

الكافي

AL-KAFI

المجلد السادس

Volume 6

Part 3 out of 7

للمحدث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة الإسلام
الكليني المنوفى 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 6 Part 3

TABLE OF CONTENTS

AL KAFI VOLUME 6 Part 31

TABLE OF CONTENTS	1
Chapter 73 – The cursing	4
Chapter 74 – Divorce of the free woman under the owned slave, and the slave woman under the free man	12
Chapter 75 – Divorce of the slave when he married by the permission of his master	13
Chapter 76 – Divorce of the slave girl, and her waiting period regarding the divorce	16
Chapter 77 – Waiting period of the slave girl widowed from her husband.....	17
Chapter 78 – Waiting period of the mothers of the children, and the man who emancipates one of them, or he dies from her	18
Chapter 79 – The man happens to have a slave girl with him, so he divorces her, then he buys her	21
Chapter 80 – The Apostate.....	22
Chapter 81 – Divorce of the Ahl Al-Zimma women, and their waiting periods regarding the divorce, and the death, when the woman becomes a Muslim	22
THE BOOK OF EMANCIPATION (LIBERATION), AND THE ARRANGEMENT, AND THE CONTRACT (OF SLAVES)	24
Chapter 1 – What is not allowed to own from the relatives.....	24
Chapter 2 – An emancipation does not happen except what is intended by it is the Face of Allahazwj Mighty and Majestic	26
Chapter 3 – It is not an emancipation except after the ownership	27
Chapter 4 – The stipulation (prerequisite) in the emancipation.....	27
Chapter 5 – Reward of the emancipation, and its merits and the desire with regards to it	29
Chapter 6 – Emancipation of the young and the old and aged, and the people with chronic illnesses	30
Chapter 7 – The Emancipation contract.....	31
Chapter 8 – Emancipation of a son of adultery (bastard), and the Zimmy (under the responsibility), and the Polytheist, and the oppressed	31
Chapter 9 – The slave owned between partners, one of them emancipates his share, or sells	32
Chapter 10 – The arranged (emancipation).....	34
Chapter 11 – The contracted (slave)	37
Chapter 12 – The owned slave when he is blind, or a leper, or tortured with, so he is free	43
Chapter 13 – The owned slave is emancipated and for him is wealth	44

Chapter 14 – Emancipation of the intoxicated, and the insane, and the coerced	46
Chapter 15 – Mothers of the children	47
Chapter 16 - Miscellaneous	49
Chapter 17 – The guardianship is for the one who emancipates	54
Chapter 18 – A Chapter	55
Chapter 19 – The fugitives	57
THE BOOK OF HUNTING.....	60
Chapter 1 – The hunting by the dog and the leopard.....	60
Chapter 2 – Prey of the falcon, and the hawk, and other than that	65
Chapter 3 – Prey of the dog of the Magians and the People under the responsibility (<i>Ahl Al-Zimma</i>)	68
Chapter 4 – Hunting by the weapons.....	69
Chapter 5 – The Crushed hunt	72
Chapter 6 – What is killed by the stone and the pellet	73
Chapter 7 – Hunting by the snare (trap).....	75
Chapter 8 – The man shoots at the hunted prey, so he hits it, so it falls into the water or it tumbles down from the mountain.....	76
Chapter 9 – The man shoots at the prey, so he errs and hits something else.....	77
Chapter 10 – Hunting by the night	77
Chapter 11 – Hunting the fish (Fishing)	78
Chapter 12 – Another Chapter from it	82
Chapter 13 – The Locusts.....	85
Chapter 14 – Hunting the domesticated birds	86
Chapter 15 – The swallow	88
Chapater 16 – The Hoopoe and the Shrike	89
Chapter 17 – The Grouse	90
THE BOOK OF SLAUGHTERED (ANIMALS)	92
Chapter 1 – What the slaughtered (animal) can be purified by	92

Chapter 2 – Another Chapter from it regarding the state of desperation.....	93
Chapter 3 – Characteristics of the slaughter and the sacrifice	94
Chapter 4 – The man intends to slaughter, but the knife transcends and cuts off the head	96
Chapter 5 – The camel and the bull both preventing from being slaughtered.....	97
Chapter 6 – The slaughtered (animal) slaughtered from other than its place of slaughter	98
Chapter 7 – Realisation of the slaughter	98
Chapter 8 – What is slaughtered towards other than the Qiblah, or the Naming (<i>Bismillah</i>) is neglected, and the one with sexual impurity slaughters.....	100
Chapter 9 – The foetus which comes out from the belly of the slaughtered animal.....	102
Chapter 10 – The (animal) butted by the horn, and the one killed by a fall, and what the predators eat, you come to it, slaughter it	103
Chapter 11 – The blood which falls into the cooking pot.....	103
Chapter 12 – The timings during which the slaughter is abhorred	104
Chapter 13 – Another Chapter	105
Chapter 14 – The slaughter by the child, and the woman, and the blind	105
Chapter 15 – Slaughters by of the People of the Book.....	107

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

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

بَابُ اللَّعَانِ

Chapter 73 – The cursing

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The cursing does not occur until the man have unions with his wife'.¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا تَكُونُ الْمَلَاعِنَةُ وَلَا الْإِبْلَاءُ إِلَّا بَعْدَ الدُّخُولِ .

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Neither does cursing happen, nor the swearing except after the union'.²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ الْمُتَنِّيِّ عَنْ زُرَّارَةَ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَالَّذِينَ يَرْمُونَ أَرْوَاجَهُمْ وَ لَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ قَالَ هُوَ الْقَازِفُ الَّذِي يَقْذِفُ امْرَأَتَهُ فَإِذَا قَدْ قَذَفَهَا نَمَّ أَقْرَبُ أَنَّهُ كَذَبَ عَلَيْهَا جِلْدَ الْحَدِّ وَ رُدَّتْ إِلَيْهِ امْرَأَتُهُ وَ إِنْ أَبِي إِلَّا أَنْ يَمْضِيَ فَيَشْهَدُ عَلَيْهَا أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ وَ الْخَامِسَةَ يَلْعَنُ فِيهَا نَفْسَهُ إِنْ كَانَ مِنَ الْكَاذِبِينَ

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

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

فَإِنْ أَرَادَتْ أَنْ تَدْفَعُ عَنْ نَفْسِهَا الْعَذَابَ وَ الْعَذَابُ هُوَ الرَّجْمُ شَهَدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَ الْخَامِسَةَ أَنْ غَضَبَ اللَّهُ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فَإِنْ لَمْ تَفْعَلْ رُجِمَتْ وَ إِنْ فَعَلَتْ دَرَأَتْ عَنْ نَفْسِهَا الْحَدَّ نَمَّ لَا تَجِلُّ لَهُ إِلَى يَوْمِ الْقِيَامَةِ

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

قُلْتُ أَرَأَيْتَ إِنْ فُرِقَ بَيْنَهُمَا وَ لَهَا وَ لَدَّ فَمَاتَ قَالَ تَرْتُهُ أُمُّهُ وَ إِنْ مَاتَتْ أُمُّهُ وَ رَتُّهُ أَحْوَالُهُ وَ مَنْ قَالَ إِنَّهُ وَ لَدَّ زَنَى جِلْدَ الْحَدِّ قُلْتُ يُرَدُّ إِلَيْهِ الْوَلَدُ إِذَا أَقْرَبَ بِهِ قَالَ لَا وَ لَا كَرَامَةَ وَ لَا يَرِثُ الْإِبْنُ وَ يَرْتُهُ الْإِبْنُ .

I said, 'What is your^{-asws} view if there is separation between the two of them and for her is a child, so it dies'. He^{-asws} said: 'Its mother would inherit it, and if its mother dies, its maternal uncles would inherit it, and the one who says that he is a son of adultery would be whipped the legal penalty (*Hadd*)'. I said, 'Would the child be returned to him

¹ Al Kafi – V 6 – The Book of Divorce Ch 73 H 1

² Al Kafi – V 6 – The Book of Divorce Ch 73 H 2

if he accepts it?’ He^{-asws} said: ‘No, and there is no honour, and the father would not inherit it, but the son would inherit him’.³

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

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

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

قَالَ فَتَنَزَلَ عَلَيْهِ الْوَحْيُ مِنْ عِنْدِ اللَّهِ عَزَّ وَ جَلَّ بِالْحُكْمِ فِيهِمَا فَأَرْسَلَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِلَى ذَلِكَ الرَّجُلِ فَدَعَاَهُ فَقَالَ لَهُ أَنْتَ الَّذِي رَأَيْتَ مَعَ امْرَأَتِكَ رَجُلًا فَقَالَ نَعَمْ فَقَالَ لَهُ انْطَلِقْ فَأَنْتِي بِامْرَأَتِكَ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ أَنْزَلَ الْحُكْمَ فِيكَ وَ فِيهَا

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

قَالَ فَأَحْضَرَهَا رَوْجَهَا فَأَوْفَقَهُمَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) ثُمَّ قَالَ لِلرَّوْجِ اشْهَدْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّكَ لَمِنَ الصَّادِقِينَ فِيمَا رَمَيْتَهَا بِهِ قَالَ فَشَهِدْتُ ثُمَّ قَالَ لَهُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَمْسِكْ وَ وَعَظْهُ ثُمَّ قَالَ اتَّقِ اللَّهَ فَإِنَّ لَعْنَةَ اللَّهِ شَدِيدَةٌ ثُمَّ قَالَ لَهُ اشْهَدْ الْخَامِسَةَ أَنْ لَعْنَةَ اللَّهِ عَلَيْكَ إِنْ كُنْتَ مِنَ الْكَاذِبِينَ قَالَ فَشَهِدْتُ ثُمَّ أَمَرَ بِهِ فَخَجِيَ

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

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

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

³ Al Kafi – V 6 – The Book of Divorce Ch 73 H 3

be upon you if your husband was from the truthful ones with regards to what he is accusing you with'. So she testified'.

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

He^{-asws} said: 'So he^{-saww} separated the two of them and said to both of them: 'Do not have union by marriages, ever, after what you both have cursed with'.⁴

الْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ بْنِ صُهَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْفَقَهُ الْإِمَامُ لِلْعَانِ فَشَهِدَ شَهَادَتَيْنِ ثُمَّ نَكَلَ فَأَكْذَبَ نَفْسَهُ قَبْلَ أَنْ يُفْرَغَ مِنَ الْعَانِ قَالَ يُجْلَدُ حَدُّ الْفَازِبِ وَ لَا يُفَرَّقُ بَيْنَهُ وَ بَيْنَ امْرَأَتِهِ .

Al Hassan Bin Mahboub, from Abbad Bin Suheyb,

(It has been narrated) from Abu Abdullah^{-asws} regarding a man whom the leader had paused for the cursing, so he testified with two testimonies, then changed, so he belied himself before he was free from the cursing. He^{-asws} said: 'He would be whipped a legal penalty (*Hadd*) of the slanderer, and there would be no separation between him and his wife'.⁵

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When the man slanders his wife, so he cannot curse her unless he is saying, 'I saw a man between her legs committing adultery with her'.

قَالَ وَ سُئِلَ عَنِ الرَّجُلِ يَقْذِفُ امْرَأَتَهُ قَالَ يُلَاعِنُهَا ثُمَّ يَفْرُقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا فَإِنْ أَقَرَّ عَلَى نَفْسِهِ قَبْلَ الْمَلَاعِنَةِ جُلِدَ حَدًّا وَ هِيَ امْرَأَتُهُ

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

قَالَ وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْحُرَّةِ يَقْذِفُهَا زَوْجُهَا وَ هُوَ مَمْلُوكٌ قَالَ يُلَاعِنُهَا ثُمَّ يَفْرُقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا فَإِنْ أَقَرَّ عَلَى نَفْسِهِ بَعْدَ الْمَلَاعِنَةِ جُلِدَ حَدًّا وَ هِيَ امْرَأَتُهُ

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

قَالَ وَ سَأَلْتُهُ عَنِ الْحُرِّ تَحْتَهُ أَمَةٌ يَقْذِفُهَا قَالَ يُلَاعِنُهَا

⁴ Al Kafi – V 6 – The Book of Divorce Ch 73 H 4

⁵ Al Kafi – V 6 – The Book of Divorce Ch 73 H 5

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

قَالَ وَ سَأَلْتُهُ عَنِ الْمَلَاعِنَةِ الَّتِي يَرْمِيهَا زَوْجُهَا وَ يَنْتَقِي مِنْ وَلَدِهَا وَ يُلَاعِنُهَا وَ يُعَارِفُهَا ثُمَّ يَقُولُ بَعْدَ ذَلِكَ الْوَلَدُ وَلَدِي وَ يُكْذِبُ نَفْسَهُ فَقَالَ أَمَّا الْمَرْأَةُ فَلَا تَرْجِعْ إِلَيْهِ أَبَدًا وَ أَمَّا الْوَلَدُ فَإِنِّي أَرُدُّهُ إِلَيْهِ إِذَا ادَّعَاهُ وَ لَا أَدْعُ وَلَدَهُ وَ لَيْسَ لَهُ مِيرَاثٌ وَ يَرِثُ الْإِبْنُ الْأَبَ وَ لَا يَرِثُ الْأَبُ الْإِبْنَ وَ يَكُونُ مِيرَاثُهُ لِأَحْوَالِهِ فَإِن لَمْ يَدَّعِهِ أَبُوهُ فَإِن أَحْوَالَهُ يَرِثُونَهُ وَ لَا يَرِثُهُمْ فَإِن دَعَا أَحَدُ ابْنِ الرَّانِيَةِ جِلْدَ الْحَدِّ .

He (the narrator) said, 'And I asked him^{-asws} about the cursed woman who was accused by her husband, and denies from her child, and he curses her, and separates her. Then he is saying after that, 'The child is my child', and he belies himself. So he^{-asws} said: 'As for the woman, so she would not return to him, ever; and as for the child, so I^{-asws} would return it to him when he claims it, and I^{-asws} would not call it as his child, and there is no inheritance for him, and the son would inherit from the father, and the father would not inherit the son, and there would happen to be its inheritance of its maternal uncles. So if its father does not claim it, so its maternal uncles would inherit it, and it shall not inherit them. So if anyone were to call him as a son of adultery, would be whipped the legal penalty (*Hadd*)'.⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْخُرِّ بَيْنَهُ وَ بَيْنَ الْمَمْلُوكَةِ لِعَانٌ فَقَالَ نَعَمْ وَ بَيْنَ الْمَمْلُوكِ وَ الْخُرِّ وَ بَيْنَ الْعَبْدِ وَ الْأُمَّةِ وَ بَيْنَ الْمُسْلِمِ وَ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ وَ لَا يَتَوَارَثَانِ وَ لَا يَتَوَارِثُ الْخُرُّ وَ الْمَمْلُوكَةُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the free man, between him and the slave girl is a cursing?' So he^{-asws} said: 'Yes, and between the slave man and the free woman, and between the slave and the slave woman, and between the Muslim and the Jews, and the Christians; and they would not be inheriting each other, nor does the free and the slave girl inherit each other'.⁷

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

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

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who cursed his wife and she was pregnant. Then he claimed her child after she had given birth, and claimed that it was from him. He^{-asws} said: 'The child would be returned to him, and he would not be whipped, because the cursing had passed'.⁸

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

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

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

⁸ Al Kafi – V 6 – The Book of Divorce Ch 73 H 8

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

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who slandered his wife, and she was mute'. He^{-asws} said: 'There would be separation between them'.⁹

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ جَمِيلٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الْمَلَاعِنِ وَالْمَلَاعِنَةِ كَيْفَ يَصْنَعَانِ قَالَ يَجْلِسُ الْإِمَامُ مُسْتَدْبِرَ الْقِبْلَةِ فَيَقِيمُهُمَا بَيْنَ يَدَيْهِ مُسْتَقْبِلَا الْقِبْلَةِ بِحِدَانِهِ وَ يَبْدَأُ بِالرَّجُلِ ثُمَّ الْمَرْأَةَ وَ الَّتِي يَجِبُ عَلَيْهَا الرَّجْمُ تُرْجَمُ مِنْ وَرَائِهَا وَ لَا يُرْجَمُ مِنْ وَجْهِهَا لِأَنَّ الضَّرْبَ وَ الرَّجْمَ لَا يُصِيبَانِ الْوَجْهَ يُضْرَبَانِ عَلَى الْجَسَدِ عَلَى الْأَعْضَاءِ كُلِّهَا .

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

'I asked Abu Ja'far^{-asws} about a cursing man and a cursing woman how should they both be dealt with?' He^{-asws} said: 'The Imam^{-asws} would sit with his^{-asws} back towards the *Qiblah*, so he^{-asws} would be pausing both of them in front of him^{-asws} facing the *Qiblah* with his^{-asws} shoes (towards them), and he^{-asws} would begin with the man, then the woman, and the one woman upon whom the stoning is Obligated, would be stoned from behind her back, and would not be stoned from her face, because the striking, and the stoning cannot be hitting the face, but both can be stoned upon the body, upon all of the parts'.¹⁰

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

Ahmad Bin Muhammad Bin Abu Nasr who said,

'I asked Abu Al-Hassan Al-Reza^{-asws}, I said to him^{-asws}, 'May Allah^{-azwj} Keep you^{-asws} well! How is the cursing?' So he^{-asws} said: 'The Imam^{-asws} would be seated and make his^{-asws} back towards the *Qiblah*, and he^{-asws} would make the man to be upon his^{-asws} right, and the woman to be upon his^{-asws} left (facing the *Qiblah*)'.¹¹

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

Muhammad Bin Yahya, from Al Amraky Bin Ali,

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

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

⁹ Al Kafi – V 6 – The Book of Divorce Ch 73 H 9

¹⁰ Al Kafi – V 6 – The Book of Divorce Ch 73 H 10

¹¹ Al Kafi – V 6 – The Book of Divorce Ch 73 H 11

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

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا فَادَّعَتْ أَنَّهَا حَامِلٌ قَالَ إِنْ أَقَامَتِ الْبَيِّنَةَ عَلَى أَنَّهُ أَرْحَى سِنْرًا ثُمَّ أَنْكَرَ الْوَلَدَ لِاعْتِنَاهَا ثُمَّ بَانَتْ مِنْهُ وَ عَلَيْهِ الْمَهْرُ كَمَلًا .

He (the narrator) said, 'And I asked him^{-asws} about a man who divorces his wife before he has unions with her, so she claims that she is pregnant. He^{-asws} said: 'If she establishes the proof that he loosened the veil then denies the child, he can curse her and she would be irrevocably divorced from him, and upon him is the complete dower'.¹²

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

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

'I asked Abu Abdullah^{-asws} about a man who curses his wife and she is pregnant, and her pregnancy had been identified. So he denies what is in her belly. So when she gives birth, he claims it, and confesses with it, and claims that it is from him. So he^{-asws} said: 'His child would be returned to him, and it would inherit him, and he would not be whipped because the cursing had passed'.¹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ سُئِلَ عَنْ عَيْدٍ قَذَفَ امْرَأَتَهُ قَالَ يَتَلَاعَنَانِ كَمَا يَتَلَاعَنُ الْخُرَّانِ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}) having been asked about a slave having slandered his wife. He^{-asws} said: 'They would both curse just as the free ones curse'.¹⁴

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

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

'I asked him^{-asws} about the man who forges (a lie) upon his wife. He^{-asws} said: 'He would be whipped, then there would be loosening between the two of them, and they would not be cursing each other until he is saying, 'I saw you doing such and such'.¹⁵

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

¹² Al Kafi – V 6 – The Book of Divorce Ch 73 H 12

¹³ Al Kafi – V 6 – The Book of Divorce Ch 73 H 13

¹⁴ Al Kafi – V 6 – The Book of Divorce Ch 73 H 14

¹⁵ Al Kafi – V 6 – The Book of Divorce Ch 73 H 15

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

(It has been narrated) from one of the two (5th or the 6th Imam^{-asws}) having said: 'The cursing does not happen except by the denial of a child'. And he^{-asws} said: 'When the man slanders his wife, he would curse her'.¹⁶

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The man cannot curse the woman which he is temporarily married with'.¹⁷

مُحَمَّدٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَدَفَتْ امْرَأَتَهُ بِالزَّرْنِيِّ وَ هِيَ حَرْسَاءٌ صَمَاءٌ لَا تَسْمَعُ مَا قَالَ قَالَ إِنْ كَانَ لَهَا بَيِّنَةٌ فَشَهِدُوا عِنْدَ الْإِمَامِ جِلْدَ الْحَدِّ وَ فُرْقَ بَيْنَهُمَا ثُمَّ لَا تَجِلُّ لَهُ أَبَدًا وَ إِنْ لَمْ تَكُنْ بَيِّنَةٌ فَهِيَ حَرَامٌ عَلَيْهِ مَا أَقَامَ مَعَهَا وَ لَا إِثْمَ عَلَيْهَا مِنْهُ .

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

'I asked Abu Abdullah^{-asws} about a man who slanders his wife with the adultery, and she is mute, deaf, not hearing what he says' He^{-asws} said: 'If there was a proof (witnesses) for her, so they can testify in the presence of the Imam^{-asws}, he would be whipped the legal penalty (*Hadd*), and there would be separation between the two of them, then she would not be Permissible for him, forever; and if there does not happen to be proof, so she is Prohibited unto him for whatever he stays with her, and there is no sin upon her from him'.¹⁸

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

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

(It has been narrated) from Abu Abdullah^{-asws} regarding a woman whose husband slandered her, and he was deaf. He^{-asws} said: 'There would be separation between her and him, and she would not be Permissible for him, ever'.¹⁹

عَلَيْ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرِ عَنْ أَبِي جَمِيلَةَ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الْمَرْأَةِ الْحَرْسَاءِ كَيْفَ يُلَاعِنُهَا زَوْجُهَا قَالَ يُفَرِّقُ بَيْنَهُمَا وَ لَا تَجِلُّ لَهُ أَبَدًا .

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

¹⁶ Al Kafi – V 6 – The Book of Divorce Ch 73 H 16

¹⁷ Al Kafi – V 6 – The Book of Divorce Ch 73 H 17

¹⁸ Al Kafi – V 6 – The Book of Divorce Ch 73 H 18

¹⁹ Al Kafi – V 6 – The Book of Divorce Ch 73 H 19

(It has been narrated) from Abu Abdullah^{-asws} regarding the mute woman, how would her husband curse her. He^{-asws} said: 'There would be separation between the two and she would not be Permissible for him, ever'.²⁰

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The cursing does not happen until her claims that he has seen it'.²¹

بَاب طَلَاقِ الْحُرَّةِ تَحْتَ الْمَمْلُوكِ وَالْمَمْلُوكَةِ تَحْتَ الْحُرِّ

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَمْرِو بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ حُرِّ تَحْتَهُ أَمَةٌ أَوْ عَدِيدٌ تَحْتَهُ حُرَّةٌ كَمْ طَلَاقُهَا وَكَمْ عِدَّتُهَا فَقَالَ السُّنَّةُ فِي النِّسَاءِ فِي الطَّلَاقِ فَإِنْ كَانَتْ حُرَّةً فَطَلَاقُهَا ثَلَاثٌ وَعِدَّتُهَا ثَلَاثَةٌ أَقْرَاءٍ وَإِنْ كَانَ حُرٌّ تَحْتَهُ أَمَةٌ فَطَلَاقُهَا تَطْلِيقَتَانِ وَعِدَّتُهَا فُرْعَانٌ .

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

(It has been narrated) from Abu Ja'far^{-asws}, said, 'I asked him^{-asws} about a free man under whom is a slave girl, or a slave under whom is a free woman, how would he divorce her, and how much is her waiting period?' So he^{-asws} said: 'The Sunnah regarding the woman with regards to the divorce, so if she was a free woman, so her divorces would be three, and her waiting period would be three *Quroos* (Pure periods), and if it was a free man under who is a slave girl, so her divorce would be two divorces, and her waiting period would be two *Quroos* (pure period)'.²²

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

Ali, from his father, from Hammad Bin Isa,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'When the free woman is under the slave, so the divorce and the waiting period is with the women, meaning he divorces would be three, and she would wait for three menstruations'.²³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ الرَّزَّازِ عَنْ أَيُّوبَ بْنِ نُوحٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عِيصِ بْنِ الْقَاسِمِ قَالَ إِنَّ ابْنَ سُبَيْرٍ قَالَ الطَّلَاقُ لِلرَّجُلِ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الطَّلَاقُ لِلنِّسَاءِ وَ تَبَيَّنَ ذَلِكَ أَنَّ الْعَبْدَ يَكُونُ تَحْتَهُ الْحُرَّةُ فَيَكُونُ تَطْلِيقُهَا ثَلَاثًا وَ يَكُونُ الْحُرُّ تَحْتَهُ الْأَمَةُ فَيَكُونُ طَلَاقُهَا تَطْلِيقَتَيْنِ .

²⁰ Al Kafi – V 6 – The Book of Divorce Ch 73 H 20

²¹ Al Kafi – V 6 – The Book of Divorce Ch 73 H 21

²² Al Kafi – V 6 – The Book of Divorce Ch 74 H 1

²³ Al Kafi – V 6 – The Book of Divorce Ch 74 H 2

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

'Ibn Shubrama (a judge) said, 'The divorce is for the men'. So Abu Abdullah^{-asws} said: 'The divorce is for the women, and the proof of that is that the slave happens to have the free woman under him, so it happens that her divorces are three, and there happens to be the free man under whom is the slave girl, so her divorce happens to be two divorces'.²⁴

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

Humejd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A divorce of the owned slave to the free woman are three divorces, and a divorce of the free man to the slave woman are two divorces'.²⁵

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

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

Abu Abdullah^{-asws} has said: 'A divorce of the free man when there was a slave girl in his presence, are two divorces, and a divorce of the free woman when she was under the owned slave, are three'.²⁶

باب طَلَقِ الْعَبْدِ إِذَا تَزَوَّجَ بِإِذْنِ مَوْلَاهُ

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

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا كَانَ الْعَبْدُ وَ امْرَأَتُهُ لِرَجُلٍ وَاحِدٍ فَإِنَّ الْمَوْلَى يَأْخُذُهَا إِذَا شَاءَ وَ إِذَا شَاءَ رَدَّهَا

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'If there was the slave and his wife for one man (master), so is the master takes her when he so desires to, and when he so desires to, he returns her'.

وَ قَالَ لَا يَجُوزُ طَلَقُ الْعَبْدِ إِذَا كَانَ هُوَ وَ امْرَأَتُهُ لِرَجُلٍ وَاحِدٍ إِلَّا أَنْ يَكُونَ الْعَبْدُ لِرَجُلٍ وَ الْمَرْأَةُ لِرَجُلٍ وَ تَزَوَّجَهَا بِإِذْنِ مَوْلَاهُ وَ إِذْنِ مَوْلَاهَا فَإِنَّ طَلَقَ وَ هُوَ بِهِذِهِ الْمَنْزِلَةِ فَإِنَّ طَلَقَهُ جَائِزٌ .

And he^{-asws} said: 'The divorce of the slave is not allowed when he and his wife were for one man (master), except if the slave happens to be for a man, and the slave girl

²⁴ Al Kafi – V 6 – The Book of Divorce Ch 74 H 3

²⁵ Al Kafi – V 6 – The Book of Divorce Ch 74 H 4

²⁶ Al Kafi – V 6 – The Book of Divorce Ch 74 H 5

for (another) man, and he married her by the permission of his master and the permission of her master. So if he divorces, and he is by this status, so his divorce is allowed'.²⁷

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ ابْنِ فَضَّالٍ عَنْ مُفَضَّلِ بْنِ صَالِحٍ عَنْ لَيْثِ الْمُرَادِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْعَبْدِ هَلْ يَجُوزُ طَلَاغُهُ فَقَالَ إِنْ كَانَتْ أُمَّتُكَ فَلَا إِنْ لَمْ يَكُنْ اللَّهُ عَزَّ وَجَلَّ يَقُولُ عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ وَإِنْ كَانَتْ أُمَّةً قَوْمِ آخَرِينَ أَوْ حُرَّةً جَارَ طَلَاغُهُ .

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

'I asked Abu Abdullah^{-asws} about the slave, is his divorce allowed?' So he^{-asws} said: 'If she was a bondmaid, so no. Allah^{-azwj} Mighty and Majestic is Saying **[16:75] a slave, the property of another, (who) has no power over anything.** If she was a bondmaid of another people, or a free woman, his divorce is allowed'.²⁸

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

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

'I asked Abu Ja'far^{-asws} about the man who permits his slave that he marries the free woman, or a slave girl, would the divorced be fixed to the master or to the slave?' He^{-asws} said: 'The divorce is up to the slave'.²⁹

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

Humeyd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a man who married his slave to a slave girl of a free woman. So he^{-asws} said: 'The divorce is by the hand of the slave. So if he married her without the permission of his master, so the divorce is in the hand of the master'.³⁰

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ عَلِيِّ بْنِ يَظِينَ عَنِ الْعَبْدِ الصَّالِحِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ غَلَامُهُ جَارِيَةً حُرَّةً فَقَالَ الطَّلَاقُ بِيَدِ الْغُلَامِ

Humeyd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Abu Hamza, from Ali Bin Yaqteen,

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

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

²⁷ Al Kafi – V 6 – The Book of Divorce Ch 75 H 1

²⁸ Al Kafi – V 6 – The Book of Divorce Ch 75 H 2

²⁹ Al Kafi – V 6 – The Book of Divorce Ch 75 H 3

³⁰ Al Kafi – V 6 – The Book of Divorce Ch 75 H 4

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

وَسَأَلْتُهُ عَنْ رَجُلٍ زَوَّجَ غُلَامَهُ جَارِيَتَهُ فَقَالَ الطَّلَاقُ بِيَدِ الْمَوْلَى

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

وَسَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَتَهُ وَ لَهَا زَوْجٌ عَبْدٌ فَقَالَ بَيْعُهَا طَلَاؤُهَا .

And I asked him^{-asws} about a man who bought a slave girl and for her was a slave husband. So he^{-asws} said: 'Sell her and divorce her'.³¹

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

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

(It has been narrated) from Abu Ja'far^{-asws}, said, 'I said to him^{-asws}, 'The man married his slave girl to a free man, then he wanted to remove her from him, and take from him half the dower'. So he^{-asws} said: 'If the one who married her to him were to see what you all are upon and makes a religion by it, so for him is then he removes her from him, and takes from him half the dower, because he has proceeded from that upon the understanding that, that is the for master (to do), and if the husband does not understand this, and he is from the masses of the people, the master would deal with him upon what he deals with one similar to him, so he has preceded upon the understanding of that from him'.³²

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 السَّلَام) عَنْ رَجُلٍ أَنْكَحَ أَمَّتَهُ حُرًّا أَوْ عَبْدًا قَوْمِ آخَرِينَ فَقَالَ لَيْسَ لَهُ أَنْ يَنْزِعَهَا فَإِنْ بَاعَهَا فَشَاءَ الَّذِي اشْتَرَاهَا أَنْ يَنْزِعَهَا مِنْ زَوْجِهَا فَعَلَّ .

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

'I asked Abu Abdullah^{-asws} about a man who married his slave girl to a free man, or a slave of another people. So he^{-asws} said: 'It is not for him that he can remove her. So if he were to sell her, so the one who buys wished to remove her from her husband, he can do it'.³³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا كَانَ لِلرَّجُلِ أُمَّةٌ فَرَزَّهَا مَمْلُوكَهُ فَرَّقَ بَيْنَهُمَا إِذَا شَاءَ وَ جَمَعَ بَيْنَهُمَا إِذَا شَاءَ .

³¹ Al Kafi – V 6 – The Book of Divorce Ch 75 H 5

³² Al Kafi – V 6 – The Book of Divorce Ch 75 H 6

³³ Al Kafi – V 6 – The Book of Divorce Ch 75 H 7

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'If there was a slave girl for a man, so he gets her married to an owned slave of him, so he can separate between them when he so desires to, and gathers between them when he so desires to'.³⁴

باب طلاق الأمة و عدتها في الطلاق

Chapter 76 – Divorce of the slave girl, and her waiting period regarding the divorce

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

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

(It has been narrated) from Abu Ja'far^{-asws}, said, 'I heard him^{-asws} saying, 'Divorce of the slave to the slave girls are two divorces, and her term is of two menstruation if she was menstruation. If she was not menstruating, so her term is a month and a half'.³⁵

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 السَّلَام) عَنْ طَلَقِ الْأُمَّةِ فَقَالَ تَطْلِيقَتَانِ .

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

'I asked Abu Abdullah^{-asws} about a divorce of the slave girl, so he^{-asws} said: 'Two divorces'.³⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ أَبِي عُمَرَ عَنْ أَبِي أُسَامَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ عُمَرُ عَلَى الْمِنْبَرِ مَا تَقُولُونَ يَا أَصْحَابَ مُحَمَّدٍ فِي تَطْلِيقِ الْأُمَّةِ فَلَمْ يُجِبْهُ أَحَدٌ فَقَالَ مَا تَقُولُ يَا صَاحِبَ الْبُرْدِ الْمَعَاظِرِيِّ يَغْنِي أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَأَشَارَ بِيَدِهِ تَطْلِيقَتَانِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Umar said upon the Pulpit, 'What are you saying, O companions of Muhammad^{-sawww}, regarding a divorce of the slave girl'. So no one answered him. So he said, 'What are you^{-asws} saying, O owner of *Al Ma'afaray* cloak?' – meaning Amir Al-Momineen^{-asws}. So he^{-asws} gestured by his^{asws} hand, two divorces'.³⁷

مُحَمَّدُ بْنُ يَحْيَى وَ غَيْرُهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَيُّوبَ عَنِ الْقَاسِمِ بْنِ بَرِيدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ عِدَّةُ الْأُمَّةِ حَيْضَتَانِ وَ قَالَ إِذَا لَمْ تَكُنْ تَحِيضُ فَنِصْفُ عِدَّةِ الْخُرَّةِ .

³⁴ Al Kafi – V 6 – The Book of Divorce Ch 75 H 8

³⁵ Al Kafi – V 6 – The Book of Divorce Ch 76 H 1

³⁶ Al Kafi – V 6 – The Book of Divorce Ch 76 H 2

³⁷ Al Kafi – V 6 – The Book of Divorce Ch 76 H 3

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'A waiting period of the slave girls is of two menstruations'. And he^{-asws} said: 'When she does not happen to be menstruating, so half a waiting period of the free woman'.³⁸

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} judged regarding a slave girl whose husband had divorced her with two divorces, then had have uniond with her, so he^{-asws} had him whipped'.³⁹

باب عِدَّةِ الْأَمَةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا

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

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

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

(It has been narrated) from Abu Ja'far^{-asws} having said that: 'The slave girl, and the free woman, both of them, when their husbands die from them, are both equal regarding the waiting period, except that the free woman would limit herself (for mourning), and the slave girl would not limit herself (for mourning)'.⁴⁰

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

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

'I asked Abu Abdullah^{-asws} about the slave girl when she is divorced, what is her waiting period?' He^{-asws} said: 'Two menstruations, or two months, until she menstruates'. I said, 'Supposing her husband dies from her?' So he^{-asws} said: 'Ali^{-asws} said regarding the mothers of the children: 'They should not get married until they observe the waiting period of four months and ten (days), and they are slaves'.⁴¹

³⁸ Al Kafi – V 6 – The Book of Divorce Ch 76 H 4

³⁹ Al Kafi – V 6 – The Book of Divorce Ch 76 H 5

⁴⁰ Al Kafi – V 6 – The Book of Divorce Ch 77 H 1

⁴¹ Al Kafi – V 6 – The Book of Divorce Ch 77 H 2

باب عِدَّةِ أُمَّهَاتِ الْأَوْلَادِ وَالرَّجُلِ يُعْتَقُ إِحْدَاهُنَّ أَوْ يَمُوتُ عَنْهَا

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

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي الْأُمَةِ إِذَا غَشِيَهَا سَيِّدُهَا ثُمَّ أَعْتَقَهَا فَإِنَّ عِدَّتَهَا ثَلَاثٌ حَيْضٍ فَإِنْ مَاتَ عَنْهَا فَأَرْبَعَةٌ أَشْهُرٌ وَعَشْرٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{-asws} regarding the slave girls when her master overwhelms (have unions with) her, then frees her, so her waiting period is of three menstruations. So if he were to die from her, so it would be four months and ten (days)^{.42}

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

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

'I asked Abu Ibrahim^{-asws} about the slave girl, her master died. He^{-asws} said: 'She would observe the waiting period of the one widowed from her husband'. I said, 'Supposing if a man were to marry her before she fulfils her waiting period?' He^{-asws} said: 'They would both be separated, then he would have to marry her with a new marriage after the fulfillment of her waiting period'. I said, 'So where would it be, what has reached us from your^{-asws} father^{-asws} regarding the man when he marries the woman during her waiting period, she would not be Permissible for him, forever?' He^{-asws} said: 'This is an ignorant (one who reported it)^{.43}

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ الرَّجُلُ تَكُونُ تَحْتَهُ السُّرِّيَّةُ فَيُعْتَقُهَا فَقَالَ لَا يَصْلُحُ لَهَا أَنْ تَنْكِحَ حَتَّى تَنْقَضِيَ عِدَّتُهَا ثَلَاثَةَ أَشْهُرٍ وَ إِنْ تُوَفِّيَ عَنْهَا مَوْلَاهَا فَعِدَّتُهَا أَرْبَعَةٌ أَشْهُرٌ وَعَشْرٌ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I said to him^{-asws}, 'The man happens to have a concubine under him, so he frees her'. So he said, 'It is not correct for her that she married until she fulfils her waiting period of three months, and if her master has died from her, so her waiting period is four months and ten (days)^{.44}

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

⁴² Al Kafi – V 6 – The Book of Divorce Ch 78 H 1

⁴³ Al Kafi – V 6 – The Book of Divorce Ch 78 H 2

⁴⁴ Al Kafi – V 6 – The Book of Divorce Ch 78 H 3

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

(It has been narrated) from Abu Abdullah^{-asws} having said regarding a man who had a slave girl for him, so he have uniond with her, then freed her, and she had menstruated when with him, a menstruation after him having have uniond with her. He^{-asws} said: 'She would observe a waiting period of two menstruations'.⁴⁵

وَ بِإِسْنَادِهِ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يُعْتَقُ سُرْيَتَهُ أَوْ يَصْلُحُ لَهُ أَنْ يَتَزَوَّجَهَا بِغَيْرِ عِدَّةٍ قَالَ نَعَمْ قُلْتُ فَغَيْرُهُ قَالَ لَا حَتَّى تَعْتَدَّ ثَلَاثَةَ أَشْهُرٍ

And by his chain, from Al Halby who said,

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

قَالَ وَ سُئِلَ عَنِ رَجُلٍ وَقَعَ عَلَى أَمْتِهِ أَوْ يَصْلُحُ لَهُ أَنْ يُزَوَّجَهَا قَبْلَ أَنْ تَعْتَدَّ قَالَ لَا قُلْتُ كَمْ عِدَّتُهَا قَالَ حَيْضَةٌ أَوْ ثِنْتَانِ .

He (the narrator) said, 'And I asked him^{-asws} about a man who fell upon (have uniond with) his slave girl, is it correct for him that he marries her before he observes the waiting period?' He^{-asws} said: 'No'. I said, 'How much is her waiting period?' He^{-asws} said: 'One menstruation or two'.⁴⁶

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ قَالَ فِي رَجُلٍ أَعْتَقَ أُمَّ وَوَلَدِهِ ثُمَّ تُوْفِيَ عَنْهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا قَالَ تَعْتَدُّ بِأَرْبَعَةِ أَشْهُرٍ وَ عَشْرٍ وَ إِنْ كَانَتْ حُبْلَى اعْتَدَّتْ بِأَبْعَدِ الْأَجَلَيْنِ .

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

'He^{-asws} said regarding a man who emancipated a mother of his children, then died from her before she had fulfilled her waiting period. He^{-asws} said: 'She would observe the waiting period of four months and ten (days), and if she was pregnant, she would wait with the further of the two terms'.⁴⁷

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

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

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

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ وَلِيدَتَهُ وَ هُوَ حَيٌّ وَ قَدْ كَانَ يَطُوهَا فَقَالَ عِدَّتُهَا عِدَّةُ الْحُرَّةِ الْمُطْلَقَةِ ثَلَاثَةَ فُرُوعٍ .

⁴⁵ Al Kafi – V 6 – The Book of Divorce Ch 78 H 4

⁴⁶ Al Kafi – V 6 – The Book of Divorce Ch 78 H 5

⁴⁷ Al Kafi – V 6 – The Book of Divorce Ch 78 H 6

He (the narrator) said, 'And I asked him^{-asws} about a man who emancipated a mother of his child and he was alive, and he had slept with her beforehand. So, he^{-asws} said: 'Her waiting period is a waiting period of the free woman, the divorced woman, of three *Quroos* (pure periods)'.⁴⁸

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

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

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

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

It was said to him^{-asws}, 'Supposing the man who emancipates his owned slave girl before his death, by an hour, or by a day, then he dies'. So he^{-asws} said: 'This one would observe the waiting period of three menstruations, or three *Quroos* (pure periods), from the day her master emancipated her'.⁴⁹

ابْنُ مَحْبُوبٍ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) الرَّجُلُ تَكُونُ عِنْدَهُ السَّرِيَّةُ لَهُ وَ قَدْ وُلِدَتْ مِنْهُ وَ قَدْ مَاتَ وَ لَدُهَا ثُمَّ يُعْتَقُهَا قَالَ لَا يَجِلُّ لَهَا أَنْ تَنْزَوَّجَ حَتَّى تَنْقَضِيَ عِدَّتُهَا ثَلَاثَةَ أَشْهُرٍ .

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

'I said to Abu Abdullah^{-asws}, 'The man happens to have a concubine of his with him, and she had given birth from him, and her child had died. Then he emancipated her'. He^{-asws} said: 'It is not Permissible for her that he marries until she fulfills her waiting period of three months'.⁵⁰

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

Ibn Mahboub, from Wahab Bin Abd Rabbihi,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a man who had a mother of his child for him, so he married her to a man, so she gave birth to a boy. Then the man died. So she returned to her master. Is it for him that he has union with her?' He^{-asws} said: 'She would observe the waiting period from the husband, of four months and ten days, then he can have union with her by the ownership, without a marriage'.⁵¹

⁴⁸ Al Kafi – V 6 – The Book of Divorce Ch 78 H 7

⁴⁹ Al Kafi – V 6 – The Book of Divorce Ch 78 H 8

⁵⁰ Al Kafi – V 6 – The Book of Divorce Ch 78 H 9

⁵¹ Al Kafi – V 6 – The Book of Divorce Ch 78 H 10

باب الرَّجُلِ تَكُونُ عِنْدَهُ الْأَمَةُ فَيُطَلِّقُهَا ثُمَّ يَشْتَرِيهَا

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

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said regarding a man under who used to be a slave girl. So he divorced her upon the Sunnah, then she was irrevocably divorced from him. Then he bought her after that before she married another husband. He^{-asws} said: 'Amir Al-Momineen^{-asws} had judged regarding this (as there is) A Verse Permits her and another Verse Prohibits her, and I^{-asws} would prohibit from her myself^{asws} and my^{-asws} sons^{-asws}'.⁵²

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

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a free man who had a slave girl under him. So he divorced her with an irrevocable divorce, then bought her. Is it Permissible for him that he have unions with her?' He^{-asws} said: 'No'.⁵³

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

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

'I asked him^{-asws} about a man who married an owned woman, then divorced her, then bought her afterwards. Is she Permissible for him?' He^{-asws} said: 'No, until she marries another husband'.⁵⁴

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

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

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

⁵² Al Kafi – V 6 – The Book of Divorce Ch 79 H 1

⁵³ Al Kafi – V 6 – The Book of Divorce Ch 79 H 2

⁵⁴ Al Kafi – V 6 – The Book of Divorce Ch 79 H 3

He^{-asws} said: 'It is not correct for him that he marries her until she marries another husband, and until he have unions with her similar to what she went out from him'.⁵⁵

باب المُرْتَدِّ

Chapter 80 – The Apostate

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَارِ السَّابَّاطِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ كُلُّ مُسْلِمٍ بَيْنَ مُسْلِمِينَ ارْتَدَّ عَنِ الْإِسْلَامِ وَ جَحَدَ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نُبُوَّتَهُ وَ كَذَّبَهُ فَإِنَّ دَمَهُ مُبَاحٌ لِمَنْ سَمِعَ ذَلِكَ مِنْهُ وَ امْرَأَتُهُ بَائِنَةٌ مِنْهُ يَوْمَ ارْتَدَّ وَ يُقَسَمُ مَالُهُ عَلَى وَرَثَتِهِ وَ تَعْتَدُ امْرَأَتُهُ عِدَّةَ الْمُتَوَفَّى عَنْهَا رَوْجُهَا وَ عَلَى الْإِمَامِ أَنْ يَقْتُلَهُ إِنْ أَتَوْهُ بِهِ وَ لَا يَسْتَنْبِيهَ .

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

'I heard Abu Abdullah^{-asws} saying, 'Every Muslim between two Muslims is an atheist, from Al-Islam, and denies Rsool-Allah^{-saww} of his^{-saww} Prophet-hood, and belies him^{-saww}. Thus, his blood is allowed (to be spilled) for the one who hears than from him, and his wife is irrevocably divorced from him from the day he reneges, and his wealth would be distributed upon his inheritors, and his wife would observe the waiting period, a waiting period of the woman widowed from her husband, and it is upon the Imam^{-asws} that he^{-asws} kills him if they come to him^{-asws} with him, and he^{-asws} would not give him time to repent'.⁵⁶

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

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

'I asked Abu Ja'far^{-asws} about the apostate. So he^{-asws} said: 'The one who wishes to be away from Al-Islam, and disbelieve with what was Revealed unto Muhammad^{-saww} after his Islam. So there is no repentance for him, and his being killed is Obligated, and his wife is irrevocably divorced from him, and whatever he leaves would be distributed upon his children'.⁵⁷

باب طلاق أهل الذِّمَّةِ وَ عِدَّتِهِمْ فِي الطَّلَاقِ وَ الْمَوْتِ إِذَا أُسْلِمَتِ الْمَرْأَةُ

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

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

⁵⁵ Al Kafi – V 6 – The Book of Divorce Ch 79 H 4

⁵⁶ Al Kafi – V 6 – The Book of Divorce Ch 80 H 1

⁵⁷ Al Kafi – V 6 – The Book of Divorce Ch 80 H 2

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

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

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

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

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

I said to him^{-asws}, 'How did it become, when she is divorced her waiting period is that of the slave girl, and her waiting period became, when her husband dies from her, a waiting period of the free Muslim woman, and you^{-asws} mentioned that they are in the domain of the Imam^{-asws}?' So he^{-asws} said: 'Her waiting period regarding the divorce is not like her waiting period when he husband dies from her'. Then he^{-asws} said: 'The slave girls, and the free women, both of them are equal, when their husbands die from them, with regards to the waiting period, except that the free woman would limit herself (in mourning), and the slave girl would not limit herself (in mourning)'.⁵⁸

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

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

'He^{-asws} said: 'A waiting period of the الْعُلْجَةِ when she becomes a Muslim, is a waiting period of the divorced woman, when she intends to marry someone else'.⁵⁹

⁵⁸ Al Kafi – V 6 – The Book of Divorce Ch 81 H 1

⁵⁹ Al Kafi – V 6 – The Book of Divorce Ch 81 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ يَعْقُوبَ السَّرَّاجِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ نَصْرَانِيَّةٍ مَاتَتْ عَنْهَا رَوْجُهَا وَهُوَ نَصْرَانِيٌّ مَا عِدَّتُهَا قَالَ عِدَّةُ الْخُرَّةِ الْمُسْلِمَةِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرٌ .

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

'I asked Abu Abdullah^{-asws} about a Christian woman whose husband died from her, and he was a Christian, what is her waiting period?' He^{-asws} said: 'A waiting period of the free Muslim woman, four months and ten (days)'.⁶⁰

وَ بِإِسْنَادِهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي أُمِّ وَلَدٍ لِنَصْرَانِيٍّ أَسْلَمَتْ أَيْتَرَوْجَهَا الْمُسْلِمُ قَالَ نَعَمْ وَ عِدَّتُهَا مِنَ النَّصْرَانِيِّ إِذَا أَسْلَمَتْ عِدَّةُ الْخُرَّةِ الْمُطْلَقَةِ ثَلَاثَةَ أَشْهُرٍ أَوْ ثَلَاثَةَ فُرُوءٍ فَإِذَا انْقَضَتْ عِدَّتُهَا فَلْيَتَرَوْجَهَا إِنْ شَاءَتْ .

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

(It has been narrated) from Abu Ja'far^{-asws} regarding a mother of a child of a Christian man, became a Muslim, can the Muslim man marry her?' He^{-asws} said: 'Yes, and her waiting period from the Christian man when she became a Muslim, is a waiting period of the free divorced woman, being of three months, or three *Quroos* (pure periods). So when she fulfils her waiting period, so let him marry her, if he so desires to'.⁶¹

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

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

كِتَابُ الْعِتْقِ وَ التَّدْبِيرِ وَ الْكِتَابَةِ

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

بَاب مَا لَا يَجُوزُ مِلْكُهُ مِنَ الْقَرَابَاتِ

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

أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ يَعْقُوبَ الْكُلَيْنِيُّ قَالَ حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ الْأَوَّلِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا مَلَكَ الرَّجُلُ وَالِدِيَّهِ أَوْ أُخْتَهُ أَوْ خَالَتَهُ أَوْ عَمَّتَهُ عَتَّقُوا عَلَيْهِ وَ يَمْلِكُ ابْنُ أُخِيهِ وَ عَمُّهُ وَ يَمْلِكُ أَحَاهُ وَ عَمُّهُ وَ خَالَتُهُ مِنَ الرِّضَاعَةِ .

⁶⁰ Al Kafi – V 6 – The Book of Divorce Ch 81 H 3

⁶¹ Al Kafi – V 6 – The Book of Divorce Ch 81 H 4

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

(It has been narrated) from Abu Ja'far^{-asws} the 1st having said: 'When the man owns his parents, or his sister, or his maternal aunt, or his paternal aunt, they would be emancipated (liberated) upon him, and he would (be able to) own a son of his brother, and his uncle, and he would own his brother, and his paternal uncle, and his maternal uncle, from the breast-feeding (relationship)'.⁶²

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

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'The man can neither own his father, nor his mother, nor his paternal aunt, nor his maternal aunt; but he can own his brother, and others from ones with relationships from the men'.⁶³

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنْ أَسَدِ بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي حَمْرَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْمَرْأَةِ مَا تَمْلِكُ مِنْ قَرَابَتَيْهَا قَالَ كُلَّ أَحَدٍ إِلَّا خَمْسَةَ آبَاهَا وَ أُمَّهَا وَ ابْنَهَا وَ ابْنَتَهَا وَ زَوْجَهَا .

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

'I asked Abu Abdullah^{-asws} about the woman, what she can own from her relatives?' He^{-asws} said: 'Everyone except for five – her father, and her mother, and her son, and her daughter, and her husband'.⁶⁴

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ غُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا مَلَكَ الرَّجُلُ وَالِدَيْهِ أَوْ أُخْتَهُ أَوْ عَمَّتَهُ أَوْ خَالَتَهُ عَتَقُوا وَ يَمْلِكُ ابْنَ أُخِيهِ وَ عَمَّهُ وَ خَالَهُ وَ عَمَّتَهُ وَ خَالَهُ مِنَ الرِّضَاعَةِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When the man owns his parents, or his sister, or his paternal aunt, or his maternal aunt, they would be emancipated (liberated), and he can own a son of his brother, and his paternal uncle, and his maternal uncle, and he can own his brother, and his paternal uncle, and his maternal uncle from the breast-feeding (relationship)'.⁶⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَ ابْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي امْرَأَةٍ أَرْضَعَتْ ابْنَ جَارِيَّتِهَا قَالَ تُعْتِقُهُ .

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

⁶² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 1

⁶³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 2

⁶⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 3

⁶⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 4

(It has been narrated) from Abu Abdullah^{-asws} having said regarding a woman who breast-fed a son of her slave girl. He^{-asws} said: 'She would emancipate (liberate) him'.⁶⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَتَّخِذُ أَبَاهُ أَوْ أُمَّهُ أَوْ أَحَاهُ أَوْ أُخْتَهُ عَبِيداً فَقَالَ أَمَّا الْأُخْتُ فَقَدْ عَتَقَتْ حِينَ يَمْلِكُهَا وَ أَمَّا الْأَخُ فَيَسْتَرْقُهُ وَ أَمَّا الْأَبْوَانُ فَقَدْ عَتَقَا حِينَ يَمْلِكُهُمَا

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

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

قَالَ وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ تُرْضِعُ عَبْدَهَا أ تَتَّخِذُهُ عَبْدًا قَالَ تُعْتِقُهُ وَ هِيَ كَارِهَةٌ .

He (the narrator) said, 'And I asked him^{-asws} about the woman who breast-fed her slave, can she take him as a slave?' He^{-asws} said: 'She would emancipate him, and it is an abhorrence (breast-feeding her slave)'.⁶⁷

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

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

'I asked Abu Abdullah^{-asws} about what the man can own from his relatives. He^{-asws} said: 'He cannot own his father, nor his mother, nor his sister, nor a daughter of his brother, nor a daughter of his sister, nor his paternal aunt, nor his maternal aunt; and he can own what is besides that from the men from his relatives, and he cannot own his mother from the breast-feeding (relationship)'.⁶⁸

بَابُ أَنَّهُ لَا يَكُونُ عَتَقٌ إِلَّا مَا أُرِيدَ بِهِ وَجْهَ اللَّهِ عَزَّ وَ جَلَّ

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عَمِيرٍ عَنْ هِشَامِ بْنِ سَالِمٍ وَ حَمَّادٍ وَ ابْنِ أُذَيْنَةَ وَ ابْنِ بُكَيْرٍ وَ غَيْرِ وَاحِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ لَا عَتَقٌ إِلَّا مَا أُرِيدَ بِهِ وَجْهَ اللَّهِ عَزَّ وَ جَلَّ .

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

⁶⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 5

⁶⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 6

⁶⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 7

(It has been narrated) from Abu Abdullah^{-asws} having said: 'There is not emancipation unless what is intended by it is the Face of Allah^{-azwj} Mighty and Majestic'.⁶⁹

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'There is no emancipation unless what is sought by it is the Face of Allah^{-azwj} Mighty and Majestic'.⁷⁰

بَاب أَنَّهُ لَا عِتْقَ إِلَّا بَعْدَ مَلِكٍ

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

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no divorce before the marriage, and there is no emancipation before the ownership'.⁷¹

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no emancipation except after ownership'.⁷²

بَابِ الشَّرْطِ فِي الْعِتْقِ

Chapter 4 – The stipulation (prerequisite) in the emancipation

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ أَوْ قَالَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَوْصَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَقَالَ إِنَّ أَبَا نَيْرٍ وَرَبَاحًا وَجُبَيْرًا عَتَقُوا عَلَى أَنْ يَعْمَلُوا فِي الْمَالِ خُمْسَ سِنِينَ .

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

⁶⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 2 H 1

⁷⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 2 H 2

⁷¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 3 H 1

⁷² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 3 H 2

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} bequeathed, so he^{-asws} said: 'Abu Neyzara, and Rabaha, and Jubeyr would be emancipated upon (a stipulation) that they work in the treasury for five years'.⁷³

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

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

'I asked Abu Abdullah^{-asws} about a man who emancipated his slave girl and stipulated a condition upon her that 'if she were to serve him for five years'. So she remained, then the man died. So she was found to have inherited him. Is it for them (the family of the deceased) that they make her serve them?' He^{-asws} said: 'No'.⁷⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ الْحُسَيْنِ بْنِ عُثْمَانَ وَ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ وَ غَيْرِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْتِقُ مَمْلُوكَهُ وَ يُزَوِّجُهُ ابْنَتَهُ وَ يَشْتَرِطُ عَلَيْهِ أَنْ يَزِيدَهُ فِي الرِّقِّ قَالَ لَهُ شَرْطُهُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the man who emancipated his owned slave, and married him to his own daughter, and stipulated a condition upon him that if he were to deceive her, he would be returned in the slavery. He^{-asws} said; 'It is for him to stipulate it'.⁷⁵

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

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

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}) regarding the man who is saying to his slave, 'I will emancipate you upon (the condition) if you marry my daughter. So if you were to marry (another one) upon her, or keep a concubine, so upon you would be one hundred Dinars'. So he emancipated him upon that, and got him married (to his daughter). So if he keeps a concubine or marries (another woman)?' He^{-asws} said: 'For his master, upon him is his first condition'.⁷⁶

بَابُ ثَوَابِ الْعَتَقِ وَ فَضْلِهِ وَ الرَّغْبَةِ فِيهِ

⁷³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 1

⁷⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 2

⁷⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 3

⁷⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 4

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَ مُعَاوِيَةَ بْنِ عَمَّارٍ وَ حَفْصِ بْنِ الْبَحْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الرَّجُلِ يُعْتَقُ الْمَمْلُوكَ قَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يُعْتِقُ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ قَالَ وَ يُسْتَحَبُّ لِلرَّجُلِ أَنْ يَتَّقَرَ إِلَى اللَّهِ عَشِيَّةَ عَرَفَةَ وَ يَوْمَ عَرَفَةَ بِالْعِتْقِ وَ الصَّدَقَةِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said regarding the man who emancipated the owned slave. He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic would emancipate for every organ of his, an organ (of his) from the Fire'. He^{-asws} said: 'And it is recommended for the man that he gets closer to Allah^{-azwj} on the evening of Arafaat, and the day of Arafaat, by the emancipation, and the charity'.⁷⁷

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

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

(It has been narrated) from Rabie Bin Abdullah^{-asws}, from Zurara, from Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The one who emancipates a Muslim, Allah^{-azwj} Mighty and Majestic would Emancipate him for every organ of his, an (organ of his) from the Fire'.⁷⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ عَنْ أَبِيهِ رَفَعَهُ قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ) مَنْ أَعْتَقَ مُؤْمِنًا أَعْتَقَ اللَّهُ عَزَّ وَ جَلَّ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ فَإِنْ كَانَتْ أَنْثَى أَعْتَقَ اللَّهُ عَزَّ وَ جَلَّ بِكُلِّ عُضْوَيْنِ مِنْهَا عُضْوًا مِنْهُ مِنَ النَّارِ لِأَنَّ الْمَرْأَةَ يَنْصَفُ الرَّجُلُ .

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

'Rasool-Allah^{-saww} said: 'The one who emancipates a Believer, Allah^{-azwj} Mighty and Majestic would Emancipate with every organ of his, an organ (of his) from the Fire. So if it was a female, Allah^{-azwj} Mighty and Majestic would Emancipate for every two organs of her, an organ of his from the Fire, because the woman is by half the man'.⁷⁹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبَانَ عَنِ بَشِيرِ النَّبَّالِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ مَنْ أَعْتَقَ نَسَمَةً صَالِحَةً لَوْجَهُ اللَّهُ عَزَّ وَ جَلَّ كَفَّرَ اللَّهُ عَنْهُ مَكَانَ كُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ .

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

⁷⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 1

⁷⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 2

⁷⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 3

'I heard Abu Abdullah^{-asws} saying: 'The one who emancipates a righteous person for the Face of Allah^{-azwj} Mighty and Majestic, Allah^{-azwj} would Expiate in place of every organ from him, an organ (of his) from the Fire'.⁸⁰

باب عَتَقِ الصَّغِيرِ وَ الشَّيْخِ الْكَبِيرِ وَ أَهْلِ الرِّمَانَاتِ

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

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

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

'I wrote to Abu Al-Hassan Al-Reza^{-asws} and asked him^{-asws} about the man who emancipated a young boy, or an old Sheykh, one with chronic illness, and the one for whom there is no dodge for him. So he^{-asws} said: 'The one who emancipates an owned slave for whom there is no means (of earning) for him, so upon him is that he shelters him until he is self-sufficient from him, and similar to that is what Amir Al-Momineen^{-asws} did, when he^{-asws} emancipated the young and the one for whom there is no means (of earning)'.⁸¹

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنِ الصَّبِيِّ يُعْتَقُهُ الرَّجُلُ فَقَالَ نَعَمْ فَذُ أَعْتَقَ عَلِيٌّ (عَلَيْهِ السَّلَام) وَلَدَانَا كَثِيرَةٌ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}), said, 'I asked him^{-asws} about the children whom the man emancipates. So he^{-asws} said: 'Yes, Ali^{-asws} had emancipated numerous children'.⁸²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَمَّنْ أَعْتَقَ النِّسْمَةَ فَقَالَ أَعْتَقَ مَنْ أَعْنَى نَفْسَهُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the emancipation of the women. So he^{-asws} said: 'Emancipate one who can be self-sufficient herself'.⁸³

باب كِتَابِ الْعَتَقِ

⁸⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 4

⁸¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 5 H 5

⁸² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 5 H 2

⁸³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 5 H 3

Chapter 7 – The Emancipation contract

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ غُلَامٍ أَعْتَقَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) هَذَا مَا أَعْتَقَ جَعْفَرُ بْنُ مُحَمَّدٍ أَعْتَقَ غُلَامَهُ السَّنْدِيُّ فَلَانًا عَلَى أَنَّهُ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ وَأَنَّ الْبَعْثَ حَقٌّ وَأَنَّ الْجَنَّةَ حَقٌّ وَأَنَّ النَّارَ حَقٌّ وَعَلَى أَنَّهُ يُؤَالِي أَوْلِيَاءَ اللَّهِ وَيَتَّبِعُ مَنْ أَعْدَاءَ اللَّهِ وَيُجِلُّ حَلَالَ اللَّهِ وَيُحَرِّمُ حَرَامَ اللَّهِ وَيُؤْمِنُ بِرُسُلِ اللَّهِ وَيَقْرَأُ بِمَا جَاءَ مِنْ عِنْدِ اللَّهِ أَعْتَقَهُ لَوَجْهِهِ اللَّهُ لَا يُرِيدُ بِهِ جَزَاءً وَلَا شُكُورًا وَلَا لَيْسَ لِأَحَدٍ عَلَيْهِ سَبِيلٌ إِلَّا بِخَيْرٍ شَهِدَ فَلَانٌ .

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

(It has been narrated) from Muhammad Bin Sinan about a slave emancipated by Abu Abdullah^{-asws} – ‘This is what Ja’far^{-asws} Bin Muhammad^{-asws} emancipated his^{-asws} slave, the deed of so and so upon (the stipulation) that he would testify that there is no god except for Allah^{-azwj}, One, there being no associate for Him^{-azwj}, and that Muhammad^{-saww} is His^{-azwj} servant and His^{-azwj} Rasool^{-saww}, and that the Resurrection is true, and that the Paradise is true, and that the Fire is true, and upon (the stipulation) that he would befriend the friends of Allah^{-azwj}, and would disavow from the enemies of Allah^{-azwj}, and would permit the Permissibles of Allah^{-azwj}, and would prohibit the Prohibitions of Allah^{-azwj}, and he would believe in Rasool^{-saww}-Allah^{-saww} and agree with what he^{-saww} came with from the Presence of Allah^{-azwj}. I^{-asws} hereby emancipate him for the Face of Allah^{-azwj}, not intending by it a Recompense, nor thanks, and there is no way upon him for anyone except with goodness’. Witnessed by so and so.⁸⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبِلَادِ قَالَ قَرَأْتُ عِنْتُ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَإِذَا هُوَ شَرَحَهُ هَذَا مَا أَعْتَقَ جَعْفَرُ بْنُ مُحَمَّدٍ أَعْتَقَ فَلَانًا غُلَامَهُ لَوَجْهِهِ اللَّهُ لَا يُرِيدُ بِهِ جَزَاءً وَلَا شُكُورًا عَلَى أَنْ يُقِيمَ الصَّلَاةَ وَيُؤْتِيَ الزَّكَاةَ وَيَحُجَّ الْبَيْتَ وَيَصُومَ شَهْرَ رَمَضَانَ وَيَتَوَلَّى أَوْلِيَاءَ اللَّهِ وَيَتَّبِعُ مَنْ أَعْدَاءَ اللَّهِ شَهِدَ فَلَانٌ وَفَلَانٌ وَفَلَانٌ ثَلَاثَةٌ .

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

‘I read the emancipation (deed) of Abu Abdullah^{-asws}, for its starting was – ‘This is what Ja’far^{-asws} Bin Muhammad^{-asws} has emancipated, an emancipation of so and so slave of his^{-asws} for the Face of Allah^{-azwj}, not intending by it a Recompense, nor thanks, upon (the stipulation) that he would establish the Prayer, and give the *Zakat*, and perform Hajj of the House (Kabah), and Fast the Month of Ramazan, and would befriend the friends of Allah^{-azwj} and would disavow (reject) from His^{-azwj} enemies’. Testified by so and so, and so and so, and so and so, and so and so’ – Three (of them).⁸⁵

بَابُ عِنْتِ وَلَدِ الزَّانَا وَالذَّمِيِّ وَالْمُشْرِكِ وَالْمُسْتَضْعَفِ

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

⁸⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 6 H 1

⁸⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 6 H 2

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said that Ali^{-asws} emancipated a Christian slave of his^{-asws}, so he became a Muslim when he^{-asws} emancipated him'.⁸⁶

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عُمَرَ بْنِ حَفْصٍ عَنْ سَعِيدِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا بَأْسَ بِأَنْ يُعْتَقَ وَوَلَدَ الرِّزَا .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'There is no problem with emancipating a son of adultery (bastard)'.⁸⁷

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ أَبِيهِ مُحَمَّدِ بْنِ عَيْسَى عَنِ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) الرَّقَبَةُ تُعْتَقُ مِنْ الْمُسْتَضْعِفِينَ قَالَ نَعَمْ .

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

'I said to Abu Abdullah^{-asws}, 'The (freeing of) a neck can be an emancipation from the oppressed?' He^{-asws} said: 'Yes'.⁸⁸

بَابُ الْمَمْلُوكِ بَيْنَ شُرَكَاءَ يُعْتَقُ أَحَدُهُمْ نَصِيْبَهُ أَوْ يَبِيْعُ

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ بَيْنَ شُرَكَاءَ فَيُعْتَقُ أَحَدُهُمْ نَصِيْبَهُ قَالَ إِنَّ ذَلِكَ فَسَادٌ عَلَى أَصْحَابِهِ لَا يَقْدِرُونَ عَلَى بَيْعِهِ وَ لَا مُوَاجَرَتِهِ قَالَ يُقَوِّمُ قِيَمَةً فَيُجْعَلُ عَلَى الَّذِي أَعْتَقَهُ عُقُوبَةً وَ إِنَّمَا جُعِلَ ذَلِكَ عَلَيْهِ لِمَا أَفْسَدَهُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the slave owned between partners, so one of them emancipates his share. He^{-asws} said: 'That is a spoiling (of matters) upon his companion not being able upon selling him, nor hiring out his services'. He^{-asws} said: 'His price would be evaluated, so it would be made upon the one who emancipated him as a punishment. But rather, that is made to be upon him due to what he spoilt'.⁸⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ سُئِلَ عَنْ رَجُلَيْنِ كَانَ بَيْنَهُمَا عَبْدٌ فَأَعْتَقَ أَحَدُهُمَا نَصِيْبَهُ فَقَالَ إِنْ كَانَ مُضَارًّا كُفِّتْ أَنْ يُعْتَقَهُ كُلُّهُ وَ إِلَّا اسْتُسْعِيَ الْعَبْدُ فِي النَّصْفِ الْآخَرَ .

⁸⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 7 H 1

⁸⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 7 H 2

⁸⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 7 H 3

⁸⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 1

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

(It has been narrated) from Abu Abdullah^{-asws} having been asked about two men what had a slave between the two of them, so one of the two emancipated his share. So he^{-asws} said: 'If it was harmful, he would be assigned to emancipate the whole of him, or else the slave would have to work regarding the other half'.⁹⁰

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ كَانَ شَرِيكًا فِي عَبْدٍ أَوْ أَمَةٍ قَلِيلٍ أَوْ كَثِيرٍ فَأَعْتَقَ حَصَّتَهُ وَ لَهُ سَعَةٌ فَلْيَشْتَرِهِ مِنْ صَاحِبِهِ فَيُعْتِقَهُ كُلَّهُ وَ إِنْ لَمْ يَكُنْ لَهُ سَعَةٌ مِنْ مَالٍ نُظِرَ قِيمَتُهُ يَوْمَ أُعْتِقَ ثُمَّ يَسْعَى الْعَبْدُ بِحِسَابِ مَا بَقِيَ حَتَّى يُعْتَقَ .

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'The one who was a partner in a slave, or a slave girl, little or more, so he emancipates his portion, and for him is (financial) leeway, so let him buy him from his companions, so he emancipates the whole of him, and if he does not have the leeway from wealth, he should consider his price on the day he emancipates, then the slave would work by the reckoning of what remains, until he is (completely) emancipated'.⁹¹

وَ بِإِسْنَادِهِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي عَبْدٍ كَانَ بَيْنَ رَجُلَيْنِ فَحَرَّرَ أَحَدَهُمَا نَصِيْبَهُ وَ هُوَ صَغِيرٌ وَ أَمْسَكَ الْآخَرَ نَصْفَهُ حَتَّى كَبُرَ الَّذِي حَرَّرَ نَصْفَهُ قَالَ يُقَوْمُ قِيَمَةَ يَوْمَ حَرَّرَ الْأَوَّلَ وَ أَمَرَ الْمُحَرَّرَ أَنْ يَسْعَى فِي نَصْفِهِ الَّذِي لَمْ يُحَرَّرْ حَتَّى يَقْضِيَهُ .

And by his chain,

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Amir Al-Momineen^{-asws} judged regarding a slave who was between two men. So one of the freed his share and he was young, and the other one kept his share until the one who freed was old'. He^{-asws} said: 'His price would be evaluated on the day first freeing, and the freed one would be ordered that he work with regards to the other half which is not free, until he fulfils it'.⁹²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ بَيْنَ شُرَكَاءَ فَيُعْتَقُ أَحَدُهُمْ نَصِيْبَهُ فَقَالَ هَذَا فَسَادٌ عَلَى أَصْحَابِهِ يُقَوْمُ قِيَمَةً وَ يَضْمَنُ التَّمَنُّ الَّذِي أَعْتَقَهُ لِأَنَّهُ أَفْسَدَهُ عَلَى أَصْحَابِهِ .

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

'I asked him^{-asws} about the slave owned between partners, so one of them emancipates his share. So he^{-asws} said: 'This is a spoiling upon his companion. His price would be evaluated, and he would be responsible for the price, the one who emancipated him because he spoilt it upon his companion'.⁹³

⁹⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 2

⁹¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 3

⁹² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 4

⁹³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 5

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ أَبِي بَانَ بْنِ عُمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ قَوْمٍ وَرَثُوا عَبْدًا جَمِيعًا فَأَعْتَقَ بَعْضُهُمْ نَصِيبَهُ مِنْهُ كَيْفَ يُصْنَعُ بِالَّذِي أُعْتِقَ نَصِيبَهُ مِنْهُ هَلْ يُؤْخَذُ بِمَا بَقِيَ قَالَ نَعَمْ يُؤْخَذُ بِمَا بَقِيَ مِنْهُ بِقِيمَتِهِ يَوْمَ أُعْتِقَ .

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

(It has been narrated) from Abdul Rahmn Bin Abu Abdullah^{-asws}, said, 'I asked Abu Abdullah^{-asws} about a people who altogether inherited a slave. So one of them emancipated his share from it. How would he be dealt with, the one who emancipated his share from it. Would he be seized with what remains?' He^{-asws} said: 'Yes. He would be seized with what remains from it, by his price on the day he emancipated (his share)'.⁹⁴

باب المُدَبِّرِ

Chapter 10 – The arranged (emancipation)

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

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

'I asked Abu Al-Hassan Al-Reza^{-asws} the man who arranged (the emancipation of) the owned slave and he was of good (financial) condition. Then he became needy. Is it allowed for him to sell him?' He^{-asws} said: 'Yes, when he is need for that'.⁹⁵

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

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

'I asked Abu Abdullah^{-asws} about the (slave of) arranged (emancipation), so he^{-asws} said: 'He is at the status of the bequest. There is retraction in it, and whatever he so desires from it'.⁹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمُدَبِّرِ أ هُوَ مِنَ الثَّلَاثِ فَقَالَ نَعَمْ وَ لِلْمُوصِي أَنْ يَرْجِعَ فِي صِحَّةٍ كَانَتْ وَصِيَّتُهُ أَوْ مَرَضٍ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the (slave of) arranged (emancipation), is he from the third (of the bequest)?' So he^{-asws} said: 'Yes, and it is for the bequeather that he retracts during good health or illness, if it was his bequest'.⁹⁷

⁹⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 6

⁹⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 1

⁹⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 2

⁹⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 3

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

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

(It has been narrated) from Abu Al-Hassan Al-Reza^{-asws}, said, 'I asked him^{-asws} about a man who arranged (the emancipation of) his slave girl, and she was pregnant. So he^{-asws} said: 'If he knew of her pregnancy, so whatever is in her belly would be of her status, and if he did not know, so whatever is in her belly, is a slave'.⁹⁸

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

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

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

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

So he^{-asws} said: 'If it was such that the woman had an arrangement (of the emancipation) and with her was a pregnancy, and she had not mentioned what was in her belly, so the slave girl is with the arrangement and the child is a slave; and if it was rather a new pregnancy after the arrangement (of the emancipation), so the child is also with the arrangement (included) in the arrangement of its mother'.⁹⁹

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

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

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

⁹⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 4

⁹⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 5

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

I said to him^{-asws}, 'Is it allowed for the one who arranged (the emancipation) of their mother, that he retracts in his arrangement, when he is needy?' He^{-asws} said: 'Yes'. I said, 'What is your^{-asws} view if their mother were to die after the death of the husband, and her children from the free husband remain, is it allowed for her master that he sells her children, and if he retracts upon them regarding the arrangement?' He^{-asws} said: 'No. But rather, for him would be that he retracts regarding the arrangement of their mother when he is needy, and she is pleased with that'.¹⁰⁰

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

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

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

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

He^{-asws} said: 'And if his master were to leave him upon the arrangement, and an event (of death) does not occur again until his master dies, so the arranged slave is free when his master dies, and he is from the third (of the bequest). But rather, he is at the status of a man who bequeaths with a bequest, then changes his mind for it, so he alters it from before his death; and if he were to leave him and does not change it until he dies, he would be seized by it'.¹⁰¹

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

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

'I asked Abu Ja'far^{-asws} about a man who arranged (the emancipation) of an owned slave of his, a businessman, financially affluent. So the arranged slave buys a slave girl by the order of his master. So she gives birth to children from him. Then the arranged slave dies before his master. So he^{-asws} said: 'I^{-asws} view that the entirety of what the arranged slave has left, from wealth or provisions, so it is for the one who had the arrangement for him, and I^{-asws} view that the mother of his children is for the one who had the arrangement, and I^{-asws} view that her children are (all) with the

¹⁰⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 6

¹⁰¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 7

arrangement just like their father. So when the one who arranged for their father were to die, so they are free'.¹⁰²

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

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

'I asked Abu Ja'far^{-asws} about a man who arranged (the emancipation of) an owned slave of his. Then he became needy to his price. So he^{-asws} said: 'He is his slave, if he so desires to he sells him, and if he so desires to he emancipates him, and if he so desire to he keeps him until he dies. So when the master dies, so he is free, from his third (of the deceased)'.¹⁰³

بَابُ الْمُكَاتَبِ

Chapter 11 – The contracted (slave)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ إِنِّي كَاتِبْتُ جَارِيَةً لِأَيْتَامٍ لَنَا وَ اشْتَرَطْتُ عَلَيْهَا إِنْ هِيَ عَجَزَتْ فَهِيَ رَدٌّ فِي الرِّقِّ وَ أَنَا فِي جِلِّ مِمَّا أَخَذْتُ مِنْكَ قَالَ فَقَالَ لِي لَكَ شَرْطُكَ وَ سَيُقَالُ لَكَ إِنْ عَلِيًّا (عَلَيْهِ السَّلَامُ) كَانَ يَقُولُ يُعْتَقُ مِنَ الْمُكَاتَبِ بِقَدْرِ مَا أَدَّى مِنْ مُكَاتَبَتِهِ فَقُلْ إِنَّمَا كَانَ ذَلِكَ مِنْ قَوْلِ عَلِيٍّ (عَلَيْهِ السَّلَامُ) قَبْلَ الشَّرْطِ فَلَمَّا اشْتَرَطَ النَّاسُ كَانَ لَهُمْ شَرْطُهُمْ

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

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

فَقُلْتُ لَهُ وَ مَا حَدُّ الْعَجْزِ فَقَالَ إِنَّ فُضَانَتَنَا يَقُولُونَ إِنَّ عَجَرَ الْمُكَاتَبِ أَنْ يُوجَرَ النَّجْمَ إِلَى النَّجْمِ الْآخَرَ وَ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ قُلْتُ فَمَاذَا تَقُولُ أَنْتَ قَالَ لَا وَ لَا كِرَامَةَ لَيْسَ لَهُ أَنْ يُوجَرَ نَجْمًا عَنْ أَجَلِهِ إِذَا كَانَ ذَلِكَ فِي شَرْطِهِ .

So I said to him^{-asws}, 'And what is the limit of the frustration (from paying off)?' So he^{-asws} said: 'Our judges are saying that the frustrated contracted slave, would be respire from and installment to the installment, and until a year passes by upon him'. I said, 'So what is that which you^{-asws} are saying?' He^{-asws} said: 'No, and there is no honour. It is not for him that he is respited for an installment from his term when that was stipulated in his conditions'.¹⁰⁴

¹⁰² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 8

¹⁰³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 9

¹⁰⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 1

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

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'The contracted slave, it is not allowed for him an emancipation, nor a gifting, nor marriage, nor testimony, nor a Hajj, until he pays off the entirety of what is upon him, when his master that stipulated upon him that if he was frustrated (from paying off), from an installment from his installments, so he would be returned into the slavery'.¹⁰⁵

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

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

'I asked him^{asws} about a man who contracted a slave of his upon a thousand Dirhams, and did not stipulate upon him when he contracted him that if he was frustrated from (paying off) his contract, so he would be returned into the slavery, and that the contracted slave had paid five hundred Dirhams to his master. Then the contracted slave died and left wealth, and left a son of his, adult. So he^{asws} said: 'Half of what the contracted slave left from something, so it is for his master who had contracted him, and the remaining half is for the son of the contracted slave, because the contracted slave died and half of him was free and half of him was with the one who had contracted him. So the son of the contracted slave is like his father, half of him is free and half of him is a slave. So if he pays off to the one who had contracted his father, whatever was remaining upon his father, so he is free. There would be no way for anyone from the people over him'.¹⁰⁶

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

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

(It has been narrated) from Al-Sadiq^{asws}, said, 'He^{asws} was asked about a man who contracted a slave girl of his. So the slave girl said, 'Whatever I pay off from my contract, so I would be free by it upon the accounting of that'. So he said to her, 'Yes'. So she paid off part of her contract and her master have uniond with her after that. So he^{asws} said: 'If she had disliked it upon that, he would be whipped from the legal penalty (*Hadd*) by the measurement of what she had paid off from her contract, and it would be staved off from the legal penalty (*Hadd*) by the measurement of what remains for him from her contract; and if she had followed him, so she is an associate of his in

¹⁰⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 2

¹⁰⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 3

the legal penalty (*Hadd*), and she would be whipped similar to what he would be whipped'.¹⁰⁷

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ عَمْرِو بْنِ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْمُكَاتَبِ قَالَ يَجُوزُ عَلَيْهِ مَا شَرَطْتَ عَلَيْهِ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the contracted slave. He^{-asws} said: 'It is allowed upon him whatever is stipulated upon him'.¹⁰⁸

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

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'The contracted slave, when he pays off something, he is emancipated by the measurement of what he pays off, except if his master had stipulated that if he was frustrated (from paying it) so he would be returned (into slavery). So for them is their stipulated conditions'.¹⁰⁹

وَ بِإِسْنَادِهِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عليهما السلام) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ اتَّوَهُمُ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ قَالَ الَّذِي أُضْمِرْتَ أَنْ تُكَاتِبَهُ عَلَيْهِ لَا تَقُولُ أَكَاتِبُهُ بِخَمْسَةِ آلَافٍ وَ أَنْتُكَ لَهُ أَلْفًا وَ لَكِنْ أَنْظُرْ إِلَى الَّذِي أُضْمِرْتَ عَلَيْهِ فَأَعْطِهِ

And by his chain, from Muhammad Bin Muslim,

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

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

And about the Words of the Mighty and Majestic **[24:33] give them the writing if you know any good in them**, he^{-asws} said: 'If you know that in it is wealth (profit)'.¹¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ مُكَاتِبَةٍ أَدَّتْ ثَلَاثِي مِكَاتِبَتِهَا وَ قَدْ شَرِطَ عَلَيْهَا إِنْ عَجَزَتْ فِيهِ رَدَّ فِي الرِّقِّ وَ نَحْنُ فِي جِلِّ مِمَّا أَخَذْنَا مِنْهَا وَ قَدْ اجْتَمَعَ عَلَيْهَا نَجْمَانِ قَالَ تَرُدُّ وَ تَطِيبُ لَهُمْ مَا أَخَذُوا مِنْهَا وَ قَالَ لَيْسَ لَهَا أَنْ تُؤَخَّرَ النَّجْمَ بَعْدَ حَلِّهِ شَهْرًا وَاحِدًا إِلَّا بِإِذْنِهِمْ .

¹⁰⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 4

¹⁰⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 5

¹⁰⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 6

¹¹⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 7

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

'I asked Abu Abdullah^{-asws} about a contracted woman who has paid off two-thirds of her contract, and it had been stipulated upon her that if she was frustrated (from paying), so she would be returned to the slavery, and we would be in the leeway from what we take from her, and two installments had gathered upon her. He^{-asws} said: 'She would be returned, and make good for them what they take from her'. And he^{-asws} said: 'It is not for her that she delays the installment after the passing by of one month except by their permission'.¹¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي الْمُكَاتَبِ إِذَا أَدَّى بَعْضَ مُكَاتَبَتِهِ فَقَالَ إِنَّ النَّاسَ كَانُوا لَا يَشْتَرُطُونَ وَ هُمْ الْيَوْمَ يَشْتَرُطُونَ وَ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ فَإِنْ كَانَ شَرْطٌ عَلَيْهِ أَنَّهُ إِنْ عَجَزَ رَجَعَ وَ إِنْ لَمْ يُشْتَرِطْ عَلَيْهِ لَمْ يَرْجِعْ

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

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

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

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

قَالَ وَ قَالَ فِي الْمُكَاتَبِ يَشْتَرِطُ عَلَيْهِ مَوْلَاهُ أَنْ لَا يَتَزَوَّجَ إِلَّا بِإِذْنِ مَنْهُ فَإِنْ لَهُ شَرْطُهُ .

He (the narrator) said, 'And he^{-asws} said regarding the contracted slave: 'If his master stipulates upon him that he would not get married except by his permission until he has paid off his contract, it is befitting for him not to get married except by permission from him, for it is a condition for him'.¹¹²

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

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

¹¹¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 8

¹¹² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 9

(It has been narrated) from Abu Abdullah^{-asws} regarding the Words of Mighty and Majestic [24:33] **give them the writing if you know any good in them.** He^{-asws} said: 'If you know there would be for them, wealth and Religion'.¹¹³

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

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

'I asked him^{-asws} about the slave whose master contracted him, and he knew that he would not own little or more. He^{-asws} said: 'He should contract him, and if the people had asked, he would not be prevented from contracting him from a term if there is not wealth for him, for Allah^{-azwj} Sustains the servants, from each other, and the Believer is Assisted, and it is said, 'And the benevolent is Assisted''.¹¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَالِي بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي رَجُلٍ كَاتَبَ عَلَى نَفْسِهِ وَ مَالِهِ وَ لَهُ أَمَةٌ وَ قَدْ شَرَطَ عَلَيْهِ أَنْ لَا يَتَزَوَّجَ فَأَعْتَقَ الْأَمَةَ وَ تَزَوَّجَهَا قَالَ لَا يَصْلُحُ لَهُ أَنْ يُحَدِّثَ فِي مَالِهِ إِلَّا أَكَلَهُ مِنَ الطَّعَامِ وَ نِكَاحَهُ فَاسِيدٌ مَرْدُودٌ

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

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

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

It was said, 'Supposing his master knows of his marriage and does not say anything?' He^{-asws} said: 'If he is silent when he knows that, so he has accepted'. It was said, 'Supposing the contracted slave is emancipated, do you^{-asws} view that he should renew the marriage, or he carries on upon the first marriage?' He^{-asws} said: 'He carries on upon his marriage'.¹¹⁵

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

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

¹¹³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 10

¹¹⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 11

¹¹⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 12

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a man who had a father of an owned slave, and for his father was a wife, a contracted slave girl, who had paid off part of what was upon her. So the son of the slave said to her, 'Is it for you if I assist you in your contract until you have paid of what is upon you, with a stipulation that there does not happen to be the choice upon my father, when you own yourself'. She said, 'Yes'. So he gave her in her contract, upon the stipulation that if there does not happen to be the choice for her upon him after she owns (herself). He^{-asws} said: 'There does not happen to be the choice of the submitters in their stipulations'.¹¹⁶

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

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

'I asked Abu Ja'far^{-asws} about a man who emancipated half of his slave girl, then he contracted her upon the other half after that. So he^{-asws} said: 'So let him stipulated upon her that if she was frustrated from her installments, so she would be returned into the slavery with regards to half of her slavery. So if he so desires to, there would be for him, her services for a day, and for her would be a day, if he has not contracted her'. I said, 'Is it for her that she gets married, being in that state?' He^{-asws} said: 'No, until she has paid off the entirety of what is upon her with regards to half of her slavery'.¹¹⁷

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

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{-asws}, from his brother^{-asws} Abu Al-Hassan^{-asws}, said, 'I asked him^{-asws} about a man who contracted his slave. So he said after having contracted him, 'Gift me part of it, and I will hasten for you what was in my contract'. Is that permissible?' He^{-asws} said: 'When it was a gift, so there is no problem, and if he says, 'Settle from me and I will hasten for you', so it is not correct'.¹¹⁸

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

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

(It has been narrated) from Abu Abdullah^{-asws} that Amir Al-Momineen^{-asws} having said regarding a contracted slave girl, her master have unioned with her. He^{-asws} said: 'A

¹¹⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 13

¹¹⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 14

¹¹⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 15

similar dower would be returned to her, and she would work regarding her price. So if she was frustrated (from paying), so she is from the mothers of the children'.¹¹⁹

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said regarding the Words of Allah^{-azwj} Mighty and Majestic [24:33] **give them the writing if you know any good in them, and give them of the wealth of Allah which He has Given you**. He^{-asws} said: 'There would be placed aside from him, from his installment which he did not want to be reduced from it, and it would not exceed about what in yourself'. So I said, 'How much?' So he^{-asws} said: 'Abu Ja'far^{-asws} placed aside from his^{-asws} owned slave, a thousand from six thousand'.¹²⁰

باب المملوك إذا عمي أو جذم أو نُكِلَ به فهو حرٌّ

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

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ جَعْفَرِ بْنِ مَحْبُوبٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ كُلُّ عَبْدٍ مُتَلِّ بِهِ فَهُوَ حُرٌّ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Every slave who is tortured with, so he is free'.¹²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) إِذَا عَمِيَ الْمَمْلُوكُ فَلَا رِقَّ عَلَيْهِ وَ الْعَبْدُ إِذَا جُذِمَ فَلَا رِقَّ عَلَيْهِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'When the owned slave is blinded, so there is no slavery upon him; and the slave, when he is suffers from leprosy, so there is no slavery upon him'.¹²²

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

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

¹¹⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 16

¹²⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 17

¹²¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 1

¹²² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 2

(It has been narrated) from Abu Ja'far^{-asws} having said: 'When the owned slave is blinded, his master should emancipate him, and it would not be for him that he keeps him'.¹²³

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When the owned slave is blinded, so he has been emancipated'.¹²⁴

بَابُ الْمَمْلُوكِ يُعْتَقُ وَ لَهُ مَالٌ

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

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

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

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

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

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

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

I said, 'So if the slave were to emancipate (a slave) from what he has earned besides the enforced (payment), so for whom would be the guardianship of the emancipated slave?' So he^{-asws} said: 'He would go and give his guardianship to the one he so likes

¹²³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 3

¹²⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 4

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

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

I said to him^{-asws}, ‘Did not Rasool-Allah^{-saww} say: ‘The guardianship is for the one who emancipates?’ So he^{-asws} said: ‘He is an emancipated slave, his guardianship does not happen to be for a slave like him’. I said, ‘Supposing the slave were to take the responsibility for the one who emancipated him, for his crimes, and his actions, would that necessitate him, and he would become his master and inherit him?’ So he^{-asws} said: ‘That is not allowed, and a slave would not inherit a free man’.¹²⁵

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

Ibn Mahboub, from Ibn Bukeyr, from Zurara,

(It has been narrated) from Abu Abdullah^{-asws} having said: ‘When the man contracts his owned slave, and emancipates him, and he knows that for him would be wealth, and did not happen to make an exclusion for the wealth when he emancipated him, so it is for the slave’.¹²⁶

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

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

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}) regarding a man who emancipated a slave of his, and for him was wealth. For whom is the wealth of the slave?’ He^{-asws} said: ‘If he knew that there was wealth for him, he would pursue his wealth, or else it would be for the one who was emancipated’.¹²⁷

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

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

‘I asked Abu Ja’far^{-asws} about a man who emancipated a slave of his, and for the slave is wealth. For whom is the wealth?’ He^{-asws} said: ‘If he knew that there is wealth for him, he would pursue his wealth, or else it would be for him (the slave)’.¹²⁸

¹²⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 1

¹²⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 2

¹²⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 3

¹²⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 4

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

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

'I asked Abu Al-Hassan^{-asws} about a man who said to his owned slave, 'You are free, and for me is your wealth'. He^{-asws} said: 'He would not begin with the freedom before the wealth. He should be saying to him, 'For me is your wealth, and you are free', with the pleasure of the slave, for that is more beloved to me^{-asws}' .¹²⁹

باب عِتْقِ السُّكْرَانَ وَ الْمَجْنُونِ وَ الْمُكْرَه

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

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ عِتْقِ الْمُكْرَه فَقَالَ لَيْسَ عِتْقُهُ بِعِتْقٍ .

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

(It has been narrated) from Abu Ja'far^{-asws}, said, 'I asked him^{-asws} about an emancipation of the coerced. So he^{-asws} said: 'His emancipation is not with a (valid) emancipation' .¹³⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْمَعْتُوْهَةِ الدَّاهِيَةِ الْعَقْلِ أَوْ يَجُورُ بِبَيْعِهَا وَ صَدَقْتَهَا قَالَ لَا وَ عَنْ طَلَّاقِ السُّكْرَانَ وَ عِتْقِهِ قَالَ لَا يَجُوزُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the demented woman with the intellect gone, is her selling and her charity allowed?' He^{-asws}; 'No'. And about a divorce by the intoxicated and his emancipation, he^{-asws} said: 'Not allowed' .¹³¹

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

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

¹²⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 5

¹³⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 1

¹³¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 2

(It has been narrated) from Abu Ja'far^{-asws} and Abu Abdullah^{-asws} that the bewitched, his emancipation is not with a (valid) emancipation'.¹³²

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'An emancipation by the intoxicated is not allowed'.¹³³

باب أمهات الأولاد

Chapter 15 – Mothers of the children

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ أُمِّ الْوَلَدِ قَالَ أُمُّهُ تَبَاغٌ وَ ثَوْرَتْ وَ نُوهَبٌ وَ حَدُّهَا حَدُّ الْأَمَةِ .

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

(It has been narrated) from Abu Ja'far^{-asws}, said, 'I asked him^{-asws} about a mother of the child. He^{-asws} said: 'She can be sold, and inherited, and gifted, and her legal penalty (*Hadd*) is a legal penalty (*Hadd*) of the slave girl'.¹³⁴

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

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

(It has been narrated) from Abu Al-Hassan^{-asws}, said, 'I asked him^{-asws} about a mother of the child, (can) she be sold regarding the debt. He^{-asws} said: 'Yes, regarding a price of her slavery'.¹³⁵

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

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

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

¹³² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 3

¹³³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 4

¹³⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 1

¹³⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 2

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

قَالَ وَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ تَرَكَ جَارِيَةً وَ قَدْ وُلِدَتْ مِنْهُ ابْنَةٌ وَ هِيَ صَغِيرَةٌ غَيْرُ أَنَّهَا تُبِينُ الْكَلَامَ فَأَعْتَقْتُ أُمَّهَا فَخَاصَمَ فِيهَا مَوْلَى أَبِي الْجَارِيَةِ فَأَجَازَ عِنَقَهَا لِلْأُمِّ .

And Amir Al-Momineen-asws has judged regarding a man who left a slave girl and she had given birth to a daughter from him, and she was small without being able to manifest the speech. So her mother was emancipated. So the guardians of the father of the slave girl disputed with regards to her, so he-asws allowed her emancipation for the mother’.¹³⁶

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

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

(It has been narrated) from Abu Abdullah-asws regarding a man who bought a slave girl (and) have uniond with her. So she gave birth for him to a child, and her child died. So he-asws said: ‘If he so desires to, he sells her regarding the debts which happen to be upon her master, from her price, and if there was a child for her, it would be evaluated upon her child from his share’.¹³⁷

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

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

‘I said to Abu Abdullah-asws’, or said, ‘Abu Ibrahim-asws (7th Imam-asws), ‘I would like to ask you-asws’. So he-asws said: ‘Ask’. So I said, ‘Why did Amir Al-Momineen-asws sell the mother of the children?’ He-asws said: ‘Regarding their escape from slavery’. I said, ‘And how was that?’ So he-asws said: ‘Whichever man buys a slave girl, so she begets, then her price is not paid, and he does not leave from the wealth what is to be paid off from her, her child would be taken from her, and it would be sold, so her price would be paid’. I said, ‘Can he sell regarding what is beside that from the matter of the debts and its aspects?’ He-asws said; ‘No’.¹³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ وَ غَيْرِهِ عَنْ يُونُسَ فِي أُمِّ وَوَلِدٍ لَيْسَ لَهَا وَوَلَدٌ مَاتَ وَوَلَدَهَا وَ مَاتَ عَنْهَا صَاحِبُهَا وَ لَمْ يُعْتَقْهَا هَلْ يَجِلُّ لِأَحَدٍ تَرْوِجُهَا قَالَ لَا هِيَ أُمَّةٌ لَا يَجِلُّ لِأَحَدٍ تَرْوِجُهَا إِلَّا بِعْتَقِي مِنَ الْوَرِثَةِ فَإِنْ كَانَ لَهَا وَوَلَدٌ وَ لَيْسَ عَلَى الْمَيْتِ دَيْنٌ فَهِيَ لِلْوَالِدِ وَ إِذَا مَلَكَهَا الْوَالِدُ فَقَدْ عَتَقَتْ بِمَلِكِ وَوَلَدَهَا لَهَا وَ إِنْ كَانَتْ بَيْنَ شُرَكَاءَ فَقَدْ عَتَقَتْ مِنْ نَصِيْبِ وَوَلَدَهَا وَ نُسْتَسْعَى فِي بَقِيَّةِ ثَمَنِهَا .

¹³⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 3

¹³⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 4

¹³⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 5

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

(It has been narrated) regarding a mother of a child, not having a child, for her child had died, and her master died from her, and did not emancipate her. Is it permissible for anyone to marry her?' He^{-asws} said: 'No, she is a slave. It is not Permissible for anyone to marry her except by emancipating her from the inheritors. So if there was a child for her, and there is no debt upon the deceased, so she is for the child, and when her child owns her, so she is emancipated by the ownership of the child of hers, even though it may be between partners, so she has been emancipated from the share of her child, and she would work with regards to the remainder of her price'.¹³⁹

باب نَوَادِرَ

Chapter 16 - Miscellaneous

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

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

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

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

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

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

It was said to him^{-asws}, 'If it was such that she conceived, meaning from the emancipator of her, the one who married her, what is the state of that which is in her belly?' So he^{-asws} said: 'That which is in her belly is with its mother, like her'.¹⁴⁰

¹³⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 6

¹⁴⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 1

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

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

(It has been narrated) from Abu Ja'far^{asws} regarding the slave who gives wealth to the man in order to buy him, so he would emancipate him. He^{asws} said: 'That is not correct for him'.¹⁴¹

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

Ibn Mahboub, from Ibrahim Al Karkhy who said,

'I said to Abu Abdullah^{asws} that Hisham Bin Adeyn asked me to ask you^{asws} about a man who made the emancipation of his slave if there were to occur the event of death with his master. So the master died, and upon him was an Obligatory emancipation of a neck with regards to an expiation. Is it allowed, on behalf of the deceased, an emancipation of the slave for whom the master had made the emancipation to be for him, after his death, in the freeing of the neck which was upon the deceased?' He^{asws} said: 'No'.¹⁴²

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ عَنْ يَكْرِ بْنِ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلَهُ رَجُلٌ وَ أَنَا حَاضِرٌ فَقَالَ يَكُونُ لِي الْعُلَامُ فَيَشْرَبُ الْخَمْرَ وَ يَدْخُلُ فِي هَذِهِ الْأُمُورِ الْمَكْرُوهَةِ فَأُرِيدُ عِتْقَهُ فَهَلْ عِتْقُهُ أَحَبُّ إِلَيْكَ أَوْ أبيعُهُ وَ أَتَصَدَّقُ بِتَمَنِيهِ فَقَالَ إِنْ الْعِتْقُ فِي بَعْضِ الزَّمَانِ أَفْضَلُ وَ فِي بَعْضِ الزَّمَانِ الصَّدَقَةُ أَفْضَلُ فَإِذَا كَانَ النَّاسُ حَسَنَةً حَالَهُمْ فَالْعِتْقُ أَفْضَلُ فَإِذَا كَانُوا شَدِيدَةً حَالَهُمْ فَالصَّدَقَةُ أَفْضَلُ وَ يَبِيعُ هَذَا أَحَبُّ إِلَيَّ إِذَا كَانَ بِهِذِهِ الْحَالِ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'A man asked him^{asws} and I was present, so he said, 'There happens to be a slave for me, so he drank the wine, and engages in these reprehensible (blameworthy) things. So, I intend to emancipate him. So is his emancipation more beloved to you^{asws}, or I sell him, and I give in charity with his price?' So he^{asws} said: 'The emancipation is better in certain times, and in certain times the charity is better. So when the state of the people was good, so the emancipation is better. So when they state was difficult (committing sins), so the charity is preferable; and selling this one is more beloved to me^{asws}, when he was in this state'.¹⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) يَقُولُ إِنَّ النَّاسَ كُلَّهُمْ أَحْرَارٌ إِلَّا مَنْ أَقْرَّ عَلَى نَفْسِهِ بِالْعُبُودِيَّةِ وَ هُوَ مُدْرِكٌ مِنْ عَبْدٍ أَوْ أَمَةٍ وَ مَنْ شَهِدَ عَلَيْهِ بِالرَّقِّ صَغِيرًا كَانَ أَوْ كَبِيرًا .

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

¹⁴¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 2

¹⁴² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 3

¹⁴³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 4

'I heard Abu Abdullah^{-asws} saying: 'Amir Al-Momineen^{-asws} was saying that the people, all of them are free, except for the one who confesses upon himself with the slavery, and he was an adult from a slave, or a slave girl; and the one against who is testified with the slavery, whether he was young or old'.¹⁴⁴

عَلِيٌّ عَنْ أَبِيهِ عَنْ دَاوُدَ النَّهْدِيِّ عَنْ بَعْضِ أَصْحَابِنَا قَالَ دَخَلَ ابْنُ أَبِي سَعِيدٍ الْمَكَارِي عَلَيَّ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) فَقَالَ لَهُ أُبَلِّغِ اللَّهَ مِنْ قَدْرِكَ أَنْ تَدْعِي مَا ادَّعَى أَبُوكَ فَقَالَ لَهُ مَا لَكَ أَطْفَأَ اللَّهُ نُورَكَ وَ ادْخَلَ الْفَقْرَ بَيْتَكَ أَمَا عَلِمْتَ أَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَوْحَى إِلَى عِمْرَانَ أَبِي وَاهِبٍ لَكَ ذِكْرًا فَوَهَبَ لَهُ مَرْيَمَ وَ وَهَبَ لِمَرْيَمَ عِيسَى (عَلَيْهِ السَّلَام) فَعِيسَى مِنْ مَرْيَمَ وَ مَرْيَمَ مِنْ عِيسَى وَ عِيسَى شَيْءٌ وَاحِدٌ وَ أَنَا مِنْ أَبِي وَ أَبِي مِنِّي وَ أَنَا وَ أَبِي شَيْءٌ وَاحِدٌ

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

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

فَقَالَ لَهُ ابْنُ أَبِي سَعِيدٍ وَ أَسْأَلُكَ عَنْ مَسْأَلَةٍ فَقَالَ لَا إِخَالَكَ تَقْبُلُ مِنِّي وَ لَسْتُ مِنْ عَنَمِي وَ لَكِنْ هَلُمَّهَا فَقَالَ رَجُلٌ قَالَ عِنْدَ مَوْتِهِ كُلُّ مَمْلُوكٍ لِي قَدِيمٍ فَهُوَ حُرٌّ لَوْجِهَ اللَّهِ قَالَ نَعَمْ إِنَّ اللَّهَ عَزَّ ذَكَرُهُ يَقُولُ فِي كِتَابِهِ حَتَّىٰ عَادَ كَالْعُرْجُونِ الْقَدِيمِ فَمَا كَانَ مِنْ مَمَالِيكِهِ أَتَىٰ عَلَيْهِ سِنَةٌ أَسْهَرُ فَهُوَ قَدِيمٌ وَ هُوَ حُرٌّ

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

قَالَ فَخَرَجَ مِنْ عِنْدِهِ وَ افْتَقَرَ حَتَّىٰ مَاتَ وَ لَمْ يَكُنْ عِنْدَهُ مَبِيثٌ لَيْلَةً لَعَنَهُ اللَّهُ .

He (the narrator) said, 'So he went out from his^{-asws} presence, and contemplated until he died, and there did not happen to be an overnight stay. May Allah^{-azwj} Curse him'.¹⁴⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ الْهَاشِمِيِّ عَنْ أَبِيهِ رَفَعَهُ قَالَ قَضَىٰ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ نَكَحَ وَ لَيْدَةً رَجُلٍ أَعْتَقَ رَجُلًا أَوْلَ وَ لِدٍ تَلِدُهُ فَوَلَدَتْ تَوْأَمًا فَقَالَ أَعْتَقَ كِلَاهُمَا .

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

¹⁴⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 5

¹⁴⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 6

'He^{-asws} said: 'Amir Al-Momineen^{-asws} judged regarding a man who married a child of a man whose lord had emancipated the first child she gave birth to. So she gave birth to twins. So he^{-asws} said: 'Both of them are emancipated'.¹⁴⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ قَالَ كَتَبْتُ إِلَيْهِ أَسْأَلُهُ عَنِ الْمَمْلُوكِ يَحْضُرُهُ الْمَوْتُ فَيُعْتِقُهُ الْمَوْلَى فِي تِلْكَ السَّاعَةِ فَيَخْرُجُ مِنَ الدُّنْيَا حُرّاً فَهَلْ لِمَوْلَاهُ فِي ذَلِكَ أَجْرٌ أَوْ يَتْرُكُهُ فَيَكُونُ لَهُ أَجْرُهُ إِذَا مَاتَ وَهُوَ مَمْلُوكٌ فَكَتَبَ إِلَيْهِ يَتْرُكُ الْعَبْدَ مَمْلُوكاً فِي حَالِ مَوْتِهِ فَهَوَ أَجْرٌ لِمَوْلَاهُ وَ هَذَا عِتْقٌ فِي هَذِهِ السَّاعَةِ لَيْسَ بِنَافِعٍ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad,

(It has been narrated) from Ali Bin Mahziyar who wrote to him^{-asws} asking him^{-asws} about the owned slave to whom death presented itself. So the master emancipates him during that moment. So he exited from the world a free man. So, is it for his master with regards to that, a recompense, or he leaves him so there would happen to be a recompense for him when he dies and he is an owned slave?' So he^{-asws} wrote to him: 'He should leave the slave as owned during the state of his death, so it is a recompense for his master, and this emancipation during these times, is not beneficial for him'.¹⁴⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ سَلَمَةَ بْنِ الْخَطَّابِ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ نَهْيَكٍ عَنْ عَلِيِّ بْنِ الْحَارِثِ عَنْ صَبَّاحِ الْمُرَنِّيِّ عَنْ نَاجِيَةَ قَالَ رَأَيْتُ رَجُلًا عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَقَالَ لَهُ جُعِلْتُ فِدَاكَ إِنِّي أَعْتَقْتُ خَادِمًا لِي وَ هُوَ ذَا أَطْلُبُ شِرَاءَ خَادِمٍ مِنْهُ سِنِينَ فَمَا أَقْدِرُ عَلَيْهَا فَقَالَ مَا فَعَلْتَ الْخَادِمُ قَالَ حَيَّةٌ قَالَ رُدَّهَا فِي مَمْلُوكِيهَا مَا أَعْنَى اللَّهُ مِنْ عِتْقِ أَحَدِكُمْ تُعْتَفُونَ الْيَوْمَ وَ يَكُونُ عَلَيْنَا عَدَاً لَا يَجُوزُ لَكُمْ أَنْ تُعْتَفُوا إِلَّا عَارِفًا .

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

'I saw a man in the presence of Abu Abdullah^{-asws}, so he said to him^{-asws}, 'May I be sacrificed for you^{-asws}! I emancipated a female servant of mine and she was a sought after attendant for years. So what do I value upon her?' So he^{-asws} said: 'What does the attendant do?' He^{-asws} said: 'She is a snake (hypocrite)'. He^{-asws} said: 'Return her in her slavery. Whatever Allah^{-azwj} has Made one of you to be self-sufficient from emancipation, you are emancipating today, and it would happen upon us^{-asws} tomorrow. It is not allowed for you that you emancipate except one whom you recognise'.¹⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعَمْرِكِيِّ بْنِ عَلِيِّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عِتْقٌ رَقَبَةٍ وَ أَرَادَ أَنْ يُعْتِقَ نَسَمَةَ أُيْهُمَا أَفْضَلُ أَنْ يُعْتِقَ شَيْخًا كَبِيرًا أَوْ شَابًا أَجْرَدَ قَالَ أَعْتَقَ مَنْ أَعْنَى نَفْسَهُ الشَّيْخَ الْكَبِيرَ الضَّعِيفَ أَفْضَلُ مِنَ الشَّابِّ الْأَجْرَدِ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{-asws}, from his brother^{-asws} Abu Al-Hassan Musa^{-asws}, said, 'I asked him^{-asws} about a man upon whom is the emancipation of a neck, and he intended to emancipate a person. Which of these two is better, if he emancipates an old man, or a beardless youth?' He^{-asws} said: 'Emancipate the one

¹⁴⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 7

¹⁴⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 8

¹⁴⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 9

who can be self-sufficient himself. The old weak sheikh is better than the beardless youth'.¹⁴⁹

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said that Amir Al-Momineen^{-asws} said: 'It is not allowed in the emancipations – the blind, and the seated cripple, and it is allowed – the paralysed and the lame'.¹⁵⁰

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The one who was a Believer, so he is emancipated after seven years, whether his master emancipates him or does not emancipate him, and it is not Permissible to have the services of the one who was a Believer after seven years'.¹⁵¹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ إِسْمَاعِيلَ بْنِ سَهْلِ عَنْ مُعَاوِيَةَ بْنِ مَيْسَرَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ يَبِيعُ عَبْدَهُ بِتُقْصَانٍ مِنْ تَمَنِيهِ لِيُعْتَقَ فَقَالَ لَهُ الْعَبْدُ فِيمَا بَيْنَهُمَا إِنَّ لَكَ عَلَيَّ كَذَا وَ كَذَا أَيْ أَخُذْهُ مِنْهُ فَقَالَ يَأْخُذْهُ مِنْهُ عَفْوًا وَ يَسْأَلُهُ إِيَّاهُ فِي عَفْوِهِ فَإِنْ أَبَى فَلْيَدِّعْهُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a man who sold his slave at a loss from his price in order to emancipate. So the slave said to him, 'With regards to what is between the two (prices), for you, upon me is such and such'. Can he take it from him?' So he^{-asws} said: 'He takes it from him as a pardon, and he asks him for it to be excused. So if he (master) refuses, so let him (the slave) pay it'.¹⁵²

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

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

'He^{-asws} said regarding a man who had a number of owned slaves. So he said, 'Whichever of you teaches me a Verse from the Book of Allah^{-azwj} Mighty and Majestic, so he is free'. So one of them taught him. Then the master died, and it was not known which of them was the one who taught him the Verse. Can a lot be drawn?' He^{-asws} said: 'Yes, and it is not allowed for anyone to extract him except for the Imam^{-asws}, as

¹⁴⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 10

¹⁵⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 11

¹⁵¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 12

¹⁵² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 13

for it is speech (to be recited), and a time for the drawing of lots, and a supplication which no one knows besides him^{-asws}, nor is anyone able over it apart from him^{-asws}.¹⁵³

مَحْمَدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ أَبِي مَخْلَدٍ السَّرَّاجِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لِإِسْمَاعِيلَ حَقِيْبَةَ وَ الْحَارِثِ النَّصْرِيِّ اَطْلُبُوا لِي جَارِيَةً مِنْ هَذَا الَّذِي يُسَمُّوْنَهُ كَذْبَانُوجَةَ تَكُوْنُ مَعَ اِمِّ فَرْوَةَ فَذَلُّوْنَا عَلٰى جَارِيَةٍ لِرَجُلٍ مِنَ السَّرَّاجِيْنَ قَدْ وُلِدَتْ لَهٗ اِبْنًا وَ مَاتَ وَ لَدَهَا فَاُخْبِرُوْهُ بِخَبْرِهَا فَاَمْرَهُمْ فَاشْتَرَوْهَا وَ كَانَ اسْمُهَا رَسَالَةَ فَغَيَّرَ اسْمَهَا وَ سَمَّاها سَلْمٰى وَ زَوَّجَهَا سَالِمًا مَوْلَاهُ وَ هِيَ اُمُّ الْحُسَيْنِ بْنِ سَالِمٍ .

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

‘Abu Abdullah^{-asws} said to Ismail Haqeeba and Al-Haris Al-nasry: ‘Seek out a slave girl for me from this which they call ‘Kadabanouj’, she can be with Umm Farwa^{-as}. So they pointed us to a slave girl of a man from Al-Sarrajeen who had given birth to a son for him, and her son had died. So they informed him with her news. So, he ordered them, and they bought her, and her name was Rasala, so he^{-asws} changed her name and called her Salma, and Salim, her master, married her, and she is a mother of Al-Husayn Bin Saalim’.¹⁵⁴

بَابُ الْوَلَاءِ لِمَنْ أُعْتِقَ

Chapter 17 – The guardianship is for the one who emancipates

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The guardianship is for the one who emancipates’.¹⁵⁵

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

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

‘I asked Abu Abdullah^{-asws} about the man when is emancipated, is it for him that he places himself wherever he so desires to, and makes a guardian to the one whom he loves to?’ So he^{-asws} said: ‘When he is emancipated for the Sake of Allah^{-azwj}, so he is a slave of the one who emancipated him. So when he is emancipated and is made a freed slave, so for him is that he places himself wherever he so desires to and makes a guardian the one who he so desires to’.¹⁵⁶

¹⁵³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 14

¹⁵⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 15

¹⁵⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 1

¹⁵⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي حَدِيثِ بَرِيرَةَ أَنَّ النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ لِعَائِشَةَ أَعْتَقِي فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ .

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

(It has been narrated) from Abu Ja'far^{-asws} regarding a Hadeeth of Bareyra that the Prophet^{-saww} said to Ayesha: 'Emancipate, for the guardianship is for the one who emancipates'.¹⁵⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عِيصِ بْنِ الْقَاسِمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَتْ عَائِشَةُ لِرَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنَّ أَهْلَ بَرِيرَةَ اشْتَرَطُوا وَوَلَاءَهَا فَقَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْوَلَاءُ لِمَنْ أَعْتَقَ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Ayesha said to Rasool-Allah^{-saww}, 'The people of Bareyra are stipulating their guardianship'. So Rasool-Allah^{-saww} said: 'The guardianship is for the one who emancipates'.¹⁵⁸

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

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

(It has been narrated) from Abu Abdullah^{-asws} having said regarding a woman who emancipated a man. For whom is his guardianship, and for whom is his inheritance?' He^{-asws} said: 'For the one who emancipated him, except if there happens to be an inheritor for him apart from her'.¹⁵⁹

باب

Chapter 18 – A Chapter

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

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

'My maternal aunt narrated to me. She said, 'I was seated by the courtyard of the Kabah, when Abu Abdullah^{-asws} came over. So when he^{-asws} saw me, altered his^{-asws} course towards me. So he^{-asws} greeted me and he^{-asws} said: 'What makes you sit over here?' So I said, 'I am awaiting a slave of ours'.

¹⁵⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 3

¹⁵⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 4

¹⁵⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 5

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

She said, 'So he^{-asws} said to me: 'Emancipate him'. I said, 'No, but we have emancipated his father'. So he^{-asws} said: 'That is not your slave. This is your brother, and a son of your uncle. But rather, the slave is the one upon whom the bounty flowed. So when it flowed upon his father and his grandfather, so he is a son of your uncle, and your brother'.¹⁶⁰

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

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'But rather the slave of Al-Jaleed is old, and his son is an Arab, and a son of his son, is from himself'.¹⁶¹

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

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

'I went over to Abu Abdullah^{-asws} and with me was Ali Bin Abdul Aziz. So he^{-asws} said to me: 'Who is this?' So I said, 'A slave of ours'. So he^{-asws} said: 'Have you emancipated him, or his father?' So I said, 'But his father'. So he^{-asws} said: 'This one is not your slave. This is your brother, and a son of your uncle. But rather, the slave, he is the one upon whom the bounty flows. So when it flowed upon his father, so he is your brother, and a son of your uncle'.¹⁶²

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

Bakr Bin Muhammad, from Juweyria who said,

'Abu Abdullah^{-asws} passed by me, and I was in the Sacred Masjid, awaiting a slave of ours. So he^{-asws} said: 'O Umm Usman! What makes you stay over here?' So I said, 'I am awaiting a slave of ours'. So he^{-asws} said: 'Have you emancipated him?' So I said, 'No'. So he^{-asws} said: 'Have you emancipated his father?' I said, 'No. We emancipated his grandfather'. So he^{-asws} said: 'This is not your slave, but this is your brother'.¹⁶³

¹⁶⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 1

¹⁶¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 2

¹⁶² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 3

¹⁶³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُوسَى بْنِ عُمَرَ عَنْ رَجُلٍ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ صُحْبَةُ عِشْرِينَ سَنَةً قَرَابَةٌ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A companion of twenty years is a relative'.¹⁶⁴

باب الإتيان

Chapter 19 – The fugitives

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

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Three (people) Allah^{-azwj} Mighty and Majestic will not Accept their Prayers – one of them is the absconding slave until he returns to his master'.¹⁶⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ أَبِي جَمِيلَةَ عَنْ زَيْدِ الشَّحَامِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سَأَلَهُ رَجُلٌ يَتَخَوَّفُ إِيَّاقَ مَمْلُوكِهِ أَوْ يَكُونُ الْمَمْلُوكُ قَدْ أَبَقَ أَيْفِيْدُهُ أَوْ يَجْعَلُ فِي رَقَبَتِهِ رَايَةً فَقَالَ إِنَّمَا هُوَ بِمَنْزِلَةِ بَعِيرٍ تَخَافُ شِرَاةً فَإِذَا خَفَتْ ذَلِكَ فَاسْتَوْتِقُ مِنْهُ وَ لَكِنْ أَشْبِعُهُ وَ اكْسُهُ فَلْتِ وَ كَمْ شَبِعُهُ فَقَالَ أَمَا نَحْنُ فَنَرُزُقُ عِيَالَنَا مُدِينٍ مِنْ تَمْرٍ .

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

(It has been narrated) from Abu Abdullah^{-asws} having been asked, 'A man fears the absconding of his slave, or the slave happened to have absconded, should he constrain him, or make him to be in his slavery? Your^{-asws} view?' So he^{-asws} said: 'But rather, he is at the status of a camel which fears its owner. So when it fears that, so it is confident from it, but satiate it (feed it), and clothe it'. I said, 'And how much is its satiation?' So he^{-asws} said: 'As for us^{-asws}, so we^{-asws} used to feed our^{-asws} families from two handfuls of dates'.¹⁶⁶

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

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

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

¹⁶⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 5

¹⁶⁵ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 6

¹⁶⁶ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 2

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

Abu Hashim, may Allah^{-azwj} be Pleased with him said, 'And it was Nasr Bin Aamir Al Qummy who had asked me that I ask him^{-asws} about that'.¹⁶⁷

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

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

(It has been narrated) from Abu Ja'far^{-asws} the 1st, said, 'I asked him^{-asws} about a slave girl with an arranged emancipation who absconded from her master for a period of several years. Then she came back after her master had died, with a child, and a lot of belongings, and two witnesses testified for her that her master had arranged for her emancipation during his lifetime from before she had absconded. So Abu Ja'far^{-asws} said: 'I^{-asws} view that she and the entirety of what is with her, so it is for the inheritors'. I said, 'She would not be emancipated from a third of her (deceased) master?' He^{-asws} said: 'No, because she absconded, being disobedient to Allah^{-azwj} and her master, so the absconding invalidated the arranged emancipation'.¹⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْأَحْنَعِيِّ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَالَ فِي جُعَلِ الْأَبْقِ الْمُسْلِمِ يُرَدُّ عَلَى الْمُسْلِمِ وَ قَالَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَخَذَ أَبَقًا فَأَبَقَ مِنْهُ قَالَ لَا شَيْءَ عَلَيْهِ .

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

(It has been narrated) from Abu Abdullah^{-asws} that Amir Al-Momineen^{-asws} said regarding the absconded (slave) of a Muslim: 'He would be returned upon the Muslim'. And he^{-asws} said regarding a man who seized an absconding slave, so he absconded from him. He^{-asws} said: 'There is nothing upon him'.¹⁶⁹

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

Ahmad Bin Muhammad, from one of our companions,

(It has been narrated) raising it from Abu Abdullah^{-asws} having said: 'The owned slave, when he flees and does not exit from his city, does not constitute as having absconded'.¹⁷⁰

¹⁶⁷ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 3

¹⁶⁸ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 4

¹⁶⁹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 5

¹⁷⁰ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 6

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَنْ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ أَصَابَ عَبْدًا أَبَقًا فَأَخَذَهُ وَأَقْلَتَ مِنْهُ الْعَبْدُ قَالَ لَيْسَ عَلَيْهِ شَيْءٌ قُلْتُ فَأَصَابَ جَارِيَةً قَدْ سُرِقَتْ مِنْ جَارٍ لَهُ فَأَخَذَهَا لِإِيَّتِيهَا بِهَا فَتَفَقَّتْ لَيْسَ عَلَيْهِ شَيْءٌ .

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

'I asked Abu Abdullah^{-asws} about a man who came across an absconding slave, so he seized him, and the slave escaped from him. He^{-asws} said: 'There is nothing upon him'. I said, 'Supposing he came across a slave girl who had stolen from a neighbour of his, so he seizes in order to come over with her, so she dies'. (He^{-asws} said): 'There is nothing upon him'.¹⁷¹

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

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

(It has been narrated) from Abu Abdullah^{-asws} that Amir Al-Momineen^{-asws}, they disputed to him^{-asws} regarding a man who had seized an absconding slave, and he was with him, then he fled from him. He would be made to swear an oath by Allah^{-azwj}, besides Whom there is not god except for Him^{-azwj}, that he did not confiscate his clothes, nor anything from what was upon him, nor did he sell him, nor coaxed him during his sending. So when he swears, he is free from the responsibility'.¹⁷²

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعَمْرِكِيِّ بْنِ عَلِيٍّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ جُعْلِ الْأَبْقِ وَالضَّالَّةِ قَالَ لَا بَأْسَ بِهِ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{-asws}, from his brother^{-asws} Abu Al-Hassan^{-asws}, said, 'I asked him^{-asws} about making the absconding slave suffer humiliation. He^{-asws} said: 'There is no problem with it'.¹⁷³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ لَيْسَ فِي الْإِبَاقِ عَهْدٌ .

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'There is no patronage regarding the absconding slave'.¹⁷⁴

تَمَّ كِتَابُ الْعَتَقِ وَالتَّدْبِيرِ وَ الكِتَابِيَّةِ وَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَ صَلَّى اللَّهُ عَلَى خَيْرِ خَلْقِهِ مُحَمَّدٍ وَ آلِهِ الطَّاهِرِينَ وَ بَيَّنَّوْهُ
كِتَابُ الصَّيْدِ إِنْ شَاءَ اللَّهُ تَعَالَى .

¹⁷¹ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 7

¹⁷² Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 8

¹⁷³ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 9

¹⁷⁴ Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 9

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

كِتَابُ الصَّيْدِ

THE BOOK OF HUNTING

بَابُ صَيْدِ الْكَلْبِ وَالْفَهْدِ

Chapter 1 – The hunting by the dog and the leopard

حَدَّثَنَا أَبُو مُحَمَّدٍ هَارُونَ بْنُ مُوسَى التَّلْعُكْبَرِيُّ قَالَ حَدَّثَنَا أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ يَعْقُوبَ الْكَلْبِيِّ قَالَ حَدَّثَنِي عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي كِتَابِ عَلِيِّ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ مَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ مُكَلِّبِينَ قَالَ هِيَ الْكَلَابُ .

Abu Muhammad Haroun Bin Musa Al Talakbary narrated to us, from Abu Ja'far Muhammad Bin Yaquob Al Kulayni, from Ali Bin Ibrahim, form his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, altogether, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

Abu Abdullah^{-asws} has said: 'In the Book of Ali^{-asws} regarding the Words of Allah^{-azwj} Mighty and Majestic [5:4] and what you have taught the hunting animals, trained ones. He^{-asws} said: 'These are the dogs'.¹⁷⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدِيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ وَ غَيْرِ وَاجِدٍ عَنْهُمَا (عَلَيْهِمَا السَّلَام) جَمِيعاً أَنَّهُمَا قَالَا فِي الْكَلْبِ يُرْسَلُهُ الرَّجُلُ وَ يُسَمَّى قَالَا إِنْ أَخَذَهُ فَأَذْرَكَتْ ذَكَاتَهُ فَذَكَهَ وَ إِنْ أَدْرَكَتَهُ وَ قَدْ قَتَلَهُ وَ أَكَلَ مِنْهُ فَكُلْ مَا بَقِيَ وَ لَا تَرَوْنَ مَا تَرَوْنَ فِي الْكَلْبِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Muhammad Bin Muslim, and someone else,

(It has been narrated) from both of them^{-asws} (5th and 6th Imam^{-asws}) together, both^{-asws} having said regarding the dog which the man sends (to hunt) and Names (*Bismillah*): 'If it (the dog) seizes it (the prey) and he (the hunter) comes to it, so he should slaughters it, and if he comes to it and it (the dog) has killed it, and has eaten from it, so he can eat from what remains, but do not be thinking of what you are thinking of regarding the dog'.¹⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ عَلِيِّ بْنِ فَضَّالٍ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ سَالِمِ الْأَشْثَلِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ الْكَلْبِ يُمَسِّكُ عَلَى صَيْدِهِ وَ قَدْ أَكَلَ مِنْهُ قَالَ لَا بَأْسَ بِمَا أَكَلَ وَ هُوَ لَكَ حَلَالٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali Bin Fazzal, from Abdullah Bin Bukeyr, from Saalim Al Ashalla who said,

¹⁷⁵ Al Kafi – V 6 – The Book of Hunting Ch 1 H 1

¹⁷⁶ Al Kafi – V 6 – The Book of Hunting Ch 1 H 2

'I asked Abu Abdullah^{-asws} about the dog which remains upon its prey, and has eaten from it. He^{-asws} said: 'There is no problem with what it has eaten, and it is Permissible for you'.¹⁷⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ سَالِمٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي عُبَيْدَةَ الْحَدَّاءِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُسْرَخُ كَلْبُهُ الْمُعْلَمَ وَ يُسَمِّي إِذَا سَرَّحَهُ فَقَالَ يَأْكُلُ مِمَّا أَمْسَكَ عَلَيْهِ فَإِذَا أَدْرَكَهُ قَبْلَ قَتْلِهِ ذَكَاهُ وَ إِنْ وَجَدَ مَعَهُ كَلْباً غَيْرَ مُعْلَمٍ فَلَا يَأْكُلُ مِنْهُ

A number of our companions, from Sahl Bin Ziyad, from Saalim, and Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Ali Bin Raib, from Abu Ubeyda Al haza'a who said,

'I asked Abu Abdullah^{-asws} about the man who released (for hunting) his trained dog and he Named (*Bismillah*) when he released it. So he^{-asws} said: 'He can eat from what it (dog) remains upon it. So when he comes over to it before it has killed it, he should slaughters it, and if he were to find an untrained dog with it, so he cannot eat from it'.

فَقُلْتُ فَالْفَهْدُ قَالَ إِذَا أَدْرَكَتْ ذَكَاتَهُ فَكُلْ وَ إِلَّا فَلَا قُلْتُ أَلَيْسَ الْفَهْدُ بِمَنْزِلَةِ الْكَلْبِ فَقَالَ لِي لَيْسَ شَيْءٌ مَكْلَبٌ إِلَّا الْكَلْبُ .

So I said, 'So (what about) the leopard?' He^{-asws} said: 'When he comes over to it, he slaughters it, so he eats, or else, no'. I said, 'Is not the leopard as the status of the dog?' So he^{-asws} said to me: 'There is no trained hunting animal except for the dog'.¹⁷⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ مَا قَتَلْتُ مِنَ الْجَوَارِحِ مُكَلَّبِينَ وَ ذَكَرَ اسْمُ اللَّهِ عَزَّ وَ جَلَّ عَلَيْهِ فَكُلُوا مِنْهُ وَ مَا قَتَلْتَ الْكِلَابَ الَّتِي لَمْ تُعْلِمُوهَا مِنْ قَبْلِ أَنْ تُدْرِكُوهُ فَلَا تَطْعَمُوهُ .

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

Abu Ja'far^{-asws} having said: 'Whatever is killed from the trained animals, and the Name of Allah^{-azwj} Mighty and Majestic is Mentioned over it, so eat from it; and whatever the dogs kill, those which you have not trained from before, if you come to it, so do not consume it'.¹⁷⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ حَدَّثَنِي حَكَمُ بْنُ حُكَيْمٍ الصِّيرْفِيُّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا تَقُولُ فِي الْكَلْبِ يَصِيدُ الصَّيْدَ فَيَقْتُلُهُ فَقَالَ لَا بَأْسَ بِأَكْلِهِ قَالَ قُلْتُ فَإِنَّهُمْ يَقُولُونَ إِنَّهُ إِذَا قَتَلَهُ وَ أَكَلَ مِنْهُ فَإِنَّمَا أَمْسَكَ عَلَى نَفْسِهِ فَلَا تَأْكُلُهُ فَقَالَ كُلْ أَوْ لَيْسَ قَدْ جَامَعُوكُمْ عَلَى أَنْ قَتَلَهُ ذَكَاتَهُ قَالَ قُلْتُ بَلَى

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Jameel Bin Darraj, from Hakam Bin Hukeym Al Sayrafi who said,

'I said to Abu Abdullah^{-asws}, 'What are you^{-asws} saying regarding the dog who hunts the prey, so it kills it'. So he^{-asws} said: 'There is no problem with eating it'. I said, 'But they (the people) are saying that when it kills it and eats from it, so it is keeping it for itself, therefore do not eat it'. So he^{-asws} said: 'Eat, or have you not formed a consensus upon that if it kills it, it would be its slaughter?' I said, 'Yes'.

¹⁷⁷ Al Kafi – V 6 – The Book of Hunting Ch 1 H 3

¹⁷⁸ Al Kafi – V 6 – The Book of Hunting Ch 1 H 4

¹⁷⁹ Al Kafi – V 6 – The Book of Hunting Ch 1 H 5

قَالَ فَمَا يَقُولُونَ فِي شَاةٍ دَبَّحَهَا رَجُلٌ أَدْكَاهَا قَالَ قُلْتُ نَعَمْ قَالَ فَإِنَّ السَّبْعَ جَاءَ بَعْدَ مَا دَكَّاهَا فَأَكَلَ مِنْهَا بَعْضَهَا أَوْ يُؤْكَلُ الْبَقِيَّةُ قُلْتُ نَعَمْ قَالَ فَإِذَا أَجَابُوكَ إِلَى هَذَا فَقُلْ لَهُمْ كَيْفَ تَقُولُونَ إِذَا دَكَّى ذَلِكَ وَ أَكَلَ مِنْهَا لَمْ تَأْكُلُوا وَإِذَا دَكَّاهَا هَذَا وَ أَكَلَ أَكَلْتُمْ .

He^{-asws} said: 'So what are you saying regarding a sheep which a man slaughters, is it purified?' I said, 'Yes'. He^{-asws} said: 'So if the lion were to come after it has been purified (slaughtered), so it (the lion) eats from it, part of it, would you be eating the remainder?' I said, 'Yes'. He^{-asws} said: 'So when they answer you to this, so say to them, 'How come you are saying when that one (the hunting dog) caught and ate from it, do not eat it, and when this one (man) purifies it (slaughtered), and is eaten (by the lion), you are eating?'¹⁸⁰

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحْسِنِ بْنِ أَحْمَدَ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَرْسَلَ كَلْبَهُ فَأَدْرَكَهُ وَ قَدْ قَتَلَ قَالَ كُنْ وَ إِنْ أَكَلَ .

Ahmad Bin Muhammad, from Muhassan Bin Ahmad, from Yunus Bin Yaquub who said,

'I asked Abu Abdullah^{-asws} about a man who sent his dog (for hunting). So when he came to it, and it had killed it'. He^{-asws} said: 'Eat, and even if it has eaten (from it)'.¹⁸¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ الرَّجُلِ يُرْسِلُ الْكَلْبَ عَلَى الصَّيْدِ فَيَأْخُذُهُ وَ لَا يَكُونُ مَعَهُ سِكِّينٌ يُدَكِّيه بِهَا أَوْ يَدْعُهُ حَتَّى يَقْتُلَهُ وَ يَأْكُلُ مِنْهُ قَالَ لَا بَأْسَ قَالَ اللَّهُ عَزَّ وَ جَلَّ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَ لَا يَنْبَغِي أَنْ يُؤْكَلَ مِمَّا قَتَلَ الْفَهْدُ .

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

'I asked Abu Abdullah^{-asws} about the man who sent his dog upon the prey, so it seized it, and there did not happen to be a knife with him to slaughter it with. Can he leave it until it (the dog) kills it and (then) he eats from it?' He^{-asws} said: 'There is no problem. Allah^{-azwj} Mighty and Majestic Says [5:4] so eat from what which they catch for you, and it is not befitting if you eat from what the leopard kills'.¹⁸²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ الْحَضْرَمِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ صَيْدِ الْبُرَّازَةِ وَ الصُّفُورِ وَ الْكَلْبِ وَ الْفَهْدِ فَقَالَ لَا تَأْكُلُ صَيْدَ شَيْءٍ مِنْ هَذِهِ إِلَّا مَا دَكَّيْتُمُوهُ إِلَّا الْكَلْبَ الْمَكْلَبَ قُلْتُ فَإِنْ قَتَلَهُ قَالَ كُلْ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ وَ مَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ مُكَلَّبِينَ... فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَ اذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Sayf Bin Umeyra, from Abu Bakr Al Hazramy who said,

'I asked Abu Abdullah^{-asws} about the prey of the buzzards and the falcons, and the dogs, and the leopards. So he^{-asws} said: 'Do not eat the prey of anything from these except what you purify (slaughter), except for the hunting dog'. I said, 'Suppose it kills it?' He^{-asws} said: 'Eat, because Allah^{-azwj} Mighty and Majestic is Saying [5:4] and what

¹⁸⁰ Al Kafi – V 6 – The Book of Hunting Ch 1 H 6

¹⁸¹ Al Kafi – V 6 – The Book of Hunting Ch 1 H 7

¹⁸² Al Kafi – V 6 – The Book of Hunting Ch 1 H 8

you have taught the hunting animals, trained ones . . . so eat of that which they catch for you and mention the Name of Allah over it'.¹⁸³

وَعَنْهُ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبَانَ بْنِ تَغْلِبَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ سَمِعْتُ سَلْمَانَ يَقُولُ كُلُّ مِمَّا أَمْسَكَ الْكَلْبُ وَإِنْ أَكَلَ ثُلُثَيْهِ .

And from him, from Ali Bin Al Hakam, from Sayf Bin Umeyra, from Aban Bin Taghlab, from Saeed Bin Al Musayyab who said,

'I heard Salman saying, 'Eat from what the (hunting) dog catches, even if it has eaten two-thirds of it'.¹⁸⁴ (P.s. – This is not a Hadeeth)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْكِلَابُ الْكُرْدِيَّةُ إِذَا عَلِمَتْ فَهِيَ بِمَنْزِلَةِ السَّلُوقِيَّةِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The dogs of the Kurds, when trained, so these are at the status of the *Saluqiyya* (Yemeni trained dogs)'.¹⁸⁵

وَعَنْهُ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ سَالِمِ الْأَشَلِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ صَيْدِ الْكَلْبِ الْمُعْلَمِ قَدْ أَكَلَ مِنْ صَيْدِهِ قَالَ كُلُّ مِنْهُ .

And from him, from Sayf Bin Umeyra, from Mansour Bin Hazim, from Salim Al Ashalli who said,

'I asked Abu Abdullah^{-asws} about the prey of the trained dog who has eaten from the prey. He^{-asws} said: 'Eat from it'.¹⁸⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ عَنِ أَبَانَ بْنِ عُمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَرْسَلَ كَلْبَهُ فَأَخَذَ صَيْدًا فَأَكَلَ مِنْهُ أَكْلًا مِنْ فَضْلِهِ فَقَالَ كُلُّ مِمَّا قَتَلَ الْكَلْبُ إِذَا سَمِيَتْ عَلَيْهِ فَإِنْ كُنْتَ نَاسِيًا فَكُلْ مِنْهُ أَيْضًا وَكُلْ فَضْلَهُ .

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

'I asked Abu Abdullah^{-asws} about a man who sent his dog, so it seized a prey and ate from it. Can he eat from its remains?' So he^{-asws} said: 'Eat from what the dog kills when you Named (*Bismillah*) over it. So if had forgotten (*Bismillah*), so eat from it as well, and eat its remains'.¹⁸⁷

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي صَيْدِ الْكَلْبِ إِنْ أَرْسَلَهُ الرَّجُلُ وَسَمَّى فَلْيَأْكُلْ مِمَّا أَمْسَكَ عَلَيْهِ وَإِنْ قَتَلَ وَإِنْ أَكَلَ فُكُلْ مَا بَقِيَ وَإِنْ كَانَ غَيْرَ مُعْلَمٍ يُعْلَمُهُ فِي سَاعَتِهِ ثُمَّ يُرْسَلُهُ فَيَأْكُلْ مِنْهُ فَإِنَّهُ مُعْلَمٌ

¹⁸³ Al Kafi – V 6 – The Book of Hunting Ch 1 H 9

¹⁸⁴ Al Kafi – V 6 – The Book of Hunting Ch 1 H 10

¹⁸⁵ Al Kafi – V 6 – The Book of Hunting Ch 1 H 11

¹⁸⁶ Al Kafi – V 6 – The Book of Hunting Ch 1 H 12

¹⁸⁷ Al Kafi – V 6 – The Book of Hunting Ch 1 H 13

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Abdullah^{-asws} having said regarding a prey of the dog, if the man sends it and Names (*Bismillah*), so let him eat from what it remains upon it, even if it has killed, and even if it has eaten (from it). So eat from what remains, even it was not trained (earlier on), but he trained it in that very moment, then sends it, so he eats from it, for it is trained.

فَأَمَّا خِلَافُ الْكَلْبِ مِمَّا يَصِيدُ الْفَهْدُ وَالصَّوْفُ وَأَشْبَاهَ ذَلِكَ فَلَا تَأْكُلُ مِنْ صَيْدِهِ إِلَّا مَا أَدْرَكَتْ ذَكَاتَهُ لِأَنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ مُكَلِّبِينَ فَمَا كَانَ خِلَافَ الْكَلْبِ فَلَيْسَ صَيْدُهُ مِمَّا يُؤْكَلُ إِلَّا أَنْ تُدْرِكَ ذَكَاتَهُ .

So as for (a hunting animal) different to the dog, from what is hunted by the leopard, and the falcon, and similar ones to that, so do not eat from its prey, except what you come to and purify (slaughter) it, because Allah^{-azwj} Mighty and Majestic is Saying **'[5:4] trained ones**. So whatever was different to the dog, so its prey is not from what can be eaten, except if you come to it, (and you) purify (slaughter) it'.¹⁸⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنَّهُ سُئِلَ عَنْ صَيْدِ الْبَازِي وَالْكَلْبِ إِذَا صَادَ وَقَدْ قَتَلَ صَيْدَهُ وَ أَكَلَ مِنْهُ أَكُلَ فَضْلُهُمَا أَمْ لَا فَقَالَ (عَلَيْهِ السَّلَام) أَمَّا مَا قَتَلْتَهُ الطَّيْرُ فَلَا تَأْكُلُهُ إِلَّا أَنْ تُدَكِّيَهُ وَأَمَّا مَا قَتَلَهُ الْكَلْبُ وَقَدْ ذَكَرْتَ اسْمَ اللَّهِ عَزَّ وَجَلَّ عَلَيْهِ فَكُلْ وَ إِنْ أَكَلَ مِنْهُ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'He^{-asws} was asked about the falcon and the dog when they both hunt and have killed its prey and eaten from it. Can one eat from its remains or not?' So he^{-asws} said: 'As for what the bird has killed, so do not eat it, except if you purify (slaughter) it; and as for that the dog kills, and the Name of Allah^{-azwj} Mighty and Majestic is Mentioned over it, so eat, even if it has eaten from it'.¹⁸⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِنْ كَلْبٍ أَفَلَتْ وَ لَمْ يُرْسَلْهُ صَاحِبُهُ فَصَادَ فَأَدْرَكَهُ صَاحِبُهُ وَ قَدْ قَتَلَهُ أَيْ أَكَلَ مِنْهُ فَقَالَ لَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from AL Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Al Qasim Bin Suleyman who said,

'I asked Abu Abdullah^{-asws} about a dog which fled, and was not sent by its owner, so it hunted. Then its owner came over, and it had killed it. Can he eat from it?' So he^{-asws} said: 'No'.

وَ قَالَ (عَلَيْهِ السَّلَام) إِذَا صَادَ وَقَدْ سَمِيَ فَلْيَأْكُلْ وَ إِنْ صَادَ وَ لَمْ يُسَمَّ فَلَا يَأْكُلْ وَ هَذَا مِنْ مَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ مُكَلِّبِينَ .

And he^{-asws} said: 'When it hunts, and it has been Named (*Bismillah*), so let him eat, and if it hunts and has not been Named (*Bismillah*), so no; and this is from what **[5:4] and what you have taught the hunting animals, trained ones**'.¹⁹⁰

¹⁸⁸ Al Kafi – V 6 – The Book of Hunting Ch 1 H 14

¹⁸⁹ Al Kafi – V 6 – The Book of Hunting Ch 1 H 15

¹⁹⁰ Al Kafi – V 6 – The Book of Hunting Ch 1 H 16

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُعَاوِيَةَ بْنِ حُكَيْمٍ عَنْ أَبِي مَالِكٍ الْحَضْرَمِيِّ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أُرْسِلُ الْكَلْبَ وَاسْمِي عَلَيْهِ فَيَصِيدُ وَ لَيْسَ مَعِيَ مَا أَذْكِيهِ بِهِ قَالَ دَعُهُ حَتَّى يَقْتُلَهُ وَ كُلْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muawiya Bin Hukeym, from Abu Malik Al Hazramy, from Jameel Bin Darraj who said,

'I said to Abu Abdullah^{-asws}, 'I sent the dog (to hunt) and Named (*Bismillah*) over it. So it hunted, and there was nothing with me that I could purify (slaughter) it with'. He^{-asws} said: 'Leave it until it kills it, and eat'.¹⁹¹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا أُرْسِلَ الرَّجُلُ كَلْبَهُ وَ نَسِيَ أَنْ يُسَمِّيَ فَهُوَ بِمَنْزِلَةِ مَنْ دَبَحَ وَ نَسِيَ أَنْ يُسَمِّيَ وَ كَذَلِكَ إِذَا رَمَى بِالسَّهْمِ وَ نَسِيَ أَنْ يُسَمِّيَ .

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When the man sends his dog (to hunt) and forgets to Name (*Bismillah*), so he is at the status of the one slaughters and forgets to Name (*Bismillah*), and similar to that is when he throws with the spear and forgets to Name (*Bismillah*)'.¹⁹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ أَبِي حَمَزَةَ عَنْ أَبِيهِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ قَوْمٍ أُرْسَلُوا كِلَابَهُمْ وَ هِيَ مُعَلَّمَةٌ كُلُّهَا وَ قَدْ سَمَّوْا عَلَيْهَا فَلَمَّا أَنْ مَضَتْ الْكِلَابُ دَخَلَ فِيهَا كَلْبٌ غَرِيبٌ لَمْ يَعْرِفُوا لَهُ صَاحِبًا فَاشْتَرَكْنَ جَمِيعًا فِي الصَّيْدِ فَقَالَ لَا يُؤْكَلُ مِنْهُ لِأَنَّكَ لَا تَدْرِي أَخَذَهُ مُعَلَّمٌ أَمْ لَا .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from one of our companions, from Al Hassan Bin Ali Bin Abu Hamza, from his father, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a people who sent their dogs (to hunt) and all of these were trained, and they had Named (*Bismillah*) over it. So when the dogs went, so another dog included itself, one whose owner was not known. So they participated together in the hunting. So he^{-asws} said: 'They should not be eating from it, because it is not known whether it was the trained dog which seized it (the prey) or not'.¹⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) الْكَلْبُ الْأَسْوَدُ الْبَهِيمُ لَا يُؤْكَلُ صَيْدُهُ لِأَنَّ رَسُولَ اللَّهِ (عليه السلام) أَمَرَ بِقَتْلِهِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'The black dog is the beast, do not eat from its prey because Rasool-Allah^{-saww} ordered with its killing'.¹⁹⁴

بَابُ صَيْدِ الْبُرَّازَةِ وَ الصُّفُورِ وَ غَيْرِ ذَلِكَ

Chapter 2 – Prey of the falcon, and the hawk, and other than that

¹⁹¹ Al Kafi – V 6 – The Book of Hunting Ch 1 H 17

¹⁹² Al Kafi – V 6 – The Book of Hunting Ch 1 H 18

¹⁹³ Al Kafi – V 6 – The Book of Hunting Ch 1 H 19

¹⁹⁴ Al Kafi – V 6 – The Book of Hunting Ch 1 H 20

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 الْحَلْبِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) كَانَ أَبِي (عَلَيْهِ السَّلَام) يُفْتِي وَ كَانَ يَتَّقِي وَ نَحْنُ نَخَافُ فِي صَيْدِ الْبُرَاةِ وَ الصُّفُورِ وَ أَمَا الْآنَ فَإِنَّا لَا نَخَافُ وَ لَا نُحِلُّ صَيْدَهَا إِلَّا أَنْ تُدْرِكَ ذَكَاتُهُ فَإِنَّهُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) أَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ وَ مَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ مُكَلِّبِينَ فِي الْكِلَابِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya, from Ibn Muskan, from Al Halbi who said,

'Abu Abdullah^{-asws} said: 'My^{-asws} father used to pass a Verdict and he^{-asws} was fearing (the Clan of Umayya), and we^{-asws} (also) fear (the Clan of Umayya) regarding the prey of the falcons and the hawks; and as for now, so we^{-asws} are not fearing (the Clan Umayya), and we^{-asws} are not Permitting its prey, except if you were to come to it and purify (slaughter) it, for it is in the Book of Ali^{-asws} that Allah^{-azwj} Mighty and Majestic is Saying [5:4] and what you have taught the hunting animals, trained ones, is regarding the dogs'.¹⁹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِذَا أُرْسِلَتْ بَارَا أَوْ صَفْرًا أَوْ عُقَابًا فَلَا تَأْكُلُ حَتَّى تُدْرِكَهُ فَتُذَكِّيهِ وَ إِنْ قَتَلَ فَلَا تَأْكُلُ .

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

'Abu Abdullah^{-asws} said: 'When you send a falcon, or a hawk, or an eagle (to hunt), so do not eat until you come to it, so you purify (slaughter) it, and if it has killed, so do not eat'.¹⁹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أُرْسِلَ كَلْبُهُ وَ صَفْرُهُ فَقَالَ أَمَا الصُّفْرُ فَلَا تَأْكُلُ مِنْ صَيْدِهِ حَتَّى تُدْرِكَ ذَكَاتَهُ وَ أَمَا الْكَلْبُ فَكُلْ مِنْهُ إِذَا ذَكَرْتَ اسْمَ اللَّهِ عَلَيْهِ أَكَلَ الْكَلْبُ مِنْهُ أَمْ لَمْ يَأْكُلْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ail Bin Al Hakam, from Aban Bin Usman, from Abdullah Bin Suleyman who said,

'I asked Abu Abdullah^{-asws} about a man who sent his dog and his hawk (to hunt). So he^{-asws} said: 'As for the hawk, so do not eat from its prey until you come to it, (and you) purify (slaughter) it; and as for the dog, so eat from it when you Mentioned the Name of Allah^{-azwj} (Bismillah), whether the dog has eaten from it or did not eat from it'.¹⁹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَادِ بْنِ عَيْسَى عَنْ حَرِيْزِ بْنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) أَنَّهُ كَرِهَ صَيْدَ الْبَارِي إِلَّا مَا أُدْرِكَتْ ذَكَاتُهُ .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{-asws} that he^{-asws} abhorred the prey of the falcon, except what you come to and purify (slaughter) it'.¹⁹⁸

¹⁹⁵ Al Kafi – V 6 – The Book of Hunting Ch 2 H 1

¹⁹⁶ Al Kafi – V 6 – The Book of Hunting Ch 2 H 2

¹⁹⁷ Al Kafi – V 6 – The Book of Hunting Ch 2 H 3

¹⁹⁸ Al Kafi – V 6 – The Book of Hunting Ch 2 H 4

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ عَنِ أَبَانَ بْنِ عُمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَرْسَلَ بَارَهُ أَوْ كَلْبَهُ فَأَخَذَ صَيْدًا وَ أَكَلَ مِنْهُ أَكُلًا مِنْ فَضْلِهِمَا فَقَالَ لَا مَا قَتَلَ الْبَازِي فَلَا تَأْكُلُ مِنْهُ إِلَّا أَنْ تَذْبَحَهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah, said,

'I asked Abu Abdullah^{-asws} about a man who sent his falcon or his dog (to hunt), so it seized a prey, and ate from it. Can he eat from its remains?' So he^{-asws} said: 'No, whatever the falcon killed so do not eat from it except if you slaughter it'.¹⁹⁹

أَبَانُ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ صَيْدِ الْبَازِي وَ الصَّفْرِ فَقَالَ لَا تَأْكُلُ مَا قَتَلَ الْبَازِي وَ الصَّفْرُ وَ لَا تَأْكُلُ مَا قَتَلَ سِبَاغَ الطَّيْرِ .

Aban, from Abu Al Abbas,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a prey of the falcon and the hawk. So he^{-asws} said: 'Do not eat what the falcon and the hawk kill, and do not eat what the predators from the birds kill'.²⁰⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَّابٍ عَنْ أَبِي عَبْدِ اللَّهِ الْخَدَّاءِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا تَقُولُ فِي الْبَازِي وَ الصَّفْرِ وَ الْعَقَابِ فَقَالَ إِنْ أَدْرَكْتَ ذَكَاتَهُ فَكُلْ مِنْهُ وَ إِنْ لَمْ تُدْرِكْ ذَكَاتَهُ فَلَا تَأْكُلُ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Ibn Raib, from Abu Ubeyda Al Haza'a who said,

'I said to Abu Abdullah^{-asws}, 'What are you^{-asws} saying regarding the falcon, and the hawk, and the eagle?' So he^{-asws} said: 'If you come to it, purify (slaughter) it, so eat from it, and if you do not come to it (and) purify (slaughter) it, so do not eat'.²⁰¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ عَنْ الْمُفَضَّلِ بْنِ صَالِحٍ عَنْ أَبَانَ بْنِ تَعْلَبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ كَانَ أَبِي (عَلَيْهِ السَّلَام) يُعْنِي فِي رَمَنِ بَنِي أُمَيَّةَ أَنَّ مَا قَتَلَ الْبَازِي وَ الصَّفْرُ فَهُوَ حَلَالٌ وَ كَانَ يَنْفَعِيهِمْ وَ أَنَا لَا أَتَّقِيهِمْ وَ هُوَ حَرَامٌ مَا قَتَلَ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Al Mufazzal Bin Salih, from Aban Bin Taghlab who said,

'I heard Abu Abdullah^{-asws} saying: 'My^{-asws} father^{-asws} was issuing Fatwas during the era of the Clan of Umayya that whatever the falcon and the hawk kills, so it is Permissible, and he^{-asws} was observing dissimulation from them, and I^{-asws} am not fearing them (anymore), and it is Prohibited what (they) kill'.²⁰²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ صَيْدِ الْبَازِي إِذَا صَادَ وَ قَتَلَ وَ أَكَلَ مِنْهُ أَكُلًا مِنْ فَضْلِهِ أَمْ لَا فَقَالَ أَمَا مَا أَكَلْتَ الطَّيْرُ فَلَا تَأْكُلُ إِلَّا أَنْ تَذْكِيَهُ .

199 Al Kafi – V 6 – The Book of Hunting Ch 2 H 5

200 Al Kafi – V 6 – The Book of Hunting Ch 2 H 6

201 Al Kafi – V 6 – The Book of Hunting Ch 2 H 7

202 Al Kafi – V 6 – The Book of Hunting Ch 2 H 8

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

'I asked Abu Abdullah^{-asws} about a prey of the falcon when it hunts, and kills, and eats from it – can one eat from its remainder or not?' So he^{-asws} said: 'As for what the bird ate, so do not eat, except if you purify (slaughter) it'.²⁰³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ ابْنِ فَضَّالٍ عَنْ مُفَضَّلِ بْنِ صَالِحٍ عَنْ لَيْثِ الْمُرَادِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الصُّفُورِ وَ الْبُرَاةِ وَ عَنْ صَيْدِهَا فَقَالَ كُلُّ مَا لَمْ يَغْتَلْنَ إِذَا أُدْرِكَتْ ذَكَاتُهُ وَ أَخْرَجَ الذِّكَاةَ إِذَا كَانَتْ الْعَيْنُ تَطْرُقُ وَ الرَّجُلُ تَرَكُضُ وَ الذَّنْبُ تَتَحَرَّكُ وَ قَالَ (عَلَيْهِ السَّلَامُ) لَيْسَتْ الصُّفُورُ وَ الْبُرَاةُ فِي الْقُرْآنِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ibn Fazzal, from Mufazzal Bin Salih, from Lays Al Murady who said,

'I asked Abu Abdullah^{-asws} about the hawk and the falcon, and about its prey. So he^{-asws} said: 'Every prey which it did not kill when you came to it, so purify (slaughter) it, and the last of the purification (slaughtering) is when the eyes were fluttering and the legs were kicking and the tail was moving'. And he^{-asws} said: 'And the hawk and the falcon are not in the Quran (to justify their killings)'.²⁰⁴

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ النَّهْدِيِّ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ أَبَانَ بْنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ قَالَ لَا تَأْكُلُ مِمَّا قَتَلَتْ سِبَاغَ الطَّيْرِ .

Ahmad Bin Muhammad, from Muhammad Bin Ahmad Al Nahdy, from Muhammad Bin Al Waleed, from Aban, from Al Fazl Bin Abdul Malik who said,

'Do not eat from that the predatory birds kill'.²⁰⁵ (P.s. – This is not a Hadeeth)

بَابُ صَيْدِ كَلْبِ الْمَجُوسِيِّ وَ أَهْلِ الذِّمَّةِ

Chapter 3 – Prey of the dog of the Magians and the People under the responsibility (Ahl Al-Zimma)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ كَلْبِ الْمَجُوسِيِّ يَأْخُذُهُ الرَّجُلُ الْمُسْلِمُ فَيَسْمِي جَيْنَ يُرْسِلُهُ أَوْ يَأْكُلُ مِمَّا أَمْسَكَ عَلَيْهِ قَالَ نَعَمْ لِأَنَّهُ مُكَلَّبٌ قَدْ ذَكَرَ اسْمُ اللَّهِ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{-asws} about the dog of the Magians, the Muslim man takes it, so he Name (*Bismillah*) when he sends it (to hunt). Can he eat from what it catches upon?' He^{-asws} said: 'Yes, because it is a trained hunting animal, the Name of Allah^{-azwj} has been Mentioned over it'.²⁰⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَيَابَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي اسْتَعِيرُ كَلْبَ الْمَجُوسِيِّ فَأَصِيدُ بِهِ فَقَالَ (عَلَيْهِ السَّلَامُ) لَا تَأْكُلُ مِنْ صَيْدِهِ إِلَّا أَنْ يَكُونَ عَلَّمَهُ مُسْلِمًا فَتَعَلَّمَهُ .

²⁰³ Al Kafi – V 6 – The Book of Hunting Ch 2 H 9

²⁰⁴ Al Kafi – V 6 – The Book of Hunting Ch 2 H 10

²⁰⁵ Al Kafi – V 6 – The Book of Hunting Ch 2 H 11

²⁰⁶ Al Kafi – V 6 – The Book of Hunting Ch 3 H 1

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Mansour Bin Yunus, from Abdul Rahman Bin Sayaba who said,

'I said to Abu Abdullah^{-asws}, 'I borrowed a dog of the Magians, so I hunted with it. So he^{-asws} said: 'Do not eat from its prey, except if a Muslims trains it, so it learns it'.²⁰⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كُنْتُ الْمَجُوسِيَّ لَا تَأْكُلُ صَيْدَهُ إِلَّا أَنْ يَأْخُذَهُ الْمُسْلِمُ فَيُعَلِّمَهُ وَيُرْسِلَهُ وَكَذَلِكَ الْبَازِي وَكِلَابُ أَهْلِ الدِّمَةِ وَبِرَاتُهُمْ حَلَالٌ لِلْمُسْلِمِينَ أَنْ يَأْكُلُوا صَيْدَهَا .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A dog of the Magians, do not eat its prey, except if the Muslim takes it, so he trains it and sends it (to hunt); and similar to that is the falcon, and a dog of the *Ahl Al-Zimma* (People under the responsibility), and their falcons are Permissible for the Muslims that they should be eating their prey'.²⁰⁸

باب الصَّيْدِ بِالسَّلَاحِ

Chapter 4 – Hunting by the weapons

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ بَرِيدِ بْنِ مُعَاوِيَةَ الْعَجَلِيِّ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ كُلُّ مِمَّنِ الصَّيْدِ مَا قَتَلَ السَّيْفُ وَ السَّهْمُ وَ الرُّمْحُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, form Ibn Fazzal, from Sa'alba Bin Maymoun, from Bureyd Bin MUawiya Al Ijaly, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Eat from the hunt what is killed by the sword, and the arrow, and the spear'.

وَ سُئِلَ عَنْ صَيْدٍ صِيدَ فَتَوَزَّعَ الْفَوْمُ قَبْلَ أَنْ يَمُوتَ فَقَالَ لَا بَأْسَ بِهِ .

And he^{-asws} was asked about a hunt which was hunted, so the people apportioned it before it died. So he^{-asws} said: 'There is no problem with it'.²⁰⁹

وَ عَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ مَنْ جَرَحَ صَيْدًا بِسِلَاحٍ وَ ذَكَرَ اسْمَ اللَّهِ عَزَّ وَ جَلَّ عَلَيْهِ ثُمَّ بَقِيَ لَيْلَةً أَوْ لَيْلَتَيْنِ لَمْ يَأْكُلْ مِنْهُ سَبْعٌ وَ قَدْ عَلِمَ أَنَّ سِلَاحَهُ هُوَ الَّذِي قَتَلَهُ فَيَأْكُلُ مِنْهُ إِنْ شَاءَ

And from him, from Ahmad Bin Muhammad, from Abdul Rahman Bin Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

Abu Ja'far^{-asws} has said: 'The one who injures a hunt by a weapon, and Mentions the Name of Allah^{-azwj} Mighty and Majestic over it, then remains for a night or two nights, the predators not eating from it, and he knows that it was his weapon which killed it, so he can eat from it if he so desires to'.

²⁰⁷ Al Kafi – V 6 – The Book of Hunting Ch 3 H 2

²⁰⁸ Al Kafi – V 6 – The Book of Hunting Ch 3 H 3

²⁰⁹ Al Kafi – V 6 – The Book of Hunting Ch 4 H 1

وَقَالَ فِي إِيْلٍ اصْطَادَهُ رَجُلٌ فَتَقَطَّعَهُ النَّاسُ وَ الرَّجُلُ يَتَّبِعُهُ أَ فَتَرَاهُ نُهَبَةً فَقَالَ (عليه السلام) لَيْسَ بِنُهَبَةٍ وَ لَيْسَ بِهِ بَأْسٌ .

And he^{-asws} said regarding a mountain goat which the man hunts, but the people block him, and the man pursues it. Do you^{-asws} view it as Forbidden?' So he^{-asws} said: 'It is not with a prohibition, and there is no problem with it'.²¹⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ حَرِيْزٍ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عليه السلام) عَنِ الرَّمِيَّةِ يَجِدُهَا صَاحِبُهَا فِي الْعَدْرِ أَوْ يَأْكُلُ مِنْهُ فَقَالَ إِنْ عَلِمَ أَنَّ رَمِيَّتَهُ هِيَ الَّتِي قَتَلْتَهُ فَلْيَأْكُلْ مِنْ ذَلِكَ إِذَا كَانَ قَدْ سَمِيَ .

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

'Abu Abdullah^{-asws} was asked about the shot at (by an arrow), so its owner finds it in the morning. Can he eat from it?' So he^{-asws} said: 'If he knows that it was his shooting which killed it, so let him eat from that when he had Named (*Bismillah*)'.²¹¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ رَمَى جَمَارًا وَحَشَّ أَوْ طَبِيئًا فَأَصَابَهُ ثُمَّ كَانَ فِي طَلَبِهِ فَوَجَدَهُ مِنَ الْعَدْرِ وَ سَهْمُهُ فِيهِ فَقَالَ إِنْ عَلِمَ أَنَّهُ أَصَابَهُ وَ أَنَّ سَهْمَهُ هُوَ الَّذِي قَتَلَهُ فَلْيَأْكُلْ مِنْهُ وَ إِلَّا فَلَا يَأْكُلْ مِنْهُ .

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

'I asked him^{-asws} about a man who shot (an arrow) at a wild donkey, or a deer, so it hit him. Then he was in search for it, so he found it in the morning, and his arrow was in it. So he^{-asws} said: 'If he knows that he hit it, and that it was his arrow which killed it, so let him eat from it, or else, so he should not eat from it'.²¹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ بْنِ عُثْمَانَ عَنْ عِيسَى الْقُمِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَرْمِي سَهْمِي وَ لَا أَدْرِي أَسَمَيْتُ أَمْ لَمْ أَسْمِ فَقَالَ كُلُّ لَّا بَأْسَ قَالَ قُلْتُ أَرْمِي وَ يَغِيبُ عَنِّي فَأَجِدُ سَهْمِي فِيهِ فَقَالَ كُلُّ مَا لَمْ يُؤْكَلْ مِنْهُ وَ إِنْ كَانَ قَدْ أَكَلَ مِنْهُ فَلَا تَأْكُلْ مِنْهُ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Isa Al Zummy who said,

'I said to Abu Abdullah^{-asws}, 'I shot my arrow and I do not know whether I Named (*Bismillah*) or did not Name'. So he^{-asws} said: 'Each (of the two) is not a problem'. I said, 'I shoot and it disappears from me, so I find my arrow in it?' So he^{-asws} said: 'Eat what was not eaten from it, and if it had been eaten from, so do not eat from it'.²¹³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الصَّيْدِ يَضْرِبُهُ الرَّجُلُ بِالسَّيْفِ أَوْ يَطْعُمُهُ بِالرُّمْحِ أَوْ يَرْمِيهِ بِسَهْمٍ فَقَتَلَهُ وَ قَدْ سَمِيَ حِينَ فَعَلَ ذَلِكَ فَقَالَ كُلُّ لَّا بَأْسَ بِهِ .

Abu Ali Al Ashary, from Muhammad Bim Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan, from Ibn Muskan, from Al Halby who said,

²¹⁰ Al Kafi – V 6 – The Book of Hunting Ch 4 H 2

²¹¹ Al Kafi – V 6 – The Book of Hunting Ch 4 H 3

²¹² Al Kafi – V 6 – The Book of Hunting Ch 4 H 4

²¹³ Al Kafi – V 6 – The Book of Hunting Ch 4 H 5

'I asked Abu Abdullah^{-asws} about the hunt which the man has struck by the sword, or stabbed it with the spear, or shot at by an arrow, so he killed it, and he had Named (*Bismillah*) when he did that. So he^{-asws} said: 'Eat, there is no problem with it'.²¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّمِيَّةِ يَجِدُهَا صَاحِبُهَا أَوْ يَأْكُلُهَا قَالَ إِنْ كَانَ يَعْلَمُ أَنَّ رَمِيَّتَهُ هِيَ الَّتِي قَتَلْتَهُ فَلْيَأْكُلْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al nazar Bin Suweyd, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{-asws} about the (prey) shot at, its owner finds it, can he eat it?' He^{-asws} said: 'If he knew that it was his shooting which killed it, so let him eat'.²¹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي صَيْدٍ وَجَدَ فِيهِ سَهْمٌ وَهُوَ مَيِّتٌ لَا يُدْرَى مَنْ قَتَلَهُ قَالَ لَا تَطْعَمُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Amir Al-Momineen^{-asws} said regarding a hunt in which an arrow was found, and it was dead, not known who killed it. He^{-asws} said: 'Do not consume it'.²¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ قَالَ سَأَلْتُهُ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَرْمِي الصَّيْدَ فَيَبْصُرُهُ فَيَبْتَدِرُهُ الْقَوْمُ فَيَقْطَعُونَهُ فَقَالَ كُلُّهُ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Muhammad Al Halby who said,

'I asked him^{-asws} about the man who shoots at the hunted prey, so he knocks it down. So the people turn up and block him. So he^{-asws} said: 'Eat it'.²¹⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا رَمَيْتَ فَوَجَدْتَهُ وَ لَيْسَ بِهِ أَثَرٌ غَيْرِ السَّهْمِ وَ تَرَى أَنَّهُ لَمْ يَقْتُلْهُ غَيْرُ سَهْمِكَ فَكُلْ فَإِنْ غَابَ عَنْكَ أَوْ لَمْ يَغِبْ عَنْكَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Musa Bin Bakr, from Zurara,

Abu Abdullah^{-asws} has said: 'When you shoot (an arrow), so you find it, and there are not traces of other than the arrow, and you see that it has not been killed by other than your arrow, so eat, whether it had disappeared from you or not disappeared from you'.²¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَرْمِي الصَّيْدَ وَهُوَ عَلَى الْجَبَلِ فَيُخْرِفُهُ السَّهْمُ حَتَّى يَخْرُجَ مِنَ الْجَانِبِ الْأَخْرَ قَالَ كُلُّهُ قَالَ فَإِنْ وَقَعَ فِي مَاءٍ أَوْ تَدَهَّدَ مِنَ الْجَبَلِ فَمَاتَ فَلَا تَأْكُلُهُ .

²¹⁴ Al Kafi – V 6 – The Book of Hunting Ch 4 H 6

²¹⁵ Al Kafi – V 6 – The Book of Hunting Ch 4 H 7

²¹⁶ Al Kafi – V 6 – The Book of Hunting Ch 4 H 8

²¹⁷ Al Kafi – V 6 – The Book of Hunting Ch 4 H 9

²¹⁸ Al Kafi – V 6 – The Book of Hunting Ch 4 H 10

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Hisham Bin Salim, from Sama'at Bin Mahran who said,

'I asked Abu Abdullah^{-asws} about the man who shoots at the hunted prey, and he is upon the mountain, so the arrow pierces it until he exits from the other side. He^{-asws} said: 'Eat it, but if it had fallen into the water, or tumbles from the mountain, so it dies, so do not eat it'.²¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ رَجُلٍ رَفَعَهُ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) لَا يُرْمَى الصَّيْدُ بِشَيْءٍ هُوَ أَكْبَرُ مِنْهُ .

Muhammad Bin Yahya, from a man, raising it, said,

'Abu Abdullah^{-asws} said: 'Do not shoot at the hunted prey with something which is bigger than it'.²²⁰

باب الْمِعْرَاضِ

Chapter 5 – The Crushed hunt

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ زُرَّارَةَ وَ إِسْمَاعِيلَ الْجَعْفَرِيِّ أَنَّهُمَا سَأَلَا أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَمَّا قَتَلَ الْمِعْرَاضُ قَالَ لَا بَأْسَ إِذَا كَانَ هُوَ مِزْمَاتَكَ أَوْ صَنَعْتَهُ لِذَلِكَ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Zurara, and Ismail Al Ju'fy,

(It has been narrated) both asked Abu Ja'far^{-asws} about what the blunt weapon kills'. He^{-asws} said: 'There is no problem when it was hit by you or you made it for that'.²²¹

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَمَّا صَرَغَ الْمِعْرَاضُ مِنَ الصَّيْدِ فَقَالَ إِنْ لَمْ يَكُنْ لَهُ نَبْلٌ غَيْرَ الْمِعْرَاضِ وَ ذَكَرَ اسْمَ اللَّهِ عَزَّ وَ جَلَّ عَلَيْهِ فَلْيَأْكُلْ مَا قَتَلَ فَلْتٌ وَ إِنْ كَانَ لَهُ نَبْلٌ غَيْرُهُ قَالَ لَا .

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

(It has been narrated) from Abu Abdullah^{-asws} having been asked about what the blunt weapon knocks down from the hunted prey. So he^{-asws} said: 'If there does not happen to be an arrow for it apart from the crushing, and the Name of Allah^{-azwj} Mighty and Majestic is Mentioned over it, so let him eat what is killed'. I said, 'Supposing there happens to be an arrow apart from it?' So he^{-asws} said: 'No'.²²²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَابٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا رَمَيْتَ بِالْمِعْرَاضِ فَخَرَقَ فَكُلْ وَ إِنْ لَمْ يَخْرُقْ وَ اعْتَرَضَ فَلَا تَأْكُلْ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Ibn Raib, from Abu Ubeyda,

²¹⁹ Al Kafi – V 6 – The Book of Hunting Ch 4 H 11

²²⁰ Al Kafi – V 6 – The Book of Hunting Ch 4 H 12

²²¹ Al Kafi – V 6 – The Book of Hunting Ch 5 H 1

²²² Al Kafi – V 6 – The Book of Hunting Ch 5 H 2

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When you shoot at it with the blunt weapon, so it pierces, so eat; and if it does not pierce, and it turns sideways, so do not eat'.²²³

أَبُو عَلِيِّ الْأَشْعَرِيِّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الصَّيِّدِ يَرْمِيهِ الرَّجُلُ بِسَهْمٍ فَيُصِيبُهُ مُعْتَرِضاً فَيَقْتُلُهُ وَ قَدْ كَانَ سَمَى جِبْنَ رَمَى وَ لَمْ تُصِبْهُ الْحَدِيدَةُ فَقَالَ إِنْ كَانَ السَّهْمُ الَّذِي أَصَابَهُ هُوَ الَّذِي قَتَلَهُ فَأَيُّهُ قَلْبًا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya, from Ibn Muskan, from Al Halby who said,

'I asked Abu Abdullah^{-asws} about the hunted prey which the man shoots at with an arrow, so he hits it sideways, and he kills it, and he had Named (*Bismillah*) when he shot it, and the iron (arrowhead) did not hit it. So he^{-asws} said: 'If it was the arrow which hit it, the one which killed it, so when he sees it as such, so let him eat'.²²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي الْمَعْرَاءِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الصَّيِّدِ يُصِيبُهُ السَّهْمُ مُعْتَرِضاً وَ لَمْ يُصِبْهُ بِحَدِيدَةٍ وَ قَدْ سَمَى جِبْنَ رَمَى قَالَ يَأْكُلُهُ إِذَا أَصَابَهُ وَ هُوَ يَرَاهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Al Magra, from Al Halby,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the hunted prey hit by the arrow sideways, and it was not hit by the iron (arrowhead), and he had Named (*Bismillah*) when he shot it He^{-asws} said: 'He can eat it when he hit it, and he saw it'.

وَ عَنْ صَيِّدِ الْمُعْرَاضِ فَقَالَ إِنْ لَمْ يَكُنْ لَهُ نَبْلٌ غَيْرُهُ وَ كَانَ قَدْ سَمَى جِبْنَ رَمَى فَلْيَأْكُلْ مِنْهُ وَ إِنْ كَانَ لَهُ نَبْلٌ غَيْرُهُ فَلَا .

And about a prey hunted by the blunt weapon, so he^{-asws} said: 'If there does not happen to be an arrow apart from it, and he had Named (*Bismillah*) when he threw, so let him eat from it; and if there was an arrow apart from it, so, no'.²²⁵

باب مَا يَقْتُلُ الْحَجَرُ وَ الْبُنْدُقُ

Chapter 6 – What is killed by the stone and the pellet

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سُئِلَ عَمَّا قَتَلَ الْحَجَرُ وَ الْبُنْدُقُ أَيْوَكَلُ مِنْهُ قَالَ لَا .

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

(It has been narrated) from Abu Abdullah^{-asws} having been asked about what is killed by the stone and the pellet, can one eat from it?' He^{-asws} said: 'No'.²²⁶

²²³ Al Kafi – V 6 – The Book of Hunting Ch 5 H 3

²²⁴ Al Kafi – V 6 – The Book of Hunting Ch 5 H 4

²²⁵ Al Kafi – V 6 – The Book of Hunting Ch 5 H 5

²²⁶ Al Kafi – V 6 – The Book of Hunting Ch 6 H 1

أَبُو عَلِيِّ الْأَشْعَرِيِّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَمَّا قَتَلَ الْحَجْرُ وَ الْبُنْدُقُ أ يُؤْكَلُ مِنْهُ قَالَ لَا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}), said, 'I asked him^{-asws} about what is killed by the stone and the pellet, can one eat from it?' He^{-asws} said: 'No'.²²⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَمَّا قَتَلَ الْحَجْرُ وَ الْبُنْدُقُ أ يُؤْكَلُ مِنْهُ قَالَ لَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{-asws} about what is killed by the stone and the pellet, can one eat from it?' He^{-asws} said: 'No'.²²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيرِ بْنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَمَّا قَتَلَ الْحَجْرُ وَ الْبُنْدُقُ أ يُؤْكَلُ مِنْهُ قَالَ لَا .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz,

(It has been narrated) from Abu Abdullah^{-asws} having been asked about what is killed by the stone and the pellet, can one eat from it?' He^{-asws} said: 'No'.²²⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَمَّا قَتَلَ الْحَجْرُ وَ الْبُنْدُقُ أ يُؤْكَلُ مِنْهُ فَقَالَ لَا .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Al A'la Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}), said, 'I asked him^{-asws} about (hunted prey) killed by the stone and the pellet, can one eat from it?' so he^{-asws} said: 'No'.²³⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ كَرِهَ الْجُلَاهِقَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Gayas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{-asws}, he^{-asws} disliked (killing by) the *Julahi* (a type of pellet).²³¹

²²⁷ Al Kafi – V 6 – The Book of Hunting Ch 6 H 2

²²⁸ Al Kafi – V 6 – The Book of Hunting Ch 6 H 3

²²⁹ Al Kafi – V 6 – The Book of Hunting Ch 6 H 4

²³⁰ Al Kafi – V 6 – The Book of Hunting Ch 6 H 5

²³¹ Al Kafi – V 6 – The Book of Hunting Ch 6 H 6

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنِ ابْنِ فَضَّالٍ عَنْ أَحْمَدَ بْنِ عُمَرَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَرْمِي بِالْبُنْدُقِ وَالْحَجَرِ فَيَقْتُلُ أَوْ يَأْكُلُ مِنْهُ قَالَ لَا تَأْكُلُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ibn Fazzal, from Ahmad Bin Umar, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{-asws} regarding the man who threw the pellet, and the stone, so he killed (a hunted prey), so can he eat from it?' He^{-asws} said: 'He cannot eat'.²³²

باب الصَّيْدِ بِالْحَبَالَةِ

Chapter 7 – Hunting by the snare (trap)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَا أَخَذَتِ الْحَبَالَةُ مِنْ صَيْدٍ فَفَطَعَتْ مِنْهُ يَدًا أَوْ رَجُلًا فَذَرُوهُ فَإِنَّهُ مَيِّتٌ وَكُلُوا مَا أَدْرَكْتُمْ حَيًّا وَذَكَرْتُمْ اسْمَ اللَّهِ عَزَّ وَجَلَّ عَلَيْهِ .

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

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'What the snare seizes from the hunt, so a hand or a leg is cut off from it, so leave it, for it is dead, and eat from what you come to as alive, and you have mentioned the Name of Allah^{-azwj} Mighty and Majestic over it'.²³³

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَا أَخَذَتِ الْحَبَالَةُ فَفَطَعَتْ مِنْهُ شَيْئًا فَهُوَ مَيِّتٌ وَ مَا أَدْرَكْتَ مِنْ سَائِرِ جَسَدِهِ حَيًّا فَذَكِّهِ ثُمَّ كُلْ مِنْهُ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah,

Abu Abdullah^{-asws} has said: 'What the snare seizes, so something is cut off from it, so it is dead, and what you come to from the rest of its body as alive, so purify (slaughter) it, then eat from it'.²³⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَا أَخَذَتِ الْحَبَالَةُ فَفَطَعَتْ مِنْهُ شَيْئًا فَهُوَ مَيِّتٌ وَ مَا أَدْرَكْتَ مِنْ سَائِرِ جَسَدِهِ حَيًّا فَذَكِّهِ ثُمَّ كُلْ مِنْهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Abdul Rahman Bin Abu Abdullah,

Abu Abdullah^{-asws} has said: 'What the snare seizes, so something is cut off from it, so it is dead, and what you come to from the rest of its body, so purify (slaughter) it, then eat from it'.²³⁵

²³² Al Kafi – V 6 – The Book of Hunting Ch 6 H 7

²³³ Al Kafi – V 6 – The Book of Hunting Ch 7 H 1

²³⁴ Al Kafi – V 6 – The Book of Hunting Ch 7 H 2

²³⁵ Al Kafi – V 6 – The Book of Hunting Ch 7 H 3

أَبَانُ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَا أَخَذَتِ الْجَبَالَةُ فَانْقَطَعَ مِنْهُ شَيْءٌ أَوْ مَاتَ فَهُوَ مَيِّتَةٌ .

Aban, from Abdullah Bin Suleyman,

Abu Abdullah^{-asws} has said: 'What the snare seizes, so something is cut off from it, or it dies, so it is dead'.²³⁶

أَبَانُ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ مَا أَخَذَتِ الْحَبَائِلُ فَفَطَعَتْ مِنْهُ شَيْئًا فَهُوَ مَيِّتٌ وَ مَا أَدْرَكَتْ مِنْ سَائِرِ جَسَدِهِ فَذَكِّهِ ثُمَّ كُلْ مِنْهُ .

Aban, from Zurara,

Abu Ja'far^{-asws} has said: 'What the snares seize, so something is cut off from it, so it is dead, and what you come to from the rest of its body, so purify (slaughter) it, then eat from it'.²³⁷

بَابُ الرَّجُلِ يَرْمِي الصَّيْدَ فَيُصِيبُهُ فَيَقَعُ فِي مَاءٍ أَوْ يَنْدَهُدَهُ مِنْ جَبَلٍ

Chapter 8 – The man shoots at the hunted prey, so he hits it, so it falls into the water or it tumbles down from the mountain

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ حَجَّاجٍ عَنْ خَالِدِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ لَا تَأْكُلُ مِنَ الصَّيْدِ إِذَا وَقَعَ فِي الْمَاءِ فَمَاتَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Isa, from Hajjaj, from Khalid Bin Al Hajjaj,

Abu Al-Hassan^{-asws} has said: 'Do not eat from the hunted prey which falls into the water, so it dies'.²³⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ رَمَى صَيْدًا وَ هُوَ عَلَى جَبَلٍ أَوْ حَائِطٍ فَيَخْرُقُ فِيهِ السَّهْمُ فَيَمُوتُ فَقَالَ كُلْ مِنْهُ وَ إِنْ وَقَعَ فِي الْمَاءِ مِنْ رَمْيِكَ فَمَاتَ فَلَا تَأْكُلْ مِنْهُ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from usman Bin Isa, from Sama'at,

(It has been narrated) from Abu Abdullah^{-asws} having been asked about a man who shot as a prey, and he was upon a mountain, or a wall, so the arrow pierced into it, so it died'. So he^{-asws} said: 'Eat from it, and if it falls into the water from it being shot, so it dies, so do not eat from it'.²³⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ

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

²³⁶ Al Kafi – V 6 – The Book of Hunting Ch 7 H 4

²³⁷ Al Kafi – V 6 – The Book of Hunting Ch 7 H 5

²³⁸ Al Kafi – V 6 – The Book of Hunting Ch 8 H 1

²³⁹ Al Kafi – V 6 – The Book of Hunting Ch 8 H 2

(It has been narrated) from Abu Abdullah^{-asws} – similar to it.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from one of our companions, from Hisham Bin Salim, from Sama'at,

(It has been narrated) from Abu Abdullah^{-asws} – similar to it.

بَابُ الرَّجُلِ يَرْمِي الصَّيْدَ فَيُخْطِئُ وَ يُصِيبُ غَيْرَهُ

Chapter 9 – The man shoots at the prey, so he errs and hits something else

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبَّادِ بْنِ صُهَيْبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ سَمَى وَ رَمَى صَيْدًا فَأَخْطَأَهُ وَ أَصَابَ آخَرَ فَقَالَ يَأْكُلُ مِنْهُ .

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

'I asked Abu Abdullah^{-asws} about a man who Named (*Bismillah*) and shot at a prey, so he erred and hit another. So he^{-asws} said: 'He can eat from it'.²⁴⁰

بَابُ صَيْدِ اللَّيْلِ

Chapter 10 – Hunting by the night

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا تَأْتُوا الْفَرَاخَ فِي أَعْشَائِهَا وَ لَا الطَّيْرَ فِي مَنَامِهِ حَتَّى يُصْبِحَ فَقَالَ لَهُ رَجُلٌ وَ مَا مَنَامُهُ يَا رَسُولَ اللَّهِ فَقَالَ اللَّيْلُ مَنَامُهُ فَلَا تَطْرُقُهُ فِي مَنَامِهِ حَتَّى يُصْبِحَ وَ لَا تَأْتُوا الْفَرَاخَ فِي عُثْبِهِ حَتَّى يَرِيشَ وَ يَطِيرَ فَإِذَا طَارَ فَأَوْتِرْ لَهُ قَوْسَكَ وَ انْصِبْ لَهُ فَخَّكَ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Al Hassan Bin Ali, from Muhammad Bin Al Fuzayl, from Muhammad Bin Abdul Rahman,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-asws} said: 'Do not come to the chicks in the nests, nor the bird during their sleep until the morning'. So a man said to him^{-saww}, 'And what is their sleep, O Rasool-Allah^{-saww}?'. So he^{-saww} said: 'The night is its sleep, therefore do not hunt it during its sleep until the morning, and do not come to the chick in its nest until it has grown feathers and it flies. So when it flies, then aim with your bow at it, and set-up your net for it'.²⁴¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مَسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنْ إِيْتَانِ الطَّيْرِ بِاللَّيْلِ وَ قَالَ (عَلَيْهِ السَّلَام) إِنَّ اللَّيْلَ أَمَانٌ لَهَا .

²⁴⁰ Al Kafi – V 6 – The Book of Hunting Ch 9 H 1

²⁴¹ Al Kafi – V 6 – The Book of Hunting Ch 10 H 2

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} forbade from coming to the birds (for hunting) at night, and he^{-saww} said: 'The night is a security for it'.²⁴²

بَاب صَيْدِ السَّمَكِ

Chapter 11 – Hunting the fish (Fishing)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ صَيْدِ الْحَيْثَانِ وَ إِنْ لَمْ يُسَمَّ عَلَيْهِ فَقَالَ لَا بَأْسَ بِهِ .

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about hunting the fish, and if he does not Name (*Bismillah*) over it. So he^{-asws} said: 'There is no problem with it'.²⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرِو بْنِ عُنْمَانَ عَنِ الْمُفَضَّلِ بْنِ صَالِحٍ عَنْ زَيْدِ الشَّحَّامِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ صَيْدِ الْحَيْثَانِ وَ إِنْ لَمْ يُسَمَّ عَلَيْهِ فَقَالَ لَا بَأْسَ بِهِ إِنْ كَانَ حَيًّا أَنْ يَأْخُذَهُ .

Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Al Mufazzal Bin Salih, from Zayd Al Shahaam,

(It has been narrated) from Abu Abdullah^{-asws} having been asked about hunting the fish, and if he has not Named (*Bismillah*) over it. So he^{-asws} said: 'There is no problem with it, if it was alive and he seizes it'.²⁴⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَيَابَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ السَّمَكِ يُصَادُ ثُمَّ يُجْعَلُ فِي شَيْءٍ ثُمَّ يُعَادُ إِلَى الْمَاءِ فَيَمُوتُ فِيهِ فَقَالَ لَا تَأْكُلُهُ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Abdul Rahman Bin Sayaba who said,

'I asked Abu Abdullah^{-asws} about the fish he hunts (catches), then he makes it to be in something (e.g. a basket), then he returns it into the water, so it dies in it'. So he^{-asws} said: 'Do not eat it'.²⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ أَنَّهُ سَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ اصْطَادَ سَمَكَةً فَرَبَطَهَا بِحَيْطٍ وَ أَرْسَلَهَا فِي الْمَاءِ فَمَاتَتْ أَنْ تُوَكَّلَ قَالَ لَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Ayoub,

²⁴² Al Kafi – V 6 – The Book of Hunting Ch 10 H 3

²⁴³ Al Kafi – V 6 – The Book of Hunting Ch 11 H 1

²⁴⁴ Al Kafi – V 6 – The Book of Hunting Ch 11 H 2

²⁴⁵ Al Kafi – V 6 – The Book of Hunting Ch 11 H 3

(The narrator) who asked Abu Abdullah^{-asws} about a man who baited a fish, so he tied it with a thread, and sent it in the water, so it died. Can he eat it?' He^{-asws} said: 'No'.²⁴⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُمَانَ بْنِ عَيْسَى عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ صَيْدِ الْمَجُوسِيِّ لِلْسَّمَكِ حِينَ يَضْرِبُونَ بِالشَّبَكِ وَ لَا يُسْمُونَ وَ كَذَلِكَ الْيَهُودِيِّ فَقَالَ لَا بَأْسَ إِنَّمَا صَيْدُ الْحَيْتَانِ أَخَذَهَا .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Abu Baseer who said,

'I asked Abu Abdullah^{-asws} about hunting of the Magians for the fish when they catch it by the net, and they are not Naming (*Bismillah*), and similar to that are the Jews. So he^{-asws} said: 'There is no problem. But rather, hunting the fishes it seizing it'.²⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ الْحَيْتَانِ الَّتِي يَصِيدُهَا الْمَجُوسِيُّ فَقَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَام) كَانَ يَقُولُ الْحَيْتَانُ وَالْجَرَادُ نَكِيٌّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{-asws} about the fishes which the Magians are hunting. So he^{-asws} said: 'Ali^{-asws} was saying: 'The fishes and the grass-hoppers are pure'.²⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ سَلْمَةَ أَبِي حَفْصٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنَّ عَلِيًّا (صَلَوَاتُ اللَّهِ عَلَيْهِ) كَانَ يَقُولُ فِي صَيْدِ السَّمَكَةِ إِذَا أَدْرَكَهَا الرَّجُلُ وَ هِيَ تَضْطَرِبُ وَ تَضْرِبُ بِبِدْيِهَا وَ يَتَحَرَّكُ ذَنْبُهَا وَ تَطْرَفُ بِعَيْنَيْهَا فَهِيَ ذَكَائِهَا .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Salma Abu Hafs,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Ali^{-asws} was saying regarding hunting the fish: 'When the man comes to it and it is restless and it is restless in front of him, and is moving its tail, and flickering its eyes, so it is its purification'.²⁴⁹

أَبَانُ عَنْ عَيْسَى بْنِ عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ صَيْدِ الْمَجُوسِيِّ قَالَ لَا بَأْسَ بِهِ إِذَا أَعْطَوْكَهَا حَيًّا وَ السَّمَكِ أَيْضاً وَ إِلَّا فَلَا تُجْزُ شَهَادَتُهُمْ إِلَّا أَنْ تَشْهَدَهُ أَنْتَ .

Aban, from Isa Bin Abdullah who said,

'I asked Abu Abdullah^{-asws} about a hunt of the Magians. He^{-asws} said: 'There is no problem with it when he gives it to you as alive, and the fish as well, or else, so their testimonies are not allowed except if you witness it for yourself'.²⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ صَيْدِ الْمَجُوسِيِّ لِلْحَيْتَانِ حِينَ يَضْرِبُونَ عَلَيْهَا بِالشَّبَكِ وَ يُسْمُونَ بِالشَّرِكِ فَقَالَ لَا بَأْسَ بِصَيْدِهِمْ إِنَّمَا صَيْدُ الْحَيْتَانِ أَخَذَهُ

²⁴⁶ Al Kafi – V 6 – The Book of Hunting Ch 11 H 4

²⁴⁷ Al Kafi – V 6 – The Book of Hunting Ch 11 H 5

²⁴⁸ Al Kafi – V 6 – The Book of Hunting Ch 11 H 6

²⁴⁹ Al Kafi – V 6 – The Book of Hunting Ch 11 H 7

²⁵⁰ Al Kafi – V 6 – The Book of Hunting Ch 11 H 8

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

(It has been narrated) from Abu Abdullah^{-asws} having been asked about a hunting of the Magians for the fishes when they strike over it with the netting, and they are naming it with the Polytheism (Shirk). So he^{-asws} said; 'There is no problem with their hunting. But rather, hunting of the fishes is their catching it'.

قَالَ وَ سَأَلْتُهُ عَنِ الْحَظِيرَةِ مِنَ الْقَصَبِ تُجْعَلُ فِي الْمَاءِ لِلْحَبِيبَانِ تَدْخُلُ فِيهَا الْحَبِيبَانُ فَيَمُوتُ بَعْضُهُمَا فِيهَا فَقَالَ لَا بَأْسَ بِهِ إِنْ تَلَكَّ الْحَظِيرَةَ إِنَّمَا جُعِلَتْ لِيَصَادَ بِهَا .

He (the narrator) said, 'And I asked him^{-asws} about the enclosure of canes made to be in the water for the fishes. The fishes enter into it, so some of them are dying in it. So he^{-asws} said: 'There is no problem with it. That enclosure, rather it was made to be for hunting with it'.²⁵¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ عَنِ الْقَاسِمِ بْنِ بَرِيدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَنْصُبُ شَبَكَةً فِي الْمَاءِ ثُمَّ يَرْجِعُ إِلَى بَيْتِهِ وَ يَتْرُكُهَا مَنْصُوبَةً وَ يَأْتِيهَا بَعْدَ ذَلِكَ وَ قَدْ وَقَعَ فِيهَا سَمَكٌ فَيَمُوتُ فَقَالَ مَا عَمِلْتُ يَدُهُ فَلَا بَأْسَ بِأَكْلِ مَا وَقَعَ فِيهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Fazalat, from Al Qasim Bin Bureyd, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{-asws} regarding the man who established a net in the water, then he returned to his house, and he left it established, and he came to it after that, and a fish had fallen in it, so it had died'. So he^{-asws} said: 'What he worked by his hands, so there is no problem with eating what falls into it'.²⁵²

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعَمْرِكِيِّ بْنِ عَلِيِّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى بْنِ جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ سَمَكَةٍ وَ تَبَّتْ مِنْ نَهْرٍ فَوَقَعَتْ عَلَى الْجِدِّ مِنَ النَّهْرِ فَمَاتَتْ هَلْ يَصْلِحُ أَكْلُهَا فَقَالَ إِنْ أَخَذْتَهَا قَبْلَ أَنْ تَمُوتَ ثُمَّ مَاتَتْ فَكُلْهَا وَ إِنْ مَاتَتْ مِنْ قَبْلِ أَنْ تَأْخُذَهَا فَلَا تَأْكُلْهَا .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{-asws}, from his brother^{-asws} Musa^{-asws} Bin Ja'far^{-asws}, said, 'I asked him^{-asws} about a fish which leapt out from the river, so it falls upon the bank of the river, so it died. Is it correct to eat it?' So he^{-asws} said: 'If you seize it before it dies, then it dies, so eat it; but if it died from before you seize it, so do not eat it'.²⁵³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) سُئِلَ عَنْ سَمَكَةٍ شَقَّ بَطْنُهَا فَوُجِدَ فِيهَا سَمَكَةٌ فَقَالَ كُلُّهُمَا جَمِيعًا .

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

²⁵¹ Al Kafi – V 6 – The Book of Hunting Ch 11 H 9

²⁵² Al Kafi – V 6 – The Book of Hunting Ch 11 H 10

²⁵³ Al Kafi – V 6 – The Book of Hunting Ch 11 H 11

(It has been narrated) from Abu Abdullah^{-asws} that Ali^{-asws} was asked about a fish with its belly being slit, so a fish was found inside it. So he^{-asws} said: 'Eat both of them together'.²⁵⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ لَا بَأْسَ بِالسَّمَكِ الَّذِي يَصِيدُهُ الْمَجُوسِيُّ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{-asws} saying: 'There is no problem with the fish which the Magians hunted (fished)'.²⁵⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْكُوفِيِّ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ عَنْ أَبَانَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فَلَنْتُ رَجُلًا اصْطَادَ سَمَكَةً فَوَجَدَ فِي جَوْفِهَا سَمَكَةً فَقَالَ يُؤْكَلَانِ جَمِيعًا .

Abu Ali Al Ashari, from Al Hassan Bin Ali Al Kufy, from Al Abbas Bin Amir, from Aban, from one of our companions,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I said, 'A man entrapped a fish, so he found a fish inside of it'. So he^{-asws} said: 'he can eat both of them together'.²⁵⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَمِعْتُ أَبِي (عَلَيْهِ السَّلَام) يَقُولُ إِذَا ضَرَبَ صَاحِبُ الشَّبَكَةِ بِالشَّبَكَةِ فَمَا أَصَابَ فِيهَا مِنْ حَيٍّ أَوْ مَيِّتٍ فَهُوَ حَلَالٌ مَا خَلَا مَا لَيْسَ لَهُ قَشْرٌ وَ لَا يُؤْكَلُ الطَّافِي مِنَ السَّمَكِ .

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

(It has been narrated) from Abu Abdullah^{-asws}, having said, 'I heard my^{-asws} father^{-asws} saying: 'When the owner of the netting strikes with the netting, so whatever is caught in it, from live ones or dead, so it is Permissible, apart from what does not have scales for it, and he cannot eat the floating from the fishes'.²⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ أَحْمَدَ بْنِ الْمُبَارَكِ عَنْ صَالِحِ بْنِ أَعْيَنَ عَنِ الْوَشَاءِ عَنْ أَيُّوبَ بْنِ أَعْيَنَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فَلَنْتُ لَهُ جُعِلَتْ لَهُ مَا تَقُولُ فِي حَيَّةٍ ابْتَلَعَتْ سَمَكَةً ثُمَّ طَرَحَتْهَا وَ هِيَ حَيَّةٌ تَضْطَرِبُ أَفْأَكَلَهَا فَقَالَ (عَلَيْهِ السَّلَام) إِنْ كَانَتْ فُلُوسُهَا قَدْ تَسَلَّخَتْ فَلَا تَأْكُلْهَا وَ إِنْ كَانَتْ لَمْ تَسَلَّخْ فَكُلْهَا .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Yaqoub Bin Yazeed, from Ahmad Bin Al Mubarak, from Salih Bin Ayn, from Al Washa, from Ayoub Bin Ayn,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! What are you^{-asws} saying regarding a snake which swallows a fish, then it regurgitates it, and it is alive, restless. Can I eat it?' So he^{-asws} said: 'If its scales had peeled off, so do not eat it, and if they had not peeled off, so eat it'.²⁵⁸

²⁵⁴ Al Kafi – V 6 – The Book of Hunting Ch 11 H 12

²⁵⁵ Al Kafi – V 6 – The Book of Hunting Ch 11 H 13

²⁵⁶ Al Kafi – V 6 – The Book of Hunting Ch 11 H 14

²⁵⁷ Al Kafi – V 6 – The Book of Hunting Ch 11 H 15

²⁵⁸ Al Kafi – V 6 – The Book of Hunting Ch 11 H 16

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ مُوسَى عَنِ الْعَبَّاسِ بْنِ مَعْرُوفٍ عَنْ مَرْوَكِ بْنِ عَبْدِ عَن سَمَاعَةَ بْنِ مِهْرَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) نَهَى أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنْ يَتَّصِدَ الرَّجُلُ يَوْمَ الْجُمُعَةِ قَبْلَ الصَّلَاةِ وَكَانَ (عَلَيْهِ السَّلَام) يَمُرُّ بِالسَّمَاكِينَ يَوْمَ الْجُمُعَةِ فَيَنْهَاهُمْ عَنْ أَنْ يَتَّصِدُوا مِنَ السَّمَكِ يَوْمَ الْجُمُعَةِ قَبْلَ الصَّلَاةِ .

Muhammad Bin Yahya, from Muhammad Bin Musa, from Al Abbas Bin Marouf, from Marwak Bin Ubeyd, from Sama'at Bin Mahran who said,

'Abu Abdullah^{-asws} said: 'Amir Al-Momineen^{-asws} forbade the man from hunting on the day of Friday before the Prayer, and he^{-asws} had passed by the fishmongers on the day of Friday, so he^{-asws} forbade them from hunting for the fishes on the day of Friday before the Prayers'.²⁵⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةَ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَذَكَرَ الطَّافِي وَ مَا يَكْرَهُ النَّاسُ مِنْهُ فَقَالَ إِنَّمَا الطَّافِي مِنَ السَّمَكِ الْمَكْرُوهِ وَ هُوَ مَا يَنْعَيَّرُ رَائِحَتَهُ .

Ali Bin Ibrahim, from his father, from Abdullah Bin Al Mugheira, from the one who mentioned it,

(It has been narrated) from Abu Abdullah^{-asws}, and the floating fish were mentioned and the people dislike from it. So he^{-asws} said: 'But rather, the floating from the fish are abhorred and it is what its smell has changed'.²⁶⁰

بَاب آخِرُ مِنْهُ

Chapter 12 – Another Chapter from it

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ وَ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ جَمِيعاً عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ أَقْرَأَنِي أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) شَيْئاً مِنْ كِتَابِ عَلِيِّ (عَلَيْهِ السَّلَام) فَإِذَا فِيهِ أَنَّهُكُمْ عَنِ الْجَرِيِّ وَ الرَّمِيرِ وَ المَارْمَاهِي وَ الطَّافِي وَ الطِّحَالِ قَالَ قُلْتُ يَا ابْنَ رَسُولِ اللَّهِ يَزْحَمُكَ اللَّهُ إِنَّا نُوتِي بِالسَّمَكِ لَيْسَ لَهُ قِشْرٌ فَقَالَ كُلْ مَا لَهُ قِشْرٌ مِنَ السَّمَكِ وَ مَا لَيْسَ لَهُ قِشْرٌ فَلَا تَأْكُلْهُ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, and Ahmad Bin Muhammad Bin Abu Nasr, altogether from Al A'ala, from Muhammad Bin Muslim who said,

'Abu Ja'far^{-asws} made me read something from the Book of Ali^{-asws}, so there was in it – you have been forbidden from the catfish, and the glyptothorax (mountain catfish), and the sea horse, and the floating fish (dead), and the spleen. I said, 'O son^{-asws} of Rasool-Allah^{-saww}! They come to us with fish with no scales on it'. So he^{-asws} said: 'Eat from the fish what has scales for it, and what does not have scales for it, so do not eat it'.²⁶¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ حَمَّادِ بْنِ عَثْمَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) جُعِلْتُ فِدَاكَ الْحَيْثَانُ مَا يُؤْكَلُ مِنْهَا فَقَالَ مَا كَانَ لَهُ قِشْرٌ قُلْتُ جُعِلْتُ فِدَاكَ مَا تَقُولُ فِي الْكَنْعَتِ فَقَالَ لَا بَأْسَ بِأَكْلِهِ قَالَ قُلْتُ لَهُ فَإِنَّهُ لَيْسَ لَهُ قِشْرٌ فَقَالَ لِي بَلَى وَ لَكِنَّهَا سَمَكَةٌ سَبَبَةُ الْخُلُقِ تَحْتَكَ بِكُلِّ شَيْءٍ وَ إِذَا نَظَرْتَ فِي أَصْلِ أَدْنِيهَا وَجَدْتَ لَهَا قِشْرًا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, fro Hammad Bin Usman who said,

²⁵⁹ Al Kafi – V 6 – The Book of Hunting Ch 11 H 17

²⁶⁰ Al Kafi – V 6 – The Book of Hunting Ch 11 H 18

²⁶¹ Al Kafi – V 6 – The Book of Hunting Ch 12 H 1

'I said to Abu Abdullah^{-asws}, 'May I be sacrificed for you! The fishes, what can we eat from these?' So he^{-asws} said: 'Whatever had scales for it'. I said, 'May I be sacrificed for you^{-asws}! What are you^{-asws} saying regarding the Sea bass. So he^{-asws} said: 'There is no problem with eating it'. I said to him^{-asws}, 'But it does not have scales for it'. So he^{-asws} said to me: 'Yes, but it is a fish of evil creation. It goes beneath everything, and when you look in the roots of its ears, you will find scales on it'.²⁶²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ حَرِيْزٍ عَمَّنْ ذَكَرَهُ عَنْهُمَا (عَلَيْهِمَا السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) كَانَ يَكْرَهُ الْجَرِيثَ وَ قَالَ لَا تَأْكُلُوا مِنَ السَّمَكِ إِلَّا شَيْئًا عَلَيْهِ فُلُوسٌ وَ كَرَهُ الْمَارْمَاهِي .

Ali Bin Ibrahim, from his father, from Hammad, from Hareyz, from the one who mentioned it,

(It has been narrated) from both of them^{-asws} (5th or 6th Imam^{-asws}) that Amir Al-Momineen^{-asws} disliked the eel and said: 'Do not eat from the fish except there is something upon it of the scales', and he^{-asws} disliked the sea horse'.²⁶³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا تَأْكُلِ الْجَرِيثَ وَ لَا الْمَارْمَاهِي وَ لَا طَافِيًا وَ لَا طَحَالًا لِأَنَّهُ بَيْتُ الدَّمِّ وَ مُضْعَةُ الشَّيْطَانِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Do not eat the eels, nor the sea horse, nor the floating one, nor the spleen, because it is a house of the blood, and a morsel of Satan^{-la'}.²⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ حُمِلَتْ إِلَيَّ رَيْبِنًا يَابِسَةً فِي صُرَّةٍ فَذَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَسَأَلْتُهُ عَنْهَا فَقَالَ كُلَّهَا فَلَهَا قَشْرٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, from Umar Bin Hanzala who said,

'Dried Sea bass (*Rabeetha*) were brought over to me in a basket. So I went over to Abu Abdullah^{-asws}, so I asked him^{-asws} about it. So he^{-asws} said: 'Eat it, for there are scales on it'.²⁶⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغْبِرَةِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ أَمِيرَ الْمُؤْمِنِينَ عَلِيُّ بْنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَام) بِالْكُوفَةِ يَرْكَبُ بَعْلَةً رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) ثُمَّ يَمُرُّ بِسُوقِ الْحَيْثَانَ فَيَقُولُ لَا تَأْكُلُوا وَ لَا تَبِيعُوا مِنَ السَّمَكِ مَا لَمْ يَكُنْ لَهُ قَشْرٌ .

Ali Bin Ibrahim, from his father, from Abdullah Bin Al Mugheira, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen Ali^{-asws} Bin Abu Talib^{-asws} was at Al-Kufa, riding a mule of Rasool-Allah^{-saww}. Then he^{-asws} passed by a fish market, so he^{-asws} was saying: 'Neither eat, nor pursue the fish which do not have scales on it'.²⁶⁶

²⁶² Al Kafi – V 6 – The Book of Hunting Ch 12 H 2

²⁶³ Al Kafi – V 6 – The Book of Hunting Ch 12 H 3

²⁶⁴ Al Kafi – V 6 – The Book of Hunting Ch 12 H 4

²⁶⁵ Al Kafi – V 6 – The Book of Hunting Ch 12 H 5

²⁶⁶ Al Kafi – V 6 – The Book of Hunting Ch 12 H 6

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَنَّانِ بْنِ سَدَيْبٍ قَالَ سَأَلَ الْعَلَاءُ بْنُ كَامِلٍ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَ أَنَا حَاضِرٌ عَنِ الْجَرِيِّ فَقَالَ وَجَدْنَا فِي كِتَابِ عَلِيِّ (عَلَيْهِ السَّلَام) أَشْيَاءَ مُحَرَّمَةً مِنَ السَّمَكِ فَلَا تَقْرَبُهَا ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا لَمْ يَكُنْ لَهُ قَشْرٌ مِنَ السَّمَكِ فَلَا تَقْرَبْنَهُ .

Ali Bin Ibrahim, from his father, from Hannan Bin Sudeyr who said,

'Al-Aa'la Bin Kamil asked Abu Abdullah^{-asws} and I was present, about the catfish. So he^{-asws} said: 'We^{-asws} found in the Book of Ali^{-asws}, Forbidden things from the fish, therefore do not go near these'. Then Abu Abdullah^{-asws} said: 'What does not happen to have scales for it, from the fishes, so do not go near it'.²⁶⁷

حَنَّانُ بْنُ سَدَيْبٍ قَالَ أَهْدَى الْفَيْضُ بْنُ الْمُخْتَارِ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) رَبِيئًا فَأَدْخَلَهَا إِلَيْهِ وَ أَنَا عِنْدَهُ فَنَظَرَ إِلَيْهَا وَ قَالَ هَذِهِ لَهَا قَشْرٌ فَأَكَلْ مِنْهُ وَ نَحْنُ نَرَاهُ .

Hanan Bin Sudeyr said,

'Al-Fayz Bin Mukhtar gifted sea bass to Abu Abdullah^{-asws}, and went over to him^{-asws}, and I was in his^{-asws} presence. So he^{-asws} looked at it and said: 'This has scales on it, therefore eat from it', and we saw him^{-asws} (eating it)'.²⁶⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) كَانَ يَرْكَبُ بَغْلَةَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) ثُمَّ يَمُرُّ بِسُوقِ الْحَيْثَانِ فَيَقُولُ أَلَا لَا تَأْكُلُوا وَ لَا تَبِيعُوا مَا لَمْ يَكُنْ لَهُ قَشْرٌ .

Ali Bin Ibrahim, from his father, from haroun Bin Muslim, from Mas'ada Bin Sadaqa,

(It has been narrated) from Abu Abdullah^{-asws} that Amir Al-Momineen^{-asws} was riding a mule of Rasool-Allah^{-saww}. Then he^{-asws} passed by a fish market, so he^{-asws} was saying: 'Indeed! Neither eat nor pursue what does not happen to have scales on it!'²⁶⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ عَمِّهِ مُحَمَّدٍ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ قَالَ حَدَّثَنِي إِسْحَاقُ صَاحِبُ الْجَيْتَانِ قَالَ خَرَجْنَا بِسَمَكٍ نَتَلَقَى بِهِ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) وَ قَدْ خَرَجْنَا مِنَ الْمَدِينَةِ وَ قَدْ قَدِمَ هُوَ مِنْ سَفَرٍ لَهُ فَقَالَ وَيْحَكَ يَا فُلَانُ لَعَلَّ مَعَكَ سَمَكًا فَقُلْتُ نَعَمْ يَا سَيِّدِي جُعِلْتُ فِدَاكَ فَقَالَ أَنْزِلُوا ثُمَّ قَالَ وَيْحَكَ لَعَلَّهُ زَهُوٌّ قَالَ قُلْتُ نَعَمْ فَأَرَيْتُهُ فَقَالَ ارْكَبُوا لَا حَاجَةَ لَنَا فِيهِ وَ الرَّهُوَ سَمَكٌ لَيْسَ لَهُ قَشْرٌ .

Abu Ali Al Ashary, from Al Hassan Bin Ali, from his uncle Muhammad, from Suleyman Bin Ja'far, from Is'haq, owner of the fish, who said,

'We went out with fish to meet Abu Al-Hassan Al-Reza^{-asws} with it, and we had exited from Al-Medina, and he^{-asws} had proceeded from a journey of his^{-asws}. So he^{-asws} said: 'Woe be unto you, O so and so! Perhaps there are fishes with you?' So I said, 'Yes, O my master^{-asws}, may I be sacrificed for you^{-asws}!' So he^{-asws} said: 'Descend you all!' Then he^{-asws} said: 'Woe be unto you, perhaps it is Siganus?' I said, 'Yes'. So I showed it to him^{-asws}. So he^{-asws} said: 'Ride! There is no need for us^{-asws} with regards to it, and the Siganus is a fish which has no scales on it'.²⁷⁰

²⁶⁷ Al Kafi – V 6 – The Book of Hunting Ch 12 H 7

²⁶⁸ Al Kafi – V 6 – The Book of Hunting Ch 12 H 8

²⁶⁹ Al Kafi – V 6 – The Book of Hunting Ch 12 H 9

²⁷⁰ Al Kafi – V 6 – The Book of Hunting Ch 12 H 10

مُحَمَّدُ بْنُ يَحْيَى عَنِ الْعَمْرِيِّ بْنِ عَلِيٍّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ الْأَوَّلِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَجِلُّ أَكْلُ الْجَرِيِّ وَلَا السُّلْحَفَاءِ وَلَا السَّرَطَانَ قَالَ وَ سَأَلْتُهُ عَنِ اللَّحْمِ الَّذِي يَكُونُ فِي أَصْدَانِ الْبَحْرِ وَالْفُرَاتِ أَيْ يُوَكَّلُ فَقَالَ ذَلِكَ لَحْمُ الصَّفَادِعِ لَا يَجِلُّ أَكْلُهُ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{asws}, from his brother^{asws} Abu Al-Hassan^{asws} having said: 'It is not Permissible to eat the catfish, nor the tortoise, nor the crab'. And I asked him^{asws} about the flesh which happens to be in the sea shells of the sea, and the Euphrates, can one eat?' So he^{asws} said: 'That is a flesh of the frogs, it is not Permissible to eat it'.²⁷¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ الْهَمْدَانِيِّ عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنِ الْكَلْبِيِّ النَّسَابِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْجَرِيِّ فَقَالَ إِنَّ اللَّهَ عَزَّ وَجَلَّ مَسَخَ طَائِفَةً مِنْ بَنِي إِسْرَائِيلَ فَمَا أَخَذَ مِنْهُمْ الْبَحْرُ فَهُوَ الْجَرِيُّ وَالرَّمِيْرُ وَالْمَارْمَاهِي وَ مَا سِوَى ذَلِكَ وَ مَا أَخَذَ مِنْهُمْ الْبَرَّ فَالْقَرْدَةُ وَالْحَنَازِيرُ وَالْوَبْرُ وَالْوَرْلُ وَ مَا سِوَى ذَلِكَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Muhammad Bin Ali Al Hamdany, from Sama'at Bin Mihran, from Al Kalby Al Nasaba who said,

'I asked Abu Abdullah^{asws} about the catfish, so he^{asws} said: 'Allah^{azwj} Mighty and Majestic Metamorphosed a group from the Children of Israel, so whatever of them which the ocean seized, so it is the catfish, and the glyptothorax (mountain catfish), and the sea horse, and what is besides that; and what the land seized from them, so it is the monkeys, and the pigs, and the (short-haired) rabbit, and the lizard, and what is besides that'.²⁷²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ السِّنْدِيِّ عَنْ يُونُسَ قَالَ كَتَبْتُ إِلَى الرَّضَا (عَلَيْهِ السَّلَامُ) السَّمَكُ لَا يَكُونُ لَهُ قَشْرٌ أَوْ يُوَكَّلُ فَقَالَ إِنَّ مِنَ السَّمَكِ مَا يَكُونُ لَهُ زَعَارَةٌ فَيَحْتَكُ بِكُلِّ شَيْءٍ فَتَذْهَبُ قَشُورُهُ وَ لَكِنْ إِذَا اخْتَلَفَ طَرَفَاهُ يَعْغِي ذَنْبَهُ وَ رَأْسَهُ فَكُلَّهُ .

Ali Bin Ibrahim, from his father, from Salih Bin Al Sandy, from Yunus who said,

'I wrote to Al-Reza^{asws}, 'The fish which does not happen to have scales on it, can I eat?' So he^{asws} said: 'From the fishes which happens to have evilness for it, so it attaches with everything, so its scales go away, but when its sides are different, meaning its tail and its head, so eat it'.²⁷³

باب الجراد

Chapter 13 – The Locusts

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ أَكْلِ الْجَرَادِ فَقَالَ لَا بَأْسَ بِأَكْلِهِ ثُمَّ قَالَ (عَلَيْهِ السَّلَامُ) إِنَّهُ نَشْرَةٌ مِنْ حُوتٍ فِي الْبَحْرِ ثُمَّ قَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ السَّمَكُ وَالْجَرَادَ إِذَا حَرَجَ مِنَ الْمَاءِ فَهُوَ ذَكِيٌّ وَ الْأَرْضُ لِلْجَرَادِ مَصِيدَةٌ وَ لِلسَّمَكِ قَدْ يَكُونُ أَيْضاً .

Ali Bin Ibrahim, from his father, from Haroun Bin Muslim, from Mas'ada Bin Sadaqa who said,

²⁷¹ Al Kafi – V 6 – The Book of Hunting Ch 12 H 11

²⁷² Al Kafi – V 6 – The Book of Hunting Ch 12 H 12

²⁷³ Al Kafi – V 6 – The Book of Hunting Ch 12 H 13

'Abu Abdullah^{-asws} was asked about eating the locusts. So he^{-asws} said: 'There is no problem with eating it'. Then he^{-asws} said: 'They are emanating from the fishes of the sea (crayfish/lobsters)'. Then he^{-asws} said: 'Ali^{-asws} said: 'The fish and the locusts, when they come out from the water, so it is pure, and the land is a trap for the locusts, and for the fishes it happens to be (a trap) as well'.²⁷⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ عَوْنِ بْنِ جَرِيرٍ عَنْ عَمْرِو بْنِ هَارُونَ النَّقْفِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) الْجَرَادُ ذَكِيٌّ فَكُلُّهُ فَأَمَّا مَا هَلَكَ فِي الْبَحْرِ فَلَا تَأْكُلُهُ .

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Awn Bin Jareer, from Amro Bin Haroun Al Saqafy,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The locust is pure, so eat it, but as for what perishes in the sea, so do not eat it'.²⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعَمْرِيِّ بْنِ عَلِيٍّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْجَرَادِ نُصَيْبُهُ مَيْتًا فِي الصَّحْرَاءِ أَوْ فِي الْمَاءِ أَوْ يُؤْكَلُ فَقَالَ لَا تَأْكُلُهُ

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{-asws}, from his brother^{-asws} Abu Al-Hassan^{-asws}, said, 'I asked him^{-asws} about the locust which are found dead in the desert, or in the water, can one eat?' So he^{-asws} said: 'Do not eat it'.

قَالَ وَ سَأَلْتُهُ (عَلَيْهِ السَّلَام) عَنِ الدَّبَا مِنَ الْجَرَادِ أَوْ يُؤْكَلُ قَالَ لَا حَتَّى يَسْتَقِلَّ بِالطَّيْرَانِ .

He (the narrator) said, 'And I asked him^{-asws} about *Al-Dabba* from the locusts, can one eat?' He^{-asws} said: 'No, until it is flying around with the birds'.²⁷⁶

باب صَيْدِ الطُّيُورِ الْأَهْلِيَّةِ

Chapter 14 – Hunting the domesticated birds

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ يَصِيدُ الطُّيْرَ يُسَاوِي دَرَاهِمَ كَثِيرَةً وَ هُوَ مُسْتَوِي الْجَنَاحَيْنِ وَ يَعْرِفُ صَاحِبَهُ أَوْ يَجِيئُهُ فَيَطْلُبُهُ مَنْ لَا يَنْهَاهُ قَالَ لَا يَجِلُّ لَهُ إِمْسَاكُهُ بِرُؤْدِهِ عَلَيْهِ فَقُلْتُ لَهُ فَإِنْ هُوَ صَادَ مَا هُوَ مَالِكٌ بِجَنَاحَيْهِ لَا يَعْرِفُ لَهُ طَالِبًا قَالَ هُوَ لَهُ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Ahmad Bin Muhammad Bin Abu Nasr who said,

'I asked Abu Al-Hassan Al-Reza^{-asws} about a man who hunts the birds which are worth a lot of Dirhams, and its two wings are level, and its owner is known, or he comes over, so he seeks it, one who does not accuse him (of stealing it). He^{-asws} said: 'It is not Permissible for him to keep it. He should return it to him'. So I said to him^{-asws}, 'So if

²⁷⁴ Al Kafi – V 6 – The Book of Hunting Ch 13 H 1

²⁷⁵ Al Kafi – V 6 – The Book of Hunting Ch 13 H 2

²⁷⁶ Al Kafi – V 6 – The Book of Hunting Ch 13 H 3

he hunts what has no control over its two wings, its seeker not known?' He^{-asws} said: 'It is for him'.²⁷⁷

عَنْهُ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَمَّنْ رَوَاهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا مَلَكَ الطَّائِرُ جَنَاحَهُ فَهُوَ لِمَنْ أَخَذَهُ .

From him, from Ibn Fazzal, from Ibn Bukeyr, from the one who reported it,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When the birds owns its wings, so it is for the one who seizes it'.²⁷⁸

عَنْهُ عَنِ ابْنِ فَضَّالٍ عَنِ مُحَمَّدِ بْنِ الْفَضِيلِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنْ صَيْدِ الْحَمَامَةِ تُسَاوِي نِصْفَ دِرْهَمٍ أَوْ دِرْهَمًا فَقَالَ إِذَا عَرَفْتَ صَاحِبَهُ فَرُدَّهُ عَلَيْهِ وَإِنْ لَمْ تَعْرِفْ صَاحِبَهُ وَكَانَ مُسْتَوِي الْجَنَاحَيْنِ يَطِيرُ بِهِمَا فَهُوَ لَكَ .

From him, from Ibn Fazzal, from Muhammad Bin Al Fuzayl who said,

'I asked Abu Al-Hassan^{-asws} about a hunt of the dove equating to half a Dirham, or one Dirham. So he^{-asws} said: 'When its owner it known, so it would be returned to him, and if its owner is not known, and its wings were levelled, flying with these two, so it is for him'.²⁷⁹

وَ عَنْهُ عَنِ ابْنِ فَضَّالٍ عَنِ عُبَيْدِ بْنِ حَفْصِ بْنِ قُرْطِ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ الطَّيْرُ يَقَعُ عَلَى الدَّارِ فَيُؤَخَذُ أَمْ حَلَالٌ هُوَ أَمْ حَرَامٌ لِمَنْ أَخَذَهُ فَقَالَ يَا إِسْمَاعِيلُ عَافٍ أَمْ غَيْرُ عَافٍ قَالَ قُلْتُ جُعِلْتُ فِدَاكَ وَ مَا الْعَافِي قَالَ الْمُسْتَوِي جَنَاحَاهُ الْمَالِكُ جَنَاحِيهِ يَذْهَبُ حَيْثُ شَاءَ قَالَ هُوَ لِمَنْ أَخَذَهُ حَلَالٌ .

And from him, from Ibn Fazzal, from Ubeyd Bin Hafs Bin Qurat, from Ismail Bin Jabir,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! The bird falls upon the house, so it is seized. Is it Permissible or Prohibited, for the one who seizes it?' So he^{-asws} said: 'O Ismail! Is it complete or not complete (its wings)?' I said, 'May I be sacrificed for you^{-asws}! And what is complete?' He^{-asws} said: 'The one who wings are level, in control of its wings going with them wherever it so desires to'. He^{-asws} said: 'It is for the one who seizes it'.²⁸⁰

عَلَيْ بِنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) إِنَّ الطَّيْرَ إِذَا مَلَكَ جَنَاحِيهِ فَهُوَ صَيْدٌ وَ هُوَ حَلَالٌ لِمَنْ أَخَذَهُ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'The bird, when it is in control of its wings, so it is a hunted prey, and it is Permissible for the one who seizes it'.²⁸¹

وَ بِإِسْنَادِهِ أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَالَ فِي رَجُلٍ أَبْصَرَ طَائِرًا فَتَبِعَهُ حَتَّى سَقَطَ عَلَى شَجَرَةٍ فَجَاءَ رَجُلٌ آخَرَ فَأَخَذَهُ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لِلْعَيْنِ مَا رَأَتْ وَ لِلْيَدِ مَا أَخَذَتْ .

²⁷⁷ Al Kafi – V 6 – The Book of Hunting Ch 14 H 1

²⁷⁸ Al Kafi – V 6 – The Book of Hunting Ch 14 H 2

²⁷⁹ Al Kafi – V 6 – The Book of Hunting Ch 14 H 3

²⁸⁰ Al Kafi – V 6 – The Book of Hunting Ch 14 H 4

²⁸¹ Al Kafi – V 6 – The Book of Hunting Ch 14 H 5

And by his chain that,

'Amir Al-Momineen^{-asws} said regarding a man who saw a bird, so he pursued it until it fell upon a tree. So another man came over, so he seized it. So Amir Al-Momineen^{-asws} said: 'It is for the eye what it sees, and for the hand what it seizes'.²⁸²

باب الخُطَّافِ

Chapter 15 – The swallow

عَلِيُّ بْنُ مُحَمَّدٍ بْنِ بُنْدَارٍ عَنْ إِبْرَاهِيمَ بْنِ إِسْحَاقَ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ رَفَعَهُ إِلَى دَاوُدَ الرَّقِّيِّ أَوْ غَيْرِهِ قَالَ بَيْنَمَا نَحْنُ فُعُودٌ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِذْ مَرَّ رَجُلٌ بِيَدِهِ خُطَّافٌ مَدْبُوحٌ فَوَثَبَ إِلَيْهِ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) حَتَّى أَخَذَهُ مِنْ يَدِهِ ثُمَّ دَخَا بِهِ الْأَرْضَ فَقَالَ (عَلَيْهِ السَّلَام) أَعَالِمُكُمْ أَمَرَكُمْ بِهَذَا أَمْ فِقِيهِكُمْ أَخْبَرَنِي أَبِي عَنْ جَدِّي أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نَهَى عَنْ قَتْلِ السِّتَّةِ مِنْهَا الْخُطَّافُ

Ali Bin Muhammad Bin Bundar, from Ibrahim Bin Is'haq, from Ali Bin Muhammad, raising it to Dawood Al Raqqy, or someone else who said,

'While we were seated in the presence of Abu Abdullah^{-asws}, when a man passed by in whose hand was a slaughtered swallow. So Abu Abdullah^{-asws} leapt over to him until he^{-asws} seized it from his hand, then levelled the ground with it, so he^{-asws} said: 'Has your scholar or your jurist ordered you with this? My^{-asws} father^{-asws} informed me^{-asws} that my^{-asws} grandfather^{-saww} Rasool-Allah^{-saww} forbade from killing the six, from these was the swallow'.

وَقَالَ إِنَّ دَوْرَانَهُ فِي السَّمَاءِ أَسْفَأَ لِمَا فُعِلَ بِأَهْلِ بَيْتِ مُحَمَّدٍ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ تَسْبِيحُهُ قِرَاءَةُ الْحَمْدِ لِلَّهِ رَبِّ الْعَالَمِينَ أَلَا تَرَوْنَهُ يَقُولُ وَ لَا الضَّالِّينَ .

And he^{-asws} said: 'It encircling in the sky is (its expression of) regret at what was done with the People^{-asws} of the Household of Muhammad^{-saww}, and its Glorification is its recitation of 'The Praise is for Allah^{-azwj} the Lord^{-azwj} of the Worlds'. Are you not seeing it saying (chirping) 'Wa la Zalleeen (and not those who go astray)'?²⁸³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ جَمِيعاً عَنِ الْجَامُورَانِيِّ عَنِ الْحَسَنِ بْنِ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ مُحَمَّدِ بْنِ يُوسُفَ التَّمِيمِيِّ عَنِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ أَبِيهِ قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) اسْتَوْصُوا بِالصَّنِينَاتِ خَيْراً يَعْنِي الْخُطَّافَ فَإِنَّهُنَّ أَنْسُ طَيْرِ النَّاسِ بِالنَّاسِ

A number of our companions, from sahl Bin Ziyad, and Ahmad Bin Abu Abdullah, altogether from Al Jamourany, from Al Hassan Bin Ali Bin Abu Hamza, from Muhammad Bin Yusuf Al Tameemy,

(It has been narrated) from Muhammad son of Ja'far^{-asws}, from his father^{-asws} who said, 'Rasool-Allah^{-saww} said: 'Treat the wagtails with goodness, meaning the swallows, for these are the friendliest of the birds of the people with the people'.

ثُمَّ قَالَ وَ تَدْرُونَ مَا تَقُولُ الصَّنِينَةُ إِذَا مَرَّتْ وَ تَرْتَمَتْ تَقُولُ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ حَتَّى قَرَأَ أُمَّ الْكِتَابِ فَإِذَا كَانَ آخِرَ تَرْتُمِهَا قَالَتْ وَ لَا الضَّالِّينَ مَدَّ بِهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) صَوْتَهُ وَ لَا الضَّالِّينَ .

²⁸² Al Kafi – V 6 – The Book of Hunting Ch 14 H 6

²⁸³ Al Kafi – V 6 – The Book of Hunting Ch 15 H 1

Then he^{-saww} said: 'And are you knowing what the wagtail (swallow) is saying when it passes by and sings? She is saying, 'In the Name of Allah^{-azwj} the Beneficent, the Merciful. The Praise is for Allah^{-azwj} Lord^{-azwj} of the Worlds' – until he^{-saww} recited the 'Mother of the Book' (*Surah Al-Fatiha*, Chapter 1). So when it comes the end of its singing, so she says, 'Wa La Zalleen' (last Words of *Surah al-Fatiha*). Rasool-Allah^{-saww} extended his^{-saww} voice with it, 'Wa La Zalleen'.²⁸⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَتْلِ الْخَطَّافِ أَوْ إِبْدَائِهِمْ فِي الْحَرَمِ فَقَالَ لَا يُقْتَلَنَّ فَإِنِّي كُنْتُ مَعَ عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَامُ) فَرَأَيْتُ وَأَنَا أَوْذِيَهُمْ فَقَالَ لِي يَا بُنَيَّ لَا تَقْتُلُهُمْ وَلَا تُؤْذِهِمْ فَإِنَّهُمْ لَا يُؤْذِينَ شَيْئاً .

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

'I asked Abu Abdullah^{-asws} about killing the swallows, or hurting them in the Sanctuary. So he^{-asws} said: 'Do not kill them, for I^{-asws} was in the presence of Ali^{-asws} Bin Al-Husayn^{-asws}, so he^{-asws} saw me^{-asws} troubling them. So he^{-asws} said: 'O my^{-asws} son^{-asws}! Do not kill them and do not harm them, for they are not harming anything'.²⁸⁵

بَابُ الْهُدُودِ وَالصُّرَدِ

Chapater 16 – The Hoopoe and the Shrike

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي عَبْدِ اللَّهِ الْبُرْقِيِّ عَنْ عَلِيِّ بْنِ مُحَمَّدَ بْنِ سُلَيْمَانَ عَنْ أَبِي أَيُّوبَ الْمَدِينِيِّ عَنْ سُلَيْمَانَ بْنِ جَعْفَرِ الْجَعْفَرِيِّ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَامُ) قَالَ فِي كُلِّ جَنَاحِ هُدُودٍ مَكْتُوبٌ بِالسُّرِّيَانِيَّةِ آلُ مُحَمَّدٍ خَيْرُ الْبَرِيَّةِ .

A number of our companoins, from Ahmad Bin Muhammad Bin Abu Abdullah Al Barqy, from Ali Bin Muhammad Bn Suleyman, from Abu Ayoub Al Madayni, from Suleyman Bin Ja'far Al Humeiry,

(It has been narrated) from Abu Al-Hassan Al-Reza^{-asws} having said: 'In each wing of the Hoopoe is inscribed in 'Assyrian' (an ancient language), 'The Progeny^{-asws} of Muhammad^{-asws} are the best of Created beings'.²⁸⁶

وَ عَنْهُ عَنِ يَغُثُوبِ بْنِ يَزِيدَ عَنْ عَلِيِّ بْنِ جَعْفَرِ قَالَ سَأَلْتُ أَخِي مُوسَى (عَلَيْهِ السَّلَامُ) عَنِ الْهُدُودِ وَ قَتْلِهِ وَ دَبْحِهِ فَقَالَ لَا يُؤْدَى وَ لَا يُدْبَحُ فَنِعْمَ الطَّيْرُ هُوَ .

And from him, from Yaqoub Bin Yazeed,

(It has been narrated) from Ali son of Ja'far^{-asws} who said, 'I asked my brother^{-asws} Musa^{-asws} about the Hoopoe, and killing it and slaughtering it. So he^{-asws} said: 'Neither harm nor slaughter, for the best of the birds, (it) is it'.²⁸⁷

وَ عَنْهُ عَنِ عَلِيِّ بْنِ مُحَمَّدِ بْنِ أَبِي أَيُّوبَ الْمَدِينِيِّ عَنْ سُلَيْمَانَ الْجَعْفَرِيِّ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَامُ) قَالَ نَهَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنِ قَتْلِ الْهُدُودِ وَ الصُّرَدِ وَ الصُّوَامِ وَ النَّخْلَةِ .

²⁸⁴ Al Kafi – V 6 – The Book of Hunting Ch 15 H 2

²⁸⁵ Al Kafi – V 6 – The Book of Hunting Ch 15 H 3

²⁸⁶ Al Kafi – V 6 – The Book of Hunting Ch 16 H 1

²⁸⁷ Al Kafi – V 6 – The Book of Hunting Ch 16 H 2

And from him, from Ali Bin Muhammad, from Abu Ayoub Al Madiny, from Suleyman Al Ja'fary,

(It has been narrated) from Abu Al-Hassan Al-Reza^{-asws} having said: 'Rasool-Allah^{-saww} forbade from killing the Hoopoe, and the Shrike, and the Skua Gull, and the honey bees'.²⁸⁸

باب القنبرة

Chapter 17 – The Grouse

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عَلِيِّ بْنِ مُحَمَّدَ بْنِ سُلَيْمَانَ عَنْ أَبِي أَيُّوبَ الْمَدِينِيِّ عَنْ سُلَيْمَانَ الْجَعْفَرِيِّ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ أَبِيهِ عَنْ جَدِّهِ (عَلَيْهِمُ السَّلَام) قَالَ لَا تَأْكُلُوا الْقُنْبِرَةَ وَلَا تَسْبُوهَا وَلَا تُغَطُّوهَا الصَّبْيَانُ يَلْعَبُونَ بِهَا فَإِنَّهَا كَثِيرَةٌ التَّسْبِيحُ لِلَّهِ تَعَالَى وَتَسْبِيحُهَا لَعْنُ اللَّهِ مُبْغِضِي آلِ مُحَمَّدٍ (عَلَيْهِمُ السَّلَام) .

A number of our companions, from Ahmad Bin Abu Abdullah, from Ali Bin Muhammad Bin Suleyman, from Abu Ayoub Al Madainy, from Suleyman Al Ja'fary,

(It has been narrated) from Abu Al-Hassan Al-Reza^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws} having said: 'Do not eat the grouse, nor insult it, nor give it to the children to play with it, for it frequents the Glorification of Allah^{-azwj}, and its Glorification is, 'May Allah^{-azwj} Curse those who hate the Progeny^{-asws} of Muhammad^{-saww}'²⁸⁹

وَ بِإِسْنَادِهِ قَالَ كَانَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) يَقُولُ مَا أَرْزَعُ الرِّزْعَ لَطَلَبِ الْفَضْلِ فِيهِ وَ مَا أَرْزَعُهُ إِلَّا لِإِنْتَالِهِ الْمُعْتَرُّ وَ ذُو الْحَاجَةِ وَ تَنَالَهُ الْقُنْبِرَةُ مِنْهُ خَاصَّةً مِنَ الطَّيْرِ .

And by his chain, said,

'Ali^{-asws} Bin Al-Husayn^{-asws} was saying: 'I do not farm the plantation in order to seek the Grace in it, and I^{-asws} do not farm except for the beggar to take from it, and the one with the need, and what the grouse takes from it, particularly from the birds'.²⁹⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اللَّهِ الْجَامُورَانِيِّ عَنْ سُلَيْمَانَ الْجَعْفَرِيِّ قَالَ سَمِعْتُ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) يَقُولُ لَا تَقْتُلُوا الْقُنْبِرَةَ وَلَا تَأْكُلُوا لَحْمَهَا فَإِنَّهَا كَثِيرَةٌ التَّسْبِيحُ تَقُولُ فِي آخِرِ تَسْبِيحِهَا لَعْنُ اللَّهِ مُبْغِضِي آلِ مُحَمَّدٍ (عَلَيْهِمُ السَّلَام) .

A number of our companions, from Sahl Bin Ziyad, from Abu Abdullah Al Jamourany, from Suleyman Al Ja'fary who said,

'I heard Abu Al-Hassan Al-Reza^{-asws} saying:' Do not kill the grouse, and do not eat its flesh, for it is frequent in the Glorification. She is saying at the end of its Glorification. 'May Allah^{-azwj} Curse those who hate the Progeny^{-asws} of Muhammad^{-saww}'.²⁹¹

مُحَمَّدُ بْنُ الْحَسَنِ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ الْهَاشِمِيُّ عَنْ بَعْضِ أَصْحَابِنَا عَنْ سُلَيْمَانَ بْنِ جَعْفَرِ الْجَعْفَرِيِّ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) قَالَ قَالَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) الْفُنْرَعَةُ الَّتِي عَلَى رَأْسِ الْقُنْبِرَةِ مِنْ مَسْحَةِ سُلَيْمَانَ بْنِ دَاوُدَ وَ ذَلِكَ

²⁸⁸ Al Kafi – V 6 – The Book of Hunting Ch 16 H 3

²⁸⁹ Al Kafi – V 6 – The Book of Hunting Ch 17 H 1

²⁹⁰ Al Kafi – V 6 – The Book of Hunting Ch 17 H 2

²⁹¹ Al Kafi – V 6 – The Book of Hunting Ch 17 H 3

أَنَّ الذَّكَرَ أَرَادَ أَنْ يَسْفِدَ أُنثَاهُ فَأَمْتَنَتْ عَلَيْهِ فَقَالَ لَهَا لَا تَمْتَنِي فَمَا أُرِيدُ إِلَّا أَنْ يُخْرِجَ اللَّهُ عَزَّ وَجَلَّ مَنِي نَسَمَةً تُذَكَّرُ بِهِ فَأَجَابَتْهُ إِلَى مَا طَلَبَ

Muhammad Bin Al Hassan, and Ali Bin Ibrahim Al Hashimy, from one of our companions, from Suleyman Bin Ja'far Al Ja'fary,

(It has been narrated) from Abu Al-Hassan Al-Reza^{-asws} having said: 'Ali^{-asws} Bin Al-Husayn^{-asws} said: 'The topknot on top of the head of the grouse is from the wiping (by the hand of) Suleyman^{-as} Bin Dawood^{-as}, and that is the male grouse intended to have union with its female, but she prevented unto him. So he said to her, 'Do not prevent me, for I do not intend except that Allah^{-azwj} Mighty and Majestic would Extract from me a person you would be remembered by'. So she answered him to what he sought.

فَلَمَّا أَرَادَتْ أَنْ تَبْيِضَ قَالَ لَهَا أَيْنَ تُرِيدِينَ أَنْ تَبْيِضِي فَقَالَتْ لَهُ لَا أَدْرِي أُنَجِّيه عَنِ الطَّرِيقِ قَالَ لَهَا إِنِّي خَائِفٌ أَنْ يَمُرَّ بِكَ مَارٌ الطَّرِيقِ وَ لَكِنِّي أَرَى لَكَ أَنْ تَبْيِضِي فُرْبَ الطَّرِيقِ فَمَنْ يَرَاكَ فُرْبَهُ تَوَهَّمْ أَنَّكَ تَعْرِضِينَ لِلْقَطْرِ الْحَبِّ مِنَ الطَّرِيقِ فَأَجَابَتْهُ إِلَى ذَلِكَ وَ بَاصَتْ وَ حَصَنْتْ حَتَّى أَشْرَفَتْ عَلَى النَّقَابِ

So when it wanted to lay eggs, he said to her, 'Where do you want to lay eggs'. So she said to him, 'I do not know, near to the road?' He said to her, 'I am afraid that the passers-by would pass by you, but I see for you that you should lay eggs near the road, so the one who sees you near it would think that you are picking seeds from the road'. So she answered him to that and laid eggs, and incubated them until she oversaw the births.

فَبَيْنَمَا هُمَا كَذَلِكَ إِذْ طَلَعَ سُلَيْمَانُ بْنُ دَاوُدَ (عَلَيْهِ السَّلَامُ) فِي جُنُودِهِ وَ الطَّيْرُ تَطْلَعُ فَقَالَتْ لَهُ هَذَا سُلَيْمَانٌ فَذْ طَلَعَ عَلَيْنَا فِي جُنُودِهِ وَ لَا أَمْنٌ أَنْ يَحْطِمَنَا وَ يَحْطِمَ بَيْضَنَا فَقَالَ لَهَا إِنَّ سُلَيْمَانَ (عَلَيْهِ السَّلَامُ) لَرَجُلٌ رَجِيمٌ بِنَا فَهَلْ عِنْدَكَ شَيْءٌ هَيَّئْتَهُ لِفِرَاحِكَ إِذَا نَفَبْنَ قَالَتْ نَعَمْ جَرَادَةٌ حَبَانُهَا مِنْكَ أَنْتَظِرُ بِهَا فِرَاحِي إِذَا نَفَبْنَ فَهَلْ عِنْدَ أَنْتِ شَيْءٌ قَالَ نَعَمْ عِنْدِي تَمْرَةٌ حَبَانُهَا مِنْكَ لِفِرَاحِي

So while the two of them were involved in that, when they noticed Suleyman^{-as} Bin Dawood^{-as} in his^{-as} army, and the birds were shading him^{-as}. So she said to him, 'This is Suleyman^{-as} who is coming over to us in his army, and there is no safety if he^{-as} were to trample us, and trample our eggs'. So he said to her, 'Suleyman^{-as} would be a merciful man with us, so is there anything with you to gift to him^{-as} for (the safety of) your chicks when they are born'. She said, 'Yes, a grass-hopper which I hid from you, awaiting for my chicks for it when they are born. So is there anything with you?' He said, 'Yes, I have a date with me, which I hid from you for my chicks'.

قَالَتْ فَخُذْ أَنْتِ تَمْرَتَكَ وَ أَخْذِي أَنَا جَرَادَتِي وَ نَعْرِضْ لِسُلَيْمَانَ (عَلَيْهِ السَّلَامُ) فَذْهُبِي لَهَا فَإِنَّهُ رَجُلٌ يُحِبُّ الْهَدِيَّةَ فَأَخَذَ التَّمْرَةَ فِي مَنْفَارِهِ وَ أَخَذَتْ هِيَ الْجَرَادَةَ فِي رَجْلَيْهَا ثُمَّ نَعَرَضَا لِسُلَيْمَانَ (عَلَيْهِ السَّلَامُ) فَلَمَّا رَأَاهُمَا وَ هُوَ عَلَى عَرْشِهِ بَسَطَ يَدَيْهِ لَهُمَا فَأَقْبَلَا فَوَقَعَ الذَّكَرُ عَلَى الْيَمِينِ وَ وَقَعَتِ الْأُنثَى عَلَى الْبَسَارِ وَ سَأَلَهُمَا عَنْ حَالِهِمَا فَأَخْبَرَاهُ

She said, 'So you take your date, and I take my grass-hopper, and we go to Suleyman^{-as} and we present these to him^{-as}, for he^{-as} is a man who loves the gifts'. So he took the date in his beak, and she took the grass-hopper in her claws, then they went to Suleyman^{-as}. So when he^{-as} saw them both, and he was upon his^{-as} throne, he^{-as} extended his^{-as} hands for them. So they went over and the male sat upon the right hand and the female sat upon the left hand, and he asked them both of their state. So they informed him^{-as}.

فَقَبِلَ هَدِيَّتَهُمَا وَ جَنَّبَ جُنْدَهُ عَنْهُمَا وَ عَنْ بِيضِهِمَا وَ مَسَحَ عَلَى رَأْسِهِمَا وَ دَعَا لَهُمَا بِالْبَرَكَاتِ فَحَدَّثَتْهُ الْفُزْرَةُ عَلَى رَأْسِهِمَا مِنْ مَسْحَةِ سُلَيْمَانَ (عليه السلام) .

So he^{-as} accepted both their gifts, and diverted his^{-as} army away from them and their eggs, and he^{-as} wiped (by his^{-as} hand) upon their heads, and supplicated for them both with the Blessings. So the topknot appeared on top of both their heads from the wiping of Suleyman^{-as'}.²⁹²

تَمَّ كِتَابُ الصَّيِّدِ مِنَ الْكَافِي وَ يَتْلُوهُ كِتَابُ الذَّبَائِحِ وَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ .

The Book of Hunting from Al Kafi is completed, and it would be followed by the Book of Slaughter, and the Praise is for Allah^{-azwj}, Lord^{-azwj} of the Worlds.

كِتَابُ الذَّبَائِحِ

THE BOOK OF SLAUGHTERED (ANIMALS)

بَابُ مَا تُذَكَّى بِهِ الذَّبِيحَةُ

Chapter 1 – What the slaughtered (animal) can be purified by

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدِيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عليه السلام) عَنِ الذَّبِيحَةِ بِاللِّبْطَةِ وَ بِالْمَرْوَةِ فَقَالَ لَا ذَكَاةَ إِلَّا بِحَدِيدَةٍ .

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

'I asked Abu Ja'far^{-asws} about the (animal) slaughtered by the plaster and by the flint. So he^{-asws} said: 'There is no purification except by the iron'.²⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْخَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الذَّبِيحَةِ بِالْعُودِ وَ الْحَجَرِ وَ الْقَصَبَةِ قَالَ قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ (عليه السلام) لَا يَصْلُحُ الذَّبِيحُ إِلَّا بِالْحَدِيدَةِ .

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

(The narrator says), 'I asked Abu Abdullah^{-asws} about the (animal) slaughtered by the wood, and the stone, and the cane. So he^{-asws} said: 'Ali^{-asws} Bin Abu Talib^{-asws} said: 'The slaughter is not correct except by the iron'.²⁹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ قَالَ لَا يُؤْكَلُ مَا لَمْ يُذْبَحْ بِحَدِيدَةٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Sayf Bin Umeyr, from Abu Bakr Al Hazramy,

²⁹² Al Kafi – V 6 – The Book of Hunting Ch 17 H 4

²⁹³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 1 H 1

²⁹⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 1 H 2

Abu Abdullah^{-asws} has said: 'Do not eat what is not slaughtered by the iron'.²⁹⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ سَأَلْتُهُ عَنِ الذَّكَاءِ فَقَالَ لَا يُدْكَى إِلَّا بِحَدِيدَةٍ نَهَى عَنْ ذَلِكَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) .

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

'I asked him^{-asws} about the slaughtering. So he^{-asws} said: 'Do not slaughter except by iron. Amir Al-Momineen^{-asws} forbade from that'.²⁹⁶

باب آخِرُ مِنْهُ فِي حَالِ الْإِضْطِرَارِ

Chapter 2 – Another Chapter from it regarding the state of desperation

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عليه السلام) فِي الدَّبِيحَةِ بِغَيْرِ حَدِيدَةٍ قَالَ إِذَا اضْطَرَرْتَ إِلَيْهَا فَإِنْ لَمْ تَجِدْ حَدِيدَةً فَادْبَحْهَا بِحَجَرٍ .

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

'Abu Ja'far^{-asws} said regarding the (animal) slaughtered without iron. He^{-asws} said: 'When you are desperate towards it, and you do not find an iron, so slaughter it by a stone'.²⁹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ (عليه السلام) عَنِ الْمَرْوَةِ وَالْقَصَبَةِ وَالْعُودِ أَيْدُبِحُ بِهِمْ إِذَا لَمْ يَجِدُوا سِكِّينًا قَالَ إِذَا فَرَى الْأَوْدَاجَ فَلَا بَأْسَ بِذَلِكَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

'I asked Abu Ibrahim^{-asws} (7th Imam^{-asws}) about the flint, and the cane, and the wood, can one slaughter by these when one cannot find a knife?' He^{-asws} said: 'When it tears the veins, so there is no problem with that'.²⁹⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي إِبْرَاهِيمَ (عليه السلام) مِثْلَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Ibrahim^{-asws} (7th Imam^{-asws}) – similar to it.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ زَيْدِ الشَّحَامِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ لَمْ يَكُنْ بِحَضْرَتِهِ سِكِّينٌ أَيْدُبِحُ بِقَصَبَةٍ فَقَالَ ادْبَحْ بِالْقَصَبَةِ وَبِالْحَجَرِ وَبِالْعُودِ إِذَا لَمْ تُصِبِ الْحَدِيدَةَ إِذَا قَطَعَ الْخُلُقُومَ وَخَرَجَ الدَّمُ فَلَا بَأْسَ .

²⁹⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 1 H 3

²⁹⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 1 H 4

²⁹⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 2 H 1

²⁹⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 2 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Zayd Al Shahaam who said,

'I asked Abu Abdullah^{-asws} about a man who did not have a knife in his possession, can he slaughter by a cane?' So he^{-asws} said: 'Slaughter by the cane, and by the stone, and by the bone, and by the wood, when you cannot come across the iron, when their throats are cut and the blood flows, so there is no problem'.²⁹⁹

باب صفة الذبح والنحر

Chapter 3 – Characteristics of the slaughter and the sacrifice

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) النَّحْرُ فِي اللَّبَّةِ وَ الدَّبْحُ فِي الْخَلْقِ .

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

'Abu Abdullah^{-asws} said: 'The sacrifice (of a camel) is in the upper part of the chest, and the slaughter is in the throat'.³⁰⁰

عَلِيُّ عَنْ أَبِيهِ عَنْ صَفْوَانَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ دَبْحِ الْبَقَرِ فِي الْمُنْحَرِ فَقَالَ لِلْبَقَرِ الدَّبْحُ وَ مَا نُحِرَ فَلَيْسَ بِذَكِّي .

Ali, from his father, from Safwan who said,

'I asked Abu Al-Hassan^{-asws} about slaughter of the cow in the upper part of the chest. So he^{-asws} said: 'For the cow and what is slaughtered in the upper part of the chest, so it is not with a (valid) slaughter'.³⁰¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عَلِيِّ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَصْرِ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ قُلْتُ لِأَبِي الْحَسَنِ الْأَوَّلِ (عَلَيْهِ السَّلَامُ) إِنَّ أَهْلَ مَكَّةَ لَا يَدْبَحُونَ الْبَقَرَ وَ إِنَّمَا يَنْحَرُونَ فِي اللَّبَّةِ فَمَا تَرَى فِي أَكْلِ لَحْمِهَا قَالَ فَقَالَ (عَلَيْهِ السَّلَامُ) فَدَبَّحُوا وَ مَا كَادُوا يَفْعَلُونَ لَا تَأْكُلُ إِلَّا مَا دَبَّحَ .

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

'I said to Abu Al-Hassan^{-asws} the 1st, 'The people of Makkah are slaughtering the cow, and rather they are slaughtering in the upper part of the chest. So what is your^{-asws} view regarding eating its flesh?' So he^{-asws} said: 'They slaughtered it, and almost did not do it. Do not eat except what is slaughtered (at the throat)'.³⁰²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي هَاشِمِ الْجَعْفَرِيِّ عَنْ أَبِيهِ عَنْ حُمْرَانَ بْنِ أَعْيَنَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الدَّبْحِ فَقَالَ إِذَا دَبَّحْتَ فَأَرْسِلْ وَ لَا تَكْتِفِ وَ لَا تَقْلِبِ السَّكِّينَ لِيُدْخِلَهَا مِنْ تَحْتِ الْخُلْفُومِ وَ تَقْطَعَهُ إِلَى فَوْقِ وَ الْإِرْسَالُ لِلطَّيْرِ خَاصَّةً فَإِنْ تَرَدَّى فِي جَبِّ أَوْ وَهْدَةٍ مِنَ الْأَرْضِ فَلَا تَأْكُلُهُ وَ لَا تُطْعِمُهُ فَإِنَّكَ لَا تَدْرِي التَّرْدِي قَتْلُهُ أَوْ الدَّبْحُ

Ali Bin Ibrahim, from his father, from Abu Hashim Al Ja'fary, from his father, from Humran Bin Ayn,

²⁹⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 2 H 3

³⁰⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 1

³⁰¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 2

³⁰² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 3

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the slaughter, so he^{-asws} said: 'When you slaughter it, let it hang down, and do not pause nor turn the knife in order to enter it from beneath the throat, and cut it to above, and let it hang down for the birds in particular. So if it falls down a well or a hole in the ground, so do not eat it, and do not feed it (to others) for you do not know whether it was the falling (down) that killed it or the slaughter.

وَ إِنْ كَانَ شَيْءٌ مِنَ الْعَتَمِ فَأَمْسِكْ صُوفَهُ أَوْ شَعْرَهُ وَ لَا تُمَسِكَنَّ يَدًا وَ لَا رِجْلًا وَ أَمَا الْبَقْرُ فَاعْوِلْهَا وَ أَطْلِقِ الذَّنْبَ وَ أَمَا الْبَعِيرُ فَشُدَّ أَحْقَافَهُ إِلَىٰ أَبَاطِهِ وَ أَطْلِقِ رِجْلَيْهِ وَ إِنْ أَفْلَتَكَ شَيْءٌ مِنَ الطَّيْرِ وَ أَنْتَ تُرِيدُ ذَبْحَهُ أَوْ نَدَّ عَلَيْكَ فَارْمِهِ بِسَهْمِكَ فَإِذَا هُوَ سَقَطَ فَذَكِّهِ بِمَنْزِلَةِ الصَّيْدِ .

And if it was something from the sheep, so restrain it by its wool or its hair, and do not restrain the hands or the feet; and as for the cow, so (restrain it by its) heels, but leave the tail; and as for the camel, so (restrain it by its) hooves to its armpits and leave its feet; and if something flees from the birds, and you intended to slaughter it, or escapes from you, so shoot at it with your arrow. So when it falls, so its purification is at the status of the hunted prey'.³⁰³

مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الذَّبِيحَةِ فَقَالَ (عَلَيْهِ السَّلَامُ) اسْتَقْبِلْ بِذَبِيحَتِكَ الْقِبْلَةَ وَ لَا تَنْحَعَهَا حَتَّىٰ تَمُوتَ وَ لَا تَأْكُلْ مِنْ ذَبِيحَةٍ مَا لَمْ تُذْبَحْ مِنْ مَذْبَحِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{-asws}, said, 'I asked him^{-asws} about the slaughter, so he^{-asws} said: 'Face the Qiblah by your slaughter, and do not flip it over until it dies, nor eat from a slaughter what you did not slaughter from its proper place of slaughter'.³⁰⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا تَنْحَعِ الذَّبِيحَةَ حَتَّىٰ تَمُوتَ فَإِذَا مَاتَتْ فَأَنْحَعِهَا .

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

'Abu Abdullah^{-asws} said: 'Do not flip over the slaughter until it dies. So when it is dead, so flip it over'.³⁰⁵

مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَىٰ عَنِ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَالَ لَا تَذْبَحِ الشَّاةَ عِنْدَ الشَّاةِ وَ لَا الْجُرُورَ عِنْدَ الْجُرُورِ وَ هُوَ يَنْظُرُ إِلَيْهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Gayas Bin Ibrahim,

³⁰³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 4

³⁰⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 5

³⁰⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 6

(It has been narrated) from Abu Abdullah^{-asws} that Amir Al-Momineen^{-asws} said: 'Do not slaughter the sheep in the presence of the sheep, nor a camel in the presence of the camel, and it is looking at it'.³⁰⁶

مُحَمَّدُ بْنُ يَحْيَى رَفَعَهُ قَالَ قَالَ أَبُو الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) إِذَا ذُبِحَتِ الشَّاةُ وَ سُلِّحَتْ أَوْ سُلِّحَتْ شَيْءٌ مِنْهَا قَبْلَ أَنْ تَمُوتَ لَمْ يَجِلْ أَكْلُهَا .

Muhammad Bin Yahya, raising it, said,

'Abu Al-Hassan Al-Reza^{-asws} said: 'When you slaughter the sheep, and strip it, or strip off something from it before it dies, it is not Permissible to eat it'.³⁰⁷

بَابِ الرَّجُلِ يُرِيدُ أَنْ يَذْبَحَ فَيَسْبِقُهُ السِّكِّينُ فَيَقْطَعُ الرَّأْسَ

Chapter 4 – The man intends to slaughter, but the knife transcends and cuts off the head

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنِ الْفَضِيلِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ ذَبَحَ فَسَبَقَهُ السِّكِّينُ فَقَطَعَ رَأْسَهُ فَقَالَ هُوَ ذَكَاةٌ وَحَيْثُ لَا بَأْسَ بِهِ وَ يَأْكُلُهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Al Fazeyl Bin Yasaar who said,

'I asked Abu Ja'far^{-asws} about a man who slaughtered, but his knife transcended and cut off its head. So he^{-asws} said: 'It is a vivid slaughter. There is no problem with it, and with eating it'.³⁰⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيزِ بْنِ مُحَمَّدٍ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ مُسْلِمٍ ذَبَحَ شَاةً وَ سَمَّى فَسَبَقَهُ السِّكِّينُ بِحَدِّهَا فَأَبَانَ الرَّأْسَ فَقَالَ إِنْ حَرَجَ الدَّمُ فَكُلْ .

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

'I asked Abu Ja'far^{-asws} about a Muslim who slaughtered a sheep and Named (*Bismillah*), but his knife transcended by its severity, so it cut-off the head. So he^{-asws} said: 'If the blood comes out, so eat'.³⁰⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَ قَدْ سُئِلَ عَنِ الرَّجُلِ يَذْبَحُ فَتُسْرِعُ السِّكِّينُ فَنُبِّئُ الرَّأْسَ فَقَالَ الذَّكَاءُ الْوَحِيَّةُ لَا بَأْسَ بِأَكْلِهِ إِذَا لَمْ يَتَعَمَّدْ بِذَلِكَ .

Ali Bin Ibrahim, from his father, from Hroun Bin Muslim, from Mas'ada Bin sadaqa who said,

'I heard Abu Abdullah^{-asws}, and he^{-asws} had been asked about the man who slaughtered, so the knife hastened and the head was cut off. So he^{-asws} said: 'The vivid slaughter. There is no problem with eating it when it was not deliberate with that'.³¹⁰

³⁰⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 7

³⁰⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 3 H 8

³⁰⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 4 H 1

³⁰⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 4 H 2

³¹⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 4 H 3

بَابُ الْبَعِيرِ وَ الثَّوْرِ يَمْتَنِعَانِ مِنَ الذَّبْحِ

Chapter 5 – The camel and the bull both preventing from being slaughtered

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ أَبِي حَمَزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا امْتَنَعَ عَلَيْكَ بَعِيرٌ وَ أَنْتَ تُرِيدُ أَنْ تُنَحِرَهُ فَانْطَلِقْ مِنْكَ فَإِنْ خَشِيتَ أَنْ يَسْبِقَكَ فَضْرِبْتَهُ بِسَيْفٍ أَوْ طَعْنْتَهُ بِرُمْحٍ بَعْدَ أَنْ تُسَمِّيَ فَكُلْ إِلَّا أَنْ تُذْرِكَهُ وَ لَمْ يَمُتْ بَعْدَ فَذْكِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Qasim Bin Muhammad, from Ali Bin Abu Hamza, from Abu Baseer,

Abu Abdullah^{-asws} has said: 'When a camel is preventing you and you are intending to sacrifice it, so let it go away from you. So if you fear that it would precede you, so strike it with a sword, or stab it with a spear after you Name (*Bismillah*). So eat, except if you come to it and if it has not died afterwards, so slaughter it'.³¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنْ عِيصِ بْنِ الْقَاسِمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ ثَوْرًا بِالْكُوفَةِ نَارَ فَبَادَرَ النَّاسَ إِلَيْهِ بِأَسْنِيفِهِمْ فَضْرَبُوهُ فَأَتَوْا أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فَسَأَلُوهُ فَقَالَ ذَكَاةٌ وَجِيَّةٌ وَ لَحْمُهُ حَلَالٌ .

Ali Bin Ibrahim, from his father, from Safwan, from Ays Bin Al Qasim,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A bull at Al-Kufa went on rampage, so the people followed it with their swords, so they struck it down. So they came to Amir Al-Momineen^{-asws}, and they asked him^{-asws}. So he^{-asws} said: 'A vivid slaughter, and its flesh is Permissible'.³¹²

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي ثَوْرٍ تَعَاَصَى فَأَبْتَدَرُوهُ بِأَسْنِيفِهِمْ وَ سَمَوْا وَ أَتَوْا عَلِيًّا (عَلَيْهِ السَّلَامُ) فَقَالَ هَذِهِ ذَكَاةٌ وَجِيَّةٌ وَ لَحْمُهُ حَلَالٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al fazl Bin Shazaan, from Safwan, from Ibn Muskan, from Muhammad Al Halby who said,

'Abu Abdullah^{-asws} said regarding a bull which disobeyed. So they pursued it with their swords, and Named (*Bismillah*), and they came to Ali^{-asws}. So he^{-asws} said: 'This is a vivid slaughter, and its flesh is Permissible'.³¹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُمَانَ عَنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ وَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ قَوْمًا أَتَوْا النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالُوا إِنَّ بَقْرَةً لَنَا غَلَبَتْنَا وَ اسْتَصْعَبَتْ عَلَيْنَا فَضْرَبْنَاهَا بِالسَّيْفِ فَأَمَرَ هُمْ بِأَكْلِهَا .

Muhammad Bin Yahya, from Abdullah Bin Muhahhad, from Ali Bin Al Hakam, from Aban Bin usman, from Al Fazl Bin Abdul Malik, and Abdul Rahman Bin Abu Abdullah,

³¹¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 5 H 1

³¹² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 5 H 2

³¹³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 5 H 3

(It has been narrated) from Abu Abdullah^{asws} that a group of people came to the Prophet^{saww}, so they said, 'A cow of ours overcame us and became difficult over us, so we struck it with the sword'. So he^{saww} ordered them with eating it'.³¹⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمَنِيِّ عَنْ أَبِيَانَ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) بَعِيرٌ تَرَدَّى فِي بئرٍ كَيْفَ يُنْحَرُ قَالَ تُدْخِلُ الْحَرْبَةَ فَتَطْغُنُهُ بِهَا وَ تُسَمِّي وَ تَأْكُلُ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ahmad Bin Al Hassan Al Maysamy, from Aban, from Ismail Al Ju'fy who said,

'I said to Abu Abdullah^{asws}, 'A camel fell down in a well, how can it be sacrificed?' He^{asws} said: 'Stab it with a bayonet and Name (*Bismillah*) and eat'.³¹⁵

باب الدَّبِيحَةِ تُدْبِحُ مِنْ غَيْرِ مَدْبِحِهَا

Chapter 6 – The slaughtered (animal) slaughtered from other than its place of slaughter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ ضَرَبَ بِسَيْفِهِ جَزُوراً أَوْ شَاةً فِي غَيْرِ مَدْبِحِهَا وَ قَدْ سَمَّى جِبْنَ ضَرَبَ فَقَالَ لَا يَصْلُحُ أَكْلُ دَبِيحَةٍ لَا تُدْبِحُ مِنْ مَدْبِحِهَا يَعْنِي إِذَا تَعَمَّدَ لِذَلِكَ وَ لَمْ تَكُنْ حَالُهُ حَالَ اضْطِرَارٍ فَأَمَّا إِذَا اضْطُرَّ إِلَيْهَا وَ اسْتَصْعَبَتْ عَلَيْهِ مَا يُرِيدُ أَنْ يَدْبِحَ فَلَا بَأْسَ بِذَلِكَ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who struck with his sword, a camel or a sheep, in other than its slaughtering place, and he had Named (*Bismillah*) when he struck. So he^{asws} said: 'It is not correct to slaughter an (animal) which has not been slaughter from its (proper) slaughtering place, meaning when you are deliberate for that, and his state does not happen to be a state of desperation. So as for what he is desperate towards, and it is difficult upon him, what he intends to slaughter, so there is no problem with that'.³¹⁶

باب إدْرَاكِ الدَّكَاةِ

Chapter 7 – Realisation of the slaughter

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) إِذَا طَرَفَتِ الْعَيْنُ أَوْ رَكَضَتِ الرَّجُلُ أَوْ تَحَرَّكَ الذَّنْبُ وَ أَدْرَكَتَهُ فَذَكَّهِ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'In the Book of Ali^{asws} (is written): 'When the eye is blinking, or the feet are kicking, or the tail is moving, and you come over to it, so slaughter it'.³¹⁷

³¹⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 5 H 4

³¹⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 5 H 5

³¹⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 6 H 1

³¹⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 7 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سُلَيْمِ الْفَرَّاءِ عَنِ الْحَسَنِ بْنِ مُسْلِمٍ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِذْ جَاءَهُ مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ فَقَالَ لَهُ جُعِلْتُ فِدَاكَ يَقُولُ لَكَ جَدِّي إِنَّ رَجُلًا ضَرَبَ بَقْرَةً بِفَأْسٍ فَسَقَطَتْ ثُمَّ دَبَحَهَا فَلَمْ يُرْسِلْ مَعَهُ بِالْجَوَابِ وَ دَعَا سَعِيدَةَ مَوْلَاةَ أُمِّ فَرْوَةَ فَقَالَ لَهَا إِنَّ مُحَمَّدًا أَتَانِي بِرِسَالَةٍ مِنْكَ فَكْرَهْتُ أَنْ أُرْسِلَ إِلَيْكَ بِالْجَوَابِ مَعَهُ فَإِنْ كَانَ الرَّجُلُ الَّذِي دَبَحَ الْبَقْرَةَ جِئِنَ دَبِحَ خَرَجَ الدَّمُ مُعْتَدِلًا فَكُلُوا وَ أَطْعَمُوا وَ إِنْ كَانَ خَرَجَ خُرُوجًا مُتَنَاقِلًا فَلَا تَقْرُبُوهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Suleym Al Farra'a, from Al Hassan Bin Muslim who said,

'I was in the presence of Abu Abdullah^{-asws} when Muhammad Bin Abdul Salaam came over, so he said to him^{-asws}, 'May I be sacrificed for you^{-asws}! My grandfather is saying to you^{-asws} that a man struck a cow with a pole-axe, so it fell. Then he slaughtered it'. But he^{-asws} did not send an answer with him, and Instead called Saeeda, a slave girl of Umm Farwa^{-as}, so he^{-asws} said: 'Muhammad came to me with a message from you, but I^{-asws} disliked that I send a message with the answer with him. So if it was such that the man who slaughtered the cow, when he slaughtered it, the blood came out moderately, so eat, and feed, and if it came out with a heavy coming out, so do not go near it'.³¹⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) إِذَا طَرَفَتِ الْعَيْنُ أَوْ رَكَضَتِ الرَّجُلُ أَوْ تَحَرَّكَ الذَّنْبُ فَكُلْ مِنْهُ فَقَدْ أَدْرَكَتْ ذَكَاتَهُ .

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

Abu Abdullah^{-asws} has said: 'In the Book of Ali^{-asws} (it is written): 'When the eye is blinking, or the feet are kicking, or the tail is moving, so eat from it, for you have realised its slaughter'.³¹⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُثَنَّى الْحَنَاطِ عَنْ أَبَانَ بْنِ تَغْلِبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا شَكَكْتَ فِي حَيَاةِ شَاةٍ وَ رَأَيْتَهَا تَطْرَفُ عَيْنَهَا أَوْ تُحَرِّكُ أُذُنَهَا أَوْ تَمْصَعُ بِذَنْبِهَا فَادْبَحْهَا فَإِنَّهَا لَكَ حَلَالٌ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Najran, from Musny Al Hannat, from Aban Bin Taghlab,

Abu Abdullah^{-asws} has said: 'When you doubt regarding the life of a sheep, and you see it blinks its eyes, or moving its ears, or beating its tail, so slaughter it, for it is Permissible for you'.³²⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الدَّبِيحَةِ فَقَالَ إِذَا تَحَرَّكَ الذَّنْبُ أَوْ الطَّرْفُ أَوْ الْأُذُنُ فَهُوَ ذَكِيٌّ .

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

³¹⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 7 H 2

³¹⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 7 H 3

³²⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 7 H 4

(The narrator) says ‘I asked Abu Abdullah^{-asws} about the slaughtered animal, so he^{-asws} said: ‘When it moves the tail, or blinks, or (moves) its ears, so it is purified’.³²¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرِ عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي الشَّاةِ إِذَا طَرَفَتْ عَيْنَهَا أَوْ حَرَكَتْ ذَنْبَهَا فَهِيَ ذَكِيَّةٌ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Rifa'at,

(It has been narrated) from Abu Abdullah^{-asws} having said regarding the sheep when it blinks its eyes, or moves its tail, so it is purified’.³²²

بَاب مَا يُدْبِحُ لِغَيْرِ الْقِبْلَةِ أَوْ تَرَكَ التَّسْمِيَةَ وَالْجُنْبُ يُدْبِحُ

Chapter 8 – What is slaughtered towards other than the Qiblah, or the Naming (*Bismillah*) is neglected, and the one with sexual impurity slaughters

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدِينَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ ذَبَحَ ذَبِيحَةً فَجَهِلَ أَنْ يُوجِّهَهَا إِلَى الْقِبْلَةِ قَالَ كُلُّ مِنْهَا فَفُلْتُ لَهُ فَإِنَّهُ لَمْ يُوجِّهَهَا قَالَ فَلَا تَأْكُلُ مِنْهَا وَلَا تَأْكُلُ مِنْ ذَبِيحَةٍ مَا لَمْ يُذَكَّرْ اسْمُ اللَّهِ عَزَّ وَجَلَّ عَلَيْهَا وَقَالَ (عَلَيْهِ السَّلَام) إِذَا أَرَدْتَ أَنْ تُذْبِحَ فَاسْتَقْبِلْ بِذَبِيحَتِكَ الْقِبْلَةَ .

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

‘I asked Abu Ja’far^{-asws} about a man who slaughtered an animal, so he was ignorant that he had to face towards the Qiblah. He^{-asws} said: ‘Eat from it’. So I said to him^{-asws}, ‘So if he (intentionally) does not face it (towards the Qiblah)’. He^{-asws} said: ‘So do not eat from it, and do not eat from a slaughtered animal what he had not mentioned the Name of Allah^{-azwj} Mighty and Majestic upon it’. And he^{-asws} said: ‘When you intend to slaughter, so face the Qiblah with your animal’.³²³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ الرَّجُلِ يَذْبِحُ وَ لَا يُسَمِّي قَالَ إِنْ كَانَ نَاسِيًا فَلَا بَأْسَ إِذَا كَانَ مُسْلِمًا وَ كَانَ يُحْسِنُ أَنْ يَذْبِحَ وَ لَا يَنْحَعُ وَ لَا يَقَطُّعُ الرَّقَبَةَ بَعْدَ مَا يَذْبِحُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

‘I asked Abu Ja’far^{-asws} about the man who slaughters and does not Name (*Bismillah*). He^{-asws} said: ‘If he had forgotten it, so there is no problem when he was a Muslim, and was good at slaughtering, and did not flip it over nor cut off the neck (until) after having slaughtered’.³²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سُئِلَ عَنِ الذَّبِيحَةِ تَذْبِحُ لِغَيْرِ الْقِبْلَةِ قَالَ لَا بَأْسَ إِذَا لَمْ يَتَعَمَّدْ

³²¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 7 H 5

³²² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 7 H 6

³²³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 8 H 1

³²⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 8 H 2

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

(It has been narrated) from Abu Abdullah^{-asws}, said, 'He^{-asws} was asked about the slaughtered animal slaughtered towards other than the Qiblah. He^{-asws} said: 'There is no problem when it was not deliberate'.

وَعَنِ الرَّجُلِ يَذْبَحُ فَيَنْسِي أَنْ يُسَمِّيَ أَوْ تَوَكَّلُ ذَبِيحَتُهُ فَقَالَ نَعَمْ إِذَا كَانَ لَا يُنْتَهُمْ وَكَانَ يُحْسِنُ الذَّبْحَ قَبْلَ ذَلِكَ وَ لَا يَنْخَعُ وَ لَا يَكْسِرُ الرَّقَبَةَ حَتَّى تَبْرَدَ الذَّبِيحَةُ .

And about the man who slaughtered, so he forgot to Name (*Bismillah*), can one eat his slaughter?' So he^{-asws} said: 'Yes, when he was not accused, and was good at the slaughtering before that, and did not flip it over, and did not break the neck until the slaughtered animal was cold'.³²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيزِ بْنِ مُحَمَّدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ ذَبِيحَةٍ دُبِحَتْ لِغَيْرِ الْقِبْلَةِ فَقَالَ كُلْ وَ لَا بَأْسَ بِذَلِكَ مَا لَمْ يَتَعَمَّدْهُ

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

'I asked Abu Abdullah^{-asws} about a slaughtered animal slaughtered towards other than the Qiblah. So he^{-asws} said: 'Eat, and there is no problem with that for as long as it was not deliberate'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ ذَبَحَ وَ لَمْ يُسَمِّ فَقَالَ إِنْ كَانَ نَاسِيًا فَلْيُسَمِّ جِئَنَ يَذْكُرُ وَ يَقُولُ بِسْمِ اللَّهِ عَلَى أَوَّلِهِ وَ عَلَى آخِرِهِ .

He (the narrator) said, 'And I asked him^{-asws} about a man who slaughtered and did not Name (*Bismillah*), so he^{-asws} said: 'If he had forgotten, so let him Name when he remembers, and he should be saying, 'In the Name of Allah^{-azwj} upon its beginning and upon its ending'.³²⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينِ بْنِ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُهُ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ذَبَحَ فَسَبَّحَ أَوْ كَبَّرَ أَوْ هَلَّلَ أَوْ حَمَدَ اللَّهَ عَزَّ وَ جَلَّ قَالَ هَذَا كُلُّهُ مِنْ أَسْمَاءِ اللَّهِ عَزَّ وَ جَلَّ وَ لَا بَأْسَ بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Al Aa'la Bin Razeyn, from Muhammad Bin Muslim who said,

'I asked him^{-asws} about a man who slaughtered, so he Glorified (*Subhanallah*), or Exclaimed the Greatness (*Allah-O-Akbar*), or Praised Allah^{-azwj} Mighty and Majestic (*Alhamdulillah*). He^{-asws} said: 'All these are from the Names of Allah^{-azwj} Mighty and Majestic, and there is no problem with it'.³²⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا بَأْسَ أَنْ يَذْبَحَ الرَّجُلُ وَ هُوَ جُنُبٌ .

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

³²⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 8 H 3

³²⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 8 H 4

³²⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 8 H 5

(It has been narrated) from Abu Abdullah^{-asws} having said: 'There is no problem if the man slaughters and he was with sexual impurity'.³²⁸

باب الأجنة التي تخرج من بطون الذبائح

Chapter 9 – The foetus which comes out from the belly of the slaughtered animal

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَمْرِو بْنِ أُدَيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَحَدَهُمَا (عَلَيْهِمَا السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ أَجَلْتُ لَكُمْ بِهِمَةَ الْأَنْعَامِ فَقَالَ الْجَنِينُ فِي بَطْنِ أُمِّهِ إِذَا أَشْعَرَ وَ أُوْبِرَ فَذَكَاتُهُ ذَكَاهُ أُمِّهِ فَذَلِكَ الَّذِي عَنِ اللَّهِ عَزَّ وَجَلَّ .

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

'I asked one of the two (5th or 6th Imam^{-asws}) about the Words of Allah^{-azwj} Mighty and Majestic [5:1] **The cattle quadrupeds are Permissible for you**. So he^{-asws} said: 'The foetus in the belly of its mother, when it grows hair and fluff, so its slaughter is the slaughter of its mother, so that is which Allah^{-azwj} Mighty and Majestic Means'.³²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا دَبَحْتَ الذَّبِيحَةَ فَوَجَدْتَ فِي بَطْنِهَا وَلَدًا تَامًا فَكُلْ وَ إِنْ لَمْ يَكُنْ تَامًا فَلَا تَأْكُلْ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When you slaughter a slaughter, so you find a complete child in its belly, so eat, and if it does not happen to be complete, so do not eat'.³³⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ عَلِيِّ بْنِ النُّعْمَانِ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْحُورِ تُذَكِّي أُمَّهُ أَوْ يُؤْكَلُ بِذَكَاتِهَا فَقَالَ إِذَا كَانَ تَامًا وَ نَبَتَ عَلَيْهِ الشَّعْرُ فَكُلْ .

Abu Ali Ashary, from Muhammad Bin Abdul Jabbar Bin Ismail, from Ali Bin Al No'man, from Yaqoub Bin Shuayb who said,

'I asked Abu Abdullah^{-asws} about the camel foetus whose mother is slaughtered, can one eat due to her having been slaughtered?' So he^{-asws} said: 'When it was complete, and the hair has grown upon it, so eat'.³³¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ الْحُصَيْنِ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Dawood Bin Al Husayn, from Yaqoub Bin Shuayb,

(It has been narrated) from Abu Abdullah^{-asws} – similar to it.

³²⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 8 H 6

³²⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 9 H 1

³³⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 9 H 2

³³¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 9 H 3

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الشَّاةِ يَذْبَحُهَا وَ فِي بَطْنِهَا وَادًّا وَ قَدْ أَشْعَرَ فَقَالَ (عَلَيْهِ السَّلَامُ) ذَكَاتُهُ ذَكَاتُ أُمِّهِ .

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

'I asked about the sheep which was slaughtered and inside its belly was a child, and it had grown hair. So he^{-asws} said: 'Its slaughter is the slaughter of its mother'.³³²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْجَبِينِ إِذَا أَشْعَرَ فُكِّلَ وَ إِلَّا فَلَا تَأْكُلُ يَعْنِي إِذَا لَمْ يُشْعَرْ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said regarding the foetus: 'When it grows hair, so eat, or else, so do not eat - meaning if it has not grown hair'.³³³

بَابُ النَّطِيحَةِ وَ الْمُتَرَدِّيَةِ وَ مَا أَكَلَ السَّبْعُ تَدْرِكُ ذَكَاتُهَا

Chapter 10 – The (animal) butted by the horn, and the one killed by a fall, and what the predators eat, you come to it, slaughter it

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ قَالَ سَمِعْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) يَقُولُ النَّطِيحَةُ وَ الْمُتَرَدِّيَةُ وَ مَا أَكَلَ السَّبْعُ إِذَا أَدْرَكَتْ ذَكَاتُهُ فُكِّلَ .

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

'I heard Abu Al-Hassan^{-asws} saying: 'The (animal) butted by the horn, and the one killed by a fall, and what the predators eat, when you come over to it, slaughter it, so eat'.³³⁴

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) قَالَ لَا تَأْكُلُ مِنْ فَرِيَسَةِ السَّبْعِ وَ لَا الْمُؤَفُّودَةِ وَ لَا الْمُتَرَدِّيَةِ إِلَّا أَنْ تَدْرِكَهَا حَيَّةً فَتُدَكِّي .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Do not eat from a prey of the predator, nor the one beaten to death, nor the one fallen to death, except if you come to it as alive, so you slaughter it'.³³⁵

بَابُ الدَّمِّ يَقَعُ فِي الْفَنْرِ

Chapter 11 – The blood which falls into the cooking pot

³³² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 9 H 4

³³³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 9 H 5

³³⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 10 H 1

³³⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 10 H 2

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ عَلِيِّ بْنِ النُّعْمَانِ عَنْ سَعِيدِ الْأَعْرَجِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ قَدْرِ فِيهَا جُرُورٌ وَقَعَ فِيهَا مِقْدَارُ أَوْقِيَّةٍ مِنْ دَمٍ أَوْ يُوَكَّلُ فَقَالَ (عَلَيْهِ السَّلَام) نَعَمْ لِأَنَّ النَّارَ تَأْكُلُ الدَّمَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Muhammad Bin Ismail, from Ali Bin Al Noman, from Saeed Al A'araj who said,

'I asked Abu Abdullah^{-asws} about a cooking pot in which is a camel, and there had fallen in it an 'Awqiya' (A unit of measurement) of blood, can one eat?' So he^{-asws} said: 'Yes, because the fire consumes the blood'.³³⁶

بَابُ الْأَوْقَاتِ الَّتِي يُكْرَهُ فِيهَا الذَّبْحُ

Chapter 12 – The timings during which the slaughter is abhorred

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ مُوسَى عَنِ الْعَبَّاسِ بْنِ مَعْرُوفٍ عَنْ مَرْوَكِ بْنِ عُبَيْدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَكْرَهُ الذَّبْحَ وَارَاقَةَ الدَّمِ يَوْمَ الْجُمُعَةِ قَبْلَ الصَّلَاةِ إِلَّا عَنْ ضَرُورَةٍ .

Muhammad Bin Yahya, from Muhammad Bin Musa, from Al Abbas Bin Marouf, from Marouk Bin Ubeyd, from one of our companions, from Abdullah Bin Muskaan, from Muhammad Al Halby,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} used to dislike the slaughter and spilling the blood on the day of Friday before the Prayer, except out of necessity'.³³⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبَانَ بْنِ تَغْلِبَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) يَأْمُرُ غُلَمَانَهُ أَنْ لَا يَذْبَحُوا حَتَّى يَطْلُعَ الْفَجْرُ . فِي نَوَادِرِ الْجُمُعَةِ .

A number of our companions, from sahl Bin Ziyad, from Muhammad Bin Ali, from Muhammad Bin Amro, from Jameel Bin Darraj, from Aban Bin Taghlib,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Ali^{-asws} Bin Al-Husayn^{-asws} used to order his^{-asws} servants that they should not slaughter until the emergence of the dawn'. – In a miscellaneous (Hadeeth) regarding the day of Friday.³³⁸

عَلِيُّ بْنُ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبَانَ بْنِ تَغْلِبَ قَالَ سَمِعْتُ عَلِيَّ بْنَ الْحُسَيْنِ (عَلَيْهِ السَّلَام) وَهُوَ يَقُولُ لِعِلْمَانِهِ لَا تَذْبَحُوا حَتَّى يَطْلُعَ الْفَجْرُ فَإِنَّ اللَّهَ جَعَلَ اللَّيْلَ سَكَنًا لِكُلِّ شَيْءٍ قَالَ قُلْتُ جُعِلَتْ فِدَاكَ فَإِنْ خَفْنَا فَقَالَ (عَلَيْهِ السَّلَام) إِنْ خَفْتَ الْمَوْتَ فَادْبَحْ .

Ali Bin Ismail, from Muhammad Bin Amro, from Jameel Bin Darraj, from Aban Bin Taghlib who said,

'I heard Ali^{-asws} Bin Al-Husayn^{-asws} and he^{-asws} was saying to his servant: 'Do not slaughter until the emergence of the day, for Allah^{-azwj} Made the night as a tranquility

³³⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 11 H 1

³³⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 12 H 1

³³⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 12 H 2

for everything'. I said, 'May I be sacrificed for you^{-asws}! Supposing we are fearing'. So he^{-asws} said: 'If you fear the death, so slaughter'.³³⁹

باب آخر

Chapter 13 – Another Chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ ذَبِيحَةِ الْمُرْجِيِّ وَالْحَرُورِيِّ فَقَالَ كُلَّ وَ قِرَّ وَ اسْتَقِرَّ حَتَّى يَكُونَ مَا يَكُونُ .

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

(The narrator) says, 'I asked Abu Abdullah^{-asws} about a slaughter of the Murjiite, and the Harouriyya. So he^{-asws} said: 'Eat, and be decisive and steady, until it happens what is going to happen (Rising of Al-Qaim^{-asws})'.³⁴⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي الْمُعْرَاءِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Magra, from Al Halby,

(It has been narrated) from Abu Abdullah^{-asws} – similar to it.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنِ الْفَضِيلِ وَ زُرَّارَةَ وَ مُحَمَّدَ بْنَ مُسْلِمٍ أَنَّهُمْ سَأَلُوا أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ شِرَاءِ اللَّحْمِ مِنَ الْأَسْوَاقِ وَ لَا يُدْرَى مَا يَصْنَعُ الْقَصَّابُونَ قَالَ (عَلَيْهِ السَّلَام) كُلُّ إِذَا كَانَ ذَلِكَ فِي أَسْوَاقِ الْمُسْلِمِينَ وَ لَا تَسْأَلْ عَنْهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Al Fuzayl, and Zurara and Muhammad Bin Muslim,

'They asked Abu Ja'far^{-asws} about buying of the meat from the markets, and it is not known what the butchers have done'. He^{-asws} said: 'Eat, when that was in the markets of the Muslims, and do not ask about it'.³⁴¹

باب ذَبِيحَةِ الصَّبِيِّ وَ الْمَرْأَةِ وَ الْأَعْمَى

Chapter 14 – The slaughter by the child, and the woman, and the blind

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَبِيحَةِ الصَّبِيِّ فَقَالَ إِذَا تَحَرَّكَ وَ كَانَ لَهُ خُمْسَةُ أَشْبَارٍ وَ أَطَاقَ الشُّوْرَةَ

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

³³⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 12 H 3

³⁴⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 13 H 1

³⁴¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 13 H 2

'I asked Abu Abdullah^{-asws} about a slaughter by the child. So he^{-asws} said: 'When he is active, and is of five palms height, and can wield a blade'.

وَعَنْ دَبِيحَةَ الْمَرْأَةِ فَقَالَ إِنْ كُنَّ نِسَاءً لَيْسَ مَعَهُنَّ رَجُلٌ فَلْتَدْبِحْ أَعْقَلَهُنَّ وَتَذَكُرِ اسْمَ اللَّهِ عَزَّ وَجَلَّ عَلَيْهَا .

And about a slaughter by a woman, so he^{-asws} said: 'If there were women and there was no man among them, so let the most intelligent of them slaughter, and let her mention the Name of Allah^{-azwj} Mighty and Majestic over it'.³⁴²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بِنِ صَدَقَةَ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ دَبِيحَةِ الْغُلَامِ قَالَ إِذَا قَوِيَ عَلَى الدَّبْحِ وَكَانَ يُحْسِنُ أَنْ يَدْبِحَ وَذَكَرَ اسْمَ اللَّهِ عَلَيْهَا فَكُلْ

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

'Abu Abdullah^{-asws} was asked about a slaughter by a boy. He^{-asws} said: 'When he is strong upon the slaughtered animal, and is good at slaughtering it, and mentioned the Name of Allah^{-azwj} over it, so eat'.

قَالَ وَ سُئِلَ عَنْ دَبِيحَةِ الْمَرْأَةِ فَقَالَ إِذَا كَانَتْ مُسْلِمَةً فَذَكَرْتَ اسْمَ اللَّهِ عَلَيْهَا فَكُلْ .

He (the narrator) said, 'And he^{-asws} was asked about a slaughter by a woman, so he^{-asws} said: 'When she was a Muslim, so she mentioned the Name of Allah^{-azwj} over it, so eat'.³⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ دَبِيحَةِ الْغُلَامِ وَالْمَرْأَةِ هَلْ تُؤْكَلُ فَقَالَ إِذَا كَانَتْ الْمَرْأَةُ مُسْلِمَةً وَذَكَرْتَ اسْمَ اللَّهِ عَزَّ وَجَلَّ عَلَى دَبِيحَتِهَا حَلَّتْ دَبِيحَتُهَا وَكَذَلِكَ الْغُلَامُ إِذَا قَوِيَ عَلَى الدَّبِيحَةِ وَذَكَرَ اسْمَ اللَّهِ عَزَّ وَجَلَّ عَلَيْهَا وَ ذَلِكَ إِذَا خِيفَ قَوْتُ الدَّبِيحَةِ وَ لَمْ يُوجَدْ مَنْ يَدْبِحُ غَيْرَهُمَا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{-asws} about a slaughter by the boy and the woman, can it be eaten?' So he^{-asws} said: 'When the woman was a Muslim, and she mentioned the Name of Allah^{-azwj} Mighty and Majestic upon her slaughter, her slaughter is Permissible, and similar to that is the boy, when he is strong enough upon the slaughtered animal, and mentions the Name of Allah^{-azwj} Mighty and Majestic over it, and that is when there is fear of losing the slaughtered animal, and there cannot be found one who can slaughter apart from these two'.³⁴⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ قَالَ سَأَلَ الْمَرْزُبَانَ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ دَبِيحَةِ الصَّبِيِّ قَبْلَ أَنْ يَبْلُغَ وَ دَبِيحَةِ الْمَرْأَةِ فَقَالَ لَا بَأْسَ بِدَبِيحَةِ الْحَصِيِّ وَالصَّبِيِّ وَالْمَرْأَةِ إِذَا اضْطَرُّوا إِلَيْهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from one of his companions who said,

'Al-Marzabaan asked Al-Reza^{-asws} about a slaughter by the child before he attains puberty, and a slaughter by the woman. So he^{-asws} said: 'There is no problem with a

³⁴² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 1

³⁴³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 2

³⁴⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 3

slaughter by the eunuch, and the child, and the woman, when there is desperation to it'.³⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ غَيْرِ وَاجِدٍ رَوَاهُ عَنْهُمَا جَمِيعاً (عليه السلام) أَنَّ دَبِيحَةَ الْمَرْأَةِ إِذَا أَجَادَتِ الدَّبِيحَ وَ سَمَّتْ فَلَا بَأْسَ بِأَكْلِهِ وَ كَذَلِكَ الْأَعْمَى إِذَا سُدِّدَ .

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

(It has been narrated) from both of them-asws (5th and 6th Imam-asws) together that a slaughter by the woman, when she is proficient in the slaughter, and she Names (Bismillah), so there is no problem with eating it, and similar to that is the blind when he is assisted'.³⁴⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ دَبِيحَةِ الْخَصِيِّ فَقَالَ لَا بَأْسَ .

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

'I asked Abu Abdullah-asws about a slaughter by the eunuch, so he-asws said: 'There is no problem'.³⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ كَانَتْ لِعَلِيِّ بْنِ الْحُسَيْنِ (عليه السلام) جَارِيَةٌ تَدْبِيحُ لَهُ إِذَا أَرَادَ .

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

Abu Abdullah-asws has said: 'There used to be a slave girl for Ali-asws Bin Al-Husayn-asws who used to slaughter for him-asws whenever he-asws so intended'.³⁴⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) إِذَا بَلَغَ الصَّبِيُّ خَمْسَةَ أَشْبَارٍ أَكَلْتُ دَبِيحَتَهُ .

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

Abu Abdullah-asws has said: 'When the child reaches (a height of) five palms width, eat his slaughtered animal'.³⁴⁹

باب دَبِيحَةِ أَهْلِ الْكِتَابِ

Chapter 15 – Slaughters by of the People of the Book

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرٍو بْنِ عُثْمَانَ عَنْ مُفَضَّلِ بْنِ صَالِحٍ عَنْ زَيْدِ الشَّحَّامِ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عليه السلام) عَنْ دَبِيحَةِ الدَّمِيِّ فَقَالَ لَا تَأْكُلُهُ إِنْ سَمِيَ وَ إِنْ لَمْ يُسَمَّ .

³⁴⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 4

³⁴⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 5

³⁴⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 6

³⁴⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 7

³⁴⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 14 H 8

Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Mufazzal Bin Salih, from Zayd Al Shahham who said,

'Abu Abdullah^{-asws} was asked about a slaughter by the *Zimmy* (people under the responsibility). So he^{-asws} said: 'Do not eat it, whether he has Named (*Bismillah*) or if he has not Named (*Bismillah*)'.³⁵⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ حَنَّانِ بْنِ سَدِيرٍ عَنِ الْحُسَيْنِ بْنِ الْمُنْذِرِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّا قَوْمٌ نَخْتَلِفُ إِلَى الْجَبَلِ وَالطَّرِيقِ بَعِيدٌ بَيْنَنَا وَبَيْنَ الْجَبَلِ فَرَأَسُخُ فَنَشْتَرِي الْقَطِيعَ وَالْإِثْنَيْنِ وَالثَّلَاثَةَ وَ يَكُونُ فِي الْقَطِيعِ أَلْفٌ وَ حَمْسُمِائَةَ شَاةٍ وَ أَلْفٌ وَ سِتِّمِائَةَ شَاةٍ وَ أَلْفٌ وَ سَبْعُمِائَةَ شَاةٍ فَتَقَعُ الشَّاةُ وَالْإِثْنَتَانِ وَالثَّلَاثَةُ فَتَسْأَلُ الرُّعَاةَ الَّذِينَ يَجِيبُونَ بِهَا عَنْ أَدْيَانِهِمْ فَيَقُولُونَ نَصَارَى

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Hanan Bin Sudeyr, from Al Husayn Bin Al Munzar who said,

'I said to Abu Abdullah^{-asws}, 'We are a people interchanging to the mountains, and the road is remote between us and the mountain, (many) *Farsakhs* (units of distance). So we buy the flock, and the two (flocks) and the three (flocks), and there happen to be in the flock one thousand five hundred sheep, and one thousand six hundred sheep, and one thousand seven hundred sheep. So one sheep, or two, or three are cut. So we ask the shepherds who come with these about their religion, so they are saying, '(They are) Christians'.

قَالَ قُلْتُ أَيُّ شَيْءٍ قَوْلُكَ فِي دَبِيحَةِ الْيَهُودِ وَالنَّصَارَى فَقَالَ يَا حُسَيْنُ الدَّبِيحَةُ بِالْإِسْمِ وَ لَا يُؤْمَنُ عَلَيْهَا إِلَّا أَهْلُ التَّوْحِيدِ .

He (the narrator) said, 'So I said, 'What would your^{-asws} say regarding a slaughter by the Jews and the Christians?' So he^{-asws} said: 'O Husayn! The slaughtered animal by the Naming (*Bismillah*), and there is no reliability over it except for the People of the Oneness (*Twaheed*)'.³⁵¹

وَ عَنْهُ عَنْ حَنَّانِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ الْحُسَيْنِ بْنِ الْمُنْذِرِ رَوَى عَنْكَ أَنَّكَ قُلْتَ إِنَّ الدَّبِيحَةَ بِالْإِسْمِ وَ لَا يُؤْمَنُ عَلَيْهَا إِلَّا أَهْلُهَا فَقَالَ إِنَّهُمْ أَحَدْتُوا فِيهَا شَيْئاً لَا أَشْتَهِيهِ

And from him, from Hanan who said,

'I said to Abu Abdullah^{-asws} that Al-Husayn Bin Al-Munzar reported from you^{-asws} that you^{-asws} said that the slaughter is by the Naming (*Bismillah*), and there is no reliability over it except for its rightful ones'. So he^{-asws} said; 'They are narrating something in it I^{-asws} did not desire it'.

قَالَ حَنَّانٌ فَسَأَلْتُ نَصْرَانِيّاً فَقُلْتُ لَهُ أَيُّ شَيْءٍ تَقُولُونَ إِذَا دَبَحْتُمْ فَقَالَ نَقُولُ بِاسْمِ الْمَسِيحِ .

Hanan (the narrator) said, 'So I asked a Christian, so I said to him, 'Which thing are you saying when you slaughter?' So he said, 'We are saying, 'In the name of the Messiah^{-as}'.³⁵²

³⁵⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 1

³⁵¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 2

³⁵² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 3

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ عَنْ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ نَصَارَى الْعَرَبِ أَوْ تَوَكَّلُ دَبِيحَتَهُمْ فَقَالَ كَانَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَامُ) يَنْهَى عَنْ ذَبَائِحِهِمْ وَصَيْدِهِمْ وَمُنَاكِحَتِهِمْ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(The narrator) says, 'I asked Abu Ja'far^{-asws} about a Christian Arabs, can I eat their slaughters?' So he^{-asws} said: 'Ali^{-asws} Bin Al-Husayn^{-asws} had forbidden from their slaughters, and their hunted preys, and inter-marrying with them'.³⁵³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي الْمَغْرَاءِ عَنْ سَمَاعَةَ عَنْ أَبِي إِبْرَاهِيمَ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ دَبِيحَةِ الْيَهُودِيِّ وَالنَّصْرَانِيِّ فَقَالَ لَا تَقْرُبُوهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Al Magra, from Sama'at,

(It has been narrated) from Abu Ibrahim^{-asws} (7th Imam^{-asws}), said, 'I asked him^{-asws} a slaughter by the Jews and the Christians. So he^{-asws} said: 'Do not go near it'.³⁵⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَادِ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ الْمُخْتَارِ عَنِ الْحُسَيْنِ بْنِ عَبْدِ اللَّهِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي نَكُونُ بِالْجَبَلِ فَتَنْبَعُ الرُّعَاةُ فِي الْعَنَمِ قَرِيبًا عَطِبَتِ الشَّاةُ أَوْ أَصَابَهَا الشَّيْءُ فَيَذْبَحُونَهَا فَنَأْكُلُهَا فَقَالَ (عَلَيْهِ السَّلَامُ) هِيَ الدَّبِيحَةُ وَلَا يُؤْمَنُ عَلَيْهَا إِلَّا مُسْلِمًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar, from Al Husayn Bin Abdullah who said,

'I said to Abu Abdullah^{-asws}, 'We happen to be at the mountain, so we send shepherds regarding the sheep. So, sometimes the sheep is injured, or something hits it, so they are slaughtering it, so we eat it'. So he^{-asws} said: 'It is the slaughter, and do not rely upon it except for a Muslim'.³⁵⁵

وَ عَنْهُ عَنْ حَمَادِ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ الْمُخْتَارِ عَنِ الْحُسَيْنِ بْنِ عَبْدِ اللَّهِ قَالَ اصْطَحَبَ الْمُعَلَّى بْنُ حُنَيْسٍ وَ ابْنُ أَبِي يَعْفُورٍ فِي سَفَرٍ فَأَكَلَ أَحَدُهُمَا دَبِيحَةَ الْيَهُودِ وَالنَّصَارَى وَ أَبِي الْأَخْرُ عَنْ أَكْلِهَا فَاجْتَمَعَا عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَأَخْبَرَاهُ فَقَالَ أَيُّكُمَا الَّذِي قَالَ أَنَا قَالَ أَحْسَنْتُ .

And from him, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar, from Al Husayn Bin Abdullah who said,

'Al-Moala Bin Khunays and Ibn Abu Yafour accompanied each other in a journey. So one of them ate a slaughter by the Jew and the Christian, and the other one refused from eating it. So they both gathered in the presence of Abu Abdullah^{-asws} and informed him^{-asws}. So he^{-asws} said: 'Which one of you two refused?' He said, 'I did'. He^{-asws}: 'Well done'.³⁵⁶

³⁵³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 4

³⁵⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 5

³⁵⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 6

³⁵⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 7

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ الْحُسَيْنِ الْأَحْمَسِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ لَهُ رَجُلٌ أَصْلَحَكَ اللَّهُ إِنَّ لَنَا جَارًا قَصَابًا فَيَجِيءُ بِيَهُودِيٍّ فَيَذْبَحُ لَهُ حَتَّى يَسْتَرِي مِنْهُ الْيَهُودُ فَقَالَ لَا تَأْكُلْ مِنْ ذَبِيحَتِهِ وَلَا تَشْتَرِ مِنْهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Al Husayn Al Ahmasy,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A man said to him^{-asws}, 'May Allah^{-azwj} Keep you^{-asws} well! There is a neighbour of ours, a butcher, so a Jew comes over to him and slaughters for him so that the Jews buy from him'. So he^{-asws} said: 'Do not eat from his slaughter, and do not buy from him'.³⁵⁷

ابْنُ أَبِي عُمَيْرٍ عَنِ الْحُسَيْنِ الْأَحْمَسِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ هُوَ الْإِسْمُ فَلَا يُؤْمَنُ عَلَيْهِ إِلَّا مُسْلِمٌ .

Ibn Abu Umeyr, from Al Husayn Al Ahmasy,

(It has been narrated) from Ibn Abu Abdullah^{-asws} having said: 'It (slaughtering is upon) the Naming (*Bismillah*), therefore none can be relied upon except for a Muslim'.³⁵⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ عَلِيِّ بْنِ النُّعْمَانَ عَنِ ابْنِ مُسْكَانَ عَنْ قُتَيْبَةَ الْأَعَشِيِّ قَالَ سَأَلَ رَجُلٌ أَبَا عَبْدِ اللَّهِ (عليه السلام) وَ أَنَا عِنْدَهُ فَقَالَ لَهُ الْعَنْمُ يُرْسَلُ فِيهَا الْيَهُودِيُّ وَ النَّصْرَانِيُّ فَتَعْرَضُ فِيهَا الْعَارِضَةُ فَيَذْبَحُ أَوْ تَأْكُلُ ذَبِيحَتَهُ فَقَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) لَا تُدْخِلْ تَمَنَّهُا مَالَكَ وَ لَا تَأْكُلْهَا فَإِنَّمَا هُوَ الْإِسْمُ وَ لَا يُؤْمَنُ عَلَيْهِ إِلَّا مُسْلِمٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Muhammad Bin Ismail, from Ali Bin Al Noman, from Ibn Muskan, from Quteyba Al A'asha who said,

'A man asked Abu Abdullah^{-asws} and I was in his^{-asws} presence, so he said to him^{-asws}, 'The flock in which the Jews and the Christians are sent, so the exhibitors present therein, so he slaughters, can we eat his slaughter?' So Abu Abdullah^{-asws} said: 'Do not include its price in your wealth and do not eat it, for rather, it is the Naming (*Bismillah*), and none can be relied over it except for a Muslim'.

فَقَالَ لَهُ الرَّجُلُ قَالَ اللَّهُ تَعَالَى الْيَوْمَ أَجَلَ لَكُمْ الطَّيِّبَاتِ وَ طَعَامَ الَّذِينَ أُوتُوا الْكِتَابَ جَلُّكُمْ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عليه السلام) كَانَ أَبِي (عليه السلام) يَقُولُ إِنَّمَا هُوَ الْحُبُوبُ وَ أَشْبَاهُهَا .

So the man said to him^{-asws}, 'Allah^{-azwj} the High Says [5:5] *This day (all) the good things are Permissible for you; and the food of those who have been Given the Book is lawful for you and your food is lawful for them*'. So, Abu Abdullah^{-asws} said to him: 'My^{-asws} father^{-asws} was saying: 'But rather, it is the grains and its like'.³⁵⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ وَ عَبْدِ اللَّهِ بْنِ طَلْحَةَ قَالَ ابْنُ سِنَانَ قَالَ إِسْمَاعِيلُ بْنُ جَابِرٍ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) لَا تَأْكُلْ مِنْ ذَبَائِحِ الْيَهُودِ وَ النَّصَارَى وَ لَا تَأْكُلْ فِي آتِيهِمْ

A number of our companions, from Sahl Bin Ziyad, from yaqoub Bin Yazeed, from Muhammad Bin Sinan, from Ismail Bin Jabir, and Abdullah Bin Talha, from Ibn Sinan, from Ismail Bin Jabir who said,

³⁵⁷ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 8

³⁵⁸ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 9

³⁵⁹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 10

'Abu Abdullah^{-asws} said: 'Do not eat from the slaughter of the Jews and the Christians, and do not eat in their vessels'.³⁶⁰

عَنْهُ عَنِ ابْنِ سِنَانَ عَنْ قُتَيْبَةَ الْأَعَشِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَبَائِحِ الْيَهُودِ وَ النَّصَارَى فَقَالَ الدَّبِيحَةُ اسْمٌ وَلَا يُؤْمَنُ عَلَى الْأَسْمِ إِلَّا مُسْلِمٌ .

From him, from Ibn Sinan, from Quteyba Al A'asha who said,

'I asked Abu Abdullah^{-asws} about the slaughters of the Jews and the Christians. So he^{-asws} said: 'The slaughter is Naming (*Bismillah*), and none can be relied upon for the Naming (*Bismillah*) except a Muslim'.³⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) لَا تَأْكُلْ ذَبَائِحَهُمْ وَلَا تَأْكُلْ فِي أَنْبَتِهِمْ يَعْنِي أَهْلَ الْكِتَابِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sinan, from Ismail Bin Jabir who said,

'Abu Abdullah^{-asws} said to me: 'Do not eat their slaughters, nor eat in their vessels, meaning the People of the Book'.³⁶²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَبَائِحِ أَهْلِ الْكِتَابِ فَقَالَ لَا بَأْسَ إِذَا ذَكَرُوا اسْمَ اللَّهِ عَزَّ وَجَلَّ وَ لَكِنِّي أُغْنِي مِنْهُمْ مَنْ يَكُونُ عَلَى أَمْرِ مُوسَى وَ عِيسَى (عَلَيْهِمَا السَّلَام) .

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

'I asked Abu Abdullah^{-asws} about the slaughters of the People of the Book. So he^{-asws} said: 'There is no problem when they mentioned the Name of Allah^{-azwj} Mighty and Majestic, but I^{-asws} mean from them the ones who happen to be upon the commands of Musa^{-as} and Isa^{-as}'.³⁶³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَنَانَ بْنِ سَدِيرٍ قَالَ دَخَلْنَا عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَا وَ أَبِي فَقُلْنَا لَهُ جَعَلْنَا اللَّهُ فِدَاكَ إِنَّ لَنَا خُلَطَاءَ مِنَ النَّصَارَى وَ إِنَّا نَأْتِيهِمْ فَيَذْبَحُونَ لَنَا الدَّجَاجَ وَ الْفِرَاحَ وَ الْجِدَاءَ أَ فَتَأْكُلُهَا قَالَ فَقَالَ لَا تَأْكُلُوهَا وَ لَا تَقْرُبُوهَا فَإِنَّهُمْ يَقُولُونَ عَلَى ذَبَائِحِهِمْ مَا لَا أُحِبُّ لَكُمْ أَكْلَهَا

Ali Bin Ibrahim, from his father, from Hanan Bin Sudeyr who said,

'We went over to Abu Abdullah^{-asws}, my father and myself. So we said to him^{-asws}, 'May Allah^{-azwj} Make us to be sacrificed for you^{-asws}! For us are a mixture of Christians, and we go to them, so they are slaughtering for us the poultry, and the chicken and the goats. Can we eat these?' So he^{-asws} said: 'Do not eat these, and do not go near these, for they are saying upon their slaughters what I^{-asws} do not like for you all to eat it'.

³⁶⁰ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 11

³⁶¹ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 12

³⁶² Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 13

³⁶³ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 14

قَالَ فَلَمَّا قَدِمْنَا الْكُوفَةَ دَعَانَا بَعْضُهُمْ فَأَبَيْنَا أَنْ نَذْهَبَ فَقَالَ مَا بِالْكُمْ كُنْتُمْ تَأْتُونَنَا ثُمَّ تَرَكْتُمُوهُ الْيَوْمَ قَالَ فَقُلْنَا إِنَّ عَالِمًا لَنَا (عَلَيْهِ السَّلَام) نَهَانَا وَ زَعَمَ أَنَّكُمْ تَقُولُونَ عَلَى ذَبَائِحِكُمْ شَيْئًا لَا يُحِبُّ لَنَا أَكْلُهَا فَقَالَ مَنْ هَذَا الْعَالِمِ هَذَا وَ اللَّهُ أَعْلَمُ النَّاسِ وَ أَعْلَمُ مَنْ خَلَقَ اللَّهُ صَدَقَ وَ اللَّهُ إِنَّا لَنَقُولُ بِسْمِ الْمَسِيحِ (عَلَيْهِ السَّلَام) .

He (the narrator) said, 'So when we proceeded to Al-Kufa, one of them invited us over, so we refused. So he said, 'What is the matter with you? You used to come to us then you are leaving it today?' So we said, 'A knowledgeable one^{-asws} of ours has forbidden us, and he^{-asws} claims that you are saying upon your slaughters something that he^{-asws} does not like for us to eat it'. So he said, 'Who is this knowledgeable one^{-asws}? By Allah^{-azwj}! He^{-asws} is the most knowledgeable of the people, and the most knowledgeable one whom Allah^{-azwj} Created. By Allah^{-azwj}! He^{-asws} spoke the truth, we are saying 'In the name of the Messiah^{-as}'.³⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَبِيحَةِ أَهْلِ الْكِتَابِ قَالَ فَقَالَ وَ اللَّهُ مَا يَأْكُلُونَ ذَبَائِحَكُمْ فَكَيْفَ تَسْتَجِلُّونَ أَنْ تَأْكُلُوا ذَبَائِحَهُمْ إِنَّمَا هُوَ الْإِسْمُ وَ لَا يُؤْمَنُ عَلَيْهَا إِلَّا مُسْلِمٌ .

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

'I asked Abu Abdullah^{-asws} about a slaughter by the People of the Book. So he^{-asws} said: 'By Allah^{-azwj}! They are not eating from your slaughters, so how are you permitting yourselves that you eat their slaughters? But rather, it is the naming (*Bismillah*), and none can be relied over it except for a Muslim'.³⁶⁵

بَعْضُ أَصْحَابِنَا عَنْ مَنْصُورِ بْنِ الْعَبَّاسِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ فُتَيْبَةَ الْأَعَشَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ رَأَيْتُ عِنْدَهُ رَجُلًا يَسْأَلُهُ فَقَالَ إِنَّ لِي أَخًا فَيَسْلِفُ فِي الْعَنَمِ فِي الْجِبَالِ فَيُعْطِي السِّنَّ مَكَانَ السِّنِّ فَقَالَ أَلَيْسَ بِطَبِيبَةٍ نَفْسٍ مِنْ أَصْحَابِهِ قَالَ بَلَى قَالَ فَلَا بَأْسَ

One of our companions, from Mansour Bin Al Abbas, from Amro Bin Usman, from Quteyba Al A'asha,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I saw a man in his^{-asws} presence asking him^{-asws} that, 'For me is a brother, so he stays behind among the flock in the mountain, so he gives the tooth in place of the tooth (barter)'. So he^{-asws} said: 'Is it not in good faith from his companions?' He said, 'Yes'. He^{-asws} said: 'So there is no problem with it'.

قَالَ فَإِنَّهُ يَكُونُ لَهُ فِيهَا الْوَكِيلُ فَيَكُونُ يَهُودِيًّا أَوْ نَصْرَانِيًّا فَتَقَعُ فِيهَا الْعَارِضَةُ فَيَبِيعُهَا مَذْبُوحَةً وَ يَأْتِيهِ بِثَمَنِهَا وَ رَبِّمَا مَلَحَهَا فَيَأْتِيهِ بِهَا مَمْلُوحَةً قَالَ فَقَالَ إِنَّ أَتَاهُ بِثَمَنِهَا فَلَا يُخَالِطُهُ بِمَالِهِ وَ لَا يُحْرَكُهُ وَ إِنْ أَتَاهُ بِهَا مَمْلُوحَةً فَلَا يَأْكُلُهَا فَإِنَّمَا هُوَ الْإِسْمُ وَ لَيْسَ يُؤْمَنُ عَلَى الْإِسْمِ إِلَّا مُسْلِمٌ

He said, 'So there happens to be a representative of his in it, and it happens to be a Jew or a Christian. So regarding the flock is an exhibition, so he sells a slaughtered (sheep), and is given its price, and sometimes it is meat, so he is given meat with it'. So he^{-asws} said: 'If he is given its price, so he should not mix it with his wealth and he should not move it (in business), and if he is given meat with it, so he should not eat it, for rather it (slaughter) is the Naming (*Bismillah*), and there is none reliable over the Naming (*Bismillah*) except for a Muslim'.

³⁶⁴ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 15

³⁶⁵ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 16

فَقَالَ لَهُ بَعْضُ مَنْ فِي الْبَيْتِ فَأَيُّ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ طَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ جِلُّكُمْ وَ طَعَامُكُمْ جِلُّ لَهُمْ فَقَالَ إِنَّ أَبِي (عليه السلام) كَانَ يَقُولُ ذَلِكَ الْحُبُوبُ وَ مَا أَشْبَهَهَا .

So, someone in the room said to him^{-asws}, 'So where are the Words of Allah^{-azwj} Mighty and Majestic **[5:5] and the food of those who have been Given the Book is lawful for you and your food is lawful for them?**' So he^{-asws} said: 'My^{-asws} father^{-asws} was saying: 'That is for the grains and what resembles it'³⁶⁶

³⁶⁶ Al Kafi – V 6 – The Book of Slaughtered (animals) Ch 15 H 17