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**Bihar Al-Anwaar – The summary of the pearls of the
Ahadeeth of the Pure Imams^{-asws}**

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باب 82 ما تحرم بسبب الطلاق و العدة و حكم من نكح امرأة لها زوج

CHAPTER 82 – WHAT IS PROHIBITED BY THE CAUSE OF DIVORCE, AND THE WAITING PERIOD, AND RULING OF THE ONE WHO MARRIES A WOMAN ALREADY HAVING A HUSBAND FOR HER

1- ب، قرب الإسناد علي عن أخيه ع قال: سألتُه عن امرأة بلغها أنَّ زوجها تُوفي فاعتدَّت سنةً و تزوجت فبلغها بعدُ أنَّ زوجها حي هل تحلُّ لِآخر

(The book) 'Qurb Al-Isnaad' -

Ali, from his father^{-asws}, he said, 'I asked him^{-asws} about a woman to whom news reaches that her husband has died, so she observes a waiting period for a year and remarries. Afterwards, it reaches her that her husband is actually alive, 'Is she lawful for the latter one?'

قال لا.

He^{-asws} said: 'No'.¹

2- قال: و سألتُه عن امرأة تزوجت قبل أن تنقضي عدتها قال يفرق بينهما و بينه و يكون خاطباً من الخطأب.

He said, 'And I asked him^{-asws} about a woman who gets remarried before expiry of her waiting period. He^{-asws} said: 'There would be separation between her and him, and he would be a proposer from the proposers'.²

He said, 'And I asked him^{-asws} about a woman whose husband dies while she is pregnant. She gives birth and remarries before the passing of four months and ten (days), 'What is her state?'

3- قال: و سألتُه عن امرأة تُوفي زوجها و هي حامل فوضعت و تزوجت قبل أن تمضي أربعة أشهر و عشرًا ما حالها قال لو كان دخل بها زوجها ففرق بينهما فاعتدَّت ما بقي عليها من زوجها ثم اعتدَّت عدةً أخرى من الزوج الآخر ثم لا تحلُّ له أبداً

He^{-asws} said: 'If her husband has consummated the marriage with her, there would be separation between them. She will have to observe the waiting period from her (deceased) husband whatever remains upon her. Then she has to observe another waiting period from the other husband. Then she would not be lawful for him, forever.

و إن تزوجت غيره و لم يكن دخل بها ففرق بينهما فاعتدَّت ما بقي عليها من المتوفى عنها و هو خاطب من الخطأب.

And if she marries someone else and he did not consummate the marriage with her, there would be separation between the two, she has to observe the waiting period of whatever

¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 1

² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 2

remains upon her from the one who had died from her, and he is a proposer from the proposers”.³

4- ل، الحِصَالِ فِي خَيْرِ الْأَعْمَشِ عَنِ الصَّادِقِ ع قَالَ: إِذَا طَلَّقَتِ الْمَرْأَةُ لِلْعِدَّةِ ثَلَاثَ مَرَّاتٍ لَمْ يَحِلَّ لِلرَّجُلِ حَتَّى تُنْكِحَ رَوْجاً غَيْرَهُ

(The book) ‘Al Khisaal – In a Hadeeth by Al Amsh,

‘From Al-Sadiq^{-asws} having said: ‘If the woman is divorced to the waiting period three times, she is not permissible for the man until she marries another husband’.

وَقَالَ أَتَمُّوا تَزْوِيجَ الْمُطَلَّقاتِ ثَلَاثًا فِي مَوْضِعٍ وَاحِدٍ فَإِنَّهُنَّ ذَوَاتُ أَزْوَاجٍ.

And he^{-asws} said: ‘Fear marrying the women divorced thrice in one session, for these are with husbands!’⁴

5- ن، عيون أخبار الرضا عليه السلام فيما كتبت الرضا ع للمأمون ومثله.

(The book) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘Among what Al-Reza^{-asws} wrote for Al-Mamoun is similar to it.’⁵

6- فس، تفسير القمي و أما المرأة التي لا تحل لزوجها أبداً فهي التي طلقها زوجها ثلاث تطليقات للعدّة على طهر من غير جماع بشهادة شاهدين عدلين

(The book) ‘Tafseer Al-Qummi’ -

‘And as for the woman who is not lawful for her husband for ever, it is whom her husband has divorced with three divorces to the waiting period upon purity from without marital relations with witnessing by two just witnesses.

وَتَتَزَوَّجُ رَوْجاً غَيْرَهُ فَيُطَلِّقُهَا وَتَتَزَوَّجُ بِمَا الْأَوَّلُ الَّذِي كَانَ طَلَّقَهَا ثَلَاثَ تَطْلِيقَاتٍ ثُمَّ يُطَلِّقُهَا أَيْضاً ثَلَاثَ تَطْلِيقَاتٍ لِلْعِدَّةِ فَتَتَزَوَّجُ رَوْجاً آخَرَ ثُمَّ يُطَلِّقُهَا فَتَتَزَوَّجُ الْأَوَّلُ الَّذِي قَدْ طَلَّقَهَا سِتَّ تَطْلِيقَاتٍ عَلَى طَهْرٍ وَتَتَزَوَّجُ رَوْجَيْنِ غَيْرِ زَوْجِهَا الْأَوَّلِ ثُمَّ يُطَلِّقُهَا الرَّجُلُ الْأَوَّلُ ثَلَاثَ تَطْلِيقَاتٍ عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ عَدْلَيْنِ

And another husband marries her, so he divorces her, and he marries her, the first one who had divorced her three times. Then he divorces her with three divorces to the waiting period, so another husband marries her. Then he divorces her. So she marries the first one who had divorced her six divorces upon purity, and she has married two husbands other than the first one who had married her. Then the first husband divorces her three divorces upon purity from without marital relations with the witnesses of two just ones.

فَهَذِهِ الَّتِي لَا يَحِلُّ لِرَجُلٍ أَنْ يَنْكِحَهَا أَبَدًا لِأَنَّهُ قَدْ طَلَّقَهَا تِسْعَ تَطْلِيقَاتٍ وَتُزَوَّجُ بِهَا تِسْعَ مَرَّاتٍ وَتَتَزَوَّجُ ثَلَاثَةَ أَزْوَاجٍ فَلَا يَحِلُّ لِلرَّجُلِ الْأَوَّلِ أَبَدًا

³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 3

⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 4

⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 5

So, this is the one who is not lawful to her first husband, forever, because he has divorced her nine divorces and married her nine times, and she has married three husbands. So, she is not lawful for the first husband, forever.

وَمَنْ طَلَّقَ امْرَأَتَهُ مِنْ غَيْرِ أَنْ تَحِيضَ أَوْ كَانَتْ فِي دَمِ الْحَيْضِ أَوْ تُنْسَاءُ مِنْ قَبْلِ أَنْ تَطْهَرَ فَطَلَّاقُهُ بَاطِلٌ.

And the one who divorces his wife from other than her menstruation, so she was in the blood of menstruation, or her post-childbirth bleeding from before she is pure, his divorce is invalid".⁶ (Does not seem to be a Hadeeth. Perhaps an opinion)

7- ضا، فقه الرضا عليه السلام كُلُّ مَنْ طَلَّقَ تِسْعَ تَطْلِيقَاتٍ لِلْسُّنَّةِ لَمْ تَحِلَّ لَهُ أَبَدًا وَ الْمُحْرَمُ إِذَا تَزَوَّجَ فِي إِحْرَامٍ فُرِقَ بَيْنَهُمَا وَ لَا تَحِلَّ لَهُ أَبَدًا وَ مَنْ تَزَوَّجَ امْرَأَةً لَهَا زَوْجٌ دَخَلَ بِهَا أَوْ لَمْ يَدْخُلْ بِهَا أَوْ زَنَى بِهَا لَمْ تَحِلَّ لَهُ أَبَدًا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Every one who divorces his wife nine divorces according to the Sunnah, she will never again be lawful for him. And if a man in the state of Ihraam marries, they must be separated, and she will never be lawful for him. And whoever marries a woman who already has a husband, whether he has consummated with her or not, or commits adultery with her, she will never be lawful for him.

وَ مَنْ خَطَبَ امْرَأَةً فِي عِدَّةٍ لِلزَّوْجِ عَلَيْهَا رَجْعَةٌ أَوْ تَزَوَّجَهَا وَ كَانَ عَالِمًا لَمْ تَحِلَّ لَهُ أَبَدًا فَإِنْ كَانَ جَاهِلًا وَ عَلِمَ مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا تَرَكَهَا حَتَّى تَسْتَوِيَ عِدَّتُهَا مِنْ زَوْجِهَا ثُمَّ تَزَوَّجَهَا فَإِنْ دَخَلَ بِهَا لَمْ تَحِلَّ لَهُ أَبَدًا عَالِمًا كَانَ أَوْ جَاهِلًا فَإِنْ ادَّعَتِ الْمَرْأَةُ أَنَّهَا لَمْ تَعْلَمْ أَنَّ عَلَيْهَا عِدَّةً لَمْ تُصَدَّقْ عَلَى ذَلِكَ.

And whoever proposes to or marries a woman during her waiting period while her husband still has the right to take her back, if he knew of it, she will never be lawful for him. But if he was ignorant and learned before consummation, then he must leave her until she completes her waiting period from her husband, then he may marry her. But if he consummates with her, she will never be lawful for him, whether knowingly or unknowingly. And if the woman claims that she did not know she was in a waiting period, she will not be ratified upon that".⁷ (Does not seem to be a Hadeeth, perhaps an opinion)

8- قب، المناقب لابن شهر آشوب عَمْرُو بْنُ شُعَيْبٍ وَ الْأَعْمَشُ وَ أَبُو الضُّحَى وَ الْقَاضِي وَ أَبُو يُوسُفَ عَنْ مَسْرُوقٍ أَبِي عَمْرٍو بِامْرَأَةٍ أَنْكِحَتْ فِي عِدَّتِهَا فَفَرَّقَ بَيْنَهُمَا وَ جَعَلَ صَدَاقَهَا فِي بَيْتِ الْمَالِ وَ قَالَ لَا أُجِيزُ مَهْرًا رَدَّ نِكَاحَهُ وَ قَالَ لَا يَجْتَمِعَانِ أَبَدًا

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Amro Bin Shueyb, and Al Amsh, and Abu Al Zoha, and Al Qazi, and Abu Yusuf, from Masrouq -

'Umar was brought a woman who had married during her waiting period. He separated between the two and made her dowry to be in the public treasury, and said, 'I will not allow a dowry of whose marriage I have rejected!' And he said, 'They will not be together, for ever!'

فَبَلَغَ عَلِيًّا ع فَقَالَ وَ إِنْ كَانُوا جَاهِلُوا السُّنَّةَ لَهَا الْمَهْرُ بِمَا اسْتُحِلَّ مِنْ فَرْجِهَا وَ يُفَرَّقُ بَيْنَهُمَا إِذَا انْقَضَتْ عِدَّتُهَا فَهُوَ خَاطِبٌ مِنَ الْخَطَّابِ

⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 6

⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 7

(The news of that) reached Ali^{-asws}. He^{-asws} said: 'And even if they were ignorant of the Sunnah, for her would be her dowry due to what she had legalised of her private parts, and there would be separation between the two. When her waiting period has expired, he would be a proposer from the proposers.

فَخَطَبَ عُمَرُ النَّاسَ فَقَالَ رُدُّوا الْجَهْلَالَاتِ إِلَى السُّنَّةِ وَرَجَعَ عُمَرُ إِلَى قَوْلِ عَلِيٍّ.

Umar addressed the people. He said, 'The ignorant ones will be returned to the Sunnah!', and Umar returned to the word of Ali^{-asws}.⁸

9- قب، المناقب لابن شهر آشوب في غريب الحديث عن أبي عبد الله ع أيضاً قال أبو صبرة جاء رجلان إلى عمر فقالا له ما ترى في طلاق الأمة

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

In a strange Hadeeth from Abu Abdullah as well. Abu Sabrah said, 'Two men came to Umar. They said to him, 'What is your view regarding divorce of the slave girl?'

فَقَامَ إِلَى حَلْقَةٍ فِيهَا رَجُلٌ أَصْلَعُ فَسَأَلَهُ فَقَالَ اثْنَتَانِ

He stood to go to a circle (of people) in which there was a short-haired man. He asked him^{-asws}. He^{-asws} said: 'Two'.

فَالْتَفَتَ إِلَيْهِمَا فَقَالَ اثْنَتَانِ

He (Umar) turned to them both. He said, 'Two'.

فَقَالَ لَهُ أَخَذْتُمَا جِئْتَاكَ وَأَنْتَ أَمِيرُ الْمُؤْمِنِينَ فَسَأَلْنَاكَ عَنْ طَلَاكِ الْأَمَةِ فَجِئْتَ إِلَى رَجُلٍ فَسَأَلْتَهُ فَوَ اللَّهِ مَا كَلَّمَكَ

One of them said to him, 'We came to you and you are commander of the faithful. We asked you about the divorce of the slave girl. You went to a man and asked him. By Allah^{-azwj}! He did not even talk to you?'

فَقَالَ لَهُ عُمَرُ وَتِلْكَ أَتَدْرِي مَنْ هَذَا هَذَا عَلِيُّ بْنُ أَبِي طَالِبٍ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ لَوْ أَنَّ السَّمَاوَاتِ وَالْأَرْضَ وَضِعَتْ فِي كِفَّةٍ وَ وَضِعَ إِيْمَانُ عَلِيٍّ فِي كِفَّةٍ لَرَجَحَ إِيْمَانُ عَلِيٍّ.

Umar said to him, 'Woe be to you! Do you know who this is? This is Ali^{-asws} Bin Abu Talib^{-asws}! I heard Rasool-Allah^{-sawww} saying: 'Even if the skies and the earth were placed in a hand and Eman of Ali^{-asws} (placed) in a hand, the Eman of Ali^{-asws} would outweigh!''⁹

وَرَوَاهُ مَصْنُوعُهُ بْنُ عَبْدِ اللَّهِ الْعَبْدِيُّ

يَعْرِفُهُ سَائِرُ مَنْ كَانَ رَوَى

إِنَّا رَوَيْنَا فِي الْحَدِيثِ خَبَرًا

⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 8

⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 9 a

فَقَالَ كُمْ عِدَّةُ تَطْلِيقِ الْإِمَاءِ
لِلْأَمَةِ أَذْكَرُهُ فَأَوْمَى الْمُرْتَضَى
سَائِلُهُ قَالَ اثْنَتَانِ وَ اثْنَتَى
قَالَ لَهُ هَذَا عَلَيَّ ذُو الْعُلَى

أَنَّ ابْنَ خَطَّابٍ أَتَاهُ رَجُلٌ
فَقَالَ يَا حَيْدَرُ كُمْ تَطْلِيقُهُ
بِإِصْبَعَيْهِ فَتَنَّى الْوَجْهَ إِلَى
قَالَ لَهُ تَعْرِفُ هَذَا قَالَ لَا

And it is reported by Masqala Bin Abdullah Al-Abdy (a poem) - We have narrated in the Hadeeth, a report known to all who have transmitted it, that a man came to Ibn Al-Khattab and said, 'What is the waiting period for the divorce of slave women?' He said: 'O Haydar! How many divorces for the slave woman? Tell us!' Then Al-Murtaza^{asws} gestured with two fingers, then he (Umar) turned his face to the questioner and said, 'Two'. Then he asked him, 'Do you know who this is?' He replied, 'No'. He said to him, 'This is Ali^{asws} the possessor of exalted rank!'"¹⁰

10- ين، كتاب حسين بن سعيد و النوادر عَبْدُ اللَّهِ بْنُ بَحْرٍ عَنْ حَرِيرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ الرَّجُلِ يَتَزَوَّجُ امْرَأَةً فِي عِدَّتِهَا قَالَ يُفَرِّقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Abdullah Bin Bahr, from Hareez, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{asws} about the man who marries a woman during her waiting period. He^{asws} said: 'There would be separation between the two. She will not be lawful for him, ever!'"¹¹

11- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ عَ فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ الْمُطَلَّقةَ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا قَالَ يُفَرِّقُ بَيْنَهُمَا وَ لَا تَحِلُّ لَهُ أَبَدًا وَ يَكُونُ لَهَا صَدَاقُهَا بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا أَوْ نِصْفُهُ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Abdullah Bin Sinan,

'From Abu Abdullah^{asws} regarding the man who marries a divorced woman before she had completed her waiting period. He^{asws} said: 'There would be separation between the two and she will not be lawful for him, ever, and her dowry would be for her due to what she had legalised from her private parts, or half of it if he had not consummated the marriage with her'.¹²

12- ين، كتاب حسين بن سعيد و النوادر أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْمُثَنَّى عَنْ زُرَّارَةَ وَ دَاوُدَ بْنِ سِرْحَانَ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أَذْنَمِ بْنِ أَبِي عُبَيْدٍ عَنِ اللَّهِ عَ أَنَّهُ قَالَ: الْمُلَاعَنَةُ إِذَا لَاعَنَهَا زَوْجُهَا لَمْ تَحِلَّ لَهُ أَبَدًا وَ الَّذِي يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا وَ هُوَ يَعْلَمُ لَا تَحِلُّ لَهُ أَبَدًا وَ الَّذِي يُطَلِّقُ الطَّلَاقَ الَّذِي لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ ثَلَاثَ مَرَّاتٍ لَا تَحِلُّ لَهُ أَبَدًا وَ الْمُحْرِمُ إِنْ تَزَوَّجَ وَ هُوَ يَعْلَمُ أَنَّهُ حَرَامٌ عَلَيْهِ- لَا تَحِلُّ لَهُ أَبَدًا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Al Musanna, from Zurara, and Dawood Bin Sirhan, from Abdullah Bin Bukeyr, from Udeym Baya Al Harwy,

¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 9 b

¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 10

¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 11

‘From Abu Abdullah^{-asws} having said: ‘The mutually cursed woman, when her husband curses her, is not lawful for him, ever; and the one who marries a woman during her waiting period while he knows, she is not lawful for him, ever; and the one who divorces with a divorce which is not permissible for him until she marries another husband, three times is not permissible for him, ever; and the one in Ihraam, if he marries while he knows that it is prohibited unto him, she is not lawful for him, ever!’¹³

13- ين، كتاب حسين بن سعيد و النوادر صفوان عن ابن مسكان عن محمد بن مسلم قال: قلت لأبي عبد الله ع المرأة يتوفى عنها زوجها فتضع و تتزوج قبل أن تبلغ أربعة أشهر و عشرًا

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan, from Ibn Muskan, from Muhammad Bin Muslim who said,

‘I said to Abu Abdullah^{-asws}, ‘The woman whose husband dies from her and she gives birth and marries before the reaching of four months and ten (days)’.

قال إن كان الذي تزوجها دخل بها لم تحل له و اعتدت ما بقي عليها من الأولى و عدة أخرى من الأخير و إن لم يكن دخل بها فارق بينها و أتمت ما بقي من عدتها و هو خاطب من الخطأب.

He^{-asws} said: ‘If the one who has married her has consummated the marriage with her, she is not lawful for him, and she will observe the remainder of the waiting period from the first (husband), and another waiting period from the other one; and if he had not consummated with her, there will be separation between her (and him), and she will complete whatever remains of her waiting period, and he would be a proposer from the proposers’.¹⁴

14- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن عثمان بن الحطي عن أبي عبد الله ع قال: إذا تزوج الرجل المرأة في عدتها ثم دخل بها لم تحل له أبداً عالماً كان أو جاهلاً و إن لم يدخل بها حلت للجاهل و لم تحل للآخر.

The book of Haseen Bin Saeed, and ‘Al Nawadir – Ibn Abu Umeir, from Hammad Bin Usman, from Al Halby,

‘From Abu Abdullah^{-asws} having said: ‘When the man marries the woman during her waiting period, then he consummates the marriage with her, she is not lawful for him, ever, whenever he had known or was ignorant; and if he had not consummated the marriage with her, she would be lawful for the ignorant one and will not be lawful for the other (knower)’.¹⁵

15- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن عبد الرحمن بن الحجاج عن أبي إبراهيم ع قال: سألت عن الرجل يتزوج المرأة في عدتها بجهالة أهي ممن لا تحل له أبداً

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj,

¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 12

¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 13

¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 14

‘From Abu Ibrahim^{asws}, he (the narrator) said, ‘I asked him^{asws} about the man who marries the woman during her waiting period out of ignorance, ‘Is she from the one who is not lawful for him, ever?’

قَالَ قَالَ لَا أَمَّا إِذَا نَكَحَهَا بِجَهَالَةٍ فَلْيَتَزَوَّجَهَا بَعْدَ مَا تَنْقَضِي عِدَّتُهَا وَ قَدْ تُعَذَّرُ النَّاسُ فِي الْجَهَالَةِ بِمَا هُوَ أَعْظَمُ مِنْ ذَلِكَ

He (the narrator) said, ‘He^{asws} said: ‘No! As for whether he married her out of ignorance, let him marry her after expiry of her waiting period, and the people are excused during the ignorance with what is more grievous than that!’

فُلْتُ بِأَيِّ الْجَهَالَتَيْنِ يُعَذَّرُ أَ بِجَهَالَتِهِ أَنْ يَعْلَمَ أَنَّ ذَلِكَ مُحَرَّمٌ عَلَيْهِ أَوْ بِجَهَالَتِهِ بِأَنَّهَا فِي عِدَّتِهِ

I said, ‘By which of the two ignorance is he excused? Is it with his ignorance of knowing that is prohibited unto him, or with his ignorance that she is in her waiting period?’

فَقَالَ إِخْدَى الْجَهَالَتَيْنِ أَهْوَنُ مِنَ الْأُخْرَى الْجَهَالَةُ بِأَنَّ اللَّهَ حَرَّمَ ذَلِكَ عَلَيْهِ وَ ذَلِكَ بِأَنَّهُ لَا يُعَذَّرُ عَلَى الْإِخْتِطَاطِ مَعَهَا

He^{asws} said: ‘One of the two ignorances is weaker than the other, the ignorance that Allah^{azwj} has Prohibited that upon him, and that is because there is no excuse upon the precaution with it’.

فَقَالَ فَهُوَ فِي الْأُخْرَى مَعْدُورٌ

He said, ‘So he is excused in the other?’

فَقَالَ نَعَمْ إِذَا انْقَضَتْ عِدَّتُهَا فَهُوَ مَعْدُورٌ فِي أَنْ يَتَزَوَّجَهَا

He^{asws} said: ‘Yes. When her waiting period has expired, he is excused regarding his marrying her.

فَقُلْتُ وَ إِنْ كَانَ أَحَدُهُمَا مُتَعَمِّدًا وَ الْأُخْرَى يُجْهَلُ

I said, ‘And if one of them was deliberate and the other was ignorant?’

قَالَ الَّذِي تَعَمَّدَ لَا يَحِلُّ لَهُ أَنْ تَرْجِعَ إِلَيْهِ أَبَدًا.

He^{asws} said: ‘The one who is deliberate, it is not lawful for her to return to him, ever!’¹⁶

16- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع قال: سألتُهُ عَنِ الْمَرْأَةِ يَمُوتُ زَوْجُهَا فَتَضَعُ وَ تَتَزَوَّجُ قَبْلَ أَنْ تَنْقَضِيَ لَهَا أَرْبَعَةُ أَشْهُرٍ وَ عَشْرًا

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Umeyr, from Hammad, from Al Halby,

¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 15

‘From Abu Abdullah^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about the woman whose husband dies, and she gives birth, and she remarries before four months and ten (days) had expired for her.

قَالَ إِنْ كَانَ دَخَلَ بِهَا فُرِقَ بَيْنَهُمَا ثُمَّ لَمْ تَحِلَّ لَهُ وَاعْتَدَّتْ لِمَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ وَاسْتَقْبَلَتْ عِدَّةً أُخْرَى مِنَ الْأَخِيرِ ثَلَاثَةَ قُرُوءٍ وَإِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرِقَ بَيْنَهُمَا وَاعْتَدَّتْ مَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ وَهُوَ خَاطِبٌ مِنَ الْخُطَّابِ.

He^{-asws} said: ‘If he had consummated the marriage with her, there would be separation between the two, then she will not be lawful for him, and she would observe the waiting period of whatever remains from the first (husband), and she will start another waiting period from the other of three menses-free periods; and if he had not consummate the marriage with her, there will be separation between the two and she would observe whatever remains upon her from the first (husband), and he would be a proposer from the proposers’¹⁷

17- ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن ابن سنان عن أبي عبد الله ع في الرجل يتزوج المرأة قبل أن تنقضي عِدَّتُهَا قَالَ يُفْرَقُ بَيْنَهُمَا ثُمَّ لَا تَحِلُّ لَهُ أَبَدًا إِنْ كَانَ فَعَلَ ذَلِكَ يَعْلَمُ ثُمَّ وَقَعَهَا وَ لَيْسَ الْعَالَمُ وَ الْجَاهِلُ فِي هَذَا سَوَاءٌ فِي الْإِثْمِ

The book of Haseen Bin Saeed, ‘Al Nawadir’ – Al Hassan Bin Mahboub, from Ibn Sinan,

‘From Abu Abdullah^{-asws} regarding the man who marries the woman before expiry of her waiting period. He^{-asws} said: ‘There would be separation between the two, then she will not be lawful for him, ever, if he had done that knowingly, then consummated the marriage with her; and the knower and the ignorant one are not the same in sinning regarding this!’

قَالَ وَ يَكُونُ لَهَا صَدَاقُهَا إِنْ كَانَ وَقَعَهَا وَ إِنْ لَمْ يَكُنْ وَقَعَهَا فَلَا شَيْءَ عَلَيْهِ لَهَا.

He^{-asws} said: ‘And her dowry would be for her if he had consummated with her, and if he had not consummated with her, there is nothing upon him, for her’¹⁸

18- ين، كتاب حسين بن سعيد و النوادر النضر عن موسى بن بكر عن أبي عبد الله ع قَالَ: إِيَّاكَ وَ الْمُطَلَّاقَاتِ ثَلَاثًا فِي مَجْلِسٍ فَإِنَّهُنَّ ذَوَاتُ أَزْوَاجٍ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Nazr, from Musa Bin Bakr,

‘From Abu Abdullah^{-asws} having said: ‘Beware of the women divorced thrice in one sitting, for these are with husbands!’¹⁹

¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 16

¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 17

¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 82 H 18

باب 83 ما يحرم بالزنا أو اللواط أو يكره و ما يوجب من الزنا فسخ النكاح

CHAPTER 83 – WHAT IS PROHIBITED DUE TO THE ADULTERY OR THE SODOMY, OR DISLIKED, AND WHAT IS OBLIGATED FROM THE ADULTERY ANNULMENT OF THE MARRIAGES

1- ب، قرب الإسناد ابن رثاب قال: سألت أبا عبد الله ع عن المرأة الفاجرة يتزوجها الرجل المسلم قال نعم و ما يمنع و لكن إذا فعل فليخصن بآبه مخافة الولد.

(The book) 'Qurb Al Isnaad' – Ibn Ri'ab who said,

'I asked Abu Abdullah^{-asws} about the immoral woman married by the Muslim man. He^{-asws} said: 'Yes, and what prevents him? But, when he does so, let him protect his door fearing the child'.²⁰

2- فس، تفسير القمي قال علي بن إبراهيم ثم حرم الله عز وجل نكاح الزواني فقال الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين وهو رد على من يستحل التمتع بالزواني والتزويج بينهن وهن المشهورات المعروفات في الدنيا لا يقدر الرجل على تحصينهن

(The book) 'Tafseer Al Qummi' -

Ali Bin Ibrahim said, 'Then Allah^{-azwj} Mighty and Majestic Prohibited marrying the adulterers. He^{-azwj} Said: **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]**, and it is a rebuttal upon the one who legalises the enjoyment with the adulteresses and marrying them, and these are famous and well-known in the world. The man is not able upon their protection.

و نزلت هذه الآية في نساء مكة كن مستغلات بالزنا سارة و خنتمة و الرباب و كن يعنين هجاء رسول الله ص فحرم الله نكاحهن و حرت بعدهن في النساء من أمثالهن.

And this Verse was Revealed regarding the women of Makkah who had been open with the adultery – Sarah, and Hantamah, and Al-Rabbab, and they were singers with the satire of Rasool-Allah^{-saww}, Allah^{-azwj} Prohibited marrying them and after them it flowed in the women similar to them'.²¹

3- ع، علل الشرائع أبي عن محمد العطار و أحمد بن إدريس معاً عن أحمد بن محمد بن يحيى الخزاز عن طلحة بن زيد عن الصادق ع أبيه ع قال: قرأت في كتاب علي ع أن الرجل إذا تزوج بالمرأة فزنى قبل أن يدخل بها لم تحل له لأنه زان و يفرق بينهما و يعطيهما نصف الصداق.

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, and Ahmad Bin Idrees, both together from Ahmad, from Ahmad Bin Muhammad, from Muhammad Bin Yahya Al Khazzaz, from Talha Bin Zayd,

²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 1

²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 2

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'I saw in the book of Ali^{-asws}: 'The man, when he marries the woman, and he commits adultery before consummating the marriage with her, she is not lawful for him because he is an adulterer, and there would be separation between the two and she would be given half the dowry''.²²

4- مَا حَدَّثَنِي بِهِ ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ وَفَضَالَةَ مَعَا عَنْ رِفَاعَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ يَزْنِي قَبْلَ أَنْ يَدْخُلَ بِأَهْلِهِ أَوْ يُزَجِّمَ

What is narrated to me with by Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Al Husayn Bin Saeed, from Ibn Abu Umeyr and Fazalah, both together from Rifa'a who said,

'I asked Abu Abdullah^{-asws} about the man who commits adultery before he consummates marriage with his wife, 'Should he be stoned (to death)?'

قَالَ لَا

He^{-asws} said: 'No'.

فُلْتُ أَوْ يَفْرُقُ بَيْنَهُمَا إِذَا زَنَى قَبْلَ أَنْ يَدْخُلَ بِهَا

I said, 'Would there be separation between the two when he has committed adultery before he had consummated with her?'

قَالَ لَا

He^{-asws} said: 'No'.

وَزَادَ فِيهِ ابْنُ أَبِي عُمَيْرٍ وَلَا يُحْصَنُ بِالْأَمَةِ.

And there is an addition in it by Ibn Umeyr: 'Nor can he protect by the slave girl''.²³

5- ع، علل الشرائع أَبِي عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَبِيهِ عَنِ ابْنِ الْمُغِيرَةِ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ عَنِ عَلِيِّ ع فِي الْمَرْأَةِ إِذَا زَنَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا الزَّوْجُ قَالَ يُفْرَقُ بَيْنَهُمَا وَلَا صَدَاقَ لَهَا لِأَنَّ الْحَدَّثَ كَانَ مِنْ قِبَلِهَا.

(The book) 'Ilal Al Sharaie' – From Ahmad Bin Idrees, from Abdullah Bin Muhammad Bin Isa, from his father, from Ibn Al Mugheira, from Al Sakuni,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} regarding woman if she commits adultery before her husband consummates with her. He^{-asws} said: 'There would be separation between the two, and there is no dowry for her because the event happened from her direction''.²⁴

²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 3

²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 4

²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 5

6- ب، قرب الإسناد عَنْهُمَا عَنْ حَنَانٍ قَالَ: سَأَلَ أَبَا عَبْدِ اللَّهِ عَ رَجُلٌ وَ أَنَا عِنْدَهُ فَقَالَ جُعِلْتُ فِدَاكَ مَا تَقُولُ فِي رَجُلٍ أَتَى امْرَأَةً سَفَاحاً أَ تَحِلُّ لَهُ ابْنَتُهَا نِكَاحاً

(The book) 'Qurb Al Isnaad' – From both of them, from Hanan who said,

'A man asked Abu Abdullah^{-asws} while I was with him^{-asws}. He said, 'May I be sacrificed for you^{-asws}! What are you^{-asws} saying regarding a man who comes to an immoral woman, is her daughter lawful for him to marry?'

قَالَ نَعَمْ - لَا يُحَرِّمُ الْحَالَالُ الْحَرَامَ.

He^{-asws} said: 'Yes, the prohibited act does not make the permissible to be prohibited'.²⁵

7 ب، قرب الإسناد عَلِيُّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ زَنَى بِامْرَأَةٍ [بِامْرَأَتَيْنِ] أَلَهُ أَنْ يَتَزَوَّجَ بِوَاحِدَةٍ يَنْتَهِيهَا [بِوَاحِدَةٍ مِنْهُمَا]

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man who commits adultery with two women, 'Is it lawful for him to marry one of their daughters?'

قَالَ نَعَمْ لَا يُحَرِّمُ حَلَالًا حَرَامًا.

He^{-asws} said: 'An unlawful act cannot make a lawful act unlawful'.²⁶

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ زَنَى بِامْرَأَةٍ هَلْ تَحِلُّ لِابْنِهِ أَنْ يَتَزَوَّجَهَا

And I asked him^{-asws} about a man who commits adultery with a woman, 'Is she lawful for his son to marry her?'

قَالَ لَا.

He^{-asws} said: 'No'.²⁷

9- سنن، المحاسن، ثواب الأعمال رُوِيَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ لَعِبَ بِغُلَامٍ قَالَ إِذَا أَوْقَبَ لَنْ تَحِلَّ لَهُ أُخْتُهُ أَبَدًا.

(The book) 'Al Mahasin', (and) 'Sawab Al Amaal' -

It is reported from Abu Abdullah^{-asws} regarding a man who pays with a boy. He^{-asws} said: 'If he sodomises him, his sister will never be lawful for him!'²⁸

²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 6

²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 7

²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 8

²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 9

10- ضا، فقه الرضا عليه السلام مَنْ وَلِعَ [وَلَعَ] بِالصَّبِيِّ لَمْ يَحِلَّ لَهُ أُخْتُهُ أَبَدًا وَ لَا يُجُوزُ مُنَاكَحُهُ الرَّائِي وَ الرَّائِيَّةُ حَتَّى تَظْهَرَ تَوْبَتُهُمَا فَإِنْ رَزَى رَجُلٌ بَعْمَتِهِ أَوْ خَالَتِهِ حُرِّمَتْ عَلَيْهِ ابْنَتَاهُمَا أَنْ يَتَزَوَّجَهُمَا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'One who sodomises the young boy, his sister will not be lawful for him; and it is not allowed to marry the adulterer and the adulteress until their repentance is apparent. If a man commits adultery with his paternal aunt or his maternal aunt, their daughters would be prohibited to him to marry them.

وَ مَنْ رَزَى بِذَاتِ بَعْلٍ مُحْصَنًا كَانَ أَوْ غَيْرَ مُحْصَنٍ ثُمَّ طَلَّقَهَا زَوْجَهَا أَوْ مَاتَ عَنْهَا وَ أَرَادَ الَّذِي رَزَى بِهَا أَنْ يَتَزَوَّجَ بِهَا لَمْ يَحِلَّ لَهُ أَبَدًا وَ يُقَالُ لِرَجُلٍ لِرَجُلٍ يَوْمَ الْقِيَامَةِ خُذْ مِنْ حَسَنَاتِي مَا شِئْتَ.

And one who commits adultery with a married woman, whether he was married or unmarried, then her husband divorces her, or he dies from her, and the one who had committed adultery with her wants to be married to her, she is not lawful for him, ever, and it will be said to her husband on the Day of Qiyamah: 'Take from her good deed whatever you like!'²⁹

11- ضا، فقه الرضا عليه السلام مَنْ لَاطَ بِغُلَامٍ لَا يَحِلُّ لَهُ أُخْتُهُ فِي التَّزْوِيجِ أَبَدًا وَ لَا ابْنَتُهُ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'One who commits sodomy with a young boy, his sister is not lawful for him in the marriage, ever, nor is his daughter'.³⁰

12- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ وَ أَحْمَدُ بْنُ مُحَمَّدٍ وَ عَبْدُ الْكَرِيمِ جَمِيعًا عَنْ مُحَمَّدِ بْنِ أَبِي حَمْزَةَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع رَجُلٌ فَجَرَ بِامْرَأَةٍ لَمْ يَحِلَّ لَهُ ابْنَتُهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr and Ahmad Bin Muhammad and Abdul Kareem, altogether from Muhammad Bin Abu Hamza, from Saeed Bin Yasaar who said,

'I said to Abu Abdullah^{-asws}, 'A man is immoral with a woman, is her daughter lawful for him?'

قَالَ نَعَمْ إِنَّ الْحَرَامَ لَا يُحَرِّمُ الْحَلَالَ.

He^{-asws} said: 'Yes. The prohibited act does not prohibit the permissible'.³¹

13- ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ هِشَامِ بْنِ الْمُثَنَّى قَالَ: كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ ع جَالِسًا فَدَخَلَ عَلَيْهِ رَجُلٌ فَسَأَلَهُ عَنِ الرَّجُلِ يَأْتِي الْمَرْأَةَ حَرَامًا أَوْ يَتَزَوَّجُهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Hisham Bin Al Musanna who said,

²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 10

³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 11

³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 12

'I was seated in the presence of Abu Abdullah^{-asws}. A man entered to see him^{-asws}. He asked him^{-asws} about the man coming to the woman unlawfully, 'Can he marry her?'

قَالَ نَعَمْ وَأُمُّهَا وَابْنَتُهَا.

He^{-asws} said: 'Yes, and her mother and her daughter'.³²

14- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن العللاء بن رزين عن محمد بن مسلم عن أحدهما ع أَنَّهُ سُئِلَ عَنْ رَجُلٍ يَفْجُرُ بِامْرَأَةٍ يَتَزَوَّجُ ابْنَتَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

'From one of the two (5th or 6th Imam^{-asws}), he^{-asws} was asked about a man who is immoral with a woman, 'Can he marry her daughter?'

قَالَ لَا وَلَكِنْ إِذَا كَانَتْ عِنْدَهُ امْرَأَةٌ ثُمَّ فَجَرَ بِأُمِّهَا أَوْ أُخْتِهَا لَمْ تَحْرُمِ النَّيِّ عَنْهُ.

He^{-asws} said: 'No, but if there was a woman with him, then he is immoral with her mother or her sister, it does not make unlawful the one who is with him'.³³

15- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ الرَّجُلِ يُصِيبُ أُخْتِ امْرَأَتِهِ حَرَاماً أَمْ حُرِّمَ ذَلِكَ عَلَيْهِ امْرَأَتُهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah^{-asws} about the man who attains a sister of his wife unlawfully, 'Is his wife unlawful for him?'

قَالَ إِنَّ الْحَرَامَ لَا يُحَرِّمُ الْحَلَالَ.

He^{-asws} said: 'The prohibited act does not make the permissible to be prohibited'.³⁴

16- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن العيص بن القاسم قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ رَجُلٍ بَاشَرَ امْرَأَةً وَ قَبَلَ عَمْرَأَةً لَمْ يُفْضِ إِلَيْهَا ثُمَّ تَزَوَّجَ ابْنَتَهَا فَقَالَ إِذَا لَمْ يَكُنْ أَفْضَى إِلَى الْأُمِّ فَلَا بَأْسَ وَ إِنْ كَانَ أَفْضَى إِلَيْهَا فَلَا يَتَزَوَّجُ ابْنَتَهَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Al Ays Bin Al Qasim who said,

'I asked Abu Abdullah^{-asws} about a man who hugs a woman and kisses, apart from that he does not go into her, then he marries her daughter. He^{-asws} said: 'If he did not go into the mother, there is no problem, and if he had gone into her, he cannot marry her daughter'.³⁵

³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 13

³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 14

³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 15

³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 16

17- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ الْفَضِيلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا فَجَرَ الرَّجُلُ بِامْرَأَةٍ لَمْ يَحِلَّ لَهُ ابْنَتُهَا أَبَدًا وَإِنْ كَانَ قَدْ تَزَوَّجَ ابْنَتَهَا قَبْلَ ذَلِكَ وَلَمْ يَدْخُلْ بِهَا ثُمَّ فَجَرَ بِأُمِّهَا فَقَدْ فَسَدَ تَزْوِجُهُ وَإِنْ هُوَ تَزَوَّجَ ابْنَتَهَا وَدَخَلَ بِهَا ثُمَّ فَجَرَ بِأُمِّهَا بَعْدَ مَا دَخَلَ بِابْنَتِهَا فَلَيْسَ يُفْسِدُ فُجُورُهُ بِأُمِّهَا نِكَاحَ ابْنَتِهَا إِذَا هُوَ دَخَلَ بِهَا وَهُوَ قَوْلُهُ لَا يُفْسِدُ الْحَرَامُ الْحَلَالَ إِذَا كَانَ هَكَذَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Al Fuzeyl, from Abu Al Sabbah Al Kinani,

'From Abu Abdullah^{-asws} having said: 'If the man is immoral with a woman, her daughter is not lawful for him, ever, and if he had married her daughter before that and had not consummated the marriage with her, he has spoilt his marriage; and if he had married her daughter and had consummated the marriage with her, then was immoral with her mother after having consummated the marriage with her daughter, his being immoral with her mother does not spoil the marriage of her daughter if he had consummated the marriage with her'. And it is his^{-asws} word: 'The prohibited act does not corrupt the permissible', when it was like this'.³⁶

18- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عَيْسَى عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ زَنَى بِامْرَأَةٍ أَيْتَزَوَّجَ ابْنَتَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Saeed Bin Yasaar who said,

'I asked Abu Abdullah^{-asws} about a man who commits adultery with a woman, 'Can he marry her daughter?'

قَالَ نَعَمْ يَا سَعِيدُ إِنَّ الْحَرَامَ لَا يُفْسِدُ الْحَلَالَ.

He^{-asws} said: 'Yes, O Saeed! The prohibited act does not spoil the permissible'.³⁷

19- ين، كتاب حسين بن سعيد و النوادر أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَبْدِ الْكَرِيمِ عَنْ زُرَّارَةَ قَالَ: سُئِلَ أَبُو جَعْفَرٍ ع عَنْ رَجُلٍ كَانَتْ عِنْدَهُ امْرَأَةٌ فَزَنَى بِأُمِّهَا أَوْ ابْنَتِهَا أَوْ أُخْتَهَا فَقَالَ مَا حَرَّمَ حَرَامٌ قَطُّ خِلَافًا لِمَا رَأَيْتُهُ حَلَالًا لَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdul Kareem, from Zurara who said,

'Abu Ja'far^{-asws} was asked about a man who had a wife with him. He commits adultery with her mother or her daughter or her sister. He^{-asws} said: 'A prohibited act does not make a permissible to be prohibited at all! His wife is lawful for him'.³⁸

20- ين، كتاب حسين بن سعيد و النوادر أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ مُرَازِمٍ قَالَ: سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع وَ سُئِلَ عَنْ امْرَأَةٍ أَمَرَتْ ابْنَتَهَا فَوَقَعَ عَلَى جَارِيَةٍ لِأَيِّبِهِ قَالَ أَثَمْتُ وَأَنْتُمْ ابْنَتُهَا وَقَدْ سَأَلَنِي بَعْضُ هَؤُلَاءِ عَنْ هَذِهِ الْمَسْأَلَةِ فَقُلْتُ لَهُ أَنَّ مُنْسِكَهَا إِنَّ الْحَرَامَ لَا يُفْسِدُ الْحَلَالَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Hammad Bin Isa, from Murazim who said,

³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 17

³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 18

³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 19

'I heard Abu Abdullah^{-asws} and he^{-asws} was asked about a woman whose son so he had marital relations with a slave girl of his father. He^{-asws} said: 'She sinned and her son sinned, and one of them had asked me about this issue, so I^{-asws} said to him, 'He can withhold her. The prohibited acts do not spoil (corrupt) the permissible".³⁹

21- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ قَالَ فِي رَجُلٍ زَنَى بِأُمِّ امْرَأَتِهِ أَوْ بِابْنَتِهَا أَوْ بِأُخْتِهَا فَقَالَ لَا يُحْرِمُ ذَلِكَ عَلَيْهِ امْرَأَتَهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Abu Umeyr, from Umar Bin Uzina, from Zurara,

'From Abu Ja'far^{-asws}, he^{-asws} said regarding a man who commits adultery with the mother of his wife, or with her daughter, or her sister. He^{-asws} said: 'That wife is not prohibited unto him'.

ثُمَّ قَالَ مَا حَرَّمَ حَرَامٌ خِلَافًا قَطُّ.

Then said, 'A prohibited act cannot make a lawful act as unlawful, at all!"⁴⁰

22- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَيْسَى عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ تَزَوَّجَ جَارِيَةً وَ دَخَلَ بِهَا ثُمَّ ابْتُلِيَ بِأُمِّهَا فَقَجَرَ بِهَا أَوْ تَحْرِمُ عَلَيْهِ امْرَأَتَهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Isa, from Al Halby,

'From Abu Abdullah^{-asws} regarding a man who marries a slave girl and consummates with her, then he is affected by her mother, so he is immoral with her, Is his wife prohibited unto him?

قَالَ لَا إِنَّهُ لَا يُحْرِمُ الْخَالَالَ الْحَرَامُ.

He^{-asws} said: 'No. Surely, the prohibited act cannot make the permissible to be prohibited'.⁴¹

23- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ الْخُزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلَ رَجُلٌ أَبَا عَبْدِ اللَّهِ ع وَ أَنَا جَالِسٌ عَنْ رَجُلٍ نَالَ مِنْ جَارِيَةٍ فِي شَبَابِهِ ثُمَّ ارْتَدَعَ أَوْ تَزَوَّجَ ابْنَتَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Abu Ayoub Al Khazzaz, from Muhammad Bin Muslim who said,

'A man asked Abu Abdullah^{-asws} while I was seated, about a man attaining from a slave girl during his youth. Then he retracts, 'Can he marry her daughter?'

فَقَالَ لَا

He^{-asws} said: 'No'.

³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 20

⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 21

⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 22

فَقَالَ إِنَّهُ لَمْ يَكُنْ أَفْضَى إِلَيْهَا إِنَّمَا كَانَ شَيْئًا دُونَ شَيْءٍ

He^{-asws} said: 'He had not entered into her. But rather, it was something less than a thing.

قَالَ لَا يُصَدِّقُ وَلَا كِرَامَةٌ.

He^{-asws} said: 'Neither will he be ratified nor is there prestige'.⁴²

24- ين، كتاب حسين بن سعيد و النوادر حكى لي ابن أبي عمير عن أبي أيوب عن محمد بن مسلم عن أبي جعفر ع أو عن أبي عبد الله ع قال: لو أن رجلاً فجر بامرأة ثم تابا فتزوجها لم يكن عليه من ذلك شيء.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr narrated to me from Abu Ayoub, from Muhammad Bin Muslim,

'From Abu Ja'far^{-asws} or from Abu Abdullah^{-asws} having said: 'If a man were to be immoral with a woman, then he repents so he marries her, there would not be anything upon him, from that'.⁴³

The book of Haseen Bin Saeed, and 'Al Nawadir' –

25- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن منصور بن حازم عن أبي عبد الله ع في رجل كان بينه وبين امرأة فجوراً يحل له أن يتزوج ابنتها

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Mansour Bin Hazim,

'From Abu Abdullah^{-asws} regarding a man, there was immorality between him and a woman, 'Is it permissible for him to marry her daughter?'

قَالَ إِنْ كَانَتْ قُبْلَةً وَ شَبَّهَهَا فَلْيَتَزَوَّجْ بِهَا هِيَ إِنْ شَاءَ أَوْ بِابْنَتِهَا.

He^{-asws} said: 'If he had kissed and its like, he can marry her if he so desires, or with her daughter'.⁴⁴

26- ين، كتاب حسين بن سعيد و النوادر روى القاسم بن محمد عن أبيان عن منصور مثل ذلك إلا أنه قال فإن كان جامعها فلا يتزوج ابنتها و ليترجها إن شاء

The book of Haseen Bin Saeed, and 'Al Nawadir' – It is reported by Al Qasim Bin Muhammad, from Aban, from Mansour -

'Similar to that, except that he^{-asws} said: 'If he had marital relations with her, he cannot marry her daughter, and (otherwise) he can marry her if he so desires'.

⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 23

⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 24

⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 25

قَالَ وَ عَنِ الرَّجُلِ يُصِيبُ أُخْتَ امْرَأَتِهِ حَرَاماً أَوْ تَحْرِمُ عَلَيْهِ امْرَأَتَهُ

He (the narrator) said, 'And about the man who attains a sister of his wife unlawfully, 'Is his wife unlawful to him?'

فَقَالَ لَا.

He^{-asws} said: 'No'.⁴⁵

27- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي قال قال أبو عبد الله ع إنما رجل فجر بامرأة ثم بدا له أن يتزوجها حلالاً فأؤله سيفاح و آخره نكاح و مثله مثل النخلة أصاب الرجل من ثمرها ثم اشتراها بعد حلالاً.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'Abu Abdullah^{-asws} said: 'Whichever man who is immoral with a woman, then there is a change of mind for him so he marries her lawfully. Its beginning is fornication and its end is marriage, and its example is an example of the date tree, a man who attains from its fruit then buys it afterwards lawfully'.⁴⁶

28- ين، كتاب حسين بن سعيد و النوادر القاسم عن علي عن أبي بصير عن أبي عبد الله ع مثله إلا أنه لم يذكر النخلة.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Ali, from Abu Baseer,

'From Abu Abdullah^{-asws}, similar to it, except that he^{-asws} did not mention the date tree'.⁴⁷

29- ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن علي بن رباب عن زرارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَمَّنْ رَأَى بَابِنَةَ امْرَأَتِهِ أَوْ بِأُخْتِهَا قَالَ لَا يُحْرِمُ ذَلِكَ عَلَيْهِ امْرَأَتَهُ إِنَّ الْحَرَامَ لَا يُفْسِدُ الْحَلَالَ وَ لَا يُحَرِّمُهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Hassan Bin Mahboub, from Ali Bin Riab, from Zurara who said,

'I asked Abu Ja'far^{-asws} about the one who commits adultery with a daughter of his wife, or with her sister. He^{-asws} said: 'That does not make his wife prohibited to him. The prohibited act cannot spoil the permissible, nor make it prohibited'.⁴⁸

30- ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن أخيهما ع قَالَ: سَأَلْتُهُ عَنِ الْحَبِيَّةِ يَتَزَوَّجُهَا الرَّجُلُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'ala,

'From one of the two (5th or 6th Imam^{-asws}), he (the narrator) said, 'I asked him^{-asws} about the wicked woman, 'Can a man marry her?'

⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 26

⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 27

⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 28

⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 29

فَقَالَ لَا

He^{-asws} said: 'No'.

وَقَالَ إِنْ كَانَتْ لَهُ أُمَةٌ وَطَلَبَهَا إِنْ شَاءَ وَ لَا يَتَّخِذُهَا أُمًّا وَلَدٍ.

And he^{-asws} said: 'If there was a slave girl for him, he can have marital relations with her if he so desires, and he cannot take her as a mother of children'.⁴⁹

31- ين، كتاب حسين بن سعيد و النوادر حمادُ بْنُ عيسى عَنْ حَرِيرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنِ الْحَبِيَّةِ يَتَزَوَّجُهَا الرَّجُلُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad Bin Isa, from Hareez, from Muhammad Bin Muslim,

'From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked about the wicked woman, 'Can the man marry her?'

قَالَ لَا.

He^{-asws} said: 'No'.⁵⁰

32- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ رَأَى امْرَأَتَهُ تَزْنِي أَوْ يَصْلُحُ لَهُ أَنْ يُمَسِّكَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah^{-asws} about a man who saw his wife committing adultery, 'Is it correct for him to keep her?'

قَالَ نَعَمْ إِنْ شَاءَ.

He^{-asws} said: 'Yes, if he so desires'.⁵¹

33- ين، كتاب حسين بن سعيد و النوادر أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ زُرَّارَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ تَعَالَى - الرَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَ الرَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Dawood Bin Sirhan, from Zurara who said,

'I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj} the Exalted: **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 [24:3].**

⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 30

⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 31

⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 32

قَالَ هُنَّ نِسَاءٌ مَشْهُورَاتٌ بِالزِّنَا وَ رِجَالٌ مَشْهُورُونَ بِالزِّنَا شُهِرُوا بِهِ وَ عُرِفُوا وَ النَّاسُ الْيَوْمَ بِذَلِكَ الْمَنْزِلِ مَنْ أُفِيمَ عَلَيْهِ الْحُدُ بِالزِّنَا وَ شُهِرَ بِهِ - لَا يَنْبَغِي لِأَحَدٍ أَنْ يُنْكِحَهُ حَتَّى يَعْرِفَ مِنْهُ تَوْبَةً.

He^{-asws} said: 'These are women notorious with the adultery and men notorious with the adultery. They are notorious with it and recognised, and today the people with that are at the status of the one the legal penalty has been carried out upon for the adultery and he is known with it. It is not befitting for anyone that he marries him/her until the repentance is recognised from him/her'.⁵²

34- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن ابن مسكان قال حدثني عمارة الساباطي قال: سألت أبا عبد الله ع عن المرأة الفاجرة يَنْزَوِجُهَا الرَّجُلُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Ibn Muskan who said, 'It is narrated to me by Al Sabaty who said,

'I asked Abu Abdullah^{-asws} about the immoral woman, 'Can the man marry her?'

فَقَالَ لِي وَ مَا يَمْنَعُهُ وَ لَكِنْ إِذَا فَعَلَ فَلْيُحْصِنْ بَابَهُ.

He^{-asws} said to me: 'And what prevents him? But, if he does so, let him protect his door!'⁵³

35- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد بن عثمان عن يحيى الحلبي عن أبي عبد الله ع في الرجل يَنْزَوِجُ الْجَارِيَةَ قَدْ وُلِدَتْ مِنَ الزَّانَا قَالَ لَا بَأْسَ وَ إِنْ تَزَوَّجَ عَنْ ذَلِكَ كَانَ أَحَبَّ إِلَيَّ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Usman, from Yahya Al Halby,

'From Abu Abdullah^{-asws} regarding the man who marries the slave girl who was born from the adultery. He^{-asws} said: 'There is no problem, and if he were to keep away from that, it would be more beloved to me'^{-asws}.⁵⁴

36- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن علي بن يقطين عن زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ص فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ امْرَأَتِي لَا تَدْفَعُ يَدَ لَأَمْسٍ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Ali Bin Yaqteen, from Zurara,

'From Abu Abdullah^{-asws} having said: 'A man came to the Prophet^{-saww}. He said, 'O Rasool-Allah^{-saww}! My wife does not repel a hand of the toucher!'

قَالَ طَلَّقْهَا

⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 33

⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 34

⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 35

He^{-saww} said: 'Divorce her!'

قَالَ يَا رَسُولَ اللَّهِ إِنِّي أُحِبُّهَا

He said, 'O Rasool-Allah^{-saww}, I love her!'

قَالَ فَأَمْسِكْهَا.

He^{-saww} said: 'So keep her!'⁵⁵

37- ين، كتاب حسين بن سعيد و النوادر علي بن النعمان عن معاوية بن وهب قال: سألت أبا عبد الله ع عن رجل تزوج امرأة فعلم بعد ما تزوجها أنها كانت زنت قال إن شاء أخذ الصداق بمن زوجها ولها الصداق بما استحل من فرجها وإن شاء تركها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ali Bin Numan, from Muawiya Bib Wahb who said,

'I asked Abu Abdullah^{-asws} about a man who marries a woman. He comes to know after having married her she had committed adultery. He^{-asws} said: 'If he desires, he can take the dowry from the one who had got her married, and for her is the dowry due to her having legalised her private parts, and if he so desires, he can leave it'.⁵⁶

38- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع أنه سئل عن الرجل يشتري الجارية قد فحرت أ يطؤها

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeir, from Hammad, from Al Halby,

'From Abu Abdullah^{-asws}, he^{-asws} was asked about the man who buys a slave girl who had been immoral, 'Can he have marital relations with her?'

قَالَ نَعَمْ إِنَّمَا كَانَ يَكْرَهُ النَّبِيُّ ص نِسْوَةً مِنْ أَهْلِ مَكَّةَ كُنَّ فِي الْجَاهِلِيَّةِ يُغْلَبْنَ بِالزَّانَةِ فَأَنْزَلَ اللَّهُ الرَّابِعَ لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَ هِيَ الْمُؤَاجِرَاتُ الْمُغْلَبَاتُ بِالزَّانَةِ

He^{-asws} said: 'Yes! But rather, the Prophet^{-saww} had abhorred the women from the people of Makkah being open with the adultery, so Allah^{-azwj} Revealed: **The adulterer cannot marry except and adulteress or a Polytheist woman [24:3]**. These are the rented women being open with adultery.

مِنْهُمْ حَنْتَمَةُ وَ الرَّبَابُ وَ سَارَةُ النَّبِيِّ كَانَ رَسُولُ اللَّهِ ص أَخْلَى دَمَهَا يَوْمَ فَتَحَ مَكَّةَ مِنْ أَجْلِ أَنَّهَا كَانَتْ تَحْضُ الْمُشْرِكِينَ عَلَى قِتَالِ النَّبِيِّ ص وَ كَانَ تَقُولُ لِأَخَدِهِمْ كَانَ أَبُوكَ يَفْعَلُ كَذَا وَ كَذَا وَ يَفْعَلُ كَذَا وَ كَذَا وَ أَنْتَ تَجْبُنُ عَنْ قِتَالِ مُحَمَّدٍ وَ تَدِينُ لَهُ

From these were Hantamah, and Al-Rabbab, and Sarah the one whose blood Rasool-Allah^{-saww} had legalised on the day of the conquest of Makkah for the reason that she used to urge the Polytheists upon battling the Prophet^{-saww}, and she was saying to one of them, 'Your father

⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 36

⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 37

had done such and such, and he did such and such, while you are cowardly from battling Muhammad^{-saww} and are submitting to him^{-saww}?’

فَنَهَى اللَّهُ أَنْ يُنْكَحَ امْرَأَةً مُسْتَعْلَنَةً بِالزَّانَا أَوْ يُنْكَحَ رَجُلًا مُسْتَعْلَنًا بِالزَّانَا قَدْ عُرِفَ ذَلِكَ مِنْهُ حَتَّى يُغْفَرَ مِنْهُ التَّوْبَةُ.

Allah^{-azwj} Prohibited marrying a woman being openly with the adultery, or a marrying a man who is open with the adultery, that being known from him, until the repentance is known from him⁵⁷.

39- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ وَلَدٌ زِنًا عَلَيْهِ جُنَاحٌ أَنْ يَطَّأَهَا

He said, ‘And I asked him^{-asws} about the man having the slave girl for him born of adultery, ‘Is there any offence upon him if he were to have marital relations with her?’

قَالَ لَا وَ إِنْ تَنَزَّهَ عَنْ ذَلِكَ كَانَ أَحَبَّ إِلَيَّ.

He^{-asws} said: ‘No, and if he were to keep away from that, it would be more beloved to me^{-asws}’⁵⁸

40- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي قال أخبرني من سمع أبا جعفر ع قال في المرأة الفاجرة التي قد عرفت فجورها أ يتزوجها الرجل

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Hammad, from Al Halby who said,

‘He informed me, the one who heard Abu Ja’far^{-asws}. He said regarding the immoral woman whose immorality is known, ‘Can the man marry her?’

قَالَ وَ مَا يَمْنَعُهُ وَ لَكِنْ إِذَا فَعَلَ فَلْيُحْصِ بَابَهُ.

He^{-asws} said: ‘And what prevents him? But, if he does so, let him protect his door!’⁵⁹

41- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ الْفَضِيلِ عَنْ أَبِي الْحَسَنِ ع قَالَ: سَأَلْتُهُ عَنِ الْمَرْأَةِ اللَّحْنَاءِ الْفَاجِرَةِ أَ تَحِلُّ لِلرَّجُلِ أَنْ يَتَمَتَّعَ بِهَا يَوْمًا أَوْ أَكْثَرَ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Muhammad Bin Al Fuzeyl,

‘From Abu Al Hassan^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about the woman who is foul-mouthed, immoral, ‘Is she permissible for a man that he does Mut’ah with her for a day or more?’

فَقَالَ إِذَا كَانَتْ مَشْهُورَةً بِالزَّانَا فَلَا يَنْكِحُهَا وَ لَا يَتَمَتَّعُ مِنْهَا.

⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 38

⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 39

⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 40

He^{-asws} said: 'If she was notorious with the adultery, he can neither marry her nor do Mut'ah with her!'"⁶⁰

42- ضا، فقه الرضا عليه السلام وَأَمَّا قَوْلُهُ الرَّائِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً الْآيَةُ قَالَ أَرَادَ فِي الْحَضَرِ فَإِنْ غَابَ تَزَوَّجَ حَيْثُ شَاءَ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And as for His^{-azwj} Words: **The adulterer cannot marry except and adulteress or a Polytheist woman [24:3]** – the Verse. He^{-asws} said: 'The intended is during the residence. If he is absent (travelling), he can marry wherever he so desires to'.⁶¹

43- تَفْسِيرُ النُّعْمَانِيِّ، بِالإِسْنَادِ الْمُتَقَدِّمِ فِي كِتَابِ الْقُرْآنِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع فِي قَوْلِهِ سُبْحَانَهُ الرَّائِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَ الرَّائِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَ حُرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ

(The book) Tafseer Al Numani' – By the previous chain in the book of Quran,

'From Amir Al-Momineen^{-asws} regarding Words of the Glorious: **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].**

نَزَلَتْ هَذِهِ الْآيَةُ فِي نِسَاءٍ كُنَّ بِمَكَّةَ مَعْرُوفَاتٍ بِالزِّنَا مِنْهُنَّ سَارَةُ وَ حَنْتَمَةُ وَ رَبَابُ حَزْمِ اللَّهِ تَعَالَى نِكَاحَهُنَّ فَالْآيَةُ جَارِيَةٌ فِي كُلِّ مَنْ كَانَ مِنَ النِّسَاءِ مِثْلَهُنَّ.

This Verse was Revealed regarding women who were at Makkah, notorious for the adultery. From them were Sarah, and Hantama, and Rabbab. Allah^{-azwj} the Exalted marrying them. So the Verse flowed in every one from the women who are similar to them".⁶²

44- نَوَادِرُ الرَّائِدِي، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ ع عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع إِذَا زَنِىَ الرَّجُلُ بِأُمِّ امْرَأَتِهِ حُرِّمَتْ عَلَيْهِ امْرَأَتُهُ وَ أُمُّهَا.

(The book) 'Al Rawandy' – By his chain,

'From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'When the man commits adultery with the mother of his wife, his wife and her mother are prohibited unto him!'"⁶³

45- وَ هَذَا الْإِسْنَادُ قَالَ: قَالَ رَجُلٌ لِعَلِيِّ ع إِذَا زَنِىَ الرَّجُلُ بِالْمَرْأَةِ ثُمَّ أَرَادَ أَنْ يَتَزَوَّجَهَا

And by this chain,

'He^{-asws} said: 'A man said to Ali^{-asws}, 'If the man commits adultery with the woman, then he wants to marry her?'

فَقَالَ لَا بَأْسَ إِذَا تَابَا

⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 41

⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 42

⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 43

⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 44

He^{-asws} said: 'There is no problem if they both repent'.

فَقِيلَ هَذَا الرَّجُلُ يَعْلَمُ تَوْبَةَ نَفْسِهِ فَكَيْفَ يَعْلَمُ تَوْبَةَ الْمَرْأَةِ

It was said, 'This man, he knows his own repentance, but how would he know repentance of the woman?'

فَقَالَ يَدْعُوهَا إِلَى الْفُجُورِ فَإِنْ أَبَتْ فَقَدْ تَابَتْ وَإِنْ أَجَابَتْ حُرْمٌ نِكَاحُهَا.

He^{-asws} said: 'He calls her to the immorality. If she refuses, she has repented, and if she responds, marrying her is prohibited'.⁶⁴

باب 84 أحكام المهاجرات

CHAPTER 84 – RULINGS OF THE EMIGRATING WOMEN

1- فس، تفسير القمي قَالَ عَلِيُّ بْنُ إِبْرَاهِيمَ فِي قَوْلِهِ تَعَالَى يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مِنْهُنَّ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِنَ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ قَالَ إِذَا لَقِيتَ امْرَأَةً مِنَ الْمُشْرِكِينَ بِالْمُسْلِمِينَ فَمُتَمَسِّكٌ بِأَنْ تَخْلِفَ بِاللَّهِ أَنَّهُ لَمْ يَخْلِفْهَا عَلَى الْمُسْلِمِينَ بِالْمُسْلِمِينَ بَعْضُ لَوْ يَهَيَّأُ الْكَافِرَ وَلَا حُجْبَ لِأَحَدٍ مِنَ الْمُسْلِمِينَ وَإِنَّمَا حَمَلَهَا عَلَى ذَلِكَ الْإِسْلَامَ وَإِذَا خَلَفَ ذَلِكَ قَبْلَ إِسْلَامِهَا ثُمَّ قَالَ اللَّهُ عَزَّ وَجَلَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَكُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَآثَرُهُنَّ مَا أَنْفَعُوا يَعْنِي يَزُودُ الْمُسْلِمَ عَلَى زَوْجِهَا الْكَافِرِ صَدَاقُهَا ثُمَّ يَتَزَوَّجُهَا الْمُسْلِمُ وَهُوَ قَوْلُهُ وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَذَكَّرُوهُنَّ إِذَا اتَّيَسَّرَ لَكُمْ أَجْمَعُونَ. (opinion)

و فِي رَوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِهِ وَلَا تُنْسِكُوا بِعَصَمِ الْكَافِرِ يَقُولُ مَنْ كَانَتْ عِنْدَهُ امْرَأَةٌ كَافِرَةٌ يَعْنِي عَلَى غَيْرِ مِلَّةِ الْإِسْلَامَ وَ هُوَ عَلَى مِلَّةِ الْإِسْلَامَ فَلْيَعْرِضْ عَلَيْهَا الْإِسْلَامَ فَإِنْ قَبِلَتْ فَهِيَ امْرَأَتُهُ وَإِلَّا فَهِيَ بَرِيَّةٌ مِنْهُ فَتَهَا اللَّهُ أَنْ يُنْسِكَ بِعَصَمِهَا.

(The book) 'Tafseer Al Qummi' - 'And in a report by Abu Al Jaroud,

'From Abu Ja'far^{-asws} regarding His^{-azwj} Words: **and do not hold on to the ties of marriage of the Kafir women [60:10]**, he^{-asws} said: 'One who had a Kafir wife with him, meaning being upon other than the religion of Islam while he was upon the religion of Islam, let him present Islam to her. If she accepts, she is his wife, or else she is free from him, for Allah^{-azwj} has Forbidden to hold on to her tie (of marriage)'.⁶⁵

و قَالَ عَلِيُّ بْنُ إِبْرَاهِيمَ فِي قَوْلِهِ مَا أَنْفَعُوا يَعْنِي إِذَا لَقِيتَ امْرَأَةً مِنَ الْمُسْلِمِينَ بِالْكَافِرِ فَعَلَى الْكَافِرِ أَنْ يَزُودَ عَلَى الْمُسْلِمِ صَدَاقُهَا فَإِنْ لَمْ يَفْعَلِ الْكَافِرُ وَ عَيِمَ الْمُسْلِمُونَ خِيَمَةً أُخِذَ مِنْهَا قَبْلَ التَّسْمِيَةِ صَدَاقُ الْمَرْأَةِ الْأَخِيَّةِ بِالْكَافِرِ وَ قَالَ فِي قَوْلِهِ وَ إِنْ فَاتَكُمْ شَيْءٌ مِنْ أَزْوَاجِكُمْ إِلَى الْكُفَّارِ فَاعْتَبِرْتُمْ يَقُولُ يَلْعَنُ بِالْكَافِرِ الَّذِينَ لَا عَهْدَ بَيْنَكُمْ وَ بَيْنَهُمْ فَأَصْبَحْتُمْ خِيَمَةً فَأَتَا الَّذِينَ ذَهَبَتْ أَزْوَاجُهُمْ مَغْلٌ مَا أَنْفَعُوا وَ اتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ قَالَ وَ كَانَ سَبَبُ ثُرُولِ ذَلِكَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَتْ عِنْدَهُ قَابِلَةُ بِنْتُ أَبِي أُمَيَّةَ بِنِ الْمُخَوَّرَةِ فَكَرِهَتْ الْهَجْرَةَ مَعَهُ وَ أَقَامَتْ مَعَ الْمُشْرِكِينَ فَتَكَهَّنَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ فَأَمَرَ اللَّهُ رَسُولَهُ أَنْ يُعْطِيَ عُمَرَ مَغْلَ صَدَاقِهَا. (opinion)

⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 83 H 45

⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 84 H 1 a

و فِي رَوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع وَ إِنَّ فَاتَكُمْ شَيْءٌ مِنْ أَزْوَاجِكُمْ فَلَحِقْنَ بِالْكَفَّارِ مِنْ أَهْلِ عَهْدِكُمْ فَاسْأَلُوهُمْ صَدَاقَهَا وَ إِنَّ لَحِقْنَ بِكُمْ مِنْ نِسَائِهِمْ شَيْءٌ فَأَعْطُوهُمْ صَدَاقَهَا- ذَلِكَ حُكْمُ اللَّهِ بِكُمْ بَيْنَكُمْ.

And in a report by Abu Al Jaroud,

‘From Abu Ja’far^{-asws}: **And if from your wives, anything is lost from you [60:11]**, so she joins with the Kafirs, from the people of your pact, ask them for their dowries, and if something from their women join with you, then give them their dowries, that is the Judgment of Allah^{-azwj} He^{-azwj} has Judged between you”.⁶⁶

2- ع، علل الشرائع ابن الوليد عن الصفار عن ابن هاشم عن صالح بن سعيد و غيره من أصحاب يونس عن يونس عن أصحابه عن أبي جعفر و أبي عبد الله ع قال: قُلْتُ رَجُلٌ لَحِقَتْ امْرَأَتُهُ بِالْكَفَّارِ وَ قَدْ قَالَ اللَّهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ- وَ إِنَّ فَاتَكُمْ شَيْءٌ مِنْ أَزْوَاجِكُمْ إِلَى الْكَفَّارِ فَعَاقِبْتُمْ فَأَتَوْا الَّذِينَ ذَهَبَتْ أَزْوَاجُهُمْ مِثْلَ مَا أَنْفَقُوا مَا مَعِيَ الْعُقُوبَةُ هَاهُنَا

(The book) ‘Ilal Al Sharaie’ – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Salih Bin Saeed, and someone else from the companions of Yunus, from his companions,

‘From Abu Ja’far^{-asws} and Abu Abdullah^{-asws}, he (the narrator) said, ‘I said, ‘A man met his wife being with the Kafirs, and Allah^{-azwj} Mighty and Majestic has Said in His^{-azwj} Book: **And if from your wives, anything is lost from you to the Kafirs, then you marry successively, so give those whose wives had gone away the like of what they had spent [60:11]**. What is the meaning of ‘successively’ over here?’

قَالَ إِنَّ الَّذِي ذَهَبَتْ امْرَأَتُهُ فَعَاقَبَ عَلَى امْرَأَةٍ أُخْرَى غَيْرَهَا يَعْنِي تَزَوَّجَهَا بَعْقِبٍ فَإِذَا هُوَ تَزَوَّجَ امْرَأَةً أُخْرَى غَيْرَهَا فَعَلَى الْإِمَامِ أَنْ يُعْطِيَهُ مَهْرَ امْرَأَتِهِ الدَّاهِيَةِ

He^{-asws} said: ‘The one whose wife has gone, so he follows-up with another wife other than her, meaning he marries her as a follow-up. When he marries another woman other than her, it is upon the Imam^{-asws} that he^{-asws} gives him the dowry of his wife who had gone’.

فَسَأَلْتُهُ فَكَيْفَ صَارَ الْمُؤْمِنُونَ يَرُدُّونَ عَلَى زَوْجِهَا الْمَهْرَ بَعْدَ فِعْلِ مِنْهُمْ فِي ذَهَابِهَا وَ عَلَى الْمُؤْمِنِينَ أَنْ يَرُدُّوا عَلَى زَوْجِهَا مَا أَنْفَقَ عَلَيْهَا بِمَا يُصِيبُ الْمُؤْمِنُونَ

I asked him^{-asws}, ‘How did it become such that the believers have to return the dowry to her husband without any action from them regarding her going away, and it is upon the believers that they have to return to her husband what he had spent upon her, from what is the share of the believers?’

قَالَ يَرُدُّ الْإِمَامُ عَلَيْهِ أَصَابُهَا مِنَ الْكَفَّارِ أَوْ لَمْ يُصِيبُوا لِأَنَّ عَلَى الْإِمَامِ أَنْ يَجْبُرَ حَاجَتَهُ مِنْ تَحْتِ يَدِهِ وَ إِنَّ حَضَرَتِ الْقِسْمَةُ فَلَهُ أَنْ يَسْدِدَ كُلَّ نَائِيَةٍ تَتَوَلَّى قَبْلَ الْقِسْمَةِ وَ إِنَّ بَقِيَ بَعْدَ ذَلِكَ شَيْءٌ قَسَمَهُ بَيْنَهُمْ وَ إِنْ لَمْ يَبْقَ لَهُمْ شَيْءٌ فَلَا شَيْءَ لَهُمْ.

He^{-asws} said: ‘The Imam^{-asws} will return to him, whether they have attained from the Kafirs or not attained, because it is upon the Imam^{-asws} that he mends his need from under his^{-asws} hand, and if the distribution (of war booty) presents, for him^{-asws} is to block every need from

⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 84 H 1 b

his needs before the distribution, and if something remains after that, it is distributed between them, and if there does not remain anything for them, there is nothing for them”.⁶⁷

باب 85 ما يحرم بالمصاهرة أو يكره و ما هو بمنزلة المصاهرة

CHAPTER 85 – WHAT KINSHIP BY MARRIAGE IS PROHIBITED OR DISLIKED, AND WHAT IS AT THE STATUS OF THE KINSHIP BY MARRIAGE

1- ب، قرب الإسناد ابن عيسى عن البرزطي عن الرضا ع قال: سألته عن الرجل يتزوج المرأة مُتْعَةً أَيْحِلُّ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا مُتْعَةً

(The book) ‘Qurb Al-Isnaad’ – Ibn Isa, from Al Bazanty,

‘From Al-Reza^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about the man who marries the woman in Mut’ah, ‘Is it permissible for him to marry her sister in Mut’ah?’

قَالَ لَا.

He^{-asws} said: ‘No’.⁶⁸

2- وَ سَأَلْتُهُ عَنْ رَجُلٍ يَكُونُ عِنْدَهُ امْرَأَةٌ أَيْحِلُّ لَهُ أَنْ يَتَزَوَّجَ ابْنَتَهَا بَنَاتًا

And I asked him^{-asws} about a man having to have a wife with him, ‘Is it permissible for him to marry her daughter at all?’

قَالَ لَا.

He^{-asws} said: ‘No’.⁶⁹

3- وَ سَأَلْتُهُ عَنْ رَجُلٍ تَكُونُ عِنْدَهُ امْرَأَةٌ أَيْحِلُّ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا مُتْعَةً

And I asked him^{-asws} about a man having a wife with him, ‘Is it permissible for him to marry her sister in Mut’ah?’

قَالَ لَا

He^{-asws} said: ‘No’.

قُلْتُ فَإِنَّ زُرَّارَةَ حَكَى عَنْ أَبِي جَعْفَرٍ عَ إِذَا هُنَّ مِثْلُ الْإِمَاءِ يُتَزَوَّجُ مِنْهُنَّ مَا شَاءَ

I said, ‘But Zurara has narrated from Abu Ja’far^{-asws}: ‘But rather these are like the slave girls, he can marry from them whatever he so desires to!’

⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 84 H 2

⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 1

⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 2

فَقَالَ هِيَ مِنَ الْأَرْبَعِ.

He^{-asws} said: 'She is from the four'.⁷⁰

4- ع، علل الشرائع علي بن حاتم عن القاسم بن محمد عن حمدان بن الحسين عن الحسين بن الوليد عن مروان بن دينار قال: قلت لأبي إبراهيم ع لأبي علي لا يجوز للرجل أن يجتمع بين الأختين

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Al Qasim Bin Muhammad, from Hamdan Bin Al-Husayn, from Al-Husayn Bin Al Waleed, from Marwan Bin Dinar who said,

'I said to Abu Ibrahim (Al-Kazim^{-asws}), 'For which reason, it is not allowed for the man to gather between the two sisters (in marriage)?'

فَقَالَ لِتَحْصِينَ الْإِسْلَامَ وَ سَائِرِ الْأَدْيَانِ يَرَى ذَلِكَ.

He^{-asws} said: 'For the protection of Islam and the rest of the religions view that'.⁷¹

5- ب، قرب الإسناد محمد بن الحسين عن عثمان بن عيسى عن أبي الحسن الأول قال: كتبت إليه أسأله عن هذه المسألة و عرفت خطه عن أم ولد لرجل كان أبو الرجل وهبها له فولدت منه أولاداً فقالت له بعد ذلك إن أباك قد كان وطئني قبل أن يهبني

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al-Husayn, from Usman Bin Isa,

'From Abu Al-Hassan^{-asws} the 1st, he (the narrator) said, 'I wrote to him^{-asws} asking him^{-asws} about this issue, and I recognised his^{-asws} handwriting, about a mother of children of a man, the father of the man had gifted her to him. She gave birth to children from him. After that, she said to him, 'Your father had marital relations with me before he gifted me!'

قَالَ لَا تُصَدِّقْ إِنَّمَا تَقْرُءُ مِنْ سُوءِ خُلُقِي.

He^{-asws} said: 'She will not be ratified! But rather, she is fleeing from evil manners'.⁷²

5- ب، قرب الإسناد الحسن بن علي بن النعمان عن عثمان بن عيسى قال: وهب رجل جارية لابنه فولدت منه أولاداً فقالت الجارية بعد ذلك قد كان أبوك وطئني قبل أن يهبني لك

(The book) 'Qurb Al Isnaad' – Al-Hassan Bin Ali Bin Al Numan, from Usman Bin Isa who said,

'A man gifted a slave girl to his son. She gave birth to a child from him. The slave girl said after that, 'Your father had marital relations with me before he gifted me to you'.

فَسُئِلَ أَبُو الْحَسَنِ ع عَنْهَا فَقَالَ لَا تُصَدِّقْ إِنَّمَا تَقْرُءُ مِنْ سُوءِ خُلُقِهِ

⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 3

⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 4

⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 5 a

Abu Al-Hassan^{-asws} was asked about it. He^{-asws} said: 'She will not be ratified. But rather, she is fleeing from his evil matters!'

فَقِيلَ ذَلِكَ لِلْجَارِيَةِ فَقَالَتْ صَدَقَ وَاللَّهِ مَا هَرَبْتُ إِلَّا مِنْ شُوءِ خُلْفِهِ.

That was said to the slave girl. She said, 'He^{-asws} spoke the truth, by Allah^{-azwj}! I was not fleeing except from his evil manners'.⁷³

6- ب، قرب الإسناد مُحَمَّدُ بْنُ الْفَضْلِ قَالَ: كُنْتُ عِنْدَ الرِّضَا ع فَسَأَلُهُ صَفْوَانُ بْنُ يَحْيَى عَنْ رَجُلٍ تَزَوَّجَ ابْنَةَ رَجُلٍ وَ لِلرَّجُلِ امْرَأَةٌ وَ أُمُّ وَلَدٍ فَمَاتَ أَبُو الْجَارِيَةِ يَحِلُّ لِلرَّجُلِ أَنْ يَتَزَوَّجَ امْرَأَتَهُ وَ أُمُّ وَلَدِهِ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Fuzeyl who said,

'I was in the presence of Al-Reza^{-asws}. Safwan Bin Yahya asked him^{-asws} about a man who married a daughter of a man, and for the man is a wife and mother of children. The father of the slave girl dies. Is it permissible for the man to marry his wife or mother of his children?'

قَالَ لَا بَأْسَ.

He^{-asws} said: 'No problem'.⁷⁴

7- ج، الإحتجاج كَتَبَ الْحَمِيرِيُّ إِلَى الْحُجَّةِ ع هَلْ يَحُورُ لِلرَّجُلِ أَنْ يَتَزَوَّجَ ابْنَةَ زَوْجَتِهِ

(The book) 'Al Ihtijaj' -

'Al-Himeyri wrote to Al-Hujjat (12th Imam^{-ajfj}), 'Is it allowed for the man to marry a daughter of his wife?'

فَأَجَابَ إِنْ كَانَتْ رُبَيْثٌ فِي حَجَرِهِ فَلَا يَحُورُ وَ إِنْ لَمْ تَكُنْ رُبَيْثٌ فِي حَجَرِهِ وَ كَانَتْ أُمُّهَا مِنْ غَيْرِ عِيَالِهِ فَقَدْ رُوِيَ أَنَّهُ جَائِزٌ

He^{-ajfj} wrote: 'If she has been nourished in his lap, it is not allowed, and if she had not been nourished in his lap, and her mother was from other than his dependants, it has been reported that it is allowed'.

وَ سُئِلَ هَلْ يَحُورُ أَنْ يَتَزَوَّجَ بِنْتُ ابْنَةِ امْرَأَةٍ ثُمَّ يَتَزَوَّجَ جَدَّتَهَا بَعْدَ ذَلِكَ أَمْ لَا

And he asked, 'Is it allowed for him to marry a daughter of a daughter of a woman, then he marries her grandmother after that, or not?'

فَأَجَابَ قَدْ هِيَ عَنْ ذَلِكَ.

⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 5 b

⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 6

He^{-ajfi} answered: 'It has been prohibited from that'.⁷⁵

8- ب، قرب الإسناد ابن عيسى عن البرزطي قال: سألت الرضا ع عن الرجل يتزوج المرأة و يتزوج أم ولد أبيها فقال لا بأس بذلك

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

'I asked Al-Reza^{-asws} about the man who marries the woman and had married a mother of children of her father. He^{-asws} said: 'There is no problem with that!'

فقلت له قد بلغنا عن أبيك أن علي بن الحسين ع تزوج ابنة الحسن و أم ولد للحسن و لكن رجلاً سألي أن أسألك عنها

I said to him^{-asws}, 'It has reached us from your^{-asws} father^{-asws} that Ali^{-asws} Bin Al-Husayn^{-asws} married a daughter of Al-Hassan^{-asws}, and mother of children of Al-Hassan^{-asws}, but a man has asked me to ask you^{-asws} about it'.

فقال ليس هو هكذا إنما تزوج علي بن الحسين ابنة الحسن و أم ولد لعلي بن الحسين المقتول عندهم فكتب بذلك إلى عبد الملك بن مروان ليعاب به علي بن الحسين ع فلما قرأ الكتاب قال إن علي بن الحسين يبضع نفسه و إن الله تبارك و تعالى ليرفعه.

He^{-asws} said: 'It isn't like that! But rather, Ali^{-asws} Bin Al-Husayn^{-asws} had married a daughter of Al-Hassan^{-asws}, but (not) the mother of Ali^{-asws} Bin Al-Husayn^{-asws} (as she) was killed with you all! It was written with that to Abdul Malik Bin Marwan in order to fault Ali^{-asws} Bin Al-Husayn^{-asws} with. When he read the letter, he said, 'Ali^{-asws} Bin Al-Husayn^{-asws} drops himself^{-asws}, and Allah^{-azwj} Blessed and Exalted Raises him^{-asws}!⁷⁶

9- ب، قرب الإسناد ابن أبي الخطاب عن البرزطي قال: سألت الرضا ع عن المرأة تقبلها القابلة فتلد العلام يحل للعلام أن يتزوج قابله أمه

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

'I asked Al-Reza^{-asws} about the woman, the midwife looked after her. She gave birth to a boy. 'Is it permissible for the boy to marry the midwife of his mother?'

قال سبحانه الله و ما يحرم عليه من ذلك.

He^{-asws} said: 'Glory be to Allah^{-azwj}, and what is prohibited unto him from that?'⁷⁷

10 ع، علل الشرائع علي بن أحمد عن الأسدي عن البرمكي عن علي بن العباس عن عبد الرحمن بن محمد عن الحزاز عن محمد بن مسلم عن أبي جعفر ع قال: إنما هي رسول الله ص عن تزويج المرأة على عمتها و خالتها إجلالاً للعممة و الخالة فإذا أدنت في ذلك فلا بأس.

(The book) 'Ilal Al Sharaie' – Ali Bin Ahmad, from Al Asady, from Al Barmakky, from Ali Bin Al Abbas, from Abdul Rahman Bin Muhammad, from Al Khazzaz, from Muhammad Bin Muslim,

⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 7

⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 8

⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 9

'From Abu Ja'far^{asws} having said: 'But rather, Rasool-Allah^{saww} prohibited from marrying the woman upon her paternal aunt and her maternal aunt, in reverence of the paternal aunt and the maternal aunt. When she permits regarding that, there is no problem.⁷⁸

11- ع، علل الشرائع أبي عن سعد عن ابن عيسى عن ابن فضال عن ابن بكير عن محمد بن مسلم عن أبي جعفر ع قال: لا تُنكح ابنة الأخ و لا ابنة الأخت على عمّتها و لا على خاليتها و تُنكح العمّة و الخالة على ابنة الأخ و الأخت بغير إذنيهما.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Ibn Bukeyr, from Muhammad Bin Muslim,

'From Abu Ja'far^{asws} having said: 'You cannot marry a daughter of the brother, nor daughter of the sister upon her paternal aunt nor upon her maternal aunt, while the paternal aunt and the maternal aunt can be married upon a daughter of the brother without her permission'.⁷⁹

12- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُه عن المرأة تُزوّج على عمّتها و خاليتها قال لا بأس.

(The book) 'Qurb Al Isnaad' -

'Ali, from his brother (Al-Kazim^{asws}), he said, 'I asked him^{asws} about the woman marries upon her paternal aunt and her maternal aunt. He^{asws} said: 'There is no problem'.⁸⁰

13- شي، تفسير العياشي عن محمد بن مسلم عن أحدهما ع عن رجلٍ كانت له جارية يطؤها قد باعها من رجلٍ فأعتقها فتزوّجت فولدت بصلحٍ لمولاهما الأول أن يتزوّج ابنتها

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

'From one of the two (5th or 6th Imam^{asws}) about a man who had a slave girl for him. He has marital relations with her. He sold her to a man. He frees her. She gets married and gives birth. Is it correct for her former master to marry her daughter?'

قال لا هي عليه حرام و هي ربيته و الحرّة و المملوكه في هذا سواء ثم قرأ هذه الآية- و ربائكم اللاتي في حُجُوركم من نسايتكم.

He^{asws} said: ' No, she is prohibited unto him, and she is his stepdaughter, and the free woman and the slave woman are same in this'. Then he^{asws} read this Verse: **and your step-daughters who are in your care from the women [4:23]**'.⁸¹

The numbers 14 & 15 are missing.

16 ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن محمد عن أحدهما ع مثله.

⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 10

⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 11

⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 12

⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 13

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'ala, from Muhammad, from one of the two (5th or 6th Imam-asws), similar to it.⁸²

17- شي، تفسير العياشي عن أبي حمزة قال: سألت أبا جعفر ع عن رجل تزوج امرأة و طلقها قبل أن يدخل بها أ تحل له ابنتها

Tafseer Al Ayyashi, from Abu Hamza who said,

'I asked Abu Ja'far-asws about a man who marries a woman and divorces her before he had consummated with her, 'Is her daughter permissible for him?'

قَالَ فَقَالَ قَدْ قَضَى فِي هَذَا أَمِيرُ الْمُؤْمِنِينَ ع لَا بَأْسَ بِهِ إِنَّ اللَّهَ يَقُولُ وَ رَبَائِكُمُ اللَّائِي فِي حُجُورِكُم مِّنْ نِّسَائِكُمُ اللَّائِي دَخَلْتُم بَيْنَ لَمْ تَكُونُوا دَخَلْتُم بَيْنَ فَلَا جُنَاحَ عَلَيْكُمْ لَكِنَّهُ لَوْ تَزَوَّجَتِ الْإِثْنَةُ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا لَمْ يَحِلَّ لَهُ أُمُّهَا

He (the narrator) said, 'He-asws said: 'Amir Al-Momineen-asws had judged regarding this, there is no problem with it. Allah-azwj Says: **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 [4:23]**. But, if he married the daughter, then divorces her before he consummates with her, her mother is not permissible for him'.

قَالَ قُلْتُ أ لَيْسَ هُمَا سَوَاءٌ

He (the narrator) said, 'I said, 'Aren't they both the same?'

قَالَ فَقَالَ لَا لَيْسَ هَذِهِ مِثْلُ هَذِهِ إِنَّ اللَّهَ يَقُولُ - وَأُمَّهَاتُ نِسَائِكُم لَمْ يَسْتَتْنِ فِي هَذِهِ كَمَا اشْتَرَطَ فِي تِلْكَ هَذِهِ هَاهُنَا مُبْهَمَةٌ لَيْسَ فِيهَا شَرْطٌ وَ تِلْكَ فِيهَا شَرْطٌ.

He (the narrator) said, 'He-asws said: 'This isn't like this! Allah-azwj Says: **and mothers of your wives [4:23]**. He-azwj didn't Make an exclusion in this, just as He-azwj Stipulated in this. This here is absolute, without condition, while that one has a condition'.⁸³

18- شي، تفسير العياشي عن منصور بن حازم قال: قُلْتُ لِأبي عَبْدِ اللَّهِ ع رَجُلٌ تَزَوَّجَ امْرَأَةً وَ لَمْ يَدْخُلْ بِهَا حَتَّى لَهْ أُمُّهَا

(The book) 'Tafseer Al Ayyashi' – From Mansour Bin Hazim who said,

'I said to Abu Abdullah-asws, 'A man marries a woman and does not consummate with her, 'Is her mother lawful for him?'

قَالَ فَقَالَ قَدْ فَعَلَ ذَلِكَ رَجُلٌ مِنَّا فَلَمْ يَرَ [نَرَى] بِهِ بَأْسًا

He (the narrator) said, 'He-asws said: 'A man from us has done that, and he did not see any problem with that.

⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 16

⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 17

قَالَ فَقُلْتُ لَهُ وَ اللَّهُ مَا يَفْخَرُ الشَّيْعَةُ عَلَى النَّاسِ إِلَّا بِهَذَا إِنَّ ابْنَ مَسْعُودٍ أَقْبَى فِي هَذِهِ الشَّمْحَةِ أَنَّهُ لَا بَأْسَ بِذَلِكَ فَقَالَ لَهُ عَلِيٌّ ع وَ مِنْ أَيْنَ أَخَذْتَهَا قَالَ مِنْ قَوْلِ اللَّهِ تَعَالَى - وَ رَبَائِكُمُ اللَّائِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللَّائِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ

He (the narrator) said, 'I said to him^{-asws}, 'By Allah^{-azwj}! The Shias have not prided upon the people except with this! Ibn Masoud had issued a Fatwa regarding this priding, there is no problem with that. So, Ali^{-asws} said to him: 'And from where have you taken this?' He said, 'From Words of Allah^{-azwj} the Exalted: **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 [4:23]**'.

قَالَ فَقَالَ عَلِيٌّ ع إِنَّ هَذِهِ مُسْتَثْنَاءٌ وَ تِلْكَ مُرْسَلَةٌ

He (the narrator) said, 'So Ali^{-asws} said: 'This is an exclusion, and that is unrestricted!'

قَالَ فَسَكَتُ فَتَدِيمْتُ عَلَى قَوْلِي فَقُلْتُ أَصْلَحَكَ اللَّهُ فَمَا تَقُولُ فِيهَا

He (the narrator) said, 'I was silent and regretted upon my words, so I said, 'May Allah^{-azwj} Keep you^{-asws} well! So, what are you^{-asws} saying regarding it?'

قَالَ فَقَالَ يَا شَيْخُ تُخْبِرُنِي أَنَّ عَلِيًّا ع قَدْ قَضَى فِيهَا وَ تَقُولُ لِي مَا تَقُولُ فِيهَا.

He (the narrator) said, 'He^{-asws} said: 'O Sheykh! You informed me^{-asws} that Ali^{-asws} has already judged regarding it, and you are saying to me^{-asws}, 'What are you^{-asws} saying regarding it?'⁸⁴

19- شي، تفسير العياشي عَنْ عُبَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ فَيُصِيبُ مِنْهَا ثُمَّ يَبِيعُهَا هَلْ لَهُ أَنْ يَنْكِحَ ابْنَتَهَا

(The book) 'Tafseer Al Ayyashi' – From Ubeyd,

'From Abu Abdullah^{-asws} regarding the man having the slave girl for him, so he attains from her, then sells her. 'Is it permissible for him to marry her daughter?'

قَالَ لَا هِيَ مِثْلُ قَوْلِ اللَّهِ وَ رَبَائِكُمُ اللَّائِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللَّائِي دَخَلْتُمْ بِهِنَّ.

He^{-asws} said: 'No! It is like the Words of Allah^{-azwj}: **and your step-daughters who are in your care from the women whom you entered with [4:23]**'.⁸⁵

20- شي، تفسير العياشي عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ جَعْفَرٍ عَنْ أَبِيهِ أَنَّ عَلِيًّا ع كَانَ يَقُولُ الرَّبَائِبُ عَلَيْكُمْ حَرَامٌ مَعَ الْأُمَّهَاتِ اللَّائِي قَدْ دَخَلَ بِهِنَّ فِي الْحُجُورِ أَوْ غَيْرِ الْحُجُورِ وَ الْأُمَّهَاتُ مُبْهَمَاتٌ دَخَلَ بِالْبَنَاتِ أَوْ لَمْ يَدْخُلْ بِهِنَّ فَحَرِّمُوا وَ أَجْمَعُوا مَا أَهَمَّ اللَّهَ.

(The book) 'Tafseer Al Ayyashi' – From Is'haq Bin Ammar,

'From Ja'far^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} had said: 'The step-daughters are prohibited upon you all with the mothers which you have consummated with, whether they are in the

⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 18

⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 19

laps or not in the laps (care), and the mothers are ambiguous, whether you have consummated with the daughters or not consummated with them. Therefore, prohibit (what Allah^{-azwj} has Prohibited), and leaves as ambiguous what Allah^{-azwj} has Left as ambiguous!”⁸⁶

21- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِ اللَّهِ وَ لَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ قَالَ لَا يَصْلُحُ لِلرَّجُلِ أَنْ يَنْكِحَ امْرَأَةً جَدِّهِ.

(The book) ‘Tafseer Al Ayyashi’ – From Muhammad Bin Muslim,

‘From Abu Ja’far^{-asws} regarding Words of Allah^{-azwj}: **And you cannot marry from the women whom your fathers married [4:22]**. He^{-asws} said: ‘It is not correct for the man that he marries a wife of his grandfather’”.⁸⁷

22- ين، كتاب حسين بن سعيد و النواذر صفوان عن عَبْدِ الرَّحْمَنِ بْنِ الْحُجَّاجِ عَنِ ابْنِ حَازِمٍ قَالَ: كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ ع فَأَتَاهُ رَجُلٌ فَسَأَلَهُ عَنْ رَجُلٍ تَزَوَّجَ بِامْرَأَةٍ فَمَاتَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا أَيْ يَتَزَوَّجَ أُمَّهَا

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan, from Abdul Rahman Bin Al Hajjaj, from Ibn Hazim who said,

‘I was in the presence of Abu Abdullah^{-asws}. A man came to him^{-asws} and asked him^{-asws} about a man who had married a woman, and she died before he had consummated with her, ‘Can he marry her mother?’

قَالَ أَبُو عَبْدِ اللَّهِ ع قَدْ فَعَلَهُ رَجُلٌ مِنَّا فَلَمْ نَرِ بِهِ بَأْسًا

Abu Abdullah^{-asws} said: ‘A man from us has done so, and he did not see any problem with it’.

فَقُلْتُ جَعَلْتُ فِدَاكَ وَ اللَّهُ مَا تَفَخَّرَ الشَّيْعَةُ إِلَّا بِقَضَاءِ عَلِيٍّ فِي هَذِهِ السَّمْحَةِ [السَّمْحَةُ] الَّتِي أَفْتَى فِيهَا ابْنُ مَسْعُودٍ ثُمَّ أَتَى عَلِيًّا فَقَالَ لَهُ مِنْ أَيْنَ أَخَذْتَهَا

I said, ‘May I be sacrificed for you^{-asws}! The Shias have not prided except with the judgment of Ali^{-asws} regarding this priding which Ibn Masoud has issued Fatwa with. Then he came to Ali^{-asws}, so he^{-asws} said to him: ‘From where have you taken this?’

قَالَ مِنْ قَوْلِ اللَّهِ تَعَالَى - وَ رَبَائِكُمُ اللَّائِي فِي حُجُورِكُم مِّنْ نِّسَائِكُمُ اللَّائِي دَخَلْتُم بِهِنَّ فَإِنْ لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ

He said, ‘From Words of Allah^{-azwj} the Exalted: **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 [4:23]**’.

فَقَالَ عَلِيٌّ إِنَّ تِلْكَ مُبْهَمَةٌ وَ هَذِهِ مُسَمَّاةٌ قَالَ اللَّهُ وَ أُمّهَاتُ نِسَائِكُم

⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 20

⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 21

Ali^{-asws} said: 'That is ambiguous and this is specific. Allah^{-azwj} Said: **and mothers of your wives [4:23]**'.

فَقَالَ أَبُو عَبْدِ اللَّهِ عَ مَا تَسْمَعُ مَا يَتَوَي هَذَا عَنْ عَلِيٍّ ع

Abu Abdullah^{-asws} said: 'Have you not heard what this one has reported from Ali^{-asws}?'

فَلَمَّا قُمْتُ نَدِمْتُ قُلْتُ أَيُّ شَيْءٍ صَنَعْتُ يَقُولُ هُوَ فَعَلَهُ رَجُلٌ مِنَّا فَلَمْ نَرِ بِهِ بَأْسًا وَ أَقُولُ أَنَا قَضَى عَلَيَّ فِيهَا

When I stood up, I regretted it. I said (to myself), 'What have I done? He^{-asws} had said: 'It was done by a man from us, so we do not see any problem with it', and I said, 'Ali^{-asws} had judged regarding it'?'

فَلَقِيْتُهُ بَعْدَ ذَلِكَ فَقُلْتُ جَعَلْتُ فِدَاكَ مَسْأَلَةَ الرَّجُلِ إِنَّمَا كَانَ الَّذِي قُلْتُ زَلَّةً مِنِّي فَمَا تَقُولُ فِيهَا

I met him^{-asws} after that. I said, 'May I be sacrificed for you^{-asws}! Issue of the man. But rather, that which I had said was a slip from me, so what are you^{-asws} saying regarding it?'

فَقَالَ يَا شَيْخُ تُخْبِرُنِي أَنَّ عَلِيًّا عَ قَضَى فِيهَا وَ نَسَأَلَنِي مَا أَقُولُ فِيهَا.

He^{-asws} said: 'O Sheykh! You informed me^{-asws} that Ali^{-asws} had judged regarding it, and you are asking me^{-asws} what I^{-asws} am saying regarding it!'⁸⁸

23 ين، كتاب حسين بن سعيد و النوادر النضر بن سويد عن محمد بن حمزة عن منصور بن حازم عن أبي عبد الله ع مثله.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Muhammad Bin Hamza, from Mansour Bin Hazim, 'From Abu Abdullah^{-asws}, similar to it.⁸⁹

24- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد بن عثمان و جميل بن دراج عن أبي عبد الله ع قال: الإبن و الإبنة سواء إذا لم يدخل بها فإنه إن شاء تزوج ابنتها و إن شاء تزوج أمها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Usman, and Jameel Bin Darraj,

'From Abu Abdullah^{-asws} having said: 'The son and the daughter are the same if you have not consummated with her (their mother). If you desire, you can marry her daughter and if you desire, you can marry her mother''⁹⁰

25- ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى عن العلاء عن محمد بن مسلم عن أحدهما ع عن رجل تزوج امرأة فنظر إلى رأسها و بغض جسدها فقال أ يتزوج ابنتها

⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 22

⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 23

⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 24

The book Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Al A'ala, from Muhammad Bin Muslim,

'From one of the two (5th or 6th Imam^{-asws}) about a man who marries a woman. He looks at her head and part of her body. He said, 'Can he marry her daughter'.

فَقَالَ لَا إِذَا رَأَى مِنْهَا مَا يَحْرُمُ عَلَى غَيْرِهِ فَلَيْسَ لَهُ أَنْ يَتَزَوَّجَ ابْنَتَهَا.

He^{-asws} said: 'No! When he has seen from her what is prohibited unto others, it isn't for him to marry her daughter'.⁹¹

26- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن جميل عن بعض أصحابنا عن أحدهما ع في رجل تزوج امرأة ثم طلقها قبل أن يدخل بها أ بجاء له ابنتها

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeir, from Jameel, from one of our companions,

'From one of the two (5th or 6th Imam^{-asws}) regarding a man who marries a woman, then divorces her before he consummates with her, 'Is her daughter lawful for him?'

قَالَ ابْنْتُ وَالْأُمُّ فِي هَذَا سَوَاءٌ إِذَا لَمْ يَدْخُلْ بِإِحْدَاهَا خَلَّتْ لَهُ الْآخَرَى.

He^{-asws} said: 'The daughter and the mother are the same in this, when he did not consummate with one of them, the other is lawful for him'.⁹²

27- ين، كتاب حسين بن سعيد و النوادر محمد بن إسماعيل قال: سألت أبا الحسن ع عن الرجل تكون له الجارية فقبلها هل تحل لولده

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Ismail said,

'I asked Abu Al-Hassan^{-asws} about the man having a slave girl for him, and he kisses her, 'Is she lawful for his son?'

فَقَالَ بِشَهْوَةٍ

He^{-asws} said: 'With lust?'

قُلْتُ نَعَمْ

I said, 'Yes'.

قَالَ لَا مَا تَرَكَ شَيْئاً إِذَا قَبَّلَهَا بِشَهْوَةٍ

He^{-asws} said: 'He has not left anything if he has kissed with lust'.

⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 25

⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 26

ثُمَّ قَالَ ابْتِدَاءً مِنْهُ إِنْ جَرَّدَهَا ثُمَّ نَظَرَ إِلَيْهَا بِشَهْوَةٍ حُرِّمَتْ عَلَى ابْنِهِ

Then he^{-asws} said: 'Initiating from him when he bares her, then looks at her with lust, she is prohibited unto his son'.

قُلْتُ إِذَا نَظَرَ إِلَى جَسَدِهَا

I said, 'When he looked at her body?'

فَقَالَ إِذَا نَظَرَ إِلَى فَرْجِهَا.

He^{-asws} said: 'When he looked at her private part'.⁹³

28- ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن يونس بن يعقوب قُلْتُ لِأَبِي إِبْرَاهِيمَ ع رَجُلٌ تَزَوَّجَ امْرَأَةً فَمَاتَ قَبْلَ أَنْ يَدْخُلَ بِهَا أَ تَحِلُّ لِابْنِهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Mahboub, from Yunus Bin Yaquub,

'I said to Abu Ibrahim^{-asws} (Al-Kazim^{-asws}), 'A man marries a woman, and she dies before he has consummated with her, 'Is she lawful for his son?'

فَقَالَ إِنَّهُمْ لَيَكْرَهُونَهُ لِأَنَّهُ مَلَكَ الْعُقْدَةَ.

He^{-asws} said: 'They are disliking it because he had possessed the tie of marriage'.⁹⁴

29- ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن محمد بن مسلم عن أحدهما ع أَنَّهُ قَالَ: لَوْ لَمْ يُحَرِّمْ عَلَى النَّاسِ أَزْوَاجَ النَّبِيِّ ع بِقَوْلِ اللَّهِ- وَ مَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَ لَا أَنْ تَنْكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا حُرِّمَتْ عَلَى الْحَسَنِ وَ الْحُسَيْنِ لِقَوْلِ اللَّهِ- وَ لَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ فَلَا يَصْلَحُ لِلرَّجُلِ أَنْ يَنْكِحَ امْرَأَةً جَدِّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al A'la, from Muhammad Bin Muslim,

'From one of the two (5th or 6th Imam^{-asws} having said: 'Even if the wives of the Prophet^{-saww} had not been prohibited unto the people by the Words of Allah^{-azwj}: **And it was not for you that you should hurt Rasool-Allah, nor that you marry his wives from after him, ever!** [33:53], they would still be prohibited unto Al-Hassan^{-asws} and Al-Husayn^{-asws} due to Words of Allah^{-azwj}: **And you cannot marry from the women whom your fathers married [4:22]**. Thus, it is not correct for the man to marry a wife of his grandfather".⁹⁵

30- ين، كتاب حسين بن سعيد و النوادر صفوان عن العيصي قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثُمَّ خَلَفَ عَلَيْهَا رَجُلٌ فَوَلَدَتْ لِأَخْرٍ هَلْ يَحِلُّ وَلَدُهَا مِنَ الْآخِرِ لَوْلَدِ الْأَوَّلِ مِنْ غَيْرِهَا

⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 27

⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 28

⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 29

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Al Ays who said,

'I asked Abu Abdullah^{-asws} about a man who divorces his wife, then a man replaces upon her, so she gives birth for the latter ones, 'Is her child from the latter one lawful for the son of the former, from other than her?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

قَالَ الْعِيصُ وَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ سَرِيَّةً ثُمَّ خَلَفَ عَلَيْهَا رَجُلٌ بَعْدَهُ ثُمَّ وَلَدَتْ لِالْآخِرِ هَلْ يَحِلُّ وَلَدُهَا لِوَلَدِ ابْنِ الَّذِي أَعْتَقَهَا

Al-Ays said, 'And I asked him^{-asws} about a man who frees his concubine, then a man replaces upon her after him, then she gives birth to the latter ones, 'Is her child lawful for son of the son who had freed her?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.⁹⁶

31- ين، كتاب حسين بن سعيد و النوادر الحسن بن خالد الصيرفي قال: سألت أبا الحسن ع عن رجل نكح مملوكة له ثم خرجت من ملكه فتصيب ولداً أ ولده أن ينكح ولدها

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Khalid Al Sayrafi who said,

'I asked Abu Al-Hassan^{-asws} about a man who marries a slave girl of his, then she exits from his ownership. Then she attains a child. 'Is it for his son to marry her child?'

فَقَالَ أَعِدَهَا عَلَيَّ ارْزُدْهَا عَلَيَّ

He^{-asws} said: 'Repeat it unto me^{-asws}, say it again to me^{-asws}!'

فَأَوْمَأْتُ عَلَى نَفْسِي فَقُلْتُ أَنَا جَعَلْتُ فِدَاكَ أَصَبْتُ جَارِيَةً فَخَرَجْتُ مِنْ مِلْكِي فَأَصَابَتْ وَلِداً أ ولدي أن ينكح ولدها

I gestured to myself and said, 'May I be sacrificed for you^{-asws}! I had attained a slave girl, then she exited from my ownership. She achieved a child. Is it for my son to marry her child?'

قَالَ مَا كَانَ قَبْلَ النِّكَاحِ - لَا أَرَى أَوْ لَا أَحِبُّ لَهُ أَنْ يَنْكِحَ وَ مَا كَانَ بَعْدَ النِّكَاحِ فَلَا بَأْسَ.

He^{-asws} said: 'Whatever happened before the marriage, I^{-asws} don't see it (proper) nor do I^{-asws} like it for him to marry, and whatever was after the marriage, there is no problem'.⁹⁷

⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 30

⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 31

32- ين، كتاب حسين بن سعيد و النوادر حماد بن عيسى عن ربيعة بن عبد الله عن محمد بن مسلم عن أبي عبد الله ع قال: إِذَا جَرَّدَ الرَّجُلُ الْجَارِيَةَ وَ وَضَعَ يَدَهُ عَلَيْهَا فَلَا تَحِلُّ لِأَبِيهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad Bin Isa, from Rabie Bin Abdullah, from Muhammad Bin Muslim,

'From Abu Abdullah^{-asws} having said: 'When the man bares the slave girl and places his hand upon her, she is not lawful for his father'.⁹⁸

33- ين، كتاب حسين بن سعيد و النوادر النضر بن سويد عن عبد الله بن سنان عن أبي عبد الله ع من تزوج امرأة فلا تمسها فمهرها واجب و إحصاء حرام على أبيه و أبيه.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Abdullah Bin Sinan,

'From Abu Abdullah^{-asws}: 'One who marries a woman and he touches her, her dowry is obligated and she is prohibited unto his father and his son'.⁹⁹

34- ين، كتاب حسين بن سعيد و النوادر محمد بن أبي عمير عن عمر بن أذينة قال حدثني سعيد عن أبي عروبة عن قتادة عن الحسن أن رسول الله ص تزوج امرأة من عامر بن صعصعة يقال لها سنا و كانت من أجمل أهل زمانها فلما نظرت إليها عايشة و حفصة قالتا لتعلينا على رسول الله فقالتا لها لا ترين رسول الله منك حرصاً

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Abu Umeyr, from Umar Bin Uzina who said, 'It is narrated to me by Saeed, from Abu Arouba, from Qatada, from Al-Hassan,

'Rasool-Allah^{-saww} married a woman from (clan of) Aamir Bin Sa'sa called Sana, and she was from the most beautiful of the people of her time. When Ayesha and Hafsa looked at her, they said, 'We shall prevail upon Rasool-Allah^{-saww}'. They said to her, 'Do not let Rasool-Allah^{-saww} see any eagerness from you'.

فَلَمَّا دَخَلَتْ عَلَى النَّبِيِّ فَنَاولَهَا يَدَهُ فَقَالَتْ أَعُوذُ بِاللَّهِ مِنْكَ

When she was escorted to the Prophet^{-saww}. He^{-saww} held her hand. She said, 'I seek Refuge with Allah^{-azwj} from you^{-saww}!'

فَانْقَبَضَتْ يَدُ رَسُولِ اللَّهِ ص عَنْهَا فَطَلَّقَهَا وَ أَخْفَهَا بِأَهْلِهَا وَ تَزَوَّجَ رَسُولُ اللَّهِ ص امْرَأَةً مِنْ كِنْدَةَ ابْنَةِ أَبِي الْجَوْنِ

Rasool-Allah^{-saww} retracted his^{-saww} hand away from her and divorced her and joined her with her family, and Rasool-Allah^{-saww} married a woman from (tribe of) Kinda, daughter of Abu Al Jawn.

فَلَمَّا مَاتَ إِبْرَاهِيمُ بْنُ رَسُولِ اللَّهِ ابْنُ مَارِيَةَ الْقُبَيْطِيَّةِ قَالَتْ لَوْ كَانَ نَبِيًّا مَا مَاتَ ابْنُهُ فَأَخْفَهَا رَسُولُ اللَّهِ بِأَهْلِهَا قَبْلَ أَنْ يَدْخُلَ بِهَا

⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 32

⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 33

When Ibrahim^{as} son of Rasool-Allah^{saww}, son of Mariah^{ra} the Coptic, passed away, she (the daughter of Al-Jawn) said, 'Had he^{saww} been a Prophet^{saww}, his^{saww} son would not have died!' So Rasool-Allah^{saww} joined her with her family before he^{saww} consummated with her.

فَلَمَّا فُيْضَ رَسُولُ اللَّهِ صَ وَ وَلى النَّاسُ أَبَا بَكْرٍ أَتَتْهُ الْعَامِرِيَّةُ وَ الْكِنْدِيَّةُ وَ قَدْ حُطِبَتَا فَاجْتَمَعَ أَبُو بَكْرٍ وَ عُمَرُ فَقَالَا لُهُمَا اخْتَارَا إِنِ شِئْتُمَا الْحِجَابَ وَ إِنِ شِئْتُمَا الْبَاءَ

When Rasool-Allah^{saww} passed away and Abu Bakr was in charge of the people, the Aamiriya and the Coptic woman came to him, and they had been proposed to. So, Abu Bakr and Umar gathered and said to them, 'Choose the veil if you like, and if you like, the husband!'

فَاخْتَارَتَا الْبَاءَ فَزَوَّجَتَا فَجُذِمَ أَحَدُ الرَّجُلَيْنِ وَ جُنَّ الْآخَرُ

They chose the husband (marriage). They got them both married. One of the two men (husbands) became a leper, and the other became insane'.

قَالَ عُمَرُ بْنُ أُدَيْنَةَ فَحَدَّثْتُ بِهَذَا الْحَدِيثِ زُرَّارَةَ وَ الْفُضَيْلَ فَرَوَّيَا عَنْ أَبِي جَعْفَرٍ عَ أَنَّهُ قَالَ مَا نَهَى النَّبِيُّ صَ عَنْ شَيْءٍ إِلَّا وَ قَدْ عُصِيَ فِيهِ حَتَّى لَقَدْ نَكَحُوا أَزْوَاجَهُ وَ حُرْمَةُ رَسُولِ اللَّهِ أَكْبَرُ حُرْمَةِ مِنْ آبَائِهِمْ.

Umar Bin Uzina said, 'I narrated this Hadeeth to Zurarah and Al-Fuzeyl. They both reported from Abu Ja'far^{asws} having said: 'The Prophet^{saww} had not prohibited from anything except and he^{saww} has been disobeyed regarding it, to the extent they married his^{saww} wives, and sanctity of Rasool-Allah^{saww} is mightier than sanctity of their fathers!''¹⁰⁰

35- ين، كتاب حسين بن سعيد و النوادر التضرع بن سويد عن عبد الله بن سنان عن أبي عبد الله ع في الرجل تكون عنده الجارية فيكشف ثوبها و يجرد لها لا يريد على ذلك قال لا تحل لانيه إذا رأى فرجها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Abdullah Bin Sinan,

'From Abu Abdullah^{asws} regarding the man having the slave girl in his possession. He uncovers her garment and bares her, not exceeding upon that. He^{asws} said: 'She is not lawful for his son when he has seen her private part'.¹⁰¹

36- ين، كتاب حسين بن سعيد و النوادر محمد بن أبي عمير عن جميل بن دراج قال: قلت لأبي عبد الله ع الرجل ينظر إلى الجارية يريد شراءها أ تحل لانيه

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Abu Umeyr, from Jameel Bin Darraj who said,

'I said to Abu Abdullah^{asws}, 'The man looks at the slave girl intending to buy her, 'Is she lawful for his son?'

قال نعم إلا أن يكون نظر إلى عورتها.

¹⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 34

¹⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 35

He^{-asws} said: 'Yes, except if he happens to have looked at her private part'.¹⁰²

37- ين، كتاب حسين بن سعيد و النوادر ابنُ أبي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ الْحُجَّاجِ وَ حَفْصِ بْنِ الْبُحَيْرِيِّ وَ عَلِيِّ بْنِ يَظِينَ عَنْ أَبِي الْحَسَنِ ع فِي الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ أَ تَحِلُّ لِابْنِهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Muhammad Bin Al Hajjaj, and Hafs Bin Al Bakhtari, and Ali Bin Yaqteen,

'From Abu Al-Hassan^{-asws} regarding the man having the slave girl for him, 'Is she lawful for his son?'

قَالَ مَا لَمْ يَكُنْ مِنْهُ جَمَاعٌ أَوْ مُبَاشَرَةٌ كَالْجَمَاعِ فَلَا بَأْسَ

He^{-asws} said: 'For as long as there did not happen any copulation from him, or hugging like the copulation, there is no problem'.

قَالَ وَ كَانَتْ لِأَبِي جَارِيَتَانِ فَوَهَبَ لِي أَحَدَهُمَا.

He^{-asws} said: 'And there were two slave girls for my^{-asws} father^{-asws}. He^{-asws} gifted one of them to me^{-asws}'.¹⁰³

38- ين، كتاب حسين بن سعيد و النوادر فَضَالَةُ وَ الْقَاسِمُ عَنِ الْكَاهِلِيِّ قَالَ: سُئِلَ وَ أَنَا حَاضِرٌ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً وَ لَمْ يَمَسَّهَا فَأَمَرَتْهُ امْرَأَتُهُ ابْنَهُ وَ هُوَ ابْنُ عَشْرِ سِنِينَ أَنْ يَقَعَ عَلَيْهَا فَوَقَعَ عَلَيْهَا الْعُلَامُ قَالَ أَيْمُ الْعُلَامِ وَ أَيْمُتْهُ وَ لَا أَرَى لِلْأَبِ أَنْ يَقْرَبَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah, and Al Qasim, from Al Kahily who said,

'He^{-asws} was asked while I was present, about a man who buys a slave girl, and he did not touch her. His wife instructed his son, and he was a boy of ten years, to fall upon her. The boy fell upon her (for marital relations). He^{-asws} said: 'The boy sinned, and his mother sinned, and I^{asws} don't view for the father to go near her'.

قَالَ وَ سَمِعْتُهُ يَقُولُ سَأَلَنِي بَعْضُ هَؤُلَاءِ عَنْ رَجُلٍ وَقَعَ عَلَى امْرَأَةٍ أَبِيهِ أَوْ جَارِيَةٍ أَبِيهِ قُلْتُ مَا أَصَابَ الْإِبْنَ فُجُورٌ وَ لَا يُفْسِدُ الْحَرَامَ الْحَلَالَ.

He (the narrator) said, 'And I heard him^{-asws} saying: 'One of them asked me^{-asws} about a man who falls upon a woman of his father, of a slave girl of his wife. I said, 'The son did not attain immorality, and the prohibited act does not spoil the permissible'.¹⁰⁴

39- ين، كتاب حسين بن سعيد و النوادر عَلِيُّ بْنُ التُّعْمَانِ عَنْ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ اشْتَرَى جَارِيَةً فَقَبَّلَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ali Bin Al Numan, from Abu Al Sabbah,

'From Abu Abdullah^{-asws} regarding a man who buys a slave girl. He kisses her'.

¹⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 36

¹⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 37

¹⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 38

قَالَ لَا يَحِلُّ لَوْلَدِهِ أَنْ يَطَّأَهَا.

He^{-asws} said: 'It is not lawful for his son to have marital relations with her'.¹⁰⁵

40- ين، كتاب حسين بن سعيد و النوادر ابن أبي نجران عن عاصم بن حميد عن محمد بن قيس عن أبي جعفر ع قال: أَيُّمَا رَجُلٍ نَكَحَ امْرَأَةً فَلَامَسَهَا يَدِيهِ قَدْ وَجَبَ صَدَاقُهَا وَ لَا يَحِلُّ لِأَبِيهِ وَ لَا لِابْنِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Najrab, from Aasim Bin Humejd, from Muhammad Bin Qays,

'From Abu Ja'far^{-asws} having said: 'Whichever man marries a woman, so he touches her with his hands, her dowry is obligated, and she is neither lawful for his father nor for his son'.¹⁰⁶

41- ين، كتاب حسين بن سعيد و النوادر الحسن بن سعيد قال: كَتَبْتُ إِلَى أَبِي الْحَسَنِ ع أَسْأَلُهُ عَنْ رَجُلٍ كَانَتْ لَهُ أَمَةٌ يَطَّوُّهَا فَأَعْتَمَقَهَا أَوْ بَاعَهَا ثُمَّ أَصَابَ بَعْدَ ذَلِكَ أُمُّهَا هَلْ لَهُ أَنْ يَنْكِحَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Saeed said,

'I wrote to Abu Al-Hassan^{-asws} asking him^{-asws} about a man who had a slave girl for him. He had marital relations with her, then frees her or sells her. Then, after that, he comes across her mother, 'Is it for him to marry her?'

فَكَتَبَ إِلَيَّ لَا يَحِلُّ.

He^{-asws} wrote to me: 'She is not lawful (for him)'.¹⁰⁷

42- ين، كتاب حسين بن سعيد و النوادر صفوان عن ابن مسكان عن أبي بصير و ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع قال: قُلْتُ رَجُلٌ طَلَّقَ امْرَأَتَهُ فَبَاثَتْ مِنْهُ وَ هِيَ ابْنَةٌ مَمْلُوكَةٌ فَاشْتَرَاهَا أَيْحِلُّ لَهُ أَنْ يَطَّأَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from Ibn Muskan, from Abu Baseer, and Ibn Abu Umeir, from Hammad, from Al Halby,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I said, 'A man divorces his wife so she becomes irrevocably divorced from him, and there is a daughter for her, a slave girl, so he buys her, 'Is it lawful for him to have marital relations with her?'

قَالَ لَا

He^{-asws} said: 'No'.

وَ عَنْ الرَّجُلِ يَكُونُ لَهُ الْمَمْلُوكَةُ وَ ابْنَتُهَا فَيَطَّأُ إِحْدَاهُمَا فَتَمُوتُ وَ تَبْقَى الْأُخْرَى أَيْضُلِحُّ لَهُ أَنْ يَطَّأَهَا

¹⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 39

¹⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 40

¹⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 41

And about a man having a slave girl and her daughter for him. He has marital relations with one of them, and she dies, and the other remains, 'Is it correct for him to have marital relations with her?'

قَالَ لَا.

He^{-asws} said: 'No'.¹⁰⁸

43- ين، كتاب حسين بن سعيد و النوادر النَّصْرُ عَنْ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ يُصِيبُ مِنْهَا أَلَّهُ أَنْ يَنْكِحَ ابْنَتَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Al Qasim Bin Suleyman, from Ubeyd Bin Zurara,

'From Abu Abdullah^{-asws} regarding the man having the slave girl for him. He attains from her, 'Is it for him to marry her daughter?'

قَالَ لَا هِيَ مِثْلُ قَوْلِهِ وَ رَبَائِكُمْ اللَّاتِي فِي حُجُورِكُمْ.

He^{-asws} said: 'No! She is an example in His^{-azwj} Words: **and your step-daughters who are in your care [4:23]**'.¹⁰⁹

44- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ وَ جَمِيلٌ وَ حَمَّادٌ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْأُمُّ وَ الْإِبْنَةُ سَوَاءٌ إِذَا لَمْ يُدْخَلْ بِنَهَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, and Jameel, and Hammad,

'From Abu Abdullah^{-asws} having said: 'The mother and the daughter are the same if not consummated with''.¹¹⁰

45- ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ رَزِينَ بْنِ بَيْعِ الْأَنْمَاطِ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع رَجُلٌ كَانَتْ لَهُ جَارِيَةٌ وَطَفَهَا ثُمَّ بَاعَهَا أَوْ مَاتَتْ عِنْدَهُ ثُمَّ وَجَدَ ابْنَتَهَا أَيْطُوهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Aban Bin Usman, from Razeyn Baya Al Anmat who said,

'I said to Abu Ja'far^{-asws}, 'A man had a slave girl for him. He had marital relations with her, then sold her, or she died being with him. Then he found her daughter, 'Can he have marital relations with her?'

قَالَ نَعَمْ إِنَّمَا حَرَّمَ اللَّهُ هَذَا مِنَ الْحَرَائِرِ فَأَمَّا الْإِمَاءُ فَلَا بَأْسَ.

¹⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 42

¹⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 43

¹¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 44

He^{-asws} said: 'Yes. But rather, Allah^{-azwj} has Prohibited this from the free women. As for the slave women, there is no problem".¹¹¹

باب 86 الجمع بين الأختين و بين المرأة و عمتها و خالتها

CHAPTER 86 – THE GATHERING (AS WIVES) BETWEEN THE TWO SISTERS, AND BETWEEN THE WOMAN AND HER PATERNAL AUNT AND HER MATERNAL AUNT

1- ين، كتاب حسين بن سعيد و النوادر صفوان عن العلاء عن محمد بن أبي جعفر ع قال: لا تُنكح ابنة الأخ على خالتها و تُنكح الخالة على ابنة أخيها و لا تُنكح ابنة الأخ على عمتها و تُنكح العمّة على ابنة أخيها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan, from A'ala, from Muhammad,

'From Abu Ja'far^{-asws} having said: 'You can't marry the daughter of a sister upon her maternal aunt, and you can marry the maternal aunt upon a daughter of her sister, and you cannot marry the daughter of a brother upon her paternal aunt, and you can marry the paternal aunt upon a daughter of her brother".¹¹²

2- ين، كتاب حسين بن سعيد و النوادر النضر بن سويد عن محمد بن أبي حمزة عن محمد بن مسلم عن أبي جعفر ع قال: لا تُنكح الجارية على عمتها و لا على خالتها إلا بإذن الخالة و العمّة و لا بأس بأن تُنكح الخالة و العمّة على بنت أخيها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Muhammad Bin Abu Hamza, from the one who informed him from Muhammad Bin Muslim,

'From Abu Ja'far^{-asws} having said: 'You cannot marry the slave girl upon her paternal aunt, nor upon her maternal aunt, except the permission of the maternal aunt and the paternal aunt, and there is no problem if you were to marry the maternal aunt and the paternal aunt upon a daughter of their sisters'.¹¹³

3- ين، كتاب حسين بن سعيد و النوادر محمد بن الفضيل عن أبي الصباح الكناي عن أبي عبد الله ع قال: لا يحل للرجل أن يجتمع بين المرأة و خالتها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Al Fuzeyl, from Abu Al Sabbah Al Kinani,

'From Abu Abdullah^{-asws} having said: 'It is not lawful for the man that he gathers between the woman and her maternal aunt (as wives)'.¹¹⁴

4- ين، كتاب حسين بن سعيد و النوادر الحسن عن فضالة عن عبد الله بن بكير عن محمد بن مسلم عن أبي جعفر ع قال: لا تُنكح ابنة الأخ و لا ابنة الأخ على عمتها و لا على خالتها إلا بإذنيهما و تُنكح العمّة و الخالة على ابنة الأخ و الأخت بعير إذنيهما.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Fazala, from Abdullah Bin Bukeyr, from Muhammad Bin Muslim,

¹¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 85 H 45

¹¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 1

¹¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 2

¹¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 3

‘You cannot marry a daughter of the brother, nor a daughter of the sister upon her paternal aunt, nor upon her maternal aunt, except with their permission, and you can marry the paternal aunt and the maternal aunt upon a daughter of the brother and the sister without their permission’.¹¹⁵

5 ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن مالك بن عتيبة عن أبي عبد الله ع قال: لا تزوج المرأة على خالتها و تزوج الخالة على ابنة أختها.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al-Hassan Bin Mahboub, from Malik Bin Atiyya,

‘From Abu Abdullah^{-asws} having said: ‘You cannot marry the woman upon her maternal aunt, and you can marry the maternal aunt upon a daughter of her sister’.¹¹⁶

6- ين، كتاب حسين بن سعيد و النوادر النضر و أحمد بن محمد عن غاصم بن حميد عن محمد بن قيس عن أبي جعفر عن أمير المؤمنين ع في أختين نكح إحداهما رجلاً ثم طلقها و هي حبلى ثم خطب أختها فنكحها قبل أن تضع أختها المطلقه ولدها أمره أن يفارق الأخيرة حتى تضع أختها المطلقه ولدها ثم يخطبها و يصدقها صداقها مرتين.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Nazr and Ahmad Bin Muhammad, from Aasim Bin Humeyd, from Muhammad Bin Qays,

‘From Abu Ja’far^{-asws}, from Amir Al-Momineen^{-asws} regarding two sister, one of them marries a man, then he divorces her while she is pregnant, then he proposes to her sister, and marries her before her divorced sister had given birth to her child, he^{-asws} instructed him to separate the latter one until her divorced sister has given birth to her child. Then he can propose to her and give her dowry twice’.¹¹⁷

7- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن جميل بن دراج عن محمد بن مسلم عن أبي جعفر ع قال: إذا اختلعت المرأة من زوجها فلا بأس أن يتزوج أختها و هي في العدة.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ahmad Bin Muhammad, from Jameel Bin Darraj, from Muhammad Bin Muslim,

‘If the wife gets mutually divorced (Khula) from her husband, there is no problem if he were to marry her sister while she is in the waiting period’.¹¹⁸

8- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن المثنى عن زرارة و عبد الكريم عن أبي بصير و الفضل بن صالح عن أبي أسامة جميعاً عن أبي عبد الله ع قال: المختلعة إذا اختلعت من زوجها و لم يكن له عليها رجعة حل له أن يتزوج أختها في عدها.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ahmad Bin Muhammad, from Al Musanna, from Zurara and Abdul Kareem, from Abu Baseer, and Al Mufazzal Bin Salih, from Abu Usama, altogether,

¹¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 4

¹¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 5

¹¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 6

¹¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 7

‘From Abu Abdullah^{asws} having said: ‘The mutually divorced woman, when she is free from her husband, and there is no possibility of any return for him to her, it is permissible for him to marry her sister during her waiting period.’¹¹⁹

9- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ بْنُ سُؤَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِذَا كَانَ عِنْدَ الرَّجُلِ الْأُخْتَانِ الْمَمْلُوكَتَانِ فَتَكَحَّ إِحْدَاهُمَا ثُمَّ بَدَأَ لَهُ فِي الثَّانِيَةِ أَنْ يَنْكِحَهَا فَلَيْسَ لَهُ أَنْ يَنْكِحَ الْأُخْرَى حَتَّى يُخْرِجَ الْأُولَى مِنْ مَلِكِهِ يَبْنِعَ أَوْ هَبَهُ وَ إِنْ وَهَبَهَا لَوْلَدِهِ فَإِنَّهُ يُجْزِيهِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Nazr Bin Suweyd, from Abdullah Bin Sinan who said,

‘I heard Abu Abdullah^{asws} saying: ‘If there were to be two sisters with the man, both being slave girls, so he marries one of them, then there is a change of mind for him regarding the second to marry her, it isn’t for him to marry the other one until the first one exits from his ownership. He can either sell or gift her, and if he were to gift her to his son, it will suffice him’.¹²⁰

10- ين، كتاب حسين بن سعيد و النوادر زراعة [زُرْعَةُ] عَنْ مُحَمَّدِ بْنِ سَمَاعَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ تَزَوَّجَ أُمَّ وَلَدٍ لِرَجُلٍ ثُمَّ أَرَادَ أَنْ يَتَزَوَّجَ ابْنَتَهُ سَيِّدَهَا الَّذِي أَعْتَقَهَا فَيَجْمَعُ بَيْنَهُمَا قَالَ لَا بَأْسَ بِذَلِكَ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Zar’ah, from Muhammad Bin Sama’at who said,

‘I asked Abu Abdullah^{asws} about a man who marries a mother of a child of a man, then he intends to marry the daughter of her master who has freed her, so he gathers between the two. He^{asws} said: ‘There is no problem with that’.¹²¹

11- ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ عَنْ ابْنِ مُسْكَانَ عَنِ الْخَضِرِيِّ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع رَجُلٌ نَكَحَ امْرَأَةً ثُمَّ أَتَى أَرْضاً أُخْرَى فَتَكَحَ أُخْتَهَا وَ هُوَ لَا يَعْلَمُ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan, from Ibn Muskan, from Al Hazramy who said,

‘I said to Abu Ja’far^{asws}, ‘A man marries a woman, then he goes to another land and marries her sister, and he does not know’.

قَالَ يُمَسِّكُ أُخْتَهَا شَاءَ وَ يُجَلِّي سَبِيلَ الْأُخْرَى.

He^{asws} said: ‘He can keep whichever of the two he desires, and he frees the way of the other’.¹²²

12- ين، كتاب حسين بن سعيد و النوادر قَرَأْتُ فِي كِتَابِ رَجُلٍ إِلَى أَبِي الْحَسَنِ ع يَتَزَوَّجُ الْمَرْأَةَ مُتَعَةً إِلَى أَجَلٍ مُسَمًّى فَيَنْقُضِي الْأَجَلَ بَيْنَهُمَا هَلْ لَهُ أَنْ يَنْكِحَ أُخْتَهَا مِنْ قَبْلِ أَنْ تَنْقُضِي عِدَّتَهَا

¹¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 8

¹²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 9

¹²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 10

¹²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 11

The book of Haseen Bin Saeed, and 'Al Nawadir' –

'I read in the letter of a man to Abu Al-Hassan^{-asws}: 'A man marries a woman in temporary marriage for a fixed term, and the term between them ends. 'Is it permissible for him to marry her sister before her waiting period has expired?'

فَكُتِبَ لَا يَحِلُّ لَهُ أَنْ يَتَزَوَّجَ حَتَّى تَنْقَضِيَ عِدَّتُهَا.

He^{-asws} wrote: 'It is not lawful for him to marry until the expiry of her waiting period'¹²³

باب 87 نواذر المناهي في النكاح

CHAPTER 87 – MISCELLANEOUS PROHIBITIONS REGARDING THE MARRIAGE

1- ع، علل الشرائع ماجيلويه عن مُحَمَّدٍ الْعَطَّارِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَنَانَ بْنِ عُثْمَانَ عَنْ حَمَّادٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا يَحِلُّ لِأَحَدٍ أَنْ يَجْمَعَ بَيْنَ اثْنَتَيْنِ مِنْ وَلَدِ فَاطِمَةَ ع إِنَّ ذَلِكَ يَبْلُغُهَا فَيَشُقُّ عَلَيْهَا

(The book) 'Ilal Al Sharaie' – Majaylawiya, from Muhammad Al Attar, from Ahmad Bin Muhammad, from his father, from Ibn Abu Umeyr, from Aban Bin Usman, from Hammad who said,

'I heard Abu Abdullah^{-asws} saying: 'It is not permissible for anyone to gather between two daughters from the children of (Syeda) Fatima^{-asws}. If that reaches her^{-asws}, it would be grievous upon her^{-asws}!'

قَالَ قُلْتُ يَبْلُغُهَا

He (the narrator) said, 'I said, 'Reaches her^{-asws}?'

قَالَ إِي وَ اللَّهِ.

He^{-asws} said: 'Yes, by Allah^{-azwj}!'¹²⁴

باب 88 حكم المتبني

CHAPTER 88 – THE RULES OF ADOPTION

الآيات الأحزاب وَ مَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ ذَلِكَمْ قَوْلُكُمْ بِأَفْوَاهِكُمْ وَ اللَّهُ يَقُولُ الْحَقَّ وَ هُوَ يَهْدِي السَّبِيلَ-

The Verses – (Surah) Al Ahzaab:

And He did not Make your adopted sons as being your sons. These are your words with your own mouths, and Allah is Saying the Truth, and He Guides to the Way [33:4].

¹²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 86 H 12

¹²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 87 H 1

ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَاِخْوَانُكُمْ فِي الدِّينِ وَ مَوَالِيكُمْ وَ لَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَ لَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ وَ كَانَ اللَّهُ غَفُوراً رَحِيماً

Assert them to their fathers, this is more equitable in the Presence of Allah. But if you do not know (who) their fathers are, then they are your brethren in the Religion and are your friends. And there isn't any blame on you regarding what you err with, but what your hearts deliberate with; and Allah was always Forgiving, Merciful [33:5].

و قال تعالى وَ إِذْ تَقُولُ لِلَّذِي أَنْعَمَ اللَّهُ عَلَيْهِ وَ أَنْعَمْتَ عَلَيْهِ أَمْسِكْ عَلَيْكَ زَوْجَكَ وَ اتَّقِ اللَّهَ وَ تُخْفِي فِي نَفْسِكَ مَا اللَّهُ مُبْدِيهِ وَ تَخْشَى النَّاسَ وَ اللَّهُ أَحَقُّ أَنْ تَخْشَاهُ فَلَمَّا قَضَى زَيْدٌ مِنْهَا وَطراً زَوَّجْنَاكَهَا لِكَيْ لَا يَكُونَ عَلَى الْمُؤْمِنِينَ حَرَجٌ فِي أَزْوَاجِ أَدْعِيَائِهِمْ إِذَا قَضَوْا مِنْهُنَّ وَطراً وَ كَانَ أَمْرُ اللَّهِ مَفْعُولاً.

And the Exalted Said: **And when you said to the one whom Allah had Favoured upon and you had favoured upon: 'Withhold your wife to yourself and fear Allah!', and you concealed within yourself what Allah would be Manifesting, and you feared the people while Allah is more deserving that you fear Him. So when Zayd had dissolved the marriage, We Married her to you so that there would not happen to be any uneasiness upon the Momineen regarding the wives of their adopted sons when they had dissolved their marriages from them; and the Command of Allah Will always be Done [33:37].**

P.s. – There are no Ahadeeth in this chapter.

باب 89 وطء الدبر

CHAPTER 89 – ANAL UNION (SODOMY)

الآيات البقرة فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ

The Verses – (Surah) Al Baqarah: **then when they are clean, then go to them from where Allah has Commanded you [2:222].**

و قال تعالى نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ.

And the Exalted Said: **Your wives are a farm for you, so go to your farm as you like [2:223].**

1- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَعْمُورٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ إِثْبَانِ النِّسَاءِ فِي أَعْجَازِهِنَّ قَالَ لَا بَأْسَ ثُمَّ تَلَا هَذِهِ الْآيَةَ- نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Abu Yafour who said,

'I asked Abu Abdullah^{-asws} about approaching the women (for union from) their behinds. He^{-asws} said: 'There is no problem'. Then he^{-asws} recited this Verse: **Your wives are a farm for you, so go to your farm as you like [2:223]**'.¹²⁵

¹²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 1

2- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ قَالَ حَيْثُ شَاءَ.

(The book) 'Tafseer Al Ayyashi' – From Zurara,

'From Abu Ja'far^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **Your wives are a farm for you, so go to your farm as you like [2:223]**. He^{-asws} said: 'Wherever he so desires'.¹²⁶

3- شي، تفسير العياشي عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ بَعْضِ أَصْحَابِنَا قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ تَعَالَى - نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ فَقَالَ مِنْ قُدَامِهَا وَ مِنْ خَلْفِهَا فِي الْقُبُلِ.

(The book) 'Tafseer Al Ayyashi' – From Safwan Bin Yahya, from one of our companions who said,

'I asked Abu Abdullah^{-asws} regarding Words of Allah^{-azwj} the Exalted: **Your wives are a farm for you, so go to your farm as you like [2:223]**. He^{-asws} said: 'From her front, and from her behind in the front'.¹²⁷

4- شي، تفسير العياشي عَنْ مُعَمَّرِ بْنِ خَلَادٍ عَنْ أَبِي الْحَسَنِ الرِّضَا ع أَنَّهُ قَالَ: أَيُّ شَيْءٍ تَقُولُونَ فِي إِيْتَابِ النِّسَاءِ فِي أَعْجَازِهِنَّ

(The book) 'Tafseer Al Ayyashi' – From Muammar Bin Khallad,

'From Abu Al-Hassan Al-Reza^{-asws}, he^{-asws} said: 'Which thing are you saying coming to the women in (from) their behinds?'

فُلْتُ بَلَعَنِي أَنَّ أَهْلَ الْمَدِينَةِ لَا يَرَوْنَ بِهِ بَأْسًا

I said, 'It has reached me that the people of Medina are not seeing any problem with it'.

قَالَ إِنَّ الْيَهُودَ كَانَتْ تَقُولُ إِذَا أَتَى الرَّجُلُ مِنْ خَلْفِهَا حَرْجٌ وَلَدُهُ أَخْوَلُ فَأَنْزَلَ اللَّهُ تَعَالَى نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ يَعْنِي مِنْ خَلْفٍ أَوْ قُدَامٍ خِلَافًا لِقَوْلِ الْيَهُودِ وَ لَمْ يَعْنِ فِي أَذْبَارِهِنَّ.

He^{-asws} said: 'The Jews were saying, 'When the man comes from behind her, his child would be squint-eyed'. So, Allah^{-azwj} the Exalted Revealed: **Your wives are a farm for you, so go to your farm as you like [2:223]** – meaning from behind or front, opposite to the word of the Jews, and He^{-azwj} does not Mean (going) in their backsides".¹²⁸

5- شي، تفسير العياشي عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبِي عَبْدِ اللَّهِ ع مِثْلَهُ.

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan Bin Ali, from Abu Abdullah^{-asws}, similar to it.¹²⁹

6- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ تَعَالَى - نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ قَالَ مِنْ قُبُلٍ.

¹²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 2

¹²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 3

¹²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 4

¹²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 5

(The book) 'Tafseer Al Ayyashi' – From Zurara,

'From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj} the Exalted: **Your wives are a farm for you, so go to your farm as you like [2:223]**. He^{-asws} said: 'From the front (part)'.¹³⁰

7- شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع قال: سألتُهُ عن الرجل يأتي أهله في دبرها فكَرِهَ ذَلِكَ وَ قَالَ إِيَّاكُمْ وَ حَاشَ النِّسَاءُ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who comes to his wife in her backside. He^{-asws} disliked that and said: 'Beware of the women's anuses!'

وَ قَالَ إِنَّمَا مَعْنَى نِسَاؤُكُمْ حَزْتُ لَكُمْ فَأْتُوا حَزَّتْكُمْ أَنِّي شِئْتُمْ أَيَّ سَاعَةٍ شِئْتُمْ.

And he^{-asws} said: 'But rather, the meaning of: **Your wives are a farm for you, so go to your farm as you like [2:223]** – whichever time you desire to'.¹³¹

8 شي، تفسير العياشي عن الفتح بن يزيد الجرجاني قال: كَتَبْتُ إِلَى الرِّضَا ع فِي مِثْلِهِ فَوَرَدَ مِنْهُ الْجَوَابُ سَأَلْتُ عَنْ أَتَى جَارِبَتَهُ فِي دُبُرِهَا وَ الْمَرْأَةُ لُغْبَةٌ لَا تُؤْذَى وَ هِيَ حَزْتُ كَمَا قَالَ اللَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Al Fat'h Bin Yazeed Al Jurjany who said,

'I wrote to Al-Reza^{-asws} regarding similar to it. The answer arrived from him^{-asws}: 'You asked about the one who comes to his slave girl in her backside, and the woman is for playing, not for hurting, and she is a farm just as Allah^{-azwj} Said'.¹³²

9- شي، تفسير العياشي عن يزيد بن ثابت قال: سَأَلَ رَجُلٌ أَمِيرَ الْمُؤْمِنِينَ ع أَن [أ] يُؤْتَى النِّسَاءُ فِي أَدْبَارِهِنَّ

(The book) 'Tafseer Al Ayyashi' – From Yazeed Bin Sabit who said,

'A man asked Amir Al-Momineen^{-asws}, 'Can I come to the women in their backsides?'

فَقَالَ سَفَلْتُ اللَّهَ بِكَ أَمَا سَمِعْتَ اللَّهَ يَقُولُ - أَ تَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ.

He^{-asws} said: 'You are lowered, may Allah^{-azwj} Lower you! Have you not heard Allah^{-azwj} Saying: **'You are committing the immorality what no one has preceded you with it from the worlds! [7:80]**'.¹³³

10- شي، تفسير العياشي عن عبد الرحمن بن الحجاج قال: سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع ذَكَرَ عِنْدَهُ إِتْيَانُ النِّسَاءِ فِي أَدْبَارِهِنَّ فَقَالَ مَا أَعْلَمُ آيَةً فِي الْقُرْآنِ أَحَلَّتْ ذَلِكَ إِلَّا وَاحِدَةً - إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ الْآيَةَ.

¹³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 6

¹³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 7

¹³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 8

¹³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 9

(The book) 'Tafseer Al Ayyashi' – From Abdul Rahman Bin Al Hajjaj who said,

'I heard Abu Abdullah^{-asws}, it was mentioned in his^{-asws} presence coming to the women in their backsides. He^{-asws} said: 'I^{-asws} don't know of any Verse in the Quran which permits that except one: **You are coming to the men in lust from besides the women [7:81]** – the Verse'.¹³⁴

11- شي، تفسير العياشي عن الحسين بن علي بن يقطين قال: سألت أبا الحسن ع عن إتيان الرجل المرأة من خلفها قال أحلتها آية في كتاب الله في قوم لوط هؤلاء بناتي هن أطهر لكم وقد علم أنهم ليس الفرج يريدون.

(The book) 'Tafseer Al Ayyashi' – From Al-Husayn Bin Ali Bin Yaqteen who said,

'I asked Abu Al-Hassan^{-asws} about the man coming to the woman from their behind. He^{-asws} said: 'A Verse in the Book of Allah^{-azwj} permits it: **'O people! These are my (Community's) daughters, they are purer for you [11:78]** – and he^{-as} knew they were not intending the frontal private part'.¹³⁵

[باب 90 الخضضة و الاستمناء ببعض الجسد](#)

CHAPTER 90 – THE MASTURBATION AND SELF-STIMULATION WITH PART OF THE BODY

1- ضا، فقه الرضا عليه السلام أبي قال: سئل الصادق ع عن الخضضة فقال إنم عظيم قد نهي الله تعالى عنه في كتابه و فاعله كنايح نفسه و لو علمت بمن يفعل ما أكلت معه

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'My^{-asws} father^{-asws} said: 'Al-Sadiq^{-asws} was asked about the masturbation. He^{-asws} said: 'A grievous sin! Allah^{-azwj} the Exalted has Prohibited it in His^{-azwj} Book, and its doer is like the one having sex with himself, and had I^{-asws} known who is doing it, I^{-asws} would not eat with him!'

فقال السائل فبين لي يا ابن رسول الله ص من كتاب الله تحية

The questioner said, 'Explain it to me, O son^{-asws} of Rasool-Allah^{-saww}, its prohibition from the Book of Allah^{-azwj}!'

فقال قول الله فمن ابتغى وراء ذلك فأولئك هم العادون و هو بما وراء ذلك

He^{-asws} said: 'The Words of Allah^{-azwj}: **So one who seeks beyond that, then those, they are the transgressors [23:7]**, and it is from what is beyond that'.

فقال الرجل إنما أكبر الزنا أو هي

The man said, 'Which of the two is greater (in sin), the adultery or it?'

¹³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 10

¹³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 89 H 11

قَالَ هُوَ ذَنْبٌ عَظِيمٌ قَدْ قَالَ الْقَائِلُ بَعْضُ الذُّنُوبِ أَهْوَنُ مِنْ بَعْضٍ وَ الذُّنُوبُ كُلُّهَا عَظِيمٌ عِنْدَ اللَّهِ لِأَنَّهَا مَعَاصِي وَإِنَّ اللَّهَ لَا يُحِبُّ مِنَ الْعِبَادِ الْعَصِيَّانَ وَ قَدْ نَهَانَا اللَّهُ عَنْ ذَلِكَ لِأَنَّهَا مِنْ عَمَلِ الشَّيْطَانِ

He^{-asws} said: 'It is a mighty sin. The speaker has said, 'Some of the sins are lesser than some', and the sins, all of them, are mighty in the Presence of Allah^{-azwj} because these are acts of disobedience, and Allah^{-azwj} does not Love the disobedience from the servants, and Allah^{-azwj} has Forbidden us from that because it is from the actions of Satan^{-la}.

وَ قَالَ لَا تَعْبُدُوا الشَّيْطَانَ - إِنَّ الشَّيْطَانَ لَكُمْ عَدُوٌّ فَاتَّخِذُوهُ عَدُوًّا إِنَّمَا يَدْعُو حِزْبَهُ لِيَكُونُوا مِنْ أَصْحَابِ السَّعِيرِ .

And He^{-azwj} Said: ***you will not be worshipping the Satan? He is your open enemy to you all! [36:60], Surely, the Satan is an enemy to you all. But rather, he calls his party in order for them to happen to be of the inmates of the Blazing Fire [35:6]'***¹³⁶

2- غو، غوالي اللثالي قَالَ النَّبِيُّ ص نَاكِحُ الْكَفِّ مَلْعُونٌ.

(The book) 'Gawaly Al La'ali' -

'The Prophet^{-saww} said: 'The one having sex with the hand is an accursed!'¹³⁷

باب 91 من يحل النظر إليه و من لا يحل و ما يحرم من النظر و الاستماع و اللمس و ما يحل منها و عقاب التقبيل و الالتزام المحرمين

CHAPTER 91 – ONE IT IS PERMISSIBLE TO LOOK AT AND ONE IT IS NOT, AND WHAT IS FORBIDDEN FROM THE LOOKING AND THE LISTENING AND THE TOUCHING, AND WHAT IS LAWFUL FROM THESE, AND PUNISHMENT OF THE UNLAWFUL KISSING AND HUGGING

1- لي، الأماالي للصدوق فِي حَبْرِ الْمَنَاهِي أَنَّ النَّبِيَّ ص هَيَّ أَنْ تَتَكَلَّمَ الْمَرْأَةُ عِنْدَ غَيْرِ زَوْجِهَا وَ غَيْرِ ذِي مَحَرِّ مِنْهَا أَكْثَرَ مِنْ خَمْسِ كَلِمَاتٍ بِمَا لَا بُدَّ لَهَا مِنْهُ.

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions, the Prophet^{-saww} prohibited the woman from talking in the present of (men) other than her husband and non-sanctimonious ones more than five phrases, from what there is no escape for her from (speaking) it'.¹³⁸

2- وَ هَيَّ أَنْ يَنْظُرَ الرَّجُلُ إِلَى عَوْرَةِ أَخِيهِ الْمُسْلِمِ وَ قَالَ مَنْ تَأَمَّلَ عَوْرَةَ أَخِيهِ الْمُسْلِمِ لَعَنَهُ سَبْعُونَ أَلْفَ مَلَكٍ وَ هَيَّ الْمَرْأَةُ أَنْ تَنْظُرَ إِلَى عَوْرَةِ الْمَرْأَةِ

And he^{-saww} prohibited the man from looking at the nakedness of his Muslim brother, and said: 'One who contemplates on the nakedness of his Muslim brother gets cursed by a

¹³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 90 H 1

¹³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 90 H 2

¹³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 1

thousand Angels, and he^{-saww} prohibited the woman from looking at the nakedness of a woman.

وَهُى أَنْ يَطَّلِعَ الرَّجُلُ فِي بَيْتِ جَارِهِ وَ قَالَ مَنْ نَظَرَ إِلَى عَوْرَةِ أَخِيهِ الْمُسْلِمِ أَوْ عَوْرَةِ غَيْرِ أَهْلِهِ مُتَعَمِّدًا أَدْخَلَهُ اللَّهُ مَعَ الْمُنَافِقِينَ الَّذِينَ كَانُوا يَبْتَخِثُونَ عَنْ عَوْرَاتِ الْمُسْلِمِينَ وَ لَمْ يُخْرَجْ مِنَ الدُّنْيَا حَتَّى يَفْضَحَهُ اللَّهُ إِلَّا أَنْ يَتُوبَ.

And he^{-saww} prohibited the man from peeking into a house of his neighbour and said: 'One who looks at the nakedness of his Muslim brother, or nakedness of other than his family deliberately, Allah^{-azwj} will Enter him with the hypocrites, those who investigate about the nakedness of the Muslims, and he will not exit from the world until Allah^{-azwj} Exposes him, except if he repents'.¹³⁹

3- وَ قَالَ ص مَنْ مَلَأَ عَيْنَهُ مِنْ حَرَامٍ مَلَأَ اللَّهُ عَيْنَهُ يَوْمَ الْقِيَامَةِ مِنَ النَّارِ إِلَّا أَنْ يَتُوبَ وَ يَرْجِعَ.

And he^{-saww} said: 'One who fills his eyes from prohibitions, on the Day of Qiyamah Allah^{-azwj} will Fill his eyes from the Fire, except if he repents and retracts'.¹⁴⁰

4- وَ قَالَ ص مَنْ صَافَحَ امْرَأَةً تَحْرُمُ عَلَيْهِ فَقَدْ بَاءَ بِسَخَطٍ مِنَ اللَّهِ وَ مِنَ التَّرَمِّ امْرَأَةً حَرَامًا قُرْنٌ فِي سِلْسِلَةٍ مِنْ نَارٍ مَعَ الشَّيْطَانِ فَيُعَذَّبَانِ فِي النَّارِ.

And he^{-saww} said: 'One who shakes the hand of an unlawful woman will incur the Wrath of Allah^{-azwj}, and one who embraces an unlawful woman will be paired in a chain of fire with the Satan^{-la}, and they will both be thrown into the Fire'.¹⁴¹

5- فس، تفسير القمي قُلْ لِلْمُؤْمِنِينَ يَعْصُوا مِنْ أَبْصَارِهِمْ وَ يَحْفَظُوا فُرُوجَهُمْ فَإِنَّهُ حَدَّثَنِي أَبِي عَنْ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ كُلُّ آيَةٍ فِي الْقُرْآنِ فِي ذِكْرِ الْفُرُوجِ فَهُوَ مِنَ الزِّنَا إِلَّا هَذِهِ الْآيَةُ فَإِنَّهَا مِنَ النَّظَرِ فَلَا يَحِلُّ لِرَجُلٍ مُؤْمِنٍ أَنْ يَنْظُرَ إِلَى فَرْجِ أُخْتِهِ وَ لَا يَحِلُّ لِلْمَرْأَةِ أَنْ يَنْظُرَ إِلَى فَرْجِ أَخِيهَا.

(The book) 'Tafseer Al Qummi -

Say to the Momineen to cast down their eyes and preserve their private parts, that is purer for them, surely Allah is Aware of what they are doing [24:30]. My father narrated to me from Muhammad Bin Abu Umeyr, from Abu Baseer, from Abu Abdullah^{-asws} said: 'Every Verse in the Quran mentioning the private parts, it is from the adultery except this Verse, for it is (protecting) from being looked at. It is not lawful for a Momin man to look at the private part of his sister nor it is lawful for the woman to look at the private part of her brother'.¹⁴²

وَ فِي رِوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِهِ وَ لَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا فَهِيَ الْيَبَابُ وَ الْكُحْلُ وَ الْحَاتَمُ وَ حِصَابُ الْكَفِّ وَ السِّوَاوُ

And in a report by Abu Al Jaroud -

¹³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 2

¹⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 3

¹⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 4

¹⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 5 a

From Abu Ja'far^{-asws} regarding His^{-azwj} Words: **and not to display their adornments except what is apparent from these [24:31]**: 'If it is the garment and the Kohl, and (wearing) the ring, and dyeing the hand, and bangles.

وَالزَّيْنَةُ ثَلَاثٌ زَيْنَةٌ لِلنَّاسِ وَ زَيْنَةٌ لِلزَّوْجِ فَأَمَّا زَيْنَةُ النَّاسِ فَقَدْ ذَكَرْنَا وَأَمَّا زَيْنَةُ الْمُحَرَّمَ الْقِلَادَةُ فَمَا فَوْقَهَا وَ الدُّمْلُجُ وَ مَا دُونَهُ وَ الْخُلْخَالُ وَ مَا أَسْفَلَ مِنْهُ

And the adornments are three – adorning for the people, and adorning for the sanctimonious one, and adorning for the husband. As for adorning for the people we^{-asws} have mentioned, and as for adorning for the sanctimonious one, it is the necklace and what is above it, and the bracelet and what is below it, and the anklet and what is lower than it.

وَأَمَّا زَيْنَةُ الزَّوْجِ فَالْجَسَدُ كُلُّهُ- أَوِ التَّابِعِينَ غَيْرِ أُولَى الْإِزْمَةِ مِنَ الرِّجَالِ فَهُوَ الشَّيْخُ الْكَبِيرُ الْقَانِي الَّذِي لَا حَاجَةَ لَهُ فِي النِّسَاءِ- أَوِ الطِّفْلُ الَّذِي لَمْ يَطْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ- وَ لَا يَضْرِبَنَّ بِأَرْجُلَيْهِ لِيَعْلَمَ مَا يُخْفِيَنَّ مِنْ زِينَتَيْهِمْ يَقُولُ وَ لَا تَضْرِبْ إِحْدَى رِجْلَيْهَا بِالْأُخْرَى لِتَفْرَعَ الْخُلْخَالَ بِالْخُلْخَالِ.

As for adorning for the husband, it is the body, all of it: **or followers who are without (sexual) need [24:31]**. He is the aged old man, the perishing one who, there is no need for him regarding the woman – **the child not having been exposed to the private parts of the women, and they should not strike with their legs for it to be known what is hidden from their adornments [24:31]**. He^{-azwj} is Saying she should not strike one of her legs with the other to knock the anklet with the anklet¹⁴³.

6-فس، تفسير القمي إِنَّ النِّسَاءَ كُنَّ يَخْرُجْنَ إِلَى الْمَسْجِدِ وَ يُصَلِّيْنَ خَلْفَ رَسُولِ اللَّهِ ص فَإِذَا كَانَ بِاللَّيْلِ وَ خَرَجْنَ إِلَى صَلَاةِ الْمَغْرِبِ وَ الْعِشَاءِ وَ الْغَدَاةِ يَفْعَلْنَ الشَّابَّ هُنَّ فِي طَرِيقِهِنَّ فَيُؤْذَوْنَ وَ يَتَعَرَّضُونَ لَهُنَّ

(The book) 'Tafseer Al Qummi' -

The women used to go out to the Masjid and pray Salat behind Rasool-Allah^{-saww}. When it was at night and they were going out to Salat Al-Maghrib and Al-Isha and the morning, the youths would sit for them in their street and bother them and present to them.

فَأَنْزَلَ اللَّهُ يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ وَ بَنَاتِكَ وَ نِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَ كَانَ اللَّهُ غَفُوراً رَحِيماً.

So, Allah^{-azwj} Revealed: **O you Prophet! Say to your wives, and your daughters, and the womenfolk of the Momineen to draw their outer garments upon themselves. That is more appropriate, for they would be recognised and would not be harmed; and Allah was always Forgiving, Merciful [33:59]**¹⁴⁴.

7-ب، قرب الإسناد هَارُونُ عَنْ ابْنِ زِيَادٍ قَالَ: سَمِعْتُ الصَّادِقَ عَ عَمَّا تُظْهِرُ الْمَرْأَةُ مِنْ زِينَتِهَا فَقَالَ الْوَجْهَ وَ الْكَفَّيْنِ.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Ziyad who said,

¹⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 5 b

¹⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 6

'I heard Al-Sadiq^{-asws} about what the woman can manifest from her adornments. He^{-asws} said: 'The face and the two palms''.¹⁴⁵

8- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن المرأة لها أن يحجمها رجلٌ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the woman, 'Is it for her to get cupping done by a man?'

قال لا.

He^{-asws} said: 'No'.¹⁴⁶

9- و سألتُهُ عن المرأة يكون بها الجرح في فخذه أو عضديها هل يصلح للرجل أن ينظر إليه و يعالجه

And I asked him^{-asws} about the woman having an injury in her thigh, or her forearm, 'Is it correct for the man to look at it and treat it?'

قال لا.

He^{-asws} said: 'No'.¹⁴⁷

10- و سألتُهُ عن الرجل يكون بأصل فخذه أو أليته الجرح هل يصلح للمرأة أن تنظر إليه أو تداويه

And I asked him^{-asws} about the man having the injury in the bottom of his thigh or his buttocks, 'Is it correct for the woman to look at it or treat it?'

قال إذا لم يكن عورة فلا بأس.

He^{-asws} said: 'If it does not happen to be the private part, there is no problem'.¹⁴⁸

11- و سألتُهُ عن الرجل ما يصلح له أن ينظر إليه من المرأة التي لا تحل له

And I asked him^{-asws} about the man, 'What is correct for him to look at from the woman who is not lawful for him?'

قال الوجه و الكف و موضع السوار.

He^{-asws} said: 'The face and the palm, and place of the bangles'.¹⁴⁹

¹⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 7

¹⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 8

¹⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 9

¹⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 10

¹⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 11

12- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سنان عن الرضا ع أنه كتب إليه خرم النظر إلى شعور النساء المحجوبات بالأزواج وغيرهن من النساء لما فيه من تهييج الرجال وما يدعو التهييج إلى الفساد والدخول فيما لا يحل ولا يجمل

(The book) 'Ilal Al-Sharaie', (and) 'Uyoun Akhbar Al-Reza^{asws}', may the greeting be upon him^{asws}, in 'Ilal' of Ibn Sinan, from Al-Reza^{asws}, he^{asws} wrote to him: 'It is prohibited to look at the hair of women, the veiled with the husbands and others from the women due to what is in it from the arousal of men, and what the arousal leads to the corruption and the entry into what is not permissible nor beautiful.

و كذلك ما أشبه الشعور إلا الذي قال الله عز وجل - و القواعد من النساء اللاتي لا يرجون نكاحاً فليس عليهن جناح أن يضعن ثيابهن غير متبرجات بزينة أي غير الجلباب ولا تأس بالنظر إلى شعور مثلهن.

And like that is what resembles the hair, except which Allah^{azwj} Mighty and Majestic Said: **And the post-menopausal from the women, those who do not hope for marriage, there isn't any blame upon them if they put off their clothes without displaying the ornaments [24:60]**, i.e., other than the outer garment, and there is no problem with the looking at the hair of the likes of them'.¹⁵⁰

13- مع، معاني الأخبار أبي عن سعد عن ابن زييد عن صفوان عن ابن مسكان عن زُرارة قال: سألت أبا جعفر ع عن قول الله عز وجل - أو التابعين غير أولي الإربة من الرجال إلى آخر الآية فقال الأحمق الذي لا يأتي النساء.

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Yazeed, from Safwan, from Ibn Muskan, from Zurara who said,

I asked Abu Ja'far^{asws} about Words of Allah^{azwj} Mighty and Majestic: **or followers who are without (sexual) need [24:31]** – up to the end of the Verse. He^{asws} said: 'The idiot who does not come to the women'.¹⁵¹

14- مع، معاني الأخبار ابن الوليد عن الصفار عن أحمد بن محمد بن عيسى عن الوشاء عن البطائني عن أبي بصير قال: سألت أبا عبد الله ع عن التابعين غير أولي الإربة من الرجال قال هو الأبله المولى عليه الذي لا يأتي النساء.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Al Saffar, from Ahmad Bin Muhammad Bin Isa, from Al Washa, from Al Batainy, from Abu Baseer who said,

I asked Abu Abdullah^{asws} about **or followers who are without (sexual) need [24:31]**. He^{asws} said: 'He is the simple-minded governed upon (slave), the one who does not come to the women'.¹⁵²

15- ل، الخصال ابن الوليد عن الصفار عن أحمد بن محمد بن مروك عن عبيد عن بعض أصحابنا عن أبي عبد الله ع قال: قلت له ما للرجل أن يرى من المرأة إذا لم يكن لها يحرم

¹⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 12

¹⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 13

¹⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 14

(The book) 'Al-Khisaal' – Ibn Al-Waleed, from Al-Saffar, from Ahmad Bin Muhammad, from Marwak Bin Ubeyd, from one of our companions,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said to him^{-asws}, 'What is for the man to see from the woman, if he does not happen to be sanctimonious (Mahram) for her?'

قَالَ الْوَجْهَ وَ الْكَفَّيْنِ وَ الْقَدَمَيْنِ.

He^{-asws} said: 'The face and the two palms, and the two feet'.¹⁵³

16- ع، علل الشرائع أَبِي عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجُبَّارِ عَنْ صَفْوَانَ عَنْ ابْنِ الْحُجَّاجِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْجَارِيَةِ الَّتِي لَمْ تُدْرِكْ مَتَى يَنْبَغِي لَهَا أَنْ تُعْطِيَ رَأْسَهَا مِنْ لَيْسَ بَيْنَهُ وَ بَيْنَهَا حَرَمٌ وَ مَتَى يَجِبُ أَنْ تُقَنَّعَ رَأْسَهَا لِلصَّلَاةِ

(The book) 'Ilal Al Sharaie' – My father, from Ahmad Bin Idrees, from Muhammad Bin Abdul Jabbar, from Safwan, from Ibn Al Hajjaj who said,

I asked Abu Abdullah^{-asws} about the slave girl who is not an adult yet, 'When is it befitting for her to cover her head from the ones there isn't any sanctimony between him and her, and when is it obligatory for her to cover her head for the Salat?'

قَالَ لَا تُعْطَى رَأْسَهَا حَتَّى تَحْرُمَ عَلَيْهَا الصَّلَاةُ.

He^{-asws} said: 'She does not cover her head until the Salat gets prohibited unto her (in some days)'.¹⁵⁴ (i.e., she starts menstruating)

17- ب، قرب الإسناد ابْنُ الْحَطَّابِ عَنِ الْبَرْزَنْطِيِّ عَنِ الرِّضَا ع قَالَ: لَا تُعْطَى الْمَرْأَةُ رَأْسَهَا مِنَ الْعُلَامِ حَتَّى يَبْلُغَ الْعُلَامُ.

(The book) 'Qurb Al Isnaad' – Ibn Al Khattan, from Al Bazanty,

From Al-Reza^{-asws}: 'The woman does not cover her head from the boy until the boy matures'.¹⁵⁵

18- ل، الحصال ابْنُ الْمُغِيرَةِ بِإِسْنَادِهِ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص كُلُّ عَيْنٍ بَاكِئَةٌ يَوْمَ الْقِيَامَةِ إِلَّا ثَلَاثَةً أَعْيُنٍ عَيْنٌ بَكَتْ مِنْ خَشْيَةِ اللَّهِ وَ عَيْنٌ غَضِبَتْ عَنْ مَحَارِمِ اللَّهِ وَ عَيْنٌ بَاتَتْ سَاهِرَةً فِي سَبِيلِ اللَّهِ.

(The book) 'Al Khisaal – Ibn Al Mugheira, by his chain from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Every eye will be crying on the Day of Qiyamah except three eyes – an eye having cried from fear of Allah^{-azwj}, and an eye closed from prohibitions of Allah^{-azwj}, and an eye having spent a night having held a vigil in the way of Allah^{-azwj}'.¹⁵⁶

¹⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 15

¹⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 16

¹⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 17

¹⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 18

19 ثو، ثواب الأعمال ابن الوليد عن الصغار عن ابن هاشم عن ابن المغيرة عن السكوني مثله.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Al Mugheira, from Al Sakuni, similar to it.¹⁵⁷

20- ل، الخصال الأربعة قال أمير المؤمنين ع ليس في البدن شيء أقل شكراً من العين فلا تعطوها سؤلها فتشغلكم عن ذكر الله عز وجل -

(The book) 'Al Khisaal',

Al-Arbamiya – Amir Al-Momineen^{-asws} said: 'There isn't anything in the body of less gratefulness than the eyes, so do not grant it its request for it would pre-occupy you from the Zikr of Allah^{-azwj} Mighty and Majestic!'

و قال ع لكم أول نظرة إلى المرأة فلا تتبعوها بنظرة أخرى و احذروا الفتنة.

And he^{-asws} said: 'For you is the first glance at the woman, so do not follow it with another glance, and be careful of the temptation (Fitna)'.¹⁵⁸

21- ن، عيون أخبار الرضا عليه السلام بإسناد التميمي عن الرضا عن أبيه ع قال قال رسول الله لا تتبع النظرة النظرة فليس لك إلا أول النظرة.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – by a chain of Al-Tameemi, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Do not follow up the look (glance) with a glance. It isn't for you except the first look'.¹⁵⁹

22- ب، قرب الإسناد أبو البخاري عن الصادق عن أبيه عن علي صلوات الله عليهم في المرأة يموت في بطنها الولد فيتخوف عليها قال لا بأس أن يدخل الرجل يده فيقطعها فيخرجها إذا لم ترقق به النساء.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}, regarding the woman, the child dies in her belly, so there it is feared upon her. He^{-asws} said: 'There is no problem for the man to insert his hand and cut it out and extract it, if the women cannot be gentle with it'.¹⁶⁰

23- مكا، مكارم الأخلاق من كتاب المحاسن عن أبي عبد الله ع في قوله جل ثناؤه إلا ما ظهر منها قال الوجه و الذراعان.

(The book) 'Makarim Al Akhlaaq', from the book 'Al Mahasin' -

From Abu Abdullah^{-asws} regarding His^{-azwj} Words, Majestic is His^{-azwj} Laudation: **except what is apparent from these [24:31]**. He^{-asws} said: 'The face and the two forearms'.¹⁶¹

¹⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 19

¹⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 20

¹⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 21

¹⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 22

¹⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 23 a

عَنْهُ عَ أَيُّضاً فِي قَوْلِهِ عَزَّ وَ جَلَّ إِلَّا مَا ظَهَرَ مِنْهَا قَالَ الرِّينَةُ الظَّاهِرَةُ الْكُحْلُ وَ الْحَاتَمُ.

From him^{-asws} also, regarding Words of Mighty and Majestic: **except what is apparent from these [24:31]**. He^{-asws} said: ‘The apparent adornments – the Kohl and the ring’.¹⁶²

و فِي رَوَايَةٍ أُخْرَى قَالَ: الْحَاتَمُ وَ الْمَسَكَةُ وَ هُوَ الَّذِي يَظْهَرُ مِنَ الرِّينَةِ وَ لَا يُبْدِينَ زِينَتَهُنَّ الْقَلَائِدَ وَ الْقُرْطَةَ وَ الدَّمَالِيحَ وَ الْحَلَاخِيلَ

And in another report, he^{-asws} said: ‘The ring and the bracelet, and it is which he can look at from the adornments. As for: **and not to display their adornments [24:31]**, the necklaces and the earrings, and the armlets and the anklets’.

وَ قَالَ الْمَسَكَةُ هِيَ الْقُلْبُ الْمَسَكُ الْيَتَاوُزُ مِنَ الذَّبْلِ وَ يُقَالُ وَاحِدَتُهُ مَسَكَةٌ.

And he^{-asws} said: ‘The bracelet, it is ‘Al-Qulb Al-Masak’, the bangle of the shells, and one is called ‘Masakah’’.¹⁶³

24- وَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص فِي الْحَدِيثِ الَّذِي قَالَتْ فَاطِمَةُ خَيْرٌ لِلنِّسَاءِ أَلَّا يَرَيْنَ الرِّجَالُ وَلَا يَرَاهُنَّ الرِّجَالُ فَقَالَ رَسُولُ اللَّهِ ص إِنَّمَا مَيِّ.

And from Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said in a Hadeeth in which (Syeda) Fatima^{-asws} had said: ‘Best for the women is that neither do the men see them nor do they see them (men)!’ So Rasool-Allah^{-saww} said: ‘She^{-asws} is from me^{-saww}’.¹⁶⁴

25- عَنْ أُمِّ سَلَمَةَ قَالَتْ كُنْتُ عِنْدَ النَّبِيِّ ص وَ عِنْدَهُ مَبْمُوثَةٌ فَأَقْبَلَ ابْنُ مَكْتُومٍ وَ ذَلِكَ بَعْدَ أَنْ أَمَرَ بِالْحِجَابِ فَقَالَ احْتَجِبَا

From Umm Salama^{-ra}. She^{-ra} said, ‘I^{-ra} was in the presence of the Prophet^{-saww}, and with him^{-saww} was Maymouna^{-ra}. Ibn Maktoum (a blind man) came, and that was after he^{-saww} had been Commanded with the veil. He^{-saww} said: ‘Veil up!’

فَقُلْنَا يَا رَسُولَ اللَّهِ أَلَيْسَ أَعْمَى لَا يُبْصِرُنَا

We^{-ra} said, ‘O Rasool-Allah^{-saww}! Isn’t it so that the blind cannot see us^{-ra}?’

قَالَ أَلَا فَعَمَيَاوَانِ أَنْتُمَا أَلَسْتُمَا تُبْصِرَانِي.

He^{-saww} said: ‘Are you^{-ra} two blind? Aren’t you^{-ra} both seeing him?’¹⁶⁵

26- وَ كَانَ أَمِيرُ الْمُؤْمِنِينَ ع يُسَلِّمُ عَلَى النِّسَاءِ وَ كَانَ يَكْرَهُ أَنْ يُسَلِّمَ عَلَى الشَّائِئَةِ مِنْهُنَّ وَ قَالَ أَنَحْوَفُ أَنْ يُعْجِبَنِي صَوْتُهَا فَيَدْخُلَ مِنَ الْإِثْمِ عَلَيَّ أَكْثَرُ بِمَا أَطْلُبُ مِنَ الْأَجْرِ.

¹⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 23 b

¹⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 23 c

¹⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 24

¹⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 25

And Amir Al-Momineen^{-asws} used to greet unto the women, and he^{-asws} would dislike greeting unto the youthful ones from them, and said: 'It is feared that their voice might fascinate one so more sin would enter upon one than the Recompense one seeks'.¹⁶⁶

27- وَ سَأَلَ أَبُو بَصِيرٍ أَبَا عَبْدِ اللَّهِ عَ هَلْ يُصَافِحُ الرَّجُلُ الْمَرْأَةَ لَيْسَتْ بِذِي مُحَرَّمٍ

And Abu Baseer asked Abu Abdullah^{-asws}, 'Can the man shake hands with who isn't 'Mahram' (sanctimonious to him)?'

قَالَ لَا إِلَّا مِنْ وَرَاءِ الثَّوْبِ.

He^{-asws} said: 'No, except from behind the cloth'.¹⁶⁷

28- وَعَنِ الصَّادِقِ ع قَالَ: مَنْ نَظَرَ إِلَى امْرَأَةٍ فَرَفَعَ بَصَرَهُ إِلَى السَّمَاءِ أَوْ غَمَضَ بَصَرَهُ لَمْ يَرْتَدَّ إِلَيْهِ بَصَرُهُ حَتَّى يُزَوِّجَهُ اللَّهُ عَزَّ وَ جَلَّ مِنَ الْخَوَرِ الْعَيْنِ.

And from Al-Sadiq^{-asws} having said: 'One who looks at a woman, he should either raise his sight towards the sky or shut his eyes, no returning his sight, until Allah^{-azwj} Mighty and Majestic get him married to the Maiden Houries'.¹⁶⁸

29- وَقَالَ ع أَوَّلُ النَّظَرِ لَكَ وَ الثَّانِيَةُ عَلَيْكَ وَ لَا لَكَ وَ الثَّالِثَةُ فِيهَا الْهَلَاكُ.

And he^{-asws} said: 'The first look (glance) is for you, and the second is against you and not for you, and the third has the destruction in it'.¹⁶⁹

30- عَنِ الْبَاقِرِ ع قَالَ: لَا بَأْسَ أَنْ يَنْظُرَ الرَّجُلُ إِلَى شَعْرِ أُمِّهِ أَوْ أُخْتِهِ أَوْ ابْنَتِهِ.

From Al-Baqir^{-asws} having said: 'There is no problem with the man looking at the hair of his mother, or his sister, or his daughter'.¹⁷⁰

31- جَعَّ، جَامِعُ الْأَخْبَارِ قَالَ رَسُولُ اللَّهِ ص مَنْ مَلَأَ عَيْنَيْهِ حَرَامًا يَحْشَوْهَا اللَّهُ يَوْمَ الْقِيَامَةِ مَسَامِيرَ مِنْ نَارٍ ثُمَّ حَشَاَهَا نَارًا إِلَى أَنْ يَقُومَ النَّاسُ ثُمَّ يُؤْمَرُ بِهِ إِلَى النَّارِ.

(The book) 'Jamie Al Akhbar' -

Rasool-Allah^{-saww} said: 'One who fills his eyes with prohibited (matters), on the Day of Qiyamah Allah^{-azwj} will Fill these with nails of fire, then Fill these with Fire up to the standing by the people, then he will be Commanded with to the Fire!'¹⁷¹

¹⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 26

¹⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 27

¹⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 28

¹⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 29

¹⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 30

¹⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 31

32- **وَقَالَ ع** مَنْ أَطَّلَعَ فِي بَيْتِ جَارِهِ فَتَنَظَّرَ إِلَى عَوْرَةِ رَجُلٍ أَوْ شَعْرِ امْرَأَةٍ أَوْ شَيْءٍ مِنْ جَسَدِهَا كَانَ حَقِيقًا عَلَى اللَّهِ أَنْ يُدْخِلَهُ النَّارَ مَعَ الْمُنَافِقِينَ الَّذِينَ كَانُوا يَتَّبِعُونَ عَوْرَاتِ الْمُسْلِمِينَ فِي الدُّنْيَا وَ لَمْ يَخْرُجْ مِنَ الدُّنْيَا حَتَّى يَفْضَحَهُ اللَّهُ وَ يُبْدِيَ عَوْرَاتِهِ لِلنَّاظِرِينَ فِي الْآخِرَةِ.

And he^{-asws} said: 'One who peeks into the house of his neighbour so he looks at the nakedness of a man or hair of a woman, or something from her body, there would be a right upon Allah^{-azwj} to Enter him into the Fire with the hypocrites, those who were seeking faults of the Muslims in the world, and he will not exit from the world until Allah^{-azwj} Exposes him and Reveals his faults to the beholders in the Hereafter!'¹⁷²

33- **قَالَ أَمِيرُ الْمُؤْمِنِينَ ع** مَنْ أَطْلَقَ نَظْرَهُ أَتَعَبَ خَاضِرُهُ مِنْ تَتَابَعَتْ لِحَظَاتِهِ دَامَتْ حَسْرَتُهُ.

Amir Al-Momineen^{-asws} said: 'One who frees his looking (to roam around) will fatigue his heart. One who follows up his glances, his regret will be constant'.¹⁷³

34- **قَالَ النَّبِيُّ ص** النَّظَرُ سَهْمٌ مَسْمُومٌ مِنْ سِهَامِ إِبْلِيسَ فَمَنْ تَرَكَهَا خَوْفًا مِنَ اللَّهِ أَعْطَاهُ اللَّهُ إِعَانًا يَجِدُ خَلَائِقَهُ فِي قَلْبِهِ.

The Prophet^{-saww} said: 'The look is a poisoned arrow from the arrows of Iblees^{-la}. The one who neglects it fearing from Allah^{-azwj}, Allah^{-azwj} would Give him Eman, he will find its sweetness in his heart'.¹⁷⁴

35- **وَقَالَ: لِكُلِّ عَضْوٍ مِنْ ابْنِ آدَمَ حَظٌّ مِنَ الرِّثَا فَالْعَيْنُ زِنَاهُ النَّظَرُ وَ اللِّسَانُ زِنَاهُ الْكَلَامُ وَ الْأُذُنَانِ زِنَاهُمَا السَّمْعُ وَ الْيَدَانِ زِنَاهُمَا الْبَطْشُ وَ الرِّجْلَانِ زِنَاهُمَا الْمَشْيُ وَ الْفَرْجُ يُصَدِّقُ ذَلِكَ وَ يُكَذِّبُهُ.**

And he^{-saww} said: 'For each body part of a son of Adam^{-as}, there is a share from the adultery. The eye, its adultery is in the looking, and the tongue, its adultery is in the talking, and the ears, their adultery is in the listening, and the hands, their adultery is in the force of action, and the two legs, their adultery is in the walking, and the private part ratifies that and belies it'.¹⁷⁵

36- **نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع** اسْتَأْذَنْ أَعْمَى عَلَى فَاطِمَةَ ع فَحَجَبَتْهُ فَقَالَ لَهَا رَسُولُ اللَّهِ ص لِمَ حَجَبْتِهِ وَ هُوَ لَا يَرَاكَ

(The book) 'Nawadir' of Al Rawandy – by his chain

From Musa Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'A blind man sought permission to meet (Syeda) Fatima^{-asws}. She^{-asws} veiled from him. Rasool-Allah^{-saww} said to her^{-asws}: 'Why did you^{-asws} veil from him and he cannot see you^{-asws}?'

فَقَالَتْ ع إِنَّ لَمْ يَكُنْ يَرَانِي فَأَنَا أَرَاهُ وَ هُوَ يَسْمُ الرِّيحَ

¹⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 32

¹⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 33

¹⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 34

¹⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 35

She^{-asws} said: 'If he does not happen to see me^{-asws}, so I^{-asws} can see him, and he can smell the aroma'.

فَقَالَ رَسُولُ اللَّهِ ص أَشْهَدُ أَنَّكَ بَصْعَةٌ مِنِّي.

Rasool-Allah^{-saww} said: 'I^{-saww} testify you^{-asws} are a part of me^{-saww}!'¹⁷⁶

37- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع يَا رَسُولَ اللَّهِ أُعَيِّ أَسْتَأْذِنُ عَلَيْهَا

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'O Rasool-Allah^{-saww}! My^{-asws} mother^{-as}, do I^{-asws} need to seek permission to see her^{-as}?'

قَالَ نَعَمْ

He^{-saww} said: 'Yes'.

قَالَ وَلَمْ يَا رَسُولَ اللَّهِ

He^{-asws} said: 'And why, O Rasool-Allah^{-saww}?'

قَالَ أَيْسُرُكَ أَنْ تَرَاهَا عُرْيَانَةً

He^{-saww} said: 'Would it make you^{-asws} happy to see her^{-as} uncovered?'

قَالَ لَا

He^{-asws} said: 'No'.

قَالَ فَاسْتَأْذِنُ.

He^{-saww} said: 'So seek permission'.¹⁷⁷

38- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع قَالَ رَجُلٌ لِرَسُولِ اللَّهِ ص يَا رَسُولَ اللَّهِ أُخْتِي تَكْشِفُ شَعْرَهَا بَيْنَ يَدَيَّ

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'A man said to Rasool-Allah^{-saww}, 'O Rasool-Allah^{-saww}! Can my sister uncover her hair in front of me!'

قَالَ لَا إِنِّي أَخَافُ إِذَا أَبْدَتْ شَيْئاً مِنْ مَخَاسِنِهَا وَ مِنْ شَعْرِهَا وَ مِعْصَمِهَا أَنْ تُوَافِقَهَا.

He^{-asws} said: 'I^{-saww} fear if she were to manifest something from her beauty, and from her hair, and her wrists, you might fall (tempted) with her'.¹⁷⁸

¹⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 36

¹⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 37

¹⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 38

39- وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا قَبَّلَ أَحَدُكُمْ ذَاتَ مَحْرَمٍ قَدْ حَاضَتْ أُخْتَهُ أَوْ عَمَّتَهُ أَوْ خَالَتَهُ فَلْيَقْبَلْ بَيْنَ عَيْنَيْهَا وَ رَأْسِهَا وَ لِيَكُفَّ عَنْ خَدَّيْهَا وَ عَنْ فِيْهَا.

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘Whenever one of you kisses a ‘Mahram’ (sanctimonious one) who has menstruated, (like) his sister, or his paternal aunt, or his maternal aunt, let him kiss between her eyes and her head, and let him refrain from her cheek and from her mouth’.¹⁷⁹

40- وَ بِهَذَا الْإِسْنَادِ قَالَ: هَيَّ رَسُولُ اللَّهِ ص أَنْ يَدْخُلَ عَلَى النِّسَاءِ إِلَّا بِإِذْنِ الْأَوْلِيَاءِ.

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} prohibited from entering upon the womenfolk except by the permission of the guardian’.¹⁸⁰

41- نُقِلَ مِنْ حِطِّ الشَّهِيدِ قُدِّسَ سِرُّهُ عَنْ يُوْسُفَ بْنِ جَابِرٍ عَنِ الْبَاقِرِ ع قَالَ: لَعَنَ رَسُولُ اللَّهِ ص مَنْ نَظَرَ إِلَى فَرْجِ امْرَأَةٍ لَا تَحِلُّ لَهُ وَ رَجُلًا حَانَ أَخَاهُ فِي امْرَأَتِهِ وَ رَجُلًا اخْتَنَجَ النَّاسُ إِلَيْهِ لِيَقْفَهُمْ فَسَأَلَهُمُ الرِّشْوَةَ.

It is copied from the handwriting of Al Shaheed, may his soul be sanctified, from Yusuf Bin Jabir,

From Al-Baqir^{-asws} having said: ‘Rasool-Allah^{-saww} cursed the one who looks at the private part of a woman who is not lawful for him, and a man who betrays his brother regarding his wife, and a man the people are needy to for him to make them understand, so he asks them for the bribe’.¹⁸¹

42- وَ مِنْهُ، نَقْلًا مِنْ كِتَابِ زُهْدِ النَّبِيِّ ص لِلشَّيْخِ جَعْفَرِ بْنِ أَحْمَدَ الْقُمِّيِّ قَالَ النَّبِيُّ ص اشْتَدَّ غَضَبُ اللَّهِ عَلَى امْرَأَةٍ ذَاتِ بَغْلٍ مَلَأَتْ عَيْنَهَا مِنْ غَيْرِ زَوْجِهَا.

And from him, copying from the book ‘Kitab Al Zohd’ of the sheykh Ja’far Bin Ahmad Al Qummi -

The Prophet^{-saww} said: ‘The Wrath of Allah^{-azwj} intensified upon a woman with a husband filling her eyes from other than her husband’.¹⁸²

(The book) ‘Nahj Al Balagah’ –

43- تَخَيَّرَ الْبَلَاغَةَ، رَوَى أَنَّهُ ع كَانَ جَالِسًا فِي أَصْحَابِهِ - [إِذْ مَرَّتْ] فَمَرَّتْ بِهِمْ امْرَأَةٌ حَمِيْلَةٌ فَرَمَقَهَا الْقَوْمُ بِأَبْصَارِهِمْ فَقَالَ ع - إِنَّ أَبْصَارَ هَذِهِ الْفُحُولِ طَوَامِخٌ وَ إِنَّ ذَلِكَ سَبَبٌ هَبَّاجًا فَإِذَا نَظَرَ أَحَدُكُمْ إِلَى امْرَأَةٍ تُعْجِبُهُ فَلْيَلَامِ مَنْ أَهْلَهُ فَإِنَّمَا هِيَ امْرَأَةٌ كَأَمْرَاتِهِ

It is reported that he^{-asws} was seated among his^{-asws} companions when a beautiful woman passed by him^{-asws}. The people gazed at her with their eyes. He^{-asws} said: ‘The eyes of these stallions are covetous, and that is the cause of their looking. So, whenever one of you looks

¹⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 39

¹⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 40

¹⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 41

¹⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 42

at a woman who fascinates him, then let him touch his wife, for rather she is a woman like his woman’.

فَقَالَ رَجُلٌ مِنَ الْخَوَارِجِ قَاتِلُهُ مَا أَفْقَهُهُ - [قَالَ] فَوَتَبَ الْقَوْمُ لِيَقْتُلُوهُ فَقَالَ عَزَّ وَجَدًا إِنَّمَا هُوَ سَبٌّ بِسَبِّ أَوْ عَقْفٌ عَنْ ذَنْبٍ

A man from the Kharijites said, ‘May Allah^{-azwj} Kill him^{-asws} a Kafir! How understanding he^{-asws} is!’ The people leapt up to kill him. He^{-asws} said: ‘Gently! But rather it is an insult (reviling) for an insult (reviling) or pardoning from a sin’.¹⁸³

44- غَدَّةُ الدَّاعِي، عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ قَالَ: كَانَ رَجُلٌ بِالْمَدِينَةِ وَكَانَ لَهُ جَارِيَةٌ نَفِيسَةٌ فَوَقَعَتْ فِي قَلْبِ رَجُلٍ وَاعْجَبَ بِهَا فَشَكَا ذَلِكَ إِلَى أَبِي عَبْدِ اللَّهِ ع فَقَالَ تَعَرَّضَ لِزُورِئِهَا وَكُلَّمَا رَأَيْتَهَا فَقُلْ أَسْأَلُ اللَّهَ مِنْ فَضْلِهِ

(The book) ‘Uddat Al Daie’ – From Zur’ah Bin Muhammad who said,

There was a man at Al-Medina and for him was a previous slave girl. She occurred in the heart of a man and he was fascinated by her. He (owner) complained of that to Abu Abdullah^{-asws}. He^{-asws} said: ‘Present yourself to seeing her, and every time you see her, say, ‘I ask Allah^{-azwj} of His^{-azwj} Grace!’

فَفَعَلَ فَمَا لَبِثَ إِلَّا يَسِيرًا حَتَّى عَرَضَ لَوَلِيَّتِهَا سَفَرٌ فَجَاءَ إِلَى الرَّجُلِ فَقَالَ يَا فُلَانُ أَنْتَ جَارِي وَأَوْثَقُ النَّاسِ عِنْدِي وَ قَدْ عَرَضَ لِي سَفَرٌ وَ أَنَا أَحَبُّ أَنْ أُودِعَكَ فُلَانَةً جَارِيَتِي تَكُونُ عِنْدَكَ

He did so. It was not long except a little until a journey presented for her master. He came to the man. He said, ‘O so and so! You are my neighbour and the most trusted of the people in my view, and a journey has presented to me and I would love it if I could entrust my so and so slave girl to be with you!’

فَقَالَ الرَّجُلُ لَيْسَ لِي امْرَأَةٌ وَلَا مَعِيَ فِي مَنْزِلِي امْرَأَةٌ فَكَيْفَ تَكُونُ جَارِيَتُكَ عِنْدِي

The man said, ‘There isn’t any wife for me nor is there any other woman in my house, so how can your slave girl be with me?’

فَقَالَ أَقْوَمُهَا عَلَيْكَ بِالْتَّمَنِ وَ تَضَمُّنُهُ لِي تَكُونُ عِنْدَكَ فَإِذَا أَنَا قَدِمْتُ فَبِعْ بِهَا أَشْتَرِيهَا وَ إِنِ نَلْتُ مِنْهَا نَلْتُ مَا يَحِلُّ لَكَ

He said, ‘I shall evaluate her to you with the price and you guarantee for me she would be with you. When I arrive, I shall buy her with exactly it, and if you attain from her, attain what is lawful for you’.

فَفَعَلَ وَ غَلَطَ عَلَيْهِ فِي التَّمَنِ وَ خَرَجَ الرَّجُلُ فَمَكَثَتْ عِنْدَهُ وَ مَعَهُ مَا شَاءَ اللَّهُ حَتَّى قَضَى وَطَرَهُ مِنْهَا ثُمَّ قَدِمَ رَسُولٌ لِبَعْضِ خُلَفَاءِ بَنِي أُمَيَّةَ يَشْتَرِي لَهُ جَوَارِي وَ كَانَتْ هِيَ فِيمَنْ سُمِّيَ أَنْ تُشْتَرَى فَبَعَثَ الْوَالِي إِلَيْهِ فَقَالَ لَهُ جَارِيَةُ فُلَانٍ

He did that and was harsh upon him in the price, and the man went out. She remained in his possession and with him for as long as Allah^{-azwj} Desired until he had fulfilled his desire from

¹⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 43

her. Then a messenger of one of the caliphs of the clan of Umayya arrived to buy slave girls for him, and she was among the ones specified to be bought. The guardian sent a message to him. He said to him, 'The slave girl is for so and so!'

قَالَ فُلَانٌ غَائِبٌ

He said, 'So and so is absent'.

فَقَهَرَهُ عَلَى بَيْعِهَا وَاعْطَاهُ مِنَ الثَّمَنِ مَا كَانَ فِيهِ رِبْحٌ فَلَمَّا أُجِدَّتِ الْجَارِيَةُ وَ أُخْرِجَ بِهَا مِنَ الْمَدِينَةِ قَدِمَ مُوَلَّاها فَأَوَّلُ شَيْءٍ سَأَلَهُ عَنِ الْجَارِيَةِ كَيْفَ هِيَ

He coerced him upon selling her and gave him from the price what there was profit in it. When he took the slave girl and went out with her from Al-Medina, her master arrived. The first thing he asked was about the slave girl, 'How is she?'

فَأَخْبَرَهُ بِخَبَرِهَا وَ أُخْرِجَ إِلَيْهِ الْمَالُ كُلُّهُ الَّذِي قَوَّمَهُ عَلَيْهِ وَ الَّذِي رِبْحَ فَقَالَ هَذَا ثَمَنُهَا فَخَذَهُ

He informed him of her news and brought out the wealth to him, all of it which had been evaluated to him and that which as profit. He said, 'This is her price, so take it!'

فَأَبَى الرَّجُلُ وَ قَالَ لَا آخِذُ إِلَّا مَا قَوَّمْتُ عَلَيْكَ وَ مَا كَانَ مِنْ فَضْلٍ فَخَذَهُ لَكَ هَنِئًا

The man refused and said, 'I will not take except what I had evaluated upon you, so whatever was from extra, take it for yourself wholesomely!'

فَصَنَعَ اللَّهُ لَهُ بِحُسْنِ نِيَّتِهِ.

Thus, Allah^{-azwj} Dealt for him due to the excellence of his intention'.¹⁸⁴

45- فس، تفسیر القمی و القواعد من النساء اللاتي لا يرجون نكاحاً فليس عليهن جناح أن يضعن ثيابهن غير متبرجات بزينة

(The book) 'Tafseer Al Qummi' -

And the post-menopausal from the women, those who do not hope for marriage, there isn't any blame upon them if they put off their clothes without displaying the ornaments [24:60].

قَالَ نَزَلَتْ فِي الْعَجَائِزِ اللَّاتِي قَدْ بَسَسْنَ مِنَ الْمَحِيضِ وَ التَّرْوِيجِ أَنَّ يَضَعْنَ الثَّقَابَ ثُمَّ قَالَ وَ أَنَّ يَسْتَعْفِفْنَ خَيْرٌ لهنَّ أَيْ لَا يَطْهَرْنَ لِلرِّجَالِ.

He said, 'It was Revealed regarding the old women who have despaired from the menstruation and the marriage, to put off their face veil. Then He^{-azwj} Said: **And if they modestly refrain, it would be better for them [24:60]** – i.e. not revealing to the men'.¹⁸⁵

¹⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 44

¹⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 45

46- ثو، ثواب الأعمال ابنُ البرقيِّ عَنْ أَبِيهِ عَنْ جَدِّهِ أَحْمَدَ عَنِ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: النَّظَرُ سَهْمٌ مِنْ سَهَامِ إِبْلِيسَ مَسْمُومٌ وَكَمْ مِنْ نَظْرَةٍ أَوْرَثَتْ حَسْرَةً طَوِيلَةً.

(The book) 'Al A'maal' – Ibn Al Barqy, from his father, from his grandfather, from Ibn Fazzal, from Ali Bin Uqba, from his father,

From Abu Abdullah^{-asws} having said: 'The look (glance) is an arrow from the poisoned arrows of Iblees^{-la}, and how many glances have inherited prolonged regret!'¹⁸⁶

47 سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنِ ابْنِ فَضَّالٍ مِثْلَهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Ibn Fazzal, similar to it.¹⁸⁷

48- ف، تحف العقول سَأَلَ يَحْيَى بْنُ أَكْصَمَ عَنْ قَوْلِ عَلِيٍّ إِنَّ الْخُنْثَى يُورَثُ مِنَ الْمَبَالِ وَ قَالَ فَمَنْ يَنْظُرُ إِذَا بَالَ إِلَيْهِ مَعَ أَنَّهُ عَسَى أَنْ تَكُونَ امْرَأَةً وَ قَدْ نَظَرَ إِلَيْهَا الرَّجَالُ أَوْ عَسَى أَنْ يَكُونَ رَجُلًا وَ قَدْ نَظَرَتْ إِلَيْهِ الْبَسَاءُ وَ هَذَا مَا لَا يَحِلُّ

(The book) 'Tuhaf Al Uqoul' -

'Yahya Bin Aksam asked about the words of Ali^{-asws}, 'The hermaphrodite inherits (on the basis of) the place of urination', and he said, 'So who will look at him when he urinates? Perhaps he could be a woman and the men would be looking at him, or perhaps he could be a man and the women would be looking at him, and this is not lawful!'

فَأَجَابَ أَبُو الْحَسَنِ الثَّالِثُ ع إِنَّ قَوْلَ عَلِيٍّ حَقٌّ وَ يَنْظُرُ قَوْمٌ عُذُولٌ يَأْخُذُ كُلُّ وَاحِدٍ مِنْهُمْ مِرْآةً وَ تَقُومُ الْخُنْثَى خَلْفَهُمْ غُرْبَانَةً وَ يَنْظُرُونَ فِي الْمِرْآةِ فَيَرَوْنَ الشَّيْخَ فَيَحْكُمُونَ عَلَيْهِ.

Abu Al-Hassan^{-asws} the 3rd answered: 'The word of Ali^{-asws} is true, and a group of just ones would look at him. Each would hold a mirror while the hermaphrodite stands bare behind them, and they would look into the mirror. Thus, they would be looking at the resemblance and deciding upon him'.¹⁸⁸

49- سن، المحاسن إِدْرِيسُ بْنُ الْحَسَنِ عَنْ يُوسُفَ بْنِ عَبْدِ الرَّحْمَنِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَنْ تَأَخَّلَ امْرَأَةً فَلَا صَلَاةَ لَهُ

(The book) 'Al Mahasin' – Idrees Bin Al-Hassan, from Yunus Bin Abdul Rahman who said,

'Abu Abdullah^{-asws} said: 'One who ponders behind a woman, there is no Salat for him'.

قَالَ يُوسُفُ إِذَا كَانَ فِي الصَّلَاةِ.

Yunus (the narrator) said, 'When he was in the Salat'.¹⁸⁹

¹⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 46

¹⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 47

¹⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 48

¹⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 49

50- سن، المحاسن في رواية يحيى بن المغيرة عن زافر رفعه قال قال عيسى بن مريم إياكم والنظرة فإنها تزرع في القلب وكفى بها لصاحبها فتنة.

(The book) 'Al Mahasin' – In a report by Yahya Bin Al Mugheira, from Zafir who said,

'Isa^{as} Bin Maryam^{as} said: 'Beware of the looking, for it cultivate in the heart and suffices as a temptation for its owner''.¹⁹⁰

51 ضا، فقه الرضا عليه السلام إذا قبل الرجل غلاماً بشهوة لعنه ملائكة السماء و ملائكة الأرض و ملائكة الرحمة و ملائكة العضب و أعد له جهنم و ساءت مصيراً.

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'When the man kisses a boy with lust, he is cursed by Angels of the sky and Angels of the earth, and the Angels of Mercy and the Angels of Wrath, and Hell is prepared for him, and it is an evil destination'.¹⁹¹

و في خير آخر من قبل غلاماً بشهوة ألجمه الله بليجام من النار.

And in another Hadeeth – 'One who kisses a boy with lust, Allah^{azwj} will Rein him with the reins of fire'.¹⁹²

52 مص، مصباح الشريعة قال الصادق ع ما اعتصم أحد بمثل ما اعتصم بغض البصر فإن البصر لا يغض عن محارم الله إلا و قد سبق إلى قلبه مشاهدته العظيمة و الجلال.

(The book) 'Misbah Al Sharia' -

Al-Sadiq^{asws} said: 'No one will hold fast with the likes of what he will hold by lowering the gaze, for the gaze will not be lowered from a prohibition of Allah^{azwj} except and the vision of the Magnificence and the Majesty (of Allah^{azwj}) will have preceded to his heart'.

و سئل أمير المؤمنين علي بن أبي طالب ع بما يستعان على غمض البصر

And Amir Al-Momineen Ali^{asws} Bin Abu Talib^{asws} was asked, 'With what can one be assisted upon lowering the gaze?'

فقال بالحمود تحت سلطان المطالع على سترك و العين جاسوس القلب و يريد العقل فغض بصرك عما لا يليق بدِينك و يكرهه قلبك و ينكره عقلك -

He^{asws} said: 'By the subjugation under the Authority of the One Noticing your covered matters (secrets), and the eye is a spy of the heart and a postman of the mind. Therefore, lower your gaze from what is not appropriate with your religion and your heart dislikes and your mind denies.

¹⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 50

¹⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 51 a

¹⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 51 b

قَالَ النَّبِيُّ ص غُضُّوا أَبْصَارَكُمْ تَرَوْنَ الْعَجَائِبَ وَ قَالَ اللَّهُ عَزَّ وَ جَلَّ قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَ يَحْفَظُوا فُرُوجَهُمْ.

The Prophet^{-saww} said: ‘Lower your gazes, you will see the wonders!’ And Allah^{-azwj} Mighty and Majestic Said: **Say to the Momineen to cast down their eyes and preserve their private parts [24:30]**.

قَالَ عِيسَى بْنُ مَرْيَمَ لِلْحَوَارِيِّينَ إِنَّا كُمْ وَ النَّظَرُ إِلَى الْمَحْذُورَاتِ فَإِنَّهَا بَذْرُ الشَّهَوَاتِ وَ نَبَاتُ الْفُسْقِ -

Isa Bin Maryam^{-as} said to the disciples: ‘Beware of the looking at the cautioned things for these are the seeds of lustful desires and the growth of corruption’.

وَ قَالَ يَحْيَى بْنُ كَرِيْمًا الْمَوْتُ أَحَبُّ إِلَيَّ مِنْ نَظَرٍ لِعَیْرٍ وَاجِبٍ.

And Yahya^{-as} Bin Zakariya^{-as} said: ‘The death is more beloved to me^{-as} than non-obligatory (unnecessary) gaze’.¹⁹³

53 وَ قَالَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ لِرَجُلٍ نَظَرَ إِلَى امْرَأَةٍ فَعَادَهَا فِي مَرَضِهَا لَوْ دَهَبَتْ عَيْنَاكَ لَكَانَ خَيْرَ [خَيْرًا] لَكَ مِنْ عِبَادَةِ مَرِيضِكَ وَ لَا تَتَوَقَّى [تَتَوَقَّرُ] عَيْنُ نَصِيبَهَا مِنْ نَظَرٍ إِلَى مُحْدُورٍ إِلَّا وَ قَدْ انْعَقَدَ عُقْدَةٌ عَلَى قَلْبِهِ مِنَ الْمُنْيَةِ وَ لَا تَنْحَلْ إِلَّا بِإِحْدَى الْحَالَتَيْنِ بِكَاءِ الْحُسْرَةِ وَ النَّدَامَةِ بِتَوْبَةٍ صَادِقَةٍ وَ إِمَّا بِأَخْذِ حِطَّةٍ بِمَا تَمَنَّى وَ نَظَرَ إِلَيْهِ

And Abdullah Bin Masoud said to a man who looked at a woman and then visited her during her illness, ‘If your eyes had been taken away, it would have been better for you than visiting your sick one! No eye takes its share from a forbidden glance without a knot forming upon the heart from that desire, and it will not be undone except by one of two states - either by the tears of grief and regret through sincere repentance, or by attaining what was desired and looked at.

فَأَخَذَ الْحِطَّةَ مِنْ غَيْرِ تَوْبَةٍ مَصِيرُهُ إِلَى النَّارِ وَ أَمَّا التَّائِبُ الْبَاكِي بِالْحُسْرَةِ وَ النَّدَامَةِ عَنْ ذَلِكَ فَمَأْوَاهُ الْجَنَّةُ وَ مُنْقَلَبُهُ الرِّضْوَانُ.

And as for the one who attains his desire without repentance, his destination is the Fire, while the one who repents with tears of grief and regret, his abode is Paradise and his transfer is to the Divine Pleasure’.¹⁹⁴

54 شي، تفسير العياشي عَنْ صَفْوَانَ الْجَمَّالِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع بَابِي أَنْتَ وَ أُمِّي تَأْتِينِي الْمَرْءَةُ الْمُسْلِمَةُ قَدْ عَرَفْتَنِي بِعَمَلِي وَ عَرَفْتَهَا بِإِسْلَامِهَا وَ حُبِّهَا إِيَّاكُمْ وَ وَلَا تَيْسَرُ لَكُمْ وَ لَا تَيْسَرُ لَهَا مَحَرِّمٌ

(The book) ‘Tafseer Al Ayyashi’ – From Safwan Al Jammal who said,

I said to Abu Abdullah^{-asws}, ‘May my father and my mother be (sacrificed) for you^{-asws}! The Muslim woman comes to me who knows me due to my work and I recognise her with her Islam and her love for you^{-asws} (Imam^{-asws}) and her Wilayah for you^{-asws}, and there isn’t any sanctimonious one for her’.

¹⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 52

¹⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 53

قَالَ فَإِذَا جَاءَتْكَ الْمَرْأَةُ الْمُسْلِمَةُ فَاحْمِلْهَا فَإِنَّ الْمُؤْمِنَ مُحَرَّمٌ الْمُؤْمِنَةَ وَ تَلَا هَذِهِ الْآيَةَ - وَ الْمُؤْمِنُونَ وَ الْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ.

He^{-asws} said: 'When the Muslim woman comes to you, carry her (hire out your ride), for the Momin is a sanctimonious one (Mahram) of the Momina (believing woman)! And he^{-asws} recited this Verse: **And the Momineen and the Mominaat are guardians of each other [9:71]**'.¹⁹⁵

55 مكا، مكارم الأخلاق رُوِيَ عَنِ الصَّادِقِ ع أَنَّهُ قَالَ: إِنَّمَا كَرِهَ النَّظَرَ إِلَى عَوْرَةِ الْمُسْلِمِ فَأَمَّا النَّظَرَ إِلَى عَوْرَةِ مَنْ لَيْسَ بِمُسْلِمٍ مِثْلَ النَّظَرِ إِلَى عَوْرَةِ الْحِمَارِ.

(The book) 'Makarim Al Akhlaq' -

It is reported from Al-Sadiq^{-asws} having said: 'But rather, looking at the nakedness of the Muslim is abhorred. As for the looking at nakedness of the one who isn't a Muslim is like looking at the nakedness of the donkey'.¹⁹⁶

56 وَ عَنْهُ ع قَالَ: لَا يَنْظُرُ الرَّجُلُ إِلَى عَوْرَةِ أَخِيهِ فَإِذَا كَانَ مُخَالِفًا لَهُ فَلَا شَيْءَ عَلَيْهِ فِي الْحَمَامِ.

And from him^{-asws} having said: 'The man cannot look at the nakedness of his brother. If he were an adversary of his, there is nothing upon him (if he looks) in the bathhouse'.¹⁹⁷

57 وَ عَنْهُ ع قَالَ: الْفَخْدُ لَيْسَ بِعَوْرَةٍ.

And from him^{-asws} having said: 'The thigh isn't a private part'.¹⁹⁸

باب 92 النظر إلى امرأة يريد الرجل تزويجها

CHAPTER 92 – LOOKING AT A WOMAN THE MAN INTENDS TO MARRY

1- ب، قرب الإسناد هَارُونُ عَنْ مَسْعَدَةَ بْنِ الْيَسَعِ عَنْ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لَا بَأْسَ بِأَنْ يَنْظُرَ الرَّجُلُ إِلَى مُحَاسِنِ الْمَرْأَةِ قَبْلَ أَنْ يَتَزَوَّجَهَا إِنَّمَا هُوَ مُسْتَأْمَرٌ فَإِنْ يُفْضَ أَمْرٌ يَكُنْ.

(The book) 'Qurb Al Isnaad' – Haroun, from Ma'ada Bin Al Yas'a,

From Abu Abdullah^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'There is no problem with the man looking at the beauty of a woman before he marries her. But rather, it is consideration of proposal, for it would fulfil a matter to be!''¹⁹⁹

2- ع، علل الشرائع أَبِي عَنْ سَعْدِ بْنِ أَبِي عَيْسَى عَنِ الْبَرْنَطِيِّ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع الرَّجُلُ يُرِيدُ أَنْ يَتَزَوَّجَ الْمَرْأَةَ يَجُوزُ لَهُ أَنْ يَنْظُرَ إِلَيْهَا

¹⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 54

¹⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 55

¹⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 56

¹⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 91 H 57

¹⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 92 H 1

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Isa, from Al Bazanty, from Yunus Bin Yaquoub who said,

'I said to Abu Abdullah^{-asws}, 'A man intends to marry a woman. Is it allowed for him to look at her?'

قَالَ نَعَمْ وَتُرَقِّقُ لَهُ الثِّيَابَ لِأَنَّهُ يُرِيدُ أَنْ يَشْتَرِيَهَا بِأَعْلَى الثَّمَنِ.

He^{-asws} said: 'Yes, and she can wear the thinner clothes for him because he is intending to acquire her with the most expensive of prices (dowry)'.²⁰⁰

3 نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا أَرَادَ أَحَدُكُمْ أَنْ يَتَزَوَّجَ فَلَا بُأْسَ أَنْ يُولِجَ بَصَرَهُ فَإِنَّمَا هُوَ مُشْتَرٍ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Whenever one of you intends to get married, there is no problem in him scrutinising with his gaze, for rather he is a buyer'.²⁰¹

4- وَ فِي رِوَايَةِ أُخْرَى فَلَا بُأْسَ أَنْ يَنْظُرَ إِلَى مَا يَدْعُوهُ إِلَيْهِ مِنْهَا.

And in another report, 'There is no problem if he looks at, from her what would call out to (from an appropriate distance) him'.²⁰²

5- وَ قَالَ جَعْفَرُ الصَّادِقُ ع ذَكَرَ هَذَا الْحَبْرُ لِجَابِرِ بْنِ عَبْدِ اللَّهِ فَقَالَ جَابِرٌ لَمَّا سَمِعْتُ رَسُولَ اللَّهِ ص قَالَ هَذَا اخْتِبَأْتُ لِجَارِيَةٍ مِنَ الْأَنْصَارِ فِي حَائِطٍ لِأَيِّهَا فَتَنَظَّرْتُ إِلَى مَا أَرَدْتُ وَ إِلَى مَا لَمْ أُرِدْ فَتَزَوَّجْتُهَا فَكَانَتْ خَيْرَ امْرَأَةٍ.

And Ja'far Al-Sadiq^{-asws} said: 'This Hadeeth was mentioned to Jabir Bin Abdullah^{-ra}. Jabir^{-ra} said, 'When I^{-ra} heard Rasool-Allah^{-saww} say this, I^{-ra} hid myself for a girl from the Helpers being in a garden of her father. I^{-ra} looked at what I^{-ra} wanted and to what I^{-ra} did not want. I^{-ra} married her and she was the best of women'.²⁰³

باب 93 حكم الإمام و العبيد و الخصيان و أهل الذمة و أشباههم في النظر و حكم النظر إلى الغلام و ما يحل من النظر لمن يريد شراء الجارية و فيه ذم الخصى

CHAPTER 93 – RULING OF THE SLAVE GIRLS, AND THE SLAVES, AND THE PEOPLE UNDER RESPONSIBILITY (AHL AL ZIMMA) AND THEIR LIKE, REGARDING THE LOOKING, AND RULING OF LOOKING A THE BOY AND WHAT IS PERMISSIBLE FROM THE LOOKING, FOR THE ONE WHO INTENDS TO BUY THE SLAVE GIRL, AND IN IT IS CONDEMNATION OF THE EUNUCH

²⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 92 H 2

²⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 92 H 3

²⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 92 H 4

²⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 92 H 5

1- ب، قرب الإسناد ابن طريف عن ابن علقوان عن الصادق عن أبيه ع أنه قال: إِذَا زَوَّجَ الرَّجُلُ أَمَتَهُ فَلَا يَنْظُرَنَّ إِلَى عَوْرَتِهَا وَ الْعَوْرَةُ مَا بَيْنَ السُّرَّةِ إِلَى الرَّكْبَةِ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'When the man marries off her slave girl, he should not look at her private part, and the private parts are what is between the navel and the knee'.²⁰⁴

2- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ عَلِيُّ ع لَا يَنْظُرُ الْعَبْدُ إِلَى شَعْرِ سَيِّدَتِهِ.

(The book) 'Qurb Al Isnaad' -

By this chain, he^{-asws} said: 'Ali^{-asws} said: 'The slave cannot look at the hair of his mistress (female owner)'.²⁰⁵

3- ب، قرب الإسناد بهذا الإسناد قَالَ: كَانَ عَلِيُّ ع إِذَا أَرَادَ أَنْ يَبْتَاعَ الْجَارِيَةَ يَكْشِفُ عَنْ سَاقَيْهَا فَيَنْظُرُ إِلَيْهَا.

(The book) 'Qurb Al-Isnaad' -

By this chain, he^{-asws} said: 'It was so, whenever Ali^{-asws} wanted to buy a slave girl, he^{-asws} would uncover from her lower leg and look at it'.²⁰⁶

4- ن، عيون أخبار الرضا عليه السلام جعفر بن نعيم عن عمه محمد بن شاذان عن الفضل عن ابن بريع قال: سَأَلْتُ الرِّضَا ع عَنْ قِنَاعِ النِّسَاءِ مِنَ الْخَصِيَّانِ فَقَالَ كَانُوا يَدْخُلُونَ عَلَى بَنَاتِ أَبِي الْحَسَنِ ع فَلَا يَتَّقَعْنَ-

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Ja'far Bin Nueym, from his paternal uncle Muhammad Bin Shazan, from Al Fazl, from Ibn Bazie who said,

'I asked Al-Reza^{-asws} about the women veiling from the eunuchs. He^{-asws} said: 'They were entering upon daughters of Abu Al-Hassan^{-asws}, they were not veiling'.

و سَأَلْتُهُ عَنْ أُمِّ الْوَلَدِ هَلْ لَهَا أَنْ تَكْشِفَ رَأْسَهَا بَيْنَ أَيْدِي الرِّجَالِ

And I asked him^{-asws} about the mother of children, 'Is it for her to uncover her head in front of the men?'

قَالَ تَتَّقَعْنَ.

He^{-asws} said: 'She should veil'.²⁰⁷

²⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 1

²⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 2

²⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 3

²⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 4

5- ب، قرب الإسناد عبد الله بن عامر عن ابن أبي نجران عن صالح بن عبد الله الخنعمي قال: كُتِبَ إِلَى أَبِي الْحَسَنِ مُوسَى عَ أَسْأَلُهُ عَنِ الصَّلَاةِ فِي الْمَسْجِدَيْنِ أَقْصِرُ أَوْ أُتِمُّ

(The book) 'Qurb Al Isnaad' – Abdullah Bin Aamir, from Ibn Abu Najran, from Salih Bin Abdullah Al Khas'amy who said,

'I wrote to Abu Al-Hassan Musa^{-asws} asking him^{-asws} about praying the Salat in the two Masjids, 'Should I shorten or pray complete?'

فَكُتِبَ إِلَيَّ أَيُّ ذَلِكَ فَعَلْتُ لَا بَأْسَ.

He^{-asws} wrote to me: 'Whichever of that you do, there is no problem'.²⁰⁸

6- وَ سَأَلْتُهُ عَنْ خَصِيٍّ لِي فِي سِرِّ رَجُلٍ مُدْرِكٍ لِحُلِيِّ الْمَرْأَةِ أَنْ يَرَاهَا وَ تَكْشِفَ بَيْنَ يَدَيْهِ

And I asked him^{-asws} about a eunuch of mine being in the years of an adult man, 'Is it permissible for the woman that he sees her and she uncovers (her head) in front of him?'

فَلَمْ يُجِبْنِي فِيهَا

He^{-asws} did not answer me regarding it.

قَالَ فَسَأَلْتُ أَبَا الْحَسَنِ الرِّضَا عَ عَنْهَا مُشَافَهَةً فَأَجَابَنِي بِمِثْلِ مَا أَجَابَنِي أَبُوهُ إِلَّا أَنَّهُ قَالَ فِي الصَّلَاةِ قَصِّرْ.

He (the narrator) said, 'I asked Abu Al-Hassan Al-Reza^{-asws} about it. He^{-asws} answered me with similar to what his^{-asws} father^{-asws} had answered me except he^{-asws} said regarding the Salat: 'Shorten'.²⁰⁹

7- مَا، الْأَمَالِي لِلشَّيْخِ الطُّوسِيِّ بِإِسْنَادٍ أَخِي دَعْبِلٍ عَنِ الرِّضَا عَ عَنْ آبَائِهِ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ صَلَوَاتُ اللَّهِ عَلَيْهِمْ قَالَ: أُدْخِلْ عَلَى أُخْتِي سُكَيْنَةَ بِنْتِ عَلِيٍّ عَ خَادِمٌ فَعَطَّتْ رَأْسَهَا مِنْهُ فَقِيلَ لَهَا إِنَّهُ خَادِمٌ فَقَالَتْ هُوَ رَجُلٌ مَنَعَ شَهْوَتَهُ.

(The book) 'Al Amaali' of the sheykh Al Tusi – By a chain of a brother of Deobel,

From Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws}, from Al-Husayn^{-asws} Bin Ali^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}, said: 'I^{-asws} took a servant to my^{-asws} sister (Syeda) Sukaina^{-as} daughter of Ali^{-asws}. She^{-as} covered her head from him. It was said to her^{-as}, 'He is a servant!' She^{-as} said: 'He is a man prevented of his desires'.²¹⁰

8- ع، علل الشرائع ابنُ الْمُتَوَكِّلِ عَنِ الْحَمِيرِيِّ عَنِ ابْنِ عِيْسَى عَنِ ابْنِ مُحَمَّدٍ عَنْ عَبْدِ بْنِ صُهَيْبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ عَ يَقُولُ لَا بَأْسَ بِالنَّظَرِ إِلَى رُؤُوسِ أَهْلِ تِمَامَةَ وَ الْأَعْرَابِ وَ أَهْلِ السَّوَادِ مِنْ أَهْلِ الدِّمَةِ لِأَنََّّهُمْ إِذَا تُحِينَ لَا يَنْتَهِيْنَ

²⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 5

²⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 6

²¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 7

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Isa, from Ibn Mahboub, from Abbad Bin Suheyb who said,

'I heard Abu Abdullah^{-asws} saying: 'There is no problem with looking at heads of the people of Tihama, and the Bedouins, and people of the desert from the *Ahl Al-Zimma*, because they (women), when they are prohibited, they do not desist'.

وَقَالَ الْمَعْلُوبَةُ لَا بَأْسَ بِالنَّظَرِ إِلَى شَعْرِهَا وَجَسَدِهَا مَا لَمْ تَتَعَمَّدْ ذَلِكَ.

And he^{-asws} said: 'The subdued woman, there is no problem with looking at her hair and her body, for as long as you don't deliberate that!'²¹¹

9- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قَالَ قَالَ عَلِيٌّ ع لَا بَأْسَ بِالنَّظَرِ إِلَى رُؤُوسِ نِسَاءِ أَهْلِ تِهَامَةَ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} said: 'There is no problem with looking at the head of the people of Tihama!'²¹²

10- ل، الخصال أبي عن أحمد بن إدريس عن الأشعري عن اليقطيني عن الدهقان عن دُرُوسَ عَنْ ابْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي الْحَسَنِ الْأَوَّلِ ع قَالَ: ثَلَاثٌ يُجْلِبْنَ الْبَصَرَ النَّظَرُ إِلَى الْخَضِرَةِ وَ النَّظَرُ إِلَى الْمَاءِ الْجَارِي وَ النَّظَرُ إِلَى الْوَجْهِ الْحَسَنِ.

(The book) 'Al Khisaal' – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Al Yaqteeny, from Al Dihqan, from Dorost, from Ibn Abdul Hameed,

From Abu Al-Hassan^{-asws} the 1st having said: 'Three polish (improve) the eyesight – looking at the greenery, and looking at the flowing water, and looking at the beautiful face'.²¹³

11- سن، المحاسن اليقطيني ومثله.

(The book) 'Al-Mahasin' – Al Yaqteeny, similar to it.²¹⁴

12- ع، علل الشرائع أبي عن سعد بن البرقي عن محمد بن يحيى عن حماد قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع جُعِلْتُ فِدَاكَ نَرَى الْحَصِيَّ مِنْ أَصْحَابِنَا غَفِيظاً لَهُ عِبَادَةٌ وَ لَا نَكَادُ نَرَاهُ إِلَّا قَطّاً غَلِيظاً سَفِيهَ الْغَضَبِ

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy, from Muhammad Bin Yahya, from Hammad who said,

I said to Abu Abdullah^{-asws}, 'May I be sacrificed for you^{-asws}! We see the eunuch from our companions as chaste having worship for him and not being annoying, and most of the time he is rude, harsh, foolish, angry!'

²¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 8

²¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 9

²¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 10

²¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 11

فَقَالَ إِنَّمَا ذَلِكَ لِأَنَّهُ لَمْ يُولَدْ لَهُ وَ لَا يَزْنِي.

He^{-asws} said: 'But rather, that is because he cannot have children and he cannot commit adultery'.²¹⁵

13- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ الْبَرَقِيِّ رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع أَنَّهُ سُئِلَ عَنِ الْخَصِيِّ فَقَالَ - لَا تَسْأَلْ عَمَّنْ لَمْ يَلِدْهُ مُؤْمِنٌ وَ لَا يَلِدُ مُؤْمِنًا.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy raising it to,

Abu Abdullah^{-asws} was asked about the eunuch. He^{-asws} said: 'Do not ask about the one neither born of a Momin nor gives birth to a Momin'.²¹⁶

14- مكا، مكارم الأخلاق قَالَ الصَّادِقُ ع لَا تَجْلِسُ الْمَرْأَةُ بَيْنَ يَدَيْ الْخَصِيِّ مَكْشُوفَةَ الرَّأْسِ.

(The book) 'Makarim Al Akhlaq' -

Al-Sadiq^{-asws} said: 'The woman should not sit in front of the eunuch while being of uncovered head'.²¹⁷

15- وَ لَعَنَ رَسُولُ اللَّهِ ص الْمُخَنَّثِينَ وَ قَالَ أَخْرِجُوهُمْ مِنْ بُيُوتِكُمْ.

And Rasool-Allah^{-saww} had cursed the effeminate men and said: 'Expel them from your houses!'.²¹⁸

16- وَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع أ تَنْظُرُ الْمَمْلُوكُ إِلَى شَعْرِ مَوْلَاتِهِ

And from Is'haq Bin Ammar who said,

'I said to Abu Abdullah^{-asws}, 'Can the slave look at the hair of her mistress (female owner)?'

قَالَ نَعَمْ وَ إِلَى سَاقَيْهَا.

He^{-asws} said: 'Yes, and at her lower legs'.²¹⁹

17- وَ مِنْ كِتَابِ اللَّيْثِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنِ الرِّضَا ع قَالَ: قُلْتُ لَهُ يَكُونُ لِلرَّجُلِ الْخَصِيُّ يَدْخُلُ عَلَى نِسَائِهِ يُنَاقِلُهُنَّ الْوَضُوءَ فَيَرَى مِنْ شَعُورِهِنَّ قَالَ لَا.

And from 'Kitab Al Libaas' – from Muhammad Bin Is'haq,

²¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 12

²¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 13

²¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 14

²¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 15

²¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 16

From Al-Reza^{-asws}, he (the narrator) said, 'I said to him^{-asws}, 'There happens to be a eunuch for the man entering upon his womenfolk fetching the water for Wud'u for them, can he see from their hair'. He^{-asws} said: 'No'.²²⁰

18- مَكَارِمُ الْأَخْلَاقِ عَنِ ابْنِ بَرِيعٍ قَالَ: سَأَلْتُ الرِّضَا عَ عَنْ فِتْنَةِ الْيَسَاءِ مِنَ الْخَصِيَّانِ فَقَالَ كَانُوا يَدْخُلُونَ عَلَى بَنَاتِ أَبِي الْحَسَنِ ع لَا يَتَّقَعْنَ

(The book) 'Makarim Al Akhlaq' – From Ibn Bazie who said,

I asked Al-Reza^{-asws} about the women veiling from the eunuchs. He^{-asws} said: 'They were entering upon daughters of Abu Al-Hassan^{-asws}, they were not veiling'.

قُلْتُ فَكَانُوا أَحْرَارًا

I said, 'They were free men!'

قَالَ لَا

He^{-asws} said: 'No'.

قُلْتُ فَأَلَّا أَحْرَارٌ يَتَّقَعْنَ مِنْهُمْ

I said, 'So the free men, they should veil from them?'

قَالَ لَا.

He^{-asws} said: 'No!'²²¹

19- نَوَادِيرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع لَعَنَ اللَّهُ الْمُحَنِّينَ

(The book) 'Nawadir' of Al Rawandy, by his chain,

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'May Allah^{-azwj} Curse the effeminate (having manners of women) men!'

وَقَالَ أَخْرِجُوهُمْ مِنْ بُيُوتِكُمْ.

And he^{-asws} said: 'Expel them from your houses!'²²²

20- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ رَسُولُ اللَّهِ ص لِلرَّجُلِ الَّذِي قَالَ لِبَعْضِ الصَّحَابَةِ إِنَّ فَتَحَ اللَّهُ عَلَيْكُمْ الطَّائِفَ فَاسْأَلِ النَّبِيَّ ص أَنْ يَهَبَ لَكَ نَادِيَةً بِنْتُ غَبْلَانَ بْنِ سَلَمَةَ فَإِنَّمَا إِذَا قَامَتْ تَنَنَّتْ وَإِذَا تَكَلَّمَتْ تَعَنَّتْ فِي كَلَامٍ طَوِيلٍ بَلَغَهُ ص عَنْهُ وَكَانَ هَذَا الرَّجُلُ مِنْ مُحَنِّينِ الْمَدِينَةِ فَقَالَ ع لَقَدْ غَلَّغَلْتُ النَّظَرَ يَا عَدُوَّ اللَّهِ.

²²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 17

²²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 18

²²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 19

(The book) 'Al Majazaat Al Nabawiya' -

Rasool-Allah^{-saww} said to them who had said to one of the companions, 'When Allah^{-azwj} Grant you all conquest of Al Taifa, ask the Prophet^{-saww} to gift to you Nadiya Bint Gaylan Bin Salama, for when she sways, and when she talks, she sings' – in a lengthy speech reached to him^{-saww} from him, and this man was from the effeminate men of Al-Medina. He^{-saww} said: 'You have penetrated the sight, O enemy of Allah^{-azwj}!'²²³

باب 94 التفريق بين الرجال و النساء في المضاجع و النهي عن التخلي بالأجنبية

CHAPTER 94 – THE SEPARATION BETWEEN THE MEN AND THE WOMEN IN THE SLEEPING PLACES, AND THE PROHIBITION FROM BEING ALONG WITH A STRANGER WOMAN (NON-MAHRAM)

1- لي، الأماالي للصدوق في خبر المناهي قال: حَى النَّبِيِّ ص أَنْ يُبَايِسَ الْمَرْأَةُ الْمَرْأَةَ لَيْسَ بَيْنَهُمَا ثَوْبٌ.

(The book) 'Al-Amaali' of Al-Sadouq in a Hadeeth of the prohibitions, he said, 'The Prophet^{-saww} prohibited the woman from hugging the woman, there not being any garment between them'.²²⁴

2- ل، الخصال ابن الوليد عن الصفار عن جعفر بن محمد بن عبد الله الأشعري عن عبد الله بن ميمون عن الصادق عن آبائه ع قال: يُفَرَّقُ بَيْنَ الصَّبَّانِ وَ النِّسَاءِ فِي الْمَضَاجِعِ إِذَا بَلَغُوا عَشْرَ سِنِينَ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ja'far Bin Muhammad Bin Abdullah Al Ash'ari, from Abdullah Bin Maymoun,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'There should be separation between the young boys and the women in the sleeping places when they reach ten years of age'.²²⁵

3- ل، الخصال الأئمة قال أمير المؤمنين ع لَا يَنَامُ الرَّجُلُ مَعَ الرَّجُلِ فِي ثَوْبٍ وَاحِدٍ فَمَنْ فَعَلَ ذَلِكَ وَجَبَ عَلَيْهِ الْأَدَبُ وَ هُوَ التَّغْزِيرُ.

(The book) 'Al Khisaal' -

(The Hadeeth) Al Arbamiya – Amir Al-Momineen^{-asws} said: 'The man should not sleep with the man in one cloth (bedsheet). The one who does that, the disciplining would be obligated upon him, and it is the reprimand'.²²⁶

²²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 93 H 20

²²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 1

²²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 2

²²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 3

8- مكا، مكارم الأخلاق عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يُبَاشِرُ الرَّجُلُ الرَّجُلَ إِلَّا وَ بَيْنَهُمَا ثَوْبٌ وَ لَا تُبَاشِرُ الْمَرْأَةُ الْمَرْأَةَ إِلَّا وَ بَيْنَهُمَا ثَوْبٌ.

(The book) 'Makarim Al Akhlaq' -

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The man should not embrace the man except and there is a cloth between them, nor should the woman embrace the woman except and there is a cloth between them'.²³¹

9- وَ عَنْهُ ع قَالَ: لَا تَبِثُ الْمَرْأَتَانِ فِي ثَوْبٍ وَاحِدٍ إِلَّا أَنْ تُضْطَرَّ إِلَيْهِ.

And from him^{-asws} having said: 'Two women should not spend a night in one cloth (bedsheet) except if they are desperate to it'.²³²

10- وَ عَنْهُ ع قَالَ: لَا يَنَامُ الرَّجُلَانِ فِي لِحَافٍ وَاحِدٍ إِلَّا أَنْ يُضْطَرَّ فَيَنَامُ كُلُّ وَاحِدٍ مِنْهُمَا فِي إِزَارِهِ وَ يَكُونُ اللَّيْحَافُ بَعْدَ وَاحِدٍ وَ الْمَرْأَتَانِ جَمِيعاً كَذَلِكَ وَ لَا تَنَامُ ابْنَةُ الرَّجُلِ مَعَهُ فِي لِحَافِهِ وَ لَا أُمُّهُ.

And from him^{-asws} having said: Two men should not sleep in one quilt except if they are desperate, (if so) each of them should be in his trouser, and the quilt would be after one, and the two women together are like that, and the daughter of the man cannot sleep with him in his quilt, nor should his mother'.²³³

11- ضا، فقه الرضا عليه السلام قَالَ أَبِي لَا يَنَامُ الرَّجُلَانِ فِي لِحَافٍ وَاحِدٍ إِلَّا أَنْ يَكُونَ ذُوْن ذَلِكَ ثَوْبٌ فَيَنَامُ كُلُّ وَاحِدٍ فِي إِزَارِهِ وَ كَذَلِكَ الْمَرْأَتَانِ وَ لَا يَنَامُ الرَّجُلُ مَعَ ابْنَتِهِ فِي لِحَافٍ إِلَّا أَنْ يُضْطَرَّ إِلَى ذَلِكَ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'My^{-asws} father^{-asws} said: 'Two men should not sleep in one quilt except if there happens to be a cloth besides that one, so each one would sleep in his trouser, and like that are the two women, and the man cannot sleep with his daughter in a quilt except if they are desperate to that'.²³⁴

12- بِرَوَايَةِ ابْنِ أَبِي عَيَّاشٍ عَنْهُ قَالَ: سَأَلْتُ الْمُقَدَّادَ عَنْ عَلِيِّ ع قَالَ كُنَّا نُسَافِرُ مَعَ رَسُولِ اللَّهِ ص قَبْلَ أَنْ يَأْتُرَ نِسَاءَهُ بِالْحِجَابِ وَ هُوَ يَخْدُمُ رَسُولَ اللَّهِ ص لَيْسَ لَهُ خَادِمٌ غَيْرُهُ

By a report of Ibn Abu Ayyash, from him, said,

I asked Al Miqdad^{-ra} about Ali^{-asws}. He^{-ra} said: 'We were travelling with Rasool-Allah^{-saww} before he^{-saww} ordered his^{-saww} wives with the veiling, and he^{-asws} was serving Rasool-Allah^{-saww}. There wasn't any servant for Rasool-Allah^{-saww} apart from him^{-asws}.

وَ كَانَ لِرَسُولِ اللَّهِ ص لِحَافٌ لَيْسَ لَهُ لِحَافٌ غَيْرُهُ وَ مَعَهُ عَائِشَةُ فَكَانَ رَسُولُ اللَّهِ ص يَنَامُ بَيْنَ عَلِيٍّ ع وَ عَائِشَةَ لَيْسَ عَلَيْهِمْ لِحَافٌ غَيْرُهُ

²³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 8

²³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 9

²³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 10

²³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 11

And there was a quilt for Rasool-Allah^{-saww}. There wasn't for him^{-asws} any quilt other than it, and with him^{-saww} was Ayesha. So Rasool-Allah^{-saww} would sleep between Ali^{-asws} and Ayesha. There wasn't any quilt upon them other than it.

فَإِذَا قَامَ رَسُولُ اللَّهِ ص مِنَ اللَّيْلِ يُصَلِّي حَطَّ يَدِيهِ اللَّحَافَ مِنْ وَسْطِهِ بَيْنَهُ وَ بَيْنَ عَائِشَةَ حَتَّى يَمَسَّ اللَّحَافُ الْفِرَاشَ الَّذِي تَحْتَهُمْ وَ يَقُومُ رَسُولُ اللَّهِ ص فَيُصَلِّي.

Then, Rasool-Allah^{-saww} stood up at night to pray Salat. He^{-saww} moved away the quilt by his^{-saww} hand from its middle between him^{-saww} and Ayesha until the quilt touched the bed which was beneath them, and Rasool-Allah^{-saww} stood up and prayed Salat'.²³⁵

13- نَوَادِيرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ثَلَاثٌ مَنْ حَفِظَهُنَّ كَانَ مَعْصُومًا مِنَ الشَّيْطَانِ الرَّجِيمِ وَ مِنْ كُلِّ بَلَاءٍ مَنْ لَمْ يَخُلْ بِأَمْرٍ أَوْ لَيْسَ يَمْلِكُ مِنْهَا شَيْئًا وَ لَمْ يَدْخُلْ عَلَى سُلْطَانٍ وَ لَمْ يُعِنْ صَاحِبَ بِدْعَةٍ يَدْعِيهِ.

(The book) 'Nawadir' of Al Rawandy – by his chain,

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'Three, one who preserves these would be fortified from the Satan^{-la} the accursed and from every affliction – one who does not seclude with a woman not owning anything from her, and does not enter to see a ruler, and does not assists an innovator with his innovation'.²³⁶

14- وَ يَحْدُثُ الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص مُرُوا صِبْيَانَكُمْ بِالصَّلَاةِ إِذَا كَانُوا أَبْنَاءَ سَبْعِ سِنِينَ وَ فَرَّقُوا بَيْنَهُمْ فِي الْمَضَاجِعِ إِذَا كَانُوا أَبْنَاءَ عَشْرِ سِنِينَ.

And by this chain – he^{-asws} said: 'Rasool-Allah^{-saww} said: 'Instruct your children with praying the Salat when they were boys of seven years old, and separate between them in the sleeping places when they were boys of ten years old'.²³⁷

15- وَ يَحْدُثُ الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يُبَاشِرُ رَجُلٌ رَجُلًا إِلَّا وَ بَيْنَهُمَا ثَوْبٌ وَ لَا تُبَاشِرُ الْمَرْأَةُ الْمَرْأَةَ إِلَّا وَ بَيْنَهُمَا ثَوْبٌ.

And by this chain – he^{-asws} said: 'Rasool-Allah^{-saww} said: 'A man should not embrace a man except and between the two is a cloth, nor should the woman embrace the woman except and between the two is a cloth'.²³⁸

16- مَجَالِسُ الشَّيْخِ، عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ شَاذَانَ عَنِ ابْنِ الْخَالِ عَبْدِ الْعَزِيزِ بْنِ جَعْفَرٍ بْنِ قَوْلَوَيْهِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ خَلْفٍ عَنْ مُوسَى بْنِ إِبْرَاهِيمَ الْمَرْوَزِيِّ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ فَلَا تَبِيبُ فِي مَوْضِعٍ تَسْمَعُ نَفْسَهُ أَمْرًا لَيْسَتْ لَهُ بِمَحْرَمٍ.

(The book) 'Majalis' of the sheikh – From Muhammad Bin Ahmad Bin Shazan, from Ibn Al Khal Abdul Aziz Bin Ja'far Bin Qawlawayi, from Muhammad Bin Isa, from Muhammad Bin Khalaf, from Musa Bin Ibrahim Al Marouzy,

²³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 12

²³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 13

²³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 14

²³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 15

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who was a believing in Allah^{-azwj} and the Last Day, he should not spend a night in a place his breath can be heard by a woman who isn't a Mahram (sanctimonious) for him'.²³⁹

باب 95 القسمة بين النساء و العدل فيها

CHAPTER 95 – THE APPORTIONMENT BETWEEN THE WOMEN AND THE JUSTICE IN IT

1- فس، تفسیر القمي سأل رجل من الزنادقة أبا جعفر الأحول فقال أخبرني عن قول الله عز وجل - فأنكحوا ما طاب لكم من النساء مثنى وثلاث ورباع فإن خفتكم ألا تعدلوا فواحدة

Tafseer Al Qummi -

A man from the atheists asked Abu Ja'far Al-Ahwal. He said, 'Inform me about Words of Allah^{-azwj} Mighty and Majestic: **And if you fear that you cannot act equitably regarding the orphans, then marry such women as seem good to you, two and three and four; but if you fear that you will not do justice (between them), then (marry) one [4:3].**

و قال في آخر السورة - و لن تستطيعوا أن تعدلوا بين النساء و لو حرصتم فلا تميلوا كل الميل فبين القولين فرق

And He^{-azwj} Said in another Chapter: **And you will never be able to do justice between the wives and even if you are eager to, but do not be disinclined (from one) with total disinclination [4:129].** There is a differing between the two Words'.

فقال أبو جعفر الأحول فلم يكن في ذلك عندي جواب فقدمت المدينة فدخلت على أبي عبد الله ع فسألته عن الآيتين فقال أما قوله - فإن خفتكم ألا تعدلوا فواحدة فإما عني في التفقة و قوله و لن تستطيعوا أن تعدلوا بين النساء و لو حرصتم فإما عني في المودة فإنه لا يقدر أحد أن يعدل بين امرأتين في المودة

Abu Ja'far Al-Ahwal said, 'There did not happen to be any answer with me so I proceeded to Al-Medina. I entered to see Abu Abdullah^{-asws} and asked him^{-asws} about the two Verses. He^{-asws} said: '**but if you fear that you will not do justice (between them), then (marry) one [4:3]**, it rather means regarding the expenditure, while His^{-azwj} Words: **And you will never be able to do justice between the wives and even if you are eager to [4:129]**, it rather means regarding the affection, for no one is able with doing justice between two women in the affection'.

فرجع أبو جعفر الأحول إلى الرجل فأخبره فقال هذا حملته من الحجاز.

Abu Ja'far Al-Ahwal returned to the man and informed him. He said, 'This has been carried over from Al-Hijaz!'²⁴⁰

²³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 94 H 16

²⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 1

2- ب، قرب الإسناد عليّ عن أخيه قال: سألتُهُ عن رجلٍ له امرأتانِ هلْ يَصْلُحُ لَهُ أَنْ يُفَضِّلَ إِحْدَاهُمَا عَلَى الْأُخْرَى

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man having two wives for him, 'Is it correct for him to prefer one of the two over the other?'

قَالَ لَهُ أَرْبَعٌ فَلْيَجْعَلْ لِوَاحِدَةٍ لَيْلَةً وَ لِأُخْرَى ثَلَاثَ لَيَالٍ.

He^{-asws} said to him: 'For him are four wives (allowed). So let him make a night for one and for the other (wife), three nights (no more)'.²⁴¹

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ ثَلَاثُ نِسْوَةٍ هَلْ لَهُ أَنْ يُفَضِّلَ إِحْدَاهُنَّ

He said, 'And I asked him^{-asws} about a man having three wives for him, 'Is it for him to prefer one of them?'

قَالَ لَهُ أَرْبَعٌ نِسْوَةٍ فَلْيَجْعَلْ لِوَاحِدَةٍ إِنْ أَحَبَّ لَيْلَتَيْنِ وَ لِأُخْرَيْنِ لِكُلِّ وَاحِدَةٍ لَيْلَةً وَ فِي الْكِسْوَةِ وَ النَّفَقَةِ مِثْلُ ذَلِكَ.

He^{-asws} said: 'For him are four women (allowed), so if he likes, he can make two nights (for the preferred one), and for the other two, one night (each), and in the clothing and the expenditure, similar to that'.²⁴²

4- ع، علل الشرائع أبي عن أحمد بن إدريس عن ابن عيسى عن أبيه عن صفوان عن ابن مسكان عن الحسن بن زياد قال: سألتُ أبا عبد الله ع عن الرجلٍ له امرأتانِ إِحْدَاهُمَا أَحَبُّ إِلَيْهِ مِنَ الْأُخْرَى أَلَا لَهُ أَنْ يُفَضِّلَهَا بِشَيْءٍ

(The book) 'Ilal Al Sharaie' – My father, from Ahmad Bin Idrees, from Ibn Isa, from his father, from Safwan, from Ibn Muskan, from Al-Hassan Bin Ziyad who said,

'I asked Abu Abdullah^{-asws} about the man having two wives for him. One of them is more beloved to him than the other, 'Is it for him to prefer her with anything?'

قَالَ نَعَمْ لَهُ أَنْ يَأْتِيَهَا ثَلَاثَ لَيَالٍ وَ الْأُخْرَى لَيْلَةً لِأَنَّ لَهُ أَنْ يَتَزَوَّجَ أَرْبَعَ نِسْوَةٍ فَلْيَلِّئْهُ بِجَعْلِهَا حَيْثُ يَشَاءُ.

He^{-asws} said: 'Yes. For him is to give her three night and one night to the other, because for him is to marry four wives. These are his nights, he can make them to be wherever he so desires to'.²⁴³

5- ع، علل الشرائع بهذا الإسناد عن الحسن بن أبي عبد الله ع قال: لِلرَّجُلِ أَنْ يُفَضِّلَ بَعْضَ نِسَائِهِ عَلَى بَعْضٍ مَا لَمْ يَكُنْ نِسَاؤُهُ أَرْبَعًا.

(The book) 'Ilal Al Sharaie' – By this chain from Al-Hassan,

²⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 2

²⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 3

²⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 4

From Abu Abdullah^{-asws} having said: 'For the man is to prefer one of his wives over the other for as long as his wives are not four'.²⁴⁴

6- ع، علل الشرائع ابنُ الوليدِ عن الصَّفَّارِ عن ابنِ عيسى عن ابنِ فضالٍ عن عليِّ بنِ عُقْبَةَ عن رَجُلٍ عن أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ تَكُونُ لَهُ امْرَأَتَانِ أَلَهُ أَنْ يُفَضِّلَ أَحَدَهُمَا [إِحْدَاهُمَا] بِثَلَاثِ لَيَالٍ قَالَ نَعَمْ.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ibn Fazzal, from Ali Bin Uqba, from a man,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man having two wives for him, 'Is it for him to prefer one of them with three nights?' He^{-asws} said: 'Yes'.²⁴⁵

7- شي، تفسير العياشي عن أَحْمَدَ بنِ مُحَمَّدٍ عن أَبِي الْحَسَنِ الرِّضَا ع فِي قَوْلِ اللَّهِ وَ إِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا قَالَ نُشُورُ الرَّجُلِ يَهُمُّ بِطَلَاقِ امْرَأَتِهِ وَ تَقُولُ لَهُ أَدْعُ مَا عَلَى ظَهْرِكَ وَ أُعْطِيكَ كَذَا وَ كَذَا وَ أُحْلِلْكَ مِنْ يَوْمِي وَ لَيْلَتِي عَلَى مَا اصْطَلَحَا فَهُوَ جَائِزٌ.

Tafseer Al Ayyashi – From Ahmad Bin Muhammad,

From Abu Al-Hassan Al-Reza^{-asws} regarding Words of Allah^{-azwj}: **And if a woman fears cruelty or desertion on the part of her husband [4:128]**. He^{-asws} said: 'Cruelty of the man is his considering divorcing his wife and she says to him, 'I shall forego what is upon your back and give you such and such, and I release you from my day and my night', upon whatever they reconcile, it is allowed'.²⁴⁶

8- شي، تفسير العياشي عن عَلِيِّ بنِ أَبِي حَمَزَةَ عن أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - وَ إِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا قَالَ إِذَا كَانَ كَذَلِكَ فَهَمَّ بِطَلَاقِهَا قَالَتْ لَهُ أَسْكِنِي وَ أَدْعُ لَكَ بَعْضَ مَا عَلَيْكَ وَ أُحْلِلْكَ مِنْ يَوْمِي وَ لَيْلَتِي كُلَّ ذَلِكَ لَهُ فَلَا جُنَاحَ عَلَيْهِمَا.

Tafseer Al Ayyashi – from Ali, from Abu Hamza,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **And if a woman fears cruelty or desertion on the part of her husband [4:128]**. He^{-asws} said: 'If it was like that and he considers divorcing her, she says to him, 'Let me stay and I shall forego for you some of what is upon you, and I shall release you from my day and my night', all that is for him, so there is no blame upon them'.²⁴⁷

9- شي، تفسير العياشي عن زُرَّارَةَ قَالَ: سُئِلَ أَبُو جَعْفَرٍ ع عَنِ النِّسَاءِ يَشْتَرِطُ عَلَيْهَا عِنْدَ عَقْدِ النِّكَاحِ أَنْ يَأْتِيَهَا مَا شَاءَ نَهَارًا أَوْ بَيْنَ كُلِّ جُمُعَةٍ أَوْ شَهْرٍ يَوْمًا وَ مِنَ النَّفَقَةِ كَذَا وَ كَذَا

Tafseer Al Ayyashi –

²⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 5

²⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 6

²⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 7

²⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 8

From Zurara who said, ‘Abu Ja’far^{-asws} was asked about the daytime woman at the tie of marriage that he will come to her whatever day he so desires to, or between every Friday, or one day a month, and from the maintenance expenditure it would be such and such!’

قَالَ فَلَيْسَ ذَلِكَ الشَّرْطُ بِشَيْءٍ مَنْ تَزَوَّجَ امْرَأَةً فَلَهَا مَا لِلْمَرْأَةِ مِنَ النَّفَقَةِ وَالْقِسْمَةِ وَ لَكِنَّهُ إِنْ تَزَوَّجَ امْرَأَةً خَافَتْ فِيهِ نُشُوزاً أَوْ خَافَتْ أَنْ يَتَزَوَّجَ عَلَيْهَا فَصَلَّحَتْ مِنْ حَقِّهَا عَلَى شَيْءٍ مِنْ قِسْمَتِهَا أَوْ بَعْضِهَا فَإِنَّ ذَلِكَ جَائِزٌ لَا بَأْسَ بِهِ.

He^{-asws} said: ‘That stipulated condition isn’t anything! One who marries a woman, for her is what is for the woman, from the maintenance money and the apportionment (of time), but if a woman marries fearing cruelty in him or she fears to he would marry (another wife) upon her, so she reconciles from her rights upon something from either her apportionment (of time) or part of it, that is allowed. There is no problem with it’.²⁴⁸

10- شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع في قوله وَ إِنْ امْرَأَةٌ خَافَتْ مِنْ بَغْلِهَا نُشُوزاً أَوْ إِعْرَاضاً قَالَ هِيَ الْمَرْأَةُ تَكُونُ عِنْدَ الرَّجُلِ فَيَكْرَهُهَا فَيَقُولُ إِنِّي أُريدُ أَنْ أُطْلِقَكَ فَتَقُولُ لَا تَفْعَلْ فَإِنِّي أَكْرَهُ أَنْ يُشْمَتَ بِي وَ لَكِنْ انْظُرْ لِيَلْتِي فَاصْنَعْ مَا شِئْتَ وَ مَا كَانَ مِنْ سِوَى ذَلِكَ فَهُوَ لَكَ فَدَعْنِي عَلَى حَالِي فَهُوَ قَوْلُهُ فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحاً وَ الصُّلْحُ خَيْرٌ وَ هُوَ هَذَا الصُّلْحُ.

Tafseer Al Ayyashi – from Al Halby,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And if a woman fears cruelty or desertion on the part of her husband [4:128]**. He^{-asws} said: ‘She is the woman being with the man, so he coerces her saying, ‘I want to divorce you’. So, she says, ‘Don’t do it, for I dislike to be gloated upon, but look at my night and do whatever you like, and whatever was from besides that, it is for you, and leave me upon my state!’ It is His^{-azwj} Word: **there is no blame on them if they effect a reconciliation between them; and reconciliation is better [4:128]**, and it is this reconciliation’.²⁴⁹

11- شي، تفسير العياشي عن هشام بن سالم عن أبي عبد الله ع في قول الله وَ لَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَ لَوْ حَرَضْتُمْ قَالَ فِي الْمَوَدَّةِ.

Tafseer Al Ayyashi – From Hisham Bin Salim,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **‘And you will never be able to do justice between the wives and even if you are eager to [4:129]**. He^{-asws} said: ‘Regarding the affection’.²⁵⁰

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^{-asws} regarding a man who marries a slave girl. Then he finds financial leeway to (marry) a free woman, and he dislikes divorcing the slave girl.

²⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 9

²⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 10

²⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 11

12- ين، كتاب حسين بن سعيد و النوادر النَّصْرُ عَنْ سُؤْيِدٍ 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 أَوْلَهُمَا عِنْدَهُ وَ لَيْسَ لَهُ أَنْ يَنْكِحَ الْأَمَةَ عَلَى الْحُرَّةِ إِذَا كَانَتْ الْحُرَّةُ أَوْلَهُمَا عِنْدَهُ وَ يُقْسِمُ لِلْحُرَّةِ الثُّلُثَيْنِ مِنْ مَالِهِ وَ نَفْسِهِ وَ لِلْأَمَةِ الثُّلُثَ مِنْ مَالِهِ وَ نَفْسِهِ.

He^{asws} said: 'He can marry the free woman upon the slave girl if she was the first one with him, and it isn't for him to marry the slave girl upon the free woman if the free woman was first of them with him, and he should apportion for the free woman two-third from his wealth and his self, and for the slave girl the third from his wealth and his self'.²⁵¹

13- ين، كتاب حسين بن سعيد و النوادر النَّصْرُ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يَنْكِحُ الرَّجُلُ الْأَمَةَ عَلَى الْحُرَّةِ وَ إِنْ شَاءَ نَكَحَ الْحُرَّةَ عَلَى الْأَمَةِ ثُمَّ يُقْسِمُ لِلْحُرَّةِ مِثْلِي مَا يُقْسِمُ لِلْأَمَةِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Abdullah Bin Sinan,

From Abu Abdullah^{asws} 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 apportion for the free woman double of what is for the slave girl'.²⁵²

14- ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنِ الْحَسَنِ بْنِ زِيَادٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع يَتَزَوَّجُ الْحُرَّةَ عَلَى الْأَمَةِ وَ لَا يَتَزَوَّجُ الْأَمَةَ عَلَى الْحُرَّةِ وَ لَا النَّصْرَانِيَّةَ وَ لَا الْيَهُودِيَّةَ عَلَى الْمُسْلِمَةِ فَمَنْ فَعَلَ ذَلِكَ فَنِكَاحُهُ بَاطِلٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, from Abdullah Bin Muskan, from Al-Hassan Bin Ziyad who said,

Abu Abdullah^{asws} said: 'He can marry the free woman upon the slave girl but cannot marry the slave girl upon the free woman, nor the Christian nor the Jewess upon the Muslim. The one who does that, his marriage is invalid'.²⁵³

15- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ تَكُونُ لَهُ امْرَأَتَانِ إِحْدَاهُمَا أَحَبُّ إِلَيْهِ مِنَ الْأُخْرَى أَلَهُ أَنْ يُفَضِّلَهَا بِشَيْءٍ

He said, 'And I asked him^{asws} about the man having two wives for him. One of them is more beloved to him than the other. 'Is it for him to prefer her with anything?'

قَالَ نَعَمْ لَهُ أَنْ يَأْتِيَهَا ثَلَاثَ لَيَالٍ وَ الْأُخْرَى لَيْلَةً لِأَنَّ لَهُ أَنْ يَتَزَوَّجَ أَرْبَعًا فَلَيْلَتَيْهِ يَجْعَلُهُمَا حَيْثُ أَحَبَّ

He^{asws} said: 'Yes. For him is to give her three nights and one night to the other, because for him is to marry four. (These are) his nights. He can make these to be wherever he likes to'.

فُلْتُ فَتَكُونُ عِنْدَهُ الْمَرْأَةُ فَيَتَزَوَّجُ جَارِيَةً بَكْرًا

I said, 'The wife happens to be with him, and he marries a virgin slave girl?'

²⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 12

²⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 13

²⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 14

قَالَ فَلْيُفَضِّلْهَا حِينَ يَدْخُلُ بِهَا بِثَلَاثِ لَيَالٍ وَ لِلرَّجُلِ أَنْ يُفَضِّلَ بَعْضَ نِسَائِهِ عَلَى بَعْضٍ مَا لَمْ يَكُنْ أَرْبَعًا.

He^{-asws} said: 'He can deflower her when he consummates with her with three nights, and for the man is to prefer one of his wives upon the other for as long that they don't happen to be four (wives)'.²⁵⁴

16- ين، كتاب حسين بن سعيد و النوادر عثمان بن عيسى عن سماعة بن مهران قال: سألته عن اليهودية و النصرانية أ يتزوجهما على المسلمة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at Bin Mihran who said,

'I asked him^{-asws} about the Jewess and the Christian woman, 'Can he marry them upon the Muslim woman?'

قَالَ لَا وَ يَتَزَوَّجُ الْمُسْلِمَةُ عَلَى الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ.

He^{-asws} said: 'No, and he can marry the Muslim woman upon the Jewess and the Christian woman'.²⁵⁵

17- وَ سألته عن رجلٍ كانت له امرأةٌ فمتزوجٌ عليها هل يحلُّ له تفضيلُها

And I asked him^{-asws} about a man having a wife for him, and he marries (another) upon her, 'Is it lawful for him to prefer her?'

قَالَ تَفْضِيلُ الْمُحَدَّثَةِ جَدَّانَ عُرْسَهَا عَلَى الْآخَرَى بِثَلَاثَةِ أَيَّامٍ إِذَا كَانَتْ بِكَرًا ثُمَّ يُسَوِّي بَيْنَهُمَا وَ لَا يُطِيبُ نَفْسَ إِحْدَاهُمَا لِلْآخَرَى.

He^{-asws} said: 'Giving preference to the newly married wife at the beginning of her marriage over the other wife is three days if she is a virgin, then he should treat them equally, and he should not seek to please one of them at the expense of the other'.²⁵⁶

18- ين، كتاب حسين بن سعيد و النوادر النضر عن محمد بن جميل عن حصين عن محمد بن مسلم قال: قلتُ لأبي جعفر ع رجلٌ تزوج امرأةً و عنده امرأةٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Muhammad Bin Jameel, from Huseen, from Muhammad Bin Muslim who said,

I said to Abu Ja'far^{-asws}, 'A man marries a woman and with him is a wife'.

فَقَالَ إِنْ كَانَتْ بِكَرًا فَلْيَبْتَ عِنْدَهَا سَبْعًا وَ إِنْ كَانَتْ ثِيْبًا فَثَلَاثًا.

He^{-asws} said: 'If she was a virgin, let him spend seven (nights) with her, and if she was non-virgin, then three'.²⁵⁷

²⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 15

²⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 16

²⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 17

²⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 18

19- ين، كتاب حسين بن سعيد و النوادر القاسم عن أبان عن عبد الرحمن عن أبي عبد الله ع قال: سألته هل للرجل أن يتزوج النصرانية على المسلمة و الأمة على الحرّة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Aban, from Abdul Rahman,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws}, 'Is it for the man to marry the Christian woman upon the Muslim woman, and the slave girl upon the free woman?'

قال لا يتزوج واحدة منهما على المسلمة و النصرانية و للمسلمة الثلثان و للأمة و النصرانية الثلث.

He^{-asws} said: 'He cannot marry any of them upon the Muslim woman, and he can marry the Muslim upon the slave girl, and the Christian woman, and for the Muslim woman would be two-thirds, while for the slave girl and the Christian woman would be the third'.²⁵⁸

20- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع أنه سئل عن رجل تكون عنده امرأتان إحداهما أحب إليه من الأخرى أله أن يفضل إحداهما

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeir, from Hammad, from Al Halby,

From Abu Abdullah^{-asws}, he^{-asws} was asked about a man having two wives with him. One of them is more beloved to him than the other, 'Is it for him to give preference to one of them?'

قال نعم له أن يأتي هذه ثلاث ليال و هذه ليلة و ذلك أن له أن يتزوج أربع نسوة فلكل امرأة ليلة و لذلك كان له أن يفضل إحداهن على الأخرى ما لم يكن أربعاً

He^{-asws} said: 'Yes. For him is to come to this one for three nights and this (other) one, for a night, and that is because for him is to marry four wives. So, for each wife is a night, and for that, it would be for him to prefer one of them upon the other for as long as they don't happen to be four'.

قال إذا تزوج الرجل البكر و عنده امرأة ثيب فله أن يفضل البكر بثلاثة أيام.

He^{-asws} said: 'If the man marries the virgin while there is a non-virgin wife with him, for him is to prefer the virgin with three days'.²⁵⁹

باب 96 النشوز و الشقاق و ذم المرأة الناشرة

CHAPTER 96 – THE DESERTION AND THE BREACH, AND CONDEMNATION OF THE DESERTING WOMAN

الآيات النساء و اللاتي تخافون نفورهن فعضوهن و اهجروهن في المضاجع و اضربوهن فإن أطعنكم فلا تبغوا عليهن سبيلاً إن الله كان علياً كبيراً.

²⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 19

²⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 95 H 20

The Verse – (Surah) Al Nisaa: ***And for those whom you are fearing desertion, advise them and forsake them in the beds and strike them. So if they obey you, then do not see a way against them; Allah was always Exalted, Great [4:34].***

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

And if you fear a breach between the two, then appoint a judge from his family and a judge from her family; if they both desire reconciliation, Allah will Harmonise between them; Allah was always most-Knowing, Aware [4:35].

وَقَالَ تَعَالَى إِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا.

And the Exalted Said: ***And if a woman fears cruelty or desertion on the part of her husband, there is no blame on them if they effect a reconciliation between them; and reconciliation is better; and avarice has been made to be present in the (people's) minds; and if you do good and fear, then Allah would always be Aware of what you are doing [4:128].***

Tafseer Al-Qummi – (mostly opinion)

1 فس، تفسیر القمی و اللّٰہی تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَ اهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَ اضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا وَ ذلك إذا نشرت المرأة عن فراش زوجها قال زوجها اتقي الله و ارجعي إلى فراشك

And for those whom you are fearing desertion, advise them and forsake them in the beds and strike them. So, if they obey you, then do not see a way against them [4:34] – and that is when a woman from Qureysh deserted from the bed of her husband. Her husband said, 'Fear Allah^{-azwj} and return to your bed!'

فهذه الموعظة فإن أطاعته فسيبيل ذلك و إلا سبها و هو الهجر فإن رجعت إلى فراشها فذلك و إلا ضربها ضربا غير مبرح فإن أطاعته فضايعته يقول الله- فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا يقول لا تكلفوهن الحب

So, this is the preaching. If she obeys him, then that is the proper course, but if not, he should rebuke her, which is separation. If she returns to his bed, then so be it, but if not, he may strike her with a non-severe strike. If she then obeys him, he may share her bed. Allah^{-azwj} Says: ***So if they obey you, then do not see a way against them [4:34].*** He^{-azwj} is Saying, do not encumber them the love.

فإنما جعل الموعظة و السب و الضرب لمن في المضجع- إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا- وَ إِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا فما حكم به الحكماء فهو جائز يقول الله إِنَّ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا يعني الحكماء

But rather, the preaching, and the insult, and the striking them is made to be regarding the sleeping place - ***Allah was always most-Knowing, Aware [4:35] And if you fear a breach between the two, then appoint a judge from his family and a judge from her family; [4:35].*** So, whatever the two judged judge with, it is allowed. ***if they both desire reconciliation, Allah will Harmonise between them [4:35],*** meaning the two judges.

فإذا كان الحكماء عدلين دخل حكم المرأة على المرأة فيقول أخبريني ما في نفسك فأني لا أحب أن أقطع شيئا دونك فإن كانت هي الناشرة قالت أعطه من مالي ما شاء و فرق بيني وبينه و إن لم تكن ناشرة قالت أنشدك الله أن لا تفرق بيني وبينه و لكن استزد لي في نفقتي فإنه إلي مسيء

So, if the two arbiters are just, the arbiter for the woman goes to her and says, 'Tell me what is in your heart, for I do not wish to decide anything without you. If she is the one deserting, she says, 'Give him from my wealth whatever he wishes and separate me from him. But if she is not rebellious, she says, 'I implore you by Allah^{-azwj} not to separate me from him, but increase my maintenance, for he mistreats me!'

و يخلو حكم الرجل بالرجل فيقول أخبريني بما في نفسك فأني لا أحب أن أقطع شيئا دونك فإن كان هو الناشر قال خذ لي منها ما استطعت و فرق بيني و بينها فلا حاجة لي فيها و إن لم يكن ناشرا قال أنشدك الله أن لا تفرق بيني و بينها فإنها أحب الناس إلي فأرضها من مالي بما شئت

Then the arbiter for the man meets privately with him and says, 'Tell me what is in your heart, for I do not wish to decide anything without you. If he is the one deserting, he says, 'Take from me whatever you can and separate me from her, for I have no desire for her!' But if he is not deserting, he says, 'I implore you by God not to separate me from her, for she is the most beloved of people to me. Appease her from my wealth however you wish'.

ثم يلتقي الحكماء و قد علم كل واحد منهما ما أوصى به إليه صاحبه فأخذ كل واحد منهما على صاحبه عهد الله و ميثاقه لتصدقني و لأصدقك و ذلك حين يريد الله أن يوفق بينهما فإذا فعلا و حدث كل واحد منهما صاحبه بما أفضى إليه عرفا من الناشرة

Then the two arbiters meet, each knowing what the other's charge has requested. Each makes the other swear by the Covenant of Allah^{-azwj} and pledge to be truthful. This is when Allah^{-azwj} Desires to reconcile them. If they do so, and each shares with the other what was confided, they will know which of the two is deserting.

فإن كانت المرأة هي الناشرة قال أنت عدوة الله الناشرة العاصية لزوجك ليس لك عليه نفقة و لا كرامة لك و هو أحق أن يبغضك أبدا حتى ترجعين إلى أمر الله

If the woman is deserting, they say to her, 'You are the enemy of Allah^{-azwj}, rebellious and disobedient to your husband. You have no right to his support or honour, and he has the right to resent you forever until you return to the Command of Allah^{-azwj}!'

و إن كان الرجل هو الناشر قال له يا عدو الله أنت العاصي لأمر الله المبغض لامرأته فعليك نفقتها و لا تدخل لها بيتا و لا ترى لها وجهها أبدا حتى ترجع إلى أمر الله عز و جل و كتابه

But if the man is rebellious, they say to him, 'You are the enemy of Allah^{-azwj}, disobedient to His^{-azwj} Command and hateful toward your wife. You must provide her maintenance, but you may not enter her home or see her face again until you return to the command of Allah^{-azwj} Mighty and Majestic and His Book'. (opinion)

قَالَ وَ أَتَى عَلِيَّ بْنُ أَبِي طَالِبٍ صَلَوَاتُ اللَّهِ عَلَيْهِ رَجُلٌ وَ امْرَأَةٌ عَلَى هَذِهِ الْحَالِ فَبَعَثَ حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا وَ قَالَ لِلْحَكَمَيْنِ هَلْ تَذَرِيَانِ مَا تَحْكُمَانِ احْكُمَا إِنِ شِئْتُمَا فَرَّقْتُمَا وَ إِنِ شِئْتُمَا جَمَعْتُمَا

And a man and a woman were brought to Ali^{-asws} Bin Abu Talib^{-asws}, being upon this state. He^{-asws} sent for **a judge from his family and a judge from her family [4:35]**, and said to the two judges: 'Do you two know what you have decided? If you like you can decide to separate them, and if you like, to unite them!'

فَقَالَ الرَّوْجُ لَا أَزْضَى بِحُكْمٍ فُرْقَةٍ وَلَا أَطْلُقُهَا فَأَوْجِبْ عَلَيْهِ نَفَقَتَهَا وَمَنْعُهُ أَنْ يَدْخُلَ عَلَيْهَا

The husband said, 'I don't agree with deciding a separation nor of divorcing her!' He^{-asws} obliged upon him to provide her maintenance but forbade him from entering upon her. (This part is Hadeeth)

وَإِنْ مَاتَ عَلَى ذَلِكَ الْحَالِ الرَّوْجُ وَرَثَتُهُ وَإِنْ مَاتَتْ لَمْ يَرِثْهَا إِذَا رَضِيَتْ مِنْهُ بِحُكْمِ الْحَكَمَيْنِ وَكَرِهَ الرَّوْجُ فَإِنْ رَضِيَ الرَّوْجُ وَكَرِهَتِ الْمَرْأَةُ أُنْزِلَتْ هَذِهِ الْمَنْزِلَةُ إِنْ كَرِهَتْ وَلَمْ يَكُنْ عَلَيْهَا نَفَقَةٌ وَإِنْ مَاتَ لَمْ تَرِثْهُ وَإِنْ مَاتَتْ وَرَثَتُهَا حَتَّى تَرْجِعَ إِلَى حُكْمِ الْحَكَمَيْنِ.

If he dies in that state, she inherits from him, but if she dies, he does not inherit from her, this is when she has accepted the ruling of the two arbiters while the husband has refused. If the husband accepts but the woman refuses, she is placed in the same position if she refuses, she is not entitled to maintenance, and if he dies, she does not inherit from him, but if she dies, he inherits from her, until she returns to the ruling of the two arbiters'.²⁶⁰

2 فس، تفسير التمي و إن امرأة خافت من بعلها نشوزاً أو إغراضاً فلا جناح عليهما أن يَصْلِحا بَيْنَهُمَا صلحاً و الصلح خير قال إن خافت المرأة من زوجها أن يطلقها أو يعرض عنها فتقول له قد تركت لك ما عليك و لا أسألك نفقة فلا تطلقني و لا تعرض عني فإني أكره شماتة الأعداء فلا جناح عليه أن يقبل ذلك و لا يجري عليها شيئا-

Tafseer Al Qummi - (opinion)

And if a woman fears cruelty or desertion on the part of her husband, there is no blame on them if they effect a reconciliation between them; and reconciliation is better [4:128]. He said, 'If the woman fears from her husband that he might divorce her or turn away from her, she says to him, 'I leave for you what is upon you, and I will not ask you for expenses, so do not divorce me nor turn away from me, for I dislike gloating by the enemies'. So there is no blame upon him if he were to accept that, nor would anything flow upon her (maintenance).

و هذه الآية نزلت في ابنة محمد بن مسلمة كانت امرأة رافع بن خديج و كانت امرأة قد دخلت في السن فتزوج عليها امرأة شابة كانت أعجب إليه من ابنة محمد بن مسلمة فقالت له ابنة محمد بن مسلمة أ لا أراك معرضاً عني مؤثراً علي فقال رافع هي امرأة شابة و هي أعجب إلي و إن شئت أفررت على أن لها يومين أو ثلاثة مني و لك يوم واحد

And this Verse was Revealed about the daughter of Muhammad Bin Maslama, who was the wife of Rafi'e Bin Khadij. She was an older woman, and he married a younger woman who was more pleasing to him than the daughter of Muhammad Bin Maslama. So she said to him, 'Do I not see you turning away from me and favouring her over me?' Rafi'e replied, 'She is a

²⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 1

young woman and she is more pleasing to me. If you wish, I will agree that she will have two or three of my days, and you will have one day.

فأبت ابنة محمد بن مسلمة أن ترضاها فطلقها تطليقة واحدة ثم طلقها أخرى فقالت لا والله لا أرضى أو تسوي بيني وبينها يقول الله وَأُخْضِرَتِ
الْأَنْفُسُ الشُّحَّ

The daughter of Muhammad Bin Maslama refused to accept this and he divorced her once, then divorced her a second time. She said, 'No, by Allah^{-azwj}! I will not accept unless you treat me and her equally!' Allah^{-azwj} Said: **and avarice has been made to be present in the (people's) minds [4:128].**

و ابنة محمد لم تطب نفسها بنصيبها و شحت عليه فعرض عليها رافع إما أن ترضى و إما أن يطلقها الثالثة فشحت على زوجها و رضيت فصالحته على
ما ذكرت فقال الله فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ

And the daughter of Muhammad was not content with her share and was stingy regarding it, so Rafi'e offered her either to accept or he would divorce her a third time. She was possessive toward her husband and agreed, so she reconciled with him on the terms mentioned. Allah^{-azwj} Said: **there is no blame on them if they effect a reconciliation between them; and reconciliation is better [4:128].**

فلما رضيت و استقرت لم يستطع أن يعدل بينهما فنزلت وَ لَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَ لَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ فَتَدْرُوا كَالْمُغَلَقَةِ أَنْ
تَأْتِي واحدة و تذر الأخرى لا أما و لا ذات بعل و هذه السنة فيما كان كذلك

When she had agreed and stayed, he was not able to do justice between the two, so it was Revealed: **And you will never be able to do justice between the wives and even if you desire to, but do not be disinclined (from one) with total disinclination so you leave her like the divorced woman [4:129],** if you come to one and neglect the other, neither as a single woman nor as one with a husband, and this is the Sunnah regarding what had happened like that.

إذا أقرت المرأة و رضيت على ما صالحها عليه زوجها فلا جناح على الزوج و لا على المرأة و إن هي أبت طلقها أو يسوي بينهما لا يسعه إلا ذلك.

When the woman accepts and agrees upon what her husband had reconciled upon, there is neither any blame upon the husband nor upon the wife, and if she refuses, he either divorces her or equalises between the two, there is no leeway except that.'

و قال علي بن إبراهيم في قوله- وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ قال أحضرت الشح فمنها ما اختارته و منها ما لم تختره.

And Ali Bin Ibrahim said regarding His^{-azwj} Words: **and avarice has been made to be present in the (people's) minds [4:128].** He said, 'The avarice is presence. From it is what she chooses, and from it is what she does not choose'.²⁶¹

²⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 2

3- ل، الخصال أبي عن أحمد بن إدريس و محمد العطار معاً عن الأشعري عن البرقي رفعه إلى أبي عبد الله ع قال قال رسول الله ص ثمانية لا يقبل الله لهم صلاة العبد الأبق حتى يرجع إلى مولاه و الناشئة عن زوجها و هو عليها ساحت و مانع الزكاة و تارك الوضوء و الجارية المذكرة تصلّي بغير حمار و إمام قوم يصلّي بهم و هم له كارهون و الزين

(The book) 'Al Khisaal' – My father, from Ahmad Bin Idrees and Muhammad Al Attar, from Al Ash'ary, from Al Barqy raising it to,

Abu Abdullah^{-asws} said: 'Rasool-Allah^{-saww} said: 'Eight, Allah^{-azwj} does not Accept a Salat of their – the absconding slave until he returns to his master; and the deserter from her husband and he is angry upon her; and preventer of the Zakat; and the neglecter of Wuzu; and the adult slave girl praying Salat without a scarf; and a prayer leader of a people praying with them while they dislike him; and the 'Zaneen'.

قالوا يا رسول الله ص و ما الزين

They said, 'O Rasool-Allah^{-saww}, and what is the 'Zaneen'?

قال الذي يدافع الغائط و البول و السكران فهؤلاء ثمانية لا تقبل منهم صلاة.

He^{-saww} said: 'The one who holds out from defecating and the urination, and the intoxicated. So, these are the eight, Salat is not Accepted from them'.²⁶²

4 مع، معاني الأخبار ابن المتوكل عن محمد العطار و أحمد بن إدريس مثله.

(The book) 'Ma'any Al Akhbar' – Ibn Al Mutawakkil, from Muhammad Al Attar, and Ahmad Bin Idrees, similar to it.²⁶³

5- ما، الأماالي للشيخ الطوسي المفيّد عن الجعافي عن ابن عثمة عن محمد بن عبد الله بن الغالب عن الحسين بن رباح عن ابن عميرة عن محمد بن منوان عن ابن أبي يعفور عن الصادق ع قال: ثلاثة لا يقبل الله لهم صلاة عبد أبق من مواليه حتى يرجع إليهم فيضع يده في أيديهم و رجل أم قوماً و هم له كارهون و امرأة باتت و زوجها عليها ساحت.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed, from Al Jiany, from Ibn Uqdah, from Muhammad Bin Abdullah Bin Al Ghalib, from Al Husayn Bin Rabah, from Ibn Ameyra, from Muhammad Bin Marwan, from Ibn Abu Yafour,

From Al-Sadiq^{-asws} having said: 'Three, Allah^{-azwj} does not Accept Salat of theirs – a slave absconding from his masters until he returns to them and places his hand in their hands; and a man leading a people (in Salat) while they dislike him; and a woman spending a night while her husband is angry upon her'.²⁶⁴

²⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 3

²⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 4

²⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 5

6- فس، تفسیر القمي لا تُضَارَّ وَالِدَةُ بِوَلَدِهَا وَ لَا مَوْلُودٌ لَهُ بِوَلَدِهِ فَإِنَّهُ حَدَّثَنِي أَبِي عَنْ مُحَمَّدِ بْنِ الْفَضْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يَنْبَغِي لِلرَّجُلِ أَنْ يَمْتَنِعَ مِنْ جِمَاعِ الْمَرْأَةِ فَيُضَارَّ بِهَا إِذَا كَانَ لَهَا وَلَدٌ مُرْضَعٌ وَ يَقُولُ لَهَا لَا أَقْرُبُكَ فَإِنِّي أَخَافُ عَلَيْكَ الْحَبْلَ فَتَغِيلَ وَلَدِي

Tafseer Al Qummi - **neither the mother is to be harmed by her child, nor a father by his child [2:233]**. It is narrated to me by my father, from Muhammad Bin Al Fuzeyl, from Abu Al Sabbah Al Kinany, from Abu Abdullah^{asws} having said: 'It is not befitting for the man that he refuses from having marital relations with the wife so he would be harming her. If there was a child for her being breast-fed, and he says to her, 'I will not come near you for I fear upon you (another) pregnancy so my child would be harmed'.

وَ كَذَلِكَ الْمَرْأَةُ لَا يَحِلُّ لَهَا أَنْ تَمْتَنِعَ عَلَى الرَّجُلِ فَتَقُولَ أَنَا أَخَافُ أَنْ أُحْبَلَ فَأَغِيلَ وَلَدِي فَهَذِهِ الْمَضَارَّةُ فِي الْجِمَاعِ عَلَى الرَّجُلِ وَ الْمَرْأَةِ.

And like that is the woman. It is not lawful for her to refuse upon the man, so she says, 'I fear that I might become pregnant so my child would be harmed'. So, these are the harms in the marital relations upon the man and the woman'.²⁶⁵

7- ضا، فقه الرضا عليه السلام وَ أَمَّا النُّشُورُ فَقَدْ يَكُونُ مِنَ الرَّجُلِ وَ يَكُونُ مِنَ الْمَرْأَةِ فَأَمَّا الَّذِي مِنَ الرَّجُلِ فَهُوَ يُرِيدُ طَلَاقَهَا فَتَقُولُ لَهُ أَمْسِكْنِي وَ لَكَ مَا عَلَيْكَ وَ قَدْ وَهَبْتُ لَيْلَتِي لَكَ وَ يَصْطَلِحَانِ عَلَى هَذَا

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – And as for the desertion, it can be from the man and it can be from the woman. As for that which is from the man, it is his intending to divorce her so she says to him, 'Keep me and for you is what is upon you, and I hereby gift my night to you', and they both reconcile upon this.

فَإِذَا نَشَرَّتِ الْمَرْأَةُ كُنُشُورَ الرَّجُلِ فَهُوَ الْحُلْعُ إِذَا كَانَ مِنَ الْمَرْأَةِ وَحَدَّثَنَا فَهُوَ أَنَّ لَا تُطِيعُهُ وَ هُوَ مَا قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى - وَ اللَّائِي تَخَافُونَ نُشُورَهُنَّ فَعْظُمُوهُنَّ وَ اهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَ اضْرِبُوهُنَّ فَالْهَجْرُ أَنْ يَحُولَ إِلَيْهَا ظَهْرُهُ فِي الْمَضْجَعِ وَ الضَّرْبُ بِالسِّوَاكِ وَ شِبْهِهِ ضَرْباً رَفِيقاً

When the woman deserts like desertion by the man, it is the mutual separation (Khul'a). When it happens from the woman alone, it is that she does not obey him, and it is what Allah^{azwj} Blessed and Exalted Says: **And for those whom you are fearing desertion, advise them and forsake them in the beds and strike them [4:34]**. The forsaking is that he turns his back towards her in the sleeping place, and the striking is with the tooth-stick and its like, a gentle strike.

وَ أَمَّا الْبَيْتَاقُ فَيَكُونُ مِنَ الزَّوْجِ وَ الْمَرْأَةِ جَمِيعاً كَمَا قَالَ اللَّهُ وَ إِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا وَ يَخْتَارُ الرَّجُلُ رَجُلًا وَ الْمَرْأَةُ تَخْتَارُ رَجُلًا فَيَجْتَمِعَانِ عَلَى فُرْقَةٍ أَوْ عَلَى صُلْحٍ

And as for the breach, it can be from the husband and the wife together, just as Allah^{azwj} Said: **and if you fear a breach between the two, then appoint a judge from his family and a judge from her family [4:35]**, and the man chooses a man and the woman chooses a man. They form a consensus upon separation, or upon reconciliation.

²⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 6

فَإِنْ أَرَادَا إِصْلَاحًا فَمِنْ غَيْرٍ أَنْ يَسْتَأْمِرَا وَ إِنْ أَرَادَا التَّفْرِيقَ بَيْنَهُمَا فَلَيْسَ لَهُمَا إِلَّا بَعْدَ أَنْ يَسْتَأْمِرَا الرَّوْحَ وَ الْمَرْأَةَ.

If they (judges) want to reconcile, they can do so without being instructed to (by the husband and the wife), and if they want the separation between them, it isn't for them except after they are instructed so by the husband and the wife'.²⁶⁶

8- شي، تفسير العياشي إبراهيم بن ميمون عن أبي عبد الله ع قال: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - وَ لَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضٍ مَا آتَيْنَهُنَّ قَالَ الرَّجُلُ تَكُونُ لَهُ الْمَرْأَةُ فَيَضْرِبُهَا حَتَّى تَفْتَدِيَ مِنْهُ فَتَهَى اللَّهُ عَنْ ذَلِكَ.

Tafseer Al Ayyashi – Ibrahim Bin Maymoun,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **and do not straiten them in order to go away with part of what you gave them [4:19]**. He^{-asws} said: 'The man has the wife for him, so he beats her until she ransoms herself from him. So, Allah^{-azwj} Prohibited from that'.²⁶⁷

9- شي، تفسير العياشي عن زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِذَا نَشَرَّتِ الْمَرْأَةُ عَلَى الرَّجُلِ فِيهِ الْخُلْعَةُ فَيَأْخُذُ مِنْهَا مَا قَدَرَ عَلَيْهِ وَ إِذَا نَشَرَ الرَّجُلُ مَعَ نُشُورِ الْمَرْأَةِ فَهُوَ الْبَيْقَاقُ.

Tafseer Al Ayyashi – From Zurara,

From Abu Ja'far^{-asws} having said: 'When the wife does desertion upon the man, it is the mutual separation (Al-Khul'a), so he takes from her whatever he is able upon; and when the man does desertion along with desertion by the wife, it is the breach'.²⁶⁸

10- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ تَعَالَى - فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا قَالَ لِلْمُصْلِحِينَ أَنْ يُفَرِّقَا حَتَّى يَسْتَأْمِرَا.

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj} the Exalted: **then appoint a judge from his family and a judge from her family [4:35]**. He^{-asws} said: 'For the reconcilers (two judges) is they only effect separation after seeking instructions (of both husband and the wife)'.²⁶⁹

11- شي، تفسير العياشي عن زَيْدِ الشَّحَامِ عَنْ أَبِي عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ - فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا قَالَ لَيْسَ لِلْحَكَمَيْنِ أَنْ يُفَرِّقَا حَتَّى يَسْتَأْمِرَا الرَّجُلَ وَ الْمَرْأَةَ.

Tafseer Al Ayyashi – From Zayd Al Shaham,

²⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 7

²⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 8

²⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 9

²⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 10

From Abu Abdullah^{-asws} about Words of Allah^{-azwj}: **then appoint a judge from his family and a judge from her family [4:35]**. He^{-asws} said: 'For the two judges is to effect separation until they seek instruction of the man and the woman'.²⁷⁰

12- وَ فِي خَيْرٍ آخَرَ عَنِ الْحُلِيِّ عَنْهُ ع وَ يَشْتَرِطُ عَلَيْهِمَا إِنْ شَاءَا أَجْمَعَا وَ إِنْ شَاءَا فَرَقَا فَإِنْ جَمَعَا فَجَائِزٌ وَ إِنْ فَرَقَا فَجَائِزٌ.

And in another Hadeeth from Al Halby,

From him^{-asws}: 'And there can be stipulations upon them both (judges), if they like they can unite, and if they like, they separate, so if they unite it is allowed, and if they separate it is allowed'.²⁷¹

13- وَ فِي رَوَايَةٍ فَضَالَةٍ فَإِنْ رَضِيَا وَ قَلَدَاهُمَا الْفُرْقَةَ فَفَرَقَا فَهُوَ جَائِزٌ.

And in a report of Fazala – 'If they both (spouses) agree and the separation is yoked on them (by the judges), so they separate, it is allowed'.²⁷²

Tafseer Al Ayyashi – From Muhammad Bin Sireen, from Ubeyda who said,

'A man and a woman came to Ali^{-asws} Bin Abu Talib^{-asws}. With each one of them was a horde of people. Ali^{-asws} said: **then appoint a judge from his family and a judge from her family [4:35]**'.

14- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ عُبَيْدَةَ قَالَ: أَتَى عَلِيَّ بْنَ أَبِي طَالِبٍ ع رَجُلٌ وَ امْرَأَةٌ مَعَ كُلِّ وَاحِدٍ مِنْهُمَا فِقَامٌ مِنَ النَّاسِ فَقَالَ عَلِيٌّ ع فَاذْبَعُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا ثُمَّ قَالَ لِلْحَكَمَيْنِ هَلْ تَذَرِيَانِ مَا عَلَيْنُكُمَا إِنْ رَأَيْتُمَا أَنْ يَجْمَعَا جَمْعَتُمَا وَ إِنْ رَأَيْتُمَا أَنْ تُفَرَّقَا فَفَرَّقَتُمَا

Then he^{-asws} said to the two judges: 'Do you know what is upon you both? If you view to unite, they will unit, and if you view separation, they will be separated!'

فَقَالَتِ الْمَرْأَةُ رَضِيْتُ بِكِتَابِ اللَّهِ عَلَيَّ وَ لِي

The woman said, 'I am pleased with the Book of Allah^{-azwj}, against me and for me!'

فَقَالَ الرَّجُلُ أَنَا فِي الْفُرْقَةِ فَلَا

The man said, 'As for regarding the separation, no!'

فَقَالَ عَلِيٌّ مَا تَبَرَّحَ حَتَّى تُقَرَّرَ بِمَا أَقَرَّتَ بِهِ.

Ali^{-asws} said: 'You will not depart until you accept what she has accepted with!'²⁷³

²⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 11

²⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 12

²⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 13

²⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 14

15- سر، السرائر ابن محبوب عن أبي أيوب عن سماعة قال: سألت أبا عبد الله ع عن قول الله عز وجل - فابعدوا حكمًا من أهلِهِ وَ حَكَمًا مِنْ أَهْلِهَا أَرَأَيْتَ إِنْ اسْتَأْذَنَ الْحَكَمَانِ فَقَالَ لِلرَّجُلِ وَ الْمَرْأَةِ أَلَيْسَ قَدْ جَعَلْتُمَا أَمْرَكُمَا إِلَيْنَا فِي الْإِصْلَاحِ وَ التَّفْرِيقِ فَقَالَ الرَّجُلُ وَ الْمَرْأَةُ لَهْمَا نَعَمْ وَ أَشْهَدَا بِذَلِكَ شُهُودًا عَلَيْهِمَا أَوْ يَجُوزُ تَفْرِيقُهُمَا عَلَيْهِمَا

(The book) 'Al Saraair' of Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **then appoint a judge from his family and a judge from her family [4:35]**, 'What is your^{-asws} view if the two judges seek permission, so they say to the man and the woman, 'Haven't you made your matter to us regarding the reconciliation and the separation?' The man and the woman say to them, 'Yes', and witnesses witness that upon them. Is their separation upon them (judges)?'

قَالَ نَعَمْ وَ لَكِنْ لَا يَكُونُ ذَلِكَ مِنْهُمَا إِلَّا عَلَى طَهْرٍ مِنَ الْمَرْأَةِ بِغَيْرِ جَمَاعٍ مِنَ الرَّجُلِ

He^{-asws} said: 'Yes, but that cannot be from them except upon purity from the woman without marital relationship from the man'.

قِيلَ لَهُ أَرَأَيْتَ إِنْ قَالَ أَحَدُ الْحَكَمَيْنِ قَدْ فَرَّقْتُ بَيْنَهُمَا وَ قَالَ الْآخَرُ لَمْ أَفْرِقْ بَيْنَهُمَا

It was said to him^{-asws}, 'So what is your^{-asws} view if one of the two judges says, 'I have separated between the two', and the other says, 'I do not separate between them'?'

قَالَ فَقَالَ لَا- لَا يَكُونُ لَهْمَا تَفْرِيقٌ حَتَّى يَجْتَمِعَا عَلَى التَّفْرِيقِ فَإِذَا اجْتَمَعَا عَلَى التَّفْرِيقِ جَازَ تَفْرِيقُهُمَا عَلَى الرَّجُلِ وَ الْمَرْأَةِ.

He (the narrator) said, 'He^{-asws} said: 'No! The separation cannot be for them until they have consensus upon the separation. When they have consensus upon the separation, their separation would be valid, upon the man and the woman''²⁷⁴.

باب 97 العزل و حكم الأنساب و أن الولد للفراش

CHAPTER 97 – THE (PREMATURE) WITHDRAWAL, AND RULING OF THE LINEAGES, AND THAT THE CHILD BELONGS TO THE BED

1- ب، قرب الإسناد أبو البختري عن الصادق ع أبيه ع قال: جاء رجل إلى النبي ص فقال كُنْتُ أَغْرِلُ عَنْ جَارِيَةٍ لِي فَجَاءَتْ بِوَلَدٍ

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'A man came to the Prophet^{-saww}. He said, 'I used to prematurely withdraw from a slave girl of mine, and she came with a child!'

فَقَالَ ع إِنَّ الْوَكَاءَ قَدْ يَنْفِلُ فَأَلْحَقَ بِهِ الْوَلَدَ.

²⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 96 H 15

He^{-saww} said: 'The tying string may have loosened (the precaution), so join the child with him'.²⁷⁵

2- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن رجل طلق امرأته قبل أن يدخل بها فادعت أنها حامل ما حالها

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man who divorces his wife before he consummated with her. She claimed that she was pregnant. 'What is her state?'

قال إذا أقامت البينة على أنه أرخى سترًا ثم أنكر الولد لأعنتها ثم بانث منه و عليه المهر كاملاً.

He^{-asws} said: 'When the proof is established upon that a curtain was drawn, then he denies the child, she would be cursed, then become irrevocably divorced from him, and upon him would be complete dowry'.²⁷⁶

3- ن، عيون أخبار الرضا عليه السلام ل، الخصال أبي عن سعد عن محمد بن عيسى عن القاسم بن يحيى عن جده عن يعقوب الجعفرى قال سمعت أبا الحسن ع يقول لا بأس بالعزل في سنة وجوب المرأة التي أتقنت أنها لا تلد و المسنة و المرأة السليطة و البذية و المرأة التي لا ترضع ولدها و الأمة.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, (and) 'Al Khisaal' – My father, from Sa'ad, from Muhammad Bin Isa, from Al Qasim Bin Yahya, from his grandfather, from Yaqoub Al Ja'fari who said,

'I heard Abu Al-Hassan^{-asws} saying: 'There is no problem with the premature withdrawal in six aspects – the woman who is certain she cannot give birth, and the aged, and sharp-tongued woman, and the obscene, and the woman who cannot breast-feed her child, and the slave girl'.²⁷⁷

4- ب، قرب الإسناد أبو البخاري عن جعفر عن أبيه ع أنه رفع إلى علي ع أمر امرأة ولدت جارية و غلاماً في بطن و كان زوجها غائباً فأراد أن يور يواحد و ينفي الآخر فقال ليس ذلك له إما أن يور يهما جميعاً أو ينكرهما جميعاً.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtary,

From Ja'far^{-asws}, from his^{-asws} father^{-asws}: '(The case) was raised to Ali^{-asws} of a man and a woman who had given birth to a girl and a boy in one belly (twins), while her husband was absent. He wanted to accept one and negate the other. He^{-asws} said: 'That isn't for him! Either he accepts them both together or he denies them both together'.²⁷⁸

5- مع، معاني الأخبار أبي عن سعد عن محمد بن الحسين عن صفوان بن يحيى عن عبد الرحمن بن الحجاج عن أبي عبد الله ع قال: سألته عن الحميل

²⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 1

²⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 2

²⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 3

²⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 4

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Muhammad Bin Al Husayn, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjab,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the 'Hameel'. He^{-asws} said: 'And which thing is the 'Hameel'?'

فَقَالَ وَ أَيُّ شَيْءٍ الْحَمِيلُ فَقُلْتُ الْمَرْأَةُ تُسَيِّ مِنْ أَرْضِهَا مَعَ الْوَلَدِ الصَّغِيرِ فَتَقُولُ هُوَ ابْنِي وَ الرَّجُلُ يُسَيِّ فَيَقُولُ أَخَاهُ فَيَقُولُ هُوَ أَخِي لَيْسَ هُمَا بَيِّنَةٌ إِلَّا قَوْلُهُمَا

I said, 'The woman who is captured from her land with a young child, so she says, 'He is my son!', and the man captured, so he meets his brother and say, 'He is my brother!' There isn't any proof for them except their own word'.

قَالَ فَمَا يُقُولُ فِيهِ النَّاسُ عِنْدَكُمْ

He^{-asws} said: 'So what are the people with you saying regarding it?'

قُلْتُ لَا يُورِثُونَهُمْ إِذَا لَمْ يَكُنْ لهُمَا عَلَى وَلَادَتِهِمَا بَيِّنَةٌ إِنَّمَا كَانَتْ وَلَادَةٌ فِي الشِّرْكَ

I said, 'They cannot be inheriting from each other when there is no proof for them upon their birth. But rather, the birth happened in the Polytheism'.

فَقَالَ سُبْحَانَ اللَّهِ إِذَا جَاءَتْ بِأَبِيهَا أَوْ ابْنَتِهَا لَمْ تَزَلْ مُقَرَّرَةً بِهِ وَ إِذَا عَرَفَ أَخَاهُ كَانَ ذَلِكَ فِي صِحَّةٍ مِنْهُمَا لَمْ يَزَالُوا مُقَرَّرِينَ بِذَلِكَ وَرَثَ بَعْضُهُمْ بَعْضًا.

He^{-asws} said: 'Glory be to Allah^{-azwj}! If she comes with her father or her daughter, you will not cease to acknowledge with it, and when he has recognised his brother, that would be in correctness from them. They will not cease to be acknowledged with that. They will inherit each other'.²⁷⁹

6- ب، قرب الإسناد أَبُو الْبَحْثَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: إِنَّ رَجُلًا أَتَى عَلِيَّ بْنَ أَبِي طَالِبٍ ع فَقَالَ إِنَّ امْرَأَتِي هَذِهِ جَارِيَةٌ حَدِيثَةٌ وَ هِيَ عَذْرَاءٌ وَ هِيَ حَامِلٌ فِي تِسْعَةِ أَشْهُرٍ وَ لَا أَعْلَمُ إِلَّا خَيْرًا وَ أَنَا شَيْخٌ كَبِيرٌ مَا اقْتَرَعْتُهَا وَ إِنَّمَا لَعَلِّي خَالَجًا

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'A man came to Ali^{-asws}. He said, 'My wife is this young girl, and she is a virgin, and she is pregnant in nine months, and I don't know except good, and I am an old man. I have not deflowered her, and she is upon her state'.

Ali^{-asws} said to him: 'We adjure you with Allah^{-azwj}! Have you ever spilled (your fluid) upon her private part?'

فَقَالَ لَهُ عَلِيٌّ ع نَشَدْتُكَ اللَّهُ هَلْ كُنْتَ تُهْرِيقُ عَلَى فَرْجِهَا وَ قَالَ عَلِيٌّ إِنَّ لِكُلِّ فَرْجٍ ثَقْبَيْنِ ثَقْبٌ فِيهِ يَدْخُلُ مَاءُ الرَّجُلِ وَ ثَقْبٌ يَخْرُجُ مِنْهُ الْبَوْلُ وَ أَفْوَاهُ الرَّحِمِ تَحْتَ الثَّقْبِ الَّذِي مِنْهُ مَاءُ الرَّجُلِ

²⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 5

And Ali^{asws} said: 'For every female private part there are two openings – an opening the water of a man enters into, and an opening the urine comes out from, and there are mouths of the womb beneath the opening from which is fluid of the man.

فَإِذَا دَخَلَ الْمَاءُ فِي فَمٍ وَاحِدَةٍ مِنْ أَفْوَاهِ الرَّجَمِ حَمَلَتْ الْمَرْأَةُ بِوَلَدٍ وَاحِدٍ وَ إِذَا دَخَلَ فِي اثْنَيْنِ حَمَلَتْ بِاثْنَيْنِ وَ إِذَا دَخَلَ مِنْ ثَلَاثَةٍ حَمَلَتْ بِثَلَاثَةٍ وَ إِذَا دَخَلَ مِنْ أَرْبَعَةٍ حَمَلَتْ بِأَرْبَعَةٍ وَ لَيْسَ هُنَاكَ غَيْرُ ذَلِكَ وَ قَدْ أَحْفُضْتُ بِكَ وَلَدَهَا

When the fluid enters into one mouth from mouths of the womb, the woman becomes pregnant with one child, and when it enters into two, she becomes pregnant with two, and when it enters from three, she becomes pregnant with three, and when it enters from four, she becomes pregnant with four, and there isn't over there other than that, and I^{asws} have hereby joined her child with you!

فَشَقَّ عَنْهَا الْقَوَائِلُ فَجَاءَتْ بِغُلَامٍ فَعَاشَ.

The midwives opened her and she came with a boy, and he lived'.²⁸⁰

7- ك، إكمال الدين قَالَ الْحُسَيْنُ بْنُ إِسْمَاعِيلَ الْكِنْدِيِّ كَتَبَ جَعْفَرُ بْنُ حَمْدَانَ فَخَرَجَتْ إِلَيْهِ هَذِهِ الْمَسَائِلُ اسْتَحْلَلْتُ بِخَارِجَةٍ وَ شَرَطْتُ عَلَيْهَا أَنْ لَا أُطْلَبَ وَلَدَهَا وَ لَمْ أَلْزِمَهَا مَنْزِلَ

(The book) 'Ikmal Al Deen' – Al Husayn Bin Ismail Al Kindy said,

'Ja'far Bin Hamdan wrote, and this issue was sent out to him (12th Imam^{ajfi}), 'I legalised (marital relations) with a slave girl, and I stipulated upon her that I will not be seeking her child and will not keep her in my home.

فَلَمَّا أَتَى لِدَلِكِ مَدَّةً قَالَتْ لِي قَدْ حَبَلْتُ فَعُلْتُ لَهَا كَيْفَ وَ لَا أَعْلَمُ أَنِّي طَلَبْتُ مِنْكِ الْوَلَدَ

When a period came for that, she said to me, 'I have become pregnant!' I said to her, 'How, and I don't know that I have sought a child from you?'

ثُمَّ غَبِثُ وَ انْصَرَفْتُ وَ قَدْ أَتَتْ بِوَلَدٍ ذَكَرٍ فَلَمْ أَنْكِزْهُ وَ لَا قَطَعْتُ عَنْهَا الْإِجْرَاءَ وَ النَّفَقَةَ وَ لِي صَبِيْعَةٌ قَدْ كُنْتُ قَبْلَ أَنْ تَصِيرَ إِلَيَّ هَذِهِ الْمَرْأَةُ سَبَلْتُهَا عَلَى وَصَايَايَ وَ عَلَى سَائِرِ وَلَدِي عَلَى أَنَّ الْأَمْرَ فِي الزَّيَادَةِ وَ النُّقْصَانِ مِنْهُ إِلَى أَيَّامِ حَيَاتِي

Then I went away and returned, and she brought a male child. I neither denied it nor cut off the maintenance from her, and there was an estate of mine which had existed before this woman had come to me, I had dedicated as a *Waqf* (designated property) for my executors and for my other children, with the condition that any increase or decrease in its use would be at my discretion during my lifetime.

وَ قَدْ أَتَتْ هَذِهِ بَحْدَا الْوَلَدِ فَلَمْ أُحِفِّهِ فِي الْوَقْفِ الْمُتَقَدِّمِ الْمُؤَبَّدِ وَ أُوصِيْتُ أَنْ حَدَثَ بِي الْمَوْتُ أَنْ يَجْرِيَ عَلَيْهِ مَا دَامَ صَغِيرًا فَإِذَا كَبُرَ أُعْطِيَ مِنْ هَذِهِ الصَّبِيْعَةِ جُمْلَةً مَائَتِي دِينَارٍ غَيْرَ مُؤَبَّدٍ وَ لَا يَكُونُ لَهُ وَ لَا لِعَقِبِهِ بَعْدَ إِعْطَائِهِ ذَلِكَ فِي الْوَقْفِ شَيْءٌ

²⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 6

And she has come with this child, and I did not include him in the prior perpetual *Waqf*. I instructed that, if I were to die, he should receive support while he is small, and when he grows up, he should be given a sum of two hundred Dinars from this estate, not perpetually, and that he and his descendants should have no claim to the *Waqf* after receiving this.

فَرَأَيْتُكَ أَعَزَّكَ اللَّهُ فِي إِرْشَادِي فِيمَا عَمِلْتُهُ وَ فِي هَذَا الْوَلَدِ بِمَا أَمْتَلْتُهُ وَ الدُّعَاءُ لِي بِالْعَافِيَةِ وَ خَيْرِ الدُّنْيَا وَ الْآخِرَةِ

May Allah^{-azwj} Honour you^{-asws}! What is your^{-asws} view in guiding me regarding what I have done, and regarding this child with what I should follow, and the supplication for me for the well-being, and goodness of the world and the Hereafter!’

وَ جَوَابُهَا أَمَّا الرَّجُلُ الَّذِي اسْتَحْلَلَ بِالْجَارِيَةِ وَ شَرَطَ عَلَيْهَا أَنْ لَا يَطْلُبَ وَلَدَهَا فَسُبْحَانَ مَنْ لَا شَرِيكَ لَهُ فِي قُدْرَتِهِ شَرَطُهُ عَلَى الْجَارِيَةِ شَرَطَ عَلَى اللَّهِ عَزَّ وَ جَلَّ هَذَا مَا لَا يُؤْمَرُ أَنْ يَكُونَ وَ حَيْثُ عَرَفَ فِي هَذِهِ الشَّكِّ وَ لَيْسَ يَعْرِفُ الْوَقْتَ الَّذِي أَتَاهَا فِيهِ فَلَيْسَ ذَلِكَ بِمُوجِبٍ لِبَرَاءَةٍ فِي وُلْدِهِوَ أَمَّا إِعْطَاءُ الْمَائَتِي دِينَارٍ وَ إِخْرَاجُهُ مِنَ الْوَقْفِ فَلَا مَالَ مَالُهُ فَعَلَّ فِيهِ مَا أَرَادَ

And its answer: ‘As for the man who legalises (marital relations) with a slave girl and stipulate upon her that he will not seek her child, so Glorious is the One Who there is no associate for Him^{-azwj} in His^{-azwj} Power! His stipulated condition upon the slave girl is a condition upon Allah^{-azwj} Mighty and Majestic. This is what there is no safety from happening, and when he has recognised the doubt in this, and he doesn’t know the time in which he had come to her, that does not oblige the disavowing regarding his child. As for giving him the two hundred Dinar and expelling him from the *Waqf*, the wealth is his wealth. He can do regarding it whatever he wants’.

قَالَ أَبُو الْحُسَيْنِ حَسَبَ الْحِسَابِ فَجَاءَ الْوَلَدُ مُسْتَوْبًا

Abu Al-Hassan calculated the timing and the child came as sound (legitimate)’.

قَالَ وَجَدْتُ فِي نُسْخَةِ أَبِي الْحَسَنِ الْهُمْدَانِيِّ أَنَّنِي أَبْقَاكَ اللَّهُ كِتَابُكَ الَّذِي أَنْفَذْتَهُ

He said, ‘I found in a copy of Abu Al-Hassan Al-Hamdany, ‘May Allah^{-azwj} Keep you alive! I have received your letter’.

وَ رَوَى هَذَا التَّوْقِيعَ الْحُسَيْنُ بْنُ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنِ السَّيَّارِيِّ.

And this Holy Letter has been reported by Al-Hassan Bin Ali Bin Ibrahim, from Al-Sayyari’.²⁸¹

8- ضَا، فقه الرضا عليه السلام لَوْ أَنَّ رَجُلَيْنِ اشْتَرَا جَارِيَةً وَ وَاقَعَاهَا فَأُتَتْ بِوَلَدٍ لَكَانَ الْحُكْمُ فِيهِ أَنْ يُفْرَعَ بَيْنَهُمَا فَمَنْ أَصَابَتْهُ الْفُرْعَةُ أَحَقَّ بِهِ الْوَلَدُ وَ يُعَرِّمُ نِصْفَ قِيمَةِ الْجَارِيَةِ لِصَاحِبِهِ وَ عَلَى كُلِّ وَاحِدٍ مِنْهُمَا نِصْفُ الْحَدِّ

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘If two men were to buy a slave girl and they both have marital relations with her, so she comes with a child, the ruling regarding it would be that a lot be drawn between them. Whoever’s lot hits, the child will be

²⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 7

joined with him and he would be penalised half the value of the slave girl for its owner, and upon each one of them would be half the legal penalty.

وَ إِنْ كَانُوا ثَلَاثَةً نَفَرٍ وَ وَقَعُوا الْجَارِيَةَ عَلَى الْإِنْفِرَادِ بَعْدَ أَنْ اشْتَرَاهَا الْأَوَّلُ وَ وَقَعَهَا ثَمَّ اشْتَرَاهَا الثَّانِي وَ وَقَعَهَا وَ اشْتَرَى الثَّالِثُ وَ وَقَعَهَا كُلُّ ذَلِكَ فِي طَهْرٍ وَاحِدٍ فَأَتَتْ بِوَلَدِهَا لَكَانَ الْحَقُّ أَنْ يُلْحَقَ الْوَلَدُ بِالَّذِي عِنْدَهُ الْجَارِيَةُ وَ يَصْبِرَ لِقَوْلِ رَسُولِ اللَّهِ ص الْوَلَدُ لِلْفِرَاشِ وَ لِلْعَاهِرِ الْحُجْرُ

And if there were three persons and they all have marital relations with the slave girl individually, that if the first one buys her and has marital relations with her, then the second one buys her and has marital relations with her, and the third one buys her and has marital relations with her, all that being in one purity (menses-free period), so she comes with her child, the right would be to join the child with the one in whose possession was the slave girl, and he should be patient due to the words of Rasool-Allah^{-saww}: 'The child is for the bed, and for adulterer is the stone (nothing)'.

هَذَا فِيمَا لَا يُخْرَجُ فِي النَّظَرِ وَ لَيْسَ فِيهِ إِلَّا التَّسْلِيمُ.

This is among what cannot be resolved by the reasoning, and there isn't in it accept the submitting'.²⁸²

9- قب، المناقب لابن شهر آشوب شأ، الإرشاد رَوَتْ نَقْلَهُ الْأَثَارِ مِنَ الْعَامَّةِ وَ الْخَاصَّةِ أَنَّ امْرَأَةً نَكَحَهَا شَيْخٌ كَبِيرٌ فَحَمَلَتْ فَزَعَمَ الشَّيْخُ أَنَّهُ لَمْ يَصِلْ إِلَيْهَا وَ أَنْكَرَ حَمْلَهَا

(The book) 'Al Manaqib' of Ibn Shehr Ashub', (and) 'Al Irshad' -

'It is reported in transmission of the Hadeeth from the general (Muslims) and the special (Shias) that a woman was married by an old man. She got pregnant. The old man claimed that he had not come to her and denied her pregnancy.

فَالْتَبَسَ الْأَمْرُ عَلَى عُثْمَانَ وَ سَأَلَ الْمَرْأَةَ هَلِ اقْتَضَكَ الشَّيْخُ وَ كَانَتْ بِكَرًا قَالَتْ لَا فَقَالَ عُثْمَانُ أَقِيمُوا الْحَدَّ عَلَيْهَا

The matter was confusing upon Usman (the caliph) and he asked the woman, 'Did the old man deflower you?', and she was a virgin. She said, 'No'. Usman said, 'Establish the legal penalty upon her!'

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ إِنَّ لِلْمَرْأَةِ سَمَيْنَ لِلْمَحِيضِ وَ سَمَ لِلْبَوْلِ فَلَعَلَّ الشَّيْخَ كَانَ يَنَالُ مِنْهَا فَسَالَ مَاؤُهُ فِي سَمِ الْمَحِيضِ فَحَمَلَتْ مِنْهُ فَاسْأَلُوا الرَّجُلَ عَنْ ذَلِكَ فَسُئِلَ

Amir Al-Momineen^{-asws} said to him: 'There are two openings for the woman, and opening for the menstruation and an opening for the urination. Perhaps the old man had attained (pleasure) from her and his fluid flowed into an opening of the menstruation, so she became pregnant from it. Ask the man about that!'

²⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 8

فَقَالَ قَدْ كُنْتُ أَنْزِلُ الْمَاءَ فِي قُبُلِهَا مِنْ غَيْرِ وُصُولِ إِلَيْهَا بِالِاقْتِصَاصِ

He was asked. He said, 'I had ejaculated in her frontal private part from without arriving insider her with the deflowering'.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ الْحَمْلُ لَهُ وَالْوَلَدُ وَلَدُهُ وَ أَرَى عُثْمَانَ فِي الْإِنْكَارِ

Amir Al-Momineen^{-asws} said: 'The pregnancy is for him, and the child is his child, and I^{-asws} view punishing him regarding the denial'.

فَصَارَ عُثْمَانُ إِلَى قَضَائِهِ بِذَلِكَ.

So, Usman came to be to his^{-asws} judgment with that".²⁸³

10- قب، المناقب لابن شهر آشوب جابر بن عبد الله بن يحيى قال: جاء رجل إلى علي ع فقال يا أمير المؤمنين إني كنت أغزل عن امرأتي وإني جئت بوليد

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Jabir Bin Abdullah Bin Yahya who said,

'A man came to Ali^{-asws}. He said, 'O Amir Al-Momineen^{-asws}! I have been doing premature withdrawal from my wife, and she has still come with a child!'

فَقَالَ ع وَ أَنَا شِدُّكَ اللَّهُ هَلْ وَطِئْتَهَا ثُمَّ عَاوَدْتَهَا قَبْلَ أَنْ تَبُولَ

He^{-asws} said, 'And I^{-asws} adjure you with Allah^{-azwj}! Did you have marital relations with her, then returned to her before you urinated?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَالْوَلَدُ لَكَ.

He^{-asws} said: 'The child is yours!'"²⁸⁴

11- مجالس الشيخ، أحمد بن عبدون عن علي بن محمد بن الزبير عن علي بن الحسن بن فضال عن العباس بن عامر عن أحمد بن رزيق العُمَشَانِي عن يحيى بن العلاء قال: قلت لأبي عبد الله ع ما ترى في رجل تزوج امرأة فمكثت معه سنة ثم عابت عنه ثم تزوجت آخر فمكثت معه سنة ثم عابت عنه ثم تزوجت آخر ثم إن الثالث أولدها

(The book) 'Majalis' of the sheykh – 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 Gumshani, from Yahya Bin Al A'ala who said,

²⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 9

²⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 10

'I said to Abu Abdullah^{-asws}, 'What is your^{-asws} view regarding a man who marries a woman, so she stays with him for a year. Then she is absent from him, then marries another. She remains with him for a year. Then she is absent from him, then she marries another. Then the third one impregnates her'.

قَالَ تُرْجَمُ لِأَنَّ الْأَوَّلَ أَحْصَنَهَا

He^{-asws} said: 'She will be stoned, because the first one is her husband'.

قَالَ قُلْتُ فَمَا تَرَى فِي وَلَدِهَا

He (the narrator) said, 'I said, 'What is your view regarding her child?'

قَالَ يُنْسَبُ إِلَى أَبِيهِ

He^{-asws} said: 'He will be attributed to his father'.

قَالَ قُلْتُ فَإِنْ مَاتَ الْأَبُ يَرِثُهُ الْغُلَامُ

He (the narrator) said, 'I said, 'Supposing the father dies, will the boy inherit?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes!'"²⁸⁵

12- كِتَابُ الْإِمَامَةِ وَالتَّوْبَةِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ أَزْهَرَ عَنْ مُحَمَّدِ بْنِ خَلْفٍ عَنْ مُوسَى بْنِ إِبْرَاهِيمَ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْوَلَدُ لِلْفِرَاشِ وَ لِلْعَاهِرِ الْحَجَرُ.

'Kitab Al Imama Wa Al Tabsira' – from Muhammad Bin Abdullah, from Muhammad Bin Al-Hassan Bin Azhar, from Muhammad Bin Khalaf, from Musa Bin Ibrahim,

'From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The child is for the bed, and for the adulterer is the stone (nothing)!'"²⁸⁶

13 رَوَاهُ عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ النَّبِيِّ ص قَالَ: الْوَلَدُ لِلْفِرَاشِ وَ لِلْعَاهِرِ الْأَثَلُ.

It is reported by Amro Bin Shueyb, from his father, from his grandfather,

From the Prophet^{-saww} having said: 'The child is for the bed, and for the adulterer is the rubble (nothing)!'"²⁸⁷

²⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 11

²⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 12

²⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 97 H 13

CHAPTER 98 – THE LEAST PREGNANCY AND ITS MOST

1- **شأ، الإرشاد روي عن يونس بن الحسن أن عمر أتي بامرأة قد ولدت لستة أشهر فهم يرجيها فقال له أمير المؤمنين إن خاصمتك بكتاب الله خصمتك إن الله تعالى يقول - وَ حَمْلُهُ وَ فِصَالُهُ ثَلَاثُونَ شَهْرًا وَ يَقُولُ جَلَّ قَائِلًا - وَ الْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ**

(The book) 'Al Irshad' – It is reported from Yunus Bin Al-Hassan,

Umar (the caliph) was brought a woman who had given birth at six months. He considered stoning her. Amir Al-Momineen^{asws} said to him: 'If she were to dispute with you by the Book of Allah^{azwj} she can dispute with you! Allah^{azwj} the Exalted Said: **and his bearing and his weaning is of thirty months [46:15]**, and He^{azwj} the Majestic Says: **And the mothers should breastfeed their children for two years complete, for him who wants the complete breastfeeding [2:233]**.

فَإِذَا تَمَّتِ الْمَرْأَةُ الرِّضَاعَةَ سَنَتَيْنِ وَ كَانَ حَمْلُهُ وَ فِصَالُهُ ثَلَاثِينَ شَهْرًا كَانَ الْحَمْلُ مِنْهَا سِتَّةَ أَشْهُرٍ

So, when the woman has completed the breast-feeding for two years, and his (child's) bearing and his weaning was of thirty months, the pregnancy from it would be of six months'.

فَحَلَّى عُمَرُ سَبِيلَ الْمَرْأَةِ وَ ثَبَّتَ الْحُكْمَ بِذَلِكَ فَعَمِلَ بِهِ الصَّحَابَةُ وَ التَّابِعُونَ وَ مَنْ أَخَذَ عَنْهُ إِلَى يَوْمِنَا هَذَا.

Umar freed the way of the woman and affirmed the ruling with that, and it was worked with by the companions, and the followers (next generation), and the ones taking from him^{asws} up to this day of ours!²⁸⁸

2- **قب، المناقب لابن شهر آشوب كان الهيثم في جيش فلما جاء جاء امرأته بعد قدومه بستة أشهر يولد فأنكر ذلك منها و جاء به عمر و قص عليه فأمر برجمها فأذركها علي ع من قبل أن تُرجم**

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

Al-Haysam was in an army. When he came, his wife came with a child after his arrival after a year and some months. He denied that from her and he came with it to Umar and narrated to him. He ordered with stoning her. Ali^{asws} came across her before she had been stoned.

ثُمَّ قَالَ لِعُمَرَ ارْزُقْ عَلَى نَفْسِكَ إِنَّمَا صَدَقْتَ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ - وَ حَمْلُهُ وَ فِصَالُهُ ثَلَاثُونَ شَهْرًا وَ قَالَ وَ الْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ فَالْحَمْلُ وَ الرِّضَاعُ ثَلَاثُونَ شَهْرًا

Then he^{asws} said to Umar: 'Restrain yourself! She speaks the truth. Allah^{azwj} Blessed and Exalted Says: **and his bearing and his weaning is of thirty months [46:15]**, and He^{azwj} Says: **And the mothers should breastfeed their children for two years complete, for him who**

²⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 98 H 1

wants the complete breastfeeding [2:233]. Thus, the bearing and the breast-feeding is of thirty months’.

فَقَالَ عُمَرُ لَوْ لَا عَلَيَّ لَهْلُكَ عُمَرُ وَ خَلَّى سَبِيلَهَا وَ أَحَقَّ الْوَلَدَ بِالرَّجُلِ.

Umar said, ‘Had it not been for Ali^{-asws}, Umar would be destroyed!’, and he freed her way and joined the child with the man’.²⁸⁹

شرح ذلك أقل الحمل أربعون يوما و هو زمن انعقاد النطفة و أقله لخروج الولد حيا ستة أشهر و ذلك أن النطفة تبقى في الرحم أربعين يوما ثم تصير علقة أربعين يوما ثم تصير مضغة أربعين يوما ثم تتصور في أربعين يوما و تلجها الروح في عشرين يوما فذلك ستة أشهر فيكون الفطام في أربعة و عشرين شهرا فيكون الحمل في ستة أشهر.

‘The explanation of this is that the minimum duration of pregnancy is forty days, which is the time for the drop of fluid to congeal, and the minimum for a child to be born alive is six months. The drop remains in the womb for forty days, then becomes a clot for forty days, then becomes a lump of flesh for forty days, then takes shape in forty days, and the soul enters it in twenty days. That makes six months, and weaning takes twenty-four months, so pregnancy is six months’.

3- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ اللَّهُ يَعْلَمُ مَا تَحْمِلُ كُلُّ أُنْثَى قَالَ الذَّكَرُ وَ الْأُنْثَى وَ مَا تَغِيضُ الْأَرْحَامُ قَالَ مَا كَانَ دُونَ التَّسْعَةِ فَهُوَ غَيْضٌ - وَ مَا تَزْدَادُ قَالَ مَا رَأَتْ الدَّمَ فِي خَالِ حَمْلِهَا إِذَا زَادَ بِهِ عَلَى التَّسْعَةِ الْأَشْهُرِ إِنْ كَانَتْ رَأَتْ الدَّمَ خَمْسَةَ أَيَّامٍ أَوْ أَقَلَّ أَوْ أَكْثَرَ زَادَ ذَلِكَ عَلَى التَّسْعَةِ الْأَشْهُرِ.

Tafseer Al Ayyashi – From Zurara,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **Allah Knows what every female bears [13:8].** He^{-asws} said: ‘The male and the female (child) - **and what the wombs fall short of (completion)**, he^{-asws} said: ‘And whatever was less than the nine (months), it is deficient, **and what they increase [13:8]**, he^{-asws} said: ‘If she saw blood during her pregnancy, that time is added to the nine months. Whether she saw blood for five days, less, or more, that period is added to the nine months’.²⁹⁰

4 شي، تفسير العياشي عَنْ حَرِيزٍ رَفَعَهُ إِلَى أَحَدِهِمَا ع مِثْلَهُ.

Tafseer Al-Ayyashi – From Hareez raising it to one of the two (5th or 6th Imam^{-asws}), similar to it.²⁹¹

باب 99 اختلاف الزوجين في النكاح و تصديقهما في دعوى النكاح

CHAPTER 99 – DISAGREEMENT OF THE TWO SPOUSES REGARDING THE MARRIAGE AND RATIFYING THEM IN THE CLAIM OF MARRIAGE

²⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 98 H 2

²⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 98 H 3

²⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 98 H 4

1- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ ع قَالَ: وَجَدَ رَجُلًا مَعَ امْرَأَةٍ أَصَابَهَا فَرُوعٌ إِلَى عَلِيٍّ ع فَقَالَ هِيَ امْرَأَتِي تَزَوَّجْتُهَا فَسُئِلَتْ الْمَرْأَةُ فَسَكَتَتْ فَأَوْمَأَ إِلَيْهَا بَعْضُ الْقَوْمِ أَنْ قُولِي نَعَمْ وَأَوْمَأَ إِلَيْهَا بَعْضُ الْقَوْمِ أَنْ قُولِي لَا فَقَالَتْ نَعَمْ

(The book) 'Nawadir' of Al Rawandi –

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'A man was found being with a woman, having had marital relations with her. He was brought to Ali^{-asws}. He said, 'She is my wife, I have married her!' The woman was asked, but she was silent. One of the people gestured to her, 'Say yes!', and one of the people gestured to her, 'Say no!' She said, 'Yes'.

فَدَرَأَ عَلِيٌّ عَ الْحَدَّ عَنْهُمَا وَ عَزَلَ عَنْهُ الْمَرْأَةُ حَتَّى يَجِيءَ بِالْبَيِّنَةِ أَنَّهَا امْرَأَتُهُ.

So, Ali^{-asws} staved off the legal punishment from her and isolated the woman from him until he comes with the proof that she is his wife".²⁹²

باب 100 الشروط في النكاح

CHAPTER 100 – THE CONDITIONS STIPULATED IN THE MARRIAGE

1- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي امْرَأَةٍ تَزَوَّجَهَا رَجُلٌ وَ شَرَطَ عَلَيْهَا وَ عَلَى أَهْلِهَا أَنْ تَزَوَّجَ عَلَيْهَا امْرَأَةً أَوْ هَجَرَهَا أَوْ أَتَى عَلَيْهَا سُرِّيَّةً فَإِنَّهَا طَلِقٌ

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws} having said: 'Amir Al-Momineen^{-asws} judged regarding a woman who married a man and he had stipulated a condition upon her and upon her family, if he were to marry a woman upon (additional to) her, or forsake her, or brings a concubine upon her, she is divorced.

فَقَالَ شَرُطُ اللَّهِ قَبْلَ شَرُطِكُمْ إِنْ شَاءَ وَ بَشَرُطِهِ وَ إِنْ شَاءَ أَمْسَكَ امْرَأَتَهُ وَ نَكَحَ عَلَيْهَا وَ تَسَرَّى عَلَيْهَا وَ هَجَرَهَا إِنْ أَتَتْ سَبِيلَ ذَلِكَ قَالَ اللَّهُ فِي كِتَابِهِ- فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَ ثَلَاثَ وَ رُبَاعَ

He^{-asws} said: 'The Conditions of Allah^{-azwj} are before your conditions! If he desires, he is loyal with his conditions, and if he desires he keeps his wife and marries (another) upon her, and has a concubine upon her, and forsakes her if she gives a way to that! Allah^{-azwj} Says in His^{-azwj} Book: **then marry such women as seem good to you, two and three and four [4:3].**

وَ قَالَ أَجَلَ لَكُمْ مَا مَلَكَتْ أَيْمَانُكُمْ وَ قَالَ وَ اللَّاتِي يَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَ اهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَ اضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا.

And Said: **then (marry) one or what your right hands possess [4:3];** and Said: **And for those whom you are fearing desertion, advise them and forsake them in the beds and strike them**

²⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 99 H 1

[4:34] So if they obey you, then do not see a way against them; Allah was always Exalted, Great [4:34]'.²⁹³

2- شي، تفسير العياشي عن زُرَّارَةَ قَالَ: سئل أَبُو جَعْفَرٍ ع عَنِ النَّهَارِيَّةِ يَشْتَرِطُ عَلَيْهَا عِنْدَ عُقْدَةِ النِّكَاحِ أَنْ يَأْتِيَهَا مَا شَاءَ نَهَاراً أَوْ بَيْنَ كُلِّ جُمُعَةٍ أَوْ شَهْرٍ يَوْمًا وَ مِنَ النَّفَقَةِ كَذَا وَ كَذَا

Tafseer Al Ayyashi –

From Zurara who said, ‘Abu Ja’far^{-asws} was asked about the daytime woman at the tie of marriage that he will come to her whatever day he so desires to, or between every Friday, or one day a month, and from the maintenance expenditure it would be such and such!’

قَالَ فَلَيْسَ ذَلِكَ الشَّرْطُ بِشَيْءٍ مَنْ تَزَوَّجَ امْرَأَةً فَلَهَا مَا لِلْمَرْأَةِ مِنَ النَّفَقَةِ وَ الْقِسْمَةِ وَ لَكِنَّهُ إِنْ تَزَوَّجَ امْرَأَةً خَافَتْ فِيهِ نُشُوزاً أَوْ خَافَتْ أَنْ يَتَزَوَّجَ عَلَيْهَا فَصَالَحَتْ مِنْ حَقِّهَا عَلَى شَيْءٍ مِنْ قِسْمَتِهَا أَوْ بَعْضِهَا فَإِنَّ ذَلِكَ جَائِزٌ لَا بَأْسَ بِهِ.

He^{-asws} said: ‘That stipulated condition isn’t anything! One who marries a woman, for her is what is for the woman, from the maintenance money and the apportionment (of time), but if a woman marries fearing cruelty in him or she fears to he would marry (another wife) upon her, so she reconciles from her rights upon something from either her apportionment (of time) or part of it, that is allowed. There is no problem with it’.²⁹⁴

3- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن ابن بكير قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَا كَانَ مِنْ شَرْطٍ قَبْلَ النِّكَاحِ هَدَمَ النِّكَاحَ وَ مَا كَانَ بَعْدَ النِّكَاحِ فَهُوَ نِكَاحٌ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Ibn Bukeyr who said,

Abu Abdullah^{-asws} said: ‘Whatever was (un-Islamic) from conditions before the marriage is invalidated by the marriage, and whatever was after the marriage, it is marriage (i.e. additional conditions within the marriage)’.²⁹⁵

4- الْهِدَايَةُ، وَ يَجُوزُ التَّزْوِيجُ بِغَيْرِ شُحُودٍ وَ إِنَّمَا يُكْرَهُ بِغَيْرِ شُحُودٍ مِنْ جِهَةِ عُقُوبَةِ السُّلْطَانِ الْجَائِرِ.

(The book) ‘Al Hidayat’ -

‘And the marriage is allowed without any witnesses, and rather it is disliked without witnesses from the aspect of punishment by the tyrannous ruler’.²⁹⁶

باب 1 فضل التوسعة على العيال و مدح قلة العيال

²⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 100 H 1

²⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 100 H 2

²⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 100 H 3

²⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 100 H 4

CHAPTER 101 – MERITS OF PROVIDING GENEROUSLY UPON THE DEPENDANTS, AND PRAISE OF HAVING FEWER DEPENDANTS

1- ل، الخصال ابنُ الْمُتَوَكِّلِ عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ جَعْفَرِ الْفَزَارِيِّ عَنْ جَعْفَرِ بْنِ سَهْلٍ عَنْ سَعِيدِ بْنِ مُحَمَّدٍ عَنْ مَسْعَدَةَ عَنْ مُوسَى بْنِ جَعْفَرٍ ع قَالَ: إِنَّ عِيَالَ الرَّجُلِ أَسْرَاؤُهُ فَمَنْ أَنْعَمَ اللَّهُ عَلَيْهِ نِعْمَةً فَلْيُوسِعْ عَلَى أَسْرَائِهِ فَإِنْ لَمْ يَفْعَلْ أَوْشَكَ أَنْ تَزُولَ النِّعْمَةُ.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Muhammad Al Attar, from Ja'far Al Fazary, from Ja'far Bin Sahl, from Saeed Bin Muhammad, from Mas'ada,

Musa^{-asws} Bin Ja'far^{-asws} said: 'The dependants of the man are his captives, so the one Allah^{-azwj} Favours upon, let him be generous upon his captives. If he does not do so, his bounties will almost decline'.²⁹⁷

2- لي، الأماالي للصدوق العطار عن سعد بن سلمة بن الخطاب عن أيوب بن سليم العطار عن إسحاق بن بشر الكاهلي عن سالم الأفطس عن سعيد بن جبير عن ابن عباس قال قال رسول الله ص من دخل السوق فاشتري ثمنه فحملها إلى عياله كان كحامل صدقة إلى قوم محايج و ليندأ بالإناث قبل الذكور فإن من فرح ابنة فكأنما اعتق رقبة من ولد إسماعيل

(The book) 'Al Amaali' of Al Sadouq – Al Attar, from Sa'ad, from Salama Bin Al Khattab, from Ayoub Bin Suleym Al Attar, from Is'haq Bin Bishr Al Kahil, from Salim Al Aftas, from Saeed Bin Jubeyr, from Ibn Abbas who said,

'Rasool-Allah^{-saww} said: 'One who enters the market to buy a gift and carries it to his dependants would be like the carrier of charity to a needy people, and let him begin with the females before the males, for the one who makes his daughter happy, it is like he has liberated a slave from the children of Ismail^{-as}.

و من أفر بعين ابن فكأنما بكى من خشية الله عز وجل و من بكى من خشية الله عز وجل أدخل جنات النعيم.

And the one who delights the eyes of a son, it is as if he has cried from the fear of Allah^{-azwj} Mighty and Majestic, and the one who cries from the fear of Allah^{-azwj} Mighty and Majestic will enter the Gardens of bliss".²⁹⁸

3- ل، الخصال ابنُ الوليد عن الصغار عن اليقطيني عن زكريا المؤمن رفته إلى أبي عبد الله ع قال: من عال ابنتين أو أختين أو عماتين أو خالنتين حجبتهن من النار.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Yaqteeni, from Zakariya Al Momin raising it to,

Abu Abdullah^{-asws} said: 'One who supports two daughters, or two sister, or two paternal aunts, or two maternal aunts, they will veil him from the Hellfire'.²⁹⁹

4- ل، الخصال ابنُ الوليد عن الصغار عن البرقي عن أبيه عن النضر عن زرعة عن أبي بصير عن أبي عبد الله ع قال قال رسول الله ص إن في الجنة درجة لا يبلغها إلا إمام عادل أو ذو رحم و صول أو ذو عيال صبور.

²⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 1

²⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 2

²⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 3

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Al Nazr, from Zur'ah, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'In the Paradise there is a rank which cannot be reached except by a just leader, or one with kinships he maintains (helps), or one with dependants who is patient''³⁰⁰

5- ما، الأماالي للشيخ الطوسي ابنُ مُحَمَّدٍ عَنْ أَبِي الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عِيْسَى بْنِ حَنَانٍ عَنْ شُعَيْبِ بْنِ حَرْبٍ عَنْ شُعْبَةَ عَنْ عَدِيٍّ بْنِ ثَابِتٍ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا أَنْفَقَ الْمُسْلِمُ عَلَى أَهْلِهِ نَفَقَةً وَهُوَ يَحْتَسِبُهَا كَانَتْ لَهُ صَدَقَةً.

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Makhlad, from Abu Al Husayn, from Muhammad Bin Isa Bin Hanan, from Shueyb Bin Harb, from Shu'ba, from Aday Bin Sabit, from Abdullah Bin Yazeed, from Abdullah Bin Masoud who said,

'Rasool-Allah^{-saww} said: 'When the Muslim spends expenditure upon his family and he is anticipating (Rewards), it would be counted as charity for him''³⁰¹

6- ما، الأماالي للشيخ الطوسي جَمَاعَةً عَنْ أَبِي الْمُفَضَّلِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ عَبْدِ اللَّهِ الْعَلَوِيِّ عَنْ حَمَزَةَ بْنِ أَحْمَدَ بْنِ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عُمَرَ بْنِ عَلِيٍّ عَنْ عَمِّهِ عِيْسَى بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ ع قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ص فَقَالَ يَا رَسُولَ اللَّهِ عِنْدِي دِينَارٌ فَمَا تَأْمُرُنِي بِهِ

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Ja'far Bin Muhammad, from Ja'far Bin Abdullah Al Alawy, from Hamza Bin Ahmad Bin Abdullah Bin Muhammad Bin Umar Bin Ali, from his uncle Isa Bin Abdullah, from his father, from his grandfather,

From Ali^{-asws} Bin Abu Talib^{-asws} having said: 'A man came to the Prophet^{-saww}. He said, 'O Rasool-Allah^{-saww}! There is a Dinar in my possession, so what would you^{-saww} instructing me (to do) with it?'

قَالَ أَنْفِقْهُ عَلَى أُمَّكَ

He^{-saww} said: 'Spend it upon your mother'.

قَالَ عِنْدِي آخَرُ فَمَا تَأْمُرُنِي بِهِ

He said, 'There is another in my possession, so what would you^{-saww} instruct me (to do) with it?'

قَالَ أَنْفِقْهُ عَلَى أَبِيكَ

He^{-saww} said: 'Spend it upon your father'.

قَالَ عِنْدِي آخَرُ فَمَا تَأْمُرُنِي بِهِ

³⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 4

³⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 5

He said, 'In my possession is another, so what would you^{-saww} instruct me (to do) with it?'

قَالَ أَنْفَعُهُ عَلَى أَخِيكَ

He^{-saww} said: 'Spend it upon your brother'.

قَالَ عِنْدِي آخَرُ فَمَا تَأْمُرُنِي بِهِ وَلَا وَاللَّهِ مَا عِنْدِي غَيْرُهُ

He said, 'In my possession is another, so what would you^{-saww} instruct me (to do) with it, and no, by Allah^{-azwj}, there isn't in my possession other than it?'

قَالَ أَنْفَعُهُ فِي سَبِيلِ اللَّهِ وَهُوَ أَذْنَاهَا أَجْرًا.

He^{-saww} said: 'Spend it in the way of Allah^{-azwj}, and it is of the least Recompense'.³⁰²

7- ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن إسحاق بن محمد بن مرقان عن أبيه عن يحيى بن سالم عن حماد بن عثمان عن الصادق عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَمَّا أُسْرِيَ بِي إِلَى السَّمَاءِ دَخَلْتُ الْجَنَّةَ فَرَأَيْتُ فِيهَا قَصْرًا مِنْ يَاقُوتٍ أَحْمَرَ يُرَى بَاطِنُهُ مِنْ ظَاهِرِهِ لِضِيَائِهِ وَ نُورِهِ وَ فِيهِ قُتُبَانِ مِنْ دُرٍّ وَ زَبَرْجَدٍ فَقُلْتُ يَا جِبْرِئِيلُ لِمَنْ هَذَا الْقَصْرُ

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Is'haq Bin Muhammad Bin Marwan, from his father, from Yahya Bin Salim, from Hammad Bin Usman,

'From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'When there was an ascension with me to the sky, I^{-saww} entered the Paradise. I^{-saww} therein a castle of red ruby. Its interior could be seen from its exterior due to its illumination and its light, and in it there were two domes of gems and emeralds. I^{-saww} said: 'O Jibraeel^{-as}! Who is this castle for?'

قَالَ هُوَ لِمَنْ أَطَابَ الْكَلَامَ وَ أَدَامَ الصِّيَامَ وَ أَطْعَمَ الطَّعَامَ وَ حَجَّجَ بِاللَّيْلِ وَ النَّاسُ نِيَامٌ

He^{-as} said: 'It is for the one who is of good speech, and regular fasting, and feeding the good, and holding vigil at night while the people sleep'.

قَالَ عَلَيَّ ع فَقُلْتُ يَا رَسُولَ اللَّهِ وَ فِي أَمْتِكَ مَنْ يُطِيقُ هَذَا

Ali^{-asws} said: 'I^{-asws} said: 'O Rasool-Allah^{-saww} said: 'And is there anyone in your^{-saww} community who can endure this?'

فَقَالَ أَ تَدْرِي مَا إِطَابَةُ الْكَلَامِ

He^{-saww} said: 'Do you^{-asws} know what is being of good speech?'

فَقُلْتُ اللَّهُ وَ رَسُولُهُ أَعْلَمُ

³⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 6

I-asws said: 'Allah-azwj and His-azwj Rasool-saww are more knowing'.

قَالَ مَنْ قَالَ سُبْحَانَ اللَّهِ وَ الْحَمْدُ لِلَّهِ وَ لَا إِلَهَ إِلَّا اللَّهُ وَ اللَّهُ أَكْبَرُ أَ تَدْرِي مَا إِدَامَةُ الصِّيَامِ

He-saww said: 'One who says, 'Glory be to Allah-azwj, and the Praise is for Allah-azwj, and there is no god except Allah-azwj, and Allah-azwj is Greatest!' Do you-asws know what is regular fasting?'

قُلْتُ اللَّهُ وَ رَسُولُهُ أَعْلَمُ

I-asws said: 'Allah-azwj and His-azwj Rasool-saww are more knowing'.

قَالَ مَنْ صَامَ شَهْرَ الصَّيْرِ شَهْرَ رَمَضَانَ وَ لَمْ يُفْطِرْ مِنْهُ يَوْمًا أَ تَدْرِي مَا إِطْعَامُ الطَّعَامِ

He-saww said: 'One who fasts a month of Ramazan and does not break a day from it. Do you-asws know what is feeding the food?'

قُلْتُ اللَّهُ وَ رَسُولُهُ أَعْلَمُ

I-asws said: 'Allah-azwj and His-azwj Rasool-saww are more knowing'.

قَالَ مَنْ طَلَبَ لِعِيَالِهِ مَا يَكْفِي بِهِ وُجُوهُهُمْ عَنِ النَّاسِ أَ تَدْرِي مَا التَّهَجُّدُ بِاللَّيْلِ وَ النَّاسُ نِيَامٌ

He-saww said: 'One who seeks for his dependants what he can suffices with it their faces from the people. Do you-asws know what is holding the vigil at night while the people sleep?'

قُلْتُ اللَّهُ وَ رَسُولُهُ أَعْلَمُ

I-asws said: 'Allah-azwj and His-azwj Rasool-saww are more knowing'.

قَالَ مَنْ لَمْ يَنَمْ حَتَّى يُصَلِّيَ الْعِشَاءَ الْآخِرَةَ وَ النَّاسُ مِنَ الْيَهُودِ وَ النَّصَارَى وَ غَيْرِهِمْ مِنَ الْمُشْرِكِينَ نِيَامٌ بَيْنَهُمَا.

He-saww said: 'One who does not sleep until he has prayed Al-Isha the last while the people from the Jews and the Christians and others from the Polytheists sleep between them'.³⁰³

8 ب، قرب الإسناد ابْنُ طَرِيفٍ عَنِ ابْنِ غُلَوَانَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص قَلَّةُ الْعِيَالِ أَحَدُ الْيَسَارَيْنِ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq-asws, from his-asws father-asws having said: 'Rasool-Allah-saww said: 'Fewer dependants is one of the two eases'.³⁰⁴

³⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 7

³⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 8

9- ن، عيون أخبار الرضا عليه السلام لي، الأمالي للصدوق ابن موسى عن الصوفي عن الروباني عن عبد العظيم الحسيني عن أبي جعفر الثاني عن آبائه عن أمير المؤمنين ع قال: قلة العيال أحد اليسارين.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, (and) 'Al Amali' of Al Sadouq – Ibn Musa, from Al Sufi, from Al Rowbany, from Abdul Azeem Al Hasany,

'From Abu Ja'far^{-asws} the 2nd, from his^{-asws} forefathers^{-asws}, from Amir Al-Momineen^{-asws} having said: 'Fewer dependants is one of the two eases'.³⁰⁵

10- ل، الخصال الأربعة قال أمير المؤمنين ع الفقر هو الموت الأكبر و قلة العيال أحد اليسارين نصف العيش ما عال امرؤ اقتصد.

(The book) 'Al Khisaal' -

(The Hadeeth) 'Al Arbamiya', Amir Al-Momineen^{-asws} said: 'The poverty is the greatest death, and fewer dependants is one of the two eases. The moderation is half the livelihood. He will not be destitute, a person who is economical'.³⁰⁶

11- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قال قال رسول الله ص إن الله تبارك و تعالى ينزل المعونة على قدر المونة و ينزل الصبر على قدر شدة البلاء.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Allah^{-azwj} Blessed and Exalted Sends down the provision upon a measurement of the responsibility, and Sends down the patience upon a measurement of severity of the affliction'.³⁰⁷

12- صح، صحيفة الرضا عليه السلام عن الرضا ع عن أبيه عن جدّه ع قال: مر جعفر ع بصياد فقال يا صياد أي شيء أكثر ما يقع في شبكتك

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws} having said: 'Ja'far^{-asws} passed by a hunter. He^{-asws} said: 'Which is frequently falls into your net?'

قال الطير الزاقي

He said, 'The falcon bird'.

قال فمر و هو يقول هلك صاحبك قال الطير الزاقي العيال هلك صاحب العيال.

He (the narrator) said, 'He^{-asws} passed on and he^{-asws} was saying: 'The one with dependants is destroyed! The one with dependants is ruined!'³⁰⁸

³⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 9

³⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 10

³⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 11

³⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 12

13- ضا، فقه الرضا عليه السلام وَ لَتَكُنْ نَفَقَتُكَ عَلَى نَفْسِكَ وَ عِيَالِكَ فَضْلًا فَإِنَّ اللَّهَ يَقُولُ يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ وَ الْعَفْوَ الْوَسْطُ وَ قَالَ اللَّهُ- وَ الَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَ لَمْ يَقْتَرُوا إِلَى آخِرِهِ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And let your spending upon yourself and your dependants be the surplus, for Allah^{-azwj} Says: **And they are asking you what they should be spending. Say: 'The surplus' [2:219]**, and the surplus is the moderation; and Allah^{-azwj} Said: **And those, when they spend, are not being extravagant and are not stingy, and are moderate between that [25:67]** – up to its end'.³⁰⁹

14- وَ قَالَ الْعَالِمُ ع ضَمِنْتُ لِمَنْ اقْتَصَدَ أَنْ لَا يَفْتَقِرَ وَ اعْلَمْ أَنَّ نَفَقَتَكَ عَلَى نَفْسِكَ وَ عِيَالِكَ صَدَقَةٌ وَ الْكَادُ عَلَى عِيَالِهِ مِنْ حِلٍّ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ.

And the scholar (Imam^{-asws}) said: 'I^{-asws} guarantee for the one who is economical that he will not be impoverished, and know that your spending upon yourself and your dependants is a charity, and the toiler for his dependants from lawful means is like the holy warrior in the way of Allah^{-azwj}'.³¹⁰

15- سر، السرائر موسى بْنُ بَكْرٍ عَنِ عَبْدِ [الْعَبْدِ] الصَّالِحِ قَالَ قَالَ النَّبِيُّ ص قَلَّةُ الْعِيَالِ أَحَدُ الْيَسَارَيْنِ.

(The book) 'Al Saraair' – Musa Bin Bakr,

From Al Abd Al-Salih (Musa Al-Kazim^{-asws}) having said: 'The Prophet^{-saww} said: 'Few dependants is one of the two eases'.³¹¹

16- سر، السرائر موسى عَنْهُ ع قَالَ قَالَ النَّبِيُّ ص التَّوَدُّدُ إِلَى النَّاسِ نِصْفُ الْعَقْلِ وَ الرِّفْقُ نِصْفُ الْمَعِيشَةِ وَ مَا عَالَ امْرُؤٌ فِي اقْتِصَادٍ.

(The book) 'Al Saraair' – Musa (Bin Bakr),

He^{-asws} said: 'The Prophet^{-saww} said: 'The cordiality towards the people is half the intellect, and the kindness is half the livelihood, and a person being moderate will not become destitute'.³¹²

17- تَخِجُ الْبَلَاغَةِ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع تَنْزِلُ الْمَعُونَةِ عَلَى قَدْرِ الْمُتَوَنِّةِ.

(The book) 'Nahj Al Balagah' -

Amir Al-Momineen^{-asws} said: 'The descent of provision is upon a measurement of responsibility'.³¹³

18- وَ قَالَ ع مَا عَالَ امْرُؤٌ اقْتَصَدَ.

³⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 13

³¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 14

³¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 15

³¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 16

³¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 17

And he^{-asws} said: 'A person being moderate will not become destitute'.³¹⁴

19- وَ قَالَ ع قَلَّةُ الْعِيَالِ أَحَدُ الْيَسَارَيْنِ.

And he^{-asws} said: 'Fewness of the dependants is one of the two easings'.³¹⁵

20- وَ قَالَ ع لِبَعْضِ أَصْحَابِهِ- لَا تَجْعَلَنَّ أَكْثَرَ شُغْلِكَ بِأَهْلِكَ وَ وَلَدِكَ فَإِنْ يَكُنْ أَهْلُكَ وَ وَلَدُكَ أَوْلِيَاءَ اللَّهِ فَإِنَّ اللَّهَ لَا يُضِيعُ أَوْلِيَاءَهُ وَ إِنْ يَكُونُوا أَعْدَاءَ اللَّهِ فَمَا هُمْكَ وَ شُغْلُكَ بِأَعْدَاءِ اللَّهِ.

And he^{-asws} said to one of his^{-asws} companions: 'Do not make most of your pre-occupation to be with your family and your children, for if your family and your children are friends of Allah^{-azwj}, then Allah^{-azwj} will not Waste His^{-azwj} friends, and if they happen to be enemies of Allah^{-azwj}, then what is your concern and pre-occupation with the enemies of Allah^{-azwj}?'³¹⁶

21- كُنْزُ الْكَرَاجِكِيِّ، قَالَ رَسُولُ اللَّهِ ص التَّوَدُّدُ إِلَى النَّاسِ نِصْفُ الْعَقْلِ وَ حُسْنُ السُّؤَالِ نِصْفُ الْعِلْمِ وَ التَّقْدِيرُ فِي التَّفَقُّهِ نِصْفُ الْعَيْشِ.

(The book) 'Kanz' of Al Karajaki -

Rasool-Allah^{-saww} said: 'The cordiality towards the people is half the intellect, and the excellent questioning is half the knowledge, and being economical in the spending is half the living'.³¹⁷

22- وَ فِي خَيْرِ آخِرِ التَّقْدِيرِ نِصْفُ الْمَعِيشَةِ.

And in another Hadeeth – 'The moderation is half the livelihood'.³¹⁸

23- عُذَّةُ الدَّاعِي، عَنْ أَبِي الْحَسَنِ مُوسَى ع إِذَا وَعَدْتُمْ الصِّغَارَ فَأَوْفُوا لَهُمْ فَإِنَّهُمْ يَرَوْنَ أَنَّكُمْ أَنْتُمْ الَّذِينَ تَرْزُقُوهُمْ وَ إِنَّ اللَّهَ لَا يَغْضَبُ بِشَيْءٍ كَغَضَبِهِ لِلنِّسَاءِ وَ الصِّبْيَانِ.

(The book) 'Uddat Al Daie' -

From Abu Al-Hassan Musa^{-asws}: 'When you promise the young children then keep the promise to them for they are viewing you that you are providing for them, and Allah^{-azwj} does not get Angered with anything like His^{-azwj} Anger for the women and the children!'³¹⁹

24- وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَطْرِفُوا أَهْلَالَكُمْ فِي كُلِّ جُمُعَةٍ بِشَيْءٍ مِنَ الْفَاكِهَةِ كَيْ يَفْرَحُوا بِالْجُمُعَةِ.

And Amir Al-Momineen^{-asws}: 'Gift your family members during every Friday with something from the fruits so they may rejoice with the Friday'.³²⁰

³¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 18

³¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 19

³¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 20

³¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 21

³¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 22

³¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 23

³²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 24

25- أَعْلَامُ الدِّينِ، عَنْ أَبِي حَمَزَةَ الثَّمَالِيِّ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ع قَالَ: إِنَّ أَحَبَّكُمْ إِلَى اللَّهِ عَزَّ وَ جَلَّ أَحْسَنُكُمْ عَمَلًا وَ إِنَّ أَعْظَمَكُمْ عِنْدَ اللَّهِ عَمَلًا أَعْظَمَكُمْ فِيهِمَا عِنْدَهُ رَغْبَةً وَ إِنَّ أَجْأَكُمْ مِنْ عَذَابِ اللَّهِ أَشَدُّكُمْ خَشْيَةً لِلَّهِ وَ إِنَّ أَقْرَبَكُمْ مِنَ اللَّهِ أَوْسَعُكُمْ خُلُقًا وَ إِنَّ أَرْضَاكُمْ عِنْدَ اللَّهِ أَسْبَغُكُمْ عَلَى عِيَالِهِ وَ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَاكُمْ.

(The book) 'A'lam Al Wara' – From Abu Hamza Al Sumali -

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'The most Beloved of you to Allah^{-azwj} Mighty and Majestic is your best one in deeds, and your mightiest of deeds in the Presence of Allah^{-azwj} is your mightiest of desire regarding what is with Him^{-azwj}, and your most saved from the Punishment of Allah^{-azwj} is your most intense in fear of Allah^{-azwj}, and your nearest from Allah^{-azwj} is your best in manners, and the most pleased with in the Presence of Allah^{-azwj} is your most plentiful (generous) upon his dependants: **Surely, the most honourable of you in the Presence of Allah is the most pious of you [49:13]**'.³²¹

باب 102 أحكام النفقة

CHAPTER 102 – RULINGS OF THE EXPENDITURE

1- فس، تفسير القمي أحمد بن إدريس عن أحمد بن محمد بن الحسين بن سعيد عن النضر عن ابن حميد عن أبي بصير عن أبي عبد الله صلوات الله عليه في قول الله و من قدر عليه رزقه فلينفق بما آتاه الله قال إذا أنفق الرجل على امرأته ما يقيم ظهرها مع الكسوة و إلا فارق بينهما.

Tafseer Al Qummi – Ahmad Bin Idrees, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazr, from Ibn Humeyd, from Abu Baseer,

From Abu Abdullah^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws} regarding Words of Allah^{-azwj}: **and one whose sustenance is straitened upon him, let him spend from what Allah has Given him [65:7]**. He^{-asws} said: 'Either the man spends upon his wife what would straighten her back along with the clothing, or else there should be separation between them'.³²²

2- ل، الخصال أبي و ابن الوليد معاً عن محمد العطار و أحمد بن إدريس معاً عن الأشعري عن موسى بن عمر عن ابن المغيرة عن خريز قال: قلت لأبي عبد الله ع من الذي أجبر عليه و تلزمني نفقته

(The book) 'Al Khisaal' – My father and Ibn Al Waleed, both together from Muhammad Al Attar and Ahmad Bin Idrees, both together from Al Ash'ary, from Musa Bin Umar, from Ibn Al Mugheira, from Hareez who said,

'I said to Abu Abdullah^{-asws}, 'Who are those I am compelled upon and his expenses necessitate me (to provide)?'

قال الوالدان و الولد و الزوجة.

He^{-asws} said: 'The parents, and the children and the wife'.³²³

³²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 101 H 25

³²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 1

³²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 2

3- ل، الخصال ابن الوليد عن محمد العطار عن الأشعري عن إبراهيم بن هاشم عن عبد الله بن الصلت عن عدو من أصحابنا يرفعونه إلى أبي عبد الله ع أنه قال: خمسة لا يعطون من الزكاة الولد والوالدان والمرأة والمملوك لأنه يجبر على النفقة عليهم.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ash'ary, from Ibrahim Bin Hashim, from Abdullah Bin Al Salt, from a number of our companions raising it to,

Abu Abdullah^{asws} said: 'Five will not be given from the Zakat – the child, and the parents, and the wife, and the slave, because he is compelled upon the spending on them'.³²⁴

4 ع، علل الشرائع ماجيلويه عن محمد العطار مثله

(The book) 'Ilal Al Sharaie' – Majaylawiya, from Muhammad Al Attar, similar to it.³²⁵

5- ف، تحف العقول في خبر طويل عن الصادق ع أنه قال: وأما الوجوه الخمس التي يحب [يحب] عليه النفقة لمن يلزمه نفسه فعلى ولده ووالديه وامراته ومملوكه- لازم له ذلك في حال العسر واليسر.

(The book) 'Tuhaf Al Uqoul' -

In a lengthy Hadeeth from Al-Sadiq^{asws} having said: 'And as for the five categories the expenditure is obligatory upon for the ones necessitated upon himself – upon his children, and his parents, and his wife, and his slaves. That is necessary for him in a state of straitness and the ease'.³²⁶

6- شي، تفسير العياشي عن العلاء عن محمد بن مسلم عن أحدهما ع قال: سأله عن قوله وعلى الوارث مثل ذلك قال هو في النفقة على الوارث مثل ما على الوالد.

Tafseer Al Ayyashi – from Al A'ala, from Muhammad Bin Muslim,

'From one of the two (5th or 6th Imam^{asws}), he (the narrator) said, 'I asked him^{asws} about His^{azwj} Words: **And upon the heir is similar to that [2:233]**. He^{asws} said: 'It is regarding the expenditure upon the heir similar to what is upon the father'.³²⁷

7 شي، تفسير العياشي عن جميل عن سورة عن أبي جعفر ع مثله.

Tafseer Al Ayyashi – from Jameel, from Sowrah, from Abu Ja'far^{asws}, similar to it.³²⁸

8- شي، تفسير العياشي عن أبي الصباح قال: سئل أبو عبد الله ع عن قول الله عز وجل - وعلى الوارث مثل ذلك قال لا ينبغي للوارث أن يضار المرأة فيقول- لا أدع ولدها يأتيتها و يضار إن كان لهم عنده شيء ولا ينبغي له أن يفتر عليه.

Tafseer Al Ayyashi, from Abu Al Sabbah who said,

³²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 3

³²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 4

³²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 5

³²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 6

³²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 7

'Abu Abdullah^{-asws} was asked about Words of Allah^{-azwj} Mighty and Majestic: **And upon the heir is similar to that [2:233]**. He^{-asws} said: 'It is not befitting for the heir that he harms the wife so he says, 'I will not let her child come to her', and harms her children, if there was something for them with him, nor is it befitting for him that he be miserly upon him'.³²⁹

9- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيُّ ع الْحَامِلُ الْمُتَوَقِّعُ عَنْهَا زَوْجَهَا نَفَقَتُهَا مِنْ جَمِيعِ مَالِ الزَّوْجِ حَتَّى تَضَعَ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'The pregnant widow, her expenditure is from entirety of the wealth of the husband until she give birth'.³³⁰

10- الْعِلَالُ، لِمُحَمَّدِ بْنِ عَلِيٍّ بْنِ إِبْرَاهِيمَ الْعَلَلَةُ فِي جُوعِ النَّبِيِّ ص أَنَّهُ هُوَ أَبُ الْمُؤْمِنِينَ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ- النَّبِيُّ أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ وَأَزْوَاجُهُ أُمَّهَاتُهُمْ وَ هُوَ أَبُ هَلَمْ

(The book) 'Ilal' of Muhammad Bin Ali Bin Ibrahim -

The reason regarding hunger of the Prophet^{-saww} was because he^{-saww} is father of the Momineen due to Words of Allah^{-azwj} Mighty and Majestic: **The Prophet is foremost with the Momineen than their own selves, and his wives are their mothers [33:6]**, he^{-saww} is a father to them.

فَمَا كَانَ أَبُ الْمُؤْمِنِينَ عَلِمَ أَنَّ فِي الدُّنْيَا مُؤْمِنِينَ جَائِعِينَ وَ لَا يَحِلُّ لِلْأَبِ أَنْ يَشْبَعَ وَ يَجُوعَ وَلَدُهُ فَجَوَّعَ رَسُولُ اللَّهِ ص نَفْسَهُ لِأَنَّهُ عَلِمَ أَنَّ فِي أَوْلَادِهِ جَائِعِينَ.

So, did not father of the Momineen know that in the world there are Momineen who are hungry? And it is not permissible for the father that he satiates himself while his children are hungry. Therefore Rasool-Allah^{-saww} kept himself hungry because he^{-saww} knew that among his children there are hungry ones'.³³¹

[باب 103 ما يحل للمرأة أن تأخذ من بيت زوجها](#)

CHAPTER 103 – WHAT IS PERMISSIBLE FOR THE WIFE TO TAKE FROM THE HOUSE OF HER HUSBAND

1- ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ عَنِ ابْنِ بُكَيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَمَّا يَحِلُّ لِلْمَرْأَةِ أَنْ تَتَصَدَّقَ مِنْ بَيْتِ زَوْجِهَا بِغَيْرِ إِذْنِهِ قَالَ الْمَأْدُومُ.

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Ibn Bukeyr who said,

'I asked Abu Abdullah^{-asws} about what is permissible for the wife to donate from the house of her husband without his permission. He^{-asws} said: 'The prepared food'.³³²

³²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 8

³³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 9

³³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 102 H 10

³³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 103 H 1

2 ضا، فقه الرضا عليه السلام مثله.

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} - similar to it.³³³

3- ب، قرب الإسناد علي عن أخيه ع قال: سألتُهُ عن المرأة هل لها أن تُعطي من بيت زوجها بغير إذنه

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{asws}), he said, 'I asked him^{asws} about the woman, 'Is it for her to give from the house of her husband without his permission?'

قال لا إلا أن يُحلّها.

He^{asws} said: 'No, except if he has allowed it'.³³⁴

باب 104 كيفية نشوء الولد و الدعاء و التداوي لطلب الولد و صفات الأولاد و ما يزيد في الباه و في قوة الولد

CHAPTER 104 – HOW THE CHILD IS CONCEIVED, AND THE SUPPLICATIONS, AND THE TREATMENTS FOR SEEKING THE CHILD, AND QUALITIES OF THE CHILDREN, AND WHAT INCREASES IN THE MANHOOD, AND STRENGTH OF THE CHILD

1- فس، تفسير القمي أحمد بن محمد عن جعفر بن عبد الله المحمدي عن كثير بن عتيش عن أبي الجارود عن أبي جعفر ع في قوله و لقد خلقناكم ثم صوّزناكم أما خلقناكم فنطفة ثم علقة ثم مضغة ثم عظماً ثم لحماً و أما صوّزناكم فالعين و الأنف و الأذنين و الفم و اليدين و الرجلين صوّز هذا و نحوه ثم جعل الدميم و الوسيم و الجسيم و الطويل و القصير و أشباه هذا.

Tafseer Al Qummi – Ahmad Bin Muhammad, from Ja'far Bin Abdullah Al Muhammadi, from Kaseer Bin Ayyash, from Abu Al Jaroud,

From Abu Ja'far^{asws} regarding His^{azwj} Words: **And We Created you, then We Shaped you [7:11]**: 'As for 'We Created you', it is the seed, then a lump, then bones, then flesh; and as for 'We Fashioned you', it is the eyes, and the nose, and the ears, and the hands, and the legs. He^{azwj} Fashioned these and like it. Then He^{azwj} Made the ugly, and the handsome, and the large, and the tall, and the short, and resembling this'.³³⁵

2- ب، قرب الإسناد ابن عيسى عن البرنطي قال: سألت الرضا ع أن يدعوا الله عز و جل لامرأة من أهلنا بما حمل فقال قال أبو جعفر ع الدعاء ما لم يمتض أربعه أشهر

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

³³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 103 H 2

³³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 103 H 3

³³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 1

'I asked Al-Reza^{-asws} to Supplicate to Allah^{-azwj} Mighty and Majestic for a woman from our family who was pregnant. Abu Ja'far^{-asws} said: 'The supplication is for as long as four months have not passed'.

فَقُلْتُ لَهُ إِنَّمَا لَهَا أَقَلُّ مِنْ هَذَا فَدَعَا لَهَا

I said to him^{-asws}, 'But rather, for her is less than this, so supplicate for her!'

ثُمَّ قَالَ إِنَّ النُّطْقَةَ تَكُونُ فِي الرَّحِمِ ثَلَاثِينَ يَوْماً وَ تَكُونُ عَلَقَةً ثَلَاثِينَ يَوْماً وَ تَكُونُ مُضْغَةً ثَلَاثِينَ يَوْماً وَ تَكُونُ مُخَلَّقَةً وَ غَيْرَ مُخَلَّقَةٍ ثَلَاثِينَ يَوْماً فَإِذَا تَمَّتِ الْأَرْبَعَةُ أَشْهُرٌ بَعَثَ اللَّهُ تَبَارَكَ وَ تَعَالَى إِلَيْهَا مَلَكَئِينَ خَلَقَ لَهَا يُصَوِّرَانِ رُفْقَهُ وَ يَكْتُبَانِ رُفْقَهُ وَ أَجْلَهُ وَ شَقِيَّتَهُ أَوْ سَعِيدَهُ.

Then he^{-asws} said: 'The seed happens to be in the womb for thirty days, and it becomes a clot for thirty days, and becomes a lump for thirty days, and becomes formed and unformed for thirty days. When the four months are complete, Allah^{-azwj} Blessed and Exalted Sends two creating Angels to it. They shape it, and write its sustenance, and its lifespan, and whether it is unfortunate or fortunate'.³³⁶

3- ما، الأماالي للشيخ الطوسي المفيض عن الحسن بن علي النحوي عن محمد بن القاسم الأنباري عن محمد بن أحمد الطائي عن علي بن محمد الصيمري قال: تزوجت ابنة جعفر بن محمود الكاتب فأحببتها حباً لم يحب أحدٌ أحداً مثله وأبطأ علي الولد فصرت إلى أبي الحسن علي بن محمد بن الرضا ع فذكرت ذلك له

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed, from Al-Hassan Bin Ali Al Nahwy, from Muhammad Bin Al Qasim Al Anbary, from Muhammad Bin Ahmad Al Taie, from Ali Bin Muhammad Al Saymari who said,

'I married a daughter of Ja'far Bin Mahmoud the scribe. I loved her with such love, not one had loved anyone similar to it, and the (birth of a) child was delayed to me. I came to Abu Al-Hassan Ali^{-asws} Bin Muhammad^{-asws} Bin Al-Reza^{-asws}. I mentioned that to him^{-asws}.

فَتَبَسَّمَ وَ قَالَ اتَّخِذْ خَاتِماً فَصِّهْ فَيُورِجْ وَ اكْتُبْ عَلَيْهِ- رَبِّ لَا تَذَرْنِي فَرْداً وَ أَنْتَ خَيْرُ الْوَارِثِينَ

He^{-asws} smiled, and said: 'Take a ring whose stone is turquoise and write upon it: **'Lord! Do not leave me as an individual, and you are the best of the inheritors [21:89]'**.

قَالَ فَقَعَلْتُ ذَلِكَ فَمَا أَتَى عَلَيَّ حَوْلٌ حَتَّى رُفِّقْتُ مِنْهَا وَلَدًا ذَكَرًا.

He (the narrator) said, 'I did that. A year had not come upon me until I was Graced from her a male child'.³³⁷

4- طب، طب الأئمة عليهم السلام أحمد بن غياث عن محمد بن عيسى عن القاسم بن محمد عن بكير بن محمد قال: كنت عند أبي عبد الله ع فقال له رجل يا ابن رسول الله ص يولد لي الولد فيكون فيه البله و الضعف

³³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 2

³³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 3

(The book) 'Tibb Al Aйма^{-asws}', may the greeting be upon him^{-asws} – Ahmad Bin Giyas, from Muhammad Bin Isa, from Al Qasim Bin Muhammad, from Bukeyr Bin Muhammad who said,

'I was in the presence of Abu Abdullah^{-asws}. A Man said to him^{-asws}, 'O son^{-asws} of Rasool-Allah^{-saww}! The child is born for me and in it is the idiocy and the weakness!'

فَقَالَ مَا يَمْنَعُكَ مِنَ السَّوِيقِ اشْرَبْهُ وَ مَرَّ أَهْلَكَ بِهِ فَإِنَّهُ يُنْبِثُ اللَّحْمَ وَ يَشْدُ الْعَظْمَ وَ لَا يُولَدُ لَكُمْ إِلَّا الْقَوِيُّ.

He^{-asws} said: 'What prevents you from the 'Suweyq' (porridge)? Drink it and instruct your wife with it, for it builds the flesh, and strengthens the bones, and there will not be born for you except the strong'.³³⁸

5- مع، معاني الأخبار أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنْ عَلِيِّ بْنِ السِّنْدِيِّ عَنْ مُحَمَّدِ بْنِ عَمْرٍو بْنِ سَعِيدٍ عَنْ أَبِيهِ قَالَ: كُنْتُ عِنْدَ أَبِي الْحَسَنِ عَ حَيْثُ دَخَلَ عَلَيْهِ دَاوُدُ الرَّقِّيُّ فَقَالَ لَهُ جُعِلْتُ فِدَاكَ إِنَّ النَّاسَ يَقُولُونَ إِذَا مَضَى لِلْحَامِلِ سِتَّةُ أَشْهُرٍ فَقَدْ فَرَعَ اللَّهُ مِنْ خَلْقِهِ

(The book) 'Ma'ny Al Akhbar – My father, from Muhammad Al Attar, from Al Ash'ary, from Ali Bin Al Sindy, from Muhammad Bin Amro Bin Saeed, from his father who said,

'I was in the presence of Abu Al-Hassan^{-asws} when Dawood Al-Raqt entered to see him^{-asws}. He said to him^{-asws}, 'May I be sacrificed for you^{-asws}! The people are saying that when six months pass for the pregnant woman, Allah^{-azwj} is Free from His^{-azwj} creation!'

فَقَالَ أَبُو الْحَسَنِ يَا دَاوُدُ اذْغُ وَ لَوْ بِشِقِّ الصِّفَا

Abu Al-Hassan^{-asws} said: 'O Dawood! Supplicate, and even if it is with a piece of placenta!'

كُلْتُ جُعِلْتُ فِدَاكَ وَ أَيُّ شَيْءٍ الصِّفَا

I said, 'May I be sacrificed for you^{-asws}, and which things is the placenta?'

قَالَ مَا يَخْرُجُ مَعَ الْوَلَدِ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ يَفْعَلُ مَا شَاءَ.

He^{-asws} said: 'What comes out with the child, for Allah^{-azwj} Mighty and Majestic Does whatever He^{-azwj} Desires to'.³³⁹

6- ثَوَابُ الْأَعْمَالِ ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ أَسْبَاطٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ اللَّهَ عَزَّ وَ جَلَّ لَمْ يَبْتَلِ شَيْعَتَنَا بِأَرْبَعٍ أَنْ يَسْأَلُوا النَّاسَ فِي أَكْفِهِمْ وَ أَنْ يُؤْتُوا فِي أَنْفُسِهِمْ وَ أَنْ يَبْتَلِيَهُمْ بِوَلَايَةِ سَوِّءٍ وَ لَا يُولَدُ لَهُمْ أَرْزُقٌ أَحْضَرُ.

(The book) 'Sawab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Abu Al Khattab, from Ibn Asbat, from one of his companions,

From Abu Abdullah^{-asws} having said: 'Allah^{-azwj} Mighty and Majestic does not Afflict our^{-asws} Shias with four – their begging the people with their hands, and they will not be come to

³³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 4

³³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 5

regarding themselves (sodomy), and afflict them with being an evil ruler, and a blue-green eyed being born for them”.³⁴⁰

7- سن، المحاسن علي بن الحكم عن أبيه عن الأصمغ عن علي ع قال: إِنَّ نَبِيًّا مِنَ الْأَنْبِيَاءِ شَكَا إِلَى اللَّهِ قَلَّةَ النَّسْلِ فِي أُمَّتِهِ فَأَمَرَهُ أَنْ يَأْمُرَهُمْ بِأَكْلِ الْبَيْضِ فَفَعَلُوا فَكَثُرَ النَّسْلُ فِيهِمْ.

(The book) 'Al Mahasin' – Ali Bin Al Hakam, from his father, from Al Asbagh,

From Ali^{-asws} having said: 'A Prophet^{-as} from the Prophets^{-as} complained to Allah^{-azwj} of the few lineages (population) in his^{-as} community. He^{-azwj} Commanded him^{-as} to instruct them with eating the eggs. They did so and the lineage (population) among them became a lot'.³⁴¹

8- سن، المحاسن أبو القاسم الكوفي و ابن يزيد عن القندي عن عبد الله بن سنان عن أبي عبد الله ع قال: شَكَا نَبِيٌّ مِنَ الْأَنْبِيَاءِ إِلَى رَبِّهِ قَلَّةَ الْوَلَدِ فَأَمَرَهُ بِأَكْلِ الْبَيْضِ.

(The book) 'Al Mahasin' – Abu Al Qasim Al Kufi and Ibn Yazeed, from Al Qandy, from Abdullah Bin Sinan,

'From Abu Abdullah^{-asws} having said: 'A Prophet^{-as} from the Prophets^{-as} complained to his^{-as} Lord^{-azwj} of the fewness of children. He^{-azwj} Commanded him^{-as} with eating eggs'.³⁴²

9- سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ الْيَقُطِيْبِيُّ عَنِ الدِّهْقَانِ عَنْ دُرُسْتٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ نَبِيًّا مِنَ الْأَنْبِيَاءِ شَكَا إِلَى اللَّهِ قَلَّةَ النَّسْلِ فَقَالَ لَهُ كُلِ اللَّحْمَ بِالْبَيْضِ.

(The book) 'Al Mahasin' – Muhammad Bin Al Yaqteeni, from Al Dahqan, from Dorost, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws} having said: 'A Prophet^{-as} from the Prophets^{-as} complained to Allah^{-azwj} of the small number of offspring. He^{-azwj} Said to him^{-as}: "Eat the meat with the eggs!"'³⁴³

10- سن، المحاسن أَبِي عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ مُحَمَّدِ بْنِ أَبِي حَسَنَةَ الْجَمَالِ قَالَ: شَكَوْتُ إِلَى أَبِي الْحَسَنِ ع قَلَّةَ الْوَلَدِ فَقَالَ اسْتَغْفِرِ اللَّهَ وَكُلِ الْبَيْضَ بِالْبَصْلِ.

(The book) 'Al Mahasin' – My father, from Ahmad Bin Al Nazr, from Muhammad Bin Abu Hasan Al Jammal who said,

'I complained to Abu Al-Hassan^{-asws} of the lack of children. He^{-asws} said: 'Seek Forgiveness of Allah^{-azwj} and eat the eggs and the onions'.³⁴⁴

11- سن، المحاسن علي بن حسان عن موسى بن بكر قال سمعت أبا الحسن ع يقول أكثروا من البيض فإنه يزيد في الولد.

(The book) 'Al Mahasin' – Ali Bin Hassan, from Musa Bin Bakr who said,

³⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 6

³⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 7

³⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 8

³⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 9

³⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 10

'I heard Abu Al-Hassan^{-asws} saying: 'Frequent from (eating) the eggs for in increases in the children (being born)!'³⁴⁵

12- سن، المحاسن نُوحُ بْنُ شُعَيْبٍ عَنْ كَامِلٍ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ الْجُعْفِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ عَدِمَ الْوَلَدَ فَلْيَأْكُلِ الْبَيْضَ وَ لِيَكْثِرْ مِنْهُ.

(The book) 'Al Mahasin' – Nuh Bin Shueyb, from Kamil, from Muhammad Bin Ibrahim Al Jufy,

From Abu Abdullah^{-asws} having said: 'One who lacks the child, let him eat the eggs and let him frequent from it'.³⁴⁶

13- سن، المحاسن نُوحُ بْنُ شُعَيْبٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي الْحَسَنِ ع قَالَ: مَنْ تَغَيَّرَ عَلَيْهِ مَاءُ الظَّهْرِ يَنْفَعُ لَهُ اللَّبَنُ الْحَلِيبُ وَ الْعَسَلُ.

(The book) 'Al Mahasin' – Nuh Bin Shueyb, from the one who mentioned it,

From Abu Al-Hassan^{-asws} having said: 'Whoever experiences a change in his seminal fluid, fresh milk and honey will benefit him'.³⁴⁷

14- سن، المحاسن ابْنُ أَبِي هَمَّامٍ عَنْ كَامِلٍ بْنِ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ الْجُعْفِيِّ عَنْ أَبِيهِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع اللَّبَنُ الْحَلِيبُ لِمَنْ تَغَيَّرَ عَلَيْهِ مَاءُ الظَّهْرِ.

(The book) 'Al Mahasin' – Ibn Abu Hammam, from Kamil Bin Muhammad Bin Ibrahim Al Jufy, from his father who said,

'Abu Abdullah^{-asws} said: 'The fresh milk is for the one the water of the back (seminal fluid) changes upon him'.³⁴⁸

15- سن، المحاسن أَبِي طَيْبٍ عَنِ الدَّهْقَانِ عَنْ دُرُسْتٍ عَنِ ابْنِ مُسْكَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ شَرِبْتُ السَّوِيْقِي بِالزَّيْتِ ثُنَيْتِ اللَّحْمَ وَ تَشُدُّ الْعَظْمَ وَ تُرْفِقُ الْبَشْرَةَ وَ تَزِيدُ فِي الْبَاهِ.

(The book) 'Al Mahasin' – Al Yaqteeny, from Al Dahqan, from Dorost, from Ibn Muskan who said,

'I heard Abu Abdullah^{-asws} saying: 'Drinking the 'Suweyq' (porridge) with the oil builds the flesh and strengthens the bones, and thins the skin, and increases in the manhood'.³⁴⁹

16- سن، المحاسن أَبِي عَنْ بَكْرِ بْنِ مُحَمَّدٍ الْأَزْدِيِّ عَنْ حَضِرٍ قَالَ: كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ ع فَأَتَانَهُ رَجُلٌ مِنْ أَصْحَابِنَا فَقَالَ لَهُ يُولَدُ لَنَا الْمَوْلُودُ فَيَكُونُ مِنْهُ الْقِلَّةُ وَ الضَّعْفُ

(The book) 'Al Mahasin' – My father, from Bakr Bin Muhammad Al Azdy, from Hazir who said,

³⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 11

³⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 12

³⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 13

³⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 14

³⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 15

'I was in the presence of Abu Abdullah^{-asws} when a man from our companions came to see him^{-asws}. He said to him^{-asws}, 'The child gets born for us, so there is smallness and the weakness from him'.

فَقَالَ مَا يَمْنَعُكَ مِنَ السَّوِيقِ فَإِنَّهُ يَشُدُّ الْعَظْمَ وَ يُنْبِثُ اللَّحْمَ.

He^{-asws} said: 'What prevents you from the 'Suweyq' (porridge)? It strengthens the bones and builds the flesh'.³⁵⁰

17- سن، المحاسن أبو الحسن البجلي عن الحسن بن إبراهيم عن سليمان الجعفري عن أبي الحسن موسى ع قَالَ قَالَ رَسُولُ اللَّهِ ص السَّقَرَجَلُ يُصَفِّي اللَّوْنُ وَ يُحْسِنُ الْوَلَدَ.

(The book) 'Al Mahasin' – Abu Al-Hassan Al Bajaly, from Al-Hassan Bin Ibrahim, from Suleyman Al Ja'fari,

From Abu Al-Hassan^{-asws} Musa^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The quince clears the complexion and improves the child'.³⁵¹

18- سن، المحاسن سجادة رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ أَكَلَ سَقَرَجَلَةً عَلَى الرِّيقِ طَابَ مَاؤُهُ وَ حَسُنَ وَلَدُهُ.

(The book) 'Al Mahasin' – Sajadah raising it to,

Abu Abdullah^{-asws} said: 'One who eats the quince upon the empty stomach, his water (seminal fluid) would be good and improve his child'.³⁵²

19- سن، المحاسن بَعْضُ أَصْحَابِنَا ذَكَرَهُ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: نَظَرَ أَبُو عَبْدِ اللَّهِ ع إِلَى غُلَامٍ جَمِيلٍ فَقَالَ يَنْبَغِي أَنْ يَكُونَ أَبُو هَذَا الْغُلَامِ أَكَلَ السَّقَرَجَلِ

(The book) 'Al Mahasin' – One of our companions, from the one who mentioned it, from Abu Ayoub, from Muhammad Bin Muslim who said,

'Abu Abdullah^{-asws} looked at a beautiful boy. He^{-asws} said: 'It is befitting that the father of this boy had eaten the quince!'

وَ قَالَ السَّقَرَجَلُ يُحْسِنُ الْوَجْهَ وَ يُجْمُ الْقُودَ.

And he^{-asws} said: 'The quince improves the face and soothes the heart'.³⁵³

20 سن، المحاسن أَبِي عَنْ أَحْمَدَ بْنِ سُلَيْمَانَ عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلَ رَجُلٌ أَبَا عَبْدِ اللَّهِ ع عَنِ الْبُثْلِ وَ أَنَا عِنْدَهُ فَقَالَ الْهِنْدَبَاءُ لَنَا.

(The book) 'Al Mahasin' – My father, from Ahmad Bin Suleyman, from Abu Baseer who said,

³⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 16

³⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 17

³⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 18

³⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 19

'A man asked Abu Abdullah^{-asws} about the vegetables while I was in his^{-asws} presence. He^{-asws} said: 'The chicory is for us^{-asws}'.³⁵⁴

21- وَ قَالَ الرِّضَا ع عَلَيْكُمْ بِأَكْلِ الْهَنْدَبَاءِ فَإِنَّهَا تَزِيدُ فِي الْمَالِ وَالْوَلَدِ وَمَنْ أَحَبَّ أَنْ يَكْثُرَ مَالُهُ وَ وَلَدُهُ فَلْيُذِمِّ مِنْ أَكْلِ الْهَنْدَبَاءِ.

And Al-Reza^{-asws} said: 'Upon you is with eating the vegetable chicory for it increases in the water (seminal fluid), and the child, and the one who loves to increase his wealth and his children let him be habitual in eating the chicory'.³⁵⁵

22- سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَمَّنْ ذَكَرَهُ عَنْ خَالِدِ بْنِ مُحَمَّدٍ عَنْ جَدِّهِ سُفْيَانَ بْنِ السِّمِطِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَنْ أَدَامَ أَكْلَ الْهَنْدَبَاءِ كَثُرَ مَالُهُ وَ وَلَدُهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from the one who mentioned it, from Khalid Bin Muhammad, from his grandfather Sufyan who said,

'Abu Abdullah^{-asws} said: 'One who is regular in eating the chicory, his wealth and his children will increase'.³⁵⁶

23- سن، المحاسن أَبُو عَبْدِ اللَّهِ مُحَمَّدُ بْنُ عَلِيٍّ الْهَمْدَانِيُّ قَالَ سَمِعْتُ الرِّضَا ع يَقُولُ عَلَيْكُمْ بِأَكْلِ الْهَنْدَبَاءِ فَإِنَّهَا تَزِيدُ فِي الْمَالِ وَالْوَلَدِ.

(The book) 'Al Mahasin' – Abu Abdullah Muhammad Bin Ali Al Hamdani who said,

'I heard Al-Reza^{-asws} saying: 'Upon you is with eating our^{-asws} vegetable, the chicory, for it increases in the wealth and the children'.³⁵⁷

24- سن، المحاسن عَلِيُّ بْنُ الْحَكَمِ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْهَنْدَبَاءُ تُكْثِرُ الْمَالَ وَالْوَلَدَ.

(The book) 'Al Mahasin' – Ali Bin Al Hakam, from the one who mentioned it,

From Abu Abdullah^{-asws} having said: '(Eating) the chicory increases the wealth and the children'.³⁵⁸

25- سن، المحاسن أَبِي عَمَّنْ ذَكَرَهُ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَنْ سَرَّهُ أَنْ يَكْثُرَ مَالُهُ وَ وَلَدُهُ لَهْ الدُّكُورُ فَلْيُكْثِرْ مِنْ أَكْلِ الْهَنْدَبَاءِ.

(The book) 'Al Mahasin' – My father, from the one who mentioned it, from Abu Baseer who said,

'Abu Abdullah^{-asws} said: 'One whom it cheers to increase his wealth and the males should be born for him, let him frequent from eating the chicory'.³⁵⁹

³⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 20

³⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 21

³⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 22

³⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 23

³⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 24

³⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 25

26- سن، المحاسن بَعْضُهُمْ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: عَلَيْكَ بِالْهِنْدَبَاءِ فَإِنَّهُ يَزِيدُ فِي الْمَاءِ وَ يُحْسِنُ الْوَجْهَ.

(The book) 'Al Mahasin' – One of them,

From Abu Abdullah^{-asws} said: 'Upon you is with (eating) the chicory for it increases in the water (seminal fluid) and improves the face'.³⁶⁰

27- سن، المحاسن مَنْصُورُ بْنُ الْعَبَّاسِ عَنْ عَبْدِ الْعَزِيزِ بْنِ حَسَّانَ الْبَغْدَادِيِّ عَنْ صَالِحِ بْنِ عُقْبَةَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ الْجُعْفِيِّ قَالَ: ذَكَرَ أَبُو عَبْدِ اللَّهِ ع الْبَصَلَ فَقَالَ يُطَيِّبُ النَّكْهَةَ وَ يَذْهَبُ بِالْبَلْعَمِ وَ يَزِيدُ فِي الْجِمَاعِ.

(The book) 'Al Mahasin' – Mansour Bin Al Abbas, from Abdul Aziz Bin Hassan Al Baghdadi, from Salih Bin Uqbah, from Abdullah Bin Muhammad Al Ju'fy who said,

'Abu Abdullah^{-asws} mentioned the onion. He^{-asws} said: 'It freshens the breath and removes the phlegm, and increases in the manhood'.³⁶¹

28- سن، المحاسن بَعْضُ أَصْحَابِنَا عَمَّنْ ذَكَرَهُ عَنْ دَاوُدَ بْنِ فَرْقَدٍ قَالَ سَمِعْتُ أَبَا الْحُسَيْنِ ع يَقُولُ أَكُلُ الْجَزْرِ يُسَحِّنُ الْكُلَيْتَيْنِ وَ يُقِيمُ الذَّكَرَ

(The book) 'Al Mahasin' – One of our companions, from the one who mentioned it, from Dawood Bin Farqad who said,

'I heard Abu Al-Hassan^{-asws} saying: 'Eating the carrots warms the kidneys and strengthens the manhood'.

فُلْتُ جُعِلْتُ فِدَاكَ وَ كَيْفَ أَكُلُهُ وَ لَيْسَ لِي أَسْنَانٌ

I said, 'May I be sacrificed for you^{-asws}, and how do I eat it and there aren't any teeth for me?'

فَقَالَ مُرِ الْجَارِيَةَ تَسْلُقْهُ وَ كُلْهُ.

He^{-asws} said: 'Instruct the maidservant to boil it and eat it'.³⁶²

29- سن، المحاسن رَوَى بَعْضُ أَصْحَابِنَا أَنَّ دَاوُدَ قَالَ: دَخَلْتُ عَلَيْهِ وَ بَيْنَ يَدَيْهِ جَزْرٌ فَنَاولَنِي فَقَالَ كُلْ

(The book) 'Al Mahasin' – It is reported by one of our companions that Dawood said,

'I entered to see him^{-asws} and in front of him^{-asws} were carrots. He^{-asws} gave me one and said: 'Eat!'

فَقُلْتُ لَيْسَتْ لِي طَوَاجِرُ

I said, 'There are molars for me!'

³⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 26

³⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 27

³⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 28

فَقَالَ أَمَا لَكَ جَارِيَةٌ

He^{-asws} said: 'Is there a maid for you?'

فَقُلْتُ بَلَى

I said, 'Yes'.

فَقَالَ مُرَّهَا تَسْلُقْهُ لَكَ وَكُلْ فَإِنَّهُ يُسَخِّرُ الْكُلَيْتَيْنِ وَ يُقِيمُ الذَّكَرَ.

He^{-asws} said: 'Instruct her to boil it and eat, for it warms the kidneys and strengthens the manhood'.³⁶³

30- سن، المحاسن أحمد بن عبيد عن الحسين بن علوان عن أبي عبد الله ع قَالَ قَالَ رَسُولُ اللَّهِ ص التَّمَرُ الْبَرْبِيُّ يُقَوِّي الظَّهْرَ وَ يَزِيدُ فِي الْمُجَامَعَةِ تَمَامَ الْخَبَرِ.

(The book) 'Al Mahasin' – Ahmad Bin Ubeyd, from Al-Husayn Bin Ulwan,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The 'Barny' dates strengthen the back and increase in the manhood' – complete Hadeeth.³⁶⁴

31- سن، المحاسن الحسن بن علي بن أبي عثمان رفعه إلى النبي ص قَالَ: قَالَ جَبْرِئِيلُ التَّمَرُ الْبَرْبِيُّ يَزِيدُ فِي مَاءِ فَقَارِ الظَّهْرِ الْخَبَرِ.

(The book) 'Al Mahasin' – Al-Hassan Bin Ali Bin Abu Usman raising it to

The Prophet^{-saww} said: 'Jibraeel^{-as} said: 'The 'Barny' dates increase in the water of the vertebra of the back' – the Hadeeth.³⁶⁵

32- سن، المحاسن الحسن بن سعيد عن عمرو بن إبراهيم عن الخراساني قَالَ: أَكُلُ التَّمَرَانِ يَزِيدُ فِي مَاءِ الرَّجُلِ وَ يُحَسِّنُ الْوَلَدَ.

(The book) 'Al Mahasin' – Al-Hassan Bin Saeed, from Amro Bin Ibrahim, from Al Khurasani who said,

'Eating the pomegranate increases in water (seminal fluid) of the mater and improves the child'.³⁶⁶

33- طب، طب الأئمة عليهم السلام محمد بن العيص عن إسحاق بن عثمان عن عثمان بن عيسى عن محمد بن مسلم قَالَ: قَالَ رَجُلٌ لِأَبِي عَبْدِ اللَّهِ ع إِنِّي أَشْتَرِي الْجَوَارِي فَأُحِبُّ أَنْ تُعَلِّمَنِي شَيْئاً أَقْوَى بِهِ عَلَيْهِمْ

(The book) 'Tibb Al Aemma^{-asws}', may the greeting be upon him^{-asws} – Muhammad Bin Al Ays, from Is'haq Bin Usman, from Usman Bin Isa, from Muhammad Bin Muslim who said,

³⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 29

³⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 30

³⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 31

³⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 32

'A man said to Abu Abdullah^{-asws}, 'I tend to buy the slave girls, so I would love it if you^{-asws} could teach me something I can be strong with it upon them!'

فَقَالَ خُذْ بَصَلًا أَبْيَضَ فَقَطِّعْهُ صِغَارًا وَ أَقْلِهِ بِالزَّيْتِ ثُمَّ خُذْ بَيْضًا فَاقْقِصْهُ فِي قَصْعَةٍ وَ ذُرْ عَلَيْهِ شَيْئًا مِنَ الْمِلْحِ ثُمَّ أَكْبِهْهُ عَلَى الْبَصَلِ وَ الزَّيْتِ وَ أَقْلِهِ وَ كُلْ مِنْهُ

He^{-asws} said: 'Take a white onion, chop it finely, and fry it in oil. Then take some eggs, crack them into a bowl, sprinkle a little salt on them, then pour them over the onion and oil, fry it, and eat from it'.

قَالَ إِسْحَاقُ فَفَعَلْتُهُ فَكُنْتُ لَا أُرِيدُ مِنْهُمْ شَيْئًا إِلَّا نِلْتُهُ.

Is'haq said, 'I did that, and I did not desire anything from them except that I attained it'.³⁶⁷

34- وَ عَنْهُ ع أَنَّهُ قَالَ لِأَخَرَ تَسْجُدُ سَجْدَةً ثُمَّ تَقُولُ - اللَّهُمَّ أَدِّمْ فِيهِمْ لَدُنِّي وَ كَثِّرْ فِيهِمْ رَغْبَتِي وَ قَوِّ عَلَيْهِمْ ضَعْفِي خَلَا لَا مِنْ عِنْدِكَ يَا سَيِّدِي.

And from him^{-asws}, he^{-asws} said for the last Sajdah you perform: 'Then you should say, 'O Allah^{-azwj}! Sustain my delight in them, increase my desire for them, and strengthen my weakness toward them as something lawful from You^{-azwj}, O my Master!''³⁶⁸

35- وَ قَالَ: الْكُحْلُ يَزِيدُ فِي الْمَضَاجِعَةِ وَ الْحِنَّاءُ يَزِيدُ فِيهَا.

And he^{-asws} said: 'The Kohl increases in the manhood and the Henna increases in it (as well)'.³⁶⁹

36- وَ قَالَ ع اللَّبَنُ الْحَلِيبُ نَافِعٌ لِمَنْ يَفْتَرُّ عَلَيْهِ مَاءُ الظَّهْرِ.

And he^{-asws} said: 'The fresh milk benefits water of the back (seminal fluid) for the one who breaks fast upon it'.³⁷⁰

37- وَ عَنْ مُحَمَّدٍ الْبَاقِرِ ع أَنَّهُ قَالَ: مَنْ عَدِمَ الْوَلَدَ فَلْيَأْكُلِ الْبَيْضَ وَ لْيَكْتَبِرْ مِنْهُ فَإِنَّهُ يُكْثِرُ النَّسْلَ.

And from Muhammad Al-Baqir^{-asws}, he^{-asws} said: 'One who lacks children, let him eat the eggs and let him frequent from it for it increases the offspring'.³⁷¹

38- وَ قَالَ الصَّادِقُ ع عَلَيْكَ بِالْهَنْدَبَاءِ فَإِنَّهُ يَزِيدُ فِي الْمَاءِ وَ يُحَسِّنُ اللَّوْنَ وَ هُوَ حَارٌّ لَيِّنٌ يَزِيدُ فِي الْوَلَدِ الذَّكَورِ.

And Al-Sadiq^{-asws} said: 'Upon you is with (eating) the chicory for it increases in the water (seminal fluid) and improves the complexion, and it is warm, gentle. It increases in the male children'.³⁷²

³⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 33

³⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 34

³⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 35

³⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 36

³⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 37

³⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 38

39- وَعَنِ الْحَارِثِ بْنِ الْمُغَيْرَةِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ الصَّادِقِ ع إِنِّي مِنْ أَهْلِ بَيْتٍ وَ قَدْ انْفَرَضُوا وَ لَيْسَ لِي وَلَدٌ

And from Al Haris Bin Al Mugheira who said,

‘I said to Abu Abdullah Al-Sadiq^{asws}, ‘I am from a household who have passed away and there is no child for me!’

قَالَ فَادْعُ اللَّهَ تَعَالَى وَ أَنْتَ سَاجِدٌ وَ قُلْ رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً طَيِّبَةً إِنَّكَ سَمِيعُ الدُّعَاءِ- رَبِّ لَا تَذَرْنِي فَرْدًا وَ أَنْتَ خَيْرُ الْوَارِثِينَ وَ لِيَكُنْ ذَلِكَ يَوْمَ
الرَّكْعَةِ الْآخِرَةِ مِنْ صَلَاةِ الْعَتَمَةِ ثُمَّ جَامِعَ أَهْلَكَ مِنْ لَيْلَتِكَ

He^{asws} said: ‘Supplicate to Allah^{azwj} the Exalted while you are in Sajdah, and say, **“My Lord! Grant me good offspring from You, surely You are the Hearer of the supplication” [3:38] Lord! Do not leave me as an individual, and you are the best of the inheritors [21:89]**, and let that be in the last unit of the evening (Al-Maghrib) Salat. Then have marital relations with your wife in that night’.

قَالَ الْحَارِثُ بْنُ الْمُغَيْرَةِ فَقَعَلْتُ فَوُلِدَ لِي عَلِيُّ وَ الْحُسَيْنُ.

Al-Haris Bin Al-Mugheira said, ‘I did so and Ali and Al-Husayn (two sons) were born for me’.³⁷³

40- طَب، طَب الْأُئِمَّة عَلَيْهِمُ السَّلَامُ أَحْمَدُ بْنُ عِمْرَانَ بْنِ أَبِي لَيْلَى عَنِ ابْنِ أَبِي نُجْرَانَ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ الْجُعْفَرِيِّ عَنْ أَبِي جَعْفَرٍ الْأَوَّلِ مُحَمَّدٍ الْبَاقِرِ
بْنِ عَلِيِّ بْنِ الْحُسَيْنِ بْنِ عَلِيٍّ ع أَنَّ رَجُلًا شَكََا إِلَيْهِ فَلَهُ الْوَلَدُ وَ أَنَّهُ يَطْلُبُ الْوَلَدَ مِنَ الْإِمَاءِ وَ الْحَرَائِرِ فَلَا يُزْرَقُ لَهُ وَ هُوَ ابْنُ سِتِّينَ سَنَةً

(The book) ‘Tibb Al-Aimma^{asws}’, may the greeting be upon him^{asws} – Ahmad Bin Imran Bin Abu Layli, from Ibn Abu Najran, from Suleyman Bin Ja’far Al Ja’fary,

From Abu Ja’far^{asws} the 1st, Muhammad Al-Baqir^{asws} Bin Ali^{asws} Bin Al-Husayn^{asws} Bin Ali^{asws}, a man complained to him^{asws} of the lack of children and he had sought the child from the slave girls and the free women, but it had not been Graced to him, and he was sixty years old.

فَقَالَ ع قُلْ ثَلَاثَةَ أَيَّامٍ فِي دُبُرِ صَلَوَاتِكَ الْمَكْتُوبَةِ صَلَاةِ الْعِشَاءِ الْآخِرَةِ وَ فِي دُبُرِ صَلَاةِ الْفَجْرِ- سُبْحَانَ اللَّهِ سَبْعِينَ مَرَّةً وَ أَسْتَغْفِرُ اللَّهَ سَبْعِينَ مَرَّةً وَ تَحْتُمُهُ
بِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ- اسْتَغْفِرُوا رَبَّكُمْ إِنَّهُ كَانَ غَفَّارًا- يُرْسِلِ السَّمَاءَ عَلَيْكُمْ مِدْرَارًا- وَ يُعِدُّكُمْ بِأَمْوَالٍ وَ بَنِينَ وَ يُجْعَلُ لَكُمْ جَنَّاتٍ وَ يُجْعَلُ لَكُمْ أَنْهَارًا

He^{asws} said: ‘Say for three days in the end of your Prescribed Salats, Salat of Al-Isha the last, and in the ned of Salat Al-Fajr, ‘Glory be to Allah^{azwj}’, seventy times, and ‘I seek Forgiveness of Allah^{azwj} seventy times’, and end it with the Words of Allah^{azwj} Mighty and Majestic: **‘Seek Forgiveness of your Lord, He would always be Forgiving [71:10] He will Send the sky unto you pouring (with rain) [71:11] And Assist you with wealth and sons, and Make gardens for you, and Make rivers for you [71:12]’.**

ثُمَّ وَاقِعَ امْرَأَتَكَ اللَّيْلَةَ الثَّالِثَةَ فَإِنَّكَ تُزْرَقُ بِإِذْنِ اللَّهِ ذَكَرًا سَوِيًّا

³⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 39

Then have marital relations with your wife for three nights, you will be Graced a sound male child by the Permission of Allah^{-azwj}.

قَالَ فَفَعَلَ ذَلِكَ وَ لَمْ يَحِلْ الْحَوْلُ حَتَّى يُزِقَ فُرْقَةً عَيْنٍ.

He said, 'I did that and a year had not passed by until I was Graced a delight of my eye'.³⁷⁴

41- مكا، مكارم الأخلاق قَالَ أَبُو الْحَسَنِ ع مَنْ أَكَلَ الْبَيْضَ وَ الْبَصَلَ وَ الرَّبْتَ زَادَ فِي جَمَاعِهِ وَ مَنْ أَكَلَ اللَّحْمَ بِالْبَيْضِ كَثُرَ عَظْمُ وَلَدِهِ.

(The book) 'Makarim Al Akhlaq' -

Abu Al-Hassan^{-asws} said: 'One who eats the eggs and the onion and the oil, there will be an increase in his manhood, and one who eats the meat with the eggs, the bones of his child will be big'.³⁷⁵

42- عَنْ بَعْضِ أَصْحَابِ أَبِي عَبْدِ اللَّهِ ع قَالَ لَهُ جُعِلْتُ فِدَاكَ إِنِّي أَشْتَرِي الْجَوَارِيَ فَأُحِبُّ أَنْ تُعَلِّمَنِي شَيْئاً أَتَقَوَّى عَلَيْهِمْ

One of the companions of Abu Abdullah^{-asws} said to him^{-asws}, 'May I be sacrificed for you^{-asws}! I buy the slave girls so I would love it if you^{-asws} could teach me something I can be strengthened upon them!'

قَالَ خُذْ بَصَلاً وَ قَطِّعْهُ صِغَاراً صِغَاراً وَ أَقْلِهِ بِالرَّبِّتِ وَ خُذْ بَيْضاً فَأَعْقِصْهُ فِي صَحْفَةٍ وَ ذَرَّ عَلَيْهِ شَيْئاً مِنْ مِلْحٍ فَأَذْرُهُ عَلَى الْبَصَلِ وَ الرَّبْتَ وَ أَقْلِهِ شَيْئاً ثُمَّ كُلْ مِنْهُ

He^{-asws} said: 'Take an onion and chop it very finely, then fry it in oil. Take some eggs, beat them in a dish, and sprinkle a little salt on them. Then pour them over the onion and oil and fry it a bit more, then eat from it'.

قَالَ فَفَعَلْتُ فَكُنْتُ لَا أُرِيدُ مِنْهُمْ شَيْئاً إِلَّا قَدَرْتُ عَلَيْهِ.

He said, 'So, I did, and I did not want anything from them except I was able upon it'.³⁷⁶

43- مكا، مكارم الأخلاق مِنْ كِتَابِ الْمَحَاسِنِ بَكْرُ بْنُ صَالِحٍ قَالَ: كَتَبْتُ إِلَى أَبِي الْحَسَنِ الثَّانِي ع إِنِّي اجْتَنَبْتُ طَلَبَ الْوَلَدِ مُنْذُ خَمْسِ سِنِينَ وَ ذَلِكَ أَنَّ أَهْلِي كَرِهَتْ ذَلِكَ وَ قَالَتْ إِنَّهُ يَسْتَدُّ عَلَيَّ تَرْبِيَتَهُمْ لِقَلَّةِ الشَّيْءِ فَمَا تَرَى

(The book) 'Makarim Al Akhlaq', from the book 'Al Mahasin' – Bakr Bin Salih said,

'I wrote to Abu Al-Hassan^{-asws} the 3rd, 'I have shunned seeking the child since five years and that is because my wife disliked that and said, 'It is harsh upon me to take care of them due to the lack of things'. So, what is your^{-asws} view?'

³⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 40

³⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 41

³⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 42

فَكَتَبَ اَطْلُبِ الْوَلَدَ فَإِنَّ اللَّهَ يَرْزُقُهُمْ.

He^{-asws} wrote: 'Seek the children, for Allah^{-azwj} will Provide them!'³⁷⁷

44- مِنْ الْفِرْدَوْسِ عَنِ ابْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ اَطْلُبُوا الْوَلَدَ وَ التَّمِسُّوهُ فَإِنَّهُ قُرَّةُ الْعَيْنِ وَ رِجَاءُ الْقَلْبِ وَ إِيَّاكُمْ وَ الْعَجْزَ وَ الْعُمْرَ.

From (the book) 'Al Firdows' – from Ibn Umar who said,

'Rasool-Allah^{-saww} said: 'Seek the children and desire it, for it is a delight of the eyes and aroma of the heart, and beware of the frustration and the barrenness!'³⁷⁸

45- عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ع أَنَّهُ قَالَ لِبَعْضِ أَصْحَابِهِ قُلْ فِي طَلَبِ الْوَلَدِ- رَبِّ لَا تَذَرْنِي فَرْدًا وَ أَنْتَ خَيْرُ الْوَارِثِينَ وَ اجْعَلْ لِي وَلِيًّا مِنْ لَدُنْكَ يَرْتُنِي فِي حَيَاتِي وَ يَسْتَغْفِرُ لِي بَعْدَ وَفَاتِي وَ اجْعَلْهُ خَلْفًا سَوِيًّا وَ لَا تَجْعَلْ لِلشَّيْطَانِ فِيهِ نَصِيبًا

From Ali^{-asws} Bin Al-Husayn^{-asws}, he^{-asws} said to one of his^{-asws} companions: 'Say in seeking the child, **'My Lord! Grant me good offspring from You, surely You are the Hearer of the supplication' [3:38]**, and Make a guardian to be for me from Yourself who will inherit me during my lifetime and seek Forgiveness for me after my expiry, and Make him a sound creation and do not Make a share for the Satan^{-la} in him!

اللَّهُمَّ إِنِّي أَسْتَغْفِرُكَ وَ أَتُوبُ إِلَيْكَ إِنَّكَ أَنْتَ الْعَفُورُ الرَّحِيمُ سَبْعِينَ مَرَّةً فَإِنَّهُ مَنْ أَكْثَرَ مِنْ هَذَا الْقَوْلِ رَزَقَهُ اللَّهُ مَا يَتَمَنَّى مِنْ مَالٍ وَ وَلَدٍ وَ مِنْ خَيْرِ الدُّنْيَا وَ الْآخِرَةِ

O Allah^{-azwj}! I seek Your^{-azwj} Forgiveness and I repent to You^{-azwj}, surely You^{-azwj} are the Forgiving, the Merciful', seventy times, for the one who frequents this word Allah^{-azwj} will Grace him what he is wishing for, from wealth and children, and from goodness of the world and the Hereafter.

فَإِنَّهُ تَعَالَى يَقُولُ فَقُلْتُ اسْتَغْفِرُوا رَبَّكُمْ إِنَّهُ كَانَ غَفَّارًا- يُرْسِلُ السَّمَاءَ عَلَيْكُمْ مِدْرَارًا- وَ يُغْدِقُكُمْ بَاقِوَالٍ وَ بَيِّنٍ وَ يَجْعَلُ لَكُمْ جَنَّاتٍ وَ يَجْعَلُ لَكُمْ أَنْهَارًا.

Allah^{-azwj} the Exalted Says: **So I said: 'Seek Forgiveness of your Lord, He would always be Forgiving [71:10] He will Send the sky unto you pouring (with rain) [71:11] And Assist you with wealth and sons, and Make gardens for you, and Make rivers for you [71:12]'**.³⁷⁹

46- وَ مِنْ كِتَابِ طِبِّ الْأَنْبِيَاءِ، عَنْ سُلَيْمَانَ الْخُوزِيِّ عَنْ شَيْخِ مَدَائِنِي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: وَقَدْتُ إِلَى هِشَامِ بْنِ عَبْدِ الْمَلِكِ فَأَبْطَأَ عَلَيَّ الْإِدْنُ حَتَّى اعْتَمَمْتُ وَ كَانَ لَهُ حَاجِبٌ كَثِيرٌ الدُّنْيَا لَا وَلَدَ لَهُ

And from the book 'Tibb Al Aemma^{-asws}', from Suleyman Al Ja'fari, from sheykh Madainy, from Zurara,

³⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 43

³⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 44

³⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 45

From Abu Ja'far^{-asws}, he (Zurara) said: 'I came as a delegate to Hisham Bin Abdul Malik (caliph). The permission was delayed unto me until I was saddened, and there was a guard for him being of a lot of world (wealth), there being no children for him.

فَدَنَا أَبُو جَعْفَرٍ ع فَقَالَ هَلْ لَكَ أَنْ تُوصِلَنِي إِلَى هِشَامٍ فَأَعْلَمَكَ دُعَاءَ يُؤَلِّدُ لَكَ وَلَدًا

Abu Ja'far^{-asws} approached and said: 'Is it for you to make me^{-asws} arrive to Hisham, and I^{-asws} will teach you a supplication, a child will be born for you?'

فَقَالَ نَعَمْ وَأَوْصَلَهُ إِلَى هِشَامٍ فَقَضَى حَوَائِجَهُ فَلَمَّا فَرَغَ فَقَالَ لَهُ الْحَاجِبُ جُعِلَتْ فِدَاكَ الدُّعَاءُ الَّذِي قُلْتَ لِي

He said, 'Yes', and let him^{-asws} arrive to Hisham and fulfilled his need. When he^{-asws} was free, the guard said to him^{-asws}, 'May I be sacrificed for you^{-asws}! The supplication which you^{-asws} had said to me!'

فَقَالَ نَعَمْ تَقُولُ فِي كُلِّ يَوْمٍ إِذَا أَصْبَحْتَ وَ أَفْسَيْتَ - سُبْحَانَ اللَّهِ سَبْعِينَ مَرَّةً وَ تَسْتَغْفِرُ اللَّهَ عَزَّ وَ جَلَّ عَشْرَ مَرَّاتٍ وَ تُسَبِّحُهُ تِسْعَ مَرَّاتٍ وَ تَحْمِئُمُ الْعَاشِرَةَ بِالْأَسْتِغْفَارِ

He^{-asws} said: 'Yes. You should say during every day when it is morning and evening, 'Glory be to Allah^{-azwj}', seventy times, and seek Forgiveness of Allah^{-azwj} Mighty and Majestic ten times, and glorify Him^{-azwj} seven times, and end the tenth wit seeking Forgiveness.

تَقُولُ - أَسْتَغْفِرُ اللَّهَ إِنَّهُ كَانَ عَفَّارًا - يُرْسِلُ السَّمَاءَ عَلَيْكُمْ مِدْرَارًا - وَ يُنْزِلُ عَلَيْكُمْ بِأَمْوَالٍ وَ بَنِينَ وَ يُجْعَلُ لَكُمْ جَنَّاتٍ وَ يُجْعَلُ لَكُمْ أَنْهَارًا

You should say, 'I seek Forgiveness of Allah^{-azwj}, **He would always be Forgiving [71:10] He will Send the sky unto you pouring (with rain) [71:11] And Assist you with wealth and sons, and Make gardens for you, and Make rivers for you [71:12]**'.

فَقَالَهَا الْحَاجِبُ فُرَزَقَ ذُرِّيَّةً كَثِيرَةً وَ كَانَ بَعْدَ ذَلِكَ يُصِلُ أَبَا جَعْفَرٍ وَ أَبَا عَبْدِ اللَّهِ ع

The guard said it and he was Graced with a lot of offspring, and after that he used to arrive to Abu Ja'far^{-asws} and Abu Abdullah^{-asws}.

قَالَ سُلَيْمَانُ فَقُلْتُهَا وَ تَزَوَّجْتُ ابْنَةَ عَمِّي وَ قَدْ أَبْطَأَ عَلَيَّ الْوَلَدُ مِنْهَا وَ عَلَّمْتُهَا أَهْلِي فَرَزَقْتُ وَلَدًا وَ زَعَمَتِ الْمَرْأَةُ حِينَ تَشَاءُ أَنْ تَحْمِلَ حَمَلَتْ إِذَا قَالَتْهَا وَ عَلَّمْتُهَا غَيْرَهَا مِمَّنْ لَمْ يَكُنْ يُؤَلِّدُ لَهُ قَوْلَهُ هُمْ وَلَدٌ كَثِيرٌ.

Suleyman said, 'I said it and I married a daughter of my uncle, and the child from her was delayed to me, and I taught it to my wife and I was Graced a child, and the woman claimed that she can become pregnant whenever she desires to. She said it and taught it to other from the ones who did not happen to have any child for him, so there were born for them a lot of children'.³⁸⁰

³⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 46

47- عَنْ أَبِي بَكْرٍ بْنِ الْحَارِثِ الْبَصْرِيِّ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ إِنِّي مِنْ أَهْلِ بَيْتٍ قَدْ انْقَرَضُوا وَ لَيْسَ لِي وَلَدٌ

From Abu Bakr Bin Al Haris Al Basry who said,

‘I said to Abu Abdullah^{-asws}, ‘I am from a household who have passed away, and there isn’t any child for me!’

قَالَ فَادْعُ اللَّهَ عَزَّ وَ جَلَّ وَ أَنْتَ سَاجِدٌ وَ قُلْ يَا رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً طَيِّبَةً إِنَّكَ سَمِيعُ الدُّعَاءِ- رَبِّ لَا تَذَرْنِي فَرْدًا وَ أَنْتَ خَيْرُ الْوَارِثِينَ

He^{-asws} said: ‘Supplicate to Allah^{-azwj} Mighty and Majestic while you are in Sajdah, and say, ‘**My Lord! Grant me good offspring from You, surely You are the Hearer of the supplication’ [3:38] Lord! Do not leave me as an individual, and you are the best of the inheritors [21:89]**’.

قَالَ فَقُلْتُهَا فَقُولِدْ لِي عَلِيٌّ وَ الْحُسَيْنُ.

He (the narrator) said, ‘I said it and there were born unto me Ali and Al-Husayn (two sons)’.³⁸¹

48- وَ بِرَوَايَةٍ عَنْهُ عَ لَطَلَبِ الْوَلَدِ قَالَ إِذَا أَرَدْتَ الْمُبَاشَرَةَ فَلْتَقَرَّ ثَلَاثَ مَرَّاتٍ- وَ ذَا النُّونِ إِذْ ذَهَبَ مُغَاضِبًا الْآيَةَ.

And by a reported him him^{-asws} to seek the child. He^{-asws} said: ‘If you intend the marital relations, read three times: **And the one with the whale (Yunus), when he went away in anger [21:87] – the Verse**’.³⁸²

49- عَنْهُ عَ قَالَ: إِذَا كَانَ بِامْرَأَةٍ أَحَدُكُمْ حَمْلٌ فَلْيَسْتَقْبِلْ بِهَا الْقِبْلَةَ وَ لْيَقْرَأْ آيَةَ الْكُرْسِيِّ وَ لْيَضْرِبْ عَلَى جَنْبِهَا وَ لْيَقُلْ- اللَّهُمَّ قَدْ سَمَّيْتُهُ مُحَمَّدًا

From him^{-asws} having said: ‘When there was a pregnancy with a wife of one of you, let him face the Qiblah with her and let him read Ayat Al Kursi, and let him tap upon her side and let him say, ‘O Allah^{-azwj}! I hereby name him as ‘Muhammad’!’

وَ إِنَّ اللَّهَ قَدْ يَجْعَلُهُ اللَّهُ عَزَّ وَ جَلَّ غُلَامًا [إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَجْعَلُهُ غُلَامًا] فَإِنْ وَفَى بِمَا سَمَى بَارَكَ اللَّهُ فِيهِ وَ إِنْ رَجَعَ عَنِ الْإِسْمِ كَانَ فِيهِ الْخِيَارُ إِنْ شَاءَ أَحَدٌ وَ إِنْ شَاءَ تَرَكَهُ.

And if Allah^{-azwj} Mighty and Majestic were to Make him a boy, and he fulfils with what he has named him, Allah^{-azwj} will Bless him, and if he retracts from the name, there would be the choice in him. If he likes he can take, and if he likes he can leave it’.³⁸³

50- وَ مِنْ كِتَابِ نَوَادِرِ الْحِكْمَةِ، عَنْ أَبِي عَبْدِ اللَّهِ عَ قَالَ: دَخَلَ رَجُلٌ عَلَيْهِ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ وَلِدَ لِي ثَمَانِيَةُ بَنَاتٍ رَأْسٌ عَلَى رَأْسٍ وَ لَمْ أَرْ قَطُّ ذَكَرًا فَادْعُ اللَّهَ عَزَّ وَ جَلَّ أَنْ يَرْزُقَنِي ذَكَرًا

And from the book ‘Nawadir Al Hikma’ -

³⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 47

³⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 48

³⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 49

From Abu Abdullah^{-asws} having said: 'A man entered to see him^{-asws}. He said, 'O son^{-asws} of Rasool-Allah^{-saww}! Eight daughters have been born unto me, one upon the other, and I have not seen a male (child) at all! So supplicated to Allah^{-azwj} Mighty and Majestic to Grace me a male child'.

فَقَالَ الصَّادِقُ ع إِذَا أَرَدْتَ الْمَوَاقِعَةَ وَفَعَدْتَ مَعْدَةَ الرَّجُلِ مِنَ الْمَرْأَةِ فَضَعْ يَدَكَ الْيُمْنَى عَلَى يَمِينِ سُرَّةِ الْمَرْأَةِ وَاقْرَأْ إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةِ الْقَدْرِ سَبْعَ مَرَّاتٍ ثُمَّ وَافِعَ أَهْلَكَ فَإِنَّكَ تَرَى مَا تُحِبُّو إِذَا تَبَيَّنَتِ الْحَمْلُ فَمَتَّى مَا تَقَلَّبَتِ اللَّيْلُ فَضَعْ يَدَكَ عَلَى يَمْنَةِ سُرَّتِهَا وَاقْرَأْ إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةِ الْقَدْرِ سَبْعَ مَرَّاتٍ

Al-Sadiq^{-asws} said: 'When you want to have marital relations and sit the sitting of the man from a woman, place your right hand upon the right of the navel of the wife and read Surah Al Qadr seven times. Then have the marital relations with your wife, you will see what you like, and when the pregnancy is evident, when she turns at night place your hand upon the right of her navel and read Surah Al Qadr seven times'.

قَالَ الرَّجُلُ فَقَعَلْتُ ذَلِكَ فَوُلِدَ لِي سَبْعُ ذُكُورٍ رَأْسٌ عَلَى رَأْسٍ وَ قَدْ فَعَلْتُ ذَلِكَ غَيْرَ وَاحِدٍ فُزِرْتُوَا ذُكُورَةً.

The man said, 'I did that and seven boys were born for me, one upon another, and others did that they were Graced the males'.³⁸⁴

51 وَ عَنِ الْحَسَنِ بْنِ عَلِيٍّ ع أَنَّهُ قَدْ وَقَدْ عَلَى مُعَاوِيَةَ فَلَمَّا خَرَجَ تَبِعَهُ بَعْضُ حُجَّابِهِ وَ قَالَ إِنِّي رَجُلٌ ذُو مَالٍ وَ لَا يُولَدُ لِي فَعَلَّمَنِي شَيْئًا لَعَلَّ اللَّهَ يَرْزُقُنِي وَلَدًا

And from Al-Hassan Bin Ali^{-asws}, had gone as a delegate to Muawiya. When he^{-asws} came out, one of his guards followed him^{-asws} and said: 'I am a man with wealth and there are no children for me, so teach me something, perhaps Allah^{-azwj} will Grace me a child!'

فَقَالَ عَلَيْكَ بِالْإِسْتِغْفَارِ

He^{-asws} said: 'Upon you is with seeking the Forgiveness'.

فَكَانَ يُكْثِرُ الْإِسْتِغْفَارَ حَتَّى رُبَّمَا اسْتَغْفَرَ فِي الْيَوْمِ سَبْعِمِائَةٍ مَرَّةٍ فَوُلِدَ لَهُ عَشْرُ بَنِينَ فَبَلَغَ ذَلِكَ مُعَاوِيَةَ فَقَالَ لَهُ هَلْ سَأَلْتَهُ بِمَ قَالَ ذَلِكَ

He used to frequently seek the Forgiveness to the extent that sometimes he would seek the Forgiveness seven hundred times during the day. Ten sons were born for him. (News of) that reached Muawiya. He said to him, 'Did you ask him from whom he said that?'

فَوَقَدْ وَفَدَهُ أُخْرَى فَسَأَلَهُ الرَّجُلُ فَقَالَ أَمْ تَسْمَعُ قَوْلَ اللَّهِ عَزَّ اسْمُهُ فِي قِصَّةِ هُودٍ- وَ يَزِدُّكُمْ قُوَّةً إِلَى قُوَّتِكُمْ وَ فِي قِصَّةِ نُوحٍ وَ يُمْدِدُّكُمْ بِأَمْوَالٍ وَ بَنِينَ.

He sent another delegation and the man asked him. He said, 'Have you not heard the Words of Allah^{-azwj}, Mighty is His^{-azwj} Name, in the story of Hud^{-as}: **and Increase you in strength to your strength [11:52]**; and in the story of Noah^{-as}: **And Assist you with wealth and sons [71:12]**'.³⁸⁵

³⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 50

³⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 51

52 مكا، مكارم الأخلاق عَنِ الصَّادِقِ ع عَنْ عَلِيٍّ ع قَالَ: مَا أَكْثَرَ شَعْرَ رَجُلٍ قَطُّ إِلَّا قَلَّتْ شَهْوَتُهُ.

(The book) 'Makarim Al Akhlaq' -

From Al-Sadiq^{-asws}, from Ali^{-asws} having said: 'The (pubic) hair of a man does not increase at all except his sexual desires reduce'.³⁸⁶

53 كِتَابُ مُسْنَدِ فَاطِمَةَ، عَنْ مُوسَى بْنِ عَبْدِ اللَّهِ الْجَشَمِيِّ بِإِسْنَادِهِ عَنْ وَهْبِ بْنِ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ ع أَنَّهُ قَالَ: هَمَمْتُ بِتَزْوِيجِ فَاطِمَةَ حِينَئِذٍ وَلَمْ أَجْسُرْ عَلَى أَنْ أَدْكُرَهُ لِرَسُولِ اللَّهِ ص وَكَانَ ذَلِكَ يَخْتَلِجُ فِي صَدْرِي لَيْلًا وَنَهَارًا حَتَّى دَخَلْتُ يَوْمًا عَلَى رَسُولِ اللَّهِ ص فَقَالَ يَا عَلِيُّ

The book 'Musnad Fatima^{-asws}' – from Musa Bin Abdullah Al Jushamy, by his chain from Wahb Bin Wahb, from Ja'far Bin Muhammad, from his father, from his grandfather,

From Ali^{-asws} Bin Abu Talib^{-asws} having said: 'I^{-asws} had thought for a time of marrying (Syeda) Fatima^{-asws} but was not brave upon mentioning it to Rasool-Allah^{-saww}, and that fluttered in my chest night and day until one day I entered to see Rasool-Allah^{-saww}. He^{-saww} said: 'O Ali^{-asws}!

فَقُلْتُ لَبَيْكَ يَا رَسُولَ اللَّهِ

I^{-asws} said: 'Here I^{-asws} am, O Rasool-Allah^{-saww}!'

فَقَالَ هَلْ لَكَ فِي التَّزْوِيجِ

He^{-saww} said: 'Do you^{-asws} want to get married?'

فَقُلْتُ اللَّهُ وَرَسُولُهُ أَعْلَمُ

I^{-asws} said: 'Allah^{-azwj} and His^{-azwj} Rasool^{-saww} are more knowing!'

فَطَنَنْتُ أَنَّهُ يُرِيدُ أَنْ يُزَوِّجَنِي بِبَعْضِ نِسَاءِ قُرَيْشٍ وَ قُلُوبِي خَائِفَةٌ مِنْ قُوَّةِ فَاطِمَةَ فَقَارَفْتُهُ عَلَى هَذَا فَوَ اللَّهُ مَا شَعَرْتُ حَتَّى أَتَانِي رَسُولُ رَسُولِ اللَّهِ ص فَقَالَ أَجِبْ يَا عَلِيُّ وَ أَسْرِعْ

I^{-asws} thought that he^{-saww} wanted to get me^{-asws} married to one of the women of Qureysh, and my^{-asws} heart was fearful of losing (Syeda) Fatima^{-asws}. I^{-asws} separated from him^{-saww} upon this. I^{-asws} was not aware until a messenger of Rasool-Allah^{-saww} came to me^{-asws}. He said, 'Answer Rasool-Allah^{-saww} and be quick!'

قَالَ فَأَسْرَعْتُ الْمَضِيَّ إِلَيْهِ فَلَمَّا دَخَلْتُ نَظَرْتُ إِلَيْهِ فَلَمَّا رَأَيْتُهُ مَا رَأَيْتُهُ أَشَدَّ فَرَحًا مِنْ ذَلِكَ الْيَوْمِ وَ هُوَ فِي حُجْرَةٍ أَمَّ سَلَمَةَ

³⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 52

He^{-asws} said: 'I^{-asws} was swift in going to him^{-saww}. When I^{-asws} entered, I^{-asws} looked at him^{-saww}. When I^{-asws} saw him^{-saww}, I^{-asws} had not seen him^{-saww} any more intensely happier than on that day, and he^{-saww} was in a chamber of Umm Salama^{-ra}.

فَلَمَّا أَبْصَرَ بِي هَئُلًا وَ تَبَسَّمَ حَتَّى تَطَرَّتْ إِلَى بَيَاضِ أَسْنَانِهِ لَهَا بَرِيقٌ قَالَ هَلُمَّ يَا عَلِيُّ فَإِنَّ اللَّهَ قَدْ كَفَّاهُنِي مَا أَهَمَّنِي فِيكَ مِنْ أَمْرِ تَزْوِيجِكَ

When he^{-saww} sighted me^{-asws}, he beamed and smiled to the extent I^{-asws} looked at the whiteness of his^{-saww} teeth having a shine for these. He^{-saww} said: 'Come, O Ali^{-asws}, for Allah^{-azwj} has Suffice me^{-saww} of what had worried me^{-saww} regarding you^{-asws}, of the matter your^{-asws} marriage!'

فَقُلْتُ وَ كَيْفَ ذَلِكَ يَا رَسُولَ اللَّهِ

I^{-asws} said: 'And how is that so, O Rasool-Allah^{-saww}?'

قَالَ أَتَانِي جِبْرِيلُ وَمَعَهُ مِنْ قَرْنَفِلِ الْجَنَّةِ وَ سُنْبُلِيهَا قِطْعَتَانِ فَنَاولَنيهَا فَأَخَذْتُهُ فَشَمِمْتُهُ فَسَطَعَ مِنْهَا رَاحَةُ الْمِسْكِ ثُمَّ أَخَذَهَا مِنِّي فَقُلْتُ يَا جِبْرِيلُ مَا سَبِيلُهَا

He^{-saww} said: 'Jibrael^{-as} came to me^{-saww} and with him^{-as} were two pieces from the cloves of Paradise and their ears (pods). He^{-as} gave these to me^{-saww}. I^{-saww} took it and smelt it. There arose aroma of the Musk from these. Then he^{-as} took it back from me^{-saww}. I^{-saww} said: 'O Jibrael^{-as}! What is its way (purpose)?'

فَقَالَ إِنَّ اللَّهَ أَمَرَ سُكَّانَ الْجَنَّةِ أَنْ يُزَيِّنُوا الْجَنَانَ كُلَّهُمَا بِمَقَارِشِهَا وَ تُصَوِّدَهَا وَ أَتْهَارَهَا وَ أَشْجَارَهَا وَ أَمَرَ رِيحَ الْجَنَّةِ الَّتِي يُقَالُ لَهَا الْمُنِيرَةُ فَهَبَتْ فِي الْجَنَّةِ بِأَنْوَاعِ الْعُطْرِ وَ الطِّيبِ وَ أَمَرَ حُورَ عَيْنِهَا يَقْرَأُوا فِيهَا سُورَةَ طه وَ يَسْ قَرَعُوا أَصْوَاتَهُنَّ بِهَا

He^{-as} said: 'Allah^{-azwj} Commanded the dwellers of Paradise to adorn the Gardens, all of them, with their furnishings, and their cushions, and their rivers, and their trees, and He^{-azwj} Commanded the breeze of Paradise called 'Al-Muneyra'. It blew into the Paradise with a variety of fragrances and perfumes, and He^{-azwj} Commanded their Maiden Houries with reciting therein Surah Ta Ha and Yaseen, so they raised their voices with it.

ثُمَّ نَادَى مُنَادٍ أَلَا إِنَّ الْيَوْمَ يَوْمٌ وَلِيْمَةٌ فَاطِمَةُ بِنْتُ مُحَمَّدٍ وَ عَلِيٌّ بَنُ أَبِي طَالِبٍ رَضِيَ مَنِّي بِهَمَا

Then a caller called out: "Indeed! Today is a day of a banquet of (Syeda) Fatima^{-asws} daughter^{-asws} of Muhammad^{-saww}, and Ali^{-asws} Bin Abu Talib^{-asws}! There is Pleasure from Me I^{-azwj} with both of them^{-asws}!

ثُمَّ بَعَثَ اللَّهُ تَعَالَى سَحَابَةً بَيْضَاءَ فَمَطَرَتْ عَلَى أَهْلِ الْجَنَّةِ مِنْ لَوْلِيَّهَا وَ زَبَرَجَدِهَا وَ يَاقُوتِهَا وَ أَمَرَ خُدَّامَ الْجَنَّةِ أَنْ يَلْقَطُوهَا وَ أَمَرَ مَلَكَ مِنَ الْمَلَائِكَةِ يُقَالُ لَهُ رَاحِيلُ فَخَطَبَ رَاحِيلُ بِخُطْبَةٍ لَمْ يَسْمَعْ أَهْلُ السَّمَاءِ بِمِثْلِهَا

Then Allah^{-azwj} the Exalted Dispatched a white cloud and it rained upon the people of Paradise from its pearls, and its emeralds, and its rubies, and He^{-azwj} Commanded the servants of Paradise to pick these upon, and Commanded an Angel from the Angels called 'Raheel'. So Raheel addressed with such a sermon, the inhabitants of the sky had not heard the likes of it.

ثُمَّ نَادَى مُنَادٍ مَلَائِكَتِي وَ سَكَّانَ جَنَّتِي بَرِّكُوا عَلَى نِكَاحِ فَاطِمَةَ بِنْتِ مُحَمَّدٍ وَ عَلِيٍّ بْنِ أَبِي طَالِبٍ فَإِنِّي زَوَّجْتُ أَحَبَّ النِّسَاءِ إِلَيَّ مِنْ أَحَبِّ الرِّجَالِ إِلَيَّ بَعْدَ مُحَمَّدٍ

Then a caller called out: “My^{-azwj} Angels and dwellers of My^{-azwj} Paradise! Send blessings upon the marriage of (Syeda) Fatima^{-asws} daughter^{-asws} of Muhammad^{-saww}, and Ali^{-asws} Bin Abu Talib^{-asws}, for I^{-azwj} have got the woman most Beloved to Me^{-azwj}, married to the one man most Beloved to Me^{-azwj}, after Muhammad^{-saww}!”

ثُمَّ قَالَ يَا عَلِيُّ أَبَشِّرْ أَبَشِّرْ فَإِنِّي قَدْ زَوَّجْتُكَ بِابْنَتِي فَاطِمَةَ عَلَى مَا زَوَّجَكَ الرَّحْمَنُ مِنْ فَوْقِ عَرْشِهِ فَقَدْ رَضِيتُ لَهَا وَ لَكَ مَا رَضِيَ اللَّهُ لَكُمْ فِدُونَكُمْ أَهْلَكَ وَ كَفَى يَا عَلِيُّ بِرِضَايَ رِضًا فَبِكَ يَا عَلِيُّ

Then he^{-saww} said: ‘O Ali^{-asws}! Receive glad tidings! Receive glad tidings for I^{-saww} am getting you^{-asws} married to my^{-saww} daughter^{-asws} (Syeda) Fatima^{-asws}, based upon what the Beneficent has got you^{-asws} married from above His^{-azwj} Throne, for I^{-saww} am pleased for her^{-asws} and for you^{-asws} what Allah^{-azwj} is Pleased for you^{-asws} both! Thus she^{-asws} is your^{-asws} wife, and suffice O Ali^{-asws}, with my^{-saww} pleasure as sufficient regarding you^{-asws}, O Ali^{-asws}!’

فَقَالَ يَا رَسُولَ اللَّهِ أَوْ بَلَغَ مِنْ شَأْنِي أَنْ أُذْكَرَ فِي أَهْلِ الْجَنَّةِ وَ زَوَّجَنِي اللَّهُ فِي مَلَائِكَتِهِ

He^{-asws} said: ‘O Rasool-Allah^{-saww}, and it has reached from my^{-asws} glory such that I^{-asws} am mentioned among the inhabitants of Paradise, and Allah^{-azwj} got me^{-asws} married among His^{-azwj} Angels?’

فَقَالَ يَا عَلِيُّ إِنَّ اللَّهَ إِذَا أَحَبَّ عَبْدًا أَكْرَمَهُ بِمَا لَا عَيْنٌ رَأَتْ وَ لَا أُذُنٌ سَمِعَتْ وَ لَا خَطَرَ عَلَى قَلْبٍ بَشَرٍ

He^{-saww} said: ‘He^{-saww} said: ‘O Ali^{-asws}! When Allah^{-azwj} Loves a servant, He^{-azwj} Honours him with what no eye has seen nor has an ear heard, nor has it occurred upon the heart of a mortal!’

فَقَالَ عَلِيُّ يَا رَبِّ أَوْزَعْنِيَالَيْ أَنْعَمْتَ عَلَيَّ أَنْ أَشْكُرَ نِعْمَتَكَ

Ali^{-asws} said: ‘My Lord! Support me that I should thank for Your Favours [27:19]’.

فَقَالَ النَّبِيُّ ص آمِينَ آمِينَ

The Prophet^{-saww} said: ‘Ameen! Ameen!’

نَ وَ قَالَ عَلِيُّ لَمَّا أَتَيْتُ رَسُولَ اللَّهِ ص حَاطِبًا ابْنَتَهُ فَاطِمَةَ قَالَ وَ مَا عِنْدَكَ تُنْقِذُنِي

And Ali^{-asws} said: ‘When I^{-asws} came to Rasool-Allah^{-saww} to propose for his^{-saww} daughter^{-asws} (Syeda) Fatima^{-asws}, he^{-saww} said: ‘And what is in your^{-asws} possession as cash?’

قُلْتُ لَهُ لَيْسَ عِنْدِي إِلَّا بَعِيرِي وَ فَرَسِي وَ دِرْعِي

I^{-asws} said to him^{-saww}: ‘There isn’t anything in my^{-asws} possession except my^{-asws} camel and my^{-asws} horse and my^{-asws} armour!’

قَالَ أَمَا فَرَسُكَ فَلَا بُدَّ لَكَ مِنْهُ تُقَاتِلُ عَلَيْهِ وَ أَمَا بَعِيرُكَ فَحَامِلٌ أَهْلَكَ وَ أَمَا دِرْعُكَ فَقَدْ زَوَّجَكَ اللَّهُ بِهَا

He^{-saww} said: 'As for your^{-asws} horse, there is no escape for you^{-asws} from it. You^{-asws} have to fight battles over it, and as for your^{-asws} camel, it is a carrier of your^{-asws} family, and as for your^{-asws} armour, Allah^{-azwj} will get you^{-asws} married with it!'

قَالَ عَلِيٌّ فَخَرَجْتُ مِنْ عِنْدِهِ وَ الدَّرْعُ عَلَى عَاتِقِي الْأَيْسَرِ فَدَعَيْتُ إِلَى سُوقِ اللَّيْلِ فَبِعْتُهَا بِأَرْبَعِمِائَةِ دِرْهَمٍ سُودٍ هَجْرِيَّةٍ ثُمَّ أَتَيْتُ بِهَا إِلَى النَّبِيِّ ص فَصَبَّبْتُهَا بَيْنَ يَدَيْهِ

Ali^{-asws} said: 'I^{-asws} went out from his^{-saww} presence and the armour was upon my^{-asws} left shoulder. I^{-asws} called out to the night market and sold it for four hundred 'Hajariya' Dirhams. Then I^{-asws} came with these to the Prophet^{-saww} and poured these in front of him^{-saww}.

فَوَلَّى اللَّهُ مَا سَأَلَنِي عَنْ عَدَدِهَا وَ كَانَ رَسُولُ اللَّهِ ص سَوِيًّا الْكَفِّ فَدَعَا بِأَلَا وَ مَلَأَ قَبْضَتَهُ فَقَالَ يَا بِلَالُ ابْتَغِ بِهَا طِيبًا لِابْنَتِي فَاطِمَةَ

By Allah^{-azwj}! He^{-saww} did not ask me about its number, and Rasool-Allah^{-saww} was an even-handed (just) person. He^{-saww} called Bilal and filled his hand. He^{-saww} said: 'O Bilal! Buy perfume with these for my^{-saww} daughter^{-asws} (Syeda) Fatima^{-asws}!'

ثُمَّ دَعَا أُمَّ سَلَمَةَ فَقَالَ يَا أُمَّ سَلَمَةَ ابْتَاعِي لِابْنَتِي فِرَاشًا مِنْ حَلِيسٍ [مَجْلِسٍ] مِصْرَ وَ احْشِيهِ لِفِنَاءٍ وَ اخْذِي لَهَا مِدْرَعَةً وَ عَبَايَةً قُطُوبَانِيَّةً وَ لَا تَتَّخِذِي لَهَا أَكْثَرَ مِنْ ذَلِكَ فَيَكُونَا مِنَ الْمُسْرِفِينَ

Then he^{-saww} called Umm Salama^{-ra}. He^{-saww} said: 'O Umm Salama^{-ra}! Buy for my daughter^{-asws} a mattress of Egyptian cloth and stuff it with palm fibre, a waist-coat and a Qatwany Abaya (cloak), and do not take for her^{-asws} more than that for they^{-asws} would both be from the extravagant ones!'

وَ صَبَّرَتْ أَيَّامًا مَا أَذْكَرُ لِرَسُولِ اللَّهِ ص شَيْئًا مِنْ أَمْرِ ابْنَتِهِ حَتَّى دَخَلْتُ عَلَى أُمِّ سَلَمَةَ فَقَالَتْ لِي يَا عَلِيُّ لِمَ لَا تَقُولُ لِرَسُولِ اللَّهِ ص يُدْخِلَكَ عَلَى أَهْلِكَ

And I^{-asws} was patient for day not mentioning anything to Rasool-Allah^{-saww} of the matter of his^{-saww} daughter^{-asws} until I^{-asws} entered to see Umm Salama^{-ra}. She^{-ra} said to me^{-asws}: 'O Ali^{-asws}! Why don't you^{-asws} say to Rasool-Allah^{-saww} take you^{-asws} to your^{-asws} wife?'

قَالَ قُلْتُ أَسْتَجِي مِنْهُ أَنْ أَذْكَرَ لَهُ شَيْئًا مِنْ هَذَا

He^{-asws} said: 'I^{-asws} said: 'I^{-asws} am too embarrassed from him^{-saww} to mention anything from this to him^{-saww}!'

فَقَالَتْ أُمُّ سَلَمَةَ ادْخُلْ عَلَيْهِ فَإِنَّهُ سَيَعْلَمُ مَا فِي نَفْسِكَ

Umm Salama^{-ra} said: 'Just enter to see him^{-saww}, and he^{-saww} will know what is within your conscience!'

قَالَ عَلِيُّ فَدَخَلْتُ عَلَيْهِ ثُمَّ خَرَجْتُ ثُمَّ دَخَلْتُ فَقَالَ رَسُولُ اللَّهِ ص أَحْسَبُكَ أَنَّكَ تَشْتَهِي الدُّخُولَ عَلَى أَهْلِكَ

Ali^{-asws} said: 'I^{-asws} entered to see him^{-saww}, then came out, then entered, then came out. Rasool-Allah^{-saww} said: 'I^{-saww} reckon you^{-asws} are desiring to go to your^{-asws} wife?'

قَالَ قُلْتُ نَعَمْ فِدَاكَ أَبِي وَأُمِّي يَا رَسُولَ اللَّهِ

He^{-asws} said: 'I^{-asws} said: 'Yes! May my^{-asws} father^{-as} and my^{-asws} mother^{-as} be sacrificed for you^{-saww}, O Rasool-Allah^{-saww}!'

فَقَالَ صَ غَدًا إِنْ شَاءَ اللَّهُ تَعَالَى.

He^{-saww} said: 'Tomorrow, if Allah^{-azwj} the Exalted so Desires!'³⁸⁷

54 مِصْبَاحُ الْأَنْوَارِ، رَوَى ابْنُ بَابُوَيَّهِ فِي حَدِيثٍ طَوِيلٍ أَوْزَدَهُ فِي تَرْوِيجِ فَاطِمَةَ أَنَّ النَّبِيَّ ص أَخَذَ فِي فِيهِ مَاءً وَ دَعَا فَاطِمَةَ فَأَجْلَسَهَا بَيْنَ يَدَيْهِ ثُمَّ مَجَّ الْمَاءَ فِي الْمِخْضَبِ وَ غَسَلَ فِيهِ قَدَمَيْهِ وَ وَجْهَهُ

(The book) Misbah Al Anwaar' –

It is reported by Ibn Babuwayh in a lengthy Hadeeth he reported regarding the marriage of (Syeda) Fatima^{-asws}, 'The Prophet^{-saww} took some water in his^{-saww} mouth and called (Syeda) Fatima^{-asws} and seated her^{-asws} in front of him^{-saww}. Then he^{-saww} poured the water into a washbasin and washed his^{-saww} feed and his^{-saww} face in it.

ثُمَّ دَعَا فَاطِمَةَ وَ أَخَذَ كَفًّا مِنْ مَاءٍ فَضَرَبَهُ عَلَى رَأْسِهَا وَ كَفًّا بَيْنَ يَدَيْهَا ثُمَّ رَشَّ جِلْدَهَا ثُمَّ دَعَا بِمِخْضَبٍ آخَرَ ثُمَّ دَعَا عَلَيْهَا فَصَنَعَ بِهِ كَمَا صَنَعَ بِهَا

Then he^{-saww} called (Syeda) Fatima^{-asws} and took a handful of water and splashed it upon her^{-asws} head and a handful in front of her. Then he^{-saww} sprinkled on her^{-asws} skin. Then he^{-saww} called for another washbasin, then called Ali^{-asws} and did with him^{-asws} just as he^{-saww} had done with her^{-asws}.

ثُمَّ التَزَمَهُمَا وَ قَالَ - اللَّهُمَّ كَمَا أَذْهَبْتَ عَنِّي الرِّجْسَ وَ طَهَّرْتَنِي تَطْهِيراً فَأَذْهَبْ عَنْهُمُ الرِّجْسَ وَ طَهِّرْهُمْ تَطْهِيراً

Then he^{-saww} hugged her^{-asws} and said: 'O Allah^{-azwj}! Just as You^{-azwj} Kept the uncleanness away from me^{-saww} and Purified me^{-saww} a thorough purifying, Keep the uncleanness away from them^{-asws} and Purify them^{-asws} a thorough purifying!'

ثُمَّ قَالَ قُومَا إِلَى بَيْتِكُمَا جَمَعَ اللَّهُ بَيْنَكُمَا وَ بَارَكَ فِي نَسْلِكُمَا وَ أَصْلَحَ بَالَكُمَا

Then he^{-saww} said: 'Arise to go to your^{-asws} home, and may there be in your^{-asws} offspring and Rectify your^{-asws} matters!'

ثُمَّ قَامَ فَخَرَجَ وَ أَغْلَقَ الْبَابَ.

³⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 53

Then he^{-saww} stood up and closed the door'.³⁸⁸

55 وَ عَنْ شُرَحْبِيلَ بْنِ سَعِيدٍ قَالَ: دَخَلَ رَسُولُ اللَّهِ ص عَلَى فَاطِمَةَ صَبِيحَةَ غُرْسِهَا بِقَدَحٍ فِيهِ لَبَنٌ فَقَالَ اشْرَبِي فِدَاكَ أَبُوكَ ثُمَّ قَالَ لِعَلِيٍّ ع اشْرَبْ فِدَاكَ ابْنُ عَمَلِكَ.

From Shurahjeel Bin Saeed who said,

'Rasool-Allah^{-saww} entered to see (Syeda) Fatima^{-asws} on the morning of her wedding with a cup wherein was milk. He^{-saww} said: 'Drink, may your^{-asws} father^{-saww} be sacrificed for you^{-asws}!' Then said to Ali^{-asws}: 'Drink, may the son^{-saww} of your^{-asws} uncle^{-as} be sacrificed for you^{-asws}!'³⁸⁹

باب 105 فضل الأولاد و ثواب تربيتهم و كيفيتها

CHAPTER 105 – MERITS OF THE CHILDREN, AND REWARDS OF THEIR UPBRINGING ITS METHOD

1- مكا، مكارم الأخلاق عن السكوني قَالَ قَالَ رَسُولُ اللَّهِ ص الْوَلَدُ الصَّالِحُ رِيحَانَةٌ مِنْ رِيَاحِينَ الْجَنَّةِ.

(The book) 'Makarim Al Akhlaq' – From Al Sakuni who said,

'Rasool-Allah^{-saww} said: 'The righteous child is a fragrant flower from the fragrant flowers of Paradise'.³⁹⁰

2- عَنِ الصَّادِقِ ع قَالَ: مِيرَاثُ اللَّهِ مِنْ عَبْدِهِ الْمُؤْمِنِ وَلَدٌ صَالِحٌ يَسْتَغْفِرُ لَهُ.

From Al-Sadiq^{-asws} having said: 'Inheritance of Allah^{-azwj} from His^{-azwj} believing servant is a righteous child who seeks Forgiveness for him'.³⁹¹

3- وَ عَنْهُ ع قَالَ: الْبَنَاتُ حَسَنَاتٌ وَ الْبُتُونُ نِعْمَةٌ فَالْحَسَنَاتُ يُثَابُ عَلَيْهَا وَ النِّعَمُ يُسْأَلُ عَنْهَا.

And from him^{-asws} having said: 'The daughters are good deeds and the sons are bounties. The good deeds are Rewarded upon, and the bounties will be questioned about'.³⁹²

4- وَ بُشِّرَ النَّبِيُّ ص بِابْنَةٍ فَتَنَظَّرَ فِي وَجْهِهِ أَصْحَابِهِ فَرَأَى الْكَرَاهَةَ فِيهِمْ فَقَالَ مَا لَكُمْ رِيحَانَةً أَشْتَمُّهَا وَ رِزْقُهَا عَلَى اللَّهِ.

And the Prophet^{-saww} was given glad tidings of a daughter. He^{-saww} looked into the faces of his^{-saww} companions. He^{-saww} saw the dislike in them. He^{-saww} said: 'What is the matter with you all? (She is) a fragrant flower I^{-saww} smell and her^{-asws} sustenance is upon Allah^{-azwj}'.³⁹³

³⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 54

³⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 104 H 55

³⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 1

³⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 2

³⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 3

³⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 4

5- مِنَ الرُّوضَةِ، قَالَ قَالَ رَسُولُ اللَّهِ ﷺ نِعَمَ الْوَلَدُ الْبَنَاتُ الْمُحَدَّرَاتُ مَنْ كَانَتْ عِنْدَهُ وَاحِدَةٌ جَعَلَهَا اللَّهُ سِتْرًا مِنَ النَّارِ وَمَنْ كَانَتْ عِنْدَهُ اثْنَتَانِ أَدْخَلَهُ اللَّهُ بِمَا الْجَنَّةَ وَمَنْ يَكُنْ لَهُ ثَلَاثٌ أَوْ مِثْلُهُنَّ مِنَ الْأَخَوَاتِ وَضِعَ عَنْهُ الْجِهَادُ وَالصَّدَقَةُ.

From 'Al Rowza' -

He said, 'Rasool-Allah^{-saww} said: 'Best of the children are the daughters kept at home! One who has one in his possession, Allah^{-azwj} will Make her a veil from the Hellfire, and one who has two in his possession, Allah^{-azwj} will Admit him into the Paradise due to her, and one who has three for him or similar to them from the sisters, the Jihad and the charity are dropped from him'.³⁹⁴

6- عَنْ حَدِيثَةِ الْيَمَانِيِّ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ خَيْرُ أَوْلَادِكُمُ الْبَنَاتُ.

From Huzeefa Al Yamani who said,

Rasool-Allah^{-saww} said: 'Best of your children are the daughters!'³⁹⁵

7- عَنِ الرِّضَا ع قَالَ: إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى إِذَا أَرَادَ بَعْدَ خَيْرٍ أَمْ يُمِثُّهُ حَتَّى يُرِيَهُ الْخَلْفَ.

From Al-Reza^{-asws} having said: 'Allah^{-azwj} Blessed and Exalted, When He^{-azwj} Wants good for a servant, does not Cause him to die until He^{-azwj} Shows him his replacement (successor)'.³⁹⁶

8- وَ يُؤَيَّ أَنْ مَنْ مَاتَ بِلَا خَلْفٍ فَكَأَنَّ لَمْ يَكُنْ فِي النَّاسِ وَمَنْ مَاتَ وَ لَهُ خَلْفٌ فَكَأَنَّ لَمْ يَمُتْ.

And it is reported that the one who dies without a replacement (successor), it is as if he had not existed among the people, and the one who dies and there is a replacement (successor) for him, it is as if he did not die'.³⁹⁷

9- وَ عَنِ الصَّادِقِ ع قَالَ: إِنَّ اللَّهَ عَزَّ وَ جَلَّ لَيَرْحَمُ الرَّجُلَ لِيُشَدِّدَ حُبَّهُ لَوَلَدِهِ.

And from Al-Sadiq^{-asws} having said: 'Allah^{-azwj} Mighty and Majestic Mercies the man as per the intensity of his love for his child'.³⁹⁸

10- وَ قَالَ لَهُ عُمَرُ بْنُ يَزِيدَ إِنَّ لِي بَنَاتٍ

And Umar Bin Yazeed said to him^{-asws}, 'There are daughters for me!'

فَقَالَ لِي لَعَلَّكَ تَتَمَنَّي مَوْتَهُنَّ أَمَا إِنَّكَ إِن تَمَنَيْتَ مَوْتَهُنَّ وَمِنْ لَمْ تُؤَجَرْ يَوْمَ الْقِيَامَةِ وَ لَقِيتَ رَبَّكَ حِينَ تَلْقَاهُ وَ أَنْتَ عَاصٍ.

He^{-asws} said to me: 'Perhaps you are wishing for their death? But, if you are wishing for their death and they do die, you will not be Rewarded on the Day of Qiyamah (for anything), and

³⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 5

³⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 6

³⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 7

³⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 8

³⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 9

you will meet your Lord^{-azwj} when you do meet Him^{-azwj} and you would be a disobedient one'.³⁹⁹

11- عَنْ حَمْزَةَ بْنِ حُمْرَانَ بِإِسْنَادِهِ أَنَّهُ أَتَى رَجُلًا النَّبِيَّ ص وَ عِنْدَهُ رَجُلٌ فَأَخْبَرَهُ بِمَوْلُودٍ فَتَغَيَّرَ لَوْنُ الرَّجُلِ فَقَالَ النَّبِيُّ ص مَا لَكَ

From Hamza Bin Humran, by his chain,

'A man came to the Prophet^{-saww} and in his^{-saww} presence was a man. He was informed of a new born for him. The complexion of the man changed. The Prophet^{-saww} said: 'What is the matter with you?'

فَقَالَ خَيْرٌ

He said, 'Good'.

قَالَ قُلْ

He^{-saww} said: 'Tell!'

قَالَ خَرَجْتُ وَ الْمَرْأَةُ تُمَخَضُ فَأُخْبِرْتُ أَنَّهَا وَلَدَتْ جَارِيَةً

He said, 'I came out while the wife was in labour. I have been informed she has given birth to a girl'.

فَقَالَ لَهُ النَّبِيُّ ص الْأَرْضُ تُقَلِّبُهَا وَ السَّمَاءُ تُظِلُّهَا وَ اللَّهُ يَرْزُقُهَا وَ هِيَ رِيحَانَةٌ تَشْمُهَا

The Prophet^{-saww} said to him: 'The earth will carry her and the sky will shade her and Allah^{-azwj} will Sustain her, and she is a fragrant flower you can smell!'

ثُمَّ أَقْبَلَ عَلَى أَصْحَابِهِ فَقَالَ مَنْ كَانَتْ لَهُ ابْنَةٌ وَاحِدَةٌ فَهُوَ مَفْدُوحٌ وَ مَنْ كَانَتْ لَهُ ابْنَتَانِ فَيَا عَوْنَاهُ وَ مَنْ كَانَ لَهُ ثَلَاثٌ وَضِعَ عَنْهُ الْجِهَادُ وَ كُلُّ مَكْرُوهٍ وَ مَنْ كَانَ لَهُ أَرْبَعٌ فَيَا عِبَادَ اللَّهِ أَعِينُوهُ يَا عِبَادَ اللَّهِ أَقْرِضُوهُ يَا عِبَادَ اللَّهِ ارْحَمُوهُ.

Then he^{-saww} faced toward his^{-saww} companions. He^{-saww} said: 'One who has one daughter for him is burdened, and one who has two for him, how in need of help he is; and one who has three for him, the Jihad and every abhorrence is dropped from him, and the one who has four for him, O servants of Allah^{-azwj} assist him! O servants of Allah^{-azwj} lend to him! O servants of Allah^{-azwj} mercy him!⁴⁰⁰

12- وَ قَالَ ع مَنْ عَالَ ثَلَاثَ بَنَاتٍ أَوْ ثَلَاثَ أَخَوَاتٍ وَجِبَتْ لَهُ الْجَنَّةُ

And he^{-saww} said: 'One who supports three daughters or three sisters, the Paradise is obligated for him!'

³⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 10

⁴⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 11

قِيلَ يَا رَسُولَ اللَّهِ وَ اثْنَتَيْنِ

It was said: 'O Rasool-Allah^{-saww}, and two?'

قَالَ ص وَ اثْنَتَيْنِ

He^{-saww} said: 'And two'.

قِيلَ يَا رَسُولَ اللَّهِ وَ وَاحِدَةً

It was said, 'O Rasool-Allah^{-saww}, and one?'

قَالَ وَ وَاحِدَةً.

He^{-saww} said: 'And one!'⁴⁰¹

13 عَنْ النَّبِيِّ ص قَالَ: مِنْ سَعَادَةِ الرَّجُلِ أَنْ لَا تَحِيضَ ابْنَتُهُ فِي بَيْتِهِ.

And from the Prophet^{-saww} having said: 'From the good fortune of a man is that his daughter does not menstruate in his house'.⁴⁰²

14- عَنْ النَّبِيِّ ص قَالَ: أَحِبُّوا الصِّبْيَانَ وَ ارْحَمُوهُمْ فَإِذَا وَعَدْتُمُوهُمْ فَعُوا لَهُمْ فَإِنَّهُمْ لَا يَرَوْنَ إِلَّا أَنْكُمْ تَرْزُقُوهُمْ.

From the Prophet^{-saww} having said: 'Love the children and mercy them. When you promise them, fulfil for them, for they are viewing that only you are their provider'.⁴⁰³

15- وَ عَنْ النَّبِيِّ ص نَظَرَ إِلَى رَجُلٍ لَهُ ابْنَانِ فَقَبَّلَ أَحَدَهُمَا وَ تَرَكَ الْآخَرَ فَقَالَ النَّبِيُّ ص فَهَلَّا آسَيْتَ بَيْنَهُمَا.

And from the Prophet^{-saww}, he^{-saww} looked at a man having two daughters for him. He kissed one of them and neglected the other. The Prophet^{-saww} said: 'Why don't you treat both of them equally?'⁴⁰⁴

16- وَ قَالَ ع اغْدِلُوا بَيْنَ أَوْلَادِكُمْ كَمَا تُحِبُّونَ أَنْ يَغْدِلُوا بَيْنَكُمْ فِي الْبِرِّ وَ اللَّطْفِ.

And he^{-saww} said: 'Be equitable between your children just as you would love to be treated equitably between you in the righteousness and the compassion!'⁴⁰⁵

17- قَبَّلَ رَسُولُ اللَّهِ ص الْحَسَنَ وَ الْحُسَيْنَ ع فَقَالَ الْأَقْرَعُ بْنُ حَابِسٍ إِنَّ لِي عَشْرَةً مِنَ الْأَوْلَادِ مَا قَبَّلْتُ وَاحِدًا مِنْهُمْ

⁴⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 12

⁴⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 13

⁴⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 14

⁴⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 15

⁴⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 16

Rasool-Allah^{-saww} kissed Al-Hassan^{-asws} and Al-Husayn^{-asws}. Al-Fara'a Bin Habis said, 'There are ten children for me. I have not kissed even one of them!'

فَقَالَ مَا عَلَيَّ إِنْ نَزَعَ اللَّهُ الرَّحْمَةَ مِنْكَ أَوْ كَلِمَةً تُحَوِّهَا.

He^{-saww} said: 'What is to me^{-saww} if Allah^{-azwj} has Removed the mercy from you!' – or words approximate to it'.⁴⁰⁶

18- عَنْ النَّبِيِّ ص قَالَ: سَمُّوا أَوْلَادَكُمْ أَسْمَاءَ الْأَنْبِيَاءِ وَ أَحْسَنُ الْأَسْمَاءِ عَبْدُ اللَّهِ وَ عَبْدُ الرَّحْمَنِ.

From the Prophet^{-saww} having said: 'Name your children with names of the Prophets^{-as}, and the best of names is 'Abdullah' and 'Abdul Rahman''.⁴⁰⁷

19- وَ عَنْ النَّبِيِّ ص قَالَ: مِنْ حَقِّ الْوَلَدِ عَلَى وَالِدِهِ ثَلَاثَةٌ يُحَسِّنُ اسْمَهُ وَ يُعَلِّمُهُ الْكِتَابَةَ وَ يُزَوِّجُهُ إِذَا بَلَغَ.

And from the Prophet^{-saww} having said: 'From rights of the child upon his parent are three – he should give him a good name, and teach him the Book (Quran), and get him married when he matures'.⁴⁰⁸

20- وَ قَالَ ع أَكْثَرُوا مِنْ قُبْلَةٍ أَوْلَادَكُمْ فَإِنَّ لَكُمْ بِكُلِّ قُبْلَةٍ دَرَجَةٌ فِي الْجَنَّةِ مَا بَيْنَ كُلِّ دَرَجَةٍ خُمُسِمِائَةِ عَامٍ.

And he^{-asws} said: 'Frequent from kissing your children. For you, with every kiss is a rank in the Paradise, what is between each rank being a travel distance of five hundred years'.⁴⁰⁹

21- عَنْ الرِّضَا ع عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَا مِنْ قَوْمٍ كَانَتْ لَهُمْ مَشْوَرَةٌ فَحَضَرَ مَعَهُمْ مَنْ اسْمُهُ مُحَمَّدٌ وَ أَحْمَدُ فَأَدْخَلُوهُ فِي مَشْوَرَتِهِمْ إِلَّا خَيْرَ لَهُمْ.

From Al-Reza^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There are none from a people having consultation for them, so there is present with them someone named as 'Muhammad' and 'Ahmad', so they include him in the consultation, except it would be better for them'.⁴¹⁰

22- وَ قَالَ ع يَلْزِمُ الْوَالِدَيْنِ مِنْ عَفْوِ الْوَلَدِ مَا يَلْزِمُ الْوَلَدُ لَهُمَا مِنَ الْعَفْوِ.

And he^{-asws} said: 'The parents are liable for disobedience toward the child just as the child is liable for disobedience toward them'.⁴¹¹

23- وَ قَالَ ص وَ الَّذِي بَعَثَنِي بِالْحَقِّ إِنَّ الْعَاقَ لِوَالِدَيْهِ مَا يَجِدُ رِيحَ الْجَنَّةِ.

⁴⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 17

⁴⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 18

⁴⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 19

⁴⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 20

⁴¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 21

⁴¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 22

And he^{-saww} said: 'By the One Who Send me^{-saww} with the truth! The one disloyal to his parents will not feel the breeze of Paradise!'⁴¹²

24- قَالَ أَمِيرُ الْمُؤْمِنِينَ ع قُبْلَةُ الْوَلَدِ رَحْمَةٌ وَ قُبْلَةُ الْمَرْأَةِ شَهْوَةٌ وَ قُبْلَةُ الْوَالِدَيْنِ عِبَادَةٌ وَ قُبْلَةُ الرَّجُلِ أَخَاهُ دِينٌ.

Amir Al-Momineen^{-asws} said: 'Kissing the child is mercy, and kissing the wife is lustful desire, and kissing the parents is an act of worship, and kissing the man is his brother-hood in religion'.⁴¹³

25- وَ زَادَ عَنْهُ الْحُسَيْنُ الْبَصْرِيُّ وَ قُبْلَةُ الْإِمَامِ الْعَادِلِ طَاعَةٌ.

And Al-Hassan Al-Basry increased in it, 'And kissing the just Imam^{-asws} is an act of obedience'.⁴¹⁴

26- عَنْ الصَّادِقِ ع قَالَ: بِرُّ الرَّجُلِ بِوَلَدِهِ بِرٌّ بِوَالِدَيْهِ.

From Al-Sadiq^{-asws} having said: 'Righteousness of the man with his child is his righteousness with his parents'.⁴¹⁵

27- عَنْ رِفَاعَةَ قَالَ: سَأَلْتُ أَبَا الْحُسَيْنِ ع عَنِ الرَّجُلِ تَكُونُ لَهُ بَنُونَ وَ أُمُّهُمْ لَيْسَتْ بِوَاحِدَةٍ أَوْ يُفَضِّلُ أَحَدَهُمْ عَلَى الْآخَرِ

From Rifa'at who said,

'I asked Abu Al-Hassan^{-asws} about the man having sons for him and their mother isn't one, 'Can he prefer one of them over the other?'

قَالَ نَعَمْ لَا بَأْسَ بِهِ قَدْ كَانَ أَبِي ع يُفَضِّلُنِي عَلَى عَبْدِ اللَّهِ.

He^{-asws} said: 'Yes, there is no problem with it. My^{-asws} father^{-asws} used to prefer me^{-asws} over Abdullah'.⁴¹⁶

28- عَنْ الصَّادِقِ ع قَالَ: مَنْ نَعِمَ اللَّهُ عَزَّ وَ جَلَّ عَلَى الرَّجُلِ أَنْ يُشَبِّهَهُ وَلَدُهُ.

From Al-Sadiq^{-asws} having said: 'From the bounties of Allah^{-azwj} Mighty and Majestic upon the man is that his son would resemble him'.⁴¹⁷

29- وَ عَنْهُ ع قَالَ: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى إِذَا أَرَادَ أَنْ يَخْلُقَ خَلْقًا جَمَعَ كُلَّ صُورَةٍ بَيْنَهُ وَ بَيْنَ آدَمَ ثُمَّ خَلَقَهُ عَلَى صُورَةِ إِحْدَاهُمَا فَلَا يَقُولُ أَحَدٌ لَوْلَدِهِ هَذَا لَا يُشَبِّهُنِي وَ لَا يُشَبِّهُ شَيْئًا مِنْ آبَائِي.

⁴¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 23

⁴¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 24

⁴¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 25

⁴¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 26

⁴¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 27

⁴¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 28

And from him^{-asws} having said: 'When Allah^{-azwj} Blessed and Exalted Creates a creature, He^{-azwj} Gathers every image between him and Adam^{-as}. Then He^{-azwj} Creates him upon an image of one of them, so not one of you should be saying, 'This one does not resemble me', and he does not resemble anything from my forefathers'!⁴¹⁸

30- وَ سَأَلَ رَجُلٌ النَّبِيَّ ص فَقَالَ مَا لَنَا نَحْدُ بِأَوْلَادِنَا مَا لَا يَحْدُونَنَا

And a man asked the Prophet^{-saww}. He said, 'What is the matter with us? We are finding with our children what is not found being with us?'

قَالَ لِأَهْمٍ مِنْكُمْ وَ لَسْتُمْ مِنْهُمْ.

He^{-saww} said: 'Because they are from you and you aren't from them!'⁴¹⁹

31- وَ قِيلَ لِعَلِيِّ بْنِ الْحُسَيْنِ ع أَنْتَ أَكْبَرُ النَّاسِ بِإِمْلِكَ وَ لَا تَزَالُ تَأْكُلُ مَعَهَا

And it was said to Ali^{-asws} Bin Al-Husayn^{-asws}, 'You^{-asws} are the most righteous with your^{-asws} mother^{-as}, and you^{-asws} have not stopped eating with her^{-as}!'

قَالَ أَخَافُ أَنْ يَسْبِقَ يَدِي إِلَى مَا سَابَقَتْ عَيْنُهَا إِلَيْهِ فَأَكُونَ قَدْ عَقَقْتُهَا.

He^{-asws} said: 'I^{-asws} fear that my^{-asws} hand may precede to what her^{-as} eyes would have preceded to, so I^{-asws} might have been disrespectful to her^{-as}!'⁴²⁰

32- وَ سُئِلَ الصَّادِقُ ع لِمَ أُيْتِمَ اللَّهُ نَبِيَّهُ مُحَمَّدًا ص

And Al-Sadiq^{-asws} was asked, 'Why did Allah^{-azwj} Orphan His^{-azwj} Prophet Muhammad^{-saww}?'

قَالَ لِأَنَّهُ لَيَكُونَ لِأَحَدٍ عَلَيْهِ طَاعَةٌ.

He^{-asws} said: 'Lest there be obedience for anyone upon him^{-saww}!'⁴²¹

33- عَنِ الصَّادِقِ ع قَالَ: هُنَا رَجُلٌ رَجُلًا أَصَابَ ابْنًا فَقَالَ أَهْنَيْتُكَ الْفَارِسَ

From Al-Sadiq^{-asws} having said: 'A man congratulated a man who had achieved a son. He said, 'I congratulate you of the horseman!'

فَقَالَ لَهُ الْحَسَنُ بْنُ عَلِيٍّ مَا أَعْلَمَكَ أَنْ يَكُونَ فَارِسًا أَوْ رَاجِلًا

⁴¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 29

⁴¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 30

⁴²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 31

⁴²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 32

Abu Al-Hassan^{-asws} Bin Ali^{-asws} said: 'What makes you know whether he will be a horseman or a foot soldier?'

فَقَالَ لَهُ جَعِلْتُ فِدَاكَ فَمَا أَقُولُ

He said to him^{-asws}, 'May I be sacrificed for you^{-asws}! What shall I say?'

قَالَ تَقُولُ شَكَرْتُ الْوَاحِبَ وَبُورِكَ لَكَ فِي الْمَوْهُوبِ وَبَلَغَ أَشَدَّهُ وَرُزِقْتَ بِهِ.

He^{-asws} said: 'You should say, 'May you thank the Bestower, and may He^{-azwj} Bless for you in the gift, and he reach the maturity and may you be Graced to see his righteousness!'"⁴²²

34- قَالَ رَسُولُ اللَّهِ ص لِرَجُلٍ رَأَى مَعَهُ صَبِيًّا مِنْ هَذَا

Rasool-Allah^{-saww} said to a man having seen a child with him: 'Who is this?'

قَالَ ابْنِي

He said, 'My son!'

قَالَ أَمَتَعَكَ اللَّهُ بِهِ أَمَا لَوْ فُلْتُ بَارَكَ اللَّهُ فِيهِ لَكَ لَقَدَّمْتَهُ.

He^{-saww} said: 'May Allah^{-azwj} Cause you to enjoy (your life) with him! But, had I^{-saww} said: 'May Allah^{-azwj} Bless you regarding him', I^{-saww} would have advanced him over you'.⁴²³

35- وَ مِنْ كِتَابِ نَوَادِرِ الْحِكْمَةِ، عَنْ ابْنِ عَبَّاسٍ قَالَ قَالَ النَّبِيُّ ص مَنْ دَخَلَ السُّوقَ فَاشْتَرَى تُخْفَةً فَحَمَلَهَا إِلَى عِيَالِهِ كَانَ كَحَامِلٍ صَدَقَةٍ إِلَى قَوْمٍ مُحَاجِبٍ وَ لِيُبْدَأَ بِالْإِنَاثِ قَبْلَ الذَّكُورِ فَإِنَّهُ مَنْ فَرَحَ ابْنَةً فَكَأَنَّمَا أَعْتَقَ رَقَبَةً مِنْ وَلَدِ إِسْمَاعِيلَ وَ مَنْ أَفْرَرَ يَعْنِي ابْنِ فَكَأَنَّمَا بَكَى مِنْ خَشْيَةِ اللَّهِ وَ مَنْ بَكَى مِنْ خَشْيَةِ اللَّهِ أَدْخَلَهُ جَنَّاتِ النَّعِيمِ.

And from the book 'Nawadir Al Hikmah' – From Ibn Abbas who said,

'The Prophet^{-saww} said: 'One who enters the market, so he buys a gift and carries it to his dependants would be like a carrier of charity to a needy people, and let him begin (by giving to) the females before the males, for the one who makes a daughter happy, it is as if he has liberated a neck from the children of Ismail^{-as}, and one who delights the eyes of a son, it is as if he has wept from fear of Allah^{-azwj}, and the one who weeps from fearing Allah^{-azwj}, He^{-azwj} will Admit him to the Gardens of bliss!'⁴²⁴

36- عَنْ عَبْدِ اللَّهِ بْنِ فَضَالَةَ عَنْ أَبِي عَبْدِ اللَّهِ أَوْ أَبِي جَعْفَرٍ ع قَالَ سَمِعْتُهُ يَقُولُ إِذَا بَلَغَ الْعُلَامُ ثَلَاثَ سِنِينَ فَقُلْ لَهُ سَبْعَ مَرَّاتٍ قُلْ لَا إِلَهَ إِلَّا اللَّهُ ثُمَّ يَبْرُكْ حَتَّى تَمُوتَ لَهُ ثَلَاثُ سِنِينَ وَ سَبْعَةُ أَشْهُرٍ وَ عِشْرُونَ يَوْمًا ثُمَّ يَقَالُ لَهُ فَقُلْ مُحَمَّدٌ رَسُولُ اللَّهِ ص سَبْعَ مَرَّاتٍ -

⁴²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 33

⁴²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 34

⁴²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 35

From Abdullah Bin Fazalah,

‘From either Abu Abdullah^{-asws} or Abu Ja’far^{-asws}, he (the narrator) said, ‘I heard him^{-asws} saying: ‘When the boy reaches three years, say to him seven times, ‘There is no god except Allah^{-azwj}’. Then he should be left until three years and seven months and twenty days are completed for him, then say, ‘Muhammad^{-saww} is a Rasool^{-saww} of Allah^{-azwj}’, seven times.

وَيُتْرَكُ حَتَّى تَبْلُغَ لَهُ أَرْبَعُ سِنِينَ ثُمَّ يُقَالُ لَهُ قُلْ سَبْعَ مَرَّاتٍ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ ثُمَّ يُتْرَكُ حَتَّى تَبْلُغَ لَهُ خَمْسُ سِنِينَ ثُمَّ يُقَالُ لَهُ أَيُّهُمَا يَمِينُكَ وَ أَيُّهُمَا شِمَالُكَ فَإِذَا عَرَفْتَ ذَلِكَ حَوَّلْ وَجْهَهُ إِلَى الْقِبْلَةِ وَ يُقَالُ لَهُ اسْجُدْ

And he should be left until four years are complete for him. Then it should be said to him, ‘Say seven times, ‘May Allah^{-azwj} Send Salawaat of Allah^{-azwj} be upon Muhammad^{-saww} and Progeny^{-asws} of Muhammad^{-saww}’. Then he should be left until five years are complete for him, then it should be said to him, ‘Which of the two is your right hand and which of the two is your left?’ Then when he recognises that, turn his face towards the Qiblah and it should be said to him, ‘Perform Sajdah!’

ثُمَّ يُتْرَكُ حَتَّى تَبْلُغَ لَهُ سِتُّ سِنِينَ فَإِذَا تَمَّتْ لَهُ سِتُّ سِنِينَ قِيلَ لَهُ صَلِّ وَ عَلِّمْ الرُّكُوعَ وَ السُّجُودَ حَتَّى تَبْلُغَ لَهُ سَبْعُ سِنِينَ فَإِذَا تَمَّتْ لَهُ سَبْعُ سِنِينَ قِيلَ لَهُ اغْسِلْ وَجْهَكَ وَ كَفَيْكَ فَإِذَا غَسَلَهُمَا قِيلَ لَهُ صَلِّ

Then he should be left until six years are complete for him. When six years have completed for him, it should be said to him, ‘Pray Salat!’, and be taught the Ruk’u and the Sajdah until seven years are complete for him. When seven years are complete for him, it should be said to him, ‘Wash your face and your hands!’ When he has washed them, it should be said to him, ‘Pray Salat!’

ثُمَّ يُتْرَكُ حَتَّى تَبْلُغَ لَهُ ثَمَنُ سِنِينَ فَإِذَا تَمَّتْ لَهُ ثَمَنُ السِّنِينَ قِيلَ لَهُ عَلِّمْ الْوُضُوءَ وَ ضَرْبَ عَلَيْهِ وَ أَمْرَ بِالصَّلَاةِ وَ ضَرْبَ عَلَيْهَا فَإِذَا تَعَلَّمَ الْوُضُوءَ وَ الصَّلَاةَ غَفَرَ اللَّهُ لِوَالِدَيْهِ إِنْ شَاءَ اللَّهُ تَعَالَى.

Then he should be left until nine years are complete for him. When these are completed, he should be taught the Wud’u and be struck upon it, and ordered with praying the Salat and be struck upon it. When he has learnt the Wud’u and the Salat, Allah^{-azwj} Forgives for his parents, if Allah^{-azwj} the Exalted so Desires’.⁴²⁵

37- مِنْ الْمَحَاسِنِ عَنِ الصَّادِقِ ع قَالَ: مَنْ سَعَادَةِ الرَّجُلِ أَنْ يَكُونَ الْوَلَدُ يُعْرِفُ بِشَبْهِهِ وَ خُلُقِهِ وَ شَمَائِلِهِ.

From (the book) ‘Al Mahasin’ -

From Al-Sadiq^{-asws} having said: ‘From good fortune of the man is that the child would be recognised through his resemblance, and his manners, and his physique, and his appearance’.⁴²⁶

⁴²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 36

⁴²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 37

38- قَالَ النَّبِيُّ ص مِنْ نِعْمَةِ اللَّهِ عَلَى الرَّجُلِ أَنْ يُشَبِّهَهُ وَلَدُهُ.

The Prophet^{-saww} said: 'From the bounties of Allah^{-azwj} upon that man is that his son resembles him'.⁴²⁷

39- عَنْ أَبِي إِبْرَاهِيمَ ع قَالَ كَانَ أَبِي يَقُولُ سَعِدَ امْرُؤٌ لَمْ يَمُتْ حَتَّى يَرَى خَلْفَهُ مِنْ نَفْسِهِ

From Abu Ibrahim (Musa Al-Kazim^{-asws}) having said: 'My^{-asws} father^{-asws} had said: 'Fortunate is the man who does not die until he sees his successor from himself'.

ثُمَّ قَالَ هَا وَ قَدْ أَرَانِي اللَّهَ خَلْفِي مِنْ نَفْسِي وَ أَشَارَ إِلَى أَبِي الْحَسَنِ ع.

Then he^{-asws} said: 'Here, and Allah^{-azwj} has Shown me my^{-asws} successor from myself^{-asws}!' – and he^{-asws} indicated to Abu Al-Hassan^{-asws}'.⁴²⁸

40- عَنْ الصَّادِقِ ع قَالَ: دَعْ ابْنَكَ يَلْعَبُ سَبْعَ سِنِينَ وَ يُؤَدِّبُ سَبْعاً وَ الزَّمَهُ نَفْسَكَ سَبْعَ سِنِينَ فَإِنْ أَفْلَحَ وَ إِلَّا فَإِنَّهُ مِنْ لَا خَيْرَ فِيهِ.

From Al-Sadiq^{-asws} having said: 'Leave your son to play for seven years, and discipline him for seven, and adhere him to yourself for seven years. Either he is successful or else he is someone there is no good in him'.⁴²⁹

41- مِنْ كِتَابِ الْمَحَاسِنِ، عَنْهُ ع قَالَ: احْمِلْ صَبِيَّكَ ثَلَاثِي عَلَيْهِ سِتُّ سِنِينَ ثُمَّ أَدِّبْهُ فِي الْكُتَّابِ سِتُّ سِنِينَ ثُمَّ ضُمَّهُ إِلَيْكَ سَبْعَ سِنِينَ فَأَدِّبْهُ بِأَدَبِكَ فَإِنْ قَبِلَ وَ صَلَحَ وَ إِلَّا فَخَلِّ عَنْهُ.

From the book 'Al Mahasin' -

From him^{-asws} having said: 'Tolerate your son until six years come to him, then discipline him for six years, then press him to yourself for seven years and educate him with your education. If he accepts, fine, or else leave him alone'.⁴³⁰

42- وَ قَالَ النَّبِيُّ ص الْوَلَدُ سَيِّدٌ سَبْعَ سِنِينَ وَ عَبْدٌ سَبْعَ سِنِينَ وَ وَزِيرٌ سَبْعَ سِنِينَ فَإِنْ رَضِيتَ خَلَائِقَهُ لِإِخْدَى وَ عَشْرِينَ وَ إِلَّا فَاضْرِبْ عَلَى جَنْبِهِ فَقَدْ أَعْدَرْتَ إِلَى اللَّهِ تَعَالَى.

And the Prophet^{-saww} said: 'The son is a master for seven years, and a slave for seven year, and a minister for seven years. If you are pleased with his mannerisms at twenty-one fine, or else strike upon his side (turn away from him) for you will have an excuse to Allah^{-azwj} the Exalted'.⁴³¹

43- وَ عَنْ النَّبِيِّ ص أَنَّهُ قَالَ: لَأَنْ يُؤَدِّبَ أَحَدُكُمْ وَلَدًا خَيْرٌ لَهُ مِنْ أَنْ يَتَصَدَّقَ بِنَصْفِ صَاعٍ كُلِّ يَوْمٍ.

⁴²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 38

⁴²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 39

⁴²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 40

⁴³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 41

⁴³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 42

And from the Prophet^{-saww} having said: 'If one of you were to discipline his child, it would be better for him than him donating with half a 'Sa'a' (unit of measurement) (of food) every day'.⁴³²

44- وَ عَنْهُ ع قَالَ: أَكْرِمُوا أَوْلَادَكُمْ وَ أَحْسِنُوا آدَابَهُمْ يُعْزَرَ لَكُمْ.

And from him^{-asws} having said: 'Honour your children and improve their education, Allah^{-azwj} will Forgive you!'⁴³³

45- مِنْ عُيُونِ الْأَخْبَارِ، عَنِ الرِّضَا ع قَالَ قَالَ النَّبِيُّ ص اغْسِلُوا صِبْيَانَكُمْ مِنَ الْعَمْرِ فَإِنَّ الشَّيْطَانَ يَشْتُمُ الْعَمَرَ فَيَفْرَغُ الصَّبِيَّ فِي رُقَادِهِ وَ يَتَأَدَّى بِهِ الْكَاتِبَانِ.

From (the book) 'Uyoun Al Akhbar' -

From Al-Reza^{-asws} having said: 'The Prophet^{-saww} said: 'Wash your children from the impurities (hatred) for the Satan^{-la} smells the hatred and alarms the child in his sleep, and the two recording Angels are harmed by it'.⁴³⁴

46- وَ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: يُرْحَى الصَّبِيُّ سَبْعًا وَ يُؤَدَّبُ سَبْعًا وَ يُسْتَحْدَمُ سَبْعًا وَ يَنْتَهِي طُولُهُ فِي ثَلَاثٍ وَ عَشْرِينَ وَ عَقْلُهُ فِي خَمْسَةٍ وَ ثَلَاثِينَ وَ مَا كَانَ بَعْدَ ذَلِكَ فَبِالْجَارِبِ.

And from Amir Al-Momineen^{-asws} having said: 'The child is to be free for seven (years), and disciplined for seven, and made to serve for seven, and its tallness would end at the age of twenty-three, and his intellect at thirty-five, and whatever happens after that, it is by the experience'.⁴³⁵

47- عَنِ الْبَاقِرِ ع قَالَ: يُفَرَّقُ بَيْنَ الْعِلْمَانِ وَ النِّسَاءِ فِي الْمَضَاجِعِ إِذَا بَلَغُوا عَشَرَ سِنِينَ.

From Al-Baqir^{-asws}, having said: 'There would be separation between the boys and the women in the beds when they reach ten years'.⁴³⁶

48- عَنِ النَّبِيِّ ص قَالَ: تَوَقَّوْا عَلَى أَوْلَادِكُمْ لَبَنَ الْبَيْعَةِ وَ الْمَجْنُونَةِ فَإِنَّ اللَّبَنَ يُعْدِي.

And from the Prophet^{-saww} having said: 'Fear upon your children the milk of a prostitute and the insane woman, for the milk has an impact'.⁴³⁷

49- عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: إِذَا نَظَرْتَ إِلَى الْعُلَامِ فَرَأَيْتَهُ خُلُوَ الْعَيْنَيْنِ عَرِيضَ الْجَبْهَتَيْنِ نَامِي الْوَجْنَتَيْنِ سَلِيمِ الْهَيْئَةِ مُسْتَرْخِي الْعُزْلَةِ فَارْجُهُ لِكُلِّ بَنٍ وَ بَرَكَةٍ وَ إِنْ رَأَيْتَهُ غَائِرَ الْعَيْنَيْنِ صَبِيقَ الْجَبْهَةِ نَاتِي الْوَجْنَتَيْنِ مُحَدَّدَ الْأُرْنَبَةِ كَأَنَّمَا جَبِيْنُهُ صَلَابَةٌ فَلَا تَرْجُهُ.

⁴³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 43

⁴³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 44

⁴³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 45

⁴³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 46

⁴³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 47

⁴³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 48

From Amir Al-Momineen^{-asws} having said: 'When you look at the boy so you see him with sweet eyes, broad forehead, full cheeks, sound appearance, relaxed manner, hope for every good and blessing; and if you see him with sunken eyes, narrow forehead, protruding cheeks, sharp nose, hardened brow, have no hopes for him'.⁴³⁸

50- عَنْ الصَّادِقِ قَالَ: يَزِيدُ الصَّبِيُّ فِي كُلِّ سَنَةٍ أَرْبَعَ أَصَابِعَ بِأَصَابِعِهِ.

From Al-Sadiq^{-asws} having said: 'The child increases (in size) four fingers during every year, by his fingers'.⁴³⁹

عَنْهُ عَنِ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الصَّبِيُّ وَ الصَّبِيَّةُ وَ الصَّبِيُّ وَ الصَّبِيَّةُ وَ الصَّبِيُّ يُفَرَّقُ بَيْنَهُمَا فِي الْمَضَاجِعِ لِعَشْرِ سِنِينَ.

From him^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The boy and the boy, and the girl and the girl, and the boy and the girl will be separation between them in the bed at ten years'.⁴⁴⁰

51 عَنْهُ ع قَالَ: إِذَا بَلَغَتِ الْجَارِيَةُ سِتَّ سِنِينَ فَلَا تُقْبَلُهَا وَ الْعُلَامُ لَا يُقْبَلُ الْمَرْأَةَ إِذَا جَازَ سَبْعَ سِنِينَ.

From him^{-asws} having said: 'When the girl reaches six years, do not kiss her, and the boy cannot kiss the woman when he exceeds seven years'.⁴⁴¹

52 عَنْهُ ع قَالَ قَالَ عَلِيٌّ ع مُبَاشَرَةُ الْمَرْأَةِ ابْنَتِهَا إِذَا بَلَغَتْ سِتَّ سِنِينَ شُعْبَةٌ مِنَ الزِّنَا.

From him^{-asws} having said: 'Ali^{-asws} said: 'The intimate contact of the woman with her daughter when she has reached six years is a branch of the adultery'.⁴⁴²

53 وَ عَنْهُ ع سَأَلَهُ أَحْمَدُ بْنُ التَّعْمَانِ فَقَالَ - جُوزِيرَةُ لَيْسَ بَيْنِي وَ بَيْنَهَا رَحِمٌ وَ هَذَا سِتُّ سِنِينَ

And from him^{-asws} – Ahmad Bin Al-Numan asked him^{-asws}. He said, 'Juweyrah, there isn't any kinship between me and her, and there are six years for her!'

قَالَ فَلَا تَضَعُهَا فِي حَجْرِكَ وَ لَا تُقْبَلُهَا.

He^{-asws} said: 'Then do not place her in your lap nor kiss her'.⁴⁴³

54 عَنْ ابْنِ عُمَرَ قَالَ قَالَ النَّبِيُّ ص فَرِّقُوا بَيْنَ أَوْلَادِكُمْ فِي الْمَضَاجِعِ إِذَا بَلَغُوا سَبْعَ سِنِينَ.

From Ibn Umar who said,

⁴³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 49

⁴³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 50 a

⁴⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 50 b

⁴⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 51

⁴⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 52

⁴⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 53

‘The Prophet^{-saww} said: ‘Separate between your children in the beds when they reach seven years’.⁴⁴⁴

55 وَ يُؤَيَّ أَنَّهُ يُفَرِّقُ بَيْنَ الصِّبْيَانِ فِي الْمَضَاجِعِ لِسِتِّ سِنِينَ.

And it is reported that there should be a separation in the bed between the children at six years’.⁴⁴⁵

56 مَكَاءُ، مَكَارِمُ الْأَخْلَاقِ عَنْ زَيْدِ بْنِ عَلِيٍّ عَنْ آبَائِهِ ع قَالَ: ذَكَرَ رَسُولُ اللَّهِ ص الْجِهَادَ فَقَالَتْ امْرَأَةٌ يَا رَسُولَ اللَّهِ مَا لِلنِّسَاءِ مِنْ هَذَا شَيْءٍ؟

(The book) ‘Makarim Al Akhlaq’ -

From Zayd son of Ali^{-asws} (Bin Al-Husayn^{-asws}), from his forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} mentioned the Jihad. A woman said, ‘O Rasool-Allah^{-saww}! There is nothing for the women from this?’

فَقَالَ بَلَى لِلْمَرْأَةِ مَا بَيْنَ حَمْلِهَا إِلَى فِطَامَتِهَا مِنَ الْأَجْرِ كَالْمَرْأَةِ فِي سَبِيلِ اللَّهِ فَإِنْ هَلَكَتْ فِيمَا بَيْنَ ذَلِكَ كَانَ لَهَا مِثْلُ مَنْزِلَةِ الشَّهِيدِ.

He^{-saww} said: ‘Yes there is! For the woman is what is between her pregnancy up to her weaning, the Recompense is like the one tying the horses in the way of Allah^{-azwj}. If she were to die in what is between that, for her would be like the status of a martyr’.⁴⁴⁶

57 وَ مِنْ كِتَابِ الْمُحَاسِنِ، عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَالَ مُوسَى ع يَا رَبِّ أَيُّ الْأَعْمَالِ أَفْضَلُ عِنْدَكَ

And from the book ‘Al Mahasin’ -

From Abu Abdullah^{-asws} having said: ‘Musa^{-as} said: ‘O Lord^{-azwj}! Which of the deeds is most superior in Your^{-azwj} Presence?’

قَالَ حُبُّ الْأَطْفَالِ فَإِنِّي فَطَرْتُهُمْ عَلَى تَوْحِيدِي فَإِنْ أَمَتُهُمْ أَدْخَلْتُهُمْ جَنَّتِي بِرَحْمَتِي.

He^{-azwj} Said: “Loving the children, for I^{-azwj} Nature them upon My^{-azwj} Oneness. If I^{-azwj} were to Cause them to die, I^{-azwj} shall Enter them into My^{-azwj} Paradise by My^{-azwj} Mercy!”⁴⁴⁷

58 جَعَّ، جَامِعُ الْأَخْبَارِ قَالَ رَسُولُ اللَّهِ ص أَوْلَادُنَا أَكْبَادُنَا صُعْرَاؤُهُمْ أَمْرَاؤُنَا كِبْرَاؤُهُمْ أَعْدَاؤُنَا فَإِنْ عَاشُوا فَتَنُونَا وَ إِنْ مَاتُوا أَخْرَجُونَا.

(The book) ‘Jamie Al Akhbar’ -

⁴⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 54

⁴⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 55

⁴⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 56

⁴⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 57

Rasool-Allah^{-saww} said: ‘Our children are our livers, their young ones are our governors, their older ones are our enemies (opponents). If they live they tempt us, and if they die they cause us grief’.⁴⁴⁸

59 وَ رَوَى صَاحِبُ جُمَلِ الْعَرَائِبِ فِي كِتَابِهِ بِإِسْنَادٍ لَهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: خَمْسَةٌ فِي قُبُورِهِمْ وَ ثَوَائِهِمْ يَجْرِي إِلَى دِيْوَانِهِمْ مَنْ عَرَسَ نَحْلًا وَ مَنْ حَفَرَ بَيْتًا وَ مَنْ بَنَى لِلَّهِ مَسْجِدًا وَ مَنْ كَتَبَ مُصْحَفًا وَ مَنْ خَلَفَ ابْنًا صَالِحًا.

And it is reported by the author of ‘Jumal Al Garaib’ in his book, by a chain of his,

From the Prophet^{-saww} having said: ‘Five will be in their graves while their Rewards will flow to their registers (of good deeds) – one who plants a date tree, and one who digs a well, and one who builds a Masjid for Allah^{-azwj}, and one who writes a Parchment (Quran), and one who leave behind a righteous son’.⁴⁴⁹

60 وَ قَالَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْوَلَدُ جَنِينَةٌ مَبْخَلَةٌ مَحْزَنَةٌ.

And he^{-saww} said: ‘The child makes one cowardly, miserly, sorrowful’.⁴⁵⁰

61 نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيُّ ع أَبْصَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا لَهُ وَلَدَانِ فَقَبَّلَ أَحَدَهُمَا وَ تَرَكَ الْآخَرَ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَهَلَا وَاسَيْتَ بَيْنَهُمَا.

(The book) ‘Nawadir’ of Al Rawandi – By his chain,

From Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Ali^{-asws} said: ‘Rasool-Allah^{-saww} saw a man having two children for him. He kissed one of them and neglected the other. Rasool-Allah^{-saww} said: ‘Why don’t you equalised between both?’⁴⁵¹

62 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيُّ ع كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا بُشِّرَ بِجَارِيَةٍ قَالَ رُحْنَانَةٌ وَ رَزُقُهَا عَلَى اللَّهِ عَزَّ وَ جَلَّ.

And by this chain, he^{-asws} said: ‘Ali^{-asws} said: ‘Whenever Rasool-Allah^{-saww} received glad tidings of a (new-born) girl, said: ‘A fragrant flower, and her sustenance is upon Allah^{-azwj} Mighty and Majestic’.⁴⁵²

63 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْوَلَدُ الْبَنَاتُ مُلْطَفَاتٌ مُجْهَدَاتٌ مُوَسَّاتٌ مُفْلِحَاتٌ مُبَارَكَاتٌ.

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘Best of the children are the daughters. They are gentle, helpful, comforting, diligent, and Blessed’.⁴⁵³

⁴⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 58

⁴⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 59

⁴⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 60

⁴⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 61

⁴⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 62

⁴⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 63

64 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص مِنْ سَعَادَةِ الْمَرْءِ الْمُسْلِمِ الزَّوْجَةُ الصَّالِحَةُ وَ الْمَسْكَنُ الْوَاسِعُ وَ الْمَرْكَبُ الْهَيِّئُ وَ الْوَلَدُ الصَّالِحُ وَ مِنْ بَيْنِ الْمَرْءِ أَنْ يَكُونَ بِكَرْمَا جَارِيَةً يَغْنِي أَوَّلَ وَلَدِهَا.

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘Good fortune of the Muslim man is the righteous wife, and the capacious house, and the comfortable mount, and the righteous son; and from the bounties of the woman is that her first-born be a girl, meaning her first child’.⁴⁵⁴

65 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص مُرُوا صِبْيَانَكُمْ بِالصَّلَاةِ إِذَا كَانُوا أَبْنَاءَ سَبْعِ سِنِينَ وَ اضْرِبُوهُمْ إِذَا كَانُوا أَبْنَاءَ سَبْعِ سِنِينَ وَ فَرِّقُوا بَيْنَهُمْ فِي الْمَضَاجِعِ إِذَا كَانُوا أَبْنَاءَ عَشْرِ سِنِينَ.

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘Instruct your young boys with praying the Salat when they were seven years of age, and beat them when they were seven years, and separate between them in the beds when they were ten years old’.⁴⁵⁵

66 بَيَانُ التَّنْزِيلِ، لِابْنِ شَهْرَآشُوبَ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: مَا سَأَلْتُ رَبِّي أَوْلَاداً نَضِرَ الْوَجْهَ وَ لَا سَأَلْتُهُ وَلَداً حَسَنَ الْقَامَةِ وَ لَكِنْ سَأَلْتُ رَبِّي أَوْلَاداً مُطِيعِينَ لِلَّهِ وَجَلِيلِينَ مِنْهُ حَتَّى إِذَا نَظَرْتُ إِلَيْهِ وَ هُوَ مُطِيعٌ لِلَّهِ قَرَّتْ عَيْنِي.

(The book) ‘Bayan Al Tanzeel’ of Ibn Shehr Ashub,

Forty Amir Al-Momineen^{-asws} having said: ‘I^{-asws} have not asked my^{-asws} Lord^{-azwj} for children with radiant faces nor have I^{-asws} asked for children with handsome stature, but I^{-asws} asked my^{-asws} Lord^{-azwj} for children who are obedient to Allah^{-azwj}, being in awe from Him^{-azwj} until when I^{-asws} look at him while he is obedient to Allah^{-azwj}, my^{-asws} eyes would be delighted!’⁴⁵⁶

67 عُدَّةُ الدَّاعِي، قَالَ رَسُولُ اللَّهِ ص مِنْ سَعَادَةِ الرَّجُلِ الْوَلَدُ الصَّالِحُ.

(The book) ‘Uddat Al Daie’ -

Rasool-Allah^{-saww} said: ‘From good fortune of the man is the righteous child’.⁴⁵⁷

68 وَ قَالَ ص الْوَلَدُ لِلْوَالِدِ رِيحَانَةٌ مِنَ اللَّهِ قِسْماً وَ إِنَّ رِيحَانَتِي الْحَسَنُ وَ الْحُسَيْنَ ع سَمَّيْتُهُمَا بِاسْمِ سِبْطِي بَنِي إِسْرَائِيلَ شَبْرًا [شَبْرٌ] وَ شَبِيرًا.

And he^{-saww} said: ‘The child is a fragrant flower from Allah^{-azwj} to the father, and my^{-saww} two fragrant flowers are Al-Hassan^{-asws} and Al-Husayn^{-asws}. I^{-saww} named them^{-asws} by the name of two grandsons of the children of Israel ‘Shabbar’ and ‘Shabeer’.⁴⁵⁸

69 وَ قَالَ رَجُلٌ مِنَ الْأَنْصَارِ لِأَبِي عَبْدِ اللَّهِ ع مَنْ أَتْبُرُ

And a man from the Helpers said to Abu Abdullah^{-asws}, ‘Whom shall I be righteous to?’

⁴⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 64

⁴⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 65

⁴⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 66

⁴⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 67

⁴⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 68

قَالَ وَالِدَيْكَ

He^{-asws} said: 'Your parents'.

قَالَ قَدْ مَضَيَا

He said, 'They have passed away'.

قَالَ بَرِّ وَلَدَكَ.

He^{-asws} said: 'Be righteous with your children'.⁴⁵⁹

70 وَ قَالَ رَسُولُ اللَّهِ ص رَحِمَ اللَّهُ مَنْ أَعَانَ وَلَدَهُ عَلَى يَرِّهِ وَ هُوَ أَنْ يَغْفُوَ عَنْ سَيِّئَتِهِ وَ يَدْعُوَ لَهُ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ.

And Rasool-Allah^{-saww} said: 'May Allah^{-azwj} Mercy who assists his children upon being righteous to him and he forgives his bad deeds, and supplicates for him regarding what is between him and Allah^{-azwj}'.⁴⁶⁰

71 وَ قَالَ عَلِيٌّ ع مَنْ قَبَّلَ وَلَدَهُ كَانَ لَهُ حَسَنَةٌ وَ مَنْ فَرَّخَهُ فَرَّخَهُ اللَّهُ يَوْمَ الْقِيَامَةِ وَ مَنْ عَلَّمَهُ الْقُرْآنَ دُعِيَ الْأَبَوَانِ فَكُسِيَا خِلْتَيْنِ يُضِيءُ مِنْ نُورِهِمَا وَجْهُهُ أَهْلِي الْجَنَّةِ.

And Ali^{-asws} said: 'One who kisses his child, for him would be a good deed, and one who makes him happy, Allah^{-azwj} will Make him happy on the Day of Qiyamah, and one who teaches him the Quran, the parents will be Called and Clothed with two garments. The radiance from their faces will illuminate the faces of the inhabitants of Paradise'.⁴⁶¹

72 وَ جَاءَ رَجُلٌ إِلَى النَّبِيِّ ص فَقَالَ مَا قَبَّلْتُ صَبِيًّا قَطُّ

And a man came to the Prophet^{-saww}. He said, 'I have not kissed a child at all!'

فَلَمَّا وَلَّى قَالَ النَّبِيُّ ص هَذَا رَجُلٌ عِنْدَنَا أَنَّهُ مِنْ أَهْلِ النَّارِ.

When he turned around, the Prophet^{-saww} said: 'This man in our presence, he is from the people of Hellfire!'⁴⁶²

73 وَ رَأَى ص رَجُلًا مِنَ الْأَنْصَارِ لَهُ وَلَدَانِ قَبَّلَ أَحَدَهُمَا وَ تَرَكَ الْآخَرَ فَقَالَ ص هَلَّا وَاسَيْتَ بَيْنَهُمَا.

And he^{-saww} saw a man from the Helpers having two children for him. He kissed one of them and neglected the other. He^{-saww} said: 'Why don't you treat both of them the same?'⁴⁶³

⁴⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 69

⁴⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 70

⁴⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 71

⁴⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 72

⁴⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 73

74 وَ قَالَ بَعْضُهُمْ شَكَوْتُ إِلَى أَبِي الْحَسَنِ مُوسَى ع ابْنًا لِي فَقَالَ لَا تَضْرِبْهُ وَ اهْجُرْهُ وَ لَا تُطْلِ.

And one of them said, 'I complained to Abu Al-Hassan Musa^{asws} of a son of mine. He^{asws} said: 'Do not beat him, and avoid him but do not prolong (the avoidance)!'⁴⁶⁴

75 وَ كَانَ النَّبِيُّ ص إِذَا أَصْبَحَ مَسَحَ عَلَى رُءُوسِ وَلَدِهِ وَ وَلَدِ وَلَدِهِ.

And whenever it was morning the Prophet^{saww} caressed upon the heads of his^{saww} children and children of his children'.⁴⁶⁵

76 وَ قَالَ الصَّادِقُ ع إِنَّ إِبْرَاهِيمَ ع سَأَلَ رَبَّهُ أَنْ يَرْزُقَهُ بِنْتًا تَبْكِيهِ وَ تَنْدُبُهُ بَعْدَ الْمَوْتِ.

And Al-Sadiq^{asws} said: 'Ibrahim^{as} asked his^{as} Lord^{azwj} to Grace him^{as} a daughter who will cry and wail for him^{as} after the death'.⁴⁶⁶

77 وَ قَالَ ع أَيُّمَا رَجُلٍ دَعَا عَلَى وَلَدِهِ أَوْزَتْهُ الْفَقْرُ.

And he^{asws} said: 'Whichever man supplicates against his children will inherit the poverty'.⁴⁶⁷

78 وَ قَالَ ع مَنْ تَمَنَّى مَوْتَ الْبَنَاتِ حُرِمَ أَجْرُهُنَّ وَ لَقِيَ اللَّهَ تَعَالَى عَاصِبًا.

And he^{asws} said: 'One who wishes for the death of his daughters will be deprived of their Rewards and he will meet Allah^{azwj} as a disobedient one!'⁴⁶⁸

79 وَ قَالَ النَّبِيُّ ص مَنْ عَالَ ثَلَاثَ بَنَاتٍ وَ مِثْلَهُنَّ مِنَ الْأَخَوَاتِ وَ صَبَرَ عَلَى لَأْوَائِهِنَّ حَتَّى يَبْنَى إِلَى أَزْوَاجِهِنَّ أَوْ يَمُتْنَ فَيَصْرْنَ إِلَى الْقُبُورِ كُنْتُ أَنَا وَ هُوَ فِي الْجَنَّةِ كَهَاتَيْنِ وَ أَشَارَ بِالسَّبَّابَةِ وَ الْوُسْطَى

And the Prophet^{saww} said: 'One who supports three daughters, and their like from the sisters, and is patient upon supporting them until they are married to their spouses, or they die so they come to the graves, I^{saww} and he would be in the Paradise like these two!' – and he^{saww} indicated with the index and the middle finger.

فَقُلْتُ يَا رَسُولَ اللَّهِ وَ اثْنَتَيْنِ

I said, 'O Rasool-Allah^{saww}, and two?'

قَالَ وَ اثْنَتَيْنِ

He^{saww} said: 'And two'.

⁴⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 74

⁴⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 75

⁴⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 76

⁴⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 77

⁴⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 78

قُلْتُ وَ وَاحِدَةً

I said, 'And one?'

قَالَ وَ وَاحِدَةً.

He^{-saww} said: 'And one'.⁴⁶⁹

80 لي، الأماالي للصدوق ماجيلويه عن علي بن إبراهيم عن محمد بن عيسى عن منصور عن هشام بن سالم عن الصادق جعفر بن محمد ع قال: ليس يتبع الرجل بعد موته من الأجر إلا ثلاث خصال صدقة أجزاها في حياته فهي تجري بعد موته و سنة هدى سنّها فهي تعمل بها بعد موته و ولد صالح يستغفر له.

(The book) 'Al Amaali' of Al Sadouq – Majaylawiya, from Ali Bin Ibrahim, from Muhammad Bin Isa, from Mansour, from Hisham Bin Salim,

From Al-Sadiq Ja'far^{-asws} Bin Muhammad^{-asws} having said: 'The Recompensed does not follow the man after his death except for three characteristics – a charity he flowed during his lifetime so it keeps flowing after his death, and a guiding conduct he had practised so it is worked with after his death, and a righteous child seeking Forgiveness for him'.⁴⁷⁰

81 ل، الخصال لي، الأماالي للصدوق أبي عن سعد عن أبي بصير عن محمد بن شعيب عن الهيثم بن أبي كهمس عن أبي عبد الله الصادق ع قال: ست خصال يتتبع بها المؤمن من بعد موته ولد صالح يستغفر له و مصحف يقرأ منه و قليب يحفره و غرس يغرسه و صدقة ماء يجريه و سنة حسنة يؤخذ بها بعده.

(The book) 'Al Khisaal', (and) 'Al Amaali' of Al Sadouq – My father, from Sa'ad, from Al Yaqteeny, from Muhammad Bin Shueyb, from Al Haysam Bin Abu Kahmas,

From Abu Abdullah Al-Sadiq^{-asws} having said: 'There are seven characteristics the Momin benefits with from after his death – a righteous child seeking Forgiveness for him, and a Quran he had read from (so is read from), and a well he had dug, and a plant he had planted, and a charity of water he had flowed, and a good he had practised being take with from after him'.⁴⁷¹

82 لي، الأماالي للصدوق ماجيلويه عن محمد الطاهر عن الأشعري عن موسى بن جعفر عن علي بن معبد عن بشار بن حماد عن عبد الله بن فضالة عن أبي عبد الله أو أبي جعفر ع قال سمعته يقول إذا بلغ الغلام ثلاث سنين يقال له سبع مرات قل لا إله إلا الله ثم يترك حتى ييم له ثلاث سنين و سبعة أشهر و عشرون يوماً فيقال له قل محمد رسول الله سبع مرات

(The book) 'Al Amaali' of Al Sadouq – Majaylawiya, from Muhammad Al Attar, from Al Ash'ary, from Musa Bin Ja'far, from Ali Bin Ma'bad, from Bundar Bin Hammad, from Abdullah Bin Fazalah,

From Abu Abdullah^{-asws} or Abu Ja'far^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'When the boy reaches three years, it should be said to him seven times, 'Say, 'There is no god except

⁴⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 79

⁴⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 80

⁴⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 81

Allah^{-azwj!} Then he should be left until three years and seven months and twenty days are complete for him, it should be said to him, ‘Say, ‘Muhammad^{-saww} is Rasool^{-saww} of Allah^{-azwj!}’

وَيُتْرَكُ حَتَّى يَمُتَ لَهُ أَرْبَعُ سِنِينَ ثُمَّ يُقَالُ لَهُ سَبْعَ مَرَّاتٍ قُلْ صَلَّى اللَّهُ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ ثُمَّ يُتْرَكُ حَتَّى يَمُتَ لَهُ خَمْسُ سِنِينَ ثُمَّ يُقَالُ لَهُ أُيُّهُمَا يَمِينُكَ وَ أُيُّهُمَا شِمَالُكَ فَإِذَا عَرَفَ ذَلِكَ حَوَّلَ وَجْهَهُ إِلَى الْقِبْلَةِ وَ يُقَالُ لَهُ اسْجُدْ

And he would be left until four years are complete for him, then it should be said to him seven times, ‘Say, ‘May Allah^{-azwj} Send Salawaat upon Muhammad^{-saww} and Progeny^{-asws} of Muhammad^{-saww}. Then he would be left until the five years are complete for him. Then it should be said to him, ‘Which of the two is your right hand and which of the two is your left hand?’ When he recognises that, his face should be turned towards the Qiblah and it will be said to him, ‘Do Sajdah!’

ثُمَّ يُتْرَكُ حَتَّى يَمُتَ لَهُ سِتُّ سِنِينَ فَإِذَا مَمَّ لَهُ سِتُّ سِنِينَ صَلَّى وَ عَلَّمَ الرُّكُوعَ وَ السُّجُودَ حَتَّى يَمُتَ لَهُ سَبْعُ سِنِينَ فَإِذَا مَمَّ لَهُ سَبْعُ سِنِينَ قِيلَ لَهُ اغْسِلْ وَجْهَكَ وَ كَفَّيْكَ فَإِذَا غَسَلَهُمَا قِيلَ لَهُ صَلِّ

Then he would be left until the six years are complete for him. When six years are completed for him, he should be taught the Ruk’u and the Sajdah until seven years are complete for him. When seven years are completed for him, it should be said to him, ‘Wash your face and your hands!’ When he has washed them, it should be said to him, ‘Pray Salat!’

ثُمَّ يُتْرَكُ حَتَّى يَمُتَ لَهُ تِسْعُ سِنِينَ فَإِذَا تَمَّتْ لَهُ عِلْمُ الْوُضُوءِ وَ ضُرِبَ عَلَيْهِ وَ أُمِرَ بِالصَّلَاةِ وَ ضُرِبَ عَلَيْهَا فَإِذَا تَعَلَّمَ الْوُضُوءَ وَ الصَّلَاةَ عَفَرَ اللَّهُ لَوَالِدَيْهِ إِنْ شَاءَ اللَّهُ.

Then he would be left until nine years are complete for him. When these are completed for him, he should be taught the Wud’u and be beaten upon it, and he would be instructed with the Salat and be beaten upon it. When he has learn the Wud’u and the Salat, Allah^{-azwj} will Forgive for his parents, if Allah^{-azwj} so Desires’.⁴⁷²

83 ما، الأماالي للشيخ الطوسي الغضائري عن الصدوق مثله.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.⁴⁷³

84 لي، الأماالي للصدوق العطار عن أبيه عن البرقي عن محمد بن علي الكوفي عن شريف بن سابق عن إبراهيم بن محمد عن الصادق عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَرَّ عَيْسَى بْنُ مَرْثَمٍ بِغُفْرٍ يُعَذَّبُ صَاحِبُهُ ثُمَّ مَرَّ بِهِ مِنْ قَابِلٍ فَإِذَا هُوَ لَيْسَ يُعَذَّبُ فَقَالَ يَا رَبِّ مَرَزْتُ بِحَدَا الْقَبْرِ عَامَ أَوَّلِ فَكَانَ صَاحِبُهُ يُعَذَّبُ ثُمَّ مَرَزْتُ بِهِ الْعَامَ فَإِذَا هُوَ لَيْسَ يُعَذَّبُ

(The book) ‘Al Amaali’ of Al Sadouq – Al Attar, from his father, from Al Barqy, from Muhammad Bin Ali Al Kufi, from Shareef Bin Sabiq, from Ibrahim Bin Muhammad,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘Isa^{-as} Bin Maryam^{-as} passed by a grave whose occupant was being punished. Then he^{-as} passed by it a

⁴⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 82

⁴⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 83

year later and he wasn't being punished. He^{-as} said: 'O Lord^{-azwj}! I^{-as} passed by this the year before and its occupant was being punished, then I^{-as} passed by it this year and he isn't being punished!'

فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ يَا رُوحَ اللَّهِ إِنَّهُ أَذْرَكَ لَهُ وَلَدٌ صَالِحٌ فَأَصْلَحَ طَرِيقاً وَ آوَى يَتِيماً فَعَفَرْتُ لَهُ بِمَا عَمِلَ ابْنُهُ.

Allah^{-azwj} Mighty and Majestic Revealed to him^{-as}: 'O Spirit of Allah^{-azwj}! A righteous child of his has become an adult, and is of correct ways and sheltered an orphan, so Allah^{-azwj} Forgave him due to what his son had done!'⁴⁷⁴

85 عُدَّةُ الدَّاعِي، عَنِ الْفَضْلِ بْنِ أَبِي قُرَّةَ عَنْ أَبِي عَبْدِ اللَّهِ عَ مِثْلُهُ ثُمَّ قَالَ رَسُولُ اللَّهِ ص مِيرَاثُ اللَّهِ عَزَّ وَ جَلَّ مِنْ عَبْدِهِ الْمُؤْمِنِ وَلَدٌ يَعْبُدُهُ مِنْ بَعْدِهِ

(The book) 'Uddat Al Daie' – From Al Fazl Bin Abu Qurrah,

From Abu Abdullah^{-asws}, similar to it. Then Rasool-Allah^{-saww} said: 'Inheritance of Allah^{-azwj} Mighty and Majestic from His^{-azwj} Momin servant is a son worshipping Him^{-azwj} from after him'.

ثُمَّ تَلَا أَبُو عَبْدِ اللَّهِ ع آيَةَ زَكْرِيَّا - فَهَبْ لِي مِنْ لَدُنْكَ وَلِيًّا يَرْثُنِي وَ يَرِثْ مِنْ آلِ يَعْقُوبَ وَ اجْعَلْهُ رَبِّ رَضِيًّا.

Then Abu Abdullah^{-asws} recited the Verse of Zakariya^{-as}: **therefore Grant me an heir from You [19:5] Who would inherit me and inherit from the Progeny of Yaqoub, and Make him, my Lord, the one whom You are well Pleased with' [19:6]**.⁴⁷⁵

86 شي، تفسير العياشي عَنِ الْحَسَنِ بْنِ سَعِيدٍ اللَّحْمِيِّ قَالَ: وَ لِدٌ لِرَجُلٍ مِنْ أَصْحَابِنَا جَارِيَةً وَ دَخَلَ عَلَى أَبِي عَبْدِ اللَّهِ ع فَزَاهُ مُتَسَيِّطَةً لَهَا فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع أَرَأَيْتَ لَوْ أَنَّ اللَّهَ أَوْحَى إِلَيْكَ أَلَّا أَوْ تَخْتَارَ لَكَ أَوْ تَخْتَارَ لِنَفْسِكَ مَا كُنْتَ تَقُولُ

Tafseer Al Ayyashi – from Al-Hassan Bin Saeed Al Lahmy who said,

'A girl was born to a man from our companions, and he entered to see Abu Abdullah^{-asws}. He^{-asws} saw him annoyed for her. Abu Abdullah^{-asws} said to him: 'What is your view if Allah^{-azwj} were to Reveal to you: "Either I^{-azwj} Choose for you or you choose for yourself!" What would you say?'

قَالَ كُنْتُ أَقُولُ يَا رَبِّ تَخْتَارُ لِي

I would say, 'O Lord^{-azwj}, Choose for me!'

قَالَ ع فَإِنَّ اللَّهَ قَدْ اخْتَارَ لَكَ

He^{-asws} said: 'So Allah^{-azwj} has Chosen for you'.

⁴⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 84

⁴⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 85

ثُمَّ قَالَ إِنَّ الْغُلَامَ الَّذِي قَتَلَهُ الْعَالِمُ الَّذِي كَانَ مَعَ مُوسَى فِي قَوْلِ اللَّهِ - فَأَرَدْنَا أَنْ يُبَدِّلَهُمَا رَجُلًا خَيْرًا مِنْهُ زَكَةً وَ أَقْرَبَ مِنْهَا قَالَ فَأَبَدَلَهُمَا مِنْهُ جَارِيَةً وَلَدَتْ سَبْعِينَ نَبِيًّا.

Then he^{-asws} said: 'The boy whom the Scholar killed, the one who was with Musa^{-as}, in the Words of Allah^{-azwj}: ***So we intended for their Lord to replace for them better than him in purity, and nearer to mercy [18:81]***, He^{-azwj} Replaced for them instead of him, a girl who gave birth to seventy Prophets^{-as}'.⁴⁷⁶

87 ب، قرب الإسناد هارون عن ابن صدقة عن الصادق عن أبيه ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: إِنَّ مِنْ سَعَادَةِ الْمَرْءِ الْمُسْلِمِ أَنْ يُشَبِّهَهُ وَلَدُهُ وَ الْمَرْأَةُ الْجَمَلَاءُ ذَاتَ دِينٍ وَ الْمَرْكَبُ الْهَيَّءُ وَ الْمَسْكَنُ الْوَاسِعُ.

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

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Rasool-Allah^{-saww} said: 'From the good fortune of a Muslim man is that his son resembles him, and the beautiful wife with religion, and the comfortable mount, and the capacious dwelling'.⁴⁷⁷

88 ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع رَأَى صَبِيًّا يَحْبُ رَأْسَهُ [تَحْتَ رَأْسِهِ] مُوسَى مِنْ حَدِيدٍ فَأَخَذَهَا فَرَمَى بِهَا وَ كَانَ يَكْرَهُ أَنْ يَلْبَسَ الصَّبِيُّ شَيْئًا مِنَ الْحَدِيدِ.

(The book) 'Qurb Al Isnaad – Abu Al Bakhtary,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} saw a child placing an iron blade beneath his head. He^{-asws} grabbed it and threw it away, and he^{-asws} disliked the child from wearing anything from iron'.⁴⁷⁸

89 ل، الخصال أبي عن الحميري عن ابن عيسى عن ابن محبوب عن ابن رثاب عن الحلبي عن أبي عبد الله ع قَالَ: لَيْسَ يَتَّبِعُ الرَّجُلَ بَعْدَ مَوْتِهِ مِنَ الْأَجْرِ إِلَّا ثَلَاثُ خِصَالٍ صَدَقَةٌ أَجْرَاهَا فِي حَيَاتِهِ فَهِيَ تَجْرِي بَعْدَ مَوْتِهِ إِلَى يَوْمِ الْقِيَامَةِ صَدَقَةٌ مَوْفُوفَةٌ لَا تُورَثُ أَوْ سُنَّةٌ هَدَى سَنَهَا فَكَانَ يَعْمَلُ بِهَا وَ عَمِلَ بِهَا مِنْ بَعْدِهِ غَيْرُهُ أَوْ وَلَدٌ صَالِحٌ يَسْتَعْفِرُ لَهُ.

(The book) 'Al Khisaal' – My father, from Al Himeyri, from Ibn Isa, from Ibn Mahboub, from Ibn Riab, from Al Halby,

From Abu Abdullah^{-asws} having said: 'No Recompense follows the man after his death except from three characteristics – charity he had flowed during his lifetime so it keeps flowing after his death up to the Day of Qiyamah, a designated charity (Waqf) not being inherited, or a guiding conduct he had practise and work with, so it was being worked with from after him by others, or a righteous child seeking Forgiveness for him'.⁴⁷⁹

⁴⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 86

⁴⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 87

⁴⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 88

⁴⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 89

90 ل، الخصال أبي عَنِ السَّعْدِ أَبَدِيٍّ عَنِ الْبَرْقِيِّ عَنِ عُثْمَانَ بْنِ عِيسَى عَنِ ابْنِ مُسْكَانَ رَفَعَهُ إِلَى عَلِيِّ بْنِ الْحُسَيْنِ ع أَنَّهُ قَالَ: مِنْ سَعَادَةِ الْمَرْءِ الْمُسْلِمِ أَنْ يَكُونَ مَتَجَرَّةً فِي بِلَادِهِ وَ يَكُونَ حُلَاطًا لَهُ صَالِحِينَ وَ يَكُونَ لَهُ وَلَدٌ يَسْتَعِينُ بِهِمْ.

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

Ali^{-asws} Bin Al-Husayn^{-asws} said: 'From good fortune of the Muslim man is that his trading would be in his city, and his friends would be righteous, and there would be children for him he can be assisted by them'.⁴⁸⁰

91 ل، الخصال مُحَمَّدُ بْنُ أَبِي عَبْدِ اللَّهِ الْفَرَّغَانِيُّ عَنْ مُحَمَّدِ بْنِ جَعْفَرٍ بْنِ الْأَشْعَثِ عَنْ أَبِي حَاتِمٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ ابْنِ جَرِيحٍ عَنْ أَبِي الرُّبَيْعِ عَنْ عُمَرَ بْنِ تَيْهَانَ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ص قَالَ: مَنْ كُنَّ لَهُ ثَلَاثُ بَنَاتٍ فَصَبَرَ عَلَى لَأْوَاهِنَ وَ صَرَائِهِنَّ وَ سَرَائِهِنَّ كُنَّ لَهُ حِجَابًا يَوْمَ الْقِيَامَةِ

(The book) 'Al Khisaal' – Muhammad Bin Abu Abdullah Al Fagany, from Muhammad Bin Ja'far Bin Al Ash'as, from Abu Hatim, from Muhammad Bin Abdullah, from Ibn Jareeh, from Abu Al Zubeyr, from Umar Bin Tayhan, from Abu Hureyra,

From the Prophet^{-saww} having said: 'One who has three daughters for him so he is patient upon their hardships, and their difficulties, and their happiness, they would be a veil for him on the Day of Qiyamah'.⁴⁸¹

92 شي، تفسير العياشي عَنْ أَبِي يَحْيَى الْوَاسِطِيِّ رَفَعَهُ إِلَى أَحَدِهِمَا ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- وَ أَمَّا الْغُلَامُ فَكَانَ أَبَوَاهُ مُؤْمِنَيْنِ إِلَى قَوْلِهِ وَ أَقْرَبَ رَحْمًا قَالَ أَبَدَكُمَا مَكَانَ الْإِبْنِ بِنْتًا فَوَلَدَتْ سَبْعِينَ نَبِيًّا.

Tafseer Al Ayyashi – From Abu Yahya Al Wasity raising it to,

One of the two (5th or 6th Imam^{-asws}) regarding Words of Allah^{-azwj} Mighty and Majestic: **And as for the boy, his parents were Momineen [18:80]** – up to His^{-azwj} Words: **and nearer to mercy [18:81]**. He^{-asws} said: 'He^{-azwj} Replaced for them in place of the son, a daughter. She gave birth to seventy Prophets^{-as}'.⁴⁸²

93 ما، الأماالي للشيخ الطوسي الْمُفِيدُ عَنْ أَحْمَدَ بْنِ الْوَلِيدِ عَنْ أَبِيهِ عَنِ الصَّفَّارِ عَنِ ابْنِ عِيسَى عَنْ يُونُسَ عَنِ السَّرِيِّ عَنِ عِيسَى عَنْ عَبْدِ الْحَالِقِ بْنِ عَبْدِ رَبِّهِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع خَيْرٌ مَا يُخْلِفُهُ الرَّجُلُ بَعْدَهُ ثَلَاثَةٌ وَلَدٌ بَارٌّ يَسْتَعِينُ لَهُ وَ سُنَّةٌ خَيْرٌ يُقْتَدَى بِهَ فِيهَا وَ صَدَقَةٌ تَجْرِي مِنْ بَعْدِهِ.

(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 Abd Rabbih who said,

'The best of what a man can leave behind after him are three – a righteous child seeking Forgiveness for him, or a good conduct he is followed with regarding it, and charity keeps flowing from after him'.⁴⁸³

⁴⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 90

⁴⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 91

⁴⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 92

⁴⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 93

94 ما، الأمالي للشيخ الطوسي بالإسناد إلى أبي قتادة قال قال أبو عبد الله ع ثلاثة هي من السعادة الزوجة المؤمنة و الولد البار و الرزق يزرع معيشة يغدو على إصلاحها و يروح على عياله.

(The book) 'Al Amaali' of the sheykh Al Tusi – by the chain to Abu Qatadah who said,

'Abu Abdullah^{asws} said: 'Three, these are from the good fortune – a co-operative wife, and the righteous child, and a livelihood with sufficient provision, so that a man goes out in the morning to manage it and returns in the evening to his dependants'.⁴⁸⁴

95 ع، علل الشرائع القاسم بن محمد السراج عن جعفر بن محمد بن إبراهيم عن محمد بن عبد الله بن هارون الرشيد عن محمد بن آدم عن ابن أبي ذئب عن نافع عن ابن عمر قال قال رسول الله ص لا تضربوا أطفالكم على بكائهم فإن بكاءهم أربعة أشهر شهادة أن لا إله إلا الله و أربعة أشهر الصلاة على النبي ص و أربعة أشهر الدعاء لوالديه.

(The book) 'Ilal Al Sharaie' – Al Qasim Bin Muhammad Al Sarraj, from Ja'far Bin Muhammad Bin Ibrahim, from Muhammad Bin Abdullah Bin Haroun Al Rasheed, from Muhammad Bin Adam, from Ibn Abu Zi'b, from Nafie, from Ibn Umar who said,

'Rasool-Allah^{saww} said: 'Do not beat your children upon their crying, for their crying at four months is a testimony that there is no god except Allah^{azwj}, and four months is the Salawaat upon the Prophet^{saww}, and four months is the supplication for its parents'.⁴⁸⁵

96 ع، علل الشرائع أبي عن أحمد بن إدريس عن ابن أبي الخَطَّاب عن ابن بشير عن رجل عن أبي عبد الله ع قال: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى إِذَا أَرَادَ أَنْ يَخْلُقَ خَلْقًا جَمَعَ كُلَّ صُورَةٍ بَيْنَهُ وَ بَيْنَ أَبِيهِ إِلَى آدَمَ ثُمَّ خَلَقَهُ عَلَى صُورَةِ أَحَدِهِمْ فَلَا يَقُولُ أَحَدٌ هَذَا لَا يُشَبِّهُنِي وَلَا يُشَبِّهُ شَيْئًا مِنْ آبَائِي.

(The book) 'Ilal Al Sharaie' – My father, from Ahmad Bin Idrees, from Ibn Abu Al Khattab, from Ibn Bashir, from a man,

From Abu Abdullah^{asws} having said: 'When Allah^{azwj} Blessed and Exalted Wants to Create a creature, He^{azwj} Gathers every image between him and his father up to Adam^{as}. Then He^{azwj} Creates him upon the image of one of them. Therefore no one should be saying, 'This one does not resemble me', and 'He does not resemble anything from my forefathers'.⁴⁸⁶

97 ل، الخصال الأرمينية قال أمير المؤمنين ع اغسلوا صبيانكم من العَمَرِ فَإِنَّ الشَّيَاطِينَ تَشْمُ الْعَمَرَ فَيَفْرُغُ الصَّبِيُّ فِي رُقَادِهِ وَ يَتَأَذَّى بِهِ الْكَاتِبَانِ.

(The book) 'Al Khisaal' -

(The Hadeeth) 'Al-Arbamiya', Amir Al-Momineen^{asws} said: 'Wash your children from the impurities (hatred) for the Satan^{la} smells the hatred and alarms the child in his sleep, and the two recording Angels are harmed by it'.⁴⁸⁷

⁴⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 94

⁴⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 95

⁴⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 96

⁴⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 97

98 ثو، ثواب الأعمال ابن الوليد عن الصَّفَّارِ عَنْ سَلَمَةَ بْنِ الْخَطَّابِ عَنْ أَيُّوبَ بْنِ سُلَيْمٍ عَنْ إِسْحَاقَ بْنِ بَشِيرٍ عَنْ سَالِمِ الْأَفْطَسِيِّ عَنْ ابْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ دَخَلَ السُّوقَ فَاشْتَرَى تُخْمَةً فَحَمَلَهَا إِلَى عِيَالِهِ كَانَ كَحَامِلٍ صَدَقَةٍ إِلَى قَوْمٍ مَحَاجِرٍ وَ لَيْبِدًا بِالْإِنَانَةِ قَبْلَ الدُّكُورِ فَإِنَّهُ مَنْ فَرَحَ أَنْتَى فَكَأَنَّمَا أَعْتَقَ رَقَبَةً مِنْ وَلَدِ إِسْمَاعِيلَ وَ مَنْ أَفْرَ يَعْنِ ابْنٍ فَكَأَنَّمَا بَكَى مِنْ خَشْيَةِ اللَّهِ وَ مَنْ بَكَى مِنْ خَشْيَةِ اللَّهِ أَدْخَلَهُ اللَّهُ جَنَّاتِ النَّعِيمِ.

(The book) 'Sawab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Salama Bin Al Khattab, from Ayoub Bin Suleym, from Is'haq Bin Bashir, from Salim Al Aftas, from Ibn Jubeyr, from Ibn Abbas who said,

'Rasool-Allah^{-saww} said: 'One who enters the market, so he buys a gift and carries it to his dependants would be like a carrier of charity to a needy people, and let him begin with the females before the males, for the one makes the females happy it is as if he has liberated a neck from the sons of Ismail^{-as}, and one who delights the eyes of a son, it is as if he has cried from fearing Allah^{-azwj}, and the one who cries from fearing Allah^{-azwj}, Allah^{-azwj} will Admit him into the Gardens of bliss'.⁴⁸⁸

99 ثو، ثواب الأعمال ابن الوليد عن الصَّفَّارِ عَنْ مُوسَى بْنِ عُمَرَ عَنْ أَبِي عَبْدِ اللَّهِ ع عَنْ يَحْيَى بْنِ خَاقَانَ عَنْ رَجُلٍ عَنْ أَبَانَ بْنِ تَعْلَبٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْبَنَاتُ حَسَنَاتٌ وَ الْبُيُوتُ نِعْمَةٌ وَ الْحَسَنَاتُ يُثَابُ عَلَيْهَا وَ النِّعْمَةُ يُسْأَلُ عَنْهَا.

(The book) 'Sawab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Musa Bin Umar, from Abu Abdullah^{-asws}. From Yahya Bin Khaqan, from a man from Aban Bin Taglib,

From Abu Abdullah^{-asws} having said: 'The daughters are good deeds, and the sons are bounties; and the good deeds will be Rewarded upon while the bounties will be questioned about!'⁴⁸⁹

100 ثو، ثواب الأعمال أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ هَاشِمٍ عَنِ الْبَرْقِيِّ رَفَعَهُ قَالَ: بُشِّرَ النَّبِيُّ ص بِابْنَةٍ فَنَظَرَ فِي وَجْهِهِ أَصْحَابِهِ فَرَأَى الْكَرَاهَةَ فِيهِمْ فَقَالَ مَا لَكُمْ رَجَانَةً أَشْمُمَهَا وَ رَفُفَهَا عَلَى اللَّهِ عَزَّ وَ جَلَّ.

(The book) 'Sawab Al Amaal' – My father, from Muhammad Al Attar, from Al Ash'ary, from Ibn Hashim, from Al Barqy raising it, said,

'The Prophet^{-saww} was given glad tiding of a daughter. He^{-saww} looked into the face of his^{-saww} companions. He^{-saww} said abhorrence in them. He^{-saww} said: 'What is the matter with you all? (She is) a fragrant flower I^{-saww} can smell, and her sustenance upon Allah^{-azwj} Mighty and Majestic'.⁴⁹⁰

101 ثو، ثواب الأعمال ابن الوليد عن الصَّفَّارِ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ عَبَّاسِ الرِّيَّاتِ عَنْ حَمْرَةَ بْنِ حُمْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: أَتَى رَجُلٌ النَّبِيَّ ص وَ عِنْدَهُ رَجُلٌ فَأَخْبَرَهُ بِمَوْلُودٍ لَهُ فَتَغَيَّرَ لَوْنُ الرَّجُلِ فَقَالَ لَهُ النَّبِيُّ ص مَا لَكَ

(The book) 'Sawab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Muhammad Bin Isa, from Abbas Al Zayyat, from Hamza Bin Humran,

⁴⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 98

⁴⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 99

⁴⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 100

From Abu Abdullah^{asws} having said: 'A man came to the Prophet^{saww} and in his^{saww} presence was a man. He was informed of a new-born for him. The complexion of the man changes. The Prophet^{saww} said to him: 'What is the matter with you?'

قَالَ خَيْرٌ

He said, 'Good'.

قَالَ فُلَانٌ

He^{saww} said: 'Tell!'

قَالَ خَرَجْتُ وَ الْمَرْأَةُ تَمْنَحُضُ فَأُخْبِرْتُ أَنَّهَا وَلَدَتْ جَارِيَةً

He said, 'I came out and the wife was in labour, and I have been informed that she has given birth to a girl'.

فَقَالَ لَهُ النَّبِيُّ ص الْأَرْضُ تُقَلِّهَا وَ السَّمَاءُ تُظِلُّهَا وَ اللَّهُ يَرْزُقُهَا وَ هِيَ رِيحَانَةٌ تَشْمُهَا

The Prophet^{saww} said to him: 'The earth will carry her and the sky will shade her and Allah^{azwj} will Sustain her and she is a fragrant flower you can smell!'

ثُمَّ أَقْبَلَ عَلَى أَصْحَابِهِ فَقَالَ مَنْ كَانَتْ لَهُ ابْنَةٌ فَهُوَ مَفْرُوحٌ وَ مَنْ كَانَتْ لَهُ ابْنَتَانِ فَيَا عَوْنَاهُ وَ مَنْ كَانَتْ لَهُ ثَلَاثُ بَنَاتٍ وَضِعَ عَنْهُ الْجِهَادُ وَ كُلُّ مَكْرُوهٍ وَ مَنْ كَانَتْ لَهُ أَرْبَعُ بَنَاتٍ فَيَا عِبَادَ اللَّهِ أَعِينُوهُ يَا عِبَادَ اللَّهِ أَقْرِضُوهُ يَا عِبَادَ اللَّهِ ارْحَمُوهُ.

Then he^{saww} faced toward his^{saww} companions. He^{saww} said: 'Then he^{saww} faced toward his^{saww} companions. He^{saww} said: 'One who has one daughter for him is burdened, and one who has two for him, how in need of help he is; and one who has three for him, the Jihad and every abhorrence is dropped from him, and the one who has four for him, O servants of Allah^{azwj} assist him! O servants of Allah^{azwj} lend to him! O servants of Allah^{azwj} mercy him!'⁴⁹¹

102 ثَوَابُ الْأَعْمَالِ أَبِي وَ ابْنُ الْوَلِيدِ مَعَا عَنْ أَحْمَدَ بْنِ إِدْرِيسَ وَ مُحَمَّدٍ الْعَطَّارِ مَعَا عَنْ الْأَشْعَرِيِّ عَنْ ابْنِ يَزِيدَ رَفَعَهُ إِلَى أَحَدِهِمَا ع قَالَ: إِذَا أَصَابَ الرَّجُلُ ابْنَةً بَعَثَ اللَّهُ إِلَيْهَا مَلَكًا فَأَمَرَ جَنَاحَهُ عَلَى رَأْسِهَا وَ صَدْرَهَا وَ قَالَ ضَعِيفَةٌ خُلِفَتْ مِنْ ضَعْفِ الْمُتَّقِ عَلَيْهِا مُعَانٌ إِلَى يَوْمِ الْقِيَامَةِ.

(The book) 'Sawaab Al Amaal' – My father and Ibn Al Waleed, both together from Ahmad Bin Idrees and Muhammad Al Attar, both together from Al Ash'ary, from Ibn Yazeed raising it to,

One of the two (5th or 6th Imam^{asws}) having said: 'When a man attains a daughter Allah^{azwj} Dispatches an Angel to her. He passes his wings upon her head and her chest and says, 'A weakling has been created from a weak one. The one spending upon her would be Assisted up to the Day of Qiyamah!'⁴⁹²

⁴⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 101

⁴⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 102

(The book) 'Al Mahasin' – One of our companions, from Abbad Bin Suheyb, from Yaqoub Bin Yahya Bin Al Musawir,

From Abu Abdullah^{-asws} having said: 'Musa^{-as} Bin Imran^{-as} said: 'O Lord^{-azwj}! Which of the deeds is most superior in Your^{-azwj} Presence?'

103 سن، المحاسن بعض أصحابنا عن عباد بن صهيب عن يعقوب عن بختي بن المصور عن أبي عبد الله ع قال: قال موسى بن عمران يا رب أي الأعمال أفضل عندك فقال حب الأطفال فإن فطرتمهم على توحيدني فإن أمتهم أدخلهم برحمتي جنتي.

He^{-azwj} Said: 'Loving the children, for I^{-azwj} Nature them upon My^{-azwj} Oneness. If I^{-azwj} Cause them to die, I^{-azwj} shall Admit them into My^{-azwj} Paradise with My^{-azwj} Mercy!'"⁴⁹³

104 سن، المحاسن أبي عن بكر بن محمد قال: أرسل أبو عبد الله ع إلى عثيمة جدي [جدي] أن اسقي محمد بن عبد السلام السويق فإنه يثبت اللحم و يشد العظم.

(The book) 'Al Mahasin' – My father, from Bakr Bin Muhammad who said,

'Abu Abdullah^{-asws} sent a message to my grandmother Useyma: 'Quench Muhammad Bin Abdul Salam the 'Suweyq' (porridge), for it builds the flesh and strengthens the bones"'.⁴⁹⁴

و رواه عن عثمان بن عيسى عن سماعة عن أبي عبد الله ع إلا أنه قال أرسل إلى سعيده.

And it is reported from Usman Bin Isa, from Sama'at,

From Abu Abdullah^{-asws}, except that he said, 'He^{-asws} sent a message to Saeeda'.⁴⁹⁵

105 سن، المحاسن محمد بن عيسى و عن أبي معاً عن بكر بن محمد الأزدي قال: دخلت عثيمة على أبي عبد الله ع و معها ابنها أطول اسمه محمد [محمد] فقال لها أبو عبد الله ما لي أرى جسم ابنك نحيفاً

(The book) 'Al Mahasin' – Muhammad Bin Isa, and from my father, both together from Bakr Bin Muhammad Al Azdy who said,

'Useyma entered to see Abu Abdullah^{-asws} and with her was her son. I think his name was 'Muhammad'. Abu Abdullah^{-asws} said to her: 'What is the matter I^{-asws} am seeing the body of your son is thin?'

فألت هو عليل

She said, 'He is ill!'

فقال لها اسقيه السويق فإنه يثبت اللحم و يشد العظم.

⁴⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 103

⁴⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 104 a

⁴⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 104 b

He^{-asws} said to her: 'Quench him the 'Suweyq' (porridge), for it builds the flesh and strengthens the bones'.⁴⁹⁶

106 سن، المحاسن أبي عن بكر بن محمد عن عثمة أم ولد عبد السلام قالت قال أبو عبد الله ع اسقوا صبيانكم السويق في صغرهم فإن ذلك ينبت اللحم و يشد العظم و من شرب السويق أربعين صباحاً امتلأ كنفاه قوة.

(The book) 'Al Mahasin' – My father, from Bakr Bin Muhammad, from Useyma, mother of the children of Abdul Salam. She said,

'Abu Abdullah^{-asws} said: 'Quench your children the 'Suweyq' (porridge) during their young age, for that builds the flesh and strengthens the bones, and the one who drinks the 'Suweyq' for forty morning, his shoulders will be filled with strength'.⁴⁹⁷

107 سن، المحاسن حسن بن أبي عثمان عن محمد بن أبي حمزة عن عبد الرحمن بن الحجاج قال قال أبو عبد الله ع أطعموا صبيانكم الرمان فإنه أسرع لشيائهم.

(The book) 'Al Mahasin' – Hassan Bin Abu Usman, from Muhammad Bin Abu Hamza, from Abdul Rahman Bin Al Hajjaj who said,

'Abu Abdullah^{-asws} said: 'Feed your children the pomegranates, for it is quickest for their youthfulness (vitality)!'⁴⁹⁸

108 طب، طب الأئمة عليهم السلام غودة للصبي إذا كثر بكأؤه و لمن يفرغ بالليل و للمرأة إذا سهرت من وجع - فضرنا على آذانهم في الكهف سبعين غداة - ثم بعثناهم لتعلم أي الحزبين أخصى لما لبثوا أمداً.

(The book) 'Tibb Al-Aimma^{-asws}', may the greeting be upon them^{-asws}: 'An amulet for the children when they crying is a lot, and for the one who panics at night, and for the woman when she stays awake at night from pain - ***So We Struck (a seal) upon their hearing in the cave for a number of years [18:11] Then We Resurrected them up for Us to Know which of the two parties could count the period they had remained [18:12]***'.⁴⁹⁹

109 شي، تفسير العياشي عن عبد الرحمن الأشلي قال: سألت أبا عبد الله ع عن قول الله - وجعل لكم من أزواجكم بنين وحفدة قال الحفدة بنو البنات و نحن حفدة رسول الله ص.

Tafseer Al Ayyashi – From Abdul Rahman Al Ashalli who said,

'I asked Abu Abdullah^{-asws} about the Words of Allah^{-azwj}: ***and Made sons to be for you from your wives, and grandsons, [16:72]***. He^{-asws} said: 'Al-Hafda (grandsons) are sons of the daughter, and we (Imams^{-asws}) are 'Hafda' of Rasool-Allah^{-saww}'.⁵⁰⁰

⁴⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 105

⁴⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 106

⁴⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 107

⁴⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 108

⁵⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 109

110 شي، تفسير العياشي عن جميل بن دراج عن أبي عبد الله ع في قوله تعالى وَ جَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَيِّنَ وَ حَفَدَةً قَالَ هُمْ الْحَفَدَةُ وَ هُمْ الْعَوْنُ مِنْهُمْ يَعْنِي الْبَيِّنَ.

Tafseer Al Ayyashi – From Jameel Bin Darraj,

From Abu Abdullah^{asws} regarding Words of the Exalted: **and Made sons to be for you from your wives, and grandsons, [16:72]**. He^{asws} said: ‘They are the grandchildren, and they are the support from them’, meaning the sons’.⁵⁰¹

باب 106 ثواب النساء في خدمة الأزواج و تربية الأولاد و الحمل و الولادة

CHAPTER 106 – REWARD OF THE WIVES IN SERVING THE HUSBANDS, AND UPBRINGING OF THE CHILDREN, AND THE PREGNANCY AND (GIVING) THE BIRTH

1- لي، الأماالي للصدوق ابن الوليد عن الصفار عن ابن أبي الخطاب عن الحكم بن مسكين عن أبي خالد الكعبي عن أبي عبد الله ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: أَمَّا امْرَأَةٌ رَفَعَتْ مِنْ بَيْتِ زَوْجِهَا شَيْئًا مِنْ مَوْضِعٍ إِلَى مَوْضِعٍ تُرِيدُ بِهِ صَلَاحًا نَظَرَ اللَّهُ عَزَّ وَ جَلَّ إِلَيْهَا وَ مَنْ نَظَرَ اللَّهُ إِلَيْهَا لَمْ يُعَذِّبْهُ

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Waleed, from Al Saffar, from Ibn Abu Al Khattab, from Al Hakam Bin Miskeen, from Abu Khalid Al Ka’aby,

From Abu Abdullah^{asws}: ‘Rasool-Allah^{saww} said: ‘Whichever wife raises anything from the house of her husband, from a place to a place intending rectification by it (betterment), Allah^{azwj} Mighty and Majestic Looks at (Considers) her, and the one whom Allah^{azwj} Looks at, He^{azwj} does not Punish him’.

فَقَالَتْ أُمُّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا ذَهَبَ الرِّجَالُ بِكُلِّ خَيْرٍ فَأَيُّ شَيْءٍ لِلنِّسَاءِ وَ الْمَسَاكِينِ

Umm Salama^{ra}, may Allah^{azwj} be Pleased with her^{ra}, said, ‘The men have gone with a lot of good, so which thing is for the women and the poor?’

فَقَالَ ص بَلَى إِذَا حَمَلَتِ الْمَرْأَةُ كَانَتْ بِمَنْزِلَةِ الصَّائِمِ الْقَائِمِ الْمُجَاهِدِ بِنَفْسِهِ وَ مَالِهِ فِي سَبِيلِ اللَّهِ فَإِذَا وَضَعَتْ كَانَ لَهَا مِنَ الْأَجْرِ مَا لَا تَدْرِي مَا هُوَ لِعَظَمِهِ

He^{saww} said: ‘Yes, when the wife gets pregnant she would be at the status of the fasting one, the standing one (in Salat), the holy warrior with his self and his wealth in the way of Allah^{azwj}. When she gives birth, for her would be the Recompense what she does not know of its magnitude.

فَإِذَا أَرْضَعَتْ كَانَ لَهَا بِكُلِّ مَصَّةٍ كَعْدِلٍ عَتَقَ مُحَرَّرٍ مِنْ وَلَدِ إِسْمَاعِيلَ فَإِذَا فَرَعَتْ مِنْ رَضَاعِهِ ضَرَبَ مَلَكٌ عَلَى جَنْبِهَا وَ قَالَ اسْتَأْنِفِي الْعَمَلَ فَقَدْ غُفِرَ لَكَ.

⁵⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 105 H 110

When she nurses him, for each suckle would equate to liberating a slave from the children of Ismail^{as}. When she is free from nursing him, an Angel taps upon her side and say, 'Resume the deeds anew for you have been Forgiven'.⁵⁰²

2- ل، الخصال القامی عن ابن بطة عن الصفار عن ابن هاشم عن الحسن بن أبي الحسن الفارسی عن عبد الله بن الحسين بن زيد عن أبيه عن أبي عبد الله ع قال قال رسول الله ص من سلم من أمي من أربع خصال فله الجنة من الدحول في الدنيا و اتباع الهوى و شهوة البطن و شهوة الفرج

(The book) 'Al Khisaal' – Al Famy, from Ibn Buttah, from Al Saffar, from Ibn Hashim, from Al-Hassan Bin Abu Al-Hassan Al Farsi, from Abdullah Bin Al-Husayn Bin Zayd, from his father,

From Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'One from my community who is safe from four characteristics, the Paradise for him – entering into the world (worldly vanities), and following the personal desires, and desires of the belly, and desires of the private parts.

و من سلم من نساء أمي من أربع خصال فلها الجنة إذا حفظت ما بين رجليها و أطاعت زوجها و صلت خمسها و صامت شهرها.

And the one from the women of my^{saww} is safe from four characteristics, the Paradise is for her – when she protects what is between her legs, and obeys her husband, and prays five (daily) Salats, and fasts her month'.⁵⁰³

3- مجالس الشيخ، عن أحمد بن عبدون عن علي بن محمد بن الزبير عن علي بن فضال عن العباس بن عامر عن أحمد بن رزق الغمشاني عن أبي موسى البتاء عن أبي عبد الله ع قال سئلته يقول النفساء تبعث من قبرها بغير حساب لأنها ماتت في غم نفاسها.

(The book) 'Majaalis' of the sheykh – from Ahmad Bin Ubdous, from Ali Bin Muhammad Bin Al Zubeyr, from Ali Bin Fazzal, from Al Abbas Bin Aamir, from Ahmad Bin Rizq Al Gumshani, from Abu Musa Al Bana'a,

From Abu Abdullah^{asws}, he (the narrator) said, 'The woman with post-childbirth bleeding will be Resurrected from her grave without Reckoning, be she had 'died' in the sadness of her post-childbirth bleeding'.⁵⁰⁴

⁵⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 106 H 1

⁵⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 106 H 2

⁵⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 106 H 3

باب 107 الختان و الخفض و سنن الحمل و الولادة و سنن اليوم السابع و العقيقة و الدعاء لشدة الطلق

CHAPTER 107 – MALE AND FEMALE CIRCUMCISION, AND PRACTICES OF THE PREGNANCY AND THE BIRTH, AND SUNNAH OF THE SEVENTH DAY, AND THE AQEEQA, AND THE SUPPLICATION FOR SEVERITY OF THE LABOUR PAINS

الآيات مريم وَ هُزِّي إِلَيْكِ بِجِذْعِ النَّخْلَةِ تُسَاقِطُ عَلَيْكِ رُطَبًا جَنِيًّا إِلَى قَوْلِهِ وَ السَّلَامُ عَلَيَّ يَوْمَ وُلِدْتُ وَ يَوْمَ أُمُوتُ وَ يَوْمَ أُبْعَثُ حَيًّا.

And shake towards you the palm trunk, it would drop upon you ripe dates [19:25] – up to His-azwj Words: And the Peace was upon me on the day I was born, and on the day I die, and on the day I am Resurrected alive [19:33].

1- ج، الإحتجاج الأُسدي قَالَ: كَانَ فِيْمَا وَرَدَ عَلَيَّ مِنَ الشَّيْخِ مُحَمَّدِ بْنِ عُثْمَانَ الْعُمَرِيِّ فِي جَوَابِ مَسَائِلَ إِلَى صَاحِبِ الزَّمَانِ ع أَنَّمَا مَا سَأَلْتُ عَنْهُ مِنْ أَمْرِ الْمُؤَلَّدِ الَّذِي نَبَتَتْ غُلْفَتُهُ بَعْدَ مَا يُخْتَنُ هَلْ يُخْتَنُ مَرَّةً أُخْرَى فَإِنَّهُ يَجِبُ أَنْ تُقَطَّعَ غُلْفَتُهُ فَإِنَّ الْأَرْضَ تَضْجِعُ إِلَى اللَّهِ عَزَّ وَ جَلَّ مِنْ بَوْلِ الْأَغْلَفِ أَرْبَعِينَ صَبَاحًا.

(The book) 'Al-Ihtijaj' -

Al-Asady said, 'It was among what arrived to me from the sheykh Muhammad Bin Usman Al-Amry in answer to the questions posed to Master of the Time (Al-Mahdi^{-ajfi}): 'As for what you asked about of the matter of the newborn whose foreskin grows after having been circumcised whether he should be circumcised for a second time, it is obligatory that his foreskin be cut, for the earth clamours to Allah^{-azwj} Mighty and Majestic from the urine of the uncircumcised, for forty days'.⁵⁰⁵

2 ك، إكمال الدين البيناني وَ الدَّقَاقُ وَ الْمُكْتَتِبُ وَ الْوَرَّاقُ جَمِيعًا عَنِ الْأُسْدِيِّ مِثْلَهُ.

(The book) 'Ikmal Al Deen' – Al Sinani, and Al Daqqaq, and Al Mukattib, and Al Warraq, altogether from Al Asadi, similar to it.⁵⁰⁶

3- ب، قرب الإسناد هَارُونُ عَنِ ابْنِ صَدَقَةَ قَالَ قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ ع إِنَّ نَقَبَ أُذُنِ الْعُلَامِ مِنَ السُّنَّةِ وَ خِتَانَهُ مِنَ السُّنَّةِ لِسَبْعَةِ أَيَّامٍ وَ خَفْضُ النِّسَاءِ مَكْرُمَةٌ وَ لَيْسَتْ مِنَ السُّنَّةِ وَ لَا شَيْئًا وَاجِبًا وَ أَيُّ شَيْءٍ أَفْضَلُ مِنَ الْمَكْرُمَةِ.

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

'Ja'far^{-asws} Bin Muhammad^{-asws} said: 'Perforating ears of the boy is from the Sunnah, and circumcising him from seven days onward is from the Sunnah, and circumcising the women is an honour, and isn't from the Sunnah nor is it anything obligatory, and which is superior to the honourable?'⁵⁰⁷

⁵⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 1

⁵⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 2

⁵⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 3

4- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص اخْتَنُوا أَوْلَادَكُمْ لِسَبْعَةِ أَيَّامٍ فَإِنَّهُ أَنْظَفُ وَأَطْهَرُ فَإِنَّ الْأَرْضَ تَنْجَسُ مِنْ بَوْلِ الْأَغْلَفِ أَرْبَعِينَ صَبَاحًا.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Circumcise your children on the seventh day for it is cleaner and purer, for the earth gets filthy for forty days from the urine of the uncircumcised!'⁵⁰⁸

5- ب، قرب الإسناد بهذا الإسناد قَالَ: سَمَى رَسُولُ اللَّهِ ص الْحَسَنَ وَ الْحُسَيْنَ ع لِسَبْعَةِ أَيَّامٍ وَ عَقَّ عَنْهُمَا لِسَبْعٍ وَ حَتَّنَهُمَا لِسَبْعٍ وَ حَلَقَ رُءُوسَهُمَا لِسَبْعٍ وَ تَصَدَّقَ بِزَنَةِ شَعُورِهِمَا فِضَّةً.

(The Qurb Al Isnaad) – By this chain, said,

'Rasool-Allah^{-saww} named Al-Hassan^{-asws} and Al-Husayn^{-asws} at seven days, and performed Aqeeqa on their^{-asws} behalf at seven, and had them^{-asws} circumcised at seven, and shaved their^{-asws} heads at seven, and donated silver by the weight of their^{-asws} hair'.⁵⁰⁹

6- ب، قرب الإسناد علي عن أخيه ع قَالَ: سَأَلْتُهُ عَنْ عَقِيقَةِ الْعَلَامِ وَ الْجَارِيَةِ مَا هِيَ

(The book) 'Qurb Al-Isnaad' -

Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about Aqeeqa (sacrificing an animal) of the boy and the girl, 'What is it?'

قَالَ سَوَاءٌ كَبْشٌ كَبْشٌ وَ يَخْلُقُ رَأْسُهُ وَ يَتَصَدَّقُ بِوِزْنِ شَعْرِهِ ذَهَبًا أَوْ وَرَقًا فَإِنْ لَمْ يَجِدْ رَفَعَ الشَّعْرَ أَوْ عَرَفَ وَزَنَهُ فَإِذَا أُيسَرَ تَصَدَّقَ بِهِ.

He^{-asws} said: 'Same, a ram, a ram, and shave his head and donate gold by the weight of his hair or silver. If he cannot find, he should raise his hair or recognise its weight; he should donate easy charity with it.'⁵¹⁰

7- ب، قرب الإسناد مُحَمَّدُ بْنُ عَبْدِ الْحَمِيدٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ مُوسَى ع عَنْ الْعَقِيقَةِ لِلْجَارِيَةِ وَ الْعَلَامِ فِيهَا سَوَاءٌ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Abdul Hameed, from Yunus Bin Yaqoub who said,

'I asked Abu Al-Hassan Musa^{-asws} about the Aqeeqa for the girl and the boy, 'Are they same in it?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes''⁵¹¹

⁵⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 4

⁵⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 5

⁵¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 6

⁵¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 7

8- لي، الأماالي للصدوق أبي عن سعد بن البرقي عن محمد بن عيسى و أبي إسحاق التهاوندي معاً عن عبيد الله بن حماد عن عبد الله بن سنان عن أبي عبد الله قال: لَمَّا وَلَدَتْ فَاطِمَةُ الْحُسَيْنَ فَكَانَ الْيَوْمَ السَّابِعُ أَمَرَ رَسُولُ اللَّهِ ص فَحَلَقَ رَأْسَهُ وَ تُصَدِّقُ يَوْزَنَ شَعْرِهِ فِضَّةً وَ عَقَّ عَنْهُ الْخَبَرَ.

(The book) 'Al Amaali' of Al Sadouq – My father, from Sa'ad, from Al Barqy, from Muhammad Bin Isa and Abu Is'haq Al Nahawandy, both together from Ubeydullah Bin Hammad, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws} having said: 'When (Syeda) Fatima^{-asws} was blessed with Al-Husayn^{-asws}, on the seventh day Rasool-Allah^{-saww} instructed, so his^{-asws} head was shaved and donated silver by the weight of his^{-asws} hair, and performed Aqeeqa (sacrificed an animal) on his behalf' – the Hadeeth.⁵¹²

9- لي، الأماالي للصدوق القطان عن السكري عن الجوهري عن العباس بن بكار عن حرب بن ميمون عن الثمالي عن زيد بن علي عن أبيه قال: لَمَّا وَلَدَتْ فَاطِمَةُ الْحُسَيْنَ ع أُخْرِجَ إِلَى رَسُولِ اللَّهِ ص فِي خِرْقَةٍ صَفْرَاءَ فَقَالَ أَلَمْ أَهْكُمُ أَنْ تُلْقُوهُ فِي خِرْقَةٍ صَفْرَاءَ

(The book) 'Al Amaali' of Al Sadouq – Al Qattan, from Al Sukari, from Jowhari, from Al Abbas Bin Bakkar, from Harb Bin Maymoun, from Al Sumali,

From Zayd son of Ali^{-asws} (Bin Al-Husayn^{-asws}), from his father^{-asws} having said: 'When (Syeda) Fatima^{-asws} was blessed with Al-Hassan^{-asws}, he^{-asws} was brought out to Rasool-Allah^{-saww} in a yellow cloth. He^{-saww} said: 'Did I^{-saww} not forbid you all from wrapping him^{-asws} in a yellow cloth?'

ثُمَّ رَمَى بِهَا وَ أَخَذَ خِرْقَةً بَيْضَاءَ فَلَمَّعَ فِيهَا الْخَبَرَ.

Then he^{-saww} threw it away and took a white cloth and wrapped him^{-asws} in it' – the Hadeeth.⁵¹³

10- ل، الخصال ابن الوليد عن الصفار عن البرقي عن ابن فضال عن الحسن بن الجهم قال قال أبو الحسن موسى بن جعفر ع خَمْسٌ مِنَ السُّنَنِ فِي الرَّأْسِ وَ خَمْسٌ فِي الْجَسَدِ أَمَّا الَّتِي فِي الرَّأْسِ فَالسَّوَاكُ وَ أَخَذَ الشَّارِبَ وَ فَرَّقَ الشَّعْرَ وَ الْمَضْمَضَةُ وَ الْإِسْتِنْشَاقُ وَ أَمَّا الَّتِي فِي الْجَسَدِ فَالْحِثَانُ وَ حَلَقُ الْعَانَةِ وَ تَنْفُ الْإِبْطَيْنِ وَ تَقْلِيمُ الْأُظْفَارِ وَ الْإِسْتِنْجَاءُ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from Ibn Fazzal, from Al-Hassan Bin Al Jahm who said,

'Abu Al-Hassan Musa^{-asws} Bin Ja'far^{-asws} said: 'Five are from the Sunnah in the head and five in (the rest of) the body. As for in the hear – brushing the teeth, and clipping the moustache, and parting the hair, and the rinsing, and inhaling the water; and as for in (rest of) the body – the circumcision, and shaving the head, and shaving the pubic hair, and plucking the armpits, and clipping the nails, and the cleaning with water from the defecation'.⁵¹⁴

11- ل، الخصال عن أبي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ ص خَمْسٌ مِنَ الْفِطْرَةِ تَقْلِيمُ الْأُظْفَارِ وَ قَصُّ الشَّارِبِ وَ تَنْفُ الْإِبْطِ وَ حَلَقُ الْعَانَةِ وَ الْإِحْتِنَانُ.

(The book) 'Al Khisaal' – From Abu Hureyra (a well-known fabricator) who said,

⁵¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 8

⁵¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 9

⁵¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 10

'Rasool-Allah^{-saww} said: 'Five are from the nature – clipping the nails, and clipping the moustache, and plucking the armpits, and shaving the pubic hair, and the circumcision'.⁵¹⁵

12- ل، الخصال أبي عن علي عن أبيه عن النوفلي عن السكوني عن الصادق عن آبائه ع قَالَ قَالَ: احْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ فَإِنَّهُ أَطْيَبُ وَأَسْرَعُ لِنَبَاتِ اللَّحْمِ فَإِنَّ الْأَرْضَ تَنْجَسُ مِنْ بَوْلِ الْأَغْلَفِ أَرْبَعِينَ صَبَاحًا.

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Al Nowfali, from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: '(Rasool-Allah^{-saww}) said: 'Circumcise your children on the seventh day for it is cleaner and purer and quicker to build the flesh, for the ground gets filthy for forty days from the urine of the uncircumcised!'⁵¹⁶

13- ل، الخصال في خبر الأعمش عن الصادق ع قَالَ: الْعَقِيقَةُ لِلْوَلَدِ الذَّكَرِ وَالْأُنْثَى يَوْمَ السَّابِعِ وَ يُسَمَّى الْوَلَدُ يَوْمَ السَّابِعِ وَ يُحْلَقُ رَأْسُهُ وَ يُتَصَدَّقُ بِوَزْنِ شَعْرِهِ ذَهَبًا أَوْ فِضَّةً.

(The book) 'Al Khisaal' – In a report by Al Amsh,

From Al-Sadiq^{-asws} having said: 'The Aqeeqa (sacrificing an animal) of the male child and the female should be on the seventh day, and the child should be named on the seventh, and his head is to be shaved, and gold or silver is to be donated by the weight of his hair'.⁵¹⁷

14- ن، عيون أخبار الرضا عليه السلام فيما كتبت الرضا ع لِمَامُونِ الْعَقِيقَةُ عَنِ الْمَوْلُودِ الذَّكَرِ وَالْأُنْثَى وَاجِبَةٌ وَكَذَلِكَ تَسْمِيَّتُهُ وَحَلْقُ رَأْسِهِ يَوْمَ السَّابِعِ وَ يُتَصَدَّقُ بِوَزْنِ الشَّعْرِ ذَهَبًا أَوْ فِضَّةً وَ الْحَتَا سُنَّةٌ وَاجِبَةٌ لِلرَّجُلِ وَ مَكْرُمَةٌ لِلنِّسَاءِ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Amon what Al-Reza^{-asws} wrote for Al-Mamoun: 'The Aqeeqa of a newborn, the male and the female, is obligatory, and like that is naming it, and shaving its head on the seventh day, and donating gold or silver by the weight of its hair; and the circumcision is Sunnah, obligatory for the man and honourable for the women'.⁵¹⁸

15- ل، الخصال الأئمة قال أمير المؤمنين ع إِذَا هَنَيْتُمُ الرَّجُلَ عَنْ مَوْلُودٍ ذَكَرٍ فَقُولُوا بَارَكَ اللَّهُ لَكَ فِي هَبْتِهِ وَ بَلَعَهُ أَشَدُّهُ وَ رَزَقَكَ بِهِ.

(The book) 'Al Khisaal' -

(The Hadeeth) 'Al-Arbamiya' – Amir Al-Momineen^{-asws} said: 'When you congratulate a man of a newborn male, say, 'May Allah^{-azwj} Bless for you in His^{-azwj} gift, and Make him reach maturity and Grace you his righteousness'.⁵¹⁹

16- وَ قَالَ: احْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ - لَا يَمْنَعُكُمْ حَرٌّ وَلَا بَرْدٌ فَإِنَّهُ طَهُورٌ لِلْجَسَدِ وَإِنَّ الْأَرْضَ لَتَضِجُ إِلَى اللَّهِ تَعَالَى مِنْ بَوْلِ الْأَغْلَفِ.

⁵¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 11

⁵¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 12

⁵¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 13

⁵¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 14

⁵¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 15

And he^{-asws} said: 'Circumcise your children on the seventh day. Neither heat nor cold should prevent you, for it is a cleansing of the body, and the earth clamoured to Allah^{-azwj} the Exalted from urine of the uncircumcised.⁵²⁰

17- **وَقَالَ ع مَا تَأْكُلُ الْحَامِلُ مِنْ شَيْءٍ وَلَا تَتَدَاوَى بِهِ أَفْضَلُ مِنَ الرُّطْبِ قَالَ اللَّهُ عَزَّ وَجَلَّ لِمَرْيَمَ ع- وَهُزِي إِلَيْكَ بِجِدْعِ النَّخْلَةِ تُسَافِطُ عَلَيْكَ رُطْبًا حَيًّا- فَكُلِي وَاشْرَبِي وَقَرِّي عَيْنًا وَحَنَكُوا أَوْلَادَكُمْ بِالتَّمْرِ فَهَكَذَا فَعَلَ رَسُولُ اللَّهِ ص- بِالْحَسَنِ وَالحُسَيْنِ ع.**

And he^{-asws} said: 'The pregnant woman will not eat from something nor medicate with it, better than the dates. Allah^{-azwj} Mighty and Majestic Said to Maryam^{-as}: **And shake towards you the palm trunk, it would drop upon you ripe dates [19:25] So eat and drink and refresh the eyes [19:26]**, and make your children taste the dates. That is what Rasool-Allah^{-saww} had done with Al-Hassan^{-asws} and Al-Husayn^{-asws}.⁵²¹

18- **ن، عيون أخبار الرضا عليه السلام بالأشانييد الثلاثة عي الرضا عن أبيه ع علي بن الحسين صلوات الله عليهم قال حدثني أسماء بنت عميس قالت حدثني فاطمة ع لَمَّا حَلَّتْ بِالْحَسَنِ بْنِ عَلِيٍّ ع وَوَلَدَتْهُ بِنَاءَ النَّبِيِّ ص فَقَالَ يَا أَسْمَاءُ هَلْبَسِي ابْنِي**

(The book) 'Uyoun Akhbar Al-Reza^{-asws}, may the greeting be upon him^{-asws}, by the three chains, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} Bin Al-Husayn^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}, said: 'Asma'a Bint Umeys^{-fa} said, '(Syeda) Fatima^{-asws} narrated to me^{-fa}, when she^{-asws} was expecting Al-Hassan^{-asws} Bin Ali^{-asws} and was blessed with him^{-asws}, the Prophet^{-saww} came. He^{-saww} said: 'O Asma'a! Bring me^{-saww} my^{-saww} son^{-asws}!'

فَدَعَتْهُ إِلَيْهِ فِي رَدِيَّةٍ صَفْرَاءَ فَرَمَى بِهَا النَّبِيُّ ص وَ أَدْنَى فِي أُذُنِهِ الْيُسْرَى وَ أَقَامَ فِي الْيُسْرَى ثُمَّ قَالَ لِعَلِيٍّ ع يَا أَيُّ شَيْءٍ سَمَّيْتَ ابْنِي

I^{-fa} handed him^{-asws} to him^{-saww} in a yellow cloth. The Prophet^{-saww} threw it away and proclaimed Azaan in his^{-asws} right year and Iqaama in the left, then said to Ali^{-asws}: 'With which thing have you^{-asws} named my^{-saww} son^{-asws}?''

قَالَ مَا كُنْتُ أَسْمُكَ يَا رَسُولَ اللَّهِ ص قَدْ كُنْتُ أَحِبُّ أَنْ أُسَمِّيَهُ حَرْبًا

He^{-asws} said: 'I^{-asws} would not precede you^{-saww} with naming him^{-asws}, O Rasool Allah^{-saww}! I^{-asws} would have loved to name him^{-asws} as 'Harb'!'

فَقَالَ النَّبِيُّ ص وَلَا أَسْبِقُ أَنَا بِاسْمِهِ رَبِّي

The Prophet^{-saww} said: 'And I^{-saww} will not precede my^{-saww} Lord^{-azwj} with naming him^{-asws}!'

ثُمَّ هَبَطَ جِبْرِيلُ ع فَقَالَ يَا مُحَمَّدُ الْعَلِيُّ الْأَعْلَى يُغْفِرُكَ السَّلَامُ وَ يَقُولُ عَلَيَّ مِنْكَ بِمَثَلَةِ هَارُونَ مِنْ مُوسَى وَ لَا نَبِيَّ بَعْدَكَ سَمِعَ ابْنُكَ هَذَا بِاسْمِ ابْنِ هَارُونَ قَالَ النَّبِيُّ ص وَ مَا اسْمُ ابْنِ هَارُونَ

Then Jibraeel^{-as} descended. He^{-as} said: 'O Muhammad^{-saww}! The most Exalted Conveys the Greeting to you^{-saww} and Says: "Ali^{-asws} from you^{-saww} is as the status of Haroun^{-as} from Musa^{-as}

⁵²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 16

⁵²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 17

and there is no Prophet^{-as} after you^{-sawww}! Name your^{-sawww} son with a name of a son of Haroun^{-as}!

قَالَ شَبَّارٌ

He^{-as} said: 'Shabbar!'

قَالَ النَّبِيُّ ص لِصَاحِبِي عَرَبِيٌّ

The Prophet^{-sawww} said: 'My^{-sawww} language is Arabic'.

قَالَ جِبْرِائِيلُ ع سَعِيدُ الْحُسَيْنِ

Jibraeel^{-as} said: 'Name him^{-asws} as 'Al-Hassan''.

قَالَتْ أَسْمَاءُ فَسَمَّاهُ الْحُسَيْنَ ع فَلَمَّا كَانَ يَوْمُ سَابِعِهِ عَشَى النَّبِيِّ ص عَنْهُ بِكَتْمَيْنِ أَمْلَحَيْنِ وَ أَعْطَى الْغَالِيَةَ فِدْحَةً وَ دِينَاراً وَ خَلَقَ رَأْسَهُ وَ تَصَدَّقَ بِوَرْنِ الشَّعْرِ وَرَقاً وَ طَلَى رَأْسَهُ بِالْخُلُقِ ثُمَّ قَالَ يَا أَسْمَاءُ الدَّمُ فِعْلُ الْجَاهِلِيَّةِ

Asma'a^{-ra} said, 'So he^{-sawww} named him^{-asws} as 'Al-Hassan'. When it was the seventh day, the Prophet^{-sawww} performed Aqeeqa (sacrificed an animal) on his^{-asws} behalf with two healthy rams, and gave the midwife a leg and a Dinar, and shaved his^{-asws} head and donated silver by the weight of the hair, and anointed his^{-asws} head with the perfume, then said: 'O Asma'a^{-ra}! The blood is an action of the pre-Islamic period!'

قَالَتْ أَسْمَاءُ فَلَمَّا كَانَ بَعْدَ حَوْلِ وَلَدِ الْحُسَيْنِ وَ جَاءَ النَّبِيُّ ص فَقَالَ يَا أَسْمَاءُ هَلْبِسِي ابْنِي

Asma'a^{-asws} said, 'When it was after a year, Al-Husayn^{-asws} was born and the Prophet^{-sawww} came to me^{-ra}. He^{-sawww} said: 'O Asma'a^{-ra}! Bring me^{-sawww} my^{-sawww} son^{-asws}!'

فَدَلَعْتُهُ فِي رِزْقَةٍ بَيْضَاءَ فَأَذَّنَ فِي أُذُنِهِ الْيَمْنَى وَ أَقَامَ فِي الْيُسْرَى وَ وَسَّعَتْهُ فِي حَبْرٍ ذَبَكِي

I^{-ra} handed him^{-asws} to him^{-sawww} in a white cloth. He^{-sawww} proclaimed Azaan in his^{-asws} right ear and the Iqaama in the left, and placed him^{-asws} in his^{-sawww} lap and cried.

فَعَالَتْ أَسْمَاءُ فِذَاكَ أَبِي وَ أُمِّي وَ مِمَّ يُكَادُّكَ

Asma'a^{-ra} said, 'May my^{-ra} father and my^{-ra} mother be sacrificed for you^{-sawww}, and what are you^{-sawww} crying for?'

قَالَ عَلَى ابْنِي هَذَا

He^{-sawww} said: 'Upon this son^{-asws} of mine!'

قُلْتُ إِنَّهُ وَلَدُ السَّاعَةِ يَا رَسُولَ اللَّهِ

I^{-ra} said, 'He^{-asws} has just been born, O Rasool Allah^{-sawww}!'

فَقَالَ تَعْلَمُ الْيَمَّةُ الْبَاغِيَّةُ مِنْ بَعْدِي لَا أَتَأْتِيَهُمُ اللَّهُ شَفَاعَتِي

He^{-sawww} said: 'He^{-asws} will be killed by a rebel group from after me^{-sawww}. May Allah^{-azwj} not let them attain my^{-sawww} intercession!'

ثُمَّ قَالَ يَا أَسْمَاءُ لَا تُخْبِرِي فَاطِمَةَ بِهَذَا فَإِنَّمَا قَرِيبَةٌ عُمِدٌ بِلَادَتِهِ

Then he^{-sawww} said: 'O Asma'a^{-ra}! Do not inform Fatima^{-asws} with this, for she^{-asws} nearer to the time of his^{-asws} birth!'

ثُمَّ قَالَ لِعَلِيٍّ ع أَيُّ شَيْءٍ سَمَّيْتَ ابْنِي

Then he^{-sawww} said to Ali^{-asws}: 'Which thing have you^{-asws} named my^{-sawww} son^{-asws}?'

قَالَ مَا كُنْتُ لِأَسْمِيكَ بِاسْمِهِ يَا رَسُولَ اللَّهِ وَ قَدْ كُنْتُ أَحِبُّ أَنْ أَسْمِيَهُ رَبِّاً

He^{-asws} said: 'I^{-asws} would not precede you^{-sawww} with naming him^{-asws}, O Rasool Allah^{-sawww}, and I^{-asws} would have loved to name him^{-asws} 'Harb'!'

فَقَالَ النَّبِيُّ ع وَلَا أَسْبِقُ بِاسْمِهِ رَبِّي عَزَّ وَ جَلَّ

The Prophet^{-sawww} said: 'And I^{-sawww} will not precede my^{-sawww} Lord^{-azwj} Mighty and Majestic by naming him^{-asws}!'

ثُمَّ هَبَطَ جِبْرِائِيلُ فَقَالَ يَا مُحَمَّدُ الْعَلِيُّ الْأَخْلَى يُفَرِّقُكَ السَّلَامُ وَ يَقُولُ لَكَ عَلِيٌّ مِنْكَ كَهَارُونَ مِنْ مُوسَى سَمَّ ابْنَكَ هَذَا بِاسْمِ ابْنِ هَارُونَ

Then Jibraeel^{-as} descended. He^{-as} said: 'O Muhammad^{-sawww}! The most Exalted Conveys the greeting to you^{-sawww}, and Says to you^{-sawww}: "Ali^{-asws} from you^{-sawww} is like Haroun^{-as} is from Musa^{-as}! Name this son^{-asws} of yours^{-sawww} with a name of a son of Haroun^{-as}!'"

قَالَ النَّبِيُّ ع وَ مَا اسْمُ ابْنِ هَارُونَ

The Prophet^{-sawww} said: 'And what is a name of a son of Haroun^{-as}?'

قَالَ شَبَّيرٌ

He^{-as} said: 'Shabbir'.

قَالَ النَّبِيُّ لِسَانِي عَرَبِيٌّ

The Prophet^{-sawww} said: 'My^{-sawww} language is Arabic'.

قَالَ جِبْرِائِيلُ سَمِّ ابْنَهُ

Jibraeel^{-as} said: 'Name him^{-asws} as 'Al Husayn'!'

فَسَمَّاهُ الْحُسَيْنَ

So, he^{-saww} named him^{-asws} as 'Al-Husayn'.

فَلَمَّا كَانَ يَوْمُ سَابِعِهِ عَنِ النَّبِيِّ ص بِكَتِفَيْنِ أَمْلَحَيْنِ وَأَعْطَى الْعَابِلَةَ دِينَارًا ثُمَّ خَلَقَ رَأْسَهُ وَصَبَّغَ بِرُؤْسِ الشَّعْرِ وَرَفَأَ وَطَلَّى رَأْسَهُ بِالْثُلُوقِ
فَقَالَ ص يَا أَسْمَاءُ الدَّمُ فِعْلُ الْجَاهِلِيَّةِ.

When it was the seventh day, the Prophet^{-saww} performed Aqeeqa (sacrificed an animal) on his^{-asws} behalf with two healthy rams, and gave a leg and a Dinar to the midwife. Then he^{-saww} shaved his^{-asws} head, and donated silver by the weight of the hair and anointed his^{-asws} head with the perfume. He^{-saww} said: 'O Asma^{-ra}! The blood is an action of the pre-Islamic period.'⁵²²

NB: There is an issue with the above Hadeeth as the name Harb is condemned, see the below Hadeeth.

الخصال أبي عَنْ سَعْدٍ عَنْ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ عَمْرِو بْنِ شَمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص عَلَى مِنْبَرِهِ أَلَا
إِنَّ خَيْرَ الْأَسْمَاءِ عَبْدُ اللَّهِ وَ عَبْدُ الرَّحْمَنِ وَ حَارِثَةُ وَ هَمَامٌ وَ شُرُّ الْأَسْمَاءِ ضِرَارٌ وَ مُرَّةٌ وَ حَرْبٌ وَ ظَلَمٌ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Abu Abdullah, from his father, from Ahmad Bin Al Nazr, from Amro Bin Shimr, from Jabir,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said upon his^{-saww} pulpit: 'Indeed! The best names are 'Abdullah', and 'Abdul Rahman', and 'Harisa', and 'Hammam', and the evilest of the names are 'Zirar', and 'Murrah', and 'Harb', and 'Zalim''⁵²³

19- ن، عيون أخبار الرضا عليه السلام بِحَدِّثِ الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص اخْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ فَإِنَّهُ أَطْهَرُ وَ أَسْرَعُ لِنَبَاتِ اللَّحْمِ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – By this chain, he^{-asws} said: 'Rasool-Allah^{-saww} said: 'Circumcise your children on the seventh day for it is cleaner and quicker for the growth of flesh''⁵²⁴

20 صح، صحيفة الرضا عليه السلام عَنِ الرِّضَا عَنْ آبَائِهِ ع مِثْلَهُ.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.⁵²⁵

21- ن، عيون أخبار الرضا عليه السلام بِحَدِّثِ الْإِسْنَادِ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ع أَنَّهُ قَالَ: إِنَّ النَّبِيَّ ص أَذَّنَ فِي أُذُنِ الْحُسَيْنِ ع بِالصَّلَاةِ يَوْمَ وُلِدَ.

⁵²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 138 a

⁵²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 18 b

⁵²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 19

⁵²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 20

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by this chain from Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'The Prophet^{-saww} proclaimed Azaan of the Salat in an ear of Al-Husayn^{-asws} on the day he^{-asws} was born'.⁵²⁶

22- وَقَالَ: إِنَّ فَاطِمَةَ عَ عَقَّتْ عَنِ الْحَسَنِ وَ الْحُسَيْنِ عَ وَأَعْطَتِ الْقَابِلَةَ رَجُلًا شَاةً وَ دِينَارًا.

And he^{-asws} said: '(Syeda) Fatima^{-asws} performed Aqeeqa on behalf of Al-Hassan^{-asws} and Al-Husayn^{-asws}, and gave to the midwife a leg of a sheep and a Dinar'.⁵²⁷

23 صح، صحيفة الرضا عليه السلام عنه ع مثله

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws} – similar to it.⁵²⁸

24- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنْ أَبِي الْجَوْزَاءِ قَالَ: الْأَعْلَفُ لَا يُؤْمُ الْقَوْمَ وَ إِنْ كَانَ أَقْرَأَهُمْ لِأَنَّهُ صَيَّعَ مِنَ السُّنَّةِ أَعْظَمَهَا وَ لَا تُقْبَلُ لَهُ شَهَادَةٌ وَ لَا يُصَلَّى عَلَيْهِ إِذَا مَاتَ إِلَّا أَنْ يَكُونَ تَرَكَ ذَلِكَ خَوْفًا عَلَى نَفْسِهِ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy, from Abu Al Jowza'a who said,

'The uncircumcised cannot lead the people (in Salat) and even he was their most well-read, because has wasted from the Sunnah its mightiest, and neither is a testimony accepted for him, nor can he be prayed upon, when he dies, except if he had neglected that fearing upon himself'.⁵²⁹

25- ع، علل الشرائع أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ مَعْرُوفٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ حَدَّثَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سِيلَ مَا الْعِلَّةُ فِي خَلْقِ شَعْرِ رَأْسِ الْمُؤَلُودِ

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ash'ary, from Ibn Marouf, from Safwan Bin Yahya, from the one who narrated it,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked, 'What is the reason in shaving the head hair of the newborn?'

قَالَ تَطْهِيرٌ مِنْ شَعْرِ الرَّحِمِ.

He^{-asws} said: 'Purification of hair of the womb'.⁵³⁰

26- ع، علل الشرائع أَبِي عَنْ عَلِيِّ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ سَارَةَ اللَّهُمَّ لَا تُؤَاخِذْنِي بِمَا صَنَعْتُ بِمَا جَزَرْتُ أَنَّمَا كَانَتْ خَفَضَتْهَا فَبَجَرْتُ السُّنَّةَ بِذَلِكَ.

(The book) 'Ilal Al Sharaie' – My father, from Ali, from his father, from Ibn Abu Umeyr, from Muawiya Bin Ammar,

⁵²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 21

⁵²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 22

⁵²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 23

⁵²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 24

⁵³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 25

From Abu Abdullah^{-asws} regarding the words of Sarah^{-ra}, 'O Allah^{-azwj}! Do not Seize me^{-ra} for what I^{-as} did with Hajar^{-ra}! She^{-ra} had circumcised her^{-ra}, so the Sunnah flowed with that'.⁵³¹

27- ع، علل الشرائع ابنُ الْمُتَوَكِّلِ عَنِ الْحِمَيْرِيِّ عَنِ ابْنِ عِيسَى وَ ابْنِ أَبِي الْخَطَّابِ مَعَا عَنْ ابْنِ مُحْيُوبٍ عَنْ مُحَمَّدِ بْنِ قَزَعَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ مِنْ قِبَلِنَا يَقُولُونَ إِنَّ إِبْرَاهِيمَ خَلِيلَ الرَّحْمَنِ حَتَّى نَفْسُهُ يَقْدُومَ عَلَى دَنْ

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Isa and Ibn Abu Al Khattab, both together from Ibn Mahboub, from Muhammad Bin Qaza'ah who said,

'I said to Abu Abdullah^{-asws}, 'The ones around us are saying that Ibrahim^{-as}, friend of the Beneficent, had circumcised himself^{-as} with an adze (blade) upon a barrel!'

فَقَالَ سُبْحَانَ اللَّهِ لَيْسَ كَمَا يَقُولُونَ كَذَبُوا عَلَى إِبْرَاهِيمَ ع

He^{-asws} said: 'Glory be to Allah^{-azwj}! It isn't like what they are saying! They are lying upon Ibrahim^{-as}!'

فَقُلْتُ لَهُ صِفْ لِي ذَلِكَ

I said to him^{-asws}, 'Describe that to me!'

فَقَالَ إِنَّ الْأَنْبِيَاءَ ع كَانَتْ تَسْقُطُ عَنْهُمْ عُقْفُهُمْ مَعَ سُرْرِهِمْ يَوْمَ السَّابِعِ فَلَمَّا وُلِدَ لِإِبْرَاهِيمَ إِسْمَاعِيلُ مِنْ هَاجَرَ عَزَّتْهَا سَارَةُ بِمَا تَعَيَّرَ بِهِ الْإِمَاءُ

He^{-asws} said: 'The Prophets^{-as} were such that their^{-as} foreskin used to fall off from them^{-as} along with their^{-as} umbilical cords on the seventh day. When Ismail^{-as} was born for Ibrahim^{-as} from Hajar^{-as}, Sarah^{-ra} taunted her^{-asws} what the slave girls tended to be taunted with'.

قَالَ فَبَكَتْ هَاجِرُ وَ اسْتَدَّ ذَلِكَ عَلَيْهَا فَلَمَّا رَأَاهَا إِسْمَاعِيلُ تَبْكِي بَكَى لِحَاثِهَا

He^{-asws} said: 'Hajar^{-ra} cried and that was grievous upon her^{-ra}. When Ismail^{-as} saw her^{-ra} crying, he^{-as} cried at her^{-ra} crying'.

قَالَ فَدَخَلَ إِبْرَاهِيمُ ع فَقَالَ مَا يُبْكِيكَ يَا إِسْمَاعِيلُ

He^{-asws} said: 'Ibrahim^{-as} entered. He^{-as} said: 'What makes you^{-as} cry, O Ismail^{-as}?'

فَقَالَ إِنَّ سَارَةَ عَزَّتْ أُمِّي بِكَذَا وَ كَذَا فَبَكَتْ فَبَكَتُ لِحَاثِهَا

He^{-as} said: 'Sarah^{-ra} taunted my^{-as} mother^{-ra} with such and such, so she^{-ra} cried, and I^{-as} am crying at her^{-ra} crying!'

فَقَامَ إِبْرَاهِيمُ ص إِلَى مُصَلَّاهُ فَتَاجَى رَبَّهُ عَزَّ وَ جَلَّ فِيهِ وَ سَأَلَهُ أَنْ يُلْقَى ذَلِكَ عَنْ هَاجَرَ

⁵³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 26

Ibrahim^{-as} stood on his^{-as} prayer mat and whispered to his^{-as} Lord^{-azwj} Mighty and Majestic, and asked Him^{-azwj} to Cast that away from Hajar^{-ra}.

قَالَ فَأَلْقَاهُ اللَّهُ عَزَّ وَ جَلَّ عَنْهَا فَلَمَّا وَلَدَتْ سَارَةَ إِسْحَاقَ وَ كَانَ يَوْمَ السَّابِعِ سَقَطَتْ مِنْ إِسْحَاقَ سُرَّتُهُ وَ لَمْ تَسْقُطْ عَنْهُ

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Cast it away from her^{-ra}. When Sarah^{-ra} gave birth to Is'haq^{-as}, and it was the seventh day, his^{-as} umbilical cord fell off from him^{-as} and his^{-as} foreskin did not fall off'.

قَالَ فَجَزَعَتْ مِنْ ذَلِكَ سَارَةُ فَلَمَّا دَخَلَ عَلَيْهَا إِبْرَاهِيمُ قَالَتْ يَا إِبْرَاهِيمُ مَا هَذَا الْحَادِثُ الَّذِي قَدْ حَدَثَ فِي آلِ إِبْرَاهِيمَ وَ أَوْلَادِ الْأَنْبِيَاءِ هَذَا ابْنُكَ إِسْحَاقُ قَدْ سَقَطَتْ عَنْهُ سُرَّتُهُ وَ لَمْ تَسْقُطْ عَنْهُ

He^{-asws} said: 'Sarah^{-ra} was alarmed from that. When Ibrahim^{-as} entered to see her^{-ra}, she^{-ra} said, 'O Ibrahim^{-as}, what is this new occurrence which has occurred in the family of Ibrahim^{-as} and children of the Prophets^{-as}? This son^{-as} of yours^{-as} Is'haq, his umbilical cord has fallen off from him^{-as}, but his^{-as} foreskin has not fallen off!'

فَقَامَ إِبْرَاهِيمُ ع إِلَى مُصَلَّاهُ فَتَنَاجَى فِيهِ رَبُّهُ عَزَّ وَ جَلَّ وَ قَالَ يَا رَبِّ مَا هَذَا الْحَادِثُ الَّذِي قَدْ حَدَثَ فِي آلِ إِبْرَاهِيمَ وَ أَوْلَادِ الْأَنْبِيَاءِ هَذَا إِسْحَاقُ ابْنِي قَدْ سَقَطَتْ سُرَّتُهُ وَ لَمْ تَسْقُطْ عَنْهُ

Ibrahim^{-as} stood to his^{-as} prayer mat and whispered to his^{-as} Lord^{-azwj} Mighty and Majestic, and said: 'O Lord^{-azwj}! What is this new occurrence which has occurred in the family of Ibrahim^{-as} and children of the Prophets^{-as}? This Is'haq^{-as}, my^{-as} son^{-as}, his^{-as} umbilical cord fell off but his^{-as} foreskin did not fall off from him^{-as}!'

قَالَ فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ أَنَّ يَا إِبْرَاهِيمَ هَذَا لِمَا عَصَيْتَ سَارَةَ هَاجَرَ فَالْتَيْتُ أَنْ لَا أَسْقُطَ ذَلِكَ عَنْ أَحَدٍ مِنْ أَوْلَادِ الْأَنْبِيَاءِ بَعْدَ تَغْيِيرِهَا لَهَا جَرَّ فَاحْتَرِ إِسْحَاقَ بِالْحَدِيدِ وَ أَدِقُّهُ حَرَّ الْحَدِيدِ

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Revealed: "O Ibrahim^{-as}! This is due to what Sarah^{-ra} had taunted Hajar^{-ra}, so I^{-azwj} Swore that I^{-azwj} will not let that fall off from anyone from the children of Prophets^{-as} after her^{-ra} having insulted Hajar^{-ra}, so circumcise Is'haq with the iron and make him^{-as} taste the heat of the iron!'"

قَالَ فَحَنَّنَ إِبْرَاهِيمَ إِسْحَاقَ بِحَدِيدٍ فَجَزَتْ السُّنَّةُ فِي النَّاسِ بَعْدَ ذَلِكَ.

He^{-asws} said: 'So Ibrahim^{-as} circumcised Is'haq^{-as} with iron, and the Sunnah (practice) flowed among the people after that'.⁵³²

28- مل، كامل الزيارات أبي عن سعد عن ابن عيسى عن أبي جميلة عن سليمان بن هارون أنه سمع أبا عبد الله ع يقول من شرب ماء القُرَاتِ وَ حَبَكَ بِهِ فَهُوَ مُحِبُّنَا أَهْلَ الْبَيْتِ.

⁵³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 27

(The book) 'Kamil Al Ziyaraat' – My father, from Sa'ad, from Ibn Isa, from Abu Jameela, from Suleyman Bin Haroun.

He heard Abu Abdullah^{-asws} saying: 'One who drinks water of the Euphrates and has been tasted it (as a newborn), he is the one who loves us^{-asws}, People^{-asws} of the Household'.⁵³³

29- مل، كامل الزيارات ابن الوليد عن الصفار عن ابن عيسى عن ابن فضال عن ثعلبة عن سليمان بن هارون عن أبي عبد الله ع أنه قال: ما أظن أحداً يحنك بماء الفرات إلا أحببنا أهل البيت.

(The book) 'Kamil Al Ziyaraat' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ibn Fazzal, from Sa'alba, from Suleyman Bin Haroun,

From Abu Abdullah^{-asws} having said: 'I^{-asws} don't think anyone has tasted it (as a new born) except he would love us^{-asws}, People^{-asws} of the Household'.⁵³⁴

30 مل، كامل الزيارات علي بن الحسين عن سعد عن ابن عيسى مثله.

(The book) 'Kamil Al Ziyaraat' – Ali Bin Al-Husayn, from Sa'ad, from Ibn Isa, similar to it.⁵³⁵

31- مل، كامل الزيارات أبي عن سعد عن إبراهيم بن مهران عن أخيه علي عن ابن أبي عمير عن الحسين بن عثمان عن أبي عبد الله ع قال: ما أظن أحداً يحنك بماء الفرات إلا كان لنا شيعة.

(The book) 'Kamil Al Ziyaraat' – My father, from Sa'ad, from Ibrahim Bin Mahziyar, from his brother Ali, from Abu Umeyr, from Al-Husayn Bin Usman,

From Abu Abdullah^{-asws} having said: 'I^{-asws} don't think there is anyone who (as a newborn) has been made to taste water of the Euphrates except he would be a Shia of ours^{-asws}!'⁵³⁶

32- مل، كامل الزيارات محمد الحميري عن أبيه عن البرقي عن عبد الرحمن بن حماد عن الحجاج عن غالب بن عثمان عن عتبة بن خالد قال: ذكر أبو عبد الله ع الفرات قال أما إنه من شيعة علي و ما حنك به أحد إلا أحببنا أهل البيت يعني ماء الفرات.

(The book) 'Kamil Al Ziyaraat' – Muhammad Al Himeyri, from his father, from Al Barqy, from Abdul Rahman Bin Hammad, from Al Hajjal, from Ghalib Bin Usman, from Uqbah Bin Khalid who said,

'Abu Abdullah^{-asws} mentioned the Euphrates. He^{-asws} said: 'But, it is from the Shias of Ali^{-asws}, and no one will be tasted with it (as newborn) except he will love us^{-asws}, People^{-asws} of the Household, meaning the water of Euphrates'.⁵³⁷

33- مل، كامل الزيارات أبي عن الحسين بن ميثل عن عمران بن موسى عن الجاهموري عن ابن البطائني عن ابن عميرة عن سندل عن ابن خزيمة قال قال أبو عبد الله ع ما أخذ يشرب من ماء الفرات و يحنك به إذا أولد إلا أحببنا لأن الفرات هرة مؤمن.

⁵³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 28

⁵³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 29

⁵³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 30

⁵³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 31

⁵³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 32

(The book) 'Kamil Al Ziyaraat' – My father, from Al-Hassan Bin Matheel, from Imran Bin Musa, from Al Jamourany, from Ibn Al Batainy, from Ibn Ameyra, from Sandal, from Ibn Kharjah who said,

'Abu Abdullah^{-asws} said: 'No one will drink from the water of Euphrates and was made to taste it when he was born, except he will love us^{-asws}, because the Euphrates is a Momin river'.⁵³⁸

34- مل، كامل الزيارات بإسناده عن ابن البطائني عن أبيه عن أبي بصير عن أبي عبد الله ع قال: نهران مؤمنان ونهران كافران الكافران نهر بلخ و دجلة و المؤمنان نيل مصر و الفرات فحيتكم أولادكم بماء الفرات.

(The book) 'Kamil Al Ziyaraat' – By his chain from Ibn Al Batainy, from his father, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'Two rivers are believers and two rivers are disbelievers. The two disbelievers are the river Balkh and Tigris, and the two believers are the Nile of Egypt and the Euphrates, therefore, make your children taste the water of Euphrates'.⁵³⁹

35- مل، كامل الزيارات محمد بن جعفر عن ابن أبي الخطاب عن موسى بن سعدان عن عبد الله بن القاسم عن الحسين بن أبي الغلاء قال سمعت أبا عبد الله ع يقول حيتكم أولادكم بتراب الحسين فإنه أمان.

(The book) 'Kamil Al Ziyaraat' – Muhammad Bin Ja'far, from Ibn Abu Al Khattab, from Musa Bin Sa'dan, from Abdullah Bin Al Qasim, from Al-Husayn Bin Abu Al A'ala who said,

'I heard Abu Abdullah^{-asws} saying: 'Make your (newborn) children taste the soil of Al-Husayn^{-asws}, for it is a safety!'⁵⁴⁰

36 دعوات الراوندي، عنه ع مثله.

(The book) 'Dawaat' of Al-Rawandy – similar to it.⁵⁴¹

37- سن، المحاسن التوفلي عن السكوني بإسناده قال قال رسول الله ص الوليمة في أربع العرس و الخرس و هو المولود يعق عنه و يطعم له و إعدار و هو ختان العلام و الإياب و هو الرجل يدعو إخوانه إذا أب من غيبته.

(The book) 'Al Mahasin' – Al Nowfali, from Al Sakuni, by his chain, said,

'Rasool-Allah^{-saww} said: 'The banquet is regarding four – the wedding, and the 'Khurs', and it is the newborn Aqeeqa is performed of and (people) are fed for him, and 'I'zar', and it is circumcision of the boy, and 'Al-Ayaab', and it is the man inviting his brethren when he returns from his absence (after coming back from a lengthy absence due to travel)'.⁵⁴²

⁵³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 33

⁵³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 34

⁵⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 35

⁵⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 36

⁵⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 37

38- سن، المحاسن علي بن خديده عن منصور بن يونس و داود بن رزين عن منهل القصاب قال: خرجت من مكة و أنا أريد المدينة فمررت بالأبواء و قد ولد لأبي عبد الله ع فسبقتني إلى المدينة و دخل بعدي بيوم فأطعم الناس ثلاثاً فكنث أكل فيمن يأكل فما أكل شيئاً إلى الغد حتى أعود فأكل فمكنت بذلك ثلاثاً أطعم حتى أرتفق لا أطعم شيئاً إلى الغد.

(The book) 'Al Mahasin' – Ali Bin Hadeed, from Mansour Bin Yunus, and Dawood Bin Razeyn, from Minhal Al Qassab who said,

'I went out from Makkah and I intended Al-Medina. I passed by Al-Abwa and there had been a newborn for Abu Abdullah^{-asws}. I preceded him^{-asws} to Al-Medina and he^{-asws} entered one day after me. He^{-asws} fed the people for three days. I used to eat among those who ate. I did not eat anything up to the next day until I would return and eat. I remained with that for three days, eating my fill so that I could lean back comfortably, and I would not eat anything until the next day'.⁵⁴³

39- سن، المحاسن محمد بن عبد الله الهمداني عن أبي سعيد الشامي عن صالح بن عتبة قال سمعت أبا عبد الله ع يقول أطعموا البري نساءكم في نفاسهن تحلم أولادكم.

(The book) 'Al Mahasin' – Muhammad Bin Abdullah Al Hamdany, from Abu Saeed Al Shamy, from Salih Bin Uqba who said,

'I heard Abu Abdullah^{-asws} saying: 'Feed 'Al-Barny' (type of dates) to your women during their post-childbirth bleeding, your children will be gentle'.⁵⁴⁴

40- في حديث آخر لأبي المؤمنين ع قال: خير تمراتكم البري فأطعموا نساءكم في نفاسهن تخرج أولادكم حلماً.

In another Hadeeth of Amir Al-Momineen^{-asws}, he^{-asws} said: 'Best of your dates is 'Al-Barny', so feed (it) to your women during their post-childbirth bleeding, your children will emerge as gentle'.⁵⁴⁵

41- سن، المحاسن أبو القاسم و يونس بن يزيد عن القندي عن ابن سنان عن أبي البختري عن أبي عبد الله ع قال: ما استشفيت نساء يميل الرطب لأن الله أطعم مريم حيناً في نفاسها.

(The book) 'Al Mahasin' – Abu Al Qasim and Yunus Bin Yazeed, from Al Qandy, from Ibn Sinan, from Abu Al Bakhtari,

From Abu Abdullah^{-asws} having said: 'The women with post-childbirth bleeding will not be healed like with the dates because Allah^{-azwj} Fed Maryam^{-as} fresh dates during her^{-as} confinement (post-childbirth bleeding)'.⁵⁴⁶

⁵⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 38

⁵⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 39

⁵⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 40

⁵⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 41

42- سن، المحاسن عِدَّةٌ مِنْ أَصْحَابِنَا عَنِ ابْنِ أَصْبَاطٍ عَنْ عَمِّهِ رَفَعَهُ إِلَى عَلِيٍّ قَالَ قَالَ رَسُولُ اللَّهِ ص لِيَكُنْ أَوَّلُ مَا تَأْكُلُ الْفُسَاءُ الرُّطْبَ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ قَالَ لِمَرْيَمَ بِنْتِ عِمْرَانَ - وَ هُزِّي إِلَيْكَ بِجَذْعِ النَّخْلَةِ تُسَاقِطُ عَلَيْكَ رُطْبًا جَيِّدًا

(The book) 'Al Mahasin' – A number of our companions, from Ibn Asbaat,

From his uncle raising it to Ali^{-asws} having said: 'Rasool-Allah^{-saww}: 'Let the first of what the post-childbirth bleeding woman eats be the dates, for Allah^{-azwj} Mighty and Majestic Said to Maryam^{-as}: **And shake towards you the palm trunk, it would drop upon you ripe dates [19:25]**'.

قِيلَ يَا رَسُولَ اللَّهِ فَإِنْ لَمْ يَكُنْ إِبَّانَ الرُّطْبِ

It was said, 'O Rasool-Allah^{-saww}! Supposing it does not happen to be the fresh dates harvest?'

قَالَ سَبْعُ تَمَرَاتٍ مِنْ تَمَرَاتِ الْمَدِينَةِ فَإِنْ لَمْ يَكُنْ فَسَبْعُ تَمَرَاتٍ مِنْ تَمَرَاتِ أَمْصَارِكُمْ فَإِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى قَالَ وَ عَزَّتِي وَ جَلَالِي وَ عَظَمَتِي وَ ارْتِفَاعُ مَكَانِي - لَا تَأْكُلُ نَفْسَاءُ يَوْمَ تَلِدُ الرُّطْبَ فَيَكُونُ غُلَامًا إِلَّا كَانَ حَلِيمًا وَ إِنْ كَانَتْ جَارِيَةً تَكُونُ حَلِيمَةً.

He^{-asws} said: 'Seven dates from the dates of Medina. If they don't exist, seven dates from dates of your cities, for Allah^{-azwj} Blessed and Exalted Said: 'By My^{-azwj} Might and My^{-azwj} Majesty, and My^{-azwj} Magnificence and Loftiness of My^{-azwj} Position! No woman with post-childbirth bleeding will eat the dates on the day she gives birth, so it would be a boy except he would be gentle, and if it was a girl, she would be gentle!'⁵⁴⁷

43- ضا، فقه الرضا عليه السلام إِذَا وَلِدَ مَوْلُودٌ فَأَذِّنْ فِي أُذُنِهِ الْأَيْمَنِ وَ أَقِمْ فِي أُذُنِهِ الْأُيُسْرِ وَ حَنِكُهُ بِمَاءِ الْفُرَاتِ إِنْ قَدَرْتَ عَلَيْهِ أَوْ بِالْعَسَلِ سَاعَةَ يُولَدُ وَ سَمِّهِ بِأَحْسَنِ الْأَسْمَاءِ وَ كَتِّهِ بِأَحْسَنِ الْكُنَى وَ لَا تُكْتَبِ [يُكْتَبِ] بِأَبِي عَيْسَى وَ لَا بِأَبِي الْحَكَمِ وَ لَا بِأَبِي الْحَارِثِ وَ لَا بِأَبِي الْقَاسِمِ إِذَا كَانَ الْإِسْمُ مُحَمَّدًا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'When a newborn is born, proclaim Azaan in his right ear and Iqaama in his left ear, and make him taste water of the Euphrates if you are able upon it, or honey at the time he is born, and name him with best of the names, and teknonym him with best of the teknonyms, and neither teknonym him as 'Abu Isa', nor as 'Abu Al-Hakam', nor as 'Abu Al-Haris', nor as 'Abu Al-Qasim' when the name was 'Muhammad'.

وَ سَمِّهِ يَوْمَ السَّابِعِ وَ اخْتَنِهِ وَ انْقُبْ أُذُنَهُ وَ اخْلِقْ رَأْسَهُ وَ زِنْ شَعْرَهُ بَعْدَ مَا تُجَقِّفُهُ بِفِضَّةٍ أَوْ بِالذَّهَبِ وَ تَصَدَّقْ بِهَا وَ عَقِّ عَنْهُ كُلَّ ذَلِكَ فِي يَوْمِ السَّابِعِ

And name him on the seventh day, and circumcise him and perforate his ears, and shave his head, and after having dried his hair, weigh it with silver or with the gold and donate with it and perform Aqeeqa (sacrifice and animal) on his behalf. All that being during the seventh day.

⁵⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 42

وَ إِذَا أَرَدْتَ أَنْ تَعْقَّ عَنْهُ فَلْيَكُنْ عَنِ الذَّكَرِ ذَكَراً وَ عَنِ الْأُنثَى أَنْثَى وَ تُعْطِي الْقَائِلَةَ الْوَرَكُ وَ لَا يَأْكُلُ مِنْهُ الْأَبَوَانِ فَإِنْ أَكَلَتْ مِنْهُ الْأُمُّ فَلَا تُرْضِعُهُ وَ تُفَرِّقُ لَحْمَهَا عَلَى قَوْمٍ مُؤْمِنِينَ مُحْتَاجِينَ وَ إِنْ أَعْدَدْتَهُ طَعَاماً وَ دَعَوْتَ عَلَيْهِ قَوْماً مِنْ إِخْوَانِكَ فَهُوَ أَحَبُّ إِلَيَّ وَ كُلَّمَا أَكْثُرَتْ فَهُوَ أَفْضَلُ وَ حَدُّهُ عَشْرَةُ أَنْفُسٍ وَ مَا زَادَ وَ أَفْضَلُ مَا يُطْبَخُ بِهِ مَاءٌ وَ مِلْحٌ

And when you want to perform Aqeeqa on his behalf, let it be a male (animal) on behalf of the male, and a female (animal) on behalf of the female, and give the leg to the midwife and the two parents should not eat from it. If the mother has eaten from it, she should not breast-feed him, and its meat should be distributed upon a group of needy believers, and if you were to prepare a meal (from it) and invite a group of your brethren upon it, it would be more beloved to me; and the more the better, and its minimum is ten persons, and whatever increases; and the best of what it can be cooked with is water and salt.

فَإِنْ أَرَدْتَ ذَبْحَهُ فَقُلْ- بِسْمِ اللَّهِ وَ بِاللَّهِ مِنْكَ وَ بِكَ وَ لَكَ وَ إِلَيْكَ عَقِيقَةُ فَلَانِ بْنِ فَلَانٍ عَلَى مِلَّتِكَ وَ دِينِكَ وَ سُنَّةِ نَبِيِّكَ مُحَمَّدٍ ص

If you want to slaughter it, say, 'In the Name of Allah^{-azwj}, and by Allah^{-azwj}, from You^{-azwj}, and with You^{-azwj}, and for You^{-azwj}, and to You^{-azwj} is Aqeeqa of so and so, son of so and so upon Your^{-azwj} nation and Your^{-azwj} religion and Sunnah of Your^{-azwj} Prophet Muhammad^{-saww}!

بِسْمِ اللَّهِ وَ الْحَمْدُ لِلَّهِ وَ اللَّهُ أَكْبَرُ إِيْمَاناً بِاللَّهِ وَ ثَنَاءً عَلَى رَسُولِ اللَّهِ وَ الْعِصْمَةَ بِأَمْرِهِ وَ الشُّكْرَ لِرِزْقِهِ وَ الْمَعْرِفَةَ لِفَضْلِهِ عَلَيْنَا أَهْلَ الْبَيْتِ

In the Name of Allah^{-azwj}, and the Praise is for Allah^{-azwj}, and Allah^{-azwj} is Greatest, believing in Allah^{-azwj}, and praise be upon Rasool-Allah^{-azwj}, and the protection by His^{-azwj} Command, and the thanking for His^{-azwj} sustenance, and the recognition of His^{-azwj} Grace upon us, People^{-asws} of the Household!'

فَإِنْ كَانَ ذَكَراً فَقُلْ- اللَّهُمَّ أَنْتَ وَهَبْتَ لَنَا ذَكَراً وَ أَنْتَ أَعْلَمُ بِمَا وَهَبْتَ وَ مِنْكَ مَا أَعْطَيْتَ وَ لَكَ مَا صَنَعْنَا فَتَقَبَّلْهُ مِنَّا عَلَى سُنَّتِكَ وَ سُنَّةِ نَبِيِّكَ فَاحْسِنْ عَنَّا الشَّيْطَانَ الرَّجِيمَ وَ لَكَ سَكْبُ الدِّمَاءِ وَ لَوْجْهِكَ الْقُرْبَانُ لَا شَرِيكَ.

If it (child) were a male, say, 'O Allah^{-azwj}! You^{-azwj} have Gifted a male to us and You^{-azwj} are more Knowing of what You^{-azwj} have Gifted, and from You^{-azwj} is what I have been Given, and for You^{-azwj} is what we have done, so Accept it from us upon Your^{-azwj} Sunnah and Sunnah of Your^{-azwj} Prophet^{-saww}. Keep the Satan^{-la} away from us, and for You^{-azwj} the blood is spilt, and for Your^{-azwj} Face is the offering with no associates!''⁵⁴⁸

44- طب، طب الأئمة عليهم السلام الخواتيمي عَنْ مُحَمَّدِ بْنِ عَلِيٍّ الصَّرِيحِيِّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ مُحَمَّدٍ الْهَاشِمِيِّ عَنْ أَبَانَ بْنِ أَبِي عِيَّاشٍ عَنْ سُلَيْمِ بْنِ قَيْسٍ الْهَلَالِيِّ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: إِنِّي لَأَعْرِفُ آيَتَيْنِ مِنْ كِتَابِ اللَّهِ الْمُنْزَلِ يُكْتَبَانِ لِلْمَرْأَةِ إِذَا عَسِرَ عَلَيْهَا وَلَدُهَا يُكْتَبَانِ فِي رِقِّ ظَنْفٍ وَ يُعَلِّقُهُ عَلَيْهَا فِي حَقْوَبَيْهَا بِسْمِ اللَّهِ وَ بِاللَّهِ- إِنَّ مَعَ الْعُسْرِ يُسْراً سَبْعَ مَرَّاتٍ- يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ إِنَّ زَلْزَلَةَ السَّاعَةِ شَيْءٌ عَظِيمٌ- يَوْمَ تَرَوْهَا تَدْهَلُ كُلُّ مُرْضِعَةٍ عَمَّا أَرْضَعَتْ وَ تَضَعُ كُلُّ ذَاتِ حَمْلٍ حَمْلَهَا وَ تَرَى النَّاسَ سُكَارَى وَ مَا هُمْ بِسُكَارَى وَ لَكِنَّ عَذَابَ اللَّهِ شَدِيدٌ مَرَّةً وَاحِدَةً

(The book) 'Tibb Al-Aimma^{-asws}', may the greeting be upon them^{-asws} – Al Khawatimy, from Muhammad Bin Ali Al Sayrafi, from Muhammad Bin Aslam, from Al-Hassan Bin Muhammad Al Hashimy, from Aban Bin Abu Ayyash, from Suleym Bin Qays Al Hilali,

From Amir Al-Momineen^{-asws} having said: 'I^{-asws} recognise two Verses from the Revealed Book of Allah^{-azwj} which can be written for the women the childbirth is difficult upon her. These should be written in deerskin and hung upon her in her waist.

In the Name of Allah^{-azwj}, and by Allah^{-azwj}, Surely, **with the difficulty there is ease [94:6]** – seven times; **O you people! Fear your Lord. Surely the earthquake of the Hour is a mighty thing [22:1]; On the Day you will see it, every breast-feeding woman shall quit from what she breast-fed, and everyone with a pregnancy would place her burden; and you will see the people as intoxicated, and they will not be with intoxication, but the Punishment of Allah would be severe [22:2]** – one time.

يُكْتَبُ عَلَى وَرَقَةٍ وَ تُرْتَبُ بِحَبْطٍ مِنْ كَتَانٍ غَيْرِ مَقْنُولٍ وَ يُشَدُّ عَلَى فَخْذِهَا الْأَيْسَرِ فَإِذَا وَلَدَتْهُ قَطَعَتْ مِنْ سَاعَتِكَ وَ لَا تَتَوَانَى عَنْهُ

It should be written upon paper and tied with a string of no-spun linen thread, and fastened to her left thigh. When she gives birth, you must cut it immediately without delay.

وَ يُكْتَبُ حَيٍّ [حَيٍّ] وَلَدَتْ مَرْيَمَ وَ مَرْيَمَ وَلَدَتْ حَيٍّ يَا حَيُّ اهْبِطْ إِلَى الْأَرْضِ السَّاعَةَ بِإِذْنِ اللَّهِ تَعَالَى.

And it should be written: 'Hannah^{-ra} gave birth to a live one, and Maryam^{-as} gave birth to a live one! O Living one, come down to the ground now, by the Permission of Allah^{-azwj} the Exalted!'⁵⁴⁹

45- طب، طب الأئمة عليهم السلام صالح بن إبراهيم بن فضال عن محمد بن الجهم عن المنخل عن جابر بن يزيد الجعفي أن رجلاً أتى أبا جعفر محمد بن علي الباقر ع فقال يا ابن رسول الله أعطني

(The book) 'Tibb Al Aemma^{-asws}', may the greeting be upon him^{-asws} – Salih Bin Ibrahim, from Ibn Fazzal, from Muhammad Bin Al Jham, from Al Munakkhal, from Jaber Bin Yazeed Al Jufy,

'A man came to Abu Ja'far Muhammad^{-asws} Bin Ali Al-Baqir^{-asws}. He said, 'O son^{-asws} of Rasool-Allah^{-saww}, help me!'

فَقَالَ وَ مَا ذَاكَ

He^{-asws} said: 'And what is that for?'

قَالَ امْرَأَتِي قَدْ أَشْرَفَتْ عَلَى الْمَوْتِ مِنْ شِدَّةِ الطَّلَقِ

He said, 'My wife is on the verge of death from the severity of the labour pain!'

قَالَ اذْهَبْ وَ اقْرَأْ عَلَيْهَا- فَأَجَاءَهَا الْمَخَاضُ إِلَى جِذْعِ النَّخْلَةِ قَالَتْ يَا لَيْتَنِي مِتُّ قَبْلَ هَذَا وَ كُنْتُ نَسِيًّا مَنْسِيًّا- فَنَادَاهَا مِنْ تَحْتِهَا أَلَا تَحْزَنِي قَدْ جَعَلَ رَبُّكِ تَحْتَكِ سَرِيًّا- وَ هُزِّي إِلَيْكِ بِجِذْعِ النَّخْلَةِ تُسَاقِطُ عَلَيْكِ رُطَبًا جَنِيًّا

He^{-asws} said: 'Go and read upon her - **Then the (pangs of) labour brought her to the palm trunk. She said: 'I wish I had died before this, and was completely forgotten!' [19:23]** So he

⁵⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 44

(the child) called out to her from beneath her: ‘Do not grieve! Your Lord has Made a stream (to flow) beneath you’ [19:24] And shake towards you the palm trunk, it would drop upon you ripe dates [19:25].

ثُمَّ ارْفَعْ صَوْتَكَ بِهَذِهِ الْآيَةِ- وَ اللَّهُ أَخْرَجَكُمْ مِنْ بُطُونِ أُمَّهَاتِكُمْ لَا تَعْلَمُونَ شَيْئاً وَ جَعَلَ لَكُمُ السَّمْعَ وَ الْأَبْصَارَ وَ الْأَفْئِدَةَ لَعَلَّكُمْ تَشْكُرُونَ كَذَلِكَ أَخْرَجَ أَهْلَهَا الطَّلْحُ أَخْرَجَ يَأْذُنَ اللَّهِ فَأَيُّهَا تَبَرَّأْ مِنْ سَاعَتِهَا بِعَوْنِ اللَّهِ تَعَالَى.

Then raise your voice with this Verse: **And Allah Extracted you from the bellies of your mothers, you were not knowing anything, and Made for you the hearing, and the sight, and the heart, perhaps you would be grateful [16:78].** Like that, O you labour pain, be expelled by the Permission of Allah^{-azwj!} – for she will be free immediately by the Assistance of Allah^{-azwj} the Exalted’.⁵⁵⁰

46- طب، طب الأئمة عليهم السلام عَبْدُ الْوَهَّابِ بْنُ مَهْدِيٍّ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ ابْنِ هَمَّامٍ عَنْ مُحَمَّدِ بْنِ سَعِيدٍ عَنْ أَبِي حَزْرَةَ عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ قَالَ: إِذَا عُسِرَ عَلَى الْمَرْأَةِ وَلَدُهَا تُكْتَبُ لَهَا هَذِهِ الْآيَاتُ فِي إِنَاءٍ تَطْيِفٍ بِمِسْكِ وَ زَعْفَرَانٍ ثُمَّ يُغْسَلُ بِمَاءِ الْبُرِّ وَ يُسْتَقَى مِنْهُ الْمَرْأَةُ وَ يُنْضَخُ بَطْنُهَا وَ فَرْجُهَا فَأَيُّهَا تِلْدٌ مِنْ سَاعَتِهَا

(The book) ‘Tibb Al Aimma^{-asws}’, may the greeting be upon him^{-asws} – Abdul Wahhab Bin Mahdy, from Muhammad Bin Isa, from Ibn Hammam, from Muhammad Bin Saeed, from Abu Hamza,

From Abu Ja’far^{-asws} having said: ‘When the birth is difficult upon the woman, these Verses should be written for her in a clean container with musk and saffron. Then it should be washed with the well-water and the woman quenched with it, and her belly and her private part be moistened with it, so she will give birth immediately.

يُكْتَبُ كَأَنَّهُمْ يَوْمَ يَرَوْهَا لَمْ يَلْبُثُوا إِلَّا عَشِيَّةً أَوْ ضُحَاهَا- كَأَنَّهُمْ يَوْمَ يَرُونَ مَا يُوعَدُونَ لَمْ يَلْبُثُوا إِلَّا سَاعَةً مِنْ نَارٍ بَلَاغٌ فَهَلْ يُهْلَكُ إِلَّا الْقَوْمُ الْفَاسِقُونَ-

It should be written - **On the Day that they see it, it will be as if they did not remain (in the world) except an evening or morning [79:46] On the Day they see what they are being Promised, it would be as if they had not tarried except for an hour from the day. A notification. So would any be destroyed except for the mischievous people? [46:35].**

لَقَدْ كَانَ فِي قَصَصِهِمْ عِبْرَةٌ لِأُولِي الْأَلْبَابِ مَا كَانَ حَدِيثًا يُفْتَرَى وَ لَكِنْ تَصْدِيقَ الَّذِي بَيْنَ يَدَيْهِ وَ تَفْصِيلَ كُلِّ شَيْءٍ وَ هُدًى وَ رَحْمَةً لِقَوْمٍ يُؤْمِنُونَ.

There was a lesson in their stories for the people of understanding. It was not a fabricated narrative, but (it was) a verification of those before it and a detail of all things, and a Guidance and a Mercy for a believing people [12:111].⁵⁵¹

47- طب، طب الأئمة عليهم السلام عيسى بْنُ دَاوُدَ عَنْ مُوسَى بْنِ الْقَاسِمِ قَالَ حَدَّثَنَا الْمُفَضَّلُ بْنُ عُمَرَ عَنِ الظَّيْبَانِ عَنِ الصَّادِقِ ع قَالَ: تُكْتَبُ هَذِهِ الْآيَاتُ فِي قِرْطَاسٍ لِلْحَامِلِ إِذَا دَخَلَتْ فِي شَهْرِهَا الَّتِي تِلْدٌ فِيهِ فَإِنَّهُ لَا يُصِيبُهَا طَلْقٌ وَ لَا عُسْرٌ وَلَدَةٍ وَ لَيْلَةٌ عَلَى الْقِرْطَاسِ سَحَاءٌ لَقَاً خَفِيفاً وَ لَا يَرْطِطُهَا وَ يُكْتَبُ-

⁵⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 45

⁵⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 46

(The book) 'Tibb Al Aemma^{asws}', may the greeting be upon them^{asws} – Isa Bin Dawood, from Musa Bin Al Qasim who said, 'It is narrated to us by Al Mufazzal Bin Umar, from Al Zabyan,

From Al-Sadiq^{asws} having said: 'These Verses should be written in a paper for the pregnant woman when she enters into her month in which she is to give birth, for labour pains will not hit her and the birth will not be difficult, and let him wrap loosely upon the paper and not tie it, and let him write -

أَوَلَمْ يَرَ الَّذِينَ كَفَرُوا أَنَّ السَّمَاوَاتِ وَالْأَرْضَ كَانَتَا رَتْقًا فَفَتَقْنَاهُمَا وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيٍّ أَفَلَا يُؤْمِنُونَ-

Or do they not see, those who are committing Kufr, that the skies and the earth were joined up, and We Separated them? And We Made from the water, all living things, so will they not believe? [21:30].

وَ آيَةٌ لَهُمُ اللَّيْلُ نَسْلَخُ مِنْهُ النَّهَارَ فَإِذَا هُمْ مُظْلِمُونَ-

And a Sign to them is the night. We Withdraw the day from it, so then they are in darkness [36:37].

وَ الشَّمْسُ تَجْرِي لِمُسْتَقَرٍّ لَهَا ذَلِكَ تَقْدِيرُ الْعَزِيزِ الْعَلِيمِ-

And the sun flows to a term Appointed for it. That is an Ordainment of the Mighty, the Knower [36:38].

وَ الْقَمَرَ قَدَرْنَاهُ مَنَازِلَ حَتَّىٰ عَادَ كَالْعُرْجُونِ الْقَدِيمِ-

And the moon, We Measure stages for it until it returns to be like the old palm branch [36:39].

لَا الشَّمْسُ يَنْبَغِي لَهَا أَنْ تُدْرِكَ الْقَمَرَ وَ لَا اللَّيْلُ سَابِقُ النَّهَارِ وَ كُلٌّ فِي فَلَكٍ يَسْبَحُونَ-

The sun, it is not befitting for it that it should overtake the moon, nor for the night to precede the day, and all are floating in an orbit [36:40].

وَ آيَةٌ لَهُمْ أَنَّا حَمَلْنَا ذُرِّيَّتَهُمْ فِي الْفُلِكِ الْمَشْحُونِ-

And a Sign to them - We Carry their offspring in the laden ship [36:41].

وَ خَلَقْنَا لَهُمْ مِنْ مِثْلِهِ مَا يَرْكَبُونَ-

And We Created for them the like of it, what they are riding upon [36:42].

وَ إِن نَّشَاءُ نَعْرِقُهُمْ فَلَا صَرِيحَ لَهُمْ وَ لَا هُمْ يُنْقَدُونَ-

And if We so Desire, We can Drown them, then there will be no responder to them, nor would they be rescued [36:43].

إِلَّا رَحْمَةً مِنَّا وَ مَتَاعًا إِلَىٰ حِينٍ -

But (it is) a Mercy from Us and an enjoyment for a while [36:44].

و نُفِخَ فِي الصُّورِ فَإِذَا هُمْ مِنَ الْأَجْدَاثِ إِلَىٰ رَبِّهِمْ يَنْسِلُونَ

And it would be blown into the Trumpet, so they would be hastening from the graves to their Lord [36:51].

و تُكْتَبُ عَلَىٰ ظَهْرِ الْقُرْطَاسِ هَذِهِ الْآيَاتُ كَأَنَّهُمْ يَوْمَ يَرَوْنَ مَا يُوعَدُونَ لَمْ يَلْبَثُوا إِلَّا سَاعَةً مِنْ نَارٍ فَبَلَغَ فَعَلٌ يُهْلِكُ إِلَّا الْقَوْمَ الْفَاسِقُونَ -

And you should write these Verses upon the back of a paper - **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] On the Day they see what they are being Promised, it would be as if they had not tarried except for an hour from the day. A notification. So would any be destroyed except for the mischievous people? [46:35].**

كَأَنَّهُمْ يَوْمَ يَرَوْنَهَا لَمْ يَلْبَثُوا إِلَّا عَشِيَّةً أَوْ ضُحَاهَا

On the Day that they see it, it will be as if they did not remain (in the world) except an evening or its morning [79:46].

و يُعَلَّقُ الْقُرْطَاسُ فِي وَسْطِهَا فَحِينَ يَفْعَ وَلَدُهَا يُقَطَّعَ عَنْهَا وَ لَا يُتْرَكُ عَلَيْهَا سَاعَةً وَاحِدَةً.

And hang the paper on her waist. When her birth occurs, cut it from her and do not leave anything upon her, even for one hour'.⁵⁵²

48- طب، طب الأئمة عليهم السلام سَعْدُ بْنُ مِهْرَانَ عَنْ مُحَمَّدِ بْنِ صَدَقَةَ عَنْ عُمَرَ بْنِ سَيَّانٍ الزَّاهِرِيِّ عَنْ يُونُسَ بْنِ طَبَّيَّانٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ جَابِرِ [بْنِ] زَيْدِ الْجَنْغِي قَالَ: جَاءَ رَجُلٌ مِنْ نَبِيِّ أُمِّيَّةٍ إِلَى أَبِي جَعْفَرٍ ع وَكَانَ مُؤْمِنًا [مُؤْمِنًا] مِنْ آلِ فِرْعَوْنَ يُوَالِي آلَ مُحَمَّدٍ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ إِنَّ جَارِيَّتِي قَدْ دَخَلَتْ فِي شَهْرِهَا وَ لَيْسَ لِي وَلَدٌ فَادْعُ اللَّهَ أَنْ يَرْزُقَنِي ابْنًا

(The book) 'Tibb Al Aimmah^{-asws}', may the greeting be upon them^{-asws} – Sa'ad Bin Mihran, from Muhammad Bin Sadaqa, from Umar Bin Sinan Al Zahiry, from Yunus Bin Zabyan, from Muhammad Bin Ismail, from Jafar Bin Yazeed Al Jufy who said,

'A man from the clan of Umayya came to Abu Ja'far^{-asws}, and he was 'a believer from the people of Pharaoh^{-la'}, befriending the Progeny^{-asws} of Muhammad^{-saww}. He said, 'O son^{-asws} of Rasool-Allah^{-saww}! My slave girl has entered into her (last) month and there isn't any child for me, so supplicate to Allah^{-azwj} to Grace me a son!'

فَقَالَ اللَّهُمَّ ارْزُقْهُ ابْنًا ذَكَرًا سَوِيًّا

He^{-asws} said: 'O Allah^{-azwj}! Grace him a male child, sound!'

⁵⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 47

ثُمَّ قَالَ إِذَا دَخَلَتْ فِي شَهْرِهَا فَاتَّكُبْ لَهَا إِنَّا أَنْزَلْنَاهُ وَعَزَّذْهَا بِحِذِّهِ الْعُودَةَ وَ مَا فِي بَطْنِهَا بِمِسْكٍ وَ زَعْفَرَانٍ وَ اغْسِلْهَا وَ اسْقِهَا مَاءَهَا وَ انْضِجْ فَرْجَهَا وَ الْعُودَةَ هَذِهِ

Then he^{asws} said: ‘When she enters into her (last) month, write for her (Surah) Al Qadr, and protect her and what is in her belly with this amulet, with musk and saffron, and wash it and quench its water to her, and moisten her private part.

أَعِذْ مُؤَلَّدِي بِسْمِ اللَّهِ بِسْمِ اللَّهِ- وَ أَنَا لَمَسْنَا السَّمَاءَ فَوَجَدْنَاهَا مُلِئَتْ خَرَسًا شَدِيدًا وَ شُهْبًا- وَ أَنَا كُنَّا نَقْعُدُ مِنْهَا مَقَاعِدَ لِلسَّمْعِ فَمَنْ يَسْتَمِعِ الْآنَ يَجِدْ لَهُ شِهَابًا رَصَدًا

And the amulet is this: - ‘I protect my newborn In the Name of Allah^{azwj}, by Allah^{azwj}, **And we touched the sky, but we found it filled with strong guards and meteors [72:8] And we used to sit in (some of the) sittings from it. But, one who tries to listen in now, would find meteors waiting for him [72:9]**’.

ثُمَّ يَقُولُ بِسْمِ اللَّهِ بِسْمِ اللَّهِ أَعُوذُ بِاللَّهِ السَّمِيعِ الْعَلِيمِ مِنَ الشَّيْطَانِ الرَّجِيمِ أَنَا وَ أَنْتِ وَ الْبَيْتُ وَ مَنْ فِيهِ وَ الدَّارُ وَ مَنْ فِيهَا نَحْنُ كُلُّنَا فِي حِزْرِ اللَّهِ وَ عِصْمَةِ اللَّهِ وَ حِوَارِ اللَّهِ وَ جِوَارِ اللَّهِ آمِينَ مُحَفُوظِينَ

Then he should say, ‘In the Name of Allah^{azwj}! In the Name of Allah^{azwj}! I seek Refuge with Allah^{azwj} with the All-Hearing, the All-Knowing, from the Pelted Satan^{la}, for myself, and you, and the room and the ones in it, and the house and the ones in it, all of us are in the Protection of Allah^{azwj}, and Fortification of Allah^{azwj}, and vicinity of Allah^{azwj}, and Shelter of Allah^{azwj}, safe, Protected’.

ثُمَّ يَقْرَأُ الْمُعَوِّذَتَيْنِ وَ يَبْتَدِئُ بِفَاتِحَةِ الْكِتَابِ قَبْلَهُمَا ثُمَّ سُورَةَ الْإِخْلَاصِ ثُمَّ يَقْرَأُ فَحَسْبُنَا اللَّهُ مَا خَلَقْنَاكُمْ عَبْنًا وَ أَنْتُمْ إِلَيْنَا لَا تُرْجَعُونَ- فَتَعَالَى اللَّهُ الْمَلِكُ الْحَقُّ- لَا إِلَهَ إِلَّا هُوَ رَبُّ الْعَرْشِ الْكَرِيمِ-

Then he should read Al Mawazateyn, and begin with Surah Al Fatiha before these two, then Surah Al Ikhlas. Then he should read: **Did you reckon that rather We had Created you in vain and that you would not be returning to Us?” [23:115] So, Exalted is Allah, the Truthful King, and do not be hasty with the Quran from before its Revelation is Discharged to you, and say: ‘Lord! Increase me in knowledge!’ [20:114].**

وَ مَنْ يَدْعُ مَعَ اللَّهِ إِلَهًا آخَرَ لَا بُرْهَانَ لَهُ بِهِ فَإِنَّمَا حِسَابُهُ عِنْدَ رَبِّهِ إِنَّهُ لَا يُفْلِحُ الْكَافِرُونَ- وَ قُلْ رَبِّ اغْفِرْ وَ ارْحَمْ وَ أَنْتَ خَيْرُ الرَّاحِمِينَ- لَوْ أَنْزَلْنَا هَذَا الْقُرْآنَ إِلَى آخِرِ السُّورَةِ

And one who supplicates to another god along with Allah, there is not proof for him of it, then rather is account is in the Presence of his Lord. Indeed, the Kafirs will not be successful [23:117] And say: ‘O Lord! Forgive and have Mercy, and You are the best of the Merciful ones!’ [23:118] Had We Revealed this Quran [59:21] – up to end of the Chapter.

ثُمَّ تَقُولُ مَدْحُورًا مَنِ يُشَاقِّ اللَّهَ وَ رَسُولَهُ أَفَسَمْتُ عَلَيْكَ يَا بَيْتُ وَ مَنْ فِيكَ بِالْأَسْمَاءِ السَّبْعَةِ وَ الْأَمْلاكِ السَّبْعَةِ الَّذِينَ يَحْتَلِفُونَ بَيْنَ السَّمَاءِ وَ الْأَرْضِ مُحْجُوبًا عَنْ هَذِهِ الْمَرْأَةِ وَ مَا فِي بَطْنِهَا كُلِّ عَرَضٍ وَ اخْتِلَاسٍ أَوْ لَمَسٍ أَوْ لَمْعَةٍ أَوْ طَيْفٍ مَسٍّ مِنْ إِنْسٍ أَوْ جَانٍّ

Then you should say, 'Disgraceful is the one who is grievous to Allah^{-azwj} and His^{-azwj} Rasool^{-saww}! I vow upon you, O house and the ones in it, with the seven names and the seven Angels, those who are interchanging between the sky and the earth, to veil from this woman and what is in her belly, every obstruction, and corruption, or touch, or flash, or tract of contact from a human or a Jinn'.

وَإِنْ قَالَ عِنْدَ فَرَاغِهِ مِنْ هَذَا الْقَوْلِ وَمِنَ الْعُودَةِ كُلِّهَا أَعْنَى بِهَذَا الْقَوْلِ وَهَذِهِ الْعُودَةُ فُلَانًا وَ أَهْلَهُ وَ وَلَدَهُ وَ دَارَهُ وَ مَنْزِلَهُ فَلَيْسَ نَفْسُهُ وَ لَيْسَ دَارُهُ وَ مَنْزِلُهُ وَ أَهْلُهُ وَ وَلَدُهُ وَ لَيْتَلَقَطُ بِهِ وَ لَيْتَلْقُ أَهْلَ فُلَانٍ بِنِ فُلَانٍ فَإِنَّهُ أَحْكَمُ لَهُ وَ أَجْوَدُ وَ أَنَا الصَّامِتُ عَلَى نَفْسِهِ وَ أَهْلِهِ وَ وَلَدِهِ أَنْ لَا يُصِيبَهُمْ آفَةٌ وَ لَا حَبَلٌ وَ لَا جُنُودٌ بِإِذْنِ اللَّهِ تَعَالَى.

And if he were to say at his being free from this word, and from the whole amulet, 'I mean by this word and this amulet, so and so and his family, and his children, and his house, and his dwelling', let him name himself and let him specify his house and his dwelling, and his family and his children, and let him utter it and let him say, 'family of so and so, son of so and so, and his children so and so, son of so and so, it would be more decisive and more effective for him, and I^{-asws} guarantee upon his self, and his family and his children that they will neither be afflicted with an affliction, nor craziness nor madness by the Permission of Allah^{-azwj} the Exalted'.⁵⁵³

49- سر، السرائر من كتاب المشيخة لابن محبوب عن صالح بن ززين عن شهاب عن أبي عبد الله ع قال: إذا عسر على المرأة ولدها فأكثب لها في رقبتي - بسم الله الرحمن الرحيم - كأنتم يوم يرون ما يوعدون لم يلبثوا إلا ساعة من نهار - كأنتم يوم يرونها لم يلبثوا إلا عشية أو ضحاها - إذ قالت امرأت عمران رب إني نذرت لك ما في بطني محرراً ثم ارتبطه بخيط وشدته على فخذها الأيمن فإذا وضعت فانزعها.

(The book) 'Al Saraair', from the books of the elders of Ibn Mahboub, from Salih Bin Razeyn, from Shihab,

'From Abu Abdullah^{-asws} having said: 'When the birth is difficult upon the woman, write for her in a parchment - **On the Day they see what they are being Promised, it would be as if they had not tarried except for an hour of the day [46:35] On the Day that they see it, it will be as if they did not remain (in the world) except an evening or morning [79:46] When a wife of Imraan said: 'My Lord! I vow to You what is in my womb, to be devoted (to Your worship) [3:35]** - then tie it with a string tightly upon her right thigh. When she has given birth, remove it'.⁵⁵⁴

50- مكا، مكارم الأخلاق عن الباقر ع قال: حَتَّى رَسُولُ اللَّهِ ص الْحَسَنَ وَ الْحُسَيْنَ ع لِسَبْعَةِ أَيَّامٍ وَ خَلَقَ رَأْسَهُمَا وَ تَصَدَّقَ بِزِنَةِ الشَّعْرِ فِضَّةً وَ عَقَّ عَنْهُمَا وَ أُعْطِيَ الْقَابِلَةَ طَرَائِفَ.

(The book) 'Makarim Al Akhlaq' -

From Al-Baqir^{-asws} having said: 'Rasool-Allah^{-saww} circumcised Al-Hassan^{-asws} and Al-Husayn^{-asws} on the seventh day, and shaved their^{-asws} heads, and donated silver by the weight of the hair,

⁵⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 48

⁵⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 49

and performed Aqeeqa (sacrificed an animal) on their^{-asws} behalf, and gave the midwife (some) gifts'.⁵⁵⁵

51 مكا، مكارم الأخلاق عَنْ عُمَرَ بْنِ يَزِيدَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ سَمِعْتُهُ يَقُولُ كُلُّ امْرِيٍّ يَوْمَ الْقِيَامَةِ مُرْتَهَنٌ بِعَقِيْقَتِهِ وَ الْعَقِيْقَةُ أَوْجِبُ مِنَ الْأُضْحِيَّةِ.

(The book) 'Makarim Al Akhlaq' – From Umar Bin Yazeed,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'On the Day of Qiyamah every person will be pledged with his Aqeeqa, and the Aqeeqa is more obligatory than the sacrifice (on Hajj)'.⁵⁵⁶

52 عَنْهُ ع قَالَ: كُلُّ إِنْسَانٍ مُرْتَهَنٌ بِالْفِطْرَةِ وَ كُلُّ مَوْلُودٍ مُرْتَهَنٌ بِالْعَقِيْقَةِ.

From him^{-asws} having said: 'Every human being is pledged with the natural disposition, and every newborn is pledged with the Aqeeqa'.⁵⁵⁷

53 أَيْضاً عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ: قُلْتُ لَهُ إِنِّي وَ اللَّهِ مَا أَذْرِي كَانَ أَبِي عَقَّ عَنِّي أَمْ لَا فَأَمَرَنِي فَعَقَّمْتُ عَنْ نَفْسِي وَ أَنَا شَيْخٌ.

Also from Umar Bin Yazeed who said,

'I said to him^{-asws}, 'By Allah^{-azwj}, I don't know whether my father had performed Aqeeqa on my behalf or not!' He^{-asws} instructed me, so I performed Aqeeqa for myself and I am an old man'.⁵⁵⁸

54 عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنِ الْعَبْدِ الصَّالِحِ ع قَالَ: الْعَقِيْقَةُ وَاجِبَةٌ إِذَا وُلِدَ لِلرَّجُلِ فَإِنْ أَحَبَّ أَنْ يُسَمِّيَهُ فِي يَوْمِهِ فَعَلَّ.

From Ali Bin Abu Hamza,

From Al-Abd Al-Salih (Musa Al-Kazim^{-asws}) having said: 'The Aqeeqa is obligatory when there is a newborn for the man. I^{-asws} would love it, if he can name him during his very day he should do so'.⁵⁵⁹

55 عَنِ الصَّادِقِ ع قَالَ: الْعَقِيْقَةُ لَا زِمَةَ لِمَنْ كَانَ عَنِيّاً وَ مَنْ كَانَ فَقِيْرًا إِذَا أَيْسَرَ فَعَلَّ وَ إِنْ لَمْ يَفْزِدْ عَلَى ذَلِكَ فَلَيْسَ عَلَيْهِ وَ إِنْ لَمْ يَعْقُ عَنْهُ ضَحَى عَنْهُ فَقَدْ أَجْزَأَتْهُ الْأُضْحِيَّةُ وَ كُلُّ مَوْلُودٍ مُرْتَهَنٌ بِعَقِيْقَتِهِ.

From Al-Sadiq^{-asws} having said: 'The Aqeeqa is necessary for the one who was rich, and one who was poor, when he is with ease he should do so, and if he is not able upon that, it isn't upon him, and if Aqeeqa has not been performed on his behalf and a sacrifice is offered on

⁵⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 50

⁵⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 51

⁵⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 52

⁵⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 53

⁵⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 54

his behalf, the sacrificial offering will suffice him, and every newborn is pledge with his Aqeeqa'.⁵⁶⁰

56 وَ قَالَ فِي الْعَقِيقَةِ يُذْبَحُ عَنْهُ كَبْشٌ وَإِنْ لَمْ يُوجَدْ كَبْشٌ أَجْزَأُ مَا يُجْزِي الْأُضْحِيَّةَ [فِي الْأُضْحِيَّةِ] وَإِلَّا فَحِمْلٌ أَعْظَمُ مَا يَكُونُ مِنْ حُمَلَانِ السَّنَةِ.

And he^{-asws} said: 'In the Aqeeqa, a ram is slaughtered on his behalf, and if a ram cannot be found, it would suffice what is sufficed for the sacrificial offering, or else the largest lamb that can be from the lambs of the one year old'.⁵⁶¹

57 عَنْهُ ع سُبُلٌ عَنِ الْعَقِيقَةِ قَالَ شَاةٌ أَوْ بَقَرَةٌ أَوْ بَدَنَةٌ ثُمَّ يُسَمَّى وَ يَخْلُقُ رَأْسَ الْمُؤَلُودِ يَوْمَ السَّابِعِ وَ يَتَصَدَّقُ بِوِزْنِ شَعْرِهِ ذَهَبًا أَوْ فِضَّةً وَ إِنْ كَانَ ذَكَرًا عَقَّى عَنْهُ ذَكَرًا وَ إِنْ كَانَتْ أُنْثَى عَقَّى عَنْهَا أُنْثَى

From him^{-asws}, he^{-asws} was asked about the Aqeeqa. He^{-asws} said: 'A sheep, or a cow, or a camel. Then he should name (Bismillah) and shave the head of the newborn on the seventh day, and donate either gold or silver by the weight of his hair, and if it was a male, then sacrificed a male (animal) on his behalf, and if it was a female sacrificed a female (animal) on her behalf.

وَ عَقَّى أَبُو طَالِبٍ عَنْ رَسُولِ اللَّهِ ص يَوْمَ السَّابِعِ فِدْعًا آلَ أَبِي طَالِبٍ فَقَالُوا مَا هَذِهِ فَقَالَ عَقِيقَةٌ قَالُوا لِأَيِّ شَيْءٍ سَمَّيْتُهُ أَحْمَدَ قَالَ سَمَّيْتُهُ أَحْمَدَ لِمَحْمَدَةَ أَهْلِ السَّمَاءِ وَ الْأَرْضِ.

And Abu Talib^{-asws} performed Aqeeqa on behalf of Rasool-Allah^{-saww} on the seventh day. He^{-as} called the family of Abu Talib^{-as}. They said, 'What is this?' He^{-as} said: 'Aqeeqa'. They said, 'For which thing (reason) have you^{-as} named him^{-saww} 'Ahmad'? He^{-as} said: 'I^{-as} have named him^{-saww} 'Ahmad' due to the praises by inhabitants of the sky and the earth'.⁵⁶²

58 عَنِ الصَّادِقِ ع قَالَ: يُعْطَى الْقَابِلَةُ رُبْعَهَا فَإِنْ لَمْ تَكُنْ قَابِلَةً فَلِأُمِّهِ تُعْطِيهَا مِنْ شَاءَتْ وَ يُطْعَمُ مِنْهَا عَشْرَةٌ مِنَ الْمُسْلِمِينَ فَإِنْ زَادَ فَهُوَ أَفْضَلُ.

From Al-Sadiq^{-asws} having said: 'The midwife should be given a quarter of it. If there does not happen to be a midwife, then it is for its mother. She can give it to the one she so desires to, and ten from the Muslims should be fed from it. If it is more, it is better'.⁵⁶³

عَنْهُ ع قَالَ: إِذَا أَرَدْتَ أَنْ تَذْبَحَ الْعَقِيقَةَ قُلْ- يَا قَوْمِ إِنِّي بَرِيءٌ مِمَّا تُشْرِكُونَ- إِنِّي وَجَّهْتُ وَجْهِيَ لِلَّذِي فَطَرَ السَّمَاوَاتِ وَ الْأَرْضَ حَنِيفًا وَ مَا أَنَا مِنَ الْمُشْرِكِينَ- إِنَّ صَلَاتِي وَ نُسُكِي وَ نَحْيَايَ وَ مَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ- لَا شَرِيكَ لَهُ وَ بِذَلِكَ أُمِرْتُ وَ أَنَا مِنَ الْمُسْلِمِينَ

From him^{-asws} having said: 'When you intend to slaughter the Aqeeqa, say, ***'O people! I disavow from what you are associating [6:78]I turn my face towards the One Who Originated the skies and the earth, being upright, and I am not from the associators' [6:79]Say: 'Surely my Salat, and my sacrifice, and my life, and my death are for Allah Lord of the worlds [6:162]There is no associate for Him; and with that I am Commanded [6:163], and I am from the submitters.***

⁵⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 55

⁵⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 56

⁵⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 57

⁵⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 58 a

اللَّهُمَّ مِنْكَ وَإِلَيْكَ بِسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ اللَّهُمَّ تَقَبَّلْ مِنْ فُلَانِ بْنِ فُلَانٍ وَ يُسَمِّي الْمَوْلُودَ بِاسْمِهِ ثُمَّ يَذْبَحُ.

O Allah-azwj! From You-azwj and to You-azwj! In the Name of Allah-azwj, and Allah-azwj is Greatest! O Allah-azwj! Accept from so and so, son of so and so!’ – and name the newborn with his name, then slaughter’.⁵⁶⁴

59 وَ مِنْ كِتَابِ طِبِّ الْأَيْمَةِ، عَنِ الصَّادِقِ ع قَالَ: يُسَمَّى الصَّبِيُّ يَوْمَ السَّابِعِ وَ يُحْلَقُ رَأْسُهُ وَ يُتَصَدَّقُ بِزَنَةِ الشَّعْرِ فِضَّةً وَ يُعَقُّ عَنْهُ بِكَبْشٍ فَحْلٍ وَ يُقَطَّعُ أَعْضَاءُ وَ يُطْبَخُ وَ يُدْعَى عَلَيْهِ رَهْطٌ مِنَ الْمُسْلِمِينَ فَإِنْ لَمْ يُطْبَخْ فَلَا بَأْسَ أَنْ يُتَصَدَّقَ بِهِ أَعْضَاءُ وَ الْعُلَامُ وَ الْجَارِيَةُ فِي ذَلِكَ سَوَاءٌ

And from the book ‘Tibb Al-Aimma-asws’, from Al-Sadiq-asws having said: ‘Name the child on the seventh day, and shave his head, and donate silver by the weight of the hair, and sacrifice a male ram on his behalf, and cut the limbs and cook, and invite a group of Muslims upon it. If he does not cook, there is no problem if he were to donate its limbs, and the boy and the girl are the same in this regard.

وَ لَا يَأْكُلُ مِنَ الْعَقِيقَةِ الرَّجُلُ وَ لَا عِيَالُهُ وَ لِلْقَابِلَةِ شَطْرُ الْعَقِيقَةِ وَ إِنْ كَانَتْ الْقَابِلَةُ أُمَّ الرَّجُلِ أَوْ فِي عِيَالِهِ فَلَيْسَ لَهَا مِنْهَا شَيْءٌ فَإِنْ شَاءُوا قَسَمُوا أَعْضَاءَهُ وَ إِنْ شَاءَ طَبَخَهَا وَ قَسَمَ مَعَهَا خُبْراً وَ مَرَقاً وَ لَا يُعْطِيهَا إِلَّا لِأَهْلِ الْوِلَايَةِ.

And the man and his dependants cannot eat from the Aqeeqa, and for the midwife would be part of the Aqeeqa, and if the midwife were to be mother of the man or among his dependants, there isn’t anything from it for her. If they desire, they can divide its parts and if they desire, they can cook it and along with it distribute bread and broth, and not give it except to the people of Al-Wilayah (Shias)’.⁵⁶⁵

60 وَ عَنْهُ ع قَالَ: الْمَوْلُودُ إِذَا وُلِدَ يُؤَدَّنُ فِي أُذُنِهِ الْيُمْنَى وَ يُقَامُ فِي الْأَيْسَرِ.

And from him-asws having said: ‘When the newborn is born, proclaim Azaan in his right ear and Iqaama in the left’.⁵⁶⁶

61 وَ قَالَ ع مَنْ لَمْ يَأْكُلِ اللَّحْمَ أَرْبَعِينَ يَوْماً سَاءَ خُلُقُهُ وَ مَنْ سَاءَ خُلُقُهُ فَأَذِنُوا فِي أُذُنِهِ.

And he-asws said: ‘One who does not eat meat for forty days, his manners would be evil, and the one of evil manners, proclaim Azaan in his ear’.⁵⁶⁷

62 وَ مِنْ كِتَابِ آدَابِ أَبِي، طَوَّلَ اللَّهُ عُمرَهُ عَنِ الْبَاقِرِ ع قَالَ: إِذَا وُلِدَ لِأَحَدِكُمْ فَكَانَ يَوْمَ السَّابِعِ فَلْيُعَقِّ عَنْهُ كَبْشاً وَ أَطْعَمُوا الْقَابِلَةَ مِنَ الْعَقِيقَةِ الرَّجُلَ بِالْوَرِكِ وَ لِيَحَنَكَهُ بِمَاءِ الْفُرَاتِ وَ لِيُؤَدَّنَ فِي أُذُنِهِ الْيُمْنَى وَ لِيُقِيمَ فِي الْيُسْرَى وَ يُسَمِّيهِ يَوْمَ السَّابِعِ وَ اخْلِفُوا وَ يُوزَنُ شَعْرُهُ فَيَتَصَدَّقُ بِوَزْنِهِ فِضَّةً أَوْ ذَهَباً فَإِنَّ اللَّهَ يَنْزِلُ اسْمَهُ مِنَ السَّمَاءِ

And from the book ‘Adaab’ – my father, May Allah-azwj Prolong his life, from Al-Baqir-asws having said: ‘Whenever there is a newborn for one of you and the seventh day comes, let him

⁵⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 58 b

⁵⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 59

⁵⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 60

⁵⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 61

sacrifice a ram on his behalf, and feed the midwife from the Aqeeqa, the leg with the hip-joint, and let him make him taste water of the Euphrates, and let him proclaim Azaan in his right ear, and let him proclaim Iqaama in the left, and name him on the seventh day, and shave (his head), and weigh his hair and donate its weight in silver or gold, for Allah^{-azwj} Sends down his name from the sky.

فَإِذَا ذَبَحْتَ فَقُلْ بِسْمِ اللَّهِ وَ بِاللَّهِ وَ الْحَمْدُ لِلَّهِ وَ اللَّهُ أَكْبَرُ إِيمَانًا بِاللَّهِ وَ ثَنَاءً عَلَى رَسُولِ اللَّهِ وَ شُكْرًا لِرِزْقِ اللَّهِ وَ عِصْمَةً بِأَمْرِ اللَّهِ وَ مَعْرِفَةً بِفَضْلِهِ عَلَيْنَا أَهْلَ الْبَيْتِ

When you slaughter, say, 'In the Name of Allah^{-azwj}, and with Allah^{-azwj}, and the Praise is for Allah^{-azwj}, and Allah^{-azwj} is Greatest, believing in Allah^{-azwj} and praising upon Rasool-Allah^{-saww}, and thanking for the sustenance of Allah^{-azwj} and protection by the Command of Allah^{-azwj}, and recognition of His^{-azwj} Grace upon us^{-asws}, People^{-asws} of the Household'.

فَإِنْ كَانَ ذَكَرًا فَقُلْ- اللَّهُمَّ أَنْتَ وَهَبْتَ لَنَا ذَكَرًا وَ أَنْتَ أَعْلَمُ بِمَا وَهَبْتَ لَنَا وَ مِنْكَ مَا أَعْطَيْتَ وَ لَكَ مَا صَنَعْنَا فَتَقَبَّلْهُ مِنَّا عَلَى سُنَّتِكَ وَ سُنَّةِ رَسُولِكَ ص وَ احْسِنَا عَنَّا الشَّيْطَانَ الرَّجِيمَ لَكَ سُفِكَتِ الدِّمَاءُ- لَا شَرِيكَ لَكَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

If it were a male, say, 'O Allah^{-azwj}! You^{-azwj} have Gifted a male to us and You^{-azwj} are more Knowing with what You^{-azwj} have Gifted to us, and from You^{-azwj} is what I have been Given, and for You^{-azwj} is what we do, so Accept it from us upon Your^{-azwj} Sunnah and Sunnah of Your^{-azwj} Rasool^{-saww}, and Keep the Pelted Satan^{-la} away from us. The blood has been spilt for You^{-azwj}. There is no associate for You^{-azwj}. The Praise is for Allah^{-azwj} Lord^{-azwj} of the worlds'.⁵⁶⁸

63 عَنْ أَبِي عَبْدِ اللَّهِ عَنْ آبَائِهِ ع قَالَ: عَقَى رَسُولُ اللَّهِ ص عَنِ الْحَسَنِ وَ الْحُسَيْنِ كَبْشًا يَوْمَ سَابِعِيهِمَا وَ قَطَعَهُ أَعْضَاءً لَمْ يَكْثُرْ مِنْهُ عَظْمًا وَ أَمَرَ قَطِيعَ بَنَاءٍ وَ مَلَحَ وَ أَكَلُوا مِنْهُ بَعِيرٌ خُبِرَ وَ أَطْعَمُوا الْجِيرَانَ.

And from Abu Abdullah^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} performed Aqeeqa on behalf of Al-Hassan^{-asws} and Al-Husayn^{-asws} with a ram on their^{-asws} seventh day and cut the parts, not breaking any bone from it, and instructed for it to be cooked with water and salt, and ate from it without bread, and fed the neighbours'.⁵⁶⁹

64 وَ قَالَ: سَبْعُ خِصَالٍ فِي الصَّبِيِّ إِذَا وُلِدَ مِنَ السَّنَةِ أَوَّلَاهُنَّ يُسَمَّى وَ الثَّانِيَةُ يُخْلَقُ رَأْسُهُ وَ الثَّالِثُ يُصَدِّقُ بِوِزْنِ شَعْرِهِ وَرَقًا أَوْ ذَهَبًا إِنْ قُدِرَ عَلَيْهِ وَ الرَّابِعُ يُعَقَّى عَنْهُ وَ الْخَامِسُ يُلَطَّخُ رَأْسُهُ بِالرَّعْفَرَانِ وَ السَّادِسَةُ يُطَهَّرُ بِالْحِنْتَانِ وَ السَّابِعُ يُطْعَمُ الْجِيرَانَ مِنْ عَقِيقَتِهِ.

And he^{-asws} said: 'Seven characteristics are from the Sunnah regarding the child when it is born. Their first is it should be named, and the second, its head be shaved, and the third, silver or gold should be donated by the weight of its hair, if able upon, and the fourth, Aqeeqa be performed on his behalf, and the fifth, its head be anointed with the saffron, and the sixth, (if a male) he should be purified with the circumcision, and the seventh, the neighbours be fed from his Aqeeqa'.⁵⁷⁰

⁵⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 62

⁵⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 63

⁵⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 64

65 وَ قَالَ النَّبِيُّ ﷺ يَا فَاطِمَةُ انْفِثِي أُذُنِي الْحَسَنَ وَ الْحُسَيْنَ خِلَافاً لِلْيَهُودِ.

And the Prophet^{-saww} said: 'O Fatima^{-asws}! Perforate the ears of Al-Hassan^{-asws} and Al-Husayn^{-asws}, in opposition to the Jews'.⁵⁷¹

66 رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ أَمَرَ فَاطِمَةَ ع أَنْ تَخْلُقَ رَأْسَ الْحَسَنِ وَ الْحُسَيْنِ يَوْمَ سَابِعِهِمَا وَ أَنْ تَتَصَدَّقَ بِوِزْنِ شَعْرِهِمَا وَرِقاً.

It is reported from the Prophet^{-saww}, he^{-saww} had instructed (Syeda) Fatima^{-asws} to shave the head of Al-Hassan^{-asws} and Al-Husayn^{-asws} on their^{-asws} seventh day, and to donate silver by the weight of their^{-asws} hair'.⁵⁷²

67 وَ فِي الْحَدِيثِ أَنَّ رَسُولَ اللَّهِ ﷺ صَ أَذَّنَ فِي أُذُنِ الْحَسَنِ بْنِ عَلِيٍّ حِينَ وَلَدَتْهُ فَاطِمَةُ ع.

And in the Hadeeth, Rasool-Allah^{-saww} proclaimed Azaan in the ear of Al-Hassan^{-asws} Bin Ali^{-asws} when (Syeda) Fatima^{-asws} was blessed with him^{-asws}.⁵⁷³

68 مِنْ كِتَابِ الْمَحَاسِنِ، كَانَ عَلِيُّ بْنُ الْحُسَيْنِ إِذَا بُشِّرَ بِوَلَدٍ لَمْ يَسْأَلْ ذَكَراً أَمْ أُنْثَى حَتَّى يَقُولَ أَسَوِيٌّ فَإِذَا كَانَ سَوِيّاً قَالَ الْحَمْدُ لِلَّهِ الَّذِي لَمْ يَخْلُقْ شَيْئاً مُشَوَّهاً.

(The book) 'Al Mahasin' -

When Ali^{-asws} Bin Al-Husayn^{-asws} was given the glad tidings of a newborn, he^{-asws} did not ask whether it was male or female until he^{-asws} had said: 'It is sound (healthy)?' When it was sound, he^{-asws} said: 'The Praise is for Allah^{-azwj} Who did not Created something disfigured'.⁵⁷⁴

69 سُئِلَ عَنْ أَبِي عَبْدِ اللَّهِ ع مَا الْعِلَّةُ فِي خَلْقِ الرَّأْسِ لِلْمَوْلُودِ

Abu Abdullah^{-asws} was asked, 'What is the reason in shaving the head of the newborn?'

قَالَ تَطْهِيراً مِنْ شَعْرِ الرَّحِمِ.

He^{-asws} said: 'Purification from hair of the womb'.⁵⁷⁵

70 وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ أَخَاهُ مُوسَى بْنَ جَعْفَرٍ ع عَنْ مَوْلُودٍ لَمْ يَخْلُقْ رَأْسُهُ يَوْمَ السَّابِعِ

And Ali son of Ja'far^{-asws} asked his brother Musa^{-asws} Bin Ja'far^{-asws} about a newborn, 'Why is his head shaved on the seventh day?'

فَقَالَ إِذَا مَضَى سَبْعَةُ أَيَّامٍ فَلَيْسَ عَلَيْهِ خَلْقٌ.

⁵⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 65

⁵⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 66

⁵⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 67

⁵⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 68

⁵⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 69

He^{-asws} said: 'When seven days have passed by, there is no shaving upon him'.⁵⁷⁶

71 مِنْ نَوَادِرِ الْحِكْمَةِ، عَنِ الصَّادِقِ ع قَالَ: حَنَكُوا أَوْلَادَكُمْ بِمَاءِ الْفُرَاتِ وَ بِتُرْبَةِ قَبْرِ الْحُسَيْنِ ع فَإِنْ لَمْ يَكُنْ فِيمَاءِ السَّمَاءِ.

(The book) 'Nawadir Al Hikmah' -

From Al-Sadiq^{-asws} having said: 'Make your children taste the water of Euphrates and soil of the grave of Al-Husayn^{-asws}. If it (water of Euphrates) cannot be found, then with water of the sky'.⁵⁷⁷

72 عَنْهُ عَنْ آبَائِهِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: حَنَكُوا أَوْلَادَكُمْ بِالتَّمْرِ فَكَذَا فَعَلَ رَسُولُ اللَّهِ ص بِالْحُسَيْنِ وَ الْحُسَيْنِ ع.

From him^{-asws}, from his^{-asws} forefathers^{-asws}, from Amir Al-Momineen^{-asws} having said: 'Make your children take the dates, for that is what Rasool-Allah^{-saww} had done with Al-Hassan^{-asws} and Al-Husayn^{-asws}'.⁵⁷⁸

73 عَنِ النَّبِيِّ ص الْحَتَأُ سُنَّةٌ لِلرِّجَالِ مَكْرُمَةٌ لِلنِّسَاءِ.

From the Prophet^{-saww}: 'The circumcision is a Sunnah for the men and an honour for the women'.⁵⁷⁹

74 وَ كَتَبَ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْحَمِيرِيُّ إِلَى أَبِي مُحَمَّدٍ الْحَسَنِ بْنِ عَلِيٍّ ع أَنَّهُ رُوِيَ عَنِ الصَّالِحِينَ أَنَّ اخْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ تَطَهَّرُوا فَإِنَّ الْأَرْضَ تَضْجِعُ إِلَى اللَّهِ مِنْ بَوْلِ الْأَعْلَفِ

And Abdullah Bin Ja'far Al-Himeyri wrote to Abu Muhammad Al-Hassan^{-asws} Bin Ali^{-asws}, it is reported from the righteous ones: 'Circumcise your children on the seventh day, they will be purified, for the earth clamours to Allah^{-azwj} from urination of the uncircumcised'.

و لَيْسَ جَعَلَنِي اللَّهُ فِدَاكَ لِحَاجَمِي بَلَدِنَا حَذَقٌ بِذَلِكَ وَ لَا يَخْتَنُونَهُ يَوْمَ السَّابِعِ وَ عِنْدَنَا حَجَّامٌ مِنَ الْيَهُودِ فَهَلْ يَجُوزُ لِلْيَهُودِ أَنْ يَخْتِنُوا أَوْلَادَ الْمُسْلِمِينَ أَمْ لَا فَوَقَّعَ ع يَوْمَ السَّابِعِ فَلَا تُخَالِفُوا السُّنَنَ إِنْ شَاءَ اللَّهُ.

May Allah^{-azwj} Make me sacrificed for you^{-ajfj}! The cuppers of our city are skilled with that but they are not circumcising on the seventh day, and in our presence, there are cuppers from the Jews. Is it allowed for the Jews to circumcise children of the Muslims, or not?'⁵⁸⁰

75 عَنِ الصَّادِقِ ع فِي الصَّبِيِّ إِذَا حِينٌ قَالَ يَقُولُ- اللَّهُمَّ هَذِهِ سُنَّتُكَ وَ سُنَّةُ نَبِيِّكَ صَلَوَاتُكَ عَلَيْهِ وَ آلِهِ وَ أَتْبَاعُ مِثَالِكَ وَ كُتُبِكَ بِمَشِيئِكَ وَ إِزَادَتِكَ وَ قَضَائِكَ لِأَمْرِ أَرَدْتَهُ وَ قَضَاءِ حَتَمْتَهُ وَ أَمْرٍ أَنْفَذْتَهُ فَأَذَقْتَهُ حَرَّ الْحَدِيدِ فِي خِتَانِهِ وَ حِجَامَتِهِ لِأَمْرِ أَنْتَ أَعْرِفُ بِهِ مِنَّا

From Al-Sadiq^{-asws} regarding the young boy when he is circumcised, he^{-asws} said: 'He should say, 'O Allah^{-azwj}! This is Your^{-azwj} Sunnah and Sunnah of Your^{-azwj} Prophet^{-saww}, may Your^{-azwj}

⁵⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 70

⁵⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 71

⁵⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 72

⁵⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 73

⁵⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 74

Salawaat be upon him^{-saww} and his^{-saww} Progeny^{-asws}, and in following Your^{-azwj} examples and Your^{-azwj} Books with Your^{-azwj} Desires and Your^{-azwj} Will, and Your^{-azwj} Decree for a matter You^{-azwj} Wanted, and Decree Your^{-azwj} Ordained, and a matter You^{-azwj} Implemented. Make him taste heat of the iron in circumcising him for a matter You^{-azwj} are more Knowing with that we are!

اللَّهُمَّ طَهِّرْهُ مِنَ الذُّنُوبِ وَ زِدْ فِي عُمرِهِ وَ ادْفَعْ الْآفَاتِ عَنْ بَدَنِهِ وَ الْأَوْجَاعِ فِي جَسَمِهِ وَ زِدْهُ مِنَ الْغِنَى وَ ادْفَعْ عَنْهُ الْفَقْرَ فَإِنَّكَ تَعْلَمُ وَ لَا نَعْلَمُ.

O Allah^{-azwj}! Purify him from the sins and Increase in his lifespan, and Repel the afflictions from his body and the pains in his body, and Increase him from the riches and Repel the poverty away from him, for You^{-azwj} Know and we don't know'.⁵⁸¹

76 عَنْ مُوسَى بْنِ جَعْفَرٍ ع قَالَ: لَمَّا وُلِدَ ابْنُهُ بَغِي الرِّضَا ع إِنَّ ابْنِي هَذَا وُلِدَ مُحْتُونًا طَاهِرًا مُطَهَّرًا وَ لَكِنَّا سَنُمِرُ الْمُوسَى عَلَيْهِ لِإِصَابَةِ السُّنَّةِ وَ اتِّبَاعِ الْحَنِيفِيَّةِ.

From Musa^{-asws} Bin Ja'far^{-asws}, having said when he^{-asws} was blessed with a son^{-asws}, meaning Al-Reza^{-asws}: 'This son^{-asws} of mine^{-asws} is a circumcised child, pure, purified, but we^{-asws} pass the blade upon him^{-asws} in order to achieve the Sunnah and following the uprightness'.⁵⁸²

77 عَنْهُ ع قَالَ: أَيُّ رَجُلٍ لَمْ يَقُلْهَا عَلَى خِتَانِ وَلَدِهِ فَلْيُقْلُهَا عَلَيْهِ مِنْ قَبْلِ أَنْ يَحْتَلِمَ فَإِنْ قَالَهَا كُفِيَ حَرَّ الْحَدِيدِ مِنْ قَتْلِ أَوْ غَيْرِهِ.

From him^{-asws} having said: 'Any man who does not say it over the circumcision of his son, let him say it over him before he reaches puberty. If he says it, he will be spared the heat of the iron, whether for murder or otherwise'.⁵⁸³

78 مِنْ طِبِّ الْأَيْمَةِ، عَنِ النَّبِيِّ ص قَالَ: اخْتُونُوا أَوْلَادَكُمْ فِي السَّابِعِ فَإِنَّهُ أَطْهَرُ وَ أَسْرَعُ لِنَبَاتِ اللَّحْمِ

From (the book) 'Tibb Al-Aimma^{-asws}', from the Prophet^{-saww} having said: 'Circumcise your children during the seventh day for it is purer and quicker for building the flesh'.

وَ قَالَ إِنَّ الْأَرْضَ تَنْجَسُ بِبَوْلِ الْأَعْلَفِ أَرْبَعِينَ يَوْمًا.

And he^{-asws} said: 'The earth gets filthy for forty days with urine of the uncircumcised'.⁵⁸⁴

79 عَنِ الصَّادِقِ ع قَالَ: نَقَبُ أُذُنِ الْغُلَامِ مِنَ السُّنَّةِ وَ خِتَانُهُ لِسَبْعَةِ أَيَّامٍ مِنَ السُّنَّةِ وَ خَفْضُ النِّسَاءِ مَكْرُمَةٌ لَيْسَتْ مِنَ السُّنَّةِ وَ أَيُّ شَيْءٍ أَفْضَلُ مِنَ الْمَكْرُمَةِ.

⁵⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 75

⁵⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 76

⁵⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 77

⁵⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 78

From Al-Sadiq^{asws} having said: 'Perforating ears of the boy is from the Sunnah, and circumcising him at the seventh days is from the Sunnah, and circumcision of the women is from the honour but not from the Sunnah, and which, this is superior to the honourable'.⁵⁸⁵

80 وَمِنْ تَهْذِيبِ الْأَحْكَامِ، عَنِ الصَّادِقِ ع قَالَ: لَمَّا هَاجَرَتِ النِّسَاءُ إِلَى رَسُولِ اللَّهِ ص هَاجَرَتْ فِيهِنَّ امْرَأَةٌ يُقَالُ لَهَا أُمُّ حَبِيبَةَ وَكَانَتْ حَافِضَةً تَخْفِضُ الْجَوَارِي فَلَمَّا رَأَاهَا رَسُولُ اللَّهِ ص قَالَ لَهَا يَا أُمُّ حَبِيبَةَ الْعَمَلُ الَّذِي كَانَ فِي يَدِكَ هُوَ فِي يَدِكَ الْيَوْمَ

And from (the book) 'Tahzeeb Al Ahkam' -

From Al-Sadiq^{asws} having said: 'When the women emigrated to Rasool-Allah^{saww}, among the ones who emigrated was a woman who called Umm Habeeba, and she had been circumcising the circumcision of the girls. When Rasool-Allah^{saww} saw her, he^{saww} said: 'O Umm Habeeba! The action which was in your hand, it is in your hand today.

قَالَتْ نَعَمْ يَا رَسُولَ اللَّهِ إِلَّا أَنْ يَكُونَ حَرَامًا فَتَنْهَانِي عَنْهُ

She said, 'Yes, O Rasool-Allah^{saww}, except that it happens to be forbidden. You^{saww} have forbidden me from it'.

قَالَ لَا بَلْ خَلَّالٌ فَأَدْبِي مِثِّي حَتَّى أُعَلِّمَكَ

He^{saww} said: 'No, but it is Permissible! Come near me^{saww} until I^{saww} teach you!'

قَالَ فَدَنْتُ مِنْهُ فَقَالَ يَا أُمُّ حَبِيبَةَ إِذَا أَنْتِ فَعَلْتِ فَلَا تُنْهَكِي أَيْ لَا تَسْتَأْصِلِي وَ أَتَمِّي فَإِنَّهُ أَشْرَقُ لِلْوَجْهِ وَ أَخْطَى عِنْدَ الزَّوْجِ

He^{asws} said: 'She went near him^{saww}. He^{saww} said: 'O Umm Habeeba! When you do it, do not overdo it, i.e., do not remove excessively, and take a small part for it is more radiant for the face and more pleasing with the husband'.

قَالَ فَكَانَتْ لِأُمِّ حَبِيبَةَ أُخْتُ يُقَالُ لَهَا أُمُّ عَطِيَّةٍ وَكَانَتْ مُقِنَّةً يَعْني مَاشِطَةً فَلَمَّا انْصَرَفَتْ أُمُّ حَبِيبَةَ إِلَى أُخْتِهَا أَخْبَرَتْهَا بِمَا قَالَ لَهَا رَسُولُ اللَّهِ ص فَأَقْبَلَتْ أُمُّ عَطِيَّةٍ إِلَى النَّبِيِّ فَأَخْبَرَتْهُ بِمَا قَالَتْ لَهَا أُخْتُهَا

He^{asws} said: 'There used to be a sister for Umm Habeeba called Umm Atiyya, and she was a ladies' maid, meaning a hairdresser. When Umm Habeeba left to go to her sister, she informed her of what Rasool-Allah^{saww} had said to her. Umm Atiyya came to the Prophet^{saww} and informed him^{saww} with what her sister had said to her.

فَقَالَ لَهَا رَسُولُ اللَّهِ ص اذْبِي مِثِّي يَا أُمُّ عَطِيَّةٍ إِذَا أَنْتِ قَيَّيْنَتِ الْجَارِيَةَ فَلَا تَغْسِلِي وَجْهَهَا بِالْخِرْقَةِ فَإِنَّ الْخِرْقَةَ تَذْهَبُ بِمَاءِ الْوَجْهِ.

Rasool-Allah^{saww} said to her: 'Come near me^{saww}, O Umm Atiyya! When you are a ladies' maid for a girl, do not wash her face with the cloth for the cloth does away water (moisture) of the face!'⁵⁸⁶

⁵⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 79

⁵⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 80

81 مكا، مكارم الأخلاق عَنِ الْبَاقِرِ ع قَالَ: كَانَ عَلِيٌّ بْنُ الْحُسَيْنِ ع إِذَا حَضَرَ وَلَادَةُ الْمَرْأَةِ قَالَ أَخْرِجُوا مَنْ فِي الْبَيْتِ مِنَ النِّسَاءِ - لَا تَكُونُ امْرَأَةٌ أَوَّلَ نَاطِرٍ إِلَى عَوْرَتِهِ.

(The book) 'Makarim Al Akhlaq' -

'From Al-Baqir^{-asws} having said: 'Whenever Ali^{-asws} Bin Al-Husayn^{-asws} was present at the birth giving by a wife, he^{-asws} said: 'Expel the women who are in the room! A woman should not be the first one to look at the private part!'⁵⁸⁷

82 ن، عيون أخبار الرضا عليه السلام تميم القرشي عن أبيه عن أحمد الأنصاري عن علي بن ميثم عن أبيه عن أمه قال سمعت أُمَ الرِّضَا ع تقول لَمَّا وُلِدَ الرِّضَا ع ناولته موسى ع في خرقة بيضاء فأذن في أذنه الأيمن وأقام في الأيسر ودعا بماء الفرات فحنكه إلى آخر الخبر.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Tameem Al Qureysi, from his father, from Ahmad Al Ansari, from Ali Bin Maysam, from his father, from his mother who said,

'I saw Najma^{-ra}, mother of Al-Reza^{-asws} saying, 'When Al-Reza^{-asws} was blessed (to his^{-asws} parents), I^{-ra} brought him^{-asws} to Musa^{-asws} in a white cloth. He^{-asws} proclaimed Azaan in his right ear, and Iqaama in the left, and called for water of the Euphrates and made him^{-asws} taste it' – up to end of the Hadeeth.⁵⁸⁸

83 نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع وَجَدْنَا صَحِيفَةً أَنَّ الْأَعْلَفَ لَا يَتْرُكُ فِي الْإِسْلَامِ حَتَّى يَحْتَنِينَ وَ لَوْ بَلَغَ مِائَتِي سَنَةٍ.

(The book) 'Nawadir' of Al Rawandy –

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'We^{-asws} found a parchment: 'The uncircumcised will not be left in Al-Islam until he is circumcised, and even if he has reached one hundred years'.⁵⁸⁹

84 تَجِ الْبَلَاغَةِ، هُنَا بِحَضْرَةِ أَمِيرِ الْمُؤْمِنِينَ ع رَجُلٌ رَجُلًا بِغُلَامٍ وُلِدَ لَهُ فَقَالَ لِيَهْنِئَكَ الْفَارِسُ

(The book) 'Nahj Al Balagah' -

And a man congratulated a man in his^{-asws} presence for the boy having been born for him. He^{-asws} said: 'Congratulations for the (birth of the) horseman'.

فَقَالَ ع لَا تَقُلْ ذَلِكَ وَ لَكِنْ قُلْ شَكَرْتُ الْوَاهِبَ وَ بُورِكَ لَكَ فِي الْمُؤْمُوبِ وَ بَلَغَ أَشَدَّهُ وَ رُفِقَتْ بِهِ.

He^{-asws} said: 'Do not say that, but say, 'Thank the Benefactor, Blessings be for you in your gift, and may he reach the adulthood and be Graced the righteousness''.⁵⁹⁰

⁵⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 81

⁵⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 82

⁵⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 83

⁵⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 84

85 مُسَكِّنُ الْفَوَائِدِ، عَنْ عَلِيٍّ ع قَالَ: كَانَ رَسُولُ اللَّهِ ص إِذَا عَزَّى قَالَ أَجْرَكُمْ اللَّهُ وَ رَحْمَتُهُ وَإِذَا هَتَأَ قَالَ بَارَكَ اللَّهُ لَكُمْ وَ بَارَكَ عَلَيْكُمْ.

(The book) 'Musakkin Al Fawaaid' -

From Ali^{-asws} having said: 'Whenever Rasool-Allah^{-saww} consoled, he^{-saww} said: 'May Allah^{-azwj} Recompense you and Mercy you!', and whenever he^{-saww} congratulated, said: 'May Allah^{-azwj} Bless for you and Bless upon you!'⁵⁹¹

86 دَعَائِمُ الْإِسْلَامِ، عَنْ عَلِيٍّ ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: مَنْ وَلِدَ لَهُ مَوْلُودٌ فَلْيُؤَدِّنْ فِي أُذُنِهِ الْيَمْنَى وَ لِيُقِمَّ فِي الْيَسْرَى فَإِنَّ ذَلِكَ عِصْمَةٌ مِنَ الشَّيْطَانِ وَ إِنَّهُ ص أَمَرَ أَنْ يُفْعَلَ ذَلِكَ بِالْحُسَيْنِ وَ الْحَسَنِ وَ أَنْ يُفَرَّغَ مَعَ الْأَذَانِ فِي آدَانِهِمَا - فَاتِحَةُ الْكِتَابِ وَ آيَةُ الْكُرْسِيِّ وَ آخِرُ سُورَةِ الْحَشْرِ وَ سُورَةُ الْإِحْلَاصِ وَ الْمُعَوِّذَتَانِ.

(The book) 'Da'aim Al Islam' -

From Ali^{-asws}: 'Rasool-Allah^{-saww} said: 'One for whom a newborn is born, let him proclaim Azaan in his right ear, and let him proclaim Iqaama in the left, for that is a protection from the Satan^{-la}, and he^{-saww} instructed for that to be done with Al-Hassan^{-asws} and Al-Husayn^{-asws}, and along with the Azaan in their^{-asws} ears, reading Surah Al Fatiha, and Ayat Al Kursi, and end of Surah Al Hashr, and Surah Al Ikhlas, and Al Mawaazateyn'.⁵⁹²

87 الْهِدَايَةُ، قَالَ النَّبِيُّ ص كُلُّ امْرِئٍ مُرْتَضٍ بِعَقِيْقَتَيْهِ وَ مَنْ وَلِدَ لَهُ وَلَدٌ فَلْيُؤَدِّنْ فِي أُذُنِهِ الْيَمْنَى وَ لِيُقِمَّ فِي الْيَسْرَى وَ يُحَنِّكْهُ بِمَاءِ الْفُرَاتِ سَاعَةً يُوَلَّدُ إِنْ قَدَرَ عَلَيْهِ وَ يُسَمِّي بِأَحْسَنِ الْأَسْمَاءِ وَ يَكْنِيهِ بِأَحْسَنِ الْكُنَى وَ لَا يَكْنِيهِ بِعَيْسَى وَ لَا بِالْحَكَمِ وَ لَا بِالْحَارِثِ وَ لَا بِأَبِي الْقَاسِمِ إِذَا كَانَ الْإِسْمُ مُحَمَّدًا وَ أَصْدَقُ الْأَسْمَاءِ مَا سَمِّيَ بِالْعُبُودِيَّةِ وَ أَفْضَلُهَا أَسْمَاءُ الْأَنْبِيَاءِ.

(The book) 'Al Hidayah' -

The Prophet^{-saww} said: 'Every person is pledged with his Aqeeqa, and the one a newborn is born for him, let him proclaim Azaan in his right ear and let him proclaim Iqaama in the left, and let him make him taste the water of Euphrates at the time of its birth if able upon, and him should be named with best of the names, and teknonymed with best of the teknonyms, and he cannot be teknonymed with Isa^{-as}, nor with Al Hakam, nor with Al Haris, nor as Abu Al Qasim, when the name was Muhammad, and most truthful of the names is what is named with the servitude, and their best are names of the Prophets^{-as}'.⁵⁹³

88 وَ قَالَ النَّبِيُّ ص لِقَاطِمَةَ ع ائْتِي عَلَى أُذُنِ ابْنِي الْحُسَيْنِ وَ الْحُسَيْنِ خِلَافًا عَلَى الْيَهُودِ.

And the Prophet^{-saww} said to (Syeda) Fatima^{-asws}: 'Perforate upon the ears of my^{-saww} two sons^{-asws} Al-Hassan^{-asws} and Al-Husayn^{-asws}, in opposition to the Jews!'⁵⁹⁴

89 وَ قَالَ الصَّادِقُ ع يَعْقُ عَلَى الْمَوْلُودِ وَ يُنْقَبُ أُذُنُهُ وَ يُوزَنُ شَعْرُهُ بَعْدَ مَا يُجَفَّفُ بِفِصَّةٍ وَ يُتَصَدَّقُ بِهِ كُلُّ ذَلِكَ يَوْمَ السَّابِعِ.

⁵⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 85

⁵⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 86

⁵⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 87

⁵⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 88

Hassan^{-asws} on the seventh day, and derived 'Husayn' from the name 'Al-Hassan' – and he^{-asws} mentioned that there did not happen to be between the two except for the shortest gap'.⁶⁰⁰

4- ب، قرب الإسناد ابْنُ طَرِيفٍ عَنِ ابْنِ غُلَوَانَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: كَانَ رَسُولُ اللَّهِ ص يُغَيِّرُ الْأَسْمَاءَ الْقَبِيحَةَ فِي الرِّجَالِ وَ الْبُلْدَانِ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} used to change the ugly names among the men and the cities'.⁶⁰¹

5- ب، قرب الإسناد أَبُو الْبَحْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص سَمُوا أَسْفَاطَكُمْ فَإِنَّ النَّاسَ إِذَا دُعُوا يَوْمَ الْقِيَامَةِ بِأَسْمَائِهِمْ تَعَلَّقَ الْأَسْفَاطُ بِأَبَائِهِمْ فَيَقُولُونَ لَمْ نَسْمُوكُنِي

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Name your miscarriages, for when the people are called on the Day of Qiyamah with their names, the miscarried (children) will adhere to their fathers. They will say, 'Why didn't you name me?''

قَالَ فَقَالُوا يَا رَسُولَ اللَّهِ هَذَا مَنْ عَرَفْنَا أَنَّهُ ذَكَرَ سَمِيْنَاهُ بِاسْمِ الذَّكَوْرِ وَ مَنْ عَرَفْنَا أَنَّهُ سَمِيْنَاهَا بِاسْمِ الْإِنَاثِ أَرَأَيْتَ مَنْ لَمْ يَسْتَبِينَ خَلْقَهُ كَيْفَ نُسَمِيْهِ

He^{-asws} said: 'They said, 'O Rasool-Allah^{-saww}! This is from one we recognise as being male so we will name him with the male names, and one we recognise as being female we name her with the female name. What is your^{-saww} view of the one who creation is not clear? How can we name him?'

قَالَ بِالْأَسْمَاءِ الْمَشْتَرَكَةِ مِثْلَ زَائِدَةٍ وَ طَلْحَةٍ وَ عُبَيْسَةَ وَ حَمْزَةٍ.

He^{-asws} said: 'With the shared names like 'Zaidah', and 'Talha', and 'Anbasa', and 'Hamza''.⁶⁰²

6- ع، علل الشرائع ل، الخصال الْأَرْبَعِيْنَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع سَمُوا أَوْلَادَكُمْ فَإِنْ لَمْ تَدْرُوا أ ذَكَرَ أَوْ أُنْثَى فَمَسْمُوكُمْ بِالْأَسْمَاءِ الَّتِي تَكُونُ لِلذَّكَرِ وَ الْأُنْثَى فَإِنَّ أَسْفَاطَكُمْ إِذَا لَفَوْكُمْ فِي الْقِيَامَةِ وَ لَمْ تَسْمُوكُمْ يَقُولُ السِّقْطُ لِأَبِيهِ أَلَا سَمِيْتَنِي وَ قَدْ سَمَى رَسُولُ اللَّهِ ص مُحْسِنًا قَبْلَ أَنْ يُوَلَّدَ.

(The book) 'Ilal Al Sharaie', (and) 'Al Khisaal' -

(The Hadeeth) 'Al-Arbamiya', Amir Al-Momineen^{-asws} said: 'Name your children! If you do not know whether it will be male or female, name them so that they can be used for both males and females. If they are miscarried, when they meet you in the Qiyamah and you did not name them, the miscarried child will say to its father, 'Why didn't you name me?' And Rasool-Allah^{-saww} had named 'Mohsin' before he^{-asws} was blessed (to his parents^{-asws}).⁶⁰³

⁶⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 3

⁶⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 4

⁶⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 5

⁶⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 6

7- مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام أَبِي عَنْ سَعْدٍ عَنِ ابْنِ عِيْسَى عَنِ ابْنِ فَضَّالٍ عَنْ أَحْمَدَ بْنِ أَشْيَمٍ عَنِ الرِّضَا ع قَالَ: قُلْتُ لَهُ جُعِلَتْ فِدَاكَ لَمْ سَمُّوا الْعَرَبُ أَوْلَادَهُمْ بِكَلْبٍ وَ نَمْرٍ وَ فَهْدٍ وَ أَشْبَاهِ ذَلِكَ

(The book) 'Ma'any Al Akhbar', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Ahmad Bin Asheym.

From Al-Reza^{-asws}, (he the narrator) said, 'I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! Why do the Arabs name their children as 'Kalb' (dog), and 'Nimr' (tiger), and 'Fahd' (lion), and resembling that?'

قَالَ كَانَتْ الْعَرَبُ أَصْحَابَ حَرْبٍ فَكَانَتْ تُهَوَّلُ عَلَى الْعَدُوِّ بِأَسْمَاءِ أَوْلَادِهِمْ وَ يُسَمُّونَ عِبِيدَهُمْ - فَرَجٌ وَ مُبَارَكٌ وَ مَيْمُونٌ [فَرَجاً وَ مُبَارَكاً وَ مَيْمُوناً] وَ أَشْبَاهَ ذَلِكَ يَتَمَثَّلُونَ بِهَا.

He^{-asws} said: 'The Arabs were people of wars, so they were striking terror upon the enemies by names of their children, and they were naming their slaves as 'Faraj', and 'Mubarak', and 'Maymoun' (for females) 'Faraja', and 'Mubaraka', and 'Maymouna', and resembling that for auspiciousness with it'.⁶⁰⁴

8- ن، عيون أخبار الرضا عليه السلام بِالْأَسَانِيدِ الثَّلَاثَةِ عَنِ الرِّضَا عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا سَمَّيْتُمُ الْوَلَدَ مُحَمَّدًا فَأَكْرِمُوهُ وَ أَوْسِعُوا لَهُ فِي الْمَجْلِسِ وَ لَا تُقْبِحُوا لَهُ وَجْهًا.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'When you name the child as 'Muhammad', honour him and make space for him in the gathering, and do not make your face ugly toward him (frown)'.⁶⁰⁵

9 صح، صحيفة الرضا عليه السلام عَنِ الرِّضَا عَنْ آبَائِهِ ع مِثْلُهُ.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.⁶⁰⁶

10- ن، عيون أخبار الرضا عليه السلام بِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص مَا مِنْ قَوْمٍ كَانَتْ لَهُمْ مَشُورَةٌ فَحَضَرَ مَعَهُمْ مِنْ اسْمِهِ مُحَمَّدٌ أَوْ حَامِدٌ أَوْ مُحَمَّدٌ أَوْ أَحْمَدٌ فَأَدْخَلُوهُ فِي مَشُورَتِهِمْ إِلَّا خَيْرَ لَهُمْ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by this chain, said: 'Rasool-Allah^{-saww} said: 'There are none from a people having consultation for them, so there is present with them someone whose name is 'Muhammad', or 'Hamid', or 'Mahmoud', or 'Ahmad', so they include him in their consultations except it would be better for them'.⁶⁰⁷

11 صح، صحيفة الرضا عليه السلام عَنِ الرِّضَا عَنْ آبَائِهِ ع مِثْلُهُ.

⁶⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 7

⁶⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 8

⁶⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 9

⁶⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 10

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.⁶⁰⁸

12- ن، عيون أخبار الرضا عليه السلام بهذا الإسناد قال قال رسول الله ص ما من مائدة وضعت و حضر عليها من اسمه أحمد أو محمد إلا قُدس ذلك المنزل في كل يوم مرتين.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by this chain, said: 'Rasool-Allah^{-saww} said: 'There is none from a meal placed and there is presented upon it someone whose name is 'Ahmad', or 'Muhammad' except that dwelling is sanctified twice during every day'.⁶⁰⁹

13 صح، صحيفة الرضا عليه السلام عن الرضا عن آبائه ع مثله.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.⁶¹⁰

14- ما، الأماشي للشيخ الطوسي جماعة عن أبي المفضل عن محمد بن محمد بن سليمان عن محمد بن حميد الرازي عن إبراهيم بن المختار عن النضر بن حميد عن أبي إسحاق عن الأصمعي عن أمير المؤمنين صلوات الله عليه أن رسول الله ص قال: ما من أهل بيت فيهم اسم نبي إلا بعث الله إليهم ملكاً يقدسهم بالعداء والعشي.

(The book) 'Al Amaali' of the Sheykh Al Tusi – A group, from Abu Al Mufazzal, from Muhammad Bin Muhammad Bin Suleyman, from Muhammad Bin Humeyd Al Razy, from Ibrahim Bin Al Mukhtar, from Al Nazr Bin Humeyd, from Abu Is'haq, from Al Asbagh,

From Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} upon him^{-asws}: 'Rasool-Allah^{-saww} said: 'There is no family among them is a name of a Prophet^{-as} except Allah^{-azwj} will Dispatch an Angel to them to sanctify them in the morning and the evening'.⁶¹¹

15 ما، الأماشي للشيخ الطوسي جماعة عن أبي المفضل عن أحمد بن سهل بن فيروزان عن محمد بن حميد مثله و زاد في آخره قال أبو إسحاق و ذكر مثل ذلك في ليهم.

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Ahmad Bin Shal Bin Feyruzan, from Muhammad Bin Humeyd,

Similar to it, and there is an addition in its end, 'Abu Ishaq said, 'And he^{-saww} mentioned like that regarding their nights'.⁶¹²

قال أبو إسحاق قال الأصمعي و رفعه و ما من قوم ولد فيهم مولود ذكر إلا حدث فيهم عز لم يكن.

⁶⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 11

⁶⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 12

⁶¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 13

⁶¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 14

⁶¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 15 a

Abu Is'haq said, 'Al Asbagh said, and raised it – (Amir Al-Momineen^{-asws}) said: 'And there are none from a people a male newborn is born among them except honour occurs among them which had not been'.⁶¹³

16- ع، علل الشرائع أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ الْأَشْعَرِيِّ عَنْ الزَّهْرِيِّ عَنْ رَجُلٍ عَنْ ابْنِ أَسْبَاطٍ عَنْ عَمِّهِ رَفَعَهُ إِلَى عَلِيٍّ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تُسَمُّوا أَوْلَادَكُمْ الْحَكَمَ وَلَا أَبَا الْحَكَمِ فَإِنَّ اللَّهَ هُوَ الْحَكَمُ.

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ash'ary, from Al Barqy, from a man, from Ibn Asbaad, from his uncle raising it to,

Ali^{-asws} said: 'Rasool-Allah^{-saww} said: 'Neither name your children as 'Al-Hakam', nor as 'Abu Al-Hakam', for Allah^{-azwj}, He^{-azwj} is 'Al Hakam' (the Judge)'.⁶¹⁴

17- مع، معاني الأخبار أَبِي عَنْ سَعْدٍ عَنْ ابْنِ عِيْسَى عَنْ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ عَنْ مَعْمَرِ بْنِ عُمَرَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: أَصْدَقُ الْأَسْمَاءِ مَا سُمِّيَ بِالْعُبُودِيَّةِ وَحَزِيمَةَ الْأَنْبِيَاءِ صَلَوَاتُ اللَّهِ عَلَيْهِمْ.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Sa'alba, from Ma'mar Bin Umar,

From Abu Ja'far^{-asws} having said: 'The most truthful of the names what is named with the servitude, and best of these are names of the Prophets^{-as}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}'.⁶¹⁵

18- ضا، فقه الرضا عليه السلام سَمِّهِ بِأَحْسَنِ الْأَسْمَاءِ وَكُنَّهِ بِأَحْسَنِ الْكُنْيَةِ وَلَا تُكْنِي بِأَبِي عِيْسَى وَلَا بِأَبِي الْحَكَمِ وَلَا بِأَبِي الْحَارِثِ وَلَا بِأَبِي الْقَاسِمِ إِذَا كَانَ الْإِسْمُ مُحَمَّدًا وَ سَمِّهِ يَوْمَ السَّابِعِ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}: 'Name him with the best of the names and teknonym him with the best of the teknonyms, and do not teknonym as 'Abu Isa', nor as 'Abu Al-Hakam', nor as 'Abu Al-Haris', nor as 'Abu Al-Qasim', when the names was 'Muhammad', and name him on the seventh day'.⁶¹⁶

19- شي، تفسير العياشي عَنْ رَجَبِيِّ بْنِ عَبْدِ اللَّهِ قَالَ: قِيلَ لِأَبِي عَبْدِ اللَّهِ ع جُعِلَتْ فِدَاكَ إِنَّا نَسَمِّي بِأَسْمَائِكُمْ وَ أَسْمَاءِ آبَائِكُمْ فَيَنْفَعُنَا ذَلِكَ

(The book) 'Tafseer Al Ayyashi' – From Rabie Bin Abdullah who said,

'It was said to Abu Abdullah^{-asws}, 'May I be sacrificed for you^{-asws}! We tend to name (the children) with your^{-asws} names and names of your^{-asws} forefathers^{-asws}, so that it benefits us!'

فَقَالَ إِي وَ اللَّهِ وَ هَلِ الدِّينُ إِلَّا الْحُبُّ قَالَ اللَّهُ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَ يُغْفِرْ لَكُمْ ذُنُوبَكُمْ.

⁶¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 15 b

⁶¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 16

⁶¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 17

⁶¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 18

He^{-asws} said: ‘Yes, by Allah^{-azwj}, and is the religion except the love? Allah^{-azwj} Says: ***‘If you love Allah, then follow me. Allah will Love you and Forgive you your sins; and Allah is Forgiving, Merciful’ [3:31]***.⁶¹⁷

20- نَوَادِرُ الرَّاَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ أَوَّلَ مَا يَنْحَلُّ أَحَدُكُمْ وَلَدَهُ الْإِسْمُ الْحَسَنُ فَلْيُحْسِنِ أَحَدُكُمْ اسْمَ وَلَدِهِ.

(The book) ‘Nawadir’ of Al Rawandy -

By his chain from Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws}, having said: ‘Rasool-Allah^{-saww} said: ‘The first of what one of you can give his child is the good name, so let everyone of you give his child a good name’.⁶¹⁸

21- وَ يَحْتَدِ الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص نِعَمَ الْأَسْمَاءُ عَبْدُ اللَّهِ وَ عَبْدُ الرَّحْمَنِ الْأَسْمَاءُ الْمُعْتَدَةُ وَ شَرُّهَا هَمَامٌ وَ الْحَارِثُ وَ أَكْرَهُ مُبَارَكٌ وَ بَشِيرٌ وَ مَيْمُونٌ [مُبَارَكًا وَ بَشِيرًا وَ مَيْمُونًا] لِغَلَا يُقَالُ تَمَّ مُبَارَكٌ تَمَّ بَشِيرٌ تَمَّ مَيْمُونٌ

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘Best of the names is ‘Abdullah’, and ‘Abdul Rahman’, the names of servitude, and their evillest are ‘Hammam’, and ‘Al-Haris’, and I^{-asws} dislike ‘Mubarak’, and ‘Bashir’, and ‘Maymoun’ (female version – ‘Mubaraka’, and ‘Bashira’, and ‘Maymouna’), lest it be said, ‘There is Mubarak’, ‘There is Bashir’, ‘There is Maymoun’.

وَ قَالَ لَا تُسَمُّوا شِهَابَ [شِهَابًا] فَإِنَّ شِهَابَ [شِهَابًا] اسْمٌ مِنْ أَسْمَاءِ النَّارِ.

Do not name as ‘Shihab’ (female – ‘Shihaba’), for ‘Shihab’ (Shihaba) is a name from names of the Hellfire’.⁶¹⁹

22- مَجَالِسُ الشَّيْخِ، عَنْ أَبِي الْحَسَنِ عَنْ خَالِهِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ قَوْلِهِ عَنْ حَكِيمِ بْنِ دَاوُدَ عَنْ سَلَمَةَ بْنِ الْخَطَّابِ عَنْ سُلَيْمَانَ بْنِ سَمَاعَةَ عَنْ عَمِّهِ غَاصِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ وُلِدَ لَهُ ثَلَاثَةٌ بَنِينَ وَ لَمْ يُسَمِّ أَحَدَهُمْ مُحَمَّدًا فَقَدْ جَفَانِي.

(The book) ‘Majaalis’ of the sheykh, from Abu Al-Hassan, from his maternal uncle Ja’far Bin Muhammad Qawlawiya, from Hakeem Bin Dawood, from Salama Bin Al Khattab, from Suleyman Bin Sama’at, from his uncle Asim,

From Ja’far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww}: ‘One for whom three sons are born and he does not name one of them Muhammad^{-saww}, he has forsaken me^{-saww} (so he treated me^{-saww} unfairly)!’⁶²⁰

23- كِتَابُ الْمُسْتَدْرَكِ، لِابْنِ بَطْرِيْقٍ نَقْلًا مِنْ كِتَابِ فَضَائِلِ الصَّحَابَةِ لِلْسَّمْعَانِيِّ بِإِسْنَادِهِ عَنْ مُنْذِرِ النَّوَرِيِّ عَنْ مُحَمَّدِ بْنِ الْحَنْفِيَّةِ عَنْ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ وُلِدَ لَكَ غُلَامٌ فَسَمِّهِ بِاسْمِي وَ كَتِّبْهُ بِكُنْيَتِي وَ هُوَ لَكَ رُحْصَةٌ دُونَ النَّاسِ.

⁶¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 19

⁶¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 20

⁶¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 21

⁶²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 22

The book 'Al Mustadrak' of Ibn Tareeq, copying from the book 'Fazaail Al Sahaba' of Al Sam'any, by his chain, from Munzir Al Sowry, from Muhammad Bin Al Hanafiya,

From his father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'If a boy is born for you, name him with my^{-asws} name and teknonym him with my^{-saww} teknonym, and it is an allowance for you rather than the people'.⁶²¹

24- عُذَّةُ الدَّاعِي، عَنِ النَّبِيِّ ص مَنْ وَلِدَ لَهُ أَرْبَعَةُ أَوْلَادٍ وَ لَمْ يُسَمِّ أَحَدَهُمْ بِاسْمِي فَقَدْ جَفَانِي.

(The book) 'Uddat Al Daie' -

From the Prophet^{-saww}: 'One for whom four children are born and he does not name one of them with my^{-saww} name, he has forsaken me^{-saww}'.⁶²²

25- وَ عَنْ سُلَيْمَانَ الْجَعْفَرِيِّ قَالَ سَمِعْتُ أَبَا الْحَسَنِ ع يَقُولُ لَا يَدْخُلُ الْفَقْرُ بَيْتاً فِيهِ اسْمُ مُحَمَّدٍ أَوْ أَحْمَدُ أَوْ عَلِيٍّ أَوْ الْحَسَنِ أَوْ الْحُسَيْنِ أَوْ جَعْفَرٍ أَوْ طَالِبٍ أَوْ عَبْدِ اللَّهِ أَوْ فَاطِمَةَ مِنَ النِّسَاءِ.

And from Suleyman Al Ja'fari who said,

'I heard Abu Al-Hassan^{-asws} saying: 'The poverty does not enter a house wherein is a name 'Muhammad', or 'Ahmad', or 'Ali', or 'Al-Hassan' of 'Al-Husayn', or 'Ja'far', or 'Talib', or 'Abdullah', or 'Fatima' from the women'.⁶²³

26- وَ عَنْ أَبِي جَعْفَرٍ ع أَنَّ الشَّيْطَانَ إِذَا سَمِعَ مُنَادِياً يُنَادِي يَا مُحَمَّدُ يَا عَلِيُّ ذَابَ كَمَا يَذُوبُ الرِّصَاصُ.

And from Abu Ja'far^{-asws}: 'When the Satan^{-la} hears a caller calling out, 'O Muhammad', or 'O Ali', melts just as the lead melts'.⁶²⁴

27- وَقَالَ الرِّضَا ع الْبَيْتُ الَّذِي فِيهِ اسْمُ مُحَمَّدٍ يُصْبِحُ أَهْلُهُ بِخَيْرٍ وَ يُمُسُونَ بِخَيْرٍ.

And Al-Reza^{-asws} said: 'The house in which is a name 'Muhammad', its people come to a morning with goodness, and come to an evening with goodness'.⁶²⁵

28- وَ عَنْ الصَّادِقِ ع لَا يُؤَلَدُ لَنَا مَوْلُودٌ إِلَّا سَمَّيْنَاهُ مُحَمَّدًا فَإِذَا مَضَى سَبْعَةُ أَيَّامٍ فَإِذَا شِئْنَا غَيْرَنَا وَ إِلَّا تَرَكْنَا.

And from Al-Sadiq^{-asws}: 'No newborn is born for us^{-asws} except we^{-asws} name him as 'Muhammad'. When seven days are past, if we^{-asws} like we^{-asws} change, or else we^{-asws} leave it'.⁶²⁶

⁶²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 23

⁶²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 24

⁶²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 25

⁶²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 26

⁶²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 27

⁶²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 28

29- وَقَالَ: اسْتَحْسِنُوا أَسْمَاءَكُمْ فَإِنَّكُمْ تُدْعَوْنَ بِهَا يَوْمَ الْقِيَامَةِ قُمْ يَا فَلَانُ بْنُ فَلَانٍ إِلَى نُورِكَ قُمْ يَا فَلَانُ بْنُ فَلَانٍ لَا نُورَ لَكَ.

And he^{-asws} said: 'Give yourselves good names for you will be called with these on the Day of Qiyamah, 'Stand, O so and so to your Noor (Imam^{-asws})! Stand O so and so, there is no Noor (Imam^{-asws}) for you!''⁶²⁷

30- كِتَابُ الْإِمَامَةِ وَالتَّبَصُّرَةِ، عَنْ أَحْمَدَ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ الصَّفَّارِ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص السُّنَّةُ وَالْإِيمَانُ أَنْ يُكْنَى الرَّجُلُ بِاسْمِ أَبِيهِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – from Ahmad Bin Ali, from Muhammad Bin Al-Hassan, from Muhammad Bin Al-Hassan Al Saffar, from Ibrahim Bin Hashim, from Al Nowfaly, from Al Sakuni,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The Sunnah and the righteousness is that the man should be teknonymed by the name of his father'.⁶²⁸

[باب 109 فضل خدمة العيال](#)

CHAPTER 109 – MERITS OF SERVING THE DEPENDANTS

1- جمع، جامع الأخبار عَنْ عَلِيٍّ ع قَالَ: دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ ص وَ فَاطِمَةُ جَالِسَةٌ عِنْدَ الْقِدْرِ وَ أَنَا أَنْتَقِي الْعَدَسَ قَالَ يَا أَبَا الْحُسَيْنِ

(The book) 'Jamie Al Akhbar' -

From Ali^{-asws} having said: 'Rasool-Allah^{-saww} entered to see us^{-asws}, and (Syeda) Fatima^{-asws} was seated by the cooking pot and I^{-asws} was cleaning the lentils. He^{-saww} said: 'O Abu Al-Hassan^{-asws}!

فُلْتُ لَبَّيْكَ يَا رَسُولَ اللَّهِ

I^{-asws} said: 'Here I^{-asws} am, O Rasool-Allah^{-saww}!'

قَالَ اسْمِعْ مِنِّي وَ مَا أَقُولُ إِلَّا مِنْ أَمْرِ رَبِّي مَا مِنْ رَجُلٍ يُعِينُ امْرَأَتَهُ فِي بَيْتِهَا إِلَّا كَانَ لَهُ بِكُلِّ شَعْرَةٍ عَلَى بَدَنِهِ عِبَادَةٌ سَنَةً صِيَامٌ هَارِهَا وَ قِيَامٌ لَيْلُهَا وَ أَعْطَاهُ اللَّهُ مِنَ الثَّوَابِ مِثْلَ مَا أَعْطَاهُ الصَّابِرِينَ- دَاوُدَ النَّبِيَّ وَ يَعْقُوبَ وَ عِيسَى ع

He^{-saww} said: 'Hear from me^{-saww} and what I^{-saww} am saying is only from the Command of my^{-saww} Lord^{-azwj}! There is none from a man who assists his wife in her home except for him would be, with every hair upon his body, (Rewards of) worship for a year, fasting its days and standing (in Salat) its nights, and Allah^{-azwj} will Give him Rewards similar to what He^{-azwj} Gives the patient ones – the Prophets^{-as} Dawood^{-as}, and Yaqoub^{-as} and Isa^{-as}.

⁶²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 29

⁶²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 30

يَا عَلِيُّ مَنْ كَانَ فِي خِدْمَةِ الْعِيَالِ فِي الْبَيْتِ وَلَمْ يَأْتَفِ كَتَبَ اللَّهُ اسْمَهُ فِي دِيْوَانِ الشُّهَدَاءِ وَكَتَبَ لَهُ بِكُلِّ يَوْمٍ وَ لَيْلَةٍ ثَوَابَ أَلْفِ شَهِيدٍ وَ كَتَبَ لَهُ بِكُلِّ قَدَمٍ ثَوَابَ حَجَّةٍ وَ عُمْرَةٍ وَ أَعْطَاهُ اللَّهُ بِكُلِّ عَرَقٍ فِي جَسَدِهِ مَدِينَةً فِي الْجَنَّةِ

O Ali-asws! One who was in the service of the dependants in the house and does not scorn (complain), Allah-azwj will Write his name in the registers of martyrs, and write for him, with every day and night, Rewards of a thousand martyrs, and write for him with every step, Rewards of a Hajj and an Umrah, and Allah-azwj will Give him, with every drops of sweat in his body, a city in the Paradise.

يَا عَلِيُّ سَاعَةٌ فِي خِدْمَةِ الْبَيْتِ خَيْرٌ مِنْ عِبَادَةِ أَلْفِ سَنَةٍ وَ أَلْفِ حَجَّةٍ وَ أَلْفِ عُمْرَةٍ وَ خَيْرٌ مِنْ عِنَقِ أَلْفِ رَقَبَةٍ وَ أَلْفِ مَرِيضٍ عَادَهُ وَ أَلْفِ جُمُعَةٍ وَ أَلْفِ جَنَازَةٍ وَ أَلْفِ جَائِعٍ يُشْبِعُهُمْ وَ أَلْفِ عَارٍ يَكْسُوهُمْ وَ أَلْفِ فَرَسٍ يُوجِّهُهُ فِي سَبِيلِ اللَّهِ وَ خَيْرٌ لَهُ مِنْ أَلْفِ دِينَارٍ يَتَصَدَّقُ بِهَا عَلَى الْمَسَاكِينِ وَ خَيْرٌ لَهُ مِنْ أَنْ يَقْرَأَ التَّوْرَةَ وَ الْإِنْجِيلَ وَ الزَّبُورَ وَ الْفُرْقَانَ وَ مِنْ أَلْفِ أَسِيرٍ أَسَرَ فَأَعْتَقَهُمْ وَ خَيْرٌ لَهُ مِنْ أَلْفِ بَدَنَةٍ يُعْطِي لِلْمَسَاكِينِ وَ لَا يُخْرِجُ مِنَ الدُّنْيَا حَتَّى يَرَى مَكَانَهُ مِنَ الْجَنَّةِ

O Ali-asws! An hour in service of the home is better than worship of a thousand years, and a thousand Hajj and a thousand Umrah, and better than liberating a thousand slaves, and a thousand military expeditions, and consoling a thousand sick ones, and a thousand Friday (Salats), and (attending) a thousand funeral, and a thousand hungry ones he satiates, and a thousand bare ones he clothes, and a thousand horses he diverts in the way of Allah-azwj, and better for him that a thousand Dinars he donates with upon the poor ones, and better for him than reading the Torah, and the Evangel, and the Psalms, and the Criterion (Quran), and a thousand captives he captures so he liberates them, and better for him than a thousand camels he gives to the poor, and he will not exit from the world until he sees his place from the Paradise!

يَا عَلِيُّ مَنْ لَمْ يَأْتَفِ مِنْ خِدْمَةِ الْعِيَالِ فَهُوَ كَقَارَةٍ لِلْكَبَائِرِ وَ يُطْفِئُ غَضَبَ الرَّبِّ وَ مُهُورُ الْخَوَرِ الْعَيْنِ وَ تَزِيدُ فِي الْحَسَنَاتِ وَ الدَّرَجَاتِ

O Ali-asws! One who does not scorn from serving the dependants, it is an atonement for the major sins, and extinguishes Wrath of the Lord-azwj, and dowries of the Maiden Houries, and increases in the good deeds and the ranks!

يَا عَلِيُّ لَا يَخْدُمُ الْعِيَالَ إِلَّا صِدِّيقٌ أَوْ شَهِيدٌ أَوْ رَجُلٌ يُرِيدُ اللَّهُ بِهِ خَيْرَ الدُّنْيَا وَ الْآخِرَةِ.

O Ali-asws! No one will serve the dependants except a truthful, or a martyr, or a man Allah-azwj Wants good with him in the world and the Hereafter!⁶²⁹

باب 110 الحضانة و رضاع المرأة للولد

CHAPTER 110 – THE CUSTODY AND THE WOMAN BREAST-FEEDING THE CHILD

1- شي، تفسير العياشي عَنْ دَاوُدَ بْنِ الْحُصَيْنِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: وَ الْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ قَالَ مَا دَامَ الْوَلَدُ فِي الرِّضَاعِ فَهُوَ بَيْنَ الْأَبَوَيْنِ بِالسَّوِيَّةِ فَإِذَا فُطِمَ فَأَلُوبَ أَحَقُّ مِنَ الْأُمِّ فَإِذَا مَاتَ الْأَبُ فَأَلُوبُ أَحَقُّ بِهِ مِنَ الْعَصْبَةِ

(The book) 'Tafseer Al Ayyashi' – From Dawood Bin Al Huseyn,

From Abu Abdullah^{-asws} having said: **'And the mothers should breastfeed their children for two years complete [2:233]**. He^{-asws} said: 'For as long as the child is in the breast-feeding, he is between the two parents with the equality. When he weans, the father is more rightful than the mother. When the father dies, the mother is most rightful with him than the clan.

وَإِنْ وَجَدَ الْأَبُ مَنْ يُرْضِعُهُ بِأَرْبَعَةِ دِرَاهِمٍ وَقَالَتِ الْأُمُّ لَا أَرْضِعُهُ إِلَّا بِخَمْسَةِ دِرَاهِمٍ فَإِنَّ لَهُ أَنْ يَنْزِعَهُ مِنْهَا إِلَّا أَنْ ذَلِكَ أَجْبَرُ لَهُ وَاقْدَمُ وَأَرْفَقُ بِهِ أَنْ يُتْرَكَ مَعَ أُقْبِهِ.

And if the father finds someone to breast-feed for four Dirhams, and the mother says, 'No, I will breast-feed him only for five Dirhams', it is for him to snatch him away from her, except if that is more compelling for him, more appropriate, and gentler for the child to leave him with his mother'.⁶³⁰

2- شي، تفسير العياشي عَنْ أَبِي الصَّبَّاحِ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ - وَ عَلَى الْوَارِثِ مِثْلُ ذَلِكَ قَالَ لَا يَنْبَغِي لِلْوَارِثِ أَنْ يُضَارَّ الْمَرْأَةُ فَيُثَوِّلَ لَا أَدْعُ وَلَدَهَا بِأَيِّهَا وَ يُضَارَّ وَلَدَهَا إِنْ كَانَ هُمْ عَنْدَهُ شَيْءٌ لَا يَنْبَغِي لَهُ أَنْ يَقْتَرِعَ عَلَيْهِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Al Sabbah who said,

'Abu Abdullah^{-asws} was asked about Words of Allah^{-azwj}: **And upon the heir is similar to that [2:233]**. He^{-asws} said: 'It is not befitting for the heir that he harms the woman saying, 'I will not let her child to come to her', and he harms her child if there was something for them in his possession. It is not befitting for him that he be stingy upon him'.⁶³¹

3- شي، تفسير العياشي عَنِ الْحَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمُطَلَّقةُ يُنْفِقُ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا وَ هِيَ أَحَقُّ بِوَلَدِهَا أَنْ تُرْضِعَهُ بِمَا تَقْبَلُهُ امْرَأَةٌ أُخْرَى إِنْ اللَّهُ يَقُولُ لَا تُضَارَّ وَالِدَةُ بِوَلَدِهَا وَ لَا مَوْلُودُ لَهُ بِوَلَدِهِ وَ عَلَى الْوَارِثِ مِثْلُ ذَلِكَ

(The book) 'Tafseer Al-Ayyashi' – From Al Halby,

From Abu Abdullah^{-asws} having said: 'The divorced woman, he should spend upon her until she places her burden (gives birth) and she is more rightful with her child if she breast-feeds him than what another woman accepting him. Allah^{-azwj} Says: **neither the mother is to be harmed by her child nor a father by his child. And upon the heir is similar to that [2:233]**.

إِنَّهُ هَيَّ أَنْ يُضَارَّ بِالصَّبِيِّ أَوْ يُضَارَّ بِأَقْبِهِ فِي رِضَاعِهِ وَ لَيْسَ لَهَا أَنْ تَأْخُذَ فِي رِضَاعِهِ فَوْقَ حَوْلَتَيْنِ كَامِلَتَيْنِ فَإِنْ أَرَادُوا الْقَصْلَ قَبْلَ ذَلِكَ عَنْ تَرْضِي مِنْهُمَا كَانَ حَسَنًا وَ الْقَصْلُ هُوَ الْفِطَامُ.

He^{-azwj} has Prohibited causing harm to the child or to his mother in his breastfeeding, and she has no right to take payment for breastfeeding him beyond two full years. But if they both

⁶³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 1

⁶³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 2

wish to wean him before that by mutual consent, it is acceptable, and the weaning is the separation from breastfeeding'.⁶³²

4- ما، الأماالي للشيخ الطوسي ابْنُ الصَّلْتِ عَنِ ابْنِ عُقْدَةَ عَنْ عَبْدِ اللَّهِ بْنِ عَلِيٍّ قَالَ هَذَا كِتَابُ جَدِّي عُبَيْدِ اللَّهِ بْنِ عَلِيٍّ فَقَرَأْتُ فِيهِ أَخْبَرَنِي عَلِيُّ بْنُ مُوسَى أَبُو الْحُسَيْنِ عَنْ أَبِيهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ آبَائِهِ ع أَنَّ النَّبِيَّ صَلَّى بِإِثْنَةِ حَمْرَةَ لِحَالَتِهَا وَ قَالَ الْحَالَةُ وَالِدَةٌ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Al Salt, from Ibn Uqdah, from Abdullah Bin Ali who said, 'This is a book of my grandfather Ubeydullah Bin Ali and I read in it,

'Ali son of Musa Al-Hassan^{-asws}, from his father^{-asws}, from Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} forefathers^{-asws}: 'The Prophet^{-saww} judged for a daughter of Hamza^{-fa} for her maternal aunt, and said: 'The maternal aunt is (like) a mother'.⁶³³

5- سر، السرائر من كتاب المسائل من مسائل أيوب بن نوح قال: كتبت مع بشير بن يسار جعلت فداك رجل تزوج امرأة فولدت منه ثم فارقتها متى يحب له أن يأخذ ولده

(The book) 'Al Saraair' -From 'Kitab Al Masaail', from issues of Ayoub Bin Nuh who said,

'I wrote with Bashir Bin Yasaar, 'May I be sacrificed for you^{-asws}! A man marries a woman, so she gives birth from him. Then he separates her. When is it obligatory for him to take his child?'

فكتب إذا صار له سبع سنين فإن أخذ فله وإن تركه فله.

He^{-asws} said: 'When seven years come for him, if he takes it, it is for him, and if he leaves him, it is for him'.⁶³⁴

6- نهج البلاغة، في حديثه ع إذا بلغ النساء نص الحقائق فالعصبه أولى

(The book) 'Nahj Al Balagah' -

In a Hadeeth of his^{-asws}: 'When the women reach the stage of realities (adulthood), the paternal relatives are foremost'.⁶³⁵

و يُرَى نَصَّ الْحَقَائِقِ. وَ النِّصَّ مِنْتَهَى الْأَشْيَاءِ وَ مَبْلَغُ أَقْصَاهَا كَالنِّصِّ فِي السَّيْرِ لِأَنَّهُ أَقْصَى مَا تَقْدِرُ عَلَيْهِ الدَّابَّةُ.

And there are reporting, (about the term) 'Nass Al-Haqaiq' – the 'Nass' is the end of the things and its extreme of its ends, like the maximum in the walking, because it is the furthest of what the animal is able upon.

⁶³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 3

⁶³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 4

⁶³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 5

⁶³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 6

CHAPTER 111 – THE MISCELLANEOUS

1- فس، تفسير القمي في رواية أبي الجارود عن أبي جعفر ع في قوله يَهَبُ لِمَنْ يَشَاءُ إِنَاءً أَيْ لَيْسَ مَعَهُمْ ذَكَرٌ - وَ يَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ أَيْ لَيْسَ مَعَهُمْ أُنْثَى - أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَ إِنَاءً جَمِيعاً يَجْمَعُ لَهُ الْبَيْنَ وَ الْبَنَاتِ.

(The book) 'Tafseer Al Qummi' – In a report of Abu Al Jaroud,

From Abu Ja'far^{asws} regarding His^{azwj} Words: **He Grants to whom He pleases daughters** – i.e., there isn't any male with them - **and Grants to whom He pleases sons [42:49]** – i.e., there isn't any female with them - **Or He Pairs them as males and females [42:50]** – together, gathering for him the sons and the daughters'.⁶³⁶

وَ قَالَ عَلِيُّ بْنُ إِبْرَاهِيمَ فِي قَوْلِهِ لِلَّهِ مُلْكُ السَّمَاوَاتِ وَ الْأَرْضِ يَخْلُقُ مَا يَشَاءُ إِلَى قَوْلِهِ وَ يَجْعَلُ مَنْ يَشَاءُ عَقِيمًا قَالَ فَحَدَّثَنِي أَبِي عَنْ الْمُحْمُودِيِّ وَ مُحَمَّدِ بْنِ عِيْسَى بْنِ عُثَيْدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ الرَّازِيِّ عَنْ مُحَمَّدِ بْنِ سَعِيدٍ

And Ali Bin Ibrahim said regarding Words of Allah^{azwj}: **For Allah is the Kingdom of the skies and the earth. He Creates whatever He so Desires to [42:49]** – up to His^{azwj} Words: **and He Makes one He so Desires to, as barren [42:50]**.

أَنَّ يَحْيَى بْنَ أَكْثَمٍ سَأَلَ مُوسَى بْنَ مُحَمَّدٍ عَنْ مَسَائِلَ وَ فِيهَا أَخْبَرَنَا عَنْ قَوْلِ اللَّهِ - أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَ إِنَاءً فَهَلْ يُزَوِّجُ اللَّهُ عِبَادَهُ الذُّكْرَانَ وَ قَدْ عَاقَبَ قَوْمًا فَعَلُوا ذَلِكَ

He said, 'My father narrated to me from Al Mahmoudy and Muhammad Bin Isa Bin Ubeyd, from Muhammad Bin Ismail Al Razy, from Muhammad Bin Saeed,

'Yahya Bin Aksam asked Musa Bin Muhammad about issues, and in it was, 'Inform us about Words of Allah^{azwj}: **Or He Pairs them as males and females [42:50]**, 'Does Allah^{azwj} get His^{azwj} two males married and He^{azwj} has Punished a people who had done that?'

فَسَأَلَ مُوسَى أَخَاهُ أَبَا الْحَسَنِ الْعَسْكَرِيِّ وَ كَانَ مِنْ جَوَابِ أَبِي الْحَسَنِ أَمَّا قَوْلُهُ أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَ إِنَاءً فَإِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يُزَوِّجُ الذُّكْرَانَ الْمُطِيعِينَ إِنَاءً مِنَ الْخَوَرِ الْعَيْنِ وَ إِنَاءً الْمُطِيعَاتِ مِنَ الْإِنْسِ الذُّكْرَانَ الْمُطِيعِينَ

Musa asked his brother Abu Al-Hassan Al-Askari^{asws}, and it was from the reply of Abu Al-Hassan^{asws}: 'As for His^{azwj} Words: **Or He Pairs them as males and females [42:50]**, Allah^{azwj} Blessed and Exalted get the obedient males to be married to the Maiden Houries, and the obedience females from the humans to be married to the obedient males!

وَ مَعَادَ اللَّهِ أَنْ يَكُونَ الْجَلِيلُ عَنَى مَا لَبَسَتْ عَلَى نَفْسِكَ تَطْلُبُ الْخُصَّةَ لِازْتِكَابِ الْمَأْتَمِ فَ مَنْ يَفْعَلُ ذَلِكَ يَلْقَ أَثَامًا- يُضَاعَفُ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَ يَحْلُلُ فِيهِ مُهَانًا إِنْ لَمْ يَتُبْ.

And Allah^{-azwj} Forbid that the Majestic could have Meant what you are confusing upon yourself, seeking permission to indulge in the sins! **And one who does that, indulges in sin [25:68] The Punishment would be doubled for him on the Day of Judgment, and he would be therein eternally in disgrace [25:69],** if he does not repent'.⁶³⁷

2- شي، تفسير العياشي عن يونس العجلي قال: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ قَوْلِ اللَّهِ - وَ أَخَذَنَ مِنْكُمْ مِيثَاقًا غَلِيظًا قَالَ الْمِيثَاقُ الْكَلِمَةُ الَّتِي عُقِدَ بِهَا الْبَيْكَاخُ وَ أَمَّا قَوْلُهُ غَلِيظًا فَهُوَ مَاءُ الرَّجُلِ الَّذِي يُفْضِيهِ إِلَى الْمَرْأَةِ.

(The book) 'Tafseer Al Ayyashi' – From Yusuf Al Ijaly who said,

'I asked Abu Ja'far^{-asws} about Words of Allah^{-azwj}: **and they have taken from you a thick covenant? [4:21].** He^{-asws} said: 'The covenant is the phrase which the marriage is tied with, and as for Him^{-azwj} Word: **thick**, it is water (seminal fluid) of the man which he pours into the woman'.⁶³⁸

3- شي، تفسير العياشي عن الحسين بن زيد قال سمعتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّ اللَّهَ حَرَّمَ عَلَيْنَا نِسَاءَ النَّبِيِّ ص يَقُولُ اللَّهُ وَ لَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ.

(The book) 'Tafseer Al Ayyashi' – From Al-Husayn Bin Zayd who said,

'I heard Abu Abdullah^{-asws} saying: 'Allah^{-azwj} has Prohibited unto us wives of the Prophet^{-saww}, and Allah^{-azwj} Said: **And you cannot marry from the women whom your fathers married [4:22]**'.⁶³⁹

4- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَخِيهِمَا ع قَالَ: قُلْتُ لَهُ أَرَأَيْتَ قَوْلَ اللَّهِ لَا يَحِلُّ لَكَ النِّسَاءُ مِنْ بَعْدِ وَ لَا أَنْ تَبَدَّلَ بِهِنَّ مِنْ أَزْوَاجٍ قَالَ إِنْمَا عَنِيَ بِهِ الَّتِي حَرَّمَ عَلَيْهِنَّ فِي هَذِهِ الْآيَةِ - حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

From one of the two (5th or 6th Imam^{-asws}), he (the narrator) said, 'I said to him^{-asws}, 'What is your^{-asws} view of the Words of Allah^{-azwj}: **The women are not Permissible for you afterwards, nor for you to replace them with (other) wives [33:52].** He^{-asws} said: 'But rather He^{-azwj} Meant by it those who are Prohibited unto him in this Verse: **Prohibited unto you are your mothers [4:23]**'.⁶⁴⁰

5- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ شَرِّكَ الشَّيْطَانِ قَوْلِهِ - وَ شَارِكُهُمْ فِي الْأَمْوَالِ وَ الْأَوْلَادِ قَالَ مَا كَانَ مِنْ مَالٍ حَرَامٍ فَهُوَ شَرِّكَ الشَّيْطَانِ

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

⁶³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 1 b

⁶³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 2

⁶³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 3

⁶⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 4

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the participation of Satan^{-la} in His^{-azwj} Words: **and participate in their wealth and their children and promise them!**" [17:64]. He^{-asws} said: 'Whatever was from the unlawful wealth, it is a participation of Satan^{-la}'.

قَالَ وَ يَكُونُ مَعَ الرَّجُلِ حِينَ يُجَامِعُ فَيَكُونُ الْوَلَدُ مِنْ نُطْقَتِهِ وَ نُطْقَةِ الرَّجُلِ إِذَا كَانَ حَرَامًا.

He^{-asws} said: 'And he^{-la} would be with the man when he has marital relations so the child would be from his^{-la} seed and seed of the man, when it was unlawful (relationship)'.⁶⁴¹

باب 112 الطلاق و أحكامه و شرائطه و أقسامه

CHAPTER 112 – THE DIVORCE AND ITS RULINGS, AND ITS CONDITIONS, AND ITS TYPES

1- ين، كتاب حسين بن سعيد و النوادر عثمان بن عيسى عن سماعة قال: سألتُه عن رجل طلق امرأته ثلاثاً في مجلسٍ واحدٍ فقيل له إنها واحدة فقال أنت امرأتي فقالت لا أرجع إليك أبداً

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at who said,

'I asked him^{-asws} about a man who divorces his wife thrice in one sitting. It was said to him, 'It is (considered as) one!' He said, 'You are my wife'. She said, 'I will not return to you, ever!'

فَقَالَ لَا يَحِلُّ لِأَحَدٍ يَتَزَوَّجُهَا غَيْرُهُ.

He^{-asws} said: 'It is not Permissible for anyone to marry her, other than him'.⁶⁴²

2- ين، كتاب حسين بن سعيد و النوادر عثمان بن عيسى عن بعض أصحابه عن أبي عبد الله ع فقال: إِيَّاكُمْ وَ ذَوَاتِ الْأَزْوَاجِ الْمُطَلَّقاتِ عَلَى غَيْرِ السُّنَّةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from one of his companions,

From Abu Abdullah^{-asws} having said: 'Beware of the ones with husbands, the ones divorced upon other than the Sunnah!'

قَالَ قُلْتُ فَجُلِّ طَلَّقَ امْرَأَتَهُ مِنْ هَؤُلَاءِ وَ لِي بِهَا حَاجَةٌ

He (the narrator) said, 'I said, 'A man divorces his wife from them, and for me there is a need for her'.

فَقَالَ فَتَلَقَّاهُ بَعْدَ مَا طَلَّقَهَا وَ انْقَضَتْ عِدَّتُهَا صَاحِبَهَا فَتَقُولُ طَلَّقْتُ فَلَانَةَ فَإِذَا قَالَ نَعَمْ فَقَدْ صَارَتْ تَطْلِيْقَةً عَلَى طَهْرٍ فَدَعَهَا مِنْ حِينَ طَلَّقَهَا تِلْكَ التَّطْلِيْقَةُ حَتَّى تَنْقَضِيَ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا فَقَدْ صَارَتْ تَطْلِيْقَةً بَاطِلًا.

⁶⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 5

⁶⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 1

He^{-asws} said: 'Meet him after he has divorced her and the waiting period has already expired, and say, 'Have you divorced so and so woman?' When he says, 'Yes', so it has become a divorce upon a pure period. Leave her from when he had divorced her that divorce until her waiting period has expired, then marry her, for the divorce has become irrevocable'.⁶⁴³

3- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حفص بن البختري عن أبي عبد الله ع في رجل طلق امرأته قال يفعل به مثل ما ذكر في الحديث الذي قبله.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umery, from Hafs Bin Al Bakhtari,

From Abu Abdullah^{-asws} regarding a man who divorces his wife. He^{-asws} said: 'He will deal with it similar to what has been mentioned in the Hadeeth which is before it'.⁶⁴⁴

4- ين، كتاب حسين بن سعيد و النوادر القاسم عن أبيان عن عبد الرحمن بن أبي عبد الله قال: سألت أبا عبد الله ع عن امرأة طلقت على غير السنة ما تقول في تزويجها

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Aban,

From Abdul Rahman son of Abu Abdullah^{-asws} who said, 'I asked Abu Abdullah^{-asws} about a woman divorced upon other than the Sunnah, 'What do you^{-asws} say regarding her remarrying?'

قال تزوج ولا تترك.

He^{-asws} said: 'She should be married and not left alone'.⁶⁴⁵

5- ين، كتاب حسين بن سعيد و النوادر حماد بن عيسى عن حريز عن محمد بن مسلم قال: سألت أبا عبد الله ع عن طلاق امرأته ثلاثاً ثم تمتع منها آخر هل يحل للأول قال لا.

(The book) 'Kitab Haseen Bin Saeed', and 'Al Nawadir' – Hammad Bin Isa, from Hareyz. From Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{-asws} about the one who divorces his wife thrice, then another one enjoyed from her, 'Is she lawful for the first one?' He^{-asws} said: 'No'.⁶⁴⁶

6- ين، كتاب حسين بن سعيد و النوادر النضر بن سويد عن عاصم بن حميد عن محمد بن قيس قال سمعت أبا جعفر ع يقول من طلق ثلاثاً ولم يراجع حتى تبين فلا يحل له من بعد حتى تنكح زوجاً غيره فإذا تزوج [تزوجت] زوجاً و دخل بها حلت لزواجها الأول.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazar Bin Suweyd, from Aasim Bin Humeyd, from Muhammad Bin Qays who said,

⁶⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 2

⁶⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 3

⁶⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 4

⁶⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 5

'I heard Abu Ja'far^{-asws} saying: 'One who divorces thrice and does not return until it is irrevocable, ***So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband [2:230]***. When she marries a husband and he consummates with her, she is lawful for her first husband (for marriage)'.⁶⁴⁷

7- ين، كتاب حسين بن سعيد و النوادر رُزَعَةُ عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ فَتَزَوَّجَهَا رَجُلٌ آخَرُ وَ لَمْ يَصِلْ إِلَيْهَا حَتَّى طَلَّقَهَا تَحِلُّ لِلأَوَّلِ

The book of Haseen Bin Saeed and 'Al Nawadir' – Zur'ah, from Sama'at who said,

'I asked him^{-asws} about a man who divorces his wife, so she marries another and he does not connect to her until he divorces her, 'Is she lawful for the first one?'

قَالَ لَا حَتَّى يَذُوقَ عُسَيْلَتَهَا.

He^{-asws} said: 'No, until he has tasted her honey'.⁶⁴⁸

8- ين، كتاب حسين بن سعيد و النوادر أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْمُثَنَّى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ طَلًّا لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَيَتَزَوَّجَهَا عَبْدٌ هَلْ يَهْدِمُ الطَّلَاقَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Al Musanna, from Is'haq Bin Ammar who said,

'I asked Abu Abdullah^{-asws} about a man who divorces his wife with such a divorce, she is not lawful for him until she marries another husband. So, a slave marries her. Does it demolish the (the first) divorce (so the earlier man can remarry her)?'

قَالَ نَعَمْ يَقُولُ اللَّهُ فِي كِتَابِهِ- حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ وَ هُوَ أَحَدُ الْأَزْوَاجِ.

He^{-asws} said: 'Yes. Allah^{-azwj} Says in His^{-azwj} Book: ***until she marries another husband [2:230]***, and he is one of the husbands (who if divorces, the previous husband can be a candidate for marry her).⁶⁴⁹

9- ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ عَنْ رِفَاعَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع الرَّجُلُ يُطَلِّقُ امْرَأَتَهُ تَطْلِيقَةً وَاحِدَةً فَتَبَيَّنَ مِنْهُ ثُمَّ تَزَوَّجَ آخَرَ فَطَلَّقَهَا عَلَى السُّنَّةِ ثُمَّ يَتَزَوَّجُهَا الْأَوَّلُ عَلَى كَمِّ هِيَ مَعَهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim, from Rifa'at who said,

'I said to Abu Abdullah^{-asws}, 'The man divorces his wife with one divorce, she becomes irrevocably divorced from him. Then she marries another, and he divorces her upon the Sunnah. Then the first one marries her, regardless of how long she has been with him?'

قَالَ عَلَى غَيْرِ شَيْءٍ يَا رِفَاعَةُ كَيْفَ إِذَا طَلَّقَهَا ثَلَاثًا ثُمَّ تَزَوَّجَهَا ثَانِيَةً اسْتَقْبَلَ الطَّلَاقَ فَإِذَا طَلَّقَهَا وَاحِدَةً كَانَتْ عَلَى ثِنْتَيْنِ.

⁶⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 6

⁶⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 7

⁶⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 8

He^{-asws} said: 'Upon nothing, O Rifa'at! How would it be if he divorces thrice, then the second marries her. The divorce count is resumed. When he has divorced her once, he would be upon twice'.⁶⁵⁰

10- ين، كتاب حسين بن سعيد و النوادر التضرع عن عاصم عن محمد بن قيس عن أبي جعفر ع قال: سألت عن رجل طلق امرأته تطليقة ثم نكح بَعْدَهُ رَجُلًا غَيْرَهُ ثُمَّ طَلَّقَهَا فَتَنَكَحَتْ زَوْجَهَا الْأَوَّلَ فَقَالَ هِيَ عَلَى تَطْلِيْقَةٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Aasim, from Muhammad Bin Qays,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who divorces his wife with a divorce. She marries another man after him. Then he divorces her, so she marries the first husband. He^{-asws} said: 'She is upon one divorce'.⁶⁵¹

ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عِيسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ - ثُمَّ إِنَّمَا تَزَوَّجَتْ رَجُلًا مُتَعَةً ثُمَّ إِنَّمَا افْتَرَقَا هَلْ يَحِلُّ لِرَجُلٍ لِرُجُوعِهَا الْأَوَّلِ أَنْ يُرَاجِعَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at who said,

'I asked Abu Abdullah^{-asws} about a man who divorces his wife. Then she marries a man in Mut'ah. Then they separate. 'Is she lawful for her first husband to marry her?'

قَالَ لَا حَتَّى تَدْخُلَ فِي مِثْلِ الَّذِي خَرَجَتْ مِنْهُ.

He^{-asws} said: 'No, until she enters into similar to which she had exited from'.⁶⁵²

11- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْحُلَيْيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيْقَةً وَاحِدَةً حَتَّى مَضَتْ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا رَجُلٌ غَيْرُهُ ثُمَّ إِنَّ الرَّجُلَ مَاتَ أَوْ طَلَّقَهَا فَارْجَعَهَا زَوْجَهَا الْأَوَّلَ قَالَ هِيَ عِنْدِي عَلَى تَطْلِيْقَتَيْنِ بَاقِيَتَيْنِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who divorces his wife with one divorce until her waiting period expires. Then another man marries her. Then the man dies or divorces her, so she returns to her first husband. He^{-asws} said: 'In my^{-asws} view she is upon two remaining divorces'.⁶⁵³

12- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: هِيَ عِنْدِي عَلَى ثَلَاثٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Rifa'at,

From Abu Abdullah^{-asws} having said: 'In my^{-asws} view she is upon three'.⁶⁵⁴

⁶⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 9

⁶⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 10 a

⁶⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 10 b

⁶⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 11

⁶⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 12

13- ين، كتاب حسين بن سعيد و النوادر فضالة و القاسم عن رفاعه عن أبي عبد الله ع قال: سألتُه عن المُطَلَّقةِ تَبَيَّنَ ثُمَّ تَزَوَّجَ رَجُلًا غَيْرَهُ قَالَ انْحَدَمَ الطَّلَاقُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah and Al Qasim, from Rifa'at,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked about the irrevocably divorced, then another man marries her. He^{-asws} said: 'The divorce is invalidated'.⁶⁵⁵

14- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلي عن أبي عبد الله ع أنه سئل عن الرجل يُطَلِّقُ امْرَأَتَهُ عَلَى السُّنَّةِ فَيَتَمَتَّعُ مِنْهَا رَجُلٌ أَيْحِلُّ لِرَجُلٍ لِرَجُلٍ الْأَوَّلِ

The book Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad, from Al Halby,

From Abu Abdullah^{-asws}, he^{-asws} was asked about the man who divorces his wife upon the Sunnah. A man does Mutah with her. 'Is she lawful for her first husband?'

قَالَ لَا حَتَّى يَدْخُلَ فِي مِثْلِ الَّذِي خَرَجَتْ مِنْهُ.

He^{-asws} said: 'No, until he (she) enters into similar to which she had exited from'.⁶⁵⁶

15- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن الحلي قال: سألتُ أبا عبد الله ع عن رجلٍ يُزَوِّجُ جَارِيَتَهُ رَجُلًا فَمَكَثَتْ عِنْدَهُ مَا شَاءَ اللَّهُ ثُمَّ طَلَّقَهَا فَرَجَعَتْ إِلَى مَوْلَاهَا أَيْحِلُّ لِرَجُلٍ لِرَجُلٍ الْأَوَّلِ أَنْ يُرَاجِعَهَا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Al Halby who said,

'I asked Abu Abdullah^{-asws} about a man who marries a slave girl of a man. She remains with him for as long as Allah^{-azwj} Desires. Then he divorces her, so she returns to her master. 'Is she lawful for her first husband to return to her'.

قَالَ لَا حَتَّى تَنْكِحَ رَجُلًا غَيْرَهُ.

He^{-asws} said: 'No, until she marries another husband'.⁶⁵⁷

16- ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن إسحاق بن جبر عن أبي عبد الله ع قال: سأله بعض أصحابنا و أنا حاضر عن رجلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقَةً وَاحِدَةً ثُمَّ تَزَوَّجَهَا حَتَّى بَانَتْ مِنْهُ ثُمَّ تَزَوَّجَهَا الرَّجُلَ الْأَوَّلَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Mahboub, from Is'haq Bin Jareer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'One of our companions, while I was present, asked about a man who divorces his wife one divorce. Then he leaves her until she is irrevocably divorced from him. Then the first husband marries her.

⁶⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 13

⁶⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 14

⁶⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 15

قَالَ فَقَالَ نِكَاحٌ جَدِيدٌ وَ طَلَاقٌ جَدِيدٌ لَيْسَ التَّطْلِيقَةُ الْأُولَى بِشَيْءٍ هِيَ عِنْدَهُ عَلَى ثَلَاثِ تَطْلِيقَاتٍ مُتَتَابِعَاتٍ وَ إِنْ كَانَ الْأَخِيرُ لَمْ يَدْخُلْ بِهَا ثُمَّ تَزَوَّجَهَا الْأَوَّلُ فَهِيَ عِنْدَهُ عَلَى تَطْلِيقَةٍ مَاضِيَةٍ وَ بَقِيَّتِ اثْنَتَانِ.

He (the narrator) said, 'He^{asws} said: 'It is a new marriage and a new divorce. The first divorce does not count for anything. She is with him as though she has three consecutive divorces, even if the last husband had not consummated the marriage with her. Then if the first husband marries her again, she is considered with him as having one divorce already past, and two remain.'⁶⁵⁸

17- كش، رجال الكشي وَجَدْتُ فِي كِتَابِ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ بُنْدَارٍ بِحَظِّهِ حَدَّثَنِي الْحَسَنُ بْنُ أَحْمَدَ الْمَالِكِيِّ قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ طَاوُسٍ سَنَةَ ثَمَانٍ وَ ثَلَاثِينَ وَ مِائَتَيْنِ

(The book) 'Rijal' Al-Kashi, 'I found in the book of Muhammad Bin Al-Hassan Bin Bundar with his handwriting, 'It is narrated to me by Al-Hassan Bin Ahmad Al Maliky, who said, 'It is narrated to me by Abdullah Bin Tawoos in the year two hundred and eighty-three.

قَالَ: سَأَلْتُ أَبَا الْحَسَنِ الرِّضَا ع فَقُلْتُ لَهُ إِنَّ لِي ابْنَ أَخٍ قَدْ زَوَّجْتُهُ ابْنَتِي وَ هُوَ يَشْرَبُ الشَّرَابَ وَ يُكْثِرُ ذِكْرَ الطَّلَاقِ

He said, 'I asked Abu Al-Hassan Al-Reza^{asws}. I said to him^{asws}, 'There is a son of a brother of mine. I got my daughter married to him and he drinks the (intoxicating) drinks, and he frequently mentions the divorce'.

فَقَالَ لَهُ إِنْ كَانَ مِنْ إِخْوَانِكَ فَلَا شَيْءَ عَلَيْهِ وَ إِنْ كَانَ مِنْ هَؤُلَاءِ فَأَنْزِعْهَا مِنْهُ فَإِنَّمَا عَلَى الْفِرَاقِ

He^{asws} said to him: 'If he was from your brethren (Shias), there is nothing upon him, and if he was from them (general Muslims), remove her from him, for rather he means the separation'.

فَقُلْتُ لَهُ يُؤَيِّ عَنْ آبَائِكَ ع إِيَّاكُمْ وَ الْمُطَلَّاقَاتِ ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ فَإِنَّهُنَّ ذَوَاتُ الْأَزْوَاجِ

I said to him^{asws}, 'It is reported from your^{asws} forefathers^{asws}: 'Beware of the ones divorced thrice in one sitting, for these are with the husbands!'

فَقَالَ هَذَا مِنْ إِخْوَانِكُمْ لَا مِنْهُمْ إِنَّهُ مَنْ دَانَ بِدِينِ قَوْمٍ لَزِمَتْهُ أَحْكَامُهُمْ.

He^{asws} said: 'This is (about) your brothers, not from them. The one who makes a religion with the religion of a people, their rulings are binding on him'.⁶⁵⁹

18- نَوَادِيرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص أَرْبَعَةٌ لَا غَدْرَ لَهُمْ رَجُلٌ عَلَيْهِ دِينٌ مُحَارَفٌ فِي بِلَادِهِ لَا غَدْرَ لَهُ حَتَّى يُهَاجِرَ فِي الْأَرْضِ يَلْتَمِسُ مَا يَقْضِي دِينَهُ وَ رَجُلٌ أَصَابَ عَلَى بَطْنِ امْرَأَتِهِ رَجُلًا- لَا غَدْرَ لَهُ حَتَّى يُطْلَقَ لِمَا يَشْرِكُهُ فِي الْوَلَدِ غَيْرُهُ الْخَبَرِ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

⁶⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 16

⁶⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 17

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Four, there is no excuse for them – a man having debt upon him staying in his city, there is no excuse for him until he emigrate into the earth to see what he can pay off his debts; and a man who finds a man being upon the belly of his wife, there is no excuse for him until he divorces lest the other would participate with him in the child'.⁶⁶⁰

19- وَ هَذَا الْإِسْنَادُ قَالَ: سُئِلَ عَلِيُّ ع عَنْ رَجُلٍ حَلَفَ فَقَالَ امْرَأَتُهُ طَالِقٌ ثَلَاثًا إِنْ لَمْ يَطْلُهَا فِي شَهْرِ رَمَضَانَ تَحَارًا فَقَالَ يُسَافِرُ ثُمَّ يُجَامِعُهَا تَحَارًا.

And by this chain, said, 'Ali^{-asws} was asked about a man who swears. He says his wife is divorced thrice if he does not have marital relations with her at daytime during a month of Ramazan. He^{-asws} said: 'He can travel, then have marital relations at daytime'.⁶⁶¹

20- الْمَجَازَاتُ النَّبَوِيَّةُ، لِلسَّيِّدِ الرَّضِيِّ قَالَ ص وَ قَدْ سُئِلَ عَنْ رَجُلٍ كَانَتْ تَحْتَهُ امْرَأَةٌ فَطَلَّقَهَا ثَلَاثًا فَتَزَوَّجَتْ بَعْدَهُ رَجُلًا فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا هَلْ تَحِلُّ لِرُؤُوسِهَا الْأَوَّلِ

(The book) 'Al Majazaat Al Nabuwwa' of Seyyid Al Razy -

He^{-saww} said, and he^{-saww} had been asked about a man having a woman under (married to) him. He divorces her thrice, so she marries a man after him. He divorces her before he consummates with her, 'Is he lawful for her first husband?'

فَقَالَ لَا حَتَّى يَكُونَ الْآخِرُ قَدْ ذَاقَ مِنْ عُسَيْلَتِهَا وَ ذَاقَتْ مِنْ عُسَيْلَتِهِ.

He^{-saww} said: 'No, until the other one has tasted from her honey and she has tasted from his honey'.⁶⁶²

21- ضَا، فَقَه الرضا عليه السلام اعْلَمْ يَرْحَمَكَ اللَّهُ أَنَّ الطَّلَاقَ عَلَى وَجْهِهِ وَ لَا يَقَعُ إِلَّا عَلَى طَهْرٍ مِنْ غَيْرِ جِمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ مُرِيداً لِلطَّلَاقِ فَلَا يَجُوزُ لِلشَّاهِدَيْنِ أَنْ يَشْهَدَا عَلَى رَجُلٍ طَلَّقَ امْرَأَتَهُ إِلَّا عَلَى إِفْرَاقٍ مِنْهُ وَ مِنْهَا أَهْمَا طَاهِرَةٌ مِنْ غَيْرِ جِمَاعٍ وَ يَكُونُ مُرِيداً لِلطَّلَاقِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know, May Allah^{-azwj} Mercy you, that the divorce is based upon aspect and cannot occur except upon a pure period from without consummation, by two just witnesses for the purpose of the divorce, therefore it is not allowed for the two witnesses that they witness upon a man divorcing his wife except upon acceptance from him, and her that she is clean from without consummation, and they are intending the divorce.

وَ لَا يَقَعُ الطَّلَاقُ بِإِجْبَارٍ وَ لَا إِكْرَاهٍ وَ لَا عَلَى سُكْرِ فَمِنْهُ طَّلَاقُ السُّنَّةِ وَ طَّلَاقُ الْعِدَّةِ وَ طَّلَاقُ الْغُلَامِ وَ طَّلَاقُ الْمَعْتُوهِ وَ طَّلَاقُ الْعَائِبِ وَ طَّلَاقُ الْخَائِلِ وَ الَّتِي لَمْ يَدْخُلْ بِهَا وَ الَّتِي يَكْسِتُ مِنَ الْمَحِيضِ وَ الْآخِرُ

And the divorce can neither occur with compulsion nor coercion, nor upon intoxication. From it is divorce of the Sunnah, and divorce of the waiting period, and divorce of the young boy, and divorce of the idiot, and divorce of the absentee, and divorce of the pregnant woman,

⁶⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 18

⁶⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 19

⁶⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 20

and the one who has not been consummated with, and the one who has despaired from the menstruation, and the mute.

وَمِنْهُ التَّخْيِيرُ وَ الْمُبَارَاةُ وَ النُّشُوزُ وَ الشِّقَاقُ وَ الْخُلْعُ وَ الْإِيلَاءُ وَ كُلُّ ذَلِكَ لَا يَجُوزُ إِلَّا أَنْ يُتْبَعَ طَلَاقُ [بِطَّلَانٍ]

And from it is the choice (Takhayyar), and the mutual release (Al-Mubarah), and the desertion (Nushouz), and the discord (Shiqaq), and at the wife request (Khul'a), and the oath of abstention (Ayla'a), and all of that are not allowed except if it is followed by a divorce (Talaq).

وَأَمَّا طَلَاقُ السُّنَّةِ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ يَتَرَبَّصُ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرَ ثُمَّ يُطَلِّقُهَا طَلِيقَةً وَاحِدَةً قَبْلَ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ فِي مَجْلِسٍ وَاحِدٍ فَإِنْ أَشْهَدَ عَلَى الطَّلَاقِ رَجُلًا وَاحِدًا ثُمَّ أَشْهَدَ بَعْدَ ذَلِكَ بِرَجُلٍ آخَرَ لَمْ يَحْزَ ذَلِكَ الطَّلَاقُ إِلَّا أَنْ يُشْهَدَهُمَا جَمِيعًا فِي مَجْلِسٍ وَاحِدٍ بِلَفْظٍ وَاحِدٍ

And as for divorce of the Sunnah – when the man wants to divorce his wife, he will wait with her until she has menstruated and is pure. Then he divorces her with one divorce before her waiting period, with two just witnesses in one sitting. If one man witnesses upon the divorce, then another man witnesses after that, that divorce is not allowed, except if they both witness together in one sitting with one utterance.

فَإِذَا طَلَّقَهَا عَلَى هَذَا تَرَكَهَا حَتَّى تَسْتَوِي قُرُوءَهَا وَ هِيَ ثَلَاثَةُ أَطْهَارٍ أَوْ ثَلَاثَةُ أَشْهُرٍ إِنْ كَانَتْ مِمَّنْ لَا تَحِيضُ وَ مِثْلُهَا تَحِيضُ فَإِذَا رَأَتْ أَوَّلَ قَطْرَةٍ مِنْ دَمِ الثَّالِثِ فَقَدْ بَانَ مِنْهُ وَ لَا تَتَزَوَّجُ حَتَّى تَطْهَرَ فَإِذَا طَهَّرَتْ خَلَّتْ لِلزَّوْجِ وَ هُوَ خَاطِبٌ مِنَ الْخُطَابِ وَ الْأَمْرُ إِلَيْهَا إِنْ شَاءَتْ زَوَّجَتْ نَفْسَهَا مِنْهُ وَ إِنْ شَاءَتْ لَمْ تُزَوِّجْهُ فَإِنْ تَزَوَّجَهَا ثَانِيَةً بِمَهْرٍ جَدِيدٍ

When he divorces her upon this, he leaves her until she has fulfilled one *Qurou* (waiting period) and it is of three pure periods, or three months if she was from the ones who does not menstruate, and similar to her does menstruate. When she sees the first drop of the third blood, she has become irrevocably divorced from him, and she cannot get married until she is pure. When she is clean, she is permissible for the husbands, and he (former husband) would be a proposer from the proposers, and the matter is up to her. If she likes, she can marry herself to him, and if she likes she does not marry him. If she does marry him in that would be with a new dowry.

فَإِنْ أَرَادَ طَلَاقَهَا ثَانِيَةً مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا طَلَّقَهَا بِشَاهِدَيْنِ عَدْلَيْنِ وَ لَا عِدَّةَ عَلَيْهَا مِنْهُ وَ كُلُّ مَنْ طَلَّقَ امْرَأَتَهُ مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا فَلَا عِدَّةَ عَلَيْهَا مِنْهُ فَإِنْ كَانَ سَمِيًّا لَهَا صَدَاقٌ فَلَهَا نِصْفُ الصَّدَاقِ فَإِنْ لَمْ يَكُنْ سَمِيًّا لَهَا صَدَاقٌ فَلَا صَدَاقَ لَهَا وَ لَكِنْ يُتَعَمَّقُ بِشَيْءٍ قَلٍ أَوْ كَثُرَ عَلَى قَدْرِ بَسَارَتِهِ

If he wants to divorce her secondly from before he consummates with her, it is with two just witnesses and there is no waiting period for her from him, and everyone who divorces his wife from before he consummates with her, there is no waiting period upon her from him. If he had specified a dowry to her, for her would be half the dowry. If he had not specified a dowry for her, there is no dowry for her, be he should provide her with something, be it little or more, based upon a measurement of his financial ease.

وَ الْمُوسِعُ يُتَمَتَّعُ بِخَادِمٍ أَوْ دَابَّةٍ وَ الْوَسْطُ بِتَوْبٍ وَ الْفَقِيرُ بِدِرْهَمٍ أَوْ خَاتَمٍ كَمَا قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى - وَ مَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدَرُهُ وَ عَلَى الْمُقْتَرِ قَدَرُهُ مَتَاعًا بِالْمَعْرُوفِ

And the affluent can provide a servant or an animal, and the middle one provides a garment, and the poor provides a Dirham or a ring, just as Allah^{-azwj} Blessed and Exalted 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, being a right upon the good doers [2:236].**

فَإِذَا أَرَادَ الْمُطَلَّقُ لِلْسُّنَّةِ أَنْ يُطَلِّقَهَا ثَانِيَةً بَعْدَ مَا دَخَلَ بِهَا طَلَّقَهَا مِثْلَ تَطْلِيقِ الْأُولَى عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ وَ تَرْتِصَ بِهَا حَتَّى تَسْتَوِي قُرُوءَهَا فَإِنْ زَوَّجَتْهُ نَفْسَهَا بِمَهْرٍ جَدِيدٍ

If he wants to divorce as per the Sunnah to divorce her secondly, after having consummate with her, he can divorce her like the first divorce upon a purity from without consummation, with two just witnesses, and wait with her until she has fulfilled her waiting period. If she were to marry herself (to him) it would be with a new dowry.

وَ إِنْ أَرَادَ أَنْ يُطَلِّقَهَا الثَّالِثَةَ طَلَّقَهَا وَ قَدْ بَانَ مِنْهُ سَاعَةً طَلَّقَهَا وَ لَا يَحِلُّ لِلزَّوْجِ حَتَّى تَسْتَوِي قُرُوءَهَا وَ لَا يَحِلُّ لَهَا حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

And if he wants to divorce her thirdly, and she would be irrevocably divorced from him at the very moment of her divorce, and she is not lawful for the marriage until she has fulfilled her waiting period, and he is not lawful for her until she marries another husband.

وَ رُويَ أَنَّهُ لَا يَحِلُّ لَهُ أَبَدًا

And it is reported that she is not lawful for him, ever.

إِذَا طَلَّقَهَا السُّنَّةَ عَلَى مَا وَصَفْنَاهُ وَ سُمِّيَ طَلَاقُ السُّنَّةِ الْهَدْمَ لِأَنَّهُ مَتَى مَا اسْتَوَفَتْ قُرُوءَهَا وَ تَزَوَّجَتِ الثَّانِيَةَ هَدَمَ طَلَاقُ الْأَوَّلِ

When he divorces her divorce of the Sunnah, it is based upon what we^{-asws} have described, and divorce of the Sunnah is named as 'the demolition', because when she has fulfilled her waiting period and marries the second time, the first divorce is demolished (nullified).

وَ رُويَ أَنَّ طَلَاقَ الْهَدْمِ لَا يَكُونُ إِلَّا بِزَوْجٍ ثَانٍ

And it is reported that the 'demolished) divorce cannot happen except by a second husband.

وَ أَمَّا طَلَاقُ الْعِدَّةِ فَهُوَ أَنْ يُطَلِّقَ الرَّجُلُ امْرَأَتَهُ عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ ثُمَّ يُرَاجِعُهَا مِنْ يَوْمِهِ أَوْ مِنْ عِدَّةٍ أَوْ مَتَى مَا يُرِيدُ مِنْ قَبْلِ أَنْ تَسْتَوِي قُرُوءَهَا وَ هُوَ أَمْلَكُ بِهَا وَ أَذَى الْمُرَاجَعَةِ أَنْ يَقْبَلَهَا أَوْ يُنْكِرَ الطَّلَاقَ فَيَكُونُ إِنْكَارُهُ لِلطَّلَاقِ مُرَاجَعَةً

And as for divorce of the waiting period, it is that the man divorces his wife upon purity from without consummation, with two just witnesses, then he returns to her from his very day or the next day, or whenever he wants, from before she has fulfilled her waiting period, and he is in more control with her; and the least for the return is that he kisses her, or denies the divorce, so his denial of the divorce would be a return.

فَإِذَا أَرَادَ أَنْ يُطَلِّقَهَا ثَانِيَةً لَمْ يَجِزْ ذَلِكَ إِلَّا بَعْدَ الدُّخُولِ بِهَا فَإِنْ دَخَلَ بِهَا وَ أَرَادَ طَلَّاقَهَا تَرْتِصَ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ طَلَّقَهَا فِي قَبْلِ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ

When he wants to divorce her secondly, that is not allowed except after the consummation with her. If he has not consummated with her and wants to divorce her, he has to wait with her until she menstruates and is pure. Then he divorces her in before her waiting period with two just witnesses.

فَإِنْ أَرَادَ مُرَاجَعَتَهَا رَاجَعَهَا وَ يَجُوزُ الْمُرَاجَعَةُ بِغَيْرِ شُهَدَاءٍ كَمَا يَجُوزُ التَّزْوِيجُ وَ إِنَّمَا تُكْرَهُ الْمُرَاجَعَةُ بِغَيْرِ شُهَدَاءٍ مِنْ جِهَةِ الْحُدُودِ وَ الْمَوَارِيثِ وَ السُّلْطَانِ

If he wants to return to her, he can return to her, and the return is allowed without witnesses just as the marriage is allowed, and rather, the return is disliked being without witnesses from the aspect of the legal penalties and the inheritances and the ruler.

فَإِنْ طَلَّقَهَا الثَّالِثَةَ فَقَدْ بَانَ مِنْهُ سَاعَةً طَلَّقَهَا الثَّالِثَةَ فَقَدْ بَانَ مِنْهُ فَلَا حِلَّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَإِذَا انْقَضَتْ عِدَّتُهَا مِنْهُ فَتَزَوَّجَهَا رَجُلٌ آخَرُ وَ طَلَّقَهَا أَوْ مَاتَ عَنْهَا وَ أَرَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا فَعَلَّ

If he divorces her thirdly, she becomes irrevocably divorced from him the very moment of his divorcing her thirdly. She is irrevocably divorced from him and is not lawful for him until she marries another husband. When she has fulfilled her waiting period from him, so another man marries her and divorces her, or dies from her, and the first one wants to marry her, he can do so.

وَ إِنْ طَلَّقَهَا ثَلَاثًا وَاحِدَةً بَعْدَ وَاحِدَةٍ عَلَى مَا وَصَفْنَاهُ لَكَ فَقَدْ بَانَ مِنْهُ وَ لَا حِلَّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَإِنْ تَزَوَّجَهَا غَيْرُهُ وَ طَلَّقَهَا أَوْ مَاتَ عَنْهَا وَ أَرَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا فَعَلَّ

And if he divorces her thirdly, one after one, based upon what we have described to you, he becomes irrevocably divorced from him, and she is not lawful for him until she marries another husband. If someone else marries her and divorces her, or dies from her, and the first one wants to marry her, he can do so.

فَإِنْ طَلَّقَهَا ثَلَاثَ تَطْلِيقَاتٍ عَلَى مَا وَصَفْنَاهُ وَاحِدَةً بَعْدَ وَاحِدَةٍ فَقَدْ بَانَ مِنْهُ وَ لَا حِلَّ لَهُ بَعْدَ تِسْعِ تَطْلِيقَاتٍ أَبَدًا-

If he divorces her with three divorces based upon what I have described, one after one, she becomes irrevocably divorced from him and will not be lawful for him after nine divorces, ever!'

وَ شَرَحَ آخَرُ فِي طَلَاقِ السُّنَّةِ وَ الْعِدَّةِ طَلَاقُ السُّنَّةِ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ نَحِيضٌ وَ تَطْهُرُ ثُمَّ يُشْهَدُ شَاهِدَيْنِ عَدْلَيْنِ عَلَى طَلَاقِهَا ثُمَّ هُوَ بِالْخِيَارِ فِي الْمُرَاجَعَةِ مِنْ ذَلِكَ الْوَقْتِ إِلَى أَنْ تَحِيضَ بِمَا قَدْ جَعَلَهُ اللَّهُ لَهُ فِي الْمُهْلَةِ وَ هُوَ ثَلَاثَةُ أَقْرُبٍ وَ الْقُرْبُ الْبَيَاضُ بَيْنَ الْحَيْضَتَيْنِ وَ هُوَ اجْتِمَاعُ الدَّمِ فِي الرَّجَمِ

And another commentary regarding divorce of the Sunnah, and the waiting period is divorce of the Sunnah – ‘When the man wants to divorce his wife, she menstruates and is pure, then he gets two just witnesses to witness upon her divorce, then he is with the choice regarding the return from that time until she menstruates with what Allah^{-azwj} has Made for him regarding the respite, and it is of three pure periods, and the ‘Qurou’ is the whiteness between the two menstruations, and it is a coagulation of the blood in the womb.

فَإِذَا بَلَغَ تَمَامَ حَدِّ الْفُرْءِ دَقَّقَتْهُ فَكَانَ الدَّقُّقُ الْأَوَّلُ الْخَيْضَ فَإِنْ تَرَكَهَا وَ لَمْ يَرِاجِعْهَا حَتَّى تَخْرُجَ الثَّلَاثَةُ الْأَفْرَاءُ فَقَدْ بَانَتْ مِنْهُ فِي أَوَّلِ الْقَطْرَةِ مِنْ دَمِ الْخَيْضِ الثَّالِثَةِ وَ هُوَ أَحَقُّ بِرَجْعَتِهَا إِلَى أَنْ تَطْهَرُ فَإِنْ طَهَّرَتْ فَهُوَ خَاطِبٌ مِنَ الْخُطَّابِ إِنْ شَاءَتْ زَوْجَتُهُ نَفْسَهَا تَزْوِيجاً جَدِيداً وَ إِلَّا فَلَا فَإِنْ تَزَوَّجَهَا بَعْدَ الْخُرُوجِ مِنَ الْعِدَّةِ تَزْوِيجاً جَدِيداً فَهِيَ عِنْدَهُ عَلَى اثْنَيْنِ.

When the limit of the Qurou is completed, there is 'Dafqah'. The 'Dafqah' is the first menstruation. If he leaves and her and does not returned to her until the third menstruation comes out, she becomes irrevocably divorce from him at the first drop of the first blood of the third menstruation, and he is more rightful with returning to her until she is pure. If she becomes pure, he is a proposer from the proposers. If she wants she can marry herself to him, he marries her anew, or else so no. If he marries her after the exit from the waiting period, he can marry her anew. She would be with him upon two (divorces)'.⁶⁶³

22- وَ قَدْ أَرَوِي عَنِ الْعَالِمِ ع أَنَّهُ قَالَ: الْفَقِيهُ لَا يُطَلِّقُ إِلَّا طَلَاقَ السُّنَّةِ

And it has been reported from the Scholar (Imam^{asws}) having said: 'The 'Faqeeh' does not divorce except divorce of the Sunnah'.

قَالَ وَ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَهَا طَلَاقَ الْعِدَّةِ تَرَكَهَا حَتَّى يَخِيضَ ثُمَّ تَطْهَرُ ثُمَّ يُشْهَدُ شَاهِدَيْنِ عَدْلَيْنِ عَلَى طَلَاقِهَا ثُمَّ يَرِاجِعُهَا وَ يُوَافِعُهَا ثُمَّ يَنْتَظِرُ بِهَا الْخَيْضَ وَ الطُّهْرَ ثُمَّ يُطَلِّقُهَا بِشَاهِدَيْنِ التَّطْلِيقَةِ الثَّانِيَةِ ثُمَّ يُوَافِعُهَا مَتَى مَا شَاءَ مِنْ أَوَّلِ الطُّهْرِ إِلَى آخِرِهِ

He^{asws} said: 'And when the man wants to divorce her, divorce of the waiting period, he leaves her until she menstruates then is pure, then he gets two just witnesses to witness upon her divorce. Then he can return to her and consummates with her. Then he has to wait with her, the menstruation and the purity. Then he divorces her with two witnesses, the second divorce. Then he consummates with her whenever he so desires to, from the beginning of the purity up to its end.

فَإِذَا رَاجَعَهَا فَخَاصَتْ ثُمَّ طَهَّرَتْ وَ طَلَّقَهَا الثَّالِثَةَ بِشَاهِدَيْنِ فَقَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ عَلَيْهَا اسْتِثْبَالُ الْعِدَّةِ مِنْهُ وَ قَتِ التَّطْلِيقَةِ الثَّالِثَةِ وَ عَلَى الْمُتَوَقِّ عَنْهَا زَوْجُهَا عِدَّةً أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ وَ عَلَى الْأَمَةِ الْمُطَلَّقةِ عِدَّةً خَمْسَةَ وَ أَرْبَعِينَ يَوْماً وَ عَلَى الْمُتَعَةِ مِثْلُ ذَلِكَ مِنَ الْعِدَّةِ وَ عَلَى الْأَمَةِ الْمُتَوَقِّ عَنْهَا زَوْجُهَا عِدَّةً شَهْرَيْنِ وَ خَمْسَةَ أَيَّامٍ وَ عَلَى الْمُتَعَةِ مِثْلُ ذَلِكَ

When he returns to her, then she is pure, and he divorces her thirdly with two witnesses, she becomes irrevocably divorced from him, and is not lawful for him until she marries another husband, and upon her is to face the waiting period from him, at the time of the third divorce; and upon the widow is a waiting period of four months and ten days; and upon the slave woman divorced is a waiting period of forty-five days; and upon the one of Mut'ah is similar to that from the waiting period; and upon the slave girl widow is a waiting period of two months and five days, and upon the one in Mut'ah is similar to that.

وَ إِنْ نَكَحَتْ زَوْجاً غَيْرَهُ ثُمَّ طَلَّقَهَا أَوْ مَاتَ عَنْهَا فَرِاجِعَهَا الْأَوَّلُ ثُمَّ طَلَّقَهَا طَلَاقَ الْعِدَّةِ ثُمَّ نَكَحَتْ زَوْجاً غَيْرَهُ ثُمَّ رَاجَعَهَا الْأَوَّلُ وَ طَلَّقَهَا طَلَاقَ الْعِدَّةِ الثَّالِثَةِ لَمْ تَحِلَّ لَهُ أَبَدًا

⁶⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 21

And if she marries another husband, then he divorces her or dies from her, so the first (husband) returns to her, then divorces her a divorce of the waiting period, then she marries another husband, then then first one returns to her and divorces her the third divorce of the waiting period, she is not lawful for him, ever!

وَحُصَّةٌ يُطْلَقُ عَلَى كُلِّ حَالٍ مَتَى طُلِقَ الْحُبْلَى الَّذِي قَدْ اسْتَبَانَ حَمْلَهَا وَ الَّتِي لَمْ تُدْرِكْ مُدْرَكَ النِّسَاءِ وَ الَّتِي قَدْ بَسَتْ مِنَ الْمَحِيضِ وَ الَّتِي لَمْ يَدْخُلْ بِهَا زَوْجُهَا وَ الْعَائِبُ إِذَا غَابَ أَشْهُراً فَلْيُطْلَقْهُنَّ أَرْوَاجَهُنَّ مَتَى شَاءُوا بِشَهَادَةِ شَاهِدَيْنِ

And five types of women may be divorced at any time whenever they are divorced: the pregnant woman whose pregnancy is clearly apparent, the one who has not yet reached womanhood, the one who has despaired of menstruation, the one whose husband has not consummated the marriage with her, and the absent woman if her husband has been away for months. Let their husbands divorce them whenever they wish, with the testimony of two witnesses.

وَ ثَلَاثٌ لَا عِدَّةَ عَلَيْهِنَّ الَّتِي لَمْ يَدْخُلْ بِهَا زَوْجُهَا وَ الَّتِي لَمْ تَبْلُغْ مَبْلَغَ النِّسَاءِ وَ الَّتِي قَدْ بَسَتْ مِنَ الْمَحِيضِ وَ بِاللَّهِ التَّوْفِيقُ.

And there are three who have no waiting period - the one whose husband has not consummated the marriage with her, the one who has not reached womanhood, and the one who has despaired of menstruation'.⁶⁶⁴

23- شي، تفسير العياشي عَنْ أَبِي بصيرٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ عُمَرَ بْنَ رَبَاحٍ زَعَمَ أَنَّكَ قُلْتَ- لَا طَلَاقَ إِلَّا بِبَيِّنَةٍ

(The book) 'Tafseer Al Ayyashi' – from Abu Baseer who said,

'I said to Abu Abdullah^{-asws}, 'Umar Bin Rabbah alleges that you^{-asws} said: 'There is no divorce except with proof'.

قَالَ فَقَالَ مَا أَنَا فَلْتُهُ بَلَى اللَّهُ تَبَارَكَ وَ تَعَالَى يَقُولُهُ إِنَّا وَ اللَّهُ لَوْ كُنَّا نُنْفِيكُمْ بِالْخَوْرِ لَكُنَّا أَشَدَّ مِنْكُمْ إِنَّ اللَّهَ يَقُولُ- لَوْ لَا يَنْهَاهُمُ الرَّائِيُونَ وَ الْأَخْبَارُ.

He (the narrator) said, 'He^{-asws} said: 'It was not I^{-asws} who have said this, but Allah^{-azwj} Blessed and Exalted Said it. By Allah^{-azwj}! If we^{-asws} were to issue verdicts with the injustice, we^{-asws} would become more severe (evil) than you all! **Why don't they forbid them, the Rabbis and the Monks [5:63]**'.⁶⁶⁵

24- سر، السرائر مِنْ كِتَابِ الْمَسَائِلِ عَنْ دَاوُدَ الصَّرْمِي قَالَ: سَأَلْتُ أَبَا الْحَسَنِ ع عَنْ عُبْدٍ كَانَتْ تَحْتَهُ زَوْجَةٌ ثُمَّ إِنَّ الْعَبْدَ أَبْقَى فَطَلَّقَ امْرَأَتَهُ مِنْ أَجْلِ إِبَاقِهِ قَالَ نَعَمْ إِنَّ أَرَادَتْ ذَلِكَ.

(The book) 'Al Saraair' – From 'Kitab Al Masaail', from Dawood Al Sarmy who said,

⁶⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 22

⁶⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 23

'I asked Abu Al-Hassan^{-asws} about a slave who had a wife under him. Then the slave absconded, whether his wife is divorced due to his absconding. He^{-asws} said: 'Yes, if he wants that'.⁶⁶⁶

25- سر، السرائر ابن محبوب عن أبي أيوب عن محمد بن مسلم عن أبي جعفر ع في رجلين شهدا على رجل غائب عن امرأته أنه طلقها فاعتدت المرأة وتزوجت ثم إن الزوج الغائب قدم فزعم أنه لم يطلقها وأكذب نفسه أخذ الشاهدين

(The book) 'Al Saraair' – Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim,

From Abu Ja'far^{-asws} regarding two men who witness upon an absent man about his wife that he has divorced her. So the woman observed the waiting period and re-married. Then the absent husband arrived and claimed that he had not divorced her and one of the witnesses belied himself.

فقال لا سبيل للآخر عليها ويؤخذ الصداق من الذي شهد ورجع فبرئ على الأخير والأول أم لك بها وتعتد من الأخير ولا يفرها الأول حتى تنقضي عدتها.

He^{-asws} said: 'There is no way for the other one upon her, and the dowry would be taken from the one who had witness and retracted, and be returned to the last one, and the first one would be more in control of her, and she would observe waiting period from the last husband and the first one will not go near her until her waiting period has expired'.⁶⁶⁷

26- فس، تفسير القمي أبي عن إسماعيل بن مزار عن يونس عن عبد الله بن مسكان عن أبي عبد الله ع قال: سألت عن طلاق السنة فقال هو أن يطلق الرجل المرأة على طهر من غير جماع بشهادة شاهدين عدلين ثم يتركها حتى تعتد ثلاثة قروء فإذا مضت ثلاثة قروء فقد بانث منه بواحدة وخلص للزوج وكان زوجها خاطباً من الخطأب

(The book) 'Tafseer Al Qummi' – My father, from Ismail Bin Marrar, from Yunus, from Abdullah Bin Muskan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about divorce of the Sunnah. He^{-asws} said: 'It is the man divorcing the wife upon a purity from without consummation, with witnessing by two just witnesses. Then he should leave her until she has observed waiting period of three 'Qurou'. When the three 'Qurou' (menses free periods) pass by, she would be irrevocably divorced from him with one and she would be lawful for the husbands, and her (former) husband would be a proposer from the proposers.

إن شاءت تزوجت وإن شاءت لم تفعل وإن تزوجها بمهر جديد كانت عنده بنتين باقيتين ومضت واحدة فإن هو طلقها واحدة على طهر بشهود ثم رجعها وأقعها ثم انتظر بها حتى إذا حاضت وطهرت طلقها أخرى بشهادة شاهدين ثم تركها حتى تمضي أفرؤها الثلاثة

If she likes, she can marry and if she like, she does not do so, and if he marries her with a new dowry she is with him with two divorces remaining and one already past. If he then divorces her once during a period of purity with witnesses, then takes her back and has relations with her, and then waits until she menstruates and becomes pure, and divorces her again with the testimony of two witnesses, then leaves her until her three menstrual cycles are completed.

⁶⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 24

⁶⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 25

فَإِذَا مَضَتْ أَفْرَاقُهَا الثَّلَاثَةُ مِنْ قَبْلِ أَنْ يُرَاجِعَهَا فَقَدْ بَانَتْ مِنْهُ بَيِّنَتَيْنِ وَ قَدْ مَلَكَتْ أَمْرَهَا وَ خَلَّتْ لِلزَّوْجِ وَ كَانَ زَوْجُهَا خَاطِباً مِنَ الْخُطَّابِ إِنْ شَاءَتْ تَزَوُّجَتُهُ وَ إِنْ شَاءَتْ لَمْ تَفْعَلْ فَإِنْ هُوَ تَزَوَّجَهَا تَزَوَّجاً جَدِيداً بِمَهْرٍ جَدِيدٍ كَانَتْ عِنْدَهُ بَاقِيَةً بِوَاحِدَةٍ وَ قَدْ مَضَتْ ثِنْتَانِ

So, if her three menstrual cycles are completed before he takes her back, she becomes separated from him with two divorces, gains control over herself, and becomes lawful for other husbands. Her former husband is then like any other suitor: if she wishes, she may marry him, and if she wishes, she may not. If he marries her again with a new marriage and a new dowry, she remains with him with one divorce remaining, and two have already passed.

فَإِنْ أَرَادَ أَنْ يُطَلِّقَهَا طَلِاقاً- لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ تَرَكَهَا حَتَّى إِذَا حَاضَتْ وَ طَهَّرَتْ أَشْهَدَ عَلَى طَلْقِهَا طَلِيقَةً وَاحِدَةً- فَلَا تَحِلُّ لَهُ ... حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ

If he wishes to divorce her again in a way after which she is not lawful for him until she marries another husband, he should leave her until she menstruates and becomes pure, then bear witness to her divorce with one pronouncement. After that, she is not lawful for him until she marries another husband.

وَ أَنَا طَلَّاقُ الرَّجْعَةِ فَإِنَّهُ يَدْعُهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ يُطَلِّقُهَا بِشَهَادَةِ شَاهِدَيْنِ ثُمَّ يُرَاجِعُهَا وَ يُؤَاقِعُهَا ثُمَّ يَنْتَظِرُ بِهَا الطَّهْرَ فَإِذَا حَاضَتْ وَ طَهَّرَتْ أَشْهَدَ عَلَى طَلِيقَةٍ أُخْرَى ثُمَّ يُرَاجِعُهَا وَ يُؤَاقِعُهَا ثُمَّ يَنْتَظِرُ الطَّهْرَ فَإِنْ حَاضَتْ وَ طَهَّرَتْ أَشْهَدَ شَاهِدَيْنِ عَلَى التَّطْلِيقَةِ الثَّالِثَةِ كُلُّ طَلِيقَةٍ عَلَى طَهْرٍ بِمُرَاجَعَةٍ

As for the revocable divorce, he should leave her until she menstruates and becomes pure, then he divorces her in the presence of two witnesses, then he takes her back and has marital relations with her, then waits with her until she becomes pure again. When she menstruates and becomes pure, he calls witnesses for another divorce, then takes her back and has relations with her, then waits until she is pure again. If she menstruates and becomes pure, he calls two witnesses for the third divorce. Each divorce must occur during a period of purity after a reconciliation.

وَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ عَلَيْهَا أَنْ تَعْتَدَ ثَلَاثَةَ قُرُوءٍ مِنْ يَوْمِ طَلْقِهَا التَّطْلِيقَةَ الثَّالِثَةَ لِدَنْسِ النِّكَاحِ وَ هُمَا يَتَوَارَثَانِ مَا دَامَتْ فِي الْعِدَّةِ فَإِنْ طَلَّقَهَا وَاحِدَةً عَلَى طَهْرٍ بِشَهَادَةِ شَاهِدَيْنِ ثُمَّ يَنْتَظِرُ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُرَاجِعَهَا لَمْ يَكُنْ طَلَّاقُهَا لَهَا الثَّانِيَةَ لِأَنَّهُ طَلَّقَ طَالِقاً لِأَنَّهُ إِذَا كَانَتْ الْمَرْأَةُ مُطْلَقَةً مِنْ زَوْجِهَا كَانَتْ حَارِجَةً مِنْ مِلْكِهِ حَتَّى يُرَاجِعَهَا

After the third divorce she is not lawful for him until she marries another husband. She must observe a waiting period of three menstrual cycles from the day he divorced her with the third divorce because of the impurity of the marital bond. During the waiting period they still inherit from each other. If he divorces her once during a period of purity with witnesses, then waits until she menstruates and becomes pure, then divorces her again before taking her back, the second divorce does not count because he divorced a woman who was no longer under his authority. When a woman has been divorced by her husband she is outside his authority until he takes her back.

فَإِذَا رَاجَعَهَا صَارَتْ فِي مِلْكِهِ مَا لَمْ تُطَلَّقِ التَّطْلِيقَةَ الثَّالِثَةَ فَإِذَا طَلَّقَهَا التَّطْلِيقَةَ الثَّالِثَةَ فَقَدْ خَرَجَ مِلْكُ الرَّجْعَةِ مِنْ يَدِهِ وَ إِنْ طَلَّقَهَا عَلَى طَهْرٍ بِشَهَادَةِ شَاهِدَيْنِ ثُمَّ رَاجَعَهَا وَ انتَظَرَ بِهَا الطَّهْرَ مِنْ غَيْرِ مُوَاقَعَةٍ فَحَاضَتْ وَ طَهَّرَتْ وَ هِيَ عِنْدَهُ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُدْرِسَهَا بِمُوَاقَعَةٍ بَعْدَ الرَّجْعَةِ لَمْ يَكُنْ طَلَّاقُهَا لَهَا طَالِقاً لِأَنَّهُ طَلَّقَهَا التَّطْلِيقَةَ الثَّانِيَةَ فِي طَهْرِ الْأَوَّلَى وَ لَا يُنْقَضُ الطَّهْرُ إِلَّا بِمُوَاقَعَةٍ بَعْدَ الرَّجْعَةِ

When he takes her back, she becomes under his authority again until a third divorce occurs. If he divorces her a third time, the right of revocation leaves his hand. If he divorces her during a period of purity with witnesses, then takes her back and waits with her for purity without having relations, and she menstruates and becomes pure while still with him, then he divorces her before having relations after taking her back, this divorce does not count because he divorced her a second time within the same period of purity as the first. Purity is not nullified except by relations after reconciliation.

وَكَذَلِكَ لَا يَكُونُ التَّطْلِيقُ الثَّالِثُ إِلَّا بِرُجْعَةٍ وَ مُوَاقَعَةٍ بَعْدَ الرُّجْعَةِ إِمَّا [ثُمَّ] حَيْضٍ وَ طَهْرٍ بَعْدَ الْحَيْضِ ثُمَّ طَلَا بِشُهُودٍ حَتَّى يَكُونَ لِكُلِّ تَطْلِيقٍ طَهْرٌ ثُمَّ تَذْنِيسٍ مُوَاقَعَةٍ بِشُهُودٍ.

Like that is the third divorce cannot occur except after reconciliation and relations, followed by menstruation and purification, then divorce with witnesses, so that each divorce has its own period of purity followed by marital relations in the presence of witnesses.⁶⁶⁸

27- ب، قرب الإسناد الطيالسي عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْخَالِقِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: طَلَّقَ عَبْدُ اللَّهِ بْنُ عُمَرَ امْرَأَتَهُ ثَلَاثًا فَجَعَلَهَا رَسُولُ اللَّهِ ص وَاحِدَةً وَ رَدَّهٗ إِلَى الْكِتَابِ وَ السُّنَّةِ.

(The book) 'Qurb Al Isnaad' – Al Tayalisi, from Ismail Bin Abdul Khaliq,

From Abu Abdullah^{asws} having said: 'Abdullah Bin Umar divorced his wife thrice. Rasool-Allah^{saww} made it to be one and returned him to the Book and the Sunnah'.⁶⁶⁹

28- ب، قرب الإسناد عليّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ الطَّلَاقِ مَا حَدُّهُ وَ كَيْفَ يَنْبَغِي لِلرَّجُلِ أَنْ يُطَلِّقَ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Al-Kazim^{asws}), he (the narrator) said, 'I asked him^{asws} about the divorce, 'What is its limit, and how is it befitting for the man to divorce?'

قَالَ السُّنَّةُ أَنْ يُطَلِّقَ عِنْدَ الطَّهْرِ وَاحِدَةً ثُمَّ يَدْعُهَا حَتَّى تَمْضِيَ عِدَّتُهَا فَإِنْ بَدَأَ لَهُ أَنْ يُرَاجِعَهَا قَبْلَ أَنْ تَبِينَ أَشْهَدَ عَلَى رَجْعَتِهَا وَ هِيَ امْرَأَتُهُ وَ إِنْ تَرَكَهَا حَتَّى تَبِينَ فَهُوَ خَاطِبٌ مِنَ الْخَطَّابِ إِنْ شَاءَتْ فَعَلَتْ وَ إِنْ شَاءَتْ لَمْ تَفْعَلْ.

He^{asws} said: 'The Sunnah is that he divorces at the one purity, then leaves her until her waiting period has passed. If there is a change of mind for him to return to her before it becomes irrevocable, he should keep witnesses upon returning to her, and she is his wife; but if he leaves her until it becomes irrevocable, then he is a proposer from the proposer. If she desires, she accepts it, and if she desires, she does not do so'.⁶⁷⁰

29- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُطَلِّقُ تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ ثُمَّ يَرْجِعُهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا مَا حَالُهَا

⁶⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 26

⁶⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 27

⁶⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 28

He said, 'And I asked him^{-asws} about the man who divorces a divorce or two divorces, then he leaves her until her waiting period expires, 'What is her state?'

قَالَ إِذَا تَرَكَهَا عَلَى أَنَّهُ لَا يُرِيدُهَا بَانَتْ مِنْهُ فَلَمْ يَحِلَّ لَهُ - حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ وَ إِنْ تَرَكَهَا عَلَى أَنَّهُ يُرِيدُ مُرَاجَعَتَهَا وَ مَضَى لِدَلِك سَنَةً فَهُوَ أَحَقُّ بِرَجْعَتِهَا.

He^{-asws} said; 'If he leaves her based upon that he will not want her, she is irrevocably divorced from him, so she is not lawful for him until she marries another husband; and if he leaves her based upon that he intends to return to her and a year passes by for that, he is more rightful with returning to her'.⁶⁷¹

30- قَالَ: وَ سَأَلْتُهُ عَنِ الْمُطَلَّغَةِ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا قَالَ نَعَمْ.

He said, 'And I asked him^{-asws} about the divorced woman, 'Is her expense upon her husband until her waiting period expires?' He^{-asws} said: 'Yes'.⁶⁷²

31- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ إِنِّي أَحْبَبْتُ أَنْ تَبِينِي فَلَمْ تَقُلْ شَيْئًا حَتَّى افْتَرَقَا مَا عَلَيْهِ

He said, 'And I asked him^{-asws} about a man who says to his wife, 'I would love it if you could be irrevocably divorced from me', and she does not say anything until they both separate. 'What is upon him?'

قَالَ لَيْسَ عَلَيْهِ شَيْءٌ وَ هِيَ امْرَأَتُهُ.

He^{-asws} said: 'There isn't anything upon him, and she is his wife'.⁶⁷³

32- ب، قرب الإسناد لمحمد بن الحسين عن محمد بن سينان قال: كتب معي عطية المدائني إلى أبي الحسن الأول ع يسأله

(The book) 'Qurb Al-Isnaad' – Muhammad Bin Al-Husayn, from Muhammad Bin Sinan who said, 'Atiya Al-Madaini wrote with me to Abu Al-Hassan^{-asws} the 1st asking him^{-asws}'.

قَالَ قُلْتُ امْرَأَتِي طَالِقٌ عَلَى السُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ الصَّلَاةَ

He told (me to write), 'I said, 'My wife is divorced upon the Sunnah. If I have to repeat the Salat, so I will repeat the Salat!'

ثُمَّ قُلْتُ امْرَأَتِي طَالِقٌ عَلَى الْكِتَابِ وَ السُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

Then I said, 'My wife is divorced upon the Book and the Sunnah. If I have to repeat the Salat, so I will repeat!'

ثُمَّ قُلْتُ امْرَأَتِي طَالِقٌ طَلَقَ آلِ مُحَمَّدٍ عَلَى السُّنَّةِ إِنْ أَعَدْتُ صَلَاتِي فَأَعَدْتُ

⁶⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 29

⁶⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 30

⁶⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 31

Then I said, 'My wife is divorced by the divorce of Progeny^{-asws} of Muhammad^{-saww}, upon the Sunnah. If I have to repeat my Salat, I will repeat!'

قَالَ فَلَمَّا رَأَيْتُ اسْتِخْفَانِي بِذَلِكَ قُلْتُ امْرَأَتِي عَلَيَّ كَظْفَرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ وَ قَدْ اعْتَزَلْتُ أَهْلِي مُنْذُ سِنِينَ

He said, 'When he saw me taking lightly with that, I said, 'My wife unto me is like the back of my mother. If I have to repeat the Salat, I will repeat, and I have isolated my wife for years!'

قَالَ فَقَالَ أَبُو الْحَسَنِ ع الْأَهْلُ أَهْلُهُ وَ لَا شَيْءَ عَلَيْهِ إِذَا هَذَا وَ أَشْبَاهُهُ مِنْ حُطُوتِ الشَّيْطَانِ.

He said, 'Abu Al-Hassan^{-asws} said: 'The wife is his wife and there is nothing upon him. But rather this (Zeehar), and it's like are from the footsteps of Satan^{-la}'.⁶⁷⁴

33- ب، قرب الإسناد السنيدي بن محمد عن صفوان الجمال عن أبي عبد الله ع قال: جاء رجل فساءله فقال لي طلقته امرأتي ثلاثاً في مجلس

(The book) 'Qurb Al Isnaad' – Al Sindy Bin Muhammad, from Safwan Al Jammal,

From Abu Abdullah^{-asws} having said: 'A man came and asked him^{-asws}. He said, 'I have divorced my wife thrice in one sitting!'

فَقَالَ لَيْسَ بِشَيْءٍ

He^{-asws} said: 'It isn't with anything!'

ثُمَّ قَالَ أَمَا تَقْرَأُ كِتَابَ اللَّهِ تَعَالَى - يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَ اتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَ لَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ

Then he^{-asws} said: 'Have you not read the Book of Allah^{-azwj} the Exalted: ***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! Do not expel them from their houses, nor should they go out from their houses except they come with an open immorality [65:1].***

ثُمَّ قَالَ لَا تَذَرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

Then He^{-azwj} Said: '***You don't know, perhaps Allah would Bring about a new Command after that' [65:1]***'.

ثُمَّ قَالَ كُلُّ مَا خَالَفَ كِتَابَ اللَّهِ وَ السُّنَّةَ فَهُوَ يُرَدُّ إِلَى كِتَابِ اللَّهِ وَ السُّنَّةِ.

Then he^{-asws} said: 'All that which opposes the Book of Allah^{-azwj} and the Sunnah, it should be returned to the Book of Allah^{-azwj} and the Sunnah'.⁶⁷⁵

⁶⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 32

⁶⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 33

34- ب، قرب الإسناد ابن عيسى عن البرزطي قال: سألت الرضا ع عن رجل طلق امرأته بعد ما عشيها بشاهدين عدلين قال ليس هذا طلاقاً

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

'I asked Al-Reza^{-asws} about a man who divorces his wife with two just witnesses, after having had marital relations. He^{-asws} said: 'This isn't (a valid) divorce'.

فقلت له فكيف طلاق السنة

I said to him^{-asws}, 'So how is divorce of the Sunnah?'

فقال تطلقها إذا طهرت من حيضها قبل أن تعشاها بشاهدين عدلين فإن خالف ذلك رد إلى كتاب الله عز وجل

He^{-asws} said: 'You divorce her when she is pure from her menstruation before you have marital relations with her, with two just witnesses. If he opposes that, he will be returned to the Book of Allah^{-azwj} Mighty and Majestic!'

قلت فإنه طلق على طهر من جماع بشهادة رجل وامرأتين

I said, 'Supposing he divorces her being upon purity from marital relations, with the witnessing of a man and two women?'

قال لا يجوز شهادة النساء في الطلاق

He^{-asws} said: 'Witnessing of the women is not allowed in the divorce!'

قلت فإنه أشهد رجلين ناصبيين على الطلاق يكون ذلك طلاقاً

I said, 'Supposing he keeps two Nasibi (hostile ones) as witnesses upon the divorce, would that be a (valid) divorce?'

قال كل من ولد على الفطرة جازت شهادته بعد أن يعرف منه صلاح في نفسه.

He^{-asws} said: 'Everyone born upon the nature, his witnessing is allowed after righteousness within himself has been recognised'.⁶⁷⁶

35- قال: و سألت عن رجل طلق امرأته على طهر بشاهدين ثم رجعها ولم يجامعها بعد الرجعة حتى طهرت من حيضها ثم طلقها على طهر بشاهدين هل تقع عليها التولية الثانية وقد رجعها ولم يجامعها

And I asked him^{-asws} about a man who divorces his wife upon purity, keeping two witnesses, then he returns to her and does not have marital relations after the return until she is pure from her menstruation. Then he divorces her upon purity, keeping two witnesses, 'Does the

⁶⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 34

third divorce occur upon her, and he had returned to her and did not have marital relations with her?’

قَالَ نَعَمْ.

He^{-asws} said: ‘Yes’.⁶⁷⁷

(The book) ‘Tafseer Al Qummi’ – In a report by Abu Al Jaroud,

From Abu Ja’far^{-asws} regarding His^{-azwj} Words: **then divorce them to their waiting period**, - and the waiting period is the purity from the menstruations - **and calculate the waiting period [65:1]** – and that is because you leave her until she menstruates.

36- فس، تفسير القمي في رواية أبي الجارود عن أبي جعفر ع في قوله فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَالْعِدَّةُ الطُّهُرُ مِنَ الْمَحِيضِ - وَأَحْصُوا الْعِدَّةَ وَ ذَلِكَ أَنَّ تَدْعَهَا حَتَّى تَحِيضَ فَإِذَا حَاضَتْ ثُمَّ طَهَّرَتْ وَ اغْتَسَلَتْ طَلَّقَهَا تَطْلِيقَةً مِنْ غَيْرِ أَنْ يُجَامِعَهَا وَ يُشْهَدُ عَلَى طَلَّقِهَا إِذَا طَلَّقَهَا ثُمَّ إِنْ شَاءَ رَاجَعَهَا وَ يُشْهَدُ عَلَى رَجْعِهَا إِذَا رَاجَعَهَا

(The book) ‘Tafseer Al-Qummi’ - **then divorce them to their waiting period**, - and the waiting period is the purity from the menstruations - **and calculate the waiting period [65:1]**, and that is you leave her until she menstruates. When she has menstruated, then purified, and washed, he divorces her with a divorce from without having marital relations, and keeps witnesses upon her divorce when he divorces her. Then if he desires, he can return to her and keep witnesses upon returning to her when he does return to her.

فَإِذَا أَرَادَ طَلَّقَهَا الثَّانِيَةَ فَإِذَا حَاضَتْ وَ طَهَّرَتْ وَ اغْتَسَلَتْ طَلَّقَهَا الثَّانِيَةَ وَ أَشْهَدَ عَلَى طَلَّقِهَا مِنْ غَيْرِ أَنْ يُجَامِعَهَا ثُمَّ إِنْ شَاءَ رَاجَعَهَا وَ أَشْهَدَ عَلَى رَجْعِهَا ثُمَّ يَدْعُهَا حَتَّى تَحِيضَ ثُمَّ تَطْهَّرُ فَإِذَا اغْتَسَلَتْ طَلَّقَهَا الثَّالِثَةَ

So, when he wishes to divorce her a second time, once she has menstruated, become pure, and performed the ritual bath, he divorces her the second time and calls witnesses to the divorce without having marital relations with her. Then, if he wishes, he may take her back and call witnesses to the reconciliation. Then he leaves her until she menstruates again and becomes pure, and when she has performed the ritual bath, he divorces her the third time.

وَ هُوَ فِيمَا بَيْنَ ذَلِكَ قَبْلَ أَنْ يُطَلِّقَ الثَّالِثَةَ أَمْلَكَ بِهَا إِنْ شَاءَ رَاجَعَهَا غَيْرَ أَنَّهُ إِنْ رَاجَعَهَا ثُمَّ بَدَأَ لَهُ أَنْ يُطَلِّقَهَا اعْتَدَّ بِمَا طَلَّقَ قَبْلَ ذَلِكَ وَ هَكَذَا السُّنَّةُ فِي الطَّلَاقِ - لَا يَكُونُ الطَّلَاقُ إِلَّا عِنْدَ طَهْرِهَا مِنْ خِيضِهَا مِنْ غَيْرِ جِمَاعٍ كَمَا وَصَفْتُ وَ كُلَّمَا رَاجَعَ فَلْيُشْهَدَ

During that period before the third divorce, he had the greatest right to her and may take her back if he wishes. However, if he takes her back and then decides to divorce her again, he must count what he had divorced before. This is the prescribed practice regarding divorce. Divorce should only occur when she is pure after her menstruation and without relations, as I have described, and every time he takes her back, he should call witnesses.

⁶⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 35

فَإِنْ طَلَّقَهَا ثُمَّ رَاجَعَهَا حَبَسَهَا مَا بَدَأَ لَهُ ثُمَّ إِنْ طَلَّقَهَا تِلْكَ الْوَاحِدَةَ الْبَاقِيَةَ بَعْدَ مَا كَانَ رَاجَعَهَا
اعْتَدَّتْ ثَلَاثَةَ قُرُوءٍ وَ هِيَ ثَلَاثُ حِيضٍ وَ إِنْ لَمْ يَحْضِ فَثَلَاثَةُ أَشْهُرٍ وَ إِنْ كَانَ بِهَا حَمْلٌ فَإِذَا وَضَعَتْ انْقَضَى أَجْلُهَا

If he divorces her and then takes her back, he may keep her as long as he wishes. Then, if he divorces her a second time and takes her back, he may keep her with one remaining divorce as long as he wishes. Then, if he divorces her with that remaining single divorce after having taken her back, she must observe a waiting period of three cycles, which are three menstruations. If she does not menstruate, then three months. If she is pregnant, then when she gives birth, her waiting period is over.

وَ هُوَ قَوْلُهُ وَ اللَّائِي يَمْسَسْنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَ اللَّائِي لَمْ يَحْضُنَّ فَعِدَّتُهُنَّ أَيْضاً ثَلَاثَةُ أَشْهُرٍ - وَ أُولَاثُ الْأَحْمَالِ
أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ.

And it is His^{-azwj} Word: **And those from your women despaired from the menstruation, if you doubt, then their waiting period is of three months, and of those who have yet to menstruate** – their waiting period as well is of three months - **and those who are pregnant, their term is that they should place their burden (give birth) [65:4]**.⁶⁷⁸

37- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ وَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمَمْلُوكُ لَا يَجُوزُ طَلَاؤُهُ وَ لَا نِكَاحُهُ إِلَّا بِإِذْنِ سَيِّدِهِ

(The book) 'Tafseer Al Ayyashi' – From Zurara,

From Abu Ja'far^{-asws} and from Abu Abdullah^{-asws} having said: 'The slave, neither his divorce nor his marriage is valid except by the permission of his master'.

قُلْتُ فَإِنْ كَانَ السَّيِّدُ رَوَّجَهُ يَدٌ مِنَ الطَّلَاقِ

I said, 'Supposing the master had got him married, in whose hand would be the divorce?'

قَالَ يَدُ السَّيِّدِ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا - لَا يَقْدِرُ عَلَى شَيْءٍ فَشَيْءُ الطَّلَاقِ.

He^{-asws} said: 'In the hand of the master. **Allah Strikes an example of an owned slave, not being able upon anything [16:75]**. The 'thing' is the divorce'.⁶⁷⁹

38- شي، تفسير العياشي عَنْ أَحْمَدَ بْنِ عَبْدِ اللَّهِ الْعُلَوِيِّ عَنِ الْحُسَيْنِ بْنِ الْحُسَيْنِ بْنِ زَيْدِ بْنِ عَلِيٍّ عَنِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع قَالَ كَانَ
عَلِيٌّ بْنُ أَبِي طَالِبٍ ع يَقُولُ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ وَ يَقُولُ لِلْعَبْدِ لَا طَلَّاقَ وَ لَا نِكَاحَ ذَلِكَ إِلَى سَيِّدِهِ وَ النَّاسُ يَزُودُونَ خِلَافَ
ذَلِكَ إِذَا أَدِنَ السَّيِّدُ لِعَبْدِهِ لَا يَزُونَ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا.

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^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} Bin Abu Talib^{-asws} had said: '**Allah Strikes an example of an owned slave, not being able upon anything**

⁶⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 36

⁶⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 37

[16:75], and he says to the slave, 'No divorce', and 'No marriage', that is up to his master, while the people are narrating opposite to that, 'When the master permits for his slave', they are not viewing for him that he can separate between the two'.⁶⁸⁰

39- ل، الخصال أبي عن سعد عن ابن يزيد عن ابن أبي عمير عن حماد بن عثمان عن أبي عبد الله ع قال: خمس يطلّقن على كل حال الحامل والتي قد يسست من المحيض والتي لم يدخل بها والغائب عنها زوجها والتي لم تبلغ المحيض.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Hammad Bin Usman,

From Abu Abdullah^{-asws} having said: 'Five (women) can be divorced upon every state – the pregnant, and the one who has despaired from the menstruating, and the one who has not been consummated with, and the whose husband is absent from her, and the one who has yet to reach the menstruation age'.⁶⁸¹

40- ل، الخصال ابن الوليد عن الصفار عن ابن عيسى عن محمد بن النعمان عن القاسم بن محمد الجوهري عن البطائني عن أبي بصير عن أبي عبد الله ع قال: سألت عن الذي يطلق ثم يراجع ثم يطلق قال لا تحل له حتى تنكح زوجاً غيره.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Muhammad Al Barqy, from Al Qasim Bin Muhammad Al Jowhary, from Al Batainy, from Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the one who divorces then returns, then divorces, then retracts, then divorces. He^{-asws} said: 'She is not lawful for him until she marries another husband.

و التي يطلقها الرجل ثلاثاً فبترزوها رجل آخر فبطلقها على السنة ثم ترجع إلى زوجها الأول فبطلقها ثلاث مرات على السنة و تنكح زوجاً غيره فبطلقها ثم ترجع إلى زوجها الأول فبطلقها ثلاث مرات على السنة ثم تنكح فذلك التي لا تحل له أبداً و المأعنة لا تحل له أبداً.

And the one whom the man divorces thrice, then another man marries her and divorces her upon the Sunnah, then she returns to her first husband, and he divorces her three times upon the Sunnah, and another husband marries her, and he divorces her. Then she returns to her first husband, and he divorces her three times upon the Sunnah. Then she gets married. So that is the one who is not lawful for him, ever; and the 'mutually cursed' is not lawful for him, ever!⁶⁸²

41- ل، الخصال في خبر الأعمش عن الصادق ع قال: و الطلاق للسنة على ما ذكره الله عز و جل في كتابه و سنة نبيه ص و لا يجوز طلاق لعن السنة و كل طلاق مخالف للكتاب فليس بطلاق كما أن كل نكاح مخالف السنة فليس بنكاح.

(The book) 'Al Khisaal' – In a report by Al Amsh,

From Al-Sadiq^{-asws} having said: 'And the divorce to the Sunnah is based upon what Allah^{-azwj} Mighty and Majestic has Mentioned in His^{-azwj} Book and Sunnah of His^{-azwj} Prophet^{-saww}, and a

⁶⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 38

⁶⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 39

⁶⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 40

divorce of other than the Sunnah is not valid, and every divorce opposing the Book isn't a divorce just as every marriage opposing the Sunnah isn't a marriage'.⁶⁸³

42- ن، عيون أخبار الرضا عليه السلام فيما كتب الرضا ع للمأمون مثله و زاد فيه و إذا طَلقت المرأة للعدة ثلاث مرات لم تحل لزوجه حتى تنكح زوجاً غيره.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Among what Al-Reza^{-asws} wrote for Al-Mamoun is similar to it, and there is an addition in it: 'And when a woman is divorced to the waiting period three times, she is not lawful for her husband until she marries another husband'.⁶⁸⁴

43- و قال أمير المؤمنين ع اتقوا تزويج المطلقات ثلاثاً في موضع واحد فإنهن ذوات أزواج.

And Amir Al-Momineen^{-asws} said: 'Fear marrying the ones divorced thrice in one place, for these are still with husbands'.⁶⁸⁵

44- لي، الأماالي للصدوق ابن الوليد عن ابن أaban عن الحسين بن سعيد عن ابن أبي عمير و محمد بن إسماعيل معاً عن منصور بن يونس و علي بن إسماعيل معاً عن ابن خازم عن الصادق ع آتاه ع قال: لا طلاق قبل نكاح الخبر.

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Ibn Abu Umeir, and Muhammad Bin Ismail, both together from Mansour Bin Yunus, and Ali Bin Ismail, both together from Ibn Hazim,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'There is no divorce before the marriage' – the Hadeeth.⁶⁸⁶

45 ماء، الأماالي للشيخ الطوسي العضايري عن الصدوق مثله.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.⁶⁸⁷

46- ع، علل الشرائع القطان عن ابن زكريا القطان عن ابن حبيب عن ابن هلول عن إسماعيل بن الفضل قال قال أبو عبد الله ع لا يقع الطلاق إلا على الكتاب و السنة لأنه حد من حدود الله عز و جل يقول إذا طلقتم النساء فطلقوهن لعدتهن و أخصوا العدة و يقول و أشهدوا ذوي عدل منكم و يقول و تلك حدود الله و من يتعد حدود الله فقد ظلم نفسه و إن رسول الله ص رد طلاق عبد الله بن عمر لأنه كان خلافاً للكتاب و السنة.

(The book) 'Ilal Al Sharaie' – Al Qattan, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Bahloul, from Ismail Bin Al Fazl who said,

Abu Abdullah^{-asws} said: 'The divorce cannot occur except based upon the Book and the Sunnah, because it is a limit from the limits of Allah^{-azwj} Mighty and Majestic. He^{-azwj} Says: **'When you divorce the women, then divorce them to their waiting period and calculate the waiting period [65:1];** and He^{-azwj} Says: **and two just ones from you should bear witness**

⁶⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 41

⁶⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 42

⁶⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 43

⁶⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 44

⁶⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 45

[65:2]; And these are the Limits of Allah, and one who exceeds the Limits of Allah, so he has been unjust to himself [65:1]; and Rasool-Allah^{-saww} rejected the divorce of Abdullah Bin Umar because it was opposed to the Book and the Sunnah'.⁶⁸⁸

47- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع في علل ابن سنان عن الرضا ع أنه كتب إليه علل الطلاق ثلاثاً لما فيه من المهلة فيما بين الواحدة إلى الثلاث لرغبة تحدث أو سكون غضب إن كان و ليكون ذلك تخويفاً و تأديباً للنساء و زجراً لمن عن معصية أزواجهن فاستحقت المرأة الفرقة و المباشرة لدخولها فيما لا ينبغي من معصية زوجها

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, (and) 'Ilal Al Sharaie', in 'Ilal' of Ibn Sinan,

From Al-Reza^{-asws}, he^{-asws} wrote to him regarding the divorce thrice due to what is in it from the opportunity in what is between the one up to the three, in order for desire to be aroused, or anger to subside if there was, and for that to be a scare and a discipline for the women and a rebuke for them from disobeying their husbands, and the wife would have deserved the separation and the separation due to her entering into what is not appropriate from disobeying her husband.

و علل تحريم المرأة بعد تسع تطليقات فلا تحل له أبداً عفوة لئلا يتلاعب بالطلاق و لا تستضعف المرأة و ليكون ناظراً في أموره متيقظاً معتبراً و ليكون يأساً لها [يأساً لهما] من الاجتماع بعد تسع تطليقات

And reason for the prohibition of the woman after nine divorces she is not lawful for him, ever, is a punishment lest he is playing around with the divorce and to ensure that the woman is not wronged or weakened. It is so that he will be attentive and careful in his affairs, taking lessons, and so that there is despair for both of them about reuniting after nine divorces.

و علل طلاق المملوك اثنين لأن طلاق الأمة على البصيف و جعله اثنين احتياطاً لكمال الفرائض كذلك في الفرق في العدة المتوقفت عنها زوجها.

The reason for the slave's divorce being limited to two is because the divorce of a female slave is half, and making it two is a precaution for completing the obligations, just as there is a difference in the waiting period for a woman whose husband has died'.⁶⁸⁹

48- ع، علل الشرائع الطالقاني عن ابن عثمة عن علي بن الحسن بن فضال عن أبيه قال: سألت الرضا ع عن العلل التي من أجلها لا تحل المطلقة للعدة لزوجها - حتى تنكح زوجاً غيره فقال إن الله تبارك و تعالى إنما أذن في الطلاق مرتين فقال الله عز و جل - الطلاق مرتان فإمساك بمعروف أو تسريح بإحسان يعني في التطليقة الثالثة

(The book) 'Ilal Al Sharaie' – Al Talaqany, from Ibn Uqda, from Ali Bin Al-Hassan Bin Fazzal, from his father who said,

'I asked Al-Reza^{-asws} about the reason due to which the one divorced to the waiting period is not lawful for her husband until she marries another husband, he^{-asws} said: 'Allah^{-azwj} Blessed and Exalted rather Permitted regarding the divorce, to be twice. He^{-azwj} Said: **The divorce is**

⁶⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 46

⁶⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 47

twice, then either keep them with reasonableness or release with the goodness [2:229], meaning the third divorce.

وَلِدُخُولِهِ فِيمَا كَرِهَ اللَّهُ عَزَّ وَجَلَّ لَهُ مِنَ الطَّلَاقِ الثَّلَاثِ حَرَّمَهَا عَلَيْهِ - فَلَا يُحِلُّ لَهُ ... حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ لِأَنَّ يَوْعَ النَّاسِ الْإِسْتِخْفَافُ بِالطَّلَاقِ وَ لَا يُضَارُّوا النِّسَاءَ.

And for his entering into what Allah^{-azwj} Mighty and Majestic Dislikes, the third divorce. He^{-azwj} Prohibited her to him, **So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband [2:230]**, lest the people fall into taking lightly with the divorce, and they do not harm the women'.⁶⁹⁰

49- ل، الخصال ابن المُنَوِّكِل عَنْ مُحَمَّدِ الْعَطَّار عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ عَلِيٍّ الْكُوفِيِّ 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 بِيَدِهِ طَلَاقَ امْرَأَتِهِ فَهِيَ تُؤْذِيهِ وَ عِنْدَهُ مَا يُعْطِيهَا وَ لَمْ يُحْلَلْ سَبِيلُهَا وَ رَجُلٌ أَبَقَ مَمْلُوكُهُ ثَلَاثَ مَرَّاتٍ وَ لَمْ يَبْعُهُ وَ رَجُلٌ مَرَّ بِجَائِطٍ مَائِلٍ وَ هُوَ يُقْبِلُ 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 Al Kufi, and Muhammad Bin Al Husayn, from Muhammad Bin Hammad Al Harisy,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Five are not Answered (of their supplications) – a man Allah^{-azwj} Made the divorce of his wife in his hand, so she hurts him and with him is what he can give her and he does not free her way; and a man whose slave absconded three times and he does not sell him; and a man who passes by a leaning wall and he is facing toward it, and he does not quicken the walk until it falls upon him; and a man who lends money to a man but he does not keep witnesses upon him; and a man who sits in his house and says, 'O Allah^{-azwj}, Provide me!', and he does not seek'.⁶⁹¹

50- ب، قرب الإسناد ابن طَرِيفٍ عَنِ ابْنِ عُلْوَانَ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع قَالَ قَالَ عَلِيُّ ع لَا طَلَاقَ لِمَنْ لَا يَنْكِحُ وَ لَا عَتَاقَ لِمَنْ لَا يَمْلِكُ

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} said: 'There is no divorce for the one who is not married, and there is no liberation for the one not owning (a slave)'.⁶⁹²

و قَالَ عَلِيُّ ع وَ لَوْ وَضَعَ يَدَهُ عَلَى رَأْسِهَا.

And Ali^{-asws} said: 'And even if he were to place his hand upon her head'.⁶⁹²

51 ب، قرب الإسناد بِحَدِّ الْإِسْنَادِ قَالَ قَالَ عَلِيُّ ع لَا يَجُوزُ طَلَاقُ الْعُلَامِ حَتَّى يَحْتَلِمَ.

(The book) 'Qurb Al Isnaad' – By this chain,

⁶⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 48

⁶⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 49

⁶⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 50

He^{-asws} said: 'Ali^{-asws} said: 'The divorce of a boy is not valid until he reaches puberty'.⁶⁹³

52 ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ عَلِيٌّ ع لَا طَلَّاقَ إِلَّا مِنْ بَعْدِ نِكَاحٍ وَلَا عَتَقَ إِلَّا مِنْ بَعْدِ مِلْكٍ.

(The book) 'Qurb Al Isnaad' – By this chain,

He^{-asws} said: 'Ali^{-asws} said: 'There is no divorce except from after marriage, nor any liberation except from after ownership (of a slave)'.⁶⁹⁴

53 ب، قرب الإسناد حمَّادُ بْنُ عِيسَى قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع تَطْلُقُ الْحُرَّةُ ثَلَاثًا وَ تَعْتَدُ ثَلَاثًا.

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa said,

'Abu Abdullah^{-asws} said: 'The free woman is divorced thrice, and observes three waiting periods'.⁶⁹⁵

54 ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام مَا جِئَ لِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ ابْنِ عِيسَى عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنْ أَبِيهِ قَالَ: سَأَلْتُ الرِّضَا ع عَنْ تَرْوِيجِ الْمُطَلَّقاتِ ثَلَاثًا فَقَالَ لِي إِنَّ طَلَّاقَكُمْ الثَّلَاثَ لَا يَحِلُّ لِعَبْرَتِكُمْ وَ طَلَّاقُهُمْ حِلٌّ لَكُمْ لِأَنَّكُمْ لَا تَرَوْنَ الثَّلَاثَ شَيْئًا وَ هُمْ يُوجِبُونَهَا.

(The book) 'Ilal Al Sharaie', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Majaylawiya, from Muhammad Al Attar, from Ibn Isa, from Ja'far Bin Muhammad Al Ash'ary, from his father who said,

'I asked Al-Reza^{-asws} about marrying the woman divorced thrice. He^{-asws} said to me: 'Your three divorces are not permissible for others and their divorces are lawful for you because you are not viewing the three (in one sitting) as anything, while they are obligating it'.⁶⁹⁶

55 مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام أَبِي عَنِ الْحُسَيْنِ بْنِ أَحْمَدَ الْمَالِكِيِّ عَنْ عَبْدِ اللَّهِ بْنِ طَاوُسٍ قَالَ: قُلْتُ لِلرِّضَا ع إِنَّ لِي ابْنَ أَخٍ زَوَّجْتُهُ ابْنَتِي وَ هُوَ يَشْرَبُ الشَّرَابَ وَ يُكْثِرُ ذِكْرَ الطَّلَاقِ

(The book) 'Ma'any Al Akhbaar', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – My father, from Al-Hassan Bin Ahmad Al Maliki, from Abdullah Bin Tawoos who said,

'I said to Al-Reza^{-asws}: 'There is a nephew of mine I have got my daughter married to, and he drinks the (intoxicating) drinks and frequently mentions the divorce'.

قَالَ إِنْ كَانَ مِنْ إِخْوَانِكَ فَلَا شَيْءَ وَ إِنْ كَانَ مِنْ هَؤُلَاءِ فَأَبْنَاهَا مِنْهُ فَإِنَّهُ عَنِ الْفِرَاقِ

He^{-asws} said: 'If he was from your brethren, it is nothing, but if he was from them (general Muslims), separate her from him, for he means the separation'.

قَالَ قُلْتُ جُعِلْتُ فِدَاكَ أَلَيْسَ رُوي عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ إِيَّاكُمْ وَ الْمُطَلَّقاتِ ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ فَإِنَّهُنَّ ذَوَاتُ أَزْوَاجٍ

⁶⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 51

⁶⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 52

⁶⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 53

⁶⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 54

He (the narrator) said, 'I said, 'May I be sacrificed for you^{-asws}! Hasn't it been reported from Abu Abdullah^{-asws} that he^{-asws} said: 'Beware of the women divorced thrice in one sitting, for these are still with husbands?'

فَقَالَ ذَلِكَ مَنْ كَانَ مِنْ إِخْوَانِكُمْ لَا مِنْ هَؤُلَاءِ إِنَّهُ مَنْ دَانَ بِدِينِ قَوْمٍ لَزِمَتْهُ أَحْكَامُهُمْ.

He^{-asws} said: 'That is the one who was from your brethren, not from them. Surely the one makes it a religion with the religion of a people, their rulings would be binding on him.'⁶⁹⁷

56 ع، علل الشرائع أَبِي عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ وَغَيْرِهِ مِنْ أَصْحَابِ يُونُسَ عَنْ يُونُسَ عَنْ رَجَالٍ شَيَّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ مَا الْعِلَّةُ الَّتِي إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ وَهُوَ مَرِيضٌ فِي حَالِ الْإِضْرَارِ وَرَثَتَهُ وَ لَمْ يَرِثْهَا وَ مَا حَدُّ الْإِضْرَارِ

(The book) 'Ilal Al Sharaie' – My father, from Ali, from his father, from Salih Bin Saeed and others from the companions of Yunus, from Yunus, from various men (narrators),

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said, 'What is the reason for which when the man divorces his wife while he is sick in a state of causing harm, she will inherit him and he will not inherit her, and what is the limit of causing harm?'

قَالَ هُوَ الْإِضْرَارُ وَ مَعْنَى الْإِضْرَارِ مَنْعُهُ إِيَّاهَا مِيرَاثَهَا مِنْهُ فَأَلَزِمَ الْمِيرَاثَ عُقُوبَةً.

He^{-asws} said: 'It is harm, and meaning of the 'harm' is his preventing her of her inheritance from him. Thus, necessitating the inheritance is a punishment.'⁶⁹⁸

57 ما، الأماالي للشيخ الطوسي المُفِيدُ عَنْ عَلِيٍّ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ صَالِحٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ زَيْدٍ عَنْ مُحَمَّدِ بْنِ تَسْنِيمٍ عَنْ جَعْفَرِ بْنِ الْخُثَعَمِيِّ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ رُقِيَّةَ بْنِ مَصْقَلَةَ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: أَتَى عُمَرَ بْنَ الْخَطَّابِ رَجُلَانِ يَسْأَلَانِ عَنْ طَلَاقِ الْأُمَةِ فَأَلْتَفَتَ إِلَى خَلْفِهِ فَتَنَظَّرَ إِلَى أَبِي طَالِبٍ ع فَقَالَ يَا أَصْلَحُ مَا تَرَى فِي طَلَاقِ الْأُمَةِ فَقَالَ بِإِصْبَعَيْهِ هَكَذَا وَ أَشَارَ بِالسَّبَابَةِ وَ الَّتِي تَلِيهَا

(The book) 'Al Amaali' of Al sheykh Al Tusi – Al Mufeed, from Ali Bin Khalid, from Muhammad Bin Al Husayn Bin Salih, from Muhammad Bin Ali Bin Zayd, from Muhammad Bin Tasneem, from Ja'far Al Khash'amy, from Ibrahim Bin Abdul Al Hameed, from Ruqiya Bin Masqalah Bin Abdullah, from his father, from his grandfather having said,

Two men came to Umar Bin Al-Khattab asking about the divorce of the slave girl. He turned around to look behind him. He looked toward Ali^{-asws} Bin Abu Talib^{-asws}. He said, 'O baldie (short-haired one)! What is your^{-asws} view regarding divorcing the slave girl?' He^{-asws} said (gestured) with his^{-asws} fingers like this, and indicated with the index finger and the one following it.

فَأَلْتَفَتَ إِلَيْهِمَا عُمَرُ وَ قَالَ ثُتْنَانِ

Umar turned to them and said, 'Two!'

⁶⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 55

⁶⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 56

فَقَالَا سُبْحَانَ اللَّهِ جُفْنَاكَ وَأَنْتَ أَمِيرُ الْمُؤْمِنِينَ فَسَأَلْنَاكَ فَجِئْتَ إِلَى رَجُلٍ سَأَلْتُهُ وَاللَّهُ مَا كَلَّمَكَ

They said, 'Glory be to Allah^{-azwj}! We come to you and you are commander of the faithful. We ask you, so you go to a man to ask him! By Allah^{-azwj}, what did he^{-asws} say to you?'

فَقَالَ عُمَرُ تَدْرِيَانِ مَنْ هَذَا

Umar said, 'Don't you two know who this is?'

قَالَ لَا

They said, 'No!'

قَالَ هَذَا عَلِيٌّ بْنُ أَبِي طَالِبٍ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ لَوْ أَنَّ السَّمَاوَاتِ السَّبْعَ وَالْأَرْضِينَ السَّبْعَ وَضَعْنَا فِي كِفَّةٍ وَوَضَعْنَا إِيْمَانُ عَلِيٍّ فِي كِفَّةٍ لَرَجَحَ إِيْمَانُ عَلِيٍّ ع.

He said, 'This is Ali^{-asws} Bin Abu Talib^{-asws}! I heard Rasool-Allah^{-saww} saying: 'Even if the seven skies and the seven earths were to be placed in a hand (of a scale), and the Eman of Ali^{-asws} placed in (the other) hand, the Eman of Ali^{-asws} would outweigh!''⁶⁹⁹

58 ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن صالح بن أحمد و محمد بن القاسم بن زكريا معاً عن محمد بن تسنيم مثله.

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Salih Bin Ahad and Muhammad Bin Al Qasim Bin Zakariya, both together from Muhammad Bin Tasneem, similar to it.⁷⁰⁰

59 سن، المحاسن أبي عن فضالة عن سيف عن أبي بكر الحضرمي قال: قُلْتُ لِأبي عَبْدِ اللَّهِ ع رَجُلٌ خَلَفَ لِلسُّلْطَانِ بِالطَّلَاقِ وَالْعَتَاقِ

(The book) 'Al Majaalis' – My father, from Fazalah, from Sayf, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'A man swears to the ruler with the divorce and the liberation (of slave)'.
فَقَالَ إِذَا حَشِيَ سَيْفُهُ وَ سَطَوَتْهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَغْفُو وَ النَّاسُ لَا يَغْفُونَ.

He^{-asws} said: 'When he fears his sword and his punishment, there isn't anything upon him. O Abu Bakr! Allah^{-azwj} Pardons, and the people do not pardon'.⁷⁰¹

60 سن، المحاسن أبي عن صفوان عن أبي الحسن و البرنظري معاً عن أبي الحسن ع قال: سَأَلْتُهُ عَنِ الرَّجُلِ يُسْتَكْرَهُ عَلَى الْيَمِينِ فَيُخْلَفُ بِالطَّلَاقِ وَالْعَتَاقِ وَ صَدَقَهُ مَا يَمْلِكُ أَيْلَازُهُ ذَلِكَ

(The book) 'Al Mahasin' – My father, from Safwan, from Abu Al-Hassan and Al Bazanty, both together,

⁶⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 57

⁷⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 58

⁷⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 59

From Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who is coerced upon the oath, so he swears with the divorce, and the liberation (of a slave), and charity of what he owns, does it oblige him?'

فَقَالَ لَا فَقَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنْ أَقْبَى مَا أُكْرِهُوا عَلَيْهِ وَ لَمْ يُطِيعُوا وَ مَا أَحْطُوا.

He^{-asws} said: 'No. Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community whatever they are coerced upon, and (what) they cannot endure, and what they as mistaken with'.⁷⁰²

61 سن، المحاسن أبي عن ابن أبي عمير عن أبي أيوب عن معاذ بن عيسى قال: قلت لأبي عبد الله ع إنا نُسَخِّفُ بِالطَّلَاقِ وَ الْعَتَاقِ فَمَا تَرَى أَخْلِفُ لَهُمْ

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeir, from Abu Ayoub, from Muaz Baya'a Al Aksiya who said,

I said to Abu Abdullah^{-asws}, 'We are made to swear on oath with the divorce and the liberation (of slaves). What is your^{-asws} view, shall I oath to them?'

قَالَ اخْلِفْ لَهُمْ بِمَا أَرَادُوا إِذَا خِفْتَ.

He^{-asws} said: 'Swear oath to them with whatever they want, when you are fearing'.⁷⁰³

62 سج، الخرائج و الجرائع روي عن هارون بن خريجة قال: كان رجل من أصحابنا طلق امرأته ثلاثاً فسأل أصحابنا فقالوا ليس بشيء فقالت امرأته لا أرضى حتى تسأل أبا عبد الله ع و كان بالحيرة إذ ذاك أتاه أبي العباس

(The book) 'Al Kharaij Wa Al Jaraih' – It is reported from Haroun Bin Kharijah who said,

'A man from our companions had divorced his wife thrice (in one sitting). He asked our companions. They said, 'It isn't anything'. His wife said, 'I will not be satisfied until you ask Abu Abdullah^{-asws}', and he^{-asws} was at Al-Hira, since those were the days (era) of Abu Al-Abbas (the caliph).

قَالَ فَذَهَبْتُ إِلَى الْحِيرَةِ وَ لَمْ أَقْدِرْ عَلَى كَلَامِهِ إِذْ مَنَعَ الْخَلِيفَةُ النَّاسَ مِنَ الدُّخُولِ عَلَى أَبِي عَبْدِ اللَّهِ ع وَ أَنَا أَنْظَرُ كَيْفَ أَلْتَمِسُ لِقَاءَهُ فَإِذَا سَوَادِي عَلَيْهِ جُبَّةٌ صُوفٍ يَبِيعُ خَبَاراً فَقُلْتُ لَهُ بِكُمْ خَبَارُكَ هَذَا كُلُّهُ

He said, 'I went to Al-Hira and I was not able upon speaking to him^{-asws} when the caliph had forbidden the people from going to see Abu Abdullah^{-asws}, and I was looking (considering) how I can seek to meet him^{-asws}, when there was a black man having a woollen coat upon him selling cucumbers. I said to him, 'For who much are these cucumbers, all of them?'

قَالَ بَدْرَهُمْ

⁷⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 60

⁷⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 61

He said, 'For one Dirham'.

فَأَعْطَيْتُهُ دِرْهَمًا وَ قُلْتُ لَهُ أَعْطِنِي جُبَّتَكَ هَذِهِ فَأَخَذْتُهَا وَ لَبِسْتُهَا وَ نَادَيْتُ مَنْ يَشْتَرِي خِيَارًا وَ دَنَوْتُ مِنْهُ

I gave him a Dirham and said to him, 'Give me this coat of yours!' I took it and wore it and called out, 'Who wants to buy cucumbers?', and went near him^{-asws}.

فَإِذَا غُلَامٌ مِنْ نَاحِيَةِ يُنَادِي يَا صَاحِبَ الْخِيَارِ إِلَيَّ

There was a young guy in a corner who called out, 'O owner of the cucumbers, come to me!'

فَقَالَ ع لِي لَمَّا دَنَوْتُ مِنْهُ مَا أَجُودَ مَا اخْتَلْتُ أَيُّ شَيْءٍ حَاجَتُكَ

He^{-asws} said to me when I was near him^{-asws}, 'How clever is what you have impersonated! Which thing is your need?'

قُلْتُ إِنِّي ابْتُلَيْتُ فَطَلَّقْتُ أَهْلِي فِي دَفْعَةٍ ثَلَاثًا فَسَأَلْتُ أَصْحَابَنَا فَقَالُوا لَيْسَ بِشَيْءٍ وَ إِنَّ الْمَرْأَةَ قَالَتْ لَا أَزْصِي حَتَّى تَسْأَلَ أَبَا عَبْدِ اللَّهِ ع

I said, 'I am in tribulation. I divorced my wife thrice in one go. I asked our companions. They said, 'It isn't anything', and the wife said to me, 'I will not be satisfied until you ask Abu Abdullah^{-asws}!'

فَقَالَ ارْجِعْ إِلَى أَهْلِكَ فَالَيْسَ عَلَيْكَ شَيْءٌ.

He^{-asws} said: 'Return to your wife. There isn't anything upon you!'⁷⁰⁴

63 شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ فِي الرَّجُلِ إِذَا تَزَوَّجَ الْمَرْأَةَ قَالَ أَقَرَّتْ بِالْمِيثَاقِ الَّذِي أَخَذَ اللَّهُ إِمْسَاكَ بِمَعْرُوفٍ أَوْ تَشْرِيعٍ بِإِحْسَانٍ.

(The book) 'Tafseer Al Ayyashi' – From Abdul Rahman who said,

'I heard Abu Ja'far^{-asws} saying regarding the man when he married a woman. He^{-asws} said: 'She has accepted the Covenant which Allah^{-azwj} has Taken: **then either keep them with reasonableness or release with the goodness [2:229]**'.⁷⁰⁵

64 شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمَرْأَةُ الَّتِي لَا تَحِلُّ لِرَوْجِهَا - حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ الَّتِي تُطَلِّقُ ثُمَّ تُرَاجِعُ ثُمَّ تُطَلِّقُ ثُمَّ تُرَاجِعُ ثُمَّ تُطَلِّقُ الثَّالِثَةَ فَلَا تَحِلُّ لَهُ ... حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ - الطَّلَاقُ مَرَّتَانِ فإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَشْرِيعٍ بِإِحْسَانٍ وَ التَّشْرِيعُ هُوَ التَّطْلِيقُ الثَّالِثَةُ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

From Abu Abdullah^{-asws} having said: 'The woman who is not lawful for her husband until she marries another husband is the one who is divorced, then returned, then divorced, then

⁷⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 62

⁷⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 63

divorced, then divorced the third time, so she is no lawful for him until she marries another husband. Allah-^{azwj} Mighty and Majestic Says: **The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229]**, and the release it is the third divorce’.

قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع فِي قَوْلِهِ - فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ هَاهُنَا الطَّلِيقَةُ الثَّالِثَةُ فَإِنْ طَلَّقَهَا الْأَخِيرُ فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا بِتَزْوِيجٍ جَدِيدٍ.

He (the narrator) said, ‘Abu Abdullah-^{asws} said regarding His-^{azwj} Words: **So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband;** - over here is the third divorce - **then if he divorces her there is no blame on them both if they return to each other [2:230]** – with a new marriage’.⁷⁰⁶

65 شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ اللَّهَ يَقُولُ الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ وَ التَّسْرِيحُ بِالْإِحْسَانِ هِيَ الطَّلِيقَةُ الثَّالِثَةُ.

(The book) ‘Tafseer Al Ayyashi’ – From Abu Baseer,

From Abu Ja’far-^{asws} having said: **‘The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229]**, and the ‘release with the goodness’, it is the third divorce’.⁷⁰⁷

66 شي، تفسير العياشي عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ: سَأَلْتُهُ عَنِ الْمَرْأَةِ الَّتِي لَا تَحِلُّ لِرِزْوَجِهَا - حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ قَالَ هِيَ الَّتِي تُطَلَّقُ ثُمَّ تُرَاجَعُ ثُمَّ تُطَلَّقُ ثُمَّ تُرَاجَعُ ثُمَّ تُطَلَّقُ الثَّالِثَةَ فَهِيَ الَّتِي لَا تَحِلُّ لِرِزْوَجِهَا - حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ تَذُوقَ عُسْبِلَتَهُ وَ يَذُوقَ عُسْبِلَتَهَا وَ هُوَ قَوْلُ اللَّهِ الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ أَنْ تُسَرَّحَ بِالطَّلِيقَةِ الثَّالِثَةِ.

(The book) ‘Tafseer Al Ayyashi’ – From Sama’at Bin Mihran who said,

‘I asked him-^{asws} about the woman which is not permissible for her husband until she marries another husband. He-^{asws} said: ‘She is the one who is divorced, then returned, then divorced, then returned, then divorced for the third time. So, she is the one who is not permissible for her husband until she marries another husband, and she tastes his honey and he tastes her honey, and it is the Word of Allah-^{azwj}: **The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229]**. The ‘release’ is with the third divorce’.⁷⁰⁸

67 شي، تفسير العياشي عَنْ أَبِي الْقَاسِمِ الْفَارِسِيِّ قَالَ: قُلْتُ لِلرِّضَا ع جُعِلْتُ فِدَاكَ إِنَّ اللَّهَ يَقُولُ فِي كِتَابِهِ - فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ مَا يَغْنِي بِذَلِكَ

(The book) ‘Tafseer Al Ayyashi’ – from Abu Al Qasim Al Farsi who said,

⁷⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 64

⁷⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 65

⁷⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 66

'May I be sacrificed for you'-asws! Allah-azwj is Saying in His-azwj Book: **then either keep them with reasonableness or release with the goodness [2:229]**. What does He-azwj Mean by that?'

قَالَ أَنَا الْإِنْسَانُ بِالْمَعْرُوفِ فَكَفْتُ الْأَدَى وَ إِجْبَاءُ النَّفَقَةِ وَ أَنَا التَّشْرِيعُ بِإِحْسَانٍ فَالطَّلَاقُ عَلَى مَا نَزَلَ بِهِ الْكِتَابُ.

He-asws said: 'As for '**keep them with reasonableness**', is refraining from the harming and providing sufficient maintenance, and as for '**release with the goodness**', it is the divorce based upon what the Book has been Revealed with.⁷⁰⁹

68 شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ فَضَالَةَ عَنِ الْعَبْدِ الصَّالِحِ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ عِنْدَ فُرْجَتِهَا تَطْلِيقَةً ثُمَّ رَاجَعَهَا ثُمَّ طَلَّقَهَا عِنْدَ فُرْجَتِهَا الثَّالِثَةَ فَبَانَتْ مِنْهُ أَلَهُ أَنْ يُرَاجِعَهَا

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bi Fazalah,

From Al-Abd Al-Salih (Musa Al-Kazim-asws), he (the narrator) said, 'I asked him-asws about a man who divorces his wife at her menses-free period, then returns to her, then divorces her at her menses-free period thirdly, so she becomes irrevocably divorced from him. Is it for him to return to her?'

قَالَ نَعَمْ

He-asws said: 'Yes'.

فُلْتُ قَبْلَ أَنْ تَنْزُوجَ زَوْجًا غَيْرَهُ

I said, 'Before she marries another husband?'

قَالَ نَعَمْ

He-asws said: 'Yes'.

فُلْتُ لَهُ فَرَجُلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقَةً ثُمَّ رَاجَعَهَا ثُمَّ طَلَّقَهَا ثُمَّ رَاجَعَهَا ثُمَّ طَلَّقَهَا

I said to him-asws, 'So (what about) a man who divorces his wife with a divorce, then returns to her, then divorces her, then returns to her, then divorces her?'

قَالَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ.

He-asws said: 'She is not lawful for him until she marries another husband'.⁷¹⁰

69 شي، تفسير العياشي عَنْ أَبِي بصيرٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَنِ الطَّلَاقِ الَّتِي لَا تَحِلُّ لَهُ- حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ قَالَ لِي أُخْبِرُكَ بِمَا صَنَعْتُ أَنَا بِامْرَأَةٍ كَانَتْ عِنْدِي فَأَرَدْتُ أَنْ أُطَلِّقَهَا فَتَرَكْتُهَا حَتَّى إِذَا طَمِنْتُ ثُمَّ طَهَّرْتُ طَلَّقْتُهَا مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ

⁷⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 67

⁷¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 68

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer who said,

'I asked Abu Ja'far^{-asws} about the divorce (after which) she is not lawful for him until she marries another husband. He^{-asws} said to me: 'Shall I^{-asws} tell you what I^{-asws} did with a woman who was with me^{-asws}? I^{-asws} wished to divorce her, so I left her until she menstruated and then became pure. I^{-asws} then divorced her without marital relations, in the presence of two witnesses.

ثُمَّ تَرَكَتُهَا حَتَّى إِذَا كَادَتْ أَنْ تَنْقَضِيَ عِدَّتُهَا رَاجِعْتُهَا وَ دَخَلْتُ بِهَا وَ مَسِسْتُهَا وَ تَرَكَتُهَا حَتَّى طَمِنَتْ وَ طَهَّرْتُ ثُمَّ طَلَّقْتُهَا بِشُهُودٍ مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ
ثُمَّ تَرَكَتُهَا حَتَّى إِذَا كَادَتْ أَنْ تَنْقَضِيَ عِدَّتُهَا رَاجِعْتُهَا وَ دَخَلْتُ بِهَا وَ مَسِسْتُهَا ثُمَّ تَرَكَتُهَا حَتَّى طَمِنَتْ وَ طَهَّرْتُ ثُمَّ طَلَّقْتُهَا بِشُهُودٍ مِنْ غَيْرِ جَمَاعٍ وَ إِنَّمَا
فَعَلْتُ ذَلِكَ بِهَا لِأَنَّهُ لَمْ يَكُنْ لِي بِهَا حَاجَةٌ.

Then I^{-asws} left her until her waiting period was almost over. I^{-asws} took her back, had relations with her, and left her until she menstruated and became pure. Then I^{-asws} divorced her again with witnesses, without marital relations, in the presence of two witnesses. I^{-asws} left her until her waiting period was almost over, then I^{-asws} took her back, had relations with her, and left her until she menstruated and became pure. Then I^{-asws} divorced her with witnesses, without union. I^{-asws} only did this with her because I^{-asws} had no need for her'.⁷¹¹

70 شي، تفسير العياشي عن الحسن بن زياد قال: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ فَتَزَوَّجَتْ بِالْمُنْعَةِ أَوْ تَحِلُّ لِرَجُلٍ الْأَوَّلِ

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan Bin Ziyad who said,

'I asked him^{-asws} about a man who divorces his wife, and she re-marries with the Mut'ah, 'Is she lawful for her first husband?'

قَالَ لَا- لَا تَحِلُّ لَهُ حَتَّى تَدْخُلَ فِي مِثْلِ الَّذِي خَرَجَتْ مِنْ عِنْدِهِ وَ ذَلِكَ قَوْلُهُ فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ
عَلَيْهِمَا أَنْ يَتَرَاجَعَا إِنْ طَلَّقَا أَنْ يَقِيمَا حُدُودَ اللَّهِ وَ الْمُتْعَةُ لَيْسَ فِيهَا طَلَّاقٌ.

He^{-asws} said: 'No, she is not lawful for him until she enters into similar to which she had exited from him, and that is the Word of Allah^{-azwj}: ***So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband; then if he divorces her there is no blame on them both if they return to each other, if they think that they can keep within the Limits of Allah [2:230],*** and the Mut'ah, there is no divorce in it'.⁷¹²

71 شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع قال: سَأَلْتُهُ عَنِ الطَّلَاقِ الَّذِي لَا تَحِلُّ لَهُ- حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ قَالَ هُوَ الَّذِي يُطَلِّقُ ثُمَّ
يُرَاجِعُ وَ الرَّجْعَةُ هُوَ الْجَمَاعُ ثُمَّ يُطَلِّقُ ثُمَّ يُرَاجِعُ ثُمَّ يُطَلِّقُ الثَّالِثَةَ- فَلَا تَحِلُّ لَهُ ... حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the divorce after which she is not lawful for him until she marries another husband. He^{-asws} said: 'He is the one who

⁷¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 69

⁷¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 70

وَقَالَ الرَّجْعَةُ الْجَمَاعُ وَإِلَّا فَهِيَ وَاحِدَةٌ.

[illegible]

73 شي، تفسير العياشي عن مُحَمَّد بنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ ثُمَّ تَزَوَّجَهَا حَتَّى انْقَضَتْ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا ثُمَّ طَلَّقَهَا مِنْ غَيْرِ أَنْ يَذْخُلَ بِهَا حَتَّى فَعَلَ ذَلِكَ بِهَا ثَلَاثًا قَالَ لَا حُلَّ لَهُ حَتَّى تُنْكِحَ زَوْجًا غَيْرَهُ.

From Abu Abdullah^{-asws} regarding a man who divorces his wife, then leaves her until she fulfils her waiting period, then he marries her, then divorces her from without having consummated with her, until he does that thrice with her. He^{-asws} said: 'She is not lawful for him until she marries another husband'.⁷¹⁵

74 شي، تفسير العياشي عن إسماعيل بن عمار قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ طَلَّاقًا - لَا نَحْلَ لَهُ مِنْ بَعْدِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَتَزَوَّجَهَا عَبْدٌ ثُمَّ طَلَّقَهَا هَلْ يَهْدُمُ الطَّلَاقُ

'I asked Abu Abdullah^{-asws} about a man who divorces his wife with such a divorce she is not lawful for him afterwards until she marries another husband. A slave marries her, then divorces her, 'Does he invalidate the divorce?'

قَالَ نَعَمْ لِأَقُولِ لِلَّهِ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ هُوَ أَحَدُ الْأَزْوَاجِ.

He^{-asws} said: ‘Yes, due to Words of Allah^{-azwj}: ***until she marries another husband [2:230]***, and he is one of the husbands’.⁷¹⁶

⁷¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 74

75 شي، تفسير العياشي عن عبد الله بن سنان عن أبي عبد الله ع عن أمير المؤمنين ع قال: إذا أراد الرجل الطلاق طلقها في قبل عدتها في غير جماع فإنه إذا طلقها واحدة ثم تركها حتى يخلو أجلها و شاء أن يخطب مع الخطأ فعلقين راجعها قبل أن يخلو الأجل أو لعدة [العدة] فهي عنده على تطليقة

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Sinan,

From Abu Abdullah^{asws}, from Amir Al-Momineen^{asws} having said: 'When the man intends the divorce, he divorces her before her waiting period without consummation, for then he would have divorced her once. Then he leaves her until her term is free, and he desires to propose to her with the proposers, he can do so. If he returns to her before the term is free, or at the waiting period, she is with him upon once divorce.

فإن طلقها الثانية فشاء أيضاً أن يخطب مع الخطأ إن كان تركها حتى يخلو أجلها و إن شاء راجعها قبل أن ينقض أجلها فإن فعل فهي عنده على تطليقتين

If he divorces her the second time, so he desires as well he can propose along with the proposers, if he had left her until her term was free, and if he desires he can return to her before the expiry of her term. If he does so, she would be with him upon two divorces.

فإن طلقها ثلاثاً – فلا تحل له ... حتى تنكح زوجاً غيره و هي تراث و تورث ما كانت في الدم في التطليقتين الأولتين.

If he divorces her thirdly, she is not lawful for him until she marries another husband, and she will inherit and be inherited from, for as long as she is in the blood (menstruation) during the first two divorces.⁷¹⁷

76 شي، تفسير العياشي عن زرارة و حمران ابني أعين و محمد بن مسلم عن أبي جعفر و أبي عبد الله ع قالوا سألناهما عن قوله – و لا تمسكوهن ضراراً ليعتدوا فقالا هو الرجل يطلق المرأة تطليقة واحدة ثم يدعها حتى إذا كان آخر عدتها راجعها ثم يطلقها أخرى فيتركها مثل ذلك ربه ذلك.

(The book) 'Tafseer Al Ayyashi' – From Zurarah and Humran, two sons of Ayn, and Muhammad Bin Muslim,

From Abu Ja'far^{asws} and Abu Abdullah^{asws}, they said, 'We asked them^{asws} about His^{azwj} Words: **And do not retain them for harm for you will transgress [2:231]**. They^{asws} said: 'He is the man divorcing his wife with one divorce, then he leaves her until when it was at the end of her waiting period, he returns to her. Then he divorces her again, so he leaves her similar to that. That is suspicious'.⁷¹⁸

77 شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع قال: سألتهم عن قول الله – و لا تمسكوهن ضراراً ليعتدوا قال الرجل يطلق حتى إذا كادت أن يخلو أجلها راجعها ثم طلقها ثم راجعها يفعل ذلك ثلاث مرات فنهي الله عنه.

(The book) 'Tafseer Al Ayyashi' – From Al Halby,

From Abu Abdullah^{asws}, he (the narrator) said, 'I asked him^{asws} about Words of Allah^{azwj}: **And do not retain them for harm for you will transgress [2:231]**. He^{asws} said: 'The man divorces

⁷¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 75

⁷¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 76

until what her term is almost complete, he returns to her. Then he divorces her, then returns to her. He does that three times. Allah^{-azwj} has Prohibited from that'.⁷¹⁹

78 ن، عيون أخبار الرضا عليه السلام البيهقي عن الصولي عن أحمد بن محمد بن إسحاق عن أبيه قال: حلف رجل بخراسان بالطلاق أن معاوية ليس من أصحاب رسول الله ص أيام كان الرضا ع بها فأفتى الفقهاء بطلاقها

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – A man swore an oath at Khurasan with the divorce (of his wife) that Muawiya isn't from companions of Rasool-Allah^{-saww}, in the days Al-Reza^{-asws} was at it. The Jurists issued Fatwa of her divorce.

فَسُئِلَ الرِّضَا ع فَأَفْتَى أَنَّهَا لَا تُطَلَّقُ فَكَتَبَ الْفُقَهَاءُ رُقْعَةً وَ أَنْفَدُوهَا إِلَيْهِ وَ قَالُوا لَهُ مِنْ أَيْنَ قُلْتَ يَا ابْنَ رَسُولِ اللَّهِ ص إِنَّهَا لَمْ تُطَلَّقْ

Al-Reza^{-asws} was asked. He^{-asws} issued Fatwa that she is not divorced. The jurists wrote a note and sent it to him^{-asws} and said: 'From where did you^{-asws} say, O son^{-asws} of Rasool-Allah^{-saww}, that she is not divorced?'

فَوَقَّعَ ع فِي رُقْعَتِهِمْ قُلْتُ هَذَا مِنْ رَوَايَتِكُمْ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ص قَالَ - لِمُسْلِمَةِ الْفَتْحِ وَ قَدْ كُتِبُوا عَلَيْهِ أَنْتُمْ خَيْرٌ وَ أَصْحَابِي خَيْرٌ وَ لَا هِجْرَةَ بَعْدَ الْفَتْحِ فَأَبْطَلَ الْهِجْرَةَ وَ لَمْ يَجْعَلْ هَؤُلَاءِ أَصْحَاباً لَهُ

He^{-asws} replied in their note: 'I^{-asws} said this from your own reports from Abu Saeed Al-Khudri, that Rasool-Allah^{-saww} said to Muslims of the conquest, and they had become numerous to him^{-saww}: 'You are good, and my^{-saww} companions are good! There is no emigration after the conquest'. Thus, the emigration was invalidated, and he^{-saww} did not consider them (Muslims at the conquest of Makkah including Muawiya) as companions of his^{-saww}.

فَرَجَعُوا إِلَى قَوْلِهِ.

They returned to his^{-asws} word'.⁷²⁰

79 ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم قال: سألت أحدهما ع عن رجل قالت له امرأته أسألك بوجه الله إلا ما طلقني

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I asked one of the two (5th or 6th Imam^{-asws}) about a man his wife says to him, 'I ask you for the Face of Allah^{-azwj}, please divorce me!'

قَالَ يُوجِعُهَا ضَرْباً أَوْ يَعْفُو عَنْهَا.

He^{-asws} said: 'He should either tap her with a (symbolic) strike, or pardon her'.⁷²¹

⁷¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 77

⁷²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 78

⁷²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 79

80 ين، كتاب حسين بن سعيد و النوادر عن زَيْدِ الْخَيَّاطِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ امْرَأَتِي خَرَجَتْ بَعِيرٍ إِذْنِي فَقُلْتُ لَهَا إِنَّ خَرَجْتَ بَعِيرٍ إِذْنِي فَأَنْتِ طَالِقٌ فَخَرَجَتْ فَلَمَّا أَنَّ دَكَرْتُ دَخَلْتُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zayd Al Khayyat who said,

'I said to Abu Abdullah^{-asws}, 'My wife went out without my permission, so I said to her, 'If you go out without my permission, then you are divorced!' She still went out. So when I remembered, I entered (to see you^{-asws})'.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع خَرَجَتْ سَبْعِينَ ذِرَاعًا

Abu Abdullah^{-asws} said: 'Did she go out to seventy cubits?'

قَالَ لَا

He said, 'No'.

قَالَ وَ مَا أَشَدَّ مِنْ هَذَا بَحِيءٌ مِثْلُ هَذَا مِنَ الْمُشْرِكِينَ فَيَقُولُ لِامْرَأَتِهِ الْقَوْلَ فَتَنْتَرِعُ فَتَنْزُوجُ زَوْجًا آخَرَ وَ هِيَ امْرَأَتُهُ.

He^{-asws} said: 'And what is severer than this? The likes of this one have come from the Polytheists, so he says to his wife the word, so she would be separated and marry another husband while she is still his wife!'⁷²²

81 كِتَابُ سُلَيْمِ بْنِ قَيْسٍ، عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ قَالَ فِي سِيَاقِ ذِكْرِ بَدْعِ عُمَرَ وَ أَعْجَبُ مِنْ ذَلِكَ أَنَّ أَبَا كِنْفٍ الْعَبْدِيَّ أَنَّهُ فَقَالَ إِنِّي طَلَقْتُ امْرَأَتِي وَ أَنَا غَائِبٌ فَوَصَلَ إِلَيْهَا الطَّلَاقُ ثُمَّ رَاجَعْتُهَا وَ هِيَ فِي عِدَّتِهَا فَلَمْ يَصِلِ الْكِتَابُ إِلَيْهَا حَتَّى تَزَوَّجَتْ

The book of Suleym Bin Qays -

From Amir Al-Momineen^{-asws}, he^{-asws} said in continuation of mention of innovations by Umar: 'And most surprising of that is that Abu Kinf Al-Abdy had come to him. He said, 'I have divorced my wife while I was absent (away), and the (news of) divorce arrived to her. Then I returned to her while she was in her waiting period, and I had written to her, but the letter did not arrive to her until she had re-married!'

فَكَتَبَ لَهُ إِنْ كَانَ هَذَا الَّذِي تَزَوَّجَهَا دَخَلَ بِهَا فَهِيَ امْرَأَتُهُ وَ إِنْ كَانَ لَمْ يَدْخُلْ بِهَا فَهِيَ امْرَأَتُكَ وَ كَتَبَ لَهُ ذَلِكَ وَ أَنَا شَاهِدٌ وَ لَمْ يُشَاوِرْنِي وَ لَمْ يَسْأَلْنِي بَرَى اسْتِعْنَاءَهُ بِعِلْمِهِ عَنِّي الْحَدِيثَ.

He (Umar) wrote for him, 'If the one who has married her has consummated with her, she is his wife, and if he has not consummated with her, she is your wife', and he wrote that for him, and I^{-asws} am a witness, and he did not consult me^{-asws} and did not ask me^{-asws}. He viewed that he was needless of me^{-asws} with his knowledge' – the Hadeeth.⁷²³

⁷²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 80

⁷²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 81

82 نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: تَزَوَّجَ رَجُلٌ امْرَأَةً ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا فَجَهِلَ فَوَاقِعَهَا وَظَنَّ أَنَّ عَلَيْهَا الرَّجْعَةَ

(The book) 'Nawadir' of Al Rawandi –

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'A man married a woman, then divorced her before he had consummated with her. He was ignorant and had marital relations with her and he thought that upon that there is a return for him to her.

فَرَفَعَ إِلَى عَلِيٍّ ع فَدْرَأَ عَنْهُ الْحَدَّ بِالشُّبْهَةِ وَ قَضَى عَلَيْهِ بِنِصْفِ الصَّدَاقِ بِالتَّطْلِيقَةِ وَ الصَّدَاقِ كَامِلًا بِغَشْيَانِهِ إِثَابًا.

The case was raised to Ali^{-asws}. He^{-asws} staved the legal penalty from him due to the doubt and decreed upon him with half the dowry with the divorce, and the whole dowry due to him having had marital relations with her'.⁷²⁴

83 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ رَسُولُ اللَّهِ ص لَا طَلَّاقَ إِلَّا مِنْ بَعْدِ نِكَاحٍ.

And by this chain, he^{-asws} said: 'Rasool-Allah^{-saww} said: 'There is no divorce except from after marriage!'⁷²⁵

84 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع مَنْ أَسَرَ الطَّلَاقَ وَ أَسَرَ الْإِسْتِثْنَاءَ فَلَا بَأْسَ وَ إِنْ أَعْلَنَ الطَّلَاقَ وَ أَسَرَ الْإِسْتِثْنَاءَ فِي نَفْسِهِ أَخَذْنَاهُ بِعَلَانِيَتِهِ وَ أَلْقَيْنَا السِّتْرَ.

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'One who keeps the divorce a secret and keeps the exclusion a secret, there is no problem, and if he announces the divorce and keeps the exclusion a secret within himself, we^{-asws} shall seize him with his announcement and disregard the secret'.⁷²⁶

85 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع فِي رَجُلٍ قَالَ لِامْرَأَتِهِ أَنْتِ طَالِقٌ نِصْفَ تَطْلِيقَةٍ هِيَ وَاحِدَةٌ وَ لَيْسَ فِي الطَّلَاقِ كُسْرٌ.

And by this chain, he^{-asws} said: 'Ali^{-asws} said regarding a man who said to his wife, 'You are divorced with half a divorce', it is one, and there isn't any fraction in the divorce'.⁷²⁷

86 قَالَ: وَ سُئِلَ ع عَنْ رَجُلٍ لَهُ امْرَأَتَانِ أَحَدُهُمَا تُسَمَّى جَمِيلَةً وَ الْأُخْرَى تُسَمَّى حَمَادَةَ فَمَرَّتْ جَمِيلَةً فِي ثِيَابِ حَمَادَةَ فَظَنَّ أَنَّهَا حَمَادَةُ فَقَالَ ادْهَبِي فَأَنْتِ طَالِقٌ

He^{-asws} said and he^{-asws} was asked about a man having two wives for him, one of them named as 'Jameela', and the other named as 'Hammada'. Jameela passed by wearing clothes of Hammada. He thought it was Hammada. He said, 'Go, for you are divorced!'

⁷²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 82

⁷²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 83

⁷²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 84

⁷²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 85

فَقَالَ عَلِيٌّ ع طَلَّقْتُ حَمَادَةَ بِالاسْمِ وَ طَلَّقْتُ جَمِيلَةَ بِالْإِشَارَةِ

Ali^{-asws} said: 'He divorced Hammada with the name and divorced Jameela with the indication'.

وَ كَذَلِكَ رَوَاهُ الشَّعْبِيُّ عَنْ عَلِيٍّ ع.

And like that has been reported by Al-Shaby from Ali^{-asws}.⁷²⁸

87 وَ هَذَا الْإِسْنَادُ قَالَ: قَالَ رَجُلٌ لِعَلِيٍّ ع رَأَيْتُ فِي الْمَنَامِ كَأَنِّي طَلَّقْتُ امْرَأَتِي ثَلَاثًا

And by this chain, he^{-asws} said: 'A Man said to Ali^{-asws}, 'I saw in the dream as if I have divorced my wife thrice!'

فَقَالَ ع إِنَّ ذَلِكَ مِنَ الشَّيْطَانِ لَمْ تَحْزَمْ عَلَيْكَ امْرَأَتَكَ إِنَّمَا الطَّلَاقُ فِي الْبَيْقَظَةِ وَ لَيْسَ الطَّلَاقُ فِي الْمَنَامِ.

He^{-asws} said: 'That is from the Satan^{-la}! Your wife is not prohibited unto you. But rather, the divorce is during the wakefulness, and the divorce isn't during the sleep'.⁷²⁹

88 وَ قَالَ ع طَلَاقُ النَّائِمِ لَيْسَ بِشَيْءٍ حَتَّى يَسْتَيْقِظَ وَ لَا يَجُوزُ طَلَاقُ مَغْثُوهِ وَ لَا مُبْرَسَمٍ وَ لَا صَاحِبِ هَذْيَانٍ وَ لَا صَاحِبِ لُوثَةٍ وَ لَا مُكْرَهٍ وَ لَا صَبِيٍّ حَتَّى يَخْتَلِمَ.

And he^{-asws} said: 'Divorce of the sleeping isn't anything until he wakes up, nor of the mentally impaired, nor the lunatic, nor one with delirium, one experiencing wet-dream, nor a coerced one, nor a young boy until he attains puberty'.⁷³⁰

89 وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع لِكُلِّ مُطَلَّغَةٍ مُنْعَةٌ إِلَّا الْمُخْتَلَعَةَ.

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'For every divorced woman is a provision except one divorcing with mutual consent (Khul'a)'.⁷³¹

90 وَ هَذَا الْإِسْنَادُ قَالَ: إِنَّ امْرَأَةً أَتَتْ عَلِيًّا ع وَ قَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ رَوْحِي طَلَّقَنِي مَرَارًا كَثِيرَةً لَا أُحْصِيهَا وَ أَتَتْ بِشُهُودٍ شَهِدُوا عَلَيْهِ عِنْدَهُ فَعَزَّزَهُ عَلِيٌّ ع وَ أَبَا نَحَا مِنْهُ.

And by this chain, he^{-asws} said: 'A woman came to Ali^{-asws} and said, 'O Amir Al-Momineen^{-asws}! My husband has divorced me many times, I cannot even keep count!', and she came with witnesses who had witnessed upon it in his presence!' Ali^{-asws} scolded him and separated her from him'.⁷³²

91 وَ هَذَا الْإِسْنَادُ قَالَ: سُئِلَ عَلِيٌّ ع عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ إِنَّ لَمْ أَصُمْ يَوْمَ الْأُصْحَى فَأَنْتِ طَالِقٌ

⁷²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 86

⁷²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 87

⁷³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 88

⁷³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 89

⁷³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 90

And by this chain, he^{-asws} said: 'Ali^{-asws} was asked about a man who said to his wife, 'If I don't fast on the day of Sacrifice, you are divorced!'

فَقَالَ إِنْ صَامَ فَقَدْ أَخْطَأَ السُّنَّةَ وَخَالَفَهَا وَاللَّهُ وَلِيُّ عُقُوبَتِهِ وَمَغْفِرَتِهِ وَ لَمْ يُطَلِّقْ امْرَأَتَهُ وَ يَنْبَغِي أَنْ يُؤَدَّبَهُ الْإِمَامُ بِشَيْءٍ مِنْ ضَرْبٍ.

He^{-asws} said: 'If he does fast, he has erred the Sunnah and opposed it, and Ali^{-asws} is In Charge of his punishment and his forgiveness, and his wife is not divorced, and it is befitting that the Imam^{-asws} disciplines him with something from the beating'.⁷³³

92 الْمُهْدَايَةُ، قَالَ الصَّادِقُ ع طَلَّاقُ السُّنَّةِ هُوَ أَنَّهُ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ تَرْتَضِ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ يُطَلِّقُهَا مِنْ قَبْلِ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ فَإِذَا مَضَتْ بِهَا ثَلَاثَةُ فُرُوعٍ وَ ثَلَاثَةُ أَشْهُرٍ فَقَدْ بَانَتْ مِنْهُ وَ هُوَ خَاطِبٌ مِنَ الْخَطَّابِ وَ الْأَمْرُ إِلَيْهَا إِنْ شَاءَتْ تَزَوُّجُهُ وَ إِنْ شَاءَتْ فَلَا.

(The book) 'Al Hidayah' -

Al-Sadiq^{-asws} said: 'Divorce of the Sunnah, it is that when the man intends to divorce his wife, he waits with her until she menstruates and is pure, then he divorces her from before the waiting period, keeping two just witnesses. When three menses free periods pass by her, and three months, she becomes irrevocably divorced from him, and he is a proposer from the proposers, and the matter is up to her. If she desires, she marries him, and if she desires she does not'.⁷³⁴

93 وَ قَالَ الصَّادِقُ ع طَلَّاقُ الْعِدَّةِ هُوَ أَنَّهُ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ تَرْتَضِ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ يُطَلِّقُهَا مِنْ قَبْلِ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ ثُمَّ يُرَاجِعُهَا ثُمَّ يُطَلِّقُهَا ثُمَّ يُرَاجِعُهَا ثُمَّ يُطَلِّقُهَا فَإِذَا طَلَّقَهَا الثَّالِثَةَ - فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

And Al-Sadiq^{-asws} said: 'Divorce of the waiting period is when the man intends to divorce his wife, he waits with her until she menstruated and is pure. Then he divorces her from before her waiting period keeping two just witnesses, then he returns to her, then divorces her, then returns to her, then divorces her. When he has divorced her three times, she is no lawful for him from afterwards until she marries another husband.

فَإِنْ تَزَوَّجَهَا رَجُلٌ وَ لَمْ يَدْخُلْ بِهَا ثُمَّ طَلَّقَهَا أَوْ مَاتَ عَنْهَا لَمْ يَجْزِ لِلزَّوْجِ الْأَوَّلِ أَنْ يَتَزَوَّجَهَا حَتَّى يَتَزَوَّجَهَا رَجُلٌ وَ يَدْخُلَ بِهَا ثُمَّ يُطَلِّقَهَا أَوْ يَمُوتَ عَنْهَا فَحِينَئِذٍ يَجُوزُ لِلزَّوْجِ الْأَوَّلِ أَنْ يَتَزَوَّجَهَا بَعْدَ خُرُوجِهَا مِنْ عِدَّتِهَا.

If a man marries her and does not consummate with her, then divorces her, or dies from her, she is not lawful for the first husband to marry her until she marries a man and he consummates with her, then divorces her or dies from her. Then she will be lawful for the first husband to marry her after her coming out from her waiting period'.⁷³⁵

⁷³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 91

⁷³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 92

⁷³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 93

CHAPTER 113 – RULING OF THE WIFE OF A MISSING HUSBAND

1- قب، المناقب لابن شهر آشوب روي أن الصحابة اختلفوا في امرأة المفقود فذكروا أن علياً حكم بأنها لا تتزوج حتى يجيء نعي موته و قال هي امرأة ابليث فلنصبر

(The book) 'Al-Manaqib' of Ibn Shehr Ashub – It is reported that the companions differing regarding a wife of a missing husband that Ali^{asws} had ruled that she cannot re-marry until news of his death comes, and he^{asws} said: 'She is a woman being Tried, so let her be patient'.

و قال عمر تتربص أربع سنين ثم يطلقها ولي زوجها ثم تتربص أربعة أشهر و عشراً ثم رجع إلى قول علي ع.

And Umar said, 'She should wait for four years then the guardian of her husband can divorce her, then she should wait four months and ten days'. Then he (Umar) returned to the words of Ali^{asws}.⁷³⁶

2- ختص، الإختصاص عن أبي عبد الله ع قال: المفقود ينتظر أهله أربع سنين فإن عاد و إلا تزوجت فإن قدم زوجها حُرِّتْ فإن اختارت الأول اعتدت من الثاني و رجعت إلى الأول و إن اختارت الثاني فهو زوجها.

(The book) 'Al Ikhtisas' -

From Abu Abdullah^{asws} having said: 'The missing husband, his wife should wait for four years. Either he returns or else she can re-marry. If her husband returns, she will be given a choice. If she chooses the first, she will observe waiting period from the second and return to the first, and if she chooses the second, he is her husband'.⁷³⁷

3- ختص، الإختصاص يعقوب بن يزيد عن ابن أبي عمير قال: قال مؤمن الطاق فيما ناظر به أبا حنيفة إن عمر كان لا يعرف أحكام الدين أتاها رجل فقال يا أمير المؤمنين إني غبت فقدمت و قد تزوجت امرأتي

(The book) 'Al Ikhtisas' – Yaquub Bin Yazeed, from Ibn Abu Umeyr who said,

'Momin Al-Taq said among what he debated Abu Haneefa with, 'Umar did not know the rulings of religion. A man had come to him, he said, 'O commander of the faithful! I was absent. I arrived and my wife had re-married!'

فقال إن كان قد دخل بها فهو أحق بها و إن لم يكن دخل بها فأنت أولى بها و هذا حكم لا يعرف و الأمة على خلافه

He (Umar) said, 'If he has consummated with her, he is more rightful with her, and if he had not consummated with her, then you are foremost with her' – and this is an unrecognised ruling and the community upon its opposite.

⁷³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 1

⁷³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 2

وَقَضَى فِي رَجُلٍ غَابَ عَنْ أَهْلِهِ أَرْبَعَ سِنِينَ أَهْمًا تَتَزَوَّجُ إِنْ شَاءَتْ وَ الْأُمَةُ عَلَى خِلَافِ ذَلِكَ أَهْمًا لَا تَتَزَوَّجُ أَبَدًا حَتَّى تَقُومَ الْبَيِّنَةُ أَنَّهُ مَاتَ أَوْ كَفَرَ أَوْ طَلَّقَهَا.

And he (Umar) had decreed regarding a man absent from his wife for four years, she can re-marry if she so desires, and the community is upon opposite that she cannot re-marry ever until the proof is established that he has either dead, or become a Kafir, or had divorced her (This is not a Hadeeth).⁷³⁸

4- كِتَابُ سُلَيْمِ بْنِ قَيْسٍ، عَنْ أَمِيرِ الْمُؤْمِنِينَ عٍ عِنْدَ ذِكْرِ بَدْعِ عُمَرَ قَالَ وَ قَضَيْتُهُ فِي الْمَقْعُودِ أَنْ أَجَلَ امْرَأَتِهِ أَرْبَعَ سِنِينَ ثُمَّ تَتَزَوَّجُ فَإِنْ جَاءَ زَوْجُهَا حَيًّا بَيَّنَّ امْرَأَتِهِ وَ بَيَّنَّ الصَّدَاقَ فَاسْتَحْسَنَهُ النَّاسُ فَاتَّخَذُوهُ سُنَّةً وَ قَبِلُوهُ عَنْهُ جَهْلًا وَ قِلَّةَ عِلْمٍ بِكِتَابِ اللَّهِ عَزَّ وَ جَلَّ وَ سُنَّةِ نَبِيِّهِ ص.

The book of Suleym Bin Qays -

From Amir Al-Momineen^{-asws} at the mention of innovations by Umar, he^{-asws} said: 'And his decreeing regarding the missing husband that the term of his wife is four years, then can re-marry. If her husband comes, he will be given a choice between his wife and the dowry. The people considered it good and they took it as Sunnah and accepted it from him out of ignorance and lack of knowledge of the Book of Allah^{-azwj} Mighty and Majestic, and Sunnah of His^{-azwj} Prophet^{-saww}'.⁷³⁹

NB: The four-year limit for the divorce of a women whose husband is absent is from Umar, see Ahadeeth from Al-Kafi, vol. 6

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي امْرَأَةٍ غَابَ عَنْهَا زَوْجُهَا أَرْبَعَ سِنِينَ وَ لَمْ يُنْفَقْ عَلَيْهَا وَ لَا يُدْرَى أَحْيَى هُوَ أَمْ مَيِّتٌ أَوْ يُجِبُّ وَلِيُّهُ عَلَى أَنْ يُطَلِّقَهَا قَالَ نَعَمْ وَ إِنْ لَمْ يَكُنْ لَهُ وَلِيٌّ طَلَّقَهَا السُّلْطَانُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Ismail, from Muhammad Bin Al Fuzayl, from Abu Al Asbbah Al Kinany,

(It has been narrated) from Abu Abdullah^{-asws} regarding a woman from whom her husband is absent for four years, and he did not spend upon her, and it is not known whether he is alive or dead. Is it allowed for his guardian upon him divorcing her?' He^{-asws} said: 'Yes, and if there does not happen to be a guardian for him, the ruler would divorce her'.

فُلْتُ فَإِنْ قَالَ الْوَلِيُّ أَنَا أَنْفَقْتُ عَلَيْهَا قَالَ فَلَا يُجِبُّ عَلَى طَلَاقِهَا قَالَ فُلْتُ أَرَأَيْتَ إِنْ قَالَتْ أَنَا أُرِيدُ مِثْلَ مَا تُرِيدُ النِّسَاءُ وَ لَا أَصِيرُ وَ لَا أَقْعُدُ كَمَا أَنَا قَالَ لَيْسَ لَهَا ذَلِكَ وَ لَا كَرَامَةٌ إِذَا أَنْفَقَ عَلَيْهَا .

I said, 'Supposing the guardian were to say, 'I shall spend upon her'. He^{-asws} said: 'So he (the ruler) is not allowed to divorce her'. I said, 'What is your^{-asws} view if she were to say, 'I want

⁷³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 3

⁷³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 4

similar to what the women want, and I am not patient, and will not sit just as I am’?’ He^{-asws} said: ‘That is not for her, nor is it honourable, when she is being spent upon’.⁷⁴⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْمَقْفُودِ فَقَالَ إِنْ عَلِمْتَ أَنَّهُ فِي أَرْضٍ فَهِيَ مُنْتَظَرَةٌ لَهُ أَبَدًا حَتَّى تَأْتِيَهَا مَوْتُهُ أَوْ يَأْتِيَهَا طَلَاقُهُ وَ إِنْ لَمْ تَعْلَمْ أَيْنَ هُوَ مِنَ الْأَرْضِ كُلِّهَا وَ لَمْ يَأْتِهَا مِنْهُ كِتَابٌ وَ لَا خَبَرٌ فَإِنَّهَا تَأْتِي الْإِمَامَ

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

‘I asked him^{-asws} about the lost one, so he^{-asws} said: ‘If it is known that he is in a land, so she would wait for him forever until death comes upon her, or his divorce comes to her. And if it is not known where he is from the whole of the earth, and no letter comes from him, nor any news, so she would go to the Imam^{-asws}.

فَيَأْمُرُهَا أَنْ تَنْتَظِرَ أَرْبَعَ سِنِينَ فَيُطَلَّبُ فِي الْأَرْضِ فَإِنْ لَمْ يُوجَدْ لَهُ أَتْرَ حَتَّى تَمُوتَ فِي الْأَرْضِ أَوْ تَعُدَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا ثُمَّ تَحِلُّ لِلرِّجَالِ فَإِنْ قَدِمَ زَوْجُهَا بَعْدَ مَا تَنقَضِيَ عِدَّتُهَا فَلَيْسَ لَهُ عَلَيْهَا رَجْعَةٌ وَ إِنْ قَدِمَ وَ هِيَ فِي عِدَّتِهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَهُوَ أَمْلَكَ بِرَجْعَتِهَا .

He would order her to wait for four years, and he would seek him in the earth. So if not trace is found for him until four years pass by, he would order her to observe the waiting period of four months and ten (days), then she would be permissible for the men. So if her husband were to come over after the fulfilment of her waiting period, so it is not for him any reversion to her, and if he comes up while she is in her waiting period of four months and (ten) days, so he is in control with reverting back to her’.⁷⁴¹

[باب 114 الخلع و المباراة](#)

CHAPTER 114 – THE ‘KHUL’A’ (DIVORCE AT WIFE’S REQUEST WITH COMPENSATION), AND THE ‘MUBARAH’ (MUTUAL SEPARATION)

1- فس، تفسير القمي أبي عن ابن أبي عمير عن ابن سينان عن أبي عبد الله ع قال: الخُلْعُ لَا يَكُونُ إِلَّا أَنْ تَقُولَ الْمَرْأَةُ- لَا أُبْرُ لَكَ قَسَمًا وَ لَا أُخْرِجَنَّ بَعِيرَ إِذْنِكَ وَ لَا أُوطِئَنَّ فِرَاشَكَ غَيْرَكَ وَ لَا أُعْتَسِلَ لَكَ مِنْ جَنَابَةٍ أَوْ تَقُولَ لَا أُطِيعُ لَكَ أَمْرًا

Tafseer Al Qummi – My father, from Ibn Abu Umeyr, from Ibn Sinan,

From Abu Abdullah^{-asws} having said: ‘The ‘Khul’a’ cannot take place except if the woman says, ‘I will neither fulfil a vow for you, and I will go out without your permission, and I will lay others in your bed, and I will not wash for you from union impurity!’ Or she says, ‘I will not obey you of any instruction’.

فَإِذَا قَالَتْ ذَلِكَ فَقَدْ حَلَّ لَهُ أَنْ يَأْخُذَ مِنْهَا جَمِيعَ مَا أَعْطَاهَا وَ كُلَّ مَا أَقْدَرَ عَلَيْهَا [قَدَرَ عَلَيْهِ] مِمَّا تُعْطِيهِ مِنْ مَالِهَا فَإِذَا تَرَاضِيَا عَلَى ذَلِكَ عَلَى طَهْرٍ بِشُهُودٍ فَقَدْ بَانَ مِنْهُ بَوَاحِدَةٍ وَ هُوَ خَاطِبٌ مِنَ الْخُطَّابِ فَإِنْ شَاءَتْ زَوْجَتُهُ نَفْسَهَا وَ إِنْ شَاءَتْ لَمْ تَفْعَلْ

⁷⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 3

⁷⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 4

When she says that, it becomes lawful for him to take from her entirety of what he has given her, and all what he is able upon from what she gives from her wealth. When they agree upon that, upon purity, with (just) witnesses, she becomes irrevocable divorced from him with one (Khul'a), and he is a proposer from the proposers. If she desires, she can marry him herself, and if she desires, she does not do so.

فَإِنْ تَزَوَّجَهَا فَهِيَ عِنْدَهُ عَلَى اثْنَتَيْنِ بَاقِيَتَيْنِ وَ يَنْبَغِي لَهُ أَنْ يَشْتَرِطَ عَلَيْهَا كَمَا اشْتَرَطَ صَاحِبُ الْمُبَارَاةِ إِنْ رَجَعَتْ فِي شَيْءٍ مِمَّا أُعْطِيَنِي فَأَنَا أَمْلِكُ بِضَعْفِكَ

If he marries her, she would be with him upon two remaining, and it is befitting for him to stipulate conditions upon her just as the one of 'Al-Mubarah' can, 'If you return regarding anything from what you have given me, then I will be in more control of your private parts!'

وَقَالَ لَا حُلْعَ وَ مُبَارَاةَ وَ لَا تَحْيِيرَ إِلَّا عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ عَدْلَيْنِ وَ الْمُخْتَلَعَةُ إِذَا تَزَوَّجَتْ زَوْجًا آخَرَ ثُمَّ طَلَّقَهَا حُلًّا لِلأَوَّلِ أَنْ يَتَزَوَّجَ بِهَا

And he^{asws} said: 'There is neither 'Khul'a' and 'Mubarah' nor choice except upon purity from without consummation, with the witnessing by two just witnesses, and the wife with Khul'a, if she marries another man, then he divorces her, she is lawful for the first to be married to her'.

وَقَالَ لَا رَجْعَةَ لِلزَّوْجِ عَلَى الْمُخْتَلَعَةِ وَ لَا عَلَى الْمُبَارَاةِ إِلَّا أَنْ يَبْدُوَ لِلْمَرْأَةِ فِرْدُ عَلَيْهَا مَا أَخَذَ مِنْهَا.

And he^{asws} said: 'There is no (right of) return for the husband to the wife divorced by 'Khula' nor by 'Al-Mubarah' except if there is a change of mind for the woman, so he returns to her what he has taken from her'.⁷⁴²

2- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع كَانَ يَقُولُ فِي الْمُخْتَلَعَةِ إِنَّمَا مُطْلَقَةٌ وَاحِدَةٌ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had said regarding the woman divorced by 'Khul'a', it is one divorce'.⁷⁴³

3- ب، قرب الإسناد علي عن أخيه ع قَالَ: سَأَلْتُهُ عَنْ امْرَأَةٍ بَارَأَتْ زَوْجَهَا عَلَى أَنَّ لَهُ الَّذِي لَهَا عَلَيْهِ ثُمَّ بَلَغَهَا أَنَّ سُلْطَانًا إِذَا رُفِعَ ذَلِكَ إِلَيْهِ وَ كَانَ ذَلِكَ يَغْيِرُ عِلْمَ مِنْهُ أَيْ وَ رَدَّ عَلَيْهَا مَا أَخَذَ مِنْهَا

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{asws}), he (the narrator) said, 'I asked him^{asws} about the one who did 'Mubarah' from her husband, based upon that it will be for him what would be for her upon him. Then it reached her that the ruler, when that matter was raised to him, and

⁷⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 1

⁷⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 2

that was without knowledge from him, refused and returned to her what he had taken from her.

قَالَ فَلْيُشْهَدْ عَلَيْهَا شُحُوداً عَلَى مُبَارَاةِ إِيَّاهَا أَنَّهُ قَدْ دَفَعَ إِلَيْهَا الَّذِي لَهَا وَ لَا شَيْءَ لَهَا قَبْلَهُ.

He^{-asws} said: 'Let him keep witnesses upon her, upon his doing 'Mubarah' from her, that he had handed to her that which is for her, and there is nothing for her before it'.⁷⁴⁴

4- ضا، فقه الرضا عليه السلام وَأَمَّا الْخُلْعُ فَلَا يَكُونُ إِلَّا مِنْ قِبَلِ الْمَرْأَةِ وَ هُوَ أَنْ تَقُولَ لِرَوْجِهَا- لَا أُبْرِئُكَ قَسْماً وَ لَا أُطِيعُكَ أَمراً وَ لَأُوطِئَنَّ فِرَاشَكَ مَا تَكْرَهُهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}, 'And as for the 'Khula'a', it cannot take place except from the direction of the woman, and it is that she says to her husband, 'I will not fulfil any vow for you, nor obey you in any matter, and I will tread in your bed what you dislike'.

فَإِذَا قَالَتْ هَذِهِ الْمَقَالَةَ فَقَدْ خَلَّ لِرَوْجِهَا مَا يَأْخُذُ مِنْهَا وَ إِنْ كَانَ أَكْثَرَ مِمَّا أُعْطَاهَا مِنَ الصَّدَاقِ وَ قَدْ بَانَتْ مِنْهُ وَ حَلَّتْ لِلْأَزْوَاجِ بَعْدَ انْقِصَاءِ عِدَّتِهَا مِنْهُ فَحَلَّ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا مِنْ سَاعَتِهِ

When she says these words, it becomes lawful for her husband to take the dowry from her, and even if it was more than what he had given her, and she would be irrevocably divorced from him, and she would be lawful for the husbands after expiry of her waiting period from him. It would be lawful for him to marry her sister from the very moment.

وَ أَمَّا الْمُبَارَاةُ فَهِيَ أَنْ تَقُولَ لِرَوْجِهَا طَلَّقْنِي وَ لَكَ مَا عَلَيْكَ فَيَقُولُ لَهَا عَلَى أَنَّكَ إِنْ رَجَعْتَ فِي شَيْءٍ مِمَّا وَهَبْتِهِ لِي فَأَنَا أَمْلِكُ بِبُضْعِكَ فَيُطَلِّقُهَا عَلَى هَذَا وَ لَهُ أَنْ يَأْخُذَ مِنْهَا دُونَ الصَّدَاقِ الَّذِي أُعْطَاهَا وَ لَيْسَ لَهُ أَنْ يَأْخُذَ الْكُلَّ.

And as for the 'Mubarah', is it that she says to her husband, 'Divorce me and for you would be what is against you'. He says to her, 'Based upon that, if you return anything from what you have gifted to me, then I am in more control of your private parts'. So, he divorces her based upon this, and for him is to take from her, besides the dowry which he had given her, and it isn't for him to take the whole'.⁷⁴⁵

5- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْمُخْتَلَعَةِ كَيْفَ يَكُونُ خُلْعُهَا

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the wife divorced by 'Khula'a', 'How would her 'Khul'a' be?'

فَقَالَ لَا يَحِلُّ خُلْعُهَا حَتَّى تَقُولَ وَ اللَّهُ لَا أُبْرِئُكَ قَسْماً وَ لَا أُطِيعُكَ أَمراً وَ لَأُوطِئَنَّ فِرَاشَكَ وَ لَأُدْخِلَنَّ عَلَيْكَ بَعِيرٍ إِذْنِكَ

⁷⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 3

⁷⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 4

He^{-asws} said: 'Her 'Khul'a' is not valid until she says, 'By Allah^{-azwj}! Neither will I fulfil any vow for you, nor obey you in any matter, and I will get (others) to tread your bed, and I will admit others upon you without your permission'.

فَإِذَا هِيَ قَالَتْ ذَلِكَ خَلَّ خُلْعُهَا وَ خَلَّ لَهُ مَا أَخَذَ مِنْهَا مِنْ مَهْرٍهَا وَ مَا زَادَ وَ هُوَ قَوْلُ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ وَ إِذَا فَعَلَ ذَلِكَ فَقَدْ بَاءَتْ مِنْهُ بِتَطْلِيقَةٍ وَ هِيَ أَمْلَكَ بِنَفْسِهَا إِنْ شَاءَتْ نَكَحَتْهُ وَ إِنْ شَاءَتْ فَلَا فَإِنْ نَكَحَتْهُ فَهِيَ عَنْدَهُ عَلَى ثِنْتَيْنِ.

When she has said that, her 'Khul'a' is valid and it is lawful for him whatever he takes from her from her dowry, and whatever is additional, and it is Word of Allah^{-azwj}: **then there is no blame upon them in what she ransoms with it [2:229]**, and when he does that, she becomes irrevocably divorced from him with one divorce, and she is in more control of herself. If she desires, she can marry him, and if she desires, no. If she does marry him, she would be with him upon two (remaining divorces)⁷⁴⁶.

6- أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ: أَيُّمَا امْرَأَةٍ اخْتَلَعَتْ مِنْ زَوْجِهَا لَمْ تَزَلْ فِي لَعْنَةِ اللَّهِ وَ مَلَائِكَتِهِ وَ رُسُلِهِ وَ النَّاسِ أَجْمَعِينَ حَتَّى إِذَا نَزَلَ بِهَا مَلَكُ الْمَوْتِ قِيلَ لَهَا أَبْشِرِي بِالنَّارِ

(The book) 'A'lam Al Deen' -

From the Prophet^{-saww} having said: 'Whichever woman does 'Khul'a' from her husband will not cease to be in the Curse of Allah^{-azwj} and His^{-azwj} Angels, and His^{-azwj} Messengers^{-as} and the people altogether until when the Angel of death descends with her. It will be said to her, 'Receive new of the Hellfire!'

فَإِذَا كَانَ يَوْمُ الْقِيَامَةِ قِيلَ لَهَا ادْخُلِي النَّارَ مَعَ الدَّاخِلِينَ أَلَا وَ إِنَّ اللَّهَ وَ رَسُولَهُ بَرِيَّانٍ مِنْ الْمُخْتَلِعَاتِ بِغَيْرِ حَقٍّ أَلَا وَ إِنَّ اللَّهَ وَ رَسُولَهُ بَرِيَّانٍ مِنْ أَضَرِّ بَامِرَأَةٍ حَتَّى تَخْتَلِعَ مِنْهُ

When it is the Day of Qiyamah, it will be said to her: 'Enter the Hellfire along with the entering ones! Indeed, and Allah^{-azwj} and His^{-azwj} Rasool^{-saww} are both disavowed from the wives doing 'Khul'a' without a right! Indeed, and Allah^{-azwj} and His^{-azwj} Rasool^{-saww} are both disavowed from the ones who harm a woman until she does 'Khul'a' from him!'

وَ مَنْ أَضَرَّ بَامِرَأَةٍ حَتَّى تَفْتَدِيَ مِنْهُ لَمْ يَرْضَ اللَّهُ عَنْهُ بِعُقُوبَةٍ دُونَ النَّارِ لِأَنَّ اللَّهَ يَغْضَبُ لِلْمَرْأَةِ كَمَا يَغْضَبُ لِلْيَتِيمِ.

And one who harms a woman until she ransoms herself from him, Allah^{-azwj} will not be Pleased with him, with any Punishment less than the Hellfire, because Allah^{-azwj} is Angered for the woman just as He^{-azwj} is Angered for the orphan⁷⁴⁷.

⁷⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 5

⁷⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 6

CHAPTER 115 – THE CHOICE

1- ضا، فقه الرضا عليه السلام وَأَمَّا الْمُخَيَّرُ فَأَصْلُ ذَلِكَ أَنَّ اللَّهَ أَنْفَ لِنَبِيِّهِ ص بِمَقَالَةٍ قَالَهَا بَعْضُ نِسَائِهِ أ تَرَى مُحَمَّدًا أَنَّهُ لَوْ طَلَّقَنَا أَلَّا نَجِدَ أَكْفَاءً مِنْ قُرَيْشٍ يَتَزَوَّجُونَا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And as for the choice, the origin of that is, Allah^{-azwj} Despised for His^{-azwj} Prophet^{-saww} due to the words said by one of his^{-saww} wives, 'Does Muhammad^{-saww} view that if he^{-saww} were to divorce us we will not find matches from Qureysh to marry us?'

فَأَمَرَ نَبِيَّهُ ص أَنْ يَعْزَلَ نِسَاءَهُ نِسْعَةً وَعِشْرِينَ يَوْمًا فَأَعْتَزَلَهُنَّ فِي مَشْرَبَةٍ أُمِّ إِبْرَاهِيمَ ع ثُمَّ نَزَلَتْ هَذِهِ الْآيَةُ- يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزْوَاجَكُمْ- ... إِنْ كُنْتُمْ تُرِيدُونَ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ إِلَى آخِرِ الْآيَةِ فَاخْتَرْنَ اللَّهَ وَرَسُولَهُ فَلَمْ يَفْعَلَنَّ طَلَاقًا.

He^{-azwj} Commanded His^{-azwj} Prophet^{-saww} to isolate from his^{-saww} wives for twenty-nine days, so he^{-saww} isolated from them in the drinking place of Umm Ibrahim^{-as} (Mariah^{-ra} the Coptic). Then this Verse was Revealed: **O Prophet! Say to your wives [33:28] And if you were intending Allah and His Rasool, and the House of the Hereafter [33:29]** – up to end of the Verse. They chose Allah^{-azwj} and His^{-azwj} Rasool^{-saww}, so the divorce did not take place'.⁷⁴⁸

CHAPTER 116 – THE 'ZIHAAR' AND ITS RULINGS

1- فس، تفسير القمي قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ تَحَاوُرَكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ

Tafseer Al-Qummi - **Allah has Heard the words of her who pleaded you regarding her husband and complained to Allah, and Allah Heard both your dialogues; surely Allah is Hearing, Seeing [58:1].**

قَالَ كَانَ سَبَبُ نُزُولِ هَذِهِ السُّورَةِ أَنَّهُ أَوَّلُ مَنْ ظَاهَرَ فِي الْإِسْلَامِ كَانَ رَجُلًا يُقَالُ لَهُ أَوْسُ بْنُ الصَّامِتِ مِنَ الْأَنْصَارِ وَ كَانَ شَيْخًا كَبِيرًا فَعْظَبَ عَلَى أَهْلِهِ يَوْمًا فَقَالَ لَهَا أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي ثُمَّ نَدِمَ عَلَى ذَلِكَ

He (Ali Bin Ibrahim) said, 'The cause of the Revelation of this Chapter is that the first one to do 'Zihaar' in Al-Islam was a man called Aws Bin Al-Samit, from the Helpers, and he was an old man. One day he was angry with his wife. He said to her 'You are unto me like the back of my mother'. Then he regretted upon that'.

قَالَ وَ كَانَ الرَّجُلُ فِي الْجَاهِلِيَّةِ إِذَا قَالَ لِأَهْلِهِ أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي حُرِّمَتْ عَلَيْهِ آخِرُ الْأَبَدِ وَ قَالَ أَوْسٌ لِأَهْلِهِ يَا حَوْلَهُ إِنَّا كُنَّا نُحَرِّمُ هَذَا فِي الْجَاهِلِيَّةِ وَ قَدْ أَتَانَا اللَّهُ بِالْإِسْلَامِ فَأَذْهَبِي إِلَى رَسُولِ اللَّهِ ص فَسَلِيهِ عَنْ ذَلِكَ

⁷⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 115 H 1

He (Ali Bin Ibrahim) said, 'And it was so in the pre-Islamic era, whenever a man said to his wife, 'You are unto me like the back of my mother', she was prohibited unto him up to the end of times, and Ows said to his wife, 'O Khowlah! We used to prohibit this during the pre-Islamic period, and Allah^{-azwj} has Brought us Islam, so go to Rasool-Allah^{-saww} and ask him^{-saww} about that!'

فَأَتَتْ خَوْلَةَ رَسُولِ اللَّهِ ص فَقَالَتْ يَا أَبِي أَنْتَ يَا رَسُولَ اللَّهِ إِنَّ أَوْسَ بْنَ الصَّامِتِ هُوَ زَوْجِي وَأَبُو وَلَدِي وَإِنَّ عَمِّي فَقَالَ لِي أَنْتِ عَلَيَّ كَظَهَرِ أُمِّي وَكُنَّا نَحْرِمُ ذَلِكَ فِي الْجَاهِلِيَّةِ وَقَدْ آتَانَا اللَّهُ الْإِسْلَامَ بِكَ.

Khowlah came to Rasool-Allah^{-saww}. She said, 'May my father and my mother be sacrificed for you^{-saww}, O Rasool-Allah^{-saww}! Aws Bin Al-Samit, he is my husband and father of my children and son of my uncle. He said to me, 'You are unto me like the back of my mother', and during the pre-Islamic period we used to prohibit that, and Allah^{-azwj} has Brought us Al-Islam through you^{-saww}!'⁷⁴⁹

2- حَدَّثَنَا عَلِيُّ بْنُ الْحُسَيْنِ قَالَ حَدَّثَنَا أَحْمَدُ بْنُ أَبِي عَبْدِ اللَّهِ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي وَلَادٍ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ امْرَأَةً مِنَ الْمُسْلِمَاتِ أَتَتْ النَّبِيَّ ص فَقَالَتْ يَا رَسُولَ اللَّهِ ص إِنَّ فُلَانًا زَوْجِي قَدْ نَفَرْتُ لَهُ بَطْنِي وَأَعْنَتُهُ عَلَى دُنْيَاهُ وَآخِرَتِهِ لَمْ يَرَ مِنِّي مَكْرُوهًا أَشْكُو مِنْهُ إِلَيْكَ

It is narrated to us by Ali Bin Al Husayn who said, 'It is narrated to us by Ahmad Bin Abu Abdullah, from Al-Hassan Bin Mahboub, from Abu Wallad, from Humran,

From Abu Ja'far^{-asws} having said: 'A woman from the Muslims came to the Prophet^{-saww}. She said, 'O Rasool-Allah^{-saww}! So and so is my husband. I have spread my belly for him and assisted him upon his worldly matters and his Hereafter. He has not seen any abhorrence from me. I am complaining of him to you^{-saww}'.

فَقَالَ فِيمَ تَشْكِينِيهِ

He^{-saww} said: 'Regarding what is your complaint?'

قَالَتْ إِنَّهُ قَالَ أَنْتِ عَلَيَّ حَرَامٌ كَظَهَرِ أُمِّي وَقَدْ أَخْرَجَنِي مِنْ مَنْزِلِي فَأَنْظُرُ فِي أَمْرِي

She said, 'He said to me, 'You are prohibited unto me like the back of my mother, and he has expelled me from my home, so look into my matter!'

فَقَالَ لَهَا رَسُولُ اللَّهِ ص مَا أُنْزِلَ اللَّهُ تَبَارَكَ وَتَعَالَى عَلَيَّ كِتَابًا أَقْضِي فِيهِ بَيْنَكَ وَبَيْنَ زَوْجِكَ وَإِنِّي أَكْرَهُ أَنْ أَكُونَ مِنَ الْمُتَكَلِّفِينَ

Rasool-Allah^{-saww} said to her: 'Allah^{-azwj} Blessed and Exalted has not Revealed any Book (Verse) unto me^{-saww} so I^{-saww} can judge between you and your husband, and I^{-saww} dislike it to be from the pretenders'.

فَجَعَلْتُ تَبْكَي وَتَشْكِي مَا يَهْدِي إِلَى اللَّهِ عَزَّ وَجَلَّ وَإِلَى رَسُولِ اللَّهِ ص وَانْصَرَفْتُ

She went on to cry and complain to Allah^{-azwj} Mighty and Majestic and to Rasool-Allah^{-saww} of what was with her, and she left’.

قَالَ فَسَمِعَ اللَّهُ تَبَارَكَ وَ تَعَالَى مُجَادِلَتَهَا- لِرَسُولِ اللَّهِ ص فِي زَوْجِهَا وَ مَا شَكَّتْ إِلَيْهِ وَ أَنْزَلَ اللَّهُ فِي ذَلِكَ قُرْآنًا- بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ- قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَ اللَّهُ يَسْمَعُ خَاوِرُكُمَا إِلَى قَوْلِهِ وَ إِنَّ اللَّهَ لَعَفُوٌّ غَفُورٌ

He^{-asws} said: ‘Allah^{-azwj} Blessed and Exalted Heard her plea to Rasool-Allah^{-saww} regarding her husband and what she had complained to him^{-saww}, and Allah^{-azwj} Revealed Quran regarding that: ***In the Name of Allah the Beneficent, the Merciful [1:1] Allah has Heard the words of she who pleaded you regarding her husband and complained to Allah, and Allah Heard both your dialogues [58:1] – up to His^{-azwj} Words - and they are saying the evil word and a falsity, and surely Allah is Pardoning, Forgiving [58:2].***

قَالَ فَبَعَثَ رَسُولُ اللَّهِ إِلَى الْمَرْأَةِ فَأَتَتْهُ

He^{-asws} said: ‘Rasool-Allah^{-saww} sent for the woman. She came to him^{-saww}. He^{-saww} said to her: ‘Come to me^{-saww} with your husband’.

فَقَالَ لَهَا جِئِيَنِي بِزَوْجِكَ فَأَتَتْهُ بِهِ فَقَالَ لَهُ قُلْتُ لِامْرَأَتِكَ هَذِهِ أَنْتِ عَلَيَّ حَرَامٌ كَظْهَرِ أُمِّي

He came to him^{-saww}. He^{-saww} said to him: ‘You said this to your wife, ‘You are prohibited unto me like the back of my mother’?’

فَقَالَ قَدْ قُلْتُ لَهَا ذَلِكَ

He said, ‘I have said that to her’.

فَقَالَ لَهُ رَسُولُ اللَّهِ ص قَدْ أَنْزَلَ اللَّهُ تَبَارَكَ وَ تَعَالَى فِيكَ وَ فِي امْرَأَتِكَ قُرْآنًا

Rasool-Allah^{-saww} said to him: ‘Allah^{-azwj} Blessed and Exalted has Revealed Quran regarding you and your wife!’

وَ قَرَأَ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ- قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَ اللَّهُ يَسْمَعُ خَاوِرُكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ- الَّذِينَ يُظَاهِرُونَ مِنْكُم مِّنْ نِّسَائِهِمْ مَا هُنَّ أُمَّهَاتُهُمْ إِنْ أُمَّهُاتُكُمْ إِلَّا اللَّائِي وَلَدَهُمْ وَ إِنَّ اللَّهَ لَعَفُوٌّ غَفُورٌ

And he^{-saww} read: ‘***In the Name of Allah the Beneficent, the Merciful [1:1]Allah has Heard the words of she who pleaded you regarding her husband and complained to Allah, and Allah Heard both your dialogues; surely Allah is Hearing, Seeing [58:1]Those from you who pronounce Zihaar from their wives, they are not their mothers. Surely their mothers are only those who gave them birth, and they are saying the evil word and a falsity, and surely Allah is Pardoning, Forgiving [58:2].***

فَضُمَّ إِلَيْكَ امْرَأَتَكَ فَإِنَّكَ قَدْ قُلْتَ مُنْكَرًا مِّنَ الْقَوْلِ وَ زُورًا وَ قَدْ عَفَا اللَّهُ عَنْكَ وَ غَفَرَ لَكَ وَ لَا تَعُدْ

‘Hug your wife, for you have said an evil word and a falsity, and Allah^{-azwj} has Pardoned you and Forgiven you, and do not repeat!’

قَالَ فَانصَرَفَ الرَّجُلُ وَهُوَ نَادِمٌ عَلَى مَا قَالَ لِامْرَأَتِهِ وَكَرِهَ اللَّهُ عَزَّ وَجَلَّ ذَلِكَ لِلْمُؤْمِنِينَ بَعْدُ وَ أَنْزَلَ اللَّهُ وَ الَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا

He^{-asws} said: 'The man left and he was regretting upon what he had said to his wife, and Allah^{-azwj} Mighty and Majestic Dislike that for the Momineen afterwards, and Allah^{-azwj} Revealed: **And those who did pronounce Zihhaar from their wives, then retracted what they had said [58:3]**'.

قَالَ يَغْنِي لِمَا قَالَ الرَّجُلُ لِامْرَأَتِهِ أَنْتَ عَلَيَّ كَظَهْرِ أُمِّي

He^{-asws} said: 'Due to what the man says to his wife, 'You are unto me like the back of my mother''.

قَالَ فَمَنْ قَالَهَا بَعْدَ مَا عَمَّا اللَّهُ وَ عَفَرَ لِلرَّجُلِ الْأَوَّلِ فَإِنَّ عَلَيْهِ تَحْرِيرَ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا يَعْنِي جُمَاعَتَهَا - ذَلِكَ كُمْ تُوعِظُونَ بِهِ وَ اللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ - فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامُ سِتِّينَ مِسْكِينًا

He^{-asws} said: 'The one who says it after Allah^{-azwj} has Pardoned and Forgiven for them first, upon him is to **free a neck before they touch each other**, - meaning have marital relations - **that is what you are Advised with, and Allah is Aware of what you are doing [58:3]** So one who cannot find (the means), then Fast two months consecutively before you touch each other. And one who is not capable, so he should feed sixty needy ones.

قَالَ فَجَعَلَ اللَّهُ عُقُوبَةً مَنْ ظَاهَرَ بَعْدَ النَّهْيِ هَذَا قَالَ ذَلِكَ لِلْمُؤْمِنُوا بِاللَّهِ وَ رَسُولِهِ وَ تِلْكَ حُدُودُ اللَّهِ

He^{-asws} said: 'Allah^{-azwj} Made the Punishment to be for the one who does Zihhaar after this Prohibition. He^{-azwj} Said: **That is for you to believe in Allah and His Rasool, and these are the Limits of Allah [58:4]**'.

قَالَ هَذَا حَدُّ الظَّهَارِ.

He^{-asws} said: 'This is the legal penalty of doing Zihhaar'.⁷⁵⁰

قَالَ حُمْرَانُ قَالَ أَبُو جَعْفَرٍ ع وَ لَا يَكُونُ ظَهَارٌ فِي بَيْنٍ وَ لَا فِي إِضْرَارٍ وَ لَا فِي غَضَبٍ وَ لَا يَكُونُ ظَهَارٌ إِلَّا عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ مُسْلِمَيْنِ.

Humran said,

'Abu Ja'far^{-asws} said: 'And Zihhaar cannot happen in an oath nor in desperation, nor in anger, nor can the Zihhaar happen except upon purity from without consummation (afterwards), keeping two Muslim witnesses'.⁷⁵¹

⁷⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 2 a

⁷⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 2 b

3- ب، قرب الإسناد ابن عيسى عَنِ الْبَزْطِيِّ قَالَ: سَأَلْتُ الرِّضَا عَ عَنْ رَجُلٍ يُؤْبِي مِنْ أُمَّتِهِ فَقَالَ لَا كَيْفَ يُؤْبِي وَ لَيْسَ لَهَا طَلَاقٌ

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

'I asked Al-Reza^{-asws} about a man turned his back from his slave girl. He^{-asws} said: 'No! How can he turn his back and there isn't any divorce for her?'

فُلْتُ يُظَاهِرُ مِنْهَا

I said, 'He did Zihaar from her'.

فَقَالَ كَانَ جَعَفَرٌ ع يَقُولُ يَقَعُ عَلَى الْحُرَّةِ وَالْأَمَةِ الظَّهَارُ.

He^{-asws} said: 'Ja'far^{-asws} had said: 'The Zihaar occurs upon the free woman and the slave woman''.⁷⁵²

4- ب، قرب الإسناد مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ سِنَانٍ قَالَ: كَتَبَ مَعِيَ عَطِيَّةُ الْمَدَائِنِيِّ إِلَى أَبِي الْحَسَنِ الْأَوَّلِ ع يَسْأَلُهُ قَالَ فُلْتُ امْرَأَتِي طَالِقٌ عَلَى السُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ الصَّلَاةَ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Husayn, from Muhammad Bin Sinan who said,

'Atiya Al-Madainy wrote with me to Abu Al-Hassan^{-asws} the 1st asking him^{-asws}. He said, 'I said, 'My wife is divorced upon the Sunnah. If I have to repeat the Salat, so I repeat the Salat!'

ثُمَّ فُلْتُ امْرَأَتِي طَالِقٌ عَلَى الْكِتَابِ وَالْسُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

Then I said, 'My wife is divorced upon the Book and the Sunnah. If I have to repeat the Salat, so I repeat!'

ثُمَّ فُلْتُ امْرَأَتِي طَالِقٌ طَالِقَ آلِ مُحَمَّدٍ عَلَى السُّنَّةِ إِنْ أَعَدْتُ صَلَاتِي فَأَعَدْتُ

Then I said, 'My wife is divorced by the divorce of Progeny^{-asws} of Muhammad^{-saww}, upon the Sunnah. If I have to repeat my Salat, I will repeat!'

قَالَ فَلَمَّا رَأَيْتُ اسْتِخْفَافِي بِذَلِكَ فُلْتُ امْرَأَتِي عَلَى كَظْهِرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

He said, 'When he^{-asws} saw my taking lightly with that, I said, 'My wife unto me is like the back of my mother. If I have to repeat the Salat, I will repeat!'

ثُمَّ فُلْتُ امْرَأَتِي عَلَى كَظْهِرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

Then I said, 'My wife to me is like the back of my mother. If I have to repeat the Salat, I will repeat the Salat'.

⁷⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 3

ثُمَّ قُلْتُ امْرَأَتِي عَلَيَّ كَظْهَرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ وَ قَدْ اعْتَزَلْتُ أَهْلِي مُنْذُ سِنِينَ

Then I said, 'My wife to me is like the back of my mother. If I have to repeat the Salat, I will repeat, and I have isolated my wife for years!'

قَالَ فَقَالَ أَبُو الْحَسَنِ الْأَهْلُ أَهْلُهُ وَ لَا شَيْءَ عَلَيْهِ إِلَّا هَذَا وَ أَشْبَاهُهُ مِنْ خُطُوبَاتِ الشَّيْطَانِ.

He said, 'Abu Al-Hassan^{asws} said: 'The wife is his wife and there is nothing upon him. But rather, this and its like are from the footsteps of Satan^{la}'.⁷⁵³

5- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن الطَّهَارِ هل يجوز فيه عتق صبي

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{asws}), he said, 'I asked him^{asws} about the Zihaar, 'Is freeing a child (as penalty) valid in it?'

قَالَ إِذَا كَانَ مَوْلُودًا وَلِدَ فِي الْإِسْلَامِ أَجْزَأُهُ.

He^{asws} said: 'When the child was born in Al Islam, it will suffice him'.⁷⁵⁴

6- ضا، فقه الرضا عليه السلام إِيَّاكَ أَنْ تُظَاهِرَ امْرَأَتَكَ فَإِنَّ اللَّهَ عَيَّرَ قَوْمًا بِالظَّهَارِ فَقَالَ مَا هُنَّ أُمَّهَاتُهُمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدَتْهُمْ وَ إِنْهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَ زُورًا

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} — 'Beware of doing Zihaar to your wife, for Allah^{azwj} Changed a people due to the Zihaar. He^{azwj} Said: ***Those from you who pronounce Zihaar from their wives, they are not their mothers. Surely their mothers are only those who gave them birth, and they are saying the evil word and a falsity [58:2].***

فَإِنْ ظَاهَرْتَ فَهُوَ عَلَى وَجْهِينِ فَإِذَا قَالَ الرَّجُلُ لَامْرَأَتِهِ أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي وَ سَكَتَ فَعَلَيْهِ الْكَفَّارَةُ مِنْ قَبْلِ أَنْ يُجَامِعَ فَإِنْ جَامَعْتَ مِنْ قَبْلِ أَنْ تُكْفِّرَ لَرِمْتِكَ كَفَّارَةً أُخْرَى وَ مَتَى مَا جَامَعْتَ قَبْلَ أَنْ تُكْفِّرَ لَرِمْتِكَ كَفَّارَةً أُخْرَى

If you do Zihaar, it is upon two aspects. When the man says to his wife, 'You are to me like the back of my mother', and becomes silent, upon him is the expiation (penalty) from before he has marital relations. If you have marital relations before you expiate, another expiation (penalty) will necessitate you, and whenever you have marital relations before you expiate (pay the penalty), another penalty would necessitate you.

فَإِنْ قَالَ هِيَ عَلَيَّ كَظْهَرِ أُمِّي إِنْ فَعَلَ كَذَا وَ كَذَا أَوْ فَعَلْتَ كَذَا وَ كَذَا فَلَيْسَ عَلَيْهِ كَفَّارَةٌ حَتَّى يَفْعَلَ ذَلِكَ الشَّيْءَ وَ يُجَامِعَ إِلَى أَنْ يَفْعَلَ فَإِنْ فَعَلَ لَرِمَتْهُ الْكَفَّارَةُ وَ لَا يُجَامِعُ حَتَّى يُكْفِرَ بِمِيقَانِهِ

⁷⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 4

⁷⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 5

If he says, she is to him like the back of his mother if he does such and such, or she does such and such, there isn't any expiation penalty upon him until he does that thing, and he can have marital relations until he does it. If he does, the expiation penalty will necessitate him and he cannot have marital relations until he expiates his oath.

وَالْكَفَّارَةُ تَحْرِيرُ رَقَبَةٍ - فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ - فَمَنْ لَمْ يَسْتَطِعْ فإِطْعَامُ سِتِّينَ مِسْكِينًا لِكُلِّ مِسْكِينٍ مُدٌّ فَإِنْ لَمْ يَجِدْ يَتَصَدَّقْ بِمَا يُطِيقُ

And the expiation penalty is freeing of a neck, ***So one who cannot find (the means), then Fast two months consecutively before you touch each other. And one who is not capable, so he should feed sixty needy ones [58:4]***, for each needy being a 'Mudd' (about 650 gms). If he cannot find, he should donate what he can endure.

فَإِنْ طَلَّقَهَا سَقَطَتْ عَنْهُ الْكَفَّارَةُ فَإِنْ رَاجَعَهَا لَزِمَتْهُ فَإِنْ تَرَكَهَا حَتَّى يَمْضِيَ أَجْلُهَا وَتَزَوَّجَهَا رَجُلٌ آخَرٌ ثُمَّ طَلَّقَهَا وَارَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا لَمْ يَلْزِمُهُ الْكَفَّارَةُ.

If he divorces her, the expiation penalty is dropped from him. If he returns to her, it necessitates him. If he leaves her until her term expires and another man marries her and the first one intends to marry her, the expiation penalty does not necessitate him'.⁷⁵⁵

7- ضَا، فَقَه الرضا عليه السلام وَأَمَّا الظَّهَارُ فَمَعْنَى الظَّهَارِ أَنْ يَقُولَ الرَّجُلُ لِامْرَأَتِهِ أَوْ مَا مَلَكَتْ يَمِينُهُ هِيَ عَلَيْهِ كَظْهَرِ أُمِّهِ أَوْ كَظْهَرِ أُخْتِهِ أَوْ خَالَتِهِ أَوْ عَمَّتِهِ أَوْ ابْنَتِهِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And as for the Zihhaar, the meaning of Zihhaar is that the man says to his wife, or what his right hands possesses (slave girls), she is unto him like the back of his mother, or like the back of his sister, or his maternal aunt, or his paternal aunt, or his daughter'.

فَإِذَا فَعَلَ ذَلِكَ وَجَبَ عَلَيْهِ لِلْفُظِّ مَا قَدْ فَسَّرْنَاهُ فِي بَابِ الظَّهَارِ وَإِنْ حَلَفَ الْمَمْلُوكُ أَوْ ظَاهَرَ فَلَيْسَ عَلَيْهِ إِلَّا الصَّوْمُ فَقَطْ وَهُوَ شَهْرَانِ مُتَتَابِعَانِ.

When he does that, it obligates for the words what we have explained in the chapter on the Zihhaar, and if the slave swears an oath, or does Zihhaar, it isn't upon him except the fasting only, and it is two consecutive months'.⁷⁵⁶

8- الْهَدَايَةُ، الظَّهَارُ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ لِامْرَأَتِهِ هِيَ عَلَيْهِ كَظْهَرِ أُمِّهِ وَ يَسْكُتَ فَعَلَيْهِ الْكَفَّارَةُ قَبْلَ أَنْ يُجَامِعَ فَإِنْ جَامَعَ قَبْلَ أَنْ يُكْفِّرَ لَزِمَتْهُ كَفَّارَةُ أُخْرَى

(The book) 'Al Hidayah' -

'Al-Zihhaar is upon two aspects. One of these is that the man says to his wife she is to him like the back of his mother, and he remains silent; upon him is the expiation penalty before he can have marital relations. If he has marital relations before the expiation penalty, another expiation penalty would necessitate him.

⁷⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 6

⁷⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 7

فَإِنْ قَالَ هِيَ عَلَيْهِ كَظْهَرِ أُمِّهِ إِنْ فَعَلَ كَذَا وَ كَذَا أَوْ فَعَلَتْ كَذَا وَ كَذَا فَلَيْسَ عَلَيْهِ شَيْءٌ حَتَّى يَفْعَلَ ذَلِكَ الشَّيْءَ وَ يُجَامِعَ فَتَلْزُمُهُ الْكُفَّارَةُ إِذَا فَعَلَ مَا خَلَفَ عَلَيْهِ وَ الْكُفَّارَةُ تَحْرِيرُ رَقَبَةٍ - فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ - فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامَ سِتِّينَ مَسْكِينًا فَمَنْ لَمْ يَقْدِرْ تَصَدَّقَ بِمَا يَقْدِرُ.

If he says she is to him like the back of his mother if he does such and such, or she does such and such, there isn't anything upon him until he does that thing and he has marital relations. The expiation penalty would necessitate him when he does what he had sworn an oath upon, and the expiation is freeing a neck, ***So one who cannot find (the means), then Fast two months consecutively before you touch each other. And one who is not capable, so he should feed sixty needy ones [58:4].*** The one who is not able should donate with whatever he is able upon'.⁷⁵⁷

9- وَ قَدْ رُوِيَ أَنَّهُ يَصُومُ ثَلَاثَةَ عَشَرَ يَوْمًا وَ لَا يَقْعُ الظَّهَارُ إِلَّا عَلَى مَوْضِعِ الطَّلَاقِ وَ لَا يَقْعُ الظَّهَارُ حَتَّى يَدْخُلَ الرَّجُلُ بِأَهْلِهِ.

And it has been reported that he should fast three months and a day, and the Zihar cannot occur except upon the place of divorce until the man consummate with his wife'.⁷⁵⁸

باب 117 الإيلاء و أحكامه

CHAPTER 117 – THE (OATH OF) ABSTINENCE AND ITS RULINGS

1- فس، تفسير القمي أبي عن صفوان عن ابن مسكان عن أبي بصير عن أبي عبد الله ع قال: الإيلاء أن يخلف الرجل على امرأته أن لا يجامعها فإن صبرت عليه فلها أن تصبر و إن رفعت إلى الإمام أنظر أربعة أشهر ثم يقول له بعد ذلك إما أن ترجع إلى المأخضة و إما أن تطلق فإن أبي حبسه أبداً.

Tafseer Al Qummi – My father, from Safwan, from Ibn Muskan, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'The oath of abstinence is that the man swears upon his wife that he will not have marital relations with her. If she is patient upon it, it is for her to be patient, and if she raises (the matter) to the Imam^{-asws}, he^{-asws} will wait four months, then he^{-asws} will say to him after that, 'Either you return to the married life or you divorce'. If he refuses, he will imprison him forever'.⁷⁵⁹

2- وَ رُوِيَ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ بَنَى حَظِيرَةً مِنْ قَصَبٍ وَ جَعَلَ فِيهَا رَجُلًا آتَى مِنْ أَمْرَاتِهِ بَعْدَ الْأَرْبَعَةِ الْأَشْهُرِ فَقَالَ لَهُ إِمَّا أَنْ تَرْجِعَ إِلَى الْمُنَاكِحَةِ وَ إِمَّا أَنْ تُطْلَقَ وَ إِلَّا أَحْرَقْتُ عَلَيْكَ الْحَظِيرَةَ.

And it is reported from Amir Al-Momineen^{-asws} that he^{-asws} had built an enclosure of reeds and made a man who had sworn abstinence from his wife, to be in it after the four months. He^{-asws} said to him: 'Either you return to the married life or you divorce, or else I^{-asws} will burn down the enclosure upon you!'⁷⁶⁰

⁷⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 8

⁷⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 9

⁷⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 1

⁷⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 2

3- ب، قرب الإسناد ابن عيسى عَنِ الْبَزْطِيِّ قَالَ: سَأَلَ صَفْوَانُ الرِّضَا عَ وَ أَنَا حَاضِرٌ عَنِ الْإِيْلَاءِ فَقَالَ إِنَّمَا يُوقَفُ إِذَا قَدَّمْتَهُ إِلَى السُّلْطَانِ فَيُوقِفُهُ السُّلْطَانُ أَرْبَعَةَ أَشْهُرٍ ثُمَّ يَقُولُ لَهُ إِمَّا أَنْ تُطَلِّقَ وَ إِمَّا أَنْ تُنْسِكَ.

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

'Safwan asked Al-Reza^{-asws} while I was present, about the oath of abstinence. He^{-asws} said: 'But rather he will be paused when she brings him to the ruler. The ruler would pause him for four months, then say to him, 'Either you divorce or you withhold'.⁷⁶¹

4- قَالَ: وَ سَأَلْتُهُ عَ عَنِ الرَّجُلِ يُؤْلِي مِنْ أَمَتِهِ فَقَالَ لَا كَيْفَ يُؤْلِي وَ لَيْسَ لَهَا طَلَاقٌ.

And he asked him^{-asws} about the man who swore an oath of abstinence from his slave girl. He^{-asws} said: 'No! How can he swear an oath of abstinence, and there isn't any divorce for her?'⁷⁶²

5- ضا، فقه الرضا عليه السلام اعْلَمْ بِرَحْمَتِكَ اللَّهُ أَنَّ الْإِيْلَاءَ أَنْ يَخْلِفَ الرَّجُلُ أَنْ لَا يُجَامِعَ امْرَأَتَهُ فَلَهُ إِلَى أَنْ تَذْهَبَ أَرْبَعَةَ أَشْهُرٍ فَإِنْ فَاءَ بَعْدَ ذَلِكَ وَ هُوَ أَنْ يَرْجِعَ إِلَى الْجَمَاعِ فَهِيَ امْرَأَتُهُ وَ عَلَيْهِ كَفَّارَةُ الْيَمِينِ وَ إِنْ أَبَى أَنْ يُجَامِعَ بَعْدَ أَرْبَعَةِ أَشْهُرٍ قِيلَ لَهُ طَلِّقْ فَإِنْ فَعَلَ وَ إِلَّا حُبَسَ فِي حَظِيرَةٍ مِنْ قَصَبٍ وَ يُشَدُّ عَلَيْهِ فِي الْمَأْكَلِ وَ الْمَشْرَبِ حَتَّى يُطَلِّقَ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know, may Allah^{-azwj} Mercy you, that the oath of abstinence is that the man swears that he will not have marital relations with his wife. For him, it is up to four months. If he resumes after that, and it is him returning to the marital relations, she is his wife and upon him is expiation penalty of the oath; and if he refuses to have marital relations after four months it will be said to him, 'Divorce!' If he does, fine, or else he will be confined in an enclosure of reeds and there will be severity (restrictions) upon him in the eating and the drinking until he divorces'.⁷⁶³

6- وَ قَدْ رُوِيَ أَنَّهُ إِذَا امْتَنَعَ مِنَ الطَّلَاقِ ضُرِبَتْ عُنُقُهُ لِامْتِنَاعِهِ عَلَى إِمَامِ الْمُسْلِمِينَ وَ الْمَعْنُوهُ إِذَا أَرَادَ الطَّلَاقَ أَلْقَى عَلَى امْرَأَتِهِ قِنَاعاً يَرَى أَهْمًا قَدْ حُرِّمَتْ عَلَيْهِ فَإِذَا أَرَادَ مُرَاجَعَتَهَا رَفَعَ الْقِنَاعَ عَنْهَا يَرَى أَهْمًا قَدْ حَلَّتْ لَهُ.

And it has been reported that when he refuses from the divorcing, his neck would be struck for his refusal upon an Imam^{-asws} of the Muslims; and the mentally impaired one, when he intends the divorce, they would cast a veil upon his wife, viewing that she has been prohibited unto him. When he intends to return, he would raise the veil from her, viewing that she has become lawful for him'.⁷⁶⁴

7- شي، تفسير العياشي عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ فِي الْإِيْلَاءِ إِذَا آلَى الرَّجُلُ مِنْ امْرَأَتِهِ - لَا يَقْرُبُهَا وَ لَا يَمَسُّهَا وَ لَا يَجْمَعُ رَأْسَهُ وَ رَأْسَهَا فَهُوَ فِي سَعَةٍ مَا لَمْ يَمُضِ الْأَرْبَعَةُ الْأَشْهُرُ

Tafseer Al Ayyashi – From Bureyd Bin Muawiya who said,

⁷⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 3

⁷⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 4

⁷⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 5

⁷⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 6

'I heard Abu Abdullah^{-asws} saying regarding the oath of abstinence: 'When the man swears an oath of abstinence from his wife that he will neither go near her, nor touch her, nor gather his head and her head, he is in a leeway for as long as four months have not passed.

فَإِذَا مَضَى الْأَرْبَعَةُ الْأَشْهُرُ فَهِيَ فِي جِلٍّ مَا سَكَتَ عَنْهُ فَإِذَا طَلَبَتْ حَقَّهَا بَعْدَ الْأَرْبَعَةِ الْأَشْهُرِ وَقَفَ فَإِمَّا أَنْ يَنْبِئَ فَيَمْسَسَهَا وَإِمَّا أَنْ يَغْرِمَ عَلَى الطَّلَاقِ فَيُحْلِي عَنْهَا حَتَّى إِذَا حَاضَتْ وَتَطَهَّرَتْ مِنْ مَحِيضِهَا طَلَّقَهَا تَطْلِيقَةً مِنْ قَبْلِ أَنْ يُجَامِعَهَا بِشَهَادَةِ عَدْلَيْنِ ثُمَّ هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ يَمُضِ الثَّلَاثَةُ الْأَفْرَاءُ.

When four months pass by, she would be in a release of what she had been silent from. When she seeks her rights after four months, he will be paused. Either he resumes so he touches her, or he determines upon the divorce and free her way until when she has menstruated and purified from her menstruation, he divorces her with a divorce from before he consummates with her, with the witnessing of two just men, then he will be more rightful with returning to her for as long as three pure periods have not passed'.⁷⁶⁵

8- شي، تفسير العياشي عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: أَيُّمَا رَجُلٍ آتَى مِنْ امْرَأَتِهِ فَأَلَايَلَاءُ أَنْ يَقُولَ الرَّجُلُ وَاللَّهِ لَا أُجَامِعُكَ كَذَا وَكَذَا وَ يَقُولُ وَاللَّهِ لَأَغِيظَنَّكَ ثُمَّ يُعَايِظُهَا وَ لَأُسُوِّدَنَّكَ ثُمَّ يَهْجُرُهَا فَلَا يُجَامِعُهَا

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws}, having said: 'Whichever man swears an oath of abstinence from his wife, and the oath is that the man says, 'By Allah^{-azwj}! I will not have marital relations with you', such and such, and he says, 'By Allah^{-azwj}, I will enrage you', then he enrages her, and 'I will be worse to you', then he forsakes her, so he does not have marital relations with you.

فَإِنَّهُ يَتَرَيُّصُ بِمَا أَرْبَعَةَ أَشْهُرٍ فَإِنْ فَاءَ وَ الْإِيْقَاءُ أَنْ يُصَالِحَ فَإِنَّ اللَّهَ عَفُورٌ رَحِيمٌ وَإِنْ لَمْ يَنْبِئْ أُجِبَرَ عَلَى الطَّلَاقِ وَ لَا يَقَعُ بَيْنَهُمَا طَلَاقٌ حَتَّى تُوقَفَ وَ إِنْ عَزَمَ الطَّلَاقَ فَهِيَ تَطْلِيقَةٌ.

He would be made to wait for four months. If he resumes (fine), and the resumption is that he reconcile, for Allah^{-azwj} is Forgiving, Merciful; and if he does not resume he will be compelled upon the divorce, and the divorce will not occur between the two until he is paused and determines the divorce. It is one divorce'.⁷⁶⁶

9- شي، تفسير العياشي عَنِ أَبِي بَصِيرٍ فِي رَجُلٍ آتَى مِنْ امْرَأَتِهِ حَتَّى مَضَتْ أَرْبَعَةُ أَشْهُرٍ قَالَ يُوقَفُ فَإِنْ عَزَمَ الطَّلَاقَ اعْتَدَتْ امْرَأَتُهُ كَمَا تَعْتَدُ الْمُطَلَّاقَةُ وَ إِنْ أَمْسَكَ فَلَا بَأْسَ.

Tafseer Al Ayyashi – From Abu Baseer,

Regarding a man who swears an oath of abstinence from his wife until four months have passed. He^{-asws} said: 'He will be paused. If he determines the divorce, his wife will observe the waiting period just as the waiting period of the divorced, and if he keeps her, there is no problem'.⁷⁶⁷

⁷⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 7

⁷⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 8

⁷⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 9

10- شي، تفسير العياشي عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ آتَى مِنْ امْرَأَتِهِ فَمَضَتْ أَرْبَعَةُ أَشْهُرٍ قَالَ يُوقَفُ فَإِنْ عَزَمَ الطَّلَاقَ بَانَ مِنْهُ وَعَلَيْهَا عِدَّةُ الْمُطَلَّاقَةِ وَإِلَّا كَفَرَ بِمِيعَتِهِ وَأَمْسَكَهَا.

Tafseer Al Ayyashi' – From Mansour Bin Hazim who said,

'I asked Abu Abdullah^{-asws} about a man who swears an oath of abstinence from his wife. Four months passed by. He^{-asws} said: 'He will be paused. If he determines the divorce, she will be irrevocably divorced from him and upon her is the waiting period of the divorced, or else he will pay the expiation penalty of his oath and withhold her'.⁷⁶⁸

11- شي، تفسير العياشي عَنْ الْعَبَّاسِ بْنِ هِلَالٍ عَنِ الرِّضَا ع ذَكَرَ لَنَا أَنَّ أَجَلَ الْإِيْلَاءِ أَرْبَعَةُ أَشْهُرٍ بَعْدَ مَا يَأْتِيَانِ السُّلْطَانَ فَإِذَا مَضَتْ الْأَرْبَعَةُ أَشْهُرٌ فَإِنْ شَاءَ أَمْسَكَ وَإِنْ شَاءَ طَلَّقَ وَالْإِمْسَاكُ الْمَسِيسُ.

Tafseer Al Ayyashi – From Al Abbas Bin Hilal,

From Al-Reza^{-asws} mentioned to us that the term of the swearer of an oath of abstinence is of four months and they have been to the ruler. When four months pass by, if he desires, he can withhold, and if he desires, he can divorce, and the withholding is preferable'.⁷⁶⁹

12- شي، تفسير العياشي سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع إِذَا بَانَتِ الْمَرْأَةُ مِنَ الرَّجُلِ هَلْ يَحْطُبُهَا مَعَ الْخُطَابِ

Tafseer Al Ayyashi -

Abu Abdullah^{-asws} was asked, 'When the woman is irrevocably divorced from the man, can he propose along with the proposers?'

قَالَ يَحْطُبُهَا عَلَى تَطْلِيمَتَيْنِ وَلَا يَفْرُجُهَا حَتَّى يُكَفِّرَ بِمِيعَتِهِ.

He^{-asws} said: 'He can propose to her upon two divorces, and he cannot go near her until he has expiated his oath'.⁷⁷⁰

13- شي، تفسير العياشي عَنْ صَفْوَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمُؤَلِّي إِذَا أَبَى أَنْ يُطَلَّقَ قَالَ كَانَ عَلَيَّ ع يَجْعَلُ لَهُ حَظِيرَةً قَصَبٍ وَ يَحْبِسُهُ فِيهَا وَيَمْنَعُهُ الطَّعَامَ وَ الشَّرَابَ حَتَّى يُطَلَّقَ.

Tafseer Al Ayyashi – From Safwan, from one of his companions,

From Abu Abdullah^{-asws} regarding the one who swears an oath of abstention, when he refuses to divorce. He^{-asws} said: 'Ali^{-asws} had made an enclosure of reeds for him, and imprisoned him in it and prevented him the food and the drink until he divorced'.⁷⁷¹

⁷⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 10

⁷⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 11

⁷⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 12

⁷⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 13

14- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الرَّجُلِ إِذَا آلَى مِنْ امْرَأَتِهِ فَمَضَتْ أَرْبَعَةُ أَشْهُرٍ وَ لَمْ يَفْعَلْ فِيهَا مَطْلَقَةً ثُمَّ يُوَفَّقُ فَإِنْ فَاءَ فَهِيَ عِنْدَهُ عَلَى تَطْلِيقَتَيْنِ وَإِنْ عَزَمَ فَهِيَ بَائِنَةٌ مِنْهُ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding the man when he swears an oath of abstention from his wife. Four months pass and he does not resume (marital relations), she is divorced. Then he will be paused. If he resumes, she would be with him upon two (remaining) divorces, and if he determines (divorce), she would be irrevocably divorced from him'.⁷⁷²

15- ين، كتاب حسين بن سعيد و النوادر صفوان و فضالة عن العلاء عن محمد بن أحمد عن أبي عبد الله ع في الذي يظاهر في شعبان و لم يجد ما يعتق قال ينتظر حتى يصوم شهر رمضان ثم يصوم شهرين متتابعين و إن ظاهر و هو مسافر انتظر حتى يقدم و إن صام فأصاب مالا فليصم الذي بدا فيه.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan and Fazalah, from Al A'la, from Muhammad,

From one of the two (5th or 6th Imam^{-asws}) regarding the one who does Zihhaar during Shaban and could not find what he could liberate a slave with. He^{-asws} said: 'He should wait until he fasts the month of Ramazan, then he should fast two consecutive months, and if he has done Zihhaar while he as a traveller, he should wait until he arrives (home), and if he fasts and then gains wealth, he should continue with what he began'.⁷⁷³

16 ين، كتاب حسين بن سعيد و النوادر حماد عن حزين عن محمد بن مسلم عنهما ع مثله.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad, from Hareez, from Muhammad Bin Muslim, from both of them (5th and 6th Imam^{-asws}), similar to it.⁷⁷⁴

17- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن جميل بن دراج و محمد بن حمران عن أبي عبد الله ع في المملوك يظاهر قال عليه نصنف ما على الحر صوم شهر و ليس عليه كفارة من صدقة و لا عتق.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Jameel Bin Darrah, and Muhammad Bin Humran,

From Abu Abdullah^{-asws} regarding the slave doing Zihhaar. He^{-asws} said: 'Upon him is half of what is upon the free man, fasting a month, and there isn't any expiation penalty upon him, neither dowry nor liberation of a slave'.⁷⁷⁵

18- ين، كتاب حسين بن سعيد و النوادر عثمان بن عيسى قال حدثني سماعة بن مهران قال: سألت عن رجل قال لامرأته أنت علي مثل ظهر أُمي

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa who said, 'It is narrated to me by Sama'at Bin Mihran who said,

⁷⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 14

⁷⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 15

⁷⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 16

⁷⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 17

‘I asked him^{-asws} about a man who says to his wife, ‘You are to me like the back of my mother’.

قَالَ عِنْتُ رَقَبَةٍ أَوْ إِطْعَامُ سِتِّينَ مِسْكِينًا أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ.

He^{-asws} said: ‘Liberation of a neck, or feeding sixty poor ones, or fasting two consecutive months’.⁷⁷⁶

19- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ رَجُلٍ ظَاهَرَ مِنْ امْرَأَتِهِ ثَلَاثَ مَرَّاتٍ قَالَ يُكَفِّرُ ثَلَاثَ مَرَّاتٍ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Muhammad Bin Abu Umeyr, from Hammad, from Al Halby who said,

‘I asked Abu Abdullah^{-asws} about a man who does Zihhaar from his wife three times. He^{-asws} said: ‘He has to pay the expiation penalty three times’.

قُلْتُ فَإِنْ وَقَعَ قَبْلَ أَنْ يُكَفِّرَ

I said, ‘Supposing he has marital relations before he pays the expiation penalty’.

قَالَ يَسْتَغْفِرُ اللَّهَ وَ يُمَسِّكُ حَتَّى يُكَفِّرَ.

He^{-asws} said: ‘He should seek Forgiveness of Allah^{-azwj}, and he would withhold until he expiates’.⁷⁷⁷

20- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمُظَاهِرُ إِذَا صَامَ شَهْرًا ثُمَّ مَرَضَ اعْتَدَّ بِصِيَامِهِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Rifa’at,

From Abu Abdullah^{-asws} having said: ‘The one who does Zihhaar, when he fasts a month, then becomes sick, his fasting is counted’.⁷⁷⁸

21- ين، كتاب حسين بن سعيد و النوادر الْحُسَيْنُ بْنُ عَلِيِّ بْنِ النُّعْمَانِ عَنْ مُعَاوِيَةَ بْنِ وَهْبٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ الْمُظَاهِرِ قَالَ عَلَيْهِ تَحْرِيرُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مِسْكِينًا وَ الرِّقَبَةُ يُجْزِي فِيهِ الصَّبِيُّ مَنْ وُلِدَ فِي الْإِسْلَامِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Husayn, from Ali Bin Al Numan, from Muawiya Bin Wahab who said,

‘I asked Abu Abdullah^{-asws} about the one doing Zihhaar. He^{-asws} said: ‘Upon him is to free a neck, or fast two consecutive months, or feed sixty need ones, and the ‘neck’, the child would suffice in it from the one born in Al-Islam’.⁷⁷⁹

⁷⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 18

⁷⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 19

⁷⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 20

⁷⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 21

22- ين، كتاب حسين بن سعيد و النوادر عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ جَاءَ رَجُلٌ إِلَى النَّبِيِّ ص فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي ظَاهَرْتُ مِنْ أَمْرَاتِي

The book Haseen Bin Saeed, and 'Al Nawadir' – From Sama'at Bin Mihran, from Abu Baseer who said,

'I heard Abu Abdullah^{-asws} saying: 'A man came to the Prophet^{-saww}. He said, 'O Rasool-Allah^{-saww}! I have done Zihaar from my wife!'

فَقَالَ أُعْتِقْ رَقَبَةً

He^{-saww} said: 'Free a neck'.

قَالَ لَيْسَ عِنْدِي

He said, 'There isn't (a slave) in my possession'.

قَالَ فَصُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ

He^{-saww} said: 'Fast two months consecutively'.

قَالَ لَا أَقْوَى

He said, 'I am not strong enough'.

قَالَ فَأَطْعِمْ سِتِّينَ مِسْكِينًا

He^{-saww} said: 'Feed sixty needy ones'.

قَالَ لَيْسَ عِنْدِي

He said, 'There aren't any in my presence'.

فَقَالَ رَسُولُ اللَّهِ ص أَنَا أَتَصَدَّقُ عَنْكَ فَأَعْطَاهُ ثَمَرًا يَتَصَدَّقُ بِهِ عَلَى سِتِّينَ مِسْكِينًا

Rasool-Allah^{-saww} said: 'I^{-saww} shall donate charity on your behalf'.

فَقَالَ اذْهَبْ وَ تَصَدَّقْ بِهَذَا

He^{-saww} gave him dates he can donate in charity with upon sixty needy ones. He^{-saww} said: 'Go and donate with this!'

فَقَالَ وَ الَّذِي بَعَثَكَ بِالْحَقِّ مَا بَيْنَ لَابَتَيْهَا أَحْوَجُ إِلَيْهِ مِنِّي وَ مِنْ عِيَالِي

He said, 'By the One Who Sent you^{-saww} with the truth! There is no one between the two deserts who is needier to it than me and my dependants!'

فَقَالَ ص اذْهَبْ فُكُلْ أَنْتَ وَ أَطْعَمْ عِيَالَكَ.

He^{-saww} said: 'Go, you eat it and feed your family!'⁷⁸⁰

23- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن عبد الرحمن بن الحجاج قال: المظاهر إذا قال لامرأته أنت علي كظهر أمي و لا يقول إن فعلت كذا و كذا فعليه كفارة قبل أن يواقع و إن قال أنت علي كظهر أمي إن فريثك كفر بعد ما يفرها.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

'The one who does Zihar when he says to his wife, 'You are to me like the back of my mother', and does not say, 'If I do such and such', upon him is an expiation penalty before he has marital relations; and if he says, 'You are to me like the back of my mother if I come near you', he will have to expiate after having gone near her'.⁷⁸¹

24- ين، كتاب حسين بن سعيد و النوادر عن أبي بصير عن معمر بن يحيى عن أبي عبد الله ع قال: سألت عن الرجل يظاها من امرأته يجوز عنق المولود في الكفارة

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Abu Baseer, from Ma'mar Bin Yahya,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who does Zihar from his wife, 'Would liberating a new born suffice as an expiation penalty?'

قال كل العنق يجوز فيه المولود إلا في كفارة القتل فإنه لا يجوز إلا ما قد بلغ و أدرك

He^{-asws} said: 'In every liberation, the new-born is allowed except as expiation penalty of the murder, for it is not allowed except what has matured and become an adult'.

قلت قول الله فتحرير رقبة مؤمنة قال عني بذلك مقرة.

I said, '(What about) Words of Allah^{-azwj}: **he should free a Momin slave [4:92]**'.⁷⁸²

[باب 118 اللعان](#)

CHAPTER 118 – THE MUTUAL CURSING

1- فس، تفسير القمي و الذين يزعمون أزواجهم إلى قوله إن كان من الصادقين فإنها نزلت في اللعان و كان سبب ذلك أنه لما رجع رسول الله ص من غزوة تبوك جاء إليه عوف بن ساعدة العجلاني و كان من الأنصار فقال يا رسول الله إن امرأتي زني بها شريك بن سحاء و هي منه حامل

Tafseer Al Qummi -

And those who accuse their wives – up to His^{-azwj} Words - **from the truthful ones [24:6]**. It was Revealed regarding the mutual cursing (between husband and wife), and the cause of

⁷⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 22

⁷⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 23

⁷⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 24

that was that when Rasool-Allah^{-saww} returned from the military expedition of Tabuk, Uweymir Bin Sa'idah Al-Ajlany came to him^{-saww}, and he was from the Helpers. He said, 'My wife has committed adultery with Shareek Bin Samha and she is pregnant from him!'

فَأَعْرَضَ عَنْهُ رَسُولُ اللَّهِ ص فَأَعَادَ عَلَيْهِ الْقَوْلَ فَأَعْرَضَ عَنْهُ حَتَّى فَعَلَ ذَلِكَ أَرْبَعَ مَرَّاتٍ فَدَخَلَ رَسُولُ اللَّهِ ص مَنْزِلَهُ فَتَنَزَّلَ عَلَيْهِ آيَةُ اللَّعْنِ

Rasool-Allah^{-saww} turned away from him. He repeated the word to him^{-saww}. He^{-saww} turned away from him, until he had done that four times. Rasool-Allah^{-saww} entered his^{-saww} house, and the Verse of mutual cursing was Revealed unto him^{-saww}.

فَخَرَجَ رَسُولُ اللَّهِ ص وَ صَلَّى بِالنَّاسِ الْعَصَرَ وَ قَالَ لِعُؤْمَيْرِ ابْنِي بِأَهْلِكَ فَقَدْ أَنْزَلَ اللَّهُ فِيكُمَا قُرْآنًا

Rasool-Allah^{-saww} came out and prayed Al-Asr Salat with the people and said to Uweymir, 'Come to me^{-saww} with your wife, for Quran has been Revealed regarding you both!'

فَجَاءَ إِلَيْهَا فَقَالَ لَهَا رَسُولُ اللَّهِ ص يَدْعُوكِ وَ كَانَتْ فِي شَرَفٍ مِنْ قَوْمِهَا فَجَاءَ مَعَهَا جَمَاعَةٌ فَلَمَّا دَخَلَتِ الْمَسْجِدَ قَالَ رَسُولُ اللَّهِ ص لِعُؤْمَيْرِ تَقَدَّمَ إِلَيَّ الْمُنِيرِ وَ التُّعْنَا

He came to her. He said to her, 'Rasool-Allah^{-saww} has summoned you!', and she was a noble woman of her people. So, a group came with her. When she entered the Masjid, Rasool-Allah^{-saww} said to Uweymir: 'Go to your house and curse each other!'

فَقَالَ كَيْفَ أَصْنَعُ

He said, 'How shall I do it?'

فَقَالَ تَقَدَّمَ وَ قُلْ أَشْهَدُ بِاللَّهِ أَنِّي إِذَا لَمِنَ الصَّادِقِينَ فِيمَا رَمَيْتُهَا بِهِ

He^{-saww} said: 'Go and say, 'I testify to Allah^{-azwj} that I am from the truthful ones regarding what I have accused her with!'

فَتَقَدَّمَ وَ قَالَتْهَا فَقَالَ رَسُولُ اللَّهِ ص أَعِدْهَا فَأَعَادَهَا ثُمَّ قَالَ فَأَعَادَهَا حَتَّى فَعَلَ ذَلِكَ أَرْبَعَ مَرَّاتٍ وَ قَالَ فِي الْخَامِسَةِ عَلَيْكَ لَعْنَةُ اللَّهِ إِنْ كُنْتَ مِنَ الْكَاذِبِينَ فِيمَا رَمَيْتُهَا بِهِ

He went and said it. Rasool-Allah^{-saww} said: 'Repeat it!' He repeated it. Then he^{-saww} said: 'Repeat it!' – until he had done that four times, and he^{-saww} said during the fifth, 'Upon you be the Curse of Allah^{-azwj} if you are from the liars, regarding what you have accused her with!'

فَقَالَ فِي الْخَامِسَةِ أَنَّ لَعْنَتَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ

He^{-saww} said during the fifth: '**And the fifth, then the Curse of Allah would be upon him if he was from the liars [24:7]**', regarding what he had accused her with.

ثُمَّ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّعْنَةَ مُوجِبَةٌ إِنْ كُنْتَ كَاذِبًا

Then Rasool-Allah^{-saww} said: 'The Curse is obligated if you were lying!'

ثُمَّ قَالَ لَهُ تَنَحَّ فَتَنَحَّى

Then he^{-saww} said to him: 'Step aside!' He stepped aside.

ثُمَّ قَالَ لِرُؤُوسِهِ تَشْهَدِينَ كَمَا شَهِدَ وَإِلَّا أَقَمْتُ عَلَيْكَ حَدَّ اللَّهِ

Then he^{-saww} said to his wife, 'Testify just as he has testified or else I^{-saww} will establish upon you the legal penalty of Allah^{-azwj}!'

فَنَظَرَتْ فِي وُجُوهِ قَوْمِهَا فَقَالَتْ لَا أَسْوِدُ هَذِهِ الْوُجُوهُ فِي هَذِهِ الْعَشِيَّةِ فَتَقَدَّمَتْ إِلَى الْمِنْبَرِ وَقَالَتْ أَشْهَدُ بِاللَّهِ أَنَّ عُؤَيْرَ بْنِ سَاعِدَةَ مِنَ الْكَاذِبِينَ فِيمَا رَمَانِي بِهِ

She looked into the faces of her people. She said, 'I will not darken these faces this evening!' She proceeded to the pulpit and said, 'I testify by Allah^{-azwj} that Uweymir Bin Sa'idah is from the liars regarding what he has accused me with!'

فَقَالَ لَهَا رَسُولُ اللَّهِ ص أَعِيدِيهَا فَأَعَادَتْهَا حَتَّى أَرْبَعَ مَرَّاتٍ فَقَالَ لَهَا رَسُولُ اللَّهِ ص الْعَنِي نَفْسَكَ فِي الْخَامِسَةِ إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَاكَ بِهِ

Rasool-Allah^{-saww} said to her: 'Repeat it!' She repeated it, until she had repeated it four times. Rasool-Allah^{-saww} said to her: 'Curse yourself during the fifth, if he was from the truthful ones regarding what he has accused you with!'

فَقَالَتْ فِي الْخَامِسَةِ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَانِي بِهِ فَقَالَ رَسُولُ اللَّهِ ص وَيْلَكَ إِنَّهَا مُوجِبَةٌ

She said during the fifth that the Wrath of Allah^{-azwj} be upon her if he was from the truthful ones regarding what he had accused her with. Rasool-Allah^{-saww} said: 'Woe be to you, it is (now) obligated!'

ثُمَّ قَالَ رَسُولُ اللَّهِ ص لِرُؤُوسِهَا فَلَا حِلَّ لَكَ أَبَدًا

Then Rasool-Allah^{-saww} said to her husband: 'She is not lawful for you, ever!'

قَالَ يَا رَسُولَ اللَّهِ فَمَا لِيَ الَّذِي أُعْطِيْتُهَا

He said, 'O Rasool-Allah^{-saww}! So (what about) my wealth which I had given her?'

قَالَ إِنْ كُنْتَ كَاذِبًا فَهُوَ أَبَعَدَ لَكَ مِنْهُ وَإِنْ كُنْتَ صَادِقًا فَهُوَ لَهَا بِمَا اسْتَحْلَلْتَ مِنْ قُرْبِهَا

He^{-saww} said: 'If you were a liar, it is remote for you than it, and if you were truthful, it is for her due to what she had legalised of her private parts'.

ثُمَّ قَالَ رَسُولُ اللَّهِ ص إِنْ جَاءَتْ بِالْوَلَدِ أَحْمَشَ السَّاقَيْنِ أَنْفَسَ الْعَيْنَيْنِ جَعَدَ قَطَطٍ [جَعْدًا قَطَطًا] فَهُوَ لِلْأُمِّ السَّيِّئِ وَإِنْ جَاءَتْ بِهِ أَشْهَلُ أَصْهَبَ فَهُوَ لِأَبِيهِ

Then Rasool-Allah^{-saww} said: 'If she comes with the child with thin legs, large eyes, and curly hair, then it is attributed to the bad matter. But if she comes with a child with light-coloured eyes and reddish hair, then it belongs to his father'.

فَيُقَالُ إِنَّمَا جَاءَتْ بِهِ عَلَى الْأَمْرِ السَّيِّئِ فَهَذِهِ لَا تَحِلُّ لِرُؤُوسِهَا وَ إِنْ جَاءَتْ بِوَلَدٍ لَا يَرِثُهَا [يَرِثُهُ] أَبَاهُ [أَبُوهُ] وَ مِيرَاثُهُ لِأُمِّهِ وَ إِنْ لَمْ يَكُنْ لَهُ أُمٌّ فَلَا حَوَالَةَ وَ إِنْ قَذَفَهُ أَحَدٌ جُلِدَ حَدُّ الْقَاضِبِ.

It is said that if she gives birth to him upon the bad matter, then she is not lawful for her husband. If she gives birth to a child, he does not inherit from his father; his inheritance belongs to his mother, and if he has no mother then to his maternal uncles. And if anyone slanders him, he is subjected to the penalty of the slanderer'.⁷⁸³

2- ب، قرب الإسناد ابنُ طَرِيفٍ عَنِ ابْنِ غُلَوَانَ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ عَنْ عَلِيِّ صَلَوَاتُ اللَّهِ عَلَيْهِمْ قَالَ: أَرْبَعٌ لَيْسَ بَيْنَهُمْ لِعَانٌ لَيْسَ بَيْنَ الْحُرِّ وَ الْمَمْلُوكَةِ لِعَانٌ وَ لَا بَيْنَ الْحُرَّةِ وَ الْمَمْلُوكِ لِعَانٌ وَ لَا بَيْنَ الْمُسْلِمِ وَ النَّصْرَانِيَّةِ وَ الْيَهُودِيَّةِ لِعَانٌ.

(The book) 'Qurb Al Isnaad' – Ibn Ulwan,

From Al-Sadiq^{-asws}, from his father, from Ali^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws} having said: 'Four, there isn't mutual cursing between them. There isn't mutual cursing between the free man and the slave woman, nor between the free woman and the slave man, nor between the Muslim man and the Christian woman and the Jewish woman'.⁷⁸⁴

3- ب، قرب الإسناد عَلِيُّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ مُسْلِمٍ تَحْتَهُ يَهُودِيَّةٌ أَوْ نَصْرَانِيَّةٌ فَقَذَفَهَا هَلْ عَلَيْهِ لِعَانٌ قَالَ لَا-

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a Muslim man married to whom is a Jewess. He slanders her, 'Is the mutual cursing upon him?' He^{-asws} said: 'No'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ قَذَفَ امْرَأَتَهُ ثُمَّ طَلَّقَهَا وَ طَلَبَتْ بَعْدَ الطَّلَاقِ قَذْفَهُ إِذَا قَالَ إِنْ هُوَ أَقَرَّ جُلِدَ وَ إِنْ كَانَتْ فِي عِدَّتِهَا لَاعَنَهَا-

And I asked him^{-asws} about a man who slanders his wife, then divorces her, and after the divorce she demanded (justice) for his having slandered her. He^{-asws} said: 'If he accepts, he would be whipped, and if it was during her waiting period, there will be mutual cursing'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ لَاعَنَ امْرَأَتَهُ فَحَلَفَ أَرْبَعَ شَهَادَاتٍ ثُمَّ نَكَلَ عَنِ الْخَامِسَةِ فَقَالَ إِنْ نَكَلَ عَنِ الْخَامِسَةِ فَهِيَ امْرَأَتُهُ وَ جُلِدَ الْحَدُّ وَ إِنْ نَكَلَتْ الْمَرْأَةُ عَنْ ذَلِكَ إِذَا كَانَتْ الْيَمِينُ عَلَيْهَا فَعَلَيْهَا مِثْلُ ذَلِكَ

He said, 'And I asked him^{-asws} about a man who cursed his wife. He swore four testimonies, then declined from the fifth. He^{-asws} said: 'If he declines from the fifth, she is his wife and he

⁷⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 1

⁷⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 2

will be whipped the legal penalty, and if the woman declines from that when the oath was upon her, upon her would be similar to that’.

وَقَالَ الْمَلَاعِنَةُ وَمَا أَشَبَّهَا مِنْ قِيَامٍ.

And he^{-asws} said: ‘The mutual cursing and whatever resembles it, is done while standing’.⁷⁸⁵

4- ل، الخصال أبي عن سعد عن أحمد و عبد الله ابني محمد بن عيسى عن ابن معروف عن الثؤفلي عن علي بن داود عن سليمان بن جعفر عن الصادق ع عن أبيه عن جدّه ع أَنَّ عَلِيّاً ع قَالَ: لَيْسَ بَيْنَ خَمْسٍ مِنَ النِّسَاءِ وَ بَيْنَ أَزْوَاجِهِنَّ مَلَاعِنَةُ الْيَهُودِيَّةِ تَكُونُ تَحْتَ الْمُسْلِمِ وَ النِّصْرَانِيَّةِ وَ الْأَمَةُ تَكُونَانِ تَحْتَ الْحُرِّ فَيَقْدِفُهُمَا وَ الْحُرَّةُ تَكُونُ تَحْتَ الْعَبْدِ فَيَقْدِفُهَا

(The book) ‘Al Khisaal’ – My father, from Sa’ad, from Ahmad and Abdullah, two sons of Muhammad Bin Isa, from Ibn Marouf, from Al Nowfaly, from Ali Bin Dawood, from Suleyman Bin Ja’far,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws}: ‘Ali^{-asws} said: ‘There isn’t any mutual cursing between five (types of) women and their husbands – The Jewess married to the Muslim man, and the Christian woman, and the slave woman being married to the free man so they get slandered, and the free woman being married to the slave so he slanders her.

وَالْمَجْلُودُ فِي الْفَرْيَةِ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ- وَ لَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَ الْحُرَّاءُ لَيْسَ بَيْنَهُمَا وَ بَيْنَ زَوْجِهَا لِعَانٌ إِنَّمَا اللَّعَانُ بِاللِّسَانِ.

And the one having been whipped (the legal penalty) regarding the fabrication, because Allah^{-azwj} Mighty and Majestic Says: **do not accept the testimony from them, ever [24:4]**, and the mute. There isn’t mutual cursing between her and her husband. But rather, the mutual cursing is by the tongue’.⁷⁸⁶

5- ع، علل الشرائع علي بن حاتم عن القاسم بن محمد عن حمّاد بن عمار عن الحسين بن الوليد عن مروان بن دينار عن أبي الحسن موسى ع قَالَ: قُلْتُ لِأَيِّ عِلَّةٍ لَا تَحِلُّ الْمَلَاعِنَةُ لِزَوْجِهَا الَّذِي لَا عَنَتَهَا أَبَدًا

(The book) ‘Ilal Al Sharaie’ – Ali Bin Hatim, from Al Qasim Bin Muhammad, from Humlan, from Al Husayn Bin Al Waleed, from Marwan Bin Dinar,

From Abu Al-Hassan Musa^{-asws} having said: ‘I said, ‘For which reason the wife of mutual cursing is not lawful for the husband who had cursed her, forever?’

قَالَ لِتَصْدِيقِ الْأَيْمَانِ لِقَوْلِهِمَا بِاللَّهِ.

He^{-asws} said: ‘Due to the ratification of the two oaths, due to their words (invoked) with Allah^{-azwj}’.⁷⁸⁷

⁷⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 3

⁷⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 4

⁷⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 5

6- ع، علل الشرائع الحسين بن أحمد عن محمد بن علي الكوفي عن محمد بن أسلم الجبلي عن بعض أصحابه قال: سألت الرضا ع فقلت كيف صار الزوج إذا قذف امرأته كانت شهادته أربع شهادات بالله وإذا قذفها غير الزوج جلد الحد وإن كان أبها أو أخاها

(The book) 'Ilal Al Sharaie' – Al Husayn Bin Ahmad, from Muhammad Bin Ali Al Kufi, from Muhammad Bin Aslam Al Jabaly, from one of his companions who said,

'I asked Al-Reza^{asws}. I said, 'How come the husband, when he slanders his wife, his testimony came to be of four testimonies with Allah^{azwj}, and when someone other than her husband slanders her, he would be whipped the legal penalty, and even though it may be her father or her brother?'

قال سئل جعفر بن محمد ع عن هذا فقال لأنه إذا قذف الزوج امرأته قيل له كيف علمت أنها فاعلة فإن قال رأيت ذلك بعيني كانت شهادته أربع شهادات بالله وذلك أنه يجوز للزوج أن يدخل المداخل في الخلوات التي لا تصلح لغيره أن يدخلها ولا يشهد بها ولد ولا والد في الليل والنهار

He^{asws} said: 'Ja'far^{asws} Bin Muhammad^{asws} had been asked about this. He^{asws} said: 'When the husband slanders his wife, it will be said to him, 'How did you know she is a doer (of adultery)?' If he says, 'I saw that with my own eyes', his testimony would have to be four times with Allah^{azwj}, and that is because it is allowed for the husband to enter the entrances in the privacy which is not correct for others to enter, nor can a son witness it, nor a father, during the night and the day.

فلذلك صارت شهادته أربع شهادات بالله إذا قال رأيت ذلك بعيني فإن قال لم أعين ذلك صار قاذفاً وضرب الحد إلا أن يقيم عليها البينة

For that (reason), his testimony came to be four testimonies with Allah^{azwj}, when he says, 'I saw that with my own eyes!' If he says, 'I did not witness that, he would become a slanderer and struck the legal penalty, except if he can establish the proof upon her.

وعبر الزوج إذا قذفها وأدعى أنه رأى ذلك قيل له وكيف رأيت ذلك وما أدخلك ذلك المدخل الذي رأيت فيه هذا وحدك وأنت متهم في رؤياك فإن كنت صادقاً فأنت في حد التهمة فلا بد من أدبك الذي أوجب الله عليك

And if other than the husband slanders her and claims he had seen that, it would be said to him, 'And how did you see that, and what made you enter that entrance in which you saw this along, and you are an accuser in your seeing? If you were truthful, you would be within the limit of the false accusation. Thus, there is no escape from disciplining you that which Allah^{azwj} has Obligated to be upon you!'

وإنما صار شهادته الزوج أربع شهادات بالله لِمَكَانِ الْأَرْبَعَةِ شُهَدَاءَ مَكَانَ كُلِّ شَاهِدٍ بَيِّنٌ.

And rather, testimony of the husband came to be four testimonies with Allah^{azwj} due to the place of four witnesses, an oath in place of each witness.⁷⁸⁸

⁷⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 6

7- سن، المحاسن أبي و علي بن عيسى الأنصاري عن محمد بن سليمان عن أبي خالد الهيثم الفارسي قال: سئل أبو الحسن الثاني ع كيف صار الزوج إذا قذف امرأته كانت شهادته أربع شهادات بالله وكيف لم يجز لغيره وإذا قذفها غير الزوج جلد الحنك ولو كان أماً أو ولداً

(The book) 'Al Mahasin' – My father and Ali Bin Isa Al Ansari, from Muhammad Bin Suleyman, from Abu Khalid Al Haysam Al Farsi who said,

'Abu Al-Hassan^{-asws} the 2nd was asked, 'How did it become such that when the husband slanders his wife, his testimony is of four testimonies with Allah^{-azwj}, and how come it is not allowed for others, and when other than the husband slanders her, he will be whipped the legal penalty, and even if he was a brother, or son?'

قال سئل جعفر بن محمد عن هذا فقال أ لا ترى أنه إذا قذف الزوج امرأته قيل له كيف علمت أنها فاعلة قال رأيته ذلك بعيني كانت شهادته أربع شهادات بالله و ذلك أنه يجوز للزوج أن يدخل المدخل في الخلوة التي لا يجوز لغيره أن يدخلها ولا يشهد بها ولد ولا والد في الليل والنهار فلذلك صارت شهادته أربع شهادات إذا قال رأيته بعيني

He^{-asws} said: 'Ja'far^{-asws} Bin Muhammad^{-asws} was asked about this. He^{-asws} had said: 'Don't you see that when the husband slanders his wife, it will be said to him, 'How did you know she has done it (adultery)?' He says, 'I saw with my own eyes'. His testimony would be four testimonies with Allah^{-azwj}, and that is because it is allowed for the husband to enter the entrance in the privacy which is not allowed for others to enter, and neither a son nor a father witnesses it during the night and the day. For that reason, his testimony came to be of four testimonies when he says, 'I saw with my own eyes'.

و إذا قال لم أعين صار قاذفاً في حد غيره و ضرب الجلد إلا أن يقيم البينة

And if he says, 'I did not witness', he has become a slanderer in the limit of others and he will be struck the whip except if he can establish the proof.

و إن غير الزوج إذا قذف و ادعى أنه رأى ذلك بعينه قيل له و كيف رأيته ذلك بعينك و ما أدخلك ذلك المدخل الذي رأيته هذا وحدك أنت متهم في دعواك و إن كنت صادقاً و أنت في حد التهمة فلا بد من حد أدبك بالحد الذي أوجب الله عليك

And if other than the husband slanders and claims that he saw that with his eyes, it will be said to him, 'And how did you see that with your eyes, and what made you enter that entrance in which you saw this alone? You are a false accuser in your claim and even if you were truthful, and you are in the limit of false accusation, so there is no escape from a legal penalty to discipline you with the legal penalty which Allah^{-azwj} has Obligated upon you'.

و إنما صارت شهادة الزوج أربع شهادات بالله لمكان الأربع الشهاداء مكان كل شاهد يمين.

And rather, the testimony of the husband became equivalent to four testimonies with Allah^{-azwj}, for the place of four testimonies, one oath in place of each witness.⁷⁸⁹

⁷⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 7

8- ضا، فقه الرضا عليه السلام أَمَا الْيَعَانُ فَهُوَ أَنَّ يَزْمِي الرَّجُلُ امْرَأَتَهُ بِالْفُجُورِ وَ يُنْكِرُ وَلَدَهَا فَإِنْ أَقَامَ عَلَيْهَا أَرْبَعَةَ شُهَدَاءٍ عُذُولٍ رُجِمَتْ وَ إِنْ لَمْ يَقُمْ عَلَيْهَا بَيِّنَةٌ لَاَعْنَتَهَا وَ إِنْ اِمْتَنَعَ مِنْ لَعْنَتِهَا ضُرِبَ حَدَّ الْمُفْتَرِي تَمَانِينَ جَلْدَةً وَ إِنْ لَاَعْنَتَهَا أُدْرِيَ عَنْهُ الْحَدُّ

(The book) 'Fiqh Al-Reza^{-asws}' – 'As for the mutual cursing, it is that the man accuses his wife of immorality and denies her child. If he establishes four just witnesses upon her, she will be stoned; and if he does not establish proof upon her, there should be mutual cursing, and if he refuses from cursing her, he will be struck the legal penalty of a fabricator – eighty lashes, and if he does curse her, the legal penalty would be staved from him.

وَ الْيَعَانُ أَنْ يَقُومَ الرَّجُلُ مُسْتَقْبِلَ الْقِبْلَةِ فَيُخْلِفَ أَرْبَعَ مَرَّاتٍ بِاللَّهِ - إِنَّهُ لَمِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ ثُمَّ يَقُولُ لَهُ الْإِمَامُ اتَّقِ اللَّهَ فَإِنَّ لَعْنَةَ اللَّهِ شَدِيدَةٌ ثُمَّ يَقُولُ الرَّجُلُ لَعْنَةُ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ

And the mutual cursing is that the man stands facing the Qiblah and swears an oath by Allah^{-azwj} four times, he is from the truthful ones regarding what he has accused her with. Then the Imam^{-asws} says to him: 'Fear Allah^{-azwj}, for the Curse of Allah^{-azwj} is severe!' Then the man says, may the Curse of Allah^{-azwj} be upon him if he was from the liars regarding what he had accused her with.

ثُمَّ يَقُومُ الْمَرْأَةُ مُسْتَقْبِلَةَ الْقِبْلَةِ فَتُخْلِفُ بِاللَّهِ أَرْبَعَ مَرَّاتٍ - إِنَّهُ لَمِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ ثُمَّ يَقُولُ الْإِمَامُ اتَّقِي اللَّهَ فَإِنَّ غَضَبَ اللَّهِ شَدِيدٌ ثُمَّ تَقُولُ الْمَرْأَةُ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ

Then the woman stands facing the Qiblah and swears an oath by Allah^{-azwj} four times, 'He is from the liars', regarding what he has accused her with. Then the Imam^{-asws} says: 'Fear Allah^{-azwj}, for the Wrath of Allah^{-azwj} is severe!' Then the woman says, may the Wrath of Allah^{-azwj} be upon her if he was from the truthful regarding what he has accused her with.

ثُمَّ يُفَرِّقُ بَيْنَهُمَا فَلَا حِلَّ لَهُ أَبَدًا وَ لَا يَتَوَارَثَانِ لَا يَرِثُ الرَّوْجُ الْمَرْأَةَ وَ لَا تَرِثُ الْمَرْأَةُ الرَّوْجَ وَ لَا الْأَبُ الْإِبْنَ فَإِنْ ادَّعَى [أَحَدًا] وَلَدَهَا وَلَدَ الزَّانِيَةِ جَلِدَ الْحَدَّ وَ إِنْ ادَّعَى الرَّجُلُ بَعْدَ الْمُلَاعَنَةِ أَنَّهُ وَلَدُهُ لِحَقِّ بِهِ وَ نُسِبَ إِلَيْهِ.

Then there will be separation between the two, so she will not be lawful for him, ever, and they will not inherit each other. Neither will the husband inherit the wife, nor will the wife inherit the husband, nor will the father (be inherited by) the son. If he claims that one of her children is a child of adultery, he will be whipped the legal penalty, and if the man claims after the mutual cursing it is his child, it will be joined with him and attributed to him'.⁷⁹⁰

وَ رُوِيَ فِي خَيْرٍ آخَرَ أَنَّهُ لَا وَ لَا كِرَامَةَ لَهُ وَ لَا عَزْوُ أَنْ لَا يُرَدَّ إِلَيْهِ فَإِنْ مَاتَ الْأَبُ وَرِثَهُ الْإِبْنُ وَ إِنْ مَاتَ الْإِبْنُ لَمْ يَرِثْهُ أَبُوهُ.

And it is reported in another Hadeeth – 'Surely no, and there is no prestige for him, nor pride if he is not returned to him. If the father dies the son will inherit him, and if the son dies, his father will not inherit him'.⁷⁹¹

⁷⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 8 a

⁷⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 8 b

9- سر، السرائر ابن محبوب عن أبي ولاد الحنطاط قال: سئل أبو عبد الله ع عن نصرانية تحت مسلم رنت و جاءت بولد فأنكره المسلم

(The book) 'Al Saraair' – Ibn Mahboub, from Abu Al Wallad Al Hannat who said,

'Abu Abdullah^{-asws} was asked about the Christian woman married to a Muslim man. She committed adultery and came with a child. The Muslim denied it'.

قَالَ فَقَالَ يُلَاعِنُهَا

He (the narrator) said, 'He^{-asws} said: 'He curses her'.

قِيلَ لَهُ فَأَلَوْلَ مَا يُصْنَعُ بِهِ

It was said to him^{-asws}, 'The child, what is to be done with it?'

قَالَ هُوَ مَعَ أُمِّهِ وَ يُفَرِّقُ بَيْنَهُمَا وَ لَا تَحِلُّ لَهُ أَبَدًا.

He^{-asws} said: 'It is with its mother, and there will be separation between the two (husband and wife), and she will not be lawful for him, ever!'⁷⁹²

10- ين، كتاب حسين بن سعيد و النوادر ابن مسكان عن أبي بصير قال: سألت الصادق ع عن قول الله- وَ الَّذِينَ يَزْنُونَ أَرْوَاجَهُمْ وَ لَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Muskan, from Abu Baseer who said,

'I asked Al-Sadiq^{-asws} about Words of Allah^{-azwj}: **And those who accuse their wives and there do not happen to be any witnesses for them except for their own selves, so the testimony of one of them is four testimonies with Allah that he is from the truthful ones [24:6].**

قَالَ هُوَ الرَّجُلُ يَفْذِفُ امْرَأَتَهُ فَإِذَا أَقَرَّ أَنَّهُ كَذَبَ عَلَيْهَا جُلِدَ الْحَدَّ ثَمَانِينَ وَ رُدَّتْ إِلَيْهِ امْرَأَتُهُ وَ إِنْ أَبَى إِلَّا أَنْ يَقْضَى [يَقْضَى] لَاعْنَتَهَا فَيَبْدَأُ هُوَ فليشهد عليها بما قال لها أربع شهادات بالله إنه لمن الصادقين و في الخامسة يلعن نفسه و يلعنه الإمام- إِنْ كَانَ مِنَ الْكَاذِبِينَ

He^{-asws} said: 'He is the man who slanders his wife. When he acknowledges that he has lied upon her, he will be whipped eighty lashes and his wife will be returned to him; and if he refuses, the mutual cursing will take place. He will initiate. Let him testify with what he had said to her, four testimonies by Allah^{-azwj} that he is from the truthful ones, and in the fifth he will curse himself and the Imam^{-asws} will Curse him if he was from the liars.

فَإِذَا أَرَادَتْ أَنْ تَدْرَأَ عَنْهَا الْعَذَابَ وَ الْعَذَابُ الرَّجْمُ شَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَ الْخَامِسَةَ يَقُولُ لَهَا الْإِمَامُ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فَإِنْ لَمْ تَفْعَلْ رَجِمَتْ فَإِنْ فَعَلَتْ رَدَّتْ عَنْهَا الرَّجْمَ وَ فَرَّقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ إِلَى يَوْمِ الْقِيَامَةِ

When she intends that the punishment be staved off from her, and the punishment is the stoning, she has to testify four testimonies by Allah^{-azwj} that he is from the liars, and the fifths,

⁷⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 9

the Imam^{-asws} will says to her that the Wrath of Allah^{-azwj} will be upon her if he was from the truthful ones. If she does not say it, she will be stoned. If she does so, the stoning would be discarded from her, and there will be separation between the two and she will not be lawful for him up to the Day of Qiyamah.

وَمَنْ قَذَفَ وَلَدَهَا مِنْهُ فَعَلَيْهِ الْحُدُّ وَ يَرِثُهُ أَحْوَالُهُ وَ يَرِثُ أُمُّهُ وَ تَرِثُهُ إِنْ كَذَّبَتْ نَفْسَهُ بَعْدَ الْإِعَانِ رُدَّ عَلَيْهِ الْوَلَدُ وَ لَمْ تَرُدَّ الْمَرْأَةُ.

And one who accuses her child of being from him, the legal penalty applies to him. The child inherits from his maternal uncles and from his mother, and the mother inherits from him. If he denies himself after the procedure of mutual cursing, the child is returned to him, but the wife is not returned.⁷⁹³

11- ين، كتاب حسين بن سعيد و النوادر سماعه و أبو بصير قال قال الصادق ع لا يُحْدُ الزَّانِي حَتَّى يَشْهَدَ عَلَيْهِ أَرْبَعَةُ شُهُودٍ عَلَى الْجَمَاعِ وَ الْإِيْلَاجِ وَ الْإِخْرَاجِ كَالْمِيلِ فِي الْمَكْحَلَةِ وَ لَا يَكُونُ لِعَانٍ حَتَّى يَزْعُمَ أَنَّهُ عَائِنٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Sama'at and Abu Baseer both said,

Al-Sadiq^{-asws} said: 'The adulterer will not be applied the legal penalty until four witnesses testify upon the marital relations, and the penetration and the withdrawal, like the needle in the Kohl container, and the mutual cursing cannot happen until he claims that he had witnessed'.⁷⁹⁴

12- ين، كتاب حسين بن سعيد و النوادر زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: يَقْعُ الْإِعَانُ بَيْنَ الْحُرِّ وَ الْمَمْلُوكَةِ وَ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Zurara,

From Abu Ja'far^{-asws} having said: 'The mutual cursing does occur between the freeman and the slave woman, and the Jewess, and the Christian woman'.⁷⁹⁵

13- مجالسُ الشَّيْخِ، الْغَضَائِرِيُّ عَنِ التَّلْعُكْبَرِيِّ عَنْ مُحَمَّدِ بْنِ هَمَّامٍ عَنِ الْحَمِيرِيِّ عَنِ الطَّيَالِسِيِّ عَنْ زُرِّيِّ الْحُلَفَائِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع إِذَا تَلَاعَنَ اثْنَانِ فَتَبَاعَدَا مِنْهُمَا فَإِنَّ ذَلِكَ مَجْلِسٌ تَنْفَرُ عَنْهُ الْمَلَائِكَةُ

(The book) 'Majalis' of the sheykh – Al Gazairy, from Al Tal'ukbari, from Muhammad Bin Hammam, from Al Himeyri, from Al Tayalisi, from Zureyq Al Khuluwani who said,

Abu Abdullah^{-asws} said: 'When the two curse each other, distance yourself from them for that is a gathering the Angels flee from'.

ثُمَّ قَالَ اللَّهُمَّ لَا تَجْعَلَ لهُمَا إِلِيَّ مَسَافَةً وَ اجْعَلْهُمَا بِرَأْسِ مَنْ يُكَادِي دِينَكَ وَ يُضَادُّ وَلِيِّكَ وَ يَسْعَى فِي الْأَرْضِ فَسَادًا.

⁷⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 10

⁷⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 11

⁷⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 12

Then he^{-asws} said: 'O Allah^{-azwj}! Do not Make for them a way for them both to me, and Make for them a head (ruler), someone who plots against Your^{-azwj} religion, and opposes Your^{-azwj} guardian^{-asws}, and strives in the earth for (spreading) corruption'.⁷⁹⁶

14- **الْهَدَايَةُ**، اللَّعَانُ إِذَا قَذَفَ الرَّجُلُ امْرَأَتَهُ ضَرْبَ ثَمَانِينَ جَلْدَةً وَ لَا يَكُونُ اللَّعَانُ إِلَّا بِنَقْيِ الْوَلَدِ فَإِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ إِنِّي رَأَيْتُ رَجُلًا بَيْنَ رِجْلَيْكَ وَ يُجَامِعُكَ وَ أَنْكَرَ الْوَلَدَ

(The book) 'Al-Hidaya' – 'The mutual cursing is when the man slanders his wife. He will be struck eighty lashes, and the mutual cursing cannot happen except with the negation of the child. The man says to his wife, 'I saw a man between your legs and he had marital relations with you', and he denies the child.

فَحِينَئِذٍ يُحْكَمُ فِيهِ أَنْ يَشْهَدَ الرَّجُلُ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ فَإِذَا شَهِدَ بِهِ قَالَ لَهُ الْإِمَامُ اتَّقِ اللَّهَ فَإِنَّ لَعْنَةَ اللَّهِ شَدِيدَةٌ ثُمَّ يَقُولُ لَهُ قُلْ لَعْنَتُ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ فَإِنْ نَكَلَ ضَرْبَ الْحَدِّ ثَمَانِينَ

At that time, it will be judged regarding him that the man should testify four testimonies with Allah^{-azwj} he is from the truthful ones regarding what he had accused her with. The Imam^{-asws} says to him: 'Fear Allah^{-azwj} for the Curse of Allah^{-azwj} is severe!' Then he^{-asws} says to him: 'Say, may **the Curse of Allah would be upon him if he was from the liars [24:7]**, regarding what he has accused her with. If he refuses, he will be struck the legal penalty of eighty (lashes).

فَإِنْ قَالَ ذَلِكَ قَالَ الْإِمَامُ لِلْمَرْأَةِ اشْهَدِي أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ فِيمَا رَمَاكَ بِهِ فَإِنْ شَهِدَتْ قَالَ أَتَيْتَهَا الْمَرْأَةُ اتَّقِي اللَّهَ فَإِنَّ غَضَبَ اللَّهِ شَدِيدٌ

If he says that, the Imam^{-asws} said to the wife, 'Testify four testimonies by Allah^{-azwj} he is from the liars regarding what he has accused you with'. If she testifies, he^{-asws} says: 'O you woman! Fear Allah^{-azwj}, for the Wrath of Allah^{-azwj} is severe!'

ثُمَّ يَقُولُ لَهَا قُولِي غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ وَ إِنْ نَكَلَتْ رَجْمَتْ [رُجِمَتْ] وَ إِنْ قَالَتْ ذَلِكَ فَزُقَ بَيْنَهُ وَ بَيْنَهَا ثُمَّ لَمْ يَحِلَّ لَهُ إِلَيَّ يَوْمَ الْقِيَامَةِ

Then he^{-asws} says to her, 'Say', may the Wrath of Allah^{-azwj} be upon her if he were from the truthful, regarding what he has accused her with. If she refuses, she will be stoned, and if she does say that, there will be separation between him and her, then she will not be lawful for him up to the Day of Qiyamah.

وَ إِنْ دَعَا رَجُلٌ وَلَدَهَا ابْنُ الزَّانِيَةِ ضَرْبَ الْحَدِّ وَ إِنْ أَقَرَّ الرَّجُلُ بِالْوَلَدِ بَعْدَ الْمُلَاعَنَةِ ضَمَّ إِلَيْهِ وَلَدُهُ وَ لَمْ تُرْجَعْ إِلَيْهِ امْرَأَتُهُ وَ إِنْ مَاتَ الْأَبُ وَرِثَهُ الْإِبْنُ وَ إِنْ مَاتَ الْإِبْنُ لَمْ يَرِثْهُ الْأَبُ.

And if a man claims her child is a child of the adulteress, he will be struck the legal penalty, and if the man accepts the child after the mutual cursing, his child will be attached to him and

⁷⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 13

his wife will not be returned to him; and if the father dies, the son would inherit him, and if the son dies, the father will not inherit him'.⁷⁹⁷

باب 119 العدد و أقسامها و أحكامها

CHAPTER 119 – THE WAITING PERIOD AND THEIR TYPES AND THEIR RULINGS

1- **الْهِدَايَةُ، قَالَ الصَّادِقُ ع** إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ ثُمَّ مَاتَ عَنْهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا وَرِثَتُهُ وَ عَلَيْهَا الْعِدَّةُ أَرْبَعَةُ أَشْهُرٍ وَ عَشْرَةُ أَيَّامٍ

(The book) 'Al Hidayah' -

Al-Sadiq^{asws} said: 'When the man divorces his wife then dies from her before the expiry of her waiting period, she will inherit him and upon her would be the waiting period of four months and ten days.

فَإِنْ طَلَّقَهَا وَ هِيَ حُبْلَى ثُمَّ مَاتَ عَنْهَا وَرِثَتُهُ وَ اعْتَدَتْ بِأَبْعَدِ الْأَجَلَيْنِ إِنْ وَضَعَتْ مَا فِي بَطْنِهَا قَبْلَ أَنْ تَمُضِيَ أَرْبَعَةُ أَشْهُرٍ وَ عَشْرَةُ أَيَّامٍ لَمْ تَنْقَضِ عِدَّتُهَا حَتَّى تَنْقَضِيَ أَرْبَعَةُ أَشْهُرٍ وَ عَشْرَةُ أَيَّامٍ فَإِنْ مَضَى أَرْبَعَةُ أَشْهُرٍ وَ عَشْرَةُ أَيَّامٍ وَ لَمْ تَضَعْ مَا فِي بَطْنِهَا لَمْ تَنْقَضِ عِدَّتُهَا حَتَّى تَضَعَ مَا فِي بَطْنِهَا.

If he divorces her while she is pregnant then dies from her, she would inherit him and observe waiting period of the furthest of the two terms. If she places (gives birth) to what is in her belly before the expiry of four months and ten days, her waiting period does not expire until four months and ten days have passed. If four months and ten days have passed and she has not placed what is in her belly, her waiting period will not expire until she places what is in her belly'.⁷⁹⁸

2 **فَس: تفسير القسي** العدة على اثنتين وعشرين وجها فالمطلقة تعتد ثلاثة قروء والأقراء هو اجتماع الدم في الرحم والعدة الغائبة إذا لم تكن تحيض فثلاثة أشهر بيض وإذا كانت تحيض في الشهر والأقل والأكثر وطلقت ثم حاضت قبل أن يأتي لها ثلاثة أشهر بيض حيضة واحدة فلا تبين من زوجها إلا بالبيض وإن مضى ثلاثة أشهر لها ولم تحض فإنما تبين بالأشهر البيض وإن حاضت قبل أن تحضي لها ثلاثة أشهر فإنما تبين بالدم والمطلقة التي ليس للزوج عليها رجعة لا تبين حتى تطهر من الدم الثالث والمطلقة الحامل لا تبين حتى تضع ما في بطنها فإن طلقها اليوم وضعت من الغد فتعد بانث والمتوفى عنها زوجها الحامل تعتد بأبعد الأجلين فإن وضعت قبل أن تحضي لها أربعة أشهر وعشرا فلتعد أربعة أشهر وعشرا فإن مضى لها أربعة أشهر وعشرا ولم تضع فعدتها إلى أن تضع والمطلقة وزوجها غائب تعتد من يوم طلقها إذا شهد عندها شهرد عدل أنه طلقها في يوم معروف تعتد من ذلك اليوم فإن لم يشهد عندها أحد ولم تعلم أي يوم طلقها تعتد من يوم يبلغها والمتوفى عنها زوجها وهو غائب تعتد من يوم يبلغها والتي لم يدخل بها زوجها ثم طلقها فلا عدة عليها فإن مات عنها ولم يدخل بها تعتد أربعة أشهر وعشرا والعدة على الرجال أيضا إذا كان له أربع نسوة و طلق إحداهن لم يحل له أن يتزوج حتى تعتد التي طلقها وإذا أراد أن يتزوج أخت امرأته لم يحل له حتى يطلق امرأته وتعد ثم يتزوج أختها والمتوفى عنها زوجها تعتد حيث شاءت والمطلقة التي ليس للزوج عليها رجعة تعتد حيث شاءت ولا تبين عن بيتها والتي للزوج عليها رجعة لا تعتد إلا في بيت زوجها وتراه ويراها ما دامت في العدة وعدة الأمة إذا كانت تحت الحر شهران وخمسة أيام وعدة المتعة خمسة وأربعون يوما وعدة السبي استبراء الرحم فهذه وجوه العدة.

Opinion.⁷⁹⁹

⁷⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 14

⁷⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 1

⁷⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 2

3- ب، قرب الإسناد حماد بن عيسى قال: سألت أبا عبد الله ع كم يُطَلِّقُ الْعَبْدُ الْأَمَةَ

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa who said,

'I asked Abu Abdullah^{-asws}, 'How many times does the slave divorce the slave woman?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع تُطَلِّقَتَيْنِ

He^{-asws} said: 'My^{-asws} father^{-asws} said: 'Ali^{-asws} said: 'Two divorces'.

قَالَ وَ قُلْتُ لَهُ كَمْ عِدَّةُ الْأَمَةِ مِنَ الْعَبْدِ

He (the narrator) said, 'And I said to him^{-asws}, 'How much is the waiting period of the slave woman from the slave?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع شَهْرَيْنِ أَوْ خِصْصَتَيْنِ

He^{-asws} said: 'My^{-asws} father^{-asws} said: 'Ali^{-asws} said: 'Two months or two menstruation cycles'.

قَالَ وَ قُلْتُ لَهُ جَعَلْتُ فِدَاكَ إِذَا كَانَتِ الْحُرَّةُ تَحْتَ الْعَبْدِ

He (the narrator) said, 'And I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! If the free woman were to be married to the slave?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع الطَّلَاقُ وَ الْعِدَّةُ بِالْإِسَاءِ.

He^{-asws} said: 'My^{-asws} father^{-asws} said: 'Ali^{-asws} said: 'The divorce and the waiting period of the women'.⁸⁰⁰

4- ب، قرب الإسناد حماد بن عيسى قال قال أبو عبد الله ع تُطَلِّقُ الْحُرَّةُ ثَلَاثًا وَ تَعُدُّ ثَلَاثًا.

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa who said,

'Abu Abdullah^{-asws} said: 'The free woman can be divorced thrice and she will observe three waiting periods'.⁸⁰¹

5- ب، قرب الإسناد أبو البختري عن الصادق ع أبيه ع أَنَّ عَلِيًّا ع سُئِلَ عَنِ الْمُتَوَقِّ عَنْهَا زَوْجُهَا إِذَا لَمْ يَبْلُغْهَا ذَلِكَ حَتَّى تَنْقُضِي عِدَّتَهَا فَالْحِدَادُ يَجِبُ عَلَيْهَا

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

⁸⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 3

⁸⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 4

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} was asked about the wife whose husband had died from her, if that did not reach her until her waiting period had already expired. 'Is the mourning obligated upon her?'

قَالَ عَلِيٌّ ع إِذَا لَمْ يَبْلُغْهَا حَتَّى تَنْقُضِي فَقَدْ ذَهَبَ ذَلِكَ كُلُّهُ وَ لَنْتَكِيحَ مَنْ أَحَبَّتْ.

Ali^{-asws} said: 'When it did not reach until the expiry, all of that is gone, and let her marry the one she likes to'.⁸⁰²

6- ب، قرب الإسناد علي عن أخيه ع قال: سألتُهُ عن المطلقَةِ لها أن تكتحلَ وَ تَحْتَضِبَ أَوْ تَلْبَسَ ثَوْباً مَصْبُوغاً

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the divorcee, 'Is it for her to apply Kohl and perfume, or wear dyed clothes?'

قَالَ لَا بَأْسَ إِذَا فَعَلْتَهُ مِنْ غَيْرِ سُوءٍ

He^{-asws} said: 'There is no problem if she does it from without evil'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمُطَلَّقةِ كَمْ عِدَّتُهَا

He said, 'And I asked him^{-asws} about the divorcee, 'How much is her waiting period'.

قَالَ ثَلَاثُ حِيضٍ تَعْتَدُ أَوَّلَ تَطْلِيقَةٍ.

He^{-asws} said: 'Three menstruations will count as the first divorce'.⁸⁰³

7- قَالَ: وَ سَأَلْتُهُ عَنِ الْمُطَلَّقةِ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا حَتَّى تَنْقُضِي عِدَّتُهَا

He said, 'And I asked him^{-asws} about the divorcee, 'Is expense money for her upon her husband until her waiting period expires?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.⁸⁰⁴

8- قَالَ: وَ سَأَلْتُهُ عَنِ الْمُتَوَتَّى عَنْهَا زَوْجُهَا كَمْ عِدَّتُهَا

He said, 'And I asked him^{-asws} about the one her husband has died from her, 'How much is her waiting period?'

⁸⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 5

⁸⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 6

⁸⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 7

قَالَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا.

He^{-asws} said: 'Four months and ten days'.⁸⁰⁵

9- ب، قرب الإسناد ابن عيسى عن البرنظي قال: سأل صفوان الرضا ع وأنا حاضر عن رجل طلق امرأته وهو غائب فمضت أشهر فقال إذا قامت البينة أنه قد طلقها منذ كذا وكذا وكانت عدتها قد انقضت حلت للأزواج

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

'Safwan asked Al-Reza^{-asws} while I was present, about a man who divorces his wife and he is absent, and months pass by. He^{-asws} said: 'When the proof is established that he had divorced her since such and such (time), and her waiting period has expired, she is lawful for the suitors (to be married)'.

قُلْتُ فَأَلْمَتَوْنِي عَنْهَا زَوْجَهَا

I said, 'So (what about) the one whose husband dies from her?'

فَقَالَ هَذِهِ لَيْسَتْ مِثْلَ تِلْكَ هَذِهِ تَعْتَدُ مِنْ يَوْمِ يَبْلُغُهَا الْخَبَرُ لِأَنَّ عَلَيْهَا أَنْ تُحْدَ.

He^{-asws} said: 'This one isn't like that one. She will observe a waiting period from the day the news reaches her, because upon her is mourning'.⁸⁰⁶

10- ل، الخصال أبي عن سعد عن ابن عيسى عن البرنظي عن جميل عن زُرارة عن أبي جعفر ع قال: أمران إيهما سبق إلينا بانت به المطلقة المستترأة التي تستريب الحيض إن مرث بها ثلاثة أشهر بيض ليس بها دم بانت بها وإن مرث بها ثلاث حيض ليس بين الحيضتين ثلاثة أشهر بانت بالحيض.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Al Bazanty, from Jameel, from Zurara,

From Abu Ja'far^{-asws} having said: 'Two matters, whichever of the two precedes to her, she becomes irrevocable divorced by it – the divorcee suspicious of the menstruation, if three clear months pass by her there not being any blood with her, she becomes irrevocably divorced by it; and if three menstruation cycles pass by her, there not being three months between the two menstruations, she would be irrevocably divorced by the menstruation'.⁸⁰⁷

11- ع، علل الشرائع أبي عن سعد عن البرقي عن أبيه عن محمد بن سليمان عن أبي خالد الهيثم قال: سألت أبا الحسن الثاني ع كيف صارت عدّة المطلقة ثلاث حيض أو ثلاثة أشهر وعدّة المتوفى عنها زوجها أربعة أشهر وعشرًا

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Suleyman, from Abu Khalid Al Haysam who said,

⁸⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 8

⁸⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 9

⁸⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 10

'I asked Abu Al-Hassan^{-asws} the 2nd, 'How did the waiting period of the divorcee become three menstruations or three months, and the waiting period of the widow is four months and ten days?'

قَالَ أَمَّا عِدَّةُ الْمُطَلَّقةِ فَثَلَاثُ حَيْضٍ أَوْ ثَلَاثَةُ أَشْهُرٍ فَلَا سِتْرَاءَ الرَّجْمِ مِنَ الْوَلَدِ وَ أَمَّا الْمُتَوَقِّ عَنْهَا زَوْجَهَا فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ شَرَطَ لِلنِّسَاءِ شَرْطاً فَلَمْ يُجَاهِزَنَّ فِيهِ وَ فِيمَا شَرَطَهُ عَلَيْهِنَّ بَلَّ شَرَطَ عَلَيْهِنَّ مِثْلَ مَا شَرَطَ لَهُنَّ

He^{-asws} said: 'As for waiting period of the divorcee being three menstruations or three months, it is for clearance of the womb from the child, and as for the widow, Allah^{-azwj} has Stipulated a condition for the women, and did not Favour them in it, and among what He^{-azwj} Stipulated upon them, but He^{-azwj} Stipulated against them similar to what He^{-azwj} Stipulated for them.

فَأَمَّا مَا شَرَطَ لَهُنَّ فَإِنَّهُ جَعَلَ لَهُنَّ فِي الْإِيلَاءِ أَرْبَعَةَ أَشْهُرٍ لِأَنَّهُ عَلِمَ أَنَّ ذَلِكَ غَايَةُ صَبْرِ النِّسَاءِ فَقَالَ عَزَّ وَ جَلَّ- لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرِيصُ أَرْبَعَةَ أَشْهُرٍ فَلَمْ يُجْزِ لِلرِّجَالِ أَكْثَرَ مِنْ أَرْبَعَةِ أَشْهُرٍ فِي الْإِيلَاءِ لِأَنَّهُ عَلِمَ أَنَّ ذَلِكَ غَايَةُ صَبْرِ النِّسَاءِ عَنِ الرِّجَالِ

As for what He^{-azwj} Stipulated for them, He^{-azwj} Made four months for them regarding the oath of abstinence (by the husband) because He^{-azwj} Knew that it is the peak of patience of the woman. The Mighty and Majestic Said: **Those who are solemnly swearing (abstention) from their wives should wait four months [2:226]**. He^{-azwj} did not Allow more than four months in the oath of abstention because He^{-azwj} Knew that is the peak of patience of the women from the men.

وَ أَمَّا مَا شَرَطَ عَلَيْهِنَّ فَقَالَ عِدَّتُهُنَّ أَرْبَعَةُ أَشْهُرٍ وَ عَشْرًا يَغْنِي إِذَا تُؤَقِّ عَنْهَا زَوْجَهَا فَأَوْجَبَ عَلَيْهَا إِذَا أُصِيبَتْ بِزَوْجِهَا وَ تُؤَقِّ عَنْهَا مِثْلَ مَا أُوجِبَ عَلَيْهَا فِي حَيَاتِهِ إِذَا آلَى مِنْهَا وَ عَلِمَ أَنَّهُ غَايَةُ صَبْرِ الْمَرْأَةِ أَرْبَعَةَ أَشْهُرٍ فِي تَرْكِ الْجَمَاعِ فَمِنْ ثَمَّ أُوجِبَ عَلَيْهَا وَ لَهَا.

And as for what He^{-azwj} Stipulated against them, He^{-azwj} Said: **their waiting period is of four months and ten (days) [2:234]** – meaning when her husband dies from her, so He^{-azwj} Obligated upon her when she is afflicted with her husband and he dies from her, similar to what He^{-azwj} Obligated against them during his lifetime when He^{-azwj} swear an oath of abstention from her, and He^{-azwj} Know it is the peak of patience of the woman, four month in neglect of the marital relations. From there, He^{-azwj} Obligated against her and for her'.⁸⁰⁸

سن، المحاسن أبي و علي بن عيسى الأنصاري عن محمد بن سليمان الديلمي مثله.

(The book) 'Al Mahasin' – My father and Ali Bin Isa Al Ansari, from Muhammad Bin Suleyman Al Daylami, similar to it.⁸⁰⁹

13- ع، علل الشرائع علي بن حاتم عن القاسم بن محمد عن حذان بن الحسين عن الحسين بن الوليد عن محمد بن بكير عن عبد الله بن سنان قال: فُلْتُ لِأبي عبد الله ع لِأَيِّ عِلَّةٍ صَارَ عِدَّةُ الْمُطَلَّقةِ ثَلَاثَةَ أَشْهُرٍ وَ عِدَّةُ الْمُتَوَقِّ عَنْهَا زَوْجَهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Al Qasim Bin Muhammad, from Hamdan Bin Al Husayn, from Al Husayn Bin Al Waleed, from Muhammad Bin Bukeyr, from Abdullah Bin Sinan who said,

⁸⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 11

⁸⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 12

'I said to Abu Abdullah^{-asws}, 'For which reason did the waiting period of the divorced woman become three months, while the waiting period of the one whose husband has died from her (widow) is four months and ten days?'

قَالَ لِأَنَّ حُرْقَةَ الْمُطَلَّاقَةِ تَسْكُنُ فِي ثَلَاثَةِ أَشْهُرٍ وَ حُرْقَةُ الْمُتَوَتَّى عَنْهَا رَوْجُهَا - لَا تَسْكُنُ إِلَّا بَعْدَ أَرْبَعَةِ أَشْهُرٍ وَ عَشْرًا.

He^{-asws} said: 'Because grief of the divorced settles in three months while grief of the widow does not settle except after four months and ten days'.⁸¹⁰

14- ج، الإحتجاج سَعْدُ بْنُ عَبْدِ اللَّهِ قَالَ: سَأَلْتُ الْقَائِمَ ع فَقُلْتُ أَخْبِرْنِي عَنِ الْفَاحِشَةِ الْمُبْتَنَةِ الَّتِي إِذَا فَعَلَتِ الْمَرْأَةُ ذَلِكَ يَجُوزُ لِبَعْلِهَا أَنْ يُخْرِجَهَا مِنْ بَيْتِهِ فِي أَيَّامِ عِدَّتِهَا

(The book) 'Al Ihtijaj' – Sa'ad Bin Abdullah said,

'I asked Al-Qaim^{-ajfj}. I said, 'Inform me about the open immorality which, when the woman (wife) does that, it is valid (for the husband) to swear an oath of abstinence to her and to expel her from his house in the days of her waiting period?'

فَقَالَ تِلْكَ الْفَاحِشَةُ السَّحْقُ وَ لَيْسَتْ بِالزَّانَا فَإِنَّهَا إِذَا زَنَتْ يُقَامُ عَلَيْهَا الْحَدُّ وَ لَيْسَ لِمَنْ أَرَادَ تَزْوِيجَهَا أَنْ يَمْتَنِعَ مِنَ الْعَقْدِ عَلَيْهَا لِأَجْلِ الْحَدِّ الَّذِي أُقِيمَ عَلَيْهَا

He^{-asws} said: 'That immorality is lesbianism and it isn't the adultery, for when she commits adultery the legal penalty would be established upon her, and it isn't for the one who marries her to refuse upon her the marriage ties due to the reason of the legal penalty which had been established upon her.

وَ أَمَّا إِذَا سَاحَقَتْ فَيَجِبُ عَلَيْهَا الرَّجْمُ وَ الرَّجْمُ هُوَ الْحَزِي وَ مَنْ أَمَرَ اللَّهُ بِرَجْمِهَا فَقَدْ أَخْزَاهَا فَلَيْسَ لِأَحَدٍ أَنْ يَفْرَحَهَا الْخَيْرَ.

If she commits adultery (lesbian act), she must be stoned to death. Stoning means disgrace. Whoever Allah^{-azwj} has ordered to be stoned has disgraced her, so no one has the right to approach her– the Hadeeth.⁸¹¹

15- ج، الإحتجاج كَتَبَ الْحِمَيْرِيُّ إِلَى الْقَائِمِ صَلَوَاتُ اللَّهِ عَلَيْهِ يَسْأَلُهُ عَنِ الْمَرْأَةِ يَمُوتُ رَوْجُهَا هَلْ يَجُوزُ لَهَا أَنْ تَخْرُجَ فِي جَنَازَتِهِ أَمْ لَا

(The book) 'Al Ihtijaj' -

Al-Himeyri wrote to Al-Qaim^{-ajfj}, may the Salawaat of Allah^{-azwj} be upon him^{-ajfj}, asking him^{-ajfj} about the woman whose husband died from her. Is it allowed for her to attend his funeral or not?

التَّوْفِيعُ تَخْرُجُ فِي جَنَازَتِهِ

The (Holy) letter: 'She can go out to his funeral'.

⁸¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 13

⁸¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 14

وَهَلْ يَجُوزُ لَهَا فِي عِدَّتِهَا أَنْ تَزُورَ قَبْرَ زَوْجِهَا أَمْ لَا

And, it is allowed for her, during her waiting period to visit the grave of her husband or not?

التَّوْفِيعُ تَزُورُ قَبْرَ زَوْجِهَا وَ لَا تَبِثُ عَنْ بَيْتِهَا

The (Holy) letter: 'She can visit the grave of her husband and not spend the night away from her house'.

وَهَلْ يَجُوزُ لَهَا أَنْ تَخْرُجَ فِي قَضَاءٍ حَتَّى يَلْزُمَهَا أَمْ لَا تَبْرَحُ مِنْ بَيْتِهَا وَ هِيَ فِي عِدَّتِهَا

And, it is allowed for her to go out in fulfilling a right which necessitates her, or not? She departs from her house during her waiting period.

التَّوْفِيعُ إِذَا كَانَ حَقٌّ خَرَجَتْ فِيهِ وَ قَضَتْهُ وَ إِنْ كَانَ لَهَا حَاجَةٌ وَ لَمْ يَكُنْ مَنْ يَنْظُرُ فِيهَا خَرَجَتْ لَهَا حَتَّى تَقْضِيَهَا وَ لَا تَبِثُ إِلَّا فِي مَنْزِلِهَا.

The (Holy) letter: 'When it was a right, she can go out regarding it and fulfil it, and if there was a need for her and there does not happen to be anyone who can look into it, she can go out for it until she fulfils it, but she cannot spend a night except in her dwelling'.⁸¹²

16- فس، تفسير القمي قال علي بن إبراهيم في قوله تعالى - وَ اتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُمْ مِنْ بُيُوتِهِمْ وَ لَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَ تِلْكَ حُدُودُ اللَّهِ

Tafseer Al Qummi – (Opinion)

Ali Bin Ibrahim said regarding Words of the Exalted: **and fear Allah - your Lord! Do not expel them from their houses, nor should they go out from their houses except they come with an open immorality. And these are the Limits of Allah [65:1].**

قال لا يحل لرجل أن يخرج امرأته إذا طلقها وكان له عليها رجعة من بيته و هي أيضا لا يحل لها أن تخرج من بيته و معنى الفاحشة أن تربي أو تشرف على الرجال و من الفاحشة أيضا السلاطة على زوجها فإن فعلت شيئا من ذلك حل له أن يخرجها.

He said, 'It is not lawful for a man that he expels his wife from his house when he divorces her while there is (a right of) return to her, and she, as well, it is not lawful for her that she goes out from his house, and the meaning of immorality either adultery or she presents to the men, and from the immorality as well is the insolence to her husband. If she does anything from that it is permissible for him to expel her'.⁸¹³

17- فس، تفسير القمي وأولات الأحمال أجلهن أن يضعن حملهن قال المطلقة الحاملة أجلها أن تضع ما في بطنها إن وضعت يوم طلقها زوجها تنزوج إذا طهرت و إن لم تضع ما في بطنها إلى تسعة أشهر لم تنزوج إلى أن تضع-

Tafseer Al Qummi – (Opinion)

⁸¹²Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 15

⁸¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 16

and of those who have yet to menstruate; and those who are pregnant, their term is that they should place their burden (give birth) [65:4]. He said, 'The divorced pregnant one, her term is that she places what is in her belly. If she places (gives birth) on the day her husband divorces her, she can re-marry when she is pure, and if she does not place what is in her belly up to nine months, she cannot marry until she does place.

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ قَالَ المطلقة التي للزوج عليها رجعة لها عليه سكنى و نفقة ما دامت في العدة فإن كانت حاملا ينفق عليها حتى تضع حملها.

Lodge them where you lodge from your means [65:6] – He said, 'The divorced woman who there is a (right of) return for her husband to her, upon him is a dwelling and expense monies for as long as she is in the waiting period. If she were pregnant, he should spend upon her until she places her burden (gives birth).⁸¹⁴

18- ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ عَنِ ابْنِ بُكَيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْيَتَامَى زَوْجَهَا تَحْجُّ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Ibn Bukeyr who said,

'I asked Abu Abdullah^{-asws} about the one whose husband has died from her, 'Can she perform Hajj?'

قَالَ نَعَمْ تَحْجُّ وَ تَخْرُجُ وَ تَنْتَقِلُ مِنْ مَنْزِلٍ إِلَى مَنْزِلٍ.

He^{-asws} said: 'Yes, she can perform Hajj, and go out, and transfer from a house to a house'.⁸¹⁵

19- ضا، فقه الرضا عليه السلام كُلُّ مَنْ طَلَّقَ امْرَأَتَهُ مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا فَلَا عِدَّةَ عَلَيْهَا مِنْهُ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Every one who divorces his wife from before he has consummated with her, there is no waiting period upon her, from him'.⁸¹⁶

20- سر، السرائر جَمِيلُ بْنُ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا ع فِي الرَّجُلِ يُطَلِّقُ الصَّبِيَّةَ الَّتِي لَمْ تَبْلُغْ - لَا تَحْمِلُ مِثْلَهَا وَ قَدْ كَانَ دَخَلَ بِهَا أَوْ الْمَرْأَةَ الَّتِي قَدْ بَيَسَتْ مِنَ الْمَحِيضِ وَ ارْتَفَعَ طَمَنُهَا وَ لَا تَلِدُ مِثْلَهَا قَالَ لَيْسَ عَلَيْهَا عِدَّةٌ وَ إِنْ دَخَلَ بِهَا.

(The book) 'Al Saraair' – Jameel Bin Darraj, from one of our companions,

'From one of the two (5th or 6th Imam^{-asws}) regarding a man who divorces a young girl which is not an adult yet, the likes of her do not get pregnant and he had consummate with her, or the woman who has despaired from the menstruation and her periods have been lifted and the likes of her do not give birth. He^{-asws} said: 'There isn't any waiting period upon her and even if he had consummated with her'.⁸¹⁷

⁸¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 17

⁸¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 18

⁸¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 19

⁸¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 20

21- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ وَ عَنْ زُرَّارَةَ قَالَا قَالَ أَبُو جَعْفَرٍ ع الْقُرْءُ مَا بَيْنَ الْحَيْضَتَيْنِ.

Tafseer Al Ayyashi – From Muhammad Bin Muslim and from Zurara, they said,

‘Abu Ja’far^{-asws} said: ‘The ‘Qur’ou’ is what is between the two menstruations’.⁸¹⁸

22- شي، تفسير العياشي عن زُرَّارَةَ قَالَ: سَمِعْتُ رَبِيعَةَ الرَّأْيِ وَ هُوَ يَقُولُ إِنَّ مِنْ رَأْيِي أَنَّ الْأَقْرَاءَ الَّتِي سَمَّى اللَّهُ فِي الْقُرْآنِ إِنَّمَا هِيَ الطُّهُرُ فِيمَا بَيْنَ الْحَيْضَتَيْنِ

Tafseer Al Ayyashi – From Zurara who said,

‘I heard Rabie, and he was saying, ‘From my opinion is that the ‘Qurou’ which Allah^{-azwj} has Named in the Quran, rather these are the pure periods in what is between the two menstruations and it isn’t menstruation’.

وَ لَيْسَ بِالْحَيْضِ قَالَ فَدَخَلْتُ عَلَى أَبِي جَعْفَرٍ ع فَحَدَّثَنِي بِمَا قَالَ رَبِيعَةُ فَقَالَ كَذَبَ وَ لَمْ يَقُلْ بِرَأْيِهِ وَ إِنَّمَا بَلَغَهُ عَنْ عَلِيٍّ ع

He said, ‘I entered to see Abu Ja’far^{-asws} and narrated to him^{-asws} with what Rabie had said. He^{-asws} said: ‘He has lied, and he did not say it with his opinion, and rather it has reached him from Ali^{-asws}!’

فَقُلْتُ أَصْلَحَكَ اللَّهُ أَكَانَ عَلِيٌّ ع يَقُولُ ذَلِكَ

I said, ‘May Allah^{-azwj} Keep you^{-asws} well! Ali^{-asws} had said that?’

He^{-asws} said: ‘Yes, he^{-asws} had said. But rather, the ‘Qurou’ is the purity. The blood coagulates during it and gathers. When it comes, it throws it out’.

قَالَ نَعَمْ كَانَ يَقُولُ إِنَّمَا الْقُرْءُ الطُّهُرُ فَتَقَرَّرُ فِيهِ الدَّمُ فَتَجْمَعُهُ فَإِذَا جَاءَتْ فَدَفَنَتْهُ قُلْتُ أَصْلَحَكَ اللَّهُ رَجُلٌ طَلَّقَ امْرَأَتَهُ طَاهِرًا مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ عَدْلَيْنِ

I said, ‘May Allah^{-azwj} Keep you^{-asws} well! A man divorces his wife when clean from without marital relations, keeping two just witnesses’.

قَالَ إِذَا دَخَلَتْ فِي الْحَيْضَةِ الثَّالِثَةِ فَقَدْ انْقَضَتْ عِدَّتُهَا وَ حَلَّتْ لِلْأَزْوَاجِ

He^{-asws} said: ‘When she entered into the third menstruation, her waiting period has expired, and she is lawful for the other suitors (to marry)’.

قَالَ قُلْتُ إِنَّ أَهْلَ الْعِرَاقِ يَزُوونَ عَنْ عَلِيٍّ ع أَنَّهُ كَانَ يَقُولُ هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تَغْتَسِلَ مِنَ الْحَيْضَةِ الثَّالِثَةِ

He (the narrator) said, ‘I said, ‘The people of Iraq are reporting from Ali^{-azwj} that he^{-asws} had said he (husband) is more rightful with returning to her for as long as she has not washed from the third menstruation!’

⁸¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 21

فَقَالَ كَذَبُوا

He^{-asws} said: 'They are lying!'

قَالَ وَكَانَ يَقُولُ عَلِيٌّ ع إِذَا زَاتِ الدَّمُ مِنَ الْخِيْضَةِ الثَّالِثَةِ فَقَدْ انْقَضَتْ عِدَّتُهَا.

He^{-asws} said: 'And Ali^{-asws} had said: 'When she sees the blood from the third menstruation, her waiting period has expired'.⁸¹⁹

و فِي رَوَايَةٍ رَّبِيعَةَ الرَّأْيِ وَ لَا سَبِيلَ لَهُ عَلَيْهَا وَ إِنَّمَا الْقُرُءُ مَا بَيْنَ الْخِيْضَتَيْنِ وَ لَيْسَ لَهَا أَنْ تَتَزَوَّجَ حَتَّى تَغْتَسِلَ مِنَ الْخِيْضَةِ الثَّالِثَةِ فَإِنَّكَ إِذَا نَظَرْتَ فِي ذَلِكَ لَمْ تَجِدِ الْأَفْرَاءَ إِلَّا ثَلَاثَةَ أَشْهُرٍ

And in a report by Rabie Al-Raie (the opinionist) – 'And there is no way for him to her, and rather the 'Qurou' is what is between the two menstruation, and it isn't for her to marry until she has washed from the third menstruation. So, when you look into that, you will not find the Qurou except three months.

فَإِذَا كَانَتْ لَا تَسْتَقِيمُ بِمَا تَحِيْضُ فِي الشَّهْرِ مَرَاراً وَ فِي الشَّهْرِ مَرَّةً كَانَ عِدَّتُهَا عِدَّةَ الْمُسْتَحَاضَةِ ثَلَاثَةَ أَشْهُرٍ وَ إِنْ كَانَتْ تَحِيْضُ خِيْضاً مُسْتَقِيماً فَهُوَ فِي كُلِّ شَهْرٍ خِيْضَةٌ بَيْنَ كُلِّ خِيْضَتَيْنِ شَهْرٌ وَ ذَلِكَ الْقُرُءُ.

So, if her menstruation is irregular, occurring several times in a month or only once in a month, then her waiting period is like that of a woman with continuous bleeding, three months. But if her menstruation is regular, then it is one menstruation each month, with a month between each two menstruations, and that is the Qurou'.⁸²⁰ (opinion)

23- قَالَ ابْنُ مُسْكَانَ عَنْ أَبِي بَصِيرٍ قَالَ: عِدَّةُ الَّتِي تَحِيْضُ وَ يَسْتَقِيمُ خِيْضُهَا ثَلَاثَةُ أَفْرَاءٍ وَ هِيَ ثَلَاثُ حِيْضٍ.

Ibn Muskaan, from Abu Baseer who said,

'The waiting period of the one who menstruates, and her menstruations are regular for three 'Qurou', and it is of three menstruations'.⁸²¹

24- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ مَتَى تَبَيَّنَ مِنْهُ قَالَ حِينَ يَطْلُعُ الدَّمُ مِنَ الْخِيْضَةِ الثَّالِثَةِ.

Tafseer Al Ayyashi – From Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{-asws} who divorces his wife, when is she irrevocably divorced from him. He^{-asws} said: 'When the blood from the third menstruation emerges'.⁸²²

⁸¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 22 a

⁸²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 22 b

⁸²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 23

⁸²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 24

25- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ وَ الْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَ لَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ يُعْنِي لَا يَحِلُّ لَهَا أَنْ تَكْتُمَ الْحَمْلَ إِذَا طَلَّقَتْ وَ هِيَ حُبْلَى وَ الزَّوْجُ لَا يَعْلَمُ بِالْحَمْلِ فَلَا يَحِلُّ لَهَا أَنْ تَكْتُمَ حَمْلَهَا وَ هُوَ أَحَقُّ بِهَا فِي ذَلِكَ الْحَمْلِ مَا لَمْ تَضَعِ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **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 [2:228]** – meaning it is not lawful for her to conceal the pregnancy when she is divorced while she is pregnant and the husband does not know of the pregnancy. It is not permissible for her to conceal her pregnancy and he is not rightful with her regarding that pregnancy for as long as she has not placed (given birth)^{.823}

26- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: الْمُطَلَّغَةُ تَبَيِّنُ عِنْدَ أَوَّلِ قَطْرَةٍ مِنَ الْخَيْضَةِ الثَّالِثَةِ.

Tafseer Al Ayyashi – From Zurara,

From Abu Ja'far^{-asws} having said: 'The divorced is irrevocably divorced at the first drop of the third menstruation'.⁸²⁴

27- شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ ع عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْمَرْأَةِ إِذَا طَلَّقَهَا زَوْجُهَا مَتَى تَكُونُ أَمْلَكَ بِنَفْسِهَا

Tafseer Al Ayyashi –

From Abdul Rahman son of Abu Abdullah^{-asws}, from Abu Abdullah^{-asws} regarding the woman when her husband divorces her, 'When will she be in control of herself?'

قَالَ إِذَا رَأَتْ الدَّمَ مِنَ الْخَيْضَةِ الثَّالِثَةِ فَقَدْ بَانَتْ.

He^{-asws} said: 'When she sees the blood from the third menstruation, she has become irrevocably divorced'.⁸²⁵

28- قَالَ زُرَّارَةُ قَالَ أَبُو جَعْفَرٍ ع الْأَفْرَاءُ هِيَ الْأَطْهَارُ

Zurara said,

'Abu Ja'far^{-asws} said: 'The 'Qurou', these are the pure periods'.

وَ قَالَ الْقُرُءُ مَا بَيَّنَّ الْخَيْضَتَيْنِ.

⁸²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 25

⁸²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 26

⁸²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 27

And he^{-asws} said: 'The 'Qurou' is what is between the two menstruations'.⁸²⁶

29- شي، تفسير العياشي عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَمَّا نَزَلَتْ هَذِهِ الْآيَةُ - وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَرْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا جَنَّ النِّسَاءُ يُحَاصِرْنَ رَسُولَ اللَّهِ ص وَ قُلْنَ لَا نَصِيرَ

Tafseer Al Ayyashi – From Abu Bakr Al Hazramy,

From Abu Abdullah^{-asws} having said: '**And those of you who are dying and leaving wives (as widows), they shall wait with themselves for four months and ten (days) [2:234].** Some women came disputing to Rasool-Allah^{-saww} and they said, 'We cannot be patient!'

فَقَالَ لَهُنَّ رَسُولُ اللَّهِ ص كَانَتْ إِخْدَاكُنَّ إِذَا مَاتَ زَوْجُهَا أَخَذَتْ بَعْرَةً فَأَلْقَتْهَا خَلْفَهَا فِي دُونِهَا فِي خِدْرِهَا ثُمَّ قَعَدَتْ فَإِذَا كَانَ مِثْلُ ذَلِكَ الْيَوْمِ مِنَ الْحَوْلِ أَخَذَتْهَا فَفَتَّتَهَا ثُمَّ اكْتَحَلَتْ بِهَا ثُمَّ تَزَوَّجَتْ فَوَضَعَ اللَّهُ عَنْكُنَّ ثَمَانِيَةَ أَشْهُرٍ.

Rasool-Allah^{-saww} said to them: 'When one of you lost her husband, she would take a small stone and place it behind her in her room, in her chamber, then sit. When that same day of the year came around, she would take it, crush it, apply it as Kohl to her eyes, and then marry. Allah^{-azwj} has Lifted eight months away from you!'⁸²⁷

30- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ سَمِعْتُهُ يَقُولُ فِي امْرَأَةٍ تُتَوَفَّى عَنْهَا زَوْجُهَا لَمْ يَمْسَسْهَا قَالَ لَا تُنْكِحُ حَتَّى تَعُدَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا عِدَّةَ الْمُتَوَفَّى عَنْهَا زَوْجُهَا.

Tafseer Al Ayyashi – From Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying regarding a woman whose husband has died from her cannot be touched. He^{-asws} said: 'She cannot marry until she observes a waiting period of four months and ten (days), the waiting period of the one whose husband has died from her'.⁸²⁸

31- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِهِ مُتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ قَالَ مَنْسُوخَةٌ نَسَخْتُهَا - يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا وَ نَسَخْتُهَا آيَةَ الْمِيرَاثِ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about His^{-azwj} Words: **a provision to the year without expulsion [2:240].** He^{-asws} said: 'Abrogated! It was Abrogated by: **they shall wait with themselves for four months and ten (days) [2:234]**, and it was Abrogated by the Verse of inheritance.⁸²⁹

⁸²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 28

⁸²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 29

⁸²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 30

⁸²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 31

32- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِيهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ - لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ هُوَ طَلَبُ الْحَلَالِ - وَ لَا تَعَزِّمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ أَلَيْسَ يَقُولُ الرَّجُلُ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا مُوْعِدُكَ بَيْتَ فُلَانٍ ثُمَّ يَطْلُبُ إِلَيْهَا أَلَا تَسْبِقُهُ بِنَفْسِهَا إِذَا انْقَضَتْ عِدَّتُهَا

Tafseer Al Ayyashi – From Abdullah Bin Sinan, from his father who said,

‘I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **but do not promise them in secret unless if you are saying reasonable words** – He^{-asws} said: ‘It is seeking the lawful - **and do not determine the tie of marriage until the writing reaches its (end of) term [2:235]** - Does not a man say to a woman before her waiting period is over, ‘Your meeting place is the house of so-and-so’, and then request of her that she not give herself to anyone before him when her waiting period ends?’

قُلْتُ فَقَوْلُهُ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا

I said, ‘So (what about) His^{-azwj} Words: **unless if you are saying reasonable words?**’

قَالَ هُوَ طَلَبُ الْحَلَالِ فِي غَيْرِ أَنْ يَعْزِمَ عُقْدَةَ النِّكَاحِ - حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ.

He^{-asws} said: ‘It is seeking the lawful in other than determining the marriage tie, **until the writing reaches its (end of) term [2:235]**’.⁸³⁰

33- وَ فِي خَيْرِ رِفَاعَةٍ عَنْهُ ع قَوْلًا مَعْرُوفًا قَالَ تَقُولُ خَيْرًا.

And in a Hadeeth by Rifa’at,

From him^{-asws}: **reasonable words [2:235]**, he^{-asws} said: ‘Your saying good’.⁸³¹

34- شي، تفسير العياشي وَ فِي رِوَايَةِ أَبِي بَصِيرٍ عَنْهُ ع لَا تُوَاعِدُوهُنَّ سِرًّا قَالَ هُوَ الرَّجُلُ يَقُولُ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا أُوْعِدُكَ بَيْتَ أَبِي فُلَانٍ أُوْعِدُكَ بَيْتَ فُلَانٍ لَتَزُفْتُ وَ يَزُفْتُ مَعَهَا.

Tafseer Al Ayyashi – And in a report by Abu Baseer,

From him^{-asws}: **but do not promise them in secret [2:235]**. He^{-asws} said: ‘He is the man saying to the wife before her waiting period has expired, ‘I promise you a house of Abu so and so, I promise you the house of so and so!’, in order to engage in intimacy and indecency with her’.⁸³²

35- شي، تفسير العياشي وَ فِي رِوَايَةِ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ أَبُو عَبْدِ اللَّهِ ع هُوَ قَوْلُ الرَّجُلِ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا مُوْعِدُكَ بَيْتَ أَبِي فُلَانٍ ثُمَّ يَطْلُبُ إِلَيْهَا أَلَا تَسْبِقُهُ بِنَفْسِهَا إِذَا انْقَضَتْ عِدَّتُهَا.

⁸³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 32

⁸³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 33

⁸³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 34

Tafseer Al Ayyashi – And in a report by Abdullah Bin Sinan,

Abu Abdullah^{-asws} said: 'It is the word of the man to the wife before her waiting period has expired, 'Your promise is the house of Abu so and so, and he seeks to her that no one should precede him to her when her waiting period expires'.⁸³³

36- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ فِي قَوْلِ اللَّهِ وَ لَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ الْمَرْأَةُ فِي عِدَّتِهَا تَقُولُ لَهَا قَوْلًا جَمِيلًا تُرَغِّبُهَا فِي نَفْسِكَ وَ لَا تَقُولُ إِنِّي أَصْنَعُ كَذَا وَ أَصْنَعُ كَذَا الْقُبِيحَ مِنَ الْأَمْرِ فِي الْبُضْعِ وَ كُلُّ أَمْرٍ قَبِيحٍ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}, **but do not promise them in secret unless if you are saying reasonable words [2:235]**. He^{-asws} said: 'The wife during her waiting period, you should say beautiful words to make her desirous regarding yourself, and do not say, 'I shall do such and such, and I shall do such and such, (this is the) ugliness from the matters regarding the marital relations and every ugly matter'.⁸³⁴

37- شي، تفسير العياشي عَنْ مَسْعُودَةَ بِنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ يَقُولُ الرَّجُلُ لِلْمَرْأَةِ وَ هِيَ فِي عِدَّتِهَا يَا هَذِهِ مَا أَحَبُّ لِي مَا أَسْرَكُ وَ لَوْ قَدْ مَضَى عِدَّتُكَ لَا تَقُولِي [تَقُولِي] إِنْ شَاءَ اللَّهُ فَلَا تَسْبِقِينِي بِنَفْسِكَ وَ هَذَا كُلُّهُ مِنْ غَيْرِ أَنْ يَعْرِمُوا عُقْدَةَ النِّكَاحِ.

Tafseer Al Ayyashi – From Mas'ada Bin Sadaqa,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **unless if you are saying reasonable words [2:235]**. He^{-asws} said: 'The man says to the woman while she is in her waiting period, 'O you! How beloved it is to me what I am keeping secret, and if your waiting period passes, you will not lose me, of Allah^{-azwj} so Desires, so do not let anyone precede me with yourself', and this, all of it is from without determining the marriage tie'.⁸³⁵

38- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ الثَّانِي ع قَالَ: قُلْتُ لَهُ جُعِلْتُ فِدَاكَ كَيْفَ صَارَتْ عِدَّةُ الْمُطَلَّاقَةِ ثَلَاثَ حِيضٍ أَوْ ثَلَاثَةَ أَشْهُرٍ وَ صَارَتْ عِدَّةُ الْمُتَوَتَّى عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا

Tafseer Al Ayyashi' – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws} the 2nd, he (the narrator) said, 'I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! How did the waiting period of the divorced become three menstruation or three months, and the waiting period of the widow come to be of four months and ten (days)?'

فَقَالَ أَمَّا عِدَّةُ الْمُطَلَّاقَةِ ثَلَاثَةُ قُرُوءٍ فَلَا سِتْرَاءَ الرَّجَمِ مِنَ الْوَلَدِ وَ أَمَّا عِدَّةُ الْمُتَوَتَّى عَنْهَا زَوْجُهَا فَإِنَّ اللَّهَ شَرَطَ لِلنِّسَاءِ شَرْطًا وَ شَرَطَ عَلَيْهِنَّ شَرْطًا فَلَمْ يَجُزْ فِيمَا شَرَطَ هُنَّ وَ لَمْ يَجُزْ فِيمَا شَرَطَ عَلَيْهِنَّ

⁸³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 35

⁸³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 36

⁸³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 37

He^{-asws} said: 'As for waiting period of the divorced being of three pure periods is the clearance of the womb from the child, and as for waiting period of the widow, Allah^{-azwj} has Stipulated conditions for the women and conditions against them. He^{-azwj} was neither unjust regarding what He^{-azwj} Stipulated for them, nor unjust regarding what He^{-azwj} Stipulated against them.

أَمَّا مَا شَرَطَ لَهُنَّ فِي الْإِبْلَاءِ أَرْبَعَةَ أَشْهُرٍ إِذْ يَقُولُ لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرَبُّصُ أَرْبَعَةِ أَشْهُرٍ فَلَمْ يُجْزِ لِأَحَدٍ أَكْثَرَ مِنْ أَرْبَعَةِ أَشْهُرٍ لِعَلِّمِهِ تَبَارَكَ وَ تَعَالَى أَكْثَرُ غَايَةِ صَبْرِ الْمَرْأَةِ مِنَ الرَّجُلِ

As for what He^{-azwj} Stipulated for them, in the oath of abstinence is four months, when He^{-azwj} Says for **Those who are solemnly swearing (abstention) from their wives should wait four months [2:226]**. Thus, it is not allowed for anyone more than four months due to the Knowledge of the Blessed and Exalted that it is the peak of patience of the woman from the man.

وَأَمَّا مَا شَرَطَ عَلَيْهِنَّ فَإِنَّهُ أَمَرَهَا أَنْ تَعْتَدَ إِذَا مَاتَ زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ فَأَخَذَ لَهُ مِنْهَا عِنْدَ مَوْتِهِ مَا أَخَذَ مِنْهَا لَهَا فِي حَيَاتِهِ.

And as for what He^{-azwj} Stipulated against them, He^{-azwj} Commanded her to observe a waiting period of four months, when her husband dies from her. So, He^{-azwj} Took for him from her at his death, what He^{-azwj} Took from her for her during his lifetime'.⁸³⁶

39- شي، تفسير العياشي عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذَرُونَ أَزْوَاجاً وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعاً إِلَى الْحَوْلِ قَالَ مَسْخُوحَةٌ نَسَخْتُهَا آيَةً - يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْراً وَ نَسَخْتُهَا آيَةُ الْمِيرَاثِ.

Tafseer Al Ayyashi – From Ibn Abu Umeyr, from Muawiya Bin Ammar who said,

'I said to him^{-asws} about the Words of Allah^{-azwj}: **And those of you who are dying and leaving wives (as widows), should bequeath to their wives a provision to the year [2:240]**. He^{-asws} said: 'Abrogated! It is Abrogated by the Verse: **they shall wait with themselves for four months and ten (days) [2:234]**, and it is Abrogated by the Verse of inheritance'.⁸³⁷

40- شي، تفسير العياشي عَنِ أَبِي بَصِيرٍ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ - وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذَرُونَ أَزْوَاجاً وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعاً إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ قَالَ هِيَ مَسْخُوحَةٌ

Tafseer Al Ayyashi – From Abu Baseer who said,

'I asked him^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **And those of you who are dying and leaving wives (as widows), should bequeath to their wives a provision to the year without expulsion [2:240]**. He^{-asws} said: 'It is Abrogated'.

فُلْتُ وَ كَيْفَ كَانَتْ

I said, 'And how was it?'

⁸³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 38

⁸³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 39

قَالَ كَانَ الرَّجُلُ إِذَا مَاتَ أَنْفَقَ عَلَى امْرَأَتِهِ مِنْ صُلْبِ الْمَالِ حَوْلًا ثُمَّ أُخْرِجَتْ بِلَا مِيرَاثٍ ثُمَّ نَسَخَتْهَا آيَةُ الرَّبْعِ وَ الثَّمَنِ فَالْمَرْأَةُ يُنْفَقُ عَلَيْهَا مِنْ نَصِيبِهَا.

He^{-asws} said: 'It was so, when the man died, it would be spent upon his wife from the entire wealth for a year, then she would be expelled without inheritance. Then it was Abrogated by the Verse of the quarter and the eighth. So, the woman, it should be spent upon her from her share.⁸³⁸

41- تَفْسِيرُ التُّعْمَانِيِّ، بِإِسْنَادِ الَّذِي مَرَّ فِي كِتَابِ الْقُرْآنِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: إِنَّ الْعِدَّةَ كَانَتْ فِي الْجَاهِلِيَّةِ عَلَى الْمَرْأَةِ سَنَةً كَامِلَةً وَ كَانَ إِذَا مَاتَ الرَّجُلُ أَلْقَمَتِ الْمَرْأَةُ خَلْفَ ظَهْرِهَا شَيْئًا بَعْرَةً وَ مَا جَرَى جَزَائَهَا ثُمَّ قَالَتْ الْبَيْعُ أَهْوَنُ عَلَيَّ مِنْ هَذِهِ

Tafseer Al Numani – By the chain which has passed in 'Kitab Al Quran',

From Amir Al-Momineen^{-asws} having said: 'During the pre-Islamic period the waiting period of the woman was for a complete year, and when the man died, the woman would throw behind her something, a pellet of dung or the like, and then say: 'The husband is more insignificant upon me than this!'

فَلَا أُكْتَحِلُ وَ لَا أَمْتَشِطُ وَ لَا أَتَطَيَّبُ وَ لَا أَتَزَوَّجُ سَنَةً فَكَانُوا لَا يُخْرِجُونَهَا مِنْ بَيْتِهَا بَلْ يُجْزَوْنَ عَلَيْهَا مِنْ تَرْكِهَ زَوْجِهَا سَنَةً فَأَنْزَلَ اللَّهُ تَعَالَى فِي أَوَّلِ الْإِسْلَامِ- وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ

So, she would not apply Kohl, nor comb her hair, nor use perfume, nor marry for a year. They would not expel her from her house but would provide for her from her husband's estate for a year. Allah^{-azwj} the Exalted Revealed in the beginning of Islam: ***And those of you who are dying and leaving wives (as widows), should bequeath to their wives a provision to the year without expulsion [2:240].***

فَلَمَّا قَوِيَ الْإِسْلَامُ أَنْزَلَ اللَّهُ تَعَالَى- وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَزْوَاجًا يَتَرَتَّبْنَ أَنْفُسَهُنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ

الْأَيَّةِ.

When Islam became strong, Allah^{-azwj} the Exalted Revealed: ***And those of you who are dying and leaving wives (as widows), they shall wait with themselves for four months and ten (days); so when they reach their (end of) term, then there is no blame upon you [2:234] – the Verse'***.⁸³⁹

42 وَ رَوَاهُ ابْنُ قُؤْلُوبَيْهِ عَنْ سَعْدِ بْنِ عَبْدِ اللَّهِ بِإِسْنَادِهِ عَنْهُ ع مِثْلَهُ.

And it is reported by Ibn Qawlawayya, from Sa'ad Bin Abdullah by his chain, from him^{-asws}, similar to it.⁸⁴⁰

43 نَوَادِرُ الزَّوْائِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ ع قَالَ: أَتَيْتُ عَلِيًّا ع ابْنَهُ ثُمَّ سَأَلْتُهُ فِي حَدِيثِهِ سَمِعْتُ زَوْجَهَا عُمَرَ بْنَ الْخَطَّابِ لَأَنَّهُ كَانَتْ فِي ذِكْرِ الْإِمَارَةِ.

⁸³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 40

⁸³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 41

⁸⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 42

(The book) 'Nawadir' of Al Rawandy — By his chain,

~~From Musa^{asws} Bin Ja'far^{asws}, from his^{asws} forefathers^{asws} having said: 'Ali^{asws}, his^{asws} daughter Umm Kulsoom^{as} came to him^{asws} during her waiting period when her^{as} husband Umar Bin Al Khattab died, because she was in the government building'.⁸⁴¹ (derogatory)~~

44- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيٌّ ع إِذَا كَانَ لِلرَّجُلِ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ إِحْدَاهُنَّ لَا يَتَزَوَّجُ حَتَّى يَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ.

And by this chain,

He^{asws} said: 'Ali^{asws} said: 'Where there were four wives for the man, so he divorces one of them, he cannot marry until the waiting period of the one he had divorced expires.'⁸⁴²

45- وَ قَالَ ع فِي رَجُلٍ عِنْدَهُ امْرَأَةٌ فَطَلَّقَهَا لَيْسَ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا وَ لَا عَمَّتَهَا وَ لَا خَالَتَهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا.

And he^{asws} said regarding a man who has a wife with him, so he divorces her: 'It isn't for him to marry her sister nor her paternal aunt nor her maternal aunt until her waiting period has expired'.⁸⁴³

46- وَ قَالَ: فِي الرَّجُلِ تَزَوَّجَ امْرَأَةً - لَا يَقْرُبُهَا حَتَّى يَسْتَرْكِهَا.

And he^{asws} said regarding the man whose slave girl commits adultery: 'He cannot go near her until she has been cleared (of pregnancy)'.⁸⁴⁴

47- وَ قَالَ ع فِي الرَّجُلِ لَهُ امْرَأَةٌ فَحَبِلَتْ مِنْ غَيْرِهِ بِشُبْهَةٍ أَوْ زَنًا - لَا يَقْرُبُهَا حَتَّى يَتَبَيَّنَ أَهْلًا حَامِلٌ أَمْ لَا.

And he^{asws} said regarding the man having a woman for him, so she becomes pregnant from someone else, either with suspicion or adultery: 'He cannot go near her until it becomes clear whether she is pregnant or not'.⁸⁴⁵

48- كِتَابُ الْغَايَاتِ، مُحَمَّدُ بْنُ سُلَيْمَانَ الدَّيْلَمِيُّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قُلْتُ كَيْفَ صَارَتْ عِدَّةُ الْمُطَلَّاقَةِ ثَلَاثَ حِيضٍ أَوْ ثَلَاثَةَ أَشْهُرٍ وَ عِدَّةُ الْمُتَوَقِّعِ عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ

(The book) 'Kitab Al Gayaat' — Muhammad Bin Suleyman Al Daylami,

From Abu Ja'far^{asws}, he (the narrator) said, 'I said, 'How did the waiting period of the divorced become of three menstruation or three months, while waiting period of the widow is of four months?'

⁸⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 43

⁸⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 44

⁸⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 45

⁸⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 46

⁸⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 47

فَقَالَ أَمَّا عِدَّةُ الْمُطَلَّقةِ ثَلَاثَةُ فُرُوءٍ فَلَا سِتْرَاءَ الرَّجْمِ مِنَ الْوَلَدِ وَ أَمَّا عِدَّةُ الْمُتَوَتَّى عَنْهَا زَوْجُهَا فَإِنَّ اللَّهَ شَرَطَ لِلنِّسَاءِ شَرْطاً وَ شَرَطَ عَلَيْهِنَّ شَرْطاً فَلَمْ يُجَاهِئْنَ فِيمَا شَرَطَ لَهُنَّ وَ لَمْ يَجُزْ فِيمَا شَرَطَ عَلَيْهِنَّ

He^{-asws} said: 'As for the waiting period of the divorced being of three pure periods, it is for clearance of the womb from the child, and as for the waiting period of the widow, Allah^{-azwj} has Stipulated conditions for the women and Stipulated conditions against them. He^{-azwj} did not Show favouritism regarding what He^{-azwj} Stipulated for them, and was not unjust regarding what He^{-azwj} Stipulated against them.

أَمَّا مَا شَرَطَ لَهُنَّ فِي الْإِبْلَاءِ أَرْبَعَةَ أَشْهُرٍ إِذْ يَقُولُ لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرَبُّصُ أَرْبَعَةِ أَشْهُرٍ فَلَا يَجُوزُ لِأَحَدٍ أَكْثَرُ مِنْ أَرْبَعَةِ أَشْهُرٍ فِي الْإِبْلَاءِ لِعِلْمِهِ تَبَارَكَ وَ تَعَالَى غَايَةَ صَبْرِ الْمَرْأَةِ مِنَ الرَّجُلِ

As for what He^{-azwj} Stipulated for them regarding the oath of abstinence, it is four months, when He^{-azwj} Said: **Those who are solemnly swearing (abstention) from their wives should wait four months [2:226]**. Thus, it is not allowed for anyone more than four months regarding the oath of abstinence due to His^{-azwj} Knowledge, Blessed and Exalted, it is the peak of patience of a woman from a man.

وَ أَمَّا مَا شَرَطَ عَلَيْهِنَّ فَإِنَّهُ أَمَرَهَا أَنْ تَعْتَدَ إِذَا مَاتَ عَنْهَا زَوْجُهَا مِنْهُ أَرْبَعَةَ أَشْهُرٍ فَأَخَذَ مِنْهَا لَهُ عِنْدَ مَوْتِهِ مَا أَخَذَ مِنْهَا فِي حَيَاتِهِ عِنْدَ إِبْلَائِهِ وَ لَمْ يَذْكُرِ الْعَشْرَةَ الْأَيَّامَ فِي الْعِدَّةِ - [الْعِدَّةُ] مَعَ الْأَرْبَعَةِ الْأَشْهُرِ.

And as for what He^{-azwj} Stipulated against them, He^{-azwj} Commanded her, when her husband dies from her, to observe the waiting period of four months. So, He^{-azwj} Took from her for him at his death what He^{-azwj} Took from during his lifetime at his oath of abstinence, and He^{-azwj} did not Mention the ten days regarding the waiting period with the four months'.⁸⁴⁶

49- وَ رَوَى أَبُو سُمَيْنَةَ مُحَمَّدُ بْنُ عَلِيٍّ الرَّيَّانِيُّ عَنْ ابْنِ أَسْلَمَ عَنْ رَجُلٍ عَنِ الرَّضَا ع مِثْلَ ذَلِكَ وَ زَادَ فِي الْحَدِيثِ فَقَالَ عَلِمَ اللَّهُ أَنَّ غَايَةَ صَبْرِ الْمَرْأَةِ أَرْبَعَةَ أَشْهُرٍ فِي تَرْكِ الْجَمَاعِ فَمَنْ تَمَّ أَوْجَبَهُ عَلَيْهَا وَ هَذَا.

And it is reported by Abu Sumeyna Bin Ali Al Zayyat, from Ibn Aslam, from a man,

From Al-Reza^{-asws} similar to that, and there is an addition in the Hadeeth. He^{-asws} said: 'Allah^{-azwj} Knows that the peak of patience of the woman in neglecting marital relations is of four months. From there, He^{-azwj} Obligated against her and for her'.⁸⁴⁷

باب 120 فضل العتق

CHAPTER 120 – MERITS OF THE LIBERATION (OF SLAVES)

1- لي، الأمايلي للصدوق ابن إدريس عن محمد بن عبد الجبار عن ابن البطائني عن إسماعيل بن عبد الحالقي و الكِنَانِي مَعَا عَنْ أَبِي بصير عن أبي عبد الله ع قَالَ: مَنْ أَعْتَقَ نَسَمَةً مُؤْمِنَةً بَنَى اللَّهُ لَهُ نَبِيًّا فِي الْجَنَّةِ.

⁸⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 48

⁸⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 49

(The book) 'Al Amaali' of Al Sadouq – Ibn Idrees, from Muhammad Bin Abdul Jabbar, from Ibn Al Batainy, from Ismail Bin Abdul Khaliq and Al Kinany, both together from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'One who liberates a believing person, Allah^{-azwj} will Build a house for him in the Paradise'.⁸⁴⁸

2- 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 أَعَاتَ هَقَّانًا أَوْ أَعْتَقَ نَسَمَةً أَوْ زَوَّجَ عَرَبًا.

(The book) 'Al Khisaal' – Hamza Al Alawy, from Ali, from his father, from Usman Bin Isa, from Sama'at,

From Abu Abdullah^{-asws} having said: 'Four, Allah^{-azwj} Mighty and Majestic will Look at them on the Day of Qiyamah – one who regrets sincerely, or helps a distressed, or liberates a person, or gets a celibate⁸⁴⁹ married'.⁸⁵⁰

3- ل، الخصال فيما أوصى به النبي ص علياً ع يا علي لا تُمَكِّسْ فِي أَرْبَعَةِ أَشْيَاءَ فِي شِرَاءِ الْأُضْحِيَّةِ وَ الْكَفَنِ وَ النَّسَمَةِ وَ الْكَرَى إِلَى مَكَّةَ.

(The book) 'Al Khisaal' -

Among what the Prophet^{-saww} bequeathed to Ali^{-asws}: 'O Ali^{-asws}! Do not bargain regarding four things – In buying the sacrificial animal, and the shroud, and the slave, and the hire charges to Makkah (for Hajj)'.⁸⁵¹

4- مع، معاني الأخبار ل، الخصال في خبر أبي ذرٍّ أَنَّهُ سَأَلَ النَّبِيَّ ص أَيُّ الرِّقَابِ أَفْضَلُ

(The book) 'Ma'any Al Akhbar', (and) 'Al Khisaal' -

In a Hadeeth by Abu Zarr^{-ra}, 'The Prophet^{-saww} was asked, 'Which slave is the best?'

قَالَ أَغْلَاهَا ثَمَنًا وَ أَنْفَسَهَا عِنْدَ أَهْلِهَا.

He^{-saww} said: 'Their most expensive in price, and the most precious in the view of their people'.⁸⁵²

5- ما، الأمالي للشيخ الطوسي عن أبي قلابة عن النبي ص قال: مَنْ أَعْتَقَ رَقَبَةً فَهِيَ فِدَاؤُهُ مِنَ النَّارِ كُلِّ غُضُوٍّ مِنْهَا فِدَاءُ غُضُوٍّ مِنْهُ.

(The book) 'Al Amaali' of the sheykh Al Tusi – from Abu Qilabah,

From the Prophet^{-saww} having said: 'One who liberates a neck, it would be his ransom from the Hellfire, each limb of his, a ransom for each limb from him'.⁸⁵³

⁸⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 1

⁸⁴⁹ The one abstaining from marriage and sexual relations, typically for religious reasons:

⁸⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 2

⁸⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 3

⁸⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 4

⁸⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 5

6- ما، الأماالي للشيخ الطوسي ابنُ مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ نَصْرِ بْنِ مُحَمَّدٍ عَنْ يُونُسَ عَنْ أَبِي نُعَيْمٍ عَنِ الْحَكَمِ بْنِ أَبِي نُعَيْمٍ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ عَلِيٍّ عَ تُحَدِّثُ عَنْ أَبِيهَا عَ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً كَانَ لَهُ بِكُلِّ غُضُوٍّ مِنْهَا فَكَأَنَّ غُضُوًّا مِنْهُ مِنَ النَّارِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Makhlad, from Ja'far Bin Muhammad Bin Nuseyr, from Muhammad Bin Yunus, from Abu Nueym, from Al Hakam Bin Abu Nueym who said,

'I heard (Syeda) Fatima^{-asws} daughter of Ali^{-asws} narrating from her^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who liberates a neck of a believer, for every limb from him would be a ransom of a limb from him, from the Hellfire'.⁸⁵⁴

7- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ بْنِ الْبَرْهَمِيِّ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ رَبِيعٍ عَنْ سَمَاعَةَ عَنْ أَبِي جَعْفَرٍ عَ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَعْتَقَ مُسْلِمًا أَعْتَقَ اللَّهُ لَهُ بِكُلِّ غُضُوٍّ مِنْهُ غُضُوًّا مِنَ النَّارِ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Hammad, from Rabie, from Sama'at,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who liberates a Muslim, Allah^{-azwj} will Liberate him, for every limb from him, a limb from the Hellfire'.⁸⁵⁵

8- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ بْنِ الْبَرْهَمِيِّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ بَشِيرِ النَّبَالِيِّ عَنِ الصَّادِقِ عَ قَالَ: مَنْ أَعْتَقَ نَسَمَةً صَالِحَةً لَوَجَّهَ اللَّهُ كَفَّرَ اللَّهُ عَنْهُ مَكَانَ كُلِّ غُضُوٍّ مِنْهُ غُضُوًّا مِنَ النَّارِ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Sinan, from Bashir Al Nabbal,

From Al-Sadiq^{-asws} having said: 'One who liberates a righteous person for the Face (Sake) of Allah^{-azwj}, Allah^{-azwj} will Expiate from him, in place of every limb from him, a limb from the Hellfire!'⁸⁵⁶

9- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ بْنِ الْبَرْهَمِيِّ عَنْ أَبِيهِ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ عَنْ أَبِيهِ رَفَعَهُ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَعْتَقَ مُؤْمِنًا أَعْتَقَ اللَّهُ بِكُلِّ غُضُوٍّ مِنْهُ غُضُوًّا مِنَ النَّارِ وَإِنْ كَانَتْ أُنْثَى أَعْتَقَ اللَّهُ بِكُلِّ غُضُوٍّ مِنْهُ غُضُوًّا مِنَ النَّارِ لِأَنَّ الْمَرْأَةَ نِصْفُ مِنَ الرَّجُلِ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Ibrahim Bin Abu Al Bilad, from his father raising it, said,

'Rasool-Allah^{-saww} said: 'One who liberates a believer, Allah^{-azwj} will Liberate for every limb from him, a limb from the Hellfire, and if it was a female, Allah^{-azwj} will Liberate for every two limbs, a limb from the Hellfire, because the woman is half of the man'.⁸⁵⁷

10- سن، المحاسن الحسن بن علي بن يوسف عن أبي عبد الله البجلي عن بعض أصحابه عن أبي عبد الله ع قَالَ: أَرْبَعٌ مَنْ أَتَى بِوَاحِدَةٍ مِنْهُنَّ دَخَلَ الْجَنَّةَ مَنْ سَمَّى هَامَةً ظَامِنَةً أَوْ أَشْبَحَ كَبِدًا جَائِعَةً أَوْ كَسَا جِلْدَةً غَارِيَةً أَوْ أَعْتَقَ رَقَبَةً عَائِيَةً.

⁸⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 6

⁸⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 7

⁸⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 8

⁸⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 9

(The book) 'Al Mahasin' – Al-Hassan Bin Ali Bin Yusuf, from Abu Abdullah Al Bajaly, from one of his companions,

From Abu Abdullah^{-asws} having said: 'Four (matters), one who comes with one of these will enter the Paradise – One who quenches a thirsty head, or satiates a hungry liver, or clothes a bare skin, or liberates a suffering neck'.⁸⁵⁸

11- سن، المحاسن أبي عن فضالة عن سيف عن أبي بكر الحضرمي قال: قلت لأبي عبد الله ع رجل خلف للسلطان بالطلاق والعنق

(The book) 'Al Mahasin' – From Fazalah, from Sayf, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'A man swears an oath to the ruler of the divorce and the liberation (of a slave)'.

فقال إذا خشي سيفه و سطوته فليس عليه شيء يا أبا بكر إن الله يغفر الناس ولا يغفون.

He^{-asws} said: 'If he fears his sword and his punishment, there isn't anything upon him. O Abu Bakr! Allah^{-azwj} Pardons while the people do not pardon'.⁸⁵⁹

12- سن، المحاسن أبي عن صفوان عن أبي الحسن و البرنظي معاً عن أبي الحسن ع قال: سألت عن الرجل يستكره على اليمين فيخلف بالطلاق و العنق و صدقة ما يملك أ يلزمه ذلك

(The book) 'Al Mahasin' – My father, from Safwan, from Abu Al-Hassan and Al Bazanty, both together,

From Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who is coerced upon the oath so he swears with the divorce and the liberation and charity of what he owns, 'Does that necessitate him?'

فقال لا قال رسول الله ص وضع عن أمي ما أكرهوا عليه و لم يطيقوا و ما أخطأوا.

He^{-asws} said: 'No. Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community, whatever they are coerced upon, and what they cannot endure, and what they err'.⁸⁶⁰

13- سن، المحاسن أبي عن ابن أبي عمير عن أبي أيوب عن معاوية بن عمار الأكسبي قال: قلت لأبي عبد الله ع إنا نشتخلف بالطلاق و العنق فما ترى أخلف لهم

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Abu Ayoub, from Muaz Baya'a Al Aksiya who said,

'I said to Abu Abdullah^{-asws}, 'We tend to oath with the divorce, and the liberation. What is your^{-asws} view, shall I oath for them?'

قال أخلف لهم بما أراؤوا إذا خفت.

⁸⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 10

⁸⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 11

⁸⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 12

He^{-asws} said: 'Swear for them with whatever they want if you fear'.⁸⁶¹

14- ضا، فقه الرضا عليه السلام من أعتق رقبة مؤمنة أنكى كانت أو ذكراً أعتق الله بكل عضو من أعضائه عضواً منه من النار.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'One who liberates the neck of a believer, be it female or male, Allah^{-azwj} will Liberate with every limb from his limb, a limb from the Hellfire!'⁸⁶²

15- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ التَّقْفِي رَفَعَهُ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ قَالَ: أَعْتَقَ عَلِيٌّ عَ أَلْفَ أَهْلِ بَيْتٍ بِمَا حَلَّتْ يَدَاهُ وَ عَرَفَتْ جَبِينَهُ.

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafy, raising it from Abdullah Bin Al-Hassan who said,

'Ali^{-asws} liberated a thousand households with what his^{-asws} hands had worked, and his^{-asws} forehead had sweated for'.⁸⁶³

و عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع قَالَ: أَعْتَقَ عَلِيٌّ عَ أَلْفَ مَمْلُوكٍ بِمَا عَمِلَتْ يَدَاهُ.

And from Ja'far^{-asws} Bin Muhammad^{-asws} having said: 'Ali^{-asws} had liberated a thousand slaves from what his^{-asws} hands had worked'.⁸⁶⁴

16- أَعْلَامُ الدِّينِ، قَالَ رَسُولُ اللَّهِ ص حَسَنَةً مَنْ أَتَى اللَّهَ بِهِنَّ أَوْ يَوَاحِدَةٍ مِنْهُنَّ وَجَبَتْ لَهُ الْجَنَّةُ مَنْ سَقَى هَامَةً صَادِيَةً أَوْ حَمَلَ قَدَمًا خَافِيَةً أَوْ أَطْعَمَ كَبِدًا جَائِعَةً أَوْ كَسَا جِلْدَةً عَارِيَةً أَوْ أَعْتَقَ رَقَبَةً عَانِيَةً.

(The book) 'A'lam Al Deen' -

Rasool-Allah^{-saww} said: 'Four (matters), one who comes with these or even one of these, the Paradise will be Obligated for him – one who quenches a thirsty head, or carries a barefoot person, or feeds a hungry liver, or clothes a bare skin, or liberates a suffering neck'.⁸⁶⁵

[باب 121 أحكام العتق و ما يجوز عتقه في الكفارات و النذور](#)

CHAPTER 121 – RULING ON THE LIBERATION, AND WHAT IS ALLOWED IN LIBERATING IT REGARDING THE EXPIATIONS AND THE VOWS

1- لي، الأمايلي للصدوق ابن الوليد عن ابن أبي عمير و محمد بن إسماعيل عن منصور بن يونس و علي بن إسماعيل عن منصور بن حازم عن الصادق عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا عِتْقَ قَبْلَ مِلْكٍ.

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Ibn Abu Umeyr, and Muhammad Bin Ismail, from Mansour Bin Yunus, and Ali Bin Ismail from Mansour Bin Hazim,

⁸⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 13

⁸⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 14

⁸⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 15 a

⁸⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 15

⁸⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 16

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘There is no liberation before ownership’.⁸⁶⁶

2 ما، الأمايلي للشيخ الطوسي الغضائري عن الصدوق مثله.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.⁸⁶⁷

3- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قَالَ قَالَ عَلِيٌّ ع لَا طَلَاقَ لِمَنْ لَا يَنْكِحُ وَلَا عَتَاقَ لِمَنْ لَا يَمْلِكُ وَلَا وَصْعَ يَدُهُ عَلَى رَأْسِهَا.

(The book) ‘Qurb Al Isnaad’ – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘Ali^{-asws} said: ‘There is no divorce for the one who is not married, nor liberation for the one who does not own, and even if he were to place his head on her head’.⁸⁶⁸

4- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ عَلِيٌّ ع لَا طَلَاقَ إِلَّا مِنْ بَعْدِ نِكَاحٍ وَلَا عَتَقَ إِلَّا مِنْ بَعْدِ مِلْكٍ.

(The book) ‘Qurb Al Isnaad’ – By this chain,

He^{-asws} said: ‘Ali^{-asws} said: ‘There is no divorce except from after marriage, nor any liberation except from after ownership’.⁸⁶⁹

5 نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع مِثْلُهُ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain, from Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws}, similar to it.⁸⁷⁰

6- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع قَالَ: لَا يَجُوزُ فِي الْعَتَاقِ الْأَعْمَى وَالْأَعْوَرُ وَالْمُفْعَدُ وَالْأَسْلُ وَالْأَعْرَجُ.

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws} said: ‘It is not valid in the liberation – the blind, and the one-eyed, and the crippled, and it is valid, the lame and the paralysed’.⁸⁷¹

7- ب، قرب الإسناد عَلِيٌّ ع عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ الظَّهَارِ هَلْ يَجُوزُ فِيهِ عَتَقُ صَبِيٍّ

(The book) ‘Qurb Al Isnaad’ -

⁸⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 1

⁸⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 2

⁸⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 3

⁸⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 4

⁸⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 5

⁸⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 6

Ali, from his brother (Musa Al-Kazim^{-asws}), said, 'I asked him^{-asws} about the Zihar, 'Is it allowed in it liberation of a young child (as expiation)?'

قَالَ إِذَا كَانَ مَوْلُوداً وَلِدَ فِي الْإِسْلَامِ أَجْزَأُهُ.

He^{-asws} said: 'When it was a new-born, born in Islam, it will suffice'.⁸⁷²

8- وَ سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عَتَقٌ نَسَمَةٍ أَوْ يُجْزِي عَنْهُ أَنْ يُعْتِقَ أَعْرَجٌ أَوْ أَشْلٌ

And I asked him^{-asws} about a man upon him is to liberate a person, 'Is it sufficient for him if he were to liberate a lame or paralysed?'

قَالَ إِذَا كَانَ مِنْ بَيْعٍ أَجْزَأُ عَنْهُ إِلَّا أَنْ يَكُونَ وَقَّتَ عَلَى نَفْسِهِ شَيْئاً فَعَلَيْهِ مَا وَقَّتَ.

He^{-asws} said: 'If he was from the one who can be sold, he will be sufficed from it except if he happens to have specified something upon himself, upon him is what he has specified'.⁸⁷³

9- وَ سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عَتَقٌ رَقَبَةٍ أَيْهُمَا أَفْضَلُ أَنْ يُعْتِقَ شَيْخاً كَبِيراً أَوْ شَاباً جَلِداً

And I asked him^{-asws} about a man upon whom is liberation of a neck, 'Which of the two is better, if he liberates an aged old man or a strong youth?'

قَالَ أَعْتَقَ مَنْ أَعْنَى نَفْسَهُ الشَّيْخُ الضَّعِيفُ أَفْضَلُ مِنَ الشَّابِّ الْجَلْدِ.

He^{-asws} said: 'It is better for the self-sufficient one to liberate the weak is better than the strong youth'.⁸⁷⁴

10- وَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ نِصْفَ مَمْلُوكِهِ وَ هُوَ صَحِيحٌ مَا خَالَهُ

And I asked him^{-asws} about a man who liberates half of his slave, and he is healthy, 'What is his state?'

قَالَ يَعْتِقُ النِّصْفَ وَ يُسْتَسْعَى فِي النِّصْفِ الْآخَرِ يُقَوِّمُ قِيَمَةَ عَدْلٍ.

He^{-asws} said: 'The half is liberated and he has to strive regarding the other half. He would be valued at a fair price'.⁸⁷⁵

11- سن، المحاسن عبد الله بن المغيرة و محمد بن سنان عن طلحة بن زيد عن أبي عبد الله ع عن أبيه ع قال: مَنْ تَصَدَّقَ بِصَدَقَةٍ ثُمَّ رَدَّتْ عَلَيْهِ فَلْيُعِدْهَا وَ لَا يَأْكُلْهَا لِأَنَّهُ لَا شَرِيكَ لِلَّهِ فِي شَيْءٍ مِمَّا يَجْعَلُ لَهُ إِنَّمَا هِيَ بِمَنْزِلَةِ الْعَتَايِ لَا يَصْلُحُ رَدُّهَا بَعْدَ مَا يُعْتَقُ.

⁸⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 7

⁸⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 8

⁸⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 9

⁸⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 10

(The book) 'Al Mahasin' – Abdullah Bin Al Mugheira, and Muhammad Bin Sinan, from Talha Bin Zayd,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws} having said: 'One who donates charity, then it is returned to him, let him repeat it and not consume it because there is no associate for Allah^{-azwj} regarding anything from what he makes for Him^{-azwj}. But rather, it is at the status of the liberation. It is not correct to return it after having liberated.'⁸⁷⁶

12- سن، المحاسن أبي عن ابن أبي عمير عن حماد بن عثمان عن أبي عبد الله ع قال: إذا عَمِيَ الغُلامُ عَتِقَ.

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

From Abu Abdullah^{-asws} having said: 'When the boy slave is blind, he is liberated'.⁸⁷⁷

13- ضا، فقه الرضا عليه السلام روي عن العالم أنه قال: لا عَتَقَ إِلَّا لِمُؤْمِنٍ مَنَ أَعْتَقَ رَقَبَةً مُؤْمِنَةً أَنْتَى كَانَتْ أَوْ ذَكَرًا أَعْتَقَ اللَّهُ بِكُلِّ غُضُوٍّ مِّنْ أَعْضَائِهِ غُضُوًّا مِنْهُ مِنَ النَّارِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It is reported from the Scholar (Imam^{-asws}), he^{-asws} said: 'There is no liberation except for a believer. One who liberates a believing neck, whether it was female or male, Allah^{-azwj} will Liberate for every limb from his limbs, a limb from him, from the Hellfire.

وَصِفَةُ كِتَابِ الْعَتَقِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مِنْ عَتَقِ فُلَانٍ بِنَ فُلَانٍ أَوْ فُلَانَةً غُلَامَهُ أَوْ جَارِيَتَهُ لَوَجْهِ اللَّهِ - لَا يُرِيدُ مِنْهُ جَزَاءً وَ لَا شُكُورًا عَلَى أَنْ يُقِيمَ الصَّلَاةَ وَ يُؤْتِيَ الزَّكَاةَ وَ يَحُجَّ الْبَيْتَ وَ يَصُومَ شَهْرَ رَمَضَانَ وَ يَتَوَلَّى أَوْلِيَاءَ اللَّهِ وَ يَتَرَكَ مِنْ أَعْدَاءِ اللَّهِ

And the description of the agreement of liberation is – 'In the Name of Allah^{-azwj} the Beneficent, the Merciful! This is a liberation (agreement) from so and so, son of so and so (or from so and so female), or his slave or slave woman, for the Face of Allah^{-azwj}. He neither intends any Recompense from it nor Appreciation, based upon that he will establish the Salat, and give the Zakat, and perform Hajj of the House (Kabah), and fast the month of Ramazan, and befriend the friends of Allah^{-azwj} and disavow from the enemies of Allah^{-azwj}.

وَ لَا يَكُونُ الْعَتَقُ إِلَّا لَوَجْهِ اللَّهِ خَالِصَةً وَ لَا عَتَقَ لِغَيْرِ اللَّهِ وَ لَا يَحِينَ فِي اسْتِكْرَاهٍ وَ لَا عَلَى سُكْرِ وَ لَا عَلَى عَصَبِيَّةٍ وَ لَا عَلَى مَعْصِيَةٍ.

And the liberation cannot happen except for the Face of Allah^{-azwj} purely, nor liberation for other than Allah^{-azwj}, nor an oath during coercion, nor upon intoxicant, nor upon prejudice, nor upon disobedience.⁸⁷⁸

NB: Hadeeth no. 14 is missing

15- شي، تفسير العياشي عن معمر بن يحيى قال: سألت أبا عبد الله ع عن الرجل يُطَاهِرُ امْرَأَتَهُ بِجُورٍ عَتَقَ الْمُؤَلَّدُ فِي الْكُفَّارَةِ

Tafseer Al Ayyashi – From Ma'mar Bin Yahya who said,

⁸⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 11

⁸⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 12

⁸⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 13

'I asked Abu Abdullah^{asws} about the man who does Zihar to his wife, 'Does it suffice in expiation the liberation of the new-born'.

فَقَالَ كُلُّ الْعَتَقِ يَجُوزُ فِيهِ الْمَوْلُودُ إِلَّا فِي كَفَّارَةِ الْقَتْلِ فَإِنَّ اللَّهَ يَقُولُ - فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ يَغْنِي مَقْرَّةً وَ قَدْ بَلَغَتْ الْحِنْثَ.

He^{asws} said: 'Every liberation, the new-born suffices in it except expiation of the murder, for Allah^{azwj} Says: **and freeing a Momin slave [4:92]** – meaning an acknowledged (of faith), and has reached the age of responsibility'.⁸⁷⁹

16- شي، تفسير العياشي عَنْ كُرْدَوَيْهِ الْهَمْدَانِيِّ عَنْ أَبِي الْحُسَيْنِ ع فِي قَوْلِ اللَّهِ تَعَالَى فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ كَيْفَ يُغْرِفُ الْمُؤْمِنَةُ

Tafseer Al Ayyashi – From Kurdawayh Al Hamdani,

From Abu Al-Hassan^{asws} regarding Words of Allah^{azwj} the Exalted: **and freeing a Momin slave [4:92]**, 'How is the Momin slave recognised?'

قَالَ عَلَى الْفُطْرَةِ.

He^{asws} said: 'Upon the natural disposition'.⁸⁸⁰

17- شي، تفسير العياشي عَنِ السَّكُونِيِّ عَنْ جَعْفَرٍ عَنْ أَبِيهِ عَنْ عَلِيٍّ ع قَالَ: الرَّقَبَةُ الْمُؤْمِنَةُ الَّتِي ذَكَرَ اللَّهُ إِذَا عَقَلَتْ وَ النَّسَمَةُ الَّتِي لَا تَعْلَمُ إِلَّا مَا فُلَّتُهُ وَ هِيَ صَغِيرَةٌ.

Tafseer Al Ayyashi – From Al Sakuni,

From Ja'far^{asws}, from his^{asws} father^{asws}, from Ali^{asws} having said: 'The Momin neck, which Allah^{azwj} has Mentioned, is when it has attained understanding, and the person who does not know except what has been said to him, and it is small'.⁸⁸¹

18- ين، كتاب حسين بن سعيد و النوادر عَنْ حَمَّادٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ أَعْتَقَ مَا لَا يَمْلِكُ فَهُوَ بَاطِلٌ وَ كُلُّ مَنْ قَبَلْنَا يَقُولُونَ - لَا طَلَاقَ وَ لَا عَتَاقَ إِلَّا بَعْدَ مَا يَمْلِكُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Hammad, from Abu Baseer,

From Abu Abdullah^{asws} having said: 'One who liberates what he does not own, it is invalid, and all the ones before us are saying, 'There is neither divorce nor liberation except after ownership (possession)'.⁸⁸²

19- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْخَلَّيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يُجْزِي فِي الْقَتْلِ إِلَّا رَجُلٌ وَ يُجْزِي فِي الظَّهَارِ وَ كَفَّارَةِ الْيَمِينِ صَبِيٌّ.

⁸⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 15

⁸⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 16

⁸⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 17

⁸⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 18

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad, from Al Halby,

From Abu Abdullah^{-asws} having said: 'It does not suffice (as expiation) regarding the murder except a man, and regarding the Zihar and expiation of the oath, a young boy would suffice (for liberation)'.⁸⁸³

20- ين، كتاب حسين بن سعيد و النوادر عن أبي بصير عن معمر بن يحيى عن أبي عبد الله ع قال: كُلُّ الْعَتَقِ يَجُوزُ فِيهِ الْمُؤَلُّودُ إِلَّا فِي كَفَّارَةِ الْقَتْلِ فَإِنَّهُ لَا يَجُوزُ إِلَّا مَا قَدْ بَلَغَ وَ أَذَرَكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Abu Baseer, from Ma'mar Bin Yahya,

From Abu Abdullah^{-asws} having said: 'Every liberation, the new-born, suffices in it except in expiation of the murder, for it is not allowed except what has matured and is an adult'.

قُلْتُ قَوْلُ اللَّهِ فَتَحْرِيرُ رَقَبَةٍ مُؤَمَّنَةٍ

I said, '(What about) Words of Allah^{-azwj}: **and freeing a Momin slave [4:92]?**'

قَالَ عَنِّي بِذَلِكَ مُقَرَّرٌ.

He^{-asws} said: 'It means by that an acknowledged (of faith)'.⁸⁸⁴

21- كِتَابُ الْغَايَاتِ، قَالَ عَلِيٌّ ع أَنَا أَعْلَمُ بِشِرَارِكُمْ مِنَ الْبَيْطَارِ بِالذَّابَةِ شِرَارِكُمْ الَّذِينَ لَا يُعْتِقُونَ مُحَرَّرَهُمْ

(The book) 'Kitab Al Gayaat' -

Ali^{-asws} said: 'I^{-asws} know your evil ones more than the veterinarian knows the animals! Your evil ones are those who are not liberating your freed ones!'

قَالَ قُلْتُ وَ كَيْفَ ذَلِكَ

He said, 'I said, 'And how can that be so?'

قَالَ يُعْتِقُونَ النَّسَمَةَ ثُمَّ يَسْتَخْلِفُونَهَا وَ الْحَدِيثُ مُخْتَصَرٌ.

He^{-asws} said: 'They are freeing the person, then they are making them serve!' – and the Hadeeth is brief.⁸⁸⁵

22- د، العدد القوية قَالَ أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ جَرِيرٍ بْنُ رُسْتَمٍ الطَّبْرِيُّ لَيْسَ التَّارِيخِيُّ لَمَّا وَرَدَ سَبِيُّ الْفُرْسِ إِلَى الْمَدِينَةِ أَرَادَ عُمَرُ بْنُ الْخَطَّابِ بَيْعَ الْبَسَاءِ وَ أَنَّ يَجْعَلَ الرِّجَالُ عَبِيداً فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع إِنَّ رَسُولَ اللَّهِ ص قَالَ أَكْرَمُوا كَرِيمَ كُلِّ قَوْمٍ

⁸⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 19

⁸⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 20

⁸⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 21

(The book) 'Al Adad Al Qawiya – Abu Ja'far Muhammad Bin Jareer Bin Rustum Al Tabari, not the historian, said,

'The Persian captives arrived to Al-Medina. Umar Bin Al-Khattab wanted to sell the women and to make the men slaves. Amir Al-Momineen^{-asws} said to him: 'Rasool-Allah^{-saww} said: 'Honour every people!'

فَقَالَ عُمَرُ قَدْ سَمِعْتُهُ يَقُولُ إِذَا أَنْتُمْ كَرِمْتُمْ كُلٌّ قَوْمٌ فَأَكْرَمُوهُ وَإِنْ خَالَفَكُمْ

Umar said, 'I have heard him^{-saww} saying: 'Whenever the honourable one of every people come to you, honour him, and even if he opposes you'.

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع هَؤُلَاءِ قَوْمٌ قَدْ أَلْقَوْا إِلَيْكُمْ السَّلَامَ وَ رَغِبُوا فِي الْإِسْلَامِ وَ لَا بُدَّ مِنْ أَنْ يَكُونَ لِي فِيهِمْ ذُرِّيَّةٌ وَ أَنَا أَشْهَدُكَ أَنْتَ قَدْ أَعْتَقْتَ نَصِيبِي مِنْهُمْ لَوَجْهِ اللَّهِ تَعَالَى

Amir Al-Momineen^{-asws} said to him: 'They are a people who have cast Islam to you, and they are desirous regarding Islam (becoming Muslims), and there is no escape from there being offspring for me^{-asws} among them, and I^{-asws} keep Allah^{-azwj} as Witness, and I^{-asws} keep you all as witnesses! I^{-asws} hereby liberate my^{-asws} share from them for the Face (Sake) of Allah^{-azwj} the Exalted.

فَقَالَ جَمِيعُ بَنِي هَاشِمٍ قَدْ وَهَبْنَا حَقَّنَا أَيْضاً لَكَ

Jumie Bin Hashim said, 'We hereby gift (forego) our rights as well, to you^{-asws}'.

فَقَالَ اللَّهُمَّ اشْهَدْ أَنِّي قَدْ أَعْتَقْتُ مَا وَهَبُونِي لَوَجْهِ اللَّهِ

He^{-asws} said, 'O Allah^{-azwj}! I^{-asws} testify that I^{-asws} hereby liberate what you have gifted to me^{-asws}, for the Face of Allah^{-azwj}!'

فَقَالَ الْمُهَاجِرُونَ وَ الْأَنْصَارُ قَدْ وَهَبْنَا حَقَّنَا لَكَ يَا أَخَا رَسُولِ اللَّهِ

The Emigrants and the Helpers said, 'We hereby gift our rights to you, O brother^{-asws} of Rasool-Allah^{-saww}!'

فَقَالَ اللَّهُمَّ اشْهَدْ أَنَّهُمْ قَدْ وَهَبُوا لِي حَقَّهُمْ وَ قَبْلَتُهُ وَ أَشْهَدُكَ أَنْتَ قَدْ أَعْتَقْتَهُمْ لَوَجْهِكَ

He^{-asws} said: 'O Allah^{-azwj}! I^{-asws} testify they have gifted their rights to me^{-asws}, and I^{-asws} accept it, and I^{-asws} testify I^{-asws} have hereby liberated them for Your^{-azwj} Face!'

فَقَالَ عُمَرُ لِمَ تَقْضُ عَلَيَّ عَزْمِي فِي الْأَعَاجِمِ وَ مَا الَّذِي رَغِبْتَ عَنْ رَأْيِي فِيهِمْ

Umar said, 'Why did you^{-asws} break my determination upon me regarding the non-Arabs (Persians), and what is that which turned you^{-asws} away from my opinion regarding them?'

فَأَعَادَ عَلَيْهِ مَا قَالَ رَسُولُ اللَّهِ فِي إِكْرَامِ الْكُرَمَاءِ فَقَالَ عُمَرُ قَدْ وَهَبْتُ لِلَّهِ وَ لَكَ يَا أَبَا الْحَسَنِ مَا يُخْصِنِي وَ سَائِرَ مَا لَمْ يُوْهَبْ لَكَ

He^{-asws} repeated to him what Rasool-Allah^{-saww} had said regarding honouring the honourable ones. Umar said, 'I hereby gift to Allah^{-azwj} and to you^{-asws}, O Abu Al-Hassan^{-asws}, what is specific to me and rest of what has not been gifted to you^{-asws}'.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ عَ اللَّهُمَّ اشْهَدْ عَلَيَّ مَا قَالُوا وَ عَلَيَّ عِتْقِي إِيَّاهُمْ

Amir Al-Momineen^{-asws} said: 'O Allah^{-azwj}! Be Witness upon what they have said, and upon my^{-asws} liberating them!'

فَرَعِبَ جَمَاعَةٌ مِنْ قُرَيْشٍ فِي أَنْ يَسْتَنْكِحُوا النِّسَاءَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ عَ هَؤُلَاءِ لَا يُكْرَهُنَّ عَلَى ذَلِكَ وَ لَكِنْ يُخَيَّرْنَ فَمَا اخْتَرَتْهُ عَمِلَ بِهِ

A group of Qureysh desired in marrying the women. Amir Al-Momineen^{-asws} said: 'They will not be coerced upon that, but they will be given the choice. Whatever they choose will be actioned with'.

فَأَشَارَ جَمَاعَةٌ إِلَى شَهْرَبَانُوَيْهِ بِنْتِ كِسْرَى فَخَيَّرَتْ وَ حُوطِبَتْ مِنْ وَرَاءِ الْحِجَابِ وَ الْجَمْعُ حُضُورٌ فَقِيلَ لَهَا مَنْ تَخْتَارِينَ مِنْ حُطَّابِكَ وَ هَلْ أَنْتِ مِمَّنْ تُرِيدِينَ
بَعْلًا

A group indicated to Shehrbanuwayh^{-as}, daughter of Chosroe. She^{-as} was given the choice, and proposed to from behind the veil, and the crowd was present. It was said to her^{-as}, 'Whom do you^{-as} choose, from your^{-as} proposers, and are you^{-as} from the ones who want a husband?'

فَسَكَتَتْ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ عَ قَدْ أَرَادَتْ وَ بَقِيَ الْإِخْتِيَارُ

She^{-as} was silent. Amir Al-Momineen^{-asws} said: 'She^{-as} does want, and the choosing remains'.

فَقَالَ عُمَرُ وَ مَا عَلِمْتُكَ بِإِزَادَتِهَا الْبَعْلَ

Umar said, 'And what makes you^{-asws} know of her^{-as} wanting the husband?'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ إِنَّ رَسُولَ اللَّهِ ص كَانَ إِذَا أَتَتْهُ كَرِيمَةٌ قَوْمٍ لَا وَلِيَّ لَهَا وَ قَدْ حُطِبَتْ يَأْمُرُ أَنْ يُقَالَ لَهَا أَنْتِ رَاضِيَةٌ بِالْبَعْلِ فَإِنْ اسْتَحْيَتْ وَ سَكَتَتْ جَعَلَتْ [جَعَلَ] إِذْهَا صَمَاتُهَا [صَمْتَهَا] وَ أَمَرَ بِتَزْوِجِهَا وَ إِنْ قَالَتْ لَا لَمْ تُكْرَهُ عَلَى مَا تَخْتَارُهُ

Amir Al-Momineen^{-asws} said: 'Rasool-Allah^{-saww} said: 'It was so, whenever an honourable woman of a people was brought to him^{-saww}, there being no guardian for her, and she was proposed to, he^{-saww} instructed that it be said to her, 'Do you agree to have a husband?' If she is embarrassed and remains silent, her silence was made to be her permission, and he^{-saww} instructed with her being married; and if she says, 'No', she would not be coerced upon what she chooses.

وَ إِنَّ شَهْرَبَانُوَيْهِ أُرِيَتْ الْحُطَّابَ فَأَوْمَأَتْ بِيَدِهَا وَ اخْتَارَتْ الْحُسَيْنَ بْنَ عَلِيٍّ عَ فَأَعِيدَ الْقَوْلُ عَلَيْهَا فِي التَّخْيِيرِ فَأَشَارَتْ بِيَدِهَا وَ قَالَتْ يَلْعَنُهَا هَذَا إِنْ كُنْتُ مُحَيَّرَةً

And Shehrbanuwayh^{-as} was shown the suitors, so she^{-as} gestured by her^{-as} hand and chose Al-Husayn^{-asws} Bin Ali^{-asws}. He^{-asws} repeated the word to her^{-asws} regarding the choosing, and she^{-as} indicated by her^{-as} hand and said in her^{-asws} language, 'This is the one I^{-asws} choose!'

وَجَعَلَتْ أَمِيرَ الْمُؤْمِنِينَ وَلِيَّهَا وَتَكَلَّمَ حَدِيثُهُ بِالْخُطْبَةِ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع مَا اسْمُكَ

And she^{as} made Amir Al-Momineen^{asws} her^{as} guardian, and Huzeyfa spoke with the proposal. Amir Al-Momineen^{asws} said: 'What is your^{as} name?'

فَقَالَتْ شَاهَزَنَانُ بِنْتُ كِسْرَى

She^{as} said: 'Shahzanan daughter of Chosroe!'

قَالَ أَمِيرُ الْمُؤْمِنِينَ ع نَه شَاه زَنَان نِيَسْت مَكْر دَخْتَر مُحَمَّد ص وَ هِيَ سَيِّدَةُ النِّسَاءِ أَنْتِ شَهْرَبَانُوَيْه وَ أُخْتُكَ مُرَوَّارِدُ بِنْتُ كِسْرَى

Amir Al-Momineen^{asws} said (in Persian) 'No! There isn't any 'lady of the women' (Shahzanan) except the daughter^{asws} of Muhammad^{saww}, and she^{asws} is chieftess of the women! You^{as} as 'Shehrbanuwayh', and your^{as} sister is 'Marwareed' daughter of Chosroe!'

قَالَتْ أَرِيه.

She^{as} said (in Persian), 'Yes''⁸⁸⁶

باب 122 التدبير

CHAPTER 122 – THE MANAGEMENT

1- ب، قرب الإسناد أَبُو الْبَحْتَرِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ عَنِ عَلِيِّ ع قَالَ: مَا وَلَدَتِ الضَّعِيفَةُ الْمُعْتَقَةَ عَنْ دُبُرِ بَعْدِ التَّدْبِيرِ فَهِيَ بِمَنْزِلَتِهَا يَرْقُونَ بِرِقِّهَا وَ يُعْتَقُونَ بِعِتْقِهَا وَ مَا وَلَدَ قَبْلَ ذَلِكَ فَهُمْ مَمَالِكُ لَا يَرْقُونَ بِرِقِّهَا وَ لَا يُعْتَقُونَ بِعِتْقِهَا.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}, from Ali^{asws} having said: 'Whatever the weak slave woman who has been liberated through management (Tadbeer) gives birth to after the management of 'Tadbeer', her children are in her same position; they remain enslaved with her enslavement and are freed with her freedom. But whatever she gave birth to before that, they are slaves who are not bound by her enslavement and are not freed by her freedom'.⁸⁸⁷

2- ب، قرب الإسناد عَلِيُّ ع عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ إِذَا مِتُّ فَجَارِيَتِي فَلَانَتْ حُرَّةً فَعَاشَ حَتَّى وَلَدَتْ الْجَارِيَةَ أَوْلَادًا ثُمَّ مَاتَ مَا خَالَهَا

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{asws}), he said, 'I asked him^{asws} about a man who says, 'When I die, my so and so slave girl is free'. He lived until the slave girl gave birth to children. Then he died. What is her state?'

⁸⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 22

⁸⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 1

قَالَ عَتَقَتِ الْجَارِيَّةُ وَ أَوْلَادُهَا تَمَالِيكَ.

He^{-asws} said: 'The slave girl is liberated and her children are slaves'.⁸⁸⁸

3- ضا، فقه الرضا عليه السلام التَّذْيِيرُ أَنْ يَقُولَ الرَّجُلُ لِعَبْدِهِ أَوْ لِأَمَتِهِ أَنْتَ مُدَبَّرٌ فِي حَيَاتِي وَ خُرٌّ بَعْدَ مَوْتِي عَلَى سَبِيلِ الْعِتْقِ - لَا يُرِيدُ بِذَلِكَ الْإِضْرَارَ إِلَّا مَا شَرَحْنَاهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'The management (Tadbeer) is the man saying to his slave or to his slave woman, 'You are managed during my lifetime, and free after my death upon the way of liberation', not intending by that the harming except what we have explained.

وَالْمُدَبَّرُ مَمْلُوكٌ لِلْمُدَبِّرِ فَإِنْ كَانَ مُؤْمِنًا لَمْ يُجْزَ لَهُ بَيْعُهُ وَ إِنْ لَمْ يَكُنْ مُؤْمِنًا جَازَ بَيْعُهُ عَلَى مَا أَرَادَ الْمُدَبِّرُ مَا دَامَ وَ هُوَ حَيٌّ لَا سَبِيلَ لِأَحَدٍ عَلَيْهِ.

And the managed slave is the property of the manager (master). If he were a believer, it is not allowed for him to sell him, and if he does not happen to be a believer, it is allowed to sell him based upon the intention of the manager, for as long as he is alive, there being no way for anyone to him.⁸⁸⁹

4- وَ نَرَوِي أَنَّ عَلَى الْمُدَبِّرِ إِذَا بَاعَ الْمُدَبَّرَ أَنْ يَشْتَرِطَ عَلَى الْمُشْتَرِي أَنْ يُعْتِقَهُ عِنْدَ مَوْتِهِ.

And we are reporting that it is upon the manager, when the manager (master) sells, to stipulate conditions upon the buyer to liberate him upon his death'.⁸⁹⁰

باب 123 المكاتبة و أحكامها

CHAPTER 123 – CONTRACTUAL LIBERATION AND ITS RULINGS

1- فس، تفسير القمي وَ الَّذِينَ يَبْتَغُونَ الْكِتَابَ بِمَا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا

Tafseer Al Qummi - **And those who are seeking the written agreement from what your right hands possess, so write it for them, if you know goodness to be in them [24:33].**

فإن العبيد و الإمام كانوا يقولون لأصحابهم كاتبونا و معنى ذلك أنهم يشترون أنفسهم من أصحابهم على أن يؤدوا ثمنهم في نجمين أو ثلاثة فيمتمنعون عليهم - فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا

The slave men and the slave women were saying to their masters, 'Contract with us', and the meaning of that is they could be buying themselves from their masters upon that they would pay their price in two or three instalments, and they were refusing upon them, **so write it for them, if you know goodness to be in them [24:33].**

⁸⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 2

⁸⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 3

⁸⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 4

و معنى قوله وَ آتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ قَالَ إِذَا كَاتَبْتَهُمْ تَجْعَلْ لَهُمْ مِنْ ذَلِكَ شَيْئاً.

And the meaning of His^{azwj} Words: **and give them from the wealth which Allah Gave you [24:33]**. He said, 'When you contract them, make something to be for them from that'.⁸⁹¹

2- ب، قرب الإسناد ابْنُ طَرِيفٍ عَنِ ابْنِ عُلوَانَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيّاً ع كَانَ يُؤْجَلُ الْمُكَاتَبُ بَعْدَ مَا يَعْجِزُ عَامَيْنِ مَعْلُومَةً فَإِنْ أَقَامَ بِحُرِّيَّتِهِ وَ إِلَّا رَدَّهُ رَقِيقاً.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} used to defer the contractual payments after it became clear that he was unable to pay for two years. If he managed to maintain his freedom, well and good; otherwise, he would be returned as a slave.⁸⁹²

3- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ رَجُلًا كَاتَبَ عَبْدًا لَهُ وَ شَرَطَ عَلَيْهِ أَنْ لَهُ مَالُهُ إِذَا مَاتَ فَسَعَى الْعَبْدُ فِي كِتَابَتِهِ حَتَّى أُعْتِقَ ثُمَّ مَاتَ

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtary,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'A man had contracted a slave of his and stipulated upon him that for him (master) would be his wealth (of the slave) if he dies. So, the slave strived in his contract until he was liberated. Then he (slave) died.

فَرَفَعَ ذَلِكَ إِلَى عَلِيٍّ ع وَ قَامَ أَقَارِبُ الْمُكَاتَبِ فَقَالَ لَهُ سَيِّدُ الْمُكَاتَبِ يَا أَمِيرَ الْمُؤْمِنِينَ فَمَا يَنْفَعُنِي شَرْطِي

That was raised to Ali^{asws}, and the relatives of the contracted (slave) stood. The master of the contracted (slave) said to him^{asws}, 'O Amir Al-Momineen^{asws}! My condition did not benefit me!'

قَالَ عَلِيٌّ ع شَرَطُ اللَّهِ عَزَّ وَ جَلَّ قَبْلَ شَرْطِكَ.

Ali^{asws} said: 'The Condition of Allah^{azwj} Mighty and Majestic is before your condition'.⁸⁹³

4- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيّاً ع كَانَ يُؤْجَلُ الْمُكَاتَبُ بَعْدَ مَا يَعْجِزُ عَامَيْنِ يَتَلَوَّمُهُ فَإِنْ أَذَى وَ إِلَّا رَدَّهُ رَقِيقاً.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had respited the contracted after he was unable for two years to give him leeway. Either he pays off or else he^{asws} returned him as a slave.⁸⁹⁴

⁸⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 1

⁸⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 2

⁸⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 3

⁸⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 4

5- ب، قرب الإسناد علي عن أخيه ع قال: سألتُه عن مُكاتبٍ بينَ قَوْمٍ أعتَقَ بَعْضُهُمْ نَصيبَهُ ثُمَّ عَجَزَ الْمُكَاتِبُ بَعْدَ ذَلِكَ مَا خَالَهُ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the contracted between a group. One of them liberates his share, then the contracted is unable after that, 'What is his state?'

قَالَ يُعْتَقُ مَا يُعْتَقُ ثُمَّ يُسْتَسْعَى فِيمَا بَقِيَ.

He^{-asws} said: 'He is liberated what he had liberated, then he has to strive regarding what remains'.⁸⁹⁵

6- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ كَاتَبَ مَمْلُوكَهُ فَقَالَ بَعْدَ مَا كَاتَبَهُ هَبَ لِي بَعْضاً وَ أُعْجِلْ لَكَ مُكَاتِبَتِي أَ يَحِلُّ ذَلِكَ

And I asked him^{-asws} about a man who contracted his slave. He said after contracting him, 'Gift to me part and I shall defer my contractual payments for you', 'Is that lawful?'

قَالَ إِنْ كَانَ هَبَةً فَلَا بَأْسَ وَ إِنْ قَالَ تَخْطُ عَنِّي وَ أُعْجِلْ لَكَ فَلَا يَصْلُحُ.

He^{-asws} said: 'If he had gifted, there is no problem, and if he says, 'Drop off from me and I shall defer for you', it is not correct'.⁸⁹⁶

7- قَالَ: وَ سَأَلْتُهُ عَنْ مُكَاتِبٍ أَدَّى نِصْفَ مُكَاتِبَتِهِ أَوْ بَعْضَهَا ثُمَّ مَاتَ وَ تَرَكَ وُلْدًا وَ مَالًا كَثِيرًا قَالَ إِذَا أَدَّى النِّصْفَ عَتَقَ وَ يُؤَدَّى عَنْ مُكَاتِبَتِهِ مِنْ مَالِهِ وَ مِيرَاثُهُ لَوُلْدِهِ.

He said, 'And I asked him^{-asws} about a contracted, having paid half of his contractual payment, or part of it, then he dies and leaves behind children and a lot of wealth. He^{-asws} said: 'When he has paid half, he is liberated, and he will have to pay his contractual payment from his wealth, and his inheritance is for his children'.⁸⁹⁷

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ يُكَاتِبُ مَمْلُوكَهُ عَلَى وَصِيْفٍ أَوْ يَصْمُنُ عَنْهُ غَيْرُهُ أَ يَصْلُحُ ذَلِكَ

He said, 'And I asked him^{-asws} about a man contracting his slave upon an agent or someone else as a guarantor on his behalf, 'Is that correct?'

قَالَ إِذَا كَانَ حُجَايَةً أَوْ رُبَاعِيًّا أَوْ غَيْرَ ذَلِكَ فَلَا بَأْسَ.

He^{-asws} said: 'When it was a fifth, or a quarter or other than that, there is no problem'.⁸⁹⁸

⁸⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 5

⁸⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 6

⁸⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 7

⁸⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 8

9- ضا، فقه الرضا عليه السلام و المكاتب حُكْمُهُ فِي الرِّقِّ وَ الْمُوَارِيثِ حُكْمُ الرِّقِّ إِلَى أَنْ يُؤَدِّيَ الرِّصْفَ مِنْ مُكَاتَبَتِهِ فَإِذَا أَدَّى الرِّصْفَ صَارَ حُكْمُهُ حُكْمَ الْحُرِّ لِأَنَّ الْحُرِّيَّةَ إِذَا صَارَتْ وَ الْعُبُودِيَّةُ سَوَاءً غَلَبَتِ الْحُرِّيَّةُ عَلَى الْعُبُودِيَّةِ فَصَارَ حُرّاً فِي نَفْسِهِ

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} - 'The ruling of the contracted regarding slavery and inheritance is the same as that of a slave until he pays half of his contract. When he has paid half, his ruling becomes that of a free man, because when freedom and slavery are equal, freedom prevails over slavery, so he becomes free in himself.

وَ أَنَّهُ إِذَا أُعْتِقَ عَتَقَهُ أَجَارَ فَإِنْ شَرَطَ أَنَّهُمْ أَحْرَارٌ فَالْشَّرْطُ أَمْلَكَ وَ عَلَى مَا بَقِيَ مِنَ الْمُكَاتَبَةِ أَذَاهُ حَتَّى يَسْتَتِمَ مَا وَقَعَتِ الْمُكَاتَبَةُ عَلَيْهِ وَ إِنَّمَا بَلَغَتِ الْحُرِّيَّةُ فِي الرِّصْفِ وَ مَا بَعْدَهُ إِذَا لَمْ يُمْكِنْهُ إِذَا يَبْقَى عَلَيْهِ كَانَ مَمْنُوعاً مِنَ الْبَيْعِ وَ إِنْ مَاتَ أُجْرِي بِحُرِّيَّةِ الْأَحْرَارِ وَ بِاللَّهِ التَّوْفِيقُ.

If his liberation is declared, it is valid, and if it is stipulated that they are free, then the stipulation has greater authority. For the remainder of the contract, he must continue to pay until he completes the full amount agreed upon. Freedom takes effect once half is paid and thereafter. If he cannot complete what remains, he cannot be sold. If he dies, he is treated as free. And with God lies success'.⁸⁹⁹

10- نَوَادِيرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَوْ أَنَّ مُكَاتَباً أَدَّى مُكَاتَبَتَهُ ثُمَّ بَقِيَ عَلَيْهِ وَفِيَّةٌ رُدَّ فِي الرِّقِّ.

(The book) 'Nawadir' of Al Rawandi – By his chain,

From Musa^{asws} Bin Ja'far^{asws}, from his^{asws} forefathers^{asws} having said: 'Rasool-Allah^{saww} said: 'If a contracted pays off his contract, then an ounce remains upon him, he will be returned to slavery'.⁹⁰⁰

11- وَ هَذَا الْإِسْنَادُ قَالَ قَالَ عَلِيُّ ع فِي مُكَاتَبَةٍ أَعَانَهَا زَوْجُهَا عَلَى كِتَابَتِهَا حَتَّى عَتَقَتْ - لَا خِيَارَ لَهَا.

And by this chain, he^{asws} said: 'Ali^{asws} said: 'Regarding the contracted female, her husband assisted her upon her contract until she is liberated, there is no choice for her (in annulment of the marriage)'.⁹⁰¹

12- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ بِإِسْنَادِهِ عَنِ الْحَارِثِ بْنِ كَعْبٍ عَنْ أَبِيهِ قَالَ: كَتَبَ مُحَمَّدُ بْنُ أَبِي بَكْرٍ إِلَى أَمِيرِ الْمُؤْمِنِينَ ع يَسْأَلُهُ عَنْ مُكَاتَبٍ مَاتَ وَ تَرَكَ مَالاً وَ وُلِدَ فَكُتِبَ عَ إِنْ كَانَ تَرَكَ وَفَاءً بِمُكَاتَبَتِهِ فَهُوَ غَرِيمٌ بِيَدِ مَوَالِيهِ فَيَسْتَوْفُونَ مَا بَقِيَ مِنَ مُكَاتَبَتِهِ وَ مَا بَقِيَ فَلْيُؤَدِّهِ.

(The book) 'Kitab Al Garaat' of Ibrahim Bin Muhammad Al Saqafy – By his chain, from Al Haris Bin Ka'ab, from his father who said,

'Muhammad Bin Abu Bakr wrote to Amir Al-Momineen^{asws} asking him^{asws} about a contracted one who dies and left behind wealth and children. He^{asws} wrote: 'If he has left wealth behind, his contractual obligations will be fulfilled for he is indebted in the hand of his guardians, so

⁸⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 9

⁹⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 10

⁹⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 11

they will be fulfilling whatever remains of his contract, and whatever remains is for his children'.⁹⁰²

باب 124 معنى المولى و فضل الإحسان إليه و معنى السابية

CHAPTER 124 – MEANING OF ‘AL MAWLA’ AND MERITS OF DOING GOOD TO IT, AND MEANING OF ‘AL-SA’IBA’

1- ب، قرب الإسناد ابن طريف عن ابن علقمان عن الصادق ع عن أبيه ع قال: قَالَ رَسُولُ اللَّهِ ص لِمَيْمُونَةَ بِنْتِ الْحَارِثِ مَا فَعَلْتَ بِحَارِثِكَ

(The book) ‘Qurb Al Isnaad’ – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘Rasool-Allah^{-saww} said to Maymouna^{-ra} daughter of Al-Haris: ‘What did you do with your^{-ra} slave girl?’

قَالَتْ أَعْتَقْتُهَا يَا رَسُولَ اللَّهِ ص

She^{-asws} said, ‘I^{-asws} liberated her, O Rasool-Allah^{-saww}!’

قَالَ إِنَّ كَانَتْ جِلْدَةً لَوْ كُنْتَ وَصَلْتَ بِهَا رَجُلًا.

He^{-saww} said: ‘It would have been sufficient as a merit if you^{-ra} had helped kindred with it!’⁹⁰³

2- ع، علل الشرائع علي بن حاتم عن الحسين بن محمد عن أحمد بن محمد السبائي عن العمري عن ذكره عن أبي عبد الله ع قال: قُلْتُ لِمَ قُلْتُمْ مَوْلَى الرَّجُلِ مِنْهُ

(The book) ‘Ilal Al Sharaie’ – Ali Bin Hatim, from Al Husayn Bin Muhammad, from Ahmad Bin Muhammad Bin Muhammad Al Sayyari, from Al Amraky, from the one who mentioned it,

From Abu Abdullah^{-asws}, he (the narrator) said, ‘I said, ‘Why did you^{-asws} say, ‘The ‘Mawla’ (slave) of the man is from him?’

قَالَ لِأَنَّهُ خُلِقَ مِنْ طِينَتِهِ ثُمَّ فُرِقَ بَيْنَهُمَا فَرَدَّهُ السَّبْيُ إِلَيْهِ فَعُطِفَ عَلَيْهِ مَا كَانَ فِيهِ مِنْهُ فَأَعْتَقَهُ فَلِذَلِكَ هُوَ مِنْهُ.

He^{-asws} said: ‘Because he (slave) was created from his clay (essence), then there was a separation between the two. So, the captive (slave) has been returned to him. It was inclined to him (master) whatever had been in him (slave) from him. He liberated him, so for that reason he (slave) is from him (master)’.⁹⁰⁴

3- ب، قرب الإسناد ابن سَعْدٍ عَنِ الْأَزْدِيِّ قَالَ: دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ ع وَ مَعِيَ عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ فَقَالَ لِي مَنْ هَذَا

⁹⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 12

⁹⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 1

⁹⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 2

(The book) 'Qurb Al Isnaad' – Ibn Sa'ad, from Al Azdy who said,

'I entered to see Abu Abdullah^{-asws} and with me was Ali Bin Abdul Aziz. He^{-asws} said to me: 'Who is this?'

فَقُلْتُ مَوْلَانَا

I said, 'Our (Mawla) slave'.

فَقَالَ أَعْتَقْتُمُوهُ أَوْ أَبَاهُ

He^{-asws} said: 'Did you free him or his father?'

I said, 'But, his father'.

فَقُلْتُ بَلْ أَبَاهُ فَقَالَ هَذَا لَيْسَ مَوْلَاكَ هَذَا أَحْوَكُ وَ ابْنُ عَمِّكَ إِنَّمَا الْمَوْلَى الَّذِي جَرَتْ عَلَيْهِ الْبَعْمَةُ فَإِذَا جَرَتْ عَلَى أَبِيهِ فَهُوَ أَحْوَكُ وَ ابْنُ عَمِّكَ.

He^{-asws} said: 'This isn't your 'Mawla'! This is your brother and your cousin. But rather, the 'Mawla' is the one upon whom the bounty (favour) is bestowed. When it flowed upon his father, he is your brother and your cousin.'⁹⁰⁵

4- مع، معاني الأخبار قَالَ الصَّادِقُ ع مَوْلَى الْقَوْمِ مِنْ أَنْفُسِهِمْ.

(The book) 'Ma'any Al Akhbaar' -

Al-Sadiq^{-asws} said: 'Mawla (slave) of a people is from themselves'.⁹⁰⁶

5- مع، معاني الأخبار ابْنُ الْمُتَوَكِّلِ عَنِ الْحَمِيرِيِّ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي الرَّبِيعِ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنِ السَّائِيَةِ فَقَالَ الرَّجُلُ يُعْنِقُ غُلَامَهُ وَ يَقُولُ لَهُ اذْهَبْ حَيْثُ شِئْتَ لَيْسَ لِي مِنْ مِيرَاثِكَ شَيْءٌ وَ لَا عَلَيَّ مِنْ جَرِيرَتِكَ شَيْءٌ

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Muhammad, from Ibn Mahboub, from Khalid Bin Jareer, from Abu Al Rabie who said,

'Abu Abdullah^{-asws} was asked about 'Al-Saiba'. He^{-asws} said: 'The man liberates his slave and says to him: 'Go wherever you like! There isn't anything for me from your inheritance, nor upon me is anything from your offences!'

قَالَ وَ يُشْهَدُ شَاهِدَيْنِ.

He^{-asws} said: 'He should keep two witnesses'.⁹⁰⁷

⁹⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 3

⁹⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 4

⁹⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 5

6- شي، تفسير العياشي عَنْ عَمَّارِ بْنِ أَبِي الْأَخْوَصِ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَنِ السَّائِيَةِ قَالَ انْظُرْ فِي الْقُرْآنِ فَمَا كَانَ فِيهِ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَتِلْكَ يَا عَمَّارُ السَّائِيَةُ الَّتِي لَا وِلَاءَ لِأَحَدٍ مِنَ النَّاسِ عَلَيْهَا إِلَّا اللَّهُ فَمَا كَانَ وَلَاؤُهُ لِلَّهِ فَهُوَ لِرَسُولِ اللَّهِ ص وَ مَا كَانَ وَلَاؤُهُ لِرَسُولِ اللَّهِ ص فَإِنَّ وَلَاءَهُ لِلْإِمَامِ وَ جَنَائَتُهُ عَلَى الْإِمَامِ وَ مِيرَاثُهُ لَهُ.

Tafseer Al Ayyashi – From Amman Bin Abu Al Ahwas who said, ‘

‘I asked Abu Ja’far^{-asws} about ‘Al Sa’aiba’. He^{-asws} said: ‘Look into the Quran. Whatever in it was: **and freeing a Momin slave [4:92]**, so that, O Ammar, is ‘Al-Saiba’ (woman) which there is no guardianship for anyone upon her except Allah^{-azwj}. So, whatever whose guardianship is for Allah^{-azwj}, it is for Rasool-Allah^{-saww}, and whatever whose guardianship is for Rasool-Allah^{-saww} his guardianship is for the Imam^{-asws}, and his offences are upon the Imam^{-asws} (to compensate), and his inheritance is for him^{-asws}’.⁹⁰⁸

باب 125 ما يجوز الحلف به من أسمائه تعالى و عقاب من حلف بالله كاذبا و ثواب الوفاء بالنذر و اليمين

CHAPTER 125 – WHAT IS ALLOWED TO SWEAR WITH HIS^{-azwj} NAMES, THE EXALTED, AND PUNISHMENT OF ONE WHO SWEARS BY ALLAH^{-azwj} FALSELY, AND REWARDS OF BEING LOYAL WITH THE VOW AND THE OATH

1- شاء، الإرشاد ج، الاحتجاج رَوَى الشَّعْبِيُّ أَنَّهُ سَمِعَ أَمِيرَ الْمُؤْمِنِينَ ع رَجُلًا يَقُولُ وَ الَّذِي اخْتَجَبَ بِسَبْعِ طَبَاقٍ

(The book) ‘Al Irshad’, (and) ‘Al Ihtijaz’ -

It is reported by Al-Shaby that Amir Al-Momineen^{-asws} heard a man saying, ‘By the One^{-azwj} Who is veiled by seven layers!’

فَعَلَاهُ بِالذِّرَّةِ ثُمَّ قَالَ يَا وَيْلَكَ إِنَّ اللَّهَ أَجَلُ مَنْ أَنْ يَخْتَجِبَ عَنْ شَيْءٍ أَوْ يَخْتَجِبَ عَنْهُ شَيْءٌ سُبْحَانَ الَّذِي لَا يَحْوِيهِ مَكَانٌ وَ لَا يَخْفَى عَلَيْهِ شَيْءٌ فِي الْأَرْضِ وَ لَا فِي السَّمَاءِ

He^{-asws} pained him with the whip, then said: ‘O woe be to you! Allah^{-azwj} is more Majestic than to be veiled from anything, or anything be veiled from Him^{-azwj}! Glorious is the One^{-azwj} Whom neither does a place contain, nor is anything hidden unto Him^{-azwj} in the earth, nor in the sky!’

The man said, ‘Shall I expiate of my swear, O Amir Al-Momineen^{-asws}?’

فَقَالَ الرَّجُلُ أَ فَأُكَفِّرُ عَنْ يَمِينِي يَا أَمِيرَ الْمُؤْمِنِينَ قَالَ لَا لَمْ تَحْلِفْ بِاللَّهِ فَتَلَزَمَكَ الْكُفَّارَةُ وَ إِنَّمَا حَلَفْتَ بِغَيْرِهِ.

He^{-asws} said: ‘No! You did not oath by Allah^{-azwj} so the expiation would necessitate you, but rather you swore an oath with other than Him^{-azwj}’.⁹⁰⁹

⁹⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 6

⁹⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 1

2- يد، التوحيد مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنِ إِسْحَاقَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ عَلِيٍّ عَنْ خَلْفِ بْنِ بِشْرِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ الْقُدُوسِ عَنْ أَبِي إِسْحَاقَ السَّيِّعِيِّ عَنِ الْحَارِثِ الْأَعْوَرِ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ أَنَّهُ دَخَلَ السُّوقَ فَإِذَا هُوَ بِرَجُلٍ مُوَلِّهِ ظَهْرَهُ يَقُولُ لَا وَالَّذِي اخْتَجَبَ بِالسَّيِّعِ

(The book) 'Al Tawheed' – Muhammad Bin Ibrahim Bin Is'haq, from Ja'far Bin Muhammad Al Hasany, from Muhammad Bin Ali Bin Khalaf, from Bishr Bin Al Hassan, from Abdul Qudous, from Abu Is'haq, from Al Haris Al-Owr,

From Ali^{-asws} Bin Abu Talib^{-asws}, he^{-asws} entered the market and there was a man with his back turned, saying: 'No! By the One veiled by the seven!'

فَضْرَبَ عَلَى ظَهْرِهِ ثُمَّ قَالَ مِنَ الَّذِي اخْتَجَبَ بِالسَّيِّعِ

He^{-asws} struck upon his back, then said: 'Who is the One veiled by the seven?'

قَالَ اللَّهُ يَا أَمِيرَ الْمُؤْمِنِينَ

He said, 'Allah^{-azwj}, O Amir Al-Momineen^{-asws}!'

قَالَ أَخْطَأْتُ تَكَلِّتَكَ أَتُكِّدُ أَنَّ اللَّهَ عَزَّ وَجَلَّ لَيْسَ بَيْنَهُ وَبَيْنَ خَلْقِهِ حِجَابٌ لِأَنَّهُ مَعَهُمْ أَيْنَمَا كَانُوا

He^{-asws} said: 'You are mistaken, may your mother be bereft of you! Allah^{-azwj} Mighty and Majestic, there isn't any veil between Him^{-azwj} and His^{-azwj} creation, because He^{-azwj} is with them wherever they may be!'

قَالَ مَا كَفَّارَةٌ مَا قُلْتُ يَا أَمِيرَ الْمُؤْمِنِينَ

He said, 'And what is the expiation of what I said, O Amir Al-Momineen^{-asws}?'

قَالَ أَنْ تَعْلَمَ أَنَّ اللَّهَ مَعَكَ حَيْثُ كُنْتَ

He^{-asws} said: 'You should know that Allah^{-azwj} is with you wherever you may be!'

قَالَ أَطْعِمُ الْمَسَاكِينَ

He said, 'Shall I feed the needy?'

قَالَ إِنَّمَا خَلَفْتَ بِغَيْرِ رَبِّكَ.

He^{-asws} said: 'But rather, you had sworn an oath with other than your Lord^{-azwj}'.⁹¹⁰

3- ما، الأماي للشيخ الطوسي جَمَاعَةً عَنْ أَبِي الْمُفَضَّلِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى الْعَرَّادِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ شَمُّونٍ عَنِ الْحُسَيْنِ بْنِ فَضْلِ بْنِ الرَّبِيعِ عَنْ أَبِيهِ قَالَ: أَمَرَنِي الْمَنْصُورُ بِإِخْصَارِ جَعْفَرِ بْنِ مُحَمَّدٍ عَ فَلَمَّا خَصَرَ قَالَ لَهُ أَنْتَ تَزْعُمُ لِلنَّاسِ يَا أَبَا عَبْدِ اللَّهِ أَنَّكَ تَعْلَمُ الْغَيْبَ

⁹¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 2

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Ahmad Bin Muhammad Bin Isa Al Arrad, from Muhammad Bin Al Hassan Bin Shamoun, from Al Hassan Bin Fazl Bin Al Rabie, from his father who said,

'Al-Mansour (the caliph) ordered me to present Ja'far^{-asws} Bin Muhammad^{-asws}. When he^{-asws} presented, he said to him^{-asws}, 'You^{-asws} are alleging to the people, O Abu Abdullah^{-asws}, that you^{-asws} know the 'Ghayb' (unseen matters)!'

فَقَالَ جَعْفَرٌ ع مَنْ أَخْبَرَكَ بِهَذَا

Ja'far^{-asws} said: 'Who informed you with this?'

فَأَوْمَأَ الْمَنْصُورُ إِلَى شَيْخٍ قَاعِدٍ بَيْنَ يَدَيْهِ فَقَالَ جَعْفَرٌ ع لِلشَّيْخِ أَنْتَ سَمِعْتَنِي أَقُولُ هَذَا

Al-Mansour gestured towards an old man seated in front of him. Ja'far^{-asws} said to the old man: 'You heard me saying this?'

قَالَ الشَّيْخُ نَعَمْ

The old man said, 'Yes'.

قَالَ جَعْفَرٌ لِلْمَنْصُورِ أَيْخَلِفُ يَا أَمِيرَ الْمُؤْمِنِينَ

Ja'far^{-asws} said to Al-Mansour: 'Will he swear an oath, O commander of the faithful?'

فَقَالَ لَهُ الْمَنْصُورُ اخْلِفْ

Al-Mansour said to him, 'Swear an oath!'

فَلَمَّا بَدَأَ الشَّيْخُ فِي الْيَمِينِ - قَالَ جَعْفَرٌ ع لِلْمَنْصُورِ حَدَّثَنِي أَبِي عَنْ أَبِيهِ - عَنْ جَدِّهِ عَنْ أَمِيرِ الْمُؤْمِنِينَ - ع أَنَّ الْعَبْدَ إِذَا خَلَفَ بِالْيَمِينِ الَّتِي يُنَزِّهُ اللَّهُ عَزَّ وَ جَلَّ فِيهَا وَ هُوَ كَاذِبٌ امْتَنَعَ اللَّهُ عَزَّ وَ جَلَّ مِنْ عُقُوبَتِهِ عَلَيْهَا فِي عَاجِلَتِهِ لِمَا نَزَّ اللَّهُ عَزَّ وَ جَلَّ وَ لَكِنِّي أَنَا اسْتَحْلِفُهُ

When the old man began the swear, Ja'far^{-asws} said to Al-Mansour: 'My^{-asws} father^{-asws} narrated to me^{-asws} from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws}, from Amir Al-Momineen^{-asws}: 'When the servant swears an oath in which he Glorifies Allah^{-azwj} Mighty and Majestic and he is a liar, Allah^{-azwj} Mighty and Majestic Withholds His^{-azwj} Punishment upon it in the current times because he had Glorified Allah^{-azwj} Mighty and Majestic. But, I^{-asws} shall make him swear.

فَقَالَ الْمَنْصُورُ ذَلِكَ لَكَ

Al-Mansour said, 'That is for you'.

فَقَالَ جَعْفَرٌ ع لِلشَّيْخِ قُلْ أَبْرَأُ إِلَى اللَّهِ مِنْ حَوْلِهِ وَ قُوَّتِهِ وَ أَجْأُ إِلَى حَوْلِي وَ قُوَّتِي إِنْ لَمْ أَكُنْ سَمِعْتُكَ تَقُولُ هَذَا الْقَوْلَ

Ja'far^{-asws} said to the old man, 'Say, 'I disavow to Allah^{-azwj} from His^{-azwj} Mighty and His^{-azwj} Strength and shelter to my own might and my own strength if I have not heard you^{-asws} say this word!'

فَتَلَكَّأَ الشَّيْخُ فَرَفَعَ الْمَنْصُورُ عُمُودًا كَانَ فِي يَدِهِ فَقَالَ وَاللَّهِ لَئِنْ لَمْ تَخْلِفْ لِأَعْلُوْنِكَ بِهَذَا الْعُمُودِ

The old man hesitated, so Al-Mansour raised a baton which was in his hand. He said, 'By Allah^{-azwj}, if you don't swear, I will pain you with this baton!'

فَخَلَفَ الشَّيْخُ فَمَا أَتَمَّ الْيَمِينَ حَتَّى دَلَعَ لِسَانَهُ كَمَا يَدْلَعُ الْكَلْبُ وَ مَاتَ لَوْفَتِهِ وَ تَهَضَّ جَعْفَرٌ ع.

So, the old man swore the oath. The oath had not completed until his tongue rolled out just as the dog rolls it out, and he died instantly, and Ja'far^{-asws} got up (to leave)'.⁹¹¹

أقول: قد مضى تمامه في أبواب تاريخه.

I (Majlisi) say, 'Its complete version has already passed in the chapter of his^{-asws} history'.

4- ب، قرب الإسناد علي عن أخيه ع قَالَ وَ قَالَ: لَا يُخْلَفُ إِلَّا بِاللَّهِ فَأَمَّا قَوْلُهُ- لَا بَلْ شَانِيكَ فَإِنَّهُ مِنْ قَوْلِ أَهْلِ الْجَاهِلِيَّةِ وَ لَوْ خَلَفَ بِهَذَا أَوْ شِبْهِهِ تَرِكَ أَنْ يُخْلَفَ بِاللَّهِ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'And he^{-asws} said: 'Do not swear except by Allah^{-azwj}. As for his words, 'No, but by your life', for it is from the words of the people of the pre-Islamic period, and if he were to swear by this or similar, he should leave swearing by Allah^{-azwj}.

وَ أَمَّا قَوْلُ الرَّجُلِ يَا هَيَاةَ فَإِنَّمَا طَلَبَ الْإِسْمَ وَ أَمَّا قَوْلُهُ لَعَمْرُ اللَّهِ وَ لَا نَيْمَ اللَّهُ فَإِنَّمَا هُوَ بِاللَّهِ-

And as for the words of a man, 'O life', he is rather seeking the Name; and as for his words, 'By the life of Allah^{-azwj}', and I swear by Allah^{-azwj}', rather it is 'By Allah^{-azwj}'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَخْلِفُ عَلَى الْيَمِينَ وَ يَنْسَى مَا خَلَاهُ قَالَ هُوَ عَلَى مَا نَوَى.

He said, 'And I asked him^{-asws} about the man who oaths upon the swear and forgets what preceded it. He^{-asws} said: 'It is upon what he intended'.⁹¹²

5- لي، الأما لي للصدوق ابن المنيكل عن السعدآبادي عن البرقي عن عثمان بن عيسى عن خالد بن نجیح عن وهب بن عبد ربه عن أبي عبد الله ع قَالَ: مَنْ قَالَ يَعْلَمُ اللَّهُ لِمَا لَا يَعْلَمُ اللَّهُ اهْتَرَّ الْعَرْشُ إعْظَامًا لِلَّهِ عَزَّ وَ جَلَّ.

⁹¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 3

⁹¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 4

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from Usman Bin Isa, from Khalid Bin Najeeh, from Wahb Bin Abd Rabbih,

From Abu Abdullah^{-asws} having said: 'One who says, 'Allah^{-azwj} Knows' for what Allah^{-azwj} does not know, the Throne shakes in reverence of Allah^{-azwj} Mighty and Majestic'.⁹¹³

6- لي، الأماالي للصدوق أبي عن سعد عن ابن عيسى عن ابن فضال عن ثعلبة عن أبي جميلة عن ابن ثعلب عن أبي عبد الله ع قال: إذا قال العبد علم الله فكان كاذباً قال الله عز وجل أما وجدت أحداً تكذب على غيري.

(The book) 'Al Amaali' of A Sadouq – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Sa'alba, from Abu Jameela, from Ibn Taghlib,

From Abu Abdullah^{-asws} having said: 'When the servant says, 'Allah^{-azwj} Knows', and it was a lie, Allah^{-azwj} Mighty and Majestic Says: "Did you not find anyone to lie upon other than Me^{-azwj}"⁹¹⁴

7- لي، الأماالي للصدوق أبي عن سعد عن ابن عيسى عن عثمان بن عيسى عن وهب عن شهاب بن عبد ربه عن أبي عبد الله ع قال: من قال الله يعلم فيما لا يعلم اهتز العرش إعظاماً له.

(The book) 'Al Amaali' of Al Sadouq – My father, from Sa'ad, from Ibn Isa, from Usman Bin Isa, from Wahb, from Shihab Bin Abd Rabbih,

From Abu Abdullah^{-asws} having said: 'One who says, 'Allah^{-azwj} Knows', regarding what he does not know, the Throne shakes in reverence for Him^{-azwj}'.⁹¹⁵

8- لي، الأماالي للصدوق في خبر المناهي إن النبي ص هي عن اليمين الكاذبة و قال إنما تنزك الديار بلاقع

(The book) 'Al-Amaali' of Al-Sadouq in a Hadeeth of the prohibitions, the Prophet^{-saww} forbade from the false oath, and said: 'It leaves the house barren'.

و قال من حلف بيمين كاذبة صبراً ليقطع بها مال امرئ مسلم لقي الله عز وجل وهو عليه غضبان إلا أن يتوب و يرجع.

And he^{-saww} said: 'One who swears a false oath deliberately in order to steal by it, wealth of a Muslim person, will meet Allah^{-azwj} Mighty and Majestic and He^{-azwj} would be Angered upon him, except if he repents and returns (the stolen wealth)'.⁹¹⁶

9- كتاب الأعمال المانعة من الجنة روي عن أبي أمامة الحارثي أن رسول الله ص قال: ما من رجل اقتطع مال امرئ مسلم بيمينه إلا حرم الله عليه الجنة و أوجب له النار

The book 'Al Amaal Al Manie Min Al Jannah' – It is reported from Abu Umama Al Harisy,

⁹¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 5

⁹¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 6

⁹¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 7

⁹¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 8

Rasool-Allah^{-saww} said: 'There is none from a man who steals wealth of a Muslim person by his swearing (an oath), except Allah^{-azwj} Prohibits the Paradise to him, and Obligates the Hellfire for him'.

فَقِيلَ يَا رَسُولَ اللَّهِ وَإِنْ كَانَ شَيْئًا يَسِيرًا

It was said, 'O Rasool-Allah^{-saww}, and even if it was a small thing?'

قَالَ وَإِنْ كَانَ سِوَاكَ مِنْ أَرَكَ.

He^{-saww} said: 'And even if it was a toothbrush from Arak (tree)'.⁹¹⁷

10- ثَوَابُ الْأَعْمَالِ ل، الخصال ابنُ الْمُتَوَكِّلِ عَنِ الْحَمِيرِيِّ عَنِ الزَّهْرِيِّ عَنِ ابْنِ مُحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: فِي كِتَابِ عَلِيِّ ع ثَلَاثُ خِصَالٍ لَا يَمُوتُ صَاحِبُهَا أَبَدًا حَتَّى يَرَى وَبِأَهْلُهَا الْبَغْيُ وَ قَطِيعَةُ الرَّحِمِ وَ الْيَمِينُ الْكَاذِبَةُ يُبَارِكُ اللَّهُ بِهَا

(The book) 'Sawaab Al Amaal', (and) 'Al Khisaal' – Ibn Al Mutawakkil, from Al Himeyri, from Al Barqy, from Ibn Mahboub, from Malik Bin Atiya, from Abu Ubeyda,

From Abu Ja'far^{-asws} having said: 'In the book of Ali^{-asws} – 'There are three characteristics, their owner does not die ever until he sees their misfortune -The prostitution, and cutting the kinship, and the false oath duelling Allah^{-azwj} with it.

إِنَّ أَعْجَلَ الطَّاعَةِ ثَوَابًا لَصَلَةُ الرَّحِمِ وَ إِنَّ أَلْوَمَ لَيَكُونُونَ فُجَارًا فَيَتَوَاصَلُونَ فَتَنْمِي أَمْوَالُهُمْ وَ يَبْرُونَ فَتَزَادُ أَعْمَارُهُمْ

And the act of obedience of quickest reward is maintaining the kinship, and the people could be immoral, but they maintain kinship so their wealth grows, and they are righteous so, their lifespans increased.

وَ إِنَّ الْيَمِينَ الْكَاذِبَةَ وَ قَطِيعَةَ الرَّحِمِ لَتَذَرَانِ الدِّيَارَ بِلَاقِعٍ مِنْ أَهْلِهَا وَ يُثْقَلَانِ الرَّحِمَ وَ إِنَّ تَثْقُلَ [تَقْلُ] الرَّحِمُ انْقِطَاعُ النَّسْلِ.

And the false oath and cutting the kinship, both makes the house barren from its people, and makes the wombs heavy and the 'heavy womb' is termination of the lineage'.⁹¹⁸

11 جاء، المجالس للمفيد أحمد بن الوليد عن أبيه عن الصفار عن ابن عيسى عن ابن محبوب مثله

(The book) 'Al Majaalis' of Al Mufeed – Ahmad Bin Al Waleed, from his father, from Al Saffar, from Ibn Isa, from Ibn Mahboub, similar to it.⁹¹⁹

12- مع، معاني الأخبار ابنُ الوليد عَنِ الصَّفَّارِ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ أَسْبَاطٍ عَنِ الْبَطَّائِيِّ عَنِ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص صَلَةُ الرَّحِمِ تَزِيدُ فِي الْعُمْرِ وَ صَدَقَةُ الْبَيْتِ تُطْفِئُ غَضَبَ الرَّبِّ وَ إِنَّ قَطِيعَةَ الرَّحِمِ وَ الْيَمِينَ الْكَاذِبَةَ لَتَذَرَانِ الدِّيَارَ بِلَاقِعٍ مِنْ أَهْلِهَا وَ يُثْقَلَانِ الرَّحِمَ وَ إِنَّ تَثْقُلَ الرَّحِمُ انْقِطَاعُ النَّسْلِ.

⁹¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 9

⁹¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 10

⁹¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 11

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Al Saffar, from Ibn Abu Al Khattab, from Ibn Asbaat, from Al Batainy, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Maintaining the kinship increases in the lifespan, and secret charity extinguishes Wrath of the Lord^{-azwj}, and cutting the kinship and the false oath leave the houses barren from its people, and they make the wombs heavy, and the 'heavy womb' is termination of the lineage'.⁹²⁰

13- ع، علل الشرائع في حُطْبَةِ فَاطِمَةَ ع إِنَّ اللَّهَ جَعَلَ الْوَفَاءَ بِالَّذِي تَعَرَّضَ لِلرَّحْمَةِ.

(The book) 'Ilal Al Sharaie' -

In a sermon by (Syeda) Fatima^{-asws}: 'Allah^{-azwj} has Made the loyalty with the vow an exposure for the Mercy'.⁹²¹

14- ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنْ الرَّبِّيِّ عَنْ بَعْضِ أَصْحَابِنَا عَنْ الْمَيْمُونِيِّ عَنْ بَشِيرِ الدَّهَّانِ عَمَّنْ ذَكَرَهُ عَنْ مَيْمُونٍ رَفَعَهُ قَالَ قَالَ اللَّهُ عَزَّ وَ جَلَّ لَا أُبِيلُ رَحْمَتِي مَنْ تَعَرَّضَ لِلْكَذِبِ الْكَاذِبَةِ وَلَا أُذِي مَنِّي يَوْمَ الْقِيَامَةِ مَنْ كَانَ زَانِيًا.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from one of our companions, from Al Mayshami, from Bashir Al Dahhan, from the one who mentioned it, from Meesam raising it,

'He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Said: 'My^{-azwj} Mercy cannot be achieved by the one who presents the false oath, nor will he come near Me^{-azwj} on the Day of Qiyamah, someone who was an adulterer'.⁹²²

15 ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ عَنْ يَعْقُوبَ الْأَحْمَرِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَنْ حَلَفَ عَلَى بَيِّنٍ وَ هُوَ يَغْلُمُ أَنَّهُ كَاذِبٌ فَقَدْ بَارَزَ اللَّهَ عَزَّ وَ جَلَّ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Ibn Fazzal, from Sa'alba, from Yaqoub Al Ahmar who said,

'Abu Abdullah^{-asws} said: 'One who swears an oath while he knows that it is a lie, has duelled Allah^{-azwj} Mighty and Majestic'.⁹²³

16- ثو، ثواب الأعمال مَا حِيلَ لَوْ هُوَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَلَمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ بَيِّنَ الصِّبْرِ الْكَاذِبَةِ تَنْتُكُ الدِّيَارَ بِلَافِعٍ.

(The book) 'Sawaab Al Amaal' – Majaylawiya, from Ali, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

From Abu Abdullah^{-asws}, having said: 'The deliberate false oath leaves the houses barren'.⁹²⁴

⁹²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 12

⁹²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 13

⁹²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 14

⁹²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 15

⁹²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 16

17- ثو، ثواب الأعمال ماجيلويه عن عمه عن الكوفي عن علي بن عثمان عن محمد بن فزاة عن جابر بن يزيد عن أبي جعفر ع قال قال رسول الله ص إياكم و اليمين الفاجرة فإنها تدع الديار بلاقع من أهلها.

(The book) 'Sawaab Al Amaal' – Majaylawiya, from his uncle, from Al Kufi, from Ali Bin Usman, from Muhammad Bin Qurat, from Jaber Bin Yazeed,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Beware of the immoral oath for it leaves the houses barren from its people!'⁹²⁵

18- ثو، ثواب الأعمال ابن الوليد عن الصفار عن جعفر بن محمد بن عبد الله عن القداح عن الصادق ع قال قال رسول الله ص اليمين الصبر الفاجرة تدع الديار بلاقع.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ja'far Bin Muhammad Bin Abdullah, from Al Qaddah,

From Al Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The deliberate immoral swear leaves the houses barren'.⁹²⁶

19- ثو، ثواب الأعمال ابن الوليد عن الصفار عن ابن يزيد عن عبد الرحمن بن حماد عن حنان بن سدير عن مليح بن أبي بكر الشيباني قال قال أبو عبد الله ع اليمين الصبر الكاذبة تورث العقب الفقر.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Abdul Rahman Bin Hammad, from Hanan Bin Sadeyr, from Maleeh Bin Abu Bakr Al Shaybani who said,

'Abu Abdullah^{-asws} said: 'The deliberate false oath inherits the consequence of poverty'.⁹²⁷

20- ثو، ثواب الأعمال ابن الوليد عن سعد بن البرقي عن محمد بن علي الكوفي عن علي بن حماد عن ابن أبي يعفور عن أبي عبد الله ع قال: اليمين العُموس ينتظر بها أربعين يوماً.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Sa'ad, from Al Barqy, from Muhammad Bin Ali Al Kufi, from Ali Bin Hammad, from Ibn Abu Yafour,

From Abu Abdullah^{-asws} having said: 'The oath of perjury will be waited with for forty days (before consequences)'.⁹²⁸

21 سن، المحاسن محمد بن علي عن علي بن حماد مثله.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Ali Bin Hammad, similar to it.⁹²⁹

⁹²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 17

⁹²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 18

⁹²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 19

⁹²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 20

⁹²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 21

22- ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْخَزَّازِ وَ مُحَمَّدِ بْنِ سِنَانٍ وَ ابْنِ الْمُغِيرَةِ جَمِيعاً عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ الْيَمِينَ الْفَاجِرَةَ لَتُنْقِلُ الرَّحِمَ

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Yahya Al Khazzaz, and Muhammad Bin Sinan, and Ibn Al Mugheira, altogether from Talha Bin Zayd,

From Abu Abdullah^{-asws} having said: 'The immoral oath makes the womb heavy'.

قُلْتُ مَا مَعْنَى تُنْقِلُ الرَّحِمَ

I said, 'What is the meaning of the 'heavy womb'?'

قَالَ تُعَمِّمُ

He^{-asws} said: 'Sterility'.

وَ أَمَّا مُحَمَّدُ بْنُ يَحْيَى فَإِنَّهُ رَوَى يُنْقِلُ فِي الرَّحِمِ.

And as for Muhammad Bin Yahya, he reported, 'It is heavy in the womb'.⁹³⁰

23- ثو، ثواب الأعمال ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ أَبَا دِيٍّ عَنِ الْبَرْقِيِّ عَنِ الْبَزْطِيِّ عَنْ عَلِيِّ بْنِ جَرِيرٍ عَنِ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْيَمِينُ الْعُمُوسُ الَّتِي تُوجِبُ النَّارَ الرَّجُلُ يَخْلِفُ عَلَى حَقِّ امْرِئٍ مُسْلِمٍ عَلَى حَبْسٍ مَالِهِ.

(The book) 'Sawaab Al Amaal' – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from Al Bazanty, from Ali Bin Jareer, from one of his companions,

From Abu Abdullah^{-asws} having said: 'The oath of perjury which obligates the Hellfire is the man swearing upon a right of a Muslim person for withholding his wealth'.⁹³¹

24 سن، المحاسن الْبَزْطِيُّ وَمِثْلُهُ.

(The book) 'Al Mahasin' – Al Bazanty, similar to it.⁹³²

25- ثو، ثواب الأعمال ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ يَزِيدَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي الْحَسَنِ شَيْخٍ مِنْ أَصْحَابِنَا عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى خَلَقَ دِيكاً أَبْيَضَ عَنْقُهُ تَحْتَ الْعَرْشِ وَ رِجْلَاهُ فِي ثُحُومِ الْأَرْضِ السَّابِعَةِ لَهُ جَنَاحٌ بِالشَّرْقِ وَ جَنَاحٌ بِالْمَغْرِبِ - لَا تَصْبِيحُ الدِّيَكَةُ حَتَّى تَصْبِيحَ فَإِذَا صَاحَ حَقَّقَ بِجَنَاحَيْهِ

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Abu Al Hassan, an old man from our companions,

From Abu Ja'far^{-asws} having said: 'Allah^{-azwj} Blessed and Exalted Created a white rooster, its neck is beneath the Throne and its legs are in the borders of the seventh earth. For it there is

⁹³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 22

⁹³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 23

⁹³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 24

a wing in the east and a wing in the west. The roosters (in the earth) do not crow until it crows. When it shouts, it flaps its wings.

ثُمَّ قَالَ سُبْحَانَ اللَّهِ سُبْحَانَ اللَّهِ الْعَظِيمِ الَّذِي لَيْسَ كَمِثْلِهِ شَيْءٌ

Then it says, 'Glory be to Allah^{-azwj}! Glory be to Allah^{-azwj} the Magnificent, there isn't anything like Him^{-azwj}!'

فَيُجِيبُهُ اللَّهُ تَبَارَكَ وَتَعَالَى مَا آمَنَ بِمَا تَقُولُ مَنْ يَخْلِفُ بِي كَاذِبًا.

Allah^{-azwj} Blessed and Exalted Answers it: "He has not believed in what you are saying, the one who swears falsely with Me^{-azwj}!"⁹³³

26 سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنِ ابْنِ أَبِي عُمَيْرٍ مِثْلَهُ.

(The book) 'Al-Mahasin' – Muhammad Bin Ali, from Ibn Abu Umeyr, similar to it.⁹³⁴

27- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدٍ عَنْ ابْنِ أَبِي الْخَطَّابِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ الْمُخْتَارِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ بِاللَّهِ فَلْيَصْدُقْ وَمَنْ لَمْ يَصْدُقْ فَلَيْسَ مِنَ اللَّهِ عَزَّ وَجَلَّ فِي شَيْءٍ-وَمَنْ يَخْلِفُ لَهُ بِاللَّهِ فَلْيَرْضَ وَمَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ عَزَّ وَجَلَّ فِي شَيْءٍ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar,

From Abu Abdullah^{-asws} having said: 'One who swears by Allah^{-azwj}, let him be truthful, and one who is not truthful, he isn't in anything from Allah^{-azwj} Mighty and Majestic; and the one whom an oath is sworn for with Allah^{-azwj}, let him be satisfied, and one who is not satisfied, he isn't in anything from Allah^{-azwj} Mighty and Majestic'.⁹³⁵

28- سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنِ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ عَنْ يَعْقُوبَ الْأَحْمَرِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ وَهُوَ يَعْلَمُ أَنَّهُ كَاذِبٌ فَقَدْ بَارَزَ اللَّهَ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Ibn Fazzal, from Sa'alba, from Yaqoub Al Ahmar,

From Abu Abdullah^{-asws} having said: 'One who swears an oath while he knows that it is a lie, has duelled Allah^{-azwj}'.⁹³⁶

29- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ- فَادْكُرُوا اللَّهَ كَذِكْرِكُمْ آبَاءَكُمْ أَوْ أَشَدَّ ذِكْرًا قَالَ إِنَّ أَهْلَ الْجَاهِلِيَّةِ كَانَ مِنْ قَوْلِهِمْ كَلًّا وَ أَبْيَكَ بَلَى وَ أَبْيَكَ فَأَمَرُوا أَنْ يَقُولُوا لَا وَ اللَّهُ وَ بَلَى وَ اللَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Zurarah,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **then mention Allah as you mentioned your forefathers, or with a more intense mentioning**

⁹³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 25

⁹³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 26

⁹³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 27

⁹³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 28

[2:200]. He^{-asws} said: ‘The people of the pre-Islamic period, it was from their words, ‘Never, by your father!’, ‘Yes, by your father!’ So, they were Commanded to be saying, ‘No, by Allah^{-azwj}!’, and ‘Yes, by Allah^{-azwj}!’”⁹³⁷

30- شي، تفسير العياشي عَنْ زُرَّارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ قَوْلِ اللَّهِ - وَ مَا يُؤْمِنُ أَكْثَرُهُمْ بِاللَّهِ إِلَّا وَ هُمْ مُشْرِكُونَ قَالَ مِنْ ذَلِكَ قَوْلُ الرَّجُلِ لَا وَ حَيَاتِكَ.

(The book) ‘Tafseer Al Ayyashi’ – from Zurara who said,

‘I asked Abu Ja’far^{-asws} about Words of Allah^{-azwj}: **And most of them do not believe in Allah except and they are associating [12:106]**. He^{-asws} said: ‘From that are words of the man, ‘No, by your life!’”⁹³⁸

31- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: شَرَكُ طَاعَةِ قَوْلِ الرَّجُلِ لَا وَ اللَّهُ وَ فُلَانٍ وَ لَوْ لَا اللَّهُ وَ فُلَانٌ وَ الْمَعْصِيَةُ مِنْهُ.

(The book) ‘Tafseer Al Ayyashi’ – From Zurara,

From Abu Ja’far^{-asws} having said: ‘Association (Shirk) in an act of obedience are words of the man, ‘No, by Allah^{-azwj} and so and so!’, and, ‘Had it not been Allah^{-azwj} and so and so!’, and the act of disobedience is from it’.”⁹³⁹

32- ين، كتاب حسين بن سعيد و النوادر ابْنُ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: كَانَ أَبُو عَبْدِ اللَّهِ ع كَثِيرًا مَا يَقُولُ وَ اللَّهُ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Fazzal, from Yunus Bin Yaqoub who said,

‘Abu Abdullah^{-asws} used to frequently say: ‘By Allah^{-azwj}!’”⁹⁴⁰

عَلَيَّ قَالَ: قَرَأْتُ فِي كِتَابِ أَبِي جَعْفَرٍ إِلَى دَاوُدَ بْنِ الْقَاسِمِ إِنِّي جُنْتُ وَ حَيَاتِكَ.

Ali said, ‘I read in a letter of Abu Ja’far^{-asws} to Dawood Bin Al Qasim: ‘I^{-asws} have come, by your life!’”⁹⁴¹

باب 126 إِبْرَارِ الْقَسَمِ وَ الْمُنَاشِدَةِ

CHAPTER 126 – FULFILLING THE VOW AND THE ADJURING

1- ب، قرب الإسناد هَارُونُ عَنْ ابْنِ صَدَقَةَ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ ع أَنَّ رَسُولَ اللَّهِ ص أَمَرَهُمْ بِسَبْعِ عِبَادَةِ الْمَرْصَى وَ اتِّبَاعِ الْجَنَائِزِ وَ إِبْرَارِ الْقَسَمِ وَ تَسْمِيَةِ الْعَاطِسِ وَ نَصْرِ الْمَظْلُومِ وَ إِفْشَاءِ السَّلَامِ وَ إِجَابَةِ الدَّاعِي الْخَيْرِ.

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

⁹³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 29

⁹³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 30

⁹³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 31

⁹⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 32 a

⁹⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 32 b

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: ‘Rasool^{saww} had instructed them with seven – consoling the sick, and escorting the funeral, and fulfilling the vow, and naming (Allah^{azwj}) at the sneeze, and helping the oppressed, and initiating the greeting, and answering the inviter (to a meal)’ – the Hadeeth.⁹⁴²

2 ل، الخصال الخليل بن أحمد عن أبي العباس الثقفي عن محمد بن الصباح عن جرير عن أبي إسحاق الشيباني عن أشعث بن أبي الشعثاء عن معاوية بن سويد عن البراء بن عازب مثله

(The book) ‘Al Khisaal’ – Al Khaleel Bin Ahmad, from Abu Al Abbas Al Saqafy, from Muhammad Bin Al Sabbah, from Jareer, from Abu Is’haq Al Shaybani, from Ash’as Bin Abu Al Sha’sa, from Muawiya Bin Suweyd, from Al Bara’a Bin Aazib, similar to it.⁹⁴³

3- سن، المحاسن أبي عن ابن أبي عمير عن حفص عن أبي عبد الله ع في الرجل يقسم على الرجل في الطعام أو نحوه قال ليس عليه شيء إنما أراد إكرامه.

(The book) ‘Al Mahasin’ – My father, from Ibn Abu Umeyr, from Hafs,

From Abu Abdullah^{asws} regarding the man who vows upon the man regarding the meal, or approximate to it. He^{asws} said: ‘There isn’t anything upon him. But rather he intended to honour him’.⁹⁴⁴

[باب 127 ذم كثرة اليمين](#)

CHAPTER 127 – CONDEMNATION OF FREQUENTLY SWEARING THE OATH

1- دَعَاؤُ الرَّاوُنْدِيِّ، قَالَ الْخَوَارِثِيُّونَ لِعِيسَى بْنِ مَرْيَمَ أَوْصِنَا

(The book) ‘Dawaat’ of Al Rawandy -

The disciples said Isa^{as} Bin Maryam^{as} said, ‘Advise us!’

فَقَالَ قَالَ مُوسَى ع لِقَوْمِهِ- لَا تَحْلِفُوا بِاللَّهِ كَاذِبِينَ وَأَنَا أَمُرُكُمْ أَنْ لَا تَحْلِفُوا بِاللَّهِ صَادِقِينَ وَلَا كَاذِبِينَ.

He^{asws} said: ‘Musa^{as} had said to his^{as} people: ‘Do not swear falsely with Allah^{azwj}, and I^{as} am (also) not to swear by Allah^{azwj}, neither truthfully nor falsely’.⁹⁴⁵

2- عُدَّةُ الدَّاعِي، سَأَلَ رَسُولَ اللَّهِ ص رَجُلٌ فَقَالَ أَسْأَلُكَ بِوَجْهِ اللَّهِ

(The book) ‘Uddat Al Daie’ -

A man asked Rasool-Allah^{saww}. He said, ‘I ask you^{asws} by the Face of Allah^{azwj}!’

⁹⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 126 H 1

⁹⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 126 H 2

⁹⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 126 H 3

⁹⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 127 H 1

قَالَ فَأَمَرَ النَّبِيُّ ص فَضْرِبَ خَمْسَةَ أَسْوَاطٍ ثُمَّ قَالَ سَلْ بِوَجْهِكَ الْفَاقِمْ وَلَا تَسْأَلْ بِوَجْهِ اللَّهِ الْكَرِيمِ.

He said, 'The Prophet^{-saww} ordered, and he was struck five lashes. Then he^{-saww} said: 'Ask by your own ignoble face, and do not ask by the Honourable Face of Allah^{-azwj}!'⁹⁴⁶

باب 128 أحكام اليمين و النذر و العهد و جوامع أحكام الكفارات

CHAPTER 128 – RULINGS OF THE SWEAR, AND THE VOW, AND THE AGREEMENT, AND A SUMMARY OF THE RULINGS OF THE EXPIATIONS

1- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن رجل جعل على نفسه أن يصوم بالكوفة أو بالمدينة أو بمكة شهراً فصام أربعة عشر يوماً بمكة له أن يرجع إلى أهله فيصوم ما عليه بالكوفة

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws} about a man who made it upon himself that he will be fasting for a month at Al-Kufa or Al-Medina or at Makkah. He fasts fourteen days at Makkah. Is it for him to return to his family so he can fast what (remains) upon him at Al-Kufa?'

قال نعم.

He^{-asws} said: 'Yes'.⁹⁴⁷

2- ب، قرب الإسناد البقاعي عن سعدان بن مسلم قال: كتبت إلى موسى بن جعفر عليه السلام أني جعلت علي صيام شهر بمكة و شهر بالمدينة و شهر بالكوفة فصمت ثمانية عشر يوماً بالمدينة و بقي علي شهر بمكة و شهر بالكوفة و تمام شهر بالمدينة

(The book) 'Qurb Al Isnaad' – Al Yaqteeny, from Sa'dan Bin Muslim who said,

'I wrote to Musa^{-asws} Bin Ja'far^{-asws}, may the greeting be upon him^{-asws}, 'I have made it upon me fasting for a month at Makkah, and a month at Al-Medina, and a month at Al-Kufa. I have fasted eighteen days at Al-Medina, and there remains upon me a month at Makkah and a month at Al-Kufa, and a complete month at Al-Medina'.

فكتب ليس عليك شيء صم في بلادك حتى تيممه.

He^{-asws} wrote: 'There isn't anything upon you. Fast in your city until you have completed it'.⁹⁴⁸

3- ما، الأمالي للشيخ الطوسي الحفائر عن عثمان بن أحمد عن أبي قلابة عن أبيه عن يزيد بن بريع عن حميد عن ثابت عن أنس أن النبي ص رأى رجلاً تهادى بين ابنتيه أو بين رجلين

⁹⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 127 H 2

⁹⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 1

⁹⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 2

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Usman Bin Ahmad, from Abu Qilabah, from his father, from Yazeed Bin Bazie, from Jumies, from Sabit, from Anas (well-known fabricator),

'The Prophet^{-saww} saw a man wobbling between his two sons, or two men (supported by them). He^{-saww} said: 'What is this?'

فَقَالَ مَا هَذَا فَقَالُوا نَذَرُ أَنْ يَحُجَّ مَا شِئًا

They said, 'He had vowed to perform Hajj walking'.

فَقَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ عَنِّي عَنْ تَغْذِيبِ نَفْسِهِ مُرُوهُ فَلْيَرْكَبْ وَ لِيُهْدِ.

He^{-saww} said: 'Allah^{-azwj} Mighty and Majestic is needless from a person tormenting himself. Let him ride and let him offer a sacrifice'.⁹⁴⁹

4- ما، الأماالي للشيخ الطوسي بالإسناد عَنْ أَبِي قِلَابَةَ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ عَنْ صَالِحِ بْنِ رُسْتَمٍ عَنْ كَثِيرِ بْنِ سَيَاطِينَ عَنِ الْحَسَنِ عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: مَا خَطَبَنَا رَسُولُ اللَّهِ ص خُطْبَةً أَبَدًا إِلَّا أَمَرَنَا فِيهَا بِالصَّدَقَةِ وَ نَهَانَا عَنِ الْمُثْلَةِ قَالَ أَلَا وَ إِنَّ الْمُثْلَةَ أَنْ يَنْذِرَ الرَّجُلُ أَنْ يَحْرِمَ أَنْفَهُ وَ مِنَ الْمُثْلَةِ أَنْ يَنْذِرَ الرَّجُلُ أَنْ يَحُجَّ مَا شِئًا فَمَنْ نَذَرَ أَنْ يَحُجَّ فَلْيَرْكَبْ وَ لِيُهْدِ بَدَنَةً.

(The book) 'Al Amaali' of the sheykh Al Tusi – By the chain, from Abu Qilaba, from Muhammad Bin Abdullah Al Ansari, from Salih Bin Rustom, from Kaseer Bin Sayateen, from Al Hassan, from Imran Bin Husayn said,

'Rasool-Allah^{-saww} had not preached us with any sermon ever except he^{-saww} had instructed in it with the charity, and forbade us from the 'Musla'. He^{-saww} said: 'Indeed, and the 'Musla' is the man vowing that he will mutilate his nose; and from the 'Musla' is that the man vows to perform Hajj walking. The one who vows that he will perform Hajj, let him ride, and let him usher his sacrificial animal'.⁹⁵⁰

5- مع، معاني الأخبار ابْنُ الْمُتَوَكِّلِ عَنِ السُّعْدِ ابْنِ أَبِي عَرَبَةَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ فِي رَجُلٍ نَذَرَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ فَقَالَ الْكَثِيرُ ثَمَانُونَ فَمَا زَادَ لِقَوْلِ اللَّهِ تَبَارَكَ وَ تَعَالَى - لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَ كَانَتْ ثَمَانِينَ.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Sa'adabady, from Al Barqy, from his father, from Ibn Abu Umeyr, from one of our companions,

From Abu Abdullah^{-asws}, he^{-asws} said regarding a man who vowed that he will donate in charity a lot of wealth. He^{-asws} said: 'The 'lot' is eighty and what is more, due to the Words of Allah^{-azwj} Blessed and Exalted: **Allah has Helped you in many places [9:25]**, and these were eighty'.⁹⁵¹

6- قب، المناقب لابن شهر آشوب ج، الإحتجاج عَنْ أَبِي عَبْدِ اللَّهِ الزَّيْدِيِّ قَالَ: لَمَّا سَمِعَ الْمُتَوَكِّلُ نَذَرَ لِلَّهِ أَنْ يَرْزُقَهُ اللَّهُ الْعَافِيَةَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ فَلَمَّا سَلِمَ وَ عُوِيَ سَأَلَ الْفُقَهَاءَ عَنْ حَدِّ الْمَالِ الْكَثِيرِ كَمْ يَكُونُ

⁹⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 3

⁹⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 4

⁹⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 5

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Al Ihtijaj', from Abu Abdullah Al Ziyadi who said,

'When (the caliph) Al-Mutawakkil was poisoned, he vowed to Allah^{-azwj} if Allah^{-azwj} Graces him the well-being, he will donate a lot of wealth. When he was safe and recovered, he asked the jurists about the limit of 'a lot of wealth', 'How much would it be?'

فَاخْتَلَفُوا عَلَيْهِ فَقَالَ بَعْضُهُمْ أَلْفُ دِرْهَمٍ وَقَالَ بَعْضُهُمْ عَشْرَةُ آلَافٍ دِرْهَمٍ وَقَالَ بَعْضُهُمْ مِائَةُ أَلْفٍ دِرْهَمٍ فَاشْتَبَهَ عَلَيْهِ هَذَا

They differed upon it. One of them said, 'A thousand Dirhams', and one of them said, 'Ten thousand Dirhams', and one of them said, 'One hundred thousand Dirhams'. So, this was confusing to him.

فَقَالَ لَهُ الْحَسَنُ حَاجِبُهُ إِنَّ أَتَيْتُكَ يَا أَمِيرَ الْمُؤْمِنِينَ مِنْ هَذَا بِالْحَقِّ وَالصَّوَابِ فَمَا لِي عِنْدَكَ فَقَالَ الْمُتَوَكِّلُ إِنَّ أَتَيْتَ بِالْحَقِّ فَلَكَ عَشْرَةُ آلَافٍ دِرْهَمٍ وَإِلَّا أَضْرِبُكَ مِائَةَ مِرْقَعَةٍ

His guard, Al-Hassan said to him, 'O commander of the faithful! If I were to come to you with the truth and the correct, what would be for me with you?'

قَالَ قَدْ رَضِيتُ

Al-Mutawakkil said, 'If you come to me with the truth, for you will be ten thousand Dirhams, or else I will strike you one hundred lashes!'

He said, 'I have agreed'.

فَأَتَى أَبَا الْحَسَنِ الْعَسْكَرِيَّ فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ لَهُ أَبُو الْحَسَنِ ع قُلْ لَهُ نَصَدَّقْ بِثَمَانِينَ دِرْهَمًا

He came to Abu Al-Hassan Al-Askari^{-asws}. He asked him^{-asws} about that. Abu Al-Hassan^{-asws} said to him: 'Say to him, 'Donate eighty Dirhams'.

فَرَجَعَ إِلَى الْمُتَوَكِّلِ فَأَخْبَرَهُ فَقَالَ سَلُهُ مَا الْعِلَّةُ فِي ذَلِكَ

He returned to Al-Mutawakkil and informed him. He said, 'Ask him^{-asws} what the reason is regarding that!'

فَأَتَاهُ فَسَأَلَهُ فَقَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ قَالَ لِنَبِيِّهِ ع لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ فَعَدَدْنَا مَوَاطِنَ رَسُولِ اللَّهِ ص فَبَلَّغَتْ ثَمَانِينَ مَوْطِنًا

He came to him^{-asws} and asked him^{-asws}. He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Said to His^{-azwj} Prophet^{-sawww}: **Allah has Helped you in many places [9:25]**. We counted the 'places' of Rasool-Allah^{-saww}, and it reached eighty places.

فَرَجَعَ إِلَيْهِ فَأَخْبَرَهُ فَفَرِحَ وَأَعْطَاهُ عَشْرَةَ آلَافٍ دِرْهَمٍ.

He returned to him and informed him. He was happy and gave him ten thousand Dirhams'.⁹⁵²

7- فس، تفسیر القمي مُحَمَّدُ بْنُ عُمَرَ قَالَ: كَانَ الْمُتَوَكِّلُ اعْتَلَّ عِلَّةً شَدِيدَةً فَتَذَّرَ إِنْ عَافَاهُ اللَّهُ أَنْ يَتَصَدَّقَ بِدَنَانِيرَ كَثِيرَةٍ أَوْ قَالَ دَرَاهِمَ كَثِيرَةٍ فَعُوفِيَ فَجَمَعَ الْعُلَمَاءَ فَسَأَلَهُمْ عَنْ ذَلِكَ فَاخْتَلَفُوا عَلَيْهِ قَالَ أَحَدُهُمْ عَشْرَةُ آلَافٍ وَ قَالَ بَعْضُهُمْ مِائَةُ آلْفٍ

Tafseer Al Qummi – Muhammad Bin Umar who said,

‘(The caliph) Al-Mutawakkil became sick with severe illness. He vowed that if Allah^{-azwj} Grants him well-being he will donate a lot of Dinars, or he said, ‘A lot of Dirhams’. He recovered, so he gathered the scholars and asked them about that. They differed upon it. One of them said, ‘Ten thousand’, and one of them said ‘One hundred thousand’.

فَلَمَّا اخْتَلَفُوا قَالَ لَهُ عُبادَةُ ابْنُ عَمَرَ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ الرِّضَا

When they differed, Ubada said to him, ‘Send someone to the son^{-asws} of your uncle^{-asws} Ali^{-asws} Bin Muhammad Al-Reza^{-asws}’.

فَأَسْأَلَهُ فَبَعَثَ إِلَيْهِ فَسَأَلَهُ فَقَالَ الْكَثِيرُ ثَمَانُونَ

He sent to him to ask him. He^{-asws} said: ‘The ‘lot’ is eighty’.

فَقَالَ لَهُ رُذُّ إِلَيْهِ الرَّسُولُ فَقُلْ مِنْ أَيْنَ قُلْتَ ذَلِكَ

He said to him, ‘Return the messenger to him^{-asws} and say, ‘From where did you^{-asws} say that?’

قَالَ مِنْ قَوْلِ اللَّهِ تَبَارَكَ وَ تَعَالَى لِرَسُولِهِ- لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَ كَانَتْ الْمَوَاطِنُ ثَمَانِينَ مَوْطِنًا.

He^{-asws} said: ‘From the Words of Allah^{-azwj} Blessed and Exalted to His^{-azwj} Rasool^{-saww}: **Allah has Helped you in many places [9:25]**, and the ‘places’ were eighty places’.⁹⁵³

8- لي، الأما لي للصدوق ابْنُ الْوَلِيدِ عَنْ ابْنِ أَبِي عَمْرٍ وَ مُحَمَّدِ بْنِ إِسْمَاعِيلَ مَعَا عَنْ مَنْصُورِ بْنِ يُوسُفَ وَ عَلِيِّ بْنِ إِسْمَاعِيلَ مَعَا عَنْ مَنْصُورِ بْنِ حَارِثٍ عَنِ الصَّادِقِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا رَضَاعَ بَعْدَ فِطَامٍ وَ لَا وَصَالَ فِي صِبَاٍ وَ لَا يُتَمَّ بَعْدَ اخْتِلَامٍ وَ لَا صَمْتُ يَوْمًا إِلَى اللَّيْلِ وَ لَا تُعْرَبُ بَعْدَ الْهَجْرَةِ وَ لَا هَجْرَةٌ بَعْدَ الْفَتْحِ وَ لَا طَلَاقٌ قَبْلَ نِكَاحٍ وَ لَا عِنَقٌ قَبْلَ مِلْكٍ وَ لَا يَحْيَى لَوْلَدٍ مَعَ وَالِدِهِ وَ لَا لِمَمْلُوكٍ مَعَ مَوْلَاهُ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا تَذَرُ فِي مَعْصِيَةٍ وَ لَا يَحْيَى فِي قَطِيعَةٍ.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Ibn Abu Umeyr and Muhammad Bin Ismail, altogether from Mansour Bin Yunus, and Ali Bin Ismail, both together from Masour Bin Hazim,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘There is neither breast-feeding after weaning, nor continuation in the fasting, nor orphanhood after puberty, nor can you fast a day to the night, nor is there Arabism after the emigration, nor emigration after the conquest (of Makkah), nor divorce before marriage, nor liberation before

⁹⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 6

⁹⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 7

ownership, nor an oath for a child with his father, nor for a slave with his master, nor for the wife with her husband, nor a vow regarding an act of disobedience, nor an oath regarding cutting a kinship'.⁹⁵⁴

9 ما، الأماالي للشيخ الطوسي العَضَائِرِيُّ عَنِ الصَّدُوقِ مِثْلَهُ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.⁹⁵⁵

10- ب، قرب الإسناد ابن طَرِيفٍ عَنِ ابْنِ عُلوَانَ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ قَالَ عَلِيُّ ع لَيْسَ عَلَى الْمَمْلُوكِ نَذْرٌ إِلَّا أَنْ يَأْذَنَ لَهُ سَيِّدُهُ.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{asws}, from his^{asws} father^{asws} having said: 'Ali^{asws} said: 'There isn't any vow for the slave except if his master permits for him'.⁹⁵⁶

11- ج، الإحتجاج كَتَبَ الْحَمَيْرِيُّ إِلَى الْقَائِمِ ع يَسْأَلُهُ عَنِ الرَّجُلِ يَنْوِي إِخْرَاجَ شَيْءٍ مِنْ مَالِهِ وَأَنْ يَدْفَعَهُ إِلَى رَجُلٍ مِنْ إِخْوَانِهِ ثُمَّ يَجِدُ فِي أَقْرَبَائِهِ مُحْتَاجاً يَصْرِفُ ذَلِكَ عَنْ نَوَاهُ لَهُ فِي قَرَابَتِهِ

(The book) 'Al Ihtijaj' -

Al-Himeyri wrote to Al-Qaim^{ajfi} asking him^{ajfi} about a man intending to extract something from his wealth and to hand it to a man from his brethren. Then he finds a needy one among his relatives, 'Can he turn that away from the one he had intended to be for his relative?'

فَأَجَابَ ع يَصْرِفُ إِلَى أَذْنَاهُمَا وَأَقْرَبِيهِمَا مِنْ مَذْهَبِهِ فَإِنْ ذَهَبَ إِلَى قَوْلِ الْعَالِمِ ع لَا يَقْبَلُ اللَّهُ الصَّدَقَةَ وَ دُو رَحِمٍ مُحْتَاجٌ فَلْيُقْسِمَ بَيْنَ الْقَرَابَةِ وَ بَيْنَ الَّذِي نَوَى حَتَّى يَكُونَ قَدْ أَخَذَ بِالْفَضْلِ كُلِّهِ.

He^{ajfi} answered: 'He should turn it to the lowest of the two and nearest of the two from his doctrine. He should go to the word of the Scholar (Imam^{asws}): 'Allah^{azwj} does not Accept the charity while one with kinship is needy'. Let him apportion between the relatives and the one he had intended until he would have taken the merit, all of it'.⁹⁵⁷

12- وَ كَتَبَ إِلَيْهِ ع فِي كِتَابٍ آخَرَ يَسْأَلُهُ عَنِ الرَّجُلِ مَنْ يَقُولُ بِالْحَقِّ وَ يَرَى الْمُنْعَةَ وَ يَقُولُ بِالرَّجْعَةِ إِلَّا أَنَّ لَهُ أَهْلًا مُوَافِقَةً لَهُ فِي جَمِيعِ أُمُورِهِ وَ قَدْ عَاهَدَهَا أَنْ لَا يَتَزَوَّجَ عَلَيْهَا وَ لَا يَتَمَتَّعَ وَ لَا يَتَسَرَّعَ وَ قَدْ فَعَلَ هَذَا مِنْذُ تِسْعِ عَشْرَةِ سَنَةً وَ وَفَى بِقَوْلِهِ

And he wrote to him^{ajfi} in another letter asking him^{ajfi} about the man from the ones who speaks with the truth and he views the Mut'ah (as correct), and says (believes) in the Return (Raj'at), except that for him is a wife compatible in entirety of his affairs, and he had promised her that he will not marry (another wife) upon her, nor engage in Mut'ah, nor keep a concubine, and he has done that since nineteen years and has been loyal with his word.

⁹⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 8

⁹⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 9

⁹⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 10

⁹⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 11

فَرُبَّمَا غَابَ عَنْ مَنْزِلِهِ الْأَشْهُرَ فَلَا يَتَمَتَّعُ وَلَا تَتَحَرَّكُ نَفْسُهُ أَيْضًا لِذَلِكَ وَ يَرَى أَنَّ وَقُوفَ مَنْ مَعَهُ مِنْ أَخٍ وَ وَلَدٍ وَ غُلَامٍ وَ وَكِيلٍ وَ حَاشِيَةٍ مِمَّا يَقْلِلُهُ فِي أَغْيَبِهِمْ وَ يُحِبُّ الْمَقَامَ عَلَى مَا هُوَ عَلَيْهِ حُبَّةً لِأَهْلِهِ وَ مِثْلًا لِإِنِّهَا وَ صِيَانَةً لَهَا وَ لِنَفْسِهِ - لَا لِتَحْرِيمِ الْمُتَنَعَةِ بَلْ يَدِينُ اللَّهُ بِهَا فَهَلْ عَلَيْهِ فِي تَرْكِ ذَلِكَ مَأْتَمٌ أَمْ لَا

Sometimes he is absent from his house for months, but he neither does Mut'ah nor does his soul move to that as well, and he views that the presence of those with him, such as a brother, son, servant, agent, or entourage, would lessen his esteem in their eyes. He prefers to remain as he is out of love for his family, inclination toward them, and to preserve their dignity and his own, not because Mut'ah is forbidden, for he believes in it as part of his religion. Is there any sin upon him for leaving it, or not?'

الْجَوَابُ يُسْتَحَبُّ لَهُ أَنْ يُطِيعَ اللَّهَ تَعَالَى بِالْمُتَنَعَةِ لِيُرْوَلَ عَنْهُ الْحُلْفُ فِي الْمَغْصِيَةِ وَ لَوْ مَرَّةً وَاحِدَةً.

The answer – 'It is recommended for him to obey Allah^{-azwj} the Exalted with the Mut'ah in order to decline the oath away from him regarding the act of disobedience, and even if (he does it) one time'.⁹⁵⁸

13- ل، الخصال الأئمة قال أمير المؤمنين ع لا نذر في مغصية ولا يمين في قطيعة.

(The book) 'Al Khisaal' -

(The Hadeeth) Al-Arbamiya, Amir Al-Momineen^{-asws} said: 'There is no vow regarding an act of disobedience, nor any oath regarding cutting of kinship'.⁹⁵⁹

14- وَ قَالَ ع لَا يَمِينُ لَوْلَدٍ مَعَ وَالِدِهِ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا.

And he^{-asws} said: 'There is no oath for a child with his father, nor for the woman with her husband'.⁹⁶⁰

15- ب، قرب الإسناد علي ع عن أخيه ع قال: سألتُهُ عَنِ الرَّجُلِ يَخْلِفُ عَلَى الْيَمِينِ وَ يَنْسَى مَا حَالَهُ

(The book) 'Qurb Al Isnaad' -

Ali from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the man who swears an oath and he forgot, 'What is his state?'

قَالَ هُوَ عَلَى مَا نَوَى.

He^{-asws} said: 'He is upon what he had intended'.⁹⁶¹

⁹⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 12

⁹⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 13

⁹⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 14

⁹⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 15

16- ل، الحِصَالِ فِي خَيْرِ الْأَعْمَاشِ عَنِ الصَّادِقِ ع قَالَ: لَا حَنْثَ وَلَا كَفَّارَةَ عَلَى مَنْ حَلَفَ تَقِيَّةً يَدْفَعُ ذَلِكَ ظُلْمًا عَنْ نَفْسِهِ.

(The book) 'Al Khisaal' – In a Hadeeth by Al Amsh,

From Al Sadiq^{-asws} having said: 'There is no sin nor any expiation upon the one who swears an oath, ~~to~~ out of dissimulation (Taqiyya) to repel that injustice from himself'.⁹⁶²

17- مع، معاني الأخبار ماجيلويه عَنْ عَمِّهِ عَنِ الْكُوفِيِّ عَنْ مُوسَى بْنِ سَعْدَانَ عَنْ عَبْدِ اللَّهِ بْنِ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَمِينُ فِي غَضَبٍ وَلَا فِي إِجْبَارٍ وَلَا فِي إِكْرَاهٍ

(The book) 'Ma'any Al Akhbaar' – Majaylawiya, from his paternal uncle from Al Kufi, from Musa Bin Sa'dan, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

'Abu Abdullah^{-asws} said: 'There is neither an oath during anger, nor under compulsion, nor in coercion'.

قُلْتُ أَصْلَحَكَ اللَّهُ فَمَا الْفَرْقُ بَيْنَ الْإِكْرَاهِ وَالْإِجْبَارِ

I said, 'May Allah^{-azwj} Keep you well! What is the difference between the coercion and the compulsion?'

قَالَ الْإِجْبَارُ مِنَ السُّلْطَانِ وَالْإِكْرَاهُ مِنَ الزَّوْجَةِ وَالْأُمِّ وَالْأَبِ وَ لَيْسَ بِشَيْءٍ.

He^{-asws} said: 'The compulsion is from the ruler and the coercion is from the wife, and the mother, and the father, and it isn't of anything (consequence)'.⁹⁶³

18- مع، معاني الأخبار أَبِي عَنْ سَعْدِ بْنِ أَبِي يَزِيدَ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ عَبْدِ اللَّهِ بْنِ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَمِينُ فِي غَضَبٍ وَلَا فِي فَطِيْعَةٍ رَحِمَ وَلَا فِي جَبَرٍ وَلَا فِي إِكْرَاهٍ

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Yazeed, from Hammad Bin Isa, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

'Abu Abdullah^{-asws} said: 'There is neither an oath during anger, nor regarding cutting a kinship, nor in compulsion, nor in coercion'.

قُلْتُ أَصْلَحَكَ اللَّهُ فَمَا الْفَرْقُ مَا بَيْنَ الْإِكْرَاهِ وَالْجَبَرِ

I said, 'May Allah^{-azwj} Keep you^{-asws} well! What is the difference between the coercion and the compulsion?'

قَالَ الْجَبَرُ مِنَ السُّلْطَانِ يَكُونُ وَالْإِكْرَاهُ مِنَ الزَّوْجِ وَالْأَبِ وَ لَيْسَ ذَلِكَ بِشَيْءٍ.

⁹⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 16

⁹⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 17

He^{-asws} said: 'The compulsion is from the ruler while the coercion is from the spouse, and the father, and that isn't with anything (of consequence)'.⁹⁶⁴

19- ص، قصص الأنبياء عليهم السلام بالإسناد إلى الصَّدُوقِ عَنْ أَبِيهِ عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَمَّنْ ذَكَرَهُ عَنْ دُرُوشْتِ عَمَّنْ ذَكَرَهُ عَنْهُمْ ع قَالَ: قَالَ إِبْلِيسُ لِمُوسَى إِيَّاكَ أَنْ تُعَاهِدَ اللَّهَ عَهْدًا فَإِنَّهُ مَا عَاهَدَ اللَّهُ أَحَدًا إِلَّا كُنْتُ صَاحِبَهُ دُونَ أَصْحَابِي حَتَّى أَحُولَ بَيْنَهُ وَ بَيْنَ الْوَفَاءِ بِهِ الْخَبَرِ.

(The book) 'Qasas Al-Anbiya^{-as}', may the greeting be upon them^{-as} – By the chain to Al Sadouq, from his father, from Sa'ad, from Ahmad Bin Muhammad, from the one who mention it, from Dorost, from the one who mentioned it,

From them^{-asws} having said: 'Iblees^{-la} said to Musa^{-as}, 'Beware of making a covenant with Allah^{-azwj}, for no one makes a covenant with Allah^{-azwj} except that I^{-la} am his companion, (but) not my companions, until I come between him and fulfilling it." – the Hadeeth.⁹⁶⁵

20- ضا، فقه الرضا عليه السلام اعْلَمْ أَنَّ النَّذْرَ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ إِنْ أَفْعَلْتُ كَذَا وَ كَذَا فَلِلَّهِ عَلَيَّ صَوْمٌ كَذَا أَوْ صَلَاةٌ أَوْ صدَقَةٌ أَوْ حَجٌّ أَوْ عَتَقُ رَقَبَةٍ فَعَلَيْهِ أَنْ يَنْبِيَّ لِلَّهِ بِنَذْرِهِ إِذَا كَانَ ذَلِكَ الشَّيْءُ كَمَا نَذَرَ فِيهِ فَإِنْ أَفْطَرَ يَوْمَ صَوْمِ النَّذْرِ فَعَلَيْهِ الْكَفَّارَةُ شَهْرَيْنِ مُتَتَابِعَيْنِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know that the vow is upon two perspectives. One of these is that they may say, 'I shall do such and such, upon me for Allah^{-azwj} is to fast such and such', or Salat, or charity, or Hajj, or liberation of a neck, upon him is to fulfil his vow for Allah^{-azwj} when that thing happens just as he had vowed regarding. If he breaks a day of fasting of the vow, upon him is the expiation of (fasting) two consecutive months.

وَقَدْ رُوِيَ أَنَّ عَلَيْهِ كَفَّارَةُ يَمِينٍ

And it has been reported upon him is expiation of an oath.

وَالْوَجْهُ الثَّانِي مِنْ صَوْمِ النَّذْرِ أَنْ يَقُولَ الرَّجُلُ إِنْ كَانَ كَذَا وَ كَذَا صُمْتُ أَوْ صَلَّيْتُ أَوْ صَدَقْتُ أَوْ حَجَجْتُ وَ لَمْ يَقُلْ لِلَّهِ عَلَيَّ كَذَا وَ كَذَا إِنْ شَاءَ فَعَلَ وَ أَوْفَى بِنَذْرِهِ وَ إِنْ شَاءَ لَمْ يَفْعَلْ فَهُوَ بِالْخِيَارِ.

And the second perspective of the vowed fast is that the man says, 'If such and such, I will fast', or pray, or donate, or perform Hajj, and he does not say, 'Upon me would be such' – if he likes he does so, and fulfil his vow, and if he likes he does so. He is with the choice'.⁹⁶⁶

21- ضا، فقه الرضا عليه السلام اعْلَمْ بِرَحْمَتِكَ اللَّهُ أَنَّ أَعْظَمَ الْأَيْمَانِ الْخَلْفُ بِاللَّهِ جَلَّ وَ عَزَّ فَإِذَا خَلَفَ الرَّجُلُ بِاللَّهِ عَلَى طَاعَةٍ نَظِيرُ ذَلِكَ رَجُلٌ خَلَفَ بِاللَّهِ أَنْ يُصَلِّيَ صَلَاةً مَعْلُومَةً وَ أَنْ يَعْمَلَ شَيْئًا مِنْ خِصَالِ الْبِرِّ فَقَدْ وَجَبَ عَلَيْهِ فِي يَمِينِهِ أَنْ يَفْعَلَ بِمَا خَلَفَ عَلَيْهِ لِأَنَّ الَّذِي خَلَفَ عَلَيْهِ لِلَّهِ طَاعَةً

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know, may Allah^{-azwj} Mercy you, that the mightiest swear is an oath by Allah^{-azwj} Majestic and Mighty. When the man swears by Allah^{-azwj} upon an act of disobedience, such as a man swearing by Allah^{-azwj} that he will pray a known Salat, and he will work something from the qualities of righteousness, it

⁹⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 18

⁹⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 19

⁹⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 20

becomes obligatory upon him regarding his swear that he will be loyal with what he had sworn an oath upon, because that which he had sworn upon is an obedience to Allah-azwj.

فَإِنْ لَمْ يَفِ مَا خَلَفَ وَ جَازَ الْوَقْتُ فَقَدْ خَانَ وَ وَجِبَ عَلَيْهِ الْكَفَّارَةُ فَإِنْ خَلَفَ أَنْ لَا يَقْرُبَ مَعْصِيَةً أَوْ حَرَاماً ثُمَّ خَانَ فَقَدْ وَجِبَ عَلَيْهِ الْكَفَّارَةُ وَ الْكَفَّارَةُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ أَوْ كِسْوَتُهُمْ ثَوْبَيْنِ لِكُلِّ مَسْكِينٍ

If he fulfils what he had sworn upon, and the time passes by, he has sinned, and the expiation is obligated upon him. If a man swears that he will not approach a sin or something forbidden, then breaks his oath, the expiation becomes obligatory upon him. The expiation is to feed ten poor people or to clothe them, two garments for each poor person.

وَ الْمُكَفِّرُ عَنْ يَمِينِهِ بِالْخِيَارِ إِنْ كَانَ مُوسِراً أَيْ ذَلِكَ شَاءَ فَعَلَّ وَ الْمُعْسِرُ لَا شَيْءَ عَلَيْهِ إِلَّا إِطْعَامُ عَشْرَةِ مَسَاكِينَ أَوْ صَوْمُ ثَلَاثَةِ أَيَّامٍ إِنْ أَفْكَتَهُ ذَلِكَ وَ الْعَيُّ وَ الْفَقِيرُ فِي ذَلِكَ سَوَاءٌ فَإِنْ خَلَفَ بِالظَّهَارِ وَ هُوَ يُرِيدُ الْيَمِينَ فَعَلَيْهِ لِلْفُظِّ الْيَمِينِ عِتْقُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مَسْكِيناً.

The one making expiation for his oath has the choice, if he is well-off, to do whichever of these he wishes. As for the one in hardship, nothing is required of him except feeding ten poor people, or fasting three days if he is able. In this, the rich and the poor are the same. If he swears using the pronouncement of Zihar while intending it as an oath, then due to the wording of the oath upon him is freeing a slave, or fasting two consecutive months, or feeding sixty poor people'.⁹⁶⁷

22- وَ قَدْ رُوِيَ أَنَّ الثَّلَاثَةَ عَلَيْهِ عُقُوبَةٌ عَلَى مَكْرُوهٍ أُمِّهِ وَ دَوِي رَجْمِهِ يَمِثِلُ هَذَا وَ لَا يَمِينَ فِي قَطِيعَةِ رَجْمٍ وَ لَا فِي تَرْكِ الدُّخُولِ فِي حَلَالٍ وَ كَفَّارَةُ هَذِهِ الْأَيْمَانِ الْحِنْثُ

And it has been reported that the three, upon it is punishment upon being abhorrent to his mother, and one with kinship with the likes of this, and there is no oath in cutting a kinship, nor in neglecting the entering into a permissible act, and expiation of this oath, the sin.

وَ اعْلَمُوا أَنَّ كُلَّ مَا كَانَ مِنْ قَوْلِ الْإِنْسَانِ لِلَّهِ عَلَى نَذْرٍ مِنْ وَجْهِ الطَّاعَةِ وَ وَجْهِ الْإِثْرِ فَعَلَيْهِ الْوَفَاءُ بِمَا جَعَلَهُ عَلَى نَفْسِهِ وَ إِنْ كَانَ النَّذْرُ لِعَبْدٍ لِلَّهِ فَإِنَّهُ إِنْ لَمْ يُعْطَ وَ لَمْ يَفِ بِمَا جَعَلَهُ عَلَى نَفْسِهِ فَلَا كَفَّارَةَ عَلَيْهِ وَ لَا صَوْمَ وَ لَا صَدَقَةَ

Know that all what was from the words of the human being, 'For Allah-azwj is a vow upon me', from the aspects of obedience and aspects of righteousness, upon him is to fulfil whatever he had made to be upon himself. But if the vow is for other than Allah-azwj. If he does not give, nor fulfil what he had made to be upon himself, there is no expiation upon him, nor fasting, nor charity.

وَ نَظِيرُ ذَلِكَ أَنْ يَقُولَ لِلَّهِ عَلَى صَلَاةٍ مَعْلُومَةٍ أَوْ صَوْمٍ مَعْلُومٍ أَوْ بِرٍّ أَوْ وَجْهِ مِنْ وَجْهِ الْإِثْرِ فَيَقُولُ إِنْ عَافَانِي اللَّهُ مِنْ مَرْضِيٍّ أَوْ رَزَقَنِي مِنْ سَقَرِيٍّ أَوْ رَزَقَنِي رِزْقاً أَوْ صَلَّيْتُ إِلَى مَحْبُوبٍ حَلَالٍ

And an example of that it that he says, 'For Allah-azwj upon me is a known Salat, or known fasts, or righteousness, or an aspect from the aspects of righteousness', so he says, 'If Allah-azwj

⁹⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 21

Grants me well-being from an illness', or 'Returns me from my journey', or 'Restore my absent (missing) one, or Graces me sustenance, and Connects me to a beloved, lawfully'.

فَأُعْطِيَ مَا مَتَّى لِرَمِّهِ مَا جَعَلَ عَلَى نَفْسِهِ إِلَّا أَنْ يَكُونَ جَعَلَ عَلَى نَفْسِهِ مَا لَا يُطِيقُهُ فَلَا شَيْءَ عَلَيْهِ إِلَّا بِقَدَارِ مَا يَحْتَمِلُهُ

If he is Granted his wishes, it would necessitate him whatever he had made to be upon himself, except if he happens to have made upon himself what he cannot endure, so there would be nothing upon him except in accordance to what he can endure.

وَهَذَا مِمَّا يَجِبُ أَنْ يَسْتَعْفِرَ اللَّهُ مِنْهُ وَلَا يَعُودُ إِلَى مِثْلِهِ وَإِنْ هُوَ نَذَرَ لَوْجِهِ مِنْ وَجْهِ الْمَعَاصِي مِثْلُ الرَّجُلِ يَجْعَلُ عَلَى نَفْسِهِ نَذْرًا عَلَى شُرْبِ الْخَمْرِ أَوْ فِسْقٍ أَوْ زِنَا أَوْ سَرَقَةٍ أَوْ قَتْلِ أَوْ مَوْتٍ أَوْ إِسَاءَةٍ مُؤْمِنٍ أَوْ عُقُوقٍ أَوْ قَطِيعَةٍ رَجِمَ فَلَا شَيْءَ عَلَيْهِ فِي نَذْرِهِ.

And this is from what obligates to seek Forgiveness of Allah^{-azwj} from and not return to its like; and if he vows for an aspect from the aspects of disobedience, like the man making a vow upon himself upon drinking the wine, or corruption, or adultery, or theft, or murder, or death, or being evil to a Momin, or disloyalty (to parents), or cutting a kinship, there is nothing upon him regarding his vow'.⁹⁶⁸

23- وَ قَدْ رُوِيَ أَنَّ عَلَيْهِ فِي ذَلِكَ كَفَّارَةٌ بِمَنْ بِاللَّهِ لِلْعُقُوبَةِ لَا غَيْرَ لِإِقْدَامِهِ عَلَى نَذْرٍ فِي مَعْصِيَتِهِ.

And it has been reported: 'Upon him regarding that is expiation of an oath by Allah^{-azwj} being a punishment, not for anything except for his advancing upon a vow in an act of disobedience'.⁹⁶⁹

24- وَ قَدْ رُوِيَ إِذَا نَذَرْتَ نَذْرَ طَاعَةٍ لِلَّهِ فَقَدِمَهُ فَإِنَّ اللَّهَ أَوْلَى مِنْكَ-

And it has been reported: 'When you have vowed a vow for an obedience to Allah^{-azwj}, go ahead in it, for Allah^{-azwj} is more foremost than you are!

وَ اعْلَمْ أَنَّ الْيَمِينَ عَلَى وَجْهَيْنِ يَمِينٍ فِيهَا كَفَّارَةٌ وَ يَمِينٍ لَا كَفَّارَةَ فِيهَا فَالْيَمِينُ الَّتِي فِيهَا الْكَفَّارَةُ فَهُوَ أَنْ يَخْلِفَ الْعَبْدُ عَلَى شَيْءٍ يَلْزُمُهُ أَنْ يَفْعَلَ فَيَخْلِفُ إِنْ فَعَلَ ذَلِكَ الشَّيْءَ وَ إِنْ لَمْ يَفْعَلْهُ فَعَلَيْهِ الْكَفَّارَةُ أَوْ يَخْلِفُ عَلَى مَا يَلْزُمُهُ أَنْ يَفْعَلْهُ فَعَلَيْهِ الْكَفَّارَةُ إِذَا لَمْ يَفْعَلْهُ

And know that the swearing is upon two perspectives. There is a swear having an expiation in it and a swear having no expiation in it. The swear in which is the expiation, it is that the servant makes an oath upon something necessitating him to do, so he makes an oath that if he were to do that thing, and if he does not do it, upon him is the expiation; or he makes an oath upon what necessitates him to do, so upon him is the expiation when he does not do it.

وَ الْيَمِينُ الَّتِي لَا كَفَّارَةَ فِيهَا عَلَى ثَلَاثَةِ أَوْجُهٍ فَمِنْهَا مَا يُؤْجَرُ عَلَيْهِ الرَّجُلُ إِذَا خَلَفَ كَاذِبًا وَ مِنْهَا مَا لَا كَفَّارَةَ فِيهَا عَلَيْهِ وَ لَا أَجَرَ لَهُ وَ مِنْهَا مَا لَا كَفَّارَةَ عَلَيْهِ فِيهَا وَ الْعُقُوبَةُ فِيهَا إِدْخَالُ النَّارِ فَمَا الَّتِي يُؤْجَرُ عَلَيْهِ الرَّجُلُ إِذَا خَلَفَ فِي الدُّنْيَا

⁹⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 22

⁹⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 23

And the swear there is no expiation in it is upon three aspects. From these is what the man is rewarded upon if he makes a false oath; and from these is what there is no expiation in it nor any reward for him; and from these is in what there is no expiation upon it, and the punishment in it is entering the Hellfire. As for which the man is rewarded upon is when he makes an oath regarding the worldly matters.

وَمَا يَلْزَمُ فِيهَا الْكَفَّارَةُ فَهُوَ أَنْ يَخْلِفَ الرَّجُلُ فِي خَلَاصِ امْرِئٍ مُسْلِمٍ أَوْ يَخْلُصَ بِمَا مَالَ امْرِئٍ مُسْلِمٍ مِنْ مُتَعَدٍّ يَتَعَدَّى عَلَيْهِ مِنْ لَصٍّ أَوْ غَيْرِهِ

And what necessitates the expiation in it, it is that the man makes an oath in rescuing of a Muslim person or to rescue the property of a Muslim from one who transgresses against it, whether a thief or someone else.

فَأَمَّا الَّتِي لَا كَفَّارَةَ عَلَيْهِ وَلَا أَجْرَ لَهُ فَهُوَ أَنْ يَخْلِفَ الرَّجُلُ عَلَى شَيْءٍ ثُمَّ يَجِدَ مَا هُوَ خَيْرٌ مِنَ الْيَمِينِ فَيَنْتَرِكُ الْيَمِينَ وَ يَرْجِعُ إِلَى الَّذِي هُوَ خَيْرٌ.

As for that which carries neither expiation nor reward, it is when a man swears about something and then finds what is better than the oath, so he abandons the oath and turns to that which is better.⁹⁷⁰

25- وَقَالَ الْعَالِمُ ع لَا كَفَّارَةَ عَلَيْهِ وَ ذَلِكَ مِنْ خُطُوءَاتِ الشَّيْطَانِ وَ أَمَّا الَّتِي عُقُوبَتُهَا دُخُولُ النَّارِ فَهُوَ إِذَا خَلَفَ الرَّجُلُ عَلَى مَالِ امْرِئٍ مُسْلِمٍ أَوْ عَلَى حَقٍّ ظَلَمًا فَهُوَ يَمِينٌ غُمُوسٍ تُوجِبُ النَّارَ وَ لَا كَفَّارَةَ عَلَيْهِ فِي الدُّنْيَا

And the Scholar (Imam^{asws}) said: 'There is no expiation upon him, and that is from the footsteps of Satan^{la}, and as for which their punishment is entering the Hellfire, it is when the man makes an oath upon wealth of a Muslim person, or upon his right unjustly, it is a swear of perjury obligating the Hellfire, and there is no expiation upon him in the world.

وَ اعْلَمْ أَنَّهُ لَا يَمِينَ فِي قَطِيعَةِ رَحِمٍ وَ لَا تَذَرُ فِي مَعْصِيَةِ اللَّهِ وَ لَا يَمِينَ لَوْلَدٍ مَعَ الْوَالِدَيْنِ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا لِلْمَمْلُوكِ مَعَ مَوْلَاهُ وَ لَوْ أَنَّ رَجُلًا خَلَفَ وَ تَذَرُ أَنْ يَشْرَبَ خَمْرًا أَوْ يَفْعَلَ شَيْئًا بِمَا لَيْسَ لِلَّهِ فِيهِ رِضًى فَحَبِثَ لَا يَنْفِي بِنَذَرِهِ فَلَا شَيْءَ عَلَيْهِ-

And know that there is no swearing regarding cutting off kinship, nor is there a vow regarding an act of disobedience of Allah^{azwj}, and there is no swear for a child with the parents, nor for the wife with her husband, nor for the slave with his master, and if a man were to make an oath and vows that he will drink wine or do something from what there is no Pleasure of Allah^{azwj} in it, so he breaks not fulfilling his vow, there is nothing upon him.

وَ التَّذَرُّ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ إِنْ عُوِفْتُ مِنْ مَرَضِي أَوْ تَخَلَّصْتُ مِنْ كَذَا وَ كَذَا فَعَلَيْ صَدَقَةٍ أَوْ صَوْمٍ أَوْ شَيْءٍ مِنْ أَفْعَالِ الْبِرِّ فَهُوَ بِالْخِيَارِ إِنْ شَاءَ فَعَلَ وَ إِنْ شَاءَ لَمْ يَفْعَلْ

And the vow is upon two perspectives. One of these is that the man says, 'If I recover from a sickness, or rescued from such and such, upon me is charity, or fasting, or something from the actions of righteousness', he is with the choice. If he likes, he does it, and if he like, he does not do so.

⁹⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 24

فَإِنْ قَالَ لِلَّهِ عَلَيَّ كَذَا وَكَذَا مِنْ أَفْعَالِ الْبِرِّ فَعَلَيْهِ أَنْ يَقِيَّ وَلَا يَسْغُهُ تَرْكُهُ فَإِنْ خَالَفَ لَزِمَهُ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ

If he says, 'For Allah^{-azwj} upon me is such and such from the actions of righteousness', upon him is to fulfil and there is no leeway for him to neglect it. If he breaks, it necessitates him the fasting of two consecutive months.

وَرُوي كَفَّارَةُ يَمِينٍ وَإِذَا نَذَرَ الرَّجُلُ أَنْ يَصُومَ صَوْماً يَوْماً أَوْ شَهْراً وَلَمْ يُسَمِّ يَوْماً بَعِيْنِهِ أَوْ شَهْراً بَعِيْنِهِ فَهُوَ بِالْخِيَارِ أَيَّ يَوْمٍ شَاءَ صَامَ وَ أَيَّ شَهْرٍ شَاءَ صَامَ مَا لَمْ يَكُنْ ذَا الْحِجَّةِ أَوْ شَوَّالٍ فَإِنَّ فِيهِمَا الْعِيدَيْنِ وَلَا يَجُوزُ صَوْمُهُمَا

And it is reported about expiation of a swear – 'And when the man vows to fast, fasting a day or a month, and he does not specify a day specifically, or a month specifically, he is with the choice whichever day he likes, he can fast, and whichever month he likes, he can fast, for as long as it does not happen to be Zul Hijjah, or Shawwal, for therein are two Eids, one is not allowed to fast these two.

فَإِنْ صَامَ يَوْماً أَوْ شَهْراً لَمْ يُسَمِّهِ فِي النَّذْرِ مُتَتَابِعٍ أَوْ غَيْرِهِ فَأَفْطَرَ فَلَا كَفَّارَةَ عَلَيْهِ إِذَا عَلَيَّ أَنْ يَصُومَ مَكَانَهُ يَوْماً آخَرَ أَوْ شَهْراً آخَرَ عَلَى حَسَبِ مَا نَذَرَ

If he fasts a day, or a month, not having specified it in the vow, consecutive or otherwise, so he breaks, there is no expiation upon him. But rather, upon him is to fast another day or another month in its place in accordance with what he had vowed.

فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْماً مَعْرُوفاً أَوْ شَهْراً مَعْرُوفاً فَعَلَيْهِ أَنْ يَصُومَ ذَلِكَ الْيَوْمَ وَ ذَلِكَ الشَّهْرَ فَإِنْ لَمْ يَصُمْهُ أَوْ صَامَهُ فَأَفْطَرَ فَعَلَيْهِ الْكَفَّارَةُ

If he vows that he will fast on a well-known day, or on a well-known month, upon him is to fast that very day and that very month. If he does not fast it, or fasts but breaks, upon him is the expiation.

وَلَوْ أَنَّ رَجُلًا نَذَرَ نَذْراً وَلَمْ يُسَمِّ شَيْئاً فَهُوَ بِالْخِيَارِ إِنْ شَاءَ تَصَدَّقَ بِشَيْءٍ وَ إِنْ شَاءَ صَلَّى رَكْعَتَيْنِ أَوْ صَامَ يَوْماً إِلَّا أَنْ يَكُونَ بَنُوِي شَيْئاً فِي نَذْرٍ وَ يَلْزِمُهُ ذَلِكَ الشَّيْءُ بَعِيْنِهِ

And if a man were to vow a vow and does not name anything, he is with the choice. If he likes he can donate something, and if he like he prays two units Salat, or fasts a day except he happens to have intended something in a vow, and that necessitates him the exact thing.

وَ إِنْ أَمَرُوْهُ نَذَرَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيْرٍ وَ لَمْ يُسَمِّ مَبْلَعَهُ فَإِنَّ الْكَثِيْرَ ثَمَانُونَ وَ مَا زَادَ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ- لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيْرَةٍ فَكَانَ ثَمَانِيْنَ مَوْطِئاً وَ بِاللَّهِ حُسْنُ الْإِسْتِشَادِ.

And if a person were to vow that he will donate a lot of wealth and does not specify its extent, then the 'lot' is eighty and whatever is more due to Words of Allah^{-azwj} Mighty and Majestic: **Allah has Helped you in many places [9:25]**. These were eighty places, and through Allah^{-azwj} is the excellent guidance.⁹⁷¹

⁹⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 25

26- ضا، فقه الرضا عليه السلام إِنْ خَلَفَ الْمَمْلُوكُ أَوْ ظَاهَرَ فَلَيْسَ عَلَيْهِ إِلَّا الصَّوْمُ فَقَطْ وَ هُوَ شَهْرَانِ مُتَتَابِعَانِ- وَ لَا يَمِينَ فِي اسْتِكْرَاهٍ وَ لَا سُكْرٍ وَ لَا عَلَى عَصِيَّةٍ وَ لَا عَلَى مَعْصِيَةٍ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'If the slave makes an oath, or does Zihhaar, it isn't upon him except the fasting only, and it is two consecutive months; and there is swear in coercion nor intoxication, nor upon prejudice, nor upon an act of disobedience'.⁹⁷²

27- سر، السرائر مِنْ كِتَابِ الْبَزَنْطِيِّ عَنْ عُنْبَسَةَ بْنِ الْمُضْعَبِ قَالَ: قُلْتُ لَهُ اشْتَكَى ابْنِي لِي فَجَعَلْتُ لِلَّهِ عَلَيَّ إِنْ هُوَ بَرَّأ أَنْ أُخْرَجَ إِلَى مَكَّةَ مَاشِيًا وَ خَرَجْتُ أَمْشِي حَتَّى انْتَهَيْتُ إِلَى الْعُقْبَةِ فَلَمْ أَسْتَطِعْ أَنْ أَخْطُو فَرَكِبْتُ تِلْكَ اللَّيْلَةَ حَتَّى إِذَا أَصْبَحْتُ مَشَيْتُ حَتَّى بَلَغْتُ فَهَلَّ عَلَيَّ شَيْءٌ

(The book) 'Al Saraair', from the book of Al Bazanty – From Anbasa Bin Al Mus'ab who said,

'I said to him^{-asws}, 'A son of mine had a health complaint, so I made it for Allah^{-azwj} upon me, if he were to recover I shall go out to Makkah bare-footed, and I did go out walking until I ended to Al-Aqabah, but I was not able from taking a step (further), so I rode that night until when it was morning, I walked until I reached. Is there anything (penalty) upon me?'

He^{-asws} said: 'Slaughter (an offering), for it is more beloved to me^{-asws}'.

قَالَ ادْبَحْ فَهُوَ أَحَبُّ إِلَيَّ قَالَ فَقُلْتُ لَهُ أَ شَيْءٌ هُوَ لِي لَا زِمَ أَوْ لَيْسَ لِي بِلَا زِمَ

He (the narrator) said, 'I said to him^{-asws}, 'Is it something which necessitates me or it doesn't necessitate me?'

قَالَ مَنْ جَعَلَ لِلَّهِ عَلَى نَفْسِهِ شَيْئًا فَبَلَغَ فِيهِ جُحُودَهُ فَلَا شَيْءَ عَلَيْهِ.

He^{-asws} said: 'One who makes something for Allah^{-azwj} upon himself, so he strives extensively in it, there is nothing upon him'.⁹⁷³

28- قَالَ أَبُو بَصِيرٍ أَيْضًا سُئِلَ عَنْ ذَلِكَ فَقَالَ مَنْ جَعَلَ لِلَّهِ عَلَى نَفْسِهِ شَيْئًا فَبَلَغَ جُحُودَهُ فَلَا شَيْءَ عَلَيْهِ وَ كَانَ اللَّهُ أَغْدَرَ لِعَبْدِهِ.

Abu Baseer also said, 'He^{-asws} was asked about that. He^{-asws} said: 'One who makes something for Allah^{-azwj} upon himself, so he strives extensively, there is nothing upon him, and Allah^{-azwj} is more Excusing for His^{-azwj} servant'.⁹⁷⁴

29- شَيْءٌ، تَفْسِيرُ الْعِيَاشِيِّ عَنِ الْعَلَاءِ بْنِ رَزِينَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ع أَنَّهُ سُئِلَ عَنِ امْرَأَةٍ جَعَلَتْ مَالَهَا هَدِيًّا وَ كُلِّ مَمْلُوكٍ لَهَا خَرًّا إِنْ كَلِمَتْ أُخْتَهَا أَبَدًا

(The book) 'Tafseer Al Ayyashi' – From Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

⁹⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 26

⁹⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 27

⁹⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 28

From one of the two (5th or 6th Imam-asws), he-asws was asked about a woman who made her wealth as a gift, and every slave of hers free if she speaks to her sister, ever!'

قَالَ تَكَلِّمُهَا وَ لَيْسَ هَذَا بِشَيْءٍ إِلَّا هَذَا وَ أَشْبَاهُهُ مِنْ حُطُوتِ الشَّيْطَانِ.

He-asws said: 'She can speak to her and this isn't anything. But rather, this and its like are from the footsteps of Satan^{-la'}.⁹⁷⁵

30- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ أَنَّ امْرَأَةً مِنْ آلِ الْمُخْتَارِ حَلَفَتْ عَلَى أُخْتِهَا أَوْ ذَاتِ قَرَابَةٍ لَهَا قَالَتْ ادْنُوي يَا فُلَانَةُ فَكُلِّي مَعِيَ فَقَالَتْ لَا فَحَلَفَتْ عَلَيْهَا بِالْمَشْيِ إِلَى بَيْتِ اللَّهِ وَ عَتَقِ مَا تَمْلِكُ إِنْ لَمْ تَدْنُوي فَتَأْكُلِي مَعِيَ إِنْ أَطْلَعَهَا وَ إِيَّاكَ سَقَفُ بَيْتٍ أَوْ أَكَلْتُ مَعَكَ عَلَى خِوَانٍ أَبَدًا

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

'A woman from the family of Al-Mukhtar swore an oath upon her sister, or a relative of hers, who said, 'Come near me, O so and so, and eat with me!' She said, 'No, I have sworn an oath upon it with the walking to the House of Allah^{-azwj}, and liberating whatever (slaves) I own, if you are not coming near me and eating with me, from me and you being shaded by the roof of a house, or my eating with you upon a meal, ever!'

قَالَ فَقَالَتْ الْآخَرَى مِثْلَ ذَلِكَ فَحَمَلَ عُمَرُ بْنُ حَنْظَلَةَ إِلَى أَبِي جَعْفَرٍ عَ مَقَالَتَهُمَا

He (the narrator) said, 'The other one said similar to that, so Umar Bin Hanzala carried their words to Abu Ja'far-asws.

فَقَالَ أَنَا أَقْضِي فِي ذَا فُلٍ لَهَا فُلْتَأْكُلُ وَ لِيُظَلَّهَا وَ إِيَّاهَا سَقَفُ بَيْتٍ وَ لَا تَمْشِي وَ لَا تُعْتَقِ وَ لَتَنْقُ اللَّهُ رَحْمًا وَ لَا تَعُودُ إِلَى ذَلِكَ فَإِنَّ هَذَا مِنْ حُطُوتِ الشَّيْطَانِ.

He-asws said: 'I-asws shall judge regarding that. Tell them both, let them eat (together), and let her and her be shaded under the roof of a house, and neither walk (to the Kaabah), nor liberate (slaves), and let her fear her Lord^{-azwj} and not to repeat that, for this is from the footsteps of Satan^{-la'}.⁹⁷⁶

31- شي، تفسير العياشي عَنْ مَنْصُورِ بْنِ حَارِثٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ عَ أَمَا سَمِعْتَ بِطَارِقٍ إِنَّ طَارِقًا كَانَ نَحَّاسًا بِالْمَدِينَةِ فَأَتَى أَبَا جَعْفَرٍ عَ فَقَالَ يَا أَبَا جَعْفَرٍ إِنِّي هَالِكٌ إِنِّي حَلَفْتُ بِالطَّلَاقِ وَ الْعَتَاقِ وَ النُّدُورِ

(The book) 'Tafseer Al Ayyashi' – From Mansour Bin Hazim who said,

'Abu Abdullah-asws said: 'Have you not heard of Tariq? Tariq was a slave trader at Al-Medina. He came to Abu Ja'far-asws. He said, 'O Abu Ja'far-asws, I am destroyed! I have sworn an oath with the divorce (of my wives), and the liberation (of my slaves), and the vows!'

فَقَالَ لَهُ يَا طَارِقُ إِنَّ هَذِهِ مِنْ حُطُوتِ الشَّيْطَانِ.

⁹⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 29

⁹⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 30

He^{-asws} said to him: 'O Tariq! These are from the footsteps of Satan^{-la'}.⁹⁷⁷

32- شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ رَجُلٍ حَلَفَ أَنْ يُنَحَرَ وَلَدَهُ فَقَالَ ذَلِكَ مِنْ حُطُوتِ الشَّيْطَانِ.

Tafseer Al Ayyashi –

From Abdul Rahman son of Abu Abdullah^{-asws} having said, 'I asked Abu Abdullah^{-asws} about a man who swears an oath that he will sacrifice his son. He^{-asws} said: 'That is from the footsteps of Satan^{-la'}.⁹⁷⁸

33- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ لَا تَتَّبِعُوا حُطُوتِ الشَّيْطَانِ قَالَ كُلُّ يَمِينٍ بَعَثَ اللَّهُ فِيهَا مِنْ حُطُوتِ الشَّيْطَانِ.

Tafseer Al Ayyashi – From Muhammad Bin Muslim who said,

'I heard Abu Ja'far^{-asws} saying: '**Do not follow the footsteps of Satan! [24:21]**. He^{-asws} said: 'Every oath sworn with other than Allah^{-azwj}, it is from the footsteps of Satan^{-la'}.⁹⁷⁹

34- شي، تفسير العياشي عَنْ زُرَّارَةَ وَهُمْرَانَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع وَ لَا تَجْعَلُوا اللَّهَ عُزْزَةً لِأَيِّمَانِكُمْ قَالَ هُوَ الرَّجُلُ يُصْلِحُ بَيْنَ الرَّجُلَيْنِ فَيَحْمِلُ مَا بَيْنَهُمَا مِنَ الْإِثْمِ.

Tafseer Al Ayyashi – From Zurara and Humran, and Muhammad Bin Muslim,

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws}: '**And do not be making Allah as obstacle to your oaths [2:224]**. He^{-asws} said: 'He is the man between the two men, so he carries whatever sins there are between the two'.⁹⁸⁰

35- شي، تفسير العياشي عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- وَ لَا تَجْعَلُوا اللَّهَ عُزْزَةً لِأَيِّمَانِكُمْ قَالَ يَعْنِي الرَّجُلَ يَحْلِفُ أَنْ لَا يُكَلِّمَ أَخَاهُ وَ مَا أَشْبَهَ ذَلِكَ أَوْ لَا يُكَلِّمَ أُمَّهُ.

Tafseer Al Ayyashi –

From Mansour Bin Hazim from Abu Abdullah^{-asws}, and Muhammad Bin Muslim from Abu Ja'far^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: '**And do not be making Allah as obstacle to your oaths [2:224]**. He^{-asws} said: 'It means the man who swears an oath that he will not talk to his brother, and what resembles that, or he will not be talking to his mother'.⁹⁸¹

36- شي، تفسير العياشي عَنْ أَيُّوبَ قَالَ سَمِعْتُهُ يَقُولُ لَا تَحْلِفُوا بِاللَّهِ صَادِقِينَ وَ لَا كَاذِبِينَ فَإِنَّ اللَّهَ يَقُولُ- وَ لَا تَجْعَلُوا اللَّهَ عُزْزَةً لِأَيِّمَانِكُمْ

(The book) 'Tafseer Al Ayyashi' – From Ayoub who said,

⁹⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 31

⁹⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 32

⁹⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 33

⁹⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 34

⁹⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 35

'I heard him^{-asws} saying: 'Neither swear a truthful oath nor a false one, for Allah^{-azwj} Says: **And do not be making Allah as obstacle to your oaths [2:224]**'.

قَالَ إِذَا اسْتَعَانَ رَجُلٌ بِرَجُلٍ عَلَى صُلْحٍ بَيْنَهُ وَ بَيْنَ رَجُلٍ فَلَا يَقُولَنَّ إِنَّ عَلَيَّ يَمِينًا أَلَّا أَفْعَلَ وَ هُوَ قَوْلُ اللَّهِ وَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ أَنْ تَبَرُّوا وَ تَتَّقُوا وَ تَصْلِحُوا بَيْنَ النَّاسِ.

He^{-asws} said: 'When a man is assisted by a man upon reconciling between him and a man, he should not be saying, 'Upon me is an oath that I will not do it', and it is the Word of Allah^{-azwj}: **And do not be making Allah as obstacle to your oaths if you are doing good; and be fearing and reconciling between the people [2:224]**'.⁹⁸²

37- شي، تفسير العياشي عَنْ أَبِي الصَّبَّاحِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ قَوْلِهِ- لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّعْنِ فِي أَيْمَانِكُمْ قَالَ هُوَ لَا وَ اللَّهُ وَ بَلَى وَ اللَّهُ وَ كَلَّا وَ اللَّهُ- لَا يَعْقِدُ عَلَيْهَا أَوْ لَا يَعْقِدُ عَلَى شَيْءٍ.

Tafseer Al Ayyashi – From Abu Al Sabbah who said,

'I asked Abu Abdullah^{-asws} about His^{-azwj} Words: **Allah will not Seize you for the vanities in your oaths [5:89]**. It is, 'No, by Allah^{-azwj}', and 'Yes, by Allah^{-azwj}', and 'Never, by Allah^{-azwj}'. Neither is he bound upon it, nor is he bound upon anything'.⁹⁸³

38- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ امْرَأَتُهُ طَالِقٌ أَوْ مَالِيكُهُ أَخْرَازَ إِنْ شَرِئْتُ حَرَامًا وَ لَا حَلَالًا

Tafseer Al Ayyashi – From Abdullah Bin Sinan who said,

'I asked him^{-asws} about a man who says to his wife she is divorced, or his slave that he is free, if I drink something forbidden or lawful'.

فَقَالَ أَمَّا الْحَرَامُ فَلَا يَقْرُبُهُ حَلْفٌ أَوْ لَمْ يَخْلِفْ وَ أَمَّا الْحَلَالُ فَلَا يَنْتَهِ عَنْهُ لَيْسَ لَهُ أَنْ يَحْرِمَ مَا أَحَلَّ اللَّهُ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ- يَا أَيُّهَا الَّذِينَ آمَنُوا- لَا تُحَرِّمُوا طَيِّبَاتٍ مَا أَحَلَّ اللَّهُ لَكُمْ فَلَيْسَ عَلَيْهِ شَيْءٌ فِي يَمِينِهِ مِنَ الْحَلَالِ.

He^{-asws} said: 'As for the prohibited, he cannot go near it, whether he had sworn an oath or not, and as for the permissible, he cannot neglect it, for it is not for him to prohibit what Allah^{-azwj} has Permitted, because Allah^{-azwj} the Exalted Says: **O you who believe! Do not be prohibiting yourselves the good things what Allah has Permitted for you [5:87]**. Thus, there isn't anything upon him regarding his oath of the permissible'.⁹⁸⁴

39- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَوْلُ اللَّهِ تَعَالَى- لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّعْنِ فِي أَيْمَانِكُمْ قَالَ هُوَ قَوْلُ الرَّجُلِ لَا وَ اللَّهُ بَلَى وَ اللَّهُ وَ لَا يَعْقِدُ قَلْبُهُ عَلَى شَيْءٍ.

Tafseer Al Ayyashi – From Abdullah Bin Sinan,

⁹⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 36

⁹⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 37

⁹⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 38

From Abu Abdullah^{-asws} having said: ‘Words of Allah^{-azwj} the Exalted: **Allah will not Seize you for the vanities in your oaths [5:89]**. He^{-asws} said: ‘The words of a man, ‘No, by Allah^{-azwj}’, ‘Yes, by Allah^{-azwj}’, and his heart does not believe upon anything’.⁹⁸⁵

40- وَ فِي رِوَايَةٍ أُخْرَى عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ قَالَ: وَ لَا يَعْقِدُ عَلَيْهَا.

And in another report from Muhammad Bin Muslim,

He^{-asws} said: ‘And he is not bound upon it’.⁹⁸⁶

41- شَي، تَفْسِيرُ الْعِيَّاشِيِّ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا الْحُسَيْنِ عَ عَنْ إِطْعَامِ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ إِطْعَامِ سِتِّينَ مِسْكِينًا أَوْ يُجْمَعُ ذَلِكَ

Tafseer Al Ayyashi – From Is’haq Bin Ammar who said,

‘I asked Abu Al-Hassan^{-asws} about **feeding ten poor ones from the average of what you feed your families, or their clothing [5:89]**, or **he should feed sixty needy ones [58:4]**, ‘Can he gather that?’

فَقَالَ لَا وَ لَكِنْ يُعْطَى إِنْسَانٌ إِنْسَانٌ كَمَا قَالَ اللَّهُ

He^{-asws} said: ‘No, but he should feed person by person just as Allah^{-azwj} has said’.

قَالَ قُلْتُ فَيُعْطَى الرَّجُلُ قَرَابَتَهُ إِذَا كَانُوا مُحْتَاجِينَ

He (the narrator) said, ‘I said, ‘Can the man give to his relatives if they were needy?’

قَالَ نَعَمْ

He^{-asws} said: ‘Yes’.

قُلْتُ فَيُعْطِيهَا إِذَا كَانُوا ضَعْفَاءَ مِنْ غَيْرِ أَهْلِ الْوِلَايَةِ

I said, ‘Can he give it when they were weak ones, from other than the people of Wilayah?’

فَقَالَ نَعَمْ وَ أَهْلُ الْوِلَايَةِ أَحَبُّ إِلَيَّ.

He^{-asws} said: ‘Yes, but the people of Wilayah are more beloved to me’.⁹⁸⁷

42- شَي، تَفْسِيرُ الْعِيَّاشِيِّ عَنْ مُحَمَّدٍ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا قَالَ: فِي الْيَمِينِ فِي إِطْعَامِ عَشْرَةِ مَسَاكِينَ أَلَا تَرَى أَنَّهُ يَقُولُ - مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرَ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامَ ثَلَاثَةِ أَيَّامٍ

⁹⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 39

⁹⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 40

⁹⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 41

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From one of the two (5th or 6th Imam^{-asws}) having said regarding the oath in **feeding ten poor ones from the average of what you feed your families, or their clothing, or freeing a neck. So the one who cannot find (the means), then Fasting for three days [5:89]**.

فَلَعَلَّ أَهْلَكَ أَنْ يَكُونَ قُوَّتُهُمْ لِكُلِّ إِنْسَانٍ دُونَ الْمُدِّ وَ لَكِنْ يُحْسَبُ فِي طَبْعِهِ وَ مَائِهِ وَ عَجِينِهِ فَإِذَا هُوَ يَجْرِي لِكُلِّ إِنْسَانٍ مُدٌّ

Perhaps the daily food of your family for each person is less than a *Mudd*, but it is considered in what is cooked, its water, and its dough, so that it amounts to a *Mudd* for each person.

وَ أَمَّا كِسْوَتُهُمْ فَإِنْ وَافَقَتْ بِهِ الْبِتَاءُ فَكِسْوَتُهُ وَ إِنْ وَافَقَتْ بِهِ الصَّنِيفُ فَكِسْوَتُهُ لِكُلِّ مَسْكِينٍ إِزَارٌ وَ رِدَاءٌ وَ لِلْمَرْأَةِ مَا يُؤَارِي مَا يَجُزُّ مِنْهَا إِزَارٌ وَ خِمَارٌ وَ دِرْعٌ وَ صَوْمٌ ثَلَاثَةَ أَيَّامٍ إِنْ شِئْتَ أَنْ تَصُومَ إِنَّمَا الصَّوْمُ مِنْ جَسَدِكَ لَيْسَ مِنْ مَالِكَ وَ لَا غَيْرِهِ.

As for their clothing, if it coincides with winter, then its clothing is sufficient, and if it coincides with summer, then the clothing for each poor person is a waist cloth and a cloak, and for the woman is that which covers what must be concealed of her, a waist cloth, a scarf, and a waist coat. And fasting three days, if you wish to fast, the fasting is from your body, not from your wealth or anything else'.⁹⁸⁸

43- شي، تفسير العياشي عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ فِي كَفَّارَةِ الْيَمِينِ

Tafseer Al Ayyashi – From Sama'at Bin Mihran,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **from the average of what you feed your families, or their clothing [5:89]**, in expiation of the oath.

قَالَ مَا يَأْكُلُ أَهْلُ الْبَيْتِ لِشَبْعِهِمْ يَوْمٌ وَ كَانَ يُعْجِبُهُ مُدٌّ لِكُلِّ مَسْكِينٍ

He^{-asws} said: 'What the family members eat a day to satiate themselves, and what he is obligated is a *Mudd* for each needy one'.

قُلْتُ أَوْ كِسْوَتُهُمْ

I said, 'Or their clothing'.

قَالَ ثَوْبَيْنِ لِكُلِّ رَجُلٍ.

He^{-asws} said: 'Two garments for each man'.⁹⁸⁹

44- شي، تفسير العياشي عَنْ أَبِي بصيرٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ قَوْلِ اللَّهِ - مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ قَالَ قُوتُ عِيَالِكَ وَ الْقُوتُ يَوْمَئِذٍ مُدٌّ

⁹⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 42

⁹⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 43

Tafseer Al Ayyashi – From Abu Baseer who said,

‘I asked Abu Ja’far^{-asws} about Words of Allah^{-azwj}: **from the average of what you feed your families, or their clothing [5:89]**. He^{-asws} said: ‘Daily meal of your dependants, and on that day the daily meal was a *Mudd*’.

قُلْتُ أَوْ كِسْوَتُهُمْ

I said, ‘**or their clothing [5:89]**’.

قَالَ تَوْبٌ.

He^{-asws} said: ‘A garment’.⁹⁹⁰

45- شي، تفسير العياشي عن إبراهيم بن عبد الحميد عن أبي إبراهيم ع قال: سألته عن إطعام عشرة مساكين أو ستين مسكيناً أيجمع ذلك لإنسانٍ واحدٍ

Tafseer Al Ayyashi – From Ibrahim Bin Abdul Hameed,

From Abu Ibrahim (Musa Al-Kazim^{-asws}), he (the narrator) said, ‘I asked him^{-asws} about feeding ten needy ones, or sixty needy ones, ‘Can one gather that for the one person?’

قَالَ لَا أَعْطِيهِ وَاحِدًا وَاحِدًا كَمَا قَالَ اللَّهُ

He^{-asws} said: ‘No. Give it to one by one, just as Allah^{-azwj} has Said’.

قَالَ قُلْتُ أَوْ فَيُعْطِيهِ الرَّجُلُ قَرَابَتَهُ

He (the narrator) said, ‘I said, ‘Can a man give it to his relatives?’

قَالَ نَعَمْ

He^{-asws} said: ‘Yes’.

قَالَ قُلْتُ فَيُعْطِيهِ الضُّعْفَاءُ مِنَ النِّسَاءِ مِنْ غَيْرِ أَهْلِ الْوَلَايَةِ

He (the narrator) said, ‘I said, ‘Can he give it to the weak ones from the women, from other than the people of Wilayah?’

قَالَ أَهْلُ الْوَلَايَةِ أَحَبُّ إِلَيَّ.

He^{-asws} said: ‘The people of Wilayah are more beloved to me^{-asws}’.⁹⁹¹

⁹⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 44

⁹⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 45

46- شي، تفسير العياشي عَنِ ابْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: فِي كَفَّارَةِ الْيَمِينِ تُعْطَى كُلُّ مِسْكِينٍ مِدًّا عَلَى قَدْرِ مَا تَقُوتُ إِنْسَانًا مِنْ أَهْلِكَ فِي كُلِّ يَوْمٍ

Tafseer Al Ayyashi – From Ibn Sinan,

From Abu Abdullah^{asws} having said regarding expiation of the oath: ‘Each needy one should be given a *Mudd* in accordance to what a person from his family has a meal during every day’.

وَقَالَ مِدًّا مِنْ حِنْطَةٍ يَكُونُ فِيهِ طَحْنُهُ وَ حَطْبُهُ عَلَى كُلِّ مِسْكِينٍ أَوْ كِسْوَتُهُمْ ثَوْبَيْنِ.

And he^{asws} said: ‘A *Mudd* of wheat, including its grinding and firewood (for cooking) to each needy one, or clothe them two garments (each)’.⁹⁹²

47- وَ فِي رِوَايَةٍ أُخْرَى عَنْهُ ع ثَوْبَيْنِ لِكُلِّ رَجُلٍ وَ الرَّقَبَةُ تُعْتَقُ مِنَ الْمُسْتَضْعَفِينَ فِي الذِّي يَحِبُّ عَلَيْكَ فِيهِ رَقَبَةٌ.

And in another report from him^{asws}: ‘Two garments for each man, and the liberation of a neck from the weak ones in which obligates a liberation upon you’.⁹⁹³

48- شي، تفسير العياشي عَنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: فِي كَفَّارَةِ الْيَمِينِ عَتَقُ رَقَبَةٍ أَوْ إِطْعَامُ عَشْرَةِ مَسَاكِينٍ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ وَ الْإِدَامُ الْوَسْطُ الْخُلُّ وَ الزَّيْتُ وَ أَزْفَعُهُ الْخُبْزُ وَ اللَّحْمُ وَ الصَّدَقَةُ مِدًّا لِكُلِّ مِسْكِينٍ وَ الْكِسْوَةُ ثَوْبَانِ

Tafseer Al Ayyashi – From Zurarah,

From Abu Abdullah^{asws} having said: ‘Regarding expiation of the oath is liberation of a neck, **feeding ten poor ones from the average of what you feed your families, or their clothing, [5:89]**, and the average condiment is the vinegar and the oil, and its higher is the bread and the meat, and the charity is a *Mudd*, by *Mudd* for each needy one, and the clothing is of two garments.

فَمَنْ لَمْ يَجِدْ فَعَلَيْهِ الصِّيَامُ يَقُولُ اللَّهُ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ وَ يَصُومُهُنَّ مُتَتَابِعَاتٍ وَ يَجُوزُ فِي عَتَقِ الْكَفَّارَةِ الْمُؤَلُّودُ وَ لَا يَجُوزُ فِي عَتَقِ الْقَتْلِ إِلَّا مُقَرَّةً بِالتَّوْحِيدِ.

The one who cannot find, upon him is the fasting. Allah^{azwj} Says: **So the one who cannot find (the means), then Fasting for three days [5:89]**, and they would be fasting these consecutively, and the new-born suffices as expiation in liberation, and it is not allowed in liberation for the murder except an acknowledger of the *Tawheed*’.⁹⁹⁴

49- شي، تفسير العياشي عَنِ الْحُلَيْيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي كَفَّارَةِ الْيَمِينِ يُطْعَمُ عَشْرَةَ مَسَاكِينٍ لِكُلِّ مِسْكِينٍ مِدًّا مِنْ حِنْطَةٍ وَ مِدًّا مِنْ ذَيْقٍ وَ حَفْنَةً أَوْ كِسْوَتُهُمْ لِكُلِّ إِنْسَانٍ ثَوْبَانِ أَوْ عَتَقُ رَقَبَةٍ وَ هُوَ فِي ذَلِكَ بِالْخِيَارِ أَيُّ الثَّلَاثَةِ شَاءَ صَنَعَ فَإِنْ لَمْ يَقْدِرْ عَلَى وَاحِدَةٍ مِنَ الثَّلَاثِ فَالصِّيَامُ عَلَيْهِ وَاجِبٌ صِيَامُ ثَلَاثَةِ أَيَّامٍ.

⁹⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 46

⁹⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 47

⁹⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 48

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws} regarding expiation of the oath: 'Feed ten needy ones, for each needy one a *Mudd* of wheat, and a *Mudd* of flour, and a handful, or clothe them two garments for every person, or liberation of a neck; and he is with the choice in that, i.e. the three (options). He does whatever he likes. If he is not able upon one of the three, then the fasting is obligated upon him, fasting of three days'.⁹⁹⁵

50- شي، تفسير العياشي عن أبي حمزة عن أبي جعفر ع قال سمعته يقول إن الله فوض إلى الناس في كفارة اليمين كما فوض إلى الإمام في المحارم أن يصنع ما شاء

Tafseer Al Ayyashi – From Abu Hamza,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'Allah^{-azwj} has Delegated (given discretion) to the people regarding expiation of the oath just as He^{-azwj} has Delegated (given discretion) to the Imam^{-asws} regarding the sacred matters, that he^{-asws} can do whatever he^{-asws} likes'.

و قال كل شيء في القرآن «أو» فصاحبه فيه بالخير.

And he^{-asws} said: 'All things are in the Quran, or its owner (performer) is with the choice'.⁹⁹⁶

51 شي، تفسير العياشي عن الزهري عن علي بن الحسين ع قال: صيام ثلاثة أيام في كفارة اليمين واجب لمن لم يجد الإطعام قال الله فصيام ثلاثة أيام ذلك كفارة أيمانكم إذا حلفتم كل ذلك متتابع ليس بمتفرق.

Tafseer Al Ayyashi – From Al Zuhry,

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'Fasting three days in expiation of the oath is obligatory for the one who cannot find the feeding. Allah^{-azwj} Says: **then Fasting for three days. That is an expiation of your oaths when you swear [5:89]**. All that is consecutive, not separately'.⁹⁹⁷

52 شي، تفسير العياشي عن إسحاق بن عمار عن أبي عبد الله ع قال: سئل عن كفارة اليمين في قول الله- فمن لم يجد فصيام ثلاثة أيام ما حد من لم يجد فهذا الرجل يسأل في كفه و هو يجد

Tafseer Al Ayyashi – From Is'haq Bin Ammar,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked about expiation of the oath regarding the Words of Allah^{-azwj}: **So, the one who cannot find (the means), then Fasting for three days [5:89]**, 'What is the limit of the one who cannot find (the means)? This man begs with his hands, and he does find!'

⁹⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 49

⁹⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 50

⁹⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 51

فَقَالَ إِذَا لَمْ يَكُنْ عِنْدَهُ فَضْلٌ يَوْمِهِ عَنْ قُوتِ عِيَالِهِ فَهُوَ لَا يَجِدُ

He^{-asws} said: 'When there does not happen to be in his possession the extra of his day of the daily meal of his dependants, he is the one who cannot find'.

وَقَالَ الصِّيَامُ ثَلَاثَةَ أَيَّامٍ لَا يُفَرِّقُ بَيْنَهُنَّ.

And he^{-asws} said: 'The fasting of three days, there should be no separation between these'.⁹⁹⁸

53 شي، تفسير العياشي عَنْ أَبِي خَالِدٍ الْقَمَّاطِ أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ ع يَقُولُ فِي كَفَّارَةِ الْيَمِينِ مَنْ كَانَ لَهُ مَا يُطْعَمُ فَلْيَسَّرْ لَهُ أَنْ يَصُومَ أَطْعَمَ عَشْرَةَ مَسَاكِينَ مُدًّا مُدًّا فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ أَوْ عَتَقَ رَقَبَةً أَوْ كَسُوهُ أَوْ الْكِسْوَةُ ثَوْبَانِ أَوْ إِطْعَامُ عَشْرَةِ مَسَاكِينَ أَيْ ذَلِكَ فَعَلَّ أَجْرًا عَنْهُ.

Tafseer Ayyashi –

From Abu Khalid Al-Qammat, he heard Abu Abdullah^{-asws} saying regarding expiation of the oath: 'One who has for him what he can feed with, it isn't for him to fast. He should feed ten needy ones, a *Mudd* by a *Mudd*. If he cannot find, then he should fast three days, or liberate a neck, or clothe, and the clothing is with two garments, or feeding ten needy ones. Whichever of that he does, it will suffice him from it'.⁹⁹⁹

54 شي، تفسير العياشي عَلِيُّ بْنُ أَبِي حَمَزَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع وَ قَالَ: فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ مُتَوَالِيَاتٍ وَ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مُدًّا مُدًّا.

Tafseer Al Ayyashi – Ali Bin Abu Hamza,

From Abu Abdullah^{-asws}, and he^{-asws} said: 'If he cannot find (the means to feed), he should fast three days consecutively, and feeding is of ten needy ones, *Mudd*, a *Mudd*'.¹⁰⁰⁰

55 شي، تفسير العياشي عَنْ أَبِي الْحَلِّجِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: صِيَامُ ثَلَاثَةِ أَيَّامٍ فِي كَفَّارَةِ الْيَمِينِ مُتَتَابِعَاتٍ – لَا يُفْصَلُ بَيْنَهُنَّ

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws} having said: 'Fasting three days regarding an expiation of the oath, is consecutive, there being no gap between these'.

قَالَ وَ قَالَ كُلُّ صِيَامٍ يُفَرَّقُ إِلَّا صِيَامُ ثَلَاثَةِ أَيَّامٍ فِي كَفَّارَةِ الْيَمِينِ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ – فَصِيَامُ ثَلَاثَةِ أَيَّامٍ مُتَتَابِعَاتٍ.

He (the narrator) said, 'And he^{-asws} said: 'Every fast can be separate except fasting of three days regarding expiation of the oath, for Allah^{-azwj} Mighty and Majestic Says: **then Fasting for three days [5:89], consecutive**'.¹⁰⁰¹

⁹⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 52

⁹⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 53

¹⁰⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 54

¹⁰⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 55

56 شي، تفسير العياشي يُوسُفُ بْنُ السُّحْتِ قَالَ: اشْتَكَى الْمُتَوَكِّلُ شَكَاةً شَدِيدَةً فَنَذَرَ لِلَّهِ أَنْ شَفَاهُ اللَّهُ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ فَعُوقِي مِنْ عِلَّتِهِ فَسَأَلَ أَصْحَابَهُ عَنْ ذَلِكَ فَأَعْلَمُوهُ أَنَّ أَبَاهُ تَصَدَّقَ بِبِمِائَةِ أَلْفٍ دِرْهَمٍ وَ إِنِّي أَرَاهُ تَصَدَّقَ بِخَمْسَةِ أَلْفٍ دِرْهَمٍ فَاسْتَكْبَرَ ذَلِكَ

Tafseer Al Ayyashi – Yusuf Bin Al Sukhti said,

‘Al-Mutawakkil (the caliph) had a health complaint of severe illness. He vowed to Allah^{-azwj} that if Allah^{-azwj} Grants him well-being, he will donate a lot of money. He recovered from his illness. He asked his companions about that. I informed him that his father had donated a million Dirhams, and I viewed that he should donate five million Dirhams. He considered that as being too much.

فَقَالَ أَبُو يَحْيَى بْنُ أَبِي مُنْصُورٍ الْمُنْجِمُ لَوْ كَتَبْتَ إِلَى ابْنِ عَمَلِكَ يَغْنِي أَبَا الْحَسَنِ عَنْ قَامَرٍ أَنْ يَكْتُبَ لَهُ فَيَسْأَلَهُ فَكُتِبَ إِلَيْهِ

Abu Yahya Bin Abu Mansour the astrologer said, ‘If you could write to the son^{-asws} of your uncle^{-asws}, meaning Abu Al Hassan^{-asws}, and he instructed that he writes to him^{-asws}. He wrote to him^{-asws}.

فَكُتِبَ أَبُو الْحَسَنِ عَنْ تَصَدَّقَ بِثَمَانِينَ دِرْهَمًا

Abu Al-Hassan^{-asws} wrote: ‘Donate eighty Dirhams’.

قَالُوا هَذَا غَلَطٌ سَلُوهُ مِنْ أَيْنَ قَالَ هَذَا

They said, ‘This is wrong! Ask him^{-asws}, from where he^{-asws} has said this!’

فَكُتِبَ قَالَ اللَّهُ لِرَسُولِهِ- لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَ الْمَوَاطِنُ الَّتِي نَصَرَ اللَّهُ رَسُولَهُ ص فِيهَا ثَمَانُونَ مَوْطِنًا فَثَمَانِينَ [فَثَمَانُونَ] دِرْهَمًا مِنْ جَلِّهِ مَالٍ كَثِيرٌ.

He^{-asws} wrote: ‘Allah^{-azwj} Said to His^{-azwj} Rasool^{-saww}: **Allah has Helped you in many places [9:25]**, and the places in which Allah^{-azwj} had Helped His^{-azwj} Rasool^{-saww} were eighty places. Thus, eighty Dirhams from his lawful wealth is ‘many’¹⁰⁰².

57 شي، تفسير العياشي عَنْ إِسْمَاعِيلَ بْنِ أَبِي زَيْنَادٍ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع قَالَ: فِي رَجُلٍ نَذَرَ أَنْ يَصُومَ زَمَانًا قَالَ الزَّمَانُ خَمْسَةُ أَشْهُرٍ وَ الْحَيْنُ سِتَّةُ أَشْهُرٍ لِأَنَّ اللَّهَ يَقُولُ تُوْنِي أَكُلَهَا كُلَّ حَيْنٍ.

Tafseer Al Ayyashi – From Ismail Bin Abu Ziyad Al Sakuni,

From Ja’far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws} said regarding a man who had vowed that he would fast for ‘a time’ (Zamana). He^{-asws} said: ‘The ‘time’ (Zamana) is of five months, and the season (Al Heen) is of six months, because Allah^{-azwj} Says: **Yielding its fruit in every season [14:25]**’¹⁰⁰³.

¹⁰⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 56

¹⁰⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 57

58 شي، تفسير العياشي عَنِ الْخَلِيِّ قَالَ: سُمِّلَ أَبُو عَبْدِ اللَّهِ ع عَنْ رَجُلٍ جَعَلَ لِلَّهِ عَلَيْهِ صَوْمًا حِينًا فِي شُكْرِ

Tafseer Al Ayyashi – From Al Halby who said,

‘Abu Abdullah^{-asws} was asked about a man who made for Allah^{-azwj} upon him to fast for a season in appreciation’.

قَالَ فَقَالَ قَدْ سُمِّلَ عَلَيَّ بْنُ أَبِي طَالِبٍ ع عَنْ هَذَا فَقَالَ فَلْيَصُمْ سِتَّةَ أَشْهُرٍ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ- تُؤْتِي أَكْلَهَا كُلَّ حِينٍ وَ الْحِينُ سِتَّةَ أَشْهُرٍ.

He (the narrator) said, ‘He^{-asws} said: Ali^{-asws} Bin Abu Talib^{-asws} was asked about this. He^{-asws} said: ‘Let him fast for six months. Allah^{-azwj} Mighty and Majestic Said: **Yielding its fruit in every season [14:25]**, and the ‘season’ (Heen) is six months’.¹⁰⁰⁴

59 شي، تفسير العياشي عَنْ خَالِدِ بْنِ جَرِيرٍ قَالَ: سُمِّلَ أَبُو عَبْدِ اللَّهِ ع عَنْ رَجُلٍ قَالَ لِلَّهِ عَلَيَّ أَنْ أَصُومَ حِينًا وَ ذَلِكَ فِي شُكْرِ فَقَالَ أَبُو عَبْدِ اللَّهِ ع قَدْ أَتَى عَلَيَّامِنْ هَذَا فَقَالَ صُمْ سِتَّةَ أَشْهُرٍ فَإِنَّ اللَّهَ يَقُولُ- تُؤْتِي أَكْلَهَا كُلَّ حِينٍ يَعْنِي سِتَّةَ أَشْهُرٍ.

Tafseer Al Ayyashi – From Khalid Bin Jareer who said,

‘Abu Abdullah^{-asws} was asked about a man who said, ‘For Allah^{-azwj} upon me is to fast for a season’, and that is in appreciation. Abu Abdullah^{-asws} said: ‘Ali^{-asws} was brought (a case) similar to this. He^{-asws} said: ‘Fast for six months. Allah^{-azwj} Says: **Yielding its fruit in every season [14:25]** – meaning six months’.¹⁰⁰⁵

60 شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ مَيْمُونٍ عَنْ أَبِي عَبْدِ اللَّهِ ع عَنْ أَبِيهِ عَنِ عَلِيِّ بْنِ أَبِي طَالِبٍ صَلَوَاتُ اللَّهِ عَلَيْهِمْ قَالَ: إِذَا سَلَفَ الرَّجُلُ بِاللَّهِ فَلَهُ ثُنْيَا إِلَى أَرْبَعِينَ يَوْمًا وَ ذَلِكَ أَنَّ قَوْمًا مِنَ الْيَهُودِ سَأَلُوا النَّبِيَّ ص عَنْ هَيْءِ نَقْعِ الْقُوْنِي عَدَا وَ لَمْ يَسْتَسْخِرْ حَتَّى أُخْبِرُكُمْ

Tafseer Al Ayyashi – From Abdullah Bin Maymoun,

~~From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} Bin Abu Talib^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}, said: ‘When the man swears an oath with Allah^{-azwj} for him is the time up to forty days, and that is because a group of Jews asked the Prophet^{-sawww} about something. He^{-sawww} said: ‘Meet me tomorrow until I^{-sawww} inform you’—and did not make an exclusion (if Allah^{-azwj} so Desires).~~

فَاحْتَبَسَ عَنْهُ جِبْرَائِيلُ عَ أَرْبَعِينَ يَوْمًا ثُمَّ أَتَاهُ وَ قَالَ وَ لَا تَقُولَنَّ لَيْسَ بِي فِعْلٌ ذَلِكَ عَدَا إِلَّا أَنْ يَشَاءَ اللَّهُ وَ ادْكُرْ رَبَّكَ إِذَا نَسِيتَ.

~~Jibraeel^{-as} withheld from him^{-sawww} for forty days. Then he^{-as} came to him^{-sawww} and said: **And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’; and mention your Lord when you forget [18:24]**.~~¹⁰⁰⁶-Derogatory

61 شي، تفسير العياشي عَنْ أَبِي حمزة عَنْ أَبِي جَعْفَرٍ ع ذَكَرَ أَنَّ آدَمَ لَمَّا أَسْكَنَهُ اللَّهُ الْجَنَّةَ فَقَالَ لَهُ يَا آدَمُ لَا تَقْرَبْ هَذِهِ الشَّجَرَةَ

¹⁰⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 58

¹⁰⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 59

¹⁰⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 60

Tafseer Al Ayyashi – From Abu Hamza,

From Abu Ja'far^{-asws} having mentioned that when Allah^{-azwj} Settled Adam^{-as} into the Paradise, Said to him^{-as}: “O Adam^{-as}! Do not go near this tree!”

فَقَالَ نَعَمْ يَا رَبِّ وَ لَمْ يَسْتَشْنِ فَأَمَرَ اللَّهُ نَبِيَّهُ فَقَالَ وَ لَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذَلِكَ عَدَاً إِلَّا أَنْ يَشَاءَ اللَّهُ وَ ادْكُرْ رَبَّكَ إِذَا نَسِيتَ أَنْ تَقُولَ وَ لَوْ بَعْدَ سَنَةٍ.

He^{-as} said: ‘Yes, O Lord^{-azwj}!’, and he^{-as} did not make an exclusion (if Allah^{-azwj} so Desires). So, Allah^{-azwj} Commanded His^{-azwj} Prophet^{-saww}. He^{-azwj} Said: ***And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’; and mention your Lord when you forget [18:24], saying it, and even if after a year’.***¹⁰⁰⁷

62 شي، تفسير العياشي في رواية عبد الله بن ميمون عن أبي عبد الله ع في قوله وَ لَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذَلِكَ عَدَاً إِلَّا أَنْ يَشَاءَ اللَّهُ وَ ادْكُرْ رَبَّكَ إِذَا نَسِيتَ أَنْ تَقُولَ إِلَّا مِنْ بَعْدِ الْأَرْبَعِينَ فَلِلْعَبْدِ الْإِسْتِثْنَاءُ فِي الْيَمِينِ مَا بَيْنَهُ وَ بَيْنَ أَرْبَعِينَ يَوْماً إِذَا نَسِيَ.

Tafseer Al Ayyashi – In a report by Abdullah Bin Maymoun,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: ***And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’; and mention your Lord when you forget [18:24]*** to say, except from after forty (days). It is for the servant that he makes the exclusion, (if Allah^{-azwj} so Desires) in the oath, what is between it and forty days when he forgets’.¹⁰⁰⁸

63 شي، تفسير العياشي عن سلام بن المستنير عن أبي جعفر ع قال: قَالَ اللَّهُ- وَ لَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذَلِكَ عَدَاً إِلَّا أَنْ يَشَاءَ اللَّهُ أَلَا أَفْعَلُهُ فَتَسْبِقُ مَشِيئَةَ اللَّهِ فِي أَلَا أَفْعَلُهُ فَلَا أَقْدِرُ عَلَى أَنْ أَفْعَلُهُ

Tafseer Al Ayyashi – From Sallam Bin Al Mustaneer,

From Abu Ja'far^{-asws} having said: ***‘And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’ [18:24]. ‘Indeed I will do it, but if the Desire of Allah^{-azwj} Precedes me for me not to do it, I will not be able upon doing it’.***

قَالَ فَلِذَلِكَ قَالَ اللَّهُ- وَ ادْكُرْ رَبَّكَ إِذَا نَسِيتَ أَيَّ اسْتَشْرَ مَشِيئَةَ اللَّهِ فِي فِعْلِكَ.

He^{-asws} said: ‘For that reason Allah^{-azwj} Said: ***and mention your Lord when you forget [18:24]*** – I.e., exclusion is the Desire of Allah^{-azwj} in your actions’.¹⁰⁰⁹

64 شي، تفسير العياشي عن زُرَّارَةَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ وَ ادْكُرْ رَبَّكَ إِذَا نَسِيتَ قَالَ إِذَا حَلَفَ الرَّجُلُ فَتَسْبِي أَنْ يَسْتَفْتِي فَلْيَسْتَفْتِ إِذَا ذَكَرَ.

Tafseer Al Ayyashi - From Zurara and Muhammad Bin Muslim,

¹⁰⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 61

¹⁰⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 62

¹⁰⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 63

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24]**. He^{-asws} said: 'When a man swears an oath, so he forgets to make the exclusion (if Allah^{-azwj} so Desires), let him do so when he remembers'.¹⁰¹⁰

65 قَالَ حَمْرَةُ بْنُ حُمْرَانَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ - وَادْكُرْ رَبَّكَ إِذَا نَسِيتَ فَقَالَ أَنْ تَسْتَنْتِي ثُمَّ ذَكَرْتَ بَعْدَ فَاسْتَنْتِي حِينَ تَذْكُرُ.

Hamza Bin Humran who said,

'I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **and mention your Lord when you forget [18:24]**. He^{-asws} said: '(Forgetting to) make the exclusion (if Allah^{-azwj} so Desires), then you remember afterwards, then make the exclusion when you remember'.¹⁰¹¹

66 شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ وَادْكُرْ رَبَّكَ إِذَا نَسِيتَ قَالَ هُوَ الرَّجُلُ يَخْلِفُ فَيَنْسَى أَنْ يَقُولَ إِنْ شَاءَ اللَّهُ فَلْيُقْلُهَا إِذَا ذَكَرَ.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Suleyman,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24]**. He^{-asws} said: 'He is the man who swears an oath, so he forgets to say, 'If Allah^{-azwj} so Desires'. Let him say it when he remembers'.¹⁰¹²

67 شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - وَ لَا تَقُولُوا لِنَبِيِّ إِني فاعِلٌ ذَلِكَ غَدًا إِلَّا أَنْ يَشَاءَ اللَّهُ قَالَ هُوَ الرَّجُلُ يَخْلِفُ عَلَى الشَّيْءِ وَ يَنْسَى أَنْ يَسْتَنْتِي فَيَقُولُ لَأَفْعَلَنَّ كَذَا وَ كَذَا غَدًا أَوْ بَعْدَ غَدٍ عَنْ قَوْلِهِ وَادْكُرْ رَبَّكَ إِذَا نَسِيتَ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **'And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires' [18:24]**. He^{-asws} said: 'He is the man who swears an oath upon something, and he forgets to make an exclusion (if Allah^{-azwj} so Desires) so he says, 'I will do such and such tomorrow or after tomorrow' – about His^{-azwj} Words: **and mention your Lord when you forget [18:24]**'.¹⁰¹³

68 شي، تفسير العياشي عَنْ حَمْرَةَ بْنِ حُمْرَانَ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ وَادْكُرْ رَبَّكَ إِذَا نَسِيتَ قَالَ إِذَا خَلَفْتَ نَاسِيًا ثُمَّ ذَكَرْتَ بَعْدَ فَاسْتَنْتِهِ حِينَ تَذْكُرُ.

Tafseer Al Ayyashi – From Hamza Bin Humran who said,

'I asked him^{-asws} about Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24]**. He^{-asws} said: 'When you swear an oath (and) forget (to make the exclusion - if Allah^{-azwj} so Desires), then you remember afterwards, then make the exclusion when you remember'.¹⁰¹⁴

¹⁰¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 64

¹⁰¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 65

¹⁰¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 66

¹⁰¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 67

¹⁰¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 68

69 شي، تفسير العياشي عن القداح عن جعفر بن محمد عن أبيه عن علي ع قال: الإسْتِثْنَاءُ فِي الْيَمِينِ مَتَى مَا ذَكَرَ وَ إِنْ كَانَ بَعْدَ أَرْبَعِينَ صَبَاحاً ثُمَّ تَلَا هَذِهِ الْآيَةَ - وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ.

Tafseer Al Ayyashi – From Al Qaddah,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'The exclusion (if Allah^{-azwj} so Desires) in the oath is whenever one remembers, and even if it was after forty mornings'. Then he^{-asws} recited this Verse: **and mention your Lord when you forget [18:24]**.¹⁰¹⁵

70 قب، المناقب لابن شهر آشوب أبو علي بن راشد و غيره قال: كَتَبْتُ عَصَابَةَ الشَّيْبَةِ إِلَى مُوسَى بْنِ جَعْفَرٍ ع مَا يَقُولُ الْعَالِمُ فِي رَجُلٍ قَالَ نَذَرْتُ لِلَّهِ لَأُعْتِقَنَّ كُلَّ مَمْلُوكٍ كَانَ فِي رَهْيٍ قَدِيمًا وَ كَانَ لَهُ جَمَاعَةٌ مِنَ الْعَبِيدِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Abu Ali Bin Rashid and others said,

'A group of Shias wrote to Musa^{-asws} Bin Ja'far^{-asws} what the scholar (Imam^{-asws}) says regarding a man says, 'I vowed to Allah^{-azwj} I will free every slave who was in my servitude anciently', and there was a group of slaves for him.

الْجَوَابُ بِحُطْبِهِ لِيُعْتِقَنَّ مَنْ كَانَ فِي مَلِكِهِ مِنْ قَبْلِ سِتَّةِ أَشْهُرٍ وَ الدَّلِيلُ عَلَى صِحَّةِ ذَلِكَ قَوْلُهُ تَعَالَى - وَ الْقَمَرَ قَدَرْنَاهُ مَنَازِلَ الْآيَةِ وَ الْحَدِيثُ مَنْ لَيْسَ لَهُ سِتَّةُ أَشْهُرٍ

The reply in his^{-asws} handwriting was: 'Let him liberate the one who was in his ownership for more than six months, and the evidence upon correctness of that are Words of the Exalted: **And the moon, We Measure stages for it until it returns to be like the old palm branch [36:39]** – the Verse; and the new one is, one who hasn't six months for him (in servitude).

وَ كَتَبُوا مَا يَقُولُ الْعَالِمُ فِي رَجُلٍ قَالَ وَ اللَّهُ لَأَتَصَدَّقَ بِمَا لِي كَثِيرٍ فِيمَا يَتَصَدَّقُ

And they wrote, 'What does the Scholar (Imam^{-asws}) say regarding a man who said, 'By Allah^{-azwj} I shall donate a lot of wealth!' what should he donate?'

الْجَوَابُ تَحْتَهُ بِحُطْبِهِ إِنْ كَانَ الَّذِي خَلَفَ أَرْبَابَ شَيْءٍ فَلْيَتَصَدَّقْ بِأَرْبَعٍ وَ ثَمَانِينَ شَاةً وَ إِنْ كَانَ مِنْ أَصْحَابِ النَّعَمِ فَلْيَتَصَدَّقْ بِأَرْبَعٍ وَ ثَمَانِينَ بَعِيرًا وَ إِنْ كَانَ مِنْ أَرْبَابِ الدَّرَاهِمِ فَلْيَتَصَدَّقْ بِأَرْبَعٍ وَ ثَمَانِينَ دِرْهَمًا وَ الدَّلِيلُ عَلَيْهِ قَوْلُهُ تَعَالَى - لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ فَقَدْ دَثَّ مَوَاطِنَ رَسُولِ اللَّهِ ص قَبْلَ نُزُولِ تِلْكَ الْآيَةِ فَكَانَتْ أَرْبَعَةً وَ ثَمَانِينَ مَوْطِنًا.

The answer beneath it in his^{-asws} handwriting: 'If the one who swore the oath was an owner of sheep, let him donate eighty-four sheep, and if he was an owner of camels, let him donate eight-four camels, and if he was an owner of Dirhams, let him donate eighty-four Dirhams; and the evidence upon it are Words of the Exalted: **Allah has Helped you in many places**

[9:25]. I^{asws} counted places of Rasool-Allah^{saww} before the Revelation of that Verse, these were eighty-four places'.¹⁰¹⁶

أقول: تمامه في أبواب معجزات الكاظم ع.

I (Majlisi) say, 'Its complete version is in the chapters on miracles of Al-Kazim^{asws}'.

71. ين، كتاب حسين بن سعيد و النوادر حماد بن عيسى عن عبد الله بن ميمون قال سمعت أبا عبد الله عليه السلام يقول للعبد أن يستغني ما بينه وبين أربعين يوماً إذا نسي

From the book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad Bin Isa, from Abdullah Bin Maymoun who said,

'I heard Abu Abdullah^{asws}, may the greeting be upon him^{asws}, saying: 'For the servant is that he should make an exclusion (if Allah^{azwj} so Desires) what is between it and forty days when he forgets.

إن رسول الله ص أتاه أناس من اليهود فسألوه عن أشياء فقال لهم تناولوا خدأاً أحدثكم و لم يستثن

Some people from the Jews came to Rasool Allah^{saww}. They asked him^{saww} about issues. He^{saww} said to them: 'Come tomorrow! I^{saww} will narrate to you all', and he did not make the exclusion (if Allah^{azwj} so Desires).

فاحتبس جبريل أربعين يوماً ثم أتاه فقال لا تقولن لشيء إني فاعل ذلك غداً إلا أن يشاء الله و اذكر ربك إذا نسيته.

So Jibraeel^{as} was withheld for forty days. Then he^{as} came to him^{saww}. He^{as} said: '**And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires'; and mention your Lord when you forget [18:24]**'.¹⁰¹⁷-Derogatory

72 ين، كتاب حسين بن سعيد و النوادر عن الحسين القلانسي عن أبي عبد الله ع يميل ذلك و قال للعبد أن يستغني في اليمين ما بينه وبين أربعين يوماً إذا نسي.

(The book) 'Haseen Bin Saeed, and 'Al Nawadir' – From Al Husayn Al Qalanisy,

From Abu Abdullah^{asws} similar to that, and he^{asws} said: 'For the servant is that he should make the exclusion (if Allah^{azwj} so Desires) in the oat, what is between it and forty days when he forgets'.¹⁰¹⁸

73 ين، كتاب حسين بن سعيد و النوادر عن أبي جعفر الأخول عن سلام بن المستنير عن أبي جعفر ع في قوله لقد عهدنا إلى آدم من قبل فَنَسِيَ و لم نجد له عزماً قال إن الله لما قال لآدم ادخل الجنة قال له يا آدم لا تقرب هذه الشجرة

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Abu Ja'far Al Ahowl, from Sallam Bin Al Mustaneer,

¹⁰¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 70

¹⁰¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 71

¹⁰¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 72

From Abu Ja'far^{-asws} regarding His^{-azwj} Words: **And We had Covenanted to Adam before, but he forgot, and We did not find for him having determination [20:115]**. He^{-asws} said: 'When Allah^{-azwj} Said to Adam^{-as}: "Enter the Paradise!", Said to him^{-as}: "Do not go near this tree!"

قَالَ فَأَرَاهُ إِنَّا هَا فَقَالَ آدَمُ لِرَبِّهِ كَيْفَ أَفْرُغُهَا وَ قَدْ هَبْتَنِي عَنْهَا أَنَا وَ رَوْحِي

He^{-asws} said: 'He^{-azwj} Showed it to him^{-as}. Adam^{-as} said to his^{-as} Lord^{-azwj}, 'How can I^{-as} go near it and You^{-azwj} has Forbidden me^{-as} and my^{-as} wife?"

قَالَ فَقَالَ لَهَا لَا تَقْرُبَاهَا يَعْنِي لَا تَأْكُلَا مِنْهَا

He^{-asws} said: 'He^{-azwj} Said to them^{-as} both: "Do not go near it!", meaning do not eat from it.

فَقَالَ آدَمُ وَ رَوْحُهُ نَعَمْ يَا رَبَّنَا- لَا تَقْرُبَاهَا وَ لَا تَأْكُلَا مِنْهَا لَمْ يَسْتَفْهِنَا فِي قَوْلِهِمَا نَعَمْ فَوَكَّلَهُمَا اللَّهُ فِي ذَلِكَ إِلَى أَنْفُسِهِمَا وَ إِلَى ذِكْرِهِمَا

Adam^{-as} and his^{-as} wife said: 'Yes, O our Lord^{-azwj}! We will neither go near it nor eat from it', and they did not make the exclusion in their^{-as} word: 'Yes'. So, during that, Allah^{-azwj} Allocated them^{-as} to themselves and to their remembrance'.

قَالَ وَ قَدْ قَالَ اللَّهُ لَنَبِيِّهِ فِي الْكِتَابِ- لَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذَلِكَ غَدًا إِلَّا أَنْ يَشَاءَ اللَّهُ أَنْ لَا أَفْعَلَهُ فَتَسْبِقَ مَشِيئَةُ اللَّهِ فِي أَنْ لَا أَفْعَلَهُ فَلَا أَقْدِرَ عَلَى أَنْ أَفْعَلَهُ فَلِذَلِكَ قَالَ اللَّهُ وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ أَيَّ اسْتَنْتَنِي مَشِيئَةُ اللَّهِ فِي فِعْلِكَ.

He^{-asws} said: 'And Allah^{-azwj} Said to His^{-azwj} Prophet^{-saww} in the Book: **'And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires' [18:24]**, if I don't do it and the Desire of Allah^{-azwj} precedes me that I don't do it, so I will not be able upon doing it. For that reason, Allah^{-azwj} Said: **and mention your Lord when you forget [18:24]** – i.e., make the exclusion of the Desire of Allah^{-azwj} in your actions'.¹⁰¹⁹

74 ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ فَلَا إِذَا خَلَفَ الرَّجُلُ فَنَسِيَ أَنْ يَسْتَفْهِنَ فَلْيَسْتَفْهِنْ إِذَا ذَكَرَ.

The book of Haseen Bin Saeed, and 'Al-Nawadir' – Muhammad Bin Muslim,

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24]**. They^{-asws} said: 'When the man swears an oath, so he forgets to make the exclusion (if Allah^{-azwj} so Desires), let him do so when he remembers'.¹⁰²⁰

75 وَ رَوَى لِي مُرَازِمٌ قَالَ: دَخَلَ أَبُو عَبْدِ اللَّهِ ع يَوْمًا إِلَى مَنْزِلِ زَيْدٍ وَ هُوَ يُرِيدُ الْعُمْرَةَ فَتَنَاوَلَ لَوْحًا فِيهِ كِتَابٌ لِعَمِّهِ فِيهِ أَرْزَاقُ الْعِيَالِ وَ مَا يَحْتَاجُهُمْ فَإِذَا فِيهِ لِفُلَانٍ وَ فُلَانٍ وَ فُلَانٍ وَ لَيْسَ فِيهِ اسْتِثْنَاءٌ

And it is reported to me by Murazim who said,

¹⁰¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 73

¹⁰²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 74

‘One day Abu Abdullah^{-asws} entered to the house of Zayd and he intended the Umrah. He^{-asws} took a tablet wherein was a letter of his^{-asws} uncle. In it were provisions of the dependants and what was allotted for them. In it was, ‘For so and so, and so and so, and so and so’, and there wasn’t any exclusion (if Allah^{-azwj} so Desires) in it.

فَقَالَ لَهُ مَنْ كَتَبَ هَذَا الْكِتَابَ وَ لَمْ يَسْتَثْنِ فِيهِ كَيْفَ طَلَّ أَنَّهُ يَسْمُ

He^{-asws} said to him: ‘Who wrote this letter and did not make an exclusion in it? How did he think that it would be completed?’

ثُمَّ دَعَا بِالدَّوَاةِ فَقَالَ أَلْحِقْ فِيهِ فِي كُلِّ اسْمٍ إِنْ شَاءَ اللَّهُ.

Then he^{-asws} called for the inkwell. He^{-asws} said: ‘Attach in it, in each name, ‘If Allah^{-azwj} so Desires!’¹⁰²¹

76 ين، كتاب حسين بن سعيد و النوادر القاسم بن محمد عن البطائني عن أبي بصير عن أبي عبد الله ع قال: لَوْ خَلَفَ الرَّجُلُ أَنْ لَا يَخُكَّ أَنْفَهُ بِالْحَائِطِ - لَا يَبْتَلَاهُ اللَّهُ حَتَّى يَخُكَّ أَنْفَهُ بِالْحَائِطِ وَ قَالَ لَوْ خَلَفَ الرَّجُلُ لَا يَنْطِخُ الْحَائِطُ بِرَأْسِهِ لَوَكَّلَ اللَّهُ بِهِ شَيْطَانًا حَتَّى يَنْطِخَ رَأْسَهُ بِالْحَائِطِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Qasim Bin Muhammad, from Al Batainy, from Abu Baseer,

From Abu Abdullah^{-asws} having said: ‘If a man were to swear that he would not rub his nose against the wall, Allah^{-azwj} would Test him until he does rub his nose against the wall’. And he^{-asws} said: ‘If a man were to swear that he would not strike the wall with his head, Allah^{-azwj} would Assign to him a Satan^{-la} until he does strike his head against the wall’.¹⁰²²

77 ين، كتاب حسين بن سعيد و النوادر صفوان و فضالة جميعاً عن العلّاء عن محمد بن عيسى عن أبي عبد الله ع أنه سئل عن امرأة جعلت مالها هدياً و كُلَّ مَمْلُوكٍ لَهَا خِزّاً إِنْ كَلَمَتْ أُخْتَهَا أَبَدًا قَالَ تُكَلِّمُهَا وَ لَيْسَ هَذَا بِشَيْءٍ إِلَّا هَذَا وَ أَشْبَاهُهُ مِنْ خُطُوءَاتِ الشَّيْطَانِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan and Fazalah, altogether from Al A’la, from Muhammad,

From one of the two (5th or 6th Imam^{-asws}), he^{-asws} was asked about a woman who made her wealth as a gift, and every slave of hers being free, if she talks to her sister, forever. He^{-asws} said: ‘She can talk to her and this isn’t anything. But rather, this and its like are from the footsteps of Satan^{-la}’.¹⁰²³

78 ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير و محمد بن إسماعيل عن منصور بن يونس و علي و [ابن] إسماعيل الميمني عن منصور بن حازم عن أبي عبد الله ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا رِضَاعَ بَعْدَ فِطَامٍ وَ لَا وَصَالَ فِي صِيَامٍ وَ لَا يَتَمَّ بَعْدَ اخْتِلَامٍ وَ لَا صَمَتْ يَوْمَ إِلَى اللَّيْلِ وَ لَا تَعْرُبَ بَعْدَ الْهِجْرَةِ وَ لَا هِجْرَةَ بَعْدَ الْفَتْحِ وَ لَا طَلَّاقَ قَبْلَ الْبَيْكَاكِ وَ لَا عَتَقَ قَبْلَ مِلْكٍ وَ لَا يَحِينَ لَوَلَدٍ مَعَ وَالِدِهِ وَ لَا لِمَمْلُوكٍ مَعَ مَوْلَاهُ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا نَذَرَ فِي مَعْصِيَةٍ وَ لَا يَحِينَ فِي قَطِيعَةٍ رَجِمَ.

¹⁰²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 75

¹⁰²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 76

¹⁰²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 77

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, and Muhammad Bin Ismail, from Mansour Bin Yunus, and Ali Bin Ismail Al Mayshami, from Mansour Bin Hazim,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no breast-feeding after weaning, nor connection in the fasting, nor orphanhood after puberty, nor silence a day to the night, nor Arabism after the emigration, nor emigration after the conquest (of Makkah), nor divorce before the marriage, nor liberation before ownership, nor an oath for a child with its parent, nor for a slave with his master, nor for the woman with her husband, nor any vow regarding an act of obedience, nor an oath in cutting off kinship'.¹⁰²⁴

79 ين، كتاب حسين بن سعيد و النوادر عثمان بن عيسى عن سماعة بن مهران قال: سأله عن رجل يجعل عليه أيماناً أن يمشي إلى الكعبة أو صدقة أو عتق [عتقاً] أو نذر [نذراً] أو هدي [هدياً] إن كلم أباه أو أمه أو أخاه أو [أو] ذا رحم أو قطيعة قرابة أو مائم [مائماً] يقيم عليه أو أمر [أمر] لا يصلح له فعله

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at Bin Mihran who said,

'I asked him^{-asws} about a man whom makes an oath upon himself that he will walk to the Kabah, or donate, or liberate (a slave), or vow, or a sacrificial offering if he talks to his father, or his mother, or his brother, or a relative, or cut off a relative, or a sin he still stand upon, or a matter not correct for him to do.

فَقَالَ كِتَابُ اللَّهِ قَبْلَ الْيَمِينِ وَلَا يَمِينُ فِي مَعْصِيَةِ اللَّهِ إِنَّمَا الْيَمِينُ الْوَاجِبَةُ الَّتِي يَتَّبِعِي لِصَاحِبِهَا أَنْ يَقِي بِهَا مَا جَعَلَ اللَّهُ عَلَيْهِ فِي الشُّكْرِ إِنْ هُوَ عَافَاهُ مِنْ مَرَضِهِ أَوْ عَافَاهُ مِنْ أَمْرِ يَخَافُهُ أَوْ رَدَّهُ مِنْ سَفَرٍ أَوْ رَزَقَهُ رِزْقاً فَقَالَ لِلَّهِ عَلَيَّ كَذَا وَكَذَا شُكْرًا

He^{-asws} said: 'The Book of Allah^{-azwj} takes precedence over the oath, and there is no oath in disobedience to Allah^{-azwj}. The obligatory oath that a person must fulfil is what he makes upon himself as an act of gratitude to Allah^{-azwj}, such as if He^{-azwj} Heals him from illness, Protects him from something he fears, Returns him safely from a journey, or provides him with sustenance, so he says, 'For Allah^{-azwj} upon me is such and such, in appreciation'.

فَهَذَا الْوَاجِبُ عَلَى صَاحِبِهِ يَتَّبِعِي لَهُ أَنْ يَقِي بِهِ.

This is the kind of oath that is binding on its maker, and he should fulfil it'.¹⁰²⁵

80 ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى و فضالة بن أيوب عن العلاء عن محمد بن مسلم أن امرأة من آل مختار خلعت على أخيها أو ذات قرابة لها قالت ادني يا فلانة فكللي معي فقالت لا فخلعت عليها المشي إلى بيت الله و عتق ما تملك إن لم تأتين فتأكلين معي إن أظلمها و إياها سقفت بيتي أو أكلت معك على خواني أبداً قال فقالت الأخرى مثل ذلك

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, and Fazala Bin Ayoub, from Al A'ala, from Muhammad Bin Muslim.

'A woman from the family of Mukhtar swore an oath upon her sister, or a relative of hers. She said, 'Come near me, O so and so, and eat with me!' She said, 'No'. So she swore upon it if

¹⁰²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 78

¹⁰²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 79

she did not come to eat with her, then she would walk to the House of God and free whatever she owned. She added, 'If ever a roof should cover both me and you, or if I should ever eat with you at the same table!' Then the other woman swore the same oath.

فَحَمَلَ ابْنُ حَنْظَلَةَ إِلَى أَبِي جَعْفَرٍ عَ مَقَالَتَهُمَا قَالَ أَنَا أَقْضِي فِي دَا قُلْ لَهَا فَلْتَأْكُلْ وَ لِيُظِلَّهَا وَ إِنَّا هَا سَفُفُ بَيْتٍ وَ لَا تَمْشِي وَ لَا تُعِيقُ وَ لَتَنَى اللَّهُ رَحْمَا وَ لَا تَعُودَنَّ إِلَى ذَلِكَ فَإِنَّ هَذَا مِنْ حُطُوتِ الشَّيْطَانِ.

Ibn Hanzala carried their words to Abu Ja'far^{-asws}. He^{-asws} said: 'I^{-asws} shall judge regarding that. Tell her, let her eat, and let her and her be shaded by the roof of a house, and she should neither walk nor liberate, and let her fear Allah^{-azwj} her Lord^{-azwj}, and she should not return to (doing) that, for this is from the footsteps of Satan^{-la'}.¹⁰²⁶

81 ين، كتاب حسين بن سعيد و النواذر عنه عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى مَا هُوَ خَيْرٌ مِنْهَا فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ وَ لَهُ حَسَنَةٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him,

From Abu Abdullah^{-asws} having said: One who swears an oath, then he sees what is better than it, let him do that which is better, and for him would be a good deed'.¹⁰²⁷

82 ين، كتاب حسين بن سعيد و النواذر أحمد بن محمد عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ مُعَاوِيَةَ بْنِ أَبِي الصَّبَّاحِ قَالَ: قُلْتُ لِأَبِي الْحُسَيْنِ زَيْدُ أُمِّي تَصَدَّقَتْ عَلَيَّ بِنَصِيبٍ لَهَا فِي دَارٍ فَقُلْتُ لَهَا إِنَّ الْقُضَاةَ لَا يُجِزُونَ هَذَا وَ لَكِنَّهُ أَكْثَبُهُ شَرًّا فَقَالَتْ اصْنَعْ مَا بَدَا لَكَ وَ كُلِّ مَا تَرَى أَنَّهُ يَسُوعُ لَكَ فَتَوَقَّعْتُ وَ أَرَادَ بَعْضُ الْوَرَثَةِ أَنْ يَسْتَحْلِفَنِي أَنِّي قَدْ نَقَذْتُهَا التَّمَنَ وَ لَمْ أَنْفُذْهَا شَيْئاً فَمَا تَرَى قَالَ فَاحْلِفْ لَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Hammad Bin Usman, from Muawiya Bin Abu Al Sabbah who said,

'I said to Abu Al-Husayn Zayd, 'My mother gave me as charity her share in a house. I said to her, 'The judges will not approve this, but write it as a sale!' She said, 'Do whatever you think best, and whatever you see as permissible for you'. So, I secured it. Then one of the heirs wanted to make me swear that I had paid her the price, though I had not paid her anything. What do you think? He said: 'Then swear to him'.¹⁰²⁸ (Not a Hadeeth)

83 ين، كتاب حسين بن سعيد و النواذر عنه عَنِ ابْنِ بُكَيرٍ بِنِ أَعْيَنَ قَالَ: إِنَّ أُخْتَ عَبْدِ اللَّهِ بْنِ حَمْدَانَ الْمُخْتَارِ دَخَلَتْ عَلَى أُخْتٍ لَهَا وَ هِيَ مَرِيضَةٌ فَقَالَتْ لَهَا أَخْتُهَا أَفْطِرِي فَأَبَتْ فَقَالَتْ أَخْتُهَا جَارِيتِي حُرَّةٌ إِنْ لَمْ تُفْطِرِي إِنْ كَلَّمْتُكَ أَبَدًا فَقَالَتْ فَجَارِيتِي حُرَّةٌ إِنْ أَفْطَرْتُ فَقَالَتْ الْآخَرَى فَعَلَى الْمَشْيِ إِلَى بَيْتِ اللَّهِ وَ كُلِّ مَالِي فِي الْمَسَاكِينِ إِنْ لَمْ تُفْطِرِي فَقَالَتْ عَلَيَّ مِثْلُ ذَلِكَ إِنْ أَفْطَرْتُ

The book Haseen Bin Saeed, and 'Al Nawadir' – From him, from Ibn Bukeyr Bin Ayn who said,

'The sister of Abdullah Ibn Hamdan Al Mukhtar entered upon her sister who was ill. Her sister said to her, 'Break your fast', but she refused. So her sister said, 'My maid is free if you do not break your fast, and I will never speak to you again'. She replied, 'Then my maid is free if I do break my fast. The other then said, 'It is upon me to walk to the House of Allah^{-azwj}, and all my

¹⁰²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 80

¹⁰²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 81

¹⁰²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 82

wealth is for the poor if you do not break your fast'. She replied, 'It is upon me the same if I do break my fast.

فَسُئِلَ أَبُو جَعْفَرٍ ع عَنْ ذَلِكَ فَقَالَ فَلْتَكَلِّمَهَا إِنَّ هَذَا كُلُّهُ لَيْسَ بِشَيْءٍ وَإِنَّمَا هُوَ خَطُواتُ الشَّيْطَانِ.

Abu Ja'far^{-asws} was asked about that. He^{-asws} said: 'Let her talk to her. This, all of it, isn't anything, and rather it is from the footsteps of Satan^{-la'}.¹⁰²⁹

84 ين، كتاب حسين بن سعيد و النوادر عَنْ أَبِيانٍ عَنْ زُرَّارَةَ وَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ قَالَ إِنْ كَلَّمْتُ أَبَاهُ أَوْ أُمَّهُ فَهُوَ مُحَرَّمٌ بِحُجَّةٍ قَالَ لَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Aban, from Zurara,

And Abdul Rahman son of Abu Abdullah^{-asws}, from Abu Abdullah^{-asws} regarding a man who said if he talks to his father, or his mother, he would consecrate with Hajj. He^{-asws} said: 'It isn't anything'.¹⁰³⁰

85 ين، كتاب حسين بن سعيد و النوادر عَنْهُ قَالَ: سَأَلْنَا أَبَا عَبْدِ اللَّهِ ع عَنِ الرَّجُلِ يُقْسِمُ عَلَى الرَّجُلِ فِي الطَّعَامِ يَأْكُلُ مَعَهُ فَلَمْ يَأْكُلْ هَلْ عَلَيْهِ فِي ذَلِكَ كَفَّارَةٌ

The book of Haseen Bin Saeed, and 'Al Nawadir', from him, said,

'We asked Abu Abdullah^{-asws} about a man who swears upon the man regarding the meal to eat with him, but he does not eat. 'Is there expiation upon him regarding that?'

قَالَ لَا.

He^{-asws} said: 'No'.¹⁰³¹

86 ين، كتاب حسين بن سعيد و النوادر عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنِ امْرَأَةٍ تَصَدَّقَتْ بِمَا لَهَا عَلَى الْمَسْكِينِ إِنْ خَرَجَتْ مَعَ زَوْجِهَا ثُمَّ خَرَجَتْ مَعَهُ قَالَ لَيْسَ عَلَيْهَا شَيْءٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Usman Bin Isa, from Sama'at who said,

'I asked about a woman (who vowed that she would) donate her wealth to the needy if she went out with her husband. Then she went out with her husband. He^{-asws} said: 'There isn't anything upon her'.¹⁰³²

87 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْمُتَعَمِّيِّ قَالَ: قُلْتُ لَهُ الرَّجُلُ يَقُولُ عَلَى الْمَشْيِ إِلَى بَيْتِ اللَّهِ أَوْ مَالِي صَدَقَةٌ أَوْ هَدْيٌ

¹⁰²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 83

¹⁰³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 84

¹⁰³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 85

¹⁰³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 86

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Muhammad Bin Yahya Al Khas'amy who said,

'I said to him^{-asws}, 'The man says, 'Upon me is the walking to the House of Allah^{-azwj}', or 'My wealth is donated to charity or gifted'.

قَالَ قَالَ إِنَّ أَبِي لَا يَرَى ذَلِكَ شَيْئاً إِلَّا أَنْ يَجْعَلَهُ لِلَّهِ عَلَيْهِ.

He (the narrator) said, 'He^{-asws} said: 'My^{-asws} father^{-asws} did not view that as anything except he makes it to be for Allah^{-azwj}, upon him'.¹⁰³³

88 ين، كتاب حسين بن سعيد و النوادر صفوان عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ عَ مَا سَمِعْتُ بِطَارِقٍ إِنَّ طَارِقاً كَانَ نَحَاساً بِالْمَدِينَةِ فَأَتَى أَبَا جَعْفَرٍ ع فَقَالَ يَا أَبَا جَعْفَرٍ إِنِّي هَالِكٌ إِنِّي خَلَفْتُ بِالطَّلَاقِ وَالْعَتَاقِ وَ النُّدُورِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Hazim said,

'Abu Abdullah^{-asws} said to me: 'Have you not heard of Tariq? Tariq was a slave trader at Al-Medina. He came to Abu Ja'far^{-asws}. He said, 'O Abu Ja'far^{-asws}! I am destroyed! I have sworn an oath with the divorce (of my wives), and the liberation (of my slaves), and the (other) vows'.

فَقَالَ لَهُ يَا طَارِقُ إِنَّ هَذِهِ مِنْ حُطُوتِ الشَّيْطَانِ.

He^{-asws} said to him: 'O Tariq! This is from the footsteps of Satan^{-la'}'.¹⁰³⁴

89 ين، كتاب حسين بن سعيد و النوادر صفوان عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا قَالَ الرَّجُلُ عَلَيَّ الْمَشْيُ إِلَى بَيْتِ اللَّهِ وَ هُوَ مُحْرِمٌ بِحِجَّةٍ أَوْ عَلَيَّ هَذِي كَذَا وَ كَذَا فَلَيْسَ بِشَيْءٍ حَتَّى يَقُولَ لِلَّهِ عَلَيَّ الْمَشْيُ إِلَى بَيْتِهِ أَوْ يَقُولَ لِلَّهِ عَلَيْهِ أَنْ يُحْرِمَ بِحِجَّةٍ أَوْ يَقُولَ لِلَّهِ عَلَيَّ هَذِي كَذَا وَ كَذَا إِنْ لَمْ يَفْعَلْ كَذَا وَ كَذَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Hazim said,

'From Abu Abdullah^{-asws} having said: 'When the man says, 'Upon me is the walking to the House of Allah^{-azwj}', and he is consecrated for the Hajj, or 'Upon me is a sacrificial offering of such and such', this isn't anything until he says, 'For Allah^{-azwj} upon me is the walking to His^{-azwj} House', or he says, 'For Allah^{-azwj} upon me is to consecrate for the Hajj', of he says, 'For Allah^{-azwj} upon me is a sacrificial offering of such and such, if I don't do such and such!'¹⁰³⁵

90 ين، كتاب حسين بن سعيد و النوادر عَنْهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ غَضِبَ فَقَالَ عَلَيَّ الْمَشْيُ إِلَى بَيْتِ اللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' from him,

¹⁰³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 87

¹⁰³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 88

¹⁰³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 89

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who is angered, so he says, 'Upon me is the walking to the House of Allah^{-azwj}!'

فَقَالَ إِذَا لَمْ يَقُلْ لِلَّهِ فَلَيْسَ بِشَيْءٍ.

He^{-asws} said: 'When he has not says, 'For Allah^{-azwj}', it isn't anything'.¹⁰³⁶

91 ين، كتاب حسين بن سعيد و النوادر عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ قَالَ وَ هُوَ مُحَرَّمٌ بِحُجَّةٍ أَنْ يَفْعَلَ كَذَا وَ كَذَا فَلَمْ يَفْعَلْهُ قَالَ لَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Zurarah,

From Abu Abdullah^{-asws} regarding a man who says, while he is consecrated for Hajj, that he will do such and such, but he does not do it. He^{-asws} said: 'It isn't anything'.¹⁰³⁷

92 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ عَنْ عَلِيٍّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ: لَا يَمِينُ فِي مَعْصِيَةِ اللَّهِ أَوْ قَطِيعَةِ رَحِمٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – A Qasim, from Ali,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'There is no oath regarding an act of disobedience to Allah^{-azwj} or cutting a kinship'.¹⁰³⁸

93 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ع أَنَّهُ قَالَ: فِي رَجُلٍ خَلَفَ يَمِيناً فِيهَا مَعْصِيَةُ اللَّهِ قَالَ لَيْسَ عَلَيْهِ شَيْءٌ فَلْيَعْمَلِ الَّذِي خَلَفَ عَلَى هِجْرَانِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim,

From one of the two (5th or 6th Imam^{-asws}), he^{-asws} said regarding a man who swears an oath in which is disobedience to Allah^{-azwj}. He^{-asws} said: 'There isn't anything upon him, so let him work on abandoning what which he had sworn to do'.¹⁰³⁹

94 ين، كتاب حسين بن سعيد و النوادر عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي إِبْرَاهِيمَ ع قَالَ: سَأَلْتُهُ أَ قَالَ رَسُولُ اللَّهِ ص لَا تَذَرُ فِي مَعْصِيَةٍ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Is'haq Bin Ammar,

From Abu Ibrahim (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws}, 'Did Rasool-Allah^{-saww} said: 'There is no vow in an act of obedience'?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.¹⁰⁴⁰

¹⁰³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 90

¹⁰³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 91

¹⁰³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 92

¹⁰³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 93

¹⁰⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 94

95 ين، كتاب حسين بن سعيد و النوار عن مُحَمَّد بنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كُلُّ يَمِينٍ فِي مَعْصِيَةِ فَلَيْسَ بِشَيْءٍ عِتْقٍ أَوْ طَلَاقٍ أَوْ غَيْرِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim,

'From Abu Ja'far^{-asws} having said: 'Every oath regarding an act of disobedience, it isn't anything, whether it is liberation, or divorce, or something else'.¹⁰⁴¹

96 ين، كتاب حسين بن سعيد و النوار عن مُحَمَّد بنِ عُثْمَانَ عَنْ عُثْمَانَ بْنِ عَلِيٍّ الْحُلَيْيِّ قَالَ: كُلُّ يَمِينٍ لَا يُرَادُ بِهَا وَجْهُ اللَّهِ فَلَيْسَ بِشَيْءٍ فِي طَلَاقٍ وَ لَا عِتْقٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hammad Bin Usman, from Ubeydullah Bin Ali Al Halby who said,

'Every oath the Face of Allah^{-azwj} is not intended by it, it isn't with anything, neither divorce nor liberation'.¹⁰⁴²

97 عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ حَلَفَ أَنْ يَنْحَرَ وَلَدَهُ فَقَالَ ذَلِكَ مِنْ حُطُوتِ الشَّيْطَانِ.

From Abdul Rahman son of Abu Abdullah^{-asws}, he said, 'I asked Abu Abdullah^{-asws} about a man who swears an oath that he will sacrifice his son. He^{-asws} said: 'That is from the footsteps of Satan^{-la}'.¹⁰⁴³

98 ين، كتاب حسين بن سعيد و النوار عن مُحَمَّد بنِ عَلِيٍّ الْحُلَيْيِّ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ عَلَيَّ نَذْرٌ وَ لَمْ يُسَمِّ قَالَ لَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Ali Al Halby who said,

'I asked him^{-asws} about a man who said, 'Upon me is a vow', and does not specify. He^{-asws} said: 'It isn't anything'.¹⁰⁴⁴

99 عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع قُلْتُ رَجُلٌ قَالَ عَلَيَّ نَذْرٌ

From Abu Al Sabbah Al Kinani who said,

'I asked Abu Abdullah^{-asws}. I said, 'A man says, 'Upon me is a vow'.

قَالَ لَيْسَ النَّذْرُ شَيْئاً حَتَّى يُسَمِّيَ شَيْئاً لِلَّهِ صِيَاماً أَوْ صَدَقَةً أَوْ هَدِياً أَوْ حَجًّا.

He^{-asws} said: 'The vow isn't anything until he specifies something for Allah^{-azwj}, fasting or charity or sacrificial offering or Hajj'.¹⁰⁴⁵

¹⁰⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 95

¹⁰⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 96

¹⁰⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 97

¹⁰⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 98

¹⁰⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 99

100 عَنْ أَبِي نَصْرِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ نَذْرٌ

From Abu Nasr who said,

‘I asked Abu Abdullah^{-asws} about the man saying, ‘Upon me is a vow’.

فَقَالَ لَيْسَ بِشَيْءٍ إِلَّا أَنْ يُسَمِّيَ النَّذْرَ فَيَقُولَ نَذْرٌ صَوْمٍ أَوْ عَتَقٍ أَوْ صَدَقَةٍ أَوْ هَدْيٍ وَإِنْ قَالَ الرَّجُلُ أَنَا أَهْدِي هَذَا الطَّعَامَ فَلَيْسَ بِشَيْءٍ إِنَّمَا يُهْدَى الْبُذْنُ.

He^{-asws} said: ‘It isn’t anything, except if he specifies the vow, so he says, ‘A vow of fasting, or liberating (slaves), or charity, or sacrificial offering, and if a man says, ‘I shall offer this food’, it isn’t anything. But rather, he can offer the sacrificial animal’.¹⁰⁴⁶

101 عَنْ مُحَمَّدِ بْنِ الْفَضْلِ الْكِنَانِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ رَجُلٍ قَالَ لَطَعَامٍ هُوَ يُهْدِيهِ

From Muhammad Bin Al Fazl Al Kinani who said,

‘I asked to Abu Abdullah^{-asws} about a man who says for food, ‘It is his offering’.

فَقَالَ لَا يُهْدَى الطَّعَامُ وَلَوْ أَنَّ رَجُلًا قَالَ لِحُزْرٍ بَعْدَ مَا نُحِرَتْ هُوَ يُهْدِيهَا لَمْ يَكُنْ يُهْدِيهَا حِينَ صَارَتْ لَحْمًا إِنَّمَا الْهَدْيُ وَهُوَ أَحْيَاءٌ.

He^{-asws} said: ‘The food cannot be offered, and if a man were to say for a camel after it has been slaughtered, it is his offering, it would not be his offering when it has become meat. But rather, the offering is while it is alive’.¹⁰⁴⁷

102 يَنْ، كِتَابُ حَسَنِ بْنِ سَعِيدٍ وَ النَوَادِرُ عَنْ أَبِي نَصْرِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ عَنْ رَجُلٍ يَقُولُ هُوَ يَهُودِيٌّ أَوْ نَصْرَانِيٌّ إِنْ لَمْ يَفْعَلْ كَذَا وَ كَذَا قَالَ لَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Abu Nasr who said,

‘I asked Abu Abdullah^{-asws}, may the greeting be upon him^{-asws}, about a man saying he will be a Jew or a Christian if he does not do such and such. He^{-asws} said: ‘It isn’t anything’.¹⁰⁴⁸

103 عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا إِبْرَاهِيمَ عَنِ رَجُلٍ قَالَ لِلَّهِ عَلَيَّ الْمَشْيُ إِلَى الْكَعْبَةِ إِنْ اشْتَرَيْتُ لِأَهْلِي شَيْئًا بِنَسِيئَةٍ

From Is’haq Bin Ammar who said,

‘I asked Abu Ibrahim (Musa Al-Kazim^{-asws}) about a man who says, ‘For Allah^{-azwj} upon me is the walking to the Kabah, if I buy something for my family, on credit’.

قَالَ أَيْسُوْءُ ذَلِكَ عَلَيْهِمْ

He^{-asws} said: ‘Would that be worse upon them?’

¹⁰⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 100

¹⁰⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 101

¹⁰⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 102

فُلْتُ نَعَمْ يَسُوهُ عَلَيْهِمْ إِنْ لَا يَأْخُذُ نَسِيئَةً لَيْسَ لَهُمْ شَيْءٌ

I said, 'It would be worse upon them if he does not take on credit. There is nothing for them!'

قَالَ فَلْيَأْخُذْ بِنَسِيئَةٍ وَ لَيْسَ عَلَيْهِ شَيْءٌ.

He^{-asws} said: 'Then let him take on credit and there isn't anything upon him^{-asws}'.¹⁰⁴⁹

104 ين، كتاب حسين بن سعيد و النوادر عن زُرَّارَةَ قَالَ: فُلْتُ لِأَبِي عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ أَيُّ شَيْءٍ لَا نَذَرُ فِي مَعْصِيَةِ اللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zurarah who said,

'I said to Abu Abdullah^{-asws}, may the greeting be upon him^{-asws}, 'Which this is, 'There is no vow in disobedience of Allah^{-azwj}?''

قَالَ فَقَالَ كُلُّ مَا كَانَ لَكَ فِيهِ مَنْفَعَةٌ فِي دِينٍ أَوْ دُنْيَا فَلَا حَنْتَ عَلَيْكَ فِيهِ.

He (the narrator) said, 'He^{-asws} said: 'All that there was a benefit for you in it, regarding religion or world, there is no sin upon you in it'.¹⁰⁵⁰

105 ين، كتاب حسين بن سعيد و النوادر عَنْهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا حَلَفَ الرَّجُلُ عَلَى شَيْءٍ وَ الَّذِي حَلَفَ عَلَيْهِ إِثْبَانُهُ خَيْرٌ مِنْ تَرْكِهِ فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ وَ لَا كُفَّارَةَ عَلَيْهِ وَ إِنَّمَا ذَلِكَ مِنْ خُطُوءَاتِ الشَّيْطَانِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him,

From Abu Abdullah^{-asws} having said: 'When the man swears an oath upon something, and that which he has sworn upon is better than his leaving it, let him do that which is better and there is no expiation penalty upon him, and rather that is from the footsteps of Satan^{-la}'.¹⁰⁵¹

106 ين، كتاب حسين بن سعيد و النوادر عَنْ زُرَّارَةَ قَالَ: سَمِعْتُ أَبَا جَعْفَرٍ ع وَ رَجُلًا يَسْأَلُهُ عَنْ رَجُلٍ جَعَلَ عَلَيْهِ رَقَبَةً مِنْ وَلَدِ إِسْمَاعِيلَ فَقَالَ وَ مَنْ عَسَى أَنْ يَكُونَ مِنْ وَلَدِ إِسْمَاعِيلَ إِلَّا وَ أَشَارَ بِيَدِهِ إِلَى بَيْتِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zurarah who said,

'I heard Abu Ja'far^{-asws} and a man asked him^{-asws} about a man upon him was (freeing of) a neck from the children of Ismail^{-as}. He^{-asws} said: 'And who can possibly be from the children of Ismail^{-as} except' – and he^{-asws} indicated towards his^{-asws} own house'.¹⁰⁵²

107 ين، كتاب حسين بن سعيد و النوادر عَنْ أَبِي نَصْرِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ اعْتَقَ مَا لَا يَمْلِكُ فَهُوَ بَاطِلٌ وَ كُلُّ مَنْ قَبَّلَنَا يَقُولُونَ – لَا طَلَاقَ وَ لَا عَتَاقَ إِلَّا مِنْ بَعْدِ مَا يَمْلِكُ.

¹⁰⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 103

¹⁰⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 104

¹⁰⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 105

¹⁰⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 106

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Abu Nasr,

From Abu Abdullah^{-asws} having said: 'One who liberates what (slave) he does not own, it is invalid, and all the ones before us as saying, 'There is neither divorce, nor liberation except from after possessing'.¹⁰⁵³

108 ين، كتاب حسين بن سعيد و النوادر عَنِ الرَّبِيعِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ يَغْنِي الرَّجُلُ يَخْلِفُ أَلَّا يُكَلِّمَ أُمَّهُ وَ لَا يُكَلِّمَ أَبَاهُ أَوْ مَا أَشْبَهَ ذَلِكَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Al Rabie,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **And do not be making Allah as obstacle to your oaths [2:224]** – meaning the man who swears an oath that he will neither speak to his mother, nor speak to his father, or whatever resembles that'.¹⁰⁵⁴

109 ين، كتاب حسين بن سعيد و النوادر عَنِ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَوْلُ اللَّهِ لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ قَالَ هُوَ كَلًّا وَ اللَّهُ وَ بَلَى وَ اللَّهُ.

The book Haseen Bin Saeed, and 'Al Nawadir' – From Abu Al Sabbah,

'From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **Allah will not Seize you with the vanity in your oaths [2:225]**. He^{-asws} said: 'It is, 'Never, by Allah^{-azwj}', and, 'Yes, by Allah^{-azwj}'!¹⁰⁵⁵

110 عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ جَعَلَ لِلَّهِ عَلَيْهِ نَذْرًا وَ لَمْ يُسَمِّهِ فَقَالَ إِنْ سَمَى فَهُوَ الَّذِي سَمَى وَ إِنْ لَمْ يُسَمِّ فَلَيْسَ عَلَيْهِ شَيْءٌ.

From Al Halby,

From Abu Abdullah^{-asws} regarding a man who makes a vow to Allah^{-azwj} upon him and does not specify it. He^{-asws} said: 'If he specifies, it is what he has specified, and if he does not specify, there isn't anything upon him'.¹⁰⁵⁶

111 ين، كتاب حسين بن سعيد و النوادر عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ امْرَأَةٍ حَلَفَتْ لِزَوْجِهَا بِالْعَتَاقِ وَ الْهَدْيِ إِنْ هُوَ مَاتَ أَنْ لَا تَتَزَوَّجَ بَعْدَهُ أَبَدًا ثُمَّ بَدَا لَهَا أَنْ تَتَزَوَّجَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Mansour Bin Hazim who said,

'I asked Abu Abdullah^{-asws} about a woman who swears an oath to her husband with the liberation (of slave) and the sacrificial offering, if he were to die, she will not re-marry after him, ever. Then there is a change of mind for her, so she gets married.

فَقَالَ تَبِيعَ مَمْلُوكُهَا إِيَّيَّيْ أَخَافُ عَلَيْهَا السُّلْطَانَ وَ لَيْسَ عَلَيْهَا فِي الْحَقِّ شَيْءٌ فَإِنْ شَاءَتْ أَنْ تُهْدِيَ هَدْيًا فَعَلَتْ.

¹⁰⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 107

¹⁰⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 108

¹⁰⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 109

¹⁰⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 110

He^{-asws} said: 'She should sell her slave. I^{-asws} fear upon her the ruler, and there isn't anything upon her regarding the right. If she desires to usher a sacrificial animal, she can do so'.¹⁰⁵⁷

112 ين، كتاب حسين بن سعيد و النوادر عن الوليد بن هشام المرادي قال: قَدِمْتُ مِنْ مِصْرَ وَ مَعِيَ رَقِيقٌ لِي فَمَرَرْتُ بِالْعَاشِرِ فَسَأَلَنِي فَقُلْتُ هُمْ أَخْرَاجُ كُفُلَهُمْ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Al Waleed Bin Hisham Al Muradi who said,

'I arrived from Egypt and with me was a slave of mine. I passed by the taxman. He asked me. I said, 'They are free, all of them'.

فَقَدِمْتُ الْمَدِينَةَ فَدَخَلْتُ عَلَى أَبِي الْحَسَنِ ع فَأَخْبَرْتُهُ بِقَوْلِي لِلْعَاشِرِ فَقَالَ لَيْسَ عَلَيْكَ شَيْءٌ.

I arrived at Al-Medina. I entered to see Abu Al-Hassan^{-asws}. I informed him^{-asws} of my words to the taxman. He^{-asws} said: 'There isn't anything upon you'.¹⁰⁵⁸

113 ين، كتاب حسين بن سعيد و النوادر عن علي بن أبي الحسن ع قُلْتُ لِأَبِي الْحَسَنِ ع جُعِلْتُ فِدَاكَ إِنِّي كُنْتُ أَتَزَوَّجُ الْمُتْعَةَ فَكَرِهْتُهَا وَ تَشَأَمْتُ بِهَا فَأَعْطَيْتُ اللَّهَ عَهْدًا بَيْنَ الْمَقَامِ وَ الرُّكْنِ وَ جَعَلْتُ عَلَيَّ فِي ذَلِكَ نَذْرًا وَ صِيَامًا أَنْ لَا أَتَزَوَّجَهَا ثُمَّ إِنَّ ذَلِكَ شَقَّ عَلَيَّ وَ نَدِمْتُ عَلَى بَيْعِي وَ لَمْ يَكُنْ بِيَدِي مِنَ الْقُوَّةِ مَا أَتَزَوَّجُ بِهِ فِي الْعَلَانِيَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Ali,

'I said to Abu Abdullah^{-asws}, 'May I be sacrificed for you^{-asws}! I used to get married with the Mut'ah but I disliked it, and was pessimistic with it. I gave Allah^{-azwj} a pact between Al-Maqam (of Ibrahim^{-as}), and Al-Rukn (Al-Yemeni), and made a vow in that and fasting that I will not marry her. Then that was grievous upon me and I regretted upon my oath, and there did not happen to be (financial) strength in my hands what I could get married with openly'.

فَقَالَ عَاهَدْتَ اللَّهَ أَلَّا تُطِيعُهُ وَ اللَّهُ لَيِّنٌ لَمْ تُطِعهُ لَتَعْصِيَنَّهُ.

He^{-asws} said: 'You made a pact with Allah^{-azwj} that you will not obey Him^{-azwj}. By Allah^{-azwj}, if you don't obey Him^{-azwj}, you will be disobeying Him^{-azwj}!¹⁰⁵⁹

114 ين، كتاب حسين بن سعيد و النوادر عن أبي الصباح الكناني عن أبي عبد الله ع قال: لَيْسَ مِنْ شَيْءٍ هُوَ لِلَّهِ طَاعَةٌ يَجْعَلُهُ الرَّجُلُ عَلَيْهِ إِلَّا أَنَّهُ يَنْبَغِي لَهُ أَنْ يَفِي بِهِ وَ لَيْسَ مِنْ رَجُلٍ جَعَلَ لِلَّهِ عَلَيْهِ شَيْئًا فِي مَعْصِيَةِ اللَّهِ إِلَّا أَنَّهُ يَنْبَغِي لَهُ أَنْ يَرْكَبَهَا إِلَى طَاعَةِ اللَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Abu Al Sabbah Al Kinani,

From Abu Abdullah^{-asws} having said: 'There isn't anything which is in obedience to Allah^{-azwj} the man makes it to be upon him, except it is befitting for him to be loyal with it, and there

¹⁰⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 111

¹⁰⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 112

¹⁰⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 113

isn't any man who makes something for Allah^{-azwj} upon him in disobedience to Allah^{-azwj} except it is befitting for him that he leaves it to the obedience of Allah^{-azwj}.¹⁰⁶⁰

115 ين، كتاب حسين بن سعيد و النوادر عن سعيد الأعرج قال: سألت أبا عبد الله ع عن الرجل يخلف على اليمين فيرى أن تركها أفضل وإن تركها خشي أن يأتى أ يتركها

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Saeed Al A'raj who said,

'I asked Abu Abdullah^{-asws} about the man who swears an oath, then leaving it would be better, and if he leaves it, he fears that he might be sinning, 'Should he leave it?'

فَقَالَ أ مَا سَمِعْتَ قَوْلَ رَسُولِ اللَّهِ ص إِذَا رَأَيْتَ خَيْرًا مِنْ يَمِينِكَ فَدَعَهَا.

He^{-asws} said: 'Have you not heard the words of Rasool-Allah^{-saww}: 'When you see better than your oath, so leave it'?¹⁰⁶¹

116 ين، كتاب حسين بن سعيد و النوادر عن الحلبي أنه قال في رجل خلف يمين أن لا يكلم ذا قرابة له قال ليس بشيء فليس بشيء في طلاق أو عتق.

The book of Haseen Bin Saeed, and 'Al Nawadir' –

From Al-Halby who said regarding a man who swears an oath that he will not talk with a relative of his. He^{-asws} said: 'It isn't anything. It isn't anything even regarding divorce of liberation (of a slave)'.¹⁰⁶²

117 قَالَ الْحَلْبِيُّ وَ سَأَلْتُهُ عَنْ امْرَأَةٍ جَعَلَتْ مَالَهَا هَدْيًا لِبَيْتِ اللَّهِ إِنْ أَغَارَتْ مَتَاعَهَا فُلَانَةٌ وَ فُلَانَةٌ فَأَعَارَ بَعْضُ أَهْلِهَا بَعْضَ أَمْرِهَا

Al-Halby said, 'And I asked him^{-asws} about a woman who made her wealth as an offering to the House of Allah^{-azwj} if she lent her belongings to such and such woman, and such and such woman. One of her family members lent these without her instructions.

قَالَ لَيْسَ عَلَيْهَا هَدْيٌ إِنَّمَا الْهَدْيُ مَا جُعِلَ لِلَّهِ هَدْيًا لِلْكَعْبَةِ فَذَلِكَ الَّذِي يُوفَى بِهِ إِذَا جَعَلَ لِلَّهِ وَ مَا كَانَ مِنْ أَشْبَاهِ هَذَا فَلَيْسَ بِشَيْءٍ وَ لَا هَدْيٍ لَا يُذَكَّرُ فِيهِ اللَّهُ.

He^{-asws} said: 'There isn't any offering upon her. But rather, the offering is what is made as an offering to Allah^{-azwj} to the Kabah. So that is which she should be loyal with when she made it to be for Allah^{-azwj}, and whatever was from the likes of this, it isn't anything, nor any offering the Name of Allah^{-azwj} is not mentioned in it'.¹⁰⁶³

118 وَ سُئِلَ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ أَلْفُ بَدَنَةٍ وَ هُوَ مُحَرَّمٌ بِالْأَلْفِ حِجَّةٍ قَالَ تِلْكَ حُطُوءُ الشَّيْطَانِ

¹⁰⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 114

¹⁰⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 115

¹⁰⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 116

¹⁰⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 117

And he^{-asws} was asked about the man saying while he is consecrated (in Ihraam), ‘Upon me are a thousand camels for a thousand Hajj!’ He^{-asws} said: ‘That is from the footsteps of Satan’^{la}.

وَعَنِ الرَّجُلِ يَقُولُ هُوَ مُحْرِمٌ بِحِجَّةٍ وَ يَقُولُ أَنَا أَهْدِي هَذَا الطَّعَامَ قَالَ لَيْسَ بِشَيْءٍ إِنَّ الطَّعَامَ لَا يُهْدَى

And about the man saying while he is in Ihraam for Hajj, and he says, ‘I offer this food!’ He^{-asws} said: ‘It isn’t anything. The food cannot be offered’.

أَوْ يَقُولُ لِحُجْرٍ بَعْدَ مَا نُحِرْتُ هُوَ يُهْدِيهَا لِبَيْتِ اللَّهِ فَقَالَ إِنَّمَا تُهْدَى الْبُذُنُ وَ هِيَ أَحْيَاءُ لَيْسَ تُهْدَى حِينَ صَارَتْ لَحْمًا.

Or he says for a camel after it had been slaughtered he is offering it for the House of Allah^{-azwj}. He^{-asws} said: ‘But rather the camel is offered while it is alive. It cannot be offered when it has become meat’.¹⁰⁶⁴

119 ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ مُسْلِمٍ قَالَ: سَأَلْتُ أَحَدَهُمَا عَ عَنْ رَجُلٍ قَالَتْ لَهُ امْرَأَتُهُ أَسْأَلُكَ بِوَجْهِ اللَّهِ إِلَّا مَا طَلَّقْتَنِي

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Muhammad Bin Muslim said,

‘I asked one of the two (5th or 6th Imam^{-asws}) about a man whose wife said to him, ‘I ask you by the Face of Allah^{-azwj}, please divorce me!’

قَالَ يُوجَعُهَا ضَرْبًا أَوْ يَغْفُو عَنْهَا.

He^{-asws} said: ‘Either he pains her with a strike or pardons her’.¹⁰⁶⁵

120 ين، كتاب حسين بن سعيد و النوادر عَنْ يَحْيَى بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي عَبْدِ اللَّهِ عَ عَنْ أَبِيهِ أَنَّ امْرَأَةً نَذَرَتْ أَنْ تُقَادَ مَرْمُومَةً بِرِمَامٍ فِي أَنْفِهَا فَوَقَعَ بَعِيرٌ فَخَرَمَ أَنْفَهَا فَأَتَتْ عَلِيًّا تَخَاصِمُ فَأَبْطَلَهُ وَ قَالَ إِنَّمَا النَّذَرُ لِلَّهِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Yahya Bin Abu Al A’ala,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}: ‘A woman vowed that she would be led by a rein in her nose. A camel fell and pierced her nose. She came to Ali^{-asws} to dispute. He^{-asws} invalidated it and said: ‘But rather, the vow is for Allah^{-azwj}’.¹⁰⁶⁶

121 ين، كتاب حسين بن سعيد و النوادر عَنْ زُرَّارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَ عَنِ الرَّجُلِ يَقُولُ إِنْ اشْتَرَيْتُ فُلَانًا أَوْ فُلَانَةً فَهُوَ حُرٌّ وَ إِنْ اشْتَرَيْتُ هَذَا الثَّوْبَ فَهُوَ فِي الْمَسَاكِينِ وَ إِنْ نَكَحْتُ فُلَانَةً فَهِيَ طَالِقٌ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Zurara who said,

¹⁰⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 118

¹⁰⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 119

¹⁰⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 120

'I asked Abu Ja'far^{-asws} about the man saying, 'If I buy so and so slave, or so and so slave girl, he is free, and if I buy this cloth, it is for the needy, and if I marry so and so woman, she is divorced'.

قَالَ لَيْسَ ذَلِكَ شَيْءٌ - لَا يُطَلَّقُ إِلَّا مَا يَمْلِكُ وَلَا يَتَصَدَّقُ إِلَّا بِمَا يَمْلِكُ وَلَا يُعْتَقُ إِلَّا مَا يَمْلِكُ.

He^{-asws} said: 'All that isn't anything. He cannot divorce except what he possesses, nor can he donate except with what he owns, nor can he liberate except what he owns'.¹⁰⁶⁷

122 ين، كتاب حسين بن سعيد و النوادر عن أبان عن أبي يعفور عن أبي عبد الله ع أَنَّهُ قَالَ: فِي الْيَمِينِ الَّتِي لَا يُكْفَرُ هُوَ بِمَا حَلَفَتْ لِلَّهِ وَ فِيهِ مَا يُكْفَرُ قُلْتُ فَرَجُلٌ قَالَ عَلَيْهِ الْمَشْيُ إِلَى بَيْتِ اللَّهِ إِنْ كَلِمَ ذَا قَرَابَةٍ لَهُ قَالَ هَذَا بِمَا لَا يُكْفَرُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Aban, from Ibn Abu Yafour,

From Abu Abdullah^{-asws} having said regarding the oath which has not expiation penalty, from what is sworn for Allah^{-azwj} and in it is what has to be expiated. I said, 'A man says upon him is the walking to the House of Allah^{-azwj} if he talks to a relative of his. He^{-asws} said: 'This is from what has not expiation penalty'.¹⁰⁶⁸

123 ين، كتاب حسين بن سعيد و النوادر عن زَيْدِ الْحَنَاطِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ امْرَأَتِي خَرَجَتْ بَعِيرٍ إِذْنِي فَقُلْتُ لَهَا إِنَّ خَرَجَتْ بَعِيرٍ إِذْنِي فَأَنْتِ طَالِقٌ فَخَرَجَتْ فَلَمَّا أَنَّ ذَكَرْتُ دَخَلْتُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zayd Al Hannat who said,

'I said to Abu Abdullah^{-asws}, 'My wife went out without my permission. I said to her, 'If you go out without my permission, you are divorced!' She still went out. When I remembered, I entered'.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع خَرَجَتْ سَبْعِينَ ذِرَاعًا

Abu Abdullah^{-asws} said: 'Did she go out to seventy cubits?'

قَالَ لَا

He said, 'No'.

قَالَ وَ مَا أَشَدَّ مِنْ هَذَا يَجِيءُ مِثْلُ هَذَا مِنَ الْمُشْرِكِينَ فَيَقُولُ لِامْرَأَتِهِ الْقَوْلَ فَيَنْتَزِعُ فَتَتَزَوَّجُ زَوْجًا آخَرَ وَ هِيَ امْرَأَتُهُ.

He^{-asws} said: 'And what is not severe than this? The likes of this come from the Polytheists. He would say the word to his wife, so she goes away and marries another husband while she is still his wife'.¹⁰⁶⁹

¹⁰⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 121

¹⁰⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 122

¹⁰⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 123

124 ين، كتاب حسين بن سعيد و النوادر عَنْ مُعَمَّرِ بْنِ عُمَرَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ نَذْرٌ وَ لَمْ يُسَمِّ شَيْئاً قَالَ لَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ma'mar Bin Umar who said,

'I asked Abu Abdullah^{-asws} about the man saying, 'Upon me is a vow', and did not specify anything. He^{-asws} said: 'It isn't anything'.¹⁰⁷⁰

125 ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ وَ فَضَالَةُ بْنُ أَيُّوبَ عَنْ جَمِيلِ بْنِ ذَرَّاجٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنَ عَنْ أَحَدِهِمَا ع قَالَ: سَأَلْتُهُ عَمَّا يُكْفَرُ مِنَ الْأَيْمَانِ قَالَ مَا كَانَ عَلَيْكَ أَنْ تَفْعَلَهُ فَحَلَفْتَ أَنْ لَا تَفْعَلَهُ فَفَعَلْتَهُ فَلَيْسَ عَلَيْكَ شَيْءٌ إِذَا فَعَلْتَهُ وَ مَا لَمْ يَكُنْ عَلَيْكَ وَاجِبٌ أَنْ تَفْعَلَهُ فَحَلَفْتَ إِلَّا تَفْعَلَهُ ثُمَّ فَعَلْتَهُ فَعَلَيْكَ الْكَفَّارَةُ.

The book of Haseen Bin Saeed', and 'Al Nawadir' – Muhammad Bin Abu Umeyr and Fazalah Bin Ayoub, from Jameel Bin Darraj, from Zurara Bin Ayn,

From one of the two (5th or 6th Imam^{-asws}), he (the narrator) said, 'I asked him^{-asws} about what oaths have to be expiated from. He^{-asws} said: 'Whatever was upon you to do, so you swear an oath that you will not do it, but you do it, there isn't anything upon you when you do it; and whatever did not happen to be obligatory upon you to do, so you swear an oath that you will not do it, but you do, upon you is the expiation penalty'.¹⁰⁷¹

126 ين، كتاب حسين بن سعيد و النوادر عَنْ عُنْبَسَةَ بْنِ مُصْعَبٍ قَالَ: نَذَرْتُ فِي ابْنِي لِي إِنْ عَافَاهُ اللَّهُ أَنْ أَحْجَّ مَا شِئْتُ فَمَشَيْتُ حَتَّى بَلَغْتُ الْعُقْبَةَ فَاشْتَكَيْتُ فَرَكِبْتُ ثُمَّ وَجَدْتُ رَاحَةً فَمَشَيْتُ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ ذَلِكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Anbasa Bin Mus'ab who said,

'I vowed regarding a son of mine if Allah^{-azwj} Grants him well-being I will perform Hajj walking. I walked until I reached Al-Aqaba. Then I had a health issue so I rode. Then I found rest, so I walking. I asked Abu Abdullah^{-asws} about that.

فَقَالَ إِنِّي أَحِبُّ إِنْ كُنْتُ مُوسِراً أَنْ تَذْبَحَ بَقَرَةً

He^{-asws} said: 'I^{-asws} would love it, if you are affluent, that you slaughter a cow'.

فَقُلْتُ مَعِيَ نَفَقَةٌ وَ لَوْ شِئْتُ لَفَعَلْتُ وَ عَلَيَّ دَيْنٌ

I said, 'There is expenditure money with me, and if I so desire, I can do it, and there is a debt upon me'.

فَقَالَ أَنَا أَحِبُّ إِنْ كُنْتُ مُوسِراً أَنْ تَذْبَحَ بَقَرَةً

He^{-asws} said: 'I^{-asws} would love it, if you are affluent, that you slaughter a cow'.

¹⁰⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 124

¹⁰⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 125

فَقُلْتُ أَ شَيْءٌ وَاجِبٌ أَفْعَلُهُ

I said, 'Is it something obligatory for me to do?'

فَقَالَ لَا وَ لَكِنْ مَنْ جَعَلَ لِلَّهِ شَيْئاً فَبَلَغَ جُهِدَهُ فَلَيْسَ عَلَيْهِ شَيْءٌ.

He^{-asws} said: 'No, but the one who makes something for Allah^{-azwj}, so he strives extensively, there isn't anything upon him'.¹⁰⁷²

127 رَوَى عَبْدُ اللَّهِ بْنُ مُسْكَانٍ عَنْ عُنْبَسَةَ بْنِ مُصْعَبٍ مِثْلَ ذَلِكَ.

And it is reported by Abdullah Bin Muskan, from Anbasa Bin Mus'ab, similar to that.¹⁰⁷³

128 ين، كتاب حسين بن سعيد و النوادر عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْيَمِينِ الَّتِي يَحِبُّ فِيهَا الْكَفَّارَةُ قَالَ الْكَفَّارَةُ فِي الَّذِي يَخْلِفُ عَلَى الْمَتَاعِ أَلَّا يَبِيعَهُ وَلَا يَشْتَرِيَهُ ثُمَّ يَبْدُو لَهُ فَيَشْتَرِيهِ فَيَكْفُرُ بَيْنَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' –

From Abdul Rahman son of Abu Abdullah^{-asws}, he said, 'I asked Abu Abdullah^{-asws} about the oath in which the expiation penalty is obligated. He^{-asws} said: 'The expiations are in which he swears an oath upon the merchandise that he will not sell it, and will not buy it. Then there is a change of mind for him, so he buys it, there is expiation penalty of his oath'.¹⁰⁷⁴

129 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ وَقَعَ عَلَى جَارِيَةٍ فَارْتَفَعَ حَيْضُهَا وَ خَافَ أَنْ يَكُونَ قَدْ حَمَلَتْ فَجَعَلَ لِلَّهِ عَلَيْهِ عَتَقَ رَقَبَةٍ وَ صَوْمًا وَ صَدَقَةً إِنْ هِيَ حَاضَتْ وَ قَدْ كَانَتْ الْجَارِيَةُ طَمِثَتْ قَبْلَ أَنْ يَخْلِفَ يَوْمَ أَوْ يَوْمَيْنِ وَ هُوَ لَا يَعْلَمُ قَالَ لَيْسَ عَلَيْهِ شَيْءٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I asked him^{-asws} about a man who falls upon a slave girl (for marital relations), and her menstruations stop, and he fears that she might have become pregnant, so he makes for Allah^{-azwj} upon him, liberation of a slave, and fasting, and charity if she does menstruate, and the slave girl had menstruation a day or two days before he swore the oath, and he did not know. He^{-asws} said: 'There is nothing upon him'.¹⁰⁷⁵

130 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع فِي رَجُلٍ قَالَ عَلَيْهِ بَدَنَةٌ وَ لَمْ يُسَمِّ أَيْنَ يَنْحَرُهَا قَالَ إِنَّمَا الْمَنْحَرُ يَمْنَى يُقَسِّمُهَا بَيْنَ الْمَسَاكِينِ وَ قَالَ فِي رَجُلٍ قَالَ عَلَيْهِ بَدَنَةٌ يَنْحَرُهَا بِالْكَوْفَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim,

¹⁰⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 126

¹⁰⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 127

¹⁰⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 128

¹⁰⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 129

From Abu Ja'far^{-asws} regarding a man upon whom is a camel and did not specify where would he sacrifice. He^{-asws} said: 'But rather the sacrifice is at Mina. He should distribute it between the needy'.

فَقَالَ إِذَا سَمَى مَكَانًا فَلْيَنْحَرْ فِيهَا فَإِنَّهُ يُجْزِي عَنْهُ.

And he^{-asws} said regarding a man who says upon him is a camel, he will sacrifice at Al-Kufa. He^{-asws} said: 'When he has specified a place, let him sacrifice it therein, for it would suffice from it'.¹⁰⁷⁶

131 ين، كتاب حسين بن سعيد و النوادر عن جميل بن صالح قال: كانت عندي جارية بالمدينة فارتفع طمثها فجعلت لله علي نذراً إن هي حاضت فعلمت بعد أنها حاضت قبل أن أجعل النذر علي فكتبته إلى أبي عبد الله ع وأنا بالمدينة

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Jameel Bin Salih who said,

'There was a slave girl in my possession at Al-Medina. Her menstruations stopped, so I made it for Allah^{-azwj} a vow upon me if she menstruates. I came to know afterwards she had menstruation before I made the vow upon me. I wrote to Abu Abdullah^{-asws} and I was at Al-Medina.

فأجابني إن كانت حاضت قبل النذر فلا عليك وإن كانت بعد النذر فعليك.

He^{-asws} answered me: 'If she had menstruated before the vow, it is not upon you, and if she menstruated after the vow, it is upon you'.¹⁰⁷⁷

132 ين، كتاب حسين بن سعيد و النوادر عن إسحاق بن عمار عن أبي إبراهيم ع قال: قلت رجل كانت عليه حجة الإسلام فأراد أن يحج فقبل له تزوج ثم حج فقال إن أتزوج قبل أن أحج فعلامي حر فتزوج قبل أن يحج

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Is'haq Bin Ammar,

From Abu Ibrahim^{-asws}, he (the narrator) said, 'I said, 'A man had performance of Hajj of Al-Islam upon him (as a vow). He intended to perform Hajj. It was said to him, 'Get married, then perform Hajj'. He^{-asws} said, 'If I get married before I perform Hajj, my slave is free'. Then he got married before he performed Hajj'.

فَقَالَ أُعْتِقَ عُلَامُهُ

He^{-asws} said: 'He should free his slave'.

فَقُلْتُ لَمْ يُرِدْ بِعَتَقِهِ وَجْهَ اللَّهِ

I said, 'He had not intended the Face of Allah^{-azwj} with his liberation'.

¹⁰⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 130

¹⁰⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 131

فَقَالَ إِنَّهُ نَذَرَ فِي طَاعَةِ اللَّهِ وَ الْحَجِّ أَحَقُّ مِنَ التَّزْوِيجِ وَ أُجِبَ عَلَيْهِ مِنَ التَّزْوِيجِ

He^{-asws} said: 'He had vowed in obedience of Allah^{-azwj}, and the Hajj is more rightful than the marriage and more obligatory upon him than the marriage'.

قُلْتُ فَإِنَّ الْحَجَّ تَطَوُّعٌ لَيْسَ بِحُجَّةٍ الْإِسْلَامِ

I said, 'But the Hajj is voluntary. It isn't (the obligatory) Hajj of Al-Islam!'

قَالَ وَ إِنْ كَانَ تَطَوُّعاً فَهِيَ طَاعَةٌ اللَّهِ قَدْ أُعْتِقَ عُلَامُهُ.

He^{-asws} said: 'And even if it was voluntary, it is an act of obedience to Allah^{-azwj}. His slave is free'.¹⁰⁷⁸

133 ين، كتاب حسين بن سعيد و النوادر عنه قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنِّي جَعَلْتُ عَلَى نَفْسِي شُكْرًا لِلَّهِ رَكْعَتَيْنِ أُصَلِّيهِمَا لِلَّهِ فِي السَّفَرِ وَ الْحَضَرِ أ فَأُصَلِّيهِمَا فِي السَّفَرِ بِالنَّهَارِ

The book of Haseen Bin Saeed, and 'Al Nawadir', from him who said,

'I said to Abu Abdullah^{-asws}, 'I have made it upon myself in appreciation to Allah^{-azwj}, two units of Salat I shall pray during the journey and the residence. Can I pray these during that journey at daytime?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

ثُمَّ قَالَ لِي إِنِّي أَكْرَهُ الْإِجَابَ أَنْ يُوجِبَ الرَّجُلُ عَلَى نَفْسِهِ

Then he^{-asws} said to me: 'I^{-asws} dislike it if the man obligates an obligation upon himself'.

قُلْتُ إِنِّي لَمْ أَجْعَلْهَا لِلَّهِ عَلَيَّ إِنَّمَا جَعَلْتُ عَلَى نَفْسِي أُصَلِّيهِمَا شُكْرًا لِلَّهِ وَ لَمْ أُوجِبْهُ لِلَّهِ عَلَى نَفْسِي أ فَادْعُهُمَا إِذَا شِئْتُ

I said, 'I did not make it for Allah^{-azwj} upon me! But rather, I made it upon myself that I will be praying these in appreciation to Allah^{-azwj}, and I did not obligate it for Allah^{-azwj} upon myself. Can I leave these if I so desire to?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.¹⁰⁷⁹

134 ين، كتاب حسين بن سعيد و النوادر عَنْ عَبْدِ الْمَلِكِ بْنِ عَمْرٍو عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ جَعَلَ لِلَّهِ عَلَيْهِ أَلَّا يَرْكَبَ مُحَرَّمًا سَمَاءَ فَرَكِبَهُ

¹⁰⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 132

¹⁰⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 133

The book of Haseen Bin Saeed, and Al Nawadir, from Abdul Malik Bin Amro,

From Abu Abdullah^{-asws} having said regarding someone who makes for Allah^{-azwj} upon him that he will not indulge in a prohibition, and he specifies it, then he commits it.

قَالَ وَ لَا أَعْلَمُهُ إِلَّا قَالَ فَلْيُعْتِقْ رَقَبَةً أَوْ لِيَصُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ لِيُطْعِمَ سِتِّينَ مِسْكِينًا.

He (the narrator) said, 'And I don't know except he^{-asws} said: 'Let him either liberate a slave or let him fast two months consecutive, or let him feed sixty needy ones'.¹⁰⁸⁰

135 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَنِ الْإِيمَانِ وَ النَّدْوَرِ وَ الْيَمِينِ الَّذِي هِيَ لِلَّهِ طَاعَةٌ فَقَالَ مَا جَعَلَ لِلَّهِ فِي طَاعَةٍ فَلْيُفْضِهِ فَإِنْ جَعَلَ لِلَّهِ شَيْئًا مِنْ ذَلِكَ ثُمَّ لَمْ يَفْعَلْ فَلْيَكْفِرْ يَمِينَهُ وَ أَمَا مَا كَانَتْ يَمِينًا فِي مَعْصِيَةٍ فَلَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{-asws} about the oath and the vows, and the oath which is an act of obedience to Allah^{-azwj}. He^{-asws} said: 'Whatever he makes for Allah^{-azwj} regarding an act of obedience, let him fulfil. If he makes something from that, then he does not do it, let him pay the expiation penalty of his oath'; and as for whatever was sworn regarding an act of disobedience, it isn't anything'.¹⁰⁸¹

136 ين، كتاب حسين بن سعيد و النوادر عَنْ سَعِيدِ بْنِ عَبْدِ اللَّهِ الْأَعْرَجِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ يَخْلِفُ بِالْمَشْيِ إِلَى بَيْتِ اللَّهِ وَ يُحْرِمُ بِحِجَّةٍ وَ الْهَدْيِ فَقَالَ مَا جَعَلَ لِلَّهِ فَهُوَ وَاجِبٌ عَلَيْهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Saeed Bin Abdullah Al A'raj who said,

'I asked Abu Abdullah^{-asws} about the man who swear an oath of walking to the House of Allah^{-azwj}, and consecration for a Hajj, and the sacrificial offering. He^{-asws} said: 'Whatever he makes for Allah^{-azwj}, it is obligated upon him'.¹⁰⁸²

137 ين، كتاب حسين بن سعيد و النوادر عَنْ عَبْدِ اللَّهِ بْنِ عَلِيٍّ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنْ قُلْتَ لِلَّهِ عَلَيَّ فَكْفَارَةٌ يَجِبُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Abdullah Bin Ali Al Halby,

From Abu Abdullah^{-asws} having said: 'If you say, 'For Allah^{-azwj} upon me', there is an expiation penalty of the oath'.¹⁰⁸³

138 ين، كتاب حسين بن سعيد و النوادر عَنْ حَمْرَةَ بْنِ حُمْرَانَ عَنْ زُرَّارَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع أَيُّ شَيْءٍ الَّذِي فِيهِ الْكُفَّارَةُ عَنِ الْإِيمَانِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hamza Bin Humran, from Zurarah who said,

¹⁰⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 134

¹⁰⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 135

¹⁰⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 136

¹⁰⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 137

'I said to Abu Abdullah^{-asws}, 'Which is the thing in which there is the expiation penalty of the oath?'

قَالَ مَا حَلَفْتَ عَلَيْهِ مِمَّا فِيهِ الْمَغْصِيَةُ فَلَيْسَ عَلَيْكَ فِيهِ الْكَفَّارَةُ إِذَا رَجَعْتَ عَنْهُ وَ مَا كَانَ سِوَى ذَلِكَ بِمَا لَيْسَ فِيهِ بِرٌّ وَ لَا مَغْصِيَةُ فَلَيْسَ بِشَيْءٍ.

He^{-asws} said: 'Whatever you swear upon in which is the act of disobedience, the expiation penalty isn't upon you when you retract from it, and whatever was besides that from what there isn't any righteousness in it nor disobedience, it isn't anything'.¹⁰⁸⁴

139 ين، كتاب حسين بن سعيد و النوادر عن ابن أبي يعفور أَنَّهُ قَالَ: الْيَمِينُ الَّتِي تُكْفَرُ أَنْ يَقُولَ الرَّجُلُ - لَا وَ اللَّهُ وَ نَحْوَ ذَلِكَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ibn Abu Yafour, he said,

'The oath which has to be expiated is the man saying, 'No, by Allah^{-azwj}', and approximate to that'.¹⁰⁸⁵

140 ين، كتاب حسين بن سعيد و النوادر القاسم بن مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ قَالَ: سَأَلْتُهُ عَمَّنْ قَالَ وَ اللَّهُ ثُمَّ لَمْ يَفِ قَالَ أَبُو عَبْدِ اللَّهِ عِ إطْعَامُ عَشْرَةِ مَسَاكِينَ مَدًّا مِنْ دَقِيقٍ أَوْ حِنْطَةٍ أَوْ تَحْرِيرُ رَقَبَةٍ أَوْ صِيَامُ ثَلَاثَةِ أَيَّامٍ مُتَوَالِيَةٍ إِذَا لَمْ يَجِدْ شَيْئاً مِنْ ذَلِكَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Ali Bin Abu Hamza who said,

'I asked him^{-asws} about the one who says, 'By Allah^{-azwj}', then he does not fulfil. Abu Abdullah^{-asws} said: 'He should feed ten needy ones, a *Mudd* of flour, or wheat, or free a neck, or fast three days consecutively when he cannot find anything from that'.¹⁰⁸⁶

141 ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى وَ إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي إِبْرَاهِيمَ ع قَالَ: سَأَلْتُهُ عَنْ كَفَّارَةِ الْيَمِينِ قَوْلِهِ - فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ مَا حَدَّ مَنْ لَمْ يَجِدْ قُلْتُ فَالرَّجُلُ يَسْأَلُ فِي كَفِّهِ وَ هُوَ يَجِدُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya and Is'haq Bin Ammar,

From Abu Ibrahim (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws} about expiation penalty of the oath, His^{-azwj} Words: **But the one who cannot find, so it is the Fasting for three days [2:196]**, What the limit is of the one who cannot find. I said, 'The man begs by his hands and he does find!'

قَالَ إِذَا لَمْ يَكُنْ عِنْدَهُ فَضْلٌ عَنْ قُوْتِ عِيَالِهِ فَهُوَ لَا يَجِدُ.

He^{-asws} said: 'When there does not happen to be in his possession any extra from the daily subsistence of his dependants, so he (is the one who) cannot find'.¹⁰⁸⁷

¹⁰⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 138

¹⁰⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 139

¹⁰⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 140

¹⁰⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 141

142 ين، كتاب حسين بن سعيد و النوادر النَّضْرُ بْنُ سُؤَيْدٍ عَنْ عَاصِمِ بْنِ مُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِهِ - مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ قَالَ تَوْبٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Aasim Bin Humejd, from Abu Baseer,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about His^{-azwj} Words: **from the average of what you feed your families, or their clothing [5:89]**. He^{-asws} said: 'A garment'.¹⁰⁸⁸

143 ين، كتاب حسين بن سعيد و النوادر الْحُسَيْنُ بْنُ سَعِيدٍ عَنْ أَحْمَدَ بْنِ عَبْدِ اللَّهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع فِي كَفَّارَةِ الْيَمِينِ قَالَ عَشْرَةُ أَمْدَادٍ نَقِيٍّ طَيِّبٍ لِكُلِّ مِسْكِينٍ مُدًّا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Aasim Bin Humejd, from Abu Baseer, from Aban Bin Usman, from Zurarah,

From Abu Ja'far^{-asws} regarding expiation penalty of the oath. He^{-asws} said: 'Ten *Mudds*, pure good, a *Mudd* for each needy one'.¹⁰⁸⁹

144 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ كَفَّارَةِ الْيَمِينِ قَالَ عَنُقُ رَقَبَةٍ أَوْ كِسْوَةٌ أَوْ الْكِسْوَةُ تُؤْبِنُ أَوْ إِطْعَامُ عَشْرَةِ مَسَاكِينَ أَيْ ذَلِكَ فَعَلَ أَجْزَأَ عَنْهُ فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ مُتَوَالِيَاتٍ طَعَامُ عَشْرَةِ مَسَاكِينَ مُدًّا مُدًّا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Ali,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about expiation penalty of the oath. He^{-asws} said: 'Liberate a slave, or clothe, and the clothing is two garments, or feeding ten needy ones. Whichever of those he does, it will suffice for it. If he cannot find, he should fast three-days consecutively. Feeding ten needy ones is *Mudd* by *Mudd* (each)'.¹⁰⁹⁰

145 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ أَبُو جَعْفَرٍ ع قَالَ اللَّهُ لَنَبِيِّهِ يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ تَبْتَغِي مَرْضَاتِ أَرْوَاجِكَ إِلَى آخِرِهِ فَجَعَلَهَا يَمِينًا فَكَفَّرَهَا رَسُولُ اللَّهِ ص

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Qays,

'Abu Abdullah^{-asws} said: 'Allah^{-azwj} Said to His^{-azwj} Prophet^{-saww}: **O you the Prophet! Do not deny (yourself) what Allah has Permitted for you, seeking pleasure of your wives [66:1]** – up to end of the Verse. He^{-azwj} Made it to be an oath, so Rasool-Allah^{-saww} expiated it'.

قُلْتُ بِمَا كَفَّرَهَا

I said, 'What did he^{-saww} expiate it with?'

قَالَ إِطْعَامُ عَشْرَةِ مَسَاكِينَ لِكُلِّ مِسْكِينٍ مُدًّا

¹⁰⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 142

¹⁰⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 143

¹⁰⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 144

He^{-asws} said: 'He^{-saww} fed ten needy ones, a *Mudd* for each needy one'.

قُلْتُ فَمَنْ وَجَدَ الْكِسْوَةَ

I said, 'So (what about) the one who can find the clothing?'

قَالَ ثَوْبٌ يُوَارِي عَوْرَتَهُ.

He^{-asws} said: 'A garment to cover his bareness'.¹⁰⁹¹

146 ين، كتاب حسين بن سعيد و النوادر عَنْ مَنْصُورِ بْنِ حَارِثٍ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ ع أَطْعِمُ فِي كَفَّارَةِ الْيَمِينِ مَدًّا لِكُلِّ مَسْكِينٍ إِلَّا صَدَقَةَ الْفِطْرِ فَإِنَّهُ نِصْفُ صَاعٍ أَوْ صَاعٌ مِنْ تَمْرٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Mansour Bin Hazim who said,

'Abu Abdullah^{-asws} said to me: 'In expiation penalty of the oath, feed a Mudd to each needy one, except charity of (Eid) Al-Fitr, for it is half a *Sa'a* (two *Mudds*), or a *Sa'a* of dates'.¹⁰⁹²

147 ين، كتاب حسين بن سعيد و النوادر عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا إِبْرَاهِيمَ ع عَنْ إِطْعَامِ عَشْرَةِ مَسَاكِينٍ أَوْ إِطْعَامِ سِتِّينَ مَسْكِينًا أَوْ يُجْمَعُ ذَلِكَ لِإِنْسَانٍ وَاحِدٍ يُعْطَاهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Is'haq Bin Ammar who said,

'I asked Abu Ibrahim^{-asws} (Musa Al-Kazim^{-asws}) about feeding ten needy ones, or feeding sixty needy ones, 'Can that be gathered in giving it to one person (feeding him for ten or sixty days)?'

قَالَ لَا وَ لَكِنْ يُعْطَى إِنْسَانٌ إِنْسَانًا كَمَا قَالَ اللَّهُ

He^{-asws} said: 'No! Give to person by person just as Allah^{-azwj} has Said'.

قُلْتُ فَيُعْطِيهِمُ الضُّعْفَاءُ مِنْ غَيْرِ أَهْلِ الْوِلَايَةِ

I said, 'Can he give to the weak ones from other than the people of Wilayah?'

قَالَ نَعَمْ وَ أَهْلُ الْوِلَايَةِ أَحَبُّ إِلَيَّ.

He^{-asws} said: 'Yes, but the people of Wilayah are more beloved to me^{-asws}'.¹⁰⁹³

148 ين، كتاب حسين بن سعيد و النوادر عَنْ عُثَيْدِ اللَّهِ بْنِ عَلِيٍّ الْحُلَيْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي كَفَّارَةِ الْيَمِينِ مَدٌّ وَ حَفْنَةٌ.

¹⁰⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 145

¹⁰⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 146

¹⁰⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 147

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ubeydullah Bin Ali Al Halby,

'From Abu Abdullah^{-asws} regarding expiation penalty of the oath: 'A *Mudd* and a handful'.¹⁰⁹⁴

149 ين، كتاب حسين بن سعيد و النوادر عَنْ حَمَّادِ بْنِ عِيسَى عَنْ رَبِيعٍ قَالَ: قَالَ مُحَمَّدُ بْنُ مُسْلِمٍ لِأَبِي جَعْفَرٍ فِي كَفَّارَةِ الْيَمِينِ قَالَ أَطْعَمَ رَسُولُ اللَّهِ ص عَشْرَةَ مَسَاكِينَ كُلَّ [لِكُلِّ] مِسْكِينٍ مُدًّا مِنْ طَعَامٍ فِي أَمْرِ مَارِيَةَ وَ هُوَ قَوْلُهُ يَا أَيُّهَا النَّبِيُّ لَمْ تُحَرِّمْ مَا أَحَلَّ اللَّهُ لَكَ إِلَى آخِرِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hammad Bin Isa, from Rabie who said,

'Muhammad Bin Muslim said to Abu Ja'far^{-asws} regarding the expiation penalty of the oath. He^{-asws} said: 'Ten needy ones, a Mudd of food to each needy one, from the food in the matter of Mariah^{-ra}, and it is His^{-azwj} Word: **O you the Prophet! Do not deny (yourself) what Allah has Permitted for you [66:1] – up to end its end**'.¹⁰⁹⁵

150 ين، كتاب حسين بن سعيد و النوادر عَنْ إِبْرَاهِيمَ بْنِ عُمَرَ أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ ع يَقُولُ فِي كَفَّارَةِ الْيَمِينِ مَنْ كَانَ لَهُ مَا يُطْعِمُ فَلَيْسَ لَهُ أَنْ يَصُومَ وَ يُطْعِمُ عَشْرَةَ مَسَاكِينَ مُدًّا مُدًّا فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' –

From Ibrahim Bin Umar, he heard Abu Abdullah^{-asws} saying regarding expiation penalty of the oath: 'One who had food for him when he can feed with, it isn't for him that he fasts, and feeding ten needy ones if a *Mudd*, a *Mudd* (each). If he cannot find, then he fasts for three days'.¹⁰⁹⁶

151 ين، كتاب حسين بن سعيد و النوادر حَمَّادُ بْنُ عِيسَى عَنْ عَبْدِ اللَّهِ بْنِ مُغِيرَةَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ قَالَ هُوَ كَمَا يَكُونُ إِنَّهُ يَكُونُ فِي الْبَيْتِ مَنْ يَأْكُلُ أَكْثَرَ مِنَ الْمَدِّ وَ مِنْهُمْ مَنْ يَأْكُلُ أَقَلَّ مِنْ ذَلِكَ فَإِنْ شِئْتَ جَعَلْتَ لَهُمْ أَدْمًا وَ الْأَدْمُ أَدْوَنُ الْمِلْحِ وَ أَوْسَطُهَا الزَّيْتُ وَ الْخَلُّ وَ أَرْفَعُهُ اللَّحْمُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad Bin Isa, from Abdullah Bin Mugheira, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: '**from the average of what you feed your families [5:89]**'. He^{-asws} said: 'It is what can be. There could be someone in the house eating more than the *Mudd*, and from them is one who eats less than that. If he so desires, he can make for them a condiment, and the condiment, the least of it is the salt, and its average is the oil and the vinegar, and the highest of it is the meat'.¹⁰⁹⁷

152 ين، كتاب حسين بن سعيد و النوادر عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي كَفَّارَةِ الْيَمِينِ قَالَ مُدٌّ مِنْ حِنْطَةٍ وَ حَفْنَةٌ لِيَكُونَ الْحَفْنَةُ فِي طَحْنِهِ وَ حِنْطُهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir, from Hisham Bin Al Hakam,

¹⁰⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 148

¹⁰⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 149

¹⁰⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 150

¹⁰⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 151

From Abu Abdullah^{-asws} regarding the expiation penalty of the oath. He^{-asws} said: 'A *Mudd* of wheat, and a handful. Let the handful be from its ground state, and wheat.'¹⁰⁹⁸

153 ين، كتاب حسين بن سعيد و النوادر عن مَعْمَرِ بْنِ عُمَرَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَ عَمَّنْ وَجَبَتْ عَلَيْهِ الْكِسْوَةُ لِلْمَسَاكِينِ فِي كَفَّارَةِ الْيَمِينِ قَالَ ثَوْبٌ هُوَ مَا يُؤَارِي عَوْرَتَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ma'mar Bin Umar who said,

'I asked Abu Ja'far^{-asws} about the one, the clothing of the needy ones is obligatory, regarding the expiation penalty of the oath. He^{-asws} said: 'A garment. It is what covers his bareness'.¹⁰⁹⁹

154 ين، كتاب حسين بن سعيد و النوادر علاء عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سُئِلَ عَنْ رَجُلٍ جَعَلَ عَلَى نَفْسِهِ الْمَشْيَ إِلَى الْكُتْبَةِ أَوْ صَدَقَةً أَوْ عَتَقًا أَوْ نَذْرًا أَوْ هَدِيًّا إِنْ عَافَى اللَّهُ أَبَاهُ أَوْ أَخَاهُ أَوْ ذَا رَحِمٍ أَوْ قَطَعَ قَرَابَةً أَوْ أَمَرَ مَائِمٍ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ala'a, from Muhammad Bin Muslim,

From Abu Ja'far^{-asws}, he (the narrator) said, 'He^{-asws} was asked about a man who made upon himself walking to the Kabah, or charity, or liberating (a slave), or a vow, or a sacrificial offering if Allah^{-azwj} Grants him well-being to his father, or his brother, or a relative, or cutting a kinship, or a sinful matter.

قَالَ كِتَابُ اللَّهِ قَبْلَ الْيَمِينِ لَا يَمِينُ فِي مَعْصِيَةٍ إِلَّا الْيَمِينُ الْوَاجِبَةُ الَّتِي يَنْبَغِي لِصَاحِبِهَا أَنْ يَفِي بِهَا مَا جَعَلَ لِلَّهِ عَلَيْهِ مِنَ الشُّكْرِ إِنْ هُوَ عَافَاهُ مِنْ مَرَضٍ أَوْ مِنْ أَمْرٍ يَخَافُهُ أَوْ رَدَّ غَائِبٌ أَوْ رَدَّ مِنْ سَفَرِهِ أَوْ رَزَقَهُ اللَّهُ وَ هَذَا الْوَاجِبُ عَلَى صَاحِبِهِ يَنْبَغِي لَهُ أَنْ يَفِي لَهُ بِهِ.

He^{-asws} said: 'The Book of Allah^{-azwj} is before the oath! There is no oath in disobedience. But rather, the obligating oath which befits its owner to be loyal with it is what he makes for Allah^{-azwj} upon him, of the appreciation if He^{-azwj} Grants him well-being from a sickness, or from a matter he fears, or return an absentee, or returning from his journey, or Allah^{-azwj} to Provide him, and this is obligatory upon its owner. It is befitting for him that he is loyal with it'.¹¹⁰⁰

155 وَ قَالَ أَبُو جَعْفَرٍ ع مَا كَانَ عَلَيْهِ وَاجِبًا فَخَلَفَ أَنْ لَا يَفْعَلَهُ فَعَلَهُ فَلَيْسَ عَلَيْهِ فِيهِ شَيْءٌ وَ مَا لَمْ يَكُنْ عَلَيْهِ وَاجِبًا فَخَلَفَ أَنْ لَا يَفْعَلَهُ فَعَلَهُ فَالْكَفَّارَةُ.

And Abu Ja'far^{-asws} said: 'Whatever was obligated upon him, so he swears an oath that he will not do it, then he does it, there isn't anything upon him, and whatever does not happen to be obligated upon him, so he swears an oath that he will not do it, then he does it, the expiation penalty (is obligated)'.¹¹⁰¹

156 وَ سُئِلَ هَلْ يَصِحُّ إِذَا خَلَفَ الرَّجُلُ أَنْ يَضْرِبَ عَبْدَهُ عَدَدًا أَنْ يَجْمَعَ خَشْبًا فَيَضْرِبُهُ فَيُخْسَبُ بِعَدَدِهِ

¹⁰⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 152

¹⁰⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 153

¹¹⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 154

¹¹⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 155

And he^{-asws} was asked, 'Is it correct if a man swears an oath to strike his slave a number of times, that he gathers sticks and strikes him, and counts at their number?'

قَالَ نَعَمْ إِنَّ عَلِيًّا جَلَدَ الْوَلِيدَ بْنِ عُقْبَةَ فِي الْحَفْرِ بِسَوْطٍ لَهُ رَأْسَانِ فَحَسَبَ كُلَّ جَلْدَةٍ بِجَلْدَتَيْنِ.

He^{-asws} said: 'Yes! Ali^{-asws} had whipped Al-Waleed Bin Uqbah regarding (drinking) the wine, with a whip that had two ends for it. He^{-asws} calculated each lash as two lashes'.¹¹⁰²

157 قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ مِائَةُ بَدَنَةٍ أَوْ أَلْفُ بَدَنَةٍ أَوْ مَا لَا يُطِيقُ فَقَالَ قَالَ رَسُولُ اللَّهِ ص ذَلِكَ مِنْ حُطُوتِ الشَّيْطَانِ.

And I asked him^{-asws} about the man saying, 'Upon me are a hundred camels', or 'a thousand camels', or what he cannot endure. He^{-asws} said: 'Rasool-Allah^{-saww} said: 'That is from the footsteps of Satan^{-la'}'.¹¹⁰³

158 وَ سُئِلَ عَنْ رَجُلٍ جَعَلَ عَلَى نَفْسِهِ عِتْقَ رَقَبَةٍ مِنْ وَلَدِ إِسْمَاعِيلَ قَالَ وَ مَنْ عَسَى أَنْ يَكُونَ وَلَدُ إِسْمَاعِيلَ إِلَّا هَؤُلَاءِ وَ أَشَارَ بِيَدِهِ إِلَى أَهْلِهِ وَ وَلَدِهِ

And he^{-asws} was asked about a man who makes upon himself liberation of a neck from the children of Ismail^{-as}. He^{-asws} said: 'And who can be from the children of Ismail^{-as} except them?' – and he^{-asws} indicated by his^{-asws} hand towards his^{-asws} family and his^{-asws} children.

قَالَ وَ لَا يَخْلِفُ الْيَهُودِيُّ وَ النَّصْرَانِيُّ إِلَّا بِاللَّهِ وَ لَا يَصْلُحُ لِأَحَدٍ أَنْ يَسْتَخْلِفَهُمْ بِأَهْلِيهِمْ.

He^{-asws} said: 'And neither get the Jew or the Christian to swear except by Allah^{-azwj}, and it is not correct for anyone that he makes them swear by their gods'.¹¹⁰⁴

159 وَ عَنْهُ قَالَ: كُلَّمَا خَالَفَ كِتَابَ اللَّهِ فِي شَيْءٍ مِنَ الْأَشْيَاءِ مِنْ يَمِينٍ أَوْ غَيْرِهِ رَدَّهُ إِلَى كِتَابِ اللَّهِ.

And from him^{-asws} having said: 'All that is sworn by the Book of Allah^{-azwj}, regarding anything from the things, either from an oath or something else, it is returned to the Book of Allah^{-azwj}'.¹¹⁰⁵

160 وَ سَأَلْتُهُ عَنْ رَجُلٍ جَعَلَ عَلَى نَفْسِهِ أَنْ يَصُومَ إِلَى أَنْ يَقُومَ قَائِمُكُمْ قَالَ شَيْءٌ عَلَيْهِ أَوْ جَعَلَهُ لِلَّهِ

And I asked him^{-asws} about a man who makes upon himself that he will fast up to the rising of your^{-asws} Qaim^{-ajfj}. He^{-asws} said: 'Is it something upon him or he made it for Allah^{-azwj}?'

قُلْتُ بَلْ جَعَلَهُ لِلَّهِ

I said, 'But, he made it for Allah^{-azwj}!'

¹¹⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 156

¹¹⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 157

¹¹⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 158

¹¹⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 159

قَالَ كَانَ عَارِفًا أَوْ غَيْرَ عَارِفٍ

He^{-asws} said: 'Was he a knower or not a knower?'

فُلْتُ بَلَّ عَارِفٌ

I said, 'But, a knower'.

قَالَ إِنَّ كَانَ عَارِفًا أَتَمَّ الصَّوْمَ وَ لَا يَصُومُ فِي السَّفَرِ وَ الْمَرَضِ وَ أَيَّامِ التَّشْرِيقِ.

He^{-asws} said: 'If he was a knower, he should complete the fasts, but he cannot fast during the journey and the sickness, and the days of Al-Tashreeq (11th, 12th & 13th of Zulhijjah)' ¹¹⁰⁶

161 وَ عَنْهُ فِي رَجُلٍ عَاهَدَ اللَّهُ عِنْدَ الْحَجَرِ أَنْ لَا يَقْرُبَ مُحَرَّمًا أَبَدًا فَلَمَّا رَجَعَ عَادَ إِلَى الْمُحَرَّمِ

And from him^{-asws} regarding a man who makes a pact with Allah^{-azwj} at the (Black) Stone that he will not go near a prohibition, ever. When he returned, he returned to the prohibition.

فَقَالَ أَبُو جَعْفَرٍ ع يُعَقِّقُ أَوْ يَصُومُ أَوْ يُطْعِمُ سِتِّينَ مِسْكِينًا وَ مَا تَرَكَ مِنَ الْأَمْرِ أَكْثَرَ وَ يَسْتَغْفِرُ اللَّهَ وَ يَتُوبُ.

Abu Ja'far^{-asws} said: 'He should either liberate (a slave), or fast, or feed sixty needy ones, and what matter he has neglected is more grievous, and he should seek Forgiveness of Allah^{-azwj} and repent'. ¹¹⁰⁷

162 أَبُو عَبْدِ اللَّهِ ع كَفَّارَةُ الْيَمِينِ إِطْعَامُ عَشْرَةِ مَسَاكِينَ لِكُلِّ وَاحِدٍ فِيهِ طِخْنَةٌ وَ حِنْطَةٌ أَوْ تَوْبُ.

Abu Abdullah^{-asws}: 'The expiation penalty of an oath is feeding ten needy ones, for each one a handful (of flour), and wheat, or a garment'. ¹¹⁰⁸

163 وَ فِي رِوَايَةِ الْحَلِيِّ مُدٌّ وَ حَفْنَةٌ أَوْ ثَوْبَيْنِ [ثَوْبَانِ] وَ إِنْ أَعْتَقَ مُسْتَضْعَفًا وَ قَدْ وَجِبَ عَلَيْهِ الْعَنْقُ لَمْ يَكُنْ بِهِ بَأْسٌ.

And in another report by Al Halby – 'A Mudd, and a handful (of flour), or two garments, and if he were to liberate a weak one, and the liberation has been obligated upon him, there would be no problem in it'. ¹¹⁰⁹

164 نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يَحِينَ لَامْرَأَةٌ مَعَ زَوْجِهَا وَ لَا يَحِينَ لَوَلَدٌ مَعَ وَالِدِهِ وَ لَا يَحِينَ لِلْمَمْلُوكِ مَعَ سَيِّدِهِ وَ لَا يَحِينَ فِي قَطِيعَةٍ رَجَمَ وَ لَا يَحِينَ فِي مَا لَا يَمْلِكُ وَ لَا يَحِينَ فِي مَعْصِيَةِ الْخَبَرِ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

¹¹⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 160

¹¹⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 161

¹¹⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 162

¹¹⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 163

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no oath for a wife with her husband, nor an oath for a child with its parent, nor an oath for the slave with his master, nor an oath in cutting a kinship, nor an oath in what he does not own, nor an oath in disobedience' – the Hadeeth.¹¹¹⁰

165 بَيَانُ التَّنْزِيلِ، لِابْنِ شَهْرَاشُوبَ وَ رَوْضُ الْجَنَانِ، لِأَبِي الْفُتُوحِ رَحِمَهُ اللَّهُ عَلَيْهِمَا رُوي أَنَّ رَجُلًا سَأَلَ أَبَا بَكْرٍ عَنِ الْحَيْنِ وَ كَانَ نَذَرَ أَلَّا يَكَلِّمَ زَوْجَتَهُ حِينَئِذٍ فَقَالَ إِلَى يَوْمِ الْقِيَامَةِ لِقَوْلِهِ تَعَالَى وَ مَتَاعٌ إِلَى حِينٍ

(The book) 'Bayan Al Tanzeel' of Ibn Shehr Ashub, and 'Rowzat Al Jinan' of Abu Al Futouh, may Allah^{-azwj} Mercy them both –

'It is reported that a man asked Abu Bakr about 'a while' (Al-Heen), and he had vowed that he will not speak to his wife for a while (Heen). He said, 'Up to the Day of Qiyamah, due to Words of the Exalted: **and a provision for a while [2:36]**.

فَسَأَلَ عُمَرَ فَقَالَ أَرْبَعِينَ سَنَةً لِقَوْلِهِ تَعَالَى - هَلْ أَتَى عَلَى الْإِنْسَانِ حِينٌ مِّنَ الدَّهْرِ

He asked Umar. He said, 'Forty years, due to Words of the Exalted: **Didn't there come upon the human being, a while (phase) from the time [76:1]**'.

فَسَأَلَ عُثْمَانَ فَقَالَ سَنَةً لِقَوْلِهِ تَعَالَى - تُؤْتِي أُكْلَهَا كُلَّ حِينٍ

He asked Usman. He said, 'A year, due to Words of the Exalted: **Yielding its fruit in every season (while) [14:25]**.

فَسَأَلَ عَلِيًّا ع فَقَالَ إِنَّ نَذَرْتَ غَدَوَةً فَتَكَلَّمْ عَشِيَّةً وَ إِنَّ نَذَرْتَ عَشِيَّةً فَتَكَلَّمْ بُكْرَةً لِقَوْلِهِ تَعَالَى فَسُبْحَانَ اللَّهِ حِينَ تُمْسُونَ وَ حِينَ تُصْبِحُونَ

He asked Ali^{-asws}. He^{-asws} said: 'If you have vowed in the morning, speak in the evening, and if you have vowed in the evening, speak in the morning, due to Words of the Exalted: **Therefore, Glorify Allah when you come up to the evening and when you come up to the morning [30:17]**'.

فَفَرَحَ الرَّجُلُ وَ قَالَ اللَّهُ أَعْلَمُ حَيْثُ يَجْعَلُ رِسَالَاتِهِ.

The man rejoiced and said, 'Allah^{-azwj} is more Knowing where to Place His^{-azwj} Message!'¹¹¹¹

166 كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ التَّقْفِيِّ عَنْ بَشِيرِ بْنِ حَيْثَمَةَ عَنْ عَبْدِ الْقُدُوسِ عَنْ أَبِي إِسْحَاقَ عَنِ الْحَارِثِ أَنَّ أَمِيرَ الْمُؤْمِنِينَ ع سَمِعَ رَجُلًا يَقُولُ كَلًّا وَ الَّذِي اخْتَجَبَ بِالسَّبْعِ

(The book) 'Kitab Al Gharaat' of Ibrahim Muhammad Al Saqafy, from Bashir Bin Khaysama, from Abdul Qudous, from Abu Is'haq, from Al Haris,

¹¹¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 164

¹¹¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 165

‘Amir Al-Momineen^{-asws} heard a man saying, ‘Never, by the One Who is veiled by the seven!’

فَضَرَبَهُ عَلَى عَظْمِ ظَهْرِهِ ثُمَّ قَالَ يَا لِحَافٍ وَمَنِ الَّذِي احْتَجَبَ بِالسَّبْعِ

Ali^{-asws} struck him upon his back, then said, ‘O butcher, and who is the one who is veiled by the seven?’

قَالَ رَبُّ الْعَالَمِينَ يَا أَمِيرَ الْمُؤْمِنِينَ

He said, ‘Lord^{-azwj} of the worlds, O Amir Al-Momineen^{-asws}!’

فَقَالَ لَهُ أَخْطَأْتَ تَكَلِّفَكَ أَثْمَكَ إِنَّ اللَّهَ لَيْسَ بَيْنَهُ وَبَيْنَ خَلْقِهِ حِجَابٌ لِأَنَّهُ مَعَهُمْ أَتَيْنَاكَ

He^{-asws} said to him: ‘You are mistaken, may your mother be bereft of you! Allah^{-azwj}, there isn’t any veil between Him^{-azwj} and His^{-azwj} creation because He^{-azwj} is with them wherever they may be’.

فَقَالَ الرَّجُلُ مَا كَفَّارَةُ مَا قُلْتُ يَا أَمِيرَ الْمُؤْمِنِينَ

The man said, ‘What is the expiation penalty of what I said, O Amir AlMomineen^{-asws}?’

قَالَ أَنْ تَعْلَمَ أَنَّ اللَّهَ مَعَكَ حَيْثُ كُنْتَ

He^{-asws} said: ‘Allah^{-azwj} is with you wherever you may be!’

قَالَ أَطْعِمُ الْمَسَاكِينَ

He said, ‘Do I have to feed the needy ones?’

قَالَ لَا إِنَّمَا حَلَفْتَ بِغَيْرِ رَبِّكَ.

He^{-asws} said: ‘No! But rather, you have sworn by other than your Lord^{-azwj}’.¹¹¹²

167 اهْدَايَةُ، التَّوْبَةُ وَ الْاِيْمَانُ وَ الْكُفَّارَاتُ الْبَيِّنَةُ عَلَى وَجْهَيْنِ يَحْتَمِلُ فِيهَا كَفَّارَةٌ وَ يَحْتَمِلُ لَا كَفَّارَةَ فِيهَا

(The book) ‘Al-Hidaya’ -

The vows and the oaths and the expiations of the oath are based upon two aspects, an oath there is an expiation penalty in it, and an oath there being no expiation penalty in it.

فَأَلَّتِي فِيهَا الْكُفَّارَةُ فَهُوَ أَنْ يَحْلِفَ الرَّجُلُ عَلَى شَيْءٍ لَا يَلْزِمُهُ أَنْ يَفْعَلَ فَيَحْلِفُ أَنْ يَفْعَلَ ذَلِكَ الشَّيْءَ وَ لَمْ يَفْعَلْهُ أَوْ يَحْلِفَ أَوْ حَلَفَ عَلَى مَا يَلْزِمُهُ أَنْ يَفْعَلْهُ فَعَلَيْهِ الْكُفَّارَةُ إِذَا لَمْ يَفْعَلْهُ

¹¹¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 166

The (oath) in which is the expiation penalty, it is the man swearing upon something which does not necessitate him to do. So, he swears that he will do that thing but does not do it, or he swears or swears upon what does necessitate him to do, so upon him is the expiation when he does not do it.

وَالْيَمِينُ الَّتِي لَا كَفَّارَةَ عَلَيْهِ فِيهَا وَ هِيَ عَلَى ثَلَاثَةِ أَجْزٍ فَمِنْهَا مَا يُؤْجَرُ عَلَيْهِ الرَّجُلُ إِذَا خَلَفَ كَاذِبًا وَ مِنْهَا لَا كَفَّارَةَ عَلَيْهِ وَ لَا أَجْرَ وَ مِنْهَا مَا لَا كَفَّارَةَ عَلَيْهِ فِيهَا وَ الْعُقُوبَةُ فِيهَا دُخُولُ النَّارِ

And the oath in which there is no expiation upon him, and it is upon three aspects. From these is what the man is rewarded upon, when he swears falsely; and from these is neither expiation upon him nor reward; and from these is what there is no expiation upon him regarding it, and the punishment in it is entering the Hellfire.

فَأَمَّا الَّتِي يُؤْجَرُ عَلَيْهَا الرَّجُلُ إِذَا خَلَفَ كَاذِبًا وَ لَمْ تَلْزَمْهُ فِيهَا الْكَفَّارَةُ فَهِيَ أَنْ يَخْلِفَ الرَّجُلُ فِي خَلَاصِ امْرِئٍ مُسْلِمٍ أَوْ يُخْلَصَ بِهَا مَالُ امْرِئٍ مُسْلِمٍ مِنْ مُتَعَدٍّ عَلَيْهِ مِنْ لَصٍّ أَوْ غَيْرِهِ

As for which the man is rewarded upon when he swears falsely and the expiation does not necessitate him in it, it is the man swearing in rescuing a Muslim person, or rescuing the wealth of a Muslim person by it from someone transgressing upon him, either a thief or someone else.

وَأَمَّا الَّتِي لَا كَفَّارَةَ عَلَيْهِ وَ لَا أَجْرَ فَهِيَ أَنْ يَخْلِفَ الرَّجُلُ عَلَى شَيْءٍ ثُمَّ يَجِدْ مَا هُوَ خَيْرٌ مِنَ الْيَمِينِ فَيَتْرُكُ الْيَمِينَ وَ يَرْجِعُ إِلَى الَّذِي هُوَ خَيْرٌ.

And as for which there is no expiation upon him nor any reward, it is that the man swears upon something, then he finds it is better than the oath so he neglects the oath and returns to that which is better'.¹¹¹³

168 وَ قَالَ الْكَازِمُ ع لَا كَفَّارَةَ عَلَيْهِ وَ ذَلِكَ مِنْ خُطُوبِ الشَّيْطَانِ وَ أَمَّا الَّتِي عُقُوبَتُهَا دُخُولُ النَّارِ فَهِيَ أَنْ يَخْلِفَ الرَّجُلُ عَلَى مَالِ امْرِئٍ مُسْلِمٍ أَوْ عَلَى حَقٍّ ظَلَمَ فَهَذِهِ بَيِّنٌ عَمُوسٌ تُوجِبُ النَّارَ وَ لَا كَفَّارَةَ عَلَيْهِ فِي الدُّنْيَا-

And Al-Kazim^{asws} said: 'There is no expiation upon him, and that is from the footsteps of Satan'^{la}. And as for (the oath) which its punishment is entering the Hellfire, it is the man swearing upon wealth of a Muslim person, or upon his rights unjustly. So, this is an oath of perjury obligating the Hellfire, and there is no expiation upon him in the world.

وَ اعْلَمُوا أَنَّ لَا يَمِينَ فِي قَطِيعَةِ رَحِمٍ وَ لَا نَذْرَ فِي مَعْصِيَةٍ وَ لَا يَمِينَ لَوْلَدٍ مَعَ وَالِدِهِ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا لِلْمَمْلُوكِ مَعَ مَوْلَاهُ

And know that there is neither an oath in cutting a kinship nor a vow in an act of disobedience, nor any child with its parent, nor for the woman with her husband, nor for the slave with his master.

¹¹¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 167

وَلَوْ أَنَّ رَجُلًا نَذَرَ أَنْ يَشْرَبَ خَمْرًا أَوْ يَفْطَعَ رَحِمًا أَوْ يَتْرَكَ فَرَضًا أَوْ سُنَّةً لَكَانَ يَجِبُ عَلَيْهِ أَنْ لَا يَشْرَبَ الْخَمْرَ وَ لَا يَفْسُقَ وَ لَا يَتْرَكَ الْفَرَضَ وَ السُّنَّةَ

And if a man were to vow that he will drink wine, or cut off a kinship, or neglect an obligation or a Sunnah, it would obligate upon him that he neither drinks the wine, nor makes mischief, nor neglects the obligation and the Sunnah.

وَلَا كَفَّارَةَ إِذَا حِنْثَ فِي يَمِينِهِ وَ إِذَا خَلَفَ الرَّجُلُ عَلَى مَا فِيهِ الْكُفَّارَةُ لَزِمَتْهُ الْكُفَّارَةُ كَمَا قَالَ اللَّهُ عَزَّ وَ جَلَّ- فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ وَ هُوَ مُدٌّ لِكُلِّ رَجُلٍ أَوْ كِسْوَتُهُمْ لِكُلِّ رَجُلٍ ثَوْبًا أَوْ تَحْرِيرُ رَقَبَةٍ وَ هُوَ بِالْخِيَارِ أَيْ الثَّلَاثِ فَعَلَّ جَازَ لَهُ فَإِنْ لَمْ يَقْدِرْ عَلَى وَاحِدَةٍ مِنْهَا صَامَ ثَلَاثَةَ أَيَّامٍ مُتَوَالِيَاتٍ

And there is no expiation when there is a sin in his oath, and when the man swears upon what the expiation necessitates him in it, the expiation is necessitated just as Allah^{-azwj} Mighty and Majestic Said: **so its expiation is feeding ten poor ones [5:89]**, and it is a *Mudd* for each man, **or their clothing** being a garment for each man, **or freeing a neck**, and he is with the choice whichever of the three he does, it is allowed for him. If he is not able upon one of these, **then Fasting for three days** consecutively.

وَ النَّذْرُ عَلَى وَجْهَيْنِ فَأَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ إِنْ غُوِيْتُ مِنْ مَرَضٍ أَوْ تَخَلَّصْتُ مِنْ دَيْنٍ أَوْ عَدُوٍّ أَوْ كَانَ كَذَا وَ كَذَا صُمْتُ أَوْ صَلَّيْتُ أَوْ تَصَدَّقْتُ أَوْ حَجَجْتُ وَ فَعَلْتُ شَيْئًا مِنَ الْخَيْرِ فَهُوَ بِالْخِيَارِ إِنْ شَاءَ فَعَلَّ مُتَتَابِعًا وَ إِنْ شَاءَ مُتَفَرِّقًا وَ إِنْ شَاءَ لَمْ يَفْعَلْ

And the vow is based upon two aspects. One of these is that the man says, ‘If I recover from a sickness’, or ‘rescued from a debt or an enemy’, or ‘if such and such happens I will fast, or pray Salat, or donate charity, or perform Hajj, or I will do something from good’, so he is with the choice. If he desires, he does consecutively or if he desires, he can separate, and if he desires, he does not do it.

فَإِنْ قَالَ إِنْ كَانَ كَذَا وَ كَذَا بِمَا قَدَّمْنَا ذِكْرَهُ فَلِلَّهِ عَلَى كَذَا فَهُوَ نَذْرٌ وَاجِبٌ وَ لَا يَسَعُهُ تَرْكُهُ وَ عَلَيْهِ الْوَفَاءُ بِهِ فَإِنْ خَالَفَ لَزِمَتْهُ الْكُفَّارَةُ صِيَامًا شَهْرَيْنِ مُتَتَابِعَيْنِ

If he says, ‘If such and such happens’ from what we have mentioned before - ‘For Allah^{-azwj} upon me would be such and such’, so it is an obligatory vow. There is no leeway for him to neglect it, and upon him is to be loyal with it. If he opposes, the expiation penalty would necessitate him of fasting two months consecutively.

وَ قَدْ رُوِيَ كُفَّارَةُ يَمِينٍ فَإِنْ نَذَرَ الرَّجُلُ أَنْ يَصُومَ يَوْمًا أَوْ شَهْرًا لَا يَعْينُهُ فَهُوَ بِالْخِيَارِ أَيَّ يَوْمٍ صَامَ وَ أَيَّ شَهْرٍ صَامَ مَا لَمْ يَكُنْ ذَا الْحِجَّةِ أَوْ شَوَّالًا فَإِنْ فِيهِمَا الْعِيدَيْنِ وَ لَا يَجُوزُ صَوْمُهُمَا

And it has been reported regarding expiation of an oath – ‘If the man vows that he will fast for a day, or a month, not being exact, he is with the choice whichever month he fasts, and which month he fasts for as long as it does not happen to be Zul Hijjah, or Shawwal, for therein are two Eids, and it is not allowed to fast these.

فَإِنْ صَامَ يَوْمًا أَوْ شَهْرًا لَمْ يَسْمِهِ فِي النَّذْرِ فَأَفْطَرَ فَلَا كُفَّارَةَ عَلَيْهِ إِذَا عَلِمَ عَلَيْهِ أَنْ يَصُومَ يَوْمًا مَكَانَهُ أَوْ شَهْرًا مَعْرُوفًا عَلَى حَسَبِ مَا نَذَرَ فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْمًا مَعْرُوفًا أَوْ شَهْرًا مَعْرُوفًا فَلَيْسَ عَلَيْهِ أَنْ يَصُومَ ذَلِكَ الْيَوْمَ أَوْ ذَلِكَ الشَّهْرَ فَإِنْ لَمْ يَصُمْهُ أَوْ صَامَ فَأَفْطَرَ فَلَيْسَ عَلَيْهِ الْكُفَّارَةُ

If he fasts for a day or a month, not specifying it, so he breaks, there is no expiation upon him. But rather, upon him is to fast a day in its place, or a known month in accordance to what he had vowed. If he vowed then he would fast a known day, or a known month, upon him is to fast that day or that month. If he does not fast it, or fasts but breaks, upon him is the expiation.

وَلَوْ أَنَّ رَجُلًا نَذَرَ نَذْرًا وَلَمْ يُسَمِّ شَيْئًا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ تَصَدَّقَ بِشَيْءٍ وَ إِنْ شَاءَ صَلَّى رَكْعَتَيْنِ أَوْ صَامَ يَوْمًا إِلَّا أَنْ يَكُونَ نَوَى شَيْئًا فِي نَذْرِهِ فَيَلْزِمُهُ فِعْلُ ذَلِكَ الشَّيْءِ مِنْ صَدَقَةٍ أَوْ صَوْمٍ أَوْ حَجٍّ أَوْ غَيْرِ ذَلِكَ

And if a man vows a vow and does not specify anything, he is with the choice. If he desires, he can donate with something, and if he desires, he prays two units Salat, or fasts a day, except if he happens to have intended something in his vow, it necessitates him to do that thing, either charity, or fasting, or Hajj or other than that.

فَإِنْ نَذَرَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ وَلَمْ يُسَمِّ مَبْلَعَهُ فَإِنَّ الْكَثِيرَ ثَمَانُونَ فَمَا زَادَ لِقَوْلِ اللَّهِ تَعَالَى لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَكَانَتْ ثَمَانِينَ مَوْطِنًا.

If he vows that he would donate a lot of wealth and does not specify its extent, the 'lot' is eighty and what is more, due to Words of Allah^{-azwj} the Exalted: **Allah has Helped you in many places [9:25]**.¹¹¹⁴

¹¹¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 168

كتاب الأحكام

THE BOOK OF RULINGS

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ وَ سَلَامٌ عَلَى عِبَادِهِ الَّذِينَ اصْطَفَى مُحَمَّدٌ وَ آلُهُ خَيْرُ الْوَرَى أَمَا بَعْدُ فَهَذَا هُوَ الْمَجْلَدُ الرَّابِعُ وَ الْعَشْرُونَ مِنْ كِتَابِ بَحَارِ الْأَنْوَارِ فِي الْأَحْكَامِ الشَّرْعِيَّةِ مِمَّا أَلْفَهُ الْخَاطِئُ الْخَاسِرُ ابْنُ مُحَمَّدٍ تَقِيٍّ مُحَمَّدٌ بَاقِرٌ عَفَا اللَّهُ عَنْ جُرَائِمِهِمَا.

In the Name of Allah^{-azwj} the Beneficent, the Merciful, and greetings be upon His^{-azwj} servants, those whom He^{-azwj} Chose, Muhammad^{-saww} and his^{-saww} Progeny^{-asws}, the best of creation. As for after, this is the twenty-fourth volume of the book 'Bihar Al Anwaar', regarding rulings of the law from what is compiled by the sinner, the loser Muhammad Baqir, son of Muhammad Taqi, may Allah^{-azwj} Pardon both their offences.

باب 1 اللقطة و الضالة

CHAPTER 1 – THE FOUND AND LOST PROPERTY

1- ب، قرب الإسناد عَنْهُمَا عَنْ حَنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ اللَّقْطَةِ قَالَ تُعْرِضُهَا سَنَةً فَإِذَا انْقَضَتْ فَأَنْتَ أَمْلِكُ بِهَا.

(The book) 'Qurb Al Isnaad' – From them both, from Hanan who said,

'I asked Abu Abdullah^{-asws} about the found property. He^{-asws} said: 'Introduce (advertise) it for a year. When it expires, you are the owner of it'.¹¹¹⁵

2- ب، قرب الإسناد عَلِيُّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ اللَّقْطَةِ إِذَا كَانَتْ جَارِيَةً هَلْ يَحِلُّ فَرْجُهَا لِمَنْ اتَّقَطَهَا

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the found property, 'When it was a (lost) slave girl, are her private parts permissible for the one who finds her?'

قَالَ لَا إِنَّمَا يَحِلُّ لَهُ بَيْعُهَا بِمَا أَنْفَقَ عَلَيْهَا.

He^{-asws} said: 'No! But rather, it is permissible for him to sell her for what he had spent upon her'.¹¹¹⁶

3- قَالَ: وَ سَأَلْتُهُ عَنِ اللَّقْطَةِ يُصِيبُهَا الرَّجُلُ قَالَ يُعْرِضُهَا سَنَةً ثُمَّ هِيَ كَسَائِرِ مَالِهِ

He said, 'And I asked him^{-asws} about the found property attained by the man. He^{-asws} said: 'He should introduce (advertise) it for a year, then it is like rest of his wealth'.

¹¹¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 1

¹¹¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 2

وَقَالَ كَانَ عَلِيٌّ بْنُ الْحُسَيْنِ ع يَقُولُ لِأَهْلِهِ - لَا تَمَسُّوْهَا.

And he^{-asws} said: 'Ali^{-asws} Bin Al-Husayn^{-asws} had said to his^{-asws} family: 'Do not touch it!'¹¹¹⁷

4- قَالَ: وَ سَأَلْتُهُ عَنِ اللَّفْطَةِ يَجِدُهَا الْفَقِيرُ هَلْ هُوَ فِيهَا بِمَنْزِلَةِ الْغَنِيِّ

He said, 'And I asked him^{-asws} about the found property the poor man finds it, 'Is he in it at the status of the rich one? (to advertise for a year)'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.¹¹¹⁸

5- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُصِيبُ اللَّفْطَةَ دِرَاهِمَ أَوْ ثَوْبًا أَوْ دَابَّةً كَيْفَ يَصْنَعُ بِهَا

He said, 'And I asked him^{-asws} about the man who finds the lost Dirhams, or a garment, or an animal, 'How should he deal with it?'

قَالَ يُعْرِفُهَا سَنَةً فَإِنْ لَمْ يَعْرِفْ صَاحِبَهَا حَفِظَهَا فِي غَرْضٍ مَالِهِ حَتَّى يَجِيءَ طَالِبُهَا فَيُعْطِيَهَا إِيَّاهُ وَ إِنْ مَاتَ أَوْصَى بِهَا فَإِنْ أَصَابَهَا شَيْءٌ فَهُوَ ضَامِنٌ.

He^{-asws} said: 'He should introduce (advertise it) for a year. If its owner is not recognised, he should preserve it in the whole of his wealth until its seeker comes, so he should give it to him, and if he were to die, he should bequeath it with it. If something (adverse) happens to it, he is responsible'.¹¹¹⁹

6- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُصِيبُ الْفِضَّةَ فَيُعْرِفُهَا سَنَةً ثُمَّ يَتَصَدَّقُ بِهَا فَيَأْتِي صَاحِبَهَا مَا حَالُ الَّذِي تَصَدَّقَ بِهِ وَ لِمَنِ الْأَجْرُ هَلْ عَلَيْهِ أَنْ يَرُدَّ عَلَى صَاحِبِهَا أَوْ قِيَمَتَهَا

He said, 'And I asked him^{-asws} about the man who found the silver. He advertises it for a year, then donates it, then its owner comes, 'What is the state of the one who donated it, and who receives the reward. Is it upon him to return it to its owner, or its value?'

قَالَ هُوَ ضَامِنٌ لَهَا وَ الْأَجْرُ لَهُ إِلَّا أَنْ يَرْضَى صَاحِبُهَا فَيَدَعَهَا وَ الْأَجْرُ لَهُ.

He^{-asws} said: 'He is responsible for it, and reward is for him except if he presents it to its owner, and he leaves it, and the reward is for him'.¹¹²⁰

7- وَ قَالَ: أَخْبَرْتَنِي جَارِيَّةٌ لِأَبِي الْحَسَنِ مُوسَى ع وَ كَانَتْ تُؤْصِيهِ وَ كَانَتْ خَادِمًا صَادِقًا قَالَتْ وَصَّأْتُهُ بِقُدَيْدٍ وَ هُوَ عَلَى مَنْرٍ وَ أَنَا أَصْبُ عَلَيْهِ الْمَاءَ فَجَرَى الْمَاءُ عَلَى الْمِيزَابِ فَإِذَا قُرْطَانٍ مِنْ دَهَبٍ فِيهِمَا دُرٌّ مَا رَأَيْتُ أَحْسَنَ مِنْهُ

¹¹¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 3

¹¹¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 4

¹¹¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 5

¹¹²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 6

And he said, 'A slave girl of Abu Al-Hassan Musa^{-asws} informed me, and she used to pour water of his^{-asws} Wud'u, and she was a sincere servant. She said, 'I poured water for his^{-asws} Wud'u at Qudeyd while he^{-asws} was upon a pulpit, and I was pouring the water upon him^{-asws}. The water flowed upon the spout and there were two ear-rings of gold having gems in these, I had not seen any more excellent than it.

فَرَفَعَ رَأْسَهُ إِلَيَّ فَقَالَ هَلْ رَأَيْتَ

He^{-asws} raised his^{-asws} head towards me. He^{-asws} said: 'Did you see?'

فَقُلْتُ نَعَمْ

I said, 'Yes'.

فَقَالَ حَمْرِيهِ بِالْأُتْرَابِ وَلَا تُخْبِرِينَ بِهِ أَحَدًا

He^{-asws} said: 'Cover it with the soil and do not inform anyone with it!'

قَالَتْ فَفَعَلْتُ وَمَا أَخْبَرْتُ بِهِ أَحَدًا حَتَّى مَاتَ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ عَلَيْهِمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ.

She said, 'I did so and did not inform anyone with it until he^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws} and upon his^{-asws} forefathers^{-asws}, and the greeting be upon them^{-asws}, and Mercy of Allah^{-azwj} and His^{-azwj} Blessings, passed away'.¹¹²¹

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ أَصَابَ شَاةً فِي الصَّحْرَاءِ هَلْ تَحِلُّ لَهُ

He said, 'And I asked him^{-asws} about a man who found a sheep in the desert, 'Is it lawful for him?'

قَالَ قَالَ رَسُولُ اللَّهِ ص هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّنْبِ فَخُذْهَا عَرِفْهَا حَيْثُ أَصْبَتْهَا فَإِنْ عَرَفْتَ فَرُدَّهَا إِلَى صَاحِبِهَا وَإِنْ لَمْ تَعْرِفْ فَكُلْهَا وَأَنْتَ ضَامِرٌ لَهَا إِنْ جَاءَ صَاحِبُهَا يَطْلُبُ مَنَئِمَهَا أَنْ تَرُدَّهَا عَلَيْهِ.

He^{-asws} said: 'Rasool-Allah^{-saww} said: 'It is either for you, or for your brother (who may find it), or for the wolf (to devour it). So take it and advertise it where you found it. If he is known, return it to its owner, and if it is not known, eat it, and you will be responsible for it if its owner comes seeking its price, you will have to return it to him!'¹¹²²

9- سن، المحاسن التوفلي عن السكوني عن أبي عبد الله عن أبيه عن آباءه أن علياً ع سئل عن سفرة وجدت في الطريق مطروحة كثير لحمها وخبزها وجبنها وبضها وفيها سكين فقال يقوم ما فيها ثم يؤكل لأنه يفسد وليس له بقاء فإن جاء طالب لها غرموا له الثمن

(The book) 'Al Mahasin' – Al Nowfaly, from Al Sakuni,

¹¹²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 7

¹¹²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 8

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws}: ‘Ali^{-asws} was asked about a meal thrown in the street. Its meat and its bread and its cheese and its eggs were a lot, and in it was a knife. He^{-asws} said: ‘It should be evaluated whatever is in it, then eaten, because it would spoil, and there isn’t any lasting for it. If its seeker comes for it, pay the price to him’.

قِيلَ يَا أَمِيرَ الْمُؤْمِنِينَ - لَا نَدْرِي سُفْرَةَ مُسْلِمٍ أَوْ سُفْرَةَ مَجُوسِيٍّ

It was said, ‘O Amir Al-Momineen^{-asws}! We don’t know whether it was a meal of a Muslim or a Magian!’

فَقَالَ هُمْ فِي سَعَةٍ حَتَّى يَعْلَمُوا.

He^{-asws} said: ‘They would be in leeway until they know’.¹¹²³

10- ضَاء، فقه الرضا عليه السلام اعْلَمْ أَنَّ اللَّقْطَةَ لِقَطَّتَانِ لُقْطَةُ الْحَرَمِ وَ لُقْطَةُ غَيْرِ الْحَرَمِ

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘Know that the found properties are of two types – found in the Sanctuary and found in other than the Sanctuary.

فَأَمَّا لُقْطَةُ الْحَرَمِ فَإِنَّمَا تُعْرَفُ سَنَةً فَإِنْ جَاءَ صَاحِبُهَا وَ إِلَّا تَصَدَّقَتْ بِهَا وَ إِنْ كُنْتَ وَجَدْتَ فِي الْحَرَمِ دِينَاراً مُطْلَساً فَهُوَ لَكَ لَا تُعْرَفُ

As for which is found in the Sanctuary, it should be advertised for a year. If its owner comes, or else you should donate to charity with it; and if you were to find a polished Dinar in the Sanctuary, it is for you. Do not advertise it.

وَ لُقْطَةُ غَيْرِ الْحَرَمِ تُعْرَفُهَا أَيْضاً سَنَةً فَإِذَا جَاءَ صَاحِبُهَا وَ إِلَّا فَهِيَ كَسَبِيلِ مَالِكَ وَ إِنْ كَانَ دُونَ دِرْهَمٍ فَهِيَ لَكَ حَلَالٌ

And the property found in other than the Sanctuary, advertise it for a year as well. When its owner comes, or else it is like the rest of your wealth; and if it was less than a Dirham, it is lawful for you.

وَ إِنْ وَجَدْتَ فِي دَارٍ وَ هِيَ عَامِرَةٌ فَهِيَ لِأَهْلِهَا وَ إِنْ كَانَ خَرَاباً فَهِيَ لِمَنْ وَجَدَهَا فَإِنْ وَجَدْتَ فِي جُوفِ الْبَهَائِمِ وَ الطُّيُورِ وَ غَيْرِ ذَلِكَ فَتُعْرَفُهَا صَاحِبُهَا الَّذِي اشْتَرَيْتَهَا مِنْهُ فَإِنْ عَرَفَهَا فَهُوَ لَهُ وَ إِلَّا فَهِيَ كَسَبِيلِ مَالِكَ

And if it is found in a house which is built up, it is for its inhabitants, and if it was a ruin, it is for the one who finds it. If you find it in the interior of animals and the birds, and other than that, introduce it to its owner whom you had bought it from. If he recognises it, it is for him, or else it is like the rest of your wealth.

وَ أَفْضَلُ مَا يُسْتَعْمَلُ فِي اللَّقْطَةِ إِذَا وَجَدْتَهَا فِي الْحَرَمِ أَوْ غَيْرِ الْحَرَمِ أَنْ تَتَرَكَّهَا فَلَا تَأْخُذَهَا وَ لَا تَمْسَهَا وَ لَوْ أَنَّ النَّاسَ تَرَكَوْا مَا وَجَدُوا لَجَاءَ صَاحِبُهَا فَأَخَذَهَا

¹¹²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 9

And the best of what one can deal with regarding the found property when you find it in the Sanctuary or other than the Sanctuary, is to leave it, so you neither take it nor touch it, and if the people were to leave what they find, its owner would come and take it.

وَإِنْ وَجَدْتَ إِدَاوَةً أَوْ نَعْلًا أَوْ سَوْطًا فَلَا تَأْخُذْهُ وَ إِنْ وَجَدْتَ مِسْلَةً أَوْ مِخْطَاطًا أَوْ سَبْرًا فَخُذْهُ وَ انْتَفِعْ بِهِ وَ إِنْ وَجَدْتَ طَعَامًا فِي مَفَازَةٍ فَقَوِّمُهُ عَلَى نَفْسِكَ لِصَاحِبِهِ ثُمَّ كُلْهُ فَإِنْ جَاءَ صَاحِبُهُ فَرُدَّ عَلَيْهِ ثَمَنَهُ وَ إِلَّا فَتَصَدَّقْ بِهِ بَعْدَ سَنَةٍ

And if you were to find a water-skin, or slippers, or a whip, do not take it, and if you were to find a needle or thread or a strap, take it and benefit with it; and if you were to find food in a wilderness, evaluate it upon yourself for its owner, then eat it. If its owner comes, return its price to him, or else donate it to charity after a year.

فَإِنْ وَجَدْتَ شَاةً فِي فَلَاةٍ مِنَ الْأَرْضِ فَخُذْهَا وَ إِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ فَإِنْ وَجَدْتَ بَعِيرًا فِي فَلَاةٍ فَدَعُهُ فَلَا تَأْخُذْهُ فَإِنَّ بَطْنَهُ وَعَاؤُهُ وَ كَرِشَهُ سِقَاؤُهُ وَ خُفَّهُ جِذَاؤُهُ.

If you were to find a sheep in a wilderness of the earth, take it, and rather it is either for you, or for your brother (who finds it), or for the wolf (to devour it). If you were to find a camel in the wilderness, leave it. Do not take it, for its belly is its receptacle (store), and its stomach is its water skin, and its hooves are its shoes.¹¹²⁴

11- بج، الخرائج و الجرائع يُوي أَنَّ رَجُلًا دَخَلَ عَلَى الصَّادِقِ ع وَ شَكَا إِلَيْهِ فَقَالَ لَهُ ع طِبَّ نَفْسًا فَإِنَّ اللَّهَ يُسَهِّلُ الْأَمْرَ

(The book) 'Al Kharaij Wa Al Jaraih' -

It is reported that a man entered to see Al-Sadiq^{asws} and complained to him^{asws} of his destitution. He^{asws} said to him: 'Feel good, for Allah^{azwj} will Ease the matter!'

فَخَرَجَ الرَّجُلُ فَلَقِيَ فِي طَرِيقِهِ هِمَانًا فِيهِ سَبْعُمِائَةِ دِينَارٍ فَأَخَذَ مِنْهُ ثَلَاثِينَ دِينَارًا وَ انصَرَفَ إِلَى أَبِي عَبْدِ اللَّهِ ع وَ حَدَّثَهُ بِمَا وَجَدَ فَقَالَ لَهُ اخْرُجْ وَ نَادِ عَلَيْهِ سَنَةً لَعَلَّكَ تَظْفُرُ بِصَاحِبِهِ

The man went out and found a money-belt in his road wherein were seven hundred Dinars. He took thirty Dinars from it and came to Abu Abdullah^{asws} and narrated to him^{asws} with what he had found. He^{asws} said to him: 'Go out and call out upon it for a year, perhaps you will come across its owner'.

فَخَرَجَ الرَّجُلُ وَ قَالَ- لَا أَتَادِي فِي الْأَسْوَاقِ وَ فِي مُجْمَعِ النَّاسِ وَ خَرَجَ إِلَى سِكَّةٍ فِي آخِرِ الْبَلَدِ وَ قَالَ مَنْ ضَاعَ لَهُ شَيْءٌ

The man went out and said, 'I will not call out in the marketplace and in a gathering of the people', and he went out to an alleyway at the end of the city and said, 'Who has lost something of his?'

فَإِذَا رَجُلًا قَالَ ذَهَبَ مِنِّي سَبْعُمِائَةِ دِينَارٍ فِي كَذَا

¹¹²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 10

There was a man who said, 'Seven hundred Dinars have gone from me in such and such (place)!'

قَالَ مَعِيَ ذَلِكَ

He said, 'That is with me!'

فَلَمَّا رَأَاهُ وَكَانَ مَعَهُ مِيزَانٌ فَوَزَنَهَا فَكَانَ كَمَا كَانَ لَمْ تَنْقُصْ فَأَخَذَ مِنْهَا سَبْعِينَ دِينَارًا وَأَعْطَاهَا الرَّجُلَ فَأَخَذَهَا وَخَرَجَ إِلَى أَبِي عَبْدِ اللَّهِ عَ فَلَمَّا رَأَاهُ تَبَسَّمَ وَ قَالَ مَا هَذِهِ هَاتِ الصُّرَّةَ

When he saw it, and there was a scale with him, he weighed them. It was just as it had been, not deficient. He took seventy Dinars from these and gave it to the man (as reward). He took it and went out to Abu Abdullah^{-asws}. When he^{-asws} saw him, he^{-asws} smiled and said: 'What is this? Give the pouch!'

فَأَتَى بِهَا فَقَالَ هَذَا ثَلَاثُونَ وَ قَدْ أَخَذْتُ سَبْعِينَ مِنَ الرَّجُلِ وَ سَبْعُونَ حَلَالًا خَيْرٌ مِنْ سَبْعِمِائَةٍ حَرَامٍ.

He brought it. He^{-asws} said: 'These are thirty, and you have taken seventy from the man, and seventy lawful are better than seven hundred unlawful'.¹¹²⁵

12- سر، السرائر جميل عن زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ عَ فِي رَجُلٍ صَادَ حَمَامًا أَهْلِيًّا قَالَ إِذَا مَلَكَ جَنَاحَهُ فَهُوَ لِمَنْ أَخَذَهُ.

(The book) 'Al Saraair' – Jameel, from Zurara,

From Abu Abdullah^{-asws} regarding a man who captures a domesticated pigeon. He^{-asws} said: 'If it flaps its wings, it is for the one who takes it'.¹¹²⁶

13- سر، السرائر في جامع البزنطي عن إسحاق بن عمار قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ الطَّيْرُ يَنْفَعُ فِي الدَّارِ فَنَصِيدُهُ وَ حَوْلَنَا لِيَعْضِيَهُمْ حَمَامٌ

(The book) 'Al Saraair', in 'Jamie' of Al Bazanty – From Is'haq Bin Ammar who said,

'I said to Abu Abdullah^{-asws}, 'The bird falls in the house, so we capture it, and around us there are some who have pigeons for them'.

قَالَ إِذَا مَلَكَ جَنَاحَهُ فَهُوَ لِمَنْ أَخَذَهُ

He^{-asws} said: 'When it flaps its wings, it is for the one who takes it'.

قَالَ قُلْتُ فَيَقَعُ عَلَيْنَا وَ نَأْخُذُهُ وَ قَدْ نَعْرِفُ لِمَنْ هُوَ

He (the narrator) said, 'I said, 'Supposing it falls upon us and we take it, and we do know who it is for?'

¹¹²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 11

¹¹²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 12

قَالَ إِذَا عَرَفْتَهُ فَرُدَّهُ عَلَى صَاحِبِهِ.

He^{-asws} said: 'When you know him, return it to its owner'.¹¹²⁷

14- سر، السرائر في جامع البزنطي عن أمير المؤمنين ع قال: إِذَا عَرَفْتَ السَّفِينَةَ وَ مَا فِيهَا فَأَصَابَهُ النَّاسُ فَمَا قَدَفَ بِهِ الْبَحْرُ عَلَى سَاحِلِهِ فَهُوَ لِأَهْلِهِ فَهُمْ أَحَقُّ بِهِ وَ مَا غَاصَ عَلَيْهِ النَّاسُ فَأَخْرَجُوهُ وَ قَدْ تَرَكَهُ صَاحِبُهُ فَهُوَ لَهُمْ.

(The book) 'Al Saraair', in 'Jamie' of Al Bazanty -

From Amir Al-Momineen^{-asws} having said: 'When the ship and whatever is in it capsizes and the people find it, so whatever the sea has thrown it at its coast, it is for its people. They are more rightful with it, and whatever the people dive upon it and extract it (from the bottom of the sea), and its owner has left it, it is for them'.¹¹²⁸

15- نَوَادِرُ الرَّوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: سُئِلَ عَلِيٌّ ع عَنْ سُفْرَةٍ وُجِدَتْ فِي الطَّرِيقِ فِيهَا لَحْمٌ كَثِيرٌ وَ خُبْزٌ كَثِيرٌ وَ بَيْضٌ وَ فِيهَا سِكِّينٌ فَقَالَ يُقَوِّمُ مَا فِيهَا ثُمَّ يُؤْكَلُ لِأَنَّهُ يَفْسُدُ فَإِذَا جَاءَ طَالِبُهَا غَرِمَ لَهُ

(The book) 'Nawadir' of Al Rawandi by his chain,

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} was asked about a meal found in the road wherein was a lot of meat, and a lot of bread and eggs, and therein was a knife. He^{-asws} said: 'Evaluate whatever was in it, then eat, because (otherwise) it would spoil. When its seeker comes, pay it to him'.

فَقَالُوا لَهُ يَا أَمِيرَ الْمُؤْمِنِينَ- لَا نَعْلَمُ أَمْ سُفْرَةٌ ذِيَّةٍ أَمْ سُفْرَةٌ جُوسِيَّةٍ

They said to him^{-asws}, 'O Amir Al-Momineen^{-asws}! We don't know whether it was a meal of a Zimmy (Jew or Christian under protection of Muslim government), or meal of a Magian!'

فَقَالَ هُمْ فِي سَعَةٍ مِنْ أَكْلِهَا مَا لَمْ يَعْلَمُوا.

He^{-asws} said: 'They are in leeway from eating it as long as they don't know'.¹¹²⁹

16- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ ص وَ قَدْ سُئِلَ عَنْ ضَالَّةٍ الْإِبِلِ فَقَالَ لِلْسَّائِلِ مَا لَكَ وَ لَهَا مَعَهَا حِذَاؤُهَا وَ سِقَاؤُهَا تَرُدُّ الْمَاءَ وَ تَرْغَى الشَّجَرَ حَتَّى يَجِيءَ رُبُّهَا فَيَأْخُذَهَا.

(The book) 'Al Majazaat Al Nabawiyya' -

¹¹²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 13

¹¹²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 14

¹¹²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 15

He^{-saww} said, and he^{-saww} had been asked about a lost camel. He^{-saww} said to the questioner: 'What is it to you and it? With it is its shoes (hooves), and its water-skin (belly). It can go to the water and graze from the trees until its owner comes and takes it!' ¹¹³⁰

و هاتان استعارتان كأنه ع جعل خف الضالة بمنزلة الحذاء و مشفرها بمنزلة السقاء فليس يضر بها التردد في الفيافي و النقل في المصايف و المشاتي لأنها صابرة على قطع الشقة و تكلف المشقة - لاستحصاف مناسمها و استغلاظ قوائمها و لأنها بطول عنقها تملك من ورود المياه الغائصة و التناول من أوراق الشجر الشاحصة

Note - And these two are considered borrowed, as if he (peace be upon him) made the lost water skin like a shoe and its strap like a water container. Therefore, travelling through deserts and moving across summer and winter pastures does not harm them, because they are resilient against tearing and endure hardship—due to the smoothness of their surfaces and the strength of their legs. And because of their long necks, they can access deep waters and reach high leaves on trees.

فهي لهذه الأحوال بخلاف الضالة من الشاء لأن تلك تضعف عن إيمان السير و الضرب في أقطار الأرض لضعف قوائمها و قلة تمكنها من أكثر المياه و المراعي بنفسها و مع ذلك فهي فريسة للذئب إن أحس حسنها و استروح ريحها و لأجل ذلك قَالَ ع لِّلسَّائِلِ عَنْهَا حُذَّهَا فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّئِبِ.

Thus, they are suited for these conditions, unlike the lost sheep, which cannot endure constant travel across lands due to weak legs and limited access to water and pastures. Nevertheless, the sheep is prey for the wolf if it senses it or catches its scent, and for this reason, he^{-asws} had said to the questioner about it: 'Take it, for it is either for you, your brother, or for the wolf'.

17- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ عَلَيْهِ وَ آلِهِ السَّلَامُ ضَالَّةُ الْمُؤْمِنِ حَرْقُ النَّارِ.

(The book) 'Al-Majazaat Al-Nabawiya' -

He^{-saww}, may the greeting be upon him^{-saww} and his^{-asws} Progeny^{-asws}: 'Lost property of the Momin is firewood of the Hellfire'. ¹¹³¹

و هذا القول مجاز لأن الضالة على الحقيقة ليست بحرق النار و إنما المراد أخذ ضالة المؤمن و الاشتغال عليها و الحول بينه و بينها يستحق به العقاب بالنار فلما كانت الضالة سبب ذلك حسن أن يسمى باسمه لأن عاقبة أخذها يقول إلى حريق النار و يفضي إلى أليم العقاب و قد نعى رسول الله ص عن أخذ ضوال الإبل و هواميها و الهوامي الضائعة.

Note - And this word is metaphorical, because in reality the lost property is not literally firewood for the Hellfire. What is meant is that taking a believer's lost property and withholding it from them makes one deserving of punishment by Hellfire. Since the lost property is the cause of this, it is fitting to call it by this name, because the consequence of taking it leads to the Hellfire and results in severe punishment; and Rasool-Allah^{-saww} had forbidden taking lost camels, their young and other livestock.

¹¹³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 16

¹¹³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 17

18- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ سَعِيدٍ عَنِ الْحَسَنِ بْنِ عُبَيْدٍ الْكِنْدِيِّ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص ضَالَّةُ الْمُسْلِمِ حَرْقُ النَّارِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Muhammad Bin Abdullah, from Ahmad Bin Muhammad Bin Saeed, from Al-Hassan Bin Ubeyd Al Kindy, from Al Nowfaly, from Al Sakuni,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Lost property of the Muslim is firewood of the Hellfire'.¹¹³²

باب 2 المشتريات و إحياء الموات و حكم الحرم

CHAPTER 2 – THE COMMON PROPERTIES, AND REVIVING THE DEAD (LAND), AND RULINGS OF THE SACRED PRECINCTS

1- ل، الخصال القاسم بن محمد بن أحمد عن الحسن بن علي بن نصر عن محمد بن عثمان عن عبيد الله بن موسى عن شيبان عن الأعشى عن أبي صالح عن أبي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ ص ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ عَزَّ وَ جَلَّ وَ لَا يُزَكِّيهِمْ وَ هُمْ عَذَابُ أَلِيمٍ رَجُلٌ بَايَعَ إِمَامًا لَا يُبَايِعُهُ إِلَّا لِدُنْيَا إِنْ أُعْطِيَ مِنْهَا مَا يُرِيدُ وَفِي لَهُ وَ إِلَّا كَفَّ

(The book) 'Al Khisaal' – Al Qasim Bin Muhammad Bin Ahmad, from Al Hassan Bin Ali Bin Nasr, from Muhammad Bin Usman, from Ubeydullah Bin Musa, from Shayban, from Al Amsh, from Abu Salih, from Abu Hureyra (a well-known fabricator) said,

'Rasool-Allah^{-saww} said: 'Three, neither will Allah^{-azwj} Mighty and Majestic Speak to them nor Purify them, and for them would be a painful punishment – a man who pledges allegiance to an Imam^{-asws}, and he did not pledge allegiance to him^{-asws} except for world (worldly benefits) that he^{-asws} would give him from it what he wants, so he would be loyal to him^{-asws}, or else refrain.

وَ رَجُلٌ بَايَعَ رَجُلًا بِسَلْعَةٍ بَعْدَ الْعَصْرِ فَحَلَفَ بِاللَّهِ عَزَّ وَ جَلَّ لَقَدْ أُعْطِيَ بِهَا كَذَا وَ كَذَا فَصَدَّقَهُ فَأَخَذَهَا وَ لَمْ يُعْطِ فِيهَا مَا قَالَ وَ رَجُلٌ عَلَى فَضْلِ مَاءٍ بِالْقَلَاةِ يَمْنَعُهُ ابْنُ السَّبِيلِ.

And a man who sells merchandise after the afternoon, so he swears by Allah^{-azwj} Mighty and Majestic that he had been offered such and such for it. So, he believes him and takes it, and he had not been offered regarding it what he had said; and a man being upon extra water in the wilderness prevents the traveller of it'.¹¹³³

2- ب، قرب الإسناد أبو البخترى عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع كَانَ يَقُولُ حَرِيمُ الْبُئْرِ الْعَادِيَةِ خَمْسُونَ ذِرَاعًا إِلَّا أَنْ يَكُونَ إِلَى عَطَنِ أَوْ إِلَى الطَّرِيقِ فَيَكُونَ أَقَلَّ مِنْ ذَلِكَ خَمْسَةٌ وَ عَشْرِينَ ذِرَاعًا وَ حَرِيمُ الْبُئْرِ الْمُحَدَّثَةِ خَمْسَةٌ وَ عَشْرُونَ ذِرَاعًا.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtary,

¹¹³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 18

¹¹³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 1

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: ‘Ali^{asws} had said: ‘The protected area around an ancient well is fifty cubits, unless it is near a watering place or a road, in which case it is twenty-five cubits. The protected area around a newly-dug well is twenty-five cubits’.¹¹³⁴

3- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص حَرِيمُ النَّحْلَةِ طَوُّ سَعْفِهَا.

(The book) ‘Qurb Al Isnaad’ – By this chain,

He^{asws} said: ‘Rasool-Allah^{saww} said: ‘The protected area of a palm tree is the length of its branches’.¹¹³⁵

4- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ عَلِيٌّ ع لَا يَحِلُّ مَنَعُ الْمَلْحِ وَ النَّارِ.

(The book) ‘Qurb Al Isnaad’ – By this chain, he said,

‘Ali^{asws} said: ‘It is not permissible to prevent the salt and the fire (firewood)’.¹¹³⁶

5- ما، الأمايلي للشيخ الطوسي الحَقَّارُ عَنْ أَبِي الْقَاسِمِ الدِّعْبَلِيِّ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ أَبِي عُمَيْرٍ الْخُوصِيِّ عَنِ الْحُسَيْنِ بْنِ أَبِي جَعْفَرٍ عَنْ مَعْمَرٍ عَنِ الزُّهْرِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ ص حَرِيمُ الْبُئْرِ خَمْسَةٌ وَ عَشْرُونَ ذِرَاعاً وَ حَرِيمُ الْبُئْرِ الْعَادِيَّةِ خَمْسُونَ ذِرَاعاً وَ حَرِيمُ عَيْنِ الْبُئْرِ السَّائِحَةِ ثَلَاثُمِائَةِ ذِرَاعٍ وَ حَرِيمُ بُئْرِ الرَّزْعِ سِتُّمِائَةِ ذِرَاعٍ.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Al Haffar, from Abu Al Qasim Al Deobali, from Muhammad Bin Ghalib, from Abu Umeir Al Howsy, from Al Hassan Bin Abu Ja’far, from Ma’mar, from Al Zuhry, from Saeed Bin Al Musayyab, from Abu Hureyra (well-known fabricator) who said,

Rasool-Allah^{saww} said: ‘The protected area of a well is twenty-five cubits, the protected area of an ancient well is fifty cubits, the protected area of a flowing spring is three hundred cubits, and the protected area of a farming well is six hundred cubits’.¹¹³⁷

6- غط، الغيبة للشيخ الطوسي الْفَضْلُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي هَاشِمٍ عَنْ عَلِيِّ بْنِ أَبِي حَزَّةٍ عَنْ أَبِي بصيرٍ قَالَ: إِذَا قَامَ الْقَائِمُ يُوسِعُ الطَّرِيقَ الْأَعْظَمَ فَيَصِيرُ سِتِينَ ذِرَاعاً وَ يُهْدِمُ كُلَّ مَسْجِدٍ عَلَى الطَّرِيقِ وَ يَسُدُّ كُلَّ كُوَّةٍ إِلَى الطَّرِيقِ وَ كُلَّ جَنَاحٍ وَ كَنِيفٍ وَ مِيزَابٍ إِلَى الطَّرِيقِ تَمَامَ الْحَبْرِ.

(The book) ‘Al Ghayba’ of the sheykh Al Tusi – Al Fazl, from Abdul Rahman Bin Abu Hashim, from Ali Bin Abu Hamza, from Abu Baseer who said,

‘When Al-Qaim^{ajfj} rises, he^{ajfj} will widen the main road until it becomes sixty cubits, and he^{ajfj} will demolish every Masjid upon the road, and block every window opening to the road, and remove every extension, and toilet, and gutter to the road’ – the complete Hadeeth.¹¹³⁸

¹¹³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 2

¹¹³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 3

¹¹³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 4

¹¹³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 5

¹¹³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 6

7- مل، كامل الزيارات أبي عن محمد بن يحيى عن ابن عيسى عن ابن بري عن بعض أصحابه يرفعه إلى أبي عبد الله ع قال: قلت نكون بمكة أو بالمدينة أو الحيرة أو المواضع التي يرجى فيها الفضل فربما يخرج الرجل يتوضأ فيجيء آخر فيصير مكانه

(The book) 'Kamil Al Ziyaraat' – My father, from Muhammad Bin Yahya, from Ibn Isa, from Ibn Bazie, from one of his companions raising it to,

Abu Abdullah^{-asws}, he (the narrator) said, 'I said, 'We tend to be at Makkah or at Al-Medina, or Al-Hayr, or the places in which the Grace is hoped for. Sometimes a man goes out to perform Wud'u, so another comes to be in his place'.

قَالَ مَنْ سَبَقَ إِلَى مَوْضِعٍ فَهُوَ أَحَقُّ بِهِ يَوْمَهُ وَ لَيْلَتُهُ.

He^{-asws} said: 'One who precedes to a place, he is more rightful with it, his day and his night'.¹¹³⁹

8 مل، كامل الزيارات أبي عن سعد بن ابن عيسى مغلته.

(The book) 'Kamil Al Ziyaraat' – My father, from Sa'ad, from Ibn Isa, similar to it.¹¹⁴⁰

9- يج، الخرائج و الجرائع روي أن القرات مدت على عهد علي ع فقال الناس نخاف العرق فركب و صلى على القرات

(The book) 'Al Kharaij Wa Al Jaraih' –

It is reported that the Euphrates swelled in the era of Ali^{-asws}. The people said, 'We fear the drowning'. So he^{-asws} rode to pray Salat at the Euphrates.

فَمَرَّ بِمَجْلِسٍ ثَقِيفٍ فَعَمَرَ عَلَيْهِ بَعْضُ شَبَابِهِمْ فَالْتَفَتَ إِلَيْهِمْ وَ قَالَ يَا بَقِيَّةَ نَمُودَ يَا صِغَارَ الْحُدُودِ هَلْ أَنْتُمْ إِلَّا طَعَامٌ لِقَامٍ مَنْ لِي بِهَؤُلَاءِ الْأَعْبُدِ

He^{-asws} passed by a gathering of Saqeef. One of their youths winked (mockingly) at him^{-asws}. He^{-asws} turned to them and said: 'O remnants of Samood! O ones of small cheeks! Are you anything but vile rubble? Who is for me^{-asws} (to deal) with these slaves!'

فَقَالَ مَشَايِخُ مِنْهُمْ إِنَّ هَؤُلَاءِ شَبَابٌ جُهَالٌ فَلَا تَأْخُذْنَا بِهِمْ وَ اعْفُ عَنَّا

The elders among them said, 'These are ignorant youths, so do not seize us with them, and pardon us!'

قَالَ - لَا أَعْفُو عَنْكُمْ إِلَّا عَلَى أَنْ أَرْجِعَ وَ قَدْ هَدَمْتُمْ هَذِهِ الْمَجَالِسَ وَ سَدَدْتُمْ كُلَّ كُوَّةٍ وَ قَلَعْتُمْ كُلَّ مِيزَابٍ وَ طَمَعْتُمْ كُلَّ بِالْوَعَةِ عَلَى الطَّرِيقِ فَإِنَّ هَذَا كُلَّهُ فِي طَرِيقِ الْمُسْلِمِينَ وَ فِيهِ أَدَى لَهُمْ

He^{-asws} said: 'I^{-asws} will not pardon you except upon (the condition) that when I^{-asws} return, you will have demolished these gatherings, and blocked every window, and uprooted every water

¹¹³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 7

¹¹⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 8

spout (leading to the road), and filled upon every gutter upon the road, for all of this is in the road of the Muslims, and in it there is harm for them!’

فَقَالُوا نَفْعُلْ وَ مَضَى وَ تَرَكَهُمْ فَفَعَلُوا ذَلِكَ كُلَّهُ

They said, ‘We shall do so!’, and he^{-asws} went and left them. They did all of that.

فَلَمَّا صَارَ إِلَى الْفُرَاتِ دَعَا ثُمَّ قَرَعَ الْفُرَاتَ قَرْعَةً فَتَنَقَّصَ ذِرَاعًا فَقَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ هَذِهِ زُرْنَانَةٌ قَدْ جَاءَ بِهَا الْمَاءُ وَ قَدْ اخْتَبَسَتْ عَلَى الْجِسْرِ مِنْ كِبَرِهَا وَ عَظَمِهَا

When he^{-asws} came to the Euphrates, he^{-asws} supplicated, then knocked the Euphrates with a knock, so it reduced (its level) by a cubit. They said, ‘O Amir Al-Momineen^{-asws}! This is a pomegranate which has come with the water and it was withheld at the bridge due to its large size’.

فَاخْتَمَلَهَا وَ قَالَ هَذِهِ زُرْنَانَةٌ مِنْ زُرْنَانِ الْجَنَّةِ وَ لَا يَأْكُلُ ثَمَارَ الْجَنَّةِ إِلَّا نَبِيٌّ أَوْ وَصِيٌّ نَبِيٍّ وَ لَوْ لَا ذَلِكَ لَقَسَمْتُهَا بَيْنَكُمْ.

He^{-asws} carried it and said: ‘This pomegranate is a pomegranate from the pomegranates of Paradise, and no one can eat the fruits of Paradise except a Prophet^{-as} or a successor^{-asws} of a Prophet^{-as}, and had it not been for that, I^{-asws} would have divided it between you all’¹¹⁴¹

10- سر، السرائر من كتاب المشيخة لابن محبوب عن إبراهيم الكرخي عن أبي عبد الله ع قال قال رسول الله ص ثلاث ملعون ملعون من فعلهن المتعوط في ظل الثزال و المانع الماء المتناوب و السائد الطريق المسلول.

(The book) ‘Al Saraair’, from ‘Kitab Al Masheykha’ of Ibn Mahboub, from Ibrahim Al Karkhy,

From Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘Three are accursed, accursed, accursed is the one who does these! The one who defecates is a shade of the guest house, and preventing the water from the passers-by, and blocking the travelled road.’¹¹⁴²

11- ين، كتاب حسين بن سعيد و النوادر ابن مسكان عن الحلبي قال: سألت عن أرض خربة عمرها رجل و كسح أهازها هل عليه فيها صدقة

The book of Haseed Bin Saeed, and ‘Al Nawadir’ – Ibn Muskan, from Al Halby who said,

‘I asked him^{-asws} about a ruined land a man develops it and clears its canals, ‘Is there any charity due upon him regarding it?’

قَالَ إِنْ كَانَ يَعْرِفُ صَاحِبَهَا فَلْيُؤَدِّ إِلَيْهِ حَقَّهُ وَ أَيْ رَجُلٍ اشْتَرَى دَارًا فِيهَا زِيَادَةٌ مِنَ الطَّرِيقِ قَبْلَ شِرَائِهِ إِيَّاهَا فَإِنْ شَرَّاهُ جَائِزٌ.

He^{-asws} said: ‘If he knows its owner, he should return to him his right, and whichever man buys a house wherein was an extension from the road before he buys it, his acquisition is valid’.¹¹⁴³

¹¹⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 9

¹¹⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 10

¹¹⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 11

12- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَا بَيْنَ بئرِ الْعَطَنِ إِلَى بئرِ الْعَطَنِ أَرْبَعُونَ ذِرَاعاً وَ مَا بَيْنَ بئرِ النَّاصِحِ إِلَى بئرِ النَّاصِحِ سِتُونَ ذِرَاعاً وَ مَا بَيْنَ الْعَيْنِ إِلَى الْعَيْنِ خَمْسُمِائَةِ ذِرَاعاً [ذِرَاع] وَ الطَّرِيقُ إِلَى الطَّرِيقِ إِذَا تَضَاقَقَ عَلَى أَهْلِهِ سَبْعَةُ أَذْرُعٍ.

(The book) 'Nawadir' of Al Rawandi' -

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The distance between one watering well and another should be forty cubits; the distance between one irrigation well and another should be sixty cubits; the distance between one spring and another should be five hundred cubits; and the width of a road to another road, when it becomes too narrow for its people, should be seven cubits'.¹¹⁴⁴

13- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ ص مَنْ أَحْيَا أَرْضاً مَيْتَةً فَهِيَ لَهُ وَ لَيْسَ لِعِرْقِي ظَلَمٌ حَقٌّ.

(The book) 'Al Majazaat Al Nabawiya' -

He^{-saww} said: 'One who revives a dead land, it is for him, and there isn't any right for an unjust lineage'.¹¹⁴⁵

بيان: قال السيد رضي الله هذا مجاز و المراد به أن يحيي الرجل إلى الأرض قد أحيها محي قبله فيغرس فيها أو يحدث فيها حدثاً فيكون ظالماً بما أحدثه و غاصباً لحق لا يملكه و إنما أضاف ع الظلم إلى العرق لأنه إنما ظلم بغرس عرقه فنسب الظلم إلى العرق دون صاحبه و ذلك كما قالوا ليل نائم و نهار صائم أي ينام في هذا و يصام في هذا.

Explanation: *The Seyyid, may Allah^{-azwj} be Pleased with him, said, 'This is metaphorical, and what is meant is that if a man comes to land he has revived, planting in it or making some alteration, he would be wronging it by what he has done and usurping a right he does not own. The term 'Injustice is attributed to the lineage' is used because the wrongdoing comes through planting his lineage's crop, so the injustice is ascribed to the lineage rather than its owner. This is similar to the expression 'Night is for sleeping and day is for fasting', meaning one sleeps at night and fasts during the day.*

و روى سفيان بن عيينة عن هشام بن عروة عن أبيه عروة بن الزبير قال العروق أربعة عرقان ظاهران و عرقان باطنان أما الظاهران فالغرس و البناء و أما الباطنان فالبئر و المعدن و ربما روي هذا الخبر على الإضافة فيكون ليس لعرق ظالم حق فإن كانت هذه الرواية صحيحة فقد خرج الكلام من حيز الاستعارة و دخل في باب الحقيقة.

Sufyan Bin Uyaynah narrated from Hisham Bin Urwah, from his father, Urwah Bin Al-Zubayr, that there are four types of lineage - two apparent and two hidden. The apparent are planting and building, and the hidden are wells and mines. This report has also been narrated attributively, meaning that an unjust lineage has no right. If this narration is correct, then the statement moves from the realm of metaphor into the realm of reality.

¹¹⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 12

¹¹⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 13

14- كِتَابُ الْإِمَامَةِ وَالتَّبَصُّرَةِ، عَنْ أَحْمَدَ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ 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 سُوْقُ الْمُسْلِمِينَ كَمَسْجِدِهِمْ فَمَنْ سَبَقَ إِلَى مَكَانٍ فَهُوَ أَحَقُّ بِهِ إِلَى اللَّيْلِ.

(The book) 'Kitab Al Imamat Wa Al Tabsira' – From Ahmad Bin Ali, from Muhammad Bin Al Hassan, from Muhammad Bin Al Hassan Al Saffar, from Ibrahim Bin Hashim, from Al Nowfaly, from Al Sakuni,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'A Market (stall) of the Muslims is like their Masjids. The one who precedes to a place, he is more rightful with it up to the night.'¹¹⁴⁶

15- وَ مِنْهُ، عَنِ الْحُسَيْنِ 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 صَاحِبُ الدَّابَّةِ أَحَقُّ بِالْجَادَةِ مِنَ الرَّاجِلِ وَ الْحَافِي أَحَقُّ بِالْجَادَةِ مِنَ الْمُتَعَلِّجِ.

And from him, 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^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Owner of the riding animal is more rightful with the main road than the walker, and the barefooted is more rightful with the main road than the wearer of shoes'.¹¹⁴⁷

[باب 3 الشفعة](#)

CHAPTER 3 – THE PRE-EMPTION

1- ما، الأماالي للشيخ الطوسي عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا وَقَعَتِ الْحُدُودُ فَلَا شَفْعَةَ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – From Abu Hureyra (well-known fabricator) said,

'Rasool-Allah^{-saww} said: 'When the legal penalties occur, there is no pre-emption (prevention – the exclusivity)'.¹¹⁴⁸

2- ب، قرب الإسناد ابْنُ رِثَابٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ اشْتَرَى دَارًا بِرَقِيقٍ وَ مَتَاعٍ بَزٍّ وَ جَوْهَرٍ قَالَ فَقَالَ لَيْسَ لِأَحَدٍ فِيهَا شَفْعَةٌ.

(The book) 'Qurb Al Isnaad' – Ibn Riab,

From Abu Abdullah^{-asws} regarding a man who buys a house with slaves, and fine goods, and jewels. He (the narrator) said, 'He^{-asws} said: 'There isn't any pre-emption for anyone in it'.¹¹⁴⁹

3- ضا، فقه الرضا عليه السلام اعْلَمْ أَنَّ الشَّفْعَةَ وَاجِبَةٌ فِي الشِّرْكََةِ الْمُشَاعَةِ وَ لَيْسَ فِي الْمَجَازِ الْمُقْسُومِ وَ فِي الْمُجَاوِرَةِ وَ الشَّرْئَةِ الْجَامِعِ وَ فِي الْأَرْحِجَةِ وَ فِي الْحَمَامَاتِ وَ لَا شَفْعَةَ لِيَهُودِيٍّ وَ لَا نَصْرَانِيٍّ وَ لَا مُخَالِفٍ

¹¹⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 14

¹¹⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 15

¹¹⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 1

¹¹⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 2

وَلَا شَفْعَةَ فِي سَفِينَةٍ وَلَا فِي طَرِيقٍ لِّجَمِيعِ الْمُسْلِمِينَ وَلَا حَيَّوَانٍ وَلَا ضَرَرَ فِي شَفْعَةٍ وَلَا ضِرَارَ

وَالشُّعْغَةُ عَلَى الْبَائِعِ وَالْمُشْتَرِي وَ لَيْسَ لِلْبَائِعِ أَنْ يَبِيعَ أَوْ يَعْرِضَ عَلَى شَرِيكِهِ أَوْ مُجَاوِرِهِ وَلَا لِلْمُشْتَرِي أَنْ يَمْتَنِعَ إِذَا طُوبِلَ بِالشُّعْغَةِ.

4- **وَرَوِي** أَنَّ الشُّعْعَةَ وَاجِبَةٌ فِي كُلِّ شَيْءٍ مِنَ الْحَيَوَانِ وَالْعَقَارِ وَرَقِيقٍ إِذَا كَانَ الشَّيْءُ بَيْنَ شَرِيكَيْنِ فَبَاعَ أَحَدُهُمَا فَالشَّرِيكَ أَحَقُّ بِهِ مِنَ الْغَرَبِ وَإِذَا كَانَ الشَّرِيكُ أَكْثَرَ مِنَ اثْنَيْنِ فَلَا شُعْعَةَ لِوَاحِدٍ مِنْهُمَا

وَإِنَّمَا يَجِبُ لِلشَّرِيكِ إِذَا بَاعَ شَرِيكُهُ أَنْ يَعْضَ عَلَيْهِ فَإِنْ لَمْ يَفْعَلْ بَطَلَتِ الشُّعْعَةُ مَتَى مَا سَأَلَ - لَا أَنْ يَتَجَاوَى عَنْهُ أَوْ يَقُولَ بَارَكَ اللَّهُ لَكَ فِيمَا اشْتَرَيْتَ أَوْ بَعْتَ أَوْ يُطْلَبَ مِنْهُ مُقَاسَمَةً.

5- **و رُوِيَ** أَنَّهُ لَيْسَ فِي الطَّرِيقِ شُعْطَةٌ وَلَا فِي النَّهْرِ وَلَا فِي الرَّحَى وَلَا فِي حِمَامٍ وَلَا فِي ثَوْبٍ وَلَا فِي شَيْءٍ مَشْمُومٍ إِذَا كَانَتْ دَارًا فِيهَا دُورٌ وَ طَرِيقٌ أَبْوَابُهَا فِي عَرَضَةٍ وَاحِدَةٍ فَبَاعَ رَجُلٌ دَارًا مِنْهَا مِنْ رَجُلٍ فَكَانَ لِصَاحِبِ دَارِ الْأُخْرَى شُعْطَةٌ إِذَا لَمْ يَنْتَهَيْهَا لَهُ أَنْ يُحَوِّلَ بَابَ الدَّارِ الَّتِي اشْتَرَاهَا إِلَى مَوْضِعٍ آخَرَ فَإِنْ حَوَّلَ بِهَا فَلَا شُعْطَةَ لِأَحَدٍ عَلَيْهِ

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emption if it is not possible for him to move the doorway of the purchased dwelling to another place. If the doorway is moved, then no one has any right of pre-emption over it.

وَإِنَّمَا يَجِبُ الشُّفْعَةُ لَشَرِيكِ غَيْرِ مُقَاسِمٍ إِذَا عُرِفَ حِصَّةُ رَجُلٍ مِنْ حِصَّةِ شَرِيكِ فَلَا شُفْعَةَ لِوَاحِدٍ مِنْهُمَا وَ بِاللَّهِ التَّوْفِيقُ.

And rather, the right of pre-emption is only obligatory for a partner in undivided property. When the share of one partner is distinguished from the other, then neither of them has any right of pre-emption. And through Allah^{azwj} is the inclination.¹¹⁵²

6- **الْهِدَايَةُ، وَ الشُّفْعَةُ وَاجِبَةٌ وَ لَا تَجِبُ إِلَّا فِي مُشَاعٍ وَ إِذَا عُرِفَتْ حِصَّةُ الرَّجُلِ مِنْ حِصَّةِ شَرِيكِهِ فَلَا شُفْعَةَ لِوَاحِدٍ مِنْهُمَا.**

(The book) 'Al-Hidaya' - The right of pre-emption is obligatory, but it is only obligatory in undivided property. When the share of one partner is distinguished from the share of the other, then neither of them has any right of pre-emption.¹¹⁵³

7- **وَ قَالَ عَلِيٌّ ع الشُّفْعَةُ عَلَى عَدَدِ الرِّجَالِ.**

And Ali^{asws} said: 'The (right of) pre-emption is based upon the number of men'.¹¹⁵⁴

8- **وَ قَالَ: وَصِيَّ الْيَتِيمِ بِمَنْزِلَةِ أَبِيهِ يَأْخُذُ لَهُ الشُّفْعَةُ وَ لِلْغَائِبِ الشُّفْعَةُ وَ لَا شُفْعَةَ لِيَهُودِيٍّ وَ لَا نَصْرَانِيٍّ وَ لَا شُفْعَةَ فِي سَفِينَةٍ وَ لَا نَهْرٍ وَ لَا فِي حَتَمٍ وَ لَا فِي رَحَى وَ لَا فِي طَرِيقٍ وَ لَا فِي شَيْءٍ مَقْسُومٍ.**

And he^{asws} said: 'The guardian of an orphan is in the place of his father. He takes the right of pre-emption on his behalf. The absent person has the right of pre-emption. There is no pre-emption for a Jew or a Christian, and no pre-emption in a ship, a river, a bathhouse, a mill, a road, or in anything that has been divided.¹¹⁵⁵

9- **الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ ع إِذَا وَقَعَتِ الْحُدُودُ وَ صُرِفَتِ الطُّرُقُ فَلَا شُفْعَةَ.**

(The book) 'Al Majazaat Al Nabawiyya -

He^{asws} said: 'When the boundaries are established and the roads are designated, then there is no right of pre-emption'.¹¹⁵⁶

و هذا القول مجاز و المراد و حيزت الطرق فخرجت عن حال الاشتراك و طريقة الاختلاط شبه ذلك بصرف الإنسان عن وجهه و عكسه عن جهته و هذا الخبر مما يستشهد به من قال إن الشفعة إنما تجب للشريك المخالط دون الجار المجاور و قال أهل العراق إنما يجب للشريك المخالط ثم للجار المجاور.

Note - And this statement is figurative. What is meant is when the roads are set apart and no longer remain in a state of joint ownership and intermingling. This is likened to turning a person away from his direction and diverting him from his course. This report is among the

¹¹⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 5

¹¹⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 6

¹¹⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 7

¹¹⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 8

¹¹⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 9

evidence cited by those who say that the right of pre-emption belongs only to a co-partner in shared property, not to a neighbouring owner. The people of Iraq, however, said that it is obligatory first for the co-partner in shared property, and then for the neighbouring owner.

10- كِتَابُ الْإِمَامَةِ وَالتَّبَصُّرَةِ، 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: الشُّفْعَةُ عَلَى عَدَدِ الرِّجَالِ وَ لَيْسَ بِأَصْلٍ.

(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^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws}, from the Prophet^{-saww}, having said: 'The right of pre-emption is based upon the number of men, not according to the share'.¹¹⁵⁷

11- وَ قَالَ ص الشُّفْعَةُ لَا تُورَثُ.

And he^{-saww} said: 'The pre-emption is not inherited'.¹¹⁵⁸

باب 4 الغصب و ما يوجب الضمان

CHAPTER 4 – THE USURPATION AND WHAT OBLIGATES THE COMPENSATION

1- تَخْتَصُّ الْبَلَاغَةُ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الْحَجَرُ الْعَصْبُ فِي الدَّارِ رَهْنٌ عَلَى خِرَابِهَا.

(The book) 'Nahj Al Balagah' -

Amir Al-Momineen^{-asws} said: 'The usurpation of a stone in the house is a pledge upon its ruination'.¹¹⁵⁹

قال السيد رضوان الله عليه و يروى هذا الكلام للنبي ص و لا عجب أن يشتبه الكلامان فإن مستقاهما من قليب و مفرغهما من ذنوب.

The Seyyid, may the Pleasure of Allah^{-azwj} be upon him, said, 'And this speech is of the Prophet^{-saww}, and it is not surprising that the two speeches resemble each other for their source is from one well, and their^{-asws} being free from sins'.

Translator's note - If someone unlawfully takes possession of part of a property (even as small as a stone), they will see all of it is ruined due to the usurpation.

2- وَ مِنْهُ، قَالَ ع يَنَامُ الرَّجُلُ عَلَى الثَّكْلِ وَ لَا يَنَامُ عَلَى الْحَرْبِ.

¹¹⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 10

¹¹⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 11

¹¹⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 1

And from it, he^{-asws} said: 'The man can sleep upon the bereavement, and (but) he cannot sleep upon the loss of wealth'.¹¹⁶⁰

قال السيد رضوان الله عليه و معنى ذلك أنه يصبر على قتل الأولاد و لا يصبر على سلب الأموال.

The Seyyid, may the Pleasure of Allah^{-azwj} be upon him, said, 'And the meaning of that is that he can be patient upon the children being killed but cannot be patient upon the loss of wealth'.

3- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع قَالَ: مَنْ اسْتَعَانَ عَبْدًا مَمْلُوكًا لِقَوْمٍ فَعِيبَ فَهُوَ ضَامِنٌ وَ مَنْ اسْتَعَانَ حُرًّا صَغِيرًا فَعِيبَ فَهُوَ ضَامِنٌ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} said: 'The one who hires an owned slave to a people, and he is defective, he is responsible, and the one who hires a free young person, and he is defective, he is responsible'.¹¹⁶¹

4- ق، المناقب لابن شهر آشوب قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي ثَلَاثَةِ نَفَرٍ اشْتَرَكُوا فِي بَعِيرٍ فَأَخَذَهُ أَحَدُ الثَّلَاثَةِ فَعَقَلَهُ وَ شَدَّ يَدَيْهِ جَمِيعًا وَ مَضَى فِي حَاجَةٍ وَ جَاءَ الرَّجُلَانِ فَخَلَّيَا يَدًا وَاحِدَةً وَ تَرَكَ وَاحِدَةً وَ تَشَاغَلَا عَنْهُ فَقَامَ الْبَعِيرُ يَمْشِي عَلَى ثَلَاثَةِ قَوَائِمٍ فَتَرَدَّى فِي بئرٍ فَأَنْكَسَرَ الْبَعِيرُ فَأَذْرَكُوا دَكَاةً فَتَحَرَّوهُ ثُمَّ بَاغُوا لَحْمَهُ فَأَتَاهُمُ الرَّجُلُ فَقَالَ لِمَ أَخْلَلْتُمُوهُ حَتَّى أَجِيءَ وَ أَحْفَظُهُ أَوْ يَحْفَظُهُ أَحَدُكُمَا

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

Amir Al-Momineen^{-asws} judged regarding three persons who were shared-owners of a camel. One of the three took it and tied its two forelegs, and went regarding a need, and the two men came and they untied its one foreleg and left one, and were pre-occupied from it. The camel stood up to walk upon three legs and fell into a well. The camel broke (died), and they came across it and slaughtered it, then sold its meat. The man came to them. He said, 'Why did you release it, until I could come and preserve it, or one of you could preserve it?'

فَقَضَى ع عَلَى شَرِيكَيْهِ الثُّلُثَ مِنْ أَجْلِ أَنَّهُ كَانَ قَدْ أُوثِقَ حَقُّهُ وَ عَقَلَ الْبَعِيرَ فَخَلَّيَاهُ فَنَظَرُوا فِي ثَمَنِ لَحْمِ الْبَعِيرِ فَإِذَا هُوَ ثُلُثُ الثَّمَنِ يَقْدِرُ مَا كَانَ لِلرَّجُلِ الثُّلُثَ فَأَخَذَهُ كُلُّهُ بِحَقِّهِ وَ خَرَجَ الرَّجُلَانِ صُغْرًا فَذَهَبَ حَظُّهُمَا.

He^{-asws} judged against the two partners (to pay) the third (to the third partner) for the reason that he had secured his right and fastened the camel. The two had untied it. They looked into the price of the camel meat, and it was a third of the price (of the camel), in accordance to what (share) was for the man, a third. He took all of it (the meat) as his right, and the two men went out with zero, as his right did away both their rights.¹¹⁶²

¹¹⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 2

¹¹⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 3

¹¹⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 4

5- مجالس الشيخ، الحسين بن عبد الله بن إبراهيم عن هارون بن موسى التلعكبري عن محمد بن همام بن سهيل عن عبد الله بن جعفر الحميري عن محمد بن خالد الطيالسي عن زريق بن الزبير الخلفاني قال: كنت عند أبي عبد الله ع يوماً إذ دخل عليه رجلان من أهل الكوفة من أصحابنا فقال أبو عبد الله ع أتعرفهما

(The book) 'Majaalis' of the Sheykh – Al Husayn Bin Abdullah Bin Ibrahim, from Haroun Bin Musa Al Tal'ukbari, from Muhammad Bin Hammam Bin Suheyl, from Abdullah Bin Ja'far Al Himeyri, from Muhammad Bin Khalid Al Tayalisi, from Zureyq Bin Al Zubeyr Al Khulqany who said,

'One day I was in the presence of Abu Abdullah^{-asws} when two men from the people of Kufa, from our companions, entered to see him^{-asws}. Abu Abdullah^{-asws} said: 'Do you recognise these two?'

I said, 'Yes, they are from your^{-asws} followers'.

فقلت نعم هما من مواليك فقال نعم والحمد لله الذي جعل أجلة موالئ بال عراق

He^{-asws} said: 'Yes, and the Praise is for Allah^{-azwj} Who Made the most majestic of our^{-asws} followers to be in Iraq'.

فقال له أخذ الرجلين جعلت فداك إنه كان علي مال لرجل ينسب إلى بني عمار الصبار بالكوفة وله بذلك دكر حق وشهود فأخذ المال ولم أسترجع منه الدكر بالحق ولا كتبت عليه كتاباً ولا أخذت منه براءة وذلك لأني وثقت به وقلت له مرق الدكر بالحق الذي عندك

One of the two men said to him, 'May I be sacrificed for you^{-asws}! Upon me was some money for a man attributed to the clan of Ammar the money-changer at Al-Kufa, and for him there was mention of that right (in a document) and witnesses. He took the money and I did not seek return of the document of the right from him, nor did I write any letter upon it, nor did I take a freedom (from the debt) from him, and that is because I trusted him and said to him, 'Tear up the document of the right which is in your possession'.

فمات وهما بذلك ولم يمزقها وأعقب هذا أن طالبي بالمال ورأته وحاكمني وأخرجوا بذلك الدكر بالحق وأقاموا العُدول فشهدوا عند الحاكم فأخذت بالمال وكان المال كثيراً فتوارثت عن الحاكم

He died and took that lightly and did not tear it up, and as a consequence of this, his inheritors demanded the money from me and they took me to a judge with that document of the right, and they established the just witnesses who testified in the presence of the judge. So I was seized for that money, and the money was a lot. I hid from the judge.

فباع علي قاضي الكوفة معيشة لي وقبض القوم المال وهذا رجل من إخواننا ابتلي بشراء معيشتي من القاضي

The judge of Al-Kufa sold my livelihood (income stream) of mine against me, and the people (inheritors) took possession of the money, and this man is from our brethren who was tested with acquiring my livelihood (income stream) from the judge.

ثم إن ورثة الميت أقرروا أن المال كان أبوهم قد قبضه وقد سأله أن يرده علي معيشتي ويعطونه في أنجهم معلومة فقال إني أحب أن تسأل أبا عبد الله ع عن هذا

Then inheritors of the deceased accepted that their (late) father had taken the money and they asked him to return my livelihood (income stream) to me and give him in known instalments. He said, 'I would love to ask Abu Abdullah^{-asws} about this'.

فَقَالَ الرَّجُلُ جَعَلَنِي اللَّهُ فِدَاكَ كَيْفَ أَصْنَعُ

The man said, 'May Allah^{-azwj} Make me sacrificed for you^{-asws}! How shall I deal with it?'

فَقَالَ لَهُ تَصْنَعُ أَنْ تَرْجِعَ بِمَالِكَ عَلَى الْوَرِثَةِ وَ تَرُدَّ الْمَعِيشَةَ إِلَى صَاحِبِهَا وَ تُخْرِجَ يَدَكَ عَنْهَا

He^{-asws} said: 'What you should do is reclaim your money from the heirs, return the livelihood to its owner, and withdraw your hand from it!'

قَالَ فَإِذَا أَنَا فَعَلْتُ ذَلِكَ لَهُ أَنْ يُطَالِبَنِي بِغَيْرِ هَذَا

He said, 'If I were to do that for him, he will demand from me with other than this!'

قَالَ لَهُ نَعَمْ لَهُ أَنْ يَأْخُذَ مِنْكَ مَا أَخَذْتَ مِنَ الْعَلَّةِ مِنْ ثَمَنِ الثَّمَارِ وَ كُلِّ مَا كَانَ مَرْسُومًا فِي الْمَعِيشَةِ يَوْمَ اشْتَرَيْتَهَا يَجِبُ أَنْ تَرُدَّ كُلَّ ذَلِكَ إِلَّا مَا كَانَ مِنْ زَرْعٍ زَرَعْتَهُ أَنْتَ فَإِنَّ لِلْمُزَارِعِ إِذَا قِيمَ الزَّرْعُ وَ إِذَا أَنْ يَصِيرَ عَلَيْكَ إِلَى وَقْتِ حَصَادِ الزَّرْعِ فَإِنْ لَمْ يَفْعَلْ كَانَ ذَلِكَ لَهُ وَ رَدَّ عَلَيْكَ الْقِيَمَةَ وَ كَانَ الزَّرْعُ لَهُ

He^{-asws} said to him: 'Yes, for him is to take from you whatever you have taken from the yield of the price of fruits, and all what you took in produce from the price of the fruits and everything that was designated as part of the livelihood on the day you purchased it. All of that must be returned, except for the crops that you yourself planted. In that case, the planter has the right either to the value of the crops or to wait until the time of harvest. If he does not agree to wait, then the crops belong to him, and he must return to you their value, and the crops are for him'.

فُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ كَانَ هَذَا قَدْ أَخَذْتَ فِيهَا بِنَاءً أَوْ عَرْسَ

I said, 'May I be sacrificed for you^{-asws}! Supposing in it any construction or planting had occurred?'

قَالَ لَهُ قِيمَةُ ذَلِكَ أَوْ يَكُونُ ذَلِكَ الْمُحْدَثُ بِعَيْنِهِ يُقْلَعُ وَ يَأْخُذُهُ

He^{-asws} said: 'The value of that must be given, or the very thing that was newly added may be removed and he should take it away'.

فُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ كَانَ فِيهَا عَرْسٌ أَوْ بِنَاءٌ فَقْلَعِ الْعَرْسَ وَ هَدِمِ الْبِنَاءَ

I said, 'May I be sacrificed for you^{-asws}! Supposing there were plants in it or a building, so he uproots the plants and demolishes the building?'

فَقَالَ يَرُدُّ ذَلِكَ إِلَى مَا كَانَ أَوْ يَغْرُمُ الْقِيَمَةَ لِصَاحِبِ الْأَرْضِ فَإِذَا رَدَّ جَمِيعَ مَا أَخَذَهُ مِنْ غَلَّاتِهَا إِلَى صَاحِبِهَا وَ رَدَّ الْبِنَاءَ وَ الْعَرْسَ وَ كُلَّ مُحَدَّثٍ إِلَى مَا كَانَ أَوْ رَدَّ الْقِيَمَةَ كَذَلِكَ يَجِبُ عَلَى صَاحِبِ الْأَرْضِ أَنْ يَرُدَّ عَلَيْهِ كُلَّ مَا خَرَجَ عَنْهُ فِي إِصْلَاحِ الْمَعِيشَةِ مِنْ قِيَمَةِ عَرْسٍ أَوْ بِنَاءٍ أَوْ نَقْفَةٍ فِي مَصْلَحَةِ الْمَعِيشَةِ وَ دَفْعِ النَّوَائِبِ عَنْهَا كُلِّ ذَلِكَ فَهُوَ مَرْدُودٌ إِلَيْهِ.

He^{-asws} said: 'He must restore it to what it was, or pay the value to the owner of the land. When he returns everything he took from its produce to its owner, and restores the building, the planting, and everything newly added to what it was, or returns their value, then likewise the owner of the land is obliged to return to him everything he spent on improving the livelihood, whether the value of planting, building, or expenses for its maintenance and for warding off harms. All of that must be returned to him'.¹¹⁶³

باب 5 أصناف القضاة و حال قضاة الجور و الترافع إليهم

CHAPTER 5 – THE TYPES OF JUDGES, AND STATE OF THE TYRANNICAL JUDGES, AND RAISING THE CASES TO THEM

1- ج، الإحتجاج عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلَيْنِ مِنْ أَصْحَابِنَا بَيْنَهُمَا مُنَازَعَةٌ فِي دَيْنٍ أَوْ مِيرَاثٍ فَتَحَاكَمَا إِلَى السُّلْطَانِ وَ إِلَى الْقُضَاةِ أَمْحِلُ ذَلِكَ

(The book) 'Al Ihtijaj' – From Umar Bin Hanzala who said,

'I asked Abu Abdullah^{-asws} about two men from our companions. There is a dispute between them regarding a debt or inheritance, so they take the case to the ruler or to the judges, 'Is that permissible?'

قَالَ ع مَنْ تَحَاكَمَ إِلَيْهِمْ فِي حَقٍّ أَوْ بَاطِلٍ فَإِنَّمَا تَحَاكَمَ إِلَى الْحَيْثِ وَ الطَّاغُوتِ الْمُنْهَيِّ عَنْهُ وَ مَا حُكِمَ لَهُ بِهِ فَإِنَّمَا يَأْخُذُ سُخْنًا وَ إِنْ كَانَ حَقُّهُ ثَابِتًا لَهُ لِأَنَّهُ أَخَذَهُ بِحُكْمِ الطَّاغُوتِ وَ قَدْ أَمَرَ اللَّهُ عَزَّ وَ جَلَّ أَنْ يَكْفُرَ بِهِ قَالَ اللَّهُ عَزَّ وَ جَلَّ- يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَ قَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ

He^{-asws} said: 'The one who takes a case to them, true or false, he has rather taken his case to the false god (*Jibt*) and the tyrant (*Taghout*) which he has been forbidden from, and whatever he judges for him with, he has rather taking an ill-gotten gain, and even if his right is established for him, because he has taken by a judgment of the tyrant, and Allah^{-azwj} Mighty and Majestic has Commanded him to disbelieve him. Allah^{-azwj} Mighty and Majestic Says: ***They are intending to summon each other to the judgment of the tyrant, although they have been Commanded to disbelieve in him [4:60]***.'

قُلْتُ فَكَيْفَ يَصْنَعَانِ وَ قَدْ اخْتَلَفَا

I said, 'So how should they deal with it, and they have differed?'

قَالَ يُنْظَرَانِ مَنْ كَانَ مِنْكُمْ بِمَنْ قَدْ رَوَى حَدِيثَنَا وَ عَرَفَ حَالَاتَنَا وَ حَرَامَاتَنَا وَ عَرَفَ أَحْكَامَنَا فَلْيَرِضُوا بِهِ حَكَمًا فَإِنِّي قَدْ جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا

He^{-asws} said: 'They should look for the one from you who has reported our^{-asws} Ahadeeth, and recognises our^{-asws} permissible(s) and our^{-asws} prohibitions, and recognises our^{-asws} rulings, so they should be satisfied with him as a judge, for I^{-asws} have made him to be a judge upon you all!

فَإِذَا حَكَمَ بِحُكْمٍ وَ لَمْ يَقْبَلْهُ مِنْهُ فَإِنَّمَا بِحُكْمِ اللَّهِ اسْتَحْفَظَ وَ عَلَيْنَا رَدُّ وَ الرَّادُّ عَلَيْنَا كَالرَّادِّ عَلَى اللَّهِ وَ هُوَ عَلَى حَدِّ الشِّرْكِ بِاللَّهِ

If he were to judge with a ruling and he does not accept it from him, rather he has taken lightly with a Ruling of Allah^{-azwj} and has rejected upon us^{-asws}, and the rejecter upon us is the rejecter upon Allah^{-azwj}, and he would be upon the borders of association (Shirk) with Allah^{-azwj}!

فُلْتُ فَإِنْ كَانَ كُلُّ وَاحِدٍ مِنْهُمَا اخْتَارَ رَجُلًا مِنْ أَصْحَابِنَا فَرَضِيَا أَنْ يَكُونَا النَّاطِرَيْنِ فِي حَقِّهِمَا فَاخْتَلَفَا فِيمَا حَكَمَا فَإِنَّ الْحُكْمَيْنِ اخْتَلَفَا فِي حَدِيثِكُمْ

I said, 'Supposing each one of them had chosen a man from our companions, and they agree that they would be looking into their rights, but they differ in what they judge, so the two judges differ regarding your^{-asws} Ahadeeth?'

قَالَ إِنَّ الْحُكْمَ مَا حَكَمَ بِهِ أَعَدُّهُمَا وَ أَفْقَهُهُمَا وَ أَصْدَقُهُمَا فِي الْحَدِيثِ وَ أَوْزَعُهُمَا وَ لَا يُلْتَفَتُ إِلَى مَا يَحْكُمُ بِهِ الْآخَرُ

He^{-asws} said: 'The (final) judgment is what is judged by their most just, and their most understanding, and their most truthful regarding the Hadeeth, and their most devout (pious), and what the other one had judged with should not be turned to!'

فُلْتُ فَإِنَّهُمَا عَدْلَانِ مَرْضِيَّانِ عَرَفَا بِذَلِكَ - لَا يَفْضُلُ أَحَدُهُمَا صَاحِبَهُ

I said, 'Supposing they are both just, satisfactory, well-known with that, one of them does not surpass the other?'

قَالَ يُنْظَرُ إِلَى مَا كَانَ مِنْ رَوَايَتِهِمَا عَنَّا فِي ذَلِكَ الَّذِي حَكَمَا الْمُجْمَعُ عَلَيْهِ بَيْنَ أَصْحَابِكَ فَيُؤْخَذُ بِهِ مِنْ حُكْمَيْهِمَا وَ يُتْرَكُ الشَّاذُّ الَّذِي لَيْسَ بِمَشْهُورٍ عِنْدَ أَصْحَابِكَ فَإِنَّ الْمُجْمَعُ عَلَيْهِ لَا رَيْبَ فِيهِ

He^{-asws} said: 'It should be looked at what was from their reporting from us^{-asws} regarding that (case) which they had judged, what there is consensus upon between your companions. It should be taken with from their rulings, and leave the unusual which isn't well-known in the presence of your companions, for the one there is consensus upon, there is no doubt in it!

فَإِنَّمَا الْأُمُورُ ثَلَاثَةٌ أَمْرٌ بَيْنَ رُشْدِهِ فَيَتَّبَعُ وَ أَمْرٌ بَيْنَ غِيٍّ فَيُجْتَنَّبُ وَ أَمْرٌ مُشْكِلٌ يُرَدُّ حُكْمُهُ إِلَى اللَّهِ عَزَّ وَ جَلَّ وَ إِلَى رَسُولِهِ ص

But rather, the matters are three – a matter its guidance is clear so it should be followed, and a matter its error is clear so it should be avoided, and a problematic matter. Its ruling should be referred to Allah^{-azwj} Mighty and Majestic and to His^{-azwj} Rasool^{-saww}.

وَ قَدْ قَالَ رَسُولُ اللَّهِ ص حَلَالٌ بَيْنٌ وَ حَرَامٌ بَيْنٌ وَ شُبُهَاتٌ تَرَدَّدُ بَيْنَ ذَلِكَ فَمَنْ تَرَكَ الشُّبُهَاتِ نَجَا مِنَ الْمُحَرَّمَاتِ وَ مَنْ أَخَذَ بِالشُّبُهَاتِ ارْتَكَبَ الْمُحَرَّمَاتِ وَ هَلَكَ مِنْ حَيْثُ لَا يَعْلَمُ

And Rasool-Allah^{-saww} had said: 'Halal (Permissible) is clear, and Haraam (Prohibition) is clear, and suspect matters fluctuate between that. The one who leaves the suspect matters will be saved from the Prohibitions, and the one who takes with the suspect matters will indulge in the Prohibitions, and he will be destroyed from where he does not know!'

قُلْتُ فَإِنْ كَانَ الْخَيْرَانِ عَنْكُمَا مَشْهُورَيْنِ قَدْ رَوَاهُمَا الثَّقَاتُ عَنْكُمْ

I said, 'Supposing there were two Ahadeeth from you^{-asws} are well-known having been reported by the trusted ones, from you^{-asws} all (Imams^{-asws})?'

قَالَ يُنْظَرُ مَا وَافَقَ حُكْمَهُ الْكِتَابِ وَ السُّنَّةِ وَ خَالَفَ الْعَامَّةَ فَيُؤْخَذُ بِهِ وَ يُتْرَكُ مَا خَالَفَ حُكْمَهُ الْكِتَابِ وَ السُّنَّةِ وَ وَافَقَ الْعَامَّةَ

He^{-asws} said: 'Whatever his judgment is compatible with Judgment of the Book and the Sunnah and opposes the general Muslims should be taken with, and whatever of his judgment opposes Judgment of the Book and the Sunnah and is compatible to the general Muslims should be neglected!'

قُلْتُ جُعِلْتُ فِدَاكَ أَرَأَيْتَ إِنْ كَانَ الْقَمِيهَانِ عَرَفَا حُكْمَهُ مِنَ الْكِتَابِ وَ السُّنَّةِ ثُمَّ وَجَدْنَا أَحَدَ الْخَيْرَيْنِ يُوَافِقُ الْعَامَّةَ وَ الْآخَرَ يُخَالِفُ بَإَيِّهِمَا نَأْخُذُ مِنَ الْخَيْرَيْنِ

I said, 'May I be sacrificed for you^{-asws}! What is your^{-asws} view if they were both jurists, recognising its ruling from the Book and the Sunnah? Then we find one of the Hadeeth being compatible with the general Muslims and the other opposing, which of the two should we take from the two Ahadeeth?'

قَالَ يُنْظَرُ إِلَى مَا هُمْ إِلَيْهِ يَمِيلُونَ فَإِنْ مَا خَالَفَ الْعَامَّةَ فَفِيهِ الرَّشَادُ

He^{-asws} said: 'One should look at when they are inclining towards, for whatever opposes the general Muslims, the rightful guidance is in it'.

قُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ وَافَقَهُمُ الْخَيْرَانِ جَمِيعاً

I said, 'May I be sacrificed for you^{-asws}! Supposing both the Ahadeeth are compatible with them all?'

قَالَ انْظُرُوا إِلَى مَا يَمِيلُ إِلَيْهِ حُكَّامُهُمْ وَ قُضَاتُهُمْ فَاتَّبِعُوهُ جَانِباً وَ حَذُّوا بِعَبْرِهِ

He^{-asws} said: 'Look at what their rulers and their judges are inclining towards, leave it aside and take with the other one!'

قُلْتُ فَإِنْ وَافَقَ حُكَّامُهُمُ الْخَيْرَيْنِ جَمِيعاً

I said, 'Supposing their rulers are compatible with both the Ahadeeth together?'

قَالَ إِذَا كَانَ كَذَلِكَ فَأَرْجِهْ وَ قِفْ عِنْدَهُ حَتَّى تَلْقَى إِمَامَكَ فَإِنَّ الْوُقُوفَ عِنْدَ الشُّبُهَاتِ خَيْرٌ مِنَ الْإِفْتِخَامِ فِي الْهَلَكَاتِ وَ اللَّهُ أَلْمُرْشِدُ.

He^{-asws} said: 'When it was like that, postpone it and pause at it until you meet your Imam^{-asws}, for the pausing at the suspect matters is better than the storming into the destruction, and Allah^{-azwj} is the Guide'.¹¹⁶⁴

2- ج، الإحتجاج عَنْ سَعْدِ بْنِ أَبِي الْحَصِيبِ قَالَ: دَخَلْتُ أَنَا وَابْنُ أَبِي لَيْلَى الْمَدِينَةَ فَبَيْنَا نَحْنُ فِي مَسْجِدِ الرَّسُولِ ص إِذْ دَخَلَ جَعْفَرُ بْنُ مُحَمَّدٍ ع فَقُمْنَا إِلَيْهِ فَسَأَلَنِي عَنْ نَفْسِي وَ أَهْلِي ثُمَّ قَالَ مَنْ هَذَا مَعَكَ

(The book) 'Al Ihtijaj' – From Sa'ad Bin Abu Al Khaseyb who said,

'I and Ibn Abu Layla entered Al-Medina. While we were in Masjid of the Rasool^{-saww} when Ja'far^{-asws} Bin Muhammad^{-asws} entered. We stood up to him^{-asws}. He^{-asws} asked me about myself and my family, then said: 'Who is this one with you?'

فَقُلْتُ ابْنُ أَبِي لَيْلَى قَاضِي الْمُسْلِمِينَ

I said, 'Ibn Abu Layla, judge of the Muslims!'

فَقَالَ نَعَمْ

He^{-asws} said: 'Yes'.

ثُمَّ قَالَ لَهُ تَأْخُذُ مَالَ هَذَا فَتُعْطِيهِ هَذَا وَ تُفَرِّقُ بَيْنَ الْمَرْءِ وَ زَوْجِهِ وَ لَا تَخَافُ فِي هَذَا أَحَدًا

Then he^{-asws} said to him: 'You take the wealth of this one and give it to this one, and you separate between the man and his wife and you don't fear anyone in this?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَبِأَيِّ شَيْءٍ تَقْضِي

He^{-asws} said: 'So by which thing do you judge?'

قَالَ بِمَا بَلَغَنِي عَنْ رَسُولِ اللَّهِ ص وَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ

He said, 'With whatever has reached me from Rasool-Allah^{-saww}, and from Abu Bakr and Umar'.

قَالَ فَبَلَّغَكَ أَنَّ رَسُولَ اللَّهِ ص قَالَ أَقْضَاكُمْ عَلَيَّ

He^{-asws} said: 'Has it reached you that Rasool-Allah^{-saww} had said that your most judicial is Ali^{-asws}?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَكَيْفَ تَقْضِي بِغَيْرِ قَضَاءٍ عَلَيَّ ع وَ قَدْ بَلَغَكَ هَذَا

He^{-asws} said: 'So how come you are judging with other than the judgment of Ali^{-asws}, and this has reached you?'

قَالَ فَاصْفَرْ وَجْهَ ابْنِ أَبِي لَيْلَى ثُمَّ قَالَ التَّمَسَّ لِتَفْسِكَ زَمِيلًا وَ اللَّهُ لَا أُحْكِمُكَ مِنْ رَأْسِي كَلِمَةً أَبَدًا.

He (the narrator) said, 'The face of Ibn Abu Layla paled. Then he^{-asws} said: 'Seek a companion for yourself. By Allah^{-azwj}, I^{-asws} will not speak to you from my^{-asws} head a single word, ever!'¹¹⁶⁵

3- ل، الخصال جَعْفَرُ بْنُ عَلِيٍّ عَنْ جَدِّهِ الْحَسَنِ بْنِ عَبْدِ اللَّهِ عَنْ عَلِيٍّ بْنِ حُسَيْنٍ عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا فَشَتْ أَرْبَعَةٌ ظَهَرَتْ أَرْبَعَةٌ إِذَا فَشَا الزَّيْنُ ظَهَرَتِ الزَّلَازِلُ وَ إِذَا أُمْسِكَتِ الرِّكَاءُ هَلَكَتِ الْمَاشِيَةُ وَ إِذَا جَارَ الْحُكَّامُ فِي الْقَضَاءِ أُمْسِكَتِ الْقَطْرُ مِنَ السَّمَاءِ وَ إِذَا خُفِرَتِ الدِّمَةُ نُصِرَ الْمُشْرِكُونَ عَلَى الْمُسْلِمِينَ.

(The book) 'Al Khisaal' – Ja'far Bin Ali, from his grandfather Al Hassan Bin Abdullah, from Ali Bin Hassan, from his uncle Abdul Rahman,

From Abu Abdullah^{-asws} having said: 'When four (matters) are widespread, four will appear. When the adultery is widespread the earthquakes will appear, and when the Zakat is withheld the livestock will perish, and when the judges are tyrannical in the judging the drops of the sky will be withheld, and when protection (by the Muslims government to the people of the Book) is violated, the Polytheists will be victorious over the Muslims'.¹¹⁶⁶

4- ل، الخصال ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ ابْنِ أَبِي بَرْقٍ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع قَالَ: الْقَضَاءُ أَرْبَعَةٌ قَاضٍ قَاضٍ بِالْحَقِّ وَ هُوَ لَا يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي النَّارِ وَ قَاضٍ قَاضٍ بِالْبَاطِلِ وَ هُوَ لَا يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضٍ قَاضٍ بِالْبَاطِلِ وَ هُوَ يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضٍ قَاضٍ بِالْحَقِّ وَ هُوَ يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي الْجَنَّةِ.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from his father, from Ibn Abu Umeyr raising it to,

Abu Abdullah^{-asws} said: 'The judgments are four – a judge judges with the truth and he does not know that it is the truth, so he would be in the Hellfire; and a judge judging with the falsehood and he does not know that it is false, so he would be in the Hellfire; and a judge judging with the falsehood and he knows that it is false, he would be in the Hellfire; and a judge judging with the truth and he knows that it is true, he would be in the Paradise'.¹¹⁶⁷

5- ل، الخصال عَنِ الصَّادِقِ ع قَالَ: لَا يَطْمَعَنَّ قَلِيلُ الْفَقْهِ فِي الْقَضَاءِ.

¹¹⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 2

¹¹⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 3

¹¹⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 4

(The book) 'Al Khisaal' -

From Al-Sadiq^{asws} having said: 'The one of little (knowledge of) jurisprudence should not have aspiration in judging'.¹¹⁶⁸

6- ضا، فقه الرضا عليه السلام اعلم أنَّ القضاة أربعة قاضٍ يفتي بالباطل وهو يعلم أنه باطل فهو في النار وقاضٍ يفتي بالبطل وهو لا يعلم أنه باطل فهو في النار وقاضٍ قضى بالحق وهو لا يعلم أنه حق فهو في الجنة فاجتنب القضاء إنك لا تقيم به.

(The book) 'Fiqh Al-Reza^{asws}' – 'Know that the judgments are four – a judge judging with the falsehood and he knows that it is false, so he would be in the Hellfire; and a judge judging with the falsehood and he does not know that it is false, he would be in the Hellfire; and a judge judging with the truth and he does not know it is true, he would be in the Hellfire; and a judge judging with the truth and he knows it is true, he would be in the Paradise! Therefore, shun the judging for you cannot stand with it (uphold it)!'¹¹⁶⁹

7- شي، تفسير العياشي عن يونس مولى علي عن أبي عبد الله ع قال: مَنْ كَانَتْ بَيْنَهُ وَبَيْنَ أَخِيهِ مَنَازَعَةٌ فَدَعَاهُ إِلَى رَجُلٍ مِنْ أَصْحَابِهِ يَحْكُمُ بَيْنَهُمَا فَأَبَى إِلَّا أَنْ يَرْفَعَهُ إِلَى السُّلْطَانِ فَهُوَ كَمَنْ حَاكَمَ إِلَى الْحَيْتِ وَالطَّاغُوتِ وَقَدْ قَالَ اللَّهُ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ إِلَى قَوْلِهِ بَعِيداً.

Tafseer Al-Ayyashi – From Yunus, a disciple of Ali,

From Abu Abdullah^{asws} having said: 'One who has a dispute between him and his brother so he calls him to a man from his companion to judge between them but he refuses except that he will raise it to the ruler, he is like the one who has gone for judgment to the false god (Jibt) and the tyrant (Taghout), and Allah^{azwj} has Said: **They are intending to summon each other to the judgment of the tyrant, although they have been Commanded to disbelieve in him, and the Satan intends to stray them with a far straying [4:60]**'.¹¹⁷⁰

8- شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع في قول الله تعالى أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا نُزِّلَ إِلَيْكَ وَمَا أَتَزَلَّ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

From Abu Abdullah^{asws} regarding Words of Allah^{azwj} Exalted: **Have you not seen those who are alleging that they do believe in what is Revealed unto you and what was Revealed from before you? They are intending to summon each other to the judgment of the tyrant [4:60].**

فَقَالَ يَا أَبَا مُحَمَّدٍ إِنَّهُ لَوْ كَانَ لَكَ عَلَى رَجُلٍ حَقٌّ فَدَعَوْتُهُ إِلَى حُكَامِ أَهْلِ الْعَدْلِ فَأَبَى عَلَيْكَ إِلَّا أَنْ يُرَافَعَكَ إِلَى حُكَامِ أَهْلِ الْجَوْرِ لِيَقْضُوا لَهُ كَانَ يَمْنُ حَاكَمَ إِلَى الطَّاغُوتِ.

He^{asws} said: 'O Abu Muhammad! It is that if there was a right for you upon a man so you call him to the judges of the just people but he refuses upon you except he will raise your case to

¹¹⁶⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 5

¹¹⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 6

¹¹⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 7

the judges of the tyrannical people in order for them to judge for him, he would be from the ones taking a case to the tyrant'.¹¹⁷¹

9- شي، تفسير العياشي عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سُئِلَ عَنِ الْحُكُومَةِ قَالَ مَنْ حَكَمَ بِرَأْيِهِ بَيْنَ اثْنَيْنِ فَقَدْ كَفَرَ.

(The book) 'Tafseer Al Ayyashi' – From Ammar Bin Musa,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked about the judging. He^{-asws} said: 'One who judges between two by his opinion, he has committed Kufr (blasphemed)!'¹¹⁷²

10- شي، تفسير العياشي عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ أَنَّ عَلِيًّا ع مَرَّ عَلَى قَاضٍ فَقَالَ هَلْ تَعْرِفُ النَّاسِيخَ مِنَ الْمُنْسُوخِ

(The book) 'Tafseer Al Ayyashi' – From Abdul Rahman Al Sulamy,

'Ali^{-asws} passed by a judge. He^{-asws} said: 'Do you recognise the Abrogating from the Abrogated (Verses of the Quran)?'

قَالَ لَا

He said, 'No'.

فَقَالَ هَلَكْتَ وَ أَهْلَكَتَ تَأْوِيلُ كُلِّ حَرْفٍ مِنَ الْقُرْآنِ عَلَى وَجْهِهِ.

He^{-asws} said: 'You are destroyed and getting others to be destroyed! Interpretation of every letter of the Quran is based upon its perspective!'¹¹⁷³

11- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لَهُ قَوْلُ اللَّهِ - وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَ تَذُلُّوا بِهَا إِلَى الْحُكَّامِ

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said to him^{-asws}, **'And do not devour your wealth between yourselves by falsehood, dangling these (as a bribe) to the judges [2:188]'**.

فَقَالَ يَا أَبَا بَصِيرٍ إِنَّ اللَّهَ قَدْ عَلِمَ أَنَّ فِي الْأُمَّةِ حُكَّامًا يَجُورُونَ أَمَا إِنَّهُ لَمْ يَغْنِ حُكَّامُ أَهْلِ الْعَدْلِ وَ لَكِنَّهُ عَنِ حُكَّامِ أَهْلِ الْجَوْرِ

He^{-asws} said: 'O Abu Baseer! Allah^{-azwj} knew that in the community, there will be judges who will be judging tyrannically. But, He^{-azwj} does not Mean the just people, but He^{-azwj} means the judges of the tyrannical people.

يَا أَبَا مُحَمَّدٍ أَمَا إِنَّهُ لَوْ كَانَ لَكَ عَلَى رَجُلٍ حَقٌّ فَدَعَوْتَهُ إِلَى حُكَّامِ أَهْلِ الْعَدْلِ فَأَتَى عَلَيْكَ إِلَّا أَنْ يُرَافِعَكَ إِلَى حُكَّامِ أَهْلِ الْجَوْرِ لَيَقْضُوا لَهُ كَانَ مِنْ يُحَاكِمَ إِلَى الطَّاغُوتِ.

¹¹⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 8

¹¹⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 9

¹¹⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 10

O Abu Muhammad! But, if there were to be a right for you upon a man, so you call him to judges of the just people, but he refuses upon you except that he will raise you to the judges of the tyrannical people for them to judge for him, he would be from the ones taking a case to the tyrants'.¹¹⁷⁴

12- شي، تفسير العياشي عن الحسن بن علي قال: قرأت في كتاب أبي الأسد إلى أبي الحسن الثاني ع و جوابه بخطه سأل عن تفسير قوله - و لا تأكلوا أموالكم بينكم بالباطل و ثدلوا بها إلى الحكام

(The book) 'Tafseer Al Ayyashi' –

From Al-Hassan^{-asws} Bin Ali^{-asws} having said: 'I read in a letter of Abu Al-Asad to Abu Al-Hassan^{-asws} the 2nd, and his^{-asws} answer in his^{-asws} handwriting, asking about interpretation of His^{-azwj} Words: **'And do not devour your wealth between yourselves by falsehood, dangling these (as a bribe) to the judges [2:188]'**.

قال فكتب إليه الحكام القضاء

He (the narrator) said, 'He^{-asws} wrote to him: 'The 'Hukam' (in the Verse) are the judges'.

قال ثم كتب تحته هو أن يعلم الرجل أنه ظالم العاصي و هو غير معذور في أخذه ذلك الذي حكم له به إذا كان قد علم أنه ظالم.

Then he^{-asws} wrote beneath it: 'It is that the man knows he is unjust, disobedient, and he is not excused in his taking that which has been judged for him with, when he had known that he (judge) is unjust'.¹¹⁷⁵

13- شي، تفسير العياشي عن عبد الله بن مسكان عن أبي عبد الله عن أبيه عن آتائه ع قال قال رسول الله ص من حكم في درهمين حكم جور ثم كبر عليه كان من أهل هذه الآية - و من لم يحكم بما أنزل الله فأولئك هم الكافرون

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Muskan,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who judges regarding two Dirham a tyrannical judgment, then enforces upon him, would be from the people of this Verse: **And the ones who do not judge with what Allah Revealed, so them, they are the Kafirs [5:44]'**.

فقلت يا ابن رسول الله و كيف [جبر] عليه

I said, 'O son^{-asws} of Rasool-Allah^{-saww}, and how does he enforce upon him?'

قال يكون له سوط و سجن فيحكم عليه فإن رضي بحكومته و إلا ضربته بسوطه و حبسه في سجنه.

¹¹⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 11

¹¹⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 12

He^{-asws} said: 'For him would be a whip, and a prison, so he judges against him. Either he agrees with it or else he would beat him with his whip and hold him in his prison'.¹¹⁷⁶

14- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَكَمَ فِي دِرْهَمَيْنِ بغيرِ مَا أَنْزَلَ اللَّهُ فَقَدْ كَفَرَ وَ مَنْ حَكَمَ فِي دِرْهَمَيْنِ فَأَخْطَأَ كَفَرَ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

From Abu Abdullah^{-asws} having said: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} has Revealed has committed Kufr, and the one who judges regarding two Dirhams, so he errs, has committed Kufr'.¹¹⁷⁷

15- شي، تفسير العياشي عَنْ أَبِي بصيرٍ بن [عَنْ] عَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ سَمِعْتُهُ يَقُولُ مَنْ حَكَمَ فِي دِرْهَمَيْنِ بغيرِ مَا أَنْزَلَ اللَّهُ فَهُوَ كَافِرٌ بِاللَّهِ الْعَظِيمِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer, from Ali,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} has Revealed, he is a disbeliever (Kafir) in Allah^{-azwj} the Magnificent!'¹¹⁷⁸

16- شي، تفسير العياشي عَنْ بَعْضِ أَصْحَابِهِ قَالَ سَمِعْتُ عَمَّاراً يَقُولُ عَلَى مِنْبَرِ الْكُوفَةِ- ثَلَاثَةٌ يَشْهَدُونَ عَلَى عُثْمَانَ أَنَّهُ كَافِرٌ وَ أَنَا الرَّابِعُ وَ أَنَا أُسَمِّ الْأَرْبَعَةَ

(The book) 'Tafseer Al Ayyashi' –

From one of his companions who said, 'I heard Ammar^{-ra} saying upon the pulpit of Al-Kufa, 'Three testified upon Usman that he was a Kafir, and I^{-ra} am the fourth!'

ثُمَّ قَرَأَ هَؤُلَاءِ الْآيَاتِ فِي الْمَائِدَةِ- وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ وَ الظَّالِمُونَ وَ الْفَاسِقُونَ.

Then he^{-ra} read this Verse in (Surah) Al Maidah: **And the one who does not judge with what Allah Revealed, so them, they are the transgressors [5:47]**'.¹¹⁷⁹

17- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ عَلِيُّ ع مَنْ قَضَى فِي دِرْهَمَيْنِ بغيرِ مَا أَنْزَلَ اللَّهُ فَقَدْ كَفَرَ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer,

From Abu Ja'far^{-asws} having said: 'Ali^{-asws} said: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} has Revealed has committed Kufr'.¹¹⁸⁰

¹¹⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 13

¹¹⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 14

¹¹⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 15

¹¹⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 16

¹¹⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 17

18- شي، تفسير العياشي عن أبي العباس عن أبي عبد الله ع قال: مَنْ حَكَمَ فِي دِرْهَمَيْنِ بَعَثَ مَا أَنْزَلَ اللَّهُ فَقَدْ كَفَرَ فُلْتُ كَفَرَ بِمَا أَنْزَلَ اللَّهُ أَوْ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ ص قَالَ وَبَلَدٌ إِذَا كَفَرَ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ أَلَيْسَ قَدْ كَفَرَ بِمَا أَنْزَلَ اللَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Abu Al Abbas,

From Abu Abdullah^{-asws} having said: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} Revealed has committed Kufr'.¹¹⁸¹

19- كش، رجال الكشي مُحَمَّدُ بْنُ مَسْعُودٍ عَنْ أَحْمَدَ بْنِ مَنصُورٍ عَنْ أَحْمَدَ بْنِ الْفَضْلِ الْكُنَاسِيِّ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ ع أَيُّ شَيْءٍ بَلَغَنِي عَنْكُمْ

(The book) 'Rijal Al Kashi' – Muhammad Bin Masoud, from Ahmad Bin Mansour, from Ahmad Bin Al Fazl Al Kunasi who said,

'Abu Abdullah^{-asws} said to me: 'Which thing has reached me^{-asws} about you all?'

فُلْتُ مَا هُوَ

I said, 'What is it?'

قَالَ بَلَغَنِي أَنَّكُمْ أَفَعَدْتُمْ قَاضِيًا بِالْكُنَاسَةِ

He^{-asws} said: 'It has reached me that you have sat (appointed) a judge at Al-Kunasa?'

قَالَ فُلْتُ نَعَمْ جُعِلْتُ فِدَاكَ رَجُلٌ يُقَالُ لَهُ عُرْوَةُ الْقَتَّاتِ وَ هُوَ رَجُلٌ لَهُ حِظٌّ مِنْ عَقْلِ نَجْتَمِعُ عِنْدَهُ فَنَتَكَلَّمُ وَ نَتَسَاءَلُ ثُمَّ نَرُدُّ ذَلِكَ إِلَيْكُمْ

He (the narrator) said, 'I said, 'Yes, may I be sacrificed for you^{-asws}, a man called Urwah Al-Qattat, and he is a man having a good share of intellect. We gather with him, so we talk and ask, then we refer that to you (Imams^{-asws})'.

قَالَ لَا بَأْسَ.

He^{-asws} said: 'There is no problem'.¹¹⁸²

20- كِتَابُ الْغَايَاتِ، قَالَ ع خَيْرُ النَّاسِ قُضَاةُ الْحَقِّ.

(The book) 'Kitab Al Gayaat' -

He^{-asws} said: 'Best of the people are the judges (judging with) the truth'.¹¹⁸³

21- تَهْجُ الْبَلَاغَةِ وَ مِنْ كَلَامِهِ ع فِي صِفَةِ مَنْ يَتَصَدَّى لِلْحُكْمِ بَيْنَ الْأُمَمِ وَ لَيْسَ لِدَلِكِ بِأَهْلٍ إِنَّ أُنْعَضَ الْخَلَائِقِ إِلَى اللَّهِ رَجُلَانِ

¹¹⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 18

¹¹⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 19

¹¹⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 20

(The book) 'Nahj Al-Balagh' - From a speech of his^{-asws} in describing the one who sits for the judging between the community, and he isn't rightful with it: 'The most hateful to Allah^{-azwj} are two types (of people): -

رَجُلٌ وَكَلَهُ اللَّهُ إِلَى نَفْسِهِ فَهُوَ جَائِرٌ عَنْ قَصْدِ السَّبِيلِ مَشْغُوفٌ بِكَلَامٍ بَدْعَةٍ وَ دُعَاءِ ضَلَالَةٍ فَهُوَ فِتْنَةٌ لِمَنْ افْتَتَنَ بِهِ ضَالٌّ عَنْ هَدْيٍ مَنْ كَانَ قَبْلَهُ مُضِلٌّ لِمَنْ افْتَتَدَى بِهِ فِي حَيَاتِهِ وَ بَعْدَ وَفَاتِهِ حَمَلٌ خَطَايَا غَيْرِهِ رَهْنٌ بِخَطِيئَتِهِ

A man whom Allah^{-azwj} Allocates him to himself. He deviates from the purpose of the way. He loves to speak innovations and call to the straying. Thus, he is a *Fitna* for the one who is tempted by him. He strays away from the guidance by the ones who were before him, straying the one who take his lead during his lifetime and after his death. He is a carrier of sins of others, pledged with his own sins.

وَ رَجُلٌ قَمَشَ جَهْلًا مُوضِعٌ فِي جُحَالِ الْأُمَّةِ عَادٍ فِي أَغْبَاشِ الْفِتْنَةِ عَمَّ بِمَا فِي عَقْدِ الْهَدْيَةِ قَدْ سَمَّاهُ أَشْبَاهُ النَّاسِ عَالِمًا وَ لَيْسَ بِهِ

And a man who has collected ignorance. He is quick among the ignoramuses of the community, turning in the darkness of the *Fitna*, blind to the advantages of peace and reconciliation. Those resembling the people have named him as a scholar, and he isn't it.

بَكَرٌ فَاسْتَكْتَرَ مِنْ جَمْعٍ مَا قَلَّ مِنْهُ خَيْرٌ مِمَّا كَثُرَ حَتَّى إِذَا ارْتَوَى مِنْ مَاءٍ آجِنٍ وَ [اِكْتَنَزَ] اِكْتَنَزَ مِنْ غَيْرِ طَائِلٍ جَلَسَ بَيْنَ النَّاسِ قَاضِيًا ضَامِنًا لِتَخْلِيصِ مَا التَّبَسَّ عَلَى غَيْرِهِ

He goes out early morning amassing a lot, the little from it would have been better than what is more, until when has saturated from the polluted waters and acquired meaningless things, he sits between the people as a judge responsible for solving what is confusing upon others.

فَإِنْ نَزَلَتْ بِهِ إِحْدَى الْمُبْهَمَاتِ هَيَّا لَهَا حَشْوًا زُتًا مِنْ رَأْيِهِ ثُمَّ قَطَعَ بِهِ فَهُوَ مِنْ لَبْسِ الشُّبُهَاتِ فِي مِثْلِ نَسْجِ الْعَنْكَبُوتِ لَا يَذَرِي أَصَابَ أَمْ أَخْطَأَ فَإِنْ أَصَابَ خَافَ أَنْ يَكُونَ قَدْ أَخْطَأَ وَ إِنْ أَخْطَأَ رَجَا أَنْ يَكُونَ قَدْ أَصَابَ

If one of the ambiguous problems befalls with him, he prepares for it an additional useless argument from his opinion, then he cuts (judges) by it. Thus, he gets entangled in the confusing doubts in an example of the spider's web. He does not know whether he is correct or has erred. If he is correct, he fears that he might has erred, and if he has erred, he hopes that he would be correct.

جَاهِلٌ خَبَّاطٌ جَهْلَالٌ عَاشِيَ رَكَابُ عَشَوَاتٍ لَمْ يَعْصُ عَلَى الْعِلْمِ بِضُرْسٍ قَاطِعٍ - [يُذَرِي] يَذُرُو الرُّوَائِيَاتِ [إِذْرَاءً] دَزَوُ الرِّيحِ الْهَشِيمِ

He is an ignoramus wandering in the in the ignorance's of life riding without guidance. He does not bite upon the knowledge with cutting incisors. He scatters the reports the (like) the winds scattering leaves.

لَا مَلِيٍّ وَ اللَّهُ إِضْدَارٌ مَا وَرَدَ عَلَيْهِ وَ لَا [هُوَ] أَهْلٌ لِمَا [فُوضَ] فُوطَ بِهِ [إِلَيْهِ] لَا يَحْسِبُ الْعِلْمَ فِي شَيْءٍ مِمَّا أَنْكَرَهُ وَ لَا يَرَى أَنَّ مِنْ وَرَاءِ مَا بَلَغَ مَذْهَبًا لغيرِهِ

By Allah^{-azwj}! He is neither capable of resolving what is referred to him, nor is he rightful of what position has been assigned to him, nor does he reckon the knowledge regarding

anything from what he has denied, nor does he view that there beyond his reach is a doctrine reached by others.

وَ إِن أَظْلَمَ عَلَيْهِ أَفْئَرُ أَكْتَنَمَ بِهِ لِمَا يَغْلُمُ مِنْ جَهْلِ نَفْسِهِ تَصْرُحُ مِنْ جَوْرِ قَضَائِهِ الدِّمَاءُ وَ تَعَجُّ مِنْهُ الْمَوَارِيثُ

And if a matter is obscure to him, he conceals it due to what he knows of his own ignorance. The bloods (lost lives) are crying out due to the tyranny of his judgments, and the inheritances (misappropriated) are grumbling from him.

إِلَى اللَّهِ أَشْكُو مِنْ مَعْشَرٍ يَعْيشُونَ جَهْلًا وَ يَمُوتُونَ ضَلَالًا لَيْسَ فِيهِمْ سِلْعَةٌ أَبْوَرُ مِنَ الْكِتَابِ إِذَا ثَلِيَ حَقُّ تِلَاوَتِهِ وَ لَا سِلْعَةٌ أَنْفَقَ بَيْعًا وَ لَا أَعْلَى ثَمَنًا مِنَ الْكِتَابِ إِذَا حُرِفَ عَنْ مَوَاضِعِهِ وَ لَا عِنْدَهُمْ أَنْكَرُ مِنَ الْمَعْرُوفِ وَ لَا أَعْرَفُ مِنَ الْمُنْكَرِ

I^{-asws} complain to Allah^{-azwj} of the people living in ignorance and dying in straying. There is no commodity more ruinous among them than the Book when it is recited as it is right of reciting it, and there is no commodity more expensive to sell nor of a higher price than the Book when (it's Verses) are altered from its place, nor is there anything eviller than the act of kindness, nor anything more recognised than the evil'.¹¹⁸⁴

22- نَحَج، نَحَجُ الْبَلَاغَةَ فِي عَهْدِهِ عَ لِلْأَشْتَرِ رَضِيَ اللَّهُ عَنْهُ ثُمَّ اخْتَرُ لِلْحُكْمِ بَيْنَ النَّاسِ أَفْضَلَ رَعِيَّتِكَ فِي نَفْسِكَ مِمَّنْ لَا تَضِيقُ بِهِ الْأُمُورُ وَ لَا يَمُحِكُهُ الْخُصُومُ وَ لَا يَتَمَادَى فِي الرِّزَّةِ وَ لَا يَحْضَرُ مِنَ الْفِيءِ إِلَى الْحَقِّ إِذَا عَرَفَهُ وَ لَا تُشْرِفُ نَفْسُهُ عَلَى طَمَعٍ وَ لَا يَكْتَفِي بِأَذْنٍ فَهُمْ دُونَ أَقْصَاهُ

(The book) 'Nahj Al Balagah' -

In his^{-asws} pact for Al-Ashtar^{-ra}, may Allah^{-azwj} be Pleased with him^{-ra}: 'Then choose between the people for the judgment, the most superior of your citizens in your view, from the ones the affairs would not be restricted with him, nor would his judgment, nor would he deliberately be in the error, nor would he be confined from the environment to the truth when he does recognise it, nor would be overlook himself upon greed nor suffice with low understanding besides being thorough.

[وَ] أَوْقَفَهُمْ فِي الشُّبُهَاتِ وَ أَخَذَهُمْ بِالْحُجَجِ وَ أَقْلَهُمْ تَبَرُّمًا بِمُرَاجَعَةِ الْخُصْمِ وَ أَصْرَهُمْ عَلَى تَكْشِيفِ الْأُمُورِ وَ أَصْرَهُمْ عِنْدَ إِصْصَاحِ الْحُكْمِ مِمَّنْ لَا يَزِدُّهُ إِطْرَاءٌ وَ لَا يَسْتَمِيلُهُ إِغْرَاءٌ وَ أَوْلِيَاكَ قَلِيلٌ

And he should pause them during the doubtful matters, and take them with the arguments, and least disgusted with the dispute of the litigants, and most patient of them upon uncovering the affairs and their bravest at passing the judgment, from the ones compliments do not sway him nor would he be tempted by elation, and they are few.

ثُمَّ أَكْثَرَ تَعَاهَدَ قَضَائِهِ وَ أَسْخَحَ لَهُ فِي الْبَدَلِ مَا يُرِيحُ عِلَّتَهُ وَ تَقِلُّ مَعَهُ حَاجَتُهُ إِلَى النَّاسِ وَ أَعْطَاهُ مِنَ الْمَنْزِلَةِ لَدَيْكَ مَا لَا يَطْمَعُ فِيهِ غَيْرُهُ مِنْ خَاصَّتِكَ لِئَامَنْ بِذَلِكَ اغْتِيَالَ الرِّجَالُ لَهُ عِنْدَكَ

Then frequently check his judgment and be generous to him in the expenses what would impede his reason and his needs to the people would be reduced by it, and give him from the

status with you what no others can covet regarding it apart from him, from your special ones for him to be safe by that from the men in your presence to aspire to him'.¹¹⁸⁵

23- **وَقَالَ ع** فِيمَا كَتَبَ إِلَى قُتَيْبِ بْنِ الْعَبَّاسِ وَاجْلِسْ لَهُمُ الْعَصْرَيْنِ فَأُفْتِ لِلْمُسْتَفْتَى وَعَلِمِ الْجَاهِلَ وَذَاكِرِ الْعَالِمَ وَلَا يَكُنْ لَكَ إِلَى النَّاسِ سَفِيرٌ إِلَّا لِسَائِكَ وَلَا حَاجِبٌ إِلَّا وَجْهُكَ وَلَا تَحْجَبَنَّ ذَا حَاجَةٍ عَنْ لِقَائِكَ بِهَا فَإِنَّهَا إِنْ ذِيدَتْ عَنْ أَبْوَابِكَ فِي أَوَّلِ وَرْدِهَا لَمْ تَجِدْ فِيمَا بَعْدَ عَلَى قَضَائِهَا.

And he^{-asws} said in what he^{-asws} had written to Qusam Bin Al-Abbas: 'And sit to them (for judgment) morning and afternoon. Issue verdict to the seeker of verdict, and teach the ignorant, and discuss with the learned and do not let an ambassador to be for you to the people except your tongue, nor any guard except your face, nor bar the one with need to see you for if he is impeded from your door during the first arrival, you will not be praised upon fulfilling it afterwards'.¹¹⁸⁶

24- **وَمِنْ وَصِيَّتِهِ ع** لِعَبْدِ اللَّهِ بْنِ الْعَبَّاسِ عِنْدَ اسْتِخْلَافِهِ إِثَارُهُ عَلَى الْبَصْرَةِ سَعِ النَّاسِ بِوَجْهِكَ وَتَجَلُّسِكَ وَحُكْمِكَ وَإِيَّاكَ وَالْغَضَبُ فَإِنَّهُ طَيْرَةٌ مِنَ الشَّيْطَانِ.

And from his^{-asws} advice to Abdullah Bin Al-Abbas at his^{-asws} appointing him as a caliph upon Al-Basra: 'Be capacious to the people with your face, and your gathering, and your decisions, and beware of the anger for it is an evil omen from the Satan'.¹¹⁸⁷

25- **الْهِدَايَةُ، الْقَضَاءُ وَالْأَحْكَامُ** الْحُكْمُ فِي الدَّعَاوِي كُلُّهَا أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعِي وَالْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ فَإِنْ رَدَّ الْمُدَّعَى عَلَيْهِ الْيَمِينَ عَلَى الْمُدَّعِي إِذَا لَمْ يَكُنْ لِلْمُدَّعِي شَاهِدَانِ فَلَمْ يَخْلُفْ فَلَا حَقَّ لَهُ إِلَّا فِي الْحُدُودِ فَإِنَّهُ لَا يَمِينَ فِيهَا وَفِي الدَّمِ فَإِنَّ الْبَيِّنَةَ عَلَى الْمُدَّعَى عَلَيْهِ وَالْيَمِينَ عَلَى الْمُدَّعِي لَمَّا لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ.

(The book) 'Al-Hidaya' - Judgment and rulings - The burden of proof is on the claimant, and the oath is on the defendant. If the defendant rejects the oath, it is on the claimant, provided the claimant does not have two witnesses and does not swear, then he has no right except in cases of legal penalties, where there is no oath, and in matters of blood, for the evidence is on the defendant and the oath is on the claimant so that the blood of a Muslim person is not invalidated'.¹¹⁸⁸

¹¹⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 22

¹¹⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 23

¹¹⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 24

¹¹⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 25

CHAPTER 6 – ABHORRENCE OF PROLONGED DISPUTE

1- نَهَجُ الْبَلَاغَةِ، فِي حَدِيثِهِ ع أَنَّ لِلْخُصُومَةِ فُحْمًا.

(The book) 'Nahj Al-Balagah' -

In his^{-asws} Hadeeth: 'For the disputes there is ruination'.¹¹⁸⁹

2- نَهَجُ الْبَلَاغَةِ، قَالَ ع مَنْ بَالَعَ فِي الْخُصُومَةِ أَثَمَ وَ مَنْ قَصَرَ فِيهَا ظَلِمَ وَ لَا يَسْتَطِيعُ أَنْ يَتَّقِيَ اللَّهَ مَنْ خَاصَمَ.

(The book) 'Nahj Al-Balagah' -

He^{-asws} said: 'One going to the extreme in the disputing sins, and the one deficient in it will be oppressed, and the one who disputes you is not capable of fearing Allah^{-azwj}'.¹¹⁹⁰

3- دَعَائِمُ الْإِسْلَامِ، رُوِيَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ صَلَوَاتُ اللَّهِ عَلَيْهِ أَنَّهُ قَالَ يَوْمًا لِابْنِ أَبِي لَيْلَى أَ تَقْضِي بَيْنَ النَّاسِ يَا عَبْدَ الرَّحْمَنِ

(The book) 'Da'aim Al Islam' -

We are reporting from Ja'far^{-asws} Bin Muhammad^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws}. One day he^{-asws} said to Ibn Abu Layla, 'Are you judging between the people, O Abdul Rahman?'

فَقَالَ نَعَمْ يَا ابْنَ رَسُولِ اللَّهِ

He said, 'Yes, O son^{-asws} of Rasool-Allah^{-saww}!'

قَالَ تَنْزِعُ مَالًا مِنْ يَدَيَّ هَذَا فَتُعْطِيهِ هَذَا وَ تَنْزِعُ امْرَأَةً مِنْ يَدَيَّ هَذَا فَتُعْطِيهَا هَذَا قَالَ نَعَمْ

He^{-asws} said: 'You snatch the wealth from the hands of this one and cut this one off, and you snatch a woman from the hands of this one and you give her to this one?'

قَالَ بَلَى مَا تَفْعَلُ ذَلِكَ كُلُّهُ

He^{-asws} said: 'By what do you do all of that?'

قَالَ بِكِتَابِ اللَّهِ

He said, 'By the Book of Allah^{-azwj}'.

¹¹⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 1

¹¹⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 2

قَالَ كُلُّ شَيْءٍ تَفْعَلُهُ يَجِدُهُ فِي كِتَابِ اللَّهِ

He^{-asws} said: 'Everything you do, you find it in the Book of Allah^{-azwj}'

قَالَ لَا

He said, 'No'.

قَالَ فَمَا لَمْ يَجِدْهُ فِي كِتَابِ اللَّهِ فَمِنْ أَيْنَ تَأْخُذُهُ

He^{-asws} said: 'So what you do not find in the Book of Allah^{-azwj}, from where do you take it?'

قَالَ فَاتَّخِذْهُ عَنْ رَسُولِ اللَّهِ ص

He said, 'I take it from Rasool-Allah^{-saww}'.

قَالَ وَكُلُّ شَيْءٍ يَجِدُهُ فِي كِتَابِ اللَّهِ وَ سُنَّةِ رَسُولِ اللَّهِ

He^{-asws} said: 'And everything you find, being in the Book of Allah^{-azwj} and Sunnah of Rasool-Allah^{-saww}'

قَالَ مَا لَمْ أَجِدْهُ فِي كِتَابِ اللَّهِ وَ لَا فِي سُنَّةِ رَسُولِ اللَّهِ ص أَخَذْتُهُ عَنْ أَصْحَابِ رَسُولِ اللَّهِ

He said, 'Whatever I do not find in the Book of Allah^{-azwj} nor being in Sunnah of Rasool-Allah^{-saww}, I take it from companions of Rasool-Allah^{-saww}'.

قَالَ عَنْ أَيِّهِمْ تَأْخُذُ

He^{-asws} said: 'From which of them do you take?'

قَالَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ وَ عَلِيٍّ وَ عُثْمَانَ وَ طَلْحَةَ وَ الزُّبَيْرِ وَ عَدَدَ أَصْحَابِ رَسُولِ اللَّهِ ص

He said, 'From Abu Bakr, and Umar, and Ali^{-asws}, and Usman, and Talha, and Al-Zubeyr, and a number of companions of Rasool-Allah^{-saww}'.

قَالَ وَ كُلُّ شَيْءٍ تَأْخُذُهُ عَنْهُمْ يَجِدُهُمْ قَدْ اجْتَمَعُوا عَلَيْهِ

He^{-asws} said: 'And everything you take from them you are finding them to have had a consensus upon it?'

قَالَ لَا

He said, 'No'.

قَالَ فَإِذَا اخْتَلَفُوا فَيَقُولُ مَنْ تَأْخُذُ مِنْهُمْ

He^{-asws} said: 'So when they are differing, by whose word from them do you take?'

قَالَ يَقُولُ مَنْ رَأَيْتَ أَنْ أَخَذَ مِنْهُمْ أَحَدٌ

He said, 'By the word of the one I opine I should be taking from'.

قَالَ وَ لَا تُبَالِي أَنْ تُخَالَفَ الْبَاقِينَ

He^{-asws} said: 'And you don't care if the rest of them differ?'

قَالَ لَا

He said, 'No'.

قَالَ فَهَلْ تُخَالَفُ عَلِيًّا فِيمَا بَلَغَكَ أَنَّهُ قَضَى بِهِ

He^{-asws} said: 'So do you oppose Ali^{-asws} among what has reached you that he had judged with?'

قَالَ رُبَّمَا خَالَفْتُهُ إِلَى غَيْرِهِ

He said, 'Sometimes I do oppose him^{-asws} (Imam Ali^{-asws}) to (prefer) others'.

فَسَكَتَ أَبُو عَبْدِ اللَّهِ عَ سَاعَةً يَنْكُتُ فِي الْأَرْضِ ثُمَّ رَفَعَ رَأْسَهُ إِلَيْهِ فَقَالَ لَهُ يَا عَبْدَ الرَّحْمَنِ فَمَا تَقُولُ يَوْمَ الْقِيَامَةِ إِنْ أَخَذَ رَسُولُ اللَّهِ ص يَدَكَ وَ أَوْفَقَكَ بَيْنَ يَدَيِ اللَّهِ وَ قَالَ أَيُّ رَبِّ إِنْ هَذَا بَلَغَهُ عَنِّي قَوْلٌ فَخَالَفَهُ

Abu Abdullah^{-asws} was silent for a while tapping on the ground, then he^{-asws} raised his^{-asws} head towards him. He^{-asws} said to him: 'O Abdul Rahman! So, what would you say regarding the Day of Qiyamah if Rasool-Allah^{-saww} were to hold you by your hand and pause you in front of Allah^{-saww} and says: 'Yes, Lord^{-azwj}! This one, a word had reached him from me^{-saww} but he opposed it!

قَالَ وَ أَتَيْنَ خَالَفْتُ قَوْلَهُ يَا ابْنَ رَسُولِ اللَّهِ

He said, 'And where have I opposed his^{-saww} word, O son^{-asws} of Rasool-Allah^{-saww}?'

قَالَ أَمْ لَمْ يَبْلُغَكَ قَوْلُهُ ص لِأَصْحَابِهِ أَقْضَاكُمْ عَلَيَّ

He^{-asws} said: 'Has it not reached you, his^{-saww} word to his^{-saww} companions: 'The most just of you is Ali^{-asws}!'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَإِذَا خَالَفْتَ قَوْلَهُ أَمْ تُخَالَفُ رَسُولَ اللَّهِ ص

He^{-asws} said: 'So when you oppose his^{-asws} word do you not oppose Rasool-Allah^{-saww}!?'

فَاصْفَرَّ وَجْهُ ابْنِ أَبِي لَيْلَى حَتَّى عَادَ كَالْأُتْرُجَةِ وَلَمْ يُجِزْ جَوَاباً.

The face of Ibn Abu Layla paled to the extent it became like a citron, and he could give an answer'.¹¹⁹¹

وَرُويَا عَنْ عُمَرَ بْنِ أَدِينَةَ وَكَانَ مِنْ أَصْحَابِ أَبِي عَبْدِ اللَّهِ جَعْفَرِ بْنِ مُحَمَّدٍ ع أَنَّهُ قَالَ: دَخَلْتُ يَوْمًا عَلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى بِالْكُوفَةِ وَهُوَ قَاضٍ فَقُلْتُ أَرَدْتُ أَصْلَحَكَ اللَّهُ أَنْ أَسْأَلَكَ عَنْ مَسَائِلَ وَكُنْتُ حَدِيثَ السِّتِّ

And we are reporting from Umar Bin Azina, and he was from the companions of Abu Abdullah Ja'far^{-asws} Bin Muhammad^{-asws}, he said, 'One day I entered to see Abdul Rahman Bin Abu Layla at Al-Kufa, and he was a judge. I said, 'May Allah^{-azwj} Keep you well! I want to ask you about issues, and I was a young person.

فَقَالَ سَلْ يَا ابْنَ أَخِي عَمَّا شِئْتَ

He said, 'Ask, O son of my brother, about whatever you like!'

فَقُلْتُ أَخْبِرْنِي عَنْكُمْ مَعَاشِرَ الْقُضَاةِ تَرُدُّ عَلَيْكُمُ الْقَضِيَّةَ فِي الْمَالِ وَ الْمَرْجِ وَ الدِّمِّ فَتَقْضِي أَنْتَ فِيهَا بِرَأْيِكَ ثُمَّ تَرُدُّ تِلْكَ الْقَضِيَّةَ بِعَيْنِهَا عَلَى قَاضِي مَكَّةَ فَيَقْضِي فِيهَا بِخِلَافِ قَضِيَّتِكَ وَ تَرُدُّ عَلَى قَاضِي الْبَصْرَةِ وَ قُضَاةِ الْيَمَنِ وَ قَاضِي الْمَدِينَةِ فَيَقْضُونَ فِيهَا بِخِلَافِ ذَلِكَ

I said, 'Inform about you all, community of judges. Cases are referred to you for judgment regarding the wealth, the private parts (relationship), and the blood (murder), so you judge in it with your opinion. Then that very case is referred to the judge of Makkah, so he judges in it differently to your judgment, and it is referred to the judge of Al-Basra and the judges of Al-Yemen and judge of Al-Medina, so they are judging regarding it differently to that.

ثُمَّ يَجْتَمِعُونَ عِنْدَ خَلِيفَتِكُمُ الَّذِي اسْتَقْضَاكُمْ فَتُخْبِرُونَهُ بِاخْتِلَافِ قَضَايَاكُمْ فَيَصَوِّبُ قَوْلَ كُلِّ وَاحِدٍ مِنْكُمْ وَ إِيَّاهُمْ وَاحِدٌ وَ نَبِيُّكُمْ وَاحِدٌ وَ دِينُكُمْ وَاحِدٌ

Then you are gathering in the presence of your caliph, the one who appointed you as judges and you are informing him of your differing judgments. He deems the word of each one of you as correct, and although your God^{-azwj} is One, and your Prophet^{-saww} is one, and your religion is one.

فَأَمَرَكُمْ اللَّهُ عَزَّ وَ جَلَّ بِالْإِخْتِلَافِ فَأَطَعْتُمُوهُ أَمْ هَاكُمْ عَنْهُ فَعَصَيْتُمُوهُ أَمْ كُنْتُمْ شُرَكَاءَ اللَّهِ فِي حُكْمِهِ فَلَكُمْ أَنْ تَقُولُوا وَ عَلَيْهِ أَنْ يَرْضَى أَمْ أَنْزَلَ اللَّهُ دِينًا نَاقِصًا فَاسْتَعَانَ بِكُمْ عَلَى إِمَامِهِ أَمْ أَنْزَلَهُ اللَّهُ تَامًا فَقَصَّرَ رَسُولُ اللَّهِ ص عَنْ أَدَائِهِ أَمْ مَاذَا تَقُولُونَ

Did Allah^{-azwj} Mighty and Majestic Command you with the differing so you are obeying Him^{-azwj}, or did He^{-azwj} Forbid you from it, so you are disobeying Him^{-azwj}? Or are you partners of Allah^{-azwj} in His^{-azwj} Judgments, so for you is to say and upon Him^{-azwj} is to Agree? Or did Allah^{-azwj} Reveal a deficient religion so He^{-azwj} is Seeking your assistance upon completing it, or did

¹¹⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 3 a

Allah^{-azwj} Reveal it as completed but Rasool-Allah^{-saww} was deficient from delivering it? Or what is that you are saying?’

فَقَالَ مِنْ أَيْنَ أَنْتَ يَا فَتَى

He said, ‘Where are you from, O youth?’

قُلْتُ مِنْ أَهْلِ الْبَصْرَةِ

I said, ‘From the people of Basra’.

قَالَ مِنْ أَيِّهَا

He said, ‘From which of its tribes?’

قُلْتُ مِنْ عَبْدِ الْقَيْسِ

I said, ‘From Abdul Qays’.

قَالَ مِنْ أَيِّهِمْ

He said, ‘From which (clan) of theirs?’

قُلْتُ مِنْ بَنِي أُذَيْنَةَ

I said, ‘From the clan of Uzina’.

قَالَ مَا قَرَابَتُكَ مِنْ عَبْدِ الرَّحْمَنِ بْنِ أُذَيْنَةَ

He said, ‘What is your relationship with Abdul Rahman Bin Uzina?’

قُلْتُ هُوَ جَدِّي

I said, ‘He is my grandfather’.

فَرَحَّبَ لِي وَ قَرَّبَنِي وَ قَالَ أَيُّ فَتَى لَقَدْ سَأَلْتَ فَعَلَّظْتَ وَ اُتَمَمْتَ فَعَوَّضْتَ وَ سَأَخِرُكَ إِنْ شَاءَ اللَّهُ

He was welcoming to me and drew me closer and said, ‘Yes, youth! You have asked harshly and delved deeply, making it difficult, and I will be informing you, if Allah^{-azwj} so Desires.

أَمَّا قَوْلُكَ فِي اخْتِلَافِ الْقَضَايَا فَإِنَّهُ مَا وَرَدَ عَلَيْنَا مِنْ أَمْرِ الْقَضَايَا مِمَّا لَهُ فِي كِتَابِ اللَّهِ أَصْلٌ وَ فِي سُنَّةِ نَبِيِّهِ فَلَيْسَ لَنَا أَنْ نَعْدُو الْكِتَابَ وَ السُّنَّةَ وَ مَا وَرَدَ عَلَيْنَا لَيْسَ فِي كِتَابِ اللَّهِ وَ لَا فِي سُنَّةِ رَسُولِهِ فَإِنَّا نَأْخُذُ فِيهِ بِرَأْيِنَا

As for your word regarding differing judgments, it is what has been referred to us from the matters of the cases, from what there is an origin for it in the Book of Allah^{-azwj} and in the Sunnah of His^{-azwj} Prophet^{-saww}. It isn’t for us to leave the Book and the Sunnah; and what has

been referred to us which is neither in the Book of Allah^{-azwj} nor in the Sunnah of His^{-azwj} Rasool^{-saww}, we take with our opinion’.

قُلْتُ مَا صَنَعْتَ شَيْئاً لِأَنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ مَا فَرَطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ وَ قَالَ فِيهِ يَتَيَّنُ كُلُّ شَيْءٍ أَرَأَيْتَ لَوْ أَنَّ رَجُلًا عَمِلَ بِمَا أَمَرَهُ اللَّهُ بِهِ وَ انْتَهَى عَمَّا نَهَاَّهُ اللَّهُ عَنْهُ أَ بَقِيَ لِلَّهِ شَيْءٌ يُعَذِّبُهُ عَلَيْهِ إِنْ لَمْ يَفْعَلْهُ أَوْ يُبَيِّتُهُ عَلَيْهِ إِنْ فَعَلَهُ

I said, ‘You have not done anything, because Allah^{-azwj} Mighty and Majestic: **We have not neglected in the Book of anything [6:38]**, and Said in it is **a clarification of all things [16:89]**. What is your view if a man works with what Allah^{-azwj} has Commanded him with and desists from what Allah^{-azwj} has Forbidden from, does there remain anything for Allah^{-azwj} to Punish him upon if he does not do it, or Reward him upon if he does it?’

قَالَ وَ كَيْفَ يُبَيِّتُهُ عَلَى مَا لَمْ يَأْمُرْ بِهِ أَوْ يُعَاقِبُهُ عَلَى مَا لَمْ يَنْهَهُ عَنْهُ

He said, ‘And how can He^{-azwj} Reward him upon what He^{-azwj} did not Command him with, or Punish him upon what He^{-azwj} did not Forbid him from?’

قُلْتُ وَ كَيْفَ يَرُدُّ عَلَيْكَ مِنَ الْأَحْكَامِ مَا لَيْسَ لَهُ فِي كِتَابِ اللَّهِ أَثَرٌ وَ لَا فِي سُنَّةِ نَبِيِّهِ خَيْرٌ

I said, ‘And how can the rulings be referred to you, when there is neither any trace of it in the Book of Allah^{-azwj} nor any Hadeeth in the Sunnah of His^{-azwj} Prophet^{-saww}?’

قَالَ أَخْبِرْكَ يَا ابْنَ أَخِي حَدِيثاً حَدَّثَنَا بَعْضُ أَصْحَابِنَا يَرْفَعُ الْحَدِيثَ إِلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَضَى قَضِيَّةً بَيْنَ رَجُلَيْنِ فَقَالَ لَهُ أَدْنَى الْقَوْمِ إِلَيْهِ مَجْلِساً أَصَبَتْ يَا أَمِيرَ الْمُؤْمِنِينَ فَعَلَاهُ عُمَرُ بِاللَّيْزَةِ وَ قَالَ تَكَلَّفْتُكَ أُمُّكَ وَ اللَّهُ مَا يَدْرِي عُمَرُ أَصَابَ أَمْ أَخْطَأَ إِنَّمَا هُوَ رَأْيٌ اجْتَهَدْتُهُ فَلَا تُرْكُونَا فِي وُجُوهِنَا

He said, ‘I will inform you, O son of my brother, a Hadeeth one of our companions has narrated to us, raising the Hadeeth to Umar Bin Al-Khattab who had judged a case between two men. The closest of the people in the seat said to him, ‘You are correct, O commander of the faithful!’ Umar pained him with the whip and said, ‘May your mother be bereft of you! By Allah^{-azwj}, Umar does not know whether he is correct or mistaken, but rather it is an opinion I have strived with, so do not praise us in our faces!’

قُلْتُ أَوَّلًا أَحَدْتُكَ حَدِيثاً

I said, ‘Shall I narrate a Hadeeth to you?’

قَالَ وَ مَا هُوَ

He said, ‘And what is it?’

قُلْتُ أَخْبَرَنِي أَبِي عَنْ أَبِي الْقَاسِمِ الْعُبَيْدِيِّ عَنْ أَبَانَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ ع أَنَّهُ قَالَ الْقَضَاءُ ثَلَاثَةٌ هَالِكَانِ وَ نَاجٍ فَأَمَّا الْهَالِكَانِ فَجَارٌ مُتَعَمِّدٌ وَ مُجْتَهِدٌ أَخْطَأَ وَ النَّاجِي مَنْ عَمِلَ بِمَا أَمَرَهُ اللَّهُ بِهِ فَهَذَا نَقَضُ حَدِيثِكَ يَا عَمَّ

I said, ‘My father informed me from Abu Al-Qasim Al-Abdy, from Aban, from Ali^{-asws} Bin Abu Talib^{-asws}, having said: ‘The judgments are three – two are destroyed and one is saved. As for the two destroyed, a tyrant is tyrannical deliberately, and a striver (making a decision after a

long arbitration and deep thinking) is mistaken, while the saved is the one who works with what Allah^{-azwj} has Commanded him with. So, this contradicts your Hadeeth, O uncle!’

قَالَ أَجَلٌ وَاللَّهِ يَا ابْنَ أَخِي فَتَقُولُ إِنَّ كُلَّ شَيْءٍ فِي كِتَابِ اللَّهِ

He said, ‘Yes, by Allah^{-azwj}, O son of my brother! So, you are saying that all things are in the Book of Allah^{-azwj}?’

قُلْتُ اللَّهُ قَالَ ذَلِكَ وَمَا مِنْ حَلَالٍ وَلَا حَرَامٍ وَلَا أَمْرٍ وَلَا نَهْيٍ إِلَّا وَهُوَ فِي كِتَابِ اللَّهِ عَرَفَ ذَلِكَ مَنْ عَرَفَهُ وَجَهَلَهُ مَنْ جَهَلَهُ وَلَقَدْ أَخْبَرَنَا اللَّهُ عَزَّ وَجَلَّ فِيهِ بِمَا لَا نَحْتَاجُ إِلَيْهِ فَكَيْفَ بِمَا نَحْتَاجُ إِلَيْهِ

I said, ‘Allah^{-azwj} Said that, and there is none from a Halal nor from a Haraam, nor a Command nor a Prohibition except, and it is in the Book of Allah^{-azwj}. The one who recognises it has recognised it, and the one who is ignorant of it, is ignorant of it, and Allah^{-azwj} Mighty and Majestic has Informed us in it with what we are not even needy of, so how can it be with what we are need of (that it is not in the Book)?’

قَالَ كَيْفَ قُلْتُ

He said, ‘How can you say so?’

قُلْتُ قَوْلُهُ— فَأَصْبَحَ يُقَلِّبُ كَفِّهِ عَلَى مَا أَنْفَقَ فِيهَا

I said, ‘His Words: ***So in the morning he was wringing his hands upon what he had spent in these [18:42]***’¹¹⁹².

قَالَ فَعِنْدَ مَنْ يُوجَدُ عِلْمُ ذَلِكَ

He said, ‘So with whom can one find knowledge of that?’

قُلْتُ عِنْدَ مَنْ عَرَفْتُ

I said, ‘With the one who recognises’.

قَالَ وَدِدْتُ لَوْ أَنِّي عَرَفْتُهُ فَأَغْسِلُ قَدَمَيْهِ وَأَخْدُمُهُ وَأَتَعَلَّمَ مِنْهُ

He said, ‘I would love it if I could know him, so I would wash his feet and serve him, and learn from him!’

قُلْتُ أَنَا شَيْدُكَ اللَّهُ هَلْ تَعْلَمُ رَجُلًا كَانَ إِذَا سَأَلَ رَسُولَ اللَّهِ صَ أُعْطَاهُ وَإِذَا سَكَتَ عَنْهُ ابْتَدَأَهُ

[42] وَأُحِيطَ بِثَمَرِهِ فَأَصْبَحَ يُقَلِّبُ كَفِّهِ عَلَى مَا أَنْفَقَ فِيهَا وَهِيَ خَاوِيَةٌ عَلَى عُرُوشِهَا وَيَقُولُ يَا لَيْتَنِي لَمْ أُشْرِكْ بِرَبِّي أَحَدًا¹¹⁹²

And his fruits were ruined. So in the morning he was wringing his hands upon what he had spent in these, and these had collapsed upon its top, and he was saying, ‘Woe be unto me! Had I not associated anyone with my Lord!’ [18:42]

I said, 'I adjure you with Allah^{-azwj}! Do you know of any man whenever he had asked Rasool-Allah^{-saww}, he^{-saww} gave him, and when he was silent, he^{-saww} initiated him?'

قَالَ نَعَمْ ذَلِكَ عَلَيَّ بُنْ أَبِي طَالِبٍ ع

He said, 'Yes, that is Ali^{-asws} Bin Abu Talib^{-asws}'.

قُلْتُ فَهَلْ عَلِمْتَ أَنَّ عَلِيًّا سَأَلَ أَخْذًا بَعْدَ رَسُولِ اللَّهِ ص عَنْ حَلَالٍ أَوْ حَرَامٍ

I said, 'Do you know that after Rasool-Allah^{-saww}, Ali^{-asws} had asked anyone about a Halal or Haraam?'

قَالَ لَا

He said, 'No'.

قُلْتُ فَهَلْ عَلِمْتَ أَنَّهُمْ كَانُوا يَخْتَاوُونَ إِلَيْهِ وَ يَأْخُذُونَ عَنْهُ

I said, 'Do you know they (companions) were needed to him^{-asws} and were taking from him^{-asws}?'

قَالَ نَعَمْ

He said, 'Yes'.

قُلْتُ فَذَلِكَ عِنْدَهُ

I said, 'So that (knowledge) is with him^{-asws}'.

قَالَ فَقَدْ مَضَى فَأَيْنَ لَنَا بِهِ

He said, 'He^{-asws} has passed away, so where can it be for us with him^{-asws}?'

قُلْتُ تَسْأَلُ فِي وَلَدِهِ فَإِنَّ ذَلِكَ الْعِلْمَ فِيهِمْ وَ عِنْدَهُمْ

I said, 'You can ask his^{-asws} sons^{-asws}, for that knowledge is among them^{-asws} and with them^{-asws}'.

قَالَ وَ كَيْفَ لِي بِهِمْ

He said, 'And how can it be for me with them^{-asws}?'

قُلْتُ أَرَأَيْتَ قَوْمًا كَانُوا فِي مَفَازٍ مِنَ الْأَرْضِ وَ مَعَهُمْ أَدْلَاءُ فَوُتِبُوا عَلَيْهِمْ فَفَتَلُّوا بَعْضَهُمْ وَ أَخَافُوا بَعْضَهُمْ فَهَرَبَ وَ اسْتَتَرَ مَنْ بَقِيَ لِحُزْفِهِ فَلَمْ يَجِدُوا مَنْ يَدُلُّهُمْ فَتَاهُوا فِي تِلْكَ الْمَفَازَةِ حَتَّى هَلَكُوا مَا تَقُولُ فِيهِمْ

I said, 'What is your view of a people who were in a wilderness of the earth and with them were guides, but they pounced upon them and killed some of them and some of them feared so one who remained went into hiding due to his fear, so they could no longer find one who could guide them. So, they wandered in that wilderness until they were destroyed (died). What do you say regarding them?'

قَالَ إِلَى النَّارِ وَاصْفَرَّ وَجْهُهُ وَكَانَتْ فِي يَدِهِ سَقَرَجَلَةٌ فَضَرَبَ بِهَا الْأَرْضَ فَتَهَشَّمَتْ وَضَرَبَ بَيْنَ يَدَيْهِ وَقَالَ إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ.

He said, 'To the Hellfire!', and his face paled, and in his hand was a quince. He threw it on the ground and it shattered, and he struck upon his own hand and said: ***We are for Allah and we are returning to Him*** [2:156].¹¹⁹³

4- نَحَجُ، نَحَجُ الْبَلَاغَةَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لَا يُقِيمُ أَمْرَ اللَّهِ سُبْحَانَهُ تَعَالَى إِلَّا مَنْ لَا يُصَانِعُ وَلَا يُضَارِعُ وَلَا يَتَّبِعُ الْمَطَامِعَ.

(The book) 'Nahj Al Balagah' -

Amir Al-Momineen^{-asws} said: 'The Commands of Allah^{-azwj} the Glorious cannot be established except by the one who neither takes a bribe, nor does he resemble (the wrong doers) nor follows the greed'.¹¹⁹⁴

باب 7 الرشا في الحكم و أنواعه

CHAPTER 7 – THE BRIBERY IN THE JUDGMENT AND ITS TYPES

1- 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: السُّخْتُ ثَمَنُ الْمَيْتَةِ وَ ثَمَنُ الْكَلْبِ وَ ثَمَنُ الْحُمْرِ وَ مَهْرُ الْبَغِيِّ وَ الرِّشْوَةُ فِي الْحُكْمِ وَ أَجْرُ الْكَاهِنِ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ashary, from Musa Bin Umar, from Ibn Al Mugheira, from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} having said: 'The ill-gotten gains are – price of the dead, and price of the dog, and price of the wine, and dowry of the prostitute, and the bribery in the judgment, and recompense of the sooth-sayer'.¹¹⁹⁵

2 شي، تفسير العياشي عن السكوني مثله.

(The book) 'Tafseer Al Ayyashi' – from Al Sakuni, similar to it.¹¹⁹⁶

¹¹⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 3 b

¹¹⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 4

¹¹⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 1

¹¹⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 2

3- ل، الخصال أبي عَن سَعْدٍ عَنِ ابْنِ عِيسَى عَنِ ابْنِ مَحْبُوبٍ عَنِ أَبِي أَيُّوبَ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع السُّحْتُ أَنْوَاعٌ كَثِيرَةٌ مِنْهَا مَا أُصِيبَ مِنْ أَعْمَالِ الْوَلَاءِ الظَّلَمَةِ وَ مِنْهَا أَجُورُ الْقَضَاءِ وَ أَجُورُ الْفَوَاجِرِ وَ تَمَنُّ الْحَمْرِ وَ التَّيْبُدُ الْمُسْكِرِ وَ الرِّبَا بَعْدَ الْبَيْتَةِ فَأَمَّا الرِّشَا 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^{-asws} said: 'The ill-gotten gains are of many types. From these is what is achieved from office bearers of the unjust governors, and from these is recompense of the judges, and recompense of the prostitutes, and the price of wine, and the intoxicating Al-Nabeez, and the usury after the clarification. As for the bribe in the judgment O Ammar, that is the blaspheming (Kufr) with Allah^{-azwj} the Magnificent and with His^{-azwj} Rasool^{-saww}!'¹¹⁹⁷

4 مع، معاني الأخبار ابنُ الْمُتَوَكِّلِ عَنِ الْحِمَيْرِيِّ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ عَمَّارٍ مِثْلَهُ.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Mahboub, from Abu Ayoub, from Ammar, similar to it.¹¹⁹⁸

5- ن، عيون أخبار الرضا عليه السلام بِالْأَسَانِيدِ الثَّلَاثَةِ عَنِ الرِّضَا عَنْ آبَائِهِ عَنْ عَلِيِّ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- أَكْأَلُونَ لِلْسُّحْتِ قَالَ هُوَ الرَّجُلُ يَقْضِي لِأَخِيهِ الْحَاجَةَ ثُمَّ يَقْبَلُ هَدِيَّتَهُ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **devouring the ill-gotten gains [5:42]**. He^{-asws} said: 'He is the man who fulfils the need for his brother, then he accepts a gift'.¹¹⁹⁹

6- ما، الأماالي للشيخ الطوسي أَبُو عَمْرٍو عَنِ ابْنِ عُقْدَةَ عَنْ أَحْمَدَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِيهِ عَنْ لَيْثِ بْنِ أَبِي سُلَيْمٍ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ قَالَ: هَدِيَّةُ الْأُمَرَاءِ غُلُولٌ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Abu Amro, from Ibn Uqdah,, from Ahmad Bin Yahya, from Abdul Rahman, from his father, from Lays Bin Abu Suleym, from Ata'a Bin Abu Rabbah,

From Jabir Bin Abdullah^{-ra}, he^{-ra} said, 'The gift by the governors is theft (from the war booty before its distribution)'.¹²⁰⁰

7- شي، تفسير العياشي عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ أَكَلَ السُّحْتِ الرِّشْوَةَ فِي الْحُكْمِ.

(The book) 'Tafseer Al Ayyashi' – From Jarrah Al Madainy,

¹¹⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 3

¹¹⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 4

¹¹⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 5

¹²⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 6

From Abu Abdullah^{-asws} having said: 'From consumption of the ill-gotten gains is the bribery in the judgment'.¹²⁰¹

8- شي، تفسير العياشي عن سماعة عن أبي عبد الله ع قال: الرِّشَا فِي الْحُكْمِ هُوَ الْكُفْرُ بِاللَّهِ.

(The book) 'Tafseer Al Ayyashi' – From Sama'at,

From Abu Abdullah^{-asws} having said: 'The bribery in the judgment, it is the Kufr with Allah^{-azwj}'.¹²⁰²

9- جع، جامع الأخبار قال النبي ص الرّاشي و المُرْتشي و المَاشي يَبْنُهُمَا مَلْعُونُونَ.

(The book) 'Jamie Al Akhbaar' -

The Prophet^{-saww} said: 'The briber and the bribed, and the walker (mediator) between the two are accursed!'¹²⁰³

10 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 مِثْلَهُ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – from Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Asha's,

From Musa Bin Ismail son of Musa^{-asws} Bin Ja'far^{-asws}, from his father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said – similar to it.'¹²⁰⁴

11- وَ قَالَ ص لَعَنَ اللَّهُ الرَّاشِيَّ وَ الْمُرْتَشِيَّ وَ الْمَاشِيَّ يَبْنُهُمَا.

And he^{-saww} said: 'May Allah^{-azwj} Curse the briber and the bribed and the walker (mediator) between the two!'¹²⁰⁵

12- وَ قَالَ ص إِيَّاكُمْ وَ الرِّشْوَةَ فَإِنَّهَا تَخْصُ الْكُفْرَ وَ لَا يَشْمُ صَاحِبُ الرِّشْوَةِ رِيحَ الْجَنَّةِ.

And he^{-saww} said: 'Beware of the bribe, for it is pure Kufr, and the owner of the bribe will not smell the aroma of Paradise'.¹²⁰⁶

¹²⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 7

¹²⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 8

¹²⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 9

¹²⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 10

¹²⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 11

¹²⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 12

CHAPTER 8 – RULINGS OF THE GOVERNORS AND THE JUDGES AND THEIR DISCIPLINE

1- ل، الخصال ماجيلويه عن محمد العطار عن سهل عن ابن يزيد عن محمد بن إبراهيم التوفلي رفعه إلى الصادق ع عن آبائه ع أن أمير المؤمنين ع كتب إلى عماله أدقوا أقلامكم و قاربوا بين سطوركُم و اخذفوا عني فضولكم و اقصدوا قصد المعاني و إياكم و الإكثار فإن أموال المسلمين لا تحتمل الإضرار.

(The book) 'Al Khisaal' – Majaylawiya, from Muhammad Al Attar, from Sahl, from Ibn Yazeed, from Muhammad Bin Ibrahim Al Nowfali raising it to

Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}: 'Amir Al-Momineen^{-asws} wrote to his^{-asws} office bearers: 'Make your pens thin, keep your lines close together, omit unnecessary words, aim for the intended meanings, and beware of the excess, for the wealth of Muslims cannot bear the harm!'¹²⁰⁷

2- ن، عيون أخبار الرضا عليه السلام بإسناد التميمي عن الرضا ع عن آبائه ع قال أمير المؤمنين صلوات الله عليه قال النبي ص لما وجهني إلى اليمن إذا تحركم إليك فلا تحكّم لأحد الخصمين دون أن تسمع من الآخر

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by the chain of Al-Tameemi, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws}: 'Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws}, said: 'The Prophet^{-saww} said when he^{-saww} sent me^{-asws} to Al-Yemen: 'When they bring a case to you^{-asws} do not judge for anyone of the two disputants without listening to the other'.

قال فما شككت في قضاء بعد ذلك.

He^{-asws} said: 'I^{-asws} did not doubt in any judgment after that'.¹²⁰⁸

3- ما، الأمالي للشيخ الطوسي فيما كتب أمير المؤمنين ع لمحمد بن أبي بكر - لا تقض في أمر واحد بقضاءين مختلفين فيختلف أمرك و تريغ عن الحق و أحب لعامة رعيتك ما أحب لنفسك و أهل بيتك و أكره لهم ما تكره لنفسك و أهل بيتك فإن ذلك أوجب للحجة و أصلح للرعية و خفي الغمرات و لا تخف في الله لومة لائم و انصح المرء إذا استشارك و اجعل نفسك أسوة لقريب المسلمين و بعيدهم.

(The book) 'Al Amaali' of the sheykh Al Tusi -

Among what Amir Al-Momineen^{-asws} wrote to Muhammad Bin Abu Bakr: 'Do not rule on a single matter with two conflicting judgments, lest your decision differs and deviates from the truth. Love for the generality of your subjects, what you love for yourself and your household, and dislike for them, what you dislike for yourself and your household. This ensures the validity of the proof and the welfare of the subjects. Take on the responsibilities and do not

¹²⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 1

¹²⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 2

fear the blame of a critic for the Sake of Allah^{-azwj}. Advise a person when he consults you, and make yourself an example for both the close and distant Muslims'.¹²⁰⁹

4- ما، الأماالي للشيخ الطوسي الجعافي عن ابن عُقْدَةَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ مُعَاوِيَةَ بْنِ سُفْيَانَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ الْحَكَمِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَانَ فِي بَنِي إِسْرَائِيلَ قَاضٍ وَكَانَ يَقْضِي بَيْنَهُمْ

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Jiany, from Ibn Uqdah, from Ali Bin Al-Husayn Bin Abdullah, from his father, from Muawiya Bin Sufyan, from Muhammad Bin Ismail Bin Al Hakam,

From Abu Ja'far^{-asws} having said: 'There was a judge among the children of Israel and he used to judge between them'.

قَالَ فَلَمَّا حَضَرَهُ الْمَوْتُ قَالَ لِامْرَأَتِهِ إِذَا مِتُّ فَأَغْسِلِيْنِي وَكَفِّبِيْنِي وَضِعِيْنِي عَلَى سَرِيرِي وَعْطِيْ وَجْهِي فَإِنَّكَ لَا تَرَيْنِ سِوَا [سُوءًا]

He^{-asws} said: 'When the death presented to him, he said to his wife, 'When I am dead, wash me and shroud me and place me upon my bier and cover my face, for you will not see any evil'.

قَالَ فَلَمَّا أُنْ مَاتَ فَعَلَتْ بِهِ ذَلِكَ ثُمَّ مَكَثَتْ حِينًا وَكَشَفَتْ عَنْ وَجْهِهِ لِتَنْظُرَ إِلَيْهِ فَإِذَا هِيَ بِدُودَةٍ تَقْرُضُ مَنْخَرَهُ فَقَرَعَتْ لِذَلِكَ فَلَمَّا كَانَ اللَّيْلُ أَتَاهَا فِي مَنَامِهَا فَقَالَ لَهَا أَفْرَعَكَ مَا رَأَيْتِ

He^{-asws} said: 'When he died, that was done with him. Then she remained for a while and she uncovered from his face to look at him, and there was an insect biting his nostril. She panicked at that. When it was night he came to her in her dream. He said to her, 'It alarmed you what you saw?'

فَقَالَتْ أَجَلٌ لَقَدْ فَرَعْتُ

She said, 'Yes, I did panic'.

قَالَ أَمَا إِنَّكَ إِنْ كُنْتِ فَرَعْتِ مَا كَانَ مَا رَأَيْتِ إِلَّا فِي أَخِيكَ فُلَانٍ أَتَانِي وَ مَعَهُ خَصَمٌ لَهُ فَلَمَّا جَلَسَا إِلَيَّ قُلْتُ اللَّهُمَّ اجْعَلِ الْحَقَّ لَهُ وَ وَجْهَ الْقَضَاءِ لَهُ عَلَى صَاحِبِهِ

He said, 'Indeed, if you were startled, it was only because of your brother so and so. He came to me with an opponent, and when they both sat before me, I said, 'O Allah^{-azwj} Grant him the truth and Direct the judgment in his favour against his opponent!'

فَلَمَّا اخْتَصَمَا إِلَيَّ كَانَ الْحَقُّ لَهُ وَ رَأَيْتُ ذَلِكَ بَيِّنًا فِي الْقَضَاءِ فَوَجَّهْتُ الْقَضَاءَ لَهُ عَلَى صَاحِبِهِ فَأَصَابَنِي مَا رَأَيْتُ لِمَوْضِعِ هَوَايَ كَانَ مَعَهُ وَ إِنْ وَاقَعَهُ الْحَقُّ.

When they disputed before me, the truth was indeed with him, and I saw that clearly in the judgment, so I directed the judgment in his favour against his opponent. What you saw happened because of the position of my desire, even though the truth was with him'.¹²¹⁰

¹²⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 3

¹²¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 4

5 ص، قصص الأنبياء عليهم السلام بالإِسْنَادِ إِلَى الصَّدُوقِ عَنِ ابْنِ الْمُتَوَكِّلِ عَنِ الْحِمَيْرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الثُّمَالِيِّ عَنْ أَبِي جَعْفَرٍ عٍ مِثْلَهُ.

(The book) 'Qasas Al-Anbiya^{as}', may the greeting be upon them^{asws} – By the chains to A Sadouq, from Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Muhammad, from Al Sumali, from Abu Ja'far^{asws}, similar to it.¹²¹¹

6- ضا، فقه الرضا عليه السلام اعْلَمْ أَنَّهُ يَجِبُ عَلَيْكَ أَنْ تُسَاوِيَ بَيْنَ الْخَصْمَيْنِ حَتَّى النَّظَرِ إِلَيْهِمَا حَتَّى لَا يَكُونَ نَظْرُكَ إِلَى أَحَدِهِمَا أَكْثَرَ مِنْ نَظْرِكَ إِلَى الْآخَرِ فَإِذَا تَحَاكَمْتَ إِلَى حَاكِمٍ فَانْظُرْ أَنْ تَكُونَ عَلَى بَيْنِ خَصْمِكَ وَإِذَا تَحَاكَمَ خَصْمَانِ فَادَّعَى كُلُّ وَاحِدٍ مِنْهُمَا عَلَى صَاحِبِهِ دَعْوَى فَالَّذِي يَدَّعِي بِالْأَعْوَى أَحَقُّ مِنْ صَاحِبِهِ أَنْ يُسْمَعَ مِنْهُ فَإِذَا ادَّعَى جَمِيعاً فَالَّذِي دَعَا عَلَى بَيْنِ خَصْمِهِ.

(The book) 'Fiqh Al-Reza^{asws}' – Know that it is obligatory for you to treat both parties equally, even in looking at them, so that your gazing at one is not greater than your gazing at the other. When you refer a matter to a judge, ensure that you sit on the right of your opponent. If two opponents bring claims against each other, each making a claim against the other, the one who asserts the claim is more deserving to be heard than his opponent. If they both assert claims simultaneously, then the claim of the one on the right of his opponent takes precedence.¹²¹²

7- شي، تفسير العياشي عَنِ الْحُسَيْنِ عَنِ عَلِيِّ عٍ قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا أَتَاكَ الْخَصْمَانِ فَلَا تَقْضِ لِوَاحِدٍ حَتَّى تَسْمَعَ مِنَ الْآخَرِ فَإِنَّهُ أَجْدَرُ أَنْ تَعْلَمَ الْحَقَّ.

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan,

From Ali^{asws} having said: 'Rasool-Allah^{saww} said: 'When the two disputants come to you, do not judge for one until you hear from the other, for it is worthier than you know the truth'.¹²¹³

8- الْهِدَايَةُ، وَ مَنْ حَكَمَ فِي دِرْهَمَيْنِ بَعِيرٍ مَا أَنْزَلَ اللَّهُ فَهُوَ كَافِرٌ.

(The book) 'Al Hidayah' –

And the one judging regarding two Dirhams with other than what Allah^{azwj} has Revealed, he is a Kafir'.¹²¹⁴

¹²¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 5

¹²¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 6

¹²¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 7

¹²¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 8

CHAPTER 9 – THE RULING WITH THE WITNESS AND THE OATH

1- لي، الأماالي للصدوق الطالقاني عن العدي عن صهيب بن عبد عن أبيه عن الصادق عن آبائه ع أَنَّ رَسُولَ اللَّهِ ص قَضَى بِالْيَمِينِ مَعَ الشَّاهِدِ الْوَاحِدِ وَ أَنَّ عَلِيًّا ع قَضَى بِهِ بِالْعِرَاقِ.

(The book) 'Al Amaali' of al Sadouq – Al Talaqany, from Al Adawy, from Suheyb Bin Abbad, from his father,

From Al-Sadiq^{asws} from his^{asws} forefathers^{asws}: 'Rasool-Allah^{saww} had judged with the oath with the one witness, and Ali^{asws} had judged with it at Iraq'.¹²¹⁵

2 لي، الأماالي للصدوق بهذا الإسناد عن الصادق عن أبيه ع عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: جَاءَ جَبْرِئِيلُ إِلَى النَّبِيِّ ص فَأَمَرَهُ أَنْ يَأْخُذَ بِالْيَمِينِ مَعَ الشَّاهِدِ.

(The book) 'Al-Amaali' of Al-Sadouq – By this chain from Al-Sadiq^{asws}, from his^{asws} father^{asws}, from Jabir Bin Abdullah^{ra} having said, 'Jibraeel^{as} came to the Prophet^{saww}. He^{as} instructed him^{saww} take with the oath along with the (one) witness'.¹²¹⁶

3- ب، قرب الإسناد حماد بن عيسى عن الصادق عن أبيه ع قَالَ قَالَ أَبِي ع قَضَى رَسُولُ اللَّهِ ص بِشَاهِدٍ وَ يَمِينٍ.

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa,

From Al-Sadiq^{asws}, from his^{asws} father^{asws} having said: 'Ali^{asws} said: 'Rasool-Allah^{saww} had judged with a witness and an oath'.¹²¹⁷

4- ب، قرب الإسناد ابن عيسى عن البرنطي قَالَ سَمِعْتُ الرِّضَا ع يَقُولُ قَالَ أَبُو حَنِيفَةَ لِأَبِي عَبْدِ اللَّهِ ع تَجْتَرِءُونَ بِشَاهِدٍ وَاحِدٍ وَ يَمِينٍ

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

'I heard Al-Reza^{asws} saying: 'Abu Haneefa said to Abu Abdullah^{asws}, 'You^{asws} are sufficing with one witness and an oath (to make a judgment)?'

قَالَ نَعَمْ قَضَى بِهِ رَسُولُ اللَّهِ ص وَ قَضَى بِهِ عَلِيٌّ ع بَيْنَ أَطْهَرِكُمْ بِشَاهِدٍ وَ يَمِينٍ فَعَجِبَ أَبُو حَنِيفَةَ

He^{asws} said: 'Yes, Rasool-Allah^{saww} had judged with it, and Ali^{asws} had judged with it in your midst with a witness and an oath!'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع أَعْجَبُ مِنْ هَذَا أَنْتُمْ تَقْضُونَ بِشَاهِدٍ وَاحِدٍ فِي مِائَةِ شَاهِدٍ وَ تَجْتَرِءُونَ بِشَهَادَاتِهِمْ بِقَوْلِهِ

¹²¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 1

¹²¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 2

¹²¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 3

Abu Haneefa was surprised, so Abu Abdullah^{-asws} said: 'Most surprising than this is that you judge by the testimony of a single witness in place of a hundred witnesses and are satisfied with their testimonies through his word'.

فَقَالَ لَهُ لَا نَفْعَ

He said to him^{-asws}, 'No we don't!'

فَقَالَ بَلَى تَبْعُونَ رَجُلًا وَاحِدًا فَيَسْأَلُ عَنْ مِائَةِ شَاهِدٍ فَتُجِيزُونَ شَهَادَاتِهِمْ بِقَوْلِهِ وَ إِنَّمَا هُوَ رَجُلٌ وَاحِدٌ

He^{-asws} said: 'Yes! You are sending one man to ask about one hundred witnesses, and are sufficing with their testimonies due to his word, and rather he is one man'.

فَقَالَ أَبُو حَنِيفَةَ أَيُّشِ فَرْقٌ مَا بَيْنَ ظِلَالِ الْمُحْرِمِ وَ الْحَبَاءِ

Abu Haneefa said, 'Which thing is the difference between the consecrated pilgrim taking shade and the tent?'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ السُّنَّةَ لَا تُقَاسُ.

Abu Abdullah^{-asws} said: 'The Sunnah cannot be analogised!'¹²¹⁸

5- أَرْبَعِينَ الشَّهِيدَ، بِإِسْنَادِهِ عَنِ الصَّدُوقِ عَنْ جَعْفَرِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ جَعْفَرِ الْحَمِيرِيِّ عَنْ وَالِدِهِ عَنْ مُحَمَّدِ بْنِ عِيسَى بْنِ عَبْدِ اللَّهِ الْأَشْعَرِيِّ عَنْ حَمَّادِ بْنِ عِيسَى قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ قَالَ أَبِي رَضِيَ اللَّهُ عَنْهُ قَضَى رَسُولُ اللَّهِ ص بِشَاهِدٍ وَ يَمِينٍ.

(The book) 'Arbaeen 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 Bin Abdullah Al Ashary, from Hammad Bin Isa who said,

'I heard Abu Abdullah^{-asws} saying: 'My^{-asws} father^{-asws}, may Allah^{-azwj} be Pleased with him^{-asws} said: 'Rasool-Allah^{-saww} judged with a witness and an oath'.¹²¹⁹

6- الْهِدَايَةُ، وَ حَكَمَ رَسُولُ اللَّهِ ص بِشَهَادَةِ شَاهِدٍ وَ يَمِينِ الْمُدَّعِي.

(The book) 'Al Hidayah' -

And Rasool-Allah^{-saww} had judged by the testimony of a witness and oath of the claimant'.¹²²⁰

¹²¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 4

¹²¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 5

¹²²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 6

CHAPTER 10 – SWEARING THE TRUTHFUL AND THE FALSE OATH, AND ADMINISTERING OATHS TO OTHERS

1- لي، الأماالي للصدوق في خبر المناهي قال النبي ص من حلف يمين كاذبة صبراً ليقطع بها مال امرئ مسلم لقي الله عز وجل وهو عليه غضبان إلا أن يتوب.

(The book) 'Al Amaali' of Al Sadouq –

In a Hadeeth of the prohibitions, the Prophet^{-saww} said: 'One who swears a false oath deliberately in order to cut (devour) by it wealth of a Muslim person will meet Allah^{-azwj} Mighty and Majestic and He^{-azwj} will be Angry upon him, except if he repents'.¹²²¹

2- لي، الأماالي للصدوق العطار عن أبيه عن البرقي عن أبيه عن محمد بن سنان عن أبي الجارود عن رجل عن عبد القيس عن سلمان رحمه الله أنه مر على المقابر فقال السلام عليكم يا أهل القبور من المؤمنين والمسلمين يا أهل الديار هل علمتم أن اليوم جمعة

(The book) 'Al Amaali' of Al Sadouq – Al Attar, from his father, from Al Barqy, from his father, from Muhammad Bin Sinan, from Abu Al Jaroud, from a man, from Abdul Qays,

From Salman^{-ra}, may Allah^{-azwj} Mercy him^{-ra}, he^{-ra} passed by the graves. He^{-ra} said, 'The greeting be upon you O occupants of the graves, from the believers and the Muslims! O people of the houses! Do you know that today is Friday?'

فلما انصرف إلى منزله و نام و ملكته عيناه أتاه آت فقال فعليكم السلام يا أبا عبد الله تكلمت فسمعنا و سلمت فرددنا و قلت هل تعلمون أن اليوم جمعة و قد علمنا ما تقول الطير في يوم الجمعة

When he^{-ra} left to go to his^{-ra} home and slept and his eyes overcame him^{-ra}, a comer came. He said, 'Upon you^{-ra} be the greeting, O Abu Abdullah! You^{-ra} spoke and we listened, and you^{-ra} greeted and we responded, and you^{-ra} said, 'Do you know that today is Friday?', and we do know what you^{-ra} said is what the bird says on the day of Friday'.

قال و ما تقول الطير في يوم الجمعة

He^{-ra} said, 'And what do the birds say on the day of Friday?'

قال تقول قُدوس قُدوس ربنا الرحمن المليك ما يعرف عظمة ربنا من يخلف باسمه كاذباً.

He said, 'It says, 'Holy! Holy is our Lord^{-azwj} the Beneficent, the King! He does not recognise the Magnificence of our Lord^{-azwj}, the one who swears by His^{-azwj} Name falsely!'¹²²²

¹²²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 1

¹²²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 2

3 ثو، ثواب الأعمال أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ مِثْلُهُ

(The book) 'Sawaab Al Amaal' – My father, from Muhammad Al Attar, similar to it.¹²²³

4 سن، المحاسن أَبِي مِثْلُهُ.

(The book) 'Al Mahasin' – My father, similar to it.¹²²⁴

5- لي، الأماالي للصدوق ابْنُ إِدْرِيسَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي الْخَطَّابِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنِ الْحَزَّازِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ بِاللَّهِ فَلْيَصْدُقْ وَ مَنْ لَمْ يَصْدُقْ فَلَيْسَ مِنَ اللَّهِ وَ مَنْ حَلَفَ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ.

(The book) 'Al Amaali' of Al Sadouq – Ibn Idrees, from his father, from Ibn Al Khattab, from Usman Bin Isa, from Al Khazzaz,

From Abu Abdullah^{asws} having said: 'One who swears by Allah^{azwj} let him be truthful, and one who is truthful isn't from (the slaves of) Allah^{azwj}, and the one whom it is sworn to by Allah^{azwj} let him be satisfied, and one who is not satisfied isn't from (the slaves of) Allah^{azwj}'.¹²²⁵

6 سن، المحاسن أَبِي عَنْ عُثْمَانَ مِثْلُهُ

(The book) 'Al-Mahasin' – My father, from Usman, similar to it.¹²²⁶

7 ين، كتاب حسين بن سعيد و النوادر عَنْ عُثْمَانَ مِثْلُهُ.

The book of Haseen Bin Saeed, and 'Al-Nawadir' – from Usman, similar it.¹²²⁷

8- ل، الخصال عَنْ سَعِيدِ بْنِ عِلَاقَةَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الْيَمِينُ الْفَاجِرَةُ تُورِثُ الْفَقْرَ.

(The book) 'Al Khisaal' – From Saeed Bin Ilaqa,

Amir Al-Momineen^{asws} said: 'The immoral oath inherits the poverty'.¹²²⁸

9- ماء، الأماالي للشيخ الطوسي الْحَفَّازُ عَنْ عُثْمَانَ بْنِ أَحْمَدَ عَنْ أَبِي فَلَابَةَ عَنْ وَهْبِ بْنِ حَرْبٍ وَ أَبُو زَيْدٍ عَنْ شُعْبَةَ عَنِ الْأَعْمَشِ عَنْ أَبِي وَائِلٍ عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ص قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ يَفْتَطِعُ بِهَا مَالَ أَخِيهِ لَقِيَ اللَّهَ عَزَّ وَ جَلَّ وَ هُوَ عَلَيْهِ غَضَبَانُ فَأَنْزَلَ اللَّهُ تَصْدِيقَ ذَلِكَ فِي كِتَابِهِ- إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَ أَيْمَانِهِمْ ثَمَنًا قَلِيلًا

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Usman Bin Ahmad, from Abu Qilabah, from Wahb Bin Hareez and Abu Zayd, from Shuba, from Al Amsh, from Abu Wail,

¹²²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 3

¹²²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 4

¹²²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 5

¹²²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 6

¹²²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 7

¹²²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 8

From Abu Abdullah^{-asws}, from the Prophet^{-saww}, having said: ‘One who swears an oath to cut off (to devour) by it the wealth of his brother, will meet Allah^{-azwj} Mighty and Majestic, and He^{-azwj} will be Angry upon him. Allah^{-azwj} has Revealed verification of that in His^{-azwj} Book: **Those who are taking for the Covenant of Allah and their own oaths, a small price [3:77]**’.

قَالَ فَبَرَزَ الْأَشْعَثُ بْنُ قَيْسٍ فَقَالَ يَرْثُ خَاصَمْتُ إِلَى رَسُولِ اللَّهِ ص فَقَضَى عَلَيَّ بِالْيَمِينِ.

He (the narrator) said, ‘Al-Ash’as Bin Qays (an enemies of Ahl Al-Bayt^{-asws})¹²²⁹ came out. He said, ‘It was Revealed regarding me! I had brought a dispute to Rasool-Allah^{-saww}, and he^{-saww} judged upon me with the oath!’¹²³⁰

10- ما، الأمايلي للشيخ الطوسي بهذا الإسناد إلى وهب عن أبيه عن عدي بن عدي عن رجاء بن حبوة و العرس بن عميرة قال حدثنا عن عدي بن عدي عن أبيه قال: اختصم إفرو القيس و رجل من حضرموت إلى رسول الله ص في أرضي فقال أ لك بينة

(The book) ‘Al Amaali’ of the Sheykh Al Tusi – By this chain to Wahb, from his father, from Aday, from Raja’a Bin Habwah, and Al Urs Bin Ameyra who said, ‘It is narrated to us from Aday Bin Aday, from his father who said,

‘Imro Al-Qays and a man from Hazramaut brought a dispute to Rasool-Allah^{-saww} regarding land. He^{-saww} said: ‘Is there any proof for you?’

قَالَ لَا

He said, ‘No’.

قَالَ فَيَمِينُهُ

He^{-saww} said: ‘Make him swear an oath!’

قَالَ إِذَا وَ اللَّهُ يَذْهَبَ بِأَرْضِي

He said, ‘Then, by Allah^{-azwj} he will go with my land!’

قَالَ إِنَّ دَهَبَ بِأَرْضِكَ يَمِينِهِ كَانَ مَنَّ لَا يَنْظُرُ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ وَ لَا يُرَكِّبُهُ وَ لَهُ عَذَابٌ أَلِيمٌ

He^{-saww} said: ‘If he goes with your land by an oath, he would be from the ones Allah^{-azwj} will not Look at (consider) him on the Day of Qiyamah nor will He^{-azwj} Purify (Forgive) him, and for him would be painful Punishment!’

قَالَ فَفَرَعَ الرَّجُلُ وَ رَدَّهَا إِلَيْهِ.

¹²²⁹ E.g., According to historical sources, Al-Ash’ath was aware of Ibn Muljam’s plan for Imam Ali’s assassination. Al-Ya’qubi reports that when Ibn Muljam travelled from Egypt to Kufa to assassinate the Imam, he stayed in al-Ash’ath’s house for one month, preparing himself for the assassination. (Ya’qūbī, Tārīkh al-Ya’qūbī, vol. 2, p. 212.), <https://en.al-shia.org/the-life-of-ashath-ibn-qays/>

¹²³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 9

He (the narrator) said, 'The man panicked and returned it to him'.¹²³¹

11 ما، الأماالي للشيخ الطوسي الحفّار عن عُثْمَانَ بْنِ أَحْمَدَ عَنْ أَبِي قِلَابَةَ عَنْ أَبِي الْوَلِيدِ عَنْ أَبِي عَوَانَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ عَنْ عَلْقَمَةَ بْنِ وائِلٍ عَنْ أَبِيهِ مِثْلَهُ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Haffar, from Usman Bin Ahmad, from Abu Qilabah, from Abu Al Waleed, from Abu Awana, from Abdul Malik Bin Umeyr, from Alqamah Bin Wail, from his father, similar to it.¹²³²

12- ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَعْبُدٍ عَنْ دُرُسْتٍ عَنْ عَبْدِ الْحَمِيدِ الطَّائِي عَنْ أَبِي الْحَسَنِ الْأَوَّلِ ع قَالَ قَالَ النَّبِيُّ ص مَنْ قَدَّمَ غَرِيباً إِلَى السُّلْطَانِ يَسْتَخْلِفُهُ وَهُوَ يَعْلَمُ أَنَّهُ يَخْلِفُ ثُمَّ تَرَكَهُ تَعْظِيماً لِلَّهِ عَزَّ وَجَلَّ لَمْ يَرْضَ اللَّهُ لَهُ بِمَنْزِلَةٍ يَوْمَ الْقِيَامَةِ إِلَّا مَنْزِلَةَ إِبْرَاهِيمَ خَلِيلِ الرَّحْمَنِ ع.

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Ibn Hashim, from Ibn Ma'bad, from Dorost, from Abdul Hameed Taie,

From Abu Al-Hassan^{-asws} the 1st having said: 'The Prophet^{-saww} said: 'One who brings a debtor to the ruler to make him swear an oath, and he knows he will swear, then he leaves him in reverence to Allah^{-azwj} Mighty and Majestic, Allah^{-azwj} will not be Pleased for him of any status on the Day of Qiyamah except the status of Ibrahim^{-as}, Friend of the Beneficent'.¹²³³

13 ضا، فقه الرضا عليه السلام مِثْلَهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}, similar to it.¹²³⁴

14- ص، قصص الأنبياء عليهم السلام عَنِ الصَّادِقِ ع قَالَ عِيسَى لِلْحَوَارِيِّينَ إِنَّ مُوسَى ع أَمَرَكُمْ أَنْ لَا تَخْلِفُوا بِاللَّهِ كَاذِبِينَ وَ أَنَا أَمَرْتُكُمْ أَنْ لَا تَخْلِفُوا بِاللَّهِ لَا كَاذِبِينَ وَ لَا صَادِقِينَ.

(The book) 'Qasas Al-Anbiya^{-as}', may the greeting be upon them^{-as} – From Al-Sadiq^{-asws}: 'Isa^{-as} said to the disciples: 'Musa^{-as} had instructed you not to swear by Allah^{-azwj} falsely, and I^{-as} am instructing you that you should not swear by Allah^{-azwj}, neither falsely nor truthfully'.¹²³⁵

15- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ تَبَارَكَ وَ تَعَالَى لَا إِلَهَ غَيْرُهُ- وَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ أَنْ تَبَرُّوا وَ تَتَّقُوا قَالَ هُوَ قَوْلُ الرَّجُلِ لَا وَ اللَّهُ وَ بَلَى وَ اللَّهُ.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{-asws}, about Words of Allah^{-azwj} the Blessed and Exalted, there is no god apart from Him^{-azwj}: **And do not be making Allah as obstacle to your oaths if you are doing**

¹²³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 10

¹²³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 11

¹²³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 12

¹²³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 13

¹²³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 14

good; and be fearing [2:224]. He^{-asws} said: 'It is the word of a man, 'No, by Allah^{-azwj!}', and 'Yes, by Allah^{-azwj!}'¹²³⁶

16 ين، كتاب حسين بن سعيد و النوادر القاسم بن محمد عن علي عن أبي بصير قال حدثني أبو جعفر إن أباة كان تحتة امرأة من الخوارج أظنها كانت من بني خنيفة فقال له مؤلى له يا ابن رسول الله إن عندك امرأة تنبراً من جدك

The book of Haseed Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Ali, from Abu Baseer who said,

'Abu Ja'far^{-asws} narrated to me that his^{-asws} father^{-asws} had a wife for him^{-asws} from the Kharijites, I think she was from the clan of Haneefa. A slave of his^{-asws} said to him^{-asws}, 'O son^{-asws} of Rasool-Allah^{-saww}! Under you^{-asws} is a woman who disavows from your^{-asws} grandfather (Ali^{-asws})!'

قال فعبر فعلمت أنه طالقها فادعت عليه صداقها فجاءت به إلى أمير المدينة تستعديه عليه فقالت لي عليه صداقي أربع مائة دينار

He (the narrator) said, 'He^{-asws} was shocked. I came to know (later) that he^{-asws} had divorced her. She claimed her dowry upon him^{-asws}. She came with him^{-asws} to the governor of Medina to claim it against him^{-asws}. She said to me^{-asws}, 'Upon him^{-asws} is my dowry of four hundred Dinars!'

فقال الوالي أ لك بينة

The governor said, 'Is there any proof for you?'

فقالت لا ولكن أخذ يمينه

She said, 'No, but take his^{-asws} oath!'

فقال والي المدينة يا علي إما أن تحلف وإما أن تعطيه

The governor of Medina said, 'O Ali^{-asws} (Bin Al-Husayn^{-asws})! Either you^{-asws} swear an oath or you^{-asws} give it to her!'

فقال لي يا بني فم فأعطيه أربع مائة دينار

He^{-asws} said to me^{-asws}: 'O my^{-asws} son^{-asws}! Get up and give her four hundred dinars!'

فقلت يا أبت جعلت فداك أ كنت محمداً

I^{-asws} said: 'O father^{-asws}, may I^{-asws} be sacrificed for you^{-asws}! Are you^{-asws} not on the right?'

فقال بلى يا بني و لكبي أجلت الله أن أخلف به يمين صبر

He^{-asws} said: 'Yes, O my^{-asws} son^{-asws}, but I^{-asws} regard Allah^{-azwj} as too Majestic to swear by Him^{-azwj} deliberately'.¹²³⁷

17- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عِيسَى عَنْ أَبِي أَيُّوبَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تَحْلِفُوا بِاللَّهِ صَادِقِينَ وَ لَا كَاذِبِينَ فَإِنَّ اللَّهَ قَدْ هَيَّأَ عَنْ ذَلِكَ فَقَالَ لَا تَحْلِفُوا اللَّهَ غُرْصَةً لِأَيْمَانِكُمْ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Abu Ayoub,

From Abu Abdullah^{-asws} having said: 'Do not swear by Allah^{-azwj}, neither truthfully nor falsely, for Allah^{-azwj} has Forbidden from that! He^{-azwj} Said: **And do not be making Allah as obstacle to your oaths [2:224]**'.¹²³⁸

18- ين، كتاب حسين بن سعيد و النوادر عَلِيُّ بْنُ أَبِي جَعْفَرٍ عَنْ أَبِي جَعْفَرٍ ع يَكْبِي لَهُ شَيْئًا فَكَتَبَ إِلَيْهِ وَ اللَّهُ مَا كَانَ ذَلِكَ وَ إِنِّي لَأَكْرَهُ أَنْ أَقُولَ وَ اللَّهُ عَلَى حَالٍ مِنَ الْأَحْوَالِ وَ لَكِنَّهُ عَمِّي أَنْ يُقَالَ مَا لَمْ يَكُنْ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ali said,

'A man wrote to Abu Ja'far^{-asws} narrating something to him^{-asws}. He^{-asws} wrote to him: 'By Allah^{-azwj} that did not happen, and I^{-asws} dislike to say, 'By, Allah^{-azwj}' upon any situation from the situations, but it saddened me^{-asws} that it be said what did not happen'.¹²³⁹

19- ين، كتاب حسين بن سعيد و النوادر يَحْيَى بْنُ عَمْرَانَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ حَلَفَ عَلَى يَمِينٍ صَبْرٍ فَقَطَعَ بِهَا مَالَ امْرِئٍ مُسْلِمٍ فَإِنَّمَا قَطَعَ جَذْوَةً مِنَ النَّارِ.

The book Haseen Bin Saeed, and 'Al Nawadir' – Yahya Bin Imran, from his father, from Abdullah Bin Suleyman,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who swears an oath deliberately, so by it he cuts off wealth of a Muslim person, has rather cut an ember of the fire!'¹²⁴⁰

20- عم، إعلام الوری اشتهر فی الروایة أَنَّ الْمَنْصُورَ أَمَرَ الرَّبِيعَ بِإِحْضَارِ أَبِي عَبْدِ اللَّهِ ع فَأَحْضَرَهُ فَلَمَّا بَصُرَ بِهِ قَالَ قَتَلَنِي اللَّهُ إِنْ لَمْ أَقْتُلْكَ أَ تُلْجِدُ فِي سُلْطَانِي وَ تَنْبَغِي الْعَوَائِلَ

(The book) 'A'lam Al Wara' -

It is well-known in the reports that (the caliph) Al-Mansour ordered for Abu Abdullah^{-asws} to be presented, so they presented him^{-asws}. When he sighted him^{-asws}, said, 'May Allah^{-azwj} Kill me if I don't kill you! Are you apostatising in my authority and are seeking calamities for me?'

فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع وَ اللَّهُ مَا فَعَلْتُ وَ لَا أَرَدْتُ فَإِنْ كَانَ بَلَغَكَ فَمِنْ كَاذِبٍ وَ لَوْ كُنْتُ فَعَلْتُ لَقَدْ ظَلَمْتُ يَوْسُفَ فَقَعَرَ وَ ابْتُلِيَ أَيُّوبَ فَصَبَرَ وَ أُعْطِيَ سُلَيْمَانُ فَشَكَرَ فَهَؤُلَاءِ أَنْبَاءُ اللَّهِ وَ إِلَيْهِمْ يَرْجِعُ نَسَبُكَ

¹²³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 16

¹²³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 17

¹²³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 18

¹²⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 19

Abu Abdullah^{-asws} said to him: 'By Allah^{-azwj}, I^{-asws} have not done so, nor have I^{-asws} even intended to! If it has reached you such, it is from a liar, and had I^{-asws} done it, Yusuf^{-as} was wronged and he^{-as} forgave, Ayoub^{-as} was afflicted and he^{-as} was patient, Suleyman^{-as} was Given and he^{-as} appreciated. They^{-as} are Prophets^{-as} of Allah^{-azwj} and your lineage returns to them^{-as}!'

فَقَالَ لَهُ الْمَنْصُورُ أَجَلُ ارْتَفَعْنَا فَارْتَفَعْ

Al-Mansour said to him^{-asws}, 'Yes, come up over here!'

فَقَالَ لَهُ إِنَّ فُلَانِ بْنِ فُلَانٍ أَخْبَرَنِي عَنْكَ بِمَا ذَكَرْتُ

He^{-asws} went up. He said to him^{-asws}, 'So and so, son of so and so informed me about you^{-asws} with what I mentioned'.

فَقَالَ أَخْضِرْهُ يَا أَمِيرَ الْمُؤْمِنِينَ لِيُوَافِقَنِي عَلَى ذَلِكَ

He^{-asws} said: 'Present him, O commander of the faithful, so he may agree with me^{-asws} upon that'.

فَأَخْضَرَ الرَّجُلَ الْمَذْكُورَ فَقَالَ لَهُ الْمَنْصُورُ أَنْتَ سَمِعْتَ مَا حَكَيْتَ عَنْ جَعْفَرٍ

The mentioned man was presented. Al-Mansour said to him, 'You heard what you told about Ja'far^{-asws}?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع فَاسْتَخْلِفْهُ عَلَى ذَلِكَ

Abu Abdullah^{-asws} said: 'Make him oath upon that!'

فَقَالَ لَهُ الْمَنْصُورُ أَتَخْلِفُ

Al-Mansour said to him, 'Will you swear an oath?'

قَالَ نَعَمْ فَأَبْتَدَأَ الْيَمِينَ

He said, 'Yes', and he began the oath.

فَقَالَ أَبُو عَبْدِ اللَّهِ دَعْنِي يَا أَمِيرَ الْمُؤْمِنِينَ أَخْلِفْهُ أَنَا

Abu Abdullah^{-asws} said: 'O commander of the faithful! Leave me^{-asws}, I^{-asws} shall make him swear!'

فَقَالَ لَهُ افْعَلْ

He said to him^{-asws}, 'Do so'.

فَقَالَ أَبُو عَبْدِ اللَّهِ لِلْسَّاعِي قُلْ بَرِّئْتُ مِنْ حَوْلِ اللَّهِ وَفُوتِهِ وَالتَّجَاثُّ إِلَى حَوْلِي وَفُوتِي لَقَدْ فَعَلَ كَذَا وَكَذَا جَعَفَرُ

Abu Abdullah^{-asws} said to the informer: 'Say, 'I disavow from the Mighty of Allah^{-azwj} and His^{-azwj} Strength, and I shelter to my own mighty and my own strength! Ja'far^{-asws} has done such and such!'

فَامْتَنَعَ مِنْهَا هُنَيْهَةً ثُمَّ خَلَفَ بِهَا فَمَا بَرَحَ حَتَّى اضْطَرَبَ بِرِجْلِهِ فَقَالَ أَبُو جَعْفَرٍ جُرُوا بِرِجْلِهِ فَأَخْرِجُوهُ لَعَنَهُ اللَّهُ

He refused from it for a while, to swear with it. He had not departed until his legs trembled. Abu Ja'far (Al-Mansour) said, 'Drag him by his feet and expel him, may Allah^{-azwj} Curse him!'

قَالَ الرَّبِيعُ وَكُنْتُ رَأَيْتُ جَعْفَرَ بْنَ مُحَمَّدٍ عَ حِينَ دَخَلَ عَلَى الْمَنْصُورِ يُحَرِّكُ شَفَتَيْهِ فُكُلَمَا حَرَّكَهُمَا سَكَنَ غَضَبُ الْمَنْصُورِ حَتَّى أَذْنَاهُ مِنْهُ وَرَضِيَ عَنْهُ
فَلَمَّا خَرَجَ أَبُو عَبْدِ اللَّهِ مِنْ عِنْدِ أَبِي جَعْفَرٍ اتَّبَعْتُهُ

Al-Rabie said, 'I had seen Ja'far^{-asws} Bin Muhammad^{-asws} when he^{-asws} entered to see Al-Mansour. He^{-asws} move his^{-asws} lips. Every time he^{-asws} moved them, the anger of Al-Mansour subsided until he drew him^{-asws} near and was satisfied with him^{-asws}. When Abu Abdullah^{-asws} went out from the presence of Abu Ja'far^{-asws}, I sought him^{-asws}.

فَقُلْتُ لَهُ إِنَّ هَذَا الرَّجُلَ كَانَ أَشَدَّ النَّاسِ غَضَبًا عَلَيْكَ فَلَمَّا دَخَلْتَ عَلَيْهِ وَ حَرَّكْتَ شَفَتَيْكَ سَكَنَ غَضَبُهُ فَبِأَيِّ شَيْءٍ كُنْتَ تُحَرِّكُهُمَا

I said to him^{-asws}, 'This man was the most severe of people in anger upon you^{-asws}. When you^{-asws} entered to see him and moved your^{-asws} lips, his anger subsided. So, with which thing had you^{-asws} moved your^{-asws} lips?'

قَالَ بِدُعَاءِ جَدِّي الْحُسَيْنِ بْنِ عَلِيٍّ ع

He^{-asws} said: 'With a supplication of my^{-asws} grandfather^{-asws} Al-Husayn^{-asws} Bin Ali^{-asws}'.

فَقُلْتُ جُعِلْتُ فِدَاكَ وَ مَا هَذَا الدُّعَاءُ

I said, 'May I be sacrificed for you^{-asws}, and what is this supplication?'

قَالَ يَا عُدَّتِي عِنْدَ شِدَّتِي وَ يَا عَوْثِي عِنْدَ كُرْبَتِي احْرُسْنِي بِعَيْنِكَ الَّتِي لَا تَنَامُ وَ اكْفِنِي بِرُكْبِكَ الَّذِي لَا يُرَامُ

He^{-asws} said: 'O my weapon during my adversity, and O my help during my distress! Guard me with Your^{-azwj} Eye which does not sleep, and Guard me with Your^{-azwj} Power which cannot be breached!'

قَالَ الرَّبِيعُ فَحَفِظْتُ هَذَا الدُّعَاءَ فَمَا نَزَلَتْ بِي شِدَّةٌ قَطُّ فَدَعَوْتُ بِهِ إِلَّا فَرَّجَ اللَّهُ عَنِّي

Al Rabie said, 'I memorised this supplication. No adversity befell with me at all and I supplicated with it, except Allah^{-azwj} Relived it from me!'

قَالَ وَ قُلْتُ لَجَعْفَرِ بْنِ مُحَمَّدٍ لَمْ مَنَعْتَ السَّاعِي أَنْ يَخْلِفَ بِاللَّهِ تَعَالَى

He (the narrator) said, 'And I said to Ja'far^{-asws} Bin Muhammad^{-asws}, 'Why did you^{-asws} prevent the seeker from swearing by Allah^{-azwj} the Exalted?'

قَالَ كَرِهْتُ أَنْ يَرَاهُ اللَّهُ تَعَالَى يُوجِدُهُ وَ يُحْجِدُهُ فَيَحْلُمَ عَنْهُ وَ يُؤَجِّرَ عُقُوبَتَهُ فَاسْتَحْلَفْتُهُ بِمَا سَمِعْتُ فَأَخَذَهُ اللَّهُ أَخَذَةً رَابِيَةً.

He^{-asws} said: 'I^{-asws} disliked that Allah^{-azwj} would See him professing His^{-azwj} Oneness so He^{-azwj} would be Lenient with him and Delay Punishing him, therefore I^{-asws} made him swear with what you heard, and so Allah^{-azwj} Seized him a severe seizure'.¹²⁴¹

21- ختص، الإختصاص قَالَ الصَّادِقُ ع مَنْ حَلَفَ بِاللَّهِ كَاذِبًا كَفَرَ وَ مَنْ حَلَفَ بِاللَّهِ صَادِقًا أَثِمَ إِنَّ اللَّهَ يَقُولُ - وَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ.

(The book) 'Al Ikhtisas' -

Al-Sadiq^{-asws} said: 'One who swears falsely by Allah^{-azwj}, has committed Kufr, and the one who swears truthfully by Allah^{-azwj} has sinned. Allah^{-azwj} Says: '**And do not be making Allah as obstacle to your oaths [2:224]**'.¹²⁴²

22- ختص، الإختصاص قَالَ الرِّضَا ع مَنْ تَارَزَ اللَّهَ بِالْأَيْمَانِ الْكَاذِبَةِ بَرِئَ اللَّهُ مِنْهُ.

(The book) 'Al Ikhtisas' -

Al-Reza^{-asws} said: 'One who duels Allah^{-azwj} with the false oath, Allah^{-azwj} Disavows from him'.¹²⁴³

23- هَجَّ الْبَلَاغَةَ، قَالَ ع فِيمَا كَتَبَ إِلَى الْحَارِثِ الْهُمْدَانِيِّ وَ عَظَّمَ اسْمَ اللَّهِ أَنْ لَا تَذْكُرُهُ إِلَّا عَلَى حَقٍّ.

(The book) 'Nahj Al Balagah' -

He (Amir Al-Momineen^{-asws}) said among what he^{-asws} wrote to Al-Haris Al-Hamdany: 'And revere the Name of Allah^{-azwj} by not mentioning it except upon truth'.¹²⁴⁴

24- أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ وَ هُوَ يَعْلَمُ أَنََّّهُ كَاذِبٌ فَقَدْ تَارَزَ اللَّهَ بِالْمُحَارَبَةِ وَ إِنَّ الْيَمِينَ الْكَاذِبَةَ تَذَرُ الدِّيَارَ بِلَاقِعٍ مِنْ أَهْلِهَا وَ تُورِثُ الْفَقْرَ فِي الْعَقَبِ وَ إِنَّهُ لَا يَعْرِفُ عَظَمَةَ اللَّهِ مَنْ يَخْلِفُ بِهِ كَاذِبًا.

(The book) 'A'lam Al Deen' -

From the Prophet^{-saww} having said: 'One who swears an oath and he knows it is a lie, he has duelled Allah^{-azwj} with the battle, and the false oath ruins the households with desolation from

¹²⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 20

¹²⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 21

¹²⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 22

¹²⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 23

its inhabitants and inherits the poverty in the descendants, and surely he has not recognised the Magnificence of Allah^{-azwj}, the one who swears falsely by him'.¹²⁴⁵

باب 11 أحكام الحلف

CHAPTER 11 – RULINGS OF THE OATH

1- ين، كتاب حسين بن سعيد و النوادر الحسن بن علي بن فضال و فضالته عن ابن بكير عن زرارَةَ قَالَ قُلْتُ لِأبي جعفرٍ ع نَمُرُ بِالْمَالِ عَلَى الْعُشَارِ فَيَطْلُبُونَ مِنَّا أَنْ نَخْلِفَ لَهُمْ وَ يُخْلُونَ سَبِيلَنَا وَ لَا يَرْضَوْنَ مِنَّا إِلَّا بِذَلِكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Ali Bin Fazzal, and Fazalah, from Ibn Bukeyr, from Zurarah who said,

'I said to Abu Ja'far^{-asws}, 'We pass by the tax collectors with wealth and they demand from that we swear an oath to them and they free our way, and they are not satisfied from us except with that!'

قَالَ فَمَا خَلَفْتُ لَهُمْ فَهُوَ أَحَلُّ مِنَ التَّمْرِ وَ الزَّيْتِ.

He^{-asws} said: 'Whatever you swear to them, it is more Halal than the dates and the butter are'.¹²⁴⁶

2- ين، كتاب حسين بن سعيد و النوادر عنه عن أبي جعفرٍ ع قَالَ: قُلْتُ إِنَّا نَمُرُ بِهَؤُلَاءِ الْقَوْمِ فَيَسْتَحْلِفُونَا عَلَى أَمْوَالِنَا وَ قَدْ أَدَّيْنَا زَكَاةَهَا

(The book) 'Haseen Bin Saeed, and 'Al Nawadir' -

From Abu Ja'far^{-asws}, he (the narrator) said, 'I said, 'We tend to pass by these people (tax collectors), so they make us swear oaths upon our wealth, and we have already given its Zakaat!'

قَالَ يَا زُرَّارَةَ إِذَا خِفْتَ فَأَخْلِفْ لَهُمْ بِمَا شَاءُوا

He^{-asws} said: 'O Zurara! When you fear, then swear for them with whatever they like'.

فَقُلْتُ جُعِلْتُ فِدَاكَ بِطَلَاقٍ وَ عَتَاقٍ

I said, 'May I be sacrificed for you^{-asws}, (even) with a divorce and liberation (of slaves)?'

قَالَ بِمَا شَاءُوا

He^{-asws} said with whatever they like'.

¹²⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 24

¹²⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 1

وَقَالَ أَبُو عَبْدِ اللَّهِ عَ التَّقِيَّةُ فِي كُلِّ ضَرُورَةٍ وَصَاحِبُهَا أَعْلَمُ بِهَا حِينَ تَنْزِلُ بِهِ.

And Abu Abdullah^{-asws} said: 'The Taqiyya (dissimulation) is in every necessity, and its doer is more knowing with it when it befalls him'.¹²⁴⁷

3- ين، كتاب حسين بن سعيد و النوادر عَنْ مَعْمَرِ بْنِ يَحْيَى قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع إِنَّ مَعِيَ بَضَائِعَ لِلنَّاسِ وَ نَحْنُ نَمُرُّ بِهَا عَلَى هَؤُلَاءِ الْعُشَّارِ فَيُخْلِفُونَا عَلَيْهَا فَتَخْلِفُ لَهُمْ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Ma'mar Bin Yahya who said,

'I said to Abu Ja'far^{-asws}, 'With me there is merchandise of the people and we (transporters) pass with these upon these tax collectors. They make us oath upon these so we oath for them'.

قَالَ وَدِدْتُ أَنِّي أَقْدِرُ أَنْ أُجِيرَ أَفْوَالَ الْمُسْلِمِينَ كُلَّهَا وَ أَخْلِفَ عَلَيْهَا كُلَّمَا خَافَ الْمُؤْمِنُ عَلَى نَفْسِهِ فِيهِ ضَرُورَةٌ فَلَهُ فِيهِ التَّقِيَّةُ.

He said, 'I^{-asws} would love to have power to shelter (protect) wealth of the Muslims, all of it, and I^{-asws} would swear an oath upon! Every time the Momin fears upon himself in which is necessity, for him is the Taqiyya (dissimulation) in it'.¹²⁴⁸

4- ين، كتاب حسين بن سعيد و النوادر فَضَالَةُ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع رَجُلٌ خَلَفَ لِلسُّلْطَانِ بِالطَّلَاقِ وَ الْعَتَاقِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazala, from Sayf Bin Ameyra, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'A man swears an oath for the ruler with the divorce and the liberation (of his slave)'.

قَالَ إِذَا خَشِيَ سَوْطَهُ وَ سَيْفَهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَغْفُو وَ النَّاسُ لَا يَغْفُونَ.

He^{-asws} said: 'When he fears his (ruler's) whip and his sword, there isn't anything upon him. O Abu Bakr! Allah^{-azwj} Pardons while the people do not pardon'.¹²⁴⁹

5- ين، كتاب حسين بن سعيد و النوادر عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع أَمُرُّ بِالْعُشَّارِ وَ مَعِيَ الْمَالُ فَيَسْتَخْلِفُونِي فَإِنْ خَلَفْتُ تَرْكُونِي وَ إِنْ لَمْ أَخْلِفْ فَلَسُونِي وَ ظَلَمُونِي

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ismail Al Jufy who said,

¹²⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 2

¹²⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 3

¹²⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 4

'I said to Abu Ja'far^{-asws}, 'I pass by the tax collector and with me is the wealth, so they make me swear an oath. If I swear, they leave me, and if I don't swear, they take the money and oppress me!'

فَقَالَ أَخْلِفْ لَهُمْ

He^{-asws} said: 'Swear for them!'

فَقُلْتُ فَإِنْ خَلَفُونِي بِالطَّلَاقِ فَأَخْلِفْ لَهُمْ

I said, 'Supposing they make me swear with the divorce, shall I swear for them?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

قُلْتُ فَإِنَّ الْمَالَ لَا يَكُونُ لِي

I said, 'But the wealth does not happen to be mine!'

قَالَ تَبْقَى مَالُ أَخِيكَ.

He^{-asws} said: 'You will save the wealth of your brother'.¹²⁵⁰

6- ين، كتاب حسين بن سعيد و النوادر عَنْ أَبِي الْحَسَنِ ع فَإِنِّي سَأَلْتُهُ عَنِ الرَّجُلِ يُسْتَكْرَهُ عَلَى الْيَمِينِ فَيَخْلِفُ بِالطَّلَاقِ وَ الْعَتَاقِ وَ صَدَقَةٍ مَا يَمْلِكُ أ يَلْزُمُهُ ذَلِكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' -

From Abu Al-Hassan^{-asws}, for I had asked him^{-asws} about the man who is coerced upon the oath, so he swears with the divorce, and the liberation, and charity of what he owns, 'Does that necessitate him?'

فَقَالَ لَا ثُمَّ قَالَ قَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنْ أَتَمِّي مَا أُكْرَهُوا عَلَيْهِ وَ لَمْ يُطِيفُوا وَ مَا أَخْطَأُوا.

He^{-asws} said: 'No', then said: 'Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community whatever they are coerced upon, and they cannot endure and what they are mistaken in'.¹²⁵¹

7- ين، كتاب حسين بن سعيد و النوادر سَمَاعَةُ قَالَ: قَالَ إِذَا خَلَفَ الرَّجُلُ بِاللَّهِ تَقِيَّةً لَمْ يَضُرَّهُ وَ بِالطَّلَاقِ وَ الْعَتَاقِ أَيْضاً لَا يَضُرُّهُ إِذَا هُوَ أَكْرَهُ وَ اضْطُرَّ إِلَيْهِ

¹²⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 5

¹²⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 6

The book of Haseen Bin Saeed, and Al Nawadir – Sama'at said,

'When the man swears by Allah^{-azwj} in Taqiyyah (dissimulation) it does not harm him, and with the divorce and the liberation as well, it does not harm him when he is coerced and is desperate to'.

وَقَالَ لَيْسَ شَيْءٌ مِّمَّا حَرَّمَ اللَّهُ إِلَّا وَ قَدْ أَحْلَهُ لِمَنْ اضْطُرَّ إِلَيْهِ.

And he^{-asws} said: 'There isn't anything from what Allah^{-azwj} has Prohibited, except and He^{-azwj} has Permitted it for the one who is desperate to it'.¹²⁵²

8- ين، كتاب حسين بن سعيد و النوادر عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع تَخْلِفُ لِصَاحِبِ الْعُشَارِ نُجَيْرٌ بِذَلِكَ مَا لَنَا

The book of Haseen Bin Saeed, and Al Nawadir' – From Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'Can we swear for the tax collector to protect our wealth by it'.

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

و فِي الرَّجُلِ يَخْلِفُ تَقِيَّةً قَالَ إِنْ خَشِيتَ عَلَى دِمِكَ وَ مَالِكَ فَاخْلِفْ تَرَدُّهُ عَنْكَ يَمِينِكَ وَ إِنْ رَأَيْتَ أَنَّ يَمِينَكَ لَا يَرُدُّ عَنْكَ شَيْئاً فَلَا تَخْلِفْ لَهُمْ.

And regarding the man who swears in Taqiyyah (dissimulation), he^{-asws} said: 'If you fear upon your blood and your wealth, swear to repel it by your oath, and if you see that your oath does not repel anything from you, do not swear for them'.¹²⁵³

9- ين، كتاب حسين بن سعيد و النوادر عَنْ مُعَاذِ بْنِ بَيْعٍ الْأَكْسِيَّةِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّا نُسْتَخْلِفُ بِالطَّلَاقِ وَ الْعَتَاقِ فَمَا تَرَى أَخْلِفُ لَهُمْ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Muaz Bayya Al Aksiya who said,

'I said to Abu Abdullah^{-asws}, 'We are made to swear oaths with the divorce and the liberation (of slaves), so what is your^{-asws} view if I were to swear for the?'

قَالَ اخْلِفْ لَهُمْ بِمَا أَرَادُوا إِذَا خِفْتَ.

He^{-asws} said: 'Swear for them with whatever they want, when you fear'.¹²⁵⁴

10- ين، كتاب حسين بن سعيد و النوادر عَنْ غَلَاءٍ عَنْ مُحَمَّدٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا يُسْتَخْلَفُ الْعَبْدُ إِلَّا عَلَى عِلْمِهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ala'a, from Muhammad,

¹²⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 7

¹²⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 8

¹²⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 9

From Abu Ja'far^{-asws} having said: 'The servant should not be made to swear an oath except based upon his knowledge'.

وَقَالَ فِي قَوْلِهِ وَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ قَالَ لَا وَاللَّهِ وَ بَلَى وَاللَّهِ -

And he (the narrator) said, 'Regarding His^{-azwj} Words: **And do not be making Allah as obstacle to your oaths [2:224]**, he^{-asws} said: 'No, by Allah^{-azwj}', and 'Yes, by Allah^{-azwj}'!

وَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - فَلَا أَقْسِمُ بِمَوَاقِعِ النُّجُومِ قَالَ عَظُمَ إِثْمُ مَنْ يُقْسِمُ بِهَا

And I asked him^{-asws} about Words of Allah^{-azwj}: '**So do not swear by the locations of the stars! [56:75]**. He^{-asws} said: 'A mighty sin, one who swears by these'.

قَالَ وَ كَانَ أَهْلُ الْجَاهِلِيَّةِ يُعْظِمُونَ الْحَرَّمَ وَ لَا يُقْسِمُونَ بِهِ وَ يَسْتَحِلُّونَ حُرْمَةَ اللَّهِ فِيهِ وَ لَا يَعْزُضُونَ لِمَنْ كَانَ فِيهِ وَ لَا يَجْرَحُونَ فِيهِ ذَابَّةً فَقَالَ اللَّهُ لَا أَقْسِمُ بِهَذَا الْبَلَدِ وَ أَنْتَ حِلٌّ بِهَذَا الْبَلَدِ - وَ وَالِدٍ وَ مَا وَلَدٌ

He^{-asws}, 'And people of the pre-Islamic period were revering the Sanctuary and they were not swearing by it, and they were violating the Sanctity of Allah^{-azwj} in it, and they were not harming the one who was in it, and they were not injuring any creature in it. Allah^{-azwj} Said: **I hereby Swear by this city! [90:1] And you are a dweller in this city [90:2] And (so is) a father and what he begot [90:3]**'.

قَالَ يُعْظِمُونَ الْبُلْدَانَ يَخْلِفُونَ بِهِ وَ يَسْتَحِلُّونَ حُرْمَةَ رَسُولِ اللَّهِ فِيهِ وَ قَوْلُ الرَّجُلِ لَا بَأْسَ شَانِكَ فَإِنَّ ذَلِكَ قَسَمُ أَهْلِ الْجَاهِلِيَّةِ فَلَوْ خَلَفَ بِهِ الرَّجُلُ وَ هُوَ يُرِيدُ اللَّهُ كَانَ قَسَمًا

He^{-asws} said: 'They were revering the cities, swearing by it and violating the sanctity of Rasool-Allah^{-saww} in it; as the words of a man, 'No, by your enemy', for that is a swear of the people of Pre-Islamic period. If a man were to take an oath by it and intended Allah^{-azwj}, it would be a swear.

وَ أَمَّا قَوْلُهُ لَعَمْرُ اللَّهِ وَ أَيْمُ اللَّهِ فَإِنَّمَا هُوَ بِاللَّهِ وَ قَوْلُهُمْ يَا هَنَاءَ وَ يَا هَمَاءَ فَإِنَّ ذَلِكَ طَلَبُ الْإِسْمِ.

And as for his words, 'By the life of Allah^{-azwj}', and 'I swear by Allah^{-azwj}', it is rather by Allah^{-azwj}, while their words, 'O Hannah', and 'O Hammah', for that demands the name'.¹²⁵⁵

11- وَ قَالَ: لَا يُخْلَفُ الْيَهُودِيُّ وَ النَّصْرَانِيُّ إِلَّا بِاللَّهِ وَ لَا يَصْلُحُ لِأَحَدٍ أَنْ يَسْتَحْلِفَهُمْ بِأَهْلِيهِمْ.

And he^{-asws} said: 'Do not get the Jew and the Christian to oath except by Allah^{-azwj}, and it is not correct for anyone to make them swear by their gods'.¹²⁵⁶

¹²⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 10

¹²⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 11

12- تَخَجُّجُ الْبَلَاغَةِ، كَانَ أَمِيرُ الْمُؤْمِنِينَ ع يَقُولُ اخْلِفُوا الظَّالِمَ إِذَا أَرَدْتُمْ بِأَنَّهُ بَرِيءٌ مِنْ حَوْلِ اللَّهِ وَ قُوَّتِهِ فَإِنَّهُ إِذَا حَلَفَ بِمَا كَذِباً عُوجِلَ وَ إِذَا حَلَفَ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ لَمْ يُعَاجَلْ لِأَنَّهُ قَدْ وَحَّدَ اللَّهُ سُبْحَانَهُ.

(The book) 'Nahj Al Balaghah' -

Amir Al-Momineen^{-asws} had said: 'And he^{-asws} had said: 'Make an unjust one to (take an) oath, when you want him to swear (for the oat then let him say like this), that he is disavowed from the Might of Allah^{-azwj} and His^{-azwj} Strength (if he is lying), for when he swears by it (with these words) falsely, the Punishment will be hastened; and when he swears by Allah^{-azwj} the One^{-azwj}, there is no god except He^{-azwj}, he will not be hastened with (punishment) because he would have professed the Oneness of Allah^{-azwj} the Glorious'.¹²⁵⁷

13- وَقَالَ ع لَا وَ الَّذِي أَمْسَيْنَا مِنْهُ فِي غَيْرِ لَيْلَةٍ دَهَاءَ تَكْثِيرُ عَنْ يَوْمٍ أَغْرَ مَا كَانَ كَذَا وَ كَذَا.

And he^{-asws} said: 'And he^{-asws} said: 'No! By the One^{-azwj} Who Lets us pass from it - remainder of the night, darkness to be brightened from a day, like a bright face, such and such would not have happened'.¹²⁵⁸

14- ين، كتاب حسين بن سعيد و النوادر عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ أَوْ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ: لَا أَرَى أَنَّ يَخْلِفَ الرَّجُلُ إِلَّا بِاللَّهِ فَأَمَّا قَوْلُ الرَّجُلِ لَا بَلْ شَأْنُكَ فَإِنَّهُ مِنْ قَوْلِ الْجَاهِلِيَّةِ وَ لَوْ حَلَفَ النَّاسُ بِهَذَا وَ أَشْبَاهِهِ لَتَرَكَ الْحَلْفُ بِاللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zurara,

From Abu Ja'far^{-asws} or about Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'I^{-asws} don't view that the man should oath except by Allah^{-azwj}. As for the words of a man, 'No, buy by your adversary', it is from words of the pre-Islamic period, and if the people were to oath with this and its like, the oath by Allah^{-azwj} would be neglected.

فَأَمَّا قَوْلُ الرَّجُلِ يَا هَنَّا [هَنَاءَ] أَوْ يَا هَمَاءَ فَإِنَّمَا ذَلِكَ طَلَبُ الْإِسْمِ وَ لَا أَرَى بِهِ بَأْساً وَ أَمَّا قَوْلُهُ لَعَمْرُ اللَّهِ وَ قَوْلُهُ- لَا هَلَاءَ إِذَا فَإِنَّمَا هُوَ بِاللَّهِ.

As for the words of a man, 'O Hanna', or 'O Hammah', that rather demands the man, and I^{-asws} don't see any problem with it; and as for his words, 'By the life of Allah^{-azwj}', and his words, 'O by god', so rather it is by Allah^{-azwj}'.¹²⁵⁹

15- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ مَنْصُورٍ بِنِ يُونُسَ عَنِ الثُّمَالِيِّ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تَخْلِفُوا إِلَّا بِاللَّهِ وَ مَنْ حَلَفَ بِاللَّهِ فَلْيَصْدُقْ وَ مَنْ حَلَفَ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ حَلَفَ لَهُ بِاللَّهِ فَلَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeir, from Mansour Bin Yunus, from Al Sumali,

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Do not swear except by Allah^{-azwj}, and the one who swears by Allah^{-azwj}, let him be truthful, and to whom someone

¹²⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 12

¹²⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 13

¹²⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 14

swears by Allah^{-azwj}, let him be satisfied, and the one to whom someone swears by Allah^{-azwj} but he is not satisfied, he isn't from Allah^{-azwj}.¹²⁶⁰

16- ين، كتاب حسين بن سعيد و النوادر عنه عن الحلبي عن أبي عبد الله ع قال: سأله عن استخلاف أهل الذمة فقال لا تحلفوهم إلا بالله.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him, from Al Halby,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about making *Ahl Al-Zimma* (Jews and Christians) to swear. He^{-asws} said: 'Do not make them swear except by Allah^{-azwj}'.¹²⁶¹

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I said to Abu Ja'far^{-asws} regarding Words of Allah^{-azwj}: ***(I Swear) by the night when it overcomes [92:1] And the day when it is displayed [92:2]***, and what resembles that'.

17- ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم قال: قلت لأبي جعفر ع في قول الله- و الليل إذا يغشى و النجم إذا هوى و ما أشبه ذلك فقال إن لله أن يقسم من خلقه بما شاء و ليس خلقه أن يقسموا إلا به.

He^{-asws} said: 'For Allah^{-azwj} is to Swear from His^{-azwj} creature with whatever He^{-azwj} Desires, and it isn't for His^{-azwj} creatures to be swearing except by Him^{-azwj}'.¹²⁶²

18- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن حماد بن عثمان عن معاوية عن أبي الصباح قال: قلت لأبي الحسين زيدا أمي تصدقت علي بنصيب لها في دار فقلت لها إن الفضة لا تجزون هذا و لكنه اكتبيه شري فقالت اصنع ما بدا لك و كلما ترى أنه يسوع لك فتوثقت و أراد بغض الورثة أن يستخلفني أبي قد نقدتها الثمن و لم أنفذها شيئا فما ترى

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Hammad Bin Usman, from Muawiya, from Abu Al Sabbah who said,

'I said to Abu Al-Husayn Zayd, 'My mother donated to me her share in a house, so I said to her, 'The judges will not be validating this, but write it as a sale!' She said, 'Do whatever comes to your mind and all what you see that is proper for you!' I secured it, and one of the inheritors wanted to make me swear an oath that I had given her the cash price, but I had not given her anything. So what is your^{-asws} view?'

قال فأخلف له.

He^{-asws} said: 'Swear for him'.¹²⁶³

19- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق ع أبيه ع أن عليا ع كان يستخلف النصارى و اليهود في بيعهم و كنائسهم و المجرس في بيوت نيرانهم و يقول شددوا عليهم احتياطاً للمسلمين.

¹²⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 15

¹²⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 16

¹²⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 17

¹²⁶³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 18

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had made the Christians and the Jews in their synagogues and their Churches, and the Magians in their houses of fire-worship, and he^{asws} said: 'Be harsh upon them as a precaution for the Muslims'.¹²⁶⁴

20- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع كَانَ يَسْتَخْلِفُ الْيَهُودَ وَ النَّصَارَى بِكَنَائِسِهِمْ وَ يَسْتَخْلِفُ الْمُجُوسَ بِبُيُوتِ نَارِهِمْ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had made the Jews and the Christians to swear at their Churches, and made the Magians to swear at their houses of fire-worship'.¹²⁶⁵

21- لي، الأماالي للصدوق في حَبْرِ الْمَنَاهِي أَنَّ النَّبِيَّ ص هَيَّ أَنْ يَخْلِفَ الرَّجُلُ بغيرِ اللَّهِ وَ قَالَ مَنْ حَلَفَ بِغَيْرِ اللَّهِ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions – 'The Prophet^{saww} prohibited the man from swearing an oath by other than Allah^{azwj}, and said: 'One who swears by other than Allah^{azwj}, he isn't in anything from Allah^{azwj}!'

وَ هَيَّ أَنْ يَخْلِفَ الرَّجُلُ بِشَوْرةٍ مِنْ كِتَابِ اللَّهِ وَ قَالَ مَنْ حَلَفَ بِشَوْرةٍ مِنْ كِتَابِ اللَّهِ فَعَلَيْهِ بِكُلِّ آيَةٍ مِنْهَا يَمِينٌ فَمَنْ شَاءَ بَرَّ وَ مَنْ شَاءَ فَجَرَ

And he^{saww} prohibited a man from swearing an oath by a Chapter of the Book of Allah^{azwj} and said: 'One who swears by a Chapter of the Book of Allah^{azwj}, upon him, with each Verse from it, is an oath. The one who desires can be righteous, and one who desires can be immoral'.

وَ هَيَّ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ - لَا وَ حَيَاتِكَ وَ حَيَاةَ فُلَانٍ.

And he^{saww} prohibited the man from saying to a man, 'No, by your life', and 'Life of so and so!'¹²⁶⁶

22- ب، قرب الإسناد هارون عن ابنِ صدقة قال: سئل جعفر بن محمد ع عَمَّا قَدْ يَجُورُ وَ عَمَّا لَا يَجُورُ مِنَ النَّبِيِّ عَلَى الْإِضْمَارِ فِي الْبَيِّنِ فَقَالَ إِنَّ النَّبِيَّ قَدْ يَجُورُ فِي مَوْضِعٍ وَ لَا يَجُورُ فِي آخَرَ

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

'Ja'far^{asws} Bin Muhammad^{asws} was asked about what is allowed and what is not allowed from the intention of the concealment in the oath. He^{asws} said: 'The intentions, they are allowed in a place and not allowed in another.

¹²⁶⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 19

¹²⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 20

¹²⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 21

فَأَمَّا مَا تَجَوُّزُ فِيهِ فَإِذَا كَانَ مَظْلُومًا فَمَا حَلَفَ بِهِ وَ نَوَى الْيَمِينَ فَعَلَى نِيَّتِهِ وَ أَمَّا إِذَا كَانَ ظَالِمًا فَالْيَمِينُ عَلَى نِيَّةِ الْمَظْلُومِ

As for what is allowed, if one is wronged and swears an oath while intending the oath, it is based on his intention. But if one is the wrongdoer, the oath is considered according to the intention of the one who was wronged’.

ثُمَّ قَالَ وَ لَوْ كَانَتِ النَّيَّاتُ مِنْ أَهْلِ الْفُسْقى يُؤْخَذُ بِهَا أَهْلُهَا إِذَا أَخَذَ كُلُّ مَنْ نَوَى الزَّنا بِالزَّنا وَ كُلُّ مَنْ نَوَى السَّرْفَةَ بِالسَّرْفَةِ وَ كُلُّ مَنْ نَوَى الْقَتْلَ بِالْقَتْلِ

Then^{-asws} said: ‘If intentions of the people of sin were acted upon, then everyone who intended adultery would be held for adultery, everyone who intended theft would be held for theft, and everyone who intended murder would be held for murder.

وَ لَكِنَّ اللَّهَ عَدْلٌ كَرِيمٌ لَيْسَ الْجَوْرُ مِنْ شَأْنِهِ وَ لَكِنَّهُ يُبَيِّتُ عَلَى نِيَّاتِ الْخَيْرِ أَهْلَهَا وَ إِضْمَارِهِمْ عَلَيْهَا وَ لَا يُؤْخَذُ أَهْلُ الْفُسْقى حَتَّى يَفْعَلُوا.

But Allah^{-azwj} is Just, Benevolent, Wise. The tyranny isn’t from His^{-azwj} Conduct, but rather He^{-azwj} Rewards the goodness upon intentions of its people, and their consciences upon it, and He^{-azwj} does not Seize the mischievous until they (actually) act upon it’.¹²⁶⁷

23- سن، المحاسن أبي عن فضالة عن سيف عن أبي بكر الحضرمي قال: قلت لأبي عبد الله ع رجل حلف للسلطان بالطلاق والعنق

(The book) ‘Al Mahasin’ – My father, from Fazala, from Sayf, from Abu Bakr Al Hazrami who said,

‘I said to Abu Abdullah^{-asws}, ‘A man swears an oath for the ruler with the divorce and the liberation (of slave)’.

فَقَالَ إِذَا خَشِيَ سَيْفَهُ وَ سَطَوْتُهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَغْفُو وَ النَّاسُ لَا يَغْفُونَ.

He^{-asws} said: ‘When he swears his sword and his whip, there isn’t anything upon him. O Abu Bakr! Allah^{-azwj} Pardons, and the people do not pardon’.¹²⁶⁸

24- سن، المحاسن أبي عن صفوان عن أبي الحسن و البرزنجي معاً عن أبي الحسن ع قال: سألتُهُ عَنِ الرَّجُلِ يُسْتَكْرَهُ عَلَى الْيَمِينِ فَيُحْلِفُ بِالطَّلَاقِ وَ الْعَنَاقِ وَ صَدَقَهُ مَا يَمْلِكُ أَوْ يَلْزُمُهُ ذَلِكَ

(The book) ‘Al Mahasin’ – From Safwan, from Abu Al-Hassan and Al Bazanty, both together,

From Abu Al-Hassan^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about the man who is coerced upon the oath, so he swears with the divorce and the liberation, and charity of what he owns, ‘Does that necessitate him?’

فَقَالَ لَا فَقَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنْ أَمْتِي مَا أَكْرَهُوا عَلَيْهِ وَ لَمْ يُطِيعُوا وَ مَا أَخْطَأُوا.

¹²⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 22

¹²⁶⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 23

He^{-asws} said: 'No! Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community, what they are coerced upon, and (what) they cannot endure, and what they are mistaken in'.¹²⁶⁹

25- سن، المحاسن أبي عن ابن أبي عمير عن أبي أيوب عن معاذ بن أبي أكيصة قال: قلت لأبي عبد الله ع إننا نستخلف بالطلاق والعناق فما ترى أخلف لهم

(The book) 'Al-Mahasin' – My father, from Ibn Abu Umeyr, from Abu Ayoub, from Muaz Baya Al Akeysa who said,

'I said to Abu Abdullah^{-asws}, 'We are made to swear with the divorce and the liberation (of slaves), so what is your^{-asws} view, shall I swear to them?'

قال أخلف لهم بما أرادوا إذا خفت.

He^{-asws} said: 'Swear to them with whatever they want when you fear'.¹²⁷⁰

26- ضا، فقه الرضا عليه السلام إذا أعطيت رجلاً مالاً فجحدك فحلف عليه ثم أتاك بالمال بعد مدّة و بما ربح فيه و ندیم على ما كان منه فخذ منه رأس مالك و نصف الربح و ردّ عليه نصف الربح هذا رجل تائب

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'When you give money to a man but he denies it and swear an oath upon it, then afterwards he comes to you with the money after a period and with what he had profited with, and regrets upon what had happened from him, take your capital from him and half the profit, and return half the profit to him. This is a repentance.

فإن جحدك رجل حلفك و حلف عليه و وقع له عندك مال فلا تأخذ منه إلا بمقدار حلفك و قل اللهم إني أخذته مكان حقي و لا تأخذ أكثر مما حبسته عليك

If a man rejects your right and swears upon it, and money of his occurs in your possession, do not take from it except a measurement of your right, and say, 'O Allah^{-azwj}! I am taking it in place of my right!', and do not take more than what he had withheld from you.

و إن استخلفك على أنك ما أخذت فجاؤ لك أن تخلف إذا قلت هذه الكلمة فإن حلفت أنت على حلفك و حلف هو فليس لك أن تأخذ منه شيئاً

And if he makes you swear that you did not take it, then it is permissible for you to swear if you say these words. But if you make him swear concerning your right, and he swears, then you have no right to take anything from him.

فقد قال النبي ص من حلف بالله فليصدق و من خلف له فليرض و من لم يرض فليس من الله جلّ و عزّ فإن أتاك الرجل بحلفك من بعد ما حلفته من غير أن تطالبه فإن كنت مؤسراً أخذته فتصدق به و إن كنت محتاجاً إليه أخذته لنفسك.

The Prophet^{-saww} had said: 'One who swears by Allah^{-azwj}, let him be truthful, and one who is sworn to, let him be satisfied, and one who is not satisfied, he isn't from (the slaves of) Allah'

¹²⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 24

¹²⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 25

azwj Majestic and Mighty. If the man comes to you with your right from after he had sworn an oath, from without your having demanded it, if you were affluent then take it and donate it, and if you have need to it then take it for yourself'.¹²⁷¹

27- شي، تفسير العياشي عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يُخْلَفُ الْيَهُودِيُّ وَلَا النَّصْرَانِيُّ وَلَا الْمَجُوسِيُّ بِغَيْرِ اللَّهِ إِنَّ اللَّهَ يَقُولُ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ.

Tafseer Al Ayyashi – From Suleyman Bin Khalid,

From Abu Abdullah^{-asws} having said: 'Neither make the Jew, nor the Christian nor the Magian to swear with other than Allah^{-azwj}. Allah^{-azwj} Says: **Therefore judge between them with what Allah Revealed [5:48]**'.¹²⁷²

28- ين، كتاب حسين بن سعيد و النوادر النَّصْرُ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ: لَا تُخْلَفِ الْيَهُودِيُّ وَالنَّصْرَانِيُّ وَلَا الْمَجُوسِيُّ بِغَيْرِ اللَّهِ إِنَّ اللَّهَ يَقُولُ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Hisham Bin Salim, from Suleyman Bin Khalid,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'Do not make the Jew, nor the Christian, nor the Magian to swear with other than Allah^{-azwj}. He^{-azwj} Says: **Therefore judge between them with what Allah Revealed [5:48]**'.¹²⁷³

29- ين، كتاب حسين بن سعيد و النوادر عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تُخْلَفُ بِغَيْرِ اللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Jarrah Al Madainy,

From Abu Abdullah^{-asws} having said: 'Do not swear by other than Allah^{-azwj}!'

و قَالَ الْيَهُودِيُّ وَالنَّصْرَانِيُّ وَالْمَجُوسِيُّ - لَا تُخْلَفُوهُمْ إِلَّا بِاللَّهِ.

And he^{-asws} said: 'The Jew, and the Christian, and the Magian, do not make them swear except by Allah^{-azwj}!'¹²⁷⁴

30- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عِيسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ هَلْ يَصْلُحُ لِأَحَدٍ أَنْ يُخْلَفَ أَحَدًا مِنَ الْيَهُودِ وَالنَّصَارَى وَالْمَجُوسِ بِالْهَيْئَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from Sama'at who said,

'I asked him^{-asws}, 'Is it correct for anyone to get anyone from the Jews, and the Christians, and the Magians to swear by their gods?'

¹²⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 26

¹²⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 27

¹²⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 28

¹²⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 29

قَالَ لَا يَصْلُحُ أَنْ يُحْلَفَ أَحَدًا إِلَّا بِاللَّهِ.

He^{-asws} said: 'It is not correct to swear anyone except by Allah^{-azwj}'.¹²⁷⁵

31- ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنِ الْأَحْكَامِ فَقَالَ يَجُوزُ فِي كُلِّ دِينٍ مَا يَسْتَحِلُّونَ.

The book of Haseen Bin Saeed, and 'Al Nawadir', from Muhammad Bin Muslim who said,

'I asked him^{-asws} about the rulings. He^{-asws} said: 'It is allowed in every religion what they are deeming permissible'.¹²⁷⁶

32- ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ قَضَى عَلَيَّ فِيمَا اسْتَحْلَفْتُ أَهْلَ الْكِتَابِ يَمِينٍ صَرٌّ أَنْ يُسْتَحْلَفَ بِكِتَابِهِ وَ مِلَّتِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Qays who said,

'I heard Abu Ja'far^{-asws} saying: 'Ali^{-asws} judged regarding that one should get people of the Book to swear an oath deliberately by making him swear by his own Book and his own religion'.¹²⁷⁷

33- ين، كتاب حسين بن سعيد و النوادر عَنْ حَمَّادٍ عَنِ الْحَلِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ أَهْلِ الْمَمْلِكِ يُسْتَحْلَفُونَ فَقَالَ لَا تُحْلِفُوهُمْ إِلَّا بِاللَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hammad, from Al Halby who said,

'I asked Abu Abdullah^{-asws} about the people of (other) religions, one seeks to make them swear. He^{-asws} said: 'Do not make them swear except by Allah^{-azwj}'.¹²⁷⁸

باب 12 جوامع أحكام القضاء

CHAPTER 12 – SUMMARY OF THE RULINGS OF JUDGMENTS

1- قب، المناقب لابن شهر آشوب ابْنُ بُطَّةَ وَ شَرِيكَ بِإِسْنَادِهِمَا عَنِ ابْنِ أَبِي جَرِّ الْعَجَلِيِّ قَالَ: كُنْتُ عِنْدَ مُعَاوِيَةَ فَاخْتَصَمَ إِلَيْهِ رَجُلَانِ فِي ثَوْبٍ فَقَالَ أَحَدُهُمَا ثَوْبِي وَ أَقَامَ الْبَيِّنَةَ وَ قَالَ الْآخَرُ ثَوْبِي اشْتَرَيْتُهُ مِنَ السُّوقِ مِنْ رَجُلٍ لَا أَعْرِفُهُ

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Ibn Buttah and Shareek, by their chains from Ibn Abjar Al Ijaly who said,

'I was in the presence of Muawiya and two men brought a dispute to him regarding a cloth. One of them said, '(This is) my cloth!', and he established the proof, and the other said, '(This is) my cloth, I bought it from the market from a man I don't know!'

فَقَالَ مُعَاوِيَةُ لَوْ كَانَ لَهَا عَلَيَّ بُنْ أَبِي طَالِبٍ

¹²⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 30

¹²⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 31

¹²⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 32

¹²⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 33

Muawiya said, 'If only Ali^{-asws} Bin Abu Talib^{-asws} had been (here) for it!'

فَقَالَ ابْنُ أَبَجَرَ فَقُلْتُ لَهُ قَدْ شَهِدْتُ عَلَيْهِ قَضَى فِي مِثْلِ هَذَا وَ ذَلِكَ أَنَّهُ قَضَى بِالتَّوْبِ لِلَّذِي أَقَامَ الْبَيْتَةَ وَ قَالَ لِلْآخِرِ اطْلُبِ الْبَائِعَ

Ibn Abjar said, 'I said to him, 'I have witnessed Ali^{-asws} judge regarding something similar to this, and that is he^{-asws} had judged the cloth to be for the one who had established the proof, and he^{-asws} said to the other, 'Seek out the seller!'

فَقَضَى مُعَاوِيَةُ بِذَلِكَ بَيْنَ الرَّجُلَيْنِ.

So Muawiya judged with that between the two men'.¹²⁷⁹

2- قب، المناقب لابن شهر آشوب الحكم بن عتيبة سألتها امرأة قالت إن زوجي مات وترك ألف درهم و لي عليه مهر خمسمائة درهم فأخذت مهري و أخذت ميراثي مما بقي ثم جاء رجل فادعى عليه ألف درهم فشهدت بذلك على زوجي

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

Al-Hakam Bin Uteyba, a woman asked him. She said, 'My husband has died and left a thousand Dirhams, and for me there is dowry upon him of five hundred Dirhams, so I took my dowry and took my inheritance of what remains. Then a man came and claimed a thousand Dirhams upon him, so I testified with that against my husband'.

فَحَوَّلَ الْحَكَمُ يَحْسُبُ نَصِيبَهَا إِذْ خَرَجَ أَبُو جَعْفَرٍ ع فَأَخْبَرَهُ بِمَقَالَةِ الْمَرْأَةِ فَقَالَ أَبُو جَعْفَرٍ ع أَقَرَّتْ بِثُلُثِ مَا فِي يَدِهَا وَ لَا مِيرَاثَ لَهَا أَيُّ يَقْدِرُ مَا يُصِيبُهَا فِي حَصَبَتِهِ وَ لَا يَلْزَمُ الدَّيْنُ كُلَّهُ.

Al-Hakam was calculating her share when Abu Ja'far^{-asws} came out, so he informed him^{-asws} with the words of the woman. Abu Ja'far^{-asws} said: 'I^{-asws} accept a third of what is in her hands, and there is no inheritance for her, meaning in proportion to what would fall to her share in his estate, and she is not liable for the entire debt'.¹²⁸⁰

3- ين، كتاب حسين بن سعيد و النوادر عن علاء عن محمد بن أبي جعفر ع قَالَ قَالَ رَسُولُ اللَّهِ ص اللَّهُمَّ إِنَّمَا أَنَا بَشَرٌ أَعْصَبُ وَ أَرْضَى وَ إِنَّمَا مُؤْمِنٌ حَرَمْتُهُ وَ أَقْصَيْتُهُ أَوْ دَعَوْتُ عَلَيْهِ فَاجْعَلْهُ كَفَّارَةً وَ طَهُورًا وَ إِنَّمَا كَافِرٌ قَرَّبْتُهُ أَوْ حَبَوْتُهُ أَوْ أَعْطَيْتُهُ أَوْ دَعَوْتُ لَهُ وَ لَا يَكُونُ لَهَا أَهْلًا فَاجْعَلْ ذَلِكَ عَلَيْهِ عَذَابًا وَ وَبَالًا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – from A'la, from Muhammad,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} (recommended a supplication as): 'O Allah^{-azwj!} But rather I^{-saww} am a mortal getting angry and pleased, and whichever believer whom I have deprived, distanced, or invoked against, Make that a means of expiation and purification for him, and any disbeliever whom I have drawn near, favoured, given, or supplicated for, while he is not deserving of it, then make that for him a torment and a burden!'¹²⁸¹

¹²⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 1

¹²⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 2

¹²⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 3

4- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقَّافِيِّ عَنْ إِسْمَاعِيلَ بْنِ أَبَانَ عَنْ عَمْرِو بْنِ شَمْرٍ عَنْ سَالِمِ الْجَعْفِيِّ عَنِ الشَّعْبِيِّ قَالَ: وَجَدَ عَلِيٌّ عِ دِرْعاً لَهُ عِنْدَ نَصْرَانٍ فَجَاءَ بِهِ إِلَى شُرَيْحٍ مُخَاصِمُهُ إِلَيْهِ فَلَمَّا نَظَرَ إِلَيْهِ شُرَيْحٌ ذَهَبَ يَتَنَحَّى وَ قَالَ مَكَانَكَ فَجَلَسَ إِلَى جَنْبِهِ وَ قَالَ يَا شُرَيْحُ أَمَا لَوْ كَانَ خَصْمِي مُسْلِمًا مَا جَلَسْتُ إِلَّا مَعَهُ وَ لَكِنَّهُ نَصْرَانِي

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafy, from Ismail Bin Aban, from Amro Bin Shmr, from Salim Al Jufy, from Al Shaby who said,

'Ali^{-asws} found a shield of his^{-asws} in the possession of a Christian. He^{-asws} came with him to Shureyh (the judge) bringing his^{-asws} dispute to him. When Shureyh looked at him he went on to move aside, and he^{-asws} said: 'Stay in your place!' He^{-asws} sat to his side and said: 'O Shureyh! If a Muslim had disputed me^{-asws}, I^{-asws} would not have sat except with him, but he is a Christian.

وَ قَالَ رَسُولُ اللَّهِ ص إِذَا كُنْتُمْ وَ إِيَّاهُمْ فِي طَرِيقٍ فَأَجْبُوهُمْ إِلَى مَضَائِقِهِ وَ صَغُرُوا بِهِمْ كَمَا صَغُرَ اللَّهُ بِهِمْ فِي غَيْرِ أَنْ تَظْلُمُوا

And Rasool-Allah^{-saww} had said: 'When you and them were in a road, drive them to its narrowness and belittle them just as Allah^{-azwj} has Belittle them without being oppressive'.

ثُمَّ قَالَ عَلِيٌّ ع إِنَّ هَذَا دِرْعِي لَمْ أَبِيعْ وَ لَمْ أَهَبْ

Then Ali^{-asws} said: 'This is my^{-asws} shield, I^{-asws} did not sell nor did I^{-asws} gift!'

فَقَالَ لِلنَّصْرَانِي مَا يَقُولُ أَمِيرُ الْمُؤْمِنِينَ

He (Shureyh) said to the Christian, 'What is Amir Al-Momineen^{-asws} saying?'

فَقَالَ النَّصْرَانِي مَا الدَّرْعُ إِلَّا دِرْعِي وَ مَا أَمِيرُ الْمُؤْمِنِينَ عِنْدِي إِلَّا بِكَاذِبٍ

The Christian said, 'The shield is not except my shield, and Amir Al-Momineen^{-asws} is not in my view except a liar!'

فَالْتَفَتَ شُرَيْحٌ إِلَى عَلِيٍّ ع فَقَالَ يَا أَمِيرُ الْمُؤْمِنِينَ هَلْ مِنْ بَيِّنَةٍ

Shureyh turned to Ali^{-asws}. He said, 'O Amir Al-Momineen^{-asws}! Is there any proof?'

قَالَ لَا

He^{-asws} said: 'No!'

فَقَضَى بِهَا لِلنَّصْرَانِي فَمَسَى هُنَيْئَةً ثُمَّ أَقْبَلَ فَقَالَ أَمَا أَنَا فَأَشْهَدُ أَنَّ هَذِهِ أَحْكَامُ النَّبِيِّينَ أَمِيرُ الْمُؤْمِنِينَ يَمُشِي بِي إِلَى قَاضِيهِ وَ قَاضِيهِ يَقْضِي عَلَيْهِ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ الدَّرْعُ وَ اللَّهُ دِرْعُكَ يَا أَمِيرُ الْمُؤْمِنِينَ

So, he judged with it to be for the Christian. The man walked a while, then came back. He said, 'As for me, I testify that this is the ruling of the Prophet^{-as}! Amir Al-Momineen^{-asws} walked with me to his^{-asws} judge, and his^{-asws} judged judges against him^{-asws}. I hereby testify that there is no god except Allah^{-azwj} Alone, there is no associate for Him^{-azwj}, and that Muhammad^{-saww} is His⁻

azwj servant and His^{-azwj} Rasool^{-saww}! By Allah^{-azwj}, the shield is your^{-asws} shield), O Amir Al-Momineen^{-asws}!

فَخَرَجَ مَعَ أَمِيرِ الْمُؤْمِنِينَ عَ إِلَى صِفِّينَ فَأَخْبَرَنِي مَنْ رَأَاهُ يُقَاتِلُ مَعَ عَلِيٍّ عَ الْخَوَارِجَ فِي النَّهْرَوَانِ.

He went out with Amir Al-Momineen^{-asws} to (the battle of) Siffeen. The one who saw him informed me, he fought the Kharijites along with Ali^{-asws} in (the battle of) Al-Naharwan'.¹²⁸²

5- ضَا، فَقَه الرضا عليه السلام إِنَّ الْحُكْمَ فِي الدَّعَاوِي كُلِّهَا أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعِي وَ الْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ فَإِنْ نَكَلَ عَنِ الْيَمِينَ لَزِمَهُ الْحُكْمُ فَإِنْ رَدَّ عَلَيْهِ فَالْيَمِينَ عَلَى الْمُدَّعَى إِذَا لَمْ يَكُنْ لِلْمُدَّعَى شَاهِدَانِ فَلَوْ لَمْ يَخْلِفْ فَلَا حَقَّ لَهُ إِلَّا فِي الْحُدُودِ فَلَا يَمِينَ فِيهَا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} - 'Judgment in all claims is that the evidence is upon the claimant (to provide), and the oath is upon the defendant. If he refuses to take the oath, the judgment is binding upon him. If he returns the oath to the claimant, then the oath is upon the claimant if he does not have two witnesses. If he refuses to swear, then he has no right, except in cases of prescribed punishments, in which there is no oath.

وَ فِي الدَّمِ لِأَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعَى عَلَيْهِ وَ الْيَمِينَ عَلَى الْمُدَّعَى لِأَنَّهُ يَنْطَلُ دَمُ امْرِئٍ مُسْلِمٍ

And in cases of blood (murder), for in such cases the evidence is (to be proven) against the one being accused, and the oath is upon the claimant so that the blood of a Muslim may not be lost in vain.

وَ إِذَا ادَّعَى رَجُلٌ عَلَى رَجُلٍ عَقَارًا أَوْ حَيَوَانًا أَوْ غَيْرَهُ وَ أَقَامَ بِذَلِكَ بَيِّنَةً وَ أَقَامَ الَّذِي فِي يَدِهِ شَاهِدَيْنِ فَإِنَّ الْحُكْمَ فِيهِ أَنْ يُخْرَجَ الشَّيْءُ مِنْ يَدِ مَالِكِهِ إِلَى الْمُدَّعَى لِأَنَّ الْبَيِّنَةَ عَلَيْهِ

And if a man claims against another man ownership of property, livestock, or anything else, and brings forth evidence, while the one in possession also produces two witnesses, the judgment is that the property be taken from the possession of its holder and given to the claimant, because the evidence is against him.

فَإِنْ لَمْ يَكُنِ الْمَلِكُ فِي يَدَيْ أَحَدٍ وَ ادَّعَى فِيهِ الْخَصْمَانِ جَمِيعًا فَكُلُّ مَنْ أَقَامَ عَلَيْهِ شَاهِدَيْنِ فَهُوَ أَحَقُّ بِهِ فَإِنْ أَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا شَاهِدَيْنِ فَإِنَّ أَحَقَّ الْمُدَّعَيْنِ مَنْ عَدَلَ شَاهِدَاهُ فَإِنْ اسْتَوَى الشُّهُودُ فِي الْعَدَالَةِ فَأَكْثَرُهُمْ شُهُودًا يَخْلِفُ بِاللَّهِ وَ يُدْفَعُ إِلَيْهِ الشَّيْءُ وَ كُلَّمَا لَا يَتَهَيَّأُ فِيهِ الْإِشْهَادُ عَلَيْهِ فَإِنَّ الْحَقَّ فِيهِ أَنْ يُسْتَعْمَلَ فِيهِ الْقُرْعَةُ.

But if the property is in the possession of neither of them, and both parties claim it, then whoever brings two witnesses is more entitled to it. If both bring two witnesses, then the one whose witnesses are deemed more just is entitled to it. If the witnesses are equal in justice, then the one who has the greater number of witnesses shall swear by Allah^{-azwj}, and the item

shall be given to him. And in every matter where testimony cannot practically be established, the proper course is to resort to drawing lots (casting lots).¹²⁸³

6- وَ قَدْ رُوِيَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: فَأَيُّ قَضِيَّةٍ أَغْدَلُ مِنَ الْقَرْعَةِ إِذَا فُوضَ الْأَمْرُ إِلَى اللَّهِ لِقَوْلِهِ - فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ.

And it is reported from Abu Abdullah^{-asws} having said: 'Which judgment can be more just than drawing of the lots when the matter is delegated to Allah^{-azwj} due to His^{-azwj} Words: ***So he drew lots with them and he was the one to be thrown off [37:141]***'.¹²⁸⁴

7- ل، الخصال أبي عن سعد عن البرقي عن البرنطي عن أبي جميلة عن إسماعيل بن أبي أويس عن ضمرة بن أبي ضمرة عن أبيه عن جدّه قال قال أمير المؤمنين ع جميع أحكام المسلمين تجري على ثلاثة أوجه شهادة عادلة أو بين قاطعة أو سنة جارية من أئمة الهدى.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Al Barqy, from Al Bazanty, from Abu Jameela, from Ismail Bin Abu Oweys, from Zamrah Bin Abu Zamrah, from his father, from his grandfather having said: '

Amir Al-Momineen^{-asws} said: 'Entirety of the rulings of Muslims flow upon three perspectives – a just testimony, or a cutting oath, or a Sunnah (conduct) flowing from the Imams^{-asws} of guidance'.¹²⁸⁵

8- ل، الخصال ابن الوليد عن الصفار عن ابن هاشم عن أبي جعفر المثنوي رفعه عن الصادق عن آبائه ع قال قال أمير المؤمنين ع خمسة أشياء يجب على القاضي الأخذ فيها بظاهر الحكم الولاية و المناكح و الموارث و الذبائح و الشهادات إذا كان ظاهر الشهود مأموماً جازت شهادتهم و لا يسأل عن باطنهم.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Abu Ja'far Al Muqry raising it,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'Five things are obligated upon the judge to take in with the apparent ruling – the governance, and the marriages, and the inheritances, and the slaughters, and the testimonies. When the witnesses were apparently believers, their testimonies are allowed and he cannot ask about their esoteric (inner state)'.¹²⁸⁶

¹²⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 5

¹²⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 6

¹²⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 7

¹²⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 8

باب 13 الحكم على الغائب و الميت

CHAPTER 13 – THE RULING UPON THE ABSENTEE AND THE DECEASED

1- ب، قرب الإسناد أبو البختري عن الصادق ع عَنْ أَبِيهِ ع قَالَ قَالَ عَلِيٌّ ع لَا يُقْضَى عَلَى غَائِبٍ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} said: 'There is no judgment (to be passed) upon an absentee'.¹²⁸⁷

باب 14 عقاب من أكل أموال الناس ظلماً أو سعى إلى السلطان بالباطل أو تولى خصومة ظالم أو منع مسلماً حقه

CHAPTER 14 – PUNISHMENT OF ONE WHO DEVOURS WEALTH OF THE PEOPLE UNJUSTLY, OR STRIVES (APPEALS) TO THE RULER WITH THE FALSEHOOD, OR TAKES CHARGE OF A DISPUTE BY AN UNJUST, OR PREVENTING A MUSLIM FROM HIS RIGHT

1- لي، الأماالي للصدوق في خبر المَنَاهِي أَنَّهُ قَالَ النَّبِيُّ ص مَنْ تَوَلَّى حُصُومَةَ ظَالِمٍ أَوْ أَعَانَ عَلَيْهَا ثُمَّ نَزَلَ بِهِ مَلَكُ الْمَوْتِ قَالَ لَهُ أَبَشِّرْ بِلَعْنَةِ اللَّهِ وَ نَارِ جَهَنَّمَ وَ بَقْسِ الْمَصِيرُ

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions, the Prophet^{-saww} said: 'One who takes charge of a dispute of an unjust one, or assists upon it, then the Angel of death descends to him, will say to him: 'Receive news of the Curse of Allah^{-azwj} and Fire of Hell, and the evil destination!'

و قَالَ مَنْ دَلَّ جَائِراً عَلَى جَوْرِ كَانَ قَرِيناً هَامَاناً فِي جَهَنَّمَ.

And the one who points (guides/assists) a tyrant upon tyranny would be paired with Haman^{-la} in Hell'.¹²⁸⁸

2- وَ قَالَ: مَنْ حَبَسَ عَنْ أَخِيهِ الْمُسْلِمِ شَيْئاً مِنْ حَقِّهِ حَرَّمَ اللَّهُ عَلَيْهِ بَرَكَةَ الرِّزْقِ إِلَّا أَنْ يَتُوبَ.

And he^{-saww} said: 'One who withholds from his Muslim brother something from his right, Allah^{-azwj} will Prohibited upon him the Blessings of sustenance except if he repents'.¹²⁸⁹

3- وَ قَالَ: مَنْ يُبْطِلْ عَلَى ذِي حَقٍّ حَقَّهُ وَ هُوَ يَقْدِرُ عَلَى آدَاءِ حَقِّهِ فَعَلَيْهِ كُلُّ يَوْمٍ خَطِيئَةٌ عَشْرًا.

¹²⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 13 H 1

¹²⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 1

¹²⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 2

And he^{-saww} said: ‘One who nullifies upon someone with a right of his right while he is able upon paying his right, upon him is a sin of the tax collector every day’.¹²⁹⁰

4- ب، قرب الإسناد هارون عن ابن زياد عن الصادق ع عن أبيه ع قال قال رسول الله ص إن شر الناس يوم القيامة المثلث

(The book) ‘Qurb Al Isnaad’ – Haroun, from Ibn Ziyad,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The evillest of people on the Day of Qiyamah will be the ‘Musallis’.

قيل يا رسول الله وما المثلث

It was said, ‘O Rasool-Allah^{-saww}, and what is the ‘Musallis’?’

قال الرجل يسعى بأخيه إلى إمامه فيقتله فيهلك نفسه وأخاه وإمامه.

He^{-saww} said: ‘The man striving (informing) with his brother to his imam, so he kills him. Thus, he destroys himself, and his brother and his imam’.¹²⁹¹

5- ل، الخصال أبي عن علي عن أبيه عن ابن أبي عمير رفعه إلى أبي عبد الله ع قال: الساعي قاتل ثلاثة قاتل نفسه وقاتل من سعى به وقاتل من يسعى إليه.

(The book) ‘Al Khisaal’ – My father, from Ali, from his father, from Ibn Abu Umeyr raising it to,

Abu Abdullah^{-asws} said: ‘The striver (informant) is a killer of three. Killer of his soul, and killer of the one he had informed with, and killer of the one he had strived (informed) to’.¹²⁹²

6- ل، الخصال أبي عن محمد العطار عن الأشعري عن سهل عن محمد بن سنان عن المفضل عن يونس بن ظبيان قال قال أبو عبد الله ع المحدث السبعة إقام الصلاة وإيتاء الزكاة وصيام شهر رمضان وحج البيت والطاعة للإمام وأداء حقوق المؤمنين فإن من حبس حق المؤمن أقامه الله يوم القيامة خمسمائة عام على رجله حتى يسيل من عرقه أودية ثم ينادي مناد من عند الله جل جلاله هذا الظالم الذي حبس عن الله حقه

(The book) ‘Al Khisaal’ – My father, from Muhammad Al Attar, from Al Ash’ary, from Sahl, from Muhammad Bin Sinan, from Al Mufazzal, from Yunus Bin Zabyan who said,

‘Abu Abdullah^{-asws} said: ‘Tolerant Muhammadan way is establishing the Salat, and giving the Zakat, and fasting month of Ramazan, and (performing) Hajj of the House (Kaaba), and obedience to the Imam^{-asws}, and paying rights of the Momin, for the one who withholds a right of the Momin will be made to stand on the Day of Qiyamah for five hundred years upon his legs until valleys of sweat flows. Then a caller will call out from the Presence of Allah^{-azwj}, Majestic is His^{-azwj} Majesty: ‘This is the unjust one who had withheld from Allah^{-azwj} His^{-azwj} Right!’

¹²⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 3

¹²⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 4

¹²⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 5

قَالَ فَيُؤْتَحُ أَرْبَعِينَ عَامًا ثُمَّ يُؤْمَرُ بِهِ إِلَى نَارِ جَهَنَّمَ.

He^{-asws} said: 'He will be rebuked for forty years, then Commanded with to the Hellfire!'¹²⁹³

7- ثَوَابُ الْأَعْمَالِ لِي، الْأَمَالِي لِلصَّدُوقِ ابْنِ مُوسَى عَنِ الْأَسَدِيِّ عَنِ النَّخَعِيِّ عَنِ النَّوْفَلِيِّ عَنِ خُفْصٍ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعَةٌ يُؤْذُونَ أَهْلَ النَّارِ عَلَى مَا يَجْمَعُونَ مِنَ الْأَذَى يُسْتَقَوْنَ مِنَ الْحَمِيمِ وَالْجَحِيمِ يُنَادُونَ بِالْوَيْلِ وَالتُّبُّورِ يَقُولُ أَهْلُ النَّارِ بَعْضُهُمْ لِبَعْضٍ مَا بَالُ هَؤُلَاءِ الْأَرْبَعَةِ قَدْ آذَوْنَا عَلَى مَا بَنَا مِنَ الْأَذَى

(The book) 'Sawab Al Amaal', (and) 'Al Amaali' of Al Sadouq – Ibn Musa, from Al Asady, from Al Nakhaie, from Al Nowfaly, from Hafs,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}, having said: 'Rasool-Allah^{-saww} said: 'Four will be tormenting the people of Hellfire on top of whatever torment will be with them. They will be quenched from the boiling water and the blazing fire. They will be calling out for the woe and the ruination. The people of the Hellfire will say to each other, 'What is the matter with these four? They are tormenting us on top of what torment is already with us!'

فَرَجُلٌ مُعَلَّقٌ فِي التَّائِبَتِ مِنْ جَرٍّ وَرَجُلٌ يَجْرُ أَمْعَاءُهُ وَرَجُلٌ يَسِيلُ فُوهُ قَيْحًا وَ دَمًا وَ رَجُلٌ يَأْكُلُ لَحْمَهُ

(They will see) A man is hanging from a coffin by burning coals, a man is dragging his intestines, a man has pus and blood flowing from his mouth, and a man is eating his own flesh.

فَقِيلَ لِصَاحِبِ التَّائِبَتِ مَا بَالُ الْأَبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأَبْعَدَ قَدْ مَاتَ وَ فِي عُنُقِهِ أَمْوَالُ النَّاسِ لَمْ يَجِدْ لَهَا فِي نَفْسِهِ آدَاءً وَ لَا وَثَاءً

It will be said to the master of the coffin, 'What is the matter with this wretch? He is tormenting us on top of what torment there is with us!' (The occupier of the coffin) will say: 'The wretch had died while in his neck was wealth of the people. He neither felt for it within himself to repay nor (showed) any loyalty!'

ثُمَّ يُقَالُ لِلَّذِي يَجْرُ أَمْعَاءُهُ مَا بَالُ الْأَبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأَبْعَدَ كَانَ لَا يُبَالِي أَيْنَ أَصَابَ الْبَوْلُ مِنْ جَسَدِهِ

Then it will be said to the one dragging his intestines, 'What is the matter with the wretch? He is tormenting us on top of the torment there is with us?' He (the master of the coffin) will say, 'The wretch had not cared when the urine from his body had hit!'

ثُمَّ يُقَالُ لِلَّذِي يَسِيلُ فُوهُ قَيْحًا وَ دَمًا مَا بَالُ الْأَبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأَبْعَدَ كَانَ يُحَاكِي فَيَنْظُرُ إِلَى كُلِّ كَلِمَةٍ خَبِيثَةٍ فَيُسْنِدُهَا وَ يُحَاكِي بِهَا

Then it will be said to the one whose mouth will be overflowing with vomit and blood, 'What is the matter with the wretch? He is tormenting us on top of what torment there is with us!'

He (the master of the coffin) will say, 'The wretch used to imitate others. Whenever he heard an evil or vile word, he would repeat it and imitate it!'

ثُمَّ يُقَالُ لِلَّذِي كَانَ يَأْكُلُ لَحْمَهُ مَا بَالَ الْأُبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأُبْعَدَ كَانَ يَأْكُلُ لَحْمَ النَّاسِ بِالْغَيْبَةِ وَ يَتَشَبَّهِ بِالتَّمِيمَةِ.

Then it will be said to the one who would be eating his own flesh, 'What is the matter with the wretch? He is tormenting us on top of what torment there is with us!' He will say, 'The wretch had been eating flesh of the people with the backbiting and walking with the gossiping'.¹²⁹⁴

8- ثَوَابُ الْأَعْمَالِ ابْنُ الْمُتَوَكِّلِ عَنِ الْحَمَيْرِيِّ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ خُبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنِ الْحَدَّاءِ قَالَ قَالَ أَبُو جَعْفَرٍ ع قَالَ رَسُولُ اللَّهِ ص مَنْ افْتَتَعَ مَالَ مُؤْمِنٍ غَضَبًا بَعِيْرَ حَقِّهِ لَمْ يَزَلِ اللَّهُ عَزَّ وَ جَلَّ مُعْرِضًا عَنْهُ مَا قَتَلَ لِأَعْمَالِهِ الَّتِي يَعْمَلُهَا مِنَ الْبِرِّ وَ الْحَيْرِ - لَا يُبْنِيهَا فِي حَسَنَاتِهِ حَتَّى يَتُوبَ وَ يَرُدَّ الْمَالَ الَّذِي أَخَذَهُ إِلَى صَاحِبِهِ.

(The book) 'Sawab Al Amaal' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Mahboub, from Hisham Bin Salim, from Al Haza'a who said,

'Abu Ja'far^{-asws} said: 'Rasool-Allah^{-saww} said: 'One who cuts (steals) wealth of a Momin in usurpation without his right, Allah^{-saww} Mighty and Majestic will not cease to be Turned away from him in disdain of his deeds which he had worked, from the righteous and the good. He^{-azwj} will not Reward these as his good deeds until he repents and returns the wealth which he had taken, back to its owner'.¹²⁹⁵

9- ثَوَابُ الْأَعْمَالِ مَا جِيلُوْنَهُ عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَعْظَمُ الْخَطَايَا اقْتِطَاعُ مَالِ امْرِئٍ مُسْلِمٍ بِغَيْرِ حَقٍّ.

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

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}, having said: 'Amir Al-Momineen^{-asws} said: 'Mightiest of the sins is cutting out (stealing) wealth of a Muslims person without right'.¹²⁹⁶

10- ضَا، فَقَهُ الرِّضَا عَلَيْهِ السَّلَامُ أَرْوَى أَنَّهُ إِذَا كَانَ يَوْمُ الْقِيَامَةِ دَفَعَ اللَّهُ أَعْمَالَ قَوْمٍ كَأَمْثَالِ الْقَبَاطِيِّ فَيَقُولُ اللَّهُ اذْهَبُوا وَ خُذُوا أَعْمَالَكُمْ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'It is reported that when it will be the Day of Qiyamah, Allah^{-azwj} will Hand over the deeds of a people, for example the Coptic's. Allah^{-azwj} will Say: "Go and take your deeds!"

When they go near it, Allah^{-azwj} Mighty and Majestic will Say: "Be dust particles!" So it would become dust particles, and it is His^{-azwj} Word: ***And We will proceed to what they have done of a deed, so We shall Make it as scattered floating dust [25:23]***'.

¹²⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 7

¹²⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 8

¹²⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 9

فَإِذَا دَنَوْا مِنْهَا قَالَ اللَّهُ جَلَّ وَ عَزَّ كُنْ هَبَاءً فَصَارَتْ هَبَاءً وَ هُوَ قَوْلُهُ- وَ قَدِمْنَا إِلَى مَا عَمِلُوا مِنْ عَمَلٍ فَجَعَلْنَاهُ هَبَاءً مَنْثُورًا ثُمَّ قَالَ أَمَا وَ اللَّهُ لَقَدْ كَانُوا يُصَلُّونَ وَ يَصُومُونَ وَ لَكِنْ إِذَا عَرَضَ لَهُمُ الْحَرَامُ كَانُوا يَأْخُذُونَ وَ لَمْ يُبَالُوا.

Then he^{-asws} said: 'But, by Allah^{-azwj}! They would have been praying Salat and fasting, but whenever the Haraam (prohibition) was presented to them, they would take and did not care!'¹²⁹⁷

11- جمع، جامع الأخبار قَالَ رَسُولُ اللَّهِ ص دَرَاهِمُ يَرُدُّهُ الْعَبْدُ إِلَى الْخِصْمَاءِ خَيْرٌ لَهُ مِنْ عِبَادَةِ أَلْفِ سَنَةٍ وَ خَيْرٌ لَهُ مِنْ عِنَقِ أَلْفِ رَقَبَةٍ وَ خَيْرٌ لَهُ مِنْ أَلْفِ حِجَّةٍ وَ عُمْرَةٍ.

(The book) 'Jamie Al Akhbar' -

Rasool-Allah^{-saww} said: 'A Dirham the servant returns to the disputant is better for him than worship of a thousand years, and better for him than liberating a thousand necks, and better for him than (performing) a thousand Hajj and Umrah'.¹²⁹⁸

12- وَ قَالَ ع مَنْ رَدَّ دِرْهَمًا إِلَى الْخِصْمَاءِ أَغْتَقَ اللَّهُ رَقَبَتَهُ مِنَ النَّارِ وَ أَعْطَاهُ بِكُلِّ دَانِقٍ ثَوَابَ نَبِيٍّ وَ بِكُلِّ دِرْهَمٍ مَدِينَةً مِنْ دُرَّةٍ حُمْرَاءَ.

And he^{-asws} said: 'One who returns a Dirham to the disputant, Allah^{-azwj} will Liberate his neck from the Fire, and Give him Rewards of a Prophet^{-saww} with every Daniq (penny), and with every Dirham a city of red gems'.¹²⁹⁹

13- وَ قَالَ ع مَنْ رَدَّ أَذْنَى شَيْءٍ إِلَى الْخِصْمَاءِ جَعَلَ اللَّهُ بَيْنَهُ وَ بَيْنَ النَّارِ تَرَاكُمَا بَيْنَ السَّمَاءِ وَ الْأَرْضِ وَ يَكُونُ فِي عِدَادِ الشُّهَدَاءِ.

And he^{-asws} said: 'One who returns the least thing to the disputant, Allah^{-azwj} will Make a barrier like what is between the sky and the earth, and he would be counted among the martyrs'.¹³⁰⁰

14- وَ قَالَ ع مَنْ أَرْضَى الْخِصْمَاءَ مِنْ نَفْسِهِ وَجَبَتْ لَهُ الْجَنَّةُ بِغَيْرِ حِسَابٍ وَ يَكُونُ فِي الْجَنَّةِ مَدَائِنٌ مِنْ نُورٍ وَ عَلَى الْمَدَائِنِ أَبْوَابٌ مِنْ ذَهَبٍ مُكَلَّلٌ بِالْأُفُوتِ وَ فِي جُوفِ الْمَدَائِنِ قَبَابٌ مِنْ مِسْكِ وَ زَعْفَرَانٍ مَنْ نَظَرَ إِلَى تِلْكَ الْمَدَائِنِ يَتَمَنَّى أَنْ يَكُونَ لَهُ مَدِينَةٌ مِنْهَا

And he^{-asws} said: 'One who pleases the disputant from himself, the Paradise will be obligated for him without Reckoning, and there will be in the Paradise cities of light, and at the cities are gates of gold embedded with the gems and the rubies, and in the interior of the cities are domes (dunes) of Musk and Saffron. One who looks at those cities will wish that there be a city for him from these'.

قَالُوا يَا نَبِيَّ اللَّهِ لِمَنْ هَذِهِ الْمَدَائِنُ

They said, 'O Prophet^{-saww} of Allah^{-azwj}! For whom are these cities?'

¹²⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 10

¹²⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 11

¹²⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 12

¹³⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 13

قَالَ لِلتَّائِبِينَ النَّادِمِينَ الْمُحْصَاءِ مِنَ أَنْفُسِهِمْ فَإِنَّ الْعَبْدَ إِذَا رَدَّ دِرْهَمًا إِلَى الْحُصْمَاءِ أَكْرَمَهُ اللَّهُ كَرَامَةً سَبْعِينَ شَهِيداً فَإِنْ دَرَّهَمًا يَرُدُّ الْعَبْدُ إِلَى الْحُصْمَاءِ خَيْرٌ لَهُ مِنْ صِيَامِ النَّهَارِ وَ قِيَامِ اللَّيْلِ وَ مَنْ رَدَّ دِرْهَمًا نَادَاهُ مَلَكٌ مِنْ تَحْتِ الْعَرْشِ يَا عَبْدَ اللَّهِ اسْتَأْنِفِ الْعَمَلَ فَقَدْ غُفِرَ لَكَ مَا تَقَدَّمَ مِنْ ذَنْبِكَ.

He^{-saww} said: 'For the repentant, the remorseful, the ones having pleased the disputants from themselves, for the servant, when he returns a Dirham to the disputant, Allah^{-azwj} will Honour him with honours of seventy martyrs. A Dirham the servant returns to the disputant is better for him than fasting the day and standing (praying Salat) at night, and the one who returns a Dirham, and Angels calls out from beneath the Throne: 'O servant of Allah^{-azwj}! Resume the deeds, for it has been Forgiven for you whatever you had sent ahead of your sins!'¹³⁰¹

15- **وَقَالَ ع** مَنْ بَاتَ غَيْرَ تَائِبٍ زَفَرَتْ جَهَنَّمُ فِي وَجْهِهِ ثَلَاثَ زَفَرَاتٍ فَأَوَّلُهَا لَا يَبْقَى دَمْعَةٌ إِلَّا جَرَتْ عَنْ عَيْنَيْهِ وَ الرَّفْرَةُ الثَّانِيَةُ لَا يَبْقَى دَمٌ إِلَّا خَرَجَ مِنْ مَنْخَرِيهِ وَ الرَّفْرَةُ الثَّالِثَةُ لَا يَبْقَى قَيْحٌ إِلَّا خَرَجَ مِنْ فَمِهِ

And he^{-asws} said: 'One who spends a night without repenting, Hell will puff, in his face, three exhalations. At its first, there will not remain any tear except it would flow from his eyes, and at the second exhalation there will not remain any blood except it will emerge from his nostrils, and at the third exhalation there will not remain any vomit except it will emerge from his mouth!

فَرَحِمَ اللَّهُ مَنْ تَابَ ثُمَّ أَضَى الْحُصْمَاءَ فَمَنْ فَعَلَ فَأَنَا كَفِيلُهُ بِالْجَنَّةِ.

May Allah^{-azwj} Mercy the one who repents, then pleases the disputant. The one does so, I^{-asws} am his guarantor for the Paradise!'¹³⁰²

16- **وَقَالَ النَّبِيُّ ص** لَرُدُّ دَانِيٍّ مِنْ حَرَامٍ يُعْدِلُ عِنْدَ اللَّهِ سَبْعِينَ أَلْفَ حِجَّةٍ مَبْرُورَةٍ.

And the Prophet^{-saww} said: 'Returning an unlawful Daniq (penny) equates in the Presence of Allah^{-azwj} to seventy thousand accomplished Hajj'.¹³⁰³

17- **نَبِهْ، تَنْبِيهِ الْخَاطِرِ سَمَاعَةُ بْنُ مِهْرَانَ قَالَ كَانَ أَبُو عَبْدِ اللَّهِ ع يَقُولُ كَانَ أَمِيرُ الْمُؤْمِنِينَ ع يَقُولُ لَيْسَ بِيَوْمِي لَنَا مَنْ أَكَلَ مَالَ مُؤْمِنٍ حَرَاماً.**

(The book) 'Tanbeeh Al Khatir' – Sama'at Bin Mihran who said,

'Abu Abdullah^{-asws} had said: 'Amir Al-Momineen^{-asws} had said: 'He isn't a friend (follower) of ours^{-asws}, the one who devours wealth of a Momin unlawfully!'¹³⁰⁴

18- **أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ: مَنْ حَبَسَ حَقَّ الْمُؤْمِنِ أَقَامَهُ اللَّهُ يَوْمَ الْقِيَامَةِ خَمْسَمِائَةِ عَامٍ عَلَى رِجْلَيْهِ حَتَّى يَسِيلَ مِنْ عَرْقِهِ أَوْدِيَّةٌ وَ يُنَادِي مُنَادٍ مِنْ عِنْدِ اللَّهِ هَذَا الظَّالِمُ الَّذِي حَبَسَ حَقَّ الْمُؤْمِنِ وَ يُؤْمَرُ بِهِ إِلَى النَّارِ.**

(The book) 'A'lam Al Deen' -

¹³⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 14

¹³⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 15

¹³⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 16

¹³⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 17

From the Prophet^{-saww} having said: ‘One who withholds the right of a Momin, on the Day of Qiyamah, Allah^{-azwj} will Make him stand for five hundred years upon his legs until valleys of sweat flow from him, and a caller will call out from the Presence of Allah^{-azwj}: ‘This is the unjust one who withheld the right of a Momin!’, and he will be Commanded with to the Fire’.¹³⁰⁵

باب 15 نوادر القضاء

CHAPTER 15 – MISCELLANEOUS (REGARDING) THE JUDGMENTS

1- ص، قصص الأنبياء عليهم السلام بالإِسْنَادِ إِلَى الصَّدُوقِ عَنْ أَبِيهِ عَنْ سَعْدٍ عَنْ ابْنِ مُحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةٍ عَنِ الثُّمَالِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَانَ فِي بَنِي إِسْرَائِيلَ رَجُلٌ عَاقِلٌ كَثِيرُ الْمَالِ وَكَانَ لَهُ ابْنٌ يُشَبِّهُهُ فِي الشَّمَائِلِ مِنْ زَوْجَةٍ عَفِيفَةٍ وَكَانَ لَهُ ابْنَانِ مِنْ زَوْجَةٍ غَيْرِ عَفِيفَةٍ فَلَمَّا حَضَرَتْهُ الْوَفَاةُ قَالَ لَهُمْ هَذَا مَالِي لِوَاحِدٍ مِنْكُمْ

(The book) ‘Qasas Al Anbiya^{-as}’, may the greeting be upon him^{-asws} – By the chain to Al Sadouq, from his father, from Sa’ad, from Ibn Mahboub, from Malik Bin Atiyya, from Al Sumali,

From Abu Ja’far^{-asws} having said: ‘There was an intellectual among the children of Israel having a lot of wealth, and there was a son for him resembling him in appearance from a chaste wife, and there were (also) two sons for him from an unchaste wife. When the expiry presented to him, he said to them, ‘This is my wealth for one of you!’

فَلَمَّا تَوَفَّى قَالَ الْكَبِيرُ أَنَا ذَلِكَ الْوَاحِدُ وَ قَالَ الْاَوْسَطُ أَنَا ذَلِكَ وَ قَالَ الْأَصْغَرُ أَنَا ذَلِكَ

When he expired, the elder said, ‘I am that one!’, and the middle one said, ‘I am that!’, and the young one said, ‘I am that!’

فَاخْتَصَمُوا إِلَى قَاضِيهِمْ قَالَ لَيْسَ عِنْدِي فِي أَمْرِكُمْ شَيْءٌ أَنْطَلِقُوا إِلَى بَنِي غَنَامٍ الْإِخْوَةَ الثَّلَاثِ

They brought the dispute to their judge. He said, ‘There isn’t anything with me regarding your matter. Go to the clan of Ghanam of the three brothers!’

فَانْتَهَوْا إِلَى وَاحِدٍ مِنْهُمْ فَرَأَوْا شَيْخًا كَبِيرًا فَقَالَ لَهُمْ ادْخُلُوا إِلَى أَخِي فَلَانَ فَهُوَ أَكْبَرُ مِنِّي فَاسْأَلُوهُ

They ended up to one of them. They saw him as an aged man. He said to them, ‘Enter to see my brother so and so, for he is older than me, and ask him!’

فَدَخَلُوا عَلَيْهِ فَخَرَجَ شَيْخٌ كَهْلٌ فَقَالَ سَلُوا أَخِي الْأَكْبَرَ مِنِّي

They entered to see him. An elderly man of middle age came out. He said, ‘As my brother is older than me!’

فَدَخَلُوا عَلَى الثَّالِثِ فَإِذَا هُوَ فِي الْمَنْظَرِ أَصْعَرَ فَسَأَلُوهُ أَوَّلًا مِنْ خَالِهِمْ ثُمَّ مُسْتَسْبِئًا لَهُمْ فَقَالَ أَمَّا أَخِي الَّذِي رَأَيْتُمُوهُ أَوَّلًا هُوَ الْأَصْعَرُ وَإِنَّ لَهُ امْرَأَةً سَوِيَّةَ سَوُوهُ وَ قَدْ صَبَرَ عَلَيْهَا خَافَةً أَنْ يُبْتَلى بِبَلَاءٍ لَا صَبْرَ لَهُ عَلَيْهِ فَهَرَمَتْهُ

They entered to see the third, and behold, he was the youngest in looks. Firstly, they asked him about their state, then it became clear to them. He said, 'As for my brother, the one whom you saw first, he is the youngest, and there is an evil wife for him worsening him, and he has been patient upon her, fearing that he might be afflicted with an affliction there will be no patience for him over it, so it has aged him.

وَأَمَّا الثَّانِي أَخِي فَإِنَّ عِنْدَهُ زَوْجَةً تَسُوُّهُ وَ تَسْرُهُ وَ هُوَ مُتَمَاسِكُ الشَّبَابِ وَ أَمَّا أَنَا فَزَوْجَتِي تَسْرُنِي وَ لَا تَسُوُونِي لَمْ تَلْزَمْنِي مِنْهَا مَكْرُوهٌ قَطُّ مُنْذُ صَحِبْتَنِي فَشَبَابِي مَعَهَا مُتَمَاسِكٌ

And as for my second brother, there is a wife with him, worsening him and cheering him, and he has held on to the youthfulness; and as for my wife, she cheers me and does not worsen me. No abhorrence has come to me from her at all since she has accompanied me, so my youthfulness with her has adhered.

وَأَمَّا حَدِيثُكَمُ الَّذِي هُوَ حَدِيثُ أَبِيكُمْ انْطَلِقُوا أَوَّلًا وَ بَغِثُوا قَبْرَهُ وَ اسْتَخْرِجُوا عِظَامَهُ وَ أَخْرِقُوهَا ثُمَّ عُودُوا لِأَقْضِي بَيْنَكُمْ

And as for your narration which is narration of your father, firstly go and exhume his grave and extract his bones and incinerate these, then return and I will judge between you all!

فَانْصَرَفُوا فَأَخَذَ الصَّيِّ سَيْفَ أَبِيهِ وَ أَخَذَ الْأَخْوَانُ الْمَعَاوِلَ فَلَمَّا هَمَّا بِذَلِكَ قَالَ لَهُمُ الصَّغِيرُ- لَا تُبَغِثُوا قَبْرَ أَبِي وَ أَنَا أَدْعُ لَكُمْ حِصَّتِي

They left. The young one grabbed a sword of his father while the two brother took the pickaxe. When they were both with that (to dig up the grave), the young one said to them, 'Do not exhume the grave of my father and I shall leave my share for you two!'

فَانْصَرَفُوا إِلَى الْقَاضِي فَقَالَ يُثْنِعُكُمَا هَذَا ائْتُونِي بِالْمَالِ

They left to go to the judge. He said, 'This one has contented you both. Bring me the wealth!'

فَقَالَ لِلصَّغِيرِ خُذِ الْمَالَ فَلَوْ كَانَا ابْنَيْهِ لَدَخَلَهُمَا مِنَ الرِّقَّةِ كَمَا دَخَلَ عَلَى الصَّغِيرِ.

He said to the young one, 'Take the wealth, for had they been his (true) sons, the kindness would have entered them just as it had entered upon the young one!'¹³⁰⁶

2- ص، قصص الأنبياء عليهم السلام بالإِسْنَادِ إِلَى الصَّدُوقِ عَنْ أَبِيهِ عَنْ سَعْدِ بْنِ أَبِي عَيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: كَانَ عَلَى عَهْدِ دَاوُدَ ع سِلْسِلَةٌ يَتَحَاكَمُ النَّاسُ إِلَيْهَا وَ إِنَّ رَجُلًا أَوْدَعَ رَجُلًا جَوْهَرًا فَجَحَدَهُ إِثْمًا فَدَعَاهُ إِلَى السِّلْسِلَةِ فَذَهَبَ مَعَهُ إِلَيْهَا وَ قَدْ أَدْخَلَ الْجَوْهَرَ فِي قَنَازَةٍ

(The book) 'Qasas Al Anbiya^{-as}', may the greeting be upon them^{-as} – By the chain to Al Sadouq, from his father, from Sa'ad, from Ibn Isa, from Ali Bin Al Hakam, from Hisham Bin Salim,

From Abu Abdullah^{-asws} having said: 'There was a chain in the era of Dawood^{-as}, the people used to come to for judgment, and a man had deposited a jewel with a man, but he denies it to him. He called him to the chain. He went with him to it, and he had inserted the jewel in a tube.

فَلَمَّا أَرَادَ أَنْ يَتَنَاوَلَ السِّلْسِلَةَ

When he wanted to grab the chain, he said to him, 'Hold this tube until I grab the chain!'

قَالَ لَهُ أُمْسِكْ هَذِهِ الْقَنَاطَةَ حَتَّى آخُذَ السِّلْسِلَةَ فَأَمْسَكَهَا وَدَنَا الرَّجُلُ مِنَ السِّلْسِلَةِ فَتَنَاوَلَهَا وَأَخَذَهَا وَصَارَتْ فِي يَدِهِ

He held it, and the man went near the chain. He took it and grabbed it and it came to be in his hand.

فَأَوْحَى اللَّهُ تَعَالَى إِلَى دَاوُدَ عَ أَنْ اخْكُمْ بَيْنَهُم بِالْبَيِّنَاتِ وَاضْفَعْهُم إِلَى اسْمِي يَخْلُفُونَ بِهِ وَرُفِعَتِ السِّلْسِلَةُ.

Allah^{-azwj} the Exalted Revealed to Dawood^{-as}: "Judge between them with the proofs, and call them to My^{-azwj} Name to be swearing by!", and the chain was lifted'.¹³⁰⁷

3- خُتِصَ، الْإِكْتِسَاصُ أَبُو أَحْمَدَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ أَوْ أَبِي جَعْفَرٍ ع قَالَ: اجْتَمَعَ رَجُلَانِ يَتَعَدَّيَانِ مَعَ وَاحِدٍ ثَلَاثَةَ أَزْغَفَةٍ وَمَعَ وَاحِدٍ خَمْسَةَ أَزْغَفَةٍ

(The book) 'Al Ikhtisas' – Abu Ahmad, from a man,

From Abu Abdullah^{-asws} or Abu Ja'far^{-asws} having said: 'Two men gathered to have breakfast. With one there were three breads, and with one were five breads'.

قَالَ فَمَرَّ بِهِمَا رَجُلٌ فَقَالَ سَلَامٌ عَلَيْكُمَا

He^{-asws} said: 'A man passed by them. He said, 'Greeting be upon you both!'

فَقَالَا وَ عَلَيْكَ السَّلَامُ الْعَدَاءُ رَجُلِكَ اللَّهُ

They said, 'And upon you be the greeting! The breakfast, may Allah^{-azwj} Mercy you!'

فَقَالَ فَقَعَدَ وَ أَكَلَ مَعَهُمَا فَلَمَّا فَرَغَ قَامَ وَ طَرَحَ إِلَيْهِمَا ثَمَانِيَةَ دِرَاهِمٍ

He^{-asws} said: 'He sat down and ate with them. When he was free, he stood up and gave eight Dirham to them. He said, 'This is a compensation to you both for what I have eaten from your food'.

فَقَالَ هَذِهِ عَوَضٌ لَكُمْ بِمَا أَكَلْتُمْ مِنْ طَعَامِكُمْ قَالَ فَتَنَازَعَا بِهَا فَقَالَ صَاحِبُ الثَّلَاثَةِ الرَّصْفُ لِي وَ الرَّصْفُ لَكَ وَ قَالَ صَاحِبُ الْخَمْسَةِ لِي خَمْسَةٌ بِقَدْرِ خَمْسَتِي وَ لَكَ ثَلَاثَةٌ بِقَدْرِ ثَلَاثَتِكَ

He^{-asws} said: 'They disputed with it. The owner of the three (breads) said, 'The half is for me and the half is for you!', and the owner of the five said, 'For me are five in accordance with my five (breads), and for you are three due to your three (breads)'.

فَأَبَيَا وَ تَنَازَعَا حَتَّى ارْتَفَعَا إِلَى أَمِيرِ الْمُؤْمِنِينَ ع فَاقْتَصَا عَلَيْهِ الْقِصَّةَ فَقَالَ إِنَّ هَذَا الْأَمْرَ الَّذِي أَنْتُمَا فِيهِ دِينٌ وَ لَا يَنْبَغِي أَنْ تَرْفَعَا فِيهِ إِلَى حَكَمٍ

They refused each other and disputed until they raised (the case) to Amir Al-Momineen^{-asws}. They narrated the story to him^{-asws}. He^{-asws} said: 'This matter which you are (disputing) in is lowly and it is not befitting for you to raise it to a judge'.

ثُمَّ أَقْبَلَ عَلَيَّ ع إِلَى صَاحِبِ الثَّلَاثَةِ فَقَالَ أَرَى أَنَّ صَاحِبَكَ قَدْ عَرَضَ عَلَيْكَ أَنْ يُعْطِيَكَ ثَلَاثَةً وَ خُبْرُهُ أَكْثَرُ مِنْ خُبْرِكَ فَارْضَ بِهِ

Then Ali^{-asws} turn to owner of the three. He said: 'Your companions have presented to you that he should give you three (Dirhams) and his bread was more than your bread, so be pleased with it'.

فَقَالَ لَا وَ اللَّهُ يَا أَمِيرَ الْمُؤْمِنِينَ لَا أَرْضَى إِلَّا بِمُرِّ الْحَقِّ

He said, 'No, by Allah^{-azwj}, O Amir Al-Momineen^{-asws}! I will not agree except with the full right'.

قَالَ فَإِنَّمَا لَكَ فِي مَرِّ الْحَقِّ دِرْهَمٌ فَخُذْ دِرْهَمًا وَ أَعْطِهِ سَبْعَةً

He^{-asws} said: 'But rather, for you in the full right would be (one) Dirham, so take a Dirham and give him seven!'

فَقَالَ سُبْحَانَ اللَّهِ يَا أَمِيرَ الْمُؤْمِنِينَ عَرَضَ عَلَيَّ ثَلَاثَةٌ فَأَبَيْتُ وَ أَخَذْتُ وَاحِدًا

He said, 'Glory be to Allah^{-azwj}, O Amir Al-Momineen^{-asws}! He presented three to me and I refused, and I should take one?'

فَقَالَ عَرَضَ ثَلَاثَةٌ لِلصُّلْحِ فَخَلَفْتُ أَنْ لَا تَرْضَى إِلَّا بِمُرِّ الْحَقِّ وَ إِنَّمَا لَكَ فِي مَرِّ الْحَقِّ دِرْهَمٌ

He^{-asws} said: 'Present three (Dirhams) for the reconciliation. Swear an oath that you will not agree except with the full right, and rather for you, the full right is a Dirham!'

قَالَ فَأَوْفَّقْنِي عَلَى هَذَا

He said, 'Make me understand this'.

قَالَ أَلَيْسَ تَعْلَمُ أَنَّ ثَلَاثَتَكَ تِسْعَةُ أَثْلَاثٍ

He^{-asws} said: 'Don't you know that your three is of nine thirds?'

قَالَ بَلَى

He said, 'Yes'.

قَالَ أَوْ لَيْسَ تَعْلَمُ أَنَّ خَمْسَةَ عَشَرَ ثُلُثًا

He^{-asws} said: 'And don't you know that five are fifteen thirds?'

قَالَ بَلَى

He said, 'Yes'.

قَالَ فَذَلِكَ أَرْبَعَةٌ وَعِشْرُونَ ثُلُثًا أَكَلْتَ أَنْتَ ثَمَانِيَةً وَأَكَلَ الضَّيْفُ ثَمَانِيَةً وَهُوَ ثَمَانِيَةٌ فَبَقِيَ مِنْ تِسْعَتِكَ وَاحِدٌ أَكَلَ الضَّيْفُ وَبَقِيَ مِنْ خَمْسَةِ عَشَرَ سَبْعَةً أَكَلَهَا الضَّيْفُ فَلَهُ سَبْعَةٌ بِسَبْعَةٍ وَلكَ بِوَاحِدِكَ الَّذِي أَكَلَهُ الضَّيْفُ وَاحِدٌ.

He^{-asws} said: 'So that is twenty-four thirds. You ate eight (thirds), and the guest ate eight (thirds), and he ate eight (thirds). Thus, there remains one from your nine, and the guest ate one, while from (his) fifteen (thirds) seven remain (which) the guest ate. Thus for him are seven (Dirhams) due to seven (thirds), and for you is one due to your one which the guest ate'.¹³⁰⁸

4- كُنْزُ الْكَرَاجِكِيِّ، رُوِيَ أَنَّ امْرَأَةً عَلِقَتْ بِغُلَامٍ فَرَاوَدَتْهُ عَنْ نَفْسِهِ فَأَمْتَنَعَ عَلَيْهَا فَقَالَتْ وَاللَّهِ لَئِنْ لَمْ تَفْعَلْ لَأَفْضَحَكَ فَلَمْ يَفْعَلْ فَأَخَذَتْ بَيْضَةً فَأَلْقَتْ بِيَاضِهَا عَلَى نَوْبِهَا وَتَعَلَّقَتْ بِهِ وَاسْتَعَانَتْ بِأَمِيرِ الْمُؤْمِنِينَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ وَقَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ هَذَا الْغُلَامَ كَاتَبَنِي عَلَى نَفْسِي وَ قَدْ أَصَابَ مِنِّي وَ هَذَا مَاءُهُ عَلَى نَوْبِي

(The book) 'Kanz' of Al Karajaky -

It is reported that a woman was attached (attracted to) a boy and seduced him to herself. He refused to her. She said, 'By Allah^{-azwj}! If you don't do it, I will scandalise you!' He did not do it. She took an egg and cast its white fluid upon her garment and it stuck with it, and she cried out for help with Amir Al-Momineen^{-asws}, may the Salawaat and the greeting be upon him^{-asws}, and said, 'O Amir Al-Momineen^{-asws}! This boy has forced himself upon me and has attained from me, and this is his water upon my garment!'

فَسَأَلَهُ أَمِيرُ الْمُؤْمِنِينَ عَ عَنْ ذَلِكَ فَبَكَى وَقَالَ وَاللَّهِ يَا أَمِيرَ الْمُؤْمِنِينَ لَقَدْ كَذَبْتُ وَمَا فَعَلْتُ شَيْئًا بِمَا ذَكَرْتُ

Amir Al-Momineen^{-asws} asked him about that. He cried and said, 'By Allah^{-azwj} O Amir Al-Momineen^{-asws}! She has lied, and I have not done anything from what she mentioned'.

فَوَعِظَهَا أَمِيرُ الْمُؤْمِنِينَ عَ فَقَالَتْ وَاللَّهِ لَقَدْ فَعَلْتُ وَ هَذَا مَاءُهُ

Amir Al-Momineen^{-asws} advised her. She said, 'By Allah^{-azwj}, he has done it, and this is his water!'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع عَلَيَّ بِقَنْبَرٍ

Amir Al-Momineen^{-asws} said: 'Come to me^{-asws} with Qanbar!'

فَجِيءَ بِهِ

They came with him. He^{-asws} said to him: 'Instruct someone to boil some water until its heat is intense, and come with it to me^{-asws}!'

فَقَالَ لَهُ مُرْ مَنْ يَغْلِي بِمَاءٍ حَتَّى يَشْتَدَّ حَرَارَتُهُ وَ صِرْ بِهِ إِلَيَّ فَلَمَّا أَتَى بِالْمَاءِ الْحَارِّ أَمَرَ أَنْ يُلْقَى عَلَى ثَوْبِهَا فَأُلْقِيَ فَأَنْسَلَقَ بَيَاضُ الْبَيْضِ وَ ظَهَرَ أَمْرُهُ فَأَمَرَ رَجُلَيْنِ مِنَ الْمُسْلِمِينَ أَنْ يَتَطَعَّمَاهُ وَ يَلْفِظَاهُ لِيَتَعَ الْعِلْمُ الْيَقِينُ بِهِ فَفَعَلَا فَرَأَاهُ بَيَضًا فَحَلَّى الْعِلَامَ وَ أَمَرَ بِالْمَرْأَةِ فَأَوْجَعَهَا أَدْبًا.

When he came with the hot water, he^{-asws} instructed that it be thrown upon her garment. The white of the egg peeled off, and its matter was revealed. He^{-asws} ordered two men from the Muslims to taste it and spit it out in order for certain knowledge to occur with it. They did so and saw it as egg. He^{-asws} freed the boy and ordered with the women to be pained as discipline'.¹³⁰⁹

5- قب، المناقب لابن شهر آشوب حليته الأولياء و نزهة الأبصار أنه مضى ع في حكمة إلى شريح مع يهودي

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Hilyat Al Awliya', (and) 'Nuzhat Al Absaar' -

He (Amir Al-Momineen^{-asws} went to Shuryeh (the judge) with a Jew for judgment. He^{-asws} said, 'O Jew! The shield, is my^{-asws} shield, and I^{-asws} did not sell it and did not gift it!'

فَقَالَ يَا يَهُودِي الدِّعْ دِرْعِي وَ لَمْ أَبْعَ وَ لَمْ أَهَبْ فَقَالَ الْيَهُودِي الدِّعْ لِي وَ فِي يَدِي

The Jew said, 'The shield is mine and it is in my hands'.

فَسَأَلَهُ شُرَيْحُ الْبَيْتَةِ فَقَالَ هَذَا قَنْبَرٌ وَ الْحُسَيْنُ يَشْهَدَانِ لِي بِذَلِكَ

Shureyh as him^{-asws} for the proof. He^{-asws} said: 'This is Qanbar and Al Husayn^{-asws}, they will both testify for me with that!'

فَقَالَ شُرَيْحُ شَهَادَةُ الْإِبْنِ لَا تَجُوزُ لِأَبِيهِ وَ شَهَادَةُ الْعَبْدِ لَا تَجُوزُ لِسَيِّدِهِ وَ إِهْمَا يَجُزَّانِ إِلَيْكَ

Shureyh said, 'Testimony of a son is not allowed for his father, and testimony of the slave is not allowed for his master, and they are both inclined to you^{-asws}!'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ وَنِلَكَ يَا شُرَيْحُ أَحْطَأْتُ مِنْ وَجْهِهِ أَمَّا وَاحِدَةٌ فَأَنَا إِمَامُكَ تَدِينُ اللَّهُ بِطَاعَتِي وَ نَعْلَمُ أَنِّي لَا أَقُولُ بِإِطْلَافٍ فَزِدْتُ قَوْلِي وَ أَبْطَلْتُ دَعْوَايَ

¹³⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 4

Amir Al-Momineen^{-asws} said: 'Woe be to you, O Shureyh! You have erred from (various) aspects! As for one, I^{-asws} am your Imam^{-asws}. You have to make it a religion of Allah^{-azwj} by obeying me^{-asws}, and you know I^{-asws} do not say falsities, but you rejected my^{-asws} word and invalidated my^{-asws} claim.

ثُمَّ سَأَلْتَنِي الْبَيْتَةَ فَشَهِدَ عَبْدٌ وَ أَحَدُ سَيِّدِي [سَيِّدِي] شَبَابِ أَهْلِ الْجَنَّةِ فَرَدَدْتُ شَهَادَتَهُمَا ثُمَّ ادَّعَيْتَ عَلَيْهِمَا أَهْمَا يَجْرَانِ إِلَى أَنْفُسِهِمَا أَمَا إِنِّي لِأَعَابِيَنَّكَ إِلَّا أَنْ تَقْضِيَ بَيْنَ الْيَهُودِ ثَلَاثَةَ أَيَّامٍ أَخْرِجُوهُ

Then you asked me^{-asws} for the proof. A slave testified and one is a master (chief) of the youths of the inhabitants of Paradise, but you rejected both their testimonies. Then you claimed that they are inclined to themselves. But I^{-asws} will punish you only that you should judge between the Jews for three days. Expel him!'

فَأَخْرَجَهُ إِلَى قُبَاءَ فَقَضَى بَيْنَ الْيَهُودِ ثَلَاثًا ثُمَّ انْصَرَفَ فَلَمَّا سَمِعَ الْيَهُودِيُّ ذَلِكَ قَالَ هَذَا أَمِيرُ الْمُؤْمِنِينَ جَاءَ إِلَى الْحَاكِمِ وَ الْحَاكِمِ حَكَمَ عَلَيْهِ فَأَسْلَمَ ثُمَّ

They took him out to a dome and he judged between the Jews for three days. Then he^{-asws} left. When the Jew heard that, he said, 'This is Commander of the faithful. He^{-asws} came to the judge, and the judge ruled against him^{-asws}!'

قَالَ الدِّبْعُ دِرْعُكَ سَقَطَتْ يَوْمَ صِفِّينَ مِنْ جَلِّ أَوْرَقٍ فَأَخَذَهَا.

He became a Muslim, then said, 'The shield is your^{-asws} shield. It had fallen off a grey camel on the day of (the battle of) Siffeen, and I had taken it'.¹³¹⁰

6- وَ فِي الْأَحْكَامِ الشَّرْعِيَّةِ، عَنِ الْخَزَّازِ الْقُمِّيِّ أَنَّ عَلِيًّا ع كَانَ فِي مَسْجِدِ الْكُوفَةِ فَمَرَّ بِهِ عَبْدُ اللَّهِ بْنُ قُفْلٍ التَّيْمِيُّ وَ مَعَهُ دِرْعٌ طَلْحَةَ أَخَذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ فَقَالَ ع هَذِهِ دِرْعٌ طَلْحَةَ أَخَذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ

And in 'Al Ahkam Al Sharia' – from Al Khazaz Al Qummi,

'Ali^{-asws} was in Masjid Al-Kufa. Abdullah Bin Qufli Al-Taymi passed by, and with him was a shield of Talha. He had taken (before war booty distribution) on the day of (battle of) Basra. He^{-asws} said: 'This is a shield of Talha. You had taken it before war booty distribution on the day of Basra!'

فَقَالَ ابْنُ قُفْلٍ يَا أَمِيرَ الْمُؤْمِنِينَ اجْعَلْ بَيْنِي وَ بَيْنَكَ قَاضِيًا

Ibn Qufl said, 'O Amir Al-Momineen^{-asws}! Make a judge to be between me and you^{-asws}!'

فَحَكَمَ شُرَيْحًا فَقَالَ عَلِيٌّ ع هَذِهِ دِرْعٌ طَلْحَةَ أَخَذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ

So, Shureyh was appointed (to judge). Ali^{-asws} said: 'This is a shield of Talha. It was taken before the war booty distribution, on the day of Basra.

¹³¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 5

فَأْتَمَسَ شُرَيْحًا [شُرَيْح] الْبَيْتَةَ فَشَهِدَ الْحَسَنُ بْنُ عَلِيٍّ عَ بِذَلِكَ فَسَأَلَ آخَرَ فَشَهِدَ قَنْبَرٌ بِذَلِكَ

Shureyh sought the proof. Al-Hassan^{-asws} Bin Ali^{-asws} testified with that. He asked for another, so Qanbar testified with that.

فَقَالَ هَذَا مَمْلُوكٌ وَ لَا أَقْضِي بِشَهَادَةِ الْمَمْلُوكِ فَعَضِبَ ع

He said, 'This is a slave and I cannot judge by the testimony of a slave!'

ثُمَّ قَالَ خُذُوا الدِّرْعَ فَقَدْ قَضَى بِجَوْرِ ثَلَاثَ مَرَّاتٍ

He^{-asws} was angered, then said: 'Take the shield, for he has judged with tyranny!' – three times.

فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ عَ إِنَّمَا قُلْتُ لَكَ إِنَّمَا دَرَجُ طَلْحَةَ أَخَذَتْ عُلوًّا يَوْمَ الْبَصْرَةِ فَقُلْتَ هَاتِ عَلَيَّ مَا قُلْتَ بَيِّنَةً فَقُلْتُ رَجُلٌ لَمْ يَسْمَعْ الْحَدِيثَ وَ قَدْ قَالَ رَسُولُ اللَّهِ ص حَيْثُ مَا وَجَدَ عُلوًّا أَخَذَ بِغَيْرِ بَيِّنَةٍ

He asked about that. He^{-asws} said: 'When I^{-asws} said to you it is a shield of Talha taken before war booty distribution on the Day of Basra, you said, 'Give proof upon what you^{-asws} said'. I^{-asws} say, (you are) a man who did not hear the Hadeeth, and Rasool-Allah^{-saww} had said: 'Wherever such property is found it would be seized without proof'.

ثُمَّ أَتَيْتُكَ بِالْحَسَنِ فَشَهِدَ فَقُلْتَ هَذَا شَاهِدٌ وَ لَا أَقْضِي بِشَاهِدٍ حَتَّى يَكُونَ مَعَهُ آخَرُ وَ قَدْ قَضَى رَسُولُ اللَّهِ ص بِشَاهِدٍ وَ يَمِينٍ فَهَذَانِ اثْنَتَانِ

Then I^{-asws} came to you with Al Hassan^{-asws} and he^{-asws} testified. You said, 'This is one witness and I cannot judge with one witness until there happens to be another with him^{-asws}!', and Rasool-Allah^{-saww} had judged with one witness and an oath. So, these are two errors.

ثُمَّ أَتَيْتُكَ بِقَنْبَرٍ فَقُلْتَ هَذَا مَمْلُوكٌ وَ لَا بَأْسَ بِشَهَادَةِ الْمَمْلُوكِ إِذَا كَانَ عَدْلًا فَهَذِهِ الثَّالِثَةُ

Then I^{-asws} came to you with Qanbar. You said, 'This is a slave', and there is no problem with testimony of the slave if he was a just person. So, these are three (errors)'.

ثُمَّ قَالَ يَا شُرَيْحُ إِنَّ إِمَامَ الْمُسْلِمِينَ يُؤْتَمَنُ فِي أُمُورِهِمْ عَلَى مَا هُوَ أَعْظَمُ مِنْ هَذَا.

Then he^{-asws} said: 'O Shureyh! A leader of the Muslims is trusted in their matters upon what is greater than this!'¹³¹¹

7- قب، المناقب لابن شهر آشوب إِنَّ عَلَماً طَلَبَ مَالَ أَبِيهِ مِنْ عُمَرَ وَ ذَكَرَ أَنَّ وَالِدَهُ تُوفِّيَ بِالْكُوفَةِ وَ الْوَلَدُ طِفْلٌ بِالْمَدِينَةِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

'A young boy sought the wealth of his father from Umar, and he mentioned that his father had died at Al-Kufa while he the son was a child at Al-Medina'.

¹³¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 6

فَصَاحَ عَلَيْهِ عُمَرُ وَ طَرَدَهُ فَخَرَجَ يَتَطَلَّمُ مِنْهُ فَلَقِيَهُ عَلِيٌّ ع فَقَالَ ائْتُونِي بِهِ إِلَى الْجَامِعِ حَتَّى أُكْشِفَ أَمْرَهُ

Umar shouted at him and repelled him. He went out complaining about him. Ali^{-asws} met him. He^{-asws} said: 'Come to me^{-asws} with him to the central Masjid until I uncover his matter!'

فَجِيءَ بِهِ فَسَأَلَهُ عَنْ حَالِهِ فَأَخْبَرَهُ بِخَبْرِهِ فَقَالَ ع لَأَحْكُمَنَّ فِيكُمْ بِحُكْمَةِ حَكَمَ اللَّهُ بَيْنَا مِنْ فَوْقِ سَبْعِ سَمَاوَاتِهِ- لَا يَحْكُمُ بَيْنَنَا إِلَّا مَنْ ارْتَضَاهُ لِعِلْمِهِ

They came with him. He^{-asws} asked him about his situation. He informed him^{-asws} of his news. He^{-asws} said: 'I^{-asws} will judge among you with a judgment Allah^{-azwj} had Judged with from above His^{-azwj} seven skies! No one will judge with it except one He^{-azwj} is Pleased with his knowledge!'

ثُمَّ اسْتَدْعَى بَعْضَ أَصْحَابِهِ وَ قَالَ هَاتِ بِمِخْفَرَةٍ

Then he^{-asws} called one of his^{-asws} companions and said: 'Bring a digging tool!'

ثُمَّ قَالَ سِيرُوا بِنَا إِلَى قَبْرِ وَالِدِ الصَّبِيِّ فَسَارُوا

Then he^{-asws} said: 'Let us go to the grave of the father of the boy!'

فَقَالَ احْفَرُوا هَذَا الْقَبْرَ وَ انْبِشُوهُ وَ اسْتَخْرِجُوا إِلَيَّ ضِلْعًا مِنْ أَضْلَاعِهِ فَدَفَعَهُ إِلَى الْغُلَامِ

They went. He^{-asws} said: 'Dig this grave and exhume him and extract to me^{-asws} a rib from his ribs and hand it to the boy!'

فَقَالَ لَهُ شَمِّهِ

He^{-asws} said to him: 'Smell it!'

فَلَمَّا شَمَّهُ انْبَعَثَ الدَّمُ مِنْ مَنْخَرَيْهِ فَقَالَ ع إِنَّهُ وَلَدُهُ

When he smelt it, the blood spurted from his nostrils. He^{-asws} said: 'He is surely his son!'

فَقَالَ عُمَرُ بِإِنْبِعَاثِ الدَّمِ تُسَلِّمُ إِلَيْهِ الْمَالَ

Umar said, 'By a spurt of the blood you^{-asws} will submit the wealth to him?'

فَقَالَ إِنَّهُ أَحَقُّ بِالْمَالِ مِنْكَ وَ مِنْ سَائِرِ الْخَلْقِ أَجْمَعِينَ

He^{-asws} said: 'He is more rightful with the wealth than you are and rest of the people altogether!'

ثُمَّ أَمَرَ الْحَاضِرِينَ بِشَمِّ الضِّلْعِ فَشَمُّوهُ فَلَمْ يَنْبَعِثِ الدَّمُ مِنْ وَاحِدٍ مِنْهُمْ فَأَمَرَ أَنْ أُعِيدَ إِلَيْهِ ثَانِيَةً وَ قَالَ شَمِّهِ

Then he^{-asws} instructed the ones present to smell the rib. They smelled it but the blood did not spurt from even one of them. He^{-asws} returned to him a second time and said: 'Smell it!'

فَلَمَّا شَمَّهُ انْبَعَثَ الدَّمُ انْبِعَاثًا كَثِيرًا فَقَالَ ع إِنَّهُ أَبُوهُ فَسَلِّمْ إِلَيْهِ الْمَالَ

When he smelled it, a lot of blood spurted out. He^{-asws} said: 'He is his father, so submit the wealth to him!'

ثُمَّ قَالَ وَاللَّهِ مَا كَذَبْتُ وَلَا كُنْذِبْتُ.

Then he^{-asws} said: 'By Allah^{-azwj}, neither have I^{-asws} lied nor have I^{-asws} been lied to!'¹³¹²

باب 16 الشهادة وأحكامها وعللها وآداب كتابة الحجة وأحكامها

CHAPTER 16 – THE TESTIMONY AND ITS RULINGS, AND ITS REASONS, AND METHOD OF WRITING THE ARGUMENT (EVIDENCE) AND ITS RULINGS

1- ب، قرب الإسناد هارون عن ابن صدقة عن الصادق ع قال قال رسول الله ص أصناف لا يستجاب لهم منهم من أذن رجلاً ديناً إلى أجل فلم يكتب عليه كتاباً ولم يشهد عليه شهوداً الخبر.

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

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There are types of people, (supplication) is not Answered for them. From them is one who lends a loan to a man to a (specified) term but did not write an agreement upon it and did not keep any witnesses upon it' – the Hadeeth.¹³¹³

2- ع، علل الشرائع أبي عن الحميري عن ابن عيسى عن علي بن أشيم عن رواده من أصحابنا عن أبي عبد الله ع أنه قيل له لم جعل في الزنا أربعة من الشهود وفي القتل شاهدين

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, from Ibn Isa, from Ali Bin Asheym, from the one who reported it, from our companions,

From Abu Abdullah^{-asws}, it was said to him^{-asws}, 'Why have four witnesses made to be regarding the adultery and two witnesses in the murder?'

فَقَالَ إِنَّ اللَّهَ عَزَّ وَجَلَّ أَحَلَّ لَكُمْ الْمُنْعَةَ وَ عَلِمَ أَنَّهَا سُنُّكُمْ عَلَيْكُمْ فَجَعَلَ الْأَرْبَعَةَ الشُّهُودَ احْتِيَاظًا لَكُمْ لَوْ لَا ذَلِكَ لَأَتَيْنَ عَلَيْكُمْ وَقَالَ مَا يَجْتَمِعُ أَرْبَعَةٌ عَلَى شَهَادَةٍ بِأَمْرٍ وَاحِدٍ.

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic has Permitted the Mut'ah for you and He^{-azwj} Knew that it will be denied upon you, so He^{-azwj} Made the four witnesses as a safeguard for you all. Had it not been that, they would have come to you (with accusations of adultery), and hardly every four would unite upon testifying one matter'.¹³¹⁴

¹³¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 7

¹³¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 1

¹³¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 2

3 سن، المحاسن أبي عن ابن أشيم مثله.

(The book) 'Al Mahasin' – My father, from Ibn Asheym, similar to it.¹³¹⁵

4- ع، علل الشرائع ابن الوليد عن الصنفار عن ابن مغروف عن ابن مهران عن علي بن أحمد بن محمد عن أبيه عن إسماعيل بن حماد عن أبي حنيفة قال: قلت لأبي عبد الله ع أيهما أشد الزنا أم القتل

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Ali Bin Ahmad Bin Muhammad, from his father, from Ismail Bin Hammad, from Abu Haneefa who said,

'I (Abu Haneefa) said to Abu Abdullah^{-asws}, 'Which of the two is severer, the adultery of the murder?'

قال فقال القتل

He (Abu Haneefa) said, 'He^{-asws} said: 'The murder'.

قال فقلت فما بال القتل جاز فيه شاهدان ولا يجوز في الزنا إلا أربعة

He (Abu Haneefa) said, 'I said, 'So what is the matter in the murder two witnesses are allowed (sufficed) and they are not allowed in the adultery except four?'

فقال لي ما عندكم فيه يا أبا حنيفة

He^{-asws} said to me: 'What is with you regarding it, O Abu Haneefa?'

قال قلت ما عندنا فيه إلا حديث عمر إن الله أخرج في الشهادة كلمتين على العباد

He (Abu Haneefa) said, 'I said, 'There is nothing with us regarding it except a narration by Umar that Allah^{-azwj} has Extracted two phrases upon the servants regarding the testimonies'.

قال قال ليس كذلك يا أبا حنيفة ولكن الزنا فيه حدان ولا يجوز إلا أن يشهد كل اثنين على واحد لأن الرجل والمرأة جميعاً عليهما الحد والقتل وإنما يُقام الحد على القاتل ويدفع عن المقتول.

He (Abu Haneefa) said, 'He^{-asws} said: 'It isn't like that, O Abu Haneefa, but the adultery as two legal penalties in it, and it is not allowed except that every two should testify upon each one, because the man and the woman are such, the legal punishment is upon them both, while the murder, the legal penalty is established upon the murderer and pushed away from the murdered'.¹³¹⁶

¹³¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 3

¹³¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 4

5- ن، عيون أخبار الرضا عليه السلام في علي ابن سنان أن الرضا ع كتب إليه علة ترك شهادة النساء في الطلاق و الهلال لصغفهن على الرؤية و محابتهن النساء في الطلاق فلذلك لا يجوز شهادتهن إلا في موضع ضرورة مثل شهادة القابلة و ما لا يجوز للرجال أن ينظروا إليه كضرورة

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, Al-Reza^{-asws} had written to him regarding the reason of neglecting testimony of the women regarding the divorce and the sighting the crescent due to their weakness upon the sighting and their favouring the women in (matters of) divorce. For that reason, their testimonies are not accepted except in places of necessity like testimony of the midwife, and what is not allowed for the men to be looking at, due to necessity.

تجوز شهادة أهل الكتاب إذا لم يوجد غيرهم و في كتاب الله عز و جل اثنان ذوا عدل منكم مسلمين أو آخران من غيركم كافرين و مثل شهادة الصبيان على القتل إذا لم يوجد غيرهم-

Testimony of people of the Book is allowed when others cannot be found, and in the Book of Allah^{-azwj} Mighty and Majestic **two (men) from you possessing justice (Muslims), or two other from others (non-Muslims) [5:106]**, and like testimonies of the children upon the murder when others cannot be found.

و العلة في شهادة أربعة في الزنا و اثنان في سائر الحقوق لشدة حد المصحن لأن فيه القتل فجعلت الشهادة فيه مضاعفة مغلظة لما فيه من قتل نفسه و ذهاب نسب ولديه لفساد الميراث.

And the reason in four testimonies regarding the adultery and two in rest of the rights is due to the severity of the legal penalty of the married man, because in it is the killing (of the adulterer), so the testimonies had been Made to be double in it as harshness due to the killing of a soul in it, and effacement of lineage of his children for corruption of the inheritance'.¹³¹⁷

6- ج، الإحتجاج كتب الحميري إلى القائم ع يسأله عن الضرب إذا شهد في حال صحته على شهادة ثم كف بصره و لا يرى خطه فيعرفه هل يجوز شهادته و بالله التوفيق أم لا و إن ذكر هذا الضرب الشهادة هل يجوز أن يشهد على شهادته أم لا يجوز

(The book) 'Al-Ihtijaj' – Al-Himeyri wrote to Al-Qaim^{-ajfi} asking him^{-ajfi} about the blind man when he witnesses in a state of healthy eyes upon a witness. Then his sight stopped and he could not even see his own handwriting so he could recognise it, 'Is his testimony allowed or not? And with Allah^{-azwj} is the inclination, and if this blind one remembers the testimony, is it allowed for him to testify upon his testimony or not allowed?'

فأجاب ع فإذا حفظ الشهادة و حفظ الوقت جازت شهادته.

He^{-ajfi} answered: 'When he has memorised the witnessing and memorised the time, his testimony is allowed'.¹³¹⁸

¹³¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 5

¹³¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 6

7- وَ سِئِلَ عَنِ الرَّجُلِ يُوقِفُ ضَيْعَةً أَوْ دَابَّةً وَ يُشْهَدُ عَلَى نَفْسِهِ بِاسْمِ بَعْضِ وَكَلَاءِ الْوَقْفِ ثُمَّ يَمُوتُ هَذَا الْوَكِيلُ وَ يَتَغَيَّرُ أَمْرُهُ وَ يَتَوَلَّى غَيْرُهُ هَلْ يَجُوزُ أَنْ يَشْهَدَ الشَّاهِدُ لِهَذَا الَّذِي أُقِيمَ مَقَامُهُ إِذَا كَانَ أَصْلُ الْوَقْفِ لِرَجُلٍ وَاحِدٍ أَمْ لَا يَجُوزُ ذَلِكَ

And he^{-ajfi} was asked about a man who dedicates an estate or an animal as an endowment and records a testimony in his own name designating one of the agents of the endowment, then that agent dies or his position changes, and another person takes his place. Is it permissible for the witness to testify in favour of the new agent if the original endowment was for one person, or is that not allowed?’

فَأَجَابَ ع لَا يَجُوزُ غَيْرَ ذَلِكَ لِأَنَّ الشَّهَادَةَ لَمْ تَقُمْ لِلْوَكِيلِ وَ إِنَّمَا قَامَتْ لِلْمَالِكِ وَ قَدْ قَالَ اللَّهُ تَعَالَى وَ أَقِيمُوا الشَّهَادَةَ لِلَّهِ.

The Imam^{-ajfi} answered, it is not allowed other than that because the testimony cannot stand for the agent, and rather it was established for the owner, and Allah^{-azwj} the Exalted Said: **establish the testimony for the Sake of Allah [65:2]**.¹³¹⁹

8- ف، تحف العقول عَنْ أَبِي الْحُسَيْنِ الثَّالِثِ ع فِي جَوَابِ مَا سَأَلَ يَحْيَى بْنُ أَكْثَمَ قَالَ ع أَمَّا شَهَادَةُ الْمَرْأَةِ وَحْدَهَا الَّتِي جَازَتْ فِيهَا الْقَابِلَةُ جَازَتْ شَهَادَتُهَا مَعَ الرِّضَا فَإِنْ لَمْ يَكُنْ رِضًى فَلَا أَقْلَ مِنْ امْرَأَتَيْنِ تَقُومُ الْمَرْأَةُ بِدَلِّ الرَّجُلِ لِلضَّرُورَةِ لِأَنَّ الرَّجُلَ لَا يُمْكِنُهُ أَنْ يَقُومَ مَقَامَهَا فَإِنْ كَانَتْ وَحْدَهَا قُبِلَ قَوْلُهَا مَعَ يَمِينِهَا.

(The book) ‘Tuhaf Al Uqoul’ -

From Abu Al-Hassan^{-asws} the 3rd in answer to what Yahya Bin Aksam asked. He^{-asws} said: ‘As for the testimony of one woman alone which is allowed, it is the midwife. Her testimony is allowed with the agreement (of those involved), then no less than two women. The woman can stand in place of the man for the necessity because the man, it is not possible for him to stand in her place. Thus, if she is alone, her word is accepted with her oath’.¹³²⁰

9- ضا، فقه الرضا عليه السلام لَا يَجُوزُ شَهَادَةُ عَلَى شَهَادَةٍ فِي الْخُدُودِ وَ لَا يَجُوزُ شَهَادَةُ الرَّجُلِ لِشَرِيكِهِ إِلَّا فِيمَا لَا يَعُودُ نَفْعُهُ عَلَيْهِ فَإِذَا شَهِدَ رَجُلٌ عَلَى شَهَادَةِ رَجُلٍ فَإِنَّ شَهَادَتَهُ تُقْبَلُ وَ هِيَ نِصْفُ شَهَادَةٍ وَ إِذَا شَهِدَ رَجُلَانِ عَلَى شَهَادَةِ رَجُلٍ فَقَدْ ثَبَتَ شَهَادَةُ رَجُلٍ وَاحِدٍ

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} - Testimony upon testimony is not permissible in cases involving legal punishments, nor is it permissible for a man to testify in favour of his partner except in matters where no benefit returns to him. If a man testifies based on the testimony of another man, his testimony is accepted as half a testimony. If two men testify based on the testimony of one man, it counts as the testimony of one complete witness.

فَإِنْ كَانَ الَّذِي شَهِدَ عَلَيْهِ مَعَهُ فِي مِصْرِهِ وَ لَوْ أَتَاهُمَا خَضْرَاءُ فَشَهِدَ أَحَدُهُمَا عَلَى شَهَادَةِ الْآخَرِ وَ أَنْكَرَ صَاحِبُهُ أَنْ يَكُونَ أَشْهَدُهُ عَلَى شَهَادَتِهِ فَإِنَّهُ يُقْبَلُ قَوْلُ أَغْلِهِمَا وَ إِذَا دُعِيَ رَجُلٌ لِيَشْهَدَ عَلَى رَجُلٍ فَلَيْسَ لَهُ أَنْ يَمْتَنِعَ مِنَ الشَّهَادَةِ عَلَيْهِ مِنْ قَوْلِهِ - وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا

If the one whose testimony is being testified to lives in the same town, and if both were present and one testified based on the other’s testimony while the latter denied having

¹³¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 7

¹³²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 8

authorised him to testify on his behalf, then the statement of the more just of the two is accepted. And if a man is called to testify on behalf of another, he is not allowed to refuse to bear witness upon him, due to His^{-azwj} Words: ***And the witnesses should not refuse when they are summoned (for it) [2:282].***

فَإِذَا أَرَادَ صَاحِبُهُ أَنْ يَشْهَدَ لَهُ بِمَا أُشْهِدَ فَلَا يَمْتَنِعْ لِقَوْلِهِ - وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتَمٌ فَلُبُهُ وَ إِذَا أُبِي الرِّجُلُ بِكِتَابٍ فِيهِ خَطُّهُ وَ غَلَامَتُهُ وَ لَمْ يَذْكُرِ الشَّهَادَةَ فَلَا يَشْهَدُ لِأَنَّ الْخَطَّ يَتَشَابَهُ إِلَّا أَنْ يَكُونَ صَاحِبُهُ ثِقَةً وَ مَعَهُ شَاهِدٌ آخَرُ ثِقَةً فَيَشْهَدُ لَهُ حِينَئِذٍ

So, when his companion wants to testify for him regarding what he was made to witness, he should not refuse, ***and the one who conceals it, so he is of a sinful heart [2:283]***, And if a man is presented with a document bearing his handwriting and his mark, but he does not recall the testimony, then he should not testify, for handwriting can resemble that of others unless its owner is trustworthy and accompanied by another trustworthy witness, in which case, he may testify.

وَ إِنْ شَهِدَ أَرْبَعَةٌ عُذُولٌ عَلَى رَجُلٍ بِالزَّيْنَةِ فَرَجِمَ أَوْ شَهِدَ رَجُلَانِ عَلَى رَجُلٍ يَقْتُلُ رَجُلٍ أَوْ سَرَقَ فَرَجِمَ الَّذِي شَهِدُوا عَلَيْهِ بِالزَّيْنَةِ وَ قُتِلَ الَّذِي شَهِدُوا عَلَيْهِ بِالْقَتْلِ وَ قُطِعَ الَّذِي شَهِدُوا عَلَيْهِ بِالسَّرْقَةِ ثُمَّ رَجَعَا عَنْ شَهَادَتَيْهِمَا ثُمَّ قَالَا غَلِطْنَا فِي هَذَا الَّذِي شَهِدْنَا وَ أَتَيْنَا بِرَجُلٍ وَ قَالَا هَذَا الَّذِي قَتَلَ وَ هَذَا الَّذِي سَرَقَ وَ هَذَا الَّذِي زَيَّنَ

And if four just witnesses testify against a man for adultery and he is stoned, or if two men testify against a man for murder or theft, and the one accused of adultery is stoned, the one accused of murder is executed, and the one accused of theft has his hand cut, then afterward the witnesses retract their testimony and say, 'We were mistaken in our testimony' and they bring forth another man saying, 'This is the one who committed the murder, this is the one who stole, and this is the one who committed adultery',

قَالَ يَجِبُ عَلَيْهِمَا دِيَّةُ الْمُقْتُولِ الَّذِي قُتِلَ وَ دِيَّةُ يَدِ الَّذِي قُطِعَ بِشَهَادَتَيْهِمَا وَ لَمْ يُقْبَلْ شَهَادَتُهُمَا عَلَى الثَّانِي الَّذِي شَهِدُوا عَلَيْهِ فَإِنْ قَالُوا نَعَمَدْنَا قُطِعَا فِي السَّرْقَةِ وَ كُلُّ مَنْ شَهِدَ شَهَادَتَهُمَا الزُّورَ فِي مَالٍ أَوْ قَتَلَ لِرَمِّهِ دِيَّةُ الْمُقْتُولِ بِشَهَادَتَيْهِمَا فَرَدَّدَ مَاءَ الدِّمِّ مَنْ شَهِدَا عَلَيْهِ وَ لَمْ يُقْبَلْ شَهَادَتُهُمَا بَعْدَ ذَلِكَ وَ عُقُوبَتُهُمَا فِي الْآخِرَةِ النَّارُ فَاسْتَحَقَّاهَا مِنْ قَبْلِ أَنْ تَزُولَ أَقْدَامُهُمَا

He^{-asws} said: 'They are obliged to pay the wergild for the one who was killed and the compensation for the hand that was cut off, based on their testimony. Their testimony is not accepted against the second person they testified about. If they say they testified falsely, the hand is cut for theft, and whoever testified falsely regarding property or murder is liable to pay the wergild of the killed person according to their false testimony. The guilt of those they testified against is overturned, and their testimony is no longer accepted thereafter. As for their punishment in the Hereafter, it is the Fire, and they deserved it even before their feet move'.

وَ بَلَغَنِي عَنِ الْعَالِمِ ع أَنَّهُ قَالَ إِذَا كَانَ لِأَخِيكَ الْمُؤْمِنِ عَلَى رَجُلٍ حَقٌّ فَدَفَعَهُ عَنْهُ وَ لَمْ يَكُنْ لَهُ مِنَ الْبَيِّنَةِ إِلَّا وَاحِدَةٌ وَ كَانَ الشَّاهِدُ ثِقَةً فَسَأَلْتُهُ عَنْ شَهَادَتِهِ فَإِذَا أَقَامَهَا عِنْدَكَ شَهِدَتْ مَعَهُ عِنْدَ الْحَاكِمِ عَلَى مِثَالِ مَا شَهِدَ لِقَائِ بَنِي حَقٌّ أَمْرِي مُسْلِمٍ.

It was reported to me from the Scholar (Imam^{-asws}) that he^{-asws} said: 'If your believing brother has a right against a man and the latter denies it, and he has only one piece of evidence while the witness is trustworthy, then you ask him about his testimony. If he upholds it before you,

you testify with him before the judge in the same manner he testified, so that the right of a Muslim person is not violated.¹³²¹

10- م، تفسير الإمام عليه السلام قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ وَ سَلَامُهُ عَلَيْهِ فِي قَوْلِهِ تَعَالَى أَوْ ضَعِيفاً أَوْ لَا يَسْتَطِيعُ أَنْ يُحْلَلَ هُوَ فَلْيُعْلَلْ وَلِيَّهُ بِالْعَدْلِ

Tafseer Al-Imam^{-asws}, may the greeting be upon him^{-asws} – Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} and His^{-azwj} greeting be upon him^{-asws}, regarding Words of the Exalted: **or weak (of understanding), or he is not able to dictate himself, so let his guardian dictate with fairness [2:282].**

قَالَ ضَعِيفاً فِي بَدَنِهِ لَا يَقْدِرُ أَنْ يُحْلَلَ أَوْ ضَعِيفاً فِي فَهْمِهِ وَ عِلْمِهِ لَا يَقْدِرُ أَنْ يُحْلَلَ وَ يُحْيِي الْقَاطِئَةَ الَّتِي هِيَ جُورٌ عَلَيْهِ أَوْ عَلَى حِمِيهِ- أَوْ لَا يَسْتَطِيعُ أَنْ يُحْلَلَ هُوَ يَعْني بِأَنْ يَكُونَ مَشْغُولاً فِي مَرَمَةٍ لِمَعَاشٍ أَوْ تَرْؤُدٍ لِمَعَادٍ أَوْ لَذَّةٍ فِي غَيْرِ مُحَرَّمٍ فَإِنَّ تِلْكَ هِيَ الْأَشْغَالُ الَّتِي لَا يَنْبَغِي لِعَاقِلٍ أَنْ يَتَشَرَّعَ فِي غَيْرِهَا

He^{-asws} said: 'Weakness in his body, not being able to dictate, or weakness in his understanding and his knowledge, nor be able to dictate, meaning that he would be busy in maintaining his livelihood, or providing for the Hereafter, or deriving pleasure in other than a prohibition, for that is the pre-occupation which is not befitting for an intellectual to legislate in something else.

قَالَ فَلْيُعْلَلْ وَلِيَّهُ بِالْعَدْلِ يَعْنِي النَّائِبَ عَنْهُ وَ الْقَائِمَ بِأَمْرِهِ بِالْعَدْلِ بِأَنْ لَا يَحِيفَ عَلَى الْمَكْتُوبِ لَهُ وَ لَا عَلَى الْمَكْتُوبِ عَلَيْهِ-

He^{-azwj} Said: '**so let his guardian dictate with fairness [2:282]** – meaning the representative on his behalf, and the custodian with his matter with the justice, so as not to wrong against the written for him nor upon the written against him.

قَالَ رَسُولُ اللَّهِ ص مَنْ أَعَانَ ضَعِيفاً فِي بَدَنِهِ عَلَى أَمْرِهِ أَعَانَهُ اللَّهُ عَلَى أَمْرِهِ وَ نَصَبَ لَهُ فِي الْقِيَامَةِ مَلَائِكَةً يُعِينُونَهُ عَلَى قَطْعِ تِلْكَ الْأَهْوَالِ وَ عُيُورِ تِلْكَ الْخَنَادِقِ مِنَ النَّارِ حَتَّى لَا يُصِيبَهُ مِنْ دُخَانِهَا وَ لَا سُجُومِهَا وَ عَلَى عُيُورِ الصِّرَاطِ إِلَى الْجَنَّةِ سَالِماً آمِناً

Rasool-Allah^{-saww} said: 'One who assists one who is weak in his body upon his matter, Allah^{-azwj} will Assist him in his matter and will Nominate Angels for him during Qiyamah to assist him upon cutting those horrors and cross over those ditches of fire until nothing from its smoke hits him nor its toxins, and upon crossing the Bridge to the Paradise safely, secure.

وَ مَنْ أَعَانَ مَشْغُولاً بِمَصَالِحِ دُنْيَاهُ أَوْ دِينِهِ عَلَى أَمْرِهِ حَتَّى لَا يَنْتَشِرَ عَلَيْهِ أَعَانَهُ اللَّهُ عَلَى تَزَاوُجِ الْأَشْغَالِ وَ انْتِشَارِ الْأَحْوَالِ- يَوْمَ قِيَامِهِ يَبْنِي يَدَيِ الْجَبَّارِ فَمِيزَهُ مِنَ الْأَشْرَارِ وَ جَعَلَهُ مِنَ الْأَخْيَارِ-

And the one who is too pre-occupied with the correction of his worldly affairs or his Religion being upon His^{-azwj} Commands, until it is no longer difficult upon him. Allah^{-azwj} the Exalted would Assist him on the Day when the activities would be contended and the horrors would be widespread, the Day of his standing in front of the King, the Subduer. Thus, He^{-azwj} would Sift him out from the evils and Make him to be from the good ones'.

وَ قَوْلُهُ عَزَّ وَ جَلَّ وَ اسْتَشْهَدُوا شَهِيدَيْنِ مِنْ رَجَالِكُمْ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَيُّ مِنْ أَخْرَاجِكُمْ مِنَ الْمُسْلِمِينَ الْعُدُولِ

And Words of the Mighty and Majestic: **And two witnesses should be bearing witness, from your men [2:282]** – Amir Al-Momineen^{-asws} said: ‘i.e. from your free ones from the Muslims, the just ones’.

قَالَ ع اسْتَشْهِدُوهُمْ لِيَحْطُوا بِهِمْ أَذْيَانَكُمْ وَأَمْوَالَكُمْ وَلِتَسْتَعْمِلُوا أَدَبَ اللَّهِ وَوَصِيَّتَهُ فَإِنَّ فِيهِمَا النَّفْعَ وَالْبَرَكَهَ وَلَا تُخَالِفُوهُمَا فَيَلْحَقُكُمُ النَّدَمُ

He^{-asws} said: ‘Keep them as witnesses in order to guard your religion and your wealth by them, and for them to be utilising the education of Allah^{-azwj} and His^{-azwj} Advice, for in these is the benefit and the Blessings, and do not oppose these for the regret will catch up with you!’

Then Amir Al-Momineen^{-asws} said: ‘I^{-asws} heard Rasool-Allah^{-saww} saying: ‘Three, Allah^{-azwj} will not Answer (their supplications) for them, but He^{-azwj} will Punish them and Rebuke them.

ثُمَّ قَالَ أَمِيرُ الْمُؤْمِنِينَ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ ثَلَاثَةٌ لَا يَسْتَجِيبُ اللَّهُ لَهُمْ بَلَى يُعَذِّبُهُمْ وَيُؤَيِّسُهُمْ أَمَّا أَحَدُهُمْ فَرَجُلٌ ابْتَلَى بِامْرَأَةٍ سَوِيٍّ فَهِيَ تُؤْذِيهِ وَتُضَارُّهُ وَتَعِيبُ عَلَيْهِ دُنْيَاهُ وَتَنْفُسُهَا وَتَكْذِبُهَا وَتُفْسِدُ عَلَيْهِ آخِرَتَهُ فَهُوَ يَقُولُ اللَّهُمَّ يَا رَبِّ خَلِّصْنِي مِنْهَا يَقُولُ اللَّهُ يَا أَيُّهَا الْجَاهِلُ قَدْ خَلَّصْتُكَ مِنْهَا جَعَلْتُ يَدَكَ طَلَاقَهَا وَالتَّقْصِيَّ مِنْهَا طَلَقَهَا وَانْبَذَهَا تَبَذَّ الْجُورِبَ الْخُلُقِ

As for one of them, so it is a man who is Tried by an evil wife, and she hurts him and affects him adversely and faults his worldly affairs upon him, and taints it, and upsets it, and spoils his Hereafter upon him. So, he says, ‘O Allah^{-azwj}! O Lord^{-azwj}! Finish me off from her’ (cursing her). Allah^{-azwj} the Exalted is Saying: “O you ignorant one! I^{-azwj} have already given you the means to finish off from her. I^{-azwj} Made her divorce be in your hands and the freedom from her. Divorce her and remove her from you (like) the people remove their torn socks!”

وَالثَّانِي رَجُلٌ مُقِيمٌ فِي الْبَلَدِ قَدْ اسْتَوْبَلَتْهُ وَلَا يَحْضُرُهُ لَهُ فِيهِ كُلُّ مَا يُرِيدُ وَكُلُّ مَا التَّمَسُّهُ حُرْمُهُ يَقُولُ اللَّهُمَّ يَا رَبِّ خَلِّصْنِي مِنْ هَذَا الْبَلَدِ الَّذِي قَدْ اسْتَوْبَلَتْهُ يَقُولُ قَدْ أَوْضَحْتُ لَكَ طَرِيقَ الْخُرُوجِ وَكَفَيْتُكَ مِنْ ذَلِكَ فَارْجِعْ مِنْهُ إِلَى غَيْرِهِ يَحْتَلِبُ عَافِيَتِي وَتَسْتَرْزُقُنِي

And the second one is a man staying in a city incompatible for him, and there is nothing present therein everything what he wants and everything what he seeks, he is deprives of. He is saying, ‘O Allah^{-azwj}! O Lord^{-azwj}! Finish me off from this city where I am having problems. Allah^{-azwj} Mighty and Majestic is Saying: “O My^{-azwj} servant! I^{-azwj} have already given you the means to Finish you off from this city, and I^{-azwj} have Clarified to you the way of exiting from it, and Enabled you from that. So exit from it to another. Seek My^{-azwj} Grant of good health and My^{-azwj} sustenance!”

وَالثَّالِثُ رَجُلٌ أَوْصَاهُ اللَّهُ بِأَنْ يَحْتَاطَ لِدِينِهِ بِشُهُودٍ وَكِتَابٍ فَلَمْ يَفْعَلْ ذَلِكَ وَدَفَعَ مَالَهُ إِلَى غَيْرِ ثِقَةٍ بَغَيْرِ وَثِيقَةٍ فَجَحَدَهُ أَوْ بَخَسَهُ فَهُوَ يَقُولُ اللَّهُمَّ يَا رَبِّ رُدِّ عَلَيَّ مَالِي

And the third is a man Allah^{-azwj} the Exalted has Given the capacity that he takes precaution for his lending with witnesses and written documentation. But he does not do that and hands over his wealth to another one, trusting one without trustworthiness. Then he (borrower) disputes it or undervalues it, so he (the lender) is saying, ‘O Allah^{-azwj}! O Lord^{-azwj}! Return my wealth to me’.

يَقُولُ اللَّهُ عَزَّ وَ جَلَّ لَهُ يَا عَبْدِي قَدْ عَلَّمْتُكَ كَيْفَ تَسْتَوِيضُ لِمَالِكَ لِيَكُونَ مَحْفُوظًا لِفَلَا يَتَعَرَّضَ لِلتَّلَفِ فَأَبَيْتَ فَأَنْتَ الْآنَ تَدْعُونِي وَ قَدْ ضَيَعْتَ مَالَكَ وَ أَتْلَفْتَهُ وَ خَالَفْتَ وَصِيَّتِي فَلَا أُسْتَجِيبُ لَكَ

Allah^{-azwj} Mighty and Majestic is Saying to him: “O My^{-azwj} servant! I^{-azwj} have already Taught you how to deal with your wealth for it to be protected, lest it is exposed to the harm, but you refused. So now you are calling upon Me^{-azwj}, and you have wasted your wealth and destroyed it, and you opposed My^{-azwj} Advice, therefore I^{-azwj} will not Respond to you!”

ثُمَّ قَالَ رَسُولُ اللَّهِ ص أَلَا فَاسْتَعْمِلُوا وَصِيَّةَ اللَّهِ تَفْلِحُوا وَ تَنْجَحُوا وَ لَا تُخَالِفُوا هَذَا فَتَنْدُمُوا-

Then Rasool-Allah^{-saww} said: ‘Indeed! Utilise the Advice of Allah^{-azwj}, you will succeed and be saved, and do not oppose it, for you will regret’.

فَإِنْ لَمْ يَكُنَا رَجُلَيْنِ فَرَجُلٍ وَ امْرَأَتَانِ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع فَإِنْ لَمْ يَكُنَا رَجُلَيْنِ فَرَجُلٍ وَ امْرَأَتَانِ قَالَ عَدَلَتِ امْرَأَتَانِ فِي الشَّهَادَةِ رَجُلًا وَ اللَّهُ فَإِذَا كَانَ رَجُلَانِ أَوْ رَجُلٌ وَ امْرَأَتَانِ أَقَامُوا الشَّهَادَةَ فَضَى بِشَهَادَتِهِمْ

Amir Al-Momineen^{-asws} said: ‘Regarding the Words of the Almighty **But if there does not happen to be two men, then a man and two women**, he^{-asws} said: ‘Two women equate with one man regarding the testimony. So when there were two men, or a man and two women, the testimony would stand for the judgment with their testimonies’.

قَالَ أَمِيرُ الْمُؤْمِنِينَ ع وَ بَيْنَمَا نَحْنُ مَعَ رَسُولِ اللَّهِ ص وَ هُوَ يُدَاكِرُنَا بِقَوْلِهِ- وَ اسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رَجَالِكُمْ- قَالَ أَخْرَأْتُكُمْ دُونَ عِبِيدِكُمْ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ شَغَلَ الْعَبِيدَ بِخِدْمَةِ مَوَالِيهِمْ عَنْ تَحْمِيلِ الشَّهَادَاتِ وَ عَنْ أَدَائِهَا

Amir Al-Momineen^{-asws} said: ‘It so happened that we were with Rasool-Allah^{-saww}, and he^{-saww} was mentioning to us the Words of the Exalted **And two witnesses should be bearing witness, from your men [2:282]**, he^{-saww} said: ‘Your free ones besides your slaves, for Allah^{-azwj} the Exalted has too pre-occupied the slaves with serving their masters from having to bear the testimonies, and from fulfilling these.

وَ لِيَكُونُوا مِنَ الْمُسْلِمِينَ مِنْكُمْ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ إِنَّمَا شَرَّفَ الْمُسْلِمِينَ الْعُدُولَ بِقَبُولِ شَهَادَاتِهِمْ وَ جَعَلَ ذَلِكَ مِنَ الشَّرَفِ الْعَاجِلِ لَهُمْ وَ مِنْ ثَوَابِ دُنْيَاهُمْ قَبْلَ أَنْ يَصِلُوا إِلَى الْآخِرَةِ

And let them (witnesses) happen to be from the Muslims from you, for Allah^{-azwj} Mighty and Majestic, rather, Ennobled the just Muslims by the Acceptance of their testimonies, and Made that to be from the current nobility for them and from the Rewards of their world, before they (even) arrive to the Hereafter.

إِذْ جَاءَتْ امْرَأَةٌ فَوْقَتْ قُبَالَةَ رَسُولِ اللَّهِ ص وَ قَالَتْ يَا أَبِي أَنْتَ وَ أُمِّي يَا رَسُولَ اللَّهِ أَنَا وَافِدَةُ النِّسَاءِ إِلَيْكَ فَمَا مِنْ امْرَأَةٍ يَنْبَغُهَا مَسِيرِي هَذَا إِلَيْكَ إِلَّا سَرَّهَا ذَلِكَ

Then a woman came over, so she paused facing Rasool-Allah^{-saww}, and she said, ‘By my father and my mother (being sacrificed for) you^{-saww}, O Rasool-Allah^{-saww}! I am a delegate of the women to you^{-saww}. There is none from a woman to whom would reach (the news of) this travelling of mine to you^{-saww}, except that would cheer her.

يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ عَزَّ وَجَلَّ رَبُّ الرِّجَالِ وَ النِّسَاءِ وَ خَالِقُ وَ رَازِقُ لِلرِّجَالِ وَ النِّسَاءِ وَ إِنَّ أَدَمَ أَبُو الرِّجَالِ وَ النِّسَاءِ وَ إِنَّ حَوَّاءَ أُمُّ الرِّجَالِ وَ النِّسَاءِ وَ إِنَّكَ رَسُولُ اللَّهِ إِلَى الرِّجَالِ وَ النِّسَاءِ مَا بَالُ الْمَرَأَتَيْنِ بِرَجُلٍ فِي الشَّهَادَةِ وَ فِي الْوِثَاقِ

O Rasool-Allah^{-saww}! Allah^{-azwj} Mighty and Majestic is the Lord^{-azwj} of the men and the women, and Creator of the men and the women, and Sustainer of the men and the women. And Adam^{-as} is the father of the men and the women, and that Hawwa^{-as} is the mother of the men and the women, and you^{-saww} are the Rasool^{-saww} of Allah^{-azwj} to the men and the women. So, what is the matter that there should be two women with one man in the testimony and the inheritance?'

فَقَالَ رَسُولُ اللَّهِ ص يَا أَيُّهَا الْمَرْأَةُ إِنَّ ذَلِكَ قَضَاءٌ مِنْ مَلِكٍ عَدْلٍ حَكِيمٍ لَا يَجُورُ وَ لَا يَحِيْفُ وَ لَا يَتَحَامَلُ- لَا يَنْفَعُهُ مَا مَنَعَكَ يُدَبِّرُ الْأَمْرَ بِعِلْمِهِ يَا أَيُّهَا الْمَرْأَةُ لِأَنَّكَ تَقْصِصَاتُ الدِّينَ وَ الْعَقْلَ

Rasool-Allah^{-saww} said: 'O you woman! That is a Judgment from a King, Just, Wise, and He^{-azwj} is neither tyrannous, nor does He^{-azwj} infringe, nor is He^{-azwj} biased. It will not benefit you (women) what He^{-azwj} has Prevented from you, nor would it incur a loss for you what He^{-azwj} Does for you. He^{-azwj} Manage the affairs by His^{-azwj} Knowledge. O you woman! (This is) because you are deficient in the Religion and the intellect'.

قَالَتْ يَا رَسُولَ اللَّهِ وَ مَا تُفْصِنُ دِينَنَا قَالَ إِنَّ إِحْدَاكُمُ تَقْعُدُ نِصْفَ دَهْرِهَا- لَا تُصَلِّي بِحَيْضَةٍ عَنِ الصَّلَاةِ لِلَّهِ وَ إِنَّكَ تُكْذِرِينَ اللَّعْنَ وَ تُكْفِرِينَ الْعَشِيرَةَ تَمُكُّثُ إِحْدَاكُمُ عِنْدَ الرَّجُلِ عَشْرَ سِنِينَ فَصَاعِدًا يُجْسِنُ إِلَيْهَا وَ يُنْعِمُ عَلَيْهَا فَإِذَا صَافَتْ يَدُهُ يَوْمًا أَوْ خَاصَمَهَا قَالَتْ لَهُ مَا رَأَيْتُ فِيكَ خَيْرًا قَطُّ

She said, 'O Rasool-Allah^{-saww}! And what is our deficiency in our Religion?' He^{-saww} said: 'One of you sits half of her time not praying due to menstruation, and you are frequent in the cursing, and deny the Bounties. One of you remains with the man for ten years and more, and he is good to her and favours upon her. So, when his hand is straitened for a day, or disputes with her, she says to him, 'I did not see any goodness from you, at all!'

وَ مَنْ لَمْ يَكُنْ مِنَ النِّسَاءِ هَذَا خُلِقَهَا فَالَّذِي يُصِيبُهَا مِنْ هَذَا النُّقْصَانِ حِجْنَةٌ عَلَيْهَا تَصْبِرُ فَيُعْظِمُ اللَّهُ ثَوَابَهَا فَأَبْشِرِي

So, the one from the women who does not happen to be this mannerism, then that is the one who is hit from this reduction, being a test upon her of her patience, and Allah^{-azwj} would Magnify her Rewards. Therefore, receive glad tidings!'

ثُمَّ قَالَ لَهَا رَسُولُ اللَّهِ ص مَا مِنْ رَجُلٍ رَدِيٍّ إِلَّا وَ الْمَرْأَةُ الرَّدِيَّةُ أَرْدَى 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 بِعَلِيٍّ ع وَ إِحْقَاقَهَا وَ هِيَ امْرَأَةٌ بِأَفْضَلِ رَجَالِ الْعَالَمِينَ-

Then Rasool-Allah^{-saww} said to her: 'There is none from a man who is wicked except the wicked woman would be more wicked than him, nor from a righteous woman, except the righteous man would be superior than her. And Allah^{-azwj} has not Equated a woman with a man at all, except what was from the Equalisation by Allah^{-azwj} of (Syeda) Fatima^{-asws} with Ali^{-asws}, and joining her^{-asws} with him^{-asws}. And she^{-asws} is the most superior of the women of the worlds!'

أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَى قَالَ إِذَا ضَلَّتْ إِحْدَاهُمَا عَنِ الشَّهَادَةِ وَ نَسِيَتْهَا ذَكَرَتْهَا إِحْدَاهُمَا الْأُخْرَى فَاسْتَقَامَتَا عَلَى أَدَاءِ الشَّهَادَةِ عَدَلَ اللَّهُ شَهَادَةَ امْرَأَتَيْنِ بِشَهَادَةِ رَجُلٍ لِنُقْصَانِ عُقُولِهِنَّ وَ دِينِهِنَّ

If one of the two errs, so the other one should remind him [2:282] Amir Al-Momineen^{-asws} said: 'Regarding His^{-azwj} Words: **If one of the two errs, so the other one should remind him** – he^{-asws} said: 'When one of them erred from the testimony and forgot it, the other one reminds the other one with it, so they would both be straight in the giving of the testimony. Allah^{-azwj} Equated the testimonies of two women with the testimony of one man, due to the deficiency of their intellects and their Religion'.

ثُمَّ قَالَ عَ مَعَاشِرَ النِّسَاءِ خَلَقْتُنَّ نَاقِصَاتِ الْعُقُولِ فَاحْتَرِزْنَ فِي الشَّهَادَاتِ مِنَ الْغَلَطِ فَإِنَّ اللَّهَ يُعْظِمُ ثَوَابَ الْمُتَحَفِّظِينَ وَ الْمُحْتَفِّظَاتِ

Then he^{-asws} said: 'Community of women! You have been Created deficient of the intellects, therefore preserve yourselves from the mistakes in the testimonies, for Allah^{-azwj} the Exalted Grants great Rewards to the male preservers and the female preservers (of the testimonies).

وَلَقَدْ سَمِعْتُ مُحَمَّدًا رَسُولَ اللَّهِ ص يَقُولُ مَا مِنْ امْرَأَتَيْنِ اخْتَرَزْنَا فِي الشَّهَادَةِ فَذَكَرَتْ إِحْدَاهُمَا الْأُخْرَى حَتَّى تُقِيمَا الْحَقَّ وَ تَنْفِيَا الْبَاطِلَ إِلَّا وَ إِذَا بَعَثَهُمَا اللَّهُ يَوْمَ الْقِيَامَةِ عَظِمَ ثَوَابُهُمَا وَ لَا يَزَالُ يَصُبُّ عَلَيْهِمَا النَّعِيمَ وَ يُذَكِّرُهُمَا الْمَلَائِكَةُ مَا كَانَ مِنْ طَاعَتِهِمَا فِي الدُّنْيَا وَ مَا كَانَتْ فِيهِ مِنْ أَنْوَاعِ الْهُمُومِ فِيهَا وَ مَا أَرَّاهُ اللَّهُ عَنْهُمَا حَتَّى خَلَّدَهُمَا فِي الْجَنَّاتِ

And he^{-asws} have heard Rasool-Allah^{-sawww} saying: 'There are none from the two women who are preserving regarding the testimonies, so one of them reminds the others until the truth is established, and the falsehood is negated, except when Allah^{-azwj} Resurrects them both on the Day of Qiyamah with Great Rewards. He^{-azwj} will not Cease to Pour the Bounties upon them, and He^{-azwj} would Mention to the Angels what their obedience was in the world, and what they were in the varieties of worries in it – and Allah^{-azwj} will not Cease from them until He^{-azwj} Makes them abide eternally in the Gardens'.

وَ إِنْ فِيهِنَّ لَمَنْ تُبْعَثُ يَوْمَ الْقِيَامَةِ فَيُؤْتَى بِهَا قَبْلَ أَنْ تُعْطَى كِتَابُهَا فَتَرَى السَّيِّئَاتِ بِهَا مُحِيطَةً وَ تَرَى حَسَنَاتِهَا قَلِيلَةً فَيَقَالُ لَهَا يَا أُمَّةَ اللَّهِ هَذِهِ سَيِّئَاتُكَ فَأَيْنَ حَسَنَاتُكَ فَتَقُولُ لَا أَذْكُرُ حَسَنَاتِي فَيَقُولُ اللَّهُ لِحَفَظَتِهَا يَا مَلَائِكَتِي تَذَكَّرُوا حَسَنَاتِهَا وَ ذَكِّرُوا خَيْرَاتِهَا فَيَتَذَكَّرُونَ حَسَنَاتِهَا

And that among them would be one who would be Resurrected on the Day of Qiyamah, so they would come with her before she is given her book. She would see the evil deeds having encompassed it, and she would see her good deeds as being few. It would be said to her: 'O maid of Allah^{-azwj}! These are your evils deeds, so where are your good deeds?' She would be saying, 'I don't remember my good deeds'. Allah^{-azwj} would be Saying to her recorders: "O My^{-azwj} Angels! Mention her good deeds, and mention her goodness!" So they would be mentioning her good deeds.

يَقُولُ الْمَلَكُ الَّذِي عَلَى الْيَمِينِ لِلْمَلِكِ الَّذِي عَلَى الشِّمَالِ مَا تَذْكُرُ مِنْ حَسَنَاتِهَا كَذَا وَ كَذَا فَيَقُولُ بَلَى وَ لَكِنِّي أَذْكُرُ مِنْ سَيِّئَاتِهَا كَذَا وَ كَذَا فَيَعْدِدُ وَ يَقُولُ الْمَلَكُ الَّذِي عَلَى الْيَمِينِ لَهُ أَ فَمَا تَذْكُرُ تَوْبَتَهَا مِنْهَا قَالَ لَا أَذْكُرُ

The Angel who is upon her right would be saying to the Angel upon the left: 'But, do you remember from her good deeds, such and such?' He would say, 'Yes, but remember from her evils deeds, such and such'. So they would count, and the Angel upon her right would say to him: 'But, do you not remember her repentance from it?' He would say, 'I don't remember'.

قَالَ أَمَا تَذْكُرُ أَنَّهُمَا وَصَاحِبَتَاهَا تَذَاكُرَتَا الشَّهَادَةَ الَّتِي كَانَتْ عِنْدَهُمَا حَتَّى اتَّفَقِيَا وَشَهِدَتَاهَا وَ لَمْ تَأْخُذْهُمَا فِي اللَّهِ لَوْمَةً لَأَنَّهُمَا قِيَعُوا بَلَى فَيَقُولُ الْمَلَكُ الَّذِي عَلَى الْيَمِينِ لِلَّذِي عَلَى الشَّمَالِ أَمَا تِلْكَ الشَّهَادَةُ مِنْهُمَا تَوْبَةٌ مَاحِيَةٌ لِسَالِفِ ذُنُوبِهِمَا

He would say, 'But, do you remember that she and her companions both mentioned the testimony which was with them until the testimony until they concurred, and gave the testimony with it, and they did not take for the Sake of Allah^{-azwj}, the accusation of an accuser?' He would be saying, 'Yes'. So the Angel upon the right would say to the one upon the left: 'But that testimony from them both is (sufficient) as a repentance for the deletion of their past sins'.

ثُمَّ تُعْطِيَانِ كِتَابَهُمَا بِأَيْمَانِهِمَا فَيُتَوَجَدُ حَسَنَاتُهُمَا كُلُّهَا مَكْتُوبَةً وَ سَيِّئَاتُهُمَا كُلُّهَا

Then they would both be given their book in their right hands, and they would find their good deeds, all of them to be written therein, and their evil deeds, all of them.

ثُمَّ يُجَدَانِ فِي آخِرِهَا يَا أُمِّي أَقَمْتِ الشَّهَادَةَ بِالْحَقِّ لِلضُّعَفَاءِ عَلَى الْمُبْطِلِينَ وَ لَمْ تَأْخُذْ فِيهَا لَوْمَةً لِلْأَيْمِينِ فَصَيَّرْتُ لَكَ ذَلِكَ كَفَّارَةً لِدُنُوبِكَ الْمَاضِيَةِ وَ نَحْوًا لِحَطِيبَاتِكَ السَّالِفَةِ.

Then they would find written at the end of it: "O My^{-azwj} maid! You established the testimony with the truth for the weak ones against the false ones, and did not take for the Sake of Allah^{-azwj}, the accusation of an accuser. Thus, that has become an expiation for you for your sins of the past, and a deletion of your past mistakes".¹³²²

11- ين، كتاب حسين بن سعيد و النوادر ابنُ مُشْكَنَ عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْفَافِ أ تُقْبَلُ شَهَادَتُهُ بَعْدَ الْحَدِّ إِذَا تَابَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Muskan, from Abu Baseer who said,

'I asked Abu Abdullah^{-asws} about the slanderer, 'Can his testimony be accepted after the legal penalty (has been established upon him), when he repents?'

قَالَ نَعَمْ قُلْتُ

He^{-asws} said: 'Yes'.

وَ مَا تَوْبَتُهُ

I said, 'And what is his repentance?'

قَالَ يُكَذِّبُ نَفْسَهُ عِنْدَ الْإِمَامِ فِيمَا افْتَرَاهُ وَ يَتُوبُ بِمَا قَالَ.

He^{-asws} said: 'He should belie himself in the presence of the Imam^{-asws} regarding what he had fabricated, and he should regret and repent from what he had said'.¹³²³

¹³²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 10

¹³²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 11

12- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الله بن سنان عن أبي عبد الله ع قال قال: يُرَدُّ شَهَادَةُ الظَّنِّينِ وَ الْمُتَّهِمِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'Testimony of the suspicious and the accused is rejected'.¹³²⁴

13- وَ قَالَ فِي الْمَكَاتِبِ إِذَا شَهِدَ فِي الطَّلَاقِ وَ قَدْ أُعْتِقَ نِصْفُهُ إِنْ كَانَ مَعَهُ رَجُلٌ وَ امْرَأَةٌ جَارَتْ شَهَادَتُهُ.

And he^{-asws} said regarding the contracted slave: 'When he testified regarding the divorce, and half of his has been liberated, if there was a man and a woman with him, his testimony is allowed'.¹³²⁵

14- وَ لَا يَجُوزُ شَهَادَةُ وَلَدِ الزَّانَا وَ شَهَادَةُ النِّسَاءِ فِي الطَّلَاقِ.

And testimony of a son of adultery (bastard) is not allowed, and the testimony of the women regarding the divorce'.¹³²⁶

15- وَ قَالَ: وَ يَغْرُمُ شَاهِدُ الزُّورِ بِقَدْرِ مَا شَهِدَ عَلَيْهِ مِنْ مَالِهِ.

And he^{-asws} said: 'The false testifier is liable (penalised) from his wealth in accordance to what he had testified upon'.¹³²⁷

16- وَ قَالَ قَالَ: فَضَى رَسُولُ اللَّهِ ص بِشَهَادَةِ الْوَاحِدِ وَ بَيْنِ الْخَصْمِ فَأَمَّا فِي الْهَلَالِ فَلَا إِلَّا شَاهِدَيْنِ عَدْلٍ وَ يَجُوزُ شَهَادَةُ النِّسَاءِ فِي كُلِّ مَا لَمْ يَجْزَ لِلرِّجَالِ النَّظَرُ إِلَيْهِ.

And he (Al-Sadiq^{-asws}) said: 'He (Ali^{-asws}) said: 'Rasool-Allah^{-saww} judged with the one testimony and oath of the claimant. As for regarding the Halaal, so no except two just witnesses, and testimony of the women is allowed in all what it is not allowed for the men to be looking at'.¹³²⁸

17- ابْنُ مُسْلِمٍ وَ قَالَ رَسُولُ اللَّهِ لَمْ يَجْزَ شَهَادَةُ الصَّبِيِّ وَ لَا خَصْمٍ وَ لَا مُتَّهِمٍ وَ لَا ظَنِّينَ وَ إِذَا سَمِعَ الرَّجُلُ شَهَادَةً وَ لَمْ يُشْهَدْ عَلَيْهَا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ

Ibn Muslim -

'And Rasool-Allah^{-saww} said: 'The testimony of a child, an adversary, one accused, or one given to suspicion is not accepted. If a man hears testimony but was not called upon to bear witness, he has the choice, if he wishes, he may testify, and if he wishes, he may remain silent.

¹³²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 12

¹³²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 13

¹³²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 14

¹³²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 15

¹³²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 16

وَالرَّجُلُ يَدَّعِي وَلَا بَيِّنَةٌ لَهُ يُسْتَحْلَفُ الْمُدَّعَى عَلَيْهِ فَإِنْ رَدَّ الْيَمِينَ عَلَى الْمُدَّعِي فَأَبَى أَنْ يَحْلِفَ فَلَا حَقَّ لَهُ وَالصَّيُّ يَشْهَدُ ثُمَّ يُدْرِكُ فَإِنْ بَقِيَ عَلَى مَوْضِعِ الشَّهَادَةِ وَكَذَلِكَ الْمَمْلُوكُ وَالْمُشْرِكُ.

When a man makes a claim without evidence, the defendant is made to swear an oath. If the defendant refers the oath back to the claimant and the claimant refuses to swear, then he has no right. And if a child gives testimony and later reaches maturity, his testimony is accepted if he maintains it, and the same applies to a slave and to a Polytheist'.¹³²⁹

18- قَالَ: وَكَانَ عَلِيٌّ ع إِذَا أَنَاهُ عِدَّةٌ وَعَدَّتْهُمْ وَاجِدٌ أَقْرَعَ بَيْنَهُمْ أَتَاهُمْ وَقَعَتِ الْيَمِينَ عَلَيْهِ اسْتَحْلَفَهُمْ وَ قَالَ اللَّهُمَّ رَبَّ السَّمَاوَاتِ السَّبْعِ أَتَاهُمْ كَانَ الْحَقُّ لَهُ فَأَدَّاهُ إِلَيْهِ ثُمَّ يَجْعَلُ الْحَقُّ لِلَّذِي يَصِيرُ الْيَمِينَ عَلَيْهِ إِذَا حَلَفَ.

He^{-asws} said: 'And Ali^{-asws} was such that whenever a number of men came to him^{-asws}, and their fairness was one, he^{-asws} drew lots between them. Whichever the oath fell upon he^{-asws} would make him swear, and he^{-asws} said: 'O Lord^{-azwj}! Lord^{-azwj} of the seven skies! Whoever of them has the right for him, Fulfil to him!' Then he^{-asws} would make the right to be for the one the oath had come upon, when he swore'.¹³³⁰

باب 17 شهادة الزور و كتمان الشهادة و تحملها و تحريفها و تصحيحها و حكم الرجوع عن الشهادة

CHAPTER 17 – FALSE TESTIMONY, AND CONCEALING THE TESTIMONY, AND BEARING IT, AND ALTERING IT, AND CORRECTING IT, AND RULING OF THE RETRACTION FROM THE TESTIMONY

1- غو، غوالي اللثالي رَوَى فِي كِتَابِ التَّكْلِيفِ لِإِبْنِ أَبِي الْعَزَافِرِ رَوَاهُ عَنِ الْعَالِمِ ع أَنَّهُ قَالَ: مَنْ شَهِدَ عَلَى مُؤْمِنٍ بِمَا يَنْتَلِمُ أَوْ يَنْتَلِمُ مَالَهُ أَوْ مُرُوتَهُ سَمَّاهُ اللَّهُ كَذَّابًا وَ إِنْ كَانَ صَادِقًا وَ مَنْ شَهِدَ لِمُؤْمِنٍ بِمَا يُحْيِي بِهِ مَالَهُ أَوْ يُعِينُهُ عَلَى عَدُوِّهِ أَوْ يَحْفَظُهُ دَمَهُ سَمَّاهُ اللَّهُ صَادِقًا وَ إِنْ كَانَ كَاذِبًا.

(The book) 'Gawal Al-La'aly' – It is reported in 'Kitab Al Takleef' of Ibn Abu Al-Azaqir,

It is reported from the Scholar (Imam^{-asws}) having said: 'One who testifies upon a Momin with what damages him or damages his wealth or his personality, Allah^{-azwj} Names him as a liar and even if he was truthful; and one who testifies for a Momin what revives his wealth by it, or assists him against his enemy, or protects his blood, Allah^{-azwj} Names him as truthful, and even if he was a liar!'¹³³¹

2- وَ رَوَى أَيْضًا صَاحِبُ هَذَا الْكِتَابِ عَنِ الْعَالِمِ ع قَالَ: إِذَا كَانَ لِأَخِيكَ الْمُؤْمِنِ عَلَى رَجُلٍ حَقٌّ فَدَفَعَهُ وَ لَمْ يَكُنْ لَهُ بَيِّنَةٌ إِلَّا شَاهِدٌ وَاحِدٌ وَ كَانَ الشَّاهِدُ ثِقَةً رَجَعْتَ إِلَى الشَّاهِدِ فَسَأَلْتَهُ عَنْ شَهَادَتِهِ فَإِذَا أَقَامَهَا عِنْدَكَ شَهِدَتْ مَعَهُ عِنْدَ الْحَاكِمِ عَلَى مِثْلِ مَا شَهِدَ لَهُ لِفُلَانٍ يَتَوَى حَقُّ امْرِئٍ مُسْلِمٍ.

And it is reported as well by author of this book,

From the Scholar (Imam^{-asws}), having said: 'When there was a right for your Momin brother upon a man and he has repelled him, and there does not happen to be any proof for him

¹³²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 17

¹³³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 18

¹³³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 1

except one witness, and the witness was trusted, refer to the witness and ask him about his testimony. When he establishes it in your presence, testify with him in the presence of the judge upon similar he had testified to him lest a right of a Muslim person is lost'.¹³³²

3- أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ: مَنْ شَهِدَ شَهَادَةً زُورٍ عَلَى رَجُلٍ مُسْلِمٍ أَوْ ذِمِّيٍّ أَوْ مَنْ كَانَ مِنَ النَّاسِ عُلِقَ بِلسَانِهِ يَوْمَ الْقِيَامَةِ وَهُوَ مَعَ الْمُتَأَفِّقِينَ فِي الدَّرَكِ الْأَسْفَلِ مِنَ النَّارِ.

(The book) A'lam Al Deen' -

From the Prophet^{-saww} having said: 'One who testifies a false testimony upon a Muslim man, or a Zimmy, or someone from the people, he will be hung by his tongue on the Day of Qiyamah, and he would be with the hypocrites **in the lowest Level of the Fire [4:145]**'.¹³³³

4- كِتَابُ الْغَايَاتِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ أَقْرَبَكُمْ مِنِّي مَجْلِسًا يَوْمَ الْقِيَامَةِ أَحْسَنُكُمْ أَخْلَاقًا وَإِنَّ أْبَعَضَكُمْ إِلَيَّ وَ أْبَعْدَكُمْ مِنِّي وَ مِنْ اللَّهِ مَجْلِسًا شَاهِدُ زُورٍ.

(The book) 'Kitab Al-Ghayaat' -

From Jabir Bin Abdullah^{-ra} who said, 'Rasool-Allah^{-saww} said: 'The closest of you from me in a seat on the Day of Qiyamah is your best manners, and the most hateful of you to me and your remotest from me^{-saww} and from Allah^{-azwj} is a false testifier'.¹³³⁴

5- لِي، الْأَمَالِي لِلصَّدُوقِ فِي خَيْرِ الْمَنَاهِي أَنَّ النَّبِيَّ ص نَهَى عَنْ شَهَادَةِ الزُّورِ وَ نَهَى عَنْ كِتْمَانِ الشَّهَادَةِ وَ قَالَ مَنْ كَتَمَهَا أَطْعَمَهُ اللَّهُ لَحْمَهُ عَلَى رُؤُوسِ الْخَلَائِقِ وَ هُوَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ- وَ لَا تَكْتُمُوا الشَّهَادَةَ وَ مَنْ يَكْتُمُهَا فَإِنَّهُ آتَمٌ قَلْبُهُ.

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions, the Prophet^{-saww} forbade from the false testimony, and forbade from concealment of the testimony and said: 'One who conceals it, Allah^{-azwj} will Feed him, his own flesh upon heads of the people, and it is Word of Allah^{-azwj} Mighty and Majestic: **And do not conceal the testimony, and the one who conceals it, so he is of a sinful heart [2:283]**'.¹³³⁵

6- ثَوَابُ الْأَعْمَالِ لِي، الْأَمَالِي لِلصَّدُوقِ أَبِي عَنْ سَعْدِ بْنِ أَبِي يَزِيدَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: شَاهِدُ الزُّورِ لَا تَزُولُ قَدَمَاهُ حَتَّى يَجِبَ لَهُ النَّارُ.

(The book) 'Sawab Al Amaal', (and) 'Al Amaali' of Al Sadouq - My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Hisham Bin Salim,

¹³³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 2

¹³³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 3

¹³³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 4

¹³³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 5

From Abu Abdullah^{-asws} having said: 'The false testifier, his feet will not move until the Fire is obligated for him'.¹³³⁶

7- ثواب الأعمال لي، الأماالي للصدوق ابن الوليد عن الصفار عن ابن عيسى عن علي بن الحكم عن أبان الأخر عن رجل عن صالح بن ميثم عن أبي جعفر ع قال: ما من رجل يشهد شهادة زور على مال رجل مسلم ليقطع إلا كتب الله عز وجل له مكانه صكاً إلى النار.

(The book) 'Sawab Al Amaal', (and) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ali Bin Al Hakam, from Aban Al Ahmar, from a man, from Salih Bin Maysam,

From Abu Ja'far^{-asws} having said: 'There is none from a man who testifies a false testimony upon the wealth of a Muslim man to cut him off, except Allah^{-azwj} Mighty and Majestic will Write in its place a document to the Hellfire'.¹³³⁷

8- ب، قرب الإسناد هارون عن ابن زياد عن الصادق عن أبيه ع قال قال رسول الله ص إن شاهد الزور لا يزول قدمه حتى توجب له النار.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'A false witness will not move from his position until he is condemned to Hell'.¹³³⁸

9- ثواب الأعمال ابن الوليد عن الصفار عن ابن عيسى عن ابن أبي نجران عن أبي جميلة عن جابر عن أبي جعفر ع قال قال رسول الله ص من كنتم شهادة أو شهد بها ليهدر بها دم امرئ مسلم أو ليشوي بها مال امرئ مسلم أتى يوم القيامة ولوجه ظلمة مد البصر وفي وجهه كدوح تعرفه الخلائق باسمه ونسبه ومن شهد شهادة حق ليحيي بها حق امرئ مسلم أتى يوم القيامة ولوجه نور مد البصر يعرفه الخلائق باسمه ونسبه.

(The book) 'Sawab Al-Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ibn Abu Najran, from Abu Jameela, from Jabir,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who conceals a testimony or testifies with it to spill the blood of a Muslim person by it, or seize the wealth of a Muslim person by it, will come on the Day of Qiyamah and his face will be dark to the extent of the sight, and in his face will be marking, the people will recognise him by his name, and his lineage'.

ثم قال أبو جعفر ع ألا ترى الله عز وجل يقول - وَ أَقِيمُوا الشَّهَادَةَ لِلَّهِ.

Then Abu Ja'far^{-asws} said: 'Don't you see Allah^{-azwj} Mighty and Majestic Said: **establish the testimony for the Sake of Allah [65:2]**'.¹³³⁹

10- ثواب الأعمال ابن الميمون عن الحميري عن ابن أبي الخطاب عن ابن محبوب عن أبي أيوب عن سماعة عن أبي عبد الله ع قال: شهود الزور يجلدون جلداً ليس له وقت وذلك إلى الإمام ويطاف بهم حتى يعرفوا فلا يعودوا.

¹³³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 6

¹³³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 7

¹³³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 8

¹³³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 9

(The book) 'Sawab Al Amaal' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Mahboub, from Abu Ayoun, from Sama'at,

From Abu Abdullah^{-asws} having said: 'The false testifiers will be whipped lashes, not having a fixed number for it, and that is up to the Imam^{-asws}, they will be paraded with until they are recognised, so they do not repeat'.

قَالَ فَقُلْتُ لَهُ فَإِنْ تَابُوا وَ أَصْلَحُوا تُقْبَلُ شَهَادَتُهُمْ بَعْدَهُ

He (the narrator) said, 'I said to him^{-asws}, 'Supposing they repent and correct themselves, will their testimonies be accepted after it?'

قَالَ إِذَا تَابُوا تَابَ اللَّهُ عَلَيْهِمْ وَ قُبِلَتْ شَهَادَتُهُمْ بَعْدُ.

He^{-asws} said: 'When they repent, Allah^{-azwj} will Turn to them, and their testimonies will be accepted afterwards'.¹³⁴⁰

11- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدٍ عَنِ الرَّحْمَنِ عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ لَهُ فِي شَهَادَةِ الرَّوْرِ مَا تَوْبَتُهُ

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Safwan, from Al A'la, from Muhammad,

From Abu Abdullah^{-asws}, he (the narrator) said to him^{-asws}, 'Regarding the false testimony, what is his repentance?'

قَالَ يُؤَدِّي الْمَالَ الَّذِي شَهِدَ عَلَيْهِ بِقَدْرِ مَا ذَهَبَ مِنْ مَالِهِ إِنْ كَانَ الْبَصْفَ أَوْ الثُّلُثَ إِنْ كَانَ شَهِدَ هُوَ وَ آخَرُ مَعَهُ أَدَّى الْبَصْفَ.

He^{-asws} said: 'He should pay back the wealth which he had testified upon, in accordance to his wealth which had gone, even if it was half, or a third. If he had testified and another one was with him, he should pay back the half'.¹³⁴¹

12- ضَا، فَقَه الرضا عليه السلام أَرْوَى عَنِ الْعَالِمِ أَنَّهُ قَالَ: مَنْ كَتَمَ شَهَادَتَهُ أَوْ شَهِدَ آثِمًا لِيَهْدِرَ دَمَ رَجُلٍ مُسْلِمٍ أَوْ لِيَتَوَيَّ مَالُهُ أَتَى يَوْمَ الْقِيَامَةِ وَ لَوْجُهُ ظُلْمَةٌ مَدَّ الْبَصَرِ وَ فِي وَجْهِهِ كُدُوحٌ يَعْرِفُهُ الْخَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It has been reported from the Scholar (Imam^{-asws}), he^{-asws} said: 'One who conceals his testimony or testifies sinfully to spill the blood of a Muslim man, or seize his wealth, will come on the Day of Qiyamah and there will be darkness for his face to the extent of the sight, and in his face will be markings, the people will recognise him by his name and his lineage.

وَ مَنْ شَهِدَ شَهَادَةً حَقًّا لِيُخْرِجَ بِهَا حَقًّا لِأَمْرٍ مُسْلِمٍ أَوْ لِيَحْفَنَ بِهَا دَمَهُ أَتَى يَوْمَ الْقِيَامَةِ وَ لَوْجُهُ نُورٌ مَدَّ الْبَصَرِ يَعْرِفُهُ الْخَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ.

¹³⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 10

¹³⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 11

And one who testifies a true testimony to extract a right of a Muslim person, or to save his blood by it, will come on the Day of Qiyamah, and there will be radiance for his face to the extent of the sight. The people will recognise him by his name and his lineage'.¹³⁴²

13- وَ أَرَوِي عَنِ الْعَالِمِ أَنَّهُ قَالَ: مَنْ شَهِدَ عَلَى مُؤْمِنٍ بِمَا يَنْتَلِمُهُ أَوْ يَنْتَلِمُ مَالَهُ أَوْ مَرْؤَتَهُ سَمَاءُ اللَّهِ كَاذِبًا وَإِنْ كَانَ صَادِقًا وَإِنْ شَهِدَ لَهُ بِمَا يُحْيِي مَالَهُ أَوْ يُعِينُهُ بِهِ عَلَى عَدُوِّهِ أَوْ يَخْفُضُ دَمَهُ سَمَاءُ اللَّهِ صَادِقًا وَإِنْ كَانَ كَاذِبًا

And it is reported from the Scholar (Imam^{-asws}) having said: 'One who testifies against a Momin with what he damages his wealth or his personality, Allah^{-azwj} will Name him as a liar and even if he was truthful; and if he testifies for him with what revives his wealth or assists him with it against his enemy, or saves his blood, Allah^{-azwj} will Name him as a truthful and even if he was a liar.

وَمَعْنَى ذَلِكَ أَنْ يَشْهَدَ لَهُ وَيَشْهَدَ عَلَيْهِ فِيمَا بَيْنَهُ وَبَيْنَ مُخَالَفٍ فَأَمَّا بَيْنَهُ وَبَيْنَ مُوَافِقٍ فَلْيَشْهَدَ لَهُ وَعَلَيْهِ بِالْحَقِّ.

And the meaning of that is that he testifies for him and testifies against him in what is between him and an opponent. As for what is between him and a compatible on (Momin), let him testify for him and against him with the truth'.¹³⁴³

14- شي، تفسير العياشي عَنْ يَزِيدَ بْنِ أَسَامَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ وَ لَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ لَا يَنْبَغِي لِأَحَدٍ إِذَا مَا دُعِيَ إِلَى الشَّهَادَةِ لِيَشْهَدَ عَلَيْهَا أَنْ يَقُولَ لَا أَشْهَدُ لَكُمْ.

Tafseer Al Ayyashi – From Yazeed Bin Usama,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'It is not befitting for anyone when he is summoned to the witnessing to testify upon it, that he should be saying, 'I will not be a witness for you''.¹³⁴⁴

15- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الْحَسَنِ مُوسَى ع فِي قَوْلِ اللَّهِ وَ لَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ إِذَا دَعَاكَ الرَّجُلُ تَشْهَدُ عَلَى دَيْنٍ أَوْ حَقٍّ - لَا يَنْبَغِي أَنْ تَتَفَاعَسَ عَنْهُ.

Tafseer Al Ayyashi – From Muhammad Bin Al Fuzeyl,

From Abu Al-Hassan Musa^{-asws} regarding Words of Allah^{-azwj}: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'When a man calls you to witness upon a debt or a right, it is not befitting that you be sluggish from it'.¹³⁴⁵

16- شي، تفسير العياشي عَنْ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ وَ لَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ لَا يَنْبَغِي لِأَحَدٍ إِذَا مَا دُعِيَ لِلشَّهَادَةِ أَنْ يَشْهَدَ عَلَيْهَا أَنْ يَقُولَ - لَا أَشْهَدُ لَكُمْ وَ ذَلِكَ قَبْلَ الْكِتَابِ.

¹³⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 12

¹³⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 13

¹³⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 14

¹³⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 15

Tafseer Al Ayyashi – From Abu Al Sabbah,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'It is not befitting for anyone when he is summoned for the witnessing to testify upon it that he says, 'I will not be a witness for you', and that is before the writing (of the agreement)'.¹³⁴⁶

17- شي، تفسير العياشي عن هشام بن سالم عن أبي عبد الله ع قال: فُلْتُ لَا تُكْتُمُوا الشَّهَادَةَ

Tafseer Al-Ayyashi – From Hisham Bin Salim,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said, **And do not conceal the testimony [2:283]**'.

قَالَ بَعْدَ الشَّهَادَةِ.

He^{-asws} said: 'After the witnessing'.¹³⁴⁷

18- شي، تفسير العياشي عن هشام بن سالم عن أبي عبد الله ع في قوله وَ لَا يَأْبُ الشُّهَدَاءُ قَالَ قَبْلَ الشَّهَادَةِ.

Tafseer Al Ayyashi – From Hisham,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And the witnesses should not refuse [2:282]**. He^{-asws} said: 'Before the witnessing'.¹³⁴⁸

19- سر، السرائر من جامع البرنطبي عن صفوان بن يحيى عن داود بن الحصين قال: قَالَ فِي رَجُلٍ يُدْعَى إِلَى الشَّهَادَةِ فَيَصْحَحُهَا بِكُلِّ مَا يَجِدُ السَّبِيلَ إِلَيْهِ مِنْ زِيَادَةِ الْأَلْفَاظِ وَالْمَعَانِي وَ التَّفْسِيرِ فِي الشَّهَادَةِ مَا بِهِ يُثْبِتُ الْحَقُّ وَ يَصْحُحُ وَ لَا تَأْخُذُهُ هَوَادَةٌ عَلَى الْحَقِّ لَهُ مِثْلُ أَجْرِ الْقَائِمِ الْمُجَاهِدِ بِسَبِيلِ اللَّهِ.

(The book) 'Al Saraair', from 'Jamie' of Al Bazanty – from Safwan Bin Yahya, from Dawood Bin Al Husayn who said,

He^{-asws} said regarding a man summoned to the testifying, so he corrects with all what he finds the way to, from additional words, and the meaning, and the interpretation in the testimony what he can affirm the truth with, and he verifies, and does not take leniency upon the truth, for him would be Rewards similar to the Holy fighter standing with his sword in the Way of Allah^{-azwj}.¹³⁴⁹

20- وَ يَحْدَا الْإِسْنَادَ عَنْ دَاوُدَ بْنِ الْحَصَنِ قَالَ: سَمِعْتُ مَنْ سَأَلَ أَبَا عَبْدِ اللَّهِ ع وَ أَنَا حَاضِرٌ عَنْهُ عَنِ الرَّجُلِ تَكُونُ عَنْهُ الشَّهَادَةُ وَ هُوَ لَا يَفْقَهُهُ لَا يَقْبَلُونَ الشَّهَادَةَ إِلَّا عَلَى الصَّحِيحِ مِمَّا يَرَوْنَ فِيهِ مَذْهَبَهُمْ وَ إِلَيَّ إِذَا أَقَمْتُ الشَّهَادَةَ احْتَجْتُ إِلَى أَنْ أُغَيِّرَهَا خِلَافَ مَا أَشْهَدْتُ عَلَيْهِ وَ أَنْ أَزِيدَ فِي الْأَلْفَاظِ مَا لَمْ أَشْهَدْ عَلَيْهِ وَ إِلَّا لَمْ يَصَحَّ فِي قَضَائِهِمْ لِصَاحِبِ الْحَقِّ بِمَا أَشْهَدْتُ أَيْ يَحِلُّ لِي ذَلِكَ

¹³⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 16

¹³⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 17

¹³⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 18

¹³⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 19

And by this chain, from Dawood Bin Al Husayn who said,

‘I heard one who asked Abu Abdullah^{-asws} and I was present in his^{-asws} presence, about the man having a testimony with him and these judges are not accepting the testimony except based upon the correct of what they are reporting regarding it in their doctrines, ‘And If I present the testimony, I must alter it from what I actually witnessed and add words I did not witness to, otherwise, according to their judgment, the rightful claimant will not obtain his right based on my testimony. Is that Permissible for me?’

فَقَالَ إِي وَ اللَّهِ ذَاكَ أَفْضَلُ الْأَجْرِ وَ الثَّوَابِ فَصَحَّحَهَا بِكُلِّ مَا قَدَرْتُ عَلَيْهِ بِمَا يَرَوْنَ الصَّحِيحَ فِي قَضَائِهِمْ.

He^{-asws} said: ‘Yes, by Allah^{-azwj}! That is of better Recompense and Reward. Correct it with all what you are able upon from what they are reporting as the correct in their judgments’.¹³⁵⁰

21- سر، السرائر ابنُ محبوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع فِي رَجُلَيْنِ شَهِدَا عَلَى رَجُلٍ غَائِبٍ عَنِ امْرَأَتِهِ أَنَّهُ طَلَّقَهَا فَأَعْتَدَتْ الْمَرْأَةُ وَ تَزَوَّجَتْ ثُمَّ إِنَّ الرِّجُلَ الْغَائِبَ قَدِمَ فَزَعَمَ أَنَّهُ لَمْ يُطَلِّقَهَا وَ أَكْذَبَ نَفْسَهُ أَحَدُ الشَّاهِدَيْنِ

(The book) ‘Al Saraair’ – Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim,

From Abu Ja’far^{-asws} regarding two men who testified upon a man absent from his wife that she is divorced. The woman observed the waiting period and re-married. Then the absentee husband arrived. He claimed that he had not divorced her, and one of the two witnessed belied himself’.

فَقَالَ لَا سَبِيلَ لِالْآخِرِ عَلَيْهَا وَ يُؤْخَذُ الصَّدَاقُ مِنَ الَّذِي شَهِدَ وَ رَجَعَ فَيُرَدُّ عَلَى الْآخِرِ وَ الْأَوَّلُ أَمْلَكَ بِهَا وَ نَعْتَدُ مِنَ الْآخِرِ وَ لَا يَفْرُجُهَا الْأَوَّلُ حَتَّى تَنْقُضِي عِدَّتَهَا.

He^{-asws} said: ‘There is no way for the latter one to her, and he would take the dowry from the one who had testified and retracted and return to the latter ones, and the first has more right to her, and she has to observe the waiting period from the latter one and the first one cannot go near her until her waiting period has expired’.¹³⁵¹

22- م، تفسير الإمام عليه السلام قَوْلُهُ عَزَّ وَ جَلَّ وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا

Tafseer Al-Imam (Hassan Al-Askari^{-asws}), may the greeting be upon him^{-asws} – Words of Mighty and Majestic: **And the witnesses should not refuse when they are summoned (for it) [2:282].**

قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَيُّ مَنْ كَانَ فِي عُنُقِهِ شَهَادَةٌ فَلَا يَأْبَ إِذَا دُعِيَ لِإِقَامَتِهَا وَ لِيَتِمَّ فِيهَا وَ لَا يَأْخُذُهُ فِيهَا لَوْمَةٌ لَائِمٌ وَ لِيَأْمُرَ بِالْمَعْرُوفِ وَ لِيَنْهَى عَنِ الْمُنْكَرِ.

¹³⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 20

¹³⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 21

Amir Al-Momineen^{-asws} said: 'i.e., the one who had a testimony in his neck, he should not refuse when summoned to establish it, be sincere in it, not be swayed by the blame of any critic, enjoin what is right, and forbid what is wrong'.¹³⁵²

23- وَ فِي خَيْرٍ آخَرَ وَ لَا يَأْتِ الشَّهَادَةُ إِذَا مَا دُعُوا قَالَ نَزَلَتْ فِيمَنْ إِذَا دُعِيَ لِسَمَاعِ الشَّهَادَةِ أَيْ وَ نَزَلَتْ فِيمَنْ امْتَنَعَ عَنْ أَدَاءِ الشَّهَادَةِ إِذَا كَانَتْ عِنْدَهُ وَ لَا تَكْتُمُوا الشَّهَادَةَ وَ مَنْ يَكْتُمُهَا فَإِنَّهُ آتَمٌ قَلْبُهُ يَعْنِي كَافِرٌ قَلْبُهُ.

And in another Hadeeth: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'It was Revealed regarding the one when summoned to listen to the testimony refuses, and it was Revealed regarding one who prevents from giving the testimony when it was with him: **And do not conceal the testimony, and the one who conceals it, so he is of a sinful heart [2:283]** – meaning his heart has disbelieved'.¹³⁵³

باب 18 من يجوز شهادته و من لا يجوز

CHAPTER 18 – ONE WHOSE TESTIMONY IS ALLOWED AND ONE IT'S NOT ALLOWED

1- لي، الأمايلي للصدوق أبي عن علي بن محمد بن قتيبة عن حمدان بن سليمان عن نوح بن شعيب عن محمد بن إسماعيل عن صالح عن علقمة قال: قَالَ الصَّادِقُ جَعْفَرُ بْنُ مُحَمَّدٍ ع وَ قَدْ قُلْتُ لَهُ يَا ابْنَ رَسُولِ اللَّهِ ص أَحْبَبْتُ عَمَّنْ تُقْبَلُ شَهَادَتُهُ وَ مَنْ لَا تُقْبَلُ

(The book) 'Al Amaali' of Al Sadouq – My father, from Ali Bin Muhammad Bin Quteyba, from Hamdan Bin Suleyman, from Nuh Bin Shueyb, from Muhammad Bin Ismail, from Salih, from Alqama who said,

'Al-Sadiq Ja'far^{-asws} Bin Muhammad^{-asws}, and I had said to him^{-asws}, 'O son^{-asws} of Rasool-Allah^{-saww}! Inform me about the one whose testimony is accepted and one it is not accepted!'

فَقَالَ يَا عَلْقَمَةُ كُلُّ مَنْ كَانَ عَلَى فِطْرَةِ الْإِسْلَامِ جَازَتْ شَهَادَتُهُ

He^{-asws} said: 'O Alqama! Everyone who was upon the nature of Islam, his testimony is accepted'.

قَالَ فَقُلْتُ لَهُ تُقْبَلُ شَهَادَةُ الْمُتَّزِفِ لِلذُّنُوبِ

He (the narrator) said, 'I said to him^{-asws}, 'Is the testimony of an acknowledges of the sins accepted?'

فَقَالَ يَا عَلْقَمَةُ لَوْ لَمْ تُقْبَلْ شَهَادَةُ الْمُتَّزِفِينَ لِلذُّنُوبِ لَمَا قُبِلَتْ إِلَّا شَهَادَاتُ الْأَنْبِيَاءِ وَ الْأَوْصِيَاءِ ع لِأَنَّهُمْ هُمُ الْمَعْصُومُونَ دُونَ سَائِرِ الْخَلْقِ

He^{-asws} said: 'O Alqama! If the testimony of an acknowledger of the sins is not accepted, the testimonies will not be accepted except of the Prophets^{-as} and the successors^{-asws} because they^{-asws} are the infallible besides rest of the people!

¹³⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 22

¹³⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 23

فَمَنْ لَمْ تَرَهُ بِعَيْنِكَ يَزْكِبُ ذَنْباً أَوْ لَمْ يَشْهَدْ عَلَيْهِ بِذَلِكَ شَاهِدَانِ فَهُوَ مِنْ أَهْلِ الْعَدَالَةِ وَالسَّيِّئِ وَ شَهَادَتُهُ مُقْبُولَةٌ وَإِنْ كَانَ فِي نَفْسِهِ مُذْنِباً وَمِنْ اغْتَابَهُ بِمَا فِيهِ فَهُوَ خَارِجٌ عَنْ وَلَايَةِ اللَّهِ عَزَّ وَ جَلَّ دَاخِلٌ فِي وَلَايَةِ الشَّيْطَانِ

The one did not see with your own eyes indulging in sin or two witnesses did not testify upon, he is from the people of justice and the concealment and his testimony is acceptable, and even if he was a sinner within himself; and the one who backbites with what is in him, he is outside from the Wilayah of Allah^{-azwj} Mighty and Majestic, inside in the Wilayah of Satan^{-la}.

وَلَقَدْ حَدَّثَنِي أَبِي عَنْ أَبِيهِ عَنْ آبَائِهِ ع أَنَّ رَسُولَ اللَّهِ ص قَالَ مَنْ اغْتَابَ مُؤْمِناً بِمَا فِيهِ لَمْ يَجْمَعْ اللَّهُ بَيْنَهُمَا فِي الْجَنَّةِ أَبَداً وَمَنْ اغْتَابَ مُؤْمِناً بِمَا لَيْسَ فِيهِ انْقَطَعَتِ الْعِصْمَةُ بَيْنَهُمَا وَكَانَ الْمُغْتَابُ فِي النَّارِ خَالِداً فِيهَا - وَ يُمْسِنُ الْمَصِيرُ الْحَزَرَ.

It has been narrated to me^{-asws} from my^{-asws} father^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} that Rasool-Allah^{-saww} said: ‘One who backbites a Momin with what is in him, Allah^{-azwj} will not Gather between the two in Paradise, ever; and the one who backbites a Momin with what isn’t in him, the (bond of) protection between them is severed, and the backbiter will be in the Hellfire being eternally in it, and it is an evil destination’ – the Hadeeth¹³⁵⁴.

2- شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ الْحَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: يَنْبَغِي لَوْلَدٍ زِنَا أَنْ لَا تُجُوزَ لَهُ شَهَادَةٌ وَلَا يُؤْمَّ بِالنَّاسِ وَلَا يَحْمِلُهُ نُوحٌ فِي السَّفِينَةِ وَ قَدْ حَمَلَ فِيهَا الْكَلْبَ وَ الْحَنْزِيرَ.

Tafseer Al Ayyashi – From Ubeydullah Al Halby,

From Abu Abdullah^{-asws} having said: ‘It is befitting for a son of adultery (bastard) that testimony is not accepted from him, nor lead the people (in Salat), and Noah^{-as} did not carry him in the ship and (although) he^{-as} had carried in it the dog and the pig¹³⁵⁵.

3- الْهِدَايَةُ، وَ الْمُسْلِمُونَ كُلُّهُمْ عُدُولٌ تُقْبَلُ شَهَادَتُهُمْ إِلَّا مَجْلُوداً فِي حَدٍّ أَوْ مَعْرُوفاً بِشَهَادَةِ زُورٍ أَوْ حَاسِداً أَوْ نَاقِياً أَوْ مُتَّهِماً أَوْ تَابِعاً لِمُتَّبِعٍ أَوْ أَجِيراً لِصَاحِبِهِ أَوْ شَارِبٍ خَمْرٍ أَوْ مُقَامِراً أَوْ حَصَماً

(The book) ‘Al Hidayah’ -

And the Muslims, all of them (are considered) just. Their testimonies excepted, except for the one whipped a legal penalty, or one well-known with false testimonies, or an envier, or a rebel, or one accused, or a follower for a followed, or an employee for his employer, or a drinker of wine, or a gambler, or disputant (party to it).

وَلَا تُقْبَلُ شَهَادَةُ الشَّرِيكِ لِشَرِيكِهِ إِلَّا فِيمَا لَا يَعُودُ نَفْعُهُ عَلَيْهِ وَ تُقْبَلُ شَهَادَةُ الْأَخِ لِأَخِيهِ وَ عَلَيْهِ وَ تُقْبَلُ شَهَادَةُ الْوَلَدِ لِوَالِدِهِ وَ لَا تُقْبَلُ عَلَيْهِ.

¹³⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 1

¹³⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 2

And testimony of a partner cannot be accepted for his partner except in what benefits do not come to him, and testimony is accepted of the brother for his brother and against him, and testimony of the son is accepted for his father and is not accepted against him'.¹³⁵⁶

4- لي، الأماالي للصدوق ابن مسرور عن ابن عامر عن عمه عن الأزدي عن إبراهيم بن زياد عن الصادق ع قال: مَنْ صَلَّى حَمْسَ صَلَوَاتٍ فِي الْيَوْمِ وَاللَّيْلَةِ فِي جَمَاعَةٍ قَطُّنُوا بِهِ خَيْرًا وَ أَجَبُوا شَهَادَتَهُ.

(The book) 'Al Amaali' of Al Sadouq – Ibn Masrour, from Ibn Aamir, from his uncle, from Al Azdy, from Ibrahim Bin Ziyad,

From Al-Sadiq^{asws}, having said: 'One who prays the five Salats during the day and the night in congregation, think good of him and allow his testimony'.¹³⁵⁷

5- ج، الإحتجاج كَتَبَ الْحِمَيْرِيُّ إِلَى الْقَائِمِ ع يَسْأَلُهُ عَنِ الْبَرَصِ وَالْمَجْدُومِ وَ صَاحِبِ الْفَالِجِ هَلْ يَجُوزُ شَهَادَتُهُمْ فَقَدْ رَوَى لَنَا أَنَّهُمْ لَا يُؤْمِنُونَ الْأَصْحَاءَ

(The book) 'Al Ihtijaj' -

Al-Himeyri wrote to Al-Qaim^{ajfj} asking him^{ajfj} about the one with vitiligo and the leprosy, and the one with the partial paralysis, 'Is their testimonies allowed, for it has been reported to us that they cannot lead the healthy ones (in Salat)?'

فَأَجَابَ إِنْ كَانَ مَا بِهِمْ حَدِيثًا جَارَتْ شَهَادَتُهُمْ وَإِنْ كَانَ وَلَادَةً لَمْ يَجْزِ.

The answer: 'If whatever was with them is new, their testimonies are allowed, and if it was at birth, it is not allowed'.¹³⁵⁸

6- ب، قرب الإسناد عَلِيُّ عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ الْمَكَاتِبِ هَلْ عَلَيْهِ فِطْرَةُ شَهْرِ رَمَضَانَ أَوْ عَلَى مَنْ كَاتَبَهُ وَ هَلْ يَجُوزُ شَهَادَتُهُ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{asws}, he said, 'I asked him^{asws} about the contracted slave, 'Is *Fitra* of the month of Ramazan due to him, or upon the one who contacted him, and is his testimony allowed?'

قَالَ لَا يَجُوزُ شَهَادَتُهُ وَالْفِطْرَةُ عَلَيْهِ.

He^{asws} said: 'His testimony is not allowed, and the (payment of) *Fitra* is upon him'.¹³⁵⁹

7- قَالَ: وَ سَأَلْتُهُ عَنْ وَلَدِ الزَّانَا هَلْ يَجُوزُ شَهَادَتُهُ

He said, 'And I asked him^{asws} about a son of adultery (bastard), 'Is his testimony allowed?'

¹³⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 3

¹³⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 4

¹³⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 5

¹³⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 6

قَالَ لَا تَجُوزُ شَهَادَتُهُ وَلَا يُؤْمَرُ.

He^{-asws} said: 'His testimony is not allowed and he cannot lead (in congregational Salat)'.¹³⁶⁰

8- وَ سَأَلْتُهُ عَنِ السَّائِلِ فِي كَيْفِهِ تَجُوزُ شَهَادَتُهُ

And I asked him^{-asws} about the beggar by his hand, 'Is his testimony allowed?'

فَقَالَ كَانَ أَبِي يَقُولُ - لَا تَجُوزُ شَهَادَةُ السَّائِلِ فِي كَيْفِهِ.

He^{-asws} said: 'My^{-asws} father^{-asws} had said the testimony of a beggar by his hand is not allowed'.¹³⁶¹

9- ن، عيون أخبار الرضا عليه السلام الطالقاني عن أحمد بن علي الأنصاري عن الهروي قال سمعت الرضا ع يقول من قال بالجبر فلا تُعطوه من الزكاة ولا تقبلوا له شهادة أبداً.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Al Talaqany, from Ahmad Bin Ali Al Ansari, from Al Harwy who said,

'I heard Al-Reza^{-asws} saying: 'One who says (believes) with the compulsion (by Allah^{-azwj}), neither give him from the Zakat nor accept any testimony of his, ever!'¹³⁶²

10- مع، معاني الأخبار ابن الوليد عن الصفار عن ابن معروف عن ابن مهزيار عن الحسين بن سعيد عن صفوان عن سيف التمار قال قال أبو عبد الله ع إن سعيد بن عبد الملك قدم حاجاً فلقني أبي ع فقال إني سئمت هدياً فكيف أصنع

(The book) 'Ma'any Al Akhbar' – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Al Husayn Bin Saeed, from Safwan, from Sayf Al Tammar who said,

'Abu Abdullah^{-asws} said: 'Saeed Bin Abdul Malik arrived as a Pilgrim. He met my^{-asws} father^{-asws}. He said, 'I have ushered a sacrificial animal, how shall I deal with it?'

فَقَالَ أَطْعِمُ أَهْلَكَ ثُلثًا وَأَطْعِمُ الْقَانِعَ ثُلثًا وَأَطْعِمُ الْمِسْكِينَ ثُلثًا

He^{-asws} said: 'Feed a third to your family, and feed 'Al-Qanie' a third, and feed the needy a third'.

قُلْتُ الْمِسْكِينُ هُوَ السَّائِلُ

I said, 'The needy, he is the beggar?'

قَالَ نَعَمْ وَالْقَانِعُ يَفْتَنُ بِمَا أُرْسِلَتْ إِلَيْهِ مِنَ الْبَضْعَةِ فَمَا قَوَّفَهَا وَ الْمُعْتَرُ يَعْرِبُكَ لَا يَسْأَلُكَ.

¹³⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 7

¹³⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 8

¹³⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 9

He^{-asws} said: 'Yes, and 'Al-Qanie' is contented with whatever is sent to him, the piece of meat and what is above eat, and 'Al-Mu'tar' appears to you but does not ask you'.¹³⁶³

11- وَ قَالَ النَّبِيُّ ﷺ لَا يَجُوزُ شَهَادَةُ خَائِنٍ وَلَا خَائِنَةٍ وَلَا ذِي حَقْدٍ وَلَا ذِي عَمْرٍ عَلَى أَخِيهِ وَلَا ظَنِينٍ فِي وَلَاٍ وَلَا قَرَابَةٍ وَلَا الْقَانِعِ مَعَ أَهْلِ الْبَيْتِ لَهُمْ -

And the Prophet^{-sawww} said: 'Neither the testimony of a betrayer accepted, nor of one with malice, nor one with mockery of his brother, nor a suspect in the friendship, or a relative, nor the dependant (living) with a family.

أَمَّا الْخِيَانَةُ فَإِنَّهَا تَدْخُلُ فِي أَشْيَاءَ كَثِيرَةٍ سِوَى الْخِيَانَةِ فِي الْمَالِ مِنْهَا أَنْ يُؤْتَمَنَ عَلَى فَرْجٍ فَلَا يُؤَدِّي فِيهَا الْأَمَانَةَ وَمِنْهَا أَنْ يُسْتَوْدَعَ سِرًّا يَكُونُ إِنْ أَفْشَى فِيهِ عَطَبُ الْمُسْتَوْدِعِ أَوْ فِيهِ شَيْئُهُ وَمِنْهَا أَنْ يُؤْتَمَنَ عَلَى حُكْمٍ بَيْنَ اثْنَيْنِ أَوْ فَوْقَهُمَا فَلَا يَعْدِلُ وَمِنْهَا أَنْ يَغْلَ مِنَ الْمَعْنَمِ شَيْئًا وَمِنْهَا أَنْ يَكْتُمَ شَهَادَةً وَمِنْهَا أَنْ يُسْتَشَارَ فَيُشِيرَ بِخِلَافِ الصَّوَابِ تَعَمُّدًا وَأَشْبَاهَ ذَلِكَ

As for the betrayal, it is entering into many things besides betrayal in the wealth. From these is that he is entrusted upon a private part (slave girl) he does fulfil the entrustment regarding it, or he is entrusted with a secret, the disclosure of which would harm the one who confided it or bring him disgrace; or he is entrusted with judging between two people or more and does not act justly; or he takes something unlawfully from the spoils of war; or he conceals testimony; or he is consulted for advice and deliberately gives an incorrect opinion; and similar acts of that kind.

وَالْعَمْرُ الشَّخَاءُ وَالْعَدَاوَةُ وَأَمَّا الظَّنُّ فِي الْوَلَاءِ وَالْقَرَابَةِ فَالَّذِي يُتَّهَمُ بِالِدِّعَاوَةِ إِلَى غَيْرِ أَبِيهِ أَوْ الْمُتَوَلَّى إِلَى غَيْرِ مَوَالِيهِ وَقَدْ يَكُونُ أَنْ يُتَّهَمَ فِي شَهَادَةٍ لِقَرِيْبِهِ وَالظَّنُّ أَيْضًا الْمُتَّهَمُ فِي دِينِهِ

And as for one with malice, it means rancour and enmity, as for one who is suspect in the friendship or kinship, he is the one accused of claiming lineage to other than his father, or of affiliating himself with other than his rightful allies. It can also refer to one suspected when testifying on behalf of a relative. The suspect is also the one who is accused concerning his religion.

وَأَمَّا الْقَانِعُ مَعَ أَهْلِ الْبَيْتِ هُمْ فَالرَّجُلُ يَكُونُ مَعَ الْقَوْمِ فِي حَاشِيَتِهِمْ كَالْخَادِمِ لَهُمْ وَالتَّابِعِ وَالْأَجِيرِ وَنَحْوِهِ وَأَصْلُ الْقُنُوعِ الرَّجُلُ الَّذِي يَكُونُ مَعَ الرَّجُلِ يَطْلُبُ فَضْلَهُ وَيَسْأَلُهُ مَعْرُوفَهُ يَقُولُ هَذَا يَطْلُبُ مَعَاشَهُ مِنْ هَؤُلَاءِ فَلَا يَجُوزُ شَهَادَتُهُ لَهُمْ

As for 'the dependant who lives with a household in service to them' he is the man who lives among a people as part of their attendants, like a servant, follower, or hired worker, and similar types. The original meaning of 'Al-Qun'ou' refers to a man who stays with another, seeking his favour and asking him for assistance; such a person seeks his livelihood from them, so his testimony in their favour is not permissible.

قَالَ اللَّهُ تَعَالَى - فَكُلُّوا مِنْهَا وَاطْعَمُوا الْقَانِعَ وَالْمُعْتَرَّ فَالْقَانِعُ الَّذِي يَقْنَعُ بِمَا تُعْطِيهِ وَيَسْأَلُ وَالْمُعْتَرُّ الَّذِي يَتَعَرَّضُ وَلَا يَسْأَلُ

Allah the Exalted said: **then eat from these and feed the contented and the beggar. Like that, We Subject these for you, perhaps you would be thankful [22:36]**. The 'Al Qanie' (contented) is the one who is content with what you give him and who does not ask, while the 'Mu'tar' is the one who approaches you but does not ask.¹³⁶⁴

12- ب، قرب الإسناد أبو البخترى عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع كَانَ يَقُولُ لَأَنْ أَدْعَ شُهُودَ حُضُورِ الْأَضْحَى عَشْرَ مَرَّاتٍ أَحَبُّ إِلَيَّ مِنْ [أَنْ] أَدْعَ شُهُودَ الْجُمُعَةِ مَرَّةً وَاحِدَةً مِنْ غَيْرِ عَلَّةٍ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had said: 'If I^{asws} were to leave attending (Eid) Al-Azha (Salat) ten times, it would be more beloved to me^{asws} than if I leave attending the Friday (Salat) one time from without a (valid) reason'.¹³⁶⁵

13- ير، بصائر الدرجات السندي بن محمد بن محمد بن الحسين عن جعفر بن بشير عن أبان بن عثمان عن أبي بصير قال: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ شَهَادَةِ وَلَدِ الزَّانَا تَجُوزُ قَالَ لَا

(The book) 'Basaair Al Darajaat' – Al Sindy Bin Muhammad, and Muhammad Bin Al Husayn, from Ja'far Bin Bashir, from Aban Bin Usman, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about the testimony of a son of adultery (bastard), whether it is allowed. He^{asws} said: 'No'.

فَقُلْتُ إِنَّ الْحَكَمَ بْنَ عُتَيْبَةَ يَزْعُمُ أَنَّهَا تَجُوزُ

I said, 'But Al-Hakam Bin Uteyba claims that it is allowed!'

فَقَالَ اللَّهُمَّ لَا تَغْفِرْ لَهُ ذَنْبَهُ مَا قَالَ اللَّهُ لِلْحَكَمِ - إِنَّهُ لَيَكْفُرُ لَكَ وَ لِقَوْمِكَ وَ سَوْفَ نُسْأَلُونَ فَلْيَذْهَبِ الْحَكَمُ يَمِينًا وَ شِمَالًا فَوَ اللَّهُ لَا يُوجَدُ الْعِلْمُ إِلَّا مِنْ أَهْلِ بَيْتِ نَزَلَ عَلَيْهِمْ جِبْرَائِيلُ.

He^{asws} said: 'O Allah^{azwj}, do not Forgive his sins for him! What Allah^{azwj} has Said for Al-Hakam: **And it is a Zikr for you and for your people, and soon you shall be Questioned [43:44]**. So let Al-Hakam go right and left. By Allah^{azwj}, he will not get the knowledge except People^{asws} of the Household! Jibraeel^{as} descends upon them^{asws}'.¹³⁶⁶

14 كش، رجال الكشي محمد بن مسعود عن علي بن الحسن بن فضال عن العباس بن عامر و جعفر بن محمد بن حكيم عن أبان مثله.

(The book) 'Rijal' of Al Kashy – Muhammad Bin Masoud, from Ali Bin Al-Hassan Bin Fazal, from Al Abbas Bin Aamir, and Ja'far Bin Muhammad Bin Hakeem, from Aban, similar to it.¹³⁶⁷

¹³⁶⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 11

¹³⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 12

¹³⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 13

¹³⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 14

15 عُدَّة الدَّاعِي، قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: شَهَادَةُ الَّذِي يَسْأَلُ فِي كَفِّهِ تُرَدُّ.

(The book) 'Uddat Al Daie' -

The Prophet^{-saww} said: 'The testimony of the one who begs by his hand, is rejected'.¹³⁶⁸

16- ضا، فقه الرضا عليه السلام اعلم أنه لا يجوز شهادة شارب الخمر ولا اللاعب بالشطرنج والتزدد ولا مقامر ولا متهمم ولا تابع لمبتوع ولا أجير لصاحبه ولا امرأة تزوجها ولا المشهور بالفسقي والفجور ولا المورتي

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know that testimony is not allowed, neither of a drinker of wine, nor the player of chess and the dice game, nor of a gambler, nor one who is accused (of dishonesty), nor a follower who is partial aide to his leader, nor a servant for his employer, nor a wife for her husband, nor one known for immorality and corruption, nor a usurer.

و يجوز شهادة الرجل لامرأته وشهادة الولد لوالديه ويجوز شهادة الولد على ولده ويجوز شهادة الأعمى إذا ثبتت وشهادة العبد لغير صاحبه ولا يجوز شهادة المفتري حتى يتوب من الفرية وتوبته أن توقف في الموضع الذي قال فيه ما قال يكذب نفسه.

The testimony of a man for his wife is permissible, as is the testimony of a child for his parent, and the testimony of a parent against his child is permissible. The testimony of a blind person is valid if it is established, and the testimony of a slave is acceptable if it is not for his master. The testimony of a slanderer is not accepted until he repents from his slander, and his repentance is that he stands in the place where he made the false statement and declares himself a liar'.¹³⁶⁹

17- و نروي أنه من ولد على الفطرة ولم يعرف منه حرم فهو عدل وشهادته جائزة.

And we are reporting that the one born upon the nature (Islam) and a crime is not known from him, he is just and his testimony is allowed'.¹³⁷⁰

18- و أروي عن العالم ع أنه قال: لا يجوز شهادة ظنين وحاسد ولا باغ ولا متهمم ولا خصم ولا متهتك ولا مشهود.

And it is reported from the Scholar (Imam^{-asws}), he^{-asws} said: 'The testimony is not allowed for a suspect, or envious, or oppressive, or accused (of dishonesty), or a disputant, or an immoral person, or one testified against (for wrongdoing)'.¹³⁷¹

19- و بلغني عن العالم ع أنه قال: إذا كان لأخيك المؤمن على رجل حق فدفعه عنه ولم يكن له من البيعة إلا واحدة وكان الشاهد ثقة فسأله عن شهادته فإذا أقامها عندك شهدت معه على مثال ما شهد لئلا يتوى حق امرئ مسلم.

And it has reached me from the Scholar (Imam^{-asws}), he^{-asws} said: 'When there was a right for your Momin brother upon a man but he repels it from him and there does not happen to be

¹³⁶⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 15

¹³⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 16

¹³⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 17

¹³⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 18

the proof for him except one (witness), and the witness was trusted, ask him about his testimony. When he establishes it in your presence, testify with him upon similar to what he testifies lest a right of a Muslim person is lost'.¹³⁷²

20- وَلَا يَجُوزُ شَهَادَةُ النِّسَاءِ فِي طَلَاقٍ وَلَا رُؤْيَا هِلَالٍ وَلَا حُدُودٍ وَلَا يَجُوزُ فِي الدُّيُونِ وَمَا لَا يَسْتَطِيعُ الرَّجُلُ أَنْ يَنْظُرَ إِلَيْهِ.

And the testimony of the women is not allowed in a divorce, nor sighting a crescent, nor legal penalties, and it is allowed regarding the debts and what the man is not capable of looking at'.¹³⁷³

21- أُزِي عَنِ الْعَالِمِ ع أَنَّهُ يَجُوزُ فِي الدَّمِّ وَالْقَسَامَةِ وَالتَّذْيِيرِ.

It is reported from the Scholar (Imam^{-asws}), he^{-asws} had allowed (testimony of the women) regarding the blood, and the distribution, and the management'.¹³⁷⁴

22- وَ رُوِيَ أَنَّهُ يَجُوزُ شَهَادَةُ امْرَأَتَيْنِ فِي اسْتِهْلَالِ الصَّبِيِّ.

And it is reported that he^{-asws} had allowed testimony of two women in naming the child'.¹³⁷⁵

23- وَ نَزَوِيَ أَنَّهُ يَجُوزُ شَهَادَةُ الْقَابِلَةِ وَحَدَّهَا.

And we are reporting that the testimony of the midwife alone is allowed.¹³⁷⁶

24- وَ نَزَوِيَ أَنَّهُ لَا يَجُوزُ شَهَادَةُ عَزَافٍ وَلَا كَاهِنٍ.

And we are reporting that neither the testimony of a fortune-teller nor a soothsayer is accepted'.¹³⁷⁷

25- وَ يَجُوزُ شَهَادَةُ الْمُسْلِمِينَ فِي جَمِيعِ أَهْلِ الْمَلِكِ وَلَا يَجُوزُ شَهَادَةُ أَهْلِ الذِّمَّةِ عَلَى الْمُسْلِمِينَ.

And testimony of the Muslims is allowed regarding the entirety of the people of (other religions), and testimony of the Ahl Al-Zimma (Jews and Christians under protection of the Muslim government) is not allowed upon the Muslims'.¹³⁷⁸

26- شَيْءٌ، تَفْسِيرُ الْعِيَاشِيِّ عَنْ أَبِي أُسَامَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ- يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِلَى آخِرِ الْآيَةِ- أَوْ آخَرَانِ مِنْ غَيْرِكُمْ قَالَ هُمَا كَافِرَانِ

Tafseer Al Ayyashi – From Abu Usama,

¹³⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 19

¹³⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 20

¹³⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 21

¹³⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 22

¹³⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 23

¹³⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 24

¹³⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 25

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **O you who believe! Keep witness between you when death approaches one of you, - up to - or two other from others (non-Muslims) [5:106]**. He^{-asws} said: 'These two are Kafirs'.

فُلْتُ فَيَقُولُ اللَّهُ دَوَا عَدْلٍ مِنْكُمْ

I said, 'But Allah^{-azwj} Says: **two (men) from you possessing justice [5:106]!**'

قَالَ مُسْلِمَانِ.

He^{-asws} said: 'Muslims'.¹³⁷⁹

27- شي، تفسير العياشي عَنْ زَيْدِ الشَّحَامِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنَكُمْ إِلَى أَوْ آخَرَانِ مِنْ غَيْرِكُمْ فَقَالَ هُمَا كَافِرَانِ.

Tafseer Al Ayyashi – From Zayd Al Shaham,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **O you who believe! Keep witness between you when death approaches one of you, - up to - or two other from others (non-Muslims) [5:106]**. He^{-asws} said: 'These two are Kafirs'.¹³⁸⁰

28- شي، تفسير العياشي عَنْ عَلِيِّ بْنِ سَالِمٍ عَنْ رَجُلٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ - يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنَكُمْ إِذَا خَضَرَ أَحَدُكُمْ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ دَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ

Tafseer Al Ayyashi – From Ali Bin Salim, from a man who said,

'I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj}: **'O you who believe! Keep witness between you when death approaches one of you, during bequeathing, two (men) from you possessing justice [5:106]**.

قَالَ فَقَالَ الَّذِينَ مِنْكُمْ مُسْلِمَانِ وَ الَّذِينَ مِنْ غَيْرِكُمْ مِنْ أَهْلِ الْكِتَابِ فَإِنْ لَمْ يَجِدُوا مِنْ أَهْلِ الْكِتَابِ فَمِنْ الْمَجُوسِ لِأَنَّ رَسُولَ اللَّهِ ص قَالَ وَ سُنُوا بِالْمَجُوسِ سُنَّةَ أَهْلِ الْكِتَابِ فِي الْجَزِيَّةِ

He (the narrator) said, 'He^{-asws} said: 'Those from you who are two Muslims, and those two from other are from people of the Book. If you cannot find from people of the Book, then from the Magians, because Rasool-Allah^{-saww} said: 'And practice with the Magians the practice of people of the Book regarding the taxation!''

قَالَ وَ ذَلِكَ إِذَا مَاتَ الرَّجُلُ بِأَرْضٍ غُرَبَةٍ فَلَمْ يَجِدْ مُسْلِمَيْنِ أَشْهَدَ رَجُلَيْنِ مِنْ أَهْلِ الْكِتَابِ يُحْسِنَانِ مِنْ بَعْدِ الصَّلَاةِ فَيَقْسِمَانِ بِاللَّهِ ... لَا تَشْتَرِي بِهِ ثَمَنًا وَ لَوْ كَانَ ذَا قُرْبَى وَ لَا تَكُنْ شَهَادَةُ اللَّهِ إِنَّا إِذَا لَمِنَ الْأَثَمَيْنِ

He^{-asws} said: 'And it is when the man is dying in a strange land and cannot find two Muslims, he can keep witness of two men from people of the Book, **detain both of them after the Salat.**

¹³⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 26

¹³⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 27

If you doubt them then they should both swear by Allah, 'We will neither take a price for it even if it was a relative, nor would we conceal a testimony of Allah, surely then we would be from the sinners' [5:106].

قَالَ وَ ذَلِكَ إِنْ اِزْتَابَ وَلِيُّ الْمَيِّتِ فِي شَهَادَتِهِمَا - فَإِنْ غُبِرَ عَلَى أَحَدِهِمَا اسْتَحَقَّ إِذَا يَقُولُ شَهَادَةً بِالْبَاطِلِ فَلَيْسَ لَهُ أَنْ يَنْقُضَ شَهَادَتَهُمَا حَتَّى يَجِيءَ شَاهِدَانِ فَيَقُومَا مَقَامَ الشَّاهِدَيْنِ الْأَوَّلَيْنِ - فَيُقْسِمَانِ بِاللَّهِ لَشَهَادَتُنَا أَحَقُّ مِنْ شَهَادَتِهِمَا وَ مَا اعْتَدَيْنَا إِلَّا إِذَا لَمِنَ الظَّالِمِينَ

He^{-asws} said: 'And that is if the guardian of the deceased doubts in their witnessing, **Then, if it was stumbled upon that they both earned a sin [5:107]**. He^{-azwj} Says: "They testified falsely", and he does not have the right to annul their testimony until two witnesses come forward and stand in the place of the first two witnesses. **So they should swear by Allah, 'Our testimony is more rightful than their testimonies and we did not exceed, for them we would be from the unjust ones' [5:107].**

فَإِذَا فَعَلَ ذَلِكَ نَقَضَ شَهَادَةُ الْأَوَّلَيْنِ وَ جَازَتْ شَهَادَةُ الْآخَرَيْنِ يَقُولُ اللَّهُ ذَلِكَ أَذْنَى أَنْ يَأْتُوا بِالشَّهَادَةِ عَلَى وَجْهِهَا أَوْ يَحَافُوا أَنْ تُرَدَّ أَيْمَانُ بَعْدَ أَيْمَانِهِمْ.

When he has done that, the testimony of the first two is annulled, and the testimony of the latter two is allowed. Allah^{-azwj} Says: **That is closer than then coming with the testimony upon its aspect, or fearing that you would want an oath after their oaths [5:108]**.¹³⁸¹

29- شي، تفسير العياشي عَنِ ابْنِ الْفُضَيْلِ عَنْ أَبِي الْحَسَنِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - إِذَا حَضَرَ أَحَدُكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ

Tafseer Al Ayyashi – From Ibn Al Fuzeyl,

From Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **O you who believe! Keep witness between you when death approaches one of you, during bequeathing, two (men) from you possessing justice, or two other from others (non-Muslims) [5:106].**

قَالَ اللَّذَانِ مِنْكُمُ مُسْلِمَانِ وَ اللَّذَانِ مِنْ غَيْرِكُمُ مِنْ أَهْلِ الْكِتَابِ فَإِنْ لَمْ يَجِدُوا مِنْ أَهْلِ الْكِتَابِ فَمِنْ الْمَجُوسِ لِأَنَّ رَسُولَ اللَّهِ ص قَالَ سُوُوا بِهِمْ سَنَةَ أَهْلِ الْكِتَابِ وَ ذَلِكَ إِذَا مَاتَ الرَّجُلُ بِأَرْضٍ غَرَبَةٍ فَلَمْ يَجِدْ مُسْلِمِينَ يُشْهَدُهُمَا فَرَجُلَيْنِ مِنْ أَهْلِ الْكِتَابِ

He^{-asws} said: 'Those are two Muslims from you, and those from others are from people of the Book. If you cannot find from people of the Book, then from the Magians, because Rasool-Allah^{-azwj} said: 'Practice with them the practice of people of the Book!' And that is when a man is dying in a strange land, so two Muslims cannot be found as witnesses, so two men from the people of the Book.

قَالَ خُرَّانٌ قَالَ أَبُو عَبْدِ اللَّهِ ع وَ اللَّذَانِ مِنْ غَيْرِكُمُ مِنْ أَهْلِ الْكِتَابِ وَ إِذَا ذَلِكَ إِذَا مَاتَ الرَّجُلُ الْمُسْلِمُ فِي أَرْضٍ غَرَبَةٍ فَطَلَبَ رَجُلَيْنِ مُسْلِمَيْنِ يُشْهَدُهُمَا عَلَى وَصِيَّتِهِ فَلَمْ يَجِدْ مُسْلِمَيْنِ فَيُشْهَدُ رَجُلَيْنِ ذَوَيْيْنِ مِنْ أَهْلِ الْكِتَابِ مُرْضِيَيْنِ عِنْدَ أَصْحَابِهِمَا.

Humran said, 'Abu Abdullah^{-asws} said: 'And those two from other are from people of the Book, and rather that is when the Muslim man is dying in a strange land, so two Muslim men are

sought to witness upon his bequest, so two Muslims are not found, so two men from the *Zimmy* (Jews or Christian under protection of the Muslim government) from people of the Book, satisfactory in the view of their companions'.¹³⁸²

30- قب، المناقب لابن شهر آشوب يَحْيَى بْنُ سَعْدٍ عَنْ عُمَرَ بْنِ سَعْدٍ الرَّحْبِيِّ قَالَ قَالَ الصَّادِقُ ع مَاتَ عُقْبَةُ بْنُ عَامِرٍ الْجُهَنِيُّ وَ تَرَكَ خَيْرًا كَثِيرًا مِنْ أَمْوَالٍ وَ مَوَاشِيٍّ وَ عِبِيدٍ وَ كَانَ لَهُ عَبْدَانِ يُقَالُ لِأَحَدِهِمَا سَالِمٌ وَ لِأُخْرٍ مَطْعُونٌ فَوَرِثَهُ ابْنُ عَمِّ لَهُ وَ أَعْتَقُوا الْعَبْدَيْنِ وَ جَاءَتِ امْرَأَةٌ إِلَى عَلِيٍّ ع تَذْكُرُ أَنَّ امْرَأَةً عُقْبَةَ وَ أَنْكَرَهَا ابْنُ الْعَمِّ فَشَهِدَ لَهَا سَالِمٌ وَ مَطْعُونٌ وَ عُذْلَا وَ ذَكَرَتِ الْمَرْأَةُ أَنَّهَا حَامِلٌ

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Yahya Bin Sa'ad, from Umar Bin Sa'ad Al Raqy who said,

'Al-Sadiq^{-asws} said: 'Uqba Bin Aamir Al-Juhny dies and left a lot of good from the money, and livestock, and slaves, and there were two slaves of his. One of them was called Saalim and the other Mazoun. A son of a paternal uncle inherited him, and the two slaves were liberated, and a woman came to Ali^{-asws} mentioning that she was the wife of Uqba and the son of the uncle had denied her. Saalim and Mazoun testified for her, and just ones, and the woman mentioned she was pregnant.

فَقَالَ ع يُوقَفُ نَصِيبُ الْمَرْأَةِ فَإِنْ جَاءَتْ بِوَلَدٍ فَلَا شَيْءَ لَهَا وَ لَا لِوَلَدِهَا مِنَ الْمِيرَاثِ لِأَنَّهُ إِنَّمَا شَهِدَ لَهَا عَلَى قَوْلِهَا عَبْدَانِ لَهَا وَ إِنْ لَمْ تَأْتِ بِوَلَدٍ فَلَهَا الرُّبْعُ لِأَنَّهُ قَدْ شَهِدَ لَهَا بِالزَّوْجِيَّةِ حُرَّانِ قَدْ أَعْتَقَهُمَا مَنْ يَسْتَحِقُّ الْمِيرَاثَ.

He^{-asws} said: 'The share of the woman should be suspended. If she comes with a child, there is nothing from the inheritance for her nor for her child because rather two slaves had testified upon their words; and if she does not come with a child, for her is the quarter because two free men had testified for her with the marriage. They were liberated by the one who deserved the inheritance.'¹³⁸³

31- أَقُولُ وَ رَوَى الصَّدُوقُ فِي الْفَقِيهِ بِسَنَدٍ حَسَنِ عَنِ الْحُسَيْنِ بْنِ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع قَالَ: أَبِي عُمَرُ بْنُ الْخَطَّابِ بِقُدَامَةَ بْنِ مَطْعُونٍ قَدْ شَرِبَ الْخَمْرَ فَشَهِدَ عَلَيْهِ رَجُلَانِ أَحَدُهُمَا خَصِيٌّ وَ هُوَ عَمْرُو التَّمِيمِيِّ وَ الْآخَرُ الْمُعَلَّى بْنُ جَارُودٍ فَشَهِدَ أَحَدُهُمَا أَنَّهُ رَأَى يَشْرَبُ وَ شَهِدَ الْآخَرُ أَنَّهُ رَأَى يَقِيءُ الْخَمْرَ

I say, 'And it is reported by Al Sadouq in 'Al Faqeeh' by a chain of Hassan, from Al Husayn Bin Zayd,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws} having said: 'Umar Bin Al-Khattab was brought Qudama Bin Mazoun. He had drunk the wine. Two men testified against, one of them a eunuch, and he is Amro Al-Tameemi, and the other is Al-Moallah Bin Jaroud. One of them testified that he had seen him drink, and the other testified that he had seen him vomiting the wine.

فَأَرْسَلَ عُمَرُ إِلَى أَنْاسٍ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ص فِيهِمْ عَلِيُّ بْنُ أَبِي طَالِبٍ ع فَقَالَ لِعَلِيِّ ع مَا تَقُولُ يَا أَبَا الْحَسَنِ فَإِنَّكَ الَّذِي قَالَ رَسُولُ اللَّهِ ص أَنْتَ أَعْلَمُ هَذِهِ الْأُمَّةَ وَ أَفْضَاهَا بِالْحَقِّ فَإِنَّ هَذَيْنِ قَدْ اخْتَلَفَا فِي شَهَادَتَيْهِمَا

¹³⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 29

¹³⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 30

Umar sent for some people from the companions of Rasool-Allah^{-saww}, among them was Ali^{-asws} Bin Abu Talib^{-asws}. He said to Ali^{-asws}, 'What are you^{-asws} saying, O Abu Al-Hassan^{-asws}? You^{-asws} are the one for whom Rasool-Allah^{-saww} had said you^{-asws} are the most knowledgeable of this community and their most judging with the truth, for these two have differed in their testimonies!'

فَقَالَ عَلِيٌّ ع مَا اخْتَلَفَا فِي شَهَادَتَيْهِمَا وَ مَا قَاءَهَا حَتَّى شَرِبَهَا

Ali^{-asws} said: 'They have not differed in their testimonies, and he had not vomited until (after) he had drunk it!'

فَقَالَ هَلْ يَجُوزُ شَهَادَةُ الْخَصِيِّ

He said, 'Is the testimony of a eunuch allowed?'

فَقَالَ مَا ذَهَابَ أَنْثِيُّهُ إِلَّا كَذَهَابِ بَعْضِ أَعْضَائِهِ.

He^{-asws} said: 'The loss of his two testicles is like the loss of one of his limbs'.¹³⁸⁴

32- وَ رَوَاهُ الْكُتَيْبِيُّ فِي الْكَافِيِّ وَ الشَّيْخُ فِي التَّهْذِيبِ أَيْضاً بِإِسْنَادِهِمَا عَنِ الْحُسَيْنِ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع وَ فِيهِمَا لِحَيْثُهُ بَدَلُ أَنْثِيِّهِ.

And it is reported by Al Kulayni in 'Al Kafi', and by the Sheykh in 'Al Tahzeeb' as well by their chains from Al Husayn Bin Zayd,

From Abu Abdullah^{-asws}, and in these two is, 'His beard' instead of 'His two testicles'.¹³⁸⁵

[باب 19 شهادة النساء](#)

CHAPTER 19 – TESTIMONY OF THE WOMEN

1- لي، الأمايلي للصدوق القطان عن السكري عن الجوهري عن ابن عمارة عن أبيه عن جابر الجعفي عن أبي جعفر ع قال: لَا يَجُوزُ شَهَادَةُ النِّسَاءِ فِي شَيْءٍ مِنَ الْخُدُودِ وَ لَا يَجُوزُ فِي الطَّلَاقِ وَ لَا فِي رُؤْيَاةِ الْهَلَالِ وَ يَجُوزُ شَهَادَتُهُنَّ فِيمَا لَا يَحِلُّ لِلرَّجُلِ النَّظَرُ إِلَيْهِ الْخَبَرِ.

(The book) 'Al Amaali' of Al Sadouq – Al Qattan, from Al Sukary, from Al Jowhari, from Ibn Umarah, from his father, from Jaber Al Jufy,

From Abu Ja'far^{-asws} having said: 'Testimony of the women is not allowed in things from the legal penalties, nor allowed in the divorce, nor in sighting the crescent, and their testimonies are allowed in what is not permissible for the man to be looking at' – the Hadeeth'.¹³⁸⁶

¹³⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 31

¹³⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 18 H 32

¹³⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 1

2- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن أبيه ع قَالَ قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع سَأَلَ النَّبِيَّ ص عَنِ امْرَأَةٍ قِيلَ إِنَّهَا زَنَتْ فَذَكَرَتِ الْمَرْأَةُ أَنَّهَا بَكْرٌ

(The book) 'Uyoun Akhbar Al-Reza^{asws}' – by the three chains from Al-Reza^{asws}, from his^{asws} forefathers^{asws} having said: 'Ali^{asws} Bin Abu Talib^{asws} said: 'The Prophet^{saww} was asked about a woman it was said she had committed adultery. The woman mentioned that she was a virgin.

فَأَمَرَنِي النَّبِيُّ ص أَنَّ أَمْرَ النِّسَاءِ أَنْ يَنْظُرْنَ إِلَيْهَا فَتَنْظُرْنَ فَوَجَدَهَا بَكْرًا فَقَالَ ص مَا كُنْتُ لِأَضْرِبَ مَنْ عَلَيْهِ حَاطَمٌ مِنَ اللَّهِ وَكَانَ يُحْجِزُ شَهَادَةَ النِّسَاءِ فِي مِثْلِ هَذَا.

The Prophet^{saww} instructed me^{asws} that I^{asws} instruct the women to look at (examine) her. They looked and found her a virgin. He^{saww} said: 'I^{saww} would not strike the one having a seal from Allah^{azwj}!' – and he^{saww} had allowed testimony of the women in the likes of this'.¹³⁸⁷

3 صح، صحيفة الرضا عليه السلام عنه ع مِثْلُهُ

(The book) 'Saheefa Al-Reza^{asws}', may the greeting be upon him^{asws} – from him^{asws} similar to it.¹³⁸⁸

4- ضا، فقه الرضا عليه السلام تُقْبَلُ شَهَادَةُ النِّسَاءِ فِي النِّكَاحِ وَالدَّيْنِ وَ فِي كُلِّ مَا لَا يَنْتَهِي لِلرِّجَالِ أَنْ يَنْظُرُوا إِلَيْهِ وَلَا تُقْبَلُ فِي الطَّلَاقِ وَلَا فِي رُؤْيَةِ الْهَلَالِ وَ تُقْبَلُ فِي الْخُدُودِ- [و] إِذَا شَهِدَ امْرَأَتَانِ وَ ثَلَاثَةُ رِجَالٍ فَلَا تُقْبَلُ شَهَادَتُهُنَّ إِذَا كُنَّ أَرْبَعِ نِسْوَةٍ وَ رَجُلَانِ [رَجُلَيْنِ].

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'Testimony of the women is accepted in the marriage, and the debts and in all what is not feasible to the men to look at, and it is not accepted in the divorce nor in sighting the crescent, and is accepted in the legal penalties, and when two women and three men testify, their testimonies are not accepted when there are four women and two men'.¹³⁸⁹

5- وَ تَجُوزُ شَهَادَةُ امْرَأَةٍ فِي رُبْعِ الْوَصِيَّةِ إِذَا لَمْ يَكُنْ مَعَهَا غَيْرُهَا وَ تَجُوزُ شَهَادَةُ الْمَرْأَةِ وَحْدَهَا فِي مَوْلُودٍ يُؤَلَّدُ فَيَمُوتُ مِنْ سَاعَتِهِ.

And testimony of a woman is allowed in four (matters) – the bequest when there does not happen to be others with her, and testimony of the woman alone is allowed regarding a newborn who is born and dies immediately.¹³⁹⁰

6- وَ أُرْوِيَ عَنِ الْعَالِمِ ع أَنَّهُ تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الدِّمِّ وَ الْقَسَامَةِ وَ التَّدْيِيرِ.

And it is reported from the Scholar (Imam^{asws}), the testimony of women is allowed regarding the blood, and the oath, and the management'.¹³⁹¹

¹³⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 2

¹³⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 3

¹³⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 4

¹³⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 5

¹³⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 6

7- وَ رُوِيَ أَنَّهُ تَجُوزُ شَهَادَةُ امْرَأَتَيْنِ فِي اسْتِهْلَالِ الصَّبِيِّ.

And it is reported that the testimony of two women is allowed in the first cry of a newborn.¹³⁹²

8 وَ تَرَوِي أَنَّهُ تَجُوزُ شَهَادَةُ الْقَابِلَةِ وَحْدَهَا.

And we are reporting that the testimony of the midwife alone is accepted.¹³⁹³

باب 20 شهادة أهل الكتاب

CHAPTER 20 – TESTIMONY OF PEOPLE OF THE BOOK

1- فس، تفسير القمي يا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنَكُم إِذَا حَضَرَ أَحَدُكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ إِنْ أَنْتُمْ ضَرَبْتُمْ فِي الْأَرْضِ فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ

Tafseer Al-Qummi - ***O you who believe! Keep witness between you when death approaches one of you, during bequeathing, two (men) from you possessing justice, or two other from others (non-Muslims). If you go about in the land and the calamity of death befalls you [5:106].***

فَإِذَا نَزَلَتْ فِي ابْنِ بَنْدِيٍّ وَ ابْنِ أَبِي مَآوِيَةَ نَصْرَانِيَّيْنِ وَ كَانَ رَجُلٌ يُقَالُ لَهُ تَمِيمُ الدَّارِيُّ مُسْلِمٌ خَرَجَ مَعَهُمَا فِي سَفَرٍ وَ كَانَ مَعَ تَمِيمٍ خُرْجٌ وَ مَتَاعٌ وَ آتِيَةً مَنْفُوشَةً بِالذَّهَبِ وَ قِلَادَةً أَخْرَجَهَا إِلَى بَعْضِ أَسْوَاقِ الْعَرَبِ لِيَبِيعَهَا

It was revealed regarding Ibn Bindy and Ibn Abu Mawiya, two Christians, and there was a man called Tameem Al-Dary, a Muslim. He went out with them on a journey, and with Tameem was a bag, some goods, a vessel engraved with gold, and a necklace which he had taken to one of the Arab markets to sell.

فَلَمَّا مَرُّوا بِالْمَدِينَةِ اعْتََلَّ تَمِيمٌ فَلَمَّا حَضَرَهُ الْمَوْتُ دَفَعَ مَا كَانَ مَعَهُ إِلَى ابْنِ بَنْدِيٍّ وَ ابْنِ أَبِي مَآوِيَةَ وَ أَمَرَهُمَا أَنْ يُوصِلَاهُ إِلَى وَرَثَتِهِ فَقَدِمَا الْمَدِينَةَ فَأَوْصَلَا مَا كَانَ دَفَعَهُ إِلَيْهِمَا تَمِيمٌ وَ حَبَسَا الْآتِيَةَ الْمَنْفُوشَةَ وَ الْقِلَادَةَ

When they passed by Al-Medina Tameem became sick. When death presented to him, he handed whatever he had with him to Ibn Bindy and Ibn Abu Mawiya, and instructed them to give it to his inheritors. They arrived at Al-Medina and handed whatever Tameem had handed to them, and they withheld the engraved vessel and the necklace.

فَقَالَ وَرَثَةُ الْمَيِّتِ هَلْ مَرَضَ صَاحِبُنَا مَرَضًا طَوِيلًا أَنْفَقَ فِيهِ نَفَقَةً كَثِيرَةً

The inheritors of the deceased said, 'Did our companion become sick with a lengthy sickness, incurring during it a lot of expenditure?'

¹³⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 7

¹³⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 19 H 8

فَقَالُوا مَا مَرِضَ إِلَّا أَيَّاماً قَلِيلَةً

They said, 'He was not sick except for a few days'.

فَقَالُوا فَهَلْ سُرِقَ مِنْهُ شَيْءٌ فِي سَفَرِهِ هَذَا

They said, 'Was something stolen from it during this journey of his?'

قَالُوا لَا

They said, 'No'.

قَالُوا فَهَلْ اتَّجَرَ تِجَارَةً خَسِرَ فِيهَا

They said, 'Did he make a trade incurring a loss in it?'

قَالُوا لَا

They said, 'No'.

قَالُوا اقْتَفَدْنَا أَتْبَلَ شَيْءٍ كَانَ مَعَهُ آيَةٌ مَنْقُوشَةٌ بِالذَّهَبِ مُكَلَّلَةٌ وَ قِلَادَةٌ

They said, 'We are missing precious things. With him was a vessel engraved with the gold embedded, and a necklace!'

فَقَالُوا مَا دَفَعَهُ إِلَيْنَا قَدْ أَذَيْنَاهُ إِلَيْكُمْ

They said, 'Whatever he had handed to us we have delivered it!'

فَقَدَّمُوهُمَا إِلَى رَسُولِ اللَّهِ ص فَأَوْجَبَ عَلَيْهِمَا الْيَمِينَ فَحَلَفَا وَ أَطْلَقَهُمَا ثُمَّ ظَهَرَتِ الْقِلَادَةُ وَ الْآيَةُ عَلَيْهَا فَأَخْبَرُوا رَسُولَ اللَّهِ ص بِذَلِكَ فَانْتَظَرَ الْحُكْمَ مِنَ اللَّهِ

They took them to Rasool-Allah^{-saww}. He^{-saww} obligated upon them the oath, so they swore and freed them. Then the necklace and the vessel appeared with them. They informed Rasool-Allah^{-saww} with that. He^{-saww} awaited the Ruling from Allah^{-azwj}.

فَأَنْزَلَ اللَّهُ - يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدُكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ يَعْنِي مِنْ أَهْلِ الْكِتَابِ -
إِنْ أَنْتُمْ صَرَبْتُمْ فِي الْأَرْضِ فَأُطْلِقَ اللَّهُ شَهَادَةَ أَهْلِ الْكِتَابِ عَلَى الْوَصِيَّةِ فَقَطْ إِذَا كَانَ فِي سَفَرٍ وَ لَمْ يَجِدِ الْمُسْلِمَ

Allah^{-azwj} Revealed: ***O you who believe! Keep witness between you when death approaches one of you, during bequeathing, two (men) from you possessing justice, or two other from others (non-Muslims) - from people of the Book - If you go about in the land*** – So Allah^{-azwj} Permitted testimony of people of the Book upon the bequest only, when he was in a journey and the Muslim cannot be found.

ثُمَّ قَالَ - فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ تَحْسِبُوهُمَا مِنْ بَعْدِ الصَّلَاةِ يَعْنِي بَعْدَ صَلَاةِ الْعَصْرِ - فَيُقْسِمَانِ بِاللَّهِ إِنْ ارْتَبْتُمْ لَا نَشْتَرِي بِهِ ثَمَنًا وَلَا نُوْكَانَ ذَا قُرْبَى وَلَا نَكُنْ شَهَادَةُ اللَّهِ إِنَّا إِذَا لَمِنَ الْآثِمِينَ فَهَذِهِ الشَّهَادَةُ الْأُولَى الَّتِي حَلَفَهَا رَسُولُ اللَّهِ ص

and the calamity of death befalls you, detain both of them after the Salat – meaning after Al Asr Salat - **If you doubt them then they should both swear by Allah, ‘We will neither take a price for it even if it was a relative, nor would we conceal a testimony of Allah, surely then we would be from the sinners’ [5:106].** So this is the first testimony which Rasool-Allah^{-saww} had made to swear on oath.

ثُمَّ قَالَ عَزَّ وَ جَلَّ- فَإِنْ عُثِرَ عَلَى أَكْثَمَا اسْتَحَقَّا إِذَا أَيْ حَلَفَا عَلَى كَذِبٍ فَأَخْرَانِ يَفُومَانِ مَقَامَهُمَا يَعْنِي مِنْ أَوْلِيَاءِ الْمُدَّعِي - مِنَ الَّذِينَ اسْتَحَقَّ عَلَيْهِمُ الْأُولِيَانِ فَيُقْسِمَانِ بِاللَّهِ أَيْ يَحْلِفَانِ بِاللَّهِ- لَشَهَادَتُنَا أَحَقُّ مِنْ شَهَادَتَيْهِمَا وَمَا اعْتَدَيْنَا إِذَا لَمِنَ الظَّالِمِينَ

Then the Mighty and Majestic Said: **Then if it was stumbled upon that they both earned a sin** – i.e. swearing an oath upon a lie - **then two others should be standing in their places,** - meaning from guardians of the claimant - **from those the guardians have a right upon. So they should swear by Allah,** - i.e. swearing oath by Allah^{-azwj} - **‘Our testimony is more rightful than their testimonies and we did not exceed, for them we would be from the unjust ones’ [5:107].**

وَإِكْتَمَا قَدْ كَذَبَا فُهِمَا حَلَفَا بِاللَّهِ- ذَلِكَ أَذْنَى أَنْ يَأْتُوا بِالشَّهَادَةِ عَلَى وَجْهِهَا أَوْ يَخَافُوا أَنْ تُرَدَّ أَيْمَانٌ بَعْدَ آيْمَانِهِمْ فَأَمَرَ رَسُولُ اللَّهِ ص أَوْلِيَاءَ تَمِيمِ الدَّارِيِّ أَنْ يَحْلِفُوا بِاللَّهِ عَلَى مَا أَمَرَهُمْ بِهِ فَأَخَذَ الْآيَةَ وَالْقِلَادَةَ مِنْ ابْنِ بَنْدِيٍّ وَ ابْنِ أَبِي مَؤَيَّةَ وَ رَدَّهَا عَلَى أَوْلِيَاءِ تَمِيمِ.

And these two had lied, they had sworn an oath by Allah^{-azwj} - **That is closer that then coming with the testimony upon its aspect, or fearing that you would want an oath after their oaths [5:108].** Rasool-Allah^{-saww} ordered guardians of Tameem Al-Dary to be swearing oaths with Allah^{-azwj} upon what he^{-saww} instructed them with. He^{-saww} took the vessel and the necklace from Ibn Bindy and Ibn Abu Mawiya and returned these to the guardians of Tameem’.¹³⁹⁴

باب 21 القرعة

CHAPTER 21 – THE LOTTERY

1- ل، الخصال القامي و ابن مسرور معاً عن ابن بطة عن الصنار عن ابن معروف عن حماد بن عيسى عن خريز عن عمه أخبره عن أبي جعفر ع قال: أَوَّلُ مَنْ سُوِّجَ عَلَيْهِ مَرِيَمُ بِنْتُ عِمْرَانَ وَ هُوَ قَوْلُ اللَّهِ وَ مَا كُنْتَ لَدَيْهِمْ إِذْ يُلْقُونَ أَقْلَامَهُمْ أَتُهُمْ يَكْفُلُ مَرِيَمَ وَ السَّهْمُ سِتَّةٌ

(The book) ‘Al Khisaal’ – Al Famy and Ibn Masrour, both together from Ibn Buttah, from Al Saffar, from Ibn Marouf, from Hammad Bin Isa, from Hareez, from the one who informed him,

From Abu Ja’far^{-asws} having said: ‘The first to draw lots of arrows upon was Maryam Bint Imran^{-as}, and it is the Word of Allah^{-azwj}: **and you were not with them when they cast their pens (to decide) which of them would have the responsibility of Maryam [3:44],** and the arrows were six.

ثُمَّ اسْتَهْمُوا فِي يُونُسَ لَمَّا رَكِبَ مَعَ الْقَوْمِ فَوَقَفَتِ السَّفِينَةُ فِي اللَّجَّةِ فَاسْتَهْمُوا فَوَقَعَ السَّهْمُ عَلَى يُونُسَ ثَلَاثَ مَرَّاتٍ

Then they drew lots regarding Yunus^{as} when he^{as} sailed with the group. The ship paused in the deep sea. They drew lots and the arrow occurred upon Yunus^{as} three times’.

قَالَ فَمَضَى يُونُسُ إِلَى صَدْرِ السَّفِينَةِ فَإِذَا الْخُثُوثُ فَاتِحٌ فَأَهُ قَرَمَى بِنَفْسِهِ

He^{asws} said: ‘Yunus^{as} went to the front of the ship, and there was a whale having opened its mouth. He^{as} threw himself.

ثُمَّ كَانَ عَبْدُ الْمُطَّلِبِ وَلِدَ لَهُ تِسْعَةٌ فَنَدَرَ فِي الْعَاشِرِ إِنْ رَزَقَهُ اللَّهُ غُلَامًا أَنْ يَذْبَحَهُ

Then Abdul Muttalib^{as}, nine children were born for him^{as}. He^{as} vowed that if Allah^{azwj} Graces him^{as} a boy he^{as} will sacrifice him^{as}’.

قَالَ فَلَمَّا وَلِدَ عَبْدُ اللَّهِ لَمْ يَكُنْ يُعْدِرُ أَنْ يَذْبَحَهُ وَ رَسُولُ اللَّهِ ص فِي صُلْبِهِ فَجَاءَ بَعْشَرٌ مِنَ الْإِبِلِ وَ سَاهَمَ عَلَيْهَا وَ عَلَى عَبْدِ اللَّهِ فَخَرَجَتِ السَّهَامُ عَلَى عَبْدِ اللَّهِ فَرَادَ عَشْرًا فَلَمْ تَزَلِ السَّهَامُ تُخْرِجُ عَلَى عَبْدِ اللَّهِ وَ يَزِيدُ عَشْرًا فَلَمَّا بَلَغَتْ مِائَةً خَرَجَتِ السَّهَامُ عَلَى الْإِبِلِ

He^{asws} said: ‘When Abdullah^{as} was born he^{as} was not able upon sacrificing him^{as}, and Rasool-Allah^{saww} was in his^{as} lineage. So, he^{as} came ten camels and drew lots upon these and upon Abdullah^{as}. The lot came upon Abdullah^{as}. So, he^{as} increased ten. The lot did not cease to emerge upon Abdullah^{as} and he^{as} kept on increasing ten. When it reached a hundred, the lot came upon the camel.

فَقَالَ عَبْدُ الْمُطَّلِبِ مَا أَنْصَفْتُ رَبِّي فَأَعَادَ السَّهَامَ ثَلَاثًا فَخَرَجَتْ عَلَى الْإِبِلِ فَقَالَ الْآنَ عَلِمْتُ أَنَّ رَبِّي قَدْ رَضِيَ فَنَحَرَهَا.

Abdul Muttalib^{as} said: ‘I^{as} have not been fair to my^{as} Lord^{azwj}, so he^{as} repeated drawing the lot thrice. It came upon the camel, so he^{as} said: ‘Now I^{as} know that my^{as} Lord^{azwj} is Pleased’, so he^{as} sacrificed them’.¹³⁹⁵

2- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ الرَّجَائِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عَبْدِ الْقَاسِمِ بْنِ سَلَامٍ رَفَعَهُ قَالَ: اخْتَصَمَ رَجُلَانِ إِلَى النَّبِيِّ ص فِي مَوَارِيثَ وَ أَشْيَاءَ قَدْ دَرَسَتْ فَقَالَ النَّبِيُّ ص لَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ الْحَنَ لِحَبِّتِهِ مِنْ بَعْضٍ فَمَنْ قَضَيْتَ لَهُ بِشَيْءٍ مِنْ حَقِّ أَخِيهِ فَإِنَّمَا أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ

(The book) (Ma’any Al Akhbar) – Muhammad Bin Haroun Al Zanjany, from Ali Bin Abdul Aziz, from Ubeyd Al Qasim Bin Sallam raising it, said,

‘Two men brought a dispute to the Prophet^{as} regarding inheritances and things they had studied. The Prophet^{saww} said: ‘Perhaps one of you happens to be more eloquent of his argument than the other. The one I^{saww} judge with something being for him from the right of his brother, rather I^{asws} am cutting out for him a piece of the Hellfire!’

فَقَالَ كُلُّ وَاحِدٍ مِنَ الرَّجُلَيْنِ يَا رَسُولَ اللَّهِ حَقِّي هَذَا لِصَاحِبِي

Each one of the two men said, ‘O Rasool-Allah^{-saww}! This my right is for my companion!’

فَقَالَ لَا وَ لَكِنْ اذْهَبَا فَتَوَخَّيَا ثُمَّ اسْتَهِمَا ثُمَّ لِيُخْلِلْ كُلُّ وَاحِدٍ مِنْكُمَا صَاحِبَهُ.

He^{-saww} said: ‘No, but go and establish brotherhood (reconcile), then draw lots, then let each one of you release his companion’.¹³⁹⁶

3- سن، المحاسن ابن محبوب عن جميل بن صالح عن منصور بن حازم قال: سأل بعض أصحابنا أبا عبد الله ع في مسألة فقال هذِهِ تُخْرَجُ فِي الْفُرْعَةِ

(The book) ‘Al Mahasin’ – Ibn Mahboub, from Jameel Bin Salih, from Mansour Bin Hazim who said,

‘One of our companions asked Abu Abdullah^{-asws} regarding an issue. He^{-asws} said: ‘This will emerge in the lottery’.

ثُمَّ قَالَ فَأَيُّ قَضِيَّةٍ أَغْدَلُ مِنَ الْفُرْعَةِ إِذَا فُوضَ الْأَمْرُ إِلَى اللَّهِ عَزَّ وَ جَلَّ أَلَيْسَ اللَّهُ يَقُولُ تَبَارَكَ وَ تَعَالَى - فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ.

Then he^{-asws} said: ‘So which judgment is more just than drawing a lot when the matter is delegated to Allah^{-azwj} Mighty and Majestic? Isn’t Allah^{-azwj} Blessed and Exalted Saying: **So, he drew lots with them and he was the one to be thrown off [37:141]**’.¹³⁹⁷

4- ضا، فقه الرضا عليه السلام كُلُّ مَا لَا يَتَهَيَّأُ فِيهِ الْإِشْهَادُ عَلَيْهِ فَإِنَّ الْحَقَّ فِيهِ أَنْ يُسْتَعْمَلَ فِيهِ الْفُرْعَةُ.

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘In all those cases, where a testimony cannot readily be obtained should, in truth, be decided by casting lots’.¹³⁹⁸

وَ قَدْ رُوِيَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: فَأَيُّ قَضِيَّةٍ أَغْدَلُ مِنَ الْفُرْعَةِ إِذَا فُوضَ الْأَمْرُ إِلَى اللَّهِ لِقَوْلِهِ - فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ.

And it is reported from Abu Abdullah^{-asws} having said: ‘So which judgment is more just than drawing the lots when the matter is delegated to Allah^{-azwj}, due to His^{-azwj} Word: **So he drew lots with them and he was the one to be thrown off [37:141]**’.¹³⁹⁹

5- فتح، فتح الأبواب أخبرني شَيْخِي مُحَمَّدُ بْنُ نَمَا وَ الشَّيْخُ أَسْعَدُ بْنُ عَبْدِ الْقَاهِرِ الْأَصْفَهَانِيُّ بِإِسْنَادِهِمَا إِلَى جَدِّي أَبِي جَعْفَرٍ الطُّوسِيِّ بِإِسْنَادِهِ إِلَى الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ كِتَابِ الْمَشِيخَةِ مِنْ مُسْنَدِ جَمِيلٍ عَنْ مَنْصُورٍ بْنِ حَازِمٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ وَ سَأَلَهُ بَعْضُ أَصْحَابِنَا عَنْ مَسْأَلَةٍ فَقَالَ هَذِهِ تُخْرَجُ فِي الْفُرْعَةِ

(The book) ‘Fat’h Al Abwaab’ – It is informed to me by my sheykh Muhammad Bin Nama and the sheykh As’ad Bin Abdul Qahir Al Asfahany, by their chains to my grandfather Abu Ja’ar Al Tusi, by his chain to Al-Hassan Bin Mahboub, from ‘Kitab Al Masheykha’, from Musnad Jameel, from Mansour Bin Hazim who said,

‘I heard Abu Abdullah^{-asws} saying, and one of our companions had asked him about an issue. He^{-asws} said: ‘This will emerge in the drawing of lots’.

¹³⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 2

¹³⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 3

¹³⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 4 a

¹³⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 4 b

ثُمَّ قَالَ وَ أَيُّ قَضِيَّةٍ أَعْدَلُ مِنَ الْقُرْعَةِ إِذَا فُوضَ الْأَمْرُ إِلَى اللَّهِ عَزَّ وَ جَلَّ أَلَيْسَ اللَّهُ عَزَّ وَ جَلَّ يَقُولُ- فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ.

Then he^{-asws} said: ‘And which judgment is more just than the drawing of lots when the matter is delegated to Allah^{-azwj} Mighty and Majestic? Isn’t Allah^{-azwj} Mighty and Majestic Saying: **So he drew lots with them and he was the one to be thrown off [37:141]’**.¹⁴⁰⁰

6- فتح، فتح الأبواب قَالَ الشَّيْخُ فِي النَّهْيَةِ رَوَى عَنْ أَبِي الْحَسَنِ مُوسَى بْنِ جَعْفَرٍ ع وَ عَنْ غَيْرِهِ مِنْ آبَائِهِ وَ أَبْنَائِهِ ع مِنْ قَوْلِهِمْ كُلُّ جَهْلٍ فِيهِ الْقُرْعَةُ

(The book) ‘Fat’h Al Abwaab’ – The sheykh said in ‘Al Nihaya’,

‘It is reported from Abu Al-Hassan Musa^{-asws} Bin Ja’far^{-asws} and from others from his^{-asws} forefathers^{-asws} and his^{-asws} sons^{-asws}, from their^{-asws} words: ‘All uncertain matter, in it is drawing the lots’.

قُلْتُ لَهُ إِنَّ الْقُرْعَةَ تُخْطِئُ وَ تُصِيبُ

I said to him^{-asws}, ‘The drawing of lots can be mistaken and correct’.

فَقَالَ كُلَّمَا حَكَّمَ اللَّهُ بِهِ فَلَيْسَ بِمُخْطِئٍ.

He^{-asws} said: ‘All what Allah^{-azwj} Judges with, it isn’t erroneous’.¹⁴⁰¹

7- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عِيسَى عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَوْحَى إِلَى مُوسَى ع إِنَّ بَعْضَ أَصْحَابِكَ تَمَّ عَلَيْكَ فَاحْذَرُهُ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Usman Bin Isa, from one of his companions,

From Abu Abdullah^{-asws} having said: ‘Allah^{-azwj} Blessed and Exalted Revealed to Musa^{-as}: “One of your^{-as} companions has gossiped against you^{-as}, so be cautious of him!”

فَقَالَ يَا رَبِّ لَا أَعْرِفُهُ فَأَخْبِرْنِي بِهِ حَتَّى أَعْرِفُهُ

He^{-as} said: ‘O Lord^{-azwj}! I^{-as} don’t know him, so Inform me^{-as} with him until I^{-as} do recognise him’.

فَقَالَ يَا مُوسَى عِبْتُ عَلَيْهِ النَّيْمَةَ وَ تُكَلِّفُنِي أَنْ أَكُونَ نَمَامًا

He^{-azwj} Said: ‘O Musa^{-as}! I^{-azwj} have Faulted upon him of the gossip and you^{-as} are encumbering Me^{-azwj} to become a Gossiper?’

فَقَالَ يَا رَبِّ وَ كَيْفَ أَصْنَعُ

He^{-as} said: ‘O Lord^{-azwj}, and how should I^{-as} deal with it?’

¹⁴⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 5

¹⁴⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 6

قَالَ اللَّهُ تَعَالَى فَرَّقْ أَصْحَابَكَ عَشْرَةَ عَشْرَةً ثُمَّ تُفَرِّغْ بَيْنَهُمْ فَإِنَّ السَّهْمَ يَفْعُ عَلَيْهِ

He^{-azwj} Said: “Divide your^{-as} companions ten by ten, then draw lots between them, for the lot will occur upon the ten which he is in. Then divide them and draw lots between them, for the lot will occur upon him!”

قَالَ فَلَمَّا رَأَى الرَّجُلُ أَنَّ السَّهْمَ تَفَرَّغَ قَامَ فَقَالَ يَا رَسُولَ اللَّهِ أَنَا صَاحِبُكَ لَا وَاللَّهِ لَا أَعُودُ.

He^{-asws} said: ‘When the man saw that the lot had occurred upon him, he stood up and said, ‘O Rasool^{-as} of Allah^{-azwj}! I am your^{-saww} companion! No, by Allah^{-azwj}, I will not repeat!’¹⁴⁰²

8- الفتح، فتح الأبواب حَدَّثَنِي بَعْضُ أَصْحَابِنَا مُرْسَلًا فِي صِفَةِ الْقُرْعَةِ أَنَّهُ يَقْرَأُ الْحَمْدَ مَرَّةً وَاحِدَةً وَ إِنَّا أَنْزَلْنَاهُ إِحْدَى عَشْرَةَ مَرَّةً ثُمَّ يَقُولُ اللَّهُمَّ إِنِّي أَسْتَخِيرُكَ لِعِلْمِكَ بِعَاقِبَةِ الْأُمُورِ وَ أَسْتَشِيرُكَ لِحُسْنِ ظَنِّي بِكَ فِي الْمَأْمُولِ وَ الْمَخْذُورِ

(The book) ‘Fat’h Al Abwaab’ –

It is narrated to me by one of our companions with an unbroken chain regarding description of drawing the lots. He should read Surah Al Hamd once, and Surah Al Qadr eleven times, then he should say, ‘O Allah^{-azwj}! I seek Your^{-azwj} Choice due to Your^{-azwj} Knowledge of the outcome of the matters, and I seek Your^{-azwj} Consultation due to my goodly thoughts with You^{-azwj} regarding the hoped-for and the feared!

اللَّهُمَّ إِنْ كَانَ أَمْرِي هَذَا مِمَّا قَدْ نَبِطَتْ بِالْبَرَكَةِ أَعْجَازُهُ وَ بَوَادِيهِ وَ خُفَّتْ بِالْكَرَامَةِ أُنْيَامُهُ وَ لَبَّالِيهِ فَخْرٌ لِي فِيهِ بِخَيْرَةٍ تَرُدُّ شَمْسَهُ دُلُولاً وَ تَقْضِي أُنْيَامَهُ سُرُورا

O Allah^{-azwj}! If this matter of mine is among those whose peaks are Blessed, whose valleys are fertile, and whose days and nights are surrounded by honour, then Grant me in it a Choice that makes its suns submissive and completes its days with joy.

يَا اللَّهُ فَإِمَّا أَمْرٌ فَأَتَمِّرْ وَ إِمَّا هَئِي فَأَنْتَهِي

O Allah^{-azwj}! If it is a matter to be done, let me proceed, and if it is a matter to be forbidden, let me desist!

اللَّهُمَّ خِرْ لِي بِرَحْمَتِكَ خَيْرَةً فِي عَافِيَةٍ

O Allah^{-azwj}! Choose for me good by Your^{-azwj} Mercy goodness in well-being!’

ثُمَّ يُفَرِّغُ هُوَ وَ آخَرُ وَ يَقْصِدُ بِقَلْبِهِ أَنَّهُ مَتَى وَقَعَ أَوْ عَلَى رَفِيقِهِ يَفْعَلُ بِحَسَبِ مَا يَقْصِدُ فِي نَيْتِهِ وَ يَعْمَلُ بِذَلِكَ مَعَ تَوَكُّلِهِ وَ إِخْلَاصِ طَوْبِهِ.

Then he and another should draw lots intending in his heart whether it falls upon him or his companion. Whatever his intention is, he will act accordingly, and he acts upon it with reliance and sincerity in his resolve.¹⁴⁰³

¹⁴⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 7

¹⁴⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 21 H 8

CHAPTER 22 – REASON FOR THE INHERITANCES

1- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سنان عن الرضا ع علة إعطاء النساء نصف ما يُعطى الرجال من الميراث لأن المرأة إذا تزوجت أخذت و الرجل يُعطى فذلك ويُقر على الرجال

(The book) 'Ilal Al-Sharaie', (and) 'Uyoun Akhbar Al-Reza^{asws}', may the greeting be upon him^{asws}, in 'Ilal' of Ibn Sinan, from Al-Reza^{asws}: 'The reason of giving the women half of what the men are given from the inheritances is because when the woman gets marries, she takes and the man gives. For that, it has been made available for the men.

و علة أخرى في إعطاء الذكر مثل ما تُعطى الأنثى لأن أنثى في عيال الذكر إن احتاجت و عليه أن يعولها و عليه نفقتها و ليس على المرأة أن تعول الرجل و لا تؤخذ بنفقتها إن احتاج

And another reason for giving the male double of what the female is given is because a female is among the dependants of the male when she is needy and upon him is to support her and upon him is her expenditure, and it isn't upon the woman to support the man nor be seized for his expenditure if he is needy.

فُوِّرَ عَلَى الرَّجُلِ لِدَلِكِ وَ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ- الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَ بِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ.

So, that is available to the man for that, and that is the Words of Allah^{azwj} Mighty and Majestic: **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]**.¹⁴⁰⁴

2- ع، علل الشرائع علي بن خاتم عن القاسم بن محمد عن حماد بن الحسين عن الحسين بن الوليد عن ابن بكير عن عبد الله بن سنان عن أبي عبد الله ع قال: فُلْتُ لِأَيِّ عِلَّةٍ صَارَ الْمِيرَاثُ لِلذَّكَرِ مِثْلَ خَطِّ الْأُنثَيْنِ

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Al Qasim Bin Muhammad, from Hamdan Bin Al Husayn, from Al Husayn Bin Al Waleed, from Ibn Bukeyr, from Abdullah Bin Sinan,

From Abu Abdullah^{asws}, he (the narrator) said, 'I said, 'For which reason did the inheritance for the male come to be like the share of two females?'

قَالَ لِمَا جُعِلَ لَهَا مِنَ الصَّدَاقِ.

He^{asws} said: 'Due to the dowry what has been made for her'.¹⁴⁰⁵

3- ع، علل الشرائع علي بن خاتم عن محمد بن أحمد الكوفي عن عبد الله بن أحمد التيهكي عن ابن أبي عمير عن هشام بن سالم أن ابن أبي العوجاء قال للأخول ما بال المرأة الضعيفة لها سهم واحد و للرجل القوي المومس سهمان

¹⁴⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 1

¹⁴⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 2

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Muhammad Bin Ahmad Al Kufi, from Abdullah Bin Ahmad Al Naheyki, from Ibn Abu Umeyr, from Hisham Bin Salim,

'Ibn Abu Al-Awja said to Al-Ahwal, 'What is the matter the weak woman, for her is one share and for the affluent strong man there are two shares?'

قَالَ فَذَكَرْتُ ذَلِكَ لِأَبِي عَبْدِ اللَّهِ ع فَقَالَ إِنَّ الْمَرْأَةَ لَيْسَ عَلَيْهَا عَاقِلَةٌ وَ لَا نَفَقَةٌ وَ لَا جِهَادٌ وَ عَدَدَ أَشْيَاءَ غَيْرَ هَذَا وَ هَذَا عَلَى الرَّجَالِ فَلِذَلِكَ جُعِلَ لَهُ سَهْمَانِ وَ لَهَا سَهْمٌ.

He said, 'I mentioned that to Abu Abdullah^{-asws}. He^{-asws} said: 'The woman, there is neither wergild upon her, nor expenditure (providing maintenance), nor Jihad, and a number of things other than this, while this is upon the men. For that (reason), two shares have been made to be for him, and one share for her'.¹⁴⁰⁶

4 سن، المحاسن أبي و ابن يزيد معا عن ابن أبي عمير مثله.

(The book) 'Al Mahasin' – My father and Ibn Yazeed, from Ibn Abu Umeyr, similar to it.¹⁴⁰⁷

5- ع، علل الشرائع الدقاق عن الأسدي عن النخعي عن التوفلي عن علي بن سالم عن أبيه قال: سألت أبا عبد الله ع فقلت له كيف صار الميراث للذكر مثل حظ الأنثيين

(The book) 'Ilal Al Sharaie' – Al Daqqaq, from Al Asady, from Al Nakhaie, from Al Nowfali, from Ali Bin Salim, from his father who said,

'I asked Abu Abdullah^{-asws}. I said to him^{-asws}, 'How come the inheritance became, **for the male would be like the share of two females [4:176]**'.

فَقَالَ لِأَنَّ الْحَبَاتِ الَّتِي أَكَلَهَا آدَمُ وَ حَوَاءُ فِي الْجَنَّةِ كَانَتْ ثَمَانِيَةَ عَشَرَ أَكَلَ آدَمُ مِنْهَا اثْنَتَيْ عَشْرَةَ حَبَّةً وَ أَكَلَتْ حَوَاءُ سِتًّا فَلِذَلِكَ صَارَ الْمِيرَاثُ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ.

He^{-asws} said: 'Because the grains which Adam^{-as} and Hawwa^{-as} had eaten in the Paradise were eighteen. Adam^{-as} are twelve grains from these and Hawwa^{-as} ate six. For that (reason) the inheritance became **for the male would be like the share of two females [4:176]**'.¹⁴⁰⁸

6- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع سأل الشامي أمير المؤمنين ع فقال لم صار الميراث للذكر مثل حظ الأنثيين

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, (and) 'Ilal Al Sharaie' -

The Syrian asked Amir Al-Momineen^{-asws}. He said, 'Why did the inheritance become **for the male would be like the share of two females [4:176]**'.

¹⁴⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 3

¹⁴⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 4

¹⁴⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 5

قَالَ مِنْ قَبْلِ السُّنْبَلَةِ كَانَ عَلَيْهَا ثَلَاثُ حَبَّاتٍ فَبَادَرَتْ إِلَيْهَا حَوَاءٌ فَأَكَلَتْ مِنْهَا حَبَّةً وَ أَطْعَمَتْ آدَمَ حَبَّتَيْنِ فَمِنْ أَجْلِ ذَلِكَ وَرَثَ الذَّكَرُ مِثْلَ حَظِّ الْأُنثَيَيْنِ.

He^{-asws} said: 'From the ear (pod) which had three seeds upon it. Hawwa^{-as} rushed towards it and ate a seed from it and fed Adam^{-as} two seeds. For that reason, the male inherits like the share of two females'.¹⁴⁰⁹

7- ع، علل الشرائع فِي خَبَرِ ابْنِ سَلَامٍ أَنَّهُ سَأَلَ النَّبِيَّ ص هَلْ خُلِقَتْ حَوَاءٌ مِنْ يَمِينِ آدَمَ أَوْ مِنْ شِمَالِهِ

(The book) 'Ilal Al Sharaie' -

In a Hadeeth by Ibn Sallam, he asked the Prophet^{-saww}, 'Was Hawwa^{-as} created from the right of Adam^{-as} or from his^{-as} left?'

قَالَ بَلْ مِنْ شِمَالِهِ وَ لَوْ خُلِقَتْ مِنْ يَمِينِهِ لَكَانَ لِلْأُنثَى كَحَظِّ الذَّكَرِ مِنَ الْمِيرَاثِ فَلِذَلِكَ صَارَ لِلْأُنثَى سَهْمٌ وَ لِلذَّكَرِ سَهْمَانِ وَ شَهَادَةُ امْرَأَتَيْنِ مِثْلُ شَهَادَةِ رَجُلٍ وَاحِدٍ.

He^{-asws} said: 'But, from his^{-as} left, and had she been created from his right, for the female would have been like the share of the male from the inheritance. For that (reason) come to be one share for the female and two shares for the male, and testimony of the two women is like testimony of one man'.¹⁴¹⁰

NB: In other Ahadeeth, it is that Hawwa^{-as} was created from a separate part, otherwise it would be as Adam^{-as} got married to his own part (self).

8- يج، الخرائج و الجرائح قَالَ أَبُو هَاشِمٍ الْجُفَيْرِيُّ سَأَلَ الْفَهْرَ بْنَ أَبِي مُحَمَّدٍ الْعَسْكَرِيَّ ع مَا بَالُ الْمَرْأَةِ الْمُسْكِينَةِ الضَّعِيفَةِ تَأْخُذُ سَهْمًا وَاحِدًا وَ يَأْخُذُ الرَّجُلُ سَهْمَيْنِ

(The book) 'Al Kharaij Wa Al Jaraih' – Abu Hashim Al Jafari said,

'Al-Fahfaki asked Abu Muhammad Al-Askari^{-asws}, 'What is the matter, the needy weak woman takes one share while the man takes two shares?'

قَالَ لِأَنَّ الْمَرْأَةَ لَيْسَ لَهَا جِهَادٌ وَ لَا نَفَقَةٌ وَ لَا عَلَيْهَا مَغْفَلَةٌ إِنَّمَا ذَلِكَ عَلَى الرِّجَالِ

He^{-asws} said: 'Because the woman, there is neither Jihad for her, nor maintenance, nor is there any wergild upon her. But rather, that is upon the men'.

فَقُلْتُ فِي نَفْسِي كَانَ قِيلَ لِي إِنَّ ابْنَ أَبِي الْعَوْجَاءِ سَأَلَ أَبَا عَبْدِ اللَّهِ ع عَنْ هَذِهِ الْمَسْأَلَةِ فَأَجَابَهُ بِمِثْلِ هَذَا الْجَوَابِ فَأَقْبَلَ ع عَلَيَّ

I said within myself, 'It was said to me that Ibn Abu Al Awja has asked Abu Abdullah^{-asws} about this issue, and he^{-asws} had answered him with similar to this answer'.

¹⁴⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 6

¹⁴¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 7

فَقَالَ نَعَمْ هَذِهِ مَسْأَلَةُ ابْنِ أَبِي الْعَوْجَاءِ وَ الْجَوَابُ مِنَّا وَاحِدٌ فَإِذَا كَانَ مَعْنَى الْمَسْأَلَةِ وَاحِدًا جَرَى لِأَخْرِنَا مَا جَرَى لِأَوَّلِنَا وَ أَوَّلِنَا وَ آخِرُنَا فِي الْعِلْمِ وَ الْأَمْرِ سَوَاءٌ وَ لِرَسُولِ اللَّهِ ص وَ أَمِيرِ الْمُؤْمِنِينَ ع فَضْلُهُمَا.

He^{-asws} turned to me. He^{-asws} said: 'Yes, this is a question of Ibn Abu Al-Awja, and the answer from us^{-asws} is one! The meaning of the question was one. It flows for our^{-asws} last one what flowed for our^{-asws} first one, and our^{-asws} first one and our^{-asws} last one is the same in the knowledge and the commands, while for Rasool-Allah^{-saww} and Amir Al-Momineen^{-asws} are their merits (superiority)'.¹⁴¹¹

9- قَب، المناقب لابن شهر آشوب سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ الْبَاقِرَ ع لِمَ لَا تُورَثُ الْمَرْأَةُ عَمَّنْ يَتَمَتَّعُ بِهَا

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

Muhammad Bin Muslim asked Al-Baqir^{-asws}, 'Why doesn't the woman inherit from the one who does Mut'ah with her?'

قَالَ لِأَنَّهَا مُسْتَأْجَرَةٌ

He^{-asws} said: 'Because she is hired'.

قَالَ وَ لِمَ جُعِلَ الْبَيِّنَةُ فِي النِّكَاحِ

He said, 'And why has the proof made to be regarding the marriage?'

قَالَ لِلْمَوَارِيثِ.

He^{-asws} said: 'For the inheritances'.¹⁴¹²

10- أَلْعَلُّ، لِمُحَمَّدِ بْنِ عَلِيٍّ بْنِ إِبْرَاهِيمَ الْعَلَّةُ فِي أَنَّ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثَيَيْنِ أَنَّ الرِّجَالَ يَجِبُ عَلَيْهِمْ مَا لَا يَجِبُ عَلَى النِّسَاءِ مِنَ الْجِهَادِ وَ الْمُتُونَاتِ وَ هُمْ قَوَّامُونَ عَلَى النِّسَاءِ.

(The book) 'Al Ilal' of Muhammad Bin Ali Bin Ibrahim -

The reason regarding that for the male is like the share of two females is that upon the men there are obligation what is not obligated upon the women, from the Jihad, and the maintenance, and they are guardians (maintainers) upon the women'.¹⁴¹³

¹⁴¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 8

¹⁴¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 9

¹⁴¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 22 H 10

CHAPTER 23- SHARES OF THE INHERITANCES, AND A SUMMARY OF THEIR RULINGS, AND INVALIDATION OF THE PROPORTIONAL REDUCTION, AND THE PREJUDICE

1- كش، رجال الكشي حَمَدُوهُ عَنْ ابْنِ أَبِي الْخَطَّابِ عَنْ ابْنِ مُحَمَّدٍ عَنْ عَلَاءِ بْنِ رَازِينَ عَنْ يُونُسَ بْنِ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ زُرَّارَةَ قَدْ رَوَى عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ لَا يَرِثُ مَعَ الْأُمِّ وَالْأَبِ وَالْإِنِّ وَالْبَنَاتِ أَحَدٌ مِنَ النَّاسِ شَيْئاً إِلَّا زَوْجٌ أَوْ زَوْجَةٌ

(The book) 'Rijal' of Al Kashi – Hamdawiya Bin Nuseyr, from Ibn Abu Al Khattab, from Ibn Mahboub, from Al A'la Bin Razeyn, from Yunus Bin Ammar who said,

'I said to Abu Abdullah^{asws}, 'Zurara is reporting from Abu Ja'far^{asws} that along with the father and the son and the daughter, no one from the people will inherit anything except a husband or a wife'!

فَقَالَ أَبُو عَبْدِ اللَّهِ ع أَنَّمَا مَا رَوَاهُ زُرَّارَةُ عَنْ أَبِي جَعْفَرٍ ع فَلَا يَجُوزُ لِي رُدُّهُ وَ أَنَّمَا فِي الْكِتَابِ فِي سُورَةِ النِّسَاءِ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ - يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَ إِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَ لِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَ وَرِثَهُ آبَاؤُهُ فَلِلَّذَّكَ ثُلُثُ الثَّلَاثِ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْإِخْوَةِ السُّدُسُ

Abu Abdullah^{asws} said: 'As for what Zurara has reported from Abu Ja'far^{asws}, it is not allowed for me^{asws} to reject it, and as for in the Book in Surah Al Nisaa, Allah^{azwj} Mighty and Majestic Says: **Allah Directs you regarding your children: "For the male is a share of two females. So if there happen to be more than two women, for them would be a third of what is left; and if there was one, for her would be half. And for the parents, for each one of them is the sixth from what is left, if there was a child for him. But if there does not happens to be a child for him and his parents inherit him, then for his mother is the third. So if there are brothers for him, then for his mother is the sixth [4:11].**

يَعْنِي إِخْوَةَ لَأَبِ وَ أُمِّ وَ إِخْوَةَ لَأَبٍ وَ الْكِتَابُ مَا نُوَسَّ قَدْ وَرَثَ هَاهُنَا مَعَ الْأَنْبِيَاءِ فَلَا يُورِثُ الْبَنَاتُ إِلَّا الثَّلَاثَيْنِ.

It means brothers of the father and the mother, and brothers of the father and the Book are familiar having inherited over here with the Prophets^{as}, so the daughters do not inherit except the two-thirds'.¹⁴¹⁴

2- ختص، الإختصاص هشام بن سالم عن يزيد الكُنَاسِيِّ قَالَ قَالَ أَبُو جَعْفَرٍ ع ابْنُكَ أَوَّلَى بِكَ مِنْ ابْنِ ابْنِكَ وَ ابْنُ ابْنِكَ أَوَّلَى بِكَ مِنْ أَخِيكَ

(The book) 'Al Ikhtisas' – Hisham Bin Salim, from Yazeed Al Kunasi who said,

Abu Ja'far^{asws} said: 'Your son is foremost with you than a son of your son, and a son of your son is foremost with you than your brother'.

قَالَ وَ أَخُوكَ لِأَبِيكَ وَ أُمُّكَ أَوْلَى بِكَ مِنْ أَخِيكَ لِأُمِّكَ

He^{-asws} said: 'And your brother from both your father and your mother is foremost with you than your brother from your father (alone)'.

قَالَ وَ أَخُوكَ مِنْ أَبِيكَ أَوْلَى بِكَ مِنْ أَخِيكَ مِنْ أُمِّكَ

He^{-asws} said: 'And your brother from your father is foremost with you than your brother from your mother'.

قَالَ وَ ابْنُ أَخِيكَ مِنْ أَبِيكَ وَ أُمُّكَ أَوْلَى بِكَ مِنْ [ابْنِ] أَخِيكَ مِنْ أَبِيكَ

He^{-asws} said: 'And a son of your brother from your father and your mother is foremost with you than a son of your brother from your father (alone)'.

قَالَ وَ ابْنُ أَخِيكَ مِنْ أَبِيكَ أَوْلَى بِكَ مِنْ عَمِّكَ

He^{-asws} said: 'And a son of your brother from your father is foremost with you than your paternal uncle'.

قَالَ وَ عَمُّكَ أَخُو أَبِيكَ مِنْ أَبِيهِ وَ أُمُّهُ أَوْلَى بِكَ مِنْ عَمِّكَ أَخِي أَبِيكَ مِنْ أَبِيهِ

He^{-asws} said: 'And your paternal uncle, brother of your father from his father and his mother, is foremost with you than your paternal uncle, brother of your father from his father'.

قَالَ وَ عَمُّكَ أَخُو أَبِيكَ لِأَبِيهِ أَوْلَى بِكَ مِنْ بَنِي عَمِّكَ

He^{-asws} said: 'And your paternal uncle, brother of your father of his father is foremost with you than sons of your paternal uncle'.

قَالَ وَ ابْنُ عَمِّكَ أَخِي أَبِيكَ لِأَبِيهِ وَ أُمُّهُ أَوْلَى بِكَ مِنْ [ابْنِ] عَمِّكَ أَخِي أَبِيكَ مِنْ أَبِيهِ

He^{-asws} said: 'And a son of your paternal uncle, father of your brother, of his father and his mother is foremost with you than a son of your paternal uncle, brother of your father, from his father (alone)'.

قَالَ وَ ابْنُ عَمِّكَ أَخِي أَبِيكَ مِنْ أَبِيهِ وَ أُمُّهُ أَوْلَى بِكَ مِنْ ابْنِ عَمِّكَ أَخِي أَبِيكَ لِأُمِّهِ.

He^{-asws} said: 'And a son of your paternal uncle, brother of your father, from his father and his mother is foremost with you than a son of your paternal uncle, brother of your father, of his mother (alone)'.¹⁴¹⁵

¹⁴¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 2

3- ع، علل الشرائع ابنُ عُبدُوسٍ عَنِ ابْنِ قُتَيْبَةَ عَنِ الْفَضْلِ عَنِ مُحَمَّدِ بْنِ يَحْيَى عَنِ عَلِيِّ بْنِ عَبْدِ اللَّهِ عَنِ يَعْقُوبَ بْنِ إِسْرَاهِيمَ بْنِ سَعْدٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ الزُّهْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ قَالَ: جَلَسْتُ إِلَى ابْنِ عَبَّاسٍ فَعَرَضَ عَلَيَّ ذِكْرَ فَرَائِضِ الْمَوَارِيثِ فَقَالَ ابْنُ عَبَّاسٍ سُبْحَانَ اللَّهِ الْعَظِيمِ أَ تَرَوْنَ الَّذِي أَحْصَى زَمَلًا عَالِجًا عَدَدًا جَعَلَ فِي مَالٍ نِصْفًا وَ نِصْفًا وَ ثُلثًا فَهَذَانِ النِّصْفَانِ قَدْ دَهَبَا بِالْمَالِ فَأَيْنَ مَوْضِعُ الثُّلُثِ

(The book) 'Ilal Al Sharaie' – Ibn Ubdous, from Ibn Quteyba, from Al Fazl, from Muhammad Bin Yahya, from Ali Bin Ubeydullah, from Yaqoub Bin Ibrahim Bin Sa'ad, from his father, from his grandfather, from Al Zuhry, from Abdullah Bin Utba who said,

'I was seated to Ibn Abbas and he presented to me mention of the obligatory inheritances. Ibn Abbas said, 'Glory be to Allah^{-azwj} the Mighty! Can't you see that the One Who Counts grains of sand of a desert in number Making in wealth half and a half and a third? These two halves go with the (entire) wealth, so where is the place of the third?'

فَقَالَ لَهُ زُهَيْرُ بْنُ أَوْسٍ الْبَصْرِيُّ يَا ابْنَ عَبَّاسٍ فَمَنْ أَوَّلُ مَنْ أَعَالَ الْفَرَائِضَ قَالَ عُمَرُ لَمَّا التَّقَتْ عِنْدَهُ الْفَرَائِضُ وَ دَافَعَ بَعْضُهَا بَعْضًا قَالَ وَ اللَّهُ مَا أَذْرِي أَيْكُمْ قَدَّمَ اللَّهُ وَ أَيْكُمْ أَخَّرَ وَ مَا أَجِدُ شَيْئًا هُوَ أَوْسَعُ مِنْ أَنْ أَقْسِمَ عَلَيْكُمْ هَذَا الْمَالُ بِالْحِصَصِ فَأَدْخَلَ عَلَى كُلِّ ذِي مَالٍ مَا دَخَلَ عَلَيْهِ مِنْ عَوْلِ الْفَرِيضَةِ وَ أَيْمُ اللَّهِ أَنْ لَوْ قَدَّمَ مَنْ قَدَّمَ اللَّهُ وَ أَخَّرَ مَا أَخَّرَ اللَّهُ مَا عَالَتْ فَرِيضَةٌ

Zufar Bin Aws Al-Basri said to him, 'O Ibn Abbas! Who was the first one to increase the obligatory (inheritances)?' He said, 'Umar did, when the obligatory inheritance became entangled in his view and overlapped each other. He said, 'By Allah^{-azwj}! I don't know which of you Allah^{-azwj} has Given precedence to and whom He^{-azwj} has Placed after. I find nothing broader in this matter than to divide this wealth among you proportionally, so that each one receives his share affected by the adjustment of the inheritance shares. By Allah^{-azwj}, if those whom Allah^{-azwj} has Given precedence were given precedence, and those whom He^{-azwj} Placed later were placed later, no inheritance share would have required adjustment!''

فَقَالَ لَهُ زُهَيْرُ بْنُ أَوْسٍ أَيْهُمَا قَدَّمَ وَ أَيْهُمَا أَخَّرَ

Zufar Bin Aws said to him, 'Which of them is given precedence and which of them is placed later?'

فَقَالَ كُلُّ فَرِيضَةٍ لَمْ يُهَيِّطْهَا اللَّهُ عَزَّ وَ جَلَّ عَنْ فَرِيضَةٍ إِلَّا إِلَى فَرِيضَةٍ فَهَذَا مَا قَدَّمَ اللَّهُ وَ أَمَّا مَا أَخَّرَ اللَّهُ فَكُلُّ فَرِيضَةٍ زَالَتْ عَنْ فَرِيضَةٍ لَمْ يَكُنْ لَهَا إِلَّا مَا يَبْقَى فَبِئْسَ فِتْلَةٌ الَّتِي أَخَّرَ اللَّهُ عَزَّ وَ جَلَّ

He said, 'Every prescribed share that Allah^{-azwj} Mighty and Majestic, has Brought down from one fixed share to another, this is what Allah^{-azwj} has given Precedence to. As for what Allah^{-azwj} has Placed later, it is every share that has been displaced from its original portion and has nothing except what remains; that is what Allah^{-azwj} Mighty and Majestic, has Deferred.

فَأَمَّا الَّتِي قَدَّمَ فَالزَّوْجُ لَهُ النِّصْفُ فَإِذَا دَخَلَ عَلَيْهِ مَا يُرْبِلُهُ عَنْهُ رَجَعَ إِلَى الرُّبْعِ لَا يُرْبِلُهُ عَنْهُ شَيْءٌ وَ الزَّوْجَةُ لَهَا الرُّبْعُ فَإِذَا زَالَتْ عَنْهُ صَارَتْ إِلَى الثُّمَنِ - لَا يُرْبِلُهَا عَنْهُ شَيْءٌ وَ الْأُمُّ لَهَا الثُّلُثُ فَإِذَا زَالَتْ عَنْهُ صَارَتْ إِلَى السُّدُسِ لَا يُرْبِلُهَا عَنْهُ شَيْءٌ فَهَذِهِ الْفَرَائِضُ الَّتِي قَدَّمَ اللَّهُ عَزَّ وَ جَلَّ

As for those whom He^{-azwj} has Given precedence - the husband, his share is one half, but when something occurs that reduces it, it becomes one fourth, and nothing can take it below that. The wife, her share is one fourth, but when it is reduced, it becomes one eighth, and nothing can take it below that. The mother, her share is one third, but when it is reduced, it becomes

one sixth, and nothing can take it below that. These are the prescribed shares that Allah^{-azwj} Mighty and Majestic, has Given precedence to.

وَأَمَّا الَّتِي أَحْرَزَ اللَّهُ فَرِيضَةَ الْبَنَاتِ وَالْأَخَوَاتِ لَهَا التَّصْفُ إِذَا كَانَتْ وَاحِدَةً وَإِنْ كَانَتْ اثْنَتَيْنِ أَوْ أَكْثَرَ فَالْثُلُثَانِ فَإِذَا أَرَزَلَتْهُنَّ الْفَرَايِضُ لَمْ يَكُنْ لَهُنَّ إِلَّا مَا بَقِيَ فَبِلِكِّ الَّتِي أَحْرَزَ فَإِذَا اجْتَمَعَ مَا قَدَّمَ اللَّهُ وَ مَا أَحْرَزَ بُدِيَ بِمَا قَدَّمَ اللَّهُ فَأُعْطِيَ حَقَّهُ كَمَلًا فَإِنْ بَقِيَ شَيْءٌ كَانَ لِمَنْ أَحْرَزَ وَإِنْ لَمْ يَبْقَ شَيْءٌ فَلَا شَيْءَ لَهُ

As for those whom Allah^{-azwj} has Placed later - the prescribed share of daughters and sisters is one half if there is only one, and two-thirds if there are two or more. But when other prescribed shares reduce their portion, they receive only what remains; these are those whom Allah^{-azwj} has deferred. Therefore, when those whom Allah^{-azwj} has Given precedence and those whom He^{-azwj} has Deferred come together, the shares of those given precedence are to be given in full first. If anything remains, it belongs to those whom Allah^{-azwj} has Deferred, and if nothing remains, then they receive nothing’.

فَقَالَ زُهَيْرُ بْنُ أَوْسٍ فَمَا مَنَعَكَ أَنْ تُشِيرَ بِهَذَا الرَّأْيِ عَلَى عُمَرَ

Zufar Bin Aws said, ‘So what prevents you from consulting with this view upon Umar?’

قَالَ هَيْئُهُ

He said, ‘His rage’.

فَقَالَ الزُّهْرِيُّ وَاللَّهِ لَوْ لَا أَنَّهُ تَقَدَّمَ إِمَامٌ عَدْلٌ كَانَ أَمْرُهُ عَلَى الْوَجْهِ فَأَمَضَى أَمْرًا وَ مَضَى مَا اخْتَلَفَ عَلَى ابْنِ عَبَّاسٍ مِنْ أَهْلِ الْعِلْمِ اثْنَانِ.

Al Zuhry said, ‘By Allah^{-azwj}! If only a just leader had preceded him, his matter would have been upon the piety, and thus that ruling would have been carried out and it would have become established; no two among the people of knowledge would have disagreed with Ibn Abbas on the matter’.¹⁴¹⁶ (Not a Hadeeth)

4- قَالَ الْفَضْلُ وَ رَوَى عَبْدُ اللَّهِ بْنُ الْوَلِيدِ الْعَدَنِيُّ صَاحِبُ سُفْيَانَ قَالَ حَدَّثَنِي أَبُو الْقَاسِمِ الْكُوفِيُّ صَاحِبُ أَبِي يُوسُفَ عَنْ أَبِي يُوسُفَ قَالَ حَدَّثَنَا لَيْثُ بْنُ أَبِي سُلَيْمٍ عَنْ أَبِي عُمَرَ الْعَبْدِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ ع أَنَّهُ كَانَ يَقُولُ الْفَرَايِضُ مِنْ سِتَّةِ أَشْهُمِ الثُّلُثَانِ أَرْبَعَةُ أَشْهُمِ وَ التَّصْفُ ثَلَاثَةُ أَشْهُمِ وَ الثُّلُثُ سَهْمَانِ وَ الرُّبُعُ سَهْمٌ وَ نِصْفٌ وَ الثُّمُنُ ثَلَاثَةُ أَرْبَاعِ سَهْمٍ

Al Fazl said, ‘And it is reported by Abdullah Bin Al Waleed Al Adani, companion of Sufyan. He said, ‘It is narrated to me by Abu Al Qasim Al Kufi, companion of Abu Yusuf, from Abu Yusuf who said, It is narrated to us by Lays Bin Abu Suleym, from Abu Umar Al Abdi,

From Ali^{-asws} Bin Abu Talib^{-asws}, he^{-asws} had said: ‘The obligatory (inheritance) is of six parts – the two-third are four parts, and the half is three parts, and the third is two parts, and the quarter is one part and a half, and the eighth is three-quarters of a part.

وَلَا يَرِثُ مَعَ الْوَلَدِ إِلَّا الْأَبَوَانِ وَالزَّوْجُ وَالْمَرْأَةُ وَلَا يَحْجُبُ الْأُمُّ مِنَ الثَّلَاثِ إِلَّا الْوَلَدُ وَالْإِخْوَةُ وَلَا يَزَادُ الزَّوْجُ عَلَى النِّصْفِ وَلَا يُنْقَصُ مِنَ الرُّبْعِ وَلَا تَزَادُ الْمَرْأَةُ عَلَى الرُّبْعِ وَلَا تُنْقَصُ مِنَ الثُّمَنِ وَإِنْ كُنَّ أَرْبَعًا أَوْ دُونَ ذَلِكَ فَهِنَّ فِيهِ سَوَاءٌ وَلَا تَزَادُ الْإِخْوَةُ مِنَ الْأُمِّ عَلَى الثَّلَاثِ وَلَا يُنْقَصُونَ مِنَ السُّدُسِ وَهُمْ فِيهِ سَوَاءٌ الذَّكَرُ وَالْأُنْثَى وَلَا يَحْجُبُهُمُ عَنِ الثَّلَاثِ إِلَّا الْوَلَدُ وَالْوَالِدُ وَالِدَتُهُ تُقَسَّمُ عَلَى مَنْ أَحْرَزَ الْمِيرَاثَ.

Only the parents, the husband, and the wife inherit along with the children. The mother is not excluded from her one-third share except by the children or siblings. The husband's share is not increased beyond one-half and the wife's is not reduced from one-fourth; the wife's share is not increased beyond one-fourth and not reduced from one-eighth, whether there are four or fewer, in which case they are equal in this regard. The siblings from the mother are not increased beyond one-third and not reduced from one-sixth; in this, the male and female are equal. They are only excluded from the one-third share by the children and the parent. Wergild is divided among those who inherit the estate'.¹⁴¹⁷

5- ع، علل الشرائع أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْبَرْقِيِّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سِهَامُ الْمَوَارِيثِ مِنْ سِتَّةِ أَشْهُمٍ لَا تَزِيدُ عَلَيْهَا

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Barqy, from his father, from Ibn Abu Umeir, from someone else,

From Abu Abdullah^{-asws} having said: 'The parts of the inheritances are of six parts, not increasing upon these!'

فَقِيلَ لَهُ يَا ابْنَ رَسُولِ اللَّهِ وَ لَمْ صَارَتْ سِتَّةَ أَشْهُمٍ

I was said to him^{-asws}, 'O son^{-asws} of Rasool-Allah^{-saww}, and why did it become as six parts?'

قَالَ لِأَنَّ الْإِنْسَانَ خُلِقَ مِنْ سِتَّةِ أَشْيَاءَ وَهُوَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ- وَ لَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ مِنْ طِينٍ- ثُمَّ جَعَلْنَاهُ نُطْقَةً فِي قَرَارٍ مَكِينٍ- ثُمَّ خَلَقْنَا النُّطْقَةَ عِلْقَةً فَخَلَقْنَا الْعِلْقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ عِظَامًا فَكَسَوْنَا الْعِظَامَ لَحْمًا.

He^{-asws} said: 'Because the human being was Created from six things, and it is the Word of Allah^{-azwj} Mighty and Majestic: **And We have Created the human being from an extract of clay [23:12] Then We Made him a seed in a firm resting place [23:13] Then We Created the seed to be a clot, then We Created the clot to be a lump of flesh, then We Created the lump as bones, then We Clothed the bones with flesh [23:14].**¹⁴¹⁸

قال الصدوق ره لذلك علة أخرى و هي أن أهل المواريث الذين يرثون أبدا و لا يسقطون ستة الأب و الأم و الابن و البنت و الزوج و الزوجة.

Al Sadouq said, 'For that is another reason and it is that the rightful of the inheritances, those that always inherit and cannot be dropped, are six – the father and the mother, and the son and the daughter, and the husband and the wife'.

¹⁴¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 4

¹⁴¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 5

6- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ ابْنِ عِيْسَى عَنْ عُثْمَانَ بْنِ عِيْسَى عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ ع كَانَ يَقُولُ إِنَّ الَّذِي أَحْصَى رَمْلَ عَالِجٍ يَعْلَمُ أَنَّ السِّهَامَ لَا تَعُولُ عَلَى سِتَّةٍ لَوْ يُبْصِرُونَ وَجْهَهَا لَمْ تَحْزَرْ سِتَّةً.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Isa, from Usman Bin Isa, from Sama'at, from Abu Baseer,

From Abu Ja'far^{-asws} having said: 'Amir Al-Momineen^{-asws} had said: 'Surely the One Who Counts the grains of sand of a desert Knows that the shares (of inheritance) cannot exceed upon six. Had they been insightful of their aspects, these would not exceed six'.¹⁴¹⁹

7- ن، عيون أخبار الرضا عليه السلام فيما كتبه الرضا ع للمأمون الفرائض على ما أنزل الله عز وجل في كتابه ولا عول فيها ولا يرث مع الولد والوالدين أحد إلا الزوج والمرأة وذو السهم أحق بمن لا سهم له ولا يست العصبه من دين الله عز وجل.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Among what Al-Reza^{-asws} wrote for Al-Mamoun (the caliph): 'The obligatory (inheritances) are based upon what Allah^{-azwj} Mighty and Majestic Revealed in His^{-azwj} Book, and there can be no adjustment in it; and no one can inherit with the child and the parents except the husband and the wife, and the one with a (Prescribed) share is more rightful than the one having no share for him, and the prejudices aren't from the Religion of Allah^{-azwj} Mighty and Majestic'.¹⁴²⁰

8- ج، المجالس للمفيد ما، الأماالي للشيخ الطوسي المفيد عن المظفر بن أحمد البلخي عن محمد بن أحمد بن أبي الثلج عن جعفر بن محمد بن الحسين عن عيسى بن مهران عن حفص بن عمر الفراء عن أبي معاذ الخزاز عن يونس بن عبد الوارث عن أبيه قال: بينا ابن عباس ره يحطّب عندنا على منبر البصرة إذ أقبل على الناس بوجهه ثم قال أيها الأمة المتحيرة في دينها أم والله لو قدّمتم من قدم الله وأخّرت من أخّر الله وجعلتم الوراثه والولاية حيث جعلها الله ما عال سهم من فرائض الله ولا عال ولي الله ولا اختلف اثنان في حكم الله ولا تنازعت الأمة في شيء من كتاب الله

(The book) 'Al Majalis of Al Mufeed, (and) 'Al Amaali' of the Sheykh Al Tusi – Al Mufeed, from Al Muzaffar Bin Ahmad Al Balkhy, from Muhammad Bin Ahmad Bin Abu Al Salj, from Ja'far Bin Muhammad Bin Al Husayn, from Isa Bin Mihran, from Hafs Bin Umar Al Fara'a, from Abu Muaz Al Khazzaz, from Yunus Bin Abdul Waris, from his father who said, '

'While Ibn Abbas was addressing us upon the pulpit of Basra when he turned towards the people with his face, then said, 'O community confused in its religion! But, by Allah^{-azwj}! Had you given precedence to the one Allah^{-azwj} has Given precedence, and placed back the one whom Allah^{-azwj} has Placed back, and had you made the inheritance and the Wilayah where Allah^{-azwj} has Made it to be, no share from the Obligations of Allah^{-azwj} would have require adjustment, nor adjusted the Guardian of Allah^{-azwj}, and no two would have differed in the Judgment of Allah^{-azwj}, nor would the community have disputed regarding anything from the Book of Allah^{-azwj}!

فدوؤوا وبأل ما قرطتم فيه بما قدّمت أيديكم- و سيعلم الذين ظلموا أيّ منقلب ينقلبون.

¹⁴¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 6

¹⁴²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 7

Therefore, taste the evil consequence of what you have neglected due to what your own hands have sent forward! **And they shall come to know, those who are being unjust, which overturning they would be Overturned with [26:227]**.¹⁴²¹ (Not a Hadeeth)

9- جاء المجالس للمفيد عُمَرُ بْنُ مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْحَسَنِيِّ عَنْ عَيْسَى بْنِ مِهْرَانَ عَنْ حَفْصِ بْنِ عُمَرَ الْفَرَّاءِ عَنْ أَبِي مُعَاذٍ الْخَزَّازِ عَنْ عَبْدِ اللَّهِ بْنِ أَحْمَدَ الرَّزَيْعِيِّ قَالَ: بَيْنَا ابْنُ عَبَّاسٍ يَخْطُبُ النَّاسَ إِلَى آخِرِ الْحَبْرِ.

(The book) 'Al Majaalis' of Al Mufeed – Umar Bin Muhammad, from Ja'far Bin Muhammad Al Hasany, from Isa Bin Mihran, from Hafs Bin Umar Al Fara'a, from Abu Muaz Al Khazzaz, from Ubeydullah Bin Ahmad Al Rabie who said,

'While Ibn Abbas was addressing the people' – up to end of the report'.¹⁴²² (Not a Hadeeth)

10- ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ عَنْ حَمَّادِ بْنِ عُثْمَانَ قَالَ: سَأَلْتُ الرِّضَا عَنْ رَجُلٍ مَاتَ وَ تَرَكَ أُمًّا وَ أَحَاً فَقَالَ يَا شَيْخُ عَنِ الْكِتَابِ تَسْأَلُ أَوْ عَنِ السُّنَّةِ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Hammad Bin Usman who said,

'I asked Al-Reza^{-asws} about a man who dies and leaves behind a mother and a brother. He^{-asws} said: 'O Sheykh! Are you asking from the Book or from the Sunnah?'

قَالَ حَمَّادٌ فَظَنَنْتُ أَنَّهُ يَعْنِي عَنْ قَوْلِ النَّاسِ

Hammad (the narrator) said, 'I thought he meant from words of the people'.

قَالَ قُلْتُ عَنِ الْكِتَابِ

He (the narrator) said, 'I said, 'From the Book!'

قَالَ إِنَّ عَلَيَّ عَ كَانَ يُورَثُ الْأَقْرَبُ فَأَلْأَقْرَبُ.

He^{-asws} said: 'Ali^{-asws} used to give inheritance to the nearest of kin first, then to the next nearest'.¹⁴²³

11- ج، الإحتجاج ن، عيون أخبار الرضا عليه السلام أَبُو أَحْمَدَ هَانِي بْنُ مُحَمَّدٍ بْنِ مُحَمَّدٍ الْعَبْدِيُّ عَنْ أَبِيهِ رَفَعَهُ إِلَى مُوسَى بْنِ جَعْفَرٍ ع قَالَ: لَمَّا أُدْخِلْتُ عَلَى الرَّشِيدِ قَالَ أَخْبِرْنِي بِمُفَضَّلَتُمْ عَلَيْنَا وَ نَحْنُ وَ أَنْتُمْ مِنْ شَجَرَةٍ وَاحِدَةٍ وَ بَنُو عَبْدِ الْمُطَّلِبِ وَ نَحْنُ وَ أَنْتُمْ وَاحِدٌ إِنَّا بَنُو الْعَبَّاسِ وَ أَنْتُمْ وَ لَدُّ أَبِي طَالِبٍ وَ هُمَا عَمَّا رَسُولِ اللَّهِ ص وَ قَرَابَتُهُمَا مِنْهُ سَوَاءٌ

(The book) 'Al Ihtijaj', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Abu Ahmad Hani Bin Muhammad Bin Mahmoud Al Abdi, from his father raising it to,

¹⁴²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 8

¹⁴²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 9

¹⁴²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 10

Musa^{-asws} Bin Ja'far^{-asws} said: 'When I^{-asws} brought to (the caliph) Al-Rasheed, he said, 'Inform me! Why are you^{-asws} (Imams^{-asws}) are preferred over us, while we and you^{-asws} all are from one tree (lineage) and son of Abdul Muttalib^{-as}, and we and you^{-asws} all are one. We are the sons of AlAbbas while you^{-asws} are the children of Abu Talib^{-as}, and they^{-as} were both uncles of Rasool-Allah^{-saww}, and their^{-as} relationship from him^{-saww} is the same?'

فَقُلْتُ نَحْنُ أَقْرَبُ

I said, 'We^{-asws} are closer'.

قَالَ وَكَيْفَ ذَلِكَ

He said, 'And how is that?'

قُلْتُ لِأَنَّ عَبْدَ اللَّهِ وَ أَبَا طَالِبٍ لِأَبٍ وَ أُمٍّ وَ أَبُوكُمُ الْعَبَّاسُ لَيْسَ هُوَ مِنْ أُمِّ عَبْدِ اللَّهِ وَ لَا مِنْ أُمِّ أَبِي طَالِبٍ

I^{-asws} said: 'Because Abdullah^{-as} and Abu Talib^{-as} are of a father and a mother, while your father Al-Abbas, he is from a mother of Abdullah and not from a mother of Abu Talib^{-as}'.

قَالَ فَلِمَ ادَّعَيْتُمْ أَنَّكُمْ وَرِثْتُمُ النَّبِيَّ ص وَ الْعُمُ يَحْجُبُ ابْنَ الْعَمِّ وَ قُبِضَ رَسُولُ اللَّهِ ص وَ قَدْ تُوُفِّيَ أَبُو طَالِبٍ قَبْلَهُ وَ الْعَبَّاسُ عَمُّهُ حَيٌّ

He said, 'So why are you^{-asws} claiming you (Imams^{-asws}) have inherited the Prophet^{-saww}, and the paternal uncle bars a son of the paternal uncle, and Rasool-Allah^{-saww} passed away and Abu Talib^{-as} had passed away before him^{-as} while Al-Abbas his^{-saww} paternal uncle was alive'.

فَقُلْتُ لَهُ إِنَّ رَأَى أَمِيرُ الْمُؤْمِنِينَ أَنْ يُعْفِيَنِي مِنْ هَذِهِ الْمَسْأَلَةِ وَ يَسْأَلَنِي عَنْ كُلِّ بَابٍ سِوَاهُ يُرِيدُهُ

I^{-asws} said to him: 'If the commander of the faithful would see fit to excuse me from this question and ask me about any subject besides it, he wants to!'

فَقَالَ لَا أَوْ تُجِيبَ

He said, 'No, you^{-asws} will answer!'

فَقُلْتُ فَأَمِّي

I^{-asws} grant me^{-asws} safety!'

فَقَالَ قَدْ آمَنْتُكَ قَبْلَ الْكَلَامِ

He said, 'I hereby grant you^{-asws} safety before the speech'.

فَقُلْتُ إِنَّ فِي قَوْلِ عَلِيٍّ بْنِ أَبِي طَالِبٍ ع إِنَّهُ لَيْسَ مَعَ وَلَدِ الصُّلْبِ ذَكَرًا كَانَ أَوْ أَنْثَى لِأَحَدٍ سَهْمٌ إِلَّا لِلْأَبَوَيْنِ وَ الزَّوْجِ وَ الزَّوْجَةِ وَ لَمْ يَنْبُتْ لِلْعَمِّ مَعَ وَلَدِ الصُّلْبِ مِيرَاثٌ وَ لَمْ يَنْطِقْ بِهِ الْكِتَابُ إِلَّا أَنَّ تَيْمًا وَ عَدِيًّا وَ بَنِي أُمَيَّةَ قَالُوا الْعَمُّ وَالِدٌ رَأْيًا مِنْهُمْ بِلَا حَقِيقَةٍ وَ لَا أَثَرٍ عَنِ النَّبِيِّ ص

I^{-asws} said: 'Regarding the word of Ali^{-asws} Bin Abu Talib^{-asws}, there isn't any share for anyone with a direct descendant, whether it was a male or a female except for the two parents, and the husband and the wife, and he^{-asws} did not affirm any inheritance for the paternal uncle with a direct descendant and the Book hasn't spoken with it, except that Taym and Adiy (clans of Abu Bakr and Umar), and the clan of Umayya said, 'The paternal uncle is a parent', being an opinion from them with neither any reality nor Hadeeth from the Prophet^{-saww}'.

وَمَنْ قَالَ يَقُولُ عَلِيٌّ ع مِنَ الْعُلَمَاءِ قَضَايَاهُمْ خِلَافُ قَضَايَا هَؤُلَاءِ هَذَا نُوحُ بْنُ دَرَّاجٍ يَقُولُ فِي هَذِهِ الْمَسْأَلَةِ يَقُولُ عَلِيٌّ ع وَ قَدْ حَكَمَ بِهِ وَ قَدْ وَلَّاهُ أَمِيرُ الْمُؤْمِنِينَ الْمُصَرِّينَ الْكُوفَةَ وَ الْبَصْرَةَ فَقَدْ قَضَى بِهِ فَأُتِيَ إِلَى أَمِيرِ الْمُؤْمِنِينَ

And the ones from the scholars who speak with the words of Ali^{-asws}, their judgment are different to the judgments of these people. This is Nuh Bin Darraj regarding the issue speaking with the word of Ali^{-asws} and he has judged with it, and commander of the faithful (himself) has made him a governor of the two cities, Al-Kufa and Al-Basra. He has judged with it, and it has been conveyed to commander of the faithful'.

فَأَمَرَ بِإِحْضَارِهِ وَ إِحْضَارِ مَنْ يَقُولُ بِخِلَافِ قَوْلِهِ مِنْهُمْ سُفْيَانُ الثَّوْرِيُّ وَ إِبْرَاهِيمُ الْمَدَنِيُّ وَ الْفَضْلُ بْنُ عِيَّاضٍ فَشَهِدُوا أَنَّهُ قَوْلُ عَلِيٍّ ع فِي هَذِهِ الْمَسْأَلَةِ

He ordered with presenting him and presenting the ones saying opposite to his word. From them were Sufyan Al-Sowry, and Ibrahim Al-Madany, and Al-Fuzeyl Bin Iyaz. They testified that it is the word of Ali^{-asws} regarding this issue.

فَقَالَ لَهُمْ فِيمَا أَتَلَعَنِي بَعْضُ الْعُلَمَاءِ مِنْ أَهْلِ الْحِجَازِ فَلَمْ لَا تُقْتَوَى بِهِ وَ قَدْ قَضَى بِهِ نُوحُ بْنُ دَرَّاجٍ

He said to them, 'Among what has reached me, some of the scholars from the people of Al-Hijaz, so why aren't they issuing verdicts with it, and Nuh Bin Darraj has already judged with it?'

فَقَالُوا جَسَرَ نُوحٌ وَ جَبَّنَا وَ قَدْ أَمَضَى أَمِيرُ الْمُؤْمِنِينَ قَضِيَّتَهُ يَقُولُ قَدَمَاءُ الْعَامَّةِ عَنِ النَّبِيِّ ص أَنَّهُ قَالَ عَلِيٌّ أَقْضَاكُمْ وَ كَذَلِكَ قَالَ عُمَرُ بْنُ الْخَطَّابِ - عَلِيٌّ أَقْضَانَا وَ هُوَ اسْمٌ جَامِعٌ لِأَنَّ جَمِيعَ مَا مَدَحَ بِهِ النَّبِيُّ ص أَصْحَابَهُ مِنَ الْقِرَاءَةِ وَ الْفَرَائِضِ وَ الْعِلْمِ دَاخِلٌ فِي الْقَضَاءِ

They said, 'Nuh is bold and we are cowards, and commander of the faithful has implemented his judgment by the word of the ancient ones of the general Muslims from the Prophet^{-saww}, he^{-saww} said: 'Ali^{-asws} is your judge', and like that Umar Bin AlKhattab said, 'Ali^{-asws} is our judge', and it is a comprehensive term because entirety of what the Prophet^{-saww} had praised his^{-saww} companions with, of the reading (of the Quran), and the obligations, and the knowledge, it is included in the judging'.

قَالَ زَيْنِ يَا مُوسَى

He said, 'Increase for me, O Musa^{-asws}!'

قُلْتُ الْمَجَالِسُ بِالْأَمَانَاتِ وَ خَاصَّةً مَجْلِسَكَ

I^{-asws} said, 'The gatherings are with your amnesty, and especially your gathering'.

فَقَالَ لَا بَأْسَ عَلَيْكَ

He said, 'There will be no problem upon you^{-asws!}'

فَقُلْتُ إِنَّ النَّبِيَّ ص لَمْ يُورَثْ مَنْ لَمْ يُهَاجِرْ وَلَا أُتْبِتْ لَهُ وَلَايَةٌ حَتَّى يُهَاجِرْ

I^{-asws} said: 'The Prophet^{-saww} did not let him inherit, the one who did not emigrate nor affirmed governance for him until he had emigrated'.

فَقَالَ مَا حُجَّتُكَ فِيهِ

He said, 'What is your argument regarding it?'

قُلْتُ قَوْلَ اللَّهِ تَبَارَكَ وَ تَعَالَى - وَ الَّذِينَ آمَنُوا وَ لَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلَايَتِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا وَ إِنَّ عَمِّي الْعَبَّاسَ لَمْ يُهَاجِرْ

I^{-asws} said: 'The Words of Allah^{-azwj} Blessed and Exalted: **Surely those who believed - and did not emigrate, there is nothing for you of their guardianship until they do emigrate [8:72],** and my^{-asws} uncle AlAbbas did not emigrate'.

فَقَالَ لِي أَسْأَلُكَ يَا مُوسَى هَلْ أَقْتَبْتُ بِذَلِكَ أَحَدًا مِنْ أَعْدَائِنَا أَمْ أَخْبَرْتُ أَحَدًا مِنَ الْفُقَهَاءِ فِي هَذِهِ الْمَسْأَلَةِ بِشَيْءٍ

He said to me^{-asws}, 'I ask you^{-asws} O Musa^{-asws}! Have you issued a verdict to anyone from our enemies, or informed anyone of the jurists with anything regarding this issue?'

فَقُلْتُ اللَّهُمَّ لَا وَ مَا سَأَلَنِي عَنْهَا إِلَّا أَمِيرُ الْمُؤْمِنِينَ.

I^{-asws} said: 'O Allah^{-azwj}, no, and no one has asked me^{-asws} about it except commander of the faithful'.¹⁴²⁴

12- ضاء، فقه الرضا عليه السلام اعْلَمْ يَرْحَمُكَ اللَّهُ أَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى قَسَمَ الْفَرَائِضَ بِقَدَرٍ مَقْدُورٍ وَ حِسَابٍ مُحْسُوبٍ وَ بَيِّنٍ فِي كِتَابِهِ مَا بَيَّنَّ الْقِسْمَةَ ثُمَّ قَالَ عَزَّ وَ جَلَّ- وَ أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know, may Allah^{-azwj} Mercy you! Allah^{-azwj} Blessed and Exalted, has Apportioned the obligatory duties according to a precise measure and an exact calculation, and He^{-azwj} has clarified in His^{-azwj} Book what explains this division. Then the Mighty and Majestic Said: **and the possessors of the relationships, some of them are closer than the others in the Book of Allah [8:75].**

فَجَعَلَ عَلَى ضَرْبَيْنِ قِسْمَةَ مَشْرُوحَةٍ وَ قِسْمَةَ مُجْمَلَةٍ وَ جَعَلَ لِلزَّوْجِ إِذَا لَمْ يَكُنْ لَهُ وَلَدٌ الْبَيْتُ وَ مَعَ الْوَلَدِ الرُّبْعُ- لَا يَرِيدُ وَ لَا يَنْقُصُ مَعَ بَاقِي الْوَرَثَةِ وَ جَعَلَ لِلزَّوْجَةِ الرُّبْعَ إِذَا لَمْ يَكُنْ لَهُ وَلَدٌ وَ الثُّمْنُ مَعَ الْوَلَدِ عَلَى هَذَا السَّبِيلِ وَ جَعَلَ لِلأَبَوَيْنِ مَعَ الْوَلَدِ وَ الشُّرَكَاءِ السُّدُسَيْنِ- لَا يَنْقُصَانِ مِنْ ذَلِكَ شَيْئًا وَ هُمَا فِي مَوَاضِعَ زِيَادَةٍ عَلَى السُّدُسَيْنِ

He^{-azwj} has Made the division of inheritance into two types - a detailed division and a summarised division. He^{-azwj} has Granted the husband one half if there is no child, and one fourth if there is a child. This share neither increases nor decreases with the presence of other heirs. He^{-azwj} has Granted the wife one fourth if there is no child, and one eighth if there is a child, in the same manner. He^{-azwj} has Granted the two parents, along with the child and other partners, one sixth each, and they are not to receive less than that, though in some cases they may receive more than the two sixths.

ثُمَّ سَمَّى لِلْأَوْلَادِ وَالْإِخْوَةِ وَالْأَخَوَاتِ وَالْقُرَّانَاتِ سَهَامًا فِي الْقُرَّانِ وَ سَهَامًا بِأَنَّهُمَا ذَوِي الْأَرْحَامِ وَ جَعَلَ الْأَمْوَالَ بَعْدَ الرَّوْحِ وَ الرَّوْحَةَ وَ الْأَبَوَيْنِ لِلْأَقْرَبِ
فَالْأَقْرَبُ - لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

Then He^{-azwj} Assigned to the children, brothers, sisters, and relatives specific shares in the Quran, and other shares by virtue of their being kin. He^{-azwj} Made the remaining wealth, after the shares of the husband, wife, and parents, belong to the nearest of kin in order of closeness: **for the male would be like the share of two females [4:176].**

وَ إِذَا تَسَاوَتْ الْقُرَّانَةُ مِنْ جِهَةِ الْأَبِ وَ الْأُمِّ تَقْسِمُهُ بِفَضْلِ الْكِتَابِ فَإِذَا تَقَارَبَتْ فَيَأْتِي ذَوِي الْأَرْحَامِ وَ اعْلَمْ أَنَّ الْمَوَارِيثَ تَكُونُ سِتَّةَ أَشْهُمٍ لَا تَزِيدُ عَلَيْهَا وَ صَارَتْ مِنْ سِتَّةِ أَشْهُمٍ لِأَنَّ الْإِنْسَانَ خُلِقَ مِنْ سِتَّةِ أَشْيَاءَ وَ هُوَ قَوْلُهُ وَ لَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ

And if the relatives are equal in degree of kinship through the father and the mother, you divide according to what is detailed in the Book. But if their relationship is close without a clear distinction, then it is by the verse concerning the kindred of the womb. Know that the inheritances consist of six shares, which do not increase beyond that. They are six because man was created from six things, as in His^{-azwj} Saying, **And We have Created the human being from an extract of clay [23:12].**

تَمَامِ الْأَيَّةِ وَ أَصْلُ الْمَوَارِيثِ أَنَّ لَا يَرِثَ مَعَ الْوَلَدِ وَ الْأَبَوَيْنِ أَحَدٌ إِلَّا الرَّوْحُ وَ الرَّوْحَةُ.

The basic principle of inheritance is that no one inherits along with the child and the parents except the husband or the wife'.¹⁴²⁵

13- شي، تفسير العياشي عَنْ سَالِمِ الْأَشَلِّ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَدْخَلَ الْوَالِدَيْنِ عَلَى جَمِيعِ أَهْلِ الْمَوَارِيثِ فَلَمْ يَنْقُصْهُمَا مِنْ السُّدُسِ.

Tafseer Al Ayyashi – From Salim Al Ashalla who said,

'I heard Abu Ja'far^{-asws} saying: 'Allah^{-azwj} Blessed and Exalted Included the parent upon entirety of the ones rightful of the inheritances, and did not Reduce them from the sixth'.¹⁴²⁶

14- شي، تفسير العياشي عَنْ بُكَيْرِ بْنِ أَعْيَنَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْوَلَدُ وَ الْإِخْوَةُ هُمُ الَّذِينَ يُزَادُونَ وَ يَنْقُصُونَ.

Tafseer Al Ayyashi – From Bukeyr Bin Ayn,

¹⁴²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 12

¹⁴²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 13

From Abu Abdullah^{-asws} having said: ‘The son and the brothers are those who are increased and reduced’.¹⁴²⁷

15- شي، تفسير العياشي عن أبي بصير عن أبي جعفر الباقر ع قال: الحَالُ وَ الْحَالَةُ يَرْتُونَ إِذَا لَمْ يَكُنْ مَعَهُمْ أَحَدٌ غَيْرُهُمْ إِنَّ اللَّهَ يَقُولُ وَ أَوْلُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ إِذَا التَّقَمَّتِ الْقَرَابَاتُ فَالَسَّابِقُ أَحَقُّ بِالْمِيرَاثِ مِنْ قَرَابَتِهِ.

Tafseer Al Ayyashi – from Abu Baseer,

From Abu Ja’far Al-Baqir^{-asws} having said: ‘The maternal uncle and maternal aunt inherit when there is no one else besides them, for Allah^{-azwj} Says, “And those of (blood) relationship are nearer to one another in the Book of Allah^{-azwj}: **and the possessors of the relationships, some of them are closer than the others in the Book of Allah [8:75]**. When relatives are of the same degree, the one closer in relation has a greater right to the inheritance than those more distant’.¹⁴²⁸

16- شي، تفسير العياشي عن ابن سنان عن أبي عبد الله ع قال: لَمَّا اخْتَلَفَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع وَ عُثْمَانُ بْنُ عَفَّانٍ فِي الرَّجُلِ يَمُوتُ وَ لَيْسَ لَهُ عَصَبَةٌ يَرْتُونَهُ وَ لَهُ ذُو قَرَابَةٍ لَا يَرْتُونَهُ لَيْسَ لَهُ بَيْنَهُمْ مَفْرُوضٌ

Tafseer Al Ayyashi – From Ibn Sinan,

From Abu Abdullah^{-asws} having said: ‘When Ali^{-asws} Bin Abu Talib^{-asws} and Usman Bin Affan differed regarding the man who dies and there aren’t any male relatives to inherit him and there are relatives for him not inheriting him, there not being any obligatory inheritance between them,

فَقَالَ عَلِيُّ مِيرَاثُهُ لِدَوِي قَرَابَتِهِ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ- وَ أَوْلُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ وَ قَالَ عُثْمَانُ اجْعَلْ مِيرَاثُهُ فِي بَيْتِ مَالِ الْمُسْلِمِينَ وَ لَا يَرْتُهُ أَحَدٌ مِنْ قَرَابَتِهِ.

Ali^{-asws} said: ‘His inheritance is for the relatives because Allah^{-azwj} the Exalted Says: **and the possessors of the relationships, some of them are closer than the others in the Book of Allah [8:75]**, and Usman said, ‘Make his inheritance to be in the public treasury of the Muslims, and no one from his relatives should inherit him’’.¹⁴²⁹

17- شي، تفسير العياشي عن سليمان بن خالد عن أبي عبد الله ع قال: كَانَ عَلِيُّ ع لَا يُعْطِي الْمَوْلَى شَيْئاً مَعَ ذِي رَحِمٍ سُمِّيَتْ لَهُ فَرِيضَةٌ أَمْ لَمْ يُسَمَّ لَهُ فَرِيضَةٌ وَ كَانَ يَقُولُ وَ أَوْلُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ إِنَّ اللَّهَ يَكُلُّ شَيْءٍ عَلَيْهِمْ

Tafseer Al Ayyashi – From Suleyman Bin Khalid,

From Abu Abdullah^{-asws} having said: ‘Ali^{-asws} would not give the freed slave anything with one with kinship whether an obligatory inheritance had been specified for him or an obligatory inheritance had not been specified. He^{-asws} said: **and the possessors of the relationships, some**

¹⁴²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 14

¹⁴²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 15

¹⁴²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 16

of them are closer than the others in the Book of Allah. Allah^{-azwj} is All-Knowing of all things [8:75].

قَدْ عَلِمَ مَكَانَهُمْ فَلَمْ يَجْعَلْ لَهُمْ مَعَ أُولَى الْأَرْحَامِ حَيْثُ قَالَ - وَ أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ.

He^{-azwj} Knew their places, so He^{-azwj} did not Make for them (inheritance) with the possessors of the kinship whereby He^{-azwj} Said: **'and the possessors of the relationships, some of them are closer than the others in the Book of Allah [8:75]'**.¹⁴³⁰

18- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِ اللَّهِ - وَ أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ إِنَّ بَعْضَهُمْ أَوْلَى بِالْمِيرَاثِ مِنْ بَعْضٍ لِأَنَّ أَقْرَبَهُمْ إِلَيْهِ أَوْلَى بِهِ

Tafseer Al Ayyashi – From Zurara,

From Abu Ja'far^{-asws} regarding Words of Allah^{-azwj}: **and the possessors of the relationships, some of them are closer than the others in the Book of Allah [8:75]**: 'Some of them are more entitled to inheritance than others because those who are closer to the deceased are foremost with him'.

ثُمَّ قَالَ أَبُو جَعْفَرٍ إِنَّهُمْ أَوْلَى بِالْمَمِّتِ وَ أَقْرَبُهُمْ إِلَيْهِ أُمُّهُ وَ أَخُوهُ وَ أُخْتُهُ لِأُمِّهِ وَ أَبِيهِ أَلَيْسَ الْأُمُّ أَقْرَبَ إِلَى الْمَمِّتِ مِنْ إِخْوَتِهِ وَ أَخَوَاتِهِ.

Then Abu Ja'far^{-asws} said: 'Those who are closer to the deceased are more entitled to him, and the closest to him are his mother, his brother, and his sister from his mother and father. Is not the mother nearer to the deceased than his brothers and sisters?'¹⁴³¹

19- ختص، الإختصاص مُحَمَّدُ بْنُ الْحُسَيْنِ بْنِ أَحْمَدَ عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ الْعَلَوِيِّ عَنْ مُحَمَّدِ بْنِ الزَّيْدِ الْقَانِ الدَّامَغَانِيِّ عَنْ أَبِي الْحُسَيْنِ مُوسَى ع قَالَ: سَأَلَنِي الرَّشِيدُ أَخْبَرَنِي عَنْ قَوْلِكُمْ لَيْسَ لِلْعَمِّ مَعَ وَلَدِ الصُّلْبِ مِيرَاثٌ

(The book) 'Al Ikhtisas' – Muhammad Bin Al Hassan Bin Ahmad, from Ahmad Bin Idrees, from Muhammad Bin Ahmad, from Muhammad Bin Ismail Al Alawy, from Muhammad Bin Al Zibrqan Al Dam'any,

From Abu Al-Hassan Musa^{-asws} having said: 'Al-Rasheed (the caliph) asked me^{-asws}, 'Inform me about your^{-asws} words: 'There isn't any inheritance with a direct descendant'?'

فَقُلْتُ إِنَّ النَّبِيَّ ص لَمْ يُوْرَثْ مَنْ قَدَرَ عَلَى الْهَجْرَةِ فَلَمْ يُهَاجِرْ وَ إِنَّ عَمِّي الْعَبَّاسَ قَدَرَ عَلَى الْهَجْرَةِ فَلَمْ يُهَاجِرْ وَ إِنَّمَا كَانَ فِي عَدَدِ الْأَسَارَى عِنْدَ النَّبِيِّ ص وَ جَعَدَ أَنْ يَكُونَ لَهُ الْفِدَاءُ

I said, 'The Prophet^{-saww} did not let inherit the one who was able upon the emigrating but did not emigrate, and my^{-asws} uncle Al-Abbas was able upon the emigrating but did not emigrate, and rather he was among a number of captives with the Prophets^{-as} and struggled that there should be the ransoming for him.

¹⁴³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 17

¹⁴³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 18

فَأَنْزَلَ اللَّهُ تَبَارَكَ وَ تَعَالَى عَلَى النَّبِيِّ ص يُخْبِرُهُ بِدَفِينٍ لَهُ مِنْ ذَهَبٍ فَبَعَثَ عَلِيًّا ع فَأَخْرَجَهُ مِنْ عِنْدِ أُمِّ الْفَضْلِ

Allah^{-azwj} Blessed and Exalted Revealed unto the Prophet^{-saww} Informing him^{-as} with a hoard of gold being for him. So, he^{-saww} dispatched Ali^{-asws}. He^{-asws} extracted it from the possession of Umm Al-Fazl.

فَقَالَ الْعَبَّاسُ أَفْقَرْتَنِي يَا ابْنَ أُخِي

Al-Abbas said, 'You^{-saww} are impoverishing me, O son^{-saww} of my brother^{-as!}'

فَأَنْزَلَ اللَّهُ تَعَالَى إِنَّ يَعْزِمُ اللَّهُ فِي قُلُوبِكُمْ خَيْرًا يُؤْتِكُمْ خَيْرًا مِمَّا أُخِذَ مِنْكُمْ وَ يَغْفِرُ لَكُمْ وَ قَوْلُهُ وَ الَّذِينَ آمَنُوا وَ لَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلَايَتِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا ثُمَّ قَالَ وَ إِنْ اسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمُ النَّصْرُ فَرَأَيْتُهُ قَدْ اعْتَمَ - الْحَبْرُ بِتَمَامِهِ فِي أَبْوَابِ تَارِيخِ مُوسَى ع.

So, Allah^{-azwj} the Exalted Revealed: **'If Allah Knows any goodness in your hearts, He would Give you better than what He Takes from you [8:70]; and His^{-azwj} Words: and those who believed and did not emigrate, there is nothing for you of their guardianship until they do emigrate [8:72].** Then He^{-azwj} Said: **and if they seek your help in the Religion, then the helping is (incumbent) upon you [8:72].** He (Al-Abbas) was seen to have been saddened' – The complete Hadeeth is in the chapters on the history of Musa^{-asws}.¹⁴³²

20- ف، تحف العقول سَأَلَ الرَّشِيدُ مُوسَى بْنَ جَعْفَرٍ ع أُرِيدَ أَنْ أَسْأَلَكَ عَنِ الْعَبَّاسِ وَ عَلِيِّ بْنِ صَارَ عَلِيٍّ أَوَّلَى بِمِيرَاثِ رَسُولِ اللَّهِ ص مِنَ الْعَبَّاسِ وَ الْعَبَّاسُ عَمُّ رَسُولِ اللَّهِ ص وَ صِنْوُ أَبِيهِ

(The book) 'Tuhaf Al Uqoul' -

Al-Rasheed (the caliph) asked Musa^{-asws} Bin Ja'far^{-asws}, 'I want to ask you^{-asws} about Al-Abbas and Ali^{-asws}. Due to what did Ali^{-asws} become foremost with inheritance of Rasool-Allah^{-azwj} than Al-Abbas, while Al-Abbas is an uncle of Rasool-Allah^{-saww} and an equal to his^{-saww} father^{-as?}'

فَقَالَ لَهُ مُوسَى ع إِنَّ النَّبِيَّ لَمْ يُوَرِّثْ مَنْ قَدَرَ عَلَى الْهِجْرَةِ فَلَمْ يُهَاجِرْ إِنَّ أَبَاكَ الْعَبَّاسَ آمَنَ وَ لَمْ يُهَاجِرْ وَ إِنَّ عَلِيًّا آمَنَ وَ هَاجَرَ وَ قَالَ اللَّهُ الَّذِينَ آمَنُوا وَ لَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلَايَتِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا

Musa^{-asws} said to him: 'The Prophet^{-saww} did not let inherit the one who was able upon the emigrating but did not emigrate. Your father Al-Abbas was safe and did not emigrate, and Ali^{-asws} was safe and he^{-asws} did emigrate, and Allah^{-azwj} Said: **and those who believed and did not emigrate, there is nothing for you of their guardianship until they do emigrate [8:72].**'

فَالْتَمَعَ لَوْنُ هَارُونَ وَ تَغَيَّرَ.

The colour of Haroun altered and changed'.¹⁴³³

¹⁴³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 19

¹⁴³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 23 H 20

CHAPTER 24 – CONDITIONS OF THE INHERITANCE AND ITS BARRIERS

1- ب، قرب الإسناد علي عن أخيه ع قال: سألت عن نصراني يموت ابنه و هو مسلم هل يرث

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}) said, 'I asked him^{-asws} about a Christian whose son dies while he is a Muslim, 'Would he (the Christian) inherit?'

قال لا يرث إلا أهل ملته.

He^{-asws} said: 'He does not inherit except from people of his own religion'.¹⁴³⁴

2- ضا، فقه الرضا عليه السلام اعلم أنه لا يتوارث أهل ملتين نحن نرثهم و لا يرثونا و لو أن رجلاً مسلماً أو ذمياً ترك ابناً مسلماً و ابناً ذمياً لكان الميراث من الرجل المسلم و الذمي للابن المسلم

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know that people of two different religions do not inherit from one another - we inherit them, and they do not inherit us. If a man, whether Muslim or protected non-Muslim (*Zimmi*), leaves behind a Muslim son and a *Zimmi* son, the inheritance of the man, whether Muslim or *Zimmi*, goes to the Muslim son.

و كذلك من ترك ذا قرابة مسلمة و ذا قرابة من أهل ذمة ممن قرب نسبهُ أو بعد لكان المسلم أولى بالميراث من الذمي و لو كان الذمي ولداً و كان المسلم أماً أو عمّاً أو ابناً أو أخاً أو ابن عمٍّ أو أبعد من ذلك لكان المسلم أولى بالميراث من الذمي كان الميراث مسلماً أو ذمياً لأن الإسلام لم يردّه إلا قوّة

And like that, whoever leaves behind a Muslim relative and a relative from the people of the covenant (*Zimmi*), whether the latter is closely or distantly related, the Muslim has a greater right to the inheritance than the *Zimmi* does. Even if the *Zimmi* is a son and the Muslim is a brother, uncle, nephew, cousin, or more distant relative, the Muslim has a greater right to the inheritance than the *Zimmi* does, whether the deceased was Muslim or *Zimmi*, because Islam only strengthens his claim.

و لو مات مسلماً و ترك امرأة يهودية أو نصرانية لم يكن لها ميراث و إن ماتت هي ورثها الزوج المسلم و إذا ترك الرجل ابن الملاءنة فلا ميراث لولده منه و كان ميراثه لأقربائه فإن لم يكن له قرابة فميراثه لإمام المسلمين إلا أن يكون أكذب نفسه بعد اللعان فيرثه الابن و إن مات الابن لم يرثه الأب.

And if a Muslim man dies leaving behind a Jewish or Christian wife, she has no inheritance. If she dies, her inheritance goes to her Muslim husband. If a man leaves behind a cursed child (from a mutual curse or repudiation), his child does not inherit from him; his inheritance goes to his closest relatives. If he has no relatives, his inheritance goes to the Imam of the Muslims,

¹⁴³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 24 H 1

except if he belied himself after the mutual curse, in which case his son inherits him. If the son dies, the father does not inherit him'.¹⁴³⁵

3- شي، تفسير العياشي عن إبراهيم بن عمر اليماني عن ذكره عن أبي عبد الله ع في قول الله وَ هُمْ يَصُدُّونَ عَنِ الْمَسْجِدِ الْحَرَامِ وَ مَا كَانُوا أَوْلِيَاءَهُ يَغْنِي أَوْلِيَاءَ الْبَيْتِ يَغْنِي الْمُشْرِكُونَ [الْمُشْرِكِينَ] - إِنَّ أَوْلِيَاءَهُ إِلَّا الْمُتَّقُونَ حَيْثُ مَا كَانُوا هُمْ أَوْلَى بِهِ مِنَ الْمُشْرِكِينَ.

Tafseer Al Ayyashi – From Ibrahim Bin Umar Al Yamani, from the one who mentioned it,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and they are hindering from the Sacred Masjid, and they were not its custodians?** – meaning custodians of the House, meaning the Polytheists - **Surely, its custodians are only the pious ones [8:34]**, wherever they may be, they are foremost with it than the Polytheists'.¹⁴³⁶

باب 25 ميراث الأولاد و أولاد الأولاد و الأبوين و فيه حكم الحياة

CHAPTER 25 – INHERITANCE OF THE CHILDREN, AND CHILDREN OF THE CHILDREN, AND THE PARENTS, AND IN IT IS RULING OF THE RESIDUAL SHARE

1- ب، قرب الإسناد ابن أبي الخطاب عن البرزطي قال: قَالَ قُلْتُ لِأبي الحسن ع رَجُلٌ مَاتَ وَ تَرَكَ ابْنَةً ابْنِ وَ ابْنِ ابْنَةٍ

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

'I said to Abu Al-Hassan^{-asws}, 'A man dies and leaves behind a daughter of a son and a son of a daughter'.

قَالَ كَانَ عَلَيَّ ع يُورِثُ الْأَقْرَبَ فَلَا أَقْرَبَ

He^{-asws} said: 'Ali^{-asws} had made to inherit the closest relative, then the next closest'.

قُلْتُ أَيُّهُمَا أَقْرَبُ

I said, 'So which of the two is closest'.

قَالَ ابْنَةُ الْإِبْنِ.

He^{-asws} said: 'Daughter of the son'.¹⁴³⁷

2- مكا، مكارم الأخلاق من كتاب اللباس عن أبي الحسن ع قال: فَأَوْمُوا خَاتِمَ أَبِي عَبْدِ اللَّهِ ع فَأَخَذَهُ أَبِي بِسَبْعَةٍ

(The book) 'Makarim Al Akhlaq', from 'Kitab Al Libaas',

¹⁴³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 24 H 2

¹⁴³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 24 H 3

¹⁴³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 25 H 1

From Abu Al-Hassan^{-asws} having said: 'A ring of Abu Abdullah^{-asws} was evaluated. My^{-asws} father took it for seven'.

قَالَ فُلْتُ سَبْعَةَ دَرَاهِمَ

He (the narrator) said, 'I said, 'Seven Dirhams?'

قَالَ سَبْعَةُ دَنَانِيرَ.

He^{-asws} said: 'Seven Dinars'.¹⁴³⁸

3- فس، تفسير القمي يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ قَالَ إِذَا مَاتَ الرَّجُلُ وَ تَرَكَ بَيِّنَ وَ بَنَاتٍ - فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ - فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ يَغْنِي إِذَا مَاتَ الرَّجُلُ وَ تَرَكَ أَبَوَيْنِ وَ ابْنَتَيْنِ فَلِلْأَبَوَيْنِ السُّدْسَانِ وَ لِلابْنَتَيْنِ الثُّلُثَانِ

Tafseer A Qummi -

Allah Directs you regarding your children: "For the male is a share of two females – He said, 'When the man dies and leaves behind sons and daughters - **So if there happen to be more than two women, for them would be a third of what is left [4:11]** – meaning when the man dies and leaves behind the parents and two daughters, for the parents is the sixth and for the daughter is the two thirds.

وَ إِنْ كَانَتْ الْإِبْنَةُ وَاحِدَةً فَلَهَا النِّصْفُ وَ لِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ وَ بَقِيَ سَهْمٌ يُقَسَّمُ عَلَى خَمْسَةِ أَصْحَابٍ ثَلَاثَةٌ أَسْهُمٌ فَلِلْإِبْنَةِ وَ مَا أَصَابَ اثْنَتَيْنِ فَلِلْأَبَوَيْنِ فَإِنْ كَانَ لِلْمَيِّتِ إِخْوَةٌ وَ أَخَوَاتٌ مِنْ قِبَلِ الْأَبِ وَ الْأُمِّ أَوْ مِنْ قِبَلِ الْأَبِ وَ خَدَه فَلِلْأُمِّهِ السُّدُسُ وَ لِلأَبِ خَمْسَةُ أَصْدَاسٍ فَإِنَّ الْإِخْوَةَ وَ الْأَخَوَاتِ مِنْ قِبَلِ الْأَبِ هُمْ فِي عِيَالِ الْأَبِ وَ تَلْزُمُهُ مَوْتُهُمْ فَهُمْ يَحْجُبُونَ الْأُمَّ عَنِ الثُّلُثِ وَ لَا يَرِثُونَ.

And if there is only one daughter, she receives one-half, and each of his parents receives one sixth. One share then remains, which is divided into five parts - three parts go to the daughter and two parts to the parents. If the deceased has brothers and sisters from both his father and mother, or from his father alone, then the mother receives one sixth and the father five sixths, for the brothers and sisters from the father's side are under his care and responsibility, and thus they prevent the mother from receiving one third, though they themselves do not inherit'.¹⁴³⁹

4- ضا، فقه الرضا عليه السلام إِنْ تَرَكَتِ الْمَرْأَةُ مَعَ الزَّوْجِ وَلَدًا ذَكَرًا كَانَ أَمَّ أَنْثَى وَاحِدًا كَانَ أَمَّ أَكْثَرَ فَلِلزَّوْجِ الرُّبْعُ وَ مَا بَقِيَ فَلِلْوَلَدِ وَ إِنْ تَرَكَتِ الْمَرْأَةُ وَلَدًا فَلِلْمَرْأَةِ الثُّمْنُ وَ مَا بَقِيَ فَلِلْوَلَدِ

(The book) 'Al-Reza^{-asws}', may the greeting be upon him^{-asws} - 'If a woman dies leaving behind a husband and a child, whether male or female, one or more, the husband receives one fourth, and the remainder goes to the child. If a man dies leaving behind a wife and a child, the wife receives one eighth, and the remainder goes to the child.

¹⁴³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 25 H 2

¹⁴³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 25 H 3

فَإِنْ تَرَكَ الرَّجُلُ أَبَوَيْهِ فَلِأُمِّهِ الثُّلُثُ وَلِلْأَبِ الثُّلُثَانِ فَإِنْ تَرَكَ أَبَوَيْنِ وَابْنًا أَوْ أَكْثَرَ مِنْ ذَلِكَ فَلِلْأَبَوَيْنِ السُّدْسَانِ وَمَا بَقِيَ فَلِلْإِبْنِ وَإِنْ تَرَكَ أَبَاهُ وَابْنَتَهُ فَلِلْإِبْنَةِ النِّصْفُ ثَلَاثَةٌ أَسْهُمٍ مِنْ سِتَّةٍ وَلِلْأَبِ السُّدُسُ يُقَسَّمُ الْمَالُ عَلَى أَرْبَعَةٍ أَسْهُمٍ فَمَا أَصَابَ ثَلَاثَةٌ أَسْهُمٍ فَلِلْإِبْنَةِ وَمَا أَصَابَ سَهْمًا فَلِلْأَبِ

If a man leaves behind only his parents, then the mother receives one-third and the father two-thirds. If he leaves behind his parents and a son or more, then each of his parents receives one-sixth, and the remainder goes to the son. If he leaves behind his father and a daughter, the daughter receives one-half, which is three shares out of six, and the father receives one-sixth. The estate is divided into four parts - three parts go to the daughter and one part to the father.

وَكَذَلِكَ إِذَا تَرَكَ أُمُّهُ وَابْنَتَهُ فَإِنْ تَرَكَ أَبَوَيْنِ وَابْنَةً فَلِلْإِبْنَةِ النِّصْفُ وَلِلْأَبَوَيْنِ السُّدْسَانِ يُقَسَّمُ الْمَالُ عَلَى خَمْسَةٍ فَمَا أَصَابَ ثَلَاثَةٌ أَسْهُمٍ فَلِلْإِبْنَةِ وَمَا أَصَابَ سَهْمَيْنِ فَلِلْأَبَوَيْنِ

And likewise, if he leaves behind his mother and his daughter, then if he leaves both parents and a daughter, the daughter receives one half, and each of the parents receives one-sixth. The estate is divided into five parts - three parts go to the daughter, and two parts go to the parents.

فَإِنْ تَرَكَ ابْنَتَيْنِ وَابَوَيْنِ فَلِلْإِبْنَتَيْنِ الثُّلُثَانِ وَلِلْأَبَوَيْنِ السُّدْسَانِ وَإِنْ تَرَكَ أَبَوَيْهِ وَابْنًا وَابْنَةً أَوْ ابْنَتَيْنِ وَبَنَاتٍ فَلِلْأَبَوَيْنِ السُّدْسَانِ وَمَا بَقِيَ لِلْبَنَاتِ وَالبَنَاتِ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَتَيْنِ

If he leaves behind two daughters and both parents, the two daughters receive two-thirds, and each of the parents receives one-sixth. If he leaves behind both parents and a son and a daughter, or two sons and daughters, then each of the parents receives one-sixth, and the remainder goes to the sons and daughters, with the male receiving the share of two females.

فَإِنْ تَرَكَ امْرَأَةً وَابَوَيْنِ - لِامْرَأَتِهِ الرُّبْعُ وَلِأُمِّهِ الثُّلُثُ وَمَا بَقِيَ فَلِلْأَبِ

If he leaves behind a wife and parents, for his wife is the quarter and for his mother is the third, and whatever remains is for the father.

فَإِنْ تَرَكَتْ امْرَأَةٌ زَوْجَهَا وَابْنَتَهَا وَوَلَدًا ذَكَرًا كَانَ أَوْ أَنْثَى وَاحِدًا كَانَ أَوْ أَكْثَرَ فَلِلزَّوْجِ الرُّبْعُ وَلِلْأَبَوَيْنِ السُّدْسَانِ وَمَا بَقِيَ فَلِلْوَلَدِ فَإِنْ تَرَكَ أَبَوَيْهِ وَاحِدًا فَلِلْأُمِّ الثُّلُثُ وَلِلْأَبِ الثُّلُثَانِ وَسَقَطَ الْأَخُ

If a woman dies leaving behind her husband, her parents, and a child, whether male or female, one or more, the husband receives one fourth, each of the parents receives one-sixth, and the remainder goes to the child. If the deceased leaves behind his parents and a brother, the mother receives one third, the father two thirds, and the brother is dropped (receives nothing).

فَإِنْ تَرَكَ أَبَوَيْهِ فَلِلْأُمِّ الثُّلُثُ وَلِلْأَبِ الثُّلُثَانِ وَكَذَلِكَ إِذَا تَرَكَ أَحَدًا أَوْ أُخْتَيْنِ أَوْ ثَلَاثَ أَخَوَاتٍ أَوْ أُخْتًا وَابَوَيْنِ فَلِلْأُمِّ الثُّلُثُ وَلِلْأَبِ الثُّلُثَانِ

If he leaves behind only his parents, the mother receives one-third and the father two-thirds. Like that, if he leaves behind a brother, or two sisters, or three sisters, or a sister along with both parents, then the mother receives one-third and the father two-thirds.

فَإِنْ تَرَكَ أَبَوَيْنِ وَ أُخْوَيْنِ وَ أَرْبَعَ أَخَوَاتٍ أَوْ أَخًا وَ أُخْتَيْنِ فَلِلْأُمِّ السُّدُسُ وَ مَا بَقِيَ فَلِلْأَبِ فَإِنْ كَانَ الْإِخْوَةُ وَ الْأَخَوَاتُ مِنَ الْأُمِّ لَمْ تَحْجِبِ الْأُمَّ عَنِ الثُّلُثِ وَ إِنَّمَا تَحْجِبُهَا الْإِخْوَةُ وَ الْأَخَوَاتُ مِنَ الْأَبِ أَوْ مِنَ الْأَبِ وَ الْأُمِّ.

If he leaves behind both parents and two brothers, and four sisters, or a brother and two sisters, then the mother receives one-sixth, and the remainder goes to the father. If the brothers and sisters are from the mother's side, they do not prevent the mother from receiving one third; she is only prevented from the third by brothers and sisters from the father's side or from both the father and the mother'.¹⁴⁴⁰

5- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَمْ مِنْ إِنْسَانٍ لَهُ حَقٌّ لَا يَعْلَمُ بِهِ

Tafseer Al-Ayyashi – From Abu Baseer,

From Abu Ja'far^{-asws}, having said: 'How many a person has a right for him he does not even know of it!'

قَالَ قُلْتُ وَ مَا ذَاكَ أَصْلَحَكَ اللَّهُ

He (the narrator) said, 'I said, 'And what is that? May Allah^{-azwj} Keep you^{-asws} well!'

قَالَ إِنَّ صَاحِبِي الْجِدَارِ كَانَ هُمَا كَنْزٌ تَحْتَهُ أَمَّا إِنَّهُ لَمْ يَكُنْ مِنْ ذَهَبٍ وَ لَا فِضَّةٍ

He^{-asws} said: 'The two companions of the wall. There was treasure for them under it. But, it did not happen to be of gold nor silver'.

قَالَ قُلْتُ فَأَيُّهُمَا كَانَ أَحَقُّ بِهِ

He (the narrator) said, 'I said, 'Which of the two (boys) was more rightful with it?'

قَالَ الْأَكْبَرُ كَذَلِكَ نَقُولُ.

He^{-asws} said: 'The elder. Like that we^{-asws} say (our tradition)'.¹⁴⁴¹

¹⁴⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 25 H 4

¹⁴⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 25 H 5

CHAPTER 26 – INHERITANCE OF THE BROTHERS AND THEIR CHILDREN, AND THE GRANDFATHERS AND THE GRANDMOTHERS, AND THE GRANT (ALLOTMENT) OF THE GRANDFATHERS

1- مع، معاني الأخبار أبي عن سعد بن أبي يزيد عن ابن أبي عمير عن بعض أصحابه عن أبي عبد الله ع قال: الكَلَالَةُ مَا لَمْ يَكُنْ وَالِدٌ وَلَا وَلَدٌ.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeir, from one of his companions,

From Abu Abdullah^{asws} having said: 'The 'Kalalah' is one who neither has a (living) father nor a son'.¹⁴⁴²

2- فس، تفسير القمي أبي عن ابن أبي عمير عن ابن أذينة عن بكير عن أبي جعفر ع قال: إِذَا مَاتَ الرَّجُلُ وَلَهُ أُخْتُ تَأْخُذُ نِصْفَ الْمِيرَاثِ بِآيَةِ كَمَا تَأْخُذُ الْإِثْنَةُ لَوْ كَانَتْ وَ النِّصْفُ الْبَاقِي يُرَدُّ عَلَيْهَا بِالرَّحِمِ

Tafseer Al-Qummi – My father, from Ibn Abu Umeir, from Ibn Uzina, from Bukeyr,

From Abu Ja'far^{asws} having said: 'If a man dies leaving a sister, she takes half of the inheritance according to the verse, just as a daughter would, and the remaining half is returned to her through the kinship ties.

إِذَا لَمْ يَكُنْ لِلْمَيِّتِ وَارِثٌ أَقْرَبُ مِنْهَا فَإِنْ كَانَ مَوْضِعُ الْأُخْتِ أَخٌ أَخَذَ الْمِيرَاثَ كُلَّهُ بِآيَةِ لَقَوْلِ اللَّهِ - وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ

If the deceased has no heir closer than her, and if the sister is in the position of a brother, she receives the entire inheritance according to the Verse due to Words of Allah^{azwj}: **and he would inherit her if there does not happen to be a child for her [4:176].**

فَإِنْ كَانَتْ [كَانَتَا] أُخْتَيْنِ أَخَذَتَا الثُّلَثَيْنِ بِآيَةِ وَ الثُّلُثُ الْبَاقِي بِالرَّحِمِ - وَ إِنْ كَانُوا إِخْوَةً رِجَالًا وَ نِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ وَ ذَلِكَ كُلُّهُ إِذَا لَمْ يَكُنْ لِلْمَيِّتِ وَلَدٌ أَوْ أَبَوَانِ أَوْ زَوْجَةٌ.

If they were two sisters they will take the two-third as per the Verse, and the remaining third is for the kindred, **and if there are brethren, men and women, then for the male would be like the share of two females [4:176]**, and that, all of it when there does not happen to be for the deceased a son or parents or wife'.¹⁴⁴³

3- فس، تفسير القمي وَ إِنْ كَانَ رَجُلٌ يُورِثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتُ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَهَذِهِ كَلَالَةُ الْأُمِّ وَ هِيَ الْإِخْوَةُ وَ الْأَخَوَاتُ مِنَ الْأُمِّ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ يَأْخُذُونَ الثُّلُثَ فَيَقْسِمُونَهُ مَا بَيْنَهُمْ بِالسَّوِيَّةِ الذَّكَرُ وَ الْأُنْثَى فِيهِ سَوَاءٌ.

Tafseer Al-Qummi - **And if a man or a woman dies as a Kalalah (having neither father nor child) and has a brother or sister, each of them receives one sixth [4:12].** This is the Kalalah

¹⁴⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 1

¹⁴⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 2

of the mother, which refers to the brothers and sisters from the mother. If there are more than that, they take one third, and they divide it equally among themselves, and the male and female in it are the same'.¹⁴⁴⁴

4- ير، بصائر الدرجات الحُجَّالُ عَنِ اللَّوْلُوِيِّ عَنِ ابْنِ سِنَانٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ اللَّهَ أَذَبَ نَبِيَّهُ ص عَلَى أَدْبِهِ فَلَمَّا انْتَهَى بِهِ إِلَى مَا أَرَادَ قَالَ لَهُ- إِنَّكَ لَعَلَى خُلُقٍ عَظِيمٍ

(The book) 'Basaair Al Darajaat' – Al Hajjal, from Al Luluie, from Ibn Sinan, from Is'haq Bin Ammar,

From Abu Abdullah^{asws} having said: 'Allah^{azwj} Educated His^{azwj} Prophet^{saww} upon His^{azwj} Education. When he^{saww} ended up to what He^{azwj} Wanted, He^{azwj} Said to him^{saww}: **And you are upon magnificent morals [68:4].**

فَقَوَّضَ إِلَيْهِ دِينَهُ فَقَالَ مَا آتَاكُمْ الرَّسُولُ فَخُذُوهُ وَ مَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَ إِنَّ اللَّهَ فَرَضَ فِي الْقُرْآنِ وَ لَمْ يَقْسِمَ لِلْجَدِّ شَيْئاً وَ إِنَّ رَسُولَ اللَّهِ ص أَطْعَمَهُ السُّدُسَ فَأَجَازَ اللَّهُ لَهُ

He^{azwj} Delegated His^{azwj} Religion to him^{saww}. He^{azwj} Said: **And whatever the Rasool gives you, so take it, and whatever he forbids you from, then refrain [59:7].** Allah^{azwj} Obligated (inheritances) in the Quran and did not Apportion anything for the grandfather, and Rasool-Allah^{saww} fed him the one-sixth, and Allah^{azwj} Allowed him^{saww}.

وَ إِنَّ اللَّهَ حَرَّمَ الْحُمْرَ بِغَيْرِهَا وَ حَرَّمَ رَسُولُ اللَّهِ ص كُلَّ مُسْكِرٍ فَأَجَازَ اللَّهُ لَهُ ذَلِكَ وَ ذَلِكَ قَوْلُ اللَّهِ- هَذَا عَطَاؤُنَا فَاْمُنُّنٌ أَوْ أَمْسِكْ بِغَيْرِ حِسَابٍ.

Allah^{azwj} Prohibited the wine in particular, and Rasool-Allah^{saww} prohibited every intoxicant, and Allah^{azwj} Allowed that for him^{saww}, and that is the Word of Allah^{azwj}: **This is Our Gift, so either confer or withhold, without a Reckoning [38:39]**'.¹⁴⁴⁵

5 ير، بصائر الدرجات مُحَمَّدُ بْنُ عَبْدِ الْجُبَّارِ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ فَضَالَةَ عَنْ رَبِيعٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: إِنَّ اللَّهَ ذَكَرَ الْفَرَاِصَ وَ لَمْ يَذْكُرِ الْجَدَّ فَأَطْعَمَهُ رَسُولُ اللَّهِ ص سَهْمًا فَأَجَازَ اللَّهُ ذَلِكَ لَهُ.

(The book) 'Basaair Al Darajaat' – Muhammad Bin Abdul Jabbar, from Muhamad Al Barqy, from Fazalah, from Rabie, from Al Qasim Bin Muhammad who said,

'Allah^{azwj} Mentioned the obligatory (inheritances) and did not Mention the grandfather. Rasool-Allah^{saww} fed him a share, so Allah^{azwj} Allowed that for him^{saww}'.¹⁴⁴⁶

6- ير، بصائر الدرجات مُحَمَّدُ بْنُ عِيسَى عَنِ النَّضْرِ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ أَوْ عَمَّنْ رَوَاهُ عَنْ عَبْدِ اللَّهِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ اللَّهَ أَذَبَ مُحَمَّدًا ص تَأْذِيًا فَقَوَّضَ إِلَيْهِ الْأَمْرَ وَ قَالَ مَا آتَاكُمْ الرَّسُولُ فَخُذُوهُ وَ مَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَ كَانَ مِمَّا أَمَرَهُ اللَّهُ فِي كِتَابِهِ فَرَاِصُ الصُّلْبِ وَ فَرَضَ رَسُولُ اللَّهِ ص لِلْجَدِّ فَأَجَازَ اللَّهُ ذَلِكَ لَهُ.

¹⁴⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 3

¹⁴⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 4

¹⁴⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 5

(The book) 'Basaair Al Darajaat' – Muhammad Bin Isa, from Al Nazar, from Abdullah Bin Suleyman, or from the one who reported it,

From Abu Abdullah^{-asws}, from Abu Ja'far^{-asws} having said: 'Allah^{-azwj} Educated Muhammad^{-saww} an education. He^{-azwj} Delegated the matters to him^{-saww} and Said: **And whatever the Rasool gives you, so take it, and whatever he forbids you from, then refrain [59:7]**, and it was from what Allah^{-azwj} had Commanded him^{-saww} in His^{-azwj} were obligatory (inheritances) for the descendants, and Rasool-Allah^{-saww} obligated for the grandfather, and Allah^{-azwj} Allowed that for him^{-saww}'.¹⁴⁴⁷

7- ختص، الإختصاص ير، بصائر الدرجات ابنُ يَزِيدَ وَ مُحَمَّدُ بْنُ عِيسَى عَنْ زِيَادِ الْقُنْدِيِّ عَنْ مُحَمَّدِ بْنِ عُمَارَةَ عَنْ فَضِيلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: فَرَضَ اللَّهُ الْفَرَائِضَ مِنَ الصُّلْبِ فَأَطْعَمَ رَسُولُ اللَّهِ ص الْجَدَّ فَأَجَارَ اللَّهُ ذَلِكَ لَهُ.

(The book) 'Al Ikhtisas', (and) 'Basaair Al Darajaat' – Ibn Yazeed, and Muhammad Bin Isa, from Ziyad Al Qandy, from Muhammad Bin Umarah, from Fuzeyl Bin Yasaar,

From Abu Abdullah^{-asws} having said: 'Allah^{-azwj} Obligated the obligatory (inheritances) of the lineage. Rasool-Allah^{-saww} fed (granted) the grandfather. Allah^{-azwj} Allowed that for him^{-saww}'.¹⁴⁴⁸

8 ير، بصائر الدرجات ابنُ يَزِيدَ عَنْ زِيَادِ الْقُنْدِيِّ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْهُ ع مِثْلُهُ

(The book) 'Basaair Al-Darajaat' – Ibn Yazeed Al Qandy, from Abdullah Bin Sinan, from him^{-asws} similar to it.¹⁴⁴⁹

9 ير، بصائر الدرجات ابنُ هَاشِمٍ عَنْ يَحْيَى بْنِ أَبِي عَمْرَانَ عَنْ يُوسُفَ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع مِثْلُهُ.

(The book) 'Basaair Al Darajaat' – Ibn Hashim, from Yahya Bin Abu Imran, from Yunus, from Ibrahim Bin Abdul Hameed, from Abu Baseer, from Abu Abdullah^{-asws}, similar.¹⁴⁵⁰

10- ير، بصائر الدرجات أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ عُدَّافٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَانَ فِيمَا فَرَضَ اللَّهُ فِي الْقُرْآنِ فَرَائِضُ الصُّلْبِ وَ فَرَضَ رَسُولُ اللَّهِ ص فَرَائِضَ الْجَدِّ فَأَجَارَ اللَّهُ لَهُ ذَلِكَ.

(The book) 'Basaair Al Darajaat' – Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Uzafir, from Abdullah Bin Sinan, from one of our companions,

'From Abu Ja'far^{-asws} having said: 'It was among what Allah^{-azwj} Obligated in the Quran, Obligations of the lineage (inheritances), and Rasool-Allah^{-saww} obligated (for) the grandfather, and Allah^{-azwj} Allowed that for him^{-saww}'.¹⁴⁵¹

11 ير، بصائر الدرجات ابنُ هَاشِمٍ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ مُحَمَّدِ بْنِ عُدَّافٍ عَنْ رَجُلٍ مِنْ إِخْوَانِنَا عَنْ أَبِي جَعْفَرٍ ع مِثْلُهُ

¹⁴⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 6

¹⁴⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 7

¹⁴⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 8

¹⁴⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 9

¹⁴⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 10

(The book) 'Basaair Al Darajaat' – Ibn Hashim, from Amro Bin Usman, from Muhammad Bin Uzafir, from a man from our brothers, from Abu Ja'far^{asws} similar to it.¹⁴⁵²

12- ضا، فقه الرضا عليه السلام إذا ترك الرجل أخاه لأبيه و أخاه لأُميه و أخاه لأبيه و أمه فإلّاخ من الأم السُدُس و ما بقي فإلّاخ من الأم و الأب و سَقَطَ الْإِخْ مِنْ الْأَبِ وَ كَذَلِكَ إِذَا تَرَكَ ثَلَاثَ أَخَوَاتٍ مُتَفَرِّقَاتٍ فَلِأُخْتٍ مِنَ الْأُمِّ السُّدُسُ فَمَا بَقِيَ فَلِأُخْتٍ مِنَ الْأُمِّ وَ الْأَبِ

(The book) 'Fiqh Al-Reza^{asws}' - If a man leaves behind a brother from his father, a brother from his mother, and a brother from both father and mother, the brother from the mother receives one sixth, and the remainder goes to the brother from both mother and father; the brother from the father alone receives nothing. Likewise, if he leaves behind three sisters from different parents, the sister from the mother receives one-sixth, and the remainder goes to the sister from both mother and father.

فَإِنْ تَرَكَ أَخَوَيْنِ لِلْأُمِّ أَوْ أَخًا وَ أُخْتًا لِلْأُمِّ أَوْ أُكْتَرَ مِنْ ذَلِكَ أَوْ أُخْتًا لِأَبٍ وَ أُمٍّ أَوْ لِأَبٍ أَوْ إِخْوَةً وَ أَخَوَاتٍ لِأَبٍ وَ أُمٍّ أَوْ لِلْأُمِّ فَلِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأَبِ وَ الْأُمِّ وَ مِنَ الْأَبِ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثَيَيْنِ وَ كَذَلِكَ سَهْمُ أَوْلَادِهِمْ عَلَى هَذَا

If he leaves behind two brothers from his mother, or a brother and a sister from his mother, or more than that, or a sister from his father and mother, or from his father alone, or brothers and sisters from his father and mother, or from his mother, then the brothers and sisters from both father and mother, and from the father alone, receive the male's share equal to that of two females. Likewise, the share of their children is calculated based on this.

فَإِنْ تَرَكَ أَخًا لِأَبٍ وَ أُمٍّ وَ جَدًّا أَلْمَالُ بَيْنَهُمَا نِصْفَانِ وَ كَذَلِكَ إِذَا تَرَكَ أَخًا لِأَبٍ وَ جَدًّا فَلِلْأُمِّ مِنَ الْأُمِّ السُّدُسُ وَ مَا بَقِيَ فَلِلْجَدِّ فَإِنْ تَرَكَ أُخْتَيْنِ أَوْ أَخَوَيْنِ أَوْ أَخًا وَ أُخْتًا لِلْأُمِّ أَوْ أُكْتَرَ مِنْ ذَلِكَ وَ جَدًّا فَلِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأُمِّ الثُّلُثُ بَيْنَهُمْ بِالسَّوِيَّةِ وَ مَا بَقِيَ فَلِلْجَدِّ

If he leaves behind a brother from both his father and mother and a grandfather, the estate is divided equally between them, half and half. Like that, if he leaves a brother from his father and a grandfather, the estate is divided equally between them, half and half. But if he leaves a brother from his mother and a grandfather, then the brother from the mother receives one-sixth, and the remainder belongs to the grandfather. If he leaves two sisters, or two brothers, or a brother and a sister from his mother, or more than that, along with a grandfather, then the brothers and sisters from the mother share one-third equally among themselves, and the remainder belongs to the grandfather.

وَ إِنْ تَرَكَ أَخًا لِلْأُمِّ أَوْ أُكْتَرَ مِنْ ذَلِكَ وَ إِخْوَةً وَ أَخَوَاتٍ لِأَبٍ وَ أُمٍّ وَ إِخْوَةً وَ أَخَوَاتٍ لِأَبٍ وَ جَدًّا فَلِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأُمِّ الثُّلُثُ بَيْنَهُمْ بِالسَّوِيَّةِ وَ مَا بَقِيَ فَلِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأَبِ وَ الْأُمِّ وَ الْجَدِّ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثَيَيْنِ وَ سَقَطَ الْإِخْوَةُ وَ الْأَخَوَاتُ مِنَ الْأَبِ

If he leaves a brother from his mother or more than that, along with brothers and sisters from his father and mother, and brothers and sisters from his father, and a grandfather, then the brothers and sisters from the mother receive one-third equally among themselves, and whatever remains goes to the brothers and sisters from the father and mother and to the

grandfather, with the share of a male being equal to that of two females, while the brothers and sisters from the father are dropped (receive nothing).

فَإِنْ تَرَكَ أُخْتًا لِأَبٍ وَ أُمٍّ وَ جَدًّا فَلِلْأَخْتِ التَّصْنِفُ وَ لِلْجَدِّ التَّصْنِفُ فَإِنْ تَرَكَ أُخْتَيْنِ لِأَبٍ وَ أُمٍّ أَوْ لِأَبٍ وَ جَدًّا فَلِلْإِخْوَةِ الثُّلُثَانِ وَ مَا بَقِيَ فَلِلْجَدِّ وَ مَنْ تَرَكَ عَمًّا وَ جَدًّا فَلِلْمَالِ لِلْجَدِّ فَإِنْ تَرَكَ عَمًّا وَ خَالَ وَ جَدًّا وَ أَخًا فَلِلْمَالِ بَيْنَ الْأَخِ وَ الْجَدِّ وَ سَقَطَ الْعَمُّ وَ الْخَالَ

If he leaves a sister from his father and mother and a grandfather, then the sister receives half and the grandfather receives half. If he leaves two sisters from his father and mother or from his father and a grandfather, then the sisters receive two-thirds, and whatever remains belongs to the grandfather. If he leaves an uncle and a grandfather, the estate belongs to the grandfather. If he leaves an uncle, a maternal uncle, a grandfather, and a brother, the estate is divided between the brother and the grandfather, and the uncle and maternal uncle are dropped (receive nothing).

فَإِنْ تَرَكَ جَدًّا مِنْ قِبَلِ الْأَبِ وَ جَدًّا مِنْ قِبَلِ الْأُمِّ فَلِلْجَدِّ مِنْ قِبَلِ الْأُمِّ الثُّلُثُ وَ لِلْجَدِّ مِنْ قِبَلِ الْأَبِ الثُّلُثَانِ

If he leaves a paternal grandfather and a maternal grandfather, then the maternal grandfather receives one-third, and the paternal grandfather receives two-thirds.

فَإِنْ تَرَكَ جَدَّيْنِ مِنْ قِبَلِ الْأُمِّ وَ جَدَّيْنِ مِنْ قِبَلِ الْأَبِ فَلِلْجَدِّ وَ الْجَدَّةِ مِنْ قِبَلِ الْأُمِّ الثُّلُثُ بَيْنَهُمَا بِالسَّوِيَّةِ وَ مَا بَقِيَ فَلِلْجَدِّ وَ الْجَدَّةِ مِنْ قِبَلِ الْأَبِ - لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ.

If he leaves two grandparents on his mother's side and two grandparents on his father's side, then the grandfather and grandmother on the mother's side receive one-third equally between them, and whatever remains belongs to the grandfather and grandmother on the father's side, **for the male would be like the share of two females [4:176]**.¹⁴⁵³

13- شأ، الإرشاد سُئِلَ أَبُو بَكْرٍ عَنِ الْكَالَالَةِ فَقَالَ أَقُولُ فِيهَا بِرَأْيِي فَإِنْ أَصَبْتُ فَمِنْ اللَّهِ وَإِنْ أَخْطَأْتُ فَمِنْ نَفْسِي وَ مِنَ الشَّيْطَانِ

(The book) 'Al Irshad' –

Abu Bakr (the caliph) was asked about 'Al-Kalalah'. He said, 'I say regarding it with my opinion. If I am correct, it is from Allah^{-azwj} and if I am mistaken, it is from myself and from the Satan^{-la}'.

فَبَلَغَ ذَلِكَ أَمِيرَ الْمُؤْمِنِينَ ع فَقَالَ مَا أَعْنَاهُ عَنِ الرَّأْيِ فِي هَذَا الْمَكَانِ أَمَا عَلِمَ أَنَّ الْكَالَالَهَ هُمُ الْإِخْوَةُ وَ الْأَخَوَاتُ مِنْ قِبَلِ الْأَبِ وَ الْأُمِّ وَ مَنْ قِبَلِ الْأَبِ عَلَى الْإِنْفِرَادِ وَ مَنْ قِبَلِ الْأُمِّ أَيْضًا عَلَى حِدَّتِهَا

That reached Amir Al-Momineen^{-asws}. He^{-asws} said: 'How needless he is from the opinion in this place. Does he not know that 'Al-Kalalah', they are the brothers and sisters from the father and mother, and those from the father alone, as well as those from the mother separately?

قَالَ اللَّهُ عَزَّ وَ جَلَّ يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَ لَهُ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ وَ قَالَ عَزَّ قَائِلًا وَ إِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَ لَهُ أَخٌ أَوْ أُخْتُ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ.

Allah^{-azwj} Mighty and Majestic Said: **They are asking you for a Fatwa, Say: 'Allah Gives you a Fatwa regarding the person who has neither parents nor offspring; if a man dies (and) there isn't a son for him and for him is a sister, then for her would be half of what he leaves [4:176];** and the Almighty Said on behalf of a speaker: **And if there was a man inheriting a 'Kalalah' or a woman with neither parents nor children, and for him is a brother or a sister, then for every one of them is the sixth. But if there were more than that, then they would be participants in the third [4:12]'**.¹⁴⁵⁴

14- شي، تفسير العياشي عَنْ بُكَيْرِ بْنِ أَعْيَنَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْوَلَدُ وَ الْإِخْوَةُ هُمُ الَّذِينَ يُزَادُونَ وَ يُنْقُصُونَ.

Tafseer Al Ayyashi – From Bukeyr Bin Ayn,

From Abu Abdullah^{-asws} having said: 'The son and the brothers, they are those who are increased and decreased'.¹⁴⁵⁵

15- شي، تفسير العياشي عَنْ أَبِي الْعَبَّاسِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا يَحْجُبُ مِنَ الثُّلُثِ الْأَخُ وَ الْأُخْتُ حَتَّى يَكُونَا أَخَوَيْنِ أَوْ أَخًا وَ أُخْتَيْنِ فَإِنَّ اللَّهَ يَقُولُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْأُمِّهِ السُّدُسُ.

Tafseer Al Ayyashi, from Abu Al Abbas who said,

'I heard Abu Abdullah^{-asws} saying: 'The (single) brother and the (single) sister do not bar from the third until they happen to be two brothers, or a brother and two sisters, for Allah^{-azwj} Says: **So if there are brothers for him, then for his mother is the sixth [4:11]'**.¹⁴⁵⁶

16- شي، تفسير العياشي عَنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ أُمٍّ وَ أُخْتَيْنِ قَالَ- ع الثُّلُثُ لِأَنَّ اللَّهَ يَقُولُ- فَإِنْ كَانَ لَهُ إِخْوَةٌ وَ لَمْ يَقُلْ فَإِنْ كَانَ لَهُ أَخَوَاتٌ.

Tafseer Al Ayyashi – From Al Fazl Bin Abdul Malik who said,

'I asked Abu Abdullah^{-asws} about a mother and two sisters. He^{-asws} said; 'The third, because Allah^{-azwj} Says: **So if there are brothers for him [4:11]**, and did not Say: "If there were sisters for him"'.¹⁴⁵⁷

17- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِ اللَّهِ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْأُمِّهِ السُّدُسُ يَعْنِي إِخْوَةً لِأَبٍ وَ أُمٍّ وَ إِخْوَةً لِأَبٍ.

Tafseer Al Ayyashi – From Zurara,

¹⁴⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 13

¹⁴⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 14

¹⁴⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 15

¹⁴⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 16

From Abu Ja'far^{-asws} regarding Words of Allah^{-azwj}: ***So if there are brothers for him, then for his mother is the sixth [4:11]*** – meaning brothers of the father and mother, and brothers of the father (only).¹⁴⁵⁸

18- شي، تفسير العياشي عَنْ بُكَيْرِ بْنِ أَعْيَنَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الَّذِي عَنِ اللَّهِ فِي قَوْلِهِ- وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةً وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ إِنَّمَا عَنِ بِذَلِكَ الْإِخْوَةُ وَالْأَخَوَاتُ مِنَ الْأُمِّ خَاصَّةً.

Tafseer Al Ayyashi – From Bukeyr Bin Ayn,

From Abu Abdullah^{-asws} having said: ***'And if there was a man inheriting a 'Kalalah' or a woman with neither parents nor children, and for him is a brother or a sister, then for every one of them is the sixth. But if there were more than that, then they would be participants in the third [4:12].*** But rather, He^{-azwj} Means by that the brothers and the sisters from the mother especially'.¹⁴⁵⁹

19- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قُلْتُ لَهُ مَا تَقُولُ فِي امْرَأَةٍ مَاتَتْ وَ تَرَكَتْ زَوْجَهَا وَ إِخْوَتَهَا لِأُمِّهَا وَ إِخْوَةً وَ أَخَوَاتٍ لِأَبِيهَا

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I said to him^{-asws}, 'What do you^{-asws} say regarding a woman who died and left behind her husband and her maternal brothers and her paternal brothers and sisters?'

قَالَ لِلزَّوْجِ النِّصْفُ ثَلَاثَةُ أَشْهُمٍ وَ لِإِخْوَتِهَا مِنَ الْأُمِّ الثُّلُثُ سَهْمَانِ الذَّكَرُ فِيهِ وَ الْأُنْثَى سَوَاءٌ وَ بَقِيَ سَهْمٌ لِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأَبِ- لِلذَّكَرِ مِثْلُ مِثْلِ الْخِطِّ الْأُنْثَيْنِ لِأَنَّ السِّهَامَ لَا تَعُولُ وَ لِأَنَّ الزَّوْجَ لَا يَنْقُصُ مِنَ النِّصْفِ وَ لَا الْإِخْوَةُ مِنَ الْأُمِّ مِنْ ثُلُثِهِمْ

He^{-asws} said: 'For the husband is the half which is three shares; her maternal brothers receive one-third, which is two shares, the male and female being equal in that; and the remaining one share goes to the paternal brothers and sisters. ***for the male would be like the share of two females [4:176]***, because they cannot exceed, and because the husband cannot be reduced from the half, nor can the brothers and the mother (be reduced) from their thirds.

فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ وَ إِنْ كَانَ وَاحِدًا فَلَهُ السُّدُسُ

But if there were more than that, then they would be participants in the third [4:12], and even if there was one, for him is the sixth.

وَ أَمَّا الَّذِي عَنِ اللَّهِ فِي قَوْلِهِ- وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةً وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ إِنَّمَا عَنِ بِذَلِكَ الْإِخْوَةُ وَالْأَخَوَاتُ مِنَ الْأُمِّ خَاصَّةً.

And as for which Allah^{-azwj} Meant in His^{-azwj} Words: ***And if there was a man inheriting a 'Kalala' or a woman with neither parents nor children, and for him is a brother or a sister,***

¹⁴⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 17

¹⁴⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 18

then for every one of them is the sixth. But if there were more than that, then they would be participants in the third [4:12], rather He^{-azwj} Meant with that the brothers and the sisters from the mother especially'.¹⁴⁶⁰

20- شي، تفسير العياشي عن بُكَيْرِ بْنِ أَعْيَنَ قَالَ: كُنْتُ عِنْدَ أَبِي جَعْفَرٍ ع فَدَخَلَ عَلَيْهِ رَجُلٌ فَقَالَ مَا تَقُولُ فِي أُخْتَيْنِ وَ زَوْجٍ

Tafseer Al Ayyashi – From Bukeyr Bin Ayn who said,

'I was in the presence of Abu Ja'far^{-asws}, and a man entered to see him^{-asws}. He said, 'What do you^{-asws} say regarding two sisters and a husband?'

قَالَ فَقَالَ أَبُو جَعْفَرٍ ع لِلزَّوْجِ النِّصْفُ وَ لِلأُخْتَيْنِ مَا بَقِيَ

He (the narrator) said, 'Abu Ja'far^{-asws} said: 'For the husband is the half and for the two sisters is what remains'.

قَالَ فَقَالَ الرَّجُلُ لَيْسَ هَكَذَا يَقُولُ النَّاسُ

He (the narrator) said, 'The man said, 'The people are not saying like this!'

قَالَ فَمَا يَقُولُونَ

He^{-asws} said: 'So what are they saying?'

قَالَ يَقُولُونَ لِلأُخْتَيْنِ التُّلُثَانِ وَ لِلزَّوْجِ النِّصْفُ وَ يُقْسِمُونَ عَلَى سَبْعَةٍ

He said, 'They are saying for the two sisters are two-thirds and for the husband is the half, and they will be dividing upon seven'.

قَالَ فَقَالَ أَبُو جَعْفَرٍ ع وَ لَمْ يَقَالُوا ذَلِكَ

He (the narrator) said, 'Abu Ja'far^{-asws} said: 'And why are they saying that?'

قَالَ لِأَنَّ اللَّهَ سَمَّى لِلأُخْتَيْنِ التُّلُثَيْنِ وَ لِلزَّوْجِ النِّصْفَ

He said, 'Because Allah^{-azwj} has Specified two-thirds for the two sisters and the half for the husband'.

قَالَ فَمَا يَقُولُونَ لَوْ كَانَ مَكَانَ الْأُخْتَيْنِ أَخٌ

He^{-asws} said: 'So what are they saying if in place of the two sisters there was a brother?'

قَالَ يَقُولُونَ لِلزَّوْجِ النِّصْفُ وَ مَا بَقِيَ فَلِلْأَخِ

¹⁴⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 19

He said, 'They are saying for the husband is that half and whatever remains is for the brother'.

فَقَالَ لَهُ فَيُعْطُونَ مَنْ أَمَرَ اللَّهُ لَهُ بِالْكُلِّ التَّصْفِ وَمَنْ أَمَرَ اللَّهُ بِالثُّلُثَيْنِ أَرْبَعَةً مِنْ سَبْعَةٍ

He^{-asws} said to him: 'One whom Allah^{-azwj} has Commanded with the whole they are giving the half, and one Allah^{-azwj} has Commanded with the two-thirds, (they are giving) four from seven'.

قَالَ وَ أَيْنَ سَمَّى اللَّهُ لَهُ ذَلِكَ

He said, 'And where has Allah^{-azwj} Specified that for him?'

قَالَ فَقَالَ أَبُو جَعْفَرٍ ع أَفَرَأَى آيَةَ الَّتِي فِي آخِرِ السُّورَةِ - يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَ لَهُ أُخٌ أَوْ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ وَ هُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ

He (the narrator) said, 'Abu Ja'far^{-asws} said: 'Read the Verse which is in the end of the Chapter: ***They are asking you for a Fatwa, Say: 'Allah Gives you a Fatwa regarding the person who has neither parents nor offspring; if a man dies (and) there isn't a son for him and for him is a – brother or - sister, then for her would be half of what he leaves [4:176]; and he would inherit her if there does not happen to be a child for her [4:176]'***

قَالَ فَقَالَ أَبُو جَعْفَرٍ ع إِنَّمَا كَانَ يَنْبَغِي لَهُمْ أَنْ يَجْعَلُوا هَذَا الْمَالَ وَ لِلزَّوْجِ التَّصْفِ ثُمَّ يَنْتَسِمُونَ عَلَى تِسْعَةٍ

He (the narrator) said, 'Abu Ja'far^{-asws} said: 'But rather it would have been appropriate for them if they were to make this wealth as half for the husband, then divide it among nine'.

قَالَ فَقَالَ الرَّجُلُ هَكَذَا يَقُولُونَ

He (the narrator) said, 'The man said, 'That is how they are saying'.

ثُمَّ أَقْبَلَ عَلَيَّ فَقَالَ يَا بُكَيْرُ نَظَرْتُ فِي الْفَرَائِضِ

Then he^{-asws} turned towards me and said: 'O Bukeyr! Have you looked into the obligatory (laws of inheritance)?'

قَالَ قُلْتُ وَ مَا أَصْنَعُ بِشَيْءٍ هُوَ عِنْدِي بَاطِلٌ

He (the narrator) said, 'I said, 'And what shall I do with anything in my view it is false?'

قَالَ فَقَالَ انْظُرْ فِيهَا فَإِنَّهُ إِذَا جَاءَتْ تِلْكَ كَانَ أَقْوَى لَكَ عَلَيْهَا.

He (the narrator) said, 'He^{-asws} said: 'Look into it, for when that (issue) comes, it would be stronger for you upon (dealing with) it'.¹⁴⁶¹

21- شي، تفسير العياشي عن حمزة بن حمران قال: سألت أبا عبد الله ع عن الكلالة قال ما لم يكن له والد ولا ولد.

Tafseer Al Ayyashi – From Hamza Bin Humran who said,

'I asked Abu Abdullah^{-asws} about the 'Kalalah'. He^{-asws} said: 'For as long as there does not happen to be any father for him nor son'.¹⁴⁶²

22- شي، تفسير العياشي عن محمد بن مسلم عن أبي جعفر ع قال: إذا ترك الرجل أمه وأباه وابنته أو ابنه فإذا هو ترك واحداً من هؤلاء الأربعة فليس هو من الذي عني الله في قوله - **فَلِلَّهِ يُمَتِّعُكُمْ فِي الْكَلَالَةِ** ليس يرث مع الأم ولا مع الأب ولا مع الابن ولا مع الابنة إلا زوج أو زوجة فإن الزوج لا ينقص من الرصف شيئاً إذا لم يكن معه ولد ولا ينقص الزوجة من الرصف شيئاً إذا لم يكن معها ولد.

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws} having said: 'When the man leaves behind his mother, his father, and his daughter or his son, then if he leaves any one of these four, he is not among those referred to by God in His words: **Say: 'Allah Gives you a Fatwa regarding the person who has neither parents nor offspring (Kalala) [4:176]**. None inherits along with the mother, or the father, or the son, or the daughter, except a husband or a wife. The husband's share is never reduced from one-half if there is no child, and the wife's share is never reduced from one-fourth if there is no child'.¹⁴⁶³

23- شي، تفسير العياشي عن محمد بن مسلم عن أبي جعفر ع في قوله يَسْتَفْتُونَكَ **فَلِلَّهِ يُمَتِّعُكُمْ فِي الْكَلَالَةِ** إن امروءاً هلك ليس له ولد ولا أخ أو أخت إنما عني الله الأخت من الأب والأم أو أخت [أختاً] لأب فلها الرصف مما ترك

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws} regarding His^{-azwj} Words: **They are asking you for a Fatwa, Say: 'Allah Gives you a Fatwa regarding the person who has neither parents nor offspring (Kalala) [4:176]**, and for him is a brother or sister. But rather Allah^{-azwj} Means the sister from the father and the mother, or paternal sister, for her is half of what is left.

و هو يرثها إن لم يكن لها ولد - وإن كانوا إخوة رجالاً ونساءً فللذكر مثل حظ الأنثيين فهم الذين يرثون و ينقصون وكذلك أولادهم يرثون و ينقصون.

And he would inherit her if there does not happen to be a child for her. So if there were two (sisters), for them would be two-thirds of what he leaves; and if there are brethren, men and women, then for the male would be like the share of two females [4:176]. They are

¹⁴⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 20

¹⁴⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 21

¹⁴⁶³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 22

those who are increased and decreased, and like that are their children. They will be increased and reduced'.¹⁴⁶⁴

24- شي، تفسير العياشي عَنْ زُرَّارَةَ قَالَ: سَأُخْبِرُكَ وَ لَا أَزِي لَكَ شَيْئاً وَ الَّذِي أُنْزِلَ لَكَ هُوَ وَ اللَّهُ الْحَقُّ

Tafseer Al Ayyashi –

From Zurara who said, 'I shall inform you and am not reporting anything to you, and what has been Revealed to you, by Allah^{-azwj} it is the truth!'

قَالَ فَإِذَا تَرَكَ أُمَّهُ أَوْ أَبَاهُ أَوْ ابْنَهُ أَوْ ابْنَتَهُ فَإِذَا تَرَكَ وَاحِداً مِنَ الْأَرْبَعَةِ فَلَيْسَ الَّذِي عَنِ اللَّهِ فِي كِتَابِهِ - يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ وَ لَا يَرِثُ مَعَ الْأَبِ وَ لَا مَعَ الْأُمِّ وَ لَا مَعَ الْإِبْنِ وَ لَا مَعَ الْإِبْنَةِ أَحَدٌ مِنَ الْخَلْقِ غَيْرُ الزَّوْجِ وَ الزَّوْجَةِ - وَ هُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ يَعْنِي جَمِيعَ مَالِهَا.

He said, 'When he leaves behind his mother, or his father, or his son, or his daughter, when he leaves behind one of the four, he isn't the one Allah^{-azwj} Meant in His^{-azwj} Book: **They are asking you for a Fatwa, Say: 'Allah Gives you a Fatwa regarding the person who has neither parents nor offspring (Kalala) [4:176]**, and no one from the people will inherit with the father, nor with the mother, nor with the son, nor with the daughter, apart from the husband and the wife, **And he would inherit her if there does not happen to be a child for her [4:176]**, meaning entirety of her wealth'.¹⁴⁶⁵

25- شي، تفسير العياشي عَنْ بُكَيْرٍ قَالَ: دَخَلَ رَجُلٌ عَلَى أَبِي جَعْفَرٍ ع فَسَأَلَهُ عَنْ امْرَأَةٍ تَرَكَتْ زَوْجَهَا وَ إِخْوَتَهَا لِأُمِّهَا وَ أُخْتاً لِأَبٍ قَالَ لِلزَّوْجِ النِّصْفُ ثَلَاثَةُ أَشْهُمٍ وَ لِلْإِخْوَةِ مِنَ الْأُمِّ الثُّلُثُ سَهْمَانِ وَ لِلْأُخْتِ لِلأَبِ سَهْمٌ

Tafseer Al Ayyashi, from Bukeyr who said,

'A man entered to see Abu Ja'far^{-asws}. He asked him^{-asws} about a woman who leaves behind her husband and maternal brothers and a paternal sister. He^{-asws} said: 'For the husband is half being three shares, and for the maternal brothers is the third being two shares, and for the paternal sister is one share'.

فَقَالَ لَهُ الرَّجُلُ فَإِنَّ فَرَائِضَ زَيْدٍ وَ ابْنِ مَسْعُودٍ وَ فَرَائِضَ الْعَامَّةِ وَ الْقَضَاةَ عَلَى غَيْرِ دَا يَا أَبَا جَعْفَرٍ يَقُولُونَ لِلأَبِ وَ الْأُمِّ ثَلَاثَةُ أَشْهُمٍ نَصِيبٌ مِنْ سِتَّةٍ يَعُولُ إِلَى ثَمَانِيَةٍ

The man said to him^{-asws}, 'But the obligatory (inheritances) of Zayd, and Ibn Masoud, and obligatory (inheritances) of the general Muslims and the judges are upon other than that, O Abu Ja'far^{-asws}! They are saying, for the father and the mother are three shares, being half of six, increasing to eight'.

فَقَالَ أَبُو جَعْفَرٍ وَ لَمْ يَقَالُوا ذَلِكَ

¹⁴⁶⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 23

¹⁴⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 24

Abu Ja'far^{asws} said: 'And why are they saying that?'

قَالَ لِأَنَّ اللَّهَ قَالَ وَ لَهُ أَخْتُ فَلَهَا نِصْفُ مَا تَرَكَ

He said, 'Because Allah^{azwj} Said: **and for him is a sister, then for her would be half of what he leaves [4:176]**'.

فَقَالَ أَبُو جَعْفَرٍ فَمَا لَكُمْ تَقْصُّمُ الْأَخَ إِنْ كُنْتُمْ تَحْتَجُّونَ بِأَمْرِ اللَّهِ فَإِنَّ اللَّهَ سَمَّى لَهَا النِّصْفَ وَ إِنَّ اللَّهَ سَمَّى لِلْأَخِ الْكُلَّ فَالْكُلُّ أَكْثَرُ مِنَ النِّصْفِ

Abu Ja'far^{asws} said: 'What is the matter with you all reducing the brother? If you are arguing by a Command of Allah^{azwj}, so Allah^{azwj} has Specified the half for her, and Allah^{azwj} has Specified the whole for the brother! The whole is more than the half!

فَإِنَّهُ قَالَ فَلَهَا النِّصْفُ وَ قَالَ لِلْأَخِ وَ هُوَ يَرِثُهَا يَعْنِي جَمِيعَ الْمَالِ - إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَلَا تُعْطَوْنَ الَّذِي جُعِلَ لَهُ الْجَمِيعُ فِي بَعْضِ فَرَائِضِكُمْ شَيْئاً وَ تُعْطَوْنَ الَّذِي جُعِلَ لَهُ النِّصْفُ تَاماً.

He^{azwj} Said: **for her would be half**; and Said for the brother: **And he would inherit her** – meaning entirety of the wealth - **if there does not happen to be a child for her [4:176]**. So you are not giving anything to the one Allah^{azwj} has Made entirety of the wealth for in one of your obligatory (inheritances) and you are giving complete to the one for whom Allah^{azwj} has Made the half'.¹⁴⁶⁶

26- كِتَابُ سُلاَيمِ بْنِ قَيْسٍ، عَنْ أَمِيرِ الْمُؤْمِنِينَ ع فِي سِيَاقِ ذِكْرِ بَدْعِ عُمَرَ قَالَ وَ الْعَجَبُ لِمَا قَدْ خَلَطَ قَضَايَا مُخْتَلِفَةً فِي الْجَدِّ بِغَيْرِ عِلْمٍ تَعَسُفًا وَ جَهْلًا وَ إِدْعَائِهِ مَا لَمْ يَغْلَمْ جُرْأَةً عَلَى اللَّهِ وَ قَلَّةِ وَزَعٍ ادَّعَى أَنَّ رَسُولَ اللَّهِ ص مَاتَ وَ لَمْ يَقْضِ فِي الْجَدِّ شَيْئاً مِنْهُ وَ لَمْ يَدْعُ أَحَدًا يَغْلَمْ مَا لِلْجَدِّ مِنَ الْمِيرَاثِ ثُمَّ تَابَعُوهُ عَلَى ذَلِكَ وَ صَدَّقُوهُ.

The book of Suleym Bin Qays –

From Amir Al-Momineen^{asws} in continuation of mention of innovations by Umar, he^{asws} said: 'And the astonishing is, he confused different rulings regarding the grandfather without knowledge, out of arbitrariness and ignorance and how he claimed what he did not know, showing audacity toward Allah^{azwj} and lack of piety! He claimed that Rasool-Allah^{saww} passed away without making any ruling concerning the grandfather and that no one knew what share the grandfather had in inheritance. Yet they followed him in that and believed him'.¹⁴⁶⁷

27- مَجَالِسُ الشَّيْخِ، عَنِ الْمُفِيدِ عَنِ إِبرَاهِيمَ بْنِ الْحُسَيْنِ بْنِ جُمُهورٍ عَنْ أَبِي بَكْرٍ الْمُفِيدِ الْجَرْجَرِيِّ عَنِ الْمُعَمَّرِ أَبِي الدُّنْيَا الْمَعْرِيِّ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: فَضَى رَسُولُ اللَّهِ ص أَنَّ الدِّينَ قَبْلَ الْوَصِيَّةِ وَ أَنْتُمْ تَقْرَأُونَ مِنْ بَعْدِ وَصِيَّةِ يُوْصِي بِهَا أَوْ دِينَ وَ أَنَّ ابْنَ أُمٍّ وَ أَبٍ يَتَوَارَثُونَ دُونَ الْعَلَاتِ وَ الرَّجُلِ يَرِثُ أَخَاهُ لِأُمِّهِ وَ أَبِيهِ دُونَ أَخِيهِ لِأَبِيهِ.

(The book) 'Majaalis' of the sheikh – from Al Mufeed, from Ibrahim Bin Al Hassan Bin Jamhour, from Abu Bakr Al Mufeed Al Jarjaie, from Al Muammar Abu Al Dunya Al Maghribi,

¹⁴⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 25

¹⁴⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 26

From Amir Al-Momineen^{-asws} having said: ‘Rasool-Allah^{-saww} judged that the debts are before the bequest, and you are reading: **from after a bequest they have bequeathed with or debts [4:12]**, and that brothers from the same mother and father inherit from one another to the exclusion of half-brothers from the father’s side, and a man inherits from his brother who shares both his mother and father, but not from his brother who shares only his father’.¹⁴⁶⁸

28- **الْهَيْدَايَةُ**، إِذَا تَرَكَ الرَّجُلُ أَخَاهُ لِأَبِيهِ فَلِلْمَالِ لَهُ فَإِنْ تَرَكَ أَخَاهُ لِأُمِّهِ فَلِلْمَالِ لَهُ فَإِنْ تَرَكَ أَخَاهُ لِأَبِيهِ وَأُمِّهِ فَلِلْمَالِ لَهُ وَإِنْ تَرَكَ أَخَاهُ لِأُمِّهِ وَأَخَاهُ لِأَبِيهِ فَلِلْأَخِ مِنَ الْأُمِّ السُّدُسُ وَمَا بَقِيَ فَلِلْأَخِ لِلْأَبِ

(The book) ‘Al Hidayah’ –

If the man leaves behind a paternal brother, the wealth is for him. If he leaves behind a maternal brother, the wealth is for him. If he leaves behind his brother of both his father and mother, the wealth is for him; and if he leaves behind his maternal brother and a paternal brother, for the maternal brother is the sixth and whatever remains is for the paternal brother’.

فَإِنْ تَرَكَ أَخًا لِأَبٍ وَأَخًا لِأُمٍّ فَلِلْمَالِ لِلْأَخِ لِلْأَبِ وَالْأُمِّ وَ سَقَطَ الْأَخُ مِنَ الْأَبِ وَإِنْ تَرَكَ أَخَاهُ لِأَبِيهِ وَأَخَاهُ لِأُمِّهِ وَأَخَاهُ لِأَبِيهِ وَأُمِّهِ فَلِلْأَخِ مِنَ الْأُمِّ السُّدُسُ وَمَا بَقِيَ فَلِلْأَخِ لِلْأَبِ وَالْأُمِّ وَ سَقَطَ الْأَخُ لِلْأَبِ

If he leaves behind a paternal brother, and a brother of both the father and the mother, the wealth is for the brother of the father and the mother, and the paternal brother will be dropped (receive nothing), and if he leaves behind his paternal brother and a maternal brother, and his brother of the father and the mother, for the maternal brother is the sixth, and whatever remains is for the brother of the mother and the father, and the paternal brother is dropped (receive nothing).

وَإِنْ تَرَكَ إِخْوَةً لِأُمٍّ وَإِخْوَةً لِأَبٍ وَأُمٍّ فَلِلْإِخْوَةِ مِنَ الْأُمِّ الثُّلُثُ وَمَا بَقِيَ فَلِلْإِخْوَةِ لِلْأَبِ وَالْأُمِّ وَ سَقَطَ الْإِخْوَةُ مِنَ الْأَبِ

And if he leaves behind a maternal sister and a sister of both the father and the mother, for the maternal sister is the third, and whatever remains is for the full sister, and the paternal sister is dropped.

فَإِنْ تَرَكَ إِخْوَةً وَأَخَوَاتٍ لِأُمٍّ وَإِخْوَةً وَأَخَوَاتٍ لِأَبٍ وَأُمٍّ وَأَخَوَاتٍ لِأَبٍ وَأُمٍّ فَلِلْإِخْوَةِ وَالْأَخَوَاتِ مِنَ الْأُمِّ الثُّلُثُ وَمَا بَقِيَ فَلِلْإِخْوَةِ وَالْأَخَوَاتِ لِلْأَبِ وَالْأُمِّ وَ سَقَطَ الْإِخْوَةُ وَالْأَخَوَاتُ مِنَ الْأَبِ

If he leaves maternal brothers and sisters, and full brothers and sisters, and paternal, then the maternal brothers and sisters receive a third, and whatever remains belongs to the full brothers and sisters, while the paternal brothers and sisters are dropped (receive nothing).

وَكَذَلِكَ إِنْ تَرَكَ أَخَوَاتٍ مُتَقَرِّبَاتٍ فَهَذَا حُكْمُهُمْ وَكَذَلِكَ تَجْرِي سِهَامُ أَوْلَادِهِمْ عَلَى هَذَا الْجَدُّ مِنَ الْأَبِ بِمَنْزِلَةِ الْأَخِ مِنَ الْأَبِ وَالْأُمِّ وَالْجَدَّةُ مِنَ الْأَبِ بِمَنْزِلَةِ الْأَخْتِ لِلْأَبِ وَالْأُمِّ وَالْجَدَّةُ لِلْأُمِّ بِمَنْزِلَةِ الْأَخْتِ لِلْأُمِّ

And like that, if he leaves behind sisters of different kinds, this is their ruling, and the shares of their children follow the same pattern. The paternal grandfather takes the place of the full brother, the paternal grandmother takes the place of the full sister, and the maternal grandmother takes the place of the maternal sister.

فَإِذَا اجْتَمَعَ الْجَدُّ لِلْأُمِّ وَ إِخْوَةُ لِأَبٍ وَ أُمٌّ وَ إِخْوَةُ لِأُمٍّ وَ إِخْوَةٌ وَ أَخَوَاتٌ وَ جَدٌّ لِأَبٍ فَلِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأُمِّ وَ الْأَبِ وَ الْجَدَّةِ وَ الْجَدِّ مِنَ الْأَبِ لِلذَّكَرِ مِثْلُ خِطِّ الْأُنثَيَيْنِ وَ سَقَطَ الْإِخْوَةُ وَ الْأَخَوَاتُ مِنَ الْأَبِ وَ لَا يَرِثُ مَعَ الْأَخِ ابْنُ الْأَخِ وَ لَا يَرِثُ مَعَ الْأَخِ وَ الْجَدُّ عَمٌّ وَ لَا خَالَ

When there is a maternal grandfather, full brothers, maternal brothers, brothers and sisters, and a paternal grandfather, then the inheritance goes to the full brothers and sisters, and to the paternal grandmother and grandfather, with the share of a male being equal to that of two females. The paternal brothers and sisters are dropped (receive nothing). A nephew does not inherit alongside a brother, and neither an uncle nor a maternal uncle inherits alongside a brother or a grandfather.¹⁴⁶⁹

فَإِنْ تَرَكَ جَدًّا وَ ابْنَ أَخٍ فَلِمَالُ بَيْنَهُمَا نِصْفَانِ.

If he leaves behind a grandfather and a nephew, the wealth is between them in two halves'.¹⁴⁷⁰

باب 27 ميراث الأعمام و الأخوال و أولادها

CHAPTER 27 – INHERITANCE OF THE PATERNAL AND THE MATERNAL UNCLES AND THEIR CHILDREN

1- ضاء، فقه الرضا عليه السلام إن تَرَكَ خَالًا وَ خَالَةً وَ عَمًّا وَ عَمَّةً فَلِلْخَالِ وَ الْخَالَةِ الثُّلُثُ بَيْنَهُمَا بِالسَّوِيَّةِ وَ مَا بَقِيَ فَلِلْعَمِّ وَ الْعَمَّةِ لِلذَّكَرِ مِثْلُ خِطِّ الْأُنثَيَيْنِ

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'If he leaves behind a maternal uncle and aunt, and paternal uncle and aunt, for the maternal uncle and aunt is the third between them with the equality, and what remains it is for the paternal uncle and aunt, for the male being like the share of two females.

وَ مَنْ تَرَكَ وَاحِدًا يَمُنُّ لَهُ سَهْمٌ يَبْطِنُ كَانَ مَنْ بَقِيَ مِنْ دَرَجَتِهِ أَوْلَى بِالْمِيرَاثِ مِنْ أَسْفَلَ وَ هُوَ أَنْ يَتَرَكَ الرَّجُلُ أَخَاهُ وَ ابْنَ أَخِيهِ فَلِأَخٍ أَوْلَى مِنْ ابْنِ أَخِيهِ

Whoever leaves behind one of those entitled to a fixed share, the one remaining in the same degree of kinship has a stronger right to the inheritance than those of a lower degree. This means that if a man leaves his brother and his brother's son, the brother foremost than the brother's son.

¹⁴⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 28

¹⁴⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 26 H 29

وَكَذَلِكَ إِذَا تَرَكَ عَمَّهُ وَابْنُ خَالِهِ فَالْعَمُّ أَوْلَى وَكَذَلِكَ لَوْ تَرَكَ خَالًا وَابْنُ عَمِّ فَالْخَالُ أَوْلَى لِأَنَّ ابْنَ الْعَمِّ قَدْ نَزَلَ بِطَنْ إِلَّا أَنْ يَتَرَكَ عَمًّا لِأَبٍ وَابْنُ عَمِّ لِأَبٍ وَ أُمٌّ فَإِنَّ الْمِيرَاثَ لِابْنِ الْعَمِّ لِلْأَبِ وَالْأُمُّ لِأَنَّ ابْنَ الْعَمِّ جَمَعَ الْكَوَلَتَيْنِ كَوَلَالَةً لِأَبٍ وَ كَوَلَالَةً لِأُمٍّ فَعَلَى هَذَا يَكُونُ الْمِيرَاثُ.

And like that, if he leaves his paternal uncle and his maternal cousin, the uncle is foremost. Similarly, if he leaves his maternal uncle and his paternal cousin, the maternal uncle is foremost, because the paternal cousin is of a lower degree. However, if he leaves a paternal uncle and a cousin who is related through both the father and the mother, then the inheritance belongs to that cousin, because he combines both kinds of kinship, through the father and through the mother, and thus the inheritance is based upon this'.¹⁴⁷¹

2- **الْهِدَايَةُ**، إِذَا تَرَكَ الرَّجُلُ عَمًّا فَالْمَالُ لَهُ وَ إِنْ تَرَكَ عَمَّةً فَالْمَالُ لَهَا وَ إِنْ تَرَكَ عَمًّا وَ عَمَّةً فَلِلْعَمَّةِ الثُّلُثُ وَ لِلْعَمِّ الثُّلُثَانِ-

(The book) 'Al Hidayah' –

If a man leaves behind a paternal uncle, the wealth is for him, and if he leaves behind a paternal aunt, the wealth is for her, and if he leaves behind a paternal uncle and a paternal aunt, for the paternal aunt is a third and for the paternal uncle is two-thirds.

فَإِنْ تَرَكَ خَالًا فَالْمَالُ لَهُ وَ إِنْ تَرَكَ خَالَةً فَالْمَالُ لَهَا وَ إِنْ تَرَكَ خَالًا وَ خَالَةً فَالْمَالُ بَيْنَهُمَا نِصْفَانِ

If he leaves behind a maternal uncle, the wealth is for him, and if he leaves behind a maternal aunt, the wealth is for her, and if he leaves behind a maternal uncle and a maternal aunt, the wealth between them is two halves.

فَإِنْ تَرَكَ عَمًّا وَ خَالًا فَلِلْخَالِ الثُّلُثُ وَ لِلْعَمِّ الثُّلُثَانِ

If he leaves behind a paternal uncle and a maternal uncle, for the maternal uncle is a third, and for the paternal uncle is two-thirds.

وَكَذَلِكَ إِنْ تَرَكَ عَمًّا وَ خَالَةً وَكَذَلِكَ إِنْ تَرَكَ عَمَّةً وَ خَالًا فَلِلْعَمَّةِ الثُّلُثَانِ وَ لِلْخَالِ الثُّلُثُ

And like that if he leaves behind a paternal uncle and a maternal aunt, and like that if he leaves behind a paternal aunt and a maternal uncle. For the paternal aunt is two-thirds and for the maternal uncle is a third.

فَإِنْ تَرَكَ عَمًّا وَ عَمَّةً وَ خَالًا وَ خَالَةً فَلِلْخَالِ وَ الْخَالَةِ الثُّلُثُ بَيْنَهُمَا بِالسَّوِيَّةِ وَ مَا بَقِيَ فَلِلْعَمِّ وَ الْعَمَّةِ لِلذَّكَرِ مِثْلُ مِثْلِ الْأُنثَيْنِ

If he leaves behind a paternal uncle and a paternal aunt, and a maternal uncle and a maternal aunt, for the maternal uncle and the maternal aunt is the third between them with the equality, and whatever remains is for the paternal uncle and the paternal aunt, for the male being like the share of two females.

وَكَذَلِكَ يَجْرِي سِهَامُ أَوْلَادِهِمْ عَلَى هَذَا وَ لَا يَرِثُ مَعَ الْعَمِّ وَ الْعَمَّةِ وَ الْخَالِ وَ الْخَالَةِ ابْنُ عَمِّ وَ لَا ابْنُ خَالٍ وَ لَا ابْنُ خَالَةٍ.

And like that, the shares flow in their children based upon this, and the son of a paternal uncle, the son of a paternal aunt, the son of a maternal uncle, and the son of a maternal aunt do not inherit along with the paternal uncle, paternal aunt, maternal uncle, or maternal aunt.¹⁴⁷²

3- **الْهِدَايَةُ**، سَهَامُ الْمَوَارِيثِ لَا تَعُولُ عَلَى سِتَّةِ أَشْهُمٍ قَالَ اللَّهُ عَزَّ وَجَلَّ - وَ لَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ مِنْ طِينٍ الْآيَةُ وَ أَهْلُ الْمَوَارِيثِ الَّذِينَ يَرْتُونَ وَ لَا يُسْقُطُونَ أَبَدًا الْأَبَوَانِ وَ الْإِبْنُ وَ الْإِبْنَةُ وَ الزَّوْجُ وَ الزَّوْجَةُ وَ أَرْبَعَةٌ لَا يَرِثُ مَعَهُمْ أَحَدٌ إِلَّا زَوْجٌ أَوْ زَوْجَةُ الْأَبَوَانِ وَ الْإِبْنُ وَ الْإِبْنَةُ

(The book) 'Al Hidayah' –

The shares of inheritance cannot exceed over six shares. Allah^{-azwj} Mighty and Majestic Said: **And We have Created the human being from an extract of clay [23:12]** – the (three) Verses; and the rightful of the inheritances, those that are inheriting and not being dropped ever are the parents, and the son, and the daughter, and the husband, and the wife; and four, not one inherits with them except a husband or a wife are the two parents, and the son and the daughter.

فَإِذَا تَرَكَ الرَّجُلُ ابْنًا فَالْمَالُ لَهُ وَ إِنْ كَانَ ابْنَانِ أَوْ أَكْثَرُ فَالْمَالُ لَهُمْ فَإِنْ تَرَكَ بِنْتًا فَالْمَالُ لَهَا وَ كَذَلِكَ إِنْ تَرَكَ ابْنَتَيْنِ فَالْمَالُ لَهُمَا بِالسَّوِيَّةِ وَ إِنْ تَرَكَ ابْنًا وَ ابْنَةً أَوْ بَيْنَ وَ بَنَاتٍ فَالْمَالُ بَيْنَهُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

When a man leaves behind a son, the wealth is for him, and if there are two sons or more, the wealth is for them. If he leaves behind a daughter, the wealth is for her, and like that if he leaves behind two daughters, the wealth is for them with the equality, and if he leaves behind a son and a daughter, or two sons and daughters, the wealth between them, for the male is like the share of two females.

فَإِنْ تَرَكَ أَبَاهُ فَالْمَالُ لَهُ فَإِنْ تَرَكَ أُمَّهُ فَالْمَالُ لَهَا

If he leaves behind his father, the wealth is for him. If he leaves behind, his mother, the wealth is for her.

فَإِنْ تَرَكَ أَبَوَيْنِ فَلِلْأُمِّ الثُّلُثُ وَ لِلْأَبِ الثُّلُثَانِ

If he leaves behind the parents, for the mother is the third, and for the father is two-thirds.

فَإِنْ تَرَكَ أَبًا وَ ابْنًا فَلِلْأَبِ السُّدُسُ وَ مَا بَقِيَ فَلِلابْنِ وَ إِنْ تَرَكَ ابْنًا وَ أُمًّا فَلِلْأُمِّ السُّدُسُ وَ مَا بَقِيَ فَلِلابْنِ وَ إِنْ تَرَكَ أَبًا وَ ابْنَةً فَلِلْأَبِ السُّدُسُ وَ لِلابْنَةِ النِّصْفُ يُقَسَّمُ الْمَالُ أَرْبَعَةَ أَشْهُمٍ فَمَا أَصَابَ ثَلَاثَةٌ أَشْهُمٍ فَلِلابْنَةِ وَ مَا أَصَابَ سَهْمًا فَلِلْأَبِ وَ كَذَلِكَ إِذَا تَرَكَ أُمَّهُ وَ ابْنَتَهُ -

If he leaves behind a father and a son, for the father is the sixth, and whatever remains is for the son; and if he leaves behind a son and a mother, for the mother is the sixth and whatever remains is for the son; and if he leaves behind a father and a daughter, for the father is the sixth and for the daughter is the half, dividing the wealth in four portions; whatever comes as

three portions is for the daughter, and whatever comes as one portion it is for the father, and like that is when he leaves behind his mother and his daughter.

فَإِنْ تَرَكَ أَبَوَيْنِ وَ ابْنَةً فَلِلْأَبَوَيْنِ الشُّدْسَانِ وَ لِلابْنَةِ النِّصْفُ وَ يُقَسَّمُ الْمَالُ عَلَى خَمْسَةِ أَشْهُمٍ فَمَا أَصَابَ ثَلَاثَةٌ أَشْهُمٍ فَلِلابْنَةِ وَ مَا أَصَابَ سَهْمَيْنِ فَلِلْأَبَوَيْنِ -

If he leaves behind two parents and a daughter, for the parents are two-sixths, and for the daughter is the half, and the wealth would be divided into five portions. Whatever hits three portions, it is for the daughter, and whatever hits two portions is for the parents.

وَ إِنْ تَرَكَ أَبَوَيْنِ وَ بِنْتًا أَوْ بَنِينَ وَ بَنَاتٍ فَلِلْأَبَوَيْنِ الشُّدْسَانِ وَ مَا بَقِيَ فَلِلْبَنَيْنِ وَ الْبَنَاتِ - لِلذَّكَرِ مِثْلُ خَطِّ الْأُنثَيَيْنِ وَ إِنْ تَرَكَ امْرَأَةً فَلِلْمَرْأَةِ الرُّبْعُ وَ مَا بَقِيَ فَلِلْقَرَابَةِ لَهُ إِنْ كَانَ لَهُ قَرَابَةٌ وَ إِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ جَعَلَ مَا بَقِيَ لِإِمَامِ الْمُسْلِمِينَ

And if he leaves behind parents and a daughter, or son and daughters, for the parents are two sixths, and what remains is for the sons and the daughters, for the male being the share of two females; and if he leaves behind a wife, for the wife is the quarter and what remains is for his relatives, if there were relatives for him, and if there do not happen to be relatives for him, whatever remains would be made for the imam of the Muslims.

فَإِنْ تَرَكَتِ امْرَأَةٌ زَوْجَهَا فَلِلزَّوْجِ النِّصْفُ وَ مَا بَقِيَ فَلِلْقَرَابَةِ إِنْ كَانَ فَإِنْ لَمْ تَكُنْ لَهَا قَرَابَةٌ فَالنِّصْفُ يُرَدُّ عَلَى الزَّوْجِ فَإِنْ تَرَكَ الرَّجُلُ امْرَأَتَهُ وَ ابْنًا أَوْ بِنْتًا أَوْ وَلَدَ وَلَدٍ وَ إِنْ سَفَلَ فَلِلْمَرْأَةِ الثُّمْنُ وَ مَا بَقِيَ فَلِلْوَلَدِ أَوْ وَلَدِ الْوَلَدِ وَ إِنْ سَفَلَ

If a woman leaves behind her husband, for the husband is the half, and what remains is for the relatives, if there are. If there do not happen to be any relatives for her, the half will return to the husband. If a man dies leaving his wife and a son and a daughter, or a descendant however far down, then the wife receives one-eighth, and the remainder goes to the child or the descendant, however far down. For the wife is the eighth, and what remains is for the son or a son of a son, and even if low down (in lineage).

فَإِنْ تَرَكَتِ امْرَأَةٌ زَوْجَهَا وَ ابْنًا وَ ابْنَةً أَوْ وَلَدَ وَلَدٍ وَ إِنْ سَفَلَ فَلِلزَّوْجِ الرُّبْعُ وَ مَا بَقِيَ فَلِلْوَلَدِ أَوْ وَلَدِ الْوَلَدِ وَ إِنْ سَفَلَ فَإِنْ تَرَكَتِ امْرَأَةٌ زَوْجَهَا وَ أَبَوَيْهَا فَلِلزَّوْجِ النِّصْفُ وَ لِلأُمِّ الثُّلُثُ وَ لِلأَبِ الشُّدْسُ

If a woman dies leaving her husband and a son and a daughter, or a descendant however far down, then the husband receives a quarter, and the remainder goes to the child or the descendant, however far down. If a woman dies leaving her husband and her two parents, then the husband receives half, the mother receives a third, and for the father is the sixth.

وَ إِنْ تَرَكَ الرَّجُلُ امْرَأَتَهُ وَ أَبَوَيْهِ فَلِلْمَرْأَةِ الرُّبْعُ وَ لِلأُمِّ الثُّلُثُ وَ لِلأَبِ الْبَاقِي فَإِنْ تَرَكَ امْرَأَتَهُ وَ أَبَوَيْهِ وَ وَلَدًا ذَكَرًا كَانَ أَوْ أَنْثَى وَاحِدًا كَانَ أَوْ أَكْثَرَ فَلِلْمَرْأَةِ الثُّمْنُ وَ لِلْأَبَوَيْنِ الشُّدْسَانِ وَ مَا بَقِيَ فَلِلْوَلَدِ

If a man dies leaving his wife and his two parents, then the wife receives one fourth, the mother receives one third, and the remainder goes to the father. If he dies, leaving his wife, his two parents, and a child, whether male or female, one or more, then the wife receives one-eighth, the two parents receive one-sixth each, and the remainder goes to the child.

وَ إِنْ تَرَكَتِ امْرَأَةٌ زَوْجَهَا وَ أَبَوَيْهَا وَ وَلَدًا ذَكَرًا أَوْ أُنْثَى وَاحِدًا كَانَ أَوْ أَكْثَرَ فَلِلزَّوْجِ الرُّبْعُ وَ لِلأَبَوَيْنِ السُّدْسَانِ وَ مَا بَقِيَ فَلِلْوَلَدِ وَ لَا يَرِثُ وَلَدُ الْوَلَدِ مَعَ الْوَلَدِ وَ لَا مَعَ الْأَبَوَيْنِ وَ وَلَدُ الْوَلَدِ يَقُومُ مَقَامَ الْوَلَدِ إِذَا لَمْ يَكُنْ هُنَاكَ وَلَدٌ وَ لَا وَارِثٌ غَيْرُهُ.

If a woman dies leaving her husband, her two parents, and a child, whether male or female, one or more, then the husband receives a quarter, the two parents receive a sixth each, and the remainder goes to the child. A grandchild does not inherit along with the child or the two parents, but the grandchild takes the place of the child if there is no child and no other heir'.¹⁴⁷³

باب 28 ميراث الزوجين

CHAPTER 28 – INHERITANCE OF THE TWO SPOUSES

1- ضاء، فقه الرضا عليه السلام إِذَا تَرَكَ الرَّجُلُ امْرَأَتَهُ فَلِلْمَرْأَةِ الرُّبْعُ وَ مَا بَقِيَ فَلِلْقَرَابَةِ إِنْ كَانَتْ لَهُ قَرَابَةٌ وَ إِنْ لَمْ يَكُنْ لَهُ أَحَدٌ حَصَلَ مَا بَقِيَ لِإِمَامِ الْمُسْلِمِينَ وَ إِنْ تَرَكَتِ الْمَرْأَةُ زَوْجَهَا فَلَهُ النِّصْفُ وَ النِّصْفُ الْآخَرُ لِقَرَابَتِهَا إِنْ كَانَتْ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'If a man dies leaving his wife, the wife receives one-fourth, and the remainder goes to his relatives if he has any. If he has no relatives, the remainder goes to the Imam of the Muslims. If a woman dies leaving her husband, he receives one-half, and the other half goes to her relatives if she has any.

فَإِنْ لَمْ يَكُنْ لَهَا قَرَابَةٌ فَالنِّصْفُ يُرَدُّ عَلَى الزَّوْجِ وَ إِنْ تَرَكَتِ مَعَ الزَّوْجِ وَلَدًا ذَكَرًا كَانَ أَوْ أُنْثَى وَاحِدًا كَانَ أَوْ أَكْثَرَ فَلِلزَّوْجِ الرُّبْعُ وَ مَا بَقِيَ فَلِلْوَلَدِ وَ إِنْ تَرَكَ الزَّوْجُ امْرَأَةً وَ وَلَدًا فَلِلْمَرْأَةِ النُّصْبُ وَ مَا بَقِيَ فَلِلْوَلَدِ.

If she has no relatives, the remaining half is returned to the husband. If she leaves behind her husband and a child, male or female, one or more, then the husband receives one-fourth, and the remainder goes to the child. If a man dies leaving his wife and a child, then the wife receives one-eighth, and the remainder goes to the child'.¹⁴⁷⁴

2- شي، تفسير العياشي عَنْ سَالِمِ الْأَشْهَلِ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ إِنَّ اللَّهَ أَذْخَلَ الزَّوْجَ وَ الْمَرْأَةَ عَلَى جَمِيعِ أَهْلِ الْمَوَارِيثِ فَلَمْ يَنْقُصْهُمَا مِنَ الرُّبْعِ وَ النُّصْبِ.

Tafseer Al Ayyashi – From Salim Al Ashal who said,

'I heard Abu Ja'far^{-asws} saying: 'Allah^{-azwj} Included the husband and the wife upon the entirety of the heirs, so they will not be reduced from the quarter and the eighth'.¹⁴⁷⁵

3- شي، تفسير العياشي عَنْ بُكَيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَوْ أَنَّ الْمَرْأَةَ تَرَكَتِ زَوْجَهَا وَ أَبَاهَا وَ أَوْلَادًا ذُكُورًا وَ إِنَاثًا كَانَ لِلزَّوْجِ الرُّبْعُ فِي كِتَابِ اللَّهِ وَ لِلأَبَوَيْنِ السُّدْسَانِ وَ مَا بَقِيَ فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ.

¹⁴⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 27 H 3

¹⁴⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 1

¹⁴⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 2

Tafseer Al Ayyashi – From Bukeyr,

From Abu Abdullah^{-asws}, having said: 'If the wife leaves behind her husband and her father, and male and female children, for the husband would be the quarter in the Book of Allah^{-azwj}, and for the parents would be the two sixths, and whatever remains, for the males would be the share similar to two females'.¹⁴⁷⁶

4- ب، قرب الإسناد السنيديُّ بنُ مُحَمَّدٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: تَرِثُ الْمَرْأَةُ مِنَ الطُّوبِ وَ لَا تَرِثُ مِنَ الرِّبَاعِ شَيْئاً

(The book) 'Qurb Al Isnaad' – Al Sindy Bin Muhammad, from Al A'la Bin Razeyn,

From Abu Abdullah^{-asws}, having said: 'The woman inherits from the building materials but does not inherit anything from the land or property'.

قَالَ قُلْتُ كَيْفَ تَرِثُ مِنَ الْفَرْعِ وَ لَا تَرِثُ مِنَ الرِّبَاعِ شَيْئاً

He (the narrator) said, 'I said, 'How does she inherit from the structure but not anything from the land?'

قَالَ فَقَالَ لَيْسَ لَهَا مِنْهُمْ نَسَبٌ تَرِثُ بِهِ إِنَّمَا هِيَ دَخِلَتْ عَلَيْهِمْ تَرِثُ مِنَ الْفَرْعِ وَ لَا تَرِثُ مِنَ الْأَصْلِ لِقَوْلِهَا لَا يَدْخُلُ عَلَيْهِمْ دَاخِلٌ بِسَبَبِهَا.

He^{-asws} said: 'She has no blood relation to them by which she would inherit. She is an outsider to them. She inherits from what is built (the structure) but not from the land itself, so that no outsider may gain entry among them on her account'.¹⁴⁷⁷

5- ب، قرب الإسناد ابنُ عيسى عَنِ الْبَرْزَنْطِيِّ قَالَ: سَأَلْتُ الرِّضَا عَ عَنِ الْمِيرَاثِ فِي الْمُتَعَةِ فَقَالَ كَانَ جَعْفَرُ ع يَقُولُ نِكَاحٌ بِمِيرَاثٍ وَ نِكَاحٌ بِغَيْرِ مِيرَاثٍ إِنْ اشْتَرَطَتِ الْمِيرَاثُ كَانَ وَ إِنْ لَمْ تُشْتَرَطْ لَمْ يَكُنْ.

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

'I asked Al-Reza^{-asws} about the inheritance regarding the Mut'ah. He^{-asws} said: 'Ja'far^{-asws} had said: 'A marriage with inheritance and a marriage without inheritance, if inheritance is stipulated, it exists, and if it is not stipulated, it does not exist'.¹⁴⁷⁸

6- ع، علل الشرائع أَبِي عَنْ مُحَمَّدِ بْنِ أَبِي الْقَاسِمِ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَنَانَ عَنْ مُبَيْتَرَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ النِّسَاءِ مَا لَهُنَّ مِنَ الْمِيرَاثِ

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Bin Abu Al Qasim, from Muhammad Bin Isa, from Ali Bin Al Hakam, from Aban, from Muyassir who said,

'I asked Abu Abdullah^{-asws} about the women, 'What is for them from the inheritance?'

¹⁴⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 3

¹⁴⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 4

¹⁴⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 5

فَقَالَ هُنَّ قِيَمَةُ الطُّوبِ وَ الْبِنَاءِ وَ الْحَشَبِ وَ الْقَصَبِ فَأَمَّا الْأَرْضُ وَ الْعَقَارُ فَلَا مِيرَاثَ لَهُنَّ فِيهِمَا

He^{-asws} said: 'He said that the value of the bricks, the building, the wood, and the reeds belongs to them. As for the land and the real estate, there is no inheritance for them in these two.

فُلْتُ النَّيَابَ هُنَّ

I said, 'The clothes are them?'

قَالَ النَّيَابُ نَصِيْبُهُنَّ فِيهِ

He^{-asws} said: 'The clothes, their share is in it'.

فُلْتُ كَيْفَ هَذَا وَ هَذَا الثَّمَنُ وَ الرَّبْعُ مُسَمًّى

I said, 'How can this be, and for this is the eight, and the quarter is specified?'

قَالَ لِأَنَّ الْمَرْأَةَ لَيْسَ لَهَا نَسَبٌ تَرِثُ بِهِ وَ إِنَّمَا هِيَ دَخَلَتْ عَلَيْهِمْ وَ إِنَّمَا صَارَ هَذَا هَكَذَا لِأَنَّ تَزْوِجَ الْمَرْأَةِ فَيَجِيءُ زَوْجُهَا أَوْ وَلَدُهَا مِنْ قَوْمٍ آخَرِينَ فَيُزَاجِمُونَ هَؤُلَاءِ فِي عَقَارِهِمْ.

He^{-asws} said: 'Because the wife, there isn't any lineage (blood relations) for her to inherit with, and rather she has entered upon them, and rather this has become like this lest the woman gets married, so her husband or her child comes from another people so they would compete with them in their estate'.¹⁴⁷⁹

7- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع في علل ابن سنان عن الرضا ع أَنَّهُ كُتِبَ إِلَيْهِ عِلَّةُ الْمَرْأَةِ أَنَّهُ لَا تَرِثُ مِنَ الْعَقَارِ شَيْئًا إِلَّا قِيَمَةَ الطُّوبِ وَ الْقَصَبِ لِأَنَّ الْعَقَارَ لَا يُكُونُ تَغْيِيرُهُ وَ قَلْبُهُ وَ الْمَرْأَةُ قَدْ يَجُوزُ أَنْ يَنْقَطِعَ مَا بَيْنَهَا وَ بَيْنَهُ مِنَ الْعِصْمَةِ وَ يَجُوزُ تَغْيِيرُهَا وَ تَبْدِيلُهَا

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', (and) 'Ilal Al Sharaie', in 'Ilal' Ibn Sinan, from Al-Reza^{-asws} having written to him (Ibn Sinan) regarding the reason by the wife, she does not inherit from the real estate except for the value of the bricks and the reeds is because real estate cannot be changed or altered, whereas a woman may become separated from the man in authority (guardianship) and may be changed or replaced.

وَ لَيْسَ الْوَلَدُ وَ الْوَالِدُ كَذَلِكَ لِأَنَّهُ لَا يُكُونُ التَّغْيِيرُ مِنْهُمَا وَ الْمَرْأَةُ يُكُونُ الْإِسْتِبْدَالُ بِهَا فَمَا يَجُوزُ أَنْ يَجِيءَ وَ يَذْهَبَ كَانَ مِيرَاثُهَا فِيمَا يَجُوزُ تَبْدِيلُهُ وَ تَغْيِيرُهُ إِذْ أَشْبَهَهَا وَ كَانَ النَّابِثُ الْمُقِيمُ عَلَى خَالِهِ لِمَنْ كَانَ مِثْلُهُ فِي النَّبَاتِ وَ الْمَقَامِ.

This is not the case for a child or a parent, because they cannot be replaced. A woman, however, can be substituted, so her inheritance applies only to what can be changed or replaced. What remains fixed and permanent stays with those who are similarly permanent and established in position.¹⁴⁸⁰

¹⁴⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 6

¹⁴⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 7

8- ير، بصائر الدرجات علي بن إسماعيل عن علي بن النعمان عن سويد عن أبي أيوب عن أبي بصير عن أبي جعفر ع قال: كُنْتُ عِنْدَهُ فَدَعَا بِالْجَامِعَةِ فَنَظَرَ فِيهَا جَعْفَرٌ فَإِذَا هُوَ فِيهَا الْمَرْأَةُ تَمُوتُ وَ تَتْرُكُ زَوْجَهَا لَيْسَ لَهَا وَارِثٌ غَيْرُهُ قَالَ فَلَهُ الْمَالُ كُلُّهُ.

(The book) 'Basaair Al Darajaat' – Ali Bi Ismail, from Ali Bin Al Numan, from Suweyd, from Abu Ayoub, from Abu Vaseer,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I was in his^{-asws} presence. He^{-asws} called for the register. Ja'far^{-asws} looked into it, and in it was, 'The wife dies and leave behind her husband, there isn't any inheritor for her apart from him. He^{-asws} said: 'For him is the wealth, all of it'.¹⁴⁸¹

9- ير، بصائر الدرجات مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنِ الْحُسَيْنِ عَنْ أَبِي مُحَمَّدٍ عَنْ عَبْدِ الْمَلِكِ قَالَ: دَعَا أَبُو جَعْفَرٍ بِكِتَابٍ عَلَيَّ فَجَاءَ بِهِ جَعْفَرٌ مِثْلُ فَخْذِ الرَّجُلِ مَطْوًى فَإِذَا فِيهِ إِنَّ النِّسَاءَ لَيْسَ لَهُنَّ مِنْ عَقَارِ الرَّجُلِ إِذَا هُوَ تُوُفِّي عَنْهَا شَيْءٌ

(The book) 'Basaair Al Darajaat' – Muhammad Bin Al Husayn, from Ja'far Bin Bashir, from Al Husayn, from Abu Makhlad, from Abdul Malik who said,

'Abu Ja'far^{-asws} called for the book of Ali^{-asws}. Ja'far^{-asws} came with it (as thick as) the thigh of a man, folded. In it was, 'The woman, there isn't anything for her from the real estate of the man when he dies from her'.

فَقَالَ أَبُو جَعْفَرٍ ع هَذَا وَ اللَّهُ خَطُّ عَلِيِّ بَيْدِهِ وَ إِفْلَاءُ رَسُولِ اللَّهِ ص.

Abu Ja'far^{-asws} said: 'This, by Allah^{-azwj}, is the handwriting of Ali^{-asws} by his^{-asws} hand, and Rasool-Allah^{-saww} had dictated it'.¹⁴⁸²

10- سن، المحاسن ابنُ مَرْوُوفٍ عَنِ الْقَاسِمِ بْنِ عَزْوَةَ عَنْ عَبْدِ الْحَمِيدِ الطَّائِي عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع لِمَ لَا تُورِثُ الْمَرْأَةُ عَمَّنْ يَتِمُّعُ بِهَا

(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^{-asws}, 'Why the woman does not inherit from the one who does Mut'ah with her?'

فَقَالَ لِأَنَّهَا مُسْتَأْجَرَةٌ وَ عِدَّتُهَا خَمْسَةٌ وَ أَرْبَعُونَ يَوْمًا.

He^{-asws} said: 'Because she is hired and her waiting period is of forty-five days'.¹⁴⁸³

11- سر، السرائر ابنُ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُتْعَةً إِحْمَا لَا يَتَوَارَثَانِ إِذَا لَمْ يَشْتَرِطَا وَ إِنَّمَا الشَّرْطُ بَعْدَ النِّكَاحِ.

(The book) 'Al Saraair' – Ibn Bukeyr, from Muhammad Bin Muslim who said,

¹⁴⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 8

¹⁴⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 9

¹⁴⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 28 H 10

'I heard Abu Ja'far^{asws} saying regarding the man who marries a woman in Mut'ah (temporary marriage), they do not inherit each other if they have not stipulated, and rather the condition is after the (permanent) marriage'.¹⁴⁸⁴

باب 29 ميراث الخنثى و سائر أحكامها و ميراث الغرقى و المهدوم عليهم و ذي الرأسين

CHAPTER 29 - INHERITANCE OF THE HERMAPHRODITE AND ITS RELATED RULINGS, AND THE INHERITANCE OF THOSE WHO DROWNED, THOSE WHO WERE BURIED UNDER RUINS, AND THE TWO-HEADED PERSON

1- قب، المناقب لابن شهر آشوب شاء، الإرشاد روى الحسن بن عليّ العبدي عن سعد بن طريف عن الأصمغ بن نباتة قال: بينما شريح في مجلس القضاء إذ أتى له شخص فقال له يا أبا أمية أحلني فإن لي حاجة

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Al Irshad' – It is reported by Al Hassan Bin Ali Al Abdy, from Sa'ad Bin Tareyf, from Al Asbagh Bin Nubata who said,

'While Shureyh was in a gathering of judgment (court) when a person came to him. He said to him, 'O Abu Umayya! Seclude with me for there is a need for me!'

قال فأمر من حوله أن يحفوا عنه فأنصرفوا و بقي خاصة من حضر فقال له اذكر حاجتك

He (the narrator) said, 'He instructed the ones around him to move away from him. They left and there remained his special ones of the ones present. He said to him, 'Mention your need!'

فقال يا أبا أمية إن لي ما للرجل و ما للنساء فما الحكم عندك في أ رجل أنا أم امرأة

He said, 'O Abu Umayya! For me is what is for the men and what is for the women, so what is the ruling with you regarding me, am I a man or am I a woman?'

فقال له قد سمعت من أمير المؤمنين ع فضيلة أنا أذكرها خبرني عن البول من أي الفرجين يخرج

He said to him, 'I have heard from Amir Al-Momineen^{asws} a judgment I remember. Inform me about the urination, from which of the two private parts does it emerge?'

قال الشخص من كليهما

The person said, 'From both of them.

قال فمن أيهما ينقطع

He said, 'From which of the two does it terminate?'

قَالَ مِنْهُمَا مَعًا

He said, 'From both of them together.

فَتَعَجَّبَ شُرَيْحٌ قَالَ الشَّخْصُ سَأُورِدُ عَلَيْكَ مِنْ أَمْرِي مَا هُوَ أَعْجَبُ

Shureyh was surprised. The person said, 'I shall refer to you from my matter what is even more surprising'.

قَالَ شُرَيْحٌ مَا ذَاكَ

Shureyh said, 'What is that?'

قَالَ زَوْجِي أَبِي عَلَى أَنِّي امْرَأَةٌ فَحَمَلْتُ مِنَ الزَّوْجِ وَابْتَعْتُ جَارِيَةً تَخْدُمُنِي فَأَقْضَيْتُ إِلَيْهَا فَحَمَلَتْ مِنِّي

He said, 'My father married me off on the assumption that I was a woman, and I became pregnant from my husband. Later, I purchased a maidservant to serve me, and I had marital relations with her, and she became pregnant by me'.

فَضْرَبَ شُرَيْحٌ إِحْدَى يَدَيْهِ عَلَى الْأُخْرَى مُتَعَجِّبًا وَقَالَ هَذَا أَمْرٌ لَا بُدَّ مِنْ إِتْهَائِهِ إِلَى أَمِيرِ الْمُؤْمِنِينَ فَلَا عِلْمَ لِي بِالْحُكْمِ فِيهِ

Shureyh struck one of his hands upon the other astonished, and said, 'This is a matter there is no escape from referring it to Amir Al-Momineen^{-asws}. There is no knowledge for me with the ruling regarding it!'

فَقَامَ وَتَبِعَهُ الشَّخْصُ وَمَنْ حَضَرَ مَعَهُ حَتَّى دَخَلَ عَلَى أَمِيرِ الْمُؤْمِنِينَ ع فَقَصَّ عَلَيْهِ الْقِصَّةَ فَدَعَا أَمِيرُ الْمُؤْمِنِينَ ع بِالشَّخْصِ فَسَأَلَهُ عَمَّا حَكَاهُ لَهُ شُرَيْحٌ وَقَالَ لَهُ مَنْ زَوْجُكَ

He stood up and the person and the ones present with him followed him until he entered to see Amir Al-Momineen^{-asws}. He narrated the story to him^{-asws}. Amir Al-Momineen^{-asws} called for the person and asked him about what Shureyh had narrated to him^{-asws} and said to him: 'Who is your husband?'

قَالَ فُلَانُ بْنُ فُلَانٍ وَهُوَ حَاضِرٌ بِالْمِصْرِ

He said, 'So and so, son of so and so, and he is present in the city!'

فَدَعَا بِهِ وَسَأَلَهُ عَمَّا قَالَ فَقَالَ صَدَقَ

He^{-asws} called for him and asked him about what he had said, 'He said, 'He speaks the truth!'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع لَأَنْتَ أَجْرَأُ مِنْ صَائِدِ [خَاصِي] الْأَسَدِ حَتَّى تُقَدِّمَ عَلَى هَذِهِ الْحَالَةِ

Amir Al-Momineen^{-asws} said: 'You are more audacious than a castrated lion hunter until you have gone ahead upon this situation!'

ثُمَّ دَعَا قَنْبَرًا مَوْلَاهُ فَقَالَ أَذْخِلْ هَذَا الشَّخْصَ بَيْتًا وَمَعَهُ أَزْبَعُ نِسْوَةٍ مِنَ الْعُدُولِ وَ مَرْهُنٌ بِتَجْرِيدِهِ وَ عَدِّ أَضْلَاعِهِ بَعْدَ الْإِسْتِثْنَاءِ مِنْ سِتْرِ فَرْجِهِ

Then he^{-asws} called for Qanbar, his^{-asws} slave. He^{-asws} said; 'Enter this person into a room and with him should be four women from the just ones, and instruct them with bearing him and count his ribs after ensuring his private parts are covered'.

فَقَالَ لَهُ الرَّجُلُ يَا أَمِيرَ الْمُؤْمِنِينَ مَا آمَنْتُ عَلَى هَذَا الشَّخْصِ الرَّجَالَ وَالنِّسَاءَ

The (a) man said to him^{-asws}, 'O Amir Al-Momineen^{-asws}! The men and the women are not safe upon this person!'

فَأَمَرَ أَنْ يُسَدَّ عَلَيْهِ ثُبَانٌ وَ أَحْلَاهُ فِي بَيْتٍ ثُمَّ وَلَجَهُ وَ عَدَّ أَضْلَاعَهُ وَ كَانَتْ مِنَ الْجَانِبِ الْأَيْسَرِ سَبْعَةٌ وَ مِنَ الْجَانِبِ الْأُخْرَى ثَمَانِيَةٌ فَقَالَ هَذَا رَجُلٌ

He^{-asws} instructed that a trouser be tied upon him and isolated him in a room. Then he^{-asws} entered it and counted his ribs, and there were seven on the left side, and eight on the right side. He^{-asws} said: 'This is a man!'

وَ أَمَرَ بِطَمِّ شَعْرِهِ وَ أَلْبَسَهُ الْقُلَنَسُوءَةَ وَ الثَّغْلَيْنِ وَ الرِّدَاءَ وَ فَرَّقَ بَيْنَهُ وَ بَيْنَ الزَّوْجِ.

And he^{-asws} instructed that his hair be trimmed, and clothed him in the cap, and the slippers, and the cloak, and separated between him and the husband.¹⁴⁸⁵

2- وَ رَوَى بَعْضُ أَهْلِ الثَّقَلِ أَنَّهُ لَمَّا ادَّعَى الشَّخْصُ مَا ادَّعَاهُ مِنَ الْفَرْجَيْنِ أَمَرَ أَمِيرُ الْمُؤْمِنِينَ ع غَدَلَيْنِ مِنَ الْمُسْلِمِينَ أَنْ يَخْضُرَا بَيْتًا خَالِيًا وَ أَحْضَرَ الشَّخْصَ مَعَهُمَا وَ أَمَرَ بِنَصَبِ مِرْآتَيْنِ إِحْدَاهُمَا مُقَابِلَةَ لَفْرَجِ الشَّخْصِ وَ الْأُخْرَى مُقَابِلَةَ لِتِلْكَ الْمِرْآةِ وَ أَمَرَ الشَّخْصَ بِالْكَشْفِ عَنْ عَوْرَتِهِ فِي مُقَابِلَةِ الْمِرْآةِ حَيْثُ لَا يَرَاهُ الْعَدْلَانِ وَ أَمَرَ الْعَدْلَيْنِ بِالنَّظَرِ فِي الْمِرْآةِ الْمُقَابِلَةِ لَهَا

And it is reported by one of the transmitters that when the person claimed to possess both male and female organs, Amir Al-Momineen^{-asws} ordered two trustworthy Muslims to attend a private room. He^{-asws} brought the person in with them and ordered two mirrors to be set up, one facing the person's private area and the other facing the first mirror. He^{-asws} then instructed the person to uncover the private part before the first mirror in such a way that the two witnesses would not see directly, but would look only into the second mirror.

فَلَمَّا تَحَقَّقَ الْعَدْلَانِ صِحَّةَ مَا ادَّعَاهُ الشَّخْصُ مِنَ الْفَرْجَيْنِ اعْتَبَرَ لَهُ بِعَدِّ أَضْلَاعِهِ فَلَمَّا أَخْفَهُ بِالرِّجَالِ أَهْمَلَ قَوْلَهُ فِي إِدْعَاءِ الْحَمْلِ وَ أَلْغَاهُ وَ لَمْ يَعْمَلْ بِهِ وَ جَعَلَ خَلَّ الْجَارِيَةِ مِنْهُ وَ أَخْفَهُ بِهِ.

When the two witnesses confirmed the truth of the person's claim of having both organs, Amir Al-Momineen^{-asws} then examined by counting the ribs. When he^{-asws} determined that the person belonged to the category of men, he^{-asws} disregarded the claim of pregnancy and ruled it invalid, but declared that the pregnancy of the maidservant was indeed from him and attributed the child to him'.¹⁴⁸⁶

¹⁴⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 1

¹⁴⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 2

3- **شا، الإرشاد** كَانَ مِنْ قَضَائَاهُ ع بَعْدَ بَيْعَةِ الْعَامَةِ لَهُ وَ مُضِيَّ عُمَانَ عَلَى مَا رَوَاهُ أَهْلُ النَّفْلِ مِنْ حَمَلَةِ الْآثَارِ أَنَّ امْرَأَةً وَلَدَتْ عَلَى فِرَاشِ زَوْجِهَا وَلَدًا لَهُ بَدَنَانٍ وَ رَأْسَانِ عَلَى حَقٍّ وَاحِدٍ فَالْتَبَسَ الْأَمْرُ عَلَى أَهْلِهِ أ هُوَ وَاحِدٌ أَوْ اثْنَانِ

(The book) 'Al Irshad' –

Among his^{-asws} judgments, after the general Muslims had pledged allegiance to him^{-asws} and the death of Usman, as reported by narrators among the transmitters of traditions, was that a woman gave birth on her husband's bed to a child with two bodies and two heads joined at the waist. The family was confused as to whether it was one person or two.

فَصَارُوا إِلَى أَمِيرِ الْمُؤْمِنِينَ ع لِيَسْأَلُوهُ عَنْ ذَلِكَ لِيَعْرِفُوا الْحُكْمَ فِيهِ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع اعْتَبِرُوهُ إِذَا نَامَ ثُمَّ أَنْبِئُوا أَحَدَ الْبَدَنَيْنِ وَ الرَّأْسَيْنِ فَإِنْ انْتَبَهَا جَمِيعًا مَعًا فِي حَالَةٍ وَاحِدَةٍ فَهُمَا إِنْسَانٌ وَاحِدٌ وَ إِنْ اسْتَيْقَظَ أَحَدُهُمَا وَ الْآخَرُ نَائِمٌ فَهُمَا اثْنَانِ وَ حَقُّهُمَا حَقُّ اثْنَيْنِ.

They came to Amir Al-Momineen^{-asws} to ask him^{-asws} about the ruling regarding this. Amir Al-Momineen^{-asws} said: 'Observe them when they sleep. Then awaken one of the two bodies and heads. If both awakened at the same time and in the same manner, then they are one person. But if one awakens while the other remains asleep, then they are two persons, and their rights are the rights of two individuals.'¹⁴⁸⁷

4- **قب، المناقب لابن شهر آشوب** نَقَلَهُ الْأَخْبَارُ وَ ذَكَرَ صَاحِبُ فَضَائِلِ الْعَشْرَةِ أَنَّهُ وَلِدَ عَلَى عَهْدِ أَمِيرِ الْمُؤْمِنِينَ ع مَوْلُودٌ لَهُ رَأْسَانِ وَ صَدْرَانِ عَلَى حَقٍّ وَاحِدٍ فَسُئِلَ عَ كَيْفٍ يُورَثُ

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

The transmitters of Hadeeth, and mentioned by author of 'Fazaail Al-Ashara', in the era of Amir Al-Momineen^{-asws} a new-born was born having two head and two chests upon one waist. He^{-asws} was asked how he would inherit.

قَالَ يُرَّثُكَ حَتَّى يَنَامَ ثُمَّ يُصَاحَبُ بِهِ فَإِنْ انْتَبَهَا جَمِيعًا كَانَ لَهُ مِيرَاثٌ وَاحِدٌ وَ إِنْ انْتَبَهَ أَحَدُهُمَا وَ بَقِيَ الْآخَرُ كَانَ لَهُ مِيرَاثُ اثْنَيْنِ.

He^{-asws} said: 'He should be left until he sleeps, then he is called out to. If they both awaken together, there would be one inheritance for him, and if one of them wakes up and the other one remains (sleeping), there would be two inheritances for him'.¹⁴⁸⁸

5- **و فيما أخبرنا به أبو عليّ الحَدَّادُ بِإِسْنَادِهِ إِلَى سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ فِي خَيْرٍ قَالَ: أُنِّي عُمَرُ بْنُ الْخَطَّابِ يَرْجُلُ لَهُ رَأْسَانِ وَ قَمَانِ وَ أَنْفَانِ وَ قُبْلَانِ وَ دُبْرَانِ وَ أَرْبَعَةُ أَعْيُنٍ فِي بَدَنِ وَاحِدٍ وَ مَعَهُ أُحْتُ فَجَمَعَ عُمَرُ الصَّحَابَةَ وَ سَأَلَهُمْ عَنْ ذَلِكَ فَعَجَزُوا فَأَتَوْا عَلِيًّا ع وَ هُوَ فِي حَائِطٍ لَهُ**

And among what we are informed with by Ali Al Haddad by his chain to Salama Bin Abdul Rahman in a Hadeeth, said,

'Umar Ibn Al-Khattab was brought a man who had two heads, two mouths, two noses, two private parts, two anuses, and four eyes in one body, along with his sister. Umar gathered the

¹⁴⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 3

¹⁴⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 4

companions and asked them about the matter, but they were unable to give a ruling. They then went to Ali^{-asws} who was in his^{-asws} garden.

فَقَالَ قَضِيَّتُهُ أَنْ يَنُومَ فَإِنْ غَمَضَ الْأَعْيُنَ أَوْ غَطَّ مِنَ الْفَمَيْنِ جَمِيعاً فَبَدَنٌ وَاحِدٌ وَإِنْ فَتَحَ بَعْضَ الْأَعْيُنِ أَوْ غَطَّ أَحَدَ الْفَمَيْنِ فَبَدَنَانِ هَذِهِ قَضِيَّتُهُ

He said, 'The judgment in this case is that he should be put to sleep. If he closes all his eyes or breathes through both mouths together, then it is one body. But if he opens some of the eyes or breathes through one of the mouths only, then they are two bodies. That is the ruling.

وَأَمَّا الْقَضِيَّةُ الْأُخْرَى فَيُطْعَمُ وَ يُشْفَى حَتَّى يَمْتَلِئَ فَإِنْ بَالَ مِنَ الْمَبَالَيْنِ جَمِيعاً وَ تَعَوَّطَ مِنَ الْغَائِطَيْنِ جَمِيعاً فَبَدَنٌ وَاحِدٌ وَإِنْ بَالَ أَوْ تَعَوَّطَ مِنْ أَحَدِهِمَا فَبَدَنَانِ وَ قَدْ ذَكَرَهُ الطَّبْرِيُّ فِي كِتَابِهِ.

As for the other judgment, he should be fed and given to drink until he is full. If he urinates from both urinary openings and defecates from both outlets together, then it is one body. But if he urinates or defecates from only one of them, then they are two bodies'. Al-Tabari mentioned this in his book'.¹⁴⁸⁹

6- مِنْ كِتَابِ صَفْوَةِ الْأَخْبَارِ، قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي الْخُنْثَى إِنْ بَالَتْ مِنَ الرَّجْمِ فَلَهَا مِيرَاثُ النِّسَاءِ وَإِنْ بَالَتْ مِنَ الذَّكَرِ فَلَهُ مِيرَاثُ الذَّكَرِ وَإِنْ بَالَتْ مِنْ كِلَيْهِمَا عُدَّ أَضْلَاعُهُ فَإِنْ زَادَ وَاحِدَةً عَلَى ضِلْعِ الرَّجُلِ فَهِيَ امْرَأَةٌ وَإِنْ نَقَصَتْ فَهِيَ رَجُلٌ.

From the book 'Safwat Al Akhbaar' –

Amir Al-Momineen^{-asws} judged regarding a hermaphrodite that if the urination comes from the female organ, the person receives the inheritance of women, and if it comes from the male organ, the inheritance of men. But if urination occurs from both, then the ribs are to be counted. If there is one more rib than that of a man, the person is considered a woman, and if there is one less, the person is considered a man'.¹⁴⁹⁰

7- وَ قَضَى أَيْضاً فِي الْخُنْثَى فَقَالَ يُقَالُ لِلْخُنْثَى الرَّقُّ بِطَنُكَ بِالْحَائِطِ وَ بُلٌّ فَإِنْ أَصَابَ بَوْلُهُ الْحَائِطَ فَهُوَ ذَكَرٌ وَإِنْ انْتَكَصَ كَمَا يَنْتَكِصُ الْبَعِيرُ فَهُوَ امْرَأَةٌ.

He^{-asws} also ruled regarding the hermaphrodite, saying: 'Tell the hermaphrodite to press her stomach against a wall and urinate. If the urine strikes the wall, the person is male, but if it flows downward as the urine of a camel does, the person is female'.¹⁴⁹¹

8- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ التَّقْفِيِّ بِإِسْنَادِهِ عَنْ ابْنِ نُبَاتَةَ قَالَ: سُئِلَ أَمِيرُ الْمُؤْمِنِينَ ع عَنِ الْخُنْثَى كَيْفَ يُقَسَّمُ لَهَا الْمِيرَاثُ قَالَ ع إِنَّهُ يَقُولُ فَإِنْ خَرَجَ بَوْلُهُ مِنْ ذَكَرِهِ فَسُنَّتُهُ سُنَّةُ الرَّجُلِ وَإِنْ خَرَجَ مِنْ غَيْرِ ذَلِكَ فَسُنَّتُهُ سُنَّةُ الْمَرْأَةِ الْخَبِيرِ.

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafy, by his chain from Ibn Nubata who said,

'Amir Al-Momineen^{-asws} was asked about how the inheritance of a hermaphrodite should be divided. He^{-asws} said: 'The person should urinate. If the urine comes out from the male organ,

¹⁴⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 5

¹⁴⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 6

¹⁴⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 7

their status is that of a man, and if it comes out from elsewhere, her status is that of a woman’ – the Hadeeth.¹⁴⁹²

9- مِشْكَاةُ الْأَنْوَارِ، عَنْ فَضِيلِ بْنِ يَسَارٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ مَوْلُودٍ لَيْسَ لَهُ مِمَّا لِلرِّجَالِ وَ لَيْسَ لَهُ مِمَّا لِلنِّسَاءِ فَقَالَ هَذَا يُفْرَغُ عَلَيْهِ الْإِمَامُ يَكْتُبُ عَلَى سَهْمِ عَبْدِ اللَّهِ وَ يَكْتُبُ عَلَى الْآخَرِ أُمَةُ اللَّهِ

(The book) ‘Mishkat Al Anwaar’ – From Fuzeyl Bin Yasaar who said,

‘Abu Abdullah^{-asws} was asked about the newborn; there wasn’t for him from what is for the men, and there wasn’t for him from what is for the women. He^{-asws} said: ‘This one, the Imam^{-asws} would draw lots upon him. He^{-asws} would write upon a lot, ‘Servant of Allah^{-azwj}’, and he^{-asws} would write upon the other, ‘Maid of Allah^{-azwj}’.

ثُمَّ يَقُولُ الْإِمَامُ أَوْ الْمُفْرَغُ- اللَّهُمَّ أَنْتَ اللَّهُ لَا إِلَهَ إِلَّا أَنْتَ عَالِمُ الْغَيْبِ وَ الشَّهَادَةِ أَنْتَ تَحْكُمُ بَيْنَ عِبَادِكَ يَوْمَ الْقِيَامَةِ فِي مَا كَانُوا فِيهِ يَخْتَلِفُونَ بَيْنَ لَنَا أَمَرٌ هَذَا الْمَوْلُودَ حَتَّى نُورِثَهُ مَا فَرَضْتَ لَهُ فِي كِتَابِكَ

Then either the Imam^{-asws} or the caster of the lots says, ‘O Allah^{-azwj}! You^{-azwj} are Allah^{-azwj}! There is no god except You^{-azwj}, Knower of the unseen and the seen! You^{-azwj} will Judge between Your^{-azwj} servants on the Day of Qiyamah regarding what they had been differing! Clarify this newborn for us until we make him inherit what You^{-azwj} have Obligated for him in Your^{-azwj} Book!’

قَالَ ثُمَّ يُطْرَحُ السَّهْمَانِ فِي سَهَامٍ مُبْهَمَةٍ ثُمَّ يُجَالُ فَأُتِيَهُمَا خَرَجَ وَرَثَ عَلَيْهِ.

He^{-asws} said: ‘Then the two lots are dropped among ambiguous lots, then shaken. Whichever of the two emerged, he would inherit based upon it’.¹⁴⁹³

10 الْهُدَايَةُ، مُرْسَلًا مِثْلَهُ.

(The book) ‘Al Hidayah’, with an unbroken chain, similar to it.¹⁴⁹⁴

11- وَ مِنْهُ، قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ عَ فِي مَوْلُودٍ لَهُ رَأْسَانِ أَنَّهُ يُصْبَرُ عَلَيْهِ حَتَّى يَنَامَ ثُمَّ يَنْتَبَهُ فَإِنْ انْتَبَهَا جَمِيعاً مَعاً وَرَثَ مِيرَاثَ اثْنَيْنِ.

And from him, said,

‘Amir Al-Momineen^{-asws} judged regarding a newborn having two heads, for it, he would be waited upon until he sleeps. Then awakened. If they both awaken together, he would inherit two inheritances.¹⁴⁹⁵

12- كِتَابُ الْعَايَاتِ، حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نُجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَ قَالَ: بَيْنَا أَمِيرُ الْمُؤْمِنِينَ عَ فِي الرَّحْبَةِ وَ النَّاسِ عَلَيْهِ مَتْرَاكِمُونَ وَ الْحَدِيثُ طَوِيلٌ مُؤْضِعُ الْحَاجَةِ مِنْهُ هُوَ أَنَّهُ قَالَ

¹⁴⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 8

¹⁴⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 9

¹⁴⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 10

¹⁴⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 11

مَوْلَانَا الْحَسَنُ بْنُ عَلِيٍّ عَ لِلشَّامِيِّ وَ أَمَّا الْمُؤَنَّثُ الَّذِي لَا تُدْرَى أ ذَكَرَ هُوَ أَمْ أُنْثَى فَإِنَّهُ يَنْتَظَرُ بِهِ فَإِنْ كَانَ ذَكَرًا اخْتَلَمَ وَ إِنْ كَانَتْ أُنْثَى خَاصَتْ وَ بَدَأَ تَذْيِهَا وَ إِلَّا قِيلَ لَهُ بَلْ فَإِنْ أَصَابَ بَوْلُهُ الْخَائِطَ فَهُوَ ذَكَرٌ وَ إِنْ انْتَكَصَ بَوْلُهُ عَلَى رِجْلَيْهِ كَمَا يَنْتَكِصُ بَوْلُ الْبَعِيرِ فَهِيَ امْرَأَةٌ.

(The book) 'Kitab Al Ghayaat' – It is narrated to me by Muhammad Bin Abdullah, from Muhammad Bin Ali Bin Ibrahim Bin Hashim, from his father, from his grandfather, from Abdul Rahman Bin Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

From Abu Ja'far^{-asws} having said: 'While Amir Al-Momineen^{-asws} was in Al-Rahba and the people had gathered to him^{-asws} – and the Hadeeth is lengthy, the subject matter needed from it is – 'Our master Al-Hassan^{-asws} Bin Ali^{-asws} said to the Syrian: 'And as for the effeminate who, you don't know whether it is a male or female, he should be waited with. If he were male he would bed wet, and if he was female she would menstruate and her breasts would begin (to develop), or else it would be said to him, 'Urinate!' If his urine hits the wall, he is male, and if his urine drip upon his legs just as urine of the camel drips, she is a woman'.¹⁴⁹⁶

13- كِتَابُ الْأَرْبَعِينَ، لِلسَّيِّدِ عَطَاءِ اللَّهِ بْنِ فَضْلِ اللَّهِ رَحِمَهُ اللَّهُ زُوي عَنِ الْحَسَنِ الْبَصْرِيِّ قَالَ: أَتَتْ امْرَأَةً إِلَى شُرَيْحِ الْقَاضِي فَقَالَتْ أَخْلِنِي فَأَخْلَاهَا فَقَالَتْ أَنَا امْرَأَةٌ وَلِي فَرجٌ وَ إخْلِيلُ

(The book) 'Kitab Al Arbaeen' of the seyyid Ataullah Bin Fazlulah, may Allah^{-azwj} Mercy him, reporting from Al Hassan Al Basry who said,

'A woman came to Shureyh the judge. She said, 'Seclude with me'. He secluded with her. She said, 'I am a woman, and for me, there is a female private part and a male private part'.

فَقَالَ مَنْ مِنْ أَيْنَ يَخْرُجُ الْبَوْلُ سَابِقًا

He said, 'From where does the urine emerge first?'

قَالَتْ مِنْهُمَا جَمِيعًا

She said, 'From both of them together'.

فَقَالَ لَقَدْ أُخْبِرْتُ بِعَجِيبٍ

He said, 'You have informed me of a strange matter!'

فَقَالَتْ وَ أَعْجَبُ مِنْهُ أَنَّهُ تَزَوَّجَنِي ابْنُ عَمِّي وَ أَخْدَمَنِي جَارِيَةٌ وَ وَطِئْتُهَا فَأَوْلَدْتُهَا

She said, 'And stranger than it is, a cousin of mine married me and a slave girl served me, and I slept with her and impregnated her!'

فَدُهِشَ شُرَيْحٌ فَقَامَ وَ دَخَلَ عَلَى عَلِيٍّ عَ فَأَخْبَرَهُ فَاسْتَدْعَى بِزَوْجَهَا فَأَعْتَرَفَ فَقَالَ عَ لَا مَرَأَتَيْنِ أَدْخَلَاهَا الْبَيْتَ وَ عُدَا أَضْلَاعَهَا

Shureyh was confounded. He stood up and entered to see Ali^{-asws}. He informed him^{-asws}. He^{-asws} summoned her husband. He acknowledged. He^{-asws} said to two women: 'Enter her into the room and count her ribs!'

فَفَعَلْنَا فَوَجَدْنَا فِي الْجَانِبِ الْأَيْمَنِ ثَمَانِ عَشْرَةَ ضِلْعاً وَ فِي الْأَيْسَرِ سَبْعَ عَشْرَةَ فَأَخَذَ شَعْرَهَا وَ أَعْطَاهَا حِذَاءً وَ أَخْتَمَهَا بِالرِّجَالِ فَقِيلَ لَهُ فِي ذَلِكَ

They did so and found eighteen ribs to be in her right side, and seventeen in the left. He^{-asws} cut her hair and gave her shoes and joined her with the men. It was said to him^{-asws} regarding that.

فَقَالَ أَخَذْتُ هَذَا مِنْ قِصَّةِ حَوَاءَ فَإِنَّ أَضْلَاعَهَا كَانَتْ سَبْعَ عَشْرَةَ مِنْ كُلِّ جَانِبٍ وَ أَضْلَاعُ الرَّجُلِ يَزِيدُ عَلَيْهَا بِضِلْعٍ فَلِهَذَا أَخْتَمْتُهَا بِالرِّجَالِ.

He^{-asws} said: 'I^{-asws} took this from the story of Hawwa^{-as}. Her^{-as} ribs were seventeen from all (both) sides, and ribs of the man would increase upon it by one rib. For this (reason) I^{-asws} joined her with the men'.¹⁴⁹⁷

14- وَ مِنْهُ، رُوِيَ عَنْ جَعْفَرِ الصَّادِقِ ع قَالَ: لَمَّا وُلِّيَ عُمَرُ أَبِي بَكْرٍ رَأَى لَهُ رَأْسَانِ وَ بَطْنَانِ وَ أَرْبَعَةَ أَيْدٍ وَ رِجْلَانِ وَ قُبِلَ وَ دُبِّرَ وَاجِدٌ فَتَنَظَّرَ إِلَى شَيْءٍ لَمْ يَرَ مِثْلَهُ قَطُّ فَتَنَظَّرَ إِلَى إِنْسَانٍ أَعْلَاهُ اثْنَانِ وَ أَسْفَلُهُ وَاحِدٌ وَ قَدْ مَاتَ أَبُوهُ

And from him,

'It is reported from Ja'far Al-Sadiq^{-asws} having said: 'When Umar became leader, he was brought a newborn having two head, and two bellies, and four hands, and two legs, and one front and one back. He looked at something he had not seen the like of it at all. He was looking at a human being whose top was two and his bottom was one, and its father had died.

فَبَعْضُهُمْ يَقُولُ هُوَ اثْنَانِ وَ يَرِثُ مِيرَاثَ اثْنَيْنِ وَ بَعْضُهُمْ يَقُولُ وَاحِدٌ يَرِثُ مِيرَاثَ وَاحِدٍ

Some of them said, 'He is two and he should inherit the inheritance of two', and some of them said, 'One, he should inherit one inheritance!'

فَلَمْ يَدْرِ كَيْفَ الْحُكْمَ فِيهِ فَقَالَ اعْرِضُوهُ عَلَى عَلِيِّ بْنِ أَبِي طَالِبٍ ع وَ اطْلُبُوا الْحُكْمَ مِنْهُ فَعَرَضُوا عَلَيْهِ

He did not know how to judge regarding him. He said, 'Present him to Ali^{-asws} Bin Abu Talib^{-asws} and seek the judgment from him^{-asws}!' So they presented him to him^{-asws}.

فَقَالَ عَلِيٌّ ع انظُرُوا إِذَا رَقَدَ ثُمَّ يُصَاخُ فَإِنْ انْتَبَهَ الرَّأْسَانِ جَمِيعاً فَهُوَ وَاحِدٌ وَ إِنْ انْتَبَهَ الْوَاحِدُ وَ بَقِيَ الْآخَرُ نَائِماً فَاثْنَانِ

Ali^{-asws} said: 'Observe when he sleeps, then talk to him. If both the heads awaken together, he is one, and if one (head) awakens and the other remains sleeping, he is two'.

فَقَالَ عُمَرُ لَا أَتَقَارِبُ اللَّهَ بَعْدَكَ يَا أَبَا الْحَسَنِ.

Umar said, 'May Allah^{-azwj} not Keep me alive after you^{-asws}, O Abu Al Hassan^{-asws}!'¹⁴⁹⁸

15- ضا، فقه الرضا عليه السلام إذا ترك الرجل ولداً له رأسان فإنه يترك حتى ينأى ثم بينهما فإن انتبها جميعاً ورث ميراثاً واحداً وإن انتبها أحدهما و بقي الآخر نائماً ورث ميراث اثنين

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'If a man leaves behind a child with two heads, the child should be observed until asleep and then awakened. If both heads awaken together, the child inherits as one; if one awakens while the other remains asleep, the child inherits as two.

و لو أن قوماً غرقوا أو سقط عليهم حائط و هم أقرباء فلم يدرك أيهم مات قبل صاحبه لكان الحكم فيه أن يورث بعضهم من بعض فإذا غرق رجل و امرأة أو سقط عليهما سقطت و لم يدرك أيهما مات قبل صاحبه كان الحكم أن يورث المرأة من الرجل و يورث الرجل من المرأة وكذلك إذا كان الأب و الابن ورث الأب من الابن ثم يورث الابن من الأب و إذا ماتا جميعاً في ساعة واحدة فخرجت أنفسهما جميعاً في لحظة واحدة لم يورث بعضهما من بعض.

And if a group drowns or a roof falls on them, and they are relatives, and it is not known who died before the other, then they inherit from one another. If a man and a woman drown together or are buried under a roof and it is unknown who died first, the woman inherits from the man and the man inherits from the woman. Like that, if a father and son die together, the father inherits from the son and the son inherits from the father. But if both die at the same moment and their souls depart simultaneously, neither inherits from the other'.¹⁴⁹⁹

16- قب، المناقب لابن شهر آشوب شأ، الإرشاد قضى أمير المؤمنين ع في قوم وقع عليهم حائط فقتلهم و كان في جماعتهم امرأة مملوكة و أخرى حرة و كان للحر ولد طفل من حر و للجارية المملوكة ولد طفل من مملوك و لم يعرف الطفل الحر من الطفل المملوك فقرع بينهما و حكم بالحرية لمن خرج عليه سهم الحر منهما و حكم بالرق لمن خرج عليه سهم الرق منهما ثم أغتقه و جعله مولاه

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Al Irshad' –

Amir Al-Momineen^{-asws} judged regarding a people upon whom a wall fell and killed them. Among them was a free woman and a female slave. The free woman had a child by a free man, and the slave had a child by a slave. It was not known which child belonged to the free woman and which to the slave. He^{-asws} cast lots between them and ruled that whoever received the share of the free person would be granted freedom, and whoever received the share of the slave would remain a slave. He^{-asws} then liberated the child and made him his^{-asws} freed slave.

و حكم في ميراثيهما بالحكم في الحر و مولاه فأقضى رسول الله ص هذا الحكم و صوبه.

He^{-asws} also ruled on their inheritance according to the status of the free person and the client, and Rasool-Allah^{-saww} had upheld this ruling and confirmed it'.¹⁵⁰⁰

¹⁴⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 14

¹⁴⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 15

¹⁵⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 16

17- ب، قرب الإسناد أَبُو الْبَحْتَرِيِّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ أَمِيرَ الْمُؤْمِنِينَ ع قَضَى فِي الْخُنْثَى الَّذِي يُخْلَقُ لَهُ ذَكَرٌ وَ فَرجٌ أَنْ يُورَثَ مِنْ حَيْثُ يَبُولُ فَإِنْ بَالَ مِنْهُمَا جَمِيعاً فَمِنْ أَتَيْهَا سَبَقَ فَإِنْ لَمْ يَبُلْ مِنْ وَاحِدٍ مِنْهُمَا حَتَّى يَمُوتَ فَنُصِفُ مِيرَاثَ الْمَرْأَةِ وَ نُصِفُ مِيرَاثَ الرَّجُلِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtary,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Amir Al-Momineen^{-asws} had judged regarding the hermaphrodite who had a male organ and a female organ, that he should inherit from wherever he urinates. If he urinates from both of them together, then from whichever is first. If he does not urinate from one of them until he dies, then half the inheritance of the woman and half the inheritance of the man.¹⁵⁰¹

18- ل، الخصال أَبِي عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ ابْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: بَعَثَ مُعَاوِيَةُ رَجُلًا يَسْأَلُ أَمِيرَ الْمُؤْمِنِينَ ع عَنْ مَسَائِلَ فَقَالَ ع سَلْ عَنِ الْحَسَنِ ع

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Ibn Abu Najran, from Ibn Humeyd, from Muhammad Bin Qays,

From Abu Ja'far^{-asws} having said: 'Muawiya sent a man to ask Amir Al-Momineen^{-asws} about issues. He^{-asws} said: 'Ask Al-Hassan^{-asws} about it'.

فَسَأَلَ مَا الْمُؤَنَّثُ

He asked, 'What is the effeminate (Al-Muannas)?'

فَقَالَ الْحَسَنُ ع هُوَ الَّذِي لَا يُدْرَى أ ذَكَرٌ هُوَ أَوْ أُنْثَى فَإِنَّهُ يَنْتَظَرُ بِهِ فَإِنْ كَانَ ذَكَرًا اخْتَلَمَ وَ إِنْ كَانَتْ أُنْثَى حَاضَتْ وَ بَدَأَ تَدْيُّهَا وَ إِلَّا قِيلَ لَهُ بَلْ عَلَى الْحَائِطِ فَإِنْ أَصَابَ بَوْلُهُ الْحَائِطَ فَهُوَ ذَكَرٌ وَ إِنْ انْتَكَصَ بَوْلُهُ كَمَا يَنْتَكِصُ بَوْلُ الْبَعِيرِ فَهِيَ امْرَأَةٌ الْخَبَرِ.

Al-Hassan^{-asws} said: 'He is the one, it is not known whether he is a male or a female. He would be waited with. If he were a male, he would bed-wet, and if she were a female, she would menstruate and her breasts would begin to develop, or else it would be said to him, 'Urinate at the wall!' If the urine hits the wall, he is male, and if his urine trickles just as the trickling of the urine of a camel, she is a woman – the Hadeeth.¹⁵⁰²

19- ن، عيون أخبار الرضا عليه السلام بِإِسْنَادٍ إِلَى دَارِمٍ عَنِ الرِّضَا عَنْ آبَائِهِ ع أَنَّ عَلِيًّا ع وَرَثَ الْخُنْثَى مِنْ مَوْضِعِ مَبَالَتِهِ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – By the chain to Darim, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws}: 'Ali^{-asws} had the hermaphrodite inherit based upon his urination'.¹⁵⁰³

20- ق، المناقب لابن شهر آشوب سَأَلَ بَعْضُ بَنِي أَكْثَمَ عَنْ قَوْلِ عَلِيٍّ ع إِنَّ الْخُنْثَى يُورَثُ مِنَ الْمَبَالِ وَ قَالَ فَمَنْ يَنْتَظَرُ إِذَا بَالَ إِلَيْهِ مَعَ أَنَّهُ عَسَى أَنْ تَكُونَ امْرَأَةً وَ قَدْ نَظَرَ إِلَيْهَا الرِّجَالُ أَوْ عَسَى أَنْ يَكُونَ رَجُلًا وَ قَدْ نَظَرَتْ إِلَيْهِ النِّسَاءُ وَ هَذَا مَا لَا يَحِلُّ

¹⁵⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 17

¹⁵⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 18

¹⁵⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 19

(The book) 'Al Manaqib' of Ibn Shehr Ashub' –

Yahya Bin Aksam asked about the words of Ali-azwj that the hermaphrodite would inherit based upon the urination and said, 'So who would look at him when he urinates, along with the fact that perhaps it would be a woman and the men would have looked at her, or perhaps it would be a man and the women would have looked at him, and it is what is not Permissible!'

فَأَجَابَ أَبُو الْحَسَنِ الثَّالِثُ ع إِنَّ قَوْلَ عَلِيٍّ حَقٌّ وَ يَنْظُرُ قَوْمٌ عُذُولٌ يَأْخُذُ كُلُّ وَاحِدٍ مِنْهُمْ مِرْآةً وَ تَقُومُ الْحُنْتُ حُلْفَتُهُمْ عُزَيَانَةً وَ يَنْظُرُونَ فِي الْمَرَايَا فَيَرَوْنَ الشَّيْخَ فَيَحْكُمُونَ عَلَيْهِ.

Abu Al-Hassan-asws the 3rd answered: 'The word of Ali-asws is true, and a group of just men would look. Each one of them would take a mirror and the hermaphrodite would stand behind them, bare, and they would be looking into the mirrors. Thus, they would be seeing the resemblance and would be judging based upon it'.¹⁵⁰⁴

21- سن، المحاسن ابن محبوب عن جميل بن صالح عن فضيل بن يسار قال: سألت أبا عبد الله ع عن مولود ليس له ما للرجال ولا ما للنساء فقال هذا يفرع عليه الإمام ع يكتب على سهم عبد الله و يكتب على سهم آخر أمة الله

(The book) 'Al Mahasin' – Ibn Mahboub, from Jameel Bin Salih, from Fuzeyl Bin Yasaar who said,

'I asked Abu Abdullah-asws about the newborn, there isn't for him what is for the men nor what is for the women. He-asws said: 'This one, the Imam-asws would draw lots upon. He-asws would write upon a lot, 'Servant of Allah-azwj', and write upon a lot, 'Maid of Allah-azwj'.

ثُمَّ يَقُولُ الْإِمَامُ أَوْ الْمُفْرَعُ- اللَّهُمَّ أَنْتَ اللَّهُ لَا إِلَهَ إِلَّا أَنْتَ عَالِمُ الْغَيْبِ وَ الشَّهَادَةِ أَنْتَ تَحْكُمُ بَيْنَ عِبَادِكَ يَوْمَ الْقِيَامَةِ فِي مَا كَانُوا فِيهِ يَخْتَلِفُونَ بَيْنَ لَنَا أَمْرٌ هَذَا الْمَوْلُودُ حَتَّى تُورِثَهُ مَا قَرَضْتَ لَهُ فِي كِتَابِكَ

Then the Imam-asws, or the one casting the lot would say, 'O Allah-azwj! You-azwj are Allah-azwj! There is no god except You-azwj, Knower of the unseen and the seen! You-azwj will Judge on the Day of Qiyamah regarding what they had been differing in! Clarify for us the matter of this newborn until we make him inherit what You-azwj have Obligated for him in Your-azwj Book!'

قَالَ ثُمَّ يُطْرَحُ السَّهْمَانِ فِي سَهَامٍ مِنْهُمَا ثُمَّ يُجَالُ فَأَيُّهُمَا خَرَجَ وَرِثَ عَلَيْهِ.

He-asws said: 'Then the two lots would be dropped among ambiguous lots, then shaken. Whichever of the two emerges, he would inherit based upon it'.¹⁵⁰⁵

22- ضا، فقه الرضا عليه السلام إن ترك رجل ولداً حنثاً فإنه ينظر إلى إخليله إذا بال فإن خرج بؤله مما يخرج من الرجال ورث ميراث الرجال وإن خرج البؤل مما يخرج من النساء ورث ميراث النساء فإن خرج البؤل منهما جميعاً فمن أيهما سبق البؤل ورث عليه فإن خرج البؤل من الموضعين معاً فله نصف ميراث الذكر و نصف ميراث الأنثى

¹⁵⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 20

¹⁵⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 21

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} - If a man leaves behind a hermaphrodite child, the child's genitalia should be observed when urinating. If the urine comes from what male humans urinate from, the child inherits as a male. If it comes from what female humans urinate from, the child inherits as a female. If urine comes from both, the share goes to whichever organ urinates first. If urine comes simultaneously from both organs, the child receives half the inheritance of a male and half the inheritance of a female.

فَإِنْ لَمْ يَكُنْ لَهُ مَا لِلرِّجَالِ وَ لَا مَا لِلنِّسَاءِ فَإِنَّهُ يُؤْخَذُ سَهْمَانِ يُكْتَبُ عَلَى سَهْمِ عَبْدِ اللَّهِ وَ عَلَى سَهْمِ أُمَةِ اللَّهِ ثُمَّ يُجْعَلُ السَّهْمَانِ فِي سَهْمِ مُبْهَمٍ

And if there does not happen to be for him what is for them nor what is for the women, two lots would be taken. It would be written upon one lot, 'Servant of Allah^{-azwj}', and upon a lot, 'Maid of Allah^{-azwj}'. Then the two lots would be made to be among the ambiguous lots.

ثُمَّ يَقُولُ الْإِمَامُ أَوْ الْمُقْرِعُ - اللَّهُمَّ أَنْتَ تَحْكُمُ بَيْنَ عِبَادِكَ فِي مَا كَانُوا فِيهِ يَخْتَلِفُونَ بَيْنَ لَنَا أَمْرَ هَذَا الْمُؤَلَّودِ حَتَّى نُؤَرِّثَهُ مَا فَرَضْتَ لَهُ فِي كِتَابِكَ ثُمَّ يُجَالُ السَّهْمَانِ فَأُتِيَهُمَا خَرَجٌ وَرَثَ عَلَيْهِ.

Then either the Imam^{-asws} or the caster of the lots would say, 'O Allah^{-azwj}! You^{-azwj} will Judge between Your^{-azwj} servants regarding what they had been differing in! Clarify for us the matter of this newborn until we make him inherit what You^{-azwj} have Obligated for him in Your^{-azwj} Book. Then the lots would be shaken, so whichever of the two emerges, he would inherit based upon it.¹⁵⁰⁶

[باب 30 ميراث المجوس](#)

CHAPTER 30 – INHERITANCE OF THE MAGIANS

1- ب، قرب الإسناد أبو البخترى عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع كَانَ يُورِثُ الْمَجُوسَ إِذَا أَسْلَمُوا مِنْ وَجْهَيْنِ بِالنَّسَبِ وَ لَا يُورِثُ عَلَى الْكِتَابِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} had made the Magian inherit when they became Muslims, due to the lineage and not inherited based upon the marriage'.¹⁵⁰⁷

[باب 31 الميراث بالولاء و أحكام الولاء](#)

CHAPTER 31 – THE INHERITANCE THROUGH THE GUARDIANSHIP AND RULINGS OF THE GUARDIANSHIP

1- شي، تفسير العياشي عَنْ غَامِرِ بْنِ الْأَخْوَصِ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَ عَنِ السَّائِيَةِ فَقَالَ انْظُرْ فِي الْقُرْآنِ فَمَا كَانَ فِيهِ فَتَحْرِيرُ رَقَبَةٍ فَذَلِكَ يَا عَمَّارُ السَّائِيَةُ الَّتِي لَا وَلَاءَ لِأَحَدٍ مِنَ النَّاسِ عَلَيْهِ إِلَّا لِلَّهِ فَمَا كَانَ وَلَاؤُهُ لِلَّهِ فَلْيَرْسُولِ اللَّهُ وَ مَا كَانَ وَلَاؤُهُ لِرَسُولِ اللَّهِ فَإِنَّ وَلَاءَهُ لِلْإِمَامِ وَ جَنَابَتُهُ عَلَى الْإِمَامِ وَ مِيرَاثُهُ لَهُ.

¹⁵⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 29 H 22

¹⁵⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 30 H 1

Tafseer Al-Ayyashi – From Aamir Bin Al Ahwas who said,

‘I asked Abu Ja’far^{-asws} about the ‘Sa’ibah’ (freed slave). He^{-asws} said: ‘Look into the Quran. Whatever was in it: **you should free a neck [58:3]**, so that, O Ammar, is the ‘Sa’ibah’ who there is no guardianship for anyone from the people upon it except for Allah^{-azwj}. So, whoever’s guardianship is for Allah^{-azwj}, it is for Rasool-Allah^{-saww}, and whoever’s guardianship is for Rasool-Allah^{-saww}, his guardianship is for the Imam^{-asws} and his offences are upon the Imam^{-asws}, and his inheritance is for him^{-asws}’.¹⁵⁰⁸

2 نَوَادِرُ الرَّاَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: فِي بَرِيرَةَ أَرْبَعُ قَضِيَّاتٍ أَرَادَتْ شِرَاءَهَا فَاشْتَرَطَ مَوْلَاهَا أَنَّ الْوَلَاءَ لَهُمْ فَاشْتَرَتْهَا مِنْهُمْ عَلَى ذَلِكَ الشَّرْطِ

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

From Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws} having said regarding Bareyra: ‘There are four judgments Ayesha wanted to purchase her, but her owners stipulated that the right of guardianship should remain with them. She bought her from them on that condition.

فَصَعِدَ رَسُولُ اللَّهِ ص الْمِنْبَرَ فَقَالَ مَا بَالُ أَقْوَامٍ يَبِيعُ أَحَدُهُمْ زَوْجَتَهُ وَ يَشْتَرِي أَنَّ الْوَلَاءَ لَهُمْ إِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ وَ أَعْطَى الْمَالَ تَمَامَ الْحَبْرِ.

Then Rasool-Allah^{-saww} ascended the pulpit and said: ‘What is wrong with some people who sell their slaves and stipulate that the guardianship remains with them? Indeed, the guardianship belongs to the one who sets the slave free and gives the money’.¹⁵⁰⁹

3- كِتَابُ زَيْدِ النَّرْسِيِّ، قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا يَرِثُنَّ النِّسَاءُ مِنَ الْوَلَاءِ إِلَّا بِمَا أَعْتَقْنَ.

The book of Zayd Al Narsy who said,

‘I heard Abu Abdullah^{-asws} saying: ‘Women do not inherit from the guardianship except from what has been freed’.¹⁵¹⁰

4- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ عَلَيْهِ وَ عَلَى آلِهِ السَّلَامُ الْوَلَاءُ لِحُمَةِ كُلِّ حِمَةٍ النَّسَبِ لَا يُبَاعُ وَ لَا يُؤْتَى.

(The book) ‘Al Majazaat Al Nabawiya’ –

He^{-saww}, upon him^{-saww} and upon his^{-saww} Progeny^{-asws} be the greeting, said: ‘The guardianship is a tie like the tie of lineage, it can neither be sold nor gifted’.¹⁵¹¹

5- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق ع عن أبيه ع أَنَّ رَسُولَ اللَّهِ ص قَضَى فِي بَرِيرَةَ بِشَيْئَيْنِ قَضَى بِهَا أَنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ وَ قَضَى لَهَا بِالتَّخْيِيرِ حِينَ أُعْتِقَتْ الْحَبْرَ.

¹⁵⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 1

¹⁵⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 2

¹⁵¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 3

¹⁵¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 4

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Rasool-Allah^{saww} judged regarding Bareyra with two things. He^{saww} judged with her that the guardianship is for the one who liberates, and judged for her with the choice when she had been freed' – the Hadeeth.¹⁵¹²

6- 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: إن برة كان موليها الذين باعوها قد اشترطوا على عائشة أن لهم ولأهها فقال رسول الله ص الولاء لمن أعتق الخبر.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ahmad and Abdullah, two sons of Muhammad Bin Isaa, from Ibn Abu Umeyr, from Hammad, from Al Halby,

From Abu Abdullah^{asws} having said: 'Bareyra, her guardians were those who had sold her. They had stipulated upon Ayesha that her guardianship was for them. Rasool-Allah^{saww} said: 'The guardianship is for the one who liberates' – the Hadeeth.¹⁵¹³

7- ما، الأماالي للشيخ الطوسي عن زيد بن أرقم عن النبي ص لعن الله من تولّى إلى غير موليّه.

(The book) 'Al Amaali' of the sheikh Al Tusi, from Zayd Bin Arqam,

From the Prophet^{saww}: 'May Allah^{azwj} Curse the one who attributes guardianship to other than his guardians'.¹⁵¹⁴

8- ما، الأماالي للشيخ الطوسي ابن بشار عن أحمد بن سليمان عن محمد بن عثمان عن الحسن بن جعفر عن سعيد بن محمد عن يحيى بن سعيد عن عبد الله بن عمر عن نافع عن ابن عمر أن رسول الله ص هي عن بيع الولاء و عن هبته.

(The book) 'Al Amaali' of the sheikh Al Tusi – Ibn Bushran, from Ahmad Bin Suleyman, from Muhammad Bin Usman, from Al-Hassan Bin Ja'far, from Saeed Bin Muhammad, from Yahya Bin Saeed, from Abdullah Bin Umar, from Nafie, from Ibn Umar,

'Rasool-Allah^{saww} prohibited from selling the guardianship and from gifting it'.¹⁵¹⁵

9- ع، علل الشرائع أبي عن سعد عن هارون بن مسلم عن أيوب بن الحر قال: قلت لأبي عبد الله ع تملك يعرف هذا الأمر الذي نحن عليه أشره من الزكاة فأعنته

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Haroun Bin Muslim, from Ayoub Bin Al Hurr who said,

'I said to Abu Abdullah^{asws}, 'A slave who recognises this matter which we are upon, can I buy him from the Zakat and free him?'

قال فقال اشتره و أعنته

¹⁵¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 5

¹⁵¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 6

¹⁵¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 7

¹⁵¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 8

He (the narrator) said, 'He^{-asws} said: 'Buy him, and free him'.

قُلْتُ فَإِنْ هُوَ مَاتَ وَتَرَكَ مَالًا

I said, 'Supposing he dies and leaves wealth behind?'

قَالَ فَقَالَ مِيرَاثُهُ لِأَهْلِ الزَّكَاةِ لِأَنَّهُ اشْتَرَى بِسَهْمِهِمْ وَ فِي حَدِيثٍ آخَرَ بِمَالِهِمْ.

He (the narrator) said, 'He^{-asws} said: 'His inheritance would be for the ones rightful of the Zakat because he had been bought with their shares' – in another Hadeeth: 'With their wealth'.¹⁵¹⁶

10- ن، عيون أخبار الرضا عليه السلام بإسناد التميمي عن الرضا عن آبائه ع قَالَ قَالَ النَّبِيُّ ص مَنْ تَوَلَّى غَيْرَ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – By a chain of Al-Tameemi, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'The Prophet^{-saww} said: 'The one attributes guardianship to other than his guardians, upon him is the Curse of Allah^{-azwj} and His^{-azwj} Angels, and of the people altogether''.¹⁵¹⁷

11- مع، معاني الأخبار ابْنُ الْمُتَوَكِّلِ عَنِ الْحَمِيرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ خُبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي الرَّبِيعِ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنِ السَّائِيَةِ فَقَالَ الرَّجُلُ يُعْنِقُ غُلَامَهُ وَ يَقُولُ لَهُ أَذْهَبَ حَيْثُ شِئْتَ لَيْسَ لِي مِنْ مِيرَاثِكَ شَيْءٌ وَ لَيْسَ عَلَيَّ مِنْ جَرِيرَتِكَ شَيْءٌ

(The book) 'Ma'any Al Akhbar' – Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Ahmad Bin Muhammad, from Ibn Mahboub, from Khalid Bin Jareer, from Abu Al Rabie who said,

'Abu Abdullah^{-asws} was asked about 'Al-Sa'iba' (freed slave). He^{-asws} said: 'The man frees his slave and says to him: 'Go wherever you like! There isn't anything for me from your inheritance, and there isn't anything upon me from your offences'.

قَالَ وَ يُشْهَدُ شَاهِدَيْنِ.

He^{-asws} said: 'And he keeps two witnesses'.¹⁵¹⁸

12- سن، المحاسن ابْنُ فَضَّالٍ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ أَخْرَجَ زَكَاةَ مَالِهِ أَلْفَ دِرْهَمٍ فَلَمْ يَجِدْ مُؤْمِنًا يَدْفَعُ ذَلِكَ إِلَيْهِ فَتَنَظَّرَ إِلَى مَمْلُوكٍ يَبَاعُ مِمَّنْ يَرِيدُ فَاشْتَرَاهُ بِتِلْكَ الْأَلْفِ الدِّرْهَمِ الَّتِي أَخْرَجَهَا مِنْ زَكَاتِهِ فَأَعْتَقَهُ هَلْ يَجُوزُ ذَلِكَ

(The book) 'Al Mahasin' – Ibn Fazzal, from Haroun Bin Muslim, from Ibn Bukeyr, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah^{-asws} about a man who extracts Zakat of his wealth, a thousand Dirhams, but cannot find a Momin to hand that to him. So he looks at a slave from the one who had

¹⁵¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 9

¹⁵¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 10

¹⁵¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 11

His-azwj Rasool-saww at all, so Allah-azwj Cut off his guardianship from us-asws by His-azwj Words: **and those who believed and did not emigrate, there is nothing for you of their guardianship until they do emigrate [8:72]!**

فِي كَلَامٍ لَهُ ثُمَّ قَالَ هَذَا مَوَالِي لَنَا مَاتَ فَخَرْنَا ثَرَاءَهُ إِذْ كَانَ مَوْلَانَا وَ لِأَنَّا وَ لَدُ رَسُولِ اللَّهِ ص وَ أُمَّنَا فَاطِمَةُ أُخْرِزَتْ مِيرَاثَهُ.

In a speech of his-asws, then he-asws said: 'This is a freed slave of our-asws! He died so our-asws share is to inherit him when he was our-asws slave, and because we-asws are children of Rasool-Allah-saww and our-asws mother-asws (Syeda) Fatima-asws protected his-saww inheritance'.¹⁵²⁰

[باب 32 ميراث من لا وارث له](#)

CHAPTER 32 - INHERITANCE OF THE ONE HAVING NOT HAVING ANY HEIR FOR HIM

1- ب، قرب الإسناد أبو البُخَرِيّ عَنِ الصَّادِقِ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع أَغْتَقَ عَبْدًا نَصْرَانِيًّا ثُمَّ قَالَ مِيرَاثُهُ بَيْنَ الْمُسْلِمِينَ عَامَّةً إِنْ لَمْ يَكُنْ لَهُ وَلِيٌّ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq-asws, from his-asws father-asws: 'Ali-asws liberated a Christian slave, then said: 'His inheritance is between the general Muslims if there does not happen to be a guardian for him'.¹⁵²¹

2- ع، علل الشرائع ابنُ الْمُتَوَكِّلِ عَنْ سَعْدٍ عَنِ ابْنِ عِيْسَى عَنِ ابْنِ مُحَبُّوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ مُسْلِمٍ قُتِلَ وَ لَهُ أَبٌ نَصْرَانِيٌّ لِمَنْ تَكُونُ دِيْنَتُهُ

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil – from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Malik Bin Atiya, from Suleyman Bin Khalid,

From Abu Abdullah-asws, he (the narrator) said, 'I asked him-asws about a Muslim man who is killed and for him is a Christian father, 'For whom would be his wergild?'

قَالَ تَتَّخِذُ دِيْنَتَهُ فَنُجْعَلُ فِي بَيْتِ مَالِ الْمُسْلِمِينَ لِأَنَّ جَنَائَتَهُ عَلَى بَيْتِ مَالِ الْمُسْلِمِينَ.

He-asws said: 'His wergild would be taken and made to be in the Muslim public treasury because his offence is upon the Muslim public treasury'.¹⁵²²

3- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ وَ عَبْدِ اللَّهِ ابْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنِ ابْنِ مُحَبُّوبٍ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ مُسْلِمٍ قُتِلَ رَجُلًا مُسْلِمًا عَمْدًا وَ لَمْ يَكُنْ لِلْمَقْتُولِ أَوْلِيَاءُ مِنَ الْمُسْلِمِينَ وَ لَهُ أَوْلِيَاءُ مِنْ أَهْلِ الدِّمَةِ مِنْ قَرَابَتِهِ

¹⁵²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 31 H 13

¹⁵²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 32 H 1

¹⁵²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 32 H 2

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ahmad and Abdullah two sons of Muhammad Bin Isa, from Ibn Mahboub, from Muhammad Al Halaby,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a Muslim man who deliberately kills a Muslim man and there do not happen to be any guardians from the Muslims for the killed one, while for him there are guardians from the Zimmy people from his relatives'.

قَالَ عَلَى الْإِمَامِ أَنْ يُعْرِضَ عَلَى قَرَابَتِهِ مِنْ أَهْلِ الدِّمَةِ الْإِسْلَامَ فَمَنْ أَسْلَمَ مِنْهُمْ دَفَعَ الْقَاتِلَ إِلَيْهِ فَإِنْ شَاءَ قَتَلَ وَ إِنْ شَاءَ عَفَا وَ إِنْ شَاءَ أَخَذَ الدِّيَةَ

He^{-asws} said: 'It is upon the Imam^{-asws} to present Al Islam to his relatives from the Zimmy people. The one from them who becomes a Muslim, the killer would be handed over to him. If he likes he can kills him and if he likes he can pardon and if he likes he can take the wergild.

فَإِنْ لَمْ يُسْلِمَ مِنْ قَرَابَتِهِ أَحَدٌ كَانَ الْإِمَامُ وَلِيَّ أَمْرِهِ فَإِنْ شَاءَ قَتَلَ وَ إِنْ شَاءَ أَخَذَ الدِّيَةَ فَجَعَلَهَا فِي بَيْتِ مَالِ الْمُسْلِمِينَ لِأَنَّ جَنَايَةَ الْمَقْتُولِ كَانَتْ عَلَى الْإِمَامِ فَكَذَلِكَ تَكُونُ دِيْنُهُ لِلْإِمَامِ.

If no one from his relatives becomes a Muslim, the Imam^{-asws} would be the guardian of his matter. If he^{-asws} likes he^{-asws} kills, and if he^{-asws} likes he takes the wergild and makes it to be in the Muslim public treasury because offense of the killed one was upon the Imam^{-asws}, so like that his wergild would be for the Imam^{-asws}.¹⁵²³

4- شي، تفسير العياشي عن ابن محبوب قال: كَتَبْتُ إِلَى الرِّضَا ع أَسْأَلُهُ عَنْ قَوْلِ اللَّهِ وَ لِكُلِّ جَعَلْنَا مَوَالِيَّ مِمَّا تَرَكَ الْوَالِدَانِ وَ الْأَقْرَبُونَ وَ الَّذِينَ عَقَدْتَ أَيْمَانَكُمْ قَالَ إِيْمَا عَنِي بِذَلِكَ الْأَيْمَةَ بِهِمْ عَقَدَ اللَّهُ أَيْمَانَكُمْ.

Tafseer Al-Ayyashi – From Ibn Mahboub who said,

'I wrote to Al-Reza^{-asws} about Words of Allah^{-azwj}: **And for everyone We have appointed heirs of what is left by the parents and near relatives; and those with whom your rights hands have agreements [4:33]**. He^{-asws} said: 'But rather, He^{-azwj} Means the Imams^{-asws} with that. Allah^{-azwj} has Bound your oaths through them^{-asws}'.¹⁵²⁴

5- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ ع لَمَّا بَعَثَنِي رَسُولُ اللَّهِ ص إِلَى الْيَمَنِ قَالَ يَا عَلِيُّ لَا تُقَاتِلَنَّ أَحَدًا حَتَّى تَدْعُوهُ إِلَى الْإِسْلَامِ وَ إِيْمَ اللَّهِ لَأَنْ يَهْدِيَ اللَّهُ عَلَى يَدَيْكَ رَجُلًا خَيْرَ لَكَ مِمَّا طَلَعَتْ عَلَيْهِ الشَّمْسُ وَ لَكَ وَ لَاؤُهُ.

(The book) 'Nawadir' of Al Rawandy – By his chain,

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'When Rasool-Allah^{-saww} Sent me^{-asws} to Al-Yemen, he^{-saww} said: 'O Ali^{-asws}! Do not battle anyone until you^{-asws} have invited him to Al-Islam, and I^{-saww} swear by Allah^{-azwj} If Allah^{-azwj} were to Guide one man upon your^{-asws} hands, it would be better for you^{-asws} than whatever the sun emerges, and for you^{-asws} would be his loyalty'.¹⁵²⁵

¹⁵²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 32 H 3

¹⁵²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 32 H 4

¹⁵²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 32 H 5

CHAPTER 33 - INHERITANCE OF THE SLAVE AND THE GUARANTEED PERSON, AND THE ACKNOWLEDGMENT OF LINEAGE

1- ب، قرب الإسناد علي عن أخيه ع قال: سألتُه عن مَكَاتِبٍ أَدَّى نَصْفَ مَكَاتِبِهِ أَوْ بَعْضَهَا ثُمَّ مَاتَ وَ تَرَكَ وُلْدًا وَ مَالًا كَثِيرًا قَالَ إِذَا أَدَّى الرَّصْفَ عَتَقَ وَ يُؤَدَّى عَنْ مَكَاتِبِهِ مِنْ مَالِهِ وَ مِيرَاثُهُ لَوُلْدِهِ.

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the contracted slave having paid off half of his contract or part of it, then he dies and leaves behind children and a lot of wealth. He^{-asws} said: 'When he has paid off the half, he is free and (the remainder of) his contract would be paid off from his wealth, and his inheritance is for his children'.¹⁵²⁶

2- مع، معاني الأخبار أبي عن سعدٍ عن مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحُجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْحَمِيلِ فَقَالَ فَأَيُّ شَيْءٍ الْحَمِيلُ

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Muhammad Bin Al-Husayn, from Safwan, from Abdul Rahman Bin Al Hajjaj,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about 'Al-Hameel'. He^{-asws} said: 'Which thing is 'Al-Hameel'?'

فَقُلْتُ الْمَرْأَةُ تُسَبَّى مِنْ أَرْضِهَا مَعَهَا الْوَلَدُ الصَّغِيرُ فَتَقُولُ هُوَ ابْنِي وَ الرَّجُلُ يُسَبَّى فَيَقُولُ أَخَاهُ فَيَقُولُ هُوَ أَخِي لَيْسَ لُهُمَا بَيِّنَةٌ إِلَّا قَوْلُهُمَا

I said, 'A woman is taken captive from her land along with a small child, and she says, 'He is my son'. And a man is taken captive and meets another man, saying, 'He is my brother'. They have no proof except their own words'.

قَالَ فَمَا يَقُولُ النَّاسُ فِيهِ عِنْدَكُمْ

He^{-asws} said: 'So what are the people around you saying regarding it?'

قُلْتُ لَا يُورَثُوهُمْ إِذَا لَمْ يَكُنْ عَلَى وَلَادَتِهَا بَيِّنَةٌ إِنَّمَا كَانَتْ وَلَادَةٌ فِي الشِّرْكَ

I said, 'They will not inherit them when there does not happen to be any proof upon their birth. But rather the birth was in the Polytheism'.

فَقَالَ سُبْحَانَ اللَّهِ إِذَا جَاءَتْ بِابْنِهَا أَوْ ابْنَتِهَا لَمْ تَزَلْ مُقَرَّرَةً بِهِ وَ إِذَا عَرَفَ أَخَاهُ وَ كَانَ ذَلِكَ فِي صِحَّةٍ مِنْهُمَا لَمْ يَزَالُوا مُقَرَّرِينَ بِذَلِكَ وَرِثَ بَعْضُهُمْ بَعْضًا.

He^{-asws} said: 'Glory be to Allah^{-azwj}! When she comes with her son or her daughter not ceasing to acknowledge it, and when he recognises his brother, and that was in good (mental) health from them not ceasing acknowledging with that, they will inherit each other'.¹⁵²⁷

3- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قَالَ قَالَ: قَضَى عَلَيَّ ع فِي رَجُلٍ مَاتَ وَ تَرَكَ وَرَثَةً فَأَقَرَّ أَحَدُ الْوَرَثَةِ بِدَيْنٍ عَلَى أَبِيهِ قَالَ يَلْزُمُهُ فِي حَصَّتِهِ بِقَدْرِ مَا وَرِثَ وَ لَا يَكُونُ ذَلِكَ فِي مَالِهِ حُكْمٌ وَ إِنْ أَقَرَّ اثْنَانِ مِنَ الْوَرَثَةِ وَ كَانَا عُذُولًا أُجِيزَ ذَلِكَ عَلَى الْوَرَثَةِ وَ إِنْ لَمْ يَكُونَا عُذُولًا أُلْزِمَا فِي حَصَّتَيْهِمَا بِقَدْرِ مَا وَرِثَا وَ كَذَلِكَ إِنْ أَقَرَّ بَعْضُ الْوَرَثَةِ بِأَخٍ أَوْ أُخْتٍ إِنَّمَا يَلْزُمُهُ فِي حَصَّتِهِ

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} had judged regarding a man who dies and left heirs behind. One of the heirs acknowledged a debt upon his father. He^{-asws} said: 'That heir is responsible for the debt only in proportion to his share of the inheritance; it is not to be taken from the entire estate. But if two heirs acknowledge the debt and they are trustworthy, their acknowledgement is accepted and binding upon all the heirs. If they are not trustworthy, they are liable only in proportion to their shares. Likewise, if some of the heirs acknowledge the existence of a brother or sister, it is binding only upon them in their own shares.

قَالَ وَ قَالَ عَلِيٌّ مَنْ أَقَرَّ لِأَخِيهِ فَهُوَ شَرِيكَ فِي الْمَالِ وَ لَا يَتَّبَعُ نَسَبُهُ فَإِنْ أَقَرَّ لَهُ اثْنَانِ فَكَذَلِكَ إِلَّا أَنْ يَكُونَا عَدْلَيْنِ فَيُلْحَقُ بِنَسَبِهِ وَ يُضْرَبُ فِي الْمِيرَاثِ مَعَهُمَا.

He^{-asws} said: 'And Ali^{-asws} said: 'Whoever acknowledges a brother, that brother becomes a partner in the property, although his lineage is not established. However, if two heirs acknowledge him, the same applies, unless both are trustworthy, in which case his lineage is established, and he shares with them in the inheritance'.¹⁵²⁸

4- ضا، فقه الرضا عليه السلام إِذَا مَاتَ رَجُلٌ حُرٌّ وَ تَرَكَ أَمَّا مَمْلُوكَةً فَإِنَّ أَمِيرَ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ أَمَرَ أَنْ تُشْتَرَى الْأُمُّ مِنْ مَالِ ابْنِهَا وَ تُعْتَقَ وَ يُورَثَهَا.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'When a free man dies and leaves a mother who is a slave, Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws} had ordered that the mother be bought from the wealth of her son and liberated, and inherit'.¹⁵²⁹

¹⁵²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 33 H 1

¹⁵²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 33 H 3

¹⁵²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 33 H 4

CHAPTER 34 – RULING OF THE WERGILD IN THE INHERITANCE

1- ع، علل الشرائع أبي عن محمد العطار عن الأشعري عن ابن هاشم عن عمر بن عثمان عن بعض أصحابنا عن الحسين بن خالد عن أبي الحسن ع قال: دية الجنين إذا ضربت أمه فسقطت من بطنها قبل أن ينشأ فيه الروح مائة دينار فهي لورثته و دية الميت إذا قطع رأسه و شق بطنه فليس هي لورثته إنما هي له دون الورثة

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ash'ary, from Ibn Hashim, from Umar Bin Usman, from one of our companions, from Al-Husayn Bin Khalid,

From Abu Al-Hassan^{asws} having said: 'The wergild for a foetus, if its mother is struck and it falls from her womb before the soul has entered it, is one hundred Dinars, and it belongs to its heirs, but the wergild for a dead person, if his head is cut off and his abdomen is slit open, does not belong to his heirs, it belongs to him himself, not to the heirs'.

فَقُلْتُ وَ مَا الْفَرْقُ بَيْنَهُمَا

I said, 'What is the difference between the two cases?'

فَقَالَ إِنَّ الْجَنِينَ أَمْرٌ مُسْتَقْبَلٌ مُرْجَى نَفْعُهُ وَ إِنَّ هَذَا أَمْرٌ قَدْ مَضَى وَ ذَهَبَ مَنْفَعَتُهُ فَلَمَّا مِثْلَ بِهِ بَعْدَ وَفَاتِهِ صَارَتْ دِيَّةُ الْمُثَلَّةِ لَهُ لَا لَعَوْدِهِ لِحُجِّهَا عَنْهُ وَ يُفْعَلُ بِهِ أَبْوَابُ الْبِرِّ مِنْ صَدَقَةٍ وَ غَيْرِ ذَلِكَ.

He^{asws} said, 'The fetus is a matter of the future, whose benefit is yet to come, whereas this person's matter has passed and his benefit has ended. Therefore, when his body is mutilated after death, the compensation for that mutilation belongs to him, not to anyone else, it should be used on his behalf for performing the Hajj or other acts of charity and other such'.¹⁵³⁰

2- ضا، فقه الرضا عليه السلام اعلم أن الدية يرثها الورثة على كتاب الله ما خلا الإخوة و الأخوات من الأم فإئمه لا يرثون من الدية شيئاً.

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'Know that the wergild is inherited by the heirs based upon the Book of Allah^{azwj}, apart from the brothers and the sisters from the mother, for they cannot inherit anything from the wergild'.¹⁵³¹

¹⁵³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 34 H 1

¹⁵³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 34 H 2

CHAPTER 35 – MISCELLANEOUS RULINGS OF THE HEIR

1- فس، تفسیر القمی إِنَّ الدِّينَ آمَنُوا وَ هَاجَرُوا وَ جَاهَدُوا بِأَمْوَالِهِمْ وَ أَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ وَ الَّذِينَ آوَوْا وَ نَصَرُوا أُولَئِكَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ فَإِنَّ الْحَكْمَ كَانَ فِي أَوَّلِ النَّبُوَّةِ أَنَّ الْمَوَارِيثَ كَانَتْ عَلَى الْأُخُوَّةِ لَا عَلَى الْوِلَادَةِ فَلَمَّا هَاجَرَ رَسُولُ اللَّهِ ص إِلَى الْمَدِينَةِ أَحَى بَيْنَ الْمُهَاجِرِينَ وَ الْأَنْصَارِ فَكَانَ إِذَا مَاتَ الرَّجُلُ يَرِثُهُ أَخُوهُ فِي الدِّينِ وَ يَأْخُذُ الْمَالَ وَ كَانَ مَا تَرَكَ لَهُ دُونَ وَرَثَتِهِ

Tafseer Al-Qummi - ***Surely those who believed and emigrated with their wealth and their selves in the Way of Allah, sheltered and helped (them), they are guardians of each other [8:72].*** In the early days of Prophethood, the rule regarding inheritance was based on brotherhood, not on lineage. When Rasool-Allah^{-saww} migrated to Medina, he^{-saww} established bonds of brotherhood between the emigrants and the helpers. So when a man died, his brother in faith would inherit him and take his property, and what he left would go to that brother rather than to his blood relatives.

فَلَمَّا كَانَ بَعْدَ بَدْرِ أَنْزَلَ اللَّهُ - النَّبِيُّ أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ وَ أَزْوَاجُهُ أُمَّهَاتُهُمْ وَ أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ مِنَ الْمُؤْمِنِينَ وَ الْمُهَاجِرِينَ إِلَّا أَنْ تَفْعَلُوا إِلَى أَوْلِيَائِكُمْ مَعْرُوفًا فَتَسْخَتْ آيَةُ الْأُخُوَّةِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ.

When it was after (the battle of) Badr, Allah^{-azwj} Revealed: ***The Prophet is foremost with the Momineen than their own selves, and his wives are their mothers; and the possessors of the womb relationships, some of them are higher than the others in the Book of Allah, from the Momineen and the Emigrants, except that you should be doing good to your friends [33:6].*** So the Verse of brotherhood was Abrogated by: ***some of them are higher than the others'***. (opinion)

وَ فِيهِ أَيْضاً عَنْهُ ع أَنَّهُ قَالَ: نَسَخَ قَوْلُهُ تَعَالَى - وَ إِذَا حَضَرَ الْقِسْمَةُ أُولُوا الْقُرْبَى الْآيَةَ قَوْلُهُ تَعَالَى يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ.

And in it as well, from him^{-asws} having said: ***'And when there are present at the distribution, the relatives [4:8] was Abrogated by the Verse, the Words of the Exalted: Allah Directs you regarding your children: "For the male is a share of two females [4:11]"***.¹⁵³²

2- شي، تفسیر العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ - وَ إِذَا حَضَرَ الْقِسْمَةُ أُولُوا الْقُرْبَى وَ الْيَتَامَى وَ الْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ قَالَ نَسَخَتْهَا آيَةُ الْفَرَائِضِ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: ***And when there are present at the distribution, the relatives and the orphans and the needy, provide them from it [4:8].*** He^{-asws} said: 'The Verse of Obligations Abrogates it'.¹⁵³³

¹⁵³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 1

¹⁵³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 2

3- وَ فِي رِوَايَةٍ أُخْرَى عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ عَ وَ إِذَا حَضَرَ الْقِسْمَةُ أُولُو الْقُرْبَى وَ الْيَتَامَى وَ الْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَ قُولُوا لَهُمْ قَوْلًا مَعْرُوفًا قُلْتُ أَمْنَسُوحَةٌ هِيَ

And in another report from Abu Baseer,

From Abu Ja'far^{-asws} (regarding): **And when there are present at the distribution, the relatives and the orphans and the needy, sustain them from it and speak to them kind words [4:8].** I said, 'Is it Abrogated?'

قَالَ لَا إِذَا حَضَرَكَ فَأَعْطِهِمْ.

He^{-asws} said: 'No. When they present to you, give them'.¹⁵³⁴

4- وَ فِي رِوَايَةٍ أُخْرَى عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ عَ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ- وَ إِذَا حَضَرَ الْقِسْمَةُ أُولُو الْقُرْبَى قَالَ نَسَخَتْهَا آيَةُ الْفَرَائِضِ.

And in another report from Abu Baseer,

From Abu Ja'far^{-asws}, he said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **And when there are present at the distribution [4:8].** He^{-asws} said: 'The Verse of Obligations Abrogates it'.¹⁵³⁵

5- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَ يَقُولُ فِي الدَّيْنِ وَ الْوَصِيَّةِ فَقَالَ إِنَّ الدَّيْنَ قَبْلَ الْوَصِيَّةِ ثُمَّ الْوَصِيَّةُ عَلَى أَثَرِ الدَّيْنِ ثُمَّ الْمِيرَاثُ وَ لَا وَصِيَّةَ لَوَارِثٍ.

Tafseer Al Ayyashi – From Muhammad Bin Qays who said,

'I heard Abu Ja'far^{-asws} saying regarding the debts and the bequest. He^{-asws} said: 'The debt is before the bequest, then the bequest upon the tracks of debt, then the inheritance, and there is no bequest for an inheritor'.¹⁵³⁶

6- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ عَ قَالَ: إِنَّ الْحُكْمَ حُكْمَانِ حُكْمُ اللَّهِ وَ حُكْمُ الْجَاهِلِيَّةِ

Tafseer Al Ayyashi, from Abu Baseer,

From Abu Ja'far^{-asws} having said: 'The ruling is two (types of) rulings – A Ruling of Allah^{-azwj} and ruling of the Pre-Islamic period'.

ثُمَّ قَالَ وَ مَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ قَالَ فَاشْهَدَ أَنَّ زَيْدًا قَدْ حَكَمَ بِحُكْمِ الْجَاهِلِيَّةِ يَعْنِي فِي الْفَرَائِضِ.

Then he^{-asws} said: '**And who is better than Allah in Judging for a people who are certain? [5:50].** He^{-asws} said: 'Bear witness that Zayd has ruled with a ruling of the Pre-Islamic period' – meaning the obligatory (shares of inheritance)'.¹⁵³⁷

¹⁵³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 3

¹⁵³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 4

¹⁵³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 5

¹⁵³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 6

7- **الْهِدَايَةُ، قَالَ الصَّادِقُ ع إِنَّ اللَّهَ عَزَّ وَ جَلَّ أَخَى بَيْنَ الْأَزْوَاجِ فِي الْأُطْلَلَةِ قَبْلَ أَنْ يَخْلُقَ الْأَجْسَادَ بِالْفَيِّ عَامٍ فَإِذَا قَامَ فَائِمُنَا أَهْلَ الْبَيْتِ وَرَثَ الْأَخِ الَّذِي أَخَى بَيْنَهُمَا فِي الْأُطْلَلَةِ وَ لَمْ يُورَثِ الْأَخُ مِنَ الْوَلَادَةِ.**

(The book) 'Al Hidayah' –

Al-Sadiq^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Established brother-hood between the souls in the (realm of the) shadows two thousand years before He^{-azwj} Created the bodies. When our^{-asws} Qaim^{-ajfi} of People^{-asws} of the Household rises, the brother who He^{-azwj} had Established brotherhood between them in the (realm of the) shadows will inherit, while the brother from the birth will not inherit'.¹⁵³⁸

باب 36 عقوبة قتل النفس و علة القصاص و عقاب من قتل نفسه و كفارة قتل العمد و الخطاء

CHAPTER 36 – PUNISHMENT OF KILLING A SOUL, AND REASON FOR THE RETALIATION, AND PUNISHMENT OF ONE KILLING HIMSELF, AND EXPIATION OF THE DELIBERATE AND THE ACCIDENTAL KILLING

1- لي، الأمايلي للصدوق عن الصادق ع قال قال رسول الله ص أعنى الناس من قتل غير قاتله أو ضرب غير ضاربه.

(The book) 'Al Amaali' of Al Sadouq –

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said 'Rasool-Allah^{-saww} said 'The most transgressing of the people who kills others than his killer, or strikes other than his striker!'¹⁵³⁹

2- لي، الأمايلي للصدوق علي بن أحمد عن الأسدي عن سهل عن عبد العظيم الحسيني عن أبي الحسن الثالث ع قال: لَمَّا كَلَّمَ اللَّهُ عَزَّ وَ جَلَّ مُوسَى بْنَ عِمْرَانَ ع قَالَ إلهي مَا جَزَاءُ مَنْ قَتَلَ مُؤْمِنًا مُتَعَمِّدًا

(The book) 'Al Amaali' of Al Sadouq – Ali Bin Ahmad, from Al Asady, from Sahl, from Sahl, from Abdul Azeem Al Hasany,

From Abu Al-Hassan^{-asws} the 3rd having said: 'When Allah^{-azwj} Mighty and Majestic Spoke to Musa^{-as} Bin Imran^{-as}, he^{-as} said: 'My^{-as} God^{-azwj}! What is the Recompense of the one who kills a Momin deliberately?'

قَالَ لَا أَنْظُرُ إِلَيْهِ يَوْمَ الْقِيَامَةِ وَ لَا أُقِيلُ عَثْرَتَهُ.

He^{-azwj} Said: "I^{-azwj} will not Look at him on the Day of Qiyamah nor will I^{-azwj} Pardon his stumbles!"¹⁵⁴⁰

¹⁵³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 35 H 7

¹⁵³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 1

¹⁵⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 2

3- ما، الأماي للشيخ الطوسي جماعة عن أبي المفضل عن عبيد الله بن الحسن العلوي عن أبيه عن عبد العظيم الحسيني عن أبي جعفر عن آبائه ع قال قال أمير المؤمنين ع قلت أربع كلمات أنزل الله تعالى تصديقي بما في كتابه قلت المرأة محبوبه تحت لسانه فإذا تكلم ظهر فأُنزل الله تعالى و لتعرفنهم في لحن القول

(The book) 'Al Amaali' of the sheikh Al Tusi – A group, from Abu Al Mufazzal, from Ubeydullah Bin Al-Hassan Al Alawy, from his father, from Abdul Azeem Al Hasany,

From Abu Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'I^{-asws} said four phrases, Allah^{-azwj} the Exalted Revealed in His^{-azwj} Book my^{-asws} verification by it. I^{-asws} said: 'The person is hidden beneath his tongue, when he talks, he is revealed', so Allah^{-azwj} the Exalted Revealed: **and you can (already) recognise them by their tone of speech [47:30].**

قلت فمن جهل شيئاً عاداه فأُنزل الله بل كذبوا بما لم يحيطوا بعلمه

I^{-asws} said: 'One who is ignorant of something will be hostile to it', so Allah^{-azwj} Revealed: **But, they are belying what they have no comprehension of its Knowledge [10:39].**

و قلت قدر أو قيمة كل امرئ ما يحسن فأُنزل الله في قصة طالوت - إِنَّ اللَّهَ اصْطَفَاهُ عَلَيْكُمْ وَ زَادَهُ بَسْطَةً فِي الْعِلْمِ وَ الْجِسْمِ

And I^{-asws} said: 'The worth or value of every person is what he does well', so Allah^{-azwj} Revealed in the story of Talut: **Allah has Chosen him over you, and has Increased him abundantly in knowledge and physique [2:247].**

و قلت القتل يقتل القتل فأُنزل الله و لكم في القصاص حياة يا أولي الألباب.

And I^{-asws} said: 'The killing reduces the killing', so Allah^{-azwj} Revealed: **And for you, in the retaliation, there is life, O ones of understanding [2:179].**¹⁵⁴¹

4- ج، الاحتجاج بالإسناد إلى أبي محمد العسكري عن آبائه عن علي بن الحسين ع في تفسير قوله تعالى - و لكم في القصاص الآية-

(The book) 'Al Ihtijaj' –

By the chain to Abu Muhammad Al-Askari^{-asws}, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} Bin Al-Husayn^{-asws} regarding interpretation of Words of the Exalted: **And for you, in the retaliation [2:179] – the Verse.**

و لكم يا أمة محمد في القصاص حياة لأن من هم بالقتل فعرف أن يقتص منه فكف لذلك عن القتل كان حياة للذي كان هم يقتله و حياة هذا لهذا الجاني الذي أراد أن يقتل و حياة لغيرهما من الناس إذا علموا أن القصاص واجب - لا يجسرون على القتل مخافة القصاص - يا أولي الألباب أولي العقول لعلكم تتقون

And for you – O community of Muhammad^{-saww}, in the retaliation, there is life – because the one who thinks of murdering, so he would know that he would be retaliated from it. Thus, he would refrain from the killing. There would be life for the one whom he had thought of killing

him, and life for this offender who intended the murder, and life for other than these two from the people, when they (also) know that the retaliation is an Obligation, they would not be audacious upon the killing, fearing the retaliation, **O ones of understanding** – the ones with the intellects, **perhaps you would be fearing [2:179]**.

ثُمَّ قَالَ عِبَادُ اللَّهِ هَذَا قِصَاصُ قَتْلِكُمْ لِمَنْ تَقْتُلُونَهُ فِي الدُّنْيَا وَ تُقْنُونَ رُوحَهُ أَوْ لَا أَنْتُمْ كُمْ بِأَعْظَمَ مِنَ الْقَتْلِ وَ مَا يُوجِبُهُ اللَّهُ عَلَى قَاتِلِهِ بِمَا هُوَ أَكْبَرُ مِنْ هَذَا الْقِصَاصِ

Then he^{-asws} said: ‘Servants of Allah^{-azwj}! This retaliation, your killing the one whom you are killing in the world and perishing his soul, shall I^{-asws} give you the news of (of a killing) greater than this killing, and what Allah^{-azwj} has Obligated, upon killing him from what is greater than this retaliation?’

قَالُوا بَلَى يَا ابْنَ رَسُولِ اللَّهِ

They said, ‘Yes, O son^{-asws} of Rasool-Allah^{-saww}!’

قَالَ أَكْبَرُ مِنْ هَذَا الْقَتْلِ أَنْ يَقْتُلَهُ قَتْلًا لَا يَنْجِيهِ وَ لَا يَحْيَا بَعْدَهُ أَبَدًا قَالُوا مَا هُوَ قَالَ أَنْ يُضِلَّهُ عَنْ نُبُوَّةِ مُحَمَّدٍ وَ عَنْ وَلَايَةِ عَلِيِّ بْنِ أَبِي طَالِبٍ ع وَ يَسْلُكَ بِهِ غَيْرَ سَبِيلِ اللَّهِ وَ يُغْرِبَهُ بِاتِّبَاعِ طَرَائِقِ أَعْدَاءِ عَلِيِّ ع وَ الْقَوْلُ بِإِمَامَتِهِمْ وَ دَفْعِ عَلِيٍّ عَنْ حَقِّهِ وَ جَحْدِ فَضْلِهِ وَ آلَا يُبَالِي بِإِعْطَائِهِ وَاجِبِ تَعْظِيمِهِ

He^{-asws} said: ‘Greater than this killing is that you kill him with a killing which can neither be amended, nor be revived after it, ever!’ They said, ‘And what is it?’ He^{-asws} said: ‘If you stray him from the Prophet-hood of Muhammad^{-saww} and from the Wilayah of Ali^{-asws} Bin Abu Talib^{-asws}, and travel with him in other than the Way of Allah^{-azwj}, and the deceive him to follow the path of the enemies of Ali^{-asws}, and the speaking with their imamate, and repel Ali^{-asws} from his^{-asws} right, and reject his^{-asws} merits, and you don’t care that obeying him^{-asws} is an Obligation, to revere him^{-asws}.

فَهَذَا هُوَ الْقَتْلُ الَّذِي هُوَ تَحْلِيدُ الْمَقْتُولِ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا أَبَدًا فَجَزَاءُ هَذَا الْقَتْلِ مِثْلُ ذَلِكَ الْخُلُودُ فِي نَارِ جَهَنَّمَ.

Thus, this is the killing which is eternal. This is the killed one in the Fire of Hell, abiding eternally, forever. Thus the Recompense of this killing would be like that eternity in the Fire of Hell’.¹⁵⁴²

5- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سنان أَنَّهُ كَتَبَ الرِّضَا ع إِلَيْهِ حُرْمَ قَتْلِ النَّفْسِ لِعِلَّةِ فَسَادِ الْخَلْقِ فِي تَحْلِيلِهِ لَوْ أَجَلَ وَ فَنَائِهِمْ وَ فَسَادِ التَّدْبِيرِ.

(The book) ‘Ilal Al-Sharaie’, (and) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws}, in ‘Ilal of Ibn Sinan, Al-Reza^{-asws} wrote to him: ‘Killing the soul is prohibited because permitting it would lead to the corruption, destruction, and disorder of creation’.¹⁵⁴³

¹⁵⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 4

¹⁵⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 5

6- ع، علل الشرائع ابنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ ابْنِ أَبِي بَرْقِيٍّ عَنْ أَبِيهِ عَنْ عَبْدِ الْعَظِيمِ الْحُسَيْنِيِّ عَنْ أَبِي جَعْفَرٍ الثَّانِي عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ الصَّادِقِ ع قَالَ: قَتْلُ النَّفْسِ مِنَ الْكَبَائِرِ لِأَنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ - وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا.

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Al Sa'dabadi, from Al Barqy, from his father, from Abdul Azeem Al Hasany,

From Abu Ja'far^{-asws} the 2nd, from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws}, from Al-Sadiq^{-asws} having said: 'Killing the soul is from the major sins because Allah^{-azwj} Mighty and Majestic Says: **And whoever kills a Momin intentionally, his Recompense is Hell, being eternally in it, and Allah would be Wrathful upon him and Curse him, and would Prepare for him a mighty Punishment [4:93]**'.¹⁵⁴⁴

7- فس، تفسير القمي وَ مَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَ غَضِبَ اللَّهُ عَلَيْهِ وَ لَعَنَهُ وَ أَعَدَّ لَهُ عَذَابًا عَظِيمًا

Tafseer Al Qummi - **And whoever kills a Momin intentionally, his Recompense is Hell, being eternally in it, and Allah would be Wrathful upon him and Curse him, and would Prepare for him a mighty Punishment [4:93]**.

قَالَ مَنْ قَتَلَ مُؤْمِنًا عَلَى دِينِهِ لَمْ تُقْبَلْ تَوْبَتُهُ وَ مَنْ قَتَلَ نَبِيًّا أَوْ وَصِيًّا نَبِيٍّ فَلَا تَوْبَةَ لَهُ لِأَنَّهُ لَا يَكُونُ مِثْلَهُ فَيَقَادَ بِهِ

He said, 'One who kills a Momin for his religion, his repentance is not Accepted, and one who kills a Prophet^{-as} or a successor^{-asws} of a Prophet^{-as}, there is no repentance for him because there is no one like him to retaliate with.

وَ قَدْ يَكُونُ الرَّجُلُ بَيْنَ الْمُشْرِكِينَ وَ الْيَهُودِ وَ النَّصَارَى يَقْتُلُ رَجُلًا مِنَ الْمُسْلِمِينَ عَلَى أَنَّهُ مُسْلِمٌ فَإِذَا دَخَلَ فِي الْإِسْلَامِ حَاحَ اللَّهُ عَنْهُ لِقَوْلِ رَسُولِ اللَّهِ ص الْإِسْلَامُ يَجِبُ مَا كَانَ قَبْلَهُ أَيْ يَمْحُو لِأَنَّ أَكْثَرَ الذُّنُوبِ عِنْدَ اللَّهِ هُوَ الشِّرْكُ فَإِذَا قُبِلَتْ تَوْبَتُهُ مِنَ الشِّرْكِ قُبِلَتْ فِيَمَا سِوَاهُ

And a man could be between the Polytheists, and the Jews, and the Christians. He kills a man from the Muslims because he is a Muslim. When he enters into Al Islam, Allah^{-azwj} Erases it from him due to words of Rasool-Allah^{-saww}: 'Al-Islam erases whatever was before it', i.e. deletes it, because the mightiest of the sins in the Presence of Allah^{-azwj}, it is the associating with Allah^{-azwj}. When his repentance from the association is Accepted, whatever is besides it is (also) Accepted.

فَأَمَّا قَوْلُ الصَّادِقِ ع لَيْسَتْ لَهُ تَوْبَةٌ فَإِنَّهُ عَنِ مَنْ قَتَلَ نَبِيًّا أَوْ وَصِيًّا فَلَيْسَتْ لَهُ تَوْبَةٌ لِأَنَّهُ لَا يُقَادُ أَحَدٌ بِالْأَنْبِيَاءِ إِلَّا الْأَوْصِيَاءُ وَ الْأَوْصِيَاءُ لَا يَقْتُلُ بَعْضُهُمْ بَعْضًا وَ غَيْرَ النَّبِيِّ وَ الْوَصِيِّ - لَا يَكُونُ مِثْلُ النَّبِيِّ وَ الْوَصِيِّ فَيَقَادَ بِهِ وَ قَاتِلُهُمَا لَا يُوفَّقُ لِلتَّوْبَةِ.

As for the words of Al-Sadiq^{-asws}: 'There isn't any repentance for him', he^{-asws} meant the one who either kills a Prophet^{-as} or a successor^{-as}, so there isn't any repentance for him because no one can be retaliated with the Prophets^{-as} except the Prophets^{-as}, and with the successors^{-as} except the successors^{-as}, and the Prophets^{-as} and the successors^{-as} do not kill each other,

and someone other than the Prophet^{as} and the successor^{as} cannot be like the Prophet^{as} and the successor^{as} to be retaliated for, and their^{as} killer is not compatible for the repentance'.¹⁵⁴⁵

8- فس، تفسير القمي وَ الَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَ لَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَ لَا يَزْنُونَ وَ مَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا وَ أَثَامُ وَادِي [وَادٍ] مِنْ صُفْرِ مُذَابٍ قُدَّامُهَا حَرَّةٌ فِي جَهَنَّمَ يَكُونُ فِيهِ مَنْ عَبَدَ غَيْرَ اللَّهِ

Tafseer Al-Qummi - **And those who are not supplication to another god along with Allah, and are not killing the soul which Allah Forbade except with the right, nor are they committing adultery. And one who does that, indulges in sin [25:68], and 'Asaam' (sin) is valley of molten brass in front of it is heat of Hell wherein would be ones who worshipped other than Allah^{-azwj}.**

وَ مَنْ قَتَلَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ وَ يَكُونُ فِيهِ الرُّنَاءُ يُضَاعَفُ لَهُمْ فِيهِ الْعَذَابُ - إِلَّا مَنْ تَابَ وَ آمَنَ وَ عَمِلَ إِلَى قَوْلِهِ فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا يَقُولُ لَا يَعُودُ إِلَى شَيْءٍ مِنْ ذَلِكَ بِالْخَالِصِ وَ بِنِيَّةٍ صَادِقَةٍ.

And one who kills the soul which Allah^{-azwj} has Prohibited (to kill), and the adulterers will be in it. The Punishment will be doubled for them in it: **Except one who repents, and believes, and does righteous deeds [25:70] – up to His^{-azwj} Words: then surely he repents to Allah penitently [25:71].** He^{-azwj} is Saying he does not return to anything from that with the sincerity and truthful intent'.¹⁵⁴⁶

9- ب، قرب الإسناد ابْنُ طَرِيفٍ عَنِ ابْنِ عُثْوَانَ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع قَالَ: وَجَدَ فِي غِمْدِ سَيْفِ رَسُولِ اللَّهِ ص صَحِيفَةً مَخْتُومَةً فَفَتَحُوهَا فَوَجَدُوا فِيهَا إِنَّ أَعْيَى النَّاسِ عَلَى اللَّهِ الْقَاتِلُ غَيْرَ قَاتِلِهِ وَ الضَّارِبُ غَيْرَ ضَارِبِهِ وَ مَنْ أَخَذَتْ حَدَثًا أَوْ آوَى مُخْدِئًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَ الْمَلَائِكَةِ وَ النَّاسِ أَجْمَعِينَ - لَا يَقْبَلُ اللَّهُ مِنْهُ صَرْفًا وَ لَا عَدْلًا وَ مَنْ تَوَلَّى إِلَى غَيْرِ مَوَالِيهِ فَقَدْ كَفَرَ بِمَا أُتِرَ عَلَى مُحَمَّدٍ ص.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'A sealed parchment was found in the sheath of a sword of Rasool-Allah^{-saww}. They opened it and found in it: 'The most transgressing of the people upon Allah^{-azwj} is the killer of other than his killer, and the striker of other than his striker, and one who innovates and innovation or shelters an innovator, upon him is the Curse of Allah^{-azwj}, and the Angels and the people altogether. Allah^{-azwj} will neither Accept any exchange from him or a replacement; and the one who attributes guardianship to other than his guardian has disbelieved in what Allah^{-azwj} has Revealed unto Muhammad^{-saww}'.¹⁵⁴⁷

10- ب، قرب الإسناد عَلِيُّ عَنْ أَخِيهِ ع قَالَ: ابْتَدَرَ النَّاسُ إِلَى قِرَابِ سَيْفِ رَسُولِ اللَّهِ - ص بَعْدَ مَوْتِهِ فَإِذَا صَحِيفَةٌ صَغِيرَةٌ وَجَدُوا فِيهَا مَنْ آوَى مُخْدِئًا فَهُوَ كَافِرٌ وَ مَنْ تَوَلَّى غَيْرَ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَ مَنْ أَعْيَى النَّاسِ عَلَى اللَّهِ عَزَّ وَ جَلَّ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ أَوْ ضَرَبَ غَيْرَ ضَارِبِهِ.

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Musa Al-Kazim^{-asws} having said: 'The people rushed to a sheath of a sword of Rasool-Allah^{-saww} after his^{-saww} passing away. There was a small parchment (in it).

¹⁵⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 7

¹⁵⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 8

¹⁵⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 9

They found (written) in it: 'One who shelters an innovator, he is a Kafir, and one who attributes guardianship to other than his guardians, upon him is the Curse of Allah^{-azwj}; and from the most transgressing of the people to Allah^{-azwj} Mighty and Majestic is the one who kills other than his killer, or strikes other than his striker'.¹⁵⁴⁸

11- ل، الخصال ماجيلويه عن مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ هَاشِمٍ عَنِ الْحُسَيْنِ بْنِ أَبِي الْحُسَيْنِ عَنْ سُلَيْمَانَ بْنِ خَفْصٍ الْبَصْرِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَا عَجَبَتِ الْأَرْضُ إِلَى رَبِّهَا عَزَّ وَ جَلَّ كَعَجِيجِهَا مِنْ ثَلَاثَةٍ مِنْ دِمٍ حَرَامٍ يُسْفَكَ عَلَيْهَا أَوْ اغْتَسَالٍ مِنْ زِنَا أَوْ النَّوْمِ عَلَيْهَا قَبْلَ طُلُوعِ الشَّمْسِ.

(The book) 'Al Khisaal' – Majaylawiya, from Muhammad Al Attar, from Al Ash'ari, from Ibn Hashim, from Al-Hassan Bin Abu Al-Husayn, from Suleyman Bin Hafs Al Basry,

From Ja'far^{-asws} Bin Muhammad^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The earth has not clamoured to its Lord^{-azwj} Mighty and Majestic like its clamouring from three – from a prohibited blood being spilt upon it, or washing from the adultery, or the sleeping upon it before emergence of the sun'.¹⁵⁴⁹

12- ل، الخصال أبي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ بَعْضِ رِجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: ثَلَاثَةٌ لَا يَدْخُلُونَ الْجَنَّةَ السَّقَاكُ لِلْدَمِ وَ شَارِبُ الْخَمْرِ وَ مَشَاءُ بِنَمِيمَةٍ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Sinan, from one of his men,

From Abu Abdullah^{-asws} having said: 'Three will not be entering the Paradise – the shedder of (prohibited) blood, and the drinker of wine, and a walker with gossip'.¹⁵⁵⁰

13 ثو، ثواب الأعمال ماجيلويه عَنْ عَمِّهِ عَنِ الْكُوفِيِّ عَنْ عُثْمَانَ بْنِ عَفَّانَ عَنْ عَلِيِّ بْنِ غَالِبٍ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ ع مِثْلُهُ.

(The book) 'Sawaab Al Amaal' – Majaylawiya, from his uncle, from Al Kufi, from Usman Bin Affan, from Ali Bin Ghalib, from a man, from Abu Abdullah^{-asws}, similar to it.¹⁵⁵¹

14- ل، الخصال فيما أوصى به النَّبِيُّ ص عَلِيًّا ع يَا عَلِيُّ كَفَرُ بِاللَّهِ الْعَظِيمِ مِنْ هَذِهِ الْأُمَّةِ عَشْرَةُ الْقَتْلُ وَ السَّاحِرُ وَ الدُّيُوتُ وَ نَاكِحُ الْمَرْأَةِ حَرَامًا فِي دُبُرِهَا وَ نَاكِحُ الْبَيْهَمَةِ وَ مَنْ نَكَحَ ذَاتَ نَحْرٍ مِنْهُ وَ السَّاعِي فِي الْفِتْنَةِ وَ بَائِعُ السِّلَاحِ مِنْ أَهْلِ الْحَرْبِ وَ مَانِعُ الزَّكَاةَ وَ مَنْ وَجَدَ سَعَةً فَمَاتَ وَ لَمْ يَخُجْ.

(The book) 'Al Khisaal' –

Among what the Prophet^{-saww} advised to Ali^{-asws}: 'O Ali^{-asws}! Ten people from this community have disbelieved in Allah^{-azwj} the Magnificent - the murderer, and the sorcerer, and the cuckold, and the one who has marital relations with a woman unlawfully from her rear, the one who has sexual relations with an animal, the one who marries a woman who is forbidden to him by kinship (incest), the one who stirs up sedition (Fitna), the seller of weapons to the

¹⁵⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 10

¹⁵⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 11

¹⁵⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 12

¹⁵⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 13

people of war, the one who withholds Zakat, and the one who has the means but dies without performing the Hajj'.¹⁵⁵²

15- مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام ابن الوليد عن ابن أبي أنان عن الحسين بن سعيد عن الوشاء قال سمعت الرضا ع يقول قال رسول الله ص لعن الله من أحدث حدثاً أو آوى محدثاً

(The book) 'Ma'any Al Akhbar', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Ibn Al Waleed, from Ibn Aban, from Al-Husayn Bin Saeed, from Al Washa who said,

'I heard Al-Reza^{-asws} saying: 'Rasool-Allah^{-saww} said: 'May Allah^{-azwj} Curse the one who innovates an innovation or shelters an innovator!'

فُلْتُ وَ مَا الْحَدَّثُ

I said, 'And what is the innovation?'

قَالَ مَنْ قَتَلَ.

He^{-saww} said: 'The one who murders'.¹⁵⁵³

16 ثو، ثواب الأعمال أبي عن سعد عن أحمد بن محمد بن الحسين بن سعيد مثله.

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Al-Husayn Bin Saeed, similar to it.¹⁵⁵⁴

17- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آباءه ع قال قال أمير المؤمنين ع ورثت عن رسول الله ص كتابين - كتاب الله و كتاباً في قراب سيفي

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – By the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'Two books were inherited from Rasool-Allah^{-azwj} – the Book of Allah^{-azwj} and a book (written parchment) in the sheath of my^{-asws} sword'.

قِيلَ يَا أَمِيرَ الْمُؤْمِنِينَ وَ مَا الْكِتَابُ الَّذِي فِي قَرَابِ سَيْفِكَ

It was said, 'O Amir Al-Momineen^{-asws}, and what is the book (written parchment) which was in the sheath of your^{-asws} sword?'

قَالَ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ أَوْ ضَرَبَ غَيْرَ ضَارِبِهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ.

¹⁵⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 14

¹⁵⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 15

¹⁵⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 16

He^{-asws} said: 'One who kills other than his killer, or strikes other than his striker, upon him is the Curse of Allah^{-azwj}'.¹⁵⁵⁵

18 صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) 'Saheefa Al-Reza^{-asws}' – from him^{-asws}, similar to it.¹⁵⁵⁶

19- ع، علل الشرائع ابن مسرور عن ابن عامر عن مغللى بن محمد عن العباس بن العلاء عن مجاهد عن أبيه عن أبي عبد الله ع قال: الذنوب التي تُغَيِّرُ النِّعَمَ الْبَغْيُ وَ الذُّنُوبُ الَّتِي تُورِثُ النَّدَمَ الْقَتْلُ وَ الَّتِي تُنْزِلُ النِّعَمَ الظُّلْمُ وَ الَّتِي تَحْتِكُ السُّوْرَ شُرْبُ الْخَمْرِ وَ الَّتِي تَحْبِسُ الرِّزْقَ الزِّنَا وَ الَّتِي تُعَجِّلُ الْفَنَاءَ قَطِيعَةُ الرَّحِمِ وَ الَّتِي تَزِدُّ الدَّعَاءَ وَ تُظْلِمُ الْهَوَاءَ غُفُوقُ الْوَالِدَيْنِ.

(The book) 'Ilal Al Sharaie' – Ibn Masrour, from Ibn Aamir, from Moalla Bin Muhammad, from Al Abbas Bin Al A'ala, from Mujahid, from his father,

From Abu Abdullah^{-asws} having said: 'The sins which change the bounties, prostitution; and the sins which inherit the regret, the murder; and which bring down the scourge, the injustice; and which violate the veil (of modesty), drinking the wine; and which withhold the sustenance, the adultery; and which hastens the annihilation, cutting the kinship; and which repel the supplication and darken the atmosphere, disloyalty to the parents'.¹⁵⁵⁷

20- مع، معاني الأخبار أبي عن سعد عن ابن عيسى عن الحسين بن سعيد عن ابن أبي عمير عن منصور بن يونس عن الثمالي عن علي بن الحسين ع قال قال رسول الله ص لا يُعْرَضُكُمْ رَحْبُ الدَّرَاعَيْنِ بِالدَّمِ فَإِنَّ لَهُ عِنْدَ اللَّهِ قَاتِلًا لَا يَمُوتُ

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Isa, from Al-Husayn Bin Saeed, from Ibn Abu Umeyr, from Mansour Bin Yunus, from Al Sumali,

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Do not let the one with arms open to bloodshed deceived you, for in the Presence of Allah^{-azwj} there is a killer for him who will not die!'

قَالُوا يَا رَسُولَ اللَّهِ وَ مَا قَاتِلٌ لَا يَمُوتُ

They said, 'O Rasool-Allah^{-azwj}, and what is a killer who does not die?'

فَقَالَ النَّارُ.

He^{-asws} said: 'The Fire'.¹⁵⁵⁸

21- مع، معاني الأخبار أبي عن سعد عن إبراهيم بن مهزيار عن أخيه عن الحسين بن سعيد عن صفوان بن يحيى عن جميل عن أبي عبد الله ع قال سَمِعْتُهُ يَقُولُ لَعَنَ رَسُولُ اللَّهِ ص مَنْ أَحْدَثَ فِي الْمَدِينَةِ حَدَثًا أَوْ آوَى مُحَدِّثًا

¹⁵⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 17

¹⁵⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 18

¹⁵⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 19

¹⁵⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 20

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibrahim Bin Mahziyar, from his brother, from Al-Husayn Bin Saeed, from Safwan Bin Yahya, from Jameel,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'Rasool-Allah^{-saww} had cursed the one who innovates an innovation in Al-Medina, or shelters an innovator'.

قُلْتُ وَ مَا ذَلِكَ الْحَدِيثُ

I said, 'And what is that innovation?'

قَالَ الْقَتْلُ.

He^{-asws} said: 'The murder'.¹⁵⁵⁹

22- مع، معاني الأخبار مُحَمَّدُ بْنُ أَحْمَدَ بْنِ تَيْمٍ عَنْ مُحَمَّدِ بْنِ إِدْرِيسَ عَنْ إِسْحَاقَ بْنِ إِسْرَائِيلَ عَنْ سَيْفِ بْنِ هَارُونَ عَنْ عَمْرِو بْنِ قَيْسٍ عَنْ أُمِّهِ بْنِ يَزِيدَ الْقُرَشِيِّ قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَحْدَثَ حَدَثًا أَوْ آوَى مُخْدِنًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ وَلَا يُقْبَلُ مِنْهُ عَدْلٌ وَلَا صَرْفٌ يَوْمَ الْقِيَامَةِ

(The book) 'Ma'any Al Akhbar' – Muhammad Bin Ahmad Bin Tameem, from Muhammad Bin Idrees, from Is'haq Bin Israil, from Sayf Bin Haroun, from Amro Bin Qays, from Umayya Bin Yazeed Al Qureyshi who said,

'Rasool-Allah^{-saww} said: 'One who innovates an innovation or shelters an innovator, upon him is the Curse of Allah^{-azwj} and the Angels and the people altogether, and neither replacement nor exchange will be Accepted from him on the Day of Qiyamah'.

فَقِيلَ يَا رَسُولَ اللَّهِ مَا الْحَدِيثُ

It was said, 'O Rasool-Allah^{-saww}! What is the innovation?'

قَالَ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ أَوْ مَثَلٍ مُثَلَّةً بِغَيْرِ قَوْدٍ أَوْ ابْتَدَعَ بِدْعَةٍ بِغَيْرِ سُنَّةٍ أَوْ انْتَهَبَ نُهْبَةً دَاتٍ شَرَفٍ

He^{-saww} said: 'One who kills a soul for another soul, or corruption, or mutilates someone without retaliation, or innovates an innovation without a Sunnah, or plunders someone with nobility'.

قَالَ فَقِيلَ مَا الْعَدْلُ يَا رَسُولَ اللَّهِ

He (the narrator) said, 'It was said, 'What is the justice, O Rasool-Allah^{-saww}?'

قَالَ الْفِدْيَةُ

He^{-saww} said: 'The ransom (compensation)'.

قَالَ فَقِيلَ مَا الصَّرْفُ يَا رَسُولَ اللَّهِ

It was said, 'What is the restoration, O Rasool-Allah^{-saww}?'

قَالَ النَّبِيُّ.

He^{-saww} said: 'The repentance'.¹⁵⁶⁰

23- مع، معاني الأخبار ابن الوليد عن ابن أبي عمير عن علي بن عتبة عن أبي خالد القمط عن حمران قال: قُلْتُ لِأَبِي جَعْفَرٍ ع قَوْلُ اللَّهِ عَزَّ وَجَلَّ - مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَإِنَّمَا قَتَلَ وَاحِدًا

(The book) 'Ma'any Al Akhbar' – Ibn Al Waleed, from Al-Husayn Bin Saeed, from Ibn Abu Umeyr, from Ali Bin Uqbah, from Abu Khalid Al Qammat, from Humran who said,

'I said to Abu Ja'far^{-asws}, 'The Words of Allah^{-azwj} Mighty and Majestic: **For that reason We Prescribed upon the Children of Israel that the one who kills a soul for other than a soul (in retaliation), or (for) mischief in the earth, then it would be as if he killed the entirety of the people [5:32], and rather he killed one**.'

فَقَالَ يُوضَعُ فِي مَوْضِعٍ مِنْ جَهَنَّمَ إِلَيْهِ مُنْتَهَى شِدَّةِ عَذَابِ أَهْلِهَا لَوْ قَتَلَ النَّاسَ جَمِيعًا كَانَ إِنَّمَا يُدْخَلُ ذَلِكَ الْمَكَانَ وَ لَوْ كَانَ قَتَلَ وَاحِدًا كَانَ إِنَّمَا يُدْخَلُ ذَلِكَ الْمَكَانَ

He^{-asws} said: 'He will be placed in a place in Hell where the severity of its punishment reaches its extreme. Even if he were to kill all people, he would only be admitted to that place; and if he killed only one, he would still be admitted only to that place'.

قُلْتُ فَإِنَّهُ قَتَلَ آخَرَ

I said, 'Supposing he kills another?'

قَالَ يُضَاعَفُ عَلَيْهِ.

He^{-asws} said: 'It will be doubled upon him'.¹⁵⁶¹

24- شي، تفسير العياشي عن حمران مثله و زاد في آخره قُلْتُ فَمَنْ أَحْيَاهَا

Tafseer Al Ayyashi –

From Humran, similar to it, and there is an addition in its end – I (the narrator) said, 'So the one who revives it?'

قَالَ نَجَّاهَا مِنْ عَرَقٍ أَوْ حَرَقٍ أَوْ سَمٍّ أَوْ عَذْوٍ

¹⁵⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 22

¹⁵⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 23

He^{-asws} said: 'Saves it from drowning, or burning, or a wild animal, or an enemy'.

ثُمَّ سَكَتَ ثُمَّ التَّفَّتْ إِلَيَّ فَقَالَ تَأْوِيلُهَا الْأَعْظَمُ دَعَاها فَاسْتَجَابَتْ لَهُ.

Then he^{-asws} was silent. Then he^{-asws} turned towards me. He^{-asws} said: 'Its interpretation is mightier. He called it (to the truth) and it responded to him'.¹⁵⁶²

25- ثَوَابُ الْأَعْمَالِ أَبِي عَنِ الْحَمِيْرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ مِثْلَهُ.

(The book) 'Sawab Al Amaal' – My father, from Al Himeyri, from Ahmad Bin Muhammad, from Al-Husayn Bin Saeed, similar to it.¹⁵⁶³

26- ثَوَابُ الْأَعْمَالِ بِالْإِسْنَادِ عَنِ الْحُسَيْنِ عَنْ فَضَالَةَ عَنْ أَبَانَ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ سُئِلَ عَنْ قَتْلِ مُتَعَمِّدًا قَالَ جَزَاؤُهُ جَهَنَّمُ.

(The book) 'Sawab Al Amaal' – By the chain, from Al-Husayn, from Fazalat, from Aban, from the one who informed him,

From Abu Abdullah^{-asws}, he^{-asws} was asked about the one who kills (murders) deliberately. He^{-asws} said: 'His Recompense is Hell'.¹⁵⁶⁴

27- مع، معاني الأخبار بِحَدَّثِ الْإِسْنَادِ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ عَنْ أَبَانَ عَنْ إِسْحَاقَ بْنِ إِبْرَاهِيمَ الصَّقِيلِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع وَجَدَ فِي دُوَابَةِ سَيْفِ رَسُولِ اللَّهِ ص صَحِيفَةً فَإِذَا فِيهَا مَكْتُوبٌ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ إِنَّ أَعْنَى النَّاسِ عَلَى اللَّهِ يَوْمَ الْقِيَامَةِ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ وَ مَنْ ضَرَبَ غَيْرَ ضَارِبِهِ وَ مَنْ تَوَلَّى غَيْرَ مَوَالِيهِ فَهُوَ كَافِرٌ بِمَا أَنْزَلَ اللَّهُ تَعَالَى عَلَى مُحَمَّدٍ ص وَ مَنْ أَخَذَتْ حَدَثًا أَوْ آوَى مُحَدِّثًا لَمْ يَقْبَلِ اللَّهُ مِنْهُ يَوْمَ الْقِيَامَةِ صَرْفًا وَ لَا عَدْلًا

(The book) 'Ma'any Al Akhbar' – By this chain, from Al-Husayn Bin Saeed, from Fazalah, from Aban, from Is'haq Bin Ibrahim Al Sayqal who said,

'Abu Abdullah^{-asws} said: 'A parchment was found in the sheath of a sword of Rasool-Allah^{-saww}. Therein was written – 'In the Name of Allah^{-azwj} the Beneficent, the Merciful! The most transgressing of the people on the Day of Qiyamah will be the one who kills other than his killer; and one who strikes other than his striker; and one who attributes guardianship to other than his guardian is a disbeliever in what Allah^{-azwj} the Exalted Revealed unto Muhammad^{-saww}; and the one who innovates an innovation, or shelters an innovator, Allah^{-azwj} will neither Accept any exchange from him nor a replacement'.

قَالَ ثُمَّ قَالَ تَدْرِي مَا يَعْنِي بِقَوْلِهِ مَنْ تَوَلَّى غَيْرَ مَوَالِيهِ

He (the narrator) said, 'Then he^{-asws} said: 'Do you know what is the meaning of his^{-saww} words: 'One who attributes guardianship to other than his guardians'?'

قُلْتُ مَا يَعْنِي بِهِ

¹⁵⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 24

¹⁵⁶³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 25

¹⁵⁶⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 26

I said, 'What did he^{-saww} mean by it?'

قَالَ يَعْنِي أَهْلَ الدِّينِ

He^{-asws} said: 'He^{-saww} meant the religious people'.

وَالصَّرْفُ التَّوْبَةُ فِي قَوْلِ أَبِي جَعْفَرٍ ع وَ الْعَدْلُ الْفِدَاءُ فِي قَوْلِ أَبِي عَبْدِ اللَّهِ ع.

And the 'exchange' (restoration) is the repentance in the words of Abu Ja'far^{-asws}, and the 'replacement' is the ransom (compensation) in the words of Abu Abdullah^{-asws}.¹⁵⁶⁵

28- مع، معاني الأخبار بِهَذَا الْإِسْنَادِ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- وَ مَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ قَالَ مَنْ قَتَلَ مُؤْمِنًا مُتَعَمِّدًا عَلَى دِينِهِ فَذَاكَ الْمُتَعَمِّدُ الَّذِي قَالَ اللَّهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ- وَ أَعَدَّ لَهُ عَذَابًا عَظِيمًا

(The book) 'Ma'any Al Akhbaar' – By this chain from Al-Husayn Bin Saeed, from Usman Bin Isa, from Sama'at who said,

'I asked him^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **And whoever kills a Momin intentionally, his Recompense is Hell [4:93]**, he^{-asws} said: 'One who kills a Momin deliberately for his religion, so that is the deliberation which Allah^{-azwj} Mighty and Majestic Said in His^{-azwj} Book: **and would Prepare for him a grievous Punishment [4:93]**'.

قُلْتُ فَالرَّجُلُ يَقَعُ بَيْنَهُ وَ بَيْنَ الرَّجُلِ شَيْءٌ فَيَضْرِبُهُ بِسَيْفِهِ فَيَقْتُلُهُ

I said, 'The man, something occurs between him and a man so he strikes him with his sword and kills him?'

قَالَ لَيْسَ ذَلِكَ الْمُتَعَمِّدُ الَّذِي قَالَ اللَّهُ عَزَّ وَ جَلَّ.

He^{-asws} said: 'That is not the deliberate (killing) which Allah^{-azwj} Mighty and Majestic Said'.¹⁵⁶⁶

29 شي، تفسير العياشي عَنْ سَمَاعَةَ مِثْلَهُ.

(The book) 'Tafseer Al Ayyashi' – From Sama'at, similar to it.¹⁵⁶⁷

30- مع، معاني الأخبار بِهَذَا الْإِسْنَادِ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ أَبِي السَّفَاتِجِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- وَ مَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ قَالَ جَزَاؤُهُ جَهَنَّمُ إِنْ جَاوَزَهُ.

(The book) 'Ma'any Al Akhbar' – By this chain, from Al-Husayn, from Hammad Bin Isa, from Abu Al Saffatij,

¹⁵⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 27

¹⁵⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 28

¹⁵⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 29

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: ***And whoever kills a Momin intentionally, his Recompense is Hell [4:93]***. He^{-asws} said: 'His Recompense is Hell, if He^{-azwj} Recompenses him'.¹⁵⁶⁸

31- ثواب الأعمال أبي عن أحمد بن إدريس عن عثمان بن عيسى عن عمرو بن خالد عن زيد بن علي عن أبيه عن جده عن علي ع قال: تُحْرَمُ الْجَنَّةُ عَلَى ثَلَاثَةٍ عَلَى الْمَنَانِ وَ عَلَى الْقَتَالِ وَ عَلَى مُدْمِنِ الْخَمْرِ.

(The book) 'Sawaab Al Amaal' – My father, from Ahmad Bin Idrees, from Usman Bin Isa, from Amro Bin Khalid,

From Zayd son of Ali (Bin Al-Husayn^{-asws}), from his father^{-asws}, from his grandfather^{-asws}, from Ali^{-asws} having said: 'The Paradise is prohibited unto three – to the one who reminds of the favours, and to the murderer, and to the one habitual of the wine'.¹⁵⁶⁹

32- ثواب الأعمال ابنُ الْمُتَوَكِّلِ عَنِ الْحِمَيْرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ خُبُوبٍ عَنْ أَبِي وَلَادٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ قَتَلَ نَفْسَهُ مُتَعَدِّدًا فَهُوَ فِي نَارٍ جَهَنَّمَ خَالِدًا فِيهَا.

(The book) 'Sawab Al Amaal' – Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Al Wallad,

From Abu Abdullah^{-asws} having said: 'One who kills a soul deliberately, he would be in the Fire of Hell being eternally in it'.¹⁵⁷⁰

33- ثواب الأعمال أبي عن سعد بن محمد بن الحسين عن صفوان عن ابن حمزة عن الحذاء عن أبي جعفر ع قال قال رسول الله ص ألا لا يُغِيبَنَّكَ رَحْبُ الدَّرَاعَيْنِ بِالْذِّمِّ فَإِنَّ لَهُ عِنْدَ اللَّهِ قَاتِلًا لَا يَمُوتُ.

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Muhammad Bin Al-Husayn, from Safwan, from Ibn Humeir, from Al Haza'a,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Indeed! Do not let the one with arms open to bloodshed deceived you, for in the Presence of Allah^{-azwj} there is a killer for him who will not die!'¹⁵⁷¹

34 سن، المحاسن محمد بن علي عن صفوان مثله.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Safwan, similar to it.¹⁵⁷²

35- ثواب الأعمال أبي عن محمد بن أبي القاسم عن الكوفي عن أبي حمزة عن جابر بن يزيد عن أبي جعفر ع قال: أَوَّلُ مَا يَحْكُمُ اللَّهُ فِيهِ يَوْمَ الْقِيَامَةِ الدِّمَاءُ فَيُؤْفَقُ ابْنِي آدَمَ فَيَفْصِلُ بَيْنَهُمَا ثُمَّ الَّذِينَ يُلَوِّهُمُ مِنْ أَصْحَابِ الدِّمَاءِ حَتَّى لَا يَبْقَى مِنْهُمْ أَحَدٌ ثُمَّ النَّاسُ بَعْدَ ذَلِكَ

¹⁵⁶⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 30

¹⁵⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 31

¹⁵⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 32

¹⁵⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 33

¹⁵⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 34

(The book) 'Sawab Al Amaal' – My father, from Muhammad Bin Abu Al Qasim, from Al Kufi, from Abu Jameela, from Jabir Bin Yazeed,

From Abu Ja'far^{-asws} having said: 'The first of what Allah^{-azwj} will be Judging on the Day of Qiyamah is regarding the bloods (killing), so the two sons of Adam^{-as} will be paused and He^{-azwj} will Decide between them, then those who followed from the shedders of blood until not one of them will remain, then the (rest of the) people after that.

فَيَأْتِي الْمَقْتُولُ قَاتِلَهُ فَيَسْحُبُ دَمُهُ فِي وَجْهِهِ فَيَقُولُ هَذَا قَتَلَنِي فَيَقُولُ أَنْتَ قَتَلْتَهُ فَلَا يَسْتَطِيعُ أَنْ يَكْتُمَ اللَّهَ حَدِيثًا.

The killed one will come to his killer and spurt his blood in his face. He will say, 'This is my killer!' He^{-azwj} will Say, "You killed him?" He will not be able to conceal any narration (word) from Allah^{-azwj}.¹⁵⁷³

36 سنن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنْ أَبِي جَبِيلَةَ مِثْلَهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Abu Jameela, similar to it.¹⁵⁷⁴

37- ثواب الأعمال ابْنُ الْمُتَوَكِّلِ عَنْ مُحَمَّدِ بْنِ يَحْيَى - عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْأَهْوَازِيِّ عَنِ ابْنِ أَبِي نُجْرَانَ وَ مُحَمَّدِ بْنِ سِنَانٍ عَنْ أَبِي الْجَارُودِ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ ع قَالَ: مَا مِنْ نَفْسٍ تُقْتَلُ بَرَةً وَلَا فَاجِرَةً إِلَّا وَ هِيَ تُحْشَرُ يَوْمَ الْقِيَامَةِ مُتَعَلِّقًا بِقَاتِلِهِ بِيَدِهِ الْيُمْنَى وَ رَأْسُهُ بِيَدِهِ الْيُسْرَى وَ أَوْدَاجُهُ تُسْحَبُ دَمًا

(The book) 'Sawab Al Amaal' – Ibn Al Mutawakkil, from Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Ahwazy, from Ibn Abu Najran and Muhammad Bin Sinan, from Abu Al Jaroud,

From Muhammad^{-asws} Bin Ali^{-asws} having said: 'There is none from a soul who had been killed, whether it was righteous or immoral except and it will be Resurrected on the Day of Qiyamah attached with its killer by his right hand and his head would be in his left hand, and his sides will be spurting blood.

يَقُولُ يَا رَبِّ سَلْ هَذَا فِيمَ قَتَلَنِي

He would say, 'O Lord^{-azwj}! Ask this one, due to what did he kill me?'

فَإِنْ كَانَ قَتَلَهُ فِي طَاعَةِ اللَّهِ عَزَّ وَ جَلَّ أُتِيَ الْقَاتِلُ الْجَنَّةَ وَ دُهِبَ بِالْمَقْتُولِ إِلَى النَّارِ وَ إِنْ قَالَ فِي طَاعَةِ فُلَانٍ قِيلَ لَهُ اقْتُلْهُ كَمَا قَتَلْتَكَ ثُمَّ يَفْعَلُ اللَّهُ فِيهِمَا بَعْدَ مَشِيئَتِهِ.

If he had killed him in obedience to Allah^{-azwj} Mighty and Majestic, the killer would be Rewarded the Paradise and they will go with the killed one to the Fire; and if he says, 'It was in obedience to so and so', it will be said to him, 'Kill him just as he had killed you'. Then Allah^{-azwj} will Deal with them afterwards with His^{-azwj} Desire'.¹⁵⁷⁵

¹⁵⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 35

¹⁵⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 36

¹⁵⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 37

38- ثو، ثواب الأعمال ماجيلويه عَنْ عَمِّهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْأَهْوَازِيِّ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ سَعِيدِ الْأَزْرَقِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ قَتَلَ رَجُلًا مُؤْمِنًا قَالَ يُقَالُ لَهُ مَثُ أَيِّ مِثَّةٍ شِئْتَ إِنَّ شِئْتَ يَهُودِيًّا وَ إِنَّ شِئْتَ نَصْرَانِيًّا وَ إِنَّ شِئْتَ مَجُوسِيًّا.

(The book) 'Sawab Al Amaal' – Majaylawiya, from his uncle, from Ahmad Bin Muhammad, from Al Ahwazy, from Ibn Abu Umeir, from Saeed Al Azraq,

'From Abu Abdullah^{-asws} regarding a man who kills a Momin man. He^{-asws} said: 'It will be said to him, 'Die whichever death you like to! If you like, as a Jew, or if you like as a Christian, and if you like as a Magian!'¹⁵⁷⁶

39- ثو، ثواب الأعمال ابْنُ مَسْرُورٍ عَنِ ابْنِ عَامِرٍ عَنْ عَمِّهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ أُعْطِيَ النَّاسُ عَلَى اللَّهِ عَزَّ وَ جَلَّ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ وَ مَنْ ضَرَبَ مَنْ لَمْ يَضْرِبْهُ.

(The book) 'Sawab Al Amaal' – Ibn Masrour, from Ibn Aamir, from his uncle, from Ibn Abu Umeir, from Hammad, from Al Halby,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The most transgressing of the people to Allah^{-azwj} Mighty and Majestic is the one who kills other than his killer, and one who strikes the one who did not strike him'.¹⁵⁷⁷

40- ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ هِشَامٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ أَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَى مُوسَى بْنِ عِمْرَانَ ع أَنَّ يَا مُوسَى قُلْ لِلْمَلَأِ مِنْ بَنِي إِسْرَائِيلَ إِنِّي أَكُفُّمُ وَ قَتَلَ النَّفْسِ الْحَرَامِ بِغَيْرِ حَقٍّ فَإِنَّ مَنْ قَتَلَ مِنْكُمْ نَفْسًا فِي الدُّنْيَا قَتَلْتُهُ فِي النَّارِ مِائَةَ أَلْفِ قَتْلَةٍ مِثْلَ قَتْلَةِ صَاحِبِهِ.

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Hisham, from Suleyman Bin Khalid who said,

'I head Abu Abdullah^{-asws} saying: 'Allah^{-azwj} Mighty and Majestic Revealed to Musa Bin Imran^{-as}: "O Musa^{-as}! Say to the assembly of the children of Israel: 'Beware of killing the soul unlawfully without right, for the one from you who kills a soul in the world will be killed in the Hellfire one hundred thousand killings, similar to the killing of his companion!'¹⁵⁷⁸

41 سن، المحاسن فِي رِوَايَةِ سُلَيْمَانَ بْنِ خَالِدٍ مِثْلَهُ.

(The book) 'Al Mahasin' – In a report by Suleyman Bin Khalid, similar to it.¹⁵⁷⁹

42- ثو، ثواب الأعمال أَبِي عَنْ مُحَمَّدٍ بْنِ أَبِي الْقَاسِمِ عَنِ الْكُوفِيِّ عَنْ مُحَمَّدٍ بْنِ أَسْلَمَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَسْلَمَ عَنْ أَبِيهِ قَالَ قَالَ أَبُو جَعْفَرٍ ع مَنْ قَتَلَ مُؤْمِنًا مُتَعَمِّدًا أَثْبَتَ اللَّهُ عَزَّ وَ جَلَّ عَلَى قَاتِلِهِ جَمِيعَ الذُّنُوبِ وَ بَرَأَ الْمُقْتُولُ مِنْهَا وَ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ- إِنِّي أُرِيدُ أَنْ تَبُوءَ بِإِغْيِي وَ إِثْمِكَ فَتَكُونُ مِنْ أَصْحَابِ النَّارِ.

¹⁵⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 38

¹⁵⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 39

¹⁵⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 40

¹⁵⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 41

(The book) 'Sawab Al Amaal' – My father, from Muhammad Bin Abu Al Qasim, from Al Kufi, from Muhammad Bin Aslam, from Abdul Rahman Bin Aslam, from his father who said,

'Abu Ja'far^{-asws} said: 'One who kills a Momin deliberately, Allah^{-azwj} Mighty and Majestic will Affirm entirety of the sins upon his killer and Disavow the killed one from these, and that is the Word of Allah^{-azwj} Mighty and Majestic: ***I want that you should occupy with my sin (of killing me) and your sin, so you would happen to be from the inmates of the Fire [5:29]***'.¹⁵⁸⁰

43 سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ أَسْلَمٍ مِثْلَهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Muhammad Bin Aslam, similar to it.¹⁵⁸¹

44- ثَوَابُ الْأَعْمَالِ ابْنُ مَسْرُورٍ عَنِ ابْنِ عَامِرٍ عَنْ عَمِّهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبَحْرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ امْرَأَةً عُلِدَتْ فِي هِرَّةٍ رَبَطَتْهَا حَتَّى مَاتَتْ عَطَشًا.

(The book) 'Sawab Al Amaal' – Ibn Masrour, from Ibn Aamir, from his uncle, from Ibn Abu Umeir, from Hafs Al Bakhtari,

From Abu Abdullah^{-asws} having said: 'A woman was punished regarding a cat she had tied up until it died of thirst'.¹⁵⁸²

45- ضَا، فَقَه الرضا عليه السلام وَ أَمَّا كَفَّارَةُ الدِّمِ فَعَلَى مَنْ قَتَلَ مُؤْمِنًا مُتَعَمِّدًا أَنْ يُقَادَ بِهِ فَإِنْ عَفَا عَنْهُ وَ قُبِلَتْ مِنْهُ الدِّيَّةُ فَعَلَيْهِ التَّوْبَةُ وَ الْإِسْتِغْفَارُ وَ مَنْ قَتَلَ مُؤْمِنًا خَطَأً فَعَلَيْهِ عِتْقُ رَقَبَةٍ مُؤْمِنَةٍ أَوْ صَوْمُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مِسْكِينًا وَ دِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ أُخِذَ مِنْ عَاقِلَتِهِ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And as for expiation of the blood, it is upon the one who kills a Momin deliberately if he is retaliated with. If he is pardoned from it and the wergild is accepted from him. Upon him is the repentance and seeking the Forgiveness, and the one who kills a Momin accidentally, upon him is to free a Momin slave, or fasting two months consecutively, or feeding sixty needy ones, and wergild of a Muslim to his family. If there does not happen to be any wealth it would be taken from his relatives'.¹⁵⁸³

46- شي، تفسير العياشي عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يَزَالُ الْمُؤْمِنُ فِي فُسْحَةٍ مِنْ دِينِهِ مَا لَمْ يُصِبْ دَمًا حَرَامًا

Tafseer Al Ayyashi – From Hisham Bin Salim,

From Abu Abdullah^{-asws} having said: 'The Momin does not cease to be in leeway from his religion for as long as he does not shed prohibited blood'.

وَ قَالَ لَا يُوقَفُ قَاتِلُ الْمُؤْمِنِ مُتَعَمِّدًا لِلتَّوْبَةِ.

¹⁵⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 42

¹⁵⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 43

¹⁵⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 44

¹⁵⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 45

And he^{-asws} said: 'A killed of a Momin deliberately will not be successful for the repentance'.¹⁵⁸⁴

47- شي، تفسير العياشي عن ابن سينان عن أبي عبد الله ع قال: سئل عن المؤمن يقتل المؤمن متعمداً له توبة

Tafseer Al Ayyashi – From Ibn Sinan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked about the Momin killing the Momin deliberately, 'Is there repentance for him?'

قال إن كان قتله لإيمانه فلا توبة له وإن كان قتله لعصب أو لسبب شيء من أمر الدنيا فإن توبته أن يقاد منه

He^{-asws} said: 'If he had killed him for his Eman, there is no repentance for him, and if he had killed him due to anger or for a reason of something from the matters of the world, his repentance is that he would be retaliated from.

وإن لم يكن علم به أحد انطلق إلى أولياء المقتول فأقرّ عندهم بقتل صاحبه فإن عفووا عنه فلم يقتلوه أعطاهم الدية و أعتق نسمة و صام شهرين متتابعين و أطعم ستين مسكيناً توبة إلى الله.

And if no one had knowledge of it, he should go to guardians of the killed one, acknowledge in their presence the killing of their companions. If they pardon him so they don't kill him, he should give them the wergild, and free a person, and fast two months consecutively, and feed sixty needy ones as repentance to Allah^{-azwj}.¹⁵⁸⁵

48- شي، تفسير العياشي عن علي بن جعفر عن أخيه موسى ع قال: سألت عن رجل قتل مملوكه قال عليه عتق رقبة و صوم شهرين متتابعين و إطعام ستين مسكيناً ثم تكون التوبة بعد ذلك.

Tafseer Al Ayyashi –

From Ali son of Ja'far^{-asws}, from his brother Musa^{-asws}, he said, 'I asked him^{-asws} about a man who kills his slave. He^{-asws} said: 'Upon him is to free a neck, and fast two months consecutively, and feed sixty needy ones, then the repentance would be after that'.¹⁵⁸⁶

49- شي، تفسير العياشي عن ابن أبي عمير عن بعض أصحابنا عن أبي عبد الله ع في رجل مسلم كان في أرض الشرك فقتله المسلمون ثم علم به الإمام بعد قال يعتق مكانه رقبة مؤمنة و ذلك في قول الله- فإن كان من قوم عدو لكم و هو مؤمن فتنحريز رقبة مؤمنة.

Tafseer Al Ayyashi – From Ibn Abu Umeyr, from one of our companions,

From Abu Abdullah^{-asws} regarding a Muslim who was in the land of Polytheists and the Muslims kill him. Then the Imam comes to know of it afterwards. He^{-asws} said: 'A Momin neck

¹⁵⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 46

¹⁵⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 47

¹⁵⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 48

should be liberated in his place, and that is in the Words of Allah^{-azwj}: **But if he was from a people inimical to you, and he is a Momin, so he should free a Momin slave [4:92]**.¹⁵⁸⁷

50- شي، تفسير العياشي عن الزُّهْرِيِّ عَنِ عَلِيِّ بْنِ الْحُسَيْنِ ع قَالَ: صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مَنْ قَتَلَ خَطَأً لِمَنْ لَمْ يَجِدِ الْعَتَقَ وَاجِبٌ قَالَ اللَّهُ وَ مَنْ قَتَلَ مُؤْمِناً خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَ دِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ - ... فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ.

Tafseer Al Ayyashi – From Al Zuhry,

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'Fasting two months consecutively is for the one who kills accidentally, for the one who cannot find the obligatory liberation (of a slave). Allah^{-azwj} Says: **and the one who kills a Momin in error, so he should free a Momin slave and give wergild of a Muslim to his family** – up to His^{-azwj} Words - **And the one who cannot find (the means), should Fast two months consecutively [4:92]**'.¹⁵⁸⁸

51 شي، تفسير العياشي عَنِ الْمُفَضَّلِ بْنِ عُمَرَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ صَوْمُ شَعْبَانَ وَ صَوْمُ شَهْرِ رَمَضَانَ مُتَتَابِعَيْنِ تَوْبَةٌ مِنَ اللَّهِ.

Tafseer Al Ayyashi – From Al Mufazzal Bin Umar who said,

'I heard Abu Abdullah^{-asws} saying: 'Fasting Shaban and fasting month of Ramazan consecutively is a repentance from Allah^{-azwj}'.¹⁵⁸⁹

52 وَ فِي رِوَايَةٍ إِسْمَاعِيلُ بْنُ عَبْدِ الْخَالِقِ عَنْهُ تَوْبَةٌ مِنَ اللَّهِ وَ اللَّهُ مِنَ الْقَتْلِ وَ الظَّهَارِ وَ الْكَفَّارَةِ.

And in a report of Ismail Bin Abdul Khaliq,

From him^{-asws}: 'A repentance from Allah^{-azwj}, by Allah^{-azwj}, from the killing and 'Al-Zihaar', and the expiation'.¹⁵⁹⁰

53 وَ فِي رِوَايَةِ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْهُ صَوْمُ شَعْبَانَ وَ شَهْرِ رَمَضَانَ تَوْبَةٌ مِنَ اللَّهِ وَ اللَّهُ مِنَ اللَّهِ.

And in a report by Abu Al Sabbah Al Kinani,

From him^{-asws}: 'Fasting Shaban and month of Ramazan, by Allah^{-azwj} it is a repentance from Allah^{-azwj}'.¹⁵⁹¹

54 شي، تفسير العياشي عَنْ سَمَاعَةَ قَالَ: قُلْتُ لَهُ قَوْلُ اللَّهِ تَبَارَكَ وَ تَعَالَى - وَ مَنْ يَقْتُلْ مُؤْمِناً مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِداً فِيهَا وَ غَضِبَ اللَّهُ عَلَيْهِ وَ لَعَنَهُ

Tafseer Al Ayyashi – From Sama'at who said,

¹⁵⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 49

¹⁵⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 50

¹⁵⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 51

¹⁵⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 52

¹⁵⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 53

'I said to him^{-asws}, 'The Words of Allah^{-azwj} Blessed and Exalted: ***And whoever kills a Momin intentionally, his Recompense is Hell, being eternally in it, and Allah would be Wrathful upon him and Curse him [4:93].***

قَالَ الْمُتَعَمِّدُ الَّذِي يَقْتُلُهُ عَلَى دِينِهِ فَذَلِكَ التَّعَمُّدُ الَّذِي ذَكَرَ اللَّهُ

He^{-asws} said: 'The deliberate is the one who kills him upon his religion, so that is the deliberation which Allah^{-azwj} has Mentioned'.

قَالَ قُلْتُ فَرَجُلٌ جَاءَ إِلَى رَجُلٍ فَضَرَبَهُ بِسَيْفِهِ حَتَّى قَتَلَهُ لِعَصَبٍ - لَا لِعَيْبٍ عَلَى دِينِهِ قَتَلَهُ وَهُوَ يَقُولُ يَقُولُهُ

He (the narrator) said, 'I said, 'A man comes to a man and strikes him with his sword until he kills him out of anger, not having killed him for a fault upon his religion, and he says with his words'.

قَالَ لَيْسَ هَذَا الَّذِي ذَكَرَ فِي الْكِتَابِ وَ لَكِنْ يُقَادُ بِهِ وَالِدَيْهِ إِنْ قُتِلَتْ

He^{-asws} said: 'This one isn't the one whom Allah^{-azwj} has Mentioned in the Book, but he will be retaliated for his parents, if accepted'.

قُلْتُ فَلَهُ تَوْبَةٌ

I said, 'Is there any repentance for him?'

قَالَ نَعَمْ يُعْقِبُ رَقَبَةً وَ يَصُومُ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يُطْعِمُ سِتِّينَ مِسْكِينًا وَ يَتُوبُ وَ يَتَضَرَّعُ فَأَرْجُو أَنْ يُتَابَ عَلَيْهِ.

He^{-asws} said: 'Yes. He should liberate a neck, and fast two months consecutively, and feed sixty needy ones, and he should repent and beseech, so it is hoped that He^{-azwj} will Turn (Mercifully) to him'.¹⁵⁹²

55 شي، تفسير العياشي عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَوْ أَبِي الْحَسَنِ ع قَالَ: سَأَلْتُ أَحَدَهُمَا عَمَّنْ قَتَلَ مُؤْمِنًا هَلْ لَهُ تَوْبَةٌ

Tafseer Al Ayyashi – From Sama'at Bin Mihran,

From Abu Abdullah^{-asws} or Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked one of the two (5th or 6th Imam^{-asws}) about the one who kills a Momin, 'Is there any repentance for him?'

قَالَ لَا حَتَّى يُؤَدِّيَ دِيْنَهُ إِلَى أَهْلِهِ وَ يُعْقِبَ رَقَبَةً مُؤْمِنَةً وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يَسْتَغْفِرَ رَبَّهُ وَ يَتَضَرَّعُ إِلَيْهِ فَأَرْجُو أَنْ يُتَابَ عَلَيْهِ إِذَا هُوَ فَعَلَ ذَلِكَ

He^{-asws} said: 'No, until he pays his wergild to his family, and frees a Momin neck, and fasts two months consecutively, and seeks Forgiveness of his Lord^{-azwj} and beseeches to Him^{-azwj}, so it is hoped that He^{-azwj} would Turn (Mercifully) to him, when he has done that'.

فُلْتُ إِنَّ لَمْ يَكُنْ لَهُ مَا يُؤَدِّي دَيْنَهُ

I said, 'Supposing there does not happen to be for him what he can pay his wergild?'

قَالَ يَسْأَلُ الْمُسْلِمِينَ حَتَّى يُؤَدِّيَ دَيْنَهُ إِلَى أَهْلِهِ.

He^{-asws} said: 'He should ask (borrow from) the Muslims until he can pay off his wergild to his family'.¹⁵⁹³

56 شي، تفسير العياشي عَنْ حَنَانِ بْنِ سَدِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ مَنْ قَتَلَ نَفْسًا... فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا

Tafseer Al Ayyashi – From Hanan Bin Sadeyr,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: ***'the one who kills a soul for other than a soul (in retaliation), or (for) mischief in the earth, then it would be as if he killed the entirety of the people [5:32].***

قَالَ وَادٍ فِي جَهَنَّمَ لَوْ قَتَلَ النَّاسَ جَمِيعًا كَانَ فِيهِ وَ لَوْ قَتَلَ نَفْسًا وَاحِدَةً كَانَ فِيهِ.

He^{-asws} said: 'There is a valley in Hell. If he kills all the people, he would be in it, and even if he kills one soul he would be in it'.¹⁵⁹⁴

57 شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ... فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: ***the one who kills a soul for other than a soul (in retaliation), or (for) mischief in the earth, then it would be as if he killed the entirety of the people [5:32].***

فَقَالَ لَهُ فِي النَّارِ مَقْعَدٌ لَوْ قَتَلَ النَّاسَ جَمِيعًا لَمْ يَزِدْ عَلَى ذَلِكَ الْعَذَابِ

He^{-asws} said: 'For him is a seat in the Fire. Even if he kills all the people, the punishment will not be increased upon that'.

قَالَ وَ مَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا لَمْ يَقْتُلْهَا أَوْ أَنْجَى مِنْ غَرَقٍ أَوْ حَرَقٍ أَوْ أَعْظَمَ مِنْ ذَلِكَ كُلِّهِ يُخْرِجُهَا مِنْ ضَلَالَةٍ إِلَى هُدًى.

He^{-asws} Said: ***and the one who revives it (a person), so it would be as if he has revived the entirety of the people [5:32]*** (means) he did not kill it or saved it from drowning or burning or mightier than all of that. He extracted him from straying to guidance'.¹⁵⁹⁵

¹⁵⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 55

¹⁵⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 56

¹⁵⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 57

58 شي، تفسير العياشي عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ رَفَعَهُ إِلَى الشَّيْخِ فِي قَوْلِهِ خَلَطُوا عَمَلًا صَالِحًا وَ آخَرَ سَيِّئًا قَالَ قَوْمٌ اجْتَرَحُوا ذُنُوبًا مِثْلَ قَتْلِ حَمَزَةَ وَ جَعْفَرَ الطَّيَّارِ ثُمَّ تَابُوا

Tafseer Al Ayyashi –

From Ahmad Bin Muhammad Bin Abu Nasr raising it to the sheikh, regarding His^{-azwj} Words: **And others are acknowledging their sins, mingling one righteous deed and another evil one [9:102]**. He said, ‘A people who had perpetrated sins like killing Hamza^{-asws} and Ja’far Al-Tayyar^{-asws}, then they repented.

ثُمَّ قَالَ وَ مَنْ قَتَلَ مُؤْمِنًا لَمْ يُوفَّقْ لِلتَّوْبَةِ إِلَّا أَنْ اللَّهَ لَا يَقْطَعُ طَمَعِ الْعِبَادِ فِيهِ وَ رَجَاهُمْ مِنْهُ

Then he said, ‘And the one who kills a Momin will not have success of the repentance except that Allah^{-azwj} does not Cut off the hopes of the servants in Him^{-azwj} and their expectations from Him^{-azwj}’.

وَ قَالَ هُوَ أَوْ غَيْرُهُ إِنْ عَسَى مِنَ اللَّهِ وَاجِبٌ.

And he said, ‘It or something else, ‘Perhaps’ from Allah^{-azwj} is an Obligation’.¹⁵⁹⁶

59 ين، كتاب حسين بن سعيد و النوادر فضالهُ وَ الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ أَبَانَ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قُلْتُ لَهُ الرَّجُلُ يَقْتُلُ الرَّجُلَ مُتَعَدِّدًا

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Fazalah and Al Qasim Bin Muhammad, from Aban, from Ismail Al Jufy,

From Abu Ja’far^{-asws}, he (the narrator) said, ‘I said to him^{-asws}, ‘The man kills the man deliberately’.

فَقَالَ عَلَيْهِ ثَلَاثَ كَفَّارَاتٍ عَثْقُ رَقَبَةٍ وَ صَوْمُ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ إِطْعَامُ سِتِّينَ مِسْكِينًا

He^{-asws} said: ‘Upon him are three expiation penalties – liberation of a neck, and fasting two months consecutively, and feeding sixty needy ones’.

وَ قَالَ أَفْتَى عَلَيَّ بْنُ الْحُسَيْنِ بِمِثْلِهِ.

And he^{-asws} said: ‘Ali Bin Al-Husayn^{-asws} had issued a verdict similar to it’.¹⁵⁹⁷

60 ين، كتاب حسين بن سعيد و النوادر عَنْهُ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ زُرَّارَةَ وَ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَحْمَدَ بْنِ عَبْدِ اللَّهِ عَنْ أَبَانَ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ إِذَا قَتَلَ الرَّجُلُ فِي شَهْرِ حَرَامٍ صَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ أَشْهُرِ الْحَرَمِ

¹⁵⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 58

¹⁵⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 59

(The book) 'Haseen Bin Saeed' and 'Al Nawadir' – From him, from Aban Bin Usman, from Zurara and Al-Husayn Bin Saeed, from Ahmad Bin Abdullah, from Aban, from Zurara who said,

'I heard Abu Ja'far^{-asws} saying: 'When the man kills during a sacred month, he has to fast two months consecutively from the sacred months'.

فَتَبَسَّمْتُ وَ قُلْتُ لَهُ يَدْخُلُ هَاهُنَا شَيْءٌ

I smiled and said to him^{-asws}, 'Over here something is included'.

قَالَ مَا يَدْخُلُهُ

He^{-asws} said: 'What is included?'

قُلْتُ الْعِيدُ وَالْأَضْحَى وَأَيَّامُ التَّشْرِيقِ

I said, 'Eid Al-Azha and the days of Al-Tashreeq'.

قَالَ هَذَا حَقٌّ لَرَمَهُ فَلْيَصُمْهُ

He^{-asws} said: 'It is a right necessitating him, so let him fast it!'

قَالَ أَحْمَدُ بْنُ عَبْدِ اللَّهِ فِي حَدِيثِهِ يُعْتَقُ أَوْ يَصُومُ.

Ahmad Bin Abdullah (the narrator) said in his Hadeeth: 'He should liberate a slave or fast'.¹⁵⁹⁸

61 ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد بن عثمان عن الحلبي عن أبي عبد الله ع في قول الله فتنحري رقبة مؤمنة قال يعني مفره.

(The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **so he should free a Momin slave [4:92].**

He^{-asws} said: 'Meaning, admitting it'.¹⁵⁹⁹

62 ين، كتاب حسين بن سعيد و النوادر عنه عن أبي عبد الله ع لا يجزي في القتل إلا رجل و يجزي في الظهار و كفارة اليمين صبي.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him,

From Abu Abdullah^{-asws}: 'Nothing suffices (for expiation) regarding the murder except a man, and a child would suffice regarding the *Zihaar* and expiation of an oath'.¹⁶⁰⁰

63 ين، كتاب حسين بن سعيد و النوادر عن سماعة بن مهران قال: سأله عن قتل مؤمناً متعمداً هل له نوبة

¹⁵⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 60

¹⁵⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 61

¹⁶⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 62

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Sama'at Bin Mihran who said,

'I asked him^{-asws} about the one who kills a Momin deliberately, 'Is there repentance for him?'

فَقَالَ لَا حَتَّى يُؤَدِّي دَيْنَهُ إِلَى أَهْلِهِ وَ يُعْتِقَ رَقَبَةً وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يَسْتَغْفِرَ اللَّهَ وَ يَتُوبَ إِلَيْهِ وَ يَتَضَرَّعَ فَإِنِّي أَرْجُو أَنْ يُتَابَ عَلَيْهِ إِذَا فَعَلَ ذَلِكَ

He^{-asws} said: 'No, until he pays his wergild to his family, and liberates a neck, and fasts two months consecutively, and seeks Forgiveness of Allah^{-azwj} and repents to Him^{-azwj} and beseeches, for I^{-asws} hope that He^{-azwj} would Turn to him (Mercifully) when he does that'.

فُلْتُ فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ يُؤَدِّي دَيْنَهُ

I said, 'Supposing there does not happen to be any wealth for him?'

قَالَ يَسْأَلُ الْمُسْلِمِينَ حَتَّى يُؤَدِّيَ إِلَى أَهْلِهِ.

He^{-asws} said: 'He should ask (borrow from) the Muslims until he pays it to his family'.¹⁶⁰¹

64 ين، كتاب حسين بن سعيد و النوادر عن عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ سُئِلَ رَجُلٌ مُؤْمِنٌ قَتَلَ مُؤْمِنًا وَ هُوَ يَعْلَمُ أَنَّهُ مُؤْمِنٌ غَيْرَ أَنَّهُ حَمَلَهُ الْغَضَبُ عَلَى أَنْ قَتَلَهُ هَلْ لَهُ تَوْبَةٌ إِنْ أَرَادَ ذَلِكَ أَوْ لَا تَوْبَةَ لَهُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he^{-asws} was asked, 'A Momin man kills a Momin while he knows that he is a Momin, other than the fact that it was anger which carried him upon killing him. Is there repentance for him if he intended that or there is no repentance for him?'

فَقَالَ يُقَادُّ بِهِ وَ إِنْ لَمْ يَعْلَمْ بِهِ انْطَلَقَ إِلَى أَوْلِيَائِهِ فَأَعْلَمَهُمْ أَنَّهُ قَتَلَهُ فَإِنْ عَفَا عَنْهُ أَعْطَاهُمُ الدِّيَةَ وَ أَعْتَقَ رَقَبَةً وَ صَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ تَصَدَّقَ عَلَى سِتِّينَ مِسْكِينًا.

He^{-asws} said: 'He would be retaliated with, and if it was not known, he should go to his guardians and let them know that he had killed him. If they pardon him from it, he should give them the wergild, and liberate a neck, and fast two months consecutively, and donate upon sixty needy ones'.¹⁶⁰²

65 ين، كتاب حسين بن سعيد و النوادر عنِ الْحَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ فِي رَجُلٍ قَتَلَ مَمْلُوكَهُ قَالَ يُعْجِئُنِي أَنْ يُعْتِقَ رَقَبَةً وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يُطْعِمَ سِتِّينَ مِسْكِينًا ثُمَّ يَكُونُ التَّوْبَةُ بَعْدَ ذَلِكَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Al Halby,

¹⁶⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 63

¹⁶⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 64

From Abu Abdullah^{-asws}, he^{-asws} said regarding a man killing his slave. He^{-asws} said: 'I^{-asws} would like it if he frees a neck, and fasts two months consecutively, and feeds sixty needy ones, then the repentance could be (Accepted) after that'.¹⁶⁰³

66 ختص، الإختصاص قَالَ الصَّادِقُ ع أَوْحَى اللَّهُ إِلَى مُوسَى بْنِ عِمْرَانَ ع قُلْ لِلْمَالِ مِنْ بَنِي إِسْرَائِيلَ إِنَّا كُمْ وَ قَتَلَ النَّفْسِ الْحَرَامِ بِغَيْرِ حَقٍّ فَإِنَّ مَنْ قَتَلَ مِنْكُمْ نَفْسًا فِي الدُّنْيَا قَتَلْتُهُ فِي النَّارِ مِائَةَ أَلْفِ قَتْلَةٍ مِثْلَ قَتْلَةٍ صَاحِبِهِ.

(The book) 'Al Ikhtisas' –

Al-Sadiq^{-asws} said: 'Allah^{-azwj} Revealed to Musa^{-as} Bin Imran^{-as}: "Say to the assembly of the children of Israel: 'Beware of killing the soul unlawfully without right, for the one from you who kills a soul in the world, would be killed in the Fire one hundred thousand killings similar to his killing his companion'.¹⁶⁰⁴

67 نَحَجِ الْبَلَاغَةِ، فِي عَهْدِهِ ع لِلْأَشْتَرِ إِيَّاكَ وَ الدِّمَاءِ وَ سَفَكِهَا بِغَيْرِ حِلِّهَا فَإِنَّهُ لَيْسَ شَيْءٌ أَذْعَى لِنَقِمَةٍ وَ لَا أَكْبَرَ لِنَبِيٍّ وَ لَا أَجْزَى بِزَوَالِ نِعْمَةٍ وَ انْقِطَاعِ مُدَّةٍ مِنْ سَفَكِ الدِّمَاءِ بِغَيْرِ حَقِّهَا وَ اللَّهُ سُبْحَانَهُ مُبْتَدِئُ بِالْحُكْمِ بَيْنَ الْعِبَادِ فِيمَا تَسَافَكُوا مِنَ الدِّمَاءِ يَوْمَ الْقِيَامَةِ

(The book) 'Nahj Al Balagah' –

In his (Amir Al-Momineen^{-asws}) pact to Al-Ashtar: 'Beware of the blood and shedding it without its Permissibility, for there isn't anything calling to a Punishment, nor greater in evil consequence, nor more effective in declining the bounties, and termination the term (life), than shedding the blood without its right, and Allah^{-azwj} the Glorious will Begin with the Judgment on the Day of Qiyamah between the servants regarding what bloods they had shed.

فَلَا تُقَوِّضَنَّ سُلْطَانَكَ بِسَفَكِ دِمٍ حَرَامٍ فَإِنَّ ذَلِكَ مِمَّا يُضْعِفُهُ وَ يُوهِنُهُ بَلْ يُرِيْلُهُ وَ يُنْقِلُهُ وَ لَا عُذْرَ لَكَ عِنْدَ اللَّهِ وَ لَا عِنْدِي فِي قَتْلِ الْعَمْدِ لِأَنَّ فِيهِ قَوْدَ الْبَدَنِ

Therefore, do not strengthen your authority by shedding the forbidden blood, for that is from what would weaken it and enfeeble it. But it would decline it and overturn it, and there would be no excuse for you in the Presence of Allah^{-azwj} nor in my^{-asws} presence regarding the deliberate killing, because regarding it would be the physical retaliation.

وَ إِنْ ابْتُلِيتَ بِخَطَاٍ وَ أَفْرَطَ عَلَيْكَ سَوْطُكَ أَوْ يَدُكَ بِعُقُوبَةٍ فَإِنَّ فِي الْوَكْزَةِ فَمَا فَوْقَهَا مِثْلَهُ فَلَا تَطْمَحَنَّ بِكَ نَحْوَةَ سُلْطَانِكَ عَنْ أَنْ تُؤَدِّيَ إِلَى أَوْلِيَاءِ الْمُقْتُولِ حَقَّهُمْ.

And if you were involved by error and there was excessiveness by you with your whip and your hand in punishing, for in the (slight) poke and what is above it would be a killing, so do not let the haughtiness of your authority aspire you, preventing you from paying to the guardians of the killed one, their rights'.¹⁶⁰⁵

¹⁶⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 65

¹⁶⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 66

¹⁶⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 67

68 مجالس الشيخ، عن الحسن بن إسماعيل عن أحمد بن محمد عن صالح بن الحسين بن الحسين النوفلي عن أبيه عن أبي الهيثم النهدي عن أحمد بن عبد الرحمن بن عبد ربه عن إسماعيل بن عبد الخالق قال: كنت عند أبي عبد الله ع فجزى ذكر صوم شعبان فقال أبو عبد الله ع إن فضل صوم شعبان كذا وكذا حتى إن الرجل ليرتكب الدم الحرام فيعفو له.

(The book) 'Majalis' of the sheikh – from Al-Hassan Bin Ismail, from Ahmad Bin Muhammad, from Salih Bin Al-Husayn Bin Al-Husayn Al Nowfali, from his father, from Abu Al Haysam Al Nahdi, from Ahmad Bin Abdul Rahman Bin Abd Rabbih, from Ismail Bin Abdul Khaliq who said,

'I was in the presence of Abu Abdullah^{-asws}, and mention of the fasts of Shaban flowed. Abu Abdullah^{-asws} said: 'Merits of the fasts of Shaban are such and such, to the extent that even if the man indulges in shedding the blood unlawfully, he would be forgiven for it'.¹⁶⁰⁶

69 ضه، روضة الواعظين قال النبي ص لزوال الدنيا أيسر على الله من قتل المؤمن.

(The book) 'Rowzat Al Waizeen' –

The Prophet^{-saww} said: 'Destruction of the world is easier unto Allah^{-azwj} and killing of the Momin'.¹⁶⁰⁷

70 وقال ص لو أن أهل السماوات السبع وأهل الأرضين السبع اشتروا في دم مؤمن لأكتبهم الله جميعاً في النار.

And he^{-saww} said: 'Even if inhabitants of the seven skies and inhabitants of the seven earths were to participate in (shedding) blood of a Momin, Allah^{-azwj} would Fling them all into the Fire!¹⁶⁰⁸

71 وقال ص أول ما يفضى يوم القيامة الدماء.

And he^{-saww} said: 'The first of what would be Judged on the Day of Qiyamah is the bloods (killing)'.¹⁶⁰⁹

72 وقال الصادق ع أوحى الله عز وجل إلى موسى بن عمران يا موسى قل للملأ من بني إسرائيل إياكم و قتل النفس الحرام بغير حق فمن قتل منكم نفساً في الدنيا قتله الله في النار مائة قتلة صاحبه.

And Al-Sadiq^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Revealed to Musa^{-as} Bin Imran^{-as}: "O Musa^{-as}! Say to the assembly of the children of Israel: 'Beware of killing the soul unlawfully without right. The one from you who kills a soul in the world, Allah^{-azwj} would Kill him in the Fire a hundred killings of his companion!'¹⁶¹⁰

¹⁶⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 68

¹⁶⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 69

¹⁶⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 70

¹⁶⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 71

¹⁶¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 36 H 72

CHAPTER 37 – ONE WHO ASSISTS IN KILLING A MOMIN OR PARTICIPATES IN HIS BLOOD

1- ثواب الأعمال ابنُ الوليد عن الصَّفَّار عن أَحْمَدَ بْنِ مُحَمَّدٍ عن الحُسَيْنِ بْنِ سَعِيدٍ عن ابنِ أَبِي عُمَيْرٍ عن غَيْرِ وَاحِدٍ عن أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ أَعَانَ عَلَى قَتْلِ مُؤْمِنٍ بِشَطْرِ كَلِمَةٍ جَاءَ يَوْمَ الْقِيَامَةِ بَيْنَ عَيْنَيْهِ مَكْتُوبٌ آيسٌ مِنْ رَحْمَةِ اللَّهِ.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ahmad Bin Muhammad, from Al-Husayn Bin Saeed, from Ibn Abu Umeyr, from someone else,

From Abu Abdullah^{-asws}, having said: 'One who assists upon killing a Momin with even part of a word will come on the Day of Qiyamah, it will be written between his eyes, 'Despaired from Mercy of Allah^{-azwj}'.¹⁶¹¹

2 ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَوْ عَمَّنْ ذَكَرَهُ عَنْهُ ع قَالَ: يَجِيءُ يَوْمَ الْقِيَامَةِ رَجُلٌ إِلَى رَجُلٍ حَتَّى يُلَطِّخَهُ بَدَمٍ وَ النَّاسُ فِي الْحِسَابِ فَيَقُولُ يَا عَبْدَ اللَّهِ مَا لِي وَ لَكَ

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Al-Husayn Bin Saeed, from Ibn Abu Umeyr, from Hammad Bin Usman,

From Abu Abdullah^{-asws} or from the one mentioned it from him^{-asws} having said: 'On the Day of Qiyamah a man will come to a man until he smears him with blood while the people will be in the Reckoning. He would say, 'O servant of Allah^{-azwj}! What do I have to do with you?'

فَيَقُولُ أَغْنَتْ عَلَيَّ يَوْمَ كَذَا وَ كَذَا بِكَلِمَةٍ فَقُتِلْتُ.

He will say, 'You assisted against me with such and such a word, so I was killed'.¹⁶¹²

3- ثواب الأعمال يَحْدَا الْإِسْنَادِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مَنْصُورٍ بْنِ يُوسُفَ عَنْ أَبِي حَمَزَةَ عَنْ أَحَدِهِمَا ع قَالَ: أَتَى رَسُولَ اللَّهِ ص فَقِيلَ لَهُ يَا رَسُولَ اللَّهِ قَتِيلٌ فِي مَسْجِدِ جُهَيْنَةَ فَقَامَ رَسُولُ اللَّهِ ص يَمْشِي حَتَّى انْتَهَى إِلَى مَسْجِدِهِمْ

(The book) 'Sawab Al Amaal' – By this chain, from Ibn Abu Umeyr, from Mansour Bin Yunus, from Abu Hamza,

From one of the two (5th or 6th Imam^{-asws}) having said: 'Someone came to Rasool-Allah^{-saww} and said to him^{-saww}, 'O Rasool-Allah^{-saww}, there has been a killing in Masjid Juheyne!' Rasool-Allah^{-saww} stood up and walked until he ended to their Masjid'.

قَالَ وَ تَسَامَعَ النَّاسُ فَأَتَوْهُ فَقَالَ ع مَنْ قَتَلَ ذَا

He^{-asws} said: 'And the people heard (about it), so they came to him^{-saww}. He^{-saww} said: 'Who killed this one?'

¹⁶¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 37 H 1

¹⁶¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 37 H 2

قَالُوا يَا رَسُولَ اللَّهِ مَا نَدْرِي

They said, 'O Rasool-Allah^{-azwj}, we don't know!'

فَقَالَ قَتِيلٌ مِنَ الْمُسْلِمِينَ بَيْنَ ظَهْرَانِي الْمُسْلِمِينَ - لَا يُدْرِي مَنْ قَتَلَهُ وَ اللَّهُ الَّذِي بَعَثَنِي بِالْحَقِّ لَوْ أَنَّ أَهْلَ السَّمَاوَاتِ وَ الْأَرْضِ شَرَكُوا فِي دَمِ امْرِئٍ مُسْلِمٍ وَ رَضُوا بِهِ لَأَكْبَهُمُ اللَّهُ عَلَى مَنَاحِرِهِمْ فِي النَّارِ أَوْ قَالَ عَلَى وُجُوهِهِمْ.

He^{-saww} said: 'There has been a killing in the midst of the Muslims and it is not known who killed him! By Allah^{-azwj} Who Send me^{-saww} with the truth! Even if inhabitants of the skies and the earth were to participate in the blood of a Muslim person and were pleased with it, Allah^{-azwj} will Fling them upon their nostril in the Fire!' – or said: 'Upon their faces!'¹⁶¹³

4- سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ وَ عَلِيُّ بْنُ عَبْدِ اللَّهِ مَعَا عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ وَ مُحَمَّدِ بْنِ سِنَانٍ مَعَا عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ إِنَّ الْعَبْدَ يُحْشَرُ يَوْمَ الْقِيَامَةِ وَ مَا يُدْمِي دَمًا فَيُدْفَعُ إِلَيْهِ شِبْهُ الْمِحْجَمَةِ أَوْ فَوْقَ ذَلِكَ فَيُقَالُ لَهُ هَذَا سَهْمُكَ مِنْ دَمِ فُلَانٍ

(The book) 'Al Mahasin' – Muhammad Bin Ali and Ai Bin Abdullah both together from Ibn Mahboub, from Al A'ala and Muhammad Bin Sinan both together, from Muhammad Bin Muslim who said,

'I heard Abu Abdullah^{-asws} saying: 'A servant will be Resurrected on the Day of Qiyamah and he would not have shed any blood. A small cup would be handed to him, or larger than that. It will be said to him, 'This is your share from the blood of so and so'.

فَيَقُولُ يَا رَبِّ إِنَّكَ لَتَعْلَمُ أَنَّكَ قَبَضْتَنِي وَ مَا سَفَكْتُ دَمًا

He will said: 'O Lord^{-azwj}! You^{-azwj} Know You^{-azwj} had Recalled me and I had not shed any blood!'

قَالَ بَلَى سَمِعْتُ مِنْ فُلَانٍ بْنِ فُلَانٍ كَذَا وَ كَذَا فَرَوَيْتُهَا عَنْهُ فَتَقَلْتُ حَتَّى صَارَ إِلَى فُلَانٍ الْجَبَّارِ فَقَتَلَهُ عَلَيْهَا فَهَذَا سَهْمُكَ مِنْ دَمِهِ.

He^{-azwj} will Say: "Yes! You heard such and such from so and so, son of so and so. You reported it from him, and it was transmitted until it came to so and so tyrant, and he killed him upon it, so this is your share from his blood!"¹⁶¹⁴

5- جاء، المجالس للمفيد المَرَاغِي عَنْ عَلِيٍّ بْنِ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ النَّهْأَوْدِيِّ عَنْ أَبِي الْحَزْرَجِ الْأَسَدِيِّ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ أَبِي أَنَانَ بْنِ أَبِي عَبَّاسٍ عَنْ جَعْفَرِ بْنِ إِيسَى عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: وَجَدَ قَتِيلًا عَلَى عَهْدِ رَسُولِ اللَّهِ ص فَخَرَجَ عَ مُعْظَبًا حَتَّى رَجَعَ الْمَنْتَرِ فَحَمِدَ اللَّهُ وَ أَثْنَى عَلَيْهِ ثُمَّ قَالَ يُقْتَلُ رَجُلٌ مِنَ الْمُسْلِمِينَ لَا يُدْرِي مَنْ قَتَلَهُ وَ الَّذِي نَفْسِي بِيَدِهِ لَوْ أَنَّ أَهْلَ السَّمَاوَاتِ وَ الْأَرْضِ اجْتَمَعُوا عَلَى قَتْلِ مُؤْمِنٍ أَوْ رَضُوا بِهِ لَأَدْخَلَهُمُ اللَّهُ فِي النَّارِ

(The book) 'Al Majalis' of Al Mufeed – Al Maraghy, from Ali Bin Suleyman, from Muhammad Bin Al-Hassan Al Nahwandy, from Abu Al Khazraj Al Asady, from Muhammad Bin Al Fuzeyl, from Aban Bin Abu Ayyash, from Ja'far Bin Iyas, from Abu Saeed Al Khudri who said,

'In the era of Rasool-Allah^{-saww} a killed person was found. He^{-saww} went out angrily until he^{-saww} ascended the pulpit. He^{-saww} praised Allah^{-azwj} and extolled upon Him^{-azwj}, then said: 'A man

¹⁶¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 37 H 3

¹⁶¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 37 H 4

from the Muslims has been killed and it is not known who killed him! By the One in Whose Hand is my^{-saww} soul! Even if inhabitants of the skies and the earth were to unite upon killing of a Momin or were pleased with it, Allah^{-azwj} will Enter them (all) into the Fire!

وَالَّذِي نَفْسِي بِيَدِهِ لَا يُجِلِّدُ أَحَدٌ أَحَدًا ظُلْمًا إِلَّا جُلِدَ عَدَا فِي نَارِ جَهَنَّمَ مِثْلَهُ

By the One in Whose Hand is my^{-saww} soul! No one will whip anyone unjustly except that he will be whipped tomorrow in the Fire of Hell, similarly!

وَالَّذِي نَفْسِي بِيَدِهِ لَا يُبْعِضُنَا أَهْلَ الْبَيْتِ أَحَدٌ إِلَّا أَكَبَّهُ اللَّهُ عَلَى وَجْهِهِ فِي نَارِ جَهَنَّمَ.

By the One in Whose Hand is my^{-saww} soul! No one will anger us^{-asws}, People of the Household, except Allah^{-azwj} will Fling him upon his face into the Fire of Hell!¹⁶¹⁵

6- روضة الواعظين قَالَ رَسُولُ اللَّهِ ﷺ ص لَوْ أَنَّ رَجُلًا قُتِلَ بِالْمَشْرِقِ وَ آخَرُ رَضِيَ بِهِ فِي الْمَغْرِبِ كَانَ كَمَنْ قَتَلَهُ وَ شَرِكَ فِي دَمِهِ.

(The book) 'Rowzat Al Waizeen' –

Rasool-Allah^{-saww} said: 'Even if a man was killed in the east and another one in the west was pleased with it, he would be like the one who had killed him and participated in his blood'.¹⁶¹⁶

[باب 38 أقسام الجنايات و أحكام القصاص](#)

CHAPTER 38 – CATEGORIES OF THE FELONIES AND THE RULINGS OF RETALIATION

1- قب، المناقب لابن شهر آشوب أحمد بن حنبل في المسند و أحمد بن ميمع في أماليه بإسنادهما إلى حماد بن سلمة عن سمك عن حبيش بن المغير و قد زواه محمد بن قيس عن أبي جعفر ع و اللفظ له أنه قضى أمير المؤمنين ع في أربعة نفر اطلعوا على زنية الأسد فخر أحدهم فاستمسك بالثاني و استمسك الثاني بالثالث و استمسك الثالث بالرابع

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Ahmad Bin Hanbal in 'Al Musnad' and Ahmad Bin Manie in his 'Amaali', by their chains to Hammad Bin Salama, from Simak, from Hubeish Bin Al Mu'tamar, and Muhammad Bin Qays has reported it,

From Abu Ja'far^{-asws} and its wording is: 'Amir Al-Momineen^{-asws} judged regarding four persons who were on the verge of a lion's den. One of them fell, so he held on to the second, and the second held on to the third, and the third held on to the fourth.

فَقَضَى ع بِالْأَوَّلِ فَرِيَسَةَ الْأَسَدِ وَ عَرَّمَ أَهْلَهُ ثُلُثَ الدِّيَةِ لِأَهْلِ الثَّانِي وَ عَرَّمَ أَهْلَ الثَّانِي ثُلُثَ الدِّيَةِ لِأَهْلِ الثَّالِثِ وَ عَرَّمَ أَهْلَ الثَّالِثِ ثُلُثَ الدِّيَةِ لِأَهْلِ الرَّابِعِ الدِّيَةِ كَامِلَةً وَ انْتَهَى الْحَبْرُ إِلَى النَّجِيِّ ص بِذَلِكَ

He^{-asws} judged with the first one as being prey of the lion, and determined his family pay a third of the wergild to family of the second, and determined that family of the second pay

¹⁶¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 37 H 5

¹⁶¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 37 H 6

two-thirds of the wergild to family of the third, and determined family of the third to pay to family of the fourth the complete wergild, and the news of that ended to the Prophet^{-saww}.

فَقَالَ لَقَدْ قَضَى أَبُو الْحَسَنِ فِيهِمْ بِقَضَاءِ اللَّهِ فَرَّقَ عَرْشِهِ.

He^{-saww} said: ‘Abu Al-Hassan^{-asws} has judged among them with the Judgment of Allah^{-azwj} Above His^{-azwj} Throne!’¹⁶¹⁷

2- أَبُو عُبَيْدٍ فِي عَرِيبِ الْحُدَيْثِ وَ ابْنُ مَهْدِيٍّ فِي نُزْهَةِ الْأَبْصَارِ عَنِ الْأَصْبَغِ بْنِ نُبَاتَةَ أَنَّهُ قَضَى ع فِي الْقَارِصَةِ وَ الْقَامِصَةِ وَ الْوَاقِصَةِ وَ هُنَّ ثَلَاثُ جَوَارٍ كُنَّ يَلْعَبْنَ فَرَكِبَتْ إِحْدَاهُنَّ صَاحِبَتَهَا فَفَرَصَتْهَا الثَّالِثَةُ فَفَقَصَتْ الْمَرْكُوبَةُ فَوَقَعَتِ الرَّاكِبَةُ فَوَقَصَتْ عَنْفُهَا فَقَضَى بِالْيَدِيَةِ ثَلَاثًا وَ أَسْقَطَ حِصَّةَ الرَّاكِبَةِ لِمَا أَعَانَتْ عَلَى نَفْسِهَا فَبَلَغَ ذَلِكَ النَّبِيَّ ص فَاسْتَصْوَبَهُ.

Abu Ubeyd in a strange Hadeeth, and Ibn Mahdy in ‘Nuzhat Al Absaar’, from Al Asbagh Bin Nubata,

‘He^{-asws} judged regarding one who pinched, the one who was pinched, and the one who was thrown down. There were three girls who were playing. One of them rode on the back of another, then the third pinched the one being ridden, so she bucked, and the one riding fell and broke her neck. He ruled that the blood money be divided into thirds and dropped the share of the rider because she had contributed to her own death. When this judgment reached the Prophet^{-saww}, he^{-saww} approved it’.¹⁶¹⁸

3- قَب، المناقب لابن شهر آشوب أحمد بن عامر بن سليمان الطائفي عن الرضا ع في خبر أنه أقر رجل يقتل ابن رجل من الأنصار فدفعه عمر إليه ليقتله به فصرته ضربتين بالسيف حتى طل أنه هلك فحمل إلى منزله و به رفق فبرأ الجرح بعد ستة أشهر فلقية الأب و جرّه إلى عمر فدفعه إليه عمر فاستعانت الرجل إلى أمير المؤمنين

(The book) ‘Al Manaqib’ of Ibn Shehr Ashub – Ahmad Bin Aamir Bin Suleyman Al Taie,

From Al-Reza^{-asws} in a Hadeeth – A man acknowledged having killed a son of a man from the Helpers. Umar handed him to him for him to be killed. He struck him twice with the sword until he thought he had died. He was carried to his dwelling and there was still the last breaths with him. The injuries healed after six months. The father (of the killed son) met him and dragged him to Umar. Umar (again) handed him to him (to be killed). The man cried out for help with Amir Al-Momineen^{-asws}.

فَقَالَ لِعُمَرَ مَا هَذَا الَّذِي حَكَمْتَ بِهِ عَلَى هَذَا الرَّجُلِ

He^{-asws} said to Umar, ‘What is this which you had ruled with upon this man?’

فَقَالَ النَّفْسُ بِالنَّفْسِ

He said, ‘The soul for the soul!’

¹⁶¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 1

¹⁶¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 2

قَالَ أَلَمْ تَقْتُلْهُ مَرَّةً

He^{-asws} said: 'Did you not kill him once?'

قَالَ قَدْ قَتَلْتُهُ ثُمَّ عَاشَ

He said, 'I had killed him, then he lived'.

قَالَ فَيَقْتُلُ مَرَّتَيْنِ

He^{-asws} said: 'Then you will be killing him twice!'

فَبُهِتَ ثُمَّ قَالَ قَاضٍ مَا أَنْتَ قَاضٍ فَخَرَجَ ع

Umar was dumbfounded, then said, 'Judge whatever you^{-asws} want to judge'.

فَقَالَ لِلْأَبِ أَلَمْ تَقْتُلْهُ مَرَّةً

He^{-asws} went out. He^{-asws} said to the father, 'Did you no kill him once?'

قَالَ بَلَى فَيَبْطُلُ دَمُ ابْنِي

He said, 'Yes, but the blood of my son was invalidated!'

قَالَ لَا وَ لَكِنَّ الْحُكْمَ أَنْ تُدْفَعَ إِلَيْهِ فَيَقْتَصَّ مِنْكَ مِثْلَ مَا صَنَعْتَ بِهِ ثُمَّ تَقْتُلُهُ بِدَمِ ابْنِكَ

He^{-asws} said: 'No, but the ruling is that you be handed over to him so he can retaliate from you similar to what you had done with him, then you can kill him for the blood of your son!'

قَالَ هُوَ وَ اللَّهُ الْمَوْتُ وَ لَا بُدَّ مِنْهُ

He said, 'By Allah^{-azwj}, it is the death, and there is no escape from it!'

قَالَ لَا بُدَّ أَنْ يَأْخُذَ بِحَقِّهِ

He^{-asws} said: 'There is no escape from him taking his right'.

قَالَ فَإِنِّي قَدْ صَفَحْتُ عَنْ دَمِ ابْنِي وَ يَصْفَحُ لِي عَنِ الْقِصَاصِ

He said, 'So I hereby pardon the blood of my son and he should pardon me from the retaliation'.

فَكُتِبَ بَيْنَهُمَا كِتَابًا بِالْبَرَاءَةِ فَرَفَعَ عُمَرُ يَدَهُ إِلَى السَّمَاءِ وَ قَالَ الْحَمْدُ لِلَّهِ أَنْتُمْ أَهْلُ بَيْتِ الرَّحْمَةِ يَا أَبَا الْحَسَنِ

He^{-asws} wrote an agreement of the disownment between them. Umar raised his hands towards the sky and said, 'The Praise is for Allah^{-azwj}! You^{-asws} are People^{-asws} of the Household of Mercy, O Abu Al-Hassan^{-asws}!'

ثُمَّ قَالَ لَوْ لَا عَلَيَّ هَٰذَا لَمَاتُكَ عُمَرُ.

Then he said, 'Had it not been for Ali^{-asws}, Umar would have been destroyed!'¹⁶¹⁹

4- الصَّادِقُ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع فِي رَجُلٍ أَمَرَ عَبْدَهُ أَنْ يُقْتَلَ رَجُلًا فَقَالَ ع وَ هَلِ الْعَبْدُ عِنْدَ الرَّجُلِ إِلَّا كَسَوْطِهِ أَوْ كَسَيْفِهِ

Al-Sadiq^{-asws}, from Amir Al-Momineen^{-asws}, regarding a man who had ordered his slave to kill a man. He^{-asws} said: 'And is the slave with the man except like his whip or his sword?'

يُقْتَلُ السَّيِّدُ وَ يُؤَدَّعُ الْعَبْدُ السَّيِّدَ.

He^{-asws} killed the master and left the slave in the prison'.¹⁶²⁰

5- قَالَ: وَلِي ثَلَاثَةٌ قَتَلُوا فِدْفِدُوا إِلَى عَلِيٍّ ع أَمَّا وَاحِدٌ مِنْهُمْ أَمْسَكَ رَجُلًا وَ أَقْبَلَ الْآخَرَ فَقَتَلَهُ وَ الثَّالِثُ وَقَفَ فِي الرُّيَّةِ يَرَاهُمْ فَقَضَى فِي الَّذِي كَانَ فِي الرُّيَّةِ أَنْ تُسَمَلَ عَيْنَاهُ وَ فِي الَّذِي أَمْسَكَ أَنْ يُسَجَّنَ حَتَّى يَمُوتَ كَمَا أَمْسَكَ وَ فِي الَّذِي قَتَلَهُ أَنْ يُقْتَلَ.

Three men committed a killing and were brought before Ali^{-asws}. One of them had held the victim, another came forward and killed him, and the third stood watching the scene. Ali^{-asws} ruled that the one who had merely watched should have his eyes gouged out, that the one who held the victim should be imprisoned until he died just as he had restrained the victim, and that the one who actually carried out the killing should be killed'.¹⁶²¹

6- قَب، المناقب لابن شهر آشوب مُحَمَّدُ بْنُ قَيْسٍ عَنِ الْبَاقِرِ ع قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي أَرْبَعَةٍ نَفَرٍ شَرِبُوا فَسَكِرُوا فَأَخَذَ بَعْضُهُمْ عَلَى بَعْضٍ السِّلَاحَ فَأَقْتَتَلُوا فُقُتِلَ اثْنَانِ وَ جُرِحَ اثْنَانِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Muhammad Bin Qays,

From Al-Baqir^{-asws}: 'Amir Al-Momineen^{-asws} had judged regarding four persons who drank (intoxicant) and became intoxicated. They took the weapons against each other and fought. Two were killed and two were injured.

فَأَمَرَ بِالْمَجْرُوحَيْنِ فَضْرِبَ كُلُّ وَاحِدٍ مِنْهُمَا ثَمَانِينَ جَلْدَةً وَ قَضَى دِيَةَ الْمَقْتُولَيْنِ عَلَى الْمَجْرُوحَيْنِ وَ أَمَرَ أَنْ يُقَاسَ جِرَاحُ الْمَجْرُوحَيْنِ فَرُفِعَ مِنَ الدِّيَةِ وَ إِنَّ مَاتَ مِنَ الْمَجْرُوحَيْنِ أَحَدٌ فَلَيْسَ عَلَى أُوْلِيَاءِ الْمَقْتُولِ شَيْءٌ.

He^{-asws} ordered for the two injured ones that each one of them be struck eighty lashes, and he^{-asws} judged wergild of the two killed ones being upon the two injured ones, and he^{-asws}

¹⁶¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 3

¹⁶²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 4

¹⁶²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 5

ordered that the injuries of the two injured ones be estimated and lessened from the wergild, and if one of the injured ones dies, there isn't anything upon guardians of the killed one'.¹⁶²²

7- وَ فِي رِوَايَةٍ أَنَّهُ قَالَ: دِيَّةُ الْمُقْتُولَيْنِ عَلَى قَبَائِلِ الْأَرْبَعَةِ بَعْدَ مُقَاصَّةِ الْحَيَيْنِ مِنْهُمَا بِدِيَّةٍ جَرَّاحِهِمَا لِأَنَّهُ لَعَلَّ كُلَّ وَاحِدٍ مِنْهُمَا قَتَلَ صَاحِبَهُ.

And in a report, he^{-asws} said: 'Wergild of the killed ones is upon the tribes of the four after the two who are alive among them have been dealt with by retaliation and by paying wergild for their wounds, because perhaps each one of those two killed his companion'.¹⁶²³

8- قَب، المناقب لابن شهر آشوب الصَّادِقُ ع تَزَوَّجَ رَجُلٌ مِنَ الْأَنْصَارِ امْرَأَةً عَلَى عَهْدِ أَمِيرِ الْمُؤْمِنِينَ ع فَلَمَّا كَانَ لَيْلَةُ الْبِنَاءِ بِهَا عَمَدَتِ الْمَرْأَةُ إِلَى رَجُلٍ صَدِيقٍ لَهَا فَأَدْخَلَتْهُ الْحُجْلَةَ فَلَمَّا دَخَلَ الزَّوْجُ يُبَاذِعُ أَهْلَهُ نَارَ الصَّدِيقِ وَ افْتَتَلَا فِي الْبَيْتِ فَقَتَلَ الزَّوْجَ الصَّدِيقُ وَ قَامَتِ الْمَرْأَةُ فَضَرَبَتِ الزَّوْجَ ضَرْبَةً فَقَتَلَتْهُ بِالْصَّدِيقِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

Al-Sadiq^{-asws}: 'A man from the Helpers married a woman in the era of Amir Al-Momineen^{-asws}. When it was the night of consummation with her, the woman deliberated to a male friend of hers and entered him into the bridal chamber. When the husband entered to be with his wife, the friend rose and they fought in the room. The husband killed the friend, and the woman stood up and struck the husband with a strike and killed him for the friend.

فَقَالَ ع تُضَمَّنُ الْمَرْأَةُ دِيَّةَ الصَّدِيقِ وَ تُقْتَلُ بِالزَّوْجِ.

He^{-asws} said: 'The woman is responsible for wergild of the friend and she will be killed for (having killed) the husband'.¹⁶²⁴

9- قَب، المناقب لابن شهر آشوب السَّكُونِيُّ أَن سِتَّةَ نَفَرٍ لَعِبُوا فِي الْفُرَاتِ فَغَرِقَ وَاحِدٌ مِنْهُمْ فَشَهِدَ ائْتَانِ مِنْهُمْ عَلَى ثَلَاثَةٍ مِنْهُمْ أَنَّهُمْ غَرَّقُوهُ وَ شَهِدَ الثَّلَاثَةُ عَلَى الْاِثْنَيْنِ أَنَّهُمَا غَرَّقَاهُ فَأَلْزَمَ الْاِثْنَيْنِ ثَلَاثَةَ أَهْمَاسِ الدِّيَّةِ وَ أَلْزَمَ الثَّلَاثَةَ خُمُسِي الدِّيَّةِ بِحِسَابِ الشَّهَادَةِ.

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

Al-Sakuni, 'Six persons were playing in the Euphrates. One of them drowned. Two of them testified against the three that they had drowned him, and the three testified against the two that they had drowned him. He^{-asws} necessitated the two with three-fifths of the wergild, and necessitated the three with two-fifths of the wergild, in accordance to the testimonies'.¹⁶²⁵

10- شي، تفسير العياشي عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا اجْتَمَعَ الْعِدَّةُ عَلَى قَتْلِ رَجُلٍ حَكَمَ الْوَالِي بِقَتْلِ أَيِّهِمْ شَاءَ وَ لَيْسَ لَهُ أَنْ يَقْتُلَ بِأَكْثَرِ مَنْ وَاحِدٍ إِنَّ اللَّهَ يَقُولُ وَ مَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيَّهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنصُورًا

Tafseer Al Ayyashi – From Abu Al Abbas,

¹⁶²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 6

¹⁶²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 7

¹⁶²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 8

¹⁶²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 9

From Abu Abdullah^{-asws} having said: ‘When a number of people gather upon killing a man, the ruling is for the guardian to kill whichever of them he desires to, and it isn’t for him to kill more than one. Allah^{-azwj} Says: **and one who is killed unjustly, so We have Made an authority to be for his guardian, but he should not be excessive in the killing. He would always be Helped [17:33].**

وَ إِذَا قَتَلَ وَاحِدٌ [وَاحِدًا] ثَلَاثَةً خِيَرَ الْوَالِي أَيْ الثَّلَاثَةَ شَاءَ أَنْ يَقْتُلَ وَ يُصَمِّنَ الْآخَرَ ثُلْثِي الدِّيَةِ لَوْرَثَةِ الْمَقْتُولِ.

And when one is killed by three, the guardian is with the choice whichever of the three he desires to kill, and the other two will be responsible for two-thirds of the wergild to the heirs of the killed one’.¹⁶²⁶

11- شي، تفسير العياشي عَنْ أَبِي الْعَبَّاسِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلَيْنِ قَتَلَا رَجُلًا فَقَالَ يُخَيَّرُ وَلِيُّهُ أَنْ يَقْتُلَ أَتَاهُمَا شَاءَ وَ يُعَرِّمَ الْبَاقِي نِصْفَ الدِّيَةِ أَعْنِي دِيَةَ الْمَقْتُولِ فَيُرَدُّ عَلَى ذُرِّيَّتِهِ

Tafseer Al Ayyashi – From Abu Al Abbas who said,

‘I asked Abu Abdullah^{-asws} about two men who killed a man. He^{-asws} said: ‘His guardian will be with a choice whichever of the two he likes to kill, and the remaining one will be penalised half the wergild, meaning wergild of the killed one to be given to his offspring.

وَ كَذَلِكَ إِنْ قَتَلَ رَجُلٌ امْرَأَةً إِنْ قَبِلُوا الدِّيَةَ فَذَلِكَ وَ إِنْ أَبَى أَوْلِيَاؤُهَا إِلَّا قَتَلَ قَاتِلَهَا غَرِمُوا نِصْفَ دِيَةِ الرَّجُلِ الَّذِي قَتَلُوهُ وَ هُوَ قَوْلُ اللَّهِ فَقَدْ جَعَلْنَا لَوْلِيَتِهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ.

And like that if a man kills a woman, if they accept the wergild, that is that, and if her guardian refuses except killing her killer, they will be penalised half the wergild of the man whom they kill, and it is the Word of Allah^{-azwj}: **We have Made an authority to be for his guardian, but he should not be excessive in the killing. He would always be Helped [17:33]**’.¹⁶²⁷

12- م، تفسير الإمام عليه السلام يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ إِلَى قَوْلِهِ تَعَالَى لَعَلَّكُمْ تَتَّقُونَ

Tafseer of the Imam (Hassan Al-Askari^{-asws}) - **O you those who are believing! The retaliation is Prescribed upon you [2:178]** – up to Words of the Exalted: **perhaps you would be fearing [2:179].**

قَالَ عَلِيُّ بْنُ الْحُسَيْنِ ع- يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ يَعْني الْمُسَاوَاةَ وَ أَنْ يَسْتَلِكَ الْقَاتِلُ فِي طَرِيقِ الْمَقْتُولِ الَّذِي سَلَكَ بِهِ لَمَّا قَتَلَهُ- الْحَرْبُ بِالْحَرْبِ وَ الْعَبْدُ بِالْعَبْدِ وَ الْأَنْثَى بِالْأُنْثَى يُقْتَلُ الْمَرْءُ بِالْمَرْءِ إِذَا قَتَلَهَا-

Ali^{-asws} Bin Al-Husayn^{-asws} said: ‘**O you those who are believing! The retaliation is Prescribed upon you regarding the murdered** – meaning the equalisation, and that you should deal with the killing, the way in which the murdered had been dealt with when he was murdered, **the**

¹⁶²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 10

¹⁶²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 11

free with the free, and the slave with the slave, and the female with the female – you should kill the woman with the woman, when she is killed.

فَمَنْ عَفِيَ لَهُ مِنْ أَحِبِّهِ شَيْءٌ فَمَنْ عَفِيَ لَهُ الْقَاتِلُ وَ رَضِيَ هُوَ وَ وَلِيُّ الْمَقْتُولِ أَنْ يَدْفَعَ الدِّيَّةَ وَ عَفَا عَنْهُ بِمَا فَاتَبَاعَ مِنَ الْوَلِيِّ مُطَالَبَةً تَقَاصٍ بِالْمَعْرُوفِ وَ أَدَاءً مِنَ الْعَاقِلِ الْقَاتِلِ - بِإِخْسَانٍ لَا يُضَارُّهُ وَ لَا يُمَاطِلُهُ-

But the one who has pardon for him from his brother with something – So the one who has pardon for him – the killer – and he pleases the guardian of the murdered one that he (the killer) should hand over the wergild and he would be pardoned from it, due to it, **so he should pursue** – from the guardian, the (wergild) sought as a clearance, **with the reasonableness, and pay to him** – the one who pardoned the killing for him, **with goodness** – neither hurting him nor delaying his demand (fulfilment).

ذَلِكَ تَخْفِيفٌ مِنْ رَبِّكُمْ وَ رَحْمَةٌ إِذْ أَجَازَ أَنْ يَعْفُوَ وَلِيُّ الْمَقْتُولِ عَنِ الْقَاتِلِ عَلَى دِيَّةٍ يَأْخُذُهَا فَإِنَّهُ لَوْ لَمْ يَكُنْ لَهُ إِلَّا الْقَتْلُ أَوْ الْعَفْوُ لَقَلَّ مَا طَابَتْ نَفْسٌ وَلِيُّ الْمَقْتُولِ بِالْعَفْوِ بِلَا عَوَضٍ يَأْخُذُهُ فَكَانَ قَلَّ مَا يَسْلَمُ الْقَاتِلُ مِنَ الْقَتْلِ -

That is a Lightning from your Lord and a Mercy – when He^{-azwj} Allowed that a guardian of the murdered one can pardon the murder upon the taking of the wergild, for it, if there did not happen to be anything for him except for the killing or the pardoning, seldom would the guardian of the murdered have taken (the wergild) instead. And it would have been so that seldom would the killer have been safe from being killed.

فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ بَعْدَ الْعَفْوِ عَنْهُ بِالْذِّبَةِ الَّتِي بَدَّلَهَا وَ رَضِيَ هُوَ بِمَا فَلَهُ عَذَابٌ أَلِيمٌ فِي الْآخِرَةِ عِنْدَ اللَّهِ عَزَّ وَ جَلَّ - وَ لَكُمْ يَا أُمَّةَ مُحَمَّدٍ فِي الْقِصَاصِ حَيَاةٌ لِأَنَّ مَنْ هَمَّ بِالْقَتْلِ يَعْرِفُ أَنَّهُ يُقْتَصُّ مِنْهُ فَكَفَّ لِذَلِكَ عَنِ الْقَتْلِ كَانَ حَيَاةً لِلَّذِي كَانَ هَمَّ يَقْتُلُهُ وَ حَيَاةً لِهَذَا الْجَانِبِ الَّذِي أَرَادَ أَنْ يَقْتُلَ وَ حَيَاةً لِعَاقِبَتِهَا مِنَ النَّاسِ إِذَا عَلِمُوا أَنَّ الْقِصَاصَ وَاجِبٌ - لَا يَجْسُرُونَ عَلَى الْقَتْلِ خِيفَةَ الْقِصَاصِ - يَا أُولِي الْأَلْبَابِ أُولِي الْعُقُولِ لَعَلَّكُمْ تَتَّقُونَ.

Allah^{-azwj} Mighty and Majestic Said: **And for you** – O community of Muhammad^{-saww}, **in the retaliation, there is life** – because the one who thinks of murdering, so he would know that he would be retaliated from it. Thus, he would refrain from the killing. There would be life for the one whom he had thought of killing him, and life for this offender who intended the murder, and life for other than these two from the people, when they (also) know that the retaliation is an Obligation, they would not be audacious upon the killing, fearing the retaliation, **O ones of understanding** – the ones with the intellects, **perhaps you would be fearing [2:179]**.¹⁶²⁸

13- ين، كتاب حسين بن سعيد و النوادر عَنْ يَحْيَى بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ ع أَنَّ امْرَأَةً نَذَرَتْ أَنْ تُقَادَ بِرِمَامٍ فِي أَنْفِهَا فَوَقَعَ بَعِيرٌ فَحَرَمَ أَنْفَهَا فَأَتَتْ عَلِيًّا ع تُخَاصِمُ فَأَبْطَلَهُ وَ قَالَ إِنَّمَا النَّذَرُ لِلَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Yahya Bin Abu Al A'la,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}: 'A woman had vowed that she would be led by a rein in her nose. A camel fell and her nose was trampled. She came to Ali^{-asws} to dispute. He^{-asws} invalidated it and said: 'But rather, the vow is for Allah^{-azwj}'.¹⁶²⁹

14- شي، تفسير العياشي عَنْ حُفْصِ بْنِ غِيَاثٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع قَالَ: إِنَّ اللَّهَ بَعَثَ مُحَمَّدًا بِخَمْسَةِ أَسْيَافٍ سَيْفٌ مِنْهَا مَعْمُودٌ سَلُّهُ إِلَى غَيْرِنَا وَ حُكْمُهُ إِلَيْنَا

Tafseer Al Ayyashi – From Hafs Bin Giyas,

From Ja'far Bin Muhammad^{-asws} having said: 'Allah^{-azwj} had Sent Muhammad^{-saww} with five swords. A sword from these was sheathed. Its unsheathing is up to others and its ruling is up to us^{-asws}.

فَأَمَّا السَّيْفُ الْمَعْمُودُ فَهُوَ الَّذِي يُقَامُ بِهِ الْقِصَاصُ قَالَ اللَّهُ جَلَّ وَجْهُهُ النَّفْسَ بِالنَّفْسِ الْآيَةُ فَسَلُّهُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ وَ حُكْمُهُ إِلَيْنَا.

As for the sheathed sword, it is with which the retaliation is established. Allah^{-azwj}, Majestic is His^{-azwj} Face, Said: **the soul is for the soul [5:45]** – the Verse. Its unsheathing is up to the guardians of the killed, and its ruling is up to us^{-asws}.¹⁶³⁰

15- شي، تفسير العياشي عَنْ أَبِي بصيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ قَالَ يُكَفِّرُ عَنْهُ مِنْ ذُنُوبِهِ بِقَدْرِ مَا عَفَا مِنْ جِرَاحٍ أَوْ غَيْرِهِ.

Tafseer Al Ayyashi, from Abu Baseer who said,

'I asked Abu Abdullah^{-asws}, '**So the one who forgoes with it, then it would be an expiation for him [5:45]**. He^{-asws} said: 'It will be an expiation from him of his sins in accordance with whatever he injures, or something else he pardons from'.¹⁶³¹

16- ل، الخصال أَبِي عَنْ سَعْدٍ عَنِ الْأَصْبَهَانِيِّ عَنِ الْمُنْقَرِيِّ عَنْ حُفْصِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: وَ أَمَّا السَّيْفُ الْمَعْمُودُ فَالسَّيْفُ الَّذِي يُقَامُ بِهِ الْقِصَاصُ قَالَ اللَّهُ عَزَّ وَ جَلَّ النَّفْسَ بِالنَّفْسِ فَسَلُّهُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ وَ حُكْمُهُ إِلَيْنَا.

(The book) 'Al Khisaal' – From Sa'ad, from Al Asbahany, from Al Minqary, from Hafs,

From Abu Abdullah^{-asws}, having said: 'And as for the sheathed sword, it is the sword with which retaliation is established. Allah^{-azwj} Mighty and Majestic Said: **the soul is for the soul [5:45]**. Its unsheathing is up to the guardians of the killed, and its ruling is up to us^{-asws}.¹⁶³²

17- ب، قرب الإسناد أَبُو الْبَحْرِيِّ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع كَانَ يَقُولُ فِي الْمَجْنُونِ الْمَعْتُوهِ الَّذِي لَا يُفْقِئُ وَ الصَّيِّ الَّذِي لَمْ يَبْلُغْ عَمْدَهَا حَطًّا تَحْمِلُهُ الْعَاقِلَةُ وَ قَدْ رُفِعَ عَنْهُمَا الْقَلَمُ.

¹⁶²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 13

¹⁶³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 14

¹⁶³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 15

¹⁶³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 16

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had said regarding the insane person who is completely unaware and the child who has not reached the age of responsibility: 'Any intentional act they commit is considered a mistake carried by their guardian, and the Pen (legal responsibility is lifted from them)'.¹⁶³³

18- ع، علل الشرائع أبي عن سعد بن ابن عيسى عن ابن محبوب عن ابن رثاب عن أبي بصير قال: سألت أبا جعفر ع عن رجل قتل رجلاً مجنوناً قال إن كان المجنون أرادته فدفعه عن نفسه فقتله فلا شيء عليه من قود ولا دية وتُعطي ورثته دية من بيت مال المسلمين

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Ibn Riab, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about a man who kills an insane man. He^{asws} said: 'If the insane one had intended him so he defended himself and killed him, there is nothing upon him, neither retaliation nor wergild, and his heirs would give his wergild from the public treasury of the Muslims'.

قال وإن كان قتله من غير أن يكون المجنون أرادته فلا قود لمن لا يقاد منه وأرى أن على قاتله الدية في ماله يدفعها إلى ورثة المجنون ويستغفر الله ويتوب إليه.

He^{asws} said: 'And if he had killed him from other than the insane one had intended him, there cannot be retaliation for the one who cannot be retaliated from, and I^{asws} view that upon his killer is the wergild in his wealth to be handed over to heirs of the insane, and he should seek Forgiveness of Allah^{azwj} and repent to Him^{azwj}'.¹⁶³⁴

19- لي، الأماالي للصدوق ابن موسى عن الأسدي عن النخعي عن إبراهيم بن الحكم عن عمرو بن جبير عن أبيه عن أبي جعفر الباقر ع قال: بعث رسول الله ص علياً إلى اليمن فأنقلت فرس لرجل من أهل اليمن فنفع رجلاً برجله فقتله وأخذ أولياء المقتول فرفعوه إلى علي ع فأقام صاحب الفرس البينة أن الفرس أنقلت من داره فنفع الرجل برجله فأبطل علي ع دم الرجل

(The book) 'Al Amaali' of Al Sadouq – Ibn Musa, from Al Asady, from Al Nakhaie, from Ibrahim Bin Al Hakam, from Amro Bin Jubeyr, from his father,

From Abu Ja'far Al-Baqir^{asws} having said: 'Rasool-Allah^{saww} sent Ali^{asws} to Al-Yemen. A horse of a man from the people of Al-Yemen bolted and trampled a man with its legs and killed him, and the guardians of the killed one seized it and raised it (the case) to Ali^{asws}. The owner of the horse established proof that the horse had bolted from his house and trampled the man with its legs. Ali^{azwj} invalidated blood (wergild) of the man'.

فجاء أولياء المقتول من اليمن إلى النبي ص يشكونه علياً ع فيما حكم عليهم فقالوا إن علينا ظلمنا وأبطل دم صاحبنا

¹⁶³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 17

¹⁶³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 18

The guardians of the killed one came from Al-Yemen to the Prophet^{-saww} complaining about Ali^{-asws} regarding what he^{-asws} had judged against them. They said, 'Ali^{-asws} has oppressed us and invalidated the blood (wergild) of our companion!'

فَقَالَ رَسُولُ اللَّهِ ص إِنَّ عَلِيًّا لَيْسَ بِظَالِمٍ وَ لَمْ يُخْلَقْ عَلَيَّ لِلظُّلْمِ وَ إِنَّ الْوِلَايَةَ مِنْ بَعْدِي لِعَلِيٍّ وَ الْحُكْمُ حُكْمُهُ وَ الْقَوْلُ قَوْلُهُ- لَا يَزِدُّ حُكْمُهُ وَ قَوْلُهُ وَ وَلَا يَنْتَهُ إِلَّا كَافِرٌ وَ لَا يَرْضَى بِحُكْمِهِ وَ قَوْلِهِ وَ وَلَا يَتَّبِعُهُ إِلَّا مُؤْمِنٌ

Rasool-Allah^{-saww} said: 'Ali^{-asws} isn't with injustice, and Allah^{-azwj} has not Created Ali^{-asws} for the injustice, and the Wilayah from after me^{-saww} is for Ali^{-asws}, and the (final) judgment is his^{-asws} judgment, and the (final) word is his^{-asws} word! No one will reject his^{-asws} judgment and his^{-asws} word and his^{-asws} Wilayah except a Kafir, and no one will be pleased with his^{-asws} judgment, and his^{-asws} word, and his^{-asws} Wilayah except a Momin!'

فَلَمَّا سَمِعَ الْيَمَانِيُّونَ قَوْلَ رَسُولِ اللَّهِ ص فِي عَلِيٍّ ع فَقَالُوا يَا رَسُولَ اللَّهِ رَضِينَا بِقَوْلِ عَلِيٍّ وَ حُكْمِهِ

When the Yemenis heard the words of Rasool-Allah^{-azwj} regarding Ali^{-asws}, they said, 'O Rasool-Allah^{-saww}, we are pleased with the word of Ali^{-asws} and his^{-asws} judgment!'

فَقَالَ رَسُولُ اللَّهِ ص هُوَ تَوْثِيقُكُمْ بِمَا قُلْتُمْ.

Rasool-Allah^{-saww} said: 'It is your repentance from what you had said''¹⁶³⁵

20- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ وَ عَبْدِ اللَّهِ ابْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ ابْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ مُسْلِمٍ قَتَلَ رَجُلًا مُسْلِمًا عَمْدًا وَ لَمْ يَكُنْ لِلْمَقْتُولِ أَوْلِيَاءُ مِنَ الْمُسْلِمِينَ وَ لَهُ أَوْلِيَاءُ مِنْ أَهْلِ الدِّمَةِ مِنْ قَرَابَتِهِ

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ahmad and Abdullah two sons of Muhammad Bin Isa, from Ibn Mahboub, from Muhammad Al Halby,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a Muslim man killing a Muslim man deliberately, and there do not happen to be any guardians from the Muslims for the killed one, and for him are guardians from the *Zimmy* people from his relatives.

قَالَ عَلَى الْإِمَامِ أَنْ يَغْرِضَ عَلَى قَرَابَتِهِ مِنْ أَهْلِ الدِّمَةِ الْإِسْلَامَ فَمَنْ أَسْلَمَ مِنْهُمْ دَفَعَ الْقَاتِلَ إِلَيْهِ فَإِنْ شَاءَ قَتَلَ وَ إِنْ شَاءَ عَفَا وَ إِنْ شَاءَ أَخَذَ الدِّيَةَ

He^{-asws} said: 'It is upon the Imam^{-asws} to present Al Islam to his relatives from the *Zimmy* people. The one from them who becomes a Muslim, the killer would be handed to him. If he like he can kill and if he likes he can pardon, and if he like he can take the wergild.

فَإِنْ لَمْ يُسْلِمْ مِنْ قَرَابَتِهِ أَخَذَ كَانَ الْإِمَامُ وَلِيَّ أَمْرِهِ فَإِنْ شَاءَ قَتَلَ وَ إِنْ شَاءَ أَخَذَ الدِّيَةَ فَجَعَلَهَا فِي بَيْتِ مَالِ الْمُسْلِمِينَ لِأَنَّ جَنَايَةَ الْمَقْتُولِ كَانَتْ عَلَى الْإِمَامِ فَكَذَلِكَ تَكُونُ دِيَّتُهُ لِلْإِمَامِ.

If no one from his relatives becomes a Muslim, the Imam^{-asws} would be in charge of his matter. If he^{-asws} likes he^{-asws} can kill, and if he^{-asws} likes he^{-asws} can take the wergild and make it to be

in the public treasury of the Muslims, because offence of the killed one was upon the Imam^{-asws}, therefore his wergild would be for the Imam^{-asws}.¹⁶³⁶

21- ب، قرب الإسناد أبو البخترى عن الصادق عن أبيه ع أَنَّ عَلِيًّا كَانَ يُضَيِّنُ الرَّكَبَ مَا أُوطِئَتِ الدَّابَّةُ يَدَيْهَا وَ رَجُلُهَا وَ يُضَيِّنُ الْقَائِدَ مَا أُوطِئَتِ الدَّابَّةُ يَدَيْهَا وَ يُبْرِئُهُ مِنَ الرَّجُلِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} held the rider responsible for whatever the animal trampled with his hands or feet, and he held the driver responsible for whatever the animal trampled with his hands, but he^{-asws} cleared him from responsibility for what was trampled by the feet!'¹⁶³⁷

22- ع، علل الشرائع ابن الوليد عن ابن أنبان عن الحسين بن سعيد عن محمد بن الفضل عن الكنازي عن أبي عبد الله ع قَالَ: كَانَ صَبِيًّا فِي زَمَنِ عَلِيٍّ ع يَلْعَبُونَ بِأَخْطَارٍ هُمْ فَرَمَى أَحَدُهُمْ بِخَطَرِهِ فَدَقَّ رِجْلُهُ صَاحِبَهُ فَرَفَعَ ذَلِكَ إِلَى عَلِيٍّ ع فَأَقَامَ الرَّامِي الْبَيِّنَةَ بِأَنَّهُ قَدْ قَالَ خَذَارٍ فَدَرَأَ عَلِيٌّ ع عَنْهُ الْفُصَّاصَ وَ قَالَ قَدْ أَعْدَرَ مَنْ أَخَذَرَ.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Ibn Aban, from Al-Husayn Bin Saeed, from Muhammad Bin Al Fuzeyl, from Al Kinani,

From Abu Abdullah^{-asws} having said: 'In the era of Ali^{-asws} some children were playing with slings of their. One of them pelted with his sling and struck the face of his companion. That (case) was raised to Ali^{-asws}. The pelter established the proof that he had said, 'Beware!' So Ali^{-asws} staved the retaliation from him and said: 'One who warns is excused'".¹⁶³⁸

23- ب، قرب الإسناد ابن رثاب عن الصادق ع فِي رَجُلٍ حَمَلَ عَبْدًا لَهُ عَلَى دَابَّةٍ فَأُوطِئَتْ رَجُلًا قَالَ الْعُرْمُ عَلَى الْمَوْتَى.

(The book) 'Qurb Al Isnaad' – Ibn Riab,

From Al-Sadiq^{-asws} regarding a man who carried a slave of his upon a riding animal, and it trampled a man. He^{-asws} said: 'The penalty is upon the master'.¹⁶³⁹

24- مع، معاني الأخبار أبي عن سعد عن التهدي عن الحسين بن علوان عن عمرو بن خالد عن زيد بن علي عن آبائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْعَجَمَاءُ جُبَارٌ وَ الْبُيُوتُ جُبَارٌ وَ الْمَعْدُنُ جُبَارٌ وَ فِي الرِّكَازِ الْخُمْسُ وَ الْجَبَارُ الْهَذَرُ لَا دِيَّةَ فِيهِ وَ لَا قَوْدَ.

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Al Nahdy, from Al-Husayn Bin Ulwan, from Amro Bin Khalid,

From Zayd son of Ali^{-asws} (Bin Al-Husayn^{-asws}), from his forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Al-Ajma' (beasts) are without liability; and the well is without liability; and the

¹⁶³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 20

¹⁶³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 21

¹⁶³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 22

¹⁶³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 23

mines are without liability; and in the buried treasure is the *Khums*; and 'Al-Jubar' (without liability) means the void. There is neither wergild in it nor retaliation'.¹⁶⁴⁰

25 أَخْبَرَنَا أَبُو الْحُسَيْنِ مُحَمَّدُ بْنُ هَارُونَ الرَّجَازِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنِ الْقَاسِمِ بْنِ سَلَامٍ أَنَّهُ قَالَ: الْعَجْمَاءُ هِيَ الْبَهِيمَةُ وَإِنَّمَا سُمِّيَتْ عَجْمَاءَ لِأَنَّهَا لَا تَتَكَلَّمُ وَكُلُّ مَنْ لَا يَقْدِرُ عَلَى الْكَلَامِ فَهُوَ أَعْجَمٌ وَ مُسْتَعْجِمٌ - وَ مِنْهُ قَوْلُ الْحُسَيْنِ صَلَاةُ النَّهَارِ عَجْمَاءُ. يَقُولُ لَا تُسْمَعُ فِيهَا قِرَاءَةٌ

And we are informed by Abu Al-Husayn Muhammad Bin Haroun Al-Zanjani, from Ali Bin Abdul Aziz, from Al-Qasim Bin Salam, he said, 'Al-Ajma' refers to a beast, and it is called 'Ajma' because it cannot speak, for everyone who is unable to speak is called 'A'jam' or 'Musta'jim'. From this comes the saying of Al-Husayn^{asws}: 'The daytime Salat is Ajma', - He^{asws} is saying that its recitation is not heard.

وَأَمَّا الْجُبَارُ فَهُوَ الْهَذَرُ وَإِنَّمَا جَعَلَ جُزْخَ الْعَجْمَاءِ هَذَرًا إِذَا كَانَتْ مُنْقَلَبَةً لَيْسَ لَهَا قَائِدٌ وَلَا سَائِقٌ وَلَا رَاكِبٌ فَإِذَا كَانَ مَعَهَا وَاحِدٌ مِنْ هَؤُلَاءِ الثَّلَاثَةِ فَهُوَ ضَامِنٌ لِأَنَّ الْجَنَائَةَ حِينَئِذٍ لَيْسَتْ لِلْعَجْمَاءِ وَإِنَّمَا هِيَ جَنَائَةُ صَاحِبِهَا الَّذِي أَوْطَأَهَا النَّاسَ

As for 'Al-Jubar' it means 'void' or 'without liability'. The injury caused by a beast is void only when the animal is loose, without a guide, driver, or rider. But if it has any of these three, he is liable, for in that case, the offense is not from the beast itself but from its owner who caused it to tread upon the people.

وَأَمَّا قَوْلُهُ وَالْبَيْتُ جُبَارٌ فَإِنَّ فِيهَا غَيْرَ قَوْلٍ يُقَالُ إِنَّهَا الْبَيْتُ يَسْتَأْجِرُ عَلَيْهَا صَاحِبُهَا رَجُلًا يَحْفَرُهَا فِي مَلِكِهِ فَتَنْهَارُ عَلَى الْخَافِرِ فَلَيْسَ عَلَى صَاحِبِهَا ضَمَانٌ وَ يُقَالُ إِنَّهَا الْبَيْتُ تَكُونُ فِي مَلِكِ الرَّجُلِ فَيَسْقُطُ فِيهَا إِنْسَانٌ أَوْ دَابَّةٌ فَلَا ضَمَانَ عَلَيْهِ لِأَنَّهَا فِي مَلِكِهِ

As for his^{saww} saying, 'the well is Jubar', there are different interpretations. It is said that it refers to a well whose owner hires a man to dig it on his property, and the well collapses on the digger; in that case, the owner bears no liability. It is also said that it refers to a well within a man's property into which a person or an animal falls; in that case, he is not liable because it is within his own property.

وَقَالَ الْقَاسِمُ بْنُ سَلَامٍ هِيَ عِنْدَنَا الْبَيْتُ الْعَادِيَةُ وَالْقَدِيعةُ الَّتِي لَا يُعْلَمُ بِهَا خَافِرٌ وَلَا مَالِكٌ تَكُونُ بِالْوَادِي فَيَقَعُ فِيهَا الْإِنْسَانُ أَوْ الدَّابَّةُ فَذَلِكَ هَذَرٌ يَمْتَرِلُهُ الرَّجُلُ يُوجَدُ قَتِيلًا بِفَلَاةٍ مِنَ الْأَرْضِ - لَا يُعْلَمُ لَهُ قَاتِلٌ فَلَيْسَ فِيهِ قَسَامَةٌ وَلَا دِيَّةٌ

Al-Qasim Ibn Sallam said, 'It refers, in our view, to an ancient, abandoned well with no known digger or owner, located in a valley. If a person or animal falls into it, it is without liability, like a man found dead in a desert with no known killer, there is no oath of accusation and no wergild'.

وَأَمَّا قَوْلُهُ الْمَعْدُونُ جُبَارٌ فَإِنَّ هَذِهِ الْمَعَادُونَ الَّتِي يُسْتَحْرَجُ مِنْهَا الذَّهَبُ وَالْفِضَّةُ فَيَجِيءُ قَوْمٌ يَحْتَفِرُونَهَا لَهُمْ بِشْيٍ مُسَمًّى فَرُبَّمَا اخْتَارَ الْمَعْدُونُ عَلَيْهِمْ فَيَقْتُلُهُمْ فَيَدِمَاؤُهُمْ هَذَرٌ لِأَنَّهُمْ إِنَّمَا عَمِلُوا بِالْأَجْرَةِ

As for his^{-saww} saying, ‘the mine is Jubar’, it refers to the mines from which gold and silver are extracted. Sometimes a group of men dig there for a fixed wage, and the mine collapses on them, killing them; their blood is without liability because they were working for pay.

وَأَمَّا قَوْلُهُ وَ فِي الرِّكَازِ الْخُمْسُ فَإِنَّ أَهْلَ الْعِرَاقِ وَ أَهْلَ الْحِجَازِ اخْتَلَفُوا فِي الرِّكَازِ فَقَالَ أَهْلُ الْعِرَاقِ الرِّكَازُ الْمَعَادِنُ كُلُّهَا وَ قَالَ أَهْلُ الْحِجَازِ الرِّكَازُ الْمَالُ الْمُدْفُونُ خَاصَّةً بِمَا كُنَزَهُ بَنُو آدَمَ قَبْلَ الْإِسْلَامِ.

*And as for his^{-saww} saying: ‘In buried treasure (rikaz) there is a fifth (Khums)’, the people of Iraq and the people of Hijaz differed on its meaning. The people of Iraq said ‘rikaz’ refers to all mines, while the people of Hijaz said it refers specifically to buried wealth hidden by humans before Islam’.*¹⁶⁴¹

26- سنن، المحاسن أبي و اليقطيني عن صفوان عن شعيب الحداد عن محمد بن محمد بن مسلم عن أبي جعفر ع قال: إِنَّمَا جُعِلَتِ التَّقِيَّةُ لِيُحْفَنَ بِهَا الدِّمَاءُ فَإِذَا بَلَغَ الدَّمُ فَلَا تَقِيَّةَ.

(The book) ‘Al Mahasin’ – My father and Al Yaqteeni, from Safwan, from Shueyb Al Haddad, from Muhammad Bin Muslim,

From Abu Ja’far^{-asws} having said: ‘But rather the Taqiyyah (dissimulation) has been made in order to save the bloods (lives) by it. When it reaches the bloodshed, there is no Taqiyyah’.¹⁶⁴²

27- سنن، المحاسن حَدَّثَنَا مُحَمَّدُ بْنُ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ وَ يُونسُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي الْحَسَنِ الثَّانِي ع وَ الْحُسَيْنِ بْنِ سَيْفٍ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ أَبِي الْحَسَنِ ع وَ حَدَّثَنَا أَبِي وَ عَلِيُّ بْنُ عِيسَى الْأَنْصَارِيُّ عَنْ ابْنِ سُلَيْمَانَ الذِّلْمِيِّ قَالَ:

(The book) ‘Al Mahasin’ – It is narrated to us by Muhammad Bin Ali, from Muhammad Bin Aslam, from Muhammad Bin Suleyman and Yunus Bin Abdullah Rahman, from Abu Al-Hassan^{-asws} the 3rd, and Al-Husayn Bin Sayf, from Muhammad Bin Suleyman, from Abu Al-Hassan^{-asws}; and it is narrated to us by my father, and Ali Bin Isa Al Ansary, from Ibn Suleyman Al Daylami who said,

سَأَلْتُ أَبَا الْحَسَنِ الثَّانِي ع عَنْ رَجُلٍ اسْتَعَاثَ بِهِ قَوْمٌ لِيُنْقِذَهُمْ مِنْ قَوْمٍ يُعِيرُونَ عَلَيْهِمْ لِيَسْتَبِيحُوا أَمْوَالَهُمْ وَ يَسْبُوا ذُرَارِيَهُمْ وَ نِسَاءَهُمْ فَخَرَجَ الرَّجُلُ يَغْدُو بِسِلَاحِهِ فِي جَوْفِ اللَّيْلِ لِيُغِيثَهُمْ فَمَرَّ بِرَجُلٍ قَائِمٍ عَلَى شَفِيرٍ يَتَّقِي مِنْهَا فَدَفَعَهُ وَ هُوَ لَا يَعْلَمُ وَ لَا يُرِيدُ ذَلِكَ فَسَقَطَ فِي الْبُئْرِ وَ مَاتَ وَ مَضَى الرَّجُلُ فَاسْتَقْدَمَ أَمْوَالَ الَّذِينَ اسْتَعَاثُوا بِهِ

‘I asked Abu Al-Hassan^{-asws} the 2nd about a man about a man whom a group of people called upon for help to rescue them from others who were attacking them to seize their property and capture their children and women. The man set out running with his weapon in the middle of the night to assist them. As he was passing by, he encountered a man standing at the edge of a well drawing water, and he accidentally pushed him without knowing or intending it. The man fell into the well and died. The rescuer went on and saved the property of those who had sought his help.

فَلَمَّا انْصَرَفَ قَالُوا مَا صَنَعْتَ قَالَ قَدْ سَلِمُوا وَ أَمِنُوا

¹⁶⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 25

¹⁶⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 26

When he returned, they asked him what had happened. He said, 'They have been saved and are safe'.

قَالُوا أَشَعَرْتَ أَنَّ فُلَانًا سَقَطَ فِي الْبُئْرِ فَمَاتَ

They said, 'Do you know that so-and so fell into the well and died?'

قَالَ أَنَا وَاللَّهِ طَرَحْتُهُ خَرَجْتُ أَغْدُو بِسِلَاحِي فِي ظُلْمَةِ اللَّيْلِ لِلْعَوْتِ عَلَى الْقَوْمِ وَ أَنَا أَخَافُ الْقَوْتَ عَلَى الْقَوْمِ الَّذِينَ اسْتَعَاثُوا بِي فَمَرَرْتُ بِفُلَانٍ وَ هُوَ قَائِمٌ يَسْتَقِي مِنَ الْبُئْرِ فَرَحَمْتُهُ وَ لَمْ أَرِدْ ذَلِكَ وَ سَقَطَ فِي الْبُئْرِ فَعَلَى مَنْ دِيَّةُ هَذَا

He said, 'By Allah^{-azwj}, it was I who pushed him! I went out running with my weapon in the darkness of the night to aid the people, fearing that I might be too late to help those who had called upon me. As I passed by so and- so who was standing drawing water from the well, I accidentally jostled him without intending it, and he fell into the well'. Upon whom is the wergild for this man?'

قَالَ دِيَّتُهُ عَلَى الْقَوْمِ الَّذِينَ اسْتَنْجَدُوا الرَّجُلَ فَأَنْجَدَهُمْ وَ أَنْقَذَ أَمْوَالَهُمْ وَ نِسَاءَهُمْ وَ ذُرَارِيَهُمْ أَمَّا لَوْ كَانَ آجَرَ نَفْسَهُ بِأَجْرٍ لَكَانَتْ الدِّيَّةُ عَلَيْهِ وَ عَلَى عَاقِلِيهِ دُونَهُمْ

He said, 'The blood money is upon the people who sought the man's help, for he aided them and saved their wealth, their women, and their children. But if he had hired himself out for payment, then the blood money would be upon him and his male relatives, not upon them.

وَ ذَلِكَ أَنَّ سُلَيْمَانَ بْنَ دَاوُدَ عَ أَتَتْهُ امْرَأَةٌ عَجُوزٌ مُسْتَعْدِيَّةٌ عَلَى الرِّيحِ فَدَعَا سُلَيْمَانُ الرِّيحَ فَقَالَ لَهَا مَا دَعَاكِ إِلَى مَا صَنَعْتَ بِهَذِهِ الْمَرْأَةِ

And that is because Suleyman Bin Dawood^{-as} was once approached by an old woman complaining against the wind. Suleyman summoned the wind and said to it: 'What caused you to do this to this woman?'

قَالَتْ إِنَّ رَبَّ الْعَرَّةِ بَعَثَنِي إِلَى سَفِينَةِ بَنِي فُلَانٍ لِأُنْقِذَهَا مِنَ الْعَرَقِ وَ كَانَتْ قَدْ أَشْرَفَتْ عَلَى الْعَرَقِ فَخَرَجْتُ فِي سُنَّتِي عَجَلَى إِلَى مَا أَمَرَنِي اللَّهُ بِهِ وَ مَرَرْتُ بِهَذِهِ الْمَرْأَةِ وَ هِيَ عَلَى سَطْحِهَا فَعَثَرْتُ بِهَا وَ لَمْ أَرِدْهَا فَسَقَطَتْ فَأَنْكَسَرَتْ يَدُهَا

The wind said, 'The Lord^{-azwj} of Might Sent me to the ship of so and so to save it from capsizing, and it was on the verge of sinking. I went swiftly in my ways hastily to what Allah^{-azwj} had Commanded me for, and I passed by this woman while she was on her rooftop, I accidentally struck her without intending it, and she fell and broke her arm!'

فَقَالَ سُلَيْمَانُ يَا رَبِّ بِمَا أَحْكُمُ عَلَى الرِّيحِ

Suleyman^{-as} said: 'O Lord^{-azwj}! What shall I^{-as} judge upon the wind?'

فَأَوْحَى اللَّهُ إِلَيْهِ يَا سُلَيْمَانُ احْكُمْ بِأَرْشِ كَسْرِ هَذِهِ الْمَرْأَةِ عَلَى أَرْبَابِ السَّفِينَةِ الَّتِي أَنْقَذَهَا الرِّيحُ مِنَ الْعَرَقِ فَإِنَّهُ لَا يُظْلَمُ لَدَيَّ أَحَدٌ مِنَ الْعَالَمِينَ.

Allah^{-azwj} Revealed to him^{-as}: “O Suleyman^{-as}! Judge with compensation for the broken arm of this woman upon the owners of the ship which the wind had saved from the sinking, for no one from the worlds will be wronged in My^{-azwj} Sight!”¹⁶⁴³

28- سن، المحاسن أبي عن هارون بن الجهم عن محمد بن مسلم قال قال أبو جعفر ع إنما ظفر قوم قتل صبياتهم و هي نائمة انقلب على فقتلته فإن عاقلها الدية من مالها خاصة إن كانت إنما ظايرت طلب العز والفخر وإن كانت إنما ظايرت من الفقر فالدية على عاقلها.

(The book) ‘Al Mahasin’ – My father, from Haroun Bin Al Jahm, from Muhammad Bin Muslim who said,

‘Abu Ja’far^{-asws} said: ‘Abu Ja’far^{-asws}, said: ‘Any wet nurse of a people who kills their child while sleeping, having turned over onto the child and killed it, must pay the blood money from her own property if she took on the nursing out of pride or for honour. But if she took it on out of need and poverty, then the blood money is upon her male relatives’.¹⁶⁴⁴

29- ضا، فقه الرضا عليه السلام كل من ضرب متعمداً قتل المضرّب بذلك الضرب فهو عمد و الخطأ أن يرمي رجلاً فيصيب غيره أو يرمي بجمعة أو حيواناً فيصيب رجلاً.

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘Whoever strikes another intentionally, and the one struck dies as a result of that blow, it is considered intentional killing; and unintentional killing is when a man throws at one person but hits another, or when he throws at an animal or a beast but hits a man instead’.¹⁶⁴⁵

30- شا، الإرشاد رفع إلى أمير المؤمنين ع و هو باليمن خبر زينة حفرت للأسد فوقع فيها فعدا الناس ينظرون إليه فوقف على شفير الزينة رجل فزلت قدمه فتعلق بأخر و تعلق الآخر بثالث و تعلق الثالث بالرابع فوقعوا في الزينة فدفنهم الأسد و هلكوا جميعاً

(The book) ‘Al Irshad’ –

A case was raised to Amir Al-Momineen^{-asws} while he^{-asws} was at Al-Yemen, of a pit dug for the lion, so it fell into it. The people crowded to look at it. A man paused at the edge of the pit, and his feet slipped. He hung on to another, and the other hung on to a third, and the third hung on to a fourth. They (all) fell into the pit. The lion ravaged them, and they all died.

فَقَضَى ع بِأَنَّ الْأَوَّلَ فَرِسَةُ الْأَسَدِ وَ عَلَيْهِ ثُلُثُ الدِّيَةِ لِلثَّانِي وَ عَلَى الثَّانِي ثُلُثُ الدِّيَةِ لِلثَّالِثِ وَ عَلَى الثَّالِثِ الدِّيَةُ الْكَامِلَةُ لِلرَّابِعِ فَانْتَهَى الْخَبَرُ إِلَى رَسُولِ اللَّهِ ص

He^{-asws} judged that the first one was prey of the lion and upon him is a third of the wergild of the second, and upon the second is two-third of the wergild of the third, and upon the third is the complete wergild of the fourth. The news ended to Rasool-Allah^{-saww}.

فَقَالَ لَقَدْ قَضَى أَبُو الْحَسَنِ فِيهِمْ بِقَضَاءِ اللَّهِ عَزَّ وَ جَلَّ فَوْقَ عَرْشِهِ-

¹⁶⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 27

¹⁶⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 28

¹⁶⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 29

He^{-saww} said; ‘Abu Al-Hassan^{-asws} has judged among them with a Judgment of Allah^{-azwj} Mighty and Majestic above His^{-azwj} Throne!’

ثُمَّ رُفِعَ إِلَيْهِ خَبْرُ جَارِيَةٍ حَمَلَتْ عَلَى عَاتِقِهَا عَبْتًا وَ لَعِبًا فَجَاءَتْ جَارِيَةُ أُخْرَى فَقَرَصَتِ الْحَامِلَةَ فَقَمَصَتْ لِقَرَصَتِهَا فَوَقَعَتِ الرَّكْبَةُ فَأَنْدَقَتْ وَ هَلَكَتْ

Then a report was brought to him about a slave girl who had carried another girl on her shoulders in play and amusement. Another girl came and pinched the one carrying, so she moved because of the pinch, and the one being carried fell, was injured, and died.

فَقَضَى عَ عَلَى الْفَارِصَةِ بِثُلْثِ الدِّيَةِ وَ عَلَى الْفَامِصَةِ بِثُلْثَيْهَا وَ أَسْقَطَ الثُّلُثَ الْبَاقِيَ لِرُكُوبِ الرَّاقِصَةِ عَبْتًا الْفَامِصَةَ

He^{-asws} judged that the one who pinched should pay one-third of the blood money, and the one who moved should pay two-thirds, and he dropped the remaining third because the one who was riding had mounted her playfully.

وَ بَلَغَ الْخَبْرُ بِذَلِكَ إِلَى رَسُولِ اللَّهِ ص فَأَمَضَاهُ وَ شَهِدَ لَهُ بِالصَّوَابِ.

The news of that reached to Rasool-Allah^{-saww}. He^{-asws} approved of it and testified for him^{-asws} with the correctness’.¹⁶⁴⁶

31- **شا، الإرشاد** رَوَى أَنَّ عُمَرَ كَانَ اسْتَدْعَى امْرَأَةً كَانَ يَتَحَدَّثُ عِنْدَهَا الرِّجَالُ فَلَمَّا جَاءَهَا رُسُلُهُ فَرَعَتْ وَ ارْتَاعَتْ وَ حَزَبَتْ مَعَهُمْ فَأَمْلَصَتْ وَ وَقَعَ إِلَى الْأَرْضِ وَلَدُهَا يَسْتَهْلُ ثُمَّ مَاتَ فَبَلَغَ عُمَرَ ذَلِكَ فَجَمَعَ أَصْحَابَ رَسُولِ اللَّهِ ص وَ سَأَلَهُمْ عَنِ الْحُكْمِ فِي ذَلِكَ

(The book) ‘Al Irshad’ –

It is reported that It is narrated that Umar once summoned a woman with whom men used to converse. When his messengers came to her, she became frightened and alarmed. She went out with them, miscarried, and her child fell to the ground alive but then died. When this was reported to Umar, he gathered the companions of Rasool-Allah^{-saww} and asked them about the ruling regarding that.

فَقَالُوا بِأَجْمَعِهِمْ نَرَاكَ مُؤَدِّبًا وَ لَمْ تُرِدْ إِلَّا خَيْرًا وَ لَا شَيْءَ عَلَيْكَ فِي ذَلِكَ

They all said, ‘We see that you acted as a disciplinarian and intended only good, and therefore there is nothing upon you regarding that!’

وَ أَمِيرُ الْمُؤْمِنِينَ ع جَالِسٌ لَا يَتَكَلَّمُ فَقَالَ لَهُ عُمَرُ مَا عِنْدَكَ فِي هَذَا يَا أَبَا الْحَسَنِ

And Amir Al-Momineen^{-asws} was seated, not talking. Umar said to him^{-asws}, ‘What is with you’^{asws} regarding this, O Abu Al-Hassan^{-asws}?’

فَقَالَ قَدْ سَمِعْتَ مَا قَالُوا

He^{-asws} said: 'I^{-asws} have heard what they said'.

قَالَ فَمَا عِنْدَكَ أَنْتَ

He said, 'So what is with you^{-asws}?'

قَالَ قَدْ قَالَ الْقَوْمُ وَ أُسْمِعْتُ

He^{-asws} said: 'The people spoke and I^{-asws} listened'.

قَالَ أَفَسَمِعْتُ عَلَيْكَ لَتَقُولَنَّ مَا عِنْدَكَ

He said, 'I vow upon you^{-asws} to say what is with you^{-asws}!'

قَالَ إِنْ كَانَ الْقَوْمُ قَارِبُوكَ فَقَدْ عَشُوكَ وَ إِنْ كَانُوا اِرْتَأَوْا فَقَدْ قَصَرُوا الدِّيَّةَ عَلَى عَاقِلَتِكَ لِأَنَّ قَتْلَ الصَّبِيِّ خَطَأٌ تَعَلَّقَ بِكَ

He^{-asws} said: 'If the people are trying to get closer to you, they have deceived you, and if they have opined, they have fallen short. The wergild is upon your relatives because killing of the child was accidental, related with you!'

فَقَالَ أَنْتَ وَ اللَّهُ نَصَحْتَنِي مِنْ بَيْنِهِمْ وَ اللَّهُ لَا تَبْرُحُ حَتَّى تُجْرِيَ الدِّيَّةَ عَلَى بَنِي عَدِيٍّ

He said, 'By Allah^{-azwj}, you^{-asws} have advised me from between them! By Allah^{-azwj}, you^{-asws} will not depart until you^{-asws} legalised the wergild upon the clan of Aday (Umar's clan)'.

فَفَعَلَ ذَلِكَ أَمِيرُ الْمُؤْمِنِينَ ع.

Amir Al-Momineen^{-asws} did that'.¹⁶⁴⁷

32 قب، المناقب لابن شهر آشوب رَوَى جَمَاعَةٌ مِنْهُمْ إِسْمَاعِيلُ بْنُ صَالِحٍ عَنِ الْحَسَنِ مِثْلَهُ.

(The book) 'Al-Manaqib' of Ibn Shehr Ashub – It is reported by a group, from them being Ismail Bin Salih, from Al-Hassan, similar to it.¹⁶⁴⁸

33 شاء، الإرشاد رَوَى عُلَمَاءُ أَهْلِ السِّيَرِ أَنَّ أَرْبَعَةَ نَفَرٍ شَرِبُوا الْمُسْكِرَ عَلَى عَهْدِ أَمِيرِ الْمُؤْمِنِينَ ع فَسَكِرُوا فَتَبَاعَجُوا بِالسَّكَاكِينِ وَ نَالَ الْجِرَاحُ كُلَّ وَاحِدٍ مِنْهُمْ وَ رُفِعَ خَبَرُهُمْ إِلَى أَمِيرِ الْمُؤْمِنِينَ فَأَمَرَ بِحَبْسِهِمْ حَتَّى يُفِيمُوا فَمَاتَ فِي السِّجْنِ مِنْهُمْ اثْنَانِ وَ بَقِيَ اثْنَانِ

(The book) 'Al Irshad' –

It is reported by scholars of the people of biographers that four persons drank the intoxicant in the era of Amir Al-Momineen^{-asws}. They got intoxicated and they attacked each other with the knives and each one of them received injuries, and their news was raised to Amir Al-

¹⁶⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 31

¹⁶⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 32

Momineen^{-asws}. He^{-asws} ordered with imprisoning them until they sobered up. Two of them died in the prison, and two remained.

فَجَاءَ قَوْمُ الْاِثْنَيْنِ إِلَى أَمِيرِ الْمُؤْمِنِينَ ع فَقَالُوا أَقْدَنَا يَا أَمِيرَ الْمُؤْمِنِينَ مِنْ هَذَيْنِ النَّفْسَيْنِ فَإِنَّهُمَا قَتَلَا صَاحِبَهُمَا

The people of the two came to Amir Al-Momineen^{-asws}. They said, 'Grant us retaliation from these two persons for they have killed our companions!'

فَقَالَ لَهُمْ وَ مَا عَلَّمَكُمْ بِذَلِكَ وَ لَعَلَّ كُلَّ وَاحِدٍ مِنْهُمَا قَتَلَ صَاحِبَهُ

He^{-asws} said to them: 'And what is your knowledge with that, and perhaps each one of them killed his companion?'

قَالَا لَا نَدْرِي فَاحْكُمْ فِيهَا بِمَا عَلَّمَكَ اللَّهُ

They said, 'We don't know, so judge regarding it with what Allah^{-azwj} has taught you^{-asws}'.

فَقَالَ دِيْنَةُ الْمُقْتُولَيْنِ عَلَى قَبَائِلِ الْأَرْبَعَةِ بَعْدَ مُقَاصَّةِ الْحَيَيْنِ مِنْهُمَا بِدِيَةِ جِرَاحِهِمَا وَ كَانَ ذَلِكَ هُوَ الْحُكْمُ الَّذِي - لَا طَرِيقَ إِلَى الْحَقِّ فِي الْقَضَاءِ سِوَاهُ أ لَا تَرَى أَنَّهُ لَا بَيِّنَةَ عَلَى الْقَاتِلِ تُفَرِّدُهُ مِنَ الْمُقْتُولِ وَ لَا بَيِّنَةَ عَلَى الْعَمْدِ فِي الْقَتْلِ فَلِذَلِكَ كَانَ الْقَضَاءُ فِيهِ عَلَى حُكْمِ الْخَطَا فِي الْقَتْلِ وَ اللَّبْسِ فِي الْقَاتِلِ دُونَ الْمُقْتُولِ -

He^{-asws} said: 'The blood money for the two killed is to be borne by the tribes of the four men, after offsetting the compensation owed to the two survivors for their wounds. This was the ruling, and there is no path to the truth in judgment except this one. Do you not see that there is no evidence identifying a specific killer distinct from the slain, nor is there proof of deliberate murder? Therefore, the judgment in this case is according to the ruling for accidental killing, since the uncertainty lies in determining the killer, not the killed'.

وَ رُوِيَ أَنَّهُ سَنَّهُ نَعَرَ نَزَلُوا الْفُرَاتَ فَتَغَاطَوْا فِيهِ لَعِبًا فَعَرِقَ وَاحِدٌ مِنْهُمْ فَشَهِدَ اِثْنَانِ عَلَى ثَلَاثَةٍ مِنْهُمْ أَنَّهُمْ عَرَقُوهُ وَ شَهِدَ الثَّلَاثَةُ عَلَى الْاِثْنَيْنِ أَنَّهُمَا عَرَقَاهُ

And it is reported that six persons descended into the Euphrates. They dived into it playfully and one of them drowned. Two testified upon three of them that they had drowned him, and the three testified upon the two that they had drowned him.

فَقَضَى عَلَيْهِ بِالدِّيَةِ أَرْبَعَةَ خُمُسٍ عَلَى الْخُمْسَةِ نَعَرَ ثَلَاثَةٍ مِنْهَا عَلَى الْاِثْنَيْنِ بِحِسَابِ الشَّهَادَةِ عَلَيْهِمَا وَ خُمُسَانِ عَلَى الثَّلَاثَةِ بِحِسَابِ الشَّهَادَةِ أَيْضاً وَ لَمْ يَكُنْ فِي ذَلِكَ قَضِيَّةٌ أَحَقُّ بِالصَّوَابِ مِمَّا قَضَى بِهِ ع.

He^{-asws} judged that the blood money be divided into fifths among the five men, three-fifths to be borne by the two, according to the testimony against them, and two-fifths by the remaining three, also in proportion to the testimony. There was no judgment more rightful with the correctness than what he^{-asws} had judged with'.¹⁶⁴⁹

34- شي، تفسير العياشي عن زُرارة عن أبي عبد الله ع قال: الخطأ أن تعمده و لا تريد قتله بما لا يقتل مثله و الخطأ ليس فيه شك أن يعمد شيئاً آخر فيصيبه.

Tafseer Al Ayyashi – From Zurara,

From Abu Abdullah^{-asws} having said: ‘Accidental killing is when one acts intentionally but does not intend to kill, using something that does not usually cause death; and what is certainly accidental is when a person aims at something but strikes someone instead’.¹⁶⁵⁰

35- شي، تفسير العياشي عن عبد الرحمن بن الحجاج قال: سألني أبو عبد الله ع عن يحيى بن سعيد هل يخالف قضائكم

Tafseer Al Ayyashi, from Abdul Rahman Bin Al Hajjaj who said,

‘Abu Abdullah^{-asws} asked me about Yahya Bin Saeed, ‘Does he oppose your judgments?’

قلت نعم أفتل علّامان بالرحبة فعض أحدهما على يد الآخر فرقع العضوض حجراً فشج يد العاص فكّر من البرد فمات فرفع إلى يحيى بن سعيد فأقاد من الضارب بالحجر

I said, ‘Yes. Two boys fought in Al-Rahbah. One of them bit the hand of the other, so the one who was bitten raised a stone and struck the biter’s hand, causing a wound. The biter shivered from the cold and died. The case was brought before Yahya ibn Sa’id, and he ordered retaliation from the one who struck with the stone’.

فقال ابن شبرمة و ابن أبي ليلى لعيسى بن موسى إن هذا أمر لم يكن عندنا- لا يُقَادُ عَنْهُ بِالْحَجَرِ وَ لَا بِالسَّوِطِ

Ibn Shubrumah and Ibn Abi Layla said to Isa Bin Musa: ‘This is a matter we have not known! One is not subjected to retribution for it with a stone or a whip!’

فلم يزالوا حتى وداه عيسى بن موسى فقال إن من عندنا يقيدون بالوكزة

They continued until Isa Bin Musa summoned him and said, ‘Those with us impose it through pricking’.

قلت يزعمون أنه خطأ و أن العمد لا يكون إلا بالحديد

I said, ‘They claim it is accidental, and that deliberate action only applies when done with iron’.

فقال إنما الخطأ أن تريد شيئاً فيصيب غيره فأما كل شيء قصدت إليه فأصبتة فهو العمد.

He^{-asws} said, ‘Accidental is when one intends something but hits another instead. But whatever you aim at and hit is deliberate’.¹⁶⁵¹

¹⁶⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 34

¹⁶⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 35

36- شي، تفسير العياشي عَنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْخَطِئِ الَّذِي لَا شَكَّ فِيهِ الدِّيَّةُ وَالْكَفَّارَةُ وَهُوَ الرَّجُلُ يَضْرِبُ الرَّجُلَ وَلَا يَتَعَمَّدُ قَتْلَهُ

Tafseer Al Ayyashi – From Al Fazl Bin Abdul Malik,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the accidental killing which there is no doubt is wergild in it and the expiation penalty, 'And it is the man who strikes a man and did not deliberately kill him?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

قُلْتُ فَإِذَا رَمَى شَيْئًا فَأَصَابَ رَجُلًا

I said, 'When he pelts something so it hits a man'.

قَالَ ذَاكَ الْخَطِئُ الَّذِي لَا شَكَّ فِيهِ وَ عَلَيْهِ الْكَفَّارَةُ وَ دِيَّةٌ.

He^{-asws} said: 'That is the mistake which there is no doubt in it, and upon him is the expiation and wergild'.¹⁶⁵²

37- شي، تفسير العياشي عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَخِيهِمَا ع قَالَ: كُلَّمَا أُريدُ بِهِ فِيهِ الْقَوْدُ وَ إِنَّمَا الْخَطِئُ أَنْ يُرِيدَ الشَّيْءَ فَيُصِيبَ غَيْرَهُ.

Tafseer Al Ayyashi – From Ibn Abu Umeyr, from one of his companions,

From one of the two (5th or 6th Imam^{-asws}) having said: 'All what is intended with, there is the retaliation in it, and rather the accident is the he intends the thing but it hits someone else'.¹⁶⁵³

38- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْعَمْدُ أَنْ تَعَمَّدَهُ فَتَقْتُلَهُ بِمَا يَمُوتُ بِهِ يُقْتَلُ.

Tafseer Al Ayyashi – From Zurara,

From Abu Abdullah^{-asws} having said: 'Deliberate killing is when you do it intentionally and kill him with something of the kind that could kill'.¹⁶⁵⁴

39- شي، تفسير العياشي مُحَمَّدُ بْنُ خَالِدٍ الْبَرْقِيُّ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ أَ هِيَ لِحَمَاعَةِ الْمُسْلِمِينَ

Tafseer Al Ayyashi – Muhammad Bin Khalid Al Barqy, from one of his companions,

¹⁶⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 36

¹⁶⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 37

¹⁶⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 38

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: ***O you those who are believing! The retaliation is Prescribed upon you [2:178]***, 'Is it for the community of Muslims?'

قَالَ هِيَ لِلْمُؤْمِنِينَ خَاصَّةً.

He^{-asws} said: 'It is for the Momineen in particular'.¹⁶⁵⁵

40- قَب، المناقب لابن شهر آشوب النِّهَايَةُ سُئِلَ الصَّادِقُ ع عَنْ رَجُلٍ سَارِقٍ دَخَلَ عَلَى امْرَأَةٍ لَيْسَتْ بِهَا فَلََمَّا جَمَعَ الثِّيَابَ نَارَعَتْهُ نَفْسُهُ فَكَابَرَهَا عَلَى نَفْسِهَا فَوَاقَعَهَا فَتَحَرَّكَ ابْنُهَا فَقَامَ فَقَتَلَهُ بِفَأْسٍ كَانَ مَعَهُ فَلَمَّا فَرَّغَ حَمَلَ الثِّيَابَ وَ ذَهَبَ لِيُخْرِجَ فَحَمَلَتْ عَلَيْهِ بِالْفَأْسِ فَقَتَلَتْهُ فَجَاءَ أَهْلُهُ يَطْلُبُونَ بِدَمِهِ مِنَ الْعَدُوِّ

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Al Nihaya' –

Al-Sadiq^{-asws} was asked about a thief man entered unto a woman in order to steal her belongings. When he gathers the clothes, she resisted him. He overpowered her upon herself and raped her. Her son moved, so he (thief) stood up and killed him with an axe which was with him. When he was free, he carried and clothes and went to exit. She attacked him (thief) with the axe and killed him (thief). His family members came demanding his blood wergild the next morning.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع أَقْضِ عَلَى هَذَا كَمَا وَصَفْتَ لَكَ

Abu Abdullah^{-asws} said: 'Judge upon this (case) just as I^{-asws} am describing it to you'.

قَالَ تُضَمَّنُ مَوَالِيهِ الَّذِينَ طَلَبُوا بِدَمِهِ دِيَّةَ الْعُلَامِ وَ يُضَمَّنُ السَّارِقُ فِيمَا تَرَكَ أَرْبَعَةَ آلَافٍ دِرْهَمٍ لِمُكَابَرَتِهَا عَلَى فَرْجِهَا إِنَّهُ زَانٍ وَ هُوَ فِي مَالِهِ غَرَامَةٌ وَ لَيْسَ عَلَيْهَا فِي قَتْلِهَا إِثْمٌ شَيْءٌ لِأَنَّهُ سَارِقٌ.

He^{-asws} said: 'His guardians, those who are demanding his blood wergild are responsible for wergild of the child, and the thief is responsible in what he has left behind, four thousand Dirhams for his having raped her. He is an adulterer and it is a penalty in his wealth, and there isn't anything upon her regarding her killing because he is a thief'.¹⁶⁵⁶

41- وَ قَالَ عَمْرُو بْنُ أَبِي الْمُقْدَامِ نَادَى رَجُلًا بِأَبِي جَعْفَرٍ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ هَذَيْنِ الرَّجُلَيْنِ طَرَقَا أَخِي لَيْلًا فَأَخْرَجَاهُ مِنْ مَنْزِلِهِ فَلَمْ يَرْجِعْ إِلَيَّ فَوَ اللَّهُ مَا أَذْرِي مَا صَنَعَا بِهِ

And Amro Bin Abu Al Miqdam said,

'A man called out to Abu Ja'far (Al-Mansour), 'O commander of the faithful! These two men knocked (the door) of my brother at night. They brought him out from his house and he has not returned to me. By Allah^{-azwj}! I don't know what they have done with him!'

فَقَالَا يَا أَمِيرَ الْمُؤْمِنِينَ كَلَّمْنَاهُ ثُمَّ رَجَعْنَا إِلَى مَنْزِلِهِ

¹⁶⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 39

¹⁶⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 40

They said, 'O commander of the faithful, we (only) spoke to him, then he returned to his house!'

فَتَقَدَّمَ إِلَى الصَّادِقِ ع فَقَالَ يَا غُلَامُ اكْتُبْ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ قَالَ رَسُولُ اللَّهِ ص كُلُّ مَنْ طَرَقَ رَجُلًا بِاللَّيْلِ فَأَخْرَجَهُ مِنْ مَنْزِلِهِ فَهُوَ لَهُ ضَامِنٌ إِلَى أَنْ يُقِيمَ الْبَيِّنَةَ أَنَّهُ قَدْ رَدَّهُ إِلَى مَنْزِلِهِ فَمَنْ يَا غُلَامُ نَحَ هَذَا فَاضْرِبْ عُنُقَهُ

He proceeded to Al-Sadiq^{-asws}. He^{-asws} said: 'O slave, write, 'In the Name of Allah^{-azwj} Beneficent the Merciful! Rasool-Allah^{-saww} said: 'Everyone who knocks (the door of) a man at night and brings him out from his house, he is responsible for him until he can established the proof that he had returned him to his house'. Arise, O slave! Move this one aside and strike his neck!'

فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ مَا قَتَلْتُهُ وَ لَكِنْ أَمْسَكْتُهُ ثُمَّ جَاءَ هَذَا فَوَجَّاهُ فَقَتَلَهُ

He said, 'O son^{-asws} of Rasool-Allah^{-saww}! I did not kill him, but I withheld him, then this one came and hit him and killed him!'

فَقَالَ أَنَا ابْنُ رَسُولِ اللَّهِ يَا غُلَامُ نَحَ هَذَا فَاضْرِبْ عُنُقَ الْآخَرِ

He^{-asws} said: 'I^{-asws} am a son^{-asws} of Rasool-Allah^{-saww}! O slave, take this one aside and strike the neck of the other!'

فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ وَاللَّهِ مَا عَذَّبْتُهُ وَ لَكِنْ قَتَلْتُهُ بِضَرْبَةٍ وَاحِدَةٍ

He said, 'O son^{-asws} of Rasool-Allah^{-saww}! By Allah^{-azwj} I did not torment him, but I killed him with one strike!'

فَأَمَرَ أَحَاهُ فَضْرِبَ عُنُقَهُ ثُمَّ أَمَرَ بِالْآخَرِ فَضْرِبَ جَنْبَيْهِ وَ حَبَسَهُ فِي السِّجْنِ وَ وَقَعَ عَلَى رَأْسِهِ بِحَبْسِ عُمُرِهِ وَ يُضْرَبُ كُلُّ سَنَةٍ خَمْسِينَ جَلْدَةً.

He^{-asws} ordered his^{-asws} brother, who struck his neck, then he^{-asws} ordered the other, who struck his sides and imprisoned him, and imposed on him imprisonment for the remainder of his life and fifty lashes to be inflicted each year'.¹⁶⁵⁷

42 وَ سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنْ أَرْبَعَةِ أَنْفُسٍ قَتَلُوا رَجُلًا مَمْلُوكًا وَ حُرًّا وَ حُرَّةً وَ مُكَاتَبٍ قَدْ أَدَّى نِصْفَ مُكَاتَبَتِهِ

And Abu Abdullah^{-asws} was asked about four persons who killed a man - slave man, and a free man, and a free woman, and a contracted slave who had paid off half his contract.

فَقَالَ عَلَيْهِمُ الدِّيَةُ عَلَى الْحُرِّ رُبْعُ الدِّيَةِ وَ عَلَى الْحُرَّةِ رُبْعُ الدِّيَةِ وَ عَلَى الْمَمْلُوكِ أَنْ يُخَيَّرَ مَوْلَاهُ فَإِنْ شَاءَ أَدَّى عَنْهُ وَ إِنْ شَاءَ دَفَعَهُ بِرَقَبَتِهِ - لَا يَغْرُمُ أَهْلُهُ شَيْئًا وَ الْمُكَاتَبُ فِي مَالِهِ نِصْفُ الرُّبْعِ وَ عَلَى الَّذِي كَاتَبَهُ نِصْفُ الرُّبْعِ فَذَلِكَ الرُّبْعُ لِأَنَّهُ قَدْ أَعْتَقَ نَفْسَهُ.

He^{-asws} said: 'Upon them is the wergild. Upon the free man is quarter of the wergild; and upon the free woman is a quarter of the wergild; and upon the slave his master is given a choice. If

he likes he can pay on his behalf and if he likes he can hand him over with his servitude, his family not being penalised anything; and the contracted slave, in his wealth is half of the quarter, and upon the one who had contracted him is half of the quarter, for that is the quarter because he had liberated himself'.¹⁶⁵⁸

43- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد بن محمد بن عبد الله بن سنان قال سمعت أبا عبد الله ع يقول في رجل قتل امرأة عمداً إن شاء أهلها أن يقتلوه و يؤدوا إلى أهلها نصف الدية-

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{-asws} saying regarding a man who kills a woman deliberately: 'If her family like they can kill him, and half the wergild has to be paid to him family'.

و في امرأة قتلت رجلاً إن شاء أهلها قتلوها و ليس يجزي أحد على أكثر من نفسه-

And regarding a woman who kills a man: 'If his family like they can kill her, for no one is more responsible upon more than himself'.

و في رجل أراد امرأة على نفسها حراماً فرمته بحجر فأصابته منه مقتلاً قال ليس عليها شيء فيما بينها و بين الله و إن قديم إلى إمام عدل أهدر دمه.

And regarding a man who wanted a woman upon herself unlawfully, so she pelted him with a stone and hit a fatal spot from him. He^{-asws} said: 'There isn't anything upon her regarding what is between her and Allah^{-azwj}, and if it (the case) is brought to a just Imam^{-asws}, he^{-asws} would drop his blood compensation'.¹⁶⁵⁹

و عنه في رجل قتل مؤمناً متعمداً قال يُقاد منه إلا أن يرضى أولياء المقتول بالدية فإن قبلوا الدية فالدية اثنا عشر ألف درهم أو ألف دينار أو مائة من الإبل فإن كان بأرض فيها دنانير فألف دينار.

And from him^{-asws} regarding a man who kills a Momin deliberately. He^{-asws} said: 'He will be retaliated from except if guardians of the killed one are pleased with taking the wergild. If they accept the wergild, the wergild is twelve thousand Dirhams, or a thousand Dinars, or one hundred camels. If there were Dinars (as currency) in a land, then a thousand Dinars'.¹⁶⁶⁰

44- ختص، الاختصاص هشام بن سالم عن عمارة الساباطي عن أبي غنيدة قال: سألت أبا جعفر ع عن أعمى فقأ عين رجل صحيح تعمداً فقال يا أبا غنيدة إن عمداً الأعمى مثل الخطي هذا فيه الدية من ماله فإن لم يكن له مال فدية ذلك على الإمام و لا يبطل حق مسلم.

(The book) 'Al Ikhtisas' – Hisham Bin Salim, from Ammar Al Sabaty, from Abu Ubeyda who said,

'I asked Abu Ja'far^{-asws} about a blind man having gouged out of a healthy (seeing) man deliberately. He^{-asws} said: 'O Abu Ubeyda! The deliberate act of a blind man is like the accidental. There is wergild in it from his wealth. If there does not happen to be any wealth

¹⁶⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 42

¹⁶⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 43 a

¹⁶⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 43 b

for him, the wergild of that is upon the Imam^{-asws} and a right of a Muslim will not be nullified'.¹⁶⁶¹

45- إِرْشَادُ الْقُلُوبِ، عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: قَالَ أَمِيرُ الْمُؤْمِنِينَ ع فِي بَيَانِ فَضْلِ النَّبِيِّ ص وَ أُمَّتِهِ وَ مِنْهَا أَنَّ الْقَاتِلَ مِنْهُمْ عَمْدًا إِنْ شَاءَ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَغْفُوا عَنْهُ فَعَلُوا وَ إِنْ شَاءُوا قَبِلُوا الدِّيَةَ وَ عَلَى أَهْلِ التَّوْرَةِ أَنْ يُقْتَلَ الْقَاتِلُ وَ لَا يُغْفَى عَنْهُ وَ لَا يُؤْخَذُ مِنْهُ دِيَّةٌ قَالَ اللَّهُ عَزَّ وَ جَلَّ ذَلِكَ تَخْفِيفٌ مِنْ رَبِّكُمْ وَ رَحْمَةٌ.

(The book) 'Irshad Al Quloub' –

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Amir Al-Momineen^{-asws} said, explaining the merits of the Prophet^{-saww} and his^{-saww} community: 'Among their distinctions is that if one of them commits intentional killing, the heirs of the slain may, if they wish, pardon him, or if they wish, accept the blood money. But for the people of the Torah, the killer must be executed, and no pardon or wergild is accepted from him. Allah^{-azwj} Mighty and Majestic Said: ***That is a Lightening from your Lord and a Mercy [2:178]***'.¹⁶⁶²

46- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ رَفَعَهُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّ رَجُلًا بِالشَّامِ يُقَالُ لَهُ ابْنُ الْخَيْبَرِيِّ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهُ فَرَفَعَ ذَلِكَ إِلَى مُعَاوِيَةَ فَكَتَبَ إِلَى بَعْضِ أَصْحَابِ عَلِيٍّ يَسْأَلُهُ

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafy raising from Saeed Bin Al Musayyib,

'There was a man in Syria called Ibn Al-Khaybari. He (alleged that he) found a man with his wife, so he killed him. That was raised to Muawiyah. He wrote to one of companions of Ali^{-asws} to ask him^{-asws}.

فَقَالَ عَلِيٌّ ع إِنَّ هَذَا شَيْءٌ مَا كَانَ قَبْلَنَا

Ali^{-asws} said: 'This is something that did not occur in our time!'

فَأَخْبَرَهُ أَنَّ مُعَاوِيَةَ كَتَبَ إِلَيْهِ فَقَالَ ع إِنَّ لَمْ يَجِيءْ بِأَرْبَعَةِ شُهَدَاءَ يَشْهَدُونَ أَقِيدَ بِهِ.

He^{-asws} was then informed that Mu'awiyah had written to him^{-asws} about it, so he^{-asws} said: 'If he does not bring four witnesses to testify, retaliation will be carried out against him'.¹⁶⁶³

47- وَ مِنْهُ، بِإِسْنَادِهِ عَنِ الْحَسَنِ بْنِ بَكْرِ الْبَجَلِيِّ قَالَ: كُنَّا عِنْدَ عَلِيٍّ ع فِي الرَّحْبَةِ فَأَقْبَلَ رَهْطٌ فَسَلَّمُوا فَلَمَّا رَأَوْهُمْ عَلِيٌّ ع أَنْكَرَهُمْ فَقَالَ مِنْ أَهْلِ الشَّامِ أَنْتُمْ أَمْ مِنْ أَهْلِ الْحِزْبَةِ

And from him, by his chain, from Al-Hassan Bin Bakr Al Bajaly who said,

¹⁶⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 44

¹⁶⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 45

¹⁶⁶³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 46

‘He said: We were with Ali^{-asws} in Al-Rahbah when a group of people approached and greeted him^{-asws}. When Ali^{-asws} saw them, he^{-asws}, did not acknowledge them to be (from his^{-asws} people) asked them: ‘Are you from the people of Syria or from the people of Al-Jazira?’

قَالُوا بَلْ مِنْ أَهْلِ الشَّامِ مَاتَ أَبُوْنَا وَ تَرَكَ مَالًا كَثِيرًا وَ تَرَكَ أَوْلَادًا رِجَالًا وَ نِسَاءً وَ تَرَكَ فِينَا حُنْثَى لَهُ حَيَاءٌ كَحَيَاءِ الْمَرْأَةِ وَ ذَكَرٌ كَذَكَرِ الرَّجُلِ فَأَرَادَ الْمِيرَاثَ كَرَجُلٍ مِنَّا فَأَبَيْنَا عَلَيْهِ

They said: ‘We are from the people of Syria. Our father has died, leaving behind a great deal of wealth and children, both male and female. Among us there is a person who is intersex, having both the private parts of a man and those of a woman. He wishes to take his share of the inheritance as one of the men, but we refused to him’.

فَقَالَ ع فَأَيْنَ كُنْتُمْ عَنْ مُعَاوِيَةَ

He^{-asws} said: ‘Then where were you with Mu‘awiyah?’

فَقَالُوا قَدْ أَتَيْنَاهُ فَلَمْ يَرِدْ [يُدْرِ] مَا يَقْضِي بَيْنَنَا

They said, ‘We went to him, but he did not know how to judge between us’.

فَنَظَرَ عَلِيٌّ ع يَمِينًا وَ شِمَالًا وَ قَالَ لَعَنَ اللَّهُ قَوْمًا يَرْضَوْنَ بِقَضَائِنَا وَ يَطْعُنُونَ عَلَيْنَا فِي دِينِنَا أَنْطَلِقُوا بِصَاحِبِهِ فَنَنْظُرُوا إِلَى مَسِيلِ الْبُولِ فَإِنْ خَرَجَ مِنْ ذَكَرِهِ فَلَهُ مِيرَاثُ الرَّجُلِ وَ إِنْ خَرَجَ مِنْ غَيْرِ ذَلِكَ فَوَرِثُوهُ مَعَ النِّسَاءِ

Ali^{-asws} looked right and left and said: ‘May Allah^{-azwj} Curse a people who accept our^{-asws} judgment but revile (insult) us^{-asws} in our^{-asws} religion! Take your companion and look at where his urine flows from. If it flows from the male organ, then give him the share of a man, and if it flows from elsewhere, then make him inherit with the women’.

فَبَالَ مِنْ ذَكَرِهِ فَوَرِثَهُ كَمِيرَاثِ الرَّجُلِ مِنْهُمْ.

He urinated from his male organ, so he^{-asws} made him inherit like inheritance of the man from them’.¹⁶⁶⁴

48- كِتَابُ مَقْصَدِ الرَّغِيبِ، قَضَى عَلِيٌّ ع فِي رَجُلٍ أَمْسَكَ رَجُلًا حَتَّى جَاءَ آخَرُ فَقَتَلَهُ وَ رَجُلٌ يَنْظُرُ فَلَمْ يَمْنَعَهُ فَقَضَى يُقْتَلُ الْقَاتِلُ وَ يُقْلَعُ عَيْنُ الَّذِي نَظَرَ وَ لَمْ يُعْنَهُ وَ لَحِدَ الَّذِي أَمْسَكَهُ فِي الْحَبْسِ حَتَّى مَاتَ.

‘Kitab Maqсад Al Raghīb’ –

Ali^{-asws} judged regarding a man who withheld a man until another one came and killed him while a man looked on, not preventing him. He^{-asws} judged that the killer be killed, and an eye

of the onlooker which he looked and did not help him, be gouged out, and the one who withheld him would spend his life in the prison until he dies'.¹⁶⁶⁵

باب 39 الجنايات على الأطراف و المنافع

CHAPTER 39 – THE FELONIES UPON THE LIMBS AND THE BENEFITS

1- سن، المحاسن ابن محبوب عن هشام بن سالم عن حبيب السجستاني قال: سألت أبا جعفر ع عن رجل قطع يدي رجلين اليمينين فقال يقطع يا حبيب يده اليمنى أولاً و يقطع يده اليسرى للذي قطع يده اليمنى آخر لأنه قطع يد الأخير و يده اليمنى قصاصاً للأول

(The book) 'Al Mahasin' – Ibn Mahaboub, from Hisham Bin Salim, from Habeeb Al Sijistany who said,

'I asked Abu Ja'far^{asws} about a man who cut the right hands of two men. He^{asws} said: 'O Habeeb! His right hand was cut first, and his left hand would be cut for the right hand he had cut last, because he had cut the hand of the last one while his right hand was in retaliation for the first one.

قَالَ قُلْتُ تُقَطِّعُ يَدَاهُ جَمِيعاً فَلَا تُتْرَكُ لَهُ يَدٌ يَسْتَنْظِفُ بِهَا

He (the narrator) said, 'I said, 'You^{asws} will cut both of his hands and not leave a hand for him to clean himself with!'

قَالَ نَعَمْ إِنَّهَا فِي حُقُوقِ النَّاسِ فَيُقْتَصُّ فِي الْأَرْبَعِ جَمِيعاً فَلَا يُقْتَصُّ مِنْهُ إِلَّا فِي يَدٍ وَ رَجُلٍ فَإِنْ قَطَعَ يَمِينَ رَجُلٍ وَ قَدْ قُطِعَتْ يَمِينُهُ فِي الْقَصَاصِ قُطِعَتْ يَدُهُ الْيُسْرَى وَ إِنْ لَمْ يَكُنْ لَهُ يَدَانِ قُطِعَتْ رِجْلُهُ بِالْيَدِ الَّتِي تُقَطَّعُ وَ يُقْتَصُّ مِنْهُ فِي جَوَارِحِهِ كُلِّهَا إِذَا كَانَتْ فِي حُقُوقِ النَّاسِ.

He^{asws} said: 'Yes, for these pertain to the rights of people. Retaliation is carried out for all four limbs, but only in a hand and a foot. So, if he cuts off a man's right hand while his own right hand has already been cut off in retaliation, then his left hand is to be cut off. And if he has no hands, then his foot is to be cut off in place of the hand that was cut. Retaliation is carried out on all his limbs when it concerns the rights of people'.¹⁶⁶⁶

2- قب، المناقب لابن شهر آشوب قضى أمير المؤمنين ع في رجل ضرب على صدره فادعى أنه نقص نفسه فقال ع إِنَّ النَّفْسَ يَكُونُ فِي الْمَنْخَرِ الْأَيْمَنِ وَ فِي الْأَيْسَرِ سَاعَةً فَإِذَا طَلَعَ الْفَجْرُ يَكُونُ فِي الْمَنْخَرِ الْأَيْمَنِ إِلَى أَنْ تَطْلُعَ الشَّمْسُ وَ هُوَ سَاعَةٌ

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

Amir Al-Momineen^{asws} judged regarding a man who was struck upon his chest. He claimed that his breathing had been reduced. He^{asws} said: 'Breathing alternates between the right and the left nostril hour by hour. When dawn appears it is in the right nostril until the sun rises, and that is one hour'.

¹⁶⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 38 H 48

¹⁶⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 39 H 1

فَأَقْعَدَ الْمُدَّعِيَّ مِنْ حِينَ يَطْلُعُ الْفَجْرُ إِلَى طُلُوعِ الشَّمْسِ وَ عَدَّ أَنْفَاسَهُ ثُمَّ أَقْعَدَ رَجُلًا فِي سِنِّهِ يَوْمَ الثَّانِي مِنْ وَقْتِ طُلُوعِ الْفَجْرِ إِلَى طُلُوعِ الشَّمْسِ وَ عَدَّ أَنْفَاسَهُ ثُمَّ أَعْطَى الْمُصَابَ بِقَدْرِ مَا نَقَصَ مِنْ نَفْسِهِ عَنْ نَفْسِ الصَّحِيحِ -

So, he seated the claimant from the time dawn began until sunrise and counted his breaths, then on the second day seated a man of his age from dawn until sunrise and counted his breaths, then gave the injured man the amount by which his breaths had decreased compared with the breathing of a healthy man.

وَ حَكَمَ عَ فِيمَنْ ادَّعَى أَنَّهُ ذَهَبَ بَصَرُهُ أَنْ يُرْبِطَ عَيْنُهُ الصَّحِيحَهُ بَبِيضَةٍ وَ يَدْعُو مِنْهُ رَجُلٌ فَيَبْصُرُهُ بِعَيْنِهِ الْمُصَابَةِ ثُمَّ يَتَنَحَّى عَنْهُ إِلَى الْمَوْضِعِ الَّذِي يَنْتَهِي بَصَرُهُ إِلَيْهِ.

And he^{-asws} judged concerning one who claimed that his sight was lost that the healthy eye should be covered with a white (cloth) and a man should approach from a distance so that the injured person can try to see him with his eye, then the man should move away to the point at which the injured person's sight fails.¹⁶⁶⁷

3- قب، المناقب لابن شهر آشوب قَالَ أَبُو جَعْفَرٍ ع لِعَبْدِ اللَّهِ بْنِ عَبَّاسٍ أَنَشِدُكَ اللَّهَ هَلْ فِي حُكْمِ اللَّهِ اخْتِلَافٌ

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

Abu Ja'far^{-asws} said to Abdullah Bin Abbas: 'I adjure you with Allah^{-azwj}! Is there any contradiction in the Judgments of Allah^{-azwj}?'

قَالَ لَا

He said, 'No'.

قَالَ فَمَا تَرَى فِي رَجُلٍ ضُرِبَ أَصَابِعُهُ بِالسَّيْفِ حَتَّى سَقَطَتْ فَذَهَبَ فَأَتَى رَجُلٌ آخَرَ فَأَطَارَ كَفَّ يَدِهِ فَأَتَى بِهِ إِلَيْكَ وَ أَنْتَ قَاضٍ كَيْفَ أَنْتَ صَانِعٌ

He^{-asws} said: 'Then what is your opinion about a man whose fingers were struck with a sword until they fell off, and he went away, then another man came and cut off his palm, and both were brought before you while you are the judge, what would you do?'

قَالَ أَقُولُ لِهَذَا الْقَاطِعِ أَعْطِهِ دِيَّةَ كَفِّ وَ أَقُولُ لِهَذَا الْمَقْطُوعِ صَالِحُهُ عَلَى مَا شِئْتَ أَوْ أُبْعَثُ إِلَيْهِمَا ذَوِي عَدْلٍ

He said, 'I would tell the one who cut off the palm to pay the blood money for a palm, and I would tell the one whose palm was cut to reconcile with the other for what he wished, or I would send two just men to them (to arbitrate)'.

قَالَ فَقَالَ لَهُ جَاءَ الْإِخْتِلَافُ فِي حُكْمِ اللَّهِ وَ تَقَضَّتْ الْقَوْلَ الْأَوَّلَ أَنَّ اللَّهَ أَنْ يُجَدِّثَ فِي خَلْقِهِ شَيْئاً مِنَ الْحُدُودِ وَ لَيْسَ تَفْسِيرُهُ فِي الْأَرْضِ أَقْطَعَ يَدَ قَاطِعِ الْكَفِّ أَوْلاً ثُمَّ أُعْطِيَهِ دِيَةَ الْأَصَابِعِ هَذَا حُكْمُ اللَّهِ.

Abu Ja'far^{asws} said to him: 'Here comes a differing from the Judgment of Allah^{azwj} and you have contradicted your first word. Allah^{azwj} has Refused that there should be an innovation among His^{azwj} creatures of anything from the legal penalties while its interpretation isn't in the earth. The correct ruling is that the one who cut off the palm has his hand cut off first, and then he is given the wergild for the fingers. This is the judgment of Allah^{azwj}'.¹⁶⁶⁸

باب 40 حكم ما تجنيه الدواب

CHAPTER 40 – RULING OF WHAT OFFENCES THE ANIMALS COMMIT

1- ص، قصص الأنبياء عليهم السلام الصَّدُوقُ عَنِ ابْنِ مُوسَى عَنِ الْأَسَدِيِّ عَنِ التَّحَعِّيِّ عَنِ إِبْرَاهِيمَ بْنِ الْحَكَمِ عَنْ عَمْرِو بْنِ جُبَيْرٍ عَنْ أَبِيهِ عَنِ الْبَاقِرِ ع قَالَ: بَعَثَ النَّبِيُّ ع إِلَى الْيَمَنِ فَنَفَّحَ فَرَسَ لِرَجُلٍ مِنْ أَهْلِ الْيَمَنِ فَنَفَّحَ رَجُلًا فَقَتَلَهُ فَأَخَذَهُ أَوْلِيَاؤُهُ وَ رَفَعُوا إِلَى عَلِيٍّ ع فَأَقَامَ صَاحِبُ الْفَرَسِ الْبَيْتَةَ أَنَّ الْفَرَسَ أَنْفَلَتْ مِنْ دَارِهِ فَنَفَّحَ الرَّجُلَ بِرِجْلِهِ فَأَبْطَلَ عَلِيٌّ ع دَمَ الرَّجُلِ

(The book) 'Qasas Al-Anbiya^{as}', may the greeting be upon them^{as} – Al Sadouq, from Ibn Musa, from Al Asadi, from Al Nakhaie, from Ibrahim Bin Al Hakam, from Amro Bin Jubeyr, from his father,

From Al-Baqir^{asws} having said: 'The Prophet^{saww} sent Ali^{asws} to Al-Yemen. A horse of a man from the people of Al-Yemen bolted. It trampled a man and killed him. His guardians seized him and raised it (the case) to Ali^{asws}. The owner of the horse established the proof that the horse had bolted from his house and trampled the man with its legs, so Ali^{asws} nullified the blood (wergild) of the man.

فَجَاءَ أَوْلِيَاءُ الْمَقْتُولِ مِنَ الْيَمَنِ إِلَى النَّبِيِّ ص يَشْكُونَ عَلَيْهِمَا حَكَمَ عَلَيْهِمْ فَقَالُوا إِنَّ عَلِيًّا ظَلَمَنَا وَ أَبْطَلَ دَمَ صَاحِبِنَا

The guardians of the killed one came from Al-Yemen to the Prophet^{saww} complaining about Ali^{asws} regarding what he^{asws} had judged against them. They said, 'Ali^{asws} has oppressed us and invalidated the blood (wergild) of our companion!'

فَقَالَ رَسُولُ اللَّهِ ص إِنَّ عَلِيًّا لَيْسَ بِظَلَامٍ وَ لَمْ يُخْلَقْ عَلَيَّ لِلظُّلْمِ وَ إِنَّ الْوِلَايَةَ مِنْ بَعْدِي لِعَلِيِّ وَ الْحُكْمُ حُكْمُهُ وَ الْقَوْلُ قَوْلُهُ- لَا يَرُدُّ حُكْمُهُ وَ قَوْلُهُ وَ وَلَا يَنْتَهُ إِلَّا الْكَافِرُ وَ لَا يَرْضَى بِحُكْمِهِ وَ وَلَا يَتَّبِعُهُ إِلَّا الْمُؤْمِنُ

Rasool-Allah^{saww} said: 'Ali^{asws} isn't with injustice and He^{azwj} did not Create Ali^{asws} for the injustice, and that the Wilayah from after me^{saww} is for Ali^{asws}, and the (final) judgment is his^{asws} judgment, and the (final) word is his^{asws} word! No one will reject his^{asws} judgment and his^{asws} word and his^{asws} Wilayah except a Kafir, and no one will be pleased with his^{asws} judgment and his^{asws} Wilayah except a Momin'.

فَلَمَّا سَمِعَ النَّاسُ قَوْلَ رَسُولِ اللَّهِ ص قَالُوا يَا رَسُولَ اللَّهِ رَضِينَا بِقَوْلِ عَلِيٍّ وَ حُكْمِهِ

When the group heard the words of Rasool-Allah^{-saww}, they said, 'O Rasool-Allah^{-saww}! We are pleased with the words of Ali^{-asws} and his^{-asws} judgment'.

فَقَالَ رَسُولُ اللَّهِ هُوَ تَوْبَتُكُمْ بِمَا قُلْتُمْ.

Rasool-Allah^{-saww} said: 'It is your repentance of what you had said'.¹⁶⁶⁹

2- **شأ، الإرشاد** جَاءَتْ الْآثَارُ أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَى النَّبِيِّ ص فِي بَقْرَةٍ قَتَلَتْ جَمَاراً فَقَالَ أَخَذَهُمَا يَا رَسُولَ اللَّهِ بَقْرَةُ هَذَا الرَّجُلِ قَتَلَتْ جَمَارِي

(The book) 'Al Irshad' –

The Ahadeeth have comes that two men brought a dispute to the Prophet^{-saww} regarding a cow which had killed a donkey. One of them said, 'O Rasool-Allah^{-saww}! A cow of this man has killed my donkey!'

فَقَالَ رَسُولُ اللَّهِ ص اذْهَبَا إِلَى أَبِي بَكْرٍ فَاسْأَلَاهُ عَنْ ذَلِكَ

Rasool-Allah^{-saww} said: 'Both of you go to Abu Bakr and ask him about that!'

فَجَاءَا إِلَى أَبِي بَكْرٍ وَ قَصَّا عَلَيْهِ قِصَّتَهُمَا قَالَ كَيْفَ تَرَكْتُمَا رَسُولَ اللَّهِ ص وَ جِئْتُمَانِي

They came to Abu Bakr and they narrated their stories to him. He said, 'How come you neglected Rasool-Allah^{-saww} and came to me?'

قَالَا هُوَ أَمَرَنَا بِذَلِكَ

They said, 'He^{-saww} instructed us with that'.

فَقَالَ بَيْمَةٌ قَتَلَتْ بَيْمَةً لَا شَيْءَ عَلَى رَجُلَا

He said, 'An animal has killed an animal, there is nothing upon its owner'.

فَعَادَا إِلَى النَّبِيِّ ص فَأَخْبَرَاهُ بِذَلِكَ فَقَالَ لُهُمَا امْضِيَا إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقُصِّا عَلَيْهِ قِصَّتُكُمَا وَ سَأَلَاهُ الْقَضَاءَ فِي ذَلِكَ

They returned to the Prophet^{-saww} and informed him^{-saww} of that. He^{-saww} said to them: 'Go to Umar Bin Al-Khattab and narrate your stories to him and ask him for the judgment regarding that!'

فَدَهَبَا إِلَيْهِ وَ قَصَّا عَلَيْهِ قِصَّتَهُمَا فَقَالَ لُهُمَا كَيْفَ تَرَكْتُمَا رَسُولَ اللَّهِ ص وَ جِئْتُمَانِي

They went to him and narrated their stories to him. He said to them, 'How come you neglected Rasool-Allah^{-saww} and have come to me?'

فَقَالَا إِنَّهُ أَمَرَنَا

They said, 'He^{-saww} instructed us'.

فَقَالَ كَيْفَ لَمْ يَأْمُرْكُمْ بِالْمَسِيرِ إِلَى أَبِي بَكْرٍ

He said, 'How come he^{-saww} did not instruct you with the going to Abu Bakr?'

قَالَا إِنَّا قَدْ أَمَرْنَا بِذَلِكَ وَصِرْنَا إِلَيْهِ

They said, 'He^{-saww} had instructed us and we did go to him!'

قَالَ فَمَا الَّذِي قَالَ لَكُمْ فِي هَذِهِ الْقِصَّةِ

He said, 'So what is that which he said to you regarding this story?'

قَالَا لَهُ كَيْتٌ وَكَيْتٌ

They said to him, 'Such and such'.

قَالَ مَا أَرَى إِلَّا مَا رَأَى أَبُو بَكْرٍ

He said, 'I don't opine except what Abu Bakr had opined!'

فَصَارَا إِلَى النَّبِيِّ ص فَأَخْبَرَاهُ الْخَبَرَ

So, they came to the Prophet^{-saww} and informed him^{-saww} of the news. He^{-saww} said: 'Go to Ali^{-asws} Bin Abu Talib^{-asws} for him^{-asws} to judge between you two!'

فَقَالَ اذْهَبَا إِلَى عَلِيٍّ بْنِ أَبِي طَالِبٍ لِيَقْضِيَ بَيْنَكُمَا فَذَهَبَا إِلَيْهِ فَقَصَا عَلَيْهِ قِصَّتَهُمَا فَقَالَ إِنْ كَانَتِ الْبَقْرَةُ دَخَلَتْ عَلَى الْحِمَارِ فِي مَأْمَنِهِ فَعَلَى رَبِّهَا فِيمَةُ الْحِمَارِ لِصَاحِبِهِ وَإِنْ كَانَ الْحِمَارُ دَخَلَ عَلَى الْبَقْرَةِ فِي مَأْمَنِهَا فَقَتَلَتْهُ فَلَا غُرْمَ عَلَى صَاحِبِهَا

They went to him^{-asws} and narrated their stories to him^{-asws}. He^{-asws} said: 'If the cow had entered to the donkey in its secure place, upon its owner is the price of the donkey for its owner; and if the donkey had entered to the cow in its secure place so it killed it, there is no penalty upon its owner'.

فَعَادَا إِلَى النَّبِيِّ ص فَأَخْبَرَاهُ بِقَضِيَّتِهِمَا فَقَالَ لَقَدْ قَضَى عَلِيُّ بْنُ أَبِي طَالِبٍ ع بَيْنَكُمَا بِقَضَاءِ اللَّهِ تَعَالَى

They returned to the Prophet^{-saww} and informed him^{-saww} of his^{-asws} judgment between them. He^{-saww} said: ‘Ali^{-asws} Bin Abu Talib^{-asws} has judged between you two with a Judgment of Allah^{-azwj} the Exalted!’

ثُمَّ قَالَ الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ فِينَا أَهْلَ الْبَيْتِ مَنْ يَقْضِي عَلَى سُنَنِ دَاوُدَ فِي الْقَضَاءِ.

Then he^{-saww} said: ‘The Praise is for Allah^{-azwj} Who Made among us People^{-asws} of the Household, someone who can judge upon the Sunnah of Dawood^{-as} in his^{-as} judgment’.¹⁶⁷⁰

3- مَقْصَدُ الرَّاغِبِ، مِثْلُهُ إِلَّا أَنْ فِيهِ ثَوْرًا قَتَلَ حِمَارًا وَ كَانَ مَأْمَنَهُ وَ مَأْمَنُهَا مُسْتَرَاخُهُ فِي الْمَوْضِعَيْنِ.

(The book) ‘Maqsad Al Raghib’ –

Similar to it except that in it is a bull which killed a donkey, and in place of ‘his secure place’ and ‘her secure place’, it is ‘its resting place’ in the two places.¹⁶⁷¹

باب 41 القسامة

CHAPTER 41 – THE OATH OF ‘AL QASAMAH’

1- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سنان عن الرضا ع أنه كتب إليه العلة في أن البيّنة في جميع الحقوق على المدعي واليمين على المدعى عليه ما خلا الدم لأن المدعى عليه جاحد ولا يمكن إقامة البيّنة على الجاحد لأنه مجهول

(The book) ‘Ilal Al-Sharaie’, ‘Uyoun Akhbar Al-Reza^{-asws}’, the greeting be upon him^{-asws}, in ‘Ilal’ of Ibn Sinan, from Al-Reza^{-asws} having written to him the reason regarding all matters of rights, the evidence is upon the claimant and the oath is upon the one who denies, except in cases of blood. This is because the one accused of bloodshed is a denier, and it is not possible to establish evidence against denial, since it is unknown.

وَ صَارَتِ الْبَيِّنَةُ فِي الدَّمِ عَلَى الْمُدَّعَى عَلَيْهِ وَ الْيَمِينُ عَلَى الْمُدَّعِي لِأَنَّهُ خَوْطٌ يَخْتَاطُ بِهِ الْمُسْلِمُونَ لِقَوْلِ دَمِ امْرِئٍ مُسْلِمٍ وَ لِيَكُونَ ذَلِكَ زَاجِرًا وَ نَاهِيًا لِلْمُتَاَنِلِ لِشِدَّةِ إِقَامَةِ الْبَيِّنَةِ عَلَيْهِ لِأَنَّ مَنْ يَشْهَدُ عَلَى أَنَّهُ لَمْ يَفْعَلْ قَلِيلٌ

Therefore, the evidence in cases of blood is upon the accused, and the oath is upon the claimant. This is to safeguard the Muslims, so that the blood of a Muslim person is not lost in vain, and to serve as a deterrent and warning to the killer due to the difficulty of establishing proof against him, for there are few who would testify that he did not do it.

وَ أَمَّا عِلَّةُ الْقَسَامَةِ أَنْ جُعِلَتْ خَمْسِينَ رَجُلًا فَلَمَّا فِي ذَلِكَ مِنَ التَّغْلِيظِ وَ التَّشْدِيدِ وَ الْإِحْتِيَاظِ لئَلَّا يَهْدَرَ دَمُ امْرِئٍ مُسْلِمٍ.

¹⁶⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 40 H 2

¹⁶⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 40 H 3

As for the reason that the oath in ‘*Qasamah*’ is made by fifty men, it is because of the gravity, emphasis, and precaution involved, so that the blood of a Muslim person is not disregarded’.¹⁶⁷²

2- ب، قرب الإسناد أبو البُخْتَرِيِّ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ ع أَنَّهُ أُتِيَ عَلِيٌّ ع بِقَتِيلٍ وَجَدَ بِالْكُوفَةِ مُقَطَّعًا فَقَالَ سَلُوا عَلَيْهِ مَا قَدْزِمْتُمْ عَلَيْهِ بَيْنَهُ

(The book) ‘Qurb Al Isnaad’ – Abu Al Bkahtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws} was brought a killed one found at Al-Kufa, mutilated. He^{-asws} said: ‘Ask around about him whatever you are able upon, for any proof!’

ثُمَّ اسْتَحْلَفَهُمْ قَسَامَةً بِاللَّهِ مَا قَتَلْنَا وَ لَا عَلِمْنَا قَاتِلًا وَ ضَمَّهُمْ الدِّيَّةَ.

Then he^{-asws} made them swear an oath of ‘*Qasamah*’, ‘By Allah^{-azwj}, neither did we kill nor do we know the killer’, and he^{-asws} made them responsible for the wergild’.¹⁶⁷³

3- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ أُذَيْنَةَ عَنْ بُرَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْقَسَامَةِ فَقَالَ الْخُفُوفُ كُلُّهَا الْبَيِّنَةُ عَلَى الْمُدْعَى وَ الْيَمِينُ عَلَى الْمُدْعَى عَلَيْهِ إِلَّا فِي الدِّمَاءِ خَاصَّةً فَإِنَّ رَسُولَ اللَّهِ ص بَيْنَمَا هُوَ بِحَيَّيْرٍ إِذْ فَقَدَتِ الْأَنْصَارُ رَجُلًا مِنْهُمْ فَوَجَدُوهُ قَتِيلًا فَقَالَتِ الْأَنْصَارُ فَلَانَ الْيَهُودِيُّ قَتَلَ صَاحِبَنَا

(The book) ‘Ilal Al Sharaie’ – My father, from Sa’ad, from Muhammad Bin Al Husayn, from Ibn Abu Umeyr, from Ibn Uzina, from Bureyd,

From Abu Abdullah^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about the ‘*Qasamah*’. He^{-asws} said: ‘In all rights the proof is upon the claimant and the oath is upon the one claimed against except specifically in blood, for while Rasool-Allah^{-saww} was at Khaybar the Helpers lost a man of theirs and found him slain, and the Helpers said, ‘So and so the Jew killed our companion!’

فَقَالَ رَسُولُ اللَّهِ ص لِلطَّالِبِينَ أَقِيمُوا رَجُلَيْنِ عَدْلَيْنِ مِنْ غَيْرِكُمْ أَقْدَهُ بِرُءْيَايِهِ فَإِنْ لَمْ تَجِدُوا شَاهِدَيْنِ فَأَقِيمُوا قَسَامَةَ خَمْسِينَ رَجُلًا أَقْدَهُ بِهِ بِرُءْيَايِهِ

And Rasool-Allah^{-saww} said to the claimants: ‘Appoint two just men from outside yourselves and bring him bound by his garment, and if you do not find two witnesses then establish the *Qasamah* of fifty men and bring him bound by his cloak!’

فَقَالُوا يَا رَسُولَ اللَّهِ ص مَا عِنْدَنَا شَاهِدَانِ مِنْ غَيْرِنَا وَ إِنَّا لَنَكْرَهُ أَنْ نُقْسِمَ عَلَى مَا لَمْ نَرَهُ

They said, ‘O Rasool-Allah^{-saww}! We do not have two witnesses with us, apart from us two, and we dislike swearing about what we did not see!’

فَوَدَّاهُ رَسُولُ اللَّهِ ص مِنْ عِنْدِهِ

So Rasool-Allah^{-saww} paid the wergild from himself^{-saww}.

¹⁶⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 1

¹⁶⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 2

ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ رَسُولَ اللَّهِ ص إِنَّمَا حَقَّنَ دِمَاءَ الْمُسْلِمِينَ بِالْقَسَامَةِ لِكَيْ إِذَا رَأَى الْفَاجِرُ الْفَاسِقَ فُرْصَةً مِنْ عَدُوِّهِ حَجَزَهُ خَافَةُ الْقَسَامَةِ أَوْ يُقْتَلَ بِهِ فَيَكْفُ عَنْ قَتْلِهِ وَ إِنْ حَلَفَ الْمُدْعَى عَلَيْهِمْ قَسَامَةً خَمْسِينَ رَجُلًا مَا قَتَلْنَا وَ لَا عَلِمْنَا قَاتِلًا ثُمَّ أُعْزِمُوا الدِّيَةَ إِذَا وَجَدُوا قَتِيلًا بَيْنَ أَظْهُرِهِمْ إِذَا لَمْ يُقْسِمِ الْمُدْعُونَ.

Then Abu Abdullah^{-asws} said: ‘Rasool-Allah^{-saww} only preserved the blood of Muslims by the *Qasamah* so that if the wicked and sinful sees an opportunity against his enemy he would be restrained by fear of the *Qasamah* or be killed by it and thus desist from killing, otherwise the accused would swear the *Qasamah* of fifty men, ‘we did not kill him and we do not know a killer’ and then they would be liable to pay the wergild if they found a slain among their ranks when the claimants did not swear’.¹⁶⁷⁴

4- ع، علل الشرائع أَبِي عَنْ سَعْدٍ عَنِ ابْنِ عِيْسَى عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْقَسَامَةِ قَالَ هِيَ حَقٌّ وَ لَوْ لَا ذَلِكَ لَقَتَلَ النَّاسُ بَعْضُهُمْ بَعْضًا وَ لَمْ يَكُنْ بَشِيءٌ وَ إِنَّمَا الْقَسَامَةُ حَوْطٌ يَحْتَاطُ بِهَا النَّاسُ.

(The book) ‘Ilal Al Sharaie’ – My father, from Sa’ad, from Ibn Isa, from Ibn Abu Najran, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about the ‘*Qasamah*’. He^{-asws} said: ‘It is right (rightful law), and had it not been that, people would kill one another without consequence. The *Qasamah* is a safeguard by which people are protected’.¹⁶⁷⁵

5- ع، علل الشرائع مَا جِيلَوْنِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنْ سَهْلِ بْنِ أَبِي هَاشِمٍ عَنْ يُونُسَ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ إِنَّمَا وَضِعَتِ الْقَسَامَةُ لِغَلَّةِ الْحَوْطِ يُحْتَاطُ بِهِ عَلَى النَّاسِ لِكَيْ إِذَا رَأَى الْفَاجِرُ عَدُوَّهُ فَرَّ مِنْهُ خَافَةَ الْقِيَصَاصِ.

(The book) ‘Ilal Al Sharaiih’ – Majaylawiya, from Muhammad Al Attar, from Sahl, from Al Yaqteeny, from Yunus, from Ibn Sinan who said,

‘I heard Abu Abdullah^{-asws} saying: ‘But rather, the *Qasamah* has been placed for the reason of protection, as a safeguard for the people, so that when a wicked man sees his enemy, he will avoid him out of fear of retaliation’.¹⁶⁷⁶

6 سن، المحاسن أَبِي عَنْ يُونُسَ مِثْلَهُ.

(The book) ‘Al Mahasin’ – My father, from Yunus, similar to it.¹⁶⁷⁷

7- ضا، فقه الرضا عليه السلام وَ قَدْ جُعِلَ لِلْجَسَدِ كُلِّهِ سِتُّ فَرَائِضَ النَّفْسِ وَ الْبَصَرِ وَ السَّمْعِ وَ الْكَلَامِ وَ الشَّلَلِ مِنَ الْيَدَيْنِ وَ الرِّجْلَيْنِ وَ جُعِلَ مَعَ كُلِّ وَاحِدَةٍ مِنْ هَذِهِ قَسَامَةٌ عَلَى نَحْوِ مَا قُسِمَتِ الدِّيَةُ

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘It has been established that for the entire body there are six main obligations - life, sight, hearing, speech, and

¹⁶⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 3

¹⁶⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 4

¹⁶⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 5

¹⁶⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 6

paralysis of the hands and feet. With each of these, there is a prescribed oath (*Qasamah*) corresponding to the division of blood money.

فَجَعَلَ لِلنَّفْسِ عَلَى الْعَمْدِ مِنَ الْقَسَامَةِ خَمْسُونَ رَجُلًا وَ عَلَى الْخَطِ خَمْسٌ وَ عِشْرُونَ رَجُلًا عَلَى مَا يَبْلُغُ دِيَّةً كَامِلَةً وَ مِنَ الْجُرُوحِ سِتَّةٌ نَفَرٌ فَمَا كَانَ ذُو
ذَلِكَ فَيَحْسَابِهِ مِنَ السِّتَةِ نَفَرٌ

For intentional killing, the *Qasamah* consists of fifty men, and for accidental killing, twenty-five men, corresponding to the amount of a full wergild. For wounds, six men are required, and for fewer than that, it is proportionate to the six.

وَ السِّتَةُ فِي جَمِيعِ الْخُفُوقِ عَلَى الْمُدَّعِي فَقَطُّ وَ الْيَمِينُ عَلَى مَنْ أَنْكَرَ إِلَّا فِي الدَّمِ فَإِنَّ السِّتَةَ أَوَّلًا عَلَى الْمُدَّعِي وَ هُوَ شَاهِدًا عَدْلٍ مِنْ غَيْرِ أَهْلِهِ إِنْ ادَّعَى
عَلَيْهِ قَتْلَهُ فَإِنْ لَمْ يَجِدْ شَاهِدَيْنِ عَدْلَيْنِ فَقَسَامَةً وَ هِيَ خَمْسُونَ رَجُلًا مِنْ خِيَارِهِمْ يَشْهَدُ بِالْقَتْلِ

In all claims of rights, the evidence is upon the claimant only, and the oath is upon the one who denies, except in cases of blood. In those, the evidence is first upon the claimant, of two just witnesses from outside his own people, if he claims that the accused killed him. If he cannot produce two just witnesses, then *Qasamah* is required of fifty of his upright men testifying to the killing.

فَإِنْ لَمْ يَكُنْ ذَلِكَ طُولِبَ الْمُدَّعَى عَلَيْهِ بِالسِّتَةِ أَوْ بِالْقَسَامَةِ أَنَّهُ لَمْ يَقْتُلْهُ فَإِنْ لَمْ يَجِدْ خَلْفَ الْمُتَّهَمِ خَمْسِينَ يَمِينًا أَنَّهُ مَا قَتَلَهُ وَ لَا عِلْمَ لَهُ قَاتِلًا فَإِنْ خَلَفَ فَلَا
شَيْءَ عَلَيْهِ ثُمَّ يُؤَدِّي الدِّيَةَ أَهْلُ الْحَجَرِ وَ الْقَبِيلَةِ فَإِنْ أَبَى أَنْ يَخْلِفَ أَلَزِمَ الدَّمُ

If that cannot happen, then the accused must bring evidence or take the oath of *Qasamah* that he did not kill him. If he cannot bring witnesses, then the accused swears fifty oaths that he did not kill him and does not know the killer. If he swears, nothing is due from him, and the wergild is paid by the clans and tribe of the slain. But if he refuses to swear, then he is held responsible for the blood.

فَإِنْ قُتِلَ فِي عَسْكَرٍ أَوْ سُوقٍ فَدِيَّتُهُ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ.

And if he was killed in a (military) camp or a marketplace, the wergild is paid from the public treasury of the Muslims'.¹⁶⁷⁸

8- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الله بن سنان عن أبي عبد الله ع أَنَّهُ سَأَلَهُ عَنِ الْقَسَامَةِ هَلْ جَزَتْ فِيهَا سُنَّةٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he^{-asws} was asked about the *Qasamah*, 'Has the Sunnah flowed regarding it?'

قَالَ نَعَمْ كَانَ رَجُلَانِ مِنَ الْأَنْصَارِ يُصِيبَانِ الرَّمَارَ فَتَفَرَّقَا فَوُجِدَ أَحَدُهُمَا مَيِّتًا فَقَالَ أَصْحَابُهُ قَتَلَ صَاحِبَنَا الْيَهُودُ

He^{-asws} said: 'Yes. There were two men from the helpers who went to gather fruit. They separated, and one of them was found dead. His companion said, 'The Jews have killed our companions!'

فَقَالَ هُمْ رَسُولُ اللَّهِ اخْلِفُوا الْيَهُودَ

Rasool-Allah^{-saww} said to them: 'Get the Jews to swear oaths!'

قَالُوا كَيْفَ نَخْلِفُ عَلَى أَخِينَا قَوْمًا كُفَّارًا

They said, 'How can we make a group of Kafirs to swear oaths upon our brother?'

فَقَالُوا اخْلِفُوا أَنْتُمْ

He^{-saww} said: 'They you swear the oaths!'

قَالُوا كَيْفَ نَخْلِفُ عَلَى مَا لَا نَعْلَمُ وَ لَمْ نَشْهَدْ

They said, 'How can we swear upon what we don't know and did not witness?'

فَوَدَّاهُ رَسُولُ اللَّهِ ص

So Rasool-Allah^{-saww} paid it (wergild)'.¹⁶⁷⁹

فُلْتُ كَيْفَ كَانَتْ الْقَسَامَةُ

I said, 'How did the *Qasamah* come to be?'

قَالَ هِيَ حَقٌّ لَوْ لَا ذَلِكَ لَقَتَلَ النَّاسُ بَعْضُهُمْ بَعْضًا وَإِنَّمَا الْقَسَامَةُ حَوْطٌ يُحَاطُ بِهِ النَّاسُ.

He^{-asws} said: 'It is right (rightful law). Had it not been that, the people would have killed each other, and rather the *Qasamah* is a protection to protect the people with'.¹⁶⁷⁹

9- وَ عَنْهُ فِي رَجُلٍ مَاتَ وَ هُوَ جَالِسٌ مَعَ قَوْمٍ أَوْ وَجَدَ مَيِّتًا أَوْ قَبِيلًا فِي قَبِيلَةٍ مِنَ الْقَبَائِلِ أَوْ عَلَى بَابِ دَارِ قَوْمٍ قَالَ لَيْسَ عَلَيْهِمْ شَيْءٌ وَ لَا يُبْطَلُ دِيْنُهُ وَ لَكِنْ يَعْقَلُ.

And from him^{-asws} regarding a man who died while he was seated with a people, or was found dead, or killed in a tribe from the tribes, or at the door of a house of a people. He^{-asws} said: 'There isn't anything upon them, and his wergild will not be nullified, but it will be preserved!'¹⁶⁸⁰

¹⁶⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 8

¹⁶⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 9

باب 42 الجناية بين المسلم والكافر و الحر و العبد و بين الوالد و الولد و الرجل و المرأة

CHAPTER 42 – THE FELONIES BETWEEN THE MUSLIM AND THE KAFIR, AND THE FREE AND THE SLAVE, AND BETWEEN THE FATHER AND THE SON, AND THE MAN (HUSBAND) AND THE WOMAN (WIFE)

1- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن قَوْمٍ أَخْرَارٍ وَ مَمَالِيكَ اجْتَمَعُوا عَلَى قَتْلِ مَمْلُوكٍ مَا حَالُهُمْ

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a group of free men and slaves gathered upon killing a slave, 'What is their state?'

قَالَ يُقْتَلُ مَنْ قَتَلَهُ مِنَ الْمَمَالِيكِ وَ تَقْدِيهِ الْأَخْرَارُ.

He^{-asws} said: 'The ones from the slaves who killed him will be killed, and the free ones can be ransomed'.¹⁶⁸¹

2- وَ سَأَلْتُهُ ع عَنْ قَوْمٍ مَمَالِيكَ اجْتَمَعُوا عَلَى قَتْلِ حُرٍّ مَا حَالُهُمْ

And I asked him^{-asws} about a group of slaves gathered upon killing a free man, 'What is their state?'

قَالَ يُقْتَلُونَ بِهِ.

He^{-asws} said: 'They would be killed for it'.¹⁶⁸²

3- وَ سَأَلْتُهُ عَنْ قَوْمٍ أَخْرَارٍ اجْتَمَعُوا عَلَى قَتْلِ مَمْلُوكٍ مَا حَالُهُمْ

And I asked him^{-asws} about a group of free men gathered upon killing a slave, 'What is their state?'

قَالَ يُؤَدُّونَ ثَمَنَهُ.

He^{-asws} said: 'They have to pay his price (wergild)'.¹⁶⁸³

4- قَالَ: وَ سَأَلْتُهُ عَنْ مُكَائِبٍ جَنَى جَنَائَةً عَلَى مَنْ مَا جَنَى

He said, 'And I asked him^{-asws} about a contracted slave who commits a crime, 'Upon whom is what he had committed?'

¹⁶⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 1

¹⁶⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 2

¹⁶⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 3

قَالَ عَلَى الْمَكَاتِبِ.

He^{-asws} said: 'Upon the contracted slave'.¹⁶⁸⁴

5- سن، المحاسن أبي عن صفوان عن عبد الرحمن بن الحجاج عن أبان بن تغلب قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع رَجُلٌ قَطَعَ إصْبَعَ امْرَأَةٍ

(The book) 'Al Mahasin' – From Safwan, from Abdul Rahman Bin Al Hajjaj, from Aban Bin Tabligh who said,

'I said to Abu Abdullah^{-asws}, 'A man cuts a finger of a woman'.

فَقَالَ فِيهَا عَشْرَةٌ مِنَ الْإِبِلِ

He^{-asws} said: 'Regarding it are ten camels (compensation)'.

قُلْتُ قَطَعَ اثْنَتَيْنِ

I said, 'He cuts two?'

قَالَ فِيهِمَا عِشْرُونَ مِنَ الْإِبِلِ

He^{-asws} said: 'Regarding it are twenty camels'.

قُلْتُ قَطَعَ ثَلَاثَ أَصَابِعَ

I said, 'He cuts three fingers?'

قَالَ فِيهَا ثَلَاثُونَ مِنَ الْإِبِلِ

He^{-asws} said: 'Regarding it are thirty camels'.

قُلْتُ قَطَعَ أَرْبَعًا

I said, 'He cuts four?'

قَالَ فِيهِنَّ عِشْرُونَ مِنَ الْإِبِلِ

He^{-asws} said: 'Regarding it are twenty camels'.

قُلْتُ أَيْ يَقْطَعُ ثَلَاثًا وَ فِيهِنَّ ثَلَاثُونَ مِنَ الْإِبِلِ وَ يَقْطَعُ أَرْبَعًا وَ فِيهَا عِشْرُونَ مِنَ الْإِبِلِ

I said, 'He cuts three and regarding these are thirty camels, and he cuts four, and regarding these are twenty camels?'

¹⁶⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 4

قَالَ نَعَمْ إِنَّ الْمَرْأَةَ إِذَا بَلَغَتِ الثُّلُثَ مِنْ دِيَةِ الرَّجُلِ سَفَلَتْ الْمَرْأَةُ وَ ارْتَفَعَ الرَّجُلُ إِنَّ السُّنَّةَ - لَا تُقَاسُ أَلَا تَرَى أَنَّهَا تُؤْمَرُ بِقَصَاءِ صَوْمِهَا وَ لَا تُؤْمَرُ بِقَصَاءِ صَلَاتِهَا

He^{-asws} said: 'Yes. When a woman reaches the third of the wergild of a man, the woman is lowered and the man is raised. The Sunnah cannot be analogised! Can't you see that she has been Commanded to make up her (missed) fasts while she has not been Commanded to make up for her (missed) Salats?

يَا أَبَانَ أَخَذْتَنِي بِالْقِيَاسِ وَ إِنَّ السُّنَّةَ إِذَا قِيسَتْ مُحِقَّ الدِّينَ.

O Aban! You tried to seize me^{-asws} with the analogy, and when the Sunnah is analogised, it obliterates the religion!'¹⁶⁸⁵

6- ضاء، فقه الرضا عليه السلام المرأة ديتها نصف دية الرجل و هو خمسمائة دينار و ديات الجراحات أعطي بها ما لم يبلغ الثلث من دية الرجل فإذا جازت الثلث رُدَّ إلى النصف

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'A woman's wergild is half that of a man, which is five hundred Dinars. The wergild for injuries is given for those that do not reach one-third of a man's blood money. When it reaches one-third, it is returned to half.

نظير الأصابع من أصابع اليد للرجل و المرأة هما ستة في الدية و هي الإبهام مائة و ستة و سئون ديناراً و ثلثان و المرأة و الرجل في دية هذه الأصابع سوي لأنها إذا لم تجاوز الثلث فإن قطع للمرأة زياده إصبع و هو ثلاثة و ثمانون ديناراً و ثلث حتى يصير الجميع أربعمائة و ستة عشر ديناراً و ثلثي دينار و جبت لها من جميع ذلك مائتا دينار و ثمانية دنانير و ثلث و ردت من بعد الثلث إلى النصف

For a finger of the hand, there are six in the wergild for both men and women. The thumb is valued at one hundred sixty-six and two-thirds Dinars, and the man and woman are equal in the wergild for these fingers. If it does not exceed one-third, and a finger is cut from a woman, the additional finger is eighty-three and one-third Dinars, until the total becomes four hundred sixteen and two-thirds Dinars. She is entitled to two hundred eighty-three and one-third Dinars, and after reaching one-third it is restored to half.

و دية العبد قيمته يعني ثمنه و كذلك دية الأمة إلا أن يتجاوز ثمنها دية الحر فإن تجاوز ذلك رُدَّ إلى دية الحر و لم يتجاوز بالعبد عشرة آلاف و بالأمة خمسة آلاف

The wergild of a slave is equal to his value, and likewise for a female slave, except if her value exceeds that of a free person, in which case it is returned to the wergild of a free person. It does not exceed ten thousand for a male slave, and five thousand for a female slave.

و من أخذ بمن عضو من أعضائه ثم قتل فريض ورثته بمن ذلك العضو إن اختاروا قتل قاتله و إن اختاروا الدية فإن دية النفس وحدها كما بيناه عشرة آلاف درهم و ذلك ما يلزم من الديات بالبينة و الإقرار

Whoever takes the price of a body part from another's body, and then is killed, his heirs inherit the price of that body part if they choose the wergild, or if they choose the killing, the wergild for the life alone is ten thousand Dirhams as explained. This is what is required of wergild by evidence and confession.

فَإِنْ مَاتَ الْجَنَاحُ وَ أُفِيضَتْ فِيهِمُ الْخُدُودُ فَقَدْ طَهَّرُوا فِي الدُّنْيَا وَ الْآخِرَةِ وَ إِنْ لَمْ يَتُوبُوا كَانَ الْوَعِيدُ عَلَيْهِمْ بَاقِيًا بِحَالِهِ وَ حَسْبُهُمُ اللَّهُ جَلَّ وَ عَزَّ إِنْ شَاءَ عَذَّبَ وَ إِنْ شَاءَ عَفَا

If the criminals die and the legal penalties are established upon them, they are purified in this world and the Hereafter. If they do not repent, the warning remains upon them as it is, and Allah^{-azwj} Majestic and Mighty is Sufficient for them. if He^{-azwj} Desires, He^{-azwj} Punishes, and if He^{-azwj} Desires, He^{-azwj} forgives.

وَ لَا يُقَادُّ الْوَالِدُ بِوَلَدِهِ وَ يُقَادُّ الْوَلَدُ بِوَالِدِهِ.

A parent cannot be retaliated for his child, and the child cannot be retaliated for his parent'.¹⁶⁸⁶

7- شي، تفسير العياشي عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ الْحُرُّ بِالْحُرِّ وَ الْعَبْدُ بِالْعَبْدِ وَ الْأُنْثَى بِالْأُنْثَى قَالَ لَا يُقْتَلُ حُرٌّ بِعَبْدٍ وَ لَكِنْ يُضْرَبُ ضَرْبًا شَدِيدًا وَ يُعْرَمُ دِيَّةَ الْعَبْدِ وَ إِنْ قَتَلَ رَجُلٌ امْرَأَةً فَأَرَادَ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْتُلُوهُ أَدَّوْا نِصْفَ دِيَّتِهِ إِلَى أَهْلِ الرَّجُلِ.

Tafseer Al Ayyashi – From Sama'at,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **the free with the free, and the slave with the slave, and the female with the female [2:178]**. He^{-asws} said: 'A free man cannot be killed for the slave, but he would be struck a severe strike and penalised wergild of the slave; and if a man were to kill a woman and the guardians of the killed one want to kill him, they will have to pay half the wergild to the family of the man'.¹⁶⁸⁷

8- قب، المناقب لابن شهر آشوب ابْنُ بَطَّةٍ وَ شَرِيكَ بِإِسْنَادِهِمَا عَنْ ابْنِ أَبِي جَرَّجٍ الْبَجَلِيِّ قَالَ: إِنَّ عَلِيًّا ع رُفِعَ إِلَيْهِ مَمْلُوكٌ قَتَلَ حُرًّا قَالَ يُدْفَعُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ

(The book) 'Al Manaqib' of Ibn Shehr Ashoub – Ibn Buttah and Shareek, by their chains from Ibn Abjar Al Bajali who said,

'Ali^{-asws}, (the case of) a slave killing a free man was raised to him^{-asws}. He^{-asws} said: 'You kill a man and become free!'

فَدْفَعُوا إِلَيْهِمْ فَعَفَوْا عَنْهُ فَقَالَ لَهُ النَّاسُ قَتَلْتَ رَجُلًا وَ صِرْتَ حُرًّا

He was handed to them, and they pardoned him. The people said to him^{-asws}, 'He killed a man and became free!'

¹⁶⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 6

¹⁶⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 7

فَقَالَ ع لَا هُوَ رَدَّ عَلَى مَوَالِيهِ.

He^{asws} said: 'No, he was returned to his guardians'.¹⁶⁸⁸

9- الْعِلَلُ، لِمُحَمَّدِ بْنِ عَلِيٍّ بْنِ إِبْرَاهِيمَ قَالَ: الْعِلَّةُ فِي أَنْ لَا يُقْتَلَ وَالِدٌ بِوَلَدِهِ أَنَّ الْوَلَدَ مَثْلُوكٌ لِلْأَبِ لِقَوْلِ رَسُولِ اللَّهِ ص أَنْتَ وَ مَالُكَ لِأَبِيكَ وَ هُوَ عِنْدَ النَّاسِ حُرٌّ.

(The book) 'Al Ilal' of Muhammad Bin Ali Bin Ibrahim who said,

'The reason regarding that a father cannot be killed for his son is that the son is a slave of the father due to words of Rasool-Allah^{-saww}, 'You and your wealth are for your father', and in the presence of the people he is free'.¹⁶⁸⁹

باب 43 الدية و مقاديرها و أحكامها و حكم العاقلة

CHAPTER 43 – THE WERGILD AND ITS AMOUNT, AND ITS RUINGS, AND RULING OF THE RELATIVES RESPONSIBLE

1- ع، علل الشرائع عَنْ سَعْدِ بْنِ أَبِي عَيْسَى عَنْ ابْنِ تَحِيْبٍ عَنْ أَبِي وَلَادٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَيْسَ بَيْنَ أَهْلِ الدِّمَةِ مُعَاقَلَةٌ فِيمَا يَجْتَنُونَ مِنْ قَتْلِ أَوْ جِرَاحٍ إِنَّمَا يُؤْخَذُ ذَلِكَ مِنْ أَمْوَالِهِمْ فَإِنْ لَمْ يَكُنْ لَهُمْ أَمْوَالٌ رَجَعَتِ الْجَنَائِةُ إِلَى إِمَامِ الْمُسْلِمِينَ لِأَنَّهُمْ يُؤَدُّونَ الْجَزْيَةَ إِلَيْهِ كَمَا يُؤَدِّي الْعَبْدُ الصَّرِيَّةَ إِلَى سَيِّدِهِ

(The book) 'Ilal Al Sharaie' – from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abu Wallad,

From Abu Abdullah^{-asws} having said: 'There is no mutual responsibility between the Zimmi people regarding what crimes they commits, killing or injuring. But rather that is taken from their wealth. If there does not happen to be any wealth for them, the crime is returned to the imam of the Muslims because they are paying the tax to him just as the slave pays the profits to his master'.

قَالَ وَ هُمْ مَمَالِكٌ لِلْإِمَامِ فَمَنْ أَسْلَمَ مِنْهُمْ فَهُوَ حُرٌّ.

He^{asws} said: 'And they are slave of the Imam. The one from them who becomes a Muslim, he is free'.¹⁶⁹⁰

2- ل، الخصال الْقَطَّانُ عَنْ الشُّكْرِيِّ عَنْ الْجَوْهَرِيِّ عَنْ ابْنِ عُمَارَةَ عَنْ أَبِيهِ عَنْ جَابِرِ الْجَعْفِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: مِيرَاثُ الْمَرْأَةِ نِصْفُ مِيرَاثِ الرَّجُلِ وَ دِيَّتُهَا نِصْفُ دِيَةِ الرَّجُلِ وَ تُعَاقَلُ الْمَرْأَةُ الرَّجُلَ فِي الْجِرَاحَاتِ حَتَّى تُبْلَغَ ثُلُثُ الدِّيَةِ فَإِذَا زَادَتْ عَلَى الثُّلُثِ ارْتَفَعَ الرَّجُلُ وَ سَقَلَتِ الْمَرْأَةُ.

(The book) 'Al Khisaal' – Al Qattan, from Al Sukari, from Al Jowhari, from Ibn Umarah, from his father, from Jabir Al Ju'fy,

From Abu Ja'far^{-asws}, having said: 'The woman has half the inheritance of the man, and her wergild is half the wergild of the man, and a woman and a man are equal in compensation for

¹⁶⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 8

¹⁶⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 9

¹⁶⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 1

injuries until it reaches one-third of the full blood money. When it exceeds one-third, the man's amount increases and the woman's decreases'.¹⁶⁹¹

3- ل، الخصال فيما أوصى به النبي ص علياً ع أَنَّ عَبْدَ الْمُطَّلِبِ سَأَلَ فِي الْجَاهِلِيَّةِ فِي الْقَتْلِ مِائَةً مِنَ الْإِبِلِ فَأَجْرَى اللَّهُ عَزَّ وَ جَلَّ ذَلِكَ فِي الْإِسْلَامِ.

(The book) 'Al Khisaal' –

Among what the Prophet^{-saww} advised Ali^{-asws} with: 'Abdul Muttalib^{-as} established a practice (Sunnah) during the pre-Islamic period for one hundred camels (compensation) regarding the murder. Allah^{-azwj} Mighty and Majestic Flowed than in Al-Islam'.¹⁶⁹²

4- ع، علل الشرائع ابْنُ الْمُتَوَكِّلِ عَنْ سَعْدٍ عَنْ ابْنِ عِيْسَى عَنْ ابْنِ حُبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ مُسْلِمٍ قُتِلَ وَ لَهُ أَبٌ نَصْرَانِيٌّ لِمَنْ تَكُونُ دِينُهُ قَالَ تُوَحَّدُ دِينُهُ فَتُجْعَلُ فِي بَيْتِ مَالِ الْمُسْلِمِينَ لِأَنَّ جَنَابَتَهُ عَلَى بَيْتِ مَالِ الْمُسْلِمِينَ.

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Malik Bin Atiyya, from Suleyman Bin Khalid,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a Muslim man who was killed and for him was a Christian father for whom would be his wergild. He^{-asws} said: 'His wergild would be taken and made to be in the public treasury of the Muslims because his crimes were upon the public treasury of the Muslims'.¹⁶⁹³

5- ضا، فقه الرضا عليه السلام وَ الدِّيَّةُ فِي النَّفْسِ أَلْفُ دِينَارٍ أَوْ عَشْرَةُ آلَافٍ دِرْهَمٍ وَ إِنْ كَانُوا مِنْ أَهْلِ الْإِبِلِ فَمِائَةٌ مِنَ الْإِبِلِ وَ كُلُّ مَا فِي الْإِنْسَانِ مِنْهُ وَاحِدٌ فَفِيهِ دِيَّةٌ كَامِلَةٌ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And the wergild regarding the soul is a thousand Dinars, or ten thousand Dirham, and if it was from the camels, it is a hundred camels, and all what is within a human being one from him (every single limb), there is complete wergild regarding it'.¹⁶⁹⁴

6- شي، تفسير العياشي ع ابْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي أَبْوَابِ الدِّيَّاتِ فِي الْخَطِّ شِبْهُ الْعَمْدِ إِذَا قَتَلَ بِالْعَصَا أَوْ بِالسَّوْطِ أَوْ بِالْحِجَارَةِ يُعْلَظُ دِينُهُ وَ هُوَ مِائَةٌ مِنَ الْإِبِلِ أَرْبَعُونَ خَلْفَةً بَيْنَ ثُنْيَيْهِ إِلَى تَاوِيلِ عَامِهَا وَ ثَلَاثُونَ جَفَّةً وَ ثَلَاثُونَ بَنْتَ لَبُونٍ

Tafseer Al Ayyashi – from Ibn Sinan,

From Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} ruled in matters of wergild that in cases of accidental killing resembling intentional killing, when a person is killed with a stick, a whip, or stones, the wergild is made more severe, being one hundred camels - forty of them pregnant she-camels between the age of a 'Saniya' and one that has completed its year, thirty 'Hiqqah' (three-year-old she-camels), and thirty 'Bint Labun' (two-year-old she-camels).

¹⁶⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 2

¹⁶⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 3

¹⁶⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 4

¹⁶⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 5

وَقَالَ فِي الْخَطِ دُونَ الْعَمْدِ يَكُونُ فِيهِ ثَلَاثُونَ حِقَّةً وَ ثَلَاثُونَ بِنْتُ لَبُونٍ وَ عِشْرُونَ بِنْتُ مَخَاضٍ وَ عِشْرُونَ ابْنُ لَبُونٍ

He^{asws} also said that in pure accidental killing (that is not like intentional killing), the compensation is thirty 'Hiqqah', thirty 'Bint Labun', twenty 'Bint Mahaz' (one-year-old she-camels), and twenty male 'Ibn Labun'.

دَكَرَ وَ قِيمَةُ كُلِّ بَعِيرٍ مِنَ الْوَرِقِ مِائَةُ دِرْهَمٍ وَ عَشْرَةُ دِينَارٍ وَ مِنَ الْغَنَمِ إِذَا لَمْ يَكُنْ بِقِيمَةِ نَابِ الْإِبِلِ لِكُلِّ بَعِيرٍ عِشْرُونَ شَاةً.

He^{asws} mentioned: 'The value of each camel in silver is one hundred Dirhams and ten Dinars; and if payment is made in sheep instead of camels, and their value does not reach that of camels with full-grown teeth, then for each camel there shall be twenty sheep'.¹⁶⁹⁵

7- شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: كَانَ عَلِيٌّ ع يَقُولُ فِي الْخَطِ خَمْسٌ وَ عِشْرُونَ بِنْتُ لَبُونٍ وَ خَمْسٌ وَ عِشْرُونَ بِنْتُ مَخَاضٍ وَ خَمْسٌ وَ عِشْرُونَ حِقَّةً وَ خَمْسٌ وَ عِشْرُونَ جَذَعَةً

Tafseer Al Ayyashi – From Abdul Rahman,

From Abu Abdullah^{asws} having said: 'Ali^{asws} had said regarding accidental killing: 'Twenty-five 'Bint Labun' (two-year-old she-camels), twenty-five 'Bint Makhaz' (one-year-old she-camels), twenty-five 'Hiqqah' (three-year-old she-camels), and twenty-five 'Jazah' (four-year-old she-camels)'.

وَقَالَ فِي شِبْهِ الْعَمْدِ ثَلَاثٌ وَ ثَلَاثُونَ جَذَعَةً بَيْنَ الثَّنِيَّةِ إِلَى بَازِلٍ عَامَهَا كُلُّهَا خِلْفَةً وَ أَرْبَعٌ وَ ثَلَاثُونَ ثَنِيَّةً.

And he^{asws} said regarding killing that resembles intentional killing: 'Thirty-three 'Jazah' between 'Saniya' and those that have completed their year, all of them pregnant, and thirty-four 'Saniya'.¹⁶⁹⁶

8- شي، تفسير العياشي عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: دِيَّةُ الْخَطِ إِذَا لَمْ يُرِدِ الرَّجُلُ مِائَةً مِنَ الْإِبِلِ أَوْ عَشْرَةَ آلَافٍ مِنَ الْوَرِقِ أَوْ أَلْفَ مِنَ الشَّاةِ

(The book) 'Tafseer Al Ayyashi' – From Ali Bin Abu Hamza,

From Abu Abdullah^{asws} having said: 'The wergild for accidental killing, when the man did not intend it, is one hundred camels, or ten thousand silver Dirhams, or one thousand sheep'.

وَقَالَ دِيَّةُ الْمُعْطَلَةِ الَّتِي شِبْهُ الْعَمْدِ وَ لَيْسَ بِعَمْدٍ أَفْضَلُ مِنْ دِيَّةِ الْخَطِ بِأَسَنَانِ الْإِبِلِ ثَلَاثٌ وَ ثَلَاثُونَ حِقَّةً وَ ثَلَاثٌ وَ ثَلَاثُونَ جَذَعَةً وَ أَرْبَعٌ وَ ثَلَاثُونَ ثَنِيَّةً كُلُّهَا طَرَوْقَةُ الْقَمَلِ.

He^{asws} said: 'The aggravated wergild, which is for killing that resembles intentional killing but is not intentional, is greater than that of accidental killing in the ages of the camels - thirty-three 'Hiqqah' (three-year-old she-camels), thirty-three 'Jazah' (four-year-old she-camels),

¹⁶⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 6

¹⁶⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 7

and thirty-four 'Saniya' (five-year-old she-camels), all of them having been mounted by a male'.¹⁶⁹⁷

9- شي، تفسير العياشي عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ قَالَ: سَمِعْتُ جَعْفَرُ بْنَ مُحَمَّدٍ عَنِ الْقَوْلِ اللَّهِ - وَ مَا كَانَ لِلْمُؤْمِنِ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً وَ مَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَ دِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ

Tafseer Al Ayyashi – From Mas'ada Bin Sadaqa who said,

'Ja'far^{-asws} Bin Muhammad^{-asws} was asked about Words of Allah^{-azwj}: **'And it was not for a Momin that he kills a Momin except in error; and the one who kills a Momin in error, so he should free a Momin slave and give wergild of a Muslim to his family [4:92].**

قَالَ أَمَّا تَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ أَمَّا الدِّيَّةُ الْمُسَلَّمَةُ إِلَى أَهْلِيَاءِ الْمَقْتُولِ - فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ

He^{-asws} said: 'As for freeing a Momin slave it is regarding what is between him and Allah^{-azwj}, and as for the wergild of a Muslim to guardians of the killed one, **But if he was from a people inimical to you [4:92]**'.

قَالَ وَ إِنْ كَانَ مِنْ أَهْلِ الشِّرْكِ الَّذِينَ لَيْسَ لَهُمْ فِي الصَّلَاحِ - وَ هُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ لَيْسَ عَلَيْهِ الدِّيَّةُ - وَ إِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَ بَيْنَهُمْ مِيثَاقٌ وَ هُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ دِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ.

He^{-asws} said: 'And if he was from the Polytheist people, those not having the reconciliation for them: **and he is a Momin, so he should free a Momin slave**, regarding what is between him and Allah^{-azwj}, and the wergild isn't upon him; **And if he was from a people who, between you and them is a covenant**, regarding what is between him and Allah^{-azwj}: **and give wergild of a Muslim to his family [4:92]**'.¹⁶⁹⁸

10- شي، تفسير العياشي عَنْ حَفْصِ بْنِ الْبَحْتَرِيِّ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ وَ مَا كَانَ لِلْمُؤْمِنِ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً إِلَى قَوْلِهِ فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَ هُوَ مُؤْمِنٌ

Tafseer Al Ayyashi – From Hafs Bin Al Bakhtari, from the one who mentioned it,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And it was not for a Momin that he kills a Momin except in error** - up to His^{-azwj} Words: **But if he was from a people inimical to you, and he is a Momin [4:92]**.

قَالَ إِذَا كَانَ مِنْ أَهْلِ الشِّرْكِ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ لَيْسَ عَلَيْهِ دِيَّةٌ - وَ إِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَ بَيْنَهُمْ مِيثَاقٌ فَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ وَ تَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ

He^{-asws} said: 'And if he was from the Polytheist people, it is freeing of a Momin neck regarding what is between him and Allah^{-azwj} and there isn't any wergild upon him: **And if he was from**

¹⁶⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 8

¹⁶⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 9

a people who, between you and them is a covenant, so it is giving of wergild to his family and freeing a Momin slave [4:92]'.

قَالَ تَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ دِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِيهِ.

He^{-asws} said: 'Freeing a Momin slave in what is between him and Allah^{-azwj}, and wergild of a Muslim is to his guardians'.¹⁶⁹⁹

11- شي، تفسير العياشي عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ عَ أَوْ أَبِي الْحَسَنِ ع قَالَ: سَأَلْتُ أَحَدَهُمَا عَمَّنْ قَتَلَ مُؤْمِنًا هَلْ لَهُ تَوْبَةٌ

Tafseer Al Ayyashi – From Sama'at Bin Mihran,

From Abu Abdullah^{-asws} or Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked one of the two about the one who kills a Momin, 'Is there repentance for him?'

قَالَ لَا حَتَّى يُؤَدِّيَ دِيَّتَهُ إِلَى أَهْلِهِ وَ يُعَيِّقَ رَقَبَةً مُؤْمِنَةً وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يَسْتَغْفِرَ رَبَّهُ وَ يَتَضَرَّعَ إِلَيْهِ فَأَرْجُو أَنْ يُتَابَ عَلَيْهِ إِذَا هُوَ فَعَلَ ذَلِكَ

He^{-asws} said: 'No, until he pays his wergild to his family, and liberates a Momin neck, and fasts two months consecutive, and he seeks Forgiveness of his Lord^{-azwj} and beseeches to Him^{-azwj}, so I^{-asws} will hope that He^{-azwj} would Turn (Mercifully) to him when he has done that'.

فُلْتُ إِنْ لَمْ يَكُنْ لَهُ يُؤَدِّي دِيَّتَهُ

I said, 'If there does not happen to be for him to pay his wergild?'

قَالَ يَسْأَلُ الْمُسْلِمِينَ حَتَّى يُؤَدِّيَ دِيَّتَهُ إِلَى أَهْلِهِ.

He^{-asws} said: 'He should ask (borrow from) the Muslims until he pays off his wergild to his family'.¹⁷⁰⁰

12- شي، تفسير العياشي عَنِ الْحُلَيْيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - فَمَنْ عَفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعَ بِالْمَعْرُوفِ وَ أَدَاءٍ إِلَيْهِ بِإِحْسَانٍ

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **But the one who has pardon for him from his brother with something, so he should pursue it with the reasonableness, and pay to him with goodness [2:178].**

قَالَ يَنْبَغِي لِلَّذِي لَهُ الْحَقُّ أَلَّا يُعَسِّرَ أَخَاهُ إِذَا كَانَ قَادِرًا عَلَى دِيَّتِهِ وَ يَنْبَغِي لِلَّذِي عَلَيْهِ الْحَقُّ [بِالْمَعْنَى أَصْلَحْتُ] أَنْ لَا يُتَاعِلَ أَخَاهُ إِذَا قَدَرَ عَلَى مَا يُعْطِيهِ وَ يُؤَدِّيَ إِلَيْهِ بِإِحْسَانٍ

He^{-asws} said: 'It is befitting for the one who has the right (to receive) not to make things difficult for his brother if he is (un)able to pay his blood money, and it is proper for the one upon

¹⁶⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 10

¹⁷⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 11

whom the right is due not to delay his brother when he is able to give what is required, but to pay it with kindness’.

قَالَ يَغْنِي إِذَا وَهَبَ الْقَوْدُ أَتْبَعُوهُ بِالْدِّيَةِ إِلَى أَوْلِيَاءِ الْمَقْتُولِ لِكَيْ لَا يَبْطُلَ دَمُ امْرِئٍ مُسْلِمٍ.

He^{-asws} said: ‘The meaning that when the right of retaliation is forgiven, they should follow it with the payment of wergild to the heirs of the slain so that the blood of a Muslim person is not nullified’.¹⁷⁰¹

13- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَخِيهِمَا ع فِي قَوْلِهِ فَمَنْ غَفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ مَا ذَلِكَ

Tafseer Al Ayyashi – From Abu Baseer,

From one of the two (5th or 6th Imam^{-asws}) regarding His^{-azwj} Words: **But the one who has pardon for him from his brother with something [2:178]**, ‘What is that?’

قَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَةَ فَأَمَرَ اللَّهُ الَّذِي لَهُ الْحَقُّ أَنْ يَتَّبِعَهُ بِمَعْرُوفٍ وَ لَا يُعَسِّرَهُ وَ أَمَرَ اللَّهُ الَّذِي عَلَيْهِ الدِّيَةُ أَنْ لَا يَمْطُلَهُ وَ أَنْ يُؤَدِّيَ إِلَيْهِ بِإِحْسَانٍ إِذَا أُيسِّرَ.

He^{-asws} said: ‘He is the man who accepts the wergild, so Allah^{-azwj} Commanded the one having the right for him that he pursues it with kindness and not bankrupt him, and Allah^{-azwj} Command the one upon him is payment of the wergild that he should not delay it and to pay it to him with goodness when he is affluent’.¹⁷⁰²

14- شي، تفسير العياشي عَنِ الْخَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ قَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَةَ أَوْ يَغْفُو أَوْ يُصَالِحُ ثُمَّ يَعْتَدِي فَيَقْتُلُ فَلَهُ عَذَابٌ أَلِيمٌ

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws}, he (the narrator) said, ‘I asked him^{-asws} about Words of Allah^{-azwj}: **So the one who exceeds after that, for him would be a painful Punishment [2:178]**. He^{-asws} said: ‘He is the man who accepts the wergild, or pardons, or reconciles, then he exceeds, so he kills, for him is the painful Punishment’.

وَ فِي نُسْخَةٍ أُخْرَى فَيَلْقَى صَاحِبَهُ بَعْدَ الصُّلْحِ فَيَمْتَلِكُ بِهِ فَلَهُ عَذَابٌ أَلِيمٌ.

And in another copy: ‘He meets his companion after the reconciliation, and he mutilates him. For him is the painful punishment’.¹⁷⁰³

¹⁷⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 12

¹⁷⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 13

¹⁷⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 14

15- قب، المناقب لابن شهر آشوب الأحكام الشرعية عن الخزاز القمي قال سلمة بن كهيل قال: أتى أمير المؤمنين ع برجل قد قتل رجلاً خطأ فقال ع له من عشيرتك و قرابتك

(The book) 'Al Manaqib' of Ibn shehr Ashub, (and) 'Al Ahkam Al Sharia' – from Al Khazzan Al Qummi who said, 'Salama Bin Kuheyl who said,

'Amir Al-Momineen^{asws} was brought a man who had killed a man accidentally. He^{asws} said to him: '(Where are) your clan members and your relatives?'

قال قرأتي بالموصل

He said, 'My relatives are in Mosul'.

قال فسأل عنه أمير المؤمنين ع فلم يجد له قرابة فكتب إلى عامله بالموصل أنما بعد فإن فلان بن فلان و حليته كذا و كذا قتل رجلاً من المسلمين خطأ فذكر أنه من أهل الموصل و أن له بها قرابة و أهل بيت

He (the narrator) said, 'Amir Al-Momineen^{asws} asked about him but could not find any relative for him. He^{asws} wrote to his^{asws} office bearer in Mosul: 'As for after, so and so son of so and so, and his appearance is such and such, killed a man from the Muslims accidentally. He mentioned that he is from the people of Mosul and there are relatives of his at it and family members.

و قد بحثت به إليك مع رسولي فلان بن فلان و حليته كذا و كذا فإذا ورد عليك إن شاء الله و قرأت كتابي فأخصص عن أمره و سل عن قرابته من المسلمين

And I^{asws} am sending him to you with my^{asws} messenger so and so, son of so and so, and his appearance is such and such, when it arrives to you, if Allah^{azwj} so Desires, and you have ready my^{asws} letter, then check out his matter and ask about his relatives from the Muslims.

فإن كان من أهل الموصل من ولد بها و أصبت له بها قرابة من المسلمين فأجمعهم ثم انظر إن كان منهم رجل يرثه له سهم في الكتاب - لا يحجب عن ميراثه أحد من قرابته و كانوا قرابته سواء في النسب و كان له قرابة من قبل أبيه و قرابة من قبل أمه من الرجال المذكورين من المسلمين

If he was from Mosul, from the ones born in it and relation to him from the Muslims is correct, then gather them. Then looking whether from them was a man there is inheritance for him in the Book - no one of his relatives bars him from his inheritance, and they were equally related to him by lineage, and he had kin on his father's side and kin on his mother's side among the men mentioned among the Muslims.

ثم اجعل على قرابته من قبل أبيه ثلثي الدية و على قرابته من قبل أمه ثلث الدية و إن لم يكن له قرابة من قبل أبيه فقص الدية على قرابته من قبل أمه من الرجال المذكورين من المسلمين ثم خذهم بها و استأدهم الدية في ثلاث سنين

Then allot two-thirds of the wergild upon his relatives on his father's side and one-third to his relatives on his mother's side; and if he has no relatives on his father's side then distribute the wergild among his maternal relatives from the aforementioned Muslim men. Then take it from them and collect the wergild from them over three years.

فَإِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ مِنْ قَبْلِ أَهْلِهِ فَفُضَّ الدِّيَّةُ عَلَى أَهْلِ الْمُوَصِّلِ مِمَّنْ وُلِدَ بِهَا وَ نَشَأَ فَلَا تُدْخِلُ فِيهِمْ غَيْرَهُمْ مِنْ أَهْلِ الْبَلَدِ ثُمَّ اسْتَأْذِنَ ذَلِكَ مِنْهُمْ فِي ثَلَاثِ سِنِينَ فِي كُلِّ سَنَةٍ نَجْمٌ حَتَّى تَسْتَوْفِيَهُ إِنْ شَاءَ اللَّهُ

And if he has neither relatives on his mother's side nor relatives on his father's side then divide the wergild among the people of Mosul who were born and raised there and admit no others of the townspeople into them. Then collect that from them in three years in annual instalments until you complete it, if Allah^{-azwj} so Desires.

وَ إِنْ لَمْ يَكُنْ لِفُلَانٍ بَنٌ فَلَانٍ قَرَابَةٌ مِنْ أَهْلِ الْمُوَصِّلِ وَ لَا يَكُونُ مِنْ أَهْلِهَا فَرُدَّهُ إِلَيَّ مَعَ رَسُولِي فَلَانٍ بَنٌ فَلَانٍ إِنْ شَاءَ اللَّهُ وَ أَنَا وَلِيُّهُ وَ الْمُؤَدِّي عَنْهُ وَ لَا أُبْطِلُ دَمَ امْرِئٍ مُسْلِمٍ.

And if so and so son of so and so has no kin among the people of Mosul and is not one of them then return him to me^{-asws} with my messenger so and so son of so and so, if Allah^{-azwj} so Desires, and I^{-asws} am his guardian and the one who will pay on his behalf, and I^{-asws} will not annul the blood of a Muslim person'.¹⁷⁰⁴

16- ضا، فقه الرضا عليه السلام أَبِي سَمْعٍ أَبَا عَبْدِ اللَّهِ ع يَقُولُ قَالَ أَمِيرُ الْمُؤْمِنِينَ فِي أَبْوَابِ الدِّيَّةِ قَالَ الْخَطَاءُ شِبْهُ الْعَمْدِ أَنْ يَقْتُلَ الرَّجُلُ بِسَوْطٍ أَوْ عَصَا أَوْ بِالْحِجَارَةِ وَ دِيَّةُ ذَلِكَ يُعْلَظُ وَ هُوَ مِائَةٌ مِنَ الْإِبِلِ مِنْهَا أَرْبَعُونَ خِلْفَةً تُخْلَفُ عَنْ الْحَمْلِ أَوْ الْخِلْفَةُ الَّتِي لَقَحَتْ بَيْنَ ثَبِيَّةٍ إِلَى نَازِلِ عَامِهَا وَ ثَلَاثُونَ حِقَّةً وَ ثَلَاثُونَ ابْنَةَ لَبُونٍ الَّتِي تَتَّبِعُ أَخَوَهَا [أَخَاهَا] أَوْ أُمُّهَا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} (said): 'My^{-asws} father^{-asws} heard Abu Abdullah^{-asws} saying: 'Amir Al-Momineen^{-asws} said: 'The error resembling intentional killing is that a man kills with a whip or a stick or with stones, and the wergild for that is aggravated, being one hundred camels, of which forty are 'khilfah' that failed to conceive or the 'khilfah' that was impregnated between 'Saniya' and 'Bazil' of its year, thirty 'Hiqqah', and thirty 'Bint Labun', the one that follows its brother or its mother.

وَ الْخَطَاءُ يَكُونُ فِيهِ ثَلَاثُونَ حِقَّةً وَ ثَلَاثُونَ بِنْتُ لَبُونٍ وَ ثَلَاثُونَ بِنْتُ مَخَاضٍ الَّتِي إِخْوَتُهَا فِي بَطْنِ أُمِّهَا وَ عَشْرَةُ ابْنِ [بَنَاتٍ] لَبُونٍ ذَكَرٍ وَ قِيَمَةُ كُلِّ بَعِيرٍ مِنَ الْوَرَقِ مِائَةٌ وَ عِشْرُونَ دِرْهَمًا أَوْ عَشْرَةُ دَنَانِيرٍ وَ مِنَ الْغَنَمِ قِيَمَةُ إِنَاثٍ مِنَ الْإِبِلِ عِشْرُونَ شَاةً.

And the accidental (non-graded) case consists of thirty 'Hiqqah', thirty 'Bint Labun', and thirty 'Bint Makhaz' who are uterine sisters, and ten 'Ibn Labun' males; the value of each warq camel is one hundred and twenty Dirhams or ten dinars, and from sheep the value equivalent to a female camel is twenty sheep'.¹⁷⁰⁵

17- ختص، الإختصاص الحسن بن محبوب عن هشام بن سالم عن زياد بن سوفة عن الحكم بن عتيبة قال: قُلْتُ لِأَبِي جَعْفَرٍ ع إِنَّ الدِّيَّاتِ إِنَّمَا كَانَتْ تُؤْخَذُ قَبْلَ الْيَوْمِ مِنَ الْإِبِلِ وَ الْغَنَمِ

(The book) 'Al Ikhtisaas' – Al Hassan Bin Mahboub, from Hisham Bin Salim, from Ziyad Bin Sowqah, from Al Hakam Bin Uteyba who said,

¹⁷⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 15

¹⁷⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 16

'I said to Abu Ja'far^{-asws}, 'The wergilds have rather been taken before today, from the camels and the sheep!'

قَالَ فَقَالَ إِنَّمَا كَانَ ذَلِكَ فِي الْبَوَادِي قَبْلَ الْإِسْلَامِ فَلَمَّا ظَهَرَ الْإِسْلَامُ وَكَثُرَ الْوَرَقُ فِي النَّاسِ قَسَمَهَا أَمِيرُ الْمُؤْمِنِينَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع عَلَى الْوَرَقِ

He (the narrator) said, 'He^{-asws} said: 'But rather, that happened in the valleys before Al-Islam. When Al-Islam appeared and the silver (Dirhams) were a lot among the people, Amir Al-Momineen Ali^{-asws} Bin Abu Talib^{-asws} divided it based upon the silver''.

قَالَ الْحَكَمُ فَعُلْتُ لَهُ أَرَأَيْتَ مَنْ كَانَ أَهْلُ الْبَوَادِي مَا الَّذِي يُؤْخَذُ مِنْهُ فِي الدِّيَةِ إِبِلٌ أَوْ وَرَقٌ

Al Hakam said, 'I said to him^{-asws}, 'What is your^{-asws} view of the one who was from people of the valleys, what is that which would be taken from him in the wergild, camels or silver (Dirhams)?'

قَالَ فَقَالَ الْإِبِلُ الْيَوْمَ مِثْلُ الْوَرَقِ بَلْ هِيَ أَفْضَلُ مِنَ الْوَرَقِ فِي الدِّيَةِ إِنَّهُمْ إِنَّمَا كَانَ يُؤْخَذُ مِنْهُمْ فِي دِيَةِ الْخَطَا مِائَةٌ مِنَ الْإِبِلِ يُحْسَبُ لِكُلِّ بَعِيرٍ مِائَةٌ دِرْهَمٍ فَذَلِكَ عَشْرَةُ آلَافٍ دِرْهَمٍ

He (the narrator) said, 'He^{-asws} said: 'The camels today are like the silver (Dirhams) today. But these are better than the silver (Dirhams) regarding the wergild. But rather, they used to take from them in wergild of the accidental killing, one hundred camels in calculation for every camel being one hundred Dirhams. So that is ten thousand Dirhams''.

قُلْتُ لَهُ فَمَا أَصْنَانُ الْمِائَةِ الْبَعِيرِ

I said to him^{-asws}, 'So what are the ages of the hundred camels?'

قَالَ فَقَالَ مَا حَالٌ عَلَيْهِ الْخَوَلُ ذُمْرَانُ كُلُّهَا

He (the narrator) said, 'He^{-asws} said: 'What a year has passed upon, all males!''

قَالَ الْحَكَمُ فَسَأَلْتُهُ مَا تَقُولُ فِي الْعَمْدِ وَ الْخَطَا فِي الْقَتْلِ وَ الْجِرَاحَاتِ

Al Hakam said, 'I asked him^{-asws}, 'What are you^{-asws} saying regarding the intentional and the unintentional regarding the killing and the injuries?'

قَالَ فَقَالَ لَيْسَ الْخَطَا مِثْلَ الْعَمْدِ الْعَمْدُ فِي الْقَتْلِ وَ الْجِرَاحَاتِ فِيهِ الْقَصَاصُ وَ الْخَطَا فِي الْقَتْلِ وَ الْجِرَاحَاتِ فِيهِ الدِّيَاتُ

He (the narrator) said, 'He^{-asws} said: 'The mistake isn't like the deliberate. The deliberate in the killing and the injuries there is retaliation in it, while the mistake in the killing and injuring, the wergilds are in it''.

قَالَ ثُمَّ قَالَ يَا حَكَمُ إِذَا كَانَ الْخَطَا مِنَ الْقَتْلِ وَ الْجِرَاحَاتِ وَ كَانَ بَدُونًا فِدْيَتُهُ مَا جَنَى الْبَدَوِيُّ مِنَ الْخَطَا عَلَى أَوْلِيَائِهِ مِنَ الْبَدَوِيِّينَ

He (the narrator) said, 'Then he^{-asws} said: 'O Hakam! When the mistake happens, from the killing and the injuries, and he was a Bedouin (from the valleys), his wergild of the mistake the Bedouin had committed would be upon his guardians from the Bedouins'.

قَالَ وَ إِذَا كَانَ الْقَاتِلُ أَوْ الْجَارِحُ قَرْوِيًّا فَإِنَّ دِيَّةَ مَا جَاءَ مِنَ الْخَطِيئَةِ عَلَى أَوْلِيَائِهِ مِنَ الْقَرْوِيِّينَ.

He^{-asws} said: 'And when the killer or the injurer were townspeople, then the wergild of what mistake he had committed would be upon his guardians from the townspeople'.¹⁷⁰⁶

18- كِتَابُ مَقْصَدِ الرَّغْبِ، لِيَعْنِي قُذَمَاءُ الْأَصْحَابِ عَنْ حَنْبَلِ بْنِ إِسْحَاقَ عَنْ هَبَّةَ بْنِ الْحَصَنِ عَنْ الْحُسَيْنِ بْنِ عَلِيٍّ الْمَذْهَبِ عَنْ أَحْمَدَ بْنِ جَعْفَرٍ بْنِ مَالِكٍ عَنِ الْفَضْلِ بْنِ الْحُبَابِ عَنْ إِبْرَاهِيمَ بْنِ بَشِيرٍ عَنْ سُفْيَانَ عَنِ الْأَجَلَجِ بْنِ عَبْدِ اللَّهِ الْكِنْدِيِّ [الْكِنْدِيِّ] عَنِ الشَّعْبِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْحُلَيْلِ عَنْ زَيْدِ بْنِ أَرْقَمٍ قَالَ: أَتَى عَلِيٌّ عَ ثَلَاثَةَ نَفَرٍ وَقَعُوا عَلَى جَارِيَةٍ فِي طَهْرٍ وَاحِدٍ فَوَلَدَتْ وَلَدًا فَادَّعَوْهُ

(The book) 'Maqсад Al Raghib' of one of our ancient companions, from Hanbal Bin Is'haq, from Hibbat Bin Al Husayn, from al Husayn Bin Ali Al Mazhab, from Ahmad Bin Ja'far Bin Malik, from Al Fazl Bin Al Hubab, from Ibrahim Bin Bashir, from Sufyan, from Al Ajlah Bin Abdul Al Kadany, from Al Shaby, from Abdullah Bin Al Khaleel, from Zayd Bin Arqam who said,

'They came with three persons to Ali^{-asws} who had fallen upon (had marital relations with) a slave girl during one purity (menses-free period). She gave birth to a child. They (all) claimed it.

فَقَالَ عَلِيٌّ عَ لِأَحَدِهِمْ تَطِيبُ بِهِ نَفْسُكَ هَذَا

Ali^{-asws} said to one of them: 'Does your soul feel good for this?'

قَالَ لَا

He said, 'No'.

وَقَالَ لِالْآخَرِ تَطِيبُ بِهِ نَفْسُكَ هَذَا

And he^{-asws} said to the other: 'Does your soul feel good for this?'

قَالَ لَا

He said, 'No'.

وَقَالَ لِالْآخَرِ تَطِيبُ بِهِ نَفْسُكَ هَذَا

And he^{-asws} said to the other: 'Does your soul feel good for this?'

قَالَ لَا

¹⁷⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 17

He said, 'No'.

قَالَ أَرَأَيْكُمْ شُرَكَاءَ مُتَشَاكِسُونَ إِلَيَّ مُفَرِّعٌ بَيْنَكُمْ فَأُكْبِتُ أَصَابَهُ الْفَرْعَةُ أَغْرَمْتُهُ ثُلثِي الْقِيَمَةِ وَالزَّمْتُهُ الْوَلَدَ

He^{-asws} said: 'I^{-asws} see you being contentious partners! I^{-asws} shall draw lots between you, so whichever of you achieves the lot, I^{-asws} shall penalise him two-thirds of the price and give him the child'.

فَذَكِّرُوا ذَلِكَ لِرَسُولِ اللَّهِ ص فَقَالَ مَا أَجِدُ فِيهَا إِلَّا مَا قَالَ عَلِيٌّ ع.

They mentioned that to Rasool-Allah^{-saww}. He^{-saww} said: 'I^{-saww} do not find in it except what Ali^{-asws} said"¹⁷⁰⁷.

19- وَ بِهِ عَنِ الْقُطَيْبِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْحُسَيْنِ عَنْ مَالِكِ بْنِ سُلَيْمَانَ عَنْ إِسْمَاعِيلَ بْنِ عِيَّاشٍ عَنْ صَفْوَانَ بْنِ عُمَرَ عَنْ حُمَيْدٍ عَنْ عَبْدِ اللَّهِ أَنَّهُ قَالَ: دُكِرَ عِنْدَ النَّبِيِّ ص قَضَاءٌ قَضَاهُ عَلِيٌّ ع فَأَعْجَبَ النَّبِيُّ ص وَ قَالَ الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ فِينَا الْحِكْمَةَ أَهْلَ الْبَيْتِ ع.

And by him from 'Al Qatie', from Abdullah Bin Al Hassan, from Malik Bin Suleyman, from Ismail Bin Ayyash, from Safwan Bin Umar, from Humeid, from Abdullah having said:

'A judgment judged by Ali^{-asws} was mentioned in the presence of the Prophet^{-saww}. The Prophet^{-saww} was amazed and said: 'The Praise is for Allah^{-azwj} Whom Made the wisdom to be among us^{-asws}, People^{-asws} of the Household!'"¹⁷⁰⁸

20- كِتَابُ مَقْصَدِ الرَّغْبِ، وَ مِنْ قَضَايَا أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ رُفِعَ إِلَيْهِ أَنَّ رَجُلًا ضَرَبَ رَجُلًا عَلَى هَامَتِهِ فَادَّعَى الْمَضْرُوبُ أَنَّهُ لَا يُبْصِرُ بِعَيْنَيْهِ شَيْئًا وَ أَنَّهُ لَا يَسْمُ رَائِحَةً وَ أَنَّهُ قَدْ حَرَسَ فَلَا يَنْطِقُ

(The book) 'Kitab Maqsad Al Raghib' –

And from judgments by Amir Al-Momineen^{-asws}, a case was raised to him of a man who had struck a man upon his skull. The struck one claimed that he could no long see anything with his eyes, and he could not smell any aroma, and he had been muted so he could not speak.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع إِنَّ كَانَ صَادِقًا فَقَدْ وَجِبَ لَهُ ثَلَاثُ دِيَّاتٍ

Amir Al-Momineen^{-asws} said: 'If he was truthful, three wergilds are obligated for him!'

فَقِيلَ لَهُ وَ كَيْفَ يُسْتَبْرَأُ مِنْهُ يَا أَمِيرَ الْمُؤْمِنِينَ حَتَّى يُعْلَمَ صِدْقُهُ

It was said to him^{-asws}, 'And how can it be verified from him, O Amir Al-Momineen^{-asws}, until his truthfulness is known?'

¹⁷⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 18

¹⁷⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 19

فَقَالَ أَمَا مَا ادَّعَاهُ فِي عَيْنَيْهِ أَنَّهُ لَا يُبْصِرُ بِهَمَّا شَيْئاً فَإِنَّهُ يُسْتَبْرَأُ ذَلِكَ بِأَنْ يُقَالَ لَهُ انْظُرْ إِلَى عَيْنِ الشَّمْسِ فَإِنْ كَانَ صَحِيحاً لَنْ يَتَمَالَكَ أَنْ يُغْمِضَ عَيْنَيْهِ وَ
إِلَّا بَقِيَّتَا مَفْتُوحَتَانِ

He^{-asws} said: 'As for what he claimed about his eyes he can no longer see anything with them, that can be verified by it being said to him, 'Look at the eye of the sun!' If he was healthy (of eyes), he will never be able to control himself from closing his eyes, or else they will remain open.

وَأَمَا مَا ادَّعَاهُ فِي خَيَاشِيمِهِ فَإِنَّهُ يُسْتَبْرَأُ بِخَرَاقِ يُدْنَى مِنْ أَنْفِهِ فَإِنْ كَانَ صَحِيحاً وَصَلَتْ رَائِحَةُ الْخَرَاقِ إِلَى رَأْسِهِ فَدَمَعَتْ عَيْنَاهُ وَ نَحَى رَأْسَهُ

And as for what he claimed regarding his nostrils, it is verified by holding a burning ember close to his nose. If he is truthful and the smell of the ember reaches his head, his eyes will water and he will turn his head away.

وَأَمَا مَا ادَّعَاهُ فِي لِسَانِهِ وَ أَنَّهُ لَا يَنْطَلِقُ فَإِنَّهُ يُسْتَبْرَأُ بِإِبْرَةٍ تُضْرَبُ عَلَى لِسَانِهِ فَإِنْ خَرَجَ الدَّمُ أَحْمَرَ فَقَدْ كَذَبَ وَ إِنْ خَرَجَ الدَّمُ أَسْوَدَ فَهُوَ صَادِقٌ.

And as for what he claimed regarding his tongue that he can not speak, it can be verified by a needle struck pricking upon his tongue. If the blood emerges as red, he has lied, and if the blood emerges as black, he is truthful'.¹⁷⁰⁹

21- كِتَابُ مَقْصَدِ الرَّغِيبِ، وَ مِنْ قَضَايَا أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ مَاتَ رَجُلٌ عَلَى عَهْدِ عَلِيِّ ع وَ أُوصِيَ إِلَى رَجُلٍ وَ دَفَعَ إِلَيْهِ أَلْفَ دِينَارٍ وَ قَالَ تَصَدَّقْ مِنْهَا بِمَا أَحْبَبْتَ وَ احْبِسِ الْبَاقِي لِنَفْسِكَ

(The book) 'Kitab Maqsad Al Raghib' –

And from judgments by Amir Al-Momineen^{-asws} – In the era of Ali^{-asws} a man died and had bequeathed to a man, and handed a thousand Dinars to him and said, 'Donate in charity from it with whatever you like, and keep the rest for yourself!'

فَتَصَدَّقَ الرَّجُلُ بِمِائَةِ دِينَارٍ وَ حَبَسَ لِنَفْسِهِ تِسْعَ مِائَةِ دِينَارٍ فَقَالَ وَرَثَةُ الْمَيِّتِ لِلْوَصِيِّ تَصَدَّقْ عَنْ أَبِيْنَا خَمْسَ مِائَةِ دِينَارٍ وَ احْبِسِ لِنَفْسِكَ الْبَاقِي

So, the man donated one hundred Dinars and kept nine hundred for himself. Heirs for the deceased said to him, 'Donate five hundred Dinars on behalf of our father and keep the remainder for yourself!'

فَأَنَّى فَاحْتَصَمُوا إِلَى أَمِيرِ الْمُؤْمِنِينَ ع فَقَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ دَفَعَ أَبُوْنَا إِلَى هَذَا الرَّجُلِ أَلْفَ دِينَارٍ وَ قَالَ لَهُ تَصَدَّقْ مِنْهَا بِمَا تُحِبُّ وَ احْبِسِ لِنَفْسِكَ الْبَاقِي -
فَتَصَدَّقَ مِنْهَا بِمِائَةِ دِينَارٍ وَ حَبَسَ لِنَفْسِهِ تِسْعَ مِائَةِ دِينَارٍ وَ خُشُّ نَسْأَلُهُ أَنْ يَتَصَدَّقَ مِنْهَا بِخَمْسِ مِائَةِ دِينَارٍ وَ يَحْبِسَ لِنَفْسِهِ خَمْسَ مِائَةِ

He refused. They brought the dispute to Amir Al-Momineen^{-asws}. They said, 'O Amir Al-Momineen^{-asws}! Our father had handed a thousand Dinars to his man and said to him, 'Donate from it whatever you like and keep the rest for yourself'. So he donated one hundred Dinars

from these and kept nine hundred Dinars for him, and we asked him to donate five hundred from it and he can keep five hundred for himself!’

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع أَجِبْهُمْ إِلَى ذَلِكَ

Amir Al-Momineen^{-asws} said to him, ‘Answer them to that!’

فَأَبَى

He refused.

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ يَحِبُّ عَلَيْكَ أَنْ تَتَصَدَّقَ بِتِسْعِمِائَةِ دِينَارٍ فَإِنَّ الَّذِي أَحْبَبْتَ تِسْعِمِائَةِ دِينَارٍ وَ الْمِائَةُ دِينَارٍ لَكَ مِنْ جُمْلَةِ أَلْفِ دِينَارٍ.

Amir Al-Momineen^{-asws} said to him: ‘It obligates upon you to donate nine hundred Dinars, for that which you ‘liked’ was nine hundred Dinars, and the hundred Dinars are for you from the total of a thousand Dinars’.¹⁷¹⁰

22- كِتَابُ مَقْصَدِ الرَّغِيبِ، قِيلَ أَيْ أَمِيرُ الْمُؤْمِنِينَ ع بِرَجُلٍ وَجَدَ فِي حَرَبَةٍ وَ يَدَيْهِ سِكِّينٌ تَلَطَّخَ بِالدَّمِ وَ إِذَا رَجُلٌ مَذْبُوحٌ مُشْحَطٌ فِي دَمِهِ

(The book) ‘Kitab Maqsad Al Raghib’ –

It is said that Amir Al-Momineen^{-asws} was brought a man who had been found in a ruin and there was a knife in his hand dripping with blood, and there was a slaughtered man rolling in his blood.

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع مَا تَقُولُ يَا ذَا الرَّجُلِ

Amir Al-Momineen^{-asws} said to him: ‘What do you say, O man?’

فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ أَنَا قَتَلْتُهُ

He said, ‘O Amir Al-Momineen^{-asws}! I killed him’.

قَالَ اذْهَبُوا إِلَى الْمَقْتُولِ فَادْفِنُوهُ

He^{-asws} said: ‘Go with him to the killed one and bury him!’

فَلَمَّا أَرَادُوا قَتْلَ الرَّجُلِ جَاءَ رَجُلٌ مُسْرِعٌ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ وَ اللَّهُ وَ حَقِّي عَيْنِي رَسُولِ اللَّهِ ص أَنَا قَتَلْتُهُ وَ مَا هَذَا بِصَاحِبِهِ

When they wanted to kill, the man, a man came hurriedly. He said, ‘O Amir Al-Momineen^{-asws}! By Allah^{-azwj} and the right of the eyes of Rasool-Allah^{-saww}! I killed him, and this one is not its perpetrator’.

¹⁷¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 21

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَذْهَبُوا بِهِمَا اثْنَيْهِمَا إِلَى حَسَنِ ابْنِي وَ أَخْبِرُوهُ بِقَصَّتِهِمَا لِيَحْكُمَ بَيْنَهُمَا

Amir Al-Momineen^{-asws} said: 'Go with them both to my^{-asws} son^{-asws} Hassan^{-asws} and inform him^{-asws} of their story for him^{-asws} to judge between the two!'

فَذَهَبُوا بِهِمَا إِلَى حَسَنِ ع فَأَخْبِرُوهُ بِمَا لَيْسَ بِهِمَا إِلَى أَمِيرِ الْمُؤْمِنِينَ ع فَقَالَ الْحَسَنُ رُدُّوهُمَا إِلَيَّ أَمِيرُ الْمُؤْمِنِينَ وَ قُولُوا إِنَّ هَذَا قَتَلَ ذَلِكَ بِإِفْرَارِهِ فَقَدْ أَحْيَا هَذَا بِإِفْرَارِهِ يَقْتُلُ ذَلِكَ يُطْلَقُ عَنْهُمَا جَمِيعاً وَ يُخْرَجُ دِيَةُ الْمَقْتُولِ مِنْ بَيْتِ الْمَالِ مَالٍ لِلْمُسْلِمِينَ [مَالِ الْمُسْلِمِينَ] فَقَدْ قَالَ اللَّهُ تَعَالَى - وَ مَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعاً

They went with them to Hassan^{-asws}. They informed him^{-asws} with the words of Amir Al-Momineen^{-asws}. Al-Hassan^{-asws} said: 'Go to Amir Al-Momineen^{-asws} and say that this one had killed that one by his acceptance. He has revived this one by his confession to the killing of that one. He^{-asws} should free them both and extract wergild of the killed one from the public treasury of the Muslims, for Allah^{-azwj} the Exalted Said: **and the one who revives it (a person), so it would be as if he has revived the entirety of the people [5:32]**'.

وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع فَمَا حَمَلَكَ عَلَى إِفْرَارِكَ عَلَى نَفْسِكَ بِقَتْلِهِ

And Amir Al-Momineen^{-asws} said: 'What carried you upon your acceptance upon yourself of his killing?'

فَقَالَ يَا أَمِيرُ الْمُؤْمِنِينَ وَ مَا كُنْتُ أَصْنَعُ وَ هَلْ كَانَ يَنْفَعُنِي الْإِنْكَارُ وَ قَدْ أَخَذْتُ وَ بِيَدِي سِكِّينٌ مُتَلَطِّخٌ بِالدَّمِ وَ أَنَا عَلَى رَجُلٍ مُتَشَخِّطٍ فِي دَمِهِ وَ قَدْ شَهِدَ عَلَيَّ مِثْلُ ذَلِكَ وَ أَنَا رَجُلٌ كُنْتُ دَجَبْتُ شَاءَ بِحَنْبِ الْحَرَبَةِ فَأَخَذَنِي الْبُؤْلُ فَدَخَلْتُ الْحَرَبَةَ فَالْرَجُلُ مُتَشَخِّطٌ فِي دَمِهِ وَ أَنَا عَلَى الْحَالِ.

He said, 'O Amir Al-Momineen^{-asws}, and what could have I done, and would the denial have benefitted me and I had been seized with a knife in my hand dripping blood, and I was stained in his blood, and they had testified upon me similar to that? And I am a man who had slaughtered a sheep by a side of the ruins. The urination seized me so I entered the ruins and the man was soaked in his blood, and I am upon the situation'.¹⁷¹¹

باب 44 ديات المنافع و الأطراف و أحكامها

CHAPTER 44 – WERGILDS FOR THE (LOSS OF) BENEFITS, AND THE LIMBS, AND THEIR RULINGS

1- يد، التوحيد، عيون أخبار الرضا عليه السلام النقاش عن ابن عثمة عن علي بن الحسن بن فضال عن أبيه عن الرضا ع قال: إِنَّ أَوَّلَ مَا خَلَقَ اللَّهُ عَزَّ وَ جَلَّ لِيُعْرِفَ بِهِ خَلْقَهُ الْكِتَابَةُ حُرُوفَ الْمُعْجَمِ

(The book) 'Al Tawheed', and 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – from Ibn Uqdah, from Ali Bin Al Hassan Bin Fazal, from his father,

From Al-Reza^{-asws} having said: 'The first of what Allah^{-azwj} Mighty and Majestic Created for Him^{-azwj} to Introduce Himself^{-azwj} to His^{-azwj} creatures, is the writing, letters of the Alphabet.

وَ إِنَّ الرَّجُلَ إِذَا ضُرِبَ رَأْسُهُ بِعَصَا فَرَعَمَ أَنَّهُ لَا يُفَصِّحُ بَعْضَ الْكَلَامِ فَالْحُكْمُ فِيهِ أَنْ تُعْرَضَ عَلَيْهِ حُرُوفُ الْمُعْجَمِ ثُمَّ يُعْطَى الدِّيَّةُ بِقَدْرِ مَا لَمْ يُفَصِّحْ مِنْهَا.

And when a man is struck on the head with a stick and claims that he can no longer pronounce some words clearly, the ruling in his case is that the letters of the alphabet should be presented to him, and he shall be given blood money in proportion to the number of letters he is unable to articulate clearly'.¹⁷¹²

2- ب، قرب الإسناد أبو البختري عن الصادق ع عن أبيه ع قال: إِنَّ رَجُلًا ضُرِبَ عَلَى رَأْسِهِ فَسَلِسَ بَوَلُّهُ فَرُفِعَ إِلَى عَلِيٍّ ع فَقَضَى عَلَيْهِ الدِّيَّةَ فِي مَالِهِ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'A man was struck on the head, and his urine began to flow uncontrollably. He was brought before Ali^{-asws}, peace be upon him, and Ali^{-asws} ruled that full blood money be paid for him from the offender's property'.¹⁷¹³

3- ضا، فقه الرضا عليه السلام كُلُّ مَا فِي الْإِنْسَانِ مِنْهُ وَاحِدٌ فِقِيهِ دِيَّةٌ كَامِلَةٌ وَ كُلُّ مَا فِي الْإِنْسَانِ مِنْهُ اثْنَانِ فِقِيهِمَا الدِّيَّةُ تَامَةٌ وَ فِي إِحْدَاهُمَا النِّصْفُ وَ جُعِلَ دِيَّةُ الْجِرَاحِ فِي الْأَعْضَاءِ عَلَى حَسَبِ ذَلِكَ فَدِيَّةُ كَسْرِهِ نِصْفُ دِيَّتِهِ وَ دِيَّةُ مُوَضَّحَتِهِ رُبْعُ دِيَّةِ كَسْرِهِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'All what in the human being there is one (single) from him, in it is the complete wergild, and all what in the human being there are two from him, regarding these is the complete wergild, and regarding one of these is the half, and wergild of the injury is made to be upon that calculation. So, the wergild of a break (of a bone) its wergild is half, and the wergild of an injury exposing a bone is a quarter wergild of its break.

بَابُ الْعَيْنِ فَإِذَا أُصِيبَ الرَّجُلُ فِي إِحْدَى عَيْنَيْهِ بِعَلَّةٍ مِنَ الرَّمْيِ أَوْ غَيْرِهِ فَأَيُّهَا تَقَارَسُ بِنِصْفَةٍ تُرْبَطُ عَلَى عَيْنِهِ الْمُصَابَةِ فَيُنْظَرُ مَا مُنْتَهَى بَصَرِ عَيْنِهِ الصَّحِيحَةِ ثُمَّ يُعْطَى عَيْنُهُ الصَّحِيحَةُ فَيُنْظَرُ مَا مُنْتَهَى عَيْنِهِ الْمُصَابَةِ فَيُعْطَى دِيَّتُهُ بِحَسَابِ ذَلِكَ

Subject of the eye - If a man's eye is injured by an arrow or something else, his sight is to be measured by placing an egg-shaped covering over the injured eye and observing the extent of vision in his sound eye. Then his healthy eye is covered, and the extent of vision in the injured eye is observed. He is then given wergild in proportion to that measure.

وَ الْقَسَامَةُ عَلَى هَذِهِ السِّيَةِ تَقَرُّ فَإِنْ كَانَ مَا ذَهَبَ مِنْ بَصَرِهِ السُّدُسَ حَلَفَ وَحْدَهُ وَ أُعْطِيَ وَ إِنْ كَانَ ثُلُثَ بَصَرِهِ حَلَفَ وَ حَلَفَ مَعَهُ رَجُلٌ وَ إِنْ كَانَ نِصْفَ بَصَرِهِ حَلَفَ وَ حَلَفَ مَعَهُ رَجُلَانِ وَ إِذَا كَانَ ثُلُثِي بَصَرِهِ حَلَفَ وَ حَلَفَ مَعَهُ ثَلَاثُ رِجَالٍ وَ إِنْ كَانَ بَصَرُهُ كُلُّهُ حَلَفَ وَ حَلَفَ مَعَهُ خَمْسَةُ رِجَالٍ فَإِنْ لَمْ يُوجَدْ مَنْ يَحْلِفُ مَعَهُ وَ عَيِّي عَلَيْهِ بِحَدِّ الْحِسَابِ لَمْ يُعْطَ إِلَّا مَا حَلَفَ عَلَيْهِ

The oath (Qasamah) is determined by these six degrees - if one-sixth of his sight is gone, he swears alone and is given wergild; if one-third of his sight is gone, he swears and another man

¹⁷¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 1

¹⁷¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 2

swears with him; if half his sight is gone, he swears along with two men; if two-thirds of his sight is gone, he swears with three men; and if all his sight is gone, he swears with five men. If no one can be found to swear with him, and he cannot establish his case by this measure, he is given wergild only for what he swore to.

بَابُ الْأُذُنِ وَ فِي الْأُذُنِ الْقِصَاصُ وَ دِيَّتُهَا خَمْسُمِائَةِ دِينَارٍ وَ فِي شَحْمَةِ الْأُذُنِ ثُلَاثَا دِيَّةِ الْأُذُنِ فَإِنْ أَصَابَهُ [أَصَابَ] السَّمْعُ شَيْءٌ فَعَلَى قِيَاسِ الْعَيْنِ يُصَوِّتُ لَهُ بِشَيْءٍ يُصَوِّتُ وَ يُقَاسُ ذَلِكَ وَ الْقَسَامَةُ عَلَى مَا يَنْقُصُ مِنَ السَّمْعِ فَعَلَى مَا شَرَحْنَاهُ مِنَ الْبَصَرِ -

Subject of the ear - In the case of the ear, there is retaliation, and its full wergild is five hundred Dinars. For the earlobe, the wergild is two-thirds of the ear's wergild. If the hearing is affected, it is measured in the same manner as the eye - a sound is sounded for him, and the degree of his hearing is tested and assessed accordingly. The oaths (Qasamah) are based on the extent to which the hearing has diminished, as explained in the case of vision.

بَابُ الصَّدْعِ إِذَا أُصِيبَ الصَّدْعُ فَلَمْ يَسْتَطِعْ أَنْ يَلْتَفِتَ حَتَّى يَنْخَرِفَ بِكُلِّيَّتِهِ نِصْفُ الدِّيَّةِ وَ مَا كَانَ دُونَ ذَلِكَ فِحِسَابِهِ -

Subject of the temple - If the temple is injured and the person can no longer turn his head without turning his whole body, half the wergild is due; and if the injury is less than that, the wergild is calculated in proportion (to the degree of impairment).

بَابُ أَشْفَارِ الْعَيْنِ إِذَا أُصِيبَ الشُّفْرُ الْأَعْلَى حَتَّى يَصِيرَ أَشْتَرُ قَدِيَّتُهُ ثُلُثُ دِيَّةِ الْعَيْنِ إِذَا كَانَ مِنْ فَوْقِ وَ إِذَا كَانَ مِنْ أَسْفَلٍ قَدِيَّتُهُ نِصْفُ دِيَّةِ الْعَيْنِ -

Subject of the eyelashes - If the upper eyelid is injured causing the eye to appear deformed, its wergild is one-third of the full wergild for the eye; and if the injury is to the lower eyelid, its wergild is half of the eye's wergild.

بَابُ الْحَاجِبِ إِذَا أُصِيبَ الْحَاجِبُ فَذَهَبَ شَعْرُهُ كُلُّهُ قَدِيَّتُهُ نِصْفُ دِيَّةِ الْعَيْنِ فَإِنْ نَقَصَ مِنْ شَعْرِهِ شَيْءٌ حُسِبَ عَلَى هَذَا الْحِسَابِ -

Subject of the eyebrows - If the eyebrow is injured and all its hair is lost, its wergild is half the wergild of the eye; and if only part of the hair is lost, the wergild is calculated proportionally.

بَابُ الْأَنْفِ فَإِنْ قُطِعَتْ أَرْزَبَةُ الْأَنْفِ قَدِيَّتُهَا خَمْسُمِائَةِ دِينَارٍ فَإِنْ أَنْفَذَتْ مِنْهُ نَافِذَةٌ فُتِلَا دِيَّةِ الْأَرْزَبَةِ فَإِنْ بَرَأَتْ وَ التَّامَتْ وَ لَمْ يَنْخَرِفْ فَحُمُسُ دِيَّةِ الْأَرْزَبَةِ وَ إِنْ كَانَتْ النَّافِذَةُ فِي إِحْدَى الْمُنْخَرَيْنِ إِلَى الْحَيْشُومِ وَ هُوَ الْحَاجِزُ بَيْنَ الْمُنْخَرَيْنِ قَدِيَّتُهَا عَشْرُ دِيَّةِ الْأَنْفِ -

Subject of the Nose - If the tip of the nose is cut-off, its wergild is five hundred Dinars. If it is pierced through, then two-thirds of the wergild for the tip of the nose is due. If it heals and closes without any defect, then one-fifth of the wergild for the tip of the nose is due. If the piercing occurs in one of the nostrils reaching the septum, which is the partition between the two nostrils, then its wergild is one-tenth of the full wergild of the nose.

بَابُ الشَّقَّةِ فَإِذَا قُطِعَ مِنَ الشَّقَّةِ الْعُلْيَا أَوْ السُّفْلَى شَيْءٌ فِحِسَابِ دِيَّتِهَا يَكُونُ الْقِسْمَةُ -

Subject of the lip - If any part of the upper or lower lip is cut off, its wergild is calculated according to the value of its wergild.

بَابُ الْخَدِّ إِذَا كَانَتْ فِيهِ نَافِذَةٌ يُرَى مِنْهَا جَوْفُ الْقَمِّ فَدَيْتُهَا مِائَتَا دِينَارٍ وَإِذَا بَرَأَ أَوْ التَّأَمَّ وَ بِهِ أَثَرٌ بَيْنَ فَدَيْتَيْهِ خَمْسُونَ دِينَاراً وَإِنْ كَانَتْ نَافِذَةً فِي الْحَدَّيْنِ كِلَيْهِمَا فَدَيْتُهَا مِائَةُ دِينَارٍ وَإِنْ كَانَتْ رَمِيَّةً فِي الْعَظْمِ حَتَّى يَنْفُذَ إِلَى الْخَتَاكِ فَدَيْتُهَا مِائَةٌ وَ خَمْسُونَ دِينَاراً وَإِنْ لَمْ يَنْفُذْ فَدَيْتُهَا مِائَةُ دِينَارٍ

Subject of the cheek - If there is a wound in it that penetrates through so that the inside of the mouth can be seen, its wergild is two hundred Dinars. If it heals or closes up but leaves a visible mark, its wergild is fifty Dinars. If there are penetrating wounds in both cheeks, the wergild is one hundred Dinars.

وَ إِنْ كَانَتْ مُوَضِّحَةً فِي الْوَجْهِ فَدَيْتُهَا خَمْسُونَ دِينَاراً وَإِنْ كَانَ بِهَا شَيْئٌ فَدَيْتُهُ دِيَّةُ الْمُوَضِّحَةِ فَإِنْ كَانَ جُرْحاً لَمْ يُوضَّحْ ثُمَّ بَرَأَ وَ كَانَ فِي الْحَدَّيْنِ فَدَيْتُهُ عَشْرُ دَنَانِيرٍ

If it is an injury to the bone that reaches through to the jaw, its wergild is one hundred and fifty Dinars, but if it does not reach through, its wergild is one hundred Dinars. If it is a wound on the face that exposes the bone, its wergild is fifty Dinars. If there is a blemish as a result, the wergild is that of a wound exposing the bone. If it is a wound that does not expose the bone and then heals, and it is in the cheeks, its wergild is ten Dinars.

فَإِنْ كَانَ فِي الْوَجْهِ صَدْعٌ فِي الْعَظْمِ فَدَيْتُهُ ثَمَانُونَ دِينَاراً وَإِنْ سَقَطَتْ مِنْهُ جِلْدَةٌ مِنْ لَحْمِ الْخَدِّ وَ لَمْ يُوضَّحْ فَكَانَ مَا سَقَطَ وَزَنَ الدِّرْهَمِ فَمَا فَوْقَ ذَلِكَ فَدَيْتُهُ ثَلَاثُونَ دِينَاراً وَ دِيَّةُ الشَّجَةِ الْمُوَضِّحَةِ فِي الرَّأْسِ وَ هِيَ الَّذِي يُوضَّحُ الْعَظَامُ أَزْوَاجُونَ دِينَاراً-

If there is a fracture in the bone of the face, its wergild is eighty Dinars. If a piece of flesh from the cheek falls off without exposing the bone, and the fallen piece weighs a Dirham or more, its wergild is thirty Dinars. The wergild for a head wound that exposes the bone is forty Dinars.

بَابُ اللِّسَانِ سَأَلْتُ الْعَالِمَ عَ عَنْ رَجُلٍ طَرَفَ لُغْلَامٍ فَقَطَعَ بَعْضَ لِسَانِهِ فَأَفْصَحَ بَعْضَ الْكَلَامِ وَ لَمْ يُفْصَحْ بَعْضٌ فَقَالَ يَفْرَأُ حُرُوفَ الْمُعْجَمِ فَمَا أَفْصَحَ بِهِ طَرِخَ مِنَ الدِّيَةِ وَ مَا [لَمْ] يُفْصَحْ بِهِ أُلْزِمَ مِنَ الدِّيَةِ

Subject of the tongue - I asked the Imam^{-asws}, about a man who struck a boy and cut off part of his tongue, and as a result, the boy could pronounce some words clearly but not others. He^{-asws} said: 'He should be asked to recite the letters of the alphabet. For those letters he can pronounce clearly, a corresponding portion of the wergild is deducted, and for those he cannot pronounce clearly, the remaining portion of the wergild is due'.

فَقُلْتُ كَيْفَ ذَلِكَ

I asked, 'How is that (calculated)?'

قَالَ بِحِسَابِ الْجُمْلِ وَ هُوَ حُرُوفُ أَبِي جَادٍ مِنْ وَاحِدٍ إِلَى أَلْفٍ وَ عَدَدُ حُرُوفِهِ ثَمَانِيَّةٌ وَ عَشْرُونَ حَرْفاً فَيُقَسَّمُ لِكُلِّ حَرْفٍ جُزْءٌ مِنَ الدِّيَةِ الْكَامِلَةِ ثُمَّ يُحِطُّ مِنْ ذَلِكَ مَا بَيَّنَّ عَنْهُ وَ يُلْزَمُ الْبَاقِي وَ دِيَّةُ اللِّسَانِ دِيَّةٌ كَامِلَةٌ-

He^{-asws} said: 'According to the numerical value of the letters, which are the letters of 'Abjad', from one to one thousand, and the total number of letters is twenty-eight. Thus, each letter represents a portion of the full wergild. The amount corresponding to the letters he can pronounce is deducted, and he is liable for the remainder, and wergild of tongue is a complete wergild'.

بَابُ الْأَسْنَانِ اعْلَمْ أَنَّ دِيَّةَ الْأَسْنَانِ سَوَاءٌ وَ هِيَ اثْنَتَا عَشْرَةَ سِنًّا سِتٌّ مِنْ فَوْقٍ وَ سِتٌّ مِنْ أَسْفَلٍ مِنْهَا أَرْبَعٌ نَتَائِيا وَ أَرْبَعٌ أَنْثَابٌ وَ أَرْبَعٌ رِيعَاتٌ

Subject of the teeth - Know that the wergild for the teeth is the same for all. There are twelve front teeth, six on the upper jaw and six on the lower, four incisors, four canines, and four lateral teeth.

دِيَّةُ كُلِّ وَاحِدَةٍ مِنْ هَذِهِ الْإِثْنَتَيْ عَشْرَةِ خَمْسُونَ دِينَارًا فَذَلِكَ سِتُّمِائَةٌ دِينَارٍ وَ إِنَّ دِيَّةَ الْأَضْرَاسِ وَ هِيَ سِتَّةٌ عَشَرَ ضَرْسًا إِنْ كَانَتِ الدِّيَّةُ مَقْسُومَةً عَلَى ثَمَانِي وَ عَشْرِينَ سِتَّاكَانَ مَا يُرَادُ مِنَ الْأَرْبَعَةِ الْمُسَمَّاةِ

The wergild for each of these twelve teeth is fifty Dinars, making a total of six hundred Dinars. The wergild for the molars, which are sixteen in number, if the total wergild is divided among the twenty-eight teeth, it corresponds to the same proportion as the other four named types.

وَ إِنْ انْكَسَرَ مِنْهَا شَيْءٌ فَبِحِسَابِهِ مِنَ الْخَمْسِينَ الدِّينَارِ - [دِينَارًا] وَ كَذَلِكَ مَا يَزَالُ [يُزَالُ] الْأَضْرَاسِ مِنْ سَوَادٍ وَ صَدْعٍ وَ كَسْرٍ فَبِحِسَابِهِ مِنَ الْخَمْسَةِ وَ عَشْرِينَ الدِّينَارِ وَ مَا نَقَصَ مِنْ أَضْرَاسِهِ أَوْ أَسْنَانِهِ عَنِ الثَّمَانِ وَ الْعِشْرِينَ خَطٌّ مِنْ أَصْلِ الدِّيَّةِ بِمَقْدَارِ مَا نَقَصَ مِنْهُ

And if a part of it is broken, then wergild shall be calculated proportionally from fifty Dinars. Likewise, for any damage to the molars such as blackening, cracking, or breaking, wergild shall be calculated proportionally from twenty-five Dinars. If the number of a person's molars or teeth decreases from twenty-eight, the total blood money is reduced in proportion to the number lost. It is also reported that if a tooth changes colour to black, its wergild is six Dinars; if it changes to red, three dinars; and if it changes to green, one and a half Dinars.

وَ زُيِّدَ إِذَا تَغَيَّرَتِ السِّنُّ إِلَى السَّوَادِ دِيَّتُهُ سِتَّةَ دَنَانِيرٍ وَ إِذَا تَغَيَّرَتْ إِلَى الْحُمْرَةِ فَثَلَاثَةُ دَنَانِيرٍ وَ إِذَا تَغَيَّرَتْ إِلَى الْخَضِرَةِ فَدِينَارٌ وَ نِصْفٌ

And it is reported that if a tooth changes to black, its wergild is six Dinars; if it changes to red, three Dinars; and if it changes to green, one and a half Dinars.

بَابُ الرَّأْسِ فِي مَوَاضِحِ الرَّأْسِ وَاحِدَتُهَا مُوضِحَةٌ خَمْسُونَ دِينَارًا وَ إِنْ نُقِلَتْ مِنْهُ الْعِظَامُ مِنْ مَوْضِعٍ إِلَى مَوْضِعٍ فَدِيَّتُهَا مِائَةٌ وَ خَمْسُونَ دِينَارًا إِنْ كَانَتْ نَاقِبَةً فَبِكَانَ تَسْمَى الْمَأْمُومَةِ وَ فِيهَا ثُلُثُ الدِّيَّةِ ثَلَاثُمِائَةٍ وَ ثَلَاثٌ وَ ثَلَاثُونَ دِينَارًا وَ ثُلُثٌ

Subject of the head - For wounds on the head that expose the bone, each such wound requires wergild of fifty Dinars. If the bones of the head are displaced from their position to another, the wergild is one hundred and fifty Dinars. If the wound penetrates through the bone, it is called a 'Ma'mumah', and its wergild is one-third of the wergild, that is, three hundred and thirty-three and one-third Dinars.

فَإِذَا صُبَّ عَلَى الرَّأْسِ مَاءٌ مَغْلِيٌّ فَشَحَطَ شَعْرَهُ حَتَّى لَا يَنْبُتَ جَمِيعُهُ فَدِيَّتُهُ كَامِلَةٌ وَإِنْ نَبَتَ بَعْضُهُ أُخِذَ مِنَ الدِّيَةِ بِحِسَابِ مَا نَبَتَ وَجَمِيعُ شِجَاجِ الرَّأْسِ عَلَى حِسَابِ مَا وَصَفْنَاهُ مِنْ أَمْرِ الْحَدَثَيْنِ

If boiling water is poured on the head and it causes the hair to fall out entirely so that it never grows again, the wergild is a full wergild. If some of the hair grows back, the wergild is reduced proportionally according to the amount that has regrown. All head wounds follow the same calculation as described regarding the cheeks.

وَمَنْ خَلَقَ رَأْسَ رَجُلٍ فَلَمْ يَنْبُتْ فَعَلَيْهِ مِائَةُ دِينَارٍ وَإِنْ خَلَقَ لِحْيَتَهُ فَلَمْ تَنْبُتْ فَعَلَيْهِ الدِّيَةُ وَإِنْ نَبَتَ فَطَالَتْ بَعْدَ نَبَاتِهَا فَلَا شَيْءَ لَهُ-

Whoever shaves another man's head and the hair does not grow back must pay one hundred Dinars. If he shaves his beard and it does not grow back, he must pay a full wergild. But if it grows back and becomes as it was before, then nothing is due.

بَابُ التَّرْقُوتِ وَإِنْ انْكَسَرَتِ التَّرْقُوتُ فَجِيرَتْ عَلَى غَيْرِ عَنَمٍ وَلَا عَيْبٍ فَدِيَّتُهَا أَرْبَعُونَ دِينَارًا فَإِنْ انْصَدَعَتْ فَدِيَّتُهَا أَرْبَعَةُ أَخْمَاسٍ كَسْرِهَا اثْنَانِ وَثَلَاثُونَ دِينَارًا وَإِذَا أُوضِحَتْ فَدِيَّتُهَا خَمْسُونَ دِينَارًا وَإِنْ نُقِلَتْ الْعِظَامُ مِنْهَا فَدِيَّتُهَا نِصْفُ دِيَةِ كَسْرِهَا عِشْرُونَ دِينَارًا وَإِنْ نُقِبَتْ فَدِيَّتُهَا رُبْعُ دِيَةِ كَسْرِهَا عَشْرَةٌ دِينَارًا-

Subject of the collar bone – If the collarbone is broken and heals properly without any deformity or defect, its wergild is forty Dinars. If it is cracked, the wergild is four-fifths of that of a full break, which is thirty-two Dinars. If the wound exposes the bone, its wergild is twenty-five Dinars. If the bone is displaced from its place, the wergild is half that of a complete break, which is twenty Dinars. If it is pierced, the wergild is one-fourth of that of a full break, which is ten Dinars.

بَابُ الْمَنْكِبَانِ [الْمَنْكِبَيْنِ] دِيَةُ الْمَنْكِبِ إِذَا كَسِرَ خُمُسُ دِيَةِ الْيَدِ مِائَةُ دِينَارٍ وَإِنْ كَانَ فِي الْمَنْكِبِ صَدْعٌ فَدِيَّتُهُ أَرْبَعَةُ أَخْمَاسٍ دِيَةِ كَسْرِهِ ثَلَاثُونَ دِينَارًا وَإِنْ وَضَحَ فَدِيَّتُهُ رُبْعُ دِيَةِ كَسْرِهِ خَمْسَةٌ وَعِشْرُونَ دِينَارًا فَإِنْ نُقِلَتْ مِنْهُ الْعِظَامُ فَدِيَّتُهُ مِائَةُ دِينَارٍ لِلْكَسْرِ وَخُمُسُونَ لِتَقْلِ الْعِظَامِ وَخَمْسَةٌ وَعِشْرُونَ دِينَارًا لِلْمُوضِحَةِ

Subject of the shoulders - The wergild for the shoulder, if it is broken, is one-fifth of the wergild for the hand, which is one hundred Dinars. If there is a crack in the shoulder, the wergild is four-fifths of that of a complete break, which is eighty Dinars. If the bone is exposed, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the bones are displaced from their position, the wergild is one hundred Dinars for the break, fifty Dinars for the displacement of the bones, and twenty-five Dinars for the exposed bone.

وَإِنْ كَانَتْ نَاقِبَةً فَدِيَّتُهَا رُبْعُ دِيَةِ كَسْرِهَا خَمْسَةٌ وَعِشْرُونَ دِينَارًا فَإِنْ رَضَّ الْمَنْكِبَ فَعَنَمَ فَدِيَّتُهُ ثُلُثُ دِيَةِ النَّفْسِ فَإِنْ فُكَّ فَدِيَّتُهُ ثَلَاثُونَ دِينَارًا-

If the wound pierces the shoulder, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the shoulder is crushed and becomes deformed, its wergild is one-third of the full wergild. If it is dislocated, its wergild is thirty Dinars.

بَابُ الْعُضْدِ دِيَّةُ الْعُضْدِ إِذَا كُسِرَتْ فَجَبِرَتْ عَلَى غَيْرِ عَتَمٍ حُمُسُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ وَ مُوضِحَتُهَا رُبْعُ كَسْرِهَا حُمُسٌ وَ عِشْرُونَ دِينَاراً وَ دِيَّةُ نَقْلِ الْعِظَامِ نِصْفُ دِيَّةِ كَسْرِهَا حُمُسُونَ دِينَاراً وَ دِيَّةُ نَقْلِهَا رُبْعُ دِيَّةِ كَسْرِهَا حُمُسٌ وَ عِشْرُونَ دِينَاراً وَ كَذَلِكَ الْمِرْفَقُ وَ الذِّرَاعُ-

Subject of the upper arm - The wergild for the upper arm, if it is broken and heals properly without deformity, is one-fifth of the wergild for the hand, which is one hundred Dinars. If the wound exposes the bone, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the bones are displaced, the wergild is half that of a complete break, which is fifty Dinars. If it is pierced, the wergild is one-fourth of that of a complete break, which is twenty-five Dinars. The same rulings apply to the elbow and the forearm.

بَابُ رَنْدِ الْيَدِ وَ الْكَفِّ إِذَا رَضُ الرَّنْدُ فَجَبِرَ عَلَى غَيْرِ عَتَمٍ وَ لَا عَنَبٍ فَبِيهِ ثُلُثُ دِيَّةِ الْيَدِ فَإِنْ فُكَّ الْكَفُّ فَتُلُثُ دِيَّةِ الْيَدِ وَ فِي مُوضِحَتِهَا رُبْعُ كَسْرِهَا حُمُسٌ وَ عِشْرُونَ دِينَاراً وَ فِي نَقْلِ عِظَامِهَا نِصْفُ دِيَّةِ كَسْرِهَا وَ فِي نَافَذَتِهَا حُمُسُ دِيَّةِ الْيَدِ فَإِنْ كَانَتْ نَاقِبَةً فَدِيَّتُهَا رُبْعُ دِيَّةِ كَسْرِهَا-

Subject of the wrist and the palm - If the wrist is crushed and heals properly without deformity or defect, its wergild is one-third of the wergild for the hand. If the palm is dislocated, its wergild is also one-third of the wergild for the hand. If the wound exposes the bone, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the bones are displaced, the wergild is half that of a full break. If the wound penetrates through, its wergild is one-fifth of the wergild for the hand. If it is pierced, its wergild is one-fourth of that of a full break.

بَابُ الْأَصَابِعِ وَ الْعُضْدِ وَ الْأَشْجَعِ فِي الْإِثْمَامِ إِذَا قُطِعَ ثُلُثُ دِيَّةِ الْيَدِ وَ دِيَّةُ أَغْصَبَةِ الْإِثْمَامِ الَّتِي فِيهَا الْكَفُّ إِذَا جَبِرَتْ عَلَى غَيْرِ عَتَمٍ وَ لَا عَنَبٍ حُمُسُ دِيَّةِ الْإِثْمَامِ وَ دِيَّةُ صَدْعِهَا سِتَّةٌ وَ عِشْرُونَ دِينَاراً وَ ثُلَاثَانِ وَ دِيَّةُ مُوضِحَتِهَا ثَلَاثَةُ دَنَانِيرٍ وَ ثُلُثُ

Subject of the fingers, and the upper arm and the joints – The wergild for cutting off the thumb is one-third of the wergild for the hand. The wergild for the tendons of the thumb located in the palm, if they heal properly without deformity or defect, is one-fifth of the wergild for the thumb. The wergild for a crack in it is twenty-six and two-thirds Dinars. The wergild for a wound that exposes the bone is three and one-third Dinars.

وَ دِيَّةُ فَكِّهَا عَشْرُ دَنَانِيرٍ وَ دِيَّةُ الْمَفْصِلِ الثَّانِي مِنْ أَعْلَى الْإِثْمَامِ إِذَا جَبِرَ عَلَى غَيْرِ عَتَمٍ وَ لَا عَنَبٍ سِتَّةٌ عَشَرَ دِينَاراً وَ دِيَّةُ الْمُوضِحَةِ فِي الْعُلْبَا أَرْبَعُ دَنَانِيرٍ وَ ثُلُثُ وَ دِيَّةُ نَقْلِ الْعِظَامِ حُمُسُ دَنَانِيرٍ وَ مَا قُطِعَ مِنْهُ فَبِحِسَابِهِ

The wergild for dislocation is ten Dinars. The wergild for the second joint at the top of the thumb, if it heals properly without deformity or defect, is sixteen Dinars. The wergild for an exposed bone in the upper part is four and one-third Dinars, and for the displacement of the bones, five Dinars. Whatever portion of the thumb is cut off, its wergild is calculated proportionally.

وَ فِي كُلِّ الْأَصَابِعِ الْأَرْبَعِ وَ فِي كُلِّ إصْبَعٍ سُدُسُ دِيَّةِ الْيَدِ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثُ وَ دِيَّةُ كَسْرِ كُلِّ مَفْصِلٍ مِنَ الْأَصَابِعِ الْأَرْبَعَةِ الَّتِي يَلِي الْكَفَّ سِتَّةٌ عَشَرَ دِينَاراً وَ ثُلُثُ وَ فِي نَقْلِ عِظَامِهَا ثَلَاثَةُ دَنَانِيرٍ وَ ثُلُثُ وَ فِي مُوضِحَتِهَا أَرْبَعَةُ دَنَانِيرٍ وَ فِي نَقْلِهَا أَرْبَعُ دَنَانِيرٍ وَ فِي فَكِّهَا حُمُسَةُ دَنَانِيرٍ

For each of the four fingers, the wergild for each entire finger is one-sixth of the wergild for the hand, which is thirty-three and one-third Dinars. The wergild for a fracture in each joint of the four fingers adjacent to the palm is sixteen and one-third Dinars. For the displacement of the bones, it is three and one-third Dinars. For an exposed bone, four Dinars. For piercing, four Dinars. For dislocation, five Dinars.

و دِيَّةُ الْمَفْصِلِ الْأَوْسَطِ مِنَ الْأَصَابِعِ إِذَا قُطِعَ خَمْسٌ وَ خَمْسُونَ دِينَاراً وَ ثُلُثٌ وَ فِي كَسْرِهَا أَحَدَ عَشَرَ دِينَاراً وَ ثُلُثٌ وَ فِي صَدْعِهِ ثَمَانِيَةَ دَنَانِيرٍ وَ نِصْفٌ وَ فِي مُوضِحَتِهَا دِينَارٌ وَ ثُلُثَانٍ وَ فِي ثَقُلِ عِظَامِهِ خَمْسَةَ دَنَانِيرٍ وَ ثُلُثٌ وَ فِي ثَقِيلِهِ دِينَارٌ وَ ثُلُثَانٍ وَ فِي فَكِّهِ ثَلَاثَةَ دَنَانِيرٍ وَ ثُلُثٌ وَ فِي الْمَفْصِلِ الْأَعْلَى مِنَ الْأَصَابِعِ الْأَرْبَعِ إِذَا قُطِعَ قَسْبَعٌ [قَسْبَعَةٌ] وَ عَشْرُونَ دِينَاراً أَوْ نِصْفُ رُبْعٍ وَ عَشْرُونَ دِينَاراً [أَوْ نِصْفُ دِينَارٍ وَ رُبْعُ عَشْرِ دِينَارٍ]

The wergild for cutting off the middle joint of a finger is fifty-five and one-third Dinars. For a fracture in it, eleven and one-third Dinars. For a crack, eight and a half Dinars. For an exposed bone, one and two-thirds Dinars. For the displacement of the bones, five and one-third Dinars. For piercing, one and two-thirds Dinars. For dislocation, three and one-third Dinars. For the upper joint of the four fingers, if it is cut off, the wergild is twenty-seven Dinars, or half a quarter and a fraction of a Dinar.

وَ فِي كَسْرِ خَمْسَةِ دَنَانِيرٍ وَ أَرْبَعَةَ أَصْحَابِ دِينَارٍ إِذَا أُصِيبَتْ ظُفُرُ إِيْثَامِ الْيَدَيْنِ عَلَى مَا يُوجِبُ الثَّقَفَةَ وَ فِي كُلِّ وَاحِدَةٍ مِنْهَا ثُلُثُ دِيَّةِ أَظْفَارِ الْيَدِ وَ دِيَّةُ أَظْفَارِ كُلِّ يَدٍ مِائَتَانِ وَ خَمْسُونَ دِينَاراً ثُلُثٌ مِنْ ذَلِكَ ثَلَاثَةٌ وَ ثَمَانُونَ دِينَاراً وَ ثُلُثٌ

For a fracture in it, five and four-fifths Dinars. If the nails of both thumbs are damaged in a way that requires treatment, the wergild for each is one-third of the total wergild for the nails of the hand. The wergild for all the nails of one hand is two hundred and fifty Dinars; thus, one-third of that is eighty-three and one-third Dinars.

وَ دِيَّةُ الْأَصَابِعِ الْأَرْبَعِ فِي كُلِّ يَدٍ مِائَةٌ وَ سِتَّةٌ وَ ثَلَاثُونَ الرُّبْعُ مِنْ ذَلِكَ وَاحِدٌ وَ أَرْبَعُونَ دِينَاراً وَ ثُلُثَانٍ وَ دِيَّةُ أَظْفَارِ الرَّجُلَيْنِ كَذَلِكَ رُبْعٌ أَوْ عَلَى كُلِّ ظُفْرٍ ثَلَاثِينَ دِينَاراً وَ الْعَمَلُ فِي دِيَّةِ الْأَظْفَارِ فِي الْيَدَيْنِ وَ الرَّجُلَيْنِ عَلَى كُلِّ وَاحِدٍ ثَلَاثُونَ دِينَاراً-

The wergild for the four fingers of each hand is one hundred and thirty-six and two-thirds Dinars; one-fourth of that is forty-one and two-thirds Dinars. The wergild for the toenails is the same. It is also reported that the wergild for each nail is thirty Dinars, and the established practice is that the wergild for each nail of both the hands and feet is thirty Dinars.

بَابُ الصَّدْرِ وَ الظَّهْرِ وَ الْأَكْتَافِ وَ الْأَضْلَاحِ وَ إِذَا انْكَسَرَ الصَّدْرُ وَ انْتَقَى شِقَاؤُهُ دِيَّةُ خَمْسِمِائَةِ دِينَارٍ وَ دِيَّةُ إِحْدَى شِقَائِهِ إِذَا انْتَقَى مِائَتَانِ وَ خَمْسُونَ دِينَاراً وَ إِذَا انْتَقَى الصَّدْرُ وَ الْكَتِفَتَيْنِ أَلْفُ دِينَارٍ وَ إِذَا انْتَقَى إِحْدَى الْكَتِفَتَيْنِ مَعَ شِقِّ الصَّدْرِ فَدِيَّتُهُ خَمْسِمِائَةِ دِينَارٍ

Subject of the chest, and the back, and the shoulders, and the ribs - If the chest is broken and both sides are bent inward, the wergild is five hundred Dinars. If only one side of the chest is bent, the wergild is two hundred and fifty Dinars. If both the chest and the shoulders are bent, the wergild for the shoulders is one thousand Dinars. If one shoulder is bent along with one side of the chest, the wergild is five hundred Dinars.

و دِيَّةُ الْمُوضِحَةِ فِي الصَّدْرِ خَمْسٌ وَ عِشْرُونَ دِينَارًا وَ إِنْ اعْتَرَى الرَّجُلَ صَعْرٌ حَتَّى لَا يَقْدِرَ أَنْ يَلْتَفِتَ فِدِيَّتُهُ خَمْسُمِائَةِ دِينَارٍ وَ إِنْ كُسِرَ الصُّلْبُ فَجَبَرَ عَلَى غَيْرِ عَيْبٍ فِدِيَّتُهُ مِائَةُ دِينَارٍ وَ إِنْ عَثِمَ فِدِيَّتُهُ أَلْفٌ دِينَارٍ وَ فِي الْأَضْلَاعِ فِيمَا خَالَطَ الْقَلْبَ إِذَا كُسِرَ مِنْهَا ضِلْعٌ فِدِيَّتُهُ خَمْسٌ وَ عِشْرُونَ دِينَارًا

The wergild for a wound that exposes the bone in the chest is twenty-five Dinars. If a man develops a stiffness in the neck so that he cannot turn his head, the wergild is five hundred Dinars. If the spine is broken and heals properly without defect, the wergild is one hundred Dinars; but if it results in deformity or disability, the wergild is one thousand Dinars. For the ribs near the heart, if one rib is broken, the wergild is twenty-five and a half Dinars.

وَ نِصْفٌ وَ دِيَّةُ نَقْلِ عِظَامِهِ سَبْعَةُ دَنَانِيرٍ وَ نِصْفٌ وَ دِيَّةُ مُوضِحَتِهِ رُبْعُ دِيَّةِ كُسْرِهِ وَ نَقْبُهُ مِثْلُ ذَلِكَ وَ فِي الْأَضْلَاعِ مِمَّا يَلِي الْعُضْدَيْنِ دِيَّةُ كُلِّ ضِلْعٍ عَشْرَةُ دَنَانِيرٍ إِذَا كُسِرَ وَ دِيَّةُ صَدْعِهِ عَشْرُ دَنَانِيرٍ وَ دِيَّةُ نَقْلِ عِظَامِهِ خَمْسٌ دَنَانِيرٍ وَ مُوضِحَتُهُ كُلِّ ضِلْعٍ رُبْعُ دِيَّةِ كُسْرِهِ دِينَارَانِ وَ نِصْفٌ

For the displacement of its bones, the wergild is seven and a half Dinars. For a wound that exposes the bone, the wergild is one-fourth of that for a fracture, and the same applies to a pierced wound. For the ribs near the upper arms, the wergild for each rib if broken is ten Dinars; for a crack, ten Dinars; for displacement of its bones, five Dinars; and for a wound exposing the bone, one-fourth of that for a fracture, which is two and a half Dinars.

فَإِنْ نُقِبَ ضِلْعٌ مِنْهَا فِدِيَّتُهُ دِينَارَانِ وَ نِصْفٌ وَ فِي عَيْبِهِ إِذَا بَرَأَ الرَّجُلُ مِائَةُ دِينَارٍ وَ خَمْسَةٌ وَ عِشْرُونَ دِينَارًا-

If a rib is pierced, its wergild is also two and a half Dinars. If a man heals with some defect, the wergild is one hundred and twenty-five Dinars.

بَابُ الْبَطْنِ فِي الْجَائِفَةِ ثُلُثُ دِيَّةِ النَّفْسِ وَ إِنْ نَقَذَتْ مِنَ الْجَانِبَيْنِ فَأَرْبَعُمِائَةِ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَارًا-

Subject of the abdomen - For a penetrating wound to the abdomen, the wergild is one-third of the full wergild. If the wound passes through from one side to the other, the wergild is four hundred and thirty-three Dinars.

بَابُ الْوَرِكِ وَ فِي الْوَرِكِ إِذَا كُسِرَ فَجَبَرَ عَلَى غَيْرِ عَثِمٍ وَ لَا عَيْبٍ خَمْسٌ دِيَّةِ الرَّجُلِ [الرَّجُلَيْنِ] مِائَتَا دِينَارٍ فَإِنْ صَدَعَ الْوَرِكُ فَأَرْبَعَةُ أَخْمَاسِ دِيَّةِ كُسْرِهِ فَإِنْ وَصَحَتْ فُرُبْعُ دِيَّةِ كُسْرِهِ وَ إِنْ نَقَلَ عِظَامُهُ فَمِائَةُ دِينَارٍ وَ خَمْسٌ وَ سَبْعُونَ دِينَارًا وَ دِيَّةُ قَلْبِ الْوَرِكِ ثَلَاثُونَ دِينَارًا فَإِنْ رُضَ فَعَثِمَ ثُلُثُ دِيَّةِ النَّفْسِ -

Subject of the hip - If the hip is broken and heals properly without deformity or defect, its wergild is one-fifth of the wergild for the leg, which is two hundred Dinars. If the hip is cracked, the wergild is four-fifths of that for a complete break. If the bone is exposed, the wergild is one-fourth of that for a complete break. If the bones are displaced, the wergild is one hundred and seventy-five Dinars. The wergild for dislocation of the hip is thirty Dinars. If it is crushed and becomes deformed, the wergild is one-third of the full wergild.

بَابُ الذَّكَرِ وَ الْأُنْثَى [الْأُنْثَى] الْبَيْضَانِ [الْبَيْضَتَانِ] أَلْفٌ دِينَارٍ وَ قَدْ رُوِيَ أَنَّ أَحَدَهُمَا يُفْضَلُ عَلَى الْأُخْرَى وَ أَنَّ الْفَاضِلَةَ هِيَ الْيُسْرَى لِمَوْضِعِ الْوَلَدِ فَإِنْ فَحِجَ فَلَمْ يَقْدِرْ عَلَى الْمَشْيِ إِلَّا شَيْئًا لَا يَنْفَعُهُ فَأَرْبَعَةُ أَخْمَاسِ دِيَّةِ النَّفْسِ ثَمَانِمِائَةِ دِينَارٍ وَ فِي الذَّكَرِ أَلْفٌ دِينَارٍ -

Subject of the male organ and the testicles - The wergild for both testicles is one thousand Dinars. It is reported that one of them is superior to the other, and the superior one is the left, for it is the place of reproduction. If a man becomes crippled and can only walk in a way that does not benefit him, the wergild is four-fifths of the full blood money, which is eight hundred Dinars. The wergild for the manhood is one thousand Dinars.

بَابُ الْفَخَذَيْنِ دِيْنُهُمَا أَلْفُ دِينَارٍ دِيْنُهُ كُلِّ وَاحِدٍ مِنْهُمَا خَمْسِمِائَةِ دِينَارٍ إِذَا كُسِرَتِ الْفَخَذُ فَجُرِيَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ فَخُمُسُ دِيْنَةِ الرَّجُلِ [الرَّجُلَيْنِ] مِائَتَا دِينَارٍ وَ إِنْ عَثَمَتِ الْفَخَذُ فَدِيْنَتُهَا ثُلُثُ دِيْنَةِ النَّفْسِ وَ دِيْنَةُ مُوَضِعِ الْعَظْمِ أَرْبَعَةُ أَخْمَاسِ دِيْنَةِ كَسْرِهَا وَ إِنْ كَانَتْ قَرْحَةً لَا تَبْرَأُ فَثُلُثُ دِيْنَةِ كَسْرِهَا وَ مُوَضِحَتُهَا رُبْعُ دِيْنَةِ كَسْرِهَا-

Subject of the thighs - The wergild for both thighs together is one thousand Dinars, and for each thigh individually five hundred Dinars. If a thigh is broken and heals without deformity or defect, its wergild is one-fifth of the wergild for the leg, which is two hundred Dinars. If the thigh becomes deformed, its wergild is one-third of the full wergild. The wergild for the site of the deformity is four-fifths of the wergild for a break. If there is an ulcer that does not heal, the wergild is one-third of the wergild for a break, and for an open wound exposing bone, it is one-fourth of the wergild for a break.

بَابُ الرُّكْبَتَيْنِ وَ فِي الرُّكْبَتَيْنِ إِذَا كُسِرَتْ وَ جُرِيَتْ عَلَى غَيْرِ عَظْمٍ خُمُسُ دِيْنَةِ الرَّجُلِ فَإِنْ انْصَدَعَتْ فَدِيْنَتُهَا أَرْبَعَةُ أَخْمَاسِ دِيْنَةِ كَسْرِهَا وَ مُوَضِحَتُهَا رُبْعُ دِيْنَةِ كَسْرِهَا وَ ثَقُلَ عِظَامُهَا مِائَتَا دِينَارٍ وَ دِيْنَةُ نَثْبِهَا رُبْعُ دِيْنَةِ كَسْرِهَا فَإِنْ رُضَّتْ فَعَثَمَتْ فَثُلُثُ دِيْنَةِ النَّفْسِ فَإِنْ فُكَّتْ فَثَلَاثُونَ دِينَارًا-

Subject of the knees - If both knees are broken and heal without deformity, the wergild is one-fifth of the wergild for the leg. If they are cracked, the wergild is four-fifths of the wergild for a break, and for an open wound, one-fourth of the wergild for a break. The wergild for displaced bones is one hundred Dinars. The wergild for a puncture is one-fourth of the wergild for a break. If they are crushed and deformed, the wergild is one-third of the full blood money. If dislocated, the wergild is thirty Dinars.

بَابُ السَّاقَيْنِ إِذَا كُسِرَتِ السَّاقَانِ فَجُرِيَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ فَفِيهِمَا مِائَتَا دِينَارٍ وَ دِيْنَةُ صَدْعِهَا أَرْبَعَةُ أَخْمَاسِ دِيْنَةِ كَسْرِهَا وَ مُوَضِحَتُهَا رُبْعُ دِيْنَةِ كَسْرِهَا وَ ثَقُلَ عِظَامُهَا مِثْلُ ذَلِكَ رُبْعُ دِيْنَةِ كَسْرِهَا وَ فِي نَثْبِهَا رُبْعُ دِيْنَةِ مُوَضِحَتِهَا وَ هُوَ خَمْسَةٌ وَ عِشْرُونَ دِينَارًا وَ الْقَرْحَةُ الَّتِي لَا تَبْرَأُ فِيهَا ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَارًا فَإِنْ عَثَمَتِ السَّاقُ فَثُلُثُ دِيْنَةِ النَّفْسِ

Subject of the shins - If both shins are broken and heal without deformity or defect, the wergild is two hundred Dinars. The wergild for a crack is four-fifths of that for a break. The wergild for an open wound exposing bone is one-fourth of the wergild for a break, and for displaced bones, the same, one-fourth of the wergild for a break. The wergild for a puncture is one-fourth of that for an open wound, which equals twenty-five Dinars. For an ulcer that does not heal, the wergild is thirty-three Dinars. If the shin becomes deformed, the wergild is one-third of the full wergild.

وَ فِي الْكَعْبِ وَ الْقَدَمِ إِذَا رُضَّ فَجُرِيَتْ عَلَى غَيْرِ عَظْمٍ فَثُلُثُ دِيْنَةِ النَّفْسِ وَ الْقَدَمُ إِذَا كُسِرَتْ فَجُرِيَتْ عَلَى غَيْرِ عَظْمٍ خُمُسُ دِيْنَةِ النَّفْسِ وَ دِيْنَةُ مُوَضِحَتِهَا رُبْعُ دِيْنَةِ كَسْرِهَا وَ فِي نَاقِبَتِهَا خُمُسُ دِيْنَةِ الْكَسْرِ وَ فِي نَاقِبَتِهَا رُبْعُ دِيْنَةِ الْكَسْرِ-

For the ankle and foot, if they are crushed and heal without deformity, the wergild is one-third of the full blood money. If the foot is broken and heals properly, the wergild is one-fifth of the full blood money. The wergild for an open wound exposing bone is one-fourth of that for a break. For a deep penetrating wound, the wergild is one-fifth of that for a break, and for a puncture, one-fourth of that for a break.

بَابُ الْأَصَابِعِ مِنَ الرَّجْلِ وَالْعَصَبِ الَّتِي فِيهَا الْقَدَمُ فِي خَمْسِ أَصَابِعٍ مِثْلُ مَا فِي أَصَابِعِ الْيَدِ مِنَ الْإِصْبَامِ وَالْمَفَاصِلِ وَدِيَّةُ الرَّجْلِ الشَّلَاءِ مِثْلُ دِيَّةِ الصَّحِيحَةِ وَ الرِّوَايَةُ مِنَ الْأَصَابِعِ وَ غَيْرِهَا وَ التَّوَاقُصُ لَا دِيَّةَ فِيهَا مَوْضُوعَةٌ مِنْ جُمْلَةِ الدِّيَّةِ -

Subject of the toes of the foot and the nerves within it - The wergild for the five toes is the same as that for the fingers of the hand, including the thumb and joints. The wergild for a paralysed foot is equal to that of a healthy one. As for extra or missing toes or other parts, there is no separate wergild for them; they are considered as part of the total wergild.

بَابُ دِيَّةِ النَّفْسِ دِيَّةُ النَّفْسِ أَلْفُ دِينَارٍ وَ دِيَّةُ نَقْصَانِ النَّفْسِ فَالْحُكْمُ أَنَّ تُحْسَبَ الْأَنْفَاسُ التَّامَّةُ وَ يُعَدُّ مِنْهَا سَاعَةٌ ثُمَّ يُحْسَبُ أَنْفَاسُ نَاقِصِ النَّفْسِ وَ يُعْطَى مِنَ الدِّيَّةِ بِمِقْدَارِ مَا يَنْقُصُ مِنْهَا.

Subject of the wergild for breath (life) - The full wergild for life is one thousand Dinars. For partial loss of breath, the ruling is that full breaths are counted over a measured time, then the breaths of the person with reduced respiration are counted in the same period, and the wergild is given in proportion to the amount of reduction in breathing.¹⁷¹⁴

4- شي، تفسير العياشي عن ابن سنان عن أبي عبد الله ع قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ ع دِيَّةُ الْأَنْفِ إِذَا اسْتُؤْصِلَ مِائَةٌ مِنَ الْإِبِلِ ثَلَاثُونَ حِقَّةً وَ ثَلَاثُونَ بَنْتَ لَبُونٍ وَ عَشْرُونَ بَنْتَ مَخَاضٍ وَ عَشْرُونَ ابْنِ لَبُونٍ ذَكَرَ [ذَكَرًا]

Tafseer Al Qummi – From Ibn Sinan,

From Abu Abdullah^{asws} ruled that the wergild for the complete removal of the nose is one hundred camels - thirty that are fully mature (hiqqah), thirty that are young but have begun to bear milk (bint labun), twenty that are younger she-camels (bint makhaz), and twenty young male camels (Ibn Labun).

وَ دِيَّةُ الْعَيْنِ إِذَا فُتِقَتْ خَمْسُونَ مِنَ الْإِبِلِ وَ دِيَّةُ ذَكَرِ الرَّجُلِ إِذَا قُطِعَ مِنَ الْحَشَقَةِ مِائَةٌ مِنَ الْإِبِلِ عَلَى أَسْبَابِ الْخَطِّ دُونَ الْعَمْدِ وَ كَذَلِكَ دِيَّةُ الرَّجْلِ وَ كَذَلِكَ دِيَّةُ الْيَدِ إِذَا قُطِعَتْ خَمْسُونَ مِنَ الْإِبِلِ وَ كَذَلِكَ دِيَّةُ الْأُذُنِ إِذَا قُطِعَتْ فَجُدِعَتْ خَمْسُونَ مِنَ الْإِبِلِ

The wergild for the loss of an eye is fifty camels. The wergild for the penis, if cut from the glans, is one hundred camels, in cases of accidental injury rather than intentional harm. The same applies to the wergild for a leg, and likewise for a hand if it is cut-off, the wergild is fifty camels. Similarly, the wergild for an ear that is cut and completely severed is fifty camels.

¹⁷¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 3

قَالَ وَ مَا كَانَ مِنْ ذَلِكَ مِنْ جُرُوحٍ أَوْ تَنكِيلٍ فَ يَحْكُمُ بِهِ دَوَا عَدْلٍ مِنْكُمْ يَغْنِي بِهِ الْإِمَامُ

He^{-asws} said, 'As for any wounds or mutilations arising from such cases, **The possessor of justice from you would judge with it [5:95]** – meaning by it the Imam^{-asws}.

قَالَ وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ.

He^{-asws} said: '**And the ones who do not judge with what Allah Revealed, so them, they are the Kafirs [5:44]**'.¹⁷¹⁵

5- شي، تفسير العياشي عن ابنِ سنانٍ عن أبي عبد الله ع قَالَ: دِيَةُ الْأَنْفِ إِذَا اسْتُؤْصِلَ مِائَةٌ مِنَ الْإِبِلِ وَالْعَيْنُ إِذَا فُتِقَتْ خَمْسُونَ مِنَ الْإِبِلِ وَالْيَدُ إِذَا قُطِعَتْ خَمْسُونَ مِنَ الْإِبِلِ وَ فِي الذَّكَرِ إِذَا قُطِعَ مِائَةٌ مِنَ الْإِبِلِ وَ فِي الْأُذُنِ إِذَا جُذِعَتْ خَمْسُونَ مِنَ الْإِبِلِ وَ مَا كَانَ مِنْ ذَلِكَ جُرُوحاً دُونَ الْمَثَلَاتِ وَالْإِصْبَعِ وَ شِبْهَهُ - يَحْكُمُ بِهِ دَوَا عَدْلٍ مِنْكُمْ - وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ.

Tafseer Al Ayyashi – From Ibn Sinan,

From Abu Abdullah^{-asws} having said: 'The wergild for the complete removal of the nose is one hundred camels. For an eye that is destroyed, the wergild is fifty camels. For a hand that is cut off, the wergild is fifty camels. For the penis that is severed, the wergild is one hundred camels. For an ear that is completely cut off, the wergild is fifty camels. As for wounds that are less than mutilation, such as the loss of a finger or similar injuries, the judgment concerning them is to be made by a just person among you. **And the ones who do not judge with what Allah Revealed, so them, they are the Kafirs [5:44]**'.¹⁷¹⁶

6- ضا، فقه الرضا عليه السلام دِيَةُ الْأَنْفِ إِذَا اسْتُؤْصِلَ مِائَةٌ مِنَ الْإِبِلِ وَالْيَدُ إِذَا قُطِعَتْ خَمْسُونَ مِنَ الْإِبِلِ وَ فِي الْجَرَاحَاتِ فِي الْجَائِفَةِ ثُلُثُ الدِّيَةِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'The wergild for the complete removal of the nose is one hundred camels. For a hand that is cut off, the wergild is fifty camels. For wounds, the wergild for a deep wound that reaches the internal cavity is one-third of the full wergild.

وَ هِيَ الَّتِي تَبْلُغُ الْجَوْفَ وَ كَذَلِكَ فِي الْمَأْمُومَةِ وَ هِيَ الَّتِي تَبْلُغُ أُمَّ الدِّمَاغِ وَ الْمَنْقَلَةَ خَمْسَ عَشْرَةَ وَ هِيَ الَّتِي تُنْقَلُ مِنْهَا الْعِظَامُ وَ فِي الشَّجَةِ الَّتِي لَمْ تُوضَعْ وَ قَدْ كَادَتْ أَنْ تُوضَعَ أَرْبَعٌ مِنَ الْإِبِلِ وَ الْمَوْضِعُ الَّتِي تُوضَعُ الْعِظَامُ وَ دِيَةُ السِّنِّ خَمْسٌ مِنَ الْإِبِلِ وَ دِيَةُ الْإِصْبَعِ عَشْرُونَ مِنَ الْإِبِلِ

The same applies to a head wound that reaches the membrane surrounding the brain. For a wound where bones are exposed and removed, the wergild is fifteen camels. For a head wound that almost exposes the bone but does not fully do so, the wergild is four camels. For a wound that exposes the bone, its wergild is likewise determined. The wergild for a tooth is five camels, and for a finger, twenty camels.

¹⁷¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 4

¹⁷¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 5

وَقَالَ أَبُو جَعْفَرٍ فِي الرَّجُلِ يَضْرِبُ الْمَرْأَةَ فَتَطْرُقُ النُّطْفَةُ عَلَيْهِ عِشْرُونَ دِينَارًا فَإِنْ كَانَتْ عَاقَةً فَعَلَيْهِ أَرْبَعُونَ دِينَارًا فَإِنْ كَانَتْ مُضْعَةً فَعَلَيْهِ سِتُونَ دِينَارًا فَإِنْ كَانَتْ عِظَامًا فَعَلَيْهِ الدِّيَّةُ.

And Abu Ja'far^{asws} said: 'If a man strikes a woman and she miscarries a foetus in the form of a sperm-drop, he must pay twenty Dinars; if it was a clot, forty Dinars; if it was a piece of flesh (a small lump), sixty Dinars; and if it had developed bones, then the full wergild is due'.¹⁷¹⁷

7- خُتِصَ، الْإِخْتِصَاصُ الْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ زِيَادِ بْنِ سُوْفَةَ عَنِ الْحَكَمِ بْنِ عُثَيْبَةَ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ عَ أَصْلَحَكَ اللَّهُ إِنَّ بَعْضَ النَّاسِ لَهُ فِي فِيمِ اثْنَتَانِ وَ ثَلَاثُونَ سِنًا وَ بَعْضُهُمْ لَهُ ثَمَانِي وَ عِشْرُونَ فَعَلَى كَمْ تُقَسَّمُ دِيَّةُ الْأَسْنَانِ

(The book) 'Al Ikhtisas' – Al Hassan Bin Mahboub, from Hisham Bin Salim, from Ziyad Bin Sowqah, from Al Hakam Bin Uteyba who said,

'I said to Abu Ja'far^{asws}, 'May Allah^{azwj} keep you^{asws} well! Some of the people have thirty-two teeth, and some of them have twenty-eight. Upon how much is wergild of the teeth to be divided?'

فَقَالَ الْخُلَفَاءُ إِنَّمَا هِيَ ثَمَانِي وَ عِشْرُونَ سِنًا - اثْنَتِي عَشْرَةَ فِي مَقَادِيمِ الْفَمِ وَ سِتَّ عَشْرَةَ سِنًا فِي مَوَاحِيِرِهِ فَعَلَى هَذَا قُسِمَتِ دِيَّةُ الْأَسْنَانِ فِدِيَّةُ كُلِّ سِنٍّ مِنَ الْمَقَادِيمِ إِذَا كُسِرَتْ حَتَّى يَذْهَبَ فَإِنَّ دِيَّتَهَا خُمُسُمِائَةِ دِرْهَمٍ وَ هِيَ اثْنَتَا عَشْرَةَ سِنًا فِدِيَّتُهَا سِتُّ أَلْفٍ دِرْهَمٍ وَ دِيَّةُ كُلِّ سِنٍّ مِنَ الْأَضْرَاسِ حَتَّى يَذْهَبَ عَلَى الْيَصْفِ مِنْ دِيَّةِ الْمَقَادِيمِ فَنَفِي كُلِّ سِنٍّ كُسِرَ حَتَّى يَذْهَبَ فَإِنَّ دِيَّتَهُ مِائَتَانِ وَ خُمُسُونَ دِرْهَمًا وَ هِيَ سِتَّةَ عَشَرَ ضَرْسًا فِدِيَّتُهَا كُلُّهَا أَرْبَعَةُ أَلْفٍ دِرْهَمٍ

He^{asws} said: 'The creation (of the dentition) rather is of twenty-eight teeth - twelve in the front of the mouth and sixteen in the molars. Based on this, the wergild for the teeth was divided. The wergild for each front tooth, if broken completely, is five hundred Dirhams, as there are twelve front teeth, making a total of six thousand Dirhams. The wergild for each molar tooth, if broken completely, is half the wergild of a front tooth. Each broken molar is valued at two hundred and fifty Dirhams, and there are sixteen molars, making their total wergild four thousand Dirhams.

فَجَمِيعُ دِيَّةِ الْمَقَادِيمِ وَ الْمَوَاحِيِرِ مِنَ الْأَسْنَانِ عَشْرَةُ أَلْفٍ دِرْهَمٍ وَ إِنَّمَا وُضِعَتِ الدِّيَّةُ عَلَى هَذَا فَمَا زَادَ عَلَى ثَمَانِي وَ عِشْرِينَ سِنًا فَلَا دِيَّةَ لَهُ وَ مَا نَقَصَ فَلَا دِيَّةَ لَهُ وَ هَكَذَا وَجَدْنَاهُ فِي كِتَابِ عَلِيِّ ع.

Thus, the total wergild for all the front and molar teeth is ten thousand Dirhams. The wergild was set in this manner, so anything beyond twenty-eight teeth has no wergild, and anything missing also has no wergild. This is how we found it recorded in the book of Ali^{asws}.¹⁷¹⁸

8- قَالَ: وَ سَأَلْتُهُ عَنْ أَصَابِعِ الْيَدَيْنِ وَ أَصَابِعِ الرَّجُلَيْنِ أَرَأَيْتَ مَا زَادَ مِنْهَا عَلَى عَشْرَةِ أَصَابِعٍ أَوْ نَقَصَ مِنْ عَشْرَةِ فِيهَا دِيَّةٌ

¹⁷¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 6

¹⁷¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 7

He said, 'And I asked him^{-asws} about fingers of the hands and toes of the legs, 'What is your^{-asws} view of what is additional from these over ten fingers (or toes), or deficient from ten, is there wergild in it?'

قَالَ فَقَالَ لِي يَا حَكَمُ الْخَلْقَةُ الَّتِي قُسِمَتْ عَلَيْهَا الدِّينَةُ عَشْرَةُ أَصَابِعٍ فِي الْيَدَيْنِ فَمَا زَادَ أَوْ نَقَصَ فَلَا دِيَّةَ لَهُ وَ عَشْرَةُ أَصَابِعٍ فِي الرِّجْلَيْنِ فَمَا زَادَ أَوْ نَقَصَ فَلَا دِيَّةَ لَهُ

He (the narrator) said, 'He^{-asws} said: 'O Hakam! The creation upon which the wergild is divided is ten fingers in the hands. So, whatever is additional or deficient, there is no wergild for it; and ten toes in the legs. So, whatever is additional to it or deficient, there is no wergild for it.

وَ فِي كُلِّ إصْبَعٍ مِنْ أَصَابِعِ الْيَدَيْنِ أَلْفٌ دِرْهَمٍ وَ فِي كُلِّ إصْبَعٍ مِنْ أَصَابِعِ الرِّجْلَيْنِ أَلْفٌ دِرْهَمٍ وَ كُلُّ مَا كَانَ فِيهَا شَلَلٌ فَهُوَ عَلَى الثُّلُثِ مِنْ دِيَةِ الصَّحَاحِ.

And regarding each finger from fingers of the hands is a thousand Dirhams, and in each toe from toes of the legs is a thousand Dirhams, and all that is paralysis in it, it is upon the third of the wergild of the healthy.¹⁷¹⁹

9- مَقْصَدُ الرَّغِيبِ، قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي رَجُلٍ قَطَعَ فَرْجَ امْرَأَةٍ فَأَلْزَمَهُ دِيَّتَهَا وَ أَجْبَرَهُ عَلَى إِمْسَاكِهَا.

(The book) Maqsad Al Raghib' –

Amir Al-Momineen^{-asws} judged regarding a man who cut the private part of a woman. He^{-asws} necessitated him her wergild and compelled him upon keeping her'.¹⁷²⁰

10- وَ قَضَى ع فِي جَارِيَتَيْنِ دَخَلَتَا الْحَمَّامَ فَافْتَضَّتْ وَاحِدَةُ الْأُخْرَى بِإِصْبَعِهَا فَأَلْزَمَهَا الْمَهْرَ وَحَدَّهَا وَ قَالَ تَمَسَّكُوا بِقَضَائِي حَتَّى تَلْقُوا رَسُولَ اللَّهِ ص فَيَكُونَ الْقَاضِي بَيْنَكُمَا

And he^{-asws} judged regarding two slave girls who entered the bathhouse. One deflowered the other with her fingers, so he^{-asws} necessitated the dowry alone and said: 'Hold on with my^{-asws} judgment until you meet Rasool-Allah^{-saww}, so he^{-saww} would be the judge between the two of you!'

فَوَافُوا رَسُولَ اللَّهِ ص فَتَنَّاوْا إِلَيْهِ فَحَدَّثُوهُ حَدِيثَهُمْ فَاحْتَبَى بِرِدَّةٍ عَلَيْهِ ثُمَّ قَالَ أَنَا أَقْضِي بَيْنَكُمَا إِنْ شَاءَ اللَّهُ

They went to Rasool-Allah^{-saww} and approached him^{-saww}. They narrated to him^{-saww} their narration. He^{-saww} covered himself^{-saww} with a cloak, then said: 'I^{-saww} will judge between you two, if Allah^{-azwj} so Desires!'

فَنَادَى رَجُلٌ مِنَ الْقَوْمِ أَنَّ عَلِيًّا قَدْ قَضَى فِي ذَلِكَ بِقَضَائِي

¹⁷¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 8

¹⁷²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 9

A man from the people called out, 'Ali^{asws} had already judged regarding that with a judgment!'

فَقَالَ ص هُوَ كَمَا قَضَى عَلَيَّ ع فَرَضُوا.

He^{saww} said: 'It is just as Ai^{asws} has judged'. They agreed.¹⁷²¹

11- **الْهِدَايَةُ**، كُلُّ مَا كَانَ فِي الْإِنْسَانِ وَاحِدٌ فِيهِ الدِّيَّةُ كَامِلَةً وَكُلُّ مَا كَانَ فِيهِ اثْنَانِ فَفِيهِمَا الدِّيَّةُ كَامِلَةً وَ فِي وَاحِدٍ مِنْهُمَا نِصْفُ الدِّيَّةِ إِلَّا الشَّفَتَيْنِ فَإِنَّ دِيَّةَ الشَّفَةِ الْعُلْيَا أَرْبَعَةُ آلَافٍ دِرْهَمٍ وَ دِيَّةُ السُّفْلَى سِتَّةُ آلَافٍ لِأَنَّ السُّفْلَى تُمَسِّكُ الْمَاءَ وَ دِيَّةُ الْبَيْضَةِ الْيُمْنَى ثَلَاثُ الدِّيَّةِ وَ دِيَّةُ الْيُسْرَى ثُلَاثُ الدِّيَّةِ لِأَنَّ الْيُسْرَى مِنْهَا الْوَلَدُ

(The book) 'Al Hidayah' –

Whatever exists in a single person carries the full wergild, and whatever exists in two people carries the full wergild between them, with each of them responsible for half, except for the lips. The wergild for the upper lip is four thousand Dirhams, and for the lower lip six thousand Dirhams, because the lower lip holds water. The wergild of the right testicle is one-third of the wergild, and the left testicle two-thirds because the offspring come from it.

وَ قَتْلُ الْعَمْدِ فِيهِ الْقَوْدُ إِلَّا أَنْ يُرَضَى بِالْدِّيَّةِ وَ قَتْلُ الْخَطَا فِيهِ الدِّيَّةُ وَ الْعَمْدُ هُوَ أَنْ يُرِيدَ الرَّجُلُ شَيْئاً فَيَصِيبُهُ وَ الْخَطَا أَنْ يُرِيدَ شَيْئاً فَيَصِيبَ غَيْرَهُ وَ لَوْ أَنَّ رَجُلًا لَطَمَ رَجُلًا فَمَاتَ مِنْهُ لَكَانَ قَتْلُ عَمْدٍ وَ دِيَّةُ الْخَطَا تُسْتَأْذَى مِنَ الْعَاقِلَةِ فِي ثَلَاثِ سِنِينَ وَ دِيَّةُ الْعَمْدِ عَلَى الْقَاتِلِ فِي مَالِهِ تُسْتَأْذَى مِنْهُ فِي سَنَةٍ وَ لَا تَعْقِلُ الْعَاقِلَةُ إِلَّا مَا قَامَتْ عَلَيْهِ الْبَيِّنَةُ

Intentional killing incurs full wergild unless the offender agrees to pay it, while accidental killing incurs (some) wergild. Intentional means a man intends something and causes harm; accidental means he intends one thing but harms another. If a man slaps another and he dies, it is intentional killing, and the unintentional wergild is to be paid by the responsible group within three years. The wergild for intentional killing is paid by the killer from his property within a year, and the accountable group only covers what evidence confirms.

وَ الدِّيَّةُ عَلَى أَصْحَابِ الْإِبِلِ مِائَةٌ مِنَ الْإِبِلِ وَ عَلَى أَصْحَابِ الْعَنَمِ أَلْفُ شَاةٍ وَ عَلَى أَصْحَابِ الْبَقَرَةِ مِائَتَا بَقَرَةٍ وَ عَلَى أَصْحَابِ الْعِزْنِ أَلْفُ دِينَارٍ وَ عَلَى أَصْحَابِ الْوَرَقِ عَشْرَةُ آلَافٍ دِرْهَمٍ وَ فِي التُّلْفَةِ عِشْرُونَ دِينَاراً وَ فِي الْعَلَقَةِ أَرْبَعُونَ دِينَاراً وَ فِي الْمُضْغَةِ سِتُّونَ دِينَاراً وَ فِي الْعَظْمِ ثَمَانُونَ دِينَاراً إِذَا كُسِيَ الْعَظْمُ اللَّحْمَ فَمِائَةٌ ثُمَّ هِيَ مِائَةٌ حَتَّى يَسْتَهْلَ إِذَا اسْتَهْلَ فَالدِّيَّةُ كَامِلَةٌ وَ الْإِسْتِهْلَالُ الصَّوْثُ

Wergild for owners of camels is one hundred camels, for sheep one thousand sheep, for cattle two hundred cows, for humans one thousand Dinars, for silver ten thousand Dirhams. For a sperm emission, twenty dinars; for a leech-like conception, forty dinars; for a lump of flesh, sixty Dinars; for a bone, eighty Dinars; if the bone is covered by flesh, one hundred Dinars until the initial sound begins. When the initial sound is made, the full wergild applies.

¹⁷²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 10

وَالْأَسْنَانُ الَّتِي يُقَسَّمُ عَلَيْهَا الدِّيَّةُ ثَمَانِي وَ عِشْرُونَ سِنًا اثْنَتَيْ عَشْرَةَ فِي مَقَادِيمِ الْفَمِ وَ سِتَّ عَشْرَةَ فِي مَآخِرِهِ فِدْيَةُ كُلِّ سِنٍّ مِنَ الْمَقَادِيمِ إِذَا كُسِرَ حَتَّى يَذْهَبَ خَمْسُونَ دِينَارًا وَ دِيَّةُ كُلِّ سِنٍّ مِنَ الْمَآخِرِ إِذَا كُسِرَ حَتَّى يَذْهَبَ عَلَى التَّصْنِيفِ مِنْ دِيَّةِ الْمَقَادِيمِ خَمْسَةٌ وَ عِشْرُونَ دِينَارًا يَكُونُ ذَلِكَ أَلْفَ دِينَارٍ وَ لَا يُقْتَلُ الْحُرُّ بِالْعَبْدِ وَ لَكِنْ يُلْزَمُ دِيَّتُهُ وَ دِيَّةُ الْعَبْدِ ثَمَنُهُ وَ لَا يُجَاوِزُ بِقِيَمَةِ الْعَبْدِ دِيَّةَ حُرٍّ

The teeth used to calculate wergild are twenty-eight - twelve in the front and sixteen in the back. The wergild for each broken front tooth is fifty Dinars, for each back tooth broken until it is gone, twenty-five Dinars. This totals one thousand Dinars. A free person is not killed for a slave, but the slave's wergild is obligatory. The wergild of a slave is its value and cannot exceed the wergild of a free person.

وَ لَا يُقْتَلُ الْمُسْلِمُ بِالرَّيِّ وَ لَكِنْ يُؤْخَذُ مِنْهُ الدِّيَّةُ وَ دِيَّةُ الْيَهُودِيِّ وَ النَّصْرَانِيِّ وَ الْمَجُوسِيِّ وَ وَلَدُ الرِّبَا ثَمَانِيَةٌ دِرْهَمًا.

A Muslim is not killed for a non-Muslim, but the wergild is taken from him. The wergild for a Jew, Christian, Magian, or child born of adultery is eight hundred Dirhams'.¹⁷²²

[باب 45 دية الجنين و قطع رأس الميت](#)

CHAPTER 45 – WERGILD OF THE FOETUS AND THE CUT HEAD OF A DECEASED

1 لي، الأمايلي للصدوق ابن الوليد عن الصفار عن ابن معروف عن ابن مهزيار عن فضالة عن أبان عن محمد بن مسلم عن أبي جعفر الباقر ع قال: بَعَثَ رَسُولُ اللَّهِ ص خَالِدَ بْنَ الْوَلِيدِ إِلَى حَيٍّ يُقَالُ لَهُمْ بَنُو الْمُصْطَلِقِ مِنْ بَنِي جَذِيمَةَ وَ كَانَ بَيْنَهُمْ وَ بَيْنَ بَنِي خَزُومِ إِحْنَةٌ فِي الْجَاهِلِيَّةِ

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Fazalah, from Aban, from Muhammad Bin Muslim,

From Abu Ja'far Al-Baqir^{asws} having said: 'Rasool-Allah^{saww} sent Khalid Bin Al-Waleed to a tribe called the clan of Al-Mustaliq from the clan of Juzeyma, and between them, and him, and the clan of Makhzum there was hostility during the pre-Islamic period.

فَلَمَّا وَرَدَ عَلَيْهِمْ كَانُوا قَدْ أَطَاعُوا رَسُولَ اللَّهِ ص وَ أَخَذُوا مِنْهُ كِتَابًا فَلَمَّا وَرَدَ عَلَيْهِمْ خَالِدٌ أَمَرَ مُنَادِيًا فَنَادَى بِالصَّلَاةِ فَصَلَّى وَ صَلَّوْا فَلَمَّا كَانَ صَلَاةُ الْفَجْرِ أَمَرَ مُنَادِيَهُ فَنَادَى فَصَلَّى وَ صَلَّوْا ثُمَّ أَمَرَ الْخَيْلَ فَشَنُّوا فِيهِمُ الْغَارَةَ فَقَتَلُوا وَ أَصَابَ

When he arrived to them, they had already obeyed (submitted to) Rasool-Allah^{saww} and had taken an agreement from him^{saww}. When Khalid arrived to them, he ordered a caller to call out with the Salat. He prayed and they prayed. When it was Al-Fajr Salat, he ordered a caller. He called out, so he prayed and they prayed. Then he ordered the cavalry to make raids among them. He killed and injured (many).

فَطَلَبُوا كِتَابَهُمْ فَوَجَدُوهُ فَأَتَوْا بِهِ النَّبِيَّ ص وَ حَدَّثُوهُ بِمَا صَنَعَ خَالِدُ بْنُ الْوَلِيدِ فَاسْتَقْبَلَ عَ الْقَبِيلَةَ ثُمَّ قَالَ اللَّهُمَّ إِنِّي أَبْرَأُ إِلَيْكَ بِمَا صَنَعَ خَالِدُ بْنُ الْوَلِيدِ

They sought their agreement and found it. They came with it to the Prophet^{-saww} and narrated to him^{-saww} with what Khalid Bin Al-Waleed had done. He^{-saww} faced the Qiblah, then said: 'O Allah^{-azwj}! I^{-saww} disavow to You^{-azwj} from what Khalid Bin Al-Waleed has done!'

قَالَ ثُمَّ قَدِمَ عَلَى رَسُولِ اللَّهِ ص بَرٌّ [تَبَرُّ] وَ مَتَاعٌ فَقَالَ لِعَلِّي ع يَا عَلِيُّ ائْتِ بَنِي جُدَيْمَةَ مِنْ بَنِي الْمُصْطَلِقِ فَأَرْضِهِمْ مِمَّا صَنَعَ خَالِدٌ

He^{-asws} said: 'Then spoils of war and chattels arrived to Rasool-Allah^{-saww}. He^{-saww} said to Ali^{-asws}: 'O Ali^{-asws}! Go to the clan of Juzeyma of the clan of Al-Mustaliq and pleased them from what Khalid has done!'

ثُمَّ رَفَعَ ع قَدَمَيْهِ فَقَالَ يَا عَلِيُّ اجْعَلْ قَضَاءَ أَهْلِ الْجَاهِلِيَّةِ تَحْتَ قَدَمَيْكَ

Then he^{-saww} raised his^{-saww} feet. He^{-saww} said: 'O Ali^{-asws}! Make judgments of the people of the pre-Islamic period to be under your^{-asws} feet!'

فَأَتَاهُمْ عَلِيُّ ع فَلَمَّا انْتَهَى إِلَيْهِمْ حَكَمَ فِيهِمْ بِحُكْمِ اللَّهِ فَلَمَّا رَجَعَ إِلَى النَّبِيِّ ص قَالَ يَا عَلِيُّ أَخْبِرْنِي بِمَا صَنَعْتَ

Ali^{-asws} came to them. When he^{-asws} ended to them, he^{-asws} judged between them with the Judgment of Allah^{-azwj}. When he^{-asws} returned to the Prophet^{-saww}, he^{-saww} said: 'O Ali^{-asws}! Informed with what you^{-asws} did!'

فَقَالَ يَا رَسُولَ اللَّهِ عَمَدْتُ فَأَعْطَيْتُ لِكُلِّ دَمٍ دِيَّةً وَ لِكُلِّ جَنِينٍ غُرَّةً وَ لِكُلِّ مَالٍ مَالًا وَ فَضَلْتُ مَعِيَ فَضْلَةً فَأَعْطَيْتُهُمْ لِمِيلَعَةَ كِلَابِهِمْ وَ جُلَّةَ رُعَاتِهِمْ وَ فَضَلْتُ مَعِيَ فَضْلَةً

He^{-asws} said: 'O Rasool-Allah^{-saww}! I^{-asws} deliberated and gave wergild for every blood (killing and injury), and for every foetus killed unintentionally, and wealth for every wealth, and there still remained a surplus with me^{-asws}. So, I^{-asws} gave them (compensation) for feeding utensils of their dogs and for the fodder for their shepherds, and there still remained a surplus with me^{-asws}.

فَأَعْطَيْتُهُمْ لِرُوعَةَ نِسَائِهِمْ وَ فَرَعَ صَبْيَانِهِمْ وَ فَضَلْتُ مَعِيَ فَضْلَةً فَأَعْطَيْتُهُمْ لِمَا يَعْلَمُونَ وَ لِمَا لَا يَعْلَمُونَ وَ فَضَلْتُ مَعِيَ فَضْلَةً فَأَعْطَيْتُهُمْ لِرِضْوَانِكَ يَا رَسُولَ اللَّهِ

So, I^{-asws} gave them (compensation) for frightening their womenfolk and panicking their children, and there, still, remained a surplus with me^{-asws}. So I^{-asws} gave them (compensation) for what they knew of and for what they did not even know of, and there, still, remained a surplus with me^{-asws}. So I^{-asws} gave them for them to be pleased with you^{-saww} O Rasool-Allah^{-saww}!

فَقَالَ ص يَا عَلِيُّ أُعْطَيْتُهُمْ لِرِضْوَانِكَ يَا عَلِيُّ إِنَّمَا أَنْتَ مِنِّي بِمَنْزِلَةِ هَارُونَ مِنْ مُوسَى إِلَّا أَنَّهُ لَا نَبِيَّ بَعْدِي.

He^{-saww} said: 'O Ali^{-asws}! You^{-asws} gave them to be pleased with me^{-saww}, may Allah^{-azwj} be Pleased with you^{-asws}! O Ali^{-asws}! But rather, you^{-asws} are from me^{-saww} at the status of Haroun^{-as} from Musa^{-as} except that there be no Prophet^{-as} after me^{-saww}!''¹⁷²³

Tafseer Al Qummi –

2- فس، تفسير القمي قَوْلُهُ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ مِنْ طِينٍ - ثُمَّ جَعَلْنَاهُ نُطْفَةً فِي قَرَارٍ مَكِينٍ إِلَى قَوْلِهِ ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ

His^{-azwj} Words: **And We have Created the human being from an extract of clay [23:12] Then We Made him a seed in a firm resting place [23:13] – up to His^{-azwj} Words: then We Grow it as another creation [23:14].**

فَهِيَ سِتَّةُ أَجْزَاءٍ وَ سِتَّةُ اسْتِخَالَاتٍ وَ فِي كُلِّ جُزْءٍ وَ اسْتِخَالَةٍ دِيَّةٌ مَحْدُودَةٌ فِيهِ النُّطْفَةُ عِشْرُونَ دِينَاراً وَ فِي الْعَلَقَةِ أَرْبَعُونَ دِينَاراً وَ فِي الْمُضْغَةِ سِتُّونَ دِينَاراً وَ فِي الْعَظْمِ ثَمَانُونَ دِينَاراً وَ إِذَا كُسِيَ لَحْماً فَمِائَةُ دِينَارٍ حَتَّى يَسْتَهْلَ إِذَا اسْتَهْلَ فَلَدِيَّةٌ كَامِلَةٌ فَحَدَّثَنِي بِذَلِكَ أَبِي عَنْ سُلَيْمَانَ بْنِ خَالِدٍ - عَنْ أَبِي عَبْدِ اللَّهِ ع

It is of six stages and six transformations, and for each stage and transformation there is a fixed wergild. For the stage of the sperm-drop it is twenty Dinars, for the clot is forty Dinars, for the lump of flesh is sixty Dinars, for the bone is eighty Dinars, and when it is covered with flesh is one hundred Dinars, until it gives its first cry. When it gives its first cry, the full wergild becomes due. My father narrated with that to me from Sulayman ibn Khalid, from Abu Abdullah^{-asws}.

قَالَ قُلْتُ فَإِنْ خَرَجَ فِي النُّطْفَةِ قَطْرَةٌ دَمٍ

He (the narrator) said, 'I said, 'Supposing a drop of blood emerges in the sperm-drop?'

قَالَ فِي الْقَطْرِ عَشْرُ النُّطْفَةِ فِيهَا اثْنَانِ وَ عِشْرُونَ دِينَاراً

He^{-asws} said: 'Regarding the drop, it is tenth of the seed-drop, in it are twelve Dinars'.

قُلْتُ فَقَطْرَتَانِ

I said, 'Two drops?'

قَالَ أَرْبَعَةٌ وَ عِشْرُونَ دِينَاراً

He^{-asws} said: 'Twenty-four Dinars'.

قُلْتُ فَثَلَاثٌ

I said, 'Three?'

قَالَ سِتَّةٌ وَعَشْرُونَ دِينَارًا

He^{-asws} said: 'Twenty-six Dinars'.

فَقُلْتُ فَأَرْبَعَةٌ

I said, 'Four?'

قَالَ ثَمَانِيَّةٌ وَعَشْرُونَ دِينَارًا

He^{-asws} said: 'Twenty-eight Dinars'.

قُلْتُ فَخَمْسٌ

I said, 'Five?'

قَالَ ثَلَاثُونَ دِينَارًا وَمَا زَادَ عَلَى التَّصْنِيفِ فَعَلَى هَذَا الْحِسَابِ حَتَّى يَصِيرَ عَلَقَةً فَيَكُونُ فِيهَا أَرْبَعُونَ دِينَارًا

He^{-asws} said: 'Thirty Dinars, and whatever is additional is upon the half and upon this calculation until it becomes a clot, so there would be Forty Dinars regarding it'.

قُلْتُ فَإِنْ خَرَجَتِ الْعَلَقَةُ مُحْضَصَةً [مُتَخَصِّصَةً] بِالدَّمِ

I said, 'Supposing the clot emerges as soaked in blood?'

قَالَ قَدْ عَلِقَتْ إِنْ كَانَ دَمٌ صَافٍ فَفِيهَا أَرْبَعُونَ دِينَارًا وَإِنْ كَانَ دَمٌ أَسْوَدُ فَذَلِكَ مِنَ الْجُوفِ فَلَا شَيْءَ عَلَيْهِ غَيْرُ التَّعْزِيرِ لِأَنَّهُ مَا كَانَ مِنْ دَمٍ صَافٍ ذَلِكَ لِلْوَلَدِ وَمَا كَانَ مِنْ دَمٍ أَسْوَدُ فَذَلِكَ مِنَ الْجُوفِ

He^{-asws} said: 'It has already become a clot, if the blood was clear, there is (wergild of) Forty Dinars in it, and if the blood was black, so that is from the interior, so there will be nothing upon it apart from the disciplinary punishment because whatever was from clear blood, that is of the child, and whatever was from black blood, that is from the interior'.

قَالَ فَقَالَ أَبُو شَيْبَةَ فَإِنَّ الْعَلَقَةَ صَارَتْ مِنْهَا شَبِيهَةُ الْغُرُوقِ وَاللَّحْمِ

He (the narrator) said, 'Abu Shibl said, 'Supposing the clot has become such, there are the veins and the flesh from it?'

قَالَ اثْنَانِ وَأَرْبَعُونَ دِينَارًا وَالْعُشْرُ

He^{-asws} said: 'Forty-two Dinars and the tenth'.

قُلْتُ فَإِنَّ عَشْرَ الْأَرْبَعِينَ أَرْبَعَةٌ

I said, 'But the tenth of forty is four!'

قَالَ لَا إِنَّمَا هُوَ عَشْرُ الْمُضْغَةِ إِنَّمَا ذَهَبَ عُسْرُهَا فَكُلَّمَا زِدَتْ زِيدَ حَتَّى تَبْلُغَ السِّتِينَ

He^{-asws} said: 'No. But rather, it is a tenth of the lump. But rather, its tenth has gone. Every time it increased, it would increase until it reached sixty.'

قُلْتُ فَإِنْ رَأَتْ فِي الْمُضْغَةِ مِثْلَ الْعُقْدَةِ عَظْمٍ يَابِسٍ [عَظْماً يَابِساً]

I said, 'Supposing there is seen in the lump like the dry bone?'

قَالَ إِنَّ ذَلِكَ عَظْمٌ أَوَّلُ مَا يَبْتَدِئُ فِيهِ أَرْبَعَةُ الدِّنَائِرِ فَإِنْ زَادَ فَرِدَ أَرْبَعَةٌ حَتَّى تَبْلُغَ الثَّمَانِينَ

He^{-asws} said: 'Then that is the beginning of a bone. In it is Forty Dinars. If it increases, it increases by four until it reaches eighty.'

قُلْتُ فَإِنْ كُوسِيَ الْعَظْمُ لَحْماً

I said, 'Supposing the bone is covered by flesh?'

قَالَ كَذَلِكَ إِلَى مِائَةٍ

He^{-asws} said: 'Like that up to a hundred (Dinars)'.¹⁷²⁴

قُلْتُ فَإِنْ وَكَّرَهَا فَسَقَطَ الصَّبِيُّ - لَا يُدْرَى حَيًّا كَانَ أَوْ مَيِّتاً

I said, 'Supposing she is poked and the child is miscarried, it is not known whether it was alive or dead?'

قَالَ هِيَ هَاتِ يَا أَبَا شَيْبَلٍ إِذَا بَلَغَ أَرْبَعَةَ أَشْهُرٍ فَقَدْ صَارَ فِيهِ الْحَيَاءُ وَ قَدْ اسْتَوْجَبَ الدِّيَّةَ.

He^{-asws} said: 'Far from it, O Abu Shibl! When it reaches four months, the life has come into it and it obligates the (full) wergild.¹⁷²⁴

3- وَ فِي رِوَايَةٍ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِهِ ثُمَّ أَنْشَأْنَاهُ خَلْقاً آخَرَ فَهُوَ نَفْحُ الرُّوحِ فِيهِ.

And in a report by Abu Al Jaroud,

¹⁷²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 2

From Abu Ja'far^{-asws} regarding His^{-azwj} Words: **then We Grow it as another creation [23:14]**. It is blowing of the soul into it'.¹⁷²⁵

4- ع، علل الشرائع أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ هَاشِمٍ عَنْ عُمَرَ بْنِ عُثْمَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ عَنْ أَبِي الْحَسَنِ ع قَالَ: دِيَّةُ الْجَنِينِ إِذَا ضُرِبَتْ أُمُّهُ فَسَقَطَ مِنْ بَطْنِهَا قَبْلَ أَنْ يُنْشَأَ فِيهِ الرُّوحُ مِائَةُ دِينَارٍ فَهِيَ لَوْرَثَتِهِ وَ دِيَّةُ الْمَيِّتِ إِذَا قُطِعَ رَأْسُهُ وَ شُقَّ بَطْنُهُ فَلَيْسَ هِيَ لَوْرَثَتِهِ إِنَّمَا هُوَ لَهُ دُونَ الْوَرَثَةِ

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ashary, from Ibn Hashim, from Umar Bin Usman, from one of his companions, from Al Husayn Bin Khalid,

From Abu Al Hassan^{-asws} having said: 'The wergild of a foetus, when its mother has been struck so it falls from her belly before the soul has spread into it, is one hundred Dinars. It is for its inheritors while wergild of the deceased when its head is cut off and its belly is split, it isn't for his inheritors. But rather, it is for him besides the inheritors'.

فَقُلْتُ وَ مَا الْفَرْقُ بَيْنَهُمَا

I said, 'And what is the difference between the two?'

فَقَالَ إِنَّ الْجَنِينَ أَمْرٌ مُسْتَقْبِلٌ مُرَجَّى نَفْعُهُ وَ إِنَّ هَذَا أَمْرٌ قَدْ مَضَى وَ دَهَبَتْ مَنَفَعَتُهُ فَلَمَّا مُثِّلَ بِهِ بَعْدَ وَفَاتِهِ صَارَتْ دِيَّةُ الْمُثَلَّةِ لَهُ- لَا لِعَيْرِهِ يُحْجُ بِهَا عَنْهُ وَ يُفْعَلُ بِهِ أَبْوَابُ الْيَرِّ مِنْ صَدَقَةٍ وَ غَيْرِ ذَلِكَ.

He^{-asws} said: 'The foetus is a matter of the future, its benefits are hoped for, while this is a matter of the past and its benefits are gone. When it is mutilated with after his expiry, the wergild of the mutilation becomes for him, not for others. Hajj can be performed on his behalf and matters of righteousness can be done with it, from the charity and other than that'.¹⁷²⁶

5- سن، المحاسن أَبِي عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ عَنْ حُسَيْنِ بْنِ خَالِدٍ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنْ رَجُلٍ قَطَعَ رَأْسَ رَجُلٍ مَيِّتٍ فَقَالَ إِنَّ اللَّهَ حَرَّمَ مِنْهُ مَيِّتاً كَمَا حَرَّمَ مِنْهُ حَيّاً فَمَنْ فَعَلَ مَيِّتٍ فَعَلًا يَكُونُ فِي مِثْلِهِ الْجَنِينُ نَفْسُ الْحَيِّ فَعَلَيْهِ الدِّيَّةُ كَامِلَةً

(The book) 'Al Mahasin' – My father, from Ismail Bin Mihran, from Husayn Bin Khalid who said,

'Abu Abdullah^{-asws} was asked about a man who cut off the head of a dead man. He^{-asws} said: 'Allah^{-azwj} has Sanctified from Him^{-azwj} a dead person just as He^{-azwj} has Sanctified from him a living one. So the one who does an act with a dead person, which would result in the annihilation of the soul of a living one, upon him is the complete wergild'.

فَسَأَلْتُ عَنْ ذَلِكَ أَبَا الْحَسَنِ ع فَقَالَ صَدَقَ أَبُو عَبْدِ اللَّهِ ع هَكَذَا قَالَ رَسُولُ اللَّهِ ص

¹⁷²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 3

¹⁷²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 4

I asked Abu Al Hassan^{-asws} about that. He^{-asws} said: 'Abu Abdullah^{-asws} spoke the truth. That is how Rasool-Allah^{-saww} had said'.

قُلْتُ فَمَنْ قَطَعَ رَأْسَ مَيِّتٍ أَوْ شَقَّ بَطْنَهُ أَوْ فَعَلَ بِهِ مَا يَكُونُ فِيهِ اجْتِنَاحُ نَفْسٍ الْحَيِّ فَعَلَيْهِ دِيَّةُ النَّفْسِ كَامِلَةً

I said, 'So the one who cuts off the head of a dead person, or splits his belly, or does with him what would have resulted in annihilation of the soul of a living person, upon him is the full wergild of the soul?'

قَالَ لَا وَلَكِنْ دِيَّةُ الْجَنِينِ فِي بَطْنِ أُمِّهِ قَبْلَ أَنْ يُنْشَأَ فِيهِ الرُّوحُ وَ ذَلِكَ مِائَةُ دِينَارٍ وَ هِيَ لَوَرَّثِيهِ وَ دِيَّةُ هَذَا هِيَ لَهُ لَا لِلْوَرَثَةِ

He^{-asws} said: 'No, but his wergild is wergild of the foetus in the belly of its mother before the soul has been blown into it, and that is a hundred Dinars, and it is for his inheritors, while wergild of this one, it is for him, not for his inheritors'.

قُلْتُ فَمَا الْفَرْقُ بَيْنَهُمَا

I said, 'So what is the difference between the two?'

قَالَ إِنَّ الْجَنِينَ أَمْرٌ مُسْتَقْبَلٌ مَرْجُو نَفْعُهُ وَ هَذَا أَمْرٌ قَدْ مَضَى وَ ذَهَبَتْ مَنَفَعَتُهُ فَلَمَّا مُتِلَّ بِهِ بَعْدَ مَوْتِهِ صَارَتْ دِيَّةُ تِلْكَ لَهُ لَا لِغَيْرِهِ يُحُجُّ بِهَا عَنْهُ وَ يُفْعَلُ بِهَا أَبْوَابُ الْخَيْرِ وَ الْبِرِّ مِنْ صَدَقَةٍ أَوْ غَيْرِهِ

He^{-asws} said: 'The foetus is a matter of the future, its benefits are hoped for, while this is a matter which has passed and its benefits are gone. When he is mutilated with after his death, his wergild becomes for him not for others. Hajj can be performed on his behalf, and matters of goodness and righteousness can be done with it, from charity or something else'.

قُلْتُ فَإِنْ أَرَادَ الرَّجُلُ أَنْ يَخْفِرَ لَهُ بِرَأْسٍ لِيَغْسِلَهُ فِي الْحُفْرَةِ فَيُدِيرَ [فَدِيرَ] بِهِ فَمَالَتْ مِسْحَاتُهُ فِي يَدِهِ فَأَصَابَ بَطْنَهُ فَشَقَّهُ فَمَا عَلَيْهِ

I said, 'Supposing a man wanted to dig a pit to wash the body in it, and while doing so his shovel slipped in his hand and struck the abdomen of the corpse, tearing it open, what is upon him?'

قَالَ إِذَا كَانَ هَكَذَا فَهُوَ خَطَأٌ وَ كَفَّارَتُهُ عَتَقُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ صَدَقَةٌ عَلَى سِتِّينَ مِسْكِينًا مُدٌّ لِكُلِّ مِسْكِينٍ بِمُدِّ النَّبِيِّ ص.

He^{-asws} said: 'If that was the case, then it is an accident, and its expiation is the freeing of a slave, or fasting for two consecutive months, or giving charity to sixty poor persons, each receiving one measure (Mudd) according to the measure (Mudd) of the Prophet^{-saww}'.¹⁷²⁷

6- ضا، فقه الرضا عليه السلام اعْلَمْ يَرْحَمُكَ اللَّهُ أَنَّ اللَّهَ عَزَّ وَ جَلَّ جَعَلَ فِي الْقِصَاصِ حَيَاةَ طَوَّلًا مِنْهُ وَ رَحْمَةً لِكُلِّ نَفْسٍ تَعْدَى النَّاسَ حُدُودَ اللَّهِ فَيَتَقَاتُونَ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} - Know, may Allah^{-azwj} Mercy you! Allah^{-azwj} Mighty and Majestic has placed in retribution a long life and mercy so that people do not exceed the limits of Allah^{-azwj} and annihilate themselves!

فَجَعَلَ فِي التُّطْفَةِ إِذَا ضَرَبَ الرَّجُلُ الْمَرْأَةَ وَ أَلْقَتْهَا عِشْرِينَ دِينَارًا فَإِنْ أَلْقَتْ مَعَ التُّطْفَةِ قَطْرَةً دَمٍ جَعَلَ لِكُلِّ الْقَطْرَةِ دِينَارَيْنِ ثُمَّ لِكُلِّ قَطْرَةٍ دِينَارَانِ إِلَى تَمَامِ أَرْبَعِينَ دِينَارًا وَ هِيَ الْعَلَقَةُ

He^{-azwj} has Made regarding the sperm-drop that if a man strikes a woman and she miscarries it, the wergild is twenty Dinars. If she miscarries along with the sperm-drop, a drop of blood, then for that drop the wergild is two Dinars, and for each additional drop two Dinars, up to a total of forty Dinars, and it is a clot.

فَإِنْ أَلْقَتْ عَلَقَةً وَ هِيَ قِطْعَةُ دَمٍ مُجْتَمِعَةٌ مُشَبَّكَةٌ فَعَلَيْهِ أَرْبَعُونَ دِينَارًا ثُمَّ فِي الْمُضْغَةِ سِتُونَ دِينَارًا ثُمَّ فِي الْعِظَمِ الْمُكَتْسِي لَحْمًا ثَمَانُونَ دِينَارًا ثُمَّ لِلصُّورَةِ وَ هِيَ الْجَنِينُ مِائَةُ دِينَارٍ فَإِذَا وُلِدَ الْمُؤَلُودُ وَ اسْتَهْلَ وَ اسْتَهْلَلَهُ بُكَاءُهُ فَدِيَّتُهُ إِذَا قُتِلَ مُتَعَمِّدًا أَلْفُ دِينَارٍ أَوْ عَشْرَةُ أَلْفٍ دِرْهَمٍ وَ الْأُنْثَى خَمْسَةُ أَلْفٍ دِرْهَمٍ إِذَا كَانَ لَا فَرْقَ بَيْنَ دِيَةِ الْمُؤَلُودِ وَ الرَّجُلِ

If she miscarries a clot, which is a combined and interlaced piece of blood, the wergild is forty Dinars. Then for the lump of flesh it is sixty Dinars, then for the bone covered with flesh eighty Dinars, and for the formed fetus (the embryo) one hundred Dinars. When the child is born and gives its first cry, its wergild if deliberately killed, is one thousand Dinars or ten thousand Dirhams, and for a female five thousand Dirhams, because there is no difference between the wergild of the newborn and that of a man.

فَإِذَا قُتِلَ الرَّجُلُ الْمَرْأَةَ وَ هِيَ حَامِلٌ مُتِمٌّ وَ لَمْ تُسْقِطْ وَلَدَهَا وَ لَمْ يُعْلَمْ ذَكَرٌ هُوَ أَوْ أَنْثَى فَدِيَّتُهُ سَوَى دِيَّتِهَا نِصْفَانِ نِصْفُ دِيَةِ الذَّكَرِ وَ نِصْفُ دِيَةِ الْأُنْثَى.

If a man kills a pregnant woman and she is full-term but her child is not miscarried, and it is not known whether it is male or female, its wergild is separate from hers - half the wergild of a male and half the wergild of a female'.¹⁷²⁸

7- **شأ، الإرشاد** قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي رَجُلٍ ضَرَبَ امْرَأَتَهُ فَأَلْقَتْ عَلَقَةً أَنْ عَلَيْهِ دِيَّتُهَا أَرْبَعِينَ دِينَارًا وَ تَلَا قَوْلَهُ عَزَّ وَ جَلَّ- وَ لَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ مِنْ طِينٍ- ثُمَّ جَعَلْنَاهُ نُطْفَةً فِي قَرَارٍ مَكِينٍ- ثُمَّ خَلَقْنَا النُّطْفَةَ عَلَقَةً فَخَلَقْنَا الْعَلَقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ عِظَامًا فَكَسَوْنَا الْعِظَامَ لَحْمًا ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ

(The book) 'Al Irshad' –

Amir Al-Momineen^{-asws} judged regarding a man who struck his wife, so she miscarried a clot, upon him is her wergild of forty Dinars, and he^{-asws} recited the Words of Mighty and Majestic: **And We have Created the human being from an extract of clay [23:12] Then We Made him a seed in a firm resting place [23:13] Then We Created the seed to be a clot, then We Created the clot to be a lump of flesh, then We Created the lump as bones, then We Clothed the**

¹⁷²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 6

bones with flesh, then We Grow it as another creation. So Blessed is Allah, the best of the Creators [23:14]’.

ثُمَّ قَالَ فِي النُّطْفَةِ عِشْرُونَ دِينَارًا وَ فِي الْعَلَقَةِ أَرْبَعُونَ دِينَارًا وَ فِي الْمُضْغَةِ سِتُّونَ دِينَارًا وَ فِي الْعَظْمِ قَبْلَ أَنْ يَسْتَوِيَ خَلْقًا ثَمَانُونَ دِينَارًا وَ فِي الصُّورَةِ قَبْلَ أَنْ تَلْبَسَ فِيهِ الرُّوحُ مِائَةَ دِينَارٍ وَ إِذَا وَلَجَتْهُ الرُّوحُ كَانَ فِيهِ أَلْفٌ دِينَارٍ.

Then he^{-asws} said: ‘For the seed-drop is (wergild of) twenty Dinars, for the clot is forty Dinars, for the lump of flesh is sixty Dinars, for the bone before it is fully formed is eighty Dinars, and for the formed foetus before the soul enters it one hundred Dinars. When the soul enters it (at four months), its wergild is one thousand Dinars’.¹⁷²⁹

8- قَب، المناقب لابن شهر آشوب تَفْسِيرُ عَلِيِّ بْنِ هَاشِمٍ الْقُمِّيِّ قَالَ سَعِيدُ الْمُسَيَّبِ سَأَلْتُ عَلِيَّ بْنَ الْحُسَيْنِ ع عَنْ رَجُلٍ ضَرَبَ امْرَأَتَهُ حَامِلًا بِرِجْلِهِ فَطَرَحَتْ مَا فِي بَطْنِهَا مَيِّتًا فَقَالَ ع إِذَا كَانَ نُطْفَةً فَإِنَّ عَلَيْهِ عِشْرِينَ دِينَارًا وَ هِيَ الَّتِي وَقَعَتْ فِي الرَّحِمِ وَ اسْتَقَرَّتْ فِيهِ أَرْبَعِينَ يَوْمًا

(The book) ‘Al Manaqib’ of Ibn Shehr Ashub, (and) Tafseer of Ali Bin Hashim Al Qummi – Saeed Al Musayyib said,

‘I asked Ali Bin Al Husayn^{-asws} about a man who struck his pregnant wife with his leg so whatever was in her belly dropped dead. He^{-asws} said: ‘When it was the sperm-drop, upon him is (wergild of) twenty Dinars, and it is which occurs in the womb and settles in it for forty days.

وَ إِنْ طَرَحَتْهُ وَ هُوَ عَلَقَةٌ فَإِنَّ عَلَيْهِ أَرْبَعِينَ دِينَارًا وَ هِيَ الَّتِي وَقَعَتْ فِي الرَّحِمِ وَ اسْتَقَرَّتْ فِيهِ ثَمَانِينَ يَوْمًا وَ إِنْ طَرَحَتْهُ مُضْغَةً فَإِنَّ عَلَيْهِ سِتِينَ دِينَارًا وَ هِيَ الَّتِي إِذَا وَقَعَتْ فِي الرَّحِمِ اسْتَقَرَّتْ فِيهِ مِائَةً وَ عِشْرِينَ يَوْمًا وَ إِنْ طَرَحَتْهُ وَ هُوَ نَسَمَةٌ مُخَلَّقَةٌ لَهُ لَحْمٌ وَ عَظْمٌ مُرْتَلٌّ الْجَوَارِحِ وَ قَدْ نُفِخَ فِيهِ رُوحُ الْحَيَاةِ وَ الْبَقَاءِ فَإِنَّ عَلَيْهِ دِيَّةً كَامِلَةً.

And if it dropped while it was a clot, upon him are forty Dinars, and it is which occurs in the womb and settles in it for eighty days; and if it drops while it is a lump, upon him are sixty Dinars, and it is which occurs in it and settles in it for one hundred and twenty-days; and if it dropped while it is a person, flesh and bones have been Created for it, complete in its parts, and the soul of life has been breathed into it, then upon him is the full wergild’.¹⁷³⁰

9- قَب، المناقب لابن شهر آشوب أَبُو عَلِيٍّ بْنُ رَاشِدٍ وَ غَيْرُهُ قَالُوا كَتَبَ جَمَاعَةُ الشَّيْبَعَةِ إِلَى مُوسَى بْنِ جَعْفَرٍ ع مَا يَقُولُ الْعَالَمُ فِي رَجُلٍ نَبَشَ قَبْرَ مَيِّتٍ وَ قَطَعَ رَأْسَ الْمَيِّتِ وَ أَخَذَ الْكَفَنَ

(The book) ‘Al Manaqib’ of Ibn Shehr Ashub – Abu Ali Bin Rashid and others who said,

‘A group of Shias wrote to Musa^{-asws} Bin Ja’far^{-asws}, ‘What does the Scholar (Imam^{-asws}) say regarding who exhumes a grave of a deceased and cut-off the head of the deceased and took the shroud?’

¹⁷²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 7

¹⁷³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 8

الجواب بِحَطِّهِ يُقَطَّعُ السَّارِقُ لِأَخْذِ الْكَفَنِ مِنْ وَرَاءِ الْحِزْرِ وَ يُلْزَمُ مِائَةُ دِينَارٍ لِقَطْعِ رَأْسِ الْمَمْتِ لِأَنَّا جَعَلْنَاهُ بِمَنْزِلَةِ الْجَنِينِ فِي بَطْنِ أُمِّهِ قَبْلَ أَنْ يُنْفَخَ فِيهِ الرُّوحُ فَجَعَلْنَا فِي النُّطْفَةِ عَشْرِينَ دِينَارًا إِلَى آخِرِ الْمَسْأَلَةِ.

The answer in his^{-asws} handwriting: ‘The thief is to have his hand cut for taking the shroud from behind the protection, and he is liable to a wergild of one hundred Dinars for cutting off the dead man’s head, because we^{-asws} make him to be at the status of the foetus in its mother’s womb before the soul is breathed into it, so we^{-asws} set in the seed-drop twenty Dinars’ - up to the end of the question.¹⁷³¹

10- قب، المناقب لابن شهر آشوب أتى الربيع أبا جعفر المنصور و هو في الطواف فقال يا أمير المؤمنين مات فلان مولاك البارحة ففقط فلان رأسه بَعْدَ مَوْتِهِ

(The book) ‘Al Manaqib’ of Ibn Shehr Ashub –

Al-Rabie came to (the caliph) Abu Ja’far Al-Mansour while he was in the Tawaaf. He said, ‘O commander of the faithful! Your freed slave so and so died yesterday, and so and so cut off his head after his death!’

قَالَ فَاسْتَشَاطَ وَ غَضِبَ وَ قَالَ لِابْنِ شُبْرُمَةَ وَ ابْنِ أَبِي لَيْلَى وَ عِدَّةٍ مِنَ الْقُضَاةِ وَ الْفُقَهَاءِ مَا تَقُولُونَ فِي هَذَا

He (the narrator) said, ‘He was enraged and angered, and he said to Ibn Shubrumah and Ibn Abu Layli and a number of judges and the jurists, ‘What are you saying regarding this?’

فَكُلٌّ قَالَ مَا عِنْدَنَا فِي هَذَا شَيْءٌ

All of them said, ‘There is nothing with us regarding this!’

فَكَانَ يَقُولُ أَ قَتَلَهُ أَمْ لَا

He said, ‘Did he kill him or not?’

فَقَالُوا قَدْ دَخَلَ جَعْفَرُ الصَّادِقُ صَلَوَاتُ اللَّهِ وَ سَلَامُهُ عَلَيْهِ فِي السَّعْيِ

They said, ‘Ja’far Al-Sadiq^{-asws}, may the Salawaat of Allah^{-azwj} and His^{-azwj} Greeting be upon him^{-asws}, has entered into performance of the Sa’ee’.

فَقَالَ الْمَنْصُورُ لِلرَّبِّيعِ اذْهَبْ إِلَيْهِ وَ سَلْهُ عَنْ ذَلِكَ

Al-Mansour said to Al-Rabie, ‘Go to him^{-asws} and ask him^{-asws} about that!’

¹⁷³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 9

فَقَالَ ع قُلْ لَهُ عَلَيْهِ مِائَةُ دِينَارٍ فَأُبَلِّغُهُ ذَلِكَ

He^{-asws} said: 'Say to him, upon him is a hundred Dinars (wergild)'.

فَقَالُوا لَهُ فَسَلِّهِ كَيْفَ صَارَ عَلَيْهِ مِائَةُ دِينَارٍ

He delivered that. They said to him, 'Ask him^{-asws} how it came to be one hundred Dinars'.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع فِي النُّطْفَةِ عِشْرُونَ وَ فِي الْعَلَقَةِ عِشْرُونَ وَ فِي الْمُضْغَةِ عِشْرُونَ وَ فِي الْعَظْمِ عِشْرُونَ وَ فِي اللَّحْمِ عِشْرُونَ ثُمَّ أَنْشَأَهُ خُلُقًا آخَرَ وَ هَذَا وَ هُوَ مَيِّتٌ بِمَنْزِلَةٍ - [بِمَنْزِلَتِهِ] قَبْلَ أَنْ يُنْفَخَ الرُّوحُ فِي بَطْنِ أُمِّهِ جَنِينٌ

Abu Abdullah^{-asws} said: 'Regarding the seed-drop is twenty (Dinars as wergild), and in the clot is twenty, and in the lump is twenty, and in the bone is twenty, and in the flesh is twenty. Then it grows as another creation, and this while it is dead, is at the status of its status of a foetus before blowing of the soul into it in the belly of its mother'.

قَالَ فَرَجَعَ إِلَيْهِ فَأَخْبَرَهُ بِالْجَوَابِ فَأَعْجَبَهُمْ ذَلِكَ فَقَالُوا ارْجِعْ إِلَيْهِ وَ سَلِّهِ الدِّيَّةَ لِمَنْ هِيَ لَوْرَثَتِهِ أَمْ لَا

He (the narrator) said, 'He returned to him with the answer. That surprised them, so they said, 'Return to him^{-asws} and ask him^{-asws} about the wergild. For whom is it, for its inheritor or not?'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع لَيْسَ لَوْرَثَتِهِ فِيهَا شَيْءٌ لِأَنَّهُ أَتَى إِلَيْهِ فِي بَدَنِهِ بَعْدَ مَوْتِهِ يُحْيِي بِهَا عَنْهُ أَوْ يُتَصَدَّقُ بِهَا عَنْهُ أَوْ تَصِيرُ فِي سَبِيلِ مَنْ سُبُلَ الْخَيْرِ.

Abu Abdullah^{-asws} said: 'There isn't anything in it for its inheritors because he had been come to in his body after his death. Hajj can be performed on his behalf, or donated in charity with it on his behalf, or it can be in a way from the ways of goodness.¹⁷³²

11- ضا، فقه الرضا عليه السلام قَالَ أَبُو جَعْفَرٍ ع فِي الرَّجُلِ يَضْرِبُ الْمَرْأَةَ فَتَطْرُقُ النُّطْفَةُ عَلَيْهِ عِشْرُونَ دِينَارًا فَإِنْ كَانَتْ عَلَقَةً فَعَلَيْهِ أَرْبَعُونَ دِينَارًا فَإِنْ كَانَتْ مُضْغَةً فَعَلَيْهِ سِتُّونَ دِينَارًا فَإِنْ كَانَتْ عِظَامًا فَعَلَيْهِ الدِّيَّةُ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} — Abu Ja'far^{-asws} said regarding the man who had struck the woman, so the seed-drop dropped: 'Upon him is (wergild of) twenty Dinars. If it were a clot, upon him is forty Dinars. If it were a lump, upon him is Sixty Dinars. If it were bones, upon him is the (full) wergild.¹⁷³³

¹⁷³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 10

¹⁷³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 11

باب 46 ديات الشجاج

CHAPTER 46 – WERGILDS OF THE MUTILATIONS

1- مع، معاني الأخبار ابن الوليد عن ابن أبيان عن الحسين بن سعيد عن القاسم بن عروة عن ابن بكير عن زرارة عن أبي عبد الله ع قال: في الموضحة خمس من الإبل وفي السّمحاق أربع من الإبل وفي الباضعة ثلاث من الإبل وفي المأمومة ثلاث وثلاثون من الإبل وفي الجائفة ثلاث وثلاثون من الإبل وفي المنقلة خمس عشرة من الإبل.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Al Qasim Bin Urwah, from Ibn Bukeyr, from Zurara,

From Abu Abdullah^{asws} having said: 'For a wound revealing the bone is (wergild of) five camels; for a wound not reaching the bone is (wergild of) four camels, for a wound splitting the skin and not blood flow is (wergild of) three camels; for a wound piercing the bone (wergild of) thirty-three camels; for a wound piercing the abdomen is (wergild of) thirty-three camels; and for a wound resulting in broken bone is (wergild of) fifteen camels'.¹⁷³⁴

باب 47 دية الذمي

CHAPTER 47 – THE WERGILD OF A ZIMMY

1- ب، قرب الإسناد علي عن أخيه ع قال: سألت عن دية اليهودي والمجوسي والنصراني كم هي سواء

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Musa Al-Kazim^{asws}), he said, 'I asked him^{asws} about wergild of the Jew, and the Magian, and the Christian, 'How much is it, the same?'

قال ثمانمائة ثمانمائة لكل رجل منهم.

He^{asws} said: 'Eight hundred, eight hundred (Dirhams), each man from them'.¹⁷³⁵

2- ضا، فقه الرضا عليه السلام دية الذمي الرجل ثمانمائة درهم والمرأة على هذا الحساب أربعمائة درهم.

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'Wergild of the Zimmy man is eight hundred Dirhams, and the woman is based upon this calculation, four hundred Dirhams'.¹⁷³⁶

3- و روي أن دية الذمي أربعة آلاف درهم.

¹⁷³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 46 H 1

¹⁷³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 47 H 1

¹⁷³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 47 H 2

And it is reported that the wergild of a Zimmy is four thousand Dirhams.¹⁷³⁷

باب 48 دية الكلب

CHAPTER 48 – THE WERGILD OF A DOG

1- ل، الخصال أبي عن سعد عن البرقي عن ابن فضال عن ابن بكير عن عبد الأعلى بن أعين عن أبي عبد الله ع قال: في كتاب علي ع دية كلب الصيّد أربعون درهماً.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Al Barqy, from Ibn Fazzal, from Ibn Bukeyr, from Abdul A'ala Bin Ayn,

From Abu Abdullah^{-asws} having said: 'In the Book of Ali^{-asws}: 'Wergild of the hunting dog is forty Dirhams''.¹⁷³⁸

2- ل، الخصال ابن الوليد عن الصفار عن البرقي عن أبيه عن ابن أبي عمير عن إبراهيم بن عبد الحميد عن الوليد بن صبيح عن أبي عبد الله ع قال: دية الكلب السلوقي أربعون درهماً كما أمر رسول الله ص به ليني جديمة.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Al Waleed Bin Sabeeh,

From Abu Abdullah^{-asws} having said: 'The wergild of the Arabian greyhound is forty Dirhams just as Rasool-Allah^{-sawww} had ordered with, for the clan of Juzeyma'.¹⁷³⁹

3- فس، تفسير القمي أحمد بن إدريس عن أحمد بن محمد بن عيسى عن البرقي عن الرضا ع في قول الله عز وجل - وَ شَرُّهُ بِثَمَنِ بَحْسٍ دَرَاهِمٍ مَعْدُودَةٍ قَالَ كَانَتْ عِشْرِينَ دِرْهَمًا وَ الْبَحْسُ النَّقْصُ وَ هِيَ قِيَمَةُ كَلْبِ الصَّيْدِ إِذَا قُتِلَ كَانَ قِيَمَتُهُ عِشْرِينَ دِرْهَمًا.

Tafseer Al Qummi – Ahmad Bin Idrees, from Ahmad Bin Muhammad Bin Isa, from Al Bazanty,

From Al-Reza^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **And they sold him cheaply for a number of Dirhams [12:20]**. He^{-asws} said: 'These were twenty Dirham, and the 'cheaply' is the reduced amount, and it is value of a hunting dog when it is killed, its price (of wergild) would be twenty Dirhams'.¹⁷⁴⁰

4 ص، قصص الأنبياء عليهم السلام بالإسناد عن الصدوق عن ابن الوليد عن الصفار عن ابن عيسى مثله

(The book) 'Qasas Al Anbiya^{-as}', may the greeting be upon them^{-as} – By the chains from Al Sadouq, from Ibn Al Waleed, from Al Saffar, from Ibn Isa, similar to it.¹⁷⁴¹

¹⁷³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 47 H 3

¹⁷³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 1

¹⁷³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 2

¹⁷⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 3

¹⁷⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 4

5 شي، تفسير العياشي عَنِ الرِّضَا ع مِثْلَهُ.

Tafseer Al Ayyashi, from Al-Reza^{-asws}, similar to it.¹⁷⁴²

¹⁷⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 5