

# الكافي

## AL-KAFI

ج 5

Volume 5

Part 6 out of 7

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

Of the majestic narrator and the scholar, the jurist, the Sheykh  
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

AL-KAFI VOLUME 5 Part 6

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

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

### باب الْمَرْأَةِ الَّتِي تَحْرُمُ عَلَى الرَّجُلِ فَلَا تَحِلُّ لَهُ أَبَدًا

## Chapter 81 – The woman who is Prohibited unto the man, so she is not Permissible for him, ever

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ الْمُتَنَّى عَنْ زُرَّارَةَ بْنِ أَعْيَنَ وَ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) وَ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أُدَيْمِ بْنِ بِيَّاعِ الْهَرَوِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّهُ قَالَ الْمَلَأَنَّهُ إِذَا لَا عَنَهَا 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 تَنْكَحَ زَوْجًا غَيْرَهُ ثَلَاثَ مَرَّاتٍ وَ تَتَزَوَّجُ ثَلَاثَ مَرَّاتٍ لَا تَحِلُّ لَهُ أَبَدًا وَ الْمُحْرَمُ إِذَا تَزَوَّجَ وَ هُوَ يَعْلَمُ أَنَّهُ حَرَامٌ عَلَيْهِ لَمْ تَحِلَّ لَهُ أَبَدًا .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ahmad Bin Muhammad Bin Abu Nasr, from Al Musna, from Zurara Bin Ayn and Dawood Bin Sirhan,

from Abu Abdullah-<sup>asws</sup>, and Abdullah Bin Bukeyr, from Adeym Baya'a Al Harwy,

(It has been narrated) from Abu Abdullah-<sup>asws</sup> having said: 'The accursed woman, when her husband curses her, would not be Permissible for him, ever; and the one who married the woman during her waiting period and he knows, she would not be Permissible for him, ever; and the one who divorces with the divorce after which she is not Permissible for him until she married another husband, having divorced her three times and married her three times, would not be Permissible for him, ever; and the one in *Ihraam*, when he marries and he knows that it is Prohibited upon him, she would not be Permissible for him, ever'.<sup>1</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا تَزَوَّجَ الرَّجُلُ الْمَرْأَةَ فِي عِدَّتِهَا وَ دَخَلَ بِهَا لَمْ تَحِلَّ لَهُ أَبَدًا غَالِمًا كَانَ أَوْ جَاهِلًا وَ إِنْ لَمْ يَدْخُلْ بِهَا حَلَّتْ لِلْجَاهِلِ وَ لَمْ تَحِلَّ لِلْآخِرِ .

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

(It has been narrated) from Abu Abdullah-<sup>asws</sup> having said: 'When the man marries the woman during her waiting period and sleeps with her, she would not be Permissible for him, ever, whether he was knowing or ignorant; and if he does not copulate with her, she would be Permissible for the ignorant but would not be Permissible for the other (the knowing one)'.<sup>2</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعًا عَنْ صَفْوَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي إِبْرَاهِيمَ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا بِجَهَالَةٍ أَوْ هِيَ مِمَّنْ لَا تَحِلُّ لَهُ أَبَدًا فَقَالَ لَا أَمَّا إِذَا كَانَ بِجَهَالَةٍ فَلْيَتَزَوَّجْهَا بَعْدَ مَا تَنْفَضِي عِدَّتِهَا وَ قَدْ يُعْذَرُ النَّاسُ فِي الْجَهَالَةِ بِمَا هُوَ أَكْبَرُ مِنْ ذَلِكَ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether, from Safwan, from Abdul Rahman Bin Hajjaj,

<sup>1</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 1

<sup>2</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 2

(It has been narrated) from Abu Ibrahim<sup>-asws</sup> (7<sup>th</sup> Imam<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the man who marries the woman during her waiting period out of ignorance, is she from the ones who is not Permissible for him, ever?' So he<sup>-asws</sup> said: 'No. If he was ignorant, so let him marry her after her having observed her waiting period, and the people are excused in the ignorance with what is greater than that'.

فَقُلْتُ يَا أَيُّ الْجَهَالَتَيْنِ يُعَدُّرُ بِجَهَالَتِهِ أَنْ يَعْلَمَ أَنَّ ذَلِكَ مُحَرَّمٌ عَلَيْهِ أَمْ بِجَهَالَتِهِ أَنَّهَا فِي عِدَّةٍ فَقَالَ إِخْدَى الْجَهَالَتَيْنِ أَهْوَنُ مِنَ الْآخَرَى الْجَهَالَةُ بِأَنَّ اللَّهَ حَرَّمَ ذَلِكَ عَلَيْهِ وَ ذَلِكَ بِأَنَّهُ لَا يُعَدُّرُ عَلَى الْإِحْتِيَاظِ مَعَهَا فَقُلْتُ فَهَوَ فِي الْآخَرَى مَعْدُورٌ قَالَ نَعَمْ إِذَا انْقَضَتْ عِدَّتُهَا فَهُوَ مَعْدُورٌ فِي أَنْ يَنْزَوَّجَهَا فَقُلْتُ فَإِنْ كَانَ أَحَدُهُمَا مُتَعَمِّدًا وَ الْآخَرَ يَجْهَلُ فَقَالَ الَّذِي تَعَمَّدَ لَا يَجِلُّ لَهُ أَنْ يَرْجِعَ إِلَى صَاحِبِهِ أَبَدًا .

So I said, 'By which of the two ignorances is he excused, with his ignorance of knowing that she is Prohibited unto him, or with his ignorance that she was in her waiting period?' So he<sup>-asws</sup> said: 'One of the two ignorance which is easier than the other ignorance, that Allah<sup>-azwj</sup> has Prohibited that upon him, and that he is not able upon the precaution with her'. So I said, 'So he is excused in the other?' He<sup>-asws</sup> said: 'Yes, when she has observed her waiting period, so he is excused therein he can marry her'. So I said, 'Supposing one of the two was deliberate, and the other one was ignorant?' So he<sup>-asws</sup> said: 'The one who was deliberate, it would not be Permissible for him that he returns to his companion, ever'.<sup>3</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْخُبْلَى يَمُوتُ زَوْجُهَا فَتَضَعُ وَ تَزَوَّجُ قَبْلَ أَنْ تَمْضِيَ لَهَا أَرْبَعَةُ أَشْهُرٍ وَ عَشْرًا فَقَالَ إِنْ كَانَ دَخَلَ بِهَا فُرْقَ بَيْنَهُمَا ثُمَّ لَمْ تَجَلْ لَهُ أَبَدًا وَ اعْتَدَّتْ بِمَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ وَ اسْتَقْبَلَتْ عِدَّةَ أُخْرَى مِنَ الْآخِرِ ثَلَاثَةَ قُرُوءٍ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرْقَ بَيْنَهُمَا وَ اعْتَدَّتْ بِمَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ وَ هُوَ خَاطِبٌ مِنَ الْخُطَابِ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the pregnant woman, her husband dies, so she places (gives birth), and she marries before four months and ten days have expired for her. So he<sup>-asws</sup> said: 'If he has slept with her, there would be separation between them both, then she would not be Permissible for him, ever, and she would observe the waiting period with what is remaining upon her from the former (husband), and she would face another waiting period from the other one, three pure period; and if he has not slept with her, there would be separation between them both and she would observe the waiting period with what is remaining upon her from the former (husband), and he would be a proposer from the proposers'.<sup>4</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ عَنْ عَبْدِ الْكَرِيمِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ الْمَرْأَةُ الْخُبْلَى يُتَوَفَّى عَنْهَا زَوْجُهَا فَتَضَعُ وَ تَزَوَّجُ قَبْلَ أَنْ تَعْتَدَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَقَالَ إِنْ كَانَ الَّذِي تَزَوَّجَهَا دَخَلَ بِهَا فُرْقَ بَيْنَهُمَا وَ لَمْ تَجَلْ لَهُ أَبَدًا وَ اعْتَدَّتْ بِمَا بَقِيَ عَلَيْهَا مِنَ عِدَّةِ الْأَوَّلِ وَ اسْتَقْبَلَتْ عِدَّةَ أُخْرَى مِنَ الْآخِرِ ثَلَاثَةَ قُرُوءٍ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرْقَ بَيْنَهُمَا وَ اتَّمَّتْ مَا بَقِيَ مِنْ عِدَّتِهَا وَ هُوَ خَاطِبٌ مِنَ الْخُطَابِ .

<sup>3</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 3

<sup>4</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 4

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ahmad Bin Muhammad Bin Abu Nasr, from Abdul Kareem, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'The pregnant woman, her husband having died from her, so she places (gives birth), and she marries before she has observed the waiting period of four months and ten (days)'. So he<sup>-asws</sup> said: 'If it was such that the one who married her has slept with her, there would be separation between the two of them, and she would not be Permissible for him, ever, and she would observe the waiting period with what is remaining upon her from the first waiting period, and she would face another waiting period from the other one of three pure periods; but if he had not slept with her, there would be separation between them both, and she would complete what remains from her waiting period, and he would be a proposer from the proposers'.<sup>5</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ وَ ابْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فِي عِدَّتِهَا قَالَ يُفَرِّقُ بَيْنَهُمَا وَ إِنْ كَانَ دَخَلَ بِهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَ يُفَرِّقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَا شَيْءَ لَهَا مِنْ مَهْرِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Muhammad Bin Al Husayn, from Usman Bin Isa, from Sama'at, and Ibn Muskann, from Suleyman Bin Khalid, said,

'I asked him<sup>-asws</sup> about a man who marries a woman during her waiting period. He<sup>-asws</sup> said: 'There would be separation between them both, and if he had slept with her, so there would be the dower for her with what she had permitted from her private parts, and there would be separation between them both, and she would not be Permissible for him, ever; but if he did not happen to have slept with her, so there is nothing for her from her dower'.<sup>6</sup>

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) وَ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي عَبْدِ اللَّهِ وَ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا طَلَّقَ الرَّجُلُ الْمَرْأَةَ فَتَزَوَّجَتْ ثُمَّ طَلَّقَهَا زَوْجَهَا الْأَوَّلُ ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ رَجُلًا ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ الْأَوَّلُ ثُمَّ طَلَّقَهَا الزَّوْجَ الْأَوَّلَ هَكَذَا ثَلَاثًا لَمْ تَحِلَّ لَهُ أَبَدًا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, and Ali Bin Ibrahim, from his father, altogether from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, and Ibrahim Bin Abdul Hameed from Abu Abdullah<sup>-asws</sup> and Abu Al-Hassan<sup>-asws</sup> having said: 'When the man divorces the woman, so she marries. Then her husband divorces her, so she marries the first (husband). Then he divorces, so she marries a man. Then he divorces her, so she marries the first (husband). Then the first husband divorces her like this, three times, she would not be Permissible for him, ever'.<sup>7</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ الْعَاصِمِيُّ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ عَمِّهِ يَعْقُوبَ بْنِ سَالِمٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا قَالَ إِنْ كَانَ دَخَلَ بِهَا فَرَقَ بَيْنَهُمَا وَ لَمْ يَحِلَّ لَهُ

<sup>5</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 5

<sup>6</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 6

<sup>7</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 7

أَبْدًا وَ أَتَمَّتْ عِدَّتَهَا مِنَ الْأَوَّلِ وَ عِدَّةَ أُخْرَى مِنَ الْآخِرِ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَرَّقَ بَيْنَهُمَا وَ أَتَمَّتْ عِدَّتَهَا مِنَ الْأَوَّلِ وَ كَانَ خَاطِبًا مِنَ الْخُطَابِ .

Ahmad Bin Muhammad Al Aasimy, from Ali Bin Al Hassan Bin Fazzal, from Ali Bin Asbaat, from his uncle Yaqoub Bin Salim, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the man who marries the woman during her waiting period. He<sup>asws</sup> said: 'If he had slept with her, there would be separation between them both, and she would not be Permissible for him, ever, and she would complete her waiting period (from the deceased), and another waiting period from the other one (husband); but if he had not slept with her, there would be separation between them both, and she would complete her waiting period from the first (husband) and he would be a proposer from the proposers'.<sup>8</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ قَالَ فِي رَجُلٍ نَكَحَ امْرَأَةً وَ هِيَ فِي عِدَّتِهَا قَالَ يُفَرِّقُ بَيْنَهُمَا ثُمَّ تَقْضِي عِدَّتَهَا فَإِنْ كَانَ دَخَلَ بِهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَ يُفَرِّقُ بَيْنَهُمَا وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَا شَيْءَ لَهَا

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding a man who married a woman and she was in her waiting period. He<sup>asws</sup> said: 'There would be separation between them both, then she would observe her waiting period. So if he had slept with her, so for her would be the dower with what she had permitted from her private part, and there would be separation between them both; and if he had not slept with her, so there would not be anything for her'.

قَالَ وَ سَأَلْتُهُ عَنِ الَّذِي يُطَلِّقُ ثُمَّ يُرَاجِعُ ثُمَّ يُطَلِّقُ ثُمَّ يُرَاجِعُ ثُمَّ يُطَلِّقُ قَالَ لَا تَحِلُّ لَهُ حَتَّى تَنْكَحَ رَوْجًا غَيْرَهُ فَيَبْرُؤَ وَجْهًا رَجُلًا آخَرَ فَيُطَلِّقُهَا عَلَى السُّنَّةِ ثُمَّ تَرْجِعُ إِلَى رَوْجِهَا الْأَوَّلِ فَيُطَلِّقُهَا ثَلَاثَ مَرَّاتٍ عَلَى السُّنَّةِ فَتَنْكَحُ رَوْجًا غَيْرَهُ فَيُطَلِّقُهَا ثُمَّ تَرْجِعُ إِلَى رَوْجِهَا الْأَوَّلِ فَيُطَلِّقُهَا ثَلَاثَ مَرَّاتٍ عَلَى السُّنَّةِ ثُمَّ تَنْكَحُ فَتَأْكُلُ اللَّيْلَةَ لَا تَحِلُّ لَهُ أَبَدًا وَ الْمَلَاعَنَةُ لَا تَحِلُّ لَهُ أَبَدًا .

He (the narrator) said, 'And I asked him<sup>asws</sup> about the one who divorces, then reverts, then divorces, then reverts, then divorces. He<sup>asws</sup> said: 'She would not be Permissible for him until she marries another husband. So another husband marries her, then divorces her upon the Sunnah, then she returns to the first (husband), so he divorces her three times upon the Sunnah. So she marries another husband, so he divorces her, then she returns to her first husband. So he divorces her three times upon the Sunnah, then she married. So that would be the one who is not Permissible for him, ever, and the accursed one (from her husband) would not be Permissible for him, ever'.<sup>9</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي إِبْرَاهِيمَ ( عَلَيْهِ السَّلَامُ ) بَلَّغْنَا عَنْ أَبِيكَ أَنَّ الرَّجُلَ إِذَا تَزَوَّجَ الْمَرْأَةَ فِي عِدَّتِهَا لَمْ تَحِلَّ لَهُ أَبَدًا فَقَالَ هَذَا إِذَا كَانَ عَلِيمًا فَإِذَا كَانَ جَاهِلًا فَارْقَاهَا وَ تَعَنَّدُ ثُمَّ يَنْزَوِجُهَا نِكَاحًا جَدِيدًا .

Ali Bin Ibrahim, from his father, from Safwan, from Is'haq Bin Ammar who said,

<sup>8</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 8

<sup>9</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 9

'I said to Abu Ibrahim-asws (7th Imam-asws), 'It has reached us from your-asws father-asws that the man, when he marries the woman during her waiting period, she would not be Permissible for him, ever'. So he-asws said: 'This is when he has knowing. So if he was ignorant, they would be separated, and she would observe her waiting period, then he would marry her with a new marriage'.<sup>10</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ رَفَعَهُ أَنَّ الرَّجُلَ إِذَا تَزَوَّجَ الْمَرْأَةَ وَ عَلِمَ أَنَّ لَهَا زَوْجاً فُرِقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَداً .

A number of our companions, from Ahmad Bin Muhammad, raising it,

'(He-asws said): 'The man, when he marries the woman and knows that there is a husband for her, separation would be effected between them both, and she would not be Permissible for him, ever'.<sup>11</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا حَظَبَ الرَّجُلُ الْمَرْأَةَ فَدَخَلَ بِهَا قَبْلَ أَنْ تَبْلُغَ تِسْعَ سِنِينَ فُرِقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَداً .

A number of our companions, from Sahl Bin Ziyad, from Yaqoub Bin Yazeed, from one of our companions,

(It has been narrated) from Abu Abdullah-asws having said: 'When the man proposes to the woman, so he sleeps with her before she reaches nine years, separation would be effected between the two of them, and she would not be Permissible for him, ever'.<sup>12</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ إِذَا طَلَّقَ الرَّجُلُ الْمَرْأَةَ فَتَزَوَّجَتْ رَجُلًا ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ رَجُلًا ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ الْأَوَّلُ ثُمَّ طَلَّقَهَا لَمْ تَحِلَّ لَهُ أَبَداً .

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

(It has been narrated) from Abu Abdullah-asws having said: 'When the man divorces the woman, so a man marries her. Then he divorces her, so the first (husband) marries her. Then he divorces her, so a man marries her. Then he divorces her, so the first (husband) marries her. Then he divorces her, she would not be Permissible for him, ever'.<sup>13</sup>

بَابُ الَّذِي عِنْدَهُ أَرْبَعُ نِسْوَةٍ فَيُطَلِّقُ وَاحِدَةً وَ يَتَزَوَّجُ قَبْلَ انْقِضَاءِ عِدَّتِهَا أَوْ يَتَزَوَّجُ خَمْسَ نِسْوَةٍ فِي عَقْدَةٍ

## Chapter 82 – The one with whom are four wives, so he divorces one, and he marries (another) before the expiration of her waiting period, or he marries five women in a (marriage) tie

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنَ وَ مُحَمَّدَ بْنَ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا جَمَعَ الرَّجُلُ أَرْبَعًا فَطَلَّقَ إِحْدَاهُنَّ فَلَا يَتَزَوَّجُ الْخَامِسَةَ حَتَّى تَنْقَضِيَ عِدَّةُ الْمَرْأَةِ الَّتِي طَلَّقَ وَ قَالَ لَا يَجْمَعُ الرَّجُلُ مَاءَةَ فِي خَمْسٍ .

<sup>10</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 10

<sup>11</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 11

<sup>12</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 12

<sup>13</sup> Al Kafi – V 5 – The Book of Marriage Ch 81 H 13

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Zurara Bin Ayn and Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'When the man gathers four (wives), so he divorces one of them, so he cannot marry the fifth until the expiration of the waiting period of the wife he has divorces'. And he<sup>-asws</sup> said: 'The man cannot gather his water (seed) in five (wives)'.<sup>14</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ ( عَلَيْهِ السَّلَام ) عَنِ الرَّجُلِ يَكُونُ لَهُ أَرْبَعُ نِسْوَةٍ فَيَطْلُقُ إِحْدَاهُنَّ أَوْ يَتَزَوَّجُ مَكَانَهَا أُخْرَى قَالَ لَا حَتَّى تَنْقَضِيَ عِدَّتُهَا .

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

'I asked Abu Ibrahim<sup>-asws</sup> about the man who happens to have four wives, and he divorces one of them. Can he marry another in her place?' He<sup>-asws</sup> said: 'No, until her waiting period expires'.<sup>15</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرَ ( عَلَيْهِ السَّلَام ) يَقُولُ فِي رَجُلٍ كَانَتْ تَحْتَهُ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ وَاحِدَةً ثُمَّ نَكَحَ أُخْرَى قَبْلَ أَنْ تَسْتَكْمِلَ الْمُطَلَّغَةُ الْعِدَّةَ قَالَ فَلْيُحْفَظْ بِأَهْلِهَا حَتَّى تَسْتَكْمِلَ الْمُطَلَّغَةُ أَجَلَهَا وَ تَسْتَقْبِلَ الْأُخْرَى عِدَّةَ أُخْرَى وَ لَهَا صَدَاقُهَا إِنْ كَانَ دَخَلَ بِهَا فَإِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَهُ مَالُهَا وَ لَا عِدَّةَ عَلَيْهَا ثُمَّ إِنْ شَاءَ أَهْلُهَا بَعْدَ انْقِضَاءِ عِدَّتِهَا زَوَّجُوهُ وَ إِنْ شَاءُوا لَمْ يُزَوَّجُوهُ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Aasim Bin Humejd, from Muhammad Bin Qays who said,

'I heard Abu Ja'far<sup>-asws</sup> saying regarding a man under whom were four women, so he divorced one, then married another before the divorced one had completed the waiting period. He<sup>-asws</sup> said: 'So let him attach her with her family until the divorced woman completes her term, and the other one would face another waiting period, and for her would be her dower, if he had slept with her. So, if he did not happen to have slept with her, so for him would be his wealth, and there would be no waiting period upon her. Then, if her family so desires to, after the expiration of her waiting period, to get her married, and if they so desire to, they do not get her married'.<sup>16</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ عَنَبَسَةَ بْنِ مُصْعَبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ كَانَتْ لَهُ ثَلَاثُ نِسْوَةٍ فَتَزَوَّجَ عَلَيْهِنَّ أَمْرَاتَيْنِ فِي عِدَّةٍ فَدَخَلَ بِوَاحِدَةٍ مِنْهُمَا ثُمَّ مَاتَ قَالَ إِنْ كَانَ دَخَلَ بِالْمَرْأَةِ الَّتِي بَدَأَ بِاسْمِهَا وَ ذَكَرَهَا عِنْدَ عِدَّةِ النِّكَاحِ فَإِنَّ نِكَاحَهَا جَائِزٌ وَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ وَ إِنْ كَانَ دَخَلَ بِالْمَرْأَةِ الَّتِي سُمِّيَتْ وَ ذُكِرَتْ بَعْدَ ذِكْرِ الْمَرْأَةِ الْأُولَى فَإِنَّ نِكَاحَهَا بَاطِلٌ وَ لَا مِيرَاثَ لَهَا وَ عَلَيْهَا الْعِدَّةُ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether, from Al Hassan Bin Mahboub, from Ali Bin Raib, from Anbasa Bin Mus'ab who said,

'I asked Abu Abdullah<sup>-asws</sup> about a man who had three women for him, so he married two women (as additional wives) upon them in one marriage tie. So he slept with one of them, then died. He<sup>-asws</sup> said: 'If he had slept with the wife whom he initiated with

<sup>14</sup> Al Kafi – V 5 – The Book of Marriage Ch 82 H 1

<sup>15</sup> Al Kafi – V 5 – The Book of Marriage Ch 82 H 2

<sup>16</sup> Al Kafi – V 5 – The Book of Marriage Ch 82 H 3

her name and mentioned her during the marriage tie, so her marriage is allowed, and for her is the inheritance and upon her is the waiting period; but if he slept with the wife whom he named, and mentioned after the mention of the first one, so her marriage is invalid, and there is no inheritance for her, and upon her is the waiting period'.<sup>17</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ تَزَوَّجَ خَمْسًا فِي عَقْدَةٍ قَالَ يُخَلِّي سَبِيلَ أَيَّتَهُمَا شَاءَ وَ يُمَسِّكُ الْأُخْرَى .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a man who marries five (women) in one marriage tie. He<sup>-asws</sup> said: 'He has to free the way (divorce) of whichever one he so desires to, and keep the four'.<sup>18</sup>

### بَابُ الْجَمْعِ بَيْنَ الْأُخْتَيْنِ مِنَ الْحَرَائِرِ وَالْإِمَاءِ

## Chapter 83 – The gathering between two sisters, from the free ones and the slaves

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنِ ابْنِ أَبِي نَجْرَانَ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ فَضَى أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) فِي أُخْتَيْنِ نَكَحَ إِحْدَاهُمَا رَجُلٌ ثُمَّ طَلَّقَهَا وَ هِيَ حَبْلِيٌّ ثُمَّ حَطَبَ أُخْتَهَا فَجَمَعَهُمَا قَبْلَ أَنْ تَضَعَ أُخْتَهَا الْمُطَلَّقةَ وَ لَدَهَا فَأَمَرَهُ أَنْ يُفَارِقَ الْأُخْرَى حَتَّى تَضَعَ أُخْتَهَا الْمُطَلَّقةَ وَ لَدَهَا ثُمَّ يَخْطُبُهَا وَ يُصَدِّقُهَا صَدَاقاً مَرَّتَيْنِ .

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

(It has been narrated) from Abu Ja'far<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> judged regarding two sisters, a man married one of them, then divorced her and she was pregnant, then he proposed to her sister, so he gathered the two of them before her divorced sister placed (gave birth) to her child. So he<sup>-asws</sup> ordered that there would be separation with the later one until her divorced sister places (gives birth to) her child. Then he should proposed to her, and assign a dower for her with a dower, being twice'.<sup>19</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) رَجُلٌ نَكَحَ امْرَأَةً ثُمَّ أَتَى أَرْضاً فَنَكَحَ أُخْتَهَا وَ هُوَ لَا يَعْلَمُ قَالَ يُمَسِّكُ أَيَّتَهُمَا شَاءَ وَ يُخَلِّي سَبِيلَ الْأُخْرَى .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Ibn Muskan, from Abu Bakr Al Hazramy who said,

'I said to Abu Ja'far<sup>-asws</sup>, 'A man married a woman, then he went over to a land, so he married her sister, and he did not know'. He<sup>-asws</sup> said: 'He can keep whichever of the two he so desires to, and he should free the way of the other one (divorce her)'.<sup>20</sup>

<sup>17</sup> Al Kafi – V 5 – The Book of Marriage Ch 82 H 4

<sup>18</sup> Al Kafi – V 5 – The Book of Marriage Ch 82 H 5

<sup>19</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 1

<sup>20</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 2

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَام ) أَنَّهُ قَالَ فِي رَجُلٍ تَزَوَّجَ أُخْتَيْنِ فِي عَقْدَةٍ وَاحِدَةٍ قَالَ هُوَ بِالْخِيَارِ يُمَسِّكُ أَيَّتَهُمَا شَاءَ وَ يُحَلِّي سَبِيلَ الْأُخْرَى

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

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam-asws) having said regarding a man who married two sisters in one marriage tie. He-asws said: 'He is with the choice. He can keep whichever of the two he so desires to, and free the way of the other one'.

وَقَالَ فِي رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ فَوَطِنَهَا ثُمَّ اشْتَرَى أُمَّهَا أَوْ ابْنَتَهَا قَالَ لَا تَحِلُّ لَهُ [أَبْدًا] .

And he-asws said regarding a man who had a slave girl for him, so he slept with her, then bought her paternal aunt, or her daughter. He-asws said: 'She would not be Permissible for him, ever'.<sup>21</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ ابْنِ بُكَيْرٍ وَ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ تَزَوَّجَ بِالْعِرَاقِ امْرَأَةً ثُمَّ خَرَجَ إِلَى الشَّامِ فَتَزَوَّجَ امْرَأَةً أُخْرَى فَإِذَا هِيَ أُخْتُ امْرَأَةِ النَّبِيِّ بِالْعِرَاقِ قَالَ يَفْرَقُ بَيْنَهُ وَ بَيْنَ النَّبِيِّ تَزَوَّجَهَا بِالشَّامِ وَ لَا يَقْرَبُ الْمَرْأَةَ حَتَّى تَنْقَضِيَ عِدَّةُ الشَّامِيَّةِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Ibn Bukeyr, and Ali Bin Raib, from Zurara Bin Ayn who said,

'I asked Abu Ja'far-asws about a man who married a woman in Al-Iraq. Then he went out to Syria, so he married another woman. So she turned out to be a sister of the woman in Al-Iraq. He-asws said: 'There would be separation between him and the one who was in Syrian, and he would not go near the woman until the expiration of the waiting period of the Syrian woman'.

قُلْتُ فَإِنْ تَزَوَّجَ امْرَأَةً ثُمَّ تَزَوَّجَ أُمَّهَا وَ هُوَ لَا يَعْلَمُ أَنَّهَا أُمَّهَا قَالَ قَدْ وَضَعَ اللَّهُ عَنْهُ جَهَالَتَهُ بِذَلِكَ ثُمَّ قَالَ إِذَا عَلِمَ أَنَّهَا أُمَّهَا فَلَا يَقْرَبُهَا وَ لَا يَقْرَبُ ابْنَتَهُ حَتَّى تَنْقَضِيَ عِدَّةُ الْأُمِّ مِنْهُ فَإِذَا انْقَضَتْ عِدَّةُ الْأُمِّ حَلَّ لَهُ نِكَاحُ ابْنَتِهِ

I said, 'Supposing he were to marry a woman, then marry her mother, and he does not know that she was her mother?' He-asws said: 'Allah-azwj has Placed (aside the Punishment) from him due to his ignorance with that'. Then he-asws said: 'When he knows that she is her mother, so he should not go near her, nor go near the daughter, until the mother's waiting period expires from it. So when the waiting period of the mother expires, his marriage with the daughter would be Permissible'.

قُلْتُ فَإِنْ جَاءَتِ الْأُمُّ بِوَلَدٍ قَالَ هُوَ وَوَلَدُهُ وَ يَكُونُ ابْنُهُ وَ أَخَا امْرَأَتِهِ .

I said, 'Supposing the mother comes with a child?' He-asws said: 'It would be his child, and would happen to be his son, and a brother of his wife'.<sup>22</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُوسُفَ قَالَ قَرَأْتُ فِي كِتَابِ رَجُلٍ إِلَى أَبِي الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) ( جُعِلَتْ فِدَاكَ الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ مُنْعَةً إِلَى أَجَلٍ مُسَمًّى فَيَنْقَضِي الْأَجَلَ بَيْنَهُمَا هَلْ لَهُ أَنْ يَنْكِحَ أُخْتَهَا مِنْ قَبْلِ أَنْ تَنْقَضِيَ عِدَّتُهَا فَكَتَبَ لَا يَحِلُّ لَهُ أَنْ يَتَزَوَّجَهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا .

<sup>21</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 3

<sup>22</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 4

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

'I read in a letter of a man to Abu Al-Hassan Al-Reza<sup>-asws</sup>, 'May I be sacrificed for your<sup>asws</sup>! The man marries the woman in a temporary marriage to a specified term, and the term expires between the two of them. Is it for him that he can marry her sister from before the expiration of her waiting period?' So he<sup>-asws</sup> wrote: 'It is not Permissible for him that he marries her until her (after) waiting period has expired'.<sup>23</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزِيْعٍ عَنْ مُحَمَّدِ بْنِ الْفَضْلِ بْنِ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اخْتَلَعَتْ مِنْهُ امْرَأَتُهُ أَيْحُلُّ لَهُ أَنْ يَخْطُبَ أُخْتَهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا فَقَالَ إِذَا بَرَأَتْ عِصْمَتَهَا وَ لَمْ يَكُنْ لَهُ رَجْعَةٌ فَقَدْ حَلَّ لَهُ أَنْ يَخْطُبَ أُخْتَهَا

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about a man whose wife was divorced from him by a mutual agreement, is it Permissible for him that he proposes to her sister before the expiration of her waiting period?' So he<sup>-asws</sup> said: 'When she has freed herself and there is no reversion for him, so it is Permissible for him that he proposes to her sister'.

قَالَ وَ سُنِلَ عَنْ رَجُلٍ عِنْدَهُ أُخْتَانِ مَمْلُوكَتَانِ فَوَطِئَ إِحْدَاهُمَا ثُمَّ وَطِئَ الْأُخْرَى قَالَ إِذَا وَطِئَ الْأُخْرَى فَقَدْ حَرَمَتْ عَلَيْهِ الْأُولَى حَتَّى تَمُوتَ الْأُخْرَى قُلْتُ أَرَأَيْتَ إِنْ بَاعَهَا فَقَالَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِحَاجَةٍ وَ لَا يَخْطُرُ عَلَى بَالِهِ مِنَ الْأُخْرَى شَيْءٌ فَلَا أَرَى بِذَلِكَ بَأْسًا وَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِيَرْجِعَ إِلَى الْأُولَى فَلَا .

He (the narrator) said, 'And he was asked about a man with whom were two sisters, both owned slaves. So he slept with one of the two, then he slept with the other. He<sup>-asws</sup> said: 'When he slept with the other, so it has Prohibited unto him the first one until the other one dies'. I said, 'What is your<sup>-asws</sup> view if he were to sell her?' So he<sup>-asws</sup> said: 'If it was such that he has to sell her due to a need and not having any thoughts upon his sleeping with the other one, so I<sup>-asws</sup> do not see any problem with that; and if it was such that rather he sells her in order to revert to the first one, so no'.<sup>24</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ أَوْ اخْتَلَعَتْ أَوْ بَانَتْ لَهُ أَنْ يَتَزَوَّجَ بِأُخْتِهَا قَالَ إِذَا بَرَأَتْ عِصْمَتَهَا وَ لَمْ يَكُنْ لَهُ عَلَيْهَا رَجْعَةٌ فَلَهُ أَنْ يَخْطُبَ أُخْتَهَا

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a man who divorces his wife, or by mutually agreement divorce, or she becomes irrevocably divorced from him, is it for him that he marries her sister?' So he<sup>-asws</sup> said: 'When she has freed herself and there is no reversion for him upon her, so for him is that he proposes to her sister'.

قَالَ وَ سُنِلَ عَنْ رَجُلٍ كَانَتْ عِنْدَهُ أُخْتَانِ مَمْلُوكَتَانِ فَوَطِئَ إِحْدَاهُمَا ثُمَّ وَطِئَ الْأُخْرَى قَالَ إِذَا وَطِئَ الْأُخْرَى فَقَدْ حَرَمَتْ عَلَيْهِ حَتَّى تَمُوتَ الْأُخْرَى قُلْتُ أَرَأَيْتَ إِنْ بَاعَهَا أَوْ تَجَلَّى لَهُ الْأُولَى قَالَ إِنْ كَانَ يَبِيعُهَا لِحَاجَةٍ وَ لَا يَخْطُرُ عَلَى قَلْبِهِ مِنَ الْأُخْرَى شَيْءٌ فَلَا أَرَى بِذَلِكَ بَأْسًا وَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِيَرْجِعَ إِلَى الْأُولَى فَلَا وَ لَا كَرَامَةً .

<sup>23</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 5

<sup>24</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 6

He (the narrator) said, 'And he<sup>-asws</sup> was asked about a man who happened to have two sisters for him. Both owned slaves, so he slept with one of them, then slept with the other. He<sup>-asws</sup> said: 'When he slept with the other, she (the first one) becomes Prohibited unto him until the other one dies'. I said, 'What is your<sup>-asws</sup> view if he were to sell her, would the first one be Permissible for him?' He<sup>-asws</sup> said: 'If he sold her due to a need and not having any thoughts upon his heart from the other, so I<sup>-asws</sup> do not see a problem with that; and if it was such that rather he sold her in order to revert to the first one, so no, and there is no prestige'.<sup>25</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ وَ هِيَ حُبْلَى أَيْتَزَوَّجُ أُخْتَهَا قَبْلَ أَنْ تَضَعُ قَالَ لَا يَتَزَوَّجُهَا حَتَّى يَخْلُوَ أَجْلَهَا .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Zurara,

(It has been narrated) from Abu Ja'far<sup>-asws</sup> regarding a man who divorced his wife and she was pregnant, can he marry her sister before she places (gives birth)? He<sup>-asws</sup> said: 'He cannot marry her until her term is cleared'.<sup>26</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي إِبْرَاهِيمَ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَةً أَيْتَزَوَّجُ أُخْتَهَا قَالَ لَا حَتَّى تَنْقَضِيَ عِدَّتُهَا

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

(It has been narrated) from Abu Ibrahim<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about a man who divorces his wife, can he marry her sister?' He<sup>-asws</sup> said: 'No, until her waiting period has expired'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ مَلَكَ أُخْتَيْنِ أَيْطَوُّهُمَا جَمِيعاً قَالَ يَطَأُ إِخْدَاهُمَا وَإِذَا وَطِئَ الثَّانِيَةَ حُرِّمَتْ عَلَيْهِ الْأُولَى الَّتِي وَطِئَ حَتَّى تَمُوتَ الثَّانِيَةُ أَوْ يُفَارِقَهَا وَ لَيْسَ لَهُ أَنْ يَبِيعَ الثَّانِيَةَ مِنْ أَجْلِ الْأُولَى لِيَرْجِعَ إِلَيْهَا إِلَّا أَنْ يَبِيعَ لِحَاجَةٍ أَوْ يَتَصَدَّقَ بِهَا أَوْ تَمُوتَ

He (the narrator) said, 'And I asked him about a man who owned two sisters, can he sleep with both of them together?' He<sup>-asws</sup> said: 'He can sleep with one of the two, and when he sleeps with the second one, the first one which he slept with would be Prohibited unto him until the second one dies, or he separates from her; and it is not for him that he sells the second one due to the reason of the first in order to revert to her, except if he were to sell for a need, or he gives in charity with her, or she dies'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ امْرَأَةٌ فَهَلَكَتْ أَيْتَزَوَّجُ أُخْتَهَا فَقَالَ مِنْ سَاعَتِهِ إِنْ أَحَبَّ .

He (the narrator) said, 'And I asked him<sup>-asws</sup> about a man who had a woman for him, so she died, can he marry her sister? So he<sup>-asws</sup> said: 'From that very moment if he so desires to'.<sup>27</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ فَتَزَوَّجَتْ فَوَلَدَتْ أَيْصَلِّحُ لِمَوْلَاهَا الْأُولَى أَنْ يَتَزَوَّجَ ابْنَتَهَا قَالَ هِيَ عَلَيْهِ حَرَامٌ وَ هِيَ ابْنَتُهُ وَ الْحُرَّةُ وَ الْمَمْلُوكَةُ فِي هَذَا سِوَاءَ ثُمَّ قَرَأَ هَذِهِ الْآيَةَ وَ رَبَائِكُمْ اللَّاتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمْ .

<sup>25</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 7

<sup>26</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 8

<sup>27</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 9

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

'I asked Abu Abdullah<sup>-asws</sup> about a man who had a slave girl for him, so he freed her, and married her, so she gave birth. Is it correct for her former master that he marries her daughter?' He<sup>-asws</sup> said: 'She is Prohibited unto him, and she is his daughter, and the free woman and the owned slave girl, with regard to this, are equal'. Then he<sup>-asws</sup> recited this Verse **[4:23] and your step-daughters who are in your guardianship, (born) of your wives**'.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَام ) مِثْلَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim, from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>) – similar to it'.<sup>28</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَمَّنْ ذَكَرَهُ عَنِ الْحُسَيْنِ بْنِ بِشْرِ قَالَ سَأَلْتُ الرَّضَا ( عَلَيْهِ السَّلَام ) عَنِ الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ وَ لَهَا ابْنَةٌ فَيَقَعُ عَلَيْهَا أَوْ يَصْلُحُ لَهُ أَنْ يَقَعَ عَلَى ابْنَتِهَا فَقَالَ أَيْ كَيْفَ الرَّجُلُ الصَّالِحُ ابْنَتَهُ .

Ahmad Bin Muhammad, from the one who mentioned it, from Al Husayn Bin Bashr who said,

'I asked Al-Reza<sup>-asws</sup> about the man who happened to have the slave girl for him, and for her is a daughter. So he fell upon her. It is correct for him that he falls upon her daughter?' So he<sup>-asws</sup> said: 'Would the righteous man marry his own daughter?'<sup>29</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ الْقَاسِمِ بْنِ سَلِيمَانَ عَنْ عَبْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي الرَّجُلِ يَكُونُ لَهُ الْجَارِيَةُ يُصِيبُ مِنْهَا أَلَهُ أَنْ يَنْكِحَ ابْنَتَهَا قَالَ لَا هِيَ مِثْلُ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ رَبَانِيكُمْ اللَّاتِي فِي حُجُورِكُمْ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the man who happens to have the slave girl for him which he attained from. Is it for him that he marries her daughter?' He<sup>-asws</sup> said: 'No. She is like (the one in) the Words of Allah<sup>-azwj</sup> Mighty and Majestic **[4:23] and your step-daughters who are in your guardianship**'.<sup>30</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنِ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ رَجُلٌ طَلَّقَ امْرَأَتَهُ فَبَانَتْ مِنْهُ وَ لَهَا ابْنَةٌ مَمْلُوكَةٌ فَاشْتَرَاهَا أَيْ جَلَّ لَهُ أَنْ يَطَّأَهَا قَالَ لَا

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin yahya, from Ibn Muskan, from Abu Baseer,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'A man divorces his wife, so she becomes irrevocably divorced from him, and for her is a daughter, an owned slave. So he buys her. Is it Permissible for him that he sleeps with her?' He<sup>-asws</sup> said: 'No'.

<sup>28</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 10

<sup>29</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 11

<sup>30</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 12

وَعَنِ الرَّجُلِ تَكُونُ عِنْدَهُ الْمَمْلُوكَةُ وَابْنَتُهَا فَيَطَأُ إِحْدَاهُمَا فَيَمُوتُ وَتَبْقَى الْأُخْرَى أَيْصَلِحُ لَهُ أَنْ يَطَأَهَا قَالَ لَا .

And about the man who happened to have the owned slave girl with him, and her daughter. So he sleeps with one of the two, and she dies, and the other one remains. Is it correct for him that he sleeps with her?' He<sup>-asws</sup> said: 'No'.<sup>31</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَائِبٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قُلْتُ لَهُ الرَّجُلُ يَسْتَتِرِي الْأَخْتَيْنِ فَيَطَأُ إِحْدَاهُمَا ثُمَّ يَطَأُ الْأُخْرَى بِجَهَالَةٍ قَالَ إِذَا وَطِئَ الْأُخْرَى بِجَهَالَةٍ لَمْ تَحْرُمْ عَلَيْهِ الْأُولَى وَإِنْ وَطِئَ الْأُخْرَى وَهُوَ يَعْلَمُ أَنَّهَا تَحْرُمُ عَلَيْهِ حُرْمَتًا عَلَيْهِ جَمِيعًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Al Halby,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'The man buys the two sisters, so he sleeps with one of the two. Then he sleeps with the other out of ignorance'. He<sup>-asws</sup> said: 'When he slept with the other one out of ignorance, the first one would not be Prohibited unto him, but if he slept with the other one and he knew that she is prohibited unto him, they would both together be Prohibited unto him'.<sup>32</sup>

بَاب فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا الْإِيَّاهُ

## Chapter 84 – Regarding the Words of Allah<sup>-azwj</sup> Mighty and Majestic [2:235] but do not give them a promise in secret – The Verse

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ هُوَ الرَّجُلُ يَقُولُ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا أَوْاعِدُكَ بَيْتَ آلِ فُلَانٍ لِيُعْرِضَ لَهَا بِالْخُطْبَةِ وَ يَعْني بِقَوْلِهِ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا التَّعْرِيزَ بِالْخُطْبَةِ وَ لَا تَعَزَّمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the Words of Allah<sup>-azwj</sup> Mighty and Majestic [2:235] but do not give them a promise in secret unless you speak in a goodly manner. He<sup>-asws</sup> said: 'He is the man who is saying to the woman before the expiration of her waiting period, 'I promise you a house of the family of so and so, in order to introduce her with the proposal; and the Meaning of His<sup>-azwj</sup> Words unless you speak in a goodly manner, is the introduction with the proposal, and do not confirm the marriage tie until the writing is fulfilled'.<sup>33</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَ لَا تَعَزَّمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ فَقَالَ السِّرُّ أَنْ يَقُولَ الرَّجُلُ مَوْعِدُكَ بَيْتَ آلِ فُلَانٍ ثُمَّ يَطْلُبُ إِلَيْهَا أَنْ لَا تَسْبِقَهُ بِنَفْسِهَا إِذَا انْقَضَتْ عِدَّتُهَا فَلْتُ فَقَوْلُهُ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا هُوَ طَلَبُ الْحَلَالِ فِي غَيْرِ أَنْ يَعْزَمَ عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ahmad Bin Muhammad Bin Abu Nasr, from Abdullah Bin Sinan who said,

<sup>31</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 13

<sup>32</sup> Al Kafi – V 5 – The Book of Marriage Ch 83 H 14

<sup>33</sup> Al Kafi – V 5 – The Book of Marriage Ch 84 H 1

'I asked Abu Abdullah<sup>-asws</sup> about the Words of Allah<sup>-azwj</sup> Mighty and Majestic **[2:235] but do not give them a promise in secret unless you speak in a goodly manner and do not confirm the marriage tie until the writing is fulfilled**. So he<sup>-asws</sup> said: 'The secret is that the man in saying, 'I promise you the house of so and so family', then he seeks to her that she does not precede him (with someone else with marriage) when her waiting period expires'. I said, 'So (what about) His<sup>-azwj</sup> Words **unless you speak in a goodly manner**, (he<sup>-asws</sup> said: 'It is seeking of the Permissible without confirming the tie of marriage until the writing reaches its term'.<sup>34</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمَزَةَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا قَالَ يَقُولُ الرَّجُلُ أَوْاعِدُكَ بَيْتَ آلِ فُلَانٍ يُعَرِّضُ لَهَا بِالرَّفْقَةِ وَ يَزِفْتُ يَقُولُ اللَّهُ عَزَّ وَجَلَّ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَ الْقَوْلُ الْمَعْرُوفُ التَّعْرِيفُ بِالْخُطْبَةِ عَلَى وَجْهِهَا وَ جِلَّهَا وَ لَا تَعْرُضُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ .

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

'I asked Abu Al-Hassan<sup>-asws</sup> about the Words of Allah<sup>-azwj</sup> Mighty and Majestic **[2:235] but do not give them a promise in secret (during their waiting period) unless you speak to them in a lawful manner and you must not decide to form terms of marriage until the appointed time is complete**. He<sup>-asws</sup> said: 'The man is saying the place of your date (with me) is the house of so and so family'. He makes advances to her and he is shameless. Allah<sup>-azwj</sup> Mighty and Majestic is Saying **unless you speak in a goodly manner**, and the goodly words is the introduction with the proposal upon its aspect, and its lawfulness **and do not confirm the marriage tie until the writing is fulfilled**'.<sup>35</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ يَلْقَاهَا فَيَقُولُ إِنِّي فِيكَ لَرَاغِبٌ وَ إِنِّي لِلنِّسَاءِ لَمُكْرِمٌ فَلَا تَسْبِقْنِي بِنَفْسِكَ وَ السِّرُّ لَا يَخْلُو مَعَهَا حَيْثُ وَ عَدَّهَا .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad, from someone else, from Aban, from Abdul Rahman Bin Abu Abdullah,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the Word of Allah<sup>-azwj</sup> Mighty and Majestic **[2:235] unless you speak in a goodly manner**. He<sup>-asws</sup> said: 'He meets her, so he is saying, 'I have a desire in you, and I am honourable to the women, so do not precede me (before someone else) with yourself', and the **secret** is that he should not be alone with her when he promises her'.<sup>36</sup>

بَاب نِكَاحِ أَهْلِ الدِّمَةِ وَ الْمُشْرِكِينَ يُسَلِّمُ بَعْضُهُمْ وَ لَا يُسَلِّمُ بَعْضٌ أَوْ يُسَلِّمُونَ جَمِيعًا

**Chapter 85 – The marriage of the *Ahl Al-Zimma*, and the Polytheists, some of them become Muslim, and some of them do not become Muslims, or they all become Muslims altogether**

<sup>34</sup> Al Kafi – V 5 – The Book of Marriage Ch 84 H 2

<sup>35</sup> Al Kafi – V 5 – The Book of Marriage Ch 84 H 3

<sup>36</sup> Al Kafi – V 5 – The Book of Marriage Ch 84 H 4

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ هَاجَرَ وَ تَرَكَ امْرَأَتَهُ مَعَ الْمُشْرِكِينَ ثُمَّ لَحِقَتْ بِهِ بَعْدُ أَيْمُسِكُهَا بِالنِّكَاحِ الْأَوَّلِ أَوْ تَنْقَطِعَ عِصْمَتُهَا قَالَ يُمَسِكُهَا وَ هِيَ امْرَأَتُهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about a man who emigrated and left his wife with the Polytheists. Then she met up with him afterwards. Can he keep her with the first marriage or has her chastity been cut off?' He<sup>-asws</sup> said: 'He can keep her and she is his wife'.<sup>37</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَخْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا أَسْلَمَتِ امْرَأَةٌ وَ زَوْجُهَا عَلَى غَيْرِ الْإِسْلَامِ فَرَّقَ بَيْنَهُمَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'When a woman becomes a Muslim and her husband is upon other than Al-Islam, so separation would be effected between the two of them'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ هَاجَرَ وَ تَرَكَ امْرَأَتَهُ فِي الْمُشْرِكِينَ ثُمَّ لَحِقَتْ بَعْدَ ذَلِكَ بِهِ أَيْمُسِكُهَا بِالنِّكَاحِ الْأَوَّلِ أَوْ تَنْقَطِعَ عِصْمَتُهَا قَالَ بَلْ يُمَسِكُهَا وَ هِيَ امْرَأَتُهُ .

He (the narrator) said, 'And I asked him<sup>-asws</sup> about a man who emigrated and left his wife among the Polytheists, then she met up with him afterwards. Can he keep her with the first marriage, or has her chastity been cut off?' He<sup>-asws</sup> said : 'But, he can keep her and she is his wife'.<sup>38</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ مَجُوسِيٍّ أَوْ مُشْرِكٍ مِنْ غَيْرِ أَهْلِ الْكِتَابِ كَانَتْ تَحْتَهُ امْرَأَةٌ فَأَسْلَمَ أَوْ أَسْلَمَتْ قَالَ يُنْتَظَرُ بِذَلِكَ انْقِضَاءُ عِدَّتِهَا وَ إِنْ هُوَ أَسْلَمَ أَوْ أَسْلَمَتْ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا فَهُمَا عَلَى نِكَاحِهِمَا الْأَوَّلِ وَ إِنْ هُوَ لَمْ يُسَلِّمْ حَتَّى تَنْقَضِيَ الْعِدَّةُ فَقَدْ بَانَتْ مِنْهُ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Mansour Bin Hazim who said,

'I asked Abu Abdullah<sup>-asws</sup> about a Majusiy man, or a Polytheist from other than the People of the Book, under whom is a wife, so he becomes a Muslim, or she becomes a Muslim. He<sup>-asws</sup> said: 'He should await with that the expiration of her waiting period, and if he has become a Muslim, or she has become a Muslim before the expiration of her waiting period, so they are both upon their first marriage; and if he does not become a Muslim until after the expiration of the waiting period, so she is irrevocably divorced from him'.<sup>39</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَخْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَام ) فِي نَصْرَانِيٍّ تَزَوَّجَ نَصْرَانِيَّةً فَأَسْلَمَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ قَدْ انْقَطَعَتْ عِصْمَتُهَا مِنْهُ وَ لَا مَهْرَ لَهَا وَ لَا عِدَّةَ عَلَيْهَا مِنْهُ .

<sup>37</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 1

<sup>38</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 2

<sup>39</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Al-Hassan<sup>-asws</sup> regarding a Christian man who married a Christian woman. So she became a Muslim before he had slept with her. He<sup>-asws</sup> said: 'The hindrance from him on her way (divorce) is removed, and there is no 'مَهْر' (mahr -dower) for her, nor a waiting period upon her, from him'.<sup>40</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ طَلْحَةَ بْنِ رَبِيعٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلَهُ رَجُلٌ عَنْ رَجُلَيْنِ مِنْ أَهْلِ الذِّمَّةِ أَوْ مِنْ أَهْلِ الْحَرْبِ يَتَرَوَّجُ كُلُّ وَاحِدٍ مِنْهُمَا امْرَأَةً وَآمَهَرَهَا خَمْرًا وَخَنَازِيرَ ثُمَّ أَسْلَمَا فَقَالَ التِّكَاخُ جَائِزٌ خَلَالًا لَا يَحْرُمُ مِنْ قِبَلِ الْخَمْرِ وَلَا مِنْ قِبَلِ الْخَنَازِيرِ قُلْتُ فَإِنْ أَسْلَمَا قَبْلَ أَنْ يَدْفَعَ إِلَيْهَا الْخَمْرَ وَالْخَنَازِيرَ فَقَالَ إِذَا أَسْلَمَا عَلَيْهِ أَنْ يَدْفَعَ إِلَيْهَا شَيْئًا مِنْ ذَلِكَ وَ لَكِنْ يُعْطِيهَا صَدَاقَهَا .

Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Talha Bin Zayd,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'A man asked him<sup>-asws</sup> about two men from the *Ahl Al-Zimma*, or from the people of the war, each one of the two married a woman and dowered her with wine and pigs. Then they both became Muslim. So he<sup>-asws</sup> said: 'The marriage is allowed, Permissible and it is not unlawful due to the wine and pigs'. I said, 'Supposing they both become Muslim before they hand over to her the wine and the pigs?' So he<sup>-asws</sup> said: 'When they both became Muslim, it would be upon him that he hands over something to her and that is Mahr'.<sup>41</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) فِي مَجُوسِيَّةٍ أَسْلَمَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا زَوْجُهَا فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) لِرُؤُوسِهَا أَسْلَمَ فَأَبَى زَوْجُهَا أَنْ يُسَلِّمَ فَفَضَى لَهَا عَلَيْهِ نِصْفَ الصَّدَاقِ وَ قَالَ لَمْ يَزِدْهَا الْإِسْلَامَ إِلَّا عِزًّا .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said regarding a Magian woman who became a Muslim before her husband had slept with her. So Amir Al-Momineen<sup>-asws</sup> said to her husband: 'Become a Muslim'. But her husband refused to become a Muslim. So he<sup>-asws</sup> judged for her that upon him is half the *Mahr* (dower), and said: 'Al-Islam has not increased her in anything except for honour'.<sup>42</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي مَجُوسِيَّةٍ أَسْلَمَ وَ لَهُ سَبْعُ نِسْوَةٍ وَ أَسْلَمْنَ مَعَهُ كَيْفَ يَصْنَعُ قَالَ يُمْسِكُ أَرْبَعًا وَ يُطَلِّقُ ثَلَاثًا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a Magian man who became a Muslim, and for him were seven wives, and they all became Muslims along with him. How should he deal with (them)?'. He<sup>-asws</sup> said: 'He keeps four, and divorces three'.<sup>43</sup>

<sup>40</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 4

<sup>41</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 5

<sup>42</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 6

<sup>43</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 7

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُوسُفَ قَالَ الدِّمِيُّ تَكُونُ لَهُ الْمَرْأَةُ الدِّمِيَّةُ فَتُسَلِّمُ أَمْرًا أَنْتَ قَالَ هِيَ أَمْرًا أَنْتَ يَكُونُ عِنْدَهَا بِالنَّهَارِ وَ لَا يَكُونُ عِنْدَهَا بِاللَّيْلِ قَالَ فَإِنْ أَسْلَمَ الرَّجُلُ وَ لَمْ تُسَلِّمِ الْمَرْأَةُ يَكُونُ الرَّجُلُ عِنْدَهَا بِاللَّيْلِ وَ النَّهَارِ

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Isa, from Yunus who said,

‘The *Zimmy* man happens to have the *Zimmy* wife for him. So his wife becomes a Muslim. She is his wife, to be with him by the day and not be with him at night’. He<sup>-asws</sup> said: ‘So if the man had become a Muslim and the wife did not become a Muslim, the man can be with her at night and the day’.<sup>44</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ الْجَوْهَرِيِّ عَنْ رُومِيِّ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) النَّصْرَانِيُّ يَتْرُوجُ النَّصْرَانِيَّةَ عَلَى ثَلَاثِينَ دَنَّا مِنْ خَمْرٍ وَ ثَلَاثِينَ جَنْزِيرًا ثُمَّ أَسْلَمَا بَعْدَ ذَلِكَ وَ لَمْ يَكُنْ دَخَلَ بِهَا قَالَ يَنْظُرُ كَمْ قِيَمَةُ الْخَمْرِ وَ كَمْ قِيَمَةُ الْخَنَازِيرِ فَيُرْسِلُ بِهَا إِلَيْهَا ثُمَّ يَدْخُلُ عَلَيْهَا وَ هُمَا عَلَى نِكَاحِهِمَا الْأَوَّلِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from his father, from Al Qasim Bin Muhammad Al Jowhary, from Roumy Bin Zurara who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘The Christian man marries the Christian woman upon thirty kegs of wine and thirty pigs. Then they both become Muslim after that, and he did not happen to have slept with her’. He<sup>-asws</sup> said: ‘He would consider how much the value of the wine was, and how much the value of the pigs were, so he would send equivalent to it to her. Then he would sleep with her, and they would both be upon their first marriage’.<sup>45</sup>

## باب الرِّضَاعِ

### Chapter 86 – The Breast-feeding

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَمِعْتُهُ يَقُولُ يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ الْقَرَابَةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, ‘I heard him<sup>-asws</sup> saying: ‘He is Prohibited from the breast-feeding what he was Prohibited from (blood) relationships’.<sup>46</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ سُئِلَ عَنِ الرِّضَاعِ فَقَالَ يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ .

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

<sup>44</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 8

<sup>45</sup> Al Kafi – V 5 – The Book of Marriage Ch 85 H 9

<sup>46</sup> Al Kafi – V 5 – The Book of Marriage Ch 86 H 1

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having been asked about the breast-feeding, so he<sup>-asws</sup> said : 'He is Prohibited from the breast-feeding he is Prohibited from due to the lineage'.<sup>47</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from dawood Bin Sirham,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'He is Prohibited from the breast-feeding what he was Prohibited from due to the lineage'.<sup>48</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ بَنِي عَثْمَانَ عَمَّنْ حَدَّثَهُ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) عَرَضْتُ عَلَى رَسُولِ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) ابْنَةَ حَمْزَةَ فَقَالَ أَمَا عَلِمْتَ أَنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعِ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from the one who narrated it,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said : 'Amir Al-Momineen<sup>-asws</sup> said: 'A daughter of Hamza<sup>-as</sup> was presented to Rasool-Allah<sup>-saww</sup>, so he<sup>-saww</sup> said: 'But, do you not know that she is a daughter of my<sup>-saww</sup> brother<sup>-as</sup> from the breast-feeding?'<sup>49</sup>

### بَابُ حَدِّ الرَّضَاعِ الَّذِي يُحْرَمُ

## Chapter 87 – Limit of the breast-feeding which (makes marriage to be) Prohibited

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ لَا يُحْرَمُ مِنَ الرَّضَاعِ إِلَّا مَا أَنْبَتَ اللَّحْمَ وَشَدَّ الْعَظْمَ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'The breast-feeding does not make (a marriage to be) Prohibited except what builds the flesh and strengthens the bones'.<sup>50</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَالٍ عَنْ عَلِيِّ بْنِ يَعْقُوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الرَّضَاعِ مَا أَذْنَى مَا يَحْرَمُ مِنْهُ قَالَ مَا أَنْبَتَ اللَّحْمَ أَوْ شَدَّ تَرَى وَاجِدَةً تُنْبِتُهُ فَقُلْتُ أَسْأَلُكَ أَصْلَحَكَ اللَّهُ [اِثْنَتَانِ] قَالَ لَا فَلَمْ أَزَلْ أَعُدُّ عَلَيْهِ حَتَّى بَلَغْتُ عَشْرَ رَضَعَاتٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ali Bin Yaqoub, from Muhammad Bin Muslim, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the breast-feeding, what is the least of what it Prohibits from (marriage). He<sup>-asws</sup> said: 'What builds

<sup>47</sup> Al Kafi – V 5 – The Book of Marriage Ch 86 H 2

<sup>48</sup> Al Kafi – V 5 – The Book of Marriage Ch 86 H 3

<sup>49</sup> Al Kafi – V 5 – The Book of Marriage Ch 86 H 4

<sup>50</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 1

the flesh, or the blood'. Then he<sup>-asws</sup> said: 'Do you see one (breast-feeding) would build it?' So I said, 'I ask you<sup>-asws</sup>, may Allah<sup>-azwj</sup> Keep you<sup>-asws</sup> well, (what about) two (sessions of breast-feeding)?' He<sup>-asws</sup> said: 'No'. So I did not cease to reiterate upon it until it reached ten breast feeding sessions'.<sup>51</sup>

وَعَنْهُ عَنِ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عَفْبَةَ عَنْ عُبيدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الرَّضَاعِ أَذْنَى مَا يُحْرَمُ مِنْهُ قَالَ مَا أَنْبَتِ اللَّحْمَ وَالدَّمَ ثُمَّ قَالَ تَرَى وَاجِدَةً تُنْبِئُهُ فَقُلْتُ أَسْأَلُكَ أَصْلَحَكَ اللَّهُ اثْنَتَانِ فَقَالَ لَا وَ لَمْ أَرَلْ أَعُدُّ عَلَيْهِ حَتَّى بَلَغَ عَشْرَ رَضَعَاتٍ .

And from him, from Ibn Gazzal, from Ali Bin Uqba, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah<sup>-asws</sup> about the breast-feeding, the least of what it Prohibits from'. He<sup>-asws</sup> said: 'What builds the flesh, and the blood'. Then he<sup>-asws</sup> said: 'Do you see one (session of breast-feeding) building it?' So I said, 'I ask you<sup>-asws</sup>, may Allah<sup>-azwj</sup> Keep you<sup>-asws</sup> well, (what about) two?' So he<sup>-asws</sup> said: 'No'. And I did not cease to reiterate to him<sup>-asws</sup> until it reached ten breast-feeding sessions'.<sup>52</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ صَبَّاحِ بْنِ سَيَابَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا بَأْسَ بِالرَّضْعَةِ وَ الرَّضْعَتَيْنِ وَ الثَّلَاثِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya, from Muawiya Bin Ammar, from Sabbah Bin Sataba,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'There is no problem with the breast-feeding, and the two breast-feedings, and the three'.<sup>53</sup>

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا يُحْرَمُ مِنَ الرَّضَاعِ إِلَّا مَا أَنْبَتِ اللَّحْمَ وَ الدَّمَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from hammad Bin Usman,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'It (marriage) is not Prohibited due to breast-feeding except what builds the flesh and the blood'.<sup>54</sup>

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ زِيَادِ الْقَنْدِيِّ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) قَالَ قُلْتُ لَهُ يُحْرَمُ مِنَ الرَّضَاعِ الرَّضْعَةُ وَ الرَّضْعَتَانِ وَ الثَّلَاثَةُ فَقَالَ لَا إِلَّا مَا اشْتَدَّ عَلَيْهِ الْعَظْمُ وَ نَبَتِ اللَّحْمُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ziyad Al Qindy, from Abdullah Bin Sinan,

(It has been narrated) from Abu Al-Hassan<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'He is Prohibited (from the marriage) from the breast-feeding, and the two breast-feedings, and the three?' So he<sup>-asws</sup> said: 'No, except what the bones are strengthened upon, and the flesh is built'.<sup>55</sup>

<sup>51</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 2

<sup>52</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 3

<sup>53</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 4

<sup>54</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 5

<sup>55</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 6

أَبُو عَلِيِّ الْأَشْعَرِيِّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنِ الرَّضَاعِ مَا يُحْرَمُ مِنْهُ فَقَالَ سَأَلَ رَجُلٌ أَبِي ( عَلَيْهِ السَّلَام ) عَنْهُ فَقَالَ وَاحِدَةٌ لَيْسَ بِهَا بَأْسٌ وَ ثِنْتَانِ حَتَّى بَلَغَ خَمْسَ رَضَعَاتٍ

Abu Ali Al Asharyy, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about the breast-feeding, what he is Prohibited, from it'. So he<sup>-asws</sup> said: 'A man asked my<sup>-asws</sup> father<sup>-asws</sup> about it, so he<sup>-asws</sup> said: 'One (session), there is no problem with it, and two', until it reached five breast-feeding sessions'.

قُلْتُ مُتَوَالِيَاتٍ أَوْ مَصَّةً بَعْدَ مَصَّةٍ فَقَالَ هَكَذَا قَالَ لَهُ وَ سَأَلَهُ آخَرُ عَنْهُ فَانْتَهَى بِهِ إِلَى تِسْعٍ وَ قَالَ مَا أَكْثَرَ مَا أَسْأَلُ عَنِ الرَّضَاعِ فَقُلْتُ جُعِلْتُ فِدَاكَ أَخْبِرْنِي عَنْ قَوْلِكَ أَنْتَ فِي هَذَا عِنْدَكَ فِيهِ حَدٌّ أَكْثَرُ مِنْ هَذَا فَقَالَ قَدْ أَخْبَرْتُكَ بِالَّذِي أَجَابَ فِيهِ أَبِي قُلْتُ قَدْ عَلِمْتُ الَّذِي أَجَابَ أَبُوكَ فِيهِ وَ لَكِنِّي قُلْتُ لَعَلَّهُ يَكُونُ فِيهِ حَدٌّ لَمْ يُخْبِرْ بِهِ فَتُخْبِرَنِي بِهِ أَنْتَ فَقَالَ هَكَذَا قَالَ أَبِي

I said, 'Sequentially, or a sip after a sip?' So he<sup>-asws</sup> said: 'Such is what he<sup>-asws</sup> said to him, and another one asked about it, so he up to nine'. And he<sup>-asws</sup> said: 'And how frequently I<sup>-asws</sup> am asked about the breast-feeding!'. So I said, 'May I be sacrificed for you<sup>-asws</sup>! Inform me about your<sup>-asws</sup> words, are you<sup>-asws</sup> in this with a limit which is more than this?' So he<sup>-asws</sup> said: 'I<sup>-asws</sup> have already informed you with that which my<sup>-asws</sup> father<sup>-asws</sup> had answered with regards to it'. I said, 'I know of that which your<sup>-asws</sup> father<sup>-asws</sup> answered with regarding it, but I said it, perhaps there is a limit in it which he<sup>-asws</sup> did not inform with, so you<sup>-asws</sup> would inform me with it'. So he<sup>-asws</sup> said: 'Such is what my<sup>-asws</sup> father<sup>-asws</sup> said'.

قُلْتُ فَأَرَضَعْتُ أُمَّي جَارِيَةً بِلَبَنِي فَقَالَ هِيَ أَحْنُكَ مِنَ الرَّضَاعَةِ قُلْتُ فَتَجِلُّ لِأَخِي لِي مِنْ أُمَّي لَمْ تُرَضِعْهَا أُمَّي بِلَبَنِي قَالَ فَأَفْحَلُ وَاحِدٌ قُلْتُ نَعَمْ هُوَ أَخِي لِأَبِي وَ أُمَّي قَالَ اللَّبَنُ لِلْفَحْلِ صَارَ أَبُوكَ أَبَاهَا وَ أُمَّكَ أُمَّهَا .

I said, 'So my mother has breast-fed a slave girl with my milk'. So he<sup>-asws</sup> said: 'She is your sister from the breast-feeding'. I said, 'So is she Permissible for a brother of mine from my mother whom my mother did not breast-feed him with his milk?' He<sup>-asws</sup> said: 'So the stallion (father) is one?' I said, 'Yes, he is my brother of my father and my mother'. He<sup>-asws</sup> said: 'The milk of the stallion (father) made your father to be her father, and your mother as her mother'.<sup>56</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ بْنِ فَضَالٍ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ عُمَرَ بْنِ بَزِيدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْعُلَامِ يَرْضَعُ الرَّضْعَةَ وَ الرَّضْعَتَيْنِ فَقَالَ لَا يُحْرَمُ فَعَدَدْتُ عَلَيْهِ حَتَّى أَكْمَلْتُ عَشْرَ رَضَعَاتٍ فَقَالَ إِذَا كَانَتْ مُتَفَرِّقَةً [فَلَا] .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali Bin Fazzal, from Abdullah Bin Sinan, from Umar Bin Yazeed who said,

'I asked Abu Abdullah<sup>-asws</sup> about the boy who is breast-fed the breast-feeding session, and the two breast-feeding sessions. So he<sup>-asws</sup> said: 'It does not make a Prohibition'. So I counted to him until I completed ten breast-feeding sessions. So he<sup>-asws</sup> said: 'If it was separated, so no'.<sup>57</sup>

<sup>56</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 7

<sup>57</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 8

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ عَبْدِ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) إِنَّا أَهْلُ بَيْتٍ كَبِيرٍ فَرُبَّمَا كَانَ الْفَرْخُ وَالْحَزْنُ الَّذِي يَجْتَمِعُ فِيهِ الرَّجَالُ وَالنِّسَاءُ فَرُبَّمَا اسْتَحْيَتِ الْمَرْأَةُ أَنْ تَكْشِفَ رَأْسَهَا عِنْدَ الرَّجُلِ الَّذِي بَيْنَهَا وَبَيْنَهُ الرِّضَاعُ وَرُبَّمَا اسْتَخَفَّ الرَّجُلُ أَنْ يَنْظُرَ إِلَى ذَلِكَ فَمَا الَّذِي يُحَرِّمُ مِنَ الرِّضَاعِ فَقَالَ مَا أَنْبَتِ اللَّحْمَ وَالْدَّمَ فَقُلْتُ وَمَا الَّذِي يُنْبِتُ اللَّحْمَ وَالْدَّمَ فَقَالَ كَانَ يُقَالُ عَشْرُ رَضَعَاتٍ قُلْتُ فَهَلْ يُحَرِّمُ عَشْرُ رَضَعَاتٍ فَقَالَ دَغٌ ذَا وَقَالَ مَا يُحَرِّمُ مِنَ النَّسَبِ فَهُوَ مَا يُحَرِّمُ مِنَ الرِّضَاعِ .

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

'I said to Abu Abdullah<sup>-asws</sup>, 'I am of a large family, so sometimes when it is the occasion of happiness and the sadness during which the men and the women gather, so sometimes the woman is embarrassed to uncover her head in the presence of the man which between her and him is the breast-feeding (relationship), and sometimes the man are fearful to look at that. So what is that which Prohibits from the breast-feeding?' So he<sup>-asws</sup> said: 'What builds the flesh and the blood'. So I said, 'So what is that which builds the flesh and the blood?' So he<sup>-asws</sup> said: 'It is said, ten breast-feeding sessions'. I said, 'So would ten breast-feeding sessions impose a Prohibition?' So he<sup>-asws</sup> said: 'Leave that'. And he<sup>-asws</sup> said: 'Whatever is a Prohibition due to the lineage, so it is what is prohibited from the breast-feeding'.<sup>58</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بِنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا يُحَرِّمُ مِنَ الرِّضَاعِ إِلَّا مَا شَدَّ الْعِظْمَ وَأَنْبَتِ اللَّحْمَ وَأَمَّا الرِّضْعَةُ وَالرِّضْعَتَانِ وَالثَّلَاثُ حَتَّى يَبْلُغَ عَشْرًا إِذَا كُنَّ مُتَفَرِّقَاتٍ فَلَا بَأْسَ .

Ali Bin Ibrahim, from Haroun Bin Muslim, from Mas'ada Bin Sadaqa,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said; 'There is no Prohibition (resulting) from the breast-feeding except what strengthened the bones and builds the flesh; and as for the (one session of) breast-feeding, and the two breast-feeding sessions, and the three, until it reaches ten, when they happen to be separated (not in a series), so there is no problem'.<sup>59</sup>

### بَابُ صِفَةِ لَبَنِ الْفَحْلِ

## Chapter 88 – Description of the milk of the stallion (father)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ لَبَنِ الْفَحْلِ قَالَ هُوَ مَا أَرْضَعَتْ امْرَأَتُكَ مِنْ لَبَنِكَ وَ لَبَنِ وَ لَدِكِ وَ لَدِ امْرَأَةٍ أُخْرَى فَهُوَ حَرَامٌ .

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

'I asked Abu Abdullah<sup>-asws</sup> about the milk of the stallion (father). He<sup>-asws</sup> said: 'It is what your wife breast-feeds from your milk, and the milk of your child, (breast-fed to a) child of another, so it (brings about the) Prohibition'.<sup>60</sup>

<sup>58</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 9

<sup>59</sup> Al Kafi – V 5 – The Book of Marriage Ch 87 H 10

<sup>60</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَ لَهُ امْرَأَتَانِ فَوَلَدَتْ كُلُّ وَاحِدَةٍ مِنْهُمَا غُلَامًا فَأَنْطَلَقَتْ إِحْدَى امْرَأَتَيْهِ فَأَرْضَعَتْ جَارِيَةً مِنْ عُرْضِ النَّاسِ أَيْبُنْبَغِي لِابْنِهِ أَنْ يَتَزَوَّجَ بِهِهِ الْجَارِيَةَ قَالَ لَا لِأَنَّهَا أَرْضَعَتْ بِلَبَنِ الشَّيْخِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Usman Bin Isa, from Sama'at who said,

'I asked about a man who had two wives for him, so each one of them gave birth to a boy. So one of his wives went and breast-fed a girl from the display of the people. Is it befitting for his son that he marries with this girl?' He<sup>-asws</sup> said: 'No, because she has been breast-fed with the milk of the Sheykh'.<sup>61</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ لَبَنِ الْفَحْلِ قَالَ مَا أَرْضَعَتْ امْرَأَتُكَ مِنْ لَبَنِ وَلَدِكَ وَوَلَدَ امْرَأَةً أُخْرَى فَهُوَ حَرَامٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Abdullah in Sinan who said,

'I asked Abu Abdullah<sup>-asws</sup> about the milk of the stallion (father). He<sup>-asws</sup> said: 'What your wife breast-feeds from the milk of your child (breast-fed to a) child of another, so it (brings about the) Prohibition'.<sup>62</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) عَنْ امْرَأَةٍ أَرْضَعَتْ جَارِيَةً وَ لِرِزْوَجِهَا ابْنٌ مِنْ غَيْرِهَا أَيْجِلٌ لِلْغُلَامِ ابْنِ زَوْجِهَا أَنْ يَتَزَوَّجَ الْجَارِيَةَ الَّتِي أَرْضَعَتْ فَقَالَ اللَّيْبُنُ لِلْفَحْلِ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad Bin Abu Nasr who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about a woman who breast-feeds a girl and for her husband is a son from someone else. Is it Permissible for the boy, a son of her husband that he marries the girl whom she has breast-fed?' So he<sup>-asws</sup> said: 'The milk is of the stallion (father)'.<sup>63</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَوَلَدَتْ مِنْهُ جَارِيَةً ثُمَّ مَاتَتِ الْمَرْأَةُ فَتَزَوَّجَ أُخْرَى فَوَلَدَتْ مِنْهُ وَلَدًا ثُمَّ إِنَّهَا أَرْضَعَتْ مِنْ لَبَنِهَا غُلَامًا أَيْجِلٌ لِذَلِكَ الْغُلَامِ الَّذِي أَرْضَعَتْهُ أَنْ يَتَزَوَّجَ ابْنَةَ الْمَرْأَةِ الَّتِي كَانَتْ تَحْتَ الرَّجُلِ قَبْلَ الْمَرْأَةِ الْأُخْرَى فَقَالَ مَا أُجِبُ أَنْ يَتَزَوَّجَ ابْنَةَ فَحْلِ قَدْ رَضِعَ مِنْ لَبَنِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Jameel Bin Salih, from Abu Baseer,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a man who marries a woman, so she gives birth to a girl from him. Then the woman dies, so he marries another, so she gives birth to a son from him. Then she breast-feeds the boy from her milk. Is it Permissible for that boy whom has been breast-fed that he marries the daughter of the wife who used to be under the man before the other wife?' So he<sup>-asws</sup> said: 'I<sup>-asws</sup> do

<sup>61</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 2

<sup>62</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 3

<sup>63</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 4

not like it that he marries a daughter of the stallion (father) who has been breast-fed from his milk'.<sup>64</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أُمُّ وَالدِّ رَجُلٍ أَرْضَعَتْ صَبِيًّا وَ لَهُ ابْنَةٌ مِنْ غَيْرِهَا أَيْحِلُّ لِدَلِكِ الصَّبِيِّ هَذِهِ الْإِبْنَةُ فَقَالَ مَا أَحْبُّ أَنْ تَنْزَوِجَ ابْنَةَ رَجُلٍ قَدْ رَضَعَتْ مِنْ لَبَنِ وَالدِّ .

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

'I said to Abu Abdullah<sup>-asws</sup>, 'A mother of a child of a man breast-feeds a young child, and for him (the father) is a daughter from other than her. Is it Permissible for that child (to marry) this daughter?' So he<sup>-asws</sup> said: 'I<sup>-asws</sup> do not like it that he marries a daughter of a man who has been breast-fed from the milk of his son'.<sup>65</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ بَحْيٍ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ مُحَمَّدِ بْنِ عُبَيْدَةَ الْهَمْدَانِيِّ قَالَ قَالَ الرَّضَا ( عَلَيْهِ السَّلَامُ ) مَا يَقُولُ أَصْحَابُكَ فِي الرِّضَاعِ قَالَ قُلْتُ كَانُوا يَقُولُونَ اللَّبْنُ لِلْفَحْلِ حَتَّى جَاءَتْهُمْ الرَّوَايَةُ عَنْكَ أَنَّهُ يَحْرَمُ مِنَ الرِّضَاعِ مَا يَحْرَمُ مِنَ النَّسَبِ فَرَجَعُوا إِلَى قَوْلِكَ قَالَ وَقَالَ وَ ذَلِكَ لِأَنَّ أَمِيرَ الْمُؤْمِنِينَ سَأَلَنِي عَنْهَا الْبَارِحَةَ فَقَالَ لِي اشْرَحْ لِي اللَّبْنَ لِلْفَحْلِ وَ أَنَا أَكْرَهُ الْكَلَامَ

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran, from Muhammad Bin Ubeyda Al Hamdany who said,

'Al-Reza<sup>-asws</sup> said: 'What are your companions saying regarding the breast-feeding?' I said, 'The used to say that the milk is of the stallion (father) until there came the report from you<sup>-asws</sup> that it is a Prohibition from the breast-feeding what is a Prohibition from the lineage, so they returned to your<sup>-asws</sup> words'. So he<sup>-asws</sup> said: 'And that is because the commander of the faithful (Caliph Al-Mamoun) asked me<sup>-asws</sup> about it yesterday, so he said to me, 'Explain to me the milk is of the stallion', and I<sup>-asws</sup> dislike the speech (talking to him).

فَقَالَ لِي كَمَا أَنْتَ حَتَّى سَأَلْتُكَ عَنْهَا مَا قُلْتُ فِي رَجُلٍ كَانَتْ لَهُ أُمَّهَاتُ أَوْلَادٍ شَتَّى فَأَرْضَعَتْ وَاجِدَةً مِنْهُنَّ بَلْبِيهَا غُلَامًا غَرِيبًا أَلَيْسَ كُلُّ شَيْءٍ مِنْ وَالدِّ ذَلِكَ الرَّجُلِ مِنْ أُمَّهَاتِ الْأَوْلَادِ الشَّتَّى مُحْرَمًا عَلَى ذَلِكَ الْغُلَامِ قَالَ قُلْتُ بَلَى قَالَ فَقَالَ أَبُو الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) فَمَا بَالُ الرِّضَاعِ يَحْرَمُ مِنْ قِبَلِ الْفَحْلِ وَ لَا يَحْرَمُ مِنْ قِبَلِ الْأُمَّهَاتِ وَ إِنَّمَا الرِّضَاعُ مِنْ قِبَلِ الْأُمَّهَاتِ وَ إِنْ كَانَ لَبْنُ الْفَحْلِ أَيْضًا يَحْرَمُ .

He<sup>-asws</sup> said to me: 'Just as yourself, until I<sup>-asws</sup> asked about it. What do you say regarding a man who had mother of the various children, so one of them breast-fed a stranger boy with her milk. Is not everything from the children of that man, from the mothers of the various children, Prohibited unto that boy?' I said, 'Yes'. So Abu Al-Hassan<sup>-asws</sup> said: 'So what is the matter the breast-feeding from the stallion (father) (brings about) Prohibition, and does not (bring about) Prohibition from the mothers, and rather the breast-feeding is from the mothers? And even if it was the milk of the stallion (father) as well (would bring about) Prohibition'.<sup>66</sup>

<sup>64</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 5

<sup>65</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 6

<sup>66</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 7

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْرِيَّارَ قَالَ سَأَلَ عَيْسَى بْنُ جَعْفَرٍ بِنَ عَيْسَى أَبَا جَعْفَرٍ الثَّانِي ( عَلَيْهِ السَّلَام ) أَنَّ امْرَأَةً أَرْضَعَتْ لِي صَبِيًّا فَهَلْ يَجُزُّ لِي أَنْ أَنْزُوجَ ابْنَةَ زَوْجِهَا فَقَالَ لِي مَا أُجُودَ مَا سَأَلْتَ مِنْ هَاهُنَا يُؤْتِي أَنْ يَقُولَ النَّاسُ حَرَّمَ عَلَيْهِ امْرَأَتَهُ مِنْ قَبْلِ لَبَنِ الْفَحْلِ هَذَا هُوَ لَبْنُ الْفَحْلِ لَا غَيْرُهُ

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

'Isa Bin Ja'far Isa asked Abu Ja'far<sup>-asws</sup> the 2<sup>nd</sup> that, 'A woman breast-fed a child for me, so it is Permissible for me that I marry a daughter of her husband?' So he<sup>-asws</sup> said to me: 'What you are asking is from her that the people are saying, 'His wife is Prohibited unto him from the milk of the stallion (father)'. This is the milk of the stallion (father), not someone else'.

فَقُلْتُ لَهُ [إِنَّ] الْجَارِيَةَ لَيْسَتْ ابْنَةُ الْمَرْأَةِ الَّتِي أَرْضَعَتْ لِي هِيَ ابْنَةُ غَيْرِهَا فَقَالَ لَوْ كُنَّ عَشْرًا مُتَفَرِّقَاتٍ مَا حَلَ لَكَ مِنْهُنَّ شَيْءٌ وَ كُنَّ فِي مَوْضِعِ بَنَاتِكَ .

So I said to him<sup>-asws</sup>, 'The girl is not a daughter of the woman whom breast-fed for me, she is a daughter of someone else.' So he<sup>-asws</sup> said: 'Even if there were ten different women, nothing would be Permissible from them, and they would be in the place of your daughters'.<sup>67</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَخْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ بُرَيْدِ الْعُجْلِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَام ) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ هُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَ صِهْرًا فَقَالَ إِنَّ اللَّهَ تَعَالَى خَلَقَ آدَمَ مِنَ الْمَاءِ الْعَذْبِ وَ خَلَقَ زَوْجَتَهُ مِنْ سِنِّهِ فَبَرَأَهَا مِنْ أَسْفَلِ أَعْضَائِهِ فَجَرَى بِذَلِكَ الصِّلَعِ سَبَبٌ وَ نَسَبٌ ثُمَّ زَوَّجَهَا إِيَّاهُ فَجَرَى بِسَبَبِ ذَلِكَ بَيْنَهُمَا صِهْرٌ وَ ذَلِكَ قَوْلُهُ عَزَّ وَ جَلَّ نَسَبًا وَ صِهْرًا فَالنَّسَبُ يَا أَخَا بَنِي عَجَلٍ مَا كَانَ بِسَبَبِ الرِّجَالِ وَ الصِّهْرُ مَا كَانَ بِسَبَبِ النِّسَاءِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether, from Ibn Mahboub, from Hisham Bin Salim, from Bureyd Al Ijaly who said,

'I asked Abu Ja'far<sup>-asws</sup> about the Words of Allah<sup>-azwj</sup> Mighty and Majestic [25:54] **And He it is Who Created a human from the water, so He Made for him relationships of lineage and marriage.** So he<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> the Exalted Created Adam<sup>-as</sup> from the fresh water and Created his<sup>-as</sup> wife<sup>-as</sup> for him<sup>-as</sup>. So He<sup>-azwj</sup> Created her from the lowest of his<sup>-as</sup> ribs. Thus, by that rib flowed the begetting and the lineages. The He<sup>-azwj</sup> got her<sup>-as</sup> to be married to him<sup>-as</sup>, and there flowed marriages by the cause of that (marriage) between the two of them<sup>-as</sup>, and these are the Words of the Mighty and Majestic **lineage and marriage.** So the lineage, O brother of the Clan of Ijal, what was by the cause of the men and the marriage, it was not by the cause of the women'.

قَالَ فَقُلْتُ لَهُ أَرَأَيْتَ قَوْلَ رَسُولِ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ فَيَسِّرُ لِي ذَلِكَ فَقَالَ كُلُّ امْرَأَةٍ أَرْضَعَتْ مِنْ لَبَنِ فَحْلِهَا وَ لَدَ امْرَأَةٍ أُخْرَى مِنْ جَارِيَةٍ أَوْ غُلَامٍ فَذَلِكَ الرَّضَاعُ الَّذِي قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) وَ كُلُّ امْرَأَةٍ أَرْضَعَتْ مِنْ لَبَنِ فَحْلَيْنِ كَانَا لَهَا وَاحِدًا بَعْدَ وَاحِدٍ مِنْ جَارِيَةٍ أَوْ غُلَامٍ فَإِنَّ ذَلِكَ رَضَاعٌ لَيْسَ بِالرِّضَاعِ الَّذِي قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ وَ إِنَّمَا هُوَ مِنْ نَسَبِ نَاحِيَةِ الصِّهْرِ رَضَاعٌ وَ لَا يَحْرُمُ شَيْئًا وَ لَيْسَ هُوَ سَبَبَ رَضَاعٍ مِنْ نَاحِيَةِ لَبَنِ الْفُحُولَةِ فَيَحْرُمُ .

He (the narrator) said, 'So I said to him<sup>-asws</sup>, 'What is your<sup>-asws</sup> view of the words of Rasool-Allah<sup>-saww</sup>: 'He is Prohibited from the breast-feeding what he is Prohibited from the lineages'? Explain that to me'. So he<sup>-asws</sup> said: 'Every woman who breast-feeds from the milk of her stallion (husband) to a child of another woman, either a girl or a

<sup>67</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 8

boy, so that is the breast-feeding which Rasool-Allah<sup>-saww</sup> spoke of; and every woman who breast-feeds from the milk of two stallions (husbands) which were for her, one after another, to a girl or a boy, so that breast-feeding is not with the breast-feeding which Rasool-Allah<sup>-saww</sup> spoke of saying: 'He is Prohibited from the breast-feeding what he is Prohibited from the lineages'. But rather, it is from the lineage, emanating from the marriage breast-feeding, and it does not Prohibit anything, and it is not a cause of the breast-feeding emanating from the milk of the stallions (fathers), so it would (bring about) a Prohibition'.<sup>68</sup>

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابَاطِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنْ غُلَامٍ رَضَعَ مِنْ امْرَأَةٍ أَيْجَلُ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا لِأَبِيهَا مِنَ الرَّضَاعِ قَالَ لَا فَقَدْ رَضَعَا جَمِيعًا مِنْ لَبَنٍ فَحَلٍ وَاجِدٍ مِنْ امْرَأَةٍ وَاجِدَةٍ

Ibn Mahboub, from Hisham Bin Salim, from Ammar Al Sabaty who said,

'I asked Abu Abdullah about a boy breast-fed from a woman, is it Permissible for him that he marries her sister of her father from the breast-feeding?' He<sup>-asws</sup> said: 'No, for they have both together been breast-fed from the milk of one stallion (father), from one woman'.

قَالَ فَيَتَزَوَّجُ أُخْتَهَا لِأُمِّهَا مِنَ الرَّضَاعَةِ قَالَ فَقَالَ لَا بَأْسَ بِذَلِكَ إِنْ أُخْتَهَا الَّتِي لَمْ تُرَضِعْهُ كَانَ فَحَلُّهَا غَيْرَ فَحَلِّ الَّتِي أَرْضَعَتْ الْغُلَامَ فَاخْتَلَفَ الْفُحْلَانِ فَلَا بَأْسَ .

He (the narrator) said, 'So he can marry his sister of her mother from the breast-feeding?' So he<sup>-asws</sup> said: 'There is no problem with that, if her sister did not breast-feed him, her stallion (husband) being another stallion (father) of the woman who breast-fed the boy. So if, the two stallions (fathers) are different, so there is no problem'.<sup>69</sup>

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الرَّجُلِ يَرْضَعُ مِنْ امْرَأَةٍ وَهُوَ غُلَامٌ أَيْجَلُ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا لِأُمِّهَا مِنَ الرَّضَاعَةِ فَقَالَ إِنْ كَانَتِ الْمَرْأَتَانِ رَضَعَتَا مِنْ امْرَأَةٍ وَاجِدَةٍ مِنْ لَبَنٍ فَحَلٍ وَاجِدٍ فَلَا يَجِلُ فَإِنْ كَانَتِ الْمَرْأَتَانِ رَضَعَتَا مِنْ امْرَأَةٍ وَاجِدَةٍ مِنْ لَبَنٍ فَحَلِّينِ فَلَا بَأْسَ بِذَلِكَ .

Ibn Mahboub, from Abu Ayoub Al Khazzaz, from Ibn Muskan, from Al halby who said,

'I asked Abu Abdullah<sup>-asws</sup> about the man who is breast-fed from a woman and he was a boy, is it Permissible for him that he marries her sister of her mother from the breast-feeding?' So he<sup>-asws</sup> said: 'If it was such that the two women were both breast-fed from one woman from the milk of one stallion (father), so it is not Permissible; and if it was two women who had both been breast-fed from one woman from the milk of two stallions (fathers), so there is no problem with that'.<sup>70</sup>

**باب أَنَّهُ لَا رَضَاعَ بَعْدَ فَطَامٍ**

## Chapter 89 – There is no breast-feeding after the weaning

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا رَضَاعَ بَعْدَ فَطَامٍ.

<sup>68</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 9

<sup>69</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 10

<sup>70</sup> Al Kafi – V 5 – The Book of Marriage Ch 88 H 11

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'There is no breast-feeding after weaning'.<sup>71</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي بِنِ عُثْمَانَ عَنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ الرَّضَاعُ قَبْلَ الْحَوْلَيْنِ قَبْلَ أَنْ يُفْطَمَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Al Fazl Bin Abdul Malik,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The breast-feeding is before the two years (are complete), before he is weaned'.<sup>72</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ لَا رَضَاعَ بَعْدَ فِطَامٍ قَالَ قُلْتُ جُعِلَتْ فِدَاكَ وَ مَا الْفِطَامُ قَالَ الْحَوْلَانِ اللَّذَانِ قَالَ اللَّهُ عَزَّ وَ جَلَّ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Hammad Bin Usman who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'There is no breast-feeding after weaning'. I said, 'May I be sacrificed for you<sup>-asws</sup>! And what is the weaning?' He<sup>-asws</sup> said: 'The two years which Allah<sup>-azwj</sup> Mighty and Majestic Speaks of'.<sup>73</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ حَلَبَتْ مِنْ لَبَنِهَا فَأَسْقَتْ زَوْجَهَا لِتَحْرُمَ عَلَيْهِ قَالَ أَمْسَكْهَا وَ أَوْجَعْ ظَهْرَهَا .

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

'I asked him<sup>-asws</sup> about a woman who milked herself from her own milk, and she quenched her husband in order for her to be Prohibited unto him. He<sup>-asws</sup> said: 'He would keep her, and her back would be (inflicted with) pain'.<sup>74</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مَنْصُورِ بْنِ يُرَيْسَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) لَا رَضَاعَ بَعْدَ فِطَامٍ وَ لَا وَصَالَ فِي صَبَايِمٍ وَ لَا يُنْمَ بَعْدَ اخْتِلَامٍ وَ لَا صَمْتٌ يَوْمَ إِلَى اللَّيْلِ وَ لَا تَعْرُبُ بَعْدَ الْهَجْرَةِ وَ لَا هَجْرَةٌ بَعْدَ الْفَتْحِ وَ لَا طَلَاقٌ قَبْلَ النِّكَاحِ وَ لَا عِنَقٌ قَبْلَ مَلِكٍ وَ لَا يَمِينٌ لِلْوَالِدِ مَعَ وَالِدِهِ وَ لَا لِلْمَمْلُوكِ مَعَ مَوْلَاهُ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا نَذْرٌ فِي مَعْصِيَةٍ وَ لَا يَمِينٌ فِي قَطِيعَةٍ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Mansour Bin Yunus, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'There is no breast-feeding after weaning, nor union during Fasting, nor an orphanhood after the puberty, nor a silence for a day up to the night, nor conforming to Arab customs after the emigration (Hijra), nor an emigration after the victory (conquest of Makkah), nor a divorce before the marriage, nor an emancipation (of a slave) before ownership, nor a swearing of an oath for the son with his father, nor for the owned

<sup>71</sup> Al Kafi – V 5 – The Book of Marriage Ch 89 H 1

<sup>72</sup> Al Kafi – V 5 – The Book of Marriage Ch 89 H 2

<sup>73</sup> Al Kafi – V 5 – The Book of Marriage Ch 89 H 3

<sup>74</sup> Al Kafi – V 5 – The Book of Marriage Ch 89 H 4

slave with his master, nor for the woman with her husband, nor a vow regarding disobedience (to Allah<sup>-azwj</sup>), nor a swearing of an oath regarding cutting-off of relationships.

فَمَعْنَى قَوْلِهِ لَا رِضَاعَ بَعْدَ فِطَامٍ أَنَّ الْوَالِدَ إِذَا شَرِبَ مِنْ لَبَنِ الْمَرْأَةِ بَعْدَ مَا تَقَطَّمَهُ لَا يُحْرَمُ ذَلِكَ الرِّضَاعُ التَّنَاقُحَ .

Thus, the Meaning of his<sup>-saww</sup> words: 'There is no breast-feeding after weaning', is that the child, when it drinks from the milk of the woman after she having weaning him, that breast-feeding would not (bring about a) Prohibition of the marriage'.<sup>75</sup>

### باب نَوَادِرَ فِي الرِّضَاعِ

## Chapter 90 – Miscellaneous regarding the breast-feeding

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ أَبِي الْحَسَنِ الْمَاضِي ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ إِنِّي تَزَوَّجْتُ امْرَأَةً فَوَجَدْتُ امْرَأَةً قَدْ أَرْضَعْتَنِي وَ أَرْضَعَتْ أُخْتَهَا قَالَ فَقَالَ كَمْ قَالَ قُلْتُ شَيْئاً يَسِيرًا قَالَ بَارَكَ اللَّهُ لَكَ .

Ali Bin Ibrahim, from his father, from Muhammad Bin Abu Umeyr, from Abdullah Bin Al Mugheira,

(It has been narrated) from Abu Al-Hassal Al-Maazy<sup>-asws</sup> (7<sup>th</sup> Imam<sup>-asws</sup>), said, 'I said to him<sup>-asws</sup>, 'I married a woman, so I found that a woman had breast-fed me and breast-fed her sister'. He<sup>-asws</sup> said: 'How much?' I said, 'Something little'. He<sup>-asws</sup> said: 'May Allah<sup>-azwj</sup> Bless for you'.<sup>76</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي رَجُلٍ تَزَوَّجَ أُخْتَهُ مِنَ الرِّضَاعَةِ فَقَالَ مَا أَحَبُّ أَنْ أَتَزَوَّجَ أُخْتِ أَخِي مِنَ الرِّضَاعَةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from someone else, from Is'haq Bin Ammar,

(It has been narrated) from Abu Absullah<sup>-asws</sup> regarding a man who married a sister of his brother from the breast-feeding. So he<sup>-asws</sup> said: 'I<sup>-asws</sup> do not like it that I<sup>-asws</sup> marry a sister of my<sup>-asws</sup> brother from the breast-feeding'.<sup>77</sup>

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَبْدِ الصَّالِحِ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ أَرْضَعْتَ أُمَّي جَارِيَةً بِلَبَنِي قَالَ هِيَ أَحْتُكَ مِنَ الرِّضَاعِ قَالَ فَقُلْتُ فَتَجَلُّ لِأَخِي مِنْ أُمَّي لَمْ تُرْضِعْهَا بِلَبَنِي بَعْضِي لَيْسَ بِهَذَا الْبَطْنِ وَ لَكِنْ بِيَطْنٍ آخَرَ قَالَ وَ الْفَحْلُ وَاحِدٌ قُلْتُ نَعَمْ هِيَ أَحْتِي لِأَبِي وَ أُمَّي قَالَ اللَّبْنُ لِلْفَحْلِ صَارَ أَبُوكَ أَبَاهَا وَ أُمَّكَ أُمَّهَا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya,

(It has been narrated) from Al-Abd Al-Salih<sup>-asws</sup> (7<sup>th</sup> Imam<sup>-asws</sup>), said, 'I said to him<sup>-asws</sup>, 'My mother breast-fed a girl with my milk'. He<sup>-asws</sup> said: 'She is your sister from the breast-feeding'. So I said, 'So would it be Permissible for my brother from my mother who did not breast-feed from his milk, meaning not with this pregnancy, but with another pregnancy'. He<sup>-asws</sup> said: 'And the stallion (father) is one?' I said, 'Yes, she is

<sup>75</sup> Al Kafi – V 5 – The Book of Marriage Ch 89 H 5

<sup>76</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 1

<sup>77</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 2

my sister of my father and my mother'. He<sup>-asws</sup> said: 'The milk is of the stallion (father). Your father has become her father, and your mother, as her mother'.<sup>78</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ لَوْ أَنَّ رَجُلًا تَزَوَّجَ جَارِيَةً رَضِيعًا فَأَرْضَعَتْهَا امْرَأَتُهُ فَسَدَّ نِكَاحَهُ

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'If a man were to marry a girl having been breast-fed by his wife, so his marriage is void'.

قَالَ وَ سَأَلْتُهُ عَنْ امْرَأَةٍ رَجُلٍ أَرْضَعَتْ جَارِيَةً أَ تَصْلُحُ لَوْلَدِهِ مِنْ غَيْرِهَا قَالَ لَا قُلْتُ فَنَزَلَتْ بِمَنْزِلَةِ الْأُخْتِ مِنَ الرِّضَاعَةِ قَالَ نَعَمْ مِنْ قِبَلِ الْأَبِ .

He (the narrator) said, 'And I asked him<sup>-asws</sup> about a wife of a man who breast-feeds a girl, would she be correct for her children from someone else?' He<sup>-asws</sup> said: 'No'. I said, 'So she would have come down to be at the status of the sister from the breast-feeding?' He<sup>-asws</sup> said: 'Yes, from the direction of the father'.<sup>79</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ جَاءَ رَجُلٌ إِلَى أَمِيرِ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ امْرَأَتِي حَلَبْتُ مِنْ لَبَنِهَا فِي مَكُوكٍ فَأَسْقَيْتُهُ جَارِيَتِي فَقَالَ أَوْجَعِ امْرَأَتَكَ وَ عَلِيَّكَ بِجَارِيَتِكَ وَ هُوَ هَكَذَا فِي قَضَاءِ عَلِيٍّ ( عَلَيْهِ السَّلَام ) .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'A man came over to Amir Al-Momineen<sup>-asws</sup>, so he said, 'O Amir Al-Momineen<sup>-asws</sup>! My wife milked from her own milk in a drinking cup, so she quenched my slave-girl'. So he<sup>-asws</sup> said: 'Your wife would be inflicted with pain, and it is upon you with your slave girl. And it is like this in the judgement of Ali<sup>-asws</sup>'.<sup>80</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي رَجُلٍ تَزَوَّجَ جَارِيَةً صَغِيرَةً فَأَرْضَعَتْهَا امْرَأَتُهُ أَوْ أُمُّ وَلَدِهِ قَالَ تَحْرُمُ عَلَيْهِ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a man who married a young girl, so his wife breast-fed her, or a mother of his child. He<sup>-asws</sup> said: 'She is Prohibited unto him'.<sup>81</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ الرِّضَاعُ الَّذِي يُنْبِتُ اللَّحْمَ وَ الدَّمَ هُوَ الَّذِي يَرْضَعُ حَتَّى يَبْتَلَى وَ يَتَضَلَّعَ وَ يَنْتَهِيَ نَفْسُهُ .

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

<sup>78</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 3

<sup>79</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 4

<sup>80</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 5

<sup>81</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 6

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The breast-feeding is that which builds the flesh and the blood. It is that which he breast-feeds until he is weary, and disinterested, and his breathing (sucking) ends'.<sup>82</sup>

مَحْمَدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ أَبِي يَحْيَى الْحَنَاطِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِنَّ ابْنِي وَابْنَةَ أَخِي فِي حَجْرِي وَارْتَدْتُ أَنْ أَرْوِّجَهَا إِلَيْهِ فَقَالَ بَعْضُ أَهْلِي إِنَّا قَدْ أَرْضَعْنَاهُمَا قَالَ فَقَالَ كَمْ قُلْتُ مَا أَذْرِي قَالَ فَأَذْرَانِي عَلَى أَنْ أَوْقَيْتُ قَالَ فَقُلْتُ مَا أَذْرِي قَالَ فَقَالَ رَوِّجْهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Abu Yahya Al Hannat who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'My son and a daughter of my brother are in my lap (care), and I intend to marry her to him, but one of my family members said, 'We have breast-fed both of them'. So he<sup>-asws</sup> said: 'How much?' I said, 'I don't know'. He<sup>-asws</sup> said: 'So let me<sup>-asws</sup> know the time period'. So I said, 'I don't know'. So he<sup>-asws</sup> said: 'Get him married'.<sup>83</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ تَزْعُمُ أَنَّهَا أَرْضَعَتِ الْمَرْأَةَ وَالْعُلَامَ ثُمَّ تَنْكِرُ قَالَ تُصَدِّقُ إِذَا أَنْكَرْتَ قُلْتُ فَإِنَّهَا قَالَتْ وَادَّعَتْ بَعْدَ بَأْتِي قَدْ أَرْضَعْتُهُمَا قَالَ لَا تُصَدِّقُ وَلَا تُنَعَّمُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about a woman who alleged that she had breast-fed the woman and the boy, then denied. He<sup>-asws</sup> said: 'You ratified her when she denied?' I said, 'But she said and claimed afterwards, 'I had breast-fed them both'. He<sup>-asws</sup> said: 'Do not ratify, nor is there a Blessing'.<sup>84</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا يَصْلُحُ لِلْمَرْأَةِ أَنْ يَنْكِحَهَا عَمَّهَا وَ لَا خَالَهَا مِنَ الرِّضَاعَةِ .

Ali, from his father, from Ibn Abu Umeyr, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'It is not correct for the woman that her paternal uncle marries her, nor her maternal uncle, from the breast-feeding'.<sup>85</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمِيثَمِيِّ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ امْرَأَةٍ دَرَّ لَبَنُهَا مِنْ غَيْرِ وَلَادَةٍ فَأَرْضَعَتْ جَارِيَةَ وَ غُلَامًا بِدَلِكِ اللَّبَنِ هَلْ يَحْرُمُ بِدَلِكِ اللَّبَنِ مَا يَحْرُمُ مِنَ الرِّضَاعِ قَالَ لَا .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad, from Ahmad Bin Al Hassan Al Maysami, from Yunus Bin Yaquoub,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> about a woman who ejected her milk from without giving birth, so she breast-feeds a girl and a boy with that milk. Would

<sup>82</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 7

<sup>83</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 8

<sup>84</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 9

<sup>85</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 10

there be a Prohibition due to that milk, what is Prohibited from the breast-feeding?’ He<sup>-asws</sup> said: ‘No’.<sup>86</sup>

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ صَالِحِ بْنِ أَبِي حَمَّادٍ عَنْ عَلِيِّ بْنِ مَهْرَبَارٍ رَوَاهُ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ قِيلَ لَهُ إِنَّ رَجُلًا تَزَوَّجَ بِجَارِيَةٍ صَغِيرَةٍ فَأَرْضَعَتْهَا امْرَأَتُهُ ثُمَّ أَرْضَعَتْهَا امْرَأَةٌ لَهُ أُخْرَى فَقَالَ ابْنُ شُبْرَمَةَ حَرَّمَ عَلَيْهِ الْجَارِيَةَ وَ امْرَأَتَاهُ فَقَالَ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) أَخْطَأَ ابْنُ شُبْرَمَةَ حَرَّمَ عَلَيْهِ الْجَارِيَةَ وَ امْرَأَتَهُ الَّتِي أَرْضَعَتْهَا أَوْلَى فَأَمَّا الْأَخِيرَةُ فَلَمْ تَحْرُمْ عَلَيْهِ كَانَتْهَا أَرْضَعَتْ ابْنَتَهَا .

Ali Bin Muhammad, from Salih Bin Abu Hammad, from Ali Bin Mahziyar, reporting it,

(It has been narrated) from Abu Ja’far<sup>-asws</sup>, said, ‘It was said to him<sup>-asws</sup> that a man married a young girl, so his wife breast-fed her, and another wife of his breast-fed her. So Ibn Shubrama (a judge) said that the girl and both his wife are Prohibited unto him’. So he<sup>-asws</sup> said: ‘Ibn Shubrama has erred. The girl is Prohibited unto him and the wife who breast-fed her first. So, as for the last one, so she is not Prohibited unto him, as if she had breast-fed her own daughter’.<sup>87</sup>

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ التَّوْقَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) أَنَّهُوَ نِسَاءَكُمْ أَنْ يَرْضَعْنَ يَمِينًا وَ شِمَالًا فَإِنَّهُنَّ يَنْسَيْنَ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: ‘Amir Al-Momineen<sup>-asws</sup> said: ‘Forbid your womenfolk that they should breast-feed right and left (many children), for they tend to forget’.<sup>88</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ رِبَاطٍ عَنِ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ أَوْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِذَا رَضَعَ الْغُلَامُ مِنْ نِسَاءٍ شَتَّى فَكَانَ ذَلِكَ عِدَّةً أَوْ نَبَتْ لَحْمَهُ وَ دَمُهُ عَلَيْهِ حَرَّمَ عَلَيْهِ بَنَاتُهُنَّ كُلَّهُنَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ali Bin Al Hassan Bin Rabaat, from Ibn Muskan, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja’far<sup>-asws</sup> or Abu Abdullah<sup>-asws</sup> having said: ‘When the boy is breast-fed from various women, so that was a number, or builds his flesh and his blood upon it, they daughter would be Prohibited unto him, all of them’.<sup>89</sup>

عَنْهُ عَنِ ابْنِ سِنَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سُئِلَ وَ أَنَا حَاضِرٌ عَنْ امْرَأَةٍ أَرْضَعَتْ غُلَامًا مَمْلُوكًا لَهَا مِنْ لَبَنِهَا حَتَّى فَطَمَتْهُ هَلْ لَهَا أَنْ تَبِيعَهُ قَالَ لَا هُوَ ابْنُهَا مِنَ الرِّضَاعَةِ حَرَّمَ عَلَيْهَا بَيْعُهُ وَ أَكْلُ ثَمَرِهِ قَالَ ثُمَّ قَالَ أَلَيْسَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) قَالَ يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ .

From him, from Ibn Sinan, from a man,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, ‘He<sup>-asws</sup> was asked and I was present, about a woman who breast-fed a boy of an owned slave of her from her milk until she weaned him. It is for her that she sells him’. So he<sup>-asws</sup> said: ‘No, he is her son

<sup>86</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 11

<sup>87</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 12

<sup>88</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 13

<sup>89</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 14

from the breast-feeding. It is Prohibited upon her to sell him, and consume his price'. Then he<sup>-asws</sup> said: 'Did not Rasool-Allah<sup>-saww</sup> say: 'He is Prohibited from the breast-feeding what he is Prohibited from the lineage?'<sup>90</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ سَلْمَةَ بْنِ الْحَطَّابِ عَنْ عَبْدِ اللَّهِ بْنِ خِدَاشٍ عَنْ صَالِحِ بْنِ عَبْدِ اللَّهِ الْخَثْعَمِيِّ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى ( عَلَيْهِ السَّلَام ) عَنْ أُمِّ وَلَدٍ لِي صَدُوقٍ زَعَمَتْ أَنَّهَا أَرْضَعَتْ جَارِيَةً لِي أَصَدَّقُهَا قَالَ لَا .

Muhammad Bin Yahya, from Salma Bin Al Khattab, from Abdullah Bin Khidash, from Salih Bin Abdullah Al Khash'amy who said,

'I asked Abu Al-Hassan Musa<sup>-asws</sup> about a mother of child of mine who is truthful, alleges that she had breast-fed a slave girl of mine. Shall I ratify her?' He<sup>-asws</sup> said: 'No'.<sup>91</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ قَالَ كَتَبْتُ إِلَى أَبِي مُحَمَّدٍ ( عَلَيْهِ السَّلَام ) امْرَأَةً أَرْضَعَتْ وَلَدَ الرَّجُلِ هَلْ يَجِلُّ لِذَلِكَ الرَّجُلِ أَنْ يَتَزَوَّجَ ابْنَةَ هَذِهِ الْمُرْضِعَةِ أَمْ لَا فَوَقَعَ ( عَلَيْهِ السَّلَام ) لَا لَا تَجِلُّ لَهُ .

Muhammad Bin Yahya, from Abdullah Bin Ja'far who said,

'I wrote to Abu Muhammad<sup>-asws</sup>, 'A woman breast-fed a child of the man. Would it be Permissible for that man that he marries a daughter of this breast-feeder or not?' So he<sup>-asws</sup> signs: 'No, she is not Permissible unto him'.<sup>92</sup>

### باب في نحوه

## Chapter 91 – Regarding approximately it (the previous chapter)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) ثَمَانِيَةٌ لَا تَجِلُّ مُنَاكَحَتُهُمْ أُمَّتُكَ أُمَّهَا أُمَّتُكَ أَوْ أُخْتُهَا أُمَّتُكَ وَ أُمَّتُكَ وَ هِيَ عَمَّتُكَ مِنَ الرِّضَاعَةِ وَ أُمَّتُكَ وَ هِيَ خَالَتُكَ مِنَ الرِّضَاعَةِ أُمَّتُكَ وَ هِيَ أَرْضَعَتُكَ أُمَّتُكَ وَ قَدْ وَطِنَتْ حَتَّى تَسْتَبْرَأَ بِحَيْضَةِ أُمَّتِكَ وَ هِيَ حُبْلَى مِنْ غَيْرِكَ أُمَّتُكَ وَ هِيَ عَلَى سَنَمِ أُمَّتِكَ وَ لَهَا زَوْجٌ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'Eight are not Permissible for marrying them – Your slave girl whose mother is your slave girl, or her sister is your slave girl; and your slave girl and she is your paternal aunt from the breast-feeding; and your slave girl and she is your maternal aunt from the breast-feeding; your slave girl and she is the one who breast-fed you; your slave girl and she had slept (with someone) until she is free with her menstruation; your slave girl and she is pregnant from someone else; your slave girl and she is upon an evaluation; your slave girl and for her is a husband'.<sup>93</sup>

### باب نكاح القابلة

<sup>90</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 15

<sup>91</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 16

<sup>92</sup> Al Kafi – V 5 – The Book of Marriage Ch 90 H 17

<sup>93</sup> Al Kafi – V 5 – The Book of Marriage Ch 91 H 1

## Chapter 92 – Marrying the midwife

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ خَلَادِ السِّنْدِيِّ عَنْ عَمْرِو بْنِ شَيْمِرٍ [عَنْ جَابِرٍ] عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قُلْتُ لَهُ الرَّجُلُ يَتَزَوَّجُ قَابِلَتَهُ قَالَ لَا وَ لَا ابْنَتَهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Khallad Al sindy, from Amro Bin Shimr, from Jabir,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'The man marries his midwife'. He<sup>-asws</sup> said: 'No, nor her daughter'.<sup>94</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي مُحَمَّدٍ الْأَنْصَارِيِّ عَنْ عَمْرِو بْنِ شَيْمِرٍ عَنْ جَابِرِ بْنِ زَيْدٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنِ الْقَابِلَةِ أَيْ حِلُّهُ لِلْمَوْلُودِ أَنْ يَنْكِحَهَا فَقَالَ لَا وَ لَا ابْنَتَهَا هِيَ بَعْضُ أُمَّهَاتِهِ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Abu Muhammad Al Ansary, from Amro Bin Shimr, from Jabir Bin Yazeed who said,

'I asked Abu Ja'far<sup>-asws</sup> about the midwife, is it Permissible of the born boy that he marries her?' So he<sup>-asws</sup> said: 'No, and nor her daughter. She is one of his mothers'.

وَ فِي رَوَايَةٍ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ إِنْ قَبِلْتُ وَ مَرَّتْ فَالْقَوَائِلُ أَكْثَرُ مِنْ ذَلِكَ وَ إِنْ قَبِلْتُ وَ رَبَّتْ حَرَمْتُ عَلَيْهِ .

And in another report of Muawiya Bin Ammar, from Abu Abdullah<sup>-asws</sup> having said: 'If she is a midwife (during his birth) and moves on, so the midwives are many from that, and if she is a midwife (during his birth) and she nourishes, she would be Prohibited unto him'.<sup>95</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ أَحْمَدَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ زِيَادِ بْنِ عَيْسَى بِيَّاعِ السَّابِرِيِّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِذَا اسْتَقْبَلَ الصَّبِيُّ الْقَابِلَةَ بِوَجْهِهِ حَرَمْتُ عَلَيْهِ وَ حَرَمَ عَلَيْهِ وَلَدُهَا .

Humejd Bin Ziyad, from Abdullah Bin Ahmad, from Ali Bin Al Hassan, from Muhammad Bin Ziyad Bin Isa Baya'a Al Sabiry, from Aban Bin Usman, from Ibrahim,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'When the child faces the midwife with his face, she would be Prohibited unto him, and her children would be Prohibited unto him (as well)'.<sup>96</sup>

### أَبْوَابُ الْمُتْعَةِ

## Chapter 93 – Chapters of the *Mut'a* (temporary marriage)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنِ الْمُتْعَةِ فَقَالَ نَزَلَتْ فِي الْقُرْآنِ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أَجُورَهُنَّ فَرِيضَةً وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ .

<sup>94</sup> Al Kafi – V 5 – The Book of Marriage Ch 92 H 1

<sup>95</sup> Al Kafi – V 5 – The Book of Marriage Ch 92 H 2

<sup>96</sup> Al Kafi – V 5 – The Book of Marriage Ch 92 H 3

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, altogether from Ibn Abu Najran, from Aasim Bin Humejd, from Abu Baseer who said,

'I asked Abu Ja'far<sup>-asws</sup> about the *Mut'a*, so he<sup>-asws</sup> said : 'It is Revealed in the Quran [4:24] **Then as to those whom you enjoy with, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed**'.<sup>97</sup>

مَحْمَدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنِ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ( عليه السلام ) يَقُولُ كَانَ عَلِيٌّ ( عليه السلام ) يَقُولُ لَوْ لَا مَا سَبَقَنِي بِهِ بَنِي الْحَطَّابِ مَا رَزَى إِلَّا شَقِيًّا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Ibn Muskan, from Abdullah Bin Suleyman who said,

'I heard Abu Ja'far<sup>-asws</sup> saying: 'Ali<sup>-asws</sup> was saying: 'Had the son of Khattab (Umar) not preceded me<sup>-asws</sup> (in the Caliphate), none would have committed adultery except for a wretch'.<sup>98</sup>

عَلِيٌّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ إِنَّمَا نَزَلَتْ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ مُّسَمًّى فَأَنْتُمْ أَجُورٌ هُنَّ فَرِيضَةٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from the one who mentioned it,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'But rather, it (*Mut'a*) was Revealed [4:24] **Then as to those whom you enjoy with, give them their dowries as appointed**'.<sup>99</sup>

عَلِيٌّ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ قَالَ جَاءَ عَبْدُ اللَّهِ بْنُ عُمَيْرٍ اللَّيْثِيُّ إِلَى أَبِي جَعْفَرٍ ( عليه السلام ) فَقَالَ لَهُ مَا تَقُولُ فِي مُتْعَةِ النِّسَاءِ فَقَالَ أَحَلَّهَا اللَّهُ فِي كِتَابِهِ وَ عَلَى لِسَانِ نَبِيِّهِ ( صلى الله عليه وآله ) فَهِيَ حَلَالٌ إِلَى يَوْمِ الْقِيَامَةِ

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

'Abdullah Bin Umeyr Al-Laysi came over to Abu Ja'far<sup>-asws</sup> and said to him<sup>-asws</sup>, 'What are you<sup>-asws</sup> saying regarding *Mut'a* of the women?' So he<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> Permitted it in His<sup>-azwj</sup> Book and upon the tongue of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, therefore it is Permissible up to the Day of Judgement'.

فَقَالَ يَا أَبَا جَعْفَرٍ مِثْلَكَ يَقُولُ هَذَا وَ قَدْ حَرَّمَهَا عُمَرُ وَ نَهَى عَنْهَا فَقَالَ وَ إِنْ كَانَ فَعَلَّ قَالَ إِنِّي أُعِيدُكَ بِاللَّهِ مِنْ ذَلِكَ أَنْ تُجِلَّ شَيْئًا حَرَّمَهُ عُمَرُ قَالَ فَقَالَ لَهُ فَأَنْتَ عَلَى قَوْلِ صَاحِبِكَ وَ أَنَا عَلَى قَوْلِ رَسُولِ اللَّهِ ( صلى الله عليه وآله ) فَهَلَّمَ أَلَا عِنَّا أَنْ الْقَوْلَ مَا قَالَ رَسُولُ اللَّهِ ( صلى الله عليه وآله ) وَ أَنَّ الْبَاطِلَ مَا قَالَ صَاحِبِكَ

So he said, 'O Abu Ja'far<sup>-asws</sup>! The likes of you<sup>-asws</sup> is saying this, and Umar has prohibited from it?' So he<sup>-asws</sup> said: 'And even if he did so' He said, 'I seek Refuge with Allah<sup>-azwj</sup> from that, that I should permit something which Umar has prohibited'. So he<sup>-asws</sup> said to him: 'So you are upon the words of your companions, and I<sup>-asws</sup> am upon

<sup>97</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 1

<sup>98</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 2

<sup>99</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 3

the words of Rasool-Allah<sup>-saww</sup>. So come, I<sup>-asws</sup> shall curse you if the words are what Rasool-Allah<sup>-saww</sup> said and that the falsehood is what your companion said’.

قَالَ فَأَقْبَلَ عَبْدُ اللَّهِ بْنُ عُمَيْرٍ فَقَالَ يَسُرُّكَ أَنْ نِسَاءَكَ وَبَنَاتِكَ وَأَخَوَاتِكَ وَبَنَاتِ عَمِّكَ يَفْعَلْنَ قَالَ فَأَعْرَضَ عَنْهُ أَبُو جَعْفَرٍ ( عليه السلام ) حِينَ ذَكَرَ نِسَاءَهُ وَبَنَاتِ عَمِّهِ .

He (the narrator) said, ‘So Abdullah Bin Umeyr accepted, and he said, ‘It would make you cheerful if your<sup>-asws</sup> wives, and your<sup>-asws</sup> daughters, and your<sup>-asws</sup> sisters, and daughters of your<sup>-asws</sup> paternal uncle do it’. So Abu Ja’far<sup>-asws</sup> turned away from him when he mentioned his<sup>-asws</sup> wives and the daughters of his<sup>-asws</sup> paternal uncle’.<sup>100</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ الْمُنْعَةُ نَزَلَ بِهَا الْقُرْآنُ وَجَرَتْ بِهَا السُّنَّةُ مِنْ رَسُولِ اللَّهِ ( صلى الله عليه وآله ) .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Abu Maryam,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: ‘The *Mut’a* - the Quran came down with it, and the Sunnah from Rasool-Allah<sup>-saww</sup> flowed by it’.<sup>101</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ رَبَاطٍ عَنْ حَرِيرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَمِعْتُ أَبَا حَنِيْفَةَ يَسْأَلُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنِ الْمُنْعَةِ فَقَالَ أَيُّ الْمُنْعَتَيْنِ تَسْأَلُ قَالَ سَأَلْتُكَ عَنْ مُنْعَةِ الْحَجِّ فَأَبْنَيْتَنِي عَنْ مُنْعَةِ النِّسَاءِ أَوْ حَقِّ هِيَ فَقَالَ سُنْحَانَ اللَّهِ أَمَا قَرَأْتَ كِتَابَ اللَّهِ عَزَّ وَجَلَّ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَاتَّوَهُنَّ أَجُورَهُنَّ فَرِيضَتَهُ فَقَالَ أَبُو حَنِيْفَةَ وَ اللَّهُ فَكَأَنَّهُ آيَةٌ لَمْ أَقْرَأَهَا قَطُّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ali Bin Al Hassan Bin Rabaat, from Hareyz, from Abdul Rahman Bin Abu Abdullah who said,

‘I heard Abu Haneefa ask Abu Abdullah<sup>-asws</sup> about the *Mut’a*, so he<sup>-asws</sup> said: ‘Which *Mut’a* are you asking about?’ He said, ‘I am asking you<sup>-asws</sup> about the *Mut’a* of the Hajj, but inform me about the *Mut’a* of the women, is it Truth?’ So he<sup>-asws</sup> said: ‘Glory be to Allah<sup>-azwj</sup>! Have you not read the Book of Allah<sup>-azwj</sup> Mighty and Majestic [4:24] **Then as to those whom you enjoy with, give them their dowries as appointed?**’ So Abu , ‘By Allah<sup>-azwj</sup>! It is an Verse as if I have never recited it at all!’.<sup>102</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ السَّائِي قَالَ قُلْتُ لِأَبِي الْحَسَنِ ( عليه السلام ) جُعِلْتُ فِدَاكَ إِنِّي كُنْتُ أَتَزَوَّجُ الْمُنْعَةَ فَكَّرْتُهَا وَتَسَامَتُ بِهَا فَأَعْطَيْتُ اللَّهَ عَهْدًا بَيْنَ الرُّكْنِ وَ الْمَقَامِ وَ جَعَلْتُ عَلَيَّ فِي ذَلِكَ نَذْرًا وَ صِيَامًا أَلَّا أَتَزَوَّجَهَا ثُمَّ إِنَّ ذَلِكَ شَقَّ عَلَيَّ وَ نَدِمْتُ عَلَى يَمِينِي وَ لَمْ يَكُنْ بِيَدِي مِنَ الْقُوَّةِ مَا أَتَزَوَّجُ فِي الْعِلَانِيَةِ قَالَ فَقَالَ لِي عَاهَدْتِ اللَّهَ أَنْ لَا تُطِيعَهُ وَ اللَّهُ لَئِنْ لَمْ تُطِيعَهُ لَتَعْصِيئُهُ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Ali Al Sa’aiy who said,

‘I said to Abu Al-Hassan<sup>-asws</sup>, ‘May I be sacrificed for you<sup>-asws</sup>! I had married the *Mut’a*, but I disliked it, and I was accused by it. So I gave Allah<sup>-azwj</sup> a promised between Al-Rukn and Al-Maqaam (of the Kabah), and made a vow upon myself with regards to that, and Fasts, that I shall not marry it (in this manner). Then that was doubtful upon me, and I regretted my oath, and there did not happen to be in my hands the (financial)

<sup>100</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 4

<sup>101</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 5

<sup>102</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 6

strength what (would enable me) to marry publicly'. So he<sup>-asws</sup> said to me: 'You oathed to Allah<sup>-azwj</sup> that you will not obey Him<sup>-azwj</sup>? By Allah<sup>-azwj</sup>! If you do not obey Him<sup>-azwj</sup>, you would disobey Him<sup>-azwj</sup>'.<sup>103</sup>

عَلِيٌّ رَفَعَهُ قَالَ سَأَلَ أَبُو حَنِيفَةَ أَبَا جَعْفَرٍ مُحَمَّدَ فَقَالَ لَهُ يَا أَبَا جَعْفَرٍ مَا تَقُولُ فِي الْمُتْعَةِ أَ تَزْعُمُ أَنَّهَا حَلَالٌ قَالَ نَعَمْ قَالَ فَمَا يَمْنَعُكَ أَنْ تَأْمُرَ نِسَاءَكَ أَنْ يُسْتَمْتَعْنَ وَ يَكْتَسِبْنَ عَلَيْكَ فَقَالَ لَهُ أَبُو جَعْفَرٍ لَيْسَ كُلُّ الصِّنَاعَاتِ يُرْغَبُ فِيهَا وَ إِنْ كَانَتْ حَلَالًا وَ لِلنَّاسِ أَقْدَارٌ وَ مَرَاتِبٌ يَرْفَعُونَ أَقْدَارَهُمْ وَ لَكِنْ مَا تَقُولُ يَا أَبَا حَنِيفَةَ فِي النَّبِيذِ أَ تَزْعُمُ أَنَّهُ حَلَالٌ فَقَالَ نَعَمْ قَالَ فَمَا يَمْنَعُكَ أَنْ تُفْعِدَ نِسَاءَكَ فِي الْحَوَائِبِ نَبَادَاتٍ فَيَكْتَسِبْنَ عَلَيْكَ فَقَالَ أَبُو حَنِيفَةَ وَاحِدَةً وَاحِدَةً وَ سَهْمُكَ أَنْفَذَ

Ali, raising it, said,

'Abu Haneefa asked Abu Ja'far Muhammad<sup>-asws</sup>, so he said to him<sup>-asws</sup>, 'O Abu Ja'far<sup>asws</sup>! What are you<sup>-asws</sup> saying regarding the *Mut'a*, do you<sup>-asws</sup> claim that it is Permissible?' He<sup>-asws</sup> said: 'Yes'. He said, 'So prevents you<sup>-asws</sup> in instructing your<sup>-asws</sup> womenfolk that they should perform *Mut'a* and earn for you<sup>-asws</sup>?' So Abu Ja'far<sup>-asws</sup> said to him: 'Not every work has desirability in it, even though it may be Permissible, because people have their values and positions which raise their values. But, what are you saying, O Abu Haneefa, regarding *Al-Nabeez*, do you claim it as Permissible?' So he said, 'Yes'. He<sup>-asws</sup> said: 'So what prevents you from getting your womenfolk to sit in *Al-Nabeez* shops, so they would be earning for you?' So Abu Haneefa said, 'One with one, and your<sup>-asws</sup> share is more effective'.

ثُمَّ قَالَ لَهُ يَا أَبَا جَعْفَرٍ إِنَّ الْآيَةَ الَّتِي فِي سَأَلِ سَائِلٍ تَنْطِقُ بِتَحْرِيمِ الْمُتْعَةِ وَ الرَّوَايَةُ عَنِ النَّبِيِّ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) قَدْ جَاءَتْ بِنَسْخِهَا فَقَالَ لَهُ أَبُو جَعْفَرٍ يَا أَبَا حَنِيفَةَ إِنَّ سُورَةَ سَأَلِ سَائِلٍ مَكِّيَّةٌ وَ آيَةُ الْمُتْعَةِ مَدِينِيَّةٌ وَ رَوَايَتُكَ شَادَّةٌ رَدِيَّةٌ

Then he said to him<sup>-asws</sup>, 'O Abu Ja'far<sup>-asws</sup>! The Verse regarding the questioner asking speaks with the Prohibition of the *Mut'a*, and the report from the Prophet<sup>-saww</sup> has come with its Abrogation'. So Abu Ja'far<sup>-asws</sup> said to him: 'O Abu Haneefa! The Chapter **[70:1]** **A questioner, asked** is Meccan and the Verse of the *Mut'a* is Medinite, and your report is abnormal, refuted' (as an earlier Verse cannot Abrogate a later Verese).

فَقَالَ لَهُ أَبُو حَنِيفَةَ وَ آيَةُ الْمِيرَاثِ أَيْضًا تَنْطِقُ بِنَسْخِ الْمُتْعَةِ فَقَالَ أَبُو جَعْفَرٍ قَدْ ثَبَتَ النِّكَاحُ بِغَيْرِ مِيرَاثٍ قَالَ أَبُو حَنِيفَةَ مِنْ أَيْنَ قُلْتَ ذَلِكَ فَقَالَ أَبُو جَعْفَرٍ لَوْ أَنَّ رَجُلًا مِنَ الْمُسْلِمِينَ تَزَوَّجَ امْرَأَةً مِنْ أَهْلِ الْكِتَابِ ثُمَّ تُوَفِّيَ عَنْهَا مَا تَقُولُ فِيهَا قَالَ لَا تَرْتُّ مِنْهُ قَالَ فَقَدْ ثَبَتَ النِّكَاحُ بِغَيْرِ مِيرَاثٍ ثُمَّ أَفْتَرَقَا .

So Abu Haneefa said to him<sup>-asws</sup>, 'And the Verse of the inheritance as well speaks with the Abrogation of the *Mut'a*'. So Abu Ja'far<sup>-asws</sup> said: 'The marriage is proved (it can be) without inheritance'. Abu Haneefa said, 'From where do you<sup>-asws</sup> speak that?' So Abu Ja'far<sup>-asws</sup> said: 'If a man from the Muslims were to marry a woman from the People of the Book, then he dies from her, what would you be saying regarding it?' He said, 'She would not inherit from him'. He<sup>-asws</sup> said: 'So that proves the marriage (can be) without inheritance'. Then they departed each other'.<sup>104</sup>

**بَابُ أَنْهَنْ بِمَنْزِلَةِ الْأِمَاءِ وَ لَيْسَتْ مِنَ الْأَرْبَعِ**

<sup>103</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 7

<sup>104</sup> Al Kafi – V 5 – The Book of Marriage Ch 93 H 8

## Chapter 94 – They (wives of *Mut'a*) are at the status of slave girls, and are not from the four (wives allowed)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدِينَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ كَمْ تَجِلُّ مِنَ الْمُتْعَةِ قَالَ فَقَالَ هُنَّ بِمَنْزِلَةِ الْإِمَاءِ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said, 'How many (wives) are Permissible from the *Mut'a*?' So he<sup>-asws</sup> said: 'They are at the status of the slave girls (no limit)'.<sup>105</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ الْأَشْعَرِيِّ عَنْ بَكْرِ بْنِ مُحَمَّدٍ الْأَزْدِيِّ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنِ الْمُتْعَةِ أَ هِيَ مِنَ الْأَرْبَعِ فَقَالَ لَا .

Al Husayn Bin Muhammad, from Ahmad Bin Is'haq Al Ashary, from Bakr Bin Muhammad Al Azdy who said,

'I asked Abu Al-Hassan about the *Mut'a*, is she from the four (allowable wives)?' So he<sup>-asws</sup> said: 'No'.<sup>106</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رِئَابٍ عَنِ زُرَّارَةَ بْنِ أَعْيَنَ قَالَ قُلْتُ مَا يَجِلُّ مِنَ الْمُتْعَةِ قَالَ كَمْ شِئْتَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Zurara Bin Ayn who said,

'I said, 'What is Permissible from the *Mut'a*?' He<sup>-asws</sup> said: 'As many as you so desire to'.<sup>107</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي بصيرٍ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْمُتْعَةِ أَ هِيَ مِنَ الْأَرْبَعِ فَقَالَ لَا وَ لَا مِنَ السَّبْعِينَ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman, from Abu Baseer who said,

'Abu Abdullah<sup>-asws</sup> was asked about the *Mut'a*, is she from the four (allowable wives)?' So he<sup>-asws</sup> said: 'No, nor from the seventy (i.e. as many as you so desire to)'.<sup>108</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ وَ مُحَمَّدِ بْنِ خَالِدِ الْبَرْقِيِّ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ عَبْدِ الْحَمِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) فِي الْمُتْعَةِ قَالَ لَيْسَتْ مِنَ الْأَرْبَعِ لِأَنَّهَا لَا تُنْطَلِقُ وَ لَا تَرْتُّ وَ إِنَّمَا هِيَ مُسْتَأْجَرَةٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, and Muhammad Bin Khalid Al Barqy, from Al Qasim Bin Urwat, from Abdul Hameed, from Muhammad Bin Muslim,

<sup>105</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 1

<sup>106</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 2

<sup>107</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 3

<sup>108</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 4

(It has been narrated) from Abu Ja'far<sup>-asws</sup> regarding the *Mut'a*. He<sup>-asws</sup> said: 'She is not from the four (allowable wives) because she is not divorced, and does not inherit. But rather, she is only hired'.<sup>109</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ الْهَاشِمِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الْمُتْعَةِ فَقَالَ الْقَى عَبْدُ الْمَلِكِ بْنُ جُرَيْجٍ فَسَلَّهُ عَنْهَا فَإِنْ عِنْدَهُ مِنْهَا عِلْمًا فَلَقِينَهُ فَأَمَلَى عَلَيَّ مِنْهَا شَيْئًا كَثِيرًا فِي اسْتِحْلَالِهَا فَكَانَ فِيهَا مَا رَوَى لِي ابْنُ جُرَيْجٍ قَالَ لَيْسَ فِيهَا وَقْتُ وَ لَا عَدَدٌ إِنَّمَا هِيَ بِمَنْزِلَةِ الْإِمَاءِ يَتَزَوَّجُ مِنْهُنَّ كَمَا شَاءَ وَ صَاحِبُ الْأَرْبَعِ نِسْوَةَ يَتَزَوَّجُ مِنْهُنَّ مَا شَاءَ بَعِيرٍ وَلِيٍّ وَ لَا شُهُودٍ فَإِذَا انْقَضَى الْأَجَلُ بَانَتْ مِنْهُ بَعِيرٍ طَلَاقٍ وَ يُعْطِيهَا الشَّيْءَ الْيَسِيرَ وَ عِدَّتُهَا حَيْضَتَانِ وَ إِنْ كَانَتْ لَا تَحِيضُ فَخَمْسَةٌ وَ أَرْبَعُونَ يَوْمًا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Ismail Bin Al Fazl Al hashimy who said,

'I asked Abu Abdullah<sup>-asws</sup> about the *Mut'a*, so he<sup>-asws</sup> said: 'Meet Abdul Malik Bin Jureyh and ask him about it, for with him is knowledge about it (from me<sup>-asws</sup>)'. So I met up with him and he dictated to me many things with regards to its Permissibility. So, among what Ibn Jureyh reported to me was that he said, 'There is no time limit nor a number in it. But rather, she is at the status of the slave girl. He can marry from them as many as he so desires to, and the one with the four wives can (also) marry from them as many as he so desires to, without a guardian nor witnesses. So when the term expires, she becomes irrevocably divorced from him without a divorce, and he can give her something little, and her waiting period is of two menstruations. But if she does not menstruate, so it would be of forty five days'.

فَأْتَيْتُ بِالْكِتَابِ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَعَرَضْتُ عَلَيْهِ فَقَالَ صَدَقَ وَ أَقْرَبَ بِهِ

So I came over with the writing to Abu Abdullah<sup>-asws</sup> and presented it to him<sup>-asws</sup>. So he<sup>-asws</sup> said: 'True, and I<sup>-asws</sup> agree with it'.

قَالَ ابْنُ أُدَيْنَةَ وَ كَانَ زُرَّارَةُ بْنُ أَعْيَنَ يَقُولُ هَذَا وَ يَخْلِفُ أَنَّهُ الْحَقُّ إِلَّا أَنَّهُ كَانَ يَقُولُ إِنْ كَانَتْ تَحِيضُ فَحَيْضَةٌ وَ إِنْ كَانَتْ لَا تَحِيضُ فَشَهْرٌ وَ نِصْفٌ .

Ibn Azina said, 'And Zurara Bin Ayn was saying this, and he swore that it is the Truth, except that he was saying, 'If she menstruates so it (waiting period) would be one menstruation, but if she did not menstruate, so it (waiting period) would be a month and a half'.<sup>110</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ ذَكَرْتُ لَهُ الْمُتْعَةَ أَيْ هِيَ مِنَ الْأَرْبَعِ فَقَالَ تَزَوَّجُ مِنْهُنَّ أَلْفًا فَإِنَّهُنَّ مُسْتَأْجَرَاتٌ .

Al Husayn Bin Muhammad, from Ahmad Bin Is'haq, from Sa'dan Bin Muslim, from Ubeyd Bin Zurara, from his father,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I mentioned the *Mut'a* to him<sup>-asws</sup>, is she from the four (allowable wives)?' So he<sup>-asws</sup> said: 'You can take (by way of *Mut'a*) a thousand from them, so they are recompensed'.<sup>111</sup>

<sup>109</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 5

<sup>110</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 6

<sup>111</sup> Al Kafi – V 5 – The Book of Marriage Ch 94 H 7

**باب أَنَّهُ يَجِبُ أَنْ يُكْفَ عَنْهَا مَنْ كَانَ مُسْتَعْنِيًا**

**Chapter 95 – It (*Mut'a*) should be restrained from by the one who is needless from it**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ يَفْطِينٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى ( عَلَيْهِ السَّلَام ) عَنِ الْمُتْعَةِ فَقَالَ وَ مَا أَنْتَ وَ ذَلِكَ فَقَدْ أَغْنَاكَ اللَّهُ عَنْهَا قُلْتُ إِنَّمَا أَرَدْتُ أَنْ أَعْلَمَهَا فَقَالَ هِيَ فِي كِتَابِ عَلِيِّ ( عَلَيْهِ السَّلَام ) فَقُلْتُ نَزِيدُهَا وَ تَزِدَادُ فَقَالَ وَ هَلْ يَطِيبُهُ إِلَّا ذَلِكَ .

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

'I asked Abu Al-Hassan Musa<sup>-asws</sup> about the *Mut'a*, so he<sup>-asws</sup> said: 'And what is it with you and that, for Allah<sup>-azwj</sup> has Made you to be needless from it?' I said, 'But rather, I intended to learn (about) it'. So he<sup>-asws</sup> said: 'It is in the Book of Ali<sup>-asws</sup>'. So I said, 'We can increase it, and she can increase it (term)?' So he<sup>-asws</sup> said: 'And would it make him feel better except for that?'<sup>112</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ الْمُخْتَارِ بْنِ مُحَمَّدٍ بْنِ الْمُخْتَارِ وَ مُحَمَّدُ بْنُ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ الْعَلَوِيِّ جَمِيعًا عَنِ الْفَتْحِ بْنِ يَزِيدَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنِ الْمُتْعَةِ فَقَالَ هِيَ حَلَالٌ مُبَاحٌ مُطْلَقٌ لِمَنْ لَمْ يُعْهِهِ اللَّهُ بِالتَّرْوِيجِ فَلَيْسَ تَعَفُّفٌ بِالْمُتْعَةِ فَإِنْ اسْتَعْنَى عَنْهَا بِالتَّرْوِيجِ فَهِيَ مُبَاحٌ لَهُ إِذَا غَابَ عَنْهَا .

Ali Bin Ibrahim, from Al Mukhtar Bin Muhammad Bin Al Mukhtar, and Muhammad Bin Al Hassan, from Abdullah Bin Al Hassan Al Alawy, altogether from Al Fatah Bin Yazeed who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about the *Mut'a*, so he<sup>-asws</sup> said: 'It is Permissible, Authorised indefinitely for the one whom Allah<sup>-azwj</sup> has not Made to be needless by the marriage, so he can maintain chastity with the *Mut'a*. So if he is needless from it by the marriage, so it is authorised for him when he is absent from her'.<sup>113</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ قَالَ كَتَبَ أَبُو الْحَسَنِ ( عَلَيْهِ السَّلَام ) إِلَى بَعْضِ مَوْلِيهِ لَا تُلْحُوا عَلَى الْمُتْعَةِ إِنَّمَا عَلَيْكُمْ إِقَامَةُ السُّنَّةِ فَلَا تَشْتَعِلُوا بِهَا عَنْ فُرُشِكُمْ وَ حَرَائِرِكُمْ فَيَكْفُرْنَ وَ يَتَّبِرِينَ وَ يَدْعِينَ عَلَى الْأَمْرِ بِذَلِكَ وَ يَلْعَنُونَا .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun who said,

'Abu Al-Hassan<sup>-asws</sup> wrote to one of his<sup>-asws</sup> (companions) 'Do not persist upon the *Mut'a*. But rather, upon you is the establishment of the Sunnah, therefore do not be too pre-occupied with it from your beds, and your free wives, for they would be disbelieving, and they would be disavowing, and they would be making a religion upon the matter with that, and they would be cursing us<sup>-asws</sup>'.<sup>114</sup>

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ صَالِحِ بْنِ أَبِي حَمَّادٍ عَنِ ابْنِ سِنَانٍ عَنِ الْمُفَاضِلِ بْنِ عُمَرَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ فِي الْمُتْعَةِ دَعْوَاهَا أَمَا يَسْتَحْيِي أَحَدَكُمْ أَنْ يُرَى فِي مَوْضِعِ الْعَوْرَةِ فَيَحْمَلَ ذَلِكَ عَلَى صَالِحِي إِخْوَانِهِ وَ أَصْحَابِهِ .

Ali Bin Muhammad, from Salih Bin Abu Hammad, from Ibn Sinan, from Al Mufazzal Bin Umar who said,

<sup>112</sup> Al Kafi – V 5 – The Book of Marriage Ch 95 H 1

<sup>113</sup> Al Kafi – V 5 – The Book of Marriage Ch 95 H 2

<sup>114</sup> Al Kafi – V 5 – The Book of Marriage Ch 95 H 3

'I heard Abu Abdullah<sup>asws</sup> saying regarding the *Mut'a*: 'Leave it! Isn't one of you embarrassed to be seen in a place of blemish? So that would be carried upon the righteous ones of his brethren and companions'.<sup>115</sup>

### بَاب أَنَّهُ لَا يَجُوزُ التَّمَتُّعُ إِلَّا بِالْعَفِيفَةِ

## Chapter 96 – The enjoyment (of *Mut'a*) is not allowed except with the chaste women

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) أَنَّهُ سُئِلَ عَنِ الْمُنْعَةِ فَقَالَ إِنَّ الْمُنْعَةَ الْيَوْمَ لَيْسَ كَمَا كَانَتْ قَبْلَ الْيَوْمِ إِنَّهُنَّ كُنَّ يَوْمَئِذٍ يُؤْمِنَنَّ وَالْيَوْمَ لَا يُؤْمِنَنَّ فَاسْأَلُوا عَنْهُنَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Aban, from Abu Maryam,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having been asked about the *Mut'a*s, so he<sup>asws</sup> said: 'The *Mut'a* today is not as it used to be before today. In those days these women were believers (in it), and today they are not believers (in it), so ask them'.<sup>116</sup>

وَ عَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْعَبَّاسِ بْنِ مُوسَى عَنْ إِسْحَاقَ عَنْ أَبِي سَارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْهَا يَعْني الْمُنْعَةَ فَقَالَ لِي حَلَالٌ فَلَا تَنْزَوِجُ إِلَّا عَفِيفَةً إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ وَ الَّذِينَ هُمْ لِفُرُوجِهِمْ حَافِظُونَ فَلَا تَضَعُ فَرْجَكَ حَيْثُ لَا تَأْمَنُ عَلَى دِرْهِمِكَ .

And from him, from Ahmad Bin Muhammad, from Al Abbas Bin Musa, from Is'haq, from Abu Sarah who said,

'I asked Abu Abdullah<sup>asws</sup> about it, meaning the *Mut'a*, so he<sup>asws</sup> said to me: 'Permissible, so do not marry except for the chaste women. Allah<sup>azwj</sup> Mighty and Majestic is Saying [70:29] **And those who guard their private parts**, therefore do not place your private part where you would not feel safe upon your Dirham'.<sup>117</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ قَالَ سَأَلَ رَجُلٌ أَبَا الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) وَ أَنَا أَسْمَعُ عَنْ رَجُلٍ يَنْزَوِجُ امْرَأَةً مُنْعَةً وَ يَشْتَرِطُ عَلَيْهَا أَنْ لَا يَطْلُبَ وَ لَدَهَا فَتَأْتِي بَعْدَ ذَلِكَ بِوَلَدٍ فَشَدَّدَ فِي إِنْكَارِ الْوَلَدِ وَ قَالَ أَيْجِدُهُ إِعْظَاماً لِذَلِكَ فَقَالَ الرَّجُلُ فَإِنْ اتَّهَمَهَا فَقَالَ لَا يَنْبَغِي لَكَ أَنْ تَنْزَوِجَ إِلَّا مُؤْمِنَةً أَوْ مُسْلِمَةً فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ الرَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَ الرَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَ حُرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ .

Muhammad Bin Yahy, from Ahmad Bin Muhammad, from Muhammad Bin Ismail who said,

'A man asked Abu Al-Hassan Al-Reza<sup>asws</sup> and I was listening, about a man who married a woman with *Mut'a* and stipulated upon her that he would not seek her child. So she came over after that with a child. So he was intense in the denial of the child and he<sup>asws</sup> said: 'Did he fight It greatly due to that?' So the man said, 'But, he was accusing her'. So he<sup>asws</sup> said: 'It is not befitting for you that you marry except for a Believing woman, or a Muslim woman, for Allah<sup>azwj</sup> Mighty and Majestic is Saying [24:3] **The adulterer shall not marry any but a adulteress or an idolatress, and**

<sup>115</sup> Al Kafi – V 5 – The Book of Marriage Ch 95 H 4

<sup>116</sup> Al Kafi – V 5 – The Book of Marriage Ch 96 H 1

<sup>117</sup> Al Kafi – V 5 – The Book of Marriage Ch 96 H 2

**(as for) the adulteress, none shall marry her but an adulterer or an idolater; and that is Forbidden to the Believers'**.<sup>118</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ رَفَعَهُ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ وَ لَا أَدْرِي مَا حَالُهَا أَيْتَرَوَّجُهَا الرَّجُلُ مُتْعَةً قَالَ يَتَعَرَّضُ لَهَا فَإِنْ أَجَابَتْهُ إِلَى الْفُجُورِ فَلَا يَفْعَلُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, raising it, from Abdullah Bin Abu Yafour,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the woman, and I do not know of her state, can the man marry her with *Mut'a*?' He<sup>-asws</sup> said: 'He can present (immorality) to her, so if she were to respond (positively) to the immoralities, so he should not do it'.<sup>119</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ الْبَرْقِيِّ عَنْ دَاوُدَ بْنِ إِسْحَاقَ الْحَدَّاءِ عَنْ مُحَمَّدِ بْنِ الْفَيْضِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْمُتْعَةِ فَقَالَ نَعَمْ إِذَا كَانَتْ عَارِفَةً قُلْنَا جُعِلْنَا فِدَاكَ فَإِنْ لَمْ تَكُنْ عَارِفَةً قَالَ فَاعْرَضْ عَلَيْهَا وَ قُلْ لَهَا فَإِنْ قَبِلَتْ فَتَرَوَّجُهَا وَ إِنْ أَبَتْ أَنْ تَرْضَى بِقَوْلِكَ فَدَعُهَا

A number of our companions, from Ahmad Bin Muhammad Al Barqy, from Dawood Bin Is'haq Al Haza'a, from Muhammad Bin Al Qayz who said,

'I asked Abu Abdullah<sup>-asws</sup> about the *Mut'a*, so he<sup>-asws</sup> said: 'When she was of an understanding'. We said, 'May we be sacrificed for you<sup>-asws</sup>! Supposing she is not of an understanding?' He<sup>-asws</sup> said: 'So present to her and speak to her, so if she accepts, then marry her, and if she refuses to be pleased with your words, so leave her.

وَ إِيَّاكَ وَ الْكَوَاشِفَ وَ الدَّوَاعِيَ وَ الْبَغَايَا وَ ذَوَاتِ الْأَرْوَاحِ قُلْتُ مَا الْكَوَاشِفُ قَالَ اللَّوَاتِي يُكَاشِفْنَ وَ يُبَيِّنْنَ مَعْلُومَةً وَ يُؤْتِينَ قُلْتُ فَالدَّوَاعِيَ قَالَ اللَّوَاتِي يَدْعِينَ إِلَى أَنْفُسِهِنَّ وَ قَدْ عُرِفْنَ بِالْفَسَادِ قُلْتُ فَالْبَغَايَا قَالَ الْمَعْرُوفَاتُ بِالرِّبَا قُلْتُ فَذَوَاتِ الْأَرْوَاحِ قَالَ الْمَطْلَقَاتُ عَلَى غَيْرِ السُّنَّةِ .

And beware of the revealers, and the inviters, and the prostitutes, and those with the husbands'. I said, 'What are the revealers?' He<sup>-asws</sup> said: 'Those women who are revealing and their houses are known, and they (men) are going to them'. I said, 'So (what about) the inviters?' He<sup>-asws</sup> said: 'Those women who are inviting to themselves, and they are recognised with the corruption'. I said, 'So (what about) the prostitutes?' He<sup>-asws</sup> said: 'Those women are well known with the adultery'. I said, 'So (what about) those women with the husbands?' He<sup>-asws</sup> said: 'The women divorced upon other than the Sunnah'.<sup>120</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنِ الْمَرْأَةِ الْحَسَنَاءِ الْفَاجِرَةِ هَلْ يَجُوزُ لِلرَّجُلِ أَنْ يَتَمَتَّعَ مِنْهَا يَوْمًا أَوْ أَكْثَرَ فَقَالَ إِذَا كَانَتْ مَشْهُورَةً بِالرِّبَا فَلَا يَتَمَتَّعُ مِنْهَا وَ لَا يَنْكِحُهَا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Muhammad Bin Al Fuzayl who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about the woman, the beautiful, the immoral. Is it allowed for the man that he does *Mut'a* with her for a day, or more?' So he<sup>-asws</sup> said: 'If it was

<sup>118</sup> Al Kafi – V 5 – The Book of Marriage Ch 96 H 3

<sup>119</sup> Al Kafi – V 5 – The Book of Marriage Ch 96 H 4

<sup>120</sup> Al Kafi – V 5 – The Book of Marriage Ch 96 H 5

such that she was well known with the adultery, so he cannot do *Mut'a* with her, nor sleep with her'.<sup>121</sup>

### باب شُرُوطِ الْمُتْعَةِ

## Chapter 97 – Stipulations of the *Mut'a*

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ لَا تَكُونُ مُتْعَةٌ إِلَّا بِأَمْرَيْنِ أَجَلٍ مُسَمًّى وَ أَجْرٍ مُسَمًّى .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether, from Ibn Mahboub, from Jameel Bin Salih, from Zurara,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The *Mut'a* does not occur except with two matters – a specified term and a specified recompense'.<sup>122</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ لَا بُدَّ مِنْ أَنْ تَقُولَ فِي هَذِهِ الشُّرُوطِ أَنْتَزَوْجِكَ مُتْعَةً كَذَا وَ كَذَا يَوْمًا بِكَذَا وَ كَذَا يَوْمًا بِكَذَا عَيْرَ سِفَاحٍ عَلَى كِتَابِ اللَّهِ عَزَّ وَ جَلَّ وَ سُنَّةِ نَبِيِّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ ) وَ عَلَى أَنْ لَا تَرْتِنِي وَ لَا أَرْتِكَ وَ عَلَى أَنْ تَعْتَدِيَ خُمْسَةَ وَ أَرْبَعِينَ يَوْمًا وَ قَالَ بَعْضُهُمْ حَيْضَةً .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, and a number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at, from Abu Baseer,

'He<sup>-asws</sup> said: 'It is inevitable that you should be saying regarding these stipulations, 'I hereby marry you with *Mut'a*, for such and such day, and with such and such Dirhams, a marriage without adultery, upon the Book of Allah<sup>-azwj</sup> Mighty and Majestic, and a Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, and upon a stipulation that neither will you inherit me nor will I inherit you, and upon a stipulation that you will be observing a waiting period of forty five days'. And some of them (reporters) have said, 'One menstruation'.<sup>123</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرٍو بْنِ عُثْمَانَ عَنْ إِبْرَاهِيمَ بْنِ الْفَضْلِ عَنْ أَبَانَ بْنِ تَغْلِبٍ وَ عَلِيُّ بْنُ مُحَمَّدٍ عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ وَ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ إِبْرَاهِيمَ بْنِ الْفَضْلِ عَنْ أَبَانَ بْنِ تَغْلِبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) كَيْفَ أَقُولُ لَهَا إِذَا خَلَوْتُ بِهَا قَالَ تَقُولُ أَنْتَزَوْجِكَ مُتْعَةً عَلَى كِتَابِ اللَّهِ وَ سُنَّةِ نَبِيِّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ ) لَا وَارْتَهُ وَ لَا مَوْرُوثَةً كَذَا وَ كَذَا يَوْمًا وَ إِنْ شِئْتَ كَذَا وَ كَذَا سَنَةً بِكَذَا وَ كَذَا يَوْمًا وَ تُسَمِّي مِنَ الْأَجْرِ مَا تَرْضَايْتُمَا عَلَيْهِ قَلِيلًا كَانَ أَمْ كَثِيرًا فَإِذَا قَالَتْ نَعَمْ فَقَدْ رَضَيْتِ فَهِيَ امْرَأَتُكَ وَ أَنْتَ أَوْلَى النَّاسِ بِهَا

Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Ibrahim Bin Al Fazl, from Aban Bin Taghlab, and Ali Bin Muhammad, from Sahl Bin Ziyad, from Ismail Bin Mihran and Muhammad Bin Aslam, from Ibrahim Bin Al Fazl, from Aban Bin Taghlab who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'How shall I say to her when I am alone with her?' He<sup>-asws</sup> said: 'You should be saying, 'I hereby marry you by *Mut'a* upon the Book of Allah<sup>-azwj</sup> and a Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup>. You will neither inherit nor be inherited from, for such and such days, and if you so desire, such and such a Sunnah with such and such Dirhams', and you should specify from the recompense what both of you are agreed

<sup>121</sup> Al Kafi – V 5 – The Book of Marriage Ch 96 H 6

<sup>122</sup> Al Kafi – V 5 – The Book of Marriage Ch 97 H 1

<sup>123</sup> Al Kafi – V 5 – The Book of Marriage Ch 97 H 2

upon, be it little or more. So when she says, 'Yes', if she is pleased, so she is your wife, and you are the closest of the people with her'.

قُلْتُ فَإِنِّي أَسْتَحْيِي أَنْ أَدْكُرَ شَرْطَ الْأَيَّامِ قَالَ هُوَ أَضْرُّ عَلَيْكَ قُلْتُ وَ كَيْفَ قَالَ إِنَّكَ إِنْ لَمْ تَشْتَرِطْ كَانَ تَرْوِيحُ مَقَامٍ وَ لَزِمَتْكَ النَّفَقَةُ فِي الْعِدَّةِ وَ كَانَتْ وَارِثَةً وَ لَمْ تُقَدِّرْ عَلَى أَنْ تُطَلِّقَهَا إِلَّا طَلَاقَ السُّنَّةِ .

I said, 'Supposing I am too embarrassed in mentioning the stipulation of the days?' He<sup>-asws</sup> said: 'It would be harmful upon you'. I said, 'And how?' He<sup>-asws</sup> said: 'You, if you do not stipulate, your marriage would have been permanent, and the expenses would be necessitated upon you during the waiting period, and she would inherit, you would not be able upon divorcing her except by a divorce of the Sunnah'.<sup>124</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرِ عَنْ ثَعْلَبَةَ قَالَ تَقُولُ أَنْتَزَوْجُكَ مُنْعَةً عَلَى كِتَابِ اللَّهِ وَ سُنَّةِ نَبِيِّهِ (صلى الله عليه وآله) نِكَاحًا غَيْرَ سَفَاحٍ وَ عَلَى أَنْ لَا تَرِثِيَنِي وَ لَا أَرِثُكَ كَذَا وَ كَذَا يَوْمًا بِكَذَا وَ كَذَا دِرْهَمًا وَ عَلَى أَنْ عَلَيْكَ الْعِدَّةُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Nasr, from Sa'alba,

'He<sup>-asws</sup> said: 'You should be saying, 'I hereby marry you by *Mut'a* upon the Book of Allah<sup>-azwj</sup> and a Sunnah of His<sup>-azwj</sup> Prophet<sup>-saww</sup>, a marriage without adultery, and upon a stipulation that neither will you inherit me nor will I inherit you, for such and such days, and with such and such Dirhams, and upon a stipulation that upon you is the waiting period'.<sup>125</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ قَالَ قُلْتُ كَيْفَ يَتَزَوَّجُ الْمُنْعَةَ قَالَ تَقُولُ يَا أُمَّةَ اللَّهِ أَنْتَزَوْجُكَ كَذَا وَ كَذَا يَوْمًا بِكَذَا وَ كَذَا دِرْهَمًا فَإِذَا مَضَتْ تِلْكَ الْأَيَّامُ كَانَ طَلَاقُهَا فِي شَرْطِهَا وَ لَا عِدَّةَ لَهَا عَلَيْكَ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ibn Abu Umeyr, from Hisham Bin Salim who said,

'I said, 'How can one marry the *Mut'a*?' He<sup>-asws</sup> said: 'You should be saying, 'O maid of Allah<sup>-azwj</sup>! I hereby marry you for such and such days, with such and such Dirhams'. So when those days pass by, her divorce is in her stipulation, and there is no waiting period of her, upon you (to pay for the expenses during those days)'.<sup>126</sup>

بَابُ فِي أَنَّهُ يَحْتَاجُ أَنْ يُعِيدَ عَلَيْهَا الشَّرْطَ بَعْدَ عُقْدَةِ النِّكَاحِ

## Chapter 98 – Regarding him being needy that he repeats upon her the stipulation after the marriage tie

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) مَا كَانَ مِنْ شَرْطٍ قَبْلَ النِّكَاحِ هَدَمَهُ النِّكَاحُ وَ مَا كَانَ بَعْدَ النِّكَاحِ فَهُوَ جَائِزٌ وَ قَالَ إِنْ سُمِّيَ الْأَجَلُ فَهُوَ مُنْعَةٌ وَ إِنْ لَمْ يُسَمَّ الْأَجَلُ فَهُوَ نِكَاحٌ بَاتٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdullah Bin Bukeyr who said,

'Abu Abdullah<sup>-asws</sup> said: 'Whatever was from a stipulation before the marriage, the marriage demolished it and whatever was after the marriage, so it is allowed'. And he-

<sup>124</sup> Al Kafi – V 5 – The Book of Marriage Ch 97 H 3

<sup>125</sup> Al Kafi – V 5 – The Book of Marriage Ch 97 H 4

<sup>126</sup> Al Kafi – V 5 – The Book of Marriage Ch 97 H 5

asws said: 'If the term is specified, so it is *Mut'a*, and if the term is not specified, so it is a lasting marriage'.<sup>127</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبِيعٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَا جُنَاحَ عَلَيْكُمْ فِي مَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ فَقَالَ مَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ النِّكَاحِ فَهُوَ جَائِزٌ وَ مَا كَانَ قَبْلَ النِّكَاحِ فَلَا يَجُوزُ إِلَّا بِرِضَاهَا وَ بِشَيْءٍ يُعْطِيهَا فَتَرْضَى بِهِ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Raib, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah<sup>-asws</sup> about the Words of Allah<sup>-azwj</sup> Mighty and Majestic [4:24] and **there is no blame on you about what you mutually agree** from after the marriage, so it is allowed, and whatever was from before the marriage, so it is not allowed except by her agreement, and by something being given to her, so she would be pleased with it'.<sup>128</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ سُلَيْمَانَ بْنِ سَالِمٍ عَنِ ابْنِ بُكَيْرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِذَا اشْتَرَطْتَ عَلَى الْمَرْأَةِ شُرُوطَ الْمُنْعَةِ فَرَضَيْتَ بِهِ وَ أَوْجَبْتَ التَّرْوِيجَ فَارْدُدْ عَلَيْهَا شَرْطَكَ الْأَوَّلَ بَعْدَ النِّكَاحِ فَإِنْ أَجَازَتْهُ فَقَدْ جَازَ وَ إِنْ لَمْ تُجْزِهِ فَلَا يَجُوزُ عَلَيْهَا مَا كَانَ مِنَ الشَّرْطِ قَبْلَ النِّكَاحِ .

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Suleyman Bin Salim, from Ibn Bukeyr who said,

'Abu Abdullah<sup>-asws</sup> said: 'When the stipulations of *Mut'a* are stipulated upon the woman, so she is agreeable with it, and the marriage is binding, so she would be returned upon your first stipulation after the marriage. So if she allows it, then it is allowed, but if she does not allow it, then it is not allowed upon her, whatever was from the stipulation before the marriage'.<sup>129</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) يَقُولُ فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُنْعَةً أَنَّهُمَا يَتَوَارَثَانِ إِذَا لَمْ يَشْتَرِطَا وَ إِنَّمَا الشَّرْطُ بَعْدَ النِّكَاحِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Muhammad Bin Muslim who said,

'I heard Abu Ja'far<sup>-asws</sup> saying regarding the man marrying the woman by *Mut'a* that they would both be inheriting each other when they had not stipulated it, and rather, the stipulation is after the marriage'.<sup>130</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ سُلَيْمَانَ بْنِ سَالِمٍ عَنِ ابْنِ بُكَيْرٍ بْنِ أَعْيَنَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِذَا اشْتَرَطْتَ عَلَى الْمَرْأَةِ شُرُوطَ الْمُنْعَةِ فَرَضَيْتَ بِهَا وَ أَوْجَبْتَ التَّرْوِيجَ فَارْدُدْ عَلَيْهَا شَرْطَكَ الْأَوَّلَ بَعْدَ النِّكَاحِ فَإِنْ أَجَازَتْهُ جَازَ وَ إِنْ لَمْ تُجْزِهِ فَلَا يَجُوزُ عَلَيْهَا مَا كَانَ مِنَ الشَّرْطِ قَبْلَ النِّكَاحِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Suleyman Bin Salim, from Ibn Bukeyr Bin Ayn who said,

'Abu Abdullah<sup>-asws</sup> said: 'When the stipulations of the *Mut'a* are stipulated upon the woman, so she is pleased with these, and the marriage is binding, so the first

<sup>127</sup> Al Kafi – V 5 – The Book of Marriage Ch 98 H 1

<sup>128</sup> Al Kafi – V 5 – The Book of Marriage Ch 98 H 2

<sup>129</sup> Al Kafi – V 5 – The Book of Marriage Ch 98 H 3

<sup>130</sup> Al Kafi – V 5 – The Book of Marriage Ch 98 H 4

stipulations would be repeated upon her after the marriage. So, if she were to allow it, it is allowed, but if she does not allow it, it is not allowed upon her, whatever was the stipulation from before the marriage'.<sup>131</sup>

### بَاب مَا يُجْزَى مِنَ الْمَهْر فِيهَا

## Chapter 99 – What suffices from the dower in it (*Mut'a*)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ وَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) كَيْمَ الْمَهْرِ يَعْني فِي الْمُتْعَةِ قَالَ مَا تَرْضَايَا عَلَيْهِ إِلَى مَا شَاءَ مِنَ الْأَجَلِ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, and Abdul Rahman Bin Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah<sup>-asws</sup>, 'How much is the dower, meaning in the *Mut'a*?' He<sup>-asws</sup> said: 'Whatever they both agree upon, up to whatever they so desire to from the term'.<sup>132</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ وَ مُحَمَّدِ بْنِ خَالِدِ الْبَرْقِيِّ عَنْ الْقَاسِمِ بْنِ مُحَمَّدِ الْجَوْهَرِيِّ عَنْ أَبِي سَعِيدٍ عَنِ الْأَحْوَلِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَدْنَى مَا يَتَرَوَّجُ بِهِ الْمُتْعَةُ قَالَ كَفٌّ مِنْ بُرِّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed and Muhammad Bin Khalid Al Barqy, from Al Qasim Bin Muhammad Al Jowhary, from Abu Saeed, from Al Ahowl who said,

'I said to Abu Abdullah<sup>-asws</sup>, '(What is) the lowest of what can be married with for the *Mut'a*?' He<sup>-asws</sup> said: 'A handful of wheat'.<sup>133</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عِيسَى عَنْ شُعَيْبِ بْنِ يَعْقُوبَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنْ مُتْعَةِ النِّسَاءِ قَالَ حَلَالٌ وَ إِنَّهُ يُجْزَى فِيهِ الذَّرْهُمُ فَمَا فَوْقَهُ .

Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Shuayb Bin Yaqoub, from Abu Baseer who said,

'I asked Abu Ja'far<sup>-asws</sup> about *Mut'a* of the women. He<sup>-asws</sup> said: 'Permissible, and it suffices (as a dower) in it, the Dirham and what is above it'.<sup>134</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ أَدْنَى مَهْرٍ الْمُتْعَةِ مَا هُوَ قَالَ كَفٌّ مِنْ طَعَامٍ تَقِيحٍ أَوْ سَوِيحٍ أَوْ تَمْرٍ .

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

'I asked Abu Abdullah<sup>-asws</sup> about the lowest dower for the *Mut'a*, what is it?' He<sup>-asws</sup> said: 'A handful of foodstuff, flour, or *Suweyq*, or dates'.<sup>135</sup>

<sup>131</sup> Al Kafi – V 5 – The Book of Marriage Ch 98 H 5

<sup>132</sup> Al Kafi – V 5 – The Book of Marriage Ch 99 H 1

<sup>133</sup> Al Kafi – V 5 – The Book of Marriage Ch 99 H 2

<sup>134</sup> Al Kafi – V 5 – The Book of Marriage Ch 99 H 3

<sup>135</sup> Al Kafi – V 5 – The Book of Marriage Ch 99 H 4

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ أَدْنَى مَا تَجَلَّى بِهِ الْمُنْعَةُ كَفُّ مِنْ طَعَامٍ وَ رَوَى بَعْضُهُمْ مَسْوَالًا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from one of our companions,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The lowest of what the *Mut'a* is Permissible with, is a handful of foodstuff'. And some of them have reported, 'One toothbrush (twig)'.<sup>136</sup>

### بَابُ عِدَّةِ الْمُنْعَةِ

## Chapter 100 – Waiting period of the *Mut'a*

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّهُ قَالَ إِنْ كَانَتْ تَحِيضُ فَحِيضَةٌ وَإِنْ كَانَتْ لَا تَحِيضُ فَشَهْرٌ وَ نَصَفٌ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'If she was menstruating, so one menstruation, and if she was not menstruating, so a month and a half (as a waiting period)'.<sup>137</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ عَنْ أَبِي الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) قَالَ قَالَ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَام ) عِدَّةُ الْمُنْعَةِ خَمْسَةٌ وَ أَرْبَعُونَ لَيْلَةً .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Nasr,

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>-asws</sup> having said: 'Abu Ja'far<sup>-asws</sup> said: 'The waiting period of *Mut'a* is of forty five days, and the precaution is of forty five nights (i.e. one extra)'.<sup>138</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ قَالَ عِدَّةُ الْمُنْعَةِ خَمْسَةٌ وَ أَرْبَعُونَ يَوْمًا كَأَنِّي أَنْظُرُ إِلَى أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) يَعْقِدُ بِيَدِهِ خَمْسَةً وَ أَرْبَعِينَ فَإِذَا جَازَ الْأَجَلَ كَانَتْ فُرْقَةٌ بَعِيرٍ طَلَقٍ .

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

He<sup>-asws</sup> said: 'The waiting period of *Mut'a* is of forty five days. It is as if I<sup>-asws</sup> am looking at my<sup>-asws</sup> father<sup>-asws</sup> Abu Ja'far<sup>-asws</sup> determining by his hand (counting) forty five. So when the term passes, there would be separation without a divorce'.<sup>139</sup>

### بَابُ الزِّيَادَةِ فِي الْأَجْلِ

## Chapter 101 – The increment in the term

<sup>136</sup> Al Kafi – V 5 – The Book of Marriage Ch 99 H 5

<sup>137</sup> Al Kafi – V 5 – The Book of Marriage Ch 100 H 1

<sup>138</sup> Al Kafi – V 5 – The Book of Marriage Ch 100 H 2

<sup>139</sup> Al Kafi – V 5 – The Book of Marriage Ch 100 H 3

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ أَبِي بَصِيرٍ قَالَ لَا بَأْسَ بِأَنْ تَزِيدَكَ وَ تَزِيدَهَا إِذَا انْقَطَعَ الْأَجَلُ فِيمَا بَيْنَكُمَا تَقُولُ اسْتَحْلَلْتُكَ بِأَجَلٍ آخَرَ بِرِضَا مِنْهَا وَ لَا يَجَلُ ذَلِكَ لِغَيْرِكَ حَتَّى تَنْقُضِيَ عِدَّتَهَا .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, altogether, from Abdul Rahman Bin Abu Najran, and Ahmad Bin Muhammad Bin Abu Nasr, from Abu Baseer who said,

‘There is no problem with you increasing it and her increasing it when the term is cut-off between the two of you. She should be saying, ‘I hereby permit you with another term with agreement from it’, and that is not Permissible for other than you, until her waiting period expires’.<sup>140</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ إِبْرَاهِيمَ بْنِ الْفَضْلِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ إِسْمَاعِيلِ بْنِ مِهْرَانَ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ وَ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ إِبْرَاهِيمَ بْنِ الْفَضْلِ الْهَاشِمِيِّ عَنْ أَبَانَ بْنِ تَغْلِبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) جُعِلَتْ فِدَاكَ الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ مُتَعَةً فَيَتَزَوَّجُهَا عَلَى شَهْرٍ ثُمَّ إِنَّهَا تَقَعُ فِي قَلْبِهِ فَيُحِبُّ أَنْ يَكُونَ شَرْطُهُ أَكْثَرَ مِنْ شَهْرٍ فَهَلْ يَجُوزُ أَنْ يَزِيدَهَا فِي أَجْرِهَا وَ يَزِدَادَ فِي الْأَيَّامِ قَبْلَ أَنْ تَنْقُضِيَ أَيَّامَهُ الَّتِي شَرَطَ عَلَيْهَا فَقَالَ لَا لَا يَجُوزُ شَرْطَانِ فِي شَرْطٍ قُلْتُ فَكَيْفَ يَصْنَعُ قَالَ يَتَصَدَّقُ عَلَيْهَا بِمَا بَقِيَ مِنَ الْأَيَّامِ ثُمَّ يَسْتَأْنِفُ شَرْطاً جَدِيداً .

Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Ibrahim Bin Al Fazl, and a number of our companions, from Sahl Bin Ziyad, from Ismail Bin Mihran, from Muhammad Bin Aslam, and from Ahmad Bin Muhammad Bin Khalid, from Muhammad in Ali, from Muhammad Bin Aslam, from Ibrahim Bin Al Fal Al Hashimy, from Aban Bin Taghlab who said,

‘I said to Abu Abdullah<sup>-asws</sup>, ‘May I be sacrificed for you<sup>-asws</sup>! The man marries the woman by *Mut’a*, so he marries her upon a month. Then it occurs in his heart, so he likes his stipulation to be more than a month. So, is it Permissible that he increases in her recompense and increases in the days before the expiry of day which he had stipulated upon her (beforehand)?’ So he<sup>-asws</sup> said: ‘No. Two stipulations are not allowed in one stipulation’. I said, ‘How should he deal with it?’ He<sup>-asws</sup> said: ‘He can give a charity upon her with whatever remains from the days, then he resumes with a new stipulation’.<sup>141</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَمَّنْ رَوَاهُ قَالَ إِنَّ الرَّجُلَ إِذَا تَزَوَّجَ الْمَرْأَةَ مُتَعَةً كَانَ عَلَيْهَا عِدَّةٌ لِغَيْرِهِ فَإِذَا أَرَادَ هُوَ أَنْ يَتَزَوَّجَهَا لَمْ يَكُنْ عَلَيْهَا مِنْهُ عِدَّةٌ يَتَزَوَّجُهَا إِذَا شَاءَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from the one who reported it,

He<sup>-asws</sup> said: ‘The man, when he marries the woman by *Mut’a*, there would be upon her the observance of a waiting period for others. So when he intends to marry her, there would not be an observance of the waiting period upon her from him. He can marry her whenever he so desires to’.<sup>142</sup>

**بَاب مَا يَجُوزُ مِنَ الْأَجَلِ**

## Chapter 102 – What is allowed from the term

<sup>140</sup> Al Kafi – V 5 – The Book of Marriage Ch 101 H 1

<sup>141</sup> Al Kafi – V 5 – The Book of Marriage Ch 101 H 2

<sup>142</sup> Al Kafi – V 5 – The Book of Marriage Ch 101 H 3

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ عُمَرَ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ يُشَارِطُهَا مَا شَاءَ مِنَ الْأَيَّامِ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboun, from Ali Bin Raib, from Umar Bin Hanzala,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'He can stipulate upon her whatever he so desires to, from the days (term)'.<sup>143</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِي الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ الرَّجُلُ يَتَرَوَّجُ مُنْعَةً سَنَةً أَوْ أَقَلَّ أَوْ أَكْثَرَ قَالَ إِذَا كَانَ شَيْئاً مَعْلوماً إِلَى أَجَلٍ مَعْلُومٍ قَالَ قُلْتُ وَ تَبَيَّنَ بَعْضُ طَلَاقٍ قَالَ نَعَمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail,

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'The man marries by *Mut'a* for a year, or less or more'. He<sup>-asws</sup> said: 'When it was a known thing to a known term'. I said, 'And she would be irrevocably divorced without a (formal) divorce?' He<sup>-asws</sup> said: 'Yes'.<sup>144</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ قَالَ قُلْتُ لَهُ هَلْ يَجُوزُ أَنْ يَتَمَتَّعَ الرَّجُلُ بِالْمَرْأَةِ سَاعَةً أَوْ سَاعَتَيْنِ فَقَالَ السَّاعَةُ وَالسَّاعَتَانِ لَا يُوقَفُ عَلَى حَدِّهِمَا وَ لَكِنَّ الْعَرْدَ وَالْعَرْدَيْنِ وَالْيَوْمَ وَالْيَوْمَيْنِ وَاللَّيْلَةَ وَ أَشْبَاهَ ذَلِكَ .

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

'I said to him<sup>-asws</sup>, 'Is it allowed for the man that he marries by *Mut'a* with a woman for a time or two?' So he<sup>-asws</sup> said: 'The time and two, there is no determination upon their limits, but the session and two sessions, and the day and two days, and the night and the likes of that'.<sup>145</sup>

مُحَمَّدٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنْ خَلْفِ بْنِ حَمَّادٍ قَالَ أُرْسِلْتُ إِلَى أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَام ) كَمْ أَذْنَى أَجَلٍ الْمُنْعَةِ هَلْ يَجُوزُ أَنْ يَتَمَتَّعَ الرَّجُلُ بِشَرْطِ مَرَّةٍ وَاحِدَةٍ قَالَ نَعَمْ .

Muhammad, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, from Khalaf Bin Hammad who said,

'I sent a message to Abu Al-Hassan<sup>-asws</sup>, 'How much is the lowest term for the *Mut'a*. Is it allowed if the man does *Mut'a* with a stipulation of (copulating) once?' He<sup>-asws</sup> said: 'Yes'.<sup>146</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ فَضَّالٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ رَجُلٍ سَمَّاهُ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الرَّجُلِ يَتَرَوَّجُ الْمَرْأَةَ عَلَى عَرْدٍ وَاحِدٍ فَقَالَ لَا بَأْسَ وَ لَكِنَّ إِذَا فَرَّغَ فَلْيُحَوَّلْ وَجْهَهُ وَ لَا يَنْظُرْ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Fazzal, from Al Qasim Bin Muhammad, from a man whom he named, said,

<sup>143</sup> Al Kafi – V 5 – The Book of Marriage Ch 102 H 1

<sup>144</sup> Al Kafi – V 5 – The Book of Marriage Ch 102 H 2

<sup>145</sup> Al Kafi – V 5 – The Book of Marriage Ch 102 H 3

<sup>146</sup> Al Kafi – V 5 – The Book of Marriage Ch 102 H 4

'I asked Abu Abdullah<sup>-asws</sup> about the man who marries (Mut'a) the woman upon only going to bed once. So he<sup>-asws</sup> said: 'There is no problem, but when he is free, so let him turn his face around and not look'.<sup>147</sup>

### بَاب الرَّجُلِ يَتَمَتَّعُ بِالْمَرْأَةِ مَرَارًا كَثِيرَةً

## Chapter 103 – The man does *Mut'a* with the woman many times

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ الرَّجُلُ يَتَزَوَّجُ الْمُتَمَتَّعَةَ وَ يَنْقِضِي شَرْطَهَا ثُمَّ يَتَزَوَّجُهَا رَجُلٌ آخَرَ حَتَّى بَانَتْ مِنْهُ ثُمَّ يَتَزَوَّجُهَا الْأَوَّلُ حَتَّى بَانَتْ مِنْهُ ثَلَاثًا وَ تَزَوَّجَتْ ثَلَاثَةَ أَزْوَاجٍ يَجِلُّ لِلأَوَّلِ أَنْ يَتَزَوَّجَهَا قَالَ نَعَمْ كَمَا شَاءَ لَيْسَ هَذِهِ مِثْلَ الْحُرَّةِ هَذِهِ مُسْتَأْجِرَةٌ وَ هِيَ بِمَنْزِلَةِ الْإِمَاءِ .

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

(It has been narrated) from Abu Ja'far<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! The man marries the woman by *Mut'a* and he fulfils her stipulation. Then another man marries her until she is irrevocably divorced from him. Then the first one marries her until she becomes irrevocably divorced from him, three times, and she marries three husbands. Is it Permissible for the first one that he marries her?' He<sup>-asws</sup> said: 'Yes, as many times as he so desires to. This one is not like the free woman. This one is hired, and she is at the status of the slave girl'.<sup>148</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي الرَّجُلِ يَتَمَتَّعُ مِنَ الْمَرْأَةِ الْمُرَاتِ قَالَ لَا بَأْسَ يَتَمَتَّعُ مِنْهَا مَا شَاءَ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from one of his companions,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the man who marries the woman by *Mut'a* many times. He<sup>-asws</sup> said: 'There is no problem if he does *Mut'a* with her for whatever (number of times) he so desires to'.<sup>149</sup>

### بَابِ حَبْسِ الْمَهْرِ إِذَا أَخْلَفَتْ

## Chapter 104 – Withholding of the dower when she differs

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَصَّالَةَ بِنِ ابْنِ أَبِي يُونُسَ عَنْ عُمَرَ بْنِ أَبِيَانَ عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنْتَزَوَّجَ الْمَرْأَةَ شَهْرًا فَتُرِيدُ مِنِّي الْمَهْرَ كَمَلًا وَ أَتَخَوَّفُ أَنْ تُخْلِفَنِي فَقَالَ لَا يَجُوزُ أَنْ تَحْبِسَ مَا قَدَرْتَ عَلَيْهِ فَإِنَّ هِيَ أَخْلَفَتْكَ فَخُذْ مِنْهَا بِقَدْرِ مَا تُخْلِفُكَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Umar Bin Aban, from Umar Bin Hanzala who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'I married the woman for a month, so she wanted the complete dower from me, and I am fearful that she would differ with me'. So he<sup>-asws</sup>

<sup>147</sup> Al Kafi – V 5 – The Book of Marriage Ch 102 H 5

<sup>148</sup> Al Kafi – V 5 – The Book of Marriage Ch 103 H 1

<sup>149</sup> Al Kafi – V 5 – The Book of Marriage Ch 103 H 2

said: 'You are not allowed to withhold what is measured upon it. So if she were to differ, so take from her by a measurement of whatever she has differed with you'.<sup>150</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا بَقِيَ عَلَيْهِ شَيْءٌ مِنَ الْمَهْرِ وَعَلِمَ أَنَّ لَهَا زَوْجاً فَمَا أَخَذْتَهُ فَلَهَا بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَيَحْبِسُ عَنْهَا مَا بَقِيَ عِنْدَهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'When there remains upon him something from the dower, and he comes to know that for her is a husband, so whatever she has taken so it is for her due to what she has permitted from her private parts, and he would withhold from her whatever remains with him'.<sup>151</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ صَالِحِ بْنِ السِّنْدِيِّ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنْ عُمَرَ بْنِ أَبَانَ عَنْ عُمَرَ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قُلْتُ لَهُ أَنْزَلْتُ الْمَرْأَةَ شَهْرًا فَأَحْبِسُ عَنْهَا شَيْئًا قَالَ نَعَمْ خُذْ مِنْهَا بِقَدْرِ مَا تُخْلِفُكَ إِنْ كَانَ نِصْفَ شَهْرٍ فَالْيَصْفَ وَإِنْ كَانَ ثُلُثًا فَالْثُلُثَ .

Ali Bin Ibrahim, from Salih Bin Al Sandy, from Ja'far Bin Basheer, from Umar Bin Aban, from Umar Bin Hanzala,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'Can I marry the woman for a month, so I withhold something from her'. He<sup>-asws</sup> said: 'Yes, take from her by a measurement of whatever she has differed. If it was half a month, so the half (dower), and if it was a third, so the third'.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عُمَرَ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) مِثْلَهُ .

Muhammad Bin Yahya, from Ahhmad Bin Muhammad Bin Isa, from Ali Bin Al Hakam, from Umar Bin Hanzala, from Abu Abdullah<sup>-asws</sup> – similar to it.<sup>152</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عليه السلام) الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ مُنْعَةً تَشْتَرُطُ لَهُ أَنْ تَأْتِيَهُ كُلَّ يَوْمٍ حَتَّى تُوَفِّيَهُ شَرْطَهُ أَوْ تَشْتَرُطَ أَيَّامًا مَعْلُومَةً تَأْتِيهِ فِيهَا فَتَعْدُرُ بِهِ فَلَا تَأْتِيهِ عَلَى مَا شَرَطَهُ عَلَيْهَا فَهَلْ يَصْلُحُ لَهُ أَنْ يُحَاسِبَهَا عَلَى مَا لَمْ تَأْتِهِ مِنَ الْأَيَّامِ فَيَحْبِسَ عَنْهَا مِنْ مَهْرِهَا بِحِسَابِ ذَلِكَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Is'haq Bin Ammar who said,

'I said to Abu Al-Hassan<sup>-asws</sup>, 'The man marries the woman by *Mut'a*. She stipulates to him that she would come to him every day until his stipulation is fulfilled, or she stipulates certain known days during which she would come to him. So she betrays him with it and does not come to him upon what had been stipulated upon her. So is it correct for him that he accounts her upon what she did not come to him from the days, so that he would withhold from her dower by the accounting of that?'

قَالَ نَعَمْ يَنْظُرُ مَا قَطَعْتَ مِنَ الشَّرْطِ فَيَحْبِسُ عَنْهَا مِنْ مَهْرِهَا بِمِقْدَارِ مَا لَمْ تَفِ لَهُ مَا خَلَا أَيَّامَ الطَّمْثِ فَإِنَّهَا لَهَا فَلَا يَكُونُ لَهُ إِلَّا مَا أَحَلَّ لَهُ فَرْجَهَا .

<sup>150</sup> Al Kafi – V 5 – The Book of Marriage Ch 104 H 1

<sup>151</sup> Al Kafi – V 5 – The Book of Marriage Ch 104 H 2

<sup>152</sup> Al Kafi – V 5 – The Book of Marriage Ch 104 H 3

He<sup>-asws</sup> said: 'Yes. He would look at what was cut-off from the stipulation, so he would withhold from her from her dower by a measurement of whatever she did not fulfill for him, except for the days she menstruated in, so it would be for her. Thus, there would not happen to be for him except for what was Permissible for him of her private parts'.<sup>153</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَحْمَدَ بْنِ أَشْتَمٍ قَالَ كَتَبَ إِلَيْهِ الرَّيَّانُ بْنُ شَيْبٍ بِعَنِي أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَام ) الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ مُنْعَةً بِمَهْرٍ إِلَى أَجَلٍ مَعْلُومٍ وَ أَعْطَاهَا بَعْضَ مَهْرِهَا وَ أَحْرَثَهُ بِالْبَاقِي ثُمَّ دَخَلَ بِهَا وَ عَلِمَ بَعْدَ دُخُولِهِ بِهَا قَبْلَ أَنْ يُؤْفِقَهَا بِاقِي مَهْرِهَا أَنَّمَا زَوَّجَتْهُ نَفْسَهَا وَ لَهَا زَوْجٌ مُقِيمٌ مَعَهَا أَيْ جُورٌ لَهُ حَبْسٌ بِاقِي مَهْرِهَا أَمْ لَا يَجُوزُ فَكَتَبَ ( عَلَيْهِ السَّلَام ) لَا يُعْطِيهَا شَيْئاً لِأَنَّهَا عَصَتْ اللَّهَ عَزَّ وَ جَلَّ .

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

'Al-Rayyan Bin Shabeeb wrote to him<sup>-asws</sup>, meaning Abu Al-Hassan<sup>-asws</sup>, 'The man married the woman by *Mut'a* to a known term, and gave her part of her dower, and delayed with the remainder. Then he slept with her, and came to know after having slept with her, before he had paid her the remainder of her dower, that she had married herself and there was a husband for her staying with her. Is it allowed for him that he withholds the remainder of her dower or is it not allowed?' So he<sup>-asws</sup> wrote: 'He should not give her anything because she has disobeyed Allah<sup>-azwj</sup> Mighty and Majestic'.<sup>154</sup>

بَابُ أَنَّهَا مُصَدِّقَةٌ عَلَى نَفْسِهَا

## Chapter 105 – She would be ratified upon herself

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ إِبْرَاهِيمَ بْنِ الْفَضْلِ عَنْ أَبَانَ بْنِ تَغْلِبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) إِنْ أَيْتُ فِي بَعْضِ الطَّرِيقَاتِ فَارَى الْمَرْأَةَ الْحَسَنَاءَ وَ لَا أَمْنُ أَنْ تَكُونَ ذَاتَ بَعْغٍ أَوْ مِنَ الْعَوَاهِرِ قَالَ لَيْسَ هَذَا عَلَيْكَ إِنَّمَا عَلَيْكَ أَنْ تُصَدِّقَهَا فِي نَفْسِهَا .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Muhammad Bin Ali, from Muhammad Bin Aslam, from Ibrahim Bin Al Fazl, from Aban Bin Taghlab who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'I said to Abu Abdullah<sup>-asws</sup>, 'I happen to be in one of the roads, so I see the beautiful woman, and I am not secure if she happens to be with a husband, or from the prostitutes'. He<sup>-asws</sup> said: 'This is not upon you, but rather, upon you is that you ratify her regarding herself'.<sup>155</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ عَنْ مُبِيرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَلْقَى الْمَرْأَةَ بِالْفَلَاحَةِ الَّتِي لَيْسَ فِيهَا أَحَدٌ فَأَقُولُ لَهَا هَلْ لَكَ زَوْجٌ فَتَقُولُ لَا فَأَتَزَوَّجُهَا قَالَ نَعَمْ هِيَ الْمُصَدِّقَةُ عَلَى نَفْسِهَا .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Fazalat, from Muyassar who said,

<sup>153</sup> Al Kafi – V 5 – The Book of Marriage Ch 104 H 4

<sup>154</sup> Al Kafi – V 5 – The Book of Marriage Ch 104 H 5

<sup>155</sup> Al Kafi – V 5 – The Book of Marriage Ch 105 H 1

'I said to Abu Abdullah-asws, 'I meet the woman in the wilderness wherein there is no one. So I am saying to her, 'Is there a husband for you?' So she is saying, 'No'. So I marry her'. He-asws said: 'Yes, she is the ratified one upon herself'.<sup>156</sup>

## باب الأبقار

### Chapter 106 – The Virgins

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبَحْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ فِي الرَّجُلِ يَنْزَوِجُ الْبُكَرَ مُنْعَةً قَالَ يُكْرَهُ لِلْعَيْبِ عَلَى أَهْلِهَا .

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

(It has been narrated) from Abu Abdullah-asws having said regarding the man who marries the virgin by *Mut'a*. He-asws said: 'It is disliked due to the shame upon her family'.<sup>157</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ وَ عَبْدِ اللَّهِ ابْنِ أَبِي عُمَيْرٍ عَنْ عِيسَى بْنِ عَلِيٍّ بْنِ الْحَكَمِ عَنْ زِيَادِ بْنِ أَبِي الْحَلَالِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ لَا بَأْسَ بِأَنْ يَتَمَتَّعَ بِالْبُكَرِ مَا لَمْ يُفْضِ إِلَيْهَا مَخَافَةَ كَرَاهِيَةِ الْعَيْبِ عَلَى أَهْلِهَا .

Muhammad Bin Yahya, from Ahmad and Abdullah the two sons of Muhammad Bin Isa, from Ali Bin Al Hakam, from Ziyad Bin Abu Al Hallal who said,

'I heard Abu Abdullah-asws saying: 'There is no problem with him marrying by *Mut'a* with the virgin only if fear of disgrace to her family will not affect her'.<sup>158</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْزَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي الْبُكَرِ يَنْزَوِجُهَا الرَّجُلُ مُنْعَةً قَالَ لَا بَأْسَ مَا لَمْ يَفْتَضَّهَا .

Ali Bin Ibrahim, from his father, from Muhammad Bin Abu Umeyr, from Muhammad Bin Abu Hamza, from one of his companions,

(It has been narrated) from Abu Abdullah-asws regarding the virgin whom the man marries by *Mut'a*. He-asws said: 'There is no problem for as long as he does not destroy her virginity'.<sup>159</sup>

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الرَّجُلِ يَتَمَتَّعُ مِنَ الْجَارِيَةِ الْبُكَرِ قَالَ لَا بَأْسَ بِذَلِكَ مَا لَمْ يَسْتَضْعِفْهَا .

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

'I asked Abu Abdullah-asws about the man who marries by *Mut'a* with a virgin girl'. He-asws said: 'There is no problem with that for as long as he does not belittle her'.<sup>160</sup>

<sup>156</sup> Al Kafi – V 5 – The Book of Marriage Ch 105 H 2

<sup>157</sup> Al Kafi – V 5 – The Book of Marriage Ch 106 H 1

<sup>158</sup> Al Kafi – V 5 – The Book of Marriage Ch 106 H 2

<sup>159</sup> Al Kafi – V 5 – The Book of Marriage Ch 106 H 3

<sup>160</sup> Al Kafi – V 5 – The Book of Marriage Ch 106 H 4

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قُلْتُ الْجَارِيَةُ ابْنَةُ كَمْ لَا تُسْتَنْبَى ابْنَةُ سِتِّ أَوْ سَبْعٍ فَقَالَ لَا ابْنَةُ تَسَعُ لَا تُسْتَنْبَى وَاجْمَعُوا كُلَّهُمْ عَلَى أَنَّ ابْنَةَ تَسَعٍ لَا تُسْتَنْبَى إِلَّا أَنْ يَكُونَ فِي عَقْلِهَا ضَعْفٌ وَ إِلَّا فَهِيَ إِذَا بَلَغَتْ تَسَعًا فَقَدْ بَلَغَتْ .

Ali, from his father, from Ibn Abu Umeyr, from a man,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said, 'The girl, when would she not be reckoned as a child, a girl of six or seven (years of age)?' So he<sup>-asws</sup> said: 'No, it is a girl of nine who would not be reckoned as a child, and all of them have formed a consensus upon that a girl of nine would not be reckoned as a child except if there happens to be a weakness in her intellect, or else, so when she reaches nine (years), so she has reached puberty'.<sup>161</sup>

### باب تزويج الإمام

## Chapter 107 – Marrying the slave girl (with *Mut'a*)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرِ عَنْ أَبِي الْحَسَنِ الرِّضَا ( عَلَيْهِ السَّلَامُ ) قَالَ لَا يُتَمَتَّعُ بِالْأَمَةِ إِلَّا بِإِذْنِ أَهْلِهَا .

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

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>-asws</sup> having said: 'Do not marry by *Mut'a* with the slave girl except with the permission of her owner'.<sup>162</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَيْسَى بْنِ أَبِي مَنْصُورٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا بَأْسَ بِأَنْ يَتَزَوَّجَ الْأَمَةُ مُتَعَةً بِإِذْنِ مَوْلَاهَا .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Isa Bin Abu Mansour,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'There is no problem if you were to marry the slave girl by *Mut'a* with the permission of her master'.<sup>163</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَيْسَى بْنِ مُحَمَّدٍ بْنِ إِسْمَاعِيلَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) هَلْ لِلرَّجُلِ أَنْ يَتَمَتَّعَ مِنَ الْمَمْلُوكَةِ بِإِذْنِ أَهْلِهَا وَ لَهُ امْرَأَةٌ حُرَّةٌ قَالَ نَعَمْ إِذَا رَضِيَتْ الْحُرَّةُ قُلْتُ فَإِنْ أَدْبَتِ الْحُرَّةُ يَتَمَتَّعُ مِنْهَا قَالَ نَعَمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Ismail who said,

'I asked Abu Al-Hassan<sup>-asws</sup>, 'Is it for the man that he marries by *Mut'a* to the slave girl with the permission of her owner, and for him there is (already) a free woman (as a wife)?' He<sup>-asws</sup> said: 'Yes, when the free woman agrees'. I said, 'Supposing the free woman (wife) were to allow, can he marry by *Mut'a* from them?' He<sup>-asws</sup> said: 'Yes'.

وَ رُوِيَ أَيْضاً أَنَّهُ لَا يَجُوزُ أَنْ يُتَمَتَّعَ بِالْأَمَةِ عَلَى الْحُرَّةِ .

<sup>161</sup> Al Kafi – V 5 – The Book of Marriage Ch 106 H 5

<sup>162</sup> Al Kafi – V 5 – The Book of Marriage Ch 107 H 1

<sup>163</sup> Al Kafi – V 5 – The Book of Marriage Ch 107 H 2

And it is reported as well that he<sup>-asws</sup> did not allow that he one should marry with the slave girl (as an additional wife) upon the free woman'.<sup>164</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ لَا بَأْسَ بِأَنْ يَتَمَتَّعَ الرَّجُلُ بِأَمَةِ الْمَرْأَةِ فَأَمَّا أَمَةُ الرَّجُلِ فَلَا يَتَمَتَّعُ بِهَا إِلَّا بِأَمْرِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al hakam, from Sayf Bin Qmeyra,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'There is no problem with it if a man were to marry with a slave girl of the woman. So, as for a slave girl of the man, so he cannot do *Mut'a* with her except with his instruction'.<sup>165</sup>

### بابُ وَفُوعِ الْوَالِدِ

## Chapter 108 – Occurrence of the child

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَجْرَانَ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ أَرَأَيْتَ إِنْ حَبِلَتْ قَالَ هُوَ وَوَلَدُهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'What is your <sup>asws</sup> view if she gets pregnant (from *Mut'a*)'. He<sup>-asws</sup> said: 'It would be his child'.<sup>166</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ وَ غَيْرِهِ قَالَ الْمَاءُ مَاءُ الرَّجُلِ يَضَعُهُ حَيْثُ شَاءَ إِلَّا أَنَّهُ إِذَا جَاءَ وَوَلَدٌ لَمْ يُنْكِرْهُ وَ شَدَّدَ فِي إِنْكَارِ الْوَالِدِ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, and someone else,

'He<sup>-asws</sup> said: 'The water (seed) of the man, he can place is wherever he so desires to, except him, when there comes a child, he cannot deny it', and he<sup>-asws</sup> was harsh with regards to the denial of the child'.<sup>167</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ الْمُخْتَارِ بْنِ مُحَمَّدٍ بْنِ الْمُخْتَارِ وَ مُحَمَّدَ بْنَ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ جَمِيعاً عَنْ الْفُتْحِ بْنِ يَزِيدَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) عَنِ الشَّرْطِ فِي الْمُنْعَةِ فَقَالَ الشَّرْطُ فِيهَا بَكْدًا وَ كَذَا إِلَى كَذَا وَ كَذَا فَإِنْ قَالَتْ نَعَمْ فَذَلِكَ لَهُ جَائِزٌ وَ لَا تَقُولُ كَمَا أَنْهَى إِلَيَّ أَنَّ أَهْلَ الْعِرَاقِ يَقُولُونَ الْمَاءُ مَائِي وَ الْأَرْضُ لَكَ وَ لَسْتُ أَسْقِي أَرْضَكَ الْمَاءَ وَ إِنْ نَبَتَ هُنَاكَ نَبْتُ فَهُوَ لِصَاحِبِ الْأَرْضِ فَإِنْ شَرَطْتُمْ فِي شَرْطٍ فَاسِدٍ فَإِنْ رَزَقَتْ وَوَلَدًا قَبْلَهُ وَ الْأَمْرُ وَاصِحٌّ فَمَنْ شَاءَ التَّلْبِيسَ عَلَى نَفْسِهِ لَبَسَ .

Ali Bin Ibrahim, from Al Mukhtar Bin Muhammad Bin Mukhtar, and Muhammad Bin Al Hassan, from Abdullah Bin Al Hassan, altogether from Al Fatah Bin Yazeed who said,

'I asked Abu Al-Hassan Al-Reza<sup>-asws</sup>, about the stipulation regarding the *Mut'a*, so he<sup>-asws</sup> said: 'The stipulation therein is with such and such (an amount), and to such and such (a term). So if she says, 'Yes', so that is allowed for him, and you should not be

<sup>164</sup> Al Kafi – V 5 – The Book of Marriage Ch 107 H 3

<sup>165</sup> Al Kafi – V 5 – The Book of Marriage Ch 107 H 4

<sup>166</sup> Al Kafi – V 5 – The Book of Marriage Ch 108 H 1

<sup>167</sup> Al Kafi – V 5 – The Book of Marriage Ch 108 H 2

saying just as it is ending up to me<sup>-asws</sup> that the people of Al-Iraq are saying, 'The water (seed) is my water, and the land is yours, and I will irrigate your land with the water, and if something grows there with a growing (a child), so it would be for the owner of the land (the woman)'. So the two stipulations in one stipulation are void, and supposing a child is Graced, he has to accept it, and the matter is clear. So the one who so desires to clad the confusion upon himself, he clads'.<sup>168</sup>

### باب الميراث

## Chapter 109 – The Inheritance

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ( عليه السلام ) يَقُولُ فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُتَعَةً إِنَّهُمَا يَتَوَارَثَانِ مَا لَمْ يَشْتَرِطَا وَإِنَّمَا الشَّرْطُ بَعْدَ النِّكَاحِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Muhammad Bin Muslim who said,

'I heard Abu Ja'far<sup>-asws</sup> saying regarding the man who marries the woman by *Mut'a*: 'They would both be inheriting (each other) for as long as they did not stipulate, and rather the stipulation is after the marriage' (as they ignored the condition of time so it has become more like a marriage).<sup>169</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ أَبِي الْحَسَنِ الرِّضَا ( عليه السلام ) قَالَ تَزْوِيجُ الْمُتَعَةِ نِكَاحٌ بِمِيرَاثٍ وَ نِكَاحٌ بِغَيْرِ مِيرَاثٍ فَإِنْ اشْتَرَطْتَ كَانَ وَإِنْ لَمْ تَشْتَرِطْ لَمْ يَكُنْ .

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

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>-asws</sup> having said: 'The marriage of the *Mut'a* can be a marriage with inheritance and a marriage without inheritance. So if there was such a stipulation, they would be (inheritance), and if there was no such stipulation, there would not happen to be (inheritance)'.<sup>170</sup>

و رُوِيَ أَيْضاً لَيْسَ بَيْنَهُمَا مِيرَاثٌ اشْتَرَطَ أَوْ لَمْ يُشْتَرِطْ .

And it is reported as well, '(He<sup>-asws</sup> said): 'There would not be inheritance between the two of them, whether is has been stipulated, or not stipulated'.<sup>170</sup>

### باب النوادر

## Chapter 110 – The Miscellaneous

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ بَشِيرِ بْنِ حَمْرَةَ عَنْ رَجُلٍ مِنْ فُرَيْشٍ قَالَ بَعَثْتُ إِلَيَّ ابْنَتَهُ عَمِّي لِي كَانَ لَهَا مَالٌ كَثِيرٌ قَدْ عَرَفْتُ كَثْرَةَ مَنْ يَخْطُبُنِي مِنَ الرِّجَالِ فَلَمْ أَرْوِجْهُمْ نَفْسِي وَ مَا بَعَثْتُ إِلَيْكَ رَغْبَةً فِي الرِّجَالِ غَيْرَ أَنَّهُ بَلَغَنِي أَنَّهُ أَحَلَّهَا اللَّهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ وَ بَيَّنَّهَا رَسُولُ اللَّهِ ( صلى الله عليه وآله ) فِي سُنَّتِهِ فَحَرَّمَهَا زُفَرٌ فَأَحْبَبْتُ أَنْ أَطِيعَ اللَّهَ عَزَّ وَ جَلَّ فَوْقَ عَرْشِهِ وَ أَطِيعَ رَسُولَ اللَّهِ ( صلى الله عليه وآله ) وَ أَعْصِي زُفَرَ فَتَزَوَّجْنِي مُتَعَةً

<sup>168</sup> Al Kafi – V 5 – The Book of Marriage Ch 108 H 3

<sup>169</sup> Al Kafi – V 5 – The Book of Marriage Ch 108 H 1

<sup>170</sup> Al Kafi – V 5 – The Book of Marriage Ch 108 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Basheer Bin Hamza, from a man from Qureysh who said,

‘A cousin of mine sent a message to me, and there was a lot of wealth for her, ‘You know the abundance of those from the men whom are proposing to me, but I am not marrying them myself, and I have not sent you a message due to my desiring the men, apart from that it has reached me, that it (*Mut’a*) has been Permitted by Allah<sup>-azwj</sup> Mighty and Majestic in His<sup>-azwj</sup> Book, and Rasool-Allah<sup>-saww</sup> explained it in his<sup>-saww</sup> Sunnah, but Zafar (Umar) prohibited it. Thus, I would like to obey Allah<sup>-azwj</sup> Mighty and Majestic above His<sup>-azwj</sup> Throne, and obey Rasool-Allah<sup>-saww</sup>, and disobey Zafar (Umar). Therefore, marry me by way of *Mut’a*’.

فَقُلْتُ لَهَا حَتَّى أَدْخُلَ عَلَى أَبِي جَعْفَرٍ ( عليه السلام ) فَاسْتَشِيرَهُ قَالَ فَدَخَلْتُ عَلَيْهِ فَحَبَّرْتُهُ فَقَالَ أَفْعَلْ صَلَّى اللَّهُ عَلَيْكُمَا مِنْ رَوْحِ

So I said to her, ‘(Not) until I go over to Abu Ja’far<sup>-asws</sup> and consult him<sup>-asws</sup>’. So I went over to him<sup>-asws</sup>, and informed him<sup>-asws</sup>. So he<sup>-asws</sup> said: ‘Do it. May Allah<sup>-azwj</sup> Send Blessings upon both of you from as spouses’.<sup>171</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ بَعْضِ رَجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُتْعَةً أَيَّامًا مَعْلُومَةً فَتَجِيئُهُ فِي بَعْضِ أَيَّامِهَا فَتَقُولُ إِنِّي قَدْ بَعَيْتُ قَبْلَ مَجِيئِي إِلَيْكَ بِسَاعَةٍ أَوْ بِيَوْمٍ هَلْ لَهُ أَنْ يَطَّأَهَا وَ قَدْ أَقْرَبَتْ لَهُ بِبَعْضِهَا قَالَ لَا يَنْبَغِي لَهُ أَنْ يَطَّأَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa, from Yunus, from one of his men,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, ‘I asked him<sup>-asws</sup> about the man who marries the woman by *Mut’a* for a known (number of) days. So she comes over during one of her days and she is saying, ‘I had committed adultery before my coming to you, by an hour’, or ‘by a day’. Would it be for him that he sleeps with her and she has accepted to him with her adultery?’ He<sup>-asws</sup> said: ‘It is not befitting for him that he sleeps with her’.<sup>172</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَدْخَلَ جَارِيَةً يَتَمَتَّعُ بِهَا ثُمَّ أَنْسَى أَنْ يَشْتَرِطَ حَتَّى وَاقَعَهَا يَجِبُ عَلَيْهِ حَدُّ الرَّائِي قَالَ لَا وَ لَكِنْ يَتَمَتَّعُ بِهَا بَعْدَ النِّكَاحِ وَ يَسْتَغْفِرُ اللَّهُ مِمَّا أَنْتَى .

A number of our companions, from Ahmad Bin Muhammad, from one of his companions, from Zur’at Bin Muhammad, from Sama’at who said,

‘I asked him<sup>-asws</sup> about a man slept with a slave girl by way of *Mut’a* with her, then forgets that he should be stipulating (*Mahr* and term) until he has slept with her. Would it Obligate the legal punishment (*Hadd*) of the adulterer upon him?’ He<sup>-asws</sup> said: ‘No, but he enjoyed with her after the marriage, and he should seek Forgiveness of Allah<sup>-azwj</sup> from what he has done’.<sup>173</sup>

<sup>171</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 1

<sup>172</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 2

<sup>173</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 3

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ عَنْ عَيْسَى بْنِ سُلَيْمَانَ عَنْ بَكَّارِ بْنِ كَرْدَمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) الرَّجُلُ يَلْقَى الْمَرْأَةَ فَيَقُولُ لَهَا زَوِّجِي نَفْسَكَ شَهْرًا وَ لَا يُسَمِّي الشَّهْرَ بَعِيْنِهِ ثُمَّ يَمْضِي فَيَلْقَاهَا بَعْدَ سِنِينَ قَالَ فَقَالَ لَهُ شَهْرُهُ إِنْ كَانَ سَمَاءً وَ إِنْ لَمْ يَكُنْ سَمَاءً فَلَا سَبِيلَ لَهُ عَلَيْهَا .

Ahmad Bin Muhammad, from one of our companions, from Umar Bin Abdul Aziz, from Isa Bin Suleymen, from Bakkar Bin Kardam who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'The man meets the woman, so he is saying to her, 'Marry yourself to me for a month', and he does not specify the month in particular. Then he goes away and meets her after (some) years'. So he<sup>-asws</sup> said to him: 'For him is his month if he had specified it, and if he did not happen to have specified it, so there is no way for him upon her'.<sup>174</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا بَأْسَ بِالرَّجُلِ يَتَمَتَّعُ بِالْمَرْأَةِ عَلَى حُكْمِهِ وَ لَكِنْ لَا بُدَّ لَهُ مِنْ أَنْ يُعْطِيَهَا شَيْئًا لِأَنَّهُ إِنْ أَحْدَثَ بِهِ حَدَثٌ لَمْ يَكُنْ لَهَا مِيرَاثٌ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'There is no problem with the man who marries by *Mut'a* with the woman upon his decision, but there is no alternative for him from giving her something, because if there was to occur an event with him (of death), there would not happen to be any inheritance for her'.<sup>175</sup>

عَلِيُّ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ مُوسَى ( عَلَيْهِ السَّلَامُ ) رَجُلٌ تَزَوَّجَ امْرَأَةً مُنْعَةً ثُمَّ وَتَبَ عَلَيْهَا أَهْلُهَا فَزَوَّجُوهَا بِغَيْرِ إِذْنِهَا عَلَانِيَةً وَ الْمَرْأَةُ امْرَأَةٌ صِدْقٍ كَيْفَ الْحِيلَةَ قَالَ لَا تُمَكِّنْ زَوْجَهَا مِنْ نَفْسِهَا حَتَّى يَنْقُضِي شَرْطَهَا وَ عِدَّتَهَا

Ali, from his father, from one of his companions, from Is'haq Bin Ammar who said,

'I said to Abu Al-Hassan Musa<sup>-asws</sup>, 'A man marries a woman by *Mut'a*, then her family members leap upon her, so they get her married without her permission, publicly, and the woman is a truthful woman. How would it be resolved?' He<sup>-asws</sup> said: 'She should not enable her husband upon herself until her stipulations (of *Mut'a*) have expired, along with waiting period'.

قُلْتُ إِنْ شَرَطَهَا سَنَةً وَ لَا يَصْبِرُ لَهَا زَوْجُهَا وَ لَا أَهْلُهَا سَنَةً قَالَ فَلْيَتَّقِ اللَّهَ زَوْجُهَا الْأَوَّلُ وَ لْيَتَّصِدَّقْ عَلَيْهَا بِالْأَيَّامِ فَإِنَّهَا قَدْ ابْتَلَيْتِ وَ الدَّارُ دَارُ هُدْنَةٍ وَ الْمُؤْمِنُونَ فِي تَفِيَّةٍ قُلْتُ فَإِنَّهُ تَصَدَّقَ عَلَيْهَا بِأَيَّامِهَا وَ انْفَضَّتْ عِدَّتُهَا كَيْفَ تَصْنَعُ

I said, 'If her stipulation is for a year and her husband is not patient for her, nor her family members, for a year?' He<sup>-asws</sup> said: 'So let her first husband fear Allah<sup>-azwj</sup>, and let him give in charity upon her with the (unexpired) days, so she has been tried, and the house (environment) is a house of truce, and the Believers are in dissimulation'. Supposing he were to donate upon her with her (unexpired) days, and she observes her waiting period, how would she deal?'

قَالَ إِذَا خَلَا الرَّجُلُ فَلْتَقُلْ هِيَ يَا هَذَا إِنَّ أَهْلِي وَثَبُوا عَلَيَّ فَزَوِّجُونِي مِنْكَ بِغَيْرِ أَمْرِي وَ لَمْ يَسْتَأْمِرُونِي وَ إِنِّي الْأَنْ قَدْ رَضِيتُ فَاسْتَأْنِفْتُ أَنْتَ الْأَنْ فَزَوِّجْنِي تَزْوِيجًا صَحِيحًا فِيمَا بَيْنِي وَ بَيْنَكَ .

<sup>174</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 4

<sup>175</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 5

He<sup>-asws</sup> said: 'When she is alone with the man (second husband), so let her said, 'O you! My family leapt over me, so they got me married to you without my consent, and did not seek instruction from me, and I now agree. Therefore, you should now solemnise my marriage with a correct marriage, with regards to what is between me and you'.<sup>176</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُعَمَّرِ بْنِ خَلَادٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) عَنْ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُتَعَةً فَيَحْمِلُهَا مِنْ بَلَدٍ إِلَى بَلَدٍ فَقَالَ يَجُوزُ النِّكَاحُ الْأَخْرُ وَ لَا يَجُوزُ هَذَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Moammad Bin Khallad who said,

'I asked Abu Al-Hassan Al-Reza<sup>-asws</sup> about the man who married the woman by *Mut'a*, so he carried her from a city to a city. So he<sup>-asws</sup> said: 'He is allowed another marriage, and he is not allowed this'. (Since *Mut'a* is a temporary measure when one is compelled at a certain place)<sup>177</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ نُوحِ بْنِ شُعَيْبٍ عَنْ عَلِيِّ بْنِ حَسَّانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَثِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ جَاءَتْ امْرَأَةٌ إِلَى عُمَرَ فَقَالَتْ إِنِّي زَنَيْتُ فَطَهَّرْنِي فَأَمَرَ بِهَا أَنْ تُرْجَمَ فَأُخْبِرَ بِذَلِكَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) فَقَالَ كَيْفَ زَنَيْتِ فَقَالَتْ مَرَرْتُ بِالْبَادِيَةِ فَأَصَابَنِي عَطَشٌ شَدِيدٌ فَاسْتَسْقَيْتُ أَعْرَابِيًّا فَأَبَى أَنْ يَسْقِيَنِي إِلَّا أَنْ أَمَكَّنَهُ مِنْ نَفْسِي فَلَمَّا أَجْهَدَنِي الْعَطَشُ وَ خِفْتُ عَلَى نَفْسِي سَقَانِي فَأَمَكَّنَنِي مِنْ نَفْسِي فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) تَزْوِيجٌ وَ رَبِّ الْكَعْبَةِ .

Ali Bin Ibrahim, from his father, from Nuh Bin Shuayb, from Ali Bin Hassam, from Abdul Rahman Bin Kaseer,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'A woman came over to Umar, so she said, 'I have committed adultery, therefore purify me'. So he ordered with her to be stoned. The information of that was given to Amir Al-Momineen<sup>-asws</sup>, so he<sup>-asws</sup> said, 'How did you commit adultery?' So she said, 'I was passing by the valley, and I was hit by extreme thirst. So I sought my thirst to be quenched by a Bedouin, but he refused to quench me until I enable him upon myself. So when I struggled against my thirst and I feared upon my life, I let him quench me, and enabled him upon myself'. So Amir Al-Momineen<sup>-asws</sup> said: 'A (valid) marriage, by the Lord<sup>-azwj</sup> of the Kabah!'.<sup>178</sup>

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَمَّارِ بْنِ مَرْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ رَجُلٌ جَاءَ إِلَى امْرَأَةٍ فَسَأَلَهَا أَنْ تَزَوِّجَهُ نَفْسَهَا فَقَالَتْ أَرَوْجِكَ نَفْسِي عَلَى أَنْ تَلْتَمِسَ مِنِّي مَا شِئْتِ مِنْ نَظَرٍ أَوْ التَّمَّاسِ وَ تَنَالَ مِنِّي مَا يَنَالُ الرَّجُلُ مِنْ أَهْلِهِ إِلَّا أَنْتَ لَا تُدْخِلُ فَرْجَكَ فِي فَرْجِي وَ تَتَلَدَّدُ بِمَا شِئْتِ فَإِنِّي أَخَافُ الْفُضِيحَةَ قَالَ لَيْسَ لَهُ إِلَّا مَا اشْتَرَطَ .

Ali, from his father, from Ibn Abu Umeyr, from Ammar Bin Marwan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'A man went over to a woman and asked her that she marry herself to him. So she said, 'I hereby marry myself upon that you will seek from me whatever you so desire to, from looking, or the touching, and attain from me whatever the man attains from his wife except that you would not be entering your private part into my private part, and you can enjoy

<sup>176</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 6

<sup>177</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 7

<sup>178</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 8

with whatever (else) you so desire to, for I fear the deflowering' He<sup>-asws</sup> said: 'It is not for him except what has been stipulated'.<sup>179</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ جَمِيعاً عَنْ الْحَكَمِ بْنِ مَسْكِينٍ عَنْ عَمَّارٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) لِي وَ لِسُلَيْمَانَ بْنِ خَالِدٍ قَدْ حَرَمْتُ عَلَيْكُمَا الْمُتْعَةَ مِنْ قِبَلِي مَا دُمْتُمَا بِالْمَدِينَةِ لِأَنَّكُمَا تُكْثِرَانِ الدُّخُولَ عَلَيَّ فَأَخَافُ أَنْ تُؤْخَذَا فَيَقَالَ هُوَ لَاءِ أَصْحَابِ جَعْفَرٍ .

A number of our companions, from Sahl Bin Ziyad, from Ali Bin Asbaat, and Muhammad Bin Al Husayn, altogether, from Al Hakam Bin Miskeen, from Ammar who said,

'Abu Abdullah<sup>-asws</sup> said to me and to Suleyman Bin Khalid: 'I<sup>-asws</sup> have Prohibited the *Mut'a* unto the two of you for as long as both of you are in Al-Medina, because you two are frequently coming over to me<sup>-asws</sup>, so I<sup>-asws</sup> fear that you would be seized, and it would be said, 'They are the companions of Ja'far<sup>-asws</sup>!'.<sup>180</sup>

### بَابِ الرَّجُلِ يُحِلُّ جَارِيَتَهُ لِأَخِيهِ وَ الْمَرْأَةَ تُحِلُّ جَارِيَتَهَا لِزَوْجِهَا

## Chapter 111 – The man permits his slave girl to his brother, and the wife permits her slave girl for her husband

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنِ الْفَضِيلِ بْنِ يَسَارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) جُعِلْتُ فِدَاكَ إِنْ بَعْضُ أَصْحَابِنَا قَدْ رَوَى عَنْكَ أَنَّكَ قُلْتَ إِذَا أَحَلَّ الرَّجُلُ لِأَخِيهِ جَارِيَتَهُ فَهِيَ لَهُ حَلَالٌ فَقَالَ نَعَمْ يَا فَضِيلُ قُلْتُ لَهُ فَمَا تَقُولُ فِي رَجُلٍ عِنْدَهُ جَارِيَةٌ لَهُ نَفِيسَةٌ وَ هِيَ بَكْرٌ أَحَلَّ لِأَخِيهِ مَا دُونَ فَرَجِهَا أَلَهُ أَنْ يَفْتَضَّهَا قَالَ لَا لَيْسَ لَهُ إِلَّا مَا أَحَلَّ لَهُ مِنْهَا وَ لَوْ أَحَلَّ لَهُ فُبَلَةٌ مِنْهَا لَمْ يَحِلَّ لَهُ مَا سِوَى ذَلِكَ

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

'I said to Abu Abdullah<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! One of our companions has reported from you<sup>-asws</sup> that you<sup>-asws</sup> said: 'When the man permits his slave girl to his brother, so she is Permissible unto him'. So he<sup>-asws</sup> said: 'Yes, O Fuzayl!' I said, 'So what are you<sup>-asws</sup> saying regarding a man with whom there is a slave girl for himself, and she is a virgin. Is it Permissible for his brother what is besides the private part? Is it for him that he deflowers her?' He<sup>-asws</sup> said: 'No, except what is Permissible for him from it, and had it been Permissible for him, kissing from her, it would not be Permissible for him what is besides that'.

قُلْتُ أَرَأَيْتَ إِنْ أَحَلَّ لَهُ مَا دُونَ الْفَرْجِ فَغَلَبَتْهُ الشَّهْوَةُ فَافْتَضَّهَا قَالَ لَا يَنْبَغِي لَهُ ذَلِكَ قُلْتُ فَإِنْ فَعَلَ أَيْكُونُ زَانِياً قَالَ لَا وَ لَكِنْ يَكُونُ خَائِناً وَ يَغْرَمُ لِصَاحِبِهَا عَشْرَ قِيَمَتِهَا إِنْ كَانَتْ بَكْرًا وَ إِنْ لَمْ تَكُنْ بَكْرًا فَنِصْفَ عَشْرَ قِيَمَتِهَا .

I said, 'What is your<sup>-asws</sup> view if it is Permissible for him what is besides the private part, so the lust overcomes him, and he deflowers her?' He<sup>-asws</sup> said: 'That is not befitting for him'. I said, 'Supposing he does so, would he become an adulterer?' He<sup>-asws</sup> said: 'No, but he would become a betrayer, and he would be fined to her owner, a tenth of her price, if she was a virgin, and if she did not happen to be a virgin, so it would be half of a tenth of her price'.

<sup>179</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 9

<sup>180</sup> Al Kafi – V 5 – The Book of Marriage Ch 109 H 10

قَالَ الْحَسَنُ بْنُ مَحْبُوبٍ وَ حَدَّثَنِي رِفَاعَةُ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) مِثْلَهُ إِلَّا أَنَّ رِفَاعَةَ قَالَ الْجَارِيَةُ النَّفِيسَةُ تَكُونُ عِنْدِي

Al-Hassan Bin Mahboub said, 'And Rafa'at narrated to me, from Abu Abdullah<sup>-asws</sup> similar to it, except that Rafa'at said, 'The slave girl, the precious, happens to be with me'.<sup>181</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَّابٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنْ امْرَأَةٍ أَحَلَّتْ لِابْنِهَا فَرَجَ جَارِيَتِهَا قَالَ هُوَ لَهُ حَلَالٌ قُلْتُ أَ فَيَحِلُّ لَهُ ثَمَنُهَا قَالَ لَا إِنَّمَا يَحِلُّ لَهُ مَا أَحَلَّتْهُ لَهُ .

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

'I asked Abu Abdullah<sup>-asws</sup> about a woman who permitted the private part of her slave girl to her son. He<sup>-asws</sup> said: 'It is Permissible for him'. I said, 'So would her price be Permissible for him?' He<sup>-asws</sup> said: 'No, but rather, it is Permissible for him what she had permitted for him'.<sup>182</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ عَبْدِ الْكَرِيمِ عَنْ أَبِي جَعْفَرٍ ( عليه السلام ) قَالَ قُلْتُ لَهُ الرَّجُلُ يُحِلُّ لِأَخِيهِ فَرَجَ جَارِيَتِهِ قَالَ نَعَمْ لَهُ مَا أَحَلَّ لَهُ مِنْهَا .

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

(It has been narrated) from Abu Ja'far<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'The man permits to his brother, the private part of his slave girl'. He<sup>-asws</sup> said: 'Yes, for him is what he permits for him from her'.<sup>183</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عِيْسَى عَنْ الْحُسَيْنِ بْنِ الْمُخْتَارِ عَنْ أَبِي بَكْرِ الْحَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عليه السلام ) إِنْ امْرَأَتِي أَحَلَّتْ لِي جَارِيَتَهَا فَقَالَ انْكَحَهَا إِنْ أَرَدْتَ قُلْتُ أبيعُهَا قَالَ لَا إِنَّمَا أُجِلُّ لَكَ مِنْهَا مَا أَحَلَّتْ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'My wife permitted her slave girl to me'. So he<sup>-asws</sup> said: 'Marry her if you so want'. I said, 'Can I sell her?' He<sup>-asws</sup> said: 'No, but rather it is Permitted to you from her whatever she has permitted'.<sup>184</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عَمِيرٍ عَنْ سُلَيْمِ الْفَرَّاءِ عَنْ حَرِيْزِ بْنِ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي الرَّجُلِ يُحِلُّ فَرَجَ جَارِيَتِهِ لِأَخِيهِ فَقَالَ لَا بَأْسَ بِذَلِكَ قُلْتُ فَإِنَّهُ أَوْلَدَهَا قَالَ يَضُمُّ إِلَيْهِ وَوَلَدَهُ وَ يَرُدُّ الْجَارِيَةَ إِلَى صَاحِبِهَا قُلْتُ فَإِنَّهُ لَمْ يَأْذَنْ لَهُ فِي ذَلِكَ قَالَ إِنَّهُ قَدْ حَلَّلَهُ مِنْهَا فَهُوَ لَا يَأْمَنُ أَنْ يَكُونَ ذَلِكَ

Ali Bin Ibrahim, from his father from Ibn Abu Umeyr, from Suleym Al Far'a, from Hareyz,

<sup>181</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 1

<sup>182</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 2

<sup>183</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 3

<sup>184</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 4

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the man who permitted the private part of his slave girl for his brother. So he<sup>-asws</sup> said: 'There is no problem with that'. I said, 'Supposing he makes her give birth?' He<sup>-asws</sup> said: 'His child would be entrusted to him and the slave girl would be returned to her owner'. I said, 'Supposing he had not permitted for him with regards to that?' He<sup>-asws</sup> said: 'He had permitted that for him, so it was not safe for that to happen'.<sup>185</sup>

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ سُلَيْمٍ عَنْ حَرِيْزٍ عَنْ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) الرَّجُلُ يُجِلُّ جَارِيَتَهُ لِأَخِيهِ فَقَالَ لَا بَأْسَ قَالَ فَقُلْتُ إِنَّهَا جَاءَتْ بِوَلَدٍ قَالَ يَضُمُّ إِلَيْهِ وَوَدُهُ وَ يَرُدُّ الْجَارِيَةَ عَلَى صَاحِبِهَا قُلْتُ إِنَّهُ لَمْ يَأْذَنْ لَهُ فِي ذَلِكَ قَالَ إِنَّهُ قَدْ آذِنَ لَهُ وَ هُوَ لَا يَأْمَنُ أَنْ يَكُونَ ذَلِكَ.

Ali, from his father, from Ibn Abu Umeyr, from Suleym, from Hareyz, from Zurara who said,

'I said to Abu Ja'far<sup>-asws</sup>, 'The man permits his slave girl to his brother. So he<sup>-asws</sup> said: 'There is no problem'. So I said, '(supposing) she were to come with a child?' He<sup>-asws</sup> said: 'His child would be entrusted to him and the slave girl returned to her owner'. I said, 'Supposing he had not permitted to him regarding that?' He<sup>-asws</sup> said: 'He had permitted for him, and it was not safe for that to happen'.<sup>186</sup>

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ وَ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي الرَّجُلِ يَقُولُ لِامْرَأَتِهِ أَجْلِي لِي جَارِيَتِكَ فَإِنِّي أَكْرَهُ أَنْ تَرَاني مُنْكَشِفًا فَنُحْلَهَا لَهُ قَالَ لَا يَجِلُّ لَهُ مِنْهَا إِلَّا ذَاكَ وَ لَيْسَ لَهُ أَنْ يَمَسَّهَا وَ لَا يَطَّأَهَا وَ زَادَ فِيهِ هِشَامٌ أَلَهُ أَنْ يَأْتِيَهَا قَالَ لَا يَجِلُّ لَهُ إِلَّا الَّذِي قَالَتْ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the man who is saying to his wife, 'Will you permit your slave girl for me, for I dislike it that she should see me uncovered?' So she permitted her to him'. He<sup>-asws</sup> said: 'It is not Permissible for him, from her, except for that, and it is not for him that he touches her, nor sleeps with her'. And Hisham increased in it, 'Is it for him that he sleeps with her?' He<sup>-asws</sup> said: 'It is not Permissible for him except for that which she said'.<sup>187</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَرِيْعٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنْ امْرَأَةٍ أَخَلَّتْ لِي جَارِيَتَهَا فَقَالَ ذَلِكَ لَكَ قُلْتُ فَإِنْ كَانَتْ تَمْرَحُ قَالَ وَ كَيْفَ لَكَ بِمَا فِي قَلْبِهَا فَإِنْ عَلِمَتْ أَنَّهَا تَمْرَحُ فَلَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail Bin Yzaie who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about a woman who permitted her slave girl to me. So he<sup>-asws</sup> said: 'That is for you'. I said, 'Supposing it was in jest (as a joke)?' He<sup>-asws</sup> said: 'And how could it be for you what is in her heart? So, if she were to let you know that rather it was in jest, so no'.<sup>188</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ صَالِحِ بْنِ عُفَيْةَ عَنْ أَبِي شَيْبَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) رَجُلٌ مُسْلِمٌ ابْتَلَى فَفَجَرَ بِجَارِيَةِ أُخِيهِ فَمَا تَوْبَتُهُ قَالَ يَأْتِيهِ فَيُخْبِرُهُ وَ يَسْأَلُهُ أَنْ يُجْعَلَ مِنْ ذَلِكَ فِي جِلِّ وَ لَا يَعُوذُ

<sup>185</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 5

<sup>186</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 6

<sup>187</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 7

<sup>188</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 8

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Ismail, from Salih Bin Uqba, from Abu Shibl who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'A Muslim man was tried, so he was immoral with a slave girl of his brother. So what is his repentance?' He<sup>-asws</sup> said: 'He would go to him and inform him, and he would ask him if he could make from that a permissibility, and he would not repeat'.

قَالَ قُلْتُ فَإِنْ لَمْ يَجْعَلْهُ مِنْ ذَلِكَ فِي جِلِّ قَالَ فَذَلَّ لَقِيَ اللَّهَ عَزَّ وَجَلَّ وَهُوَ زَانٍ خَائِنٌ قَالَ قُلْتُ فَأَلْتَنَّا مَصِيرُهُ قَالَ شَفَاعَةُ مُحَمَّدٍ (صلى الله عليه وآله) وَ شَفَاعَتُنَا تَحِيَّطُ بِدُنُوبِكُمْ يَا مَعْشَرَ الشَّيْبَعَةِ فَلَا تَعُودُونَ وَ تَتَكَلَّمُونَ عَلَى شَفَاعَتِنَا فَوَ اللَّهُ مَا يَبَالُ شَفَاعَتُنَا إِذَا رَكِبَ هَذَا حَتَّى يُصِيبَهُ أَلَمُ الْعَذَابِ وَ يَرَى هَوْلَ جَهَنَّمَ .

He (the narrator) said, 'I said, 'Supposing he does not make a permissibility for him from that?' He<sup>-asws</sup> said: 'He would meet Allah<sup>-azwj</sup> Mighty and Majestic and he would be an adulterer, a betrayer'. I said, 'So the Fire would be (waiting for) his arrival'. He<sup>-asws</sup> said: 'Intercession of Muhammad<sup>-saww</sup> and our<sup>-asws</sup> intercession would drop your sins, O group of the Shias! Therefore, do not go on repeating (your sins), and rely upon our<sup>-asws</sup> intercession, for by Allah<sup>-azwj</sup>, he would not achieve our intercession when he indulges in this until he is hit by the pain of the Punishment and sees the horrors of Hell'.<sup>189</sup>

وَ بِإِسْنَادِهِ عَنْ صَالِحِ بْنِ عُقْبَةَ عَنْ سُلَيْمَانَ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سُئِلَ عَنِ الرَّجُلِ يَنْكُحُ جَارِيَةَ لِمْرَأَتِهِ ثُمَّ يَسْأَلُهَا أَنْ تَجْعَلَهُ فِي جِلِّ فَنُتَابَى فَيَقُولُ إِذَا لَأَطَّلَقْتَكِ وَ يَجْتَنِبُ فِرَاشَهَا فَتَجْعَلُهُ فِي جِلِّ فَقَالَ هَذَا غَاصِبٌ فَأَيْنَ هُوَ مِنَ اللَّطْفِ .

And by his chain, from Salih Bin Uqba, from Suleyman Bin Salih,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'He<sup>-asws</sup> was asked about the man who marries a slave girl of his wife. Then he asks her if she (the wife) would make him to be in permissibility (with the slave girl), but she refuses. So he is saying, 'Then I shall divorce you', and he keeps aside from her bed. So she makes permissibility for him. So he<sup>-asws</sup> said: 'This is a usurper. So where is he from the kindness?'<sup>190</sup>

وَ عَنْهُ عَنْ سُلَيْمَانَ بْنِ صَالِحٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) الرَّجُلُ يَخْدَعُ امْرَأَتَهُ فَيَقُولُ اجْعَلِينِي فِي جِلِّ مِنْ جَارِيَتِكَ تَمْسُحُ بَطْنِي وَ تَعْمُرُ رِجْلِي وَ مِنْ مَسِيٍّ إِيَّاهَا يَغْنِي بِمَسِيٍّ إِيَّاهَا النِّكَاحُ فَقَالَ الْحَدِيثُ فِي النَّارِ قُلْتُ فَإِنْ لَمْ يَرُدْ بِذَلِكَ الْحَدِيثَةَ قَالَ يَا سُلَيْمَانُ مَا أَرَاكَ إِلَّا تَخْدَعُهَا عَنْ بُضْعِ جَارِيَتِهَا

And from him, from Suleyman Bin Salih who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'The man deceives his wife, so he is saying, 'Make me to be in freedom from your slave girl, for her to touch my belly, and massage my legs, and from me to touch her', meaning with touching her with the sleeping with her. So he<sup>-asws</sup> said: 'The trickery is in the Fire'. I said, 'Supposing he does not intend the trickery by that'. He<sup>-asws</sup> said: 'O Suleyman! I<sup>-asws</sup> do not see you except you are tricking her about sleeping with her slave girl'.<sup>191</sup>

<sup>189</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 9

<sup>190</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 10

<sup>191</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 11

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ وَجَمِيلِ بْنِ دَرَّاجٍ وَ سَعْدِ بْنِ أَبِي خَلْفٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي امْرَأَةِ الرَّجُلِ يَكُونُ لَهَا الْخَادِمُ قَدْ فَجَرَتْ فَيَحْتَأَجُّ إِلَى لَبَنِهَا قَالَ مَرَّهَا فَتَحْلَلُهَا يَطِيبُ اللَّبَنُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Sali, and Jameel Bin Darraj, and Sa'ad Bin Abu Khalaf, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a wife of the man who happens to have a servant for her who had been immoral, so he became needy to her milk. He<sup>-asws</sup> said: 'Instruct her such, so she would permit her in order to make her milk to be good'.<sup>192</sup>

وَ بِإِسْنَادِهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي رَجُلٍ كَانَتْ لَهُ مَمْلُوكَةٌ فَوَلَدَتْ مِنَ الْفُجُورِ فَكَرِهَ مَوْلَاهَا أَنْ تُرْضِعَ لَهُ مَخَافَةَ أَنْ يَكُونَ ذَلِكَ جَائِزًا لَهُ فَقَالَ أَبُو عَبْدِ اللَّهِ ( عليه السلام ) فَحَلَّلْ خَادِمَكَ مِنْ ذَلِكَ حَتَّى يَطِيبَ اللَّبَنُ .

And by his chain, from Ibn Abu Umeyr, from Jameel Bin Darraj from one of his companions,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a man who had a slave girl for him, so she gave birth from the immorality. So her master disliked it that she breast-feeds it fearing that it may not be allowed for him. So Abu Abdullah<sup>-asws</sup> said: 'So permit your servant from that so that the milk becomes good'.<sup>193</sup>

### بَابِ الرَّجُلِ تَكُونُ لَوْلَدِهِ الْجَارِيَةُ يُرِيدُ أَنْ يَطَّأَهَا

## Chapter 112 – The man whose son happens to have a slave girl, so he intends to sleep with her

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عليه السلام ) رَجُلٌ تَكُونُ لِبَعْضِ وُلْدِهِ جَارِيَةٌ وَ وُلْدُهُ صِغَارٌ فَقَالَ لَا يَصْلُحُ أَنْ يَطَّأَهَا حَتَّى يُقَوِّمَهَا قِيمَةً عَدْلٍ ثُمَّ يَأْخُذَهَا وَ يَكُونُ لَوْلَدِهِ عَلَيْهِ تَمَنُّهُ.

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Dawood Bin Sirhan who said,

'I said to Abu Abdullah<sup>-asws</sup>, a man, there happens to be a slave girl for one of his son, and his son is young. So he<sup>-asws</sup> said: 'It is not correct that he sleeps with her until he evaluates her with a just price, then takes her, and there would happen to be upon him, for his son, its price'.<sup>194</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ النُّعْمَانِ عَنْ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي الرَّجُلِ تَكُونُ لِبَعْضِ وُلْدِهِ جَارِيَةٌ وَ وُلْدُهُ صِغَارٌ هَلْ يَصْلُحُ لَهُ أَنْ يَطَّأَهَا فَقَالَ يُقَوِّمَهَا قِيمَةً عَدْلٍ ثُمَّ يَأْخُذَهَا وَ يَكُونُ لَوْلَدِهِ عَلَيْهِ تَمَنُّهَا.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Numan, from Abu Al Sabbah,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the man, there happens to be a slave girl for one of his young sons. Is it correct for him that he sleeps with her? So

<sup>192</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 12

<sup>193</sup> Al Kafi – V 5 – The Book of Marriage Ch 110 H 13

<sup>194</sup> Al Kafi – V 5 – The Book of Marriage Ch 111 H 1

he<sup>-asws</sup> said: 'He would evaluate her with a just price, and then take her, and there would happen to be upon him, for his son, her price'.<sup>195</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ مُوسَى ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ الرَّجُلُ تَكُونُ لِابْنِهِ جَارِيَةٌ أَلَهُ أَنْ يَطَّأَهَا فَقَالَ يُقَوِّمُهَا عَلَى نَفْسِهِ قِيمَةً وَ يُشْهَدُ عَلَى نَفْسِهِ بِتَمْنِيهَا أَحَبُّ إِلَيَّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umer, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Al-Hassan Musa<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'The man, there happens to be a slave girl for his son, it is for him that he sleeps with her?' So he<sup>-asws</sup> said: 'He would evaluate her upon himself with a price, and he would bear witness upon him with her price. It would be more beloved to me'.<sup>196</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَام ) فِي جَارِيَةٍ لِابْنِ لِي صَغِيرٍ أَيْجُوزُ لِي أَنْ أَطَّأَهَا فَكَتَبَ لَا حَتَّى تُخْلِصَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail who said,

'I wrote to Abu Al-Hassan<sup>-asws</sup> regarding a slave girl of a young son of mine, it is allowed for me that I sleep with her?' So he<sup>-asws</sup> wrote: 'No, until you free her'.<sup>197</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَخْبُوبٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَام ) إِنِّي كُنْتُ وَهَبْتُ لِابْنَتِي جَارِيَةً حَيْثُ رَوَّجْتُهَا فَلَمْ تَزَلْ عِنْدَهَا فِي بَيْتِ زَوْجِهَا حَتَّى مَاتَ زَوْجُهَا فَرَجَعَتْ إِلَيَّ هِيَ وَ الْجَارِيَةُ أَفِيحِلُّ لِي الْجَارِيَةُ أَنْ أَطَّأَهَا فَقَالَ قَوْمُهَا بِقِيمَةٍ عَادِلَةٍ وَ أَشْهَدُ عَلَى ذَلِكَ ثُمَّ إِنْ شِئْتَ فَطَّأَهَا .

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

'I asked Abu Al-Hassan Al-Reza<sup>-asws</sup>, 'I had gifted a slave girl to my daughter when I got her married. So she did not stay with her in the house of husband until her husband died. So she returned to me, her and her slave girl. Is the slave girl Permissible for me that I sleep with her?' So he<sup>-asws</sup> said: 'Evaluate her with a just price, and testify upon that, then if he so desires to, so he sleeps with her'.<sup>198</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ عَمْرٍو بْنِ سَعِيدٍ عَنْ الْحَسَنِ بْنِ صَدَقَةَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) فَقُلْتُ إِنَّ بَعْضَ أَصْحَابِنَا رَوَى أَنَّ لِلرَّجُلِ أَنْ يَنْكَحَ جَارِيَةَ ابْنِهِ وَ جَارِيَةَ ابْنَتِهِ وَ لِي ابْنَةٌ وَ ابْنٌ وَ لِابْنَتِي جَارِيَةٌ اشْتَرَيْتُهَا لَهَا مِنْ صَدَاقِهَا أَفِيحِلُّ لِي أَنْ أَطَّأَهَا فَقَالَ لَا إِلَّا بِإِذْنِهَا

A number of our companions, from Sahl Bin Ziyad, from Musa Bin Ja'far, from Amro Bin Saeed, from Al Hassan Bin Sadaqa who said,

'I asked Abu Al-Hassan<sup>-asws</sup>, so I said, 'One of our companions reported that for the man is that he marries a slave girl of his son, and a slave girl of his daughter, and for me there is a daughter and a son, and for my daughter is a slave girl which I bought for her from her dower. So is it Permissible for me that I sleep with her?' So he<sup>-asws</sup> said: 'No, except by her (daughter's) permission'.

<sup>195</sup> Al Kafi – V 5 – The Book of Marriage Ch 111 H 2

<sup>196</sup> Al Kafi – V 5 – The Book of Marriage Ch 111 H 3

<sup>197</sup> Al Kafi – V 5 – The Book of Marriage Ch 111 H 4

<sup>198</sup> Al Kafi – V 5 – The Book of Marriage Ch 111 H 5

قَالَ الْحَسَنُ بْنُ الْجَهْمِ أَلَيْسَ قَدْ جَاءَ أَنَّ هَذَا جَائِزٌ قَالَ نَعَمْ ذَلِكَ إِذَا كَانَ هُوَ سَبَبَهُ ثُمَّ انْتَقَتَ إِلَيَّ وَ أَوْمَأَ نَحْوِي بِالسَّبَابَةِ فَقَالَ إِذَا اشْتَرَيْتَ أَنْتَ لِابْنَتِكَ جَارِيَةً أَوْ لِابْنِكَ وَ كَانَ الْإِبْنُ صَغِيرًا وَ لَمْ يَطَّأَهَا حَلًّا لَكَ أَنْ تَقْتَضِيَهَا فَتَنْكِحَهَا وَ إِلَّا فَلَا إِلَّا بِإِذْنِهِمَا .

Al-Hassan Bin Al-Jaham said, 'Has it not come (in a Hadeeth) that this is allowed?' He<sup>-asws</sup> said: 'Yes, that is when it was his reason'. Then he turned towards me<sup>-asws</sup> and gestured towards me with the index finger. So he<sup>-asws</sup> said: 'When you buy a slave girl for your daughter or for your son, and the son was young and did not sleep with her, it is Permissible for you that you deflower her and marry her, or else so no, except with their permission'.<sup>199</sup>

### باب استيراء الأمة

## Chapter 113 – Clearing the womb of the slave girl

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً وَ لَمْ يَكُنْ لَهَا زَوْجٌ أَيْسْتَبْرئُ رَجْمَهَا قَالَ نَعَمْ قُلْتُ فَإِنْ كَانَتْ لَمْ تَحْضُ فَقَالَ أَمْرُهَا شَدِيدٌ فَإِنْ هُوَ أَتَاهَا فَلَا يُنْزِلُ الْمَاءَ حَتَّى يَسْتَبِينَ أَوْ حُبْلَى هِيَ أَمْ لَا قُلْتُ وَ فِي كَمْ تَسْتَبِينَ لَهُ قَالَ فِي حَمْسَةٍ وَ أَرْبَعِينَ يَوْمًا .

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

'I asked him<sup>-asws</sup> about a man who bought a slave girl and there did not happen to be a husband for her. Does he have to clear her womb (make her observe the waiting period)?' He<sup>-asws</sup> said: 'Yes'. I said, 'Supposing she does not menstruate?' So he<sup>-asws</sup> said: 'Her matter is difficult. So if he goes to her, so he should not make the water descend (discharge the seed) until it becomes clear whether she is pregnant or not?' I said, 'And in how much (time) would it become clear for him?' He<sup>-asws</sup> said: 'In forty five days'.<sup>200</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ فِي رَجُلٍ اشْتَرَى جَارِيَةً لَمْ يَكُنْ صَاحِبُهَا يَطْوُهَا أَيْسْتَبْرئُ رَجْمَهَا قَالَ نَعَمْ قُلْتُ جَارِيَةً لَمْ تَحْضُ كَيْفَ يُصْنَعُ بِهَا قَالَ أَمْرُهَا شَدِيدٌ غَيْرَ أَنَّهُ إِنْ أَتَاهَا فَلَا يُنْزِلُ عَلَيْهَا حَتَّى يَسْتَبِينَ لَهُ إِنْ كَانَ بِهَا حَبْلٌ قُلْتُ وَ فِي كَمْ يَسْتَبِينَ لَهُ قَالَ فِي حَمْسٍ وَ أَرْبَعِينَ لَيْلَةً .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said regarding a man who bought a slave girl, there not being a companion of hers sleeping with her. Does he have to clear her womb?' He<sup>-asws</sup> said: 'Yes'. I said, 'A slave girl who does not menstruate, how would he deal with it?'

He<sup>-asws</sup> said: 'Her matter is difficult, apart from that if he does go to her, so he should not (make the water) descend to her until it becomes clear for him, if there was a pregnancy for her'. I said, 'And in how much (time) would it become clear for him?' He<sup>-asws</sup> said: 'In forty five nights'.<sup>201</sup>

<sup>199</sup> Al Kafi – V 5 – The Book of Marriage Ch 111 H 6

<sup>200</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 1

<sup>201</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ بُكَيْرٍ عَنْ هِشَامِ بْنِ الْحَارِثِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ أَوْ لِأَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) الْجَارِيَةَ يَسْتَتِرُهَا الرَّجُلُ وَ هِيَ لَمْ تُدْرِكْ أَوْ قَدْ بَيَّسَتْ مِنَ الْمَحِيضِ قَالَ فَقَالَ لَا بَأْسَ بِأَنْ لَا يَسْتَتِرَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Bukeyr, from Hisham Bin Al Haris, from Abdullah Bin Amro who said,

'I said to Abu Abdullah<sup>-asws</sup> or to Abu Ja'far<sup>-asws</sup>, 'The slave girl whom the man buys, and she has yet to be an adult, or has despaired from the menstruation'. So he<sup>-asws</sup> said: 'There is no problem if he does not clear her womb'.<sup>202</sup>

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ فِي الرَّجُلِ يَسْتَتِرِي الْأُمَةَ مِنْ رَجُلٍ فَيَقُولُ إِنِّي لَمْ أَطَاهَا فَقَالَ إِنْ وَثِقَ بِهِ فَلَا بَأْسَ بِأَنْ يَأْتِيَهَا وَ قَالَ فِي رَجُلٍ يَبِيعُ الْأُمَةَ مِنْ رَجُلٍ فَقَالَ عَلَيْهِ أَنْ يَسْتَتِرَى مِنْ قَبْلِ أَنْ يَبِيعَ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said regarding the man who bought the slave girl from a man, so he was saying, 'I did not sleep with her'. So he<sup>-asws</sup> said: 'If he can be trusted with it, so there is no problem if he were to go to her'. And he<sup>-asws</sup> said regarding a man who sells the slave girl to a man, so he<sup>-asws</sup> said: 'Upon him is that he clears her womb before he sells her'.<sup>203</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ رَبِيعِ بْنِ الْقَاسِمِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْجَارِيَةِ الَّتِي لَمْ تَبْلُغِ الْمَحِيضَ وَ يُخَافُ عَلَيْهَا الْحَبْلُ فَقَالَ يَسْتَتِرِي رَجْمَهَا الَّذِي يَبِيعُهَا بِخَمْسٍ وَ أَرْبَعِينَ لَيْلَةً وَ الَّذِي يَسْتَتِرُهَا بِخَمْسٍ وَ أَرْبَعِينَ لَيْلَةً .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from one of his companions, form Aban Bin Uman, from Rabie Bin Al Qasim who said,

'I asked Abu Abdullah<sup>-asws</sup> about the slave girl who had not reached menstruation, and he feared of the pregnancy upon her. So he<sup>-asws</sup> said: 'He should clear her womb, the one who sold her, by forty five nights, and the one who buys her, by forty five days'.<sup>204</sup>

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّهُ قَالَ فِي رَجُلٍ ابْتَاعَ جَارِيَةً وَ لَمْ تَطْمَئَتْ قَالَ إِنْ كَانَتْ صَغِيرَةً وَ لَا يُتَخَوَّفُ عَلَيْهَا الْحَبْلُ فَلَيْسَ بِهِ عَلَيْهَا عِدَّةٌ وَ لَيْطَاهَا إِنْ شَاءَ وَ إِنْ كَانَتْ قَدْ بَلَغَتْ وَ لَمْ تَطْمَئَتْ فَإِنَّ عَلَيْهَا الْعِدَّةَ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said regarding a man was sold a slave girl and she did not menstruate. He<sup>-asws</sup> said: 'If she was young and he does not fear the pregnancy upon her, so there is no waiting period upon her with him, and let him go to her if he so desires; and it was such that she had reached puberty and did not menstruate, so upon her would be the waiting period'.

<sup>202</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 3

<sup>203</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 4

<sup>204</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 5

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً وَ هِيَ حَائِضٌ قَالَ إِذَا طَهَّرْتَ فَلْيَمَسَّهَا إِنْ شَاءَ .

He (the narrator) said, 'And I asked him<sup>-asws</sup> about a man who bought a slave girl and she was menstruating. He<sup>-asws</sup> said: 'When she is pure, so let him touch her if he so desires to'.<sup>205</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ وَ لَمْ تَحِضْ قَالَ يَعْزَلُهَا شَهْرًا إِنْ كَانَتْ قَدْ مُسَّتْ قَالَ أَفَرَأَيْتَ إِنْ ابْتَاعَهَا وَ هِيَ طَاهِرٌ وَ زَعَمَ صَاحِبُهَا أَنَّهُ لَمْ يَطَّأَهَا مُنْذُ طَهَّرْتَ قَالَ إِنْ كَانَ عِنْدَكَ أَمِينًا فَمَسَّهَا وَ قَالَ إِنْ دَا الْأَمْرَ شَدِيدًا فَإِنْ كُنْتَ لَا بُدَّ فَاعِلًا فَتَحْفَظْ لَا تَنْزِلْ عَلَيْهَا .

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

'I asked Abu Abdullah<sup>-asws</sup> about the man who buys the slave girl and she does not menstruate. He<sup>-asws</sup> said: 'He would isolate her for a month if she had been touched'. He said, 'So what is your<sup>-asws</sup> view if he would sell her and her owner claimed that he had not slept with her since she was pure?' He<sup>-asws</sup> said: 'If he was trustworthy with him, so he can touch her'. And he<sup>-asws</sup> said: 'That is the difficult matter. So, if it was inevitable that he does it, so he should be careful he does not let the water descend into her'.<sup>206</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرَّعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً وَ هِيَ طَامِثٌ أَيْسْتَبْرئُ رَجْمَهَا بِحَيْضَةٍ أُخْرَى أَمْ تَكْفِيهِ هَذِهِ الْحَيْضَةُ فَقَالَ لَا بَلْ تَكْفِيهِ هَذِهِ الْحَيْضَةُ فَإِنْ اسْتَبْرَأَهَا بِأُخْرَى فَلَا بَأْسَ هِيَ بِمَنْزِلَةِ فَضْلِ .

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

'I asked about a man who bought a slave girl and she menstruated. Should he clear her womb with another menstruation or would this menstruation suffice?' So he<sup>-asws</sup> said: 'No, but this menstruation would suffice. But, if he were to clear her woman with another (menstruation), so there is no problem. It would be in a state of preference'.<sup>207</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ حُمْرَانَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ اشْتَرَى أُمَّةً هَلْ يُصِيبُ مِنْهَا دُونَ الْعُشْبَانِ وَ لَمْ يَسْتَبْرئْهَا قَالَ نَعَمْ إِذَا اسْتَوْجَبَهَا وَ صَارَتْ مِنْ مَالِهِ فَإِنْ مَاتَتْ كَانَتْ مِنْ مَالِهِ .

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

'I asked Abu Ja'far<sup>-asws</sup> about a man who bought a slave girl. Can he attain from her besides the overwhelming (union), and he has not cleared her womb?' He<sup>-asws</sup> said: 'Yes, when it Obligates her, and she comes to be from his wealth. So if she were to die, it would be from his wealth'.<sup>208</sup>

<sup>205</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 6

<sup>206</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 7

<sup>207</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 8

<sup>208</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 9

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ عَنْ عَمْرِو بْنِ سَعِيدٍ عَنْ مُصَدِّقِ بْنِ صَدَقَةَ عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي رَجُلٍ اشْتَرَى مِنْ رَجُلٍ جَارِيَةً بِثَمَنٍ مُسَمًّى ثُمَّ افْتَرَقَا قَالَ وَجَبَ الْبَيْعُ وَ لَيْسَ لَهُ أَنْ يَطَّأَهَا وَ هِيَ عِنْدَ صَاحِبِهَا حَتَّى يَفْبِضَهَا وَ يُعْلِمَ صَاحِبَهَا وَ الثَّمَنُ إِذَا لَمْ يَكُونَا اشْتَرَطًا فَهُوَ نَقْدٌ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a man who bought a slave girl from a man with a specified price. Then separated. He<sup>-asws</sup> said: 'The sale is obligated and it is not for him that he sleeps with her and she is (still) with her owner until he takes possession of her, and he lets her owner know; and the price, when it was not stipulated, so it is cash'.<sup>209</sup>

### باب السَّرَارِي

## Chapter 114 – The Concubines

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنْ ابْنِ الْقَدَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صلى الله عليه وآله ) عَلَيْنَا بِأُمَّهَاتِ الْأَوْلَادِ فَإِنَّ فِي أَرْحَامِهِنَّ الْبَرَكَاتِ .

Ali Bin Ibrahim, from his father, from Ja'far Bin Muhammad Al Ashary, from Ibn Al Qaddah,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'It is up to you with the mothers of the children, for in their wombs is the Blessings'.<sup>210</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي حَمْرَةَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ( عليه السلام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صلى الله عليه وآله ) اَطْلُبُوا الْأَوْلَادَ مِنَ الْأُمَّهَاتِ الْأَوْلَادِ فَإِنَّ فِي أَرْحَامِهِنَّ الْبَرَكَاتِ .

Humejd Bin Ziyad, from Ibn Sama'at, from one of his companion, from Abu Hamza,

(It has been narrated) from Ali<sup>-asws</sup> Bin Al-Husayn<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Seek the children from the mothers, for in their wombs is the Blessing'.<sup>211</sup>

### باب الْأَمَةِ يَشْتَرِيهَا الرَّجُلُ وَ هِيَ حُبْلَى

## Chapter 115 – The slave girl, the man buys her and she is pregnant

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ رِفَاعَةَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى ( عليه السلام ) فَقُلْتُ أَشْتَرِي الْجَارِيَةَ فَتَمَكُّتُ عِنْدِي الْأَشْهُرَ لَا تَطْمُتُ وَ لَيْسَ ذَلِكَ مِنْ كِبَرِ فَأَرِيهَا النَّسَاءَ فَيَقْلُنَ لَيْسَ بِهَا حَبْلٌ أَ قَلِي أَنْ أَنْكَحَهَا فِي فَرْجِهَا فَقَالَ إِنَّ الطَّمَنُ قَدْ تَحْبِسُهُ الرِّيحُ مِنْ غَيْرِ حَبْلٍ فَلَا بَأْسَ أَنْ تَمَسَّهَا فِي الْفَرْجِ قُلْتُ فَإِنْ كَانَتْ حُبْلَى فَمَا لِي مِنْهَا إِنْ أَرَدْتُ قَالَ لَكَ مَا دُونَ الْفَرْجِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Rifa'at who said,

'I asked Abu Al-Hassan Musa<sup>-asws</sup>, so I said, 'I bought a slave girl, so she remained with me for the month and did not menstruate, and that was not due to old age. So I

<sup>209</sup> Al Kafi – V 5 – The Book of Marriage Ch 112 H 10

<sup>210</sup> Al Kafi – V 5 – The Book of Marriage Ch 113 H 1

<sup>211</sup> Al Kafi – V 5 – The Book of Marriage Ch 113 H 2

showed her to the women, and they said, 'She is not with a pregnancy'. So, is it for me that I sleep in her private part?' So he<sup>-asws</sup> said: 'The wind could have withheld the menstruation from without a pregnancy. So there is no problem if you were to touch her in the private part'. I said, 'Supposing she was pregnant, so what would be for me from her, if I intend?' He<sup>-asws</sup> said: 'Whatever is besides the private part'.<sup>212</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ فِي الْوَالِدَةِ يَشْتَرِيهَا الرَّجُلُ وَ هِيَ حُبْلَى قَالَ لَا يَقْرُبُهَا حَتَّى تَضَعَ وَلَدَهَا .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, from Abdul Rahman Bin Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far<sup>-asws</sup> having said regarding the mother whom the man bought and she was pregnant'. He<sup>-asws</sup> said: 'He should not go near her until she places (gives birth to) the child'.<sup>213</sup>

سَهْلٌ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) الرَّجُلُ يَشْتَرِي الْجَارِيَةَ وَ هِيَ حَامِلٌ مَا يَجِلُّ لَهُ مِنْهَا فَقَالَ مَا دُونَ الْفَرْجِ قُلْتُ فَيَشْتَرِي الْجَارِيَةَ الصَّغِيرَةَ الَّتِي لَمْ تَطْمُثْ وَ لَيْسَتْ بِعَدْرَاءَ أَيْسْتَبْرئُهَا قَالَ أَمْرُهَا شَدِيدٌ إِذَا كَانَ مِثْلَهَا تَعْلُقُ فَلَيْسَتْ بِرئُهَا .

Sahl, from Ibn Mahboub, from Ali Bin Raib, from Abu Baseer who said,

'I said to Abu Ja'far<sup>-asws</sup>, 'The man buys the slave girl and she is pregnant. What is Permissible for him from her?' So he<sup>-asws</sup> said: 'Whatever is besides the private part'. I said, 'So he buys the young slave girl who does not menstruate, and is not with virginity, does he have to wait for her womb to be freed?' He<sup>-asws</sup> said: 'Her matter is difficult. When it was the likes of her, suspend her and let her free her womb (i.e. observe a waiting period)'.<sup>214</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنِ الْجَارِيَةِ الْحُبْلَى يَشْتَرِيهَا الرَّجُلُ فَيُصِيبُ مِنْهَا دُونَ الْفَرْجِ قَالَ لَا بَأْسَ قُلْتُ فَيُصِيبُ مِنْهَا فِي ذَلِكَ قَالَ تُرِيدُ تَعْرَةً .

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

'I asked Abu Ja'far<sup>-asws</sup> about the pregnant slave girl whom the man buys, so he attains from her besides the private part. He<sup>-asws</sup> said: 'There is no problem'. I said, 'Supposing he attains from her in that?' He<sup>-asws</sup> said: 'Do you intend deception?'<sup>215</sup>

بَابُ الرَّجُلِ يُعْتِقُ جَارِيَتَهُ وَ يَجْعَلُ عَتَقَهَا صَدَاقَهَا

## Chapter 116 – The man emancipates his slave girl and he makes her emancipation as her dower

<sup>212</sup> Al Kafi – V 5 – The Book of Marriage Ch 114 H 1

<sup>213</sup> Al Kafi – V 5 – The Book of Marriage Ch 114 H 2

<sup>214</sup> Al Kafi – V 5 – The Book of Marriage Ch 114 H 3

<sup>215</sup> Al Kafi – V 5 – The Book of Marriage Ch 114 H 4

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْتِقُ الْأَمَةَ وَ يَقُولُ مَهْرُكَ عِتْقُكَ فَقَالَ حَسَنٌ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the man who emancipates the slave girl, and he is saying, 'Your dower is your emancipation'. So he<sup>-asws</sup> said: 'Good'.<sup>216</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ عَمْرِو بْنِ وَاجِدٍ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنِ الرَّجُلِ تَكُونُ لَهُ الْأَمَةُ فَيُرِيدُ أَنْ يُعْتِقَهَا فَيَنْزِئَ وَجْهَهَا أَوْ يُجْعَلَ عِتْقُهَا مَهْرًا أَوْ يُعْتِقَهَا ثُمَّ يُصَدِّقُهَا وَ هَلْ عَلَيْهَا مِنْهُ عِدَّةٌ وَ كَمْ تَعْتَدُ إِذَا أَعْتَقَهَا وَ هَلْ يَجُوزُ لَهُ نِكَاحُهَا بِغَيْرِ مَهْرٍ وَ كَمْ تَعْتَدُ مِنْ غَيْرِهِ

Humeid Bin Ziyad, from Ibn Sama'at, from someone else, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah<sup>-asws</sup> about the man who happened to have the slave girl for him, so he intended that he emancipates her, so he married her and made her emancipation as her dower, or emancipates her then dowers her; and is there a waiting period upon her from him, and how much she should be observing if he were to emancipate her; and is it Permissible for him to marry her without a dower; and how much waiting period should she observe from someone else?'

فَقَالَ يَجْعَلُ عِتْقُهَا صَدَاقَهَا إِنْ شَاءَ وَ إِنْ شَاءَ أَعْتَقَهَا ثُمَّ أَصَدَّقَهَا وَ إِنْ كَانَ عِتْقُهَا صَدَاقَهَا فَإِنَّهَا تَعْتَدُ وَ لَا يَجُوزُ نِكَاحُهَا إِذَا أَعْتَقَهَا إِلَّا بِمَهْرٍ وَ لَا يَطَأُ الرَّجُلُ الْمَرْأَةَ إِذَا تَزَوَّجَهَا حَتَّى يَجْعَلَ لَهَا شَيْئًا وَ إِنْ كَانَ دِرْهَمًا .

So he<sup>-asws</sup> said: 'Her emancipation is allowed as her dower if he so desires, and if he so desires to he can emancipate her, then dowers her; and if it was such that her emancipation was her dower, so she would be observing a waiting period, and he would not be allowed to marry her when he emancipates her except with a dower; and the man cannot sleep with the women when he marries her until he makes something to be for her, even though it may be a Dirham'.<sup>217</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ الْحَجَّالِ عَنْ ثَعْلَبَةَ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) يَقُولُ إِذَا قَالَ الرَّجُلُ لِأَمَتِهِ أَعْتَقُكَ وَ أَتَزَوَّجُكَ وَ أَجْعَلُ مَهْرَكَ عِتْقَكَ فَهُوَ جَائِزٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Abdullah Bin Muhammad Al Hajjal, from Sa'alba,

(It has been narrated) from Ubeyd Bin Zurara who heard Abu Abdullah<sup>-asws</sup> saying: 'When the man says to his slave girl, 'I emancipate you and marry you, and make your dower to be your emancipation', so it is allowed'.<sup>218</sup>

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْتِقُ سُرْبِيَّتَهُ أَوْ يَصْلُحُ لَهُ أَنْ يَنْزِئَ وَجْهَهَا بِغَيْرِ عِدَّةٍ قَالَ نَعَمْ فَلْتُ فَعَيْرُهُ قَالَ لَا حَتَّى تَعْتَدَ ثَلَاثَةَ أَشْهُرٍ .

<sup>216</sup> Al Kafi – V 5 – The Book of Marriage Ch 115 H 1

<sup>217</sup> Al Kafi – V 5 – The Book of Marriage Ch 115 H 2

<sup>218</sup> Al Kafi – V 5 – The Book of Marriage Ch 115 H 3

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

(It has been narrated) from Al-Halby, from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the man who emancipated his concubine. Is it correct for him that he marries her without a waiting period?' He<sup>-asws</sup> said: 'Yes'. I said, 'Supposing he changes it?' He<sup>-asws</sup> said: 'No, until she observes a waiting period of three months'.<sup>219</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ جَمِيعاً عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ زَوْجَةٌ وَ سُرْبَةٌ يَبْدُو لَهُ أَنْ يُعْتِقَ سُرْبَتَهُ وَ يَتَزَوَّجَهَا فَقَالَ إِنْ شَاءَ اشْتَرَطَ عَلَيْهَا أَنْ عِتْقَهَا صَدَاقُهَا فَإِنْ ذَلِكَ حَلَالٌ أَوْ يَشْتَرطُ عَلَيْهَا إِنْ شَاءَ فَسَمَّ لَهَا وَ إِنْ شَاءَ لَمْ يَقْسِمْ وَ إِنْ شَاءَ فَصَلَّ الْحُرَّةَ عَلَيْهَا فَإِنْ رَضِيَتْ بِذَلِكَ فَلَا بَأْسَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, and a number of our companions, from Ahmad Bin Muhammad Bin Khalid, altogether from Usman Bin Isa, from Sama'at Bin Mihran who said,

'I asked him<sup>-asws</sup> about a man who had a wife for him, and a concubine. It became inevitable for him that he emancipates his concubine, and marries her'. So he<sup>-asws</sup> said: 'If he so desires to, he stipulates upon her that her emancipation would be her dower, for that is Permissible; or he stipulates upon her, if he so desires to, he divides (his time) for her, and if he so desires to he does not divide (his time for her); and if he so desires to he prefers the free woman over her. So if she is pleased with that, so there is no problem'.<sup>220</sup>

#### بَاب مَا يَجِلُّ لِلْمَمْلُوكِ مِنَ النِّسَاءِ

### Chapter 117 – What is Permissible for the owned slaves from the women

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ وَ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحَكَمِ وَ صَفْوَانَ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْعَبْدِ يَتَزَوَّجُ أَرْبَعَ حَرَائِرَ قَالَ لَا وَ لَكِنْ يَتَزَوَّجُ حُرَّتَيْنِ وَ إِنْ شَاءَ تَزَوَّجَ أَرْبَعَ إِمَاءٍ .

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

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the slave marrying four free women. He<sup>-asws</sup> said: 'No, but he can marry two free women, and if he so desires to, he can marry four slave girls'.<sup>221</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ مُسْكَانَ عَنِ الْحَسَنِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ مَا يَجِلُّ لَهُ مِنَ النِّسَاءِ فَقَالَ حُرَّتَانِ أَوْ أَرْبَعَ إِمَاءٍ قَالَ وَ لَا بَأْسَ بِأَنْ يَأْدَنَ لَهُ مَوْلَاهُ فَيَشْتَرِي مِنْ مَالِهِ إِنْ كَانَ لَهُ جَارِيَةٌ أَوْ جَوَارِي يَطْوُهُنَّ وَ رَقِيقُهُ لَهُ حَلَالٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazal Bin Shazaan, altogether from Safwan Bin Yahya, from Ibn Muskan, from Al Hassan Bin Ziyad,

<sup>219</sup> Al Kafi – V 5 – The Book of Marriage Ch 115 H 4

<sup>220</sup> Al Kafi – V 5 – The Book of Marriage Ch 115 H 5

<sup>221</sup> Al Kafi – V 5 – The Book of Marriage Ch 116 H 1

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the owned slave, 'What is Permissible for him from the women?' So he<sup>-asws</sup> said: 'Two free women, or four slave girls'. He<sup>-asws</sup> said: 'There is no problem if his master was to permit for him, so he buys from his wealth, if there was a slave girl for him, or slave girls he could go to, and his slave girls would be Permissible for him'.<sup>222</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ وَ مُحَمَّدِ بْنِ خَالِدٍ جَمِيعاً عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ كَمْ يَحِلُّ لَهُ أَنْ يَتَزَوَّجَ قَالَ حُرَّتَانِ أَوْ أَرْبَعِ إِمَاءٍ وَ قَالَ لَا بَأْسَ إِنْ كَانَ فِي يَدِهِ مَالٌ وَ كَانَ مَادُوناً لَهُ فِي التِّجَارَةِ أَنْ يَتَسَرَّى مَا شَاءَ مِنَ الْجَوَارِي وَ يَطَّأَهُنَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, and Muhammad Bin Khalid, altogether, from Al Qasim Bin Urwat, from Ibn Bukeyr, from Zurara,

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>), said, 'I asked him<sup>-asws</sup> about the owned slaves, 'How many that he marry?' He<sup>-asws</sup> said: 'Two free ones, or four slave girls'. And he<sup>-asws</sup> said: 'There is no problem if there was wealth in his hands, and he was permitted for it regarding the business, if he keeps concubines whatever he so desires to from the slave girls, and go to them'.<sup>223</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْمَمْلُوكِ يَأْذُنُ لَهُ مَوْلَاهُ أَنْ يَتَسَرَّى مِنْ مَالِهِ الْجَارِيَةَ وَ التَّنْتِنِينَ وَ التَّلَاتِ وَ رَقِيقَهُ لَهُ حَلَالٌ قَالَ يَحْدُ لَهُ حَدًّا لَا يُجَاوِزُهُ .

Humeyd Bin Ziyad, from Ibn Sama'at, from someone else, from Aban, from Is'haq Bin Ammar who said,

'I asked Abu Abdullah<sup>-asws</sup> about the owned slave whose master had permitted for him that he can buy from his wealth, the slave girl, and two and three, and his enslaved women would be Permissible for him'. He<sup>-asws</sup> said: 'He can place limits for him, which he cannot exceed'.<sup>224</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا أَدْنَى الرَّجُلُ لِعَبْدِهِ أَنْ يَتَسَرَّى مِنْ مَالِهِ فَإِنَّهُ يَتَسَرَّى كَمَا شَاءَ بَعْدَ أَنْ يَكُونَ قَدْ أُدْنِيَ لَهُ .

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

(It has been narrated) from Abu Ja'far<sup>-asws</sup> having said, 'When the man permits for his slave that he can keep concubines from his wealth, so he can buy as many as he so desires to, after him happened to have been permitted for it'.<sup>225</sup>

بَابُ الْمَمْلُوكِ يَتَزَوَّجُ بِغَيْرِ إِذْنِ مَوْلَاهُ

## Chapter 118 – The owned slave gets married without a permission of his master

<sup>222</sup> Al Kafi – V 5 – The Book of Marriage Ch 116 H 2

<sup>223</sup> Al Kafi – V 5 – The Book of Marriage Ch 116 H 3

<sup>224</sup> Al Kafi – V 5 – The Book of Marriage Ch 116 H 4

<sup>225</sup> Al Kafi – V 5 – The Book of Marriage Ch 116 H 5

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنِ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ لَا يَجُوزُ لِلْعَبْدِ تَحْرِيرٌ وَلَا تَزْوِيجٌ وَلَا إِعْطَاءٌ مِنْ مَالِهِ إِلَّا بِإِذْنِ مَوْلَاهُ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'It is not allowed for the slave, neither freedom nor marriage, nor giving from his wealth except with a permission from his master'.<sup>226</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ عَبْدَهُ بِغَيْرِ إِذْنِهِ فَدَخَلَ بِهَا ثُمَّ اطَّلَعَ عَلَى ذَلِكَ مَوْلَاهُ فَقَالَ ذَلِكَ إِلَى مَوْلَاهُ إِنْ شَاءَ فَرَّقَ بَيْنَهُمَا وَ إِنْ شَاءَ أَجَّازَ نِكَاحَهُمَا فَإِنْ فَرَّقَ بَيْنَهُمَا فَلَمْرَأَةٌ مَا أَصْدَقَهَا إِلَّا أَنْ يَكُونَ اعْتَدَى فَأَصْدَقَهَا صَدَاقًا كَثِيرًا وَ إِنْ أَجَّازَ نِكَاحَهُ فَهُمَا عَلَى نِكَاحِهِمَا الْأَوَّلِ

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara, from Abu Ja'far<sup>-asws</sup>, said,

'I asked him<sup>-asws</sup> about a man who got his slave married without his permission. So he slept with her, then notified his master upon that. So he<sup>-asws</sup> said: 'That is up to his master, if he so desires to, he effects separation between them, and if he so desires to he allows their marriage. So if he were to separate between the two, so for the woman would be whatever her dower was except if it is excessive, so her dower is a lot of dower' and if he allows his marriage, so they would both be upon their first marriage'.

فَقُلْتُ لِأَبِي جَعْفَرٍ ( عليه السلام ) فَإِنَّ أَوَّلَ النِّكَاحِ كَانَ عَاصِبًا فَقَالَ أَبُو جَعْفَرٍ ( عليه السلام ) إِنَّمَا أَتَى شَيْئًا حَلَالًا وَ لَيْسَ بِعَاصٍ لِلَّهِ إِنَّمَا عَصَى سَيِّدَهُ وَ لَمْ يَعْصِ اللَّهَ إِنَّ ذَلِكَ لَيْسَ كَاتِبَانِ مَا حَرَّمَ اللَّهُ عَزَّ وَ جَلَّ عَلَيْهِ مِنْ نِكَاحٍ فِي عِدَّةٍ وَ أَشْبَاهِهِ .

So I said to Abu Ja'far<sup>-asws</sup>, 'It is as if the marriage was (an act of) disobedience'. So Abu Ja'far<sup>-asws</sup> said: 'But rather, he came to something Permissible, and he did not disobey Allah<sup>-azwj</sup>. But rather, he disobeyed his master, and did not disobey Allah<sup>-azwj</sup>. That is not like them both coming to what Allah<sup>-azwj</sup> Mighty and Majestic has Prohibited unto him from a marriage, regarding a waiting period and such like'.<sup>227</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عَمِيرٍ عَنْ عُمَرَ بْنِ أَدِينَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنْ مَمْلُوكٍ تَزَوَّجَ بِغَيْرِ إِذْنِ سَيِّدِهِ فَقَالَ ذَلِكَ إِلَى سَيِّدِهِ إِنْ شَاءَ أَجَّازَهُ وَ إِنْ شَاءَ فَرَّقَ بَيْنَهُمَا فَلْتُ أَصْلَحَكَ اللَّهُ إِنَّ الْحَكَمَ بِنِ عَتَبِيَّةٍ وَ إِبْرَاهِيمَ النَّخَعِيِّ وَ أَصْحَابَهُمَا يَقُولُونَ إِنَّ أَوَّلَ النِّكَاحِ فَاسِدٌ وَ لَا تَحِلُّ إِجَارَةُ السَّيِّدِ لَهُ فَقَالَ أَبُو جَعْفَرٍ ( عليه السلام ) إِنَّهُ لَمْ يَعْصِ اللَّهَ إِنَّمَا عَصَى سَيِّدَهُ فَإِذَا أَجَّازَهُ فَهُوَ لَهُ جَائِزٌ .

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

(It has been narrated) from Abu Ja'far<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about an owned slave who got married without a permission of his master. So he<sup>-asws</sup> said: 'That is up to his master, if he so desires to he allows it, and if he so desires to he effects separation between the two of them'. I said, 'May Allah<sup>-azwj</sup> Keep you<sup>-asws</sup> well! Al-Hakam Bin Uteyba, and Ibrahim Al-Nakhai'e, and their companions are saying that the origin of the marriage is spoilt, and it is not Permissible for the master to allow it for him'. So

<sup>226</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 1

<sup>227</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 2

Abu Ja'far<sup>-asws</sup> said to him: 'He did not disobey Allah<sup>-azwj</sup>. But rather, he disobeyed his master. So when he allows it, so it is allowed for him'.<sup>228</sup>

مَحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ جَاءَ رَجُلٌ إِلَى أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَقَالَ إِنِّي كُنْتُ مَمْلُوكًا لِقَوْمٍ وَ إِنِّي تَزَوَّجْتُ امْرَأَةً حُرَّةً بغيرِ إِذْنِ مَوْلِي ثُمَّ أَعْتَقْتَنِي بَعْدَ ذَلِكَ فَأَجِدُ نِكَاحِي إِيَّاهَا حِينَ أُعْتِقْتُ فَقَالَ لَهُ أَ كَانُوا عَلِمُوا أَنَّكَ تَزَوَّجْتَ امْرَأَةً وَ أَنْتَ مَمْلُوكٌ لَهُمْ فَقَالَ نَعَمْ وَ سَكَنُوا عَنِّي وَ لَمْ يُعَيِّرُوا عَلِيَّ فَقَالَ سَكَنُوا عَنْكَ بَعْدَ عِلْمِهِمْ إِقْرَارًا مِنْهُمْ اثْبَتْ عَلَيَّ نِكَاحَكَ الْأَوَّلَ .

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

'A man came over to Abu Abdullah<sup>-asws</sup>, so he said, 'I was an owned slave of a group of people, and I married a free woman without a permission of my master. Then he emancipated me after that. Do I have to renew my marriage with her when I was emancipated'. So he<sup>-asws</sup> said to him: 'Did they know that you had married a woman and you are an owned slave of theirs?' So he said, 'Yes, and they were silent from me, and they did not fault upon me'. So he<sup>-asws</sup> said: 'Their silence from you after their knowledge is an acceptance from them. You are affirmed upon your first marriage'.<sup>229</sup>

مَحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي مَمْلُوكٍ تَزَوَّجَ بِغَيْرِ إِذْنِ مَوْلَاهُ أَعْصَى لِلَّهِ قَالَ عَاصِيَ لِمَوْلَاهُ قُلْتُ حَرَامٌ هُوَ قَالَ مَا أَرَعُمُ أَنَّهُ حَرَامٌ وَ قُلْتُ لَهُ أَنْ لَا يَفْعَلَ إِلَّا بِإِذْنِ مَوْلَاهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding an owned slave who married without a permission from his master, has he disobeyed Allah<sup>-azwj</sup>? He<sup>-asws</sup> said: 'He disobeyed his master'. I said, 'Prohibited, is it?' He<sup>-asws</sup> said: 'I<sup>-asws</sup> do not claim that it is Prohibited, and say to him that he should not do it except with the permission of his master'.<sup>230</sup>

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

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said regarding a man who contracted upon himself and upon his wealth, and for him was a slave girl, and there had been stipulated upon him that he would not get married. So he emancipated the slave girl and married her'. So he<sup>-asws</sup> said: 'It is not correct for him that he innovates in his wealth, except for the eating from the foodstuff, and his marriage is void, repudiated'.

<sup>228</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 3

<sup>229</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 4

<sup>230</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 5

قِيلَ فَإِنَّ سَيِّدَهُ عَلِمَ بِنِكَاحِهِ وَ لَمْ يَقُلْ شَيْئاً قَالَ إِذَا صَمَتَ حِينَ يَعْلَمُ بِدَيْكَ فَقَدْ أَقْرَ قِيلَ فَإِنَّ الْمُكَاتَبَ عَتَقَ أَ فَتَرَى أَنْ يُجَدِّدَ نِكَاحَهُ أَوْ يَمْضِي عَلَى النِّكَاحِ الْأَوَّلِ قَالَ يَمْضِي عَلَى نِكَاحِهِ .

It was said, 'Supposing his master knew of his marriage and did not say anything?' He<sup>-asws</sup> said: 'When he was silent when he came to know of that, so he has accepted'. It was said, 'Supposing the contractors emancipate, do you<sup>-asws</sup> view that he should renew his marriage, or remain upon the first marriage?' He<sup>-asws</sup> said: 'He remains upon his marriage'.<sup>231</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) أَيُّمَا امْرَأَةٍ حُرَّةٌ زَوَّجَتْ نَفْسَهَا عَبْدًا بغيرِ إِذْنِ مَوْلَاهُ فَقَدْ أَبَاحَتْ فَرْجَهَا وَ لَا صَدَاقَ لَهَا .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'Whichever free woman marries herself to a slave without a permission of his master, so she has legalized her private parts and there is no dower for her'.<sup>232</sup>

#### باب المملوكة تتزوج بغير إذن مواليتها

### Chapter 119 – The owned slave girl gets married without the permission of her master

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ بْنِ الْبَرْزَنْطِيِّ عَنْ دَاوُدَ بْنِ الْخُسَيْنِ عَنْ أَبِي الْعَبَّاسِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْأَمَةِ تَتَزَوَّجُ بغيرِ إِذْنِ أَهْلِهَا قَالَ يَحْرُمُ ذَلِكَ عَلَيْهَا وَ هُوَ الزَّانَا .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr Al Bazanty, from Dawood Bin Al Husayn, from Abu Al Abbas who said,

'I asked Abu Abdullah<sup>-asws</sup> about the slave girl who gets married without a permission of her owner. He<sup>-asws</sup> said: 'It is Prohibited unto her and it would be the adultery'.<sup>233</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ عَنْ فَضْلِ بْنِ عَبْدِ الْمَلِكِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الْأَمَةِ تَتَزَوَّجُ بغيرِ إِذْنِ مَوْلِيهَا قَالَ يَحْرُمُ ذَلِكَ عَلَيْهَا وَ هُوَ زَانٍ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from one of his companions, from Aban, from Fazl Bin Abdul Malik who said,

'I asked Abu Abdullah<sup>-asws</sup> about the slave girl getting married without the permission of her masters. He<sup>-asws</sup> said: 'That is Prohibited unto her, and it is adultery'.<sup>234</sup>

#### باب الرجل يزوجه عبده أمتة

### Chapter 120 – The man marries his slave to his slave girl

<sup>231</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 6

<sup>232</sup> Al Kafi – V 5 – The Book of Marriage Ch 117 H 7

<sup>233</sup> Al Kafi – V 5 – The Book of Marriage Ch 118 H 1

<sup>234</sup> Al Kafi – V 5 – The Book of Marriage Ch 118 H 2

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) الرَّجُلُ كَيْفَ يُنْكَحُ عَبْدَهُ أَمَتَهُ قَالَ يَقُولُ قَدْ أَنْكَحْتِكَ فُلَانَةً وَ يُعْطِيهَا مَا شَاءَ مِنْ قَبْلِهِ أَوْ مِنْ قَبْلِ مَوْلَاهُ وَ لَوْ مُدًّا مِنْ طَعَامٍ أَوْ دِرْهَمًا أَوْ نَحْوَ ذَلِكَ.

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

'I said to Abu Abdullah-asws, 'How can the man marry his slave to his slave girl?' He-asws said: 'He should be saying, 'I hereby marry you, so and so slave girl', and give some whatever he so desires to from himself, or on behalf of his slave, though it be a handful of foodstuff, or a Dirham, or approximately that'.<sup>235</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) فِي الْمَمْلُوكِ فَتَكُونُ لِمَوْلَاهُ أَوْ لِمَوْلَاتِهِ أَمَةٌ فَيُرِيدُ أَنْ يَجْمَعَ بَيْنَهُمَا أَوْ يُنْكَحُ نِكَاحًا أَوْ يُجْزئُهُ أَنْ يَقُولَ قَدْ أَنْكَحْتِكَ فُلَانَةً وَ يُعْطِي مِنْ قَبْلِهِ شَيْئًا أَوْ مِنْ قَبْلِ الْعَبْدِ قَالَ نَعَمْ وَ لَوْ مُدًّا وَ قَدْ رَأَيْتُهُ يُعْطِي الدِّرْهَمَ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far-asws regarding the owned slave, so there happens to be for his master or for her mistress, a slave girl. So he intends to gather between the two of them. Would his marriage be a (valid) marriage, or would it suffice him if he is saying, 'I have married you to so and so woman, and he gives something from himself, or on behalf of the slave?' He-asws said: 'Yes, and even if it is a handful, and it is my-asws view that he should give the Dirham'.<sup>236</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي إِسْحَاقَ الْخَفَّافِ عَنْ مُحَمَّدِ بْنِ أَبِي زَيْدٍ عَنْ أَبِي هَارُونَ الْمُكَفُوفِ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَيْسُرُكَ أَنْ يَكُونَ لَكَ قَائِدٌ يَا أَبَا هَارُونَ قَالَ قُلْتُ نَعَمْ جَعَلْتُمْ فِذَاكَ قَالَ فَأَعْطَانِي ثَلَاثِينَ دِينَارًا فَقَالَ اشْتَرِ خَادِمًا كُسُومِيًّا فَاشْتَرَاهُ فَلَمَّا أَنْ حَجَّ دَخَلَ عَلَيْهِ فَقَالَ لَهُ كَيْفَ رَأَيْتَ قَائِدَكَ يَا أَبَا هَارُونَ فَقَالَ خَيْرًا

Ali Bin Ibrahim, from his father, from Abu Is'haq Al Khannaf, from Muhammad Bin Abu Zayd, from Abu Haroun Al Makfouf who said,

'Abu Abdullah-asws said to me: 'Would it cheer you up if there happened to be a (travel) guide for you, O Abu Haroun! I said, 'Yes, may I be sacrificed for you-asws! So he-asws gave me thirty Dinars and said: 'Buy a male *Kasoumiyya* servant'. So I bought him. So when I went to Hajj, I went over to him-asws. (He (the narrator) said, 'So he-asws said to him: 'How do you see your (travel) guide, O Abu Haroun?' So he said, 'Good'.

فَأَعْطَاهُ خَمْسَةً وَ عَشْرِينَ دِينَارًا فَقَالَ لَهُ اشْتَرِ جَارِيَةً شَبَابِيَّةً فَإِنَّ أَوْلَادَهُنَّ فُرَّةٌ فَاشْتَرَيْتُ جَارِيَةً شَبَابِيَّةً فَرَوَّجْتُهَا مِنْهُ فَأَصْبَتْ ثَلَاثَ بَنَاتٍ فَأَهْدَيْتُ وَاحِدَةً مِنْهُنَّ إِلَى بَعْضِ وُلْدِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) وَ أَرْجُو أَنْ يَجْعَلَ نَوَابِي مِنْهَا الْجَنَّةَ وَ يَقْبِلَ بِنْتَانِ مَا يَسُرُّنِي بِهِنَّ الْوَفَّ .

So he-asws gave him twenty five Dinars and said to him: 'Buy a slave girl, for her children would be a delight'. So I bought a young slave girl and got her married to him. So she attained three daughters, and I gifted one of them to one of the children of Abu Abdullah-asws, and hoped that he-asws would make my Reward from it to be the

<sup>235</sup> Al Kafi – V 5 – The Book of Marriage Ch 119 H 1

<sup>236</sup> Al Kafi – V 5 – The Book of Marriage Ch 119 H 2

Paradise, and I remained with two, what made me to be cheerful thousands of times'.<sup>237</sup>

### باب نكاح المرأة التي بعضها حر وبعضها رق

## Chapter 121 – Marriage of the woman whom part of her is free and part of her is enslaved

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي بصيرٍ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ تَكُونُ بَيْنَهُمَا الْأُمَةُ فَيُعْتِقُ أَحَدَهُمَا نَصِيْبَهُ فَنَقُولُ الْأُمَةُ لِلَّذِي لَمْ يُعْتِقْ لَا أَبْغِي فَقَوْمَنِي وَ ذُرِّي كَمَا أَنَا أُحْدِمُكَ أَرَأَيْتَ إِنْ أَرَادَ الَّذِي لَمْ يُعْتِقِ النَّصْفَ الْآخَرَ أَنْ يَطَّأَهَا أَلَيْسَ ذَلِكَ قَالَ لَا يَنْبَغِي لَهُ أَنْ يَفْعَلَ [ذَلِكَ] لِأَنَّهُ لَا يَكُونُ لِلْمَرْأَةِ فَرْجَانِ وَ لَا يَنْبَغِي لَهُ أَنْ يَسْتَحْدِمَهَا وَ لَكِنْ يَسْتَسْعِيهَا فَإِنْ أَبَتْ كَانَ لَهَا مِنْ نَفْسِهَا يَوْمٌ وَ لَهُ يَوْمٌ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Ali Bin Raib, from Abu Baseer who said,

'I asked him<sup>-asws</sup> about the man who happened to have the slave girl between them. So, one of them emancipated his share. So the slave girl said to the one who did not emancipate, 'Do not seek me. Evaluate me and leave me as if I am your servant'. What is your<sup>-asws</sup> view if the one who did not emancipate the other half, intends to sleep with her. Would that be for him?' He<sup>-asws</sup> said: 'It is not befitting for him that he does that, because there do not happen to be two private parts for the woman, although it is not befitting for him that he make her serve, but he should make her serve. So, if she were to refuse, there would be a day for herself, and a day for him'.<sup>238</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنْ رَجُلَيْنِ تَكُونُ بَيْنَهُمَا الْأُمَةُ فَيُعْتِقُ أَحَدَهُمَا نَصِيْبَهُ فَنَقُولُ الْأُمَةُ لِلَّذِي لَمْ يُعْتِقْ نِصْفَهُ لَا أُرِيدُ أَنْ تُقَوْمَنِي ذُرِّي كَمَا أَنَا أُحْدِمُكَ وَ إِنَّهُ أَرَادَ أَنْ يَسْتَنْكِحَ النَّصْفَ الْآخَرَ قَالَ لَا يَنْبَغِي لَهُ أَنْ يَفْعَلَ لِأَنَّهُ لَا يَكُونُ لِلْمَرْأَةِ فَرْجَانِ وَ لَا يَنْبَغِي أَنْ يَسْتَحْدِمَهَا وَ لَكِنْ يَقَوْمُهَا فَيَسْتَسْعِيهَا .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about two men who happened to have the slave girl between them. So one of them emancipated his share of her, and the slave girl said to the one who did not emancipate his share, 'I do not want that you evaluate me. Leave me just as I am your servant', and he wanted to marry the other half'. He<sup>-asws</sup> said: 'Is it not befitting for him that he does so, because there do not happen to be two private parts for the woman, and it is not befitting that he makes her serve, but he should evaluate her, so he can make her work for it (to be paid off)'.<sup>239</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنْ أَبِي جَعْفَرٍ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنْ جَارِيَةٍ بَيْنَ رَجُلَيْنِ دَبَّرَاهَا جَمِيعاً ثُمَّ أَحَلَّ أَحَدُهُمَا فَرْجَهَا لِشَرِيكِهِ قَالَ هُوَ لَهُ حَلَالٌ وَ أُيُّهُمَا مَاتَ قَبْلَ صَاحِبِهِ فَقَدْ صَارَ نِصْفُهَا حَرًّا مِنْ قَبْلِ الَّذِي مَاتَ وَ نِصْفُهَا مُدَبَّرًا

<sup>237</sup> Al Kafi – V 5 – The Book of Marriage Ch 119 H 3

<sup>238</sup> Al Kafi – V 5 – The Book of Marriage Ch 120 H 1

<sup>239</sup> Al Kafi – V 5 – The Book of Marriage Ch 120 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about a slave girl between two men who both managed her together. Then one of the two permitted her sanctity to his partner. He<sup>-asws</sup> said: 'It is Permissible for him, and whichever of the two dies before his companion, so half of her would be free from the side of the one who dies, and half of her would be managed'.

قُلْتُ أَرَأَيْتَ إِنْ أَرَادَ الْبَاقِي مِنْهُمَا أَنْ يَمْسَهَا أَلَهُ ذَلِكَ قَالَ لَا إِلَّا أَنْ يُبَيِّتَ عَتَقَهَا وَ يَتَزَوَّجَهَا بِرِضَا مِنْهَا مِثْلَ مَا أَرَادَ قُلْتُ لَهُ أَلَيْسَ قَدْ صَارَ نِصْفُهَا حُرًّا قَدْ مَلَكَتْ نِصْفَ رَقَبَتِهَا وَ النِّصْفُ الْأَخْرُ لِلْبَاقِي مِنْهُمَا قَالَ بَلَى

I said, 'What is your<sup>-asws</sup> view if the remaining one of the two wants to touch her, would that be for him?' He<sup>-asws</sup> said: 'No, unless decided her emancipation, and he marries her with her pleasure from it, similar to what he intends'. I said to him<sup>-asws</sup>, 'Did not half of her become free, and she was in control of her emancipated half, and the other half being for the remaining one of the two?' He<sup>-asws</sup> said: 'Yes'.

قُلْتُ فَإِنْ هِيَ جَعَلَتْ مَوْلَاهَا فِي جِلِّ مَنْ فَرَجَهَا وَ أَحَلَّتْ لَهُ ذَلِكَ قَالَ لَا يَجُوزُ لَهُ ذَلِكَ قُلْتُ لِمَ لَا يَجُوزُ لَهَا ذَلِكَ كَمَا أَجَزْتَ لِلَّذِي كَانَ لَهُ نِصْفُهَا جِبِينَ أَحَلَّ فَرَجَهَا لِشَرِيكِهِ مِنْهَا قَالَ إِنَّ الْحُرَّةَ لَا تَهَبُ فَرَجَهَا وَ لَا تُعْبِرُهُ وَ لَا تُحَلِّلُهُ وَ لَكِنْ لَهَا مِنْ نَفْسِهَا يَوْمٌ وَ لِلَّذِي دَبَّرَهَا يَوْمٌ فَإِنْ أَحَبَّ أَنْ يَتَزَوَّجَهَا مُنْعَةً بِشَيْءٍ فِي الْيَوْمِ الَّذِي تَمَلَّكَ فِيهِ نَفْسَهَا فَلْيَتَمَتَّعْ مِنْهَا بِشَيْءٍ قَلٍ أَوْ كَثْرٍ.

I said, 'Supposing she were to make her master to be in permission from her private parts, would that be Permissible for her?' He<sup>-asws</sup> said: 'That is not allowed for her'. I said, 'Why is that not allowed for her just as she allowed is for the one who had half of her for him, where she allowed her private part to his partner from it?' He<sup>-asws</sup> said: 'The free woman can neither gift her private part, nor can she expose it, nor permit it, but for her from her half would be a day, and for the one who manages her would be a day. I<sup>-asws</sup> would love it if he would marry her by *Mut'a* with something during the day which she is in control of herself, so let him do *Mut'a* with her with something, be it little or more'.<sup>240</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْعَبَّاسِ بْنِ مَعْرُوفٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلَيْنِ بَيْنَهُمَا أَمَةٌ فَرَوَّجَاهَا مِنْ رَجُلٍ ثُمَّ إِنَّ الرَّجُلَ اشْتَرَى بَعْضَ السَّهْمَيْنِ فَقَالَ حَرَمَتْ عَلَيْهِ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Al Abbas Bin Marouf, from Al Hassan Bin Muhammad, from Zur'at, from Sama'at who said,

'I asked him<sup>-asws</sup> about two men between them was a slave girl. So they both got her married to a man. Then the man bought part of the two shares. So he<sup>-asws</sup> said: 'She would be Prohibited unto him'.<sup>241</sup>

بَابُ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ وَ لَهَا زَوْجٌ حُرٌّ أَوْ عَبْدٌ

## Chapter 122 – The man buys the slave girl, and for her is a husband, be he free or a slave

<sup>240</sup> Al Kafi – V 5 – The Book of Marriage Ch 120 H 3

<sup>241</sup> Al Kafi – V 5 – The Book of Marriage Ch 120 H 4

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنِ الْحَسَنِ بْنِ زِيَادٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنْ رَجُلٍ اشْتَرَى جَارِيَةً يَطْوُهَا فَبَلَغَهُ أَنَّ لَهَا زَوْجاً قَالَ يَطْوُهَا فَإِنْ بَيْعَهَا طَلَّقَهَا وَ ذَلِكَ أَنْهُمَا لَا يَقْدِرَانِ عَلَى شَيْءٍ مِنْ أَمْرِهِمَا إِذَا بَيْعَا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, altogether from Safwan Bin Yahya, from Ibn Muskan, from Al Hassan Bin Ziyad who said,

'I asked Abu Abdullah<sup>-asws</sup> about a man who bought a slave girl. He slept with her, and (news) reached him that for her is a husband. He<sup>-asws</sup> said: 'He can sleep with her, for her sale is her divorce, and that is because they are both not able upon anything from their matters, when there is a sale'.<sup>242</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنِ الْأَمَةِ تَبَاعُ وَ لَهَا زَوْجٌ فَقَالَ صَفَّقْتُهَا طَلَّقَهَا .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Rabie Bin Abdullah, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah<sup>-asws</sup> about the slave girl who is sold and for her is a husband. So he<sup>-asws</sup> said: 'Her take-over is her divorce'.<sup>243</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ أُدْبِيَةَ عَنِ بَكْرِ بْنِ أَعِينٍ وَ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَا مَنْ اشْتَرَى مَمْلُوكَةً لَهَا زَوْجٌ فَإِنْ بَيْعَهَا طَلَّقَهَا فَإِنْ شَاءَ الْمُشْتَرِي فَرَّقَ بَيْنَهُمَا وَ إِنْ شَاءَ تَرَكَهُمَا عَلَى نِكَاحِهِمَا .

Ali, from his father, from Ibn Abu Umeyr, from Ibn Azina, from Bukeyr Bin Ayn, and Bureyd Bin Muawiya,

(It has been narrated) from Abu Ja'far<sup>-asws</sup> and Abu Abdullah<sup>-asws</sup> both having said: 'The one who buys a slave girl who has a husband for her, so her sale is her divorce. So, if the buyer so desires to, he effects separation between them, and if he so desires to he leaves them both upon their marriage'.<sup>244</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ( عليهما السلام ) قَالَ طَلَّقُ الْأَمَةِ بَيْعُهَا أَوْ بَيْعُ زَوْجِهَا وَ قَالَ فِي الرَّجُلِ يُرَوِّجُ أُمَّتَهُ رَجُلًا حُرًّا ثُمَّ يَبِيعُهَا قَالَ هُوَ فِرَاقٌ مَا بَيْنَهُمَا إِلَّا أَنْ يَشَاءَ الْمُشْتَرِي أَنْ يَدْعَهُمَا .

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

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup> having said: 'A divorce of the slave girl is her sale, or sale of her husband'. And he<sup>-asws</sup> said regarding the man who married his slave girl to a free man, then sold her. He<sup>-asws</sup> said: 'It is a separation of what is between them unless the buyer so desires to leave them (to be upon their marriage)'.<sup>245</sup>

<sup>242</sup> Al Kafi – V 5 – The Book of Marriage Ch 121 H 1

<sup>243</sup> Al Kafi – V 5 – The Book of Marriage Ch 121 H 2

<sup>244</sup> Al Kafi – V 5 – The Book of Marriage Ch 121 H 3

<sup>245</sup> Al Kafi – V 5 – The Book of Marriage Ch 121 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْعَبَّاسِ بْنِ مَعْرُوفٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلَيْنِ بَيْنَهُمَا أَمَةٌ فَرَزَّوَجَاهَا مِنْ رَجُلٍ ثُمَّ إِنَّ رَجُلًا اشْتَرَى بَعْضَ السَّهْمَيْنِ قَالَ حُرِّمَتْ عَلَيْهِ بِشِرَائِهِ إِيَّاهَا وَ ذَلِكَ أَنْ يَبْعَهَا طَلَاقُهَا إِلَّا أَنْ يَشْتَرِيَهَا مِنْ جَمِيعِهِمْ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Al Abbas Bin Marouf, from Al Hassan Bin Muhammad, from Zurara, from Sama'at who said,

'I asked him<sup>-asws</sup> about two men who had a slave girl between them, so they got her married to a man. Then the man bought part of their shares. He<sup>-asws</sup> said: 'She is Prohibited unto him by his stipulation of her, and that is that her sale is her divorce, unless he buys her from them entirely'.<sup>246</sup>

### باب الْمَرْأَةِ تَكُونُ زَوْجَةَ الْعَبْدِ ثُمَّ تَرْتُهُ أَوْ تَشْتَرِيهِ فَيَصِيرُ زَوْجَهَا عَبْدًا

## Chapter 123 – The woman happens to be the wife of the slave, then she inherits him or she buys him, so her husband becomes her slave

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) فِي سُرِّيَّةِ رَجُلٍ وَلَدَتْ لِسَيِّدِهَا ثُمَّ اعْتَزَلَ عَنْهَا فَأَنْكَحَهَا عَبْدُهُ ثُمَّ تُوَفِّيَ سَيِّدُهَا وَ أَعْتَقَهَا فَوَرِثَ وَلَدُهَا زَوْجَهَا مِنْ أَبِيهِ ثُمَّ تُوَفِّيَ وَلَدُهَا فَوَرِثَتْ زَوْجَهَا مِنْ وَلَدِهَا فَجَاءَا بِخْتَلَفَانِ يَقُولُ الرَّجُلُ امْرَأَتِي وَ لَا أَطْلُقُهَا وَ الْمَرْأَةُ تَقُولُ عَبْدِي وَ لَا يُجَامِعُنِي

Ali Bin Ibrahim, from his father, from Ibn Abu Najra, from Aasim Bin Humeyr, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> judged regarding a concubine of a man who gave birth for her master. Then he isolated from her, so his slave married her. Then her master died and emancipated her. So her inherited her husband from his father. Then her son died, so she inherited her husband from her son. So they went on to dispute. The man was saying, 'She is my wife, and I have not divorced her', and the wife was saying, 'He is my slave he should not be copulating with me'.

فَقَالَتِ الْمَرْأَةُ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ سَيِّدِي تَسَرَّانِي فَأَوْلَدَنِي وَلَدًا ثُمَّ اعْتَزَلَنِي فَأَنْكَحَنِي مِنْ عَبْدِي هَذَا فَلَمَّا حَضَرَتْ سَيِّدِي الْوَفَاةَ أَعْتَقَنِي عِنْدَ مَوْتِهِ وَ أَنَا زَوْجَةُ هَذَا وَ إِنَّهُ صَارَ مَمْلُوكًا لَوْلَدِي الَّذِي وَلَدْتُهُ مِنْ سَيِّدِي وَ إِنَّ وَلَدِي مَاتَ فَوَرِثْتُهُ هَلْ يَصْلُحُ لَهُ أَنْ يَطَّأَنِي

So the woman said, 'O Amir Al-Momineen<sup>-asws</sup>! My master had kept me as a concubine, so he made me give birth to a son. Then he isolated from me, and got me married to this slave of his. So when the death presented itself to my master, he emancipated me during his death, and I am a wife of this one, and he has become an owned slave of my son whom I gave birth to from my master. And then my son dies, so I inherited him. Is it correct for him that he sleeps with me?'

فَقَالَ لَهَا هَلْ جَامَعَكَ مِنْذُ صَارَ عَبْدَكَ وَ أَنْتِ طَائِعَةٌ قَالَتْ لَا يَا أَمِيرَ الْمُؤْمِنِينَ قَالَ لَوْ كُنْتَ فَعَلْتَ لَرَجَمْتُكَ أَذْهَبِي فَإِنَّهُ عَبْدُكَ لَيْسَ لَهُ عَلَيْكَ سَبِيلٌ إِنْ شِئْتَ أَنْ تَبِيعِي وَ إِنْ شِئْتَ أَنْ تُرَقِّي وَ إِنْ شِئْتَ أَنْ تُعْتَقِي .

So he<sup>-asws</sup> said to her: 'Has he slept with you since he came to be your slave and you were willing?' She said, 'No, O Amir Al-Momineen<sup>-asws</sup>!' He<sup>-asws</sup> said: 'Had you done it, you would have been stoned. Go, for he is your slave. There is no way for him upon you. If you so desire to you sell him, and if you so desire to you leave him, and if you so desire to you emancipate him'.<sup>247</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عِيسَى عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ فِي رَجُلٍ زَوَّجَ أُمَّ وَوَلَدٍ لَهُ مَمْلُوكُهُ ثُمَّ مَاتَ الرَّجُلُ فَوَرَّثَهُ ابْنُهُ فَصَارَ لَهُ نَصِيبٌ فِي زَوْجِ أُمِّهِ ثُمَّ مَاتَ الْوَلَدُ أَ تَرْتُهُ أُمُّهُ قَالَ نَعَمْ فَلْتُ فَإِذَا وَرَثْتَهُ كَيْفَ تَصْنَعُ وَ هُوَ زَوْجُهَا قَالَ تُفَارِقُهُ وَ لَيْسَ لَهُ عَلَيْهَا سَبِيلٌ وَ هُوَ عَبْدُهَا .

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

'I heard Abu Abdullah<sup>-asws</sup> saying regarding a man who married a mother of a child of a slave of his. Then the man died, so his son inherited her. So there came to be a share for him in the husband of his mother. Then the son died. Would his mother inherit him?' He<sup>-asws</sup> said: 'Yes'. I said, 'So, when she inherits him, how would she deal, and he is her husband?' He<sup>-asws</sup> said: 'She would separate from him, and there would be no way for him over her, and he would be his slave'.<sup>248</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ سَيْفِ بْنِ عَمِيرَةَ وَ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ فِي امْرَأَةٍ لَهَا زَوْجٌ مَمْلُوكٌ فَمَاتَ مَوْلَاهُ فَوَرَّثَتْهُ قَالَ لَيْسَ بَيْنَهُمَا نِكَاحٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Sayf Bin Ameyra and Muhammad Bin Abu Hamza, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said regarding a woman for whom there was a slave husband. So his master died, and she inherited him. He<sup>-asws</sup> said: 'There is no marriage between the two of them'.<sup>249</sup>

أَبُو الْعَبَّاسِ مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ أَيُّوبَ بْنِ نُوحٍ عَنْ صَفْوَانَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ امْرَأَةٍ حُرَّةٍ تَكُونُ تَحْتَ الْمَمْلُوكِ فَتَسْتَرِيهِ هَلْ يَبْطُلُ نِكَاحُهُ قَالَ نَعَمْ لِأَنَّهُ عَبْدٌ مَمْلُوكٌ لَا يَقْدِرُ عَلَى شَيْءٍ .

Abu Al Abbas Muhammad Bin Ja'far, from Ayoub Bin Nuh, from Safwan, from Saeed Bin Yasaar who said,

'I asked Abu Abdullah<sup>-asws</sup> about a free woman who happened to be under the owned slave (as a wife), so she bought him. Would his marriage be invalidated?' He<sup>-asws</sup> said: 'Yes, because he is an owned slave, not be able upon anything'.<sup>250</sup>

بَابُ الْمَرْأَةِ يَكُونُ لَهَا زَوْجٌ مَمْلُوكٌ فَتَرْتُهُ بَعْدَ ثُمَّ تُعْتَقُهُ وَ تَرْضَى بِهِ

<sup>247</sup> Al Kafi – V 5 – The Book of Marriage Ch 122 H 1

<sup>248</sup> Al Kafi – V 5 – The Book of Marriage Ch 122 H 2

<sup>249</sup> Al Kafi – V 5 – The Book of Marriage Ch 122 H 3

<sup>250</sup> Al Kafi – V 5 – The Book of Marriage Ch 122 H 4

## Chapter 124 – The woman happens to have a husband for her, an owned slave, so she inherits him afterwards, then she emancipates him, and she is pleased with him (being her husband)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَّالٍ عَنِ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ عَبْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي امْرَأَةٍ كَانَتْ لَهَا زَوْجٌ مَمْلُوكٌ فَوَرَّثَتْهُ فَأَعْتَقَتْهُ هَلْ يَكُونَانِ عَلَى نِكَاحِهِمَا الْأَوَّلِ قَالَ لَا وَ لَكِنْ يُجَدِّدَانِ نِكَاحًا .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding a woman who had a slave husband for her, so she inherited him, and emancipated him. Would they both happen to be upon their first marriage?' He<sup>-asws</sup> said: 'No, but they would both renew with another marriage'.<sup>251</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ وَ غَيْرِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنْ امْرَأَةٍ وَرَثَتْ زَوْجَهَا فَأَعْتَقَتْهُ هَلْ يَكُونَانِ عَلَى نِكَاحِهِمَا الْأَوَّلِ قَالَ لَا وَ لَكِنْ يُجَدِّدَانِ نِكَاحًا .

Humeyr Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ja'far Bin Sama'at, and someone else, from Aban Bin Usman, from Al Fazl Bin Abdul Malik who said,

'I asked Abu Abdullah<sup>-asws</sup> about a woman who inherited her husband (a slave), so she emancipated him. Would they both happen to be upon their first marriage?' He<sup>-asws</sup> said: 'No, but they would both be renewing their marriage'.<sup>252</sup>

### بَابُ الْأَمَةِ تَكُونُ تَحْتَ الْمَمْلُوكِ فَتُعْتَقُ أَوْ يُعْتَقَانِ جَمِيعًا

## Chapter 125 – The slave girl who happens to be under the owned slave, so she is emancipated, or they are both emancipated together

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنْ أَمَةٍ كَانَتْ تَحْتَ عَبْدٍ فَأَعْتَقَتْ الْأَمَةَ قَالَ أَمْرُهَا بِيَدِهَا إِنْ شَاءَتْ تَرَكَتْ نَفْسَهَا مَعَ زَوْجِهَا وَ إِنْ شَاءَتْ نَزَعَتْ نَفْسَهَا مِنْهُ

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

'I asked Abu Abdullah<sup>-asws</sup> about a slave girl who was under a slave, so the slave girl was emancipated. He<sup>-asws</sup> said: 'Her command is in her hands. If she so desires to she leaves herself with her husband, and if she so desires to she removes herself from him'.

وَ ذَكَرَ أَنَّ بَرِيرَةَ كَانَتْ عِنْدَ زَوْجِ لَهَا وَ هِيَ مَمْلُوكَةٌ فَاشْتَرَتْهَا عَائِشَةُ فَأَعْتَقَتْهَا فَخَبَّرَهَا رَسُولُ اللَّهِ ( صلى الله عليه وآله ) وَ قَالَ إِنْ شَاءَتْ أَنْ تَقَرَّ عِنْدَ زَوْجِهَا وَ إِنْ شَاءَتْ فَارْتَقَتْهُ وَ كَانَ مَوَالِيهَا الَّذِينَ بَاعَوْهَا اشْتَرَطُوا عَلَى عَائِشَةَ أَنَّ لَهُمْ وَلَاءَهَا فَقَالَ رَسُولُ اللَّهِ ( صلى الله عليه وآله ) الْوَلَاءُ لِمَنْ أَعْتَقَ

<sup>251</sup> Al Kafi – V 5 – The Book of Marriage Ch 123 H 1

<sup>252</sup> Al Kafi – V 5 – The Book of Marriage Ch 123 H 2

And he<sup>-asws</sup> mentioned that Bureyra was with a husband of hers, and she was an owned slave. So Ayesha bought her and emancipated her. So Rasool-Allah<sup>-saww</sup> gave her a choice and said: 'If she so desires to she stays with her husband, and if she so desires to, she separates from him'; and it was so that her masters who had sold her had stipulated upon Ayesha that her mastership would be for them. So Rasool-Allah<sup>-saww</sup> said: 'The mastership is for the one who emancipates'.

وَأُصْدِقَ عَلَى بَرِيرَةَ بِلَحْمٍ فَأَهْدَتْهُ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَعَلَّقَتْهُ عَائِشَةُ وَقَالَتْ إِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) لَا يَأْكُلُ لَحْمَ الصَّدَقَةِ فَجَاءَ رَسُولُ اللَّهِ (صلى الله عليه وآله) وَاللَّحْمُ مُعَلَّقٌ فَقَالَ مَا شَأْنُ هَذَا اللَّحْمِ لَمْ يُطْبَخْ فَقَالَتْ يَا رَسُولَ اللَّهِ صُدِّقَ بِهِ عَلَى بَرِيرَةَ وَأَنْتَ لَا تَأْكُلُ الصَّدَقَةَ فَقَالَ هُوَ لَهَا صَدَقَةٌ وَ لَنَا هَدِيَّةٌ ثُمَّ أَمَرَ بِطَبْخِهِ فَجَاءَ فِيهَا ثَلَاثٌ مِنَ السُّنَنِ .

And some meat was given in charity to Bureyra, so she gifted it to Rasool-Allah<sup>-saww</sup>. So Ayesha kept it aside and said, 'Rasool-Allah<sup>-saww</sup> does not eat the charity'. So Rasool-Allah<sup>-saww</sup> came over and the meat was kept aside, so he<sup>-saww</sup> said: 'What is the matter with this meat not having been cooked?' So she said, 'O Rasool-Allah<sup>-saww</sup>! It was given in charity with upon Bureyra and you<sup>-saww</sup> do not eat the charity'. So he<sup>-saww</sup> said: 'It is a charity for her, and for us<sup>-saww</sup> it is a gift'. Then he<sup>-saww</sup> ordered with cooking it. Thus, there flowed three Sunnahs in it'.<sup>253</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عِيصِ بْنِ الْقَاسِمِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) إِنَّ بَرِيرَةَ كَانَتْ لَهَا زَوْجٌ فَلَمَّا أُعْتِقَتْ خَيْرَتْ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Ays Bin Al Qasim who said,

'Abu Abdullah<sup>-asws</sup> said: 'Bureyra had a husband for her. So when she was emancipated, she had a choice (to be with him or not)'.<sup>254</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ إِذَا أُعْتِقْتَ مَمْلُوكِيكَ رَجُلًا وَ امْرَأَتَهُ فَلَيْسَ بَيْنَهُمَا نِكَاحٌ وَ قَالَ إِنْ أَحْبَبْتَ أَنْ يَكُونَ زَوْجَهَا كَانَ ذَلِكَ بِصَدَاقٍ

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

'I heard Abu Abdullah<sup>-asws</sup> saying: 'When two owned slaves of yours, a man and his wife, are emancipated, so there is no marriage between them'. And he<sup>-asws</sup> said: 'If she so likes, he can be her husband, and that would be with a dower'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُنْكِحُ عَبْدَهُ أَمَتَهُ ثُمَّ أَعْتَقَهَا تُخَيَّرُ فِيهِ أَمْ لَا قَالَ نَعَمْ تُخَيَّرُ فِيهِ إِذَا أُعْتِقَتْ .

He (the narrator) said, 'And I asked him<sup>-asws</sup> about the man who got his slave to be married to his slave girl. Then he emancipated her. Would she have a choice regarding it or not?' He<sup>-asws</sup> said: 'Yes, she would have a choice in it (to stay with him or not) when she is emancipated'.<sup>255</sup>

<sup>253</sup> Al Kafi – V 5 – The Book of Marriage Ch 124 H 1

<sup>254</sup> Al Kafi – V 5 – The Book of Marriage Ch 124 H 2

<sup>255</sup> Al Kafi – V 5 – The Book of Marriage Ch 124 H 3

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ غَيْرِ وَاجِدٍ عَنْ أَبَانَ عَمَّنْ حَدَّثَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي بَرِيرَةَ ثَلَاثٌ مِنَ السُّنَنِ حِينَ أُعْتِقَتْ فِي التَّخْيِيرِ وَ فِي الصَّدَقَةِ وَ فِي الْوَلَاءِ .

Humejd Bin Ziyad, from Ibn Sama'at, from someone else, from Aban, from the one who narrated it,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> said: 'Regarding Bureyra, there are three Sunnahs when she was emancipated – regarding the choice, and regarding the charity, and regarding the mastership'.<sup>256</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ ذَكَرَ أَنَّ بَرِيرَةَ مَوْلَاةَ عَائِشَةَ كَانَتْ لَهَا زَوْجٌ عَبْدٌ فَلَمَّا أُعْتِقَتْ قَالَ لَهَا رَسُولُ اللَّهِ (صلى الله عليه وآله) اخْتَارِي إِنْ شِئْتِ أَقْمَتِ مَعَ زَوْجِكَ وَإِنْ شِئْتِ فَلَا .

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

'(He<sup>-asws</sup>) mentioned that Bureyra was a slave of Ayesha and had a husband for her who was a slave. So when she was emancipated, Rasool-Allah<sup>-saww</sup> said to her: 'Choose! If you so desire to you can stay with your husband, and if your so desire to, so no'.<sup>257</sup>

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ كَانَ زَوْجُ بَرِيرَةَ عَبْدًا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr, from Rabie Bin Abdullah, from Bureyd Bin Muawiya,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The husband of Bureyra was a slave'.<sup>258</sup>

### بَابُ الْمَمْلُوكِ تَحْتَهُ الْخُرَّةُ فَيُعْتَقُ

## Chapter 126 – The owned slave under whom is the free woman (as a wife), so he is emancipated

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَائِبٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الْعَبْدِ يَنْزَوِجُ الْخُرَّةَ ثُمَّ يُعْتَقُ فَيُصِيبُ فَاحْسَنَهُ قَالَ فَقَالَ لَا يُرْجَمُ حَتَّى يُوَاقِعَ الْخُرَّةَ بَعْدَ مَا يُعْتَقُ فَلَتْ فَلِخُرَّةٍ عَلَيْهِ الْخِيَارُ إِذَا أُعْتِقَ قَالَ لَا قَدْ رَضِيبَتْ بِهِ وَ هُوَ مَمْلُوكٌ فَهُوَ عَلَى نِكَاحِهِ الْأَوَّلِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Abu Baseer,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the slave who marries the free woman, then he is emancipated, so he commits immorality. So he<sup>-asws</sup> said: 'He would not be stoned until he falls upon the free woman after having been emancipated'. I said, 'So, for the free woman would be the choice upon him, when he is emancipated?'

<sup>256</sup> Al Kafi – V 5 – The Book of Marriage Ch 124 H 4

<sup>257</sup> Al Kafi – V 5 – The Book of Marriage Ch 124 H 5

<sup>258</sup> Al Kafi – V 5 – The Book of Marriage Ch 124 H 6

He<sup>-asws</sup> said: 'No. She was pleased with him and he was a slave, so he would be upon his first marriage'.<sup>259</sup>

### باب الرَّجُلِ يَشْتَرِي الْجَارِيَةَ الْحَامِلَ فَيَطُورُهَا فَتَلِدُ عِنْدَهُ

## Chapter 127 – The man buys the pregnant slave girl, so he sleeps with her, and she gives birth with him

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ اشْتَرَى جَارِيَةَ حَامِلًا وَ قَدْ اسْتَبَانَ حَمْلَهَا فَوَطَّئَهَا قَالَ بِنَسٍّ مَا صَنَعَ قُلْتُ فَمَا تَقُولُ فِيهِ قَالَ أَعَزَلَ عَنْهَا أُمَّ لَا قُلْتُ أَجِيبِي فِي الْوَجْهَيْنِ قَالَ إِنْ كَانَ عَزَلَ عَنْهَا فَلْيَبْتِقِ اللَّهَ وَ لَا يَعُودُ وَ إِنْ كَانَ لَمْ يَعَزَلْ عَنْهَا فَلَا يَبِيعُ ذَلِكَ الْوَلَدَ وَ لَا يُوْرثُهُ وَ لَكِنْ يُعْتَفَى وَ يَجْعَلُ لَهُ شَيْئًا مِنْ مَالِهِ يَعْيشُ بِهِ فَإِنَّهُ قَدْ عَدَّاهُ بِنُطْفَتِهِ.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Say Bin Ameyra, from Is'haq Bin Ammar who said,

'I asked Abu Al-Hassan<sup>-asws</sup> about a man who bought a pregnant slave girl and her pregnancy had manifested, so he slept with her. He<sup>-asws</sup> said: 'Evil is what he has done'. I said, 'So what are you<sup>-asws</sup> saying regarding it?' He<sup>-asws</sup> said: 'Is he isolated from her or not?' I said, 'Answer me regarding the two aspects'. He<sup>-asws</sup> said: 'If he had isolated, so let him fear Allah<sup>-azwj</sup> and he should not repeat, and if he had not isolated from her, so she should not sell that child, and he would not inherit him, but he should emancipate him and make something from his wealth to be for him he can live by, for he had nourished him with his seed'.<sup>260</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّ رَسُولَ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) دَخَلَ عَلَى رَجُلٍ مِنَ الْأَنْصَارِ وَ إِذَا وَ لَيْدَةً عَظِيمَةً الْبُطْنِ تَخْتَلِفُ فَسَأَلَ عَنْهَا فَقَالَ اشْتَرَيْتَهَا يَا رَسُولَ اللَّهِ وَ بِهَا هَذَا الْحَبْلُ قَالَ أَ قَرَيْتَهَا قَالَ نَعَمْ قَالَ أَعْتَقَ مَا فِي بَطْنِهَا قَالَ يَا رَسُولَ اللَّهِ وَ بِمَا اسْتَحَقَّ الْعِنُقُ قَالَ لِأَنَّ نُطْفَتَكَ عَدَّتْ سَمْعَهُ وَ بَصَرَهُ وَ لَحْمَهُ وَ دَمَهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> that Rasool-Allah<sup>-saww</sup> went over to a man from the Helpers, and there was a mother with a large belly arguing. So he<sup>-saww</sup> asked about her, so he said, 'I bought her, O Rasool-Allah<sup>-saww</sup>, and with her was this pregnancy'. He<sup>-saww</sup> said: 'Did you go near her?' He said, 'Yes'. He<sup>-saww</sup> said: 'Emancipate whatever is in her belly'. He said, 'O Rasool-Allah<sup>-saww</sup>, with what is the emancipation deserved?' He<sup>-saww</sup> said: 'Because your seed nourished his hearing, and his vision, and his flesh, and his blood'.<sup>261</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ مَنْ جَامَعَ أُمَّةً حَبْلَى مِنْ غَيْرِهِ فَعَلَيْهِ أَنْ يُعْتَقَ وَآدَهَا وَ لَا يَسْتَرْقَ لِأَنَّهُ شَارَكَ فِيهِ الْمَاءَ تَمَامَ الْوَلَدِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Giyas Bin Ibrahim,

<sup>259</sup> Al Kafi – V 5 – The Book of Marriage Ch 125 H 1

<sup>260</sup> Al Kafi – V 5 – The Book of Marriage Ch 126 H 1

<sup>261</sup> Al Kafi – V 5 – The Book of Marriage Ch 126 H 2

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The one who sleeps with a slave girl pregnant from someone else, so upon him is that he should emancipate her child, and he should not enslave, because the water participated in him to complete the child'.<sup>262</sup>

بَاب الرَّجُلِ يَفْعُ عَلَى جَارِيَتِهِ فَيَقَعُ عَلَيْهَا غَيْرُهُ فِي ذَلِكَ الطُّهْرِ فَتَحْبِلُ

## Chapter 128 – The man falls upon his slave girl, and someone else falls upon her during that very pure period, so she becomes pregnant

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَخْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِنَّ رَجُلًا مِنَ الْأَنْصَارِ أَتَى أَبِي ( عَلَيْهِ السَّلَامُ ) فَقَالَ إِنِّي ابْتُلَيْتُ بِأَمْرِ عَظِيمٍ إِنَّ لِي جَارِيَةً كُنْتُ أَطَاهَا فَوَطِئْتُهَا يَوْمًا وَ خَرَجْتُ فِي حَاجَةٍ لِي بَعْدَ مَا اغْتَسَلْتُ مِنْهَا وَ نَسِيتُ نَفَقَةَ لِي فَرَجَعْتُ إِلَى الْمَنْزِلِ لِأَخْذِهَا فَوَجَدْتُ غُلَامِي عَلَى بَطْنِهَا فَعَدَدْتُ لَهَا مِنْ يَوْمِي ذَلِكَ تِسْعَةَ أَشْهُرٍ فَوَلَدَتْ جَارِيَةً

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'A man from the Helpers came over to my<sup>-asws</sup> father<sup>-asws</sup>, so he said, 'I am afflicted with a grievous matter. There is a slave girl for me which I had slept with. So, one day I slept with her, and went out regarding a need of mine, after having washed from it, and I forgot my expenses. So I returned to the house in order to take it, and I found my slave upon her belly. So I counted for her nine months from that day of mine, and the slave girl gave birth'.

قَالَ فَقَالَ لَهُ أَبِي ( عَلَيْهِ السَّلَامُ ) لَا يَنْبَغِي لَكَ أَنْ تُفْرِبَهَا وَ لَا أَنْ تَبِيعَهَا وَ لَكِنْ أَنْفُقَ عَلَيْهَا مِنْ مَالِكَ مَا دُمْتَ حَيًّا ثُمَّ أَوْصِ عِنْدَ مَوْتِكَ أَنْ يُنْفِقَ عَلَيْهَا مِنْ مَالِكَ حَتَّى يَجْعَلَ اللَّهُ لَهَا مَخْرَجًا .

He<sup>-asws</sup> said: 'So my<sup>-asws</sup> father<sup>-asws</sup> said to me: 'It is not befitting for you that you go near her, nor that you should sell her, but spend upon her from your wealth for as long as she is alive. Then bequeath at your death that he (your successor) should spend upon her from your wealth until Allah<sup>-azwj</sup> Makes a way out for her'.<sup>263</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنِ ابْنِ فَضَّالٍ عَنْ مُحَمَّدِ بْنِ عَجَلَانَ قَالَ إِنَّ رَجُلًا مِنَ الْأَنْصَارِ أَتَى أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) فَقَالَ لَهُ إِنِّي قَدْ ابْتُلَيْتُ بِأَمْرِ عَظِيمٍ إِنِّي وَفَعْتُ عَلَى جَارِيَتِي ثُمَّ خَرَجْتُ فِي بَعْضِ حَوَائِجِي فَأَنْصَرَفْتُ مِنَ الطَّرِيقِ فَأَصَبْتُ غُلَامِي بَيْنَ رِجْلَيْ الْجَارِيَةِ فَأَعْتَرَلْتُهَا فَحَبِلَتْ ثُمَّ وَضَعَتْ جَارِيَةً لِعِدَّةٍ تِسْعَةَ أَشْهُرٍ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Ibn Fazzal, from Muhammad Bin Ajlan who said that,

'A man from the Helpers came over to Abu Ja'far<sup>-asws</sup>, so he said to him<sup>-asws</sup>, 'I am afflicted with a grievous matter. I fell upon my slave girl, then I went out regarding one of my needs, and I turned back from the road, so I came across my slave between the two legs of the slave girl. So I isolated her, and she became pregnant. Then I place a waiting period of nine months on the slave girl'.

<sup>262</sup> Al Kafi – V 5 – The Book of Marriage Ch 126 H 3

<sup>263</sup> Al Kafi – V 5 – The Book of Marriage Ch 127 H 1

فَقَالَ لَهُ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) أَحْبِبِ الْجَارِيَةَ لَا تَبِعْهَا وَ أَنْفِقْ عَلَيْهَا حَتَّى تَمُوتَ أَوْ يَجْعَلَ اللَّهُ لَهَا مَخْرَجًا فَإِنْ حَدَثَ بِكَ حَدَثٌ فَأَوْصِ بِأَنْ يُنْفِقَ عَلَيْهَا مِنْ مَالِكَ حَتَّى يَجْعَلَ اللَّهُ لَهَا مَخْرَجًا

So Abu Ja'far<sup>asws</sup> said to him: 'Keep the slave girl and do not pursue her, and spend upon her until she dies, or Allah<sup>azwj</sup> Makes a way out for her. So if there occurs with you an occurrence (of death), so bequeath with the expenditure to be spent upon her from you wealth until Allah<sup>azwj</sup> Makes a way out for her'.

وَقَالَ إِذَا خَرَجْتَ مِنْ بَيْتِكَ فَقُلْ بِسْمِ اللَّهِ عَلَى دِينِي وَ نَفْسِي وَ وُلْدِي وَ أَهْلِي وَ مَالِي ثَلَاثَ مَرَّاتٍ ثُمَّ قُلِ اللَّهُمَّ بَارِكْ لَنَا فِي قَدْرِكَ وَ رِضْنَا بِقَضَائِكَ حَتَّى لَا نُحِبَّ تَعْجِيلَ مَا أَخْرَجْتَ وَ لَا تَأْخِيرَ مَا عَجَّلْتَ

And he<sup>asws</sup> said: 'Whenever you go out from your house so say, 'In the Name of Allah<sup>azwj</sup> upon myself, and my children, and my wife, and my wealth' – three times. Then say, 'O Allah<sup>azwj</sup>! Bless for us in Your<sup>azwj</sup> Measurement, and (Make us to be) Pleased with Your<sup>azwj</sup> Judgement until we do not love the haste in what You<sup>azwj</sup> Delay, nor (do we love) delay in what You<sup>azwj</sup> Hasten'.<sup>264</sup>

بَابُ الرَّجُلِ يَكُونُ لَهُ الْجَارِيَةُ يَطْوُهَا فَتَحْبِلُ فَيَتَّهِمُهَا .

## Chapter 129 – The man happens to have a slave girl, so he sleeps with her, and she falls pregnant, so he accuses her

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ حَمِيدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) عَنْ الْجَارِيَةِ تَكُونُ لِلرَّجُلِ يُطِيفُ بِهَا وَ هِيَ تَخْرُجُ فَتَعْلُقُ قَالَ يَتَّهِمُهَا الرَّجُلُ أَوْ يَتَّهِمُهَا أَهْلُهُ قُلْتُ أَمَا ظَاهِرَةٌ فَلَا قَالَ إِذَا لَزِمَهُ الْوَلَدُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ziyad, from Ibn Sama'at, altogether, from Safwan Bin Yahya, from Saeed Bin Yasaar who said,

'I asked Abu Al-Hassan<sup>asws</sup> about the slave girl who happened to be for the man who wandered around and she brought forth (a child), so she attached (it to him)'. He<sup>asws</sup> said: 'The man accused her, or his family accused her?' I said, 'As for apparently, so no'. He<sup>asws</sup> said: 'Then, the child is necessitated upon him'.<sup>265</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ سُلَيْمِ بْنِ مَوْلَى طَرِبَالٍ عَنْ حَرِيرِ بْنِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ كَانَ يَطْوُ جَارِيَةً لَهُ وَ أَنَّهُ كَانَ يَبْعَثُهَا فِي حَوَائِجِهِ وَ أَنَّهَا حَبِلَتْ وَ أَنَّهُ بَلَغَهُ عَنْهَا فَسَادَ فَقَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِذَا وَكِدْتَ أُمْسَكَ الْوَلَدَ فَلَا يَبِيعُهُ وَ يَجْعَلُ لَهُ نَصِيبًا فِي دَارِهِ

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Qasim Bin Muhammad, from Suleym Mowla Tarbal, from Hareyz,

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding a man who slept with a slave girl of his and he used to send her regarding his needs, and she became pregnant, and (news of) immorality about her reached him. So Abu Abdullah<sup>asws</sup> said: 'When she gives birth, keep the child, but he should not sell him, and should make for him a share in his house'.

<sup>264</sup> Al Kafi – V 5 – The Book of Marriage Ch 127 H 2

<sup>265</sup> Al Kafi – V 5 – The Book of Marriage Ch 128 H 1

قَالَ فَقِيلَ لَهُ رَجُلٌ بَطْأَ جَارِيَةً لَهُ وَ إِنَّهُ لَمْ يَكُنْ يَبْعَثُهَا فِي حَوَائِجِهِ وَ إِنَّهُ أَتَهَمَهَا وَ حَبِلَتْ فَقَالَ إِذَا هِيَ وَادَتْ أُمْسَكَ الْوَلَدَ وَ لَا يَبِيعُهُ وَ يَجْعَلُ لَهُ نَصِيبًا مِنْ دَارِهِ وَ مَالِهِ وَ لَيْسَ هَذِهِ مِثْلَ تِلْكَ .

He (the narrator) said, 'It was said to him-asws, 'A man slept with a slave girl of his and he did not used to send her regarding his needs, and he accused her, and she became pregnant'. So he-asws said: 'When she gives birth, he keeps the child and does not sell him, and he makes for him a share from his house, and his wealth, and this is not the like of that'.<sup>266</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ آدَمَ بْنِ إِسْحَاقَ عَنْ رَجُلٍ مِنْ أَصْحَابِنَا عَنْ عَبْدِ الْحَمِيدِ بْنِ إِسْمَاعِيلَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ بَطْأَهَا وَ هِيَ تَخْرُجُ فِي حَوَائِجِهِ فَحَبِلَتْ فَخَشِيَ أَنْ لَا يَكُونَ مِنْهُ كَيْفَ يَصْنَعُ أَيْ يَبِيعُ الْجَارِيَةَ وَ الْوَلَدَ قَالَ يَبِيعُ الْجَارِيَةَ وَ لَا يَبِيعُ الْوَلَدَ وَ لَا يُورَثُهُ مِنْ مِيرَاثِهِ شَيْئًا .

Ali Bin Ibrahim, from his father, from Adam Bin Is'haq, from a man from our companions, from Abdul Hameed Bin Ismail who said,

'I asked Abu Abdullah-asws about a man who had a slave girl for him, he slept with her and she used to go out regarding his needs. So she became pregnant, and he feared that it may not be from him. How should he deal, should he sell the slave girl and the child?' He-asws said: 'He sells the slave girl but does not sell the child, and he would not inherit him anything from his inheritance'.<sup>267</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ حَمَّادِ بْنِ عَثْمَانَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ وَقَعَ عَلَى جَارِيَةٍ لَهُ تَدَهَبُ وَ تَجِيءُ وَ قَدْ عَزَلَ عَنْهَا وَ لَمْ يَكُنْ مِنْهُ إِلَيْهَا شَيْءٌ مَا تَقُولُ فِي الْوَلَدِ قَالَ أَرَى أَنْ لَا يُبَاعَ هَذَا يَا سَعِيدُ

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman, from Saeed Bin Yasaar who said,

'I asked Abu Abdullah-asws about a man who fell upon a slave girl of his who used to go and come, and he had isolated himself from her and there did not happen to be anything from him to her. What are you-asws saying regarding the child?' He-asws said: 'I-asws view that he should not sell this (child), O Saeed!'

قَالَ وَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) فَقَالَ أَيْتَهُمْهَا فَقُلْتُ أَمَا تُهَمَّةٌ ظَاهِرَةٌ فَلَا قَالَ فَبَيْتَهُمْهَا أَهْلَكَ فَقُلْتُ أَمَا شَيْءٌ ظَاهِرٌ فَلَا قَالَ فَكَيْفَ تَسْتَطِيعُ أَنْ لَا يُلْزَمَكَ الْوَلَدُ .

He (the narrator) said, 'And I asked Abu Al-Hassan-asws, so he-asws said: 'Is he accusing her?' So I said, 'As for the apparent accusation, so no'. He-asws said: 'So, is his family accusing her?' So I said, 'As for something apparent, so no'. He-asws said: 'So how can he have the leeway that the child would not be necessitated on him?'<sup>268</sup>

بَابُ نَادِرٍ

## Chapter 130 – Miscellaneous

<sup>266</sup> Al Kafi – V 5 – The Book of Marriage Ch 128 H 2

<sup>267</sup> Al Kafi – V 5 – The Book of Marriage Ch 128 H 3

<sup>268</sup> Al Kafi – V 5 – The Book of Marriage Ch 128 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ دَاوُدَ بْنِ فَرْقِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ أَتَى رَجُلٌ رَسُولَ اللَّهِ (صلى الله عليه وآله) فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي خَرَجْتُ وَامْرَأَتِي حَائِضٌ فَرَجَعْتُ وَهِيَ حُبْلَى فَقَالَ لَهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) مَنْ تَنَّهُمْ قَالَ أَتَهُمْ رَجُلَيْنِ قَالَ أَنْتَ بِهِمَا فَجَاءَ بِهِمَا فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) إِنَّ يَكُ ابْنٌ هَذَا فَيُخْرَجُ قَطْطاً كَذَا وَكَذَا فَخَرَجَ كَمَا قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) فَجَعَلَ مَعْفُلَةً عَلَى قَوْمِ أُمِّهِ وَمِيرَاثُهُ لَهُمْ وَ لَوْ أَنَّ إِنْسَانًا قَالَ لَهُ يَا ابْنَ الزَّانِيَةِ يُجْلَدُ الْهَدَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from one of his companions, from Dawood Bin Farqad,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'A man came over to Rasool-Allah<sup>-saww</sup>, so he said, 'O Rasool-Allah<sup>-saww</sup>! I went out and my wife was menstruating. So when I came back, she was pregnant'. So Rasool-Allah<sup>-saww</sup> said to him: 'Whom are you accusing?' He said, 'They are two men'. He<sup>-saww</sup> said: 'Come with both of them'. So he came with both of them. So Rasool-Allah<sup>-saww</sup> said: 'If this is his son, it would come out as a cat'. So it came out just as Rasool-Allah<sup>-saww</sup> had said. So its mother's family went out protecting it from the people, and his inheritance is for them; and had it been a human being, and it was said to him, 'O son of an adulteress', he (the accuser) would be whipped the legal punishment (*Hadd*)'.<sup>269</sup>

#### باب الْجَارِيَةِ يَقَعُ عَلَيْهَا غَيْرُ وَاحِدٍ فِي طَهْرٍ وَاحِدٍ

### Chapter 131 – The slave girl, someone else falls upon her in one pure period

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا وَقَعَ الْخُرُّ وَالْعَبْدُ وَالْمُشْرِكُ بِامْرَأَةٍ فِي طَهْرٍ وَاحِدٍ فَادْعُوا الْوَلَدَ أَفْرَعُ بَيْنَهُمْ فَكَانَ الْوَلَدُ لِلَّذِي يَخْرُجُ سَهْمُهُ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'When the free man and the slave and the Polytheist fall with one woman in one pure period, so the child is claimed for, a lot would be drawn between them, and the child would be for the one whose arrow (lot) comes out'.<sup>270</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ بَعَثَ رَسُولُ اللَّهِ (صلى الله عليه وآله) عَلِيًّا (عليه السلام) إِلَى الْيَمَنِ فَقَالَ لَهُ جِبْنٌ قَدِمَ حَدَّثَنِي بِأَعْجَبِ مَا وَرَدَ عَلَيْكَ قَالَ يَا رَسُولَ اللَّهِ أَتَانِي قَوْمٌ قَدْ تَبَايَعُوا جَارِيَةً قَوِطُوهَا جَمِيعاً فِي طَهْرٍ وَاحِدٍ فَوَلَدَتْ غُلَاماً وَ احْتَجُّوا فِيهِ كُلُّهُمْ يَدَّعِيهِ فَاسْتَهْمَتْ بَيْنَهُمْ وَ جَعَلَتْهُ لِلَّذِي خَرَجَ سَهْمُهُ وَ ضَمَّنَتْهُ نَصِيبَهُمْ

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Aasim, Bin Humejd, from Abu Baseer,

(It has been narrated) from Abu Ja'far<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> sent Ali<sup>-asws</sup> to Al-Yemen, so he<sup>-saww</sup> said to him<sup>-asws</sup> when he<sup>-asws</sup> came back: 'Narrate to me<sup>-saww</sup> with the wonder of what you<sup>-asws</sup> encountered'. He<sup>-asws</sup> said: 'O Raool-Allah<sup>-saww</sup>! A group of people came over to me who had been sold a slave girl, so all of them had slept with her in one pure period. So she gave birth to a boy, and they disputed with

<sup>269</sup> Al Kafi – V 5 – The Book of Marriage Ch 129 H 1

<sup>270</sup> Al Kafi – V 5 – The Book of Marriage Ch 130 H 1

regards to him, all of them claiming him. So I<sup>-asws</sup> drew a lot between them, and made him to be for the one whose lot came, and I<sup>-asws</sup> safeguarded their share’.

فَقَالَ النَّبِيُّ ( صلى الله عليه وآله ) إِنَّهُ لَيْسَ مِنْ قَوْمٍ تَنَازَعُوا ثُمَّ قَوَّضُوا أَمْرَهُمْ إِلَى اللَّهِ عَزَّ وَجَلَّ إِلَّا خَرَجَ سَهْمُ الْمُحَقِّقِ .

So the Prophet<sup>-saww</sup> said: ‘There are none from a group of people who dispute, then delegate their affair to Allah<sup>-azwj</sup> Mighty and Majestic, except that the rightful lot came out’.<sup>271</sup>

بَاب الرَّجُلِ يَكُونُ لَهَا الْجَارِيَةُ يَطْوُهَا فَيَبِيعُهَا ثُمَّ تَلِدُ لِأَقَلِّ مِنْ سِتَّةِ أَشْهُرٍ وَ الرَّجُلُ يَبِيعُ الْجَارِيَةَ مِنْ غَيْرِ أَنْ يَسْتَبْرَأَ بِهَا فَيُظْهِرُ بِهَا حَبْلًا بَعْدَ مَا مَسَّهَا الْآخِرُ

**Chapter 132 – The man happens to have the slave girl for him, having slept with her, so he sells her, then she gives birth in six months; and the man sells the slave girl to someone else, without having cleared her womb, so a pregnancy is manifested with her after the other one has touched her**

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ إِذَا كَانَ لِلرَّجُلِ مِنْكُمْ الْجَارِيَةُ يَطْوُهَا فَيُعْتِقُهَا فَأَعْتَدَتْ وَ نَكَحَتْ فَإِنْ وَضَعَتْ لِخَمْسَةِ أَشْهُرٍ فَإِنَّهُ مِنْ مَوْلَاهَا الَّذِي أَعْتَقَهَا وَ إِنْ وَضَعَتْ بَعْدَ مَا تَزَوَّجَتْ لِسِتَّةِ أَشْهُرٍ فَإِنَّهُ لِرَوْجِهَا الْآخِرِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Al Halby,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: ‘When there was the slave girl for one of you, so he sleeps with her, and then frees her, so she observes the waiting period and marries. So if she gives birth in five months, so it would be from her master whom had freed her, and if she were to give birth after having married, in six months, so it would be for her later husband’.<sup>272</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ بْنِ عُثْمَانَ عَنِ الْحَسَنِ الصَّيْقَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ سَمِعْتُهُ يَقُولُ وَ سُئِلَ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً ثُمَّ وَقَعَ عَلَيْهَا قَبْلَ أَنْ يَسْتَبْرَأَ رَجَمَهَا قَالَ بئس ما صنع يستغفر الله و لا يعود

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Al Hassan Al Sayqal,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, ‘I heard him<sup>-asws</sup> saying, and he<sup>-asws</sup> had been asked about a man who bought a slave girl, then fell upon her before her womb had been cleared. He<sup>-asws</sup> said: ‘Evil is what he has done. He should seek Forgiveness from Allah<sup>-azwj</sup> and he should not repeat’.

قُلْتُ فَإِنَّهُ بَاعَهَا مِنْ آخَرَ وَ لَمْ يَسْتَبْرَأْ رَجَمَهَا ثُمَّ بَاعَهَا الثَّانِي مِنْ رَجُلٍ آخَرَ فَوَقَعَ عَلَيْهَا وَ لَمْ يَسْتَبْرَأْ رَجَمَهَا فَاسْتَبَانَ حَمْلَهَا عِنْدَ الثَّالِثِ فَقَالَ أَبُو عَبْدِ اللَّهِ ( عليه السلام ) الْوَلَدُ لِلْفَوَاشِ وَ لِلْعَاهِرِ الْحَجَرُ .

I said, ‘Supposing if he were to sell her to another and does not clear her womb, then the second one sells her to another man, so he falls upon her, and does not clear her

<sup>271</sup> Al Kafi – V 5 – The Book of Marriage Ch 130 H 2

<sup>272</sup> Al Kafi – V 5 – The Book of Marriage Ch 131 H 1

womb, so her pregnancy manifests in the presence of the third?’ So Abu Abdullah<sup>-asws</sup> said: ‘The child is for the bed (it was conceived upon), and for the adulterer are the stones’.<sup>273</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ حُمَيْدِ بْنِ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ جَمِيعاً عَنْ صَفْوَانَ عَنْ سَعِيدِ الْأَعْرَجِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ رَجُلَيْنِ وَقَعَا عَلَى جَارِيَةٍ فِي طَهْرٍ وَاحِدٍ لِمَنْ يَكُونُ الْوَلَدُ قَالَ لِلَّذِي لَدَيْهِ عِنْدَهُ لِقَوْلِ رَسُولِ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) الْوَلَدُ لِلْفِرَاشِ وَ لِلْعَاهِرِ الْحَجَرُ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Humejd Bin Ziyad, from Ibn Sama'at, altogether from Safwan, from Saeed Al Araby,

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, ‘I asked him<sup>-asws</sup> about two men who fell upon a slave girl during one pure period, for whom would the child come to be?’ He<sup>-asws</sup> said: ‘For the one in whose presence it is, due to the words of Rasool-Allah<sup>-saww</sup>. ‘The child is for the bed (it is conceived upon), and for the adulterer are the stones’.<sup>274</sup>

### باب الْوَلَدِ إِذَا كَانَ أَحَدُ أَبَوَيْهِ مَمْلُوكًا وَ الْآخَرَ حُرًّا

## Chapter 133 – The child, when one of its parents is an owned slave, and the other one is free

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْزَةَ وَ الْحَكَمِ بْنِ مَسْكِينٍ عَنْ جَمِيلٍ وَ ابْنِ بُكَيْرٍ فِي الْوَلَدِ مِنَ الْحُرِّ وَ الْمَمْلُوكَةِ قَالَ يَذْهَبُ إِلَى الْحُرِّ مِنْهُمَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Muhammad Bin Abu Hamza, and Al Hakam Bin Miskeen, from Jameel, and Ibn Bukeyr,

‘With regards to the child from the free man and the slave woman, he<sup>-asws</sup> said: ‘He would go to the free one from them’.<sup>275</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِي إِسْمَاعِيلَ عَنْ أَبِي الْفَضْلِ الْمَكْفُوفِ صَاحِبِ الْعَرَبِيَّةِ عَنْ أَبِي جَعْفَرٍ الْأَحْوَلِ الطَّاقِيِّ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ سُئِلَ عَنِ الْمَمْلُوكِ يَنْزَوِجُ الْحُرَّةَ مَا حَالُ الْوَلَدِ فَقَالَ حُرٌّ فَقُلْتُ وَ الْحُرُّ يَنْزَوِجُ الْمَمْلُوكَةَ قَالَ يُلْحَقُ الْوَلَدُ بِالْحُرِّيَّةِ حَيْثُ كَانَتْ إِنْ كَانَتْ الْأُمُّ حُرَّةً أُعْتِقَ بِأَمِّهِ وَ إِنْ كَانَ الْأَبُ حُرًّا أُعْتِقَ بِأَبِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Abu Ismail, from Abu Al Fazl Al Makfouf, author of Al Arabiyya, from Abu Ja'far Al Ahowl Al Taaqy, from a man,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having been asked about the owned slave who marries a free woman, what would be the state of the child? So he<sup>-asws</sup> said: ‘Free’. So I said, ‘And the free man who marries the slave woman?’ He<sup>-asws</sup> said: ‘The child would be attached with the free one wherever it (the freedom) may be. If the mother was free, so he would be free with his mother, and if the father was free, so he would be free with his father’.<sup>276</sup>

<sup>273</sup> Al Kafi – V 5 – The Book of Marriage Ch 131 H 2

<sup>274</sup> Al Kafi – V 5 – The Book of Marriage Ch 131 H 3

<sup>275</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 1

<sup>276</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 2

أَحْمَدُ بْنُ مُحَمَّدٍ الْعَاصِمِيُّ عَنْ عَلِيِّ بْنِ الْحَسَنِ التَّيْمِيِّ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنِ الْحَكَمِ بْنِ مِسْكِينٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ إِذَا تَزَوَّجَ الْعَبْدُ الْحُرَّةَ فَوُلْدُهُ أَحْرَارٌ وَإِذَا تَزَوَّجَ الْحُرُّ الْأَمَةَ فَوُلْدُهُ أَحْرَارٌ .

Ahmad Bin Muhammad Al Asaamy, from Ali Bin Al Hassan Al Taymi, from Ali Bin Asbaat, from Al Hakam Bin Miseen, from Jameel Bin Darraj who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'When the slave marries the free woman, so his children would be free ones, and when the free man marries the slave woman, so his children would be free ones'.<sup>277</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ الْحَكَمِ بْنِ مِسْكِينٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الْحُرِّ يَتَزَوَّجُ الْأَمَةَ أَوْ عَبْدٍ يَتَزَوَّجُ حُرَّةً قَالَ فَقَالَ لِي لَيْسَ يُسْتَرْقُ الْوَلَدُ إِذَا كَانَ أَحَدُ أَبَوَيْهِ حُرًّا إِنَّهُ يُلْحَقُ بِالْحُرِّ مِنْهُمَا أَيُّهُمَا كَانَ أَبًا كَانَ أَوْ أُمًّا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam and Ahmad Bin Muhammad Bin Abu Nasr, from Al Hakam Bin Miskeen, from Jameel Bin Darraj who said,

'I asked Abu Abdullah<sup>-asws</sup> about the free man marrying the slave woman, or a slave marrying a free woman. So he<sup>-asws</sup> said to me: 'The child would not be enslaved when one of its parents was free. It would be attached with the free one of the two, whichever of them, be it a father or a mother'.<sup>278</sup>

سَهْلُ بْنُ زِيَادٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ جَمِيعاً عَنِ الْحَكَمِ بْنِ مِسْكِينٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ إِذَا تَزَوَّجَ الْعَبْدُ الْحُرَّةَ فَوُلْدُهُ أَحْرَارٌ وَإِذَا تَزَوَّجَ الْحُرُّ الْأَمَةَ فَوُلْدُهُ أَحْرَارٌ .

Sahl Bin Ziyad, from Ali Bin Asbaat, and Muhammad Bin Al Husayn, altogether from Al Hakam Bin Miskeen, from Jameel Bin Darraj who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'When the slave marries the free woman, so his children would be free, and when the free man marries the slave woman, so his children would (also) be free'.<sup>279</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ فِي الْعَبْدِ تَكُونُ تَحْتَهُ الْحُرَّةُ قَالَ وَوَلْدُهُ أَحْرَارٌ فَإِنْ أَعْتَقَ الْمَمْلُوكَ لَحِقَ بِأَبِيهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said regarding the slave who happens to have the free woman under him (as a wife). He<sup>-asws</sup> said: 'His children would be free. So if the slave is emancipated, it would be attached with its father'.<sup>280</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ الْحُرِّ يَتَزَوَّجُ بِأَمَةٍ قَوْمِ الْوَلَدِ مَمَالِيكَ أَوْ أَحْرَارًا قَالَ إِذَا كَانَ أَحَدُ أَبَوَيْهِ حُرًّا فَالْوَلَدُ أَحْرَارٌ .

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

<sup>277</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 3

<sup>278</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 4

<sup>279</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 5

<sup>280</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 6

(It has been narrated) from Abu Abdullah<sup>-asws</sup>, said, 'I asked him<sup>-asws</sup> about the free man marrying a slave girl of a group of people, would the children be slaves or free ones?' He<sup>-asws</sup> said: 'When it was such that one of its parents was free, so the children would be free ones'.

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنِ ابْنِ أَبِي عَمِيرٍ مِثْلَهُ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Isa, from Ibn Abu Umeyr – similar to it.<sup>281</sup>

### بَابُ الْمَرْأَةِ يَكُونُ لَهَا الْعَبْدُ فَيَنْكِحُهَا

## Chapter 134 – The woman happens to have the slave for her, so he sleeps with her

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) فِي امْرَأَةٍ أَمَكَنْتْ نَفْسَهَا مِنْ عَبْدٍ لَهَا فَانْكَحَهَا أَنْ تُضْرَبَ مِائَةً وَ يُضْرَبَ الْعَبْدُ خَمْسِينَ جَلْدَةً وَ يُبَاعَ بِصُغُرٍ مِنْهَا قَالَ وَ يَحْرُمُ عَلَى كُلِّ مُسْلِمٍ أَنْ يَبِيعَهَا عَبْدًا مُدْرِكًا بَعْدَ ذَلِكَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> judged regarding a woman who let herself be enabled upon from a slave of hers, so he slept with her, that she would be whipped one hundred lashes and the slave would be whipped fifty lashes, and he would be sold (for a price) cheaper than her'. He<sup>-asws</sup> said: 'And he<sup>-asws</sup> prohibited upon every Muslim that he sells to her an adult slave, after that'.<sup>282</sup>

مُحَمَّدُ بْنُ جَعْفَرٍ أَبُو الْعَبَّاسِ عَنْ أَيُّوبَ بْنِ نُوحٍ عَنْ صَفْوَانَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْحُرَّةِ تَكُونُ نَحْتِ الْمَمْلُوكِ فَتَشْتَرِيهِ هَلْ يُبْطَلُ ذَلِكَ نِكَاحَهُ قَالَ نَعَمْ لِأَنَّهُ عَبْدٌ مَمْلُوكٌ لَا يَفْذَرُ عَلَى شَيْءٍ .

Muhammad Bin Ja'far Abu Al Abbas, from Ayoub Bin Nuh, from Safwan, from Saeed Bin Yasaar who said,

'I asked him<sup>-asws</sup> about the free woman who happens to be under the slave (as his wife), would that invalidate his marriage?' He<sup>-asws</sup> said: 'Yes, because an owned slave has no power over anything'.<sup>283</sup>

### بَابُ أَنَّ النِّسَاءَ أَشْبَاهُ

## Chapter 135 – The women are similar

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مَسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) إِذَا نَظَرَ أَحَدُكُمْ إِلَى الْمَرْأَةِ الْحَسَنَاءِ فَلْيَأْتِ أَهْلَهُ فَإِنَّ الَّذِي مَعَهَا

<sup>281</sup> Al Kafi – V 5 – The Book of Marriage Ch 132 H 7

<sup>282</sup> Al Kafi – V 5 – The Book of Marriage Ch 133 H 1

<sup>283</sup> Al Kafi – V 5 – The Book of Marriage Ch 133 H 2

مِثْلُ الَّذِي مَعَ تِلْكَ فَقَامَ رَجُلٌ فَقَالَ يَا رَسُولَ اللَّهِ فَإِنْ لَمْ يَكُنْ لَهُ أَهْلٌ فَمَا يَصْنَعُ قَالَ فَلْيَرْفَعْ نَظْرَهُ إِلَى السَّمَاءِ وَ لْيَرَأِ قَبِيحَهُ وَ لْيَسْأَلْهُ مِنْ فَضْلِهِ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman, from Misma'a,

Abu Abdullah<sup>-asws</sup> has says that Rasool-Allah<sup>-saww</sup> said: 'Whenever one of you looks at the beautiful woman, so let him go to his wife, for that which is in her is similar to that which is with that one'. So a man stood up and said, 'O Rasool-Allah<sup>-saww</sup>! Supposing he does not happen to have a wife for him, so what should he do?' He<sup>-saww</sup> said: 'So let him raise his sight to the sky and let him anticipate it, and let him Ask Him<sup>-azwj</sup> from His<sup>-azwj</sup> Grace'.<sup>284</sup>

### بَابُ كَرَاهِيَةِ الرَّهْبَانِيَّةِ وَ تَرْكِ الْبِهَاءِ

## Chapter 136 – Abhorrence of the monasticism and neglecting the union

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنِ ابْنِ الْقَدَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ جَاءَتْ امْرَأَةٌ عُثْمَانَ بْنِ مَظْعُونٍ إِلَى النَّبِيِّ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ عُثْمَانَ يَصُومُ النَّهَارَ وَ يَتَّوَمُ اللَّيْلَ فَخَرَجَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) مُغْضَبًا يَحْمِلُ نَعْلَيْهِ حَتَّى جَاءَ إِلَى عُثْمَانَ فَوَجَدَهُ يُصَلِّي فَانصَرَفَ عُثْمَانُ جِئًا رَأَى رَسُولَ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) فَقَالَ لَهُ يَا عُثْمَانُ لِمَ يُرْسِلُنِي اللَّهُ تَعَالَى بِالرَّهْبَانِيَّةِ وَ لَكِنْ بَعَثَنِي بِالْحَنِيفِيَّةِ السَّهْلَةِ السَّمْحَةِ أَصُومُ وَ أَصَلِّي وَ أَلْمَسُ أَهْلِي فَمَنْ أَحَبَّ فِطْرَتِي فَلْيَسْتَنْ بِسُنَّتِي وَ مِنْ سُنَّتِي النِّكَاحُ .

A number of our companions, from Sahl Bin Ziyad, from Ja'far Bin Muhammad Al Ashary, from Ibn Al Qaddah,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'The wife of Usman Bin Mazoun came over to the Prophet<sup>-saww</sup>, so she said, 'O Rasool-Allah<sup>-saww</sup>! Usman tends to Fast during the day, and he stands (for the Prayer) during the night'. So Rasool-Allah<sup>-saww</sup> went out angered, carrying his<sup>-saww</sup> slippers until he<sup>-saww</sup> came over to Usman, and he<sup>-saww</sup> found him Praying. So when Usman saw Rasool-Allah<sup>-saww</sup> he finished it. So he<sup>-saww</sup> said: 'O Usman! Allah<sup>-azwj</sup> the Exalted did not Send me<sup>-saww</sup> with the monasticism, but He<sup>-azwj</sup> Sent me<sup>-saww</sup> with the straightness, and the ease, and the tolerance. I<sup>-saww</sup> Fast, and I<sup>-saww</sup> Pray, and I<sup>-saww</sup> touch my<sup>-saww</sup> wife. So the one who loves my<sup>-saww</sup> nature, so let him adopt a way with my<sup>-saww</sup> Sunnah, and from my<sup>-saww</sup> Sunnah is the marriage'.<sup>285</sup>

جَعْفَرُ بْنُ مُحَمَّدٍ عَنْ عَبْدِ اللَّهِ بْنِ الْقَدَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ رَسُولُ اللَّهِ لِرَجُلٍ أَصْبَحْتَ صَائِمًا قَالَ لَا قَالَ فَأَطَعَمْتَ مِسْكِينًا قَالَ لَا قَالَ فَارْجِعْ إِلَى أَهْلِكَ فَإِنَّهُ مِنْكَ عَلَيْهِمْ صَدَقَةٌ .

Ja'far Bin Muhammad, from Abdullah Bin Al Qaddah,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said to a man: 'Are you Fasting this morning?' He said, 'No'. He<sup>-saww</sup> said: 'Have you fed a poor

<sup>284</sup> Al Kafi – V 5 – The Book of Marriage Ch 134 H 1

<sup>285</sup> Al Kafi – V 5 – The Book of Marriage Ch 135 H 1

one?’ He said, ‘No’. He<sup>-saww</sup> said: ‘So return to your family, for it would be a charity from you, upon them’.<sup>286</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ الرَّجُلِ يَكُونُ مَعَهُ أَهْلُهُ فِي السَّفَرِ لَا يَجِدُ الْمَاءَ أَيَّامًا أَهْلُهُ قَالَ مَا أَحِبُّ أَنْ يَفْعَلَ إِلَّا أَنْ يَخَافَ عَلَى نَفْسِهِ قَالَ فُلْتُمْ طَلَبَ بِذَلِكَ اللَّذَّةَ أَوْ يَكُونُ شَيْقًا إِلَى النِّسَاءِ قَالَ إِنَّ الشَّيْقَ يَخَافُ عَلَى نَفْسِهِ فُلْتُمْ يَطْلُبُ بِذَلِكَ اللَّذَّةَ قَالَ هُوَ حَلَالٌ

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

‘I asked Abu Abdullah<sup>-asws</sup> about the man who happens to have his wife with him in the journey. He cannot find the water, can he sleep with his wife?’ He<sup>-asws</sup> said: ‘I<sup>-asws</sup> do not like it if he were to do so, except if he fears upon himself’. I said, ‘He seeks the pleasure with that or he happens to have craving for the women?’ He<sup>-asws</sup> said: ‘The craving is his fear upon himself’. I said, ‘He seeks the pleasure with that?’ He<sup>-asws</sup> said: ‘It is Permissible’.

فُلْتُمْ فَإِنَّهُ يَرَوَى عَنِ النَّبِيِّ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) أَنَّ أَبَا ذَرٍّ رَجِمَهُ اللَّهُ سَأَلَهُ عَنْ هَذَا فَقَالَ أَنْتَ أَهْلَكَ تُوجِرُ فَقَالَ يَا رَسُولَ اللَّهِ أَيَّتِهِمْ وَ أُوَجِرُ فَقَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) كَمَا أَنْتَ إِذَا أَتَيْتَ الْحَرَامَ أُرِزْتَ فَكَذَلِكَ إِذَا أَتَيْتَ الْحَلَالَ أُوجِرْتَ

I said, ‘But is has been reported from the Prophet<sup>-saww</sup> that Abu Zarr<sup>-as</sup> asked him<sup>-saww</sup> about this, so he<sup>-saww</sup> said: ‘Go to you wife, you will be Rewarded’. So he<sup>-as</sup> said: ‘O Rasool-Allah<sup>-saww</sup>! I<sup>-as</sup> go to them and I<sup>-as</sup> get Rewarded (for it)?’ So Rasool-Allah<sup>-saww</sup> said: ‘Just as when you<sup>-as</sup> go to the Prohibition, you<sup>-as</sup> are burdened, so similar to that, when you go to the Permissible, you will be Rewarded’.

فَقَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَلَا تَرَى أَنَّهُ إِذَا خَافَ عَلَى نَفْسِهِ فَأَتَى الْحَلَالَ أُوجِرَ .

So Abu Abdullah<sup>-asws</sup> said: ‘Do you not see that he, when he fears upon himself, so he goes to the Permissible, would be Rewarded?’<sup>287</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ الْجَوْهَرِيِّ عَنْ إِسْحَاقَ بْنِ إِبْرَاهِيمَ الْجُعْفِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ إِنَّ رَسُولَ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) دَخَلَ بَيْتَ أُمِّ سَلَمَةَ فَسَمَّ رِيحًا طَيِّبَةً فَقَالَ أَنْتُمْ الْحَوْلَاءُ فَقَالَتْ هُوَ ذَا هِيَ تَشْكُو زَوْجَهَا فَخَرَجَتْ عَلَيْهِ الْحَوْلَاءُ فَقَالَتْ يَا بِي أَنْتَ وَ أُمِّي إِنَّ زَوْجِي عَنِّي مُعْرِضٌ فَقَالَ زَيْدِيه يَا حَوْلَاءُ قَالَتْ مَا أَتْرُكُ شَيْئًا طَيِّبًا مِمَّا أَتَطَيَّبُ لَهُ بِهِ وَ هُوَ عَنِّي مُعْرِضٌ فَقَالَ أَمَا لَوْ يَدْرِي مَا لَهُ بِإِقْبَالِهِ عَلَيْنِكَ قَالَتْ وَ مَا لَهُ بِإِقْبَالِهِ عَلَيَّ فَقَالَ أَمَا إِنَّهُ إِذَا أَقْبَلَ اكَتَنَفَهُ مَلْكَانَ فَكَانَ كَالشَّاهِرِ سَيْفُهُ فِي سَبِيلِ اللَّهِ فَإِذَا هُوَ جَامِعٌ تَحَاتُّ عَنْهُ الذُّنُوبُ كَمَا يَتَحَاتُّ وَرَقُ الشَّجَرِ فَإِذَا هُوَ اعْتَسَلَ انْسَلَخَ مِنَ الذُّنُوبِ .

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Al Qasim Bin Muhammad Al Jowhary, from Is'haq Bin Ibrahim Al Ju'fy who said,

‘I heard Abu Abdullah<sup>-asws</sup> saying that Rasool-Allah<sup>-saww</sup> entered the chamber of Umm Salma<sup>-as</sup>, so he<sup>-saww</sup> smelt a good aroma. So he<sup>-saww</sup> said: ‘Al-Hawla came to you<sup>-as</sup>?’ So she<sup>-as</sup> said, ‘It is so. She is complaining about her husband’. So Al-Hawla came out to him<sup>-saww</sup> and she said, ‘May my father and my mother be sacrificed for you<sup>-saww</sup>! My husband has turned away from me’ So he<sup>-saww</sup> said: ‘Increase it (the perfuming), O Hawla’. She said, ‘I have not left any perfume from what I perfume myself for him with it, and he turns away from me’. So he<sup>-saww</sup> said: ‘But, if only he knew what is for him

<sup>286</sup> Al Kafi – V 5 – The Book of Marriage Ch 135 H 2

<sup>287</sup> Al Kafi – V 5 – The Book of Marriage Ch 135 H 3

with his facing towards you'. She said, 'And what is for him with facing towards me?' So he<sup>-saww</sup> said: 'But he, when he faces you, two Angels would encircle him, so he would be like the striker of his sword in the Way of Allah<sup>-azwj</sup>. So when he copulates, the sins would fall off from him like the falling of the leaves of the tree. So when he bathes, his sins would be pulled away'.<sup>288</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ أَبِي دَاوُدَ الْمُسْتَرْقِ عَنْ بَعْضِ رِجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِنَّ ثَلَاثَ نِسْوَةٍ أَتَيْنَ رَسُولَ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) فَقَالَتْ إِحْدَاهُنَّ إِنَّ زَوْجِي لَا يَأْكُلُ اللَّحْمَ وَ قَالَتِ الْآخَرَى إِنَّ زَوْجِي لَا يَشْمُ الطِّيبَ وَ قَالَتِ الْآخَرَى إِنَّ زَوْجِي لَا يَفْرُبُ النِّسَاءَ

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Abu Dawood Al Mustaraq, from one of his men,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Three women came over to Rasool-Allah<sup>-saww</sup>, so one of them said, 'My husband does not eat the meat', and the other one said, 'My husband does not smell the perfume', and the other one said, 'My husband does not go near the women'.

فَخَرَجَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) يَجْرُ رِدَاءَهُ حَتَّى صَعِدَ الْمِنْبَرَ فَحَمِدَ اللَّهَ وَ أَثْنَى عَلَيْهِ ثُمَّ قَالَ مَا بَالُ أَقْوَامٍ مِنْ أَصْحَابِي لَا يَأْكُلُونَ اللَّحْمَ وَ لَا يَشْمُونَ الطِّيبَ وَ لَا يَأْتُونَ النِّسَاءَ أَمَا إِنِّي أَكُلُ اللَّحْمَ وَ أَشْمُ الطِّيبَ وَ آتِي النِّسَاءَ فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي .

So Rasool-Allah<sup>-saww</sup> went out dragging his<sup>-saww</sup> robe until he<sup>-saww</sup> ascended the Pukpit. So he<sup>-saww</sup> Praised Allah<sup>-azwj</sup> and Extolled Him<sup>-azwj</sup>, then said: 'What is the matter with a group of people from my<sup>-saww</sup> companions who are neither eating the meat, nor are the smelling the perfume, nor are they going to the women? But, I<sup>-saww</sup> eat the meat, and I<sup>-saww</sup> smell the perfume, and I<sup>-asws</sup> go to the women. So the one who turns away from my<sup>-saww</sup> Sunnah, so he is not from me<sup>-saww</sup>'.<sup>289</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مَسْمَعِ أَبِي سَيَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) مَنْ أَحَبَّ أَنْ يَكُونَ عَلَى فِطْرَتِي فَلَيْسَتْ بَسُنَّتِي وَ إِنَّ مِنْ سُنَّتِي النِّكَاحَ .

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

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'The one who loves that he happens to be upon my<sup>-saww</sup> nature, so let him adopt a way with my<sup>-saww</sup> Sunnah, and the marriage is from my<sup>-saww</sup> Sunnah'.<sup>290</sup>

**باب نَوَادِر**

## Chapter 137 – Miscellaneous

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنْ ابْنِ الْقَدَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) إِذَا جَامَعَ أَحَدُكُمْ فَلَا يَأْتِيهِنَّ كَمَا يَأْتِي الطَّيْرُ لِيَمْكُتَ وَ لِيَلْبَثَ قَالَ بَعْضُهُمْ وَ لِيَتَلَبَّثَ .

<sup>288</sup> Al Kafi – V 5 – The Book of Marriage Ch 135 H 4

<sup>289</sup> Al Kafi – V 5 – The Book of Marriage Ch 135 H 5

<sup>290</sup> Al Kafi – V 5 – The Book of Marriage Ch 135 H 6

A number of our companions, from Sahl Bin Ziyad, from Ja'far Bin Muhammad Al Ashary, from Ibn Al Qaddah,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> said: 'When one of you copulates, so he should not come to her just as the bird comes. Let him endure (for longer), and let him play'. One of them said, 'And let him linger'.<sup>291</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ إِبْرَاهِيمَ بْنِ أَبِي بَكْرِ النَّحَّاسِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ أَبِي الْحَسَنِ ( عليه السلام ) فِي الرَّجُلِ يُجَامِعُ فَيَقَعُ عَنْهُ ثَوْبُهُ قَالَ لَا بَأْسَ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Washa, from Ibrahim Bin Abu Bakr Al Nahhas, from Musa Bin Bakr,

(It has been narrated) from Abu Al-Hassan<sup>-asws</sup> regarding the man who copulates, so his clothes fall off from him. He<sup>-asws</sup> said: 'There is no problem'.<sup>292</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ إِسْمَاعِيلَ بْنِ هَمَّامٍ عَنْ عَلِيِّ بْنِ جَعْفَرٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عليه السلام ) عَنِ الرَّجُلِ يَقْبَلُ قُبْلَ الْمَرْأَةِ قَالَ لَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ismail Bin Hammam,

(It has been narrated) from Ali son of Ja'far<sup>-asws</sup> who said, 'I asked Abu Al-Hassan<sup>-asws</sup> about the man who kisses the front private part of the wife. He said, 'There is no problem'.<sup>293</sup>

عَلِيُّ بْنُ مُحَمَّدٍ بْنِ بُنْدَارَ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ مُحَمَّدِ بْنِ مَسْكِينِ الْحَنَاطِ عَنْ أَبِي حَمْرَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) أَيْ يَنْظُرُ الرَّجُلُ إِلَى فَرْجِ امْرَأَتِهِ وَهُوَ يُجَامِعُهَا فَقَالَ لَا بَأْسَ .

Ali Bin Muhammad Bin Bundar, from Ahmad Bin Abu Abdullah, from his father, from Ahmad Bin Al Nazar, from Muhammad Bin Miskeen Al hannat, from Abu Hamza who said,

'I asked Abu Abdullah<sup>-asws</sup> 'Can the man look at the front private part of his wife and he is copulating with her?' So he<sup>-asws</sup> said: 'There is no problem'.<sup>294</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ رَجُلٍ عَنِ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) فِي الرَّجُلِ يَنْظُرُ إِلَى امْرَأَتِهِ وَهِيَ عُرْيَانَةٌ قَالَ لَا بَأْسَ بِذَلِكَ وَهَلِ اللَّذَّةُ إِلَّا ذَلِكَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from a man, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> regarding the man who looks at his wife and she is nude. He<sup>-asws</sup> said: 'There is no problem with that, and is the pleasure except for that?'<sup>295</sup>

عَلِيُّ بْنُ مُحَمَّدٍ بْنِ بُنْدَارَ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ( عليه السلام ) اتَّفُوا الْكَلَامَ عِنْدَ مُلْتَقَى الْخِتَانَيْنِ فَإِنَّهُ يُورِثُ الْخَرَسَ .

<sup>291</sup> Al Kafi – V 5 – The Book of Marriage Ch 136 H 1

<sup>292</sup> Al Kafi – V 5 – The Book of Marriage Ch 136 H 2

<sup>293</sup> Al Kafi – V 5 – The Book of Marriage Ch H 136 3

<sup>294</sup> Al Kafi – V 5 – The Book of Marriage Ch 136 H 4

<sup>295</sup> Al Kafi – V 5 – The Book of Marriage Ch 136 H 5

Ali Bin Muhammad Bin Bundar, from Ahmad Bin Abu Abdullah, from his father, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

'Abu Abdullah<sup>-asws</sup> said: 'Beware of the speaking during the meeting of the two private parts, for it inherits the dumbness'.<sup>296</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَسِّنِ بْنِ أَحْمَدَ عَنْ أَبِيَانَ عَنْ مَسْمَعِ بْنِ عَبْدِ الْمَلِكِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ لَا يُجَامِعُ الْمُخْتَضِبُ قُلْتُ جُعِلْتُ فِدَاكَ لِمَ لَا يُجَامِعُ الْمُخْتَضِبُ قَالَ لِأَنَّهُ مُحْتَضَرٌ .

Ali Bin Ibrahim, from his father, from Muhsayn Bin Ahmad, from Aban, from Misma'a Bin Abdul Malik who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'The dyed one should not copulate'. I said, 'May I be sacrificed for you<sup>-asws</sup>! Why shouldn't the dyed one copulate?' He<sup>-asws</sup> said: 'Because he is restricted (by the application of the dye)'.<sup>297</sup>

### باب الأوقات التي يكره فيها الباه

## Chapter 138 – The timings during which the intimacy is disliked

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَالِمٍ عَنْ أَبِيهِ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ قُلْتُ لَهُ هَلْ يَكْرَهُ الْجَمَاعُ فِي وَقْتٍ مِنَ الْأَوْقَاتِ وَإِنْ كَانَ حَلَالًا قَالَ نَعَمْ مَا بَيْنَ طُلُوعِ الْفَجْرِ إِلَى طُلُوعِ الشَّمْسِ وَمِنْ مَغِيبِ الشَّمْسِ إِلَى مَغِيبِ الشَّفَقِ وَفِي الْيَوْمِ الَّذِي تَنْكَسِفُ فِيهِ الشَّمْسُ وَفِي اللَّيْلَةِ الَّتِي يَنْخَسِفُ فِيهَا الْقَمَرُ وَفِي اللَّيْلَةِ وَفِي الْيَوْمِ الَّذِي يَكُونُ فِيهِمَا الرِّيحُ السُّودَاءُ وَالرِّيحُ الْحَمْرَاءُ وَالرِّيحُ الصُّفْرَاءُ وَالرِّيحُ الْبَيْضَاءُ وَفِي الْيَوْمِ وَاللَّيْلَةِ الَّتِي يَكُونُ فِيهِمَا الزَّلْزَلَةُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Salim, from his father,

(It has been narrated) from Abu Ja'far<sup>-asws</sup>, said, 'I said to him<sup>-asws</sup>, 'Is the union disliked during a particular time from the timings, and even if it was Permissible?' He<sup>-asws</sup> said: 'Yes, whatever is between the emergence of the dawn up to the emergence of the sun, and from the disappearing of the sun up to the disappearance of the redness, and during the day in which is the eclipse of the sun, and during the night in which the moon is eclipsed, and during the night and the day in which there is the black wind and the red wind, and the yellow wind, and the night and the day in which is the earthquake.

وَ لَقَدْ بَاتَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) عِنْدَ بَعْضِ أَرْوَاجِهِ فِي لَيْلَةٍ انْكَسَفَ فِيهَا الْقَمَرُ فَلَمْ يَكُنْ مِنْهُ فِي تِلْكَ اللَّيْلَةِ مَا كَانَ يَكُونُ مِنْهُ فِي غَيْرِهَا حَتَّى أَصْبَحَ فَقَالَتْ لَهُ يَا رَسُولَ اللَّهِ أَلْبُعْضُ كَانَ مِنْكَ فِي هَذِهِ اللَّيْلَةِ قَالَ لَا وَ لَكِنْ هَذِهِ الْآيَةُ ظَهَرَتْ فِي هَذِهِ اللَّيْلَةِ فَكَرِهْتُ أَنْ أَتَلَدَّ وَ أَلْهُوَ فِيهَا وَ قَدْ عَبَّرَ اللَّهُ أَقْوَامًا فَقَالَ عَرَّ وَ جَلَّ فِي كِتَابِهِ إِنْ يَرَوْا كِسْفًا مِنَ السَّمَاءِ سَاقِطًا يَقُولُوا سَحَابٌ مَرْكُومٌ فَذَرُّهُمْ حَتَّى يُلَاقُوا يَوْمَهُمُ الَّذِي فِيهِ يُصْعَقُونَ

And Rasool-Allah<sup>-saww</sup> had spent the night in the presence of one of his<sup>-saww</sup> wives during a night in which the moon was eclipsed. So there did not happen to be from him<sup>-saww</sup> during that night which used to happen from him<sup>-saww</sup> during others until the morning. So she said to him<sup>-saww</sup>, 'O Rasool-Allah<sup>-saww</sup>! Is it due to hatred from you<sup>-saww</sup> during this night?' He<sup>-saww</sup> said: 'No, but this sign appeared during this night, so I<sup>-saww</sup> disliked that I<sup>-saww</sup> should delve in pleasure and the desire therein, and Allah<sup>-azwj</sup> has Rebuked people, so the Mighty and Majestic Said in His<sup>-azwj</sup> Book [52:44] **And if they**

<sup>296</sup> Al Kafi – V 5 – The Book of Marriage Ch 136 H 6

<sup>297</sup> Al Kafi – V 5 – The Book of Marriage Ch 136 H 7

**should see a portion of the sky coming down, they would say: Piled up clouds [43:83] So leave them plunging into false discourses and sporting until they meet their day which they would thunderbolted with’.**

ثُمَّ قَالَ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) وَ إِنَّمَا اللَّهُ لَا يُجَامِعُ أَحَدٌ فِي هَذِهِ الْأَوْقَاتِ الَّتِي نَهَى رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) عَنْهَا وَ قَدْ انْتَهَى إِلَيْهِ الْخَبَرُ فَيُزْرَقُ وَ لَدَا فَيَرَى فِي وَ لَدِهِ ذَلِكَ مَا يُحِبُّ .

Then Abu Ja’far<sup>-asws</sup> said: ‘And I<sup>-asws</sup> swear by Allah<sup>-azwj</sup>, no one would copulate during these timing which Rasool-Allah<sup>-saww</sup> has forbidden from, and the news having ended up to him, so he would be Graced with a child, and he would see in that child what he does not like’.<sup>298</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ بَكْرِ بْنِ صَالِحٍ عَنْ سُلَيْمَانَ بْنِ جَعْفَرِ الْجَعْفَرِيِّ عَنْ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) قَالَ مَنْ أَتَى أَهْلَهُ فِي مُحَاقِ الشَّهْرِ فَلَيْسَ لِمَوْلِدِهِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Bakr Bin Salih, from Suleyman Bin Ja’far Al Ja’fary,

(It has been narrated) from Abu Al-Hassan<sup>-asws</sup> having said: ‘The one whom comes to his wife during the obliteration (of the moon at the end of) the month, so he would not be safe from the miscarriage of the child’.<sup>299</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ صَفْوَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ يُكْرَهُ لِلرَّجُلِ إِذَا قَدِمَ مِنَ السَّفَرِ أَنْ يَطْرُقَ أَهْلَهُ لَيْلًا حَتَّى يُصْبِحَ .

A number of our companions, from Sahl Bin Ziyad, from Safwan, from Abdul Bin Sinan,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: ‘It is disliked for the man when he comes back from the journey that he sleeps with his wife at night until the morning’.<sup>300</sup>

سَهْلُ بْنُ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعِ أَبِي سَيَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) أَكْرَهُ لِأُمَّتِي أَنْ يَغْشَى الرَّجُلُ أَهْلَهُ فِي النِّصْفِ مِنَ الشَّهْرِ أَوْ فِي غُرَّةِ الْهَيْلِ فَإِنَّ مَرَدَّةَ الشَّيْطَانِ وَ الْجِنَّ تَغْشَى بَنِي آدَمَ فَيَجْتَنُّونَ وَ يُحْبَلُونَ أَمَا رَأَيْتُمُ الْمُصَابَ يُصْرَغُ فِي النِّصْفِ مِنَ الشَّهْرِ وَ عِنْدَ غُرَّةِ الْهَيْلِ .

Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman, from Misma’a Abu Sayyar,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: ‘Rasool-Allah<sup>-saww</sup> said: ‘I<sup>-saww</sup> dislike it for my<sup>-saww</sup> community that the man sleeps with his wife during the middle of the month, or during the beginning of the crescent, for the rebellious devils and the Jinn overwhelm the children of Adam<sup>-as</sup>, so they are becoming insane and deranged. Are you not seeing the ones afflicted ones having epileptic fits during the middle of the month and during the beginning of the crescent?’.<sup>301</sup>

<sup>298</sup> Al Kafi – V 5 – The Book of Marriage Ch 137 H 1

<sup>299</sup> Al Kafi – V 5 – The Book of Marriage Ch 137 H 2

<sup>300</sup> Al Kafi – V 5 – The Book of Marriage Ch 137 H 3

<sup>301</sup> Al Kafi – V 5 – The Book of Marriage Ch 137 H 4

**باب كراهية أن يواقع الرجل أهله و في البيت صبي****Chapter 139 – Abhorrence of the man falling upon his wife, and in the room is a child**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ الْجَوْهَرِيِّ عَنْ إِسْحَاقَ بْنِ إِبْرَاهِيمَ عَنِ ابْنِ رَاشِدٍ عَنْ أَبِيهِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ لَا يُجَامِعُ الرَّجُلُ امْرَأَتَهُ وَلَا جَارِيَتَهُ وَ فِي الْبَيْتِ صَبِيٌّ فَإِنَّ ذَلِكَ مِمَّا يُورِثُ الزَّوْناً .

Ali Bin Ibrahim, from his father, from Al Qasim Bin Muhammad Al Jowhary, from is'haq Bin Ibrahim, from Ibn Rashid, from his father who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'The man should neither sleep with his wife nor with his slave girl whilst in the room is a child (who is awake), for that is from what the adultery is inherited'.<sup>302</sup>

**باب القول عند دخول الرجل بأهله****Chapter 140 – The Words during the union of the man with his wife**

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ رَجُلًا وَ هُوَ يَقُولُ لِأَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) جُعِلْتُ فِدَاكَ إِنِّي رَجُلٌ قَدْ أَسْنَنْتُ وَ قَدْ تَزَوَّجْتُ امْرَأَةً بَكْرًا صَغِيرَةً وَ لَمْ أَدْخُلْ بِهَا وَ أَنَا أَخَافُ أَنَّهَا إِذَا دَخَلَتْ عَلَيَّ تَرَانِي أَنْ تَكْرَهَنِي لِخِضَابِي وَ كِبَرِي

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, and a number of our companions, from Ahmad Bin Abu Abdullah, from Ibn Mahboub, from Jameel Bin Salih, from Abu Baseer who said,

'I heard a man and he was saying to Abu Ja'far<sup>-asws</sup>, 'May I be sacrificed for you<sup>-asws</sup>! I am a man who had aged, and have married a young virgin woman and have not slept with her, and I fear that when she comes over to me, she would see me and dislike me due to my dyeing, and my old age'.

فَقَالَ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) إِذَا دَخَلْتَ فَمَرَّهَا قَبْلَ أَنْ تَصِلَ إِلَيْكَ أَنْ تَكُونَ مُتَوَضِّئَةً ثُمَّ أَنْتَ لَا تَصِلُ إِلَيْهَا حَتَّى تَوَضَّأَ وَ صَلَّى رَكَعَتَيْنِ ثُمَّ مَجَّدَ اللَّهَ وَ صَلَّى عَلَى مُحَمَّدٍ وَ آلِ مُحَمَّدٍ ثُمَّ ادْعُ وَ مَرَّ مَنْ مَعَهَا أَنْ يُؤْمِنُوا عَلَيَّ دُعَاؤِكَ وَ قُلِ اللَّهُمَّ ارزُقْنِي إِفْهًا وَ وُدَّهَا وَ رِضَاهَا وَ أَرْضَنِي بِهَا وَ اجْمَعْ بَيْنَنَا بِأَحْسَنِ اجْتِمَاعٍ وَ أَنْسِ انْتِلَافِ فَإِنَّكَ تُحِبُّ الْحَلَالَ وَ تَكْرَهُ الْحَرَامَ

Abu Ja'far<sup>-asws</sup> said: 'When she comes over, so instruct her before she arrives to you that she should be in ablution. Then you should not go to her until you have performed ablution and Prayed two Cycles. Then you Glorify Allah<sup>-azwj</sup>, and send Blessings upon Muhammad<sup>-saww</sup> and the Progeny<sup>-asws</sup> of Muhammad<sup>-saww</sup>. Then supplicate and instruct the ones who are with her that they should say Ameen upon your supplication, and say, 'O Allah<sup>-azwj</sup>! Grace me her kindness, and her cordiality, and her pleasure, and Make me to be pleased with her, and gather us together with the best of the gatherings, with kindly love, for You<sup>-azwj</sup> Love the Permissible and Dislike the Prohibited'.

ثُمَّ قَالَ وَ اعْلَمْ أَنَّ الْإِلْفَ مِنَ اللَّهِ وَ الْفُرْكَ مِنَ الشَّيْطَانِ لِيُكْرَهَ مَا أَحَلَّ اللَّهُ عَزَّ وَ جَلَّ .

Then he<sup>-asws</sup> said: 'And know that the kindness is from Allah<sup>-azwj</sup>, and the separation is from the Satan<sup>-la</sup> disliking what Allah<sup>-azwj</sup> Mighty and Majestic has Permitted'.<sup>303</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِذَا دَخَلْتَ بِأَهْلِكَ فَخُذْ بِنَاصِيَتِهَا وَاسْتَقْبِلِ الْقِبْلَةَ وَ قُلِ اللَّهُمَّ بِأَمَانَتِكَ أَخَذْتُهَا وَ بِكَلِمَاتِكَ اسْتَخَلْتُهَا فَإِنْ قَضَيْتَ لِي مِنْهَا وَلِذَا فَاجْعَلْهُ مُبَارَكاً تَقِيّاً مِنْ شَيْعَةِ آلِ مُحَمَّدٍ وَ لَا تَجْعَلْ لِلشَّيْطَانِ فِيهِ شِرْكَاً وَ لَا نَصِيباً .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Ayoub Al Khazzaz, from Abu Baseer,

(It has been narrated) from Abu Abdullah<sup>-asws</sup> having said: 'Whenever you sleep with your wife, so grab her forehead and face the Qiblah and say, 'O Allah<sup>-azwj</sup>! With Your<sup>azwj</sup> Security I take her, and with Your<sup>azwj</sup> Words to I permit her, so if You<sup>azwj</sup> have Judged a child to be from her, so Make it a Blessed, pious, a Shias of the Progeny<sup>-asws</sup> of Muhammad<sup>-saww</sup>, and do not Make a participation in it for the Satan<sup>-la</sup>, nor a share'.<sup>304</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ الْقَاسِمِ بْنِ يَحْيَى عَنْ جَدِّهِ الْحَسَنِ بْنِ رَاشِدٍ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ لِي أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) إِذَا تَزَوَّجَ أَحَدُكُمْ كَيْفَ يَصْنَعُ فَلْتُ لَا أُدْرِي قَالَ إِذَا هَمَّ بِذَلِكَ فَلْيُصَلِّ رَكَعَتَيْنِ وَ لِيُحَمِّدِ اللَّهَ عَزَّ وَ جَلَّ ثُمَّ يَقُولُ اللَّهُمَّ إِنِّي أُرِيدُ أَنْ أَتَزَوَّجَ فَقَدِّرْ لِي مِنَ النِّسَاءِ أَعْظَمَهُنَّ فَرْجاً وَ أَحْفَظَهُنَّ لِي فِي نَفْسِهَا وَ مَالِي وَ أَوْسَعَهُنَّ رِزْقاً وَ أَعْظَمَهُنَّ بَرَكَهً وَ قَدِّرْ لِي وَلِذَا طَيِّباً تَجْعَلُهُ خَلِيفاً صَالِحاً فِي حَيَاتِي وَ بَعْدَ مَوْتِي

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, and a number of our companions, from Ahmad Bin Abu Abdullah, from Al Qasim Bin Yahya, from his grandfather Al Hassan Bin Rashid, from Abu Baseer who said,

'Abu Ja'far<sup>-asws</sup> said to me: 'Whenever one of you gets married, how does he deal with it?' I said, 'I do not know'. He<sup>-asws</sup> said: 'When he thinks of that (getting married), so let him Pray two Cycles, and let him Praise Allah<sup>-azwj</sup> Mighty and Majestic, then he should be saying, 'O Allah<sup>-azwj</sup>! I intend to get married, therefore Ordain for me from the women who is the most virtuous of her private parts and the most preserving for me with regards to herself and my wealth, and the most affluent in sustenance and of greatest Blessings, and greatest of them in Blessings; and Ordain for me a good child, Making him to be a righteous successor during my lifetime and after my death'.

قَالَ إِذَا دَخَلْتَ إِلَيْهِ فَلْيُصْنَعْ يَدَهُ عَلَى نَاصِيَتِهَا وَ لِيُقَبِّلِ اللَّهَ عَلَى كِتَابِكَ تَزَوَّجْتُهَا وَ فِي أَمَانَتِكَ أَخَذْتُهَا وَ بِكَلِمَاتِكَ اسْتَخَلْتُهَا فَجَعَلْتُ لِي فِي رَجْمِهَا شَيْئاً فَاجْعَلْهُ مُسْلِماً سَوِيّاً وَ لَا تَجْعَلْهُ شَرِكاً شَيْطَانٍ قَالَ فَلْتُ وَ كَيْفَ يَكُونُ شَرِكُ شَيْطَانٍ قَالَ إِنْ ذَكَرَ اسْمَ اللَّهِ تَنَحَّى الشَّيْطَانُ وَ إِنْ فَعَلَ وَ لَمْ يُسَمِّ أَحَدٌ ذَكَرَهُ وَ كَانَ الْعَمَلُ مِنْهُمَا جَمِيعاً وَ النُّطْفَةُ وَاحِدَةٌ .

He<sup>-asws</sup> said: 'So whenever she comes over to him, so let him place his hand upon her forehead, and let him say, 'O Allah<sup>-azwj</sup>! Upon Your<sup>azwj</sup> Book I have married her, and in Your<sup>azwj</sup> Security I take her, and with Your<sup>azwj</sup> Words I have permitted her private parts. So, if You<sup>azwj</sup> Judge for me something in her womeb, so Make it a complete Muslim, and do not Make Satan<sup>-la</sup> to be a participant'. I said, 'And how does the participation of Satan<sup>-la</sup> take place?' He<sup>-asws</sup> said: 'If he mentions the Name of Allah<sup>-azwj</sup>, Satan<sup>-la</sup> get embarrassed, and if he does it and does not say Bismillah, and enters his manhood, and the deed would be together from them both, and the seed would be one'.<sup>305</sup>

<sup>303</sup> Al Kafi – V 5 – The Book of Marriage Ch 139 H 1

<sup>304</sup> Al Kafi – V 5 – The Book of Marriage Ch 139 H 2

<sup>305</sup> Al Kafi – V 5 – The Book of Marriage Ch 139 H 3

عَنْ أَبِي يُوسُفَ عَنِ الْمَيْمَنِيِّ رَفَعَهُ قَالَ أَتَى رَجُلٌ أَمِيرَ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) فَقَالَ لَهُ إِنِّي تَزَوَّجْتُ فَادْعُ اللَّهَ لِي فَقَالَ  
 قُلِ اللَّهُمَّ بِكَلِمَاتِكَ اسْتَحْلَلْتُهَا وَ بِأَمَانَتِكَ أَخَذْتُهَا اللَّهُمَّ اجْعَلْهَا وَلُوداً وَدُوداً لَا تَفْرَكَ تَأْكُلُ مِمَّا رَاحَ وَ لَا تَسْأَلُ عَمَّا سَرَخَ .

From him, from Abu Yusuf, from Al Maysami, raising it, said,

‘A man came over to Amir Al-Momineen<sup>-asws</sup>, so he said to him<sup>-asws</sup>, ‘I have got married, therefore supplicate to Allah<sup>-azwj</sup> for me’. So he<sup>-asws</sup> said: ‘Say, ‘O Allah<sup>-azwj</sup>! With Your<sup>azwj</sup> words I have permitted her, and with Your<sup>-azwj</sup> Security I take her. O Allah<sup>-azwj</sup>! Make her child-bearing, cordial, not separating, consuming from what is comfortable, and not asking about what is not available’.<sup>306</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَعْيَنَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ  
 إِذَا أَرَادَ الرَّجُلُ أَنْ يَتَزَوَّجَ الْمَرْأَةَ فَلْيَقُلْ أَفْرَرْتُ بِالْمَيْثَاقِ الَّذِي أَخَذَ اللَّهُ إِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Aban, from Abdul Rahman Bin Ayn who said,

‘I heard Abu Abdullah<sup>-asws</sup> saying: ‘Whenever the man intends to get marry the woman, so let him say, ‘I accept with the Covenant which Allah<sup>-azwj</sup> has Taken **[2:229] then keep (them) in good fellowship or let (them) go with kindness**’.<sup>307</sup>

<sup>306</sup> Al Kafi – V 5 – The Book of Marriage Ch 139 H 4

<sup>307</sup> Al Kafi – V 5 – The Book of Marriage Ch 139 H 5