

بحار الأنوار

BIHAR AL-ANWAAR

الجزء الحادي بعد المائة

Volume 101

Part 2 out of 5

بحار الانوار الجامعة لدرر أخبار الائمة 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

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باب 107 الختان و الخفض و سنن الحمل و الولادة و سنن اليوم السابع و العقيقة و الدعاء لشدة الطلق

CHAPTER 107 – MALE AND FEMALE CIRCUMCISION, AND PRACTICES OF THE PREGNANCY AND THE BIRTH, AND SUNNAH OF THE SEVENTH DAY, AND THE AQEEQA, AND THE SUPPLICATION FOR SEVERITY OF THE LABOUR PAINS

الآيات مريم وَ هُزِّي إِلَيْكَ بِجِدْعِ النَّحْلَةِ تُسَاقِطُ عَلَيْكَ رُطْبًا خَبِيثًا إِلَى قَوْلِهِ وَ السَّلَامُ عَلَيَّ يَوْمَ وُلِدْتُ وَ يَوْمَ أَمُوتُ وَ يَوْمَ أُبْعَثُ حَيًّا.

And shake towards you the palm trunk, it would drop upon you ripe dates [19:25] – up to His^{-azwj} Words: *And the Peace was upon me on the day I was born, and on the day I die, and on the day I am Resurrected alive [19:33].*

1- ج، الإحتجاج الأُسدي قَالَ: كَانَ فِيمَا وَرَدَ عَلَيَّ مِنَ الشَّيْخِ مُحَمَّدِ بْنِ عُثْمَانَ الْعَمْرِيِّ فِي جَوَابِ مَسَائِلٍ إِلَى صَاحِبِ الزَّمَانِ عَ أَمَّا مَا سَأَلْتُ عَنْهُ مِنْ أَمْرِ الْمُؤَلُودِ الَّذِي نَبَتَتْ عُقْلَتُهُ بَعْدَ مَا يُحْتَمُّ هَلْ يُحْتَمُّ مَرَّةً أُخْرَى فَإِنَّهُ يَجِبُ أَنْ تُقَطَّعَ عُقْلَتُهُ فَإِنَّ الْأَرْضَ تَضْحِكُ إِلَى اللَّهِ عَزَّ وَ جَلَّ مِنْ بَوْلِ الْأَعْلَفِ أَرْبَعِينَ صَبَاحًا.

(The book) 'Al-Ihtijaj' -

Al-Asady said, 'It was among what arrived to me from the sheykh Muhammad Bin Usman Al-Amry in answer to the questions posed to Master of the Time (Al-Mahdi^{-ajfj}): 'As for what you asked about of the matter of the newborn whose foreskin grows after having been circumcised whether he should be circumcised for a second time, it is obligatory that his foreskin be cut, for the earth clamours to Allah^{-azwj} Mighty and Majestic from the urine of the uncircumcised, for forty days'.¹

2 ك، إكمال الدين السني و الدقاق و المكاتيب و الوزاق جميعاً عن الأُسدي مثله.

(The book) 'Ikmal Al Deen' – Al Sinani, and Al Daqqaq, and Al Mukattib, and Al Warraq, altogether from Al Asadi, similar to it.²

3- ب، قرب الإسناد هارون عن ابن صدقة قَالَ قَالَ جَعْفَرُ بْنُ مُحَمَّدٍ عَ إِنَّ ثُقْبَ أُذُنِ الْعُلَامِ مِنَ السُّنَّةِ وَ حِتَانَهُ مِنَ السُّنَّةِ لِسَبْعَةِ أَيَّامٍ وَ حَفْضَ الْبِسَاءِ مَكْرَمَةٌ وَ لَيْسَتْ مِنَ السُّنَّةِ وَ لَا شَيْئاً وَاجِباً وَ أَيُّ شَيْءٍ أَفْضَلُ مِنَ الْمَكْرَمَةِ.

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

'Ja'far^{-asws} Bin Muhammad^{-asws} said: 'Perforating ears of the boy is from the Sunnah, and circumcising him from seven days onward is from the Sunnah, and circumcising the women is an honour, and isn't from the Sunnah nor is it anything obligatory, and which is superior to the honourable?'³

4- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص احْتَنَبُوا أَوْلَادَكُمْ لِسَبْعَةِ أَيَّامٍ فَإِنَّهُ أَنْظَفُ وَ أَطْهَرُ فَإِنَّ الْأَرْضَ تَنْجَسُ مِنْ بَوْلِ الْأَعْلَفِ أَرْبَعِينَ صَبَاحًا.

¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 1

² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 2

³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 3

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Circumcise your children on the seventh day for it is cleaner and purer, for the earth gets filthy for forty days from the urine of the uncircumcised!'⁴

5- ب، قرب الإسناد بهذا الإسناد قال: سَمَى رَسُولُ اللَّهِ ص الْحَسَنَ وَالْحُسَيْنَ ع لِسَبْعَةِ أَيَّامٍ وَ عَقَّ عَنْهُمَا لِسْبَعٍ وَ حَتَّنَهُمَا لِسْبَعٍ وَ حَلَقَ رُؤُسَهُمَا لِسْبَعٍ وَ تَصَدَّقَ بِرِنَّةٍ شَعُورِهِمَا فِضَّةً.

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

'Rasool-Allah^{-saww} named Al-Hassan^{-asws} and Al-Husayn^{-asws} at seven days, and performed Aqeeqa on their^{-asws} behalf at seven, and had them^{-asws} circumcised at seven, and shaved their^{-asws} heads at seven, and donated silver by the weight of their^{-asws} hair'.⁵

6- ب، قرب الإسناد عليّ عن أخيه ع قال: سَأَلْتُهُ عَنْ عَقِيْقَةِ الْغُلَامِ وَالْجَارِيَةِ مَا هِيَ

(The book) 'Qurb Al-Isnaad' -

Ali, from his brother (Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about Aqeeqa (sacrificing an animal) of the boy and the girl, 'What is it?'

قَالَ سَوَاءٌ كَبْشٌ كَبْشٌ وَ يَخْلُقُ رَأْسَهُ وَ يَتَصَدَّقُ بِوِزْنِ شَعْرِهِ ذَهَبًا أَوْ وَرِقًا فَإِنْ لَمْ يَجِدْ رَفَعَ الشَّعْرَ أَوْ عَرَفَ وَزَنَهُ فَإِذَا أَيْسَرَ تَصَدَّقَ بِهِ.

He^{-asws} said: 'Same, a ram, a ram, and shave his head and donate gold by the weight of his hair or silver. If he cannot find, he should raise his hair or recognise its weight; he should donate easy charity with it.'⁶

7- ب، قرب الإسناد مُحَمَّدُ بْنُ عَبْدِ الْحَمِيدِ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ مُوسَى ع عَنِ الْعَقِيْقَةِ لِلْجَارِيَةِ وَالْغُلَامِ فِيهَا سَوَاءٌ

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

'I asked Abu Al-Hassan Musa^{-asws} about the Aqeeqa for the girl and the boy, 'Are they same in it?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.⁷

8- لي، الأمامي للصدوق أبي عن سعد بن البرقي عن محمد بن عيسى وأبي إسحاق النهدي معا عن عبيد الله بن حماد عن عبد الله بن سنان عن أبي عبد الله ع قال: لَمَّا وُلِدَتْ فَاطِمَةُ الْحُسَيْنِ فَكَانَ الْيَوْمَ السَّابِعُ أَمَرَ رَسُولُ اللَّهِ ص فَحَلَقَ رَأْسَهُ وَ تَصَدَّقَ بِوِزْنِ شَعْرِهِ فِضَّةً وَ عَقَّ عَنْهُ الْخَبَرَ.

⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 4

⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 5

⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 6

⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 7

(The book) 'Al Amaali' of Al Sadouq – My father, from Sa'ad, from Al Barqy, from Muhammad Bin Isa and Abu Is'haq Al Nahawandy, both together from Ubeydullah Bin Hammad, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws} having said: 'When (Syeda) Fatima^{-asws} was blessed with Al-Husayn^{-asws}, on the seventh day Rasool-Allah^{-sawww} instructed, so his^{-asws} head was shaved and donated silver by the weight of his^{-asws} hair, and performed Aqeeqa (sacrificed an animal) on his behalf' – the Hadeeth.⁸

9- لي، الأماالي للصدوق القطان عن السكري عن المؤهري عن العباس بن بكار عن حرب بن ميمون عن الثمالي عن زيد بن علي عن أبيه قال: لما ولدت فاطمة الحسن ع أخرج إلى رسول الله ص في خزفة صفراء فقال ألم أهلكم أن تلغوه في خزفة صفراء

(The book) 'Al Amaali' of Al Sadouq – Al Qattan, from Al Sukari, from Jowhari, from Al Abbas Bin Bakkar, from Harb Bin Maymoun, from Al Sumali,

From Zayd son of Ali^{-asws} (Bin Al-Husayn^{-asws}), from his father^{-asws} having said: 'When (Syeda) Fatima^{-asws} was blessed with Al-Hassan^{-asws}, he^{-asws} was brought out to Rasool-Allah^{-sawww} in a yellow cloth. He^{-sawww} said: 'Did I^{-sawww} not forbid you all from wrapping him^{-asws} in a yellow cloth?'

ثم رمى بها وأخذ خزفة بيضاء فلغاه فيها الحجر.

Then he^{-sawww} threw it away and took a white cloth and wrapped him^{-asws} in it' – the Hadeeth.⁹

10- ل، الخصال ابن الوليد عن الصفار عن البرقي عن ابن فضال عن الحسن بن الجهم قال قال أبو الحسن موسى بن جعفر ع خمس من السنن في الرأس وخمس في الجسد أما التي في الرأس فالبيوتك وأخذ الشارب وفرق الشعر والمضمضة والإستنشاق وأما التي في الجسد فالحنان وحلق العانة ونشف الإبطين وتقليم الأظفار والإستنجاء.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from Ibn Fazzal, from Al-Hassan Bin Al Jahm who said,

'Abu Al-Hassan Musa^{-asws} Bin Ja'far^{-asws} said: 'Five are from the Sunnah in the head and five in (the rest of) the body. As for in the head – brushing the teeth, and clipping the moustache, and parting the hair, and the rinsing, and inhaling the water; and as for in (rest of) the body – the circumcision, and shaving the head, and shaving the pubic hair, and plucking the armpits, and clipping the nails, and the cleaning with water from the defecation'.¹⁰

11- ل، الخصال عن أبي هريزة قال قال رسول الله ص خمس من الفطرة تقليم الأظفار وقص الشارب ونشف الإبط وحلق العانة والإختان.

(The book) 'Al Khisaal' – From Abu Hureyra (a well-known fabricator) who said,

⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 8

⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 9

¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 10

'Rasool-Allah^{-sawww} said: 'Five are from the nature – clipping the nails, and clipping the moustache, and plucking the armpits, and shaving the pubic hair, and the circumcision'.¹¹

12- ل، الخصال أبي عن علي عن أبيه عن النوفلي عن السكوني عن الصادق عن آبائه ع قال قال: احْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ فَإِنَّهُ أَطْيَبُ وَ أَسْرَعُ لِنَبَاتِ اللَّحْمِ فَإِنَّ الْأَرْضَ تَنْجَسُ مِنْ بَوْلِ الْأَعْلَفِ أَرْبَعِينَ صَبَاحًا.

(The book) 'Al Khisaal' – My father, from Ali, from his father, from Al Nowfali, from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: '(Rasool-Allah^{-sawww}) said: 'Circumcise your children on the seventh day for it is cleaner and purer and quicker to build the flesh, for the ground gets filthy for forty days from the urine of the uncircumcised!'¹²

13- ل، الخصال في خبر الأعمش عن الصادق ع قال: الْعَقِيْقَةُ لِلْوَلَدِ الذَّكَرِ وَ الْأُنْثَى يَوْمَ السَّابِعِ وَ يُسَمَّى الْوَلَدُ يَوْمَ السَّابِعِ وَ يُحْلَقُ رَأْسُهُ وَ يُتَصَدَّقُ بِوِزْنِ شَعْرِهِ ذَهَبًا أَوْ فِضَّةً.

(The book) 'Al Khisaal' – In a report by Al Amsh,

From Al-Sadiq^{-asws} having said: 'The Aqeeqa (sacrificing an animal) of the male child and the female should be on the seventh day, and the child should be named on the seventh, and his head is to be shaved, and gold or silver is to be donated by the weight of his hair'.¹³

14- ن، عيون أخبار الرضا عليه السلام فيما كتبت الرضا ع لِمَا مَوْنِ الْعَقِيْقَةُ عَنِ الْمَوْلُودِ الذَّكَرِ وَ الْأُنْثَى وَاجِبَةٌ وَ كَذَلِكَ تَسْمِيَّتُهُ وَ حَلْقُ رَأْسِهِ يَوْمَ السَّابِعِ وَ يُتَصَدَّقُ بِوِزْنِ الشَّعْرِ ذَهَبًا أَوْ فِضَّةً وَ الْحَتَانُ سُنَّةٌ وَاجِبَةٌ لِلرَّجُلِ وَ مَكْرَمَةٌ لِلنِّسَاءِ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Amon what Al-Reza^{-asws} wrote for Al-Mamoun: 'The Aqeeqa of a newborn, the male and the female, is obligatory, and like that is naming it, and shaving its head on the seventh day, and donating gold or silver by the weight of its hair; and the circumcision is Sunnah, obligatory for the man and honourable for the women'.¹⁴

15- ل، الخصال الأربعة قال أمير المؤمنين ع إِذَا هَنَيْتُمْ الرَّجُلَ عَنْ مَوْلُودٍ ذَكَرٍ فَقُولُوا بَارَكَ اللهُ لَكَ فِي هَبْتِهِ وَ بَلَعَهُ أَشَدُّهُ وَ رَزَقَكَ بِهِ.

(The book) 'Al Khisaal' -

(The Hadeeth) 'Al-Arbamiya' – Amir Al-Momineen^{-asws} said: 'When you congratulate a man of a newborn male, say, 'May Allah^{-azwj} Bless for you in His^{-azwj} gift, and Make him reach maturity and Grace you his righteousness'.¹⁵

16- وَ قَالَ: احْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ - لَا يَمْتَعُكُمْ حَرٌّ وَ لَا يَبْزُدُ فَإِنَّهُ طَهُورٌ لِلْجَسَدِ وَ إِنَّ الْأَرْضَ لَتَنْضِجُ إِلَى اللهِ تَعَالَى مِنْ بَوْلِ الْأَعْلَفِ.

¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 11

¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 12

¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 13

¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 14

¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 15

And he^{-asws} said: ‘Circumcise your children on the seventh day. Neither heat nor cold should prevent you, for it is a cleansing of the body, and the earth clamoured to Allah^{-azwj} the Exalted from urine of the uncircumcised.¹⁶

17- ~~وَقَالَ ع مَا تَأْكُلُ الْحَامِلُ مِنْ شَيْءٍ وَلَا تَتَدَاوَى بِهِ أَفْضَلُ مِنَ الرُّطْبِ قَالَ اللَّهُ عَزَّ وَجَلَّ لِمَرْيَمَ ع- وَهُزِّي إِلَيْكِ بِجِذْعِ النَّخْلَةِ تُسَافِطُ عَلَيْكِ رُطْبًا طَيِّبًا- فَكُلِي وَاشْرَبِي وَقَرِّي عَيْنًا وَحَنَكُوا أَوْلَادَكُمْ بِالثَّمَرِ فَهَكَذَا فَعَلَ رَسُولُ اللَّهِ ص- بِالْحَسَنِ وَالحُسَيْنِ ع.~~

And he^{-asws} said: ‘The pregnant woman will not eat from something nor medicate with it, better than the dates. Allah^{-azwj} Mighty and Majestic Said to Maryam^{-as}: **And shake towards you the palm trunk, it would drop upon you ripe dates [19:25] So eat and drink and refresh the eyes [19:26]**, and make your children taste the dates. That is what Rasool-Allah^{-sawww} had done with Al-Hassan^{-asws} and Al-Husayn^{-asws}.¹⁷

18- ~~ن، عيون أخبار الرضا عليه السلام بالأسماء الثلاثة عن الرضا عن أبيه عن علي بن الحسين صلوات الله عليهم قال حدثني أسماء بنت عميس قالت حدثني فاطمة ع لَمَّا حَمَلْتُ بِالْحَسَنِ ع وَوَلَدْتُهُ جَاءَ النَّبِيُّ ص فَقَالَ يَا أَسْمَاءُ هَلْ يَسِي أَبِي~~

~~(The book) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws}, by the three chains, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} Bin Al-Husayn^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}, said: ‘Asma’a Bint Umeys^{-ra} said, ‘(Syeda) Fatima^{-asws} narrated to me^{-ra}, when she^{-asws} was expecting Al-Hassan^{-asws} Bin Ali^{-asws} and was blessed with him^{-asws}, the Prophet^{-sawww} came. He^{-sawww} said: ‘O Asma’a! Bring me^{-sawww} my^{-sawww} son^{-asws}!’~~

~~فَدَخَلَتْهُ إِلَيْهِ فِي رَوْحَةٍ صَفْرَاءَ فَرَمَى بِهَا النَّبِيُّ ص وَ أَدَّنَ فِي أُذُنِهِ الْيُسْرَى وَ أَقَامَ فِي الْيُسْرَى ثُمَّ قَالَ لِعَلِي ع بِأَيِّ شَيْءٍ سَمَّيْتَ ابْنِي~~

~~I^{-ra} handed him^{-asws} to him^{-sawww} in a yellow cloth. The Prophet^{-sawww} threw it away and proclaimed Azaan in his^{-asws} right year and Iqaama in the left, then said to Ali^{-asws}: ‘With which thing have you^{-asws} named my^{-sawww} son^{-asws}?’~~

~~قَالَ مَا كُنْتُ أَسْمِيكَ بِأَسْمٍ يَا رَسُولَ اللَّهِ ص فَدَخَلْتُ أَحِبُّ أَنْ أُسَمِّيَهُ حَرْبًا~~

~~He^{-asws} said: ‘I^{-asws} would not precede you^{-sawww} with naming him^{-asws}, O Rasool Allah^{-sawww}! I^{-asws} would have loved to name him^{-asws} as ‘Harb’!’~~

~~فَقَالَ النَّبِيُّ ص وَ لَا أَسْمِيكَ أَنَا بِأَسْمٍ رَجِي~~

~~The Prophet^{-sawww} said: ‘And I^{-sawww} will not precede my^{-sawww} Lord^{-azwj} with naming him^{-asws}!’~~

~~ثُمَّ حَبَّطَ جِبْرَائِيلُ ع فَقَالَ يَا مُحَمَّدُ الْعَلِيُّ الْأَعْلَى يُعْرِثُكَ السَّلَامَ وَ يَقُولُ عَلِيٌّ مِنْكَ بِمَثَلِ حَارُونَ مِنْ مُوسَى وَ لَا تَبِيَّ بَعْدَكَ سَمَّ ابْنِكَ هَذَا بِاسْمِ ابْنِ حَارُونَ قَالَ النَّبِيُّ ص وَ مَا اسْمُ ابْنِ حَارُونَ~~

~~Then Jibraeel^{-as} descended. He^{-as} said: ‘O Muhammad^{-sawww}! The most Exalted Conveys the Greeting to you^{-sawww} and Says: “Ali^{-asws} from you^{-sawww} is as the status of Haroun^{-as} from Musa^{-as}~~

¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 16

¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 17

and there is no Prophet^{-as} after you^{-sawww}! Name your^{-sawww} son with a name of a son of Haroun^{-as}!

قَالَ شَبَّارٌ

He^{-as} said: 'Shabbar!'

قَالَ النَّبِيُّ ص لِيَمَانِي عَرَبِيٌّ

The Prophet^{-sawww} said: 'My^{-sawww} language is Arabic'

قَالَ جِبْرَائِيلُ ع سَمِّهِ الْحَسَنَ

Jibraeel^{-as} said: 'Name him^{-asws} as 'Al Hassan''.

قَالَتْ أَسْمَاءُ فَسَمَّاهُ الْحَسَنَ ع فَلَمَّا كَانَ يَوْمَ سَابِعِ عَشْرِ النَّبِيِّ ص عَنْهُ بِكَتْمَيْنِ أَمْلَحَيْنِ وَ أَعْطَى الْغَالِبَةَ فِدْحَةً وَ دِينَاراً وَ حَلَقَ رَأْسَهُ وَ تَمَبَّدَقَ بِوَرْنِ الشَّمْرِ وَرَفَأَ وَ طَلَى رَأْسَهُ بِالْمُلُوقِ ثُمَّ قَالَ يَا أَسْمَاءُ اللَّذَمِ فِعْلُ الْجَاهِلِيَّةِ

Asma'a^{-fa} said, 'So he^{-sawww} named him^{-asws} as 'Al Hassan'. When it was the seventh day, the Prophet^{-sawww} performed Aqeeqa (sacrificed an animal) on his^{-asws} behalf with two healthy rams, and gave the midwife a leg and a Dinar, and shaved his^{-asws} head and donated silver by the weight of the hair, and anointed his^{-asws} head with the perfume, then said: 'O Asma'a^{-fa}! The blood is an action of the pre-Islamic period!'

قَالَتْ أَسْمَاءُ فَلَمَّا كَانَ بَعْدَ حَوْلِ وِلْدَةِ الْحُسَيْنِ وَ جَاءَ بِي النَّبِيُّ ص فَقَالَ يَا أَسْمَاءُ هَلْبَيْتِي ابْنِي

Asma'a^{-asws} said, 'When it was after a year, Al Husayn^{-asws} was born and the Prophet^{-sawww} came to me^{-fa}. He^{-sawww} said: 'O Asma'a^{-fa}! Bring me^{-sawww} my^{-sawww} son^{-asws}!'

فَدَلَّعْتُهُ فِي بَدَنِيَّ بِبَيْضَاءَ فَأَدَّانَ فِي أُذُنِهِ الْيَسْرَى وَ أَقَامَ فِي الْيُسْرَى وَ وَسَّعْتُهُ فِي حَنْجَرِ نَبِيَّكَ

I^{-fa} handed him^{-asws} to him^{-sawww} in a white cloth. He^{-sawww} proclaimed Azaan in his^{-asws} right ear and the Iqaama in the left, and placed him^{-asws} in his^{-sawww} lap and cried:

فَعَالَتْ أَسْمَاءُ فِذَالِكَ أَبِي وَ أَبِي وَ مِمَّ كَأَوْلِكَ

Asma'a^{-fa} said, 'May my^{-fa} father and my^{-fa} mother be sacrificed for you^{-sawww}, and what are you^{-sawww} crying for?'

قَالَ عَلِيُّ ابْنِي مُحَمَّدًا

He^{-sawww} said: 'Upon this son^{-asws} of mine!'

فُلِّتُ إِلَيْهِ وِلْدَةَ السَّمَاعَةِ يَا رَسُولَ اللَّهِ

I^{-fa} said, 'He^{-asws} has just been born, O Rasool Allah^{-sawww}!'

فَقَالَ تَعْلَمُهُ الرِّبَّةُ الْبَاغِيَةُ مِنْ بَعْدِي لَا أَنَا لَكُمْ اللَّهُ شَفَاعِي

He^{-sawww} said: 'He^{-asws} will be killed by a rebel group from after me^{-sawww}. May Allah^{-azwj} not let them attain my^{-sawww} intercession!'

ثُمَّ قَالَ يَا أَسْمَاءُ لَا تُخْبِرِي فَاطِمَةَ بِهَذَا فَإِنَّمَا قَرَيْتُهُ حَهْدِي بِيَوْمِ لَادِيَةِ

Then he^{-sawww} said: 'O Asma'a^{-ra}! Do not inform Fatima^{-asws} with this, for she^{-asws} nearer to the time of his^{-asws} birth!'

ثُمَّ قَالَ لِعَلِيٍّ ع أَيُّ شَيْءٍ سَمَّيْتَ ابْنِي

Then he^{-sawww} said to Ali^{-asws}: 'Which thing have you^{-asws} named my^{-sawww} son^{-asws}?'

قَالَ مَا كُنْتُ لِأَسْمِيكَ يَا رَسُولَ اللَّهِ وَ قَدْ كُنْتُ أُحِبُّ أَنْ أُسَمِّيَهُ مَرْبِئًا

He^{-asws} said: 'I^{-asws} would not precede you^{-sawww} with naming him^{-asws}, O Rasool Allah^{-sawww}, and I^{-asws} would have loved to name him^{-asws} 'Harb'!'

فَقَالَ النَّبِيُّ ع وَلَا أُسَمِّيُّ بِأَسْمِ رَبِّي عَزَّ وَ جَلَّ

The Prophet^{-sawww} said: 'And I^{-sawww} will not precede my^{-sawww} Lord^{-azwj} Mighty and Majestic by naming him^{-asws}!'

ثُمَّ هَبَطَ جِبْرَائِيلُ فَقَالَ يَا مُحَمَّدُ الْعَلِيُّ الْأَخْلَى يُغْفِرُ لَكَ السَّلَامَ وَ يُعْوَلُ لَكَ عَلَيَّ مِنْكَ كَهَارُونَ مِنْ مُوسَى سَمَّ ابْنَكَ هَذَا بِأَسْمِ ابْنِ هَارُونَ

Then Jibraeel^{-as} descended. He^{-as} said: 'O Muhammad^{-sawww}! The most Exalted Conveys the greeting to you^{-sawww}, and Says to you^{-sawww}: "Ali^{-asws} from you^{-sawww} is like Haroun^{-as} is from Musa^{-as}! Name this son^{-asws} of yours^{-sawww} with a name of a son of Haroun^{-as}!'"

قَالَ النَّبِيُّ ع وَ مَا اسْمُ ابْنِ هَارُونَ

The Prophet^{-sawww} said: 'And what is a name of a son of Haroun^{-as}?'

قَالَ شَبْبِيرٌ

He^{-as} said: 'Shabbir'.

قَالَ النَّبِيُّ لِسَانِي عَرَبِيٌّ

The Prophet^{-sawww} said: 'My^{-sawww} language is Arabic'.

قَالَ جِبْرَائِيلُ سَمَّ ابْنِ الْمُؤْمِنِينَ

Jibraeel^{-as} said: 'Name him^{-asws} as 'Al Husayn'!'

فَسَمَّاهُ الْحُسَيْنَ

So, he^{-sawww} named him^{-asws} as 'Al Husayn'.

فَلَمَّا كَانَ يَوْمَ سَابِعِهِ عَنَّ عَنْهُ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بِكَتِفَيْهِنِ أَعْلَى حِينٍ وَأَعْطَى الْعَابِلَةَ دِينَارًا وَمِ خَلَقَ رَأْسَهُ وَتَمَنَّيَ بِوِزْنِ الشَّعْرِ وَرَفَأَ وَطَلَى رَأْسَهُ بِالزُّبُرِ
فَقَالَ ص يَا أَسْمَاءُ الدَّمُ فِعْلٌ الْجَاهِلِيَّةِ.

When it was the seventh day, the Prophet^{-sawww} performed Aqeeqa (sacrificed an animal) on his^{-asws} behalf with two healthy rams, and gave a leg and a Dinar to the midwife. Then he^{-sawww} shaved his^{-asws} head, and donated silver by the weight of the hair and anointed his^{-asws} head with the perfume. He^{-sawww} said: 'O Asma^{-ra!}! The blood is an action of the pre-Islamic period.¹⁸

NB: There is an issue with the above Hadeeth as the name Harb is condemned, see the below Hadeeth.

الخصال أَبِي عَنْ سَعْدِ عَنْ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ التَّضَرِّ بْنِ التَّضَرِّ عَنْ عَمْرٍو بْنِ شَيْمِرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَلَا
إِنَّ خَيْرَ الْأَسْمَاءِ عَبْدُ اللَّهِ وَعَبْدُ الرَّحْمَنِ وَحَارِثَةُ وَهَمَّامٌ وَشُرُّ الْأَسْمَاءِ ضِرَارٌ وَ مُرَّةٌ وَ حَرْبٌ وَ ظَلَمٌ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Abu Abdullah, from his father, from Ahmad Bin Al Nazr, from Amro Bin Shimr, from Jabir,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-sawww} said upon his^{-sawww} pulpit: 'Indeed! The best names are 'Abdullah', and 'Abdul Rahman', and 'Harisa', and 'Hammam', and the evilest of the names are 'Zirar', and 'Murrah', and 'Harb', and 'Zalim'¹⁹

19- ن، عيون أخبار الرضا عليه السلام بحمد الإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَوْلَادَكُمْ يَوْمَ السَّابِعِ فَإِنَّهُ أَطْهَرُ وَأَسْرَعُ لِنَبَاتِ اللَّحْمِ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – By this chain, he^{-asws} said: 'Rasool-Allah^{-sawww} said: 'Circumcise your children on the seventh day for it is cleaner and quicker for the growth of flesh'²⁰

20 صح، صحيفة الرضا عليه السلام عَنِ الرِّضَا عَنْ آبَائِهِ ع مِثْلَهُ.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.²¹

21- ن، عيون أخبار الرضا عليه السلام بحمد الإِسْنَادِ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ ع أَنَّهُ قَالَ: إِنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ فِي أُذُنِ الْحُسَيْنِ ع بِالصَّلَاةِ يَوْمَ وُلِدَ.

¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 138 a

¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 18 b

²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 19

²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 20

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by this chain from Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'The Prophet^{-saww} proclaimed Azaan of the Salat in an ear of Al-Husayn^{-asws} on the day he^{-asws} was born'.²²

22- وَقَالَ: إِنَّ فَاطِمَةَ عِ عَمَّتْ عَنِ الْحُسَيْنِ وَ الْحُسَيْنِ عِ وَأَعْطَتِ الْقَابِلَةَ رَجُلًا شَاةً وَ دِينَارًا.

And he^{-asws} said: '(Syeda) Fatima^{-asws} performed Aqeeqa on behalf of Al-Hassan^{-asws} and Al-Husayn^{-asws}, and gave to the midwife a leg of a sheep and a Dinar'.²³

23 صح، صحيفة الرضا عليه السلام عنه ع مثله

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws} – similar to it.²⁴

24- ع، علل الشرائع أَبِي عَنْ سَعْدِ بْنِ الرَّبِيعِ عَنْ أَبِي الْجَوْزَاءِ قَالَ: الْأَعْلَفُ لَا يُؤْمُ الْقَوْمَ وَ إِنْ كَانَ أَقْرَاهُمْ لِأَنَّهُ ضَيَّعَ مِنَ السُّنَّةِ أَغْظَمَهَا وَ لَا تُقْبَلُ لَهُ شَهَادَةٌ وَ لَا يُصَلَّى عَلَيْهِ إِذَا مَاتَ إِلَّا أَنْ يَكُونَ تَرَكَ ذَلِكَ خَوْفًا عَلَى نَفْسِهِ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy, from Abu Al Jowza'a who said,

'The uncircumcised cannot lead the people (in Salat) and even he was their most well-read, because has wasted from the Sunnah its mightiest, and neither is a testimony accepted for him, nor can he be prayed upon, when he dies, except if he had neglected that fearing upon himself'.²⁵

25- ع، علل الشرائع أَبِي عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ مَعْرُوفٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَمَّنْ حَدَّثَهُ عَنْ أَبِي عَبْدِ اللَّهِ عِ قَالَ: سِيلَ مَا الْعَلَّةُ فِي خَلْقِ شَعْرِ رَأْسِ الْمُؤَلُودِ

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ash'ary, from Ibn Marouf, from Safwan Bin Yahya, from the one who narrated it,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked, 'What is the reason in shaving the head hair of the newborn?'

قَالَ تَطْهِيرٌ مِنْ شَعْرِ الرَّحِمِ.

He^{-asws} said: 'Purification of hair of the womb'.²⁶

26- ع، علل الشرائع أَبِي عَنْ عَلِيِّ بْنِ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ عِ فِي قَوْلِ سَارَةَ اللَّهْمَّ لَا تُؤَاخِذْنِي بِمَا صَنَعْتُ بِمَا جَزَرْتُ أَمَّا كَانَتْ حَفْضَتْهَا فَبَجَزَتْ السُّنَّةُ بِذَلِكَ.

(The book) 'Ilal Al Sharaie' – My father, from Ali, from his father, from Ibn Abu Umeyr, from Muawiya Bin Ammar,

²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 21

²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 22

²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 23

²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 24

²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 25

From Abu Abdullah^{-asws} regarding the words of Sarah^{-ra}, 'O Allah^{-azwj}! Do not Seize me^{-ra} for what I^{-as} did with Hajar^{-ra}!' She^{-ra} had circumcised her^{-ra}, so the Sunnah flowed with that'.²⁷

27- ع، علل الشرائع ابنُ الْمُتَوَكِّلِ عَنِ الْحِمَيْرِيِّ عَنِ ابْنِ عِيْسَى وَ ابْنِ أَبِي الْخَطَّابِ مَعَا عَنِ ابْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ قَزَعَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ مَنْ قَبَلْنَا يَقُولُونَ إِنَّ إِبْرَاهِيمَ خَلِيلَ الرَّحْمَنِ حَتَّى نَفْسُهُ بِقُدُومِ عَلَى دَنْ

(The book) 'Ilal Al Sharaie' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Isa and Ibn Abu Al Khattab, both together from Ibn Mahboub, from Muhammad Bin Qaza'ah who said,

'I said to Abu Abdullah^{-asws}, 'The ones around us are saying that Ibrahim^{-as}, friend of the Beneficent, had circumcised himself^{-as} with an adze (blade) upon a barrel!'

فَقَالَ سُبْحَانَ اللَّهِ لَيْسَ كَمَا يَقُولُونَ كَذَبُوا عَلَى إِبْرَاهِيمَ ع

He^{-asws} said: 'Glory be to Allah^{-azwj}! It isn't like what they are saying! They are lying upon Ibrahim^{-as}!'

فَقُلْتُ لَهُ صِفْ لِي ذَلِكَ

I said to him^{-asws}, 'Describe that to me!'

فَقَالَ إِنَّ الْأَنْبِيَاءَ ع كَانَتْ تَسْقُطُ عَنْهُمْ عُفُفُهُمْ مَعَ سُرُورِهِمْ يَوْمَ السَّابِعِ فَلَمَّا وُلِدَ لِإِبْرَاهِيمَ إِسْمَاعِيلُ مِنْ هَاجِرَ عَيْرَتْهَا سَارَةُ بِمَا تَعَيَّرَ بِهِ الْإِمَاءُ

He^{-asws} said: 'The Prophets^{-as} were such that their^{-as} foreskin used to fall off from them^{-as} along with their^{-as} umbilical cords on the seventh day. When Ismail^{-as} was born for Ibrahim^{-as} from Hajar^{-as}, Sarah^{-ra} taunted her^{-asws} what the slave girls tended to be taunted with'.

قَالَ فَبَكَتْ هَاجِرُ وَ اسْتَدَّتْ ذَلِكَ عَلَيْهَا فَلَمَّا رَأَاهَا إِسْمَاعِيلُ تَبْكِي بَكَى لِئِكَائِهَا

He^{-asws} said: 'Hajar^{-ra} cried and that was grievous upon her^{-ra}. When Ismail^{-as} saw her^{-ra} crying, he^{-as} cried at her^{-ra} crying'.

قَالَ فَدَخَلَ إِبْرَاهِيمُ ع فَقَالَ مَا يُبْكِيكَ يَا إِسْمَاعِيلُ

He^{-asws} said: 'Ibrahim^{-as} entered. He^{-as} said: 'What makes you^{-as} cry, O Ismail^{-as}?'

فَقَالَ إِنَّ سَارَةَ عَيْرَتْ أُمِّي بِكَذَا وَ كَذَا فَبَكَتْ فَبَكَتْ لِئِكَائِهَا

He^{-as} said: 'Sarah^{-ra} taunted my^{-as} mother^{-ra} with such and such, so she^{-ra} cried, and I^{-as} am crying at her^{-ra} crying!'

فَقَامَ إِبْرَاهِيمُ ص إِلَى مُصَلَّاهُ فَتَاجَى رَبَّهُ عَزَّ وَ جَلَّ فِيهِ وَ سَأَلَهُ أَنْ يُلْقِي ذَلِكَ عَنْ هَاجِرَ

²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 26

Ibrahim^{-as} stood on his^{-as} prayer mat and whispered to his^{-as} Lord^{-azwj} Mighty and Majestic, and asked Him^{-azwj} to Cast that away from Hajar^{-ra}'.

قَالَ فَأَلْفَاهُ اللَّهُ عَزَّ وَجَلَّ عَنْهَا فَلَمَّا وَلَدَتْ سَارَةَ إِسْحَاقَ وَكَانَ يَوْمَ السَّابِعِ سَقَطَتْ مِنْ إِسْحَاقَ سُرَّتُهُ وَ لَمْ تَسْقُطْ غُلْفَتُهُ

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Cast it away from her^{-ra}. When Sarah^{-ra} gave birth to Is'haq^{-as}, and it was the seventh day, his^{-as} umbilical cord fell off from him^{-as} and his^{-as} foreskin did not fall off'.

قَالَ فَجَرَعَتْ مِنْ ذَلِكَ سَارَةُ فَلَمَّا دَخَلَ عَلَيْهَا إِبْرَاهِيمُ قَالَتْ يَا إِبْرَاهِيمُ مَا هَذَا الْحَادِثُ الَّذِي قَدْ حَدَثَ فِي آلِ إِبْرَاهِيمَ وَ أَوْلَادِ الْأَنْبِيَاءِ هَذَا ابْنُكَ إِسْحَاقُ قَدْ سَقَطَتْ عَنْهُ سُرَّتُهُ وَ لَمْ تَسْقُطْ عَنْهُ غُلْفَتُهُ

He^{-asws} said: 'Sarah^{-ra} was alarmed from that. When Ibrahim^{-as} entered to see her^{-ra}, she^{-ra} said, 'O Ibrahim^{-as}, what is this new occurrence which has occurred in the family of Ibrahim^{-as} and children of the Prophets^{-as}? This son^{-as} of yours^{-as} Is'haq, his umbilical cord has fallen off from him^{-as}, but his^{-as} foreskin has not fallen off!'

فَقَامَ إِبْرَاهِيمُ ع إِلَى مُصَلَّاهُ فَتَنَاجَى فِيهِ رَبَّهُ عَزَّ وَجَلَّ وَ قَالَ يَا رَبِّ مَا هَذَا الْحَادِثُ الَّذِي قَدْ حَدَثَ فِي آلِ إِبْرَاهِيمَ وَ أَوْلَادِ الْأَنْبِيَاءِ هَذَا إِسْحَاقُ ابْنِي قَدْ سَقَطَتْ سُرَّتُهُ وَ لَمْ تَسْقُطْ عَنْهُ غُلْفَتُهُ

Ibrahim^{-as} stood to his^{-as} prayer mat and whispered to his^{-as} Lord^{-azwj} Mighty and Majestic, and said: 'O Lord^{-azwj}! What is this new occurrence which has occurred in the family of Ibrahim^{-as} and children of the Prophets^{-as}? This Is'haq^{-as}, my^{-as} son^{-as}, his^{-as} umbilical cord fell off but his^{-as} foreskin did not fall off from him^{-as}!''

قَالَ فَأَوْحَى اللَّهُ عَزَّ وَجَلَّ أَنْ يَا إِبْرَاهِيمُ هَذَا لِمَا عَصَيْتَ سَارَةَ هَاجَرَ فَالْتَيْتُ أَنْ لَا أَسْقُطَ ذَلِكَ عَنْ أَحَدٍ مِنْ أَوْلَادِ الْأَنْبِيَاءِ بَعْدَ تَغْيِيرِهَا لَهَا جَرَ فَاحْتَرِ إِسْحَاقَ بِالْحَدِيدِ وَ أَدْفُهُ حَرَّ الْحَدِيدِ

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Revealed: "O Ibrahim^{-as}! This is due to what Sarah^{-ra} had taunted Hajar^{-ra}, so I^{-azwj} Swore that I^{-azwj} will not let that fall off from anyone from the children of Prophets^{-as} after her^{-ra} having insulted Hajar^{-ra}, so circumcise Is'haq^{-as} with the iron and make him^{-as} taste the heat of the iron!''

قَالَ فَحَتَرَ إِبْرَاهِيمُ إِسْحَاقَ بِحَدِيدٍ فَجَزَتْ السُّنَّةُ فِي النَّاسِ بَعْدَ ذَلِكَ.

He^{-asws} said: 'So Ibrahim^{-as} circumcised Is'haq^{-as} with iron, and the Sunnah (practice) flowed among the people after that'.²⁸

28- مل، كامل الزيارات أبي عن سعد بن ابن عيسى عن أبي جميلة عن سليمان بن هارون أنه سمع أبا عبد الله ع يقول من شرب ماء الفرات و حنك به فهو محبوبنا أهل البيت.

²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 27

(The book) 'Kamil Al Ziyaraat' – My father, from Sa'ad, from Ibn Isa, from Abu Jameela, from Suleyman Bin Haroun.

He heard Abu Abdullah^{-asws} saying: 'One who drinks water of the Euphrates and has been tasted it (as a newborn), he is the one who loves us^{-asws}, People^{-asws} of the Household'.²⁹

29- مل، كامل الزيارات ابن الوليد عن الصفار عن ابن عيسى عن ابن فضال عن ثعلبة عن سليمان بن هارون عن أبي عبد الله ع أنه قال: ما أظنُّ أحداً يُحْتَكُّ بِمَاءِ الْفُرَاتِ إِلَّا أَحَبَّنَا أَهْلَ الْبَيْتِ.

(The book) 'Kamil Al Ziyaraat' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ibn Fazzal, from Sa'alba, from Suleyman Bin Haroun,

From Abu Abdullah^{-asws} having said: 'I^{-asws} don't think anyone has tasted it (as a new born) except he would love us^{-asws}, People^{-asws} of the Household'.³⁰

30 مل، كامل الزيارات علي بن الحسين عن سعد بن ابن عيسى مثله.

(The book) 'Kamil Al Ziyaraat' – Ali Bin Al-Husayn, from Sa'ad, from Ibn Isa, similar to it.³¹

31- مل، كامل الزيارات أبي عن سعد بن إبراهيم بن مهران عن أخيه علي بن ابن أبي عمير عن الحسين بن عثمان عن أبي عبد الله ع قال: ما أظنُّ أحداً يُحْتَكُّ بِمَاءِ الْفُرَاتِ إِلَّا كَانَ لَنَا شِيعَةً.

(The book) 'Kamil Al Ziyaraat' – My father, from Sa'ad, from Ibrahim Bin Mahziyar, from his brother Ali, from Abu Umeyr, from Al-Husayn Bin Usman,

From Abu Abdullah^{-asws} having said: 'I^{-asws} don't think there is anyone who (as a newborn) has been made to taste water of the Euphrates except he would be a Shia of ours^{-asws}!'³²

32- مل، كامل الزيارات محمد الجيمري عن أبيه عن البرقي عن عبد الرحمن بن حماد عن الحجاج عن غالب بن عثمان عن عتبة بن خالد قال: ذكر أبو عبد الله ع الفرات قال أما إنه من شيعتي علي و ما حكتك به أحد إلا أحبنا أهل البيت يعني ماء الفرات.

(The book) 'Kamil Al Ziyaraat' – Muhammad Al Himeyri, from his father, from Al Barqy, from Abdul Rahman Bin Hammad, from Al Hajjal, from Ghalib Bin Usman, from Uqbah Bin Khalid who said,

'Abu Abdullah^{-asws} mentioned the Euphrates. He^{-asws} said: 'But, it is from the Shias of Ali^{-asws}, and no one will be tasted with it (as newborn) except he will love us^{-asws}, People^{-asws} of the Household, meaning the water of Euphrates'.³³

33- مل، كامل الزيارات أبي عن الحسن بن ميثل عن عمران بن موسى عن الجاموراني عن ابن البطائني عن ابن عميرة عن سندل عن ابن خزيمة قال قال أبو عبد الله ع ما أحد يشرب من ماء الفرات و يحكتك به إذا أولد إلا أحبنا لأن الفرات هرة مؤمن.

²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 28

³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 29

³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 30

³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 31

³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 32

(The book) 'Kamil Al Ziyaraat' – My father, from Al-Hassan Bin Matteel, from Imran Bin Musa, from Al Jamourany, from Ibn Al Batainy, from Ibn Ameyra, from Sandal, from Ibn Kharjah who said,

'Abu Abdullah^{-asws} said: 'No one will drink from the water of Euphrates and was made to taste it when he was born, except he will love us^{-asws}, because the Euphrates is a Momin river'.³⁴

34- مل، كامل الزيارات بإسناده عن ابن البطائني عن أبيه عن أبي بصير عن أبي عبد الله ع قال: نهران مؤمنان ونهران كافرين الكافران نهر بلخ و دجلة و المؤمنان نيل مصر و النهران فحيتكم أولادكم بماء النهران.

(The book) 'Kamil Al Ziyaraat' – By his chain from Ibn Al Batainy, from his father, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'Two rivers are believers and two rivers are disbelievers. The two disbelievers are the river Balkh and Tigris, and the two believers are the Nile of Egypt and the Euphrates, therefore, make your children taste the water of Euphrates'.³⁵

35- مل، كامل الزيارات محمد بن جعفر عن ابن أبي الخطاب عن موسى بن سعدان عن عبد الله بن القاسم عن الحسين بن أبي العلاء قال سمعت أبا عبد الله ع يقول حيتكم أولادكم بترية الحسين فإنه أمان.

(The book) 'Kamil Al Ziyaraat' – Muhammad Bin Ja'far, from Ibn Abu Al Khattab, from Musa Bin Sa'dan, from Abdullah Bin Al Qasim, from Al-Husayn Bin Abu Al A'ala who said,

'I heard Abu Abdullah^{-asws} saying: 'Make your (newborn) children taste the soil of Al-Husayn^{-asws}, for it is a safety!'³⁶

36 دَعَاؤُ الرَّوَّانْدِيِّ، عَنْهُ ع مَثَلُهُ.

(The book) 'Dawaat' of Al-Rawandy – similar to it.³⁷

37- سن، المحاسن التوفلي عن السكوتي بإسناده قال قال رسول الله ص الوليمة في أربع العرس و الخرس و هو المولود يعق عنه و يطعم له و إعدار و هو ختان العلام و الإياب و هو الرجل يدعو إخوانه إذا أب من غيبته.

(The book) 'Al Mahasin' – Al Nowfali, from Al Sakuni, by his chain, said,

'Rasool-Allah^{-saww} said: 'The banquet is regarding four – the wedding, and the 'Khurs', and it is the newborn Aqeeqa is performed of and (people) are fed for him, and 'I'zar', and it is circumcision of the boy, and 'Al-Ayaab', and it is the man inviting his brethren when he returns from his absence (after coming back from a lengthy absence due to travel)'.³⁸

³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 33

³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 34

³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 35

³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 36

³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 37

38- سن، المحاسن علي بن حديد عن منصور بن يونس و داود بن رزين عن منهل القصاب قال: خرجت من مكة و أنا أريد المدينة فمررت بالأبواء و قد ولد لأبي عبد الله ع فسبقتني إلى المدينة و دخل بعدي بيوم فأطعم الناس ثلاثاً فكننت أكل فيمن يأكل فما أكل شيئاً إلى الغد حتى أعود فأكل فمكنت بذلك ثلاثاً أطعم حتى أرتفق لا أطعم شيئاً إلى الغد.

(The book) 'Al Mahasin' – Ali Bin Hadeed, from Mansour Bin Yunus, and Dawood Bin Razeyn, from Minhal Al Qassab who said,

'I went out from Makkah and I intended Al-Medina. I passed by Al-Abwa and there had been a newborn for Abu Abdullah^{-asws}. I preceded him^{-asws} to Al-Medina and he^{-asws} entered one day after me. He^{-asws} fed the people for three days. I used to eat among those who ate. I did not eat anything up to the next day until I would return and eat. I remained with that for three days, eating my fill so that I could lean back comfortably, and I would not eat anything until the next day'.³⁹

39- سن، المحاسن محمد بن عبد الله الهمداني عن أبي سعيد الشامي عن صالح بن عتبة قال سمعت أبا عبد الله ع يقول أطعموا البري نساءكم في نفاسهن تحلم أولادكم.

(The book) 'Al Mahasin' – Muhammad Bin Abdullah Al Hamdany, from Abu Saeed Al Shamy, from Salih Bin Uqba who said,

'I heard Abu Abdullah^{-asws} saying: 'Feed 'Al-Barny' (type of dates) to your women during their post-childbirth bleeding, your children will be gentle'.⁴⁰

40- في حديث آخر لأبي المؤمنين ع قال: خير تمراتكم البري فأطعموا نساءكم في نفاسهن تخرج أولادكم حلماً.

In another Hadeeth of Amir Al-Momineen^{-asws}, he^{-asws} said: 'Best of your dates is 'Al-Barny', so feed (it) to your women during their post-childbirth bleeding, your children will emerge as gentle'.⁴¹

41- سن، المحاسن أبو القاسم و يونس بن يزيد عن القندي عن ابن سنان عن أبي بصير عن أبي عبد الله ع قال: ما استشفيت نساءً بمثل الرطب لأن الله أطعم مريم حيناً في نفاسها.

(The book) 'Al Mahasin' – Abu Al Qasim and Yunus Bin Yazeed, from Al Qandy, from Ibn Sinan, from Abu Al Bakhtari,

From Abu Abdullah^{-asws} having said: 'The women with post-childbirth bleeding will not be healed like with the dates because Allah^{-azwj} Fed Maryam^{-as} fresh dates during her^{-as} confinement (post-childbirth bleeding)'.⁴²

³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 38

⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 39

⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 40

⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 41

42- سن، المحاسن عدة من أصحابنا عن ابن أسباط عن عمه رفعه إلى علي قال قال رسول الله ص ليكن أول ما تأكله النفساء الرطب فإن الله عز و جل قال لمريم بنت عمران - وهزي إليك بجدع النخلة تساقط عليك رطباً حنيئاً

(The book) 'Al Mahasin' – A number of our companions, from Ibn Asbaat,

From his uncle raising it to Ali^{asws} having said: 'Rasool-Allah^{saww}: 'Let the first of what the post-childbirth bleeding woman eats be the dates, for Allah^{azwj} Mighty and Majestic Said to Maryam^{as}: **And shake towards you the palm trunk, it would drop upon you ripe dates [19:25]**'.

قِيلَ يَا رَسُولَ اللَّهِ فَإِنْ لَمْ يَكُنْ إِبَّانَ الرُّطْبِ

It was said, 'O Rasool-Allah^{saww}! Supposing it does not happen to be the fresh dates harvest?'

قَالَ سَبْعُ تَمْرَاتٍ مِنْ تَمْرَاتِ الْمَدِينَةِ فَإِنْ لَمْ يَكُنْ فَسَبْعُ تَمْرَاتٍ مِنْ تَمْرَاتِ أَمْصَارِكُمْ فَإِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى قَالَ وَ عَزَّي وَ جَلَّالِي وَ عَظَمِي وَ اِزْتِفَاعِ مَكَائِي - لَا تَأْكُلُ نَفْسَاءُ يَوْمَ تَلِدُ الرُّطْبَ فَيَكُونُ غُلَامًا إِلَّا كَانَ حَلِيمًا وَ إِنْ كَانَتْ جَارِيَةً تَكُونُ حَلِيمَةً.

He^{asws} said: 'Seven dates from the dates of Medina. If they don't exist, seven dates from dates of your cities, for Allah^{azwj} Blessed and Exalted Said: 'By My^{azwj} Might and My^{azwj} Majesty, and My^{azwj} Magnificence and Loftiness of My^{azwj} Position! No woman with post-childbirth bleeding will eat the dates on the day she gives birth, so it would be a boy except he would be gentle, and if it was a girl, she would be gentle!'⁴³

43- ضا، فقه الرضا عليه السلام إذا ولد مولود فأذن في أذنيه الأيمن والأيسر وأقم في أذنيه الأيسر وحكته بماء الفرات إن قدرت عليه أو بالعسل ساعة يؤلد و سمه بأحسن الاسم و كتبه بأحسن الكنى و لا تكفي [بأبي عيسى و لا بأبي الحكم و لا بأبي الحارث و لا بأبي القاسم إذا كان الاسم محمداً

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'When a newborn is born, proclaim Azaan in his right ear and Iqaama in his left ear, and make him taste water of the Euphrates if you are able upon it, or honey at the time he is born, and name him with best of the names, and teknonym him with best of the teknonyms, and neither teknonym him as 'Abu Isa', nor as 'Abu Al-Hakam', nor as 'Abu Al-Haris', nor as 'Abu Al-Qasim' when the name was 'Muhammad'.

و سمه يوم السابع و احتننه و انقبت أذنه و اخلق رأسه و زن شعره بعد ما تحقفه بفضة أو بالذهب و تصدق بها و عرق عنه كل ذلك في يوم السابع

And name him on the seventh day, and circumcise him and perforate his ears, and shave his head, and after having dried his hair, weigh it with silver or with the gold and donate with it and perform Aqeeqa (sacrifice and animal) on his behalf. All that being during the seventh day.

⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 42

وَ إِذَا أَرَدْتَ أَنْ تُعَقَّ عَنْهُ فَلْيَكُنْ عَنِ الذَّكَرِ ذَكَرًا وَعَنِ الْأُنثَى أَنْثَى وَ تُعْطِي الْقَائِلَةَ الْوَرَكُ وَ لَا يَأْكُلُ مِنْهُ الْأَبْوَانُ فَإِنْ أَكَلَتْ مِنْهُ الْأُمُّ فَلَا تُرْضِعُهُ وَ تُفْرِقُ لَحْمَهَا عَلَى قَدَمِ مُؤْمِنِينَ مُحْتَاجِينَ وَ إِنْ أَعَدَدْتَهُ طَعَامًا وَ دَعَوْتَ عَلَيْهِ قَوْمًا مِنْ إِخْوَانِكَ فَهُوَ أَحَبُّ إِلَيَّ وَ كُلَّمَا أَكْثُرْتَ فَهُوَ أَفْضَلُ وَ حَدُّهُ عَشْرَةُ أَنْفُسٍ وَ مَا زَادَ وَ أَفْضَلُ مَا يُطْبَخُ بِهِ مَاءٌ وَ مِلْحٌ

And when you want to perform Aqeeqa on his behalf, let it be a male (animal) on behalf of the male, and a female (animal) on behalf of the female, and give the leg to the midwife and the two parents should not eat from it. If the mother has eaten from it, she should not breast-feed him, and its meat should be distributed upon a group of needy believers, and if you were to prepare a meal (from it) and invite a group of your brethren upon it, it would be more beloved to me; and the more the better, and its minimum is ten persons, and whatever increases; and the best of what it can be cooked with is water and salt.

فَإِنْ أَرَدْتَ دَجْحَهُ فَقُلْ- بِسْمِ اللَّهِ وَ بِاللَّهِ مِنْكَ وَ بِكَ وَ لَكَ وَ إِلَيْكَ عَقِيقَةُ فَلَانِ بْنِ فَلَانٍ عَلَى مَلِيكَ وَ دِينِكَ وَ سُنَّةِ نَبِيِّكَ مُحَمَّدٍ ص

If you want to slaughter it, say, 'In the Name of Allah^{-azwj}, and by Allah^{-azwj}, from You^{-azwj}, and with You^{-azwj}, and for You^{-azwj}, and to You^{-azwj} is Aqeeqa of so and so, son of so and so upon Your^{-azwj} nation and Your^{-azwj} religion and Sunnah of Your^{-azwj} Prophet Muhammad^{-saww}!

بِسْمِ اللَّهِ وَ الْحَمْدُ لِلَّهِ وَ اللَّهُ أَكْبَرُ إِيمَانًا بِاللَّهِ وَ ثَنَاءً عَلَى رَسُولِ اللَّهِ وَ الْعِصْمَةَ بِأَمْرِهِ وَ الشُّكْرَ لِرِزْقِهِ وَ الْمَعْرِفَةَ لِفَضْلِهِ عَلَيْنَا أَهْلَ الْبَيْتِ

In the Name of Allah^{-azwj}, and the Praise is for Allah^{-azwj}, and Allah^{-azwj} is Greatest, believing in Allah^{-azwj}, and praise be upon Rasool-Allah^{-azwj}, and the protection by His^{-azwj} Command, and the thanking for His^{-azwj} sustenance, and the recognition of His^{-azwj} Grace upon us, People^{-asws} of the Household!

فَإِنْ كَانَ ذَكَرًا فَقُلْ- اللَّهُمَّ أَنْتَ وَهَبْتَ لَنَا ذَكَرًا وَ أَنْتَ أَعْلَمُ بِمَا وَهَبْتَ وَ مِنْكَ مَا أُعْطِيتَ وَ لَكَ مَا صَنَعْنَا فَتَقَبَّلْهُ مِنَّا عَلَى سُنَّتِكَ وَ سُنَّةِ نَبِيِّكَ فَاحْسِنْ عَنَّا الشَّيْطَانَ الرَّجِيمَ وَ لَكَ سَكْبُ الدِّمَاءِ وَ لَوْجِهَكَ الْفُرْجَانُ لَا شَرِيكَ.

If it (child) were a male, say, 'O Allah^{-azwj}! You^{-azwj} have Gifted a male to us and You^{-azwj} are more Knowing of what You^{-azwj} have Gifted, and from You^{-azwj} is what I have been Given, and for You^{-azwj} is what we have done, so Accept it from us upon Your^{-azwj} Sunnah and Sunnah of Your^{-azwj} Prophet^{-saww}. Keep the Satan^{-la} away from us, and for You^{-azwj} the blood is spilt, and for Your^{-azwj} Face is the offering with no associates!''⁴⁴

44- طب، طب الأئمة عليهم السلام الخواتيمي عَنْ مُحَمَّدِ بْنِ عَلِيِّ الصِّرَافِيِّ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ الْهَاشِمِيِّ عَنْ أَبَانَ بْنِ أَبِي عَيَّاشٍ عَنْ سُلَيْمِ بْنِ قَيْسِ الْهَلَالِيِّ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: إِنِّي لَأَعْرِفُ آيَاتِنَ مِنْ كِتَابِ اللَّهِ الْمُنَزَّلِ يُكْتَبَانِ لِلْمَرْأَةِ إِذَا عَسِرَ عَلَيْهَا وَلِذَا يُكْتَبَانِ فِي رِقِّ ظَهْرِي وَ يُعَلِّفُهُ عَلَيْهَا فِي حَقْوَيْهَا بِسْمِ اللَّهِ وَ بِاللَّهِ- إِنَّ مَعَ الْعُسْرِ يُسْرًا سَبْعَ مَرَّاتٍ- يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمْ إِنَّ زَلْزَلَةَ السَّاعَةِ شَيْءٌ عَظِيمٌ- يَوْمَ تَرَوْهَا تَدْهَلُ كُلُّ مُرْضِعَةٍ عَمَّا أَرْضَعَتْ وَ تَضَعُ كُلُّ ذَاتِ حَمْلٍ حَمْلَهَا وَ تَرَى النَّاسَ سُكَارَى وَ مَا هُمْ بِسُكَارَى وَ لَكِنَّ عَذَابَ اللَّهِ شَدِيدٌ مَرَّةً وَاحِدَةً

(The book) 'Tibb Al-Aimma^{-asws}', may the greeting be upon them^{-asws} – Al Khawatimy, from Muhammad Bin Ali Al Sayrafi, from Muhammad Bin Aslam, from Al-Hassan Bin Muhammad Al Hashimy, from Aban Bin Abu Ayyash, from Suleym Bin Qays Al Hilali,

⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 43

From Amir Al-Momineen^{-asws} having said: 'I^{-asws} recognise two Verses from the Revealed Book of Allah^{-azwj} which can be written for the women the childbirth is difficult upon her. These should be written in deerskin and hung upon her in her waist.

In the Name of Allah^{-azwj}, and by Allah^{-azwj}, Surely, **with the difficulty there is ease [94:6]** – seven times; **O you people! Fear your Lord. Surely the earthquake of the Hour is a mighty thing [22:1]; On the Day you will see it, every breast-feeding woman shall quit from what she breast-fed, and everyone with a pregnancy would place her burden; and you will see the people as intoxicated, and they will not be with intoxication, but the Punishment of Allah would be severe [22:2]** – one time.

يُكْتَبُ عَلَى وَرَقَةٍ وَ تُرْتَبُ بِحَبْطٍ مِنْ كَثَّانٍ غَيْرِ مَقْنُولٍ وَ يُشَدُّ عَلَى فَخِذِهَا الْأَيْسَرِ فَإِذَا وَلَدَتْهُ قَطَعَتْ مِنْ سَاعَتِكَ وَ لَا تَتَوَانَى عَنْهُ

It should be written upon paper and tied with a string of no-spun linen thread, and fastened to her left thigh. When she gives birth, you must cut it immediately without delay.

وَ يُكْتَبُ حَيٌّ [حَيًّا] وَ لَدَتْ مَرْيَمَ وَ مَرْيَمٌ وَ لَدَتْ حَيٌّ [حَيًّا] يَا حَيُّ اهْبِطْ إِلَى الْأَرْضِ السَّاعَةَ بِإِذْنِ اللَّهِ تَعَالَى.

And it should be written: 'Hannah^{-ra} gave birth to a live one, and Maryam^{-as} gave birth to a live one! O Living one, come down to the ground now, by the Permission of Allah^{-azwj} the Exalted!'⁴⁵

45- طب، طب، طب الأئمة عليهم السلام صالح بن إبراهيم بن فضال عن محمد بن الجهم عن المنخل عن جابر بن يزيد الجعفي أن رجلاً أتى أبا جعفر محمد بن علي الباقر ع فقال يا ابن رسول الله أعطني

(The book) 'Tibb Al Aimmah^{-asws}', may the greeting be upon him^{-asws} – Salih Bin Ibrahim, from Ibn Fazzal, from Muhammad Bin Al Jham, from Al Munakkhal, from Jabir Bin Yazeed Al Jufy,

'A man came to Abu Ja'far Muhammad^{-asws} Bin Ali Al-Baqir^{-asws}. He said, 'O son^{-asws} of Rasool-Allah^{-saww}, help me!'

فَقَالَ وَ مَا ذَلِكَ

He^{-asws} said: 'And what is that for?'

قَالَ امْرَأَتِي قَدْ أَشْرَفَتْ عَلَى الْمَوْتِ مِنْ شِدَّةِ الطَّلْقِ

He said, 'My wife is on the verge of death from the severity of the labour pain!'

قَالَ اذْهَبِي وَ افْرَأْ عَلَيْهَا- فَأَجَاءَهَا الْمَخَاضُ إِلَى جِدْعِ النَّخْلَةِ قَالَتْ يَا لَيْتَنِي مِثُّ قَبْلِ هَذَا وَ كُنْتُ نَسِيًّا مَنْسِيًّا- فَنَادَاهَا مِنْ تَحْتِهَا أَلَا تَحْزَنِي قَدْ جَعَلَ رَبُّكِ تَحْتَكِ سَرِيًّا- وَ هَزَبِي إِلَيْكَ بِجِدْعِ النَّخْلَةِ تُسَاقِطُ عَلَيْكَ رَطْبًا حَبِيًّا

He^{-asws} said: 'Go and read upon her - **Then the (pangs of) labour brought her to the palm trunk. She said: 'I wish I had died before this, and was completely forgotten!' [19:23]** So he

⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 44

(the child) called out to her from beneath her: 'Do not grieve! Your Lord has Made a stream (to flow) beneath you' [19:24] And shake towards you the palm trunk, it would drop upon you ripe dates [19:25].

ثُمَّ ارْفَعْ صَوْتَكَ بِهَذِهِ الْآيَةِ- وَ اللَّهُ أَخْرَجَكُمْ مِنْ بُطُونِ أُمَّهَاتِكُمْ لَا تَعْلَمُونَ شَيْئاً وَ جَعَلَ لَكُمُ السَّمْعَ وَ الْأَبْصَارَ وَ الْأَفْئِدَةَ لَعَلَّكُمْ تَشْكُرُونَ كَذَلِكَ الْخُرْجُ أَيُّهَا الطَّلْحُ الْخُرْجُ بِإِذْنِ اللَّهِ فَإِنَّهَا تَبْرَأُ مِنْ سَاعَتِهَا بِعَوْنِ اللَّهِ تَعَالَى.

Then raise your voice with this Verse: **And Allah Extracted you from the bellies of your mothers, you were not knowing anything, and Made for you the hearing, and the sight, and the heart, perhaps you would be grateful [16:78].** Like that, O you labour pain, be expelled by the Permission of Allah^{-azwj}! – for she will be free immediately by the Assistance of Allah^{-azwj} the Exalted'.⁴⁶

46- طب، طب الأئمة عليهم السلام عَبْدُ الْوَهَّابِ بْنُ مَهْدِيٍّ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنِ ابْنِ هَمَّامٍ عَنْ مُحَمَّدِ بْنِ سَعِيدٍ عَنْ أَبِي حَمْزَةَ عَنْ أَبِي جَعْفَرٍ ع أَنَّهُ قَالَ: إِذَا عَسُرَ عَلَى الْمَرْأَةِ وَلَادَتْهَا تُكْتَبُ لَهَا هَذِهِ الْآيَاتُ فِي إِنَاءٍ تَطْيِيفٍ بِمِسْكِ وَ زَعْفَرَانٍ ثُمَّ يُعَسَلُ بِمَاءِ الْبُرِّ وَ يُسْتَقَى مِنْهُ الْمَرْأَةُ وَ يُضَخُّ بِطَنُهَا وَ فَرْجُهَا فَإِنَّهَا تَلِدُ مِنْ سَاعَتِهَا

(The book) 'Tibb Al Aimma^{-asws}', may the greeting be upon him^{-asws} – Abdul Wahhab Bin Mahdy, from Muhammad Bin Isa, from Ibn Hammam, from Muhammad Bin Saeed, from Abu Hamza,

From Abu Ja'far^{-asws} having said: 'When the birth is difficult upon the woman, these Verses should be written for her in a clean container with musk and saffron. Then it should be washed with the well-water and the woman quenched with it, and her belly and her private part be moistened with it, so she will give birth immediately.

يُكْتَبُ كَأَنَّهُمْ يَوْمَ يَرَوْهَا لَمْ يَلْبِثُوا إِلَّا عَشِيَّةً أَوْ ضُحَاهَا- كَأَنَّهُمْ يَوْمَ يَرُونَ مَا يُوعَدُونَ لَمْ يَلْبِثُوا إِلَّا سَاعَةً مِنْ نَهَارٍ فَهَلْ يُهْلِكُ إِلَّا الْقَوْمَ الْفَاسِقُونَ-

It should be written - **On the Day that they see it, it will be as if they did not remain (in the world) except an evening or morning [79:46] On the Day they see what they are being Promised, it would be as if they had not tarried except for an hour from the day. A notification. So would any be destroyed except for the mischievous people? [46:35].**

لَقَدْ كَانَ فِي قَصَصِهِمْ عِبْرَةٌ لِأُولِي الْأَلْبَابِ مَا كَانَ حَدِيثاً يُفْتَرَى وَ لَكِنْ تَصْدِيقَ الَّذِي بَيْنَ يَدَيْهِ وَ تَفْصِيلَ كُلِّ شَيْءٍ وَ هُدًى وَ رَحْمَةً لِقَوْمٍ يُؤْمِنُونَ.

There was a lesson in their stories for the people of understanding. It was not a fabricated narrative, but (it was) a verification of those before it and a detail of all things, and a Guidance and a Mercy for a believing people [12:111].⁴⁷

47- طب، طب الأئمة عليهم السلام عيسى بن داود عن موسى بن القاسم قال حدثنا المفضل بن عمر عن الزبير بن عدي عن الصادق ع قال: تُكْتَبُ هَذِهِ الْآيَاتُ فِي قَرْطَاسٍ لِلْحَامِلِ إِذَا دَخَلَتْ فِي شَهْرِهَا الَّتِي تَلِدُ فِيهِ فَإِنَّهُ لَا يُصِيبُهَا طَلْقٌ وَ لَا عُسْرٌ وَ لَادَةٌ وَ لَيْفٌ عَلَى الْقَرْطَاسِ سَحَاءَةٌ لَقَاً خَفِيفاً وَ لَا يَرْطَبُهَا وَ لِيُكْتَبَ-

⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 45

⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 46

(The book) 'Tibb Al Aimmah^{asws}', may the greeting be upon them^{asws} – Isa Bin Dawood, from Musa Bin Al Qasim who said, 'It is narrated to us by Al Mufazzal Bin Umar, from Al Zabyan,

From Al-Sadiq^{asws} having said: 'These Verses should be written in a paper for the pregnant woman when she enters into her month in which she is to give birth, for labour pains will not hit her and the birth will not be difficult, and let him wrap loosely upon the paper and not tie it, and let him write -

أَوْ لَمْ يَرَ الَّذِينَ كَفَرُوا أَنَّ السَّمَاوَاتِ وَالْأَرْضَ كَانَتَا رَتْقًا فَفَتَقْنَاهُمَا وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيٍّ أَفَلَا يُؤْمِنُونَ-

Or do they not see, those who are committing Kufr, that the skies and the earth were joined up, and We Separated them? And We Made from the water, all living things, so will they not believe? [21:30].

وَ آيَةٌ لَهُمُ اللَّيْلُ نَسْلَخُ مِنْهُ النَّهَارَ فَإِذَا هُمْ مُظْلِمُونَ-

And a Sign to them is the night. We Withdraw the day from it, so then they are in darkness [36:37].

وَ الشَّمْسُ تَجْرِي لِمُسْتَقَرٍّ لَهَا ذَلِكَ تَقْدِيرُ الْعَزِيزِ الْعَلِيمِ-

And the sun flows to a term Appointed for it. That is an Ordainment of the Mighty, the Knower [36:38].

وَ الْقَمَرَ قَدَرْنَا مَنَازِلَ حَتَّىٰ عَادَ كَالْعُرْجُونِ الْقَدِيمِ-

And the moon, We Measure stages for it until it returns to be like the old palm branch [36:39].

لَا الشَّمْسُ يَنْبَغِي لَهَا أَنْ تُدْرِكَ الْقَمَرَ وَ لَا اللَّيْلُ سَابِقُ النَّهَارِ وَ كُلٌّ فِي فَلَكٍ يَسْبَحُونَ-

The sun, it is not befitting for it that it should overtake the moon, nor for the night to precede the day, and all are floating in an orbit [36:40].

وَ آيَةٌ لَهُمْ أَنَّا حَمَلْنَا ذُرِّيَّتَهُمْ فِي الْفُلِكِ الْمَشْحُونِ-

And a Sign to them - We Carry their offspring in the laden ship [36:41].

وَ خَلَقْنَا لَهُمْ مِنْ مِثْلِهِ مَا يَرْكَبُونَ-

And We Created for them the like of it, what they are riding upon [36:42].

وَ إِنْ نَشَأْ نُغْرِقْهُمْ فَلَا صَرِيحَ لَهُمْ وَ لَا هُمْ يُنقَدُونَ-

And if We so Desire, We can Drown them, then there will be no responder to them, nor would they be rescued [36:43].

إِلَّا رَحْمَةً مِنَّا وَ مَتَاعاً إِلَىٰ حِينٍ -

But (it is) a Mercy from Us and an enjoyment for a while [36:44].

و نُفِخْ فِي الصُّورِ فَإِذَا هُمْ مِنَ الْأَجْدَاثِ إِلَىٰ رَبِّهِمْ يَنْسِلُونَ

And it would be blown into the Trumpet, so they would be hastening from the graves to their Lord [36:51].

و تَكْتَبُ عَلَىٰ ظَهْرِ الْقُرْطَاسِ هَذِهِ الْآيَاتِ كَأَنَّهُمْ يَوْمَ يَرَوْنَ مَا يُوعَدُونَ لَمْ يَلْبَثُوا إِلَّا سَاعَةً مِنْ نَهَارٍ بَلَاغٌ فَهَلْ يُهْلَكُ إِلَّا الْقَوْمُ الْفَاسِقُونَ -

And you should write these Verses upon the back of a paper - **On the Day that they see it, it will be as if they did not remain (in the world) except an evening or its day [79:46] On the Day they see what they are being Promised, it would be as if they had not tarried except for an hour from the day. A notification. So would any be destroyed except for the mischievous people? [46:35].**

كَأَنَّهُمْ يَوْمَ يَرَوْنَهَا لَمْ يَلْبَثُوا إِلَّا عَشِيَّةً أَوْ ضُحَاهَا

On the Day that they see it, it will be as if they did not remain (in the world) except an evening or its morning [79:46].

و يُعَلِّقُ الْقُرْطَاسُ فِي وَسْطِهَا فَحِينَ يَفْعُ وَلَدَهَا يُقَطِّعُ عَنْهَا وَ لَا يُتْرَكُ عَلَيْهَا سَاعَةً وَاحِدَةً.

And hang the paper on her waist. When her birth occurs, cut it from her and do not leave anything upon her, even for one hour'.⁴⁸

48- طب، طب الأئمة عليهم السلام سَعْدُ بْنُ مِهْرَانَ عَنْ مُحَمَّدِ بْنِ صَدَقَةَ عَنْ عُمَرَ بْنِ سِنَانِ الرَّاهِرِيِّ عَنْ يُونُسَ بْنِ ظَبْيَانَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ جَابِرِ [بْنِ] يَرِيدَ الْجُعْفِيِّ قَالَ: جَاءَ رَجُلٌ مِنْ نَبِيِّ أُمِّيَّةٍ إِلَىٰ أَبِي جَعْفَرٍ ع وَ كَانَ مُؤْمِنًا [مُؤْمِنًا] مِنْ آلِ فِرْعَوْنَ يُوَالِي آلَ مُحَمَّدٍ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ إِنَّ جَارِيَتِي قَدْ دَخَلَتْ فِي شَهْرِهَا وَ لَيْسَ لِي وَلَدٌ فَادْعُ اللَّهَ أَنْ يَرْزُقَنِي ابْنًا

(The book) 'Tibb Al Aimmah^{-asws'}, may the greeting be upon them^{-asws} – Sa'ad Bin Mihran, from Muhammad Bin Sadaqa, from Umar Bin Sinan Al Zahiry, from Yunus Bin Zabyan, from Muhammad Bin Ismail, from Jafar Bin Yazeed Al Jufy who said,

'A man from the clan of Umayya came to Abu Ja'far^{-asws}, and he was 'a believer from the people of Pharaoh^{-la'}, befriending the Progeny^{-asws} of Muhammad^{-saww}. He said, 'O son^{-asws} of Rasool-Allah^{-saww}! My slave girl has entered into her (last) month and there isn't any child for me, so supplicate to Allah^{-azwj} to Grace me a son!'

فَقَالَ اللَّهُمَّ ارْزُقْهُ ابْنًا ذَكَرًا سَوِيًّا

He^{-asws} said: 'O Allah^{-azwj}! Grace him a male child, sound!'

⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 47

ثُمَّ قَالَ إِذَا دَخَلَتْ فِي شَهْرِهَا فَاتَّكُتِبْ لَهَا إِنَّا أَنْزَلْنَاهَا وَعَوَّدْنَاهَا بِعَذَابِ الْعُودَةِ وَمَا فِي بَطْنِهَا بِمِسْكِ وَزَعْفَرَانٍ وَاعْسَلْهَا وَاسْقِهَا مَاءَهَا وَانضِجْ فَرْجَهَا وَالْعُودَةَ هَدِيَّةً

Then he^{asws} said: ‘When she enters into her (last) month, write for her (Surah) Al Qadr, and protect her and what is in her belly with this amulet, with musk and saffron, and wash it and quench its water to her, and moisten her private part.

أَعِيدُ مَوْلُودِي بِسْمِ اللَّهِ بِسْمِ اللَّهِ- وَأَنَا لَمَسْنَا السَّمَاءَ فَوَجَدْنَاهَا مُلَمَّتْ حَرَسًا شَدِيدًا وَشُهَبًا- وَأَنَا كُنَّا نَعْتَدُ مِنْهَا مَقَاعِدَ لِلْسَّمْعِ فَمَنْ يَسْتَمِعِ الْآنَ يَجِدْ لَهُ شِهَابًا رَصَدًا

And the amulet is this: - ‘I protect my newborn In the Name of Allah^{azwj}, by Allah^{azwj}, **And we touched the sky, but we found it filled with strong guards and meteors [72:8] And we used to sit in (some of the) sittings from it. But, one who tries to listen in now, would find meteors waiting for him [72:9]**’.

ثُمَّ يَقُولُ بِسْمِ اللَّهِ بِسْمِ اللَّهِ أَعُوذُ بِاللَّهِ السَّمِيعِ الْعَلِيمِ مِنَ الشَّيْطَانِ الرَّجِيمِ أَنَا وَأَنْتَ وَالْبَيْتُ وَمَنْ فِيهِ وَالدَّارُ وَمَنْ فِيهَا نَحْنُ كُلُّنَا فِي حِزْرِ اللَّهِ وَعِصْمَةِ اللَّهِ وَحِوَارِ اللَّهِ وَجِوَارِ اللَّهِ آمِينَ تَحْفُوظِينَ

Then he should say, ‘In the Name of Allah^{azwj}! In the Name of Allah^{azwj}! I seek Refuge with Allah^{azwj} with the All-Hearing, the All-Knowing, from the Pelted Satan^{la}, for myself, and you, and the room and the ones in it, and the house and the ones in it, all of us are in the Protection of Allah^{azwj}, and Fortification of Allah^{azwj}, and vicinity of Allah^{azwj}, and Shelter of Allah^{azwj}, safe, Protected’.

ثُمَّ يَقْرَأُ الْمَعُودَتَيْنِ وَيَبْتَدِئُ بِفَاتِحَةِ الْكِتَابِ قَبْلَهُمَا ثُمَّ سُورَةَ الْإِحْلَاصِ ثُمَّ يَقْرَأُ فَحَسْبِئُمْ أَمَّا خَلَقْنَاكُمْ عَبَثًا وَأَنْتُمْ إِلَيْنَا لَا تُرْجِعُونَ- فَتَعَالَى اللَّهُ الْمَلِكُ الْحَقُّ- لَا إِلَهَ إِلَّا هُوَ رَبُّ الْعَرْشِ الْكَرِيمِ-

Then he should read Al Mawazateyn, and begin with Surah Al Fatiha before these two, then Surah Al Ikhlas. Then he should read: **Did you reckon that rather We had Created you in vain and that you would not be returning to Us?” [23:115] So, Exalted is Allah, the Truthful King, and do not be hasty with the Quran from before its Revelation is Discharged to you, and say: ‘Lord! Increase me in knowledge!’ [20:114].**

وَمَنْ يَدْعُ مَعَ اللَّهِ إِلَهًا آخَرَ لَا بُرْهَانَ لَهُ بِهِ فَإِنَّمَا حِسَابُهُ عِنْدَ رَبِّهِ إِنَّهُ لَا يُفْلِحُ الْكَافِرُونَ- وَفُلْ رَبِّ اغْفِرْ وَارْحَمْ وَأَنْتَ خَيْرُ الرَّاحِمِينَ- لَوْ أَنْزَلْنَا هَذَا الْقُرْآنَ إِلَى آخِرِ السُّورَةِ

And one who supplicates to another god along with Allah, there is not proof for him of it, then rather is account is in the Presence of his Lord. Indeed, the Kafirs will not be successful [23:117] And say: ‘O Lord! Forgive and have Mercy, and You are the best of the Merciful ones!’ [23:118] Had We Revealed this Quran [59:21] – up to end of the Chapter.

ثُمَّ تَقُولُ مَدْحُورًا مَنِ يُشَاقِّ اللَّهَ وَرَسُولَهُ أَفَسَمْتَ عَلَيْكَ يَا بَيْتُ وَمَنْ فِيكَ بِالْأَسْمَاءِ السَّبْعَةِ وَالْأَمَلَاكِ السَّبْعَةِ الَّذِينَ يَحْتَلِفُونَ بَيْنَ السَّمَاءِ وَالْأَرْضِ مَحْجُوبًا عَنْ هَدْيِ الْمُرَاةِ وَمَا فِي بَطْنِهَا كُلِّ عَرْضٍ وَالْحَيْتَلِاسِ أَوْ لَمْسِ أَوْ لَمَعَةٍ أَوْ طَيْفِ مَسٍّ مِنْ إِنْسٍ أَوْ جَانٍ

Then you should say, ‘Disgraceful is the one who is grievous to Allah^{-azwj} and His^{-azwj} Rasool^{-saww}! I vow upon you, O house and the ones in it, with the seven names and the seven Angels, those who are interchanging between the sky and the earth, to veil from this woman and what is in her belly, every obstruction, and corruption, or touch, or flash, or tract of contact from a human or a Jinn’.

وَإِنْ قَالَ عِنْدَ فَرَاغِهِ مِنْ هَذَا الْقَوْلِ وَ مِنَ الْعُوْدَةِ كُلِّهَا أَعْنِي بِهَذَا الْقَوْلِ وَ هَذِهِ الْعُوْدَةُ فُلَانًا وَ أَهْلَهُ وَ وُلْدَهُ وَ دَارَهُ وَ مَنْزِلَهُ فَلْيَسِّمْ نَفْسَهُ وَ لَيْسَمِ دَارَهُ وَ مَنْزِلَهُ وَ أَهْلَهُ وَ وُلْدَهُ وَ لَيْتَلَطَّ بِهِ وَ لَيْثُلْ أَهْلَ فُلَانٍ بِنِ فُلَانٍ وَ وُلْدَهُ فُلَانٍ بِنِ فُلَانٍ فَإِنَّهُ أَحْكَمُ لَهُ وَ أَجْوَدُ وَ أَنَا الصَّامِنُ عَلَى نَفْسِهِ وَ أَهْلِهِ وَ وُلْدِهِ أَنْ لَا يُصِيبَهُمْ آفَةٌ وَ لَا حَبَلٌ وَ لَا جُنُونٌ بِإِذْنِ اللَّهِ تَعَالَى.

And if he were to say at his being free from this word, and from the whole amulet, ‘I mean by this word and this amulet, so and so and his family, and his children, and his house, and his dwelling’, let him name himself and let him specify his house and his dwelling, and his family and his children, and let him utter it and let him say, ‘family of so and so, son of so and so, and his children so and so, son of so and so, it would be more decisive and more effective for him, and I^{-asws} guarantee upon his self, and his family and his children that they will neither be afflicted with an affliction, nor craziness nor madness by the Permission of Allah^{-azwj} the Exalted’.⁴⁹

49- سر، السرائر من كتاب المشيخة لابن محبوب عن صالح بن زرين عن شهاب عن أبي عبد الله ع قال: إذا عسر على المرأة ولدها فاكْتُبْ لها في رقبتي - بسم الله الرحمن الرحيم - كأنهم يوم يرون ما يوعدون لم يلبثوا إلا ساعة من نهار - كأنهم يوم يرونها لم يلبثوا إلا عشية أو ضحاها - إذ قالت امرأت عمران رب إني نذرت لك ما في بطني محرراً تم اربطه بحيط و شدده على فخذها الأيمن فإذا وضعت فانزعها.

(The book) ‘Al Saraair’, from the books of the elders of Ibn Mahboub, from Salih Bin Razeyn, from Shihab,

‘From Abu Abdullah^{-asws} having said: ‘When the birth is difficult upon the woman, write for her in a parchment - **On the Day they see what they are being Promised, it would be as if they had not tarried except for an hour of the day [46:35] On the Day that they see it, it will be as if they did not remain (in the world) except an evening or morning [79:46] When a wife of Imraan said: ‘My Lord! I vow to You what is in my womb, to be devoted (to Your worship) [3:35]** – then tie it with a string tightly upon her right thigh. When she has given birth, remove it’.⁵⁰

50- مكا، مكارم الأخلاق عن الباقر ع قال: حن رسول الله ص الحسن و الحسين ع لسبعة أيام و خلق رأسهما و تصدق بزينة الشعر فضة و عرق عنهما و أعطى القابلة طرائف.

(The book) ‘Makarim Al Akhlaq’ -

From Al-Baqir^{-asws} having said: ‘Rasool-Allah^{-saww} circumcised Al-Hassan^{-asws} and Al-Husayn^{-asws} on the seventh day, and shaved their^{-asws} heads, and donated silver by the weight of the hair,

⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 48

⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 49

and performed Aqeeqa (sacrificed an animal) on their^{-asws} behalf, and gave the midwife (some) gifts'.⁵¹

51 مكا، مكارم الأخلاق عن عمر بن يزيد عن أبي عبد الله ع قال سمعته يقول كل امرئ يوم القيامة مرهّن بعقيقته و العقيقة أوجب من الأضحية.

(The book) 'Makarim Al Akhlaq' – From Umar Bin Yazeed,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'On the Day of Qiyamah every person will be pledged with his Aqeeqa, and the Aqeeqa is more obligatory than the sacrifice (on Hajj)'.⁵²

52 عنه ع قال: كل إنسان مرهّن بالفطرة و كل مولود مرهّن بالعقيقة.

From him^{-asws} having said: 'Every human being is pledged with the natural disposition, and every newborn is pledged with the Aqeeqa'.⁵³

53 أيضاً عن عمر بن يزيد قال: قلت له إني و الله ما أدري كان أبي عقي عتي أم لا فأمرني فعققت عن نفسي و أنا شيخ.

Also from Umar Bin Yazeed who said,

'I said to him^{-asws}, 'By Allah^{-azwj}, I don't know whether my father had performed Aqeeqa on my behalf or not!' He^{-asws} instructed me, so I performed Aqeeqa for myself and I am an old man'.⁵⁴

54 عن علي بن أبي حمزة عن العبد الصالح ع قال: العقيقة واجبة إذا ولد للرجل فإن أحب أن يسّميه في يومه ففعل.

From Ali Bin Abu Hamza,

From Al-Abd Al-Salih (Musa Al-Kazim^{-asws}) having said: 'The Aqeeqa is obligatory when there is a newborn for the man. I^{-asws} would love it, if he can name him during his very day he should do so'.⁵⁵

55 عن الصادق ع قال: العقيقة لازمة لمن كان غنياً و من كان فقيراً إذا أيسر فعل و إن لم يقدر على ذلك فليس عليه و إن لم يعق عنه صحى عنه فقد أجزأته الأضحية و كل مولود مرهّن بعقيقته.

From Al-Sadiq^{-asws} having said: 'The Aqeeqa is necessary for the one who was rich, and one who was poor, when he is with ease he should do so, and if he is not able upon that, it isn't upon him, and if Aqeeqa has not been performed on his behalf and a sacrifice is offered on his behalf, the sacrificial offering will suffice him, and every newborn is pledge with his Aqeeqa'.⁵⁶

⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 50

⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 51

⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 52

⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 53

⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 54

⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 55

56 وَ قَالَ فِي الْعَقِيقَةِ يُدْبِحُ عَنْهُ كَبِشٌ وَ إِنْ لَمْ يُوجَدْ كَبِشٌ أَجْزَاءُ مَا يُجْزِي الْأُضْحِيَّةَ [فِي الْأُضْحِيَّةِ] وَ إِلَّا فَحَمَلٌ أَعْظَمُ مَا يَكُونُ مِنْ حَمَلَانِ السَّنَةِ.

And he^{-asws} said: 'In the Aqeeqa, a ram is slaughtered on his behalf, and if a ram cannot be found, it would suffice what is sufficed for the sacrificial offering, or else the largest lamb that can be from the lambs of the one year old'.⁵⁷

57 عَنْهُ ع سئل عن العقيقة قال شاة أو بقرة أو بدنة ثم يسمي و يخلق رأس المولود يوم السابع و يتصدق بوزن شعره ذهباً أو فضةً و إن كان ذكراً عق عنه ذكراً و إن كانت أنثى عق عنها أنثى

From him^{-asws}, he^{-asws} was asked about the Aqeeqa. He^{-asws} said: 'A sheep, or a cow, or a camel. Then he should name (Bismillah) and shave the head of the newborn on the seventh day, and donate either gold or silver by the weight of his hair, and if it was a male, then sacrificed a male (animal) on his behalf, and if it was a female sacrificed a female (animal) one her behalf.

وَ عَقَّ أَبُو طَالِبٍ عَنْ رَسُولِ اللَّهِ ص يَوْمَ السَّابِعِ فَدَعَا آلَ أَبِي طَالِبٍ فَقَالُوا مَا هَذِهِ فَقَالَ عَقِيقَةٌ قَالُوا لِأَيِّ شَيْءٍ سَمَّيْتَهُ أَحْمَدَ قَالَ سَمَّيْتُهُ أَحْمَدَ لِمَحْمَدَةَ أَهْلِ السَّمَاءِ وَ الْأَرْضِ.

And Abu Talib^{-asws} performed Aqeeqa on behalf of Rasool-Allah^{-saww} on the seventh day. He^{-as} called the family of Abu Talib^{-as}. They said, 'What is this?' He^{-as} said: 'Aqeeqa'. They said, 'For which thing (reason) have you^{-as} named him^{-saww} 'Ahmad'?' He^{-as} said: 'I^{-as} have named him^{-saww} 'Ahmad' due to the praises by inhabitants of the sky and the earth'.⁵⁸

58 عَنِ الصَّادِقِ ع قَالَ: يُعْطَى الْقَابِلَةُ رُبْعَهَا فَإِنْ لَمْ تَكُنْ قَابِلَةً فَلَأُمِّهِ تُعْطِيهَا مِنْ شَاءَتْ وَ يُطْعَمُ مِنْهَا عَشْرَةٌ مِنَ الْمُسْلِمِينَ فَإِنْ زَادَ فَهُوَ أَفْضَلُ.

From Al-Sadiq^{-asws} having said: 'The midwife should be given a quarter of it. If there does not happen to be a midwife, then it is for its mother. She can give it to the one she so desires to, and ten from the Muslims should be fed from it. If it is more, it is better'.⁵⁹

عَنْهُ ع قَالَ: إِذَا أَرَدْتَ أَنْ تَذْبَحَ الْعَقِيقَةَ قُلْ- يَا قَوْمِ إِنِّي بَرِيءٌ بِمَا تُشْرِكُونَ- إِنِّي وَجْهْتُ وَجْهِيَ لِلَّذِي فَطَرَ السَّمَاوَاتِ وَ الْأَرْضَ خَنِيفًا وَ مَا أَنَا مِنَ الْمُشْرِكِينَ- إِنَّ صَلَاتِي وَ نُسُكِي وَ حَيَاتِي وَ مَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ- لَا شَرِيكَ لَهُ وَ بِذَلِكَ أُمِرْتُ وَ أَنَا مِنَ الْمُسْلِمِينَ

From him^{-asws} having said: 'When you intend to slaughter the Aqeeqa, say, ***'O people! I disavow from what you are associating [6:78]I turn my face towards the One Who Originated the skies and the earth, being upright, and I am not from the associators' [6:79]Say: 'Surely my Salat, and my sacrifice, and my life, and my death are for Allah Lord of the worlds [6:162]There is no associate for Him; and with that I am Commanded [6:163], and I am from the submitters.***

اللَّهُمَّ مِنْكَ وَ إِلَيْكَ بِسْمِ اللَّهِ وَ اللَّهُ أَكْبَرُ اللَّهُمَّ تَقَبَّلْ مِنْ فُلَانٍ بِنِ فُلَانٍ وَ يُسَمِّي الْمَوْلُودَ بِاسْمِهِ ثُمَّ يَدْبِحُ.

⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 56

⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 57

⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 58 a

O Allah-azwj! From You-azwj and to You-azwj! In the Name of Allah-azwj, and Allah-azwj is Greatest!
O Allah-azwj! Accept from so and so, son of so and so!’ – and name the newborn with his name, then slaughter’.⁶⁰

59 وَ مِنْ كِتَابِ طِبِّ الْأَيْمَةِ، عَنِ الصَّادِقِ ع قَالَ: يُسَمَّى الصَّبِيُّ يَوْمَ السَّابِعِ وَ يُحْلَقُ رَأْسُهُ وَ يُتَصَدَّقُ بِرِنَةِ الشَّعْرِ فِضَّةً وَ يُعْقَى عَنْهُ بِكَبْشٍ فَحْلٍ وَ يُطْعَمُ أَعْضَاءَهُ وَ يُطْبَخُ وَ يُدْعَى عَلَيْهِ رَهْطٌ مِنَ الْمُسْلِمِينَ فَإِنْ لَمْ يَطْبُخْهُ فَلَا بَأْسَ أَنْ يَتَصَدَّقَ بِهِ أَعْضَاءَهُ وَ الْعُلَامَاءُ وَ الْجَارِيَةُ فِي ذَلِكَ سَوَاءٌ

And from the book ‘Tibb Al-Aimma^{-asws}’, from Al-Sadiq^{-asws} having said: ‘Name the child on the seventh day, and shave his head, and donate silver by the weight of the hair, and sacrifice a male ram on his behalf, and cut the limbs and cook, and invite a group of Muslims upon it. If he does not cook, there is no problem if he were to donate its limbs, and the boy and the girl are the same in this regard.

وَ لَا يَأْكُلُ مِنَ الْعَقِيْقَةِ الرَّجُلُ وَ لَا عِيَالُهُ وَ لِلْقَابِلَةِ شَطْرُ الْعَقِيْقَةِ وَ إِنْ كَانَتْ الْقَابِلَةُ أُمَّ الرَّجُلِ أَوْ فِي عِيَالِهِ فَلَيْسَ لَهَا مِنْهَا شَيْءٌ فَإِنْ شَاءُوا قَسَمُوا أَعْضَاءَهُ وَ إِنْ شَاءَ طَبَخَهَا وَ قَسَمَ مَعَهَا خُبْزاً وَ مَرَقاً وَ لَا يُعْطِيهَا إِلَّا لِأَهْلِ الْوِلَايَةِ.

And the man and his dependants cannot eat from the Aqeeqa, and for the midwife would be part of the Aqeeqa, and if the midwife were to be mother of the man or among his dependants, there isn’t anything from it for her. If they desire, they can divide its parts and if they desire, they can cook it and along with it distribute bread and broth, and not give it except to the people of Al-Wilayah (Shias)’.⁶¹

60 وَ عَنْهُ ع قَالَ: الْمَوْلُودُ إِذَا وُلِدَ يُؤَدَّنُ فِي أُذُنِهِ الْيُمْنَى وَ يُقَامُ فِي الْأَيْمَسِ.

And from him^{-asws} having said: ‘When the newborn is born, proclaim Azaan in his right ear and Iqaama in the left’.⁶²

61 وَ قَالَ ع مَنْ لَمْ يَأْكُلِ اللَّحْمَ أَرْبَعِينَ يَوْماً سَاءَ خُلُقُهُ وَ مَنْ سَاءَ خُلُقُهُ فَأَدَّبْنَا فِي أُذُنِهِ.

And he^{-asws} said: ‘One who does not eat meat for forty days, his manners would be evil, and the one of evil manners, proclaim Azaan in his ear’.⁶³

62 وَ مِنْ كِتَابِ آدَابِ أَبِي، طَوَّلَ اللَّهُ عُمرَهُ عَنِ الْبَاقِرِ ع قَالَ: إِذَا وُلِدَ لِأَحَدِكُمْ فَكَانَ يَوْمَ السَّابِعِ فَلْيُعْقَى عَنْهُ كَبْشاً وَ أَطْعِمُوا الْقَابِلَةَ مِنَ الْعَقِيْقَةِ الرَّجُلَ بِالْوَرِكِ وَ لِيُحَنِّكُهُ بِمَاءِ الْفُرَاتِ وَ لِيُؤَدَّنَ فِي أُذُنِهِ الْيُمْنَى وَ لِيُقِيمَ فِي الْيُمَسْرِ وَ يُسَمِّيهِ يَوْمَ السَّابِعِ وَ اخْلِفُوا وَ يُوزَنَ شَعْرُهُ فَيَتَصَدَّقَ بِوِزْنِهِ فِضَّةً أَوْ ذَهَباً فَإِنَّ اللَّهَ يَنْزِلُ اسْمَهُ مِنَ السَّمَاءِ

And from the book ‘Adaab’ – my father, May Allah-azwj Prolong his life, from Al-Baqir^{-asws} having said: ‘Whenever there is a newborn for one of you and the seventh day comes, let him sacrifice a ram on his behalf, and feed the midwife from the Aqeeqa, the leg with the hip-joint, and let him make him taste water of the Euphrates, and let him proclaim Azaan in his right ear, and let him proclaim Iqaama in the left, and name him on the seventh day, and

⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 58 b

⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 59

⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 60

⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 61

shave (his head), and weigh his hair and donate its weight in silver or gold, for Allah^{-azwj} Sends down his name from the sky.

فَإِذَا دَبَّحْتَ فُغِّلْ بِسْمِ اللَّهِ وَ بِاللَّهِ وَ الْحَمْدُ لِلَّهِ وَ اللَّهُ أَكْبَرُ إِيمَانًا بِاللَّهِ وَ تَنَاءً عَلَى رَسُولِ اللَّهِ وَ شُكْرًا لِرِزْقِ اللَّهِ وَ عِصْمَةً بِأَمْرِ اللَّهِ وَ مَعْرِفَةً بِفَضْلِهِ عَلَيْنَا أَهْلَ الْبَيْتِ

When you slaughter, say, ‘In the Name of Allah^{-azwj}, and with Allah^{-azwj}, and the Praise is for Allah^{-azwj}, and Allah^{-azwj} is Greatest, believing in Allah^{-azwj} and praising upon Rasool-Allah^{-saww}, and thanking for the sustenance of Allah^{-azwj} and protection by the Command of Allah^{-azwj}, and recognition of His^{-azwj} Grace upon us^{-asws}, People^{-asws} of the Household’.

فَإِنْ كَانَ ذَكَرًا فُغِّلِ - اللَّهُمَّ أَنْتَ وَهَبْتَ لَنَا ذَكَرًا وَ أَنْتَ أَعْلَمُ بِمَا وَهَبْتَ لَنَا وَ مِنْكَ مَا أُعْطِيتَ وَ لَكَ مَا صَنَعْنَا فَتَقَبَّلْهُ مِنَّا عَلَى سُنَّتِكَ وَ سُنَّةِ رَسُولِكَ ص وَ احْسَبْ عَنَّا الشَّيْطَانَ الرَّجِيمَ لَكَ سُنْفَكَتِ الدِّمَاءِ - لَا شَرِيكَ لَكَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

If it were a male, say, ‘O Allah^{-azwj}! You^{-azwj} have Gifted a male to us and You^{-azwj} are more Knowing with what You^{-azwj} have Gifted to us, and from You^{-azwj} is what I have been Given, and for You^{-azwj} is what we do, so Accept it from us upon Your^{-azwj} Sunnah and Sunnah of Your^{-azwj} Rasool^{-saww}, and Keep the Pelted Satan^{-la} away from us. The blood has been spilt for You^{-azwj}. There is no associate for You^{-azwj}. The Praise is for Allah^{-azwj} Lord^{-azwj} of the worlds’.⁶⁴

63 عَنْ أَبِي عَبْدِ اللَّهِ عَنْ آبَائِهِ ع قَالَ: عَقَّ رَسُولُ اللَّهِ ص عَنِ الْحَسَنِ وَ الْحُسَيْنِ كَيْشًا يَوْمَ سَابِعِيهِمَا وَ قَطَعَهُ أَغْضَاءً لَمْ يَكْبُرْ مِنْهُ عَظْمًا وَ أَمَرَ فُطِّحَ بِمَاءٍ وَ مِلْحٍ وَ أَكَلُوا مِنْهُ بِغَيْرِ خُبْزٍ وَ أَطْعَمُوا الْجِيرَانَ.

And from Abu Abdullah^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} performed Aqeeqa on behalf of Al-Hassan^{-asws} and Al-Husayn^{-asws} with a ram on their^{-asws} seventh day and cut the parts, not breaking any bone from it, and instructed for it to be cooked with water and salt, and ate from it without bread, and fed the neighbours’.⁶⁵

64 وَ قَالَ: سَبْعُ خِصَالٍ فِي الصَّبِيِّ إِذَا وُلِدَ مِنَ السَّنَةِ أَوْلَاهُنَّ يُسَمَّى وَ الثَّانِيَةُ يُحْلَقُ رَأْسُهُ وَ الثَّلَاثُ يُصَدَّقُ بِوِزْنِ شَعْرِهِ وَرِقًا أَوْ ذَهَبًا إِنْ قُدِرَ عَلَيْهِ وَ الرَّابِعُ يُعَقُّ عَنْهُ وَ الْخَامِسُ يُلَطَّحُ رَأْسُهُ بِالزَّرْعَفَرَانِ وَ السَّادِسَةُ يُطَهَّرُ بِالْحِنْتَانِ وَ السَّابِعُ يُطْعَمُ الْجِيرَانَ مِنْ عَقِيقَتِهِ.

And he^{-asws} said: ‘Seven characteristics are from the Sunnah regarding the child when it is born. Their first is it should be named, and the second, its head be shaved, and the third, silver or gold should be donated by the weight of its hair, if able upon, and the fourth, Aqeeqa be performed on his behalf, and the fifth, its head be anointed with the saffron, and the sixth, (if a male) he should be purified with the circumcision, and the seventh, the neighbours be fed from his Aqeeqa’.⁶⁶

65 وَ قَالَ النَّبِيُّ ص يَا فَاطِمَةُ انْفِي أُذُنِي الْحَسَنِ وَ الْحُسَيْنِ خِلَافًا لِلْيَهُودِ.

⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 62

⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 63

⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 64

And the Prophet^{-saww} said: 'O Fatima^{-asws}! Perforate the ears of Al-Hassan^{-asws} and Al-Husayn^{-asws}, in opposition to the Jews'.⁶⁷

66 رُوِيَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ أَمَرَ فَاطِمَةَ عَ أَنْ تَخْلُقَ رَأْسَ الْحُسَيْنِ وَالْحُسَيْنِ يَوْمَ سَابِعِيهِمَا وَأَنْ تَتَصَدَّقَ بِوِزْنِ شَعْرَيْهَا وَرَقاً.

It is reported from the Prophet^{-saww}, he^{-saww} had instructed (Syeda) Fatima^{-asws} to shave the head of Al-Hassan^{-asws} and Al-Husayn^{-asws} on their^{-asws} seventh day, and to donate silver by the weight of their^{-asws} hair'.⁶⁸

67 وَ فِي الْحَدِيثِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَادَّ فِي أُذُنِ الْحُسَيْنِ بْنِ عَلِيٍّ حِينَ وَلَدَتْهُ فَاطِمَةُ ع.

And in the Hadeeth, Rasool-Allah^{-saww} proclaimed Azaan in the ear of Al-Hassan^{-asws} Bin Ali^{-asws} when (Syeda) Fatima^{-asws} was blessed with him^{-asws}.⁶⁹

68 مِنْ كِتَابِ الْمَحَاسِنِ، كَانَ عَلِيُّ بْنُ الْحُسَيْنِ إِذَا بُشِّرَ بِوَلَدٍ لَمْ يَسْأَلْ ذَكَراً أَمْ أَنْثى حَتَّى يَقُولَ أَسْوِيٌّ فَإِذَا كَانَ سَوِيّاً قَالَ الْحَمْدُ لِلَّهِ الَّذِي لَمْ يَخْلُقْ شَيْئاً مُشَوَّهاً.

(The book) 'Al Mahasin' -

When Ali^{-asws} Bin Al-Husayn^{-asws} was given the glad tidings of a newborn, he^{-asws} did not ask whether it was male or female until he^{-asws} had said: 'It is sound (healthy)?' When it was sound, he^{-asws} said: 'The Praise is for Allah^{-azwj} Who did not Created something disfigured'.⁷⁰

69 سُمِّلَ عَنْ أَبِي عَبْدِ اللَّهِ عَ مَا الْعِلَّةُ فِي خَلْقِ الرَّأْسِ لِلْمَوْلُودِ

Abu Abdullah^{-asws} was asked, 'What is the reason in shaving the head of the newborn?'

قَالَ تَطْهِيراً مِنْ شَعْرِ الرَّحِمِ.

He^{-asws} said: 'Purification from hair of the womb'.⁷¹

70 وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ أَخَاهُ مُوسَى بْنَ جَعْفَرٍ عَ عَنْ مَوْلُودٍ لَمْ يَخْلُقْ رَأْسَهُ يَوْمَ السَّابِعِ

And Ali son of Ja'far^{-asws} asked his brother Musa^{-asws} Bin Ja'far^{-asws} about a newborn, 'Why is his head shaved on the seventh day?'

فَقَالَ إِذَا مَضَى سَبْعَةُ أَيَّامٍ فَلَيْسَ عَلَيْهِ خَلْقٌ.

He^{-asws} said: 'When seven days have passed by, there is no shaving upon him'.⁷²

⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 65

⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 66

⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 67

⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 68

⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 69

⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 70

71 مِنْ نَوَادِرِ الْحِكْمَةِ، عَنِ الصَّادِقِ ع قَالَ: حَنِكُوا أَوْلَادَكُمْ بِمَاءِ الْفُرَاتِ وَ بِتُرْبَةِ قَبْرِ الْحُسَيْنِ ع فَإِنْ لَمْ يَكُنْ فِيمَاءِ السَّمَاءِ.

(The book) 'Nawadir Al Hikmah' -

From Al-Sadiq^{-asws} having said: 'Make your children taste the water of Euphrates and soil of the grave of Al-Husayn^{-asws}. If it (water of Euphrates) cannot be found, then with water of the sky'.⁷³

72 عَنْهُ عَنْ آبَائِهِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: حَنِكُوا أَوْلَادَكُمْ بِالتَّمْرِ فَكَذَا فَعَلَّ رَسُولُ اللَّهِ ص بِالْحَسَنِ وَ الْحُسَيْنِ ع.

From him^{-asws}, from his^{-asws} forefathers^{-asws}, from Amir Al-Momineen^{-asws} having said: 'Make your children take the dates, for that is what Rasool-Allah^{-saww} had done with Al-Hassan^{-asws} and Al-Husayn^{-asws}'.⁷⁴

73 عَنِ النَّبِيِّ ص الْحَتَّاءُ سُنَّةٌ لِلرِّجَالِ مَكْرُمَةٌ لِلنِّسَاءِ.

From the Prophet^{-saww}: 'The circumcision is a Sunnah for the men and an honour for the women'.⁷⁵

74 وَ كَتَبَ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْهَمَيْرِيُّ إِلَى أَبِي مُحَمَّدٍ الْحَسَنِ بْنِ عَلِيٍّ ع أَنَّهُ رُوِيَ عَنِ الصَّالِحِينَ أَنَّ اخْتِنُوا أَوْلَادَكُمْ يَوْمَ السَّابِعِ تَطَهَّرُوا فَإِنَّ الْأَرْضَ تَضِحُّ إِلَى اللَّهِ مِنْ بَوْلِ الْأَعْلَفِ

And Abdullah Bin Ja'far Al-Himeyri wrote to Abu Muhammad Al-Hassan^{-asws} Bin Ali^{-asws}, it is reported from the righteous ones: 'Circumcise your children on the seventh day, they will be purified, for the earth clamours to Allah^{-azwj} from urination of the uncircumcised'.

وَ لَيْسَ جَعَلَنِي اللَّهُ فِدَاكَ لِحَاجِمِي بَلَدِنَا حَذَقٌ بِذَلِكَ وَ لَا يُخْتِنُونَهُ يَوْمَ السَّابِعِ وَ عِنْدَنَا حَجَّامٌ مِنَ الْيَهُودِ فَهَلْ يُجُوزُ لِلْيَهُودِ أَنْ يُخْتِنُوا أَوْلَادَ الْمُسْلِمِينَ أَمْ لَا فَوَقَّعَ ع يَوْمَ السَّابِعِ فَلَا تُخَالِفُوا السُّنَنَ إِنْ شَاءَ اللَّهُ.

May Allah^{-azwj} Make me sacrificed for you^{-ajfj}! The cuppers of our city are skilled with that but they are not circumcising on the seventh day, and in our presence, there are cuppers from the Jews. Is it allowed for the Jews to circumcise children of the Muslims, or not?⁷⁶

75 عَنِ الصَّادِقِ ع فِي الصَّبِيِّ إِذَا حُتِنَ قَالَ يَقُولُ- اللَّهُمَّ هَذِهِ سُنَّتُكَ وَ سُنَّةُ نَبِيِّكَ صَلَوَاتُكَ عَلَيْهِ وَ آلِهِ وَ اتَّبَاعُ مِثَالِكَ وَ كُتُبِكَ بِمَشِيئَتِكَ وَ إِزَادَتِكَ وَ قَضَائِكَ لِأَمْرٍ أَرَادْتَهُ وَ قَضَاءِ حَتْمَتِهِ وَ أَمْرٍ أَنْفَدْتَهُ فَأَدَقْتَهُ حَرَّ الْحَدِيدِ فِي خِتَانِهِ وَ حِجَامَتِهِ لِأَمْرٍ أَنْتَ أَعْرَفُ بِهِ مِنَّا

From Al-Sadiq^{-asws} regarding the young boy when he is circumcised, he^{-asws} said: 'He should say, 'O Allah^{-azwj}! This is Your^{-azwj} Sunnah and Sunnah of Your^{-azwj} Prophet^{-saww}, may Your^{-azwj} Salawaat be upon him^{-saww} and his^{-saww} Progeny^{-asws}, and in following Your^{-azwj} examples and Your^{-azwj} Books with Your^{-azwj} Desires and Your^{-azwj} Will, and Your^{-azwj} Decree for a matter You^{-azwj} Wanted, and Decree Your^{-azwj} Ordained, and a matter You^{-azwj} Implemented. Make him

⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 71

⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 72

⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 73

⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 74

taste heat of the iron in circumcising him for a matter You^{-azwj} are more Knowing with that we are!

اللَّهُمَّ طَهِّرْهُ مِنَ الذُّنُوبِ وَ زِدْ فِي عُمرِهِ وَ ادْفَعْ الْآفَاتِ عَنْ بَدَنِهِ وَ الْأَوْجَاعِ فِي جِسْمِهِ وَ زِدْهُ مِنَ الْعَيْ وَ ادْفَعْ عَنْهُ الْفَقْرَ فَإِنَّكَ تَعْلَمُ وَ لَا نَعْلَمُ.

O Allah^{-azwj}! Purify him from the sins and Increase in his lifespan, and Repel the afflictions from his body and the pains in his body, and Increase him from the riches and Repel the poverty away from him, for You^{-azwj} Know and we don't know'.⁷⁷

76 عَنْ مُوسَى بْنِ جَعْفَرٍ ع قَالَ: لَمَّا وُلِدَ ابْنُهُ الرَّضَا ع إِنَّ ابْنِي هَذَا وُلِدَ مَخْتُونًا طَاهِرًا مُطَهَّرًا وَ لَكِنَّا سَنِمُّهُ الْمَوْسَى عَلَيْهِ لِإِصَابَةِ السُّنَّةِ وَ اتِّبَاعِ الْحَبِيبِيَّةِ.

From Musa^{-asws} Bin Ja'far^{-asws}, having said when he^{-asws} was blessed with a son^{-asws}, meaning Al-Reza^{-asws}: 'This son^{-asws} of mine^{-asws} is a circumcised child, pure, purified, but we^{-asws} pass the blade upon him^{-asws} in order to achieve the Sunnah and following the uprightness'.⁷⁸

77 عَنْهُ ع قَالَ: أَيُّ رَجُلٍ لَمْ يَقُلْهَا عَلَى خِتَانِ وَلَدِهِ فَلْيُقْلُهَا عَلَيْهِ مِنْ قَبْلِ أَنْ يَخْتَلِمَ فَإِنْ قَالَهَا كُفَيْ حَرَّ الْحَدِيدِ مِنْ قَتْلِ أَوْ غَيْرِهِ.

From him^{-asws} having said: 'Any man who does not say it over the circumcision of his son, let him say it over him before he reaches puberty. If he says it, he will be spared the heat of the iron, whether for murder or otherwise'.⁷⁹

78 مِنْ طِبِّ الْأَيْمَةِ، عَنِ النَّبِيِّ ص قَالَ: اخْتِنُوا أَوْلَادَكُمْ فِي السَّابِعِ فَإِنَّهُ أَطْهَرُ وَ أَسْرَعُ لِتَبَاتِ اللَّحْمِ

From (the book) 'Tibb Al-Aimma^{-asws}', from the Prophet^{-saww} having said: 'Circumcise your children during the seventh day for it is purer and quicker for building the flesh'.

وَ قَالَ إِنَّ الْأَرْضَ تَتَّجَسُّ بِبَوْلِ الْأَعْلَفِ أَرْبَعِينَ يَوْمًا.

And he^{-asws} said: 'The earth gets filthy for forty days with urine of the uncircumcised'.⁸⁰

79 عَنِ الصَّادِقِ ع قَالَ: نَقَّبُ أُذُنَ الْغُلَامِ مِنَ السُّنَّةِ وَ خِتَانَهُ لِسَبْعَةِ أَيَّامٍ مِنَ السُّنَّةِ وَ حَفْضُ النِّسَاءِ مَكْرَمَةٌ لَيْسَتْ مِنَ السُّنَّةِ وَ أَيُّ شَيْءٍ أَفْضَلُ مِنَ الْمَكْرَمَةِ.

From Al-Sadiq^{-asws} having said: 'Perforating ears of the boy is from the Sunnah, and circumcising him at the seventh days is from the Sunnah, and circumcision of the women is from the honour but not from the Sunnah, and which, this is superior to the honourable'.⁸¹

⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 75

⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 76

⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 77

⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 78

⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 79

80 وَ مِنْ تَهْدِيَةِ الْأَحْكَامِ، عَنِ الصَّادِقِ ع قَالَ: لَمَّا هَاجَرَتِ النِّسَاءُ إِلَى رَسُولِ اللَّهِ ص هَاجَرَتْ فِيهِنَّ امْرَأَةٌ يُقَالُ لَهَا أُمُّ حَبِيبَةَ وَ كَانَتْ خَافِضَةً تُخْفِضُ الْجُوَارِيَ فَلَمَّا رَأَاهَا رَسُولُ اللَّهِ ص قَالَ لَهَا يَا أُمَّ حَبِيبَةَ الْعَمَلُ الَّذِي كَانَ فِي يَدِكَ هُوَ فِي يَدِكَ الْيَوْمَ

And from (the book) 'Tahzeeb Al Ahkam' -

From Al-Sadiq^{asws} having said: 'When the women emigrated to Rasool-Allah^{saww}, among the ones who emigrated was a woman who called Umm Habeeba, and she had been circumcising the circumcision of the girls. When Rasool-Allah^{saww} saw her, he^{saww} said: 'O Umm Habeeba! The action which was in your hand, it is in your hand today.

قَالَتْ نَعَمْ يَا رَسُولَ اللَّهِ إِلَّا أَنْ يَكُونَ حَرَامًا فَتَنْهَانِي عَنْهُ

She said, 'Yes, O Rasool-Allah^{saww}, except that it happens to be forbidden. You^{saww} have forbidden me from it'.

قَالَ لَا بَلْ حَلَالٌ فَأَذِنِي مِنِّي حَتَّى أَعَلِّمَكَ

He^{saww} said: 'No, but it is Permissible! Come near me^{saww} until I^{saww} teach you!''

قَالَ فَذَنْتُ مِنْهُ فَقَالَ يَا أُمَّ حَبِيبَةَ إِذَا أَنْتِ فَعَلْتِ فَلَا تُنْهَكِي أَيُّ لَا تَسْتَأْصِلِي وَ أَتَيْتِي فَإِنَّهُ أَشْرَقُ لِلْوَجْهِ وَ أَخْطَى عِنْدَ الرَّوْجِ

He^{asws} said: 'She went near him^{saww}. He^{saww} said: 'O Umm Habeeba! When you do it, do not overdo it, i.e., do not remove excessively, and take a small part for it is more radiant for the face and more pleasing with the husband'.

قَالَ فَكَانَتْ لِأُمِّ حَبِيبَةَ أُحْتٌ يُقَالُ لَهَا أُمُّ عَطِيَّةَ وَ كَانَتْ مُقَيَّبَةً يَعْنِي مَا شِطَّةَ فَلَمَّا انْصَرَفَتْ أُمُّ حَبِيبَةَ إِلَى أُخْتِهَا أَخْبَرَتْهَا بِمَا قَالَ لَهَا رَسُولُ اللَّهِ ص فَأَقْبَلَتْ أُمُّ عَطِيَّةَ إِلَى النَّبِيِّ فَأَخْبَرَتْهُ بِمَا قَالَتْ لَهَا أُخْتُهَا

He^{asws} said: 'There used to be a sister for Umm Habeeba called Umm Atiyya, and she was a ladies' maid, meaning a hairdresser. When Umm Habeeba left to go to her sister, she informed her of what Rasool-Allah^{saww} had said to her. Umm Atiyya came to the Prophet^{saww} and informed him^{saww} with what her sister had said to her.

فَقَالَ لَهَا رَسُولُ اللَّهِ ص أَذِنِي مِنِّي يَا أُمَّ عَطِيَّةَ إِذَا أَنْتِ قَيَّبْتِ الْجَارِيَةَ فَلَا تَغْسِلِي وَجْهَهَا بِالْحَرْقَةِ فَإِنَّ الْحَرْقَةَ تَذْهَبُ بِمَاءِ الْوَجْهِ.

Rasool-Allah^{saww} said to her: 'Come near me^{saww}, O Umm Atiyya! When you are a ladies' maid for a girl, do not wash her face with the cloth for the cloth does away water (moisture) of the face!''⁸²

81 مَكَاءُ، مَكَارِمِ الْأَخْلَاقِ عَنِ الْبَاقِرِ ع قَالَ: سَمَانَ عَلِيُّ بْنُ الْحُسَيْنِ ع إِذَا حَضَرَ وَوَلَدَةُ الْمَرْأَةِ قَالَ أخرجوا من في البيت من النساء - لا تكون امرأة أول ناظرٍ إلى عورتها.

⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 80

(The book) 'Makarim Al Akhlaq' -

'From Al-Baqir^{-asws} having said: 'Whenever Ali^{-asws} Bin Al-Husayn^{-asws} was present at the birth giving by a wife, he^{-asws} said: 'Expel the women who are in the room! A woman should not be the first one to look at the private part!'⁸³

82 ن، عيون أخبار الرضا عليه السلام ميمم القرشي عن أبيه عن أحمد الأنصاري عن علي بن ميثم عن أبيه عن أمه قال سمعت نعمة أم الرضا ع تقول لفا ولد الرضا ع ناولته موسى ع في خرقه بيضاء فأدّن في أذنه الأيمن وأقام في الأيسر ودعا بماء الفرات فحنكه إلى آخر الخبر.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Tameem Al Qureyshi, from his father, from Ahmad Al Ansari, from Ali Bin Maysam, from his father, from his mother who said,

'I saw Najma^{-ra}, mother of Al-Reza^{-asws} saying, 'When Al-Reza^{-asws} was blessed (to his^{-asws} parents), I^{-ra} brought him^{-asws} to Musa^{-asws} in a white cloth. He^{-asws} proclaimed Azaan in his right ear, and Iqaama in the left, and called for water of the Euphrates and made him^{-asws} taste it' – up to end of the Hadeeth.⁸⁴

83 نوادر الراوندي، بإسناده عن موسى بن جعفر عن أبيه ع قال قال علي ع وجدنا صحيفة أن الأغلّف لا يُترك في الإسلام حتى يحتنّ ولو بلغ مائتي سنة.

(The book) 'Nawadir' of Al Rawandy –

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Ali^{-asws} said: 'We^{-asws} found a parchment: 'The uncircumcised will not be left in Al-Islam until he is circumcised, and even if he has reached one hundred years'.⁸⁵

84 صحیح البلاغ، هنا بحضرة أمير المؤمنين ع رجل رجلاً بعلام ولد له فقال ليهنك الفارس

(The book) 'Nahj Al Balagah' -

And a man congratulated a man in his^{-asws} presence for the boy having been born for him. He^{-asws} said: 'Congratulations for the (birth of the) horseman'.

فقال ع لا تغل ذلك و لكن قل شكرت الواهب و بورك لك في الموهوب و بلغ أشده و رزقت بره.

He^{-asws} said: 'Do not say that, but say, 'Thank the Benefactor, Blessings be for you in your gift, and may he reach the adulthood and be Graced the righteousness'.⁸⁶

85 مسكّن الفؤاد، عن علي ع قال: سمّان رسول الله ص إذا عزي قال أجرتم الله و رحمكم و إذا هنأ قال بارك الله لكم و بارك عليكم.

(The book) 'Musakkin Al Fawaaid' -

⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 81

⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 82

⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 83

⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 84

From Ali^{-asws} having said: 'Whenever Rasool-Allah^{-saww} consoled, he^{-saww} said: 'May Allah^{-azwj} Recompense you and Mercy you!', and whenever he^{-saww} congratulated, said: 'May Allah^{-azwj} Bless for you and Bless upon you!''⁸⁷

86 دَعَائِمُ الْإِسْلَامِ، عَنْ عَلِيٍّ ع أَنَّ رَسُولَ اللَّهِ ص قَالَ: مَنْ وُلِدَ لَهُ مَوْلُودٌ فَلْيُؤَدِّنْ فِي أُذُنِهِ الْيَمْنَى وَ الْيُسْرَى فَإِنَّ ذَلِكَ عَصْمَةٌ مِنَ الشَّيْطَانِ وَ إِنَّهُ ص أَمَرَ أَنْ يُفَعَّلَ ذَلِكَ بِالْحَسَنِ وَ الْحُسَيْنِ وَ أَنْ يُقْرَأَ مَعَ الْأُذَانِ فِي آدَائِهِمَا - فَاتِحَةُ الْكِتَابِ وَ آيَةُ الْكُرْسِيِّ وَ آخِرُ سُورَةِ الْحَشْرِ وَ سُورَةُ الْإِحْلَاصِ وَ الْمَعْوِدَاتَانِ.

(The book) 'Da'aim Al Islam' -

From Ali^{-asws}: 'Rasool-Allah^{-saww} said: 'One for whom a newborn is born, let him proclaim Azaan in his right ear, and let him proclaim Iqaama in the left, for that is a protection from the Satan^{-la}, and he^{-saww} instructed for that to be done with Al-Hassan^{-asws} and Al-Husayn^{-asws}, and along with the Azaan in their^{-asws} ears, reading Surah Al Fatiha, and Ayat Al Kursi, and end of Surah Al Hashr, and Surah Al Ikhlas, and Al Mawaazateyn'.⁸⁸

87 الْهِدَايَةُ، قَالَ النَّبِيُّ ص كُلُّ امْرِيٍّ مَرْهَنٌ بِعَقِيْقَتِهِ وَ مَنْ وُلِدَ لَهُ وَ لَدَّ فَلْيُؤَدِّنْ فِي أُذُنِهِ الْأَيْمَنِ وَ الْيُسْرَى وَ يُحْنِكُهُ بِمَاءِ الْفُرَاتِ سَاعَةَ يُولَدُ إِنْ قَدَرَ عَلَيْهِ وَ يُسَمِّي بِأَحْسَنِ الْأَسْمَاءِ وَ يَكْنِيهِ بِأَحْسَنِ الْكُنْيِ وَ لَا يَكْنِيهِ بِعَيْسَى وَ لَا بِالْحَاكِمِ وَ لَا بِالْحَارِثِ وَ لَا بِأَبِي الْقَاسِمِ إِذَا كَانَ الْإِسْمُ مُحَمَّدًا وَ أَصْدَقُ الْأَسْمَاءِ مَا سَمِّيَ بِالْعُبُودِيَّةِ وَ أَفْضَلُهَا أَسْمَاءُ الْأَنْبِيَاءِ.

(The book) 'Al Hidayah' -

The Prophet^{-saww} said: 'Every person is pledged with his Aqeeqa, and the one a newborn is born for him, let him proclaim Azaan in his right ear and let him proclaim Iqaama in the left, and let him make him taste the water of Euphrates at the time of its birth if able upon, and him should be named with best of the names, and teknonymed with best of the teknonyms, and he cannot be teknonymed with Isa^{-as}, nor with Al Hakam, nor with Al Haris, nor as Abu Al Qasim, when the name was Muhammad, and most truthful of the names is what is named with the servitude, and their best are names of the Prophets^{-as}'.⁸⁹

88 وَ قَالَ النَّبِيُّ ص لِغَاطِمَةَ ع ائْتِي عَلَيَّ أُذُنِ ابْنِي الْحُسَيْنِ وَ الْحُسَيْنِ خِلاَفًا عَلَيَّ الْيَهُودِ.

And the Prophet^{-saww} said to (Syeda) Fatima^{-asws}: 'Perforate upon the ears of my^{-saww} two sons^{-asws} Al-Hassan^{-asws} and Al-Husayn^{-asws}, in opposition to the Jews!'⁹⁰

89 وَ قَالَ الصَّادِقُ ع يُعْقُ عَلَى الْمَوْلُودِ وَ يُنْقَبُ أُذُنُهُ وَ يُوزَنُ شَعْرُهُ بَعْدَ مَا يُجَفَّفُ بِفِضَّةٍ وَ يُتَصَدَّقُ بِهِ كُلُّ ذَلِكَ يَوْمَ السَّابِعِ.

And Al-Sadiq^{-asws} said: 'Perform Aqeeqa upon the newborn and perforate its ears, and weigh his hair with silver after it has dried and donate it, all of that being on the seventh day'.⁹¹

⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 85

⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 86

⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 87

⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 88

⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 89

90 وَ قَالَ الصَّادِقُ عَ الحِثَانُ سُنَّةٌ فِي الرِّجَالِ مَكْرُمَةٌ لِلنِّسَاءِ.

And Al-Sadiq^{-asws} said: ‘The circumcision is a Sunnah in the men, an honour for the women’.⁹²

91 وَ فِي حَدِيثٍ آخَرَ أَنَّ الْأَرْضَ تَضِجُ إِلَى اللَّهِ مِنْ بَوْلِ الْأَعْلَفِ.

And in another Hadeeth: ‘The earth clamours to Allah^{-azwj} from urine of the uncircumcised’.⁹³

باب 108 الأسماء و الكنى

CHAPTER 108 – THE NAMES AND THE TEKNONYMS

1- ل، الخصال ابن الوليد عن الصَّفَّارِ عَنِ الرَّقِيِّ عَنِ أَبِيهِ عَنِ ابْنِ الْمُغَيَّرَةِ عَنِ السُّكُونِيِّ عَنِ الصَّادِقِ عَ عَنْ أَبِيهِ عَ أَنَّ النَّبِيَّ صَ هَيَّ عَنْ أَرْبَعِ كُنَى عَنْ أَبِي عَيْسَى وَ عَنْ أَبِي الْحَكَمِ وَ عَنْ أَبِي مَالِكٍ وَ عَنْ أَبِي الْقَاسِمِ إِذَا كَانَ الْإِسْمُ مُحَمَّدًا.

(The book) ‘Al Khisaal’ – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ibn Al Mugheira, from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}: ‘The Prophet^{-saww} prohibited from four teknonyms of ‘Abu Isa’, and of ‘Abu Al-Hakam’, and of ‘Abu Malik’, and of ‘Abu Al-Qasim’, when the name was ‘Muhammad’.⁹⁴

2- ل، الخصال أبي عن سَعْدِ عَنِ أَبِي عَبْدِ اللَّهِ عَنِ أَبِيهِ عَنِ أَحْمَدَ بْنِ النَّضْرِ عَنِ عَمْرِو بْنِ شَمْرٍ عَنِ جَابِرِ عَنِ أَبِي جَعْفَرٍ عَ قَالَ قَالَ رَسُولُ اللَّهِ صَ عَلَيَّ مِنْبَرَهُ أَلَا إِنَّ خَيْرَ الْأَسْمَاءِ عَبْدُ اللَّهِ وَ عَبْدُ الرَّحْمَنِ وَ حَارِثَةُ وَ هَمَّامٌ وَ شَرُّ الْأَسْمَاءِ زِرَارٌ وَ مُرَّةٌ وَ حَزْبٌ وَ ظَلَمٌ.

(The book) ‘Al Khisaal’ – My father, from Sa’ad, from Abu Abdullah, from his father, from Ahmad Bin Al Nazr, from Amro Bin Shimr, from Jabir,

From Abu Ja’far^{-asws} having said: ‘Rasool-Allah^{-saww} said upon his^{-saww} pulpit: ‘Indeed! The best names are ‘Abdullah’, and ‘Abdul Rahman’, and ‘Harisa’, and ‘Hamman’, and the evilest of the names are ‘Zirar’, and ‘Murrah’, and ‘Harb’, and ‘Zalim’⁹⁵

3- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عَنِ الرِّضَا عَنِ أَبِيهِ عَ قَالَ: سَمِيَ رَسُولُ اللَّهِ صَ حَسَنًا يَوْمَ السَّابِعِ وَ اشْتَقَّ مِنْ اسْمِ الْحَسَنِ حُسَيْنًا وَ ذَكَرَ أَنَّهُ لَمْ يَكُنْ بَيْنَهُمَا إِلَّا الْحَمْلُ.

(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} named Hassan^{-asws} on the seventh day, and derived ‘Husayn’ from the name ‘Al-Hassan’ – and he^{-asws} mentioned that there did not happen to be between the two except for the shortest gap’.⁹⁶

⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 90

⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 107 H 91

⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 1

⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 2

⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 3

4- ب، قرب الإسناد ابن طريف عن ابن علقوان عن الصادق عن أبيه ع قال: كَانَ رَسُولُ اللَّهِ ص يُعَيِّرُ الْأَسْمَاءَ الْقَبِيحَةَ فِي الرِّجَالِ وَ الْبُلْدَانِ.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} used to change the ugly names among the men and the cities'.⁹⁷

5- ب، قرب الإسناد أبو البختري عن أبي عبد الله ع قَالَ قَالَ رَسُولُ اللَّهِ ص سَمُوا أَسْقَاطَكُمْ فَإِنَّ النَّاسَ إِذَا دُعُوا يَوْمَ الْقِيَامَةِ بِأَسْمَائِهِمْ تَعَلَّقَ الْأَسْقَاطُ بِأَبَائِهِمْ فَيَقُولُونَ لَمْ نَسْمُوكُنِي

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

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Name your miscarriages, for when the people are called on the Day of Qiyamah with their names, the miscarried (children) will adhere to their fathers. They will say, 'Why didn't you name me?''

قَالَ فَقَالُوا يَا رَسُولَ اللَّهِ هَذَا مِنْ عَرَفْنَا أَنَّهُ ذَكَرَ سَمِّيَنَاهُ بِاسْمِ الذَّكَورِ وَ مَنْ عَرَفْنَا أَنَّهُ سَمِّيَنَاهَا بِاسْمِ الْإِنَاثِ أَرَأَيْتَ مَنْ لَمْ يَسْتَبِينَ خَلْفَهُ كَيْفَ نُسَمِّيهِ

He^{-asws} said: 'They said, 'O Rasool-Allah^{-saww}! This is from one we recognise as being male so we will name him with the male names, and one we recognise as being female we name her with the female name. What is your^{-saww} view of the one who creation is not clear? How can we name him?'

قَالَ بِالْأَسْمَاءِ الْمَشْتَرَكَةِ مِثْلَ زَائِدَةَ وَ طَلْحَةَ وَ عَبْسَةَ وَ حَمْرَةَ.

He^{-asws} said: 'With the shared names like 'Zaidah', and 'Talha', and 'Anbasa', and 'Hamza''.⁹⁸

6- ع، علل الشرائع ل، الخصال الأربعة قال أمير المؤمنين ع سَمُوا أَوْلَادَكُمْ فَإِنْ لَمْ تَدْرُوا أ ذَكَرُوا أَوْ أَنْتَى فَسَمُوهُمْ بِالْأَسْمَاءِ الَّتِي تَكُونُ لِلذَّكَرِ وَ الْأُنْثَى فَإِنَّ أَسْقَاطَكُمْ إِذَا لَقَوْكُمْ فِي الْقِيَامَةِ وَ لَمْ تَسْمُوهُمْ يَقُولُ السَّقَطُ لِأَبِيهِ أَلَا سَمَّيْتَنِي وَ قَدْ سَمَى رَسُولُ اللَّهِ ص مُحْسِنًا قَبْلَ أَنْ يُوَلَّدَ.

(The book) 'Ilal Al Sharaie', (and) 'Al Khisaa' -

(The Hadeeth) 'Al-Arbamiya', Amir Al-Momineen^{-asws} said: 'Name your children! If you do not know whether it will be male or female, name them so that they can be used for both males and females. If they are miscarried, when they meet you in the Qiyamah and you did not name them, the miscarried child will say to its father, 'Why didn't you name me?' And Rasool-Allah^{-saww} had named 'Mohsin' before he^{-asws} was blessed (to his parents^{-asws}).⁹⁹

7- مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام أبي عن سعد عن ابن عيسى عن ابن فضال عن أحمد بن أشيم عن الرضا ع قال: قُلْتُ لَهُ جَعَلْتُ فِدَاكَ لَمْ سَمُوا الْعَرَبُ أَوْلَادَهُمْ بِكَلْبٍ وَ بَرٍّ وَ فَهْدٍ وَ أَشْبَاهِ ذَلِكَ

⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 4

⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 5

⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 6

(The book) 'Ma'any Al Akhbar', (and) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Ahmad Bin Asheym.

From Al-Reza^{-asws}, (he the narrator) said, 'I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! Why do the Arabs name their children as 'Kalb' (dog), and 'Nimr' (tiger), and 'Fahd' (lion), and resembling that?'

قَالَ كَانَتِ الْعَرَبُ أَصْحَابَ حَرْبٍ فَكَانَتْ تُهْوِلُ عَلَى الْعَدُوِّ بِأَسْمَاءِ أَوْلَادِهِمْ وَ يُسَمُّونَ عِبِيدَهُمْ - فَرَجٌ وَ مُبَارَكٌ وَ مَيْمُونٌ [فَرَجاً وَ مُبَارَكاً وَ مَيْمُوناً] وَ أَشْبَاهَ ذَلِكَ يَتَّبِعُونَ بِهَا.

He^{-asws} said: 'The Arabs were people of wars, so they were striking terror upon the enemies by names of their children, and they were naming their slaves as 'Faraj', and 'Mubarak', and 'Maymoun' (for females) 'Faraja', and 'Mubaraka', and 'Maymouna', and resembling that for auspiciousness with it'.¹⁰⁰

8- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آتائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِذَا سَمَّيْتُمُ الْوَلَدَ مُحَمَّدًا فَأَكْرَمُوهُ وَ أَوْسَعُوا لَهُ فِي الْمَجْلِسِ وَ لَا تُقْبِحُوا لَهُ وَجْهًا.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'When you name the child as 'Muhammad', honour him and make space for him in the gathering, and do not make your face ugly toward him (frown)'.¹⁰¹

9 صح، صحيفة الرضا عليه السلام عن الرضا عن آتائه ع مثله.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.¹⁰²

10- ن، عيون أخبار الرضا عليه السلام بحذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص مَا مِنْ قَوْمٍ كَانَتْ لَهُمْ مَشُورَةٌ فَحَضَرَ مَعَهُمْ مَنْ اسْمُهُ مُحَمَّدٌ أَوْ حَامِدٌ أَوْ مُحَمَّدٌ أَوْ أَحْمَدٌ فَأَدْخَلُوهُ فِي مَشُورَتِهِمْ إِلَّا خَيْرَ لَهُمْ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by this chain, said: 'Rasool-Allah^{-saww} said: 'There are none from a people having consultation for them, so there is present with them someone whose name is 'Muhammad', or 'Hamid', or 'Mahmoud', or 'Ahmad', so they include him in their consultations except it would be better for them'.¹⁰³

11 صح، صحيفة الرضا عليه السلام عن الرضا عن آتائه ع مثله.

¹⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 7

¹⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 8

¹⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 9

¹⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 10

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.¹⁰⁴

12- ن، عيون أخبار الرضا عليه السلام بِحَدِّ إِسْنَادٍ قَالَ قَالَ رَسُولُ اللَّهِ ص مَا مِنْ مَائِدَةٍ وُضِعَتْ وَ حَضَرَ عَلَيْهَا مَنْ اسْمُهُ أَحْمَدٌ أَوْ مُحَمَّدٌ إِلَّا قُدِّسَ ذَلِكَ الْمَنْزِلُ فِي كُلِّ يَوْمٍ مَرَّتَيْنِ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by this chain, said: 'Rasool-Allah^{-saww} said: 'There is none from a meal placed and there is presented upon it someone whose name is 'Ahmad', or 'Muhammad' except that dwelling is sanctified twice during every day'.¹⁰⁵

13 صح، صحيفة الرضا عليه السلام عن الرضا عن آباؤه ع مثله.

(The book) 'Saheefa Al-Reza^{-asws}', may the greeting be upon him^{-asws}, from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws} – similar to it.¹⁰⁶

14- ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن محمد بن محمد بن سليمان عن محمد بن حميد الرازي عن إبراهيم بن المختار عن النضر بن حميد عن أبي إسحاق عن الأصبغ عن أمير المؤمنين صلوات الله عليه أن رسول الله ص قال: ما من أهل بيت فيهم اسم نبي إلا بعث الله إليهم ملكاً يُقدِّسُهُم بِالْعَدَاةِ وَالْعِشْيِ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – A group, from Abu Al Mufazzal, from Muhammad Bin Muhammad Bin Suleyman, from Muhammad Bin Humejd Al Razy, from Ibrahim Bin Al Mukhtar, from Al Nazr Bin Humejd, from Abu Is'haq, from Al Asbagh,

From Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} upon him^{-asws}: 'Rasool-Allah^{-saww} said: 'There is no family among them is a name of a Prophet^{-as} except Allah^{-azwj} will Dispatch an Angel to them to sanctify them in the morning and the evening'.¹⁰⁷

15 ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن أحمد بن سهل بن فيروزان عن محمد بن حميد مثله و زاد في آخره قال أبو إسحاق و ذكر مثل ذلك في لياليهم.

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Ahmad Bin Shal Bin Feyruzan, from Muhammad Bin Humejd,

Similar to it, and there is an addition in its end, 'Abu Ishaq said, 'And he^{-saww} mentioned like that regarding their nights'.¹⁰⁸

قَالَ أَبُو إِسْحَاقَ قَالَ الْأَصْبَغُ وَ رَفَعَهُ وَ مَا مِنْ قَوْمٍ وُلِدَ فِيهِمْ مَوْلُودٌ ذَكَرَ إِلَّا حَدَّثَ فِيهِمْ عِرٌّ لَمْ يَكُنْ.

¹⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 11

¹⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 12

¹⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 13

¹⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 14

¹⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 15 a

Abu Is'haq said, 'Al Asbagh said, and raised it – (Amir Al-Momineen^{-asws}) said: 'And there are none from a people a male newborn is born among them except honour occurs among them which had not been'.¹⁰⁹

16- ع، علل الشرائع أَبِي عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ الْبَرْقِيِّ عَنِ رَجُلٍ عَنِ ابْنِ أَسْبَاطٍ عَنْ عَمِّهِ رَفَعَهُ إِلَى عَلِيٍّ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تُسَمُّوا أَوْلَادَكُمْ الْحَكَمَ وَ لَا أَبَا الْحَكَمِ فَإِنَّ اللَّهَ هُوَ الْحَكَمُ.

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ash'ary, from Al Barqy, from a man, from Ibn Asbaad, from his uncle raising it to,

Ali^{-asws} said: 'Rasool-Allah^{-saww} said: 'Neither name your children as 'Al-Hakam', nor as 'Abu Al-Hakam', for Allah^{-azwj}, He^{-azwj} is 'Al Hakam' (the Judge)'.¹¹⁰

17- مع، معاني الأخبار أَبِي عَنْ سَعْدِ بْنِ أَبِي عَيْسَى عَنِ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ عَنْ مَعْمَرِ بْنِ عُمَرَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: أَصَدُّ الْأَسْمَاءِ مَا سُمِّيَ بِالْعُبُودِيَّةِ وَ حَبِيزِهَا أَسْمَاءُ الْأَنْبِيَاءِ صَلَوَاتُ اللَّهِ عَلَيْهِمْ.

(The book) 'Ma'any Al Akhbar' – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Sa'alba, from Ma'mar Bin Umar,

From Abu Ja'far^{-asws} having said: 'The most truthful of the names what is named with the servitude, and best of these are names of the Prophets^{-as}, may the Salawaat of Allah^{-azwj} be upon them^{-asws}'.¹¹¹

18- ضا، فقه الرضا عليه السلام سَمِّهِ بِأَحْسَنِ الْأَسْمَاءِ وَ كَتِبْهُ بِأَحْسَنِ الْكُنْيَةِ وَ لَا تُكْتَبِ بِأَبِي عَيْسَى وَ لَا بِأَبِي الْحَكَمِ وَ لَا بِأَبِي الْحَارِثِ وَ لَا بِأَبِي الْقَاسِمِ إِذَا كَانَ الْإِسْمُ مُحَمَّدًا وَ سَمِّهِ يَوْمَ السَّبَاعِ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}: 'Name him with the best of the names and teknonym him with the best of the teknonyms, and do not teknonym as 'Abu Isa', nor as 'Abu Al-Hakam', nor as 'Abu Al-Haris', nor as 'Abu Al-Qasim', when the names was 'Muhammad', and name him on the seventh day'.¹¹²

19- شي، تفسير العياشي عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ قَالَ: قِيلَ لِأَبِي عَبْدِ اللَّهِ ع جُعِلْتُ فِدَاكَ إِنَّا نَسَمِّي بِأَسْمَائِكُمْ وَ أَسْمَاءِ آبَائِكُمْ فَيَنْفَعُنَا ذَلِكَ

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

'It was said to Abu Abdullah^{-asws}, 'May I be sacrificed for you^{-asws}! We tend to name (the children) with your^{-asws} names and names of your^{-asws} forefathers^{-asws}, so that it benefits us!'

فَقَالَ إِي وَ اللَّهِ وَ هَلِ الدِّينُ إِلَّا الْحُبُّ قَالَ اللَّهُ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَ يُغْفِرْ لَكُمْ ذُنُوبَكُمْ.

¹⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 15 b

¹¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 16

¹¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 17

¹¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 18

He^{-asws} said: ‘Yes, by Allah^{-azwj}, and is the religion except the love? Allah^{-azwj} Says: **‘If you love Allah, then follow me. Allah will Love you and Forgive you your sins; and Allah is Forgiving, Merciful’ [3:31]**.¹¹³

20- نَوَادِرُ الرَّاَوْنَدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ أَوَّلَ مَا يَنْحَلُّ أَحَدُكُمْ وَلَدَهُ الْإِسْمُ الْحَسَنُ فَلْيُحْسِنِ أَحَدُكُمْ اسْمَ وَلَدِهِ.

(The book) ‘Nawadir’ of Al Rawandy -

By his chain from Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws}, having said: ‘Rasool-Allah^{-saww} said: ‘The first of what one of you can give his child is the good name, so let everyone of you give his child a good name’.¹¹⁴

21- وَ يَهْدَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص نِعَمَ الْأَسْمَاءُ عَبْدُ اللَّهِ وَ عَبْدُ الرَّحْمَنِ الْأَسْمَاءُ الْمُعْتَدَةُ وَ شَرُّهَا هَمَامٌ وَ الْحَارِثُ وَ أَكْرَهُ مُبَارَكٌ وَ بَشِيرٌ وَ مَيْمُونٌ [مُبَارَكًا وَ بَشِيرًا وَ مَيْمُونًا] لِغَلَا يُقَالُ تَمَّ مُبَارَكٌ تَمَّ بَشِيرٌ تَمَّ مَيْمُونٌ

And by this chain, he^{-asws} said: ‘Rasool-Allah^{-saww} said: ‘Best of the names is ‘Abdullah’, and ‘Abdul Rahman’, the names of servitude, and their evillest are ‘Hammam’, and ‘Al-Haris’, and I^{-asws} dislike ‘Mubarak’, and ‘Bashir’, and ‘Maymoun’ (female version – ‘Mubaraka’, and ‘Bashira’, and ‘Maymouna’), lest it be said, ‘There is Mubarak’, ‘There is Bashir’, ‘There is Maymoun’.

وَ قَالَ لَا تُسَمُّوا شِهَابَ [شِهَابًا] فَإِنَّ شِهَابَ [شِهَابًا] اسْمٌ مِنْ أَسْمَاءِ النَّارِ.

Do not name as ‘Shihab’ (female – ‘Shihaba’), for ‘Shihab’ (Shihaba) is a name from names of the Hellfire’.¹¹⁵

22- بِمَجَالِسِ الشَّيْخِ، عَنْ أَبِي الْحَسَنِ عَنْ خَالِهِ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ قَوْلُوهِ عَنْ حَكِيمِ بْنِ دَاوُدَ عَنْ سَلَمَةَ بْنِ الْحَطَّابِ عَنْ سُلَيْمَانَ بْنِ سَمَاعَةَ عَنْ عَمِيهِ عَاصِمِ بْنِ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ وُلِدَ لَهُ ثَلَاثَةٌ بَيْنَ وَ لَمْ يُسَمِّ أَحَدَهُمْ مُحَمَّدًا فَقَدْ جَفَانِي.

(The book) ‘Majaalis’ of the sheykh, from Abu Al-Hassan, from his maternal uncle Ja’far Bin Muhammad Qawlawiya, from Hakeem Bin Dawood, from Salama Bin Al Khattab, from Suleyman Bin Sama’at, from his uncle Aasim,

From Ja’far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww}: ‘One for whom three sons are born and he does not name one of them Muhammad^{-saww}, he has forsaken me^{-saww} (so he treated me^{-saww} unfairly)!¹¹⁶

23- كِتَابُ الْمُسْتَدْرِكِ، لِابْنِ بَطْرِيْقٍ نَقْلًا مِنْ كِتَابِ فَضَائِلِ الصَّحَابَةِ لِلْسَّمْعَانِيِّ بِإِسْنَادِهِ عَنْ مُنْدِرِ النَّوْرِيِّ عَنْ مُحَمَّدِ بْنِ الْحَنْفِيَّةِ عَنْ أَبِيهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ وُلْدَ لَكَ غُلَامٌ فَسَمِّهِ بِاسْمِي وَ كَتِّبْهُ بِكُنِّيَّتِي وَ هُوَ لَكَ رُحْصَةٌ دُونَ النَّاسِ.

¹¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 19

¹¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 20

¹¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 21

¹¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 22

The book 'Al Mustadrak' of Ibn Tareeq, copying from the book 'Fazaail Al Sahaba' of Al Sam'any, by his chain, from Munzir Al Sowry, from Muhammad Bin Al Hanafiya,

From his father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'If a boy is born for you, name him with my^{-asws} name and teknonym him with my^{-saww} teknonym, and it is an allowance for you rather than the people'.¹¹⁷

24- عُدَّةُ الدَّاعِي، عَنِ النَّبِيِّ ص مَنْ وُلِدَ لَهُ أَرْبَعَةُ أَوْلَادٍ وَ لَمْ يُسَمِّ أَحَدَهُمْ بِاسْمِي فَقَدْ جَفَانِي.

(The book) 'Uddat Al Daie' -

From the Prophet^{-saww}: 'One for whom four children are born and he does not name one of them with my^{-saww} name, he has forsaken me^{-saww}'.¹¹⁸

25- وَ عَنْ سُلَيْمَانَ الْجَعْفَرِيِّ قَالَ سَمِعْتُ أَبَا الْحَسَنِ ع يَقُولُ لَا يَدْخُلُ الْفَقْرُ بَيْتاً فِيهِ اسْمُ مُحَمَّدٍ أَوْ أَحْمَدَ أَوْ عَلِيٍّ أَوْ الْحَسَنِ أَوْ الْحُسَيْنِ أَوْ جَعْفَرٍ أَوْ طَالِبٍ أَوْ عَبْدِ اللَّهِ أَوْ فَاطِمَةَ مِنَ النِّسَاءِ.

And from Suleyman Al Ja'fari who said,

'I heard Abu Al-Hassan^{-asws} saying: 'The poverty does not enter a house wherein is a name 'Muhammad', or 'Ahmad', or 'Ali', or 'Al-Hassan' of 'Al-Husayn', or 'Ja'far', or 'Talib', or 'Abdullah', or 'Fatima' from the women'.¹¹⁹

26- وَ عَنْ أَبِي جَعْفَرٍ ع أَنَّ الشَّيْطَانَ إِذَا سَمِعَ مُنَادِيًا يُنَادِي يَا مُحَمَّدُ يَا عَلِيُّ ذَابَ كَمَا يَذُوبُ الرِّصَاصُ.

And from Abu Ja'far^{-asws}: 'When the Satan^{-la} hears a caller calling out, 'O Muhammad', or 'O Ali', melts just as the lead melts'.¹²⁰

27- وَقَالَ الرِّضَا ع الْبَيْتُ الَّذِي فِيهِ اسْمُ مُحَمَّدٍ يُصْبِحُ أَهْلُهُ بِخَيْرٍ وَ يُمَسُونَ بِخَيْرٍ.

And Al-Reza^{-asws} said: 'The house in which is a name 'Muhammad', its people come to a morning with goodness, and come to an evening with goodness'.¹²¹

28- وَ عَنِ الصَّادِقِ ع لَا يُؤَلَّدُ لَنَا مَوْلُودٌ إِلَّا سَمَّيْنَاهُ مُحَمَّدًا فَإِذَا مَضَى سَبْعَةُ أَيَّامٍ فَإِذَا شِئْنَا غَيْرَنَا وَ إِلَّا تَرَكْنَا.

And from Al-Sadiq^{-asws}: 'No newborn is born for us^{-asws} except we^{-asws} name him as 'Muhammad'. When seven days are past, if we^{-asws} like we^{-asws} change, or else we^{-asws} leave it'.¹²²

¹¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 23

¹¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 24

¹¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 25

¹²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 26

¹²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 27

¹²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 28

29- وَقَالَ: اسْتَحْسِنُوا أَسْمَاءَكُمْ فَإِنَّكُمْ تُدْعَوْنَ بِهَا يَوْمَ الْقِيَامَةِ فَمَا يَا فُلَانُ يَا فُلَانُ إِلَى نُورِكَ فَمَا يَا فُلَانُ يَا فُلَانُ لَا نُورَ لَكَ.

And he^{-asws} said: ‘Give yourselves good names for you will be called with these on the Day of Qiyamah, ‘Stand, O so and so to your Noor (Imam^{-asws})! Stand O so and so, there is no Noor (Imam^{-asws}) for you!’¹²³

30- كِتَابُ الْإِمَامَةِ وَالتَّبَصُّرَةِ، عَنْ أَحْمَدَ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ الصَّفَّارِ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنِ النَّوْفَلِيِّ عَنِ السُّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص السُّنَّةُ وَالْبِرُّ أَنْ يُكْتَى الرَّجُلُ بِاسْمِ أَبِيهِ.

(The book) ‘Kitab Al Imama Wa Al Tabsira’ – from Ahmad Bin Ali, from Muhammad Bin Al-Hassan, from Muhammad Bin Al-Hassan Al Saffar, from Ibrahim Bin Hashim, from Al Nowfaly, from Al Sakuni,

From Ja’far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The Sunnah and the righteousness is that the man should be teknonymed by the name of his father’.¹²⁴

[باب 109 فضل خدمة العيال](#)

CHAPTER 109 – MERITS OF SERVING THE DEPENDANTS

1- جمع، جامع الأخبار عن عليّ ع قال: دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ ص وَ فَاطِمَةُ جَالِسَةٌ عِنْدَ الْفُؤَادِ وَأَنَا أَنْتَقِي الْعَدَسَ قَالَ يَا أَبَا الْحُسَيْنِ

(The book) ‘Jamie Al Akhbar’ -

From Ali^{-asws} having said: ‘Rasool-Allah^{-saww} entered to see us^{-asws}, and (Syeda) Fatima^{-asws} was seated by the cooking pot and I^{-asws} was cleaning the lentils. He^{-saww} said: ‘O Abu Al-Hassan^{-asws}!’

فُلْتُ لَبَيْكَ يَا رَسُولَ اللَّهِ

I^{-asws} said: ‘Here I^{-asws} am, O Rasool-Allah^{-saww}!’

قَالَ اسْمِعْ مِنِّي وَ مَا أَقُولُ إِلَّا مِنْ أَمْرِ رَبِّي مَا مِنْ رَجُلٍ يُعِينُ امْرَأَتَهُ فِي بَيْتِهَا إِلَّا كَانَ لَهُ بِكُلِّ شَعْرَةٍ عَلَى بَدَنِهِ عِبَادَةٌ سَنَةً صِيَامٌ مَهَاوِهَا وَ قِيَامٌ لَيْلِهَا وَ أُعْطَاهُ اللَّهُ مِنَ الثَّوَابِ مِثْلَ مَا أُعْطَاهُ الصَّابِرِينَ- دَاوُدَ النَّبِيَّ وَ يَعْقُوبَ وَ عِيسَى ع

He^{-saww} said: ‘Hear from me^{-saww} and what I^{-saww} am saying is only from the Command of my^{-saww} Lord^{-azwj}! There is none from a man who assists his wife in her home except for him would be, with every hair upon his body, (Rewards of) worship for a year, fasting its days and standing (in Salat) its nights, and Allah^{-azwj} will Give him Rewards similar to what He^{-azwj} Gives the patient ones – the Prophets^{-as} Dawood^{-as}, and Yaqaub^{-as} and Isa^{-as}’.

¹²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 29

¹²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 108 H 30

يَا عَلِيُّ مَنْ كَانَ فِي خِدْمَةِ الْعِيَالِ فِي الْبَيْتِ وَ لَمْ يَأْتَفِ كَتَبَ اللَّهُ اسْمَهُ فِي دِيْوَانِ الشُّهَدَاءِ وَ كَتَبَ لَهُ بِكُلِّ يَوْمٍ وَ لَيْلَةٍ نَوَابِ أَلْفِ شَهِيدٍ وَ كَتَبَ لَهُ بِكُلِّ قَدَمٍ نَوَابِ حَجَّةٍ وَ عُمْرَةٍ وَ أَعْطَاهُ اللَّهُ بِكُلِّ عَرَقٍ فِي جَسَدِهِ مَدِينَةً فِي الْجَنَّةِ

O Ali^{-asws}! One who was in the service of the dependants in the house and does not scorn (complain), Allah^{-azwj} will Write his name in the registers of martyrs, and write for him, with every day and night, Rewards of a thousand martyrs, and write for him with every step, Rewards of a Hajj and an Umrah, and Allah^{-azwj} will Give him, with every drops of sweat in his body, a city in the Paradise.

يَا عَلِيُّ سَاعَةٌ فِي خِدْمَةِ الْبَيْتِ خَيْرٌ مِنْ عِبَادَةِ أَلْفِ سَنَةٍ وَ أَلْفِ حَجَّةٍ وَ أَلْفِ عُمْرَةٍ وَ خَيْرٌ مِنْ عَتَقِ أَلْفِ رَقَبَةٍ وَ أَلْفِ غَزْوَةٍ وَ أَلْفِ مَرِيضٍ عَادَهُ وَ أَلْفِ جُمُعَةٍ وَ أَلْفِ جَنَازَةٍ وَ أَلْفِ حَائِجٍ يُشْبِعُهُمْ وَ أَلْفِ عَارٍ يَكْسُوهُمْ وَ أَلْفِ فَرَسٍ يُوجِّهُهُ فِي سَبِيلِ اللَّهِ وَ خَيْرٌ لَهُ مِنْ أَلْفِ دِينَارٍ يَتَصَدَّقُ بِهَا عَلَى الْمَسَاكِينِ وَ خَيْرٌ لَهُ مِنْ أَنْ يَقْرَأَ التَّوْرَةَ وَ الْإِنْجِيلَ وَ الزَّبُورَ وَ الْقُرْآنَ وَ مِنْ أَلْفِ أُسِيرٍ أَسْرَ فَأَعْتَقَهُمْ وَ خَيْرٌ لَهُ مِنْ أَلْفِ بَدَنَةٍ يُعْطِي لِلْمَسَاكِينِ وَ لَا يَخْرُجُ مِنَ الدُّنْيَا حَتَّى يَرَى مَكَانَهُ مِنَ الْجَنَّةِ

O Ali^{-asws}! An hour in service of the home is better than worship of a thousand years, and a thousand Hajj and a thousand Umrah, and better than liberating a thousand slaves, and a thousand military expeditions, and consoling a thousand sick ones, and a thousand Friday (Salats), and (attending) a thousand funeral, and a thousand hungry ones he satiates, and a thousand bare ones he clothes, and a thousand horses he diverts in the way of Allah^{-azwj}, and better for him that a thousand Dinars he donates with upon the poor ones, and better for him than reading the Torah, and the Evangel, and the Psalms, and the Criterion (Quran), and a thousand captives he captures so he liberates them, and better for him than a thousand camels he gives to the poor, and he will not exit from the world until he sees his place from the Paradise!

يَا عَلِيُّ مَنْ لَمْ يَأْتَفِ مِنْ خِدْمَةِ الْعِيَالِ فَهُوَ كَقَارَةٍ لِلْكَبَائِرِ وَ يُطْفِئُ غَضَبَ الرَّبِّ وَ مُهُورُ الْحُورِ الْعِينِ وَ تَزِيدُ فِي الْحَسَنَاتِ وَ الدَّرَجَاتِ

O Ali^{-asws}! One who does not scorn from serving the dependants, it is an atonement for the major sins, and extinguishes Wrath of the Lord^{-azwj}, and dowries of the Maiden Houries, and increases in the good deeds and the ranks!

يَا عَلِيُّ لَا يَخْدُمُ الْعِيَالَ إِلَّا صِدِّيقٌ أَوْ شَهِيدٌ أَوْ رَجُلٌ يُرِيدُ اللَّهُ بِهِ خَيْرَ الدُّنْيَا وَ الْآخِرَةِ.

O Ali^{-asws}! No one will serve the dependants except a truthful, or a martyr, or a man Allah^{-azwj} Wants good with him in the world and the Hereafter!¹²⁵

[باب 110 الحضانة و رضاع المرأة للولد](#)

CHAPTER 110 – THE CUSTODY AND THE WOMAN BREAST-FEEDING THE CHILD

1- شي، تفسير العياشي عن داود بن الحصين عن أبي عبد الله ع قال: و الولادات يُرضعن أولادهنَّ حولنَّ كاملنَّ قال ما دام الولد في الرضاع فهو بين الأبوين بالسوية فإذا فطم فالأب أحقُّ من الأم فإذا مات الأب فالأمُّ أحقُّ به من العصبنة

¹²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 109 H 1

(The book) 'Tafseer Al Ayyashi' – From Dawood Bin Al Huseyn,

From Abu Abdullah^{-asws} having said: '**And the mothers should breastfeed their children for two years complete [2:233]**. He^{-asws} said: 'For as long as the child is in the breast-feeding, he is between the two parents with the equality. When he weans, the father is more rightful than the mother. When the father dies, the mother is most rightful with him than the clan.

وَإِنْ وَجَدَ الْأَبُ مَنْ يُرْضِعُهُ بِأَرْبَعَةِ دَرَاهِمٍ وَقَالَتِ الْأُمُّ لَا أَرْضِعُهُ إِلَّا بِخَمْسَةِ دَرَاهِمٍ فَإِنَّ لَهُ أَنْ يَنْزِعَهُ مِنْهَا إِلَّا أَنْ ذَلِكَ أَجْبَرَهُ لَهُ وَأَقْدَمُ وَأَرْفَقُ بِهِ أَنْ يُتْرَكَ مَعَ أُقْبِهِ.

And if the father finds someone to breast-feed for four Dirhams, and the mother says, 'No, I will breast-feed him only for five Dirhams', it is for him to snatch him away from her, except if that is more compelling for him, more appropriate, and gentler for the child to leave him with his mother'.¹²⁶

2- شي، تفسير العياشي عن أبي الصباح قال: سئل أبو عبد الله ع عن قول الله - و على الوارث مثل ذلك قال لا ينبغي للوارث أن يضار المرأة فيقول لا أدع ولدها يأتيناها و يضار ولدها إن كان لهم عنده شيء لا ينبغي له أن يفتقر عليه.

(The book) 'Tafseer Al Ayyashi' – From Abu Al Sabbah who said,

'Abu Abdullah^{-asws} was asked about Words of Allah^{-azwj}: **And upon the heir is similar to that [2:233]**. He^{-asws} said: 'It is not befitting for the heir that he harms the woman saying, 'I will not let her child to come to her', and he harms her child if there was something for them in his possession. It is not befitting for him that he be stingy upon him'.¹²⁷

3- شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع قال: المطلقه تفتق عليها حتى تضع حملها وهي أحق بولدها أن ترضعه بما تقبله امرأة أخرى إن الله يقول لا تضار والدة بولدها ولا مولود له بولده و على الوارث مثل ذلك

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

From Abu Abdullah^{-asws} having said: 'The divorced woman, he should spend upon her until she places her burden (gives birth) and she is more rightful with her child if she breast-feeds him than what another woman accepting him. Allah^{-azwj} Says: **neither the mother is to be harmed by her child nor a father by his child. And upon the heir is similar to that [2:233]**.

إِنَّهُ هِيَ أَنْ يُضَارَّ بِالصَّبِيِّ أَوْ يُضَارَّ بِأَقْبِهِ فِي رِضَاعِهِ وَ لَيْسَ لَهَا أَنْ تَأْخُذَ فِي رِضَاعِهِ فَوْقَ حَوْلَيْنِ كَامِلَيْنِ فَإِنْ أَرَادُوا الْقِصْلَ قَبْلَ ذَلِكَ عَنْ تَرْضِي مِنْهُمَا كَانَ حَسَنًا وَ الْقِصْلُ هُوَ الْفِطَامُ.

He^{-azwj} has Prohibited causing harm to the child or to his mother in his breastfeeding, and she has no right to take payment for breastfeeding him beyond two full years. But if they both

¹²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 1

¹²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 2

wish to wean him before that by mutual consent, it is acceptable, and the weaning is the separation from breastfeeding'.¹²⁸

4- ما، الأماالي للشيخ الطوسي ابن الصلّت عن ابن عُقْدَةَ عَنْ عَبْدِ اللَّهِ بْنِ عَلِيٍّ قَالَ هَذَا كِتَابُ جَدِّي عُبَيْدِ اللَّهِ بْنِ عَلِيٍّ فَقَرَأْتُ فِيهِ أَحَبَّ بَنِي عَلِيٍّ بِنِ مَوْسَى أَبُو الْحَسَنِ عَنْ أَبِيهِ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْحَالَةُ وَالِدَةٌ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Al Salt, from Ibn Uqdah, from Abdullah Bin Ali who said, 'This is a book of my grandfather Ubeydullah Bin Ali and I read in it,

'Ali son of Musa Al-Hassan^{-asws}, from his father^{-asws}, from Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} forefathers^{-asws}: 'The Prophet^{-sawww} judged for a daughter of Hamza^{-fa} for her maternal aunt, and said: 'The maternal aunt is (like) a mother'.¹²⁹

5- سر، السرائر من كتاب المسائل من مسائل أيوب بن نوح قال: كنت مع بشير بن يسار جعلت فداك رجل تزوج امرأة فولدت منه ثم فارقتها متى يحب له أن يأخذ ولده

(The book) 'Al Saraair' -From 'Kitab Al Masaail', from issues of Ayoub Bin Nuh who said,

'I wrote with Bashir Bin Yasaar, 'May I be sacrificed for you^{-asws}! A man marries a woman, so she gives birth from him. Then he separates her. When is it obligatory for him to take his child?'

فكنت إذا صار له سبع سنين فإن أخذته فله وإن تركه فله.

He^{-asws} said: 'When seven years come for him, if he takes it, it is for him, and if he leaves him, it is for him'.¹³⁰

6- نصح البلاغة، في حديثه ع إذا بلغ النساء نصح الحقائق فالعصبية أولى

(The book) 'Nahj Al Balagah' -

In a Hadeeth of his^{-asws}: 'When the women reach the stage of realities (adulthood), the paternal relatives are foremost'.¹³¹

و يُرَى نَصَّ الْحَقَائِقِ. وَ النَّصُّ مَنْتَهَى الْأَشْيَاءِ وَ مَبْلَغُ أَقْصَاهَا كَالنَّصِّ فِي السَّيْرِ لِأَنَّهُ أَقْصَى مَا تَقْدِرُ عَلَيْهِ الدَّابَّةُ.

And there are reporting, (about the term) 'Nass Al-Haqaaiq' – the 'Nass' is the end of the things and its extreme of its ends, like the maximum in the walking, because it is the furthest of what the animal is able upon.

¹²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 3

¹²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 4

¹³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 5

¹³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 110 H 6

CHAPTER 111 – THE MISCELLANEOUS

1- فس، تفسير القمي في رواية أبي الجارود عن أبي جعفر ع في قوله يهب لمن يشاء إناثاً أي ليس معهن ذكور - وَ يَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ أَي لَيْسَ مَعَهُمْ أُنثَى - أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَ إِنَاثًا جَمِيعًا يَجْمَعُ لَهُ الْبَيْنَ وَ الْبَنَاتِ.

(The book) 'Tafseer Al Qummi' – In a report of Abu Al Jaroud,

From Abu Ja'far^{asws} regarding His^{azwj} Words: **He Grants to whom He pleases daughters** – i.e., there isn't any male with them - **and Grants to whom He pleases sons [42:49]** – i.e., there isn't any female with them - **Or He Pairs them as males and females [42:50]** – together, gathering for him the sons and the daughters'.¹³²

وَ قَالَ عَلِيُّ بْنُ إِبْرَاهِيمَ فِي قَوْلِهِ لِلَّهِ مُلْكُ السَّمَاوَاتِ وَ الْأَرْضِ يَخْلُقُ مَا يَشَاءُ إِلَى قَوْلِهِ وَ يَجْعَلُ مَنْ يَشَاءُ عَقِيمًا قَالَ فَحَدَّثَنِي أَبِي عَنِ الْمُحْمُودِيِّ وَ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ الرَّازِيِّ عَنْ مُحَمَّدِ بْنِ سَعِيدٍ

And Ali Bin Ibrahim said regarding Words of Allah^{azwj}: **For Allah is the Kingdom of the skies and the earth. He Creates whatever He so Desires to [42:49]** – up to His^{azwj} Words: **and He Makes one He so Desires to, as barren [42:50]**.

أَنَّ يَحْيَى بْنَ أَكْثَمٍ سَأَلَ مُوسَى بْنَ مُحَمَّدٍ عَنْ مَسَائِلَ وَ فِيهَا أَحْبَبْنَا عَنْ قَوْلِ اللَّهِ - أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَ إِنَاثًا فَهَلْ يُزَوِّجُ اللَّهُ عِبَادَهُ الذُّكْرَانَ وَ قَدْ عَاقَبَ قَوْمًا فَعَلُوا ذَلِكَ

He said, 'My father narrated to me from Al Mahmoudy and Muhammad Bin Isa Bin Ubeyd, from Muhammad Bin Ismail Al Razy, from Muhammad Bin Saeed,

'Yahya Bin Aksam asked Musa Bin Muhammad about issues, and in it was, 'Inform us about Words of Allah^{azwj}: **Or He Pairs them as males and females [42:50]**, 'Does Allah^{azwj} get His^{azwj} two males married and He^{azwj} has Punished a people who had done that?'

فَسَأَلَ مُوسَى أَخَاهُ أَبَا الْحَسَنِ الْعَسْكَرِيِّ وَ كَانَ مِنْ جَوَابِ أَبِي الْحَسَنِ أَمَّا قَوْلُهُ أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَ إِنَاثًا فَإِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يُزَوِّجُ الذُّكْرَانَ الْمُطِيعِينَ إِنَاثًا مِنَ الْخَوَرِ الْعَيْنِ وَ إِنَاثَ الْمُطِيعَاتِ مِنَ الْإِنْسِ الذُّكْرَانَ الْمُطِيعِينَ

Musa asked his brother Abu Al-Hassan Al-Askari^{asws}, and it was from the reply of Abu Al-Hassan^{asws}: 'As for His^{azwj} Words: **Or He Pairs them as males and females [42:50]**, Allah^{azwj} Blessed and Exalted get the obedient males to be married to the Maiden Houries, and the obedience females from the humans to be married to the obedient males!

وَ مَعَادَ اللَّهِ أَنْ يَكُونَ الْجَلِيلُ عَنَى مَا لَبَسَتْ عَلَى نَفْسِكَ تَطْلُبُ الْرُحْصَةَ لِازْتِكَابِ الْمَأْتَمِ فَ مَنْ يَفْعَلْ ذَلِكَ يَلْقُ أَثَامًا - يُضَاعَفُ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَ يَحْتَلِدُ فِيهِ مُهَانًا إِنْ لَمْ يَنْتَبِ.

¹³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 1 a

And Allah^{-azwj} Forbid that the Majestic could have Meant what you are confusing upon yourself, seeking permission to indulge in the sins! **And one who does that, indulges in sin [25:68] The Punishment would be doubled for him on the Day of Judgment, and he would be therein eternally in disgrace [25:69],** if he does not repent'.¹³³

2- شي، تفسير العياشي عن يوسف العجلي قال: سألت أبا جعفر ع عن قول الله- وَأَخَذَنَّا مِنْكُمْ مِيثَاقًا غَلِيظًا قَالَ الْمِيثَاقُ الْكَلِمَةُ الَّتِي عُقِدَ بِهَا الْبَيْعُ وَأَمَّا قَوْلُهُ غَلِيظًا فَهُوَ مَاءَ الرَّجُلِ الَّذِي يُفْضِيهِ إِلَى الْمَرْأَةِ.

(The book) 'Tafseer Al Ayyashi' – From Yusuf Al Ijaly who said,

'I asked Abu Ja'far^{-asws} about Words of Allah^{-azwj}: **and they have taken from you a thick covenant? [4:21].** He^{-asws} said: 'The covenant is the phrase which the marriage is tied with, and as for Him^{-azwj} Word: **thick**, it is water (seminal fluid) of the man which he pours into the woman'.¹³⁴

3- شي، تفسير العياشي عن الحسين بن زيد قال سمعت أبا عبد الله ع يقول إن الله حرم علينا نساء النبي ص يقول الله و لا تنكحوا ما نكح آباؤكم من النساء.

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

'I heard Abu Abdullah^{-asws} saying: 'Allah^{-azwj} has Prohibited unto us wives of the Prophet^{-saww}, and Allah^{-azwj} Said: **And you cannot marry from the women whom your fathers married [4:22]**'.¹³⁵

4- شي، تفسير العياشي عن محمد بن مسلم عن أحدهما ع قال: قلت له أ رأيت قول الله لا يحل لك النساء من بعد و لا أن تبدل بهن من أزواج قال إنما عني به النبي حرم عليهن في هذه الآية- حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتِكُمْ.

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

From one of the two (5th or 6th Imam^{-asws}), he (the narrator) said, 'I said to him^{-asws}, 'What is your^{-asws} view of the Words of Allah^{-azwj}: **The women are not Permissible for you afterwards, nor for you to replace them with (other) wives [33:52].** He^{-asws} said: 'But rather He^{-azwj} Meant by it those who are Prohibited unto him in this Verse: **Prohibited unto you are your mothers [4:23]**'.¹³⁶

5- شي، تفسير العياشي عن محمد بن مسلم عن أبي جعفر ع قال: سألتُهُ عن شرك الشيطان قَوْلِهِ- وَ شَارِكُهُمْ فِي الْأَمْوَالِ وَ الْأَوْلَادِ قَالَ مَا كَانَ مِنْ مَالٍ حَرَامٍ فَهُوَ شَرِكُ الشَّيْطَانِ

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

¹³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 1 b

¹³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 2

¹³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 3

¹³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 4

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the participation of Satan^{-la} in His^{-azwj} Words: **and participate in their wealth and their children and promise them!**" [17:64]. He^{-asws} said: 'Whatever was from the unlawful wealth, it is a participation of Satan^{-la}'.

قَالَ وَ يَكُونُ مَعَ الرَّجُلِ حِينَ يُجَامِعُ فَيَكُونُ الْوَلَدُ مِنْ نُطْقَتِهِ وَ نُطْقَةِ الرَّجُلِ إِذَا كَانَ حَرَامًا.

He^{-asws} said: 'And he^{-la} would be with the man when he has marital relations so the child would be from his^{-la} seed and seed of the man, when it was unlawful (relationship)'.¹³⁷

[باب 112 الطلاق و أحكامه و شرائطه و أقسامه](#)

CHAPTER 112 – THE DIVORCE AND ITS RULINGS, AND ITS CONDITIONS, AND ITS TYPES

1- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عَيْسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ فَقِيلَ لَهُ إِنَّهَا وَاحِدَةٌ فَقَالَ أَنْتِ امْرَأَتِي فَقَالَتْ لَا أَرْجِعُ إِلَيْكَ أَبَدًا

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

'I asked him^{-asws} about a man who divorces his wife thrice in one sitting. It was said to him, 'It is (considered as) one!' He said, 'You are my wife'. She said, 'I will not return to you, ever!'

فَقَالَ لَا يَحِلُّ لِأَحَدٍ يَتَزَوَّجُهَا غَيْرَهُ.

He^{-asws} said: 'It is not Permissible for anyone to marry her, other than him'.¹³⁸

2- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عَيْسَى عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع فَقَالَ: إِذَا كُفِّمَ وَ ذَوَاتِ الْأَزْوَاجِ الْمُطَلَّاتِ عَلَى غَيْرِ السُّنَّةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa, from one of his companions,

From Abu Abdullah^{-asws} having said: 'Beware of the ones with husbands, the ones divorced upon other than the Sunnah!'

قَالَ قُلْتُ فَجُرِّجُ طَلَّقَ امْرَأَتَهُ مِنْ هَؤُلَاءِ وَ لِي بِهَا حَاجَةٌ

He (the narrator) said, 'I said, 'A man divorces his wife from them, and for me there is a need for her'.

فَقَالَ فَتَلْفَاهُ بَعْدَ مَا طَلَّقَهَا وَ انْقَضَتْ عِدَّتُهَا صَاحِبِهَا فَتَقُولُ طَلَّقْتُ فَلَا تَلْفَاهُ إِذَا قَالَ نَعَمْ فَقَدْ صَارَتْ تَطْلِيْقَةً عَلَى طَهْرٍ فَدَعْوَاهُ مِنْ حِينَ طَلَّقَهَا تِلْكَ التَّطْلِيْقَةُ حَتَّى تَنْقُضِي عِدَّتَهَا ثُمَّ تَزَوَّجُهَا فَقَدْ صَارَتْ تَطْلِيْقَةً بَائِنًا.

¹³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 111 H 5

¹³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 1

He^{-asws} said: 'Meet him after he has divorced her and the waiting period has already expired, and say, 'Have you divorced so and so woman?' When he says, 'Yes', so it has become a divorce upon a pure period. Leave her from when he had divorced her that divorce until her waiting period has expired, then marry her, for the divorce has become irrevocable'.¹³⁹

3- ين، كتاب حسين بن سعيد و النوادر ابنُ أبي عميرٍ عن حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ قَالَ يُفْعَلُ بِهِ مِثْلُ مَا ذَكَرَ فِي الْحَدِيثِ الَّذِي قَبْلَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umery, from Hafs Bin Al Bakhtari,

From Abu Abdullah^{-asws} regarding a man who divorces his wife. He^{-asws} said: 'He will deal with it similar to what has been mentioned in the Hadeeth which is before it'.¹⁴⁰

4- ين، كتاب حسين بن سعيد و النوادر القاسم عن أبانٍ عن عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ امْرَأَةٍ طَلَّقَتْ عَلَى عَيْرِ السَّنَةِ مَا تَقُولُ فِي تَزْوِجِهَا

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

From Abdul Rahman son of Abu Abdullah^{-asws} who said, 'I asked Abu Abdullah^{-asws} about a woman divorced upon other than the Sunnah, 'What do you^{-asws} say regarding her remarrying?'

قَالَ تُتْرَكُ وَ لَا تُتْرَكُ.

He^{-asws} said: 'She should be married and not left alone'.¹⁴¹

5- ين، كتاب حسين بن سعيد و النوادر حمادُ بنُ عيسى عن حريزٍ عن مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَمَّنْ طَلَّقَ امْرَأَتَهُ ثَلَاثًا ثُمَّ تَمَتَّعَ مِنْهَا آخِرُ هَلْ لِحُلِّ الْإِوَالِ قَالَ لَا.

(The book) 'Kitab Haseen Bin Saeed', and 'Al Nawadir' – Hammad Bin Isa, from Hareyz. From Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{-asws} about the one who divorces his wife thrice, then another one enjoyed from her, 'Is she lawful for the first one?' He^{-asws} said: 'No'.¹⁴²

6- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ بْنُ سُؤَيْدٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ مَنْ طَلَّقَ ثَلَاثًا وَ لَمْ يُرَاجِعْ حَتَّى تَبَيَّنَ - فَلَا لِحُلِّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكَحَ زَوْجاً غَيْرَهُ فَإِذَا تَزَوَّجَتْ [تَزَوَّجَتْ] زَوْجاً وَ دَخَلَ بِهَا حَلَّتْ لِزَوْجِهَا الْأَوَّلِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazar Bin Suweyd, from Aasim Bin Humeyd, from Muhammad Bin Qays who said,

¹³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 2

¹⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 3

¹⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 4

¹⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 5

'I heard Abu Ja'far^{-asws} saying: 'One who divorces thrice and does not return until it is irrevocable, **So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband [2:230]**. When she marries a husband and he consummates with her, she is lawful for her first husband (for marriage)'.¹⁴³

7- ين، كتاب حسين بن سعيد و النوادر زرعته عن سماعة قال: سألته عن رجل طلق امرأته فنزوجه رجل آخر ولم يصل إليها حتى طلقها تحيل للأول

The book of Haseen Bin Saeed and 'Al Nawadir' – Zur'ah, from Sama'at who said,

'I asked him^{-asws} about a man who divorces his wife, so she marries another and he does not connect to her until he divorces her, 'Is she lawful for the first one?'

قال لا حتى يدوق عسلتها.

He^{-asws} said: 'No, until he has tasted her honey'.¹⁴⁴

8- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد بن محمد بن عيسى عن إسحاق بن عمار قال: سألت أبا عبد الله ع عن رجل طلق امرأته طلاقاً لا تحيل له حتى تنكح زوجاً غيره فتنزوجه عبد هل يهدم الطلاق

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Al Musanna, from Is'haq Bin Ammar who said,

'I asked Abu Abdullah^{-asws} about a man who divorces his wife with such a divorce, she is not lawful for him until she marries another husband. So, a slave marries her. Does it demolish the (the first) divorce (so the earlier man can remarry her)?'

قال نعم يقول الله في كتابه- حتى تنكح زوجاً غيره و هو أحد الأزوج.

He^{-asws} said: 'Yes. Allah^{-azwj} Says in His^{-azwj} Book: **until she marries another husband [2:230]**, and he is one of the husbands (who if divorces, the previous husband can be a candidate for marry her).¹⁴⁵

9- ين، كتاب حسين بن سعيد و النوادر القاسم عن رفاعه قال: قلت لأبي عبد الله ع الرجل يطلق امرأته تطليقة واحدة فتبين منه ثم تنزوج آخر فطلقها على السنة ثم ينزوجها الأول على كم هي معه

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

'I said to Abu Abdullah^{-asws}, 'The man divorces his wife with one divorce, she becomes irrevocably divorced from him. Then she marries another, and he divorces her upon the Sunnah. Then the first one marries her, regardless of how long she has been with him?'

قال على غير شيء يا رفاعه كيف إذا طلقها ثلاثاً ثم تزوجه ثانية استقبل الطلاق فإذا طلقها واحدة كانت على ثنتين.

¹⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 6

¹⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 7

¹⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 8

He^{-asws} said: 'Upon nothing, O Rifa'at! How would it be if he divorces thrice, then the second marries her. The divorce count is resumed. When he has divorced her once, he would be upon twice'.¹⁴⁶

10- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ عَاصِمٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقَةً ثُمَّ نَكَحَتْ بَعْدَهُ رَجُلًا غَيْرَهُ ثُمَّ طَلَّقَهَا فَتَكَحَتْ زَوْجَهَا الْأَوَّلَ فَقَالَ هِيَ عَلَى تَطْلِيقَةٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr, from Aasim, from Muhammad Bin Qays,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who divorces his wife with a divorce. She marries another man after him. Then he divorces her, so she marries the first husband. He^{-asws} said: 'She is upon one divorce'.¹⁴⁷

ين، كتاب حسين بن سعيد و النوادر عُمَانُ بْنُ عَيْسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ - ثُمَّ إِنَّمَا تَزَوَّجَتْ رَجُلًا مُتَعَةً ثُمَّ إِهْمَا افْتَرَقَا هَلْ يَجِلُّ لِرُجُوعِهَا الْأَوَّلِ أَنْ يُرَاجِعَهَا

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

'I asked Abu Abdullah^{-asws} about a man who divorces his wife. Then she marries a man in Mut'ah. Then they separate. 'Is she lawful for her first husband to marry her?'

قَالَ لَا حَتَّى تَدْخُلَ فِي مِثْلِ الَّذِي خَرَجَتْ مِنْهُ.

He^{-asws} said: 'No, until she enters into similar to which she had exited from'.¹⁴⁸

11- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحُلَيْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقَةً وَاحِدَةً حَتَّى مَضَتْ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا رَجُلٌ غَيْرُهُ ثُمَّ إِنَّ الرَّجُلَ مَاتَ أَوْ طَلَّقَهَا فَارْجَعَهَا زَوْجَهَا الْأَوَّلَ قَالَ هِيَ عِنْدِي عَلَى تَطْلِيقَتَيْنِ بَاقِيَتَيْنِ.

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

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who divorces his wife with one divorce until her waiting period expires. Then another man marries her. Then the man dies or divorces her, so she returns to her first husband. He^{-asws} said: 'In my^{-asws} view she is upon two remaining divorces'.¹⁴⁹

12- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: هِيَ عِنْدِي عَلَى ثَلَاثٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Rifa'at,

From Abu Abdullah^{-asws} having said: 'In my^{-asws} view she is upon three'.¹⁵⁰

¹⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 9

¹⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 10 a

¹⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 10 b

¹⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 11

¹⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 12

13- ين، كتاب حسين بن سعيد و النوادر فضالة و القاسم عن رفاة عن أبي عبد الله ع قال: سألتُه عن المُطَلَّقةِ تَبِينُ ثُمَّ تَزَوَّجَ رَجُلًا غَيْرَهُ قَالَ ائْتَمَدَمَ الطَّلَاقِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazalah and Al Qasim, from Rifa'at,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked about the irrevocably divorced, then another man marries her. He^{-asws} said: 'The divorce is invalidated'.¹⁵¹

14- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن حماد عن الحلبي عن أبي عبد الله ع أنه سئل عن الرجل يُطَلِّقُ امْرَأَتَهُ عَلَى السَّنَةِ فَيَتَمَتَّعُ مِنْهَا رَجُلًا أُخْرَى لِرُؤُوسِهَا الْأَوَّلِ

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

From Abu Abdullah^{-asws}, he^{-asws} was asked about the man who divorces his wife upon the Sunnah. A man does Mutah with her. 'Is she lawful for her first husband?'

قَالَ لَا حَتَّى يَدْخُلَ فِي مِثْلِ الَّذِي خَرَجَتْ مِنْهُ.

He^{-asws} said: 'No, until he (she) enters into similar to which she had exited from'.¹⁵²

15- ين، كتاب حسين بن سعيد و النوادر ابن أبي عمير عن الحلبي قال: سألتُ أبا عبد الله ع عن رجلٍ يُزَوِّجُ جَارِيَتَهُ رَجُلًا فَمَكَثَتْ عِنْدَهُ مَا شَاءَ اللَّهُ ثُمَّ طَلَّقَهَا فَرَجَعَتْ إِلَى مَوْلَاهَا أَيْ حِلُّ لِرُؤُوسِهَا الْأَوَّلِ أَنْ يُرَاجِعَهَا

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

'I asked Abu Abdullah^{-asws} about a man who marries a slave girl of a man. She remains with him for as long as Allah^{-azwj} Desires. Then he divorces her, so she returns to her master. 'Is she lawful for her first husband to return to her?'

قَالَ لَا حَتَّى تَنْكِحَ رَجُلًا غَيْرَهُ.

He^{-asws} said: 'No, until she marries another husband'.¹⁵³

16- ين، كتاب حسين بن سعيد و النوادر الحسن بن محبوب عن إسحاق بن جريير عن أبي عبد الله ع قال: سأله بعض أصحابنا و أنا حاضر عن رجلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقًا وَاحِدَةً ثُمَّ تَرَكَهَا حَتَّى بَانَتْ مِنْهُ ثُمَّ تَزَوَّجَهَا الرَّجُلَ الْأَوَّلَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Mahboub, from Is'haq Bin Jareer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'One of our companions, while I was present, asked about a man who divorces his wife one divorce. Then he leaves her until she is irrevocably divorced from him. Then the first husband marries her.

¹⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 13

¹⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 14

¹⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 15

قَالَ فَقَالَ نِكَاحٌ جَدِيدٌ وَ طَلَاقٌ جَدِيدٌ لَيْسَ التَّطْلِيقَةُ الْأُولَى بِشَيْءٍ هِيَ عِنْدَهُ عَلَى ثَلَاثِ تَطْلِيقَاتٍ مُتَتَابِعَاتٍ وَ إِنْ كَانَ الْأَخِيرُ لَمْ يَدْخُلْ بِهَا ثُمَّ تَزَوَّجَهَا الْأَوَّلُ فَهِيَ عِنْدَهُ عَلَى تَطْلِيقَةٍ ماضِيَةٍ وَ بَقِيَتِ اثْنَتَانِ.

He (the narrator) said, 'He^{asws} said: 'It is a new marriage and a new divorce. The first divorce does not count for anything. She is with him as though she has three consecutive divorces, even if the last husband had not consummated the marriage with her. Then if the first husband marries her again, she is considered with him as having one divorce already past, and two remain.'¹⁵⁴

17- كَش، رجال الكشي وَجَدْتُ فِي كِتَابِ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ بُنْدَارٍ بِحَظِّهِ حَدَّثَنِي الْحَسَنُ بْنُ أَحْمَدَ الْمَالِكِيِّ قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ طَاوُسٍ سَنَةَ ثَمَانٍ وَ ثَلَاثِينَ وَ مِائَتَيْنِ

(The book) 'Rijal' Al-Kashi, 'I found in the book of Muhammad Bin Al-Hassan Bin Bundar with his handwriting, 'It is narrated to me by Al-Hassan Bin Ahmad Al Maliky, who said, 'It is narrated to me by Abdullah Bin Tawoos in the year two hundred and eighty-three.

قَالَ: سَأَلْتُ أَبَا الْحَسَنِ الرِّضَا عَ فَعُلْتُ لَهُ إِنَّ لِي ابْنَ أَخٍ قَدْ زَوَّجْتُهُ ابْنَتِي وَ هُوَ يَشْرَبُ الشَّرَابَ وَ يُكْثِرُ ذِكْرَ الطَّلَاقِ

He said, 'I asked Abu Al-Hassan Al-Reza^{asws}. I said to him^{asws}, 'There is a son of a brother of mine. I got my daughter married to him and he drinks the (intoxicating) drinks, and he frequently mentions the divorce'.

فَقَالَ لَهُ إِنْ كَانَ مِنْ إِخْوَانِكَ فَلَا شَيْءَ عَلَيْهِ وَ إِنْ كَانَ مِنْ هَؤُلَاءِ فَانزِعْهَا مِنْهُ فَإِنَّمَا عَنَى الْفِرَاقَ

He^{asws} said to him: 'If he was from your brethren (Shias), there is nothing upon him, and if he was from them (general Muslims), remove her from him, for rather he means the separation'.

فَعُلْتُ لَهُ يُؤَيِّ عَنْ آبَائِكَ عَ إِيَّاكُمْ وَ الْمُطَلَّقَاتِ ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ فَإِنَّهُنَّ ذَوَاتُ الْأَزْوَاجِ

I said to him^{asws}, 'It is reported from your^{asws} forefathers^{asws}: 'Beware of the ones divorced thrice in one sitting, for these are with the husbands!''

فَقَالَ هَذَا مِنْ إِخْوَانِكُمْ لَا مِنْهُمْ إِنَّهُ مَنْ دَانَ بِدِينِ قَوْمٍ لَزِمْتُهُ أَحْكَامَهُمْ.

He^{asws} said: 'This is (about) your brothers, not from them. The one who makes a religion with the religion of a people, their rulings are binding on him'.¹⁵⁵

18- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ عَ قَالَ قَالَ رَسُولُ اللَّهِ صَ أَرْبَعَةٌ لَا عُذْرَ لَهُمْ رَجُلٌ عَلَيْهِ دِينٌ مُحَارَفٌ فِي بِلَادِهِ لَا عُذْرَ لَهُ حَتَّى يُهَاجِرَ فِي الْأَرْضِ يَلْتَمِسُ مَا يَفْضِي دِينَهُ وَ رَجُلٌ أَصَابَ عَلَى بَطْنِ امْرَأَتِهِ رَجُلًا- لَا عُذْرَ لَهُ حَتَّى يُطَلِّقَ لِفَالًا يَشْرِكُهُ فِي الْوَلَدِ غَيْرُهُ الْحَبِيرَ.

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

¹⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 16

¹⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 17

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Four, there is no excuse for them – a man having debt upon him staying in his city, there is no excuse for him until he emigrate into the earth to see what he can pay off his debts; and a man who finds a man being upon the belly of his wife, there is no excuse for him until he divorces lest the other would participate with him in the child'.¹⁵⁶

19- وَ هَذَا الْإِسْنَادِ قَالَ: سئِلَ عَلِيٌّ عَ عَنْ رَجُلٍ حَلَفَ فَقَالَ امْرَأَتُهُ طَالِقٌ ثَلَاثًا إِنْ لَمْ يَطَّأَهَا فِي شَهْرِ رَمَضَانَ نَهَارًا فَقَالَ يُسَافِرُ ثُمَّ يُجَامِعُهَا نَهَارًا.

And by this chain, said, 'Ali^{-asws} was asked about a man who swears. He says his wife is divorced thrice if he does not have marital relations with her at daytime during a month of Ramazan. He^{-asws} said: 'He can travel, then have marital relations at daytime'.¹⁵⁷

20- الْمَجَازَاتِ النَّبَوِيَّةِ، لِلسَّيِّدِ الرَّضِيِّ قَالَ ص وَ قَدْ سئِلَ عَنْ رَجُلٍ كَانَتْ نَحْتَهُ امْرَأَةٌ فَطَلَّقَهَا ثَلَاثًا فَتَزَوَّجَتْ بَعْدَهُ رَجُلًا فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا هَلَنْ تَحِلُّ لِرُؤُوسِهَا الْأَوَّلِ

(The book) 'Al Majazaat Al Nabuwwa' of Seyyid Al Razy -

He^{-saww} said, and he^{-saww} had been asked about a man having a woman under (married to) him. He divorces her thrice, so she marries a man after him. He divorces her before he consummates with her, 'Is he lawful for her first husband?'

فَقَالَ لَا حَتَّى يَكُونَ الْآخِرُ قَدْ ذَاقَ مِنْ عُسَيْبَتِهَا وَ ذَاقَتْ مِنْ عُسَيْبَتِهِ.

He^{-saww} said: 'No, until the other one has tasted from her honey and she has tasted from his honey'.¹⁵⁸

21- ضَا، فَقَه الرضا عليه السلام اعلم بربحك الله ان الطلاق على ووجوه ولا يقع إلا على طهر من غير جماع يشاهدن عدلين مريداً للطلاق فلا يجوز للشاهدن أن يشهدا على رجل طلق امرأته إلا على إقرار منه و منها أمها طاهرة من غير جماع و يكون مريداً للطلاق

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know, May Allah^{-azwj} Mercy you, that the divorce is based upon aspect and cannot occur except upon a pure period from without consummation, by two just witnesses for the purpose of the divorce, therefore it is not allowed for the two witnesses that they witness upon a man divorcing his wife except upon acceptance from him, and her that she is clean from without consummation, and they are intending the divorce.

وَ لَا يَقَعُ الطَّلَاقُ بِإِجْبَارٍ وَ لَا إِكْرَاهٍ وَ لَا عَلَى سُكْرِ فَمِنْهُ طَلَاقُ السُّنَّةِ وَ طَلَاقُ الْعِدَّةِ وَ طَلَاقُ الْغُلَامِ وَ طَلَاقُ الْمَعْتُوهِ وَ طَلَاقُ الْعَائِبِ وَ طَلَاقُ الْحَائِلِ وَ الَّتِي لَمْ يَدْخُلَ بِهَا وَ الَّتِي يَمَسُّ مِنَ الْمَجِيضِ وَ الْأُخْرَسِ

And the divorce can neither occur with compulsion nor coercion, nor upon intoxication. From it is divorce of the Sunnah, and divorce of the waiting period, and divorce of the young boy, and divorce of the idiot, and divorce of the absentee, and divorce of the pregnant woman,

¹⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 18

¹⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 19

¹⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 20

and the one who has not been consummated with, and the one who has despaired from the menstruation, and the mute.

وَمِنْهُ التَّخْيِيرُ وَ الْمُبَارَاةُ وَ النُّشُوزُ وَ الشِّقَاقُ وَ الحُلُغُ وَ الْإِيْلَاءُ وَ كُلُّ ذَلِكَ لَا يَجُوزُ إِلَّا أَنْ يُتْبَعَ طَلَاقُ [بِطَلَاقِي]

And from it is the choice (Takhayyar), and the mutual release (Al-Mubarah), and the desertion (Nushouz), and the discord (Shiqaq), and at the wife request (Khul'a), and the oath of abstention (Ayla'a), and all of that are not allowed except if it is followed by a divorce (Talaq).

وَ أَنَا طَلَّقْتُ السُّنَّةَ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ يَتَرَبَّصُ بِهَا حَتَّى تَحِيضَ وَ تَطْهُرَ ثُمَّ يُطَلِّقُهَا تَطْلِيْقَةً وَاحِدَةً قَبْلَ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ فِي مَجْلِسٍ وَاحِدٍ فَإِنْ أَشْهَدَ عَلَى الطَّلَاقِ رَجُلًا وَاحِدًا ثُمَّ أَشْهَدَ بَعْدَ ذَلِكَ بِرَجُلٍ آخَرَ لَمْ يَجْزِ ذَلِكَ الطَّلَاقُ إِلَّا أَنْ يُشْهَدَهُمَا جَمِيعًا فِي مَجْلِسٍ وَاحِدٍ بِلَفْظٍ وَاحِدٍ

And as for divorce of the Sunnah – when the man wants to divorce his wife, he will wait with her until she has menstruated and is pure. Then he divorces her with one divorce before her waiting period, with two just witnesses in one sitting. If one man witnesses upon the divorce, then another man witnesses after that, that divorce is not allowed, except if they both witness together in one sitting with one utterance.

فَإِذَا طَلَّقَهَا عَلَى هَذَا تَرَكَهَا حَتَّى تَسْتَوِي فُرُوعَهَا وَ هِيَ ثَلَاثَةُ أَطْهَارٍ أَوْ ثَلَاثَةُ أَشْهُرٍ إِنْ كَانَتْ مِنْ لَا تَحِيضُ وَ مِثْلُهَا تَحِيضُ إِذَا رَأَتْ أَوَّلَ قَطْرَةٍ مِنْ دَمِ النَّالِثِ فَقَدْ بَانَ مِنْهُ وَ لَا تَتَزَوَّجُ حَتَّى تَطْهَرَ فَإِذَا طَهَّرَتْ حَلَّتْ لِلْأَزْوَاجِ وَ هُوَ خَاطِبٌ مِنَ الخُطَّابِ وَ الأَمْرُ إِلَيْهَا إِنْ شَاءَتْ زَوَّجَتْ نَفْسَهَا مِنْهُ وَ إِنْ شَاءَتْ لَمْ تُزَوِّجْهُ فَإِنْ تَزَوَّجَهَا ثَانِيَةً بِمَهْرٍ جَدِيدٍ

When he divorces her upon this, he leaves her until she has fulfilled one *Qurou* (waiting period) and it is of three pure periods, or three months if she was from the ones who does not menstruate, and similar to her does menstruate. When she sees the first drop of the third blood, she has become irrevocably divorced from him, and she cannot get married until she is pure. When she is clean, she is permissible for the husbands, and he (former husband) would be a proposer from the proposers, and the matter is up to her. If she likes, she can marry herself to him, and if she likes she does not marry him. If she does marry him in that would be with a new dowry.

فَإِنْ أَرَادَ طَلَّقَهَا ثَانِيَةً مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا طَلَّقَ امْرَأَتَهُ مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا فَلَا عِدَّةَ عَلَيْهَا مِنْهُ فَإِنْ كَانَ سُمِّيَ لَهَا صَدَاقٌ فَلَهَا نِصْفُ الصَّدَاقِ فَإِنْ لَمْ يَكُنْ سُمِّيَ لَهَا صَدَاقٌ فَلَا صَدَاقَ لَهَا وَ لَكِنْ يُتَّعَى بِشَيْءٍ قَلٍ أَوْ كَثُرٍ عَلَى قَدْرِ بَسَارَتِهِ

If he wants to divorce her secondly from before he consummates with her, it is with two just witnesses and there is no waiting period for her from him, and everyone who divorces his wife from before he consummates with her, there is no waiting period upon her from him. If he had specified a dowry to her, for her would be half the dowry. If he had not specified a dowry for her, there is no dowry for her, he should provide her with something, be it little or more, based upon a measurement of his financial ease.

وَ المُوسِعُ يُتَّعَى بِمَخَادِمٍ أَوْ دَابَّةٍ وَ الوَسْطُ بِتَوْبٍ وَ الفَقِيرُ بِدِرْهَمٍ أَوْ خَاتَمٍ كَمَا قَالَ اللهُ تَبَارَكَ وَ تَعَالَى - وَ مَتَّعُوهُنَّ عَلَى المُوسِعِ قَدْرُهُ وَ عَلَى المُفْتَرِ قَدْرُهُ مَتَاعًا بِالمَعْرُوفِ

And the affluent can provide a servant or an animal, and the middle one provides a garment, and the poor provides a Dirham or a ring, just as Allah^{-azwj} Blessed and Exalted has Said: **and their provision upon the affluent is in accordance to him, and upon the (financially) straitened is in accordance to him, a provision with the reasonableness, being a right upon the good doers [2:236].**

فَإِذَا أَرَادَ الْمُطَلَّقُ لِلسُّنَّةِ أَنْ يُطَلِّقَهَا ثَانِيَةً بَعْدَ مَا دَخَلَ بِهَا طَلَّقَهَا مِثْلَ تَطْلِيقِ الْأُولَى عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ وَ تَرْتِصَ بِهَا حَتَّى تَسْتَوِي قُرُوءَهَا فَإِنْ رَزَجَتْهُ نَفْسَهَا بِمَهْرٍ جَدِيدٍ

If he wants to divorce as per the Sunnah to divorce her secondly, after having consummate with her, he can divorce her like the first divorce upon a purity from without consummation, with two just witnesses, and wait with her until she has fulfilled her waiting period. If she were to marry herself (to him) it would be with a new dowry.

وَ إِنْ أَرَادَ أَنْ يُطَلِّقَهَا الثَّالِثَةَ طَلَّقَهَا وَ قَدْ بَانَ مِنْهُ سَاعَةَ طَلَّقَهَا وَ لَا نِحْلَ لِلرِّجَالِ حَتَّى تَسْتَوِي قُرُوءَهَا وَ لَا يَحِلُّ لَهَا حَتَّى تَنْكِحَ رَجُلًا غَيْرَهُ

And if he wants to divorce her thirdly, and she would be irrevocably divorced from him at the very moment of her divorce, and she is not lawful for the marriage until she has fulfilled her waiting period, and he is not lawful for her until she marries another husband.

وَ رُوي أَنَّهُ لَا يَحِلُّ لَهُ أَبَدًا

And it is reported that she is not lawful for him, ever.

إِذَا طَلَّقَهَا طَلَّاقِ السُّنَّةِ عَلَى مَا وَصَفْنَاهُ وَ سُمِّيَ طَلَّاقِ السُّنَّةِ الْهُدْمَ لِأَنَّهُ مَتَى مَا اسْتَوَفَتْ قُرُوءَهَا وَ تَزَوَّجَتِ الثَّانِيَةَ هَدَمَ طَلَّاقِ الْأَوَّلِ

When he divorces her divorce of the Sunnah, it is based upon what we^{-asws} have described, and divorce of the Sunnah is named as 'the demolition', because when she has fulfilled her waiting period and marries the second time, the first divorce is demolished (nullified).

وَ رُوي أَنَّ طَلَّاقِ الْهُدْمِ لَا يَكُونُ إِلَّا بِرَجُلٍ ثَانٍ

And it is reported that the 'demolished) divorce cannot happen except by a second husband.

وَ أَمَّا طَلَّاقِ الْعِدَّةِ فَهُوَ أَنْ يُطَلِّقَ الرَّجُلُ امْرَأَتَهُ عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ ثُمَّ يَرِاجِعُهَا مِنْ يَوْمِهِ أَوْ مِنْ عَدِ أَوْ مَتَى مَا يُرِيدُ مِنْ قَبْلِ أَنْ تَسْتَوِي قُرُوءَهَا وَ هُوَ أَمْلَكُ بِهَا وَ أَدْنَى الْمُرَاجَعَةِ أَنْ يَقْبَلَهَا أَوْ يُنْكِرَ الطَّلَاقَ فَيَكُونُ إِنْكَارُهُ لِلطَّلَاقِ مُرَاجَعَةً

And as for divorce of the waiting period, it is that the man divorces his wife upon purity from without consummation, with two just witnesses, then he returns to her from his very day or the next day, or whenever he wants, from before she has fulfilled her waiting period, and he is in more control with her; and the least for the return is that he kisses her, or denies the divorce, so his denial of the divorce would be a return.

فَإِذَا أَرَادَ أَنْ يُطَلِّقَهَا ثَانِيَةً لَمْ يَجُزْ ذَلِكَ إِلَّا بَعْدَ الدُّخُولِ بِهَا فَإِنْ دَخَلَ بِهَا وَ أَرَادَ طَلَّاقَهَا تَرْتِصَ بِهَا حَتَّى تَحِيضَ وَ تَطْهُرَ ثُمَّ طَلَّقَهَا فِي قَبْلِ عَدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ

When he wants to divorce her secondly, that is not allowed except after the consummation with her. If he has not consummated with her and wants to divorce her, he has to wait with her until she menstruates and is pure. Then he divorces her in before her waiting period with two just witnesses.

فَإِنْ أَرَادَ مُرَاجَعَتَهَا رَاجِعَهَا وَ يَجُوزُ الْمُرَاجَعَةُ بِغَيْرِ شُهُودٍ كَمَا يَجُوزُ التَّرْوِيجُ وَ إِنَّمَا تُكْرَهُ الْمُرَاجَعَةُ بِغَيْرِ شُهُودٍ مِنْ جِهَةِ الْحُدُودِ وَ الْمَوَارِيثِ وَ السُّلْطَانِ

If he wants to return to her, he can return to her, and the return is allowed without witnesses just as the marriage is allowed, and rather, the return is disliked being without witnesses from the aspect of the legal penalties and the inheritances and the ruler.

فَإِنْ طَلَّقَهَا الثَّالِثَةَ فَقَدْ بَانَتْ مِنْهُ سَاعَةً طَلَّقَهَا الثَّالِثَةَ فَقَدْ بَانَتْ مِنْهُ فَلَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ فَإِذَا انْقَضَتْ عِدَّتُهَا مِنْهُ فَتَزَوَّجَهَا رَجُلٌ آخَرَ وَ طَلَّقَهَا أَوْ مَاتَ عَنْهَا وَ أَرَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا فَعَلَ

If he divorces her thirdly, she becomes irrevocably divorced from him the very moment of his divorcing her thirdly. She is irrevocably divorced from him and is not lawful for him until she marries another husband. When she has fulfilled her waiting period from him, so another man marries her and divorces her, or dies from her, and the first one wants to marry her, he can do so.

وَ إِنْ طَلَّقَهَا ثَلَاثًا وَاحِدَةً بَعْدَ وَاحِدَةٍ عَلَى مَا وَصَفْنَاهُ لَكَ فَقَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ فَإِنْ تَزَوَّجَهَا غَيْرُهُ وَ طَلَّقَهَا أَوْ مَاتَ عَنْهَا وَ أَرَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا فَعَلَ

And if he divorces her thirdly, one after one, based upon what we have described to you, he becomes irrevocably divorced from him, and she is not lawful for him until she marries another husband. If someone else marries her and divorces her, or dies from her, and the first one wants to marry her, he can do so.

فَإِنْ طَلَّقَهَا ثَلَاثَ تَطْلِيقَاتٍ عَلَى مَا وَصَفْنَاهُ وَاحِدَةً بَعْدَ وَاحِدَةٍ فَقَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ بَعْدَ تِسْعِ تَطْلِيقَاتٍ أَبَدًا-

If he divorces her with three divorces based upon what I have described, one after one, she becomes irrevocably divorced from him and will not be lawful for him after nine divorces, ever!

وَ شَرَحَ آخَرُ فِي طَلَاقِ السُّنَّةِ وَ الْعِدَّةِ طَلَاقِ السُّنَّةِ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ نَحِيضٌ وَ تَطَهَّرُ ثُمَّ يُشْهَدُ شَاهِدَيْنِ عَدْلَيْنِ عَلَى طَلَاقِهَا ثُمَّ هُوَ بِالْخِيَارِ فِي الْمُرَاجَعَةِ مِنْ ذَلِكَ الْوَقْتِ إِلَى أَنْ تَحِيضَ بِمَا قَدْ جَعَلَهُ اللَّهُ لَهُ فِي الْمُهَلَّةِ وَ هُوَ ثَلَاثَةُ أَقْرُبٍ وَ الْقُرْبُ الْبَيَاضُ بَيْنَ الْحَيْضَتَيْنِ وَ هُوَ اجْتِمَاعُ الدَّمِ فِي الرَّجْمِ

And another commentary regarding divorce of the Sunnah, and the waiting period is divorce of the Sunnah – ‘When the man wants to divorce his wife, she menstruates and is pure, then he gets two just witnesses to witness upon her divorce, then he is with the choice regarding the return from that time until she menstruates with what Allah^{-azwj} has Made for him regarding the respite, and it is of three pure periods, and the ‘Qurou’ is the whiteness between the two menstruations, and it is a coagulation of the blood in the womb.

فَإِذَا بَلَغَ تَمَامَ حَدِّ الْفُرْءِ دَفَقَتْهُ فَكَانَ الدَّفْقُ الْأَوَّلُ الْحَيْضَ فَإِنْ تَرَكَهَا وَ لَمْ يَرِاجِعْهَا حَتَّى تَخْرُجَ الثَّلَاثَةُ الْأَفْرَاءُ فَقَدْ بَانَتْ مِنْهُ فِي أَوَّلِ الْمَطْرَةِ مِنْ دَمِ الْحَيْضِ الثَّالِثَةِ وَ هُوَ أَحَقُّ بِرِجْعَتِهَا إِلَى أَنْ تَطْهَرُ فَإِنْ طَهَّرَتْ فَهُوَ خَاطِبٌ مِنَ الْخُطَّابِ إِنْ شَاءَتْ زَوَّجَتْهُ نَفْسَهَا تَزْوِيجاً جَدِيداً وَ إِلَّا فَلَا فَإِنْ تَزَوَّجَهَا بَعْدَ الْخُرُوجِ مِنَ الْعِدَّةِ تَزْوِيجاً جَدِيداً فَهِيَ عِنْدَهُ عَلَى اثْنَيْنِ.

When the limit of the Qurou is completed, there is 'Dafqah'. The 'Dafqah' is the first menstruation. If he leaves and her and does not returned to her until the third menstruation comes out, she becomes irrevocably divorce from him at the first drop of the first blood of the third menstruation, and he is more rightful with returning to her until she is pure. If she becomes pure, he is a proposer from the proposers. If she wants she can marry herself to him, he marries her anew, or else so no. If he marries her after the exit from the waiting period, he can marry her anew. She would be with him upon two (divorces).¹⁵⁹

22- وَ قَدْ أُرْوِيَ عَنِ الْعَالِمِ ع أَنَّهُ قَالَ: الْفَقِيهَةُ لَا يُطَلِّقُ إِلَّا طَلَاقَ السُّنَّةِ

And it has been reported from the Scholar (Imam^{asws}) having said: 'The 'Faqeeh' does not divorce except divorce of the Sunnah'.

قَالَ وَ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَهَا طَلَاقَ الْعِدَّةِ تَرَكَهَا حَتَّى تَحِيضَ ثُمَّ تَطْهَرُ ثُمَّ يَشْهَدُ شَاهِدَيْنِ عَدْلَيْنِ عَلَى طَلَاقِهَا ثُمَّ يَرِاجِعُهَا وَ يُوَاقِعُهَا ثُمَّ يَنْتَظِرُ بِهَا الْحَيْضَ وَ الطُّهْرَ ثُمَّ يُطَلِّقُهَا بِشَاهِدَيْنِ التَّطْلِيقَةِ الثَّانِيَةِ ثُمَّ يُوَاقِعُهَا مَتَى مَا شَاءَ مِنْ أَوَّلِ الطُّهْرِ إِلَى آخِرِهِ

He^{asws} said: 'And when the man wants to divorce her, divorce of the waiting period, he leaves her until she menstruates then is pure, then he gets two just witnesses to witness upon her divorce. Then he can return to her and consummates with her. Then he has to wait with her, the menstruation and the purity. Then he divorces her with two witnesses, the second divorce. Then he consummates with her whenever he so desires to, from the beginning of the purity up to its end.

فَإِذَا رَاجَعَهَا فَخَاصَتْ ثُمَّ طَهَّرَتْ وَ طَلَّقَهَا الثَّالِثَةَ بِشَاهِدَيْنِ فَقَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ عَلَيْهَا اسْتِثْبَالُ الْعِدَّةِ مِنْهُ وَ قَتِ التَّطْلِيقَةِ الثَّالِثَةِ وَ عَلَى الْمُتَوَقِّ عِنْدَهَا زَوْجُهَا عِدَّةُ أَرْبَعَةِ أَشْهُرٍ وَ عَشْرَةِ أَيَّامٍ وَ عَلَى الْأَمَةِ الْمُطَلَّغَةِ عِدَّةُ خَمْسَةِ وَ أَرْبَعِينَ يَوْماً وَ عَلَى الْمُتَعَةِ مِثْلُ ذَلِكَ مِنَ الْعِدَّةِ وَ عَلَى الْأَمَةِ الْمُتَوَقِّ عِنْدَهَا زَوْجُهَا عِدَّةُ شَهْرَيْنِ وَ خَمْسَةِ أَيَّامٍ وَ عَلَى الْمُتَعَةِ مِثْلُ ذَلِكَ

When he returns to her, then she is pure, and he divorces her thirdly with two witnesses, she becomes irrevocably divorced from him, and is not lawful for him until she marries another husband, and upon her is to face the waiting period from him, at the time of the third divorce; and upon the widow is a waiting period of four months and ten days; and upon the slave woman divorced is a waiting period of forty-five days; and upon the one of Mut'ah is similar to that from the waiting period; and upon the slave girl widow is a waiting period of two months and five days, and upon the one in Mut'ah is similar to that.

وَ إِنْ نَكَحَتْ زَوْجاً غَيْرَهُ ثُمَّ طَلَّقَهَا أَوْ مَاتَ عَنْهَا فَرَاجَعَهَا الْأَوَّلُ ثُمَّ طَلَّقَهَا طَلَاقَ الْعِدَّةِ ثُمَّ نَكَحَتْ زَوْجاً غَيْرَهُ ثُمَّ رَاجَعَهَا الْأَوَّلُ وَ طَلَّقَهَا طَلَاقَ الْعِدَّةِ الثَّالِثَةِ لَمْ تَحِلَّ لَهُ أَبَداً

¹⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 21

And if she marries another husband, then he divorces her or dies from her, so the first (husband) returns to her, then divorces her a divorce of the waiting period, then she marries another husband, then then first one returns to her and divorces her the third divorce of the waiting period, she is not lawful for him, ever!

وَ حَمْسَةٌ يُطَلَّقْنَ عَلَى كُلِّ حَالٍ مَتَى طُلِّقْنَ الْحُبْلَى الَّذِي قَدِ اسْتَبَانَ حَمْلَهَا وَ الَّتِي لَمْ تُدْرِكْ مُدْرَكَ النِّسَاءِ وَ الَّتِي قَدِ بَسِثَتْ مِنَ الْمَحِيضِ وَ الَّتِي لَمْ يَدْخُلْ بِهَا زَوْجُهَا وَ الْغَائِبُ إِذَا غَابَ أَشْهُرًا فَلْيُطَلِّقْهُنَّ أَرْوَاجَهُنَّ مَتَى شَاءُوا بِشَهَادَةِ شَاهِدَيْنِ

And five types of women may be divorced at any time whenever they are divorced: the pregnant woman whose pregnancy is clearly apparent, the one who has not yet reached womanhood, the one who has despaired of menstruation, the one whose husband has not consummated the marriage with her, and the absent woman if her husband has been away for months. Let their husbands divorce them whenever they wish, with the testimony of two witnesses.

وَ ثَلَاثٌ لَا عِدَّةَ عَلَيْهِنَّ الَّتِي لَمْ يَدْخُلْ بِهَا زَوْجُهَا وَ الَّتِي لَمْ تَبْلُغْ مَبْلَغَ النِّسَاءِ وَ الَّتِي قَدِ بَسِثَتْ مِنَ الْمَحِيضِ وَ بِاللَّهِ التَّوْفِيقُ.

And there are three who have no waiting period - the one whose husband has not consummated the marriage with her, the one who has not reached womanhood, and the one who has despaired of menstruation'.¹⁶⁰

23- شي، تفسير العياشي عن أبي بصير قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ عُمَرَ بْنَ رَبَّاحٍ زَعَمَ أَنَّكَ قُلْتَ- لَا طَلَّاقَ إِلَّا بِبَيِّنَةٍ

(The book) 'Tafseer Al Ayyashi' – from Abu Baseer who said,

'I said to Abu Abdullah^{-asws}, 'Umar Bin Rabbah alleges that you^{-asws} said: 'There is no divorce except with proof''.

قَالَ فَقَالَ مَا أَنَا فُلْتُهُ بَلِ اللَّهُ تَبَارَكَ وَ تَعَالَى يَقُولُهُ إِنَّا وَ اللَّهُ لَوِ كُنَّا نُنْفِيكُمْ بِالْحُجْرِ لَكُنَّا أَشَدَّ مِنْكُمْ إِنَّ اللَّهَ يَقُولُ- لَوْ لَا بَيْنَهُمُ الرَّتَابِيُّونَ وَ الْأَحْبَازُ.

He (the narrator) said, 'He^{-asws} said: 'It was not I^{-asws} who have said this, but Allah^{-azwj} Blessed and Exalted Said it. By Allah^{-azwj}! If we^{-asws} were to issue verdicts with the injustice, we^{-asws} would become more severe (evil) than you all! **Why don't they forbid them, the Rabbis and the Monks [5:63]**'.¹⁶¹

24- سر، السرائر من كتاب المسائل عن داود الصرمي قال: سَأَلْتُ أَبَا الْحَسَنِ ع عَنْ عَبْدِ كَانَتْ تَحْتَهُ زَوْجَةٌ ثُمَّ إِنَّ الْعَبْدَ أَبَى فَطَلَّقَ امْرَأَتَهُ مِنْ أَجْلِ إِبَاقِهِ قَالَ نَعَمْ إِنَّ أَرَادَتْ ذَلِكَ.

(The book) 'Al Saraair' – From 'Kitab Al Masaail', from Dawood Al Sarmy who said,

¹⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 22

¹⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 23

'I asked Abu Al-Hassan^{-asws} about a slave who had a wife under him. Then the slave absconded, whether his wife is divorced due to his absconding. He^{-asws} said: 'Yes, if he wants that'.¹⁶²

25- سر، السرائر ابن محبوب عن أبي أيوب عن محمد بن مسلم عن أبي جعفر ع في رجلين شهدا على رجل غائب عن امرأته أنه طلقها فاعتدت المرأة وتزوجت ثم إن الزوج الغائب قدم فرغم أنه لم يطلقها وأكذب نفسه أخذ الشاهدين

(The book) 'Al Saraair' – Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim,

From Abu Ja'far^{-asws} regarding two men who witness upon an absent man about his wife that he has divorced her. So the woman observed the waiting period and re-married. Then the absent husband arrived and claimed that he had not divorced her and one of the witnesses belied himself.

فقال لا سبيل للأخر عليها ويؤخذ الصداق من الذي شهد ورجع فبرئ على الأخير والأول أنك بما وتعتد من الأخير ولا يفرضها الأول حتى تنقضي عدتها.

He^{-asws} said: 'There is no way for the other one upon her, and the dowry would be taken from the one who had witness and retracted, and be returned to the last one, and the first one would be more in control of her, and she would observe waiting period from the last husband and the first one will not go near her until her waiting period has expired'.¹⁶³

26- فس، تفسير القمي أبي عن إسماعيل بن مزار عن يونس عن عبد الله بن مسكان عن أبي عبد الله ع قال: سألته عن طلاق السنة فقال هو أن يطلق الرجل المرأة على طهر من غير جماع بشهادة شاهدين عدلين ثم يتركها حتى تعتد ثلاثة قروء فإذا مضت ثلاثة قروء فقد بانث منه بواجدة وحلت للأزواج وكان زوجها حاطباً من الحطاب

(The book) 'Tafseer Al Qummi' – My father, from Ismail Bin Marrar, from Yunus, from Abdullah Bin Muskan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about divorce of the Sunnah. He^{-asws} said: 'It is the man divorcing the wife upon a purity from without consummation, with witnessing by two just witnesses. Then he should leave her until she has observed waiting period of three 'Qurou'. When the three 'Qurou' (menses free periods) pass by, she would be irrevocably divorced from him with one and she would be lawful for the husbands, and her (former) husband would be a proposer from the proposers.

إن شاءت تزوجت وإن شاءت لم تفعل وإن تزوجها بمهر جديد كانت عنده بنتين باقيتين ومضت واحدة فإن هو طلقها واحدة على طهر بشهود ثم راجعها وأقعها ثم انتظر بها حتى إذا حاضت وطهرت طلقها أخرى بشهادة شاهدين ثم تركها حتى تمضي أفرؤها الثلاثة

If she likes, she can marry and if she like, she does not do so, and if he marries her with a new dowry she is with him with two divorces remaining and one already past. If he then divorces her once during a period of purity with witnesses, then takes her back and has relations with her, and then waits until she menstruates and becomes pure, and divorces her again with the testimony of two witnesses, then leaves her until her three menstrual cycles are completed.

¹⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 24

¹⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 25

فَإِذَا مَضَتْ أَقْرَابُهَا الثَّلَاثَةُ مِنْ قَبْلِ أَنْ يُرَاجِعَهَا فَقَدْ بَانَتْ مِنْهُ بِسِتِّينَ وَ قَدْ مَلَكَتْ أَمْرَهَا وَ حَلَّتْ لِلْأَزْوَاجِ وَ كَانَ زَوْجُهَا خَاطِبًا مِنَ الْخَطَّابِ إِنْ شَاءَتْ تَزَوُّجَهُ وَ إِنْ شَاءَتْ لَمْ تَفْعَلْ فَإِنْ هُوَ تَزَوَّجَهَا تَزَوُّجًا جَدِيدًا بِمَهْرٍ جَدِيدٍ كَانَتْ عِنْدَهُ بَاقِيَةً بِوَاحِدَةٍ وَ قَدْ مَضَتْ ثِنْتَانِ

So, if her three menstrual cycles are completed before he takes her back, she becomes separated from him with two divorces, gains control over herself, and becomes lawful for other husbands. Her former husband is then like any other suitor: if she wishes, she may marry him, and if she wishes, she may not. If he marries her again with a new marriage and a new dowry, she remains with him with one divorce remaining, and two have already passed.

فَإِنْ أَرَادَ أَنْ يُطَلِّقَهَا طَلِاقًا- لَا نَحْلُ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ تَرَكَهَا حَتَّى إِذَا حَاضَتْ وَ طَهَّرَتْ أَشْهَدَ عَلَى طَلِاقِهَا تَطْلِيمَةً وَاحِدَةً- فَلَا نَحْلُ لَهُ ... حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

If he wishes to divorce her again in a way after which she is not lawful for him until she marries another husband, he should leave her until she menstruates and becomes pure, then bear witness to her divorce with one pronouncement. After that, she is not lawful for him until she marries another husband.

وَ أَنَا طَلِاقُ الرَّجْعَةِ فَإِنَّهُ يَدْعُهَا حَتَّى تَحِيضَ وَ تَطْهَّرَ ثُمَّ يُطَلِّقُهَا بِشَهَادَةِ شَاهِدَيْنِ ثُمَّ يُرَاجِعُهَا وَ يُؤَاقِعُهَا ثُمَّ يَنْتَظِرُ بِهَا الطُّهْرَ فَإِذَا حَاضَتْ وَ طَهَّرَتْ أَشْهَدَ عَلَى تَطْلِيمَةٍ أُخْرَى ثُمَّ يُرَاجِعُهَا وَ يُؤَاقِعُهَا ثُمَّ يَنْتَظِرُ الطُّهْرَ فَإِنْ حَاضَتْ وَ طَهَّرَتْ أَشْهَدَ شَاهِدَيْنِ عَلَى التَّطْلِيمَةِ الثَّالِثَةِ كُلُّ تَطْلِيمَةٍ عَلَى طَهْرٍ مُرَاجَعَةٍ

As for the revocable divorce, he should leave her until she menstruates and becomes pure, then he divorces her in the presence of two witnesses, then he takes her back and has marital relations with her, then waits with her until she becomes pure again. When she menstruates and becomes pure, he calls witnesses for another divorce, then takes her back and has relations with her, then waits until she is pure again. If she menstruates and becomes pure, he calls two witnesses for the third divorce. Each divorce must occur during a period of purity after a reconciliation.

وَ لَا نَحْلُ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ وَ عَلَيْهَا أَنْ تَعْتَدَ ثَلَاثَةَ فُرُوجٍ مِنْ يَوْمِ طَلْقِهَا التَّطْلِيمَةَ الثَّالِثَةَ لِذَنْسِ النِّكَاحِ وَ هُمَا يَتَوَارَتَانِ مَا دَامَتْ فِي الْعِدَّةِ فَإِنْ طَلَّقَهَا وَاحِدَةً عَلَى طَهْرٍ بِشَهَادَةِ شَاهِدَيْنِ ثُمَّ يَنْتَظِرُ بِهَا حَتَّى تَحِيضَ وَ تَطْهَّرَ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُرَاجِعَهَا لَمْ يَكُنْ طَلِاقًا لَهَا الثَّانِيَةَ لِأَنَّهُ طَلَّقَ طَالِقًا لِأَنَّهُ إِذَا كَانَتْ الْمَرْأَةُ مُطَلَّغَةً مِنْ زَوْجِهَا كَانَتْ حَارِجَةً مِنْ مِلْكِهِ حَتَّى يُرَاجِعَهَا

After the third divorce she is not lawful for him until she marries another husband. She must observe a waiting period of three menstrual cycles from the day he divorced her with the third divorce because of the impurity of the marital bond. During the waiting period they still inherit from each other. If he divorces her once during a period of purity with witnesses, then waits until she menstruates and becomes pure, then divorces her again before taking her back, the second divorce does not count because he divorced a woman who was no longer under his authority. When a woman has been divorced by her husband she is outside his authority until he takes her back.

فَإِذَا رَاجَعَهَا صَارَتْ فِي مِلْكِهِ مَا لَمْ تُطَلِّقِ التَّطْلِيمَةَ الثَّالِثَةَ فَإِذَا طَلَّقَهَا التَّطْلِيمَةَ الثَّالِثَةَ فَقَدْ خَرَجَ مِلْكُ الرَّجْعَةِ مِنْ يَدِهِ وَ إِنْ طَلَّقَهَا عَلَى طَهْرٍ بِشَهَادَةِ شَاهِدَيْنِ ثُمَّ رَاجَعَهَا وَ انْتَظَرَ بِهَا الطُّهْرَ مِنْ غَيْرِ مُوَاقِعَةٍ فَحَاضَتْ وَ طَهَّرَتْ وَ هِيَ عِنْدَهُ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُدْرِسَهَا مُوَاقِعَةٍ بَعْدَ الرَّجْعَةِ لَمْ يَكُنْ طَلِاقًا لَهَا لِأَنَّهُ طَلَّقَهَا التَّطْلِيمَةَ الثَّانِيَةَ فِي طَهْرٍ الْأَوَّلِيِّ وَ لَا يُنْقَضُ الطُّهْرُ إِلَّا بِمُوَاقِعَةٍ بَعْدَ الرَّجْعَةِ

When he takes her back, she becomes under his authority again until a third divorce occurs. If he divorces her a third time, the right of revocation leaves his hand. If he divorces her during a period of purity with witnesses, then takes her back and waits with her for purity without having relations, and she menstruates and becomes pure while still with him, then he divorces her before having relations after taking her back, this divorce does not count because he divorced her a second time within the same period of purity as the first. Purity is not nullified except by relations after reconciliation.

وَكَذَلِكَ لَا يَكُونُ التَّطْلِيقُ الثَّلَاثَةَ إِلَّا بِرُجْعَةٍ وَ مُوَاقَعَةٍ بَعْدَ الرَّجْعَةِ إِمَّا [تَمُّ] حَيْضٍ وَ طَهْرٍ بَعْدَ الْحَيْضِ ثُمَّ طَلَاقٍ بِشُهُودٍ حَتَّى يَكُونَ لِكُلِّ تَطْلِيقَةٍ طَهْرٌ ثُمَّ تَدْنِيسٌ مُوَاقَعَةٍ بِشُهُودٍ.

Like that is the third divorce cannot occur except after reconciliation and relations, followed by menstruation and purification, then divorce with witnesses, so that each divorce has its own period of purity followed by marital relations in the presence of witnesses.¹⁶⁴

27- ب، قرب الإسناد الطيالسيُّ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْحَالِقِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: طَلَّقَ عَبْدُ اللَّهِ بْنُ عُمَرَ امْرَأَتَهُ ثَلَاثًا فَجَعَلَهَا رَسُولُ اللَّهِ ص وَاحِدَةً وَ رَدَّهُ إِلَى الْكِتَابِ وَ السُّنَّةِ.

(The book) 'Qurb Al Isnaad' – Al Tayalisi, from Ismail Bin Abdul Khaliq,

From Abu Abdullah^{asws} having said: 'Abdullah Bin Umar divorced his wife thrice. Rasool-Allah^{saww} made it to be one and returned him to the Book and the Sunnah'.¹⁶⁵

28- ب، قرب الإسناد عليُّ عَنْ أَحِبِّهِ ع قَالَ: سَأَلْتُهُ عَنِ الطَّلَاقِ مَا حَدُّهُ وَ كَيْفَ يَنْبَغِي لِلرَّجُلِ أَنْ يُطَلِّقَ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Al-Kazim^{asws}), he (the narrator) said, 'I asked him^{asws} about the divorce, 'What is its limit, and how is it befitting for the man to divorce?'

قَالَ السُّنَّةُ أَنْ يُطَلِّقَ عِنْدَ الطَّهْرِ وَاحِدَةً ثُمَّ يَدْعُهَا حَتَّى تَمْضِيَ عِدَّتُهَا فَإِنْ بَدَأَ لَهُ أَنْ يُرَاجِعَهَا قَبْلَ أَنْ تَبِينَ أَشْهَدَ عَلَى رَجْعَتِهَا وَ هِيَ امْرَأَتُهُ وَ إِنْ تَرَكَهَا حَتَّى تَبِينَ فَهُوَ خَاطِبٌ مِنَ الْخُطَّابِ إِنْ شَاءَتْ فَعَلَتْ وَ إِنْ شَاءَتْ لَمْ تَفْعَلْ.

He^{asws} said: 'The Sunnah is that he divorces at the one purity, then leaves her until her waiting period has passed. If there is a change of mind for him to return to her before it becomes irrevocable, he should keep witnesses upon returning to her, and she is his wife; but if he leaves her until it becomes irrevocable, then he is a proposer from the proposer. If she desires, she accepts it, and if she desires, she does not do so'.¹⁶⁶

29- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُطَلِّقُ تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ ثُمَّ يَرْجِعُهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا مَا حَاثَهَا

¹⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 26

¹⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 27

¹⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 28

He said, 'And I asked him^{-asws} about the man who divorces a divorce or two divorces, then he leaves her until her waiting period expires, 'What is her state?'

قَالَ إِذَا تَرَكَهَا عَلَى أَنَّهُ لَا يُرِيدُهَا بَانَتْ مِنْهُ فَلَمْ يَحِلَّ لَهُ - حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ إِنْ تَرَكَهَا عَلَى أَنَّهُ يُرِيدُ مُرَاجَعَتَهَا وَ مَضَى لِدَلِكِ سَنَةً فَهُوَ أَحَقُّ بِرَجْعَتِهَا.

He^{-asws} said; 'If he leaves her based upon that he will not want her, she is irrevocably divorced from him, so she is not lawful for him until she marries another husband; and if he leaves her based upon that he intends to return to her and a year passes by for that, he is more rightful with returning to her'.¹⁶⁷

30- قَالَ: وَ سَأَلْتُهُ عَنِ الْمُطَلَّغَةِ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا حَتَّى تَنْفَضِيَ عِدَّتُهَا قَالَ نَعَمْ.

He said, 'And I asked him^{-asws} about the divorced woman, 'Is her expense upon her husband until her waiting period expires?' He^{-asws} said: 'Yes'.¹⁶⁸

31- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ إِنِّي أَحْبَبْتُ أَنْ تَبِينِي فَلَمْ تَقُلْ شَيْئاً حَتَّى افْتَرَقَا مَا عَلَيْهِ

He said, 'And I asked him^{-asws} about a man who says to his wife, 'I would love it if you could be irrevocably divorced from me', and she does not say anything until they both separate. 'What is upon him?'

قَالَ لَيْسَ عَلَيْهِ شَيْءٌ وَ هِيَ امْرَأَتُهُ.

He^{-asws} said: 'There isn't anything upon him, and she is his wife'.¹⁶⁹

32- ب، قرب الإسناد مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ سِنَانَ قَالَ: كَتَبَ مَعِيَ عَطِيَّةُ الْمَدَائِنِيِّ إِلَى أَبِي الْحَسَنِ الْأَوَّلِ ع يَسْأَلُهُ

(The book) 'Qurb Al-Isnad' – Muhammad Bin Al-Husayn, from Muhammad Bin Sinan who said, 'Atiya Al-Madaini wrote with me to Abu Al-Hassan^{-asws} the 1st asking him^{-asws}'.

قَالَ قُلْتُ امْرَأَتِي طَالِقٌ عَلَى السُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ الصَّلَاةَ

He told (me to write), 'I said, 'My wife is divorced upon the Sunnah. If I have to repeat the Salat, so I will repeat the Salat!'

ثُمَّ قُلْتُ امْرَأَتِي طَالِقٌ عَلَى الْكِتَابِ وَ السُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

Then I said, 'My wife is divorced upon the Book and the Sunnah. If I have to repeat the Salat, so I will repeat!'

ثُمَّ قُلْتُ امْرَأَتِي طَالِقٌ طَالِقٌ آلِ مُحَمَّدٍ عَلَى السُّنَّةِ إِنْ أَعَدْتُ صَلَاتِي فَأَعَدْتُ

¹⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 29

¹⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 30

¹⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 31

Then I said, 'My wife is divorced by the divorce of Progeny^{-asws} of Muhammad^{-saww}, upon the Sunnah. If I have to repeat my Salat, I will repeat!'

قَالَ فَلَمَّا رَأَيْتُ اسْتِخْفَانِي بِذَلِكَ قُلْتُ امْرَأَتِي عَلَيَّ كَظَهْرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ وَ قَدِ اعْتَزَلْتُ أَهْلِي مُنْذُ سِنِينَ

He said, 'When he saw me taking lightly with that, I said, 'My wife unto me is like the back of my mother. If I have to repeat the Salat, I will repeat, and I have isolated my wife for years!'

قَالَ فَقَالَ أَبُو الْحَسَنِ ع الْأَهْلُ أَهْلُهُ وَ لَا شَيْءَ عَلَيْهِ إِذَا هَذَا وَ أَشْبَاهُهُ مِنْ حُطُوبِ الشَّيْطَانِ.

He said, 'Abu Al-Hassan^{-asws} said: 'The wife is his wife and there is nothing upon him. But rather this (Zeehar), and it's like are from the footsteps of Satan^{-la}'.¹⁷⁰

33- ب، قرب الإسناد السندي بن محمد عن صفوان الجمال عن أبي عبد الله ع قال: جاء رجل فسأله فقال إني طلقته امرأتي ثلاثاً في مجلس

(The book) 'Qurb Al Isnaad' – Al Sindy Bin Muhammad, from Safwan Al Jammal,

From Abu Abdullah^{-asws} having said: 'A man came and asked him^{-asws}. He said, 'I have divorced my wife thrice in one sitting!'

فَقَالَ لَيْسَ بِشَيْءٍ

He^{-asws} said: 'It isn't with anything!'

ثُمَّ قَالَ أَمَا تَقْرَأُ كِتَابَ اللَّهِ تَعَالَى - يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّفُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَ اتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَ لَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ

Then he^{-asws} said: 'Have you not read the Book of Allah^{-azwj} the Exalted: ***O you, the Prophet! (Say): 'When you divorce the women, then divorce them to their waiting period, and calculate the waiting period, and fear Allah - your Lord! Do not expel them from their houses, nor should they go out from their houses except they come with an open immorality [65:1].***

ثُمَّ قَالَ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

Then He^{-azwj} Said: '***You don't know, perhaps Allah would Bring about a new Command after that' [65:1].***

ثُمَّ قَالَ كُلُّ مَا خَالَفَ كِتَابَ اللَّهِ وَ السُّنَّةَ فَهُوَ يُرَدُّ إِلَى كِتَابِ اللَّهِ وَ السُّنَّةِ.

Then he^{-asws} said: 'All that which opposes the Book of Allah^{-azwj} and the Sunnah, it should be returned to the Book of Allah^{-azwj} and the Sunnah'.¹⁷¹

¹⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 32

¹⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 33

34- ب، قرب الإسناد ابن عيسى عن البرزطي قال: سألت الرضا ع عن رجل طلق امرأته بعد ما عشيها بشاهدين عدلين قال ليس هذا طلاقاً

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

'I asked Al-Reza^{-asws} about a man who divorces his wife with two just witnesses, after having had marital relations. He^{-asws} said: 'This isn't (a valid) divorce'.

فقلت له فكيف طلاق السنة

I said to him^{-asws}, 'So how is divorce of the Sunnah?'

فقال تطلقها إذا طهرت من حیضها قبل أن تعشاها بشاهدين عدلين فإن خالف ذلك رد إلى كتاب الله عز وجل

He^{-asws} said: 'You divorce her when she is pure from her menstruation before you have marital relations with her, with two just witnesses. If he opposes that, he will be returned to the Book of Allah^{-azwj} Mighty and Majestic!'

قلت فإنه طلق على طهر من جماع بشهادة رجل وامرأتين

I said, 'Supposing he divorces her being upon purity from marital relations, with the witnessing of a man and two women?'

قال لا يجوز شهادة النساء في الطلاق

He^{-asws} said: 'Witnessing of the women is not allowed in the divorce!'

قلت فإنه أشهد رجلين ناصبيين على الطلاق يكون ذلك طلاقاً

I said, 'Supposing he keeps two Nasibi (hostile ones) as witnesses upon the divorce, would that be a (valid) divorce?'

قال كل من ولد على الفطرة جازت شهادته بعد أن يعرف منه صلاح في نفسه.

He^{-asws} said: 'Everyone born upon the nature, his witnessing is allowed after righteousness within himself has been recognised'.¹⁷²

35- قال: و سألته عن رجل طلق امرأته على طهر بشاهدين ثم رجعها و لم يجامعها بعد الرجعة حتى طهرت من حیضها ثم طلقها على طهر بشاهدين هل تقع علیها التلطيقة الثانية و قد رجعها و لم يجامعها

And I asked him^{-asws} about a man who divorces his wife upon purity, keeping two witnesses, then he returns to her and does not have marital relations after the return until she is pure from her menstruation. Then he divorces her upon purity, keeping two witnesses, 'Does the

¹⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 34

third divorce occur upon her, and he had returned to her and did not have marital relations with her?’

قَالَ نَعَمْ.

He^{-asws} said: ‘Yes’.¹⁷³

(The book) ‘Tafseer Al Qummi’ – In a report by Abu Al Jaroud,

From Abu Ja’far^{-asws} regarding His^{-azwj} Words: **then divorce them to their waiting period**, - and the waiting period is the purity from the menstruations - **and calculate the waiting period [65:1]** – and that is because you leave her until she menstruates.

36- فس، تفسير القمي في رواية أبي الجارود عن أبي جعفر ع في قوله فَطَلَّقُوهُنَّ لِعَدَّتِهِنَّ وَالْعِدَّةُ الطُّهُرُ مِنَ الْمَحِيضِ - وَأَحْضُوا الْعِدَّةَ وَ ذَلِكَ أَنْ تَدْعَهَا حَتَّى تَحِيضَ فَإِذَا حَاضَتْ ثُمَّ طَهَّرَتْ وَ اغْتَسَلَتْ طَلَّقَهَا تَطْلِيقَةً مِنْ غَيْرِ أَنْ يُجَامِعَهَا وَ يُشْهَدُ عَلَى طَلْقِهَا إِذَا طَلَّقَهَا ثُمَّ إِنْ شَاءَ رَاجَعَهَا وَ يُشْهَدُ عَلَى رَجْعِهَا إِذَا رَاجَعَهَا

(The book) ‘Tafseer Al-Qummi’ - **then divorce them to their waiting period**, - and the waiting period is the purity from the menstruations - **and calculate the waiting period [65:1]**, and that is you leave her until she menstruates. When she has menstruated, then purified, and washed, he divorces her with a divorce from without having marital relations, and keeps witnesses upon her divorce when he divorces her. Then if he desires, he can return to her and keep witnesses upon returning to her when he does return to her.

فَإِذَا أَرَادَ طَلْقَهَا الثَّانِيَةَ فَإِذَا حَاضَتْ وَ طَهَّرَتْ وَ اغْتَسَلَتْ طَلَّقَهَا الثَّانِيَةَ وَ أَشْهَدَ عَلَى طَلْقِهَا مِنْ غَيْرِ أَنْ يُجَامِعَهَا ثُمَّ إِنْ شَاءَ رَاجَعَهَا وَ أَشْهَدَ عَلَى رَجْعِهَا ثُمَّ يَدْعُهَا حَتَّى تَحِيضَ ثُمَّ تَطَهَّرَ فَإِذَا اغْتَسَلَتْ طَلَّقَهَا الثَّالِثَةَ

So, when he wishes to divorce her a second time, once she has menstruated, become pure, and performed the ritual bath, he divorces her the second time and calls witnesses to the divorce without having marital relations with her. Then, if he wishes, he may take her back and call witnesses to the reconciliation. Then he leaves her until she menstruates again and becomes pure, and when she has performed the ritual bath, he divorces her the third time.

وَ هُوَ فِيمَا بَيْنَ ذَلِكَ قَبْلَ أَنْ يُطَلِّقَ الثَّالِثَةَ أَمَلَكُ بِهَا إِنْ شَاءَ رَاجَعَهَا غَيْرَ أَنَّهُ إِنْ رَاجَعَهَا ثُمَّ بَدَأَ لَهُ أَنْ يُطَلِّقَهَا اعْتَدَّ بِمَا طَلَّقَ قَبْلَ ذَلِكَ وَ هَكَذَا السُّنَّةُ فِي الطَّلَاقِ - لَا يَكُونُ الطَّلَاقُ إِلَّا عِنْدَ طَهْرِهَا مِنْ حَيْضِهَا مِنْ غَيْرِ جِمَاعٍ كَمَا وَصَفْتُ وَ كُلَّمَا رَاجَعَ فَلْيُشْهَدْ

During that period before the third divorce, he had the greatest right to her and may take her back if he wishes. However, if he takes her back and then decides to divorce her again, he must count what he had divorced before. This is the prescribed practice regarding divorce. Divorce should only occur when she is pure after her menstruation and without relations, as I have described, and every time he takes her back, he should call witnesses.

¹⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 35

فَإِنْ طَلَّقَهَا ثُمَّ رَاجَعَهَا حَبَسَهَا مَا بَدَأَ لَهُ ثُمَّ إِنْ طَلَّقَهَا الثَّانِيَةَ ثُمَّ رَاجَعَهَا حَبَسَهَا بِوَاحِدَةٍ مَا بَدَأَ لَهُ ثُمَّ إِنْ طَلَّقَهَا تِلْكَ الْوَاحِدَةَ الْبَاقِيَةَ بَعْدَ مَا كَانَ رَاجَعَهَا اعْتَدَّتْ ثَلَاثَةَ فُرُوجٍ وَ هِيَ ثَلَاثُ حَيْضٍ وَ إِنْ لَمْ تَحْضْ فَثَلَاثَةُ أَشْهُرٍ وَ إِنْ كَانَ بِهَا حَمْلٌ فَإِذَا وَضَعَتْ انْقَضَى أَجْلُهَا

If he divorces her and then takes her back, he may keep her as long as he wishes. Then, if he divorces her a second time and takes her back, he may keep her with one remaining divorce as long as he wishes. Then, if he divorces her with that remaining single divorce after having taken her back, she must observe a waiting period of three cycles, which are three menstruations. If she does not menstruate, then three months. If she is pregnant, then when she gives birth, her waiting period is over.

وَ هُوَ قَوْلُهُ وَ اللَّائِي يَمْسَسُ مِنَ الْمَحْبُوضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةَ أَشْهُرٍ وَ اللَّائِي لَمْ يَحْضَنْ فَعِدَّتُهُنَّ أَيْضاً ثَلَاثَةَ أَشْهُرٍ - وَ أَوْلَاتُ الْأَحْمَالِ أَجْلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ.

And it is His^{-azwj} Word: **And those from your women despaired from the menstruation, if you doubt, then their waiting period is of three months, and of those who have yet to menstruate** – their waiting period as well is of three months - **and those who are pregnant, their term is that they should place their burden (give birth) [65:4]**.¹⁷⁴

37- شي، تفسير العياشي عن زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ وَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْمَمْلُوكُ لَا يَجُوزُ طَلَّاقُهُ وَ لَا نِكَاحُهُ إِلَّا بِإِذْنِ سَيِّدِهِ

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

From Abu Ja'far^{-asws} and from Abu Abdullah^{-asws} having said: 'The slave, neither his divorce nor his marriage is valid except by the permission of his master'.

قُلْتُ فَإِنْ كَانَ السَّيِّدُ رَوَّجَهُ بِيَدِ مَنْ الطَّلَاقُ

I said, 'Supposing the master had got him married, in whose hand would be the divorce?'

قَالَ بِيَدِ السَّيِّدِ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا - لَا يَقْدِرُ عَلَى شَيْءٍ فَشَيْءُ الطَّلَاقِ.

He^{-asws} said: 'In the hand of the master. **Allah Strikes an example of an owned slave, not being able upon anything [16:75]**. The 'thing' is the divorce'.¹⁷⁵

38- شي، تفسير العياشي عن أَحْمَدَ بْنِ عَبْدِ اللَّهِ الْعَلَوِيِّ عَنِ الْحَسَنِ بْنِ الْحُسَيْنِ عَنِ الْحُسَيْنِ بْنِ زَيْدِ بْنِ عَلِيٍّ عَنِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنِ أَبِيهِ ع قَالَ كَانَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع يَقُولُ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ وَ يَقُولُ لِلْعَبْدِ لَا طَلَّاقَ وَ لَا نِكَاحَ ذَلِكَ إِلَى سَيِّدِهِ وَ النَّاسُ يَرَوُونَ خِلَافَ ذَلِكَ إِذَا أَدَانَ السَّيِّدُ لِعَبْدِهِ لَا يَرَوْنَ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا.

Tafseer Al Ayyashi – From Ahmad Bin Abdullah Al Alawy, from Al-Hassan Bin Al Husayn, from Al Husayn Bin Zayd Bin Ali,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} Bin Abu Talib^{-asws} had said: '**Allah Strikes an example of an owned slave, not being able upon anything**

¹⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 36

¹⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 37

[16:75], and he says to the slave, 'No divorce', and 'No marriage', that is up to his master, while the people are narrating opposite to that, 'When the master permits for his slave', they are not viewing for him that he can separate between the two'.¹⁷⁶

39- ل، الخصال أبي عن سعد عن ابن يزيد عن ابن أبي عمير عن حماد بن عثمان عن أبي عبد الله ع قال: خمس يُطَلَّقْنَ عَلَى كُلِّ حَالٍ الْحَامِلُ وَالَّتِي قَدْ بَسَّتْ مِنَ الْمَحِيضِ وَالَّتِي لَمْ يُدْخَلْ بِهَا وَالْعَائِبُ عَنْهَا زَوْجَهَا وَالَّتِي لَمْ تَبْلُغِ الْمَحِيضَ.

(The book) 'Al Khisaa' – My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Hammad Bin Usman,

From Abu Abdullah^{-asws} having said: 'Five (women) can be divorced upon every state – the pregnant, and the one who has despaired from the menstruating, and the one who has not been consummated with, and the whose husband is absent from her, and the one who has yet to reach the menstruation age'.¹⁷⁷

40- ل، الخصال ابن الوليد عن الصفار عن ابن عيسى عن محمد بن الربيع عن القاسم بن محمد الجوهري عن البطائني عن أبي بصير عن أبي عبد الله ع قال: سألتُه عن الذي يُطَلَّقُ ثُمَّ يُرَاجَعُ ثُمَّ يُطَلَّقُ ثُمَّ يُرَاجَعُ ثُمَّ يُطَلَّقُ قَالَ لَا تَحِلُّ لَهُ حَتَّى تَنْكَحَ زَوْجاً غَيْرَهُ

(The book) 'Al Khisaa' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Muhammad Al Barqy, from Al Qasim Bin Muhammad Al Jowhary, from Al Batainy, from Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the one who divorces then returns, then divorces, then retracts, then divorces. He^{-asws} said: 'She is not lawful for him until she marries another husband.

وَالَّتِي يُطَلِّقُهَا الرَّجُلُ ثَلَاثًا فَيَنْتَزِعُهَا رَجُلًا آخَرَ فَيُطَلِّقُهَا عَلَى السُّنَّةِ ثُمَّ تَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ فَيُطَلِّقُهَا ثَلَاثَ مَرَّاتٍ عَلَى السُّنَّةِ وَتَنْكَحُ زَوْجًا غَيْرَهُ فَيُطَلِّقُهَا ثُمَّ تَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ فَيُطَلِّقُهَا ثَلَاثَ مَرَّاتٍ عَلَى السُّنَّةِ ثُمَّ تَنْكَحُ فَبَلَغَ الْإِنْسَانُ لَا تَحِلُّ لَهُ أَبَدًا.

And the one whom the man divorces thrice, then another man marries her and divorces her upon the Sunnah, then she returns to her first husband, and he divorces her three times upon the Sunnah, and another husband marries her, and he divorces her. Then she returns to her first husband, and he divorces her three times upon the Sunnah. Then she gets married. So that is the one who is not lawful for him, ever; and the 'mutually cursed' is not lawful for him, ever!¹⁷⁸

41- ل، الخصال في خبر الأعمش عن الصادق ع قال: وَ الطَّلَاقُ لِلسُّنَّةِ عَلَى مَا ذَكَرَهُ اللهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ وَ سُنَّةِ نَبِيِّهِ ص وَ لَا يَجُوزُ طَلَاقٌ لِعَيْرِ السُّنَّةِ وَ كُلُّ طَلَاقٍ مُخَالَفٌ لِلْكِتَابِ فَلَيْسَ بِطَلَاقٍ كَمَا أَنَّ كُلَّ نِكَاحٍ مُخَالَفٌ لِلسُّنَّةِ فَلَيْسَ بِنِكَاحٍ.

(The book) 'Al Khisaa' – In a report by Al Amsh,

From Al-Sadiq^{-asws} having said: 'And the divorce to the Sunnah is based upon what Allah^{-azwj} Mighty and Majestic has Mentioned in His^{-azwj} Book and Sunnah of His^{-azwj} Prophet^{-saww}, and a

¹⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 38

¹⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 39

¹⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 40

divorce of other than the Sunnah is not valid, and every divorce opposing the Book isn't a divorce just as every marriage opposing the Sunnah isn't a marriage'.¹⁷⁹

42- ن، عيون أخبار الرضا عليه السلام فيما كتبت الرضا ع للمأمون مثله و زاد فيه و إذا طلقت المرأة للعدة ثلاث مرات لم تحل لزوجهما حتى تنكح زوجاً غيره.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – Among what Al-Reza^{-asws} wrote for Al-Mamoun is similar to it, and there is an addition in it: 'And when a woman is divorced to the waiting period three times, she is not lawful for her husband until she marries another husband'.¹⁸⁰

43- و قال أمير المؤمنين ع اتقوا تزويج المطلقات ثلاثاً في موضع واحد فإنهن ذوات أزواج.

And Amir Al-Momineen^{-asws} said: 'Fear marrying the ones divorced thrice in one place, for these are still with husbands'.¹⁸¹

44- لي، الأماالي للصدوق ابن الوليد عن ابن أبان عن الحسين بن سعيد عن ابن أبي عمير و محمد بن إسماعيل معاً عن منصور بن يونس و علي بن إسماعيل معاً عن ابن خازم عن الصادق عن آبائه ع قال: لا طلاق قبل نكاح الحبر.

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Ibn Abu Umeyr, and Muhammad Bin Ismail, both together from Mansour Bin Yunus, and Ali Bin Ismail, both together from Ibn Hazim,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'There is no divorce before the marriage' – the Hadeeth.¹⁸²

45 ما، الأماالي للشيخ الطوسي العضايري عن الصدوق مثله.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.¹⁸³

46- ع، علل الشرائع القطان عن ابن زكريا القطان عن ابن حبيب عن ابن بطلون عن إسماعيل بن الفضل قال قال أبو عبد الله ع لا يقع الطلاق إلا على الكتاب و السنة لأنه حد من حدود الله عز و جل يقول إذا طلقتم النساء فطلقوهن لعدتهن و أخصوا العدة و يقول و أشهدوا ذوي عدل منكم و يقول و تلك حدود الله و من يتعد حدود الله فقد ظلم نفسه و إن رسول الله ص رد طلاق عبد الله بن عمر لأنه كان خلافاً للكتاب و السنة.

(The book) 'Ilal Al Sharaie' – Al Qattan, from Ibn Zakariya Al Qattan, from Ibn Habeeb, from Ibn Bahloul, from Ismail Bin Al Fazl who said,

Abu Abdullah^{-asws} said: 'The divorce cannot occur except based upon the Book and the Sunnah, because it is a limit from the limits of Allah^{-azwj} Mighty and Majestic. He^{-azwj} Says: **'When you divorce the women, then divorce them to their waiting period and calculate the waiting period [65:1];** and He^{-azwj} Says: **and two just ones from you should bear witness**

¹⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 41

¹⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 42

¹⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 43

¹⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 44

¹⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 45

[65:2]; And these are the Limits of Allah, and one who exceeds the Limits of Allah, so he has been unjust to himself [65:1]; and Rasool-Allah^{-saww} rejected the divorce of Abdullah Bin Umar because it was opposed to the Book and the Sunnah'.¹⁸⁴

47- ن، عيون أخبار الرضا عليه السلام ع، علل الشرائع في علل ابن سنان عن الرضا ع أنه كتب إليه علل الطلاق ثلاثاً لما فيه من المهلة فيما بين الواحدة إلى الثلاث لرغبة تحدث أو سكون غضب إن كان و ليكون ذلك تخويفاً و تأديباً للنساء و زجراً لهن عن معصية أزواجهن فاستحقت المرأة الفرقة و المباشرة لدخولها فيما لا ينبغي من معصية زوجها

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, (and) 'Ilal Al Sharaie', in 'Ilal' of Ibn Sinan,

From Al-Reza^{-asws}, he^{-asws} wrote to him regarding the divorce thrice due to what is in it from the opportunity in what is between the one up to the three, in order for desire to be aroused, or anger to subside if there was, and for that to be a scare and a discipline for the women and a rebuke for them from disobeying their husbands, and the wife would have deserved the separation and the separation due to her entering into what is not appropriate from disobeying her husband.

و علل تحريم المرأة بعد تسع تطليقات فلا تحل له أبداً عفوية لئلا يتلاعب بالطلاق و لا تستضعف المرأة و ليكون ناظراً في أموره متيقظاً معتبراً و ليكون يائساً لها [يأساً لهما] من الاجتماع بعد تسع تطليقات

And reason for the prohibition of the woman after nine divorces she is not lawful for him, ever, is a punishment lest he is playing around with the divorce and to ensure that the woman is not wronged or weakened. It is so that he will be attentive and careful in his affairs, taking lessons, and so that there is despair for both of them about reuniting after nine divorces.

و علل طلاق المملوك اثنتين لأن طلاق الأمة على البصيف و جعله اثنتين احتياطاً لكمال الفرائض كذلك في الفرقي في العدة المتوقفت عنها زوجها.

The reason for the slave's divorce being limited to two is because the divorce of a female slave is half, and making it two is a precaution for completing the obligations, just as there is a difference in the waiting period for a woman whose husband has died'.¹⁸⁵

48- ع، علل الشرائع الطالقاني عن ابن عثمة عن علي بن الحسن بن فضال عن أبيه قال: سألت الرضا ع عن العلة التي من أجلها لا تحل المطلقة للعدة لزوجها- حتى تنكح زوجاً غيره فقال إن الله تبارك و تعالی إنما أذن في الطلاق مرتين فقال الله عز و جل- الطلاق مرتان فإمساك بمعروف أو تسريح بإحسان يعني في التطليقة الثالثة

(The book) 'Ilal Al Sharaie' – Al Talaqany, from Ibn Uqda, from Ali Bin Al-Hassan Bin Fazzal, from his father who said,

'I asked Al-Reza^{-asws} about the reason due to which the one divorced to the waiting period is not lawful for her husband until she marries another husband, he^{-asws} said: 'Allah^{-azwj} Blessed and Exalted rather Permitted regarding the divorce, to be twice. He^{-azwj} Said: **The divorce is**

¹⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 46

¹⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 47

twice, then either keep them with reasonableness or release with the goodness [2:229], meaning the third divorce.

وَلِدْخُولِهِ فِيمَا كَرِهَ اللَّهُ عَزَّ وَجَلَّ لَهُ مِنَ الطَّلَاقِ الثَّلَاثِ حَرَّمَهَا عَلَيْهِ - فَلَا تَحِلُّ لَهُ ... حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ لِقَوْلِ النَّاسِ الْإِسْتِحْفَافُ بِالطَّلَاقِ وَ لَا يُضَارُّوا النِّسَاءَ.

And for his entering into what Allah^{-azwj} Mighty and Majestic Dislikes, the third divorce. He^{-azwj} Prohibited her to him, **So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband [2:230]**, lest the people fall into taking lightly with the divorce, and they do not harm the women'.¹⁸⁶

49- ل، الخصال ابن المُنَوِّكِلِ عَنِ مُحَمَّدِ الْعَطَّارِ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ عَلِيِّ الْكُوفِيِّ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنِ مُحَمَّدِ بْنِ حَمَّادِ الْحَارِثِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص حَمْسَةٌ لَا يُسْتَجَابُ لَهُمْ رَجُلٌ جَعَلَ اللَّهُ بِيَدِهِ طَلَاقَ امْرَأَتِهِ فَهِيَ تُؤْذِيهِ وَ عِنْدَهُ مَا يُعْطِيهَا وَ لَمْ يُجَلِّ سَبِيلَهَا وَ رَجُلٌ أَبَقَ مَمْلُوكُهُ ثَلَاثَ مَرَّاتٍ وَ لَمْ يَبْعَهُ وَ رَجُلٌ مَرَّ بِجَائِطٍ مَائِلٍ وَ هُوَ يُسْبِلُ إِلَيْهِ وَ لَمْ يُسْرِعِ الْمَشْيَ حَتَّى سَقَطَ عَلَيْهِ وَ رَجُلٌ أَقْرَضَ رَجُلًا مَالًا فَلَمْ يُشْهَدْ عَلَيْهِ وَ رَجُلٌ جَلَسَ فِي بَيْتِهِ وَ قَالَ اللَّهُمَّ ارزُقْنِي وَ لَمْ يَطْلُبْ.

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

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Five are not Answered (of their supplications) – a man Allah^{-azwj} Made the divorce of his wife in his hand, so she hurts him and with him is what he can give her and he does not free her way; and a man whose slave absconded three times and he does not sell him; and a man who passes by a leaning wall and he is facing toward it, and he does not quicken the walk until it falls upon him; and a man who lends money to a man but he does not keep witnesses upon him; and a man who sits in his house and says, 'O Allah^{-azwj}, Provide me!', and he does not seek'.¹⁸⁷

50- ب، قرب الإسناد ابن طَرِيفٍ عَنِ ابْنِ غُلْوَانَ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع قَالَ قَالَ عَلِيُّ ع لَا طَلَاقَ لِمَنْ لَا يَنْكِحُ وَ لَا عِتَاقَ لِمَنْ لَا يَمْلِكُ

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} said: 'There is no divorce for the one who is not married, and there is no liberation for the one not owning (a slave)'.¹⁸⁸

وَ قَالَ عَلِيُّ ع وَ لَوْ وَضَعَ يَدَهُ عَلَى رَأْسِهَا.

And Ali^{-asws} said: 'And even if he were to place his hand upon her head'.¹⁸⁸

51 ب، قرب الإسناد بِحَدِّ الْإِسْنَادِ قَالَ قَالَ عَلِيُّ ع لَا يَجُوزُ طَلَاقُ الْعُلَامِ حَتَّى يَخْتَلِمَ.

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

¹⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 48

¹⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 49

¹⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 50

He^{-asws} said: ‘Ali^{-asws} said: ‘The divorce of a boy is not valid until he reaches puberty’.¹⁸⁹

52 ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ عَلِيُّ ع لَا طَلَّاقَ إِلَّا مِنْ بَعْدِ نِكَاحٍ وَ لَا عَتَقَ إِلَّا مِنْ بَعْدِ مِلْكٍ.

(The book) ‘Qurb Al Isnaad’ – By this chain,

He^{-asws} said: ‘Ali^{-asws} said: ‘There is no divorce except from after marriage, nor any liberation except from after ownership (of a slave)’.¹⁹⁰

53 ب، قرب الإسناد حَمَّادُ بْنُ عَيْسَى قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع تَطَلَّقُ الْحُرَّةُ ثَلَاثًا وَ تَعْتَدُ ثَلَاثًا.

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

‘Abu Abdullah^{-asws} said: ‘The free woman is divorced thrice, and observes three waiting periods’.¹⁹¹

54 ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام مَا جِيلُوهُ عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ ابْنِ عَيْسَى عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنْ أَبِيهِ قَالَ: سَأَلْتُ الرِّضَا ع عَنْ تَرْوِجِ الْمُطَلَّقاتِ ثَلَاثًا فَقَالَ لِي إِنَّ طَلَّاقَكُمْ الثَّلَاثَ لَا يَجِلُّ لِعَبْرَتِكُمْ وَ طَلَّاقُهُمْ يَجِلُّ لَكُمْ لِأَنَّكُمْ لَا تَرَوْنَ الثَّلَاثَ شَيْئًا وَ هُمْ يُوجِبُونَهَا.

(The book) ‘Ilal Al Sharaie’, (and) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – Majaylawiya, from Muhammad Al Attar, from Ibn Isa, from Ja’far Bin Muhammad Al Ash’ary, from his father who said,

‘I asked Al-Reza^{-asws} about marrying the woman divorced thrice. He^{-asws} said to me: ‘Your three divorces are not permissible for others and their divorces are lawful for you because you are not viewing the three (in one sitting) as anything, while they are obligating it’.¹⁹²

55 مع، معاني الأخبار ن، عيون أخبار الرضا عليه السلام أَبِي عَنِ الْحَسَنِ بْنِ أَحْمَدَ الْمَالِكِيِّ عَنْ عَبْدِ اللَّهِ بْنِ طَاوُسٍ قَالَ: قُلْتُ لِلرِّضَا ع إِنَّ لِي ابْنَ أَخٍ رَوَّجْتُهُ ابْنَتِي وَ هُوَ يَشْرَبُ الشَّرَابَ وَ يُكْثِرُ ذِكْرَ الطَّلَاقِ

(The book) ‘Ma’any Al Akhbaar’, (and) ‘Uyoun Akhbar Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – My father, from Al-Hassan Bin Ahmad Al Maliki, from Abdullah Bin Tawoos who said,

‘I said to Al-Reza^{-asws}: ‘There is a nephew of mine I have got my daughter married to, and he drinks the (intoxicating) drinks and frequently mentions the divorce’.

قَالَ إِنْ كَانَ مِنْ إِخْوَانِكَ فَلَا شَيْءَ وَ إِنْ كَانَ مِنْ هَؤُلَاءِ فَأَبْنَاهَا مِنْهُ فَإِنَّهُ عَنِ الْفِرَاقِ

He^{-asws} said: ‘If he was from your brethren, it is nothing, but if he was from them (general Muslims), separate her from him, for he means the separation’.

قَالَ قُلْتُ جَعَلْتُ فِدَاكَ أَلَيْسَ رُوِيَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ إِذَا كُنْتُمْ وَ الْمُطَلَّقاتِ ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ فَإِنَّكُمْ دَوَّاتُ أَزْوَاجٍ

¹⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 51

¹⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 52

¹⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 53

¹⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 54

He (the narrator) said, 'I said, 'May I be sacrificed for you^{-asws}! Hasn't it been reported from Abu Abdullah^{-asws} that he^{-asws} said: 'Beware of the women divorced thrice in one sitting, for these are still with husbands?''

فَقَالَ ذَلِكَ مَنْ كَانَ مِنْ إِخْوَانِكُمْ لَا مِنْ هَؤُلَاءِ إِنَّهُ مَنْ دَانَ بِدِينِ قَوْمٍ لَرَمْتُهُ أَحْكَامَهُمْ.

He^{-asws} said: 'That is the one who was from your brethren, not from them. Surely the one makes it a religion with the religion of a people, their rulings would be binding on him.¹⁹³

56 ع، علل الشرائع أَبِي عَنْ عَلِيِّ بْنِ أَبِيهِ عَنْ صَلَاحِ بْنِ سَعِيدٍ وَ غَيْرِهِ مِنْ أَصْحَابِ يُونُسَ عَنْ يُونُسَ عَنْ رَجَالٍ شَعْبَى عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ مَا الْعِلَّةُ الَّتِي إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ وَ هُوَ مَرِيضٌ فِي حَالِ الْإِضْرَارِ وَرَثَتُهُ وَ لَمْ يَرْتَهَا وَ مَا حَدُّ الْإِضْرَارِ

(The book) 'Ilal Al Sharaie' – My father, from Ali, from his father, from Salih Bin Saeed and others from the companions of Yunus, from Yunus, from various men (narrators),

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said, 'What is the reason for which when the man divorces his wife while he is sick in a state of causing harm, she will inherit him and he will not inherit her, and what is the limit of causing harm?'

قَالَ هُوَ الْإِضْرَارُ وَ مَعْنَى الْإِضْرَارِ مَنْعُهُ إِيَّاهَا مِيرَاثَهَا مِنْهُ فَأَلْزِمَ الْمِيرَاثَ عُقُوبَةً.

He^{-asws} said: 'It is harm, and meaning of the 'harm' is his preventing her of her inheritance from him. Thus, necessitating the inheritance is a punishment.¹⁹⁴

57 ما، الأماالي للشيخ الطوسي المُفِيدُ عَنْ عَلِيِّ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ صَلَاحِ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ زَيْدٍ عَنْ مُحَمَّدِ بْنِ تَسْنِيمٍ عَنْ جَعْفَرِ بْنِ الْحُنَيْمِيِّ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ زُقَيْفَةَ بْنِ مَصْقَلَةَ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: أَتَى عُمَرَ بْنَ الْخَطَّابِ رَجُلَانِ يَسْأَلَانِ عَنْ طَلَاقِ الْأُمَةِ فَأَلْتَمَّتْ إِلَى خَلْفِهِ فَنَظَرَ إِلَى عَلِيٍّ بْنِ أَبِي طَالِبٍ ع فَقَالَ يَا أَصْلَحُ مَا تَرَى فِي طَلَاقِ الْأُمَةِ فَقَالَ بِأَصْبَعِيهِ هَكَذَا وَ أَشَارَ بِالسَّبَابَةِ وَ الَّتِي تَلِيهَا

(The book) 'Al Amaali' of Al sheykh Al Tusi – Al Mufeed, from Ali Bin Khalid, from Muhammad Bin Al Husayn Bin Salih, from Muhammad Bin Ali Bin Zayd, from Muhammad Bin Tasneem, from Ja'far Al Khash'amy, from Ibrahim Bin Abdul Al Hameed, from Ruqiya Bin Masqalah Bin Abdullah, from his father, from his grandfather having said,

Two men came to Umar Bin Al-Khattab asking about the divorce of the slave girl. He turned around to look behind him. He looked toward Ali^{-asws} Bin Abu Talib^{-asws}. He said, 'O baldie (short-haired one)! What is your^{-asws} view regarding divorcing the slave girl?' He^{-asws} said (gestured) with his^{-asws} fingers like this, and indicated with the index finger and the one following it.

فَأَلْتَمَّتْ إِلَيْهِمَا عُمَرُ وَ قَالَ يُنْتَانِ

Umar turned to them and said, 'Two!'

¹⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 55

¹⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 56

فَقَالَ سُبْحَانَ اللَّهِ جُنَانًا وَ أَنْتَ أَمِيرُ الْمُؤْمِنِينَ فَسَأَلْنَاكَ فَجِئْتَ إِلَى رَجُلٍ سَأَلْتَهُ وَ اللَّهُ مَا كَلَّمَكَ

They said, ‘Glory be to Allah^{-azwj}! We come to you and you are commander of the faithful. We ask you, so you go to a man to ask him! By Allah^{-azwj}, what did he^{-asws} say to you?’

فَقَالَ عُمَرُ تَدْرِيَانِ مَنْ هَذَا

Umar said, ‘Don’t you two know who this is?’

قَالَ لَا

They said, ‘No!’

قَالَ هَذَا عَلِيٌّ بْنُ أَبِي طَالِبٍ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ لَوْ أَنَّ السَّمَاوَاتِ السَّبْعَ وَ الْأَرْضِينَ السَّبْعَ وَضَعْتَا فِي كِفَّةٍ وَ وَضَعْتَ إِيْمَانُ عَلِيٍّ فِي كِفَّةٍ لَرَجَحَ إِيْمَانُ عَلِيٍّ ع.

He said, ‘This is Ali^{-asws} Bin Abu Talib^{-asws}! I heard Rasool-Allah^{-saww} saying: ‘Even if the seven skies and the seven earths were to be placed in a hand (of a scale), and the Eman of Ali^{-asws} placed in (the other) hand, the Eman of Ali^{-asws} would outweigh!’¹⁹⁵

58 ما، الأماالي للشيخ الطوسي جماعة عن أبي المفضل عن صالح بن أحمد و محمد بن القاسم بن زكريا معاً عن محمد بن تسنيم مثله.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Salih Bin Ahad and Muhammad Bin Al Qasim Bin Zakariya, both together from Muhammad Bin Tasneem, similar to it.¹⁹⁶

59 سن، المحاسن أبي عن فضالة عن سيف عن أبي بكر الحضرمي قال: قلت لأبي عبد الله ع رجل حلف للسُّلْطَانِ بِالطَّلَاقِ وَ الْعَتَاقِ

(The book) ‘Al Majaalis’ – My father, from Fazalah, from Sayf, from Abu Bakr Al Hazramy who said,

‘I said to Abu Abdullah^{-asws}, ‘A man swears to the ruler with the divorce and the liberation (of slave)’.

فَقَالَ إِذَا حَشِيَ سَيْفَهُ وَ سَطَوْتَهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَغْفُو وَ النَّاسُ لَا يَغْفُونَ.

He^{-asws} said: ‘When he fears his sword and his punishment, there isn’t anything upon him. O Abu Bakr! Allah^{-azwj} Pardons, and the people do not pardon’.¹⁹⁷

60 سن، المحاسن أبي عن صفوان عن أبي الحسن و البرنظري معاً عن أبي الحسن ع قال: سَأَلْتُهُ عَنِ الرَّجُلِ يُسْتَكْرَهُ عَلَى الْيَمِينِ فَيُخَلِّفُ بِالطَّلَاقِ وَ الْعَتَاقِ وَ صَدَقَهُ مَا يَمْلِكُ أَيْلَازُهُ ذَلِكَ

(The book) ‘Al Mahasin’ – My father, from Safwan, from Abu Al-Hassan and Al Bazanty, both together,

¹⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 57

¹⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 58

¹⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 59

From Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who is coerced upon the oath, so he swears with the divorce, and the liberation (of a slave), and charity of what he owns, does it oblige him?'

فَقَالَ لَا فَقَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنْ أُمَّتِي مَا أُكْرَهُوا عَلَيْهِ وَ لَمْ يُطِئُوا وَ مَا أَحْطَطُوا.

He^{-asws} said: 'No. Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community whatever they are coerced upon, and (what) they cannot endure, and what they as mistaken with'.¹⁹⁸

61 سن، المحاسن أبي عن ابن أبي عمير عن أبي أيوب عن معاذ بن بيان الأصبهاني قال: قلت لأبي عبد الله ع إنا نُسَخِّفُ بِالطَّلَاقِ وَ الْعَتَاقِ فَمَا تَرَى أَخْلِفُ لَهُمْ

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Abu Ayoub, from Muaz Baya'a Al Aksiya who said,

I said to Abu Abdullah^{-asws}, 'We are made to swear on oath with the divorce and the liberation (of slaves). What is your^{-asws} view, shall I oath to them?'

قَالَ اخْلِفْ لَهُمْ بِمَا أَرَادُوا إِذَا خِفْتَ.

He^{-asws} said: 'Swear oath to them with whatever they want, when you are fearing'.¹⁹⁹

62 سج، الخرائج و الجرائح روي عن هارون بن خريجة قال: كان رجل من أصحابنا طلق امرأته ثلاثاً فسأل أصحابنا فقالوا ليس بشيء فقالت امرأته لا أرضى حتى تسأل أبا عبد الله ع و كان بالحيرة إذ ذاك أيام أبي العباس

(The book) 'Al Kharaij Wa Al Jaraih' – It is reported from Haroun Bin Kharijah who said,

'A man from our companions had divorced his wife thrice (in one sitting). He asked our companions. They said, 'It isn't anything'. His wife said, 'I will not be satisfied until you ask Abu Abdullah^{-asws}', and he^{-asws} was at Al-Hira, since those were the days (era) of Abu Al-Abbas (the caliph).

قَالَ فَذَهَبْتُ إِلَى الْحِيرَةِ وَ لَمْ أَقْدِرْ عَلَى كَلَامِهِ إِذْ مَنَعَ الْحَلِيفَةُ النَّاسَ مِنَ الدُّخُولِ عَلَى أَبِي عَبْدِ اللَّهِ ع وَ أَنَا أَنْظَرُ كَيْفَ التَّمَسُّ لِقَاءَهُ فَإِذَا سَوَادِي عَلَيْهِ جُبَّةٌ صُوفٍ يَبِيعُ خَبَاراً فَقُلْتُ لَهُ بِكُمْ خَبَارُكَ هَذَا كُفُّهُ

He said, 'I went to Al-Hira and I was not able upon speaking to him^{-asws} when the caliph had forbidden the people from going to see Abu Abdullah^{-asws}, and I was looking (considering) how I can seek to meet him^{-asws}, when there was a black man having a woollen coat upon him selling cucumbers. I said to him, 'For who much are these cucumbers, all of them?'

قَالَ بَدْرَهُمْ

¹⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 60

¹⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 61

He said, 'For one Dirham'.

فَأَعْطَيْتُهُ دِرْهَمًا وَ قُلْتُ لَهُ أَعْطِي جُبَّتَكَ هَذِهِ فَأَخَذْتُهَا وَ لَبِسْتُهَا وَ نَادَيْتُ مَنْ يَشْتَرِي خِيَارًا وَ دَنَوْتُ مِنْهُ

I gave him a Dirham and said to him, 'Give me this coat of yours!' I took it and wore it and called out, 'Who wants to buy cucumbers?', and went near him^{-asws}.

فَإِذَا غُلَامٌ مِنْ نَاحِيَةِ يُنَادِي يَا صَاحِبَ الْخِيَارِ إِلَيَّ

There was a young guy in a corner who called out, 'O owner of the cucumbers, come to me!'

فَقَالَ ع لِي لَمَّا دَنَوْتُ مِنْهُ مَا أَجُودَ مَا احْتَلْتُ أَيُّ شَيْءٍ حَاجَتُكَ

He^{-asws} said to me when I was near him^{-asws}, 'How clever is what you have impersonated! Which thing is your need?'

قُلْتُ إِنِّي ابْتُلَيْتُ فَطَلَّفْتُ أَهْلِي فِي دَفْعَةٍ ثَلَاثًا فَسَأَلْتُ أَصْحَابَنَا فَقَالُوا لَيْسَ بِشَيْءٍ وَ إِنَّ الْمَرْأَةَ قَالَتْ لَا أَرْضَى حَتَّى تَسْأَلَ أَبَا عَبْدِ اللَّهِ ع

I said, 'I am in tribulation. I divorced my wife thrice in one go. I asked our companions. They said, 'It isn't anything', and the wife said to me, 'I will not be satisfied until you ask Abu Abdullah^{-asws}!'

فَقَالَ ارْجِعْ إِلَى أَهْلِكَ فَلَيْسَ عَلَيْكَ شَيْءٌ.

He^{-asws} said: 'Return to your wife. There isn't anything upon you!'²⁰⁰

63 شي، تفسير العياشي عن عبد الرحمن قال سمعت أبا جعفر ع يقول في الرجل إذا تزوج المرأة قال أقرت بالميثاق الذي أخذ الله إمساكاً بمعروفٍ أو تشریح بإحسان.

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

'I heard Abu Ja'far^{-asws} saying regarding the man when he married a woman. He^{-asws} said: 'She has accepted the Covenant which Allah^{-azwj} has Taken: **then either keep them with reasonableness or release with the goodness [2:229]**'.²⁰¹

64 شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع قال: المرأة التي لا تحل لزوجها - حتى تنكح زوجاً غيره التي تطلق ثم تراجع ثم تطلق ثم تراجع ثم تطلق فلا تحل له ... حتى تنكح زوجاً غيره إن الله عز وجل يقول - الطلاق مرتان فإمساكاً بمعروفٍ أو تشریح بإحسان و التشریح هو التطلق الثالثة

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

From Abu Abdullah^{-asws} having said: 'The woman who is not lawful for her husband until she marries another husband is the one who is divorced, then returned, then divorced, then

²⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 62

²⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 63

divorced, then divorced the third time, so she is no lawful for him until she marries another husband. Allah^{-azwj} Mighty and Majestic Says: **The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229]**, and the release it is the third divorce’.

قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع فِي قَوْلِهِ - فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ هَاهُنَا التَّطْلِيقُ الثَّلَاثَةُ فَإِنْ طَلَّقَهَا الْأَخِيرَ فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا بِتَزْوِيجٍ جَدِيدٍ.

He (the narrator) said, ‘Abu Abdullah^{-asws} said regarding His^{-azwj} Words: **So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband;** - over here is the third divorce - **then if he divorces her there is no blame on them both if they return to each other [2:230]** – with a new marriage’.²⁰²

65 شي، تفسير العياشي عن أبي بصير عن أبي جعفر ع قال: إِنَّ اللَّهَ يَقُولُ الطَّلَاقَ مَرَّتَانِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ وَ التَّسْرِيحَ بِالْإِحْسَانِ هِيَ التَّطْلِيقُ الثَّلَاثَةُ.

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

From Abu Ja’far^{-asws} having said: **The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229]**, and the ‘release with the goodness’, it is the third divorce’.²⁰³

66 شي، تفسير العياشي عن سماعة بن مهران قال: سَأَلْتُهُ عَنِ الْمَرْأَةِ الَّتِي لَا تَحِلُّ لِزَوْجِهَا - حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ قَالَ هِيَ الَّتِي تُطَلَّقُ ثُمَّ تُرَاجَعُ ثُمَّ تُطَلَّقُ ثُمَّ تُرَاجَعُ ثُمَّ تُطَلَّقُ الثَّلَاثَةَ فَهِيَ الَّتِي لَا تَحِلُّ لِزَوْجِهَا - حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ تَذُوقَ عُسْبَلَتِهِ وَ يَذُوقَ عُسْبَلَتَهَا وَ هُوَ قَوْلُ اللَّهِ الطَّلَاقَ مَرَّتَانِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ أَنْ تُسْرَحَ بِالتَّطْلِيقِ الثَّلَاثَةِ.

(The book) ‘Tafseer Al Ayyashi’ – From Sama’at Bin Mihran who said,

‘I asked him^{-asws} about the woman which is not permissible for her husband until she marries another husband. He^{-asws} said: ‘She is the one who is divorced, then returned, then divorced, then returned, then divorced for the third time. So, she is the one who is not permissible for her husband until she marries another husband, and she tastes his honey and he tastes her honey, and it is the Word of Allah^{-azwj}: **The divorce is twice, then either keep them with reasonableness or release with the goodness [2:229]**. The ‘release’ is with the third divorce’.²⁰⁴

67 شي، تفسير العياشي عن أبي القاسم الفارسي قال: قُلْتُ لِلرِّضَا ع جُعِلْتُ فِدَاكَ إِنَّ اللَّهَ يَقُولُ فِي كِتَابِهِ - فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ مَا يَغْنِي بِذَلِكَ

(The book) ‘Tafseer Al Ayyashi’ – from Abu Al Qasim Al Farsi who said,

²⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 64

²⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 65

²⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 66

'May I be sacrificed for you^{-asws}! Allah^{-azwj} is Saying in His^{-azwj} Book: **then either keep them with reasonableness or release with the goodness [2:229]**. What does He^{-azwj} Mean by that?'

قَالَ أَنَا الْإِنْسَانُ بِالْمَعْرُوفِ فَكَفْتُ الْأَدَى وَ إِجْبَاءِ النَّفَقَةِ وَ أَنَا التَّسْرِيحُ بِإِحْسَانٍ فَالطَّلَاقُ عَلَى مَا نَزَلَ بِهِ الْكِتَابُ.

He^{-asws} said: 'As for '**keep them with reasonableness**', is refraining from the harming and providing sufficient maintenance, and as for '**release with the goodness**', it is the divorce based upon what the Book has been Revealed with.²⁰⁵

68 شي، تفسير العياشي عَنْ عَبْدِ اللَّهِ بْنِ فَضَّالَةَ عَنِ الْعَبْدِ الصَّالِحِ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ عِنْدَ فُرُوعِهَا تَطْلِيْقَةً ثُمَّ رَاجَعَهَا ثُمَّ طَلَّقَهَا عِنْدَ فُرُوعِهَا الثَّالِثَةَ فَبَانَتْ مِنْهُ أَلَهُ أَنْ يَرِاجِعَهَا

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bi Fazalah,

From Al-Abd Al-Salih (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws} about a man who divorces his wife at her menses-free period, then returns to her, then divorces her at her menses-free period thirdly, so she becomes irrevocably divorced from him. Is it for him to return to her?'

قَالَ نَعَمْ

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

قُلْتُ قَبْلَ أَنْ تَنْزُوجَ زَوْجًا غَيْرَهُ

I said, 'Before she marries another husband?'

قَالَ نَعَمْ

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

قُلْتُ لَهُ فَرَجُلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيْقَةً ثُمَّ رَاجَعَهَا ثُمَّ طَلَّقَهَا ثُمَّ رَاجَعَهَا ثُمَّ طَلَّقَهَا

I said to him^{-asws}, 'So (what about) a man who divorces his wife with a divorce, then returns to her, then divorces her, then returns to her, then divorces her?'

قَالَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ.

He^{-asws} said: 'She is not lawful for him until she marries another husband'.²⁰⁶

69 شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَنِ الطَّلَاقِ الَّتِي لَا تَحِلُّ لَهُ - حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ قَالَ لِي أُخْبِرُكَ بِمَا صَنَعْتُ أَنَا بِامْرَأَةٍ كَانَتْ عِنْدِي فَأَرَدْتُ أَنْ أُطَلِّقَهَا فَتَرَكَتُهَا حَتَّى إِذَا طَمِنْتُ ثُمَّ طَهَّرْتُ طَلَّقْتُهَا مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ

²⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 67

²⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 68

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

'I asked Abu Ja'far^{-asws} about the divorce (after which) she is not lawful for him until she marries another husband. He^{-asws} said to me: 'Shall I^{-asws} tell you what I^{-asws} did with a woman who was with me^{-asws}? I^{-asws} wished to divorce her, so I left her until she menstruated and then became pure. I^{-asws} then divorced her without marital relations, in the presence of two witnesses.

ثُمَّ تَرَكَتُهَا حَتَّى إِذَا كَادَتْ أَنْ تَنْفَضِيَ عِدَّتُهَا رَاجِعْتُهَا وَ دَخَلْتُ بِهَا وَ مَسِسْتُهَا وَ تَرَكَتُهَا حَتَّى طَمِنَتْ وَ طَهَّرْتُ ثُمَّ طَلَّقْتُهَا بِشُهُودٍ مِنْ غَيْرِ جَمَاعٍ بِشَاهِدَيْنِ
ثُمَّ تَرَكَتُهَا حَتَّى إِذَا كَادَتْ أَنْ تَنْفَضِيَ عِدَّتُهَا رَاجِعْتُهَا وَ دَخَلْتُ بِهَا وَ مَسِسْتُهَا ثُمَّ تَرَكَتُهَا حَتَّى طَمِنَتْ وَ طَهَّرْتُ ثُمَّ طَلَّقْتُهَا بِشُهُودٍ مِنْ غَيْرِ جَمَاعٍ وَ إِنَّمَا
فَعَلْتُ ذَلِكَ بِهَا لِأَنَّهُ لَمْ يَكُنْ لِي بِهَا حَاجَةٌ.

Then I^{-asws} left her until her waiting period was almost over. I^{-asws} took her back, had relations with her, and left her until she menstruated and became pure. Then I^{-asws} divorced her again with witnesses, without marital relations, in the presence of two witnesses. I^{-asws} left her until her waiting period was almost over, then I^{-asws} took her back, had relations with her, and left her until she menstruated and became pure. Then I^{-asws} divorced her with witnesses, without union. I^{-asws} only did this with her because I^{-asws} had no need for her'.²⁰⁷

70 شي، تفسير العياشي عن الحسن بن زياد قال: سألتُهُ عن رجلٍ طَلَّقَ امْرَأَتَهُ فَتَرَوَّجَتْ بِالْمُنْعَةِ أَوْ تَحِلُّ لِرِزْوَجِهَا الْأَوَّلِ

(The book) 'Tafseer Al Ayyashi' – From Al-Hassan Bin Ziyad who said,

'I asked him^{-asws} about a man who divorces his wife, and she re-marries with the Mut'ah, 'Is she lawful for her first husband?'

قَالَ لَا- لَا تَحِلُّ لَهُ حَتَّى تَدْخُلَ فِي مِثْلِ الَّذِي خَرَجَتْ مِنْ عِنْدِهِ وَ ذَلِكَ قَوْلُهُ فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ حَتَّى تُنكِحَ زَوْجًا غَيْرَهُ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ
عَلَيْهِمَا أَنْ يَتَرَاجَعَا إِنْ ظَنَّا أَنْ يُعِيمَا حُدُودَ اللَّهِ وَ الْمُتْعَةُ لَيْسَ فِيهَا طَلَاقٌ.

He^{-asws} said: 'No, she is not lawful for him until she enters into similar to which she had exited from him, and that is the Word of Allah^{-azwj}: **So if he divorces her (for a third time), she would not be lawful to him afterwards until she marries another husband; then if he divorces her there is no blame on them both if they return to each other, if they think that they can keep within the Limits of Allah [2:230]**, and the Mut'ah, there is no divorce in it'.²⁰⁸

71 شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع قال: سألتُهُ عن الطَّلَاقِ الَّذِي لَا تَحِلُّ لَهُ- حَتَّى تُنكِحَ زَوْجًا غَيْرَهُ قَالَ هُوَ الَّذِي يُطَلِّقُ ثُمَّ
يُتَرَاجَعُ وَ الرَّجْعَةُ هُوَ الْجِمَاعُ ثُمَّ يُطَلِّقُ ثُمَّ يُتَرَاجَعُ ثُمَّ يُطَلِّقُ الثَّلَاثَةَ- فَلَا تَحِلُّ لَهُ ... حَتَّى تُنكِحَ زَوْجًا غَيْرَهُ

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

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the divorce after which she is not lawful for him until she marries another husband. He^{-asws} said: 'He is the one who

²⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 69

²⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 70

divorces, then returns, and the return, it is the consummation. Then he divorces, then returns, then divorces thirdly, so she is not lawful for him until she marries another husband’.

وَقَالَ الرَّجْعَةُ الْجَمَاعُ وَإِلَّا فَهِيَ وَاحِدَةٌ.

And he^{-asws} said: ‘The ‘return’ is the consummation, or else it is one (divorce)’.²⁰⁹

72 شي، تفسير العياشي عن عُمَرَ بْنِ حَنْظَلَةَ عَنْهُ ع قَالَ: إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ أَنْتِ طَالِقَةٌ ثُمَّ رَاجَعَهَا ثُمَّ قَالَ أَنْتِ طَالِقَةٌ ثُمَّ رَاجَعَهَا ثُمَّ قَالَ أَنْتِ طَالِقَةٌ لَمْ تَحِلَّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَإِنْ طَلَّقَهَا وَ لَمْ يُشْهَدْ فَهُوَ يَتَزَوَّجُهَا إِذَا شَاءَ.

(The book) ‘Tafseer Al Ayyashi’ – From Umar Bin Hanzala,

From him^{-asws} having said: ‘When the man says to his wife, ‘You are divorced!’ Then he returns to her. Then says, ‘You are divorced!’ Then returns to her. Then says, ‘You are divorced!’ She is not lawful for him until she marries another husband. If he divorces her and does not keep witnesses, he can marry her when he so desires to’.²¹⁰

73 شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ ثُمَّ تَزَوَّجَهَا حَتَّى انْقَضَتْ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا ثُمَّ طَلَّقَهَا مِنْ غَيْرِ أَنْ يَدْخُلَ بِهَا حَتَّى فَعَلَ ذَلِكَ بِهَا ثَلَاثًا قَالَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ.

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

From Abu Abdullah^{-asws} regarding a man who divorces his wife, then leaves her until she fulfils her waiting period, then he marries her, then divorces her from without having consummated with her, until he does that thrice with her. He^{-asws} said: ‘She is not lawful for him until she marries another husband’.²¹¹

74 شي، تفسير العياشي عن إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ طَلَّاقًا— لَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَتَزَوَّجَهَا عَبْدٌ ثُمَّ طَلَّقَهَا هَلْ يَهْدِمُ الطَّلَاقُ

(The book) ‘Tafseer Al Ayyashi’ – From Is’haq Bin Ammar who said,

‘I asked Abu Abdullah^{-asws} about a man who divorces his wife with such a divorce she is not lawful for him afterwards until she marries another husband. A slave marries her, then divorces her, ‘Does he invalidate the divorce?’

قَالَ نَعَمْ لِمَوْلَى اللَّهِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ وَ هُوَ أَخَذَ الْأُزْوَاجَ.

He^{-asws} said: ‘Yes, due to Words of Allah^{-azwj}: **until she marries another husband [2:230]**, and he is one of the husbands’.²¹²

²⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 71

²¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 72

²¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 73

²¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 74

75 شي، تفسير العياشي عن عبد الله بن سنان عن أبي عبد الله ع عن أمير المؤمنين ع قال: إذا أراد الرجل الطلاق طلقها في قبل عدتها في غير جماع فإنه إذا طلقها واحدة ثم تركها حتى يخلو أجلها و شاء أن يخطب مع الخطاب فعلمان راجعها قبل أن يخلو الأجل أو لعدة [العدة] فهي عنده على تطليقة

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, from Amir Al-Momineen^{-asws} having said: 'When the man intends the divorce, he divorces her before her waiting period without consummation, for then he would have divorced her once. Then he leaves her until her term is free, and he desires to propose to her with the proposers, he can do so. If he returns to her before the term is free, or at the waiting period, she is with him upon once divorce.

فإن طلقها الثانية فشاء أيضاً أن يخطب مع الخطاب إن كان تركها حتى يخلو أجلها و إن شاء راجعها قبل أن ينقضي أجلها فإن فعل فهي عنده على تطليقتين

If he divorces her the second time, so he desires as well he can propose along with the proposers, if he had left her until her term was free, and if he desires he can return to her before the expiry of her term. If he does so, she would be with him upon two divorces.

فإن طلقها ثلاثاً - فلا تحل له ... حتى تنكح زوجاً غيره و هي ترث و تورث ما كانت في الدم في التطليقتين الأولتين.

If he divorces her thirdly, she is not lawful for him until she marries another husband, and she will inherit and be inherited from, for as long as she is in the blood (menstruation) during the first two divorces.²¹³

76 شي، تفسير العياشي عن زرارة و حمران ابني أعين و محمد بن مسلم عن أبي جعفر و أبي عبد الله ع قالوا سألتناهما عن قوله - و لا تمسكوهن ضراراً ليعتدوا فقلا هو الرجل يطلق المرأة تطليقة واحدة ثم يدعها حتى إذا كان آخر عدتها راجعها ثم يطلقها أخرى فيتركها مثل ذلك ربه ذلك.

(The book) 'Tafseer Al Ayyashi' – From Zurarah and Humran, two sons of Ayn, and Muhammad Bin Muslim,

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws}, they said, 'We asked them^{-asws} about His^{-azwj} Words: **And do not retain them for harm for you will transgress [2:231]**. They^{-asws} said: 'He is the man divorcing his wife with one divorce, then he leaves her until when it was at the end of her waiting period, he returns to her. Then he divorces her again, so he leaves her similar to that. That is suspicious'.²¹⁴

77 شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع قال: سألته عن قول الله - و لا تمسكوهن ضراراً ليعتدوا قال الرجل يطلق حتى إذا كادت أن يخلو أجلها راجعها ثم طلقها ثم راجعها يفعل ذلك ثلاث مرات فنهي الله عنه.

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

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **And do not retain them for harm for you will transgress [2:231]**. He^{-asws} said: 'The man divorces

²¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 75

²¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 76

until what her term is almost complete, he returns to her. Then he divorces her, then returns to her. He does that three times. Allah^{-azwj} has Prohibited from that'.²¹⁵

78 ن، عيون أخبار الرضا عليه السلام البيهقي عن الصولي عن أحمد بن محمد بن إسحاق عن أبيه قال: حلف رجل بخراسان بالطلاق أن معاوية ليس من أصحاب رسول الله ص أيام كان الرضا ع بها فأفتى الفقهاء بطلاقها

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws} – A man swore an oath at Khurasan with the divorce (of his wife) that Muawiya isn't from companions of Rasool-Allah^{-saww}, in the days Al-Reza^{-asws} was at it. The Jurists issued Fatwa of her divorce.

فَسَمِعَ الرضا ع فَأَفْتَى أَنَّهَا لَا تُطَلَّقُ فَكَتَبَ الْفُقَهَاءُ رُفْعَةً وَ أَنْفَدُوهَا إِلَيْهِ وَ قَالُوا لَهُ مِنْ أَيْنَ قُلْتَ يَا ابْنَ رَسُولِ اللَّهِ ص إِنَّهَا لَمْ تُطَلَّقْ

Al-Reza^{-asws} was asked. He^{-asws} issued Fatwa that she is not divorced. The jurists wrote a note and sent it to him^{-asws} and said: 'From where did you^{-asws} say, O son^{-asws} of Rasool-Allah^{-saww}, that she is not divorced?'

فَوَقَّعَ ع بِي رُفْعَتِهِمْ قُلْتُ هَذَا مِنْ رِوَايَتِكُمْ عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ص قَالَ - لِمُسْلِمَةِ الْفَتْحِ وَ قَدْ كَثُرُوا عَلَيْهِ أَنْتُمْ خَيْرٌ وَ أَصْحَابِي خَيْرٌ وَ لَا هِجْرَةَ بَعْدَ الْفَتْحِ فَأَبْطَلَ الْهِجْرَةَ وَ لَمْ يَجْعَلْ هَؤُلَاءِ أَصْحَابًا لَهُ

He^{-asws} replied in their note: 'I^{-asws} said this from your own reports from Abu Saeed Al-Khudri, that Rasool-Allah^{-saww} said to Muslims of the conquest, and they had become numerous to him^{-saww}: 'You are good, and my^{-saww} companions are good! There is no emigration after the conquest'. Thus, the emigration was invalidated, and he^{-saww} did not consider them (Muslims at the conquest of Makkah including Muawiya) as companions of his^{-saww}.

فَرَجَعُوا إِلَى قَوْلِهِ.

They returned to his^{-asws} word'.²¹⁶

79 ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم قال: سألت أحدهما ع عن رجلٍ قالت له امرأته أسألك بوجه الله إلا ما طلقني

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I asked one of the two (5th or 6th Imam^{-asws}) about a man his wife says to him, 'I ask you for the Face of Allah^{-azwj}, please divorce me!'

قَالَ يُوجِعُهَا ضَرْبًا أَوْ يَعْفُو عَنْهَا.

He^{-asws} said: 'He should either tap her with a (symbolic) strike, or pardon her'.²¹⁷

²¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 77

²¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 78

²¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 79

80 ين، كتاب حسين بن سعيد و النوادر عن زَيْدِ الْحَيَّاطِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ امْرَأَتِي خَرَجَتْ بَعِيرٍ إِذْنِي فَقُلْتُ لَهَا إِنَّ خَرَجْتَ بَعِيرٍ إِذْنِي فَأَنْتِ طَالِقٌ فَخَرَجَتْ فَلَمَّا أَنْ ذَكَرْتُ دَخَلْتُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zayd Al Khayyat who said,

'I said to Abu Abdullah^{-asws}, 'My wife went out without my permission, so I said to her, 'If you go out without my permission, then you are divorced!' She still went out. So when I remembered, I entered (to see you^{-asws})'.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع خَرَجَتْ سَبْعِينَ ذِرَاعاً

Abu Abdullah^{-asws} said: 'Did she go out to seventy cubits?'

قَالَ لَا

He said, 'No'.

قَالَ وَ مَا أَشَدَّ مِنْ هَذَا بَعْجِيءٌ مِثْلُ هَذَا مِنَ الْمُشْرِكِينَ فَيَقُولُ لِامْرَأَتِهِ الْقَوْلَ فَتَنْتَرِعُ فَتَنْتَرِعُ زَوْجاً آخَرَ وَ هِيَ امْرَأَتُهُ.

He^{-asws} said: 'And what is severer than this? The likes of this one have come from the Polytheists, so he says to his wife the word, so she would be separated and marry another husband while she is still his wife!'²¹⁸

81 كِتَابُ سُلَيْمِ بْنِ قَيْسٍ، عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ قَالَ فِي سِيَاقِ ذِكْرِ بَدْعِ عُمَرَ وَ أُعْجِبُ مِنْ ذَلِكَ أَنَّ أَبَا كِنْفٍ الْعَبْدِيَّ أَنَاهُ فَقَالَ إِنِّي طَلَّقْتُ امْرَأَتِي وَ أَنَا غَائِبٌ فَوَصَلَ إِلَيْهَا الطَّلَاقُ ثُمَّ رَاجَعْتُهَا وَ هِيَ فِي عِدَّتِهَا وَ كَتَبْتُ إِلَيْهَا فَلَمْ يَصِلِ الْكِتَابُ إِلَيْهَا حَتَّى تَزَوَّجَتْ

The book of Suleym Bin Qays -

From Amir Al-Momineen^{-asws}, he^{-asws} said in continuation of mention of innovations by Umar: 'And most surprising of that is that Abu Kinf Al-Abdy had come to him. He said, 'I have divorced my wife while I was absent (away), and the (news of) divorce arrived to her. Then I returned to her while she was in her waiting period, and I had written to her, but the letter did not arrive to her until she had re-married!'

فَكُنْتُ لَهُ إِذْ كَانَ هَذَا الَّذِي تَزَوَّجَهَا دَخَلَ بِهَا فَهِيَ امْرَأَتُهُ وَ إِنْ كَانَ لَمْ يَدْخُلْ بِهَا فَهِيَ امْرَأَتُكَ وَ كُنْتُ لَهُ ذَلِكَ وَ أَنَا شَاهِدٌ وَ لَمْ يُسْأَلْنِي وَ لَمْ يَسْأَلْنِي بِرَى اسْتِعْنَاءُهُ بِعِلْمِهِ عَنِّي الْحَدِيثُ.

He (Umar) wrote for him, 'If the one who has married her has consummated with her, she is his wife, and if he has not consummated with her, she is your wife', and he wrote that for him, and I^{-asws} am a witness, and he did not consult me^{-asws} and did not ask me^{-asws}. He viewed that he was needless of me^{-asws} with his knowledge' – the Hadeeth.²¹⁹

²¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 80

²¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 81

82 نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: تَزَوَّجَ رَجُلٌ امْرَأَةً ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا فَجَهِلَ فَوَاقَعَهَا وَ طَلَّقَ أَنَّ عَلَيْهَا الرَّجْعَةَ

(The book) 'Nawadir' of Al Rawandy –

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'A man married a woman, then divorced her before he had consummated with her. He was ignorant and had marital relations with her and he thought that upon that there is a return for him to her.

فَرَفَعَ إِلَى عَلِيٍّ ع فَدَرَأَ عَنْهُ الْحُدَّ بِالشُّبْهَةِ وَ قَضَى عَلَيْهِ بِنِصْفِ الصَّدَاقِ بِالتَّطْلِيقَةِ وَ الصَّدَاقِ كَامِلًا بِغِشْيَانِهِ إِيَّاهَا.

The case was raised to Ali^{-asws}. He^{-asws} staved the legal penalty from him due to the doubt and decreed upon him with half the dowry with the divorce, and the whole dowry due to him having had marital relations with her'.²²⁰

83 وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ ص لَا طَلَّاقَ إِلَّا مِنْ بَعْدِ نِكَاحٍ.

And by this chain, he^{-asws} said: 'Rasool-Allah^{-saww} said: 'There is no divorce except from after marriage!'²²¹

84 وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع مَنْ أَسَرَ الطَّلَاقَ وَ أَسَرَ الْإِسْتِثْنَاءَ فَلَا بَأْسَ وَ إِنْ أَعْلَنَ الطَّلَاقَ وَ أَسَرَ الْإِسْتِثْنَاءَ فِي نَفْسِهِ أَخَذْنَاهُ بِعَلَانِيَتِهِ وَ أَلْقَيْنَا السِّرَّ.

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'One who keeps the divorce a secret and keeps the exclusion a secret, there is no problem, and if he announces the divorce and keeps the exclusion a secret within himself, we^{-asws} shall seize him with his announcement and disregard the secret'.²²²

85 وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع فِي رَجُلٍ قَالَ لِامْرَأَتِهِ أَنْتِ طَالِقٌ نِصْفَ تَطْلِيقَةٍ هِيَ وَاحِدَةٌ وَ لَيْسَ فِي الطَّلَاقِ كَسْرٌ.

And by this chain, he^{-asws} said: 'Ali^{-asws} said regarding a man who said to his wife, 'You are divorced with half a divorce', it is one, and there isn't any fraction in the divorce'.²²³

86 قَالَ: وَ سُئِلَ ع عَنْ رَجُلٍ لَهُ امْرَأَتَانِ أَحَدُهُمَا تُسَمَّى جَمِيلَةَ وَ الْأُخْرَى تُسَمَّى حَمَادَةَ فَمَرَّتْ جَمِيلَةُ فِي ثِيَابِ حَمَادَةَ فَظَنَّ أَنَّهَا حَمَادَةُ فَقَالَ ادْهَبِي فَأَنْتِ طَالِقٌ

He^{-asws} said and he^{-asws} was asked about a man having two wives for him, one of them named as 'Jameela', and the other named as 'Hammada'. Jameela passed by wearing clothes of Hammada. He thought it was Hammada. He said, 'Go, for you are divorced!'

²²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 82

²²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 83

²²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 84

²²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 85

فَقَالَ عَلِيٌّ عَ طَلَّقْتُ حَمَادَةَ بِالِاسْمِ وَ طَلَّقْتُ جَمِيلَةَ بِالِإِشَارَةِ

Ali^{-asws} said: 'He divorced Hammada with the name and divorced Jameela with the indication'.

وَ كَذَلِكَ رَوَاهُ الشَّعْبِيُّ عَنْ عَلِيٍّ ع.

And like that has been reported by Al-Shaby from Ali^{-asws}.²²⁴

87 وَ هَذَا الْإِسْنَادِ قَالَ: قَالَ رَجُلٌ لِعَلِيٍّ عَ رَأَيْتُ فِي الْمَنَامِ كَأَنِّي طَلَّقْتُ امْرَأَتِي ثَلَاثًا

And by this chain, he^{-asws} said: 'A Man said to Ali^{-asws}, 'I saw in the dream as if I have divorced my wife thrice!'

فَقَالَ عَ إِنَّ ذَلِكَ مِنَ الشَّيْطَانِ لَمْ تَحْرَمِ عَلَيْكَ امْرَأَتَكَ إِذَا الطَّلَاقُ فِي الْبَيْقَظَةِ وَ لَيْسَ الطَّلَاقُ فِي الْمَنَامِ.

He^{-asws} said: 'That is from the Satan^{-la}! Your wife is not prohibited unto you. But rather, the divorce is during the wakefulness, and the divorce isn't during the sleep'.²²⁵

88 وَ قَالَ عَ طَلَاقُ النَّائِمِ لَيْسَ بِشَيْءٍ حَتَّى يَسْتَيْقِظَ وَ لَا يَجُوزُ طَلَاقُ مَغْثُوهِ وَ لَا مُبْرَسَمٍ وَ لَا صَاحِبِ هَذَيَانٍ وَ لَا صَاحِبِ لَوْثَةٍ وَ لَا مُكْرَهٍ وَ لَا صَبِيٍّ حَتَّى يَخْتَلِمَ.

And he^{-asws} said: 'Divorce of the sleeping isn't anything until he wakes up, nor of the mentally impaired, nor the lunatic, nor one with delirium, one experiencing wet-dream, nor a coerced one, nor a young boy until he attains puberty'.²²⁶

89 وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ عَ لِكُلِّ مُطَلَّقَةٍ مُنْعَةٌ إِلَّا الْمُخْتَلِعَةَ.

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'For every divorced woman is a provision except one divorcing with mutual consent (Khul'a)'.²²⁷

90 وَ هَذَا الْإِسْنَادِ قَالَ: إِنَّ امْرَأَةً أَتَتْ عَلِيًّا عَ وَ قَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ رَوْحِي طَلَّقَنِي مَرَارًا كَثِيرَةً لَا أُحْصِيهَا وَ أَنْتَ بِشُهُودٍ شَهِدُوا عَلَيْهِ عِنْدَهُ فَعَزَّرَهُ عَلِيٌّ عَ وَ أَبَاهَا مِنْهُ.

And by this chain, he^{-asws} said: 'A woman came to Ali^{-asws} and said, 'O Amir Al-Momineen^{-asws}! My husband has divorced me many times, I cannot even keep count!', and she came with witnesses who had witnessed upon it in his presence!' Ali^{-asws} scolded him and separated her from him'.²²⁸

91 وَ هَذَا الْإِسْنَادِ قَالَ: سَمِعْتُ عَلِيًّا عَ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ إِنَّ لَمْ أَصُمْ يَوْمَ الْأَصْحَى فَأَنْتِ طَالِقٌ

²²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 86

²²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 87

²²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 88

²²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 89

²²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 112 H 90

And by this chain, he^{-asws} said: 'Ali^{-asws} was asked about a man who said to his wife, 'If I don't fast on the day of Sacrifice, you are divorced!'

فَقَالَ إِنَّ صَامَ فَقَدْ أَحْطَأَ السُّنَّةَ وَخَالَفَهَا وَاللَّهُ وَلِيُّ عُقُوبَتِهِ وَ مَغْفِرَتِهِ وَ لَمْ تُطَلَّقِ امْرَأَتُهُ وَ يَنْبَغِي أَنْ يُؤَدَّبَهُ الْإِمَامُ بِشَيْءٍ مِنْ ضَرْبٍ.

He^{-asws} said: 'If he does fast, he has erred the Sunnah and opposed it, and Ali^{-asws} is In Charge of his punishment and his forgiveness, and his wife is not divorced, and it is befitting that the Imam^{-asws} disciplines him with something from the beating'.²²⁹

92 المِهُدَايَةُ، قَالَ الصَّادِقُ ع طَلَّاقُ السُّنَّةِ هُوَ أَنَّهُ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ تَرْتَبِعَ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ يُطَلِّقُهَا مِنْ قَبْلِ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ فَإِذَا مَضَتْ بِهَا ثَلَاثَةُ فُرُوعٍ وَ ثَلَاثَةُ أَشْهُرٍ فَقَدْ بَانَتْ مِنْهُ وَ هُوَ حَاطِبٌ مِنَ الحُطَّابِ وَ الْأَمْرُ إِلَيْهَا إِنْ شَاءَتْ تَرْوَحُهُ وَ إِنْ شَاءَتْ فَلَا.

(The book) 'Al Hidayah' -

Al-Sadiq^{-asws} said: 'Divorce of the Sunnah, it is that when the man intends to divorce his wife, he waits with her until she menstruates and is pure, then he divorces her from before the waiting period, keeping two just witnesses. When three menses free periods pass by her, and three months, she becomes irrevocably divorced from him, and he is a proposer from the proposers, and the matter is up to her. If she desires, she marries him, and if she desires she does not'.²³⁰

93 وَ قَالَ الصَّادِقُ ع طَلَّاقُ الْعِدَّةِ هُوَ أَنَّهُ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ تَرْتَبِعَ بِهَا حَتَّى تَحِيضَ وَ تَطْهَرُ ثُمَّ يُطَلِّقُهَا مِنْ قَبْلِ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ ثُمَّ يُرَاجِعُهَا ثُمَّ يُطَلِّقُهَا ثُمَّ يُرَاجِعُهَا ثُمَّ يُطَلِّقُهَا فَإِذَا طَلَّقَهَا الثَّلَاثَةَ - فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

And Al-Sadiq^{-asws} said: 'Divorce of the waiting period is when the man intends to divorce his wife, he waits with her until she menstruated and is pure. Then he divorces her from before her waiting period keeping two just witnesses, then he returns to her, then divorces her, then returns to her, then divorces her. When he has divorced her three times, she is no lawful for him from afterwards until she marries another husband.

فَإِنْ تَزَوَّجَهَا رَجُلٌ وَ لَمْ يَدْخُلْ بِهَا ثُمَّ طَلَّقَهَا أَوْ مَاتَ عَنْهَا لَمْ يَجْزِ لِلزَّوْجِ الْأَوَّلِ أَنْ يَتَزَوَّجَهَا حَتَّى يَتَزَوَّجَهَا رَجُلٌ وَ يَدْخُلْ بِهَا ثُمَّ يُطَلِّقَهَا أَوْ يَمُوتَ عَنْهَا فَحِينَئِذٍ يَجُوزُ لِلزَّوْجِ الْأَوَّلِ أَنْ يَتَزَوَّجَهَا بَعْدَ خُرُوجِهَا مِنْ عِدَّتِهَا.

If a man marries her and does not consummate with her, then divorces her, or dies from her, she is not lawful for the first husband to marry her until she marries a man and he consummates with her, then divorces her or dies from her. Then she will be lawful for the first husband to marry her after her coming out from her waiting period'.²³¹

²²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 91

²³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 92

²³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 93

CHAPTER 113 – RULING OF THE WIFE OF A MISSING HUSBAND

1- قب، المناقب لابن شهر آشوب روي أن الصحابة اختلفوا في امرأة المفقود فذكروا أن علياً حكم بأنها لا تتزوج حتى يجيء نعي موته و قال هي امرأة ابليث فلنصبر

(The book) 'Al-Manaqib' of Ibn Shehr Ashub – It is reported that the companions differing regarding a wife of a missing husband that Ali^{-asws} had ruled that she cannot re-marry until news of his death comes, and he^{-asws} said: 'She is a woman being Tried, so let her be patient'.

و قال عمر تبرص أربع سنين ثم يطلقها ولي زوجها ثم تبرص أربعة أشهر و عشراً ثم رجع إلى قول علي ع.

And Umar said, 'She should wait for four years then the guardian of her husband can divorce her, then she should wait four months and ten days'. Then he (Umar) returned to the words of Ali^{-asws}.²³²

2- ختص، الإختصاص عن أبي عبد الله ع قال: المفقود ينتظر أهله أربع سنين فإن عاد و إلا تزوجت فإن قدم زوجها حيرت فإن اختلفت الأول اعتدت من الثاني و رجعت إلى الأول و إن اختلفت الثاني فهو زوجها.

(The book) 'Al Ikhtisas' -

From Abu Abdullah^{-asws} having said: 'The missing husband, his wife should wait for four years. Either he returns or else she can re-marry. If her husband returns, she will be given a choice. If she chooses the first, she will observe waiting period from the second and return to the first, and if she chooses the second, he is her husband'.²³³

3- ختص، الإختصاص يعقوب بن يزيد عن ابن أبي عمير قال: قال مؤمن الطاق فيما ناظر به أبا حنيفة إن عمر كان لا يعرف أحكام الدين أتاه رجل فقال يا أمير المؤمنين إنني غبت فقدمت و قد تزوجت امرأتي

(The book) 'Al Ikhtisas' – Yaqoub Bin Yazeed, from Ibn Abu Umeyr who said,

'Momin Al-Taq said among what he debated Abu Haneefa with, 'Umar did not know the rulings of religion. A man had come to him, he said, 'O commander of the faithful! I was absent. I arrived and my wife had re-married!'

فقال إن كان قد دخل بها فهو أحق بها و إن لم يكن دخل بها فأنت أولى بها و هذا حكم لا يعرف و الأمة على خلافه

He (Umar) said, 'If he has consummated with her, he is more rightful with her, and if he had not consummated with her, then you are foremost with her' – and this is an unrecognised ruling and the community upon its opposite.

²³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 1

²³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 2

وَ قَضَىٰ فِي رَجُلٍ غَابَ عَنِ أَهْلِهِ أَرْبَعَ سِنِينَ أَهْمًا تَتَزَوَّجُ إِنْ شَاءَتْ وَ الْأُمَّةُ عَلَىٰ خِلَافِ ذَلِكَ أَهْمًا لَا تَتَزَوَّجُ أَبَدًا حَتَّىٰ تَقُومَ الْبَيِّنَةُ أَنَّهُ مَاتَ أَوْ كَفَرَ أَوْ طَلَّقَهَا.

And he (Umar) had decreed regarding a man absent from his wife for four years, she can re-marry if she so desires, and the community is upon opposite that she cannot re-marry ever until the proof is established that he has either dead, or become a Kafir, or had divorced her (This is not a Hadeeth).²³⁴

4- كِتَابُ سُلَيْمِ بْنِ قَيْسٍ، عَنِ أَمِيرِ الْمُؤْمِنِينَ عٍ عِنْدَ ذِكْرِ بَدْعِ عُمَرَ قَالَ وَ قَضَيْتُهُ فِي الْمَقْمُودِ أَنَّ أَجَلَ امْرَأَتِهِ أَرْبَعَ سِنِينَ ثُمَّ تَتَزَوَّجُ فَإِنْ جَاءَ زَوْجُهَا حَيًّا بَيْنَ امْرَأَتِهِ وَ بَيْنَ الصَّدَاقِ فَاسْتَحْسَنَهُ النَّاسُ فَاتَّخَذُوهُ سُنَّةً وَ قَبِلُوهُ عَنْهُ جَهْلًا وَ قَلَّةَ عِلْمِ بِكِتَابِ اللَّهِ عَزَّ وَ جَلَّ وَ سُنَّةَ نَبِيِّهِ ص.

The book of Suleym Bin Qays -

From Amir Al-Momineen^{-asws} at the mention of innovations by Umar, he^{-asws} said: 'And his decree regarding the missing husband that the term of his wife is four years, then can re-marry. If her husband comes, he will be given a choice between his wife and the dowry. The people considered it good and they took it as Sunnah and accepted it from him out of ignorance and lack of knowledge of the Book of Allah^{-azwj} Mighty and Majestic, and Sunnah of His^{-azwj} Prophet^{-saww}'.²³⁵

NB: The four-year limit for the divorce of a women whose husband is absent is from Umar, see Ahadeeth from Al-Kafi, vol. 6

مُحَمَّدُ بْنُ يَحْيَىٰ عَنِ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَىٰ عَنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ مُحَمَّدِ بْنِ الْفَضِيلِ عَنِ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ غَابَ عَنْهَا زَوْجُهَا أَرْبَعَ سِنِينَ وَ لَمْ يُنْفَقْ عَلَيْهَا وَ لَا يُدْرَى أَمْ حَيٌّ هُوَ أَمْ مَيِّتٌ أَمْ يُجَبَّرُ عَلَيْهِ عَلَىٰ أَنْ يُطَلَّقَهَا قَالَ نَعَمْ وَ إِنْ لَمْ يَكُنْ لَهُ وَلِيٌّ طَلَّقَهَا السُّلْطَانُ

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

(It has been narrated) from Abu Abdullah^{-asws} regarding a woman from whom her husband is absent for four years, and he did not spend upon her, and it is not known whether he is alive or dead. Is it allowed for his guardian upon him divorcing her?' He^{-asws} said: 'Yes, and if there does not happen to be a guardian for him, the ruler would divorce her'.

قُلْتُ فَإِنْ قَالَ الْوَلِيُّ أَنَا أَنْفَقْتُ عَلَيْهَا قَالَ فَلَا يُجَبَّرُ عَلَىٰ طَلْقِهَا قَالَ قُلْتُ أَرَأَيْتَ إِنْ قَالَتْ أَنَا أُرِيدُ مِثْلَ مَا تُرِيدُ النِّسَاءُ وَ لَا أَصْبِرُ وَ لَا أَفْعُدُ كَمَا أَنَا قَالَ لَيْسَ لَهَا ذَلِكَ وَ لَا كَرَامَةٌ إِذَا أَنْفَقَ عَلَيْهَا .

I said, 'Supposing the guardian were to say, 'I shall spend upon her'. He^{-asws} said: 'So he (the ruler) is not allowed to divorce her'. I said, 'What is your^{-asws} view if she were to say, 'I want

²³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 3

²³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 4

similar to what the women want, and I am not patient, and will not sit just as I am?’ He^{-asws} said: ‘That is not for her, nor is it honourable, when she is being spent upon’.²³⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ وَ عَلِيِّ بْنِ إِبرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْمَفْقُودِ فَقَالَ إِنْ عَلِمْتَ أَنَّهُ فِي أَرْضٍ فَهِيَ مُنْتَظَرَةٌ لَهُ أَبَدًا حَتَّى تَأْتِيَهَا مَوْتُهُ أَوْ يَأْتِيَهَا طَلَاقُهُ وَ إِنْ لَمْ تَعْلَمْ أَيْنَ هُوَ مِنَ الْأَرْضِ كُلِّهَا وَ لَمْ يَأْتِهَا مِنْهُ كِتَابٌ وَ لَا خَبْرٌ فَإِذَا تَأْتَى الْإِمَامَ

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

‘I asked him^{-asws} about the lost one, so he^{-asws} said: ‘If it is known that he is in a land, so she would wait for him forever until death comes upon her, or his divorce comes to her. And if it is not known where he is from the whole of the earth, and no letter comes from him, nor any news, so she would go to the Imam^{-asws}.

فَيَأْمُرُهَا أَنْ تَنْتَظِرَ أَرْبَعَ سِنِينَ فَيُطَلَّبُ فِي الْأَرْضِ فَإِنْ لَمْ يُوجَدْ لَهُ أَنْتَرُ حَتَّى تَمُوتَ فِي الْأَرْضِ أَوْ تَعْتَدَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا ثُمَّ تَحِلُّ لِلرِّجَالِ فَإِنْ قَدِمَ رَوْجُهَا بَعْدَ مَا تَنْفَضِي عِدَّتَهَا فَلَيْسَ لَهُ عَلَيْهَا رَجْعَةٌ وَ إِنْ قَدِمَ وَ هِيَ فِي عِدَّتِهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَهِيَ أَمْلَكُ بِرَجْعَتِهَا .

He would order her to wait for four years, and he would seek him in the earth. So if not trace is found for him until four years pass by, he would order her to observe the waiting period of four months and ten (days), then she would be permissible for the men. So if her husband were to come over after the fulfilment of her waiting period, so it is not for him any reversion to her, and if he comes up while she is in her waiting period of four months and (ten) days, so he is in control with reverting back to her’.²³⁷

[باب 114 الخلع و المباراة](#)

CHAPTER 114 – THE ‘KHUL’A’ (DIVORCE AT WIFE’S REQUEST WITH COMPENSATION), AND THE ‘MUBARAH’ (MUTUAL SEPARATION)

1- فس، تفسیر القمي أبي عن ابن أبي عمير عن ابن سينان عن أبي عبد الله ع قال: الخلع لا يكون إلا أن تقول المرأة- لا أبرك قسماً و لأخرجن بعير إديك و لأوطنن فراشك عيرك و لا أعتسل لك من جنابة أو تقول لا أطيع لك أمراً

Tafseer Al Qummi – My father, from Ibn Abu Umeyr, from Ibn Sinan,

From Abu Abdullah^{-asws} having said: ‘The ‘Khul’a’ cannot take place except if the woman says, ‘I will neither fulfil a vow for you, and I will go out without your permission, and I will lay others in your bed, and I will not wash for you from union impurity!’ Or she says, ‘I will not obey you of any instruction’.

فَإِذَا قَالَتْ ذَلِكَ فَقَدْ حَلَّ لَهُ أَنْ يَأْخُذَ مِنْهَا جَمِيعَ مَا أَعْطَاهَا وَ كُلَّ مَا أَقْدِرَ عَلَيْهَا [قَدَرَ عَلَيْهِ] بِمَا تُعْطِيهِ مِنْ مَالِهَا فَإِذَا تَرَاضِيَا عَلَى ذَلِكَ عَلَى طَهْرٍ بِشُحُودٍ فَقَدْ بَانَ مِنْهُ بَوَاحِدَةٍ وَ هُوَ خَاطِبٌ مِنَ الْخُطَّابِ فَإِنْ شَاءَتْ رَوَّجَتْهُ نَفْسَهَا وَ إِنْ شَاءَتْ لَمْ تَفْعَلْ

²³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 3

²³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 113 H 4

When she says that, it becomes lawful for him to take from her entirety of what he has given her, and all what he is able upon from what she gives from her wealth. When they agree upon that, upon purity, with (just) witnesses, she becomes irrevocable divorced from him with one (Khul'a), and he is a proposer from the proposers. If she desires, she can marry him herself, and if she desires, she does not do so.

فَإِنْ تَزَوَّجَهَا فَيَهِىَ عِنْدَهُ عَلَى اثْنَتَيْنِ بَاقِيَتَيْنِ وَ يَنْبَغِي لَهُ أَنْ يَشْتَرِطَ عَلَيْهَا كَمَا اشْتَرَطَ صَاحِبُ الْمُبَارَاةِ إِنْ رَجَعَتْ فِي شَيْءٍ مِمَّا أُعْطِيَنِي فَأَنَا أَمْلِكُ بِضِعْكَ

If he marries her, she would be with him upon two remaining, and it is befitting for him to stipulate conditions upon her just as the one of 'Al-Mubarah' can, 'If you return regarding anything from what you have given me, then I will be in more control of your private parts!'

وَ قَالَ لَا حُلْعَ وَ مُبَارَاةَ وَ لَا تَخْيِيرَ إِلَّا عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ عَدْلَيْنِ وَ الْمُحْتَلَعَةَ إِذَا تَزَوَّجَتْ زَوْجًا آخَرَ ثُمَّ طَلَّقَهَا حُلًّا لِلأَوَّلِ أَنْ يَتَزَوَّجَ بِهَا

And he^{asws} said: 'There is neither 'Khul'a' and 'Mubarah' nor choice except upon purity from without consummation, with the witnessing by two just witnesses, and the wife with Khul'a, if she marries another man, then he divorces her, she is lawful for the first to be married to her'.

وَ قَالَ لَا رَجْعَةَ لِلزَّوْجِ عَلَى الْمُحْتَلَعَةِ وَ لَا عَلَى الْمُبَارَاةِ إِلَّا أَنْ يَبْدُوَ لِلْمَرْأَةِ فِرْدُ عَلَيْهَا مَا أَخَذَ مِنْهَا.

And he^{asws} said: 'There is no (right of) return for the husband to the wife divorced by 'Khula' nor by 'Al-Mubarah' except if there is a change of mind for the woman, so he returns to her what he has taken from her'.²³⁸

2- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أن علياً ع كان يقول في المحتلعة إنها مطلقه واجدة.

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

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had said regarding the woman divorced by 'Khul'a', it is one divorce'.²³⁹

3- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن امرأة بارأت زوجها على أن له الذي لها عليه ثم بلغها أن سلطاناً إذا رفع ذلك إليه وكان ذلك يعبر علم منه أبي وردت عليها ما أخذ منها

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{asws}), he (the narrator) said, 'I asked him^{asws} about the one who did 'Mubarah' from her husband, based upon that it will be for him what would be for her upon him. Then it reached her that the ruler, when that matter was raised to him, and

²³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 1

²³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 2

that was without knowledge from him, refused and returned to her what he had taken from her.

قَالَ فُلَيْشِيهِدَ عَلَيْهَا شُهُوداً عَلَى مُبَارَاتِهِ إِيَّاهَا أَنَّهُ قَدْ دَفَعَ إِلَيْهَا الَّذِي لَهَا وَ لَا شَيْءَ لَهَا قَبْلَهُ.

He^{-asws} said: 'Let him keep witnesses upon her, upon his doing 'Mubarah' from her, that he had handed to her that which is for her, and there is nothing for her before it'.²⁴⁰

4- ضا، فقه الرضا عليه السلام وَ أَمَّا الْخُلْعُ فَلَا يَكُونُ إِلَّا مِنْ قِبَلِ الْمَرْأَةِ وَ هُوَ أَنْ تَقُولَ لِزَوْجِهَا- لَا أُبْرِي لَكَ قَسَمًا وَ لَا أُطِيعُ لَكَ أَمْرًا وَ لَأُوطِئَنَّ فِرَاشَكَ مَا تَكْرَهُهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}, 'And as for the 'Khula'a', it cannot take place except from the direction of the woman, and it is that she says to her husband, 'I will not fulfil any vow for you, nor obey you in any matter, and I will tread in your bed what you dislike'.

فَإِذَا قَالَتْ هَذِهِ الْمَقَالَةَ فَقَدْ حَلَّ لِزَوْجِهَا مَا يَأْخُذُ مِنْهَا وَ إِنْ كَانَ أَكْثَرَ مِمَّا أُعْطَاهَا مِنَ الصَّدَاقِ وَ قَدْ بَانَتْ مِنْهُ وَ حَلَّتْ لِلْأَزْوَاجِ بَعْدَ انْقِضَاءِ عِدَّتِهَا مِنْهُ فَحَلَّ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا مِنْ سَاعَتِهِ

When she says these words, it becomes lawful for her husband to take the dowry from her, and even if it was more than what he had given her, and she would be irrevocably divorced from him, and she would be lawful for the husbands after expiry of her waiting period from him. It would be lawful for him to marry her sister from the very moment.

وَ أَمَّا الْمُبَارَاةُ فَهِيَ أَنْ تَقُولَ لِزَوْجِهَا طَلَّقْنِي وَ لَكَ مَا عَلَيْكَ فَيَقُولُ لَهَا عَلَى أَنَّكَ إِنْ رَجَعْتَ فِي شَيْءٍ مِمَّا وَهَبْتِهِ لِي فَأَنَا أَمْلِكُ بِبُضْعِكَ فَيُطَلِّقُهَا عَلَى هَذَا وَ لَهُ أَنْ يَأْخُذَ مِنْهَا دُونَ الصَّدَاقِ الَّذِي أُعْطَاهَا وَ لَيْسَ لَهُ أَنْ يَأْخُذَ الْكُلَّ.

And as for the 'Mubarah', is it that she says to her husband, 'Divorce me and for you would be what is against you'. He says to her, 'Based upon that, if you return anything from what you have gifted to me, then I am in more control of your private parts'. So, he divorces her based upon this, and for him is to take from her, besides the dowry which he had given her, and it isn't for him to take the whole'.²⁴¹

5- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْمُخْتَلَعَةِ كَيْفَ يَكُونُ خُلْعُهَا

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the wife divorced by 'Khula'a', 'How would her 'Khul'a' be?'

فَقَالَ لَا يَحِلُّ خُلْعُهَا حَتَّى تَقُولَ وَ اللَّهُ لَا أُبْرِي لَكَ قَسَمًا وَ لَا أُطِيعُ لَكَ أَمْرًا وَ لَأُوطِئَنَّ فِرَاشَكَ وَ لَأُدْخِلَنَّ عَلَيْكَ بَعِيرٍ إِذْنِكَ

²⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 3

²⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 4

He^{-asws} said: ‘Her ‘Khul’a’ is not valid until she says, ‘By Allah^{-azwj}! Neither will I fulfil any vow for you, nor obey you in any matter, and I will get (others) to tread your bed, and I will admit others upon you without your permission’.

فَإِذَا هِيَ قَالَتْ ذَلِكَ حَلَّ حُلْمُهَا وَ حَلَّ لَهُ مَا أَخَذَ مِنْهَا مِنْ مَهْرِهَا وَ مَا زَادَ وَ هُوَ قَوْلُ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ وَ إِذَا فَعَلَ ذَلِكَ فَقَدْ بَانَتْ مِنْهُ بِتَطْلِيقَةٍ وَ هِيَ أَمْلَكُ بِنَفْسِهَا إِنْ شَاءَتْ نَكَحَتْهُ وَ إِنْ شَاءَتْ فَلَا فَإِنْ نَكَحَتْهُ فَهِيَ عِنْدَهُ عَلَى ثِنْتَيْنِ.

When she has said that, her ‘Khul’a’ is valid and it is lawful for him whatever he takes from her from her dowry, and whatever is additional, and it is Word of Allah^{-azwj}: **then there is no blame upon them in what she ransoms with it [2:229]**, and when he does that, she becomes irrevocably divorced from him with one divorce, and she is in more control of herself. If she desires, she can marry him, and if she desires, no. If she does marry him, she would be with him upon two (remaining divorces).²⁴²

6- أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ: أَيُّمَا امْرَأَةٍ اخْتَلَعَتْ مِنْ زَوْجِهَا لَمْ تَزَلْ فِي لَعْنَةِ اللَّهِ وَ مَلَائِكَتِهِ وَ رُسُلِهِ وَ النَّاسِ أَجْمَعِينَ حَتَّى إِذَا نَزَلَ بِهَا مَلَكُ الْمَوْتِ قِيلَ لَهَا أَبْشِرِي بِالنَّارِ

(The book) ‘A’lam Al Deen’ -

From the Prophet^{-saww} having said: ‘Whichever woman does ‘Khul’a’ from her husband will not cease to be in the Curse of Allah^{-azwj} and His^{-azwj} Angels, and His^{-azwj} Messengers^{-as} and the people altogether until when the Angel of death descends with her. It will be said to her, ‘Receive new of the Hellfire!’

فَإِذَا كَانَ يَوْمُ الْقِيَامَةِ قِيلَ لَهَا ادْخُلِي النَّارَ مَعَ الدَّاخِلِينَ أَلَا وَ إِنَّ اللَّهَ وَ رَسُولَهُ بَرِيَانٍ مِنَ الْمُخْتَلِعَاتِ بَعِيرٍ حَقِّ أَلَا وَ إِنَّ اللَّهَ وَ رَسُولَهُ بَرِيَانٍ مِمَّنْ أَضَرَ بِامْرَأَةٍ حَتَّى تَخْتَلِعَ مِنْهُ

When it is the Day of Qiyamah, it will be said to her: ‘Enter the Hellfire along with the entering ones! Indeed, and Allah^{-azwj} and His^{-azwj} Rasool^{-saww} are both disavowed from the wives doing ‘Khul’a’ without a right! Indeed, and Allah^{-azwj} and His^{-azwj} Rasool^{-saww} are both disavowed from the ones who harm a woman until she does ‘Khul’a’ from him!’

وَ مَنْ أَضَرَ بِامْرَأَةٍ حَتَّى تَفْتَدِيَ مِنْهُ لَمْ يَرْضَ اللَّهُ عَنْهُ بِعُقُوبَةٍ دُونَ النَّارِ لِأَنَّ اللَّهَ يَعْضَبُ لِلْمَرْأَةِ كَمَا يَعْضَبُ لِلْيَتِيمِ.

And one who harms a woman until she ransoms herself from him, Allah^{-azwj} will not be Pleased with him, with any Punishment less than the Hellfire, because Allah^{-azwj} is Angered for the woman just as He^{-azwj} is Angered for the orphan’.²⁴³

²⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 5

²⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 114 H 6

CHAPTER 115 – THE CHOICE

1- ضا، فقه الرضا عليه السلام وَ أَمَّا الْمُحَيَّرُ فَأَصْلُ ذَلِكَ أَنَّ اللَّهَ أَيْفَ لِنَبِيِّهِ ص بِمَقَالَةٍ قَالَهَا بَعْضُ نِسَائِهِ أ تَرَى مُحَمَّدًا أَنَّهُ لَوْ طَلَّقَنَا أَلَّا نَجِدَ أَحْقَاءَ مِنْ قُرَيْشٍ يَتَزَوَّجُونَا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And as for the choice, the origin of that is, Allah^{-azwj} Despised for His^{-azwj} Prophet^{-saww} due to the words said by one of his^{-saww} wives, 'Does Muhammad^{-saww} view that if he^{-saww} were to divorce us we will not find matches from Qureysh to marry us?'

فَأَمَرَ نَبِيَّهُ ص أَنْ يَعْتَزِلَ نِسَاءَهُ نِسْعَةً وَعِشْرِينَ يَوْمًا فَأَعْتَزَلَهُنَّ فِي مَشْرَبَةِ أُمِّ إِبْرَاهِيمَ ع ثُمَّ نَزَلَتْ هَذِهِ الْآيَةُ- يَا أَيُّهَا النَّبِيُّ قُلْ لِمَنْ لَزَّوَجَاتِكُمْ- ... إِنَّ كُنْتُمْ تُرِيدُونَ اللَّهَ وَ رَسُولَهُ وَ الدَّارَ الآخِرَةَ إِلَى آخِرِ الْآيَةِ فَاحْتَرِزُوا اللَّهَ وَ رَسُولَهُ فَلَمْ يَقَعْ طَلَاقٌ.

He^{-azwj} Commanded His^{-azwj} Prophet^{-saww} to isolate from his^{-saww} wives for twenty-nine days, so he^{-saww} isolated from them in the drinking place of Umm Ibrahim^{-as} (Mariah^{-ra} the Coptic). Then this Verse was Revealed: **O Prophet! Say to your wives [33:28] And if you were intending Allah and His Rasool, and the House of the Hereafter [33:29]** – up to end of the Verse. They chose Allah^{-azwj} and His^{-azwj} Rasool^{-saww}, so the divorce did not take place'.²⁴⁴

CHAPTER 116 – THE 'ZIHAAR' AND ITS RULINGS

1- فس، تفسير القمي قَدْ سَمِعَ اللَّهُ قَوْلَ الْبِيْحَانِ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَ اللَّهُ يَسْمَعُ مَا حَاوَرَكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ

Tafseer Al-Qummi - **Allah has Heard the words of her who pleaded you regarding her husband and complained to Allah, and Allah Heard both your dialogues; surely Allah is Hearing, Seeing [58:1].**

قَالَ كَانَ سَبَبُ نُزُولِ هَذِهِ السُّورَةِ أَنَّهُ أَوَّلُ مَنْ ظَاهَرَ فِي الْإِسْلَامِ كَانَ رَجُلًا يُقَالُ لَهُ أَوْسُ بْنُ الصَّامِتِ مِنَ الْأَنْصَارِ وَ كَانَ شَيْخًا كَبِيرًا فَعَضِبَ عَلَى أَهْلِهِ يَوْمًا فَقَالَ لَهَا أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي ثُمَّ نَدِمَ عَلَى ذَلِكَ

He (Ali Bin Ibrahim) said, 'The cause of the Revelation of this Chapter is that the first one to do 'Zihaar' in Al-Islam was a man called Aws Bin Al-Samit, from the Helpers, and he was an old man. One day he was angry with his wife. He said to her 'You are unto me like the back of my mother'. Then he regretted upon that'.

قَالَ وَ كَانَ الرَّجُلُ فِي الْجَاهِلِيَّةِ إِذَا قَالَ لِأَهْلِهِ أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي حُرِّمَتْ عَلَيْهِ آخِرُ الْأَبَدِ وَ قَالَ أَوْسٌ لِأَهْلِهِ يَا حَوْلَهُ إِنَّا كُنَّا نُحْرِمُ هَذَا فِي الْجَاهِلِيَّةِ وَ قَدْ أَنَا اللَّهُ بِالْإِسْلَامِ فَادْهَبِي إِلَى رَسُولِ اللَّهِ ص فَسَلِيهِ عَنْ ذَلِكَ

²⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 115 H 1

He (Ali Bin Ibrahim) said, 'And it was so in the pre-Islamic era, whenever a man said to his wife, 'You are unto me like the back of my mother', she was prohibited unto him up to the end of times, and Ows said to his wife, 'O Khowlah! We used to prohibit this during the pre-Islamic period, and Allah^{-azwj} has Brought us Islam, so go to Rasool-Allah^{-saww} and ask him^{-saww} about that!'

فَأَتَتْ حَوْلَهُ رَسُولَ اللَّهِ ص فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ أُمَّي وَ أَبِي يَا رَسُولَ اللَّهِ إِنَّ أَوْسَ بْنَ الصَّامِتِ هُوَ زَوْجِي وَ أَبُو وُلْدِي وَ ابْنُ عَمِّي فَقَالَ لِي أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي وَ كُنَّا نَحْرِمُ ذَلِكَ فِي الْجَاهِلِيَّةِ وَ قَدْ آتَانَا اللَّهُ الْإِسْلَامَ بِكَ.

Khowlah came to Rasool-Allah^{-saww}. She said, 'May my father and my mother be sacrificed for you^{-saww}, O Rasool-Allah^{-saww}! Aws Bin Al-Samit, he is my husband and father of my children and son of my uncle. He said to me, 'You are unto me like the back of my mother', and during the pre-Islamic period we used to prohibit that, and Allah^{-azwj} has Brought us Al-Islam through you^{-saww}!'²⁴⁵

2- حَدَّثَنَا عَلِيُّ بْنُ الْحُسَيْنِ قَالَ حَدَّثَنَا أَحْمَدُ بْنُ أَبِي عَبْدِ اللَّهِ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ أَبِي وَ لَادٍ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ امْرَأَةً مِنَ الْمُسْلِمَاتِ أَتَتْ النَّبِيَّ ص فَقَالَتْ يَا رَسُولَ اللَّهِ ص إِنَّ فُلَانًا زَوْجِي قَدْ نَفَرْتُ لَهُ بَطْنِي وَ أَعْتَنَّهُ عَلَى ذُنْيَاهُ وَ آخِرْتِهِ لَمْ يَرِ مِنِّي مَكْرُوهًا أَشْكُو مِنْهُ إِلَيْكَ

It is narrated to us by Ali Bin Al Husayn who said, 'It is narrated to us by Ahmad Bin Abu Abdullah, from Al-Hassan Bin Mahboub, from Abu Wallad, from Humran,

From Abu Ja'far^{-asws} having said: 'A woman from the Muslims came to the Prophet^{-saww}. She said, 'O Rasool-Allah^{-saww}! So and so is my husband. I have spread my belly for him and assisted him upon his worldly matters and his Hereafter. He has not seen any abhorrence from me. I am complaining of him to you^{-saww}'.

فَقَالَ فِيمَ تَشْكِينِيهِ

He^{-saww} said: 'Regarding what is your complaint?'

قَالَتْ إِنَّهُ قَالَ أَنْتِ عَلَيَّ حَرَامٌ كَظْهَرِ أُمِّي وَ قَدْ أَخْرَجَنِي مِنْ مَنْزِلِي فَأَنْظُرُ فِي أَمْرِي

She said, 'He said to me, 'You are prohibited unto me like the back of my mother, and he has expelled me from my home, so look into my matter!'

فَقَالَ لَهَا رَسُولُ اللَّهِ ص مَا أَنْزَلَ اللَّهُ تَبَارَكَ وَ تَعَالَى عَلَيَّ كِتَابًا أَقْضِي فِيهِ بَيْنَكَ وَ بَيْنَ زَوْجِكَ وَ إِلَيَّ أَكْرَهُ أَنْ أَكُونَ مِنَ الْمُتَكَلِّفِينَ

Rasool-Allah^{-saww} said to her: 'Allah^{-azwj} Blessed and Exalted has not Revealed any Book (Verse) unto me^{-saww} so I^{-saww} can judge between you and your husband, and I^{-saww} dislike it to be from the pretenders'.

فَجَعَلْتُ تَبْكَي وَ تَشْتَكِي مَا يَهَا إِلَى اللَّهِ عَزَّ وَ جَلَّ وَ إِلَى رَسُولِ اللَّهِ ص وَ انْصَرَفَتْ

²⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 1

She went on to cry and complain to Allah^{-azwj} Mighty and Majestic and to Rasool-Allah^{-saww} of what was with her, and she left’.

قَالَ فَسَمِعَ اللَّهُ تَبَارَكَ وَ تَعَالَى مُجَادِلَتَهَا- لِرَسُولِ اللَّهِ ص فِي زَوْجِهَا وَ مَا شَكَتْ إِلَيْهِ وَ أَنْزَلَ اللَّهُ فِي ذَلِكَ قُرْآنًا- بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ- قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَ اللَّهُ يَسْمَعُ خَائِرًا مِمَّا يُكْفَرُونَ مِنْ الْقَوْلِ وَ زُورًا وَ إِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ

He^{-asws} said: ‘Allah^{-azwj} Blessed and Exalted Heard her plea to Rasool-Allah^{-saww} regarding her husband and what she had complained to him^{-saww}, and Allah^{-azwj} Revealed Quran regarding that: ***In the Name of Allah the Beneficent, the Merciful [1:1] Allah has Heard the words of she who pleaded you regarding her husband and complained to Allah, and Allah Heard both your dialogues [58:1] – up to His^{-azwj} Words - and they are saying the evil word and a falsity, and surely Allah is Pardoning, Forgiving [58:2]’.***

قَالَ فَبَعَثَ رَسُولُ اللَّهِ إِلَى الْمَرْأَةِ فَأَتَتْهُ

He^{-asws} said: ‘Rasool-Allah^{-saww} sent for the woman. She came to him^{-saww}. He^{-saww} said to her: ‘Come to me^{-saww} with your husband’.

فَقَالَ لَهَا جِئِيَنِي بِزَوْجِكَ فَأَتَتْهُ بِهِ فَقَالَ لَهُ قُلْتُ لِامْرَأَتِكَ هَذِهِ عَلَيَّ حَرَامٌ كَطَهْرٍ أُمِّي

He came to him^{-saww}. He^{-saww} said to him: ‘You said this to your wife, ‘You are prohibited unto me like the back of my mother?’’

فَقَالَ قَدْ قُلْتُ لَهَا ذَلِكَ

He said, ‘I have said that to her’.

فَقَالَ لَهُ رَسُولُ اللَّهِ ص قَدْ أَنْزَلَ اللَّهُ تَبَارَكَ وَ تَعَالَى فِيكَ وَ فِي امْرَأَتِكَ قُرْآنًا

Rasool-Allah^{-saww} said to him: ‘Allah^{-azwj} Blessed and Exalted has Revealed Quran regarding you and your wife!’

وَ قَرَأَ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ- قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَ اللَّهُ يَسْمَعُ خَائِرًا مِمَّا يُكْفَرُونَ مِنْ الْقَوْلِ وَ زُورًا وَ إِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ

And he^{-saww} read: ‘***In the Name of Allah the Beneficent, the Merciful [1:1]Allah has Heard the words of she who pleaded you regarding her husband and complained to Allah, and Allah Heard both your dialogues; surely Allah is Hearing, Seeing [58:1]Those from you who pronounce Zihar from their wives, they are not their mothers. Surely their mothers are only those who gave them birth, and they are saying the evil word and a falsity, and surely Allah is Pardoning, Forgiving [58:2].***

فَضُمَّ إِلَيْكَ امْرَأَتَكَ فَإِنَّكَ قَدْ قُلْتَ مُنْكَرًا مِنَ الْقَوْلِ وَ زُورًا وَ قَدْ عَفَا اللَّهُ عَنْكَ وَ غَفَرَ لَكَ وَ لَا تَعُدْ

‘Hug your wife, for you have said an evil word and a falsity, and Allah^{-azwj} has Pardoned you and Forgiven you, and do not repeat!’

قَالَ فَانصَرَفَ الرَّجُلُ وَهُوَ نَادِمٌ عَلَى مَا قَالَ لِامْرَأَتِهِ وَكَرِهَ اللَّهُ عَزَّ وَجَلَّ ذَلِكَ لِلْمُؤْمِنِينَ بَعْدُ وَأَنْزَلَ اللَّهُ وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا

He^{-asws} said: 'The man left and he was regretting upon what he had said to his wife, and Allah^{-azwj} Mighty and Majestic Dislike that for the Momineen afterwards, and Allah^{-azwj} Revealed: **And those who did pronounce Zihhaar from their wives, then retracted what they had said [58:3]**'.

قَالَ يَعْنِي لِمَا قَالَ الرَّجُلُ لِامْرَأَتِهِ أَنْتَ عَلَيَّ كَظَهْرِ أُمِّي

He^{-asws} said: 'Due to what the man says to his wife, 'You are unto me like the back of my mother''.

قَالَ فَمَنْ قَالَهَا بَعْدَ مَا عَمَّا اللَّهُ وَغَفَرَ لِلرَّجُلِ الْأَوَّلِ فَإِنَّ عَلَيْهِ تَحْرِيرَ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا يَعْنِي مُجَامَعَتَهَا - ذَلِكَ لِيُوعِظُونَ بِهِ وَ اللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ - فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فَيُطْعَمُ سِتِّينَ مِسْكِينًا

He^{-asws} said: 'The one who says it after Allah^{-azwj} has Pardoned and Forgiven for them first, upon him is to **free a neck before they touch each other**, - meaning have marital relations - **that is what you are Advised with, and Allah is Aware of what you are doing [58:3]** So one who cannot find (the means), then Fast two months consecutively before you touch each other. And one who is not capable, so he should feed sixty needy ones.

قَالَ فَجَعَلَ اللَّهُ عُقُوبَةَ مَنْ ظَاهَرَ بَعْدَ النَّهْيِ هَذَا قَالَ ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتَلَّكَ حُدُودَ اللَّهِ

He^{-asws} said: 'Allah^{-azwj} Made the Punishment to be for the one who does Zihhaar after this Prohibition. He^{-azwj} Said: **That is for you to believe in Allah and His Rasool, and these are the Limits of Allah [58:4]**'.

قَالَ هَذَا حَدُّ الظَّهَارِ.

He^{-asws} said: 'This is the legal penalty of doing Zihhaar'.²⁴⁶

قَالَ حُمْرَانُ قَالَ أَبُو جَعْفَرٍ ع وَ لَا يَكُونُ ظَهَارٌ فِي بَيْنٍ وَ لَا فِي إِضْرَارٍ وَ لَا فِي غَضَبٍ وَ لَا يَكُونُ ظَهَارٌ إِلَّا عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ مُسْلِمَيْنِ.

Humran said,

'Abu Ja'far^{-asws} said: 'And Zihhaar cannot happen in an oath nor in desperation, nor in anger, nor can the Zihhaar happen except upon purity from without consummation (afterwards), keeping two Muslim witnesses'.²⁴⁷

²⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 2 a

²⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 2 b

3- ب، قرب الإسناد ابن عيسى عن البرزطي قال: سألت الرضا ع عن رجل يولي من أمته فقال لا كيف يولي و ليس لها طلاق

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

'I asked Al-Reza^{-asws} about a man turned his back from his slave girl. He^{-asws} said: 'No! How can he turn his back and there isn't any divorce for her?'

قُلْتُ يُظَاهِرُ مِنْهَا

I said, 'He did Zihar from her'.

فَقَالَ كَانَ جَعْفَرُ ع يَقُولُ يَفْعُ عَلَى الْحُرَّةِ وَالْأَمَةِ الظَّهَارُ.

He^{-asws} said: 'Ja'far^{-asws} had said: 'The Zihar occurs upon the free woman and the slave woman''²⁴⁸

4- ب، قرب الإسناد مُحَمَّدُ بْنُ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ سِنَانَ قَالَ: كَتَبَ مَعِيَ عَطِيَّةُ الْمَدَائِنِيِّ إِلَى أَبِي الْحَسَنِ الْأَوَّلِ ع يَسْأَلُهُ قَالَ قُلْتُ امْرَأَتِي طَالِقٌ عَلَى السُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ الصَّلَاةَ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Husayn, from Muhammad Bin Sinan who said,

'Atiya Al-Madainy wrote with me to Abu Al-Hassan^{-asws} the 1st asking him^{-asws}. He said, 'I said, 'My wife is divorced upon the Sunnah. If I have to repeat the Salat, so I repeat the Salat!'

ثُمَّ قُلْتُ امْرَأَتِي طَالِقٌ عَلَى الْكِتَابِ وَالسُّنَّةِ إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

Then I said, 'My wife is divorced upon the Book and the Sunnah. If I have to repeat the Salat, so I repeat!'

ثُمَّ قُلْتُ امْرَأَتِي طَالِقٌ طَلِاقٌ آلِ مُحَمَّدٍ عَلَى السُّنَّةِ إِنْ أَعَدْتُ صَلَاتِي فَأَعَدْتُ

Then I said, 'My wife is divorced by the divorce of Progeny^{-asws} of Muhammad^{-saww}, upon the Sunnah. If I have to repeat my Salat, I will repeat!'

قَالَ فَلَمَّا رَأَيْتُ اسْتِخْفَانِي بِذَلِكَ قُلْتُ امْرَأَتِي عَلَيَّ كَظَهْرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

He said, 'When he^{-asws} saw my taking lightly with that, I said, 'My wife unto me is like the back of my mother. If I have to repeat the Salat, I will repeat!'

ثُمَّ قُلْتُ امْرَأَتِي عَلَيَّ كَظَهْرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ

Then I said, 'My wife to me is like the back of my mother. If I have to repeat the Salat, I will repeat the Salat'.

²⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 3

ثُمَّ قُلْتُ امْرَأَتِي عَلَيَّ كَظَهْرِ أُمِّي إِنْ أَعَدْتُ الصَّلَاةَ فَأَعَدْتُ وَ قَدِ اعْتَرَلْتُ أَهْلِي مِنْذُ سِنِينَ

Then I said, 'My wife to me is like the back of my mother. If I have to repeat the Salat, I will repeat, and I have isolated my wife for years!'

قَالَ فَقَالَ أَبُو الْحَسَنِ الْأَهْلُ أَهْلُهُ وَ لَا شَيْءَ عَلَيْهِ إِذَا هَذَا وَ أَشْبَاهُهُ مِنْ حُطُوبَاتِ الشَّيْطَانِ.

He said, 'Abu Al-Hassan^{-asws} said: 'The wife is his wife and there is nothing upon him. But rather, this and its like are from the footsteps of Satan^{-la'}.²⁴⁹

5- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن الظهار هل يجوز فيه عتق صبي

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the Zihaar, 'Is freeing a child (as penalty) valid in it?'

قَالَ إِذَا كَانَ مَوْلُودًا وُلِدَ فِي الْإِسْلَامِ أُجْزَأُهُ.

He^{-asws} said: 'When the child was born in Al Islam, it will suffice him'.²⁵⁰

6- ضا، فقه الرضا عليه السلام إِيَّاكَ أَنْ تُظَاهِرَ امْرَأَتَكَ فَإِنَّ اللَّهَ عَيَّرَ قَوْمًا بِالظَّهَارِ فَقَالَ مَا هُنَّ أُمَّهَاتُهُمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدَهُمْ وَ إِيَّاهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَ زُورًا

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Beware of doing Zihaar to your wife, for Allah^{-azwj} Changed a people due to the Zihaar. He^{-azwj} Said: ***Those from you who pronounce Zihaar from their wives, they are not their mothers. Surely their mothers are only those who gave them birth, and they are saying the evil word and a falsity [58:2].***

فَإِنْ ظَاهَرَتْ فَهِيَ عَلَى وَجْهِينِ فَإِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ أَنْتِ عَلَيَّ كَظَهْرِ أُمِّي وَ سَكَتَ فَعَلَيْهِ الْكَفَّارَةُ مِنْ قَبْلِ أَنْ يُجَامِعَ فَإِنْ جَامَعَتْ مِنْ قَبْلِ أَنْ تُكْفَرَ لِرِمْتِكَ كَفَّارَةُ أُخْرَى وَ مَتَى مَا جَامَعْتَ قَبْلَ أَنْ تُكْفَرَ لِرِمْتِكَ كَفَّارَةُ أُخْرَى

If you do Zihaar, it is upon two aspects. When the man says to his wife, 'You are to me like the back of my mother', and becomes silent, upon him is the expiation (penalty) from before he has marital relations. If you have marital relations before you expiate, another expiation (penalty) will necessitate you, and whenever you have marital relations before you expiate (pay the penalty), another penalty would necessitate you.

فَإِنْ قَالَ هِيَ عَلَيَّ كَظَهْرِ أُمِّي إِنْ فَعَلَ كَذَا وَ كَذَا أَوْ فَعَلَتْ كَذَا وَ كَذَا فَلَيْسَ عَلَيْهِ كَفَّارَةٌ حَتَّى يَفْعَلَ ذَلِكَ الشَّيْءَ وَ يُجَامِعَ إِلَى أَنْ يَفْعَلَ فَإِنْ فَعَلَ لِرِمْتِهِ الْكَفَّارَةُ وَ لَا يُجَامِعُ حَتَّى يُكْفَرَ بِمِثْلِهِ

²⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 4

²⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 5

If he says, she is to him like the back of his mother if he does such and such, or she does such and such, there isn't any expiation penalty upon him until he does that thing, and he can have marital relations until he does it. If he does, the expiation penalty will necessitate him and he cannot have marital relations until he expiates his oath.

وَالْكَفَّارَةُ تَحْرِيرُ رَقَبَةٍ - فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ - فَمَنْ لَمْ يَسْتَطِعْ فإِطْعَامُ سِتِّينَ مِسْكِينًا لِكُلِّ مِسْكِينٍ مُدٌّ فَإِنْ لَمْ يَجِدْ يَتَصَدَّقْ بِمَا يُطِيقُ

And the expiation penalty is freeing of a neck, ***So one who cannot find (the means), then Fast two months consecutively before you touch each other. And one who is not capable, so he should feed sixty needy ones [58:4]***, for each needy being a 'Mudd' (about 650 gms). If he cannot find, he should donate what he can endure.

فَإِنْ طَلَّقَهَا سَقَطَتْ عَنْهُ الْكَفَّارَةُ فَإِنْ رَاجَعَهَا لَرَمْتُهُ فَإِنْ تَرَكَهَا حَتَّى يَمْضِيَ أَجْلُهَا وَتَزَوَّجَهَا رَجُلٌ آخَرَ ثُمَّ طَلَّقَهَا وَارَادَ الْأَوَّلَ أَنْ يَتَزَوَّجَهَا لَمْ يَلْزَمُهُ الْكَفَّارَةُ.

If he divorces her, the expiation penalty is dropped from him. If he returns to her, it necessitates him. If he leaves her until her term expires and another man marries her and the first one intends to marry her, the expiation penalty does not necessitate him'.²⁵¹

7- ضَا، فَفَقَهُ الرِّضَا عَلَيْهِ السَّلَامُ وَ أَمَّا الظَّهَارُ فَمَعْنَى الظَّهَارِ أَنْ يَقُولَ الرَّجُلُ لِامْرَأَتِهِ أَوْ مَا مَلَكَتْ يَمِينُهُ هِيَ عَلَيْهِ كَظْهَرِ أُمِّهِ أَوْ كَظْهَرِ أُخْتِهِ أَوْ حَالَتِهِ أَوْ عَمَّتِهِ أَوْ ابْنَتِهِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'And as for the Zihar, the meaning of Zihar is that the man says to his wife, or what his right hands possesses (slave girls), she is unto him like the back of his mother, or like the back of his sister, or his maternal aunt, or his paternal aunt, or his daughter'.

فَإِذَا فَعَلَ ذَلِكَ وَجَبَ عَلَيْهِ لِلْفِطْرِ مَا قَدْ فَسَّرْنَاهُ فِي بَابِ الظَّهَارِ وَ إِنْ حَلَفَ الْمَمْلُوكُ أَوْ ظَاهَرَ فَلَيْسَ عَلَيْهِ إِلَّا الصَّوْمُ فَقَطَّ وَ هُوَ شَهْرَانِ مُتَتَابِعَانِ.

When he does that, it obligates for the words what we have explained in the chapter on the Zihar, and if the slave swears an oath, or does Zihar, it isn't upon him except the fasting only, and it is two consecutive months'.²⁵²

8- الْهُدَايَةُ، الظَّهَارُ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ لِامْرَأَتِهِ هِيَ عَلَيْهِ كَظْهَرِ أُمِّهِ وَ يَسْكُتُ فَعَلَيْهِ الْكَفَّارَةُ قَبْلَ أَنْ يُجَامِعَ فَإِنْ جَامَعَ قَبْلَ أَنْ يُكْفَّرَ لَرَمْتُهُ كَفَّارَةُ أُخْرَى

(The book) 'Al Hidayah' -

'Al-Zihar is upon two aspects. One of these is that the man says to his wife she is to him like the back of his mother, and he remains silent; upon him is the expiation penalty before he can have marital relations. If he has marital relations before the expiation penalty, another expiation penalty would necessitate him.

²⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 6

²⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 7

فَإِنْ قَالَ هِيَ عَلَيْهِ كَظَهْرِ أُمِّهِ إِنْ فَعَلَ كَذَا وَ كَذَا أَوْ فَعَلَتْ كَذَا وَ كَذَا فَلَيْسَ عَلَيْهِ شَيْءٌ حَتَّى يَفْعَلَ ذَلِكَ الشَّيْءَ وَ يُجَامِعَ فَنَلْزِمُهُ الْكُفَّارَةَ إِذَا فَعَلَ مَا خَلَفَ عَلَيْهِ وَ الْكُفَّارَةُ تَحْرِيرُ رَقَبَةٍ - فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ - فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامَ سِتِّينَ مَسْكِينًا فَمَنْ لَمْ يَقْدِرْ تَصَدَّقَ بِمَا يَقْدِرُ.

If he says she is to him like the back of his mother if he does such and such, or she does such and such, there isn't anything upon him until he does that thing and he has marital relations. The expiation penalty would necessitate him when he does what he had sworn an oath upon, and the expiation is freeing a neck, **So one who cannot find (the means), then Fast two months consecutively before you touch each other. And one who is not capable, so he should feed sixty needy ones [58:4].** The one who is not able should donate with whatever he is able upon'.²⁵³

9- وَ قَدْ رُوِيَ أَنَّهُ يَصُومُ ثَلَاثَةَ عَشَرَ يَوْمًا وَ لَا يَقَعُ الظَّهَارُ إِلَّا عَلَى مَوْضِعِ الطَّلَاقِ وَ لَا يَقَعُ الظَّهَارُ حَتَّى يَدْخُلَ الرَّجُلُ بِأَهْلِهِ.

And it has been reported that he should fast three months and a day, and the Zihar cannot occur except upon the place of divorce until the man consummate with his wife'.²⁵⁴

[باب 117 الإيلاء و أحكامه](#)

CHAPTER 117 – THE (OATH OF) ABSTINENCE AND ITS RULINGS

1- فس، تفسير القمي أبي عن صفوان عن ابن مسكان عن أبي بصير عن أبي عبد الله ع قال: الإيلاء أن يخلف الرجل على امرأته أن لا يجامعها فإن صبرت عليه فلها أن تصبر و إن رفعته إلى الإمام أنظر أربعة أشهر ثم يقول له بعد ذلك إما أن ترجع إلى المناكحة و إما أن تطلق فإن أتى حبسه أبداً.

Tafseer Al Qummi – My father, from Safwan, from Ibn Muskan, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'The oath of abstinence is that the man swears upon his wife that he will not have marital relations with her. If she is patient upon it, it is for her to be patient, and if she raises (the matter) to the Imam^{-asws}, he^{-asws} will wait four months, then he^{-asws} will say to him after that, 'Either you return to the married life or you divorce'. If he refuses, he will imprison him forever'.²⁵⁵

2- وَ رُوِيَ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ بَنَى حَظِيرَةً مِنْ قَصَبٍ وَ جَعَلَ فِيهَا رَجُلًا آتَى مِنْ أَمْرَاتِهِ بَعْدَ الْأَرْبَعَةِ الْأَشْهُرِ فَقَالَ لَهُ إِذَا أَنْ تَرْجِعِ إِلَى الْمُنَاكِحَةِ وَ إِذَا أَنْ تُطَلِّقِ وَ إِلَّا أَحْرَقْتُ عَلَيْكَ الْحَظِيرَةَ.

And it is reported from Amir Al-Momineen^{-asws} that he^{-asws} had built an enclosure of reeds and made a man who had sworn abstinence from his wife, to be in it after the four months. He^{-asws} said to him: 'Either you return to the married life or you divorce, or else I^{-asws} will burn down the enclosure upon you!'²⁵⁶

²⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 8

²⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 116 H 9

²⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 1

²⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 2

3- ب، قرب الإسناد ابنُ عيسى عَنِ الْبَزَنْطِيِّ قَالَ: سَأَلَ صَفْوَانَ الرِّضَا عَ وَ أَنَا حَاضِرٌ عَنِ الْإِبْلَاءِ فَقَالَ إِنَّمَا يُوقَفُ إِذَا قَدَّمْتَهُ إِلَى السُّلْطَانِ فَيُوقَفُهُ السُّلْطَانُ أَرْبَعَةَ أَشْهُرٍ ثُمَّ يَقُولُ لَهُ إِذَا أَنْ تُطَلِّقَ وَ إِذَا أَنْ تُنْسِكَ.

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

'Safwan asked Al-Reza^{asws} while I was present, about the oath of abstinence. He^{asws} said: 'But rather he will be paused when she brings him to the ruler. The ruler would pause him for four months, then say to him, 'Either you divorce or you withhold'.²⁵⁷

4- قَالَ: وَ سَأَلْتُهُ عَ عَنِ الرَّجُلِ يُؤَلِّي مِنْ أَمْتِهِ فَقَالَ لَا كَيْفَ يُؤَلِّي وَ لَيْسَ لَهَا طَلَاقٌ.

And he asked him^{asws} about the man who swore an oath of abstinence from his slave girl. He^{asws} said: 'No! How can he swear an oath of abstinence, and there isn't any divorce for her?'²⁵⁸

5- ضا، فقه الرضا عليه السلام اعْلَمَ بِرَحْمَتِكَ اللَّهُ أَنَّ الْإِبْلَاءَ أَنْ يَخْلِفَ الرَّجُلُ أَنْ لَا يُجَامِعَ امْرَأَتَهُ فَلَهُ إِلَى أَنْ تَذَهَبَ أَرْبَعَةَ أَشْهُرٍ فَإِنْ فَاءَ بَعْدَ ذَلِكَ وَ هُوَ أَنْ يَرْجِعَ إِلَى الْجَمَاعِ فِيهَا امْرَأَتُهُ وَ عَلَيْهِ كَفَّارَةُ الْيَمِينِ وَ إِنْ أَبَى أَنْ يُجَامِعَ بَعْدَ أَرْبَعَةِ أَشْهُرٍ قِيلَ لَهُ طَلِّقْ فَإِنْ فَعَلَ وَ إِلَّا حُبَسَ فِي حَظِيرَةٍ مِنْ قَصَبٍ وَ يُشَدُّ عَلَيْهِ فِي الْمَأْكَلِ وَ الْمَشْرَبِ حَتَّى يُطَلِّقَ.

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'Know, may Allah^{azwj} Mercy you, that the oath of abstinence is that the man swears that he will not have marital relations with his wife. For him, it is up to four months. If he resumes after that, and it is him returning to the marital relations, she is his wife and upon him is expiation penalty of the oath; and if he refuses to have marital relations after four months it will be said to him, 'Divorce!' If he does, fine, or else he will be confined in an enclosure of reeds and there will be severity (restrictions) upon him in the eating and the drinking until he divorces'.²⁵⁹

6- وَ قَدْ رُوِيَ أَنَّهُ إِذَا امْتَنَعَ مِنَ الطَّلَاقِ ضُرِبَتْ عُنُقُهُ لِامْتِنَاعِهِ عَلَى إِمَامِ الْمُسْلِمِينَ وَ الْمَعْتُوهُ إِذَا أَرَادَ الطَّلَاقَ أَلْقَى عَلَى امْرَأَتِهِ قِنَاعاً يَرَى أَهْمًا قَدْ حُرِّمَتْ عَلَيْهِ فَإِذَا أَرَادَ مُرَاجَعَتَهَا رَفَعَ الْقِنَاعَ عَنْهَا يَرَى أَهْمًا قَدْ حَلَّتْ لَهُ.

And it has been reported that when he refuses from the divorcing, his neck would be struck for his refusal upon an Imam^{asws} of the Muslims; and the mentally impaired one, when he intends the divorce, they would cast a veil upon his wife, viewing that she has been prohibited unto him. When he intends to return, he would raise the veil from her, viewing that she has become lawful for him'.²⁶⁰

7- شي، تفسير العياشي عَنِ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ فِي الْإِبْلَاءِ إِذَا آلَى الرَّجُلُ مِنْ امْرَأَتِهِ- لَا يَقْرُبُهَا وَ لَا يَمَسُّهَا وَ لَا يَجْمَعُ رَأْسَهُ وَ رَأْسَهَا فَهُوَ فِي سَعَةٍ مَا لَمْ يَمُضِ الْأَرْبَعَةُ الْأَشْهُرُ

Tafseer Al Ayyashi – From Bureyd Bin Muawiya who said,

²⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 3

²⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 4

²⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 5

²⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 6

'I heard Abu Abdullah^{asws} saying regarding the oath of abstinence: 'When the man swears an oath of abstinence from his wife that he will neither go near her, nor touch her, nor gather his head and her head, he is in a leeway for as long as four months have not passed.

فَإِذَا مَضَى الْأَرْبَعَةُ الْأَشْهُرُ فَهِيَ فِي جِلِّ مَا سَكَتَتْ عَنْهُ فَإِذَا طَلَبَتْ حَقَّهَا بَعْدَ الْأَرْبَعَةِ الْأَشْهُرِ وَقَفَ فَإِمَّا أَنْ يَنْبِيءَ فَيَمَسَّهَا وَ إِمَّا أَنْ يَغْرِمَ عَلَى الطَّلَاقِ فَيُخَلِّي عَنْهَا حَتَّى إِذَا حَاصَتْ وَ تَطَهَّرَتْ مِنْ مَحِيضِهَا طَلَّقَهَا تَطْلِيقَةً مِنْ قَبْلِ أَنْ يُجَامِعَهَا بِشَهَادَةِ عَدْلَيْنِ ثُمَّ هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ يَمُضِ الثَّلَاثَةُ الْأَقْرَاءُ.

When four months pass by, she would be in a release of what she had been silent from. When she seeks her rights after four months, he will be paused. Either he resumes so he touches her, or he determines upon the divorce and free her way until when she has menstruated and purified from her menstruation, he divorces her with a divorce from before he consummates with her, with the witnessing of two just men, then he will be more rightful with returning to her for as long as three pure periods have not passed'.²⁶¹

8- شي، تفسير العياشي عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: أَيُّمَا رَجُلٍ آتَى مِنْ امْرَأَتِهِ فَأَلْيَلَاءُ أَنْ يَقُولَ الرَّجُلُ وَاللَّهِ لَا أُجَامِعُكَ كَذَا وَ كَذَا وَ يَقُولُ وَاللَّهِ لَأَغِيظَنَّكَ ثُمَّ يُعَايِظُهَا وَ لَأَسُوءَنَّكَ ثُمَّ يَهْجُرُهَا فَلَا يُجَامِعُهَا

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{asws}, having said: 'Whichever man swears an oath of abstinence from his wife, and the oath is that the man says, 'By Allah^{azwj}! I will not have marital relations with you', such and such, and he says, 'By Allah^{azwj}, I will enrage you', then he enrages her, and 'I will be worse to you', then he forsakes her, so he does not have marital relations with you.

فَإِنَّهُ يَتَرَيُّصُ بِمَا أَرْبَعَةَ أَشْهُرٍ فَإِنْ فَاءَ وَ الْإِيْقَاءُ أَنْ يُصَالِحَ فَإِنَّ اللَّهَ عَزْمُورٌ رَحِيمٌ وَ إِنْ لَمْ يَنْبِيءُ أُجْبِرَ عَلَى الطَّلَاقِ وَ لَا يَقَعُ بَيْنَهُمَا طَلَاقٌ حَتَّى تُوقَفَ وَ إِنْ عَزَمَ الطَّلَاقَ فَهِيَ تَطْلِيقَةٌ.

He would be made to wait for four months. If he resumes (fine), and the resumption is that he reconcile, for Allah^{azwj} is Forgiving, Merciful; and if he does not resume he will be compelled upon the divorce, and the divorce will not occur between the two until he is paused and determines the divorce. It is one divorce'.²⁶²

9- شي، تفسير العياشي عَنِ أَبِي بَصِيرٍ فِي رَجُلٍ آتَى مِنْ امْرَأَتِهِ حَتَّى مَضَتْ أَرْبَعَةُ أَشْهُرٍ قَالَ يُوقَفُ فَإِنْ عَزَمَ الطَّلَاقَ اعْتَدَّتْ امْرَأَتُهُ كَمَا تَعْتَدُّ الْمُطَلَّعَةُ وَ إِنْ أَمْسَكَ فَلَا بَأْسَ.

Tafseer Al Ayyashi – From Abu Baseer,

Regarding a man who swears an oath of abstinence from his wife until four months have passed. He^{asws} said: 'He will be paused. If he determines the divorce, his wife will observe the waiting period just as the waiting period of the divorced, and if he keeps her, there is no problem'.²⁶³

²⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 7

²⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 8

²⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 9

10- شي، تفسير العياشي عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ الرَّجُلِ آلَى مِنْ امْرَأَتِهِ فَمَضَتْ أَرْبَعَةَ أَشْهُرٍ قَالَ يُوقَفُ فَإِنْ عَزَمَ الطَّلَاقَ بَانَتْ مِنْهُ وَعَلَيْهَا عِدَّةُ الْمُطَلَّغَةِ وَإِلَّا كَفَّرَ بِمِئْنَةٍ وَ أَمْسَكَهَا.

Tafseer Al Ayyashi' – From Mansour Bin Hazim who said,

'I asked Abu Abdullah^{asws} about a man who swears an oath of abstinence from his wife. Four months passed by. He^{asws} said: 'He will be paused. If he determines the divorce, she will be irrevocably divorced from him and upon her is the waiting period of the divorced, or else he will pay the expiation penalty of his oath and withhold her'.²⁶⁴

11- شي، تفسير العياشي عَنِ الْعَبَّاسِ بْنِ هِلَالٍ عَنِ الرَّضَا عَ ذَكَرَ لَنَا أَنَّ أَجَلَ الْإِيْلَاءِ أَرْبَعَةَ أَشْهُرٍ بَعْدَ مَا يَأْتِيَانِ السُّلْطَانَ فَإِذَا مَضَتْ الْأَرْبَعَةُ أَشْهُرٌ فَإِنْ شَاءَ أَمْسَكَ وَإِنْ شَاءَ طَلَّقَ وَ الْإِمْسَاكُ الْمَسْبُوسُ.

Tafseer Al Ayyashi – From Al Abbas Bin Hilal,

From Al-Reza^{asws} mentioned to us that the term of the swearer of an oath of abstinence is of four months and they have been to the ruler. When four months pass by, if he desires, he can withhold, and if he desires, he can divorce, and the withholding is preferable'.²⁶⁵

12- شي، تفسير العياشي سُئِلَ أَبُو عَبْدِ اللَّهِ عَ إِذَا بَانَتِ الْمَرْأَةُ مِنَ الرَّجُلِ هَلْ يَخْطُبُهَا مَعَ الْخُطَّابِ

Tafseer Al Ayyashi -

Abu Abdullah^{asws} was asked, 'When the woman is irrevocably divorced from the man, can he propose along with the proposers?'

قَالَ يَخْطُبُهَا عَلَى تَطْلِيمَتَيْنِ وَ لَا يَفْرُجُهَا حَتَّى يُكْفَرَ بِمِئْنَةٍ.

He^{asws} said: 'He can propose to her upon two divorces, and he cannot go near her until he has expiated his oath'.²⁶⁶

13- شي، تفسير العياشي عَنْ صَفْوَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ عَ فِي الْمُؤَلِّي إِذَا أَبِي أَنْ يُطَلِّقَ قَالَ كَانَ عَلِيٌّ عَ يَجْعَلُ لَهُ حَظِيرَةً قَصَبٍ وَ يَجْبِسُ فِيهَا وَ يَمْنَعُهُ الطَّعَامَ وَ الشَّرَابَ حَتَّى يُطَلِّقَ.

Tafseer Al Ayyashi – From Safwan, from one of his companions,

From Abu Abdullah^{asws} regarding the one who swears an oath of abstention, when he refuses to divorce. He^{asws} said: 'Ali^{asws} had made an enclosure of reeds for him, and imprisoned him in it and prevented him the food and the drink until he divorced'.²⁶⁷

²⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 10

²⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 11

²⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 12

²⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 13

14- شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع في الرجل إذا آلى من امرأته فمضت أربعة أشهر ولم يفرق فهي مطلقه ثم يوقف فإن فاء فهي عنده على تطليقتين وإن عزم فهي بائنة منه.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding the man when he swears an oath of abstention from his wife. Four months pass and he does not resume (marital relations), she is divorced. Then he will be paused. If he resumes, she would be with him upon two (remaining) divorces, and if he determines (divorce), she would be irrevocably divorced from him'.²⁶⁸

15- ين، كتاب حسين بن سعيد و النوار صفوان و فضالة عن العلاء عن محمد عن أحدهما ع في الذي يظاهر في شعبان و لم يجد ما يعتق قال ينتظر حتى يصوم شهر رمضان ثم يصوم شهرين متتابعين و إن ظاهر و هو مسافر انتظر حتى يقدم و إن صام فأصاب مالا فليصم الذي بدأ فيه.

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

From one of the two (5th or 6th Imam^{-asws}) regarding the one who does Zihhaar during Shaban and could not find what he could liberate a slave with. He^{-asws} said: 'He should wait until he fasts the month of Ramazan, then he should fast two consecutive months, and if he has done Zihhaar while he as a traveller, he should wait until he arrives (home), and if he fasts and then gains wealth, he should continue with what he began'.²⁶⁹

16 ين، كتاب حسين بن سعيد و النوار حماد عن حزين عن محمد بن مسلم عنهما ع مثله.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad, from Hareez, from Muhammad Bin Muslim, from both of them (5th and 6th Imam^{-asws}), similar to it.²⁷⁰

17- ين، كتاب حسين بن سعيد و النوار ابن أبي عمير عن جميل بن دراج و محمد بن حمران عن أبي عبد الله ع في المملوك يظاهر قال عليه نصف ما على الحر صوم شهر و ليس عليه كفارة من صدقة و لا عتق.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Jameel Bin Darrah, and Muhammad Bin Humran,

From Abu Abdullah^{-asws} regarding the slave doing Zihhaar. He^{-asws} said: 'Upon him is half of what is upon the free man, fasting a month, and there isn't any expiation penalty upon him, neither dowry nor liberation of a slave'.²⁷¹

18- ين، كتاب حسين بن سعيد و النوار عثمان بن عيسى قال حدثني سماعة بن مهران قال: سألته عن رجل قال لامرأته أنت علي مثل ظهر أمي

The book of Haseen Bin Saeed, and 'Al Nawadir' – Usman Bin Isa who said, 'It is narrated to me by Sama'at Bin Mihran who said,

²⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 14

²⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 15

²⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 16

²⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 17

‘I asked him^{-asws} about a man who says to his wife, ‘You are to me like the back of my mother’.

قَالَ عِنْتُ رَقَبَةٍ أَوْ إِطْعَامُ سِتِّينَ مَسْكِينًا أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ.

He^{-asws} said: ‘Liberation of a neck, or feeding sixty poor ones, or fasting two consecutive months’.²⁷²

19- ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ رَجُلٍ طَاهَرَ مِنْ امْرَأَتِهِ ثَلَاثَ مَرَّاتٍ قَالَ يُكَفِّرُ ثَلَاثَ مَرَّاتٍ

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

‘I asked Abu Abdullah^{-asws} about a man who does Zihhaar from his wife three times. He^{-asws} said: ‘He has to pay the expiation penalty three times’.

قُلْتُ فَإِنْ وَقَعَ قَبْلَ أَنْ يُكَفِّرَ

I said, ‘Supposing he has marital relations before he pays the expiation penalty’.

قَالَ يَسْتَغْفِرُ اللَّهَ وَ يُمَسِّكُ حَتَّى يُكَفِّرَ.

He^{-asws} said: ‘He should seek Forgiveness of Allah^{-azwj}, and he would withhold until he expiates’.²⁷³

20- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ عَ قَالَ: الْمُظَاهِرُ إِذَا صَامَ شَهْرًا ثُمَّ مَرِضَ اعْتَدَّ بِصِيَامِهِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, from Rifa’at,

From Abu Abdullah^{-asws} having said: ‘The one who does Zihhaar, when he fasts a month, then becomes sick, his fasting is counted’.²⁷⁴

21- ين، كتاب حسين بن سعيد و النوادر الْحُسَيْنُ بْنُ عَلِيِّ بْنِ الْمُعْتَمِرِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ الْمُظَاهِرِ قَالَ عَلَيْهِ تَحْرِيرُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مَسْكِينًا وَ الرِّقْبَةُ يُجْزِي فِيهِ الصَّيِّئُ مِمَّنْ وُلِدَ فِي الْإِسْلَامِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Husayn, from Ali Bin Al Numan, from Muawiya Bin Wahab who said,

‘I asked Abu Abdullah^{-asws} about the one doing Zihhaar. He^{-asws} said: ‘Upon him is to free a neck, or fast two consecutive months, or feed sixty need ones, and the ‘neck’, the child would suffice in it from the one born in Al-Islam’.²⁷⁵

²⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 18

²⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 19

²⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 20

²⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 21

22- ين، كتاب حسين بن سعيد و النوادر عن سماعة بن مهران عن أبي بصير قال سمعتُ أبا عبد الله ع يقولُ جاءَ رجلٌ إلى النَّبيِّ ص فقالَ يَا رَسُولَ اللَّهِ إِنِّي ظَاهَرْتُ مِنْ امْرَأَتِي

The book Haseen Bin Saeed, and 'Al Nawadir' – From Sama'at Bin Mihran, from Abu Baseer who said,

'I heard Abu Abdullah^{-asws} saying: 'A man came to the Prophet^{-saww}. He said, 'O Rasool-Allah^{-saww}! I have done Zihar from my wife!'

فَقَالَ أُعْتِقِي رَقَبَةً

He^{-saww} said: 'Free a neck'.

قَالَ لَيْسَ عِنْدِي

He said, 'There isn't (a slave) in my possession'.

قَالَ فَصُمْ شَهْرَيْنِ مُتْتَابِعَيْنِ

He^{-saww} said: 'Fast two months consecutively'.

قَالَ لَا أَقْوَى

He said, 'I am not strong enough'.

قَالَ فَأَطْعِمِ سِتِّينَ مِسْكِينًا

He^{-saww} said: 'Feed sixty needy ones'.

قَالَ لَيْسَ عِنْدِي

He said, 'There aren't any in my presence'.

فَقَالَ رَسُولُ اللَّهِ ص أَنَا أَنْصَدُّكَ عَنْكَ فَأَعْطَاهُ تَمْرًا يَتَصَدَّقُ بِهِ عَلَى سِتِّينَ مِسْكِينًا

Rasool-Allah^{-saww} said: 'I^{-saww} shall donate charity on your behalf'.

فَقَالَ أَذْهَبَ وَ تَصَدَّقَ بِحَدَا

He^{-saww} gave him dates he can donate in charity with upon sixty needy ones. He^{-saww} said: 'Go and donate with this!'

فَقَالَ وَ الَّذِي بَعَثَكَ بِالْحَقِّ مَا بَيْنَ لَابَتَيْهَا أَحْوَجُ إِلَيْهِ مِنِّي وَ مِنْ عِيَالِي

He said, 'By the One Who Sent you^{-saww} with the truth! There is no one between the two deserts who is needier to it than me and my dependants!'

فَقَالَ صِ اذْهَبْ فَكُلْ اَنْتَ وَ اطْعَمْ عِيَالَكَ.

He^{-saww} said: 'Go, you eat it and feed your family!'²⁷⁶

23- ين، كتاب حسين بن سعيد و النوادر ابنُ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ: الْمُظَاهَرُ إِذَا قَالَ لِامْرَأَتِهِ أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي وَ لَا يَتَوَلَّى إِنْ فَعَلْتُ كَذَا وَ كَذَا فَعَلَيْهِ كَفَّارَةٌ قَبْلَ أَنْ يُوَاقِعَ وَ إِنْ قَالَ أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي إِنْ فَرَيْتُكَ كَفَّرَ بَعْدَ مَا يَفْرُغُهَا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

'The one who does Zihhaar when he says to his wife, 'You are to me like the back of my mother', and does not say, 'If I do such and such', upon him is an expiation penalty before he has marital relations; and if he says, 'You are to me like the back of my mother if I come near you', he will have to expiate after having gone near her'.²⁷⁷

24- ين، كتاب حسين بن سعيد و النوادر عَنْ أَبِي بَصِيرٍ عَنْ مَعْمَرِ بْنِ يَحْيَى عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يُظَاهِرُ مِنْ امْرَأَتِهِ بِجُورٍ عَتَقَ الْمُؤَلُودَ فِي الْكَفَّارَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Abu Baseer, from Ma'mar Bin Yahya,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who does Zihhaar from his wife, 'Would liberating a new born suffice as an expiation penalty?'

قَالَ كُلُّ الْعَتَقِ بِجُورٍ فِيهِ الْمُؤَلُودُ إِلَّا فِي كَفَّارَةِ الْقَتْلِ فَإِنَّهُ لَا يُجُوزُ إِلَّا مَا قَدْ بَلَغَ وَ أَدْرَكَ

He^{-asws} said: 'In every liberation, the new-born is allowed except as expiation penalty of the murder, for it is not allowed except what has matured and become an adult'.

قُلْتُ قَوْلَ اللَّهِ فَتَخْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ قَالَ عَنَى بِذَلِكَ مُقَرَّةٌ.

I said, '(What about) Words of Allah^{-azwj}: **he should free a Momin slave [4:92]**'.²⁷⁸

[باب 118 اللعان](#)

CHAPTER 118 – THE MUTUAL CURSING

1- فس، تفسير القمي وَ الَّذِينَ يَزْمُونَ أَزْوَاجَهُمْ إِلَى قَوْلِهِ إِنْ كَانَ مِنَ الصَّادِقِينَ فَإِنَّمَا نَزَلَتْ فِي اللَّعَانِ وَ كَانَ سَبَبُ ذَلِكَ أَنَّهُ لَمَّا رَجَعَ رَسُولُ اللَّهِ ص مِنْ غَزْوَةِ تَبُوكَ جَاءَ إِلَيْهِ عُوَيْمِرُ بْنُ سَاعِدَةَ الْعَجَلَانِيُّ وَ كَانَ مِنَ الْأَنْصَارِ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ امْرَأَتِي زَوَّجَتْ بِي سَمْحَاءَ وَ هِيَ مِنْهُ حَامِلَةٌ

Tafseer Al Qummi -

And those who accuse their wives – up to His^{-azwj} Words - **from the truthful ones [24:6]**. It was Revealed regarding the mutual cursing (between husband and wife), and the cause of

²⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 22

²⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 23

²⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 117 H 24

that was that when Rasool-Allah^{-saww} returned from the military expedition of Tabuk, Uweymir Bin Sa'idah Al-Ajlany came to him^{-saww}, and he was from the Helpers. He said, 'My wife has committed adultery with Shareek Bin Samha and she is pregnant from him!'

فَأَعْرَضَ عَنْهُ رَسُولُ اللَّهِ ص فَأَعَادَ عَلَيْهِ الْقَوْلَ فَأَعْرَضَ عَنْهُ حَتَّى فَعَلَ ذَلِكَ أَرْبَعَ مَرَّاتٍ فَدَخَلَ رَسُولُ اللَّهِ ص مِنْزِلَهُ فَتَنَزَّلَ عَلَيْهِ آيَةُ اللَّعَانِ

Rasool-Allah^{-saww} turned away from him. He repeated the word to him^{-saww}. He^{-saww} turned away from him, until he had done that four times. Rasool-Allah^{-saww} entered his^{-saww} house, and the Verse of mutual cursing was Revealed unto him^{-saww}.

فَخَرَجَ رَسُولُ اللَّهِ ص وَ صَلَّى بِالنَّاسِ الْعَصْرَ وَ قَالَ لِعُوَيْرِ ابْنِي بِأَهْلِكَ فَقَدْ أَنْزَلَ اللَّهُ فِيكُمَا قُرْآنًا

Rasool-Allah^{-saww} came out and prayed Al-Asr Salat with the people and said to Uweymir, 'Come to me^{-saww} with your wife, for Quran has been Revealed regarding you both!'

فَجَاءَ إِلَيْهَا فَقَالَ لَهَا رَسُولُ اللَّهِ ص يَدْعُوكِ وَ كَانَتْ فِي شَرَفٍ مِنْ قَوْمِهَا فَجَاءَهَا مَعَهَا جَمَاعَةٌ فَلَمَّا دَخَلَتِ الْمَسْجِدَ قَالَ رَسُولُ اللَّهِ ص لِعُوَيْرِ تَقَدَّمْ إِلَيَّ الْمُنِيرِ وَ التَّعِينَا

He came to her. He said to her, 'Rasool-Allah^{-saww} has summoned you!', and she was a noble woman of her people. So, a group came with her. When she entered the Masjid, Rasool-Allah^{-saww} said to Uweymir: 'Go to your house and curse each other!'

فَقَالَ كَيْفَ أَصْنَعُ

He said, 'How shall I do it?'

فَقَالَ تَقَدَّمْ وَ قُلْ أَشْهَدُ بِاللَّهِ أَنِّي إِذَا لَمِنَ الصَّادِقِينَ فِيمَا رَمَيْتُهَا بِهِ

He^{-saww} said: 'Go and say, 'I testify to Allah^{-azwj} that I am from the truthful ones regarding what I have accused her with!'

فَتَقَدَّمَ وَ قَالَتْهَا فَقَالَ رَسُولُ اللَّهِ ص أَعِدْهَا فَأَعَادَهَا ثُمَّ قَالَ فَأَعَادَهَا حَتَّى فَعَلَ ذَلِكَ أَرْبَعَ مَرَّاتٍ وَ قَالَ فِي الْخَامِسَةِ عَلَيْكَ لَعْنَةُ اللَّهِ إِنْ كُنْتَ مِنَ الْكَاذِبِينَ فِيمَا رَمَيْتُهَا بِهِ

He went and said it. Rasool-Allah^{-saww} said: 'Repeat it!' He repeated it. Then he^{-saww} said: 'Repeat it!' – until he had done that four times, and he^{-saww} said during the fifth, 'Upon you be the Curse of Allah^{-azwj} if you are from the liars, regarding what you have accused her with!'

فَقَالَ فِي الْخَامِسَةِ أَنَّ لَعْنَتَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ

He^{-saww} said during the fifth: '**And the fifth, then the Curse of Allah would be upon him if he was from the liars [24:7]**', regarding what he had accused her with.

ثُمَّ قَالَ رَسُولُ اللَّهِ ص إِنَّ اللَّعْنَةَ مُوجِبَةٌ إِنْ كُنْتَ كَاذِبًا

Then Rasool-Allah^{-saww} said: 'The Curse is obligated if you were lying!'

ثُمَّ قَالَ لَهُ تَنَحَّ فَتَنَحَّى

Then he^{-saww} said to him: 'Step aside!' He stepped aside.

ثُمَّ قَالَ لِرُؤُوسِهِ تَشْهَدِينَ كَمَا شَهِدَ وَإِلَّا أَقَمْتُ عَلَيْكَ حَدَّ اللَّهِ

Then he^{-saww} said to his wife, 'Testify just as he has testified or else I^{-saww} will establish upon you the legal penalty of Allah^{-azwj}!'

فَنظَرَتْ فِي وُجُوهِ قَوْمِهَا فَقَالَتْ لَا أَسْوِدُ هَذِهِ الْوُجُوهُ فِي هَذِهِ الْعَشِيَّةِ فَتَقَدَّمَتْ إِلَى الْمِنْبَرِ وَقَالَتْ أَشْهَدُ بِاللَّهِ أَنَّ عُؤَيْرَ بْنَ سَاعِدَةَ مِنَ الْكَاذِبِينَ فِيمَا رَمَانِي

بِهِ

She looked into the faces of her people. She said, 'I will not darken these faces this evening!' She proceeded to the pulpit and said, 'I testify by Allah^{-azwj} that Uweymir Bin Sa'idah is from the liars regarding what he has accused me with!'

فَقَالَ لَهَا رَسُولُ اللَّهِ ص أَعِيدِيهَا فَأَعَادَتْهَا حَتَّى أَرْبَعَ مَرَّاتٍ فَقَالَ لَهَا رَسُولُ اللَّهِ ص الْعَيُّ نَفْسِكَ فِي الْخَامِسَةِ إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَاكَ بِهِ

Rasool-Allah^{-saww} said to her: 'Repeat it!' She repeated it, until she had repeated it four times. Rasool-Allah^{-saww} said to her: 'Curse yourself during the fifth, if he was from the truthful ones regarding what he has accused you with!'

فَقَالَتْ فِي الْخَامِسَةِ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَانِي بِهِ فَقَالَ رَسُولُ اللَّهِ ص وَتِلْكَ إِتْمَامُ مُوجِبَةٍ

She said during the fifth that the Wrath of Allah^{-azwj} be upon her if he was from the truthful ones regarding what he had accused her with. Rasool-Allah^{-saww} said: 'Woe be to you, it is (now) obligated!'

ثُمَّ قَالَ رَسُولُ اللَّهِ ص لِرُؤُوسِهَا فَلَا تَحِلُّ لَكَ أَبَدًا

Then Rasool-Allah^{-saww} said to her husband: 'She is not lawful for you, ever!'

قَالَ يَا رَسُولَ اللَّهِ فَمَا لِيَ الَّذِي أُعْطِيْتُهَا

He said, 'O Rasool-Allah^{-saww}! So (what about) my wealth which I had given her?'

قَالَ إِنْ كُنْتَ كَمَا ذُكِرَ فَهُوَ أَبَعَدُ لَكَ مِنْهُ وَإِنْ كُنْتَ صَادِقًا فَهُوَ لَهَا بِمَا اسْتَحْلَلْتَ مِنْ قُرْبِهَا

He^{-saww} said: 'If you were a liar, it is remote for you than it, and if you were truthful, it is for her due to what she had legalised of her private parts'.

ثُمَّ قَالَ رَسُولُ اللَّهِ ص إِنْ جَاءَتْ بِالْوَالِدِ أَحْمَشَ السَّاقَيْنِ أَنْفَسَ الْعَيْنَيْنِ جَعَدَ قَطَطٍ [جَعَدًا قَطَطًا] فَهُوَ لِلْأَمْرِ السَّيِّئِ وَإِنْ جَاءَتْ بِهِ أَشْهَلُ أَصْهَبَ فَهُوَ لِلْأَيْبِ

Then Rasool-Allah^{-saww} said: 'If she comes with the child with thin legs, large eyes, and curly hair, then it is attributed to the bad matter. But if she comes with a child with light-coloured eyes and reddish hair, then it belongs to his father'.

فَقِيلَ إِذَا جَاءَتْ بِهِ عَلَى الْأَمْرِ السَّيِّئِ فَهَذِهِ لَا تَحِلُّ لِرُؤُوسِهَا وَ إِنْ جَاءَتْ بِوَلَدٍ لَا يَرِثُهَا [يَرِثُهَا] أَبَاهُ [أَبُوهُ] وَ مِيرَاثُهُ لِأُمِّهِ وَ إِنْ لَمْ يَكُنْ لَهُ أُمٌّ فَلَا حَوَالِيهِ وَ إِنْ قَدَفَهُ أَحَدٌ جُلِدَ حَدُّ الْقَاضِبِ.

It is said that if she gives birth to him upon the bad matter, then she is not lawful for her husband. If she gives birth to a child, he does not inherit from his father; his inheritance belongs to his mother, and if he has no mother then to his maternal uncles. And if anyone slanders him, he is subjected to the penalty of the slanderer'.²⁷⁹

2- ب، قرب الإسناد ابن طريف عن ابن علوان عن الصادق ع عن أبيه عن علي صلوات الله عليهم قال: أربع ليس بينهم لعان ليس بين الحر والمملوك لعان ولا بين الحر والمملوك لعان ولا بين المسلم والنصرانيّة و اليهوديّة لعان.

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

From Al-Sadiq^{-asws}, from his father, from Ali^{-asws}, may the Salawaat of Allah^{-azwj} be upon them^{-asws} having said: 'Four, there isn't mutual cursing between them. There isn't mutual cursing between the free man and the slave woman, nor between the free woman and the slave man, nor between the Muslim man and the Christian woman and the Jewish woman'.²⁸⁰

3- ب، قرب الإسناد علي عن أخيه ع قال: سألت عن رجل مسلم تحته يهوديّة أو نصرانيّة فقدفها هل عليه لعان قال لا-

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a Muslim man married to whom is a Jewess. He slanders her, 'Is the mutual cursing upon him?' He^{-asws} said: 'No'.

قال و سألت عن رجل قدف امرأته ثم طلقها و طلبت بعد الطلاق قدفه إياها قال إن هو أقر جلد و إن كانت في عدتها لأعنها-

And I asked him^{-asws} about a man who slanders his wife, then divorces her, and after the divorce she demanded (justice) for his having slandered her. He^{-asws} said: 'If he accepts, he would be whipped, and if it was during her waiting period, there will be mutual cursing'.

قال و سألت عن رجل لعن امرأته فحلف أربع شهادات ثم نكل عن الخامسة فقال إن نكل عن الخامسة فهي امرأته و جلد الحد و إن نكلت المرأة عن ذلك إذا كانت اليمين عليها فعليها مثل ذلك

He said, 'And I asked him^{-asws} about a man who cursed his wife. He swore four testimonies, then declined from the fifth. He^{-asws} said: 'If he declines from the fifth, she is his wife and he

²⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 1

²⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 2

will be whipped the legal penalty, and if the woman declines from that when the oath was upon her, upon her would be similar to that’.

وَقَالَ الْمَلَاعِنَةُ وَ مَا أَشْبَهَهَا مِنْ قِيَامٍ.

And he^{-asws} said: ‘The mutual cursing and whatever resembles it, is done while standing’.²⁸¹

4- ل، الخصال أَبِي عَنْ سَعْدٍ عَنْ أَحْمَدَ وَ عَبْدِ اللَّهِ ابْنِي مُحَمَّدٍ بِنِ عَيْسَى عَنِ ابْنِ مَعْرُوفٍ عَنِ النَّوْفَلِيِّ عَنِ عَلِيِّ بْنِ دَاوُدَ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ عَنْ جَدِّهِ ع أَنَّ عَلِيًّا ع قَالَ: لَيْسَ بَيْنَ خَمْسٍ مِنَ النِّسَاءِ وَ بَيْنَ أَزْوَاجِهِنَّ مَلَاعِنَةُ الْيَهُودِيَّةِ تَكُونُ تَحْتَ الْمُسْلِمِ وَ النَّصْرَانِيَّةِ وَ الْأَمَةُ تَكُونَانِ تَحْتَ الْحُرِّ فَيَقْدِفُهُمَا وَ الْحُرَّةُ تَكُونُ تَحْتَ الْعَبْدِ فَيَقْدِفُهَا

(The book) ‘Al Khisaa’ – My father, from Sa’ad, from Ahmad and Abdullah, two sons of Muhammad Bin Isa, from Ibn Marouf, from Al Nowfaly, from Ali Bin Dawood, from Suleyman Bin Ja’far,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws}: ‘Ali^{-asws} said: ‘There isn’t any mutual cursing between five (types of) women and their husbands – The Jewess married to the Muslim man, and the Christian woman, and the slave woman being married to the free man so they get slandered, and the free woman being married to the slave so he slanders her.

وَ الْمَجْلُودُ فِي الرِّقَّةِ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَشُؤُلُ- وَ لَا تَقْبَلُوا لَهُمْ شَهَادَةَ أَبَدًا وَ الْحُرْسَاءُ لَيْسَ بَيْنَهَا وَ بَيْنَ زَوْجِهَا لِعَانٌ إِنَّمَا اللَّعَانُ بِاللِّسَانِ.

And the one having been whipped (the legal penalty) regarding the fabrication, because Allah^{-azwj} Mighty and Majestic Says: **do not accept the testimony from them, ever [24:4]**, and the mute. There isn’t mutual cursing between her and her husband. But rather, the mutual cursing is by the tongue’.²⁸²

5- ع، علل الشرائع عَلِيُّ بْنُ حَاتِمٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ حُمْلَانَ عَنِ الْحُسَيْنِ بْنِ الْوَلِيدِ عَنِ مَرْوَانَ بْنِ دِينَارٍ عَنِ أَبِي الْحَسَنِ مُوسَى ع قَالَ: قُلْتُ لِأَمِّي عَلَّةٍ لَا تَحِلُّ الْمَلَاعِنَةُ لِزَوْجِهَا الَّذِي لَاعَنَهَا أَبَدًا

(The book) ‘Ilal Al Sharaie’ – Ali Bin Hatim, from Al Qasim Bin Muhammad, from Humlan, from Al Husayn Bin Al Waleed, from Marwan Bin Dinar,

From Abu Al-Hassan Musa^{-asws} having said: ‘I said, ‘For which reason the wife of mutual cursing is not lawful for the husband who had cursed her, forever?’

قَالَ لِتَصْدِيقِ الْأَيْمَانِ لِقَوْلِهِمَا بِاللَّهِ.

He^{-asws} said: ‘Due to the ratification of the two oaths, due to their words (invoked) with Allah^{-azwj}’²⁸³

²⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 3

²⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 4

²⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 5

6- ع، علل الشرائع الحسين بن أحمد عن محمد بن علي الكوفي عن محمد بن أسلم الجبلي عن بعض أصحابه قال: سألت الرضا ع فقلت كيف صار الزوج إذا قذف امرأته كانت شهادته أربع شهادات بالله وإذا قذفها غير الزوج جلد الحد وإن كان أبها أو أخاها

(The book) 'Ilal Al Sharaie' – Al Husayn Bin Ahmad, from Muhammad Bin Ali Al Kufi, from Muhammad Bin Aslam Al Jabaly, from one of his companions who said,

'I asked Al-Reza^{-asws}. I said, 'How come the husband, when he slanders his wife, his testimony came to be of four testimonies with Allah^{-azwj}, and when someone other than her husband slanders her, he would be whipped the legal penalty, and even though it may be her father or her brother?'

قال سئل جعفر بن محمد ع عن هذا فقال لأنه إذا قذف الزوج امرأته قيل له كيف علمت أنها فاعيلة فإن قال رأيت ذلك بعيني كانت شهادته أربع شهادات بالله وذلك أنه يجوز للزوج أن يدخل المداخل في الخلوأ التي لا تصلح لغيره أن يدخلها ولا يشهد بها ولد ولا والد في الليل والنهار ي

He^{-asws} said: 'Ja'far^{-asws} Bin Muhammad^{-asws} had been asked about this. He^{-asws} said: 'When the husband slanders his wife, it will be said to him, 'How did you know she is a doer (of adultery)?' If he says, 'I saw that with my own eyes', his testimony would have to be four times with Allah^{-azwj}, and that is because it is allowed for the husband to enter the entrances in the privacy which is not correct for others to enter, nor can a son witness it, nor a father, during the night and the day.

فلذلك صارت شهادته أربع شهادات بالله إذا قال رأيت ذلك بعين فإن قال لم أعين ذلك صار قاذفاً وضرب الحد إلا أن يُعَيَمَ عليها البينة

For that (reason), his testimony came to be four testimonies with Allah^{-azwj}, when he says, 'I saw that with my own eyes!' If he says, 'I did not witness that, he would become a slanderer and struck the legal penalty, except if he can establish the proof upon her.

وعبر الزوج إذا قذفها وادعى أنه رأى ذلك قيل له وكيف رأيت ذلك وما أدخلك ذلك المدخل الذي رأيت فيه هذا وحدك وأنت متهم في رؤياك فإن كنت صادقاً فأنت في حد التهمة فلا بد من أدبك الذي أوجب الله عليك

And if other than the husband slanders her and claims he had seen that, it would be said to him, 'And how did you see that, and what made you enter that entrance in which you saw this along, and you are an accuser in your seeing? If you were truthful, you would be within the limit of the false accusation. Thus, there is no escape from disciplining you that which Allah^{-azwj} has Obligated to be upon you!'

وإنما صار شهادته الزوج أربع شهادات بالله لِمَكَانِ الأربعة شهاداء مكان كل شاهد يمين.

And rather, testimony of the husband came to be four testimonies with Allah^{-azwj} due to the place of four witnesses, an oath in place of each witness.²⁸⁴

²⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 6

7- سن، المحاسن أبي و علي بن عيسى الأنصاري عن محمد بن سليمان عن أبي خالد الهيمم الفارسي قال: سئل أبو الحسن الثاني ع كيف صار الزوج إذا قذف امرأته كانت شهادته أربع شهادات بالله وكيف لم يجز لغيره وإذا قذفها غير الزوج جلد الحد ولو كان أماً أو ولداً

(The book) 'Al Mahasin' – My father and Ali Bin Isa Al Ansari, from Muhammad Bin Suleyman, from Abu Khalid Al Haysam Al Farsi who said,

'Abu Al-Hassan^{-asws} the 2nd was asked, 'How did it become such that when the husband slanders his wife, his testimony is of four testimonies with Allah^{-azwj}, and how come it is not allowed for others, and when other than the husband slanders her, he will be whipped the legal penalty, and even if he was a brother, or son?'

قال سئل جعفر بن محمد عن هذا فقال أ لا ترى أنه إذا قذف الزوج امرأته قيل له كيف علمت أنها فاعلة قال رأيت ذلك بعيني كانت شهادته أربع شهادات بالله وذلك أنه يجوز للزوج أن يدخل المدخل في الخلو التي لا يجوز لغيره أن يدخلها ولا يشهد لها ولد ولا والد في الليل والنهار فلذلك صارت شهادته أربع شهادات إذا قال رأيت بعيني

He^{-asws} said: 'Ja'far^{-asws} Bin Muhammad^{-asws} was asked about this. He^{-asws} had said: 'Don't you see that when the husband slanders his wife, it will be said to him, 'How did you know she has done it (adultery)?' He says, 'I saw with my own eyes'. His testimony would be four testimonies with Allah^{-azwj}, and that is because it is allowed for the husband to enter the entrance in the privacy which is not allowed for others to enter, and neither a son nor a father witnesses it during the night and the day. For that reason, his testimony came to be of four testimonies when he says, 'I saw with my own eyes'.

و إذا قال لم أعين صار قاذفاً في حد غيره و ضرب الجلد إلا أن يقيم البينة

And if he says, 'I did not witness', he has become a slanderer in the limit of others and he will be struck the whip except if he can establish the proof.

و إن غير الزوج إذا قذف و ادعى أنه رأى ذلك بعينه قيل له وكيف رأيت ذلك بعينك و ما أدخلك ذلك المدخل الذي رأيت هذا وحدك أنت متهم في دعواك و إن كنت صادقاً و أنت في حد التهمة فلا بد من حد أدبك بالحد الذي أوجب الله عليك

And if other than the husband slanders and claims that he saw that with his eyes, it will be said to him, 'And how did you see that with your eyes, and what made you enter that entrance in which you saw this alone? You are a false accuser in your claim and even if you were truthful, and you are in the limit of false accusation, so there is no escape from a legal penalty to discipline you with the legal penalty which Allah^{-azwj} has Obligated upon you'.

و إنما صارت شهادة الزوج أربع شهادات بالله لِمَكَانِ الْأَرْبَعِ الشُّهُدَاءِ مَكَانَ كُلِّ شَاهِدٍ بَعْدَ.

And rather, the testimony of the husband became equivalent to four testimonies with Allah^{-azwj}, for the place of four testimonies, one oath in place of each witness.²⁸⁵

²⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 7

8- ضا، فقه الرضا عليه السلام أَمَا الْبَعَانُ فَهُوَ أَنْ يَزْمِيَ الرَّجُلُ امْرَأَتَهُ بِالْفُجُورِ وَ يُنْكِرُ وَلَدَهَا فَإِنْ أَقَامَ عَلَيْهَا أَرْبَعَةَ شُهُودٍ عُدُولٍ رَجِيحَتْ وَ إِنْ لَمْ يُقِمْ عَلَيْهَا بَيِّنَةً لَاعْنَهَا وَ إِنْ ائْتَنَعَ مِنْ لِعَانِهَا ضُرِبَ حَدَّ الْمُفْتَرِي تَمَانِينَ جَلْدَةً وَ إِنْ لَاعْنَهَا أُدْرِيَ عَنْهُ الْحُدُّ

(The book) 'Fiqh Al-Reza^{-asws}' – 'As for the mutual cursing, it is that the man accuses his wife of immorality and denies her child. If he establishes four just witnesses upon her, she will be stoned; and if he does not establish proof upon her, there should be mutual cursing, and if he refuses from cursing her, he will be struck the legal penalty of a fabricator – eighty lashes, and if he does curse her, the legal penalty would be staved from him.

وَ الْبَعَانُ أَنْ يَقُومَ الرَّجُلُ مُسْتَقْبِلَ الْقِبْلَةِ فَيُحْلِفَ أَرْبَعَ مَرَّاتٍ بِاللَّهِ - إِنَّهُ لَمِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ ثُمَّ يَقُولُ لَهُ الْإِمَامُ اتَّقِ اللَّهَ فَإِنَّ لَعْنَةَ اللَّهِ شَدِيدَةٌ ثُمَّ يَقُولُ الرَّجُلُ لَعْنَةُ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ

And the mutual cursing is that the man stands facing the Qiblah and swears an oath by Allah^{-azwj} four times, he is from the truthful ones regarding what he has accused her with. Then the Imam^{-asws} says to him: 'Fear Allah^{-azwj}, for the Curse of Allah^{-azwj} is severe!' Then the man says, may the Curse of Allah^{-azwj} be upon him if he was from the liars regarding what he had accused her with.

ثُمَّ تَقُومُ الْمَرْأَةُ مُسْتَقْبِلَةَ الْقِبْلَةِ فَتُحْلِفُ بِاللَّهِ أَرْبَعَ مَرَّاتٍ - إِنَّهُ لَمِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ ثُمَّ يَقُولُ الْإِمَامُ اتَّقِي اللَّهَ فَإِنَّ غَضَبَ اللَّهِ شَدِيدٌ ثُمَّ تَقُولُ الْمَرْأَةُ غَضَبُ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ

Then the woman stands facing the Qiblah and swears an oath by Allah^{-azwj} four times, 'He is from the liars', regarding what he has accused her with. Then the Imam^{-asws} says: 'Fear Allah^{-azwj}, for the Wrath of Allah^{-azwj} is severe!' Then the woman says, may the Wrath of Allah^{-azwj} be upon her if he was from the truthful regarding what he has accused her with.

ثُمَّ يُفْرَقُ بَيْنَهُمَا فَلَا حِلَّ لَهُ أَبَدًا وَ لَا يَتَوَارَثَانِ لَا يَرِثُ الرَّوْحُ الْمَرْأَةَ وَ لَا تَرِثُ الْمَرْأَةُ الرَّوْحَ وَ لَا الْأَبُ الْإِبْنَ فَإِنْ ادَّعَى [دَعَا] أَحَدٌ وَلَدَهَا وَ لَدَّ الرَّائِيَةَ جَلِدَ الْحَدَّ وَ إِنْ ادَّعَى الرَّجُلُ بَعْدَ الْمُلَاعَنَةِ أَنَّهُ وَلَدُهُ لِحَقِّ بِهِ وَ نُسِبَ إِلَيْهِ.

Then there will be separation between the two, so she will not be lawful for him, ever, and they will not inherit each other. Neither will the husband inherit the wife, nor will the wife inherit the husband, nor will the father (be inherited by) the son. If he claims that one of her children is a child of adultery, he will be whipped the legal penalty, and if the man claims after the mutual cursing it is his child, it will be joined with him and attributed to him'.²⁸⁶

وَ رُوِيَ فِي خَبَرٍ آخَرَ أَنَّهُ لَا وَ لَا كِرَامَةَ لَهُ وَ لَا غَرَوْ أَنْ لَا يُرَدُّ إِلَيْهِ فَإِنْ مَاتَ الْأَبُ وَرِثَهُ الْإِبْنُ وَ إِنْ مَاتَ الْإِبْنُ لَمْ يَرِثْهُ أَبُوهُ.

And it is reported in another Hadeeth – 'Surely no, and there is no prestige for him, nor pride if he is not returned to him. If the father dies the son will inherit him, and if the son dies, his father will not inherit him'.²⁸⁷

²⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 8 a

²⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 8 b

9- سر، السرائر ابن محبوب عن أبي ولاد الحنطاط قال: سئل أبو عبد الله ع عن نصرانية تحت مسلم زنت و جاءت بولد فأنكره المسلم

(The book) 'Al Saraair' – Ibn Mahboub, from Abu Al Wallad Al Hannat who said,

'Abu Abdullah^{-asws} was asked about the Christian woman married to a Muslim man. She committed adultery and came with a child. The Muslim denied it'.

قَالَ فَقَالَ يُلَاعِنُهَا

He (the narrator) said, 'He^{-asws} said: 'He curses her'.

قِيلَ لَهُ فَالْوَلَدُ مَا يُصْنَعُ بِهِ

It was said to him^{-asws}, 'The child, what is to be done with it?'

قَالَ هُوَ مَعَ أُمِّهِ وَ يُفَرِّقُ بَيْنَهُمَا وَ لَا تَحِلُّ لَهُ أَبَدًا.

He^{-asws} said: 'It is with its mother, and there will be separation between the two (husband and wife), and she will not be lawful for him, ever!'²⁸⁸

10- بن، كتاب حسين بن سعيد و النوادر ابن مسكان عن أبي بصير قال: سألت الصادق ع عن قول الله- وَ الَّذِينَ يَزْمُونَ أَرْوَاحَهُمْ وَ لَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ شَهَادَاتٍ بِاللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Muskan, from Abu Baseer who said,

'I asked Al-Sadiq^{-asws} about Words of Allah^{-azwj}: **And those who accuse their wives and there do not happen to be any witnesses for them except for their own selves, so the testimony of one of them is four testimonies with Allah that he is from the truthful ones [24:6].**

قَالَ هُوَ الرَّجُلُ يَغْدِفُ امْرَأَتَهُ فَإِذَا أَقْرَأَتْهُ كَذَبَ عَلَيْهَا جُلِدَ الْحَدَّ ثَمَانِينَ وَ رُدَّتْ إِلَيْهِ امْرَأَتُهُ وَ إِنْ أَبَى إِلَّا أَنْ يَقْضَى [بِئْسَ] لَاعِنَتَهَا فَيَبْدَأُ هُوَ فَلَيشهد عليها بما قال لها أربع شهادات بالله إنه لمن الصادقين و في الخامسة يلعن نفسه و يلعنه الإمام- إِنْ كَانَ مِنَ الْكَاذِبِينَ

He^{-asws} said: 'He is the man who slanders his wife. When he acknowledges that he has lied upon her, he will be whipped eighty lashes and his wife will be returned to him; and if he refuses, the mutual cursing will take place. He will initiate. Let him testify with what he had said to her, four testimonies by Allah^{-azwj} that he is from the truthful ones, and in the fifth he will curse himself and the Imam^{-asws} will Curse him if he was from the liars.

فَإِذَا أَرَادَتْ أَنْ تَدْرَأَ عَنْهَا الْعَذَابَ وَ الْعَذَابَ الرَّجْمُ شَهَدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَ الْخَامِسَةَ يَقُولُ لَهَا الْإِمَامُ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فَإِنْ لَمْ تَفْعَلْ رَجِمَتْ فَإِنْ فَعَلَتْ رَدَّتْ عَنْهَا الرَّجْمَ وَ فَرَّقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ إِلَى يَوْمِ الْقِيَامَةِ

When she intends that the punishment be staved off from her, and the punishment is the stoning, she has to testify four testimonies by Allah^{-azwj} that he is from the liars, and the fifths,

²⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 9

the Imam^{-asws} will says to her that the Wrath of Allah^{-azwj} will be upon her if he was from the truthful ones. If she does not say it, she will be stoned. If she does so, the stoning would be discarded from her, and there will be separation between the two and she will not be lawful for him up to the Day of Qiyamah.

وَمَنْ قَدَفَ وَلَدَهَا مِنْهُ فَعَلَيْهِ الْحُدُّ وَ تَرِثُهُ أَحْوَالُهُ وَ تَرِثُ أُمَّهُ وَ تَرِثُهُ إِنْ كَذَّبَتْ نَفْسَهُ بَعْدَ الْإِعَانِ رُدَّ عَلَيْهِ الْوَلَدُ وَ لَمْ تَرُدَّ الْمَرْأَةُ.

And one who accuses her child of being from him, the legal penalty applies to him. The child inherits from his maternal uncles and from his mother, and the mother inherits from him. If he denies himself after the procedure of mutual cursing, the child is returned to him, but the wife is not returned.²⁸⁹

11- ين، كتاب حسين بن سعيد و النوادر سماعه و أبو بصيرٍ قَالَا قَالَ الصَّادِقُ ع لَا يُحَدُّ الرَّابِي حَتَّى يَشْهَدَ عَلَيْهِ أَرْبَعَةٌ شُهُودٍ عَلَى الْجَمَاعِ وَ الْإِبْلَاجِ وَ الْإِخْرَاجِ كَالْمَيْلِ فِي الْمَكْحَلَةِ وَ لَا يَكُونُ لِعَانَ حَتَّى يَزْعُمَ أَنَّهُ عَائِنٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Sama'at and Abu Baseer both said,

Al-Sadiq^{-asws} said: 'The adulterer will not be applied the legal penalty until four witnesses testify upon the marital relations, and the penetration and the withdrawal, like the needle in the Kohl container, and the mutual cursing cannot happen until he claims that he had witnessed'.²⁹⁰

12- ين، كتاب حسين بن سعيد و النوادر زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: يَتَّقُ الْإِعَانَ بَيْنَ الْحُرِّ وَ الْمَمْلُوكَةِ وَ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ.

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

From Abu Ja'far^{-asws} having said: 'The mutual cursing does occur between the freeman and the slave woman, and the Jewess, and the Christian woman'.²⁹¹

13- مجالسُ الشَّيْخِ، الْعَصَابِيُّ عَنِ التَّلْعُكَبَرِيِّ عَنْ مُحَمَّدِ بْنِ هَمَّامٍ عَنِ الْحَمِيرِيِّ عَنِ الطَّيَالِسِيِّ عَنِ زُرِّيْقِ الْحُلَفَائِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع إِذَا تَلَاعَنَ اثْنَانِ فَتَبَاعَدَا مِنْهُمَا فَإِنَّ ذَلِكَ مَجْلِسٌ تَنْفَرُ عَنْهُ الْمَلَائِكَةُ

(The book) 'Majalis' of the sheykh – Al Gazairy, from Al Tal'ukbari, from Muhammad Bin Hammam, from Al Himeyri, from Al Tayalisi, from Zureyq Al Khuluwani who said,

Abu Abdullah^{-asws} said: 'When the two curse each other, distance yourself from them for that is a gathering the Angels flee from'.

ثُمَّ قَالَ اللَّهُمَّ لَا تَجْعَلْهُمَا إِلَيَّ مَسَاغًا وَ اجْعَلْهُمَا بِرَأْسِ مَنْ يُكَابِدُ دِينَكَ وَ يُضَادُّ وِلْيَتَكَ وَ يَسْعَى فِي الْأَرْضِ فَسَادًا.

²⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 10

²⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 11

²⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 12

Then he^{-asws} said: 'O Allah^{-azwj}! Do not Make for them a way for them both to me, and Make for them a head (ruler), someone who plots against Your^{-azwj} religion, and opposes Your^{-azwj} guardian^{-asws}, and strives in the earth for (spreading) corruption'.²⁹²

14- **الْهُدَايَةُ**، اللَّعَانُ إِذَا فَذَفَ الرَّجُلُ امْرَأَتَهُ ضُرِبَ ثَمَانِينَ جَلْدَةً وَ لَا يَكُونُ اللَّعَانُ إِلَّا بِنَعْيِ الْوَلَدِ فَإِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ إِنِّي رَأَيْتُ رَجُلًا بَيْنَ رِجْلَيْكِ وَ يُجَامِعُكِ وَ أَنْكَرَ الْوَلَدَ

(The book) 'Al-Hidaya' – 'The mutual cursing is when the man slanders his wife. He will be struck eighty lashes, and the mutual cursing cannot happen except with the negation of the child. The man says to his wife, 'I saw a man between your legs and he had marital relations with you', and he denies the child.

فَحِينَئِذٍ يُحْكَمُ فِيهِ أَنْ يَشْهَدَ الرَّجُلُ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ فَإِذَا شَهِدَ بِهِ قَالَ لَهُ الْإِمَامُ اتَّقِ اللَّهَ فَإِنَّ لَعْنَةَ اللَّهِ شَدِيدَةٌ ثُمَّ يَقُولُ لَهُ قُلْ لَعْنَتُ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ فِيمَا رَمَاهَا بِهِ فَإِنْ نَكَلَ ضُرِبَ الْحَدَّ ثَمَانِينَ

At that time, it will be judged regarding him that the man should testify four testimonies with Allah^{-azwj} he is from the truthful ones regarding what he had accused her with. The Imam^{-asws} says to him: 'Fear Allah^{-azwj} for the Curse of Allah^{-azwj} is severe!' Then he^{-asws} says to him: 'Say, may **the Curse of Allah would be upon him if he was from the liars [24:7]**, regarding what he has accused her with. If he refuses, he will be struck the legal penalty of eighty (lashes).

فَإِنْ قَالَ ذَلِكَ قَالَ الْإِمَامُ لِلْمَرْأَةِ اشْهَدِي أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ فِيمَا رَمَاكَ بِهِ فَإِنْ شَهِدَتْ قَالَ أَتَيْتَهَا الْمَرْأَةُ اتَّقِي اللَّهَ فَإِنَّ غَضَبَ اللَّهِ شَدِيدٌ

If he says that, the Imam^{-asws} said to the wife, 'Testify four testimonies by Allah^{-azwj} he is from the liars regarding what he has accused you with'. If she testifies, he^{-asws} says: 'O you woman! Fear Allah^{-azwj}, for the Wrath of Allah^{-azwj} is severe!'

ثُمَّ يَقُولُ لَهَا قُولِي غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فِيمَا رَمَاهَا بِهِ وَ إِنْ نَكَلَتْ رَجِمَتْ [رُجِمَتْ] وَ إِنْ قَالَتْ ذَلِكَ فَرَقَّ بَيْنَهُ وَ بَيْنَهَا ثُمَّ لَمْ تَحِلَّ لَهُ إِلَيَّ يَوْمَ الْقِيَامَةِ

Then he^{-asws} says to her, 'Say', may the Wrath of Allah^{-azwj} be upon her if he were from the truthful, regarding what he has accused her with. If she refuses, she will be stoned, and if she does say that, there will be separation between him and her, then she will not be lawful for him up to the Day of Qiyamah.

وَ إِنْ دَعَا رَجُلٌ وَلَدَهَا ابْنَ الزَّانِيَةِ ضُرِبَ الْحَدَّ وَ إِنْ أَقَرَّ الرَّجُلُ بِالْوَلَدِ بَعْدَ الْمُلَاعَنَةِ ضَمَّ إِلَيْهِ وَلَدُهُ وَ لَمْ تُرْجَعْ إِلَيْهِ امْرَأَتُهُ وَ إِنْ مَاتَ الْأَبُ وَرَثَةُ الْإِنْتِ وَ إِنْ مَاتَ الْإِنْتُ لَمْ يَرِثْهُ الْأَبُ.

And if a man claims her child is a child of the adulteress, he will be struck the legal penalty, and if the man accepts the child after the mutual cursing, his child will be attached to him and

²⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 13

his wife will not be returned to him; and if the father dies, the son would inherit him, and if the son dies, the father will not inherit him'.²⁹³

باب 119 العدد و أقسامها و أحكامها

CHAPTER 119 – THE WAITING PERIOD AND THEIR TYPES AND THEIR RULINGS

1- الْهُدَايَةُ، قَالَ الصَّادِقُ ع إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ ثُمَّ مَاتَ عَنْهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا وَرَثَتُهُ وَ عَلَيْهَا الْعِدَّةُ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ

(The book) 'Al Hidayah' -

Al-Sadiq^{asws} said: 'When the man divorces his wife then dies from her before the expiry of her waiting period, she will inherit him and upon her would be the waiting period of four months and ten days.

فَإِنْ طَلَّقَهَا وَ هِيَ حُبْلَى ثُمَّ مَاتَ عَنْهَا وَرَثَتُهُ وَ اعْتَدَتْ بِأَبْعَدِ الْأَجَلَيْنِ إِنْ وَضَعَتْ مَا فِي بَطْنِهَا قَبْلَ أَنْ تَمُضِيَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ لَمْ تَنْقَضِ عِدَّتُهَا حَتَّى تَنْقَضِيَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ فَإِنْ مَضَى أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ وَ لَمْ تَضَعْ مَا فِي بَطْنِهَا لَمْ تَنْقَضِ عِدَّتُهَا حَتَّى تَضَعَ مَا فِي بَطْنِهَا.

If he divorces her while she is pregnant then dies from her, she would inherit him and observe waiting period of the furthest of the two terms. If she places (gives birth) to what is in her belly before the expiry of four months and ten days, her waiting period does not expire until four months and ten days have passed. If four months and ten days have passed and she has not placed what is in her belly, her waiting period will not expire until she places what is in her belly'.²⁹⁴

2 فس، تفسير القسي العدة على اثنتين و عشرين وجها فالملققة تعتد ثلاثة قروء و الأقراء هو اجتماع الدم في الرحم و العدة الغاية إذا لم تكن تحيض فثلاثة أشهر بيض و إذا كانت تحيض في الشهر و الأقل و الأكثر و طلقت ثم حاضت قبل أن يأتي لها ثلاثة أشهر بيض حيضة واحدة فلا تبين من زوجها إلا بالبيض و إن مضى ثلاثة أشهر لها و لم تحض فإنما تبين بالأشهر البيض و إن حاضت قبل أن تحضي لها ثلاثة أشهر فإنما تبين بالدم و المطلقة التي ليس للزوج عليها رجعة لا تبين حتى تطهر من الدم الثالث و المطلقة الحامل لا تبين حتى تضع ما في بطنها فإن طلقها اليوم و وضعت من الغد فقد بان و المتوفى عنها زوجها الحامل تعتد بأبعد الأجلين فإن وضعت قبل أن تحضي لها أربعة أشهر و عشرة فلتتم أربعة أشهر و عشرة فإن مضى لها أربعة أشهر و عشرة و لم تضع فعدتها إلى أن تضع و المطلقة و زوجها غائب تعتد من يوم طلقها إذا شهد عندها شهرد عدل أنه طلقها في يوم معروف تعتد من ذلك اليوم فإن لم يشهد عندها أحد و لم تعلم أي يوم طلقها تعتد من يوم يبلغها و المتوفى عنها زوجها و هو غائب تعتد من يوم يبلغها و التي لم يدخل بها زوجها ثم طلقها فلا عدة عليها فإن مات عنها و لم يدخل بها تعتد أربعة أشهر و عشرة و العدة على الرجال أيضا إذا كان له أربع نسوة و طلق إحداهن لم يحل له أن يتزوج حتى تعتد التي طلقها و إذا أراد أن يتزوج أخت امرأته لم يحل له حتى يطلق امرأته و تعتد ثم يتزوج أختها و المتوفى عنها زوجها تعتد حيث شاءت و المطلقة التي ليس للزوج عليها رجعة تعتد حيث شاءت و لا تبين عن بيتها و التي ليس للزوج عليها رجعة لا تعتد إلا في بيت زوجها و تران و يراها ما دامت في العدة و عدة الأمة إذا كانت تحت المر شهران و خمسة أيام و عدة المتعة خمسة و أربعون يوما و عدة السبي استبراء الرحم فهذه وجوه العدة.

Opinion.²⁹⁵

²⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 118 H 14

²⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 1

²⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 2

3- ب، قرب الإسناد حمادُ بنُ عيسى قال: سألتُ أبا عبد الله ع كم يُطَلِّقُ العَبْدُ الأَمَةَ

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

'I asked Abu Abdullah^{-asws}, 'How many times does the slave divorce the slave woman?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع تَطْلِيَقَتَيْنِ

He^{-asws} said: 'My^{-asws} father^{-asws} said: 'Ali^{-asws} said: 'Two divorces'.

قَالَ وَ قُلْتُ لَهُ كَمْ عِدَّةُ الأَمَةِ مِنَ العَبْدِ

He (the narrator) said, 'And I said to him^{-asws}, 'How much is the waiting period of the slave woman from the slave?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع شَهْرَيْنِ أَوْ حَيْضَتَيْنِ

He^{-asws} said: 'My^{-asws} father^{-asws} said: 'Ali^{-asws} said: 'Two months or two menstruation cycles'.

قَالَ وَ قُلْتُ لَهُ جَعَلْتُ فِدَاكَ إِذَا كَانَتِ الحُرَّةُ تَحْتَ العَبْدِ

He (the narrator) said, 'And I said to him^{-asws}, 'May I be sacrificed for you^{-asws}! If the free woman were to be married to the slave?'

قَالَ قَالَ أَبِي قَالَ عَلِيٌّ ع الطَّلَاقُ وَ العِدَّةُ بِالنِّسَاءِ.

He^{-asws} said: 'My^{-asws} father^{-asws} said: 'Ali^{-asws} said: 'The divorce and the waiting period of the women'.²⁹⁶

4- ب، قرب الإسناد حمادُ بنُ عيسى قال قال أبو عبد الله ع تُطَلِّقُ الحُرَّةُ ثَلَاثًا وَ تَعْتَدُ ثَلَاثًا.

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

'Abu Abdullah^{-asws} said: 'The free woman can be divorced thrice and she will observe three waiting periods'.²⁹⁷

5- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أَنَّ عَلِيًّا ع سُئِلَ عَنِ الْمُتَوَقِّعِ عِنْدَهَا زَوْجُهَا إِذَا لَمْ يَبْلُغْهَا ذَلِكَ حَتَّى تَنْقُضِي عِدَّتَهَا فَالْحَدَادُ يَجِبُ عَلَيْهَا

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

²⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 3

²⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 4

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} was asked about the wife whose husband had died from her, if that did not reach her until her waiting period had already expired. 'Is the mourning obligated upon her?'

قَالَ عَلِيُّ ع إِذَا لَمْ يَبْلُغْهَا حَتَّى تَنْقُضِي فَقَدْ ذَهَبَ ذَلِكَ كُلُّهُ وَ لَنْتَكِحَ مَنْ أَحَبَّتْ.

Ali^{-asws} said: 'When it did not reach until the expiry, all of that is gone, and let her marry the one she likes to'.²⁹⁸

6- ب، قرب الإسناد عَلِيُّ ع عَنْ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ الْمُطَلَّغَةِ لَهَا أَنْ تَكْتَجِلَ وَ تَحْتَضِبَ أَوْ تَلْبَسَ ثَوْباً مَصْبُوغاً

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the divorcee, 'Is it for her to apply Kohl and perfume, or wear dyed clothes?'

قَالَ لَا بَأْسَ إِذَا فَعَلْتَهُ مِنْ غَيْرِ سُوءٍ

He^{-asws} said: 'There is no problem if she does it from without evil'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمُطَلَّغَةِ كَمْ عِدَّتُهَا

He said, 'And I asked him^{-asws} about the divorcee, 'How much is her waiting period'.

قَالَ ثَلَاثُ حِيضٍ تَعْتَدُ أَوَّلَ تَطْلِيقَةٍ.

He^{-asws} said: 'Three menstruations will count as the first divorce'.²⁹⁹

7- قَالَ: وَ سَأَلْتُهُ عَنِ الْمُطَلَّغَةِ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا حَتَّى تَنْقُضِي عِدَّتُهَا

He said, 'And I asked him^{-asws} about the divorcee, 'Is expense money for her upon her husband until her waiting period expires?'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.³⁰⁰

8- قَالَ: وَ سَأَلْتُهُ عَنِ الْمُتَوَتَّى عَنْهَا زَوْجِهَا كَمْ عِدَّتُهَا

He said, 'And I asked him^{-asws} about the one her husband has died from her, 'How much is her waiting period?'

²⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 5

²⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 6

³⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 7

قَالَ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا.

He^{-asws} said: 'Four months and ten days'.³⁰¹

9- ب، قرب الإسناد ابنُ عيسى عن البرزطي قال: سأل صفوان الرضا ع وأنا حاضر عن رجلٍ طلق امرأته وهو غائب فمضت أشهرٌ فقال إذا قامت البينة أنه قد طلقها منذ كذا وكذا وكانت عدتها قد انقضت حلت للأزواج

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

'Safwan asked Al-Reza^{-asws} while I was present, about a man who divorces his wife and he is absent, and months pass by. He^{-asws} said: 'When the proof is established that he had divorced her since such and such (time), and her waiting period has expired, she is lawful for the suitors (to be married)'.

قُلْتُ فَالْمَتَوَقَّى عَنْهَا زَوْجُهَا

I said, 'So (what about) the one whose husband dies from her?'

فَقَالَ هَذِهِ لَيْسَتْ مِثْلَ تِلْكَ هَذِهِ تَعْتَدُ مِنْ يَوْمِ يَبْلُغُهَا الْخَبْرُ لِأَنَّ عَلَيْهَا أَنْ تَحْدَّ.

He^{-asws} said: 'This one isn't like that one. She will observe a waiting period from the day the news reaches her, because upon her is mourning'.³⁰²

10- ل، الخصال أبي عن سعد عن ابن عيسى عن البرزطي عن جميل عن زُرارة عن أبي جعفر ع قال: أمران أئهما سبق إليها بانث به المطلقة المُستَرابَةُ التي تَسْتَرِبُ الحَيْضَ إِنْ مَرَّتْ بِهَا ثَلَاثَةُ أَشْهُرٍ بِيضٍ لَيْسَ بِهَا دَمٌ بَانَث بِهَا وَإِنْ مَرَّتْ بِهَا ثَلَاثُ حَيْضٍ لَيْسَ بَيْنَ الحَيْضَتَيْنِ ثَلَاثَةُ أَشْهُرٍ بَانَث بِالْحَيْضِ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Al Bazanty, from Jameel, from Zurara,

From Abu Ja'far^{-asws} having said: 'Two matters, whichever of the two precedes to her, she becomes irrevocable divorced by it – the divorcee suspicious of the menstruation, if three clear months pass by her there not being any blood with her, she becomes irrevocably divorced by it; and if three menstruation cycles pass by her, there not being three months between the two menstruations, she would be irrevocably divorced by the menstruation'.³⁰³

11- ع، علل الشرائع أبي عن سعد عن البرزطي عن أبيه عن محمد بن سُلَيْمَانَ عن أبي خَالِدٍ الهَيْثَمِيِّ قَالَ: سَأَلْتُ أَبَا الحَسَنِ الثَّانِي ع كَيْفَ صَارَتْ عِدَّةُ المُطَلَّغَةِ ثَلَاثَ حَيْضٍ أَوْ ثَلَاثَةَ أَشْهُرٍ وَعِدَّةُ المُتَوَقَّى عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Suleyman, from Abu Khalid Al Haysam who said,

³⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 8

³⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 9

³⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 10

'I asked Abu Al-Hassan^{-asws} the 2nd, 'How did the waiting period of the divorcee become three menstruations or three months, and the waiting period of the widow is four months and ten days?'

قَالَ أَمَّا عِدَّةُ الْمُطَلَّعَةِ فثَلَاثٌ حَيْضٌ أَوْ ثَلَاثَةُ أَشْهُرٍ فَلَا سِتْرَاءَ الرَّحِمِ مِنَ الْوَلَدِ وَ أَمَّا الْمُتَوَقِّعُ عَنْهَا زَوْجَهَا فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ شَرَطَ لِلنِّسَاءِ شَرْطاً فَلَمْ يُجَاهِدَنَّ فِيهِ وَ فِيمَا شَرَطَهُ عَلَيْهِنَّ بَلْ شَرَطَ عَلَيْهِنَّ مِثْلَ مَا شَرَطَ لَهُنَّ

He^{-asws} said: 'As for waiting period of the divorcee being three menstruations or three months, it is for clearance of the womb from the child, and as for the widow, Allah^{-azwj} has Stipulated a condition for the women, and did not Favour them in it, and among what He^{-azwj} Stipulated upon them, but He^{-azwj} Stipulated against them similar to what He^{-azwj} Stipulated for them.

فَأَمَّا مَا شَرَطَ لَهُنَّ فَإِنَّهُ جَعَلَ لَهُنَّ فِي الْإِبْلَاءِ أَرْبَعَةَ أَشْهُرٍ لِأَنَّهُ عَلِمَ أَنَّ ذَلِكَ غَايَةُ صَبْرِ النِّسَاءِ فَقَالَ عَزَّ وَ جَلَّ- لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرِيصُ أَرْبَعَةَ أَشْهُرٍ فَلَمْ يُجْزِ لِلرِّجَالِ أَكْثَرَ مِنْ أَرْبَعَةِ أَشْهُرٍ فِي الْإِبْلَاءِ لِأَنَّهُ عَلِمَ أَنَّ ذَلِكَ غَايَةُ صَبْرِ النِّسَاءِ عَنِ الرِّجَالِ

As for what He^{-azwj} Stipulated for them, He^{-azwj} Made four months for them regarding the oath of abstinence (by the husband) because He^{-azwj} Knew that it is the peak of patience of the woman. The Mighty and Majestic Said: **Those who are solemnly swearing (abstention) from their wives should wait four months [2:226]**. He^{-azwj} did not Allow more than four months in the oath of abstention because He^{-azwj} Knew that is the peak of patience of the women from the men.

وَ أَمَّا مَا شَرَطَ عَلَيْهِنَّ فَقَالَ عِدَّتُهُنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا يَعْنِي إِذَا تَوَقَّعَتْ عَنْهَا زَوْجَهَا فَأَوْجِبَ عَلَيْهَا إِذَا أُصِيبَتْ بِزَوْجِهَا وَ تَوَقَّعَتْ عَنْهَا مِثْلَ مَا أُوجِبَ عَلَيْهَا فِي حَيَاتِهِ إِذَا آلَى مِنْهَا وَ عَلِمَ أَنَّهُ غَايَةُ صَبْرِ الْمَرْأَةِ أَرْبَعَةَ أَشْهُرٍ فِي تَرْكِ الْجَمَاعِ فَمِنْ تَمَّ أُوجِبَ عَلَيْهَا وَ لَهَا.

And as for what He^{-azwj} Stipulated against them, He^{-azwj} Said: **their waiting period is of four months and ten (days) [2:234]** – meaning when her husband dies from her, so He^{-azwj} Obligated upon her when she is afflicted with her husband and he dies from her, similar to what He^{-azwj} Obligated against them during his lifetime when He^{-azwj} swear an oath of abstention from her, and He^{-azwj} Know it is the peak of patience of the woman, four month in neglect of the marital relations. From there, He^{-azwj} Obligated against her and for her'.³⁰⁴

سن، المحاسن أبي و علي بن عيسى الأنصاري عن محمد بن سليمان الديلمي مثله.

(The book) 'Al Mahasin' – My father and Ali Bin Isa Al Ansari, from Muhammad Bin Suleyman Al Daylami, similar to it.³⁰⁵

13- ع، علل الشرائع علي بن حاتم عن القاسم بن محمد عن حذان بن الحسين عن الحسين بن الوليد عن محمد بن بكر عن عبد الله بن سنان قال: قلت لأبي عبد الله ع لأي علة صار عدة المطلقة ثلاثة أشهر و عدة المتوقفة عنها زوجها أربعة أشهر و عشرًا

(The book) 'Ilal Al Sharaie' – Ali Bin Hatim, from Al Qasim Bin Muhammad, from Hamdan Bin Al Husayn, from Al Husayn Bin Al Waleed, from Muhammad Bin Bukeyr, from Abdullah Bin Sinan who said,

³⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 11

³⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 12

'I said to Abu Abdullah^{-asws}, 'For which reason did the waiting period of the divorced woman become three months, while the waiting period of the one whose husband has died from her (widow) is four months and ten days?'

قَالَ لِأَنَّ حُرْقَةَ الْمُطَلَّاقَةِ تَسْكُنُ فِي ثَلَاثَةِ أَشْهُرٍ وَ حُرْقَةَ الْمَتَوِّقِ عَنْهَا رُؤُوسَهَا - لَا تَسْكُنُ إِلَّا بَعْدَ أَرْبَعَةِ أَشْهُرٍ وَ عَشْرًا.

He^{-asws} said: 'Because grief of the divorced settles in three months while grief of the widow does not settle except after four months and ten days'.³⁰⁶

14- ج، الإحتجاج سَعْدُ بْنُ عَبْدِ اللَّهِ قَالَ: سَأَلْتُ الْقَائِمَ عَ قُلْتُ أَحْبَبْتَنِي عَنِ الْفَاحِشَةِ الْمُبْتَنَةِ الَّتِي إِذَا فَعَلَتْ الْمَرْأَةُ ذَلِكَ يَجُوزُ لِبَعْلِهَا أَنْ يُخْرِجَهَا مِنْ بَيْتِهِ فِي أَيَّامِ عِدَّتِهَا

(The book) 'Al Ihtijaj' – Sa'ad Bin Abdullah said,

'I asked Al-Qaim^{-ajfj}. I said, 'Inform me about the open immorality which, when the woman (wife) does that, it is valid (for the husband) to swear an oath of abstinence to her and to expel her from his house in the days of her waiting period?'

فَقَالَ تِلْكَ الْفَاحِشَةُ السَّحْقُ وَ لَيْسَتْ بِالزَّانَا فَإِنَّمَا إِذَا زَنَتْ يُقَامُ عَلَيْهَا الْحُدُّ وَ لَيْسَ لِمَنْ أَرَادَ تَزْوِيجَهَا أَنْ يَمْتَنِعَ مِنَ الْعُقْدِ عَلَيْهَا لِأَجْلِ الْحَدِّ الَّذِي أُقِيمَ عَلَيْهَا

He^{-asws} said: 'That immorality is lesbianism and it isn't the adultery, for when she commits adultery the legal penalty would be established upon her, and it isn't for the one who marries her to refuse upon her the marriage ties due to the reason of the legal penalty which had been established upon her.

وَ أَمَّا إِذَا سَاحَقَتْ فَيَجِبُ عَلَيْهَا الرَّجْمُ وَ الرَّجْمُ هُوَ الْحُزْبُ وَ مَنْ أَمَرَ اللَّهُ بِرَجْمِهَا فَقَدْ أَحْزَاهَا فَلَيْسَ لِأَحَدٍ أَنْ يَمْرُتَهَا الْحَبْرَ.

If she commits adultery (lesbian act), she must be stoned to death. Stoning means disgrace. Whoever Allah^{-azwj} has ordered to be stoned has disgraced her, so no one has the right to approach her– the Hadeeth.³⁰⁷

15- ج، الإحتجاج كَتَبَ الْحِمَيْرِيُّ إِلَى الْقَائِمِ صَلَوَاتُ اللَّهِ عَلَيْهِ يَسْأَلُهُ عَنِ الْمَرْأَةِ يَمُوتُ رُؤُوسَهَا هَلْ يَجُوزُ لَهَا أَنْ تَخْرُجَ فِي جَنَازَتِهِ أَمْ لَا

(The book) 'Al Ihtijaj' -

Al-Himeyri wrote to Al-Qaim^{-ajfj}, may the Salawaat of Allah^{-azwj} be upon him^{-ajfj}, asking him^{-ajfj} about the woman whose husband died from her. Is it allowed for her to attend his funeral or not?

التَّوْفِيعُ تَخْرُجُ فِي جَنَازَتِهِ

The (Holy) letter: 'She can go out to his funeral'.

³⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 13

³⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 14

وَ هَلْ يَجُوزُ لَهَا فِي عِدَّتِهَا أَنْ تَزُورَ قَبْرَ زَوْجِهَا أَمْ لَا

And, it is allowed for her, during her waiting period to visit the grave of her husband or not?

التَّوْفِيعُ تَزُورُ قَبْرَ زَوْجِهَا وَ لَا تَبِثُ عَنْ بَيْتِهَا

The (Holy) letter: 'She can visit the grave of her husband and not spend the night away from her house'.

وَ هَلْ يَجُوزُ لَهَا أَنْ تَخْرُجَ فِي قَضَاءٍ حَتَّى يَلْتَمِسَهَا أَمْ لَا تَبْرَحُ مِنْ بَيْتِهَا وَ هِيَ فِي عِدَّتِهَا

And, it is allowed for her to go out in fulfilling a right which necessitates her, or not? She departs from her house during her waiting period.

التَّوْفِيعُ إِذَا كَانَ حَقٌّ خَرَجَتْ فِيهِ وَ قَضَتْهُ وَ إِنْ كَانَ لَهَا حَاجَةٌ وَ لَمْ يَكُنْ مَنْ يَنْظُرُ فِيهَا خَرَجَتْ لَهَا حَتَّى تَقْضِيَهَا وَ لَا تَبِثُ إِلَّا فِي مَنْرِهَا.

The (Holy) letter: 'When it was a right, she can go out regarding it and fulfil it, and if there was a need for her and there does not happen to be anyone who can look into it, she can go out for it until she fulfils it, but she cannot spend a night except in her dwelling'.³⁰⁸

16- فس، تفسير القمي قال علي بن إبراهيم في قوله تعالى- وَ اتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُمْ مِنْ بُيُوتِهِمْ وَ لَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَ تِلْكَ حُدُودُ اللَّهِ

Tafseer Al Qummi – (Opinion)

Ali Bin Ibrahim said regarding Words of the Exalted: **and fear Allah - your Lord! Do not expel them from their houses, nor should they go out from their houses except they come with an open immorality. And these are the Limits of Allah [65:1].**

قال لا يحل لرجل أن يخرج امرأته إذا طلقها وكان له عليها رجعة من بيته و هي أيضا لا يحل لها أن تخرج من بيته و معنى الفاحشة أن تربي أو تشرف على الرجال و من الفاحشة أيضا السلاطة على زوجها فإن فعلت شيئا من ذلك حل له أن يخرجها.

He said, 'It is not lawful for a man that he expels his wife from his house when he divorces her while there is (a right of) return to her, and she, as well, it is not lawful for her that she goes out from his house, and the meaning of immorality either adultery or she presents to the men, and from the immorality as well is the insolence to her husband. If she does anything from that it is permissible for him to expel her'.³⁰⁹

17- فس، تفسير القمي و أولاد الأحمال أجلهن أن يصغرن حملهن قال المطلقة الحاملة أجلها أن تضع ما في بطنها إن وضعت يوم طلقها زوجها تتزوج إذا طهرت و إن لم تضع ما في بطنها إلى تسعة أشهر لم تتزوج إلى أن تضع-

Tafseer Al Qummi – (Opinion)

³⁰⁸Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 15

³⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 16

and of those who have yet to menstruate; and those who are pregnant, their term is that they should place their burden (give birth) [65:4]. He said, 'The divorced pregnant one, her term is that she places what is in her belly. If she places (gives birth) on the day her husband divorces her, she can re-marry when she is pure, and if she does not place what is in her belly up to nine months, she cannot marry until she does place.

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجُوهِكُمْ قَالَ الْمَطْلُوقَةُ الَّتِي لِلزَّوْجِ عَلَيْهَا رَجْعَةٌ لَهَا عَلَيْهِ سَكْنَىٰ وَ نَفَقَةٌ مَا دَامَتْ فِي الْعِدَّةِ فَإِنْ كَانَتْ حَامِلًا يَنْفِقُ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا.

Lodge them where you lodge from your means [65:6] – He said, 'The divorced woman who there is a (right of) return for her husband to her, upon him is a dwelling and expense monies for as long as she is in the waiting period. If she were pregnant, he should spend upon her until she places her burden (gives birth).³¹⁰

18- ب، قرب الإسناد مُحَمَّدُ بْنُ الْوَلِيدِ عَنِ ابْنِ بُكَيْرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الَّتِي يُتَوَقَّى زَوْجُهَا تَحُجُّ

(The book) 'Qurb Al Isnaad' – Muhammad Bin Al Waleed, from Ibn Bukeyr who said,

'I asked Abu Abdullah^{-asws} about the one whose husband has died from her, 'Can she perform Hajj?'

قَالَ نَعَمْ تَحُجُّ وَ تَخْرُجُ وَ تَنْتَقِلُ مِنْ مَنْزِلٍ إِلَى مَنْزِلٍ.

He^{-asws} said: 'Yes, she can perform Hajj, and go out, and transfer from a house to a house'.³¹¹

19- ضا، فقه الرضا عليه السلام كُلُّ مَنْ طَلَّقَ امْرَأَتَهُ مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا فَلَا عِدَّةَ عَلَيْهَا مِنْهُ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Every one who divorces his wife from before he has consummated with her, there is no waiting period upon her, from him'.³¹²

20- سر، السرائر جَمِيلُ بْنُ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا ع فِي الرَّجُلِ يُطَلِّقُ الصَّبِيَّةَ الَّتِي لَمْ تَبْلُغْ - لَا تَحْمِلُ مِثْلَهَا وَ قَدْ كَانَ دَخَلَ بِهَا أَوْ الْمَرْأَةَ الَّتِي قَدْ بَيَسَتْ مِنَ الْمَحِيضِ وَ ارْتَفَعَ طَمَثُهَا وَ لَا تَلِدُ مِثْلَهَا قَالَ لَيْسَ عَلَيْهَا عِدَّةٌ وَ إِنْ دَخَلَ بِهَا.

(The book) 'Al Saraair' – Jameel Bin Darraj, from one of our companions,

'From one of the two (5th or 6th Imam^{-asws}) regarding a man who divorces a young girl which is not an adult yet, the likes of her do not get pregnant and he had consummate with her, or the woman who has despaired from the menstruation and her periods have been lifted and the likes of her do not give birth. He^{-asws} said: 'There isn't any waiting period upon her and even if he had consummated with her'.³¹³

³¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 17

³¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 18

³¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 19

³¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 20

21- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ وَ عَنْ زُرَّارَةَ قَالَا قَالَ أَبُو جَعْفَرٍ ع الْقُرْءُ مَا بَيْنَ الْحَيْضَتَيْنِ.

Tafseer Al Ayyashi – From Muhammad Bin Muslim and from Zurara, they said,

‘Abu Ja’far^{-asws} said: ‘The ‘Qur’ou’ is what is between the two menstruations’.³¹⁴

22- شي، تفسير العياشي عن زُرَّارَةَ قَالَ: سَمِعْتُ رَبِيعَةَ الرَّأْيِ وَ هُوَ يَقُولُ إِنَّ مِنْ رَأْيِي أَنَّ الْأَقْرَاءَ الَّتِي سَمَّى اللَّهُ فِي الْقُرْآنِ إِنَّمَا هِيَ الطُّهُرُ فِيمَا بَيْنَ الْحَيْضَتَيْنِ

Tafseer Al Ayyashi – From Zurara who said,

‘I heard Rabie, and he was saying, ‘From my opinion is that the ‘Qurou’ which Allah^{-azwj} has Named in the Quran, rather these are the pure periods in what is between the two menstruations and it isn’t menstruation’.

وَ لَيْسَ بِالْحَيْضِ قَالَ فَدَخَلْتُ عَلَى أَبِي جَعْفَرٍ ع فَحَدَّثَنِي بِمَا قَالَ رَبِيعَةُ فَقَالَ كَذَبَ وَ لَمْ يَقُلْ بِرَأْيِهِ وَ إِنَّمَا بَلَغَهُ عَنْ عَلِيٍّ ع

He said, ‘I entered to see Abu Ja’far^{-asws} and narrated to him^{-asws} with what Rabie had said. He^{-asws} said: ‘He has lied, and he did not say it with his opinion, and rather it has reached him from Ali^{-asws}!’

فَقُلْتُ أَصْلَحَكَ اللَّهُ أَكَانَ عَلِيٌّ ع يَقُولُ ذَلِكَ

I said, ‘May Allah^{-azwj} Keep you^{-asws} well! Ali^{-asws} had said that?’

He^{-asws} said: ‘Yes, he^{-asws} had said. But rather, the ‘Qurou’ is the purity. The blood coagulates during it and gathers. When it comes, it throws it out’.

قَالَ نَعَمْ كَانَ يَقُولُ إِنَّمَا الْقُرْءُ الطُّهُرُ فَتَقَرُّ فِيهِ الدَّمُ فَتَجْمَعُهُ فَإِذَا جَاءَتْ فَدَفَنَتْهُ قُلْتُ أَصْلَحَكَ اللَّهُ رَجُلًا طَلَّقَ امْرَأَتَهُ طَاهِرًا مِنْ غَيْرِ جِمَاعٍ بِشَهَادَةِ عَدْلَيْنِ

I said, ‘May Allah^{-azwj} Keep you^{-asws} well! A man divorces his wife when clean from without marital relations, keeping two just witnesses’.

قَالَ إِذَا دَخَلَتْ فِي الْحَيْضَةِ الثَّلَاثَةِ فَقَدْ انْقَضَتْ عِدَّتُهَا وَ حَلَّتْ لِلْأَزْوَاجِ

He^{-asws} said: ‘When she entered into the third menstruation, her waiting period has expired, and she is lawful for the other suitors (to marry)’.

قَالَ قُلْتُ إِنَّ أَهْلَ الْعِرَاقِ يَزُوونَ عَنْ عَلِيٍّ ع أَنَّهُ كَانَ يَقُولُ هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تَغْتَسِلَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ

He (the narrator) said, ‘I said, ‘The people of Iraq are reporting from Ali^{-azwj} that he^{-asws} had said he (husband) is more rightful with returning to her for as long as she has not washed from the third menstruation!’

³¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 21

فَقَالَ كَذَبُوا

He^{-asws} said: 'They are lying!'

قَالَ وَكَانَ يَقُولُ عَلِيٌّ ع إِذَا رَأَتِ الدَّمَ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ انْقَضَتْ عِدَّتُهَا.

He^{-asws} said: 'And Ali^{-asws} had said: 'When she sees the blood from the third menstruation, her waiting period has expired'.³¹⁵

و فِي رَوَايَةٍ رَبِيعَةَ الرَّأْيِ وَ لَا سَبِيلَ لَهُ عَلَيْهَا وَ إِنَّمَا الْقُرُءُ مَا بَيْنَ الْحَيْضَتَيْنِ وَ لَيْسَ لَهَا أَنْ تَتَزَوَّجَ حَتَّى تَعْتَسِلَ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَإِنَّكَ إِذَا نَظَرْتَ فِي ذَلِكَ لَمْ تَجِدِ الْأَفْرَاءَ إِلَّا ثَلَاثَةَ أَشْهُرٍ

And in a report by Rabie Al-Raie (the opinionist) – 'And there is no way for him to her, and rather the 'Qurou' is what is between the two menstruation, and it isn't for her to marry until she has washed from the third menstruation. So, when you look into that, you will not find the Qurou except three months.

فَإِذَا كَانَتْ لَا تَسْتَقِيمُ بِمَا تَحِيضُ فِي الشَّهْرِ مَرَارًا وَ فِي الشَّهْرِ مَرَّةً كَانَ عِدَّتُهَا عِدَّةَ الْمُسْتَحَاضَةِ ثَلَاثَةَ أَشْهُرٍ وَ إِنْ كَانَتْ تَحِيضُ حَيْضًا مُسْتَقِيمًا فَهِيَ فِي كُلِّ شَهْرٍ حَيْضَةٌ بَيْنَ كُلِّ حَيْضَتَيْنِ شَهْرٌ وَ ذَلِكَ الْقُرُءُ.

So, if her menstruation is irregular, occurring several times in a month or only once in a month, then her waiting period is like that of a woman with continuous bleeding, three months. But if her menstruation is regular, then it is one menstruation each month, with a month between each two menstruations, and that is the Qurou'.³¹⁶ (opinion)

23- قَالَ ابْنُ مُسْكَانَ عَنْ أَبِي بَصِيرٍ قَالَ: عِدَّةُ الَّتِي تَحِيضُ وَ يَسْتَقِيمُ حَيْضُهَا ثَلَاثَةَ أَفْرَاءٍ وَ هِيَ ثَلَاثُ حَيْضٍ.

Ibn Muskaan, from Abu Baseer who said,

'The waiting period of the one who menstruates, and her menstruations are regular for three 'Qurou', and it is of three menstruations'.³¹⁷

24- شي، تفسير العياشي عن محمد بن مسلم قال: سألت أبا جعفر ع في رجل طلق امرأته متى تبيد منه قال حين يطلع الدم من الحيضة الثالثة.

Tafseer Al Ayyashi – From Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{-asws} who divorces his wife, when is she irrevocably divorced from him. He^{-asws} said: 'When the blood from the third menstruation emerges'.³¹⁸

³¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 22 a

³¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 22 b

³¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 23

³¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 24

25- شي، تفسير العياشي عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ وَ الْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَ لَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ يُعْنَى لَا يَحِلُّ لَهَا أَنْ تَكْتُمَ الْحَمْلَ إِذَا طَلِّقَتْ وَ هِيَ حُبْلَى وَ الزَّوْجُ لَا يَعْلَمُ بِالْحَمْلِ فَلَا يَحِلُّ لَهَا أَنْ تَكْتُمَ حَمْلَهَا وَ هُوَ أَحَقُّ بِهَا فِي ذَلِكَ الْحَمْلِ مَا لَمْ تَضَعِ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And the divorced women should keep themselves in waiting for three menses-free periods; and it is not Permissible for them that they should conceal what Allah has Created in their wombs [2:228]** – meaning it is not lawful for her to conceal the pregnancy when she is divorced while she is pregnant and the husband does not know of the pregnancy. It is not permissible for her to conceal her pregnancy and he is not rightful with her regarding that pregnancy for as long as she has not placed (given birth)^{.319}

26- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: الْمُطَلَّغَةُ تَبِينُ عِنْدَ أَوَّلِ قَطْرَةٍ مِنَ الْحَيْضَةِ الثَّالِثَةِ.

Tafseer Al Ayyashi – From Zurara,

From Abu Ja'far^{-asws} having said: 'The divorced is irrevocably divorced at the first drop of the third menstruation'.³²⁰

27- شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ ع فِي الْمَرْأَةِ إِذَا طَلَّقَهَا زَوْجُهَا مَتَى تَكُونُ أَمْلَكَ بِنَفْسِهَا

Tafseer Al Ayyashi –

From Abdul Rahman son of Abu Abdullah^{-asws}, from Abu Abdullah^{-asws} regarding the woman when her husband divorces her, 'When will she be in control of herself?'

قَالَ إِذَا رَأَتْ الدَّمَ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ بَانَتْ.

He^{-asws} said: 'When she sees the blood from the third menstruation, she has become irrevocably divorced'.³²¹

28- قَالَ زُرَّارَةُ قَالَ أَبُو جَعْفَرٍ ع الْأَفْرَاءُ هِيَ الْأَطْهَارُ

Zurara said,

'Abu Ja'far^{-asws} said: 'The 'Qurou', these are the pure periods'.

وَ قَالَ الْفَرْءُ مَا بَيْنَ الْحَيْضَتَيْنِ.

³¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 25

³²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 26

³²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 27

And he^{-asws} said: 'The 'Qurou' is what is between the two menstruations'.³²²

29- شي، تفسير العياشي عن أبي بكر الحضرمي عن أبي عبد الله ع قال: لَمَا نَزَلَتْ هَذِهِ الْآيَةُ- وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَرْوَاجاً يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا جُنَّ النَّسَاءِ يُخَاصِمْنَ رَسُولَ اللَّهِ ص وَ قُلْنَ لَا نَصِيرُ

Tafseer Al Ayyashi – From Abu Bakr Al Hazramy,

From Abu Abdullah^{-asws} having said: '**And those of you who are dying and leaving wives (as widows), they shall wait with themselves for four months and ten (days) [2:234].** Some women came disputing to Rasool-Allah^{-saww} and they said, 'We cannot be patient!'

فَقَالَ لَهُنَّ رَسُولُ اللَّهِ ص كَانَتْ إِخْدَاكُنَّ إِذَا مَاتَ زَوْجُهَا أَخَذَتْ بَعْرَةً فَأَلْقَتْهَا خَلْفَهَا فِي دُورِهَا فِي خِدْرِهَا ثُمَّ قَعَدَتْ فَإِذَا كَانَ مِثْلُ ذَلِكَ الْيَوْمِ مِنَ الْحَوْلِ أَخَذَتْهَا فَفَتَنَتْهَا ثُمَّ أَكْتَحَلَتْ بِهَا ثُمَّ تَزَوَّجَتْ فَوَضَعَ اللَّهُ عَنْكُنَّ ثَمَانِيَةَ أَشْهُرٍ.

Rasool-Allah^{-saww} said to them: 'When one of you lost her husband, she would take a small stone and place it behind her in her room, in her chamber, then sit. When that same day of the year came around, she would take it, crush it, apply it as Kohl to her eyes, and then marry. Allah^{-azwj} has Lifted eight months away from you!'³²³

30- شي، تفسير العياشي عن عبد الله بن سنان عن أبي عبد الله ع قال سمعته يقول في امرأة توفيت عنها زوجها لم يمسهما قال لا تنكح حتى تعتد أربعة أشهر و عشرًا عدَّة المتوفى عنها زوجها.

Tafseer Al Ayyashi – From Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying regarding a woman whose husband has died from her cannot be touched. He^{-asws} said: 'She cannot marry until she observes a waiting period of four months and ten (days), the waiting period of the one whose husband has died from her'.³²⁴

31- شي، تفسير العياشي عن أبي بصير عن أبي جعفر ع قال: سَأَلْتُهُ عَنْ قَوْلِهِ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ قَالَ مَنْسُوحَةٌ نَسَخْتُهَا- يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا وَ نَسَخْتُهَا آيَةَ الْمِيرَاثِ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about His^{-azwj} Words: **a provision to the year without expulsion [2:240].** He^{-asws} said: 'Abrogated! It was Abrogated by: **they shall wait with themselves for four months and ten (days) [2:234]**, and it was Abrogated by the Verse of inheritance.³²⁵

³²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 28

³²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 29

³²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 30

³²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 31

32- شي، تفسير العياشي عن عبد الله بن سنان عن أبيه قال: سألت أبا عبد الله ع عن قول الله عز وجل - لا تُوعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ هُوَ طَلَبُ الْحَالِ - وَ لَا تَعْرِمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ أ لَيْسَ يَقُولُ الرَّجُلُ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا مَوْعِدُكَ بَيْتَ فُلَانٍ ثُمَّ يَطْلُبُ إِلَيْهَا إِلَّا تَسْبِقَهُ بِنَفْسِهَا إِذَا انْقَضَتْ عِدَّتُهَا

Tafseer Al Ayyashi – From Abdullah Bin Sinan, from his father who said,

‘I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **but do not promise them in secret unless if you are saying reasonable words** – He^{-asws} said: ‘It is seeking the lawful - **and do not determine the tie of marriage until the writing reaches its (end of) term [2:235]** - Does not a man say to a woman before her waiting period is over, ‘Your meeting place is the house of so-and-so’, and then request of her that she not give herself to anyone before him when her waiting period ends?’

قُلْتُ فَقَوْلُهُ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا

I said, ‘So (what about) His^{-azwj} Words: **unless if you are saying reasonable words?**’

قَالَ هُوَ طَلَبُ الْحَالِ فِي غَيْرِ أَنْ يَعْزِمَ عُقْدَةَ النِّكَاحِ - حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ.

He^{-asws} said: ‘It is seeking the lawful in other than determining the marriage tie, **until the writing reaches its (end of) term [2:235]**’.³²⁶

33- وَ فِي حَبْرٍ رَفَاعَةَ عَنْهُ ع قَوْلًا مَعْرُوفًا قَالَ تَقُولُ خَيْرًا.

And in a Hadeeth by Rifa’at,

From him^{-asws}: **reasonable words [2:235]**, he^{-asws} said: ‘Your saying good’.³²⁷

34- شي، تفسير العياشي وَ فِي رِوَايَةِ أَبِي بَصِيرٍ عَنْهُ ع لَا تُوعِدُوهُنَّ سِرًّا قَالَ هُوَ الرَّجُلُ يَقُولُ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا أَوْعِدُكَ بَيْتَ أَبِي فُلَانٍ أَوْعِدُكَ بَيْتَ فُلَانٍ لِتَرْفُتَ وَ يَرْفُتَ مَعَهَا.

Tafseer Al Ayyashi – And in a report by Abu Baseer,

From him^{-asws}: **but do not promise them in secret [2:235]**. He^{-asws} said: ‘He is the man saying to the wife before her waiting period has expired, ‘I promise you a house of Abu so and so, I promise you the house of so and so!’, in order to engage in intimacy and indecency with her’.³²⁸

35- شي، تفسير العياشي وَ فِي رِوَايَةِ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ أَبُو عَبْدِ اللَّهِ ع هُوَ قَوْلُ الرَّجُلِ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا مَوْعِدُكَ بَيْتَ أَبِي فُلَانٍ ثُمَّ يَطْلُبُ إِلَيْهَا إِلَّا تَسْبِقَهُ بِنَفْسِهَا إِذَا انْقَضَتْ عِدَّتُهَا.

³²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 32

³²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 33

³²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 34

Tafseer Al Ayyashi – And in a report by Abdullah Bin Sinan,

Abu Abdullah^{-asws} said: ‘It is the word of the man to the wife before her waiting period has expired, ‘Your promise is the house of Abu so and so, and he seeks to her that no one should precede him to her when her waiting period expires’.³²⁹

36- شي، تفسير العياشي عن أبي بصير عن أبي عبد الله في قول الله و لكن لا تُواعِدوهنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ الْمَرْأَةُ فِي عِدَّتِهَا تَقُولُ لَهَا قَوْلًا جَمِيلًا تُرَعِّبُهَا فِي نَفْسِكَ وَ لَا تَقُولُ إِنِّي أَصْنَعُ كَذَا وَ أَصْنَعُ كَذَا الْمُبِيعَ مِنَ الْأَمْرِ فِي الْبُضْعِ وَ كُلُّ أَمْرٍ قَبِيحٌ.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}, **but do not promise them in secret unless if you are saying reasonable words [2:235]**. He^{-asws} said: ‘The wife during her waiting period, you should say beautiful words to make her desirous regarding yourself, and do not say, ‘I shall do such and such, and I shall do such and such, (this is the) ugliness from the matters regarding the marital relations and every ugly matter’.³³⁰

37- شي، تفسير العياشي عن مسعدة بن صدقة عن أبي عبد الله ع في قول الله عَزَّ وَ جَلَّ- إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ يَقُولُ الرَّجُلُ لِلْمَرْأَةِ وَ هِيَ فِي عِدَّتِهَا يَا هَذِهِ مَا أَحَبَّ لِي مَا أَسْرَكْتُ وَ لَوْ قَدْ مَضَى عِدَّتُكَ لَا تَقُونِ [تَقُونِي] إِنْ شَاءَ اللَّهُ فَلَا تَسْبِقِينِي بِنَفْسِكَ وَ هَذَا كُلُّهُ مِنْ غَيْرِ أَنْ يَعْرِضُوا عُقْدَةَ الْبَيْعِ.

Tafseer Al Ayyashi – From Mas’ada Bin Sadaqa,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **unless if you are saying reasonable words [2:235]**. He^{-asws} said: ‘The man says to the woman while she is in her waiting period, ‘O you! How beloved it is to me what I am keeping secret, and if your waiting period passes, you will not lose me, of Allah^{-azwj} so Desires, so do not let anyone precede me with yourself’, and this, all of it is from without determining the marriage tie’.³³¹

38- شي، تفسير العياشي عن محمد بن مسلم عن أبي جعفر الثاني ع قَالَ: قُلْتُ لَهُ جُعِلْتُ فِدَاكَ كَيْفَ صَارَتْ عِدَّةُ الْمُطَلَّغَةِ ثَلَاثَ حِيضٍ أَوْ ثَلَاثَةَ أَشْهُرٍ وَ صَارَتْ عِدَّةُ الْمُتَوَقَّيْ عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا

Tafseer Al Ayyashi’ – From Muhammad Bin Muslim,

From Abu Ja’far^{-asws} the 2nd, he (the narrator) said, ‘I said to him^{-asws}, ‘May I be sacrificed for you^{-asws}! How did the waiting period of the divorced become three menstruation or three months, and the waiting period of the widow come to be of four months and ten (days)?’

فَقَالَ أَمَّا عِدَّةُ الْمُطَلَّغَةِ ثَلَاثَةُ قُرُوءٍ فَلَا سِتْرَءَ الرَّجْمِ مِنَ الْوَلَدِ وَ أَمَّا عِدَّةُ الْمُتَوَقَّيْ عَنْهَا زَوْجُهَا فَإِنَّ اللَّهَ شَرَطَ لِلنِّسَاءِ شَرْطًا وَ شَرَطَ عَلَيْهِنَّ شَرْطًا فَلَمْ يَجْزُ فِيهَا شَرْطٌ لَهُنَّ وَ لَمْ يَجْزُ فِيهَا شَرْطٌ عَلَيْهِنَّ

³²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 35

³³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 36

³³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 37

He^{-asws} said: 'As for waiting period of the divorced being of three pure periods is the clearance of the womb from the child, and as for waiting period of the widow, Allah^{-azwj} has Stipulated conditions for the women and conditions against them. He^{-azwj} was neither unjust regarding what He^{-azwj} Stipulated for them, nor unjust regarding what He^{-azwj} Stipulated against them.

أَمَّا مَا شَرَطَ هُنَّ فِي الْإِبْلَاءِ أَرْبَعَةَ أَشْهُرٍ إِذْ يَقُولُ لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرْتَضُونَ أَرْبَعَةَ أَشْهُرٍ فَلَمْ يُجْزِ لِأَحَدٍ أَكْثَرَ مِنْ أَرْبَعَةِ أَشْهُرٍ لِعَلِّمِهِ تَبَارَكَ وَ تَعَالَى
أَمَّا غَايَةُ صَبْرِ الْمَرْأَةِ مِنَ الرَّجُلِ

As for what He^{-azwj} Stipulated for them, in the oath of abstinence is four months, when He^{-azwj} Says for **Those who are solemnly swearing (abstention) from their wives should wait four months [2:226]**. Thus, it is not allowed for anyone more than four months due to the Knowledge of the Blessed and Exalted that it is the peak of patience of the woman from the man.

وَأَمَّا مَا شَرَطَ عَلَيْهِنَّ فَإِنَّهُ أَمْرًا أَنْ تَعْتَدَ إِذَا مَاتَ زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ فَأَخَذَ لَهُ مِنْهَا عِنْدَ مَوْتِهِ مَا أَخَذَ مِنْهَا لَهَا فِي حَيَاتِهِ.

And as for what He^{-azwj} Stipulated against them, He^{-azwj} Commanded her to observe a waiting period of four months, when her husband dies from her. So, He^{-azwj} Took for him from her at his death, what He^{-azwj} Took from her for her during his lifetime'.³³²

39- شي، تفسير العياشي عن ابن أبي عمير عن معاوية بن عمارة قال: سألتُه عن قول الله- وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ قَالَ مَنْسُوحَةٌ نَسَخْتَهَا آيَةٌ- يَتَرْتَضُونَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا وَ نَسَخْتَهَا آيَةُ الْمِيرَاثِ.

Tafseer Al Ayyashi – From Ibn Abu Umeyr, from Muawiya Bin Ammar who said,

'I said to him^{-asws} about the Words of Allah^{-azwj}: **And those of you who are dying and leaving wives (as widows), should bequeath to their wives a provision to the year [2:240]**. He^{-asws} said: 'Abrogated! It is Abrogated by the Verse: **they shall wait with themselves for four months and ten (days) [2:234]**, and it is Abrogated by the Verse of inheritance.³³³

40- شي، تفسير العياشي عن أبي بصير قال: سألتُه عن قول الله عزَّ وَ جَل- وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ
عَبَّرَ إِخْرَاجَ قَالَ هِيَ مَنْسُوحَةٌ

Tafseer Al Ayyashi – From Abu Baseer who said,

'I asked him^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **And those of you who are dying and leaving wives (as widows), should bequeath to their wives a provision to the year without expulsion [2:240]**. He^{-asws} said: 'It is Abrogated'.

قُلْتُ وَ كَيْفَ كَانَتْ

I said, 'And how was it?'

³³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 38

³³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 39

قَالَ كَانَ الرَّجُلُ إِذَا مَاتَ أَنْفَقَ عَلَى امْرَأَتِهِ مِنْ صُلْبِ الْمَالِ حَوْلًا ثُمَّ أُخْرِجَتْ بِهَا مِيرَاثٌ ثُمَّ نَسَخَتْهَا آيَةُ الرَّبْعِ وَ الثَّمَنِ فَالْمَرْأَةُ يُنْفَقُ عَلَيْهَا مِنْ نَصِيبِهَا.

He^{-asws} said: 'It was so, when the man died, it would be spent upon his wife from the entire wealth for a year, then she would be expelled without inheritance. Then it was Abrogated by the Verse of the quarter and the eighth. So, the woman, it should be spent upon her from her share.³³⁴

41- تَفْسِيرُ التُّعْمَانِيِّ، بِالإِسْنَادِ الَّذِي مَرَّ فِي كِتَابِ الْقُرْآنِ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع قَالَ: إِنَّ الْعِدَّةَ كَانَتْ فِي الْجَاهِلِيَّةِ عَلَى الْمَرْأَةِ سَنَةً كَامِلَةً وَ كَانَ إِذَا مَاتَ الرَّجُلُ أَلْقَمَتِ الْمَرْأَةُ خَلْفَ ظَهْرِهَا شَيْئاً بَعْرَةً وَ مَا جَرَى جُرَاهَا ثُمَّ قَالَتْ الْبُعْلُ أَهْوَنُ عَلَيَّ مِنْ هَذِهِ

Tafseer Al Numani – By the chain which has passed in 'Kitab Al Quran',

From Amir Al-Momineen^{-asws} having said: 'During the pre-Islamic period the waiting period of the woman was for a complete year, and when the man died, the woman would throw behind her something, a pellet of dung or the like, and then say: 'The husband is more insignificant upon me than this!'

فَلَا أُكْتَحِلُ وَ لَا أَمْتَشِطُ وَ لَا أَتَطَيَّبُ وَ لَا أَتَزَوَّجُ سَنَةً فَكَانُوا لَا يُخْرِجُونَهَا مِنْ بَيْتِهَا بَلْ يُجْزُونَ عَلَيْهَا مِنْ تَرْكَةِ زَوْجِهَا سَنَةً فَأَنْزَلَ اللَّهُ تَعَالَى فِي أَوَّلِ الْإِسْلَامِ-
وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَزْوَاجاً وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعاً إِلَى الْحَوْلِ غَيْرِ إِخْرَاجٍ

So, she would not apply Kohl, nor comb her hair, nor use perfume, nor marry for a year. They would not expel her from her house but would provide for her from her husband's estate for a year. Allah^{-azwj} the Exalted Revealed in the beginning of Islam: **And those of you who are dying and leaving wives (as widows), should bequeath to their wives a provision to the year without expulsion [2:240].**

فَلَمَّا قَوِيَ الْإِسْلَامُ أَنْزَلَ اللَّهُ تَعَالَى- وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذُرُونَ أَزْوَاجاً يَتَرْتَضْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جناحَ عَلَيْكُمْ
الْأَيَّةُ.

When Islam became strong, Allah^{-azwj} the Exalted Revealed: **And those of you who are dying and leaving wives (as widows), they shall wait with themselves for four months and ten (days); so when they reach their (end of) term, then there is no blame upon you [2:234] – the Verse'**.³³⁵

42 وَ رَوَاهُ ابْنُ قُؤْلُوَيْهٍ عَنْ سَعْدِ بْنِ عَبْدِ اللَّهِ بِإِسْنَادِهِ عَنْهُ ع مِثْلَهُ.

And it is reported by Ibn Qawlawayya, from Sa'ad Bin Abdullah by his chain, from him^{-asws}, similar to it.³³⁶

43 نَوَادِرُ الرَّوَابِيعِ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ ع قَالَ: أَتَتْ عَلِيّاً ع ابْنَتُهُ ثُمَّ كَلَّمَتْهُ فِي عِدَّتِهَا حِينَ مَاتَ زَوْجُهَا عُمَرُ بْنُ الْخَطَّابِ لِأَنَّهَا كَانَتْ فِي حَارِ الْإِسْرَارَةِ.

³³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 40

³³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 41

³³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 42

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

~~From Musa^{asws} Bin Ja'far^{asws}, from his^{asws} forefathers^{asws} having said: 'Ali^{asws}, his^{asws} daughter Umm Kulsoom^{as} came to him^{asws} during her waiting period when her^{as} husband Umar Bin Al Khattab died, because she was in the government building'.³³⁷ (derogatory)~~

44- وَ هَذَا الْإِسْنَادِ قَالَ قَالَ عَلِيٌّ ع إِذَا كَانَ لِلرَّجُلِ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ إِحْدَاهُنَّ لَا يَتَزَوَّجُ حَتَّى يَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ.

And by this chain,

He^{asws} said: 'Ali^{asws} said: 'Where there were four wives for the man, so he divorces one of them, he cannot marry until the waiting period of the one he had divorced expires.'³³⁸

45- وَ قَالَ ع فِي رَجُلٍ عِنْدَهُ امْرَأَةٌ فَطَلَّقَهَا لَيْسَ لَهُ أَنْ يَتَزَوَّجَ أُخْتَهَا وَ لَا عَمَّتَهَا وَ لَا خَالَتَهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا.

And he^{asws} said regarding a man who has a wife with him, so he divorces her: 'It isn't for him to marry her sister nor her paternal aunt nor her maternal aunt until her waiting period has expired'.³³⁹

46- وَ قَالَ: فِي الرَّجُلِ تَزَوَّجَ امْرَأَةً - لَا يَقْرُبُهَا حَتَّى يَسْتَبْرَأَ.

And he^{asws} said regarding the man whose slave girl commits adultery: 'He cannot go near her until she has been cleared (of pregnancy)'.³⁴⁰

47- وَ قَالَ ع فِي الرَّجُلِ لَهُ امْرَأَةٌ فَحَبِلَتْ مِنْ غَيْرِهِ بِشُبُهَةٍ أَوْ زَنًا - لَا يَقْرُبُهَا حَتَّى يَتَبَيَّنَ أَهْمًا حَامِلٌ أَمْ لَا.

And he^{asws} said regarding the man having a woman for him, so she becomes pregnant from someone else, either with suspicion or adultery: 'He cannot go near her until it becomes clear whether she is pregnant or not'.³⁴¹

48- كِتَابُ الْغَايَاتِ، مُحَمَّدُ بْنُ سُلَيْمَانَ الدَّيْلَمِيُّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: فُلْتُ كَيْفَ صَارَتْ عِدَّةُ الْمُطَلَّعَةِ ثَلَاثَ حِيضٍ أَوْ ثَلَاثَةَ أَشْهُرٍ وَ عِدَّةُ الْمُتَوَقِّعِ عِنْدَهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ

(The book) 'Kitab Al Gayaat' – Muhammad Bin Suleyman Al Daylami,

From Abu Ja'far^{asws}, he (the narrator) said, 'I said, 'How did the waiting period of the divorced become of three menstruation or three months, while waiting period of the widow is of four months?'

³³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 43

³³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 44

³³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 45

³⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 46

³⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 47

فَقَالَ أَمَّا عِدَّةُ الْمُطَلَّقةِ ثَلَاثَةٌ فُرُوءٍ فَلَا سِتْرَاءَ الرَّجْمِ مِنَ الْوَلَدِ وَ أَمَّا عِدَّةُ الْمُتَوَتَّى عَنْهَا زَوْجَهَا فَإِنَّ اللَّهَ شَرَطَ لِلنِّسَاءِ شَرْطاً وَ شَرَطَ عَلَيْهِنَّ شَرْطاً فَلَمْ يُجَاهِدَنَّ
فِيهَا شَرْطَ هُنَّ وَ لَمْ يَجْرُ فِيمَا شَرَطَ عَلَيْهِنَّ

He^{-asws} said: 'As for the waiting period of the divorced being of three pure periods, it is for clearance of the womb from the child, and as for the waiting period of the widow, Allah^{-azwj} has Stipulated conditions for the women and Stipulated conditions against them. He^{-azwj} did not Show favouritism regarding what He^{-azwj} Stipulated for them, and was not unjust regarding what He^{-azwj} Stipulated against them.

أَمَّا مَا شَرَطَ هُنَّ فِي الْإِبْلَاءِ أَرْبَعَةَ أَشْهُرٍ إِذْ يَقُولُ لِلَّذِينَ يُؤَلُّونَ مِنْ نِسَائِهِمْ تَرْتِيبُ أَرْبَعَةَ أَشْهُرٍ فَلَا يَجُوزُ لِأَحَدٍ أَكْثَرَ مِنْ أَرْبَعَةِ أَشْهُرٍ فِي الْإِبْلَاءِ لِعِلْمِهِ تَبَارَكَ
وَ تَعَالَى غَايَةَ صَبْرِ الْمَرْأَةِ مِنَ الرَّجُلِ

As for what He^{-azwj} Stipulated for them regarding the oath of abstinence, it is four months, when He^{-azwj} Said: **Those who are solemnly swearing (abstention) from their wives should wait four months [2:226]**. Thus, it is not allowed for anyone more than four months regarding the oath of abstinence due to His^{-azwj} Knowledge, Blessed and Exalted, it is the peak of patience of a woman from a man.

وَ أَمَّا مَا شَرَطَ عَلَيْهِنَّ فَإِنَّهُ أَمْرٌ أَنْ تَعْتَدَ إِذَا مَاتَ عَنْهَا زَوْجُهَا مِنْهُ أَرْبَعَةَ أَشْهُرٍ فَأَحَدَ مِنْهَا لَهُ عِنْدَ مَوْتِهِ مَا أَحَدَ مِنْهَا فِي حَيَاتِهِ عِنْدَ إِبْلَائِهِ وَ لَمْ يَذْكُرِ
الْعَشْرَةَ الْأَيَّامَ فِي الْعِدَّةِ- [الْعِدَّةُ] مَعَ الْأَرْبَعَةِ الْأَشْهُرِ.

And as for what He^{-azwj} Stipulated against them, He^{-azwj} Commanded her, when her husband dies from her, to observe the waiting period of four months. So, He^{-azwj} Took from her for him at his death what He^{-azwj} Took from during his lifetime at his oath of abstinence, and He^{-azwj} did not Mention the ten days regarding the waiting period with the four months'.³⁴²

49- وَ رَوَى أَبُو سُمَيْنَةَ مُحَمَّدُ بْنُ عَلِيِّ الرَّيَّانِيُّ عَنِ ابْنِ أَسْلَمَ عَنْ رَجُلٍ عَنِ الرِّضَا ع مِثْلَ ذَلِكَ وَ زَادَ فِي الْحَدِيثِ فَقَالَ عَلِمَ اللَّهُ أَنَّ غَايَةَ صَبْرِ الْمَرْأَةِ أَرْبَعَةَ
أَشْهُرٍ فِي تَرْكِ الْجَمَاعِ فَمَنْ تَمَّ أَوْجَبَهُ عَلَيْهَا وَ هَذَا.

And it is reported by Abu Sumeyna Bin Ali Al Zayyat, from Ibn Aslam, from a man,

From Al-Reza^{-asws} similar to that, and there is an addition in the Hadeeth. He^{-asws} said: 'Allah^{-azwj} Knows that the peak of patience of the woman in neglecting marital relations is of four months. From there, He^{-azwj} Obligated against her and for her'.³⁴³

باب 120 فضل العتق

CHAPTER 120 – MERITS OF THE LIBERATION (OF SLAVES)

1- لي، الأمايلي للصدوق ابن إدريس عن محمد بن عبد الجبار عن ابن البطائني عن إسماعيل بن عبد الحالقي و الكنايني معا عن أبي بصير عن أبي عبد الله ع قال: من أعتق نسمة مؤمنة بنى الله له بيتاً في الجنة.

³⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 48

³⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 119 H 49

(The book) 'Al Amaali' of Al Sadouq – Ibn Idrees, from Muhammad Bin Abdul Jabbar, from Ibn Al Batainy, from Ismail Bin Abdul Khaliq and Al Kinany, both together from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'One who liberates a believing person, Allah^{-azwj} will Build a house for him in the Paradise'.³⁴⁴

2- ل، الخصال حمزة العلوئي عن علي بن أبيه عن عثمان بن عيسى عن سماعة عن أبي عبد الله ع قال: أَرْبَعَةٌ يُنْظَرُ اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ مَنْ أَقَالَ نَادِمًا أَوْ أَعْتَقَ نَسَمَةً أَوْ زَوَّجَ عَرَبًا.

(The book) 'Al Khisaal' – Hamza Al Alawy, from Ali, from his father, from Usman Bin Isa, from Sama'at,

From Abu Abdullah^{-asws} having said: 'Four, Allah^{-azwj} Mighty and Majestic will Look at them on the Day of Qiyamah – one who regrets sincerely, or helps a distressed, or liberates a person, or gets a celibate³⁴⁵ married'.³⁴⁶

3- ل، الخصال فيما أوصى به النبي ص علياً ع يا علي لا تُمَكِّسَنَّ فِي أَرْبَعَةِ أَشْيَاءَ فِي شِرَاءِ الْأُضْحِيَّةِ وَ الْكَفْنِ وَ النَّسَمَةِ وَ الْكِرَى إِلَى مَكَّةَ.

(The book) 'Al Khisaal' -

Among what the Prophet^{-saww} bequeathed to Ali^{-asws}: 'O Ali^{-asws}! Do not bargain regarding four things – In buying the sacrificial animal, and the shroud, and the slave, and the hire charges to Makkah (for Hajj)'.³⁴⁷

4- مع، معاني الأخبار ل، الخصال في خبر أبي ذرٍّ أَنَّهُ سَأَلَ النَّبِيَّ ص أَيُّ الرِّقَابِ أَفْضَلُ

(The book) 'Ma'any Al Akhbar', (and) 'Al Khisaal' -

In a Hadeeth by Abu Zarr^{-ra}, 'The Prophet^{-saww} was asked, 'Which slave is the best?'

قَالَ أَغْلَاهَا تَمَنَّا وَ أَنْفُسَهَا عِنْدَ أَهْلِهَا.

He^{-saww} said: 'Their most expensive in price, and the most precious in the view of their people'.³⁴⁸

5- ما، الأمالي للشيخ الطوسي عن أبي قلابة عن النبي ص قال: مَنْ أَعْتَقَ رَقَبَةً فَهِيَ فِدَاؤُهُ مِنَ النَّارِ كُلِّ غُضُوٍّ مِنْهَا فِدَاءٌ غُضُوٍّ مِنْهُ.

(The book) 'Al Amaali' of the sheykh Al Tusi – from Abu Qilabah,

From the Prophet^{-saww} having said: 'One who liberates a neck, it would be his ransom from the Hellfire, each limb of his, a ransom for each limb from him'.³⁴⁹

³⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 1

³⁴⁵ The one abstaining from marriage and sexual relations, typically for religious reasons:

³⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 2

³⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 3

³⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 4

³⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 5

6- ما، الأماالي للشيخ الطوسي ابنُ مُحَمَّدٍ عَنِ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ نُصَيْرٍ عَنِ مُحَمَّدِ بْنِ يُونُسَ عَنِ أَبِي نُعَيْمٍ عَنِ الْحَكَمِ بْنِ أَبِي نُعَيْمٍ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ عَلِيٍّ عَ تَحَدَّثَتْ عَنْ أَبِيهَا عَ قَالَ قَالَ رَسُولُ اللَّهِ صَ مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً كَانَ لَهُ بِكُلِّ عُضْوٍ مِنْهَا فَكَاكُ عُضْوٍ مِنْهُ مِنَ النَّارِ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Ibn Makhlad, from Ja'far Bin Muhammad Bin Nuseyr, from Muhammad Bin Yunus, from Abu Nueym, from Al Hakam Bin Abu Nueym who said,

'I heard (Syeda) Fatima^{-asws} daughter of Ali^{-asws} narrating from her^{-asws} father^{-asws} having said: 'Rasool-Allah^{-sawww} said: 'One who liberates a neck of a believer, for every limb from him would be a ransom of a limb from him, from the Hellfire'.³⁵⁰

7- ثواب الأعمال أَبِي عَنْ سَعْدِ عَنِ الْبَرْهِيِّ عَنْ أَبِيهِ عَنْ حَمَّادِ عَنْ رَبِيعٍ عَنْ سَمَاعَةَ عَنْ أَبِي جَعْفَرٍ عَ قَالَ قَالَ رَسُولُ اللَّهِ صَ مَنْ أَعْتَقَ مُسْلِمًا أَعْتَقَ اللَّهُ لَهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Hammad, from Rabie, from Sama'at,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-sawww} said: 'One who liberates a Muslim, Allah^{-azwj} will Liberate him, for every limb from him, a limb from the Hellfire'.³⁵¹

8- ثواب الأعمال أَبِي عَنْ سَعْدِ عَنِ الْبَرْهِيِّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ بَشِيرِ النَّبَّالِ عَنِ الصَّادِقِ عَ قَالَ: مَنْ أَعْتَقَ نَسَمَةً صَالِحَةً لَوَجْهِ اللَّهِ كَفَّرَ اللَّهُ عَنْهُ مَكَانَ كُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Sinan, from Bashir Al Nabbal,

From Al-Sadiq^{-asws} having said: 'One who liberates a righteous person for the Face (Sake) of Allah^{-azwj}, Allah^{-azwj} will Expiate from him, in place of every limb from him, a limb from the Hellfire!³⁵²

9- ثواب الأعمال أَبِي عَنْ سَعْدِ عَنِ الْبَرْهِيِّ عَنْ أَبِيهِ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبِلَادِ عَنْ أَبِيهِ رَفَعَهُ قَالَ قَالَ رَسُولُ اللَّهِ صَ مَنْ أَعْتَقَ مُؤْمِنًا أَعْتَقَ اللَّهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ وَإِنْ كَانَتْ أَنْثَى أَعْتَقَ اللَّهُ بِكُلِّ عُضْوَيْنِ عُضْوًا مِنَ النَّارِ لِأَنَّ الْمَرْأَةَ نِصْفُ مِنَ الرَّجُلِ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Ibrahim Bin Abu Al Bilad, from his father raising it, said,

'Rasool-Allah^{-sawww} said: 'One who liberates a believer, Allah^{-azwj} will Liberate for every limb from him, a limb from the Hellfire, and if it was a female, Allah^{-azwj} will Liberate for every two limbs, a limb from the Hellfire, because the woman is half of the man'.³⁵³

10- سن، المحاسن الحسن بن علي بن يوسف عن أبي عبد الله البجلي عن بعض أصحابه عن أبي عبد الله ع قال: أزيغ من أتى بواجدةٍ منهن دخل الجنة من سقى هامةً ظامئةً أو أشبع كبدًا جائعةً أو كسا جلدةً عاريةً أو أعتق رقبةً عانيةً.

³⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 6

³⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 7

³⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 8

³⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 9

(The book) 'Al Mahasin' – Al-Hassan Bin Ali Bin Yusuf, from Abu Abdullah Al Bajaly, from one of his companions,

From Abu Abdullah^{-asws} having said: 'Four (matters), one who comes with one of these will enter the Paradise – One who quenches a thirsty head, or satiates a hungry liver, or clothes a bare skin, or liberates a suffering neck'.³⁵⁴

11- سن، المحاسن أبي عن فضالة عن سيف عن أبي بكر الحضرمي قال: قلت لأبي عبد الله ع رجل حلف للسُّلْطَانِ بِالطَّلَاقِ وَ الْعَتَاقِ

(The book) 'Al Mahasin' – From Fazalah, from Sayf, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'A man swears an oath to the ruler of the divorce and the liberation (of a slave)'.
فَقَالَ إِذَا حَشِي سَيْفُهُ وَ سَطَوْتَهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَغْفُو وَ النَّاسُ لَا يَغْفُونَ.

He^{-asws} said: 'If he fears his sword and his punishment, there isn't anything upon him. O Abu Bakr! Allah^{-azwj} Pardons while the people do not pardon.'³⁵⁵

12- سن، المحاسن أبي عن صفوان عن أبي الحسن و البرنظي معاً عن أبي الحسن ع قال: سألتُه عن الرجل يُسْتَكْرَهُ عَلَى الْيَمِينِ فَيُحْلِفُ بِالطَّلَاقِ وَ الْعَتَاقِ وَ صَدَقَهُ مَا يَمْلِكُ أ يَلْزُمُهُ ذَلِكَ

(The book) 'Al Mahasin' – My father, from Safwan, from Abu Al-Hassan and Al Bazanty, both together,

From Abu Al-Hassan^{-asws}, he (the narrator) said, 'I asked him^{-asws} about the man who is coerced upon the oath so he swears with the divorce and the liberation and charity of what he owns, 'Does that necessitate him?'

فَقَالَ لَا قَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنْ أُمَّتِي مَا أُكْرَهُوا عَلَيْهِ وَ لَمْ يُطِئُوا وَ مَا أُحْطَفُوا.

He^{-asws} said: 'No. Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community, whatever they are coerced upon, and what they cannot endure, and what they err'.³⁵⁶

13- سن، المحاسن أبي عن ابن أبي عمير عن أبي أيوب عن معاوية بن عمار الأَكْسَبِيِّ قَالَ: قلتُ لأبي عبد الله ع إنا نُسْتَحْلِفُ بِالطَّلَاقِ وَ الْعَتَاقِ فَمَا تَرَى أَخْلِفُ لَهُمْ

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Abu Ayoub, from Muaz Baya'a Al Aksiyah who said,

'I said to Abu Abdullah^{-asws}, 'We tend to oath with the divorce, and the liberation. What is your^{-asws} view, shall I oath for them?'

قَالَ أَخْلِفُ لَهُمْ بِمَا أَرَادُوا إِذَا حَفَّتْ.

³⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 10

³⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 11

³⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 12

He^{-asws} said: ‘Swear for them with whatever they want if you fear’.³⁵⁷

14- ضا، فقه الرضا عليه السلام من أعتق رقبة مؤمنة أنثى كانت أو ذكراً أعتق الله بكل عضو من أعضائه عضواً منه من النار.

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘One who liberates the neck of a believer, be it female or male, Allah^{-azwj} will Liberate with every limb from his limb, a limb from the Hellfire!’³⁵⁸

15- كِتَابُ الْعَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ التَّقْفِي رَفَعَهُ عَنْ عَبْدِ اللَّهِ بْنِ الْحُسَيْنِ قَالَ: أَعْتَقَ عَلِيُّ عَ أَلْفَ أَهْلِ بَيْتٍ بِمَا حَمَلَتْ يَدَاهُ وَ عَرَفَتْ جَبِينَهُ.

(The book) ‘Kitab Al Gharaat’ of Ibrahim Bin Muhammad Al Saqafy, raising it from Abdullah Bin Al-Hassan who said,

‘Ali^{-asws} liberated a thousand households with what his^{-asws} hands had worked, and his^{-asws} forehead had sweated for’.³⁵⁹

وَعَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ع قَالَ: أَعْتَقَ عَلِيُّ عَ أَلْفَ مَمْلُوكٍ بِمَا عَمِلَتْ يَدَاهُ.

And from Ja’far^{-asws} Bin Muhammad^{-asws} having said: ‘Ali^{-asws} had liberated a thousand slaves from what his^{-asws} hands had worked’.³⁶⁰

16- أَعْلَامُ الدِّينِ، قَالَ رَسُولُ اللَّهِ ص حَسَنَةٌ مَنْ أَتَى اللَّهَ بِهِنَّ أَوْ بِوَاحِدَةٍ مِنْهُنَّ وَجَبَتْ لَهُ الْجَنَّةُ مَنْ سَقَى هَامَةً صَادِيَةً أَوْ حَمَلَ قَدَمًا خَافِيَةً أَوْ أَطْعَمَ كَبِدًا جَائِعَةً أَوْ كَسَا جِلْدَةً عَارِيَةً أَوْ أَعْتَقَ رَقَبَةً عَانِيَةً.

(The book) ‘A’lam Al Deen’ -

Rasool-Allah^{-saww} said: ‘Four (matters), one who comes with these or even one of these, the Paradise will be Obligated for him – one who quenches a thirsty head, or carries a barefoot person, or feeds a hungry liver, or clothes a bare skin, or liberates a suffering neck’.³⁶¹

[باب 121 أحكام العتق و ما يجوز عتقه في الكفارات و النذور](#)

CHAPTER 121 – RULING ON THE LIBERATION, AND WHAT IS ALLOWED IN LIBERATING IT REGARDING THE EXPIATIONS AND THE VOWS

1- لي، الأمايلي للصدوق ابن الوليد عن ابن أبان عن الحسين بن سعيد عن ابن أبي عمير و محمد بن إسماعيل عن منصور بن يونس و علي بن إسماعيل عن منصور بن حازم عن الصادق عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا عِتْقَ قَبْلَ مَلِكٍ.

(The book) ‘Al Amaali’ of Al Sadouq – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Ibn Abu Umeyr, and Muhammad Bin Ismail, from Mansour Bin Yunus, and Ali Bin Ismail from Mansour Bin Hazim,

³⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 13

³⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 14

³⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 15 a

³⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 15

³⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 120 H 16

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘There is no liberation before ownership’.³⁶²

2 ما، الأماالي للشيخ الطوسي الغضائري عن الصدوق مثله.

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Al Gazairy, from Al Sadouq, similar to it.³⁶³

3- ب، قرب الإسناد ابن طريف عن ابن غلوان عن الصادق عن أبيه ع قال قال علي ع لا طلاق لمن لا ينكح ولا عتاق لمن لا يملك ولو وضع يده على رأسها.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘Ali^{-asws} said: ‘There is no divorce for the one who is not married, nor liberation for the one who does not own, and even if he were to place his head on her head’.³⁶⁴

4- ب، قرب الإسناد بهذا الإسناد قال قال علي ع لا طلاق إلا من بعد نكاح ولا عتق إلا من بعد ملك.

(The book) ‘Qurb Al Isnaad’ – By this chain,

He^{-asws} said: ‘Ali^{-asws} said: ‘There is no divorce except from after marriage, nor any liberation except from after ownership’.³⁶⁵

5 نوادر الراوندي، بإسناده عن موسى بن جعفر عن آبائه ع مثله.

(The book) ‘Nawadir’ of Al Rawandy – By his chain, from Musa^{-asws} Bin Ja’far^{-asws}, from his^{-asws} forefathers^{-asws}, similar to it.³⁶⁶

6- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أن علياً ع قال: لا يجوز في العتاق الأعمى والأعور والمُعَدُّ والجور الأشل والأعرج.

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws} said: ‘It is not valid in the liberation – the blind, and the one-eyed, and the crippled, and it is valid, the lame and the paralysed’.³⁶⁷

7- ب، قرب الإسناد علي عن أخيه ع قال: سألتُه عن الظهار هل يجوز فيه عتق صبي

(The book) ‘Qurb Al Isnaad’ -

³⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 1

³⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 2

³⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 3

³⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 4

³⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 5

³⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 6

Ali, from his brother (Musa Al-Kazim^{-asws}), said, 'I asked him^{-asws} about the Zihar, 'Is it allowed in it liberation of a young child (as expiation)?'

قَالَ إِذَا كَانَ مَوْلُوداً وُلِدَ فِي الْإِسْلَامِ أَجْزَأُهُ.

He^{-asws} said: 'When it was a new-born, born in Islam, it will suffice'.³⁶⁸

8- وَ سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عِتْقٌ نَسَمَةٍ أَوْ يُجْزِي عَنْهُ أَنْ يُعْتِقَ أَعْرَجٌ أَوْ أَشْلًا

And I asked him^{-asws} about a man upon him is to liberate a person, 'Is it sufficient for him if he were to liberate a lame or paralysed?'

قَالَ إِذَا كَانَ مِنْ بَيْعِ أَجْزَأَ عَنْهُ إِلَّا أَنْ يَكُونَ وَقَّتَ عَلَى نَفْسِهِ شَيْئاً فَعَلَيْهِ مَا وَقَّتَ.

He^{-asws} said: 'If he was from the one who can be sold, he will be sufficed from it except if he happens to have specified something upon himself, upon him is what he has specified'.³⁶⁹

9- وَ سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عِتْقٌ رَقَبَةٍ أَوْ شَيْخاً كَبِيراً أَوْ شَاباً جَلِداً

And I asked him^{-asws} about a man upon whom is liberation of a neck, 'Which of the two is better, if he liberates an aged old man or a strong youth?'

قَالَ أَعْتَقَ مَنْ أَعْتَى نَفْسَهُ الشَّيْخَ الضَّعِيفَ أَفْضَلُ مِنَ الشَّابِّ الْجَلِدِ.

He^{-asws} said: 'It is better for the self-sufficient one to liberate the weak is better than the strong youth'.³⁷⁰

10- وَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ نِصْفَ مَمْلُوكِهِ وَ هُوَ صَحِيحٌ مَا حَالُهُ

And I asked him^{-asws} about a man who liberates half of his slave, and he is healthy, 'What is his state?'

قَالَ يَعْتِقُ النِّصْفَ وَ يُسْتَسْعَى فِي النِّصْفِ الْآخَرَ يُقَوِّمُ قِيَمَةَ عَدْلٍ.

He^{-asws} said: 'The half is liberated and he has to strive regarding the other half. He would be valued at a fair price'.³⁷¹

11- سن، المحاسن عند الله بن المغيرة و محمد بن سنان عن طلحة بن زيد عن أبي عبد الله ع عن أبيه ع قال: مَنْ تَصَدَّقَ بِصَدَقَةٍ ثُمَّ رَدَّتْ عَلَيْهِ فَلْيُعِدْهَا وَ لَا يَأْكُلْهَا لِأَنَّهُ لَا شَرِيكَ لِلَّهِ فِي شَيْءٍ مِمَّا يَجْعَلُ لَهُ إِنَّمَا هِيَ بِمَنْزِلَةِ الْعَتَاقِ لَا يَصْلُحُ رَدُّهَا بَعْدَ مَا يُعْتَقُ.

³⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 7

³⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 8

³⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 9

³⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 10

(The book) 'Al Mahasin' – Abdullah Bin Al Mugheira, and Muhammad Bin Sinan, from Talha Bin Zayd,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws} having said: 'One who donates charity, then it is returned to him, let him repeat it and not consume it because there is no associate for Allah^{-azwj} regarding anything from what he makes for Him^{-azwj}. But rather, it is at the status of the liberation. It is not correct to return it after having liberated.'³⁷²

12- سن، المحاسن أبي عن ابن أبي عمير عن حماد بن عثمان عن أبي عبد الله ع قال: إذا عمي الغلام عتق.

(The book) 'Al Mahasin' – My father, from Ibn Abu Umeyr, from Hammad Bin Usman,

From Abu Abdullah^{-asws} having said: 'When the boy slave is blind, he is liberated'.³⁷³

13- ضا، فقه الرضا عليه السلام زوي عن العالم أنه قال: لا عتق إلا لمؤمن من أعتق رقبته مؤمنة أنثى كانت أو ذكراً أعتق الله بكل عضو من أعضائه عضواً منه من النار

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It is reported from the Scholar (Imam^{-asws}), he^{-asws} said: 'There is no liberation except for a believer. One who liberates a believing neck, whether it was female or male, Allah^{-azwj} will Liberate for every limb from his limbs, a limb from him, from the Hellfire.

وَ صِفَةُ كِتَابِ الْعَتَقِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مِنْ عَتَقِ فُلَانٍ بِنِ فُلَانٍ أَوْ فُلَانَةَ غُلَامَهُ أَوْ جَارِيَتَهُ لَوَجْهِ اللَّهِ - لَا يُرِيدُ مِنْهُ جَزَاءً وَ لَا شُكُوراً عَلَى أَنْ يُقِيمَ الصَّلَاةَ وَ يُؤْتِيَ الزَّكَاةَ وَ يُحْجَّ الْبَيْتَ وَ يَصُومَ شَهْرَ رَمَضَانَ وَ يَتَوَلَّى أَوْلِيَاءَ اللَّهِ وَ يَتَبَرَّأَ مِنْ أَعْدَاءِ اللَّهِ

And the description of the agreement of liberation is – 'In the Name of Allah^{-azwj} the Beneficent, the Merciful! This is a liberation (agreement) from so and so, son of so and so (or from so and so female), or his slave or slave woman, for the Face of Allah^{-azwj}. He neither intends any Recompense from it nor Appreciation, based upon that he will establish the Salat, and give the Zakat, and perform Hajj of the House (Kabah), and fast the month of Ramazan, and befriend the friends of Allah^{-azwj} and disavow from the enemies of Allah^{-azwj}.

وَ لَا يَكُونُ الْعَتَقُ إِلَّا لَوَجْهِ اللَّهِ خَالِصَةً وَ لَا عَتَقَ لِعَيْرِ اللَّهِ وَ لَا يَمِينَ فِي اسْتِكْرَاهٍ وَ لَا عَلَى سُكْرِ وَ لَا عَلَى عَصَبِيَّةٍ وَ لَا عَلَى مَعْصِيَةٍ.

And the liberation cannot happen except for the Face of Allah^{-azwj} purely, nor liberation for other than Allah^{-azwj}, nor an oath during coercion, nor upon intoxicant, nor upon prejudice, nor upon disobedience.³⁷⁴

NB: Hadeeth no. 14 is missing

15- شي، تفسير العياشي عن معمر بن يحيى قال: سألت أبا عبد الله ع عن الرجل يظاهر امرأته يجوز عتق المؤلود في الكفارة

Tafseer Al Ayyashi – From Ma'mar Bin Yahya who said,

³⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 11

³⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 12

³⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 13

'I asked Abu Abdullah^{-asws} about the man who does Zihar to his wife, 'Does it suffice in expiation the liberation of the new-born'.

فَقَالَ كُلُّ الْعَتَقِ يَجُوزُ فِيهِ الْمُؤَلُّودُ إِلَّا فِي كَفَّارَةِ الْقَتْلِ فَإِنَّ اللَّهَ يَقُولُ - فَتَخْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ يَعْنِي مُقَرَّةً وَ قَدْ بَلَغَتِ الْحِنْثَ.

He^{-asws} said: 'Every liberation, the new-born suffices in it except expiation of the murder, for Allah^{-azwj} Says: **and freeing a Momin slave [4:92]** – meaning an acknowledged (of faith), and has reached the age of responsibility'.³⁷⁵

16- شي، تفسير العياشي عَنْ كُرْدَوَيْهِ الْهُمْدَانِيِّ عَنْ أَبِي الْحَسَنِ ع فِي قَوْلِ اللَّهِ تَعَالَى فَتَخْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ كَيْفَ يُعْرَفُ الْمُؤْمِنَةُ

Tafseer Al Ayyashi – From Kurdawayh Al Hamdani,

From Abu Al-Hassan^{-asws} regarding Words of Allah^{-azwj} the Exalted: **and freeing a Momin slave [4:92]**, 'How is the Momin slave recognised?'

قَالَ عَلَى الْفِطْرَةِ.

He^{-asws} said: 'Upon the natural disposition'.³⁷⁶

17- شي، تفسير العياشي عَنِ السَّكُونِيِّ عَنْ جَعْفَرٍ عَنْ أَبِيهِ عَنْ عَلِيِّ ع قَالَ: الرَّقَبَةُ الْمُؤْمِنَةُ الَّتِي ذَكَرَ اللَّهُ إِذَا عَقَلَتْ وَ النَّسَمَةُ الَّتِي لَا تَعْلَمُ إِلَّا مَا فُلْتُهُ وَ هِيَ صَغِيرَةٌ.

Tafseer Al Ayyashi – From Al Sakuni,

From Ja'far^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'The Momin neck, which Allah^{-azwj} has Mentioned, is when it has attained understanding, and the person who does not know except what has been said to him, and it is small'.³⁷⁷

18- ين، كتاب حسين بن سعيد و النوادر عَنْ حَمَّادٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ أَعْتَقَ مَا لَا يَمْلِكُ فَهُوَ بَاطِلٌ وَ كُلُّ مَنْ قَبِلْنَا يَقُولُونَ - لَا طَلَاقَ وَ لَا عَتَاقَ إِلَّا بَعْدَ مَا يَمْلِكُ.

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

From Abu Abdullah^{-asws} having said: 'One who liberates what he does not own, it is invalid, and all the ones before us are saying, 'There is neither divorce nor liberation except after ownership (possession)'.³⁷⁸

19- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْخَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يُجْزِي فِي الْقَتْلِ إِلَّا رَجُلٌ وَ يُجْزِي فِي الظَّهَارِ وَ كَفَّارَةِ الْيَمِينِ صَبِيٌّ.

³⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 15

³⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 16

³⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 17

³⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 18

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

From Abu Abdullah^{-asws} having said: 'It does not suffice (as expiation) regarding the murder except a man, and regarding the Zihar and expiation of the oath, a young boy would suffice (for liberation)'.³⁷⁹

20- ين، كتاب حسين بن سعيد و النوادر عن أبي بصير عن معمر بن يحيى عن أبي عبد الله ع قال: كلُّ العتق يجوز فيه المؤلود إلا في كفارة القتل فإنه لا يجوز إلا ما قد بلغ و أدرك

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Abu Baseer, from Ma'mar Bin Yahya,

From Abu Abdullah^{-asws} having said: 'Every liberation, the new-born, suffices in it except in expiation of the murder, for it is not allowed except what has matured and is an adult'.

قُلْتُ قَوْلَ اللَّهِ فَتَحْرِيرُ رَقَبَةٍ مُؤَمَّنَةٍ

I said, '(What about) Words of Allah^{-azwj}: **and freeing a Momin slave [4:92]?**'

قَالَ عَنِّي بِذَلِكَ مُقَرَّرٌ.

He^{-asws} said: 'It means by that an acknowledger (of faith)'.³⁸⁰

21- كِتَابُ الْغَايَاتِ، قَالَ عَلِيُّ ع أَنَا أَعْلَمُ بِشِرَارِكُمْ مِنَ الْبَيْطَارِ بِالذَّابَةِ شِرَارِكُمْ الَّذِينَ لَا يُعْتَمُونَ مُحَرَّرَهُمْ

(The book) 'Kitab Al Gayaat' -

Ali^{-asws} said: 'I^{-asws} know your evil ones more than the veterinarian knows the animals! Your evil ones are those who are not liberating your freed ones!'

قَالَ قُلْتُ وَ كَيْفَ ذَلِكَ

He said, 'I said, 'And how can that be so?'

قَالَ يُعْتَمُونَ النَّسَمَةَ ثُمَّ يَسْتَحْدِمُونَهَا وَ الْحَدِيثُ مُخْتَصَرٌ.

He^{-asws} said: 'They are freeing the person, then they are making them serve!' – and the Hadeeth is brief.³⁸¹

22- د، العدد القوية قَالَ أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ جَرِيرٍ بْنِ رُسْتَمِ الطَّبْرِيِّ لَيْسَ التَّارِيخِيُّ لَمَّا وَرَدَ سَبِيُّ الْفُرْسِ إِلَى الْمَدِينَةِ أَرَادَ عُمَرُ بْنُ الْخَطَّابِ بَيْعَ التِّسَاءِ وَ أَنَّ يَجْعَلَ الرِّجَالَ عِبِيداً فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع إِنَّ رَسُولَ اللَّهِ ص قَالَ أَكْرَمُوا كَرِيمَ كُلِّ قَوْمٍ

³⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 19

³⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 20

³⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 21

(The book) 'Al Adad Al Qawiya – Abu Ja'far Muhammad Bin Jareer Bin Rustum Al Tabari, not the historian, said,

'The Persian captives arrived to Al-Medina. Umar Bin Al-Khattab wanted to sell the women and to make the men slaves. Amir Al-Momineen^{-asws} said to him: 'Rasool-Allah^{-saww} said: 'Honour every people!'

فَقَالَ عُمَرُ قَدْ سَمِعْتُهُ يَقُولُ إِذَا أَنْتُمْ كَرِمْتُمْ كُلَّ قَوْمٍ فَأَكْرَمُوهُ وَإِنْ خَالَفَكُمْ

Umar said, 'I have heard him^{-saww} saying: 'Whenever the honourable one of every people come to you, honour him, and even if he opposes you'.

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع هُوَ لَاءِ قَوْمٍ قَدْ أَلْقُوا إِلَيْكُمْ السَّلَامَ وَ رَغِبُوا فِي الْإِسْلَامِ وَ لَا بُدَّ مِنْ أَنْ يَكُونَ لِي فِيهِمْ ذُرِّيَّةٌ وَ أَنَا أُشْهِدُ اللَّهَ وَ أُشْهِدُكُمْ أَنِّي قَدْ أَعْتَقْتُ نَصِيبِي مِنْهُمْ لَوَجْهِ اللَّهِ تَعَالَى

Amir Al-Momineen^{-asws} said to him: 'They are a people who have cast Islam to you, and they are desirous regarding Islam (becoming Muslims), and there is no escape from there being offspring for me^{-asws} among them, and I^{-asws} keep Allah^{-azwj} as Witness, and I^{-asws} keep you all as witnesses! I^{-asws} hereby liberate my^{-asws} share from them for the Face (Sake) of Allah^{-azwj} the Exalted.

فَقَالَ جَمِيعُ نَبِيِّ هَاشِمٍ قَدْ وَهَبْنَا حَقَّنَا أَيْضاً لَكَ

Jumie Bin Hashim said, 'We hereby gift (forego) our rights as well, to you^{-asws}'.

فَقَالَ اللَّهُمَّ اشْهَدْ أَنِّي قَدْ أَعْتَقْتُ مَا وَهَبْتَنِي لَوَجْهِ اللَّهِ

He^{-asws} said, 'O Allah^{-azwj}! I^{-asws} testify that I^{-asws} hereby liberate what you have gifted to me^{-asws}, for the Face of Allah^{-azwj}!'

فَقَالَ الْمُهَاجِرُونَ وَ الْأَنْصَارُ قَدْ وَهَبْنَا حَقَّنَا لَكَ يَا أَخَا رَسُولِ اللَّهِ

The Emigrants and the Helpers said, 'We hereby gift our rights to you, O brother^{-asws} of Rasool-Allah^{-saww}!'

فَقَالَ اللَّهُمَّ اشْهَدْ أَنَّهُمْ قَدْ وَهَبُوا لِي حَقَّهُمْ وَ قَبْلَتَهُ وَ أُشْهِدُكَ أَنِّي قَدْ أَعْتَقْتُهُمْ لَوَجْهِكَ

He^{-asws} said: 'O Allah^{-azwj}! I^{-asws} testify they have gifted their rights to me^{-asws}, and I^{-asws} accept it, and I^{-asws} testify I^{-asws} have hereby liberated them for Your^{-azwj} Face!'

فَقَالَ عُمَرُ لِمَ تَقْضَتْ عَلَيَّ عَزْمِي فِي الْأَعَاجِمِ وَ مَا الَّذِي رَغِبْتَ عَنْ رَأْيِي فِيهِمْ

Umar said, 'Why did you^{-asws} break my determination upon me regarding the non-Arabs (Persians), and what is that which turned you^{-asws} away from my opinion regarding them?'

فَأَعَادَ عَلَيْهِ مَا قَالَ رَسُولُ اللَّهِ فِي إِكْرَامِ الْكُرَمَاءِ فَقَالَ عُمَرُ قَدْ وَهَبْتُ لِلَّهِ وَ لَكَ يَا أَبَا الْحَسَنِ مَا يُخْصِنِي وَ سَائِرَ مَا لَمْ يُوَهِّبْ لَكَ

He^{-asws} repeated to him what Rasool-Allah^{-saww} had said regarding honouring the honourable ones. Umar said, 'I hereby gift to Allah^{-azwj} and to you^{-asws}, O Abu Al-Hassan^{-asws}, what is specific to me and rest of what has not been gifted to you^{-asws}'.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ عَ اللَّهُمَّ اشْهَدْ عَلَيَّ مَا قَالُوا وَ عَلَيَّ عِتْقِي إِيَّاهُمْ

Amir Al-Momineen^{-asws} said: 'O Allah^{-azwj}! Be Witness upon what they have said, and upon my^{-asws} liberating them!'

فَرَعِبَ جَمَاعَةٌ مِنْ قُرَيْشٍ فِي أَنْ يَسْتَنْكِحُوا النِّسَاءَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ عَ هَؤُلَاءِ لَا يُكْرَهُنَّ عَلَيَّ ذَلِكَ وَ لَكِنْ يُخَيَّرَنَّ فَمَا اخْتَرْتَهُ عَمِلَ بِهِ

A group of Qureysh desired in marrying the women. Amir Al-Momineen^{-asws} said: 'They will not be coerced upon that, but they will be given the choice. Whatever they choose will be actioned with'.

فَأَشَارَ جَمَاعَةٌ إِلَى شَهْرَبَانُوَيْهِ بِنْتِ كِسْرَى فَخَيَّرَتْ وَ حُوِطِبَتْ مِنْ وَرَاءِ الْحِجَابِ وَ الْجَمْعُ حُضُورٌ فَقِيلَ لَهَا مَنْ تَخْتَارِينَ مِنْ حُطَّابِكَ وَ هَلْ أَنْتِ مِمَّنْ تُرِيدِينَ
بَعْلًا

A group indicated to Shehrbanuwayh^{-as}, daughter of Chosroe. She^{-as} was given the choice, and proposed to from behind the veil, and the crowd was present. It was said to her^{-as}, 'Whom do you^{-as} choose, from your^{-as} proposers, and are you^{-as} from the ones who want a husband?'

فَسَكَتَتْ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ عَ قَدْ أَرَادَتْ وَ بَقِيَ الْإِخْتِيَارُ

She^{-as} was silent. Amir Al-Momineen^{-asws} said: 'She^{-as} does want, and the choosing remains'.

فَقَالَ عُمَرُ وَ مَا عَلِمْتُكَ بِإِرَادَتِهَا الْبَعْلَ

Umar said, 'And what makes you^{-asws} know of her^{-as} wanting the husband?'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ إِنَّ رَسُولَ اللَّهِ ص كَانَ إِذَا أَتَتْهُ كَرِيمَةٌ فَقَوْمٌ لَا وِلِيَّ لَهَا وَ قَدْ حُطِبَتْ يَأْمُرُ أَنْ يُقَالَ لَهَا أَنْتِ رَاضِيَةٌ بِالْبَعْلِ فَإِنْ اسْتَحْيَتْ وَ سَكَتَتْ جَعَلَتْ [جَعَلَ] إِذْهَا صَمَاتَهَا [صَمْتَهَا] وَ أَمَرَ بِتَزْوِجِهَا وَ إِنْ قَالَتْ لَا لَمْ تُكْرَهُ عَلَيَّ مَا تَخْتَارُهُ

Amir Al-Momineen^{-asws} said: 'Rasool-Allah^{-saww} said: 'It was so, whenever an honourable woman of a people was brought to him^{-saww}, there being no guardian for her, and she was proposed to, he^{-saww} instructed that it be said to her, 'Do you agree to have a husband?' If she is embarrassed and remains silent, her silence was made to be her permission, and he^{-saww} instructed with her being married; and if she says, 'No', she would not be coerced upon what she chooses.

وَ إِنْ شَهْرَبَانُوَيْهِ أَرَبَتِ الْحُطَّابَ فَأَوْمَأَتْ بِيَدِهَا وَ اخْتَارَتْ الْحُسَيْنَ بْنَ عَلِيٍّ عَ فَأَعْيَدَ الْقَوْلَ عَلَيْهَا فِي التَّخْيِيرِ فَأَشَارَتْ بِيَدِهَا وَ قَالَتْ بِلَعْنَتِهَا هَذَا إِنْ كُنْتُ
مُخَيَّرَةً

And Shehrbanuwayh^{-as} was shown the suitors, so she^{-as} gestured by her^{-as} hand and chose Al-Husayn^{-asws} Bin Ali^{-asws}. He^{-asws} repeated the word to her^{-asws} regarding the choosing, and she^{-as} indicated by her^{-as} hand and said in her^{-asws} language, 'This is the one I^{-asws} choose!'

وَجَعَلَتْ أَمِيرَ الْمُؤْمِنِينَ وَلِيَّهَا وَتَكَلَّمَتْ حَدِيثَهُ بِالْحُطْبَةِ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع مَا اسْمُكَ

And she^{-as} made Amir Al-Momineen^{-asws} her^{-as} guardian, and Huzeyfa spoke with the proposal. Amir Al-Momineen^{-asws} said: 'What is your^{-as} name?'

فَقَالَتْ شَاهِزَنَانُ بِنْتُ كِسْرَى

She^{-as} said: 'Shahzanan daughter of Chosroe!'

قَالَ أَمِيرُ الْمُؤْمِنِينَ ع نَهْ شَاهِ زَنَانِ نَبِيسْتِ مَكْرٍ دَخْتَرِ مُحَمَّدِ ص وَ هِيَ سَيِّدَةُ النِّسَاءِ أَنْتِ شَهْرَبَانُوَيْهٍ وَ أُحْتَكِ مُرْوَارِيدُ بِنْتُ كِسْرَى

Amir Al-Momineen^{-asws} said (in Persian) 'No! There isn't any 'lady of the women' (Shahzanan) except the daughter^{-asws} of Muhammad^{-saww}, and she^{-asws} is chieftess of the women! You^{-as} as 'Shehrbanuwayh', and your^{-as} sister is 'Marwareed' daughter of Chosroe!'

قَالَتْ أَرِيه.

She^{-as} said (in Persian), 'Yes''³⁸²

[باب 122 التدبير](#)

CHAPTER 122 – THE MANAGEMENT

1- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه عن علي ع قال: ما ولدت الضعيفة المغتمة عن دبر بعد التدبير فهو بمنزلة يرقون برقيها و يعتقون بعقها و ما ولد قبل ذلك فهم مملوك لا يرقون برقيها و لا يعتقون بعقها.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'Whatever the weak slave woman who has been liberated through management (Tadbeer) gives birth to after the management of 'Tadbeer', her children are in her same position; they remain enslaved with her enslavement and are freed with her freedom. But whatever she gave birth to before that, they are slaves who are not bound by her enslavement and are not freed by her freedom'.³⁸³

2- ب، قرب الإسناد علي ع عن أخيه ع قال: سألته عن رجل قال إذا مت فجاريتي فلانة حرة فعاش حتى ولدت الجارية أولاداً ثم مات ما حالها

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about a man who says, 'When I die, my so and so slave girl is free'. He lived until the slave girl gave birth to children. Then he died. What is her state?'

³⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 121 H 22

³⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 1

قَالَ عَتَقَتِ الْجَارِيَةَ وَ أَوْلَادُهَا مَمَالِكُ.

He^{-asws} said: 'The slave girl is liberated and her children are slaves'.³⁸⁴

3- ضا، فقه الرضا عليه السلام التَّدْبِيرُ أَنْ يَقُولَ الرَّجُلُ لِعَبْدِهِ أَوْ لِأَمَتِهِ أَنْتَ مُدَبَّرٌ بِي حَيَاتِي وَ خُرٌّ بَعْدَ مَوْتِي عَلَى سَبِيلِ الْعِتْقِ - لَا يُرِيدُ بِذَلِكَ الْإِضْرَارَ إِلَّا مَا شَرَحْنَاهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'The management (Tadbeer) is the man saying to his slave or to his slave woman, 'You are managed during my lifetime, and free after my death upon the way of liberation', not intending by that the harming except what we have explained.

وَ الْمُدَبَّرُ مَمْلُوكٌ لِلْمُدَبِّرِ فَإِنْ كَانَ مُؤْمِنًا لَمْ يُجْزَ لَهُ بَيْعُهُ وَ إِنْ لَمْ يَكُنْ مُؤْمِنًا جَازَ بَيْعُهُ عَلَى مَا أَرَادَ الْمُدَبِّرُ مَا دَامَ وَ هُوَ حَيٌّ لَا سَبِيلَ لِأَحَدٍ عَلَيْهِ.

And the managed slave is the property of the manager (master). If he were a believer, it is not allowed for him to sell him, and if he does not happen to be a believer, it is allowed to sell him based upon the intention of the manager, for as long as he is alive, there being no way for anyone to him.³⁸⁵

4- وَ نَرَوِي أَنَّ عَلَى الْمُدَبِّرِ إِذَا بَاعَ الْمُدَبَّرَ أَنْ يَشْتَرِطَ عَلَى الْمُشْتَرِي أَنْ يُعْتِقَهُ عِنْدَ مَوْتِهِ.

And we are reporting that it is upon the manager, when the manager (master) sells, to stipulate conditions upon the buyer to liberate him upon his death'.³⁸⁶

[باب 123 المكاتبه و أحكامها](#)

CHAPTER 123 – CONTRACTUAL LIBERATION AND ITS RULINGS

1- فس، تفسير القمي وَ الَّذِينَ يَبْتَغُونَ الْكِتَابَ بِمَا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا

Tafseer Al Qummi - **And those who are seeking the written agreement from what your right hands possess, so write it for them, if you know goodness to be in them [24:33].**

فإن العبيد و الإمام كانوا يقولون لأصحابهم كاتبونا و معنى ذلك أنهم يشترون أنفسهم من أصحابهم على أن يؤدوا ثمنهم في نجمين أو ثلاثة فيمتمتعون عليهم - فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا

The slave men and the slave women were saying to their masters, 'Contract with us', and the meaning of that is they could be buying themselves from their masters upon that they would pay their price in two or three instalments, and they were refusing upon them, **so write it for them, if you know goodness to be in them [24:33].**

³⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 2

³⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 3

³⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 122 H 4

و معنى قوله وَ آتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ قَالَ إِذَا كَاتَبْتَهُمْ تَجْعَلْ لَهُمْ مِنْ ذَلِكَ شَيْئاً.

And the meaning of His^{-azwj} Words: **and give them from the wealth which Allah Gave you [24:33]**. He said, 'When you contract them, make something to be for them from that'.³⁸⁷

2- ب، قرب الإسناد ابْنُ طَرِيفٍ عَنِ ابْنِ عُلوَانَ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ عَلِيّاً ع كَانَ يُوجِّلُ الْمُكَاتَبَ بَعْدَ مَا يَعْجِزُ عَامِنِ مَعْلُومَةً فَإِنْ أَقَامَ بِحُرِّيَّتِهِ وَ إِلَّا رَدَّهُ رَقِيقاً.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} used to defer the contractual payments after it became clear that he was unable to pay for two years. If he managed to maintain his freedom, well and good; otherwise, he would be returned as a slave.³⁸⁸

3- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ رَجُلًا كَاتَبَ عَبْدًا لَهُ وَ شَرَطَ عَلَيْهِ أَنْ لَهُ مَالُهُ إِذَا مَاتَ فَسَعَى الْعَبْدُ فِي كِتَابَتِهِ حَتَّى أُعْتِقَ ثُمَّ مَاتَ

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'A man had contracted a slave of his and stipulated upon him that for him (master) would be his wealth (of the slave) if he dies. So, the slave strived in his contract until he was liberated. Then he (slave) died.

فَرَفِعَ ذَلِكَ إِلَى عَلِيٍّ ع وَ قَامَ أَقَارِبُ الْمُكَاتَبِ فَقَالَ لَهُ سَيِّدُ الْمُكَاتَبِ يَا أَمِيرَ الْمُؤْمِنِينَ فَمَا يَنْفَعُنِي شَرْطِي

That was raised to Ali^{-asws}, and the relatives of the contracted (slave) stood. The master of the contracted (slave) said to him^{-asws}, 'O Amir Al-Momineen^{-asws}! My condition did not benefit me!'

قَالَ عَلِيٌّ ع شَرَطُ اللَّهِ عَزَّ وَ جَلَّ قَبْلَ شَرْطِكَ.

Ali^{-asws} said: 'The Condition of Allah^{-azwj} Mighty and Majestic is before your condition'.³⁸⁹

4- ب، قرب الإسناد أَبُو الْبُخْتَرِيِّ عَنِ الصَّادِقِ عَنِ أَبِيهِ ع أَنَّ عَلِيّاً ع كَانَ يُوجِّلُ الْمُكَاتَبَ بَعْدَ مَا يَعْجِزُ عَامِنِ يَتَلَوَّمُهُ فَإِنْ أَدَّى وَ إِلَّا رَدَّهُ رَقِيقاً.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} had respited the contracted after he was unable for two years to give him leeway. Either he pays off or else he^{-asws} returned him as a slave.³⁹⁰

³⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 1

³⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 2

³⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 3

³⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 4

5- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُه عن مُكاتبٍ بينَ قَدَمٍ أعتقَ بَعْضُهُم نَصيبَهُ ثُمَّ عَجَزَ المُكاتبُ بَعْدَ ذَلِكَ ما حالُهُ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the contracted between a group. One of them liberates his share, then the contracted is unable after that, 'What is his state?'

قَالَ يُعْتَقُ مَا يُعْتَقُ ثُمَّ يُسْتَسْعَى فِيمَا بَقِيَ.

He^{-asws} said: 'He is liberated what he had liberated, then he has to strive regarding what remains'.³⁹¹

6- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ كَاتَبَ مَمْلُوكَهُ فَقَالَ بَعْدَ مَا كَاتَبَهُ هَبْ لِي بَعْضاً وَ أَعْجَلْ لَكَ مُكَاتَبَتِي أَيْحَالُ ذَلِكَ

And I asked him^{-asws} about a man who contracted his slave. He said after contracting him, 'Gift to me part and I shall defer my contractual payments for you', 'Is that lawful?'

قَالَ إِنْ كَانَ هِبَةً فَلَا بَأْسَ وَ إِنْ قَالَ تَخَطُّ عَنِّي وَ أَعْجَلْ لَكَ فَلَا يَصْلُحُ.

He^{-asws} said: 'If he had gifted, there is no problem, and if he says, 'Drop off from me and I shall defer for you', it is not correct'.³⁹²

7- قَالَ: وَ سَأَلْتُهُ عَنْ مُكَاتَبٍ أَدَّى نِصْفَ مُكَاتَبَتِهِ أَوْ بَعْضَهَا ثُمَّ مَاتَ وَ تَرَكَ وُلْدًا وَ مَالًا كَثِيرًا قَالَ إِذَا أَدَّى النِّصْفَ عَتَقَ وَ يُؤَدَّى عَنْ مُكَاتَبَتِهِ مِنْ مَالِهِ وَ مِيرَاثُهُ لِوَالِدِهِ.

He said, 'And I asked him^{-asws} about a contracted, having paid half of his contractual payment, or part of it, then he dies and leaves behind children and a lot of wealth. He^{-asws} said: 'When he has paid half, he is liberated, and he will have to pay his contractual payment from his wealth, and his inheritance is for his children'.³⁹³

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ يُكَاتِبُ مَمْلُوكَهُ عَلَى وَصِيْفٍ أَوْ يَضْمُنُ عَنْهُ غَيْرُهُ أَيْصَلُحُ ذَلِكَ

He said, 'And I asked him^{-asws} about a man contracting his slave upon an agent or someone else as a guarantor on his behalf, 'Is that correct?'

قَالَ إِذَا كَانَ حُمَاسِيًّا أَوْ رُبَاعِيًّا أَوْ غَيْرَ ذَلِكَ فَلَا بَأْسَ.

He^{-asws} said: 'When it was a fifth, or a quarter or other than that, there is no problem'.³⁹⁴

³⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 5

³⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 6

³⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 7

³⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 8

9- ضا، فقه الرضا عليه السلام وَ الْمُكَاتَبُ حُكْمُهُ فِي الرِّقِّ وَ الْمَوَارِيثِ حُكْمُ الرِّقِّ إِلَى أَنْ يُؤَدِّيَ الرِّصْفَ مِنْ مُكَاتَبَتِهِ فَإِذَا أَدَّى الرِّصْفَ صَارَ حُكْمُهُ حُكْمَ الْحُرِّ لِأَنَّ الْحُرِّيَّةَ إِذَا صَارَتْ وَ الْعُبُودِيَّةَ سَوَاءً غَلَبَتْ الْحُرِّيَّةُ عَلَى الْعُبُودِيَّةِ فَصَارَ حُرًّا فِي نَفْسِهِ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} - 'The ruling of the contracted regarding slavery and inheritance is the same as that of a slave until he pays half of his contract. When he has paid half, his ruling becomes that of a free man, because when freedom and slavery are equal, freedom prevails over slavery, so he becomes free in himself.

وَ أَنَّهُ إِذَا أُعْتِقَ عَتَقَهُ أَجَازَ فَإِنْ شَرَطَ أَنَّهُمْ أَحْرَارٌ فَالْمَشْرُطُ أَمْلَكَ وَ عَلَى مَا بَقِيَ مِنَ الْمُكَاتَبَةِ أَذَاهُ حَتَّى يَسْتَمِّمَ مَا وَقَعَتْ الْمُكَاتَبَةُ عَلَيْهِ وَ إِنَّمَا بَلَغَتْ الْحُرِّيَّةُ فِي الرِّصْفِ وَ مَا بَعْدَهُ إِذَا لَمْ يُمَكِّنْهُ إِذَا بَيَّعَ عَلَيْهِ كَانَ مَمْنُوعاً مِنَ الْبَيْعِ وَ إِنْ مَاتَ أُجْرِي مَجْرَى الْأَحْرَارِ وَ بِاللَّهِ التَّوْفِيقُ.

If his liberation is declared, it is valid, and if it is stipulated that they are free, then the stipulation has greater authority. For the remainder of the contract, he must continue to pay until he completes the full amount agreed upon. Freedom takes effect once half is paid and thereafter. If he cannot complete what remains, he cannot be sold. If he dies, he is treated as free. And with God lies success'.³⁹⁵

10- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَوْ أَنَّ مُكَاتَباً أَدَّى مُكَاتَبَتَهُ ثُمَّ بَقِيَ عَلَيْهِ وَفِيَّةٌ رُدَّ فِي الرِّقِّ.

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

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'If a contracted pays off his contract, then an ounce remains upon him, he will be returned to slavery'.³⁹⁶

11- وَ يَحْدَا الْإِسْنَادِ قَالَ قَالَ عَلِيُّ ع فِي مُكَاتَبَةٍ أَعَانَهَا زَوْجُهَا عَلَى كِتَابَتِهَا حَتَّى عَتَقَتْ - لَا خِيَارَ لَهَا.

And by this chain, he^{-asws} said: 'Ali^{-asws} said: 'Regarding the contracted female, her husband assisted her upon her contract until she is liberated, there is no choice for her (in annulment of the marriage)'.³⁹⁷

12- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ بِإِسْنَادِهِ عَنِ الْحَارِثِ بْنِ كَعْبٍ عَنْ أَبِيهِ قَالَ: كَتَبَ مُحَمَّدُ بْنُ أَبِي بَكْرٍ إِلَى أَمِيرِ الْمُؤْمِنِينَ ع يَسْأَلُهُ عَنْ مُكَاتَبٍ مَاتَ وَ تَرَكَ مَالاً وَ وُلِدَ فَكَتَبَ عَ إِنْ كَانَ تَرَكَ وَفَاءً بِمُكَاتَبَتِهِ فَهُوَ غَرِيمٌ بِيَدِ مَوْلَاهِ فَيَسْتَوْفُونَ مَا بَقِيَ مِنَ مُكَاتَبَتِهِ وَ مَا بَقِيَ فَلْيُؤَدِّهِ.

(The book) 'Kitab Al Garaat' of Ibrahim Bin Muhammad Al Saqafy – By his chain, from Al Haris Bin Ka'ab, from his father who said,

'Muhammad Bin Abu Bakr wrote to Amir Al-Momineen^{-asws} asking him^{-asws} about a contracted one who dies and left behind wealth and children. He^{-asws} wrote: 'If he has left wealth behind, his contractual obligations will be fulfilled for he is indebted in the hand of his guardians, so

³⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 9

³⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 10

³⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 11

they will be fulfilling whatever remains of his contract, and whatever remains is for his children'.³⁹⁸

باب 124 معنى المولى و فضل الإحسان إليه و معنى السائبة

CHAPTER 124 – MEANING OF ‘AL MAWLA’ AND MERITS OF DOING GOOD TO IT, AND MEANING OF ‘AL-SA’IBA’

1- ب، قرب الإسناد ابنُ طَرِيفٍ عَنِ ابْنِ عُلْوَانَ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ ع قَالَ: قَالَ رَسُولُ اللَّهِ ص لِمَيْمُونَةَ بِنْتِ الْحَارِثِ مَا فَعَلْتِ بِحَارِيتِكَ

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

From Al-Sadiq^{asws}, from his^{asws} father^{asws} having said: ‘Rasool-Allah^{saww} said to Maymouna^{ra} daughter of Al-Haris: ‘What did you do with your^{ra} slave girl?’

قَالَتْ أَعْتَقْتُهَا يَا رَسُولَ اللَّهِ ص

She^{asws} said, ‘I^{asws} liberated her, O Rasool-Allah^{saww}!’

قَالَ إِنْ كَانَتْ لَجِلْدَةً لَوْ كُنْتَ وَصَلْتِ بِهَا رَجْمًا.

He^{saww} said: ‘It would have been sufficient as a merit if you^{ra} had helped kindred with it!’³⁹⁹

2- ع، علل الشرائع عليُّ بنُ حاتمٍ عَنِ الْحُسَيْنِ بْنِ مُحَمَّدٍ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ السَّبَّارِيِّ عَنِ الْعَمْرِيِّ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قُلْتُ لِمَ قُلْتُمْ مَوْلَى الرَّجُلِ مِنْهُ

(The book) ‘Ilal Al Sharaie’ – Ali Bin Hatim, from Al Husayn Bin Muhammad, from Ahmad Bin Muhammad Bin Muhammad Al Sayyari, from Al Amraki, from the one who mentioned it,

From Abu Abdullah^{asws}, he (the narrator) said, ‘I said, ‘Why did you^{asws} say, ‘The ‘Mawla’ (slave) of the man is from him?’’

قَالَ لِأَنَّهُ خُلِقَ مِنْ طِينَتِهِ ثُمَّ فُرِقَ بَيْنَهُمَا فَرَدَّهُ السَّبِيُّ إِلَيْهِ فَعَطَفَ عَلَيْهِ مَا كَانَ فِيهِ مِنْهُ فَأَعْتَقَهُ فَلِذَلِكَ هُوَ مِنْهُ.

He^{asws} said: ‘Because he (slave) was created from his clay (essence), then there was a separation between the two. So, the captive (slave) has been returned to him. It was inclined to him (master) whatever had been in him (slave) from him. He liberated him, so for that reason he (slave) is from him (master)’.⁴⁰⁰

3- ب، قرب الإسناد ابنُ سَعْدٍ عَنِ الْأَرْدَبِيِّ قَالَ: دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ ع وَ مَعِيَ عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ فَقَالَ لِي مَنْ هَذَا

³⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 123 H 12

³⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 1

⁴⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 2

(The book) 'Qurb Al Isnaad' – Ibn Sa'ad, from Al Azdy who said,

'I entered to see Abu Abdullah^{-asws} and with me was Ali Bin Abdul Aziz. He^{-asws} said to me: 'Who is this?'

فَقُلْتُ مَوْلَانَا

I said, 'Our (Mawla) slave'.

فَقَالَ أَعْتَمْتُمُوهُ أَوْ أَبَاهُ

He^{-asws} said: 'Did you free him or his father?'

I said, 'But, his father'.

فَقُلْتُ بَلْ أَبَاهُ فَقَالَ هَذَا لَيْسَ مَوْلَاكَ هَذَا أَحْوَكُ وَ ابْنُ عَمِّكَ إِنَّمَا الْمَوْلَى الَّذِي جَرَتْ عَلَيْهِ النَّعْمَةُ فَإِذَا جَرَتْ عَلَى أَبِيهِ فَهُوَ أَحْوَكُ وَ ابْنُ عَمِّكَ.

He^{-asws} said: 'This isn't your 'Mawla'! This is your brother and your cousin. But rather, the 'Mawla' is the one upon whom the bounty (favour) is bestowed. When it flowed upon his father, he is your brother and your cousin.'⁴⁰¹

4- مع، معاني الأخبار قَالَ الصَّادِقُ ع مَوْلَى الْقَوْمِ مِنْ أَنْفُسِهِمْ.

(The book) 'Ma'any Al Akhbaar' -

Al-Sadiq^{-asws} said: 'Mawla (slave) of a people is from themselves'.⁴⁰²

5- مع، معاني الأخبار ابْنُ الْمُتَوَكِّلِ عَنِ الْحَمِيرِيِّ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مُحَمَّدٍ عَنِ خَالِدِ بْنِ جَرِيرٍ عَنِ أَبِي الرَّبِيعِ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنِ السَّائِبَةِ فَقَالَ الرَّجُلُ يُعْنِقُ غَلَامَهُ وَ يَقُولُ لَهُ اذْهَبْ حَيْثُ شِئْتَ لَيْسَ لِي مِنْ مِيرَاثِكَ شَيْءٌ وَ لَا عَلَيَّ مِنْ جَرِيرَتِكَ شَيْءٌ

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Muhammad, from Ibn Mahboub, from Khalid Bin Jareer, from Abu Al Rabie who said,

'Abu Abdullah^{-asws} was asked about 'Al-Saiba'. He^{-asws} said: 'The man liberates his slave and says to him: 'Go wherever you like! There isn't anything for me from your inheritance, nor upon me is anything from your offences!'

قَالَ وَ يُشْهَدُ شَاهِدَيْنِ.

He^{-asws} said: 'He should keep two witnesses'.⁴⁰³

⁴⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 3

⁴⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 4

⁴⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 5

6- شي، تفسير العياشي عن عمّار بن أبي الأُخوص قال: سألتُ أبا جعفرٍ ع عن السائبة قال انظر في القرآن فما كان فيه فتحريرُ ربةٍ مؤمنةٍ قتلِكَ يا عمّارُ السائبة التي لا ولاءٍ لأحدٍ من الناسِ عليها إلا الله فما كان ولاؤه لله فهو لرسول الله ص و ما كان ولاؤه لرسول الله ص فإنَّ ولاءه للإمام و جنائته على الإمام و ميراثه له.

Tafseer Al Ayyashi – From Amman Bin Abu Al Ahwas who said, ‘

‘I asked Abu Ja’far^{-asws} about ‘Al Sa’aiba’. He^{-asws} said: ‘Look into the Quran. Whatever in it was: **and freeing a Momin slave [4:92]**, so that, O Ammar, is ‘Al-Saiba’ (woman) which there is no guardianship for anyone upon her except Allah^{-azwj}. So, whatever whose guardianship is for Allah^{-azwj}, it is for Rasool-Allah^{-saww}, and whatever whose guardianship is for Rasool-Allah^{-saww} his guardianship is for the Imam^{-asws}, and his offences are upon the Imam^{-asws} (to compensate), and his inheritance is for him^{-asws}’.⁴⁰⁴

باب 125 ما يجوز الحلف به من أسماءه تعالى و عقاب من حلف بالله كاذبا و ثواب الوفاء بالنذر و اليمين

CHAPTER 125 – WHAT IS ALLOWED TO SWEAR WITH HIS^{-azwj} NAMES, THE EXALTED, AND PUNISHMENT OF ONE WHO SWEARS BY ALLAH^{-azwj} FALSELY, AND REWARDS OF BEING LOYAL WITH THE VOW AND THE OATH

1- شاء، الإرشاد ج، الإحتجاج روى الشَّعْبِيُّ أَنَّهُ سَمِعَ أَمِيرَ الْمُؤْمِنِينَ ع رَجُلًا يَقُولُ وَ الَّذِي اِخْتَجَبَ بِسَبْعِ طَبَاقٍ

(The book) ‘Al Irshad’, (and) ‘Al Ihtijaj’ -

It is reported by Al-Shaby that Amir Al-Momineen^{-asws} heard a man saying, ‘By the One^{-azwj} Who is veiled by seven layers!’

فَعَلَاهُ بِالذِّرَّةِ ثُمَّ قَالَ يَا وَيْلَكَ إِنَّ اللَّهَ أَجَلٌ مِنْ أَنْ يَخْتَجِبَ عَنْ شَيْءٍ أَوْ يَخْتَجِبَ عَنْهُ شَيْءٌ سُبْحَانَ الَّذِي لَا يَحْوِيهِ مَكَانٌ وَ لَا يَخْفَى عَلَيْهِ شَيْءٌ فِي الْأَرْضِ وَ لَا فِي السَّمَاءِ

He^{-asws} pained him with the whip, then said: ‘O woe be to you! Allah^{-azwj} is more Majestic than to be veiled from anything, or anything be veiled from Him^{-azwj}! Glorious is the One^{-azwj} Whom neither does a place contain, nor is anything hidden unto Him^{-azwj} in the earth, nor in the sky!’

The man said, ‘Shall I expiate of my swear, O Amir Al-Momineen^{-asws}?’

فَقَالَ الرَّجُلُ أَ فَأَكْفِّرُ عَنْ يَمِينِي يَا أَمِيرَ الْمُؤْمِنِينَ قَالَ لَا لَمْ تَحْلِفْ بِاللَّهِ فَتَلَزَمَكَ الْكُفَّارَةُ وَ إِنَّمَا حَلَفْتَ بِعَيْرِهِ.

He^{-asws} said: ‘No! You did not oath by Allah^{-azwj} so the expiation would necessitate you, but rather you swore an oath with other than Him^{-azwj}’.⁴⁰⁵

⁴⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 124 H 6

⁴⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 1

2- يد، التوحيد مُحَمَّدُ بْنُ إِبرَاهِيمَ بْنِ إِسْحَاقَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ بْنِ عَلِيٍّ بْنِ خَلْفِ بْنِ بِشْرِ بْنِ الْحَسَنِ عَنْ عَبْدِ الْفُدُوسِ عَنْ أَبِي إِسْحَاقَ السَّيِّعِيِّ عَنِ الْحَارِثِ الْأَعْوَرِ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ أَنَّهُ دَخَلَ السُّوقَ فَإِذَا هُوَ بِرَجُلٍ مَوْلِيَهُ ظَهْرُهُ يُقُولُ لَا وَالَّذِي احْتَجَبَ بِالسَّيِّعِ

(The book) 'Al Tawheed' – Muhammad Bin Ibrahim Bin Is'haq, from Ja'far Bin Muhammad Al Hasany, from Muhammad Bin Ali Bin Khalaf, from Bishr Bin Al Hassan, from Abdul Qudous, from Abu Is'haq, from Al Haris Al-Owr,

From Ali^{-asws} Bin Abu Talib^{-asws}, he^{-asws} entered the market and there was a man with his back turned, saying: 'No! By the One veiled by the seven!'

فَضْرَبَ عَلَى ظَهْرِهِ ثُمَّ قَالَ مِنَ الَّذِي احْتَجَبَ بِالسَّيِّعِ

He^{-asws} struck upon his back, then said: 'Who is the One veiled by the seven?'

قَالَ اللَّهُ يَا أَمِيرَ الْمُؤْمِنِينَ

He said, 'Allah^{-azwj}, O Amir Al-Momineen^{-asws}!'

قَالَ أَخْطَأْتُ نَكَالَتِكَ أُمُّكَ إِنَّ اللَّهَ عَزَّ وَجَلَّ لَيْسَ بَيْنَهُ وَبَيْنَ خَلْقِهِ حِجَابٌ لِأَنَّهُ مَعَهُمْ أَيَّمَا كَانُوا

He^{-asws} said: 'You are mistaken, may your mother be bereft of you! Allah^{-azwj} Mighty and Majestic, there isn't any veil between Him^{-azwj} and His^{-azwj} creation, because He^{-azwj} is with them wherever they may be!'

قَالَ مَا كَفَّارَةٌ مَا قُلْتُ يَا أَمِيرَ الْمُؤْمِنِينَ

He said, 'And what is the expiation of what I said, O Amir Al-Momineen^{-asws}?'

قَالَ أَنْ تَعْلَمَ أَنَّ اللَّهَ مَعَكَ حَيْثُ كُنْتَ

He^{-asws} said: 'You should know that Allah^{-azwj} is with you wherever you may be!'

قَالَ أُطْعِمُ الْمَسَاكِينَ

He said, 'Shall I feed the needy?'

قَالَ إِنَّمَا حَلَفْتَ بِغَيْرِ رَبِّكَ.

He^{-asws} said: 'But rather, you had sworn an oath with other than your Lord^{-azwj}'⁴⁰⁶

3- ما، الأماي للشيخ الطوسي جماعة عن أبي المفضل عن أحمد بن محمد بن عيسى العراد عن محمد بن الحسن بن بشمون عن الحسن بن فضل بن الربيع عن أبيه قال: أمرني المنصور بإحضار جعفر بن محمد ع فلما حضر قال له أنت تزعم للناس يا أبا عبد الله أنك تعلم العيب

⁴⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 2

(The book) 'Al Amaali' of the sheykh Al Tusi – A group, from Abu Al Mufazzal, from Ahmad Bin Muhammad Bin Isa Al Arrad, from Muhammad Bin Al Hassan Bin Shamoun, from Al Hassan Bin Fazl Bin Al Rabie, from his father who said,

'Al-Mansour (the caliph) ordered me to present Ja'far^{-asws} Bin Muhammad^{-asws}. When he^{-asws} presented, he said to him^{-asws}, 'You^{-asws} are alleging to the people, O Abu Abdullah^{-asws}, that you^{-asws} know the 'Ghayb' (unseen matters)!'

فَقَالَ جَعْفَرُ عَ مَنْ أَخْبَرَكَ بِهَذَا

Ja'far^{-asws} said: 'Who informed you with this?'

فَأَوْمَأَ الْمَنْصُورُ إِلَى شَيْخٍ قَاعِدٍ بَيْنَ يَدَيْهِ فَقَالَ جَعْفَرُ عَ لِلشَّيْخِ أَنْتَ سَمِعْتَنِي أَقُولُ هَذَا

Al-Mansour gestured towards an old man seated in front of him. Ja'far^{-asws} said to the old man: 'You heard me saying this?'

قَالَ الشَّيْخُ نَعَمْ

The old man said, 'Yes'.

قَالَ جَعْفَرُ لِلْمَنْصُورِ أَمْ يَخْلِفُ يَا أَمِيرَ الْمُؤْمِنِينَ

Ja'far^{-asws} said to Al-Mansour: 'Will he swear an oath, O commander of the faithful?'

فَقَالَ لَهُ الْمَنْصُورُ اخْلِفْ

Al-Mansour said to him, 'Swear an oath!'

فَلَمَّا بَدَأَ الشَّيْخُ فِي الْيَمِينِ - قَالَ جَعْفَرُ عَ لِلْمَنْصُورِ حَدَّثَنِي أَبِي عَنْ أَبِيهِ - عَنْ جَدِّهِ عَنْ أَمِيرِ الْمُؤْمِنِينَ - عَ أَنَّ الْعَبْدَ إِذَا حَلَفَ بِالْيَمِينِ الَّتِي يُنَزِّهُ اللَّهُ عَزَّ وَ جَلَّ فِيهَا وَ هُوَ كَاذِبٌ افْتَنَعَ اللَّهُ عَزَّ وَ جَلَّ مِنْ عُقُوبَتِهِ عَلَيْهَا فِي عَاجِلَتِهِ لِمَا نَزَّ اللَّهُ عَزَّ وَ جَلَّ وَ لَكِنِّي أَنَا اسْتَحْلِفُهُ

When the old man began the swear, Ja'far^{-asws} said to Al-Mansour: 'My^{-asws} father^{-asws} narrated to me^{-asws} from his^{-asws} father^{-asws}, from his^{-asws} grandfather^{-asws}, from Amir Al-Momineen^{-asws}: 'When the servant swears an oath in which he Glorifies Allah^{-azwj} Mighty and Majestic and he is a liar, Allah^{-azwj} Mighty and Majestic Withholds His^{-azwj} Punishment upon it in the current times because he had Glorified Allah^{-azwj} Mighty and Majestic. But, I^{-asws} shall make him swear.

فَقَالَ الْمَنْصُورُ ذَلِكَ لَكَ

Al-Mansour said, 'That is for you'.

فَقَالَ جَعْفَرُ عَ لِلشَّيْخِ فُلْ أَبْرَأُ إِلَى اللَّهِ مِنْ حَوْلِهِ وَ قُوَّتِهِ وَ الْجَأُ إِلَى حَوْلِي وَ قُوَّتِي إِنْ لَمْ أَكُنْ سَمِعْتُكَ تَقُولُ هَذَا الْقَوْلَ

Ja'far^{-asws} said to the old man, 'Say, 'I disavow to Allah^{-azwj} from His^{-azwj} Mighty and His^{-azwj} Strength and shelter to my own might and my own strength if I have not heard you^{-asws} say this word!'

فَتَلَكَّأَ الشَّيْخُ فَرَفَعَ الْمَنْصُورَ عَمُودًا كَانَ فِي يَدِهِ فَقَالَ وَاللَّهِ لَئِن لَّمْ تَخْلِفْ لِأَعْلُوْتِكَ بِهَذَا الْعُمُودِ

The old man hesitated, so Al-Mansour raised a baton which was in his hand. He said, 'By Allah^{-azwj}, if you don't swear, I will pain you with this baton!'

فَحَلَفَ الشَّيْخُ فَمَا أَتَمَّ الْيَمِينَ حَتَّى دَلَعَ لِسَانَهُ كَمَا يَدْلَعُ الْكَلْبُ وَ مَاتَ لَوْفَتِهِ وَ نَحَضَ جَعْفَرٌ ع.

So, the old man swore the oath. The oath had not completed until his tongue rolled out just as the dog rolls it out, and he died instantly, and Ja'far^{-asws} got up (to leave)'.⁴⁰⁷

أقول: قد مضى تمامه في أبواب تاريخه.

I (Majlisi) say, 'Its complete version has already passed in the chapter of his^{-asws} history'.

4- ب، قرب الإسناد علي عن أخيه ع قَالَ وَقَالَ: لَا يُخْلَفُ إِلَّا بِاللَّهِ فَأَمَّا قَوْلُهُ- لَا بَلْ شَانِيكَ فَإِنَّهُ مِنْ قَوْلِ أَهْلِ الْجَاهِلِيَّةِ وَ لَوْ حَلَفَ بِهَذَا أَوْ شِبْهِهِ تَرِكَ أَنْ يُخْلِفَ بِاللَّهِ

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'And he^{-asws} said: 'Do not swear except by Allah^{-azwj}. As for his words, 'No, but by your life', for it is from the words of the people of the pre-Islamic period, and if he were to swear by this or similar, he should leave swearing by Allah^{-azwj}.

وَ أَمَّا قَوْلُ الرَّجُلِ يَا هَيَاةَ فَإِنَّمَا طَلَبَ الْإِسْمَ وَ أَمَّا قَوْلُهُ لَعَمْرُ اللَّهِ وَ لَا يُبِىءُ اللَّهُ فَإِنَّمَا هُوَ بِاللَّهِ-

And as for the words of a man, 'O life', he is rather seeking the Name; and as for his words, 'By the life of Allah^{-azwj}', and I swear by Allah^{-azwj}', rather it is 'By Allah^{-azwj}'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُخْلِفُ عَلَى الْيَمِينَ وَ يَنْسَى مَا خَلَاهُ قَالَ هُوَ عَلَى مَا نَوَى.

He said, 'And I asked him^{-asws} about the man who oaths upon the swear and forgets what preceded it. He^{-asws} said: 'It is upon what he intended'.⁴⁰⁸

5- لي، الأما لي للصدوق ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ أَبَادِي عَنِ الْبَرْقِيِّ عَنِ عُمَمَانَ بْنِ عَيْسَى عَنِ خَالِدِ بْنِ نَجِيحٍ عَنِ وَهْبِ بْنِ عَبْدِ رَبِّهِ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ قَالَ يُعَلِّمُ اللَّهُ لِمَا لَا يُعَلِّمُ اللَّهُ اهْتَرَّ الْعَرْشُ إِعْظَامًا لِلَّهِ عَزَّ وَ جَلَّ.

⁴⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 3

⁴⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 4

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from Usman Bin Isa, from Khalid Bin Najeeh, from Wahb Bin Abd Rabbih,

From Abu Abdullah^{-asws} having said: 'One who says, 'Allah^{-azwj} Knows' for what Allah^{-azwj} does not know, the Throne shakes in reverence of Allah^{-azwj} Mighty and Majestic'.⁴⁰⁹

6- لي، الأماالي للصدوق أبي عن سعد عن ابن عيسى عن ابن فضال عن ثعلبة عن أبي جميلة عن ابن تغلب عن أبي عبد الله ع قال: إذا قال العبد علم الله فكان كاذباً قال الله عز وجل ما وجدت أحداً تكذب عليه غيري.

(The book) 'Al Amaali' of A Sadouq – My father, from Sa'ad, from Ibn Isa, from Ibn Fazzal, from Sa'alba, from Abu Jameela, from Ibn Taghlib,

From Abu Abdullah^{-asws} having said: 'When the servant says, 'Allah^{-azwj} Knows', and it was a lie, Allah^{-azwj} Mighty and Majestic Says: "Did you not find anyone to lie upon other than Me^{-azwj}"⁴¹⁰

7- لي، الأماالي للصدوق أبي عن سعد عن ابن عيسى عن عثمان بن عيسى عن وهب عن شهاب بن عبد ربه عن أبي عبد الله ع قال: من قال الله يعلم فيما لا يعلم اهتز العرش إعظاماً له.

(The book) 'Al Amaali' of Al Sadouq – My father, from Sa'ad, from Ibn Isa, from Usman Bin Isa, from Wahb, from Shihab Bin Abd Rabbih,

From Abu Abdullah^{-asws} having said: 'One who says, 'Allah^{-azwj} Knows', regarding what he does not know, the Throne shakes in reverence for Him^{-azwj}'.⁴¹¹

8- لي، الأماالي للصدوق في خبر المناهي إن النبي ص نهي عن اليمين الكاذبة وقال إنها تنزك الديار بلاقع

(The book) 'Al-Amaali' of Al-Sadouq in a Hadeeth of the prohibitions, the Prophet^{-saww} forbade from the false oath, and said: 'It leaves the house barren'.

و قال من حلف بيمين كاذبة صبراً ليقطع بها مال امرئ مسلم لقي الله عز وجل وهو عليه غضبان إلا أن يتوب ويرجع.

And he^{-saww} said: 'One who swears a false oath deliberately in order to steal by it, wealth of a Muslim person, will meet Allah^{-azwj} Mighty and Majestic and He^{-azwj} would be Angered upon him, except if he repents and returns (the stolen wealth)'.⁴¹²

9- كتاب الأعمال المانعة من الجنة روي عن أبي أمامة الحارثي أن رسول الله ص قال: ما من رجل اقتطع مال امرئ مسلم بيمينه إلا حرم الله عليه الجنة وأوجب له النار

The book 'Al Amaal Al Manie Min Al Jannah' – It is reported from Abu Umama Al Harisy,

⁴⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 5

⁴¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 6

⁴¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 7

⁴¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 8

Rasool-Allah^{-saww} said: ‘There is none from a man who steals wealth of a Muslim person by his swearing (an oath), except Allah^{-azwj} Prohibits the Paradise to him, and Obligates the Hellfire for him’.

فَقِيلَ يَا رَسُولَ اللَّهِ وَإِنْ كَانَ شَيْئاً يَسِيراً

It was said, ‘O Rasool-Allah^{-saww}, and even if it was a small thing?’

قَالَ وَإِنْ كَانَ سِوَاكَ مِنْ أَرَاكِ.

He^{-saww} said: ‘And even if it was a toothbrush from Arak (tree)’.⁴¹³

10- ثَوَابُ الْأَعْمَالِ ل، الخصال ابنُ الْمُتَوَكَّلِ عَنِ الْحَمِيرِيِّ عَنِ الرَّهْمِيِّ عَنِ ابْنِ مُحَمَّدٍ عَنِ مَالِكِ بْنِ عَطِيَّةَ عَنِ أَبِي عُبَيْدَةَ عَنِ أَبِي جَعْفَرٍ ع قَالَ: فِي كِتَابِ عَلِيِّ ع ثَلَاثُ خِصَالٍ لَا يَمُوتُ صَاحِبُهُنَّ أَبَداً حَتَّى يَرَى وَبِأَلْسِنِ الْبُعْثِيِّ وَ قَطِيعَةُ الرَّحِمِ وَ الْيَمِينُ الْكَاذِبَةُ يُبَارِزُ اللَّهُ بِهَا

(The book) ‘Sawaab Al Amaal’, (and) ‘Al Khisaa’ – Ibn Al Mutawakkil, from Al Himeyri, from Al Barqy, from Ibn Mahboub, from Malik Bin Atiya, from Abu Ubeyda,

From Abu Ja’far^{-asws} having said: ‘In the book of Ali^{-asws} – ‘There are three characteristics, their owner does not die ever until he sees their misfortune -The prostitution, and cutting the kinship, and the false oath duelling Allah^{-azwj} with it.

إِنَّ أَعْجَلَ الطَّاعَةِ ثَوَاباً لَصِلَةَ الرَّحِمِ وَ إِنَّ الْقَوْمَ لَيَكُونُونَ فُجَاراً فَيَتَوَاصَلُونَ فَتَنْمِي أَمْوَالُهُمْ وَ يَبْرُونَ فَتَزَادُ أَعْمَارُهُمْ

And the act of obedience of quickest reward is maintaining the kinship, and the people could be immoral, but they maintain kinship so their wealth grows, and they are righteous so, their lifespans increased.

وَ إِنَّ الْيَمِينِ الْكَاذِبَةَ وَ قَطِيعَةَ الرَّحِمِ لَتَذْرَانِ الدِّيَارَ بِلَاقِعٍ مِنْ أَهْلِهَا وَ يُثْقَلَانِ الرَّحِمَ وَ إِنَّ تَثْقُلَ [تَثْقُلَ] الرَّحِمِ انْقِطَاعُ النَّسْلِ.

And the false oath and cutting the kinship, both makes the house barren from its people, and makes the wombs heavy and the ‘heavy womb’ is termination of the lineage’.⁴¹⁴

11 جاء، المجالس للمفيد أحمد بن الوليد عن أبيه عن الصفار عن ابن عيسى عن ابن محبوب مثله

(The book) ‘Al Majaalis’ of Al Mufeed – Ahmad Bin Al Waleed, from his father, from Al Saffar, from Ibn Isa, from Ibn Mahboub, similar to it.⁴¹⁵

12- مع، معاني الأخبار ابنُ الوليدِ عَنِ الصَّفَّارِ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ أَسْبَاطِ عَنِ الْبَطَّائِيِّ عَنِ أَبِي بَصِيرٍ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص صَلََةُ الرَّحِمِ تَزِيدُ فِي الْعُمْرِ وَ صَدَقَةُ الْبَيْتِ تُطْفِئُ غَضَبَ الرَّبِّ وَ إِنَّ قَطِيعَةَ الرَّحِمِ وَ الْيَمِينِ الْكَاذِبَةَ لَتَذْرَانِ الدِّيَارَ بِلَاقِعٍ مِنْ أَهْلِهَا وَ يُثْقَلَانِ الرَّحِمَ وَ إِنَّ تَثْقُلَ الرَّحِمِ انْقِطَاعُ النَّسْلِ.

⁴¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 9

⁴¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 10

⁴¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 11

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Al Saffar, from Ibn Abu Al Khattab, from Ibn Asbaat, from Al Batainy, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'Rasool-Allah^{-sawww} said: 'Maintaining the kinship increases in the lifespan, and secret charity extinguishes Wrath of the Lord^{-azwj}, and cutting the kinship and the false oath leave the houses barren from its people, and they make the wombs heavy, and the 'heavy womb' is termination of the lineage'.⁴¹⁶

13- ع، علل الشرائع في حُطْبَةِ فَاطِمَةَ ع إِنَّ اللَّهَ جَعَلَ الْوَفَاءَ بِالَّذِي تَعْرُضُ لِلرِّمَّةِ.

(The book) 'Ilal Al Sharaie' -

In a sermon by (Syeda) Fatima^{-asws}: 'Allah^{-azwj} has Made the loyalty with the vow an exposure for the Mercy'.⁴¹⁷

14- ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنِ الرَّبِيِّ عَنْ بَعْضِ أَصْحَابِنَا عَنِ الْمَيْمُونِيِّ عَنِ بَشِيرِ الدَّهَّانِ عَمَّنْ ذَكَرَهُ عَنْ مِشْمٍ رَفَعَهُ قَالَ قَالَ اللَّهُ عَزَّ وَ جَلَّ لَا أَنْبِيَّ رَحْمِي مَنْ تَعَرَّضَ لِلْأَمَانِ الْكَاذِبَةِ وَ لَا أُذِي مِثِي يَوْمَ الْقِيَامَةِ مَنْ كَانَ زَانِيًا.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from one of our companions, from Al Mayshami, from Bashir Al Dahhan, from the one who mentioned it, from Meesam raising it,

'He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic Said: 'My^{-azwj} Mercy cannot be achieved by the one who presents the false oath, nor will he come near Me^{-azwj} on the Day of Qiyamah, someone who was an adulterer'.⁴¹⁸

15 ثو، ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ثَعْلَبَةَ عَنِ يَعْقُوبَ الْأَحْمَرِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع مَنْ حَلَفَ عَلَى بَيْعِنِ وَ هُوَ يَعْلَمُ أَنَّهُ كَاذِبٌ فَقَدْ بَارَزَ اللَّهَ عَزَّ وَ جَلَّ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ahmad Bin Muhammad, from Ibn Fazzal, from Sa'alba, from Yaqoub Al Ahmar who said,

'Abu Abdullah^{-asws} said: 'One who swears an oath while he knows that it is a lie, has duelled Allah^{-azwj} Mighty and Majestic'.⁴¹⁹

16- ثو، ثواب الأعمال مَا جِيلَوِيهِ عَنْ عَلِيٍّ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَلْمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ بَيْعَانَ الصَّيْرِ الْكَاذِبَةَ تَنْزُكُ الدِّيَارِ بِلَافِعٍ.

(The book) 'Sawaab Al Amaal' – Majaylawiya, from Ali, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

From Abu Abdullah^{-asws}, having said: 'The deliberate false oath leaves the houses barren'.⁴²⁰

⁴¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 12

⁴¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 13

⁴¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 14

⁴¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 15

⁴²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 16

17- ثوب الأعمال ماجيلويه عن عمه عن الكوفي عن علي بن عثمان عن محمد بن فرات عن جابر بن يزيد عن أبي جعفر ع قال قال رسول الله ص إياكم و اليمين الفاجرة فإنها تدع الديار بلاقع من أهلها.

(The book) 'Sawaab Al Amaal' – Majaylawiya, from his uncle, from Al Kufi, from Ali Bin Usman, from Muhammad Bin Qurat, from Jabir Bin Yazeed,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Beware of the immoral oath for it leaves the houses barren from its people!'⁴²¹

18- ثوب الأعمال ابن الوليد عن الصفار عن جعفر بن محمد بن عبد الله عن الفداح عن الصادق عن آتائه ع قال قال رسول الله ص اليمين الصبر الفاجرة تدع الديار بلاقع.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ja'far Bin Muhammad Bin Abdullah, from Al Qaddah,

From Al Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The deliberate immoral swear leaves the houses barren'.⁴²²

19- ثوب الأعمال ابن الوليد عن الصفار عن ابن يزيد عن عبد الرحمن بن حماد عن حنان بن سدير عن مريح بن أبي بكر الشيباني قال قال أبو عبد الله ع اليمين الصبر الكاذبة تورث العقب الفقر.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Abdul Rahman Bin Hammad, from Hanan Bin Sadeyr, from Maleeh Bin Abu Bakr Al Shaybani who said,

'Abu Abdullah^{-asws} said: 'The deliberate false oath inherits the consequence of poverty'.⁴²³

20- ثوب الأعمال ابن الوليد عن سعد بن البرقي عن محمد بن علي الكوفي عن علي بن حماد عن ابن أبي يعفور عن أبي عبد الله ع قال: اليمين العُموس ينتظر بها أربعين يوماً.

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Sa'ad, from Al Barqy, from Muhammad Bin Ali Al Kufi, from Ali Bin Hammad, from Ibn Abu Yafour,

From Abu Abdullah^{-asws} having said: 'The oath of perjury will be waited with for forty days (before consequences)'.⁴²⁴

21 سن، المحاسن محمد بن علي عن علي بن حماد مثله.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Ali Bin Hammad, similar to it.⁴²⁵

⁴²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 17

⁴²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 18

⁴²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 19

⁴²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 20

⁴²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 21

22- ثواب الأعمال أَبِي عَنْ سَعْدٍ عَنِ الْبَرْقِيِّ عَنِ أَبِيهِ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْحَزَّازِ وَ مُحَمَّدِ بْنِ سِنَانٍ وَ ابْنِ الْمُغْبِيرَةِ جَمِيعاً عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنَّ الْيَمِينَ الْفَاجِرَةَ لَتُنْقِلُ الرَّحِمَ

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Muhammad Bin Yahya Al Khazzaz, and Muhammad Bin Sinan, and Ibn Al Mugheira, altogether from Talha Bin Zayd,

From Abu Abdullah^{-asws} having said: 'The immoral oath makes the womb heavy'.

قُلْتُ مَا مَعْنَى تُنْقِلُ الرَّحِمَ

I said, 'What is the meaning of the 'heavy womb'?'

قَالَ تُعَمِّمُ

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

وَ أَمَّا مُحَمَّدُ بْنُ يَحْيَى فَإِنَّهُ رَوَى يَنْقُلُ فِي الرَّحِمِ.

And as for Muhammad Bin Yahya, he reported, 'It is heavy in the womb'.⁴²⁶

23- ثواب الأعمال ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدِ أَبِي بَدِيٍّ عَنِ الْبَرْقِيِّ عَنِ الْبَزْطِيِّ عَنِ عَلِيِّ بْنِ جَرِيرٍ عَنِ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: الْيَمِينُ الْعُمُوسُ الَّتِي تُوجِبُ النَّارَ الرَّجُلُ يَخْلِفُ عَلَى حَقِّ امْرِئٍ مُسْلِمٍ عَلَى حَبْسِ مَالِهِ.

(The book) 'Sawaab Al Amaal' – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from Al Bazanty, from Ali Bin Jareer, from one of his companions,

From Abu Abdullah^{-asws} having said: 'The oath of perjury which obligates the Hellfire is the man swearing upon a right of a Muslim person for withholding his wealth'.⁴²⁷

24 سن، المحاسن البزطي مثله.

(The book) 'Al Mahasin' – Al Bazanty, similar to it.⁴²⁸

25- ثواب الأعمال ابْنُ الْوَلِيدِ عَنِ الصَّفَّارِ عَنِ ابْنِ يَزِيدَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنِ أَبِي الْحَسَنِ شَيْخٍ مِنْ أَصْحَابِنَا عَنْ أَبِي جَعْفَرٍ ع قَالَ: إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى خَلَقَ دَبْكَاً أبيضَ عُنُقُهُ تَحْتَ الْعَرْشِ وَ رِجْلَاهُ فِي نُحُومِ الْأَرْضِ السَّابِعَةِ لَهُ جَنَاحٌ بِالشَّرْقِ وَ جَنَاحٌ بِالمَغْرِبِ- لَا تَصْبِحُ الدَّبِيبَةُ حَتَّى تَصْبِحَ فَإِذَا صَاحَ حَقَّقَ بِجَنَاحَيْهِ

(The book) 'Sawaab Al Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Yazeed, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Abu Al Hassan, an old man from our companions,

From Abu Ja'far^{-asws} having said: 'Allah^{-azwj} Blessed and Exalted Created a white rooster, its neck is beneath the Throne and its legs are in the borders of the seventh earth. For it there is

⁴²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 22

⁴²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 23

⁴²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 24

a wing in the east and a wing in the west. The roosters (in the earth) do not crow until it crows. When it shouts, it flaps its wings.

ثُمَّ قَالَ سُبْحَانَ اللَّهِ سُبْحَانَ اللَّهِ الْعَظِيمِ الَّذِي لَيْسَ كَمِثْلِهِ شَيْءٌ

Then it says, 'Glory be to Allah^{-azwj}! Glory be to Allah^{-azwj} the Magnificent, there isn't anything like Him^{-azwj}!'

فَيُجِيبُهُ اللَّهُ تَبَارَكَ وَتَعَالَى مَا آمَنَ بِمَا تَقُولُ مَنْ يَخْلِفُ بِي كَاذِبًا.

Allah^{-azwj} Blessed and Exalted Answers it: "He has not believed in what you are saying, the one who swears falsely with Me^{-azwj}!"⁴²⁹

26 سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنِ ابْنِ أَبِي عُمَيْرٍ مِثْلَهُ.

(The book) 'Al-Mahasin' – Muhammad Bin Ali, from Ibn Abu Umeyr, similar to it.⁴³⁰

27- ثو، ثواب الأعمال أَبِي عَنْ سَعْدِ بْنِ أَبِي الْحَطَّابِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ الْمُحْتَارِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ بِاللَّهِ فَلْيَصِدْقٍ وَ مَنْ لَمْ يَصِدْقٍ فَلَيْسَ مِنَ اللَّهِ عَزَّ وَ جَلَّ فِي شَيْءٍ- وَ مَنْ يَخْلِفُ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ عَزَّ وَ جَلَّ فِي شَيْءٍ.

(The book) 'Sawaab Al Amaal' – My father, from Sa'ad, from Ibn Abu Al Khattab, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar,

From Abu Abdullah^{-asws} having said: 'One who swears by Allah^{-azwj}, let him be truthful, and one who is not truthful, he isn't in anything from Allah^{-azwj} Mighty and Majestic; and the one whom an oath is sworn for with Allah^{-azwj}, let him be satisfied, and one who is not satisfied, he isn't in anything from Allah^{-azwj} Mighty and Majestic'.⁴³¹

28- سن، المحاسن مُحَمَّدُ بْنُ عَلِيٍّ عَنِ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ عَنْ يَعْقُوبَ الْأَحْمَرِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ وَ هُوَ يَعْلَمُ أَنَّهُ كَاذِبٌ فَقَدْ بَارَزَ اللَّهَ.

(The book) 'Al Mahasin' – Muhammad Bin Ali, from Ibn Fazzal, from Sa'alba, from Yaqoub Al Ahmar,

From Abu Abdullah^{-asws} having said: 'One who swears an oath while he knows that it is a lie, has duelled Allah^{-azwj}'.⁴³²

29- شي، تفسير العياشي عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - فَادْكُرُوا اللَّهَ كَذِكْرِكُمْ آبَاءَكُمْ أَوْ أَشَدَّ ذِكْرًا قَالَ إِنَّ أَهْلَ الْجَاهِلِيَّةِ كَانَ مِنْ قَوْلِهِمْ كَلًّا وَ أَبِيكَ بَلَى وَ أَيْبِكَ فَأَمُرُوا أَنْ يَقُولُوا لَا وَ اللَّهُ وَ بَلَى وَ اللَّهُ.

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

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **then mention Allah as you mentioned your forefathers, or with a more intense mentioning**

⁴²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 25

⁴³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 26

⁴³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 27

⁴³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 28

[2:200]. He^{-asws} said: ‘The people of the pre-Islamic period, it was from their words, ‘Never, by your father!’, ‘Yes, by your father!’ So, they were Commanded to be saying, ‘No, by Allah^{-azwj}!’, and ‘Yes, by Allah^{-azwj}!’⁴³³

30- شي، تفسير العياشي عن زُرارة قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَ عَنْ قَوْلِ اللَّهِ- وَ مَا يُؤْمِنُ أَكْتَرُهُمْ بِاللَّهِ إِلَّا وَ هُمْ مُشْرِكُونَ قَالَ مِنْ ذَلِكَ قَوْلُ الرَّجُلِ لَا وَ حَيَاتِكَ.

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

‘I asked Abu Ja’far^{-asws} about Words of Allah^{-azwj}: **And most of them do not believe in Allah except and they are associating [12:106]**. He^{-asws} said: ‘From that are words of the man, ‘No, by your life!’⁴³⁴

31- شي، تفسير العياشي عن زُرارة عن أَبِي جَعْفَرٍ عَ قَالَ: شَرِكُ طَاعَةٍ قَوْلُ الرَّجُلِ لَا وَ اللَّهِ وَ فُلَانٍ وَ لَوْ لَا اللَّهُ وَ فُلَانٌ وَ الْمَعْصِيَةُ مِنْهُ.

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

From Abu Ja’far^{-asws} having said: ‘Association (Shirk) in an act of obedience are words of the man, ‘No, by Allah^{-azwj} and so and so!’, and, ‘Had it not been Allah^{-azwj} and so and so!’, and the act of disobedience is from it’⁴³⁵

32- ين، كتاب حسين بن سعيد و النوادر ابنُ فضالٍ عن يُونُسَ بْنِ يَعْقُوبَ قَالَ: كَانَ أَبُو عَبْدِ اللَّهِ عَ كَثِيرًا مَا يَقُولُ وَ اللَّهُ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Fazzal, from Yunus Bin Yaqoub who said,

‘Abu Abdullah^{-asws} used to frequently say: ‘By Allah^{-azwj}!’⁴³⁶

عَلَيَّ قَالَ: قَرَأْتُ فِي كِتَابِ أَبِي جَعْفَرٍ إِلَى دَاوُدَ بْنِ الْقَاسِمِ فِي جِئْتُ وَ حَيَاتِكَ.

Ali said, ‘I read in a letter of Abu Ja’far^{-asws} to Dawood Bin Al Qasim: ‘I^{-asws} have come, by your life!’⁴³⁷

[باب 126 إِبْرَارِ الْقَسَمِ وَ الْمُنَاشِدَةِ](#)

CHAPTER 126 – FULFILLING THE VOW AND THE ADJURING

1- ب، قرب الإسناد هارون عن ابنِ صدقة عن الصادق ع عن أبيه ع أَنَّ رَسُولَ اللَّهِ صَ أَمَرَهُمْ بِسَبْعِ عِبَادَةِ الْمَرْصِي وَ اتِّبَاعِ الْجُنَائِزِ وَ إِبْرَارِ الْقَسَمِ وَ تَسْمِيَةِ الْعَاطِسِ وَ نَصْرِ الْمَظْلُومِ وَ إِفْشَاءِ السَّلَامِ وَ إِجَابَةِ الدَّاعِي الْحَبْر.

(The book) ‘Qurb Al Isnaad’ – Haroun, from Ibn Sadaqa,

⁴³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 29

⁴³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 30

⁴³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 31

⁴³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 32 a

⁴³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 125 H 32 b

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: ‘Rasool^{-saww} had instructed them with seven – consoling the sick, and escorting the funeral, and fulfilling the vow, and naming (Allah^{-azwj}) at the sneeze, and helping the oppressed, and initiating the greeting, and answering the inviter (to a meal)’ – the Hadeeth.⁴³⁸

2 ل، الخصال الخليل بن أحمد عن أبي العباس الثقفي عن محمد بن الصباح عن جرير عن أبي إسحاق الشيباني عن أشعث بن أبي الشعثاء عن معاوية بن سويد عن البراء بن عازب مثله

(The book) ‘Al Khisaal’ – Al Khaleel Bin Ahmad, from Abu Al Abbas Al Saqafy, from Muhammad Bin Al Sabbah, from Jareer, from Abu Is’haq Al Shaybani, from Ash’as Bin Abu Al Sha’sa, from Muawiya Bin Suweyd, from Al Bara’a Bin Aazib, similar to it.⁴³⁹

3- سن، المحاسن أبي عن ابن أبي عمير عن حفص عن أبي عبد الله ع في الرجل يُقسِم على الرجل في الطعام أو نحوه قال ليس عليه شيء إنما أراد إكرامه.

(The book) ‘Al Mahasin’ – My father, from Ibn Abu Umeyr, from Hafs,

From Abu Abdullah^{-asws} regarding the man who vows upon the man regarding the meal, or approximate to it. He^{-asws} said: ‘There isn’t anything upon him. But rather he intended to honour him’.⁴⁴⁰

⁴³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 126 H 1

⁴³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 126 H 2

⁴⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 126 H 3