَمَرَهُمُ اللَّهُ بِهِ فَقَالُوا بَيْنَ يَا رَسُولَ اللَّهِ

Rasool-Allah-saww ascended the pulpit and addressed the people. Then he let them know what Allah-azwj had Commended them with. They said, '(Get them married to) who, O Rasool-Allah-saww?'

فَقَالَ الْأَكْفَاءُ

He-saww said: 'The matches!'

فَقَالُوا وَمَنِ الْأَكْفَاءُ

They said, 'And who are the matches?'

فَقَالَ الْمُؤْمِنُونَ بَعْضُهُمْ أَكْفَاءُ بَعْضٍ

He-saww said: 'Some of the believers are matches of some!'

ثُمَّ لَمْ يَنْزِلْ حَتَّى رَوَّجَ ضُبَاعَةَ الْمِقْدَادِ بْنِ الْأَسْوَدِ ثُمَّ قَالَ أَيُّهَا النَّاسُ إِنَّمَا زَوَّجْتُ ابْنَةَ عَمِّي الْمِقْدَادَ لِيَضَعَ النِّكَاحُ.

Then he-saww did not descend until he-saww got Zuba'a to Al-Miqdad Bin Al Aswad-ra, then said: 'O you people! But rather, I-saww am getting a daughter of my-saww uncle married to Al-Miqdad-ra in order to place (lay the foundation) of the marriage!''<sup>1460</sup>

2 ما، الأمايلي للشيخ الطوسي بإسناد المجاشعي عن الصادق عن آبائه ع قَالَ قَالَ النَّبِيُّ ص إِنَّمَا النِّكَاحُ رِقٌّ فَإِذَا أَنْكَحَ أَحَدُكُمْ وَلِيدَةً فَقَدْ أَرْفَهَا فَلْيَنْظُرْ أَخَذَكُمْ لِمَنْ يَرِيقُ كَرِيمَتَهُ.

(The book) 'Al Amali' of the sheykh Al Tusi – By a chain of Al Mujashie,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> forefather<sup>-asws</sup> having said: 'The Prophet<sup>-saww</sup> said: 'But rather, the marriage is a form of servitude (submission). So, when one of you gives his daughter in marriage, he has placed her in servitude; therefore, let each one of you look carefully to whom he is placing his noble daughter in servitude'.<sup>1461</sup>

3- ما، الأمايلي للشيخ الطوسي بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَ أَمَانَتَهُ يَخْطُبُ إِلَيْكُمْ فَزَوِّجُوهُ إِلَّا تَفْعَلُوهُ تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَ فُسَادٌ كَثِيرٌ.

(The book) 'Al Amaali' of the sheykh Al Tusi – By this chain,

He<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'When there comes to you someone you are pleased with his religion, and his trustworthiness, proposing to you (of your daughter), marry to him, **if you do not do it, Fitna (strife) would occur in the land and a great mischief [8:73]**'.<sup>1462</sup>

4- مع، معاني الأخبار أَبِي عَنْ سَعْدٍ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَرَّارٍ عَنْ يُونُسَ قَالَ حَدَّثَنِي جَمَاعَةٌ مِنْ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: الْكُفُو أَنْ يَكُونَ عَقِيفًا وَ عِنْدَهُ يَسَارٌ.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Hashim, from Ibn Marrar, from Yunus who said, 'It is narrated to me by a group of our companions,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> said: 'The match is that he should be chaste and there should be financial ease with him'.<sup>1463</sup>

5- ب، قرب الإسناد عَلِيُّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ أَنْ زَوْجَ بَنِي عَلَامٍ فِيهِ لَيْنٌ وَ أَبُوهُ لَا تَأْسَ بِهِ

(The book) 'Qurb Al Isnaad' -

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup>, 'Can I get my daughter to a boy having gentleness in him and his father, there is no problem with him?'

قَالَ إِذَا لَمْ تَكُنْ فَاحِشَةً فَزَوِّجْهُ.

He<sup>-asws</sup> said: 'If she does not happen to be immoral, get her married to him'.<sup>1464</sup>

6- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ ابْنِ هَاشِمٍ عَنِ عَبْدِ اللَّهِ بْنِ حَمَّادٍ عَنْ شَرِيكَ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تَسْبُوا فُرَيْشًا وَ لَا تُبْعِضُوا الْعَرَبَ وَ لَا تُذَلُّوا الْمَوَالِي وَ لَا تُسَاكِنُوا الْحَوَزَ وَ لَا تَزَوِّجُوا إِلَيْهِمْ فَإِنَّ لَهُمْ عِرْقًا يَدْعُوهُمْ إِلَى غَيْرِ الْوَفَاءِ.

<sup>1461</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 2

<sup>1462</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 3

<sup>1463</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 4

<sup>1464</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 5



(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Hashim, from Abdullah Bin Hammad, from Shareek, from Jabir,

'From Abu Ja'far<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Neither revile Qureysh nor hate the Arabs, nor humiliate the 'Mawali' (freed people integrated into society), nor settle with Al-Khowz (a region of Khuzestan), nor marry to them, for there is a vein for them calling them to disloyalty".<sup>1465</sup>

7- ضا، فقه الرضا عليه السلام إِنَّ حَظَبَ إِلَيْكَ رَجُلٌ رَضِيتَ دِينَهُ وَ حُلُقَهُ فَرَوَّجُهُ وَ لَا يَمْتَنِعُكَ فَقَرُّهُ وَ فَاقْتَهُ قَالَ اللَّهُ تَعَالَى وَ إِنَّ يَتَفَرَّقَا يُعْنِ اللَّهُ كُلاًّ مِنْ سَعْيِهِ وَ قَالَ إِنَّ يَكُونُوا فُقَرَاءَ يُعْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَ اللَّهُ وَاسِعٌ عَلِيمٌ وَ لَا يُتَزَوَّجُ شَارِبُ خَمْرٍ فَإِنَّ مَنْ فَعَلَ فَكَأَنَّمَا فَادَهَا إِلَى الزَّيْنِ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'If a proposes to you (for your daughter), you are pleased with his religion and his mannerisms, marry to him and his poverty and his destitution should not prevent you! Allah<sup>-azwj</sup> the Exalted: **And if they separate, Allah would Enrich each one from His Capaciousness [4:130]**, and do not marry to a drinker of wine, for the one who does, it is as if he has led her to the adultery".<sup>1466</sup>

8- ضا، فقه الرضا عليه السلام نُرْوَى أَنَّ رَسُولَ اللَّهِ ص نَظَرَ إِلَى وَلَدَيْ أَمِيرِ الْمُؤْمِنِينَ الْحَسَنِ وَ الْحُسَيْنِ صَلَوَاتُ اللَّهِ عَلَيْهِمْ وَ بَنَاتِ جَعْفَرِ بْنِ أَبِي طَالِبٍ صَلَوَاتُ اللَّهِ عَلَيْهِ فَقَالَ بَنُونَا لِبَنَاتِنَا وَ بَنَاتُنَا لِبَنِينَا.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'We are reporting that Rasool-Allah<sup>-saww</sup> looked at the two sons<sup>-asws</sup> of Amir Al-Momineen<sup>-asws</sup>, Al-Hassan<sup>-asws</sup> and Al-Husayn<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon them<sup>-asws</sup>, and the daughters of Ja'far<sup>-asws</sup> Bin Abu Talib<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> be upon him<sup>-asws</sup>. He<sup>-saww</sup> said: 'Our<sup>-asws</sup> son are for our<sup>-asws</sup> daughters, and our<sup>-asws</sup> daughters are for our<sup>-asws</sup> sons!"<sup>1467</sup>

9- فتح، فتح الأبواب مُحَمَّدُ بْنُ يَعْقُوبَ الْكَلْبِيِّ فِي كِتَابِ الرِّسَالِ قَالَ: كَتَبَ مَوْلَانَا الْجَوَادُ ع إِلَى عَلِيِّ بْنِ أَصْبَاطٍ فَهَمَّتْ مَا ذَكَرْتُ مِنْ أَمْرِ بَنَاتِكَ وَ أَنَّكَ لَا تَجِدُ أَحَدًا مِثْلَكَ فَلَا تُفَكِّرْ فِي ذَلِكَ يَرْحَمَكَ اللَّهُ فَإِنَّ رَسُولَ اللَّهِ ص قَالَ إِذَا جَاءَكُمْ مِنْ تَرْضَوْنَ حُلُقَهُ وَ دِينَهُ فَرَوَّجُوهُ وَ إِلَّا تَفْعَلُوهُ تَكُنْ فِتْنَةً فِي الْأَرْضِ وَ فُسَادٌ كَبِيرٌ.

(The book) 'Fatah Al Abwab' – Muhammad Bin Yaquoub Al Kulayni in the book 'Al Rasaail', said,

'Our Master Al-Jawad<sup>-asws</sup> wrote to Ali Bin Asbat: 'I<sup>-asws</sup> have understood what you mentioned from the matter of your daughters, and you cannot find anyone like you, so do not think (worry) regarding that, Allah<sup>-azwj</sup> will Mercy you, for Rasool-Allah<sup>-saww</sup> said: 'When there comes to you someone you are pleased with his manners and his religion, marry to him, **if you do not do it, Fitna (strife) would occur in the land and a great mischief [8:73]**".<sup>1468</sup>

10- شي، تفسير العياشي عَنْ إِبْرَاهِيمَ بْنِ مَيْمُونٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ لَا يَحِلُّ لَكُمْ أَنْ تَرْتُوا النِّسَاءَ كَرْهًا وَ لَا تَعْضُلُوهُنَّ لِيَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُنَّ قَالَ الرَّجُلُ تَكُونُ فِي حَجَرِهِ الْيَتِيمَةُ فَيَمْنَعُهَا مِنَ التَّزْوِيجِ لِزَيْنَتِهَا بِمَا تَكُونُ قَرِينَةً لَهُ

<sup>1465</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 6

<sup>1466</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 7

<sup>1467</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 8

<sup>1468</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 9

(The book) 'Tafseer Al Ayyashi' – From Ibrahim Bin Maymoun,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about Words of Allah<sup>-azwj</sup> Mighty and Majestic: ***'It is not Permissible for you that you should take women as heritage forcibly, and do not straiten them in order to go away with part of what you gave them [4:19].*** He<sup>-asws</sup> said: 'The man, happening to have an orphan girl in his lap, so he prevents her from the marriage in order to inherit her inheritance due to her close relationship to him'.

فُلْتُ وَ لَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ

I said, '***and do not straiten them in order to go away with part of what you gave them [4:19]?***'

قَالَ الرَّجُلُ تَكُونُ لَهُ الْمَرْأَةُ فَيَضْرِبُهَا حَتَّى تَقْتَدِرَ مِنْهُ فَتَهِيَ اللَّهَ عَنْ ذَلِكَ.

He<sup>-asws</sup> said: 'The man, happening to have the wife for him, so he beats her until she ransoms herself from him. Allah<sup>-azwj</sup> has Prohibited from that".<sup>1469</sup>

11- شي، تفسير العياشي عَنْ هَاشِمِ بْنِ عَبْدِ اللَّهِ بْنِ السَّرِيِّ الْعَجَلِيِّ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ وَ لَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ قَالَ فَحَكَى كَلَاماً ثُمَّ قَالَ كَمَا يَقُولُونَ بِالْبَطْنِيَّةِ إِذَا طَرَحَ عَلَيْهَا الثَّوْبَ عَضَلَهَا فَلَا تَسْتَطِيعُ أَنْ تَزَوِّجَ غَيْرَهُ وَ كَانَ هَذَا فِي الْجَاهِلِيَّةِ.

(The book) 'Tafseer Al Ayyashi' – From Hashim Bin Abdullah Bin Al Sary Al Ajly who said,

'I asked him<sup>-asws</sup> about Words of Allah<sup>-azwj</sup>: ***and do not straiten them in order to go away with part of what you gave them [4:19].*** He<sup>-asws</sup> said: 'He<sup>-asws</sup> narrated a speech, then said: 'Just as they were saying (gesturing) in the Nabatean (language/tradition), when he drops the garment upon her, he has straitened her, so she is not able to marry someone else, and this was happening during the pre-Islamic period".<sup>1470</sup>

12- قب، المناقب لابن شهر آشوب قَالَ بَعْضُ الْخَوَارِجِ لِهَيْشَامِ بْنِ الْحَكَمِ الْعَجَمِيِّ تَزَوَّجَ فِي الْعَرَبِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

'One of the Kharijites said to Hisham Bin Al-Hakam, 'The non-Arab marries among the Arabs'.

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَالْعَرَبُ تَزَوَّجُ فِي قُرَيْشٍ

He said, 'The Arab marrying into Qureysh?'

<sup>1469</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 10

<sup>1470</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 11

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ قُرَيْشٌ تَتَزَوَّجُ فِي بَنِي هَاشِمٍ

He said, 'Qureysh marrying into the clan of Hashim<sup>-asws</sup>'

قَالَ نَعَمْ

He said, 'Yes'.

فَجَاءَ الْخَارِجِيُّ إِلَى الصَّادِقِ ع فَقَصَّ عَلَيْهِ ثُمَّ قَالَ أَسَمِعُهُ مِنْكَ

The Kharijite came to Al-Sadiq<sup>-asws</sup> and narrated the story to him<sup>-asws</sup>, then said, 'Can I hear it from you<sup>-asws</sup>'?

فَقَالَ ع نَعَمْ فَقَدْ قُلْتُ ذَلِكَ

He<sup>-asws</sup> said: 'Yes, I<sup>-asws</sup> have said that!'

قَالَ الْخَارِجِيُّ فَهِيَ أَنَا ذَا قَدْ جِئْتُكَ خَاطِبًا

The Kharijite said, 'So here I am having come to you<sup>-asws</sup> as a proposer!'

فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع إِنَّكَ لَكُفُوٌ فِي دِينِكَ وَ حَسْبُكَ فِي قَوْمِكَ وَ لَكِنَّ اللَّهَ عَزَّ وَ جَلَّ صَانِعَنَا عَنِ الصَّدَقَاتِ وَ هِيَ أَوْسَاخُ أَيْدِي النَّاسِ فَتَكْرَهُ أَنْ تُشْرِكَ فِيمَا فَضَّلَنَا اللَّهُ بِهِ مَنْ لَمْ يَجْعَلِ اللَّهُ لَهُ مِثْلَ مَا جَعَلَ لَنَا

Abu Abdullah<sup>-asws</sup> said to him: 'You are a match in your religion and it suffices you in your people, but Allah<sup>-azwj</sup> Mighty and Majestic has Protected us<sup>-asws</sup> from the charities, and these are filth of hands of the people. Thus, in what Allah<sup>-azwj</sup> had Merited us<sup>-asws</sup> with, we<sup>-asws</sup> dislike to participate someone Allah<sup>-azwj</sup> has not Made for him similar to what He<sup>-azwj</sup> has Made for us<sup>-asws</sup>!'

فَقَامَ الْخَارِجِيُّ وَ هُوَ يَقُولُ بِاللَّهِ مَا رَأَيْتُ رَجُلًا مِثْلَهُ رَدَّنِي وَ اللَّهُ أَقْبَحَ رَدٍّ وَ مَا خَرَجَ مِنْ قَوْلٍ صَاحِبِهِ.

The Kharijite stood up and he was saying, 'By Allah<sup>-azwj</sup>, I have not seen a man like him<sup>-asws</sup>! He<sup>-asws</sup> rejected me, by Allah<sup>-azwj</sup>, with ugliest of rejections, and did not go out from the words of his<sup>-asws</sup> companion!'<sup>1471</sup>

13- ين، كتاب حسين بن سعيد و النوادر النضر عن ابن رثاب عن زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ عَلِيَّ بْنَ الْحُسَيْنِ ع رَأَى امْرَأَةً فِي بَعْضِ مَشَاهِدِ مَكَّةَ فَأَعْجَبَتْهُ فَحَطَبَهَا إِلَى نَفْسِهَا وَ تَزَوَّجَهَا فَكَانَتْ عِنْدَهُ وَ كَانَ لَهُ صَدِيقٌ مِنَ الْأَنْصَارِ فَأَعْتَمَّ لِتَزْوِجِهِ بِتِلْكَ الْمَرْأَةِ فَسَأَلَ عَنْهَا فَأُخْبِرَ أَنَّهَا مِنْ آلِ ذِي الْجُدْدَيْنِ مِنْ بَنِي شَيْبَانَ فِي نَيْتِ عَلِيٍّ مِنْ قَوْمِهَا

<sup>1471</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 12

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Ibn Riab, from Zurara,

'From Abu Ja'far<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> saw a woman in one of the Monuments of Makkah. She fascinated him. He<sup>-asws</sup> proposed to her to herself and married her. She was with him<sup>-asws</sup>, and there was a friend of his<sup>-asws</sup> from the Helpers. He was saddened at his<sup>-asws</sup> having married that woman. He asked about her and was informed that she was from the family of Zil Jadeyn from the clan of Shayban in an exalted household from her people.

فَأَقْبَلَ عَلَى عَلِيٍّ بْنِ الْحُسَيْنِ فَقَالَ اللَّهُ فِدَاكَ مَا زَالَ تَزْوِجُكَ هَذِهِ الْمَرْأَةَ فِي نَفْسِي وَ قُلْتُ تَزْوِجُ عَلِيٍّ بْنِ الْحُسَيْنِ امْرَأَةً مَجْهُولَةً وَ يَقُولُ النَّاسُ أَيْضاً فَلَمْ أَزَلْ أَسْأَلُ عَنْهَا حَتَّى عَرَفْتُهَا وَ وَجَدْتُهَا فِي بَيْتِ قَوْمِهَا شَيْبَانِيَّةً

He came to Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>. He said, 'May Allah<sup>-azwj</sup> Make me sacrificed for you<sup>-asws</sup>! Your<sup>-asws</sup> marrying this woman has not ceased to be in my mind, and I said, 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> has married an unknown woman', and the people are saying so as well! So, I did not cease asking about her until I recognised her and found her to be in a household of her people, the clan of Shayban'.

فَقَالَ لَهُ عَلِيٌّ بْنُ الْحُسَيْنِ عَ قَدْ كُنْتُ أَحْسَبُكَ أَحْسَنَ رَأْيًا بِمَا أَرَى إِنَّ اللَّهَ أَتَى بِالْإِسْلَامِ فَرَفَعَ بِهِ الْحَسِيْسَةَ وَ أَمَّمَ بِهِ النَّاقِصَةَ [النَّاقِصَةُ] وَ كَرَّمَ بِهِ اللَّؤْمَ فَلَا لُؤْمَ عَلَى الْمُسْلِمِ إِنَّمَا اللَّؤْمُ لُؤْمُ الْجَاهِلِيَّةِ.

Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> said to him: 'I<sup>-asws</sup> had viewed that you were of better view than what I<sup>-asws</sup> view! Allah<sup>-azwj</sup> Came with Al-Islam. He<sup>-azwj</sup> Raised the lowly by it and Completed the deficiency, and Honoured the base. Thus, there is no baseness upon the Muslim, but rather the baseness is baseness of the pre-Islamic period"<sup>1472</sup>.

14- ~~ين. كتاب حسين بن سعيد و النوادر النضر عن الحسين بن موسى عن زرارة عن أحدهما ع قال: إن علي بن الحسين ع تزوج أم ولد عبد الحسين و زوج أمه مولاة~~

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Husayn Bin Musa, from Zurara,

~~'From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>) having said: 'Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> married mother of the children of his<sup>-asws</sup> uncle Al-Hassan<sup>-asws</sup> and got his<sup>-asws</sup> mother married to his<sup>-asws</sup> freed slave.~~

~~فَلَمَّا بَلَغَ ذَلِكَ عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ كَتَبَ إِلَيْهِ يَا عَلِيُّ بْنُ الْحُسَيْنِ كَأَنَّكَ لَا تَعْرِفُ مَوْضِعَكَ مِنْ قَوْمِكَ وَ قَدْ رَكَ عِنْدَ النَّاسِ تَزَوُّجَتْ مَوْلَاةً وَ زَوَّجْتَ مَوْلَاكَ بِأُخِيكَ~~

~~When that reached Abdul Malik Bin Marwan, he wrote to him<sup>-asws</sup>, 'O Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup>! It is as if you<sup>-asws</sup> do not know your<sup>-asws</sup> own place from your<sup>-asws</sup> people, and your<sup>-asws</sup> own worth in the view of the people! You<sup>-asws</sup> married a slave woman and you<sup>-asws</sup> gave your<sup>-asws</sup> mother in marriage to your<sup>-asws</sup> slave?'~~

<sup>1472</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 13

كَتَبَ إِلَيْهِ عَلِيُّ بْنُ الْحُسَيْنِ عَ فَهِمْتُ كِتَابَكَ وَ لَنَا أَسْوَةٌ بِرَسُولِ اللَّهِ ص فَقَدْ زَوَّجَ زَيْنَبَ بِنْتَ عَمِّهِ زَيْدًا مَوْلَاهُ وَ زَوَّجَ مَوْلَانَهُ بِنْتَ حُجَيْبِ بْنِ أَحْطَبَ.

Ali<sup>-asws</sup> Bin Al Husayn<sup>-asws</sup> wrote to him: 'I<sup>-asws</sup> have understood your letter, and for us there is an example with Rasool Allah<sup>-saww</sup>! He<sup>-saww</sup> had got Zaynab daughter of his<sup>-saww</sup> uncle to his<sup>-saww</sup> freed slave Zayd, and married his<sup>-saww</sup> freed slave girl the daughter of Huyay Bin Al Akhtab''<sup>1473</sup>

*NB: Unclear and inconsistent Hadith. Please refer to different versions in Al Kafi vol 5, the book of marriage.*

15- نَوَادِرُ الرَّاَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا أَتَاكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَ أَمَانَتَهُ فَرَوْجُوهُ فَإِنْ لَمْ تَفْعَلُوا تَكُنْ فِتْنَةً فِي الْأَرْضِ وَ فَسَادًا كَبِيرًا.

(The book) 'Nawadir' of Al Rawandy – by his chain,

'From Ja'far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'When there comes to you someone you are pleased with his religion and his trustworthiness, marry (your daughter) to him. If you don't do so, there will be Fitna in the earth and great corruption!''<sup>1474</sup>

16- وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص أَنْكِحُوا الْأَكْفَاءَ وَ انْكِحُوا مِنْهُمْ وَ اخْتَارُوا لِطُفْلِكُمْ.

And by this chain, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> said: 'Marry the matches and marry from them, and choose for your seeds!''<sup>1475</sup>

17- مِصْبَاحُ الْأَنْوَارِ، عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَوْ لَا أَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى خَلَقَ أَمِيرَ الْمُؤْمِنِينَ ع لِفَاطِمَةَ مَا كَانَ لَهَا كُفُوٌ عَلَى ظَهْرِ الْأَرْضِ.

(The book) 'Misbah Al Anwaar' -

'From Abu Abdullah<sup>-asws</sup> having said: 'If Allah<sup>-azwj</sup> Blessed and Exalted had not Created Amir Al-Momineen<sup>-asws</sup> for Fatima<sup>-asws</sup>, there would not have been any match for her<sup>-asws</sup> on the surface of the earth!''<sup>1476</sup>

باب 79 نكاح المشركين و الكفار و المخالفين و النصاب

## CHAPTER 79 – MARRIAGE OF THE POLYTHEISTS, AND THE KAFIRS, AND THE ADVERSARIES, AND THE HOSTILE ONES (NASIBIS)

1- ين، كتاب حسين بن سعيد و النوار ابن محبوب عن معاوية بن وهب و غيره عن أبي عبد الله ع قال: سألت عن الرجل المؤمن يتزوج النصرانية و اليهودية فقال إذا أصاب المسلمة فما يصنع باليهودية و النصرانية

<sup>1473</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 14

<sup>1474</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 15

<sup>1475</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 16

<sup>1476</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 78 H 17

The book of Haseen Bin Saeed, and 'Al Nawadir – Ibn Mahboub, from Muawiya Bin Wahb and someone else,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the Momin man marrying the Christian woman and the Jewess. He<sup>-asws</sup> said: 'If he gets the Muslim woman (as wife), what will he do with the Jewess and the Christian woman?'

قُلْتُ يَكُونُ لَهُ فِيهَا الْهَوَى

I said, 'There happens to be desire for him in her'.

قَالَ إِذَا فَعَلَ فَلْيَمْنَعَهَا مِنْ شُرْبِ الْخَمْرِ وَ أَكْلِ لَحْمِ الْخِنْزِيرِ وَ اعْلَمْ أَنَّ عَلَيْهِ فِي دِينِهِ عَصَاةٌ.

He<sup>-asws</sup> said: 'If he does that, let him forbid her from drinking the wine, and eating flesh of the swine, and (let her) know that there is a blame (for him) in his religion (if he were to marry her)'.<sup>1477</sup>

2- ين، كتاب حسين بن سعيد و النوار صَفْوَانُ عَنِ الْعَلَاءِ عَنْ مُحَمَّدٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا تَتَزَوَّجُ الْيَهُودِيَّةَ وَ النَّصْرَانِيَّةَ عَلَى الْمُسْلِمَةِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'ala, from Muhammad,

'From Abu Ja'far<sup>-asws</sup> having said: 'Neither marry the Jewess nor the Christian woman upon the Muslim woman'.<sup>1478</sup>

3- ين، كتاب حسين بن سعيد و النوار صَفْوَانُ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَسَنِ بْنِ زِيَادٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا تَتَزَوَّجُ النَّصْرَانِيَّةَ وَ لَا الْيَهُودِيَّةَ عَلَى الْمُسْلِمَةِ فَمَنْ فَعَلَ ذَلِكَ فَنِكَاحُهُ بَاطِلٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Ibn Muskan, from Al Hassan Bin Ziyad who said,

'Abu Abdullah<sup>-asws</sup> said: 'Neither marry the Christian woman nor the Jewess upon the Muslim woman. The one who does that, his marriage is invalid'.<sup>1479</sup>

4- ين، كتاب حسين بن سعيد و النوار عُثْمَانُ بْنُ عِيسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنِ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ أَ يَتَزَوَّجُهَا عَلَى الْمُسْلِمَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at who said,

'I asked him<sup>-asws</sup> about the Jewess and the Christian woman, 'Can one marry her upon the Muslim woman?'

قَالَ لَا تُتَزَوَّجُ الْمُسْلِمَةُ عَلَى الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ.

He<sup>-asws</sup> said: 'Do not marry the Muslim woman upon the Jewess and the Christian woman'.<sup>1480</sup>

<sup>1477</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 1

<sup>1478</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 2

<sup>1479</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 3

<sup>1480</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 4

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Aban, from Abdul Rahman,

'From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup>, 'Is it for the man that he married the Christian woman upon the Muslim woman, and the slave upon the free woman?'

5- ين، كتاب حسين بن سعيد و النوادر القاسم عن أبيان عن عبد الرحمن عن أبي عبد الله ع قال: سألتُهُ هل للرجل أن يتزوج النصرانية على المسلمة و الأمة على الحرة فقال لا يتزوج واحدة منهما على المسلمة و يتزوج المسلمة على الأمة و النصرانية و للمسلمة الثلثان و للأمة و النصرانية الثلث.

He<sup>-asws</sup> said: 'Not one of the two can be married upon the Muslim woman, and the Muslim woman can be married upon the slave woman and the Christian woman, and for the Muslim woman would be two-thirds, and for the slave woman and the Christian woman is the one third'.<sup>1481</sup>

6- ين، كتاب حسين بن سعيد و النوادر ابن محبوب عن العلاء عن محمد عن أبي جعفر ع قال: سألتُهُ عن الرجل يتزوج المجوسية قال لا و لكن إن كانت له أمة مجوسية فلا بأس أن يطأها و يعزل عنها و لا يطلب ولدها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Mahboub, from Al A'ala, from Muhammad,

'From Abu Ja'far<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the man who marries a Magian woman. He<sup>-asws</sup> said: 'No, but if there was a Magian slave woman for him, there is no problem with him having intimate marital relations with her, and he should isolate from her and not seek her child'.<sup>1482</sup>

7- ين، كتاب حسين بن سعيد و النوادر التضر بن سويد عن الحلبي عن عبد الحميد الكلبي عن زرارة قلت لأبي عبد الله ع أتزوج مريجة أو حرورية

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Al Halby, from Abdul Hameed Al Kalby, from Zurara,

'I said to Abu Abdullah<sup>-asws</sup>, 'Can I marry a Murjia woman or a Harouriya (Kharijite)?'

قال لا عليك بالبله من النساء

He<sup>-asws</sup> said: 'No, upon you is with the simple-minded ones from the women'.

قال زرارة ما هي إلا مؤمنة أو كافرة

Zurara said, 'She isn't except a believing woman or a disbelieving woman!'

قال فأين أهل ثنيا [تنوى] الله قول الله أصدق من قولك إلا المستضعفين من الرجال و النساء و الولدان لا يستطعون حيلة و لا يهتدون سبيلاً.

<sup>1481</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 5

<sup>1482</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 6

He<sup>-asws</sup> said: 'Who are the people of the laudation? The Word of Allah<sup>-azwj</sup> is more truthful than your word: **Except for the weak ones from the men and the women and the children, not being capable of dodging (Kufr) nor being guided to a Way [4:98]**'.<sup>1483</sup>

8- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الكريم عن أبي بصير و النضر بن سويد عن موسى بن بكر عن زرارَةَ جميعاً عن أبي عبد الله ع قال: تَزَوَّجُوا فِي الشُّكَاكِ وَ لَا تُزَوِّجُوهُمْ لِأَنَّ الْمَرْأَةَ تَأْخُذُ مِنَ أَدَبِ الرَّجُلِ وَ يُفْهَرُهَا عَلَى دِينِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdul Kareem, from Abu Baseer, and Al Nazr Bin Suweyd, from Musa Bin Bakr, from Zurara, altogether,

'From Abu Abdullah<sup>-asws</sup> having said: 'You can marry into the doubting ones and (but) do not marry to them, because the woman tends to take from the etiquettes of the man, and he coerces her upon his religion!'<sup>1484</sup>

9- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن ابن مسكان عن الحلبي عن ابن أبي عمير عن جميل عن حماد جميعاً عن أبي عبد الله ع قال: لَا يَصْلُحُ لِلْأَعْرَابِ أَنْ يَنْكِحَ الْمُهَاجِرَةَ يَخْرُجُ بِهَا مِنْ أَرْضِ الْهِجْرَةِ فَيَنْعَرِبَ بِهَا إِلَّا أَنْ يَكُونَ قَدْ عَرَفَ السُّنَّةَ وَ الْمَعْرَةَ - [الْحُجَّة] وَ إِنْ أَقَامَ بِهَا فِي أَرْضِ الْهِجْرَةِ فَهُوَ مُهَاجِرٌ.

The book Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Ibn Muskan, from Al Halby, from Ibn Abu Umeyr, from Jameel, from Hammad, altogether,

'From Abu Abdullah<sup>-asws</sup> having said: 'It is not correct for the Bedouin to marry the Emigrant woman going out with her from the land of emigration (Al-Medina), so he would Arabise her (revert to the Bedouin ways), except if he happens to know the Sunnah and the proof, and if he stays with her in the land of emigration, he is an emigrant'.<sup>1485</sup>

10- ين، كتاب حسين بن سعيد و النوادر عثمان بن عيسى عن سماعة قال: سَأَلْتُهُ عَنْ مُنَاكَحَتِهِمْ وَ الصَّلَاةِ مَعَهُمْ فَقَالَ هَذَا أَمْرٌ تَمْلِكُ إِنْ يَسْتَطِيعُوا ذَلِكَ قَدْ أَنْكَحَ رَسُولُ اللَّهِ ص وَ صَلَّى عَلَيْهِ وَرَاءَهُمْ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at who said,

'I asked him<sup>-asws</sup> about marrying them and (praying) the Salat behind them (general Muslims). He<sup>-asws</sup> said: 'This is a lenient matter, if you are able to do that! Rasool-Allah<sup>-saww</sup> had married them, and Ali<sup>-asws</sup> had prayed Salat behind them'.<sup>1486</sup>

11- ين، كتاب حسين بن سعيد و النوادر النضر عن ابن سنان قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع يَكُونُ الرَّجُلُ مُسْلِمًا يَحِلُّ مُنَاكَحَتُهُ وَ مُوَارَثَتُهُ وَ بِمَا يَخْرُجُ دَمُهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Ibn Sinan who said,

<sup>1483</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 7

<sup>1484</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 8

<sup>1485</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 9

<sup>1486</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 10



'I asked Abu Abdullah<sup>-asws</sup>, 'By what the does the Muslims man become such, his marriage and his inheritances is lawful, and his blood sacred?'

فَقَالَ يَحْرُمُ دَمُهُ بِالْإِسْلَامِ إِذَا أَظْهَرَهُ وَحِلُّ مَنَاسِكَتِهِ وَ مُوَارَثَتُهُ.

He<sup>-asws</sup> said: 'His blood is sacred with Al-Islam when he manifests it, and his marriage and his inheritance become lawful'.<sup>1487</sup>

12- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد بن عثمان عن معمر عن أبي عبد الله ع فقال: زَوَّجَ رَسُولُ اللَّهِ ص مُنَافِقَيْنِ مَعْرُوفِي الْيَقَاقِ

The book Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Usman, from Ma'mar,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> married two hypocrites, well-known of the hypocrisy'.

ثُمَّ قَالَ أَبُو الْعَاصِ بْنِ الرَّبِيعِ وَ سَكَتَ عَنِ الْآخَرِ.

Then Abu Al-A'as Bin Al Rabie said, 'And he<sup>-asws</sup> was silent about the other'.<sup>1488</sup>

13- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن جميل بن دراج عن زُرَّارَةَ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع أَخْشَوْتُ أَنْ لَا تُحِلَّ لِي أَنْ أَتَزَوَّجَ صَبِيَّةً مَنْ لَمْ يَكُنْ عَلَى مَذْهَبِي

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad, from Jameel Bin Darraj, from Zurara who said,

'I said to Abu Ja'far<sup>-asws</sup>, 'I fear that it might not be permissible for me to marry a girl, someone who does not happen to be upon my doctrine!'

فَقَالَ مَا يَمْنَعُكَ مِنَ الْبُلهِ مِنَ النِّسَاءِ اللَّاتِي لَا يَعْرِفْنَ مَا أَنْتُمْ عَلَيْهِ وَ لَا يَنْصِبْنَ.

He<sup>-asws</sup> said: 'What prevents you from the simple-minded one from the women, those who neither know what you are upon nor are they hostile'.<sup>1489</sup>

14- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن عمر بن أَدِيْنَةَ عَنِ الْفَضْلِ بْنِ يَسَارٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ مُنَاسِكَحَةِ النَّاصِبِ وَ الصَّلَاةِ خَلْفَهُ فَقَالَ لَا تُنَاسِكَحُهُ وَ لَا تُصَلِّ خَلْفَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Umar Bin Uzina, from Al Fazl Bin Yasaar who said,

<sup>1487</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 11

<sup>1488</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 12

<sup>1489</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 13

'I asked Abu Ja'far<sup>-asws</sup> about marrying the Nasibis (hostile ones), and praying the Salat behind him. He<sup>-asws</sup> said: 'Neither marry to him nor pray Salat behind him!'<sup>1490</sup>

15- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ ابْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ النَّاصِبِ الَّذِي قَدْ عُرِفَ نَصْبُهُ وَ عَدَاؤُهُ هَلْ يُزَوَّجُهُ الْمُؤْمِنُ وَ هُوَ قَادِرٌ عَلَى رَدِّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Ibn Sinan who said,

'I asked Abu Abdullah<sup>-asws</sup> about the Nasibi (hostile one) whose hostility and his enmity is known, 'Can the Momin marry to him while he is able about rejecting him?'

قَالَ لَا يَتَزَوَّجُ الْمُؤْمِنُ نَاصِبَةً وَ لَا يَتَزَوَّجُ النَّاصِبُ مُؤْمِنَةً وَ لَا يَتَزَوَّجُ الْمُسْتَضْعَفُ مُؤْمِنَةً.

He<sup>-asws</sup> said: 'The Momin cannot marry a Nasibi woman, nor can the Nasibi marry believing woman, nor can the weak one marry a believing woman'.<sup>1491</sup>

16- ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنِ الْفَضْلِ بْنِ يَسَارٍ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ عَ إِنَّ لَامِرَاتِي أُخْتًا مُسْلِمَةً لَا بَأْسَ بِرَأْيِهَا وَ لَيْسَ بِالْبَصْرَةِ أَحَدٌ فَمَا تَرَى فِي تَزْوِيجِهَا مِنَ النَّاسِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Abdullah Bin Bukeyr, from Al Fuzeyl Bin Yasaar who said,

'I said to Abu Ja'far<sup>-asws</sup>, 'My wife has a Muslim sister. There is no problem with her views, and there isn't anyone at Al-Basra, so what is your<sup>-asws</sup> view in getting her married to the people?'

فَقَالَ لَا تُزَوِّجُهَا إِلَّا بِمَنْ هُوَ عَلَى رَأْيِهَا وَ تَزْوِيجُ الْمَرْأَةِ الَّتِي لَيْسَتْ بِنَاصِبَةٍ لَا بَأْسَ بِهِ.

He<sup>-asws</sup> said: 'Do not get her married except to the one being upon her views, and marrying the woman who isn't hostile (Nasibi), there is no problem with it'.<sup>1492</sup>

17- كش، رجال الكشي مُحَمَّدُ بْنُ قُؤْلُوبِيٍّ عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ هِلَالٍ عَنِ ابْنِ مُحَمَّدٍ عَنْ ابْنِ رِثَابٍ قَالَ: دَخَلَ زُرَّارَةُ عَلَى أَبِي عَبْدِ اللَّهِ ع فَقَالَ يَا زُرَّارَةُ مَتَاهِلٌ أَنْتَ

(The book) 'Rijal' of Al Kashy – Muhammad Bin Qawlawiya, from Sa'ad, from Ahmad Bin Hilal, from Ibn Mahboub, from Ibn Riab who said,

'Zurara entered to see Abu Abdullah<sup>-asws</sup>. He<sup>-asws</sup> said: 'O Zurara! Are you married?'

قَالَ لَا

He said, 'No'.

<sup>1490</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 14

<sup>1491</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 15

<sup>1492</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 16

قَالَ وَ مَا يَمْنَعُكَ عَنْ ذَلِكَ

He<sup>-asws</sup> said: 'And what prevents you from that?'

قَالَ لِأَيِّ لَا أَعْلَمُ تَطِيبُ مُنَاكِحَهُ هَؤُلَاءِ أَمْ لَا

He said, 'Because I don't know marrying them (general Muslims) is good or not!'

قَالَ فَكَيْفَ تَصْبِرُ وَأَنْتَ شَابٌ

He<sup>-asws</sup> said: 'How can you be patient, and you are a youth?'

قَالَ أَشْتَرِي الْإِمَاءَ

He said, 'I buy the slave girl'.

قَالَ وَمِنْ أَيْنَ طَابَ لَكَ نِكَاحُ الْإِمَاءِ

He<sup>-asws</sup> said: 'And from where is it good for you to marry the slave girl?'

قَالَ إِنَّ الْأَمَةَ إِنْ رَأَيْتِي مِنْ أَمْرِهَا شَيْءٌ بَعْتُهَا

He said, 'If the slave girl goes against me by anything from her matter, I can sell her!'

قَالَ لَمْ أَسْأَلْكَ عَنْ هَذَا وَلَكِنْ سَأَلْتُكَ مِنْ أَيْنَ طَابَ لَكَ فَرْجُهَا

He<sup>-asws</sup> said: 'I<sup>-asws</sup> did not ask you about this, but I<sup>-asws</sup> asked you, from where is her private part good for you?'

قَالَ لَهُ فَتَأْمُرُنِي أَنْ أَتَزَوَّجَ

He said to him<sup>-asws</sup>, 'So you<sup>-asws</sup> are instructing me to get married?'

قَالَ لَهُ ذَلِكَ إِلَيْكَ

He<sup>-asws</sup> said: 'That is up to you'.

قَالَ فَقَالَ لَهُ زُرَّارَةُ هَذَا الْكَلَامُ يَنْصَرِفُ عَلَى ضَرْبَيْنِ إِمَّا أَنْ لَا تُبَالِيَ أَنْ أَعْصِيَ اللَّهَ إِذْ لَمْ تَأْمُرْنِي بِذَلِكَ وَالْوَجْهَ الْآخَرَ أَنْ يَكُونَ مُطْلَقًا لِي

He (the narrator) said, 'Zurara said to him<sup>-asws</sup>, 'This speech can be utilised upon two types – either you<sup>-asws</sup> don't care if I were to disobey Allah<sup>-azwj</sup>, since you<sup>-asws</sup> are not instructing me with that (getting married), and the other aspect is that it would be absolute for me'.

قَالَ فَقَالَ عَلَيْكَ بِالْبَلَاءِ

He (the narrator) said, 'He<sup>-asws</sup> said: 'Upon you is with (marrying) the simple-minded ones'.

قَالَ فَقُلْتُ مِثْلَ الَّذِي يَكُونُ عَلَى رَأْيِ الْحَكَمِ بْنِ عُتَيْبَةَ وَ سَالِمِ بْنِ أَبِي حَفْصَةَ

He said, 'I said, 'Like the ones who happen to be upon the view of Al-Hakam Bin Uteyba, and Salim Bin Abu Hafsa?'

قَالَ لَا إِلَهَ إِلَّا مَا أَنْتُمْ عَلَيْهِ وَلَا تَنْصِبُ قَدْ زَوَّجَ رَسُولُ اللَّهِ ص أَبَا الْعَاصِ بْنَ الرَّبِيعِ وَ عُثْمَانَ بْنَ عَفَّانَ وَ تَزَوَّجَ عَائِشَةَ وَ حَفْصَةَ وَ غَيْرَهُمَا

He<sup>-asws</sup> said: 'No! The one who does not know what you are upon nor is she hostile. Rasool-Allah<sup>-saww</sup> had married to Abu Al Aas Bin Al Rabie, and Usman Bin Affan, and he<sup>-saww</sup> married Ayesha and Hafsa and others'.

فَقَالَ لَسْتُ أَنَا بِمَنْزِلَةِ النَّبِيِّ ص الَّذِي كَانَ يَجْرِي عَلَيْهِ حُكْمُهُ وَ مَا هُوَ إِلَّا مُؤْمِنٌ أَوْ كَافِرٌ قَالَ اللَّهُ عَزَّ وَ جَلَّ فَمِنْكُمْ كَافِرٌ وَ مِنْكُمْ مُؤْمِنٌ

He said, 'I am not at the status of the Prophet<sup>-saww</sup> whose judgment would flow upon, and he (from the people) is either a believer or a disbeliever. Allah<sup>-azwj</sup> Mighty and Majestic Says: **He is the One Who Created you all, so from you is a Kafir and from you is a Momin, and Allah Sees what you are doing [64:2]**'.

فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ فَأَيْنَ أَصْحَابُ الْأَعْرَابِ وَ أَيْنَ الْمُؤَلَّفَةُ قُلُوبُهُمْ وَ أَيْنَ الَّذِينَ خَلَطُوا عَمَلًا صَالِحًا وَ آخَرَ سَيِّئًا وَ أَيْنَ الَّذِينَ لَمْ يَدْخُلُوهَا وَ هُمْ يَطْمَعُونَ.

Abu Abdullah<sup>-asws</sup> said to him: 'So where are **companions of the heights [7:48]**, and where are **the ones (recently) inclined of their hearts (to Al-Islam) [9:60]**, and where are those **mingling one righteous deed and another evil one [9:102]**, and where are those **they shall not have entered it yet, but they would be hoping to [7:46]**?<sup>1493</sup>

18- كَش، رجال الكشي مُحَمَّدٌ بْنُ مَسْعُودٍ قَالَ كَتَبَ إِلَيَّ الْفَضْلُ حَدَّثَنَا ابْنُ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ قَالَ: قَالَ دَاوُدُ بْنُ عَلِيٍّ لِأَبِي عَبْدِ اللَّهِ ع قَدْ أَتَيْتُ ذَنْبًا لَا يَغْفِرُهُ اللَّهُ لَكَ

(The book) 'Rijal' of Al Kashi – Muhammad Bin Masoud said, 'Al Fazl wrote to me, 'It is narrated to us by Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Ismail Bin Jabir who said,

'Dawood Bin Ali<sup>-asws</sup> said to Abu Abdullah<sup>-asws</sup>, 'You<sup>-asws</sup> have committed such a sin, Allah<sup>-azwj</sup> will not Forgive it for you<sup>-asws</sup>!'

قَالَ وَ مَا ذَلِكَ

He<sup>-asws</sup> said: 'And what is that?'

قَالَ زَوَّجْتَ ابْنَتَكَ فُلَانًا الْأُمَوِيِّ

He said, 'You<sup>-azwj</sup> got your<sup>-asws</sup> daughter married to so and so, the Umayyid!'

<sup>1493</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 17

قَالَ إِنْ كُنْتُ زَوَّجْتُ فَلَانًا الْأُمَوِيَّ فَقَدْ زَوَّجَ رَسُولُ اللَّهِ ص عُثْمَانَ وَ لِي رَسُولُ اللَّهِ أُسْوَةٌ.

He<sup>-asws</sup> said: 'If I<sup>-asws</sup> have married to so and so, the Umayyid, so Rasool-Allah<sup>-saww</sup> had married to Usman, and for me<sup>-asws</sup> there is an example with Rasool-Allah<sup>-saww</sup>'<sup>1494</sup>

19- تَفْسِيرُ النُّعْمَانِيِّ، بِإِسْنَادِ الْمُتَقَدِّمِ فِي كِتَابِ الْقُرْآنِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع فِي قَوْلِهِ تَعَالَى وَ لَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ وَ لِأَمَةٍ مُؤْمِنَةٍ خَيْرٌ مِنْ مُشْرِكَةٍ وَ لَوْ أَعْجَبَتْكُمْ وَ لَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَ لَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِنْ مُشْرِكٍ وَ لَوْ أَعْجَبَكُمْ

(The book) 'Tafseer Al Numani' –

By the previous chain in 'Kitab Al Quran', from Amir Al Momineen<sup>-asws</sup> regarding Words of the Exalted: **And do not marry the Mushrik women until they believe, and a Momina maid is better than a Mushrik woman, and even if she fascinates you; and do not marry the Mushrik men until they believe, and a Momin slave is better than a Mushrik man, and even if he fascinates you [2:221].**

وَ ذَلِكَ أَنَّ الْمُسْلِمِينَ كَانُوا يَنْكِحُونَ فِي أَهْلِ الْكِتَابِ مِنَ الْيَهُودِ وَ النَّصَارَى وَ يُنْكِحُوهُمْ حَتَّى نَزَلَتِ الْآيَةُ هِيَ أَنْ يَنْكِحَ الْمُسْلِمُ مِنَ الْمُشْرِكِ أَوْ يُنْكِحُوهُ

'And that is because the Muslims were marrying among People of the Book, from the Jews and the Christians, and they were giving in marriage to them until the Verse was Revealed Prohibiting the Muslims from marrying the Polytheist, or marrying to him'.

ثُمَّ قَالَ تَعَالَى فِي سُورَةِ الْمَائِدَةِ مَا نَسَخَ هَذِهِ الْآيَةَ فَقَالَ وَ طَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَلٌ لَكُمْ وَ طَعَامُكُمْ حَلَلٌ لَهُمْ وَ الْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَ الْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ

Then the Exalted Said in Surah Al Maidah what Abrogated this Verse. He<sup>-azwj</sup> Said: **and the food of those Given the Book is Permissible for you, and your food is Permissible for them; and the chaste (protective) ones from the believing women and the chaste (protective) ones from those Given the Book from before you [5:5].**

فَأُطْلِقَ عَزَّ وَ جَلَّ مُنَاصَحَتَهُنَّ بَعْدَ أَنْ كَانَ هَيَّ وَ تَرَكَ قَوْلَهُ وَ لَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا عَلَى خَالَةٍ لَمْ يَنْسَخْهُ.

Thus, the Mighty and Majestic Permitted marrying them after having Prohibited, and Left His<sup>-azwj</sup> Words: **And do not marry the Mushrik women until they believe [2:221]** upon its state, not Abrogating it'.<sup>1495</sup>

20- نَوَادِرُ الرَّاَوْنِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع لَا يَجُوزُ لِلْمُسْلِمِ التَّزْوُجُ بِالْأَمَةِ الْيَهُودِيَّةِ وَ لَا النَّصْرَانِيَّةِ لِأَنَّ اللَّهَ تَعَالَى قَالَ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ

(The book) 'Nawadir' of Al Rawandy – By his chain,

<sup>1494</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 18

<sup>1495</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 19

'From Musa Bin Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> forefathers<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> said: 'It is not allowed for the Muslim to marry the Jewish slave girl nor a Christian, because Allah<sup>-azwj</sup> the Exalted Said: **then from what your right hands possess from your youthful Momiinat [4:25]**'.

وَقَالَ كَرِهَ رَسُولُ اللَّهِ ص التَّزْوِجَ بِمَا لِقَالَا يَسْتَرْقِ وَلَدَهُ الْيَهُودِيُّ وَ النَّصْرَانِيُّ.

And he<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> disliked the marriage (with a Jewish or Christian slave girl), let the Jews and the Christians steal his child'.<sup>1496</sup>

21- الْهِدَايَةُ، وَ تَزْوِيجُ الْمَجُوسِيَّةِ وَ النَّاصِبِيَّةِ حَرَامٌ.

(The book) 'Al Hidayat' -

'And marry the Magian and the Nasibi (hostile) woman is prohibited'.<sup>1497</sup>

22- وَ مِنْهُ، وَ تَزْوِيجُ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ جَائِزٌ وَ لَكِنَّهُ مُتَعَانٍ مِنْ شُرْبِ الْخَمْرِ وَ أَكْلِ لَحْمِ الْخِنْزِيرِ وَ عَلَى مَنْ تَزَوَّجَهَا فِي دِينِهِ عَصَاةٌ.

And from him, 'And marrying the Jewess and the Christian woman is allowed, but they would be prevented from drinking the wine, and eating flesh of the swine, and upon the one marrying them is shortcoming in his religion'.<sup>1498</sup>

23- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ أُيُوبَ بْنِ نُوحٍ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: تَزَوَّجُوا فِي الشُّكَاكِ وَ لَا تَزَوَّجُوهُمْ لِأَنَّ الْمَرْأَةَ تَأْخُذُ مِنْ آدَبِ زَوْجِهَا وَ يَتَقَهَّرُهَا عَلَى دِينِهِ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ayoub Bin Nuh, from Safwan, from Musa Bin Bakr, from Zurara,

'From Abu Abdullah<sup>-asws</sup> having said: 'Marry among the doubting ones and do not give in marriage to them, because the woman takes from etiquettes of her husband, and he coerces her upon his religion'.<sup>1499</sup>

24 ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع كَرِهَ مُنَاكَحَةَ أَهْلِ الْحَرْبِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup> disliked marrying the people at war'.<sup>1500</sup>

25- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ الْأَصْبَهَانِيِّ عَنِ الْمُنْقَرِيِّ عَنْ عِيسَى بْنِ يُونُسَ عَنِ الْأَوْزَاعِيِّ عَنِ الرَّهَرِيِّ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ع قَالَ: لَا يَحِلُّ لِلْأَسِيرِ أَنْ يَتَزَوَّجَ مَا دَامَ فِي أَيْدِي الْمُشْرِكِينَ خَافَةً أَنْ يُوَلَّدَ فَيَبْقَى وَلَدُهُ كَافِرًا فِي أَيْدِيهِمْ.

<sup>1496</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 20

<sup>1497</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 21

<sup>1498</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 22

<sup>1499</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 23

<sup>1500</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 24

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Asbahani, from Al Minqary, from Isa Bin Yunus, from Al Awzaie, from Al Zuhry,

'From Ali Bin Al-Husayn<sup>-asws</sup> having said: 'It is not permissible for the captive that he marries for as long as he is in the hands of the Polytheists, fearing that he might beget and his child would remain a Kafir in their hands'.<sup>1501</sup>

26- فس، تفسير القمي وَ الْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ فَقَدْ أَحَلَّ اللَّهُ نِكَاحَ أَهْلِ الْكِتَابِ بَعْدَ تَحْرِيمِهِ فِي قَوْلِهِ فِي سُورَةِ الْبَقَرَةِ وَ لَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَ إِنَّمَا يَحِلُّ نِكَاحُ أَهْلِ الْكِتَابِ الَّذِينَ يُؤَدُّونَ الْجِزْيَةَ عَلَى مَا يَجِبُ فَأَمَّا إِذَا كَانُوا فِي دَارِ الشِّرْكِ وَ لَمْ يُؤَدُّوا الْجِزْيَةَ لَمْ يَحِلَّ مُنَاكَحَتُهُمْ.

(The book) 'Tafseer Al Qummi' -

**'And the chaste (protective) ones from the believing women and the chaste (protective) ones from those Given the Book from before you [5:5].** Allah<sup>-azwj</sup> has Permitted marrying People of the Book after having Forbidden it in His<sup>-azwj</sup> Words in Surah Al Baqarah: **And do not marry the Mushrik women until they believe [2:221].** And rather, He<sup>-azwj</sup> Permitted marrying People of the Book, those who were paying the taxes upon what is obligated. As for if they were in the house of Polytheism and do not pay the tax, marrying them is not Permissible'.<sup>1502</sup>

27- ضا، فقه الرضا عليه السلام إِنْ تَزَوَّجْتَ يَهُودِيَّةً أَوْ نَصْرَانِيَّةً فَاَمْنَعُهَا مِنْ شَرْبِ الْخَمْرِ وَ أَكْلِ لَحْمِ الْخِنْزِيرِ وَ اعْلَمْ أَنَّ عَلَيْكَ فِي دِينِكَ فِي تَزْوِيجِكَ إِثْمًا عَظِيمًا وَ لَا يَجُوزُ تَزْوِيجُ الْمُجُوسِيَّةِ وَ لَا يَجُوزُ أَنْ تَتَزَوَّجَ مِنْ أَهْلِ الْكِتَابِ وَ لَا مِنْ الْإِمَاءِ إِلَّا اثْنَتَيْنِ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'If you marry a Jewess or a Christian woman, forbid them from drinking the wine and eating the flesh of swine, and know that upon you, in your religion there is a blame, if you were to marry them, and it is not allowed to marry a Magian woman, nor allowed to marry from People of the Book nor from the slave girls except two'.<sup>1503</sup>

28- شي، تفسير العياشي عَنْ زُرَّارَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع أَتَزَوَّجُ الْمُرْجِيَّةَ أَوِ الْحُرُورَةَ أَوِ الْقَدَرِيَّةَ

(The book) 'Tafseer Al Ayyashi' – From Zurara who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'Can I marry the Murjiya woman or the Harouriya or the Qadiriya?'

قَالَ لَا عَلَيْكَ بِالْبَلَاءِ مِنَ النِّسَاءِ

He<sup>-asws</sup> said: 'No! Upon you is with (marrying) the simple-minded ones from the women'.

قَالَ زُرَّارَةُ فَقُلْتُ مَا هِيَ إِلَّا مُؤَمِّنَةٌ أَوْ كَافِرَةٌ

Zurara said, 'I said, 'She isn't except a believing woman or a disbelieving woman!'

<sup>1501</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 25

<sup>1502</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 26

<sup>1503</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 27

فَقَالَ أَبُو عَبْدِ اللَّهِ ع فَأَيْنَ أَهْلُ اسْتِثْنَاءِ اللَّهِ قَوْلُ اللَّهِ أَصْدَقُ مِنْ قَوْلِكَ إِلَّا الْمُسْتَضْعِفِينَ مِنَ الرِّجَالِ وَ النِّسَاءِ وَ الْوُلْدَانِ إِلَى قَوْلِهِ سَبِيلًا.

Abu Abdullah<sup>-asws</sup> said: 'So where are the excluded people? The Word of Allah<sup>-azwj</sup> is more truthful than your word: **Except for the weak ones from the men and the women and the children, not being capable of dodging (Kufr) nor being guided to a Way [4:98]**'.<sup>1504</sup>

Tafseer Al Ayyashi – From Humran who said,

'I asked Abu Abdullah<sup>-asws</sup> about Words of Allah<sup>-azwj</sup>: **Except for the weak ones [4:98]**. He<sup>-asws</sup> said: 'They are the people of authority (Wilayah)!'

فَعُلْتُ أَيُّ وَلَايَةٍ

I said, 'Which authority?'

فَقَالَ أَمَّا إِذَا لَيْسَتْ بِوَلَايَةٍ فِي الدِّينِ وَ لَكِنَّهَا الْوَلَايَةُ فِي الْمَنَاحَةِ وَ الْمُوَارَثَةِ وَ الْمُحَالَطَةِ وَ هُمْ لَيْسُوا بِالْمُؤْمِنِينَ وَ لَا بِالْكَفَّارِ وَ هُمْ الْمَرْجُونَ لِأَمْرِ اللَّهِ.

He<sup>-asws</sup> said: 'But, it isn't authority in the religion, but it is the authority in the marriages and the inheritances and the social interactions, and they are neither believers nor disbelievers, and they are the ones hoping for the Command of Allah<sup>-azwj</sup>!'<sup>1505</sup>

30- شي، تفسير العياشي عَنِ ابْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: وَ الْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ قَالَ هُنَّ الْمُسْلِمَاتُ.

(The book) 'Tafseer Al Ayyashi' – From Ibn Sinan,

'From Abu Abdullah<sup>-asws</sup> having said: **'and the chaste (protective) ones from the believing women [5:5]**. He<sup>-asws</sup> said: 'They are from the Muslim women'.<sup>1506</sup>

31- شي، تفسير العياشي عَنْ مَسْعُودَةَ بِنِ صَدَقَةَ قَالَ: سُئِلَ أَبُو جَعْفَرٍ ع عَنْ قَوْلِ اللَّهِ وَ الْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ قَالَ نَسَخْتُهَا وَ لَا تُنْكِحُوا بِعَصَمِ الْكَافِرِ.

(The book) 'Tafseer Al Ayyashi' – From Ma'ada Bin Sadaqa who said,

'Abu Ja'far<sup>-asws</sup> was asked about Words of Allah<sup>-azwj</sup>: **and the chaste (protective) ones from the believing women and the chaste (protective) ones from those Given the Book from before you [5:5]**. He<sup>-asws</sup> said: 'It is Abrogated by: **and do not hold on to the ties of marriage of the Kafir women [60:10]**'.<sup>1507</sup>

32 شي، تفسير العياشي عَنْ أَبِي جَمِيلَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمُحْصَنَاتِ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ قَالَ هُنَّ الْعَفَائِفُ.

(The book) 'Tafseer Al Ayyashi' – From Abu Jameela -

<sup>1504</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 28

<sup>1505</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 29

<sup>1506</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 30

<sup>1507</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 31



'From Abu Abdullah<sup>-asws</sup> regarding: **and the chaste (protective) ones from the believing women and the chaste (protective) ones from those Given the Book [5:5]**. He<sup>-asws</sup> said: 'These are the chaste women'.<sup>1508</sup>

33 شي، تفسير العياشي عن العبد الصالح قال: سألناه عن قوله و الْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ مَا هُنَّ وَ مَا مَعْنَى إِخْصَانِهِنَّ قَالَ هُنَّ الْعَقَائِفُ مِنْ نِسَائِهِمْ.

(The book) 'Tafseer Al Ayyashi' -

'From Al-Abd Al Salih (Musa Al-Kazim<sup>-asws</sup>), he (the narrator) said, 'We asked him<sup>-asws</sup> about His<sup>-azwj</sup> Words: **and the chaste (protective) ones from the believing women and the chaste (protective) ones from those Given the Book from before you [5:5]**, 'What are they and what is the meaning of their being protective?' He<sup>-asws</sup> said: 'They are the chaste ones from their women'.<sup>1509</sup>

باب 80 إسلام أحد الزوجين

## CHAPTER 80 – PROFESSING ISLAM BY ONE OF THE TWO SPOUSES

1- ب، قرب الإسناد علي عن أخيه قال: سألته عن امرأة أسلمت ثم أسلم زوجها أ يحل له

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a woman who became a Muslim, then her husband became a Muslim, 'Is she permissible for him?'

قال هو أحق بما لم تتزوج و لكنها تحب فلها ما اختارت.

He<sup>-asws</sup> said: 'He is more rightful with her for as long as she has not remarried, but she will be given a choice. For her is whatever she chooses'.<sup>1510</sup>

2- و سألته عن امرأة أسلمت قبل زوجها و تزوجت غيره ما حالها قال هي للذي تزوجت و لا ترد على الأول.

And I asked him<sup>-asws</sup> about a woman who became a Muslim before her husband, and she married someone else, 'What is her state?' He<sup>-asws</sup> said: 'She is for the one she married, and she will not be returned to the first one'.<sup>1511</sup>

3- ب، قرب الإسناد ابن عيسى عن البرنطبي قال: سمعت رجلاً يسأل أبا الحسن الرضا ع [عن] النصري تسلم المرأة ثم يسلم زوجها يكونان على النكاح الأول

<sup>1508</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 32

<sup>1509</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 79 H 33

<sup>1510</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 80 H 1

<sup>1511</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 80 H 2

(The book) 'Qurb Al Isnaad' – Ibn Isa, from Al Bazanty who said,

'I heard a man asking Abu Al-Hassan Al-Reza<sup>-asws</sup> about the Christian. The wife became a Muslim then her husband became a Muslim, 'Will they both be upon the first marriage?'

قَالَ لَا يُجِيدَانِ نِكَاحًا آخَرَ.

He<sup>-asws</sup> said: 'They will not be renewing another marriage'.<sup>1512</sup>

4- ضا، فقه الرضا عليه السلام أَبِي عَنْ جَعْفَرٍ عَنْ أَبِيهِ ع فِي امْرَأَةٍ تُسْلِمُ تَحْتَ نَصْرَانِي قَالَ هِيَ امْرَأَتُهُ مَا لَمْ يُخْرِجَهَا مِنْ دَارِ الْهِجْرَةِ.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'My<sup>-asws</sup> father<sup>-asws</sup>, from Ja'far<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> regarding a woman who became a Muslim while being married to a Christian. He<sup>-asws</sup> said: 'She is his wife for as long as he does not take her out from the house of emigration'.<sup>1513</sup>

باب 81 ما يحل من عدد الأزواج للحر والعبد

## CHAPTER 81 – WHAT IS PERMISSIBLE FROM THE NUMBER OF WIVES, FOR THE FREE AND THE SLAVE

1- ب، قرب الإسناد عَلِيِّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ أَرْبَعُ نِسْوَةٍ فَمَاتَتْ إِحْدَاهُنَّ هَلْ يَصْلُحُ أَنْ يَتَزَوَّجَ فِي عِدَّتِهَا أُخْرَى قَبْلَ أَنْ تَنْقَضِيَ عِدَّةُ الْمُتَوَفَّاةِ قَالَ إِذَا مَاتَتْ فَلْيَتَزَوَّجْ مَتَى أَحَبَّ.

(The book) 'Qurb Al Isnaad' -

'Ali, from his brother (Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a man who has four wives for him. One of them dies. Is it correct for him to marry another during her waiting period before expiry of the waiting period of the dead one?' He<sup>-asws</sup> said: 'When she dies, he can marry whenever he likes'.<sup>1514</sup>

2- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ وَاحِدَةً هَلْ يَصْلُحُ لَهُ أَنْ يَتَزَوَّجَ أُخْرَى قَبْلَ أَنْ تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

He said, 'And I asked him<sup>-asws</sup> about a man having four wives for him. He divorces one, 'Is it correct for him to marry another before expiry of the waiting period of the one he divorced?'

قَالَ لَا يَصْلُحُ أَنْ يَتَزَوَّجَ حَتَّى تَنْقَضِيَ عِدَّةُ الْمُطَلَّاقَةِ.

<sup>1512</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 80 H 3

<sup>1513</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 80 H 4

<sup>1514</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 1

He<sup>-asws</sup> said: 'No. It is not correct for him to marry until expiry of the waiting period of the divorced (wife)'.<sup>1515</sup>

3- ل، الخصال فِي خَبَرِ الْأَعْمَشِيِّ عَنِ الصَّادِقِ ع قَالَ: لَا يُجْمَعُ بَيْنَ أَكْثَرَ مِنْ أَرْبَعِ حَرَائِرَ.

(The book) 'Al Khisaal' – In a Hadeeth by Al Amsh,

'From Al-Sadiq<sup>-asws</sup> having said: 'He cannot gather more than four free ones (as wives)'.<sup>1516</sup>

4- ن، عيون أخبار الرضا عليه السلام فيما كتبت الرضا ع للمأمون مثله.

(The book) 'Uyoun Akhbar Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – Among what Al-Reza<sup>-asws</sup> wrote for Al-Mamoun, similar to it.<sup>1517</sup>

5- ع، علل الشرائع فِي عِلَالِ ابْنِ سِنَانٍ قَالَ: كَتَبَ الرِّضَا عَ عَلَهُ تَزْوِيجَ الرَّجُلِ أَرْبَعَ نِسْوَةً وَ تَحْرِيمَ أَنْ تَنْتَزِجَ الْمَرْأَةُ أَكْثَرَ مِنْ وَاحِدٍ لِأَنَّ الرَّجُلَ إِذَا تَزَوَّجَ أَرْبَعَ نِسْوَةٍ كَانَ الْوَلَدُ مَنْشُوباً إِلَيْهِ وَ الْمَرْأَةُ لَوْ كَانَ لَهَا زَوْجَانِ أَوْ أَكْثَرَ مِنْ ذَلِكَ لَمْ يَعْرِفِ الْوَلَدُ لِمَنْ هُوَ إِذْ هُمْ مُشْتَرِكُونَ فِي نِكَاحِهَا وَ فِي ذَلِكَ فَسَادُ الْأَنْسَابِ وَ الْمَوَارِيثِ وَ الْمَعَارِفِ.

(The book) 'Ilal Al Sharaie', in 'Ilal' of Ibn Sinan who said,

'Al-Reza<sup>-asws</sup> wrote: 'The reason for the man marrying four wives and prohibition of the woman marrying more than one is because if the man marries four women, the child would be attributed to him, and if the woman were to have two husbands for her or more than that, it will not be known who the child is for when they had both participated in having intimate marital relations with her, and in that is corruption of the lineages and the inheritances and the acquaintances'.<sup>1518</sup>

6- ب، قرب الإسناد حماد بن عيسى قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع وَ لَيْسَ مَعَهُ إِلَّا غُلَامُهُ فَقُلْتُ جُعِلْتُ فِدَاكَ خَيْرِي عَنِ الْعَبْدِ كَمْ يَتَزَوَّجُ

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa said,

'I asked Abu Abdullah<sup>-asws</sup> and there wasn't anyone with him<sup>-asws</sup> except his<sup>-asws</sup> slave. I said, 'May I be sacrificed for you<sup>-asws</sup>! Inform me about the slave, how many can he marry?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع لَا يَزِيدُ عَلَى امْرَأَتَيْنِ.

He<sup>-asws</sup> said: 'My<sup>-asws</sup> father<sup>-asws</sup> said: 'Ali<sup>-asws</sup> said: 'He cannot increase upon two women'.<sup>1519</sup>

7- ب، قرب الإسناد ابن طريف عَنِ ابْنِ غُلَوَانَ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ عَلِيّاً ع كَانَ يَقُولُ لَا يَتَزَوَّجُ الْعَبْدُ إِلَّا امْرَأَتَيْنِ.

<sup>1515</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 2

<sup>1516</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 3

<sup>1517</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 4

<sup>1518</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 5

<sup>1519</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 6

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: 'Ali<sup>-asws</sup> had said: 'The slave cannot marry except two women!'<sup>1520</sup>

8- ضا، فقه الرضا عليه السلام لا يجوز أن تتزوج من أهل الكتاب ولا من الإماء إلا اثنتين و لك أن تتزوج من الحرائر المسلمات أربعاً أو يتزوج العبد حرتين أو أربع إماء.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'It is not allowed to marry from People of the Book nor from the slave women except two, and for you is to marry four from the free Muslim women, or the slave to marry two free women or four slave women'.<sup>1521</sup>

9- شي، تفسير العياشي عن يونس بن عبد الرحمن عن أخيه عن أبي عبد الله ع قال: في كل شيء إسراف إلا في النساء قال الله تعالى فانكحوا ما طاب لكم من النساء مثنى وثلاث ورباع

(The book) 'Tafseer Al Ayyashi' – From Yunus Bin Abdul Rahman, from the one who informed him,

'From Abu Abdullah<sup>-asws</sup> having said: 'In all things there is extravagance except in the women. Allah<sup>-azwj</sup> the Exalted Says: **then marry such women as seem good to you, two and three and four [4:3]**.'

و قال و أحل ما ملكت أيماكم.

And he<sup>-asws</sup> said: 'And permissible is what your hands possess (slave girls)'.<sup>1522</sup>

10- شي، تفسير العياشي عن منصور بن حازم عن أبي عبد الله ع قال: لا يحل لِمَاءِ الرَّجُلِ أَنْ يَجْرِيَ فِي أَكْثَرِ مِنْ أَرْبَعَةِ أَرْحَامٍ مِنَ الْحَرَائِرِ.

(The book) 'Tafseer Al Ayyashi' – From Mansour Bin Hazim,

'From Abu Abdullah<sup>-asws</sup> having said: 'It is not permissible for the water (seed) of the man to flow in more than four wombs from the free women'.<sup>1523</sup>

11- ين، كتاب حسين بن سعيد و النوادر النضر عن عبد الله بن سنان عن أبي عبد الله ع أنه قال في رجل تحته أربع نسوة فطلق إحداهن قال لا ينكح حتى تنقضي عده التي طلق.

From the book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Abdullah Bin Sinan,

'From Abu Abdullah<sup>-asws</sup> having said regarding a man having four wives under him. He divorces one of them. He<sup>-asws</sup> said: 'He cannot marry until the waiting period of the divorced one expires'.<sup>1524</sup>

<sup>1520</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 7

<sup>1521</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 8

<sup>1522</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 9

<sup>1523</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 10

<sup>1524</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 11

12- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ وَ أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَاصِمٍ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ فِي رَجُلٍ كُنَّ عِنْدَهُ أَرْبَعُ نِسْوَةٍ يُطَلِّقُ وَاحِدَةً ثُمَّ نَكَحَ أُخْرَى قَبْلَ أَنْ تَسْتَكْمِلَ الْمُطَلَّقةَ أَجَلَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, and Ahmad Bin Muhammad, from Aasim Bin Humeyd, from Muhammad Bin Qays who said,

'I heard Abu Ja'far<sup>-asws</sup> saying regarding a man having four wives with him. He divorces one, then marries another before the divorced one had completed her waiting period.

قَالَ الْحَقْفَةُ بِأَهْلِهَا حَتَّى تَسْتَكْمِلَ الْمُطَلَّقةَ الْعِدَّةَ وَ تَسْتَقْبِلَ الْأُخْرَى عِدَّةً أُخْرَى وَ لَهَا صَدَاقُهَا إِنْ كَانَ دَخَلَ بِهَا وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَهُ مَالُهَا وَ لَا عِدَّةَ عَلَيْهَا ثُمَّ إِنْ شَاءَ أَهْلُهَا بَعْدَ انْقِضَاءِ عِدَّتِهَا زَوَّجُوهُ وَ إِنْ شَاءُوا لَمْ يَزَوَّجُوهُ.

He<sup>-asws</sup> said: 'The divorced one will be joined with her family until she completes her waiting period, and the other one will start another waiting period, and for her would be her dowry if he had consummated the marriage with her; and if he had not consummated with her, for him would be his wealth and there will be no waiting period upon her. If, after the expiry of the waiting period, if her family so desires, they can marry her to him, and if they so desire, they do not marry to him'.<sup>1525</sup>

13- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ هِشَامٍ وَ جَمِيلٍ عَنْ زُرَّارَةَ أَوْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: إِذَا اجْتَمَعَ عِنْدَ الرَّجُلِ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ إِحْدَاهُنَّ فَلَا يَتَزَوَّجُ الْخَامِسَةَ حَتَّى تَنْقَضِيَ عِدَّةُ أَلْفِي طَلَّقَ

From the book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hisham and Jameel, from Zurarah or Muhammad Bin Muslim,

'From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> said: 'When four wives gather with the man, so he divorces one of them, he cannot marry the fifth until the waiting period of the one he divorced expires'.

وَ قَالَ لَا يَجْتَمِعُ مَائُهُ فِي خَمْسٍ.

And he<sup>-asws</sup> said: 'His water (seed) should not gather in five'.<sup>1526</sup>

14- ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ عَنْ عَلِيٍّ ع عَنْ أَبِي إِبْرَاهِيمَ ع مِثْلَ ذَلِكَ قُلْتُ وَ إِنْ كَانَتْ مُتْعَةً قَالَ وَ إِنْ كَانَتْ مُتْعَةً.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Ali,

'From Abu Ibrahim<sup>-asws</sup> (Al-Kazim<sup>-asws</sup>), similar to that. I said, 'And if it was Mut'ah (temporary marriage)?' He<sup>-asws</sup> said: 'And even if it was Mut'ah'.<sup>1527</sup>

15- الْهَدَايَةُ، يَجُوزُ لِلرَّجُلِ أَنْ يَتَزَوَّجَ مِنَ الْحَرَائِرِ أَرْبَعًا وَ يَجْمَعَ بَيْنَهُنَّ وَ مِنَ الْإِمَاءِ أَمَتَيْنِ وَ يَجْمَعَ بَيْنَهُمَا وَ ذَلِكَ مِنْ أَهْلِ الْكِتَابِ وَ الْعَبْدُ يَتَزَوَّجُ بِحُرَّتَيْنِ أَوْ أَرْبَعٍ إِمَاءً.

<sup>1525</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 12

<sup>1526</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 13

<sup>1527</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 14

(The book) 'Al Hidayah' -

'It is allowed for the man that he marries four from the free women, and gather between them, and two slave girls from the slave women, and gather between them, and that is from People of the Book, and the slave can marry two free women or four slave women'.<sup>1528</sup>

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<sup>1528</sup> Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 81 H 15