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Volume 7

Part 1 out of 6

للمحدث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة الإسلام
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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

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

كِتَابُ الْوَصَايَا

THE BOOK OF BEQUESTS

بَابُ الْوَصِيَّةِ وَ مَا أَمَرَ بِهَا

Chapter 1 – The bequest and what has been ordered with it

حَدَّثَنَا عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ عَلِيِّ بْنِ إِسْحَاقَ عَنِ الْحَسَنِ بْنِ حَزْرَمٍ الْكَلْبِيِّ ابْنِ أُخْتِ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ لَمْ يُحْسِنْ وَصِيَّتَهُ عِنْدَ الْمَوْتِ كَانَ نَقْصًا فِي مُرُوعَتِهِ وَ عَقْلِهِ قَبْلَ يَا رَسُولَ اللَّهِ وَ كَيْفَ يُوصِي الْمَيِّتُ

Ali Bin Ibrahim narrated to us, from Ali Bin Is'haq, from Al Hassan Bin Hazim Al Kalby son of a sister of Hisham Bin Salim, from Suleyman Bin Ja'far,

Abu Abdullah-asws says that Rasool-Allah-saww said: 'The one who does not upgrade his bequest (will/inheritance) in the presence of the death, there was a deficiency in his personality and his mind'. It was said, 'O Rasool-Allah-saww! And how should the dying ones bequeath?'

قَالَ إِذَا حَضَرْتَهُ وَفَاتَهُ وَ اجْتَمَعَ النَّاسُ إِلَيْهِ قَالَ اللَّهُمَّ فَاطِرَ السَّمَاوَاتِ وَ الْأَرْضِ عَالِمَ الْغَيْبِ وَ الشَّهَادَةِ الرَّحْمَنَ الرَّحِيمَ اللَّهُمَّ إِنِّي أَعْتَدُ إِلَيْكَ فِي دَارِ الدُّنْيَا أَنِّي أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا أَنْتَ وَحَدِّكَ لَا شَرِيكَ لَكَ وَ أَنَّ مُحَمَّدًا عَبْدُكَ وَ رَسُولُكَ وَ أَنَّ الْجَنَّةَ حَقٌّ وَ أَنَّ النَّارَ حَقٌّ وَ أَنَّ الْبُعْثَ حَقٌّ وَ أَنَّ الْجِسَابَ حَقٌّ وَ الْقَدَرَ وَ الْمِيزَانَ حَقٌّ وَ أَنَّ الدِّينَ كَمَا وَصَفْتَ وَ أَنَّ الْإِسْلَامَ كَمَا شَرَعْتَ وَ أَنَّ الْقَوْلَ كَمَا حَدَّثْتَ وَ أَنَّ الْقُرْآنَ كَمَا أَنْزَلْتَ وَ أَنَّكَ أَنْتَ اللَّهُ الْحَقُّ الْمُبِينُ جَزَى اللَّهُ مُحَمَّدًا (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) خَيْرَ الْجَزَاءِ وَ حَيَّا اللَّهُ مُحَمَّدًا وَ آلَ مُحَمَّدٍ بِالسَّلَامِ

He-saww said: 'Whenever his death presents itself to him, he gathers the people to him, says, 'O Allah-azwj! Originator of the skies and the earth, Knower of the unseen and the seen, the Beneficent, the Merciful. O Allah-azwj! I hereby oath to You-azwj in the house of the world that I testify that there is no god except for You-azwj alone, there is no associate for You-azwj; and that Muhammad-saww is Your-azwj servant and Your-azwj Rasool-saww, and that the Paradise is truth, and the Fire is truth, and that Resurrection is truth, and the Reckoning is truth, and the Pre-destination, and the Scale are truth, and that the Religion is as described, and that Al-Islam is as it began, and that the Words are as narrated, and that the Quran is as Revealed, and You-azwj are Allah-azwj the Manifest; Recompense Muhammad-saww with the best of Recompenses, and may Allah-azwj Greet Muhammad-saww and the Progeny-asws of Muhammad-saww with the Greetings (Al-Salaam).

اللَّهُمَّ يَا عُدَّتِي عِنْدَ كُرْبَتِي وَ يَا صَاحِبِي عِنْدَ شِدَّتِي وَ يَا وَلِيَّ نِعْمَتِي إِلَهِي وَ إِلَهَ آبَائِي لَا تَكْلِنِي إِلَى نَفْسِي طَرْفَةَ عَيْنٍ أَبَدًا فَإِنَّكَ إِن تَكْلِنِي إِلَى نَفْسِي طَرْفَةَ عَيْنٍ أَقْرَبَ مِنَ الشَّرِّ وَ أَبْعَدَ مِنَ الْخَيْرِ فَأَنْسِ فِي الْقَبْرِ وَخَشْتِي وَ اجْعَلْ لِي عَهْدًا لِيَوْمِ أَلْفَاكَ مَنْشُورًا

O Allah-^{azwj}! O my Defence during my affliction, and O my Companion during my difficulties, and O Guardian of my Bounties, my God and the God of my fathers, do not leave me to fend for myself even for the blink of an eye, ever, for if You-^{azwj} were to leave me to fend for myself for the blink of an eye, I would be closer to the evil and remote from the goodness. So, Put my loneliness at ease in my grave, and Make a Pledge for me for the Day I meet You-^{azwj}, Resurrected’.

ثُمَّ يُوصِي بِحَاجَّتِهِ وَ تَصَدِّقُ هَذِهِ الْوَصِيَّةَ فِي الْقُرْآنِ فِي السُّورَةِ الَّتِي يَذْكُرُ فِيهَا مَرْيَمَ فِي قَوْلِهِ عَزَّ وَ جَلَّ لَا يَمْلِكُونَ الشَّفَاعَةَ إِلَّا مَنْ اتَّخَذَ عِنْدَ الرَّحْمَنِ عَهْدًا فَهَذَا عَهْدُ الْمَيِّتِ

Then he bequeaths with his needs, and ratifies this bequest in the Quran in the Chapter in which Maryam-^{as} is Mentioned in the Words of the Mighty and Majestic [19:87] **They shall not control intercession, except he who took a Covenant with the Beneficent.** So this is the pledge of the dying one’.

وَ الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ أَنْ يَحْفَظَ هَذِهِ الْوَصِيَّةَ وَ يُعَلِّمَهَا وَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) عَلَّمْنِيهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَلَّمْنِيهَا جِبْرَائِيلُ (عَلَيْهِ السَّلَام) .

And the bequest is a right upon every Muslim that he preserves this bequest and learns it. And Amir Al-Momineen-^{asws} said: ‘Rasool-Allah-^{saww} taught me-^{asws}’, and Rasool-Allah-^{saww} said: ‘Jibraeel-^{as} taught me-^{saww}’.¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْوَلِيدِ بْنِ صَبِيحٍ قَالَ صَحَبْتَنِي مَوْلَى لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يُقَالُ لَهُ أَعْيُنُ فَاشْتَكَيْتَنِي أَيَّاماً ثُمَّ بَرَأَ ثُمَّ مَاتَ فَأَخَذْتُ مَتَاعَهُ وَ مَا كَانَ لَهُ فَأَنْبِئْتُ بِهِ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَ أَحْبَبْتُهُ أَنَّهُ اشْتَكَيْتَنِي أَيَّاماً ثُمَّ بَرَأَ ثُمَّ مَاتَ قَالَ تِلْكَ رَاحَةُ الْمَوْتِ أَمَا إِنَّهُ لَيْسَ مِنْ أَحَدٍ يَمُوتُ حَتَّى يَرُدَّ اللَّهُ عَزَّ وَ جَلَّ مِنْ سَمْعِهِ وَ بَصَرِهِ وَ عَقْلِهِ لِلْوَصِيَّةِ أَخَذَ أَوْ تَرَكَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Hamaad Bin Usman, from Al Waleed Bin Sabeeh who said,

‘A slave of Abu Abdullah-^{asws} called Ayn accompanied me. So he complained (of health problems) for some days, then he was cured from it, then died. So I took his belongings and came with these to Abu Abdullah-^{asws}, and informed him-^{asws} that he had complained for a few days, then was cured, then died’. He-^{asws} said: ‘That is the comfort of the death. But, there is no one who died until Allah-^{azwj} Mighty and Majestic Restores his hearing, and his eyesight, and his mind for the bequest, (either) he takes it or leaves it’.²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ لَهُ رَجُلٌ إِنِّي خَرَجْتُ إِلَى مَكَّةَ فَصَحَبْتَنِي رَجُلٌ وَ كَانَ زَمِيلِي فَلَمَّا أَنْ كَانَ فِي بَعْضِ الطَّرِيقِ مَرِضٌ وَ نَقَلَ ثِقَلًا شَدِيدًا فَكُنْتُ أَقُومُ عَلَيْهِ ثُمَّ أَفَاقَ حَتَّى لَمْ يَكُنْ عِنْدِي بِهِ بَأْسٌ فَلَمَّا أَنْ كَانَ الْيَوْمَ الَّذِي مَاتَ فِيهِ أَفَاقَ فَمَاتَ فِي ذَلِكَ الْيَوْمِ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا مِنْ مَيِّتٍ تَحْضُرُهُ الْوَفَاةُ إِلَّا رَدَّ اللَّهُ عَزَّ وَ جَلَّ عَلَيْهِ مِنْ سَمْعِهِ وَ بَصَرِهِ وَ عَقْلِهِ لِلْوَصِيَّةِ أَخَذَ أَوْ تَرَكَ وَ هِيَ الرَّاحَةُ الَّتِي يُقَالُ لَهَا رَاحَةُ الْمَوْتِ فَهِيَ حَقٌّ عَلَى كُلِّ مُسْلِمٍ .

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

(It has been narrated) from Abu Abdullah-^{asws}, ‘A man said to him-^{asws}, ‘I went out to Makkah, so a man accompanied me, and he was my colleague. So when we were in

¹ Al Kafi – V 7 - The Book of Bequests Ch 1 H 1

² Al Kafi – V 7 - The Book of Bequests Ch 1 H 2

one of the roads, he fell sick and slackened with intense slackness. I used to take care of him. Then he woke up to the extent that there was no problem with him in my presence. So when it was the day in which he died, he was awake, and he died during that day'. So Abu Abdullah^{-asws} said: 'There is no dying one and the death presents itself except that Allah^{-azwj} Mighty and Majestic Restores to him, his hearing, and his eyesight, and his mind for the bequest. He either takes to the bequeathing or neglects it, and it is the comfort which is called 'the comfort of death'. So it is a right upon every Muslim (to leave a bequest)'.³

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 سَأَلْتُهُ عَنِ الْوَصِيَّةِ فَقَالَ هِيَ حَقٌّ عَلَى كُلِّ مُسْلِمٍ .

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

(The narrator says), 'I asked Abu Abdullah^{-asws} about the bequest, so he^{-asws} said: 'It is a right upon every Muslim'.⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) الْوَصِيَّةُ حَقٌّ وَ قَدْ أَوْصَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَيَنْبَغِي لِلْمُسْلِمِ أَنْ يُوصِيَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

'Abu Abdullah^{-asws} said: 'The bequest is truth, and Rasool-Allah^{-saww} had bequeathed, so it is befitting for the Muslim that he bequeaths'.⁵

باب الإِشْهَادِ عَلَى الْوَصِيَّةِ

Chapter 2 – The witnesses upon the bequest

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ جِئِنَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ قُلْتُ مَا آخَرَانِ مِنْ غَيْرِكُمْ قَالَ هُمَا كَافِرَانِ قُلْتُ ذَوَا عَدْلٍ مِنْكُمْ فَقَالَ مُسْلِمَانِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fuzayl, from Abu Al Sabah Al Kinany who said,

'I asked Abu Abdullah^{-asws} about the Words of Allah^{-azwj} Blessed and High [5:106] **O you who believe! Call to witness between you when death approaches one of you, at the time of making the will, two just persons from among you, or two others from among others than you.** I said, 'What are **two others from among others than you?**' He^{-asws} said: 'These two are Infidels'. I said, '**two just persons from among you?**' So he^{-asws} said: 'Muslims'.⁶

³ Al Kafi – V 7 - The Book of Bequests Ch 1 H 3

⁴ Al Kafi – V 7 - The Book of Bequests Ch 1 H 4

⁵ Al Kafi – V 7 – The Book of Bequests Ch 1 H 5

⁶ Al Kafi – V 7 – The Book of Bequests Ch 2 H 1

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ هَلْ تَجُوزُ شَهَادَةُ أَهْلِ مِلَّةٍ مِنْ غَيْرِ أَهْلِ مِلَّتِهِمْ قَالَ نَعَمْ إِذَا لَمْ يُوَجَدْ مِنْ أَهْلِ مِلَّتِهِمْ جَازَتْ شَهَادَةُ غَيْرِهِمْ إِنَّهُ لَا يَصْلُحُ دَهَابٌ حَقَّ أَحَدٍ .

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

(The narrator says) 'I asked Abu Abdullah^{-asws}, 'Is the witnessing of the people of the nation (Muslims) allowed, from other than the people of their nation (Non-Muslims)?' He^{-asws} said: 'Yes, when they cannot find from the people of their own nation, the witnessing of the others is allowed. It is not correct for anyone's right to go away (be wasted)'.⁷

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي قَوْلِ اللَّهِ تَبَارَكَ وَ تَعَالَى أَوْ آخَرَانِ مِنْ غَيْرِكُمْ قَالَ إِذَا كَانَ الرَّجُلُ فِي بَلَدٍ لَيْسَ فِيهِ مُسْلِمٌ جَازَتْ شَهَادَةُ مَنْ لَيْسَ بِمُسْلِمٍ عَلَى الْوَصِيَّةِ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan and Ali Bin Ibrahim, from his father together, from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

(It has been narrated) from Abu Abdullah^{-asws} regarding the Words of Allah^{-azwj} Blessed and High [5:106] or two others from among others than you, he^{-asws} said: 'If the man was in a city in which there were no Muslims, it is allowed, the witnessing of the one who is not a Muslim, upon the bequest'.⁸

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ رَجِيٍّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي شَهَادَةِ امْرَأَةٍ حَضَرَتْ رَجُلًا يُوصِي لَيْسَ مَعَهَا رَجُلٌ فَقَالَ يُجَازُ رُبْعُ مَا أَوْصَى بِحِسَابِ شَهَادَتِهَا .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Rabi'e,

(It has been narrated) from Abu Abdullah^{-asws} regarding the testimony of a woman in the presence of a man bequeathing, and there is not man with her. So he^{-asws} said: 'It is allowed, a quarter of what is bequeathed, by the counting of her testimony'.⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي وَصِيَّةٍ لَمْ يَشْهَدَهَا إِلَّا امْرَأَةٌ فَأَجَازَ شَهَادَةَ الْمَرْأَةِ فِي الرَّبْعِ مِنَ الْوَصِيَّةِ بِحِسَابِ شَهَادَتِهَا .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban,

(It has been narrated) from Abu Abdullah^{-asws} having said regarding a bequest which none witnessed it except for a woman: 'The witnessing of the woman is allowed with regards to the quarter from the bequest, by the counting of her testimony'.¹⁰

مُحَمَّدُ بْنُ أَحْمَدَ عَنْ عَبْدِ اللَّهِ بْنِ الصَّلْتِ عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ يَحْيَى بْنِ مُحَمَّدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ قَالَ اللَّذَانِ مِنْكُمُ مُسْلِمَانِ وَ اللَّذَانِ مِنْ غَيْرِكُمْ مِنْ أَهْلِ الْكِتَابِ .

⁷ Al Kafi – V 7 – The Book of Bequests Ch 2 H 2

⁸ Al Kafi – V 7 – The Book of Bequests Ch 2 H 3

⁹ Al Kafi – V 7 – The Book of Bequests Ch 2 H 4

¹⁰ Al Kafi – V 7 – The Book of Bequests Ch 2 H 5

Muhammad Bin Ahmad, from Abdulla Bin Al Salt, from Yunus Bin Abdul Rahman, from Yahya Bin Muhammad who said,

'I asked Abu Abdullah^{-asws} about the Words of Allah^{-azwj} Mighty and Majestic [5:106] **O you who believe! Call to witness between you when death approaches one of you, at the time of making the will, two just persons from among you, or two others from among others than you.** He^{-asws} said: 'Those who are **from among you** are the Muslims, and those who are **from among others than you** are from the People of the Book (Jews and Christians).

فَإِنْ لَمْ تَجِدُوا مِنْ أَهْلِ الْكِتَابِ فَمِنَ الْمَجُوسِ لِأَنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) سَنَّ فِي الْمَجُوسِ سُنَّةَ أَهْلِ الْكِتَابِ فِي الْجَزِيَّةِ وَ ذَلِكَ إِذَا مَاتَ الرَّجُلُ فِي أَرْضٍ غَرِيبَةٍ فَلَمْ يَجِدْ مُسْلِمِينَ أَشْهَدَ رَجُلَيْنِ مِنْ أَهْلِ الْكِتَابِ يُحْبَسَانِ بَعْدَ الصَّلَاةِ فَيُقْسِمَانِ بِاللَّهِ عَزَّ وَ جَلَّ لَا نَشْتَرِي بِهِ نَمْنًا وَ لَوْ كَانَ ذَا قُرْبَى وَ لَا تَكْتُمُ شَهَادَةَ اللَّهِ إِنَّا إِذَا لَمِنَ الْأَثَمِينَ

So if you do not find from the People of the Book, then from the Magians, because Rasool-Allah^{-saww} established a Sunnah regarding the Magians, the Sunnah of the People of the Book with regards to the taxation, and that is when the man dies in a strange land, so he does not find Muslims, two men from the People of the Book **the two (witnesses) you should detain after the Prayer they shall both swear by Allah, (saying): We will not take for it a price, though there be a relative, and we will not hide the testimony of Allah for then certainly we should be among the sinners.**

قَالَ وَ ذَلِكَ إِذَا ارْتَابَ وَلِيُّ الْمَيِّتِ فِي شَهَادَتَيْهِمَا فَإِنْ عَثَرَ عَلَى أَنَّهُمَا شَهَدَا بِالْبَاطِلِ فَلَيْسَ لَهُ أَنْ يَنْقُضَ شَهَادَتَيْهِمَا حَتَّى يَجِيءَ بِشَاهِدَيْنِ فَيُقِيمَانِ مَقَامَ الشَّاهِدَيْنِ الْأَوَّلَيْنِ فَيُقْسِمَانِ بِاللَّهِ لِشَهَادَتِنَا أَحَقُّ مِنْ شَهَادَتَيْهِمَا وَ مَا اعْتَدَيْنَا إِنَّا إِذَا لَمِنَ الظَّالِمِينَ

He^{-asws} said: 'And that is when the guardian of the dead doubts in their witnessing [5:107] **Then if it becomes known that they both** have born witness with the falsities, so it is not for him that he should invalidate both their testimonies until he comes with **two others shall stand up in their place**, of the first witnesses; **so they two should swear by Allah: Certainly our testimony is truer than the testimony of those two, and we have not exceeded the limit, for then most surely we should be of the unjust.**

فَإِذَا فَعَلَ ذَلِكَ نَقَضَ شَهَادَةَ الْأَوَّلِينَ وَ جَازَتْ شَهَادَةُ الْآخَرِينَ يَقُولُ اللَّهُ عَزَّ وَ جَلَّ ذَلِكَ أَدْنَى أَنْ يَأْتُوا بِالشَّهَادَةِ عَلَى وَجْهِهَا أَوْ يَخَافُوا أَنْ تُرَدَّ أَيْمَانٌ بَعْدَ أَيْمَانِهِمْ .

So when they do that, the testimony of the first ones becomes invalid, and the testimonies of the two later ones is allowed. Allah^{-azwj} Mighty and Majestic is Saying [5:108] **This is more proper in order that they should give testimony truly or fear that other oaths be given after their oaths**.¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ رَجَالِهِ رَفَعَهُ قَالَ خَرَجَ تَمِيمُ الدَّارِيِّ وَ ابْنُ بَيْدِيِّ وَ ابْنُ أَبِي مَارِيَةَ فِي سَفَرٍ وَ كَانَ تَمِيمُ الدَّارِيِّ مُسْلِمًا وَ ابْنُ بَيْدِيِّ وَ ابْنُ أَبِي مَارِيَةَ نَصْرَانِيَيْنِ وَ كَانَ مَعَ تَمِيمِ الدَّارِيِّ خُرُجٌ لَهُ فِيهِ مَتَاعٌ وَ أَيْبَةٌ مَنفُوشَةٌ بِالذَّهَبِ وَ قِلَادَةٌ أَخْرَجَهَا إِلَى بَعْضِ أَسْوَاقِ الْعَرَبِ لِلْبَيْعِ فَاعْتَلَّ تَمِيمُ الدَّارِيُّ عَلَيْهِ شَدِيدَةٌ فَلَمَّا حَضَرَهُ الْمَوْتُ دَفَعَ مَا كَانَ مَعَهُ إِلَى ابْنِ بَيْدِيِّ وَ ابْنِ أَبِي مَارِيَةَ وَ أَمَرَهُمَا أَنْ يُوصِلَاهُ إِلَى وَرَثَتِهِ

Ali Bin Ibrahim, from his men, raising it, said,

¹¹ Al Kafi – V 7 – The Book of Bequests Ch 2 H 6

'Tameem Al-Dary, and Ibn Baydi, and Abu Mariya went out on a journey, and Tameem Al-Dary was a Muslim, and Ibn Baydi and Ibn Abu Mariya were two Christians, and there was with Tameem Al-Dary some baggage in which were utensils engraved with gold and a necklace which he had brought out to one of the Arabs markets to be sold. Tameem Al-Dary was overcome with severe illness. So when the death presented itself, he handed over whatever was with him, to Ibn Baydi and Ibn Abu Mariya, and instructed them both that they should deliver it to his inheritors.

فَقَدِمَا الْمَدِينَةَ وَ قَدْ أَخَذَا مِنَ الْمَتَاعِ الْأَيْبَةِ وَالْفَلَادَةَ وَأَوْصَلَا سَائِرَ ذَلِكَ إِلَى وَرَثَتِهِ فَأَنْتَقَدَ الْقَوْمُ الْأَيْبَةَ وَالْفَلَادَةَ فَقَالَ أَهْلُ تَمِيمٍ لَهُمَا هَلْ مَرَضَ صَاحِبُنَا مَرَضًا طَوِيلًا أَنْفَقَ فِيهِ نَفَقَةً كَثِيرَةً فَقَالَا لَا مَا مَرَضَ إِلَّا أَيَّامًا قَلِيلًا قَالُوا فَهَلْ سُرِقَ مِنْهُ شَيْءٌ فِي سَفَرِهِ هَذَا قَالَا لَا قَالُوا فَهَلْ أَنْجَرَ تِجَارَةً خَسِرَ فِيهَا قَالَا لَا قَالُوا فَقَدِ افْتَقَدْنَا أَفْضَلَ شَيْءٍ كَانَ مَعَهُ أَيَّ مَنُوشَةٍ بِالذَّهَبِ مُكَلَّلَةً بِالْجَوْهَرِ وَ قِلَادَةً فَقَالَا مَا دَفَعْنَا إِلَيْنَا فَقَدِ أَدْبَانَاهُ إِلَيْكُمْ

So they both proceeded to Al-Medina, and they had taken from the baggage, the utensils and the necklace, and delivered the rest of that to his inheritors. So the people missed the utensils and the necklace, so the family of the Tameem said to them both, 'Was our companion ill for a long time for which he spent a lot of expenses?' So they both said, 'No, he was not sick except for a few days'. They said, 'So was anything stolen from it during this journey of his'. They both said, 'No'. They said, 'So did he trade and incurred a loss in his trading?' They both said, 'No'. They said, 'We are missing the best things which were with him, utensils engraved with gold and jewellery and a necklace'. So they both said, 'Whatever he handed over to us, so we have given it to you'.

فَقَدَّمُوهُمَا إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَأَوْجَبَ رَسُولُ اللَّهِ (صلى الله عليه وآله) عَلَيْهِمَا الْيَمِينَ فَخَلَفَا فَخَلَى عَنْهُمَا ثُمَّ ظَهَرَتْ تِلْكَ الْأَيْبَةُ وَالْفَلَادَةُ عَلَيْهِمَا فَجَاءَ أَوْلِيَاءُ تَمِيمٍ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَقَالُوا يَا رَسُولَ اللَّهِ قَدْ ظَهَرَ عَلَى ابْنِ بَيْدِيِّ وَ ابْنِ مَارِيَةَ مَا ادَّعَيْنَاهُ عَلَيْهِمَا فَأَنْتَظِرُ رَسُولُ اللَّهِ (صلى الله عليه وآله) مِنْ اللَّهِ عَزَّ وَ جَلَّ الْحُكْمَ فِي ذَلِكَ

So they took both of them to Rasool-Allah-saww. So Rasool-Allah-saww Obligated the swearing of an oath upon both of them. So they took the oath, and were released, but the utensils and the necklace were seen to be with them. So the guardians of Tameem came over to Rasool-Allah-saww and said, 'O Rasool-Allah-saww! These (missing thugs) have appeared to be with Ibn Baydi and Abu Mariya, what we are claiming against the two of them!' So, Rasool-Allah-saww awaited for the Judgement from Allah-azwj Mighty and Majestic with regards to that.

فَأَنْزَلَ اللَّهُ تَبَارَكَ وَ تَعَالَى يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ إِنْ أَنْتُمْ ضَرَبْتُمْ فِي الْأَرْضِ فَأَطْلَقَ اللَّهُ عَزَّ وَ جَلَّ شَهَادَةَ أَهْلِ الْكِتَابِ عَلَى الْوَصِيَّةِ فَقَطَّ إِذَا كَانَ فِي سَفَرٍ وَ لَمْ يَجِدِ الْمُسْلِمِينَ فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ تَحْسِبُونَهُمَا مِنْ بَعْدِ الصَّلَاةِ فَيُقْسِمَانِ بِاللَّهِ إِنْ ارْتَبْتُمْ لَا تَشْتَرِي بِهِ ثَمَنًا وَ لَوْ كَانَ ذَا قُرْبَى وَ لَا تَكُنْتُمْ شَهَادَةَ اللَّهِ إِنَّا إِذَا لَمِنَ الْأَيْمِينَ

So Allah-azwj Blessed and High Revealed [5:106] **O you who believe! Call to witness between you when death approaches one of you, at the time of making the will, two just persons from among you, or two others from among others than you, if you are travelling in the land.** So, Allah-azwj Mighty and Majestic Issued the testimony of the People of the Book upon the bequest only, when one was to be on a journey and does not find Muslims, **and the calamity of death befalls you; the two (witnesses) you should detain after the Prayer; then if you doubt (them), they shall both swear by Allah, (saying): We will not take for it a price, though there**

be a relative, and we will not hide the testimony of Allah for then certainly we should be among the sinners.

فَهَذِهِ الشَّهَادَةُ الْأُولَى الَّتِي جَعَلَهَا رَسُولُ اللَّهِ (صلى الله عليه وآله) فَإِنْ عُنِيَ عَلَى أَنْتَهُمَا اسْتَحَقَّ إِثْمًا أَيْ أَنْتَهُمَا حَلَفَا عَلَى كَذِبٍ فَأَخْرَانِ يَفُورَانِ مَقَامَهُمَا يَعْنِي مِنْ أَوْلِيَاءِ الْمُدَّعِي مِنَ الَّذِينَ اسْتَحَقَّ عَلَيْهِمُ الْأَوْلِيَانِ فَيُقْسِمَانِ بِاللَّهِ يَحْلِفَانِ بِاللَّهِ أَنْتَهُمَا أَحَقُّ بِهَذِهِ الدَّعْوَى مِنْهُمَا وَ أَنْتَهُمَا قَدْ كَذَبَا فِيمَا حَلَفَا بِاللَّهِ لِشَهَادَتِنَا أَحَقُّ مِنْ شَهَادَتِهِمَا وَ مَا اعْتَدَيْنَا إِنْ إِذَا لَمِنَ الظَّالِمِينَ

So this is the first testimony which Rasool-Allah^{saww} made to be. **[5:107] Then if it becomes known that they both have been guilty of a sin**, i.e., they have testified falsely **two others shall stand up in their place from among those who have a claim against them, the two nearest in kin; so they two should swear by Allah: Certainly our testimony is truer than the testimony of those two, and we have not exceeded the limit, for then most surely we should be of the unjust**

فَأَمَرَ رَسُولُ اللَّهِ (صلى الله عليه وآله) أَوْلِيَاءَ تَمِيمِ الدَّارِيِّ أَنْ يَحْلِفُوا بِاللَّهِ عَلَى مَا أَمَرَهُمْ بِهِ فَحَلَفُوا فَأَخَذَ رَسُولُ اللَّهِ (صلى الله عليه وآله) الْفَلَادَةَ وَالْأَيْنِيَةَ مِنَ ابْنِ بَيْدِيِّ وَ ابْنِ أَبِي مَارِيَةَ وَ رَدَّهُمَا إِلَى أَوْلِيَاءِ تَمِيمِ الدَّارِيِّ ذَلِكَ أَدْنَى أَنْ يَأْتُوا بِالشَّهَادَةِ عَلَى وَجْهِهَا أَوْ يَخَافُوا أَنْ تُرَدَّ أَيْمَانٌ بَعْدَ أَيْمَانِهِمْ .

So Rasool-Allah^{saww} ordered the guardians of Tameem Al-Dary that they should swear by Allah^{azwj} upon what He^{azwj} had Commanded with. So they swore. So Rasool-Allah^{saww} seized the necklace and the utensils from Ibn Baydi and Ibn Abu Mariya, and returned both of these to the guardians of Tameem Al-Dary. **[5:108] This is more proper in order that they should give testimony truly or fear that other oaths be given after their oaths**.¹²

باب الرَّجُلِ يُوصِي إِلَى آخَرَ وَ لَا يَقْبَلُ وَصِيَّتَهُ

Chapter 3 – The man who appoints another as an executor of a will and he does not accept his appointment

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ رَبِيعِ بْنِ رُبَيْعٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنْ أَوْصَى رَجُلٌ إِلَى رَجُلٍ وَ هُوَ غَائِبٌ فَلَيْسَ لَهُ أَنْ يَرُدَّ وَصِيَّتَهُ فَإِنْ أَوْصَى إِلَيْهِ وَ هُوَ بِالْبَلَدِ فَهُوَ بِالْخِيَارِ إِنْ شَاءَ قَبِلَ وَ إِنْ شَاءَ لَمْ يَقْبَلْ

Ali Bin Ibrahim, from his father, from Hamaad Bin Isa, from Rabie, from Muhammad Bin Muslim,

Abu Abdullah^{asws} having said: 'If a man appoints a man as an executor (of his will) and he is absent, so it is not for him that he should repudiate (turn down) his appointment. So if he appoints him and he is in the city, so he is with the choice, if he likes he accepts, and if he (does not) like he does not accept'.¹³

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ رَبِيعِ بْنِ رُبَيْعٍ عَنْ فَضَيْلِ بْنِ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ يُوصَى إِلَيْهِ فَقَالَ إِذَا بُعِثَ بِهَا إِلَيْهِ مِنْ بَلَدٍ فَلَيْسَ لَهُ رَدُّهَا وَ إِنْ كَانَ فِي مِصْرٍ يُوجَدُ فِيهِ غَيْرُهُ فَذَلِكَ إِلَيْهِ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Rabie, from Fuzayl,

(It has been narrated) from Abu Abdullah^{asws} regarding a man whose appointment as an executor (of will) was sent to him'. So he^{asws} said: 'If it was sent to him from (the

¹² Al Kafi – V 7 – The Book of Bequests Ch 2 H 7

¹³ Al Kafi – V 7 – The Book of Bequests Ch 3 H 1

same) city, so it is not up to him to reject it, and if it was from a city in which someone else can be found, so that is up to him'.¹⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا أَوْصَى الرَّجُلُ إِلَى أَخِيهِ وَهُوَ غَائِبٌ فَلَيْسَ لَهُ أَنْ يَرُدَّ عَلَيْهِ وَصِيَّتَهُ لِأَنَّهُ لَوْ كَانَ شَاهِدًا فَأَبَى أَنْ يَقْبَلَهَا طَلَبَ غَيْرَهُ .

Abu Ali Al Ashary, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Sayf Bin Umeyra, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'If the man appoints his brother as an executor and he is absent, so it is not up to him to reject to him his appointments as an executor, because if he was present and refused, someone else would be sought to accept it'.¹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ الْقَاسِمِ بْنِ الْفُضَيْلِ عَنْ رَبِيعِ بْنِ الْفُضَيْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي الرَّجُلِ يُوصَى إِلَيْهِ قَالَ إِذَا بُعِثَ بِهَا مِنْ بَلَدٍ إِلَيْهِ فَلَيْسَ لَهُ رَدُّهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Al Qasim Bin Al Fuzayl, from Rabie, from Al Fuzayl,

(It has been narrated) from Abu Abdullah^{-asws} having said regarding the man whose appointment as an executor was sent to him: 'If it was sent to him from within the city, so it is not upon to him to reject it'.¹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُوصَى إِلَى رَجُلٍ بِوَصِيَّةٍ فَيَكْرَهُ أَنْ يَقْبَلَهَا فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا يَخْذُلُهُ عَلَى هَذِهِ الْحَالِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah^{-asws} regarding the man who appoints a man as an executor, but he dislikes to accept it. So Abu Abdullah^{-asws} said: 'He should not abandon him upon this state'.¹⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلِيِّ بْنِ الرَّيَّانِ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) رَجُلٌ دَعَاهُ وَالِدُهُ إِلَى قَبُولِ وَصِيَّتِهِ هَلْ لَهُ أَنْ يَمْتَنِعَ مِنْ قَبُولِ وَصِيَّتِهِ فَوَقَعَ (عَلَيْهِ السَّلَامُ) لَيْسَ لَهُ أَنْ يَمْتَنِعَ .

A number of our companions, from Sahl Bin Ziyad, from Ali Bin Al Rayyan who said,

'I wrote to Abu Al-Hassan^{-asws}, 'A man who invites his father to accept as being his executor of the will, is it for him that he abstains from accepting his appointment as an executor?' So he^{-asws} quickly said: 'It is not for him to abstain'.¹⁸

بَابُ أَنَّ صَاحِبَ الْمَالِ أَحَقُّ بِمَالِهِ مَا دَامَ حَيًّا

¹⁴ Al Kafi – V 7 – The Book of Bequests Ch 3 H 2

¹⁵ Al Kafi – V 7 – The Book of Bequests Ch 3 H 3

¹⁶ Al Kafi – V 7 – The Book of Bequests Ch 3 H 4

¹⁷ Al Kafi – V 7 – The Book of Bequests Ch 3 H 5

¹⁸ Al Kafi – V 7 – The Book of Bequests Ch 3 H 6

Chapter 4 – The owner of the wealth is more rightful with (the distribution of) his wealth for as long as he is alive

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ثَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ أَبِي الْحَسَنِ السَّابَّاطِيِّ عَنْ عَمَّارِ بْنِ مُوسَى أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ صَاحِبُ الْمَالِ أَحَقُّ بِمَالِهِ مَا دَامَ فِيهِ شَيْءٌ مِنَ الرُّوحِ بِضَعُهُ حَيْثُ شَاءَ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Hassan Bin Ali, from Sa'alba Bin Maymoun, from Abu Al Hassan Al Sabaty, from Ammar Bin Musa, who heard

Abu Abdullah^{-asws} said: 'The owner of the wealth is more rightful with (the distribution of) his wealth so long as there is something within him from the soul. He can place it wherever he so wishes to'.¹⁹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَسَنِ عَنِ عَلِيِّ بْنِ أَصْبَاطٍ عَنِ ثَعْلَبَةَ عَنْ أَبِي الْحَسَنِ عُمَرَ بْنِ شَدَّادِ الْأَرْدِيِّ وَ السَّرِيِّ جَمِيعاً عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ الرَّجُلُ أَحَقُّ بِمَالِهِ مَا دَامَ فِيهِ الرُّوحُ إِنْ أَوْصَى بِهِ كُلِّهِ فَهُوَ جَائِزٌ لَهُ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan, from Ali Bin Asbaat, from Sa'alba, from Abu Al Hassan Umar Bin Shaddad Al Azdy and Sarayya, both together, from Ammar Bin Musa,

Abu Abdullah^{-asws} has said: 'The man is more rightful with (the distribution of) his wealth for as long as there is the soul within him. If he were to bequeath with the whole of it, so it is allowed for him'.²⁰

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَسَنِ عَنِ إِبْرَاهِيمَ بْنِ أَبِي بَكْرٍ بْنِ أَبِي السَّمَّالِ الْأَسَدِيِّ عَمَّنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ الْمَيِّتُ أَوْلَى بِمَالِهِ مَا دَامَ فِيهِ الرُّوحُ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan, from Ibrahim Bin Abu Bakr Bin Abu Al Sammal Al Asady, from the one who informed him,

Abu Abdullah^{-asws} has said: 'The dying one is higher with (the distribution of his wealth) for as long as there is the soul within him'.²¹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَسَنِ عَنِ أَخِيهِ أَحْمَدَ بْنِ الْحَسَنِ عَنِ عَمْرِو بْنِ سَعِيدٍ قَالَ أَوْصَى أَخُو رُوْمِيِّ بْنِ عُمَرَ أَنَّ جَمِيعَ مَالِهِ لِأَبِي جَعْفَرٍ (عليه السلام) قَالَ عَمْرُو فَأَخْبَرَنِي رُوْمِيُّ أَنَّهُ وَضَعَ الْوَصِيَّةَ بَيْنَ يَدَيْ أَبِي جَعْفَرٍ (عليه السلام) فَقَالَ هَذَا مَا أَوْصَى لَكَ بِهِ أَخِي وَ جَعَلْتُ أَقْرَأَ عَلَيْهِ فَيَقُولُ لِي قِفْ وَ يَقُولُ أَحْمِلْ كَذَا وَ وَهَبْتُ لَكَ كَذَا حَتَّى أَنْتَبِثَ عَلَى الْوَصِيَّةِ فَتَنْظَرْتُ فَإِذَا إِنَّمَا أَحَدُ الثَّلَاثِ قَالَ فَقُلْتُ لَهُ أَمَرْتَنِي أَنْ أَحْمِلَ إِلَيْكَ الثَّلَاثَ وَ وَهَبْتُ لِي الثَّلَاثِينَ فَقَالَ نَعَمْ قُلْتُ أبيعُهُ وَ أَحْمِلُهُ إِلَيْكَ قَالَ لَا عَلَى الْمَيْسُورِ عَلَيْكَ لَا تَبِعْ شَيْئاً .

Ahmad Bin Muhammad, from Ali Bin Al Hassan, from his brother Ahmad Bin Al Hassan, from Amro Bin Saeed who said,

'The brother of Rowmy Bin Umar bequeathed that the entire wealth of his to be for Abu Ja'far^{-asws}. Amro Said, 'So Rowmy informed his brother that he has placed the will in front of Abu Ja'far^{-asws}, so he said, 'This is what has been bequeathed to you^{-asws} by my brother', and I went on to read to him^{-asws}. So he^{-asws} said to me: 'Hold on!' And he^{-asws} said: 'Carry such and such, and I^{-asws} have gifted such and such for you',

¹⁹ Al Kafi – V 7 – The Book of Bequests Ch 4 H 1

²⁰ Al Kafi – V 7 – The Book of Bequests Ch 4 H 2

²¹ Al Kafi – V 7 – The Book of Bequests Ch 4 H 3

until I came to the will. So I looked and it was so, that he^{-asws} had taken a third. So I said to him^{-asws}, 'Are you^{-asws} ordering me that I should carry a third to you, and you^{-asws} have gifted to me with the two thirds?' So he^{-asws} said: 'Yes'. I said, 'Shall I sell it and carry it to you^{-asws}?'. He^{-asws} said: 'No, if it is feasible upon you, do not sell anything'.²²

مُحَمَّدُ بْنُ يَحْيَى وَغَيْرُهُ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ يَحْيَى بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ سَمَاعَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَكُونُ لَهُ الْوَلَدُ أَيْسَعُهُ أَنْ يَجْعَلَ مَالَهُ لِقَرَابَتِهِ قَالَ هُوَ مَالُهُ يَصْنَعُ بِهِ مَا شَاءَ إِلَى أَنْ يَأْتِيَهُ الْمَوْتُ .

Muhammad Bin Yahya and someone else, from Muhammad Bin Ahmad, from Yaqoub Bin Yazeed, from Yahya Bin Al Mubarak, from Abdullah Bin Jabala, from Sama'at who said,

'I said to Abu Abdullah^{-asws}, 'The man, there happens to be a son for him, does he have the leeway that he makes his wealth for his near relatives?' He^{-asws} said: 'It is his wealth. He can place it wherever he so wishes to, until the death comes to him'.²³

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ جَمِيعاً عَنْ صَفْوَانَ عَنْ مُرَازِمٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُعْطِي الشَّيْءَ مِنْ مَالِهِ فِي مَرَضِهِ فَقَالَ إِذَا أَبَانَ فِيهِ فَهُوَ جَائِزٌ وَ إِنْ أَوْصَى بِهِ فَهُوَ مِنَ الثَّلَاثِ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan and Abu Ali Al Ash'ary, from Muhammad Bin Abdul Jabbar both together, from Safwan, from Marazim, from one of our companions,

(It has been narrated) from Abu Abdullah^{-asws} regarding the man who gave something from his wealth during his illness. So he^{-asws} said: 'If he has kept it aside, so it is allowed (to use it), and if he has bequeathed with it, so it is from the third (to be given out)'.²⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مُرَازِمٍ عَنْ عَمَّارِ السَّابَّاطِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْمَيِّتُ أَحَقُّ بِمَالِهِ مَا دَامَ فِيهِ الرُّوحُ يُبَيِّنُ بِهِ قَالَ نَعَمْ فَإِنْ أَوْصَى بِهِ فَإِنْ تَعَدَّى فَلَيْسَ لَهُ إِلَّا الثَّلَاثُ .

Hameed Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ibn Abu Umeyr, from Marazam, from Ammar Al Sabaty,

Abu Abdullah^{-asws}, said: 'The dying one is more deserving with the (distribution) of his wealth for as long as the soul is within him, keeping it aside?' He^{-asws} said: 'Yes, so if he were to bequeath by it, so he would be exceeding. There is not for him except for the third (to distribute)'.²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الرَّجُلُ لَهُ الْوَلَدُ أَيْسَعُهُ أَنْ يَجْعَلَ مَالَهُ لِقَرَابَتِهِ فَقَالَ هُوَ مَالُهُ يَصْنَعُ بِهِ مَا شَاءَ إِلَى أَنْ يَأْتِيَهُ الْمَوْتُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Abdullah Bin Al Mubarak, from Abdullah Bin Jabala, from Sama'at, from Abu Baseer,

²² Al Kafi – V 7 – The Book of Bequests Ch 4 H 4

²³ Al Kafi – V 7 – The Book of Bequests Ch 4 H 5

²⁴ Al Kafi – V 7 – The Book of Bequests Ch 4 H 6

²⁵ Al Kafi – V 7 – The Book of Bequests Ch 4 H 7

(The narrator says) 'I said to Abu Abdullah^{-asws}, 'The man has the son for him, does he have the leeway to make his wealth to be for his relatives?' So he^{-asws} said: 'It is his wealth. He can place it wherever he so wishes to until the death comes upon him'.²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُمَانَ بْنِ سَعِيدٍ عَنْ أَبِي الْمَحَامِلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْإِنْسَانُ أَحَقُّ بِمَالِهِ مَا دَامَ الرُّوحُ فِي بَدَنِهِ .

Ali Bin Ibrahim, from his father, from Usman Bin Saeed, from Abu Al Mahamil,

Abu Abdullah^{-asws} has said: 'The human being is more rightful with (the distribution of) his wealth for as long as the soul is in his body'.²⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ سَمَاعَةَ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ الرَّجُلُ لَهُ الْوَلَدُ أَيْسَعُهُ أَنْ يَجْعَلَ مَالَهُ لِقَرَابَتِهِ فَقَالَ هُوَ مَالُهُ يَصْنَعُ بِهِ مَا شَاءَ إِلَى أَنْ يَأْتِيَهُ الْمَوْتُ إِنَّ لِصَاحِبِ الْمَالِ أَنْ يَعْمَلَ بِمَالِهِ مَا شَاءَ مَا دَامَ حَيًّا إِنْ شَاءَ وَهَبَهُ وَ إِنْ شَاءَ تَصَدَّقَ بِهِ وَ إِنْ شَاءَ تَرَكَهُ إِلَى أَنْ يَأْتِيَهُ الْمَوْتُ فَإِنْ أَوْصَى بِهِ فَلَيْسَ لَهُ إِلَّا التُّلْتُّ إِلَّا أَنْ الْفَضْلَ فِي أَنْ لَا يُضَيِّعَ مَنْ يَعُولُهُ وَ لَا يُضِرَّ بِوَرَثَتِهِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Abdullah Bin Al Mubarak, from Abdullah Bin Jabala, from Sama'at, from Abu Baseer,

(The narrator says): 'I said to Abu Abdullah^{-asws}, 'The man has the son for him. Does he have the leeway that he makes his wealth to be for his relatives?' So he^{-asws} said: 'It is his wealth. He places whatever he so desires to, until the death comes upon him. It is for the owner of the wealth that he does with his wealth whatever he so desires to so long as he is alive. If he so desires, gifts it, and if he so desires, he gives it in charity with it, and if he so desires he leaves it, until the death comes to him. But, if he were to bequeath with it, so there is not for him except for the third (to be given away as charity), except that the preference in that is the he should not waste it from the ones who are dependent upon him, nor harm his inheritors.

وَ قَدْ رُوِيَ أَنَّ النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ لِرَجُلٍ مِنَ الْأَنْصَارِ أَعْتَقَ مَمَالِيكَ لَهُ لَمْ يَكُنْ لَهُ غَيْرُهُمْ فَعَابَهُ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ قَالَ تَرَكَ صِبْيَةً صِغَارًا يَتَكَفَّفُونَ النَّاسَ .

And it has been reported that the Prophet^{-saww} said for a man from the Helpers who had liberated his slaves, not having for himself other than them, so the Prophet^{-saww} faulted him and said: 'He left young children (of his) to beg from the people'.²⁸

بَابُ الْوَصِيَّةِ لِلْوَارِثِ

Chapter 5 – (Making) the bequest for the inheritors

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي الْمَغْرَاءِ عَنْ أَبِي بصيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْوَصِيَّةِ لِلْوَارِثِ فَقَالَ تَجُوزُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Al Magra, from Abu Baseer who said,

²⁶ Al Kafi – V 7 – The Book of Bequests Ch 4 H 8

²⁷ Al Kafi – V 7 – The Book of Bequests Ch 4 H 9

²⁸ Al Kafi – V 7 – The Book of Bequests Ch 4 H 10

'I asked Abu Abdullah^{-asws} about the bequest for the inheritor. So he^{-asws} said: (it is) 'Permissible'.²⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ الْحَنَاطِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْمَيْتِ يُوصِي لِلْوَارِثِ بِشَيْءٍ قَالَ نَعَمْ أَوْ قَالَ جَائِزٌ لَهُ .

A number of our companions, from Sahal Bin Ziyad, and Ahmad Bin Muhammad, both together from Ibn Mahbou, from Abu Wallad Al Hanaat who said,

'I asked Abu Abdullah^{-asws} about the dying one bequeathing for the inheritors with something. He^{-asws} said: 'Yes', or he^{-asws} said: 'It is allowed for him'.³⁰

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْوَصِيَّةُ لِلْوَارِثِ لَا بَأْسَ بِهَا

Muhammad Bin Ismail, from Al Fazal Bin Shazan, from Safwan Bin Yahya, from Al A'ala, from Muhammad Bin Muslim,

Abu Ja'far^{-asws} has said: 'The bequest for the inheritors, there is no problem with it'.

الْفَضْلُ بْنُ شَاذَانَ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ نَحْوَهُ .

Al Fazal Bin Shazaan, from Yunus, from Abdullah Bin Bakeyr, from Muhammad Bin Muslim,

(The narrator says) from Abu Ja'far^{-asws}, approximately the same.³¹

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْوَصِيَّةِ لِلْوَارِثِ فَقَالَ تَجُوزُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Abdullah Bin Bakeyr, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{-asws} about the bequest for the inheritors, so he^{-asws} said: 'Permissible'.³²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ ابْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْوَصِيَّةِ لِلْوَارِثِ فَقَالَ تَجُوزُ قَالَ ثُمَّ تَلَا هَذِهِ الْآيَةَ إِنَّ تَرَكَ خَيْراً الْوَصِيَّةَ لِلْوَالِدَيْنِ وَ الْأَقْرَبِينَ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Ibn Bakeyr, from Muhammad Bin Muslim,

(The narrator says): 'I asked Abu Ja'far^{-asws} about the bequest for the inheritors, so he^{-asws} said: 'Permissible'. Then he^{-asws} recited this Verse **[2:180] Bequest is Prescribed for you when death approaches one of you, if he leaves behind wealth for parents and near relatives**'.³³

²⁹ Al Kafi – V 7 – The Book of Bequests Ch 5 H 1

³⁰ Al Kafi – V 7 – The Book of Bequests Ch 5 H 2

³¹ Al Kafi – V 7 – The Book of Bequests Ch 5 H 3

³² Al Kafi – V 7 – The Book of Bequests Ch 5 H 4

³³ Al Kafi – V 7 – The Book of Bequests Ch 5 H 5

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنِ الْحَجَّالِ عَنِ ثَعْلَبَةَ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ)
عَنِ الرَّجُلِ يُفَضِّلُ بَعْضَ وُلْدِهِ عَلَى بَعْضٍ قَالَ نَعَمْ وَ نِسَاءَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Al Hajaal, from Sa'alba, from Muhammad Bin Qays who said,

'I asked him^{-asws} about the man who prefers some of his children over the others. He^{-asws} said: 'Yes, and his women'.³⁴

بَاب مَا لِلنَّاسِ أَنْ يُوصِيَ بِهِ بَعْدَ مَوْتِهِ وَ مَا يُسْتَحَبُّ لَهُ مِنْ ذَلِكَ

Chapter 6 – What is for the human being that he bequeaths after his death, and what is recommended from that

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنِ
أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ الْبَرَاءُ بْنُ مَعْرُورٍ الْأَنْصَارِيُّ بِالْمَدِينَةِ وَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِمَكَّةَ
وَ إِنَّهُ حَضَرَهُ الْمَوْتُ وَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِمَكَّةَ وَ أَصْحَابُهُ وَ الْمُسْلِمُونَ يُصَلُّونَ إِلَى بَيْتِ الْمَقْدِسِ وَ
أَوْصَى الْبَرَاءُ إِذَا دُونَ أَنْ يُجْعَلَ وَجْهُهُ إِلَى تَلْقَاءِ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِلَى الْقِبْلَةِ وَ أَوْصَى بِثُلُثِ مَالِهِ فَجَرَتْ بِهِ السَّنَةُ .

Ali Bin Ibrahim from his father, and Muhammad Bin Ismail, from Al Fazal Bin Shazaan both together, from Ibn Abu Umeyr, from Muawiya Bin Ammar,

Abu Abdullah^{-asws} has said: 'Al-Bara'a Bin Marouf the Helper was at Al-Medina, and Rasool-Allah^{-sawww} was at Makkah, and death presented itself to him, and Rasool-Allah^{-sawww} was at Makkah, and his^{-sawww} companions, and the Muslims were Praying towards Bayt Al-Maqdis, and Al-Bara'a bequeathed that he should be buried and his face to be made to be facing towards the direction of the Prophet^{-sawww}, and bequeathed with a third of his wealth. Thus, the Sunnah flowed by it'.³⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ قَالَ كَتَبَ أَحْمَدُ بْنُ إِسْحَاقَ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) أَنَّ ذُرَّةَ بِنْتَ مِقَاتِلٍ تُوَفِّيَتْ وَ
تَرَكَتْ ضَيْعَةً أَشْقَاصاً فِي مَوَاضِعَ وَ أَوْصَتْ لِسَيِّدِهَا مِنْ أَشْقَاصِهَا بِمَا يَبْلُغُ أَكْثَرَ مِنَ الثُّلُثِ وَ نَحْنُ أَوْصِيَاؤُهَا وَ أَحْبَبْنَا أَنْ
نُنْهِيَ إِلَى سَيِّدِنَا فَإِنَّهُ هُوَ أَمْرٌ بِإِمْضَاءِ الْوَصِيَّةِ عَلَى وَجْهِهَا أَمْضِيْنَاهَا وَ إِنَّ أَمْرَ بَعْضِ ذَلِكَ أَنْتَهَيْنَا إِلَى أَمْرِهِ فِي جَمِيعِ مَا يَأْمُرُ
بِهِ إِنْ شَاءَ اللَّهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad who said,

'Ahmad Bin Is'haq wrote to Abu Al-Hassan^{-asws} that Durrah, daughter of Maqatil had died, and she left assets and pieces of land in various places, and bequeathed to her master, from her assets which reached to be more than a third, and we are her executors, and we would love that we finalise it to our Master^{-asws}, for if he^{-asws} were to sign off the bequest upon its face (as it is), we will sign it off, and if he^{-asws} commands with other than that, we will end up to his^{-asws} command in the entirety of what he^{-asws} commands with, Allah^{-azwj} Willing'.

قَالَ فَكَتَبَ (عَلَيْهِ السَّلَامُ) بِحَظِّهِ لَيْسَ يَجِبُ لَهَا مِنْ تَرَكَتِهَا إِلَّا الثُّلُثُ وَ إِنْ تَفَضَّلْتُمْ وَ كُنْتُمْ الْوَرَثَةَ كَانَ جَائِزاً لَكُمْ إِنْ شَاءَ اللَّهُ.

³⁴ Al Kafi – V 7 – The Book of Bequests Ch 5 H 6

³⁵ Al Kafi – V 7 – The Book of Bequests Ch 6 H 1

He (the narrator) said, 'So he^{-asws} wrote in his^{-asws} own handwriting: 'It is not Obligatory for her from what she left except for the third, and if you have preferences, and you are the inheritors, it is permissible for you, Allah^{-azwj} Willing'.³⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عِيسَى عَنْ شُعَيْبِ بْنِ يَعْقُوبَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَمُوتُ مَا لَهُ مِنْ مَالِهِ فَقَالَ لَهُ ثُلُثٌ مَالِهِ وَ لِلْمَرْأَةِ أَيْضًا .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hamaad Bin Isa, from Shuayb Bin Yaqoub who said,

'I asked Abu Abdullah^{-asws} about the man who died and what would be for him from his wealth. So he^{-asws} said: 'For him is a third of his wealth, and for the woman as well'.³⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ يَقُولُ لِأَنَّ أُوصِيَّ بِخُمْسٍ مَالِي أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَ بِالرُّبْعِ وَ لِأَنَّ أُوصِيَّ بِالرُّبْعِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَ بِالثُّلُثِ وَ مَنْ أُوصِيَ بِالثُّلُثِ فَلَمْ يَتْرِكْ فَقَدْ بَالِغٌ

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, both together from Ibn Abu Umeyr, from Aasim Bin Hameed, from Muhammad Bin Qays,

Abu Ja'far^{-asws} says that Amir Al-Momineen^{-asws} was saying: 'If I^{-asws} were to bequeath with a fifth of my^{-asws} wealth, it would be more beloved to me^{-asws} than if I^{-asws} were to bequeath with a quarter of it; and if I^{-asws} were to bequeath with a quarter, it would be more beloved to me^{-asws} than if I^{-asws} were to bequeath with a third; and if one were to bequeath with a third, so he has not left out anything, so he has reached (the upper limit)'.³⁷

قَالَ وَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تُوِّفِيَ وَ أُوصِيَ بِمَالِهِ كُلِّهِ أَوْ أَكْثَرَهُ فَقَالَ إِنَّ الْوَصِيَّةَ تَرُدُّ إِلَى الْمَعْرُوفِ غَيْرِ الْمُنْكَرِ فَمَنْ ظَلَمَ نَفْسَهُ وَ أَتَى فِي وَصِيَّتِهِ الْمُنْكَرَ وَ الْحَيْفَ فَإِنَّهَا تَرُدُّ إِلَى الْمَعْرُوفِ وَ يَتْرِكُ لِأَهْلِ الْمِيرَاثِ مِيرَاثَهُمْ

He^{-asws} said: 'And Amir Al-Momineen^{-asws} judged with regards to a man who died and bequeathed with his wealth, all of it or most of it. So he^{-asws} said: 'The bequest is to be returned to from unacceptable level to what is acceptable, other than what will harm (heir) (undefined). So the one who is unjust to himself, and made a will which is harmful and the injustice, so it should be returned to the specified once (one fifth), and there should be left for the people of the inheritance, their inheritances'.³⁷

وَ قَالَ مَنْ أُوصِيَ بِثُلُثِ مَالِهِ فَلَمْ يَتْرِكْ وَ قَدْ بَلَغَ الْمَدَى

And he^{-asws} said: 'The one who bequeaths with a third of his wealth, so he does not leave out anything, so he has reached the (upper) limit'.³⁷

ثُمَّ قَالَ لِأَنَّ أُوصِيَّ بِخُمْسٍ مَالِي أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَ بِالرُّبْعِ .

³⁶ Al Kafi – V 7 – The Book of Bequests Ch 6 H 2

³⁷ Al Kafi – V 7 – The Book of Bequests Ch 6 H 3

Then he^{-asws} said: 'If I^{-asws} were to bequeath with a fifth of my^{-asws} wealth, it would be more beloved to me^{-asws} than if I^{-asws} were to bequeath with the fourth'.³⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ الْوَشَاءِ عَنْ حَمَّادِ بْنِ عُمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ أَوْصَى بِالثَّلَاثِ فَقَدْ أَضَرَ بِالْوَرَثَةِ وَالْوَصِيَّةُ بِالْخُمْسِ وَالرُّبْعِ أَفْضَلُ مِنَ الْوَصِيَّةِ بِالثَّلَاثِ وَمَنْ أَوْصَى بِالثَّلَاثِ فَلَمْ يَتْرِكْ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together, from Al Washa, from Hamaad Bin Usman,

Abu Abdullah^{-asws} has said: 'The one who bequeaths with a third, so he has harmed the inheritors, and the bequeathing with a fifth and the fourth is better than the bequeathing with the third; and the one who bequeaths with a third, so he has not left out anything'.³⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ وَ حَفْصِ بْنِ الْبُخْتَرِيِّ وَ حَمَّادِ بْنِ عُمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ أَوْصَى بِالثَّلَاثِ فَلَمْ يَتْرِكْ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Saalim and Hafs Bin Al Bakhtary, and Hamaad Bin Usman,

Abu Abdullah^{-asws} has said: 'The one who bequeath with a third, so he has not left out anything (for the inheritors)'.⁴⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَنْ أَوْصَى بِثُلُثِ مَالِهِ ثُمَّ قُتِلَ خَطَأً فَإِنَّ ثُلُثَ دِيْنِهِ دَاخِلٌ فِي وَصِيَّتِهِ .

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

Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'The one who bequeaths with a third of his wealth, then kills by mistake, so the third included his blood money (compensation) in his bequest'.⁴¹

باب

Chapter 7 – A chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَّادِ بْنِ حَرْبٍ عَنْ حَرْبِ بْنِ مُسْلِمٍ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي رَجُلٍ أَوْصَى بِوَصِيَّةٍ وَ وَرَثَتُهُ شُهُودٌ فَأَجَارُوا ذَلِكَ فَلَمَّا مَاتَ الرَّجُلُ نَقَضُوا الْوَصِيَّةَ هَلْ لَهُمْ أَنْ يَرُدُّوا مَا أَقْرُوا بِهِ قَالَ لَيْسَ لَهُمْ ذَلِكَ الْوَصِيَّةُ جَائِزَةٌ عَلَيْهِمْ إِذَا أَقْرُوا بِهَا فِي حَيَاتِهِ .

Ali Bin Ibrahim, from his father, from Hamaad, from Hareyz, from Muhammad Bin Muslim,

Abu Abdullah^{-asws} having said regarding a man who bequeathed with a bequest, and his inheritors were witnesses, so they endorsed it. But when the man dies, they invalidated the bequest. Is it for them that they can repudiate what they had agreed

³⁸ Al Kafi – V 7 – The Book of Bequests Ch 6 H 4

³⁹ Al Kafi – V 7 – The Book of Bequests Ch 6 H 5

⁴⁰ Al Kafi – V 7 – The Book of Bequests Ch 6 H 6

⁴¹ Al Kafi – V 7 – The Book of Bequests Ch 6 H 7

with (beforehand)?' He^{-asws} said: 'That is not for them. The bequest is enforceable upon them if they had accepted by it during his (deceased) lifetime'.

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام)
مِثْلَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{-asws}, similar to it'.⁴²

باب الرَّجُلِ يُوصِي بِوَصِيَّةٍ ثُمَّ يَرْجِعُ عَنْهَا

Chapter 8 – The man bequeaths by his bequest, then retracts from it

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُيَيْدِ بْنِ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ
لِلْمُوصِي أَنْ يَرْجِعَ فِي وَصِيَّتِهِ إِنْ كَانَ فِي صِحَّةٍ أَوْ مَرَضٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ibn Bakeyr, from Ubeyd Bin Zarara who said,

'I heard Abu Abdullah^{-asws} saying to the testator that he can retract (draw back) in his bequest whether it was during good health or illness'.⁴³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيْسَى عَنْ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عَفْبَةَ عَنْ بُرَيْدِ الْعَجَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام)
قَالَ لِصَاحِبِ الْوَصِيَّةِ أَنْ يَرْجِعَ فِيهَا وَ يُحْدِثَ فِي وَصِيَّتِهِ مَا دَامَ حَيًّا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Fazal, from Ali Bin Uqba, from Bureyd Al Ajaly,

(It has been narrated) from Abu Abdullah^{-asws} having said to the owner of the bequest (Testator) that he can retract it in, and add something new in his bequest, for as long as he is alive'.⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ
(عَلَيْهِ السَّلَام) أَنَّ الْمُدَبَّرَ مِنَ الثَّلَاثِ وَ أَنَّ لِلرَّجُلِ أَنْ يَنْقُضَ وَصِيَّتَهُ فَيَزِيدَ فِيهَا وَ يَنْقُصَ مِنْهَا مَا لَمْ يَمُتْ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Ibn Muskan,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} judged that the *Mudabbar* (slave to be emancipated (liberated) upon the death of the master), is from the third; and it is up to the man that he invalidates his bequest, so he can increase in it, and decrease from it, for as long as he had not died'.⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنِ بَعْضِ أَصْحَابِهِ قَالَ قَالَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) لِلرَّجُلِ أَنْ
يُغَيِّرَ وَصِيَّتَهُ فَيُعْتَقَ مَنْ كَانَ أَمْرَ بَمَلِكِهِ وَ يَمْلِكَ مَنْ كَانَ أَمْرَ بَعْتِقِهِ وَ يُعْطِيَ مَنْ كَانَ حَرَمَهُ وَ يَحْرِمَ مَنْ كَانَ أَعْطَاهُ مَا لَمْ يَمُتْ .

⁴² Al Kafi – V 7 – The Book of Bequests Ch 7 H 1

⁴³ Al Kafi – V 7 – The Book of Bequests Ch 9 H 1

⁴⁴ Al Kafi – V 7 – The Book of Bequests Ch 9 H 2

⁴⁵ Al Kafi – V 7 – The Book of Bequests Ch 9 H 3

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from one of his companions who said,

'Ali-asws Bin Al-Husayn-asws said: 'It is up to the man that he changes his bequest, so he frees the one who had been ordered to be kept as a slave, and enslaves the one whom he had ordered to be freed, and give to the one whom he had forbidden it, and forbid the one whom he had given to, for as long as he has not died'.⁴⁶

بَابُ مَنْ أَوْصَى بِوَصِيَّةٍ فَمَاتَ الْمُوصَى لَهُ قَبْلَ الْمُوصِي أَوْ مَاتَ قَبْلَ أَنْ يَقْبِضَهَا

Chapter 9 – One bequeaths with a bequest, for the beneficiary of it dies before the testator, or he dies before taking possession

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْصَى لِأَخْرَجَ وَ الْمُوصَى لَهُ غَائِبٌ فَتُوَفِّيَ الَّذِي أَوْصَى لَهُ قَبْلَ الْمُوصِي قَالَ الْوَصِيَّةُ لِوَارِثِ الَّذِي أَوْصَى لَهُ

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

(It has been narrated) from Abu Ja'far-asws having said: 'Amir Al-Momineen-asws judged regarding a man who bequeathed to another, and the beneficial of it was absent. So the one who was the beneficiary who was bequeathed to, died before the testator. He-asws said: 'The bequest is for the inheritors of the one who was bequeathed to'.

قَالَ وَمَنْ أَوْصَى لِأَخْرَجَ شَاهِدًا كَانَ أَوْ غَائِبًا فَتُوَفِّيَ الْمُوصَى لَهُ قَبْلَ الْمُوصِي فَالْوَصِيَّةُ لِوَارِثِ الَّذِي أَوْصَى لَهُ إِلَّا أَنْ يَرْجِعَ فِي وَصِيَّتِهِ قَبْلَ مَوْتِهِ .

He-asws said: 'The one who bequeaths to someone, either he is present or absent, so the beneficiary of it dies before the testator, so the bequest is for the inheritors of the one who was the beneficiary of it, except if he (the testator) were to retract in his bequest before he dies'.⁴⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ عِمْرَانَ بْنِ مُوسَى عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ عَمْرِو بْنِ سَعِيدِ الْمَدَائِنِيِّ عَنْ مُحَمَّدِ بْنِ عَمْرِو السَّابَاطِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَوْصَى إِلَيَّ وَ أَمْرَنِي أَنْ أُعْطِيَ عَمَّا لَهُ فِي كُلِّ سَنَةٍ شَيْئًا فَمَاتَ الْعَمُّ فَكَتَبَ (عَلَيْهِ السَّلَامُ) أَعْطِهِ وَرَثَتَهُ .

Muhammad Bin Yahya, from Imran Bin Musa, from Musa Bin Ja'far, from Amro Bin Saeed Al Madainy, from Muhammad Bin Umar Al Sabaty who said,

'I asked Abu Ja'far-asws about a man who bequeathed to me (to be an executor), and ordered me to give something to an uncle of his during every year. So the uncle died'. So he-asws wrote: 'Give it to his inheritors'.⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَيُّوبَ بْنِ نُوحٍ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَوْصَى لَهُ بِوَصِيَّةٍ فَمَاتَ قَبْلَ أَنْ يَقْبِضَهَا وَ لَمْ يَثْرِكْ عَقِيًّا قَالَ اطَّلَبْ لَهُ وَارِثًا أَوْ مَوْلَى فَادْفَعْهَا إِلَيْهِ فَلْتُ فَإِنْ لَمْ أَعْلَمْ لَهُ وَلِيًّا قَالَ اجْهَدْ عَلَى أَنْ تَقْدِرَ لَهُ عَلَى وَلِيِّ فَإِنْ لَمْ تَجِدْهُ وَ عَلِمَ اللَّهُ عَزَّ وَ جَلَّ مِنْكَ الْجِدَّ فَتَصَدَّقْ بِهَا .

⁴⁶ Al Kafi – V 7 – The Book of Bequests Ch 9 H 4

⁴⁷ Al Kafi – V 7 – The Book of Bequests Ch 10 H 1

⁴⁸ Al Kafi – V 7 – The Book of Bequests Ch 10 H 2

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Ayoub Bin Nuh, from Al Abbas Bin Aamir who said,

'I asked the Imam^{-asws} about a man who had been bequeathed to, so he (the beneficiary) died before taking possession, and did not leave any offspring. He^{-asws} said: 'Seek out his inheritors, or a guardian, so hand it over to him'. I said, 'So if I do not know who is guardian it?' He^{-asws} said: 'Strive over it in accordance to your ability, for his guardian, so if you still cannot find him, and Allah^{-azwj} Mighty and Majestic Knows the striving from you, so give it in charity'.⁴⁹

باب إنْفَادِ الوَصِيَّةِ عَلَى جَهَّتِهَا

Chapter 10 – The enforcement of the bequest upon its commandments

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيزِ بْنِ مُحَمَّدٍ عَنْ مُسْلِمِ بْنِ سَالْتِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى بِمَالِهِ فِي سَبِيلِ اللَّهِ فَقَالَ أُعْطِيَ لِمَنْ أَوْصَى بِهِ لَهُ وَ إِنْ كَانَ يَهُودِيًّا أَوْ نَصْرَانِيًّا إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ .

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

'I asked Abu Abdullah^{-asws} about a man who bequeathed with his Wealth in the Way of Allah^{-azwj}. So he^{-asws} said: 'Give it to the one who has bequeathed with it for him, even if he was a Jew or a Christian. Allah^{-azwj} Blessed and High is Saying [2:181] **So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it**'.⁵⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي رَجُلٍ أَوْصَى بِمَالِهِ فِي سَبِيلِ اللَّهِ قَالَ أُعْطِيَ لِمَنْ أَوْصَى لَهُ بِهِ وَ إِنْ كَانَ يَهُودِيًّا أَوْ نَصْرَانِيًّا إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{-asws}), regarding a man who bequeathed his wealth in the Way of Allah^{-azwj}. He^{-asws} said: 'Give it to the one who has been bequeathed by it from him, even if he was a Jew or a Christian. Allah^{-azwj} Blessed and High is Saying [2:181] **So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it**'.⁵¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ قَالَ كَتَبَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) إِلَى جَعْفَرٍ وَ مُوسَى وَ فِيمَا أَمَرْتُكُمَا مِنَ الْإِشْهَادِ بِكَذَا وَ كَذَا نَجَاةً لَكُمَا فِي أَخْرَجْتُمَا وَ إِنْفَاداً لِمَا أَوْصَى بِهِ أَبُو كُمَا وَ بَرٌّ مِنْكُمَا لَهُمَا وَ أَحْذَرَا أَنْ لَا تَكُونَا بَدَلْتُمَا وَ صَيَّبْتُمَا وَ لَا غَيْرَ نَمَاهَا عَنْ خَالِهَا لِأَنَّهَا قَدْ حَرَجَا مِنْ ذَلِكَ رَضِيَ اللَّهُ عَنْهُمَا وَ صَارَ ذَلِكَ فِي رِقَابِكُمَا وَ قَدْ قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى فِي كِتَابِهِ فِي الْوَصِيَّةِ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ .

⁴⁹ Al Kafi – V 7 – The Book of Bequests Ch 10 H 3

⁵⁰ Al Kafi – V 7 – The Book of Bequests Ch 11 H 1

⁵¹ Al Kafi – V 7 – The Book of Bequests Ch 11 H 2

A number of our companions, from Sahl Bin Ziyad, from Ali Bin Mahziyar who said,

‘Abu Ja’far^{-asws} wrote to Ja’far^{-asws} and Musa^{-asws}: ‘And with regards to what I^{-asws} am ordering both of you^{-asws}, from the (appointment of) witnessed with such and such, is a safety for you^{-asws} in your^{-asws} Hereafter, and the enforcement of what I^{-asws}, your^{-asws} father, am bequeathing with, and your^{-asws} righteousness from you^{-asws} to both of them^{-asws} (parents), and cautioning that you^{-asws} do not replace their^{-asws} bequest, nor change it from its state, because they^{-asws} both would have exited from that, may Allah^{-azwj} be Pleased from them^{-asws}, and that has come to be upon your^{-asws} necks. And Allah^{-azwj} Blessed and High has Said in His^{-azwj} Book with regards to the bequest **[2:181] So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it; surely Allah is Hearing, Knowing**.⁵²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ يُونُسَ بْنِ يَعْقُوبَ أَنَّ رَجُلًا كَانَ يَهْمَدَانِ ذَكَرَ أَنَّ أَبَاهُ مَاتَ وَكَانَ لَا يَعْرِفُ هَذَا الْأَمْرَ فَأَوْصَى بِوَصِيَّةٍ عِنْدَ الْمَوْتِ وَأَوْصَى أَنْ يُعْطَى شَيْءٌ فِي سَبِيلِ اللَّهِ فَسُئِلَ عَنْهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) كَيْفَ يَفْعَلُ بِهِ فَأَخْبَرَنَاهُ أَنَّهُ كَانَ لَا يَعْرِفُ هَذَا الْأَمْرَ فَقَالَ لَوْ أَنَّ رَجُلًا أَوْصَى إِلَيَّ أَنْ أَصْعَ فِي يَهُودِيٍّ أَوْ نَصْرَانِيٍّ لَوَضَعْتُهُ فِيهِمَا إِنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ فَانظُرُوا إِلَى مَنْ يَخْرُجُ إِلَى هَذَا الْوَجْهِ يَغْنِي [بَعْضَ] الشُّعُورِ فَابْعَثُوا بِهِ إِلَيْهِ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Waleed, from Yunus Bin Yaqaub that,

‘A man was at Hamdaan mentioned that his father died and he did not recognise this matter (Al-Wilayah), so he bequeathed with a bequest during the death, and bequeathed that something be given in the Way of Allah^{-azwj} (Jihad). So he asked Abu Abdullah^{-asws} how he should deal with it. So he informed him^{-asws} he did not recognise this matter (Al Wilayah)’. So he^{-asws} said: ‘Even if a man had bequeathed to me that I^{-asws} should place it among the Jews or the Christians, I^{-asws} would have placed among these two. Allah^{-azwj} Mighty and Majestic is Saying **[2:181] So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it**. Therefore, look at the one who has gone out to these direction, meaning one of the borders, so send it to him’.⁵³

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ الْحُسَيْنِ بْنِ عُمَرَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ رَجُلًا أَوْصَى إِلَيَّ بِشَيْءٍ فِي السَّبِيلِ فَقَالَ لِي اصْرَفْهُ فِي الْحَجِّ قَالَ قُلْتُ لَهُ أَوْصَى إِلَيَّ فِي السَّبِيلِ قَالَ اصْرَفْهُ فِي الْحَجِّ فَإِنِّي لَا أَعْلَمُ شَيْئًا مِنْ سَبِيلِهِ أَفْضَلَ مِنَ الْحَجِّ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Muhammad Bin Suleyman, from Al Husayn Bin Umar who said,

‘I said to Abu Abdullah^{-asws}, ‘A man (in Wilayah) bequeathed something in the Way (Jihad)’. So he^{-asws} said to me: ‘Spend it regarding the Hajj’. I said to him^{-asws}, ‘He bequeathed to me (to be in) the Way (Jihad)’. He^{-asws} said: ‘Spend it regarding the Hajj, for I^{-asws} do not know of anything from His^{-azwj} Way being superior than the Hajj’.⁵⁴

بَاب آخِرُ مِنْهُ

⁵² Al Kafi – V 7 – The Book of Bequests Ch 11 H 3

⁵³ Al Kafi – V 7 – The Book of Bequests Ch 11 H 4

⁵⁴ Al Kafi – V 7 – The Book of Bequests Ch 11 H 5

Chapter 11 – Another Chapter from it

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ حَجَّاجِ الْخَشَّابِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ أَوْصَتْ إِلَيَّ بِمَالٍ أَنْ يُجْعَلَ فِي سَبِيلِ اللَّهِ فَقِيلَ لَهَا نَحْجُ بِهِ فَقَالَتْ اجْعَلُهُ فِي سَبِيلِ اللَّهِ فَقَالُوا لَهَا فَتُعْطِيهِ آلَ مُحَمَّدٍ (عَلَيْهِمُ السَّلَام) قَالَتْ اجْعَلُهُ فِي سَبِيلِ اللَّهِ

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Hakam, from Hajaaj Al Khashab,

(The narrator says): 'I asked Abu Abdullah^{-asws} about a woman who bequeathed to me with wealth that I should make it to be in the Way of Allah^{-azwj}. So it was said to her, 'We can perform Hajj with it?' So she said, 'Make it to be in the Way of Allah^{-azwj}'. So they said to her, 'Shall we give it to the Progeny^{-asws} of Muhammad^{-saww}?' She said, 'Make it to be in the Way of Allah^{-azwj}'.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) اجْعَلُهُ فِي سَبِيلِ اللَّهِ كَمَا أَمَرْتُ قُلْتُ مَرْنِي كَيْفَ اجْعَلُهُ قَالَ اجْعَلُهُ كَمَا أَمَرْتُكَ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَأِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ أَرَأَيْتَكَ لَوْ أَمَرْتُكَ أَنْ تُعْطِيَهُ يَهُودِيًّا كُنْتَ تُعْطِيهِ نَصْرَانِيًّا

So Abu Abdullah^{-asws} said: 'Make it to be in the Way of Allah^{-azwj} just as she had ordered'. I said, 'Order me how I should make it to be'. He^{-asws} said: 'Make it to be just as she had ordered you. Allah^{-azwj} Blessed and High is Saying [2:181] **So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it; surely Allah is Hearing, Knowing.** Do you see that if she had ordered you to give it to a Jew, would you have given it to a Christian?'

قَالَ فَمَكَثْتُ بَعْدَ ذَلِكَ ثَلَاثَ سِنِينَ ثُمَّ دَخَلْتُ عَلَيْهِ فَقُلْتُ لَهُ مِثْلَ الَّذِي قُلْتُ أَوَّلَ مَرَّةٍ فَسَكَتَ هُنَيْئَةً ثُمَّ قَالَ هَاتِيهَا قُلْتُ مَنْ أُعْطِيهَا قَالَ عَيْسَى شَلْقَانَ .

He (the narrator) said, 'So I remained after that, for three years, then I came over to him^{-asws}, so I said to him^{-asws} similar to what I had said the first time. So he^{-asws} was silent for a while, then said: 'Give it'. I said, 'Whom what I give it to?' He^{-asws} said: 'Isa Shalqan'.⁵⁵

مُحَمَّدُ بْنُ جَعْفَرِ الرَّزَّازِ عَنْ مُحَمَّدِ بْنِ عَيْسَى وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ الْحَسَنِ بْنِ رَاشِدٍ قَالَ سَأَلْتُ الْعَسْكَرِيَّ (عَلَيْهِ السَّلَام) بِالْمَدِينَةِ عَنْ رَجُلٍ أَوْصَى بِمَالٍ فِي سَبِيلِ اللَّهِ فَقَالَ سَبِيلُ اللَّهِ شَيْعَتُنَا .

Muhammad Bin Ja'far Al Razaaz, from Muhammad Bin Isa and Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa Bin Ubeyd, from Al Hassan Bin Rashid who said,

'I asked (Imam) Al-Askary^{-asws} at Al-Medina about a man who had bequeathed wealth to be in the Way of Allah^{-azwj}. So he^{-asws} said: 'The Way of Allah^{-azwj}, is (a reference to) our^{-asws} Shias'.⁵⁶

بَاب آخِرُ مِنْهُ

Chapter 12 – Another Chapter from it

⁵⁵ Al Kafi – V 7 – The Book of Bequests Ch 12 H 1

⁵⁶ Al Kafi – V 7 – The Book of Bequests Ch 12 H 2

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي طَالِبِ بْنِ عَبْدِ اللَّهِ بْنِ الصَّلْتِ قَالَ كَتَبَ الْخَلِيلُ بْنُ هَاشِمٍ إِلَى ذِي الرَّئِاسَتَيْنِ وَهُوَ وَالِي نَيْسَابُورَ أَنَّ رَجُلًا مِنَ الْمَجُوسِ مَاتَ وَ أَوْصَى لِفُقَرَاءِ بَشِيءٍ مِنْ مَالِهِ فَأَخَذَهُ قَاضِي نَيْسَابُورَ فَجَعَلَهُ فِي فُقَرَاءِ الْمُسْلِمِينَ فَكَتَبَ الْخَلِيلُ إِلَى ذِي الرَّئِاسَتَيْنِ بِذَلِكَ فَسَأَلَ الْمَأْمُونُ عَنْ ذَلِكَ فَقَالَ لَيْسَ عِنْدِي فِي ذَلِكَ شَيْءٌ فَسَأَلَ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) فَقَالَ أَبُو الْحَسَنِ (عَلَيْهِ السَّلَام) إِنَّ الْمَجُوسِيَّ لَمْ يُوصِ لِفُقَرَاءِ الْمُسْلِمِينَ وَ لَكِنْ يَنْبَغِي أَنْ يُؤْخَذَ مَقْدَارُ ذَلِكَ الْمَالِ مِنْ مَالِ الصَّدَقَةِ فَيُرَدَّ عَلَى فُقَرَاءِ الْمَجُوسِ .

Ali Bin Ibrahim, from his father, from Abu Talib Abdullah Bin Al Salt who said,

‘Al-Khaleel Bin Hashim wrote to Zil Riyasatayn (One with two governerships), and he was the governor at Neysabour, that a man from the Magians had died and bequeathed to the poor with something from his wealth. So the judge of Neysabour took possession and made it to be among the poor Muslims. So Al-Khaleel wrote to Zil Riyasatayn and said. So he asked Al-Mamoun about that. So he said, ‘There is nothing with me with regards to that, anything’. So he asked Abu Al-Hassan^{-asws}. So Abu Al-Hassan^{-asws} said: ‘The Magians do not bequeath of the poor Muslims, but it is befitting that you take the measured amount of that wealth from the charity monies (from the public treasury), so it should be distributed upon the poor Magians’.⁵⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الرَّيَّانِ بْنِ شَبِيبٍ قَالَ أَوْصَتْ مَارِدَةُ لِقَوْمِ نَصَارَى فَرَأَيْتَنِي بَوْصِيَّةً فَقَالَ أَصْحَابُنَا أَقْسِمُ هَذَا فِي فُقَرَاءِ الْمُؤْمِنِينَ مِنْ أَصْحَابِكَ فَسَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) فَقُلْتُ إِنَّ أختِي أَوْصَتْ بَوْصِيَّةً لِقَوْمِ نَصَارَى وَ أَرَدْتُ أَنْ أَصْرِفَ ذَلِكَ إِلَى قَوْمٍ مِنْ أَصْحَابِنَا مُسْلِمِينَ فَقَالَ أَمْضِ الْوَصِيَّةَ عَلَى مَا أَوْصَتْ بِهِ قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يَبْدِلُونَهُ .

Ali Bin Ibrahim, from his father, from Al Rayyan Bin Shuayb who said,

‘Maradat bequeathed to a group of Christian workers, with a bequest. But I intended to, ‘Distribute this among the poor Muslims from your companions’. So I asked Al-Reza^{-asws}, ‘So I said, ‘My sister bequeathed with a bequest for a group of Christians, and I intended to spend that upon a group of our Muslim companions’. So he^{-asws} said: ‘Enforce the bequest upon what she had bequeathed with. Allah^{-azwj} Blessed and High Says [2:181] the sin of it then is only upon the one who alters it’.⁵⁸

بَابُ مَنْ أَوْصَى بِعَتَقِ أَوْ صَدَقَةٍ أَوْ حَجٍّ

Chapter 13 – One who bequeaths with the libration of a slave, or charity, or Hajj

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ رَجُلٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ فِي رَجُلٍ أَوْصَى بِأَكْثَرَ مِنَ الثَّلَاثِ وَ أَعْتَقَ مَمْلُوكَهُ فِي مَرَضِهِ فَقَالَ إِنْ كَانَ أَكْثَرَ مِنَ الثَّلَاثِ رُدَّ إِلَى الثَّلَاثِ وَ جَازَ الْعِتْقُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from a man, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja’far^{-asws} having said regarding a man who bequeathed more than the third, and emancipated (liberated) his slave during his illness. So he^{-asws} said: ‘If it was more than the third, return it to the third; and the emancipation is Permissible’.⁵⁹

⁵⁷ Al Kafi – V 7 – The Book of Bequests Ch 13 H 1

⁵⁸ Al Kafi – V 7 – The Book of Bequests Ch 13 H 2

⁵⁹ Al Kafi – V 7 – The Book of Bequests Ch 14 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنْ أَعْتَقَ رَجُلٌ عِنْدَ مَوْتِهِ خَادِمًا لَهُ ثُمَّ أَوْصَى بِوَصِيَّةٍ أُخْرَى الْفَيْتِ الْوَصِيَّةَ وَ أَعْتَقَ الْخَادِمَ مِنْ ثُلُثِهِ إِلَّا أَنْ يُفْضَلَ مِنَ الثَّلَاثِ مَا يَبْلُغُ الْوَصِيَّةَ .

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: 'If a man emancipates a servant of his during his death, then makes another will, so it is dropped, and the servant is freed from a one-third, except if the bequest reaches to be more than the one-third of the property'.⁶⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ إِسْمَاعِيلَ بْنِ هَمَّامٍ عَنِ أَبِي الْحَسَنِ (عليه السلام) فِي رَجُلٍ أَوْصَى عِنْدَ مَوْتِهِ بِمَالٍ لِذَوِي قَرَابَتِهِ وَ أَعْتَقَ مَمْلُوكًا لَهُ وَ كَانَ جَمِيعُ مَا أَوْصَى بِهِ يَزِيدُ عَلَى الثَّلَاثِ كَيْفَ بَصْنَعُ فِي وَصِيَّتِهِ فَقَالَ يَبْدَأُ بِالْعِتْقِ فَيَنْوِذُهُ .

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

(It has been narrated) from Abu Al-Hassan^{-asws} regarding a man who bequeathed during his death with wealth for the relatives, and emancipated a slave of his, and the entirety of what he had bequeathed with exceeded upon the third. How should one deal with his bequest?' So he^{-asws} said: 'Begin with the emancipation, and (then) enforce it'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ حَضَرَهُ الْمَوْتُ فَأَعْتَقَ مَمْلُوكَهُ وَ أَوْصَى بِوَصِيَّةٍ فَكَانَ أَكْثَرَ مِنَ الثَّلَاثِ قَالَ يُمَضَى عِتْقُ الْعُلَامِ وَ يَكُونُ النُّقْصَانُ فِيمَا بَقِيَ .

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

(The narrator says) 'I asked Abu Abdullah^{-asws} about a man, the death having presented itself to him, so he liberated his slave and bequeathed with a bequest. So it was more than the third. He^{-asws} said: 'Enforce the emancipation of the slave, and the deficit is regarding what remains'.⁶²

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ عَلِيِّ بْنِ النُّعْمَانِ عَنْ سُؤدِدِ الْقَلَاءِ عَنْ أَيُّوبَ بْنِ الْحُرِّ عَنْ أَبِي بَكْرٍ الْحَضْرَمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قُلْتُ لَهُ إِنْ عَلَّقَمَةَ بِنْتُ مُحَمَّدٍ أَوْصَانِي أَنْ أَعْتَقَ عَنْهَا رَقَبَةً فَأَعْتَقْتُ عَنْهَا امْرَأَةً أَوْ فَتَجَزِيهِ أَوْ أَعْتَقْتُ عَنْهُ مِنْ مَالِي قَالَ يُجْزِيهِ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Muhammad Bin Ismail, from Ali Bin Al Noman, from Suweyd Al Qalla, from Ayoub Bin Al Hurr, from Abu Bakr Al Hazramy,

(The narrator says): 'I said to Abu Abdullah^{-asws}, 'Alqamah Bin Muhmmad bequeathed to me that I should emancipate liberated a neck on his behalf, so I emancipated a woman on his behalf. Is that sufficient, or shall I emancipate on his behalf from my own wealth?' He^{-asws} said: 'It is sufficient'.

ثُمَّ قَالَ لِي إِنْ فَاطِمَةَ أُمِّ ابْنِي أَوْصَتْ أَنْ أَعْتَقَ عَنْهَا رَقَبَةً فَأَعْتَقْتُ عَنْهَا امْرَأَةً .

⁶⁰ Al Kafi – V 7 – The Book of Bequests Ch 14 H 2

⁶¹ Al Kafi – V 7 – The Book of Bequests Ch 14 H 3

⁶² Al Kafi – V 7 – The Book of Bequests Ch 14 H 4

Then he^{-asws} said: 'Fatima, mother of my^{-asws} son, bequeathed that I^{-asws} should emancipate a neck on her behalf, so I^{-asws} emancipated a woman on her behalf'.⁶³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلَنِي رَجُلٌ عَنِ امْرَأَةٍ تُوَفِّيَتْ وَ لَمْ تَحُجَّ فَأَوْصَتْ أَنْ يُنْظَرَ قَدْرُ مَا يُحُجُّ بِهِ فَسُئِلَ عَنْهُ فَإِنْ كَانَ أَمْثَلًا أَنْ يُوَضَعَ فِي فُقَرَاءٍ وَوَلَدِ فَاطِمَةَ وَوَضَعَ فِيهِمْ وَ إِنْ كَانَ الْحُجُّ أَمْثَلًا حُجَّ عَنْهَا فَقُلْتُ لَهُ إِنْ كَانَتْ عَلَيْهَا حَجَّةٌ مَفْرُوضَةٌ فَإِنْ يَنْفَقَ مَا أُوصَتْ بِهِ فِي الْحَجِّ أَحَبُّ إِلَيَّ مِنْ أَنْ يُقَسَمَ فِي غَيْرِ ذَلِكَ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A man asked me^{-asws} about a woman who died and had not performed Hajj. So she bequeathed, and he looked at an amount with which Hajj could be performed with. So he asked about it, if it was more favourable that he places it among the poor of the Children of Syeda Fatima^{-asws}, so he would place it among them, and if it was that the Hajj was more favourable, he would perform Hajj with it. So I^{-asws} said to him: 'If the Obligatory Hajj was upon her, so spending what she has bequeathed with regarding the Hajj is more beloved to me than distribution in other than that'.⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ جَمِيعًا عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ فِي رَجُلٍ مَاتَ وَ أَوْصَى أَنْ يُحُجَّ عَنْهُ فَقَالَ إِنْ كَانَ صَرُورَةٌ يُحُجُّ عَنْهُ مِنْ وَسْطِ الْمَالِ وَ إِنْ كَانَ غَيْرَ صَرُورَةٍ فَمِنْ الثَّلَاثِ .

Ali Bin Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazal Bin Shazaan, both together from Ibn Abu Umeyr, from Muawiya Bin Ammar,

(It has been narrated) regarding a man who died and bequeathed (left a will) that Hajj be performed from it. So he^{-asws} said: 'If it was a first Hajj, perform Hajj from the middle of the wealth, and if it was other than the first Hajj, so it is from the one-third of (his wealth)'.⁶⁵

عَنْهُ عَنِ مُعَاوِيَةَ بْنِ عَمَّارٍ فِي امْرَأَةٍ أَوْصَتْ بِمَالٍ فِي عَتَقِ وَ صَدَقَةٍ وَ حَجٍّ فَلَمْ يَبْلُغْ قَالَ ابْدَأْ بِالْحَجِّ فَإِنَّهُ مَفْرُوضٌ فَإِنْ بَقِيَ شَيْءٌ فَاجْعَلْهُ فِي الصَّدَقَةِ طَائِفَةً وَ فِي الْعِتَقِ طَائِفَةً .

From him, from Muawiya Bin Amaar,

(It has been narrated) regarding a woman who bequeathed with wealth regarding emancipation (of a slave), and charity, and Hajj, but it (amount) did not reach (the necessary required). He^{-asws} said: 'Begin with the Hajj, for it is Obligatory. So if anything were to remain, so make a portion of it to be regarding the charity, a portion regarding the emancipation (of a slave)'.⁶⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَوْصَى بِثَلَاثِينَ دِينَارًا يُعْتَقُ بِهَا رَجُلٌ مِنْ أَصْحَابِنَا فَلَمْ يُوَجَدْ بِذَلِكَ قَالَ يُسْتَنْزَى مِنَ النَّاسِ فَيُعْتَقُ .

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

⁶³ Al Kafi – V 7 – The Book of Bequests Ch 14 H 5

⁶⁴ Al Kafi – V 7 – The Book of Bequests Ch 14 H 6

⁶⁵ Al Kafi – V 7 – The Book of Bequests Ch 14 H 7

⁶⁶ Al Kafi – V 7 – The Book of Bequests Ch 14 H 8

'I asked Abu Al-Hassan^{-asws} about a man who bequeathed with thirty Dinars to emancipate (a slave) with it, a man from our companions. So that could not be found. He^{-asws} said: 'Buy (a slave) from the people, so emancipate him'.⁶⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ أَبِي حَمْرَةَ قَالَ سَأَلْتُ عَبْدًا صَالِحًا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ هَلَكَ فَأَوْصَى بِعَتَقِ نَسَمَةٍ مُسْلِمَةٍ بِثَلَاثِينَ دِينَارًا فَلَمْ يُوجَدْ لَهُ بِالَّذِي سَمَى قَالَ مَا أَرَى لَهُمْ أَنْ يَزِيدُوا عَلَى الَّذِي سَمَى قُلْتُ فَإِنْ لَمْ يَجِدُوا قَالَ فَلْيَسْتُرُوا مِنْ عَرَضِ النَّاسِ مَا لَمْ يَكُنْ نَاصِبًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Al Qasim Bin Muhammad, from Ali Bin Abu Hamza who said,

'I asked Abd Salih^{-asws} (7th Imam^{-asws}) about a man who perished (died), so he bequeathed for the emancipation of a Muslim person with thirty Dinars. So that could not be found with the named (amount). He^{-asws} said: 'What I^{-asws} see is that they should increase upon that which has been named (amount)'. I said, 'So if it cannot be found?' He^{-asws} said: 'So let him buy from the display of the people, but that does not happen to be a Nasibi (Hostile one)'.⁶⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَاءِ عَنْ أَبَانَ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ عَنِ الشَّيْخِ (عَلَيْهِ السَّلَام) أَنَّ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) مَاتَ وَ تَرَكَ سِتِّينَ مَمْلُوكًا فَأَعْتَقَ ثَلَاثَهُمْ فَأَقْرَعَتْ بَيْنَهُمْ وَ أَخْرَجَتْ الثَّلَاثَ .

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

(It has been narrated) from Al-Sheykh (6th Imam^{-asws}) that Abu Ja'far^{-asws} passed away and left sixty slaves, so I^{-asws} emancipated a third of them, drawing lots between them, and extracted the third'.⁶⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ مُحَرَّرَةٍ أَعْتَقَهَا أَحِي وَ قَدْ كَانَتْ تَحْدُمُ مَعَ الْجَوَارِي وَ كَانَتْ فِي عِيَالِهِ فَأَوْصَانِي أَنْ أَنْفِقَ عَلَيْهَا مِنَ الْوَسْطِ فَقَالَ إِنْ كَانَتْ مَعَ الْجَوَارِي وَ أَقَامَتْ عَلَيْهِمْ فَأَنْفِقْ عَلَيْهَا وَ اتَّبِعْ وَصِيَّتَهُ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Qasim Bin Muhammad, from Ali Bin Abu Hamza, from Abu Baseer who said,

'I asked Abu Ja'far^{-asws} about a slave girl freed by my brother, and she used to serve with slave girls, and was in his family. So he bequeathed to me to spend upon her from the middle (of the legacy). So he^{-asws} said: 'If she was with the slave girls and was supervising over them, so spend upon her, and follow the bequest'.⁷⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى أَنْ يُعْتَقَ عَنْهُ نَسَمَةٌ بِخَمْسِمِائَةِ دِرْهَمٍ مِنْ ثَلَاثَةِ فِئَتَيْنِ فَاشْتَرَى نَسَمَةً بِأَقْلٍ مِنْ خَمْسِمِائَةِ دِرْهَمٍ وَ فَضَلَتْ فَضْلَةٌ فَمَا تَرَى قَالَ تُدْفَعُ الْفَضْلَةُ إِلَى النَّسَمَةِ مِنْ قَبْلِ أَنْ تُعْتَقَ ثُمَّ تُعْتَقُ عَنِ الْمَيْتِ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

⁶⁷ Al Kafi – V 7 – The Book of Bequests Ch 14 H 9

⁶⁸ Al Kafi – V 7 – The Book of Bequests Ch 14 H 10

⁶⁹ Al Kafi – V 7 – The Book of Bequests Ch 14 H 11

⁷⁰ Al Kafi – V 7 – The Book of Bequests Ch 14 H 12

'I asked Abu Abdullah^{-asws} about a man who bequeathed that a person be freed with five hundred Dirhams from his third. So a person was bought for less than five hundred Dirhams, and the remainder remained as you^{-asws} can see. He^{-asws} said: 'You should give the remainder to the slave from before emancipating him, then emancipate him on behalf of the dead'.⁷¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ أَوْصَتْ إِلَيَّ امْرَأَةٌ مِنْ أَهْلِي بِثُلُثِ مَالِهَا وَ أَمَرَتْ أَنْ يُعْتَقَ وَ يُحَجَّ وَ يُتَصَدَّقَ فَلَمْ يَبْلُغْ ذَلِكَ فَسَأَلْتُ أَبَا حَنِيفَةَ عَنْهَا فَقَالَ تَجْعَلُ أَثْلَانًا ثُلُثًا فِي الْعِتْقِ وَ ثُلُثًا فِي الْحَجِّ وَ ثُلُثًا فِي الصَّدَقَةِ

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

'A woman from my family bequeathed to me with a third of her wealth, and she ordered that (a slave be) emancipated, and Hajj (be performed), and charity (be given), but that (amount) did not reach the requirement. So I asked Abu Haneefa about it, so he said, 'Make it three (parts), a third regarding the emancipation, and a third regarding the Hajj, and a third regarding the charity'.

فَدَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقُلْتُ إِنَّ امْرَأَةً مِنْ أَهْلِي مَاتَتْ وَ أَوْصَتْ إِلَيَّ بِثُلُثِ مَالِهَا وَ أَمَرَتْ أَنْ يُعْتَقَ عَنْهَا وَ يُتَصَدَّقَ وَ يُحَجَّ عَنْهَا فَتَنْظَرْتُ فِيهِ فَلَمْ يَبْلُغْ فَقَالَ اِبْدَأْ بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ مِنْ فَرَائِضِ اللَّهِ عَزَّ وَ جَلَّ وَ يُجْعَلُ مَا بَقِيَ طَائِفَةً فِي الْعِتْقِ وَ طَائِفَةً فِي الصَّدَقَةِ فَأَخْبَرْتُ أَبَا حَنِيفَةَ بِقَوْلِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَرَجَعَ عَنْ قَوْلِهِ وَ قَالَ بِقَوْلِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) .

So I came over to Abu Abdullah^{-asws}, so I said, 'A woman from my family died, and bequeathed to me with a third of her wealth, and ordered that (a slave) be emancipated from it, and charity be given, and Hajj be performed from it. So I looked into it but (the amount) did not reach (was insufficient)'. So he^{-asws} said: 'Begin with the Hajj, for it is an Obligation from the Obligations of Allah^{-azwj} Mighty and Majestic, and make whatever remains, a portion regarding the emancipation, and a portion regarding the charity'. So I informed Abu Haneefa with the words of Abu Abdullah^{-asws}, so he retracted from his own words, and spoke with the words of Abu Abdullah^{-asws}.⁷²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي جَمِيلَةَ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْصَى عِنْدَ مَوْتِهِ أَعْتَقَ فُلَانًا وَ فُلَانًا وَ فُلَانًا وَ فُلَانًا فَتَنْظَرْتُ فِي ثُلُثِهِ فَلَمْ يَبْلُغْ أَثْمَانَ قِيَمَةِ الْمَمَالِكِ الْخَمْسَةِ الَّتِي أَمَرَ بِعِتْقِهِمْ قَالَ يُنْظَرُ إِلَى الذِّينِ سَمَاهُمْ وَ يُبْدَأُ بِعِتْقِهِمْ فَيَقْوَمُونَ وَ يُنْظَرُ إِلَى ثُلُثِهِ فَيُعْتَقُ مِنْهُ أَوَّلُ شَيْءٍ ثُمَّ الثَّانِي ثُمَّ الثَّلَاثُ ثُمَّ الرَّابِعُ ثُمَّ الْخَامِسُ فَإِنْ عَجَزَ الثَّلَاثُ كَانَ فِي الذِّي سَمَى أَخْبِرًا لِأَنَّهُ أَعْتَقَ بَعْدَ مَبْلَغِ الثَّلَاثِ مَا لَا يَمْلِكُ فَلَا يَجُوزُ لَهُ ذَلِكَ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Abu Jameela, from Humran,

(It has been narrated) from Abu Ja'far^{-asws} regarding a man who bequeathed during his death to free so and so, and so and so, and so and so, and so and so, and so and so, and so and so. So I looked into his third, but it's value did not reach the price of the five slaves which he had ordered to be emancipated'. Look at that which he had named (the five slaves), and begin by emancipating them. So stand them and look at his third, so emancipate from it, the first one, then the second, then the third, then the fourth, then the fifth. So if the third is insufficient with regards to what had been named, stop, for

⁷¹ Al Kafi – V 7 – The Book of Bequests Ch 14 H 13

⁷² Al Kafi – V 7 – The Book of Bequests Ch 14 H 14

emancipating after reaching the third is what is not for the slaves, so that is not allowable for him'.⁷³

مَحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ دَاوُدَ بْنِ أَبِي بَرِيدٍ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ كَانَ فِي سَفَرٍ وَمَعَهُ جَارِيَةٌ لَهُ وَغُلَامَانِ مَمْلُوكَانِ فَقَالَ لَهُمَا أَنْتُمَا حُرَّانِ لَوْجِهَ اللَّهِ وَاشْهَدَا أَنَّ مَا فِي بَطْنِ جَارِيَّتِي هَذِهِ مِنِّي فَوَلَدَتْ غُلَامًا فَلَمَّا قَدِمُوا عَلَى الْوَرَثَةِ أَنْكَرُوا ذَلِكَ وَاسْتَرْفَوْهُمْ ثُمَّ إِنَّ الْغُلَامَيْنِ أُعْتِقَا بَعْدَ ذَلِكَ فَشَهِدَا بَعْدَ مَا أُعْتِقَا أَنَّ مَوْلَاهُمَا الْأَوَّلَ اشْهَدَهُمَا أَنَّ مَا فِي بَطْنِ جَارِيَّتِهِ مِنْهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Dawood Bin Abu Yazeed who said,

'Abu Abdullah^{-asws} was asked about a man who was in a journey and with him was a slave girl of his, and two slave boys. So he said to them both, 'You are both free for the Sake of Allah^{-azwj}, and I testify that whatever is in the belly of this slave girl of mine, is from me. So she gave birth to a boy. So when they proceeded to the inheritor, he denied that and enslaved them. Then the two slaves were emancipated after that, so they testified after having been emancipated that their master had at first testified that whatever was in the belly of his slave girl was from him'.

قَالَ يَجُوزُ شَهَادَتُهُمَا لِلْغُلَامِ وَلَا يَسْتَرْفُقُهُمَا الْغُلَامُ الَّذِي شَهِدَا لَهُ لِأَنَّهُمَا أَتَيْتَا نَسَبَهُ.

He^{-asws} said: 'Both their testimonies is allowed, and the boy whom they had testified for cannot enslave the two of them, because they had both affirmed his lineage'.⁷⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ أَحْمَدَ بْنِ زِيَادٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَحَضَّرَهُ الْوَفَاةُ وَ لَهُ مَمَالِيكٌ لِخَاصَّةٍ نَفْسِهِ وَ لَهُ مَمَالِيكٌ فِي شِرْكَةِ رَجُلٍ آخَرَ فَيُوصِي فِي وَصِيَّتِهِ مَمَالِيكِي أَحْرَارًا مَا حَالَ مَمَالِيكِهِ الَّذِينَ فِي الشِّرْكَةِ فَقَالَ يُفَوِّمُونَ عَلَيْهِ إِنْ كَانَ مَالُهُ يَحْتَمِلُ ثُمَّ هُمْ أَحْرَارٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ahmad Bin Muhammad Bin Abu Nasr, from Ahmad Bin Ziyad,

(The narrator says): 'I asked Abu Al-Hassan^{-asws} about a man to whom the death presented itself, and for him were slaves in particular for himself, and for him were slaves in a partnership with another man. So he bequeathed in his bequest for his slaves to be freed. What is the state of his slaves which were in the partnership?' So he^{-asws} said: 'They should be made to stand (for evaluation). If his wealth could bear them (sufficient), then they are free'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنِ النَّضْرِ بْنِ شُعَيْبِ الْمُحَارَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تُوُفِّيَ وَ تَرَكَ جَارِيَةً أَعْتَقَ ثُلُثَهَا فَتَرَوَّجَهَا الْوَصِيُّ قَبْلَ أَنْ يُقَسَمَ شَيْءٌ مِنَ الْمِيرَاثِ أَنَّهَا تُفَوِّمُ وَ تُسْتَسْعَى هِيَ وَ رَوْجُهَا فِي بَقِيَّةِ ثَمَنِهَا بَعْدَ مَا يُفَوِّمُ فَمَا أَصَابَ الْمَرْأَةَ مِنْ عِتْقٍ أَوْ رِقٍّ فَهُوَ يَجْرِي عَلَى وَلَدِهَا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Al Nazar Bin Shuayb Al Muharaby,

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who died and left a slave girl, emancipated a third of her. So the executor married her before the distribution of anything from the inheritance. (He^{-asws} said): 'She would be evaluated

⁷³ Al Kafi – V 7 – The Book of Bequests Ch 14 H 15

⁷⁴ Al Kafi – V 7 – The Book of Bequests Ch 14 H 16

⁷⁵ Al Kafi – V 7 – The Book of Bequests Ch 14 H 17

and she and her husband would have to work to pay off the rest of her price after having been evaluated. So whatever the woman was affected by from the emancipation or enslavement, so it would flow upon her child'.⁷⁶

بَابُ أَنَّ مَنْ خَافَ فِي الْوَصِيَّةِ فَلِلْوَصِيِّ أَنْ يَرُدَّهَا إِلَى الْحَقِّ

Chapter 14 – If one is unjust in the bequest, so it is for the executor that he returns it to the right

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ رَجَالِهِ قَالَ قَالَ إِنَّ اللَّهَ عَزَّ وَجَلَّ أَطْلَقَ لِلْمُوصِي إِلَيْهِ أَنْ يُغَيِّرَ الْوَصِيَّةَ إِذَا لَمْ يَكُنْ بِالْمَعْرُوفِ وَكَانَ فِيهَا حَيْفٌ وَ يَرُدُّهَا إِلَى الْمَعْرُوفِ لِقَوْلِهِ عَزَّ وَجَلَّ فَمَنْ خَافَ مِنْ مُوصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from his men who said,

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic has Released it for the executor that he can change the bequest when it does not happen to be with the goodness, and there was injustice in it, and return it to the goodness, due to His^{-azwj} Words, the Mighty and Majestic [2:182] **But he who fears an inclination to a wrong course or an act of disobedience on the part of the testator, and effects an agreement between the parties, there is no blame on him**'.⁷⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ سُوْقَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ قَالَ نَسَخْنَاهَا لِآيَةِ الَّتِي بَعْدَهَا قَوْلُهُ عَزَّ وَجَلَّ فَمَنْ خَافَ مِنْ مُوصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abu Ayoub, from Muhammad Bin Sowqat who said,

'I asked Abu Ja'far^{-asws} about the Words of Allah^{-azwj} Blessed and High [2:181] **So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it**. He^{-asws} said: 'It has to be considered by the Verse, which is after it, the Words of the Mighty and Majestic [2:182] **But he who fears an inclination to a wrong course or an act of disobedience on the part of the testator, and effects an agreement between the parties, there is no blame on him**.

قَالَ يَعْني الْمُوصِي إِلَيْهِ إِنْ خَافَ جَنَفًا مِنَ الْمُوصِي فِيمَا أَوْصَى بِهِ إِلَيْهِ مِمَّا لَا يَرْضَى اللَّهُ بِهِ مِنْ خِلَافِ الْحَقِّ فَلَا إِثْمَ عَلَيْهِ أَيُّ عَلَى الْمُوصِي إِلَيْهِ أَنْ يَبْدِلَهُ إِلَى الْحَقِّ وَ إِلَى مَا يَرْضَى اللَّهُ بِهِ مِنْ سَبِيلِ الْخَيْرِ .

He^{-asws} said: 'It means the executor, if he fears injustice on the part of the testator with regards to what he has bequeathed with to him from what Allah^{-azwj} is not Pleased with, being opposite to the right, so there is no blame upon him, i.e., upon the executor, that he changes it to the right and to what Allah^{-azwj} is Pleased with, from the way of the Goodness'.⁷⁸

بَابُ أَنَّ الْوَصِيَّ إِذَا كَانَتْ الْوَصِيَّةُ فِي حَقِّ فَعَيَّرَهَا فَهُوَ ضَامِنٌ

⁷⁶ Al Kafi – V 7 – The Book of Bequests Ch 14 H 18

⁷⁷ Al Kafi – V 7 – The Book of Bequests Ch 15 H 1

⁷⁸ Al Kafi – V 7 – The Book of Bequests Ch 15 H 2

Chapter 15 – If the executor, when the bequest was right, so he changes it, so he is responsible

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ حُمَيْدُ بْنُ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ أَحْمَدَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ زَيْدِ النَّرْسِيِّ عَنْ عَلِيِّ بْنِ فَرْقَدٍ صَاحِبِ السَّابِرِيِّ قَالَ أَوْصَى إِلَيَّ رَجُلٌ بِتَرْكِيهِ وَ أَمَرَنِي أَنْ أُحْجَّ بِهَا عَنْهُ فَتَنْظَرْتُ فِي ذَلِكَ فَإِذَا شَيْءٌ يَسِيرٌ لَا يَكْفِي لِلْحَجِّ فَسَأَلْتُ أَبَا حَنِيْفَةَ وَ فَفَهَاءَ أَهْلَ الْكُوفَةِ فَقَالُوا تَصَدَّقْ بِهَا عَنْهُ

Ali Bin Ibrahim, from his father and Hameed Bin Ziyad, from Ubeydullah Bin Ahmad, both together from Ibn Abu Umeyr, from Zayd Al Narsy, from Ali Bin Farqad, from Saahib Al Sabiry who said,

‘A man bequeathed to me with what he left and ordered me that I should perform Hajj with it on his behalf. So I looked into that, so it was something small, not sufficient for the Hajj. So I asked Abu Haneefa and the jurists of the people of Al-Kufa. So they said, ‘Give charity with it on his behalf.

فَلَمَّا حَجَّجْتُ لَقِيتُ عَبْدَ اللَّهِ بْنَ الْحَسَنِ فِي الطَّوَافِ فَسَأَلْتُهُ وَ قُلْتُ لَهُ إِنَّ رَجُلًا مِنْ مَوَالِيكُمْ مِنْ أَهْلِ الْكُوفَةِ مَاتَ وَ أَوْصَى بِتَرْكِيهِ إِلَيَّ وَ أَمَرَنِي أَنْ أُحْجَّ بِهَا عَنْهُ فَتَنْظَرْتُ فِي ذَلِكَ فَلَمْ يَكْفِ لِلْحَجِّ فَسَأَلْتُ مَنْ قَبِلْنَا مِنَ الْفُقَهَاءِ فَقَالُوا تَصَدَّقْ بِهَا فَتَصَدَّقْتُ بِهَا فَمَا تَقُولُ فَقَالَ لِي هَذَا جَعْفَرُ بْنُ مُحَمَّدٍ فِي الْحَجْرِ فَأْتِهِ وَ سَلْهُ

So when I went for Hajj, I met Abdullah Bin Al-Hassan during the circumambulation. So I asked him and said to him that a man your friends from the people of Al-Kufa died and bequeathed to me with what he left to me, and ordered me that I should go to Hajj with it on his behalf. So I looked into that, but it was not sufficient for the Hajj. So I asked the jurists from our area, so they said, ‘Give charity with it’. So I gave charity with it. So what are you saying?’ So he said to me, ‘This here is Ja’far Bin Muhammad^{asws} at the (Black) Stone, so go over to him^{asws} and ask him^{asws}’.

قَالَ فَدَخَلْتُ الْحَجَرَ فَإِذَا أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) تَحْتَ الْمِيزَابِ مُقْبِلٌ بِوَجْهِهِ عَلَى الْبَيْتِ يَدْعُو ثُمَّ انْتَفَتَ إِلَيَّ فَرَأَيْتُ فَقَالَ مَا حَاجَتُكَ فُلْتُ جُعِلْتُ فِدَاكَ إِنِّي رَجُلٌ مِنْ أَهْلِ الْكُوفَةِ مِنْ مَوَالِيكُمْ قَالَ فَدَعَا دَا عَنكَ حَاجَتُكَ فُلْتُ رَجُلٌ مَاتَ وَ أَوْصَى بِتَرْكِيهِ أَنْ أُحْجَّ بِهَا عَنْهُ فَتَنْظَرْتُ فِي ذَلِكَ فَلَمْ يَكْفِ لِلْحَجِّ فَسَأَلْتُ مَنْ عِنْدَنَا مِنَ الْفُقَهَاءِ فَقَالُوا تَصَدَّقْ بِهَا فَقَالَ مَا صَنَعْتَ فُلْتُ تَصَدَّقْتُ بِهَا فَقَالَ ضَمِنْتُ إِلَّا أَنْ يَكُونَ لَا يَبْلُغُ أَنْ يُحْجَّ بِهِ مِنْ مَكَّةَ فَإِنْ كَانَ لَا يَبْلُغُ أَنْ يُحْجَّ بِهِ مِنْ مَكَّةَ فَلَيْسَ عَلَيْكَ ضَمَانٌ وَ إِنْ كَانَ يَبْلُغُ بِهِ مِنْ مَكَّةَ فَأَنْتَ ضَامِنٌ .

He (the narrator) said, ‘So I went over to the (Black) Stone, so there was Abu Abdullah^{asws} beneath the groove, facing with his^{asws} face towards the House (Kabah), supplicating. Then he^{asws} turned towards me, so he^{asws} saw me, so he^{asws} said: ‘What is your need?’ I said, ‘May I be sacrificed for you^{asws}! I am a man from Al-Kufa, from the ones in your^{asws} Wilayah’. He^{asws} said: ‘Leave that. What is your need?’ I said, ‘A man died and bequeathed to me with his legacy that I should go to Hajj with it on his behalf. So, I looked into that, but it was no sufficient for the Hajj. So I asked the ones who are in our presence, from the jurists, so they said, ‘Give in charity with it’. So he^{asws} said: ‘What did you do?’ I said, ‘I gave in charity with it’. So he^{asws} said: ‘You are responsible, except if it happened not to be sufficient to perform Hajj with it from Makkah. So if it did not reach that (sufficiency) that you could have performed Hajj with it from Makkah, so there is no responsibility upon you, and if it was so that it reached (the sufficiency) to perform Hajj with it from Makkah, so you are responsible’.⁷⁹

⁷⁹ Al Kafi – V 7 – The Book of Bequests Ch 16 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي سَعِيدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأِلَ عَنْ رَجُلٍ أَوْصَى بِحَبْجَةٍ فَجَعَلَهَا وَصِيَّةً فِي نَسَمَةٍ فَقَالَ يَغْرُمُهَا وَصِيَّةً وَ يَجْعَلُهَا فِي حَبْجَةٍ كَمَا أَوْصَى بِهِ فَإِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sinan, from Ibn Muskan, from Abu Saeed,

(It has been narrated) from Abu Abdullah^{-asws}, 'He^{-asws} was asked about a man who bequeathed for the Hajj, so his executor made it to be regarding (freeing) a person. So he^{-asws} said: 'His executor should be penalized, and he would have to make it to be regarding a Hajj just as he had been bequeathed with, for Allah^{-azwj} Blessed and High is Saying [2:181] **So the one who alters it after he has heard it, the sin of it then is only upon the one who alters it**'.⁸⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ مُحَمَّدٍ بْنِ مَارِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى إِلَى رَجُلٍ وَ أَمَرَهُ أَنْ يُعْتَقَ عَنْهُ نَسَمَةٌ بِسِتِّمِائَةِ دِرْهَمٍ مِنْ ثَلَاثَةِ فِئَةٍ فَانْطَلَقَ الْوَصِيُّ فَأَعْطَى السِّتِّمِائَةَ دِرْهَمٍ رَجُلًا يَحُجُّ بِهَا عَنْهُ قَالَ فَقَالَ أَرَى أَنْ يَغْرَمَ الْوَصِيُّ مِنْ مَالِهِ سِتِّمِائَةَ دِرْهَمٍ وَ يَجْعَلَ السِّتِّمِائَةَ دِرْهَمٍ فِيمَا أَوْصَى بِهِ الْمَيِّتُ مِنْ نَسَمَةٍ .

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

'I asked Abu Abdullah^{-asws} about a man who bequeathed to a man and ordered him that he should emancipate a person on his behalf with six hundred Dirham from his third. So the executor went and gave six hundred Dirhams to a man to perform Hajj with it on his (testator's) behalf. So he^{-asws} said: 'I^{-asws} see that the executor be penalised six hundred Dirhams from his own wealth with regards to what the deceased had bequeathed him with, from (freeing) a person'.⁸¹

باب أَنَّ الْمُدَبَّرَ مِنَ الثَّلَاثِ

Chapter 16 – The Mudabbar (one whose emancipation is conditional upon the death of the testator) is from the third

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ زُرَّارَةَ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ الْمُدَبَّرُ مِنَ الثَّلَاثِ.

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

(It has been narrated) from one of the two^{-asws} (5th or 6th Imam^{-asws}) having said: 'Al-Mudabbar (one whose emancipation is conditional upon the death of the testator) is from the third'.⁸²

عَنْهُ عَنْ أَبِيهِ وَ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ الرَّجُلِ يُدَبَّرُ مَمْلُوكَهُ أَلَهُ أَنْ يَرْجِعَ فِيهِ قَالَ نَعَمْ هُوَ بِمَنْزِلَةِ الْوَصِيَّةِ .

From him, from his father, and Muhammad Bin Ismail, from Al Fazal Bin Shazan, both together from Ibn Abu Umeyr, from Hisham Bin Al Hakam who said,

⁸⁰ Al Kafi – V 7 – The Book of Bequests Ch 16 H 2

⁸¹ Al Kafi – V 7 – The Book of Bequests Ch 16 H 3

⁸² Al Kafi – V 7 – The Book of Bequests Ch 17 H 1

'I asked Abu Abdullah^{-asws} about the man who conditionally (upon his death) set free his slave, is there for him to retract with regards to it?' He^{-asws} said: 'Yes. He is at the status of the bequest'.⁸³

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (ع) عَلَيْهِ السَّلَامُ (قَالَ الْمُدَبَّرُ مِنَ الثَّلَاثِ وَقَالَ لِلرَّجُلِ أَنْ يَرْجِعَ فِي ثَلَاثِهِ إِنْ كَانَ أَوْصَى فِي صِحَّةٍ أَوْ مَرَضٍ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Al-Mudabbar (conditionally emancipated one) is from the third'. And he^{-asws} said for the man that he can retract with regards to his third, whether he had bequeathed during good health, or illness'.⁸⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (ع) عَلَيْهِ السَّلَامُ (عَنْ الْمُدَبَّرِ قَالَ هُوَ بِمَنْزِلَةِ الْوَصِيَّةِ يَرْجِعُ فِيهَا شَاءَ مِنْهَا .

Ali Bin Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazal Bin Shazan, both together from Ibn Abu Umeyr, from Muawiya Bin Amaar who said,

'I asked Abu Abdullah^{-asws} about Al-Mudabbar (conditionally emancipated one). He^{-asws} said: 'He is at the status of the bequest. It can be retracted regarding whatever one so desires to, from it'.⁸⁵

بَابُ أَنَّهُ يُبَدَأُ بِالْكَفَنِ ثُمَّ بِالذَّيْنِ ثُمَّ بِالْوَصِيَّةِ

Chapter 17 – It shall begin with the shroud, then the debts, then with the bequest

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنِ أَبِي عَبْدِ اللَّهِ (ع) عَلَيْهِ السَّلَامُ (قَالَ الْكُفْنُ مِنْ جَمِيعِ الْمَالِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The shroud is from the entirety of the wealth (legacy)'.⁸⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ مُعَاذِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ مَاتَ وَ عَلَيْهِ ذَيْنِ يَقْدِرُ نَمَنَ كَفَنِهِ فَقَالَ يُجْعَلُ مَا تَرَكَ فِي نَمَنَ كَفَنِهِ إِلَّا أَنْ يَنْجَرَ عَلَيْهِ بَعْضُ النَّاسِ فَيُكْفَنَهُ وَ يُفْضَى مَا عَلَيْهِ مِمَّا تَرَكَ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Ali Bin Raib, from Moaz, from Zurara who said,

'I asked him^{-asws} about a man who died and upon him was a debt to the value of the price of the shroud. So he^{-asws} said: 'He should make whatever he leaves to be

⁸³ Al Kafi – V 7 – The Book of Bequests Ch 17 H 2

⁸⁴ Al Kafi – V 7 – The Book of Bequests Ch 17 H 3

⁸⁵ Al Kafi – V 7 – The Book of Bequests Ch 17 H 4

⁸⁶ Al Kafi – V 7 – The Book of Bequests Ch 18 H 1

regarding his shroud, except if one of the people were to trade with him, so they shroud him, and pay off what is upon him from whatever he leaves (as a legacy)⁸⁷.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَوَّلُ شَيْءٍ يُبَدَأُ بِهِ مِنَ الْمَالِ الْكَفْنُ ثُمَّ الدَّيْنُ ثُمَّ الْوَصِيَّةُ ثُمَّ الْمِيرَاثُ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'The first thing to begin with from the wealth (legacy) is the shroud, then the debts, then the bequest, then the inheritance'⁸⁸.

بَابُ مَنْ أَوْصَى وَ عَلَيْهِ دَيْنٌ

Chapter 18 – One who bequeaths and upon his is a debt

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) إِنَّ الدَّيْنَ قَبْلَ الْوَصِيَّةِ ثُمَّ الْوَصِيَّةُ عَلَى إِثْرِ الدَّيْنِ ثُمَّ الْمِيرَاثُ بَعْدَ الْوَصِيَّةِ فَإِنَّ أَوَّلَ الْقَضَاءِ كِتَابُ اللَّهِ عَزَّ وَ جَلَّ .

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, both together from Ibn Abu Najran, from Aasim Bin Hameed, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'The debt is before the bequest, then the bequest is upon the footsteps of the debt, then the inheritance after the bequest, for the foremost of the judges is the Book of Allah^{-azwj} Mighty and Majestic'⁸⁹.

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ رَجُلٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى إِلَى رَجُلٍ وَ عَلَيْهِ دَيْنٌ فَقَالَ يُقْضَى الرَّجُلُ مَا عَلَيْهِ مِنْ دَيْنِهِ وَ يَفْسِمُ مَا بَقِيَ بَيْنَ الْوَرَثَةِ فَلْتُ فَسْرُقَ مَا كَانَ أَوْصَى بِهِ مِنَ الدَّيْنِ مِمَّنْ يُؤْخَذُ الدَّيْنُ أَمْ مِنَ الْوَرَثَةِ قَالَ لَا يُؤْخَذُ مِنَ الْوَرَثَةِ وَ لَكِنَّ الْوَصِيَّ ضَامِنٌ لَهَا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from one of his companions, from Aban Bin Usman, from a man who said,

'I asked Abu Abdullah^{-asws} about a man who bequeathed to a man and upon him was a debt. So he^{-asws} said: 'The man should pay-off whatever was upon him from his debts, and distribute what remains in between the inheritors'. I said, '(Supposing) whatever he had bequeathed with from the debts gets stolen, so from which of the inheritors would it be taken from for the debt?' He^{-asws} said: 'It will not be taken from the inheritors, but the executor is responsible for it'⁹⁰.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زَكَرِيَّا بْنِ يَحْيَى الشَّعْبِيِّ عَنِ الْحَكَمِ بْنِ عَنَبَةَ قَالَ كُنَّا عَلَى بَابِ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) وَ نَحْنُ جَمَاعَةٌ نَنْتَظِرُ أَنْ يَخْرُجَ

⁸⁷ Al Kafi – V 7 – The Book of Bequests Ch 18 H 2

⁸⁸ Al Kafi – V 7 – The Book of Bequests Ch 18 H 3

⁸⁹ Al Kafi – V 7 – The Book of Bequests Ch 19 H 1

⁹⁰ Al Kafi – V 7 – The Book of Bequests Ch 19 H 2

إِذْ جَاءَتْ امْرَأَةٌ فَقَالَتْ أَيُّكُمْ أَبُو جَعْفَرٍ فَقَالَ لَهَا الْقَوْمُ مَا تُرِيدِينَ مِنْهُ قَالَتْ أَرِيدُ أَنْ أَسْأَلَهُ عَنْ مَسْأَلَةٍ فَقَالُوا لَهَا هَذَا فَقِيَهُ أَهْلُ الْعِرَاقِ فَسَلِيهِ

Ali Bin Ibrahim, from his father and Muhammad Bin Ismail, from al Fazal Bin Shazaan, both together from Ibn Abu Umeyr, from Jameel Bin Darraj, from Zakariyya Bin Yahya Al Shuairy, from Al Hakam Bin Uteyba who said,

'We were at the door of Abu Ja'far^{asws} and we were a group awaiting for him^{asws} to come out, when a woman came over, so she said, 'Which one of you is Abu Ja'far^{asws}?' So the group said to her, 'What do you want from him^{asws}?' She said, 'I want to ask him^{asws} about a certain problem'. So they said, 'This is a jurist of the people of Al Iraq, so ask him'.

فَقَالَتْ إِنَّ زَوْجِي مَاتَ وَ تَرَكَ أَلْفَ دِرْهَمٍ وَ كَانَ لِي عَلَيْهِ مِنْ صَدَاقِي خَمْسُمِائَةَ دِرْهَمٍ فَأَخَذْتُ صَدَاقِي وَ أَخَذْتُ مِيرَاثِي ثُمَّ جَاءَ رَجُلٌ فَادَّعَى عَلَيْهِ أَلْفَ دِرْهَمٍ فَشَهِدْتُ لَهُ قَالَ الْحَكَمُ

So she said, 'My husband died and left a thousand Dirhams, and there was for me, upon him, my dowry of five hundred Dirhams. So I took my dowry, and took my inheritance, then a man came over, so he laid a claim upon him for a thousand Dirhams. So I testified in his favour'.

فَبَيْنَمَا أَنَا أَحْسِبُ إِذْ حَرَجَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) فَقَالَ مَا هَذَا الَّذِي أَرَاكَ تُحَرِّكُ بِهِ أَصَابِعَكَ يَا حَكَمُ فَقُلْتُ إِنَّ هَذِهِ الْمَرْأَةَ دَكَرَتْ أَنَّ زَوْجَهَا مَاتَ وَ تَرَكَ أَلْفَ دِرْهَمٍ وَ كَانَ لَهَا عَلَيْهِ مِنْ صَدَاقِهَا خَمْسُمِائَةَ دِرْهَمٍ فَأَخَذْتُ صَدَاقَهَا وَ أَخَذْتُ مِيرَاثَهَا ثُمَّ جَاءَ رَجُلٌ فَادَّعَى عَلَيْهِ أَلْفَ دِرْهَمٍ فَشَهِدْتُ لَهُ

So while we were counting when Abu Ja'far^{asws} came out, so he^{asws} said: 'What is this which I^{asws} see you moving your fingers for, O Hakam?' So I said, 'This woman mentioned that her husband died and left a thousand Dirham, and there was for her upon him, from her dowry of five hundred Dirhams. So she took her dowry and took her inheritance. Then a man came over, so he laid a claim upon him of a thousand Dirhams. So she testified for him'.

فَقَالَ الْحَكَمُ فَوَ اللَّهُ مَا أَتَمَمْتُ الْكَلَامَ حَتَّى قَالَ أَقَرَّتْ بِثُلُثِ مَا فِي يَدَيْهَا وَ لَا مِيرَاثَ لَهَا قَالَ الْحَكَمُ فَمَا رَأَيْتُ وَ اللَّهُ أَفْهَمَ مِنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَطُّ .

So Al-Hakam said, 'By Allah^{azwj}! I had not even completed my speech until he^{asws} said: 'She has accepted with a third of what was in her hands, and there is no inheritance for her'. Al-Hakam said, 'So I had not seen, by Allah^{azwj}, anyone of more understanding than Abu Ja'far^{asws}, at all'.⁹¹

قَالَ ابْنُ أَبِي عُمَيْرٍ وَ تَفْسِيرُ ذَلِكَ أَنَّهُ لَا مِيرَاثَ لَهَا حَتَّى تَقْضِيَ الدَّيْنَ وَ إِنَّمَا تَرَكَ أَلْفَ دِرْهَمٍ وَ عَلَيْهِ مِنَ الدَّيْنِ أَلْفٌ وَ خَمْسُمِائَةَ دِرْهَمٍ لَهَا وَ لِلرَّجُلِ فَلَهَا ثُلُثُ الْأَلْفِ وَ لِلرَّجُلِ ثُلُثَاهَا .

Ibn Abu Umeyr said, 'And the interpretation of that is that there is no inheritance for her until the debt is paid off. But rather, he left a thousand Dirhams, and upon him was a debt of a thousand Dirhams and five hundred Dirhams for her and for the man. So her's is a third of a thousand, and for the man is two thirds'.

⁹¹ Al Kafi – V 7 – The Book of Bequests Ch 19 H 3

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ بَاعَ مَتَاعاً مِنْ رَجُلٍ فَفَبَضَّ الْمُشْتَرِي الْمَتَاعَ وَ لَمْ يَدْفَعِ الثَّمَنَ ثُمَّ مَاتَ الْمُشْتَرِي وَ الْمَتَاعُ قَائِمٌ بَعَيْنِهِ قَالَ إِذَا كَانَ الْمَتَاعُ قَائِماً بَعَيْنِهِ رُدَّ إِلَى صَاحِبِ الْمَتَاعِ وَ قَالَ لَيْسَ لِلْغُرْمَاءِ أَنْ يُخَاصِمُوهُ .

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

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who sold something to a man. So the buyer took possession of the goods and did not hand over the price. Then the buyer died and the goods existed exactly as they were'. He^{-asws} said: 'When the goods were exactly as they were, they would be returned to the owner of the goods'. And he^{-asws} said: 'It is not for the creditors that they dispute it'.⁹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَمُوتُ وَ عَلَيْهِ دَيْنٌ فَيَضْمَنُهُ ضَامِنٌ لِلْغُرْمَاءِ قَالَ إِذَا رَضِيَ الْغُرْمَاءُ فَقَدْ بَرَأَتْ ذِمَّةُ الْمَيِّتِ .

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

(It has been narrated) from Abu Abdullah^{-asws} regarding the man who died and upon him was a debt, so a guarantor took the responsibility to the creditors. He^{-asws} said: 'If the creditors are happy, so it has freed the deceased from the responsibility'.⁹³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ يَحْيَى الْأَزْرَقِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ قُتِلَ وَ عَلَيْهِ دَيْنٌ وَ لَمْ يَتْرُكْ مَالاً فَأَخَذَ أَهْلُهُ الدِّيَةَ مِنْ قَاتِلِهِ عَلَيْهِمْ يَفْضُونَ دَيْنَهُ قَالَ نَعَمْ قُلْتُ وَ هُوَ لَمْ يَتْرُكْ شَيْئاً قَالَ إِنَّمَا أَخَذُوا الدِّيَةَ فَعَلَيْهِمْ أَنْ يَفْضُوا دَيْنَهُ .

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

(It has been narrated) from Abu Al-Hassan^{-asws} regarding the man who was killed and upon him was debt, and he did not leave wealth. So his family took the wergild (blood money) from his killer. Should they be paying-off his debt?' He^{-asws} said: 'Yes, and he did not leave anything. But rather, they have taken the wergild and so it is upon them to pay-off the debt'.⁹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَالٍ عَنِ الْحَسَنِ بْنِ الْجَهْمِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَ لَهُ عَلَيَّ دَيْنٌ وَ خَلْفٌ وَ وُلْدٌ رِجَالاً وَ نِسَاءً وَ صِبْيَاناً فَجَاءَ رَجُلٌ مِنْهُمْ فَقَالَ أَنْتَ فِي جِلِّ مِمَّا لِأَبِي عَلَيْكَ مِنْ حِصَّتِي وَ أَنْتَ فِي جِلِّ مِمَّا لِأَخَوَاتِي وَ أَخَوَاتِي وَ أَنَا ضَامِنٌ لِرِضَاهُمْ عَنْكَ قَالَ تَكُونُ فِي سَعَةِ مِنْ ذَلِكَ وَ جِلِّ قُلْتُ فَإِنْ لَمْ يُعْطِهِمْ قَالَ كَانَ ذَلِكَ فِي عُنُقِهِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Al Hassan Bin Al Jaham who said,

'I asked Abu Al-Hassan^{-asws} about a man who died and for him upon me was debt, and he left behind parents, men and women, and young children. So a man from among them came over and said, 'You are free from what my father had upon you, from my share, and you are (also) free from what is for my brothers and my sisters, and I am

⁹² Al Kafi – V 7 – The Book of Bequests Ch 19 H 4

⁹³ Al Kafi – V 7 – The Book of Bequests Ch 19 H 5

⁹⁴ Al Kafi – V 7 – The Book of Bequests Ch 19 H 6

responsible for their pleasure about you'. He^{-asws} said: 'You are at ease from that and free'. I said, 'But if he does not give them?' He^{-asws} said: 'That would be upon his neck'.

قُلْتُ فَإِنْ رَجَعَ الْوَرِثَةُ عَلَيَّ فَقَالُوا أَعْطَيْنَا حَقَّنَا فَقَالَ لَهُمْ ذَلِكَ فِي الْحُكْمِ الظَّاهِرِ فَأَمَّا بَيْنَكَ وَ بَيْنَ اللَّهِ عَزَّ وَ جَلَّ فَأَنْتَ مِنْهَا فِي جِلِّ إِذَا كَانَ الرَّجُلُ الَّذِي أَحَلَّ لَكَ يَضْمَنُ لَكَ عَنْهُمْ رِضَاهُمْ فَيَحْتَمِلُ الضَّامِنُ لَكَ

I said, 'So if the inheritors return to me so they say, 'Give us our right'? So he^{-asws} said: 'That is for them in the apparent judgement. So, as for what is between you and Allah^{-azwj} Mighty and Majestic, so you are free from it, since the man who freed you took the responsibility for you about their pleasure. Thus, the guarantor would be carrying for you'.

قُلْتُ فَمَا تَقُولُ فِي الصَّبِيِّ لِأَمِّهِ أَنْ تُحَلَّلَ قَالَ نَعَمْ إِذَا كَانَ لَهَا مَا تُرْضِيهِ أَوْ تُعْطِيهِ قُلْتُ فَإِنْ لَمْ يَكُنْ لَهَا قَالَ فَلَا قُلْتُ فَقَدْ سَمِعْتُكَ تَقُولُ إِنَّهُ يَجُوزُ تَحْلِيلُهَا فَقَالَ إِنَّمَا أُعْزِي بِذَلِكَ إِذَا كَانَ لَهَا مَا قُلْتُ فَأَلْبَسُ يَجُوزُ تَحْلِيلُهُ عَلَى ابْنِهِ فَقَالَ لَهُ مَا كَانَ لَنَا مَعَ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَمْرٌ يَفْعَلُ فِي ذَلِكَ مَا شَاءَ قُلْتُ فَإِنَّ الرَّجُلَ ضَمِنَ لِي عَنْ ذَلِكَ الصَّبِيِّ وَ أَنَا مِنْ حِصَّتِهِ فِي جِلِّ فَإِنْ مَاتَ الرَّجُلُ قَبْلَ أَنْ يَبْلُغَ الصَّبِيُّ فَلَا شَيْءَ عَلَيْهِ قَالَ الْأَمْرُ جَائِزٌ عَلَى مَا شَرَطَ لَكَ .

I said, 'So what are you^{-asws} saying with regards to the child and its mother if she frees (on his behalf)?' He^{-asws} said: 'Yes, if she had what it would take to make him agree, or give him'. I said, 'But what if she does not happen to have anything?' He^{-asws} said: 'Then, it is no'. I said, 'But I heard you^{-asws} saying that her freeing is allowed?' So he^{-asws} said: 'But rather, I^{-asws} meant that if she had wealth for herself'.

I said, 'So can a father take such responsibility for his son?' So he^{-asws} said: 'For him is what was for us^{-asws} with Abu Al-Hassan^{-asws}, a matter he^{-asws} did with regards to that whatever he^{-asws} so desired to'.

I said, 'The man guaranteed to me about that child, and I am free from his share. So if the man were to die before the child becomes an adult, so there is nothing upon him'. He^{-asws} said: 'The matter is allowed upon whatever he stipulated for you'.⁹⁵

باب مَنْ أَعْتَقَ وَ عَلَيْهِ دَيْنٌ

Chapter 19 – The one who emancipates (a slave) and upon him is debt

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ وَ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَأَلَنِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) هَلْ يَحْتَلِفُ ابْنُ أَبِي لَيْلَى وَ ابْنُ شُبْرَمَةَ فَقُلْتُ بَلَّغَنِي أَنَّهُ مَاتَ مَوْلَى لِعِيسَى بْنِ مُوسَى وَ تَرَكَ عَلَيْهِ دَيْنًا كَثِيرًا وَ تَرَكَ مَمَالِيكَ يُحِيطُ دَيْنُهُ بِأَثْمَانِهِمْ فَأَعْتَقَهُمْ عِنْدَ الْمَوْتِ فَسَأَلَهُمَا عِيسَى بْنُ مُوسَى عَنْ ذَلِكَ فَقَالَ ابْنُ شُبْرَمَةَ أَرَى أَنْ يَسْتَسْعِيَهُمْ فِي قِيَمَتِهِمْ فَيَدْفَعَهَا إِلَى الْعُرْمَاءِ فَإِنَّهُ قَدْ أَعْتَقَهُمْ عِنْدَ مَوْتِهِ وَ قَالَ ابْنُ أَبِي لَيْلَى أَرَى أَنْ أُبْعَهُمْ وَ أَدْفَعُ أَثْمَانَهُمْ إِلَى الْعُرْمَاءِ فَإِنَّهُ لَيْسَ لَهُ أَنْ يُعْتَقَهُمْ عِنْدَ مَوْتِهِ وَ عَلَيْهِ دَيْنٌ يُحِيطُ بِهِمْ وَ هَذَا أَهْلُ الْحِجَازِ الْيَوْمَ يُعْتِقُ الرَّجُلُ عَبْدَهُ وَ عَلَيْهِ دَيْنٌ كَثِيرٌ فَلَا يُجِيرُونَ عِتْقَهُ إِذَا كَانَ عَلَيْهِ دَيْنٌ كَثِيرٌ فَرَفَعَ ابْنُ شُبْرَمَةَ يَدَهُ إِلَى السَّمَاءِ فَقَالَ سُبْحَانَ اللَّهِ يَا ابْنَ أَبِي لَيْلَى مَتَى قُلْتَ بِهَذَا الْقَوْلِ وَ اللَّهُ مَا قُلْتَهُ إِلَّا طَلَبَ خِلَافِي

Ali Bin Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazal Bin Shazaan and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan and Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

⁹⁵ Al Kafi – V 7 – The Book of Bequests Ch 19 H 7

'Abu Abdullah^{-asws} asked me: 'Did Ibn Abu Layli and Ibn Shabrama differ?' So I said, 'It reached me that the master of Isa Bin Musa died and left a lot of debts upon him, and left slaves whose value encompassed his debt. So he freed them during the death. Isa Bin Musa asked both of them about that, so Ibn Shabrama said, 'I view that they should be made to work with regards to their own prices, and these should be handed over to the creditors, for he had freed them during his death'. And Ibn Abu Layli said, 'I view that they should be sold and their prices should be handed over to the creditors, for it was not for him to emancipate them during his death, and upon him was debt which encompassed with them, and today the people of Al-Hijaz, if the man emancipates his slave and upon him is a lot of debt, so his emancipation is not allowed if there was a lot of debt upon him'. So Ibn Shabrama raised his hands towards the sky and said, 'Glory be to Allah^{-azwj}, O Ibn Abu Layli! When did I say these words? By Allah^{-azwj}! I have not said it, except that you are seeking to go against me'.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَعَنْ رَأْيِ أَبِيهِمَا صَدَرَ قَالَ فُلْتُ بَلَعَنِي أَنَّهُ أَخَذَ بِرَأْيِ ابْنِ أَبِي لَيْلَى وَكَانَ لَهُ فِي ذَلِكَ هَوًى فَبَاعَهُمْ وَ قَضَى دَيْنَهُ قَالَ فَمَعَ أَبِيهِمَا مَنْ قَبِلَكُمْ فُلْتُ لَهُ مَعَ ابْنِ شُبْرَمَةَ وَ قَدْ رَجَعَ ابْنُ أَبِي لَيْلَى إِلَى رَأْيِ ابْنِ شُبْرَمَةَ بَعْدَ ذَلِكَ فَقَالَ أَمَا وَاللَّهِ إِنَّ الْحَقَّ لَفِي الَّذِي قَالَ ابْنُ أَبِي لَيْلَى وَ إِنْ كَانَ قَدْ رَجَعَ عَنْهُ

So Abu Abdullah^{-asws} said: 'So which of the two opinions was implemented?' I said, 'It reached me that he took with the opinion of Ibn Abu Layli, and for him there was a desire in that. So he sold them and paid off his debts'. He^{-asws} said: 'So which of the two opinions are you accepting with?' I said to him^{-asws}, 'With Ibn Shabrama, and Ibn Abu Layli had returned to the opinion of Ibn Shabrama after that'. So he^{-asws} said: 'By Allah^{-azwj}! The truth is in that which Ibn Abu Layli said, even though he retracted from it (afterwards)'.

فَقُلْتُ لَهُ هَذَا يُكْسِرُ عَنْهُمْ فِي الْقِيَاسِ فَقَالَ هَاتِ قَائِسِي فَقُلْتُ أَنَا أَقَابِسُكَ فَقَالَ لَتَقُولَنَّ بِأَشَدِّ مَا يَدْخُلُ فِيهِ مِنَ الْقِيَاسِ فَقُلْتُ لَهُ رَجُلٌ تَرَكَ عَبْدًا لَمْ يَتْرُكْ مَالًا غَيْرَهُ وَ قِيمَةُ الْعَبْدِ سِتْمَانَةَ دِرْهَمٍ وَ دَيْنُهُ خَمْسِمِائَةَ دِرْهَمٍ فَأَعْتَقَهُ عِنْدَ الْمَوْتِ كَيْفَ يُصْنَعُ قَالَ يُبَاعُ الْعَبْدُ فَيَأْخُذُ الْغُرْمَاءَ خَمْسِمِائَةَ دِرْهَمٍ وَ يَأْخُذُ الْوَرَثَةَ مِائَةَ دِرْهَمٍ

So I said to him^{-asws}, 'This breaks what is with them regarding the analogy'. So he^{-asws} said: 'Come, analogise for me^{-asws}'. I said, 'I analogise for you^{-asws}?'. So he^{-asws} said: 'In order for you to be saying what is stronger what is included in it from the analogy'. So I said to him^{-asws}, 'A man left a slave and did not leave wealth other than him, and the value of the slave is six hundred Dirhams, and his debt is of five hundred Dirhams. So he emancipates him during the death, how should one deal with it?' He^{-asws} said: 'Sell the slave, so the creditors would have five hundred Dirhams, and the inheritors would take a hundred Dirhams'.

فَقُلْتُ أَلَيْسَ قَدْ بَقِيَ مِنْ قِيمَةِ الْعَبْدِ مِائَةُ دِرْهَمٍ عَنْ دَيْنِهِ فَقَالَ بَلَى قُلْتُ أَلَيْسَ لِلرَّجُلِ ثَلَاثَةُ مِائَةٍ يَصْنَعُ بِهِ مَا يَشَاءُ قَالَ بَلَى قُلْتُ أَلَيْسَ قَدْ أَوْصَى لِلْعَبْدِ بِالثَّلَاثِ مِنَ الْمِائَةِ جِبِينَ أَعْتَقَهُ فَقَالَ إِنَّ الْعَبْدَ لَا وَصِيَّةَ لَهُ إِنَّمَا مَالُهُ لِمَوْلَاهِ فَقُلْتُ لَهُ فَإِذَا كَانَتْ قِيمَةُ الْعَبْدِ سِتْمِائَةَ دِرْهَمٍ وَ دَيْنُهُ أَرْبَعِمِائَةَ دِرْهَمٍ قَالَ كَذَلِكَ يُبَاعُ الْعَبْدُ فَيَأْخُذُ الْغُرْمَاءَ أَرْبَعِمِائَةَ دِرْهَمٍ وَ يَأْخُذُ الْوَرَثَةَ مِائَتَيْنِ فَلَا يَكُونُ لِلْعَبْدِ شَيْءٌ

So I said, 'Is it not that what has remained from the value of the slave is one hundred Dirhams, from his debt?' So he^{-asws} said: 'Yes'. I said, 'Is not a third for the man to do with whatever he so desires to?' He^{-asws} said: 'Yes'. I said, 'Is it not that he bequeathed to the slave with a third from the one hundred when he emancipated him?' So he^{-asws} said: 'The slave, there is no bequest for him. But rather, his wealth is for his guardians (heirs)'. So I said to him^{-asws}, 'So if the value of the slave was six hundred Dirhams,

and his debt was of four hundred Dirhams?’ He^{-asws} said: ‘Similar to that, the slave is sold, so the creditors would take four hundred Dirhams, and the inheritors would take two hundred. So there would not be anything for the slave’.

فَقُلْتُ لَهُ فَإِنَّ قِيَمَةَ الْعَبْدِ سِتْمِائَةَ دِرْهَمٍ وَ دَيْنُهُ ثَلَاثِمِائَةَ دِرْهَمٍ فَضَجَّكَ وَ قَالَ مِنْ هَاهُنَا أُتِيَ أَصْحَابُكَ فَجَعَلُوا الْأَشْيَاءَ شَيْئًا وَاحِدًا وَ لَمْ يَعْلَمُوا السُّنَّةَ إِذَا اسْتَوَى مَالُ الْعَرْمَاءِ وَ مَالُ الْوَرَثَةِ أَوْ كَانَ مَالُ الْوَرَثَةِ أَكْثَرَ مِنْ مَالِ الْعَرْمَاءِ لَمْ يَنْتَهَمِ الرَّجُلُ عَلَى وَصِيَّتِهِ وَ أُجِيزَتْ وَصِيَّتُهُ عَلَى وَجْهِهَا فَالآنَ يُوقَفُ هَذَا فَيَكُونُ نِصْفُهُ لِلْعَرْمَاءِ وَ يَكُونُ ثُلُثُهُ لِلْوَرَثَةِ وَ يَكُونُ لَهُ السُّدُسُ.

So I said to him^{-asws}, ‘So if the value of the servant is six hundred Dirhams, and his debt is three hundred Dirhams?’ So he^{-asws} smiled and said: ‘From over here your companions derived, so they made (all) the things as one thing, and did not act in accordance to the Sunnah, when they equalised the wealth of the creditors with the wealth of the inheritors, or if the wealth of the inheritors is more than the wealth of the creditors, the man would not be accused over his bequest, and his bequest would be allowed upon its aspect. So now this pauses, so half of it would be for the creditors, and a third for the inheritors, and a sixth for him (deceased)’.⁹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ [عَنْ ابْنِ أَبِي عُمَيْرٍ] عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي رَجُلٍ أَعْتَقَ مَمْلُوكَهُ عِنْدَ مَوْتِهِ وَ عَلَيْهِ دَيْنٌ قَالَ إِنْ كَانَ قِيَمَتُهُ مِثْلَ الَّذِي عَلَيْهِ وَ مِثْلَهُ جَارَ عِنْفُهُ وَ إِلَّا لَمْ يَجْزُ .

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 his slave during his death, and upon him was debt. He^{-asws} said: ‘If his value was similar to what was upon him, and like it, his emancipation is allowed, otherwise it is not allowed’.⁹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيْسَى عَنْ ابْنِ فَضَالٍ عَنِ الْحَسَنِ بْنِ الْجَهْمِ قَالَ سَمِعْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) يَقُولُ فِي رَجُلٍ أَعْتَقَ مَمْلُوكًا لَهُ وَ قَدْ حَضَرَهُ الْمَوْتُ وَ أَشْهَدَ لَهُ بِذَلِكَ وَ قِيَمَتُهُ سِتْمِائَةَ دِرْهَمٍ وَ عَلَيْهِ دَيْنٌ ثَلَاثِمِائَةَ دِرْهَمٍ وَ لَمْ يَبْرُكْ شَيْئًا غَيْرَهُ قَالَ يُعْتَقُ مِنْهُ سُدُسُهُ لِأَنَّهُ إِنَّمَا لَهُ مِنْهُ ثَلَاثِمِائَةَ دِرْهَمٍ وَ يُقْضَى مِنْهُ ثَلَاثِمِائَةَ دِرْهَمٍ فَلَهُ مِنَ الثَّلَاثِمِائَةِ ثُلُثُهَا وَ هُوَ السُّدُسُ مِنَ الْجَمِيعِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Fazal, from Al Hassan Bin Al Jaham who said,

‘I heard Abu Al-Hassan^{-asws} saying regarding a man who emancipated a slave of his, and death had presented itself, and that was witnessed for him, and his value was of six hundred Dirhams, and upon him was a debt of three hundred Dirhams, and he did not leave anything apart from it’. He^{-asws} said: ‘He would be one-sixth free from it. But rather, from it for him were three hundred Dirhams, and three hundred Dirhams were paid off from it, therefore, for him from the three hundred is a third, and it is a sixth from the total’.⁹⁸

بَابُ الْوَصِيَّةِ لِلْمَكَاتِبِ

Chapter 20 – The bequests for the contracted (slaves)

⁹⁶ Al Kafi – V 7 – The Book of Bequests Ch 19 H 1

⁹⁷ Al Kafi – V 7 – The Book of Bequests Ch 19 H 2

⁹⁸ Al Kafi – V 7 – The Book of Bequests Ch 19 H 3

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي مَكَاتِبٍ كَانَتْ تَحْتَهُ امْرَأَةٌ حُرَّةٌ فَأَوْصَتْ لَهُ عِنْدَ مَوْتِهَا بِوَصِيَّةٍ فَقَالَ أَهْلُ الْمِيرَاثِ لَا نُحِيزُ وَصِيَّتَهَا لَهُ إِنَّهُ مَكَاتِبٌ لَمْ يُعْتَقَ وَلَا يَرِثُ فَقَضَى بِأَنَّهُ يَرِثُ بِحِسَابِ مَا أُعْتِقَ مِنْهُ وَ يَجُوزُ لَهُ مِنَ الْوَصِيَّةِ بِحِسَابِ مَا أُعْتِقَ مِنْهُ

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

(It has been narrated) from Abu Ja'far^{asws} regarding a contracted one under who was a free woman. So she bequeathed to him, during her death, with a bequest. So the inheritors said, 'We do not allow her bequest to him. He is a contracted one and has not been liberated, and he does not inherit. So he^{asws} judged that he would inherit by the accounting of what he is liberated from it, and it would be allowed for him from the bequest with the accounting of what he had been freed from it (the contract)'.

وَ قَضَى (عَلَيْهِ السَّلَامُ) فِي مَكَاتِبِ أَوْصِيَ لَهُ بِوَصِيَّةٍ وَ قَدْ قَضَى نِصْفَ مَا عَلَيْهِ فَأَجَازَ نِصْفَ الْوَصِيَّةِ

And he^{asws} judged regard a contracted to who had been bequeathed with a bequest, and he had fulfilled half of what was upon him. So half the bequest would be allowed.

وَ قَضَى (عَلَيْهِ السَّلَامُ) فِي مَكَاتِبِ قَضَى رُبْعَ مَا عَلَيْهِ فَأَوْصِيَ لَهُ بِوَصِيَّةٍ فَأَجَازَ رُبْعَ الْوَصِيَّةِ

And he^{asws} judged regarding a contracted one who had fulfilled a quarter of what was upon him, so he was bequeathed to with a bequest, so he was allowed a quarter of the bequest.

وَ قَالَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ حُرٍّ أَوْصَى لِمَكَاتِبَةٍ وَ قَدْ قَضَتْ سُدُسَ مَا كَانَ عَلَيْهِ فَأَجَازَ لَهَا بِحِسَابِ مَا أُعْتِقَ مِنْهَا .

And he^{asws} said regarding a free man who had bequeathed to a contracted woman, and he had fulfilled a sixth of what was upon him, so he allowed for her by the accounting of what she was free from it (the contract)'.⁹⁹

بَابُ وَصِيَّةِ الْغُلَامِ وَالْجَارِيَةِ الَّتِي لَمْ تُدْرِكْ وَ مَا يَجُوزُ مِنْهَا وَ مَا لَا يَجُوزُ

Chapter 21 – Bequest of the boy and the maid who has not attained awareness (puberty), and what is allowed from it, and is not allowed

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ عَيْسَى عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا أَتَى عَلَى الْغُلَامِ عَشْرُ سِنِينَ فَإِنَّهُ يَجُوزُ لَهُ فِي مَالِهِ مَا أُعْتِقَ وَ تَصَدَّقَ وَ أَوْصَى عَلَى حَدِّ مَعْرُوفٍ وَ حَقِّ فَهُوَ جَائِزٌ .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad Bin Isa, from Safwan Bin Yahya, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'When ten years come upon the boy, so it is allowed for him with regards to his wealth, what to emancipate (liberate), and give in charity, and bequeath upon the known limits and rights, so it is allowed'.¹⁰⁰

⁹⁹ Al Kafi – V 7 – The Book of Bequests Ch 20 H 1

¹⁰⁰ Al Kafi – V 7 – The Book of Bequests Ch 21 H 1

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ الثُّعْمَانِ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ إِنَّ الْعُلَامَ إِذَا حَضَرَهُ الْمَوْتُ فَأَوْصَى وَ لَمْ يُدْرِكْ جَارَتْ وَصِيَّتُهُ لِذَوِي الْأَرْحَامِ وَ لَمْ تَجْزِ لِلْغُرَبَاءِ .

Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Al Noman, from Abu Ayoub, from Muhammad Bin Muslim who said,

'I heard Abu Abdullah^{-asws} saying: 'The boy, when the death presents itself to him, so he bequeaths and is not aware (attained puberty), his bequest is allowed for the relatives and is not allowed for the strangers'.¹⁰¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) إِذَا بَلَغَ الْعُلَامُ عَشْرَ سِنِينَ جَارَتْ وَصِيَّتُهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from one of his companions, from Aban Bin Usman, from Abdul Rahman Bin Abdullah who said,

'Abu Abdullah^{-asws} said: 'When the boy reaches ten years, his bequest is allowed'.¹⁰²

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي الْمَعْرَاءِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا بَلَغَ الْعُلَامُ عَشْرَ سِنِينَ فَأَوْصَى بِثُلُثِ مَالِهِ فِي حَقِّ جَارَتْ وَصِيَّتُهُ فَإِذَا كَانَ ابْنُ سَبْعِ سِنِينَ فَأَوْصَى مِنْ مَالِهِ بِالْيُسْبِيرِ فِي حَقِّ جَارَتْ وَصِيَّتُهُ .

Hameed Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Abdullah Bin Jabala, from Abu Al Magra, from Abu Baseer,

Abu Abdullah^{-asws} has said: 'When the boy reaches ten years, so he bequeaths with a third of his wealth rightfully, his bequest is allowed. So if he was a boy of seven years, and he bequeaths with a little in a rightful way, his bequest is allowed'.¹⁰³

باب الوصية لأُمَّهَاتِ الْأَوْلَادِ

Chapter 22 – The bequest for the mothers and the children

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ قَالَ نَسَخْتُ مِنْ كِتَابِ بَخَطِ أَبِي الْحَسَنِ (عليه السلام) فَلَانِ مَوْلَاكَ تُوْفِي ابْنَ أَخٍ لَهُ وَ تَرَكَ أُمَّ وَ لِدٍ لَهُ لَيْسَ لَهَا وَ لَدٌ فَأَوْصَى لَهَا بِأَلْفٍ هَلْ تَجُوزُ الْوَصِيَّةُ وَ هَلْ يَقَعُ عَلَيْهَا عِتْقٌ وَ مَا حَالُهَا رَأَيْكَ فَدَنَّاكَ نَفْسِي فَكَتَبْتُ (عليه السلام) تُعْتَقُ فِي الثُّلُثِ وَ لَهَا الْوَصِيَّةُ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Ahmad Bin Muhammad Bin Abu Nasr who said,

'I copied from a letter in the handwriting of Abu Al-Hassan^{-asws} having been asked, 'So and so, your^{-asws} friend, a cousin of his died leaving the mother of a child of his not having (any other) child for her, so he bequeathed to her with a thousand. Is the bequest allowed, and will the emancipation occur upon her, and what is her state. (What is) your^{-asws} view? May I be sacrificed for you^{-asws}'. So he^{-asws} wrote: 'She is emancipated with regards to the third, and for her is the bequest'.¹⁰⁴

¹⁰¹ Al Kafi – V 7 – The Book of Bequests Ch 21 H 2

¹⁰² Al Kafi – V 7 – The Book of Bequests Ch 21 H 3

¹⁰³ Al Kafi – V 7 – The Book of Bequests Ch 21 H 4

¹⁰⁴ Al Kafi – V 7 – The Book of Bequests Ch 22 H 1

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حُسَيْنِ بْنِ خَالِدِ الصَّيْرَفِيِّ عَنْ أَبِي الْحَسَنِ الْمَاضِي (عليه السلام) قَالَ كَتَبْتُ إِلَيْهِ فِي رَجُلٍ مَاتَ وَ لَهُ أُمٌّ وَوَلَدٌ وَ قَدْ جَعَلَ لَهَا شَيْئاً فِي حَيَاتِهِ ثُمَّ مَاتَ قَالَ فَكَتَبَ لَهَا مَا أَتَابَهَا بِهِ سَيِّدُهَا فِي حَيَاتِهِ مَعْرُوفٌ ذَلِكَ لَهَا تُقْبَلُ عَلَى ذَلِكَ شَهَادَةُ الرَّجُلِ وَ الْمَرْأَةِ وَ الْخَادِمِ غَيْرِ الْمُتَهَمِينَ .

Ahamd Bin Muhammad, from Ibn Abu Umeyr, from Husayn Bin Khalid Al Sayrafi,

(It has been narrated) from Al-Hassan Al-Maazy^{-asws} (7th Imam^{-asws}) said, 'I wrote to him^{-asws} regarding a man who died, and for whom was a mother of a child, and he had made something to be for her during his lifetime, then died'. He^{-asws} said by writing: 'For her is what her master remunerated to her during his lifetime in goodness, that is for her. The testimony of the man, and the woman, and the servant not having been accused of any wrong, would be acceptable upon that'.¹⁰⁵

مُحَمَّدُ بْنُ يَحْيَى عَمَّنْ ذَكَرَهُ عَنْ أَبِي الْحَسَنِ الرَّضَا (عليه السلام) فِي أُمِّ الْوَالِدِ إِذَا مَاتَ عَنْهَا مَوْلَاهَا وَ قَدْ أَوْصَى لَهَا قَالَ تَعْتَقُ فِي الثُّلُثِ وَ لَهَا الْوَصِيَّةُ .

Muhammad Bin Yahya, from the one who mentioned it,

(It has been narrated) from Abu Al-Hassan Al-Reza^{-asws} regarding a mother of a child, when her master dies from her, and had bequeathed to her. He^{-asws} said: 'She is emancipated with regards to the third, and for her is the bequest'.¹⁰⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي عُبَيْدَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ كَانَتْ لَهُ أُمٌّ وَوَلَدٌ وَ لَهُ مِنْهَا غُلَامٌ فَلَمَّا حَضَرَتْهُ الْوَفَاةُ أَوْصَى لَهَا بِالْفِي دَرَاهِمٍ أَوْ بِأَكْثَرٍ لِلْوَرَثَةِ أَنْ يَسْتَرْفُوها قَالَ لَا بَلْ تَعْتَقُ مِنْ ثُلُثِ الْمَيْتِ وَ تُعْطَى مَا أَوْصَى لَهَا بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad and Ali Bin Ibrahim, from his father, both together, from Ibn Mahboub, from Jameel Bin Salih, from Abu Ubeyda who said,

'I asked Abu Abdullah^{-asws} about a man who had a mother of a child of his, and from her was a boy for him. So when the death presented itself to him, he bequeathed to her with two thousand Dirhams, or more. Is it for the inheritors that they enslave her?' So he^{-asws} said: 'No, but she would be emancipated from a third of the deceased (legacy), and she would be given whatever was bequeathed to her by it'.

وَ فِي كِتَابِ الْعَبَّاسِ تَعْتَقُ مِنْ نَصِيبِ ابْنِهَا وَ تُعْطَى مِنْ ثُلُثِهِ مَا أَوْصَى لَهَا بِهِ .

And in the Book of Al-Abbas, 'She would be emancipated from the share of her son, and she would be given from his third whatever he had bequeathed to her by it'.¹⁰⁷

بَاب مَا يَجُوزُ مِنَ الْوُفَى وَ الصَّدَقَةِ وَ النَّحْلِ وَ الْهَبَةِ وَ السُّكْنَى وَ الْعُمْرَى وَ الرُّقْبَى وَ مَا لَا يَجُوزُ مِنْ ذَلِكَ عَلَى الْوَالِدِ وَ غَيْرِهِ

Chapter 23 – What is allowed from the endowment, and the charity, and the grant, and the gift, and the (provision) of habitation, and the

¹⁰⁵ Al Kafi – V 7 – The Book of Bequests Ch 22 H 2

¹⁰⁶ Al Kafi – V 7 – The Book of Bequests Ch 22 H 3

¹⁰⁷ Al Kafi – V 7 – The Book of Bequests Ch 22 H 4

lifetime (service) and the bondman, and what is allowed from that upon the child and others

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا صَدَقَةٌ وَلَا عِتْقٌ إِلَّا مَا أُرِيدَ بِهِ وَجْهُ اللَّهِ عَزَّ وَجَلَّ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'There is neither charity nor emancipation except what is intended by it is the Face of Allah^{-azwj} Mighty and Majestic'.¹⁰⁸

وَعَنْهُ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامٍ وَحَمَّادِ بْنِ أُذَيْنَةَ وَابْنِ بُكَيْرٍ وَغَيْرِهِمْ كَلِمَةً قَالُوا قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) لَا صَدَقَةٌ وَلَا عِتْقٌ إِلَّا مَا أُرِيدَ بِهِ وَجْهُ اللَّهِ عَزَّ وَجَلَّ .

And from him, from his father, from Ibn Abu Umeyr, from Hisham, and Hamaad, and Ibn Azina, and Ibn Bakeyr, and others, all of them said,

'Abu Abdullah^{-asws} said: 'There is neither charity nor emancipation except what is intended by it is the Face of Allah^{-azwj} Mighty and Majestic'.¹⁰⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّمَا الصَّدَقَةُ مُحَدَّثَةٌ إِنَّمَا كَانَ النَّاسُ عَلَى عَهْدِ رَسُولِ اللَّهِ (صلى الله عليه وآله) يَنْحَلُونَ وَيَهْبُونَ وَ لَا يَنْبَغِي لِمَنْ أُعْطِيَ بِاللَّهِ عَزَّ وَجَلَّ شَيْئاً أَنْ يَرْجِعَ فِيهِ

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Ali Bin Raib, from Zurara,

Abu Abdullah^{-asws} has said: 'but rather, the charity is newly occurred. But rather, the people in the era of Rasool-Allah^{-saww} were granting and gifting, and it is not befitting for the one who gives anything for the Sake of Allah^{-azwj} Mighty and Majestic that he retracts (pulls back) with regards to it.

قَالَ وَ مَا لَمْ يُعْطَ لِلَّهِ وَ فِي اللَّهِ فَإِنَّهُ يُرْجَعُ فِيهِ نَحْلَةً كَانَتْ أَوْ هِبَةً جِيزَتْ أَوْ لَمْ تُحَزَّ وَ لَا يَرْجِعُ الرَّجُلُ فِيهَا لِامْرَأَتِهِ وَ لَا الْمَرْأَةُ فِيهَا لِزَوْجِهَا جِيزاً أَوْ لَمْ يُحَزَّ أَلَيْسَ اللَّهُ تَبَارَكَ وَ تَعَالَى يَقُولُ وَ لَا تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئاً وَ قَالَ فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْساً فَكُلُوهُ هَنِيئاً مَرِيئاً وَ هَذَا يَدْخُلُ فِي الصَّدَاقِ وَ الْهَبَةِ .

He^{-asws} said: 'And what is not given for the Sake of Allah^{-azwj} and regarding Allah^{-azwj}, so there is retraction with regards to it, be it a donation or a gift, acquired or not acquired. And the man cannot retract with regards to what he gifts to his wife, nor the woman regarding what she gifted to her husband, acquired or not acquired. Is Allah^{-azwj} Blessed and High not Saying **[2:229] and it is not lawful for you to take any part of what you have given them;** and Said **[4:4] but if they of themselves be pleased to give up to you a portion of it, then eat it with enjoyment and with wholesome result.** And this is inclusive with regards to the dowry and the gifts'.¹¹⁰

¹⁰⁸ Al Kafi – V 7 – The Book of Bequests Ch 23 H 1

¹⁰⁹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 2

¹¹⁰ Al Kafi – V 7 – The Book of Bequests Ch 23 H 3

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَتَصَدَّقُ بِالصَّدَقَةِ أَلَهُ أَنْ يَرْجِعَ فِي صَدَقَتِهِ فَقَالَ إِنَّ الصَّدَقَةَ مُحَدَّثَةٌ إِنَّمَا كَانَ النُّحْلُ وَالْهَبَةُ وَالْمَنْ وَهَبَ أَوْ نَحَلَ أَنْ يَرْجِعَ فِي هَبِّهِ حَيْرٌ أَوْ لَمْ يُحَزْ وَ لَا يَنْبَغِي لِمَنْ أُعْطِيَ [لِلَّهِ] شَيْئاً أَنْ يَرْجِعَ فِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ibn Bakeyr, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah^{-asws} about the man who gave in charity with the charity. Is it for him that he retracts with regards to his charity?' So he^{-asws} said: 'The charity is a newly occurring thing. But rather, the donations and the gifts were for the one who gifted or donated and he could retract regarding his gift, acquired or not acquired, and it is not befitting for the one who gives anything for the Sake of Allah^{-azwj} that he retracts with regards to it'.¹¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَتَصَدَّقُ عَلَى وُلْدِهِ بِصَدَقَةٍ وَ هُمْ صِغَارٌ أَلَهُ أَنْ يَرْجِعَ فِيهَا قَالَ لَا الصَّدَقَةُ لِلَّهِ عَزَّ وَ جَلَّ .

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

'I said to Abu Abdullah^{-asws}, 'The man who gives charity to his children with a charity, and they are small. Is it for him that he retracts with regards to it?' He^{-asws} said: 'No! The charity is for the Sake of Allah^{-azwj} Mighty and Majestic'.¹¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي الْمَعْرَاءِ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ صَدَقَةٍ مَا لَمْ تُفَسِّمْ وَ لَمْ تُفَبِّضْ فَقَالَ جَائِزَةٌ إِنَّمَا أَرَادَ النَّاسُ النُّحْلَ فَأَحْطَنُوا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Al Magra, from Abu Baseer who said,

'I asked Abu Abdullah^{-asws} about charity what has not been distributed and not been seized (taken possession of). So he^{-asws} said: 'It (retraction) is allowed. But rather, the people intended the grant, but they erred'.¹¹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) (أَنَّهُ قَالَ فِي الرَّجُلِ يَتَصَدَّقُ عَلَى وُلْدٍ قَدْ أَدْرَكُوا إِذَا لَمْ يَفْبِضُوا حَتَّى يَمُوتَ فَهُوَ مِيرَاثٌ فَإِنْ تَصَدَّقَ عَلَى مَنْ لَمْ يَدْرِكْ مِنْ وُلْدِهِ فَهُوَ جَائِزٌ لِأَنَّ وَالِدَهُ هُوَ الَّذِي يَلِي أَمْرَهُ وَ

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

(It has been narrated) from Abu Ja'far^{-asws} having said regarding the man who gave in charity to his children who had reached awareness (puberty), but they did not take possession until he died: 'So it is inheritance, for the charity is upon the one who has not reached awareness (puberty) from his children, then it would be allowed, because the father, he is the one who is taking care of his matters'.

قَالَ لَا يَرْجِعُ فِي الصَّدَقَةِ إِذَا ابْتَغَى بِهَا وَجْهَ اللَّهِ عَزَّ وَ جَلَّ

¹¹¹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 4

¹¹² Al Kafi – V 7 – The Book of Bequests Ch 23 H 5

¹¹³ Al Kafi – V 7 – The Book of Bequests Ch 23 H 6

He^{-asws} said: 'There is no retraction with regards to the charity, when it is the Face of Allah^{-azwj} Mighty and Majestic which is sought by it'.

وَقَالَ الْهَبَةُ وَالنَّحْلَةُ يَرْجَعُ فِيهَا إِنْ شَاءَ حَبِزَتْ أَوْ لَمْ تُحَزْ إِلَّا لِذِي رَحِمٍ فَإِنَّهُ لَا يَرْجَعُ فِيهِ .

And he^{-asws} said: 'The gift, and the grant, there is retraction with regards to it, whether something has been acquired or not acquired, except for the womb relationships, for there is no retraction in it'.¹¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغْبِرَةِ عَنْ مَنْصُورِ بْنِ حَارِزٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنْ تَصَدَّقْتَ بِصَدَقَةٍ لَمْ تَرْجِعْ إِلَيْكَ وَ لَمْ تَنْتَرَهَا إِلَّا أَنْ تُورَثَ .

Ali Bin Ibrahim, from his father, from Abdullah Bin Al Mugheira, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'When you are given in charity with a charity, it does not return back to you, and you do not buy it except if you were to inherit it'.¹¹⁵

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَجْعَلُ لِوَلَدِهِ شَيْئًا وَ هُمْ صِغَارٌ ثُمَّ يَبْدُو لَهُ أَنْ يَجْعَلَ مَعَهُمْ غَيْرَهُمْ مِنْ وَلَدِهِ قَالَ لَا بَأْسَ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajaaj,

(It has been narrated) from Abu Abdullah^{-asws} regarding the man who made something to be for his children and they were small. Then it seemed to him that he should name, along with them, others from his children (as sharers). He^{-asws} said: 'No problem'.¹¹⁶

وَ بِإِسْنَادِهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَتَصَدَّقُ عَلَى وَلَدِهِ وَ هُمْ صِغَارٌ بِالْجَارِيَةِ ثُمَّ تُعَجِبُهُ الْجَارِيَةُ وَ هُمْ صِغَارٌ فِي عِيَالِهِ أ تَرَى أَنْ يُصِيبَهَا أَوْ يَقَوْمَهَا قِيَمَةً عَدْلٍ فَيُشْهَدُ بِثَمَنِهَا عَلَيْهِ أَمْ يَدَعُ ذَلِكَ كُلَّهُ فَلَا يَبْعُضُ لِشَيْءٍ مِنْهُ قَالَ يَقَوْمَهَا قِيَمَةً عَدْلٍ وَ يَحْتَسِبُ بِثَمَنِهَا لَهُمْ عَلَى نَفْسِهِ وَ يَمْسُهَا .

And by his chain, from Ibn Abu Umeyr, from Abdul Rahman who said,

'I asked Abu Al-Hassan^{-asws} about the man who gave charity with the slave girl to his children and they were small in his family. Do you^{-asws} see that if he were to be infatuated (smitten) by her, or evaluate her price justly, so he gets witnesses to testify to her price, or leaves that, all of it, so he does not show anything from it?' He^{-asws} said: 'He can evaluate her price justly, and reckon her price to be for them (children) upon himself, and he can touch her'.¹¹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ حَمَّادِ بْنِ عَثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا كَانَتْ الْهَبَةُ قَائِمَةً بَعَيْنَهَا فَلَهُ أَنْ يَرْجِعَ وَ إِلَّا فَلَيْسَ لَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel, from Abu Abdullah^{-asws}; and Hamaad Bin Usman, from Al Halby,

¹¹⁴ Al Kafi – V 7 – The Book of Bequests Ch 23 H 7

¹¹⁵ Al Kafi – V 7 – The Book of Bequests Ch 23 H 8

¹¹⁶ Al Kafi – V 7 – The Book of Bequests Ch 23 H 9

¹¹⁷ Al Kafi – V 7 – The Book of Bequests Ch 23 H 10

(It has been narrated) from Abu Abdullah^{-asws} having said: 'If the gift remains exactly as it used to be, so it is for him to retract, otherwise it is not for him (to do so)'.¹¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ فَأَذَنَهُ فَأَمَرَتْهُ فِيهَا فَقَالَ هِيَ عَلَيْكَ صَدَقَةٌ فَقَالَ إِنْ كَانَ قَالَ ذَلِكَ لِلَّهِ عَزَّ وَجَلَّ فَلَيْمُضِبَهَا وَ إِنْ كَانَ لَمْ يَقُلْ فَلَهُ أَنْ يَرْجِعَ إِنْ شَاءَ فِيهَا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, 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 man who had a slave girl for himself, but his wife hurt him with regards to her. So he said: 'She is a charity upon you'. So he^{-asws} said: 'If he has said, 'For the Sake of Allah^{-azwj} Mighty and Majestic, so let him fulfil it; and if had not say, so it is for him that he can retract if he so desires with regards to her'.¹¹⁹

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الدَّرَاهِمُ فَيَهْبُهَا لَهُ أَلَهُ أَنْ يَرْجِعَ فِيهَا قَالَ لَا .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Muawiya Bin Amaar who said,

'I asked Abu Abdullah^{-asws} about the man for whom were a certain amount of Dirhams upon the man (as debt), so he gifted these to him. Is it for him that he can retract with regards to it?' He^{-asws} said: 'No'.¹²⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ تَصَدَّقَ بِصَدَقَةٍ عَلَى حَمِيمٍ أَوْ يَصْلُحُ لَهُ أَنْ يَرْجِعَ فِيهَا قَالَ لَا وَ لَكِنْ إِنْ اِحْتَأَجَّ فَلْيَأْخُذْ مِنْ حَمِيمِهِ مِنْ غَيْرِ مَا تَصَدَّقَ بِهِ عَلَيْهِ .

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

'I asked Abu Abdullah^{-asws} about a man who gave charity with a charity to a friend. Is it correct for him that he retracts with regards to it?' He^{-asws} said: 'No, but if he is needy, so let him take from his friend, from other than what he had given in charity to him'.¹²¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي الرَّجُلِ يَتَصَدَّقُ بِالصَّدَقَةِ أَوْ يَجِلُّ لَهُ أَنْ يَرْتَهَا قَالَ نَعَمْ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from one of our companions, from Aban Bin Usman, from Muhammad Bin Muslim,

¹¹⁸ Al Kafi – V 7 – The Book of Bequests Ch 23 H 11

¹¹⁹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 12

¹²⁰ Al Kafi – V 7 – The Book of Bequests Ch 23 H 13

¹²¹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 14

(It has been narrated) from one of the two (5th or 6th Imam-asws) regarding the man who gave in charity with some charity. Is it Permissible for him that he inherits it (back)?' He-asws said: 'Yes'.¹²²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عُمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْطَى أُمَّهُ عَطِيَّةً فَمَاتَتْ وَكَانَتْ قَدْ قَبِضَتْ الَّذِي أَعْطَاهَا وَبَاتَتْ بِهِ قَالَ هُوَ وَالْوَرِثَةُ فِيهَا سَوَاءٌ .

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

'I asked him-asws about a man who gave his mother a gift. So she died and she had taken possession of that which he had given her and was irrevocably freed from it. He-asws said: 'Him and the other inheritors are equal with regards to it'.¹²³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ مُحَمَّدِ بْنِ مَسْعُودِ الطَّائِيِّ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) إِنَّ أُمَّي تَصَدَّقْتُ عَلَيَّ بِدَارٍ لَهَا أَوْ قَالَ بِنَصِيبٍ لَهَا فِي دَارٍ فَقَالَتْ لِي اسْتَوْتِقِي لِنَفْسِكَ فَكَتَبْتُ عَلَيْهَا أَبِي اسْتَرَيْتُ وَ أَتَّهَا قَدْ بَاعْتَنِي وَ قَبِضْتُ النَّمْنَ فَلَمَّا مَاتَتْ قَالَ الْوَرِثَةُ اخْلِفْ أَنْكَ اسْتَرَيْتُ وَ نَقَدْتُ النَّمْنَ فَإِنْ حَلَفْتُ لَهُمْ أَحَدْتُهُ وَ إِنْ لَمْ أَخْلِفْ لَهُمْ لَمْ يُعْطُونِي شَيْئًا قَالَ فَقَالَ فَاخْلِفْ لَهُمْ وَ خُذْ مَا جَعَلْتَهُ لَكَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Muhammad Bin Muslim, from Muhammad Bin Masoud Al Taiy who said,

'I said to Abu Al-Hassan-asws that 'My mother gave charity to me with a house of hers', or I said, 'With her share in a house'. So she said to me, 'Secure it for yourself'. So I wrote to her that I have bought it, and that she had sold it to me and taken possession of the price'. So when she died, the inheritors said, 'Swear an oath that you had bought it and paid the cash price'. So if I were to swear an oath to them, I would take it, and if I were not to swear to them, they would not give me anything'. He-asws said: 'So swear an oath to them and take what she had made it to be for you'.¹²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنِ الْحَكَمِ بْنِ أَبِي عَقِيلَةَ قَالَ تَصَدَّقَ أَبِي عَلَيَّ بِدَارٍ وَ قَبِضْتُهَا ثُمَّ وُلِدَ لَهُ بَعْدَ ذَلِكَ أَوْلَادٌ فَأَرَادَ أَنْ يَأْخُذَهَا مِنِّي وَ يَتَصَدَّقَ بِهَا عَلَيْهِمْ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَلِكَ وَ أَخْبَرْتُهُ بِالْقِصَّةِ فَقَالَ لَا تُعْطِهَا إِيَّاهُ قُلْتُ فَإِنَّهُ إِذَا يُخَاصِمُنِي قَالَ فَخَاصِمُهُ وَ لَا تَرْفَعِ صَوْتَكَ عَلَى صَوْتِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali Bin Fazal, from Ibn Bakeyr, from Al Hakam Bin Abu Aqeela who said,

'My father gave me a house in charity and I took possession of it. Then after that, children were born unto him, so he wanted to take it back from me, and give in charity with it to them (instead). So I asked Abu Abdullah-asws about that and informed him-asws with the story. So he-asws said: 'Do not give it to him'. I said, 'Then he would dispute with me'. He-asws said: 'So dispute with him, but do not raise your voice above his'.¹²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا عُوِضَ صَاحِبُ الْهَبَةِ فَلَيْسَ لَهُ أَنْ يَرْجِعَ .

¹²² Al Kafi – V 7 – The Book of Bequests Ch 23 H 15

¹²³ Al Kafi – V 7 – The Book of Bequests Ch 23 H 16

¹²⁴ Al Kafi – V 7 – The Book of Bequests Ch 23 H 17

¹²⁵ Al Kafi – V 7 – The Book of Bequests Ch 23 H 18

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

Abu Abdullah^{-asws} has said: 'If the giver of the gift has offset it (against something else), so it is not for him that he can retract (from the original gift)'.¹²⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاجِدٍ عَنْ أَبِيَانَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا تَصَدَّقَ الرَّجُلُ بِصَدَقَةٍ قَبَضَهَا صَاحِبُهَا أَوْ لَمْ يَقْبِضْهَا عَلِمَتْ أَوْ لَمْ تُعْلَمْ فَهِيَ جَائِزَةٌ .

Hameed Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban, from Abu Maryam,

(It has been narrated) from Abu Ja'far^{-asws} having said: 'When the man gives charity, whether the recipient takes possession of it or does not take possession of it, knows about it or does not know, so it is Permissible'.¹²⁷

أَبَانُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ حُمْرَانَ قَالَ سَأَلْتُهُ عَنِ السُّكْنَى وَالْعُمْرَى فَقَالَ إِنَّ النَّاسَ فِيهِ عِنْدَ شُرُوطِهِمْ إِنْ كَانَ شَرَطَهُ حَيَاتَهُ سَكَنَ حَيَاتَهُ وَإِنْ كَانَ لِعَقْبِهِ فَهُوَ لِعَقْبِهِ كَمَا شَرَطَ حَتَّى يَفْتَنُوا ثُمَّ يَرُدُّ إِلَى صَاحِبِ الدَّارِ .

Aban, from Abdul Rahman Bin Abu Abdullah, from Hamran who said,

'I asked him^{-asws} about the (provision) of the habitation and the lifetime (gifting). So he^{-asws} said: 'The people in this (matter) and under their stipulations. If the stipulation was for his lifetime, so they should dwell in it for his lifetime, and if it was for his offspring, so it is for his offspring, just as the condition stipulated, until he dies. Then it reverts back to the owner of the house'.¹²⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنِ السُّكْنَى وَالْعُمْرَى فَقَالَ إِنْ كَانَ جَعَلَ السُّكْنَى فِي حَيَاتِهِ فَهُوَ كَمَا شَرَطَ وَإِنْ كَانَ جَعَلَهَا لَهُ وَعَلَيْهِ مِنْ بَعْدِهِ حَتَّى يَفْتَنَى عَقْبُهُ فَلَيْسَ لَهُمْ أَنْ يَبِيعُوا وَلَا يُورَثُوا ثُمَّ تَرْجِعُ الدَّارُ إِلَى صَاحِبِهَا الْأَوَّلِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fuzeyl, from Abu Al Sabbah,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'He^{-asws} was asked about the habitation and the lifetime (gifting), so he^{-asws} said: 'If he makes the habitation during his lifetime, so it is as he has stipulated it, and if makes it for him and for his offspring from after him until his offspring die, so it is not for them that they sell it, nor for it to be inherited. Then the house would revert back to its first owner'.¹²⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ لَهُ الْخَادِمُ تَخْدُمُهُ فَيَقُولُ هِيَ لِفُلَانٍ تَخْدُمُهُ مَا عَاشَ فَإِذَا مَاتَ قَوِيَّ حُرَّةً فَتَأْبِقُ الْأُمَةُ قَبْلَ أَنْ يَمُوتَ الرَّجُلُ بِخَمْسِ سِنِينَ أَوْ سِتَّةٍ ثُمَّ يَجِدُهَا وَرَثَتُهُ أَلَهُمْ أَنْ يَسْتَحْدِمُوهَا قَدَرًا مَا أَبَقَتْ قَالَ إِذَا مَاتَ الرَّجُلُ فَقَدْ عَتَقَتْ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Yaquob Bin Shuayb,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about the man who happens to have a (female) servant for him to serve him, so he says, 'She is for

¹²⁶ Al Kafi – V 7 – The Book of Bequests Ch 23 H 19

¹²⁷ Al Kafi – V 7 – The Book of Bequests Ch 23 H 20

¹²⁸ Al Kafi – V 7 – The Book of Bequests Ch 23 H 21

¹²⁹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 22

so and so to serve him for as long as he lives. So when he dies, so she is free. So the maid absconds five or six years before the man dies. Then his inheritors find her. Is it for them they can make her serve in accordance with what she absconded?' He^{-asws} said: 'When the man died, so she was free'.¹³⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ أَحْمَدَ بْنِ عُمَرَ الْحَلْبِيِّ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ دَارٍ لَمْ تُقَسِّمْ فَتَصَدَّقَ بَعْضُ أَهْلِ الدَّارِ بِبَصِيْبِهِ مِنَ الدَّارِ قَالَ يَجُوزُ قُلْتُ أَرَأَيْتَ إِنْ كَانَتْ هِيَءَ قَالَ يَجُوزُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ahmad Bin Umar Al Halby, from his father,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a house which was not distributed, so one of the people of the house gave in charity with his share from the house. He^{-asws} said: 'He is allowed'. I said, 'What is your^{-asws} view if he had gifted it?' He^{-asws} said: 'He is allowed'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ أَسْكَنَ رَجُلًا دَارَهُ حَيَاتِهِ قَالَ يَجُوزُ لَهُ وَ لَيْسَ لَهُ أَنْ يُخْرِجَهُ قُلْتُ فَلَهُ وَ لِعَقِبِهِ قَالَ يَجُوزُ

He (the narrator) said, 'And I asked him^{-asws} about a man who settled a man in his house for his lifetime. He^{-asws} said: 'He is allowed, and it is not for him that he should throw him out'. I said, 'So it is for him and his offspring'. He^{-asws} said: 'He is allowed'.

وَ سَأَلْتُهُ عَنْ رَجُلٍ أَسْكَنَ رَجُلًا وَ لَمْ يُوقِفْ لَهُ شَيْئًا قَالَ يُخْرِجُهُ صَاحِبُ الدَّارِ إِذَا شَاءَ .

And I asked him^{-asws} about a man who settles a man but does not stipulate anything from the time period for him. He^{-asws} said: 'The owner of the house can vacate him if he so desires to'.¹³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يُسْكِنُ الرَّجُلَ دَارَهُ وَ لِعَقِبِهِ مِنْ بَعْدِهِ قَالَ يَجُوزُ وَ لَيْسَ لَهُمْ أَنْ يَبِيعُوا وَ لَا يُورَثُوا قُلْتُ فَرَجُلٌ أَسْكَنَ دَارَهُ رَجُلًا حَيَاتِهِ قَالَ يَجُوزُ ذَلِكَ قُلْتُ فَرَجُلٌ أَسْكَنَ رَجُلًا دَارَهُ وَ لَمْ يُوقِفْ قَالَ جَائِزٌ وَ يُخْرِجُهُ إِذَا شَاءَ .

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

(It has been narrated) from Abu Abdullah^{-asws} regarding the man who settles the man in his house, and for it to be for his offspring from after him. He^{-asws} said: 'He is allowed, and it is not for them that they should sell it, nor for it to be inherited'. I said, 'So a man settles a man in his house for his lifetime?' He^{-asws} said: 'He is allowed that'. I said, 'So a man settles a man in his house and does not stipulate a time period?' He^{-asws} said: 'Allowed, and he can vacate him whenever he so desires to'.¹³²

أَحْمَدُ بْنُ مُحَمَّدٍ الْعَاصِمِيُّ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ مُحَمَّدِ بْنِ خُمْرَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَتَصَدَّقُ بِالصَّدَقَةِ الْمُشْتَرَكَةِ قَالَ جَائِزٌ .

Ahmad Bin Muhammad Al Asimy, from Ali Bin Al Hassan, from Ali Bin Asbaat, from Muhammad Bin Humran, from Zurara,

¹³⁰ Al Kafi – V 7 – The Book of Bequests Ch 23 H 23

¹³¹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 24

¹³² Al Kafi – V 7 – The Book of Bequests Ch 23 H 25

(It has been narrated) from Abu Ja'far^{asws} regarding the man who gives charity with something which is a jointly owned. He^{asws} said: 'Allowed'.¹³³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ قَالَ كُنْتُ شَاهِدَ ابْنِ أَبِي لَيْلَى فَقَضَى فِي رَجُلٍ جَعَلَ لِبَعْضِ قَرَابَتِهِ غَلَّةَ دَارِهِ وَ لَمْ يُوقِفْ وَ قُنَا فَمَاتَ الرَّجُلُ فَحَضَرَ وَ رَثْتُهُ ابْنُ أَبِي لَيْلَى وَ حَضَرَ قَرَابَتُهُ الَّذِي جُعِلَ لَهُ الدَّارُ فَقَالَ ابْنُ أَبِي لَيْلَى أَرَى أَنْ أَدْعَهَا عَلَيَّ مَا تَرَكَهَا صَاحِبُهَا

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

'I witnessed Ibn Abu Layli judge with regards to a man who made the yield of his house to be for one of his relatives and did not stipulate any time period. So the man died, and his inheritors presented themselves to Ibn Abu Layli, and the relative to whom the (yield of the) house was made to be in favour of was (also) present. So Ibn Abu Layli said, 'I view that it should be left as its owner had left it to be'.

فَقَالَ لَهُ مُحَمَّدُ بْنُ مُسْلِمِ النَّقْفِيُّ أَمَا إِنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ (عَلَيْهِ السَّلَام) قَدْ قَضَى فِي هَذَا الْمَسْجِدِ بِخِلَافِ مَا قَضَيْتَ فَقَالَ وَ مَا عَلِمُكَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ مُحَمَّدَ بْنَ عَلِيٍّ (عَلَيْهِ السَّلَام) يَقُولُ قَضَى أَمِيرُ الْمُؤْمِنِينَ عَلِيُّ بْنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَام) بَرَدَ الْحَبِيبِ وَ إِنْفَازِ الْمَوَارِيثِ فَقَالَ ابْنُ أَبِي لَيْلَى هَذَا عِنْدَكَ فِي كِتَابٍ قَالَ نَعَمْ قَالَ فَأَرْسِلْ وَ انْتَبِهْ بِهِ قَالَ لَهُ مُحَمَّدُ بْنُ مُسْلِمِ عَلَيَّ أَنْ لَا تَنْظُرَ فِي الْكِتَابِ إِلَّا فِي ذَلِكَ الْحَدِيثِ

So Muhammad Bin Muslim Al-Saqafy said to him, 'But Ali^{asws} Bin Abu Talib^{asws} had judged in this very Masjid opposite to what you have judged!' So he said, 'And what taught you (that)?' He said, 'I heard Abu Ja'far Muhammad^{asws} Bin Ali^{asws} saying: 'Amir Al-Momineen Ali^{asws} Bin Abu Talib^{asws} judged for the reverting of the withheld (assets) and the enforcement of the inheritance'. So Ibn Abu Layli said, 'This is with you in a book?' He said, 'Yes'. He said, 'So send for it and have it brought to me'. Muhammad Bin Muslim said to him, 'Upon the condition that you will not look into the book except in that particular Hadeed'. He said, 'That is up to you'.

قَالَ لَكَ ذَلِكَ قَالَ فَأَرَاهُ الْحَدِيثَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي الْكِتَابِ فَرَدَّ قَضِيئَهُ .

He (the narrator) said, 'So he showed him the Hadeeth from Abu Ja'far^{asws} in the book, so he retracted his judgement'.¹³⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغْبِرَةِ عَنْ عَبْدِ الرَّحْمَنِ الْخُنَعَمِيِّ قَالَ كُنْتُ أُخْتَلَفُ إِلَى ابْنِ أَبِي لَيْلَى فِي مَوَارِيثَ لَنَا لِيُقَسِّمَهَا وَ كَانَ فِيهَا حَبِيبٌ وَ كَانَ يُدَافِعُنِي فَلَمَّا طَالَ شَكْوَتُهُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَقَالَ أَوْ مَا عَلِمَ أَنْ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَمَرَ بَرَدَ الْحَبِيبِ وَ إِنْفَازِ الْمَوَارِيثِ

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Abdullah Bin Al Mugheira, from Abdul Rahman Al Khash'amy who said,

'I differed with Ibn Abu Layli with regards to inheritance for us in order to distribute it, and there was in it a withheld asset, and it had been handed over to me. So when the matter prolonged, I complained to Abu Abdullah^{asws}. So he^{asws} said: 'Or does he not know that Rasool-Allah^{saww} ordered with the return of a withheld asset and enforcement of the inheritance?'

¹³³ Al Kafi – V 7 – The Book of Bequests Ch 23 H 26

¹³⁴ Al Kafi – V 7 – The Book of Bequests Ch 23 H 27

قَالَ فَأَتَيْتُهُ فَفَعَلَ كَمَا كَانَ يَفْعَلُ فَقُلْتُ لَهُ إِنِّي شَكَوْتُكَ إِلَى جَعْفَرِ بْنِ مُحَمَّدٍ (عليه السلام) فَقَالَ لِي كَيْتَ وَ كَيْتَ قَالَ فَحَلَفَنِي ابْنُ أَبِي لَيْلَى أَنَّهُ قَالَ ذَلِكَ لَكَ فَحَلَفْتُ لَهُ فَقَضَى لِي بِذَلِكَ .

He (the narrator) said, 'So I went over to him, and he did just as he had done. So I said to him, 'I complained to Ja'far-asws Bin Muhammad-asws, so he-asws said to me such and such'. He said, 'So Ibn Abu Layli made me swear an oath that he-asws had indeed said that'. So I swore an oath to him, so he judged for me with that'.¹³⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ الْحَسَنِ بْنِ مَخْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ جَعْفَرِ بْنِ حَيَّانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ وَقَفَتْ عَلَيْهِ لَهُ عَلَى قَرَابَةٍ مِنْ أَبِيهِ وَ قَرَابَةٍ مِنْ أُمِّهِ وَ أَوْصَى لِرَجُلٍ وَ لِعَقِبِهِ مِنْ تِلْكَ الْعَلَّةِ لَيْسَ بَيْنَهُ وَ بَيْنَهُ قَرَابَةٌ بِثَلَاثِمِائَةِ دِرْهَمٍ فِي كُلِّ سَنَةٍ وَ يُقَسَّمُ الْبَاقِي عَلَى قَرَابَتِهِ مِنْ أَبِيهِ وَ قَرَابَتِهِ مِنْ أُمِّهِ قَالَ جَائِزٌ لِلَّذِي أَوْصَى لَهُ بِذَلِكَ

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father both together, from Al Hassan Bin Mahboub, from Ali Bin Raib, from Ja'far Bin Hayyan who said,

'I asked Abu Abdullah-asws about a man who dedicated a yield of his upon a relative of his father and a relative of his mother, and bequeathed to a man and his offspring from that yield, not between him and him any relationship, with three hundred Dirhams, during every year, and distributed the remained over his relatives of his father, and relatives of his mother. He-asws said: 'Allowed, that which he bequeathed to him with that'.

قُلْتُ أَرَأَيْتَ إِنْ لَمْ يَخْرُجْ مِنْ عِلَّةِ الْأَرْضِ الَّتِي وَقَفَهَا إِلَّا خَمْسُمِائَةِ دِرْهَمٍ فَقَالَ أَلَيْسَ فِي وَصِيَّتِهِ أَنْ يُعْطَى الَّذِي أَوْصَى لَهُ مِنَ الْعِلَّةِ ثَلَاثِمِائَةِ دِرْهَمٍ وَ يُقَسَّمُ الْبَاقِي عَلَى قَرَابَتِهِ مِنْ أُمِّهِ وَ قَرَابَتِهِ مِنْ أَبِيهِ قُلْتُ نَعَمْ قَالَ لَيْسَ لِقَرَابَتِهِ أَنْ يَأْخُذُوا مِنَ الْعِلَّةِ شَيْئاً حَتَّى يُوَفَّى الْمُوصَى لَهُ بِثَلَاثِمِائَةِ دِرْهَمٍ ثُمَّ لَهُمْ مَا يَبْقَى بَعْدَ ذَلِكَ

I said, 'What is your-asws view if there does not come out a yield from the earth which has been dedicated except for five hundred Dirhams?' So he-asws said: 'Is it not in his bequest that the ones he had bequeathed to should be given three hundred Dirhams from the yield, and the remainder to be distributed upon his relatives of his mother, and relatives of his father?' I said, 'Yes'. He-asws said: 'There is not for his relatives that they should take from the yield anything, until the beneficiaries he had bequeathed to have been given three hundred Dirhams, then for them would be what remains after that'.

قُلْتُ أَرَأَيْتَ إِنْ مَاتَ الَّذِي أَوْصَى لَهُ قَالَ إِنْ مَاتَ كَانَتْ الثَّلَاثِمِائَةُ دِرْهَمٍ لَوَرَثَتِهِ بِنَوَارِثُونِهَا مَا بَقِيَ أَحَدٌ فَإِذَا انْقَطَعَ وَرَثَتُهُ وَ لَمْ يَبْقَ مِنْهُمْ أَحَدٌ كَانَتْ الثَّلَاثِمِائَةُ دِرْهَمٍ لِقَرَابَةِ الْمَيِّتِ تُرَدُّ إِلَى مَا يَخْرُجُ مِنَ الْوَقْفِ ثُمَّ يُقَسَّمُ بَيْنَهُمْ بِنَوَارِثُونَ ذَلِكَ مَا بَقِيَ مِنَ الْعِلَّةِ

I said, 'What is your view if the beneficiary were to die?' He-asws said: 'The three hundred Dirhams would be for their inheritors for as long as one of them remains. So when his inheritors are cut off and there does not remain anyone from among them, the three hundred Dirhams would be for the relatives of the deceased to be returned to what came out from the dedicated land, then it would be distributed between them and they would be inheriting that what remains, and the rest of the yield'.

¹³⁵ Al Kafi – V 7 – The Book of Bequests Ch 23 H 28

فُلْتُ فَلْوَرْتَهُ مِنْ قَرَابَةِ الْمَيِّتِ أَنْ يَبِيعُوا الْأَرْضَ إِذَا احتاجوا وَ لَمْ يَكْفِهِمْ مَا يَخْرُجُ مِنَ الْعَلَّةِ قَالَ نَعَمْ إِذَا رَضُوا كُلُّهُمْ وَ كَانَ النُّبُوعُ خَيْرًا لَهُمْ بَاعُوا .

I said, 'So for the inheritors from the relatives of the deceased is that they can sell the land when they need, and it does not suffice for them what comes out from the yield'. He^{-asws} said: 'Yes, when all of them are happy and that the selling was better for them, they sell'.¹³⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ عَلِيِّ بْنِ مَهْرِيَارٍ قَالَ كَتَبْتُ إِلَى أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنْ فُلَاناً ابْتِاعَ ضَيْعَةً فَوَقَّفَهَا وَ جَعَلَ لَكَ فِي الْوَقْفِ الْخُمْسَ وَ يَسْأَلُ عَنْ رَأْيِكَ فِي بَيْعِ حَصَّتِكَ مِنَ الْأَرْضِ أَوْ يُقَوْمَهَا عَلَى نَفْسِهِ بِمَا اشْتَرَاهَا بِهِ أَوْ يَدْعُهَا مَوْفُوقَةً

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa and a number of our companions, from Sahl Bin Ziyad, both together from Ali Bin Mahziyar who said,

'I wrote to Abu Ja'far^{-asws} that so and so bought a place, so he dedicated it, and made for you^{-asws} in the dedication, a fifth, and he asks about your view with regards to selling your^{-asws} share from the land, or evaluate it upon himself with what he had bought it for, or leave it as dedicated'.

فَكَتَبَ (عَلَيْهِ السَّلَامُ) إِلَيَّ أَعْلِمُ فُلَاناً أَنِّي أَمُرُهُ بِبَيْعِ حَقِّي مِنَ الضَّيْعَةِ وَ إِيصَالِ ثَمَنِ ذَلِكَ إِلَيَّ وَ إِنَّ ذَلِكَ رَأْيِي إِنْ شَاءَ اللَّهُ أَوْ يُقَوْمَهَا عَلَى نَفْسِهِ إِنْ كَانَ ذَلِكَ أَوْفَقَ لَهُ

So he^{-asws} wrote to me: 'Let him know that I^{-asws} order him to sell my^{-asws} right from the place, and deliver the price of that to me^{-asws}. And that is my^{-asws} view, Allah^{-azwj} Willing, or he can evaluate it upon himself if that is more satisfactory for him'.

وَ كَتَبْتُ إِلَيْهِ أَنَّ الرَّجُلَ ذَكَرَ أَنَّ بَيْنَ مَنْ وَقَفَ بَقِيَّةَ هَذِهِ الضَّيْعَةِ عَلَيْهِمْ اخْتِلافاً شَدِيداً وَ أَنَّهُ لَيْسَ يَأْمَنُ أَنْ يَتَفَاقَمَ ذَلِكَ بَيْنَهُمْ بَعْدَهُ فَإِنْ كَانَ تَرَى أَنْ يَبِيعَ هَذَا الْوَقْفَ وَ يَدْفَعُ إِلَى كُلِّ إِنْسَانٍ مِنْهُمْ مَا كَانَ وَقَفَ لَهُ مِنْ ذَلِكَ أَمْرَتَهُ فَكَتَبْتُ بِحَظِّهِ إِلَيَّ وَ أَعْلَمُهُ أَنَّ رَأْيِي لَهُ إِنْ كَانَ قَدْ عَلِمَ الْاِخْتِلافَ مَا بَيْنَ أَصْحَابِ الْوَقْفِ أَنْ يَبِيعَ الْوَقْفَ أَمْثَلُ فَإِنَّهُ رُبَّمَا جَاءَ فِي الْاِخْتِلافِ مَا فِيهِ تَلَفُ الْأَمْوَالِ وَ النَّفُوسِ .

And I wrote to him^{-asws} that the man mentioned that in between the one whom he had dedicated this place over them, there is intense differing, and he is not secure that they would reconcile that between them after him.

So it was your^{-asws} view that he should sell this dedicated land and hand over to every person from them what was dedicated to him from that, order it'. So he^{-asws} wrote by his^{-asws} own handwriting to me: 'Let him know that my^{-asws} view for him is that if he knew of the differing what is between the owners of the dedication, that selling the dedicated land would be more favourable, as perhaps there comes in the differing what is therein, damage to the wealth and the souls'.¹³⁷

عَلِيُّ بْنُ مَهْرِيَارٍ قَالَ فُلْتُ رَوَى بَعْضُ مَوَالِيكَ عَنْ آبَائِكَ (عَلَيْهِمُ السَّلَامُ) أَنَّ كُلَّ وَقْفٍ إِلَى وَقْتِ مَعْلُومٍ فَهُوَ وَاجِبٌ عَلَى الْوَرْتَةِ وَ كُلُّ وَقْفٍ إِلَى غَيْرِ وَقْتِ مَعْلُومٍ جَهْلٌ مَجْهُولٌ بَاطِلٌ مَرْدُودٌ عَلَى الْوَرْتَةِ وَ أَنْتَ أَعْلَمُ بِقَوْلِ آبَائِكَ فَكَتَبْتُ (عَلَيْهِ السَّلَامُ) هُوَ عِنْدِي كَذَا .

¹³⁶ Al Kafi – V 7 – The Book of Bequests Ch 23 H 29

¹³⁷ Al Kafi – V 7 – The Book of Bequests Ch 23 H 30

Ali Bin Mahziyar said,

(To Imam Al-Baqir-asws), 'One of those in your-asws Wilayah reported from your-asws forefathers-asws that every dedication of a known time period, so it is Obligatory upon the inheritors, and every dedication for an unknown time period, is an ignorance, unknown, invalid, to be returned to the inheritors, and you-asws are more knowing of the speech of your-asws forefathers-asws'. So he-asws wrote: 'It is with me-asws, as such'.¹³⁸

وَ كَتَبَ إِبْرَاهِيمُ بْنُ مُحَمَّدٍ الْهَمْدَانِيُّ إِلَيْهِ (عليه السلام) مَيِّتٌ أَوْصَى بِأَنْ يُجْرَى عَلَى رَجُلٍ مَا بَقِيَ مِنْ ثُلُثِهِ وَ لَمْ يَأْمُرْ بِإِنْفَاقِ ثُلُثِهِ هَلْ لِلْوَصِيِّ أَنْ يُوقِفَ ثُلُثَ الْمَيِّتِ بِسَبَبِ الْإِجْرَاءِ فَكَتَبَ (عليه السلام) يُنْفِذُ ثُلُثَهُ وَ لَا يُوقِفُ .

And Ibrahim Bin Muhammad Al-Hamdany wrote to him-asws, 'A deceased bequeathed that there should flow (income) upon a man what remains from his third, and did not order with the enforcement of his third. It is for the executor that he dedicates a third of the deceased (legacy) for the cause of the flowing (of the income)?' So he-asws wrote: 'Enforce his third and do not suspend'.¹³⁹

مُحَمَّدُ بْنُ جَعْفَرِ الرَّزَّازِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ سُلَيْمَانَ قَالَ كَتَبْتُ إِلَيْهِ يَغْنِي أَبُو الْحَسَنِ (عليه السلام) جُعِلْتُ فِدَاكَ لَيْسَ لِي وَلَدٌ وَ لِي ضِيَاعٌ وَرَثَتُهَا مِنْ أَبِي وَ بَعْضُهَا اسْتَقْدَنْتُهَا وَ لَا أَمَنْ الْحَدَثَانَ فَإِنْ لَمْ يَكُنْ لِي وَلَدٌ وَ حَدَّثَ بِي حَدَّثَ فَمَا تَرَى جُعِلْتُ فِدَاكَ لِي أَنْ أَوْقِفَ بَعْضَهَا عَلَى فَقَرَاءِ إِخْوَانِي وَ الْمُسْتَضْعَفِينَ أَوْ أبيعَهَا وَ أَتَصَدَّقَ بِبَعْضِهَا فِي حَيَاتِي عَلَيْهِمْ فَإِنِّي أَخَوْفُ أَنْ لَا يَنْفِذَ الْوَقْفُ بَعْدَ مَوْتِي فَإِنْ أَوْقَفْتُهَا فِي حَيَاتِي فَلِي أَنْ أَكُلَ مِنْهَا أَيَّامَ حَيَاتِي أَمْ لَا

Muhammad Bin Ja'fa Al Razaz, from Muhammad Bin Isa, from Ali Bin Suleyman who said,

'I wrote to him-asws, meaning Abu Al-Hassan-asws, 'May I be sacrificed for you-asws! There is no child for me, and for me is a place which I inherited from my father, and some which I profited, and I am not secure from the adversities. Since there is no child for me, and an adversity occurs with me, so what is your-asws view, may I be sacrificed for you-asws, shall I dedicate some of it upon the poor brethren of mine and the weak ones, or shall I sell it and give in charity to them with its price during my lifetime, as I fear that the dedication would not be enforced after my death. So if I were to dedicate it during my lifetime, so it would be for me that I would be eating from it during the days of my life, or not?'

فَكَتَبَ (عليه السلام) فَهَيْتُ كِتَابَكَ فِي أَمْرِ ضِيَاعِكَ وَ لَيْسَ لَكَ أَنْ تَأْكُلَ مِنْهَا مِنَ الصَّدَقَةِ فَإِنْ أَنْتَ أَكَلْتَ مِنْهَا لَمْ يَنْفِذْ إِنْ كَانَ لَكَ وَرَثَةٌ فَبِعْ وَ تَصَدَّقْ بِبَعْضِ ثَمَنِهَا فِي حَيَاتِكَ وَ إِنْ تَصَدَّقْتَ أَمْسَكَتَ لِنَفْسِكَ مَا يَجُوزُكَ مِثْلَ مَا صَنَعَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) .

So he-asws wrote: 'I-asws understood your letter in the matter of your place, and it is not for you that you eat from it from the charity, for if you were to eat from it, the inheritance of yours would not be enforced, therefore sell and give in charity with some of its price during your lifetime, and if you were to give in charity, withhold some of it for yourself what is your livelihood, similar to what Amir Al-Momineen-asws did'.¹⁴⁰

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ بَعْضُ أَصْحَابِنَا إِلَى أَبِي مُحَمَّدٍ (عليه السلام) فِي الْوَقْفِ وَ مَا رُوِيَ فِيهَا فَوَقَّعَ (عليه السلام) الْوُقُوفَ عَلَى حَسَبِ مَا يَقْفُهَا أَهْلُهَا إِنْ شَاءَ اللَّهُ .

¹³⁸ Al Kafi – V 7 – The Book of Bequests Ch 23 H 31

¹³⁹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 32

¹⁴⁰ Al Kafi – V 7 – The Book of Bequests Ch 23 H 33

Muhammad Bin Yahya said,

‘Some of our companions wrote to Abu Muhammad^{-asws} regarding the dedication and what is reported with regards to it. (He^{-asws}) said: ‘The dedication depends upon the what (stipulation) its owner has dedicated with, Allah^{-azwj} Willing’.¹⁴¹

مُحَمَّدُ بْنُ جَعْفَرِ الرَّزَّازِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي عَلِيِّ بْنِ رَاشِدٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) قُلْتُ جُعِلَتْ فِدَاكَ اشْتَرَيْتُ أَرْضاً إِلَى جَنْبِ ضَيْعَتِي بِالْقِي دِرْهَمٍ فَلَمَّا وَقَيْتُ الْمَالَ خُبِرْتُ أَنَّ الْأَرْضَ وَقَفَتْ فَقَالَ لَا يَجُوزُ شِرَاءُ الْوَقْفِ وَلَا تُدْخِلُ الْعَلَّةَ فِي مَالِكَ ادْفَعَهَا إِلَى مَنْ أَوْقَفْتَ عَلَيْهِ قُلْتُ لَا أَعْرِفُ لَهَا رَبّاً قَالَ تَصَدَّقْ بِعَلَّتِهَا .

Muhammad Bin Ja'far Al Razaz, from Muhammad Bin Isa, from his father Ali Bin Rashid who said,

‘I asked Abu Al-Hassan^{-asws}, I said, ‘May I be sacrificed for you^{-asws}! I bought a land by the side of my place for two thousand Dirhams. So when I paid the money, I was informed that the land was dedicated (Waqf)’. So he^{-asws} said: ‘It is not allowed to buy the dedicated (property), and do not included the yield in your wealth. Hand it over to the one who dedicated it’. I said, ‘I do not know its lord (owner)’. He^{-asws} said: ‘Give its yield in charity’.¹⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُوقِفُ الصَّيْعَةَ ثُمَّ يَبْدُو لَهُ أَنْ يُحْدِثَ فِي ذَلِكَ شَيْئاً فَقَالَ إِنْ كَانَ أَوْقَفَهَا لِوَلَدِهِ وَ لِغَيْرِهِمْ ثُمَّ جَعَلَ لَهَا قَيْماً لَمْ يَكُنْ لَهُ أَنْ يَرْجِعَ فِيهَا وَ إِنْ كَانُوا صِغَاراً وَ قَدْ شَرَطَ وَ لَا يَتَنَهَا لَهُمْ حَتَّى يَبْلُغُوا فَيَحْزُرُوا لَهَا لَمْ يَكُنْ لَهُ أَنْ يَرْجِعَ فِيهَا وَ إِنْ كَانُوا كِبَاراً لَمْ يُسَلِّمْهَا إِلَيْهِمْ وَ لَمْ يُخَاصِمُوا حَتَّى يَحْزُرُوا عَنْهُ فَلَهُ أَنْ يَرْجِعَ فِيهَا لِأَنَّهَا لَا يَحْزُرُونَهَا عَنْهُ وَ قَدْ بَلَّغُوا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, both together from Safwan Bin Yahya,

(It has been narrated) from Abu Al-Hassan^{-asws}, said, ‘I asked him^{-asws} about the man who dedicated the place, then it seemed to him something with regards to that’. So he^{-asws} said: ‘If he had dedicated it to his children and for others, then made a caretaker for it, it is not for him that he should retract with regards to it, if they were young, and he had stipulated a guardian for them until they reach maturity, for he has taken possession for them, it is not for him that he can retract with regards to it, if they were mature, not submitting to them, and not disputing until they take possession from him, so it is for him that he retracts with regards to it, because they had not taken possession from him and have reached maturity’.¹⁴³

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ عَلِيِّ بْنِ مُحَمَّدِ بْنِ سُلَيْمَانَ النَّوْفَلِيِّ قَالَ كَتَبْتُ إِلَى أَبِي جَعْفَرِ النَّثَائِي (عَلَيْهِ السَّلَامُ) أَسْأَلُ عَنْ أَرْضٍ أَوْقَفَهَا جَدِّي عَلَى الْمُحْتَاجِينَ مِنْ وُلْدِ فُلَانِ بْنِ فُلَانٍ وَ هُمْ كَثِيرٌ مُتَفَرِّقُونَ فِي الْبِلَادِ فَأَجَابَ (عَلَيْهِ السَّلَامُ) دَكَرْتَ الْأَرْضَ الَّتِي أَوْقَفَهَا جَدُّكَ عَلَى فُقَرَاءِ وُلْدِ فُلَانِ بْنِ فُلَانٍ وَ هِيَ لِمَنْ حَضَرَ الْبَلَدَ الَّذِي فِيهِ الْوَقْفُ وَ لَيْسَ لَكَ أَنْ تَتَّبِعَ مَنْ كَانَ غَائِباً .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Ahmad, from Musa Bin Ja'far, from Ali Bin Muhammad Bin Suleyman Al Nowfaly who said,

‘I wrote to Abu Ja'far^{-asws} the second, asking about a land which was dedicated by my grandfather upon the needy from the sons of so and son, and they were a lot of them,

¹⁴¹ Al Kafi – V 7 – The Book of Bequests Ch 23 H 34

¹⁴² Al Kafi – V 7 – The Book of Bequests Ch 23 H 35

¹⁴³ Al Kafi – V 7 – The Book of Bequests Ch 23 H 36

dispersed in the cities'. So he^{-asws} answered: 'You mentioned the land which your grandfather had dedicated to the poor from the sons of so and so, and it is for the ones who are present in the city in which the dedicated (place) is, and it is not for you that you track down the ones who are absent'.¹⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ الْحُسَيْنِ بْنِ نُعَيْمٍ عَنْ أَبِي الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ جَعَلَ دَارًا سَكَنِي لِرَجُلٍ إِبَّانَ حَيَاتِهِ أَوْ جَعَلَهَا لَهُ وَ لِعَقِبِهِ مِنْ بَعْدِهِ قَالَ هِيَ لَهُ وَ لِعَقِبِهِ مِنْ بَعْدِهِ كَمَا شَرَطَ فَلْتُ فَإِنْ اِحْتَأَجَّ يَبِيعُهَا قَالَ نَعَمْ فَلْتُ فَيَنْفُضُ بَيْعُهُ الدَّارَ السُّكْنِيَّ قَالَ لَا يَنْفُضُ الْبَيْعُ السُّكْنِيَّ كَذَلِكَ سَمِعْتُ أَبِي (عَلَيْهِ السَّلَام) يَقُولُ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) لَا يَنْفُضُ الْبَيْعُ الْإِجَارَةَ وَ لَا السُّكْنِيَّ وَ لَكِنْ يَبِيعُهُ عَلَى أَنْ الَّذِي يَشْتَرِيهِ لَا يَمْلِكُ مَا اشْتَرَى حَتَّى يَنْفُضِيَ السُّكْنِيَّ عَلَى مَا شَرَطَ وَ الْإِجَارَةُ فَلْتُ فَإِنْ رَدَّ عَلَى الْمُسْتَأْجِرِ مَالَهُ وَ جَمِيعَ مَا لَزِمَهُ مِنَ النَّفَقَةِ وَ الْعِمَارَةِ فِيمَا اسْتَأْجَرَهُ قَالَ عَلَى طَبِيبَةِ النَّفْسِ وَ يَرْضَى الْمُسْتَأْجِرُ بِذَلِكَ لَا بَأْسَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Al Husayn Bin Naeem,

(It has been narrated) from Abu Al-Hassan Musa^{-asws}, said, 'I asked him^{-asws} about a man who made a house for a man to settle in during his lifetime, or made it for him and his offspring from after him. He said, 'it is for him, and for his offspring from after him just as stipulated'. I said, 'So if he is needy, can he sell it?' He^{-asws} said: 'Yes'. I said, 'So does his sale revoke the rented house?'. He^{-asws} said: 'The sale does not revoke the rented house, such is how I^{-asws} heard my^{-asws} father^{-asws} saying. Abu Ja'far^{asws} said: 'The sale does not revoke the flow (of rent) nor the settling (tenancy), but it would be sold upon the condition that the one who buys it would not own what he buys until the tenancy is revoked upon what condition and what recompense (rent)'. I said, 'So if wealth is returned to the tenant, and the entirety of what he had spent, and the building which has been rented?' He^{-asws} said: 'Upon the goodness of the self, and the tenant is happy, there is no problem'.¹⁴⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ خَالِدِ بْنِ رَافِعِ بْنِ الْجَلْبَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ جَعَلَ لِرَجُلٍ سَكَنِي دَارَ لَهُ حَيَاتِهِ يَعْنِي صَاحِبِ الدَّارِ فَلَمَّا مَاتَ صَاحِبُ الدَّارِ أَرَادَ وَرَثَتُهُ أَنْ يُخْرِجُوهُ أَلَهُمْ ذَلِكَ قَالَ فَقَالَ أَرَى أَنْ تَقْوَمَ الدَّارُ بِقِيَمَةِ عَادِلَةٍ وَ يَنْظَرَ إِلَى ثَلَاثِ الْمَيِّتِ فَإِنْ كَانَ فِي ثَلَاثِهِ مَا يُحِيطُ بِثَمَنِ الدَّارِ فَلَيْسَ لِلْوَرَثَةِ أَنْ يُخْرِجُوهُ وَ إِنْ كَانَ الثَّلَاثُ لَا يُحِيطُ بِثَمَنِ الدَّارِ فَلَهُمْ أَنْ يُخْرِجُوهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Khalid Bin Rafi'e Al Bajaly,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a man who made to a man his house to settle in during his lifetime, meaning (lifetime) of the owner of the house. So when the owner of the house died, his inheritors wanted to vacate him. Is that (allowed) for them?' He^{-asws} said: 'I^{-asws} view that the house would be evaluated with a just price, and look into a third of the deceased. So if in his third is what encompasses the price of the house, so it is not for the inheritors that they vacate him. And if it was such that the third does not encompass the price of the house, so it is for them that they vacate him'.

قِيلَ لَهُ أَرَأَيْتَ إِنْ مَاتَ الرَّجُلُ الَّذِي جُعِلَ لَهُ السُّكْنِيَّ بَعْدَ مَوْتِ صَاحِبِ الدَّارِ يَكُونُ السُّكْنِيَّ لِعَقِبِ الَّذِي جُعِلَ لَهُ السُّكْنِيَّ قَالَ لَا .

¹⁴⁴ Al Kafi – V 7 – The Book of Bequests Ch 23 H 37

¹⁴⁵ Al Kafi – V 7 – The Book of Bequests Ch 23 H 38

It was said to him, 'What is your-asws view if the man to whom the dwelling was made permissible (the tenant) were to die after the owner of the house (had passed away), If those whom he (the owner of the house) has left behind can live in that house?' He-asws said: 'No'.¹⁴⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ عَنْ عَجَلَانَ أَبِي صَالِحٍ قَالَ أَمَلْتُ عَلِيَّ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بِسَمِّ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا تَصَدَّقَ اللَّهُ بِهِ فَلَانُ بْنُ فَلَانَ وَهُوَ حَيٌّ سَوِيٌّ بِدَارِهِ الَّتِي فِي بَنِي فَلَانَ بِحُدُودِهَا صَدَقَةٌ لَا تَبَاغُ وَلَا تُوهَبُ وَلَا تُورَثُ حَتَّى يَرِثَهَا وَارِثُ السَّمَاوَاتِ وَالْأَرْضِ وَإِنَّهُ قَدْ أُسْكِنَ صَدَقَتَهُ هَذِهِ فَلَانًا وَ عَقِبَهُ فَإِذَا انْقَرَضُوا فَهِيَ عَلَى ذِي الْحَاجَةِ مِنَ الْمُسْلِمِينَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from one of his companions, from Aban, from Aqlan Abu Saih who said,

'Abu Abdullah-asws dictated to me: 'In the Name of Allah-azwj the Beneficent, the Merciful! This is what is given in charity for the Sake of Allah-azwj by so and so son of so and so, and he is alive, unimpaired, with his house which is in the clan of so and so, by its limits, a charity. It shall neither be sold, not gifted, nor inherited until the inheritor of the skies and the earth inherits it, and that he is settling in this charity, so and so and his offspring. So when they become extinct, so it is to the ones with the need from the Muslims'.

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ عُذَيْبٍ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ .

Humeyd Bin iyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ahmad Bin Udeys, from Aban, from Abdul Rahman,

(It has been narrated) from Abu Abdullah-asws, similar to it'.¹⁴⁷

أَبَانَ عَنْ أَبِي الْجَارُودِ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) لَا يَشْتَرِي الرَّجُلُ مَا تَصَدَّقَ بِهِ وَ إِنْ تَصَدَّقَ بِمَسْكِنٍ عَلَى ذِي قَرَابَتِهِ فَإِنْ شَاءَ سَكَنَ مَعَهُمْ وَ إِنْ تَصَدَّقَ بِخَادِمٍ عَلَى ذِي قَرَابَتِهِ خَدَمْتَهُ إِنْ شَاءَ اللَّهُ .

Aban, from Abu Al Jaroud who said,

'Abu Ja'far-asws said: 'The man cannot buy what he has given in charity with, and if he has given a house in charity to the relatives, so if he so desires, he can dwell with them, and if he has given a servant in charity to the relatives, he can serve him (as well), Allah-azwj Willing'.¹⁴⁸

بَابُ مَنْ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ

Chapter 24 – One who bequeaths with a 'part' from his wealth

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَيَابَةَ قَالَ إِنَّ امْرَأَةً أَوْصَتْ إِلَيَّ فَقَالَتْ ثَلَاثِي يُفْضَى بِهِ دِينِي وَ جُزْءٌ مِنْهُ لِفُلَانَةَ فَسَأَلْتُ عَنْ ذَلِكَ ابْنَ أَبِي لَيْلَى فَقَالَ مَا أَرَى لَهَا شَيْئاً مَا أَدْرِي مَا الْجُزْءُ فَسَأَلْتُ عَنْهُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بَعْدَ ذَلِكَ وَ حَبَّرْتُهُ كَيْفَ قَالَتِ الْمَرْأَةُ وَ مَا قَالَ ابْنُ أَبِي

¹⁴⁶ Al Kafi – V 7 – The Book of Bequests Ch 23 H 39

¹⁴⁷ Al Kafi – V 7 – The Book of Bequests Ch 23 H 40

¹⁴⁸ Al Kafi – V 7 – The Book of Bequests Ch 23 H 41

أَيْلَى فَقَالَ كَذَبَ ابْنُ أَبِي أَيْلَى لَهَا عَشْرُ التَّلْثِ إِنَّ اللَّهَ عَزَّ وَجَلَّ أَمَرَ إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) فَقَالَ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا وَكَانَتْ الْجِبَالُ يَوْمَئِذٍ عَشْرَةَ وَ الْجُزْءُ هُوَ الْعَشْرُ مِنَ الشَّيْءِ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Abdullah Bin Sinan, from Abdul Rahman Bin Zayaba who said,

‘A woman bequeathed to me, so she said, ‘(With) my third, pay off my debts with it, and a part from it is for so and so (woman)’. So I asked Ibn Abu Layli about that, so he said, ‘I do not see anything for her, as I do not know what ‘a part’ is (referring to)’. So I asked Abu Abdullah^{-asws} about it after that, and informed him^{-asws} how the woman said and what Ibn Abu Layli had said. So he^{-asws} said: ‘Ibn Abu Layli has lied. For her is a tenth from the third. Allah^{-azwj} Mighty and Majestic Commanded Ibrahim^{-saww}, so He^{-azwj} Said **[2:260] then place on every mountain a part of them** – and the mountains in those days were ten (in number), and the part, it is the tenth from the thing’.¹⁴⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ قَالَ جُزْءٌ مِنْ عَشْرَةٍ قَالَ اللَّهُ عَزَّ وَجَلَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا وَكَانَتْ الْجِبَالُ عَشْرَةَ .

Ali Bin Ibrahim, from his father, and a number of our companions, from Ahmad Bin Muhammad, both together from Ibn Fazaal, from Sa'alba Bin Maymoun, from Muawiya Bin Ammar who said,

‘Abu Abdullah^{-asws} said about a man who bequeathed (donated) with a part from his wealth. He^{-asws} said: ‘A part is a tenth. Allah^{-azwj} Mighty and Majestic Said **[2:260] then place on every mountain a part of them** – and the mountains were ten (in number)’.¹⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ أَبَانَ بْنِ ثَعْلَبَةَ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) الْجُزْءُ وَاحِدٌ مِنْ عَشْرَةٍ لِأَنَّ الْجِبَالَ عَشْرَةٌ وَ الطُّيُورَ أَرْبَعَةٌ .

Ali Bin Ibrahim, from his father, from Hammad, from Aban Bin Taghlab who said,

‘Abu Ja'far^{-asws} said: ‘The ‘part’ is one from ten, because the mountains were ten, and the birds were four’.¹⁵¹

بَابُ مَنْ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ

Chapter 25 – One who bequeaths with ‘something’ from his wealth

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ جَمِيلٍ عَنْ أَبَانَ بْنِ عَلِيٍّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ فَقَالَ الشَّيْءُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) وَاحِدٌ مِنْ سِتَّةٍ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Muhamamd Bin Amro, from Jameel, from Aban,

¹⁴⁹ Al Kafi – V 7 – The Book of Bequests Ch 24 H 1

¹⁵⁰ Al Kafi – V 7 – The Book of Bequests Ch 24 H 2

¹⁵¹ Al Kafi – V 7 – The Book of Bequests Ch 24 H 3

(It has been narrated) from Ali^{-asws} Bin Al-Husayn^{-asws} having been asked about a man who bequeathed with 'something' from his wealth. So he^{-asws} said: 'The 'something' in the Book of Ali^{-asws} is one from six (1/6)'.¹⁵²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ ابْنِ فَضَالٍ أَوْ غَيْرِهِ عَنْ جَمِيلٍ عَنْ أَبِيهِ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُ عَنْ رَجُلٍ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ قَالَ الشَّيْءُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) مِنْ سِتَّةٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Fazaal, or someone else, from Jameel, from Aban,

(It has been narrated) from Ali^{-asws} Bin Al-Husayn^{-asws}, said, 'He^{-asws} was asked about a man who bequeathed with 'something' from his wealth. He^{-asws} said: 'The 'something' in the Book of Ali^{-asws} is (one) from six (1/6)'.¹⁵³

بَابُ مَنْ أَوْصَى بِسَهْمٍ مِنْ مَالِهِ

Chapter 26 – One who bequeaths with a 'portion' from his wealth

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سَأَلَ عَنْ رَجُلٍ يُوصِي بِسَهْمٍ مِنْ مَالِهِ فَقَالَ السَّهْمُ وَاحِدٌ مِنْ ثَمَانِيَةِ لِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسْكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةَ قُلُوبَهُمْ وَ فِي الرِّقَابِ وَ الْغَارِمِينَ وَ فِي سَبِيلِ اللَّهِ وَ ابْنِ السَّبِيلِ .

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

(It has been narrated) from Abu Abdullah^{-asws} having been asked about a man who bequeathed with a 'portion' of his wealth. So he^{-asws} said: 'The 'portion' is one from eight (1/8) due to the Words of Allah^{-azwj} Blessed and High [9:60] **But rather, the charities are only for the poor and the needy, and the officials (appointed) over them, and those whose hearts are made to incline (to Truth) and the (ransoming of) captives and those in debts and in the Way of Allah and the wayfarer**'.¹⁵⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ وَ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ قَالَا سَأَلْنَا أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى بِسَهْمٍ مِنْ مَالِهِ وَ لَا يُدْرَى السَّهْمُ أَيُّ شَيْءٍ هُوَ فَقَالَ لَيْسَ عِنْدَكُمْ فِيمَا بَلَّغَكُمْ عَنْ جَعْفَرٍ وَ لَا عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِيهَا شَيْءٌ قُلْنَا لَهُ جُعَلْنَا فِدَاكَ مَا سَمِعْنَا أَصْحَابَنَا يَذْكُرُونَ شَيْئاً مِنْ هَذَا عَنْ أَبِيكَ

Ali Bin Ibrahim, from his father, from Safwan who said, 'I asked Al Reza^{-asws}'; and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Safwan and Ahmad Bin Muhammad Bin Abu Nasr who both said,

'We asked Abu Al-Hassan Al-Reza^{-asws} about a man who bequeathed with a 'portion' from his wealth, and we do not know the 'portion', which this is it?' So he^{-asws} said: 'Is there not with you among what has reached you neither from Ja'far^{-asws} nor Abu Ja'far^{-asws} anything with regards to it?' We said to him^{-asws}, 'May we be sacrificed for you^{-asws}! We have not hear our companions mentioning anything from this, from you^{-asws} forefathers^{-asws}'.

¹⁵² Al Kafi – V 7 – The Book of Bequests Ch 25 H 1

¹⁵³ Al Kafi – V 7 – The Book of Bequests Ch 25 H 2

¹⁵⁴ Al Kafi – V 7 – The Book of Bequests Ch 26 H 1

فَقَالَ السَّهْمُ وَاجِدٌ مِنْ ثَمَانِيَةٍ فَقُلْنَا لَهُ جُعِلْنَا فِدَاكَ كَيْفَ صَارَ وَاجِدًا مِنْ ثَمَانِيَةٍ فَقَالَ أَمَا تَقْرَأُ كِتَابَ اللَّهِ عَزَّ وَجَلَّ قُلْتُ جُعِلْتُ فِدَاكَ إِنِّي لَأَقْرُؤُهُ وَ لَكُنْ لَا أَدْرِي أَيُّ مَوْضِعٍ هُوَ فَقَالَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسَاكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةِ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ الْغَارِمِينَ وَ فِي سَبِيلِ اللَّهِ وَ ابْنِ السَّبِيلِ ثُمَّ عَقَدَ بِيَدِهِ ثَمَانِيَةَ قَالٍ وَ كَذَلِكَ فَسَمَّهَا رَسُولُ اللَّهِ (صلى الله عليه وآله) عَلَى ثَمَانِيَةِ أَسْهُمٍ فَالسَّهْمُ وَاجِدٌ مِنْ ثَمَانِيَةٍ .

So he^{-asws} said: 'The 'portion' is one from eight (1/8)'. So we said to him^{-asws}, 'May we be sacrificed for you^{-asws}! How did it come to be one from eight?' So he^{-asws} said: 'Have you nor read the Book of Allah^{-azwj} Mighty and Majestic?' I said, 'May I be sacrificed for you^{-asws}! I have read it, but I do not know in which place it is'. So he^{-asws} said: 'The Words of Allah^{-azwj} Mighty and Majestic [9:60] **But rather, the charities are only for the poor and the needy, and the officials (appointed) over them, and those whose hearts are made to incline (to Truth) and the (ransoming of) captives and those in debts and in the Way of Allah and the wayfarer**'. Then he^{-asws} made (the number) eight by his hand, and said: 'And similarly, Rasool-Allah^{-saww} divided it upon eight portions. Therefore, the 'portion' is one from eight'.¹⁵⁵

باب الْمَرِيضِ يُقْرِ لَوَارِثِ بَدِينِ

Chapter 27 – The sick one acknowledges to an inheritor of the debt

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عَمِيرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ قُلْتُ لَهُ الرَّجُلُ يُقْرِ لَوَارِثِ بَدِينِ فَقَالَ يُجُوزُ إِذَا كَانَ مَلِيًّا .

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 acknowledged to an inheritor with the debt'. So he^{-asws} said: 'Allowed, if it was prolonged'.¹⁵⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى لِبَعْضِ وَرَثَتِهِ أَنْ لَهُ عَلَيْهِ دَيْنًا فَقَالَ إِنْ كَانَ الْمَيِّتُ مَرْضِيًّا فَأَعْطَهُ الَّذِي أَوْصَى لَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Mansour Bin Hazim who said,

'I asked Abu Abdullah^{-asws} about a man who bequeathed to one of his inheritors for whom was a debt upon himself. So he^{-asws} said: 'If the deceased was pleased with (from other inheritors), so give it to the one whom he bequeathed it to'.¹⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ النُّعْمَانَ عَنْ ابْنِ مُسْكَانَ عَنِ الْعَلَاءِ بِيَّاعِ السَّابِرِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ امْرَأَةٍ اسْتَوْدَعَتْ رَجُلًا مَالًا فَلَمَّا حَضَرَتْهَا الْوَفَاةُ قَالَتْ لَهُ إِنَّ الْمَالَ الَّذِي دَفَعْتُهُ إِلَيْكَ لِفُلَانَةَ وَ مَاتَتِ الْمَرْأَةُ فَاتَى أَوْلِيَاؤُهَا الرَّجُلَ فَقَالُوا لَهُ إِنَّهُ كَانَ لِصَاحِبَتِنَا مَالٌ وَ لَا نَرَاهُ إِلَّا عِنْدَكَ فَاحْلِفْ لَنَا أَنْ مَا لَهَا فَبَلَكَ شَيْءٌ أ فَبِحْلِفِ لَهُمْ فَقَالَ إِنْ كَانَتْ مَأْمُونَةً عِنْدَهُ فَبِحْلِفِ لَهُمْ وَ إِنْ كَانَتْ مَتَّهَمَةً فَلَا يَحْلِفُ وَ يَصْنَعُ الْأَمْرَ عَلَى مَا كَانَ فَإِنَّمَا لَهَا مِنْ مَالِهَا ثَلَاثَةٌ .

¹⁵⁵ Al Kafi – V 7 – The Book of Bequests Ch 26 H 2

¹⁵⁶ Al Kafi – V 7 – The Book of Bequests Ch 27 H 1

¹⁵⁷ Al Kafi – V 7 – The Book of Bequests Ch 27 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Noman, from Ibn Muskan, from Al A'ala Baya'a Al Sabiry who said,

'I asked Abu Abdullah^{-asws} about a woman who entrusted a man with wealth. So when the death presented itself to her, she said to him, 'The wealth which I handed over to you is for so and so'. And the woman died. So her guardians came over to the man, so they said to him, 'There used to be wealth for our companion and we do not see it except it is with you, therefore swear an oath to us that it there is nothing for her'. Is it for him that he should swear an oath to them?' So he^{-asws} said: 'If she was trustworthy in his presence, so he should swear an oath to them, and if he was an accused, so he should not swear an oath, and should place the matter upon what it was. But rather, for her, from her wealth, was a third'.¹⁵⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَقْرَبَ لِرَأْسِهِ لَهْ وَهُوَ مَرِيضٌ بِدَيْنٍ عَلَيْهِ قَالَ يَجُوزُ عَلَيْهِ إِذَا أَقْرَبَ بِهِ دُونَ الثَّلَاثِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Ismail Bin Jabir who said,

'I asked Abu Abdullah^{-asws} about a man who acknowledge to an inheritor of his, and he was ill, with a debt being upon him. He^{-asws} said: 'It is allowed for him (to pay off), when he acknowledge with it, besides the third'.¹⁵⁹

ابْنُ مَحْبُوبٍ عَنْ أَبِي وَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَرِيضٍ أَقْرَبَ عِنْدَ الْمَوْتِ لِرَأْسِهِ لَهْ عَلَيْهِ قَالَ يَجُوزُ ذَلِكَ فَإِنْ أَوْصَى لِرَأْسِهِ بِشَيْءٍ قَالَ جَائِزٌ .

Ibn Mahboub, from Abu Walad who said,

'I asked Abu Abdullah^{-asws} about a man who was sick, acknowledged during the death to an inheritor, of there being a debt for him, over himself. He^{-asws} said: 'That is allowed'. I said, 'So if he were to bequeath to the inheritor with something?' He^{-asws} said: 'Allowed'.¹⁶⁰

بَابُ بَعْضِ الْوَرَثَةِ يَقْرَأُ بِعَتَقٍ أَوْ دَيْنٍ

Chapter 28 – Some the of the inheritors acknowledge the emancipation or debt

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنِ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَتَرَكَ عَبْدًا فَشَهِدَ بَعْضُ وَلَدِهِ أَنَّ أَبَاهُ أَعْتَقَهُ قَالَ يَجُوزُ عَلَيْهِ شَهَادَتُهُ وَ لَا يُعْرَمُ وَ يُسْتَسْعَى الْعُلَامُ فِيمَا كَانَ لِغَيْرِهِ مِنَ الْوَرَثَةِ .

Ali Bin Ibrahim, from his father, from Ismail Bin marrar, from Yunus, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who died and left a slave, so one of his children testified that his father had emancipated (liberated) him. He^{-asws} said: 'His testimony is allowed over it, and he would neither be made to

¹⁵⁸ Al Kafi – V 7 – The Book of Bequests Ch 27 H 3

¹⁵⁹ Al Kafi – V 7 – The Book of Bequests Ch 27 H 4

¹⁶⁰ Al Kafi – V 7 – The Book of Bequests Ch 27 H 5

compensate nor would the slave have to work for it with regards to what was for the others from the inheritors'.¹⁶¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ مَاتَ وَ تَرَكَ غُلَامًا مَمْلُوكًا فَشَهِدَ بَعْضُ الْوَرَثَةِ أَنَّهُ حُرٌّ فَقَالَ إِنْ كَانَ الشَّاهِدُ مَرْضِيًّا جَازَتْ شَهَادَتُهُ فِي نَصِيبِهِ وَ اسْتَسْعَى فِيمَا كَانَ لغيرِهِ مِنَ الْوَرَثَةِ .

Hameed Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from one of his companions, from Aban Bin Usman, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I asked him^{-asws} about a man who died and left an owned slave. So one of the inheritors testifies that he is free. So he^{-asws} said: 'If he was present during illness, his testimony is allowed with regards to his share, and he (the slave) would have to work with regards to what was for the others from the inheritors'.¹⁶²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ وَ حُسَيْنِ بْنِ عُثْمَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ فَأَقْرَّ عَلَيْهِ بَعْضُ وَرَثَتِهِ لِرَجُلٍ بَدِينٍ قَالَ يَلْزَمُهُ ذَلِكَ فِي حِصَّتِهِ .

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

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who died, so one of his inheritors acknowledged a debt over him. He^{-asws} said, 'That (the debt) would be necessitated in his share (of inheritance)'.¹⁶³

بَابُ الرَّجُلِ يَتْرُكُ الشَّيْءَ الْقَلِيلَ وَ عَلَيْهِ دَيْنٌ أَكْثَرُ مِنْهُ وَ لَهُ عِيَالٌ

Chapter 29 – The man leaves something little, and upon him is a debt more than it, and for him are dependants

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَصْرِ بْنِ إِسْنَادٍ لَهُ أَنَّهُ سُئِلَ عَنْ رَجُلٍ يَمُوتُ وَ يَتْرُكُ عِيَالًا وَ عَلَيْهِ دَيْنٌ أَ يَنْفِقُ عَلَيْهِمْ مِنْ مَالِهِ قَالَ إِنْ اسْتَيْقَنَ أَنَّ الدَّيْنَ الَّذِي عَلَيْهِ يُحْبِطُ بِجَمِيعِ الْمَالِ فَلَا يَنْفِقُ عَلَيْهِمْ وَ إِنْ لَمْ يَسْتَيْقِنَ فَلْيَنْفِقْ عَلَيْهِمْ مِنْ وَسْطِ الْمَالِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Nast, by a chain of his that,

'He^{-asws} was asked about a man who died and left dependents, and upon him was a debt. Can he spend upon them from his wealth?' He^{-asws} said: 'If he is convinced that the debt which is upon him encompasses the entirety of the wealth, so he should not spend upon them, and if he is not convinced, so let him spend over them from the middle of the wealth'.¹⁶⁴

¹⁶¹ Al Kafi – V 7 – The Book of Bequests Ch 28 H 1

¹⁶² Al Kafi – V 7 – The Book of Bequests Ch 28 H 2

¹⁶³ Al Kafi – V 7 – The Book of Bequests Ch 28 H 3

¹⁶⁴ Al Kafi – V 7 – The Book of Bequests Ch 29 H 1

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنِ الْحُسَيْنِ بْنِ هَاشِمٍ وَ مُحَمَّدِ بْنِ زِيَادٍ جَمِيعاً عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ (عليه السلام) مِثْلَهُ إِلَّا أَنَّهُ قَالَ إِنْ كَانَ يُسْتَيْقَنُ أَنَّ الَّذِي تَرَكَ يُحْبِطُ بِجَمِيعِ دَيْنِهِ فَلَا يُنْفِقُ عَلَيْهِمْ وَإِنْ لَمْ يَكُنْ يُسْتَيْقَنُ فَلْيُنْفِقْ عَلَيْهِمْ مِنْ وَسْطِ الْمَالِ .

Hameed Bin iyad, from Ibn Sama'at, from Al Husayn Bin Hashim and Muhammad Bin Ziyad, both together, from Abdul Rahman Al hajjaj,

(It has been narrated) from Abu Al-Hassan, similar to it except that he^{-asws} said: 'If he was convinced that, that which he has left would be encompassed by his debt, so he should not spend upon them, and if was not convinced, so let him spend over them from the middle of the wealth'.¹⁶⁵

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ سُلَيْمَانَ بْنِ دَاوُدَ أَوْ بَعْضِ أَصْحَابِنَا [عَنْهُ] عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي الْحَسَنِ (عليه السلام) قَالَ قُلْتُ لَهُ إِنْ رَجُلًا مِنْ مَوَالِيكَ مَاتَ وَ تَرَكَ وَوَدَّ صِغَارًا وَ تَرَكَ شَيْئًا وَ عَلَيْهِ دَيْنٌ وَ لَيْسَ يَعْلَمُ بِهِ الْغُرَمَاءُ فَإِنْ قَضَاهُ لُغْرَمَائِهِ بَقِيَ وَوَدَّهُ وَ لَيْسَ لَهُمْ شَيْءٌ فَقَالَ أَنْفَقَهُ عَلَى وُلْدِهِ .

Hameed Bin iyad, from Ibn Sama'at, from Suleyman Bin Dawood, or one of our companions, from him, from Ali Bin Abu Hama,

(It has been narrated) from Abu Al Hassan^{-asws}, said, 'I said to him^{-asws} that a man from those in your^{-asws} Wilayah, died and left small children, and left something, and upon him was debt, and the creditors do not know about it. So if it is spent upon his creditors, and his children would remain, and there would be nothing for them'. So he^{-asws} said: 'Spend it upon his children'.¹⁶⁶

باب

Chapter 30 – Bequeathing of a sword includes its sheath, and bequeathing a container included its contents

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ عَنْ أَبِي جَمِيلَةَ عَنِ الرَّضَا (عليه السلام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِسَيْفٍ وَ كَانَ فِي جَفَنِ وَ عَلَيْهِ جَلْبِيَّةٌ فَقَالَ لَهُ الْوَرْتَةُ إِنَّمَا لَكَ النَّصْلُ وَ لَيْسَ لَكَ الْمَالُ قَالَ فَقَالَ لَا بَلِ السَّيْفُ بِمَا فِيهِ لَهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela,

(It has been narrated) from Al-Reza^{-asws}, said, 'I asked him^{-asws} about a man who bequeathed a sword to a man, and it was in a sheath, and upon it were ornaments. So the inheritors said to him, 'But rather, for you is the blade, and the wealth (ornaments) is not for you'. So he^{-asws} said: 'No, but the sword with whatever it was it, is for him'.

قَالَ فَقُلْتُ رَجُلٌ أَوْصَى لِرَجُلٍ بِصُنْدُوقٍ وَ كَانَ فِيهِ مَالٌ فَقَالَ الْوَرْتَةُ إِنَّمَا لَكَ الصُّنْدُوقُ وَ لَيْسَ لَكَ الْمَالُ قَالَ فَقَالَ أَبُو الْحَسَنِ (عليه السلام) الصُّنْدُوقُ بِمَا فِيهِ لَهُ .

He (the narrator) said, 'So I said, 'A man bequeathed a container and there used to be wealth in it. So the inheritors said, 'But rather, for you is the container and the wealth

¹⁶⁵ Al Kafi – V 7 – The Book of Bequests Ch 29 H 2

¹⁶⁶ Al Kafi – V 7 – The Book of Bequests Ch 29 H 3

is not for you'. So Abu Al-Hassan^{asws} said: 'The container along with whatever is in it, is for him'.¹⁶⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ هَذِهِ السَّيْفِيَّةُ لِفُلَانٍ وَ لَمْ يُسَمَّ مَا فِيهَا وَ فِيهَا طَعَامٌ أُيْعِطَهَا الرَّجُلُ وَ مَا فِيهَا قَالَ هِيَ لِلَّذِي أُوصِيَ لَهُ بِهَا إِلَّا أَنْ يَكُونَ صَاحِبَهَا مُتَّهَمًا وَ لَيْسَ لِلْوَرَثَةِ شَيْءٌ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who said, 'This ship here is for so and so, and did not name whatever was in it, and in it was foodstuff. Shall it be give to the man along with what is in it?' He^{asws} said: 'It is which was bequeathed to him with, unless that its owner happens to be accused, and there would be nothing for the inheritors'.¹⁶⁸

وَ عَنْهُ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ عَنْ أَبِي جَمِيلَةَ الْمُفَضَّلِ بْنِ صَالِحٍ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ عَنْ رَجُلٍ أُوصِيَ لِرَجُلٍ بِسَيْفٍ فَقَالَ الْوَرَثَةُ إِنَّمَا لَكَ الْحَدِيدُ وَ لَيْسَ لَكَ الْجَلِيَّةُ لَيْسَ لَكَ غَيْرُ الْحَدِيدِ فَكَتَبْتُ إِلَى السَّيْفِ لَهُ وَ جَلِيَّتُهُ .

And from him, from Muhammad Bin Al Husayn, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela Al Mufazzal Bin Salih who said,

'I wrote to Abu Al-Hassan^{asws} asking him^{asws} about a man who bequeathed to a man with a sword. So the inheritors said, 'But rather, for you is the iron, and the ornaments are not for you, other than the iron'. So he^{asws} wrote to me: 'The sword is for him, as well as its ornaments'.¹⁶⁹

عَنْهُ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِيهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أُوصِيَ لِرَجُلٍ بِصُنْدُوقٍ وَ كَانَ فِي الصُّنْدُوقِ مَالٌ فَقَالَ الْوَرَثَةُ إِنَّمَا لَكَ الصُّنْدُوقُ وَ لَيْسَ لَكَ مَا فِيهِ فَقَالَ الصُّنْدُوقُ بِمَا فِيهِ لَهُ .

From him, from Ali Bin Uqba, from his father who said,

'I asked Abu Abdullah^{asws} about a man who bequeathed to a man with a container, and there was wealth in the container. So the inheritors said, 'For you is the container, and whatever is in it is not for you'. So he^{asws} said: 'The container along with whatever is in it, is for him'.¹⁷⁰

بَاب مَنْ لَا تَجُوزُ وَصِيَّتُهُ مِنَ الْبَالِغِينَ

Chapter 31 – The mature ones who bequest is not allowed

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي وَلَادٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ مَنْ قَتَلَ نَفْسَهُ مُتَعَمِّدًا فَهُوَ فِي نَارِ جَهَنَّمَ خَالِدًا فِيهَا قِيلَ لَهُ أَرَأَيْتَ إِنْ كَانَ أُوصِيَ بِوَصِيَّةٍ ثُمَّ قَتَلَ نَفْسَهُ مِنْ سَاعَتِهِ تَنَفُّذًا وَصِيَّتَهُ قَالَ

¹⁶⁷ Al Kafi – V 7 – The Book of Bequests Ch 30 H 1

¹⁶⁸ Al Kafi – V 7 – The Book of Bequests Ch 30 H 2

¹⁶⁹ Al Kafi – V 7 – The Book of Bequests Ch 30 H 3

¹⁷⁰ Al Kafi – V 7 – The Book of Bequests Ch 30 H 4

فَقَالَ إِنْ كَانَ أَوْصَى قَبْلَ أَنْ يُحْدِثَ حَدَثًا فِي نَفْسِهِ مِنْ جِرَاحَةٍ أَوْ فِعْلٍ لَعَلَّهُ يَمُوتُ أُجِيزَتْ وَصِيَّتُهُ فِي الثَّلَاثِ وَ إِنْ كَانَ أَوْصَى بَوْصِيَّةٍ بَعْدَ مَا أَحْدَثَ فِي نَفْسِهِ مِنْ جِرَاحَةٍ أَوْ فِعْلٍ لَعَلَّهُ يَمُوتُ لَمْ تُجَزَّ وَصِيَّتُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abu Walaad who said,

'I heard Abu Abdullah^{-asws} saying: 'The one who kills himself intentionally, so he would be in the Fire of Hell, eternally abiding in it'. It was said to him^{-asws}, 'What is your^{-asws} view that if he bequeaths with a bequest, then kills himself after a while. Would his bequest be enforced?' So he^{-asws} said: 'If he had bequeathed before the occurrence of the event with regards to himself, from the injuries, or did for the reason that he would die, his bequest is allowed with regards to the third. And if he had bequeathed his bequest after the occurrence with regards to himself, from the injuries, or did it for the reason of him dying, his bequest would not be allowed'.¹⁷¹

بَابُ مَنْ أَوْصَى لِقَرَابَاتِهِ وَ مَوَالِيهِ كَيْفَ يُقَسَّمُ بَيْنَهُمْ

Chapter 32 – The man who bequeaths to his relatives and his friends, how it should be distributed between them

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ قَالَ كَتَبْتُ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ كَانَ لَهُ ابْنَانِ فَمَاتَ أَحَدُهُمَا وَ لَهُ وَدٌ ذَكَورٌ وَ إِنَاثٌ فَأَوْصَى لَهُمْ جَدَّهُمْ بِسَهْمِ أَبِيهِمْ فَهَذَا السَّهْمُ الذَّكَرُ وَ الْأُنثَى فِيهِ سَوَاءٌ أَمْ لِلذَّكَرِ مِثْلُ الْأُنثَى فَوَقَّعَ (عَلَيْهِ السَّلَامُ) يُنْفِدُونَ وَصِيَّةَ جَدِّهِمْ كَمَا أَمَرَ إِنْ شَاءَ اللَّهُ

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

'I wrote to Abu Muhammad^{-asws}, 'A man had two sons for him, so one of them died having (left behind) a boy and a girl. So their grandfather bequeathed to them with the portion of their father. So in this portion, the male and the female are equal in it, or for the male would be similar to two females?' So he^{-asws} signed: 'The bequest of their grandfather would be enforced just as he had ordered, Allah^{-azwj} Willing'.

قَالَ وَ كَتَبْتُ إِلَيْهِ رَجُلٌ لَهُ وَدٌ ذَكَورٌ وَ إِنَاثٌ فَأَقَرَّ لَهُمْ بِصَبِيحَةٍ أَنَّهَا لَوْلَدِهِ وَ لَمْ يَذْكُرْ أَنَّهَا بَيْنَهُمْ عَلَى سِهَامِ اللَّهِ عَزَّ وَ جَلَّ وَ فَرَائِضِهِ الذَّكَرُ وَ الْأُنثَى فِيهِ سَوَاءٌ فَوَقَّعَ (عَلَيْهِ السَّلَامُ) يُنْفِدُونَ فِيهَا وَصِيَّةَ أَبِيهِمْ عَلَى مَا سَمَّى فَإِنْ لَمْ يَكُنْ سَمًى شَيْئاً رَدُّوْهَا إِلَى كِتَابِ اللَّهِ عَزَّ وَ جَلَّ وَ سُنَّةِ نَبِيِّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنْ شَاءَ اللَّهُ .

He (the narrator) said, 'And I wrote to him^{-asws}, 'A man who had children, male and female, so he agreed for then with a place that it is for his children, and did not mention that it is (to be divided) between them with the share (Prescribed by) Allah^{-azwj} Mighty and Majestic, and His^{-azwj} Obligation. The male and the female are equal in it?' So he^{-asws} signed: 'The bequest of their father would be enforced upon what he has named. So if he had not mentioned anything, so refer it to the Book of Allah^{-azwj} Mighty and Majestic, and the Sunnah of His^{-azwj} Prophet^{-saww}, Allah^{-azwj} Willing'.¹⁷²

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ أَوْصَى بِثُلْثِ مَالِهِ لِمَوَالِيهِ وَ لِمَوَالِيَتِهِ الذَّكَرُ وَ الْأُنثَى فِيهِ سَوَاءٌ أَوْ لِلذَّكَرِ مِثْلُ الْأُنثَى مِنَ الْوَصِيَّةِ فَوَقَّعَ (عَلَيْهِ السَّلَامُ) جَائِزٌ لِلْمَيِّتِ مَا أَوْصَى بِهِ عَلَى مَا أَوْصَى بِهِ إِنْ شَاءَ اللَّهُ .

¹⁷¹ Al Kafi – V 7 – The Book of Bequests Ch 31 H 1

¹⁷² Al Kafi – V 7 – The Book of Bequests Ch 32 H 1

Muhammad Bin Yahy said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{-asws}, 'A man bequeathed with a third of his wealth to his male friends and his female friends. Are the males and the females equal in it, or is there to be for the males similar portion of two females from the bequest?' So he^{-asws} signed: 'It I allowed for the deceased what he had bequeathed with, upon what he had bequeathed with, Allah^{-azwj} Willing'.¹⁷³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَّابٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْصَى بِثُلُثِ مَالِهِ فِي أَعْمَامِهِ وَ أَحْوَالِهِ فَقَالَ لِأَعْمَامِهِ الثُّلُثَانِ وَ لِأَحْوَالِهِ الثُّلُثُ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Ibn Raib, from Zurara,

(It has been narrated) from Abu Ja'far^{-asws} regarding a man who bequeathed with a third of his wealth among his paternal uncles and his maternal uncles. So he^{-asws} said: 'For the paternal uncles is two thirds, and for the maternal uncles is a third'.¹⁷⁴

بَابُ مَنْ أَوْصَى إِلَى مُدْرِكٍ وَ أَشْرَكَ مَعَهُ الصَّغِيرَ

Chapter 33 – The one who bequeaths to an adult and associates the young one with him

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ أَخِيهِ جَعْفَرِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ يَقْطِينٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَوْصَى إِلَى امْرَأَةٍ فَأَشْرَكَ فِي الْوَصِيَّةِ مَعَهَا صَبِيئاً فَقَالَ يَجُوزُ ذَلِكَ وَ تُمَضِّي الْمَرْأَةُ الْوَصِيَّةَ وَ لَا يُنْتَظَرُ بُلُوغُ الصَّبِيِّ فَإِذَا بَلَغَ الصَّبِيُّ فَلَيْسَ لَهُ أَنْ لَا يَرْضَى إِلَّا مَا كَانَ مِنْ تَبْدِيلٍ أَوْ تَعْيِيرٍ فَإِنْ لَهُ أَنْ يَرُدَّهُ إِلَى مَا أَوْصَى بِهِ الْمَيِّتُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa Bin Ubeyd, from his brother Ja'far Bin Isa, from Ali Bin Yaqteen who said,

'I asked Abu Al-Hassan^{-asws} about a man who bequeathed to a woman, so he associated in the bequest a child along with her. So he^{-asws} said: 'That is allowed, and the woman would enforce the bequest and will not wait for the adulthood of the child. So when the child reaches adulthood, so it would not be for him he is not happy, except what was from the alteration or changing (of the bequest), so then there would be for him that he can return it to what the deceased had bequeathed to him (beforehand)'.¹⁷⁵

مُحَمَّدٌ قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ أَوْصَى إِلَى وُلْدِهِ وَ فِيهِمْ كِبَارٌ قَدْ أَدْرَكُوا وَ فِيهِمْ صِبَاغٌ أَيْ جُوزٌ لِلْكِبَارِ أَنْ يُنْفِذُوا وَصِيَّتَهُ وَ يَقْضُوا دَيْنَهُ لِمَنْ صَحَّ عَلَى الْمَيِّتِ بِشُهُودٍ عُدُولٍ قَبْلَ أَنْ يُدْرِكَ الْأَوْصِيَاءُ الصَّغَارُ فَوَقَعَ (عَلَيْهِ السَّلَامُ) نَعْمَ عَلَى الْأَكْبَارِ مِنَ الْوُلْدَانِ أَنْ يَقْضُوا دَيْنَ أَبِيهِمْ وَ لَا يَحْسِبُوهُ بِذَلِكَ .

Muhammad said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{-asws}, 'A man bequeathed to his children, and among them were adults who had attained puberty, and among them were young ones. Is it allowed for the adults that they can enforce his bequest, and

¹⁷³ Al Kafi – V 7 – The Book of Bequests Ch 32 H 2

¹⁷⁴ Al Kafi – V 7 – The Book of Bequests Ch 32 H 3

¹⁷⁵ Al Kafi – V 7 – The Book of Bequests Ch 33 H 1

pay-off his debts for the one who is correct upon the deceased with just witnesses before the young ones mature?’ So he^{-asws} signed: ‘Yes. It is upon the adults from the children that they pay-off debts, and not let him be imprisoned by that (debts)’.¹⁷⁶

بَاب مَنْ أَوْصَى إِلَى اثْنَيْنِ فَيُنْفَرُ كُلُّ وَاحِدٍ مِنْهُمَا بِبَعْضِ التَّرَكَةِ

Chapter 34 – The one who bequeaths to two (as executors), so each one deals with a different part of the legacy

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَام) رَجُلٌ مَاتَ وَ أَوْصَى إِلَى رَجُلَيْنِ أَوْجُزُ لِأَحَدِهِمَا أَنْ يَنْفَرَدَ بِبَعْضِ التَّرَكَةِ وَ الْآخَرَ بِالْبَعْضِ فَوَقَعَ (عَلَيْهِ السَّلَام) لَا يَنْبَغِي لَهُمَا أَنْ يُخَالِفَا الْمَيِّتَ وَ أَنْ يَعْمَلَا عَلَى حَسَبِ مَا أَمَرَهُمَا إِنْ شَاءَ اللَّهُ .

Muhammad Bin Yahya said,

‘Muhammad Bin Al-Hassan wrote to Abu Muhammad^{-asws}, ‘A man died and bequeathed to two men (to be executors), is it allowed for one of them that he deals separately with half the legacy, and the other with the (other) half?’ So he^{-asws} signed: ‘It is not befitting for both of them that they oppose the deceased, and that they should both act upon the accounting whatever he had ordered both of them, Allah^{-azwj} Willing’.¹⁷⁷

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنْ أَحْوَيْهِ مُحَمَّدٍ وَ أَحْمَدَ عَنْ أَبِيهِمَا عَنْ دَاوُدَ بْنِ أَبِي يَزِيدَ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ إِنَّ رَجُلًا مَاتَ وَ أَوْصَى إِلَيَّ وَ إِلَى آخَرَ أَوْ إِلَى رَجُلَيْنِ فَقَالَ أَحَدُهُمَا خُذْ نِصْفَ مَا تَرَكَ وَ أَعْطِنِي النِّصْفَ مِمَّا تَرَكَ فَأَبَى عَلَيْهِ الْآخَرُ فَسَأَلُوا أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَلِكَ فَقَالَ ذَلِكَ لَهُ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan, from both his brothers Muhammad and Ahmad, from the father of them both, from Dawood Bin Abu Yazeed, from Bureyd Bin Muawiya who said,

‘A man died and bequeathed to me and to another, or two men (to be executors). So one of the two said, ‘You take half of what has been left (legacy) and give me the (other) half from what has been left (legacy). So the other one refused him. So Abu Abdullah^{-asws} was asked about that, so he^{-asws} said: ‘That is for him (that he should refuse to take the half but they both should act as per the original bequest)’.¹⁷⁸

بَابِ صَدَقَاتِ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ فَاطِمَةَ وَ الْأَنْمَةَ (عَلَيْهِمُ السَّلَام) وَ وَصَايَاهُمْ

Chapter 35 – The charities of the Prophet^{-saww}, and Fatima^{-asws}, and the Imams^{-asws}, and their^{-asws} bequests

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي الْحَسَنِ النَّثَانِي (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْجَيْطَانِ السَّبْعَةِ الَّتِي كَانَتْ مِيرَاثَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لِفَاطِمَةَ (عَلَيْهَا السَّلَام) فَقَالَ لَا إِنَّمَا كَانَتْ وَفَقَا وَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَأْخُذُ إِلَيْهِ مِنْهَا مَا يُنْفِقُ عَلَى أَضْيَافِهِ وَ النَّابِعَةَ يَلْزِمُهُ فِيهَا فَلَمَّا فُيِضَ جَاءَ الْعَبَّاسُ يُخَاصِمُ فَاطِمَةَ (عَلَيْهَا السَّلَام) فِيهَا فَشَهِدَ عَلِيُّ (عَلَيْهِ السَّلَام) وَ غَيْرُهُ أَنَّهَا وَفَّتْ عَلَى فَاطِمَةَ ع وَ هِيَ الدَّلَالُ وَ الْعَوَافُ وَ الْحُسْنَى وَ الصَّافِيَةُ وَ مَا لِأَمِّ إِبْرَاهِيمَ وَ الْمَيْتَبُ وَ الْبُرْقَةُ .

¹⁷⁶ Al Kafi – V 7 – The Book of Bequests Ch 33 H 2

¹⁷⁷ Al Kafi – V 7 – The Book of Bequests Ch 34 H 1

¹⁷⁸ Al Kafi – V 7 – The Book of Bequests Ch 34 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad,

(It has been narrated) from Abu Al-Hassan^{-asws} the 2nd, said, 'I asked him^{-asws} about the seven walls (walled gardens) which were a legacy of Rasool-Allah^{-saww} for Fatima^{-asws}. So he^{-asws} said, 'No, but rather these were dedicated (Waqf), and Rasool-Allah^{-saww} used to take from these whatever expenses there were upon for his^{-saww} guests, and the necessary maintenance of these. So when he^{-saww} passed away, Al-Abbas came over disputing with Fatima^{-asws} with regards to it. So Ali^{-asws} and others testified that these are dedicated (Waqf) over Fatima^{-asws}, and these were – Al-Dallalo, and Al-Awaaf, and al-Husna, and Al-Safiya, and what was for mother of Ibrahim^{-as}, and Al-Maysab, and Al Burqa'.¹⁷⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ عُبَيْدِ اللَّهِ الْحَلْبِيِّ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْنَاهُ عَنْ صَدَقَةِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ صَدَقَةِ فَاطِمَةَ (عَلَيْهَا السَّلَام) قَالَ صَدَقْتُهُمَا لِبَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ .

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

(It has been narrated) from Abu Abdullah^{-asws}, both of them said, 'We asked him^{-asws} about charity of Rasool-Allah^{-saww}, and charity of Fatima^{-asws}. He^{-asws} said: 'Both their^{-asws} charities were for the Clan of Hashim^{-as}, and for the Clan of Al-Muttalib^{-as}'.¹⁸⁰

وَ عَنْهُ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي يَحْيَى الْمَدِينِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْمَيْتَبُ هُوَ الَّذِي كَاتَبَ عَلَيْهِ سَلْمَانُ فَأَقَاءَهُ اللَّهُ عَزَّ وَ جَلَّ عَلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَهُوَ فِي صَدَقَتِهَا .

And from him, from his father, form Ibn Abu Najran, from Aasim Bin Hameed, from Ibrahim Bin Abu Yahya Al Madayni,

(It has been narrated) from Abu Abdullah^{-asws} having said: '(The garden of) Al-Maysab was that upon which Salman^{-as} had been contracted for. So Allah^{-azwj} Mighty and Majestic Bestowed it upon Rasool-Allah^{-saww}, thus it was in her^{-asws} charities'.¹⁸¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ أَحْمَدَ بْنِ عُمَرَ عَنْ أَبِيهِ عَنْ أَبِي مَرْيَمَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ صَدَقَةِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ صَدَقَةِ عَلِيٍّ (عَلَيْهِ السَّلَام) فَقَالَ هِيَ لَنَا حَلَالٌ وَ قَالَ إِنَّ فَاطِمَةَ (عَلَيْهَا السَّلَام) جَعَلَتْ صَدَقَتَهَا لِبَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ahmad Bin Umar, from his father, from Abu Maryam who said,

'I asked Abu Abdullah^{-asws} about charity of Rasool-Allah^{-saww}, and charity of Ali^{-asws}. So he^{-asws} said: 'It is Permissible for us^{-asws}'. And he^{-asws} said: 'Fatima^{-asws} made her^{-asws} charity to be for the Clan of Hashim^{-as} and the Clan of Muttalib^{-as}'.¹⁸²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) أَلَا أَفْرَنْكَ وَصِيَّةَ فَاطِمَةَ (عَلَيْهَا السَّلَام) قَالَ قُلْتُ بَلَى قَالَ فَأَخْرَجَ حَقًّا أَوْ سَقَطًا فَأَخْرَجَ مِنْهُ كِتَابًا فَقَرَأَهُ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَتْ بِهِ فَاطِمَةُ بِنْتُ مُحَمَّدٍ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَوْصَتْ بِحَوَائِطِهَا السَّبْعَةِ الْعَوَافِ وَ الدَّلَالِ وَ البُرْقَةِ

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وَالْمَيْتَبِ وَالْحُسْنَى وَالصَّافِيَّةَ وَمَا لِأُمِّ إِبْرَاهِيمَ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ (عَلَيْهِ السَّلَام) فَإِنْ مَضَى عَلِيٌّ فَإِلَى الْحَسَنِ فَإِنْ مَضَى الْحَسَنُ فَإِلَى الْحُسَيْنِ فَإِنْ مَضَى الْحُسَيْنُ فَإِلَى الْأَكْبَرِ مِنْ وُلْدِي

Ali Bin Ibrahim, from his father, from Ibn Abu Majran, from Aasim Bin Hameed, from Abu Baseer who said,

‘Abu Ja’far^{-asws} said: ‘Shall I^{-asws} read out to you the bequest of Fatima^{-asws}?’ I said, ‘Yes’. So he^{-asws} brought out a box or a basket, and extracted a letter from it. So he^{-asws} read: ‘In the Name of Allah^{-azwj} the Beneficent, the Merciful. This is what has been bequeathed by Fatima^{-asws} daughter of Muhammad^{-saww}, Rasool-Allah^{-saww}. I^{-asws} hereby bequeath these seven walls (walled gardens) – Al-Dallal, and Al-Barqa, and Al-Maysab, and Al-Husna, and Al-Safiya, and what was for mother of Ibrahim^{-as}, to Ali^{-asws} Bin Abu Talib^{-asws}. So if he^{-asws} was to pass away, so to Al-Hassan^{-asws}. So if Al-Hassan^{-asws} was to pass away, so to Al-Husayn^{-asws}. So if Al-Husayn^{-asws} was to pass away, so to the elder from my^{-asws} children’.

شَهِدَ اللَّهُ عَلَى ذَلِكَ وَالْمِقْدَادُ بْنُ الْأَسْوَدِ وَالزُّبَيْرُ بْنُ الْعَوَّامِ وَكَتَبَ عَلِيُّ بْنُ أَبِي طَالِبٍ .

Allah^{-azwj} was a Witness upon that, and Al-Miqdad Bin Al-Aswad, and Al-Zubeyr Bin Al-Awwam; and it was written by Ali^{-asws} Bin Abu Talib^{-asws}.

وَعَنْهُ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ مِثْلَهُ وَ لَمْ يَذْكُرْ حَقًّا وَ لَا سَفْطًا وَ قَالَ إِلَى الْأَكْبَرِ مِنْ وُلْدِي دُونَ وُلْدِكَ

And from him, from his father, from Ibn Abu Umeyr, from Aasim Bin Hameed, similar to it, but did not mention a box or a basket, and she^{-asws} said: ‘To the eldest of my^{-asws} children besides your^{-asws} children’.¹⁸³

وَعَنْهُ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَلَا أُفْرُتُكَ وَصِيَّةَ فَاطِمَةَ (عَلَيْهَا السَّلَام) قُلْتُ بَلَى قَالَ فَأَخْرَجَ إِلَيَّ صَحِيفَةً هَذَا مَا عَهَدْتُ فَاطِمَةَ بِنْتُ مُحَمَّدٍ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي مَالِهَا إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ (عَلَيْهِ السَّلَام) وَ إِنْ مَاتَ فَإِلَى الْحَسَنِ وَ إِنْ مَاتَ فَإِلَى الْحُسَيْنِ فَإِنْ مَاتَ الْحُسَيْنُ فَإِلَى الْأَكْبَرِ مِنْ وُلْدِي دُونَ وُلْدِكَ الدَّلَالُ وَالْعَوَّافُ وَالْمَيْتَبُ وَ بُرْقَةُ وَ الْحُسْنَى وَ الصَّافِيَّةُ وَ مَا لِأُمِّ إِبْرَاهِيمَ شَهِدَ اللَّهُ عَزَّ وَ جَلَّ عَلَى ذَلِكَ وَ الْمِقْدَادُ بْنُ الْأَسْوَدِ وَالزُّبَيْرُ بْنُ الْعَوَّامِ .

And from him, from his father, from Ibn Abu Umeyr, from Hammaad Bin Usman, from Abu Baseer who said,

‘Abu Abdullah^{-asws} said: ‘Shall I^{-asws} read out to you the bequest of Syeda Fatima^{-asws}?’ I said, ‘Yes’. So he^{-asws} brought out a parchment to me, (and said): ‘This is what was assigned by Fatima^{-asws}, daughter^{-asws} of Muhammad^{-saww}, Rasool-Allah^{-saww}, with regards to her^{-asws} wealth, to Ali^{-asws} Bin Abu Talib^{-asws}, and if he^{-asws} passes away, so to Al-Hassan^{-asws}; and if he^{-asws} passes away, so to Al-Husayn^{-asws}; and if Al-Husayn^{-asws} passes away, so to the eldest from my^{-asws} children besides your^{-asws} children – (The walled gardens of) Al-Dallalo, and Al-Awaaf, and Al-Maysab, and Burqa, and Al-Husna, and Al-Safiya, and what was for mother of Ibrahim^{-as}. Allah^{-azwj} is Witness upon that, and A- Miqdad Bin Al-Aswad, and Al-Zubeyr Bin Al-Awaam’.¹⁸⁴

¹⁸³ Al Kafi – V 7 – The Book of Bequests Ch 35 H 5

¹⁸⁴ Al Kafi – V 7 – The Book of Bequests Ch 35 H 6

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ بَعَثَ إِلَيَّ أَبُو الْحَسَنِ مُوسَى (عليه السلام) بِوَصِيَّةِ أَمِيرِ الْمُؤْمِنِينَ (عليه السلام) وَ هِيَ

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

'Abu Al-Hassan Musa^{-asws} sent to me the bequest of Amir Al-Momineen^{-asws} and it is: -

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ وَ قَضَى بِهِ فِي مَالِهِ عَبْدُ اللَّهِ عَلِيُّ ابْنِعَاءَ وَجْهِ اللَّهِ لِيُولَجَنِي بِهِ الْجَنَّةَ وَ يَصْرِفَنِي بِهِ عَنِ النَّارِ وَ يَصْرِفَ النَّارَ عَنِّي يَوْمَ تَبْيَضُ وُجُوهُ وَ تَسْوَدُ وُجُوهُ

In the Name of Allah^{-azwj} the Beneficent, the Merciful. This is what is being bequeathed by and decided upon by, with regards to his wealth, a servant of Allah^{-azwj}, Ali^{-asws}, seeking the Face of Allah^{-azwj} so that He^{-azwj} would Enter me^{-asws}, by it, in the Paradise, and by it Keep me^{-asws} away from the Fire, and Keep away the Fire from me^{-asws} on the Day in which faces would be whitened and faces would be blackened.

أَنَّ مَا كَانَ لِي مِنْ مَالٍ يَبْنَعُ يُعْرِفُ لِي فِيهَا وَ مَا حَوْلَهَا صَدَقَةٌ وَ رَقِيقَهَا غَيْرَ أَنَّ رَبَاحاً وَ أَبَا نَيْرَزَرَ وَ جُبَيْراً عَقَاءَ لَيْسَ لِأَحَدٍ عَلَيْهِمْ سَبِيلٌ فَهُمْ مَوَالِي يَعْمَلُونَ فِي الْمَالِ خُمْسَ حَجَجٍ وَ فِيهِ تَقَاتُهُمْ وَ رَزَقُهُمْ وَ أَرْزَاقُ أَهْلِيهِمْ

What was for me^{-asws} from the wealth at Yanba'a and what is around it, recognised for me^{-asws} therein, is a charity, along with its slaves, apart from Rabaha, and Abu Nayzar, and Jubeyra, who are emancipated, and there is no way for anyone over them, so they are in my^{-asws} Wilayah, who would be working in the property for five Hajj (years). In it is their expenses and their livelihood, and the livelihoods of their families.

وَ مَعَ ذَلِكَ مَا كَانَ لِي بِوَادِي الْقَرَى كُلُّهُ مِنْ مَالِ ابْنِي فَاطِمَةَ وَ رَقِيقُهَا صَدَقَةٌ وَ مَا كَانَ لِي بِدَيْمَةَ وَ أَهْلِهَا صَدَقَةٌ غَيْرَ أَنَّ زُرَيْقاً لَهُ مِثْلُ مَا كَتَبْتُ لِأَصْحَابِهِ وَ مَا كَانَ لِي بِأَدْيَنَةَ وَ أَهْلِهَا صَدَقَةٌ وَ الْفُقَيْرِينَ كَمَا قَدْ عَلِمْتُمْ صَدَقَةٌ فِي سَبِيلِ اللَّهِ

And along with that, what was for me^{-asws} at the valley of Al-Qura, all of it from the wealth, is for the children of Syeda Fatima^{-asws}, and its slaves are a charity. And what was for me at Badeyma and its people are charity apart from Zureyqa. For him is the like of what I^{-asws} have written for his companions. And what was for me^{-asws} at Azeyna and its people is a charity, and the impoverished, as you know, are a charity in the Way of Allah^{-azwj}.

وَ إِنَّ الَّذِي كَتَبْتُ مِنْ أَمْوَالِي هَذِهِ صَدَقَةٌ وَاجِبَةٌ بَتَلَّةً حَيًّا أَنَا أَوْ مَيِّتاً يُنْفَقُ فِي كُلِّ نَفَقَةٍ يُبْتَعَى بِهَا وَجْهُ اللَّهِ فِي سَبِيلِ اللَّهِ وَ وَجْهِهِ وَ دَوِيِّ الرَّحْمِ مِنْ بَنِي هَاشِمٍ وَ بَنِي الْمُطَلِبِ وَ الْقَرِيبِ وَ الْبَعِيدِ فَإِنَّهُ يُقَوْمُ عَلَى ذَلِكَ الْحَسَنِ بْنِ عَلِيٍّ يَأْكُلُ مِنْهُ بِالْمَعْرُوفِ وَ يُنْفَقُهُ حَيْثُ يَرَاهُ اللَّهُ عَزَّ وَ جَلَّ فِي جِلِّ مُحَلَّلٍ لَا حَرَجَ عَلَيْهِ فِيهِ فَإِنْ أَرَادَ أَنْ يَبِيعَ نَصِيباً مِنَ الْمَالِ فَيَقْضِي بِهِ الدَّيْنَ فَلْيَفْعَلْ إِنْ شَاءَ وَ لَا حَرَجَ عَلَيْهِ فِيهِ وَ إِنْ شَاءَ جَعَلَهُ سَرِي الْمَلِكِ

And that which I^{-asws} write, from this wealth of mine, is an Obligation whether I^{-asws} live or pass away. These should be spent in all its spending, seeking by it the Face of Allah^{-azwj}, in the Way of Allah^{-azwj} and His^{-azwj} Face, and the ones with the relationships from the Clan of Hashim^{-as}, and the Clan of Muttalib^{-as}, and the near ones and the far ones. So it would be Al-Hassan^{-asws} Bin Ali^{-asws} who would be supervising, consuming from it with the goodness, and spending it wherever he^{-asws} sees (the Pleasure of) Allah^{-azwj} Mighty and Majestic in a Permissible (manner), nothing wrong being upon him^{-asws} in it. So if he^{-asws} intends to sell a share from the wealth, so he^{-asws} can pay off

the debts by it, so let him-asws do it if he-asws so desires to, and there is nothing wrong upon him-asws in it. And if he-asws so desires, he-asws can make it a series of properties.

وَإِنَّ وُلْدَ عَلِيٍّ وَ مَوَالِيَهُمْ وَ أَمْوَالَهُمْ إِلَى الْحَسَنِ بْنِ عَلِيٍّ وَ إِنْ كَانَتْ دَارُ الْحَسَنِ بْنِ عَلِيٍّ دَارَ الصَّدَقَةِ فَبِذَا لَهُ أَنْ يَبِيعَهَا فَلْيَبِعْ إِنْ شَاءَ لَا حَرَجَ عَلَيْهِ فِيهِ وَ إِنْ بَاعَ فَإِنَّهُ يُقْسِمُ ثَمَنَهَا ثَلَاثَةَ أَثْلَافٍ فَيَجْعَلُ ثَلَاثًا فِي سَبِيلِ اللَّهِ وَ ثَلَاثًا فِي بَنِي هَاشِمٍ وَ بَنِي الْمُطَلِبِ وَ يَجْعَلُ الثَّلَاثَ فِي آلِ أَبِي طَالِبٍ وَ إِنَّهُ يَضَعُهُ فِيهِمْ حَيْثُ يَرَاهُ اللَّهُ

And that the children of Ali-asws and their slaves and their wealth are to (under the supervision of) Al-Hassan-asws Bin Ali-asws. And if the house of Al-Hassan-asws Bin Ali-asws is other than the house of charity, and it is inevitable for him-asws that he-asws should sell it, so let him-asws sell if he-asws so desires to, there is nothing wrong upon him-asws in it. And if he-asws sells, so he-asws should divided its price in three thirds. So he-asws should make a third of it to be in the Way of Allah-azwj, and a third to be among the Clan of Hashim-saww and the Clan of Al-Muttalib, and he-asws should make a third to be among the progeny of Abu Talib-as, and he-asws can place among them wherever he-asws sees (the Pleasure of) Allah-azwj.

وَ إِنْ حَدَّثَ بِحَسَنِ حَدَّثَ وَ حُسَيْنٍ حَيٌّ فَإِنَّهُ إِلَى الْحُسَيْنِ بْنِ عَلِيٍّ وَ إِنْ حُسَيْنًا يَفْعَلُ فِيهِ مِثْلَ الَّذِي أَمَرْتُ بِهِ حَسَنًا لَهُ مِثْلَ الَّذِي كَتَبْتُ لِلْحَسَنِ وَ عَلَيْهِ مِثْلَ الَّذِي عَلَى الْحَسَنِ

And if there befalls with Hassan-asws a befalling (passing away), and Husayn-asws is alive, so it is (transferred) to Al-Husayn-asws Bin Ali-asws, and that Husayn-asws should do with it similar to that which I-asws have ordered Hassan-asws with. For him-asws would be the like of that which I-asws wrote for Al-Hassan-asws, and upon him-asws is the like of that which was upon Al-Hassan-asws.

وَ إِنْ لِبَنِي [ابْنِي] فَاطِمَةَ مِنْ صَدَقَةٍ عَلَيَّ مِثْلَ الَّذِي لِبَنِي عَلِيٍّ وَ إِنِّي إِنَّمَا جَعَلْتُ الَّذِي جَعَلْتُ لِابْنِي فَاطِمَةَ اتِّعَاءً وَ وَجْهَ اللَّهِ عَزَّ وَ جَلَّ وَ تَكْرِيمَ حُرْمَةِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ) وَ تَعْظِيمَهُمَا وَ تَشْرِيفَهُمَا وَ رِضَاهُمَا

And for the children (my-asws children) of Fatima-asws, is from charity of Ali-asws, the like of that which is for the children of Ali-asws, and I-asws, but rather I-asws have made that which I-asws have made for the children of Fatima-asws, for seeking the Face of Allah-azwj Mighty and Majestic, and in respect of the sanctity of Rasool-Allah-saww, and in reverence of both, and in honour of them both, and pleasure of them both.

وَ إِنْ حَدَّثَ بِحَسَنِ وَ حُسَيْنٍ حَدَّثَ فَإِنَّ الْأَخْرَ مِنْهُمَا يَنْظُرُ فِي بَنِي عَلِيٍّ فَإِنْ وَجَدَ فِيهِمْ مَنْ يَرْضَى بِهِدَاهُ وَ إِسْلَامِهِ وَ أَمَانَتِهِ فَإِنَّهُ يَجْعَلُهُ إِلَيْهِ إِنْ شَاءَ وَ إِنْ لَمْ يَرَ فِيهِمْ بَعْضَ الَّذِي يُرِيدُهُ فَإِنَّهُ يَجْعَلُهُ إِلَى رَجُلٍ مِنْ آلِ أَبِي طَالِبٍ يَرْضَى بِهِ فَإِنْ وَجَدَ آلَ أَبِي طَالِبٍ قَدْ ذَهَبَ كُنُوزُهُمْ وَ دَوَّرَ أَرَابَهُمْ فَإِنَّهُ يَجْعَلُهُ إِلَى رَجُلٍ يَرْضَاهُ مِنْ بَنِي هَاشِمٍ وَ إِنَّهُ يَشْتَرِطُ عَلَى الَّذِي يَجْعَلُهُ إِلَيْهِ أَنْ يَتْرُكَ الْمَالَ عَلَى أُصُولِهِ وَ يَنْفِقَ ثَمَرَهُ حَيْثُ أَمَرْتُهُ بِهِ مِنْ سَبِيلِ اللَّهِ وَ وَجْهِهِ وَ دَوِي الرَّجْمِ مِنْ بَنِي هَاشِمٍ وَ بَنِي الْمُطَلِبِ وَ الْقَرِيبِ وَ الْبَعِيدِ لَا يُبَاغِ مِنْهُ شَيْءٌ وَ لَا يُوهَبُ وَ لَا يُورَثُ وَ إِنْ مَالَ مُحَمَّدِ بْنِ عَلِيٍّ عَلَى نَاحِيَّتِهِ وَ هُوَ إِلَى ابْنِي فَاطِمَةَ وَ إِنْ رَقِيقِي الَّذِينَ فِي صَحِيفَةِ صَغِيرَةِ الَّتِي كَتَبْتُ لِي عِتْقَاءً

And if there befalls with Hassan-asws and Husayn-asws, a befalling (passing away), for the last of the two-asws should look among the children of Ali-asws. So if he-asws were to find among them one whom he-asws is pleased with his guidance, and his Islam, and his trustworthiness, so he-asws should make it to him, if he-asws so desires. And if he-asws does not see among them one whom he-asws wants, so he-asws should make it to a man from the progeny of Abu Talib-as, being pleased with him.

So if he^{-asws} finds that the progeny of Abu Talib^{-as} has gone, their elders and their ones with insight, so he^{-asws} should make it to a man whom he^{-asws} is pleased with from the Clan of Hashim^{-as}, and it would be condition upon that which he^{-asws} makes it to him, that he would leave the wealth (legacy) upon its origins, and spend its fruits wherever I^{-asws} had ordered with, from the Way of Allah^{-azwj}, and His^{-azwj} Face, and near relations from the Clan of Hashim^{-as}, and Clan of Al-Muttalib^{-as}, and the relatives, and the far ones, not selling anything from it, nor gifting it, nor give it in inheritance; and that the wealth of Muhammad^{-saww} and Ali^{-asws} is upon its area, and it is to the two sons^{-asws} of Fatima^{-asws}. And that my^{-asws} slaves who are (mentioned) in a small parchment which has been written for me^{-asws}, are free’.

هَذَا مَا قَضَى بِهِ عَلِيُّ بْنُ أَبِي طَالِبٍ فِي أَمْوَالِهِ هَذِهِ الْعَدَّةَ مِنْ يَوْمٍ قَدِيمٍ مَسْكِنَ ابْتِغَاءَ وَجْهِ اللَّهِ وَ الدَّارِ الْآخِرَةِ وَ اللَّهُ الْمُسْتَعَانُ عَلَى كُلِّ حَالٍ وَ لَا يَجِلُّ لِأَمْرِي مُسْلِمٌ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ أَنْ يَقُولَ فِي شَيْءٍ قَضَيْتُهُ مِنْ مَالِي وَ لَا يُخَالِفَ فِيهِ أَمْرِي مِنْ قَرِيبٍ أَوْ بَعِيدٍ

This is what has been judged with by Ali^{-asws} Bin Abu Talib^{-asws} with regards to his^{-asws} wealth, on this morning from the day he set foot at Maskan, seeking the Face of Allah^{-azwj} and the House of the Hereafter. And Allah^{-azwj} is the Supporter upon every situation, and there is not for a Muslim person who believes in Allah^{-azwj} and the Last Day that he should be saying with something which I^{-asws} have decided from my^{-asws} wealth, nor oppose my^{-asws} orders with regards to it, be they from the near ones or far ones.

أَمَّا بَعْدُ فَإِنَّ وَ لِأَيْدِي اللَّائِي أُطُوفَ عَلَيْهِنَّ السَّبْعَةَ عَشَرَ مِنْهُنَّ أُمَّهَاتٌ أَوْلَادٍ مَعَهُنَّ أَوْلَادُهُنَّ وَ مِنْهُنَّ حَبَالَى وَ مِنْهُنَّ مَنْ لَا وَ لَدَ لَهُ فَفَضَائِي فِيهِنَّ إِنْ حَدَّثَ بِي حَدَّثَ أَنَّهُ مَنْ كَانَ مِنْهُنَّ لَيْسَ لَهَا وَ لَدَ وَ لَيْسَتْ بِحَبْلَى فَهِيَ عَتِيقٌ لِرُوحِهِ اللَّهُ عَزَّ وَ جَلَّ لَيْسَ لِأَحَدٍ عَلَيْهِنَّ سَبِيلٌ وَ مَنْ كَانَ مِنْهُنَّ لَهَا وَ لَدَ أَوْ حَبْلَى فَتُمْسِكُ عَلَى وَ لَدَهَا وَ هِيَ مِنْ حَظِّهِ فَإِنْ مَاتَ وَ لَدَهَا وَ هِيَ حَيَّةٌ فَهِيَ عَتِيقٌ لَيْسَ لِأَحَدٍ عَلَيْهَا سَبِيلٌ

Thereafter, so if the women (wives) around whom I^{-asws} circle, are seventeen of them. From them have children with them, their children, and from them are pregnant, and from them are one who have no children. So my^{-asws} judgement with regards to them is that if there befalls with me^{-asws} a befalling (passing away), the one from them who does not have a child for her, and is not with a pregnancy, so she is free for the Sake of Allah^{-azwj} Mighty and Majestic. There is no way for anyone upon them. And the one from them who had a child for her, or is pregnant, so she should wait upon her child, and she is from a share. So when her child dies and she is alive, so she is free. There is no way upon her for anyone.

هَذَا مَا قَضَى بِهِ عَلِيُّ فِي مَالِهِ الْعَدَّةَ مِنْ يَوْمٍ قَدِيمٍ مَسْكِنَ شَهْدِ أَبُو شِمْرٍ بْنُ أَبِرْهَةَ وَ صَعَصَعَةَ بْنُ صَوْحَانَ وَ يَزِيدُ بْنُ قَيْسٍ وَ هَيَّاجُ بْنُ أَبِي هَيَّاجٍ

This is what Ali^{-asws} has judged with regarding his^{-asws} wealth, the morning of the day he^{-asws} set foot at Maskan, witnessed by Abu Shimr Bin Abraha, and Sa'sa Bin Sowhan, and Yazeed Bin Qays, and Hayyaj Bin Aby Hayyaj’.

وَ كَتَبَ عَلِيُّ بْنُ أَبِي طَالِبٍ بِيَدِهِ لِعَشْرِ خَلْوَنَ مِنْ جُمَادَى الْأُولَى سَنَةَ سَبْعٍ وَ ثَلَاثِينَ وَ كَانَتْ الْوَصِيَّةُ الْآخِرَى مَعَ الْأُولَى

And Ali^{-asws} Bin Abu Talib^{-asws} wrote by his^{-asws} own hand, on the 11th of Jamadi Al-Awwal, the year 37 (Hijra), and it was another bequest, along with the first (a codicil).

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ عَلِيُّ بْنُ أَبِي طَالِبٍ أَوْصَى أَنَّهُ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ أَرْسَلَهُ بِالْهُدَى وَ دِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَ لَوْ كَرِهَ الْمُشْرِكُونَ صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ ثُمَّ إِنَّ صَلَاتِي وَ نُسُكِي وَ مَحْيَايَ وَ مَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ وَ بِذَلِكَ أُمِرْتُ وَ أَنَا مِنَ الْمُسْلِمِينَ

In the Name of Allah^{-azwj} the Beneficent, the Merciful. This is what is bequeathed by Ali^{-asws} Bin Abu Talib^{-asws}, bequeathing that he^{-asws} testifies that there is no god except for Allah^{-azwj}, One, not having an associated for Him^{-azwj}, and that Muhammad^{-saww} is His^{-azwj} servant and His^{-azwj} Rasool^{-saww}, **[9:33] Sent His Rasool with the Guidance and the Religion of the Truth, in order to prevail it over all Religions, even though the Polytheists may be averse to it.** Blessing be upon him^{-saww} and his^{-saww} Progeny^{-asws}. Then, **[6:162] Surely my Prayer and my sacrifice and my life and my death are (all) for Allah, the Lord of the worlds**, there being no associates for Him^{-azwj}. And with that, I^{-asws} decree, and I^{-asws} am from the Muslims.

ثُمَّ إِنِّي أَوْصِيكَ يَا حَسَنُ وَ جَمِيعَ أَهْلِ بَيْتِي وَ وُلْدِي وَ مَنْ بَلَغَهُ كِتَابِي بِتَقْوَى اللَّهِ رَبِّكُمْ وَ لَا تَمُوتَنَّ إِلَّا وَ أَنْتُمْ مُسْلِمُونَ وَ اغْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعاً وَ لَا تَفَرَّقُوا فَاِنِّي سَمِعْتُ رَسُولَ اللَّهِ (صلى الله عليه وآله) يَقُولُ صَلَاحُ ذَاتِ الْبَيْنِ أَفْضَلُ مِنْ عَامَّةِ الصَّلَاةِ وَ الصِّيَامِ وَ أَنَّ الْمُبِيرَةَ الْحَالِقَةَ لِلدِّينِ فَسَادُ ذَاتِ الْبَيْنِ وَ لَا قُوَّةَ إِلَّا بِاللَّهِ الْعَلِيِّ الْعَظِيمِ انظُرُوا ذَوِي أَرْحَامِكُمْ فَصَلُّوهُمْ يَهَوِّنَ اللَّهُ عَلَيْكُمْ الْحِسَابَ

Then, I^{-asws} hereby bequeath to you^{-asws}, O Hassan^{-asws}, and the entirety of the people of my^{-asws} household, and my^{-asws} children, and to the one to whom reaches my^{-asws} letter, to fear Allah^{-azwj}, your Lord^{-azwj} **[3:102] and do not die unless you are Muslims [3:103] And hold fast by the Rope of Allah all together and be not disunited**, for I^{-asws} heard Rasool-Allah^{-saww} saying: 'Reconciling between the two is superior than the generality of the Prayers and the Fasts, and that the denouncer is destructive for the Religion, (creating) discord between the two'; and there is no Strength except with Allah^{-azwj}, the Exalted, the Magnificent. Look into your ones with relationships, so maintain relationships with them, Allah^{-azwj} would Make the Reckoning easier upon you.

اللَّهُ اللَّهُ فِي الْأَيْتَامِ فَلَا تُغَيِّرُوا أَقْوَاهُمْ وَ لَا يَضْيَعُوا بِحَضْرَتِكُمْ فَقَدْ سَمِعْتُ رَسُولَ اللَّهِ (صلى الله عليه وآله) يَقُولُ مَنْ عَالَ يَتِيمًا حَتَّى يَسْتَعْنِيَ أَوْجَبَ اللَّهُ عَزَّ وَ جَلَّ لَهُ بِذَلِكَ الْجَنَّةَ كَمَا أَوْجَبَ لِأَكْلِ مَالِ الْيَتِيمِ النَّارَ

Allah^{-azwj}! Allah^{-azwj}! With regards to the orphans! So do not be absent-minded of their mouths (feeding them), and do not let them be wasted in your presence, for I^{-asws} have heard Rasool-Allah^{-saww} saying: 'The one who looks after an orphan until he is needless, Allah^{-azwj} would Obligated upon him the Paradise, due to that, just as He^{-azwj} Obligates the Fire upon the consumer of the wealth of the orphans.

اللَّهُ اللَّهُ فِي الْقُرْآنِ فَلَا يَسْبِقُكُمْ إِلَى الْعَمَلِ بِهِ أَحَدٌ غَيْرُكُمْ اللَّهُ اللَّهُ فِي جِيرَانِكُمْ فَإِنَّ النَّبِيَّ (صلى الله عليه وآله) أَوْصَى بِهِمْ وَ مَا زَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) يُوصِي بِهِمْ حَتَّى ظَنَنَّا أَنَّهُ سَيُورَثُهُمُ اللَّهُ اللَّهُ فِي بَيْتِ رَبِّكُمْ فَلَا يَخْلُو مِنْكُمْ مَا بَقِيَتْمْ فَإِنَّهُ إِنْ تَرَكَ لَمْ تَنْظُرُوا وَ أَدْنَى مَا يَرْجِعُ بِهِ مَنْ أَمَّهُ أَنْ يُعْفَرَ لَهُ مَا سَلَفَ

Allah^{-azwj}! Allah^{-azwj}! With regards to the Quran! So do not let anyone from the other precede you to the acting by it. Allah^{-azwj}! Allah^{-azwj}, with regards to your neighbours, for the Prophet^{-saww} bequeathed with them, and Rasool-Allah^{-saww} did not cease to bequeath with them to the extent that we thought that he^{-saww} would make them our inheritors. Allah^{-azwj}! Allah^{-azwj}! With regards to the House of your Lord^{-azwj} (Kabah)! So do not let it be empty from you for as long as you remain, for if you were to neglect it,

you would not see it, and the lowest of what (rewards) one comes back with from his own mother, that is he is Forgiven for him whatever is past.

اللَّهُ فِي الصَّلَاةِ فَإِنَّهَا خَيْرُ الْعَمَلِ إِنَّهَا عَمُودُ دِينِكُمْ اللَّهُ فِي الزَّكَاةِ فَإِنَّهَا تُطْفِئُ غَضَبَ رَبِّكُمْ اللَّهُ فِي شَهْرِ رَمَضَانَ فَإِنَّ صِيَامَهُ جُنَّةٌ مِنَ النَّارِ اللَّهُ فِي الْفُقَرَاءِ وَ الْمَسَاكِينِ فَشَارِكُوهُمْ فِي مَعَايِشِكُمْ

Allah-azwj! Allah-azwj! With regards to the Prayer, for it is the best of the deeds, and it is a pillar of your Religion. Allah-azwj! Allah-azwj! With regards to the Zakat, for it is an extinguisher of the Wrath of your Lord-azwj. Allah-azwj! Allah-azwj! With regards to the Month of Ramazan, of its Fasts are a shield form the Fire. Allah-azwj! Allah-azwj! With regards to the poor and the needy, so participate them in your livelihoods.

اللَّهُ فِي الْجِهَادِ بِأَمْوَالِكُمْ وَ أَنْفُسِكُمْ وَ أَلْسِنَتِكُمْ فَإِنَّمَا يُجَاهِدُ رَجُلَانِ إِمَامٌ هُدَى أَوْ مُطِيعٌ لَهُ مُقْتَدٍ بِهِدَاةِ اللَّهِ فِي ذُرِّيَّةِ نَبِيِّكُمْ فَلَا يُظْلَمَنَّ بِحَضْرَتِكُمْ وَ بَيْنَ ظَهْرَانِيكُمْ وَ أَنْتُمْ تَقْدِرُونَ عَلَى الدَّفْعِ عَنْهُمْ اللَّهُ فِي أَصْحَابِ نَبِيِّكُمْ الَّذِينَ لَمْ يُحَدِّثُوا حَدَثًا وَ لَمْ يُؤْوُوا مُحَدِّثًا فَإِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) أَوْصَى بِهِمْ وَ لَعَنَ الْمُحَدِّثَ مِنْهُمْ وَ مِنْ غَيْرِهِمْ وَ الْمُؤْوِي لِلْمُحَدِّثِ

Allah-azwj! Allah-azwj! With regards to the Jihad with your wealth and your selves, and your tongues. But rather two men perform Jihad, one who fights against an Imam-asws of Guidance, or the one who is obedient to him-asws, being guided by his-asws Guidance. Allah-azwj! Allah-azwj! With regards to the offspring of your Prophet-saww, so do not let them be oppressed in your presence or in your midst, and you have the ability to defend them. Allah-azwj! Allah-azwj! With regards to the companions of your Prophet-saww who did not innovate anything new, and did not harbour the innovators, for Rasool-Allah-saww bequeathed (donated) with them and cursed the innovator from them, and from the other, as well as the protector of the innovator.

اللَّهُ فِي النِّسَاءِ وَ فِيمَا مَلَكَتْ أَيْمَانُكُمْ فَإِنَّ آخَرَ مَا تَكَلَّمَ بِهِ نَبِيُّكُمْ (عليه السلام) أَنْ قَالَ أَوْصِيكُمْ بِالضَّعِيفِينَ النِّسَاءِ وَ مَا مَلَكَتْ أَيْمَانُكُمْ

Allah-azwj! Allah-azwj! With regards to the women, and with regards to what your right hand possess, for the last of what your Prophet-saww spoke with was that he-saww said: 'I-saww bequeath you with the two weak ones, the women and what is owned by your right hands (dependents).

الصَّلَاةِ الصَّلَاةِ الصَّلَاةِ لَا تَخَافُوا فِي اللَّهِ لَوْمَةً لَأَنَّمْ يَكْفِئُكُمْ اللَّهُ مَنْ آدَاكُمْ وَ بَعَى عَلَيْكُمْ قُولُوا لِلنَّاسِ حُسْنًا كَمَا أَمَرَكُمْ اللَّهُ عَزَّ وَ جَلَّ وَ لَا تَنْزَكُوا الْأَمْرَ بِالْمَعْرُوفِ وَ النَّهْيِ عَنِ الْمُنْكَرِ فَيُولِي اللَّهُ أَمْرَكُمْ شِرَارَكُمْ ثُمَّ تَدْعُونَ فَلَا يَسْتَجَابُ لَكُمْ عَلَيْهِمْ

The Prayer! The Prayer! The Prayer! Do not fear with regards to Allah-azwj, the accusation of an accuser. Allah-azwj would Suffice for you from their harming you, and their rebelling against you. Speak good to the people just as Allah-azwj Mighty and Majestic has Commanded you, and do not neglect the enjoining of the good and the prevention from the evil for Allah-azwj would Make rulers in your affairs, the most evil ones of you, would be supplicating, but yours (the prayers) would not be Answered against them (the rulers).

وَ عَلَيْكُمْ يَا بَنِيَّ بِالْتَّوَّاسِلِ وَ التَّنَادُلِ وَ التَّنَابَرِ وَ التَّبَايُحِ وَ التَّنْقَاطِعِ وَ التَّدَابُرِ وَ التَّفَرُّقِ وَ تَعَاوَنُوا عَلَى الْبِرِّ وَ التَّقْوَى وَ لَا تَعَاوَنُوا عَلَى الْإِثْمِ وَ الْعُدْوَانِ وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

And it is upon you-asws, O my-asws son-asws, with the maintenance of good relationships, and the generosity, and the virtuousness. And beware of the cutting-off (of the

relationships), and the aversions (from each other) and the separations, and help each other upon the righteousness and the piety, and do not support upon the sins and the animosity. And fear Allah-^{azwj}, that Allah-^{azwj} is Harsh in the Retribution.

حَفِظَكُمُ اللَّهُ مِنْ أَهْلِ بَيْتِهِ وَ حَفِظَ فِيكُمْ نَبِيَّكُمْ أَسْتَوِدِعُكُمْ اللَّهَ وَ أَقْرَأُ عَلَيْكُمُ السَّلَامَ وَ رَحْمَةَ اللَّهِ وَ بَرَكَاتِهِ

May Allah-^{azwj} Protect you, from the family, (just as He-^{azwj}) Protected your Prophet-^{saww} among you. I-^{asws} entrust you all to Allah-^{azwj}, and convey the greetings upon you, and the Mercy of Allah-^{azwj} and His-^{azwj} Blessings’.

ثُمَّ لَمْ يَزَلْ يَقُولُ لَا إِلَهَ إِلَّا اللَّهُ لَا إِلَهَ إِلَّا اللَّهُ حَتَّى فُيَضَّ صَلَوَاتُ اللَّهِ عَلَيْهِ وَ رَحْمَتُهُ فِي ثَلَاثِ لَيَالٍ مِنَ الْعَشْرِ الْأَوَاخِرِ لَيْلَةَ ثَلَاثِ وَ عَشْرِينَ مِنْ شَهْرِ رَمَضَانَ لَيْلَةَ الْجُمُعَةِ سَنَةِ أَرْبَعِينَ مِنَ الْهَجْرَةِ وَ كَانَ ضَرْبَ لَيْلَةِ إِحْدَى وَ عَشْرِينَ مِنْ شَهْرِ رَمَضَانَ .

Then he-^{asws} did not stop saying ‘There is no god except for Allah-^{azwj}, there is no god except for Allah-^{azwj}’, until he-^{asws} passed away, may the Blessing of Allah-^{azwj} be upon him-^{asws}, and His-^{azwj} Mercy, during the third night from the last ten nights of the twenty third from the Month of Ramazan, the night of Friday, the year forty from the Hijra. And he-^{asws} was struck on the night of the twenty first from the Month of Ramazan. ¹⁸⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ أَنَّ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) بَعَثَ إِلَيْهِ بِوَصِيَّةِ أَبِيهِ وَ بِصَدَقَتِهِ مَعَ أَبِي إِسْمَاعِيلَ مُصَادِفٍ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا عَهَدَ جَعْفَرُ بْنُ مُحَمَّدٍ وَ هُوَ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَ لَهُ الْحَمْدُ يُحْيِي وَ يُمِيتُ بِيَدِهِ الْخَيْرُ وَ هُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ وَ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ وَ أَنَّ السَّاعَةَ آتِيَةٌ لَا رَيْبَ فِيهَا وَ أَنَّ اللَّهَ يَبْعَثُ مَنْ فِي الْقُبُورِ عَلَى ذَلِكَ نَحْيًا وَ عَلَيْهِ نُمُوتُ وَ عَلَيْهِ نُبْعَثُ حَيًّا إِنْ شَاءَ اللَّهُ

Abu Ali Al Ashary, from Muhammad Bin Al Jabbar, from Safwan and Muhammad Bin Ismail, from Al Fazl Bin Shazan, from Safwan and Ali Bin Ibrahim, from his father, from safwan and Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj that Abu Al Hassan Bin Musa -^{asws} sent to him a bequest of his -^{asws} father -^{asws}, and with a charity, along with Abu Ismail Musadif.

In the Name of Allah-^{azwj} the Beneficent, the Merciful. This is what is the testament of Ja'far-^{asws} Bin Muhammad-^{asws}, and he-^{asws} testifies that there is not god except for Allah-^{azwj}, One, there being no associates for Him-^{azwj}. For Him-^{azwj} is the Kingdom, and for Him-^{azwj} is the Praise. He-^{azwj} Revives and Causes to die. In His-^{azwj} hand is the Goodness, and He-^{azwj} has the Authority over everything. And that Muhammad-^{saww} is His-^{azwj} servant and His-^{azwj} Rasool-^{saww}, and that the Hour is coming, there is no doubt therein, and that Allah-^{azwj} would Resurrect the ones who are in the graves. Upon that we-^{asws} live, and upon it we-^{asws} die, and upon it we-^{asws} would be Resurrected alive to Him-^{azwj}, Allah-^{azwj} Willing.

وَ عَهْدَ إِلَى وُلْدِهِ إِلَّا يَمُوتُوا إِلَّا وَ هُمْ مُسْلِمُونَ وَ أَنْ يَتَّقُوا اللَّهَ وَ يُصْلِحُوا ذَاتَ بَيْنِهِمْ مَا اسْتَطَاعُوا فَإِنَّهُمْ لَنْ يَزَالُوا بِخَيْرٍ مَا فَعَلُوا ذَلِكَ وَ إِنْ كَانَ دَيْنٌ يُدَانُ بِهِ وَ عَهْدٌ إِنْ حَدَّثَ بِهِ حَدَّثَ وَ لَمْ يُعَيِّرْ عَهْدَهُ هَذَا وَ هُوَ أَوْلَى بِتَغْيِيرِهِ مَا أَبْقَاهُ اللَّهُ لِفُلَانٍ كَذَا وَ كَذَا وَ لِفُلَانٍ كَذَا وَ كَذَا وَ لِفُلَانٍ كَذَا وَ فُلَانٌ حُرٌّ

And he-^{asws} covenants (pledges) to his-^{asws} children that they should not be dying except that they are Muslims, and that they should be fearing Allah-^{azwj}, and that they should be reconciling among themselves in accordance with their abilities, so they

¹⁸⁵ Al Kafi – V 7 – H 12933 – The Book of Bequests Ch 35 H 7

would not cease to be with goodness for as long as they do that, if it was a Religion that they made a Religion with. And he^{-asws} covenants that if there befalls him^{-asws} what befalls (passes away), and he^{-asws} does not change this covenant of his^{-asws} and he^{-asws} is the first with the changing of it (rightful for it) for as long as Allah^{-azwj} Causes him^{-asws} to remain – for so and so is such and such, and for so and so is such and such, and for so and so is such and such, and so and so is free.

وَجَعَلَ عَهْدَهُ إِلَى فُلَانٍ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا تَصَدَّقَ بِهِ مُوسَى بْنُ جَعْفَرٍ بِأَرْضِ بَمَكَانَ كَذَا وَ كَذَا وَ حَدُّ الْأَرْضِ كَذَا وَ كَذَا كُلُّهَا وَ نَخْلُهَا وَ أَرْضِهَا وَ بِيَاضِهَا وَ مَائِهَا وَ أَرْجَانِهَا وَ حُقُوقِهَا وَ شَرِبِهَا مِنَ الْمَاءِ وَ كُلِّ حَقِّ قَلِيلٍ أَوْ كَثِيرٍ هُوَ لَهَا فِي مَرْفَعٍ أَوْ مَطْهَرٍ أَوْ مَغِيضٍ أَوْ مَرْفَقٍ أَوْ سَاحَةِ أَوْ شُعْبَةٍ أَوْ مَشْعَبٍ أَوْ مَسِيلٍ أَوْ غَامِرٍ أَوْ غَامِرٍ تَصَدَّقَ بِجَمِيعِ حَقِّهِ مِنْ ذَلِكَ عَلَى وُلْدِهِ مِنْ صُلْبِهِ الرِّجَالِ وَ النِّسَاءِ يَفْسِمُ وَ إِلَيْهَا مَا أَخْرَجَ اللَّهُ عَرَّ وَ جَلَّ مِنْ غَلَّتِهَا بَعْدَ الَّذِي يَكْفِيهَا مِنْ عِمَارَتِهَا وَ مَرَافِقِهَا

And he^{-asws} makes his^{-asws} covenant to so and so. In the Name of Allah^{-azwj} the Beneficent, the Merciful. This is what is given in charity to Musa^{-asws} Bin Ja'far^{-asws}, by a land at such and such a place, and limit of the land such and such, all of it, and its trees, and its grounds, and its eggs/seeds, and its waters, and its surroundings, and its rights, and its watering places, and every right, little or more, whether there is for it in a high place or a courtyard, or branches, or dividing marks, or drainages, or inhabited or uninhabited places are hereby given in charity, with the entirety of its rights from that upon his^{-asws} children from his^{-asws} lineage, the men and the women, to be distributed, along with whatever Allah^{-azwj} Mighty and Majestic would Bring out from its yields after what is sufficient from its buildings and its facilities.

وَ بَعْدَ ثَلَاثِينَ عَدَقًا يَفْسِمُ فِي مَسَاكِينِ أَهْلِ الْقُرْبَى بَيْنَ وُلْدِ مُوسَى لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثِيَيْنِ فَإِنْ تَزَوَّجَتْ امْرَأَةٌ مِنْ وُلْدِ مُوسَى فَلَا حَقَّ لَهَا فِي هَذِهِ الصَّدَقَةِ حَتَّى تَرْجِعَ إِلَيْهَا بِغَيْرِ رَوْحٍ فَإِنْ رَجَعَتْ كَانَ لَهَا مِثْلُ حَظِّ الْبَنَاتِ لَمْ تَنْزَوَّجْ مِنْ بَنَاتِ مُوسَى وَ إِنْ مَن تُوْفِيَ مِنْ وُلْدِ مُوسَى وَ لَهُ وُلْدٌ فَوَلَدُهُ عَلَى سَهْمِ أَبِيهِ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثِيَيْنِ عَلَى مِثْلِ مَا شَرَطَ مُوسَى بْنُ جَعْفَرٍ فِي وُلْدِهِ مِنْ صُلْبِهِ وَ إِنْ مَن تُوْفِيَ مِنْ وُلْدِ مُوسَى وَ لَمْ يَتْرُكْ وُلْدًا رُدَّ حَقُّهُ عَلَى أَهْلِ الصَّدَقَةِ وَ إِنَّهُ لَيْسَ لِوُلْدِ بَنَاتِي فِي صَدَقَتِي هَذِهِ حَقٌّ إِلَّا أَنْ يَكُونَ آبَاؤُهُمْ مِنْ وُلْدِي

And afterwards, thirty clusters are to be distributed among the poor of the people of the town between the children of Musa^{-as}, for the males being the portion of the two females. So if a woman from the children of Musa^{-asws} were to be married, so there would be no right for her in this charity until she returns without a husband. So if she returns, there would be for her a portion similar to that which was for the unmarried daughters of Musa^{-asws}. And if one dies from the children of Musa^{-asws}, and for him are children, so the children would be upon the share of their father^{-asws}, for the male being two portions of the female, upon what Musa^{-asws} Bin Ja'far^{-asws} stipulated among his^{-asws} children from his^{-asws} offspring. And if one were to die, from the children of Musa^{-asws} and does not have any children for him, his right would be returned to the rightful ones of the charity, and it is not for the children of my^{-asws} daughters (to have) any right in this charity of mine^{-asws} except that they father happens to be from my^{-asws} children.

وَ إِنَّهُ لَيْسَ لِأَحَدٍ حَقٌّ فِي صَدَقَتِي مَعَ وُلْدِي أَوْ وُلْدِ وُلْدِي وَ أَعْقَابِهِمْ مَا بَقِيَ مِنْهُمْ أَحَدٌ وَ إِذَا انْقَرَضُوا وَ لَمْ يَبْقَ مِنْهُمْ أَحَدٌ فَصَدَقَتِي عَلَى وُلْدِ أَبِي مِنْ أُمَّي مَا بَقِيَ أَحَدٌ مِنْهُمْ عَلَى مَا شَرَطْتُهُ بَيْنَ وُلْدِي وَ عَقْبِي فَإِنْ انْقَرَضَ وُلْدُ أَبِي مِنْ أُمَّي فَصَدَقَتِي عَلَى وُلْدِ أَبِي وَ أَعْقَابِهِمْ مَا بَقِيَ مِنْهُمْ أَحَدٌ عَلَى مِثْلِ مَا شَرَطْتُ بَيْنَ وُلْدِي وَ عَقْبِي فَإِذَا انْقَرَضَ مِنْ وُلْدِ أَبِي وَ لَمْ يَبْقَ مِنْهُمْ أَحَدٌ فَصَدَقَتِي عَلَى الْأَوَّلِ فَأَلْأَوَّلِ حَتَّى يَرْتَهَا اللَّهُ الَّذِي وَرَثَهَا وَ هُوَ خَيْرُ الْوَارِثِينَ

And there is no right for anyone in this charity of mine along with my^{-asws} children, or children of my^{-asws} children, and their posterity what remains from them anyone. And if they are extinct and there does not remain anyone from them, so my^{-asws} charity is

upon the children of my^{-asws} father^{-asws}, from my^{-asws} mother for as long as one of them remains, upon what I^{-asws} have stipulated between my^{-asws} children and my^{-asws} posterity. So if the children of my^{-asws} father^{-asws} from my^{-asws} mother be extinct, so my^{-asws} charity is upon the children of my^{-asws} father and their posterity, what remains among them anyone, upon similar stipulations what was between my^{-asws} children and my^{-asws} posterity. So if the children of my^{-asws} father^{-asws} are extinct, and there does not remain anyone from them, so my^{-asws} charity is upon the first and the foremost until Allah^{-azwj} Makes to inherit those who inherit it and He^{-azwj} is the best of the Causers of inheritors.

تَصَدَّقَ مُوسَى بْنُ جَعْفَرٍ بِصَدَقَتِهِ هَذِهِ وَهُوَ صَاحِبُ صَدَقَةٍ حَيْسًا بَنَاءً بَنَاءً لَا مَشُوبَةَ فِيهَا وَلَا رَدَّ أَبَدًا ابْتِغَاءً وَجْهَ اللَّهِ عَزَّ وَجَلَّ وَ الدَّارِ الْآخِرَةِ لَا يَجَلُ لِمُؤْمِنٍ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ أَنْ يَبِيعَهَا أَوْ شَيْئًا مِنْهَا وَ لَا يَهَبَهَا وَ لَا يُنْجِلَهَا وَ لَا يُغَيِّرَ شَيْئًا مِنْهَا مِمَّا وَضَعْتُهُ عَلَيْهَا حَتَّى يَرِثَ اللَّهُ الْأَرْضَ وَ مَا عَلَيْهَا وَ جَعَلَ صَدَقَتَهُ هَذِهِ إِلَى عَلِيٍّ وَ إِبْرَاهِيمَ فَإِنْ انْقَرَضَ أَحَدُهُمَا دَخَلَ الْقَاسِمُ مَعَ الْبَاقِي مِنْهُمَا فَإِنْ انْقَرَضَ أَحَدُهُمَا دَخَلَ إِسْمَاعِيلُ مَعَ الْبَاقِي مِنْهُمَا فَإِنْ انْقَرَضَ أَحَدُهُمَا دَخَلَ الْعَبَّاسُ مَعَ الْبَاقِي مِنْهُمَا فَإِنْ انْقَرَضَ أَحَدُهُمَا فَالْأَكْبَرُ مِنْ وُلْدِي فَإِنْ لَمْ يَبْقَ مِنْ وُلْدِي إِلَّا وَاحِدٌ فَهُوَ الَّذِي يَلِيهِ

Musa^{-asws} Bin Ja'far^{-asws} has been given this charity and he^{-asws} is correct for holding the charity, without doubt or reversion in it ever, seeking the Face of Allah^{-azwj} Mighty and Majestic and the House of the Hereafter.

It is not permissible for a Believer who believes in Allah^{-azwj} and the Last Day, that he sells it, or anything from it, nor gift it, nor donate it, nor change anything from it, from what I^{-asws} have placed it until Allah^{-azwj} Inherits the earth and whatever is upon it, and I make this charity of mine to Ali, and Ibrahim. So if they one of the two be extinct, Al-Qasim would enter along with the remaining one of the two. So if one of the two be extinct, Ismail would enter along with the remaining one of the two. So if one of the two be extinct, Al-Abbas would enter with the remain one of the two. So if one of the two be extinct, so the elder one of my^{-asws} sons. So if there were not to remain anyone from my^{-asws} sons except for one, so he would the one to deal with it.

وَ زَعَمَ أَبُو الْحَسَنِ أَنَّ أَبَاهُ قَدَّمَ إِسْمَاعِيلَ فِي صَدَقَتِهِ عَلَى الْعَبَّاسِ وَ هُوَ أضعفُ مِنْهُ .

And Abu Al-Hassan^{-asws} thought that his^{-asws} father^{-asws} placed Ismail forward in his^{-asws} charity over Al-Abbas, and he was younger than him'.¹⁸⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنْ يَحْيَى بْنِ عُمَرَ عَنِ الْحَلْبِيِّ عَنْ أَبِي يُونُسَ بْنِ عَطِيَّةَ الْحَدَّاءِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ قَسَمَ نَبِيُّ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْفَيْءَ فَأَصَابَ عَلِيًّا (عَلَيْهِ السَّلَام) أَرْضًا فَاحْتَفَرَّ فِيهَا عَيْنًا فَحَرَجَ مَاءٌ يَنْبُعُ فِي السَّمَاءِ كَهَيْئَةِ عُنُقِ الْبَعِيرِ فَسَمَّاهَا يَنْبُعُ فَجَاءَ الْبَشِيرُ يُبَشِّرُ فَقَالَ (عَلَيْهِ السَّلَام) بَشِّرِ الْوَارِثَ هِيَ صَدَقَةٌ بَنَاءً بَنَاءً فِي حَجِيجِ بَيْتِ اللَّهِ وَ عَابِرِي سَبِيلِ اللَّهِ لَا تَبَاعُ وَ لَا تُوَهَّبُ وَ لَا تُورَثُ فَمَنْ بَاعَهَا أَوْ وَهَبَهَا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَ الْمَلَائِكَةِ وَ النَّاسِ أَجْمَعِينَ لَا يَقْبَلُ اللَّهُ مِنْهُ صَرْفًا وَ لَا عَدْلًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Yahya Bin Imran Al Halby, from Ayoub Bin Atiyya Al Haza'a who said,

'I heard Abu Abdullah^{-asws} saying: 'The Prophet^{-saww} of Allah^{-azwj} distributed Al-Fey, so Ali^{-asws} got a land and there were springs in it. So the water came out gushing towards the sky as if it was a neck of the camel. Thus it was named as Yanba (gusher). So the herald of good news came with the good news, so he^{-asws} said: 'Give the good news to the inheritors. It is a charity, irrevocable, in the Pilgrims of the House of Allah^{-azwj},

¹⁸⁶ Al Kafi – V 7 – The Book of Bequests Ch 35 H 8

and the passers-by in the Way of Allah^{-azwj}. It can neither be sold, not gifted, nor inherited. So the one who sells it, or gifts it, so upon him is the Curse of Allah^{-azwj}, and the Angels, and the people altogether. Allah^{-azwj} will not Accept from him an exchange nor a ransom'.¹⁸⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَخْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ هِشَامِ بْنِ أَحْمَرَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ جَمِيعاً عَنْ سَالِمَةَ مَوْلَاةِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَتْ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) جِئْتُ حَضْرَتَهُ الْوَفَاءُ فَأَعْمَى عَلَيَّ فَلَمَّا أَفَاقَ قَالَ أَعْطُوا الْحَسَنَ بْنَ عَلِيٍّ بْنِ الْحُسَيْنِ وَ هُوَ الْأَفْطُسُ سَبْعِينَ دِينَراً وَ أَعْطُوا فُلاناً كَذَا وَ كَذَا وَ فُلاناً كَذَا وَ كَذَا فَقُلْتُ أ تُعْطِي رَجُلًا حَمَلَ عَلَيْكَ بِالشَّفَرَةِ فَقَالَ وَيْحَكَ أ مَا تَقْرَأِينَ الْقُرْآنَ قُلْتُ بَلَى قَالَ أ مَا سَمِعْتَ قَوْلَ اللَّهِ عَزَّ وَ جَلَّ الَّذِينَ يَصِلُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يَخْشَوْنَ رَبَّهُمْ وَ يَخَافُونَ سُوءَ الْحِسَابِ

A number of our companions, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Jameel Bin Salih, from Hisham Bin Ahmad and Ali Bn Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed altogether,

(It has been narrated) from Salima, a slave girl of Abu Abdullah^{-asws} who said, 'I was in the presence of Abu Abdullah^{-asws} when death presented itself to him^{-asws}. So he^{-asws} fell unconscious, then woke up, said: 'Give seventy Dinars to Al-Hassan son of Ali^{-asws} Bin Al-Husayn^{-asws}, and he was Al-Aftas, and give so and so such and such, and to so and so such and such'. So I said, 'You^{-asws} want to give a man who attacked you^{-asws} with a blade?' So he^{-asws} said: 'Woe be unto you! Have you not read the Quran?' I said, 'Yes'. He^{-asws} said: 'Have you not hear the Words of Allah^{-azwj} Mighty and Majestic **[13:21] And those who join what Allah has Bidden to be joined and have awe of their Lord and they are fearing the evil Reckoning**'.

قَالَ ابْنُ مَخْبُوبٍ فِي حَدِيثِهِ حَمَلَ عَلَيْكَ بِالشَّفَرَةِ يُرِيدُ أَنْ يَقْتَلَكَ فَقَالَ أ تُرِيدِينَ عَلَيَّ أَنْ لَا أَكُونَ مِنَ الَّذِينَ قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى الَّذِينَ يَصِلُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يَخْشَوْنَ رَبَّهُمْ وَ يَخَافُونَ سُوءَ الْحِسَابِ نَعَمْ يَا سَالِمَةَ إِنَّ اللَّهَ خَلَقَ الْجَنَّةَ وَ طَيَّبَهَا وَ طَيَّبَ رِيحَهَا وَ إِنَّ رِيحَهَا لَتُوجَدُ مِنْ مَسِيرَةِ أَلْفِي عَامٍ وَ لَا يَجِدُ رِيحَهَا عَاقٌ وَ لَا قَاطِعٌ رَحِمَ .

Ibn Mahboub said in his Hadeeth – 'One who attacked you with a blade intending to kill you^{-asws}?' So he^{-asws} said: 'Are you wanting that I^{-asws} should happen to be from the ones about whom Allah^{-azwj} Blessed and High Said **[13:21] And those who join what Allah has Bidden to be joined and have awe of their Lord and they are fearing the evil Reckoning**? Yes, O Salima! Allah^{-azwj} Created the Paradise and its perfume, and aromatised its aroma, and its aroma can be found (smelt) from a travel distance of two thousand years, and it would not be smelt by one disobedient to his parents (Aaq), and one who has cut-off relationships'.¹⁸⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَمَّا يَقُولُ النَّاسُ فِي الْوَصِيَّةِ بِالثَّلَاثِ وَ الرَّبِيعِ عِنْدَ مَوْتِهِ أ شَيْءٌ صَحِيحٌ مَعْرُوفٌ أَمْ كَيْفَ صَنَعَ أَبُوكَ فَقَالَ الثَّلَاثُ ذَلِكَ الْأَمْرُ الَّذِي صَنَعَ أَبِي رَحِمَهُ اللَّهُ .

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

'I asked Abu Al-Hassan^{-asws} about what the people are saying regard the bequeathing with the third and the fourth during death. Which thing is correct, good, or how did

¹⁸⁷ Al Kafi – V 7 – The Book of Bequests Ch 35 H 9

¹⁸⁸ Al Kafi – V 7 – The Book of Bequests Ch 35 H 10

your-asws father-asws do it?' So he-asws said: 'The third is the Command which my-asws father-asws made it to be. May Allah-azwj have Mercy upon him-asws'.¹⁸⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ وَغَيْرِهِ عَنْ أَبِيَانَ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ إِنَّ أَبَا جَعْفَرٍ (عليه السلام) مَاتَ وَتَرَكَ سِتِّينَ غُلَامًا فَأَعْتَقَ ثَلَاثَهُمْ فَأَقْرَعَتْ بَيْنَهُمْ فَأَخْرَجَتْ عِشْرِينَ فَأَعْتَقَهُمْ .

Humayd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ja'far Bin Sama'at, and someone else, from Aban, from Muhammad Bin Marwan,

(It has been narrated) from Abu Abdullah-asws having said: 'Abu Ja'far-asws passed away and left (as legacy) sixty slaves, so he-asws emancipated (freed) a third of them. So I-asws drew lots between them, so I-asws brought out twenty and freed them'.¹⁹⁰

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ وَغَيْرِهِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ أَعْتَقَ أَبُو جَعْفَرٍ (عليه السلام) مِنْ غُلَامَانِهِ عِنْدَ مَوْتِهِ شِرَارَ هُمْ وَ أَمْسَكَ خَيْرَ هُمْ فَقُلْتُ يَا أَبَاهُ تُعْتِقُ هَؤُلَاءِ وَ تُمْسِكُ هَؤُلَاءِ فَقَالَ إِنَّهُمْ قَدْ أَصَابُوا مِنِّي ضُرًّا فَيَكُونُ هَذَا بِهِدًا .

From him, from Abdullah Bin Jabala and someone else, from Is'haq Bin Ammar, from Abu Baseer,

(It has been narrated) from Abu Abdullah-asws having said: 'Abu Ja'far-asws emancipated (liberated) the mischievous ones from his-asws slaves, during his-asws passing away, and retained the good ones of them'. So I-asws said, 'O father-asws! You-asws are freeing these ones and retaining those ones'. So he-asws said: 'They had been subjected to disciplining from me-asws, so that happened by this'.¹⁹¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ الْوَشَّاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ عُمَرَ بْنِ يَزِيدَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ مَرَضَ عَلِيُّ بْنُ الْحُسَيْنِ (عليه السلام) ثَلَاثَ مَرَضَاتٍ فِي كُلِّ مَرَضَةٍ يُوصِي بِوَصِيَّةٍ فَإِذَا أَفَاقَ أَمَضَى وَصِيَّتَهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Abdullah Bin Sinan, from Umar Bin Yazeed,

(It has been narrated) from Abu Abdullah-asws having said: 'Ali-asws Bin Al-Husayn-asws fell ill with three illnesses. During every illness he-asws bequeathed with a bequest, so when he-asws came around, signed (approved) his-asws bequest'.¹⁹²

بَاب مَا يَلْحَقُ الْمَيِّتَ بَعْدَ مَوْتِهِ

Chapter 36 – What attaches to the deceased after his death

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ مَنْصُورٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَيْسَ يَتَّبِعُ الرَّجُلَ بَعْدَ مَوْتِهِ مِنَ الْأَجْرِ إِلَّا ثَلَاثُ خِصَالٍ صَدَقَةٌ أَجْرَاهَا فِي حَيَاتِهِ فَهِيَ تَجْرِي بَعْدَ مَوْتِهِ وَ سُنَّةٌ هَدَى سُنَّتَهَا فَهِيَ يُعْمَلُ بِهَا بَعْدَ مَوْتِهِ أَوْ وَلَدٌ صَالِحٌ يَدْعُو لَهُ .

¹⁸⁹ Al Kafi – V 7 – The Book of Bequests Ch 35 H 11

¹⁹⁰ Al Kafi – V 7 – The Book of Bequests Ch 35 H 12

¹⁹¹ Al Kafi – V 7 – The Book of Bequests Ch 35 H 13

¹⁹² Al Kafi – V 7 – The Book of Bequests Ch 35 H 14

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Isa, from Mansour, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Nothing from the recompense follows the man after his death except for three qualities – a charity which he made it to flow during his lifetime so it would flow after his death; and a Sunnah which he enacted so it would be acted upon after his death; or a righteous child who would supplicate for him'.¹⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَيْسَ يَنْبَغُ الرَّجُلَ بَعْدَ مَوْتِهِ مِنَ الْأَجْرِ إِلَّا ثَلَاثُ خِصَالٍ صَدَقَةٌ أَجْرَهَا فِي حَيَاتِهِ فَهِيَ تَجْرِي بَعْدَ مَوْتِهِ وَ صَدَقَةٌ مَبْنُوءَةٌ لَا تُورَثُ أَوْ سُنَّةٌ هَدَى يُعْمَلُ بِهَا بَعْدَهُ أَوْ وَلَدٌ صَالِحٌ يَدْعُو لَهُ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Nothing from the recompense follows the man after his death except for three qualities – a charity which he made it to flow during his lifetimes, so it would flow after his death; and a charity of an untouched woman not inherited, or a Sunnah guidance which would be acted upon after him, or a righteous child who would supplicate for him'.

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ صَفْوَانَ بْنِ مَسْكَانَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ إِلَّا أَنَّهُ قَالَ أَوْ وَلَدٌ صَالِحٌ يَسْتَغْفِرُ لَهُ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Safwan, from Ibn Muskan, from Muhammad Al Halby,

(It has been narrated) from Abu Abdullah^{-asws}, similar to it except that he^{-asws} said: 'Or a righteous child who seeks Forgiveness for him'.¹⁹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَنْبَغُ الرَّجُلَ بَعْدَ مَوْتِهِ إِلَّا ثَلَاثُ خِصَالٍ صَدَقَةٌ أَجْرَهَا لِلَّهِ فِي حَيَاتِهِ فَهِيَ تَجْرِي لَهُ بَعْدَ مَوْتِهِ وَ سُنَّةٌ هَدَى سَنَّهَا فَهِيَ يُعْمَلُ بِهَا بَعْدَ وَفَاتِهِ وَ وَلَدٌ صَالِحٌ يَدْعُو لَهُ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'There does not follow the man after his death except for three qualities – a charity he made it to flow for the Sake of Allah^{-azwj} during his lifetime, so it would flow for him after his death; and a Sunnah guidance which he enacted so it would be acted upon after his death; and a righteous child who would supplicate for him'.¹⁹⁵

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا يَلْحَقُ الرَّجُلَ بَعْدَ مَوْتِهِ فَقَالَ سُنَّةٌ سَنَّهَا يُعْمَلُ بِهَا بَعْدَ مَوْتِهِ فَيَكُونُ لَهُ مِثْلُ أَجْرِ مَنْ عَمَلَ بِهَا مِنْ غَيْرِ أَنْ يَنْتَقِصَ مِنْ أَجْرِهِمْ شَيْءٌ وَ الصَّدَقَةُ الْجَارِيَةُ تَجْرِي مِنْ بَعْدِهِ وَ الْوَلَدُ الصَّالِحُ يَدْعُو لِوَالِدَيْهِ بَعْدَ مَوْتِهِمَا وَ يَحُجُّ وَ يَتَصَدَّقُ عَنْهُمَا وَ يُعْتِقُ وَ يَصُومُ وَ يُصَلِّي عَنْهُمَا فَقُلْتُ أَشْرَكُهُمَا فِي حَجِّي قَالَ نَعَمْ .

¹⁹³ Al Kafi – V 7 – The Book of Bequests Ch 36 H 1

¹⁹⁴ Al Kafi – V 7 – The Book of Bequests Ch 36 H 2

¹⁹⁵ Al Kafi – V 7 – The Book of Bequests Ch 36 H 3

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Muawiya Bin Ammar who said,

'I said to Abu Abdullah^{-asws}: 'What attaches to the man after his death?' So he^{-asws} said: 'A Sunnah which he enacted which would be acted upon after his death, so there would happen to be for him a Recompense of the one who acts by it without there being any deficiency in their Recompenses by anything; and a flowing charity which would flow after his death; and the righteous child who would supplicate for its parents after both their deaths, and go for Hajj (on their behalf), and give in charity on both their behalf, and emancipate (liberate a slave), and Fast, and Pray on both their behalf'. So I said, 'Shall I offer Hajj on behalf of them both (parents)?' He^{-asws} said: 'Yes'.¹⁹⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ يَزِيدَ بْنِ مُحَمَّدِ بْنِ شُعَيْبٍ عَنْ أَبِي كَهْمَسٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سِتَّةٌ تَلْحَقُ الْمُؤْمِنَ بَعْدَ وَفَاتِهِ وَلَدٌ يَسْتَعْفِرُ لَهُ وَ مَصْحَفٌ يُحْلِفُهُ وَ عَرَسٌ يَغْرُسُهُ وَ قَلْبٌ يَخْفَرُهُ وَ صَدَقَةٌ يُجْرِيهَا وَ سُنَّةٌ يُؤَخِّدُ بِهَا مِنْ بَعْدِهِ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Yaqoub Bin Yazeed, from Muhammad Bin Shuayb, from Abu Kahmas,

Abu Abdullah^{-asws} has said: 'Six (things) attach to the Believer after his death – a child who seeks Forgiveness for him, and a book he leaves behind, and a plant which he plants, and a well which he digs, and a charity which he makes to flow, and a Sunnah which is taken with (acted upon) from after it'.¹⁹⁷

باب النِّوَادِرِ

Chapter 37 – The miscellaneous

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ إِنَّ رَجُلًا أَوْصَى إِلَيَّ فَسَأَلْتُهُ أَنْ يُشْرِكَ مَعِيَ ذَا قَرَابَةٍ لَهُ فَفَعَلَ وَ ذَكَرَ الَّذِي أَوْصَى إِلَيَّ أَنَّ لَهُ قَبِيلَ الَّذِي أَشْرَكَهُ فِي الْوَصِيَّةِ خَمْسِينَ وَ مِائَةَ دِرْهَمٍ عِنْدَهُ رَهْنًا بِهَا جَامٌ مِنْ فِضَّةٍ فَلَمَّا هَلَكَ الرَّجُلُ أَنْشَأَ الْوَصِيُّ يَدَّعِيَّ أَنَّ لَهُ قَبِيلَهُ أَكْرَارَ حِنْطَةٍ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ali Bin Uqba, from Bureyd Bin Muawiya,

(It has been narrated) from Abu Abdullah^{-asws}, said, 'I said to him^{-asws}, 'A man bequeathed to me (to be an executor), so I asked that he should associate (someone else) with me who is a near relative of his. So he did it, and he, the one who bequeathed to me, mentioned that for him with the one who is an associate with regards to the bequest, are one hundred and fifty Dirhams as security, a bowl of silver. So when the man died, the executor said that he has a claim against him (the deceased) a certain measurements of wheat.

قَالَ إِنَّ أَقَامَ النَّبِيَّةَ وَ إِلَّا فَلَا شَيْءَ لَهُ قَالَ قُلْتُ لَهُ أَيْ جِلُّ لَهُ أَنْ يَأْخُذَ مِمَّا فِي يَدِهِ شَيْئًا قَالَ لَا يَجِلُّ لَهُ قُلْتُ لَوْ أَنَّ رَجُلًا عَدَا عَلَيْهِ فَأَخَذَ مَالَهُ فَقَدَرَ عَلَى أَنْ يَأْخُذَ مِنْ مَالِهِ مَا أَخَذَ أَوْ كَانَ ذَلِكَ لَهُ قَالَ إِنَّ هَذَا لَيْسَ مِثْلَ هَذَا .

¹⁹⁶ Al Kafi – V 7 – The Book of Bequests Ch 36 H 4

¹⁹⁷ Al Kafi – V 7 – The Book of Bequests Ch 36 H 5

He^{-asws} said: 'If he establishes the evidence, otherwise there is nothing for him'. I said to him^{-asws}, 'Is it Permissible for him that he takes anything from what is in his hands?' He^{-asws} said: 'It is not Permissible for him'. I said, 'What is your^{-asws} view, if that man is inimical towards him, so he takes his wealth, and he is able to take from his wealth what he takes, that would be for him?' He^{-asws} said: 'This (situation) is not similar to this'.¹⁹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَوْصَى رَجُلٌ بِثَلَاثِينَ دِينَارًا لَوْلَادِ فَاطِمَةَ (عَلَيْهَا السَّلَامُ) قَالَ فَأَتَى بِهَا الرَّجُلُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) ادْفَعُهَا إِلَى فُلَانِ شَيْخٍ مِنْ وُلْدِ فَاطِمَةَ (عَلَيْهَا السَّلَامُ) وَكَانَ مُعْبِلًا مُقْلًا فَقَالَ لَهُ الرَّجُلُ إِنَّمَا أَوْصَى بِهَا الرَّجُلُ لَوْلَادِ فَاطِمَةَ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّهَا لَا تَقَعُ مِنْ وُلْدِ فَاطِمَةَ وَ هِيَ تَقَعُ مِنْ هَذَا الرَّجُلِ وَ لَهُ عِيَالٌ .

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

(It has been narrated) from Abu Abdullah^{-asws} having said: 'A man bequeathed thirty Dinars for the children of Syeda Fatima^{-asws}. So the man brought it to Abu Abdullah^{-asws}. So Abu Abdullah^{-asws} said: 'Hand it over to so and so old man from the children of Fatima^{-asws}', and he was a breadwinner, with scarcity. So the man said to him^{-asws}, 'But rather the man bequeathed with it for the children of Fatima^{-asws} (to you^{-asws})' So Abu Abdullah^{-asws} said: 'But rather it does not fall upon the (particular) children of Fatima^{-asws}, and it falls upon this man (who is among the descendants of Syeda^{-asws}), and for him are dependants'.¹⁹⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ عَلِيِّ بْنِ مَهْرَبَانَ عَنْ أَحْمَدَ بْنِ حَمْرَةَ قَالَ قُلْتُ لَهُ إِنَّ فِي بَلَدِنَا رُبَّمَا أَوْصَى بِالْمَالِ لِأَلِ مُحَمَّدٍ (عَلَيْهِمُ السَّلَامُ) فَيَأْتُونِي بِهِ فَأَكْرَهُ أَنْ أَحْمِلَهُ إِلَيْكَ حَتَّى اسْتَأْمَرَكَ فَقَالَ لَا تَأْتِيَنِي بِهِ وَ لَا تَعْرِضْ لَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ali Bin Mahziyar, from Ahmad Bin Hamza who said,

'I said to him^{-asws}, 'In our city, sometimes (people tend to) bequeath wealth to the Progeny^{-asws} of Muhammad^{-saww}, so they bring it to me, but I dislike carrying it over to you^{-asws} until you^{-asws} instruct me to do so'. So he^{-asws} said: 'Do not come to me^{-asws} with it, and do not concern (yourself) with it' (since he disliked carrying it).²⁰⁰

مُحَمَّدُ بْنُ يَحْيَى رَفَعَهُ عَنْهُمْ (عَلَيْهِمُ السَّلَامُ) قَالَ قَالَ مَنْ أَوْصَى بِالثُّلُثِ اخْتَسِبَ لَهُ مِنْ زَكَاتِهِ .

Muhammad Bin Yahya,

(It has been narrated) raising it from them^{-asws}, said, 'He^{-asws} said: 'The one who bequeaths with the one-third, it would be reckoned for him from his Zakat'.²⁰¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) فِي رَجُلٍ أَقْرَ عِنْدَ مَوْتِهِ لِفُلَانٍ وَ فُلَانٍ لِأَحَدِهِمَا عِنْدِي أَلْفٌ دِرْهَمٍ ثُمَّ مَاتَ عَلَى تِلْكَ الْحَالِ فَقَالَ أَيُّهُمَا أَقَامَ الْبَيْتَةَ فَلَهُ الْمَالُ فَإِنْ لَمْ يُقَمْ وَاحِدٌ مِنْهُمَا الْبَيْتَةَ فَالْمَالُ بَيْنَهُمَا نَصْفَانِ .

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

¹⁹⁸ Al Kafi – V 7 – The Book of Bequests Ch 37 H 1

¹⁹⁹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 2

²⁰⁰ Al Kafi – V 7 – The Book of Bequests Ch 37 H 3

²⁰¹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 4

(It has been narrated) from Abu Abdullah^{-asws} having said: 'Amir Al-Momineen^{-asws} said with regards to a man who accepted during his death, For so and so, and so and so, for one of the two, with me, there are a thousand Dirhams'. Then he died upon that state. So he^{-asws} said: 'Whichever of the two establishes the evident, so for him is the wealth. So if neither of the two establishes the evidence, so the wealth is (divided) between the two of them, in two halves'.²⁰²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ عَدَلَ فِي وَصِيَّتِهِ كَانَ بِمَنْزِلَةِ مَنْ تَصَدَّقَ بِهَا فِي حَيَاتِهِ وَ مَنْ جَارَ فِي وَصِيَّتِهِ لَقِيَ اللَّهَ عَزَّ وَ جَلَّ يَوْمَ الْقِيَامَةِ وَ هُوَ عَنْهُ مُعْرَضٌ .

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

Abu Abdullah^{-asws} has said: 'The one who does justice in his bequest would be at the status of the one who gave in charity with it during his lifetime; and the one who is inequitable in his bequest would meet Allah^{-azwj} Mighty and Majestic on the Day of Judgement, and He^{-azwj} would Turn away from him'.²⁰³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الرَّيَّانِ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ عَنْ إِنْسَانٍ أَوْصَى بِوَصِيَّةٍ فَلَمْ يَحْفَظِ الْوَصِيَّ إِلَّا بَاباً وَاحِداً مِنْهَا كَيْفَ يَصْنَعُ فِي الْبَاقِي فَوَقَّعَ (عَلَيْهِ السَّلَام) الْأَبْوَابَ الْبَاقِيَةَ بِجَعْلِهَا فِي الْبِرِّ .

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

'I wrote to Abu Al-Hassan^{-asws} asking him about a human being who bequeathed with a bequest, but the executor did not memorise it except for one aspect from it. How should he deal with the remainder?' So he^{-asws} signed: 'The remaining aspect, he should make it among the righteous (causes)'.²⁰⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ عَنْ بَعْضِ أَصْحَابِنَا قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَنِّي وَقَفْتُ أَرْضاً عَلَى وُلْدِي وَ فِي حَجِّ وَ وُجُوهِ بَرٍّ وَ لَكَ فِيهِ حَقٌّ بَعْدِي أَوْ لِمَنْ بَعْدَكَ وَ قَدْ أَرَلْتُهَا عَنْ ذَلِكَ الْمَجْرَى فَقَالَ (عَلَيْهِ السَّلَام) أَنْتَ فِي حِلٍّ وَ مُوسَعٌ لَكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Mahiyar, from one of our companions who said,

'I wrote to Abu Al-Hassan^{-asws}, 'I dedicated a land upon my children, and regarding Hajj, and aspects of righteousness (saying), 'For you therein is a right, or for the one who is after you', and I removed it from that flow'. So he^{-asws} said: 'You are in a permissible (state), and it is extended for you'.²⁰⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ جَعْفَرِ بْنِ عَيْسَى قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ فِي رَجُلٍ أَوْصَى بِبَعْضِ ثَلَاثِهِ مِنْ بَعْدِ مَوْتِهِ مِنْ غَلَّةٍ ضَيَّعَ لَهَا إِلَى وَصِيَّتِهِ يَصْنَعُ نَصْفَهُ فِي مَوَاضِعَ سَمَّاهَا لَهُ مَعْلُومَةٍ فِي كُلِّ سَنَةٍ وَ الْبَاقِي مِنَ الثَّلَاثِ يَعْمَلُ فِيهِ بِمَا شَاءَ وَ رَأَى الْوَصِيَّ فَأَنْقَذَ الْوَصِيَّ مَا أَوْصَى إِلَيْهِ مِنَ الْمُسَمَّى الْمَعْلُومِ وَ قَالَ فِي الْبَاقِي قَدْ صَيَّرْتُ لِفُلَانٍ كَذَا وَ لِفُلَانٍ كَذَا وَ لِفُلَانٍ كَذَا فِي كُلِّ سَنَةٍ وَ فِي الْحَجِّ كَذَا وَ كَذَا وَ فِي الصَّدَقَةِ كَذَا فِي كُلِّ سَنَةٍ .

202 Al Kafi – V 7 – The Book of Bequests Ch 37 H 5

203 Al Kafi – V 7 – The Book of Bequests Ch 37 H 6

204 Al Kafi – V 7 – The Book of Bequests Ch 37 H 7

205 Al Kafi – V 7 – The Book of Bequests Ch 37 H 8

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa Bin Ubeyd, from Ja'far Bin Isa who said,

'I wrote to Abu Al-Hassan^{-asws} asking him regarding a man who bequeathed with some of his one-third from after his death, from a yield placed for him, to an executor to place half of it in known places he had mentioned to him during every year, and the remained from the one-third he can act regarding it with whatever he so desires and the executor agrees with it.

So the executor enforced what had been bequeathed to him from the known named, and said regarding the remainder, 'I have rendered for so and so such and such (amount), and for so and so such and such (amount), in every year, and regarding the Hajj, such and such (amount), and regarding the charity such and such (amount) during every year.

ثُمَّ بَدَأَ لَهُ فِي كُلِّ ذَلِكَ فَقَالَ قَدْ شِئْتُ الْأَوَّلَ وَرَأَيْتُ خِلَافَ مَشِيئَتِي الْأُولَى وَرَأَيْتُ أَنَّهُ أَنْ يَرْجِعَ فِيهَا وَبُصِّرَ مَا صَبَّرَ لِعَبْرِهِمْ أَوْ يُنْفِصَهُمْ أَوْ يُدْخَلَ مَعَهُمْ غَيْرَهُمْ إِنْ أَرَادَ ذَلِكَ فَكَتَبْتُ (عليه السلام) لَهُ أَنْ يَفْعَلَ مَا شَاءَ إِلَّا أَنْ يَكُونَ كَتَبَ كِتَاباً عَلَى نَفْسِهِ

Then he changed with regards to all of that', so he said, 'I have decided that the first of what I view as being opposite of my first desires and views'. Is it for him that he retracts with regards to it, and give what he gives to others, or reduces them, or includes other along with them, if he so wants that?' So he^{-asws} wrote: 'It is for him that he does whatever he so desires to, except if there happens to be a written agreement upon himself'.²⁰⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ إِبْرَاهِيمَ [بْنِ مُحَمَّدِ بْنِ الْهَمْدَانِيِّ] قَالَ كَتَبَ مُحَمَّدُ بْنُ يَحْيَى هَلْ لِلْوَصِيِّ أَنْ يَشْتَرِيَ شَيْئاً مِنْ مَالِ الْمَيِّتِ إِذَا بَاعَ فِيهِمْ زَادَ فَيَزِيدُ وَيَأْخُذُ لِنَفْسِهِ فَقَالَ يَجُوزُ إِذَا اشْتَرَى صَاحِبِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ibrahim Bin Muhammad Al Hamdany who said, 'Muhammad Bin Yahya wrote,

'Is it for the executor that he buys something from the wealth of the deceased if he were to buy it as the highest price (bidder), and takes it for himself?' So he^{-asws} said: 'He is allowed when he buys it in undamaged (condition)'.²⁰⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي عَلِيِّ بْنِ رَاشِدٍ عَنِ صَاحِبِ الْعَسْكَرِ (عليه السلام) قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ نُؤْتِي بِالشَّيْءِ فَيَقَالُ هَذَا مَا كَانَ لِأَبِي جَعْفَرٍ (عليه السلام) عِنْدَنَا فَكَيْفَ نَمْنَعُ فَقَالَ مَا كَانَ لِأَبِي جَعْفَرٍ (عليه السلام) بِسَبَبِ الْإِمَامَةِ فَهُوَ لِي وَمَا كَانَ غَيْرَ ذَلِكَ فَهُوَ مِيرَاثٌ عَلَى كِتَابِ اللَّهِ وَ سُنَّةِ نَبِيِّهِ (صلى الله عليه وآله) .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Abu Ali Bin Rashid,

(It has been narrated) from Sahib Al-Askar^{-asws}, 'I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! We are brought something, so it is said, 'This is what was for Abu Ja'far^{-asws} with us'. So how should we deal (with it)?' So he^{-asws} said: 'Whatever was for Abu Ja'far^{-asws} by the cause of the Imamate, so it is for me^{-asws}, and whatever was other

²⁰⁶ Al Kafi – V 7 – The Book of Bequests Ch 37 H 9

²⁰⁷ Al Kafi – V 7 – The Book of Bequests Ch 37 H 10

than that, so it is an inheritance upon the Book of Allah-azwj and Sunnah of His-azwj Prophet-saww'. 208

عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْحُسَيْنِ بْنِ مَالِكٍ قَالَ كَتَبْتُ إِلَيْهِ رَجُلٌ مَاتَ وَجَعَلَ كُلَّ شَيْءٍ لَهُ فِي حَيَاتِهِ لَكَ وَ لَمْ يَكُنْ لَهُ وَدٌ ثُمَّ إِنَّهُ أَصَابَ بَعْدَ ذَلِكَ وَوَدًا وَ مَبْلَغُ مَالِهِ ثَلَاثَةُ آلَافٍ دِرْهَمٍ وَ قَدْ بَعَثْتُ إِلَيْكَ بِالْفِ دِرْهَمٍ فَإِنِ رَأَيْتَ جَعَلَنِي اللَّهُ فِدَاكَ أَنْ تُعَلِّمَنِي فِيهِ رَأْيَكَ لِأَعْمَلُ بِهِ فَكَتَبْتُ لَهُمْ .

From him, from Muhammad Bin Ahmad, from Al Husayn, from Maalik who said,

'I wrote to him-asws, 'A man died and made everything of his during his lifetime, to be for you-asws, and there was no child for him. Then a child was born (after his death) and his wealth had reached three thousand Dirham, and I had sent to you a thousand Dirhams. May I be sacrificed for you-asws, So if you-asws could let me know your-asws view with regards to it, so that I can act upon it'. So he-asws wrote: 'I-asws leave it for them'. 209

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ عَنِ الْحُسَيْنِ بْنِ مَالِكٍ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) اعْلَمْ يَا سَيِّدِي أَنَّ ابْنَ أَخٍ لِي تُوَفِّي فَأَوْصَى لِسَيِّدِي بِضَيْعَةٍ وَ أَوْصَى أَنْ يُدْفَعَ كُلُّ شَيْءٍ فِي دَارِهِ حَتَّى الْأَوْتَادُ تَبَاعُ وَ يُجْعَلَ النَّمَنُ إِلَيَّ سَيِّدِي وَ أَوْصَى بِحَجٍّ وَ أَوْصَى لِلْفُقَرَاءِ مِنْ أَهْلِ بَيْتِهِ وَ أَوْصَى لِعَمَّتِهِ وَ أُخْتِهِ بِمَالٍ فَتَطَرْتُ فَإِذَا مَا أَوْصَى بِهِ أَكْثَرُ مِنَ الثَّلَاثِ وَ لَعَلَّهُ يُقَارِبُ اللَّيْصَفَ مِمَّا تَرَكَ وَ خَلَفَ ابْنًا لَهُ ثَلَاثَ سِنِينَ وَ تَرَكَ دَيْنًا فَرَأَيْ سَيِّدِي فَوَقَّعَ (عَلَيْهِ السَّلَام) يُفْتَصِرُ مِنْ وَصِيَّتِهِ عَلَى الثَّلَاثِ مِنْ مَالِهِ وَ يُفَسِّمُ ذَلِكَ بَيْنَ مَنْ أَوْصَى لَهُ عَلَى قَدْرِ سَهْمِهِمْ إِنْ شَاءَ اللَّهُ .

Muhammad Bin Yahya, fromo Abdullah Bin Ja'far, from Al Husayn Bin Maalik who said,

'I wrote to Abu Al-Hassan-asws, 'Know, my Master-asws, that the son of a brother of mine dies, so he bequeathed to my Master with a place, and bequeathed that everything in his house should be handed over, even the pegs to be sold, and the price be made to my Master-asws, and bequeathed with a Hajj, and bequeathed for the poor from his family, and bequeathed for his mother and his sister with wealth. So I looked, so that which he had bequeathed with was more than the third, and perhaps it was near to the half from what he had left (legacy), and he left behind a son of his of three years old, and left debts. So give me your-asws view, of my Master-asws'. So he-asws signed: 'Reduce his bequest to be upon the third from his wealth, and distribute that between the ones he bequeathed for upon the measurement of their share, Allah-azwj Willing'. 210

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيْسَى عَنْ سَعْدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِيهِ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ حَضَرَهُ الْمَوْتُ فَأَوْصَى إِلَى ابْنِهِ وَ أَحْوَيْنَ شَهَدَ ابْنُ وَصِيَّتَهُ وَ غَابَ الْأَخْوَانُ فَلَمَّا كَانَ بَعْدَ أَيَّامٍ أَبْيَا أَنْ يَقْبَلَا الْوَصِيَّةَ مَخَافَةَ أَنْ يَتَوَتَّبَ عَلَيْهِمَا ابْنُهُ وَ لَمْ يَقْدِرَا أَنْ يَعْمَلَا بِمَا يَنْبَغِي فَضَمِنَ لَهُمَا ابْنُ عَمِّ لَهُمَا وَ هُوَ مُطَاعٌ فِيهِمْ أَنْ يَكْفِيَهُمَا ابْنُهُ

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Sa'd Bin Ismail, from his father who said,

'I asked Al-Reza-asws about a man to whom death presented itself, so he bequeathed to his son and two brothers of his. The son witnessed his bequest and the two brothers were absent. So when it was after a few days they both refused to accept the executorships in fear that his son would pounce upon the two of them and they would not be able to act with what is befitting. So a cousin of theirs guaranteed to them both,

208 Al Kafi – V 7 – The Book of Bequests Ch 37 H 11

209 Al Kafi – V 7 – The Book of Bequests Ch 37 H 12

210 Al Kafi – V 7 – The Book of Bequests Ch 37 H 13

and that he would be obedient among them, and that he would suffice for the two of them from his son.

فَدَخَلَا بِهَذَا الشَّرْطِ فَلَمْ يَكْفِيهِمَا ابْنُهُ وَ قَدْ اسْتَرْطَا عَلَيْهِ ابْنُهُ وَ قَالَا نَحْنُ نَبْرَأُ مِنَ الوَصِيَّةِ وَ نَحْنُ فِي جِلِّ مَنْ تَرَكَ جَمِيعَ الْأَشْيَاءِ وَ الْخُرُوجِ مِنْهُ أَيْسَتَقِيمُ أَنْ يُحْلِيَا عَمَّا فِي أَيْدِيهِمَا وَ يَخْرُجَا مِنْهُ

So they both entered into it with this condition, but his son did not refrain from the two of them, and it had been stipulated upon his son, and they both said, 'We are free from the executorships, and we are to be excused from neglecting the entirety of the things and the exiting from it'. Is it correct for both of them that they absolve (excuse) themselves from what was in their hands and come out from it?'

قَالَ هُوَ لَا زِمَ لَكَ فَارْفُقْ عَلَى أَيِّ الوُجُوهِ كَانَ فَاتَّكَ مَا جُورَ لَعَلَّ ذَلِكَ يَحُلُّ بَابْنِهِ .

He^{-asws} said: 'It is necessary for you to join upon whichever aspect it was, for you would be recompensed, perhaps that would resolve (the matters) with his son'.²¹¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ الْأَشْعَرِيُّ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَاءِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ وَصِيِّ عَلِيِّ بْنِ السَّرِيِّ قَالَ قُلْتُ لِأَبِي الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) إِنَّ عَلِيَّ بْنَ السَّرِيِّ تُوْفِيَ فَأَوْصَى إِلَيَّ فَقَالَ رَحِمَهُ اللَّهُ قُلْتُ وَ إِنَّ ابْنَهُ جَعْفَرَ بْنَ عَلِيٍّ وَقَعَ عَلَى أُمِّ وَلَدٍ لَهُ فَأَمَرَنِي أَنْ أَخْرَجَهُ مِنَ الْمِيرَاثِ قَالَ فَقَالَ لِي أَخْرَجْهُ مِنَ الْمِيرَاثِ وَ إِنَّ كُنْتُ صَادِقًا فَسَيُصِيبُهُ حَبْلٌ

Al Husayn Bin Muhammad Al Ashary, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa and Muhammad Bin Yahya, from and executor Ali Bin Al Sary who said,

'I said to Abu Al-Hassan Musa^{-asws} that Ali Bin Al-Sary died, so he bequeathed to me'. So he^{-asws} said: 'May Allah^{-azwj} have Mercy upon him'. I said, 'And (the responsibility of) his son Ja'far Bin Ali fell upon his mother. So he ordered me that I should take him out from the inheritance'. So he^{-asws} said to me: 'Take him out from the inheritance, and if what you said was true, so he would be hit by insanity'.

قَالَ فَرَجَعْتُ فَقَدَّمَنِي إِلَى أَبِي يُوسُفَ الْقَاضِي فَقَالَ لَهُ أَصْلَحَكَ اللَّهُ أَنَا جَعْفَرُ بْنُ عَلِيٍّ بْنِ السَّرِيِّ وَ هَذَا وَصِيٌّ أَبِي فَمَرَهُ فَلْيَدْفَعْ إِلَيَّ مِيرَاثِي مِنْ أَبِي فَقَالَ أَبُو يُوسُفَ الْقَاضِي لِي مَا تَقُولُ فَقُلْتُ لَهُ نَعَمْ هَذَا جَعْفَرُ بْنُ عَلِيٍّ بْنِ السَّرِيِّ وَ أَنَا وَصِيٌّ عَلِيٍّ بْنِ السَّرِيِّ قَالَ فَادْفَعْ إِلَيْهِ مَا لَهُ فَقُلْتُ أُرِيدُ أَنْ أَكَلِمَكَ قَالَ فَادْنُ إِلَيَّ فَدَنَوْتُ حَيْثُ لَا يَسْمَعُ أَحَدٌ كَلَامِي فَقُلْتُ لَهُ هَذَا وَقَعَ عَلَى أُمِّ وَلَدٍ لِأَبِيهِ فَأَمَرَنِي أَبُوهُ وَ أَوْصَى إِلَيَّ أَنْ أَخْرَجَهُ مِنَ الْمِيرَاثِ وَ لَا أُوْرَثَهُ شَيْئًا فَاتَّبَيْتُ مُوسَى بْنَ جَعْفَرَ (عَلَيْهِ السَّلَام) بِالْمَدِينَةِ فَأَخْبَرْتُهُ وَ سَأَلْتُهُ فَأَمَرَنِي أَنْ أَخْرَجَهُ مِنَ الْمِيرَاثِ وَ لَا أُوْرَثَهُ شَيْئًا فَقَالَ اللَّهُ إِنَّ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) أَمَرَكَ قَالَ قُلْتُ نَعَمْ قَالَ فَاسْتَحْلَفَنِي ثَلَاثًا ثُمَّ قَالَ لِي أَنْفِذْ مَا أَمَرَكَ بِهِ أَبُو الْحَسَنِ (عَلَيْهِ السَّلَام) فَالْقَوْلُ قَوْلُهُ

He (the narrator) said, 'So I returned, and he took me to Abu Yusuf, the judge. So he said to him, 'May Allah^{-azwj} Keep you well! I am Ja'far Bin Ali Bin Al-Sary, and this is the executor of my father, therefore order him to hand over to me my inheritance from my father'. So Abu Yusuf the Judge said to me, 'What are you saying?' So I said to him, 'Yes, this is Ja'far Bin Ali Bin Al-Sary, and I am an executor of Ali Bin Al-Sary'. He said, 'So hand over to him, his wealth'. So I said, 'I want to speak with you'. He said, 'So approach me'. So I approached where no one could hear my speech, so I said to him, 'This one (his responsibility) has fallen upon the mother who gave birth for his father, so his father ordered me and bequeathed to me that I should take him out from the inheritance, and not let him inherit anything. So I went over to Musa^{-asws} Bin Ja'far^{asws} at Al-Medina, so I informed him^{-asws} and asked him, so he^{-asws} ordered me that I should take him out from the inheritance, and not to let him inherit anything'. So he

²¹¹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 14

said, '(By) Allah^{-azwj}, Abu Al-Hassan^{-asws} ordered you?' I said, 'Yes'. So he made me swear an oath three times, then said to me, 'Enforce what Abu Al-Hassan^{-asws} ordered you with, so the (true) words are his^{-asws} words'.

قَالَ الْوَصِيُّ فَأَصَابَهُ الْحَبْلُ بَعْدَ ذَلِكَ قَالَ أَبُو مُحَمَّدٍ الْحَسَنُ بْنُ عَلِيٍّ الْوَشَاءُ فَرَأَيْتُهُ بَعْدَ ذَلِكَ وَ قَدْ أَصَابَهُ الْحَبْلُ.

The executor said, 'So the insanity hit him after that. Abu Muhammad Al-Hassan Bin Ali Al-Washa said, 'So I saw him after that, and the insanity had indeed hit him'.²¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ خَالِدِ بْنِ بُكَيْرٍ الطَّوِيلِ قَالَ دَعَانِي أَبِي جِينٌ حَضَرْتُهُ الْوَفَاةُ فَقَالَ يَا بُنَيَّ أَقْبِضْ مَالَ إِخْوَتِكَ الصَّغَارِ فَأَعْمَلْ بِهِ وَ خُذْ نِصْفَ الرَّبْحِ وَ أَعْطِهِمُ النَّيْصَ وَ لَيْسَ عَلَيْكَ ضَمَانٌ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj, from Khalid Bin Bakeyr al Taweel who said,

'My father called over when the death presented itself to him, so he said, 'O my son! Take hold of the wealth of your younger brothers, so do some business with it and take half the profits (for yourself) and give them the (other) half. And the guaranteeing is not upon you'.

فَقَدَّمْتَنِي أُمُّ وَدِ لَأَبِي بَعْدَ وَفَاةِ أَبِي إِلَى ابْنِ أَبِي لَيْلَى فَقَالَتْ لَهُ إِنَّ هَذَا يَأْكُلُ أَمْوَالَ وَدِيِّ قَالَ فَفَصَصْتُ عَلَيْهِ مَا أَمَرَنِي بِهِ أَبِي فَقَالَ ابْنُ أَبِي لَيْلَى إِنْ كَانَ أَبُوكَ أَمَرَكَ بِالْبَاطِلِ لَمْ أَجْزُهُ ثُمَّ أَشْهَدَ عَلَيَّ ابْنُ أَبِي لَيْلَى إِنْ أَنَا حَرَكْتُه فَاَنَا لَهُ ضَامِنٌ

So the mother who gave birth for his father, after the death of my father, took me to Ibn Abu Layli, so she said to him, 'This one is eating the wealth of my son'. So I related the story of what I had been ordered with by my father. So Ibn Abu Layli said, 'If the father has ordered you with the falsehood, I would not allow it'. Then Ibn Abu Layli established a witness upon me that if I were to move it, so I would be held responsible for it'.

فَدَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) بَعْدُ فَفَصَصْتُ عَلَيْهِ قِصَّتِي ثُمَّ قُلْتُ لَهُ مَا تَرَى فَقَالَ أَمَا قَوْلُ ابْنِ أَبِي لَيْلَى فَلَا أَسْتَطِيعُ رَدَّهُ وَ أَمَا فِيمَا بَيْنَكَ وَ بَيْنَ اللَّهِ عَزَّ وَ جَلَّ فَلَيْسَ عَلَيْكَ ضَمَانٌ .

So I came up to Abu Abdullah^{-asws} afterwards, so I related to him^{-asws} my story, then I said to him^{-asws}, 'What do you^{-asws} see?' So he^{-asws} said: 'As for the words of Ibn Abu layli, so I have no leeway of rejecting it, and as for what is in between you and Allah^{-azwj} Mighty and Majestic, so there is no responsibility upon you'.²¹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّ أَبِي حَضَرَهُ الْمَوْتُ فَقِيلَ لَهُ أَوْصِ فَقَالَ هَذَا ابْنِي يَعْني عَمْرَ فَمَا صَنَعَ فَهُوَ جَائِزٌ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَقَدْ أَوْصَى أَبُوكَ وَ أَوْجَزَ قُلْتُ فَإِنَّهُ أَمَرَ لَكَ بِكَذَا وَ كَذَا فَقَالَ أَجْرُهُ قُلْتُ وَ أَوْصَى بِنِسْمَةِ مُؤْمِنَةٍ عَارِفَةٍ فَلَمَّا أَعْتَقْنَاهُ بَانَ لَنَا أَنَّهُ لِعَيْرٍ رَشْدَةٍ فَقَالَ قَدْ أَجْرَأَتْ عَنْهُ إِنَّمَا مَثَلُ ذَلِكَ مَثَلُ رَجُلٍ اشْتَرَى أُضْحِيَّةً عَلَى أَنَّهَا سَمِينَةٌ فَوَجَدَهَا مَهْرُولَةً فَقَدْ أَجْرَأَتْ عَنْهُ .

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

'I said to Abu Abdullah^{-asws}, 'Death presented itself to my father, so it was said to him, 'Bequeath'. So he said, 'This is my son' – meaning Umar – 'so whatever he does, so he is allowed to do so'. So Abu Abdullah^{-asws} said to him: 'Your father had bequeathed

²¹² Al Kafi – V 7 – The Book of Bequests Ch 37 H 15

²¹³ Al Kafi – V 7 – The Book of Bequests Ch 37 H 16

and it is allowed'. I said to him, 'So he had ordered to you with such and such'. So he^{asws} said: 'Allowed'. I said, 'And he bequeathed with (the emancipation) of the believing understanding slave-girl, so when I emancipated her it became clear to us that she had yet to come of age'. So he^{asws} said, 'It is allowed. But rather, the example of that is like the example of a man who buys a sacrificial animal upon the (understanding) that it is fat, so he finds it as thin. So it counts for him (allowed)'.²¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ مَنْ أَوْصَى وَ لَمْ يَحِفْ وَ لَمْ يُضَارَّ كَانَ كَمَنْ تَصَدَّقَ بِهِ فِي حَيَاتِهِ .

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 one who bequeaths and is not unfair, and does not harm (anyone), would be like the one who gives in charity with it during his lifetime'.²¹⁵

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنِ الْحَسَنِ بْنِ الْوَلِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَوْصَى إِلَى رَجُلٍ بِوَلَدِهِ وَ بِمَالٍ لَهُمْ وَ أَدْنَى لَهُ عِنْدَ الْوَصِيَّةِ أَنْ يَعْمَلَ بِالْمَالِ وَ أَنْ يَكُونَ الرَّيْحُ فِيمَا بَيْنَهُ وَ بَيْنَهُمْ فَقَالَ لَا بَأْسَ بِهِ مِنْ أَجْلِ أَنَّ أَبَاهُ قَدْ أَدْنَى لَهُ فِي ذَلِكَ وَ هُوَ حَيٌّ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan Bin Ali Bin Yusuf, from Masny Bin Al Waleed, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having been asked about a man who bequeathed to a man about his children and his wealth for him, and permitted it for him in the bequest that he can do some business with the wealth, and if there happens to be profit, it would be between him and them'. So he^{asws} said: 'No problem with it, due to the reason that his father had permitted him with regards to that and he was alive (at the time)'.²¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ صَالِحِ بْنِ رَزِينٍ عَنِ ابْنِ أَشْتَمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي عَبْدٍ لِقَوْمٍ مَادُونَهُ فِي التَّجَارَةِ دَفَعَ إِلَيْهِ رَجُلٌ أَلْفَ دِرْهَمٍ فَقَالَ لَهُ اشْتَرِ مِنْهَا نَسَمَةً وَ أَعْتِقْهَا عَنِّي وَ حُجَّ عَنِّي بِالْبَاقِي ثُمَّ مَاتَ صَاحِبُ الْأَلْفِ دِرْهَمٍ فَانْطَلَقَ الْعَبْدُ فَاشْتَرَى أَبَاهُ فَأَعْتَقَهُ عَنِ الْمَيْتِ وَ دَفَعَ إِلَيْهِ الْبَاقِي فِي الْحُجِّ عَنِ الْمَيْتِ فَحَجَّ عَنْهُ

Muhammad Bin Yahy, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Salih Bin Razeyn, from Ibn Aheym,

(It has been narrated) from Abu Ja'far^{asws} regarding a slave of a people, permitted for him with regards to the business, a man having handed over a thousand Dirhams to him. So he said to him (the slave), 'Buy a person from it and emancipate (liberate) him on my behalf, and perform Hajj on my behalf with the remainder'. Then the owner of the thousand Dirhams died. So the slave went and bought his own father and emancipated him on behalf of the deceased, and handed over to him the remainder of the money regarding the Hajj on behalf of the deceased. So he performed Hajj on his behalf.

²¹⁴ Al Kafi – V 7 – The Book of Bequests Ch 37 H 17

²¹⁵ Al Kafi – V 7 – The Book of Bequests Ch 37 H 18

²¹⁶ Al Kafi – V 7 – The Book of Bequests Ch 37 H 19

فَبَلَغَ ذَلِكَ مَوْلَى أَبِيهِ وَ مَوْلِيَهُ وَ وَرَثَةَ الْمَيِّتِ فَاحْتَصَمُوا جَمِيعاً فِي الأَلْفِ دِرْهَمٍ فَقَالَ مَوْلَى الْمُعْتَقِ إِنَّمَا اشْتَرَيْتَ أَبَاكَ بِمَالِنَا وَ قَالَ الْوَرِثَةُ اشْتَرَيْتَ أَبَاكَ بِمَالِنَا وَ قَالَ مَوْلَى الْعَبْدِ إِنَّمَا اشْتَرَيْتَ أَبَاكَ بِمَالِنَا

So (news of) that reached the master of his father, and his own master, and the inheritors of the deceased. So they disputed altogether with regards to the one thousand Dirhams. So the master of the emancipated (father) said, 'But rather, you bought your own father with our wealth'. And the inheritors said, 'You bought your own father with our wealth'. And the masters of the slave (father) said, 'But rather you bought your own father with our wealth'.

فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَمَا الْحَجَّةُ فَقَدْ مَضَتْ بِمَا فِيهَا لَا تُرَدُّ وَ أَمَا الْمُعْتَقُ فَهُوَ رَدٌّ فِي الرَّقِّ لِمَوْلَى أَبِيهِ وَ أَيُّ الْفَرِيقَيْنِ أَقَامَ الْبَيْئَةَ أَنَّ الْعَبْدَ اشْتَرَى أَبَاهُ مِنْ أَمْوَالِهِمْ كَانَ لَهُمْ رِقَاباً .

So Abu Ja'far^{asws} said: 'As for the Hajj, so it has passed (done) with what was therein, it will not be returned, and as for the emancipated one (father), so it would be returned with regards to the rein (slavery) to the master of his father, and whichever group established the evidence that the slave bought his father from their wealth, his (father's) slavery would be for them'.²¹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَجْرَانَ أَوْ غَيْرِهِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ أَوْصَى لِرَجُلٍ بِوَصِيَّةٍ فِي مَالِهِ ثَلَاثٌ أَوْ رُبْعٌ فَقَتِلَ الرَّجُلُ خَطَأً يَعْنِي الْمَوْصِيَّ فَقَالَ يُحَارُ لَهُذِهِ الْوَصِيَّةُ مِنْ مِيرَاثِهِ وَ مِنْ دَيْتِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran or someone else, from Aasim Bin Humyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws}, 'I said to him^{asws}, 'A man bequeathed to a man with a bequest with regards to his wealth, a third or a quarter. The man was killed in error, meaning the testator'. So he^{asws} said: 'Hold on for this bequest from his inheritance and from his wergild (blood money compensation)'.²¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ يَحْيَى قَالَ حَدَّثَنِي مُعَاوِيَةُ بْنُ عَمَّارٍ قَالَ مَاتَتْ أُخْتُ مَفْضَلِ بْنِ غِيَاثٍ فَأَوْصَتْ بِشَيْءٍ مِنْ مَالِهَا الثُّلُثَ فِي سَبِيلِ اللَّهِ وَ الثُّلُثَ فِي الْمَسَاكِينِ وَ الثُّلُثَ فِي الْحَجِّ فَإِذَا هُوَ لَا يَبْلُغُ مَا قَالَتْ فَذَهَبْتُ أَنَا وَ هُوَ إِلَى ابْنِ أَبِي لَيْلَى فَقَصَّ عَلَيْهِ الْقِصَّةَ فَقَالَ اجْعَلْ ثُلُثاً فِي دَا وَ ثُلُثاً فِي دَا وَ ثُلُثاً فِي دَا فَاتَيْنَا ابْنَ شُبْرَمَةَ فَقَالَ أَيْضاً كَمَا قَالَ ابْنُ أَبِي لَيْلَى فَاتَيْنَا أَبَا حَنِيفَةَ فَقَالَ كَمَا قَالَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Yahya, from Muawiyah Bin Ammar who said,

'A sister of Mufazzal Bin Gayas died, so she bequeathed with something from her wealth, the one-third to be in the Way of Allah^{azwj}, and the one-third to be among the poor, and the one-third to be regarding the Hajj. So this (legacy) did not reach (the required amount) what she said. So I and him went over to Ibn Abu Layli and related to him the story. So he said, 'Make a one-third to be regarding that, and a one-third regarding that, and a one-third regarding that'. So we went to Ibn Shabrama, so he as well said what Ibn Abu Layli had said. So we went to Abu Haneefa, so he said as what they both had said.

²¹⁷ Al Kafi – V 7 – The Book of Bequests Ch 37 H 20

²¹⁸ Al Kafi – V 7 – The Book of Bequests Ch 37 H 21

فَحَرَجْنَا إِلَى مَكَّةَ فَقَالَ لِي سَلْ أَبَا عَبْدِ اللَّهِ وَ لَمْ تُكُنْ حَجَّتِ الْمَرْأَةُ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَقَالَ لِي اِبْدَأْ بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ مِنَ اللَّهِ عَلَيْهَا وَ مَا بَقِيَ فَأَجْعَلْ بَعْضًا فِي ذَا وَ بَعْضًا فِي ذَا

So we went to Mecca, so he said to me, Ask Abu Abdullah^{-asws}, and she had not performed Hajj or the Umra. So I asked Abu Abdullah^{-asws}, so he^{-asws} said to me: 'Begin with the Hajj, for it is an Obligation from Allah^{-azwj} upon her, and whatever remains, so make part of it with regards to that, and part of it with regards to that'.

قَالَ فَتَقَدَّمْتُ فَدَخَلْتُ الْمَسْجِدَ فَاسْتَقْبَلْتُ أَبَا حَنِيفَةَ وَ قُلْتُ لَهُ سَأَلْتُ جَعْفَرَ بْنَ مُحَمَّدٍ عَنِ الَّذِي سَأَلْتُكَ عَنْهُ فَقَالَ لِي اِبْدَأْ بِحَقِّ اللَّهِ أَوْ لَا فَإِنَّهُ فَرِيضَةٌ عَلَيْهَا وَ مَا بَقِيَ فَأَجْعَلْهُ بَعْضًا فِي ذَا وَ بَعْضًا فِي ذَا فَوَ اللَّهِ مَا قَالَ لِي خَيْرًا وَ لَا شَرًّا وَ جِئْتُ إِلَى حَلْفَتِهِ وَ قَدْ طَرَحَوْهَا وَ قَالُوا قَالَ أَبُو حَنِيفَةَ اِبْدَأْ بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ مِنَ اللَّهِ عَلَيْهَا

He (the narrator) said, 'So I proceeded and entered the Masjid, so I faced Abu Haneefa, and I said to him, 'I asked Ja'far^{-asws} Bin Muhammad^{-asws} about that which I asked about from you, so he^{-asws} said to me, 'Begin with the Right of Allah^{-azwj} first, for it is an Obligation upon her, and whatever remains, so make part of regarding that, and part of it regarding that'. By Allah^{-azwj}, he neither said good to me nor bad. And I went over to his circle and they were propounding (putting forward) it, and they said, 'Abu Haneefa said, 'Begin with the Hajj for it is an Obligation from Allah^{-azwj} upon her'.

قَالَ قُلْتُ هُوَ بِاللَّهِ كَانَ كَذَا وَ كَذَا فَقَالُوا هُوَ أَخْبَرَنَا هَذَا.

He (the narrator) said, 'I said, 'By Allah^{-azwj}! It was such and such (anyway)'. So they said, 'He (Abu Haneefa) informed us of this'.²¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيْسَى عَنْ سَعْدِ بْنِ إِسْمَاعِيلَ بْنِ الْأَحْوَصِ عَنْ أَبِيهِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ مُسَافِرٍ حَصْرَهُ الْمَوْتُ فَدَفَعَ مَالَهُ إِلَى رَجُلٍ مِنَ التَّجَارِ فَقَالَ إِنَّ هَذَا الْمَالَ لِفُلَانِ بْنِ فُلَانٍ لِي فِيهِ قَلِيلٌ وَ لَا كَثِيرٌ فَادْفَعْهُ إِلَيْهِ بِضَعْفِهِ حَيْثُ يَشَاءُ فَمَاتَ وَ لَمْ يَأْمُرْ صَاحِبَهُ الَّذِي جَعَلَ لَهُ بِأَمْرٍ وَ لَا يَدْرِي صَاحِبُهُ مَا الَّذِي حَمَلَهُ عَلَى ذَلِكَ كَيْفَ يَصْنَعُ بِهِ قَالَ يَضَعُهُ حَيْثُ يَشَاءُ إِذَا لَمْ يَكُنْ يَأْمُرُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Sa'ad Bin Ismail Bin Al Ahows, from his father who said,

'I asked Abu Al-Hassan^{-asws} about a travelling man to whom death presented itself, so he handed his wealth over to a business man. So he (deceased) said, 'The wealth is for so and so son of so and so. There is nothing in it for me, little nor more, therefore hand it over to him. He can place it wherever he so desires to'. So the man died and did not order his companion to whom he had made the matter to, nor did he know his companions what is that which he should be carrying upon that. How should he deal with it?' He^{-asws} said: 'He places it wherever he so desires to, when there does not happen to be instructions for him'.²²⁰

وَ عَنْهُ عَنْ رَجُلٍ أَوْصَى إِلَى رَجُلٍ أَنْ يُعْطِيَ قَرَابَتَهُ مِنْ ضَيْعَتِهِ كَذَا وَ كَذَا جَرِيبًا مِنْ طَعَامٍ فَمَرَّتْ عَلَيْهِ سِنُونَ لَمْ يَكُنْ فِي ضَيْعَتِهِ فَضَلَّ بِلِ احْتِاجِ إِلَى السَّلْفِ وَ الْعَيْنَةِ عَلَى مَنْ أَوْصَى لَهُ مِنَ السَّلْفِ وَ الْعَيْنَةِ أَمْ لَا فَإِنْ أَصَابَهُمْ بَعْدَ ذَلِكَ يُجْر عَلَيْهِمْ لِمَا فَاتَهُمْ مِنَ السِّنِينَ الْمَاضِيَةِ فَقَالَ كَأَنِّي لَا أَبَالِي إِنْ أَعْطَاهُمْ أَوْ أَخَذْتُ مِنْ بَقِيضِي .

And from him^{-asws}, about a man who bequeathed to a man that he should give his relatives from his place such a such a 'Jareyb' (unit of measurement) of food. So years

²¹⁹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 22

²²⁰ Al Kafi – V 7 – The Book of Bequests Ch 37 H 23

passed by and there was no grace in his place, but it was needy for the loans and advances upon the one who had bequeathed to him. Is it for him to borrow a loan in advance or not, so that if they profit after that so he can recompense against them due to what he had given them in the past years?' So he^{-asws} said: 'I^{-asws} don't mind if he gives them or takes but then pays it'.

P.s. – 'Al Aynah' is merchandise sold on credit then bought back for cash at a lower price – see Volume five, Chapter 88)^{.221}

وَعَنْهُ عَنْ رَجُلٍ أَوْصَى بِوَصَايَا لِقَرَابَاتِهِ وَ أَدْرَكَ الْوَارِثُ فَقَالَ لِلْوَصِيِّ أَنْ يَعْزَلَ أَرْضاً بِقَدْرِ مَا يُخْرَجُ مِنْهُ وَصَايَاهُ إِذَا قَسَمَ الْوَرِثَةَ وَ لَا يُدْخِلُ هَذِهِ الْأَرْضَ فِي قِسْمَتِهِمْ أَمْ كَيْفَ يَصْنَعُ فَقَالَ نَعَمْ كَذَا يَنْبَغِي .

And from him^{-asws}, about a man who bequeathed with a bequest to his relatives, and the inheritor became away (attained puberty), so he said to the executor that he should isolate a piece of land of the measurement of what the bequest can be taken out from, when it is distributed to the inheritors, and this piece of land should not be included in their distribution, or how should he deal with it?' So he^{-asws} said: 'Yes, such is befitting'.²²²

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ الْمُهْتَدِيِّ عَنْ جَدِّهِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ سَعْدِ بْنِ سَعْدٍ أَنَّهُ قَالَ سَأَلْتُهُ يَعْنِي أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ كَانَ لَهُ ابْنٌ يَدَّعِيهِ فَنَفَاهُ وَ أَخْرَجَهُ مِنَ الْمِيرَاثِ وَ أَنَا وَصِيُّهُ فَكَيْفَ أَصْنَعُ فَقَالَ يَعْنِي الرَّضَا (عَلَيْهِ السَّلَام) لَزِمَهُ الْوَلَدُ بِإِفْرَارِهِ بِالْمَشْهَدِ لَا يَدْفَعُهُ الْوَصِيُّ عَنْ شَيْءٍ قَدْ عَلِمَهُ .

Ahmad Bin Muhammad, from Abdul Aziz Bin Al Mohtady, from his grandfather, from Muhammad Bin Al Husayn, from Sa'ad Bin Sa'ad having said,

'I asked him^{-asws}, meaning Al-Hassan Al-Reza^{-asws} about a man who had an adopted son, so he denied him and took him out from the inheritance, and I am his executor. So how should I deal with it?' So he^{-asws} said, meaning Al-Reza^{-asws}: 'The child is necessitated by the acceptance of his in public. The executor cannot repel him from anything, as he is known'.²²³

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ عِنْدِي دَنَانِيرٌ وَ كَانَ مَرِيضاً فَقَالَ لِي إِنْ حَدَثَ بِي حَدَثٌ فَأَعْطِ فُلَاناً عِشْرِينَ دِينَاراً وَ أَعْطِ أَخِي بَقِيَّةَ الدَّنَانِيرِ فَمَاتَ وَ لَمْ أَشْهَدْ مَوْتَهُ فَأَتَانِي رَجُلٌ مُسَلِّمٌ صَادِقٌ فَقَالَ لِي إِنَّهُ أَمَرَنِي أَنْ أَقُولَ لَكَ انظُرِ الدَّنَانِيرَ الَّتِي أَمَرْتُكَ أَنْ تَدْفَعَهَا إِلَى أَخِي فَتَصَدَّقَ مِنْهَا بِعِشْرَةِ دَنَانِيرٍ أَقْسَمُهَا فِي الْمُسْلِمِينَ وَ لَمْ يَعْلَمْ أَخُوهُ أَنَّ لَهُ عِنْدِي شَيْئاً فَقَالَ أَرَى أَنْ تَصَدَّقَ مِنْهَا بِعِشْرَةِ دَنَانِيرٍ كَمَا قَالَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Abdullah Bin Jabala, from Is'haq Bin Ammar,

(The narrator says): I asked from Abu Abdullah^{-asws} about a man who had some of his Dinars with me, and he was ill. So he said to me, 'If there befalls with me what befalls (death), so give so and so twenty Dinars, and give my brother the remainder of the Dinars.

²²¹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 24

²²² Al Kafi – V 7 – The Book of Bequests Ch 37 H 25

²²³ Al Kafi – V 7 – The Book of Bequests Ch 37 H 26

that over them when his way was the way of the charity, because the dedication of Is'haq, but rather it was charity?'

فَكَتَبَ (عليه السلام) فَهَمَّتْ بِرَحْمَتِكَ اللَّهُ مَا ذَكَرْتَ مِنْ وَصِيَّةِ إِسْحَاقَ بْنِ إِبْرَاهِيمَ رَضِيَ اللَّهُ عَنْهُ وَ مَا أَشْهَدَ لَكَ بِذَلِكَ مُحَمَّدُ بْنُ إِبْرَاهِيمَ رَضِيَ اللَّهُ عَنْهُ وَ مَا اسْتَأْمَرْتَ فِيهِ مِنْ إِيصَالِكَ بَعْضَ ذَلِكَ إِلَى مَنْ لَهُ مَيْلٌ وَ مَوَدَّةٌ مِنْ بَنِي هَاشِمٍ مِمَّنْ هُوَ مُسْتَحِقٌّ فَفَبِئْرٍ فَأَوْصِلْ ذَلِكَ إِلَيْهِمْ بِرَحْمَتِكَ اللَّهُ فَهُمْ إِذَا صَارُوا إِلَى هَذِهِ الْخُطْبَةِ أَحَقُّ بِهِ مِنْ غَيْرِهِمْ لِمَعْنَى لَوْ فَسَرْتُهُ لَكَ لَعَلَّمْتَهُ إِنْ شَاءَ اللَّهُ .

So he^{-asws} wrote: 'I^{-asws} understood, may Allah^{-azwj} have Mercy on you, what you mentioned from the bequest of Is'haq Bin Ibrahim, may Allah^{-azwj} be Pleased with him, and what Muhammad Bin Ibrahim, may Allah^{-azwj} be Please with him, witnessed to you with that, and what he instructed with regards to it from sending part of that to the ones from the Clan of Hashim who has affection and cordiality, from the deserving poor ones. So send that to them, may Allah^{-azwj} have Mercy upon you. So they, when they arrive to this scheme are more deserving with it than other, due to the reasons, if I^{-asws} were to explain to you, you would know it, Allah^{-azwj} Willing'.²²⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ بَجْبَى عَنْ سَعِيدِ بْنِ بِسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ دَفَعَ إِلَى رَجُلٍ مَالًا وَ قَالَ إِنَّمَا أَدْفَعُهُ إِلَيْكَ لِيَكُونَ دُخْرًا لِابْنَتَيْ فَلَانَةَ وَ فَلَانَةَ ثُمَّ بَدَأَ لِلشَّيْخِ بَعْدَ مَا دَفَعَ الْمَالَ أَنْ يَأْخُذَ مِنْهُ حَمْسَةً وَ عَشْرِينَ وَ مِائَةً دِينَارٍ فَاشْتَرَى بِهَا جَارِيَةً لِابْنِ ابْنِهِ ثُمَّ إِنَّ الشَّيْخَ هَلَكَ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Saeed Bin Yasaar,

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who handed over some wealth to a man and said, 'But rather, I am handing over to you to save it for my two daughters, so and so, and so and so. Then the old man changed (his mind) after having handed over the wealth and took from it one hundred and twenty five Dinars, so he bought a slave girl for his grandson. Then the old man died.

فَوَقَعَ بَيْنَ الْجَارِيَتَيْنِ وَ بَيْنَ الْعُلَامِ أَوْ إِحْدَاهُمَا فَقَالَتَا لَهُ وَيْحَكَ وَ اللَّهُ إِنَّكَ لَتَنْكِحُ جَارِيَتِكَ حَرَامًا إِنَّمَا اشْتَرَاهَا أَبُونَا لَكَ مِنْ مَالِنَا الَّذِي دَفَعَهُ إِلَى فَلَانٍ فَاشْتَرَى لَكَ مِنْهُ هَذِهِ الْجَارِيَةَ فَأَنْتَ تَنْكِحُهَا حَرَامًا لَا تَجِلُّ لَكَ فَأَمْسَكَ الْفَتَى عَنِ الْجَارِيَةِ فَمَا تَرَى فِي ذَلِكَ

So there occurred a dispute between the two girls and the boy (the grandson who was given a slave girl), or with one of the two, so they said to him, 'By Allah^{-azwj}! Your sleeping with your slave girl is unlawful because our father bought her for you from our wealth which he had handed over to so and so, so he bought this slave girl for you, from it. So if your sleep with her is unlawful and is not Permissible for you. So the youth refrained from the slave girl. So what is your^{-asws} view regarding that?'

فَقَالَ أَلَيْسَ الرَّجُلُ الَّذِي دَفَعَ الْمَالَ أَبَا الْجَارِيَتَيْنِ وَ هُوَ جَدُّ الْعُلَامِ وَ هُوَ اشْتَرَى لَهُ الْجَارِيَةَ فَلْتِ بَلَى فَقَالَ فَقُلْ لَهُ فَلْيَأْتِ جَارِيَتَهُ إِذَا كَانَ الْجَدُّ هُوَ الَّذِي أَعْطَاهُ وَ هُوَ الَّذِي أَخَذَهُ .

So he^{-asws} said: 'Is not the man who handed over the wealth, but the father of the two girls and he is the grandfather of the boy, and he is the one who bought the slave girls for him?' I said, 'Yes'. So he^{-asws} said: 'So say to him to go to the slave girl when it was the grandfather who was the one who gave (the slave girl to) him, and he is the one who took it'.²²⁸

²²⁷ Al Kafi – V 7 – The Book of Bequests Ch 37 H 30

²²⁸ Al Kafi – V 7 – The Book of Bequests Ch 37 H 31

بَاب مَنْ مَاتَ عَلَى غَيْرِ وَصِيَّةٍ وَ لَهُ وَارِثٌ صَغِيرٌ فَيُبَاعُ عَلَيْهِ

Chapter 38 – One who dies without having a bequest (Intestate), and for him are young inheritors, so it (legacy) is sold upon him

مُحَمَّدُ بْنُ يَحْيَى وَ غَيْرُهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيْسَى عَنْ إِسْمَاعِيلَ بْنِ سَعْدِ الْأَشْعَرِيِّ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ مَاتَ بِغَيْرِ وَصِيَّةٍ وَ تَرَكَ أَوْلَاداً ذُكْرَاناً [وَ إِنَاثاً] وَ عِلْمَاناً صِغَاراً وَ تَرَكَ جَوَارِي وَ مَمَالِيكَ هَلْ يَسْتَنْقِمْ أَنْ تُبَاعَ الْجَوَارِي قَالَ نَعَمْ

Muhammad Bin Yahya and someone else, from Ahmad Bin Muhammad Bin Isa, from Ismail Bin Sa'ad Al Ashary who said,

'I asked Al-Reza^{asws} about a man who died intestate (without leaving a will) and left children, male and female, and young boys, and left slave girls and slaves. Is it permissible to evaluate and sell the slave girls?' He^{asws} said: 'Yes'.

وَ عَنِ الرَّجُلِ يَصْحَبُ الرَّجُلَ فِي سَفَرِهِ فَيَحْدُثُ بِهِ حَدَثَ الْمَوْتِ وَ لَا يُدْرِكُ الْوَصِيَّةَ كَيْفَ يَصْنَعُ بِمَتَاعِهِ وَ لَهُ أَوْلَادٌ صِغَارٌ وَ كِبَارٌ أَوْ يَجُورُ أَنْ يَدْفَعَ مَتَاعَهُ وَ دَوَابَّهُ إِلَى وُلْدِهِ الْكِبَارِ أَوْ إِلَى الْقَاضِي فَإِنْ كَانَ فِي بَلَدَةٍ لَيْسَ فِيهَا قَاضٍ كَيْفَ يَصْنَعُ وَ إِنْ كَانَ دَفَعَ الْمَالَ إِلَى وُلْدِهِ الْأَكْبَرِ وَ لَمْ يُعْلَمْ بِهِ فَذَهَبَ وَ لَمْ يَقْدِرْ عَلَى رَدِّهِ كَيْفَ يَصْنَعُ

And I (asked) about the man who accompanied the man in his journey, so there befell the event of death, and he had not made the bequest. How should he deal with his provision, and for him (the deceased) were children, young and old. Is it allowed that he hands over his provisions and his animals to his children, the grown-up ones, or to the judge? So if there was no judge in his city, how should he deal with it, and if he was to hand over the wealth to his grown-up sons, and does not tell them (young ones), so he goes away, and is not able upon returning, how should he deal with it'.

قَالَ إِذَا أَدْرَكَ الصِّغَارُ وَ طَلَبُوا فَلَمْ يَجِدْ بَدَأَ مِنْ إِخْرَاجِهِ إِلَّا أَنْ يَكُونَ بِأَمْرِ السُّلْطَانِ

He^{asws} said: 'When the young ones become aware (adults) and seek him, but they do not find him, it is inevitable from taking it out except if there happens to be the order of the authorities'.

وَ عَنِ الرَّجُلِ يَمُوتُ بِغَيْرِ وَصِيَّةٍ وَ لَهُ وَرَثَةٌ صِغَارٌ وَ كِبَارٌ أَوْ يَجْلُ شِرَاءَ خَدْمِهِ وَ مَتَاعِهِ مِنْ غَيْرِ أَنْ يَتَوَلَّى الْقَاضِي بَيْعَ ذَلِكَ فَإِنْ تَوَلَّاهُ قَاضٍ قَدْ تَرَاضُوا بِهِ وَ لَمْ يَسْتَأْمِرْهُ الْخَلِيفَةُ أَوْ يَطِيبُ الشِّرَاءَ مِنْهُ أَمْ لَا فَقَالَ إِذَا كَانَ الْأَكْبَرُ مِنْ وُلْدِهِ مَعَهُ فِي الْبَيْعِ فَلَا بَأْسَ بِهِ إِذَا رَضِيَ الْوَرَثَةُ بِالْبَيْعِ وَ قَامَ عَدْلٌ فِي ذَلِكَ.

And about the man who died intestate (without leaving a will), and for him are inheritors, young and old, is it Permissible to buy his servants and his provisions without there being a ruling or a judge who sells that. So if the judge rules being pleased with it, and the Caliph does not instruct, is the buying from it, good or not?' So he^{asws} said: 'If the grown-ups from his children are with him (the executor) during the sale, so there is no problem, if the (rest) of the inheritors are happy with the sale, and a just price is established with regards to that'.²²⁹

²²⁹ Al Kafi – V 7 – The Book of Bequests Ch 38 H 1

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ بَنِي وَ بَنِيهِ قَرَابَةٌ مَاتَ وَ تَرَكَ أَوْلَاداً صِغَاراً وَ تَرَكَ مَمَالِيكَ لَهُ غِلْمَانٌ وَ جَوَارِي وَ لَمْ يُوصِ فَمَا تَرَى فِيْمَنْ يَشْتَرِي مِنْهُمُ الْجَارِيَةَ يَتَّخِذُهَا أُمَّ وَ لَدٍ وَ مَا تَرَى فِي بَيْعِهِمْ

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

'I asked Abu Al-Hassan^{asws} about a man, between me and him was a relationship, died and left young children, and left slaves for him, boys and girls, and did not make a bequest. So what is your^{asws} view regarding the one who buys the slave girl from them to serve the mother of his children, and what is your^{asws} view with regards to selling them?'

قَالَ فَقَالَ إِنْ كَانَ لَهُمْ وَلِيٌّ يَوْمُ بَأْمَرِهِمْ بَاعَ عَلَيْهِمْ وَ نَظَرَ لَهُمْ كَانَ مَأْجُوراً فِيهِمْ قُلْتُ فَمَا تَرَى فِيْمَنْ يَشْتَرِي مِنْهُمُ الْجَارِيَةَ فَيَتَّخِذُهَا أُمَّ وَ لَدٍ قَالَ لَا بَأْسَ بِذَلِكَ إِذَا أُنْفَذَ ذَلِكَ الْقَيْمُ لَهُمُ النَّاطِرُ فِيمَا يُصْلِحُهُمْ وَ لَيْسَ لَهُمْ أَنْ يَرْجِعُوا فِيمَا صَنَعَ الْقَيْمُ لَهُمُ النَّاطِرُ فِيمَا يُصْلِحُهُمْ .

He (the narrator) said, 'So he^{asws} said: 'If there is a guardian for them, they would be evaluated by his order to be sold over them, and with having consideration for them if there were ones who were paid among them'. I said, 'So what is your^{asws} view regarding the one who buys the slave girl from them, so he takes her for the mother of his child?' He^{asws} said: 'There is no problem with that, if that evaluation is established for them by the supervisor with regards to what is correct for them (young inheritors), and there is not for them to retract with regards to what evaluation the supervisors establishes for them with regards to what is right for them'.²³⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَ لَهُ بَنُونَ وَ بَنَاتٌ صِغَارٌ وَ كِبَارٌ مِنْ غَيْرِ وَصِيَّةٍ وَ لَهُ خَدَمٌ وَ مَمَالِيكَ وَ عَقْدٌ كَيْفَ يَصْنَعُ الْوَرَثَةَ بِقِسْمَةِ ذَلِكَ الْمِيرَاثِ قَالَ إِنْ قَامَ رَجُلٌ تَقَى قَاسَمَهُمْ ذَلِكَ فَلَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from zurara, from Sama'at who said,

'I asked Abu Abdullah^{asws} about a man who died intestate (without leaving a will) and for him were sons and daughters, young and old, and for him were servants and slaves, and contracted ones. How should the inheritors deal with the distribution of that inheritance?' He^{asws} said: 'If a reliable man stands to distribute all of that for them, so there is no problem'.²³¹

بَابُ الْوَصِيِّ يُدْرِكُ أَيْتَامَهُ فَيَمْتَنِعُونَ مِنْ أَخْذِ مَالِهِمْ وَ مَنْ يُدْرِكُ وَ لَا يُؤْنَسُ مِنْهُ الرُّشْدُ وَ حَدِّ الْبُلُوغِ

Chapter 39 – The executor, orphans (under his care) become adults, but they shy away from taking their wealth, and the one who is an adult does not have the understanding of the guidance, and the limit of the adulthood

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ سَعْدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِيهِ قَالَ سَأَلْتُ الرَّضَا عَنْ وَصِيِّ أَيْتَامٍ تُدْرِكُ أَيْتَامَهُ فَيَعْرِضُ عَلَيْهِمْ أَنْ يَأْخُذُوا الَّذِي لَهُمْ فَيَأْبُونَ عَلَيْهِ كَيْفَ يَصْنَعُ قَالَ (عَلَيْهِ السَّلَامُ) يَرْدُهُ عَلَيْهِمْ وَ يُكْرَهُمْ عَلَى ذَلِكَ .

²³⁰ Al Kafi – V 7 – The Book of Bequests Ch 38 H 2

²³¹ Al Kafi – V 7 – The Book of Bequests Ch 38 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Sa'ad Bin Ismail, from his father who said,

'I asked Al-Reza^{-asws} about an executor of orphans, whose orphans become away (adults), but they turn away from taking that which is for them, so they refuse against him. So how should he deal with it?' He^{-asws} said: 'He should return upon them (the legacy) and compel them upon that'.²³²

أَحْمَدُ بْنُ مُحَمَّدِ بْنِ عِيْسَى [عَنْ مُحَمَّدِ بْنِ عِيْسَى] عَنْ مَنْصُورٍ عَنْ هِشَامِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ انْقَطَاعُ يَتِيمِ الْيَتِيمِ بِالْاِحْتِيَالِمْ وَ هُوَ اَشُدُّهُ وَ اِنْ اِحْتَلَمَ وَ لَمْ يُؤْتَسْ مِنْهُ رُشْدٌ وَ كَانَ سَفِيهًا أَوْ ضَعِيفًا فَلْيُمْسِكْ عَنْهُ وَلِيَّهُ مَالَهُ .

Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Isa, from Mansour, from Hisham,

Abu Abdullah^{-asws} has said: 'The orphan-hood of the orphan is cut-off with the bed-wetting, and he is at its peak. And if he bed-wets and does not have the correct understanding from it, and was foolish, or weak (of understanding), so let his guardian withhold his wealth from him'.²³³

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ مُتَنَّى بْنِ رَاشِدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ يَتِيمٍ قَدْ قَرَأَ الْقُرْآنَ وَ لَيْسَ بِعَقْلِهِ بِأَسْ وَ لَهُ مَالٌ عَلَى يَدَيْ رَجُلٍ فَأَرَادَ الرَّجُلُ الَّذِي عِنْدَهُ الْمَالُ أَنْ يَعْمَلَ بِمَالِ الْيَتِيمِ مُضَارَبَةً فَأَذِنَ لَهُ الْعُلَامُ فِي ذَلِكَ فَقَالَ لَا يَصْلُحُ أَنْ يَعْمَلَ بِهِ حَتَّى يَحْتَلِمَ وَ يَدْفَعَ إِلَيْهِ مَالَهُ قَالَ وَ اِنْ اِحْتَلَمَ وَ لَمْ يَكُنْ لَهُ عَقْلٌ لَمْ يَدْفَعْ إِلَيْهِ شَيْءٌ أَبَدًا .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from one of his companions, from Masny Bin Rashid, from Abu Baseer,

(The narrator says): 'I asked Abu Abdullah^{-asws} about an orphan who has read the Quran, and there is nothing wrong with his intellect. And for him is wealth in the hands of a man. So the man wanted to do some business with the wealth of the orphan which was with him on a profit-sharing basis. So the boy permitted him with regards to that'. So he^{-asws} said: 'It is not correct that he works with it until he (the orphan) bed-wets and hands over his wealth to him. And if he were to bed-wet and there does not happen to be intellect for him, nothing would be handed over to him (the businessman), ever'.

حُمَيْدٌ عَنِ الْحَسَنِ بْنِ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَ ذَلِكَ .

Humejd, from Al Hassan, from Ja'far Bin Sama'at, from Dawood Bin Sirhan,

(It has been narrated) from Abu Abdullah^{-asws}, similar to that'.²³⁴

عَنْهُ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَلِيِّ بْنِ رَبِاطٍ وَ الْحُسَيْنِ بْنِ هَاشِمٍ وَ صَفْوَانَ بْنِ يَحْيَى عَنْ عِيصِ بْنِ الْقَاسِمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْيَتِيمَةِ مَتَى يَدْفَعُ إِلَيْهَا مَالَهَا قَالَ إِذَا عَلِمْتَ أَنَّهَا لَا تُفْسِدُ وَ لَا تُصَيِّغُ

From him, from Al Hassan Bin Muhammad Bin Sama'at, from Ali Bin Rabaat and Al Husayn Bin Hashim and Safwan Bin Yahya, from Ays Bin Al Qasim,

²³² Al Kafi – V 7 – The Book of Bequests Ch 39 H 1

²³³ Al Kafi – V 7 – The Book of Bequests Ch 39 H 2

²³⁴ Al Kafi – V 7 – The Book of Bequests Ch 39 H 3

(It has been narrated) from Abu Abdullah^{-asws}, 'I asked him^{-asws} about the orphan girl, when should her wealth be handed over to her?' He^{-asws} said: 'When it is known that she would neither spoil it nor waste it'.

فَسَأَلْتُهُ إِنْ كَانَتْ قَدْ تَزَوَّجَتْ فَقَالَ إِذَا تَزَوَّجَتْ فَقَدْ انْقَطَعَ مَلِكُ الْوَصِيِّ عَنْهَا .

So I asked him^{-asws}, 'If she got married?' So he^{-asws} said: 'If she were to get married, the possession (authority) of the executor is cut-off from her'.²³⁵

عَنْهُ عَنِ الْحَسَنِ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا يُدْخَلُ بِالْجَارِيَةِ حَتَّى تَأْتِيَ لَهَا تِسْعُ سِنِينَ أَوْ عَشْرُ سِنِينَ .

From him, from Al Hassan, from Safwan, from Musa Bin Bakr, from Zurara,

Abu Ja'far^{-asws} has said: 'There should be no union with a (slave) girl until she comes to be of nine or ten years of age'.²³⁶

عَنْهُ عَنِ الْحَسَنِ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ آدَمَ بْنِ بِيَّاعِ اللَّوْلُؤِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا بَلَغَ الْعُلَامُ ثَلَاثَ عَشْرَةَ سَنَةً كُتِبَتْ لَهُ الْحَسَنَةُ وَ كُتِبَتْ عَلَيْهِ السَّيِّئَةُ وَ عُوقِبَ وَ إِذَا بَلَغَتْ الْجَارِيَةُ تِسْعَ سِنِينَ فَكَذَلِكَ وَ ذَلِكَ أَنَّهَا تَحْبِضُ لِتِسْعِ سِنِينَ .

From him, from Al Hassan, from Ja'far Bin Sama'at, from Adam Baya Al Lulu, from Abdullah Bin Sinan,

Abu Abdullah^{-asws} has said: 'When the boy reaches thirteen years, the good deeds are Written for him, and the evil deeds are Written against him, and Punished. And when the girl reaches nine years, so it is like that, and that is because she menstruates at nine years'.²³⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنِ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا بَلَغَ أَشُدَّهُ ثَلَاثَ عَشْرَةَ سَنَةً وَ دَخَلَ فِي الْأَرْبَعِ عَشْرَةَ وَجَبَ عَلَيْهِ مَا وَجَبَ عَلَى الْمُحْتَلِمِينَ أَحْتَلَمَ أَوْ لَمْ يَحْتَلَمْ كُتِبَتْ عَلَيْهِ السَّيِّئَاتُ وَ كُتِبَتْ لَهُ الْحَسَنَاتُ وَ جَازَ لَهُ كُلُّ شَيْءٍ إِلَّا أَنْ يَكُونَ ضَعِيفًا أَوْ سَفِيهًا .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Washa, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{-asws}: 'When a boy is strong at thirteen years, and enters into the fourteenth, It is Obligated upon him what is Obligatory upon the bed-wetting ones, whether he has bed-wetted or not. The evil deeds are written against him, and the good deeds are Written for him, and everything is allowed for him unless he happens to be weak (of understanding) or foolish'.²³⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي مُحَمَّدِ بْنِ الْمَدَائِنِيِّ عَنْ عَلِيِّ بْنِ حَبِيبِ بْنِ بِيَّاعِ الْهَرَوِيِّ قَالَ حَدَّثَنِي عَيْسَى بْنُ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ يَنْعَزُ الصَّبِيُّ لِتِسْعِ وَ يُؤْمَرُ بِالصَّلَاةِ لِتِسْعِ وَ يُفَرَّقُ بَيْنَهُمْ فِي الْمَضَاجِعِ لِعَشْرِ وَ يَحْتَلَمُ لِأَرْبَعِ عَشْرَةَ وَ يَنْتَهِي طَوْلُهُ لِإِحْدَى وَ عَشْرِينَ سَنَةً وَ يَنْتَهِي عَقْلُهُ لِثَمَانٍ وَ عَشْرِينَ إِلَّا التَّجَارِبَ

²³⁵ Al Kafi – V 7 – The Book of Bequests Ch 39 H 4

²³⁶ Al Kafi – V 7 – The Book of Bequests Ch 39 H 5

²³⁷ Al Kafi – V 7 – The Book of Bequests Ch 39 H 6

²³⁸ Al Kafi – V 7 – The Book of Bequests Ch 39 H 7

A number of our companions, from Ahmad Bin Muhammad, from Abu Muhammad Al Madainy, from Ali Bin Habeeb Bayaa Al Harwy, from Isa Bin Zayd,

(It has been narrated) from Abu Abdullah^{-asws}: ‘Amir Al Momineen^{-asws} said: ‘The child (stops) teething at seven, and he is ordered with the Prayer at ten, and he should be separated with regards to his bed at ten, and he bed-wets at fourteen, and his tallness ends at twenty one, and his intellect completes at twenty eight, except for the experiences’.²³⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَمَّنْ رَوَاهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَ أَوْصَى إِلَى رَجُلٍ وَ لَهُ ابْنٌ صَغِيرٌ فَأَدْرَكَ الْعُلَامُ وَ دَهَبَ إِلَى الْوَصِيِّ فَقَالَ لَهُ رُدَّ عَلَيَّ مَالِي لِأَتَزَوَّجَ فَأَبَى عَلَيْهِ فَدَهَبَ حَتَّى رَنَى قَالَ يَلْزَمُ ثُلْثِي إِيَّامِ زَنَى هَذَا الرَّجُلِ ذَلِكَ الْوَصِيُّ لِأَنَّهُ مَنَعَهُ الْمَالَ وَ لَمْ يُعْطِهِ فَكَانَ يَنْزَوِّجُ .

Muhammad Bin Yahya, from Muhammad Bin Al Hassan, from Muhammad Bin Isa, from the one who reported it,

(It has been narrated) from Abu Abdullah^{-asws} regarding a man who died and bequeathed to a man (to be an executor), and for him was a young son. So the boy became an adult, and went to the executor, so he said to him, ‘Return to me my wealth so that I can get married. But he refused him. So he went and committed adultery’. He^{-asws} said: ‘Two-thirds of the sin of the adultery of this man is upon the executor because he prevented the wealth from him, and did not give it, so he could have got married’.²⁴⁰

تَمَّ كِتَابُ الْوَصَايَا وَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَ صَلَوَاتُهُ عَلَى خَيْرِ خَلْقِهِ مُحَمَّدٍ وَ آلِهِ الطَّاهِرِينَ وَ يَنْتَوُهُ إِنْ شَاءَ اللَّهُ تَعَالَى
كِتَابُ الْمَوَارِيثِ .

The Book of the Bequests is complete; and the Praise is for Allah^{-azwj} the Lord^{-azwj} of the Worlds, and His^{-azwj} Blessing be upon the best of His^{-azwj} creatures, and his^{-saww} Purified Progeny^{-asws}, and it will be followed, Allah^{-azwj} Willing, by the Book of the Inheritance.

²³⁹ Al Kafi – V 7 – The Book of Bequests Ch 39 H 8

²⁴⁰ Al Kafi – V 7 – The Book of Bequests Ch 39 H 9