

بحار الأنوار

BIHAR AL-ANWAAR

الجزء المائة

Volume 100

Part 2 out of 4

بحار الانوار الجامعة لدرر أخبار الأئمة الاطهار

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

تأليف العلامة فخر الامة المولى الشيخ محمد باقر المجلسي

Author – The Allama, the pride of the community, the Mullah, the Sheikh Muhammad
Baqir Al Majlisi

TABLE OF CONTENTS

CHAPTER 21 – THE TYPES OF CHOICES AND THEIR RULINGS	4
CHAPTER 22 – THE SALE OF ADVANCE PAYMENT AND THE DEFERRED PAYMENT, AND THEIR RULINGS	7
CHAPTER 23 – THE USURY (INTEREST) AND ITS RULINGS.....	9
CHAPTER 24 – THE EXCHANGE SELLING, AND THE SHIPS, AND THE ADORNED SWORDS	22
CHAPTER 25 – SELLING THE FRUITS, AND THE CROPS, AND THE LANDS, AND THE WATERS.....	23
CHAPTER 26 – SELLING THE SLAVE AND ITS RULINGS	28
CHAPTER 27 – THE WAITING PERIOD AND RULINGS OF MOTHERS OF CHILDREN	31
CHAPTER 28 – ‘AL-MURABAHA’ SALE AND ITS TYPES, AND SELLING WHAT HAS YET TO BE TAKEN POSSESSION OF	33
CHAPTER 29 – THE SALE OF ANIMALS	35
CHAPTER 30 – MISCELLANEOUS RULING OF THE SALES AND THEIR TYPES, FROM THE UNAUTHORISED SALES AND OTHER SUCH	35
CHAPTER 31 – THE REWARD OF LENDING AND CONDEMNATION OF PREVENTING IT FROM THE NEEDY	40
CHAPTER 32 – WHAT HAS BEEN REFERRED TO REGARDING INCURRING DEBTS	45
CHAPTER 33 – THE DELAYED PAYMENT REGARDING THE DEBTS	52
CHAPTER 34 – RESPITING THE UNABLE AND RELEASING HIM, AND IT IS UPON THE GUARDIAN TO PAY OFF HIS DEBTS	54
CHAPTER 35 – ETIQUETTES OF THE DEBTS AND ITS RULINGS.....	64
CHAPTER 36 – THE USURY IN THE DEBT, ADDITIONAL TO WHAT HAS PASSED IN THE CHAPTER ON USURY AND ITS RULINGS.....	67
CHAPTER 37 – PLEDGES (PAWNED ITEMS) AND THEIR RULINGS	70
CHAPTER 38 – LEGAL RESTRICTIONS, AND IN IT IS A LIMIT OF THE ADULTHOOD AND ITS RULINGS	71
CHAPTER 39 – CAN THE SLAVE OWN ANYTHING	79
CHAPTER 40 – LEASING, CONTRACT HIRE AND THEIR RULINGS	80
CHAPTER 41 – SHARE CROPPING AND IRRIGATION PARTNERSHIPS	86
CHAPTER 42 – THE DEPOSIT.....	90
CHAPTER 43 – THE LENDING OF ITEMS (WITHOUT COMPENSATION)	91
CHAPTER 44 – THE SURETY AND THE GUARANTEE	93
CHAPTER 45 – THE AGENCY	94
CHAPTER 46 – THE RECONCILIATION	94

CHAPTER 47 – PROFIT-SHARING PARTNERSHIP.....	94
CHAPTER 48 – THE PARTNERSHIP	96
CHAPTER 49 – THE REWARD.....	96
CHAPTER 50 – ENDOWMENT AND ITS MERITS AND ITS RULINGS	97
CHAPTER 51 – THE RETENTION, AND THE RESIDENCE, AND THE LIFETIME GIFT AND THE CONDITIONAL GIFTS.....	105
CHAPTER 52 – THE GIFTS	107
CHAPTER 53 – THE RACING, AND THE ARCHERY, AND TYPES OF GAMBLING.....	109
CHAPTER 54 – THE MERITS OF MAKING A WILL, AND ITS METHOD, AND ACCEPTANCE OF THE WILL AND ITS BINDING.....	114
CHAPTER 55 – RULINGS ON THE WILLS	126
CHAPTER 56 – AMBIGIOUS WILLS.....	139

CHAPTER 21 – THE TYPES OF CHOICES AND THEIR RULINGS

1- ب، قرب الإسناد حمادُ بنُ عيسى قال سمعتُ أبا عبد الله ع يقولُ إنَّ جدِّي عليَّ بنَ الحسينِ ع قال: كَانَ الْقَضَاءُ فِيمَا مَضَى إِذَا ابْتَاعَ الرَّجُلُ الْجَارِيَةَ فَوَطَّئَهَا ثُمَّ يَظْهَرُ عَيْبٌ أَنَّ الْبَيْعَ لَازِمٌ لَا يُرَدُّ وَ يَأْخُذُ أَرْضَ الْعَيْبِ.

(The book) 'Qurb Al Isnaad' – Hammad Bin Isa said,

'I heard Abu Abdullah^{-asws} saying: 'My^{-asws} grandfather^{-asws} Ali^{-asws} Bin Al-Husayn^{-asws} said: 'The ruling in the past was that if a man bought a slave girl, had union with her, and then a defect became apparent, the sale would be binding and not subject to return, and he would take indemnity (compensation) for the defect''¹.

2- ب، قرب الإسناد ابنُ ربابٍ قال: سألتُ أبا عبد الله ع عن رجلٍ اشترى جاريةً لمن الخيارِ للمُشتري أو للبائع أو لهُمَا كِلَاهُمَا

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

'I asked Abu Abdullah^{-asws} about a man who buy a slave girl, 'Who has the option (of cancelling the sale), the buyer, the seller, or both of them?'

قال فقال الخيار لمن اشترى ثلاثة أيام نظرة فإذا مضت ثلاثة أيام فقد وجب الشراء

He (the narrator) said: 'He^{-asws} said: 'The option belongs to the buyer for three days as a period of consideration. If three days pass, the purchase becomes obligatory (binding)'.

قلت له أ رأيت إن قبَّلها المشتري أو لامس

I said to him^{-asws}, 'What is your^{-asws} view, if the buyer kisses her or touches her?'

قال فقال إذا قبَّل أو لامس أو نظر منها إلى ما يخبر على غيره فقد انقضى الشرط و لزمته.

He^{-asws} said: 'If he kisses, touches, or looks at what is unlawful for others to see, then the condition is void, and the sale becomes binding upon him''².

3- ل، الخصال أبي عن سعدٍ عن أحمد بن محمد بن عيسى عن ابن محبوبٍ عن جميلٍ عن فضيل بن يسارٍ عن أبي عبد الله ع قال: قلتُ له ما الشرطُ في الحيوانِ

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Jameel, from Fuzeyl Bin Yasaar,

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

² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 2

‘From Abu Abdullah^{-asws}, he (the narrator) said, ‘I said to him^{-asws}, ‘What is the condition regarding the living beings?’

قَالَ ثَلَاثَةٌ أَيَّامٍ لِلْمُشْتَرِي

He^{-asws} said: ‘Three days for the buyer’.

قُلْتُ فَمَا الشَّرْطُ فِي غَيْرِ الْحَيَوَانِ

I said, ‘So what is the condition regarding other than the living beings?’

قَالَ الْبَيْعَانِ بِالْحَيَارِ مَا لَمْ يَفْتَرَقَا فَإِذَا افْتَرَقَا فَلَا خِيَارَ بَعْدَ الرِّضَا مِنْهُمَا.

He^{-asws} said: ‘Both the two sellers are with the choice for as long as they (buyer and seller) have not separated. When they do separate, there is no choice after the agreement from them’.³

4- ل، الخصال ابْنُ الْمُتَوَكَّلِ عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ رَفَعَهُ إِلَى الْحُسَيْنِ بْنِ زَيْدٍ عَنْ آبَائِهِ عَنْ عَلِيِّ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا التَّاجِرَانِ صَدَقَا وَ بَرَّا بُورِكَ لَهُمَا وَإِذَا كَذَبَا وَ خَانَا لَمْ يُبَارَكَ لَهُمَا وَ هُمَا بِالْحَيَارِ مَا لَمْ يَفْتَرَقَا فَإِنْ اِخْتَلَفَا فَالْقَوْلُ قَوْلُ رَبِّ السِّلْعَةِ أَوْ يَتَّارَكَا.

(The book) ‘Al Khisaal’ – Ibn Al Mutawakkil, from Muhammad Al Attar, from Al Ash’ary, raising it to Al-Husayn Bin Zaid, from his forefathers,

‘From Ali^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘If two traders are honest and truthful, they will be Blessed, but if they lie and betray, no Blessing will be Given to them. They have the option (to cancel the sale) as long as they have not separated. If they disagree, then the word is accepted from the owner of the goods, or they should abandon the transaction!’⁴

5- ما، الأماالي للشيخ الطوسي عن ابن عمر قَالَ قَالَ النَّبِيُّ ص مَنْ اشْتَرَى شَاءَ مُصْرَاءً فَهُوَ بِالْحَيَارِ.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – From Ibn Umar who said,

‘The Prophet^{-saww} said: ‘Whoever buys a she-camel or ewe whose milk has been retained (i.e., not milked to deceive the buyer), then he is with the choice (to return it)’.⁵

6- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ الرَّجَّائِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عُبَيْدٍ رَفَعَهُ إِلَى النَّبِيِّ ص قَالَ: لَا تُصْرُوا الْإِبِلَ وَ الْعَنَمَ مَنْ اشْتَرَى مُصْرَاءً فَهُوَ بِأَجْرِ النَّظْرَيْنِ إِنْ شَاءَ رَدَّهَا أَوْ رَدَّ مَعَهَا صَاعاً مِنْ تَمْرٍ.

(The book) ‘Ma’any Al Akhbar’ – Muhammad Bin Haroun Al Zanjany, from Ali Bin Abdul Aziz, from Abu Ubeyd raising it to,

³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 3

⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 4

⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 5

‘The Prophet^{-saww} said: ‘Do not bind the udders of camels and sheep (to deceive buyers). Whoever buys an animal whose milk has been retained has the right of final choice, if he wishes, he may return it, or return it along with a Sa’a (unit of measure) of dates’.⁶

7- وَ فِي حَدِيثٍ آخَرَ مَنْ اشْتَرَى مُحْفَلَةً فَرَدَّهَا فَلْيَرُدَّ مَعَهَا صَاعًا.

And in another Hadeeth: ‘One who buys an animal with retained milk and returns it, let him return it along with a Sa’a (unit of measure of dates)’.⁷

8 ل، الخصال ماجيلويه عن محمد العطار عن الأشعري عن اليقطيني عن ابن فضال عن الرضا ع قال: في أربعة أشياء خيار سنة الجنون والجذام والبصر والقرن.

(The book) ‘Al Khisaal’ – Majaylawiya, from Muhammad Al Attar, from Al Ash’ary, from Al Yaqteeny, from Ibn Fazzal,

‘From Al-Reza^{-asws} having said: ‘In four things there is choice for a year (to cancel a sale) – the insane, and the leprosy, and the vitiligo, and the damaged genitals’.⁸

9- ضا، فقه الرضا عليه السلام روي إذا صفق الرجل على البيع فقد وجب وإن لم يفترقا.

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws}: ‘It is reported that when a man strikes hands on a sale (i.e. confirms it by gesture), the sale becomes binding even if they have not yet separated.’⁹

10- وَ رُوي أَنَّ الشَّرْطَ فِي الْحَيَوَانَ ثَلَاثَةَ أَيَّامٍ اشْتَرَطَ أَوْ لَمْ يَشْتَرَطَ.

And it is reported that the condition regarding the living beings is of three days, whether it has been stipulated or not stipulated.¹⁰

11- وَ رُوي فِي الرَّجُلِ يَشْتَرِي الْمَتَاعَ فَيَجِدُ بِهِ عَيْبًا يُوجِبُ الرَّدَّ فَإِنْ كَانَ الْمَتَاعُ قَائِمًا بَعَيْنِهِ رُدَّ عَلَى صَاحِبِهِ وَإِنْ كَانَ قَدْ قُطِعَ أَوْ خِيَطَ أَوْ حَدَثَتْ فِيهِ حَادِثَةٌ رَجَعَ فِيهِ بِنُقْصَانِ الْعَيْبِ عَلَى سَبِيلِ الْأَرْضِ.

And it is reported regarding the man who buys the merchandise and finds in it a defect that justifies returning it - if the merchandise is still present in its original state, it is to be returned to its owner. But if it has been cut, sewn, or something has occurred to it, then he is to be compensated for the defect through a reduction in the price by way of indemnity (compensation).¹¹

⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 6

⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 7

⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 8

⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 9

¹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 10

¹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 11

12- وَ رُوي أَنَّ كُلَّ زَائِدَةٍ فِي الْبَدَنِ مِمَّا هُوَ فِي أَصْلِ الْخَلْقِ نَاقِصٌ مِنْهُ يُوجِبُ الرَّدَّ فِي الْبَيْعِ وَ اعْلَمُ أَنَّ الْبَائِعِينَ بِالْخِيَارِ مَا لَمْ يَفْتَرِقَا فَإِذَا افْتَرَقَا فَلَا خِيَارَ لِوَاحِدٍ مِنْهُمَا

And it is reported that any extra part on the body or any deficiency in what is normally part of the natural creation is grounds for returning an item in a sale. Know that both parties to the sale have the option (to cancel) as long as they have not separated. Once they separate, neither of them has the option any more.

فَإِنْ خَرَجَ فِي السَّلْعَةِ عَيْبٌ وَ عَلِمَ الْمُشْتَرِي فَالْخِيَارُ إِلَيْهِ إِنْ شَاءَ رَدَّ وَ إِنْ شَاءَ أَخَذَهُ أَوْ رَدَّ عَلَيْهِ بِالْقِيَمَةِ أَوْ شِئَ الْعَيْبِ وَ إِنْ كَانَ الْعَيْبُ فِي بَعْضِ مَا اشْتَرَى وَ أَرَادَ أَنْ يَرُدَّهُ عَلَى الْبَائِعِ رَدَّهُ وَ رَدَّ عَلَيْهِ بِالْقِيَمَةِ وَ الْقِيَمَةُ أَنْ تُقَوَّمَ السَّلْعَةُ صَحِيحَةً وَ تُقَوَّمَ مَعَيْبَةً فَيُعْطَى الْمُشْتَرِي مَا بَيْنَ الْقِيَمَتَيْنِ.

If a defect is found in the item and the buyer becomes aware of it, then the choice is his, if he wishes, he may return it, or if he wishes, he may keep it and take compensation equal to the value of the defect. If the defect is in part of what was purchased and he wishes to return that part to the seller, he may do so and be compensated accordingly. The compensation is determined by evaluating the item in its sound condition and then in its defective condition, and the buyer is given the difference in value between the two”.¹²

[باب 22 بيع السلف و النسيئة و أحكامها](#)

CHAPTER 22 – THE SALE OF ADVANCE PAYMENT AND THE DEFERRED PAYMENT, AND THEIR RULINGS

1- ب، قرب الإسناد عن علي بن أبيه ع قال: سألتُه عن السَّلْمِ فِي الدَّيْنِ قَالَ إِذَا قَالَ اشْتَرَيْتُ مِنْكَ كَذَا وَ كَذَا بِكَذَا فَلَا بَأْسَ

(The book) ‘Qurb Al Isnaad’ –

‘From Ali, from his brother (Al-Kazim^{asws}), he said, ‘I asked him^{asws} about advance payment in debt. He^{asws} said: ‘If someone says, ‘I have purchased from you such and such for such and such’, then there is no problem’.

وَ سَأَلْتُهُ عَنْ رَجُلٍ يُسَلِّمُ فِي النَّخْلِ قَبْلَ أَنْ يَطَّلَعَ قَالَ لَا يَصْلُحُ السَّلْمُ فِي النَّخْلِ

And I asked him^{asws} about a man who pays in advance for dates before they appear. He^{asws} said: ‘Advance payment in dates is not correct’.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ عَلَى آخِرِ كُرٍّ مِنْ حِنْطَةٍ أَوْ يَأْخُذُ بِكَيْلِهَا شَعِيرًا أَوْ ثَمْرًا قَالَ إِذَا تَرَاضَا فَلَا بَأْسَ

He said, ‘And I asked him about a man who is owed a ‘Kur’ (unit of measure) of wheat by another, Can he take barley or dates instead, by its measure?’ He^{asws} said: ‘If they both agree, there is no problem’.

¹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 21 H 12

وَقَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ لَهُ عَلَى رَجُلٍ آخَرَ تَمْرٌ أَوْ حِنْطَةٌ أَوْ شَعِيرٌ أَوْ يَأْخُذُ بِقِيَمَتِهِ دِرَاهِمَ قَالَ فَسَدَ لِأَنَّ أَصْلَ الشَّيْءِ دِرَاهِمٌ

He said, 'I asked him about a man who is owed dates, wheat, or barley, can he take their value in Dirhams?' He^{-asws} said: 'That is invalid, because the original basis of the item is Dirhams'.

قَالَ إِذَا قَوْمُهُ فَسَدَ لِأَنَّ أَصْلَ مَالِهِ الَّذِي يُشْتَرَى بِهِ دِرَاهِمٌ فَلَا يَصْلُحُ لَهُ دِرَاهِمٌ بِدِرَاهِمٍ.

He^{-asws} said: 'If they assign a value to it, it becomes invalid, because the original capital with which it was purchased is Dirhams, so it is not valid to exchange Dirham for Dirham'.¹³

2- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ بَاعَ بَيْعًا إِلَى أَجَلٍ فَجَاءَ الْأَجَلُ وَ الْبَيْعُ عِنْدَ صَاحِبِهِ فَأَتَاهُ الْبَائِعُ فَقَالَ بَعْثِي الَّذِي اشْتَرَيْتَ مِنِّي وَ حُطَّ عَنِّي كَذَا وَ كَذَا وَ أَقْصَاكَ بِمَا لِي عَلَيْكَ أَيْحُلُ ذَلِكَ

And I asked him^{-asws} about a man who sold something on deferred payment, and when the due date arrived, the item was still with the buyer, the seller then came to him and said, 'Sell me what you bought from me, and I will reduce such-and-such from the price, and we will settle it against what you owe me'. Is that Permissible?'

قَالَ إِذَا تَرَاضَيَا فَلَا بَأْسَ.

He^{-asws} said: 'If they both agree, then there is no problem'.¹⁴

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ بَاعَ ثَوْبًا بِعَشْرَةِ دِرَاهِمٍ إِلَى أَجَلٍ ثُمَّ اشْتَرَاهُ بِخَمْسَةِ دِرَاهِمٍ أَيْحُلُ

He said, 'And I asked him^{-asws} about a man who sold a garment for ten Dirhams on deferred payment, then bought it back for five Dirhams, Is that Permissible?'

قَالَ إِذَا لَمْ يَشْتَرْطْ وَ رَضِيَ فَلَا بَأْسَ.

He^{-asws} said: 'If there was no prior condition and both parties agreed, then there is no problem'.¹⁵

4- ب، قرب الإسناد ابن عيسى عن البرزطي قال: قُلْتُ لِلرِّضَا ع أَخْرُجْ إِلَى الْجَبَلِ وَ إِهْمُ قَوْمٌ مَلَاءٌ وَ نَحْنُ نَحْتَمِلُ التَّأخِيرَ فَنُبَايِعُهُمْ بِتَأخِيرِ سَنَةٍ

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

'I said to Al-Reza^{-asws}, 'We tend to go out to the mountain, and they are a people who delay payment, and we can endure the delay. Can we sell to them with deferred payment to a year?'

قَالَ بَعْثُهُمْ

¹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 1

¹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 2

¹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 3

He^{-asws} said: ‘Sell it to them’.

قُلْتُ سَتَيْنِ

I said, ‘Two years?’

قَالَ بَعْتَهُمْ

He^{-asws} said: ‘Sell it to them’.

قُلْتُ ثَلَاثَ سِنِينَ

I said, ‘Three years?’

قَالَ لَا يَكُونُ لَكَ شَيْءٌ أَكْثَرَ مِنْ ثَلَاثَ سِنِينَ.

He^{-asws} said: ‘No! Nothing can be for you more than three years!’¹⁶

5- سر، السرائر من كتاب المسائل عن محمد بن أحمد بن محمد بن زياد و موسى بن محمد بن علي بن عيسى عن محمد بن علي بن عيسى عن طاهر قال: كتبت إلى أبي الحسن ع أسأله عن الرجل يُعطي الرجل مالا يبيعه به شيئاً بعشرين درهماً ثم يحول عليه الحول فلا يكون عنده شيء فيبيعه شيئاً آخر فأجابني ما يبيعه الناس حلالاً و ما لم يبيعه قرباً.

(The book) ‘Al Saraair’, from ‘Kitab Al Masaail’ – from Muhammad Bin Ahmad Bin Muhammad Bin Ziyad, and Musa Bin Muhammad Bin Ali Bin Isa, from Muhammad Bin Ali Bin Isa, from Tahir who said,

‘I wrote to Abu Al-Hassan^{-asws} asking him^{-asws} about the man who gives wealth to the man to sell (and buy) something with it for twenty Dirhams. Then the year passes by upon him and there does happen to be anything in his possession, so he sells (trades for) something else. He^{-asws} answered me: ‘Whatever the people trade is Permissible and whatever they do not trade, so it is usury (interest, if more than original amount is demanded)’¹⁷.

(so he cannot take additional amount if there is no profit from the trade, either it was carried out or due to no activity)

[باب 5 الربا و أحكامها](#)

CHAPTER 23 – THE USURY (INTEREST) AND ITS RULINGS

1- تَخِجُ الْبَلَاغَةَ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع قَالَ النَّبِيُّ ص عِنْدَ ذِكْرِ أَهْلِ الْفِتْنَةِ فَيَسْتَجْلُونَ الْحُمْرَ بِاللَّبِيدِ وَ السُّحْتِ بِالْهَدِيَّةِ وَ الرِّبَا بِالْبَيْعِ.

(The book) ‘Nahj Al Balagah’ –

¹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 4

¹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 22 H 5

'Amir Al-Momineen^{-asws} said: 'The Prophet^{-saww} said at the mention of the Fitna: 'They permitted the wine through Al-Nabeez, and the ill-gotten gains as the gifts, and the interest as the selling (money)'.¹⁸

2- الْهِدَايَةُ، لَيْسَ الرِّبَا إِلَّا فِيمَا يُكَالُ أَوْ يُوزَنُ وَ دِرْهَمٌ رِبَاً أَكْبَرُ مِنْ سَبْعِينَ زَنْبَةً كُلُّهَا بِدَاتِ مَحْرَمٍ وَ الرِّبَا رِبَاءَانِ رِبَاً يُؤْكَلُ وَ رِبَاً لَا يُؤْكَلُ

(The book) 'Al Hidayah' –

'Usury (interest) exists only in what is measured by volume or by weight. A single Dirham taken as usury is more severe than seventy acts of fornication, all committed with a close blood relative. Usury is of two kinds - usury that is consumed and usury that is not consumed.

فَأَمَّا الَّذِي يُؤْكَلُ فَهَدَيْتُكَ إِلَى الرَّجُلِ تُرِيدُ النَّوَابِ أَفْضَلَ مِنْهَا وَ أَمَّا الَّذِي لَا يُؤْكَلُ فَهُوَ أَنْ يَدْفَعَ الرَّجُلُ عَشْرَةَ دَرَاهِمَ عَلَى أَنْ يَرُدَّ عَلَيْهِ أَكْثَرَ مِنْهَا فَهُوَ الرِّبَا الَّذِي هُوَ اللَّهُ عَنْهُ

As for the usury that is consumed, it is when you give a gift to someone intending a better return from him (optional, as he may return less or more or not at all). As for the usury that is not consumed, it is when a man gives ten Dirhams on the condition that more than that will be returned to him. This is the usury that Allah^{-azwj} has Forbidden.

وَ مَنْ أَكَلَ الرِّبَا بِجَهَالَةٍ وَ هُوَ لَا يَعْلَمُ أَنَّهُ حَرَامٌ فَلَهُ مَا سَلَفَ وَ لَا إِثْمَ عَلَيْهِ فِيمَا لَا يَعْلَمُ وَ مَنْ عَادَ فَأُولَئِكَ مِنْ أَصْحَابِ النَّارِ.

Whoever consumes usury out of ignorance, not knowing it is Forbidden, then what has already passed is excused, and there is no sin upon him for what he did not know. But whoever returns to it, they are from companions of the Fire!¹⁹

3- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنِ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنِ أَبِيهِ عَنِ آبَائِهِ عَنِ النَّبِيِّ ص قَالَ: شَرُّ الْكَسْبِ كَسْبُ الرِّبَا الْحَبِيرِ.

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

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws}, from the Prophet^{-saww} having said: 'The worst earning is earning the usury (interest)' – the Hadeeth'.²⁰

4- ع، علل الشرائع أحمد بن محمد العلوي عن محمد بن أسباط عن أحمد بن محمد بن زياد عن أحمد بن محمد بن عبد الله عن عيسى بن جعفر العلوي العمري عن آبائه عن علي ع أنه سئل مِمَّ خَلَقَ اللَّهُ الشَّعِيرَ

¹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 1

¹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 2

²⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 3

(The book) 'Ilal Al Sharie' – Ahmad Bin Muhammad Al Alawy, from Muhammad Bin Asbaat, from Ahmad Bin Muhammad Bin Ziyad, from Ahmad Bin Muhammad Bin Abdullah, from Isa Bin Ja'far Al Alawy Al Umari, from his forefathers,

'From Ali^{-asws}, he^{-asws} was asked, 'From what did Allah^{-azwj} Create barley?'

فَقَالَ إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى أَمَرَ آدَمَ ع أَنْ ازْرُعَ بِمَا اخْتَرْتَ لِنَفْسِكَ

He^{-asws} said: 'Indeed, Allah^{-azwj}, Blessed and Exalted, Commanded Adam^{-as}, "Plant from what you^{-as} have chosen for yourself^{-as}!"

وَ جَاءَ جِبْرَائِيلُ بِقُبْضَةٍ مِنَ الحِنْطَةِ فَمَبَّضَ آدَمَ عَلَى قَبْضَةٍ وَ قَبَضَتْ حَوَاءُ عَلَى أُخْرَى فَقَالَ آدَمُ لِحَوَاءَ لَا تَزْرِعِي أَنْتِ

So, Jibraeel^{-as} came with a handful of wheat. Adam^{-as} took one handful, and Hawwa took another. Adam^{-as} said to Hawwa^{-as}: 'Do not plant!'

فَلَمْ تَقْبَلِ أَمَرَ آدَمَ فَكُلَّمَا زَرَعَ آدَمُ جَاءَ حِنْطَةٌ وَ كَلَّمَا زَرَعَتْ حَوَاءُ جَاءَ شَعِيرًا.

But she^{-as} did not accept the instructions of Adam^{-as}. Every time Adam^{-as} planted, wheat grew, and every time Hawwa^{-as} planted, barley grew".²¹

5- لي، الأماالي للصدوق أحمد بن علي بن إبراهيم عن أبيه عن حماد بن عيسى عن الحسين بن المختار عن أبي بصير عن أبي عبد الله ع قال: دَرَاهِمُ رِبَاً أَكْبَرُ عِنْدَ اللَّهِ مِنْ ثَلَاثِينَ زَنْبَةً كُلُّهَا بِذَاتِ مَحْرَمٍ مِثْلِ خَالَتِهِ وَ عَمَّتِهِ.

(The book) 'Al Amaali' of Al Sadouq – Ahmad Bin Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Al-Husayn Bin Al Mukhtar, from Abu Baseer,

'From Abu Abdullah^{-asws} having said: 'A Dirham of usury is more grievous in the Presence of Allah^{-azwj} than thirty acts of adultery, all of these being with someone with sanctity, like his maternal aunt or paternal aunt".²²

6- ضا، فقه الرضا عليه السلام قال أبو جعفر ع دَرَاهِمُ رِبَاً أَكْبَرُ عِنْدَ اللَّهِ مِنْ أَرْبَعِينَ زَنْبَةً

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Abu Ja'far^{-asws} said; 'A Dirham of usury is more grievous in the Presence of Allah^{-azwj} than forty acts of adultery!'

وَ قَالَ السُّحْتُ الرِّبَا

And he^{-asws} said: 'The ill-gotten gains are usury!'

وَ سُئِلَ عَنِ الحَبْرِ بَعْضُهُ أَكْبَرُ مِنْ بَعْضٍ قَالَ لَا بَأْسَ إِذَا أَقْرَضْتَهُ.

²¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 4

²² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 5

And he^{-asws} was asked about the bread, part of it bigger than a part. He^{-asws} said: ‘There is no problem if he has lent it’.²³

7- لي، الأماالي للصدوق في مناهي النبي ص أنه هَمَى عَنْ أَكْلِ الرِّبَا وَ شَهَادَةِ الرُّورِ وَ كِتَابَةِ الرِّبَا.

(The book) ‘Al Amaali’ of Al Sadouq –

‘Among prohibitions by the Prophet^{-saww}, he^{-saww} prohibited from consuming the usury, and the false testimony, and recording the (transaction of) usury’.²⁴

8- وَ قَالَ ص إِنَّ اللَّهَ عَزَّ وَ جَلَّ لَعَنَ آكِلَ الرِّبَا وَ مُوَكَّلَهُ وَ كَاتِبَهُ وَ شَاهِدَيْهِ.

And he^{-saww} said: ‘Allah^{-azwj} Mighty and Majestic has Cursed the consumer of usury, and its feeder (giver), and its recorder, and its two witnesses’.²⁵

9- وَ هَمَى عَنْ بَيْعِ الذَّهَبِ بِالذَّهَبِ زِيَادَةً إِلَّا وَزناً بِوَزْنٍ.

And he^{-saww} forbade from selling the gold for the more gold except weight by (same) weight’.²⁶

10- لي، الأماالي للصدوق أَبِي عَنْ عَلِيٍّ عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنِ الْكِنَانِيِّ عَنِ الصَّادِقِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص شَرُّ الْكَسْبِ كَسْبُ الرِّبَا.

(The book) ‘Al Amaali’ of Al Sadouq – My father, from Ali, from his father, from Safwan, from Al Kinani,

‘From Al Sadiq^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The worst earnings is the earning of usury (interest)’.²⁷

11- فس، تفسير القمي أَبِي عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَمَّا أُسْرِيَ بِي إِلَى السَّمَاءِ رَأَيْتُ قَوْمًا يُرِيدُ أَحَدُهُمْ أَنْ يَقُومَ فَلَا يَقْدِرُ أَنْ يَقُومَ مِنْ عَظَمِ بَطْنِهِ فَعُلْتُ مَنْ هَؤُلَاءِ يَا جِبْرَائِيلُ

(The book) ‘Tafseer Al Qummi’ – My father, from Ibn Abu Umeyr, from Hisham,

‘From Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘When there was an ascension with me^{-saww} to the sky, I^{-saww} saw a people, one of them wanted to stand up but was not able upon it due to the largeness of his belly. I^{-saww} said: ‘Who are they, O Jibraeel^{-as}?’

قَالَ هَؤُلَاءِ الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ وَإِذَا هُمْ بِسَبِيلِ آلِ فِرْعَوْنَ يُعْرَضُونَ عَلَى النَّارِ عُذْوًا وَ عَشِيًّا يَقُولُونَ رَبَّنَا مَتَى تَقُومُ السَّاعَةُ.

²³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 6

²⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 7

²⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 8

²⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 9

²⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 10

He^{-as} said: 'They are **those who are consuming the interest are not standing except as the standing of the one whom the Satan has confused him from the craze [2:275]**, and then they are the people of Pharaoh^{-la}. They are being presented to the Fire morning and evening. They said, 'Our Lord^{-azwj!} When will the House be established?'²⁸

12- فس، تفسیر القمی یَحْفَى اللهُ الرِّبَا وَ يُرِي الصَّدَقَاتِ قَالَ قَبِلَ لِلصَّادِقِ ع قَدْ نَرَى الرَّجُلَ يُرِي وَ مَالُهُ يَكْتُرُ

(The book) 'Tafseer Al-Qummi' - **Allah Obliterates the interest, and He Nourishes the charities; [2:276]**. He said, 'It was said to Al-Sadiq^{-asws}, 'We have seen the man dealing in usury and yet his wealth increases!'

فَقَالَ يَحْفَى اللهُ دِينَهُ وَ إِنْ كَانَ مَالُهُ يَكْتُرُ .

He^{-asws} said: 'Allah^{-azwj} Obliterates his religion, and even if his wealth increases'²⁹.

13- فس، تفسیر القمی أَبِي عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: دَرَاهِمُ رَبَاً أَكْبَرُ عِنْدَ اللَّهِ مِنْ سَبْعِينَ زَنْبَةً بَدَاتِ مُحْرَمٍ فِي بَيْتِ اللَّهِ الْحَرَامِ

(The book) 'Tafseer Al Qummi' – My father, from Ibn Abu Umeyr, from Jameel,

'From Abu Abdullah^{-asws} having said: 'A Dirham of usury is more grievous in the Presence of Allah^{-azwj} than seventy acts of adultery with someone with sanctimony in the House of Allah^{-azwj!}'

وَ قَالَ الرِّبَا سَبْعُونَ جُزْءاً أَيْسَرُهُ أَنْ يَنْكَحَ الرَّجُلُ أُمَّهُ فِي بَيْتِ اللَّهِ الْحَرَامِ .

And he^{-asws} said: 'The usury is of seventy segments. The least of it is the man has been immoral to his mother in the Sacred House of Allah^{-azwj!}'³⁰

14- ضا، فقه الرضا عليه السلام قَالَ أَبُو عَبْدِ اللَّهِ ع مَا خَلَقَ اللهُ خَلَالاً وَ لَا حَرَاماً إِلَّا وَ لَهُ حُدُودٌ كَحُدُودِ الدَّارِ فَمَا كَانَ مِنْ حُدُودِ الدَّارِ فَهُوَ مِنَ الدَّارِ حَتَّى أَرْضُ الحُدُوشِ فَمَا سِوَاهُ وَ الجُلْدَةُ وَ نِصْفِ الجُلْدَةِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Abu Abdullah^{-asws} said: 'Allah^{-azwj} neither Created lawful and unlawful except and there is a boundary for it like boundaries of the house. Thus, whatever is from the boundary of the house, it is from the house, to the extent of compensation of a scratch and whatever is besides it, and a lash and half the lash.

وَ إِنْ رَجُلًا أَرَى دَهْرًا مِنَ الدَّهْرِ فَخَرَجَ قَاصِداً أَبَا جَعْفَرٍ ع فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ لَهُ مَخْرُجِكَ مِنْ كِتَابِ اللَّهِ يَقُولُ اللهُ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ

A man once dealt in usury for a long time, then set out intending to see Abu Ja'far^{-asws} and asked him about it. He^{-asws} said to him: 'Your way out is from the Book of Allah^{-azwj} whereby

²⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 11

²⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 12

³⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 13

Allah-^{azwj} Says: where Allah-^{azwj} says: ***So the one to whom comes an Advice from his Lord, and he ends it, then for him would be what has passed [2:275]!***

وَالْمَوْعِظَةُ هِيَ التَّوْبَةُ فَجَهْلُهُ بِتَحْرِيمِهِ ثُمَّ مَعْرِفَتُهُ بِهِ فَمَا مَضَى فَحَلَالَ وَمَا بَقِيَ فَلِيُحْفَظَ.

And the advice, it is the repentance. He was ignorant of its Prohibition, then knew it, then acknowledged it. Thus, whatever has passed, it is Permissible, and whatever remains, let him protect”.³¹

15- أَبِي قَالَ وَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَكُونُ الرِّبَا إِلَّا فِيمَا يُوزَنُ أَوْ يُكَالُ وَمَنْ أَكَلَهُ جَاهِلًا بِتَحْرِيمِ اللَّهِ لَهُ لَمْ يَكُنْ عَلَيْهِ شَيْءٌ.

My father said, ‘And Abu Abdullah-^{asws} said: ‘The usury cannot be, except in what can be weighed or measured, and one who consumes it out of ignorance of the Prohibition of Allah-^{azwj}, there would not be anything upon him’.³²

16- روضة الواعظين قَالَ أَمِيرُ الْمُؤْمِنِينَ ع مَعَاشِرَ النَّاسِ الْفَقْهَ ثُمَّ الْمُنَجَّرَ وَاللَّهِ لِلرِّبَا فِي هَذِهِ الْأُمَّةِ أَخْفَى مِنْ دَيْبِ النَّعْلِ عَلَى الصَّفَا.

(The book) ‘Rowzat Al Waizeen’ –

‘Amir Al-Momineen-^{asws} said: ‘Community of people! The understanding (first), then the trading! By Allah-^{azwj}, the usury tends to be more stealthier in this community than steps of the an upon the solid rock!’³³

17- وَ قَالَ ع مَنْ لَمْ يَتَفَكَّرْ فِي دِينِهِ ثُمَّ اجْتَرَ ارْتَبَطَ فِي الرِّبَا ثُمَّ ارْتَبَطَ.

And he-^{asws} said: ‘One who does not ponder in his religion, then he trades, will plunge into the usury, then plunge (again)’.³⁴

18- فس، تفسير القمي يا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ دَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ فَإِنَّهُ كَانَ سَبَبَ نُزُولِهَا أَنَّهُ لَمَّا أَنْزَلَ اللَّهُ الَّذِينَ يَأْكُلُونَ الرِّبَا الْأَيَّةَ فَقَامَ خَالِدُ بْنُ الْوَلِيدِ إِلَى رَسُولِ اللَّهِ ص فَقَالَ يَا رَسُولَ اللَّهِ ص رَبِّي فِي تَقْيِيفٍ وَ قَدْ أَوْصَانِي عِنْدَ مَوْتِهِ بِأَخْذِهِ

Tafseer Al-Qummi - ***O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest if you are Momineen [2:278]***. The reason for its Revelation – When Allah-^{azwj} Revealed the Verse: ***those who are consuming the interest [2:275]***, Khalid Bin Al Waleed stood up to Rasool-Allah-^{saww}. He said, ‘O Rasool-Allah-^{azwj}! There is usury (interest) due to my father in Saqeef, and he had bequeathed me at his death, to take it!’

فَأَنْزَلَ اللَّهُ تَعَالَى يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ دَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَ رَسُولِهِ قَالَ مَنْ أَخَذَ الرِّبَا وَجِبَ عَلَيْهِ الْقَتْلُ وَ كُلُّ مَنْ أَرَى وَجِبَ عَلَيْهِ الْقَتْلُ.

So, Allah-^{azwj} the Exalted Revealed: ***O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest if you are Momineen [2:278] But if you don't do***

³¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 14

³² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 15

³³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 16

³⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 17

‘Among what the Prophet^{-saww} bequeathed to Ali^{-asws}: ‘O Ali^{-asws}! The usury is of seventy segments. The least of these is like the man who is immoral to his mother in the Sacred House of Allah^{-azwj}!

رَبًّا أَعْظَمُ مِنْ سَبْعِينَ زَنْبِيَّةً كُلُّهَا بَدَاتِ مُحْرَمٍ فِي بَيْتِ اللَّهِ الْحَرَامِ.

O Ali^{-asws}! A Dirham of usury is more grievous than seventy acts of adultery with someone of sanctity (incest) in the Sacred House of Allah^{-azwj}!”³⁹

23- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سنان أنه كتبت الرضا ع إليه علة تحريم الربا

(The book) ‘Ilal Al-Sharaie’, (and) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws}, in ‘Ilal’ of Ibn Sinan – ‘Al-Reza^{-asws} wrote to him regarding reason of prohibition of the usury:

إِنَّمَا هِيَ اللَّهُ عَزَّ وَجَلَّ عَنْهُ لِمَا فِيهِ مِنْ فَسَادِ الْأَمْوَالِ لِأَنَّ الْإِنْسَانَ إِذَا اشْتَرَى الدِّرْهَمَ بِالدِّرْهَمَيْنِ كَانَ تَمُّ الدِّرْهَمِ دِرْهَمًا وَ تَمُّ الْآخَرِ بَاطِلًا فَبَيْعُ الرِّبَا وَ شِرَاؤُهُ وَ كَسْبُ عَلَيَّ كُلِّ خَالٍ عَلَيَّ الْمُشْتَرِي وَ عَلَيَّ الْبَائِعِ

‘But rather, Allah^{-azwj} Mighty and Majestic Prohibited from it due to the corruption of wealth which is in it, because the person, when he buys the Dirham for the two Dirhams, the price of the (first) Dirham would be a Dirham, while the other would be invalid. Thus, the buying and selling of usury is a loss in all cases, for both the buyer and the seller.

فَحَظَرَ اللَّهُ تَبَارَكَ وَ تَعَالَى عَلَى الْعِبَادِ الرِّبَا لِعَلَّةِ فَسَادِ الْأَمْوَالِ كَمَا حَظَرَ عَلَى السَّفِيهِ أَنْ يُدْفَعَ إِلَيْهِ مَالُهُ لِمَا يُتَخَوَّفُ عَلَيْهِ مِنْ إِفْسَادِهِ حَتَّى يُؤَسَّ مِنْهُ رُشْدًا

Allah^{-azwj} Blessed and Exalted, Cautioned (Prohibited) usury for His^{-azwj} servants due to the reason of wealth corruption, just as He^{-azwj} Prohibited giving wealth to the foolish out of fear that they would ruin it, until sound judgment is observed from them.

فَلِهَذَا الْعِلَّةِ حَرَّمَ اللَّهُ الرِّبَا وَ بَيْعَ الدِّرْهَمِ بِالدِّرْهَمَيْنِ يَدًا بِيَدٍ وَ عِلَّةُ تَحْرِيمِ الرِّبَا بَعْدَ التَّبَيُّنِ لِمَا فِيهِ مِنَ الْإِسْتِحْقَافِ بِالْحَرَامِ الْمُحْرَمِ وَ هِيَ كَبِيرَةٌ بَعْدَ الْبَيَانِ وَ تَحْرِيمِ اللَّهِ عَزَّ وَجَلَّ لَهَا وَ لَمْ يَكُنْ ذَلِكَ مِنْهُ إِلَّا اسْتِحْقَافًا بِالْمُحْرَمِ وَ الْحَرَامِ وَ الْإِسْتِحْقَافُ بِذَلِكَ دُخُولٌ فِي الْكُفْرِ

So, for this reason, Allah^{-azwj} Prohibited usury and the sale of a Dirham for two Dirhams by hand-to-hand exchange. The reason for the prohibition of usury, after the clear explanation, is because it involves belittling what is Forbidden, and that is a grave sin after the clarification and explicit Prohibition of Allah^{-azwj} of it. Such behaviour indicates only a disregard for what is unlawful, and this belittling is an entry into Kufr.

وَ الْعِلَّةُ فِي تَحْرِيمِ الرِّبَا بِالنَّسَبَةِ لِعَلَّةِ دَهَابِ الْمَعْرُوفِ وَ تَلْفِ الْأَمْوَالِ وَ رَغْبَةِ النَّاسِ فِي الرِّبْحِ وَ تَرَكِهِمُ الْقَرْضَ وَ صِنَائِعَ الْمَعْرُوفِ وَ لِمَا فِي ذَلِكَ مِنَ الْفُسَادِ وَ الظُّلْمِ وَ فَنَاءِ الْأَمْوَالِ.

³⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 22

The reason for the prohibition of delayed usury is due to the loss of benevolence, the destruction of wealth, people's eagerness for profit, their abandonment of lending and acts of kindness, and because of the corruption, injustice, and destruction of wealth it leads to".⁴⁰

24- ع، علل الشرائع علي بن أحمد عن الأسيدي عن محمد بن أبي بشير عن علي بن العباس عن عمر بن عبد العزيز عن هشام بن الحكم قال: سألت أبا عبد الله ع عن علّة تحريم الرّبا قال إنّهُ لو كان الرّبا حلالاً لترك الناس التّجارات و ما يحتاجون إليه فحرم الله الرّبا ليقفّر الناس عن الحرام إلى التّجارات و إلى البّيع و الشّراء فينصل ذلك بينهم في القرض.

(The book) 'Ilal Al Sharaie' – Ali Bin Ahmad, from Al Asadi, from Muhammad Bin Abu Bashir, from Ali Bin Al Abbas, from Umar Bin Abdul Aziz, from Hisham Bin Al Hakam who said,

'I asked Abu Abdullah^{-asws} about reason of prohibition of the usury. He^{-asws} said: 'If the usury had been Permitted, the people would have neglected the trading and whatever they are needy to. Therefore Allah^{-azwj} Prohibited the usury to Drive the people away from the Prohibited to the trading, and to the selling and the buying, so that may connect between them regarding the lending".⁴¹

25- ع، علل الشرائع علي بن حاتم عن محمد بن أحمد بن ثابت عن عبيد عن ابن أبي عمير عن هشام بن سالم عن أبي عبد الله ع قال: إنّما حرم الله عزّ و جلّ الرّبا لئلاّ يمتنعوا من اصطناع المعروف.

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Muhammad Bin Ahmad Bin Sabit, from Ubeyd, from Ibn Abu Umeyr, from Hisham Bin Salim,

'From Abu Abdullah^{-asws} having said: 'But rather, Allah^{-azwj} Mighty and Majestic Prohibited the usury lest they are prevented from the acts of kindness!"⁴²

26- ع، علل الشرائع علي بن حاتم عن القاسم بن جميل عن عبد الله النهيكي عن علي الطاطري عن دُرست عن محمد بن عطية عن زُرارة قال أبو جعفر ع إنّما حرم الرّبا لئلاّ يذهب المعروف.

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Al Qasim Bin Jameel, from Abdullah Al Naheyki, from Ali Al Tatari, from Dorost, from Muhammad Bin Atiya, from Zurara who said,

'Abu Ja'far^{-asws} said: 'But rather, the usury is Prohibited lest the acts of kindness disappear.⁴³

27- جمع، جامع الأخبار قال النبي ص من أكل الرّبا ملاً الله بطنه نار جهنم بقدر ما أكل فإن كسب منه مالا لم يقبل الله شيئاً من عمله و لم يزل في لعنة الله و ملائكته ما دام معه قيراط.

(The book) 'Jamie Al Akhbar' –

'The Prophet^{-saww} said: 'One who consumes the usury, Allah^{-azwj} will Fill his belly with the Fire of Hell in accordance to what he had consumed. If he has earned wealth from it, Allah^{-azwj} will

⁴⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 23

⁴¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 24

⁴² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 25

⁴³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 26

not Accept anything from his deeds, and he will not cease to be in the Curse of Allah^{-azwj} and His^{-azwj} Angels for as long as a carat (0.195 gms) is with him”.⁴⁴

28- وَقَالَ ص شَرُّ الْمَكَاْسِبِ كَسْبُ الرِّبَا.

And he^{-saww} said: ‘The worst earning, is the earning of usury’.⁴⁵

29- مع، معاني الأخبار القَطَّانُ عَنِ ابْنِ زَكَرِيَّا الْقَطَّانِ عَنِ ابْنِ حَبِيبٍ عَنِ ابْنِ مُلُؤْلِ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع مَا مَعْنَى قَوْلِ الْمُصَلِّي فِي تَشَهُدِهِ لِلَّهِ مَا طَابَ وَ طَهَّرَ وَ مَا حَبِثَ فَلَعِبَّوهُ

(The book) ‘Ma’any Al Akhbar’ – Al Qattan, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Buhloul, from his father, from Abdullah Bin Al Fazl who said,

‘I said to Abu Abdullah^{-asws}, ‘What is the meaning of the words of Al-Mustafa^{-saww} in ‘Tashahhud’: ‘For Allah^{-azwj} is what is good and pure, while whatever is wicked is for others?’

قَالَ مَا طَابَ وَ طَهَّرَ كَسْبُ الْحَلَالِ مِنَ الرِّزْقِ وَ مَا حَبِثَ فَالرِّبَا.

He^{-asws} said: ‘What is good and pure is the lawful earning from the sustenance, and what is wicked is usury’.⁴⁶

30- شي، تفسير العياشي عَنْ شَهَابِ بْنِ عَبْدِ رَبِّهِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ أَكِلُ الرِّبَا لَا يَخْرُجُ مِنَ الدُّنْيَا حَتَّى يَتَخَبَّطَهُ الشَّيْطَانُ.

(The book) ‘Tafseer Al Ayyashi – From Shihad Bin Abd Rabbih who said,

‘I heard Abu Abdullah^{-asws} saying: ‘The consumer of usury does not exit from the world until the Satan^{-la} makes him stumble’.⁴⁷

31- سر، السرائر مِنْ كِتَابِ الْمَسَائِلِ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ زِيَادٍ وَ مُوسَى بْنِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ عِيْسَى عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ عِيْسَى عَنْ طَاهِرٍ قَالَ: كَتَبْتُ إِلَى أَبِي الْحَسَنِ ع أَسْأَلُهُ عَنِ الرَّجُلِ يُعْطِي الرَّجُلَ مَالًا يَبِيعُهُ بِهِ شَيْئًا بَعْشَرِينَ دِرْهَمًا ثُمَّ يَحُولُ عَلَيْهِ الْحَوْلُ فَلَا يَكُونُ عِنْدَهُ شَيْءٌ فَيَبِيعُهُ شَيْئًا آخَرَ فَأَجَابَنِي مَا يُبَايِعُهُ النَّاسُ حَلَالًا وَ مَا لَمْ يُبَايِعُوهُ قَرْبًا.

(The book) ‘Al Saraair’, from ‘Kitab Al Masaail’ – From Muhammad Bin Ahmad Bin Muhammad Bin Ziyad, and Musa Bin Muhammad Bin Ali Bin Isa, from Muhammad Bin Ali Bin Isa, from Tahir who said,

‘I wrote to Abu Al-Hassan^{-asws} asking him^{-asws} about the man who gives wealth to the man to sell (and buy) something with it for twenty Dirhams. Then the year passes by upon him and there does happen to be anything in his possession, so he sells (trades for) something else. He^{-asws} answered me: ‘Whatever the people trade is Permissible and whatever they do not trade is usury (to take interest when it is not traded)’.⁴⁸

⁴⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 27

⁴⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 28

⁴⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 29

⁴⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 30

⁴⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 31

32- يج، الخرائج و الجرائح قَالَ أَبُو هَاشِمٍ أَدْخَلْتُ الْحَجَّاجَ بْنَ سُفْيَانَ الْعُبَيْدِيِّ عَلَى أَبِي مُحَمَّدٍ ع فَسَأَلَهُ الْمُبَايَعَةَ قَالَ رُبَّمَا بَايَعْتُ النَّاسَ فَتَوَضَّعْتُهُمُ الْمُواضَعَةَ إِلَى الْأَصْلِ

(The book) 'Al Kharajj Wa Al Jaraih' – Abu Hashim said,

'I brought Al-Hajjaj Ibn Sufyan Al-Abdi to Abu Muhammad^{-asws} and asked him about the sale contract. He said: 'Sometimes I sold to people and then reduced the terms to the original'.

قَالَ لَا بَأْسَ الدِّينَارُ بِالدِّينَارَيْنِ بَيْنَهُمَا حَرَزَةٌ

He^{-asws} said: 'There is no harm if a Dinar is exchanged for two Dinars with a bead between them'.

فَقُلْتُ فِي نَفْسِي هَذَا شَبَهُهُ مَا يَفْعَلُهُ الْمُزْبِينُونَ

I thought to myself, 'This is similar to what usurers do'.

فَأَلْتَمَسْتُ إِلَيَّْ فَقَالَ إِنَّمَا الرِّبَا الْحَرَامُ مَا فَصِدَ بِهِ الْحَرَامُ فَإِذَا جَاوَزَ حُدُودَ الرِّبَا وَ زُوِيَ عَنْهُ فَلَا بَأْسَ الدِّينَارُ بِالدِّينَارَيْنِ يَدًا بِيَدٍ وَ يُكْرَهُ أَنْ لَا يَكُونَ بَيْنَهُمَا شَيْءٌ يُوقِعُ عَلَيْهِ السَّبِيحَ.

He^{-asws} looked at me and said: 'The Forbidden usury is only that which is intended to be Forbidden. If it exceeds the limits of usury and moves away from it, then there is no harm if a Dinar is exchanged for two Dinars hand to hand. However, it is disliked that there be nothing between them on which the sale is made'.⁴⁹

33- ضا، فقه الرضا عليه السلام أَعْلَمَ يَرْحَمُكَ اللَّهُ أَنَّ الرِّبَا حَرَامٌ سُحَّتْ مِنَ الْكَبَائِرِ وَ بِمَّا قَدْ وَعَدَ اللَّهُ عَلَيْهِ النَّارَ فَتَعُوذُ بِاللَّهِ مِنْهَا وَ هُوَ مُحَرَّمٌ عَلَى لِسَانِ كُلِّ نَبِيٍّ وَ فِي كُلِّ كِتَابٍ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know, may Allah^{-azwj} Mercy you, that the usury is Prohibited, an ill-gotten gain, from the major sins, and from what Allah^{-azwj} has Promised Fire upon. So we seek refuge with Allah^{-azwj} with Allah^{-azwj} from it, and it is forbidden upon the tongue of every Prophet^{-saww}, and in every (Revealed) Book!'

وَ قَدْ أُرْوِي عَنِ الْعَالِمِ ع أَنَّهُ قَالَ إِنَّمَا حَرَّمَ اللَّهُ الرِّبَا لِئَلَّا يَتَمَنَّعَ النَّاسُ الْمَعْرُوفَ.

And it has been reported from the Scholar (Imam^{-asws}), he^{-asws} said: 'But rather, Allah^{-azwj} Prohibited usury lest the people are prevented from the acts of kindness'.⁵⁰

34- وَ سُئِلَ الْعَالِمُ عَنِ الشَّاقَةِ بِالشَّاتَيْنِ وَ الْبَيْضَةِ بِالْبَيْضَتَيْنِ فَقَالَ لَا بَأْسَ إِذَا لَمْ يَكُنْ كَيْلًا وَ لَا وَزْنًا.

⁴⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 32

⁵⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 33

And the Scholar (Imam^{-asws}) was asked about the sheep for two sheep, and the egg for two eggs. He^{-asws} said: 'There is no problem when it neither happens to be measure nor weight.'⁵¹

35- وَ سُئِلَ عَنْ حَدِّ الرِّبَا وَ الْعَيْتَةِ فَقَالَ كُلُّ مَا يُبَايَعُ عَلَيْهِ فَهُوَ حَلَالٌ وَ كُلُّ مَا فَرَزْتَ مِنَ الْحَرَامِ إِلَى الْحَلَالِ فَهُوَ حَلَالٌ

And he^{-asws} was asked about the definition of usury and 'Iyna' (a type of sale involving deception to make interest appear lawful), and he^{-asws} said: 'Everything that is sold in a lawful transaction is Permissible, and whatever you flee from the unlawful toward the lawful is also Permissible.

وَ كُلُّ مَا يَبِيعُ بِالنَّسِيئَةِ سِعْرُ يَوْمِهِ مَا لَمْ يَنْقُصْ وَ مِثْلَ الصَّرْفِ بِالنَّسِيئَةِ وَ الدِّينَارِ بِدِينَارٍ وَ حَبَّةٍ وَ مَا فَوْقَهُ وَ شِرَاءِ الدَّرَاهِمِ بِالدَّرَاهِمِ وَ الذَّهَبِ بِالذَّهَبِ الْمُتَقَاضِلِ مَا بَيْنَهُمَا فِي الْوَزْنِ حَتَّى طَعَامَ اللَّيْنِ مِنَ الخُبْزِ بِالْيَابِسِ وَ الخُبْزِ النَّقِيِّ بِالخُشْكَارِ بِالْفَضْلِ لَا يَجُوزُ فَهُوَ الرِّبَا إِلَّا أَنْ يَكُونَ بِالسَّوِيِّ وَ مِثْلِهِ وَ أَشْبَاهِهِ فَكُلُّهَا رِبَا.

And whoever sells on credit at the current day's price, as long as it is not less, that is allowed. But what resembles currency exchange on credit, or exchanging a Dinar for a Dinar and a grain more, or more than that, and buying Dirhams for Dirhams, or gold for gold with inequality in weight, even soft bread for hard bread, or refined bread for coarse bread with a surplus, is not Permissible, that is usury, unless it is equal and of the same kind. All such transactions and their likes are usury"⁵².

36- وَ اعْلَمُ أَنَّ الرِّبَا رِبَاءَانِ رِبَا يُؤْكَلُ وَ رِبَا لَا يُؤْكَلُ فَأَمَّا الرِّبَا الَّذِي يُؤْكَلُ فَهُوَ هَدِيَّتُكَ إِلَى رَجُلٍ تَطْلُبُ الثَّوَابَ أَفْضَلَ مِنْهُ فَأَمَّا الَّذِي لَا يُؤْكَلُ فَهُوَ مَا يُكَالُ وَ يُوزَنُ

'And know that the usury is of two types, - usury consumed and usury not consumed. As for the usury that is consumed, it is your gift to a man from whom you seek something in return better than what you gave. As for the usury that is not consumed, it is that which is measured and weighed.

فَإِذَا دَفَعَ الرَّجُلُ إِلَى رَجُلٍ عَشْرَةَ دَرَاهِمَ عَلَى أَنْ يَرُدَّ عَلَيْهِ أَكْثَرَ مِنْهَا فَهُوَ الرِّبَا الَّذِي نَهَى اللَّهُ عَنْهُ فَقَالَ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ ذَرُوا مَا بَقِيَ مِنَ الرِّبَا
الآيَةَ

So, if a man gives another ten Dirhams on the condition that he returns more than that, then this is the usury that Allah^{-azwj} has Forbidden, as He^{-azwj} Said: **O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest [2:278]** – the Verse.

What is meant by this is that he should return the excess he had taken over his capital. Even the flesh that has grown on his body from what he carried of usury must be removed if he repents, by entering the bathhouse every day on an empty stomach. This applies when he repents from consuming usury, taking it, and dealing in it.

⁵¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 34

⁵² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 35

عَنِ بَدَلِكَ أَنْ يَرُدَّ الْفَضْلَ الَّذِي أَخَذَهُ عَلَى رَأْسِ مَالِهِ حَتَّى اللَّحْمِ الَّذِي عَلَى بَدَنِهِ بِمَا حَمَلَهُ مِنَ الرِّبَا إِذَا تَابَ أَنْ يَضَعَ عَنْهُ ذَلِكَ اللَّحْمَ عَنْ بَدَنِهِ بِالذُّحُولِ إِلَى الْحَمَامِ كُلِّ يَوْمٍ عَلَى الرِّبَا هَذَا إِذَا تَابَ عَنْ أَكْلِ الرِّبَا وَ أَخَذَهُ وَ مُعَامَلَتِهِ

There is no usury between a parent and child, nor between a husband and wife, nor between a master and his slave, nor between a Muslim and a Zimmi (non-Muslim under protection).

وَ لَيْسَ بَيْنَ الْوَالِدِ وَ وَلَدِهِ رِبَاً وَ لَا بَيْنَ الرَّوْحِ وَ الْمَرْأَةِ رِبَاً وَ لَا بَيْنَ الْمُؤَلَى وَ الْعَبْدِ وَ لَا بَيْنَ الْمُسْلِمِ وَ الذَّمِي وَ لَوْ أَنَّ رَجُلًا بَاعَ ثَوْبًا بِثَوْبَيْنِ أَوْ حَيَوَانًا بِحَيَوَانَيْنِ مِنْ أُمَّيِّ جُنْسٍ يَكُونُ لَا يَكُونُ ذَلِكَ رِبَاً وَ لَوْ بَاعَ ثَوْبًا يَسُوَى عَشْرَةَ دِرَاهِمٍ بِعِشْرِينَ دِرْهَمًا أَوْ خَاتَمًا يَسُوَى دِرْهَمًا بِعِشْرٍ مَا دَامَ عَلَيْهِ فَضٌّ لَا يَكُونُ شَيْئًا فَلَيْسَ بِالرِّبَا.

If a man sells a garment for two garments, or an animal for two animals of any kind, that is not usury. And if he sells a garment worth ten Dirhams for twenty Dirhams, or a ring worth one Dirham for ten, as long as it has a gemstone, it is nothing and not considered usury”.⁵³

37 شي، تفسير العياشي عن زُرَّارَةَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع لَا يَكُونُ الرِّبَا إِلَّا بِمَا يُوزَنُ وَ يُكَالُ.

(The book) ‘Tafseer Al Ayyashi’ – From Zurara who said,

‘Abu Abdullah^{-asws} said: ‘The usury cannot be except from what is weighed or measured’’.⁵⁴

38- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنِ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ تَعَالَى فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَ أَمْرُهُ إِلَى اللَّهِ قَالَ الْمَوْعِظَةُ التَّوْبَةُ.

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

‘From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj} the Exalted: ***So the one to whom comes an Advice from his Lord, and he ends it, then for him would be what has passed and his affairs are (up) to Allah [2:275].*** He^{-asws} said: ‘The advice is the repentance’’.⁵⁵

39- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ أَنَّ رَجُلًا سَأَلَ أَبَا جَعْفَرٍ ع وَ قَدْ عَمِلَ بِالرِّبَا حَتَّى كَثُرَ مَالُهُ بَعْدَ أَنْ سَأَلَ غَيْرَهُ مِنَ الْمُفْهَمَاءِ فَقَالُوا لَهُ لَيْسَ يُقْبَلُ مِنْكَ شَيْءٌ إِلَّا أَنْ تَرُدَّهُ إِلَى أَصْحَابِهِ

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

‘A man asked Abu Ja’far^{-asws}, and he had worked with the usury until his wealth had multiplied, after he had asked others from the jurists. They had said to him, ‘Nothing is Accepted from you except if you return it to its owner!’

فَلَمَّا فَصَّ عَلَى أَبِي جَعْفَرٍ ع قَالَ لَهُ أَبُو جَعْفَرٍ مَخْرُجَكَ فِي كِتَابِ اللَّهِ قَوْلُهُ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَ أَمْرُهُ إِلَى اللَّهِ وَ الْمَوْعِظَةُ التَّوْبَةُ.

⁵³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 36

⁵⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 37

⁵⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 38

When he narrated unto Abu Ja'far^{-asws}, Abu Ja'far^{-asws} said to him: 'Your outlet is in the Book of Allah^{-azwj}, His^{-azwj} Words: **So the one to whom comes an Advice from his Lord, and he ends it, then for him would be what has passed and his affairs are (up) to Allah [2:275]**, and the advice is the repentance".⁵⁶

40- شي، تفسير العياشي عن الخليلي عن أبي عبد الله ع عن الرجل يكون عليه دينٌ إلى أجلٍ مُسمى فيأتيه غريمه فيقول انقذ لي

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

'From Abu Abdullah^{-asws} about the man having debts upon him to a specified term. His creditor comes to him. He says, 'Give cash to me!'

فَقَالَ لَا أَرَى بِهِ نَاسًا لِأَنَّهُ لَمْ يَزِدْ عَلَى رَأْسِ مَالِهِ وَ قَالَ اللَّهُ تَعَالَى فَلَكُمْ رُؤُسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ.

He^{-asws} said: 'I^{-asws} don't see any problem with it, because he is not increasing upon his capital wealth, and Allah^{-azwj} the Exalted Said: **so for you would be the capital of your wealth. Neither should you deal unjustly nor would you be Dealt with unjustly [2:279]!**'⁵⁷

41- شي، تفسير العياشي عن أبي عمرو الزبيرى عن أبي عبد الله ع قَالَ: إِنَّ التَّوْبَةَ مُطَهِّرَةٌ مِنْ دَنَسِ الْحُطِيئَةِ قَالَ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ ذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ إِلَى قَوْلِهِ تَظْلِمُونَ

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

'From Abu Abdullah^{-asws} having said: 'The repentance is a purifier from the filth of misdeeds. He^{-azwj} Said: **O you those who are believing! Fear Allah and relinquish whatever remains (due) from the interest if you are Momineen [2:278]** – up to His^{-azwj} Words: **nor would you be Dealt with unjustly [2:279]!**

فَهَذَا مَا دَعَا اللَّهُ إِلَيْهِ عِبَادَهُ مِنَ التَّوْبَةِ وَ وَعَدَ عَلَيْهِمَا مِنْ ثَوَابِهِ فَمَنْ خَالَفَ مَا أَمَرَهُ اللَّهُ بِهِ مِنَ التَّوْبَةِ سَخَطَ اللَّهُ عَلَيْهِ وَ كَانَتْ النَّارُ أُولَىٰ بِهِ وَ أَحَقَّ.

So, this is what repentance Allah^{-azwj} has Called His^{-azwj} servants to, and Promised His^{-azwj} Rewards upon it. So, the one opposes what Allah^{-azwj} has Commanded with of the repentance, the Wrath of Allah^{-azwj} will be upon him, and the Fire would be foremost with him, and most rightful (deserving)".⁵⁸

باب 24 بيع الصرف و المراكب و السيوف المحلاة

CHAPTER 24 – THE EXCHANGE SELLING, AND THE SHIPS, AND THE ADORNED SWORDS

1- لي، الأما لي للصديق في حبر المناهي أنه حى النبي ص عن بيع الذهب و الفضة بالنسيئة.

⁵⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 39

⁵⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 40

⁵⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 41

(The book) ‘Al Amaali’ of Al-Sadouq in a Hadeeth of the prohibitions – The Prophet^{-saww} forbade from selling the gold and the silver with the deferred payment”.⁵⁹

2- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن رجلٍ له على رجلٍ دينارٌ فَيَأْخُذُهَا بِسِعْرِهَا وَرَقاً قَالَ لَا بَأْسَ.

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim^{-asws}), he said, ‘I asked him^{-asws} about a man having (a debt) of Dinars upon a man, so he takes these with its current price of silver. He^{-asws} said: ‘There is no problem’”.⁶⁰

3- قَالَ: وَ سَأَلْتُهُ عَنِ الْفِضَّةِ فِي الْحِوَانِ وَ الْقِصْعَةِ وَ السِّبْفِ وَ الْمِنْطَقَةِ وَ السَّرْحِ وَ اللَّجَامِ يُبَاعُ بِدِرَاهِمٍ أَقَلَّ مِنْ الْفِضَّةِ أَوْ أَكْثَرَ يَحِلُّ قَالَ تُبَاعُ الْفِضَّةُ بِدَنَانِيرٍ وَ مَا سِوَى ذَلِكَ بِدِرَاهِمٍ.

He said, ‘And I asked him^{-asws} about the silver used in trays, bowls, swords, belts, saddles, and bridles, if it is sold for Dirhams, either less or more than the silver content, whether that is Permissible. He^{-asws} said: ‘Silver may be sold for gold coins (Dinars), and anything else may be sold for Dirhams’”.⁶¹

[باب 25 بيع الثمار و الزروع و الأراضي و المياه](#)

CHAPTER 25 – SELLING THE FRUITS, AND THE CROPS, AND THE LANDS, AND THE WATERS

1- لي، الأماالي للصدوق في مناهي النبي ص أنه هَيَّ عَنْ أَنْ يُبَاعَ التَّمَارُ حَتَّى يَزْهُوَ يَعْنِي يَصْفَرُ وَ يَحْمَرُ وَ هَيَّ عَنِ الْمُحَاقَلَةِ يَعْنِي يَبِيعُ التَّمْرَ بِالرَّيْبِ وَ مَا أَشْبَهَ ذَلِكَ.

(The book) ‘Al Amaali’ of Al Sadouq –

‘Among prohibitions by the Prophet^{-saww}, he^{-saww} forbade from selling the fruits until they ripen, meaning become yellow and red, and forbade from ‘Al-Muhaqala’, meaning selling the dates for the raisings, and what resembles that’”.⁶²

2- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ الرَّجَائِيُّ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عَبْدِ الْقَاسِمِ بْنِ سَلَامٍ بِأَسَانِيدٍ مُتَّصِلَةٍ إِلَى النَّبِيِّ ص فِي أَخْبَارٍ مُتَّفَقَةٍ أَنَّهُ هَيَّ عَنِ الْمُحَاقَلَةِ وَ الْمُزَابَنَةِ.

(The book) ‘Ma’any Al Akhbaar’ – Muhammad Bin Haroun Al Zanjani, from Ali Bin Abdul Aziz, from Abu Ubeyd Al Qasim Bin Sallam, by connected chains to,

⁵⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 23 H 42

⁶⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 24 H 1

⁶¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 24 H 2

⁶² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 1

‘The Prophet^{-saww} in separate Ahadeeth, he^{-saww} forbade from ‘Al-Muhaqala’ (selling the dates for the raisings, etc.) and Al-Muzabanah (selling the dates on top of the tree for the dates)”^{.63}

قَالَ: وَكَانَ النَّبِيُّ ص إِذَا بَعَثَ الْحُرَّاصَ قَالَ حَفِّمُوا فِي الْحُرَّاصِ فَإِنَّ فِي الْمَالِ الْعَرَبِيَّةِ وَالْوَصِيَّةِ.

He said: And the Prophet^{-saww}, when he^{-saww} dispatched the estimators, said: ‘Be lenient in the estimating, for in the goods there may be a gift of fruit or a bequest!”⁶⁴

قَالَ: وَهَيَّ عَنِ الْمُخَابَرَةِ.

He said, ‘And he^{-saww} forbade from ‘Al-Mukhabarah (share-cropping)”^{.65}

وَهَيَّ عَنِ الْمُخَابَرَةِ.

And he^{-saww} forbade from ‘Al-Mukhazara’ (sale of fruits before their ripeness appears)”^{.66}

وَهَيَّ عَنِ بَيْعِ التَّمْرِ قَبْلَ أَنْ يَزْهُو.

And he^{-saww} forbade from selling the fruits before their ripening (turning red or yellow)”^{.67}

وَفِي حَدِيثٍ آخَرَ هَيَّ عَنِ بَيْعِهِ قَبْلَ أَنْ تُشْفَحَ.

And in another Hadeeth, he^{-saww} forbade from selling it before it begins to ripen”^{.68}

وَقَالَ ص مَنْ أَجَبِيَ فَقَدْ أُزِيَ.

And he^{-saww} said: ‘One who sells ‘Ajba’ (unripe fruits) has committed usury”^{.69}

3- ب، قرب الإسناد عليّ عن أخيه قال: سألتُه عن بيع النخل أ يجل إذا كان زهواً

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim^{-asws}), he said, ‘I asked him^{-asws} about selling the palm tree, ‘Is it Permissible when it was ‘Zahwa’ (a stage of growth)?’

قَالَ إِذَا اسْتَبَانَ الْبُسْرُ مِنَ الشَّيْصِ حَلَّ بَيْعُهُ وَ شِرَاؤُهُ

⁶³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 a

⁶⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 b

⁶⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 c

⁶⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 d

⁶⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 e

⁶⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 f

⁶⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 2 g

He^{-asws} said: ‘When its ripeness becomes clear from its early stage, it is Permissible to sell it and buy it’.

قَالَ وَ سَأَلْتُهُ عَ عَنْ رَجُلٍ يُسَلِّمُ فِي النَّخْلِ قَبْلَ أَنْ يَطْلُعَ قَالَ لَا يَصْلُحُ السَّلَامُ فِي النَّخْلِ.

He said, ‘And I asked him^{-asws} about a man who makes a ‘Salam’ contract regarding the palm tree before it emerges. He^{-asws} said: ‘The ‘Salam’ contract is not correct regarding the palm trees’’.⁷⁰

4- ع، علل الشرائع أبي عن سعد بن ابن عيسى عن ابن محبوب عن عبد الله بن سنان عن أبي عبد الله ع قال: قلت له الرجل يبيع التمر المسماة من الأرض المسماة فتهلك ثمرة تلك الأرض كلها

(The book) ‘Ilal Al Sharaie’ – My father, from Sa’ad, from Ibn Isa, from Ibn Mahboub, from Abdullah Bin Sinan,

‘From Abu Abdullah^{-asws}, he (the narrator) said, ‘A man sells the specified fruits from the specified land, but the fruits of that land perish, all of it’.

فَقَالَ قَدْ اخْتَصَمُوا فِي ذَلِكَ إِلَى رَسُولِ اللَّهِ ص كَانُوا يَدْكُرُونَ ذَلِكَ كُلَّهُ فَلَمَّا رَأَوْهُم لَا يَنْتَهُونَ عَنِ الْخُصُومَةِ فِيهِ تَهَاوَمَ عَنِ الْبَيْعِ حَتَّى تَبْلُغَ الثَّمَرَةُ وَ لَمْ يُجِرْمُهُ وَ لَكِنَّهُ فَعَلَ ذَلِكَ مِنْ أَجْلِ خُصُومَتِهِمْ فِيهِ.

He^{-asws} said: ‘They had disputed regarding that to Rasool-Allah^{-saww}. They had mentioned that, all of it. When he^{-saww} saw them that they are not desisting from the disputing regarding it, he^{-saww} forbade them from selling until the fruits mature, and he^{-saww} did not forbid it, but he^{-saww} did that for the reason of their disputing regarding it’’.⁷¹

5- ب، قرب الإسناد علي عن أخيه قال: سألته عن قوم كانت بينهم قنأة ماء لكل إنسان منهم شرب معلوم فباع أحدكم شربه بدرهم أو بطعام هل يصلاح ذلك قال نعم لا بأس.

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim^{-asws}), he said, ‘I asked him^{-asws} about a people who shared a water canal, with each person having a known share of water. One of them sold his share for Dirhams or food. Is that Permissible?’ He^{-asws} said: ‘Yes, there is no problem’’.⁷²

6- ين، كتاب حسين بن سعيد و النوادر ابن مسكان عن الحلبي قال: سألته عن الرجل يكون له الشرب في شراكة أو يجل له ببعه قال له ببعه بوزق أو بشعير أو بحنطة أو بما شاء

The book of Husayn Bin Saeed, and ‘Al Nawadir’ of Ibn Muskan, from Al Halby who said,

‘I asked him^{-asws} about a man who has a share of water in a partnership, ‘Can he sell it?’ He^{-asws} said: ‘He may sell it for silver, barley, wheat, or whatever he wishes’.

⁷⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 3

⁷¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 4

⁷² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 5

وَقَالَ مَنْ اشْتَرَى أَرْضَ الْيَهُودِ وَجَبَ عَلَيْهِ مَا يَجِبُ عَلَيْهِمْ مِنْ حَرَاجِهَا وَ أَيْ أَرْضٍ ادَّعَاهَا أَهْلُ الْحَرَاجِ لَا يَشْتَرِيهَا الْمُشْتَرِي إِلَّا بِرِضَاهُمْ.

And he^{-asws} said: ‘Whoever buys land from the Jews is obligated to pay what they are obligated to pay from its land tax, and any land claimed by the people responsible for land tax must not be purchased by the buyer except with their consent’.⁷³

7- نَوَادِرُ الرَّوَّانْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيُّ ع مَنْ بَاعَ فَضْلَ مَائِهِ مَنَعَهُ اللَّهُ فَضْلَهُ يَوْمَ الْقِيَامَةِ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Ali^{-asws} said: ‘One who sells his excess water, Allah^{-azwj} will Prevent him from His^{-azwj} Grace on the Day of Qiyamah’.⁷⁴

8- قُرْبُ الْإِسْنَادِ، لِلْحَمِيرِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنِ الْبَزْزَنْطِيِّ قَالَ سَمِعْتُ الرَّضَاعَ فِي تَفْسِيرِ قَوْلِهِ تَعَالَى وَاللَّيْلِ إِذَا يَغْشَى الْآيَاتِ

(The book) ‘Qurb Al Isnaad’ of Al Himeyri, from Ahmad Bin Muhammad Bin Isa, from Al Bazanty who said,

‘I heard Al-Reza^{-asws} regarding interpretation of Word of the Exalted: ***(I Swear) by the night when it overcomes [92:1]*** – the Verses.

قَالَ إِنَّ رَجُلًا مِنَ الْأَنْصَارِ كَانَ لِرَجُلٍ فِي حَائِطِهِ نَخْلَةٌ وَكَانَ يُضِرُّ بِهِ فَشَكَا ذَلِكَ إِلَى رَسُولِ اللَّهِ ص فَدَعَاهُ فَقَالَ أُعْطِنِي نَخْلَتَكَ بِنَخْلَةٍ فِي الْجَنَّةِ فَأَبَى

He^{-asws} said: ‘A man from the Helpers had a palm tree in another man's garden, and he would cause him harm because of it. The man complained to Rasool-Allah^{-saww}, so he^{-saww} called the owner and said, ‘Give me your palm tree in exchange for a palm tree in Paradise’. But the man refused.

فَبَلَغَ ذَلِكَ رَجُلًا مِنَ الْأَنْصَارِ بُكِّيَ أَبَا الدَّحْدَاحِ جَاءَ إِلَى صَاحِبِ النَّخْلَةِ فَقَالَ بَعْني نَخْلَتَكَ بِحَائِطِي فَبَاعَهُ

Then the matter reached another man from the Helpers known as Abu Al-Dahdah. He went to the owner of the palm tree and said, ‘Sell me your palm tree in exchange for my garden!’ He sold it to him.

فَجَاءَ إِلَى رَسُولِ اللَّهِ ص فَقَالَ يَا رَسُولَ اللَّهِ قَدْ اشْتَرَيْتُ نَخْلَةَ فَلَانَ بِحَائِطِي

Abu Al-Dahdah then came to Rasool-Allah^{-saww} and said, ‘O Rasool-Allah^{-saww}! I have bought the man's palm tree in exchange for my garden!’

قَالَ فَقَالَ لَهُ رَسُولُ اللَّهِ ص فَكَفَّكَ بَدَلَهَا نَخْلَةً فِي الْجَنَّةِ

Rasool-Allah^{-saww} said to him: ‘You shall have in its place, a palm tree in Paradise!’

⁷³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 6

⁷⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 7

فَأَنْزَلَ اللَّهُ تَبَارَكَ وَتَعَالَى عَلَى نَبِيِّهِ وَ مَا خَلَقَ الذَّكَرَ وَ الْأُنثَى إِنَّ سَعْيَكُمْ لَشَتَى فَأَمَّا مَنْ أُعْطِيَ يَغْنِي النَّخْلَةَ وَ اتَّقَى وَ صَدَّقَ بِالْحُسْنَى بِوَعْدِ رَسُولِ اللَّهِ ص فَسُنِّيَسِرُهُ لِلْيُسْرَى.

Then Allah^{-azwj} **And what is Created of the male and the female [92:3] Surely, your striving is various [92:4] So, as for one who gives and fears [92:5] And ratifies the most excellent [92:6] – the promise of Rasool-Allah^{-saww} - So We will be Facilitating him to the ease [92:7]**.⁷⁵

9- وَ رَوَاهُ عَلِيُّ بْنُ إِبْرَاهِيمَ مُرْسَلًا قَالَ: كَانَ لِرَجُلٍ مِنَ الْأَنْصَارِ نَخْلَةٌ فِي دَارِ رَجُلٍ كَانَ يَدْخُلُ عَلَيْهِ بِغَيْرِ إِذْنٍ فَشَكَا ذَلِكَ إِلَى رَسُولِ اللَّهِ ص فَقَالَ رَسُولُ اللَّهِ ص يَغْنِي نَخْلَتَكَ هَذِهِ بِنَخْلَةٍ فِي الْجَنَّةِ

And it is reported by Ali Bin Ibrahim with an unbroken chain, said,

‘A man from the Helpers had a palm tree inside the house of another man, and he would enter it without permission. The man complained to Rasool-Allah^{-saww}), so the Prophet^{-saww} said to the owner: ‘Sell me^{-saww} your palm tree in exchange for a palm tree in Paradise!’

فَقَالَ لَا أَفْعَلُ

He said, ‘I will not do it!’

قَالَ فَبِعِينِهَا بِحَدِيثَةٍ فِي الْجَنَّةِ

He^{-saww} said: ‘Sell it to me^{-saww} for a Garden in the Paradise!’

فَقَالَ لَا أَفْعَلُ وَ انْصَرَفَ

He said, ‘I will not do it’, and he left.

فَمَضَى إِلَيْهِ أَبُو الدَّحْدَاحِ وَ اشْتَرَاهَا وَ أَنَى النَّبِيُّ ص فَقَالَ أَبُو الدَّحْدَاحِ يَا رَسُولَ اللَّهِ ص خُذْهَا وَ اجْعَلْ لِي فِي الْجَنَّةِ الَّذِي قُلْتَ لِهَذَا فَلَمْ يَقْبَلْهُ

Abu Al-Dahdah went to him and bought it, and he came to the Prophet^{-saww}. Abu Al-Dahda said, ‘O Rasool-Allah^{-saww}! Take it and make for me in the Paradise that which you^{-saww} had said to this (man), but he did not accept it!’

فَقَالَ رَسُولُ اللَّهِ ص لَكَ فِي الْجَنَّةِ حَدَائِقُ وَ حَدَائِقُ

Rasool-Allah^{-saww} said: ‘For you in the Paradise will be Gardens and Gardens!’

فَأَنْزَلَ اللَّهُ فِي ذَلِكَ فَأَمَّا مَنْ أُعْطِيَ وَ اتَّقَى وَ صَدَّقَ بِالْحُسْنَى يَغْنِي أَبَا الدَّحْدَاحِ.

⁷⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 8

Allah^{-azwj} Revealed regarding that: **So, as for one who gives and fears [92:5] And ratifies the most excellent [92:6] – meaning Abu Al-Dahda’**.⁷⁶

باب 26 بيع المالك و أحكامها

CHAPTER 26 – SELLING THE SLAVE AND ITS RULINGS

1- ب، قرب الإسناد عليّ عن أخيه قال: سألتُه عن الرجل يشتري الجارية فيقع عليها أ يضلح بيغها من الجدّ قال لا بأس.

(The book) ‘Qurb Al Isnaad’ –

Ali, from his brother (Al-Kazim^{-asws}), he said, ‘I asked him^{-asws} about the man who buys the slave girl. He sleeps with her, ‘Is it correct to sell her?’ He^{-asws} said: ‘No problem’.⁷⁷

2- قال: و سألتُه عن الرجل سرق جارية ثم باعها بحل فوجها لمن اشتراها

He said, ‘And I asked him^{-asws} about the man who steals a slave girl, then sells her, ‘Is here private part Permissible for the one who buys her?’

قال إذا أنبأهم أنّها سرقة فلا يحلّ و إن لم يعلم فلا بأس.

He^{-asws} said: ‘When he informs them that she has been stolen, then it is not Permissible, but if he does not know, there is no problem’.⁷⁸

3- ن، عيون أخبار الرضا عليه السلام بالأسانييد الثلاثة عن الرضا عن آباءه ع قال قال رسول الله ص إن الله عاف عن كل ذنب إلا من أحدث ديناً أو اغتصب أجيراً أجره أو رجلاً باع حرّاً.

(The book) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws}, by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘Allah^{-azwj} is Forgiver of every sin except the one who innovates a religion, or usurps an employee of his wages, or a man who sells a free person (as a slave)’.⁷⁹

4- ما، الأماالي للشيخ الطوسي ابن مخلد عن ابن السّمك عن عبد الكريم بن الهيثم عن أبي توبة عن مضعب عن سفيان عن معمر عن الزُّهري عن سالم عن أبيه قال قال رسول الله ص من باع عبداً و له مال فماله للبايع إلا أن يشترطه المبتاع.

(The book) ‘Al Amaali’ of the Sheykh Al Tusi – Ibn Makhlid, from Ibn Al Simak, from Abdul Kareem Bin Al Haysam, from Abu Twabah, from Mus’ab, from Sufyan, from Ma’mar, from Al Zuhry, from Salim, from his father who said,

⁷⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 25 H 9

⁷⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 1

⁷⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 2

⁷⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 3

‘Rasool-Allah^{-sawww} said: ‘One who sells a slave and there is wealth for him, his wealth is for the seller except if the buyer stipulates it’.⁸⁰

5- ل، الخصال ابن المَتَوَكَّلِ عَنْ مُحَمَّدِ الْعَطَّارِ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ عَلِيٍّ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ حَمَّادِ الْحَارِثِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص خَمْسَةٌ لَا يُسْتَجَابُ لَهُمْ رَجُلٌ جَعَلَ اللَّهُ بِيَدِهِ طَلَّاقَ امْرَأَتِهِ فَهِيَ تُؤْذِيهِ وَ عِنْدَهُ مَا يُعْطِيهَا وَ لَمْ يُجَلِّ سَبِيلَهَا وَ رَجُلٌ أَبَقَ مَمْلُوكُهُ ثَلَاثَ مَرَّاتٍ وَ لَمْ يَبِعْهُ وَ رَجُلٌ مَرَّ بِخَائِطٍ مَائِلٍ وَ هُوَ يُقْبِلُ إِلَيْهِ وَ لَمْ يُسْرِعِ الْمَشْيَ حَتَّى سَقَطَ عَلَيْهِ وَ رَجُلٌ أَقْرَضَ رَجُلًا مَالًا فَلَمْ يُشْهَدْ عَلَيْهِ وَ رَجُلٌ جَلَسَ فِي بَيْتِهِ وَ قَالَ اللَّهُمَّ ارْزُقْنِي وَ لَمْ يَطْلُبْ.

(The book) ‘Al Khisaal’ – Ibn Al Mutawakkil, from Muhammad Al Attar, from Muhammad Bin Ahmad Bin Ali, and Muhammad Bin Al-Husayn, from Muhammad Bin Hammad Al Harisy,

‘From Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-sawww} said: ‘Five, (supplication) is not Answered for them – a man who has been given by Allah^{-azwj} the authority to divorce his wife, yet she harms him while he possesses what he could give her, and he does not let her go; and a man whose slave has run away three times and he does not sell him; and a man who walks by a leaning wall and continues toward it without hurrying his pace until it falls on him; and a man who lends money to another without keeping witnesses; and a man who sits in his house and says, ‘O Allah^{-azwj}! Provide me!’ , while he does not seek provision.⁸¹

6- ب، قرب الإسناد ابن طريف عن ابن عُلْوَانَ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ عَلِيًّا عَلَيْهِ الصَّلَاةُ وَ السَّلَامُ كَانَ إِذَا أَرَادَ أَنْ يَبْتَاعَ الْجَارِيَةَ يَكْشِفُ عَنْ سَاقَيْهَا فَيَنْظُرُ إِلَيْهَا.

(The book) ‘Qurb Al Isnaad’ – Ibn Tareyf, from Ibn Ulwan,

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws}, upon him^{-asws} be the Salawaat and the greeting, was such that whenever he^{-asws} wanted to buy a slave girl, he^{-asws} would uncover from her ankle to look at it’.⁸²

7- صح، صحيفة الرضا عليه السلام عن الرضا عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَعَالَى غَافِرٌ كُلِّ ذَنْبٍ إِلَّا مَنْ جَحَدَ مَهْرًا أَوْ اغْتَصَبَ أَجِيرًا أَخْرَهُ أَوْ بَاعَ رَجُلًا حُرًّا.

(The book) ‘Saheefa Al-Reza^{-asws}’, may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-sawww} said: ‘Allah^{-azwj} the Exalted is a Forgive of every sin except the one who rejects dowry, or usurps an employee of his wages, or sells a free man’.⁸³

8- ضا، فقه الرضا عليه السلام رُوِيَ فِي الْجَارِيَةِ الصَّغِيرَةِ تُشْتَرَى وَ يُعْرَقُ بَيْنَهَا وَ بَيْنَ أُمِّهَا فَقَالَ إِنْ كَانَتْ قَدْ اسْتَعْنَتْ عَنْهَا فَلَا بَأْسَ.

⁸⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 4

⁸¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 5

⁸² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 6

⁸³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 7

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It is reported regarding a young slave girl who is purchased and separated from her mother. He^{-asws} said: 'If she has become independent of her mother, then there is no problem'⁸⁴.

9- سن، المحاسن أبي عن ابن أبي عمير عن مروان قال: قال لي عبد الله بن أبي عبد الله اشتر لي غلاماً عارفاً لهذا الأمر يفتوم في صبيتي يكون فيها

(The book) 'My father, from Ibn Abu Umeyr, from Marwan who said,

'Abdullah son of Abu Abdullah^{-asws} said to me, 'Buy a slave for me who is a recogniser of this matter, he can be standing in my estate to be in it!'

قال فقال أبو الحسن صلاحه لنفسه و لكن اشتر له مملوكاً قوياً يكون في صبيته

He (the narrator) said, 'Abu Al-Hassan^{-asws} said: 'He will be good only for himself, but buy for him a strong one would be in his estate!'

قال فقال اشتر ما يقول لك.

He (the narrator) said, 'He^{-asws} said: 'Buy what he^{-asws} said to you!'⁸⁵

10- سن، المحاسن أبي عن صفوان بن يحيى عن أبي مخلد السراج قال: قال أبو عبد الله ع لإسماعيل حبيبه و حارث البصري أطبوا لي جارية من هذا الذي تسمونها كدبوجه [كدبانوجة] مسلمة تكون مع أم فروة

(The book) 'Al Mahasin' – My father, from Safwan Bin Yahya, from Abu Makhlad Al Sarraj who said,

'Abu Abdullah^{-asws} said to Ismail his^{-asws} beloved, and Haris Al-Basri: 'Seek out a slave girl for me from this which you are naming as 'Kadbanuja', a Muslim woman, to be with Umm Farwarah!'

فدلوه على جارية كانت لشريك لأبي من السراجين فولدت له بنتاً و مات ولدها فأخبروه بخبرها فاشتروها و حملوها إليه و كان اسمها رسالة فحول اسمها فسماها سلمى و زوجها سالم.

They pointed him^{-asws} to a slave girl who had belonged to a partner of his father from among the saddlers. She had given birth to a daughter for him, but the child died. They informed him^{-asws} of her story, so they purchased her and brought her to him. Her name was Risalah and he changed her name and named her as Salma, and got her married to Saalim'⁸⁶.

11- ضا، فقه الرضا عليه السلام أبي عن جعفر عن آباءه ع أن علياً أوتى بعبد ذمي قد أسلم فقال اذهبوا فبيعوه للمسلمين و ادفعوا ثمنه إلى صاحبه و لا تقروه عنده.

⁸⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 8

⁸⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 9

⁸⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 10

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – from Ja'far^{-asws}, from his^{-asws} forefathers^{-asws}: 'Ali^{-asws} was brought a Zimmy slave who had become a Muslim. He^{-asws} said: 'Go and sell him to the Muslims and hand over his price to his owner, and do not leave him with him (Zimmy master)'.⁸⁷

12- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص عَلَيْكُمْ بِقِصَارِ الخُدَمِ فَإِنَّهُ أَقْوَى لَكُمْ فِيمَا تُرِيدُونَ.

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

'From Musa Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Keep short servants for it is stronger for you regarding what you want'.⁸⁸

[باب 9 الاستبراء و أحكام أمهات الأولاد](#)

CHAPTER 27 – THE WAITING PERIOD AND RULINGS OF MOTHERS OF CHILDREN

1- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع عن علي صلوات الله عليه قال: تُسْتَبْرَأُ الأُمَةُ إِذَا اشْتَرَيْتَ بِحَيْضَةٍ وَ إِنْ كَانَ لَا تَحِيضُ فَبِحُمْسَةِ وَ أَرْبَعِينَ يَوْمًا.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws}, said: 'A slave woman, when purchased, must undergo a waiting period with one menstrual cycle. If she does not menstruate, then the waiting period is forty-five days'.⁸⁹

2- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قال: إِذَا أَسْقَطَتِ الجَارِيَةُ مِنْ سَيِّدِهَا فَقَدْ عَتَقَتْ.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtari,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'When the slave girl miscarries from her master, she is liberated'.⁹⁰

3- ب، قرب الإسناد مُحَمَّدُ بْنُ عِيْسَى عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الحَمِيدِ قَالَ: سَأَلْتُ أَبَا الحَسَنِ ع عَنِ الرَّجُلِ يَشْتَرِي الجَارِيَةَ وَ هِيَ حُبْلَى أَيْطُوهَا

(The book) 'Qurb Al Isnaad' – Muhammad Bin Isa, from Ibrahim Bin Abdul Hameed who said,

'I asked Abu Al-Hassan^{-asws} about the man who buys the slave girl while she is pregnant, 'Can he sleep with her?'

قَالَ لَا يَغْرِبُهَا.

⁸⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 11

⁸⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 26 H 12

⁸⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 1

⁹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 2

He^{-asws} said: ‘He should not go near her’^{.91}

4- ن، عيون أخبار الرضا عليه السلام جَعْفَرُ بْنُ نُعَيْمٍ عَنْ عَمِّهِ مُحَمَّدِ بْنِ شَاذَانَ عَنِ الْفَضْلِ عَنِ ابْنِ بَرِيْعٍ قَالَ: سَأَلْتُ الرِّضَا عَ عَنْ حَدِّ الْجَارِيَةِ الصَّغِيرَةِ السِّنِّ الَّذِي إِذَا لَمْ تَبْلُغْهُ لَمْ يَكُنْ عَلَى الرِّجَالِ اسْتَبْرَؤُهَا فَقَالَ إِذَا لَمْ تَبْلُغِ اسْتَبْرَأَتْ بِشَهْرٍ

(The book) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – Ja’far Bin Nueym, from his uncle Muhammad Bin Shazan, from Al Fazl, from Ibn Bazie who said,

‘I asked Al-Reza^{-asws} about the age limit of a young slave girl below which a man is not required to observe waiting period for her. He^{-asws} said: ‘If she has not reached puberty, she must undergo a one-month waiting period’.

فُلْتُ فَإِنْ كَانَتْ ابْنَةَ سَبْعِ سِنِينَ أَوْ نَحْوَهَا يَمِّنْ لَا تَحْمِلُ

I said, ‘What if she is seven years old or around that age, among those who do not conceive?’

فَقَالَ هِيَ صَغِيرَةٌ وَ لَا يَضُرُّكَ أَنْ لَا تَسْتَبْرَأَهَا

He^{-asws} said: ‘She is young, and it does not harm you if you do not observe waiting period for her’.

فَقُلْتُ مَا بَيْنَهَا وَ بَيْنَ تِسْعِ سِنِينَ

I said, ‘What about between that and nine years?’

فَقَالَ نَعَمْ تِسْعِ سِنِينَ.

He^{-asws} said: Yes, nine years is the limit’^{.92}

5- ع، علل الشرائع أَبِي عَنْ سَعْدِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُوسَى بْنِ سَعْدَانَ عَنْ عَبْدِ اللَّهِ بْنِ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ: فُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ أَشْرِي الْجَارِيَةَ مِنَ الرَّجُلِ الْمَأْمُونِ فَبَحَّرْتَنِي أَنَّهُ لَمْ يَمَسَّهَا مِنْذُ طَمِثَتْ عِنْدَهُ وَ طَهَّرَتْ

(The book) ‘Ilal Al Sharaie’ – From Sa’ad, from Muhammad Bin Al-Hassan, from Musa Bin Sa’dan, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

‘I said to Abu Abdullah^{-asws}, ‘I buy a slave girl from a trustworthy man, and he tells me that he has not touched her since she menstruated with him and then became pure’.

قَالَ لَيْسَ بِجَائِزٍ لَكَ أَنْ تَأْتِيَهَا حَتَّى تَسْتَبْرَأَهَا بِحَيْضَةٍ وَ لَكِنْ يُجُوزُ لَكَ مَا دُونَ الْفَرْجِ إِنَّ الَّذِينَ يَشْتَرُونَ الْإِمَاءَ ثُمَّ يَأْتُوهُنَّ قَبْلَ أَنْ يَسْتَبْرَأَهُنَّ فَأُولَئِكَ الرُّنَاةُ بِأَمْوَالِهِمْ.

⁹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 3

⁹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 4

He^{-asws} said: 'It is not permissible for you to sleep with her until you observe waiting period of one menstrual cycle. However, what is besides union is Permissible for you. Indeed, those who purchase slave girls and then sleep with them before observing waiting period, they are committing adultery with their wealth'.⁹³

6- ضا، فقه الرضا عليه السلام إِذَا تَرَكَ الرَّجُلُ جَارِيَةً أُمُّ وَلَدٍ وَ لَمْ يَكُنْ وَلَدُهُ مِنْهَا بَاقِيًا فَإِنَّهَا مَمْلُوكَةٌ لِلْوَرْتَةِ فَإِنْ كَانَ وَلَدُهَا بَاقِيًا فَإِنَّهَا لِلْوَلَدِ وَ هُمْ لَا يَمْلِكُونَهَا وَ هِيَ حُرَّةٌ لِأَنَّ الْإِنْسَانَ لَا يَمْلِكُ أَبَوَيْهِ وَ لَا وَلَدَهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'If a man leaves behind a slave woman who is a mother of his child, and his child from her is no longer living, then she remains the property of the heirs. But if her child is still alive, then she belongs to the child, and they do not own her, rather, she is free, because a person does not own their parents or their children.

فَإِنْ كَانَ لِلْمَيِّتِ وَلَدٌ مِنْ غَيْرِ هَذِهِ الَّتِي هِيَ أُمُّ وَلَدِهِ فَإِنَّهَا تُجْعَلُ فِي نَصِيبِ وَلَدِهَا إِذَا كَانُوا صِغَارًا فَإِذَا أَذْرَكُوا تَوَلَّوْا هُمْ عَتَقًا [عَتَقَهَا] فَإِنْ مَاتُوا قَبْلَ أَنْ يُدْرِكُوا أُحِقَّتْ مِيرَاثًا لِلْوَرْتَةِ وَ بِاللَّهِ التَّوْفِيقُ.

If the deceased has a child from another woman, not from this mother of the child, then she is assigned to the share of her own child if the child is still a minor. When they reach maturity, they themselves carry out her emancipation. But if they die before reaching maturity, she is included in the inheritance for the heirs. And with Allah^{-azwj} is the inclination".⁹⁴

[باب 28 بيع المراجعة و أخواتها و بيع ما لم يقبض](#)

CHAPTER 28 – 'AL-MURABAHA' SALE AND ITS TYPES, AND SELLING WHAT HAS YET TO BE TAKEN POSSESSION OF

1- ب، قرب الإسناد الطَّبَّالِيسِيُّ عَنِ الْعَلَاءِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عِ الرَّجُلِ يُرِيدُ أَنْ يَبِيعَ الْبَيْعَ فَيَقُولُ أُبِيعُكَ بِدَهْ يَارِدَهُ أَوْ بِدَهْ دَوَارِدَهُ

(The book) 'Qurb Al Isnaad' – Al Tayalisy, from Al A'la who said,

'I said to Abu Abdullah^{-asws}, 'A man wants to sell an item and says, 'I will sell it to you for ten with a profit of one', or 'for ten with a profit of two'.

قَالَ لَا بَأْسَ إِنَّمَا هُوَ الْبَيْعُ فَإِذَا جَمَعَ الْبَيْعَ يَجْعَلُهُ جُمْلَةً وَاحِدَةً.

He^{-asws} said: 'There is no problem, it is simply a sale. But when the sale is finalised, he should state it as a single amount.'⁹⁵

⁹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 5

⁹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 27 H 6

⁹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 1

2- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن رجلٍ اشترى طعاماً أ يَصْلُحُ أَنْ يُؤْتِيَ مِنْهُ قَبْلَ أَنْ يَقْبِضَهُ

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man who buys food, 'Is it correct for him if he appoints someone to take over (sell) from it before taking possession of it?'

قَالَ إِذَا رِيحَ فَلَا يَصْلُحُ حَتَّى يَقْبِضَهُ وَ إِنْ كَانَ يُؤْتِي مِنْهُ فَلَا بَأْسَ.

He^{-asws} said: 'If he intends to make a profit, then it is not Permissible until he takes possession of it. But if he is, simply, transferring it without profit, then there is no problem".⁹⁶

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ يَبِيعُ السِّلْعَةَ وَ يَشْتَرِطُ أَنْ لَهُ نَصْفَهَا ثُمَّ يَبِيعُهَا مُرَابِحَةً أ يَحِلُّ ذَلِكَ قَالَ لَا بَأْسَ.

He said, 'And I asked him^{-asws} about a man who sells the merchandise and stipulates that for him is half of it. Then he sells it for a profit, 'Is that Permissible?' He^{-asws} said: 'There is no problem".⁹⁷

4- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى مَبِيعاً كَيْلًا أَوْ وَزناً هَلْ يَصْلُحُ بَيْعُهُ مُرَابِحَةً

He said, 'And I asked him^{-asws} about a man who buys goods by measure or weight, can he sell them for a profit?'

قَالَ إِذَا تَرَاضَى الْبَيْعَانِ فَلَا بَأْسَ فَإِنْ سُمِّيَ كَيْلًا أَوْ وَزناً فَلَا يَصْلُحُ بَيْعُهُ حَتَّى يَكِيلَهُ أَوْ يَزِنَهُ.

He said: 'If both seller and buyer agree, there is no problem. However, if it was purchased specifically by measure or weight, then it is not permissible to sell it until he measures or weighs it".⁹⁸

5- لي، الأماالي للصدوق في خَيْرِ الْمَنَاهِي إِنْ النَّبِيِّ ص هَيَّ عَنْ بَيْعِ مَا لَمْ يُضْمَنْ.

(The book) 'Al Amaali' of Al Sadouq –

'In a Hadeeth of the prohibitions, the Prophet^{-saww} prohibited from selling what is not guaranteed".⁹⁹

6- ما، الأماالي للشيخ الطوسي ابنُ حمَّوِيهِ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ بُكْرٍ عَنْ أَبِي خَلِيفَةَ عَنْ مُسَدِّدٍ عَنْ أَبِي الْأَحْوَصِ عَنْ عَبْدِ الْعَزِيزِ بْنِ زَفِيْعٍ عَنْ عَطَاءٍ عَنْ جَزَّالٍ بْنِ حَكِيمٍ قَالَ: ابْتَعْتُ طَعَاماً مِنْ طَعَامِ الصَّدَقَةِ فَأُرْبِحُ فِيهِ قَبْلَ أَنْ أَقْبِضَهُ فَأُرَدُّتُ بَيْعَهُ فَسَأَلْتُ النَّبِيَّ ص فَقَالَ لَا بَيْعَهُ حَتَّى تَقْبِضَهُ.

⁹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 2

⁹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 3

⁹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 4

⁹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 5

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Hammawayh, from Muhammad Bin Muhammad Bin Bakr, from Abu Khaleefa, from Musaddid, from Abu Al Ahwas, from Abdul Aziz, from Ata'a, from Hizan Bin Hakeem who said,

'I purchased food from the charity food and made a profit on it before taking possession of it. I wanted to sell it, so I asked the Prophet^{-saww}, and he^{-saww} said: 'Do not sell it until you take possession of it!¹⁰⁰

[باب 29 بيع الحيوان](#)

CHAPTER 29 – THE SALE OF ANIMALS

1- ب، قرب الإسناد عليّ عن أخيه قال: سألتُهُ عن الحيوان بالحيوان بزيادة درهم يُنقَد الدرهم و يُؤخَّر الحيوان قال إذا تراضيا فلا بأس.

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{-asws}), said, 'I asked him^{-asws} about the animal for the animal for deferred payment and additional Dirham. The Dirham is paid cash and the animal is delayed. He^{-asws} said: 'When they both agree, there is no problem'¹⁰¹.

2- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آباءه عن الحسين بن عليّ ع قال: اختلفت إلى عليّ ع رجلان أحدهما باع الآخر بغيراً واستثنى الرأس والجلد ثم بدا له أن ينخره قال هو شريكه في البعير على قدر الرأس والجلد.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws}, from Al-Husayn^{-asws} Bin Ali^{-asws}, having said: 'Two men brought their dispute to Ali^{-asws}. One of them had sold a camel to the other and bought the head and the skin. Then there was a change of decision for him, he slaughtered it. He^{-asws} said: 'He is his partner in the camel upon a measurement of the head and the skin'¹⁰².

3- صح، صحيفة الرضا عليه السلام عنه ع مثله.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws} – similar to it.¹⁰³

[باب 30 متفرقات أحكام البيوع وأنواعها من البيع الفضولي وغيره](#)

CHAPTER 30 – MISCELLANEOUS RULING OF THE SALES AND THEIR TYPES, FROM THE UNAUTHORISED SALES AND OTHER SUCH

¹⁰⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 28 H 6

¹⁰¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 29 H 1

¹⁰² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 29 H 2

¹⁰³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 29 H 3

1- ما، الأماالي للشيخ الطوسي ابنُ مَخْلَدٍ عَنِ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ نُصَيْرٍ عَنِ عَبْدِ اللَّهِ بْنِ يُوسُفَ عَنِ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنِ عَبْدِ الْوَارِثِ بْنِ سَعِيدٍ قَالَ: قَدِمْتُ مَكَّةَ فَوَجَدْتُ فِيهَا أَبَا حَنِيفَةَ وَ ابْنَ أَبِي لَيْلَى وَ ابْنَ شُبْرَمَةَ فَسَأَلْتُ أَبَا حَنِيفَةَ فَقُلْتُ مَا تَقُولُ فِي رَجُلٍ بَاعَ بَيْعًا وَ شَرَطَ شَرْطًا

(The book) 'Al Amaali' of the Sheykh Al Tusi – Ibn Makhlad, from Ja'far Bin Muhammad Bin Nuseyr, from Abdullah Bin Yusuf, from Muhammad Bin Suley, from Abdul Al Waris Bin Saeed who said,

'I arrived at Makkah and found Abu Haneefa, and Ibn Abu Layli, and Ibn Shubrama there. I asked Abu Haneefa. I said, 'What are you saying regarding a man who conducts a sale and stipulates a condition?'

قَالَ الْبَيْعُ بَاطِلٌ وَ الشَّرْطُ بَاطِلٌ

He said, 'The sale is invalid and the stipulation is invalid!'

ثُمَّ أَتَيْتُ ابْنَ أَبِي لَيْلَى فَسَأَلْتُهُ فَقَالَ الْبَيْعُ جَائِزٌ وَ الشَّرْطُ بَاطِلٌ

Then I came to Abu Layli. I asked him. He said, 'The sale is allowed and the stipulation is invalid!'

ثُمَّ أَتَيْتُ ابْنَ شُبْرَمَةَ فَسَأَلْتُهُ فَقَالَ الْبَيْعُ جَائِزٌ وَ الشَّرْطُ جَائِزٌ

Then, I came to Ibn Shubrama and asked him. He said, 'The sale is allowed and the stipulation is allowed!'

فَقُلْتُ سُبْحَانَ اللَّهِ ثَلَاثَ مَرَّاتٍ مِنْ قُفَّهَاءِ أَهْلِ الْعِرَاقِ اخْتَلَفْتُمْ عَلَيَّ فِي مَسْأَلَةٍ وَاحِدَةٍ

I said, 'Glory be to Allah^{-azwj}! (three times) From jurists of the people of Iraq are differing upon me regarding one issue'.

فَأْتَيْتُ أَبَا حَنِيفَةَ فَأَخْبَرْتُهُ فَقَالَ مَا أَدْرِي مَا قَالَا حَدَّثَنِي عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْبَيْعِ وَ الشَّرْطِ الْبَيْعُ بَاطِلٌ وَ الشَّرْطُ بَاطِلٌ

I came to Abu Haneefa and informed him. He said, 'I don't know what they both said. It is narrated to me by Amro Bin Shueyb, from his father, from his grandfather that the Prophet^{-saww} forbade from selling and stipulating. The sale is invalid and the stipulation is invalid!'

ثُمَّ أَتَيْتُ ابْنَ أَبِي لَيْلَى فَأَخْبَرْتُهُ فَقَالَ مَا أَدْرِي مَا قَالَا حَدَّثَنِي هِشَامٌ عَنْ عُرْوَةَ عَنْ عَائِشَةَ قَالَتْ أَمَرَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ أَشْتَرِيَ بَرِيْرَةَ فَأَعْتَقَهَا الْبَيْعُ جَائِزٌ وَ الشَّرْطُ بَاطِلٌ

Then I came to Ibn Abu Layli and informed him. He said, 'I don't know what they both said. It is narrated to me by Hisham, from Urwah, from Ayesha. She said, 'Rasool-Allah^{-saww} instructed me to buy a slave girl with a waiting period, and free her. The sale is allowed and the stipulation is invalid'.

ثُمَّ أَتَيْتُ ابْنَ شُبْرُمَةَ فَأَخْبَرْتُهُ فَقَالَ مَا أَدْرِي مَا قَالَا حَدَّثَنِي مِسْعَرُ بْنُ كِدَامٍ عَنْ مُحَارِبِ بْنِ زِيَادٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَافَةَ شَرَطَ لِي جَلَابَهَا إِلَى الْمَدِينَةِ الْبَيْعُ جَائِزٌ وَ الشَّرْطُ جَائِزٌ.

Then I came to Ibn Shubruma and informed him. He said, 'I don't know what they both said. It is narrated to me by Mis'ar Bin Kadam, from Muharib Bin Ziyad, from Jabir Bin Abdullah^{-ra}. He^{-ra} said: 'I^{-ra} sold a she-camel to the Prophet^{-saww}. He^{-saww} stipulated to me that I keep milking her up to (reaching) Al-Medina. The sale is allowed, and the stipulation is allowed'¹⁰⁴.

2- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُه عن رجلٍ كان له على آخر عشرة دراهم فقال اشتر لي ثوباً فبعه و أقبض منه فما وضعت فهو عليّ أ يجزئ ذلك

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man who had a debt of ten Dirhams upon another. He said, 'Buy a garment for me, sell it and take its price. Whatever it loses, it is upon me', 'Is that Permissible?'

قال إذا تراضيا فلا بأس.

He^{-asws} said: 'When they both agree, there is no problem'¹⁰⁵.

3- ل، الخصال ابنُ المُتَوَكِّلِ عَنِ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ رَفَعَهُ إِلَى الْحُسَيْنِ بْنِ زَيْدٍ عَنِ آبَائِهِ عَنِ عَلِيِّ ع قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا التَّاجِرَانِ صَدَقَا وَ بَرَّا بُورِكَ لَهُمَا وَإِذَا كَذَبَا وَ خَانَا لَمْ يُبَارَكْ لَهُمَا وَ هُمَا بِالْحَيْبَارِ مَا لَمْ يَفْتَرَا فَإِنْ اِخْتَلَفَا فَالْقَوْلُ قَوْلُ رَبِّ السِّلْعَةِ أَوْ يَتَّارِكَا.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Muhammad Al Attar, from Al Ash'ary, raising it to Al-Husayn Bin Zayd, from his forefathers,

'From Ali^{-asws} having said: 'Rasool-Allah^{-saww} said: 'When two traders are honest and righteous, there is Blessing for them, and when they are liars and betray, there will be no Blessing for them, and they are with the choice (whether to cancel the sale or not) for as long as they do not separate. If they differ, the (final) word is of the owner of the merchandise, or they should abandon.¹⁰⁶

4- ما، الأماالي للشيخ الطوسي حمويه عن أبي الحسين عن أبي خليفه عن محمد بن كثير عن سفيان عن أبي حصين عن شيخ من أهل المدينة عن حكيم بن حزام أن النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بعث معه بدينار يشترى له أضحية فاشترها بدينارٍ وَ بَاعَهَا بِدِينَارَيْنِ فَرَجَعَ فَاشْتَرَى أُضْحِيَّةً بِدِينَارٍ وَ جَاءَ بِدِينَارٍ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَصَدَّقَ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَ دَعَا أَنْ يُبَارَكَ لَهُ فِي تِجَارَتِهِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Hammawiya, from Abu Al-Husayn, from Abu Khaleefa, from Muhammad Bin Kazeer, from Sufyan, from Abu Huseyn, from sheykh from the people of Medina, from Hakeem Bin Hazim,

¹⁰⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 1

¹⁰⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 2

¹⁰⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 3

The Prophet^{-saww} sent him with a Dinar to buy a sacrificial animal for him^{-saww}. He bought it for a Dinar and sold it for two Dinars. Then he bought a sacrificial animal for a Dinar and came with a Dinar to the Prophet^{-saww}. The Prophet^{-saww} donated it in charity and supplicated that there be Blessing for him in his trade".¹⁰⁷

5- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنِ الْحَسَنِ بْنِ حَمَزَةَ الْعُلَوِيِّ عَنِ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ أَبِي الْقَاسِمِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص صَاحِبُ السِّلْعَةِ أَحَقُّ بِالسُّؤْمِ.

(The book) 'Kitab Al Imamah Wa Al Tabsira' – from Al-Hassan Bin Hamza Al Alawy, from Ali Bin Muhammad Bin Abu Al Qasim, from his father, from Haroun Bin Muslim, from Mas'adq Bin Sadaqa,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Owner of the merchandise is more rightful with the bargaining".¹⁰⁸

6- الْكَافِي، عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنِ ابْنِ عِيْسَى عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَلِيِّ بْنِ عَبْدِ الرَّحِيمِ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ هَلُمَّ أَحْسِنَ بَيْعَكَ يَخْرُجُ عَلَيْهِ الرِّبْحُ.

(The book) 'Al Kafi' – From Muhammad Bin Yahya, from Ibn Isa, from Ibn Abu Najran, from Ali Bin Abdul Rahman, from a man,

'From Abu Abdullah^{-asws} having said: 'When the man says to the man, 'Come, I will improve your sale, the profiting becomes prohibited upon him".¹⁰⁹

7 وَ فِيهِ، وَ فِي يَب، تَهْدِيبُ الْأَحْكَامِ بِأَسَانِيدِ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ إِلَّا مَا خَالَفَ كِتَابَ اللَّهِ.

And in (the book) 'Tahzeeb Al-Ahkaam' – By chains, 'The Muslims are with their stipulated conditions except what opposes the Book of Allah^{-azwj}'.¹¹⁰

8- يَب، تَهْدِيبُ الْأَحْكَامِ بِإِسْنَادِهِ عَنِ الصَّفَّارِ عَنِ الْحَشَّابِ عَنِ ابْنِ كَلُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ جَعْفَرٍ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع كَانَ يَقُولُ مَنْ شَرَطَ لِامْرَأَتِهِ شَرْطًا فَلَيْفَ بِهَا فَإِنَّ الْمُسْلِمِينَ عِنْدَ شُرُوطِهِمْ إِلَّا شَرْطًا حَرَّمَ حَلَالًا أَوْ أَحَلَّ حَرَامًا.

(The book) 'Tahzeeb Al Ahkaam' – By his chain from Al Saffar, from Al Khashaab, from Ibn Kaloub, from Is'haq Bin Ammar,

'From Ja'far^{-asws}, from his^{-asws} father^{-asws} that Ali^{-asws} had said: 'One who stipulates a condition to his wife, let him be loyal with it, for the Muslims are with their conditions except a condition prohibiting a Permissible, or permitting a Prohibition.¹¹¹

¹⁰⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 4

¹⁰⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 5

¹⁰⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 6

¹¹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 7

¹¹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 8

9- كا، الكافي عن العدة عن ابن عيسى عن ابن أبي عمير عن حفص بن شوقة عن الحسين بن المنذر قال: قلت لأبي عبد الله ع يجيء الرجل فيطلب العينة فأشترى له المتاع مرابحة ثم أبعده إياه ثم اشتريه منه مكاني

(The book) 'Al Kafi' – From the number, from Ibn Isa, from Ibn Abu Umeyr, from Hafs Bin Sowqah, from Al-Husayn Bin Al Munzir who said,

'I said to Abu Abdullah^{asws}, 'A man comes to me requesting 'Inah' (a sale with a buy-back arrangement), so I purchase the goods for him on a profit basis, then sell it to him, and then buy it back from him at my place'.

قال إذا كان بالخيار إن شاء باع وإن شاء لم يبع وكنت أنت بالخيار إن شئت اشتريت وإن شئت لم تشتت فلا بأس.

He^{asws} said: 'If he has the choice, if he wishes, he may sell, and if he wishes, he may not, and you also have the choice, if you wish, you may buy, and if you wish, you may not, then there is no problem'.¹¹²

10- كا، الكافي عن العدة عن أحمد بن محمد بن عمار عن ابن أبي عمير عن يحيى بن الحجاج عن خالد بن الحجاج قال: قلت لأبي عبد الله ع الرجل يجيء فيقول اشتر هذا الثوب وأرجلك كذا وكذا

(The book) 'Al Kafi' – from the number, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Yahya Bin Al Hajjal, from Khalid Bin Al Hajjaj who said,

'I said to Abu Abdullah^{asws}, 'The man comes and says, 'Buy this garment and I will profit you such and such!'

قال أليس إن شاء ترك وإن شاء أخذ

He^{asws} said: 'Is it not the case that if he wishes, he may leave it, and if he wishes, he may take it?'

قلت بلى

I said, 'Yes'.

قال لا بأس به إنما يجزئ الكلام ويجزئ الكلام.

He^{asws} said: 'There is no harm in it. It is words that make something lawful and words that make it unlawful'.¹¹³

11 و منه، عن علي بن أبيه عن ابن أبي عمير مثله.

¹¹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 9

¹¹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 10

And from him, from Ali, from his father, from Ibn Abu Umeyr – similar to it.¹¹⁴

12- وَ مِنْهُ، عَنْ فَضَالَةَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع بِيَعُ الْحَرِيرَ وَ لَيْسَ عِنْدِي مِنْهُ شَيْءٌ فَيَقَاوِلُنِي عَلَيْهِ وَ أَقَاوِلُهُ فِي الرِّبْحِ وَ الْأَجْلِ حَتَّى نَجْتَمِعَ عَلَى شَيْءٍ ثُمَّ أَذْهَبُ فَأَشْتَرِي لَهُ الْحَرِيرَ فَأَدْعُوهُ إِلَيْهِ

And from him, from Fazala, from Muawiya Bin Ammar who said,

‘I said to Abu Abdullah^{asws}, ‘A man comes to me asking to buy silk, and I do not have any. So, he negotiates with me, and I negotiate with him regarding profit and payment term until we agree on something. Then I go and buy the silk for him and call him to take it’.

فَقَالَ أَرَأَيْتَ إِنْ وَجَدَ بَيْعاً هُوَ أَحَبُّ إِلَيْهِ مِمَّا عِنْدَكَ أَسْتَطِيعُ أَنْ تُنْصِرَفَ إِلَيْهِ وَ تَدَعَهُ

He^{asws} said: ‘What is your view, if he finds a better offer that he prefers over yours, can he go to it and leave yours? Or if you find a better deal, can you go to it and leave him?’

قُلْتُ نَعَمْ

I said, ‘Yes’.

قَالَ لَا بَأْسَ.

He said: Then there is no problem’.¹¹⁵

وَ رُوِيَ مِثْلُهُ بِاخْتِلَافٍ يَسِيرٍ بِأَسَانِيدَ كَثِيرَةٍ.

And similar to it is reported with slight differences by many chains.

[باب 31 ثواب القرض و ذم من منعه عن المحتاجين](#)

CHAPTER 31 – THE REWARD OF LENDING AND CONDEMNATION OF PREVENTING IT FROM THE NEEDY

1- لي، الأمالي للصدوق في خبر المناهي قال النبي ص من احتاج إليه أخوه المسلم في قرض و هو يقدر عليه فلم يفعل حرم الله عليه ربح الجنة.

(The book) ‘Al Amaali’ of Al Sadouq –

‘In a Hadeeth of prohibitions, the Prophet^{saww} said: ‘One who is needy for a loan to his Muslim brother while he is able upon it but does not do so, Allah^{azwj} will Prohibited upon him the aroma of Paradise’.¹¹⁶

¹¹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 11

¹¹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 30 H 12

¹¹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 1

2- فس، تفسير القمي قَالَ الصَّادِقُ ع عَلَى بَابِ الْجَنَّةِ مَكْتُوبٌ الْقَرْضُ بِثَمَانِيَةِ عَشَرَ وَ الصَّدَقَةُ بِعَشْرَةٍ وَ ذَلِكَ أَنَّ الْقَرْضَ لَا يَكُونُ إِلَّا فِي يَدِ الْمُحْتَاجِ وَ الصَّدَقَةَ رُبَّمَا وَقَعَتْ فِي يَدِ غَيْرِ مُحْتَاجٍ.

(The book) 'Tafseer Al Qummi' –

'Al-Sadiq^{-asws} said: 'Upon a door of the Paradise it is inscribed: 'The loan is with eighteen (multiple) and the charity is with ten', and that is because the loan cannot be except in the hand of the needy, while the charity sometimes falls in the hand of a non-needy'.¹¹⁷

3- فس، تفسير القمي أَحْمَدُ بْنُ إِدْرِيسَ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي الْمَعْرُوفِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا إِبْرَاهِيمَ ع عَنْ قَوْلِ اللَّهِ تَعَالَى مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضَاعِفَهُ لَهُ وَ لَهُ أَجْرٌ كَرِيمٌ قَالَ نَزَلَتْ فِي صَلَاةِ الْأَرْحَامِ.

(The book) 'Tafseer Al Qummi' – Ahmad Bin Idrees, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Al Mi'za, from Is'haq Bin Ammar who said,

'I asked Abu Ibrahim^{-asws} about Words of Allah^{-azwj} the Exalted: **The charitable men and the charitable women, and the lenders to Allah of a goodly loan, it shall be doubled for them and they shall have an honourable Recompense [57:18].** He^{-asws} said: 'It was Revealed regarding connecting (helping) the kindred''.¹¹⁸

4- ثو، ثواب الأعمال ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ الْبَرْقِيِّ عَنِ أَبِيهِ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ عَمْرِو بْنِ شَمْرِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ أَقْرَضَ مُؤْمِنًا قَرْضًا يَنْتَظِرُ بِهِ مَيْسُورَهُ كَانَ مَالُهُ فِي زَكَاةٍ وَ كَانَ هُوَ فِي صَلَاةٍ مِنَ الْمَلَائِكَةِ حَتَّى يُؤَدِّيَهُ إِلَيْهِ.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ahmad Bin Al Nazr, from Amro Bin Shimr,

'From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww}: 'One lends a loan to a Momin awaiting with him for his affluence, his wealth would be in Zakat, and he would be in Salawaat from the Angels until he returns it to him''.¹¹⁹

5- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ عَنِ النَّهْدِيِّ عَنِ مُحَمَّدِ بْنِ جَنَابٍ عَنِ شَيْخِ كَانَ عِنْدَنَا قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لِأَنَّ الْقَرْضَ قَرْضًا أَحَبُّ إِلَيَّ مِنْ أَنْ أُصِلَ بِمِثْلِهِ

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Nahdy, from Muhammad Bin Janab, from a sheykh who was with us who said,

'I heard Abu Abdullah^{-asws} saying: 'If I^{-asws} were to lend a loan to a Momin, it would be more beloved to me than if I were to donate similar to it'.

قَالَ وَ كَانَ يَقُولُ مَنْ أَقْرَضَ قَرْضًا فَضَرَبَ لَهُ أَجَلًا فَلَمْ يُؤْتْ بِهِ عِنْدَ ذَلِكَ الْأَجَلِ فَإِنَّ لَهُ مِنَ الثَّوَابِ فِي كُلِّ يَوْمٍ يَتَأَخَّرُ عَنْ ذَلِكَ الْأَجَلِ بِمِثْلِ صَدَقَةِ دِينَارٍ وَاحِدٍ فِي كُلِّ يَوْمٍ.

¹¹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 2

¹¹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 3

¹¹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 4

He (the narrator) said, 'And he^{-asws} had said: 'One who lends a loan so he strikes (stipulates) a term for it, but he (borrower) does not come with it during that term, for him (lender) would be a Reward for each day he is delayed from that term, like charity of one Dinar during every day".¹²⁰

6- ثواب الأعمال ابن الوليد عن الصَّفَّارِ عَنِ الْبَرْقِيِّ عَنِ أَبِيهِ عَنِ ابْنِ سِنَانٍ عَنِ الْفَضِيلِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَا مِنْ مُسْتَلِمٍ أَقْرَضَ مُسْتَلِمًا قَرْضًا يُرِيدُ وَجْهَ اللَّهِ إِلَّا اخْتَسِبَ لَهُ أَجْرُهَا بِحِسَابِ الصَّدَقَةِ حَتَّى تَرْجِعَ إِلَيْهِ.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ibn Sinan, from Al Fuzeyl who said,

'Abu Abdullah^{-asws} having said: 'There is none from a Muslim lending a loan to a Muslim intending the Face of Allah^{-azwj}, except it's Reward will be calculated for him as calculation of the charity until he returns it to him".¹²¹

7- ثواب الأعمال أَبِي عَنْ عَلِيِّ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هَيْثَمِ الصَّيْرِيِّ وَغَيْرِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْقَرْضُ الْوَاحِدُ بِثَمَانِيَةِ عَشْرٍ وَ إِنْ مَاتَ اخْتَسِبَ بِهَا مِنَ الزَّكَاةِ.

(The book) 'Sawaab Al Amaal' – My father, from Ali, from his father, from Ibn Abu Umeyr, from Haysham Al Sayfari and someone else,

'From Abu Abdullah^{-asws} having said: 'Lending the one is with (a multiple of) eighteen, and if he dies, it will be calculated as being from the Zakat".¹²²

8- ثواب الأعمال ابن الوليد عن الصَّفَّارِ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَعْبُدٍ عَنْ عَبْدِ اللَّهِ بْنِ قَاسِمٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ النَّبِيُّ ص أَلْفٌ دِرْهَمٌ أَقْرَضُهَا مَرَّتَيْنِ أَحَبُّ إِلَيَّ مِنْ أَنْ أَتَصَدَّقَ بِهَا مَرَّةً وَ كَمَا لَا يَحِلُّ لِعَرِيْمِكَ أَنْ يَمُتْلِكَ وَ هُوَ مُوسِرٌ فَكَذَلِكَ لَا يَحِلُّ لَكَ أَنْ تُعْسِرَهُ إِذَا عَلِمْتَ أَنَّهُ مُعْسِرٌ.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Ma'bad, from Abdullah Bin Qasim, from Abdullah Bin Sinan,

'From Abu Abdullah^{-asws} having said: 'The Prophet^{-saww} said: 'A thousand Dirhams I^{-asws} lend it twice is more beloved to me^{-asws} than if I^{-asws} were to donate charity with it once, and just as it is not Permissible for your debtor to delay while he is able, like that it is not Permissible for you to pressure him when you know he is not able".¹²³

9- الْهُدَايَةُ، قَالَ الصَّادِقُ ع مَكْتُوبٌ عَلَى بَابِ الْجَنَّةِ الصَّدَقَةُ بِعَشْرَةٍ وَ الْقَرْضُ بِثَمَانِيَةِ عَشْرٍ وَ إِنَّمَا صَارَ الْقَرْضُ أَفْضَلَ مِنَ الصَّدَقَةِ لِأَنَّ الْمُسْتَقْرِضَ لَا يَسْتَقْرِضُ إِلَّا مِنْ حَاجَةٍ وَ قَدْ يَطْلُبُ الصَّدَقَةَ مَنْ لَا يَحْتَاجُ إِلَيْهَا.

(The book) 'Al Hidayah' –

¹²⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 5

¹²¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 6

¹²² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 7

¹²³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 8

'Al-Sadiq^{-asws} said: 'It is inscribed upon a door of the Paradise, 'The charity is with them and the loan is with eighteen', and rather the loan became superior to the Charity because the borrower does not borrow except from a need, and he seeks the charity one who is not needy to it".¹²⁴

10- ف، تحف العقول في حبر طویل عن الصادق ع قال: أما الوجوه الأربعة التي يلزمه فيها التفتة من وجوه اصطناع المعروف فقضاء الدين و العارية و القرض و إفراء الصيف واجبات في السنة.

(The book) 'Tuhaf Al Uqoul' –

'In a lengthy Hadeeth from Al-Sadiq^{-asws} having said: 'As for the four aspects for those one is obligated to spend as part of acts of kindness, they are - repaying debt, returning a borrowed item, giving a loan, and hosting a guest. These are obligated in the Sunnah".¹²⁵

11- ضا، فقه الرضا عليه السلام روي أن أجر القرض ثمانية عشر ضعفاً من أجر الصدقة لأن القرض يصل إلى من لا يضع نفسه للصدقة لأخذ الصدقة.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It is reported that Reward of the loan is of eighteen multiples from the Rewards of charity because the loan arrives to the one who does not drop himself for the charity to take the charity".¹²⁶

12- شي، تفسير العياشي عن إبراهيم بن عبد الحميد عن بعض الثميين عن أبي عبد الله ع في قوله تعالى لا خير في كثير من نجواهم إلا من أمر بصدقة أو معروف أو إصلاح بين الناس يعني بالمعروف القرض.

(The book) 'Tafseer Al Ayyashi' – From Ibrahim Bin Abdul Hameed, from one of the people of Qum,

'From Abu Abdullah^{-asws} regarding Words of the Exalted: **There is no good in most of their secret counsels except of the one who either enjoins charity, or goodness, or reconciliation between people; [4:114]** – meaning with the 'goodness', the loan".¹²⁷

13- م، تفسير الإمام عليه السلام أما القرض فقرض درهم كصدقة درهمين سمعت رسول الله ص فقال هو على الأغنياء.

(The book) 'Tafseer of the Imam (Hassan Al-Askari^{-asws}), may the greeting be upon him^{-asws}: 'As for the lean, lending a dirham like charity of two Dirhams. I^{-asws} heard Rasool-Allah^{-saww}, he^{-saww} said: 'It is upon the wealthy".¹²⁸

14 نوادر الراوندی، بإسناده عن موسى بن جعفر عن آباءه ع قال قال رسول الله ص الصدقة بعشيرة و القرض بثمانية عشر و صلة الإخوان بعشرين و صلة الرحم بأربع و عشرين.

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

¹²⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 9

¹²⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 10

¹²⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 11

¹²⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 12

¹²⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 13

‘From Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The charity is with ten (multiple of Rewards) and the loan is with eighteen, and connecting (helping) the brethren is with twenty, and connecting (helping) the kindred is with twenty-four (multiple)’’.¹²⁹

¹²⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 31 H 14

CHAPTER 32 – WHAT HAS BEEN REFERRED TO REGARDING INCURRING DEBTS

1- ع، علل الشرائع ل، الخصال ابن الوليد عن الصقار عن ابن معروف عن ابن محبوب عن حنان بن سدير عن أبيه عن أبي جعفر ع قال: كُلُّ ذَنْبٍ يُكَفِّرُهُ الْقَتْلُ فِي سَبِيلِ اللَّهِ إِلَّا الدَّيْنَ فَإِنَّهُ لَا كَفَّارَةَ لَهُ إِلَّا أَدَاؤُهُ أَوْ يُقْضَى صَاحِبُهُ أَوْ يَعْفُو الَّذِي لَهُ الْحَقُّ.

(The book) 'Ilal Al Sharaie', (and) 'Al Khisaa' – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahboub, from Hanan Bin Sadeyr, from his father,

'From Abu Ja'far^{asws} having said: 'Every sin can be atoned for by being killed in the way of Allah^{azwj} except the debt, for there is no atonement for it except paying it, or its owner (borrower) settles it or the one who has the right for it, forgives'.¹³⁰

2- ل، الخصال أبي عن أحمد بن إدريس عن الأشعري عن يوسف بن الحارث عن عبد الله بن يزيد عن حياة بن شريح عن سالم بن عيلاق عن دراج عن أبي الهيثم عن أبي سعيد الخدري قال سمعت رسول الله ص يقول أعود بالله من الكفر والدين

(The book) 'Al Khisaa' – My father, from Ahmad Bin Idrees, from Al Ash'ari, from Yusuf Bin Al Haris, from Abdullah Bin Yazeed, from Hayat Bin Shureyh, from Salim Bin Gaylan, from Darraj, from Abu Al Haysam, from Abu Saeed Al Khudri who said,

'I heard Rasool-Allah^{saww} saying: 'I seek refuge with Allah^{azwj} from the Kufr and the debt!'

قِيلَ يَا رَسُولَ اللَّهِ ص أَيْعِدُ الدِّينَ بِالْكَفْرِ

It was said, 'O Rasool-Allah^{saww}! Does the debt equate to the Kufr?'

فَقَالَ نَعَمْ.

He^{saww} said: 'Yes'.¹³¹

3- ع، علل الشرائع العطار عن أبيه عن الأشعري مثله.

(The book) 'Ilal Al-Sharaie' – From his father, from Al-Ashari, similar to it.¹³²

4- ع، علل الشرائع ابن الوليد عن الصقار عن أحمد بن محمد بن محمد بن أبيه عن ابن المغيرة عن السكوني عن جعفر بن محمد عن أبيه ع قال قال رسول الله ص إياكم والدين فإنه هم بالليل وذل بالنهار.

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ahmad Bin Muhammad, from his father, from Ibn Al Mugheira, from Al Sakuni,

¹³⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 1

¹³¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 2

¹³² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 3

'From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Beware of the debts, for it is a worry by the night and humiliation by the day!''¹³³

5- ع، علل الشرائع ماجيلويه عن علي عن أبيه عن عبد الله بن ميثون عن الصادق ع قال قال علي ع إياكم و الدين فإنه مذلة بالنهار و مهممة بالليل و قضاة في الدنيا و قضاة في الآخرة.

(The book) 'Ilal Al Sharaie' – Majaylawiya, from Ali, from his father, from Abdullah Bin Maymoun,

'From Al-Sadiq^{-asws} having said 'Ali^{-asws} said: 'Beware of the debts, for it is a disgrace at daytime and worry at night, and a due in the world and a due in the Hereafter!''¹³⁴

6- ع، علل الشرائع أبي عن الحميري عن هارون بن مسلم عن سعدان عن أبي الحسن الثبي عن الصادق عن أبيه ع قال قال رسول الله ص ما الوجع إلا وجع العين و ما لهم إلا هم الدين.

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, from Haroun Bin Muslim, from Sa'dan, from Abu Al-Hassan Al Laysi,

'From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no pain except the pain of the eyes, and there is no worry except worry of the debt.'¹³⁵

7- ع، علل الشرائع بهذا الإسناد قال قال رسول الله ص الدين راية الله عز و جل في الأرض فإذا أراد أن يذل عبداً وضعه في عنقه.

(The book) 'Ilal Al Sharaie' – By this chain, said,

'Rasool-Allah^{-saww} said: 'The debt is a banner of Allah^{-azwj} Mighty and Majestic in the earth. When He^{-azwj} Wanted to Humiliate a servant, He^{-azwj} Places it around his neck''.¹³⁶

8- ع، علل الشرائع ابن إدريس عن أبيه عن الأشعري عن الجاموراني عن الحسن بن علي عن أبي عثمان عن حفص بن غياث عن كيث عن سعد عن عمر بن أبي سلمة عن أبي هريرة عن النبي ص قال: لا تزال نفس المؤمن معلقة ما كان عليه الدين.

(The book) 'Ilal Al Sharaie' – Ibn Idrees, from his father, from Al Ashari, from Al Jamourani, from Al-Hassan Bin Ali, from Abu Usman, from Hafs Bin Giyas, from Lays, from Sa'ad, from Umar Bin Abu Salama, from Abu Hureyra (well-known fabricator),

'From the Prophet^{-saww} having said: 'The soul of a Momin does not cease to be suspended for as long as there is debt upon him.'¹³⁷

9- ع، علل الشرائع بالإسناد عن الأشعري عن ابن يزيد عن بعض أصحابنا رفعه عن أحدهم قال: يؤتى يوم القيامة بصاحب الدين يشكو الوحشة فإن كانت له حسنات أخذت منه لصاحب الدين

¹³³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 4

¹³⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 5

¹³⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 6

¹³⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 7

¹³⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 8

(The book) 'Ilal Al Sharaie' – By the chain from Al Ashari, from Ibn Yazeed, from one of our companions raising it,

'From one of them (Imams^{-asws}) having said: 'The one in debt will be brought on the Day of Qiyamah complaining of the loneliness. If there were to be good deeds for him, these would be seized from him for the owner of the debt!'

وَقَالَ وَ إِنْ لَمْ يَكُنْ لَهُ حَسَنَاتٌ أَلْفِي عَلَيْهِ مِنْ سَيِّئَاتٍ صَاحِبِ الدَّيْنِ إِنَّ عَلَى عَهْدِ رَسُولِ اللَّهِ ص مَاتَ رَجُلٌ وَ عَلَيْهِ دِينَارَانِ فَأُخْبِرَ النَّبِيُّ ص فَأَبَى أَنْ يُصَلِّيَ عَلَيْهِ وَ إِنَّمَا فَعَلَ ذَلِكَ لِكَيْ لَا يَجْتَرَّهُوا عَلَى الدَّيْنِ

And he^{-asws} said: 'And there do not happen to be any good deeds for him, there shall be thrown upon him, from evil deeds of owner of the debt. In the era of Rasool-Allah^{-saww}, a man died and upon him (was a debt of) two Dinars. The Prophet^{-saww} was informed, and he^{-saww} refused to pray Salat upon him, and rather he^{-saww} did that so they would not take the debts lightly.

وَقَالَ قَدْ مَاتَ رَسُولُ اللَّهِ ص وَ عَلَيْهِ دَيْنٌ وَ مَاتَ الْحَسَنُ ع وَ عَلَيْهِ دَيْنٌ.

And he^{-asws} said: 'And Rasool-Allah^{-saww} had passed away and upon him^{-saww} were debts, and Al-Hassan^{-asws} had passed away and upon him^{-asws} were debts, and Al-Husayn^{-asws} was killed and upon him^{-asws} were debts''¹³⁸

10- ع، علل الشرائع بالإسناد إلى الأشعري عن البقطيني عن عثمان بن سعيد عن عبد الكريم الهمداني - عن أبي ثمامة قال: دخلت على أبي جعفر ع و قلت له جعلت فداك إني رجل أريد أن ألام مكة و علي دين للمرجعة فما تقول

(The book) 'Ilal Al Sharaie' – By the chain to Al Ash'ary, from Al Yaqteny, from Usman Bin Saeed, from Abdul Kareem Al Hamdani, from Abu Sumama who said,

'I entered to see Abu Ja'far^{-asws} and said to him^{-asws}, 'May I be sacrificed for you^{-asws}! I am a man who intends to stay in Makkah, and upon me there is debt for a Murjiite. What do you^{-asws} say?'

قَالَ فَقَالَ ارْجِعْ إِلَى مُؤَدِّي دَيْنِكَ وَ انْظُرْ أَنْ تَلْقَى اللَّهَ عَزَّ وَ جَلَّ وَ لَيْسَ عَلَيْكَ دَيْنٌ فَإِنَّ الْمُؤْمِنَ لَا يُخُونُ.

He (the narrator) said, 'He^{-asws} said: 'Return to pay off your debt and look (consider) meeting Allah^{-azwj} Mighty and Majestic, and there shouldn't be any debt upon you, for the Momin does not betray!''¹³⁹

11- ع، علل الشرائع بالإسناد عن البقطيني عن الهيثم عن ابن أبي عمير عن حماد بن عثمان عن الوليد بن صبيح قال: جاء رجل إلى أبي عبد الله ع يدعي علي المعلى بن حنيس ديناً عليه

(The book) 'Ilal Al Sharaie' – By the chain from Al Yaqteeny, from Al Haysam, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Waleed Bin Sabeeh who said,

¹³⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 9

¹³⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 10

‘A man came to Abu Abdullah^{-asws} claiming upon Moallah Bin Khuneys owed him a debt’.

قَالَ فَقَالَ ذَهَبَ بِحَقِّي

He (the narrator) said, ‘He (the man) said, ‘He has gone with my right!’

قَالَ فَقَالَ ذَهَبَ بِحَقِّكَ الَّذِي قَتَلَهُ

He (the narrator) said, ‘He^{-asws} said: ‘He has gone with your right, the one who killed him (Moallah)!’

ثُمَّ قَالَ لِلْوَلِيدِ ثُمَّ إِلَى الرَّجُلِ فَأَقْضِهِ مِنْ حَقِّهِ فَإِنِّي أُرِيدُ أَنْ أَبْرِدَ عَلَيْهِ جِلْدَهُ وَ إِن كَانَ بَارِدًا.

Then he^{-asws} said to Al-Waleed: ‘Stand to the man and fulfil his right, for I^{-asws} want to cool his skin (from punishment) and even though it was cold (being dead).¹⁴⁰

12- ع، علل الشرائع ابن الوليد عن الصَّغَارِ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع بَلَعْنَا أَنَّ رَجُلًا مِنْ الْأَنْصَارِ مَاتَ وَ عَلَيْهِ دَيْنٌ فَلَمْ يُصَلِّ عَلَيْهِ النَّبِيُّ ص وَ قَالَ لَا تُصَلُّوا عَلَيَّ صَاحِبِكُمْ حَتَّى يُقْضَى عَنْهُ الدَّيْنُ

(The book) ‘Ilal Al Sharaie’ – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Marrar, from Yunus, from Muawiya Bin Wahb who said,

‘I said to Abu Abdullah^{-asws}, ‘It has reached us that a man from the Helpers dies and upon him was a debt, so the Prophet^{-saww} did not pray Salat upon him, and said: ‘Do not pray Salat upon you companion until the debt is paid off on his behalf!’

فَقَالَ ذَلِكَ حَقٌّ

He^{-asws} said: ‘That is true!’

قَالَ ثُمَّ قَالَ إِنَّمَا فَعَلَ رَسُولُ اللَّهِ ص ذَلِكَ لِيَتَعَاطَوْا الْحَقَّ وَ يُؤَدِّيَ بَعْضُهُمْ إِلَى بَعْضٍ وَ لِقَالِ يَسْتَحْفُوا بِالَّذِينَ

He (the narrator) said, ‘Then he^{-asws} said: ‘But rather Rasool-Allah^{-saww} did that so they would deal with the right and fulfil to each other, and let they take lightly with the debt!’

قَدْ مَاتَ رَسُولُ اللَّهِ ص وَ عَلَيْهِ دَيْنٌ وَ مَاتَ عَلِيٌّ وَ عَلَيْهِ دَيْنٌ وَ مَاتَ الْحَسَنُ وَ عَلَيْهِ دَيْنٌ وَ قُتِلَ الْحُسَيْنُ وَ عَلَيْهِ دَيْنٌ.

Rasool-Allah^{-saww} had passed away and there was debt upon him^{-saww}, and Ali^{-asws} passed away and there was debt upon him^{-asws}, and Al-Hassan^{-asws} passed away and there was debt upon him^{-asws}, and Al-Husayn^{-asws} was killed and there was debt upon him^{-asws}.¹⁴¹

13 سن، المحاسن أبي عن يونس مثله.

¹⁴⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 11

¹⁴¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 12

(The book) 'Al Mahasin' – My father, from Yunus, similar to it.¹⁴²

14- ما، الأمايلي للشيخ الطوسي الحفاز عن أبي القاسم الدعبلية عن أبيه عن أخي دعبل بن علي عن محمد بن إسماعيل و سعيد بن سفيان عن أبي عبد الله عن أبيه عن عبد الله بن جعفر بن أبي طالب رضي الله عنه أن رسول الله ص قال: إن الله مع الدائنين حتى يقضي دينه ما لم يكن دينه في أمر يكرهه الله

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Abu Al Qasim Al Deobali, from his father, from a brother of Deobel Bin Ali, from Muhammad Bin Ismail and Saeed Bin Sufyan, from Abdullah,

'From his father^{-asws}, from Abdullah^{-asws} Bin Ja'far^{-asws} Bin Abu Talib^{-asws}, may Allah^{-azwj} be Pleased with him^{-ra}: 'Rasool-Allah^{-saww} said: 'Allah^{-azwj} is with the debtor until, he pays his debt, for as long as his debt does not happen to be regarding a matter Allah^{-azwj} Dislikes!'

قَالَ وَكَانَ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ يَقُولُ لِجَارِيَتِهِ إِذْ هَبِي فَخُذِي لِي بِدَيْنٍ فَإِنِّي أَكْرَهُ أَنْ أَيْتَ لَيْلَةً إِلَّا وَاللَّهِ مَعِيَ بَعْدَ الَّذِي سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ص.

He^{-asws} said: 'And it so happened that Abdullah Bin Ja'far had said to his slave girl, 'Go and take (something) for me with a debt (on credit), for I dislike to spend a night except and Allah^{-azwj} is with me, after what I have heard from Rasool-Allah^{-saww}'.¹⁴³

15- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قال قال رسول الله ص من طلب رزق الله خلافاً فأغفل فليستدبر على الله و على رسول الله ص.

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One seeks the lawful sustenance of Allah^{-azwj} but falls short, let him borrow (based) upon Allah^{-azwj} and upon Rasool-Allah^{-saww}'.¹⁴⁴

16- ب، قرب الإسناد بهذا الإسناد قال: إن رسول الله ص لم يورث ديناراً ولا درهماً ولا عبداً ولا وليدةً ولا شاةً ولا بعبيراً ولقد قبض رسول الله ص و إن دزعه مروهنة عند يهودي من يهود المدينة بعشرين صاعاً من شعير استسلفها نفقة لأهله.

(The book) 'Qurb Al Isnaad' – By this chain, said,

'Rasool-Allah^{-azwj} neither leave for inheritance a Dinar, nor Dirham, nor slave, nor maid, nor sheep, nor camel, and Rasool-Allah^{-saww} was recalled and his^{-saww} armour had been mortgaged with a Jew from the Jews of Medina for twenty Sa'a of barley which he^{-saww} had borrowed for expenditure of his^{-saww} family'.¹⁴⁵

17- شي، تفسير العياشي عن سماعة قال: سألته عن الرجل يكون عنده شيء يتبلى به و عليه دين أ يطعمه عياله حتى يأتيه الله تبارك و تعالى بميسرة فيقضي دينه أو يستقرض على ظهره في حُبث الزمان و شدة المكاسب أو يقبل الصدقة أو يقضي بما كان عنده دينه

¹⁴² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 13

¹⁴³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 14

¹⁴⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 15

¹⁴⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 16

(The book) 'Tafseer Al Ayyashi' – From Sama'at who said,

'I asked him^{-asws} (Abu Abdullah^{-asws}) about the man who has something in his possession with which he can sustain himself, but he is in debt. Should he use it to feed his family until Allah^{-azwj} Blessed and Exalted, Brings him ease so that he can repay his debt, or should he borrow further upon himself in a time of hardship and difficulty in earning, or should he accept charity, or should he use what he has to repay his debt?'

قَالَ يُقْضِي بِمَا كَانَ عِنْدَهُ دَيْنُهُ وَ يَقْبَلُ الصَّدَقَةَ وَ لَا يَأْخُذُ أَمْوَالَ النَّاسِ إِلَّا وَ عِنْدَهُ وَقَاءٌ لِمَا يَأْخُذُ مِنْهُمْ أَوْ يُفْرِضُونَهُ إِلَى مَيْسَرَةٍ

He^{-asws} said: 'He should repay his debt with what he has, and he may accept charity. He must not take people's money unless he has the means to repay what he takes from them, or unless they lend to him until a time of ease.

فَإِنَّ اللَّهَ يَقُولُ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ بِنَاءً عَنِ تَرَاضٍ مِنْكُمْ فَلَا يَسْتَفْرِضُ عَلَى ظَهْرِهِ إِلَّا وَ عِنْدَهُ وَقَاءٌ وَ لَوْ طَافَ عَلَى أَبْوَابِ النَّاسِ فَرَزَدُوهُ بِاللُّقْمَةِ وَ اللَّقْمَتَيْنِ وَ التَّمْرَةِ وَ التَّمْرَتَيْنِ إِلَّا أَنْ يَكُونَ لَهُ وَلِيٌّ يَقْضِي دَيْنَهُ مِنْ بَعْدِهِ

Allah^{-azwj} Says: ***O you who believe! Do not devour your property among yourselves by the falsehood except if you happen to trade by an agreement from you [4:29]***. So, he must not borrow upon himself unless he has the ability to repay, even if he must go around to the doors of people who give him a bite or two of food, or a date or two, unless he has a guardian who will settle his debt after him.

إِنَّهُ لَيْسَ مِنَّا مَنْ مَاتَ مِنْ مَاتَ إِلَّا جَعَلَ اللَّهُ لَهُ وَلِيًّا يَقُومُ فِي عِدَّتِهِ وَ دَيْنِهِ.

Indeed, there is none among our^{-asws} deceased except that Allah^{-azwj} Appoints a guardian to fulfil his (wife's) waiting period and his debt"¹⁴⁶.

18- سر، السرائر من كتاب المشيخة لابن محبوب عن أبي أيوب عن سماعة قال يقضي بما عنده دينه و يقبل الصدقة

(The book) 'Al Saraair', from 'Kitab Al Masheykha' of Ibn Mahboub, from Abu Ayoub, from Sama'at,

'He^{-asws} said: 'He should repay his debt with what he has and may accept charity'.

وَ قَالَ لَا يَأْكُلُ أَمْوَالَ النَّاسِ إِلَّا وَ عِنْدَهُ مَا يُؤَدِّي إِلَيْهِ حُقُوقُهُمْ إِنَّ اللَّهَ تَعَالَى يَقُولُ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

He^{-asws} said: 'Let him not consume people's wealth unless he possesses what he can use to fulfil their rights. Indeed, Allah the Exalted Says: ***O you who believe! Do not devour your property among yourselves by the falsehood [4:29]***'.

وَ قَالَ مَا أَحْبَبُّ لَهُ أَنْ يَسْتَفْرِضَ إِلَّا وَ عِنْدَهُ وَقَاءٌ بِذَلِكَ إِمَّا فِي عُقْدَةٍ أَوْ فِي بِنَاءٍ وَ لَوْ طَافَ عَلَى أَبْوَابِ النَّاسِ فَرَزَدُوهُ بِاللُّقْمَةِ وَ اللَّقْمَتَيْنِ إِلَّا أَنْ يَكُونَ لَهُ وَلِيٌّ يَقْضِي دَيْنَهُ عَنْهُ مِنْ بَعْدِهِ

¹⁴⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 17

And he^{-asws} said: 'I^{-asws} do not like for him to borrow unless he has the means to repay it, either through a fixed agreement or through trade, even if he must go door to door and be given a bite or two of food, unless he has a guardian who will repay his debt after him'.

ثُمَّ قَالَ إِنَّهُ لَيْسَ مِنَّا مَنْ مَثُوتَ إِلَّا جَعَلَ اللَّهُ لَهُ وَلِيًّا يَقُومُ فِي دَيْنِهِ فَيَقْضِي عَنْهُ.

Then he^{-asws} said: 'There is no one from among us^{-asws} who dies except that Allah^{-azwj} Appoints a guardian to settle his debt on his behalf'.¹⁴⁷

19- أَقُولُ وَجَدْتُ فِي كِتَابِ كَشْفِ الْمَحْجَةِ لِلْسَيِّدِ بْنِ طَاوُسٍ أَنَّهُ قَالَ رَأَيْتُ فِي كِتَابِ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ الثَّقَةِ بِإِسْنَادِهِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: قُبِضَ عَلِيٌّ ع وَ عَلَيْهِ دَيْنٌ ثَمَانٌ مِائَةً أَلْفٍ دِرْهَمٍ فَبَاعَ الْحُسَيْنُ ضَيْعَةً لَهُ بِخَمْسِمِائَةِ أَلْفٍ وَ قَضَاهَا عَنْهُ وَ بَاعَ ضَيْعَةً لَهُ أُخْرَى بِثَلَاثِمِائَةِ أَلْفٍ دِرْهَمٍ فَقَضَاهَا عَنْهُ وَ ذَلِكَ أَنَّهُ لَمْ يَكُنْ يَدْرُ مِنْ الْخُمْسِ شَيْئاً وَ كَانَتْ تَنْوِبُهُ نَوَائِبُ.

I say, 'I found in the book 'Kashf Al Mahja' of the Seyyid Bin Tawoos, he said, 'I saw in the boo of Ibrahim Bin Muhammad Al Ashary, the trustworthy, by his chain,

'From Abu Ja'far^{-asws} having said: ' (Imam) Ali^{-asws} passed away and upon him^{-asws} were debts of eight hundred thousand Dirhams. So, (Imam) Al-Hassan^{-asws} sold an estate of his^{-asws} for it, for five hundred thousand Dirhams and fulfilled it on his^{-asws} behalf, and he^{-asws} sold another estate of his^{-asws} for three hundred thousand Dirhams and paid it on his^{-asws} behalf, and that is because he^{-asws} did not retain anything from the Khums and was beset by unexpected financial obligations.¹⁴⁸

20- وَ رَأَيْتُ فِي كِتَابِ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ بِإِسْنَادِهِ عَنْ أَبِي جَعْفَرٍ ع أَنَّ الْحُسَيْنَ ع قُبِلَ وَ عَلَيْهِ دَيْنٌ وَ إِنَّ عَلِيَّ بْنَ الْحُسَيْنِ ع بَاعَ ضَيْعَةً لَهُ بِثَلَاثِ مِائَةِ أَلْفٍ لِيَقْضِيَ دَيْنَ الْحُسَيْنِ ع وَ عِدَاتٍ كَانَتْ عَلَيْهِ.

And I saw in the book of Abdullah Bin Bukeyr by his chain,

'From Abu Ja'far^{-asws}: 'Al-Husayn^{-asws} was killed and upon him^{-asws} were debts, and Ali^{-asws} Bin Al-Husayn^{-asws} sold an estate of his^{-asws} for it, for three hundred thousand (Dirhams) in order to pay off the debts of Al-Husayn^{-asws}, and promises which were upon him^{-asws}'.¹⁴⁹

21- مَا، الْأَمَالِي لِلشَّيْخِ الطُّوسِيِّ الْحُسَيْنِيِّ بْنِ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ وَهْبَانَ عَنْ عَلِيِّ بْنِ حَبِشِيِّ عَنِ الْعَبَّاسِ بْنِ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ أَبِيهِ عَنْ صَفْوَانَ بْنِ يَحْيَى وَ جَعْفَرِ بْنِ عَيْسَى عَنِ الْحُسَيْنِيِّ بْنِ أَبِي عُندَرٍ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: حَقَّقُوا الدَّيْنَ فَإِنَّ فِي حِقَّةِ الدَّيْنِ زِيَادَةَ الْعُمْرِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al-Husayn Bin Ibrahim, from Muhammad Bin Wahban, from Ali Bin Habashi, from Al Abbas Bin Muhammad Bin Al-Husayn, from his father, from Safwan Bin Yahya and Ja'far Bin Isa, from Al-Husayn Bin Abu Gundar, from his father,

¹⁴⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 18

¹⁴⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 19

¹⁴⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 20

‘From Abu Abdullah^{-asws} having said: ‘Lighten the debts, for in lightening of the debts is an increase in the lifespan!’¹⁵⁰

[باب 3 المطل في الدين](#)

CHAPTER 33 – THE DELAYED PAYMENT REGARDING THE DEBTS

1- ل، الخصال ابن الوليد عن محمد العطار عن الأشعري عن الجماوراني عن علي بن سليمان عن الحسن بن علي بن يقطين عن يونس عن إسماعيل بن كثير قال قال أبو عبد الله ع السراق ثلاثة مانع الزكاة و مستحل مهوور النساء و كذلك من استدان و لم ينو قضاءه.

(The book) ‘Al Khisaal’ – Ibn Al Waleed, from Muhammad Al Attar, from Al Ashary, from Al Jamourani, from Ali Bin Suleyman, from Al-Hassan Bin Ali Bin Yaqteen, from Yunus, from Ismail Bin Kaseer who said,

‘Abu Abdullah^{-asws} said: ‘The thief are three – prevented of the Zakat, and legaliser of dowries of the wives, and like that is the one who borrows and does not intend to pay it back!’¹⁵¹

2- ل، الخصال ابن الهيثم عن ابن زكريا القطان عن ابن حبيب عن ابن هلول عن أبيه عن عبد الله بن الفضل عن أبي عبد الله ع قال: ثلاثة من عازهم ذل الوالد و السلطان و العريم.

(The book) ‘Al Khisaal’ of Ibn al Haysam, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Buhloul, from his father, from Abdullah Bin Al Fazl,

‘From Abu Abdullah^{-asws} having said: ‘Three, one who harms them, is humiliated – the parent, and the ruler, and the creditor’.¹⁵²

3- لي، الأمالي للصدوق في حبر المناهي قال النبي ص من يتطّل على ذي حق حقه و هو يقدر على أداء حقه فعليه كل يوم خطيبه عشار.

(The book) ‘Al Amaali of Al Sadouq –

In a Hadeeth of the prohibitions, the Prophet^{-saww} said: ‘One who delays upon one with a right, of his right while he is able upon fulfilling his right, upon him during every day would be a sin of a tax collector’.¹⁵³

4- ما، الأمالي للشيخ الطوسي بإسناد المجاشعي عن الصادق عن آبائه ع قال قال رسول الله ص لي الواجد بالدين يحل عرضه و عقوبته ما لم يكن دينه فيما يكره الله عز و جل.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – By a chain of Al Mujashie,

¹⁵⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 32 H 21

¹⁵¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 1

¹⁵² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 2

¹⁵³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 3

‘From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The able one delaying payment of the debt, his honour and his punishment are legalised for as long as his debt does not happen to be regarding what Allah^{-azwj} Mighty and Majestic Dislikes’’.¹⁵⁴

5- ل، الخصال أبي عن محمد العطار عن الأشعري عن الجماوراني عن منصور بن العباس عن الحسن بن علي بن يقطين عن عمرو بن خلف بن حماد عن محرز عن أبي بصير عن أبي عبد الله ع قال قال رسول الله ص الدين على ثلاثة وجوه رجل إذا كان له فأنظر وإذا كان عليه أعطى ولم يماطل فذلك له ولا عليه

(The book) ‘Al Khisaal’ – My father, from Muhammad Al Attar, from Al Ashari, from Al Jamourany, from Mansour Bin Al Abbas, from Al-Hassan Bin Ali Bin Yaqteen, from Amro, from Khalaf Bin Hammad, from Muhriz, from Abu Baseer,

‘From Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The debt is upon three aspect – a man, when it was for him, he respites, and when it was upon him, gives and does not delay. That is for him and not against him.

و رجل إن كان له استوفى وإن كان عليه أوفى فذلك لا له ولا عليه و رجل إذا كان له استوفى وإذا كان عليه مطلق فذلك عليه ولا له.

And a man, if it were for him, he seeks fulfilment, and if it was upon him, he fulfils. So that is neither for him nor against him; and a man, when it was for him, he seeks fulfilment, and when it was upon him, he delays. So that is against him and not for him!’¹⁵⁵

6- ثواب الأعمال ابن الوليد عن محمد بن أبي القاسم عن الكوفي عن محمد بن سينان عن المفضل عن ابن طيبان قال قال أبو عبد الله ع يا يؤنس من حبس حق المؤمن أقامه الله يوم القيامة خمسمائة عام على رجليه حتى يسيل من عرقه أودية و ينادي مناد من عند الله هذا الظالم الذي حبس عن المؤمن حقه

(The book) ‘Sawaab Al Amaal’ – Ibn Al Waleed, from Muhammad Bin Abu Al Qasim, from Al Kufi, from Muhammad Bin Sinan, from Al Mufazzal, from Ibn Zabyan who said,

‘Abu Abdullah^{-asws} said: ‘O Yunus! One who withholds the right of a Momin, Allah^{-azwj} will Make him stand upon his legs on the Day of Qiyamah for five hundred years until his sweat flows as valleys, and a caller will call out from the Presence of Allah^{-azwj}: ‘The oppressor who withheld from the Momin his right!’

قال فيوتخ أربعين عاماً ثم يؤمر به إلى النار.

He^{-asws} said: ‘He will be rebuked for forty years, then Commanded to the Fire’’.¹⁵⁶

7- ثواب الأعمال بهذا الإسناد عن محمد بن سينان عن المفضل عن أبي عبد الله ع قال: إنما مؤمن حبس مؤمناً عن ماله وهو محتاج إليه لم يذق و الله من طعام الجنة ولا يشرب من الرحيق المخبثوم.

¹⁵⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 4

¹⁵⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 5

¹⁵⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 6

(The book) 'Sawaab Al Amaal' – By this chain, from Muhammad Bin Sinan, from Al Mufazzal,

'From Abu Abdullah^{-asws} having said: 'Whichever Momin withholds from a Momin his wealth and he is needy to it, by Allah^{-azwj} he will not taste from the food of Paradise nor drink from the Sealed nectar''.¹⁵⁷

8- ضا، فقه الرضا عليه السلام روي أنّ من كان عليه دينٌ ينوي قضاءه يُنصب من الله حافظان يُعينانه على الأداء فإن قصرت نيته نقصوا عنه من المعونة بمقدار ما يقصُر من نيته.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It is reported that the one who has debt upon him he intends to pay it, two protectors will be Nominated from Allah^{-azwj} to assist him upon the payment. If his intention is deficient, they are deficient from him in the assistance in accordance with whatever was deficient from his intention.¹⁵⁸

باب 4 إنظار المعسر و تحليله و أن على الوالي أداء دينه

CHAPTER 34 – RESPITING THE UNABLE AND RELEASING HIM, AND IT IS UPON THE GUARDIAN TO PAY OFF HIS DEBTS

1- فس، تفسير القمي أبي عن السكوني عن مالك بن صغيرة [مغيرة] عن حماد بن سلمة عن جُدعان عن سعيد بن المسيب عن عائشة أنها قالت سمعت رسول الله ص يقول ما من غريم ذهب بعريمه إلى والٍ من ولاية المسلمين و استتبان للوالي عُسرته إلا براً هذا المُعسر من دينه و صار دينه على والٍ المسلمين فيما في يده من أموال المسلمين.

(The book) 'Tafseer Al Qummi' – My father, from Al Sakuni, from Malik Bin Mugheira, from Hammad Bin Salama, from Jud'an, from Saeed Bin Al Musayyab, from Ayesha, she said,

'I heard Rasool-Allah^{-saww} saying: 'There is none from a debtor who goes with his creditor to a ruler from the Muslim authorities, and the ruler, clearly perceives his hardship, except that this debtor is absolved of his debt, and his debt becomes upon the Muslim ruler from the wealth of the Muslims in his possession''.¹⁵⁹

قال ص و من كان له على رجلٍ مالٌ أخذهُ و لم يُنفقه في إسرافٍ أو في معصيةٍ فعسرَ عليه أن يقضيه فعلى من له المال أن يُنظرهُ حتى يرزقه الله فيقضيه.

He^{-saww} said: 'And one who has money owed to him by a man and takes it without spending it in extravagance or sin, and then it becomes difficult for that man to repay it, it is upon the one who owns the money to grant him respite until Allah^{-azwj} Provides for him and he can repay it''.¹⁶⁰

و إذا كان الإمام العادل قائماً فعليه أن يقضي عنه دينه لقول رسول الله ص من ترك مالا فلو زنته و من ترك ديناً أو ضياعاً فعلي.

¹⁵⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 7

¹⁵⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 33 H 8

¹⁵⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 1 a

¹⁶⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 1 b

And if the just Imam^{-asws} is in power, it is upon him^{-asws} to pay off his debt, due to words of Rasool-Allah^{-saww}: 'Whoever leaves wealth, it belongs to his heirs, and whoever leaves debt or unresolved matters, they are upon me^{-saww!}'¹⁶¹

و على الإمام ما ضمنه الرسول و إن كان صاحب المال موسرا و تصدق بماله عليه أو تركه فهو خير له لقوله و أَنْ تَصَدَّقُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ.

And upon the Imam^{-asws} is whatever Rasool-Allah^{-saww} had guaranteed. If the creditor is wealthy and chooses to give his money as charity to the debtor or to waive it, then that is better for him, as Allah^{-azwj} Says: **and if you (write it off) as charity it would be better for you, if you were knowing [2:280].**

2- فس، تفسير القمي دَخَلَ رَجُلٌ عَلَى أَبِي عَبْدِ اللَّهِ فَقَالَ أَبُو عَبْدِ اللَّهِ مَا لِفُلَانٍ يَشْكُوكَ

(The book) 'Tafseer Al Qummi –

'A man entered to see Abu Abdullah^{-asws}. Abu Abdullah^{-asws} said: 'What is the matter so and so is complaining about you?'

قَالَ طَالَيْتُهُ بِحَقِّي

He said, 'I demanded my right!'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع وَ تَرَى أَنَّكَ إِذَا اسْتَفْضَيْتَ عَلَيْهِ لَمْ تُسِئْ بِهِ أَرَى الَّذِي حَكَى اللَّهُ عَزَّ وَ جَلَّ فِي قَوْلِهِ وَ يَخَافُونَ سُوءَ الْحِسَابِ يَخَافُونَ أَنْ يُجَوَّرَ اللَّهُ عَلَيْهِمْ وَ اللَّهُ مَا خَافُوا ذَلِكَ وَ لَكِنَّهُمْ خَافُوا الْإِسْتِفْضَاءَ فَسَمَّاهُ اللَّهُ سُوءَ الْحِسَابِ.

Abu Abdullah^{-asws} said: 'Abu Abdullah, peace be upon him, said: 'And are you viewing that if you demand (full) repayment from him, you are not doing him wrong? I^{-asws} see what Allah^{-azwj} Mighty and Majestic which Allah^{-azwj} Mighty and Majestic has Narrated in His^{-azwj} Words: **and are fearing the evil Reckoning [13:21].** Did they fear that Allah^{-azwj} would be tyrannous upon them? By Allah^{-azwj}, they did not fear that, but rather they feared the (full) Demanding. Allah^{-azwj} Named it as 'evil Reckoning'¹⁶².

3- جاء المجلس للمفيد ما، الأماي للشيخ الطوسي المفيد عن الجعافي عن ابن عمدة عن عبد الله بن جريش عن أحمد بن برد عن محمد بن جعفر عن أبيه جعفر بن محمد عن أبيه محمد بن علي عن أبي لبابة بن عبد المنذر أنه جاء يتقاضى أبا البشر دينا له عليه فسمعه يقول قولوا له ليس هو هنا

(The book) 'Majaalis' of Al Mufeed, (and) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed, from Al Jiany, from Ibn Uqdah, from Abdullah Bin Jareysh, from Ahmad Bin Burd,

'From Muhammad son of Ja'far^{-asws}, from his father^{-asws} Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father Muhammad^{-asws} Bin Ali^{-asws}, from Abu Lubaba Bin Abdul Munzar, He came to collect a debt from Abu Al-Bishr and heard someone say, 'Tell him he is not here!'

فَصَاحَ أَبُو لُبَابَةَ يَا أَبَا الْبِشْرِ الْخُرُجِ إِلَيَّ

¹⁶¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 1 c

¹⁶² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 2

Abu Lubabah shouted, 'O Abu Al Bishr, come out to me!'

فَخَرَجَ إِلَيْهِ فَقَالَ مَا حَمَلَكَ عَلَى هَذَا

He came out, and Abu Lubabah asked, 'What carried you upon (doing) this?'

فَقَالَ الْعُسْرُ يَا أَبَا لُبَابَةَ قَالَ اللَّهُ قَالَ اللَّهُ

He replied, 'Hardship, O Abu Lubabah! Allah^{-azwj} Said (such and such)! Allah^{-azwj} Said: 'Such and such)!''

قَالَ أَبُو لُبَابَةَ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ مَنْ أَحَبَّ أَنْ يَسْتَنْظَلَ مِنْ قَوْرِ جَهَنَّمَ

Abu Lubabah said, 'I heard Rasool-Allah^{-saww} saying: 'One who loves to be shaded from the fury of Hell. . . .'

فَقُلْنَا كُلُّنَا نُحِبُّ ذَلِكَ

We said, 'All of us would love that!'

قَالَ فَلْيُنْظَرْ عَرِيماً أَوْ لِيَدْعَ لِمُعْسِرٍ .

He said, 'So let him respite a debtor, or let him leave (forgive) the one in hardship''.¹⁶³

4 ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن محمد بن دليل بن بشر عن أحمد بن الوليد عن محمد بن جعفر مثله.

(The book) 'Al Amaali' of the sheykh Al Tusi – a group, from Abu Al Mufazzal, from Muhammad Bin Daleel Bin Bishr, from Ahmad Bin Al Waleed, from Muhammad son of Ja'far^{-asws}, similar to it.¹⁶⁴

5- ثواب الأعمال أبي عن الحميري عن ابن يزيد عن ابن محبوب عن حماد عن سدير عن أبي جعفر ع قال: يُبْعَثُ يَوْمَ الْقِيَامَةِ قَوْمٌ تَحْتَ ظِلِّ الْعَرْشِ وَوُجُوهُهُمْ مِنْ نُورٍ وَرِيَاشُهُمْ مِنْ نُورٍ جُلُوسٌ عَلَى كُرَاسِيٍّ مِنْ نُورٍ

(The book) 'Sawaab Al Amaal' – My father, from Al Himeyri, from Ibn Yazeed, from Ibn Mahboub, from Hammad Bin Sadeyr,

'From Abu Ja'far^{-asws} having said: 'A group will be Resurrected on the Day of Qiyamah beneath the shade of the Throne and their faces would be of Noor (Light), and their garments would be of Noor (Light), seated upon chairs of Noor'.

قَالَ فَتَشْرَفُ لَهُمُ الْخَلَائِقُ فَيَقُولُونَ هَؤُلَاءِ الْأَنْبِيَاءُ

He^{-asws} said: 'The creatures will look at them. They would say, 'They are Prophets^{-as}!'

¹⁶³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 3

¹⁶⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 4

فَيُنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ أَنْ لَيْسَ هَؤُلَاءِ بِأَنْبِيَاءَ

A caller will call out from beneath the Throne: ‘They aren’t Prophets^{as!}’

قَالَ فَيَقُولُونَ هَؤُلَاءِ شُهَدَاءُ

He^{asws} said: ‘They will say, ‘They are martyrs!’

فَيُنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ لَيْسَ هَؤُلَاءِ شُهَدَاءَ وَ لَكِنَّ هَؤُلَاءِ قَوْمٌ كَانُوا يُسَيِّرُونَ عَلَى الْمُؤْمِنِينَ وَ يُنْظِرُونَ الْمُعْسِرَ حَتَّى يُسَيَّرَ.

A caller will call out from beneath the Throne: ‘They aren’t martyrs, but they are a people who were facilitating upon the Momineen and they were respiting the one in hardship until ease!’¹⁶⁵

6- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدِ بْنِ أَبِي يَزِيدَ عَنْ ابْنِ أَبِي عَمْرٍو عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ إِنَّ لِعَبْدِ الرَّحْمَنِ بْنِ سَيَابَةَ دَيْنًا عَلَى رَجُلٍ قَدْ مَاتَ كَلَّمْنَاهُ أَنْ يُحِلَّهُ فَأَبَى

(The book) ‘Sawaab Al Amaal’ – My father, from Sa’ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Al Hameed who said,

‘I said to Abu Abdullah^{asws}, ‘For Abdul Rahman Bin Sayaba there was debt upon a man who had died. He had spoken to him to release him but he refused’.

فَقَالَ وَجْهٌ أَمَا يَعْلَمُ أَنَّ لَهُ بِكُلِّ دِرْهَمٍ عَشْرًا إِذَا حَلَّلَهُ وَ إِنْ لَمْ يُحِلَّهُ إِنَّمَا هُوَ دِرْهَمٌ بَدَلَ دِرْهَمٍ.

He^{asws} said: ‘Woe be to him! Does he not know that for every Dirham there would be ten for him when he releases him? And if he does not release him, but rather it is a Dirham in replacement of a Dirham’.¹⁶⁶

7- ضَا، فَفَهَ الرِّضَا عَلَيْهِ السَّلَامُ رُوِيَ أَنَّ صَاحِبَ الدَّيْنِ يُدْفَعُ إِلَى غُرْمَائِهِ فَإِنْ شَاءُوا أَخَذُوهُ وَ إِنْ شَاءُوا اسْتَعْمَلُوهُ وَ إِنْ كَانَ لَهُ صَيِّعَةٌ أُخِذَ مِنْهُ بَعْضُهَا وَ تَرَكَ الْبَعْضُ إِلَى مَيْسَرَةٍ.

(The book) ‘Fiqh Al-Reza^{asws}’, the greeting be upon him^{asws} – It is reported that the debtor will be handed over to his creditors, and if they wish, they may seize him, and if they wish, they may employ him. And if he owns a property, part of it will be taken from him and part will be left until he becomes able to repay’.¹⁶⁷

8- وَ رُوِيَ أَنَّهُ لَا تُبَاعُ الدَّارُ وَ لَا الْجَارِيَةُ عَلَيْهِ.

And it is reported neither the house nor the slave girl is to be sold from him.¹⁶⁸

¹⁶⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 5

¹⁶⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 6

¹⁶⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 7

¹⁶⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 8

9- وَ رُويَ مَنْ أَقْرَضَ قَرْضاً وَ ضَرَبَ لَهُ أَجَلاً فَلَمْ يُرِدْ إِلَيْهِ عِنْدَ انْقِضَاءِ الْأَجَلِ كَانَ لَهُ مِنَ الثَّوَابِ فِي كُلِّ يَوْمٍ مِثْلُ صَدَقَةِ دِينَارٍ .

And it is reported, ‘One who lends a loan and strikes a term for it, but he does not return it to him at the termination of the term, for him (lender) would be the Reward during every day, similar to having donated a Dinar’¹⁶⁹.

10- وَ رُويَ كَمَا لَا يَجِلُّ لِلْعَرِيمِ الْمَطْلُ وَ هُوَ مُوسِرٌ كَذَلِكَ لَا يَجِلُّ لِصَاحِبِ الْمَالِ أَنْ يُعْسِرَ الْمُعْسِرَ .

And it is reported, ‘Just as it is not Permissible for the debtor to delay if he is able, like that it is not Permissible for owner of the wealth to squeeze the unable’¹⁷⁰.

11- ضَا، فَقَهُ الرِّضَا عَلَيْهِ السَّلَامُ اعْلَمُ أَنَّ مَنْ اسْتَدَانَ دَيْناً وَ نَوَى قَضَاءَهُ فَهُوَ فِي أَمَانِ اللَّهِ حَتَّى يُقْضِيَهُ فَإِنْ لَمْ يَنْوِ قَضَاءَهُ فَهُوَ سَارِقٌ

(The book) ‘Fiqh Al-Reza^{-asws}’, the greeting be upon him^{-asws} – ‘Know that whoever takes on a debt intending to repay it, is under the Protection of Allah^{-azwj} until he repays it. But if he does not intend to repay it, then he is a thief.

فَاتَّقِ اللَّهَ وَ أَدِّ إِلَى مَنْ لَهُ عَلَيْكَ وَ ارْزُقْ بِمَنْ لَكَ عَلَيْهِ حَتَّى تَأْخُذَهُ مِنْهُ فِي عَفَافٍ وَ كِفَافٍ فَإِنْ كَانَ غَرِيمُكَ مُعْسِراً وَ كَانَ أَنْفَقَ مَا أَخَذَ مِنْكَ فِي طَاعَةِ اللَّهِ فَأَنْظِرْهُ إِلَى مَيْسَرَةٍ وَ هُوَ أَنْ يَبْلُغَ خَبْرَهُ إِلَى الْإِمَامِ فَيُقْضِيَ عَنْهُ أَوْ يَجِدَ الرَّجُلُ طَوْلاً فَيُقْضِيَ دَيْنَهُ

Therefore, fear Allah^{-azwj} and repay what you owe to those who have a right over you, and be gentle with those who owe you until you take it back from them in decency and sufficiency. If your debtor is in hardship and has spent what he took from you in obedience to Allah^{-azwj}, then give him time until ease comes, either until his situation reaches the Imam^{-asws}, who then repays on his behalf, or until the man gains the means and repays his debt.

وَ إِنْ كَانَ [مَا] أَنْفَقَ مَا أَخَذَهُ مِنْكَ فِي مُعْصِيَةِ اللَّهِ فَطَالِبُهُ بِحَقِّكَ فَلَيْسَ هُوَ مِنْ أَهْلِ هَذِهِ الْآيَةِ.

But if he spent what he took from you in disobedience to Allah^{-azwj}, then demand your right from him, for he is not among those included in this Verse!¹⁷¹

12- شي، تفسير العياشي عن معاوية بن عمارة الدهني قال سمعت أبا عبد الله ع يقول قال رسول الله ص من أراد أن يظله الله في ظل عرشه يوم لا ظل إلا ظله فليُنظر مُعْسِراً أَوْ لِيَدْعَ لَهُ عَنْ حَقِّهِ.

(The book) ‘Tafseer Al Ayyashi’ – From Muawiyah Bin Ammar Al Duhny who said,

‘I heard Abu Abdullah^{-asws} saying: ‘Rasool-Allah^{-saww} said: ‘One who wants that Allah^{-azwj} would Shade him in the Shade of His^{-azwj} Throne on a Day there will be no shade except His^{-azwj} Shade,

¹⁶⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 9

¹⁷⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 10

¹⁷¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 11

let him respite the unable (one in financial hardship), or let him leave (write-off) his right from him".¹⁷²

13- شي، تفسير العياشي عن أبي الجارود عن أبي جعفر ع قال قال رسول الله ص من سره أن يقينه من نفحات جهنم فليُنظر مُعسراً أو ليدع له من حقه.

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

'From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One whom it cheers to be saved from bursts of Hell, let him respite the one in hardship or let him leave his right from him".¹⁷³

14- شي، تفسير العياشي عن إسحاق بن عمارة قال: قلت لأبي عبد الله ع ما للرجل أن يتلغ من غيره

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

'I said to Abu Abdullah^{-asws}, 'What is for the man to pursue his debtor?'

قال لا يتلغ به شيئاً الله أنظره.

He^{-asws} said: 'Not go to extreme with him of anything! Allah^{-azwj} has Respited him".¹⁷⁴

15- شي، تفسير العياشي عن أبان عمم أخبره عن أبي عبد الله ع قال: قال رسول الله ص في يوم حار من سره أن يظله الله في يوم لا ظل إلا ظله فليُنظر غريباً أو ليدع لمُعسر.

(The book) 'Tafseer Al Ayyashi' – From Aban, from the one who informed him,

'From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said during a day of heat: 'One whom it cheers that Allah^{-azwj} would Shade him during a Day there will be not shade except His^{-azwj} Shade, let him respite a debtor or let him leave one in hardship".¹⁷⁵

16- شي، تفسير العياشي عن حنان بن سدير عن أبيه عن أبي جعفر ع قال: يبعث الله قوماً من تحت العرش يوم القيامة وجوههم من نور و لباسهم من نور و ريشهم من نور جلوس على كراسي من نور

(The book) 'Tafseer Al Ayyashi' – From Hanan Bin Sadeyr, from his father,

'From Abu Ja'far^{-asws} having said: 'Allah^{-azwj} will Resurrect a people from beneath the Throne on the Day of Qiyamah. Their faces will be of Noor, and their clothing will be of Noor, and their adornments will be of Noor. They will be seated upon chairs of Noor (light)'.¹⁷⁵

قال فيشرّف لهم الخلق فيقولون هؤلاء الأنبياء

¹⁷² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 12

¹⁷³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 13

¹⁷⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 14

¹⁷⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 15

He^{-asws} said: ‘The creatures will look at them. They will say, ‘They are Prophets^{-as}!’

فَيَنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ هَؤُلَاءِ لَيْسُوا بِأَنْبِيَاءَ

A caller will call out from beneath the Throne: ‘They aren’t Prophets^{-as}!’”

قَالَ فَيَقُولُونَ هَؤُلَاءِ شُهَدَاءُ

He^{-asws} said: ‘They are martyrs!’”

قَالَ فَيَنَادِي مُنَادٍ مِنْ تَحْتِ الْعَرْشِ لَيْسَ هَؤُلَاءِ شُهَدَاءَ وَ لَكِنْ هَؤُلَاءِ قَوْمٌ يُبْسِرُونَ عَلَى الْمُؤْمِنِينَ وَ يُنْظِرُونَ الْمُعْسِرَ حَتَّى يُبْسِرَ .

He^{-asws} said: ‘A caller will call out from beneath the Throne: ‘They aren’t martyrs, but they are a people who were facilitating upon the Momineen and respiting the one in hardship until he was in ease.’¹⁷⁶

17- شي، تفسير العياشي عن ابن سنان عن أبي حمزة قال: ثلاثة يُظْلَهُمُ اللهُ يَوْمَ الْقِيَامَةِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ رَجُلٌ دَعَتْهُ امْرَأَةٌ ذَاتُ حَسَبٍ إِلَى نَفْسِهَا فَتَرَكَهَا وَ قَالَ إِيَّيْ أَخَافُ اللهُ رَبَّ الْعَالَمِينَ وَ رَجُلٌ أَنْظَرَ مُعْسِرًا أَوْ تَرَكَ لَهُ مِنْ حَقِّهِ وَ رَجُلٌ مُعَلَّقٌ قَلْبُهُ بِحُبِّ الْمَسَاجِدِ

(The book) ‘Tafseer Al Ayyashi’ – From Ibn Sinan, from Abu Hamza who said,

‘Three, Allah^{-azwj} will Shade them on the Day of Qiyamah, a Day there will be no shade except His^{-azwj} Shade – a man invited by a woman of good lineage to herself, but he neglects her and says, ‘I fear Allah^{-azwj} Lord^{-azwj} of the worlds!’; a man who respites one in hardship, or leaves his rights from him; and a man whose heart is attached with love of the Masjids!

وَ أَنْ تَصَدَّقُوا خَيْرٌ لَكُمْ بِعَيْنِي أَنْ تَصَدَّقُوا بِمَالِكُمْ عَلَيْهِ فَهُوَ خَيْرٌ لَكُمْ فَلْيَدْعُ مُعْسِرًا أَوْ لِيَدْعُ لَهُ مِنْ حَقِّهِ نَظْرًا.

And if you (write it off) as charity it would be better for you [2:280] – meaning, if you were to donate your wealth to him, it is better for you. So let him leave the one in hardship, or let him leave his right for him as respite’¹⁷⁷.

قَالَ أَبُو عَبْدِ اللَّهِ ع قَالَ رَسُولُ اللَّهِ ص مَنْ أَنْظَرَ مُعْسِرًا كَانَ لَهُ عَلَى اللَّهِ فِي كُلِّ يَوْمٍ صَدَقَةٌ بِمِثْلِ مَا لَهُ عَلَيْهِ حَتَّى يَسْتَوْفِيَ حَقَّهُ.

Abu Abdullah^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘One who respites one in hardship, there would be donation of charity for him to Allah^{-azwj} during every day similar to what is for him upon him until he fulfils his right’¹⁷⁸.

¹⁷⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 16

¹⁷⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 17 a

¹⁷⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 17 b

18- شي، تفسير العياشي عن عمر بن سليمان عن رجل من أهل الجزيرة قال: سئل الرضا ع فقال له جعلت فداك إن الله تبارك و تعالى يقول فَنظِرَةٌ إِلَى مَيْسَرَةٍ فَأَخْبِرْنِي عَنْ هَذِهِ النَّظِرَةِ الَّتِي ذَكَرَهَا اللَّهُ لَهَا حَدٌّ يُعْرَفُ إِذَا صَارَ هَذَا الْمُعْسِرُ لَا بُدَّ لَهُ مِنْ أَنْ يُنْتَظَرَ وَ قَدْ أَخَذَ مَالَ هَذَا الرَّجُلِ وَ أَنْفَقَ عَلَى عِيَالِهِ وَ لَيْسَ لَهُ غَلَّةٌ يُنْتَظَرُ إِدْرَاكُهَا وَ لَا دَيْنٌ يُنْتَظَرُ مَحَلُّهُ وَ لَا مَالٌ غَائِبٌ يُنْتَظَرُ قُدُومُهُ

(The book) 'Tafseer Al Ayyashi' – From Umar Bin Suleyman, from a man from the people of Al Jazeera who said,

'Al-Reza^{-asws} was asked, 'May I be sacrificed for you^{-asws}! Allah^{-azwj} Blessed and Exalted Saying: **so (let there be) postponement until ease [2:280]**. Inform me about this postponement (respite) which Allah^{-azwj} has Mentioned. Is there a known limit for it when this one in hardship come to be, there is no escape for him from respiting, and this man has taken wealth of this man and spent it upon his dependants, and there isn't any yield for him he can await its realisation, nor any debt he is awaiting its release, nor any absent wealth he is awaiting its arrival?'

قَالَ نَعَمْ يُنْتَظَرُ بِقَدْرِ مَا يَنْتَهِي خَبْرُهُ إِلَى الْإِمَامِ فَيَقْضِي عَنْهُ مَا عَلَيْهِ مِنْ سَهْمِ الْعَارِمِينَ إِذَا كَانَ أَنْفَقَهُ فِي طَاعَةِ اللَّهِ فَإِنْ كَانَ أَنْفَقَهُ فِي مَعْصِيَةِ اللَّهِ فَلَا شَيْءَ لَهُ عَلَى الْإِمَامِ

He^{-asws} said: 'Yes. He should wait until news of his situation reaches the Imam^{-asws}, who will then repay his debt from the share allocated for debtors, if he had spent it in obedience to Allah^{-azwj}. But if he had spent it in disobedience to Allah^{-azwj}, then is nothing for him upon the Imam^{-asws}'.

قُلْتُ فَمَا لِهَذَا الرَّجُلِ الَّذِي اتَّيَمَّنَهُ وَ هُوَ لَا يَعْلَمُ فِيْمَ أَنْفَقَهُ فِي طَاعَةِ اللَّهِ أَوْ مَعْصِيَتِهِ

I said, 'What about the person who trusted him, not knowing whether he spent it in obedience or disobedience to Allah^{-azwj}?'

قَالَ يَسْعَى لَهُ فِيمَا لَهُ فَيُرُدُّهُ وَ هُوَ صَاحِبُهُ.

He^{-asws} said: 'He must pursue what is owed to him and have it returned to him, and the debtor will return it and he would be belittled'¹⁷⁹.

19- سر، السرائر السيارى عن هشام بن محمود قال: دخل رجل على أبي عبد الله ع فقال له ما بال أخيك يشكوك

(The book) 'Al Saraair' of Al Sayyari – From Hisham Bin Mahmoud who said,

'A man entered to see Abu Abdullah^{-asws}. He^{-asws} said to him: 'What is the matter your brother is complaining about you?'

قَالَ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ ص يَشْكُونِي أَنِّي اسْتَفْصَيْتُ عَلَيْهِ حَقِّي

He (the narrator) said, 'He said, 'O son^{-asws} of Rasool-Allah^{-saww}! He is complaining of me that I demanded my right upon him!'

قَالَ وَكَانَ مُتَّكِبًا فَاسْتَوَى جَالِسًا ثُمَّ قَالَ تَرَى أَنَّكَ إِذَا اسْتَقْصَيْتَ حَقَّكَ لَمْ تُسِئْ إِنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ فِي كِتَابِهِ يَخْشَوْنَ رَبَّهُمْ وَيَخَافُونَ سُوءَ الْحِسَابِ أ

He (the narrator) said, 'He^{-asws} was leaning, so he^{-asws} sat up straight, then said: 'You are viewing that when you demand your (full) right you are not doing anything wrong? Allah^{-azwj} Mighty and Majestic Says in His^{-azwj} Book: **and are in awe of their Lord and are fearing the evil Reckoning [13:21].**

تَرَاهُمْ خَافُوا مِنَ اللَّهِ أَنْ يَظْلِمَهُمْ لَا وَاللَّهِ وَكَانَهُمْ خَافُوا مِنْهُ أَنْ يَسْتَقْصِي عَلَيْهِمْ فَيُهْلِكَهُمْ نَعَمْ مِنْ اسْتَقْصَى فَقَدْ أَسَاءَ ثَلَاثًا.

Do you view they are fearing from Allah^{-azwj} that He^{-azwj} might be unjust to them? No, by Allah^{-azwj}! But, they are fearing from Him^{-azwj} that He^{-azwj} would Demand (full right) from them, so they will be destroyed! Yes, One who thoroughly investigates, he has done wrong! (thrice)".¹⁸⁰

20- وَجَدْتُ بِحَظِّ الشَّيْخِ الْجَلِيلِ مُحَمَّدِ بْنِ عَلِيِّ الْمُبْتَعِيِّ رَحِمَهُ اللَّهُ عَلَيْهِ نَقْلًا مِنْ حَظِّ الشَّهِيدِ رَفَعَ اللَّهُ دَرَجَتَهُ قَالَ: مَرَّ أَبُو عَبْدِ اللَّهِ عَ بِرَجُلٍ قَدِ ارْتَفَعَ صَوْتُهُ عَلَى رَجُلٍ يَمْتَضِيهِ شَيْئًا يَسِيرًا فَقَالَ بِكُمْ تُطَالِيَهُ

I found in the handwriting of the majestic sheykh Muhammad Bin Ali Al-Kubaie, may Allah^{-azwj} Mercy him, copying from the handwriting of Al-Shaheed, may Allah^{-azwj} Raise his rank, who said,

'Abu Abdullah^{-asws} passed by a man who was raising his voice at a man to demand something little. He^{-asws} said: 'How much are you demanding from him?'

فَذَكَرَ مَبْلَغَهُ فَقَالَ عَ يَكْفِيكَ أَنَّهُ كَانَ يُقَالُ لَا دِينَ لِمَنْ لَا مُرُوءَةَ لَهُ.

He mentioned its extent. He^{-asws} said: 'It should suffice you that it has been said, 'There is no religion for the one having no chivalry (strong and reliable) for him".¹⁸¹

21- أَغْلَامُ الدِّينِ، قَالَ النَّبِيُّ صَ مَنْ سَرَّهُ أَنْ يُنْفَسَ اللَّهُ كُرْبَتَهُ فَلْيَبْسُرْ عَلَى مُؤْمِنٍ مُعْسِرٍ أَوْ فَلْيَدَعْ لَهُ فَإِنَّ اللَّهَ تَعَالَى يُحِبُّ إِعَاثَةَ الْمَلْهُوفِ.

A'Iam Al Deen' –

'The Prophet^{-saww} said: 'One whom it cheers that Allah^{-azwj} relieves his distress, let him be easy upon the Momin in hardship, or let him leave (the debt) for him, for Allah^{-azwj} the Exalted Loves helping the distressed.¹⁸²

¹⁸⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 19

¹⁸¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 20

¹⁸² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 21

22- وَعَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ع مَنْ يَسَّرَ عَلَى مُؤْمِنٍ وَهُوَ مُعْسِرٌ يَسَّرَ اللَّهُ عَلَيْهِ حَوَائِجَهُ فِي الدُّنْيَا وَالْآخِرَةِ فَإِنَّ اللَّهَ عَزَّ وَجَلَّ فِي عَوْنِ الْمُؤْمِنِ مَا كَانَ الْمُؤْمِنُ فِي عَوْنِ أَخِيهِ الْمُؤْمِنِ اتَّفَعُوا بِالْعِظَةِ وَارْعَبُوا فِي الْخَيْرِ .

And from Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘One who eases upon a Momin while he is in hardship, Allah^{-azwj} will Ease his needs upon him in the world and the Hereafter, for Allah^{-azwj} is in Assistance of the Momin for as long as he was in assistance of his Momin brother’. Benefit with the preaching and be desirous of the good (deeds)!’¹⁸³

23- الْهُدَايَةُ، مَنْ اسْتَدَانَ دَيْنًا وَ نَوَى قَضَاءَهُ فَهُوَ فِي أَمَانِ اللَّهِ عَزَّ وَجَلَّ حَتَّى يَقْضِيَهُ فَإِنْ لَمْ يَنْوِ فَهُوَ سَارِقٌ .

(The book) ‘Al Hidayah’ – One who incurs a debt and intends to pay it back, he is in the Security of Allah^{-azwj} Mighty and Majestic until he pays it off. If he does not intend to, he is a thief!’¹⁸⁴

24- وَقَالَ الصَّادِقُ ع إِنَّ اللَّهَ عَزَّ وَجَلَّ يُجِبُّ إِنْظَارَ الْمُعْسِرِ وَ مَنْ كَانَ عَرِيضَةً مُعْسِرًا فَعَلَيْهِ أَنْ يُنْظِرَهُ إِلَى مَيْسَرَةٍ وَإِنْ كَانَ أَنْتَفَقَ ذَلِكَ فِي مَعْصِيَةِ اللَّهِ فَلَيْسَ عَلَيْهِ أَنْ يُنْظِرَهُ إِلَى مَيْسَرَةٍ وَ لَيْسَ هُوَ مِنْ أَهْلِ الْآيَةِ الَّتِي قَالَ اللَّهُ عَزَّ وَجَلَّ فَتَنْظِرُهُ إِلَى مَيْسَرَةٍ .

And Al-Sadiq^{-asws} said: ‘Allah^{-azwj} Mighty and Majestic Loves respiting the one in hardship, and the one whose debtor was in hardship, upon him is to respite him up to his ease, and if had spent that in disobedience of Allah^{-azwj}, it isn’t upon him to respite him up to ease, and he isn’t the one rightful of the Verse which Allah^{-azwj} Mighty and Majestic Said: **so (let there be) postponement until ease [2:280]**’.¹⁸⁵

25- كِتَابُ الْغَايَاتِ، عَنْ جَابِرٍ أَنَّ النَّبِيَّ ص خَطَبَ النَّاسَ فَقَالَ بَعْدَ حَمْدِ اللَّهِ وَ النَّعَاءِ عَلَيْهِ أَمَّا بَعْدُ فَإِنَّ أَصْدَقَ الْحَدِيثِ كِتَابُ اللَّهِ وَ إِنَّ أَفْضَلَ الْهُدْيِ هَدْيِي مُحَمَّدٍ وَ شَرَّ الْأُمُورِ مُحْدَثَاتُهَا وَ كُلَّ بَدْعَةٍ ضَلَالَةٌ

(The book) ‘Kitab Al Ghayaat’ –

‘From Jabir, ‘The Prophet^{-saww} addressed the people. He^{-saww} said after praise of Allah^{-azwj} and the laudation upon Him^{-azwj}: ‘As for after! The most truthful of the Hadeeth (narration) is the Book of Allah^{-azwj}, and the most superior of the guidance is the guidance of Muhammad^{-saww}, and the worst of matters is their innovations, and every innovation is a straying!’

ثُمَّ رَفَعَ صَوْتَهُ وَ تَحَمَّرُ وَجْنَتَاهُ وَ يَشْتَدُّ غَضَبُهُ إِذَا ذَكَرَ السَّاعَةَ كَأَنَّهُ مُنْذِرٌ جَيْشٍ ثُمَّ يَقُولُ بُعِثْتُ وَ السَّاعَةُ كَهَاتَيْنِ

Then he^{-saww} raised his^{-saww} voice and his^{-saww} cheeks reddened, and his anger intensified as it would whenever he^{-saww} mentioned the Hour, as if he^{-saww} was awaiting an (invading) army. Then he^{-saww} said: ‘I^{-saww} and the Hour have been Sent like these two!’ (holding his^{-as} two fingers sticking together).

ثُمَّ يَقُولُ أَنْتَكُمُ السَّاعَةُ مُصْبِحَكُمْ أَوْ مُسَاكُمُ مَنْ تَرَكَ مَالًا فَلْيُورَثْهُ وَ مَنْ تَرَكَ دَيْنًا أَوْ ضَيْعًا فَلْيَلِّ أَوْ عَلَيَّ .

¹⁸³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 22

¹⁸⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 23

¹⁸⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 24

Then he^{-saww} said: ‘The Hour shall come to you in your morning or your evening! One who leaves wealth, it is for his inheritors, and one who leaves debts or estate, it is to me, or Ali^{-asws}’¹⁸⁶

باب 35 آداب الدين و أحكامه

CHAPTER 35 – ETIQUETTES OF THE DEBTS AND ITS RULINGS

1- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قال: قال قضى علي ع في رجل مات و ترك ورثة فأقر أحد الورثة بدين على أبيه قال يلزمه في حصته بقدر ما ورث و لا يكون ذلك في ماله كله

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari –

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘Ali^{-asws} judged regarding a man who died and left an inheritance. One of the inheritors acknowledged of a debt upon his father. He^{-asws} said: ‘That heir is bound to pay the debt from his share according to what he inherited, and it is not to be taken from the entire estate.

و إن أقر اثنان من الورثة و كانا عذولاً أُجبر ذلك على الورثة و إن لم يكونا عذولاً ألزما في حصتهما بقدر ما ورثا و كذلك إن أقر بعض الورثة بأخ أو أخت إنما يلزمه في حصته

If two of the heirs acknowledge the debt and they are trustworthy, then it is accepted and applies to all the heirs. But if they are not trustworthy, they are held accountable for the debt only in proportion to their own shares. Like that, if some of the heirs acknowledge a brother or sister, that only obliges him within his own share.

قال و قال علي ع من أقر لأخيه فهو شريك في المال و لا يثبت نسبه فإن أقر له اثنان فكذلك إلا أن يكونا عدلين فيلحق بنسبه و يضرب في الميراث معهم.

He (the narrator) said, ‘And Ali^{-asws} said: ‘One who acknowledges for his brother shares the inheritance with him, but the lineage is not established. If two acknowledge him, then the same applies, unless they are both trustworthy, in which case his lineage is affirmed, and he shares the inheritance with them’¹⁸⁷.

2- ب، قرب الإسناد علي عن أخيه ع قال: سألت عن رجلين اشترا في السلم أ يصلح لهما أن يقتسما قبل أن يقبضا

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim^{-asws}), said, ‘I asked him^{-asws} about two men participating in the ‘Salam’ deal, ‘Is it correct for them to divide it before they take possession?’

قال لا بأس

¹⁸⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 34 H 25

¹⁸⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 1

He^{-asws} said: ‘There is no problem’.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ الْمُخَوِّدِ أَيْحَدُهُ مِثْلُ مَا يَجْحَدُ

He said, ‘And I asked him^{-asws} about the man, the denier (of debt), ‘Is it Permissible to deny him like what he denies?’

قَالَ نَعَمْ وَ لَا يَزِيدَا.

He^{-asws} said: ‘Yes, and not more’¹⁸⁸.

3- ع، علل الشرائع أَبِي عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنْ إِبْرَاهِيمَ بْنِ الْهَيْثَمِ عَنِ النَّضْرِ بْنِ رَجُلٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تُبَاعُ الدَّارُ وَ لَا الْجَارِيَةُ فِي الدَّيْنِ وَ ذَلِكَ أَنَّهُ لَا بُدَّ لِلرَّجُلِ الْمُسْلِمِ مِنْ ظِلِّ يَسْكُنُهُ وَ خَادِمٍ يَخْدُمُهُ.

(The book) ‘Ilal Al Sharaie’ – My father, from Sa’ad, from Ibrahim Bin Hashim, from Ibrahim Bin Al Haysam, from Al Nazr, from a man, from Al Halby,

‘From Abu Abdullah^{-asws} having said: ‘Neither (force) sell the house (of a debtor) nor the slave girl regarding the debt, and that is because there is no escape for the Muslim man from a shade he settles in, and a servant serving him’¹⁸⁹.

4- ع، علل الشرائع ابْنُ الْوَلِيدِ عَنْ عَلِيِّ بْنِ أَبِيهِ قَالَ: كَانَ ابْنُ أَبِي عُمَيْرٍ رَجُلًا بَرَّازًا وَ كَانَ لَهُ عَلَى رَجُلٍ عَشْرَةُ آلَافٍ دِرْهَمٍ فَذَهَبَ مَالُهُ وَ افْتَقَرَ فَجَاءَ الرَّجُلُ فَبَاعَ دَارًا لَهُ بِعَشْرَةِ آلَافٍ دِرْهَمٍ وَ حَمَلَهَا إِلَيْهِ فَدَقَّ عَلَيْهِ الْبَابَ فَخَرَجَ إِلَيْهِ مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ فَقَالَ لَهُ الرَّجُلُ هَذَا مَالُكَ الَّذِي لَكَ عَلَيَّ فَخُذْهُ

(The book) ‘Ilal Al Sharaie’ – Ibn Al Waleed, from Ali, from his father who said,

‘Ibn Abu Umeyr was a garment merchant, and there were a thousand Dirhams for him upon a man. His wealth was gone and he was impoverished. The man came and sold a house of his for ten thousand Dirham and carried it to him. He knocked the door upon him. Muhammad Bin Abu Umeyr came out to him. The man said to him, ‘This is your wealth which is for you, upon me, so take it!’

فَقَالَ ابْنُ أَبِي عُمَيْرٍ فَمِنْ أَيْنَ لَكَ هَذَا الْمَالُ وَرَبَّتُهُ

Ibn Abu Umeyr said, ‘From where came this wealth for you? Did you inherit it?’

قَالَ لَا

He said, ‘No’.

قَالَ وَهَبَ لَكَ

He said, ‘Was it gifted to you?’

¹⁸⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 2

¹⁸⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 3

قَالَ لَا وَ لَكَيْتِي بَعْتُ دَارِي الْأَلَايِي لِأُفْضِي دَنِي

He said, 'No, but I sold my such and such house to pay off my debts'.

فَقَالَ ابْنُ أَبِي عُمَيْرٍ حَدَّثَنِي ذَرِيحُ الْمُحَارِبِيُّ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ لَا يُجْرَجُ الرَّجُلُ عَنْ مَسْقَطِ رَأْسِهِ بِالذَّيْنِ إِذْ فَعَهَا فَلَا حَاجَةَ لِي فِيهَا وَ اللَّهُ إِنِّي مُخْتَارٌ فِي وَفِّي هَذَا إِلَى دِرْهَمٍ وَ مَا يَدْخُلُ مِنْهَا دِرْهَمٌ.

Ibn Abu Umeyr said, 'It is narrated to me by Zareeh Al-Muhariby, from Abu Abdullah^{-asws} that he^{-asws} said: 'Do not expel the man from his home for a debt'. Raise it (take it away), for there is no need for me regarding it! By Allah^{-azwj}, I am in no need, at this time of mine to a single Dirham, and no Dirham from it will enter into my ownership!'"¹⁹⁰

5 ختص، الإختصاص أبو غالب الزُّرَّارِيُّ عَنْ مُحَمَّدِ بْنِ الْمُحَسِّنِ السَّجَّادِ عَنْ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ مِثْلَهُ.

(The book) 'Al Ikhtisaas' – Abu Khalib Al Zurary, from Muhammad Bin Al Muhassin Al Sajjad, from Ali Bin Ibrahim, from his father, similar to it.¹⁹¹

6- ضا، فقه الرضا عليه السلام إِنْ كَانَ لَكَ عَلَى رَجُلٍ حَقٌّ فَوَجَدْتَهُ بِمَكَّةَ أَوْ فِي الْحَرَمِ فَلَا تُطَالِبُهُ وَ لَا تُسَلِّمَ عَلَيْهِ فُتُغِرَّعُهُ إِلَّا أَنْ تَكُونَ أَعْطَيْتَهُ حَقَّكَ فِي الْحَرَمِ فَلَا بَأْسَ أَنْ تُطَالِبَهُ فِي الْحَرَمِ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'If there was a right for you upon a man and you find him at Makkah, or in the Sanctuary, do not demand it, and do not greet unto him for you will panic him, except if you had given him your right in the Sanctuary, so there would be no problem in demanding it in the Sanctuary'".¹⁹²

7- وَ إِذَا كَانَ عَلَى رَجُلٍ دَيْنٌ إِلَى أَجَلٍ فَإِذَا مَاتَ الرَّجُلُ قَعَّدَ حَلَّ الدَّيْنِ.

And when there was a debt upon a man to a term, when the man dies (before it), the debt becomes due.¹⁹³

8- وَ إِذَا مَاتَ رَجُلٌ وَ لَهُ دَيْنٌ عَلَى رَجُلٍ فَإِنْ أَحَدَهُ وَارِثُهُ مِنْهُ فَهُوَ لَهُ وَ إِنْ لَمْ يُعْطِ بِهِ فَهُوَ لِلْمَيِّتِ فِي الْآخِرَةِ.

And when a man dies and there is a debt for him upon a man, so if his inheritors take it from him, it is for him, and if he (borrower) does not give it, it is for the deceased in the Hereafter.¹⁹⁴

9- وَ إِذَا مَاتَ رَجُلٌ وَ عَلَيْهِ دَيْنٌ وَ لَمْ يَكُنْ لَهُ إِلَّا قَدْرٌ مَا يُكْفَى بِهِ كُفِّنَ بِهِ فَإِنْ تَمَّصَّلَ عَلَيْهِ رَجُلٌ بِكُفْنٍ كُفِّنَ بِهِ وَ يُفْضَى بِمَا تَرَكَ دَيْنُهُ.

And when a man dies and there is debt upon him and possesses nothing except what is sufficient for his shroud, he is to be shrouded with it. But if another man donates a shroud for

¹⁹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 4

¹⁹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 5

¹⁹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 6

¹⁹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 7

¹⁹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 8

him, then he is to be shrouded with that, and whatever he left behind is used to repay his debt.

وَ إِذَا مَاتَ رَجُلٌ وَ عَلَيْهِ دَيْنٌ وَ لَمْ يُخَلِّفْ شَيْئاً فَكَفَّنَهُ رَجُلٌ مِنْ زَكَاةِ مَالِهِ فَهُوَ جَائِزٌ لَهُ فَإِنْ أُنْجِرَ عَلَيْهِ رَجُلٌ آخَرَ بِكَفْنٍ يُكْفَنُ مِنَ الزَّكَاةِ وَ جَعَلَ الَّذِي أُنْجِرَ عَلَيْهِ لَوْرَثَتِهِ يُصَلِّحُونَ بِهِ حَالَهُمْ لِأَنَّ هَذَا لَيْسَ بِتَرْكَةِ الْمَيِّتِ إِنَّمَا هُوَ شَيْءٌ صَارَ إِلَيْهِمْ بَعْدَ مَوْتِهِ وَ بِاللَّهِ الْإِغْتِصَامُ.

And if a man dies owing a debt and leaves behind nothing, and another man provides a shroud for him from his Zakat money, it is Permissible for him. If another man had already arranged for a shroud, then the shroud can be taken from the Zakat, and what the first man had arranged is given to the heirs so they may use it to improve their situation. This is because it is not considered part of the deceased's estate, and rather, it is something that came to them after his death. And with Allah^{-azwj} is the adherence.¹⁹⁵

[باب 6 الربا في الدين زائدا على ما مر في باب الربا و أحكامه](#)

CHAPTER 36 – THE USURY IN THE DEBT, ADDITIONAL TO WHAT HAS PASSED IN THE CHAPTER ON USURY AND ITS RULINGS

1- فس، تفسير القمي عن الأصهبائي عن المنقري عن حفصي قال قال أبو عبد الله ع الربا رباءان أحدهما حلال و الآخر حرام فأما الحلال فهو أن يُقرض الرجل أخاه قرضاً طمعاً أن يريده و يُعوضه بأكثر مما يأخذه بلا شرط بينهما فإن أعطاه أكثر مما أخذه من غير شرط بينهما فهو مباح له و ليس له عند الله ثواب فيما أقرضه و هو قوله فلا يربوا عند الله

(The book) 'Tafseer al Qummi' – From Al Asbahani, from Al Munqari, from Hafs who said,

'Abu Abdullah^{-asws} said: 'The usury is of two types – one of these is lawful and the other is unlawful. As for the lawful, it is the man lending a loan to his brother coveting that he increases it and compensates him with more than what he had taken, without any stipulated condition between them. If he gives him more, he takes it from without any condition (attached), it is legal for him and there isn't any Reward for him regarding what he had lent him, and it is His^{-azwj} Word: **it would not increase in the Presence of Allah [30:39]**.

و أما الحرام فالرجل يُقرض قرضاً بشرط أن يرد أكثر مما أخذ فهذا هو الحرام.

And as for the unlawful, the man lends a loan with a condition that he return more than what he takes. This, is the unlawful"¹⁹⁶.

2- ب، قرب الإسناد علي عن أخيه قال: سأله عن رجل أعطى رجلاً مائة درهم على أن يُعطيه خمسة دراهم أو أكثر أو أقل قال هذا الربا المحض.

(The book) 'Qurb Al Isnaad' –

¹⁹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 35 H 9

¹⁹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 1

'Ali, from his brother (Al-Kazim^{-asws}), 'I asked him about a man who gives one hundred Dirhams to a man upon (the condition that) he would give him five Dirhams, or more or less (in addition to the original amount). He^{-asws} said: 'This is pure usury'.¹⁹⁷

3- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ أُعْطِيَ عَبْدَهُ عَشْرَةَ دَرَاهِمَ عَلَى أَنْ يُؤَدِّيَ إِلَيْهِ الْعَبْدُ كُلَّ شَهْرٍ عَشْرَةَ دَرَاهِمَ فَيَجِلُّ ذَلِكَ قَالَ لَا بَأْسَ.

And I asked him^{-asws} about a man who gives ten Dirhams to his slave upon (a condition) that he gives him ten Dirhams every month (until the original amount is fully paid), 'Is that Permissible?' He^{-asws} said: 'There is no problem.'¹⁹⁸

4- ب، قرب الإسناد ابن طريف عن ابن علقمان عن الصادق عن أبيه ع قال: جاء إلى النبي ص سائل يسأله فقال رسول الله ص هل من رجل عنده سلف

(The book) 'Qurb Al Isnaad' – Ibn Tareyf, from Ibn Ulwan,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'A beggar came to the Prophet^{-saww} to beg him^{-saww}. Rasool-Allah^{-saww} said: 'Is there any man who has any advance (loan to offer)?'

فَقَامَ رَجُلٌ مِنَ الْأَنْصَارِ مِنْ بَنِي الْجَبَلِيِّ فَقَالَ عِنْدِي يَا رَسُولَ اللَّهِ ص

A man from the Helpers from the clan of Al-Jabali stood up. He said, 'There is with me, O Rasool-Allah^{-saww}!'

قَالَ فَأَعْطِ هَذَا السَّنَائِلَ أَرْبَعَةَ أَوْسَاقٍ تَمْرٍ

He^{-saww} said: 'Give this beggar four Wasqs (one Wasq = 130 kg) of dates!'

قَالَ فَأَعْطَاهُ

He^{-asws} said: 'He gave it'.

قَالَ ثُمَّ جَاءَ الْأَنْصَارِيُّ بَعْدُ إِلَى النَّبِيِّ ص يَتَقَاضَاهُ فَقَالَ لَهُ يَكُونُ إِنْ شَاءَ اللَّهُ

He^{-asws} said: 'Then afterwards the Helper came to the Prophet^{-saww} demanding it. He^{-saww} said: 'It will happen, if Allah^{-azwj} so Desires!'

ثُمَّ عَادَ إِلَيْهِ الثَّانِيَةَ فَقَالَ لَهُ يَكُونُ إِنْ شَاءَ اللَّهُ

Then he returned to him^{-saww} a second time. He^{-saww} said to him: 'It will happen, if Allah^{-azwj} so Desires'.

ثُمَّ عَادَ إِلَيْهِ الثَّلَاثَةَ فَقَالَ يَكُونُ إِنْ شَاءَ اللَّهُ

¹⁹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 2

¹⁹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 3

Then he returned to him for the third time. He^{-saww} said: 'It will happen, if Allah^{-azwj} so Desires'.

فَقَالَ قَدْ أَكْثَرْتَ يَا رَسُولَ اللَّهِ مِنْ قَوْلِ يَكُونُ إِنْ شَاءَ اللَّهُ

He said, 'O Rasool-Allah^{-azwj}! It has become too much, the word: 'It will happen, if Allah^{-azwj} so Desires'!

قَالَ فَضَحِكَ رَسُولُ اللَّهِ ص فَقَالَ هَلْ مِنْ رَجُلٍ عِنْدَهُ سَلْفٌ

He^{-asws} said: 'Rasool-Allah^{-saww} smiled. He^{-saww} said: 'Is there any man having any advance (loan) to offer?'

قَالَ فَقَامَ رَجُلٌ فَقَالَ لَهُ عِنْدِي يَا رَسُولَ اللَّهِ ص

He^{-asws} said: 'A man stood up. He said to him^{-saww}, 'With me, O Rasool-Allah^{-saww}!'

قَالَ وَكَمْ عِنْدَكَ

He^{-saww} said: 'And how much is there with you?'

قَالَ مَا شِئْتُ

He said, 'Whatever you^{-saww} like'.

قَالَ فَأَعْطِي هَذَا ثَمَانِيَةَ أَوْسُقٍ مِنْ تَمْرٍ

He^{-saww} said: 'Give this one eight Wasqs of dates!'

فَقَالَ الْأَنْصَارِيُّ إِنَّمَا لِي أَرْبَعَةٌ يَا رَسُولَ اللَّهِ ص

The Helper said, 'But rather, for me there are (only) four, O Rasool-Allah^{-saww}!'

قَالَ رَسُولُ اللَّهِ ص وَ أَرْبَعَةٌ أَيْضًا.

Rasool-Allah^{-saww} said: 'And four as well!'¹⁹⁹

5- ضا، فقه الرضا عليه السلام أُرْوِي أَنَّهُ سُئِلَ الْعَالِمُ ع عَنْ رَجُلٍ لَهُ دَيْنٌ قَدْ وَجِبَ فَيَقُولُ أَسْأَلُكَ دَيْنًا آخَرَ بِهِ وَ أَنَا أُرِيحُكَ فَيَبِيعُهُ حَبَّةَ لُؤْلُؤٍ تُقَوَّمُ بِأَلْفِ دِرْهَمٍ بِعَشْرَةِ آلَافٍ دِرْهَمٍ أَوْ بِعَشْرِينَ أَلْفًا فَقَالَ لَا بَأْسَ.

(The book) 'Fiqh Al-Reza^{-asws}', the greeting be upon him^{-asws} – 'It is reported that the Scholar (Imam^{-asws}) was asked about a man having debt due for him, so he says, 'I ask you for another

¹⁹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 4

loan with it, and I shall profit you'. So, he sells him a pearl seed valued at a thousand Dirhams, for ten thousand Dirhams, or for twenty thousand. He^{-asws} said: 'There is no problem'.²⁰⁰

6- وَ رُوِيَ فِي خَيْرِ آخِرٍ مِثْلِهِ لَا تَأْسَ وَ قَدْ أَمَرَنِي أَبِي فَفَعَلْتُ مِثْلَ هَذَا.

And it is report in another Hadeeth, similar to it: 'There is no problem, and my^{-asws} father^{-asws} had instructed me^{-asws}, so I^{-asws} did similar to this'.²⁰¹

باب 7 الرهن و أحكامه

CHAPTER 37 – PLEDGES (PAWNED ITEMS) AND THEIR RULINGS

1- ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ عَنِ ابْنِ بُكَيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ رَهَنَ رَهْنًا ثُمَّ انْطَلَقَ فَلَا يُقَدِّرُ عَلَيْهِ أَيْبَاعُ الرَّهْنِ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Ibn Bukeyr who said,

'I asked Abu Abdullah^{-asws} about the man pawning a pledged item. Then he goes and is not able upon (freeing) it. Can the pawned item be sold?'

قَالَ لَا حَتَّى يَجِيءَ الرَّاهِنُ.

He^{-asws} said: 'No, until the pledger returns.'²⁰²

2- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ بْنِ أَبِي يَزِيدَ عَنْ مَرْوَكِ بْنِ عَبْدِ اللَّهِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ كَانَ الرَّهْنُ عِنْدَهُ أَوْثَقَ مِنْ أَخِيهِ الْمُسْلِمِ فَأَنَا مِنْهُ بَرِيءٌ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Yazeed, from Marwak Bin Ubeyd, from one of our companions,

'From Abu Abdullah^{-asws} having said: 'One in whose view the pledged item was more trustworthy than his Muslim brother, I^{-asws} am disavowed from him!'²⁰³

3 سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنْ مَرْوَكِ مِثْلَهُ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Marwak, similar to it.²⁰⁴

4- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي جَعْفَرٍ ع قَالَ: لَا رَهْنٌ إِلَّا مُبَوَّضًا.

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

²⁰⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 5

²⁰¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 36 H 6

²⁰² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 1

²⁰³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 2

²⁰⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 3

‘From Abu Ja’far^{-asws} having said: ‘There is no valid pledged item except what is taken in possession.’²⁰⁵

5- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، لِعَلِيِّ بْنِ أَبِي طَالِبٍ عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الرَّهْنُ يُرْكَبُ إِذَا كَانَ مَرْهُونًا وَعَلَى الَّذِي يَرْكَبُ الظَّهْرَ نَفَقَتُهُ.

(The book) ‘Kitab Al Imamah Wa Al Tabsira’ of Ali Bin Babuwayh, from Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Ash’as,

‘From Musa Bin Ismail son of Musa^{-asws} Bin Ja’far^{-asws}, from his father^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The pledged (pawned) animal can be ridden when it was pledged, and it is upon the one who rides the back, its expenses’’.²⁰⁶

And from him^{-asws}, by this chain, said: ‘Rasool-Allah^{-saww} said: ‘The pledge is according to what it contains. If what is in the hand of the pledgee is more than what he gave, he must return the excess to the pledger. If what is in his hand is less than what the pledger gave, then the pledger must return the excess. And if the value of the pledge matches what was given, then it remains as it is’’.²⁰⁷

وَقَالَ ص الرَّهْنُ مَغْلُوبٌ وَ مَرْكُوبٌ.

And he^{-saww} said: ‘The pledged may be used and ridden (if an animal)’’.²⁰⁸

[باب 38 الحجر و فيه حدّ البلوغ و أحكامه](#)

CHAPTER 38 – LEGAL RESTRICTIONS, AND IN IT IS A LIMIT OF THE ADULTHOOD AND ITS RULINGS

1- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع قال: عَرَضَهُمْ رَسُولُ اللَّهِ ص يَوْمَئِذٍ يَغْنِي بَنِي قُرَيْظَةَ عَلَى الْعَانَاتِ فَمَنْ وَجَدَهُ أُتْبِتَ قَتْلَهُ وَ مَنْ لَمْ يَجِدْهُ أُتْبِتَ أَحَقُّ بِالذَّرَارِيِّ.

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari –

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘On that day, Rasool-Allah^{-saww} presented them, meaning the clan of Qureyza based upon the armpit hair. The one who was found to have grown (armpit hair), killed him, and one who was not found to have grown, joined him with the offspring (children)’’.²⁰⁹

2- ب، قرب الإسناد علي عن أخيه ع قال: سَأَلْتُهُ عَنِ الْيَتِيمِ مَتَى يَنْقَطِعُ يُتْمُهُ

²⁰⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 4

²⁰⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 5

²⁰⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 6 a

²⁰⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 37 H 6 b

²⁰⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 1

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{-asws}), said, 'I asked him^{-asws} about the orphan, 'When does his orphanhood terminate?'

قَالَ إِذَا اخْتَلَمَ وَ عَرَفَ الْأَخَذَ وَ الْإِغْطَاءَ.

He^{-asws} said: 'When he attains puberty and understands the taking and the giving (financial dealings).²¹⁰

3- ل، الخصال ابن الوليد عن الصفار عن أحمد و عبد الله ابني محمد بن عيسى عن ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع قال: إنَّ نَجْدَةَ الْحُرُورِيِّ كَتَبَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنْ أَرْبَعَةِ أَشْيَاءَ هَلْ كَانَ رَسُولُ اللَّهِ ص يَغْزُو بِالنِّسَاءِ وَ هَلْ كَانَ يَفْسِمُ لَهُنَّ شَيْئاً وَ عَنْ مَوْضِعِ الْخُمْسِ وَ عَنْ النَّبِيِّ مَتَى يَنْقَطِعُ بَيْتُهُ وَ عَنْ قَتْلِ الذَّرَارِيِّ

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ahmad and Abdullah, two sons of Muhammad Bin Isa, from Ibn Abu Umeyr, from Hammad, from Al Halby,

'From Abu Abdullah^{-asws} having said: 'Najdah Al-Harouri wrote to Ibn Abbas asking him about four things, whether Rasool-Allah^{-saww} went on a military expedition with the wives, and had he^{-saww} distributed anything for them, and about the placing of the Khums, and about the orphan, when does his orphanhood terminate, and about killing the offspring (children)'.²¹¹

فَكَتَبَ إِلَيْهِ ابْنُ عَبَّاسٍ أَمَّا قَوْلُكَ فِي النِّسَاءِ فَإِنَّ رَسُولَ اللَّهِ ص كَانَ يُحْذِيهِنَّ وَ لَا يَفْسِمُ لَهُنَّ شَيْئاً وَ أَمَّا الْخُمْسُ فَإِنَّا نَزْعُمُ أَنَّهُ لَنَا وَ زَعَمَ قَوْمٌ أَنَّهُ لَيْسَ لَنَا فَصَبْرْنَا وَ أَمَّا النَّبِيُّ فَمَتَى يَنْقَطِعُ بَيْتُهُ أَشَدُّهُ وَ هُوَ الْإِحْتِلَامُ إِلَّا أَنْ لَا تُؤْنِسَ مِنْهُ زُشْدًا فَيَكُونُ عِنْدَكَ سَفِيهَاً أَوْ ضَعِيفاً فَيَمْسِكُ عَلَيْهِ وَلِيُّهُ

Ibn Abbas wrote to him, 'As for your word regarding the wives, Rasool-Allah^{-saww} had given them a share (from the spoils) and did not distribute anything for them; and as for the Khums, we claim it is for us while a group is claiming it isn't for us, so we are patient; and as for the orphan, his orphanhood terminates at his maturity, and it is the puberty, except if you do not find sound judgment from him, so he would be fooling in your view or of weak intellect, so his guardian can withhold upon him.

وَ أَمَّا الذَّرَارِيُّ فَلَمْ يَكُنِ النَّبِيُّ ص يَقْتُلُهَا وَ كَانَ الْخَضِرُ ع يَقْتُلُ كَافِرَهُمْ وَ يَبْرُكُ مُؤْمِنَهُمْ فَإِنْ كُنْتَ تَعْلَمُ مِنْهُمْ مَا يَعْلَمُ الْخَضِرُ فَأَنْتَ أَعْلَمُ.

And as for the offspring (children), the Prophet^{-saww} would not kill them, and Al-Khizr^{-as} had killed their Kafirs and left their believer. Thus, if you know from what Al-Khizr^{-as} had known, then you are more knowing"²¹¹.

4- ل، الخصال أبي عن علي عن أبيه عن ابن أبي عمير عن غير واحد عن أبي عبد الله ع قال: حدُّ بُلُوغِ الْمَرْأَةِ تِسْعَ سِنِينَ.

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Ibn Abu Umeyr, from someone else,

²¹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 2

²¹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 3

'From Abu Abdullah^{-asws} having said: 'Limit (age) of maturity of the woman is nine years'.²¹²

5- ل، الخصال أبي عن سعد عن أبي عيسى عن البرزطي عن أبي الحسين الخادم عن عبد الله بن سينان عن أبي عبد الله ع قال: سأله أبي و أنا خاضراً عن التيمم متى يجوز أمره قال حتى يبلغ أشده

(The book) 'Al Khisaal' – My father, from Sa'ad, from Abu Isa, from Al Bazanty, from Abu Al-Husayn Al Khadim, from Abdullah Bin Sinan,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} asked his^{-asws} father^{-asws} while I was present, about the orphan, when is his instruction allowed. He^{-asws} said: 'Until he reaches his maturity'.

قال قلت و ما أشده

He (the narrator) said, 'I said, 'And what is his maturity?'

قال اختلامه

He^{-asws} said: 'His puberty'.

قال قلت قد يكون الغلام ابن ثمان عشرة سنة أو أقل أو أكثر و لا يحتلم

He (the narrator) said, 'I said, 'It has happened that the boy could be eighteen or less, or more, and he does not attain puberty.

قال إذا بلغ و كتبت عليه الشيء جاز أمره إلا أن يكون سفيهاً أو ضعيفاً.

He^{-asws} said: 'When he reaches (the age) and the thing (obligation) is prescribed upon him, his instructions are allowed except if he happens to be foolish or of weak intellect'.²¹³

6- ل، الخصال ابن المغيرة بإسناده عن العباس بن عامر عن ذكره عن أبي عبد الله ع قال: يؤدب الصبي على الصوم ما بين خمس عشرة سنة إلى ست عشرة سنة.

(The book) 'Al Khisaal' – Ibn Al Mugheira, by his chain from Al Abbas Bin Aamir, from the one who mentioned it,

'From Abu Abdullah^{-asws} having said: 'The young boy would be educated upon the fasting what is between fifteen years up to sixteen years'.²¹⁴

²¹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 4

²¹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 5

²¹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 6

7- ل، الخصال أبي عن مُحَمَّدِ الْعَطَّارِ عَنِ ابْنِ عَيْسَى عَنِ الْوَشَاءِ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا بَلَغَ الْغُلَامُ أَشَدَّهُ ثَلَاثَ عَشْرَةَ سَنَةً وَ دَخَلَ فِي الْأَرْبَعِ عَشْرَةَ سَنَةً وَجَبَ عَلَيْهِ مَا وَجَبَ عَلَى الْمُحْتَلِمِينَ اخْتَلَمَ أَمْ لَمْ يَحْتَلِمْ وَ كُتِبَتْ عَلَيْهِ السَّيِّئَاتُ وَ كُتِبَتْ لَهُ الْحَسَنَاتُ وَ جَازَ لَهُ كُلُّ شَيْءٍ مِنْ مَالِهِ إِلَّا أَنْ يَكُونَ ضَعِيفًا أَوْ سَفِيهًا.

(The book) 'Al Khisaal' – My father, from Muhammad Al Attar, from Ibn Isa, from Al Washa, from Abdullah Bin Sinan,

'From Abu Abdullah^{-asws} having said: 'When a boy reaches his maturity at thirteen years and enters into his fourteenth year, then what is obligatory upon those who reach puberty becomes obligatory upon him, whether he has experienced a wet dream or not. Bad deeds are written against him and good deeds are written for him, and he may manage all of his wealth, unless he is weak (of intellect) or foolish'.²¹⁵

8- ما، الأماالي للشيخ الطوسي العضايري عَنِ ابْنِ الصَّدُوقِ عَنِ ابْنِ الْوَلِيدِ عَنِ ابْنِ أَبِيَانَ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ مَنْصُورِ بْنِ يُوسُفَ عَنِ مَنْصُورِ بْنِ حَازِمٍ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا رِضَاعَ بَعْدَ فِطَامٍ وَ لَا يُتَمَّ بَعْدَ اخْتِلَامِ الْحَبْرَةِ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Ghazairy, from Al Sadouq, from Ibn Al Waleed, from Ibn Aban, from Al-Husayn Bin Saeed, from Ibn Abu Umeyr, and Muhammad Bin Ismail, from Masour Bin Yunus, from Mansour Bin Hazim,

'From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no breastfeeding after the weaning, and there is no orphan after the puberty' – the Hadeeth.²¹⁶

9- ن، عيون أخبار الرضا عليه السلام جَعْفَرُ بْنُ نُعَيْمٍ عَنِ عَمِّهِ مُحَمَّدِ بْنِ شَادَانَ عَنِ الْفَضْلِ عَنِ ابْنِ زَيْعٍ قَالَ: سَأَلْتُ الرَّضَا عَ عَنْ حَدِّ الْجَارِيَةِ الصَّغِيرَةِ السَّرِيَّةِ الَّذِي إِذَا لَمْ تَبْلُغْهُ لَمْ يَكُنْ عَلَى الرَّجُلِ اسْتِبْرَازُهَا فَقَالَ إِذَا لَمْ تَبْلُغْ اسْتَبْرَأَتْ بِشَهْرٍ

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', the greeting be upon him^{-asws} – Ja'far Bin Nueym, from his uncle Muhammad Bin Shazan, from Al Fazl, from Ibn Bazie who said,

'I asked Al-Reza^{-asws} about the age girl of young age when she has not reached it, a man is not required to observe a waiting period for her. He^{-asws} said: 'If she has not reached puberty, her waiting period is one month'.

فُلْتُ فَإِنْ كَانَتْ ابْنَةَ سَبْعِ سِنِينَ أَوْ نُحُوها بِمَنْ لَا تَحْمِلُ

I said, 'What if she is seven years old or around that age, from among those who do not become pregnant?'

فَقَالَ هِيَ صَغِيرَةٌ وَ لَا يَصْرُكُ أَنْ لَا نَسْتَبْرِئَهَا

²¹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 7

²¹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 8

He^{-asws} said: ‘She is a small girl, and it does not harm you not to observe a waiting period for her’.

فَقُلْتُ مَا بَيْنَهَا وَ بَيْنَ تِسْعِ سِنِينَ

I said, ‘What about between that and nine years old?’

فَقَالَ نَعَمْ تِسْعِ سِنِينَ.

He said: ‘Yes, nine years’’.²¹⁷

10- فس، تفسير القمي في رواية أبي الجارود عن أبي جعفر ع في قوله وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ فَالسُّفَهَاءُ النِّسَاءُ وَ الْوَلَدُ إِذَا عَلِمَ الرَّجُلُ أَنَّ امْرَأَتَهُ سَفِيهَةٌ مُفْسِدَةٌ وَ وَلَدَهُ سَفِيهٌ مُفْسِدٌ لَمْ يَنْبَغْ لَهُ أَنْ يُسَلِّطَ وَاحِدًا مِنْهُمَا عَلَى مَالِهِ الَّذِي جَعَلَ اللَّهُ لَهُ قِيَامًا يُقُولُ لَهُ مَعَاشًا

(The book) ‘Tafseer Al Qummi’ – In a report by Abu Al Jaroud,

‘From Abu Ja’far^{-asws} regarding His^{-azwj} Words: **And do not give your wealth to the foolish [4:5].** The foolish ones among women and children, if a man knows that his wife is foolish and wasteful, and that his child is foolish and wasteful, it is not proper for him to give authority to either of them over his wealth, which Allah^{-azwj} has made a means of sustenance for him, calling it a livelihood.

قَالَ وَ ارْزُقُوهُمْ فِيهَا وَ اكْسُوهُمْ وَ قُولُوا لَهُمْ قَوْلًا مَعْرُوفًا وَ الْمَعْرُوفُ الْعِدَّةُ

He^{-asws} said: **‘and sustain them from it and clothe them and speak to them kind words [4:5],** and the kindness is the waiting period.

Words of the Exalted: قَوْلُهُ تَعَالَى وَ ابْتَلُوا الْيَتَامَى حَتَّى إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَ لَا تَأْكُلُوهَا إِسْرَافًا وَ بَدَارًا أَنْ يَكْبُرُوا

And test the orphans until they reach the marriageable age; then if you sense maturity from them, then hand over their wealth to them, and do not devour it extravagantly and hastily lest they grow older [4:6].

قَالَ مَنْ كَانَ فِي يَدِهِ مَالُ بَعْضِ الْيَتَامَى فَلَا يَجُوزُ لَهُ أَنْ يُؤْتِيَهُ حَتَّى يَبْلُغَ النِّكَاحَ وَ يَحْتَلِمَ فَإِذَا اخْتَلَمَ وَ وَجِبَ عَلَيْهِ الْحُدُودُ وَ إِقَامَةُ الْفَرَائِضِ وَ لَا يَكُونُ مُضْطِعًّا وَ لَا شَارِبَ خَمْرٍ وَ لَا زَانِيًا فَإِذَا آنَسَ مِنْهُ الرُّشْدَ دَفَعَ إِلَيْهِ الْمَالَ وَ أَشْهَدَ عَلَيْهِ

He^{-asws} said: ‘Whoever holds the wealth of an orphan, it is not Permissible for him to hand it over until the orphan reaches the age of marriage and experiences puberty. Once he reaches puberty, and legal punishments and the obligation of religious duties apply to him, and he is not wasteful, nor a drinker of wine, nor a fornicator, then if sound judgment is observed in him, the wealth should be given to him with witnesses.

²¹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 9

وَ إِنْ كَانُوا لَا يَعْلَمُونَ أَنَّهُ قَدْ بَلَغَ فَإِنَّهُ مُتَّخِذٌ بِرِيحِ إِنْطِهِ أَوْ نَبْتِ عَانَتِهِ فَإِذَا كَانَ ذَلِكَ فَقَدْ بَلَغَ فَيُدْفَعُ إِلَيْهِ مَالُهُ إِذَا كَانَ رَشِيداً وَ لَا يَجُوزُ أَنْ يَحْسَبَ عَنْهُ مَالُهُ وَ يَعْتَلَّ عَلَيْهِ أَنَّهُ لَمْ يَكْبُرْ بَعْدُ

And if it is not known whether he has reached puberty, he is to be examined by the presence of underarm odour or pubic hair. If that is found, then he has reached puberty, and his wealth is to be given to him if he is mature. It is not Permissible to withhold his wealth under the pretext that he has not yet grown up.

وَ قَوْلُهُ وَ لَا تَأْكُلُوهَا إِسْرَافاً وَ بَدَاراً أَنْ يَكْبُرُوا فَإِنْ كَانَ فِي يَدِهِ مَالٌ يَتِيمٍ وَ هُوَ غَنِيٌّ فَلَا يَجِلُّ لَهُ أَنْ يَأْكُلَ مِنْ مَالِ الْيَتِيمِ وَ مَنْ كَانَ فَقِيراً فَقَدْ حَبَسَ نَفْسَهُ عَلَى مَالِهِ فَلَهُ أَنْ يَأْكُلَ بِالْمَعْرُوفِ.

And His^{-azwj} Words: **and do not devour it extravagantly and hastily lest they grow older [4:6].** If there was wealth of an orphan in his hand and he was rich, it is not Permissible for him to consume from wealth of the orphan, and the one who was poor, and he has withheld himself upon his wealth, for him is to consume with the moderation”^{.218}

11- شي، تفسير العياشي عن ابن سنان قال: قُلْتُ لِأبي عَبْدِ اللَّهِ ع مَتَى يُدْفَعُ إِلَى الْعُلَامِ مَالُهُ

(The book) ‘Tafseer Al Ayyashi’ – From Ibn Sinan who said,

‘I said to Abu Abdullah^{-asws}, ‘When should the wealth of the boy be handed to him?’

قَالَ إِذَا بَلَغَ وَ أُونِسَ مِنْهُ رُشْدٌ وَ لَمْ يَكُنْ سَفِيهاً أَوْ ضَعِيفاً

He^{-asws} said: ‘When he reaches puberty and sound judgment is observed in him, and he is neither foolish nor weak (of intellect)’.

قَالَ قُلْتُ فَإِنَّ مِنْهُمْ مَنْ يَبْلُغُ حَمْسَ عَشْرَةَ سَنَةً وَ سِتَّ عَشْرَةَ سَنَةً وَ لَمْ يَبْلُغْ

He (the narrator) said, ‘I said, ‘But among them are those who reach fifteen or sixteen years of age and have not reached puberty!’

قَالَ إِذَا بَلَغَ ثَلَاثَ عَشْرَةَ سَنَةً جَازَ أَمْرُهُ إِلَّا أَنْ يَكُونَ سَفِيهاً أَوْ ضَعِيفاً

He^{-asws} said: ‘Once he reaches thirteen years of age, his instructions are allowed unless he is foolish or weak’.

قَالَ قُلْتُ وَ مَا السَّفِيهُ وَ الضَّعِيفُ

I said, ‘What is meant by foolish and weak?’

قَالَ السَّفِيهُ شَارِبُ الْخَمْرِ وَ الضَّعِيفُ الَّذِي يَأْخُذُ وَاحِداً بِأَيْدِيهِ.

²¹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 10

He^{-asws} said: ‘The foolish is the one who drinks wine, and the weak is the one who takes one by giving two’.²¹⁹

12- شي، تفسير العياشي عن يونس بن يعقوب قال: سألت أبا عبد الله ع في قول الله و لا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ قَالَ مَنْ لَا تَنْقِي بِهِ.

(The book) ‘Tafseer Al Ayyashi’ – From Yunus Bin Yaquob who said,

‘I asked Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **And do not give your wealth to the foolish [4:5]**. He^{-asws} said: ‘One who cannot be trusted with it’.²²⁰

13- شي، تفسير العياشي عن حماد عن أبي عبد الله ع فيمن شرب الخمر بعد أن حرّمها الله على لسان نبيه ص ليس بأهل أن يزوّج إذا خطب و أن يصدّق إذا حدّث و لا يُشفع إذا شفع و لا يؤتمن على أمانة فمن اتّمتنه على أمانة فأهلكها أو ضيعها فليس للذي اتّمتنه أن يأجره الله و لا يُخلف عليه

(The book) ‘Tafseer Al Ayyashi’ – From Hammad,

‘From Abu Abdullah^{-asws} regarding the one who drinks the wine after Allah^{-azwj} had Prohibited it upon the tongue of His^{-azwj} Prophet^{-saww}: ‘He is not worthy to be married to if he proposes, nor to be believed if he speaks, nor to be a mediator if he intervenes, nor to be entrusted with a trust. Whoever entrusts him with a trust and he destroys or loses it, Allah^{-azwj} will neither Reward the one who entrusted him nor Replace upon him’.

قال أبو عبد الله ع لي أريدت أن أستبضع بضاعة إلى اليمن فأتيت أبا جعفر ع فقلت لي أريدت أن أستبضع فلانا

Abu Abdullah^{-asws} said: ‘I^{-asws} wanted to sell merchandise to Al-Yemen. I^{-asws} came to Abu Ja’far^{-asws}. I^{-asws}: ‘I^{-asws} want to sell Merchandise through so and so!’

فقال لي أما علمت أنه يشرب الخمر

He^{-asws} said to me^{-asws}: ‘Don’t you^{-asws} know that he^{-asws} drinks the wine?’

فقلت قد بلغني عن المؤمنين أنهم يقولون ذلك

I^{-asws} said: ‘It has reached me^{-asws} from the Momineen, they are saying that.

فقال صدقهم لأن الله يقول يؤمن بالله و يؤمن للمؤمنين

He^{-asws} said: ‘Ratify them, because Allah^{-azwj} Says: **He believes in Allah and has faith in the Momineen, [9:61]**’.

ثم قال إنك إن استبضعته فهلكت أو ضاعت فليس على الله أن يأجرك و لا يخلف عليك

²¹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 11

²²⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 12

Then he^{-asws} said: ‘You^{-asws}, when you^{-asws} seek to sell the merchandise so it gets destroyed, or wasted, it wouldn’t be upon Allah^{-azwj} that He^{-azwj} Recompenses you^{-asws} nor Replace upon you^{-asws}!’

فَقُلْتُ وَ لَمْ

I^{-asws} said: ‘And why?’

قَالَ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَاماً فَهَلْ سَفِيهَةٌ أَسْفَهُ مِنْ شَارِبِ الخَمْرِ إِنَّ العَبْدَ لَا يَزَالُ فِي فُسْحَةٍ مِنْ رَبِّهِ مَا لَمْ يَشْرَبِ الخَمْرَ فَإِذَا شَرِبَهَا حَرَقَ اللَّهُ عَلَيْهِ سِرْبَالَهُ فَكَانَ وُلْدُهُ وَ أَحْوَهُ وَ سَمْعُهُ وَ بَصَرُهُ وَ يَدُهُ وَ رِجْلُهُ إِبْلِيسَ يَسْتَوْفُهُ إِلَى كُلِّ شَيْءٍ وَ يَصْرِفُهُ عَنْ كُلِّ خَيْرٍ.

He^{-asws} said: ‘Because Allah^{-azwj} the Exalted Says: **And do not give your wealth to the foolish which Allah has made a (means of) support for you, [4:5].** Is there any foolish one more foolish than the drinker of wine? The servant does not cease to be in leeway from his Lord^{-azwj} for as long as he does not drink the wine. When he drinks it, Allah^{-azwj} Tears his garment, so his children, and his brother, and his hearing, and his sight, and his hand and his leg. Iblees^{-la} would usher him to every evil and Turn him away from every good’’.²²¹

14- شي، تفسير العياشي عن إبراهيم بن عبد الحميد قال: سألت أبا جعفر ع عن هذه الآية وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ قَالَ كُلُّ مَنْ يَشْرَبُ المُسْكِرَ فَهُوَ سَفِيهٌ.

Tafseer Al Ayyashi, from Ibrahim Bin Abdul Hameed who said,

‘I asked Abu Ja’far^{-asws} about this Verse: **And do not give your wealth to the foolish [4:5].** He^{-asws} said: ‘Everyone who drinks the intoxicant, he is foolish’.²²²

15- شي، تفسير العياشي عن عبد الله بن سنان عن أبي عبد الله ع أَنَّ مُحَمَّدَ الخُرُورِيِّ كَتَبَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنْ أَشْيَاءَ عَنِ النَّبِيِّ مَتَى يَنْقَطِعُ بُنْمُهُ فَكَتَبَ إِلَيْهِ ابْنُ عَبَّاسٍ أَنَّمَا النَّبِيُّمُ فَانْقِطَاعُ بُنْمِهِ إِلَى مَا إِذَا بَلَغَ أَشُدَّهُ وَ هُوَ الإِخْتِلَامُ.

(The book) ‘Tafseer Al Ayyashi’ – From Abdullah Bin Sinan,

‘From Abu Abdullah^{-asws}: ‘Najd Al-Haroury wrote to Ibn Abbas asking him about things (issues) about the orphan, when does his orphanhood terminate. Ibn Abbas wrote to him, ‘As for the orphan, his orphanhood terminates at whatever age he reaches his maturity, and it is the puberty’’.²²³

16- وَ فِي رِوَايَةٍ أُخْرَى عَبْدُ اللَّهِ عَنَّهُ قَالَ: سَأَلَهُ أَبِي وَ أَنَا حَاضِرٌ عَنِ النَّبِيِّ مَتَى يَكُونُ أَمْرُهُ فَقَالَ حِينَ يَبْلُغَ أَشُدَّهُ

And in another report of Abdullah, from him, said,

‘My father asked him^{-asws} while I was present, about the orphan, when are his instructions allowed. He^{-asws} said: ‘When he reaches his maturity’.

²²¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 13

²²² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 14

²²³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 15

قُلْتُ وَ مَا أَشُدُّهُ

I said, 'And what is his maturity?'

قَالَ الْإِخْتِلَامُ

He^{-asws} said: 'The puberty'.

قُلْتُ قَدْ يَكُونُ الْغُلَامُ ابْنَ ثَمَانِي عَشْرَةَ سَنَةً لَا يَحْتَلِمُ أَوْ أَقَلَّ أَوْ أَكْثَرَ

I said, 'It has happened that the boy of eighteen year does not attain puberty, or of less or more!'

قَالَ إِذَا بَلَغَ ثَلَاثَ عَشْرَةَ سَنَةً كُتِبَ لَهُ الْحَسَنُ وَ كُتِبَ عَلَيْهِ السَّيِّئُ وَ جَازَ أَمْرُهُ إِلَّا أَنْ يَكُونَ سَفِيهَاً أَوْ ضَعِيفاً.

He^{-asws} said: 'When he reaches thirteen years, the good deeds are written for him and the evil deeds are written against him, and his instructions are allowed except if he happens to be foolish or weak (of intellect)'.²²⁴

17- كِتَابُ سُلَيْمِ بْنِ قَيْسٍ، عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ قَالَ: عِنْدَ ذِكْرِ بَدْعِ عُمَرَ وَ إِسْرَالِهِ إِلَى عَمَالِهِ بِالْبَصْرَةِ بِحَبْلِ خَمْسَةِ أَشْبَارٍ وَ قَوْلِهِ مَنْ أَخَذْتُمُوهُ مِنَ الْأَعَاجِمِ قَبْلَ أَنْ يَبْلُغَ طَوْلَهُ هَذَا الْحَبْلَ فَاضْرِبُوا عُنُقَهُ وَ إِسْرَالِهِ لِصِيبَانٍ سَرَفُوا بِالْبَصْرَةِ وَ قَوْلِهِ مَنْ بَلَغَ طَوْلَهُ هَذَا الْحَبْلَ فَاقْطَعُوهُ.

(The book) 'Kitab Suleym Bin Qays' –

'From Amir Al-Momineen^{-asws}, he^{-asws} said at the mention of the innovations of Umar: 'And he sent to his officials in Basra a rope measuring five spans, along with his statement, 'Whoever among the non-Arabs you capture and whose height reaches this rope, then strike off his neck!' And his sending another rope regarding children who had stolen (theft) in Basra, along with his statement, 'Whoever reaches the height of this rope, cut his hand''.²²⁵

18- نَوَادِرُ الرَّاؤِنْدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يُنْمَ بَعْدَ الْحُلْمِ الْحَبْرَ.

(The book) 'Nawadir' of Al Rawandy –

'By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no orphanhood after the puberty' – the Hadeeth''.²²⁶

باب 39 أن العبد هل يملك شيئاً

CHAPTER 39 – CAN THE SLAVE OWN ANYTHING

²²⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 16

²²⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 17

²²⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 38 H 18

الآيات النحل ضَرَبَ اللهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ وَ مَنْ رَزَقْنَاهُ مِنَّْا رِزْقًا حَسَنًا فَهُوَ يُنْفِقُ مِنْهُ سِرًّا وَ جَهْرًا هَلْ يَسْتَوُونَ الْحَمْدُ لِلَّهِ بَلْ أَكْثَرُهُمْ لَا يَعْلَمُونَ.

(Surah) Al Nahl: **Allah Strikes an example of an owned slave, not being able upon anything; and one We Graced from Us a goodly sustenance, so he spends from it secretly and openly, are they equal? The Praise is for Allah! But, most of them do not know [16:75].**²²⁷

باب 40 الإجارة و القبالة و أحكامهما

CHAPTER 40 – LEASING, CONTRACT HIRE AND THEIR RULINGS

1- لي، الأماالي للصدوق في حَبْرِ الْمَنَاهِي أَنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مَا أُجْرُهُ.

(The book) 'Al Amaali' of Al Sadouq –

'In a Hadeeth of the Syrian, 'The Prophet^{-sawww} prohibited utilising an employee until he known what his wages would be''²²⁸

2- وَ قَالَ ص مَنْ ظَلَمَ أَجِيرًا أَخْبَطَ اللهُ عَمَلَهُ وَ حَرَّمَ عَلَيْهِ رِيحَ الْجَنَّةِ وَ إِنَّ رِيحَهَا لَتُوجَدُ مِنْ مَسِيرَةِ مِائَةِ عَامٍ.

And he^{-sawww} said: 'One who is unjust to an employee of his wages, Allah^{-azwj} will Nullify his deeds and Prohibited upon him the aroma of Paradise, although its aroma can be felt from a travel distance of five hundred years!''²²⁹

3- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عَنِ الرِّضَا ع عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللهِ ص إِنَّ اللهَ غَافِرٌ كُلِّ ذَنْبٍ إِلَّا مَنْ أَخَذَتْ دِينًا أَوْ اغْتَصَبَ أَجِيرًا أَوْ رَجُلًا [بَاغٍ حُرًّا].

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-sawww} said: 'Allah^{-azwj} is a Forgiver of every sin except one who innovates a religion or usurps wages of his employee, or a man sells a free man''²³⁰

4- ع، علل الشرائع ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ هَاشِمٍ عَنِ ابْنِ مَرَّارٍ عَنِ يُونُسَ عَنِ غَيْرِ وَاحِدٍ عَنِ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللهِ ع أَهْمَا سُئِلَا مَا الْعِلَّةُ الَّتِي مِنْ أَجْلِهَا لَا يَجُوزُ أَنْ تُؤَاجَرَ الْأَرْضُ بِالطَّعَامِ وَ يُؤَاجَرُهَا [تُؤَاجَرُهَا] بِالذَّهَبِ وَ الْفِضَّةِ

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Ibn Marrar, from Yunus, from someone else,

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws}, they^{-asws} were asked, 'What is the reason due to which it is not allowed to lease land for food (as payment), but it is allowed to lease it for gold and silver (as payment)?'

²²⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 39 H 1

²²⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 1

²²⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 2

²³⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 3

قَالَ الْعَلَّةُ فِي ذَلِكَ أَنَّ الَّذِي يَخْرُجُ مِنْهَا حِنْطَةٌ وَ شَعِيرٌ وَ لَا يَجُوزُ إِجَارَةُ حِنْطَةٍ بِحِنْطَةٍ وَ لَا شَعِيرٍ بِشَعِيرٍ .

They^{-asws} said: ‘The reason is that what comes out of the land is wheat and barley, and it is not allowed to lease wheat for wheat, nor barley for barley’.²³¹

5- مع، معاني الأخبار أبي عن محمد العطار عن محمد بن علي بن محبوب عن علي بن السندي عن صفوان عن إسحاق بن عمار عن أبي عبد الله ع قال: لا تستأجر الأرض بالتمر ولا بالحنطة ولا بالشعير ولا بالأزبعاء ولا بالتطاف

(The book) ‘Ma’any Al Akhbaar’ – My father, from Muhammad Al Attar, from Muhammad Bin Ali Bin Mahboub, from Ali Bin Al Sindy, from Safwan, from Is’haq Bin Ammar,

‘From Abu Abdullah^{-asws} having said: ‘Neither lease the land for the dates (as payment), nor wheat, nor barley, nor ‘Al-Arbia’, nor ‘Al-Nitaf’.

قُلْتُ مَا الْأَرْبَاءُ

I said, ‘What is ‘Al-Arbia’?’

قَالَ الشَّيْخُ وَ التَّطَافُ فَضْلُ الْمَاءِ وَ لَكِنْ يَقْبَلُهَا [تَقْبَلُهَا] بِالذَّهَبِ وَ الْفِضَّةِ وَ التَّصْفِ وَ التُّلْثُ وَ الرَّبْعُ .

He^{-asws} said: ‘The drink, and ‘Al-Nitaf’ is the excess water. But accept it for the gold and the silver, and the half, and the third, and the quarter (of the yield).²³²

6- ب، قرب الإسناد أبو البخترى عن الصادق عن أبيه ع أن علياً ع كان لا يضمن صاحب الحمام و يقول إنما يأخذ أجراً على الدخول إلى الحمام.

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari,

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws} had not held owner of the bathhouse liable, and he^{-asws} said: ‘But rather he takes recompense (entrance fee) upon the entering into the bathhouse’.²³³

7- ب، قرب الإسناد علي عن أخيه ع قال: سألتُه عن رجل استأجر بيتاً بعشرة دراهم فأناهُ الحياطُ أو غيره ذلك فقال أعملُ فيه و الأجرُ بيني و بينك و ما ربحْتُ فلي و لك فربح أكثر من أجر البيت أ يحل ذلك قال نعم لا بأس.

(The book) ‘Qurb Al Isnaad’ –

‘Ali, from his brother (Al-Kazim^{-asws}), he said, ‘I asked him^{-asws} about a man who leases a house for ten Dirhams. Then a tailor or someone else came to him and says, ‘I will work in it, and the wage will be between you and me, and whatever profit I make is for both you and me’. Then he made a profit greater than the rent of the house. Is that Permissible?’ He^{-asws} said: ‘Yes, there is no problem’.²³⁴

²³¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H4

²³² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 5

²³³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 6

²³⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 7

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِرَجُلٍ عَلَّمَنِي عَمَلَكَ وَ أُعْطَيْتِكَ سِتَّةَ دَرَاهِمٍ وَ شَارِكِي قَالَ إِذَا رَضِي فَلَا بَأْسَ.

He said, 'And I asked him^{-asws} about a man who says to a man, 'Teach me your work and I will give you six Dirhams, and make me a partner'. He^{-asws} said: 'When he agrees, there is no problem.'²³⁵

9- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ دَاراً سَتَيْنِ مُسَمَّائِينَ عَلَى أَنْ عَلَيْهِ بَعْدَ ذَلِكَ تَطْيِينُهَا وَ إِصْلَاحَ أَبْوَابِهَا أَيْحِلُّ ذَلِكَ قَالَ لَا بَأْسَ.

He said, 'And I asked him^{-asws} about a man who leases a house for two specified years based upon that, afterward it would be upon him to make it good and repair its door. 'Is that Permissible?' He^{-asws} said: 'There is no problem''.²³⁶

10- ب، قرب الإسناد ابن أبي الخطاب عن البرزطي عن الرضا ع قَالَ: مَا أُخِذَ بِالسَّيْفِ فَذَلِكَ إِلَى الْإِمَامِ يُقْبَلُهُ بِالَّذِي يَرَى كَمَا صَنَعَ رَسُولُ اللَّهِ ص بِخَيْبَرَ قَبْلَ أَرْضِهَا وَ نَخْلَهَا وَ النَّاسُ يَقُولُونَ لَا يَصْلُحُ قِبَالَهُ الْأَرْضُ وَ النَّخْلُ إِذَا كَانَ الْبَيَاضُ أَكْثَرَ مِنَ السَّوَادِ وَ قَدْ قَبِلَ رَسُولُ اللَّهِ ص خَيْبَرَ وَ عَلَيْهِمْ فِي حَصَّتِهِمُ الْعُشْرُ وَ نِصْفُ الْعُشْرِ.

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

'From Al-Reza^{-asws} having said: 'What is taken by the sword belongs to the Imam^{-asws}. He^{-asws} he may lease it out as he sees fit, just as Rasool-Allah^{-saww} had done with Khaybar. He^{-saww} leased out its land and palm trees, while people say that it is not valid to lease out land and palm trees if the uncultivated area is more than the cultivated. Yet Rasool-Allah^{-saww} leased out Khaybar, and those working on it were required to pay one-tenth or half of one-tenth from their share.'²³⁷

11- صح، صحيفة الرضا عليه السلام عن الرضا عن آتائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ غَافِرٌ كُلِّ ذَنْبٍ إِلَّا مَا جَحَدَ مَهْرًا أَوْ ائْتَصَبَ أَجِيرًا أَوْ بَاعَ رَجُلًا حُرًّا.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Allah^{-azwj} is a Forgiver of every sin except one who rejects dowry, or usurps an employee of his wages, or a man sells a free man''.²³⁸

12- سر، السرائر موسى بن بكر عن العبد الصالح قال: سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ مَلَّاحًا وَ حَمَلَهُ طَعَامًا فِي سَفِينَتِهِ وَ اشْتَرَطَ عَلَيْهِ أَنْ نَقْصَ فَعَلَيْهِ قَالَ إِنَّ نَقْصَ فَعَلَيْهِ-

(The book) 'Al Saraair' – Musa Bin Bakr,

²³⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 8

²³⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 9

²³⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 10

²³⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 11

‘From Al-Abd Al-Salih (Al-Kazim^{-asws}), he (the narrator) said, ‘I asked him^{-asws} about a man who hires a boatman and loads food items in his ship, and stipulates a condition upon him that if there is a loss, it would be upon him. He^{-asws} said: ‘The loss is upon him’.

قُلْتُ فَرُبَّمَا زَادَ

I said, ‘Sometimes there is an increase.

قَالَ يَدَّعِي هُوَ أَنَّهُ زَادَ فِيهِ

He^{-asws} said: ‘Did he (the boatman) claim that he had added in it?’

قُلْتُ لَا

I said, ‘No’.

قَالَ هُوَ لَكَ.

He^{-asws} said: ‘It is for you’.²³⁹

13- سر، السرائر في جامع البرنظي عن أمير المؤمنين ع أَنَّهُ كَانَ يُضَمُّ الصَّبَاغَ وَ الْقَصَّارَ وَ الصَّائِعَ اخْتِطَاطاً عَلَى أُمَّتِغَةِ النَّاسِ وَ كَانَ لَا يُضَمُّ مِنْ الْعَرَقِ وَ الْحَرَقِ وَ الشَّيْءِ الْعَالِبِ.

(The book) ‘Al Saraair’ – In ‘Jamie’ of Al Bazanty,

‘From Amir Al-Momineen^{-asws}, he^{-asws} used to hold the dyer, and the washer, and the goldsmith liable as a precaution, upon belongings of the people, and he^{-asws} did not hold liable from the drowning, and the burning, and the prevailing thing (calamity).²⁴⁰

14- قب، المناقب لابن شهر آشوب النِّهَائِيَّةُ رَوَى الْمُحَامِلِيُّ عَنِ الرَّفَاعِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ قَبَّلَ رَجُلًا يَحْفَرُ لَهُ بِفِرَا عَشْرَ قَامَاتٍ بِعَشْرَةِ دَرَاهِمٍ فَحَفَرَ لَهُ قَامَةً ثُمَّ عَجَزَ قَالَ تُفَسِّمُ عَشْرَةَ عَلَى خَمْسَةِ وَ خَمْسِينَ جُزْءاً فَمَا أَصَابَ وَاحِداً فَهُوَ لِلْقَامَةِ الْأُولَى وَ الْإِثْنَيْنِ لِلْإِثْنَيْنِ وَ الثَّلَاثَةِ لِلثَّلَاثَةِ وَ عَلَى هَذَا الْحِسَابِ إِلَى عَشْرَةِ.

(The books) ‘Al Manaqib’ of Ibn Shehr Ashub, (and) ‘Al Nihaya’ – It is reported by Al Mahamily, from Al Rafeie who said,

‘I asked Abu Abdullah^{-asws} about a man who contracted a man to dig a well for him of ten statures (depth) for ten Dirhams. He dug a stature (depth) for him, then he was unable. He^{-asws} said: ‘The ten (Dirhams) would be divided into fifty-five segments. Whatever one stature

²³⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 12

²⁴⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 13

is achieved, it is for the first stature (dug), and the two for the two, and the three for the three, and upon this would be the calculation up to the ten".²⁴¹

15- مكا، مكارم الأخلاق من كتاب المحاسن عن الصادق ع قال: أَقْدَرُ الدُّنُوبِ ثَلَاثَةٌ قَتْلُ الْبَيْهَمَةِ وَ حَبْسُ مَهْرِ الْمَرْأَةِ وَ مَنْعُ الْأَجِيرِ أَجْرَهُ.

(The book) 'Makarim Al Akhlaq' from the book 'Al Mahasin',

'From Al-Sadiq^{asws} having said: 'Filthiest of the sins are three – killing the animal (unnecessarily), and withholding dowry of the wife, and preventing the employee from receiving his wages'.²⁴²

16- ين، كتاب حسين بن سعيد و النوادر ابن مسكان عن الحلبي قال: سَأَلْتُهُ عَنِ الرَّجُلِ يَسْتَأْجِرُ أَرْضاً فَيُؤَاجِرُهَا بِأَكْثَرَ مِنْ ذَلِكَ قَالَ لَيْسَ بِهِ بَأْسٌ إِنَّ الْأَرْضَ لَيْسَتْ بِمَنْزِلَةِ الْبَيْتِ وَ الْأَجِيرُ إِنَّ الْبَيْتَ وَ الْأَجِيرَ حَرَامٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' of Ibn Muskan, from Al Halby who said,

'I asked him^{asws} about the man who leases land and leases it out for more than that. He^{asws} said: 'There isn't any problem with it. The land isn't at the status of the house and the employee. (Doing this for) the house and the employee is unlawful".²⁴³

17- وَ مَنْ اسْتَأْجَرَ أَرْضاً بِأَلْفٍ وَ آجَرَ بَعْضَهَا بِمِائَتَيْنِ ثُمَّ قَالَ لَهُ صَاحِبُ الْأَرْضِ الَّذِي آجَرَهَا إِنِّي أَدْخُلُ مَعَكَ فِيهَا بِالَّذِي اسْتَأْجَرْتَ مِنِّي فَتَقَفَا جَمِيعاً فَمَا كَانَ مِنْ فَضْلٍ فَهُوَ بَيْنَهُمْ كَانَ ذَلِكَ جَائِزاً.

And whoever leases land for a thousand, then leases out part of it for two hundred, and the owner of the land who had rented it out says to him: 'I will enter with you into it for the same amount for which you rented it from me', and then both of them spend jointly on it whatever profit results will be shared between them, that is allowed'.²⁴⁴

18- وَ عَنِ رَجُلٍ اسْتَأْجَرَ أَرْضاً بِمِائَةِ دِينَارٍ فَآجَرَ بَعْضَهَا بِتِسْعٍ وَ تِسْعِينَ دِينَاراً وَ عَمِلَ فِي الْبَاقِي قَالَ لَا بَأْسَ وَ الْمَرْزُوعَةُ عَلَى الْبِصْفِ جَائِزَةٌ قَدْ زَارَعَ رَسُولُ اللَّهِ ص عَلَى أَنَّ عَلَيْهِمُ الْمُتُونَةَ.

And about a man who leases land for one hundred Dinars, then leased out part of it for ninety-nine dinars and worked on the rest himself, he^{asws} said: 'No problem, and sharecropping on the basis of half is allowed. Rasool-Allah^{saww} had engaged in sharecropping on the condition that the workers bear the expenses'.²⁴⁵

19- أَبُو عَبْدِ اللَّهِ ع سُئِلَ عَنِ الْقَرِيَةِ فِي أَيْدِي أَهْلِ الذِّمَّةِ لَا يُدْرَى أَهِيَ لَهُمْ أَمْ لَا سَأَلُوا رَجُلًا مِنَ الْمُسْلِمِينَ فَبَضَّهَا مِنْ أَيْدِيهِمْ وَ أَدَّى خَرَاجَهَا فَمَا فَضَّلَ فَهُوَ لَهُ قَالَ ذَلِكَ جَائِزٌ.

²⁴¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 14

²⁴² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 15

²⁴³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 16

²⁴⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 17

²⁴⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 18

Abu Abdullah^{-asws} was asked about the town in the hands (control) of the people under the responsibility (Zimmi). It is unknown whether it is theirs or not. They asked a man from the Muslims to take possession of it from their hands and pay its tax. Whatever is extra, it would be for him. He^{-asws} said: 'That is allowed'.²⁴⁶

20- وَ سُئِلَ عَنِ الْعُلُوجِ إِذَا كَانُوا فِي قَرْيَةٍ وَعَلَيْهِمْ خَرَاجُ الرُّهُوسِ يُؤْخَذُ مِنْهُمْ الْمِائَةُ وَ دُونَ ذَلِكَ وَ أَكْثَرَ فَكَيْفَ أَعْمَالُهُمْ

And he^{-asws} was asked about the Non-Muslims when they are in a town and are subject to tax, from whom amounts are taken, sometimes a hundred, sometimes less than that or more. How should I deal with them?'

قَالَ اصْنَعْ بِهِمْ مِنْ صَالِحِ مَا تَصْنَعُ بِأَهْلِ الْبَلَدِ فَإِنَّهُ لَيْسَ لَهُمْ ذِمَّةٌ.

He^{-asws} said: 'Treat them in the best way you treat the people of the city, for there isn't any responsibility (covenant) for them'.²⁴⁷

21- وَ سُئِلَ عَنْ رَجُلٍ تَرَكَ أَيْتَاماً وَ هُمْ ضَيْعَةٌ يَبِيعُونَ عَصِيرَهَا لِمَنْ يَجْعَلُهُ حَمِراً وَ يُؤَاجِرُ أَرْضَهَا بِالطَّعَامِ قَالَ أَمَا بَيْعُ الْعَصِيرِ بِمَنْ يَجْعَلُهُ حَمِراً فَلَا بَأْسَ وَ أَمَا إِجَارَةُ الْأَرْضِ بِالطَّعَامِ فَلَا يَجُوزُ وَ لَا يُؤْخَذُ مِنْهَا شَيْئاً [شَيْءٌ] إِلَّا أَنْ يُؤَاجَرَ بِالتَّصْنِيفِ وَ التَّلْثِ.

He^{-asws} was asked about a man who left behind orphans, and they had an estate from which they sold grape juice to those who would turn it into wine, and they leased the land for food. He said: 'As for selling the juice to someone who will make it into wine, there is no problem. But as for leasing the land for food, that is not permissible, and nothing may be taken from it unless it is leased for a half or a third (of the yield)'.²⁴⁸

22- قَالَ: لَا يُؤَاجِرُ الْأَرْضَ بِالْحِنْطَةِ وَ الشَّعِيرِ وَ الْأَرْبَعَاءِ وَ هُوَ الشَّرْبُ وَ لَا بِالطَّيْفِ وَ هُوَ فَضْلُ الْمِيَاهِ وَ لَكِنْ بِالذَّهَبِ وَ الْفِضَّةِ وَ إِذَا اسْتَأْجَرَهَا بِالذَّهَبِ وَ الْفِضَّةِ فَلَا يُؤَاجِرُهَا بِأَكْثَرَ لِأَنَّ الذَّهَبَ وَ الْفِضَّةَ مَضْمُونٌ وَ هَذَا لَيْسَ بِمَضْمُونٍ وَ هُوَ بِمَا أَخْرَجَتْ الْأَرْضُ.

He^{-asws} said: 'One must not lease land for wheat, barley, or 'Al Alrbia' (share of water), and 'Al-Nitaf' (excess water). But it may be leased for gold and silver (as payment). And if he leases it out for gold and silver, he must not then lease it for more than that, because gold and silver are guaranteed, whereas this, from what the land produces is not guaranteed'.²⁴⁹

23- وَ إِنْ اسْتَبَانَ لَكَ ثَمَرَةُ الْأَرْضِ سَنَةً أَوْ أَكْثَرَ صَلَحَ إِجَارَتُهَا وَ إِلَّا لَمْ يَصْلُحْ ذَلِكَ.

If fruits of the land are clear for you, for a year or more, it is correct to lease it out, or else that is not correct'.²⁵⁰

²⁴⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 19

²⁴⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 20

²⁴⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 21

²⁴⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 22

²⁵⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 23

24- وَإِنْ تَقَبَّلَ الرَّجُلُ أَرْضًا عَلَى أَنْ يَغْمُرَهَا وَيُرَدَّهَا عَامِرَةً بَعْدَ سِنِينَ مَعْلُومَةٍ عَلَى أَنْ لَهُ مَا أَكَلَ مِنْهَا فَلَا بَأْسَ.

And if a man accepts land on the condition that he will cultivate it and return it developed after a known number of years, with the agreement that he may benefit from what he consumes from it, there is no problem.²⁵¹

25- وَ سُئِلَ عَنِ الْمُتَقَبَّلِ أَرْضًا وَ قَرِيَّةٍ عُلُوجًا بِمَالٍ مَعْلُومٍ قَالَ أَكْرَهُ أَنْ يُسَمِّيَ الْعُلُوجَ فَإِنْ لَمْ يُسَمِّ عُلُوجًا فَلَا بَأْسَ بِهِ.

And he^{-asws} was asked about someone who accepts land and a village inhabited by non-Muslims for a specified sum of money. He said: 'I^{-asws} dislike that the non-Muslims be specified. But if non-Muslims are not named, then there is no problem with it'.²⁵²

26- وَ لَيْسَ لِلرَّجُلِ أَنْ يَتَنَاوَلَ مِنْ ثَمَرِ بُسْتَانٍ أَوْ أَرْضٍ إِلَّا بِإِذْنِ صَاحِبِهِ إِلَّا أَنْ يَكُونَ مُضْطَرًّا فُلْتُ فَإِنَّهُ يَكُونُ فِي الْبُسْتَانِ الْأَجِيرُ وَ الْمَمْلُوكُ

And it isn't for the man that he takes from fruits of an orchard or land except by the permission of its owner, except if he happens to be desperate. I said, 'Supposing there happen to be in the orchard, the employees and the slaves?'

قَالَ لَيْسَ لَهُ أَنْ يَتَنَاوَلَ إِلَّا بِإِذْنِ صَاحِبِهِ.

He^{-asws} said: 'It isn't for him to take it except by permission of its owner'.²⁵³

27- كِتَابُ الْإِمَامَةِ وَ النَّبِيَّةِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ خَلْفٍ عَنْ مُوسَى بْنِ إِبْرَاهِيمَ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص ظَلَمَ الْأَجِيرَ أَجْرَهُ مِنَ الْكَبَائِرِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Haroun Bin Musa, from Muhammad Bin Musa, from Muhammad Bin Ali Bi Khalaf, from Musa Bin Ibrahim,

'From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Being unjust to an employee of his wages is from the major sins.²⁵⁴

[باب 41 المزارعة و المساقاة](#)

CHAPTER 41 – SHARE CROPPING AND IRRIGATION PARTNERSHIPS

1- ما، الأمامي للشيخ الطوسي ابن الصلّت عن ابن عُفْدَةَ عَنِ الْحَسَنِ بْنِ الْقَاسِمِ عَنِ بَشِيرِ بْنِ إِبْرَاهِيمَ بْنِ شَيْبَانَ عَنِ سَلِيمَانَ [بْنِ] بِلَالٍ عَنِ الرِّضَا عَنِ آبَائِهِ ع أَنَّ رَسُولَ اللَّهِ ص دَفَعَ حَبِيرًا إِلَى أَهْلِهَا بِالشَّطْرِ فَلَمَّا كَانَ عِنْدَ الصَّرَامِ بَعَثَ عَبْدَ اللَّهِ بْنَ رَوَاحَةَ فَحَرَصَهَا عَلَيْهِمْ ثُمَّ قَالَ إِنَّ شَيْئًا أَحَدْتُمْ بِحِرْصِنَا وَإِنْ شِئْنَا أَخَذْنَا وَ احْتَسَبْنَا لَكُمْ

²⁵¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 24

²⁵² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 25

²⁵³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 26

²⁵⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 40 H 27

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Al Salt, from Ibn Uqdah, from Al-Hassan Bin Al Qasim, from Bashir Bin Ibrahim Bin Shayban, from Suleyman Bin Bilal,

'From Al-Reza^{-asws} of his^{-asws} forefathers^{-asws}: 'Rasool-Allah^{-saww} handed Khyber back to its people with the condition. Whenever it would be harvest (time), he^{-saww} sent Abdullah Bin Rawaha who would estimate upon them. The he^{-saww} said, 'If you like you can take with our estimate, and if we like, we shall take (from your estimate) and our calculating is for you'.

فَقَالُوا هَذَا الْحَقُّ بِحَدِّ قَامَتِ السَّمَاوَاتُ وَالْأَرْضُ.

They said, 'This is the truth. This is by which the skies and earth stand!'²⁵⁵

2- مع، معاني الأخبار مُحَمَّدُ بْنُ هَارُونَ عَنْ عَلِيِّ بْنِ عَبْدِ الْعَزِيزِ عَنْ أَبِي عُبَيْدٍ رَفَعَهُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ نَهَى عَنِ الْمُحَابَرَةِ وَهِيَ الْمَزَارَعَةُ بِالنِّصْفِ وَالثُلُثِ وَالرُّبْعِ وَأَقَلَّ مِنْ ذَلِكَ وَكَثُرَ وَهُوَ الْخَبِيرُ أَيْضاً

(The book) 'Ma'any Al Akhbar' – Muhammad Bin Haroun, from Ali Bin Abdul Aziz,

'From Abu Ubeyd raising it to the Prophet^{-saww}, he^{-saww} prohibited Al-Mukhaba, and it is the sharecropping based on the half, and the third, and the fourth, or less than that or more. It is also called Al-Khabar.

وَكَانَ أَبُو عُبَيْدَةَ يَقُولُ لِهَذَا سُمِّيَ الْأَكَّارُ الْخَبِيرَ لِأَنَّهُ يُخْبِرُ الْأَرْضَ وَالْمُحَابَرَةُ الْمُؤَاكَرَةُ وَالْخَبِيرَةُ الْفِعْلُ وَالْخَبِيرُ الرَّجُلُ وَهَذَا سُمِّيَ الْأَكَّارُ لِأَنَّهُ يُؤَاكِرُ الْأَرْضَ أَيْ يَشَقُّهَا.

And Abu Ubaydah used to say, 'For this reason, the farmer (Al-Akkār) is called Al-Khabīr because he works the land. Al-Mukhabara is Al-Muakkara (a form of sharecropping). Al-Khabira refers to the action, and Al-Khabir is the person. The farmer is called so because he works (Yuakkar) the land, meaning he breaks or tills it'²⁵⁶

3- سر، السرائر من كتاب المشيخة لابن محبوب عن أبي أيوب عن سماعة قال: سألت أبا عبد الله ع عن الرجل يُزَارِعُ بِبَدْرِهِ مِائَةَ حَرِيبٍ مِنَ الطَّعَامِ أَوْ غَيْرِهِ مِمَّا يُزَارِعُ ثُمَّ يَأْتِيهِ رَجُلٌ فَيَقُولُ لَهُ خُذْ مِنِّي نِصْفَ بَدْرِكَ وَنِصْفَ نَفَقَتِكَ فِي هَذِهِ الْأَرْضِ وَأَشَارِكَ قَالَ لَا بَأْسَ بِذَلِكَ.

(The book) 'Al Saraair', from the book 'Al Masheykha' of Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'I asked Abu Abdullah^{-asws} about the man who engages in sharecropping with his own seed on a hundred 'Jaribs' of grain or other crops typically cultivated, then another man comes to him and says, 'Take from me half the seed and half the expenses for this land, and I will be a partner with you'. He^{-asws} said: 'There is no problem with that'²⁵⁷

²⁵⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 1

²⁵⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 2

²⁵⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 3

4- ين، كتاب حسين بن سعيد و النوادر ابنُ مُسكَنَانَ عَنْ مُحَمَّدِ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ حَدَّثَنِي أَبِي أَنَّ أَبَاهُ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ ص أَعْطَى خَيْبَرَ بِالنِّصْفِ أَرْضَهَا وَ نَخْلَهَا فَلَمَّا أُذْرِكْتُ بَعَثَ عَبْدَ اللَّهِ بْنَ رَوَاحَةَ فَقَوَّمَ عَلَيْهِمْ قِيمَةً فَقَالَ إِذَا أَنْ تَأْخُذُوهُ وَ تُعْطُونِي نِصْفَ التَّمَنِ وَ إِنَّمَا آخُذُهُ وَ أُعْطِيكُمْ نِصْفَ التَّمَنِ

The book of Haseen Bin Saeed, and 'Al Nawadir' of Ibn Muskan, from Muhammad Al Halby,

'From Abu Abdullah^{-asws} having said: 'My^{-asws} father^{-asws} narrator to me^{-asws} that his^{-asws} father^{-asws} had narrated to him^{-asws} that Rasool-Allah^{-sawww} gave Khyber for half of its land and its palm trees. When they matured, he^{-sawww} sent Abdullah Bin Rawaha. He evaluated a price upon them. He^{-sawww} said: 'Either you take it and give me half the price, or I take it and give you half the price!'

فَقَالُوا يَهْدًا قَامَتِ السَّمَاوَاتُ وَ الْأَرْضُ.

They said, 'With this stand the skies and the earth!'²⁵⁸

5- ابْنُ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ شِرَى أَرْضِ الْيَهُودِ وَ النَّصَارَى قَالَ لَا بَأْسَ قَدْ ظَهَرَ رَسُولُ اللَّهِ ص عَلَى أَهْلِ خَيْبَرَ فَحَارَثَهُمْ عَلَى أَنْ يَبْرُكُوا الْأَرْضَ فِي أَيْدِيهِمْ يَغْمُرُونَهَا وَ مَا بَعَا بَأْسٌ إِنْ اشْتَرَيْتَ وَ أَيُّ قَوْمٍ أَخْيَرُوا مِنْهَا فَهُمْ أَحَقُّ بِهِ وَ هُوَ لَهُمْ.

Ibn Muslim said, 'I asked Abu Ja'far^{-asws} about buying land of the Jews and the Christians. He^{-asws} said: 'There is no problem. Rasool-Allah^{-sawww} had prevailed upon the people of Khyber by allowing them to keep the land in their hands to cultivate it, and there was no harm in that if it was purchased, and any people who revive (farm) part of it are most entitled to it, and it would be for them'.²⁵⁹

6- قَالَ: وَ كَانَ عَلِيٌّ ع يَكْتُوبُ إِلَى عُمَّالِهِ لَا تُسَخِّرُوا الْمُسْلِمِينَ فِتْنَةً لَهُمْ وَ مَنْ سَأَلَكُمْ عَنِ الْفَرِيضَةِ فَقَدْ اعْتَدَى

He^{-asws} said, 'And Ali^{-asws} wrote to his^{-asws} workers: 'Do not subjugate (force) the Muslims into labour, thereby humiliating them. Whoever asks you for anything beyond what is obligatory has transgressed.

وَ يُوصِي بِالْأَكَّارِينَ وَ هُمْ الْفَلَّاحُونَ.

And he^{-asws} would advise regarding the farmers, who are the cultivators of the land.²⁶⁰

7- وَ لَا يَصْلُحُ أَنْ يُقْبَلَ أَرْضٌ بِتَمَرٍ مُسَمًّى وَ لَكِنْ بِالنِّصْفِ وَ الثُّلُثِ وَ الرَّبْعِ وَ الْخُمْسِ لَا بَأْسَ بِهِ.

And it is not correct to lease land for a specified amount of produce, but for the half, and the third, and the quarter, and the fifth, there is no problem with it.²⁶¹

²⁵⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 4

²⁵⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 5

²⁶⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 6

²⁶¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 7

8- وَ سئلَ عَن مُزَارَعَةِ الْمُسْلِمِ الْمَشْرِكِ يَكُونُ مِنَ الْمُسْلِمِ الْبُدْرُ جَرِيبٌ مِنْ طَعَامٍ أَوْ أَقْلٍ أَوْ أَكْثَرٍ فَيَأْتِيهِ رَجُلٌ آخَرَ فَيَقُولُ خُذْ مِنِّي نِصْفَ الْبُدْرِ وَ نِصْفَ النَّفَقَةِ وَ أَشْرِكْنِي قَالَ لَا بَأْسَ

And he^{-asws} was asked about a Muslim engaging in sharecropping with a Polytheist, where the seeds belong to the Muslim, a Jarib of grain, or less or more, then another man comes to him and says, 'Take from me half the seed and half the expenses, and make me your partner'. He^{-asws} said: 'No problem'.

قُلْتُ الَّذِي زَرَعَهُ فِي الْأَرْضِ لَمْ يَشْتَرِهِ إِنَّمَا هُوَ شَيْءٌ كَانَ عِنْدَهُ

I said: 'The seed he planted in the land was not purchased. It was something he already had!'

قَالَ يُقَوِّمُهُ قِيَمَةً كَمَا يَبَاعُ يَوْمَئِذٍ ثُمَّ يَأْخُذُ نِصْفَ الْقِيَمَةِ وَ نِصْفَ النَّفَقَةِ وَ يُشَارِكُهُ.

He^{-asws} said: 'He should estimate its value as it would be sold on that day, then take half of the value and half of the expenses, and they can share as partners.'²⁶²

9- وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ لَهُ السَّوْبُ فِي شِرْكَةٍ أَيْجَلُ لَهُ بَيْعُهُ

And I asked him^{-asws} about the man who owns a water channel in partnership, is it Permissible for him to sell his share?'

قَالَ لَهُ بَيْعُهُ بَرَقٍ أَوْ بِشَعِيرٍ أَوْ بِحِنْطَةٍ أَوْ بِمَا شَاءَ.

He^{-asws} said: 'He may sell it for silver, or for barley, or for wheat, or for whatever he likes to'.²⁶³

10- وَ قَالَ فِي رَجُلٍ زَرَعَ أَرْضَ غَيْرِهِ فَقَالَ ثُلُثٌ لِلْأَرْضِ وَ ثُلُثٌ لِلْبَقَرِ وَ ثُلُثٌ لِلْبُدْرِ

And he^{-asws} said regarding a man who cultivated someone else's land. He said: 'One third is for the land, one third for the oxen, and one third for the seeds!'

قَالَ لَا يُسَمِّي بَدْرًا وَ لَا بَقْرًا وَ لَكِنْ يَقُولُ ارْزُقْ فِيهَا كَذَا إِنْ شِئْتَ نِصْفًا أَوْ ثُلُثًا

He^{-asws} said: 'He should not specify seed or oxen, but rather say, 'Cultivate it for such and such a share, if you wish, half or a third'.

وَ قَالَ الْمُزَارَعَةُ عَلَى النَّصْفِ جَائِزَةٌ قَدْ زَارَعَ رَسُولُ اللَّهِ ص عَلَيَّ أَنْ عَلَيْهِمُ الْمُتُونَةُ.

²⁶² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 8

²⁶³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 9

And he^{-asws} said: ‘Share-cropping on the basis of half is permissible. Rasool-Allah^{-saww} engaged in share-cropping on the condition that the expenses would be upon them.’²⁶⁴

11- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّهَ تَعَالَى عَافِرٌ كُلِّ ذَنْبٍ إِلَّا رَجُلًا اعْتَصَبَ أَجِيرًا أَجْرُهُ أَوْ مَهْرَ امْرَأَةٍ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘Allah^{-azwj} the Exalted is a Forgiver of sins except a man who usurps an employee of his wages, or dowry of a woman.’²⁶⁵

باب 42 الودیعة

CHAPTER 42 – THE DEPOSIT

1- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن رجلٍ كانت عنده ودیعةٌ لرجلٍ فاخْتاجَ إليها هل یصلحُ له أن یأخذَ منها و هو مُجمِعٌ أن یردّها بغيرِ إذنِ صاحبِها

(The book) ‘Qurb Al-Isnaad’ –

‘Ali, from his brother (Al-Kazim^{-asws}), he said, ‘I asked him^{-asws} a man who had a deposit with him for a man. He was needy to it, ‘Is it correct for him to take from it, and he is resolved upon returning it, without permission of its owner?’

قَالَ إِذَا كَانَ عِنْدَهُ فَلَا بَأْسَ أَنْ يَأْخُذَ وَ يُرُدَّهُ.

He^{-asws} said: ‘When it was in his possession, there is no problem with him taking and returning it’.²⁶⁶

2 سر، السرائر من جامع التبرنطي مثله.

(The book) ‘Al Saraair’, from ‘Jamie’ of Al Bazanty – similar to it.²⁶⁷

قال محمد بن إدريس لا يلتفت إلى هذا الحديث لأنه ورد في نوادر الأخبار و الدليل بخلافه و هو الإجماع منعقد على تحريم التصرف في الودیعة بغير إذن ملاكها فلا نرجع عما يقتضيه العلم إلى ما يقتضيه الظن.

Muhammad Bin Idrees said, ‘This narration is not to be considered, because it appears among rare reports, and the evidence is contrary to it. There is a consensus established on the

²⁶⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 10

²⁶⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 41 H 11

²⁶⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 1

²⁶⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 2

prohibition of disposing of a deposit without the owner's permission. Therefore, we do not abandon what is required by certainty for what is based on conjecture.

3- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تُخُنْ مَنْ خَانَكَ فَتَكُونَ مِثْلَهُ.

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

'From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Do not betray the one who betrays you for you will become similar to him!''²⁶⁸

4- كِتَابُ زَيْدِ النَّرْسِيِّ، قَالَ سَمِعْتُ أَبَا الْحَسَنِ مُوسَى ع يَقُولُ قَالَ أَبِي جَعْفَرٌ يَا بُنَيَّ إِنَّ مَنْ ائْتَمَنَ شَارِبَ خَمْرٍ عَلَى أَمَانَةٍ فَلَمْ يُؤَدِّهَا إِلَيْهِ لَمْ يَكُنْ لَهُ عَلَى اللَّهِ ضَمَانٌ وَ لَا أَجْرٌ وَ لَا خَلْفٌ ثُمَّ إِنْ دَهَبَ لِيَدْعُو اللَّهَ لَمْ يَسْتَجِبِ اللَّهُ دُعَاءَهُ.

The book of Zayd Al Narsi who said,

'I heard Abu Al-Hassan Musa^{-asws} saying: 'Abu Ja'far^{-asws} said: 'O my^{-asws} son^{-asws}! One who entrusts a drinker of wine upon an entrustment, and he does not return it to him, there would not be any guarantee of Allah^{-azwj} for him, nor any Reward, nor replacement, then if he goes to supplicate to Allah^{-azwj}, Allah^{-azwj} will not Answer his supplication.'²⁶⁹

[باب 43 العارية](#)

CHAPTER 43 – THE LENDING OF ITEMS (WITHOUT COMPENSATION)

1- ل، الخصال قَالَ أَبُو عَبْدِ اللَّهِ ع حَزَّتْ فِي صَفْوَانَ بْنِ أُمَيَّةَ الْجُمَحِيِّ ثَلَاثَ مِنَ السَّنَنِ اسْتَعَارَ مِنْهُ رَسُولُ اللَّهِ ص سَبْعِينَ دِرْعًا حُطْمِيَّةً فَقَالَ أَعْصَبًا يَا مُحَمَّدُ

(The book) 'Al Khisaal' –

'Abu Abdullah^{-asws} said: 'Three of the Sunnahs flowed in Safwan Bin Umayya Al-Jumhy. Rasool-Allah^{-saww} borrowed from him seventy broken armours. He said, 'Are these being usurped, O Muhammad^{-saww}!?'

قَالَ بَلْ عَارِيَّةٌ مُؤَدَّاءٌ

He^{-saww} said: 'But these are returnable loans.

فَقَالَ يَا رَسُولَ اللَّهِ ص اقْبَلْ هِجْرَتِي

He said, 'O Rasool-Allah^{-saww}! Accept my emigration!'

²⁶⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 3

²⁶⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 42 H 4

فَقَالَ النَّبِيُّ ص لَا هِجْرَةَ بَعْدَ الْفَتْحِ

The Prophet^{-saww} said: ‘There is no emigration after the conquest (of Makkah)!’

وَكَانَ رَاقِداً فِي مَسْجِدِ رَسُولِ اللَّهِ ص وَتَحْتَ رَأْسِهِ رِدَاؤُهُ فَخَرَجَ يَبُولُ فَجَاءَهُ وَ قَدْ سُرِقَ رِدَاؤُهُ فَقَالَ مَنْ ذَهَبَ بِرِدَائِي وَ خَرَجَ فِي طَلْبِهِ فَوَجَدَ فِي يَدِ رَجُلٍ فَرَفَعَهُ إِلَى النَّبِيِّ ص

And he was lying down in Masjid of Rasool-Allah^{-saww}, and beneath his head was his cloak. He went out to urinate. He came back, and his cloak had been stolen. He said, ‘Who has gone with my cloak?’, and he went out in search of it. He found it in the hand of a man. He brought him to the Prophet^{-saww}.

فَقَالَ اقْطَعُوا يَدَهُ

He^{-saww} said, ‘Cut his hand!’

فَقَالَ أَلَا تَقْطَعُ يَدَهُ مِنْ أَجْلِ رِدَائِي يَا رَسُولَ اللَّهِ فَأَنَا أَهْبُهُ لَهُ

He said, ‘Will you^{-saww} cut his hand for the reason of my cloak, O Rasool-Allah^{-saww}? I hereby gift it to him!’

فَقَالَ أَلَا كَانَ هَذَا قَبْلَ أَنْ تَأْتِيَنِي بِهِ فَقُطِعَتْ يَدُهُ.

He^{-saww} said: ‘Why did this not happen before you came to me^{-saww} with him?’ So, he^{-saww} cut his hand”^{.270}

2- ف، تحف العقول في حيز طویل عن الصادق ع قال: أما الوجوه الأربعة التي يلزمه فيها النفقة من وجوه اصطناع المعروف فقضاء الدين و العارية و القرض و إقراء الضيف واجبات في السنة.

(The book) ‘Tuhaf Al Uqoul’ –

‘In a lengthy Hadeeth from Al-Sadiq^{-asws} having said: ‘As for the four aspects in which one is obligated to bear the expense as part of acts of kindness, these are - repaying a debt, returning a borrowed item, repaying a loan, and hosting a guest. These are obligatory in the Sunnah.²⁷¹

²⁷⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 43 H 1

²⁷¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 43 H 2

CHAPTER 44 – THE SURETY AND THE GUARANTEE

1- ل، الخصال أبي عن سعد بن ابن عيسى عن الوشاء عن أبي الحسن الحذاء قال: سمعتُ أبا عبد الله ع يقول لأبي العباس البقباقي ما منعك من الحج

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Al Washa, from Abu Al-Hassan Al Haza'a who said,

'I heard Abu Abdullah^{-asws} saying to Abu Al-Abbas Al-Baqbaq, 'What prevents you from the Hajj?'

قَالَ كَفَالَةٌ كَفَلْتُ بِهَا

He said, 'A surety I have undertaken with'.

قَالَ مَا لَكَ وَ لِلْكَفَالَاتِ أَمَا عَلِمْتَ أَنَّ الْكَفَالَةَ هِيَ الَّتِي أَهْلَكَتِ الْقُرُونَ الْأُولَى.

He^{-asws} said: 'What is it for you and the sureties? Don't you know that the surety, it is what destroyed the previous generations?'"²⁷²

2- ضا، فقه الرضا عليه السلام روي إذا كفّل الرجلُ بالرجلِ حُجِسَ إِلَى أَنْ يَأْتِيَ صَاحِبُهُ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It is reported that when the man gives surety of the man, he is withheld until his companion comes"²⁷³

3- وَ رُوِيَ لَيْسَ عَلَى الضَّامِنِ مِنْ عُرْمِ الْعُرْمِ عَلَى مَنْ أَكَلَ الْمَالَ وَ إِنْ كَانَ لَكَ عَلَى رَجُلٍ مَالٌ وَ ضَمِنَهُ رَجُلٌ عِنْدَ مَوْتِهِ وَ قَبِلَتْ ضَمَانَهُ فَأَلَمِيَتْ قَدْ بَرِيَ مِنْهُ وَ قَدْ لَزِمَ الضَّامِنَ رُدُّهُ عَلَيْكَ.

And it is reported that there is no liability on the guarantor. The liability is upon the one who consumed the wealth. And if you had money owed to you by a man, and another man guaranteed it at the time of his death, and you accepted his guarantee, then the deceased is absolved of it, and it becomes obligatory upon the guarantor to repay it to you.²⁷⁴

4- سر، السرائر من كتاب عبد الله بن بكير قال: سألتُ أبا عبد الله ع عن رجلٍ ضمّن عن رجلٍ ضمانةً ثمّ صالح على بعض ما ضمّن عنه فقال ليس له إلا الذي صالح عليه.

(The book) 'Al Saraair' – From the book of Abdullah Bin Bukeyr who said,

²⁷² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 1

²⁷³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 2

²⁷⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 3

'I asked Abu Abdullah^{-asws} about a man who guaranteed on behalf of another, then settled for part of what he had guaranteed for him. He said: He is entitled only to what he settled for. He^{-asws} said: 'It isn't for him except that which he had settled upon.'²⁷⁵

[باب 15 الوكالة](#)

CHAPTER 45 – THE AGENCY

كذا في نسخة الأصل، و بعده بياض لا يوجد فيه حديث: و مع ذلك فقد رقم للباب رقم

As it appears in the original copy, followed by a blank space with no hadith in it. Nonetheless, the chapter was still numbered as Chapter 45.

[باب 46 الصلح](#)

CHAPTER 46 – THE RECONCILIATION

1- **الْهُدَايَةُ، وَ الصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا صُلْحًا أَحَلَّ حَرَامًا أَوْ حَرَّمَ حَلَالًا.**

(The book) 'Al Hidayah' –

'And the reconciliation is allowed between the Muslims except a reconciliation to permit a Prohibition or to prohibit a Permissible.'²⁷⁶

2- **كِتَابُ الْإِمَامَةِ وَ النَّبِيَّةِ، عَنِ الْحَسَنِ بْنِ حَمَزَةَ الْعَلَوِيِّ عَنِ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ أَبِي الْقَاسِمِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا مَا حَرَّمَ حَلَالًا أَوْ حَلَّلَ حَرَامًا.**

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Al-Hassan Bin Hamza Al Alawy, from Ali Bin Muhammad Bin Abu Al Qasim, from his father, from Haroun Bin Muslim, from Mas'ada Bin Sadaqa,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The reconciliation is allowed between the Muslims except what prohibits a Permissible or permits a Prohibition''²⁷⁷

[باب 47 المضاربة](#)

CHAPTER 47 – PROFIT-SHARING PARTNERSHIP

1 **ب، قرب الإسناد ابن رباب قال سمعت أبا عبد الله ع يقول لا ينبغي للرجل المؤمن منكم أن يشارك الذبي و لا يبيع بضاعته و لا يودعه وديعة و لا يصفيه المودة.**

²⁷⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 44 H 4

²⁷⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 46 H 1

²⁷⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 46 H 2

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

'I heard Abu Abdullah^{-asws} saying: 'It is not befitting for the Momin from you to be a partner with a Zimmy, nor entrust him merchandise, nor deposit a deposit with him, nor form a cordial bond with him'.²⁷⁸

2- ب، قرب الإسناد عليّ عن أخيه قال قال: إِنَّ الْعَبَّاسَ كَانَ ذَا مَالٍ كَثِيرٍ وَكَانَ يُعْطِي مَالَهُ مُضَارَبَةً وَ يَشْتَرِطُ عَلَيْهِمْ أَنْ لَا يَنْزِلُوا بَطْنَ وَادٍ وَ لَا يَشْتَرُوا كَبِدًا رَطْبَةً وَ أَنْ يُهْرِيقَ الْمَاءَ عَلَى الْمَاءِ فَإِنْ خَالَفَ عَنْ شَيْءٍ مِمَّا أَمَرْتُ فَهُوَ لَهُ ضَامِنٌ.

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{-asws}), he said: 'He^{-asws} said: 'Al-Abbas was a man of great wealth, and he used to give his wealth for profit-sharing stipulating to his partners that they must not descend into the bottom of a valley, nor buy fresh liver, and that they must pour water over water. 'If anyone violates anything from what I have instructed then he is liable for it!''²⁷⁹

3- ب، قرب الإسناد هارون عن ابن زياد قال قال: سَمِعْتُ أَبَا الْحَسَنِ ع يَقُولُ لِأَبِيهِ يَا أَبَتِي إِنَّ فُلَانًا يُرِيدُ الْيَمْنَ أ فَلَا أَرْوُدُهُ بِيضَاعَةً لِيَشْتَرِيَ لِي بِهَا عَصَبَ الْيَمَنِ

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

'I heard Abu Al-Hassan^{-asws} saying to his^{-asws} father^{-asws}: 'O father^{-asws}! So and so is intending to go to Al-Yemen. Shall I^{-asws} provide him with merchandise for him to buy for me^{-asws} a product of Al-Yemen?'

فَقَالَ لَهُ يَا بُنَيَّ لَا تَفْعَلْ

He^{-asws} said to him^{-asws}: 'O my^{-asws} son^{-asws}, don't do it!'

قَالَ فَلَمْ

He^{-asws} said: 'Why?'

قَالَ لِأَنَّهَا إِنْ ذَهَبَتْ لَمْ تُؤْجَرْ عَلَيْهَا وَ لَمْ يُخْلَفْ عَلَيْكَ لِأَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا فَأَيُّ سَفِيهِهٍ أَسْفَهُ بَعْدَ النِّسَاءِ مِنْ شَارِبِ الْخَمْرِ

He^{-asws} said: 'Because if it goes, you^{-asws} will not be Rewarded upon it and will not be replaced upon you, because Allah^{-azwj} Blessed and Exalted Saying: '**And do not give your wealth to the foolish which Allah has made a (means of) support for you, [4:5]**. So, which foolish one is more foolish, after the women, than the drinker of the wine?

²⁷⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 1

²⁷⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 2

يَا بُيَّيْ أَبِي حَدَّثَنِي عَنْ آبَائِهِ أَنَّ رَسُولَ اللَّهِ ص قَالَ مَنْ ائْتَمَنَ غَيْرَ أَمِينٍ فَلَيْسَ لَهُ عَلَى اللَّهِ ضَمَانٌ لِأَنَّهُ قَدْ هَمَّ أَنْ يَأْتِمَهُ.

O my^{-asws} son^{-asws}! My^{-asws} father^{-asws} narrated to me^{-asws} from his^{-asws} forefathers^{-asws} that Rasool-Allah^{-saww} said: ‘On who entrusts an untrustworthy one, there is no guarantee for him upon Allah^{-azwj} because He^{-azwj} has Prohibited from entrusting him’.²⁸⁰

4- ضا، فقه الرضا عليه السلام أبي قال: كَانَ لِلْعَبَّاسِ مَالٌ مُضَارَبَةٌ فَكَانَ يَشْتَرِطُ أَنْ لَا يَرْكَبُوا بَحْرًا وَلَا يَنْزِلُوا وَاِدْيَا فَإِنْ فَعَلْتُمْ فَأَنْتُمْ ضَامِنُونَ وَ أُنْبَغَ ذَلِكَ رَسُولَ اللَّهِ ص فَأَجَازَ شَرْطَهُ عَلَيْهِمْ.

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘My^{-asws} father^{-asws} said: ‘Al-Abbas had money for partnership trade, and he stipulated that they should neither sail by sea nor go down into a valley. If they did, they would be responsible. He conveyed this to Rasool-Allah^{-saww}. He^{-saww} allowed his^{-saww} condition upon them’.²⁸¹

5- وَ سُئِلَ أَبُو جَعْفَرٍ ع عَنْ رَجُلٍ أَخَذَ مَالًا مُضَارَبَةً أَعْطَاهُ آخَرَ بِأَقَلِّ بِمَّا أَخَذَهُ قَالَ لَا.

And Abu Ja’far^{-asws} was asked about a man who took money for partnership trade. Is it permissible for him to give it to another for less than what he received?’ He^{-asws} said: ‘No’.²⁸²

[باب 48 الشركة](#)

CHAPTER 48 – THE PARTNERSHIP

1- سر، السرائر من كتاب المشيخة لابن محبوب عن أبي أيوب عن سماعة قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الرَّجُلِ يُزَارِعُ بِبَدْرِهِ مِائَةَ جَرِيبٍ مِنَ الطَّعَامِ أَوْ غَيْرِهِ بِمَّا يُزَارِعُ ثُمَّ يَأْتِيهِ رَجُلٌ آخَرَ فَيَقُولُ لَهُ خُذْ مِنِّي نِصْفَ بَدْرِكَ وَ نِصْفَ نَفَقَتِكَ فِي هَذِهِ الْأَرْضِ وَ أَشَارِكَ قَالَ لَا بَأْسَ بِذَلِكَ.

(The book) ‘Al Saraair’ – From ‘Kitab Al Masheykha’ of Ibn Mahboub, from Abu Ayoub, from Sama’at who said,

‘I asked Abu Abdullah^{-asws} about a man who farms with his seeds one hundred ‘Jaribs’ of food or other crops, then another man comes to him and says, ‘Take half of your seeds and half of your expenses on this land from me, and I will share the partnership with you!’ He^{-asws} said, ‘There is no problem with that’.²⁸³

[باب 49 الجعالة](#)

CHAPTER 49 – THE REWARD

1- ب، قرب الإسناد علي عن أبيه ع قال: سَأَلْتُهُ عَنْ جُعْلِ الْإَبِقِ وَ الضَّائِلِ قَالَ لَا بَأْسَ.

²⁸⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 3

²⁸¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 4

²⁸² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 47 H 5

²⁸³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 48 H 1

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{asws}), he said, 'I asked him^{asws} about reward for the absconding slave and the lost (animal). He^{asws} said: 'There is no problem''.²⁸⁴

باب 50 الوقف و فضله و أحكامه

CHAPTER 50 – ENDOWMENT AND ITS MERITS AND ITS RULINGS

1- لي، الأماالي للصدوق ل، الخصال أبي عن سعد عن أبي بصير عن محمد بن شعيب عن الهيثم بن أبي كهمس عن أبي عبد الله ع قال: ست خصال يتنفع بها المؤمن من بعد موته ولد صالح يستغفر له و موصح يقرأ فيه و قلب يخفره و عرس يعرسه و صدقة ماء يجره و سنة حسنة يؤخذ بها بعده.

(The book) 'Al Amaali' of Al Sadouq, (and) 'Al Khisaal' – My father, from Sa'ad, from Al Yaqteeny, from Muhammad Bin Shueyb, from Al Haysam Bin Abu Kahmas,

'From Abu Abdullah^{asws} having said: 'Six characteristics the Momin benefits with from after his death – a righteous son seeking Forgiveness for him, and a Quran being read, and a well he had dug, and a plant he had planted, and charity of water he had flowed, and a good conduct taken with after him''.²⁸⁵

2- ما، الأماالي للشيخ الطوسي المفيد عن أحمد بن الوليد عن أبيه عن الصقار عن ابن عيسى عن يونس عن السري بن عيسى عن عبد الحالق بن عبد ربه قال قال أبو عبد الله ع خير ما يخلقه الرجل بعده ثلاثة ولد بار يستغفر له و سنة خير يُفتدى به فيها و صدقة تجري من بعده.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Mufeed, from Ahmad Bin Al Waleed, from his father, from Al Saffar, from Ibn Isa, from Yunus, from Al Sary Bin Isa, from Abdul Khaliq Bin Abdul Rabbih who said,

'The best of what the man leaves behind after him are three – a righteous son seeking Forgiveness for him, and a good conduct followed by, and a charity he had left behind to flow.'²⁸⁶

3- ل، الخصال أبي عن الحميري عن ابن عيسى عن ابن محبوب عن ابن رباب عن الحلبي عن أبي عبد الله ع قال: ليس يتنفع الرجل بعد موته من الأجر إلا ثلاث خصال صدقة أجزاها في حياته فهي تجري بعده إلى يوم القيامة و صدقة مؤفوفة لا تورث أو سنة هدى سنّها فكان يعمل بها و عمل بها من بعده غيره أو ولد صالح يستغفر له.

(The book) 'Al Khisaal' – My father, from Al Himeyri, from Ibn Isa, from Ibn Mahboub, from Ibn Riab, from Al Halby,

'From Abu Abdullah^{asws} having said: 'The Reward does not follow the man after his death except in three qualities – a charity he had flowed during his lifetime so it keeps flowing after his death up to the Day of Qiyamah, and a dedicated charity not getting inherited, or a guiding

²⁸⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 48 H 2

²⁸⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 1

²⁸⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 2

conduct he had enacted, so it would be acted with and worked with by others from after him, or a righteous son seeking Forgiveness for him”²⁸⁷.

4- لي، الأماالي للصدوق العطار عن سعد بن النهدبي عن ابن محبوب عن مالك بن عطية عن ضريس عن أبي جعفر الباقر عن آتائه ع أن رسول الله ص مر برجل يغرّس غرساً في حائط له فوقف عليه فقال أ لا أدلك على غرس أثبت أصلاً وأسرع إنباعاً وأطيب ثمراً وأنقى

(The book) ‘Al Amaali’ of Al Sadouq – Al Attar, from Sa’ad, from Al Nahdy, from Ibn Mahboub, from Malik Bin Atiya, from Zureys,

‘From Abu Ja’far Al Baqir^{-asws}, from his^{-asws} forefathers^{-asws}: ‘Rasool-Allah^{-saww} passed by a man planting a plant in a garden of his. He^{-saww} paused to him. He^{-saww} said: ‘Shall I^{-saww} point you to a plant whose roots are firm, and is quick in growth, and best of fruit and purest?’

قال بلى فذاك أبي و أمي يا رسول الله ص

He said, ‘Yes. May my father and my mother be sacrificed for you^{-saww}, O Rasool-Allah^{-saww}!’

فقال إذا أصبحت و أمسيت فقل سبحان الله و الحمد لله و لا إله إلا الله و الله أكبر فإن لك بذلك إن قلت بكلمة تسبيحة عشر شجرات في الجنة من أنواع الفاكهة و هن من الباقيات الصالحات

He^{-saww} said: ‘When you come to a morning and evening, say, ‘Glory be to Allah^{-azwj}, and the Praise is for Allah^{-azwj}, and there is no god except Allah^{-azwj}, and Allah^{-azwj} is Greatest!’ For you, with that, if you were to say it, with every glorification would be ten trees in the Paradise from a variety of fruits, and these are from the everlasting righteous deeds!’

قال فقال الرجل أشهدك يا رسول الله أن حائطي هذا صدقة مضمونة على فقراء المسلمين من أهل الصدقة

He^{-asws} said: ‘The man said, ‘I keep you^{-asws} as witness, O Rasool-Allah^{-saww}, that this garden of mine is charity held for the poor Muslims from the people of the platform (destitute emigrants in Al-Medina)’.

فأنزل الله تبارك و تعالی فأما من أعطى و اتقى و صدق بالحسنى فسنيسره لليسرى.

Allah^{-azwj} Blessed and Exalted Revealed: ***So, as for one who gives and fears [92:5] And ratifies the most excellent [92:6] So We will be Facilitating him to the ease [92:7]***²⁸⁸.

5- ج، الإحتجاج الأستدري قال: كان فيما ورد علي من الناحية المقدسة على يد محمد بن عثمان العمري أما ما سألت عنه من الوقف على ناحيتنا و ما يجعل لنا ثم يحتاج إليه صاحبهُ فكل ما لم يسلم فصاحبهُ بالخيار و كل ما سلم فلا خيار لصاحبهِ فيه إحتاج أو لم يحتاج افتقر إليه أو استغنى عنه.

(The book) ‘Al Ihtijaj’ of Al Asady who said,

²⁸⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 3

²⁸⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 4

‘It was among what arrived to me from the Holy area (Al-Mahdi^{-ajfi}) upon the hand of Muhammad Bin Usman Al-Amry: ‘As for what you asked about the designated donation to our^{-ajfi} cause, whatever is made to be for us^{-ajfi}, then its owner becomes needy to it, so all what has not been submitted yet, its owner is with the choice, and all what has already been submitted, there is no choice for its owner in it, whether he is need, impoverished to it or needless of it!’²⁸⁹

6- وَ أَمَّا مَا سَأَلْتَ عَنْهُ مِنْ أَمْرِ الضَّيَاعِ الَّتِي لِنَاحِيَّتِنَا هَلْ يُجُوزُ الْقِيَامُ بِعِمَارَتِهَا وَ آدَاءِ الْحَرَاجِ مِنْهَا وَ صَرَفِ مَا يُفْضَلُ مِنْ دَخْلِهَا إِلَى النَّاحِيَةِ اخْتِسَاباً لِلْآخِرِ وَ تَقَرُّباً إِلَيْكُمْ فَلَا يَحِلُّ لِأَحَدٍ أَنْ يَتَصَرَّفَ فِي مَالِ غَيْرِهِ بِغَيْرِ إِذْنِهِ فَكَيْفَ يَحِلُّ ذَلِكَ فِي مَالِنَا

And as for what you asked about of the matter of the estates which is for our^{-ajfi} cause whether it is permissible to undertake their maintenance, pay the land tax from their yield, and direct any surplus income toward the cause, seeking reward and drawing near to us^{-ajfi}, no one is permitted to dispose of another’s property without their permission, so how could it be permissible with regard to our^{-ajfi} wealth?

مَنْ فَعَلَ شَيْئاً مِنْ ذَلِكَ بِغَيْرِ أَمْرِنَا فَقَدْ اسْتَحَلَّ مِنَّا مَا حَرَّمَ عَلَيْهِ وَ مَنْ أَكَلَ مِنْ أَمْوَالِنَا شَيْئاً فَإِنَّمَا يَأْكُلُ فِي بَطْنِهِ نَاراً وَ سَيَصْلَى سَعِيرًا.

Whoever does any of this without our^{-ajfi} command has made lawful from us^{-ajfi} what is forbidden to him, and whoever consumes anything from our^{-ajfi} wealth is only filling his belly with fire, and he will arrive in ‘Saeer’ (a level of Hell)!²⁹⁰

7- وَ أَمَّا مَا سَأَلْتَ عَنْهُ مِنْ أَمْرِ الرَّجُلِ الَّذِي يَجْعَلُ لِنَاحِيَّتِنَا ضَيْعَةً وَ يُسَلِّمُهَا مِنْ قِيمِ يَقُومُ بِهَا وَ يَعْمُرُهَا وَ يُؤَدِّي مِنْ دَخْلِهَا خَرَاجَهَا وَ مَثُونَتَهَا وَ يَجْعَلُ مَا يَبْقَى مِنَ الدَّخْلِ لِنَاحِيَّتِنَا فَإِنَّ ذَلِكَ جَائِزٌ لِمَنْ جَعَلَهُ صَاحِبُ الضَّيْعَةِ قِيمًا عَلَيْهَا إِنَّمَا لَا يُجُوزُ ذَلِكَ لِغَيْرِهِ.

As for what you asked about regarding a man who dedicates an estate to our^{-ajfi} cause and assigns a caretaker to manage it, maintain it, pay its land tax and expenses from its income, and allocate the remaining income to our^{-ajfi} cause, this is permissible for the one whom the owner of the estate has appointed as its caretaker. It is only not permissible for anyone else!²⁹¹

8- وَ أَمَّا مَا سَأَلْتَ عَنْهُ مِنَ الْبِمَارِ مِنْ أَمْوَالِنَا يَمُرُّ بِهِ الْمَارُ فَيَتَنَاوَلُ مِنْهُ وَ يَأْكُلُ هَلْ يَحِلُّ لَهُ ذَلِكَ فَإِنَّهُ يَحِلُّ لَهُ أَكْلُهُ وَ يَحْرَمُ عَلَيْهِ حَمْلُهُ.

As for what you asked about regarding the fruits from our^{-ajfi} property that a passerby comes across and picks to eat, then it is permissible for him to eat from it, but it is forbidden for him to carry any of it away!²⁹²

9- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن رجلٍ تصدَّقَ على وُلديه بصَدَقَةٍ ثُمَّ بَدَأَ لَهُ أَنْ يُدْجَلَ فِيهِ غَيْرُهُ مَعَ وُلْدِهِ أَ يَصْلُحُ ذَلِكَ

²⁸⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 5

²⁹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 6

²⁹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 7

²⁹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 8

(The book) 'Qurb Al Isnaad' –

'Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man donating charity to his own son, then there is a change of decision for him to include someone else in it. 'Is that correct?'

قَالَ نَعَمْ يَصْنَعُ الْوَالِدُ بِمَالِ وَلَدِهِ مَا أَحَبَّ وَ الْهَيْبَةُ مِنَ الْوَلَدِ بِمَنْزِلَةِ الصَّدَقَةِ مِنْ غَيْرِهِ.

He^{-asws} said: 'Yes, the father can do so with the wealth of his son whatever he likes, while the gift from the son is at the status of the charity from someone else'.²⁹³

10- ب، قرب الإسناد ابنُ عيسى عَنِ الْبَرْزَنْطِيِّ قَالَ: سَأَلْتُ الرِّضَا عَ عَنِ الْحَيْطَانِ السَّبْعَةِ فَقَالَ كَانَتْ مِيرَاثًا مِنْ رَسُولِ اللَّهِ ص وَقَفَ [وَقَفًا] فَكَانَ رَسُولُ اللَّهِ ص يَأْخُذُ مِنْهَا مَا يُنْفِقُ عَلَى أَضْيَافِهِ وَ النَّائِبَةِ يَلْزِمُهُ فِيهَا

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

'I asked Al-Reza^{-asws} about the seven gardens. He^{-asws} said: 'These were an inheritance from Rasool-Allah^{-saww}, designated (Waqf). Rasool-Allah^{-saww} used to take from these what he^{-saww} spent upon his^{-saww} guests, and the deputy staying in it.

فَلَمَّا فُيْضَ جَاءَ الْعَبَّاسُ يُخَاصِمُ فَاطِمَةَ ع فَشَهِدَ عَلِيُّ ع وَ عَزِيْزُهُ أَهْمًا وَقَفَّ وَ هِيَ الدَّلَالُ وَ الْعَوَافُ وَ الْحُسْنَى وَ الصَّافِيَةُ وَ مَالُ أُمِّ إِبْرَاهِيمَ وَ الْمَنْبُتُ وَ بُرْقَةُ.

When he^{-saww} passed away, Al-Abbas came disputing against (Syeda) Fatima^{-asws}. Ali^{-asws} testified, and so did others that these are designated (Waqf), and these are – Al-Dalal, and Al-Awaf, and Al-Hasna, and Al-Safiya, and Mal Umm Ibrahim^{-as}, and Al-Manbat, and Burqah".²⁹⁴

11- ع، علل الشرائع جَعْفَرُ بْنُ عَلِيٍّ عَنِ أَبِيهِ عَنِ جَدِّهِ الْحُسَيْنِ بْنِ عَلِيٍّ الْكُوْفِيِّ عَنِ الْعَبَّاسِ بْنِ عَامِرٍ عَنِ أَبِي الصَّنْحَاكِ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لَهُ رَجُلٌ اشْتَرَى دَارًا فَبَنَاهَا فَبَقِيَتْ عَرَصَةٌ فَبَنَاهَا بَيْتَ عُلَّةٍ أَوْ قَفُّهُ عَلَى الْمَسْجِدِ

(The book) 'Ilal Al Sharaie' – Ja'far Bin Ali, from his father, from his grandfather Al-Hassan Bin Ali Al Kufi, from Al Abbas Bin Aamir, from Abu Al Zahhak,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I said to him^{-asws}, 'A man bought a house and built it, and a courtyard remained, so he built a revenue-generating house on it. Can he dedicate it (as Waqf) for the Masjid?'

قَالَ إِنَّ الْمَجُوسَ وَقَفُوا عَلَى بَيْتِ النَّارِ.

He^{-asws} said: 'Even the Magians made endowments for the house of fire worship'.²⁹⁵

²⁹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 9

²⁹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 10

²⁹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 11

12- نَحَجَّ الْبَلَاغَةَ، مِنْ وَصِيَّتِهِ لَهُ عَ بِمَا يُعْمَلُ فِي أَمْوَالِهِ كَتَبَهَا بَعْدَ مُنْصَرَفِهِ مِنْ صِفِّينَ هَذَا مَا أَمَرَ بِهِ عَبْدُ اللَّهِ عَلِيُّ بْنُ أَبِي طَالِبٍ أَمِيرُ الْمُؤْمِنِينَ فِي مَالِهِ ابْتِغَاءَ وَجْهِ اللَّهِ لِيُؤَلِّجَنِي بِهِ الْجَنَّةَ وَ يُعْطِيَنِي الْأَمَنَةَ

(The book) 'Nahj Al Balagah' –

'From a bequest of his^{-asws} (Ali^{-asws}) with what is to be worked regarding his^{-asws} properties. He^{-asws} wrote it after his^{-asws} leaving from (battle of) Sifeen: 'This is what the servant of Allah^{-azwj}, Ali^{-asws} Bin Abu Talib Amir Al-Momineen^{-asws} is instructing with regarding his^{-asws} wealth seeking the Face of Allah^{-azwj} for Him^{-azwj} to Take me^{-asws} to the Paradise due to it, and Grant me^{-asws} the wishes'.

مِنْهَا وَ إِنَّهُ يَقُومُ بِذَلِكَ الْحَسَنُ بْنُ عَلِيٍّ يَأْكُلُ مِنْهُ بِالْمَعْرُوفِ وَ يُنْفِقُ مِنْهُ فِي الْمَعْرُوفِ فَإِنْ حَدَثَ بِحَسَنٍ حَدَثٌ وَ حُسَيْنٌ حَيٌّ قَامَ بِالْأَمْرِ بَعْدَهُ وَ أَصْدَرَهُ مَصْدَرَهُ

From it - 'So he^{-asws}, Al-Hassan^{-asws} Bin Ali^{-asws} will be standing with that. He^{-asws} can consume from it with the moderation and spend from it with the moderation. If there is an occurrence of death with Hassan^{-asws} while Al-Husayn^{-asws} is still alive, then he^{-asws} will stand with the matter after him^{-asws} and implement his^{-asws} implementations.

وَ إِنْ لَانْتَبَيْ فَاطِمَةَ مِنْ صَدَقَةِ عَلِيٍّ مِثْلَ الَّذِي لِيَنِي عَلِيٍّ وَ إِنِّي إِنَّمَا جَعَلْتُ الْقِيَامَ بِذَلِكَ إِلَى ابْنَتِي فَاطِمَةَ ابْتِغَاءَ وَجْهِ اللَّهِ وَ قُرْبَةً إِلَى رَسُولِ اللَّهِ ص وَ تَكْرِيماً لِحُرْمَتِهِ وَ تَشْرِيفاً لِيُؤَصِّلَنِي

And for the two sons^{-asws} of (Syeda) Fatima^{-asws} from the charity of Ali^{-asws}, is similar to that which is for the (other) sons of Ali^{-asws}, and rather I^{-asws} am making the custody of what to the two sons^{-asws} of (Syeda) Fatima^{-asws} seeking the Face of Allah^{-azwj} and drawing closer to Rasool-Allah^{-saww}, and honouring of his^{-saww} sanctity, and ennobling to his^{-saww} kinship.

وَ يَشْتَرُ عَلَى الَّذِي يَجْعَلُهُ إِلَيْهِ أَنْ يَتْرَكَ الْمَالَ عَلَى أَصُولِهِ وَ يُنْفِقَ مِنْ مَرِّهِ حَيْثُ أَمَرَ بِهِ وَ هُدِي لَهُ وَ أَلَّا يَبِيعَ مِنْ أَوْلَادِ نَخِيلِ هَذِهِ الْقَرْيَةِ وَ دِيَّتِهِ حَتَّى تُشْكَلَ أَرْضُهَا غَرَساً

And he^{-asws} should stipulate upon the one whom he^{-asws} makes it to, that he should leave the wealth upon its origin and spend from the fruits wherever he^{-asws} had instructed him with, and gifted it to, and that he should not sell from the produce of the palm trees of this town as a deposit until it forms as plants of its land.

وَ مَنْ كَانَ مِنْ إِمَائِي اللَّائِي أَطُوفَ عَلَيْهِنَ لَهَا وَ لَدَّ أَوْ هِيَ حَامِلٌ فَتُمْسِكُ عَلَيَّ وَ لَدِيهَا وَ هِيَ مِنْ حَظِّهِ فَإِنْ مَاتَ وَ لَدَهَا وَ هِيَ حَيَّةٌ فَهِيَ عَنِي قَدْ أَفْرَجَ عَنْهَا الرِّقُّ وَ حَرَّرَهَا الْعِتْقُ

And the one who were from my^{-asws} slave girls, those whom I^{-asws} had circled upon, having a child for her, or she is pregnant, she should be adhered with her child, and she is from his share. If her child were to die while she is still alive, then she is free, the slavery would be relieved from her, and her freedom is the liberation'.²⁹⁶

²⁹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 12

قال السيد رضي الله عنه قوله ع في هذه الوصية و أن لا يبيع من نخلها ودية فإن الودية الفسيلة و جمعها ودي و قوله حتى تشكل أرضها غراسا فهو من أفصح الكلام و المراد به أن الأرض يكثر فيها غراس النحل حتى يراها الناظر على تلك الصفة التي عرفها بما فيشكل عليه أمرها و يحسبها غيرها.

And his^{-asws} words: 'until it forms as plants of its land', it is from the most eloquent of the speeches, and the intent with it is that the land having a lot of palm trees in it until the beholder sees it upon other than that description which it is being recognised with, so its affair is problematic upon him, and he reckons it as something else'.

13- مَصْنُوحُ الْأَنْوَارِ، عَنْ أَبِي جَعْفَرٍ ع قَالَ مُحَمَّدُ بْنُ إِسْحَاقَ وَ حَدَّثَنِي أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيٍّ أَنَّ فَاطِمَةَ عَاشَتْ بَعْدَ رَسُولِ اللَّهِ ص سِتَّةَ أَشْهُرٍ

(The book) 'Misbah Al Anwaar' –

'From Abu Ja'far^{-asws}. Muhammad Bin Is'haq said, 'And it is narrated to me by Abu Ja'far Muhammad^{-asws} Bin Ali^{-asws} that (Syeda) Fatima^{-asws} lived after Rasool-Allah^{-sawww}, for six months'.

قَالَ وَ إِنَّ فَاطِمَةَ بِنْتَ رَسُولِ اللَّهِ ص كَتَبَتْ هَذَا الْكِتَابَ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا كَتَبَتْ فَاطِمَةُ بِنْتُ مُحَمَّدٍ فِي مَالِهَا إِذْ حَدَّثَتْ بِمَا حَدَّثَتْ تَصَدَّقَتْ بِتَمَانِينَ أَوْقِيَّةً تُنْفِقُ عَنْهَا مِنْ ثَمَارِهَا الَّتِي لَهَا كُلَّ عَامٍ فِي كُلِّ رَجَبٍ بَعْدَ نَفَقَةِ السَّقِيِّ وَ نَفَقَةِ الْمَغْلِ [الْعَمَلِ]

He said, 'And (Syeda) Fatima^{-asws}, daughter of Rasool-Allah^{-azwj} wrote this letter: - 'In the Name of Allah^{-azwj} the Beneficent, the Merciful! This is what is written by (Syeda) Fatima^{-asws} daughter of Muhammad^{-as}, if an event (of death) were to occur with her^{-asws}. She^{-asws} donates in charity eight 'Owqiyas' (1 Owqiya – 128 gms. or 40 Dirhams) to be spent on her^{-asws} behalf from her^{-asws} fruits which are for her^{-asws} every year during every (month of) Rajab after spending on the irrigation and the workers'.

وَ أَنَّمَا أَنْفَقْتُ ثَمَارَهَا الْعَامَ وَ ثَمَارَ الْفَمْحِ عَاماً قَابِلاً فِي أَوَانٍ غَلَّتْهَا وَ أَنَّمَا أَمَرْتُ لِنِسَاءِ مُحَمَّدٍ أَيْبَهَا خَمْسَ [خَمْساً] وَ أَرْبَعِينَ أَوْقِيَّةً وَ أَمَرْتُ لِإِقْرَاءِ بَنِي هَاشِمٍ وَ بَنِي عَبْدِ الْمُطَّلِبِ بِخَمْسِينَ أَوْقِيَّةً وَ كَتَبْتُ فِي أَصْلِ مَالِهَا فِي الْمَدِينَةِ

And she^{-asws} had spent its produce for that year, along with the wheat yield for the following year, at the time of its harvest. She^{-asws} designated forty-five Owqiyas for the wives of her^{-asws} father^{-sawww} Muhammad^{-sawww}, and she^{-asws} allocated fifty Owqiyas for the poor among the clan of Hashim^{-as} and the clan of Abd Al Muttalib^{-as}. Syeda^{-asws} also recorded this in the principal part of her^{-asws} wealth in Medina.

أَنَّ عَلِيًّا ع سَأَلَهَا أَنْ تُؤَيِّدَهُ مَالَهَا فَيَجْمَعَ مَالَهَا إِلَى مَالِ رَسُولِ اللَّهِ ص فَلَا تُفَرَّقَ

Ali^{-asws} asked her^{-asws} to appoint him over her^{-asws} wealth so that he^{-asws} could combine her^{-asws} property with that of Rasool-Allah^{-sawww}, and it would not be divided.

وَ تَلِيهِ [يَلِيهِ] مَا دَامَ حَيًّا فَإِذَا حَدَّثَتْ بِهِ حَدِيثٌ دَفَعَهُ إِلَى ابْنَيْ الْحُسَيْنِ وَ الْحُسَيْنِ فَيَلِيَانِهِ

'He^{-asws} would manage it as long as he^{-asws} lived, and when the event of death happens to him^{-asws}, he^{-asws} would hand it over to my^{-asws} two sons, Al-Hassan^{-asws} and Al-Husayn^{-asws}, so they^{-asws} would manage it.

وَإِنِّي دَفَعْتُ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ عَلَى أَبِي أَحَلَّلُهُ فِيهِ فَيَدْفَعُ مَالِي وَ مَالِ مُحَمَّدٍ ص لَا يُفْرَقُ مِنْهُ شَيْئاً يَفْضِي عَنِّي مِنْ أَمْثَارِ الْمَالِ مَا أَمَرْتُ بِهِ وَ مَا تَصَدَّقْتُ بِهِ

I^{-asws} have entrusted it to Ali^{-asws} Ibn Abu Talib^{-asws} on the condition that I^{-asws} make it permissible for him^{-asws} to act with it. He^{-asws} shall deliver my^{-asws} wealth and the wealth of Muhammad^{-saww} without separating any part of it. He^{-asws} shall fulfil from the produce of the wealth what I^{-asws} have instructed and what I^{-asws} have given in charity.

فَإِذَا قَضَى اللَّهُ صَدَقَتَهَا وَ مَا أَمَرْتُ بِهِ فَأَلْأَمُرُ بِيَدِ اللَّهِ تَعَالَى وَ بِيَدِ عَلِيٍّ يَتَصَدَّقُ وَ يُنْفِقُ حَيْثُ شَاءَ لَا حَرَجَ عَلَيْهِ

When Allah^{-azwj} has fulfilled the charity and what I^{-asws} have instructed, then the matter is in the Hand of Allah^{-azwj} the Exalted, and in the hand of Ali^{-asws}, to give in charity and spend as he^{-asws} sees fit, with no blame upon him^{-asws}.

فَإِذَا حَدَثَ بِهِ حَدَثٌ دَفَعَهُ إِلَى ابْنَيْ الْحُسَيْنِ وَ الْحُسَيْنِ الْمَالِ جَمِيعاً مَالِي وَ مَالِ مُحَمَّدٍ ص فَيُنْفِقَانِ وَ يَتَصَدَّقَانِ حَيْثُ شَاءَ أَوْ لَا حَرَجَ عَلَيْهِمَا

When the event of death occurs with him^{-asws}, he^{-asws} shall hand over all the wealth, my^{-asws} wealth and the wealth of Muhammad^{-saww} to my^{-asws} two sons, Al-Hassan^{-asws} and Al-Husayn^{-asws}. They^{-asws} may spend and give in charity from it as they^{-asws} wish, and there is no blame upon them^{-asws}.

وَ إِنَّ لَابْنَةَ حُنْدَبٍ بَعْثِي بِنْتُ أَبِي دَرِّ الْعِفَارِيِّ الثَّابُوتِ الْأَصْعَرِ وَ تَعْطِيهَا [بِعُطِيهَا] فِي الْمَالِ مَا كَانَ وَ نَعْلِي الْأَدَمِيَّيْنِ وَ النَّطَمَ وَ الْجُبَّ وَ السَّرِيرَ وَ الزَّرِينَةَ وَ الْقَطِيفَتَيْنِ

As for the daughter of Jundab^{-ra}, i.e. the daughter of Abu Zarr Al-Ghifari^{-ra}, she is to be given the small chest and what is in it, and she is to be given from the wealth whatever it may be, along with my^{-asws} two leather shoes, the mat, the cloak, the bed, the straw mat, and the two blankets.

وَ إِنَّ حَدَثَ بِأَحَدٍ مِّنْ أَوْصِيَّتِ لَهُ قَبْلَ أَنْ يُدْفَعَ إِلَيْهِ فَإِنَّهُ يُنْفِقُ فِي الْفُقَرَاءِ وَ الْمَسَاكِينِ وَ إِنَّ الْأَسْتَارَ لَا يَسْتَرُّ بِهَا امْرَأَةً إِلَّا إِحْدَى ابْنَتِي غَيْرَ أَنَّ عَلِيّاً يَسْتَرُّ بِهِنَّ إِنْ شَاءَ مَا لَمْ يَنْكِحْ

If anyone from among those I^{-asws} bequeathed to dies before the bequest reaches them, it shall be spent on the poor and needy. As for the curtains, no woman is to use them except one of my^{-asws} two daughters. However, Ali^{-asws} may use them if he^{-asws} wishes, as long as he^{-asws} does not re-marry'.

وَ إِنَّ هَذَا مَا كَتَبَتْ فَاطِمَةُ فِي مَالِهَا وَ قَضَتْ فِيهِ وَ اللَّهُ شَهِيدٌ وَ الْمُعْتَدَاؤُ بِنُ الْأَسْوَدِ وَ الزُّبَيْرِ بِنُ الْعَوَامِ وَ عَلِيُّ بْنُ أَبِي طَالِبٍ كَتَبْتُهَا وَ لَيْسَ عَلِيٌّ حَرَجٌ فِيمَا فَعَلَ مِنْ مَعْرُوفٍ

This is what (Syeda) Fatimah^{-asws} wrote regarding her^{-asws} wealth and what she^{-asws} ruled concerning it. Allah^{-azwj} was a Witness, and Al-Miqdad Bin Al Aswad, Al-Zubayr Bin Al-Awwam, and Ali^{-asws} Bin Abi Talib^{-asws} wrote it, and there isn't any blame upon Ali^{-asws} regarding whatever he^{-asws} does from the acts of kindness'.

قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ قَالَ أَبِي هَذَا وَجَدْنَا وَهَكَذَا وَجَدْنَا وَصِيَّتَهَا ع.

Ja'far^{-asws} Bin Muhammad^{-asws} said: 'My^{-asws} father^{-asws} said: 'This is what we^{-asws} found, and like this we^{-asws} found her^{-asws} bequest to be'.²⁹⁷

14- عَنْ زَيْدِ بْنِ عَلِيٍّ قَالَ أَخْبَرَنِي [أَبِي] عَنِ الْحَسَنِ بْنِ عَلِيٍّ ع قَالَ: هَذِهِ وَصِيَّةُ فَاطِمَةَ بِنْتِ مُحَمَّدٍ أُوصَتْ بِحَقِّ أَرْضِهَا [بِحَوَائِطِهَا] السَّبْعِ الْعَوَافِ وَ الدَّلَالِ وَ الْبُرْقَةِ وَ الْمَيْبِتِ وَ الْحُسْنَى وَ الصَّافِيَةَ وَ مَالِ أُمِّ إِبْرَاهِيمَ إِلَى عَلِيٍّ بْنِ أَبِي طَالِبٍ ع

From Zayd son of Ali^{-asws} (Bin Al-Husayn^{-asws}) said, 'My father^{-asws} informed me from Al-Hassan^{-asws} Bin Ali^{-asws} having said: 'This is the bequest of (Syeda) Fatimah^{-asws} daughter of Muhammad^{-saww}. She^{-asws} bequeathed the right to her^{-asws} properties, her^{-asws} seven gardens – Al-Awaf, Al-Dalal, Al-Burqah, Al-Mabir, Al-Husna, Al-Safiyya, and the estate of Umm Ibrahim^{-as} (Maria^{-ra} the Coptic) to Ali Bin Abi Talib^{-asws}.

فَإِنْ مَضَى عَلِيٌّ فَأِلَى الْحَسَنِ بْنِ عَلِيٍّ ع وَ إِلَى أَخِيهِ الْحُسَيْنِ صَلَوَاتُ اللَّهِ عَلَيْهِ وَ إِلَى الْأَكْبَرِ فَأَلَاكُتْرٍ مِنْ وُلْدِ رَسُولِ اللَّهِ ص

If Ali^{-asws} passes away, then to Al-Hassan^{-asws} Bin Ali^{-asws}, and then to his^{-asws} brother Al-Husayn^{-asws}, and then to the eldest after the eldest from the sons^{-asws} of Rasool-Allah^{-saww}.

ثُمَّ إِلَيَّ أَوْصِيكَ فِي نَفْسِي وَ هِيَ أَحَبُّ الْأَنْفُسِ إِلَيَّ بَعْدَ رَسُولِ اللَّهِ ص إِذَا أَنَا مِتُّ فَعَسَلْنِي بِيَدِكَ وَ حَيَّطْنِي وَ كَفَّنِي وَ اذْفِنِي لَيْلًا وَ لَا يَشْهَدُنِي فُلَانٌ وَ فُلَانٌ

Then Syeda^{-asws} said: 'I^{-asws} advise you (Ali^{-asws}) concerning myself' - and she^{-asws} was the most beloved of souls to me^{-asws} after Rasool-Allah^{-saww}, 'when I^{-asws} die, you^{-asws} wash me^{-asws} with your^{-asws} own hands, anoint me^{-asws}, shroud me^{-asws}, and bury me^{-asws} at night. Let not so-and-so and so-and-so (Abu Bakr and Umar) attend me^{-asws} (funeral).

وَ لَا زِيَادَةَ عِنْدَكَ فِي وَصِيَّتِي إِلَيْكَ وَ اسْتَوْدَعْتُكَ اللَّهُ تَعَالَى حَتَّى أَلْقَاكَ جَمَعَ اللَّهُ بَيْنِي وَ بَيْنَكَ فِي دَارِهِ وَ قُرْبِ حَوَارِهِ وَ كَتَبَ ذَلِكَ عَلَيَّ ع بِيَدِهِ.

And there are no additions with you^{-asws} regarding my^{-asws} bequest to you^{-asws}, and I^{-asws} entrust you^{-asws} to Allah^{-azwj} the Exalted until I^{-asws} meet you^{-asws}. May Allah^{-azwj} Gather you^{-asws} and me^{-asws} in His^{-azwj} House and in the closeness of His^{-azwj} vicinity!' – and Ali^{-asws} wrote that by his^{-asws} hand'.²⁹⁸

15- الْهِدَايَةُ، الْوَقْفُ عَلَى ثَلَاثَةِ أَوْجِهٍ أَحَدُهَا أَنْ يُذَكَّرَ فِيهَا الْحُجَّجُ وَ الثَّانِي مَا يُذَكَّرُ فِيهَا لِلْإِمَامِ وَ الثَّلَاثُ مَا يُذَكَّرُ فِيهِ إِلَى أَنْ يَرِثَ اللَّهُ الْأَرْضَ وَ مَنْ عَلَيْهَا فَهَذِهِ الْوَقُوفُ مَا فِيهِ مُؤَبَّدَةٌ جَائِزَةٌ

(The book) 'Al-Hidaya' - Endowments (Waqf) are of three types. The first is that in which Hajj is mentioned; the second is that in which it is designated for the Imam^{-asws}; and the third is

²⁹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 13

²⁹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 14

that in which it is stated, 'Until Allah^{-azwj} Inherits the earth and whoever is on it. These types of endowments, which are perpetual, are allowed.

وَكُلُّ مَنْ وَقَفَ إِلَى غَيْرِ وَقْتٍ مَعْلُومٍ فَهُوَ غَيْرُ جَائِزٍ مَرْدُودٍ عَلَى الْوَرِثَةِ وَ لِلرَّجُلِ أَنْ يَرْجِعَ فِي الْوَقْفِ مَا لَمْ يَفِيضْ مِنْهُ وَ كَذَلِكَ فِي الصَّدَقَةِ وَ الْهَبَةِ وَ لَهُ أَنْ يَرْجِعَ فِي وَصِيَّتِهِ مَتَى شَاءَ إِلَى أَنْ يَمُوتَ.

But whoever makes an endowment without specifying a known time, it is invalid and is to be returned to the heirs. A person may revoke an endowment so long as it has not yet been delivered, and the same applies to charity and gifts. He may also revoke his will whenever he wishes, up until he dies'.²⁹⁹

باب 51 الحبس و السكنى و العمرى و الرقي

CHAPTER 51 – THE RETENTION, AND THE RESIDENCE, AND THE LIFETIME GIFT AND THE CONDITIONAL GIFTS

1- مع، معاني الأخبار أبي عن سعد بن ابن عيسى عن محمد البرقي عن ابن المغيرة عن عبد الرحمن الجعفي قال: كنت أختلف إلى ابن أبي ليلى في مواريت و كان يداغني فلما طال ذلك علي شكوته إلى جعفر بن محمد ع فقال أ و ما علم أن رسول الله ص أمر برّ الحبس و إنفاذ المواريت

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Isa, from Muhammad Al Barqy, from Ibn Al Mugheira, from Abdul Rahman Al Jufy who said,

'I used to interchange with Ibn Abu Layli regarding inheritances, and he kept avoiding me. When that prolonged upon me, I complained to Ja'far^{-asws} Bin Muhammad^{-asws}. He^{-asws} said: 'And does he not know that Rasool-Allah^{-saww} had ordered with returning the withheld and implementation of the inheritances?'

قَالَ فَأَتَيْتُهُ ففَعَلَ كَمَا كَانَ يَفْعَلُ ففُلْتُ لَهُ إِنِّي شَكْوْتُكَ إِلَى جَعْفَرِ بْنِ مُحَمَّدٍ ع

He (the narrator) said, 'I came to him and he did just as he had done before. I said to him, 'I complained of you to Ja'far^{-asws} Bin Muhammad^{-asws}!'

فَقَالَ لِي كَيْتَ وَ كَيْتَ فَحَلَفَنِي ابْنُ أَبِي لَيْلَى أَنَّهُ قَالَ ذَلِكَ فَحَلَفْتُ لَهُ فَفَضَى لِي بِذَلِكَ.

He said such and such to me. Ibn Abu Layli swore an oath that he had said that. I swore on oath to him, so he had to judge for me with that".³⁰⁰

2- مع، معاني الأخبار أبي عن أحمد بن إدريس عن الأشعري عن عبد الله بن أحمد الرازي عن بكر بن صالح عن ابن أبي عمير عن ابن عبيدة البصري قال: كنت شاهداً ابن أبي ليلى و قضى في رجل جعل لبعض قرائبه علة دار و لم يوقت لهم وقتاً فمات الرجل فحضر ورثته ابن أبي ليلى و حضر قريبه الذي جعل له الدار

²⁹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 50 H 15

³⁰⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 51 H 1

(The book) 'Ma'any Al Akhbaar' – My father, from Ahmad Bin Idrees, from Al Ash'ari, from Abdullah Bin Ahmad Al Razy, from Bakr Bin Salih, from Ibn Abu Umeyr, from Ibn Uyayna Al Basry who said,

'I was attending (court of) Ibn Abu Layli and he judged regarding a man who had made the yield of a house to be for one of his relatives and did not time it for them a time (period). The man died, and his inheritors presented to Ibn Abu Layli, and his relative presented, the one for whom the house was made to be.

فَقَالَ ابْنُ أَبِي لَيْلَى أَرَى أَنْ أَدْعَهَا عَلَيَّ مَا تَرَكَهَا صَاحِبُهَا

Ibn Abu Layli said, 'I view that it should be left as its owner had left it!'

فَقَالَ لَهُ مُحَمَّدُ بْنُ مُسْلِمٍ التَّقْفِي أَمَا إِنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي هَذَا الْمَسْجِدِ بِخِلَافِ مَا قَضَيْتَ

Muhammad Bin Muslim Al-Saqafy said to him, 'But surely, Ali^{-asws} Bin Abu Talib^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws}, had judged regarding this Masjid, opposite to what you have judged!'

قَالَ وَ مَا عَلِمَكَ

He said, 'And made you know?'

قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ قَضَى عَلِيُّ بْنُ أَبِي طَالِبٍ ع بِرَدِّ الْحَسَنِ وَ إِنْفَادِ الْمَوَارِيثِ

He said, 'I heard Abu Ja'far^{-asws} saying Ali^{-asws} Bin Abu Talib^{-asws} had judged with returning the withheld and implementation of the inheritances'.

فَقَالَ ابْنُ أَبِي لَيْلَى هُوَ عِنْدَكَ فِي كِتَابٍ

Ibn Abu Layli said, 'Is it with you in a book?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَأَرْسِلْ إِلَيْهِ فَأَتِنِي بِهِ

He said, 'Send for it and come to me with it!'

فَقَالَ مُحَمَّدُ بْنُ مُسْلِمٍ عَلَيَّ أَنْ لَا تَنْظُرُ فِي الْكِتَابِ إِلَّا فِي ذَلِكَ الْحَدِيثِ

Muhammad Bin Muslim said, 'Do not look into that book except regarding that Hadeeth!'

قَالَ لَكَ ذَلِكَ

He said, 'That is for you'.

قَالَ فَأَرَاهُ الْحَدِيثَ عَنْ أَبِي جَعْفَرٍ ع فِي الْكِتَابِ فَرَدَّ قَضَيْتَهُ وَ الْحُبْسُ هُوَ كُلُّ وَفْقٍ إِلَى وَفْقٍ غَيْرِ مَعْلُومٍ هُوَ مَزْدُودٌ عَلَى الْوَرْتَةِ.

He (the narrator) said, 'He showed him the Hadeeth from Abu Ja'far^{-asws} in the book. He retracted his judgment; and the retention, it is every designated (Waqf) up to an unknown time is to be returned to the inheritors.³⁰¹

3- ب، قرب الإسناد أبو البختري عن الصادق ع عن أبيه عن علي ع قال: إن السكني بمنزلة العارية إن أحب صاحبها أن يأخذها أخذها وإن أحب أن يدعها فقل أي ذلك شاء.

(The book) 'Qurb Al Isnaad' – Abu Al Bakhtary,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'Residence is like a lent item; if its owner wishes to take it back, he may take it, and if he wishes to leave it, he may do so, he may choose either as he desires to.³⁰²

[باب 52 الهبة](#)

CHAPTER 52 – THE GIFTS

1- مع، معاني الأخبار أبي عن سعد بن ابن يزيد عن ابن أبي عمير عن أبي المغراء عن أبي بصير عن أبي جعفر ع قال: الهبة جائزة قبضت أو لم تقبض فسمت أو لم تقسم وإنما أراد الناس النحل فأخطئوا والنحل لا تجوز حتى تقبض.

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Abu Al Magra'a, from Abu Baseer,

'Abu Ja'far^{-asws} having said: 'The gifting is valid, whether it is received or not, distributed or not distributed, and rather the people want the grant. But, they are mistaken, and the grant is not valid until it is received'.³⁰³

2- شي، تفسير العياشي عن علي بن رباب عن زُرارة قال: لا ترجع المرأة فيما هبت لزوجه حيرت أو لم تحز أليس الله يقول فإن طبن لكم عن شيء منه نفساً فكلوه هنيئاً مريئاً.

(The book) 'Tafseer Al Ayyashi' – From Ali Bin Riab, from Zurara who said,

'The wife cannot retract what she gifts to her husband, whether received or not. Isn't Allah^{-azwj} Saying: **but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4]**'.³⁰⁴

³⁰¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 51 H 2

³⁰² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 51 H 3

³⁰³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 1

³⁰⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 2

3- شي، تفسير العياشي عن زُرارة عن أبي جعفر ع قال: لَا يَنْبَغِي لِمَنْ أَعْطَى لِلَّهِ شَيْئاً أَنْ يَرْجِعَ فِيهِ وَ مَا لَمْ يُعْطِ لِلَّهِ وَ فِي اللَّهِ فَلَهُ أَنْ يَرْجِعَ فِيهِ نِخْلَةً كَانَتْ أَوْ هِبَةً حَيْرَتْ أَوْ لَمْ تُحْزَرْ

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

'From Abu Ja'far^{-asws} having said: 'It is not befitting for the one who grants something for Allah^{-azwj} that he retracts in it, and what has not been Given for Allah^{-azwj} and for the Sake of Allah^{-azwj}, for him is (the option to) retract in it, whether it was a grant or a gift, received or not.

وَ لَا يَرْجِعُ الرَّجُلُ فِيْمَا يَهَبُ لِامْرَأَتِهِ وَ لَا الْمَرْأَةُ فِي مَا تَهَبُ لِزَوْجِهَا حَيْرَتْ أَوْ لَمْ تُحْزَرْ أَلَيْسَ اللَّهُ يَقُولُ فَلَا تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئاً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْساً فَكُلُوهُ هَنِيئاً مَرِيئاً.

And the man cannot retract regarding he had gifted to his wife, nor can the wife regarding what she gifts to her husband, received or not received. Isn't Allah^{-azwj} Saying not to take from whatever you give them of anything, **but if they remit for you something from it themselves, then consume it enjoying wholesomely [4:4]**"³⁰⁵.

4- عِدَّةُ الدَّاعِي، قَالَ الصَّادِقُ ع مَنْ تَصَدَّقَ بِصَدَقَةٍ ثُمَّ رُدَّتْ فَلَا يَبِيعُهَا وَ لَا يَأْكُلُهَا لِأَنَّهُ لَا شَرِيكَ لَهُ فِي شَيْءٍ بِمَا جُعِلَ لَهُ إِتْمَا هِيَ بِمَنْزِلَةِ الْعَقَاةِ لَا يَصْلُحُ لَهُ رُدُّهَا بَعْدَ مَا يُعْبَقُ.

(The book) 'Uddat Al Daie' –

'Al-Sadiq^{-asws} said: 'Whoever donates a charity, then it is returned, he should neither sell it nor consume it, because there is no associate for Him^{-azwj} regarding anything from what is Made to be for Him^{-azwj}. But rather it is at the status of the liberated slave. It is not correct for him to retract after having liberated.'³⁰⁶

5- وَ عَنْهُ ع فِي الرَّجُلِ يَخْرُجُ بِالصَّدَقَةِ لِطَبِيعَتِهَا السَّائِلِ فَيَجِدُهُ قَدْ ذَهَبَ قَالَ فَلْيُعْطِهَا غَيْرُهُ وَ لَا يَرُدُّهَا فِي مَالِهِ.

And from him^{-asws} regarding the man extracting the charity in order to give it to the beggar. He finds him to have gone. He^{-asws} said: 'Let him give it to another and not return it into his wealth''³⁰⁷.

6- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص الْعَائِدُ فِي هَيْبَتِهِ كَالْعَائِدِ فِي قَبِيئِهِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Ash'as,

³⁰⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 3

³⁰⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 4

³⁰⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 4

‘From Musa Bin Ismail, son of Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-sawww} said: ‘One who takes back a gift is like the one retracting his own vomit’³⁰⁸.

باب 4 السبق و الرماية و أنواع الرهان

CHAPTER 53 – THE RACING, AND THE ARCHERY, AND TYPES OF GAMBLING

1- لي، الأماالي للصدوق ابن المُنَوَّكِلِ عَنِ السَّعْدِ أَبَا دِي عَنِ الْبَرْقِيِّ عَنِ أَبِيهِ عَنِ فَضَالَةَ عَنِ زَيْدِ الشَّحَامِ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ: دَخَلَ النَّبِيُّ ص دَاتَ لَيْلَةٍ بَيْتَ فَاطِمَةَ ع وَ مَعَهُ الْحَسَنُ وَ الْحُسَيْنُ ع فَقَالَ لهُمَا النَّبِيُّ ص قَوْمًا فَاصْطَرَعَا

(The book) ‘Al Amaali’ of Al-Sadiq^{-asws} – Ibn Al Mutawakkil, from Al Sa’dabady, from Al Barqy, from his father, from Fazala, from Zayd Al Shaham,

‘From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘One night the Prophet^{-sawww} entered the house of (Syeda) Fatima^{-asws} and with him^{-sawww} were Al-Hassan^{-asws} and Al-Husayn^{-asws}. The Prophet^{-sawww} said to them^{-asws}: ‘Stand up and wrestle!’

فَقَامَا لِيَصْطَرَعَا وَ قَدْ حَرَجَتْ فَاطِمَةُ صَلَوَاتُ اللَّهِ عَلَيْهَا فِي بَعْضِ خِدْمَتِهَا فَدَخَلَتْ فَسَمِعَتْ النَّبِيَّ ص وَ هُوَ يَقُولُ إِبْنِ [إِيهَا] يَا حَسَنُ شُدَّ عَلَى الْحُسَيْنِ فَاصْرَعُهُ

They^{-asws} stood up to wrestle, and (Syeda) Fatima^{-asws}, may the Salawaat of Allah^{-azwj} be upon her^{-asws}, came out regarding one of her^{-asws} tasks. She^{-asws} heard the Prophet^{-sawww} and he^{-sawww} was saying: ‘Go on Hassan^{-asws}! Press upon Al-Husayn^{-asws} and knock him^{-asws} down!’

فَقَالَتْ لَهُ يَا أَبَتِ مَا تَعْجَبُ أَمْ تُشَجِّعُ هَذَا عَلَى هَذَا تُشَجِّعُ الْكَبِيرَ عَلَى الصَّغِيرِ

Syeda^{-asws} said to him^{-sawww}: ‘O father^{-sawww}! Oh how strange! You^{-sawww} are emboldening this one over this one? You^{-sawww} are emboldening the older over the younger?’

فَقَالَ لَهَا يَا بِنْتِ مَا تَرْضَيْنِ أَنْ أَقُولَ أَنَا يَا حَسَنُ شُدَّ عَلَى الْحُسَيْنِ فَاصْرَعُهُ وَ هَذَا حَبِيبِي جِبْرَائِيلُ ع يَقُولُ يَا حُسَيْنُ شُدَّ عَلَى الْحَسَنِ فَاصْرَعُهُ.

He^{-sawww} said to her^{-asws}: ‘O daughter^{-asws}! Are you^{-asws} not pleased that I^{-sawww} am saying: ‘Go on, O Hassan^{-asws}! Press upon Al-Husayn^{-asws} and knock him^{-asws} down!’, while this here is my^{-sawww} beloved Jibraeel^{-as} saying: ‘O Husayn^{-asws}! Press upon Al-Hassan^{-asws}, and knock him^{-asws} down!’³⁰⁹

2- فس، تفسير القمي وَ أَنْ تَسْتَفْسِمُوا بِالْأَزْلَامِ ذَلِكَمْ فِسْقٌ قَالَ كَانُوا يَغْمِدُونَ إِلَى الْجُرُورِ فَيَجْرَهُونَهُ عَشْرَةَ أَجْزَاءٍ ثُمَّ يَجْتَمِعُونَ عَلَيْهِ فَيُخْرِجُونَ السِّهَامَ وَ يَدْفَعُونَهَا إِلَى رَجُلٍ وَ السِّهَامُ عَشْرَةُ سَبْعَةٍ لَهَا أَنْصِبَاءُ وَ ثَلَاثَةٌ لَا أَنْصِبَاءَ لَهَا

(The book) ‘Tafseer Al Qummi’ –

³⁰⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 52 H 5

³⁰⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 1

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Rasool-Allah^{-saww} raced the horses, and gave (prizes to) the racers from his^{-saww} own possessions’³¹²

5- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص لَا سَبَقَ إِلَّا فِي خَافِرٍ أَوْ نَصْلٍ أَوْ حُفِّ.

(The book) ‘Qurb Al Isnaad’ –

He said, ‘Rasool-Allah^{-saww} said: ‘There is no racing except regarding a hooved-one (horses) or arrows, or padded hooves (camels)!’³¹³

6- ب، قرب الإسناد أَبُو الْبَخْتَرِيِّ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ عَنْ جَدِّهِ ع أَنَّ النَّبِيَّ ص أَجْرَى الْحَيْلَ وَ جَعَلَ فِيهَا سَبْعَ أَوَاقٍ مِنْ فِضَّةٍ وَ أَنَّ النَّبِيَّ ص أَجْرَى الْإِبِلَ مُقْبِلَةً مِنْ تَبُوكَ فَسَبَقَتِ الْعُضْبَاءُ وَ عَلَيْهَا أَسَامَةٌ فَجَعَلَ النَّاسُ يَقُولُونَ سَبَقَ رَسُولُ اللَّهِ ص وَ رَسُولُ اللَّهِ يَقُولُ سَبَقَ أَسَامَةٌ.

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari,

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws}: ‘The Prophet^{-saww} held horse races and set a prize of seven ounces of silver. He^{-saww} also held camel races as they were returning from Tabuk, and the camel Al-Azba won, with Usama riding it. The people went on to say, ‘Rasool-Allah^{-saww} won!’, and Rasool-Allah^{-saww} said: ‘Usama won!’³¹⁴

7- مع، معاني الأخبار أَبِي عَنْ سَعْدِ بْنِ أَبِي الْحَطَّابِ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنْ غِيَاثٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا جَنْبَ وَ لَا جَلَبَ وَ لَا شِعَارَ فِي الْإِسْلَامِ

(The book) ‘Ma’any Al Akhbaar’ – My father, from Sa’ad, from Ibn Abu Al Khattab, from Ja’far Bin Bashir, from Giyas who said,

‘I heard Abu Abdullah^{-asws} saying: ‘I heard Abu Abdullah^{-asws} say: There is neither ‘Janab’, nor ‘Jalab’, nor ‘Shighar’ in Al-Islam!’

قَالَ الْجَلَبُ الَّذِي يَجْلِبُ مَعَ الْحَيْلِ يَرْكُضُ مَعَهَا وَ الْجَنْبُ الَّذِي يَقُومُ فِي أَعْرَاضِ الْحَيْلِ فَيَصِيحُ بِهَا وَ الشِّعَارُ كَانَ يُزَوِّجُ فِي الْجَاهِلِيَّةِ ابْنَتَهُ بِأَخِيهِ.

He^{-asws} explained: *Jalab* is when someone runs alongside the horses to urge them on. *Janab* is when someone stands to the side of the horses and shouts at them. *Shighar* was a practice in the pre-Islamic era where a man would marry off his daughter in exchange for marrying another man's sister’³¹⁵.

8- ضا، فقه الرضا عليه السلام إِيَّاكَ وَ الضَّرْبَةَ بِالصُّوْلَجَانِ فَإِنَّ الشَّيْطَانَ يَرْكُضُ مَعَكَ وَ الْمَلَانِكَةُ تَنْفِرُ عَنْكَ وَ مَنْ عَتَرَ دَابَّتَهُ فَمَاتَ دَخَلَ النَّارَ.

³¹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 4

³¹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 5

³¹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 6

³¹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 7

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}: 'Beware of striking with the polo stick, for Satan^{-la} runs with you, and the Angels flee from you. And whoever's mount stumbles and he dies, he enters the Fire'.³¹⁶

9- سن، المحاسن أبي عن ابن المغيرة و محمد بن سنان عن طلحة بن زيد عن أبي عبد الله عن أبيه ع أنه كره إحصاء الدواب و التحريش بينهما.

(The book) 'Al Mahasin' – My father, from Ibn Al Mugheira and Muhammad Bin Sinan, from Talha Bin Zayd,

'From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}, he^{-asws} disliked castrating the animals and inciting between them'.³¹⁷

10- سن، المحاسن علي بن الحكم عن أبان بن عثمان عن أبي العباس عن أبي عبد الله ع قال: سألتُهُ عن التحريش بين البهائم فقال كُله مكروه إلا الكلاب.

(The book) 'Al Mahasin' – Ali Bin Al Hakam, from Aban Bin Usman, from Abu Al Abbas,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the inciting between the animals. He^{-asws} said: 'All of it is dislike except the dogs''.³¹⁸

11- شي، تفسير العياشي عن محمد بن عيسى عن ذكره عن أبي عبد الله ع في قول الله تعالى و أعدوا لهم ما استطعتم من قوة قال سيف و ثرس.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Isa, from the one who mentioned it,

'From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj} the Exalted: **And prepare for them whatever force you are able to [8:60]**. He^{-asws} said: 'Sword and shield''.³¹⁹

12- شي، تفسير العياشي عن عبد الله بن المغيرة رفعه قال قال رسول الله ص في قوله تعالى و أعدوا لهم ما استطعتم من قوة قال الرثمي.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Al Mugheira raising it, said,

'Rasool-Allah^{-saww} said regarding Words of the Exalted: **And prepare for them whatever force you are able to [8:60]**. He^{-saww} said: 'The arrows''.³²⁰

13- ين، كتاب حسين بن سعيد و النوادر بعض أصحابنا عن علي بن شجرة عن عمه بشير النبال عن أبي عبد الله ع قال: قدم أعرابي النبي ص فقال يا رسول الله تُسأبني بِناقَتِكَ هذه

The book of Haseen Bin Saeed, and 'Al Nawadir' – One of our companions, from Ali Bin Shajarah, from his uncle Bashir Al Nabbal,

³¹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 8

³¹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 9

³¹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 10

³¹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 11

³²⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 12

'From Abu Abdullah^{-asws} having said: 'A Bedouin came to the Prophet^{-saww}. He said, 'O Rasool-Allah^{-saww}! Will you^{-saww} race me with this she-camel of yours?'

قَالَ فَسَابِقُهُ فَسَبَقَهُ الْأَعْرَابِيُّ فَقَالَ رَسُولُ اللَّهِ ص إِنَّكُمْ رَفَعْتُمُوهَا فَأَحَبَّ اللَّهُ أَنْ يَضَعَهَا إِنَّ الْجِبَالَ تَطَاوَلَتْ لِسَفِينَةِ نُوحٍ ع وَكَانَ الْجُودِيُّ أَشَدَّ تَوَاضِعًا فَحَطَّ اللَّهُ بِهَا عَلَى الْجُودِيِّ.

He^{-asws} said: 'The Bedouin raced him^{-saww}, and he^{-saww} won. Rasool-Allah^{-saww} said: 'You raised it, so Allah^{-azwj} Wanted to lower it. The mountains competed in height for the Ark of Noah^{-as}, but Mount Judi was the most humble, so Allah^{-azwj} Brought it to rest upon Mount Judi''.³²¹

14- كِتَابُ الْمَسَائِلِ، لِعَلِيِّ بْنِ جَعْفَرٍ عَنْ أُخِيهِ مُوسَى ع قَالَ: سَأَلْتُهُ عَنِ الْمُحْرِمِ هَلْ يَصْلُحُ لَهُ أَنْ يُصَارِعَ

(The book) 'Kitab Al-Masaail' of Ali son of Ja'far^{-asws}, from his brother Musa^{-asws}, he said, 'I asked him^{-asws} about the one in Ihraam (of Hajj), 'Is it correct for him to wrestle?'

قَالَ لَا يَصْلُحُ خِيفَةَ أَنْ يُصِيبَهُ جَرْحٌ أَوْ يَبْعَ بَعْضَ شَعْرِهِ.

He^{-asws} said: 'It is not correct, fearing that an injury might hit him or some of his hair might fall out''.³²²

15- كِتَابُ زَيْدِ النَّرْسِيِّ، قَالَ سَمِعْتُهُ يَقُولُ إِبَائِكُمْ وَ مُجَالَسَةَ اللَّعَّانِ فَإِنَّ الْمَلَائِكَةَ لَتَنْفِرُ عِنْدَ اللَّعَّانِ وَ كَذَلِكَ تَنْفِرُ عِنْدَ الرَّهْمَانِ وَ إِبَائِكُمْ وَ الرَّهْمَانِ إِلَّا رَهْمَانَ الْحُفِّ وَ الْخَافِرِ وَ الرَّيْشِ فَإِنَّهُ تَحْضُرُهُ الْمَلَائِكَةُ

The book of Zayd Al Narsy who said,

'I heard him^{-asws} saying: 'Beware of sitting with those who curse frequently, for indeed the Angels withdraw when cursing occurs, and likewise they withdraw when there is gambling! Beware of gambling, except for gambling on camels' hooves, horses' hooves, and arrows (i.e., races or competitions involving these), for the Angels attend those.

فَإِذَا سَمِعْتَ اثْنَيْنِ يَتَلَاَعَنَانِ فَقُلِ اللَّهُمَّ بَدِيعِ السَّمَاوَاتِ وَ الْأَرْضِ صَلِّ عَلَى مُحَمَّدٍ وَ عَلَى آلِ مُحَمَّدٍ وَ لَا تَجْعَلَ ذَلِكَ إِلَيْنَا وَاصِلًا وَ لَا تَجْعَلَ لِلْعَبْنِكَ وَ سَخَطِكَ وَ تَقَمَّتِكَ إِلَى وَلِيِّ الْإِسْلَامِ وَ أَهْلِهِ مَسَاغًا

And if you hear two people cursing each other, say, 'O Allah^{-azwj}, Originator of the skies and the earth! Send Salawaat upon Muhammad^{-saww} and the Progeny^{-asws} of Muhammad^{-saww}, and do not Place that upon us nor make Your^{-azwj} Curse, Wrath, or Punishment reach the guardian^{-asws} of Islam and its people!

اللَّهُمَّ قَدِّسِ الْإِسْلَامَ وَ أَهْلَهُ تَقْدِيسًا لَا يُسْبَعُ إِلَيْهِ سَخَطُكَ وَ اجْعَلْ لَعْنَتَكَ عَلَى الظَّالِمِينَ الَّذِينَ ظَلَمُوا أَهْلَ دِينِكَ وَ حَارَبُوا رَسُولَكَ وَ وَليَّكَ وَ أعزَّ الْإِسْلَامَ وَ أَهْلَهُ وَ زَيَّنَّهُمْ بِالتَّقْوَى وَ جَبَّهَهُمُ الرَّدَى.

³²¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 13

³²² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 14

O Allah^{-azwj!} Sanctify Islam and its people with a sanctification that Your^{-azwj} Wrath cannot reach, and Place Your^{-azwj} Curse upon the wrongdoers who wronged the people of Your^{-azwj} religion, fought Your^{-azwj} Rasool^{-saww} and Your^{-azwj} guardian^{-asws}. Strengthen Islam and its people, Adorn them with piety, and Protect them from the regress!"³²³

16- بِشَارَةُ الْمُصْطَفَى، قَالَ حَدَّثَنَا الشَّيْخُ الْعَالِمُ أَبُو إِسْحَاقَ إِسْمَاعِيلُ بْنُ أَبِي الْقَاسِمِ بْنِ أَحْمَدَ الدَّيْلَمِيُّ عَنْ أَبِي إِسْحَاقَ إِبْرَاهِيمَ بْنِ بُنْدَارِ الصَّبْرِيِّ عَنِ الْفَاضِي أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيِّ الْجُبَلِيِّ عَنِ السَّيِّدِ أَبِي طَالِبِ الْحُسَيْنِيِّ عَنِ أَبِي مَنْصُورٍ مُحَمَّدِ بْنِ الْوَيْزُرِيِّ عَنِ أَبِي شَاكِرِ بْنِ الْبُخَيْرِيِّ عَنِ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ الْعَبَّاسِ الصَّبْرِيِّ عَنِ يَحْيَى بْنِ سَعِيدِ الْقَطَّانِ عَنِ عَبْدِ اللَّهِ بْنِ الْوَيْسِيِّ عَنِ أَبِي زَافِعٍ قَالَ:

(The book) 'Bashaarat Al Mustafa^{-saww} - It was narrated to us by the Shekh, the scholar Abu Is'haq Ismail Bin Abu Al Qasim Bin Ahmad Al Daylami, in his house, by dictation in the locality of the Helper of the Truth, during Rabbi Al Awwal of the year five hundred and twenty, from his words, from Abu Is'haq Ibrahim Bin Bundar Al Sayrafi, from the judge Abu Ja'far Muhammad Bin Ali Al Jabaly, from Al Seyyid, the imam Abu Talib Al-Husayni, from Abu Mansour Muhammad Bin Al Deynawary, from Ali Bin Shakir Bi Al Bakhtary, from Abdullah Bin Mohammad Bin Al Abbas Al Zabby, from Yahya Bin Saeed Al Qattan, from Ubeydullah Bin Al Waseem, from Abu Rafi'u who said,

كُنْتُ أَلْعَبُ الْحَسَنَ بْنَ عَلِيٍّ صَلَوَاتُ اللَّهِ عَلَيْهِ وَهُوَ صَبِيٌّ بِالْمَدَاحِيِّ فَإِذَا أَصَابَتْ مِدْحَاتِي مِدْحَاتَهُ قُلْتُ أَحْمَلُنِي

I was playing with Al-Hassan^{-asws} Bin Ali^{-asws}, and he^{-asws} was a child, with Al-Madahy (a toy). So, when my toy hit his^{-asws} toy, I said, 'You^{-asws} have to carry me'.

فَيَقُولُ وَيَحْكُ أ تَرْكَبُ ظَهْرًا حَمَلَهُ رَسُولُ اللَّهِ ص

He^{-asws} said: 'Will you ride upon a back which Rasool-Allah^{-saww} carried?'

فَأَنْتَزَعَهُ فَإِذَا أَصَابَتْ مِدْحَاتُهُ مِدْحَاتِي قُلْتُ لَهُ لَا أَحْمَلُكَ كَمَا لَمْ تَحْمِلْنِي

I left him^{-asws}. And when his^{-asws} toy hit my toy, I said, to him^{-asws}, 'I will not carry you^{-asws} just as you^{-asws} did not carry me'.

فَيَقُولُ أَوْ مَا تَرْضَى أَنْ تَحْمِلَ بَدَنًا حَمَلَهُ رَسُولُ اللَّهِ ص فَأَحْمَلُهُ.

He^{-asws} said: 'Or are you not pleased that you carry a body which Rasool-Allah^{-saww} carried?' So I carried him^{-asws}'.³²⁴

[باب 54 فضل الوصية و آدابها و قبول الوصية و لزومها](#)

CHAPTER 54 – THE MERITS OF MAKING A WILL, AND ITS METHOD, AND ACCEPTANCE OF THE WILL AND ITS BINDING

³²³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 15

³²⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 53 H 16

1- تم، فلاح السائل بإسنادنا إلى التلعكبري عن الجلودي عن أحمد بن عمّار بن خالد بن زكريّا بن يحيى الساجي عن مالك بن خالد الأسدي عن الحسن بن إبراهيم بن عبد الله بن حسن بن حسن بن أبي عبد الله جعفر بن محمد ع عن أبيه قال قال رسول الله ص من لم يحسن الوصية عند موته كان نقصاً في عقله و مروته

(The book) 'Falah Al Saail' – By our chain to Al Talukbari, from Al Jaloudi, from Ahmad Bin Ammar Bin Khalid, from Zakaria Bin Yahya Al Saji, from Malik Bin Khalid Al Asady, from Al-Hassan Bin Ibrahim Bin Abdullah Bin Hassan Bin Hassan,

'From Ja'far^{asws} Bin Muhammad^{asws}, from his^{asws} forefathers^{asws} having said: 'Rasool-Allah^{saww} said: 'One who does not make good (through leaving a) will at his death would be deficient in his intellect and his chivalry'.

قَالُوا يَا رَسُولَ اللَّهِ وَ كَيْفَ الْوَصِيَّةُ

They said, 'O Rasool-Allah^{saww}, and how is the will (done)?'

قَالَ إِذَا حَضَرْتَهُ الْوَفَاةُ وَ اجْتَمَعَ النَّاسُ إِلَيْهِ قَالَ اللَّهُمَّ فَاطِرَ السَّمَاوَاتِ وَ الْأَرْضِ عَالِمِ الْغَيْبِ وَ الشَّهَادَةِ الرَّحْمَنَ الرَّحِيمَ إِنِّي أَعْتَدُ لِنَبِيِّكَ إِنِّي أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا أَنْتَ وَحْدَكَ لَا شَرِيكَ لَكَ وَ أَنْ مُحَمَّدًا عَبْدُكَ وَ رَسُولُكَ وَ أَنَّ السَّاعَةَ آتِيَةٌ لَا رَيْبَ فِيهَا

He^{saww} said: 'When the expiry presents to him and the people gather to him, he said, 'O Allah^{azwj}, Originator of the skies and the earth, Knower of the unseen and the seen, the Beneficent, the Merciful! I pact to You^{azwj} that I testify there is no god except You^{azwj} Alone, there is no associate for You^{azwj}, and Muhammad^{saww} is Your^{azwj} servant and Your^{azwj} Rasool^{saww}, and the Hour is coming, there is no doubt in it!

وَ أَنَّكَ تَبْعُثُ مَنْ فِي الْقُبُورِ وَ أَنَّ الْحِسَابَ حَقٌّ وَ أَنَّ الْجَنَّةَ حَقٌّ وَ مَا وَعَدَ اللَّهُ فِيهَا مِنَ النَّعِيمِ وَ مِنَ الْمَأْكَلِ وَ الْمَشْرَبِ وَ النِّكَاحِ حَقٌّ وَ أَنَّ النَّارَ حَقٌّ وَ أَنَّ الْإِيمَانَ حَقٌّ وَ أَنَّ الدِّينَ كَمَا وَصَفْتَ وَ أَنَّ الْإِسْلَامَ كَمَا شَرَعْتَ وَ أَنَّ الْقَوْلَ كَمَا قُلْتَ وَ أَنَّ الْقُرْآنَ كَمَا أَنْزَلْتَ وَ أَنَّكَ أَنْتَ اللَّهُ الْحَقُّ الْمُبِينُ

And You^{azwj} will Resurrect ones in the graves, and the Reckoning is true, and the Paradise is true, and what Allah^{azwj} has Promised in it is true, of the bounties in it, and the food and the drink and the marriages, are true, and the Fire is true, and the Eman is true, and the religion is just as You^{azwj} Described, and Al-Islam is just as You^{azwj} Legislated, and the Word is just as You^{azwj} Said, and the Quran is just as You^{azwj} revealed, and surely You^{azwj} are Allah^{azwj} the Manifest Truth!

وَ إِنِّي أَعْتَدُ لِنَبِيِّكَ فِي دَارِ الدُّنْيَا أَبِي رَضِيْتُ بِكَ رَبًّا وَ بِالْإِسْلَامِ دِينًا وَ بِمُحَمَّدٍ ص نَبِيًّا وَ بِعَلِيِّ ع إِمَامًا وَ بِالْقُرْآنِ كِتَابًا وَ أَنَّ أَهْلَ بَيْتِ نَبِيِّكَ عَلَيْهِ وَ عَلَيْهِمُ السَّلَامُ أَيْمَتِي

And I pledge to You^{azwj} in the house of the world, I am pleased with You^{azwj} as Lord^{azwj}, and with Islam as religion, and with Muhammad^{saww} as Prophet^{saww}, and with Ali^{asws} as Imam^{asws}, and with the Quran as Book, and People^{asws} of the Household of Your^{azwj} Prophet^{saww} are my Imams^{asws}, upon them^{asws} be the greetings!

اللَّهُمَّ أَنْتَ تَعْنِي عِنْدَ شِدَّتِي وَ رَجَائِي عِنْدَ كُرْبَتِي وَ عُذَّتِي عِنْدَ الْأُمُورِ الَّتِي تَنْزِلُ بِي وَ أَنْتَ وَلِيِّي فِي نِعْمَتِي وَ إِهْيَ وَ إِلَهَ آبَائِي صَلِّ عَلَى مُحَمَّدٍ وَ آلِهِ وَ لَا تَكْلِفْنِي إِلَى نَفْسِي طَوْفَةَ عَيْنٍ أَبَدًا وَ آوِسْ فِي قَبْرِي وَ حَشْتِي وَ اجْعَلْ لِي عِنْدَكَ عَهْدًا يَوْمَ أَلْقَاكَ مَنْشُورًا

O Allah-^{azwj}! You-^{azwj} are my trust in my adversity, and my hope in my distress, and my weapon in the matters which befall me, and You-^{azwj} are my Guardian regarding my bounties, and my God-^{azwj} and God-^{azwj} of my forefathers! Send Salawaat upon Muhammad-^{saww} and his-^{saww} Progeny-^{asws}, and do not Allocate me to myself in the blink of an eye, ever, and comfort in my grave of my loneliness, and Make for me a pact in Your-^{azwj} Presence on the Day I meet You-^{azwj}, publicised!

فَهَذَا عَهْدُ الْمَيِّتِ يَوْمَ يُوصَى بِحَاجَتِهِ وَ الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ

So, this is the pact of a deceased on the day he bequeaths with his need, and the will is a right upon every Muslim’.

قَالَ أَبُو عَبْدِ اللَّهِ ع وَ تَصْدِيقُ هَذَا فِي سُورَةِ مَرْيَمَ قَوْلَ اللَّهِ تَبَارَكَ وَ تَعَالَى لَا يَمْلِكُونَ الشَّفَاعَةَ إِلَّا مَنْ أَخَذَ عِنْدَ الرَّحْمَنِ عَهْدًا وَ هَذَا هُوَ الْعَهْدُ.

Abu Abdullah-^{asws} said: ‘And the verification of this is in Surah Maryam-^{as}, Words of Allah-^{azwj} Blessed and Exalted: ***They shall not be controlling the intercession, except one who takes a Pact with the Beneficent [19:87]***. And this, it is the pact.³²⁵

2- وَ قَالَ النَّبِيُّ ص لِعَلِيٍّ ع تَعَلَّمَهَا أَنْتَ وَ عَلَّمَهَا أَهْلَ بَيْتِكَ وَ شِيعَتَكَ

And the Prophet-^{saww} said to Ali-^{asws}: ‘You-^{asws} learn it and teach it to People-^{asws} of your-^{asws} Household and your-^{asws} Shias!’

قَالَ وَ قَالَ ع عَلَّمَنِيهَا جِبْرَائِيلُ.

He (the narrator) said, ‘And he-^{saww}, ‘Jibraeel-^{as} taught it’.³²⁶

3- أَقُولُ وَجَدْتُ مَنْقُولًا مِنْ خَطِّ الشَّهِيدِ نَقْلًا مِنْ كِتَابِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ بَعْضِ أَصْحَابِهِ رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع مِثْلَهُ ضِه،

I say, ‘I found copied from handwriting of Al-Shaheed, copying from the book of Al-Husayn Bin Saeed, from one of his companions, raising it to Abu Abdullah-^{asws}, similar to it.

روضة الواعظين قَالَ رَسُولُ اللَّهِ ص مَا يَنْبَغِي لِأَمْرِي مُسْلِمٍ أَنْ يَبِيتَ لَيْلَةً إِلَّا وَ وَصِيَّتُهُ تَحْتَ رَأْسِهِ.

(The book) ‘Rowzat Al Waizeen – Rasool-Allah-^{saww} said: ‘It is not befitting for a Muslim man that he spends a night except that his will should be beneath his head’.³²⁷

4- وَ قَالَ ص الْوَصِيَّةُ تَمَامٌ مَا نَقَصَ مِنَ الزَّكَاةِ.

And he-^{saww} said: ‘The will completes what was deficient from the (payments of) Zakat’.³²⁸

³²⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 1

³²⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 2

³²⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 3

³²⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 4

5- وَقَالَ: مَنْ لَمْ يُحْسِنْ وَصِيَّتَهُ عِنْدَ الْمَوْتِ كَانَ نَقْصاً فِي مُرُوتِهِ وَ عَقْلِهِ.

And he said: 'One who does not make good (through leaving) his will at the death, there would be deficient in his Chivalry and his intellect'.³²⁹

6- وَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع مَنْ أَوْصَى وَ لَمْ يَجِفْ وَ لَمْ يُضَارَّ كَانَ كَمَنْ تَصَدَّقَ بِهِ فِي حَيَاتِهِ.

And Amir Al-Momineen^{asws} said: 'One who makes a will and is not excessive and does not harm would be like the one who has donated it during his lifetime'.³³⁰

7- وَقَالَ ع مَا أَتَابِي أَضْرَرْتُ يَوْمَئِذِي أَوْ سَرَفْتُهُمْ ذَلِكَ الْمَالِ.

And he^{asws} said: 'I^{asws} don't care whether I^{asws} harm my^{asws} inheritors or I^{asws} turn it away from them, that wealth'.³³¹ (Recording error according to the book Al Saraair)

8- وَقَالَ الصَّادِقُ ع الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

And Al-Sadiq^{asws} said: '(Making) the will is a right upon every Muslim'.³³²

9- وَقَالَ ع مَا مِنْ مَيِّتٍ تَحْضُرُهُ الْوَفَاةُ إِلَّا رَدَّ اللَّهُ عَلَيْهِ مِنْ سَمْعِهِ وَ بَصَرِهِ وَ عَقْلِهِ لِلْوَصِيَّةِ أَخَذَ الْوَصِيَّةَ أَوْ تَرَكَ وَ هِيَ الرَّاحَةُ الَّتِي يُقَالُ لَهَا رَاحَةُ الْمَوْتِ فَهِيَ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

And he^{asws} said: 'There is none from a dying one, the expiry presents to him, except Allah^{azwj} Return to him his hearing, and his sight, and his intellect for making the will. He either makes the will or neglects, and it is the rest which is called 'the rest of death', for it is a right upon every Muslim'.³³³

10- جَعَّ، جَمَعَ الْأَخْبَارَ قَالَ رَسُولُ اللَّهِ ص مَنْ ضَمِنَ وَصِيَّةَ الْمَيِّتِ فِي أَمْرِ الْحَجِّ ثُمَّ فَرَطَ فِي ذَلِكَ مِنْ غَيْرِ عُدْرٍ لَا يَقْبَلُ اللَّهُ صَلَاتَهُ وَ صِيَامَهُ وَ لَا يُسْتَجَابُ دُعَاؤُهُ وَ كُتِبَ عَلَيْهِ كُلُّ يَوْمٍ وَ لَيْلَةٍ مِائَةَ حَطِيئَةٍ أَصْعَرُهَا كَمَنْ زَنَى بِأُمِّهِ أَوْ بِابْنَتِهِ

(The book) 'Jamie Al Akhbaar' –

'Rasool-Allah^{saww} said: 'One who takes responsibility of a will of the deceased regarding the matter of Hajj, then he neglects regarding that from without a (valid) excuse, Allah^{azwj} will neither Accept his Salat, nor his Fast, nor Answer his supplication, and will Write against him during every day and night, one hundred misdeeds, their smallest being the like the one who has committed adultery with his mother or with his sister.

وَ إِنْ قَامَ بِهَا مِنْ عَامِهِ كُتِبَ لَهُ بِكُلِّ دَرَاهِمٍ ثَوَابٌ حَجَّةٍ وَ عُمْرَةٍ فَإِنْ مَاتَ مَا بَيْنَهُ وَ بَيْنَ الْقَابِلِ مَاتَ شَهِيداً وَ كُتِبَ لَهُ مَا بَيْنَهُ وَ بَيْنَ الْقَابِلِ كُلِّ يَوْمٍ وَ لَيْلَةٍ ثَوَابٌ شَهِيدٍ وَ قُضِيَ لَهُ حَوَائِجُ الدُّنْيَا وَ الْآخِرَةِ.

³²⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 5

³³⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 6

³³¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 7

³³² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 8

³³³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 9

And if he were to stand by it in his year, there will be Written for him with every Dirham, Rewards of a Hajj and an Umrah. If he dies in what is between it and the following year, would dies as a martyr, and in what is between it and the following year there will be Written for him every day and night, Rewards of a martyr, and there will be fulfilled for him needs of the world and the Hereafter".³³⁴

11- وَقَالَ ع مَنْ ضَمِنَ وَصِيَّةَ الْمَيِّتِ ثُمَّ عَجَزَ عَنْهَا مِنْ غَيْرِ عُدْرِ لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ وَلَا لَعْنَةُ كُلِّ مَلَكٍ بَيْنَ السَّمَاءِ وَالْأَرْضِ وَيُصْبِحُ وَ يُمَسِّي فِي سَخَطِ اللَّهِ وَ كَلَّمَا قَالَ يَا رَبِّ نَزَلَتْ عَلَيْهِ اللَّعْنَةُ وَ كَتَبَ اللَّهُ ثَوَابَ حَسَنَاتِهِ كُلِّهِ لِذَلِكَ الْمَيِّتِ فَإِنْ مَاتَ عَلَى خَالِهِ دَخَلَ النَّارَ

And he^{asws} said: 'One who takes responsibility of a will of the deceased, then is unable from it without a (valid) excuse, neither compensation nor a substitute will be Accepted from him, and every Angel between the sky and the earth will curse him, and morning and evening he will be in the wrath of Allah^{azwj}; and every time he says, 'O Lord^{azwj}!', the curse will descend upon him, and Allah^{azwj} will Write the Rewards of his good deeds, all of them, to be for the deceased. If he dies upon his state, he will enter the Fire!

فَإِنْ قَامَ بِهِ كُتِبَ لَهُ كُلُّ يَوْمٍ وَ لَيْلَةٍ عِنْتُ رَقَبَةٍ وَ لَهُ عِنْدَ اللَّهِ بِكُلِّ دِرْهَمٍ مَدِينَةٌ وَ سِتُّونَ حُورَاءَ وَ يُمَسِّي وَ يُصْبِحُ وَ لَهُ بَابَانِ مَفْتُوحَانِ إِلَى الْجَنَّةِ

If he stands by it, there shall be written for him, every day and night, (Rewards of) liberation of a neck, and for him, with every Dirham, would be a city in the Presence of Allah^{azwj}, and sixty Maiden Houries, and evening and morning two doors will be opened for him to the Paradise.

فَإِنْ مَاتَ مَا بَيْنَهُ وَ بَيْنَ الْقَابِلِ مَاتَ مَغْفُورًا لَهُ وَ أَعْطَاهُ اللَّهُ يَوْمَ الْقِيَامَةِ مِثْلَ ثَوَابِ مَنْ حَجَّ وَ اعْتَمَرَ وَ يَكُونُ فِي الْجَنَّةِ زَوْجًا لِيَحْيَى بْنِ زَكَرِيَّا.

If he dies in what is between it and the following year, he would die having been Forgiven, and on the Day of Qiyamah Allah^{azwj} will Give him Rewards similar to one performing Hajj and Umrah, and in the Paradise he will be a friend of Yahya Bin Zakariya^{as}".³³⁵

12- وَقَالَ ع مَنْ ضَمِنَ وَصِيَّةَ الْمَيِّتِ مِنْ أَمْرِ الْحَجِّ فَلَا يَعْجِزَنَّ فِيهَا فَإِنَّ عُقُوبَتَهَا شَدِيدَةٌ وَ نَدَامَتُهَا طَوِيلَةٌ لَا يَعْجِزُ عَنْ وَصِيَّةِ الْمَيِّتِ إِلَّا شَقِيٌّ وَ لَا يُفُومُ بِهَا إِلَّا سَعِيدٌ

And he^{asws} said: 'One who takes responsibility of a will of the deceased, regarding the matter of Hajj, and does not fulfil it, its punishment is severe and its regret will be lengthy. No one will fail in a will of the deceased except a wretch, nor stand by it except a fortunate one!

فَمَنْ أَقَامَ بِهَا سَرِيعًا حَرَّمَ اللَّهُ جَسَدَهُ عَلَى النَّارِ وَ أَدْخَلَهُ الْجَنَّةَ مَعَ الصِّدِّيقِينَ وَ الشُّهَدَاءِ وَ أَكْرَمَهُ كَرَامَةً سَبْعِينَ شَهِيدًا وَ كَتَبَ لَهُ مَا دَامَ حَيًّا كُلَّ يَوْمٍ أَلْفَ حَسَنَةٍ وَ رَفَعَ لَهُ أَلْفَ دَرَجَةٍ

The one who stands by it swiftly, Allah^{azwj} will Prohibit his body unto the Fire and Admit him into the Paradise along with the truthful, and the martyrs, and Honour him with honours of

³³⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 10

³³⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 11

seventy martyrs, and Write for him, for as long as he is alive, a thousand good deeds every day, and Raise for him a thousand ranks.

الْوَيْلُ لِمَنْ عَجَزَ عَنْهَا كُتِبَ عَلَيْهِ كُلُّ يَوْمٍ أَلْفٌ خَطِيئَةٍ وَ يُبْنَى لَهُ بِكُلِّ قَدَمٍ بَيْتٌ فِي النَّارِ وَ لَا يَنْظُرُ اللَّهُ إِلَيْهِ حَيًّا وَ لَا مَيِّتًا فَإِنْ مَاتَ عَلَى حَالِهِ قَامَ مِنْ قَبْرِهِ مَكْتُوبٌ بَيْنَ عَيْنَيْهِ آيسٌ مِنْ رَحْمَتِهِ.

The woe be to the one who fails from it! Every day there will be written against him a thousand misdeeds, and there will be built for him, with every step, a house in the Fire, and Allah^{-azwj} will not Look at him, neither alive nor when dead. If he dies upon his state, he will stand from his grave and it shall be written between his eyes: ‘Despaired from His^{-azwj} Mercy’.³³⁶

13- نُقِلَ مِنْ خَطِّ الشَّهِيدِ رَحِمَهُ اللَّهُ نَقْلًا مِنْ خَطِّ الشَّيْخِ أَبِي جَعْفَرِ الطُّوسِيِّ قَالَ رَوَى الْحُسَيْنُ بْنُ سَعِيدٍ فِي كِتَابِهِ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

It is copied from handwriting of Al Shaheed, may Allah^{-azwj} Mercy him, copying from handwriting of the sheykh Abu Ja’far Al Tusi who said, ‘It is reported by Al-Husayn Bin Saeed in his book, from Muhammad Bin Al Fuzeyl, from Abu Al Sabbah Al Kinani who said,

‘Abu Abdullah^{-asws} said: ‘The will is a right upon every Muslim’.³³⁷

14- نَحَج، نَحَجِ الْبَلَاغَةَ قَالَ ع يَا ابْنَ آدَمَ كُنْ وَصِيًّا نَفْسِكَ وَ اعْمَلْ فِي مَالِكَ مَا تُؤْتِرُ أَنْ تَعْمَلَ فِيهِ مِنْ بَعْدِكَ.

(The book) ‘Nahj Al Balagah’ –

He^{-asws} said: ‘O son of Adam^{-as}! Be an advisor to yourself regarding your wealth, and work in your wealth as you would prefer that it be worked with from after you’.³³⁸

15- ب، قرب الإسناد هارون عن ابن صدقة عن الصادق عن أبيه ع يَنْفَعُهُ قَالَ: الْحَيْفُ فِي الْوَصِيَّةِ مِنَ الْكِبَائِرِ يَغْنِي الظُّلْمَ فِيهَا.

(The book) ‘Qurb Al Isnaad’ – Haroun Ibn Sadaqa,

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} raising it, said: ‘The wrongdoing in the will is from the major sins, meaning the injustice in it’.³³⁹

16 ع، علل الشرائع أبي عن الحنفيري مثله.

(The book) ‘Ilal Al Sharaie’ – My father, from Al Himeyri, similar to it.³⁴⁰

³³⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 12

³³⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 13

³³⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 14

³³⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 15

³⁴⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 16

17- ب، قرب الإسناد بهذا الإسناد عَنِ الصَّادِقِ عَنْ أَبِيهِ ع قَالَ: مَنْ عَدَلَ فِي وَصِيَّتِهِ كَانَ بِمَنْزِلَةِ مَنْ تَصَدَّقَ بِهَا فِي حَيَاتِهِ وَ مَنْ جَارَ فِي وَصِيَّتِهِ لَقِيَ اللَّهَ يَوْمَ الْقِيَامَةِ وَ هُوَ عَنْهُ مُعْرَضٌ.

(The book) 'Qurb Al Isnaad' – By this chain,

'From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'One who is just in his will would be at the status of the one who has donated in charity with it during his lifetime, and one who is tyrannous in his will meet Allah^{-azwj} on the Day of Qiyamah and He^{-azwj} Turn away from him'.³⁴¹

18- ع، علل الشرائع أَبِي عَنِ الْحَمِيرِيِّ مِثْلَهُ.

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, similar to it.³⁴²

19- ب، قرب الإسناد بهذا الإسناد قَالَ: إِنَّ رَسُولَ اللَّهِ ص بَلَغَهُ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ تُؤَيِّي وَ لَهُ صَبِيَّةٌ صِغَارٌ وَ لَيْسَ لَهُ مَبِيثٌ لَيْلَةٌ تَرَكَهُمْ يَتَكَفَّفُونَ النَّاسَ وَ قَدْ كَانَ لَهُ سِتَّةٌ مِنَ الرِّبِيِّ لَيْسَ لَهُ غَيْرُهُمْ وَ إِنَّهُ أَعْتَقَهُمْ عِنْدَ مَوْتِهِ

(The book) 'Qurb Al Isnaad' – By this chain who said,

'It reached Rasool-Allah^{-saww} that a man from the Helpers had expired and for him were young girls, and there wasn't for him anything for him he had left them to beg from the people, and there were six slaves for him. There wasn't for him other than them, and he had freed them at his death.

فَقَالَ لِقَوْمِهِ مَا صَنَعْتُمْ بِهِ

He^{-saww} said to his people: 'What did you do with him?'

قَالُوا دَفَنَاهُ

They said, 'We buried him!'

فَقَالَ أَمَا إِنِّي لَوْ عَلِمْتُهُ مَا تَرَكَتُكُمْ تَدْفِنُونَهُ مَعَ أَهْلِ الْإِسْلَامِ تَرَكَ وُلْدَهُ صِغَارًا يَتَكَفَّفُونَ النَّاسَ.

He^{-saww} said: 'But, had I^{-saww} known of it, I^{-saww} would not have left you to bury him with the people of Islam! He neglected his small children to beg from the people!'³⁴³

20- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ لَأَنَّ أُوصِيَّ بِالْخُمْسِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَّ بِالرُّبْعِ وَ لَأَنَّ أُوصِيَّ بِالرُّبْعِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُوصِيَّ بِالثُلُثِ مَنْ أُوصَى بِالثُلُثِ فَلَمْ يَبْرُكْ شَيْئًا.

(The book) 'Qurb Al Isnaad' – By this chain, said,

'Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws}, said: 'If I^{-asws} were to bequeath with the fifth, it would be more beloved to me^{-asws} than if I^{-asws} were to bequeath

³⁴¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 17

³⁴² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 18

³⁴³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 19

with the quarter, and if I^{-asws} were to bequeath with the quarter it would be more beloved to me^{-asws} than if I^{-asws} were to bequeath with the third! One who bequeaths with the third had not neglected anything'.³⁴⁴

21 ع، علل الشرائع أبي عن الحميري مثله.

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, similar to it.³⁴⁵

22- ب، قرب الإسناد هارون عن ابن صدقة قال قال الصادق ع إن أقلت في عمرك يومين فأجعل أحدهما لإخترتك تستعين به على يوم موتك

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

'Al-Sadiq^{-asws} said: 'If only two days remain in your lifespan, make one of these for your Hereafter to be assisted with upon the day of your death!'

فَقِيلَ وَ مَا تِلْكَ الْإِسْتِعَانَةُ

It was said, 'And what is that assistance?'

قَالَ لِيُحْسِنَ تَدْبِيرَ مَا يُخَلِّفُ وَ يُحْكِمُهُ بِهِ.

He^{-asws} said: 'For him to improve management of what he leaves behind, and decide with it'.³⁴⁶

23- ل، الخصال ابن الوليد عن الصفار عن البقاعي عن زكريا المؤمن عن علي بن أبي نعيم عن أبي حمزة عن أبي جعفر ع قال: إن الله تبارك و تعالی يقول ابن آدم تطولت عليك بثلاث سنين سترت عليك ما لو يعلم به أهلك ما واروك و أوسعت عليك فاستقرضت منك فلم تقدم خيراً و جعلت لك نظرة عند موتك في ثلثك فلم تقدم خيراً.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Yaqteeny, from Zakariya Al Momin, from Ali Bin Abu Nueym, from Abu Hamza,

'From Abu Ja'far^{-asws} having said: 'Allah^{-azwj} Blessed and Exalted Says: "Son of Adam^{-as}! I^{-azwj} have Conferred upon you with three – I^{-azwj} have Covered upon you what, had your family known of it, they would not have buried you! And I^{-azwj} have Expanded (sustenance) upon you, then I^{-azwj} asked to borrow from you, but you did not advance any good! And I^{-azwj} Made for you at your death, a consideration regarding your third, but you did not advance any good'.³⁴⁷

24- ع، علل الشرائع أبي عن أحمد بن إدريس عن ابن عيسى عن الحسين بن سعيد عن حماد بن عيسى عن معاوية بن عمار عن أبي عبد الله ع قال: كان البراء بن معزور الأنصاري بالمدينة و كان رسول الله ص بمكة و أنه حضره الموت فأوصى بثلاث ماله فجزت به السنة.

(The book) 'Ilal Al Sharaie' – My father, from Ahmad Bin Idrees, from Ibn Isa, from Al-Husayn Bin Saeed, from Hammad Bin Isa, from Muawiya Bin Ammar,

³⁴⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 20

³⁴⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 21

³⁴⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 22

³⁴⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 23

‘From Abu Abdullah^{-asws} having said: ‘Al-Bara’a Bin Marour the Helper was at Al-Medina, and Rasool-Allah^{-saww} was at Makkah, and the death presented to him, so he bequeathed a third of his wealth, and the Sunnah flowed with it’.³⁴⁸

25 ل، الخصال الهمداني عن علي بن أبيه عن عمرو بن عثمان بن الحسين بن مضعب عن أبي عبد الله ع مثله.

(The book) ‘Al Khisaal’ – ‘Al Hamdany, from Ali, from his father, from Amro Bin Usman, from Al-Husayn Bin Mus’ab,

‘From Abu Abdullah^{-asws}, similar to it’.³⁴⁹

26- ع، علل الشرائع ابن الوليد عن الصفار عن عبد الله بن الصلت عن يونس رفته إلى أبي عبد الله ع في قوله عز وجل فمن خاف من موصي جنفاً أو إنما فأصلح بينهم فلا إثم عليه قال يعني إذا اعتدى في الوصية إذا زاد على الثلث.

(The book) ‘Ilal Al Sharaie’ – Ibn Al Waleed, from Al Saffar, from Abdullah Bin Al Salt, from Yunus raising it to,

Abu Abdullah^{-asws} regarding Words of Mighty and Majestic: ***But the one who fears from a testator, either an injustice (partiality) or a sin, so he reconciles between them, then there is no sin upon him [2:182].*** He^{-asws} said: ‘When he transgresses regarding the will, when he increases upon the third’.³⁵⁰

27- ع، علل الشرائع أبي عن الحميري عن هارون عن ابن صدقة عن الصادق عن أبيه ع أن رجلاً من الأنصار تويي له صبيبة صغاراً وله ستة من الرقيق فأعتقهم عند موته وليس له مال غيرهم فأبى النبي ص فأخبر فقال ما صنعتم بصاحبكم

(The book) ‘Ilal Al Sharaie’ – My father, from Al Himeyri, from Haroun, from Ibn Sadaqa,

‘From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘A man from the Helpers died and for him were small girls, for him were six slaves. He freed them at his death, and there wasn’t any wealth for him other than them. The Prophet^{-saww} came and was informed. He^{-saww} said: ‘What did you do with your companion?’

قَالُوا دَفَّنَاهُ

They said, ‘We buried him’.

قَالَ لَوْ عَلِمْتُ مَا دَفَنْتُهُ مَعَ أَهْلِ الْإِسْلَامِ تَرَكْتُ وَوَلَدَهُ يَتَكَفَّمُونَ النَّاسَ.

He^{-saww} said: ‘Had I^{-saww} known I^{-saww} would not have let him be buried with the people of Islam. He neglected his children to beg the people!’³⁵¹

³⁴⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 24

³⁴⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 25

³⁵⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 26

³⁵¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 27

28- ضا، فقه الرضا عليه السلام اعلم أن الوصية حق واجب على كل مسلم ويستحب أن يوصي الرجل لقرابته ممن لا يرث شيئاً من ماله قل أو كثر وإن لم يفعل فقد حتم عمله بالمعصية

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know that making a will is a rightful and obligatory duty upon every Muslim. It is recommended that a man make a will for his relatives who do not inherit anything from his wealth, whether the amount is small or significant. If he does not do so, he ends his deeds with disobedience.

وَمَنْ أَوْصَى بِمَالِهِ أَوْ بَعْضِهِ فِي سَبِيلِ اللَّهِ مِنْ حَجٍّ أَوْ عَتَقٍ أَوْ صَدَقَةٍ أَوْ مَا كَانَ مِنْ أَبْوَابِ الْخَيْرِ فَإِنَّ الْوَصِيَّةَ جَائِزَةٌ لَا يَحِلُّ تَبْدِيلُهَا لِأَنَّ اللَّهَ يَقُولُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

Whoever makes a will with all or part of his wealth for the Sake of Allah^{-azwj} whether for Hajj, liberation (of a slave), charity, or any other act of kindness, then such a will is valid and must not be altered, for Allah^{-azwj} Says: **So the one who alters it after having heard it, so its sin is upon those who are altering it; surely Allah is Hearing, Knowing [2:181]!**

فَإِنْ أَوْصَى فِي غَيْرِ حَقٍّ أَوْ فِي غَيْرِ سُنَّةٍ فَلَا حَرَجَ أَنْ يُرَدَّهُ إِلَى حَقِّهِ وَ سُنَّةٍ فَإِنْ أَوْصَى بِرُبْعِ مَالِهِ فَهُوَ أَحَبُّ إِلَيَّ مِنْ أَنْ يُوصِيَ بِالثُّلُثِ فَإِنْ أَوْصَى بِالثُّلُثِ فَهُوَ أَلْغَايُهُ فِي الْوَصِيَّةِ فَإِنْ أَوْصَى بِمَالِهِ كُلِّهِ فَهُوَ أَعْلَمُ بِمَا فَعَلَهُ وَ يَلْزَمُ الْوَصِيَّ إِتْقَادُ وَصِيَّتِهِ عَلَى مَا أَوْصَى بِهِ.

If he makes a will that is not in accordance with what is right or not in line with the Sunnah, then there is no harm in returning it to what is right and in accordance with the Sunnah. If he makes a will for one-fourth of his wealth, that is more beloved to me than making a will for one-third. If he makes a will for one-third, that is the limit in making a will. If he makes a will for all of his wealth, then he knows best what he has done, and it is binding upon the executor to carry out his will as he had bequeathed with'.³⁵²

29 شي، تفسير العياشي السكوني عن جعفر بن محمد عن أبيه عن علي ع قال: السُّكْرُ مِنَ الْكِبَارِ وَالْحَيْفُ فِي الْوَصِيَّةِ مِنَ الْكِبَارِ.

(The book) 'Tafseer Al Ayyashi' – Al Sakuni,

'From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'The intoxication is from the major sins, and the wrongdoing in the will is from the major sins'.³⁵³

30- شي، تفسير العياشي عن عمار بن مروان عن أبي عبد الله ع قال: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ إِنَّ تَرَكَ خَيْرًا الْوَصِيَّةُ قَالَ حَقٌّ جَعَلَهُ اللَّهُ فِي أَمْوَالِ النَّاسِ لِصَاحِبِ هَذَا الْأَمْرِ

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

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **that he leaves behind good [2:180]**. He^{-asws} said: 'A right Allah^{-azwj} has Made in wealth of the people for Master of this Command (Al-Mahdi^{-ajfj})'.

³⁵² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 28

³⁵³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 29

قَالَ قُلْتُ لِدَلِكْ حَدٌّ مَحْدُودٌ

He (the narrator) said, 'I said, 'Is there a limiting limit for that?'

قَالَ نَعَمْ

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

قُلْتُ كَمْ

I said, 'How much?'

قَالَ أَذْنَاهُ السُّدُسُ وَ أَكْثَرُهُ التُّلْثُ.

He^{-asws} said: 'The least is the sixth (1/6) and its most is the third (1/3)'.³⁵⁴

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

'From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the will, 'Is it allowed for the inheritors?'

31- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنِ الْوَصِيَّةِ بِجُوزِ الْوَارِثِ قَالَ نَعَمْ ثُمَّ تَلَا هَذِهِ الْآيَةَ إِنَّ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْوَالِدَيْنِ وَ الْأَقْرَبِينَ.

He^{-asws} said: 'Yes'. Then he^{-asws} recited: **that he leaves behind good for the parents, and the relatives [2:180]**.³⁵⁵

32- شي، تفسير العياشي عن السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَلِيٍّ ع قَالَ: مَنْ لَمْ يُوصِ عِنْدَ مَوْتِهِ لِذِي قَرَابَتِهِ مِمَّنْ لَا يَرِثُ فَقَدْ حَتَمَ عَمَلَهُ بِمَعْصِيَةٍ.

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

'From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'One who at his death, does not bequeath for his relative, from the one who do not inherit, he has ended his deeds with disobedience'.³⁵⁶

33- شي، تفسير العياشي عن ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا ع قَالَ: كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ أَنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَ الْأَقْرَبِينَ قَالَ هِيَ مَنْسُوحَةٌ نَسَخَتْهَا آيَةُ الْفَرَائِضِ الَّتِي هِيَ الْمَوَارِيثُ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ يَعْنِي بِدَلِكِ الْوَصِي.

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

³⁵⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 30

³⁵⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 31

³⁵⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 32

‘From one of the two (5th or 6th Imam-^{asws}) having said: **‘The bequest is Prescribed upon you, when the death presents to one of you, that he leaves behind good for the parents, and the relatives [2:180].** He-^{asws} said: ‘This has been Abrogated. It is the Verse of the Obligations of the inheritances which Abrogated it **So the one who alters it after having heard it, [2:181] –** Meaning with that the trustee’.³⁵⁷

34- شي، تفسير العياشي عن سماعة عن أبي عبد الله ع في قوله تعالى إن ترك خيراً الوصية للوالدين والأقربين بالمعروف حفاً على المتقين قال شيئاً جعل الله لصاحب هذا الأمر

(The book) ‘Tafseer Al Ayyashi’ – From Sama’at,

‘From Abu Abdullah-^{asws} regarding Words of the Exalted: **that he leaves behind good for the parents, and the relatives with the reasonableness; a right upon the pious [2:180].** He-^{asws} said: ‘A thing Allah-^{azwj} has Made for Master of this command (Al-Mahdi-^{ajfj})’.

قَالَ قُلْتُ فَهَلْ لِدَلِكْ حَدٌّ

He (the narrator) said, ‘I said, ‘Is there any limit for that?’

قَالَ نَعَمْ

He-^{asws} said: ‘Yes’.

قُلْتُ وَ مَا هُوَ

I said, ‘And what is it?’

قَالَ أَذَى مَا يَكُونُ ثُلُثُ الثُّلُثِ.

He-^{asws} said: ‘The least of what can be, is a third of the third’.³⁵⁸

35- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ عَلِيٌّ عَلَيْهِ الصَّلَاةُ وَ السَّلَامُ مَا أَنَابِي أَضْرَرْتُ بِوَارِثِي أَوْ سَرَقْتُ ذَلِكَ الْمَالِ فَتَصَدَّقْتُ.

(The book) ‘Nawadir’ of Al Rawandy – By his chain,

‘From Musa Bin Ja’far-^{asws}, from his-^{asws} forefathers-^{asws} having said: ‘Ali-^{asws}, may the Salawaat and the greeting be upon him-^{asws}, said: ‘I-^{asws} don’t care whether I-^{asws} harm my-^{asws} inheritors or I-^{asws} turn away that wealth, and donate in charity’.³⁵⁹ Recording error, see Hadeeth no. 7 above)

³⁵⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 33

³⁵⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 34

³⁵⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 35

36- دَعَوَاتُ الرَّاَوْنَدِيِّ، قَالَ النَّبِيُّ ص مِنْ مَاتَ عَلَى وَصِيَّةٍ حَسَنَةٍ مَاتَ شَهِيداً

(The book) 'Dawaat' of Al Rawandy –

'The Prophet^{-saww} said: 'One who dies upon a good will dies as a martyr'.

وَ قَالَ مَنْ لَمْ يُحْسِنِ الْوَصِيَّةَ عِنْدَ مَوْتِهِ كَانَ ذَلِكَ نَقْصاً فِي عَقْلِهِ وَ مُرُورَةً وَ الْوَصِيَّةُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ.

And said: 'One who does not make a good will at his death, that would be a deficiency in his intellect and his manliness'.³⁶⁰

37- وَ قَالَ: إِنَّ الرَّجُلَ لَيَعْمَلُ بِعَمَلِ أَهْلِ الْجَنَّةِ سَبْعِينَ سَنَةً فَيُحْيِفُ فِي وَصِيَّتِهِ فَيُخْتَمُ لَهُ بِعَمَلِ أَهْلِ النَّارِ وَ إِنَّ الرَّجُلَ لَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ سَبْعِينَ سَنَةً فَيَعْدِلُ فِي وَصِيَّتِهِ فَيُخْتَمُ لَهُ بِعَمَلِ أَهْلِ الْجَنَّةِ

And he^{-saww} said: 'A man may act with the deeds of the people of Paradise for seventy years, then commit injustice in his will, and his end will be sealed with the deeds of the people of the Fire. And a man may act with the deeds of the people of the Fire for seventy years, then act justly in his will, and his end will be sealed with the deeds of the people of Paradise'.

ثُمَّ قَرَأَ وَ مَنْ يَتَعَدَّ حُدُودَ اللَّهِ وَ قَالَ تِلْكَ حُدُودُ اللَّهِ.

Then he^{-saww} recited: **and the one who exceeds the Limits of Allah, [2:229]**. And Said: 'These are the limits of Allah^{-azwj}'.³⁶¹

[باب 55 أحكام الوصايا](#)

CHAPTER 55 – RULINGS ON THE WILLS

1- فس، تفسیر القمي كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْأَقْرَبِينَ وَ الْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Tafseer Al Qummi - **The bequest is Prescribed upon you, when the death presents to one of you, that he leaves behind good for the parents, and the relatives with the reasonableness; a right upon the pious [2:180].**

فَإِنَّمَا مَنسُوحَةٌ بِقَوْلِهِ تَعَالَى يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَّاتِ

It is Abrogated by Words of the Exalted: **Allah Directs you regarding your children: "For the male is a share of two females [4:11].**

وَ قَوْلِهِ فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ يَعْنِي بِذَلِكَ الْوَصِيَّةَ

³⁶⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 36

³⁶¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 54 H 37

And His^{-azwj} Words: ***So the one who alters it after having heard it, so its sin is upon those who are altering it; surely Allah is Hearing, Knowing [2:181]*** – meaning by that the will.

ثُمَّ رَحَّصَ فَقَالَ فَمَنْ خَافَ مِنْ مُوصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ.

Then He^{-azwj} Allowed, so He^{-azwj} Said: ***But the one who fears from a testator, either an injustice (partiality) or a sin, so he reconciles between them, then there is no sin upon him [2:182]***.
(opinion)

قَالَ الصَّادِقُ ع إِذَا أَوْصَى الرَّجُلُ بِوَصِيَّةٍ فَلَا يَحِلُّ لِلْوَصِيِّ أَنْ يُعَيِّرَ وَصِيَّتَهُ يُضَيِّقُهَا عَلَى مَا أَوْصَى إِلَّا أَنْ يُوصِيَ بِعَيْرٍ مَا أَمَرَ اللَّهُ فَيُعْصِي فِي الْوَصِيَّةِ وَ يَظْلِمُ فَالْمُوصَى إِلَيْهِ جَائِزٌ لَهُ أَنْ يَرُدَّهُ إِلَى الْحَقِّ

Al-Sadiq^{-asws} said: 'If a man makes a will, it is not lawful for the executor to alter his will. He must carry it out as it was instructed unless the will contains something contrary to what Allah^{-azwj} has Commanded, involving disobedience or injustice. In such a case, the one entrusted with the will is permitted to return it to what is right.

مِثْلَ رَجُلٍ يَكُونُ لَهُ وَرَثَةٌ فَيَجْعَلُ الْمَالَ كُلَّهُ لِبَعْضٍ وَرَثَتِهِ وَ يَحْرِمُ بَعْضًا فَالْوَصِيُّ جَائِزٌ لَهُ أَنْ يَرُدَّهُ إِلَى الْحَقِّ وَ هُوَ قَوْلُهُ جَنَفًا أَوْ إِثْمًا

For example, if a man has heirs and gives all his wealth to some of them while depriving others, then it is allowed for him (the executor) to return it to the truth, and it is His^{-azwj} Words: ***either an injustice (partiality) or a sin, [2:182]***.

فَأَجْتَنَفَ الْمَيْلُ إِلَى بَعْضٍ وَرَثَتِكَ دُونَ بَعْضٍ وَ الْإِثْمُ أَنْ يَأْمُرَ بِعِمَارَةٍ تُبْنَى لِلنِّيرانِ وَ اتِّخَاذِ الْمُسْكِرِ فَيَحِلُّ لِلْوَصِيِّ أَنْ لَا يَعْمَلَ بِشَيْءٍ مِنْ ذَلِكَ.

The partiality is the inclination towards one of your inheritors rather than another, and the sin is that he instructs building a building for fire worship and takes the intoxicants, so it is permissible for the executor that he works with something from that.³⁶²

2- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن رجلٍ اغْتَفَلَ لِسَانَهُ عِنْدَ الْمَوْتِ أَوْ الْمَرَأَةَ فَجَعَلَ أَهْلِيهَا يَسْأَلُهُ أَعْتَقْتُ فَلَانًا وَ فَلَانًا فَيُؤْمِرُ بِرَأْسِهِ أَوْ تُؤْمِرُ بِرَأْسِهَا فِي بَعْضٍ نَعَمْ وَ فِي بَعْضٍ لَا وَ فِي الصَّدَقَةِ مِثْلُ ذَلِكَ هَلْ يَجُوزُ ذَلِكَ

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Al-Kazim^{-asws}). He said, 'I asked him^{-asws} about a man or a woman whose tongue is restrained at the death, and his family members go on to ask him whether he has freed so and so, and so and so slave. So he gestures with his head or she gestures with her head regarding some of it, 'No', and regarding the charity, similar to that. 'Is that allowed?'

قَالَ نَعَمْ هُوَ جَائِزٌ.

³⁶² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 1

He^{-asws} said: ‘Yes, that is allowed’.³⁶³

3- ب، قرب الإسناد ابن أبي الخطاب عن البرزطي قال: كتبت إلى الرضا ع رجل أوصى لقرابته بألف درهم و له قرابة من قبل أبيه و قرابة من قبل أمه ما حد القرابة يعطى كل من بينه و بينه قرابة أم لهذا حد ينتهي إليه رأيتك فدنك نفسي

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

‘I wrote to Al-Reza^{-asws}, ‘A man bequeathed for his relatives a thousand Dirhams, and for him were relatives from the direction of his father, and relatives from the direction of his mother. What is the limit of kinship? Should everyone who is related to him receive a share, or is there a specific limit for this to end to? What is your^{-asws} view? May my soul be sacrificed for you^{-asws}!’

فكتب إذا لم يسّم أعطى أهل قرابته.

He^{-asws} wrote: ‘If he has not specified, then (all) people of his kinship will be given’.³⁶⁴

4- ن، عيون أخبار الرضا عليه السلام أهداني عن علي عن أبيه عن ياسر الخادم قال: كتبت من نيشابور إلى المأمون أن رجلاً من المجوس أوصى عند موته بمال جليل يفرق في المساكين و الفقراء ففرقه قاضي نيشابور في فقراء المسلمين

(The book) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – Al Hamdany, from Ali, from his father, from Yasir Al Khadim who said,

‘I wrote from Neshapur to Al-Mamoun, ‘A man from the Magians bequeathed at his death with immense wealth to be distributed among the needy and the poor. A judge of Neshapur distributed it among the poor Muslims.

فقال المأمون للرضا ع يا سيدي ما تقول في ذلك

Al Mamoun said to Al-Reza^{-asws}, ‘O my chief! What are you^{-asws} saying regarding that?’

فقال الرضا ع إن المجوس لا يتصدقون على فقراء المسلمين

Al-Reza^{-asws} said: ‘The Magians are not donating charity upon the poor Muslims!’

فأكتب إليه أن يخرج بقدر ذلك من صدقات المسلمين فيتصدق به على فقراء المجوس.

Then he^{-asws} wrote to him to extract a measurement of that from the Muslim charities and donate with it to the poor Magians’.³⁶⁵

³⁶³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 2

³⁶⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 3

³⁶⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 4

5- ضا، فقه الرضا عليه السلام إِذَا أَوْصَى رَجُلٌ إِلَى رَجُلٍ وَ هُوَ شَاهِدٌ فَلَهُ أَنْ يَمْتَنِعَ مِنْ قَبُولِ الْوَصِيَّةِ فَإِنْ كَانَ الْمُوصَى إِلَيْهِ غَائِباً وَ مَاتَ الْمُوصِي مِنْ قَبْلِ أَنْ يَلْتَقِيَ مَعَ الْمُوصَى إِلَيْهِ فَإِنَّ الْوَصِيَّةَ لَا زِمَةَ لِلْمُوصَى إِلَيْهِ

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'If a man appoints another as executor of his will while that person is present, he has the right to refuse the appointment. But if the appointed executor was absent and the testator dies before meeting him, then the will becomes binding upon the one appointed.

وَ يَجُوزُ شَهَادَةُ كَافِرَيْنِ فِي الْوَصِيَّةِ إِذَا لَمْ يَكُنْ هُنَاكَ مُسْلِمَانِ وَ يَجُوزُ شَهَادَةُ امْرَأَتِهِ فِي رُبْعِ الْوَصِيَّةِ إِذَا لَمْ يَكُنْ مَعَهَا غَيْرُهَا وَ يَجُوزُ شَهَادَةُ الْمَرْأَةِ وَحْدَهَا فِي مَوْلُودٍ يُوَلَّدُ فَيَمُوتُ مِنْ سَاعَتِهِ

The testimony of two Kafirs is permissible in matters of a will if no two Muslims are available. The testimony of his wife is accepted for a quarter of the will if no one else is present with her. The testimony of a single woman is accepted in the case of a newborn who is born and dies immediately.

وَ إِذَا أَوْصَى رَجُلٌ إِلَى رَجُلَيْنِ فَلَيْسَ لَهُمَا أَنْ يَنْفَرِدَ كُلُّ وَاحِدٍ مِنْهُمَا بِبَعْضِ التَّرِكَةِ وَ عَلَيْهِمَا إِتْفَاقُ الْوَصِيَّةِ عَلَى مَا أَوْصَى الْمَيِّتُ

If a man appoints two people as executors of his will, neither of them is allowed to independently take control of half the estate. Both are responsible for carrying out the will according to what the deceased instructed.

وَ إِذَا أَوْصَى رَجُلٌ لِرَجُلٍ بِصُنْدُوقٍ أَوْ سَفِينَةٍ وَ كَانَ فِي الصُّنْدُوقِ أَوْ السَّفِينَةِ مَتَاعٌ أَوْ غَيْرُهُ فَهُوَ مَعَ مَا فِيهِ لِمَنْ أَوْصَى لَهُ إِلَّا أَنْ يَكُونَ قَدْ اسْتثنَى بِمَا فِيهِ

If a man makes a will for another granting him a chest (box) or a ship, and there are belongings or other items inside, then the chest (box) or ship and everything in it belong to the person the will was made for, unless the contents were specifically excluded.

وَ إِذَا أَوْصَى لِرَجُلٍ بِسُكْنَى دَارِهِ فَلَا زِمَةَ لِلْوَرَثَةِ أَنْ يَمُضِيَ [بِمُضَى] وَصِيَّتَهُ وَ إِذَا مَاتَ الْمُوصَى لَهُ رَجَعَتِ الدَّارُ مِيرَاثاً لِلْوَرَثَةِ الْمَيِّتِ

If a man makes a will for someone to live in his house, it is binding upon the heirs to carry out that will. But if the beneficiary dies, the house returns as an inheritance to the heirs of the deceased.

وَ لَا بَأْسَ لِلرَّجُلِ إِذَا كَانَ لَهُ أَوْلَادٌ أَنْ يُفَضِّلَ بَعْضَهُمْ عَلَى بَعْضٍ وَ إِنْ أَوْصَى لِمَمْلُوكِهِ بِثُلْثِ مَالِهِ فُؤِمَ الْمَمْلُوكُ قِيَمَةً عَادِلَةً فَإِنْ كَانَتْ قِيَمَتُهُ أَكْثَرَ مِنَ الثُّلْثِ اسْتَشْنَعِيَ لِلْفَضْلَةِ ثُمَّ أُعْتِقَ

There is no harm if a man, when he has children, prefers some of them over others. If he makes a will for his slave with one-third of his wealth, the slave is to be appraised at a fair market value. If the value exceeds one-third, the slave must work to pay the excess, then is set free.

وَ إِنْ أَوْصَى بِحَجٍّ وَ كَانَ صَرُورَةً حُجَّ عَنْهُ مِنْ جَمِيعِ مَالِهِ وَ إِنْ كَانَ قَدْ حَجَّ فَمِنْ الثُّلْثِ

If he makes a will for Hajj and he was a first-timer, then Hajj is to be performed on his behalf from his entire estate. But if he had already performed Hajj, then it is to be carried out from one-third of his wealth.

فَإِنْ لَمْ يَبْلُغْ مَالُهُ مَا يُحُجُّ عَنْهُ مِنْ بَلَدِهِ حُجَّ عَنْهُ مِنْ حَيْثُ يَتَهَيَّأُ وَإِنْ أَوْصَى بِثُلُثِ مَالِهِ فِي حَجِّهِ وَعَنْقٍ وَصَدَقَةٍ تُمَضَى وَصِيَّتُهُ

If his wealth is not enough for Hajj to be performed on his behalf from his home country, then Hajj should be performed on his behalf from wherever it can be arranged. And if he makes a will that one-third of his wealth be spent on Hajj, liberation (of a slave), and charity, then his will is to be implemented.

فَإِنْ لَمْ يَبْلُغْ ثُلُثَ مَالِهِ مَا يُحُجُّ عَنْهُ وَ يُعْتَقُ وَ يُصَدَّقُ مِنْهُ بَدَىءَ بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ وَ مَا يَتَمَّى جَعَلَ فِي عَتَقٍ أَوْ صَدَقَةٍ إِنْ شَاءَ اللَّهُ

If one-third of his wealth is not enough to cover the expenses of Hajj, liberation (of a slave), and charity, then Hajj should be given priority because it is an obligation. Whatever remains may be used for liberation (of a slave) or charity, if Allah^{-azwj} so Desires.

وَ إِذَا أَوْصَى رَجُلٌ إِلَى امْرَأَتِهِ وَ غُلَامٍ غَيْرِ مُدْرِكٍ فَجَائِزٌ لِلْمَرْأَةِ أَنْ تُنْفِدَ الْوَصِيَّةَ وَ لَا تَنْتَظِرَ بُلُوغَ الْغُلَامِ وَ لَيْسَ لِلْغُلَامِ أَنْ يَرْجِعَ فِي شَيْءٍ يَمَّا أَنْفَقَتْهُ الْمَرْأَةُ إِلَّا مَا كَانَ مِنْ تَغْيِيرٍ أَوْ تَبْدِيلٍ.

And if a man appoints his wife and a young boy who has not reached maturity as executors of his will, it is permissible for the woman to carry out the will without waiting for the boy to come of age. The boy does not have the right to revoke anything the woman has already carried out, except in cases where there was alteration or change from the original will".³⁶⁶

6- شي، تفسير العياشي عن محمد بن مسلم عن أبي جعفر ع قال: سألتُهُ عن رجلٍ أوصى بماله في سبيل الله قال أعطيه لمن أوصى له و إن كان يهودياً أو نصرانياً لأن الله يقول فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه.

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

'From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who bequeathed his wealth in the way of Allah^{-azwj}. He^{-asws} said: 'Give it to the one he has bequeathed for and even if he was a Jew or a Christian, because Allah^{-azwj} Says: **So the one who alters it after having heard it, so its sin is upon those who are altering it; [2:181]**'.³⁶⁷

7- شي، تفسير العياشي عن أبي سعيد عن أبي عبد الله ع أنه سئل عن رجلٍ أوصى في حجةٍ فجعلها وصيةً في نسمةٍ قال يرثها وصيةً و يجعلها في حجةٍ كما أوصى إن الله تعالى يقول فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه.

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

'From Abu Abdullah^{-asws}, he^{-asws} was asked about a man who bequeathed regarding Hajj, but his executor made it to be regarding (liberation of) a slave. He^{-asws} said: 'His executor would

³⁶⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 5

³⁶⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 6

be fined and he will have to make it regarding Hajj just as had been bequeathed. Allah^{-azwj} the Exalted Says: ***So, the one who alters it after having heard it, so its sin is upon those who are altering it [2:181]***³⁶⁸.

8- شي، تفسير العياشي عن مثنى بن عبد السلام عن أبي عبد الله ع قال: سألتُه عن رجلٍ أوصى له بوصيةٍ فمات قبل أن يقبضها ولم يترك عقيباً قال أطلب له وارثاً أو مولياً فادفعها إليه فإن الله يقول فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه

(The book) 'Tafseer Al Ayyashi' – from Musanna Bin Abdul Salam,

'From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who was given a bequest but died before receiving it and left no offspring. He^{-asws} said: 'Look for an inheritor or a guardian, and give it to him, for Allah^{-azwj} Says: ***So, the one who alters it after having heard it, [2:181]***'.

قُلْتُ إِنَّ الرَّجُلَ كَانَ مِنْ أَهْلِ فَارِسَ دَخَلَ فِي الْإِسْلَامِ لَمْ يُسَمَّ وَ لَا يُعْرَفُ لَهُ وَليٌّ

I said: 'The man was from the people Persia, entered Islam, was not named, and no guardian is known for him'.

قَالَ اجْهَدْ أَنْ تُقَدِّرَ لَهُ عَلَى وَليٍّ فَإِنْ لَمْ تَجِدْهُ وَ عَلِمَ اللهُ مِنْكَ الْجَهْدَ تَتَصَدَّقُ بِهَا.

He^{-asws} said: 'Make every effort to find a guardian for him. If you cannot find one, and Allah^{-azwj} Knows you exerted effort, donate in charity with it'³⁶⁹.

9- شي، تفسير العياشي عن محمد بن سوفة قال: سألت أبا جعفر ع عن قول الله تعالى فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه قال نسختها التي بعد ما فمن خاف من موصٍ جناً أو إنما يعني الموصى إليه إن خاف جناً من الموصى إليه في ثلثه جميعاً فيما أوصى به إليه بما لا يرضى الله به في خلاف الحق فلا يتم على الموصى إليه أن يبدله إلى الحق وإلى ما يرضى الله به من سبيل الخبر.

(The book) 'Tafseer Al Ayyashi' – From Muhammad Bin Sowqah who said,

I asked Abu Ja'far^{-asws} about ***So the one who alters it after having heard it, so its sin is upon those who are altering it [2:181]***. It is Abrogated by which follows it: ***But the one who fears from a testator, either an injustice (partiality) or a sin, [2:182]*** - It means that if the one entrusted with the will fears a partiality from the testator in his bequest regarding the entire third (of his wealth) in a manner that is not pleasing to Allah^{-azwj} and is contrary to what is right, then there is no sin upon the executor of the will to change it to what is just and to what Pleases Allah^{-azwj} in the proper way' – the Hadeeth"³⁷⁰.

10- شي، تفسير العياشي عن يونس رفته إلى أبي عبد الله ع في قوله فمن خاف من موصٍ جناً أو إنما فأصلح بينهم فلا يتم عليه قال يعني إذا ما اعتدى في الوصية و زاد في الثلث.

³⁶⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 7

³⁶⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 8

³⁷⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 9

(The book) 'Tafseer Al Ayyashi – From Yunus raising it to,

'Abu Abdullah^{-asws} regarding His^{-azwj} Words: ***But the one who fears from a testator, either an injustice (partiality) or a sin, so he reconciles between them, then there is no sin upon him [2:182].*** He^{-asws} said: 'It means when he transgresses in the bequest and increases in the third"³⁷¹.

11- قب، المناقب لابن شهر آشوب أوصى رجلٌ بألفٍ درهمٍ للكعبة فجاء الوصيُّ إلى مكةَ و سألَ فدَلَّوهُ إلى بني شَيْبَةَ فَأَتَاهُم فَأَحْبَرَهُمُ الْحَبَرَ فَقَالُوا لَهُ بَرَكْتُ ذِمَّتَكَ اذْفَعُهُ إِلَيْنَا

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

'A man made a will of one thousand dirhams for the Kabah. The executor of the will went to Makkah and asked, and they directed him to the clan of Shaybah. He went to them and informed them of the matter. They said to him, 'Your obligation is fulfilled, give it to us!'

فَقَالَ النَّاسُ سَلْ أَبَا جَعْفَرٍ ع

The people said to him, 'Ask Abu Ja'far^{-asws}'.

فَسَأَلَهُ ع فَقَالَ إِنَّ الْكُعْبَةَ غَيْبَةٌ عَنْ هَذَا انظُرْ إِلَى مَنْ زَارَ هَذَا الْبَيْتَ فَطُغِعَ بِهِ أَوْ ذَهَبَتْ نَفَقَتُهُ أَوْ ضَلَّتْ رِجْلَتُهُ أَوْ عَجَزَ أَنْ يَرْجِعَ إِلَى أَهْلِهِ فَأَذْفَعَهَا إِلَى هَؤُلَاءِ.

So, he asked him^{-asws}, and he^{-asws} said, 'The Kabah has no need of this. Look for someone who has visited this House and has become stranded, or whose provisions have run out, or whose mount has been lost, or who is unable to return to his family, and give it to such people"³⁷².

12- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الله بن سنان عن أبي عبد الله ع قال: الْغُلَامُ إِذَا أَدْرَكَهُ الْمَوْتُ وَ لَمْ يُدْرِكْ مَبْلَغَ الرِّجَالِ وَ أَوْصَى حَازَتِ وَصِيَّتُهُ لِدَوِي الْأَرْحَامِ وَ لَمْ يَجْزُ لِعَیْرِهِمْ.

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

'From Abu Abdullah^{-asws} having said: 'The boy, when he comes across the death and he has not yet become an adulthood of the men, and he bequeaths, his bequest is allowed for the kindred and is not allowed for others'³⁷³.

13- كشف، كشف الغمة من دلائل الحميري، عن الوشاء قال حدثني محمد بن يحيى عن وصي علي بن السري قال: قُلْتُ لِأَبِي الْحَسَنِ مُوسَى بْنِ جَعْفَرٍ ع إِنَّ عَلِيَّ بْنَ السَّرِيِّ تُوِّبِي وَ أَوْصَى إِلَيَّ

³⁷¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 10

³⁷² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 11

³⁷³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 12

(The book) 'Kashf Al Ghumma', from 'Dalail' of Al Himeyri, from Al Washa who said, 'It is narrated to me by Muhammad Bin Yahya, from an executor of Ali Bin Al Sary who said,

'I said to Abu Al-Hassan Musa^{-asws} Bin Ja'far^{-asws}, 'Ali Bin Al-Sary has died and appointed me as his executor'.

فَقَالَ رَحِمَهُ اللَّهُ فَمُلْتُ وَ إِنَّ ابْنَهُ جَعْفَرًا وَقَعَ عَلَيَّ أُمُّ وَلَدٍ لَهُ وَ أَمَرَنِي أَنْ أُخْرِجَهُ مِنَ الْمِيرَاثِ

He, may Allah^{-azwj} Mercy him, said, 'I said, 'And his son Ja'far had slept with a mother of children of his and instructed me that I expel him from the inheritance'.

فَقَالَ لِي أُخْرِجُهُ وَ إِنْ كَانَ صَادِقًا فَسُيُصِيبُهُ حَبَلٌ

He^{-asws} said to me: 'Exclude him, and if he was truthful, he will be afflicted with insanity!'

قَالَ فَرَجَعْتُ فَقَدَّمَنِي إِلَى أَبِي يُوسُفَ الْقَاضِي قَالَ لَهُ أَصْلَحَكَ اللَّهُ أَنَا جَعْفَرُ بْنُ عَلِيٍّ السَّرِيِّ وَ هَذَا وَصِيُّ أَبِي فَمَرَهُ فَلْيُدْفَعْ إِلَيَّ مِيرَاثِي مِنْ أَبِي

He (the narrator) said, 'I returned and he took me to Abu Yusuf the judge. He said to him, 'May Allah^{-azwj} Keep you well! I am Ja'far Bin Ali Al-Sary and this is the executor of my father. Order him to hand over my inheritance from my father, to me!'

فَقَالَ مَا تَقُولُ

He said, 'What are you saying?'

قُلْتُ نَعَمْ هَذَا جَعْفَرٌ وَ أَنَا وَصِيُّ أَبِيهِ

I said, 'Yes, this is Ja'far and I am the executor of his father.'

قَالَ فَادْفَعْ إِلَيْهِ مَالَهُ

He said, 'Hand over his wealth to him!'

فَمُلْتُ لَهُ أُرِيدُ أَنْ أُكَلِّمَكَ

I said to him, 'I want to speak to you (privately)'.

قَالَ فَادُّ

He said, 'Approach!'

فَدَنَوْتُ حَيْثُ لَا يَسْمَعُ أَحَدٌ كَلَامِي فَمُلْتُ هَذَا وَقَعَ عَلَيَّ أُمُّ وَلَدٍ أَبِيهِ وَ أَمَرَنِي أَبُوهُ وَ أَوْصَانِي أَنْ أُخْرِجَهُ مِنَ الْمِيرَاثِ وَ لَا أُورِثَهُ شَيْئًا فَأَتَيْتُ مُوسَى بْنَ جَعْفَرٍ عَ بِالْمَدِينَةِ فَأَخْبَرْتُهُ وَ سَأَلْتُهُ فَأَمَرَنِي أَنْ أُخْرِجَهُ مِنَ الْمِيرَاثِ وَ لَا أُورِثَهُ شَيْئًا

I went near him so that no one could hear my speech. I said, 'This one had slept with a mother of the children of his father, and his father had instructed me and bequeathed to me that I expel him from the inheritance and not let him inherit anything! I went to Musa Bin Ja'far^{-asws} at Al Medina and informed him^{-asws}, and asked him^{-asws}. He^{-asws} instructed me to expel him from the inheritance and not let him inherit anything!'

قَالَ فَقَالَ اللَّهُ إِنَّ أَبَا الْحَسَنِ أَمَرَكَ

He (the narrator) said, 'He said, 'Allah^{-azwj}! Abu Al-Hassan^{-asws} instructed you so?'

قُلْتُ نَعَمْ

I said, 'Yes!'

فَأَسْتَحْلَفَنِي ثَلَاثًا وَ قَالَ أَنْفِذْ مَا أَمَرْتُ بِهِ فَالْقَوْلُ قَوْلُهُ

He made me swear thrice and said, 'Implement what you have been instructed with, for the (final) word, is his^{-asws} word!'

قَالَ الْوَصِيُّ فَأَصَابَهُ الْحُبْلُ بَعْدَ ذَلِكَ قَالَ الْحَسَنُ بْنُ عَلِيٍّ الْوَشَّاءُ رَأَيْتُهُ عَلَى ذَلِكَ قُلْتُ هَذَا الْحَبْرُ يَحْتَاجُ إِلَى فَضْلِ تَأْمُلٍ فِي مَعْرِفَةِ زَوَاتِهِ فَإِنَّهُ لَوْ صَحَّ ذَلِكَ عَنِ ابْنِ الْمَيِّتِ وَحَبَّ عَلَيْهِ الْحُدُّ وَ لَمْ يَسْقُطْ مِيرَاثُهُ

The executor said, 'He was afflicted with insanity after that. Al-Hassan Bin Ali Al Washa said, 'I saw him being upon that. I said, 'This narration is needy to extra pondering regarding recognition of its transmitter, for if that is correct for a son of the deceased, the legal punishment is obligatory upon him and his inheritance would not be dropped.

وَ بَلَغَنِي بَعْدَ ذَلِكَ أَنَّهُ كَانَ مِنْ مَذْهَبِ أَبِي يُوسُفَ أَنَّ الْمُجْتَنَهَدَ يُقْلَدُ مَنْ هُوَ أَعْلَمُ مِنْهُ وَ رُوِيَ فِي كُتُبِ أَصُولِهِمْ أَنَّ أَبَا يُوسُفَ حَكَّمَ عَلَى إِنْسَانٍ بِحُكْمٍ مَا فَقَالَ لَهُ لَقَدْ حَكَمْتَ عَلَيَّ بِخِلَافِ مَا حَكَّمَ لِي مُوسَى بْنُ جَعْفَرٍ ع

And it has reached me that it was from the doctrine of Abu Yusuf that the jurist should emulate the one who is more knowledgeable than him; and it is reported in books of their principles that Abu Yusuf had ruled against a person with a ruling. He said to him, 'Your ruling against me is opposite to what Musa Bin Ja'far^{-asws} had ruled for me!'

قَالَ فَمَا الَّذِي حَكَّمَ بِهِ

He said, 'What is that which he^{-asws} had ruled with?'

قَالَ كَذَا وَ كَذَا فَاسْتَحْلَفَهُ وَ أَجْرَاهُ عَلَى حُكْمِ مُوسَى فَلَعَلَّهَا إِشَارَةً إِلَى هَذِهِ الْقِصَّةِ.

He said, 'Such and such'. He made him swear and flowed it upon the ruling of Musa^{-asws}. Perhaps it is an indication to this story".³⁷⁴

14- كَش، رجال الكشي حمَدُوهُ عَنِ الْحَسَنِ بْنِ مُوسَى قَالَ رَوَى أَصْحَابُنَا عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحُجَّاجِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع أَتَانِي ابْنُ عَمِّ لِي يَسْأَلُنِي أَنْ آذَنَ لِحَيَّانَ السَّرَّاجِ فَأَذْنْتُ لَهُ فَقَالَ لِي يَا أَبَا عَبْدِ اللَّهِ إِنِّي أُرِيدُ أَسْأَلُكَ عَنْ شَيْءٍ أَنَا بِهِ عَلِيمٌ إِلَّا أَنِّي أُحِبُّ أَنْ أَسْأَلَكَ عَنْهُ أَحْبِرْنِي عَنْ عَمِّكَ مُحَمَّدِ بْنِ عَلِيٍّ مَاتَ

(The book) 'Rijal' of Al Kashi – Hamdawiya, from Al-Hassan Bin Musa who said, 'It is reported by our companions, from Abdul Rahman Bin Al Hajjal who said,

'Abu Abdullah^{-asws} said: 'A cousin of mine came to me asking me^{-asws} to permit for Hayyan Al-Sarraj, so I^{-asws} permitted for him. He said to me^{-asws}, 'O Abu Abdullah^{-saww}! I want to ask you^{-asws} about something I already know of except I would love to ask you^{-asws} about it. Inform me about your^{-asws} paternal uncle Muhammad Bin Ali. Did he die?'

قَالَ فَمَلْتُ أَحْبِرْنِي أَبِي أَنَّهُ كَانَ فِي صَبِيحَةٍ لَهُ فَأَبَى فَعِيلَ لَهُ أَدْرِكَ عَمَّكَ

He^{-asws} said: 'I^{-asws} said: 'My^{-asws} father^{-asws} informed me^{-asws} that he^{-asws} was in an estate of his^{-asws}. Someone came and said to him^{-asws}, 'Come and help your^{-asws} uncle!''

قَالَ فَأَتَيْتُ وَ قَدْ كَانَتْ أَصَابَتْهُ غَشِيَةٌ فَأَفَاقَ فَقَالَ لِي ارْجِعْ إِلَى صَبِيحَتِكَ

He^{-asws} said: 'I^{-asws} went and unconsciousness had afflicted him. He awakened. He said to me^{-asws}, 'Return to your^{-asws} estate!''

قَالَ فَأَتَيْتُ فَقَالَ لِي رَجِعْ

He^{-asws} said: 'I^{-asws} refused. He said, 'You^{-asws} must return!''

قَالَ فَأَنْصَرَفْتُ فَمَا بَلَغْتُ الصَّبِيحَةَ حَتَّى أَتَوْنِي فَقَالُوا أَدْرِكُهُ

He^{-asws} said: 'I^{-asws} left. I^{-asws} had not reached the estate until they came to me. They said, 'Help him!'

فَأَتَيْتُهُ فَوَجَدْتُهُ قَدْ اعْتَقَلَ لِسَانَهُ فَأَتَوْنَا بِطَشْتٍ وَ جَعَلَ يَكْتُمُ وَصِيَّتَهُ فَمَا بَرِحْتُ حَتَّى عَمَضْتُهُ وَ كَفَمْتُهُ وَ عَسَلْتُهُ وَ صَلَّيْتُ عَلَيْهِ وَ دَفَنْتُهُ

I^{-asws} came to him and found him, his tongue had been paralysed. They came with a washbasin and he went on to write his will. I^{-asws} had not departed until I^{-asws} had closed his eyes and enshrouded him, and washed him, and prayed Salat upon him and buried him'.

فَإِنْ كَانَ هَذَا مَوْتًا فَقَدْ وَ اللَّهُ مَاتَ

³⁷⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 13

So, if this was death, then by Allah^{-azwj}, he died!

قَالَ فَقَالَ لِي رَحِمَكَ اللَّهُ شَيْبَةً عَلَى أَبِيكَ

He (the narrator) said, 'He^{-asws} said to me: 'May Allah^{-azwj} Mercy you, doubting upon your father'.

قَالَ فَمُلْتُ يَا سُبْحَانَ اللَّهِ أَنْتَ تَصْدِفُ عَلَيَّ قَلْبِكَ

He (the narrator) said, 'I said, 'O Glory be to Allah^{-azwj}! You^{-asws} are 'Sadif' upon your^{-asws} heart!'

قَالَ فَقَالَ لِي وَ مَا الصَّدْفُ عَلَى الْقَلْبِ

He (the narrator) said, 'He^{-asws} said to me: 'And what is 'Al-Sadaf' upon the heart?'

قَالَ قُلْتُ الْكَذِبُ.

He (the narrator) said, 'I said, 'The lying!''³⁷⁵

15- مجاليس الشيخ، عن المفيد عن إبراهيم بن الحسن بن جمهور عن أبي بكر المفيد الجرجاني عن أبي الدنيا المعمر المغربي عن أمير المؤمنين ع قال: قضى رسول الله ص أن الدين قبل الوصية وأنتم تقرءون من بعد وصية يوصي بها أو دين.

(The book) 'Majalis' of the sheykh – From Al Mufeed, from Ibrahim Bin Al-Hassan Bin Jumhour, from Abu Bakr Al Mufeed Al Jarjaie, from Abu Al Dunya Al Muammar Al Maghriby,

'From Amir Al-Momineen^{-asws} having said: 'Rasool-Allah^{-saww} judged that the debts are (to be settled) before the will, and you are reading: **'from after a bequest he has bequeathed with or a debt [4:11]'**.³⁷⁶

16- الهداية، قال رسول الله ص أول ما تبدأ به من تركة الميت الكفن ثم الدين ثم الوصية والميراث.

(The book) 'Al Hidayah' –

'Rasool-Allah^{-saww} said: 'The first of what should be begun with from the legacy of a deceased is the shroud, then the debts, then the bequest and the inheritance'.³⁷⁷

17- وقال الصادق ع الوصية حق على كل مسلم ويستحب أن يوصي الرجل لذي قرابته ممن لا يرث بشيء قل أو كثر ومن لم يفعل فقد ختم عمله بمعصية.

And Al-Sadiq^{-asws} said: 'The will is a right upon every Muslim, and it is recommended that the man should bequeath for the ones with kinship, from the ones who do not inherit anything,

³⁷⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 14

³⁷⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 15

³⁷⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 16

whether little of more, and the one who does not do so, he has ended his deeds with disobedience”.³⁷⁸

18- وَقَالَ: لَيْسَ لِلْمَيِّتِ مِنْ مَالِهِ إِلَّا التُّلْتُ فَإِذَا أَوْصَى بِأَكْثَرِ مِنَ التُّلْتِ رُدَّ إِلَى التُّلْتِ وَإِذَا أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَالْجُزْءُ وَاحِدٌ مِنْ سَبْعَةِ لِقَوْلِ اللَّهِ تَعَالَى لَهَا سَبْعَةُ أَبْوَابٍ لِكُلِّ بَابٍ مِنْهُمْ جُزْءٌ مَقْسُومٌ

And he^{-asws} said: ‘A deceased person only has authority over one-third of his wealth. So if he makes a bequest for more than one-third, it is reduced to the one-third. And if he bequeaths a ‘segment’ of his wealth, then the ‘segment’ is considered to be one-seventh, based on the Verse of Allah, the Exalted: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**.

وَقَدْ رُوِيَ أَنَّ الْجُزْءَ وَاحِدٌ مِنْ عَشْرَةِ لِقَوْلِ اللَّهِ عَزَّ وَجَلَّ ثُمَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُمْ جُزْءًا وَكَانَتِ الْجِبَالُ عَشْرَةً

And it has been reported that the ‘part’ is one of ten due to Words of Allah^{-azwj} Mighty and Majestic: **Then place on every mountain a part of them [2:260]**, and the mountains were ten.

فَإِذَا أَوْصَى بِسَهْمٍ مِنْ مَالِهِ أَوْ بِشَيْءٍ مِنْ مَالِهِ فَهُوَ وَاحِدٌ مِنْ سِتَّةٍ فَإِذَا أَوْصَى بِمَالٍ كَثِيرٍ فَالْكَثِيرُ ثَمَانُونَ وَمَا زَادَ لِقَوْلِ اللَّهِ عَزَّ وَجَلَّ لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَكَانَتْ ثَمَانِينَ مَوْطِنًا.

And if he bequeaths a ‘share’ of his wealth or ‘something’ from his wealth, then it is one-sixth. And if he bequeaths ‘a large amount’ of wealth, then the ‘large amount’ is eighty or more, based on the Words of Allah^{-azwj} Mighty and Majestic: **Allah has Helped you in many places, [9:25]**, and these were eighty in number”.³⁷⁹

19- وَ سُئِلَ عَنْ رَجُلٍ حَصَرَهُ الْمَوْتُ فَأَعْتَقَ مَمْلُوكًا لَيْسَ لَهُ غَيْرُهُ فَأَبَى الْوَرِثَةُ أَنْ يُجِيرُوا ذَلِكَ قَالَ مَا يُعْتَقُ مِنْهُ إِلَّا ثُلُثُهُ

And he^{-asws} was asked about a man the death presented to, so he liberated a slave. There wasn’t for him another. The inheritors refused to validate that. He^{-asws} said: ‘Nothing can be liberated from him except his third (price)’.

وَعَنْ رَجُلٍ قَالَ هَذِهِ السَّفِينَةُ لِلْفُلَانِ وَ لَمْ يُسَمَّ مَا فِيهَا وَ فِيهَا طَعَامٌ قَالَ هِيَ لِلَّذِي أَوْصَى لَهُ بِهَا وَ بِمَا فِيهَا إِلَّا أَنْ يَكُونَ صَاحِبُهَا اسْتَشْتَى مَا فِيهَا وَ لَيْسَ لِلْوَرِثَةِ فِيهَا شَيْءٌ

And about a man who said, ‘This ship of mine is for so and so’, and he did not specify what is in it, and therein was food. He^{-asws} said: ‘It is for the one he had bequeathed it to and with whatever is in it, except if its owner had excluded what was in it, and there isn’t anything in it for the inheritors’.

وَ سُئِلَ عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِصُنْدُوقٍ فِيهِ مَالٌ فَقَالَ الصُّنْدُوقُ بِمَا فِيهِ لَهُ

³⁷⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 17

³⁷⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 18

And he^{-asws} was asked about a man who bequeathed to a man, a box wherein was money. He^{-asws} said: ‘The box along with whatever is in it is for him’.

و سئلَ عَنْ رَجُلٍ أَوْصَى بِمَالٍ فِي سَبِيلِ اللَّهِ قَالَ فَهُوَ لِشِيعَتِنَا

And he^{-asws} was asked about a man who bequeathed with money in the way of Allah^{-azwj}. He^{-asws} said: ‘It is for our^{-asws} Shias’.

و رُوِيَ أَنَّهُ قَالَ أَصْرَفُهُ فِي الْحَجِّ فَإِنِّي لَا أَعْرِفُ سَبِيلًا مِنْ سُبُلِهِ أَفْضَلَ مِنَ الْحَجِّ.

And it is reported he^{-asws} said: ‘Turn (spend) it in the Hajj, for I^{-asws} do not know of any way from His^{-azwj} ways, superior to Hajj’.³⁸⁰

20- وَ سئلَ الصَّادِقُ ع عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِسَيْفٍ كَانَ فِيهِ حَلِيَّةٌ فَقَالَ لَهُ الْوَرِثَةُ إِنَّمَا لَكَ التَّصَلُّ فَقَالَ السَّيْفُ بِمَا فِيهِ لَهُ.

And Al-Sadiq^{-asws} was asked about a man who bequeathed to a man with a sword in which was an ornament. The inheritors said to him, ‘But rather, for you is the blade (only)!’ He^{-asws} said: ‘The sword along with whatever is in it, is for him’.³⁸¹

21- كِتَابُ زَيْدِ النَّرْسِيِّ، عَنْ عَلِيِّ بْنِ مَرْزُوقِ صَاحِبِ السَّابِرِيِّ قَالَ: أَوْصَى إِلَيَّ رَجُلٌ بِرَجُلٍ وَ أَمَرَنِي أَنْ أُحْجَّ بِهَا عَنْهُ فَتَنَظَّرْتُ فِي ذَلِكَ فَإِذَا شَيْءٌ يَسِيرٌ لَا يَكُونُ لِلْحَجِّ سَأَلْتُ أَبَا حَنِيفَةَ وَ غَيْرَهُ فَقَالُوا تَصَدَّقْ بِهَا

The book of Zayd Al Narsy – From Ali Bin Mazeed, companion of Al Sayyari who said,

‘A man entrusted his estate to me and instructed me that a Hajj should be performed on his behalf using it. I looked into it and found it was a small amount, not sufficient for Hajj. I asked Abu Haneefa and others, and they said, ‘Give it in charity’.

فَلَمَّا حَجَجْتُ لَقِيتُ عَبْدَ اللَّهِ بْنَ الْحُسَيْنِ فِي الطَّوَافِ فَقُلْتُ لَهُ ذَلِكَ فَقَالَ لِي هَذَا جَعَمُرُ بْنُ مُحَمَّدٍ فِي الْحِجْرِ فَاسْأَلْهُ

When I performed Hajj, I met Abdullah Ibn Al-Hassan during the Taweef and told him about it. He said to me, ‘Here is Ja’far Bin Muhammad^{-asws} at the (Black) Stone, ask him^{-asws}!’

قَالَ فَدَخَلْتُ الْحِجْرَ فَإِذَا أَبُو عَبْدِ اللَّهِ ع تَحْتَ الْمِيزَابِ مُقْبِلٌ بِوَجْهِهِ عَلَى الْبَيْتِ يَدْعُو ثُمَّ التَفَتَ فَرَأَانِي فَقَالَ مَا حَاجَتُكَ

So, I entered Al-Hijr, and Abu Abdullah^{-asws} was beneath the spout, facing the Kabah, supplicating. Then he^{-asws} turned, saw me and said, ‘What is your need?’

فَقُلْتُ جَعَلْتُ فِدَاكَ إِلَيَّ رَجُلًا مِنْ أَهْلِ الْكُوفَةِ مِنْ مَوَالِيكُمْ

I said, ‘May I be sacrificed for you^{-asws}! I am a man from the people of Kufa, from your^{-asws} followers!’

³⁸⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 19

³⁸¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 20

فَقَالَ دَعْ ذَا عَنَّا حَاجَتَكَ

He^{-asws} said: 'Leave that from you! What is your need?'

قَالَ قُلْتُ رَجُلٌ مَاتَ وَ أَوْصَى بِرَكْبَتِهِ إِلَيَّ وَ أَمَرَنِي أَنْ أُحِجَّ بِهَا عَنْهُ فَتَنْظَرْتُ فِي ذَلِكَ فَوَجَدْتُهُ بَسِيراً لَا يَكُونُ لِلْحَجِّ فَسَأَلْتُ مَنْ قَبَلْنَا فَقَالُوا لِي تَصَدَّقْ بِهِ

I said, 'A man died and entrusted his estate to me and instructed me to perform Hajj on his behalf with it. I looked into it and found it to be small and not enough for Hajj. I asked those near us, and they told me to give it in charity'.

فَقَالَ لِي مَا صَنَعْتَ

He^{-asws} said to me: 'What did you do?'

فَقُلْتُ تَصَدَّقْتُ بِهِ

I said, 'I donated to charity with it'.

قَالَ ضَمِنْتَ إِلَّا أَنْ لَا يَكُونُ يَبْلُغُ أَنْ يُحِجَّ بِهِ مِنْ مَكَّةَ فَإِنْ كَانَ يَبْلُغُ أَنْ يُحِجَّ بِهِ مِنْ مَكَّةَ فَأَنْتَ ضَامِنٌ وَ إِنْ لَمْ يَكُنْ يَبْلُغُ ذَلِكَ فَلَيْسَ عَلَيْكَ ضَمَانٌ.

He said, 'You are responsible except if it did not reach for Hajj to be performed with it from Makkah. If it was enough for Hajj to be performed from Makkah, then you are responsible, and if it could not have reached that, then there isn't any responsibility upon you'.³⁸²

[باب 56 الوصايا المهمة](#)

CHAPTER 56 – AMBIGUOUS WILLS

1- مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام أبي عن أحمد بن إدريس عن الأشعري عن الجماوراني عن البرنطي عن الحسين بن خالد قال: سألت الرضا ع عن رجل أوصى بجزء من ماله قال سبعة ثلثه.

(The book) 'Ma'any Al Akhbaar', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – My father, from Ahmad Bin Idrees, from Al Ash'ary, from Al Jamourany, from Al Bazanty, from Al-Husayn Bin Khalid who said,

'I asked Al-Reza^{-asws} about a man who bequeathed a segment of his wealth. He^{-asws} said: 'Seventh of his third''.³⁸³

2- ن، عيون أخبار الرضا عليه السلام أبي و ابن الوليد معاً عن محمد العطار و أحمد بن إدريس معاً عن الأشعري عن ابن هاشم عن داود بن محمد النهدي عن بعض أصحابنا قال: دخل ابن أبي سعيد المكاربي على الرضا ع فقال له أبلغ الله من قدرك أن تدعي ما ادعى أبوك

³⁸² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 55 H 21

³⁸³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 1

(The book) 'Rijal' of Al Kashi – Hamdawiya, from Al-Hassan Bin Musa, from Ali Bin Umar Al Zayyar, from Ibn Abu Saeed, similar to it.³⁸⁶

5 مع، معاني الأخبار أبي عن علي عن أبيه عن النوفلي عن السكوني عن أبي عبد الله ع أنه سئل عن رجل يوصي بسهم من ماله فقال السهم واحد من ثمانية لقول الله عز وجل إنما الصدقات للفقراء والمساكين والعاملين عليها والمؤلفة قلوبهم وفي الرقاب والغارمين وفي سبيل الله وابن السبيل.

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

'From Abu Abdullah^{-asws}, he^{-asws} was asked about a man who bequeathed with a 'share' of his wealth. He^{-asws} said: 'The 'share' is one-eighth due to Words of Allah^{-azwj} Mighty and Majestic: **But rather, the charities are for the poor and the needy, and the office bearers upon it, and the ones (recently) inclined of their hearts (to Al-Islam), and ones in bondage, and the ones in debt, and in the Way of Allah, and the wayfarer, [9:60]**'.³⁸⁷

6- مع، معاني الأخبار ابن الوليد عن الصفار عن ابن عيسى عن أبيه عن صفوان بن يحيى قال: سألت الرضا ع عن رجل أوصى بسهم من ماله ولا يدرى السهم أي شيء هو فقال ليس عندكم فيما بلغكم عن جعفر وأبي جعفر ع فيها شيء.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from his father, from Safwan Bin Yahya who said,

'I asked Al-Reza^{-asws} about a man who bequeathed a 'share' of his wealth, and he didn't know (specify) the 'share', which thing it is. He^{-asws} said: 'Isn't it with you among what has reached you from Ja'far^{-asws} or Abu Ja'far^{-asws}, anything regarding it?'

فقلت له جعلت فداك ما سمعنا أصحابنا يذكرون شيئاً في هذا عن آبائك ع

I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! We have not heard anything from our companions mentioned anything regarding this from your^{-asws} forefathers^{-asws}'.

فقال السهم واحد من ثمانية

He^{-asws} said: 'The 'share' is one from eight'.

فقلت جعلت فداك كيف صار واحداً من ثمانية

I said, 'May I be sacrificed for you^{-asws}! How did it come to be one from eight?'

فقال أما تقرأ كتاب الله عز وجل

He^{-asws} said: 'Have you not read the Book of Allah^{-azwj} Mighty and Majestic?'

فقلت جعلت فداك إنني لأقرؤه ولكن لا أدري أين موضعه

³⁸⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 4

³⁸⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 5

I said, 'May I be sacrificed for you^{-asws}! I do read it, but I don't know where its place is!'

فَقَالَ قَوْلَ 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

He^{-asws} said: 'Words of Allah^{-azwj} Mighty and Majestic: **But rather, the charities are for the poor and the needy, and the office bearers upon it, and the ones (recently) inclined of their hearts (to Al-Islam), and ones in bondage, and the ones in debt, and in the Way of Allah, and the wayfarer, [9:60]**'.

ثُمَّ عَقَدَ يَدَيْهِ ثَمَانِيَةً قَالَ وَ كَذَلِكَ فَسَمَّهَا رَسُولُ اللَّهِ ص عَلَى ثَمَانِيَةِ أَشْهُمٍ وَ السَّهْمُ وَاحِدٌ مِنْ ثَمَانِيَةٍ.

Then he^{-asws} indicated 'eight' with his^{-asws} hand. He^{-asws} said: 'And like Rasool-Allah^{-saww} distributed it upon eight shares, and the 'share' is one from eight"³⁸⁸

7- شي، تفسير العياشي عن البرزطي عنه ع مثله.

(The book) 'Tafseer Al Ayyashi' – from Al Bazanty, from him^{-asws}, similar to it.³⁸⁹

8- مع، معاني الأخبار وَ قَدْ رُوِيَ أَنَّ السَّهْمَ وَاحِدٌ مِنْ سِتَّةٍ وَ ذَلِكَ عَلَى حَسَبِ مَا يُفْهَمُ مِنْ مُرَادِ الْمُوصِي وَ عَلَى حَسَبِ مَا يُعْلَمُ مِنْ سِهَامِ مَالِهِ بَيْنَهُمْ.

(The book) 'Ma'any Al Akhbaar' –

'And it has been reported that the 'share' is one from six, and that is based upon the calculation that is according to what is understood from the intention of the one making the will and according to what is known of the distribution of his wealth among them'³⁹⁰

9- مع، معاني الأخبار أَبِي عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ عَلِيِّ بْنِ السِّنْدِيِّ عَنِ مُحَمَّدِ بْنِ عَمْرٍو بْنِ سَعِيدٍ عَنِ حَمِيلٍ عَنِ أَبَانَ بْنِ تَغْلِبٍ عَنِ الثَّمَالِيِّ عَنِ عَلِيِّ بْنِ الْحُسَيْنِ ع قَالَ: قُلْتُ لَهُ رَجُلٌ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ فَقَالَ لِي فِي كِتَابِ عَلِيِّ ع الشَّيْءُ مِنْ مَالِهِ وَاحِدٌ مِنْ سِتَّةٍ.

(The book) 'Ma'any Al Akhbaar' – My father, from Muhammad Al Attar, from Al Ashari, from Ali Bin Al Sindy, from Muhammad Bin Amro Bin Saeed, from Jameel, from Aban Bin Taghlib, from Al Sumali,

'From Ali^{-asws} Bin Al-Husayn^{-asws}, he (the narrator) said, 'I said to him^{-asws}, 'A man bequeathed with 'something' from his wealth. He^{-asws} said to me: 'In the book of Ali^{-asws}, the 'something' from his wealth is one from six"³⁹¹

10- مع، معاني الأخبار ابْنُ الْوَلِيدِ عَنْ أَحْمَدَ بْنِ إِدْرِيسَ عَنِ الْأَشْعَرِيِّ عَنِ عَلِيِّ بْنِ السِّنْدِيِّ عَنِ مُحَمَّدِ بْنِ عَمْرٍو بْنِ حَمِيلٍ عَنِ ابْنِ تَغْلِبٍ عَنِ أَبِي جَعْفَرٍ ع أَنَّهُ قَالَ فِي الرَّجُلِ يُوصِي بِشَيْءٍ مِنْ مَالِهِ إِنَّ الْجُزْءَ وَاحِدٌ مِنْ عَشْرَةٍ لِأَنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ ثُمَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا وَ كَانَتْ الْجِبَالُ عَشْرَةً وَ الطَّيْرُ أَرْبَعَةٌ فَجَعَلَ عَلَى كُلِّ مِنْهُنَّ جُزْءًا.

³⁸⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 6

³⁸⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 7

³⁹⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 8

³⁹¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 9

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Ahmad Bin Idrees, from Al Ashary, from Ali Bin Al Sindy, from Muhammad Bin Amro, from Jameel, from Ibn Taghlib,

'From Abu Ja'far^{-asws}, he^{-asws} said regarding the man who bequeathed with a 'segment' from his wealth: 'The 'segment is one from ten, because Allah^{-azwj} Mighty and Majestic Says: ***Then place on every mountain a part of them [2:260]***. The mountains were ten, and the birds were four. So he^{-as} made a segment (part) upon each of these"³⁹².

11- وَ رُوِيَ أَنَّ الْجُزْءَ وَاحِدٌ مِنْ سَبْعَةِ لَعُولِ اللَّهِ عَزَّ وَ جَلَّ لَهَا سَبْعَةُ أَبْوَابٍ لِكُلِّ بَابٍ مِنْهُمْ جُزْءٌ مَقْسُومٌ.

And it is reported that the 'segment' is one from seven due to Words of Allah^{-azwj} Mighty and Majestic: ***For it there are seven doors, each door being for an Assigned segment of them [15:44]***"³⁹³.

12- مع، معاني الأخبار أَبِي عَنْ سَعْدِ بْنِ أَبِي عَيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ امْرَأَةٍ أَوْصَتْ بِثُلُثِهَا يُقْضَى بِهِ دَيْنٌ ابْنِ أُخِيهَا وَ جُزْءٌ لِفُلَانٍ وَ فُلَانَةٍ فَلَمْ أَعْرِفْ ذَلِكَ فَقَدِمْنَا إِلَى ابْنِ أَبِي لَيْلَى

(The book) 'Ma'any Al Akhbaar' – My father, from Saad, from Ibn Isa, from Ali Bin Al Hakam, from Aban, from Abdullah Bin Sinan who said, '

'I asked Abu Abdullah^{-asws} about a woman who bequeathed with her third to pay off debts of a son of her brother, and a 'segment' to be for so and so, and so and so. That 'segment' was not known, so we proceeded to Ibn Abu Layli.

قَالَ فَمَا قَالَ لَكَ

He^{-asws} said: 'So what did he say to you?'

قُلْتُ قَالَ لَيْسَ لُهُمَا شَيْءٌ

I said, 'He said there isn't anything for them both'.

فَقَالَ كَذَبَ وَ اللَّهُ هُمَا الْعُشْرُ مِنَ الثُّلُثِ.

He^{-asws} said: 'He lied! By Allah^{-azwj}, for them is the tenth from the third"³⁹⁴.

13- مع، معاني الأخبار أَبِي عَنْ مُحَمَّدِ بْنِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ الْيَشْبُطِيِّ عَنْ مُحَمَّدِ بْنِ سَلِيمَانَ عَنِ الْحُسَيْنِ بْنِ عُمَرَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ إِنَّ رَجُلًا أَوْصَى إِلَيَّ فِي سَبِيلِ اللَّهِ

(The book) 'Ma'any Al Akhbaar' – My father, from Muhammad Al Attar, from Al Ashari, from Al Yaqteeny, from Muhammad Bin Suleyman, from Al-Husayn Bin Umar who said,

'I said to Abu Abdullah^{-asws}, 'A man bequeathed to me '(spend) in the way of Allah^{-azwj}'.

³⁹² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 10

³⁹³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 11

³⁹⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 12

قَالَ فَقَالَ لِي اصْرِفْهُ فِي الْحَجِّ

He (the narrator) said, 'He^{-asws} said to me: 'Spend it regarding the Hajj!'

قَالَ قُلْتُ إِنَّهُ أَوْصَى إِلَيَّ فِي السَّبِيلِ

He (the narrator) said, 'I said, 'He had bequeathed to me (to be spent) in the way (of Allah^{-azwj})!'

قَالَ اصْرِفْهُ فِي الْحَجِّ فَإِنِّي لَا أَعْرِفُ سَبِيلًا مِنْ سُبُلِهِ أَفْضَلَ مِنَ الْحَجِّ.

He^{-asws} said: 'Spend it regarding the Hajj, for I^{-asws} don't know of any way from His^{-azwj} ways, more superior to the Hajj!'³⁹⁵

14 شي، تفسير العياشي عن الحسن بن مثنى.

(The book) 'Tafseer Al Ayyashi' – From Al-Husayn, similar to it.³⁹⁶

15- مع، معاني الأخبار أبي عن أحمد بن إدريس عن الأشعري عن اليقطيني عن الحسن بن راشد قال: سألت أبا الحسن العسكري ع بالمدينة عن رجل أوصى بماله في سبيل الله قال سبيل الله شيعتنا.

(The book) 'Ma'any Al Akhbaar' – My father, from Ahmad Bin Idrees, from Al Ashari, from Al Yaqteeny, from Al-Hassan Bin Rashid who said,

'I asked Abu Al-Hassan Al-Askari^{-asws} at Al-Medina, about a man who bequeathed with his wealth (to be spent) 'in the way of Allah^{-azwj}'. He^{-asws} said: 'The 'way of Allah^{-azwj}', is our^{-asws} Shias''.³⁹⁷

16- شي، تفسير العياشي عن الحسن بن مثنى.

(The book) 'Tafseer Al-Ayyashi' – from Al-Hassan, similar to it.³⁹⁸

17- ضا، فقه الرضا عليه السلام و إذا أوصى رجل لرجل بجزء من ماله فهو واحد من عشرة لقول الله تعالى ثم اجعل على كل جبل منهن جزءاً و كانت الجبال عشرة

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And when a man bequeaths to a man of a 'segment' of his wealth, it is one from ten, due to Words of Allah^{-azwj} the Exalted: **Then place on every mountain a part of them [2:260]**. The mountains were ten.

و روي جزءاً من سبعة لقول الله عز و جل لها سبعة أبواب لكل باب منهم جزء مقسوم

³⁹⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 13

³⁹⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 14

³⁹⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 15

³⁹⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 16

And it is reported a ‘segment’ is one from seven due to Words of Allah^{-azwj} Mighty and Majestic: **For it there are seven doors, each door being for an Assigned segment of them [15:44].**

فَإِنْ أَوْصَى بِسَهْمٍ مِنْ مَالِهِ فَهُوَ سَهْمٌ مِنْ سِتَّةِ أَسْهُمٍ وَكَذَلِكَ إِذَا أَوْصَى بِشَيْءٍ مِنْ مَالِهِ غَيْرَ مَعْلُومٍ فَهُوَ وَاحِدَةٌ مِنْ سِتَّةِ فَإِنْ أَوْصَى بِمَالِهِ فِي سَبِيلِ اللَّهِ وَ لَمْ يُسَمِّ السَّبِيلَ فَإِنْ شَاءَ جَعَلَهُ لِإِمَامِ الْمُسْلِمِينَ وَ إِنْ شَاءَ جَعَلَهُ فِي حَجٍّ أَوْ فَرَقَهُ عَلَى قَوْمٍ مُؤْمِنِينَ.

If he bequeaths with a ‘share’ from his wealth, it is a share from six shares, and like that when he bequeaths with ‘something’ from his wealth, unknown (amount), it is one from six. He bequeaths with his wealth (to be spent) in the way of Allah^{-azwj}, and does not specify the ‘way’. If he likes, he can make it for the Imam of the Muslims, and if he likes, he can make it regarding a Hajj, or distribute it upon a group of Momineen³⁹⁹.

18- شي، تفسير العياشي عن عبد الصمد بن بشير قال: جُمِعَ لِأبي جَعْفَرٍ جَمِيعُ الْقَضَاةِ فَقَالَ لَهُمْ رَجُلٌ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَكَمْ الْجُزْءُ

(The book) ‘Tafseer Al Ayyashi’ – From Abdul Samad Bin Bashir who said,

‘The judges gathered to Abu Ja’far (Al-Mansour the caliph). He said to them: ‘A man bequeaths with a ‘segment’ of his wealth. How much is the ‘segment’?’

فَلَمْ يَعْلَمُوا كَمَ الْجُزْءِ وَ اسْتَكْبَرُوا إِلَيْهِ فِيهِ فَأَبْرَدَ بَرِيداً إِلَى صَاحِبِ الْمَدِينَةِ أَنْ يَسْأَلَ جَعْفَرَ بْنَ مُحَمَّدٍ عَ رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَكَمْ الْجُزْءُ فَقَدْ أَشْكَلَ ذَلِكَ عَلَى الْقَضَاةِ فَلَمْ يَعْلَمُوا كَمَ الْجُزْءِ فَإِنَّ هُوَ أَخْبَرَكَ بِهِ وَ إِلَّا فَاحْمِلْهُ عَلَى الْبَرِيدِ وَ وَجْهَهُ إِلَيَّ

The did not know how much the ‘segment’ was, and they complained to him^{-asws} regarding it. He sent a courier to the governor of Al-Medina to ask Ja’far^{-asws} Bin Muhammad^{-asws}, ‘A man bequeaths with a ‘segment’ of his wealth, so how much is a ‘segment’, for that is problematic upon the judges. They are not known how much the ‘segment’ is. If he^{-asws} informs you of it (fine), or else carry him^{-asws} upon the courier horse and bring him^{-asws} to me!’

فَأَتَى صَاحِبَ الْمَدِينَةِ أَبَا عَبْدِ اللَّهِ عَ فَقَالَ لَهُ إِنَّ أَبَا جَعْفَرٍ بَعَثَ إِلَيَّ أَنْ أَسْأَلَكَ عَنْ رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ وَ سَأَلَ مَنْ قَبْلَهُ مِنَ الْقَضَاةِ فَلَمْ يُخْبِرُوهُ مَا هُوَ وَ قَدْ كَتَبَ إِلَيَّ إِنْ فَسَّرْتَ ذَلِكَ لَهُ وَ إِلَّا حَمَلْتُكَ عَلَى الْبَرِيدِ إِلَيْهِ

The governor of Al-Medina came to Abu Abdullah^{-asws}. He said to him^{-asws}, ‘Abu Ja’far (the caliph) has dispatched to me that I should ask you^{-asws} about a man who bequeaths a ‘segment’ of his wealth, and he had asked the judges before him but they could not inform him^{-asws} what it is, and he has written to me to have this interpreted for him, or else I should carry you^{-asws} upon the courier horse to him!’

فَقَالَ أَبُو عَبْدِ اللَّهِ عَ هَذَا فِي كِتَابِ اللَّهِ بَيِّنٌ إِنَّ اللَّهَ يَقُولُ لَمَّا قَالَ إِبْرَاهِيمُ رَبِّ أَرِنِي كَيْفَ تُحْيِي الْمَوْتَى إِلَى كُلِّ جَبَلٍ مِنْهُمْ جُزْءٌ فَكَانَتِ الطَّيْرُ أَرْبَعَةً وَ الْجِبَالُ عَشْرَةً يُخْرِجُ الرَّجُلُ مِنْ كُلِّ عَشْرَةٍ أَجْزَاءً جُزْءاً وَاحِداً

Abu Abdullah^{-asws} said: ‘This is in the Book of Allah^{-azwj}, clearly. Allah^{-azwj} Said, when Ibrahim^{-as} said: **‘Lord! Show me how You Revive the dead’** – up to - **Then place on every mountain a**

³⁹⁹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 17

part of them, [2:260]. The birds were four and the mountains were ten. The man should extract from every ten segments, one segment.

وَ إِنَّ إِبْرَاهِيمَ دَعَا يَمْهَرَسٍ فَدَقَّ فِيهِ الطُّيُورَ جَمِيعاً وَ حَبَسَ الرُّهُوسَ عِنْدَهُ ثُمَّ إِنَّهُ دَعَا بِالَّذِي أُمِرَ بِهِ فَجَعَلَ يَنْظُرُ إِلَى الرِّيشِ كَيْفَ يَخْرُجُ وَ إِلَى العُرُوقِ عِزْقاً عِزْقاً حَتَّى تَمَّ جَنَاحُهُ مُسْتَوِيّاً فَأَهْوَى نَحْوَ إِبْرَاهِيمَ

And Ibrahim^{-as} called to a grinding stone. He^{-as} pounded all the birds in it and withheld the heads in his^{-as} possession. Then he^{-as} called with that which he^{-as} had been Commanded with. He^{-as} went on looking at the feathers how these emerged, and the veins, vein by vein, until its wings were completed, equally. They inclined towards Ibrahim^{-as}.

فَقَالَ إِبْرَاهِيمُ بَعْضِ الرُّهُوسِ فَاسْتَقْبَلَهُ بِهِ فَلَمْ يَكُنِ الرَّأْسُ الَّذِي اسْتَقْبَلَهُ بِهِ لِذَلِكَ الْبَدَنِ حَتَّى انْتَقَلَ إِلَيْهِ عَبْرَهُ فَكَانَ مُوَافِقاً لِلرَّأْسِ فَتَمَّتِ الْعِدَّةُ وَ تَمَّتِ الْأَبْدَانُ.

Ibrahim^{-as} said regarding one of the heads: ‘I faced it, but the head which I^{-as} was facing with, did not happen to be for that body, until it transferred to another so it was compatible for the head. Thus, the number was completed, and the bodies were complete’.⁴⁰⁰

19- شي، تفسير العياشي عن عَبْدِ الرَّحْمَنِ بْنِ سَبَابَةَ قَالَ: إِنَّ الْمَرْأَةَ أَوْصَتْ إِلَى وَ قَالَتْ لِي ثُلثِي يُقْضَى بِهِ دَيْنُ ابْنِ أُخِي وَ جُزْءٌ مِنْهُ لِغُلَامَةٍ

(The book) ‘Tafseer Al Ayyashi’ – From Abdul Rahman Bin Sayaba who said,

‘A woman bequeathed to me and said to me, ‘My third, pay off the debts of a son of my brother, and a segment from it is for so and so woman’.

فَسَأَلْتُ عَنْ ذَلِكَ ابْنَ أَبِي لَيْلَى فَقَالَ مَا أَرَى لَهَا شَيْئاً وَ مَا أَذْرِي مَا الْجُزْءُ

I asked Ibn Abu Layli about that. He said, ‘I don’t see anything being for her, and I don’t know what the segment is.’

فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ ع وَ أَخْبَرْتُهُ كَيْفَ قَالَتِ الْمَرْأَةُ وَ مَا قَالَ ابْنُ أَبِي لَيْلَى فَقَالَ كَذَبَ ابْنُ أَبِي لَيْلَى لَهَا عَشْرُ الثُّلُثِ إِنَّ اللَّهَ أَمَرَ إِبْرَاهِيمَ ع فَقَالَ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءاً وَ كَانَتِ الْجِبَالُ يَوْمَئِذٍ عَشْرَةً وَ هُوَ الْعَشْرُ مِنَ الشَّيْءِ.

I asked Abu Abdullah^{-asws} and informed him^{-asws} how the woman had said and what Ibn Abu Layli had said. He^{-asws} said: ‘Ibn Abu Layli has lied. For her is a tenth of the third. Allah^{-azwj} had Commanded Ibrahim^{-as}. He^{-azwj} Said: **Then place on every mountain a part of them, [2:260]**, and on that day, the mountains were ten, and (the segment), it is the tenth from the thing’.⁴⁰¹

20- شي، تفسير العياشي عن أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ فَقَالَ جُزْءٌ مِنْ عَشْرَةِ كَانَتِ الْجِبَالُ عَشْرَةً وَ كَانَتِ الطُّيُورُ طَاوُسَ [الطَّائِسُ] وَ الْحَمَامَةَ وَ الدِّيكَ وَ الْهَدَّادَ

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

⁴⁰⁰ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 18

⁴⁰¹ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 19

‘From Abu Abdullah^{-asws} regarding a man who bequeaths with a ‘segment’ of his wealth. He^{-asws} said: ‘A segment from ten. The mountains were ten and the birds were a peacock, and the pigeon, and the rooster, and the hoopoe.

فَأَمَرَهُ اللَّهُ أَنْ يَبْطِئَهُنَّ وَيَخْلِطَهُنَّ وَأَنْ يَضَعَ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا وَأَنْ يَأْخُذَ رَأْسَ كُلِّ طَيْرٍ مِنْهَا بِيَدِهِ قَالَ إِذَا أَحَدَ رَأْسَ الطَّيْرِ مِنْهَا بِيَدِهِ تَطَّيَّرَ إِلَيْهِ مَا كَانَ مِنْهُ حَتَّى يَعُودَ كَمَا كَانَ.

Allah^{-azwj} Commanded him^{-as} to cut them and mix them, and to place upon each mountain, a part, and to take the head of each bird from these in his^{-as} hand. It so happened that when he^{-as} to the head of a bird from these in his^{-as} hand, it (body) flew to it, whatever was from it, until it returned to what it had been”.⁴⁰²

21- شي، تفسير العياشي عن مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ قَالَ: جَاءَنِي أَبُو جَعْفَرٍ بْنُ سُلَيْمَانَ الْخُرَاسَانِيُّ وَقَالَ نَزَلَ بِي رَجُلٌ مِنْ خُرَاسَانَ مِنَ الْحُجَّاجِ فَتَدَاكَّرْنَا الْحَدِيثَ فَقَالَ مَاتَ لَنَا أَخٌ يَمْزُو وَأَوْصَى إِلَيَّ بِمِائَةِ أَلْفِ دِرْهَمٍ وَأَمَرَنِي أَنْ أُعْطِيَ أَبَا حَنِيفَةَ مِنْهَا جُزْءًا وَلَمْ أَعْرِفِ الْجُزْءَ كَمْ هُوَ جَمًّا تَرَكَ

(The book) ‘Tafseer Al Ayyashi’ – From Muhammad Bin Ismail, from Abdullah Bin Abdullah who said,

‘Abu Ja’far Bin Suleyman of Khurasan came to me and said, ‘A man from the pilgrims from Khurasan has lodged with me. We discussed the Hadeeth. He said, ‘A brother of ours died at Merv and he bequeathed to me with a hundred thousand Dirhams, and instructed me to give it to Abu Haneefa a part (segment) from it, and I did not know how much the ‘part’ it, from what is left behind.

فَلَمَّا قَدِمْتُ الْكُوفَةَ أَتَيْتُ أَبَا حَنِيفَةَ فَسَأَلْتُهُ عَنِ الْجُزْءِ فَقَالَ لِي الرَّبْعُ

When I arrived to Al-Kufa, I came to Abu Haneefa to ask him about the ‘segment’ (part). He said to me, ‘The quarter!’

فَأَبَى قَلْبِي ذَلِكَ فَقُلْتُ لَا أَفْعَلُ حَتَّى أَحُجَّ وَأَسْتَفْصِي الْمَسْأَلَةَ فَلَمَّا رَأَيْتُ أَهْلَ الْكُوفَةِ قَدْ أَجْمَعُوا عَلَى الرَّبْعِ قُلْتُ لِأَبِي حَنِيفَةَ لَا سَوْءَ بِذَلِكَ لَكَ وَأَوْصَى بِهَا يَا أَبَا حَنِيفَةَ وَلَكِنْ أَحُجَّ وَأَسْتَفْصِي الْمَسْأَلَةَ

My heart refused that. I said (to myself), ‘I will not do it until I perform Hajj and investigate the issue. When I saw the people of Kufa being united upon the ‘quarter’, I said to Abu Haneefa, ‘There is no shame with that for you. I have bequeathed with it, O Abu Haneefa, but I shall perform Hajj and investigate the issue!’

فَقَالَ أَبُو حَنِيفَةَ وَأَنَا أُرِيدُ الْحُجَّ

Abu Haneefa said to him, ‘And I intend the Hajj (also)’.

فَلَمَّا أَتَيْنَا مَكَّةَ وَكُنَّا فِي الطَّوَافِ فَإِذَا نَحْنُ بِرَجُلٍ شَبَّحَ قَاعِدِهِ وَقَدْ فَرَعَ مِنْ طَوَافِهِ وَهُوَ يَدْعُو وَيُسَبِّحُ إِذِ التَّفَّتْ أَبُو حَنِيفَةَ فَلَمَّا رَأَاهُ قَالَ إِنَّ أَرَدْتَ أَنْ تَسْأَلَ غَايَةَ النَّاسِ فَاسْأَلْ هَذَا فَلَا أَحَدَ بَعْدَهُ

⁴⁰² Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 20

When we came to Makkah, and we were in the Tawaaf when we were with an old man seated, and he was free from his Tawaaf, and he was supplicating and glorifying, when Abu Haneefa turned. When he saw him, said, 'If you want to ask the peak of the people, then ask this one, for there is no one after him!'

فُلْتُ وَ مَنْ هَذَا

I said, 'And who is this?'

قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ ع

He said, 'Ja'far^{-asws} Bin Muhammad^{-asws}!'

فَلَمَّا قَعَدْتُ وَ اسْتَمَكَنْتُ إِذِ اسْتَدَارَ أَبُو حَنِيفَةَ ظَهَرَ جَعْفَرُ بْنُ مُحَمَّدٍ ع فَقَعَدَ قَرِيبًا مِنِّي فَسَلَّمَ عَلَيْهِ وَ عَظَّمَهُ وَ جَاءَ غَيْرُ وَاحِدٍ مُرْدَلِفِينَ مُسَلِّمِينَ عَلَيْهِ وَ قَعَدُوا فَلَمَّا رَأَيْتُ ذَلِكَ مِنْ تَعْظِيمِهِمْ لَهُ اشْتَدَّ ظَهْرِي فَغَمَزَنِي أَبُو حَنِيفَةَ أَنْ تَكَلِّمْ

When I sat down and settled, then Abu Haneefa went round behind Ja'far^{-asws} Bin Muhammad^{-asws} and sat near to me. He greeted upon him^{-asws} and showed him^{-asws} great respect. Others also came, approaching with humility, greeting him^{-asws} and sitting down. When I saw the way they honoured him, my back straightened with confidence, and Abu Haneefa nudged me to speak.

فَقُلْتُ جُعِلْتُ فِدَاكَ إِنِّي رَجُلٌ مِنْ أَهْلِ خُرَاسَانَ وَ إِنَّ رَجُلًا مَاتَ وَ أَوْصَى إِلَيَّ بِمِائَةِ أَلْفِ دِرْهَمٍ وَ أَمَرَنِي أَنْ أُعْطِيَ مِنْهَا جُزْءًا وَ سَمَى لِي الرَّجُلَ فَكَمِ الْجُزْءُ جُعِلْتُ فِدَاكَ

I said, 'May I be sacrificed for you^{-asws}! I am a man from the people of Khurasan, and a man died and bequeathed to me one hundred thousand Dirhams, and instructed me to give a 'part' (segment) from it, and named the man to me. So, how much is the 'segment'? May I be sacrificed for you^{-asws}!'

فَقَالَ جَعْفَرُ بْنُ مُحَمَّدٍ ع يَا أَبَا حَنِيفَةَ إِنَّ لَكَ أَوْصَى قُلْ فِيهَا

Ja'far^{-asws} Bin Muhammad^{-asws} said: 'O Abu Haneefa! If he made a bequest to you, you would say regarding it?'

فَقَالَ الرَّبِيعُ

He said, 'The quarter'.

فَقَالَ لِابْنِ أَبِي لَيْلَى قُلْ فِيهَا

He^{-asws} said to Ibn Abu Layly (the judge): 'Speak regarding it'.

فَقَالَ الرَّبِيعُ

He said, 'The quarter'.

فَقَالَ جَعْفَرٌ عَ وَ مِنْ أَيْنَ قُلْتُمْ الرُّبْعَ

Ja'far^{-asws} said: 'And from where are you all saying, 'the quarter'?'

قَالُوا لِمَوْلَى اللَّهِ عَزَّ وَ جَلَّ فَحَدُّ أَرْبَعَةٍ مِنَ الطَّيْرِ فَصُرْنَهُنَّ إِلَيْكَ ثُمَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُنَّ جُزْءًا

They said, 'Due to Words of Allah^{-azwj} Mighty and Majestic: **"Then take four of the birds, so incline them towards you. Then place on every mountain a part of them, [2:260]"**.

فَقَالَ أَبُو عَبْدِ اللَّهِ هُمْ وَ أَنَا أَسْمَعُ هَذَا قَدْ عَلِمْتَ الطَّيْرَ أَرْبَعَةٌ فَكَمْ كَانَتْ الْجِبَالُ إِنَّمَا الْأَجْزَاءُ لِلْجِبَالِ لَيْسَ لِلطَّيْرِ

Abu Abdullah^{-asws} said to them, and I was listening: 'This you know that the birds were four, but how many were the mountains. But rather, the segments were for the mountains, not for the birds!'

فَقَالُوا ظَنَّنَا أَنَّهَا أَرْبَعَةٌ

They said, 'We thought these were four'.

فَقَالَ أَبُو عَبْدِ اللَّهِ عَ وَ لَكِنَّ الْجِبَالَ عَشْرَةٌ.

Abu Abdullah^{-asws} said: 'But the mountains were ten!'"⁴⁰³

22- قب، المناقب لابن شهر آشوب الأصْبَعُ أَوْصَى رَجُلًا وَ دَفَعَ إِلَى الْوَصِيِّ عَشْرَةَ آلَافِ دِرْهَمٍ وَ قَالَ إِذَا أَدْرَكَ ابْنِي فَأَعْطِهِ مَا أَحْبَبْتَ مِنْهَا

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

Al-Asbagh, 'A man bequeathed and handed over ten thousand Dirhams to the executor and said, 'When my son matures, give him whatever you like from it!'

فَلَمَّا أَدْرَكَ اسْتَعَدَى عَلَيْهِ أَمِيرَ الْمُؤْمِنِينَ عَ قَالَ لَهُ كَمْ تُحِبُّ أَنْ تُعْطِيَهُ

When he matured, he sought justice against him to Amir Al-Momineen^{-asws}. He^{-asws} said to him: 'How much did you like to give him?'

قَالَ أَلْفٌ دِرْهَمٍ

He said, 'A thousand Dirhams'.

قَالَ أَعْطِيَهُ تِسْعَةَ آلَافٍ دِرْهَمٍ فَهِيَ الَّتِي أَحْبَبْتَ وَ لَخِدِ الْأَلْفَ.

⁴⁰³ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 21

He^{-asws} said: ‘Give him nine thousand, for that is which you like (for yourself), and take the thousand (for yourself)’.⁴⁰⁴

23- شي، تفسير العياشي عن البرزطي عن الرضا ع قال: جُزء الشيء من سبعة إن الله يقول لها سبعة أبواب لكل باب منهم جزء مقسوم.

(The book) ‘Tafseer Al Ayyashi’ – ‘From Al Bazanty,

‘From Al-Reza^{-asws} having said: ‘A ‘segment’ is the thing from seven. Allah^{-azwj} Says: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**’.⁴⁰⁵

24- شي، تفسير العياشي عن إسماعيل بن همام الكوفي قال: قال الرضا ع في رجل أوصى بجزء من ماله فقال جزء من سبعة إن الله يقول في كتابه لها سبعة أبواب لكل باب منهم جزء مقسوم.

(The book) ‘Tafseer Al Ayyashi’ – From Ismail Bin Hammam Al Kufi who said,

‘Al-Reza^{-asws} regarding a man who bequeaths with a ‘part’ (segment) of his wealth. He^{-asws} said: ‘A part from seven. Allah^{-azwj} Says in His^{-azwj} Book: **For it there are seven doors, each door being for an Assigned segment of them [15:44]**’.⁴⁰⁶

25- قب، المناقب لابن شهر آشوب امتحان الفقهاء رجل كان له ثلاثة عبدا اسم كل واحد منهم ميمون فلما حضرته الوفاة قال ميمون حرٌّ و ميمون عبداً و لميمون مائة دينار من الحرِّ و من العبد و لمن المائة الدينار

(The book) ‘Al Manaqib’ of Ibn Shehr Ashub, ‘Imtihan Al Fuqaha’ –

‘A man had three slaves for him. The name of each of them was ‘Maymoun’. When the death presented, he said, ‘Maymoun is free, and Maymoun is a slave, and for Maymoun are a hundred Dinars!’ Who is the free, and who is the slave, and for whom are the hundred Dinars?

المعتق من هو أقدام صحبة عند الرجل و يُفترغ الباقيان فأبهما وقعت الفرعة في سهمه فهو عند للذي صار حرّاً و يبقى الثالث مديراً لا حرّاً و لا مملوك و يُدفع إليه المائة دينار بالمأثور عن زين العابدين ع.

The one who has the earliest companionship with the man is to be set free. Then, a lot is drawn between the remaining two. Whichever of them the lot falls upon becomes a slave of the one who was freed. The third remains in a deferred state, neither free nor fully enslaved, and the hundred Dinars are to be given to him, based on what has been transmitted from Zayn Al-Abideen^{-asws}.⁴⁰⁷

رجل حضرته الوفاة فقال عند موته لفلان عندي ألف درهم إلا قليلاً كم القليل هو التصف لعولي تعالى يا أيها المرمل قم الليل إلا قليلاً نصفه بالأثر عن الرضا ع.

A man, the death presented to him. He said at his death, ‘For so and so, there are a thousand Dirhams in my possession except a little’. How much is the ‘little’? It is the half due to Words

⁴⁰⁴ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 22

⁴⁰⁵ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 23

⁴⁰⁶ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 24

⁴⁰⁷ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 25 a

of the Exalted: ***O you, Al-Muzzammil (the wrapped one)! [73:1] Stand (to pray Salat) at night except a little [73:2] Half of it [73:3]*** – from Al-Reza^{-asws''}.⁴⁰⁸

⁴⁰⁸ Bihar Al-Anwaar V 100 – The Book of Contracts and Declarations – CH 56 H 25 b