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الجزء الحادي بعد المائة

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

تأليف العلامة فخر الامة المولى الشيخ محمد باقر المجلسي

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

TABLE OF CONTENTS

CHAPTER 127 – CONDEMNATION OF FREQUENTLY SWEARING THE OATH	3
CHAPTER 128 – RULINGS OF THE SWEAR, AND THE VOW, AND THE AGREEMENT, AND A SUMMARY OF THE RULINGS OF THE EXPIATIONS	3
THE BOOK OF RULINGS	63
CHAPTER 1 – THE FOUND AND LOST PROPERTY	63
CHAPTER 2 – THE COMMON PROPERTIES, AND REVIVING THE DEAD (LAND), AND RULINGS OF THE SACRED PRECINCTS.....	71
CHAPTER 3 – THE PRE-EMPTION	76
CHAPTER 4 – THE USURPATION AND WHAT OBLIGATES THE COMPENSATION	79
CHAPTER 5 – THE TYPES OF JUDGES, AND STATE OF THE TYRANNICAL JUDGES, AND RAISING THE CASES TO THEM.....	83
CHAPTER 6 – ABHORRENCE OF PROLONGED DISPUTE.....	96
CHAPTER 7 – THE BRIBERY IN THE JUDGMENT AND ITS TYPES.....	104
CHAPTER 8 – RULINGS OF THE GOVERNORS AND THE JUDGES AND THEIR DISCIPLINE	107
CHAPTER 9 – THE RULING WITH THE WITNESS AND THE OATH	110
CHAPTER 10 – SWEARING THE TRUTHFUL AND THE FALSE OATH, AND ADMINISTERING OATHS TO OTHERS	112
CHAPTER 11 – RULINGS OF THE OATH	121
CHAPTER 12 – SUMMARY OF THE RULINGS OF JUDGMENTS	132
CHAPTER 13 – THE RULING UPON THE ABSENTEE AND THE DECEASED.....	137
CHAPTER 14 – PUNISHMENT OF ONE WHO DEVOURS WEALTH OF THE PEOPLE UNJUSTLY, OR STRIVES (APPEALS) TO THE RULER WITH THE FALSEHOOD, OR TAKES CHARGE OF A DISPUTE BY AN UNJUST, OR PREVENTING A MUSLIM FROM HIS RIGHT	137
CHAPTER 15 – MISCELLANEOUS (REGARDING) THE JUDGMENTS.....	143
CHAPTER 16 – THE TESTIMONY AND ITS RULINGS, AND ITS REASONS, AND METHOD OF WRITING THE ARGUMENT (EVIDENCE) AND ITS RULINGS.....	152
CHAPTER 17 – FALSE TESTIMONY, AND CONCEALING THE TESTIMONY, AND BEARING IT, AND ALTERING IT, AND CORRECTING IT, AND RULING OF THE RETRACTION FROM THE TESTIMONY.....	164

CHAPTER 127 – CONDEMNATION OF FREQUENTLY SWEARING THE OATH

1- دَعَوَاتُ الرَّوَّانْدِيِّ، قَالَ الْحَوَارِيُّونَ لِعِيسَى بْنِ مَرْيَمَ أَوْصِنَا

(The book) 'Dawaat' of Al Rawandy -

The disciples said Isa^{-as} Bin Maryam^{-as} said, 'Advise us!'

فَقَالَ قَالَ مُوسَى ع لِقَوْمِهِ- لَا تَحْلِفُوا بِاللَّهِ كَاذِبِينَ وَ أَنَا أَمَرْتُكُمْ أَنْ لَا تَحْلِفُوا بِاللَّهِ صَادِقِينَ وَ لَا كَاذِبِينَ.

He^{-asws} said: 'Musa^{-as} had said to his^{-as} people: 'Do not swear falsely with Allah^{-azwj}, and I^{-as} am (also) not to swear by Allah^{-azwj}, neither truthfully nor falsely'.¹

2- عُدَّةُ الدَّاعِي، سَأَلَ رَسُولَ اللَّهِ ص رَجُلٌ فَقَالَ أَسْأَلُكَ بِوَجْهِ اللَّهِ

(The book) 'Uddat Al Daie' -

A man asked Rasool-Allah^{-saww}. He said, 'I ask you^{-asws} by the Face of Allah^{-azwj}!'

قَالَ فَأَمَرَ النَّبِيُّ ص فَضْرَبَ خُمْسَةَ أَسْوَاطٍ ثُمَّ قَالَ سَلْ بِوَجْهِكَ اللَّيْمِ وَ لَا تَسْأَلْ بِوَجْهِ اللَّهِ الْكَرِيمِ.

He said, 'The Prophet^{-saww} ordered, and he was struck five lashes. Then he^{-saww} said: 'Ask by your own ignoble face, and do not ask by the Honourable Face of Allah^{-azwj}!'²

[باب 128 أحكام اليمين و النذر و العهد و جوامع أحكام الكفارات](#)

CHAPTER 128 – RULINGS OF THE SWEAR, AND THE VOW, AND THE AGREEMENT, AND A SUMMARY OF THE RULINGS OF THE EXPIATIONS

1- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُه عن رجلٍ جعل على نفسه أن يصوم بالكوفة أو بالمدينة أو بمكة شهراً فصام أربعة عشر يوماً بمكة له أن يرجع إلى أهله فيصوم ما عليه بالكوفة

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws} about a man who made it upon himself that he will be fasting for a month at Al-Kufa or Al-Medina or at Makkah. He fasts fourteen days at Makkah. Is it for him to return to his family so he can fast what (remains) upon him at Al-Kufa?'

قال نعم.

¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 127 H 1

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

He^{-asws} said: 'Yes'.³

2- ب، قرب الإسناد الأبيطيبي عن سعدان بن مسلم قال: كتبت إلى موسى بن جعفر عليه السلام أني جعلت علي صيام شهر بمكة و شهر بالمدينة و شهر بالكوفة فصمت ثمانية عشر يوماً بالمدينة و بقي علي شهر بمكة و شهر بالكوفة و تمام شهر بالمدينة

(The book) 'Qurb Al Isnaad' – Al Yaqteeny, from Sa'dan Bin Muslim who said,

'I wrote to Musa^{-asws} Bin Ja'far^{-asws}, may the greeting be upon him^{-asws}, 'I have made it upon me fasting for a month at Makkah, and a month at Al-Medina, and a month at Al-Kufa. I have fasted eighteen days at Al-Medina, and there remains upon me a month at Makkah and a month at Al-Kufa, and a complete month at Al-Medina'.

فكتب ليس عليك شيء صم في بلادك حتى تيممه.

He^{-asws} wrote: 'There isn't anything upon you. Fast in your city until you have completed it'.⁴

3- ما، الأماالي للشيخ الطوسي الحفار عن عثمان بن أحمد عن أبي قلابة عن أبيه عن يزيد بن بريع عن حميد عن ثابت عن أنس أن النبي ص رأى رجلاً هادى بين ابنيه أو بين رجلين

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Usman Bin Ahmad, from Abu Qilabah, from his father, from Yazeed Bin Bazie, from Jumies, from Sabit, from Anas (well-known fabricator),

'The Prophet^{-saww} saw a man wobbling between his two sons, or two men (supported by them). He^{-saww} said: 'What is this?'

فقال ما هذا فقالوا نذر أن يحج ماشياً

They said, 'He had vowed to perform Hajj walking'.

فقال إن الله عز وجل عني عن تعذيب نفسيه مؤوه فليركب و ليهد.

He^{-saww} said: 'Allah^{-azwj} Mighty and Majestic is needless from a person tormenting himself. Let him ride and let him offer a sacrifice'.⁵

4- ما، الأماالي للشيخ الطوسي بالإسناد عن أبي قلابة عن محمد بن عبد الله الأنصاري عن صالح بن رستم عن كثير بن سباطين عن الحسن بن عثمان بن حصين قال: ما خطبنا رسول الله ص خطبة أبداً إلا أمرنا فيها بالصدق و نهانا عن المثلة قال ألا و إن المثلة أن ينذر الرجل أن يحرم أنفه و من المثلة أن ينذر الرجل أن يحج ماشياً فمن نذر أن يحج فليركب و ليهد بدنة.

(The book) 'Al Amaali' of the sheykh Al Tusi – By the chain, from Abu Qilaba, from Muhammad Bin Abdullah Al Ansari, from Salih Bin Rustom, from Kaseer Bin Sayateen, from Al Hassan, from Imran Bin Husayn said,

³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 1

⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 2

⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 3

'Rasool-Allah^{-sawww} had not preached us with any sermon ever except he^{-sawww} had instructed in it with the charity, and forbade us from the 'Musla'. He^{-sawww} said: 'Indeed, and the 'Musla' is the man vowing that he will mutilate his nose; and from the 'Musla' is that the man vows to perform Hajj walking. The one who vows that he will perform Hajj, let him ride, and let him usher his sacrificial animal'.⁶

5- مع، معاني الأخبار ابنُ الْمُتَوَكَّلِ عَنِ السُّعْدِ أَبِي عَبْدِ اللَّهِ عَنِ أَبِي عُمَيْرٍ عَنِ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ فِي رَجُلٍ نَذَرَ أَنْ يَتَّصِدَّ بِمَالٍ كَثِيرٍ فَقَالَ الْكَثِيرُ ثَمَانُونَ فَمَا زَادَ لِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى - لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَكَانَتْ ثَمَانِينَ.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Sa'adabady, from Al Barqy, from his father, from Ibn Abu Umeyr, from one of our companions,

From Abu Abdullah^{-asws}, he^{-asws} said regarding a man who vowed that he will donate in charity a lot of wealth. He^{-asws} said: 'The 'lot' is eighty and what is more, due to the Words of Allah^{-azwj} Blessed and Exalted: **Allah has Helped you in many places [9:25]**, and these were eighty'.⁷

6- قب، المناقب لابن شهر آشوب ج، الإحتجاج عن أبي عبد الله الزياتي قال: لَمَّا سَمَّ الْمُتَوَكَّلُ نَذَرَ لِلَّهِ أَنْ يَرْزُقَهُ اللَّهُ الْعَاقِبَةَ أَنْ يَتَّصِدَّ بِمَالٍ كَثِيرٍ فَلَمَّا سَلِمَ وَ عُوِيَ سَأَلَ الْفُقَهَاءَ عَنْ حَدِّ الْمَالِ الْكَثِيرِ كَمْ يَكُونُ

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Al Ihtijaj', from Abu Abdullah Al Ziyadi who said,

'When (the caliph) Al-Mutawakkil was poisoned, he vowed to Allah^{-azwj} if Allah^{-azwj} Graces him the well-being, he will donate a lot of wealth. When he was safe and recovered, he asked the jurists about the limit of 'a lot of wealth', 'How much would it be?'

فَاخْتَلَفُوا عَلَيْهِ فَقَالَ بَعْضُهُمْ أَلْفَ دِرْهَمٍ وَ قَالَ بَعْضُهُمْ عَشْرَةَ آلَافِ دِرْهَمٍ وَ قَالَ بَعْضُهُمْ مِائَةَ أَلْفِ دِرْهَمٍ فَاشْتَبَهَ عَلَيْهِ هَذَا

They differed upon it. One of them said, 'A thousand Dirhams', and one of them said, 'Ten thousand Dirhams', and one of them said, 'One hundred thousand Dirhams'. So, this was confusing to him.

فَقَالَ لَهُ الْحَسَنُ حَاجِبُهُ إِنَّ أَمِيرَ الْمُؤْمِنِينَ مِنْ هَذَا بِالْحَقِّ وَ الصَّوَابِ فَمَا لِي عِنْدَكَ فَقَالَ الْمُتَوَكَّلُ إِنَّ أَمِيرَ الْمُؤْمِنِينَ بِالْحَقِّ فَلَمَّا عَشْرَةَ آلَافِ دِرْهَمٍ وَ إِلَّا أَضْرِبُكَ مِائَةَ مِرْعَةٍ

His guard, Al-Hassan said to him, 'O commander of the faithful! If I were to come to you with the truth and the correct, what would be for me with you?'

قَالَ قَدْ رَضِيْتُ

Al-Mutawakkil said, 'If you come to me with the truth, for you will be ten thousand Dirhams, or else I will strike you one hundred lashes!'

⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 4

⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 5

He said, 'I have agreed'.

فَأْتَى أَبَا الْحَسَنِ الْعَسْكَرِيَّ فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ لَهُ أَبُو الْحَسَنِ ع قُلْ لَهُ تَصَدَّقْ بِتَمَانِينَ دِرْهَمًا

He came to Abu Al-Hassan Al-Askari^{asws}. He asked him^{asws} about that. Abu Al-Hassan^{asws} said to him: 'Say to him, 'Donate eighty Dirhams'.

فَرَجَعَ إِلَى الْمُتَوَكِّلِ فَأَخْبَرَهُ فَقَالَ سَلُهُ مَا الْعِلَّةُ فِي ذَلِكَ

He returned to Al-Mutawakkil and informed him. He said, 'Ask him^{asws} what the reason is regarding that!'

فَأْتَاهُ فَسَأَلَهُ فَقَالَ إِنَّ اللَّهَ عَزَّ وَجَلَّ قَالَ لِنبِيِّهِ ع لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ فَعَدَدْنَا مَوَاطِنَ رَسُولِ اللَّهِ ص فَبَلَّغَتْ تَمَانِينَ مَوْطِنًا

He came to him^{asws} and asked him^{asws}. He^{asws} said: 'Allah^{azwj} Mighty and Majestic Said to His^{azwj} Prophet^{saww}: **Allah has Helped you in many places [9:25]**. We counted the 'places' of Rasool-Allah^{saww}, and it reached eighty places.

فَرَجَعَ إِلَيْهِ فَأَخْبَرَهُ فَفَرِحَ وَ أَعْطَاهُ عَشْرَةَ آلَافِ دِرْهَمٍ.

He returned to him and informed him. He was happy and gave him ten thousand Dirhams'.⁸

7- فس، تفسير القمي مُحَمَّدُ بْنُ عُمَرَ قَالَ: كَانَ الْمُتَوَكِّلُ اعْتَلَّ عِلَّةً شَدِيدَةً فَتَدَّرَ إِنْ عَافَاهُ اللَّهُ أَنْ يَتَصَدَّقَ بِدَنَانِيرَ كَثِيرَةٍ أَوْ قَالَ دَرَاهِمَ كَثِيرَةٍ فَعُوبِنَ فَجَمَعَ الْعُلَمَاءَ فَسَأَلَهُمْ عَنْ ذَلِكَ فَاحْتَلَفُوا عَلَيْهِ قَالَ أَحَدُهُمْ عَشْرَةَ آلَافٍ وَ قَالَ بَعْضُهُمْ مِائَةَ أَلْفٍ

Tafseer Al Qummi – Muhammad Bin Umar who said,

'(The caliph) Al-Mutawakkil became sick with severe illness. He vowed that if Allah^{azwj} Grants him well-being he will donate a lot of Dinars, or he said, 'A lot of Dirhams'. He recovered, so he gathered the scholars and asked them about that. They differed upon it. One of them said, 'Ten thousand', and one of them said 'One hundred thousand'.

فَلَمَّا احْتَلَفُوا قَالَ لَهُ عُبَادَةُ ابْنُ عُبَادَةَ ابْعَثْ إِلَى ابْنِ عَمَّتِكَ عَلِيِّ بْنِ مُحَمَّدِ بْنِ الرِّضَا

When they differed, Ubada said to him, 'Send someone to the son^{asws} of your uncle^{asws} Ali^{asws} Bin Muhammad Al-Reza^{asws}'.

فَأَسَأَلَهُ فَبَعَثَ إِلَيْهِ فَسَأَلَهُ فَقَالَ الْكَثِيرُ تَمَانُونَ

He sent to him to ask him. He^{asws} said: 'The 'lot' is eighty'.

فَقَالَ لَهُ رُدَّ إِلَيْهِ الرَّسُولَ فُقُلْ مِنْ أَيْنَ قُلْتَ ذَلِكَ

⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 6

Al-Himeyri wrote to Al-Qaim^{-ajfi} asking him^{-ajfi} about a man intending to extract something from his wealth and to hand it to a man from his brethren. Then he finds a needy one among his relatives, 'Can he turn that away from the one he had intended to be for his relative?'

فَأَجَابَ عَ بِصَرْفِ إِلَى أَدْنَاهُمَا وَ أَقْرَبِيهَا مِنْ مَذْهَبِهِ فَإِنْ ذَهَبَ إِلَى قَوْلِ الْعَالِمِ عَ لَا يَقْبَلُ اللَّهُ الصَّدَقَةَ وَ ذُو رَحِمٍ مُخْتَلَجٌ فَلْيُقْسِمِ بَيْنَ الْقَرَابَةِ وَ بَيْنَ الَّذِي نَوَى حَتَّى يَكُونَ قَدْ أَخَذَ بِالْفَضْلِ كُلِّهِ.

He^{-ajfi} answered: 'He should turn it to the lowest of the two and nearest of the two from his doctrine. He should go to the word of the Scholar (Imam^{-asws}): 'Allah^{-azwj} does not Accept the charity while one with kinship is needy'. Let him apportion between the relatives and the one he had intended until he would have taken the merit, all of it'.¹³

12- وَ كَتَبَ إِلَيْهِ عَ فِي كِتَابٍ آخَرَ يَسْأَلُهُ عَنِ الرَّجُلِ مِمَّنْ يَقُولُ بِالْحَقِّ وَ يَرَى الْمُنْتَعَةَ وَ يَقُولُ بِالرَّجْعَةِ إِلَّا أَنَّ لَهُ أَهْلًا مُوَافِقَةً لَهُ فِي جَمِيعِ أُمُورِهِ وَ قَدْ عَاهَدَهَا أَنْ لَا يَتَزَوَّجَ عَلَيْهَا وَ لَا يَتَمَتَّعَ وَ لَا يَتَسَرَّى وَ قَدْ فَعَلَ هَذَا مِنْذُ تِسْعِ عَشْرَةَ سَنَةً وَ وَفَى بِقَوْلِهِ

And he wrote to him^{-ajfi} in another letter asking him^{-ajfi} about the man from the ones who speaks with the truth and he views the Mut'ah (as correct), and says (believes) in the Return (Raj'at), except that for him is a wife compatible in entirety of his affairs, and he had promised her that he will not marry (another wife) upon her, nor engage in Mut'ah, nor keep a concubine, and he has done that since nineteen years and has been loyal with his word.

فَرَبَّمَا غَابَ عَنِ مَنْزِلِهِ الْأَشْهُرَ فَلَا يَتَمَتَّعُ وَ لَا تَتَحَرَّكَ نَفْسُهُ أَيْضًا لِذَلِكَ وَ يَرَى أَنَّ وَفُوفَ مَنْ مَعَهُ مِنْ أَحِبِّ وَ وُلْدٍ وَ غُلَامٍ وَ وَكَيْلٍ وَ حَاشِيَةٍ بِمَا يُقْلَلُهُ فِي أَعْيُنِهِمْ وَ يُحِبُّ الْمَقَامَ عَلَى مَا هُوَ عَلَيْهِ حُبَّةً لِأَهْلِهِ وَ مِثْلًا إِلَيْهَا وَ صِبَانَةً لَهَا وَ لِنَفْسِهِ- لَا لِتَحْرِيمِ الْمُنْتَعَةِ بَلْ يَدِينُ اللَّهُ بِهَا فَهَلْ عَلَيْهِ فِي تَرْكِ ذَلِكَ مَأْتَمٌ أَمْ لَا

Sometimes he is absent from his house for months, but he neither does Mut'ah nor does his soul move to that as well, and he views that the presence of those with him, such as a brother, son, servant, agent, or entourage, would lessen his esteem in their eyes. He prefers to remain as he is out of love for his family, inclination toward them, and to preserve their dignity and his own, not because Mut'ah is forbidden, for he believes in it as part of his religion. Is there any sin upon him for leaving it, or not?'

الجوابُ يُسْتَحَبُّ لَهُ أَنْ يُطِيعَ اللَّهَ تَعَالَى بِالْمُنْتَعَةِ لِيُزُولَ عَنْهُ الْحُلْفُ فِي الْمَعْصِيَةِ وَ لَوْ مَرَّةً وَاحِدَةً.

The answer – 'It is recommended for him to obey Allah^{-azwj} the Exalted with the Mut'ah in order to decline the oath away from him regarding the act of disobedience, and even if (he does it) one time'.¹⁴

13- ل، الخصال الأربعةمائة قال أمير المؤمنين ع لا تذر في معصية ولا يحين في فطية.

(The book) 'Al Khisaal' -

¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 11

¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 12

(The Hadeeth) Al-Arbamiya, Amir Al-Momineen^{-asws} said: 'There is no vow regarding an act of disobedience, nor any oath regarding cutting of kinship'.¹⁵

14- وَقَالَ ع لَا يَمِينُ لَوْلَدٍ مَعَ وَالِدِهِ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا.

And he^{-asws} said: 'There is no oath for a child with his father, nor for the woman with her husband'.¹⁶

15- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن الرَّجُلِ يَحْلِفُ عَلَى الْيَمِينِ وَ يَنْسَى مَا حَالَهُ

(The book) 'Qurb Al Isnaad' -

Ali from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the man who swears an oath and he forgot, 'What is his state?'

قَالَ هُوَ عَلَى مَا نَوَى.

He^{-asws} said: 'He is upon what he had intended'.¹⁷

16- ل، الخصال في حبر الأعمش عن الصادق ع قال: لَا حِنْثَ وَ لَا كَفَّارَةَ عَلَى مَنْ حَلَفَ تَقِيَّةً يَدْفَعُ ذَلِكَ ظُلْمًا عَنْ نَفْسِهِ.

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

From Al Sadiq^{-asws} having said: 'There is no sin nor any expiation upon the one who swears an oath, ~~to~~ out of dissimulation (Taqiyya) to repel that injustice from himself'.¹⁸

17- مع، معاني الأخبار ماجيلويه عن عمّه عن الكوفي عن موسى بن سعدان عن عبد الله بن القاسم عن عبد الله بن سينان قال قال أبو عبد الله ع لَا يَمِينُ فِي غَضَبٍ وَ لَا فِي إِجْبَارٍ وَ لَا فِي إِكْرَاهٍ

(The book) 'Ma'any Al Akhbaar' – Majaylawiya, from his paternal uncle from Al Kufi, from Musa Bin Sa'dan, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

'Abu Abdullah^{-asws} said: 'There is neither an oath during anger, nor under compulsion, nor in coercion'.

قُلْتُ أَصْلَحَكَ اللَّهُ فَمَا الْفَرْقُ بَيْنَ الْإِكْرَاهِ وَ الْإِجْبَارِ

I said, 'May Allah^{-azwj} Keep you well! What is the difference between the coercion and the compulsion?'

قَالَ الْإِجْبَارُ مِنَ السُّلْطَانِ وَ الْإِكْرَاهُ مِنَ الزَّوْجَةِ وَ الْأَمِّ وَ الْأَبِّ وَ لَيْسَ بِشَيْءٍ.

¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 13

¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 14

¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 15

¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 16

He^{-asws} said: 'The compulsion is from the ruler and the coercion is from the wife, and the mother, and the father, and it isn't of anything (consequence)'.¹⁹

18- مع، معاني الأخبار أبي عن سعد بن ابن يزيد عن حماد بن عيسى عن عبد الله بن القاسم عن عبد الله بن سينان قال قال أبو عبد الله ع لا يمين في غضب ولا في قطيعة رحم ولا في جبر ولا في إكراه

(The book) 'Ma'any Al Akhbaar' – My father, from Sa'ad, from Ibn Yazeed, from Hammad Bin Isa, from Abdullah Bin Al Qasim, from Abdullah Bin Sinan who said,

'Abu Abdullah^{-asws} said: 'There is neither an oath during anger, nor regarding cutting a kinship, nor in compulsion, nor in coercion'.

فُلْتُ أَصْلَحَكَ اللَّهُ فَمَا الْفَرْقُ مَا بَيْنَ الْإِكْرَاهِ وَالْجَبْرِ

I said, 'May Allah^{-azwj} Keep you^{-asws} well! What is the difference between the coercion and the compulsion?'

قَالَ الْجَبْرُ مِنَ السُّلْطَانِ يَكُونُ وَالْإِكْرَاهُ مِنَ الزَّوْجِ وَالْأَبِ وَ لَيْسَ ذَلِكَ بِشَيْءٍ.

He^{-asws} said: 'The compulsion is from the ruler while the coercion is from the spouse, and the father, and that isn't with anything (of consequence)'.²⁰

19- ص، قصص الأنبياء عليهم السلام بالإسناد إلى الصَّدُوقِ عَنْ أَبِيهِ عَنْ سَعْدِ بْنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَمَّنْ ذَكَرَهُ عَنْ دُرُسْتِ عَمَّنْ ذَكَرَهُ عَنْهُمْ ع قَالَ: قَالَ إِبْلِيسُ لِمُوسَى إِيَّاكَ أَنْ تُعَاهِدَ اللَّهَ عَهْدًا فَإِنَّهُ مَا عَاهَدَ اللَّهَ أَحَدٌ إِلَّا كُنْتُ صَاحِبَهُ دُونَ أَصْحَابِي حَتَّى أَحُولَ بَيْنَهُ وَ بَيْنَ الْوَفَاءِ بِهِ الْحَبْر.

(The book) 'Qasas Al-Anbiya^{-as}', may the greeting be upon them^{-as} – By the chain to Al Sadouq, from his father, from Sa'ad, from Ahmad Bin Muhammad, from the one who mention it, from Dorost, from the one who mentioned it,

From them^{-asws} having said: 'Iblees^{-la} said to Musa^{-as}, 'Beware of making a covenant with Allah^{-azwj}, for no one makes a covenant with Allah^{-azwj} except that I^{-la} am his companion, (but) not my companions, until I come between him and fulfilling it.'" – the Hadeeth.²¹

20- ضا، فقه الرضا عليه السلام اعلم أن التدر على وجهين أحدهما أن يقول الرجل إن أفعل كذا وكذا فليله علي صوم كذا أو صلاة أو صدقة أو حج أو عتق رقبة فعليه أن ينهي لله بندره إذا كان ذلك الشيء كما نذر فيه فإن أظطر يوم صوم التدر فعليه الكفارة شهرين متتابعين

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'Know that the vow is upon two perspectives. One of these is that they may say, 'I shall do such and such, upon me for Allah^{-azwj} is to fast such and such', or Salat, or charity, or Hajj, or liberation of a neck, upon him is to fulfil his vow for Allah^{-azwj} when that thing happens just as he had vowed regarding. If he breaks a day of fasting of the vow, upon him is the expiation of (fasting) two consecutive months.

¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 17

²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 18

²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 19

وَ قَدْ رُوِيَ أَنَّ عَلَيْهِ كَفَّارَةَ يَمِينٍ

And it has been reported upon him is expiation of an oath.

وَ الْوَجْهُ الثَّانِي مِنْ صَوْمِ النَّدْرِ أَنْ يَقُولَ الرَّجُلُ إِنْ كَانَ كَذَا وَ كَذَا صُمْتُ أَوْ صَلَّيْتُ أَوْ تَصَدَّقْتُ أَوْ حَجَّجْتُ وَ لَمْ يَقُلْ لِلَّهِ عَلَيَّ كَذَا وَ كَذَا إِنْ شَاءَ فَعَلَ وَ أَوْقَى بِنَدْرِهِ وَ إِنْ شَاءَ لَمْ يَفْعَلْ فَهُوَ بِالْخِيَارِ.

And the second perspective of the vowed fast is that the man says, 'If such and such, I will fast', or pray, or donate, or perform Hajj, and he does not say, 'Upon me would be such' – if he likes he does so, and fulfil his vow, and if he likes he does so. He is with the choice'.²²

21- ضا، فقه الرضا عليه السلام اعلم يزحكك الله أن أعظم الأيمان الخلف بالله جلَّ و عزَّ فإذا خلف الرجل بالله على طاعة نظير ذلك رجل خلف بالله أن يصلي صلاة معلومة و أن يعمل شيئاً من خصال البر فقد وجب عليه في يمينه أن يفي بما خلف عليه لأن الذي خلف عليه لله طاعة

(The book) 'Fiqh Al-Reza^{asws}', may the greeting be upon him^{asws} – 'Know, may Allah^{azwj} Mercy you, that the mightiest swear is an oath by Allah^{azwj} Majestic and Mighty. When the man swears by Allah^{azwj} upon an act of disobedience, such as a man swearing by Allah^{azwj} that he will pray a known Salat, and he will work something from the qualities of righteousness, it becomes obligatory upon him regarding his swear that he will be loyal with what he had sworn an oath upon, because that which he had sworn upon is an obedience to Allah^{azwj}.

فإن لم يفي بما خلف و جاز الوقت فقد حنث و وجب عليه الكفارة فإن خلف أن لا يقرب معصية أو حراماً ثم حنث فقد وجب عليه الكفارة و الكفارة إطعام عشرة مساكين أو كسوتهم ثوبين لكل مسكين

If he fulfils what he had sworn upon, and the time passes by, he has sinned, and the expiation is obligated upon him. If a man swears that he will not approach a sin or something forbidden, then breaks his oath, the expiation becomes obligatory upon him. The expiation is to feed ten poor people or to clothe them, two garments for each poor person.

وَ الْمُكْفِّرُ عَنْ يَمِينِهِ بِالْخِيَارِ إِنْ كَانَ مُوسِراً أَيَّ ذَلِكَ شَاءَ فَعَلَ وَ الْمُعْسِرُ لَا شَيْءَ عَلَيْهِ إِلَّا إِطْعَامُ عَشْرَةِ مَسَاكِينَ أَوْ صَوْمُ ثَلَاثَةِ أَيَّامٍ إِنْ أَفْكَتَهُ ذَلِكَ وَ الْعَبِيُّ وَ الْفَقِيرُ فِي ذَلِكَ سَوَاءٌ فَإِنْ خَلَفَ بِالظَّهَارِ وَ هُوَ يُرِيدُ الْيَمِينَ فَعَلَيْهِ لِلْفُظِّ الْيَمِينِ عِتْقُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مَسْكِيناً.

The one making expiation for his oath has the choice, if he is well-off, to do whichever of these he wishes. As for the one in hardship, nothing is required of him except feeding ten poor people, or fasting three days if he is able. In this, the rich and the poor are the same. If he swears using the pronouncement of Zihar while intending it as an oath, then due to the wording of the oath upon him is freeing a slave, or fasting two consecutive months, or feeding sixty poor people'.²³

22- وَ قَدْ رُوِيَ أَنَّ الثَّلَاثَةَ عَلَيْهِ عُقُوبَةٌ عَلَى مَكْرُوهِ أُمِّهِ وَ دَوِي رَجْمِهِ بِمِثْلِ هَذَا وَ لَا يَمِينُ فِي قَطِيعَةِ رَجْمٍ وَ لَا فِي تَرْكِ الدُّخُولِ فِي حَالِلٍ وَ كَفَّارَةُ هَذِهِ الْأَيْمَانِ الْحِنْثُ

²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 20

²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 21

And it has been reported that the three, upon it is punishment upon being abhorrent to his mother, and one with kinship with the likes of this, and there is no oath in cutting a kinship, nor in neglecting the entering into a permissible act, and expiation of this oath, the sin.

وَ اعْلَمُ أَنَّ كُلَّ مَا كَانَ مِنْ قَوْلِ الْإِنْسَانِ لِلَّهِ عَلَيَّ نَذْرٌ مِنْ وُجُوهِ الطَّاعَةِ وَ وُجُوهِ الْيَبْرِ فَعَلَيْهِ الْوَفَاءُ بِمَا جَعَلَهُ عَلَيَّ نَفْسِهِ وَ إِنْ كَانَ النَّذْرُ لِعَبْرِ اللَّهِ فَإِنَّهُ إِنْ لَمْ يُعْطَ وَ لَمْ يَفِ بِمَا جَعَلَهُ عَلَيَّ نَفْسِهِ فَلَا كَفَّارَةَ عَلَيْهِ وَ لَا صَوْمَ وَ لَا صَدَقَةَ

Know that all what was from the words of the human being, 'For Allah^{-azwj} is a vow upon me', from the aspects of obedience and aspects of righteousness, upon him is to fulfil whatever he had made to be upon himself. But if the vow is for other than Allah^{-azwj}. If he does not give, nor fulfil what he had made to be upon himself, there is no expiation upon him, nor fasting, nor charity.

وَ تَطْبِيرُ ذَلِكَ أَنْ يَقُولَ لِلَّهِ عَلَيَّ صَلَاةً مَعْلُومَةً أَوْ صَوْمَ مَعْلُومًا أَوْ بِرًّا أَوْ وُجُوهُ مِنَ الْيَبْرِ فَيَقُولُ إِنْ عَافَانِي اللَّهُ مِنْ مَرَضِي أَوْ رَدَّنِي مِنْ سَفَرِي أَوْ رَدَّ عَلَيَّ غَائِبِي أَوْ رَزَقَنِي رِزْقًا أَوْ وَصَلَنِي إِلَى مَحْبُوبٍ حَلَالٍ

And an example of that it that he says, 'For Allah^{-azwj} upon me is a known Salat, or known fasts, or righteousness, or an aspect from the aspects of righteousness', so he says, 'If Allah^{-azwj} Grants me well-being from an illness', or 'Returns me from my journey', or 'Restore my absent (missing) one, or Graces me sustenance, and Connects me to a beloved, lawfully'.

فَأُعْطِيَ مَا تَمَنَّى لِرِمَّةٍ مَا جَعَلَ عَلَيَّ نَفْسِهِ إِلَّا أَنْ يَكُونَ جَعَلَ عَلَيَّ نَفْسِهِ مَا لَا يُطِيقُهُ فَلَا شَيْءَ عَلَيْهِ إِلَّا بِمِقْدَارِ مَا يَحْتَمِلُهُ

If he is Granted his wishes, it would necessitate him whatever he had made to be upon himself, except if he happens to have made upon himself what he cannot endure, so there would be nothing upon him except in accordance to what he can endure.

وَ هَذَا بِمَا يَجِبُ أَنْ يَسْتَغْفِرَ اللَّهُ مِنْهُ وَ لَا يَعُودُ إِلَى مِثْلِهِ وَ إِنْ هُوَ نَذَرَ لَوَجْهِ مِنَ وُجُوهِ الْمَعَاصِي مِثْلُ الرَّجُلِ يَجْعَلُ عَلَيَّ نَفْسِهِ نَذْرًا عَلَيَّ شُرْبِ الْخَمْرِ أَوْ فِسْقِي أَوْ زِنًا أَوْ سَرِقَةٍ أَوْ قَتْلٍ أَوْ مَوْتٍ أَوْ إِسَاءَةِ مُؤْمِنٍ أَوْ عُقُوقٍ أَوْ قَطِيعَةٍ رَحِمَ فَلَا شَيْءَ عَلَيْهِ فِي نَذْرِهِ.

And this is from what obligates to seek Forgiveness of Allah^{-azwj} from and not return to its like; and if he vows for an aspect from the aspects of disobedience, like the man making a vow upon himself upon drinking the wine, or corruption, or adultery, or theft, or murder, or death, or being evil to a Momin, or disloyalty (to parents), or cutting a kinship, there is nothing upon him regarding his vow'.²⁴

23- وَ قَدْ رُوِيَ أَنَّ عَلَيْهِ فِي ذَلِكَ كَفَّارَةَ يَمِينٍ بِاللَّهِ لِلْعُمْوَةِ لَا عَبْرَ لِإِقْدَامِهِ عَلَيَّ نَذْرٍ فِي مَعْصِيَتِهِ.

And it has been reported: 'Upon him regarding that is expiation of an oath by Allah^{-azwj} being a punishment, not for anything except for his advancing upon a vow in an act of disobedience'.²⁵

²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 22

²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 23

24- وَ قَدْ رُوِيَ إِذَا نَذَرْتَ نَذْرَ طَاعَةٍ لِلَّهِ فَقَدِمَهُ فَإِنَّ اللَّهَ أَوْلَى مِنْكَ-

And it has been reported: 'When you have vowed a vow for an obedience to Allah^{-azwj}, go ahead in it, for Allah^{-azwj} is more foremost than you are!

وَ اعْلَمْ أَنَّ الْيَمِينَ عَلَى وَجْهَيْنِ يَمِينٍ فِيهَا كَفَّارَةٌ وَ يَمِينٍ لَا كَفَّارَةَ فِيهَا فَالْيَمِينُ الَّتِي فِيهَا الْكَفَّارَةُ فَهِيَ أَنْ يَحْلِفَ الْعَبْدُ عَلَى شَيْءٍ يَلْزِمُهُ أَنْ يَفْعَلَ فَيَحْلِفُ إِنَّ فَعَلَ ذَلِكَ الشَّيْءَ وَ إِنْ لَمْ يَفْعَلْهُ فَعَلَيْهِ الْكَفَّارَةُ أَوْ يَحْلِفُ عَلَى مَا يَلْزِمُهُ أَنْ يَفْعَلَهُ فَعَلَيْهِ الْكَفَّارَةُ إِذَا لَمْ يَفْعَلْهُ

And know that the swearing is upon two perspectives. There is a swear having an expiation in it and a swear having no expiation in it. The swear in which is the expiation, it is that the servant makes an oath upon something necessitating him to do, so he makes an oath that if he were to do that thing, and if he does not do it, upon him is the expiation; or he makes an oath upon what necessitates him to do, so upon him is the expiation when he does not do it.

وَ الْيَمِينُ الَّتِي لَا كَفَّارَةَ فِيهَا عَلَى ثَلَاثَةِ أَوْجُهٍ فَمِنْهَا مَا يُؤْجِرُ عَلَيْهِ الرَّجُلُ إِذَا حَلَفَ كَاذِبًا وَ مِنْهَا مَا لَا كَفَّارَةَ فِيهَا عَلَيْهِ وَ لَا أَجْرَ لَهُ وَ مِنْهَا مَا لَا كَفَّارَةَ عَلَيْهِ فِيهَا وَ الْعُقُوبَةُ فِيهَا إِذْ خَالَ النَّارَ فَمَا الَّتِي يُؤْجِرُ عَلَيْهِ الرَّجُلُ إِذَا حَلَفَ فِي الدُّنْيَا

And the swear there is no expiation in it is upon three aspects. From these is what the man is rewarded upon if he makes a false oath; and from these is what there is no expiation in it nor any reward for him; and from these is in what there is no expiation upon it, and the punishment in it is entering the Hellfire. As for which the man is rewarded upon is when he makes an oath regarding the worldly matters.

وَ مَا يَلْزِمُ فِيهَا الْكَفَّارَةَ فَهِيَ أَنْ يَحْلِفَ الرَّجُلُ فِي خَلَاصِ امْرِئٍ مُسْلِمٍ أَوْ يَخْلُصَ بِهَا مَالَ امْرِئٍ مُسْلِمٍ مِنْ مُتَعَدٍّ يَتَعَدَّى عَلَيْهِ مِنْ لِيَصِّ أَوْ غَيْرِهِ

And what necessitates the expiation in it, it is that the man makes an oath in rescuing of a Muslim person or to rescue the property of a Muslim from one who transgresses against it, whether a thief or someone else.

فَأَمَّا الَّتِي لَا كَفَّارَةَ عَلَيْهِ وَ لَا أَجْرَ لَهُ فَهِيَ أَنْ يَحْلِفَ الرَّجُلُ عَلَى شَيْءٍ ثُمَّ يَجِدَ مَا هُوَ خَيْرٌ مِنَ الْيَمِينِ فَيَتْرُكُ الْيَمِينَ وَ يَرْجِعُ إِلَى الَّذِي هُوَ خَيْرٌ.

As for that which carries neither expiation nor reward, it is when a man swears about something and then finds what is better than the oath, so he abandons the oath and turns to that which is better.²⁶

25- وَ قَالَ الْعَالِمُ ع لَا كَفَّارَةَ عَلَيْهِ وَ ذَلِكَ مِنْ حُطُوءَاتِ الشَّيْطَانِ وَ أَمَّا الَّتِي عُقُوبَتُهَا دُخُولُ النَّارِ فَهِيَ إِذَا حَلَفَ الرَّجُلُ عَلَى مَالِ امْرِئٍ مُسْلِمٍ أَوْ عَلَى حَقِّهِ ظُلْمًا فَهِيَ يَمِينٌ غَمُوسٌ تُوجِبُ النَّارَ وَ لَا كَفَّارَةَ عَلَيْهِ فِي الدُّنْيَا

And the Scholar (Imam^{-asws}) said: 'There is no expiation upon him, and that is from the footsteps of Satan^{-la}, and as for which their punishment is entering the Hellfire, it is when the man makes an oath upon wealth of a Muslim person, or upon his right unjustly, it is a swear of perjury obligating the Hellfire, and there is no expiation upon him in the world.

²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 24

وَاعْلَمَ أَنَّهُ لَا يَمِينَ فِي قَطِيعَةِ رَحِمٍ وَلَا تَذْرَ فِي مَعْصِيَةِ اللَّهِ وَلَا يَمِينَ لَوْلَدٍ مَعَ الْوَالِدَيْنِ وَلَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَلَا لِلْمَمْلُوكِ مَعَ مَوْلَاهُ وَلَا أَنَّ رَجُلًا خَلَفَ
وَأَنَّ يَشْرَبَ خَمْرًا أَوْ يَفْعَلَ شَيْئًا مِمَّا لَيْسَ لِلَّهِ فِيهِ رِضَى فَحَنَثَ لَا يَبْقَى بِنَذْرِهِ فَلَا شَيْءَ عَلَيْهِ-

And know that there is no swearing regarding cutting off kinship, nor is there a vow regarding an act of disobedience of Allah^{-azwj}, and there is no swear for a child with the parents, nor for the wife with her husband, nor for the slave with his master, and if a man were to make an oath and vows that he will drink wine or do something from what there is no Pleasure of Allah^{-azwj} in it, so he breaks not fulfilling his vow, there is nothing upon him.

وَ النَّذْرُ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ إِنْ عُوَيْتُ مِنْ مَرَضِي أَوْ تَخَلَّصْتُ مِنْ كَذَا وَ كَذَا فَعَلَيَّْ صَدَقَةٌ أَوْ صَوْمٌ أَوْ شَيْءٌ مِنْ أَعْمَالِ الْبِرِّ فَهُوَ بِالْخِيَارِ
إِنْ شَاءَ فَعَلَّ وَ إِنْ شَاءَ لَمْ يَفْعَلْ

And the vow is upon two perspectives. One of these is that the man says, 'If I recover from a sickness, or rescued from such and such, upon me is charity, or fasting, or something from the actions of righteousness', he is with the choice. If he likes, he does it, and if he like, he does not do so.

فَإِنْ قَالَ لِلَّهِ عَلَيَّ كَذَا وَ كَذَا مِنْ أَعْمَالِ الْبِرِّ فَعَلَيْهِ أَنْ يَفِيَّ وَلَا يَسْغُهُ تَرْكُهُ فَإِنْ خَالَفَ لَزِمَهُ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ

If he says, 'For Allah^{-azwj} upon me is such and such from the actions of righteousness', upon him is to fulfil and there is no leeway for him to neglect it. If he breaks, it necessitates him the fasting of two consecutive months.

وَ رُويَ كَفَّارَةُ يَمِينَ وَ إِذَا نَذَرَ الرَّجُلُ أَنْ يَصُومَ صَوْمًا يَوْمًا أَوْ شَهْرًا وَ لَمْ يُسَمِّ يَوْمًا بَعِيْنِهِ أَوْ شَهْرًا بَعِيْنِهِ فَهُوَ بِالْخِيَارِ أَيَّ يَوْمٍ شَاءَ صَامَ
مَا لَمْ يَكُنْ ذَا الْحِجَّةِ أَوْ شَوَّالٍ فَإِنَّ فِيهِمَا الْعِيدَيْنِ وَ لَا يَجُوزُ صَوْمُهُمَا

And it is reported about expiation of a swear – 'And when the man vows to fast, fasting a day or a month, and he does not specify a day specifically, or a month specifically, he is with the choice whichever day he likes, he can fast, and whichever month he likes, he can fast, for as long as it does not happen to be Zul Hijjah, or Shawwal, for therein are two Eids, one is not allowed to fast these two.

فَإِنْ صَامَ يَوْمًا أَوْ شَهْرًا لَمْ يُسَمِّهِ فِي النَّذْرِ مُتَتَابِعٍ أَوْ غَيْرِهِ فَأَفْطَرَ فَلَا كَفَّارَةَ عَلَيْهِ إِذَا عَلِيَهُ أَنْ يَصُومَ مَكَانَهُ يَوْمًا آخَرَ أَوْ شَهْرًا آخَرَ عَلَى حَسَبِ مَا نَذَرَ

If he fasts a day, or a month, not having specified it in the vow, consecutive or otherwise, so he breaks, there is no expiation upon him. But rather, upon him is to fast another day or another month in its place in accordance with what he had vowed.

فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْمًا مَعْرُوفًا أَوْ شَهْرًا مَعْرُوفًا فَعَلَيْهِ أَنْ يَصُومَ ذَلِكَ الْيَوْمَ وَ ذَلِكَ الشَّهْرَ فَإِنْ لَمْ يَصُمْهُ أَوْ صَامَهُ فَأَفْطَرَ فَعَلَيْهِ الْكَفَّارَةُ

If he vows that he will fast on a well-known day, or on a well-known month, upon him is to fast that very day and that very month. If he does not fast it, or fasts but breaks, upon him is the expiation.

وَلَوْ أَنَّ رَجُلًا نَذَرَ نَذْرًا وَ لَمْ يُسَمِّ شَيْئًا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ تَصَدَّقَ بِشَيْءٍ وَإِنْ شَاءَ صَلَّى رَكَعَتَيْنِ أَوْ صَامَ يَوْمًا إِلَّا أَنْ يَكُونَ يَنْوِي شَيْئًا فِي نَذْرِهِ وَ يَلْزِمُهُ ذَلِكَ الشَّيْءُ بِعَيْنِهِ

And if a man were to vow a vow and does not name anything, he is with the choice. If he likes he can donate something, and if he like he prays two units Salat, or fasts a day except he happens to have intended something in a vow, and that necessitates him the exact thing.

وَ إِنْ أَمْرٌ نَذَرَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ وَ لَمْ يُسَمِّ مَبْلَغَهُ فَإِنَّ الْكَثِيرَ مَثْنُونَ وَ مَا زَادَ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ- لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ فَكَانَ ثَمَانِينَ مَوْطِنًا وَ بِاللَّهِ حُسْنُ الْإِسْتِشَادِ.

And if a person were to vow that he will donate a lot of wealth and does not specify its extent, then the 'lot' is eighty and whatever is more due to Words of Allah^{-azwj} Mighty and Majestic: **Allah has Helped you in many places [9:25]**. These were eighty places, and through Allah^{-azwj} is the excellent guidance.²⁷

26- ضا، فقه الرضا عليه السلام إِنْ حَلَفَ الْمَمْلُوكُ أَوْ ظَاهَرَ فَمَيْسَ عَلَيْهِ إِلَّا الصَّوْمَ فَقَطَّ وَ هُوَ شَهْرَانِ مُتَتَابِعَانِ- وَ لَا يَمِينُ فِي اسْتِكْرَاهٍ وَ لَا سُكْرٍ وَ لَا عَلَى عَصَبِيَّةٍ وَ لَا عَلَى مَعْصِيَةٍ.

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'If the slave makes an oath, or does Zihhaar, it isn't upon him except the fasting only, and it is two consecutive months; and there is swear in coercion nor intoxication, nor upon prejudice, nor upon an act of disobedience'.²⁸

27- سر، السرائر مِنْ كِتَابِ الْبَزَنْطِيِّ عَنِ عَنَبَسَةَ بِنِ الْمُضْعَبِ قَالَ: قُلْتُ لَهُ اسْتَكْرَاهِي ابْنَ ابْنِي فَجَعَلْتُ لِلَّهِ عَلَيَّ إِنْ هُوَ بَرَّأ أَنْ أَخْرُجَ إِلَى مَكَّةَ مَشِيًّا وَ خَرَجْتُ أَمْشِي حَتَّى انْتَهَيْتُ إِلَى الْعُقْبَةِ فَلَمْ أَسْتَطِعْ أَنْ أَخْطُو فَرَكِبْتُ تِلْكَ اللَّيْلَةَ حَتَّى إِذَا أَصْبَحْتُ مَشَيْتُ حَتَّى بَلَغْتُ فَهَلَّ عَلَيَّ شَيْءٌ

(The book) 'Al Saraair', from the book of Al Bazanty – From Anbasa Bin Al Mus'ab who said,

'I said to him^{-asws}, 'A son of mine had a health complaint, so I made it for Allah^{-azwj} upon me, if he were to recover I shall go out to Makkah bare-footed, and I did go out walking until I ended to Al-Aqabah, but I was not able from taking a step (further), so I rode that night until when it was morning, I walked until I reached. Is there anything (penalty) upon me?'

He^{-asws} said: 'Slaughter (an offering), for it is more beloved to me^{-asws}'.

قَالَ ادْبَحْ فَهُوَ أَحَبُّ إِلَيَّ قَالَ فَعُلْتُ لَهُ أ شَيْءٌ هُوَ لِي لَازِمٌ أَوْ لَيْسَ لِي بِلَازِمٍ

He (the narrator) said, 'I said to him^{-asws}, 'Is it something which necessitates me or it doesn't necessitate me?'

قَالَ مَنْ جَعَلَ لِلَّهِ عَلَى نَفْسِهِ شَيْئًا فَبَلَغَ فِيهِ مَجْهُودَهُ فَلَا شَيْءَ عَلَيْهِ.

²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 25

²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 26

He^{-asws} said: 'One who makes something for Allah^{-azwj} upon himself, so he strives extensively in it, there is nothing upon him'.²⁹

28- قَالَ أَبُو بَصِيرٍ أَيْضاً سُئِلَ عَنْ ذَلِكَ فَقَالَ مَنْ جَعَلَ لِلَّهِ عَلَى نَفْسِهِ شَيْئاً فَبَلَغَ مَجْهُودَهُ فَلَا شَيْءَ عَلَيْهِ وَكَانَ اللَّهُ أَغْدَرَ لِعَبْدِهِ.

Abu Baseer also said, 'He^{-asws} was asked about that. He^{-asws} said: 'One who makes something for Allah^{-azwj} upon himself, so he strives extensively, there is nothing upon him, and Allah^{-azwj} is more Excusing for His^{-azwj} servant'.³⁰

29- شي، تفسير العياشي عن العلاء بن رزین عن محمد بن مسلم عن أحدهما ع أنه سئل عن امرأة جعلت مالها هدياً و كل مملوك لها حراً إن كلمت أختها أبداً

(The book) 'Tafseer Al Ayyashi' – From Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

From one of the two (5th or 6th Imam^{-asws}), he^{-asws} was asked about a woman who made her wealth as a gift, and every slave of hers free if she speaks to her sister, ever!

قَالَ تَكَلَّمَهَا وَ لَيْسَ هَذَا بِشَيْءٍ إِتْمَا هَذَا وَ أَشْبَاهُهُ مِنْ خُطَوَاتِ الشَّيْطَانِ.

He^{-asws} said: 'She can speak to her and this isn't anything. But rather, this and its like are from the footsteps of Satan^{-la'}.³¹

30- شي، تفسير العياشي عن محمد بن مسلم أن امرأة من آل المختار حلفت على أختها أو ذات قرابة لها قالت ادنوي يا فلانة فكلني معي فقالت لا فحلفت عليها بالمشي إلى بيت الله و عتق ما تملك إن لم تدنوي فتأكلني معي إن أظلمها و إياك سقفت بيت أو أكلت معك على جوار أبداً

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

'A woman from the family of Al-Mukhtar swore an oath upon her sister, or a relative of hers, who said, 'Come near me, O so and so, and eat with me!' She said, 'No, I have sworn an oath upon it with the walking to the House of Allah^{-azwj}, and liberating whatever (slaves) I own, if you are not coming near me and eating with me, from me and you being shaded by the roof of a house, or my eating with you upon a meal, ever!'

قَالَ فَقَالَتِ الْآخَرَى مِثْلَ ذَلِكَ فَحَمَلَ عُمَرُ بْنُ حَنْظَلَةَ إِلَى أَبِي جَعْفَرٍ ع مَقَالَتَهُمَا

He (the narrator) said, 'The other one said similar to that, so Umar Bin Hanzala carried their words to Abu Ja'far^{-asws}.

فَقَالَ أَنَا أَقْضِي فِي ذَا فُلٍ لُهُمَا فَلْتَأْكُلْ وَ لِيُظَلِّهَا وَ إِيَّاهَا سَقُفُ بَيْتٍ وَ لَا تَمْشِي وَ لَا تُعْتَقُ وَ لَتَنْقِي اللَّهُ رَحْمًا وَ لَا تَعُودُ إِلَى ذَلِكَ فَإِنَّ هَذَا مِنْ خُطَوَاتِ الشَّيْطَانِ.

²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 27

³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 28

³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 29

He^{-asws} said: 'I^{-asws} shall judge regarding that. Tell them both, let them eat (together), and let her and her be shaded under the roof of a house, and neither walk (to the Kaabah), nor liberate (slaves), and let her fear her Lord^{-azwj} and not to repeat that, for this is from the footsteps of Satan^{-la'}.³²

31- شي، تفسير العياشي عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ عَ مَا سَمِعْتُ بِطَارِقٍ إِنَّ طَارِقًا كَانَ نَحَّاسًا بِالْمَدِينَةِ فَأَتَى أَبَا جَعْفَرٍ ع فَقَالَ يَا أَبَا جَعْفَرٍ إِنِّي هَالِكٌ إِنِّي حَلَفْتُ بِالطَّلَاقِ وَالْعَتَاقِ وَالنُّدُورِ

(The book) 'Tafseer Al Ayyashi' – From Mansour Bin Hazim who said,

'Abu Abdullah^{-asws} said: 'Have you not heard of Tariq? Tariq was a slave trader at Al-Medina. He came to Abu Ja'far^{-asws}. He said, 'O Abu Ja'far^{-asws}, I am destroyed! I have sworn an oath with the divorce (of my wives), and the liberation (of my slaves), and the vows!'

فَقَالَ لَهُ يَا طَارِقُ إِنَّ هَذِهِ مِنْ حُطُوتِ الشَّيْطَانِ.

He^{-asws} said to him: 'O Tariq! These are from the footsteps of Satan^{-la'}.³³

32- شي، تفسير العياشي عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنْ رَجُلٍ حَلَفَ أَنْ يُنَحَرَ وَلَدَهُ فَقَالَ ذَلِكَ مِنْ حُطُوتِ الشَّيْطَانِ.

Tafseer Al Ayyashi –

From Abdul Rahman son of Abu Abdullah^{-asws} having said, 'I asked Abu Abdullah^{-asws} about a man who swears an oath that he will sacrifice his son. He^{-asws} said: 'That is from the footsteps of Satan^{-la'}.³⁴

33- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ لَا تَتَّبِعُوا حُطُوتِ الشَّيْطَانِ قَالَ كُلُّ بَيْتٍ بَعِيَ اللَّهُ فَهِيَ مِنْ حُطُوتِ الشَّيْطَانِ.

Tafseer Al Ayyashi – From Muhammad Bin Muslim who said,

'I heard Abu Ja'far^{-asws} saying: '**Do not follow the footsteps of Satan! [24:21]**. He^{-asws} said: 'Every oath sworn with other than Allah^{-azwj}, it is from the footsteps of Satan^{-la'}.³⁵

34- شي، تفسير العياشي عَنْ زُرَّارَةَ وَحُمْرَانَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ عَ وَ لَا تَجْعَلُوا اللَّهَ غُرُضَةً لِإِمَانِكُمْ قَالَ هُوَ الرَّجُلُ يُصْلِحُ بَيْنَ الرَّجُلَيْنِ فَيُحْمِلُ مَا بَيْنَهُمَا مِنَ الْإِثْمِ.

Tafseer Al Ayyashi – From Zurara and Humran, and Muhammad Bin Muslim,

³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 30

³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 31

³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 32

³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 33

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws}: **'And do not be making Allah as obstacle to your oaths [2:224]**. He^{-asws} said: 'He is the man between the two men, so he carries whatever sins there are between the two'.³⁶

35- شي، تفسير العياشي عن منصور بن حازم عن أبي عبد الله ع ومحمد بن مسلم عن أبي جعفر ع في قول الله عز وجل - ولا تجعلوا الله عرضة لإيمانكم قال يعني الرجل يخلف أن لا يكلم أخاه وما أشبه ذلك أو لا يكلم أمه.

Tafseer Al Ayyashi –

From Mansour Bin Hazim from Abu Abdullah^{-asws}, and Muhammad Bin Muslim from Abu Ja'far^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **'And do not be making Allah as obstacle to your oaths [2:224]**. He^{-asws} said: 'It means the man who swears an oath that he will not talk to his brother, and what resembles that, or he will not be talking to his mother'.³⁷

36- شي، تفسير العياشي عن أيوب قال سمعته يقول لا تخلفوا بالله صادقين ولا كاذبين فإن الله يقول - ولا تجعلوا الله عرضة لإيمانكم

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

'I heard him^{-asws} saying: 'Neither swear a truthful oath nor a false one, for Allah^{-azwj} Says: **'And do not be making Allah as obstacle to your oaths [2:224]**'.

قال إذا استعان رجل برجل على صلح بينه وبين رجل فلا يقول إن عليّ ميمناً ألا أفعل وهو قول الله ولا تجعلوا الله عرضة لإيمانكم أن تبرؤوا وتتقوا وتصلحوا بين الناس.

He^{-asws} said: 'When a man is assisted by a man upon reconciling between him and a man, he should not be saying, 'Upon me is an oath that I will not do it', and it is the Word of Allah^{-azwj}: **'And do not be making Allah as obstacle to your oaths if you are doing good; and be fearing and reconciling between the people [2:224]**'.³⁸

37- شي، تفسير العياشي عن أبي الصبّاح قال: سألت أبا عبد الله ع عن قوله - لا يؤاخذكم الله باللغو في إيمانكم قال هو لا والله وبلى والله ولا كلاً والله لا يعقد عليها أو لا يعقد على شيء.

Tafseer Al Ayyashi – From Abu Al Sabbah who said,

'I asked Abu Abdullah^{-asws} about His^{-azwj} Words: **'Allah will not Seize you for the vanities in your oaths [5:89]**. It is, 'No, by Allah^{-azwj}', and 'Yes, by Allah^{-azwj}', and 'Never, by Allah^{-azwj}'. Neither is he bound upon it, nor is he bound upon anything'.³⁹

38- شي، تفسير العياشي عن عبد الله بن سينان قال: سألت عن رجل قال امرأته طالق أو ماليكته أحرار إن شربته حراماً ولا حلالاً

Tafseer Al Ayyashi – From Abdullah Bin Sinan who said,

³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 34

³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 35

³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 36

³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 37

'I asked him^{-asws} about a man who says to his wife she is divorced, or his slave that he is free, if I drink something forbidden or lawful'.

فَقَالَ أَمَّا الْحُرَامُ فَلَا يَفْرُغُهُ حَلْفٌ أَوْ لَمْ يَخْلِفْ وَ أَمَّا الْحَلَالُ فَلَا يَتْرُكُهُ فَإِنَّهُ لَيْسَ لَهُ أَنْ يَحْرِمَ مَا أَحَلَّ اللَّهُ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ - يَا أَيُّهَا الَّذِينَ آمَنُوا - لَا تُحْرِمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ فَلَيْسَ عَلَيْهِ شَيْءٌ فِي يَمِينِهِ مِنَ الْحَلَالِ.

He^{-asws} said: 'As for the prohibited, he cannot go near it, whether he had sworn an oath or not, and as for the permissible, he cannot neglect it, for it is not for him to prohibit what Allah^{-azwj} has Permitted, because Allah^{-azwj} the Exalted Says: **O you who believe! Do not be prohibiting yourselves the good things what Allah has Permitted for you [5:87]**. Thus, there isn't anything upon him regarding his oath of the permissible.⁴⁰

39- شي، تفسير العياشي عن عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: قَوْلُ اللَّهِ تَعَالَى - لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّعْوِ فِي أَيْمَانِكُمْ قَالَ هُوَ قَوْلُ الرَّجُلِ لَا وَاللَّهِ بَلَى وَاللَّهُ وَ لَا يَعْقِدُ قَلْبُهُ عَلَى شَيْءٍ.

Tafseer Al Ayyashi – From Abdullah Bin Sinan,

From Abu Abdullah^{-asws} having said: 'Words of Allah^{-azwj} the Exalted: **Allah will not Seize you for the vanities in your oaths [5:89]**. He^{-asws} said: 'The words of a man, 'No, by Allah^{-azwj}', 'Yes, by Allah^{-azwj}', and his heart does not believe upon anything'.⁴¹

40- وَ فِي رِوَايَةِ أُخْرَى عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: وَ لَا يَعْقِدُ عَلَيْهَا.

And in another report from Muhammad Bin Muslim,

He^{-asws} said: 'And he is not bound upon it'.⁴²

41- شي، تفسير العياشي عن إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا الْحُسَيْنِ ع عَنْ إِطْعَامِ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتِهِمْ أَوْ إِطْعَامِ سِتِّينَ مَسْكِينًا أَمْ يُجْمَعُ ذَلِكَ

Tafseer Al Ayyashi – From Is'haq Bin Ammar who said,

'I asked Abu Al-Hassan^{-asws} about **feeding ten poor ones from the average of what you feed your families, or their clothing [5:89]**, or **he should feed sixty needy ones [58:4]**, 'Can he gather that?'

فَقَالَ لَا وَ لَكِنْ يُعْطَى إِنْسَانٌ إِنْسَانًا كَمَا قَالَ اللَّهُ

He^{-asws} said: 'No, but he should feed person by person just as Allah^{-azwj} has said'.

قَالَ قُلْتُ فَيُعْطَى الرَّجُلُ قَرَابَتَهُ إِذَا كَانُوا مُحْتَاجِينَ

⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 38

⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 39

⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 40

He (the narrator) said, 'I said, 'Can the man give to his relatives if they were needy?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

قُلْتُ فَيُعْطِيهَا إِذَا كَانُوا ضَعْفَاءَ مِنْ غَيْرِ أَهْلِ الْوِلَايَةِ

I said, 'Can he give it when they were weak ones, from other than the people of Wilayah?'

فَقَالَ نَعَمْ وَ أَهْلُ الْوِلَايَةِ أَحَبُّ إِلَيَّ.

He^{-asws} said: 'Yes, but the people of Wilayah are more beloved to me'.⁴³

42- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَخِيهِمَا قَالَ: فِي الْيَمِينِ فِي إِطْعَامِ عَشْرَةِ مَسَاكِينٍ أَلَا تَرَى أَنَّهُ يَقُولُ- مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرَ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامًا ثَلَاثَةَ أَيَّامٍ

Tafseer Al Ayyashi – From Muhammad Bin Muslim,

From one of the two (5th or 6th Imam^{-asws}) having said regarding the oath in **feeding ten poor ones from the average of what you feed your families, or their clothing, or freeing a neck. So the one who cannot find (the means), then Fasting for three days [5:89].**

فَلَعَلَّ أَهْلَكَ أَنْ يَكُونَ قُوَّتُهُمْ لِكُلِّ إِنْسَانٍ دُونَ الْمَدِّ وَ لَكِنْ يُحْسَبُ فِي طَبْخِهِ وَ مَائِهِ وَ عَجِينِهِ فَإِذَا هُوَ يَجْرِي لِكُلِّ إِنْسَانٍ مُدٌّ

Perhaps the daily food of your family for each person is less than a *Mudd*, but it is considered in what is cooked, its water, and its dough, so that it amounts to a *Mudd* for each person.

وَ أَمَّا كِسْوَتُهُمْ فَإِنْ وَاقَعَتْ بِهِ السَّنَاءُ فَكِسْوَتُهُ وَ إِنْ وَاقَعَتْ بِهِ الصَّيْفُ فَكِسْوَتُهُ لِكُلِّ مَسْكِينٍ إِزَارٌ وَ رِدَاءٌ وَ لِلْمَرْأَةِ مَا يُؤَارِي مَا يُجْرِمُ مِنْهَا إِزَارٌ وَ حِمَارٌ وَ دِرْعٌ وَ صَوْمٌ ثَلَاثَةَ أَيَّامٍ إِنْ شِئْتَ أَنْ تَصُومَ إِتْمَا الصَّوْمِ مِنْ جَسَدِكَ لَيْسَ مِنْ مَالِكَ وَ لَا غَيْرِهِ.

As for their clothing, if it coincides with winter, then its clothing is sufficient, and if it coincides with summer, then the clothing for each poor person is a waist cloth and a cloak, and for the woman is that which covers what must be concealed of her, a waist cloth, a scarf, and a waist coat. And fasting three days, if you wish to fast, the fasting is from your body, not from your wealth or anything else'.⁴⁴

43- شي، تفسير العياشي عن سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ- مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ فِي كَفَّارَةِ الْيَمِينِ

Tafseer Al Ayyashi – From Sama'at Bin Mihran,

⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 41

⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 42

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **from the average of what you feed your families, or their clothing [5:89]**, in expiation of the oath.

قَالَ مَا يَأْكُلُ أَهْلُ الْبَيْتِ لِشَبَعِهِمْ يَوْمَ وَكَانَ يُعْجِبُهُ مُدٌّ لِكُلِّ مَسْكِينٍ

He^{-asws} said: 'What the family members eat a day to satiate themselves, and what he is obligated is a *Mudd* for each needy one'.

قُلْتُ أَوْ كِسْوَتُهُمْ

I said, 'Or their clothing'.

قَالَ ثَوْبَيْنِ لِكُلِّ رَجُلٍ.

He^{-asws} said: 'Two garments for each man'.⁴⁵

44- شي، تفسير العياشي عن أبي بصير قال: سألت أبا جعفر ع عن قول الله - من أوسط ما تطعمون أهليكم قال فوط عيالكم و الفوط يومئذ مudd

Tafseer Al Ayyashi – From Abu Baseer who said,

'I asked Abu Ja'far^{-asws} about Words of Allah^{-azwj}: **from the average of what you feed your families, or their clothing [5:89]**. He^{-asws} said: 'Daily meal of your dependants, and on that day the daily meal was a *Mudd*'.

قُلْتُ أَوْ كِسْوَتُهُمْ

I said, '**or their clothing [5:89]**'.

قَالَ ثَوْبٌ.

He^{-asws} said: 'A garment'.⁴⁶

45- شي، تفسير العياشي عن إبراهيم بن عبد الحميد عن أبي إبراهيم ع قال: سألت عن إطعام عشرة مساكين أو ستين مسكيناً أ يجمع ذلك لإنسان واحد

Tafseer Al Ayyashi – From Ibrahim Bin Abdul Hameed,

From Abu Ibrahim (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws} about feeding ten needy ones, or sixty needy ones, 'Can one gather that for the one person?'

قَالَ لَا أُعْطِيهِ وَاحِداً وَاحِداً كَمَا قَالَ اللَّهُ

⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 43

⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 44

He^{-asws} said: 'No. Give it to one by one, just as Allah^{-azwj} has Said'.

قَالَ قُلْتُ أَلَيْسَ فَيُعْطِيهِ الرَّجُلُ قَرَابَتَهُ

He (the narrator) said, 'I said, 'Can a man give it to his relatives?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

قَالَ قُلْتُ فَيُعْطِيهِ الضُّعَفَاءُ مِنَ النِّسَاءِ مِنْ غَيْرِ أَهْلِ الْوِلَايَةِ

He (the narrator) said, 'I said, 'Can he give it to the weak ones from the women, from other than the people of Wilayah?'

قَالَ أَهْلُ الْوِلَايَةِ أَحَبُّ إِلَيَّ.

He^{-asws} said: 'The people of Wilayah are more beloved to me^{-asws}'.⁴⁷

46- شي، تفسير العياشي عن ابن سنان عن أبي عبد الله ع قال: في كفارة اليمين تُعْطَى كُلَّ مُسْكِينٍ مُدًّا عَلَى قَدْرِ مَا تَعَوْتُ إِنْسَانًا مِنْ أَهْلِكَ فِي كُلِّ يَوْمٍ

Tafseer Al Ayyashi – From Ibn Sinan,

From Abu Abdullah^{-asws} having said regarding expiation of the oath: 'Each needy one should be given a *Mudd* in accordance to what a person from his family has a meal during every day'.

وَ قَالَ مُدٌّ مِنْ حِنْطَةٍ يَكُونُ فِيهِ طَخْنُهُ وَ حَطْبُهُ عَلَى كُلِّ مُسْكِينٍ أَوْ كِسْوَتُهُمْ ثَوْبَيْنِ.

And he^{-asws} said: 'A *Mudd* of wheat, including its grinding and firewood (for cooking) to each needy one, or clothe them two garments (each)'.⁴⁸

47- وَ فِي رِوَايَةٍ أُخْرَى عَنْهُ ع ثَوْبَيْنِ لِكُلِّ رَجُلٍ وَ الرَّقَبَةُ تُعْتَقُ مِنَ الْمُسْتَضْعَفِينَ فِي الَّذِي يَجِبُ عَلَيْكَ فِيهِ رَقَبَةٌ.

And in another report from him^{-asws}: 'Two garments for each man, and the liberation of a neck from the weak ones in which obligates a liberation upon you'.⁴⁹

48- شي، تفسير العياشي عن زرارة عن أبي عبد الله ع قال: فِي كَفَّارَةِ الْيَمِينِ عَتَقُ رَقَبَةٍ أَوْ إِطْعَامُ عَشْرَةِ مَسَاكِينٍ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ وَ الْإِدَامِ الْوَسْطُ الْحَلُّ وَ الرَّيْتُ وَ أَرْفَعُهُ الْحَبْرُ وَ اللَّحْمُ وَ الصَّدَقَةُ مُدٌّ لِكُلِّ مُسْكِينٍ وَ الْكِسْوَةُ ثَوْبَانِ

Tafseer Al Ayyashi – From Zurarah,

⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 45

⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 46

⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 47

From Abu Abdullah^{-asws} having said: ‘Regarding expiation of the oath is liberation of a neck, **feeding ten poor ones from the average of what you feed your families, or their clothing, [5:89]**, and the average condiment is the vinegar and the oil, and its higher is the bread and the meat, and the charity is a *Mudd*, by *Mudd* for each needy one, and the clothing is of two garments.

فَمَنْ لَمْ يَجِدْ فَعَلَيْهِ الصِّيَامُ يَقُولُ اللَّهُ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ وَ يَصُومُهُنَّ مُتَتَابِعَاتٍ وَ يَجُوزُ فِي عَتَقِ الْكَفَّارَةِ الْمَوْلُودُ وَ لَا يَجُوزُ فِي عَتَقِ الْقَتْلِ إِلَّا مُقَرَّةً بِالتَّوْحِيدِ.

The one who cannot find, upon him is the fasting. Allah^{-azwj} Says: **So the one who cannot find (the means), then Fasting for three days [5:89]**, and they would be fasting these consecutively, and the new-born suffices as expiation in liberation, and it is not allowed in liberation for the murder except an acknowledger of the *Tawheed*'.⁵⁰

49- شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع في كفارة اليمين يُطْعَمُ عَشْرَةَ مَسَاكِينَ لِكُلِّ مَسْكِينٍ مِدٌّ مِنْ حِنْطَةٍ وَ مِدٌّ مِنْ دَقِيقٍ وَ حَفْنَةً أَوْ كِسْوَتَهُمْ لِكُلِّ إِنْسَانٍ ثَوْبَانِ أَوْ عَتَقَ رَقَبَةً وَ هُوَ فِي ذَلِكَ بِالْحَيَارِ أَيُّ الثَّلَاثَةِ شَاءَ صَنَعَ فَإِنْ لَمْ يَقْدِرْ عَلَى وَاحِدَةٍ مِنَ الثَّلَاثِ فَالصِّيَامُ عَلَيْهِ وَاجِبٌ صِيَامُ ثَلَاثَةِ أَيَّامٍ.

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws} regarding expiation of the oath: ‘Feed ten needy ones, for each needy one a *Mudd* of wheat, and a *Mudd* of flour, and a handful, or clothe them two garments for every person, or liberation of a neck; and he is with the choice in that, i.e. the three (options). He does whatever he likes. If he is not able upon one of the three, then the fasting is obligated upon him, fasting of three days’.⁵¹

50- شي، تفسير العياشي عن أبي حمزة عن أبي جعفر ع قَالَ سَمِعْتُهُ يَقُولُ إِنَّ اللَّهَ فَوَّضَ إِلَى النَّاسِ فِي كَفَّارَةِ الْيَمِينِ كَمَا فَوَّضَ إِلَى الْإِمَامِ فِي الْمَحَارِمِ أَنْ يَصْنَعَ مَا شَاءَ

Tafseer Al Ayyashi – From Abu Hamza,

From Abu Ja’far^{-asws}, he (the narrator) said, ‘I heard him^{-asws} saying: ‘Allah^{-azwj} has Delegated (given discretion) to the people regarding expiation of the oath just as He^{-azwj} has Delegated (given discretion) to the Imam^{-asws} regarding the sacred matters, that he^{-asws} can do whatever he^{-asws} likes’.

وَ قَالَ كُلُّ شَيْءٍ فِي الْقُرْآنِ «أَوْ» فَصَاحِبُهُ فِيهِ بِالْحَيَارِ.

And he^{-asws} said: ‘All things are in the Quran, or its owner (performer) is with the choice’.⁵²

⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 48

⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 49

⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 50

51 شي، تفسير العياشي عن الزهري عن علي بن الحسين ع قال: صِيَامُ ثَلَاثَةِ أَيَّامٍ فِي كَفَّارَةِ الْيَمِينِ وَاجِبٌ لِمَنْ لَمْ يَجِدِ الْإِطْعَامَ قَالَ اللَّهُ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ذَلِكَ كَفَّارَةُ أَمَانِكُمْ إِذَا حَلَفْتُمْ كُلُّ ذَلِكَ مُتَتَابِعٌ لَيْسَ يَتَفَرَّقُ.

Tafseer Al Ayyashi – From Al Zuhry,

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'Fasting three days in expiation of the oath is obligatory for the one who cannot find the feeding. Allah^{-azwj} Says: **then Fasting for three days. That is an expiation of your oaths when you swear [5:89]**. All that is consecutive, not separately'.⁵³

52 شي، تفسير العياشي عن إسحاق بن عمارة عن أبي عبد الله ع قال: سُئِلَ عَنْ كَفَّارَةِ الْيَمِينِ فِي قَوْلِ اللَّهِ - فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ مَا حُدِّ مِنْ لَمْ يَجِدْ فَهَذَا الرَّجُلُ يَسْأَلُ فِي كَفِّهِ وَ هُوَ يَجِدُ

Tafseer Al Ayyashi – From Is'haq Bin Ammar,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked about expiation of the oath regarding the Words of Allah^{-azwj}: **So, the one who cannot find (the means), then Fasting for three days [5:89]**, 'What is the limit of the one who cannot find (the means)? This man begs with his hands, and he does find!'

فَقَالَ إِذَا لَمْ يَكُنْ عِنْدَهُ فَضْلٌ يَوْمَهُ عَنْ قَوْلِ عِيَالِهِ فَهُوَ لَا يَجِدُ

He^{-asws} said: 'When there does not happen to be in his possession the extra of his day of the daily meal of his dependants, he is the one who cannot find'.

وَ قَالَ الصِّيَامُ ثَلَاثَةِ أَيَّامٍ لَا يُفَرَّقُ بَيْنَهُنَّ.

And he^{-asws} said: 'The fasting of three days, there should be no separation between these'.⁵⁴

53 شي، تفسير العياشي عن أبي خالد القمّاط أنه سمع أبا عبد الله ع يقول في كَفَّارَةِ الْيَمِينِ مَنْ كَانَ لَهُ مَا يُطْعَمُ فَلَيْسَ لَهُ أَنْ يَصُومَ أَطْعَمَ عَشْرَةَ مَسَاكِينَ مُدًّا مُدًّا فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ أَوْ عَنَقُ رَقَبَةٍ أَوْ كِسْوَةٌ أَوْ الْكِسْوَةُ ثَوْبَانِ أَوْ إِطْعَامُ عَشْرَةِ مَسَاكِينَ أَيْ ذَلِكَ فَعَلَّ أَجْرًا عَنْهُ.

Tafseer Ayyashi –

From Abu Khalid Al-Qammat, he heard Abu Abdullah^{-asws} saying regarding expiation of the oath: 'One who has for him what he can feed with, it isn't for him to fast. He should feed ten needy ones, a *Mudd* by a *Mudd*. If he cannot find, then he should fast three days, or liberate a neck, or clothe, and the clothing is with two garments, or feeding ten needy ones. Whichever of that he does, it will suffice him from it'.⁵⁵

54 شي، تفسير العياشي عن أبي حمزة عن أبي عبد الله ع و قال: فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ مُتَوَالِيَاتٍ وَ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مُدًّا مُدًّا.

⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 51

⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 52

⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 53

Tafseer Al Ayyashi – Ali Bin Abu Hamza,

From Abu Abdullah^{-asws}, and he^{-asws} said: 'If he cannot find (the means to feed), he should fast three days consecutively, and feeding is of ten needy ones, *Mudd, a Mudd*'.⁵⁶

55 شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع قال: صيام ثلاثة أيام في كفارة اليمين متتابعات - لا يفصل بينهما

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah^{-asws} having said: 'Fasting three days regarding an expiation of the oath, is consecutive, there being no gap between these'.

قال وقال كل صيام يفرق إلا صيام ثلاثة أيام في كفارة اليمين فإن الله عز وجل يقول - فصيام ثلاثة أيام متتابعات.

He (the narrator) said, 'And he^{-asws} said: 'Every fast can be separate except fasting of three days regarding expiation of the oath, for Allah^{-azwj} Mighty and Majestic Says: **then Fasting for three days [5:89], consecutive**'.⁵⁷

56 شي، تفسير العياشي يوسف بن السُّحُب قال: اشتكى المتوكل شكاً شديداً فنذر لله إن شفاؤه الله يصدق بمال كثير فوعى من علبته فسأل أصحابه عن ذلك فأعلموه أن أباه تصدق بيمينه ألف ألف درهم وإني أراه تصدق بخمسة ألف ألف درهم فاستكثر ذلك

Tafseer Al Ayyashi – Yusuf Bin Al Sukhti said,

'Al-Mutawakkil (the caliph) had a health complaint of severe illness. He vowed to Allah^{-azwj} that if Allah^{-azwj} Grants him well-being, he will donate a lot of money. He recovered from his illness. He asked his companions about that. I informed him that his father had donated a million Dirhams, and I viewed that he should donate five million Dirhams. He considered that as being too much.

فقال أبو يحيى بن أبي منصور المنجم لو كتبت إلى ابن عمك يعني أبا الحسن ع فأمر أن يكتب له فيسأله فكتب إليه

Abu Yahya Bin Abu Mansour the astrologer said, 'If you could write to the son^{-asws} of your uncle^{-asws}, meaning Abu Al Hassan^{-asws}', and he instructed that he writes to him^{-asws}. He wrote to him^{-asws}.

فكتب أبو الحسن ع تصدق بثمانين درهماً

Abu Al-Hassan^{-asws} wrote: 'Donate eighty Dirhams'.

قالوا هذا غلط سلوه من أين قال هذا

They said, 'This is wrong! Ask him^{-asws}, from where he^{-asws} has said this!'

⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 54

⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 55

فَكَتَبَ قَالَ اللَّهُ لِرَسُولِهِ- لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَ الْمَوَاطِنُ الَّتِي نَصَرَ اللَّهُ رَسُولَهُ ص فِيهَا ثَمَانُونَ مَوْطِنًا فثمانين [فَتَمَّانُونَ] دِرْهَمًا مِنْ جَلِّهِ مَالٌ كَثِيرٌ.

He^{-asws} wrote: ‘Allah^{-azwj} Said to His^{-azwj} Rasool^{-saww}: **Allah has Helped you in many places [9:25]**, and the places in which Allah^{-azwj} had Helped His^{-azwj} Rasool^{-saww} were eighty places. Thus, eighty Dirhams from his lawful wealth is ‘many’.⁵⁸

57 شي، تفسير العياشي عَنْ إِسْمَاعِيلَ بْنِ أَبِي زَيْدٍ السَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ ع أَنَّ عَلِيًّا ع قَالَ: فِي رَجُلٍ نَذَرَ أَنْ يَصُومَ زَمَانًا قَالَ الرَّمَّانُ خَمْسَةَ أَشْهُرٍ وَ الْحَيْنُ سِتَّةَ أَشْهُرٍ لِأَنَّ اللَّهَ يَقُولُ تُوْفِي أَكْلَهَا كُلَّ حَيْنٍ.

Tafseer Al Ayyashi – From Ismail Bin Abu Ziyad Al Sakuni,

From Ja’far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}: ‘Ali^{-asws} said regarding a man who had vowed that he would fast for ‘a time’ (Zamana). He^{-asws} said: ‘The ‘time’ (Zamana) is of five months, and the season (Al Heen) is of six months, because Allah^{-azwj} Says: **Yielding its fruit in every season [14:25]**’.⁵⁹

58 شي، تفسير العياشي عَنِ الْحَلِيِّ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنْ رَجُلٍ جَعَلَ لِلَّهِ عَلَيْهِ صَوْمًا حِينًا فِي شُكْرِ

Tafseer Al Ayyashi – From Al Halby who said,

‘Abu Abdullah^{-asws} was asked about a man who made for Allah^{-azwj} upon him to fast for a season in appreciation’.

قَالَ فَقَالَ قَدْ سُئِلَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع عَنْ هَذَا فَقَالَ فَلَبِصُمْ سِتَّةَ أَشْهُرٍ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ- تُوْفِي أَكْلَهَا كُلَّ حَيْنٍ وَ الْحَيْنُ سِتَّةَ أَشْهُرٍ.

He (the narrator) said, ‘He^{-asws} said: Ali^{-asws} Bin Abu Talib^{-asws} was asked about this. He^{-asws} said: ‘Let him fast for six months. Allah^{-azwj} Mighty and Majestic Said: **Yielding its fruit in every season [14:25]**, and the ‘season’ (Heen) is six months’.⁶⁰

59 شي، تفسير العياشي عَنْ خَالِدِ بْنِ جَرِيرٍ قَالَ: سُئِلَ أَبُو عَبْدِ اللَّهِ ع عَنْ رَجُلٍ قَالَ لِلَّهِ عَلَيَّ أَنْ أَصُومَ حِينًا وَ ذَلِكَ فِي شُكْرِ فَقَالَ أَبُو عَبْدِ اللَّهِ ع قَدْ أَتَى عَلِيًّا مِثْلُ هَذَا فَقَالَ صُمْ سِتَّةَ أَشْهُرٍ فَإِنَّ اللَّهَ يَقُولُ- تُوْفِي أَكْلَهَا كُلَّ حَيْنٍ يَعْنِي سِتَّةَ أَشْهُرٍ.

Tafseer Al Ayyashi – From Khalid Bin Jareer who said,

‘Abu Abdullah^{-asws} was asked about a man who said, ‘For Allah^{-azwj} upon me is to fast for a season’, and that is in appreciation. Abu Abdullah^{-asws} said: ‘Ali^{-asws} was brought (a case) similar to this. He^{-asws} said: ‘Fast for six months. Allah^{-azwj} Says: **Yielding its fruit in every season [14:25]** – meaning six months’.⁶¹

⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 56

⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 57

⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 58

⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 59

60 شي، تفسير العياشي عن عبد الله بن ميمون عن أبي عبد الله عن أبيه عن علي بن أبي طالب صلوات الله عليهم قال: إذا حلف الرجل بالله فله ثلثين إلى أربعين يوماً وذلك أن قوماً من اليهود سألوا النبي ص عن شيء فقال القوي غداً ولم يستثن حتى أحرركم

Tafseer Al Ayyashi – From Abdullah Bin Maymoun,

From Abu Abdullah^{asws}, from his^{asws} father^{asws}, from Ali^{asws} Bin Abu Talib^{asws}, may the Salawaat of Allah^{azwj} be upon them^{asws}, said: ‘When the man swears an oath with Allah^{azwj} for him is the time up to forty days, and that is because a group of Jews asked the Prophet^{sawww} about something. He^{sawww} said: ‘Meet me tomorrow until I^{sawww} inform you’ and did not make an exclusion (if Allah^{azwj} so Desires).

فاستثنى عنه جبرئيل ع أربعين يوماً ثم أتاه وقال لا تقولن لشيء إني فاعل ذلك غداً إلا أن يشاء الله وادكرك ربك إذا نسيت.

Jibraeel^{as} withheld from him^{sawww} for forty days. Then he^{as} came to him^{sawww} and said: **And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’; and mention your Lord when you forget [18:24]**.⁶²-Derogatory

61 شي، تفسير العياشي عن أبي حمزة عن أبي جعفر ع ذكر أن آدم لما أسكنه الله الجنة فقال له يا آدم لا تقرب هذه الشجرة

Tafseer Al Ayyashi – From Abu Hamza,

From Abu Ja’far^{asws} having mentioned that when Allah^{azwj} Settled Adam^{as} into the Paradise, Said to him^{as}: “O Adam^{as}! Do not go near this tree!”

فقال نعم يا رب ولم يستثن فأمر الله نبيه فقال ولا تقولن لشيء إني فاعل ذلك غداً إلا أن يشاء الله وادكرك ربك إذا نسيت أن تقول ولو بعد سنة.

He^{as} said: ‘Yes, O Lord^{azwj}!’, and he^{as} did not make an exclusion (if Allah^{azwj} so Desires). So, Allah^{azwj} Commanded His^{azwj} Prophet^{sawww}. He^{azwj} Said: **And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’; and mention your Lord when you forget [18:24]**, saying it, and even if after a year’.⁶³

62 شي، تفسير العياشي في رواية عبد الله بن ميمون عن أبي عبد الله ع في قوله ولا تقولن لشيء إني فاعل ذلك غداً إلا أن يشاء الله وادكرك ربك إذا نسيت أن تقول إلا من بعد الأربعين فللعبد الاستثناء في اليمين ما بينه وبين أربعين يوماً إذا نسيت.

Tafseer Al Ayyashi – In a report by Abdullah Bin Maymoun,

From Abu Abdullah^{asws} regarding His^{azwj} Words: **And you should not be saying for a thing, ‘I will do that tomorrow’ [18:23] Except, (with) ‘If Allah so Desires’; and mention your Lord when you forget [18:24]** to say, except from after forty (days). It is for the servant that he makes the exclusion, (if Allah^{azwj} so Desires) in the oath, what is between it and forty days when he forgets’.⁶⁴

⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 60

⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 61

⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 62

63 شي، تفسير العياشي عن سَلام بن المُستنير عن أبي جعفر ع قال: قال الله- وَ لا تُفَوِّقَنَّ لِشَيْءٍ إِيَّايَ فَاعِلٌ ذَلِكَ عَدَاً إِلَّا أَنْ يَشَاءَ اللهُ أَلَا أَفْعَلُهُ فَتَسْبِقُ مَشِيئَةَ اللهِ فِيَّ أَلَا أَفْعَلُهُ فَلَا أَقْدِرُ عَلَى أَنْ أَفْعَلُهُ

Tafseer Al Ayyashi – From Sallam Bin Al Mustaneer,

From Abu Ja'far^{-asws} having said: '**And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires' [18:24].** 'Indeed I will do it, but if the Desire of Allah^{-azwj} Precedes me for me not to do it, I will not be able upon doing it'.

قَالَ فَلِذَلِكَ قَالَ اللهُ- وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ أَيَّ اسْتَشْتِ مَشِيئَةَ اللهِ فِي فِعْلِكَ.

He^{-asws} said: 'For that reason Allah^{-azwj} Said: **and mention your Lord when you forget [18:24]** – I.e., exclusion is the Desire of Allah^{-azwj} in your actions'.⁶⁵

64 شي، تفسير العياشي عن زُرارة وَ مُحَمَّد بنِ مُسْلِمٍ عن أبي جعفر وَ أَبِي عَبْدِ اللهِ ع فِي قَوْلِ اللهِ وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ قَالَ إِذَا حَلَفَ الرَّجُلُ فَتَسْبِي أَنْ يَسْتَنْتِي فَلَيْسَتْ إِذَا ذَكَرَ.

Tafseer Al Ayyashi - From Zurara and Muhammad Bin Muslim,

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24].** He^{-asws} said: 'When a man swears an oath, so he forgets to make the exclusion (if Allah^{-azwj} so Desires), let him do so when he remembers'.⁶⁶

65 قَالَ حَمْرَةُ بنُ حُمْرَانَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللهِ ع عَنْ قَوْلِ اللهِ عَزَّ وَ جَلَّ- وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ فَقَالَ أَنْ تَسْتَنْتِي ثُمَّ ذَكَرْتَ بَعْدَ فَاسْتَنْتِي حِينَ تَذْكُرُ.

Hamza Bin Humran who said,

'I asked Abu Abdullah^{-asws} about Words of Allah^{-azwj} Mighty and Majestic: **and mention your Lord when you forget [18:24].** He^{-asws} said: '(Forgetting to) make the exclusion (if Allah^{-azwj} so Desires), then you remember afterwards, then make the exclusion when you remember'.⁶⁷

66 شي، تفسير العياشي عن عَبْدِ اللهِ بنِ سُلَيْمَانَ عن أبي عَبْدِ اللهِ ع فِي قَوْلِ اللهِ وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ قَالَ هُوَ الرَّجُلُ يَخْلِفُ فَيُنْسِي أَنْ يَقُولَ إِنَّ شَاءَ اللهُ فَلَيْسَتْ إِذَا ذَكَرَ.

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Suleyman,

From Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24].** He^{-asws} said: 'He is the man who swears an oath, so he forgets to say, 'If Allah^{-azwj} so Desires'. Let him say it when he remembers'.⁶⁸

⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 63

⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 64

⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 65

⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 66

67 شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع قال: سألتُهُ عن قول الله - و لا تقولن لشيء إني فاعل ذلك عدداً إلا أن يشاء الله قال هو الرجل يجلف على الشيء و ينسى أن يستثني فيقولن لأفعلن كذا و كذا عدداً أو بعد غدٍ عن قولهِ و اذكر ربك إذا نسيت.

Tafseer Al Ayyashi – From Abu Baseer,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **'And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires' [18:24].** He^{-asws} said: 'He is the man who swears an oath upon something, and he forgets to make an exclusion (if Allah^{-azwj} so Desires) so he says, 'I will do such and such tomorrow or after tomorrow' – about His^{-azwj} Words: **and mention your Lord when you forget [18:24]**'.⁶⁹

68 شي، تفسير العياشي عن حمزة بن حمزان قال: سألتُهُ عن قول الله و اذكر ربك إذا نسيت قال إذا حلفت ناسياً ثم ذكرت بعد فاستثني حين تذكر.

Tafseer Al Ayyashi – From Hamza Bin Humran who said,

'I asked him^{-asws} about Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24].** He^{-asws} said: 'When you swear an oath (and) forget (to make the exclusion - if Allah^{-azwj} so Desires), then you remember afterwards, then make the exclusion when you remember'.⁷⁰

69 شي، تفسير العياشي عن الفداح عن جعفر بن محمد عن أبيه عن علي ع قال: الاستثناء في اليمين متى ما ذكر و إن كان بعد أربعين صباحاً ثم تلا هذه الآية - و اذكر ربك إذا نسيت.

Tafseer Al Ayyashi – From Al Qaddah,

From Ja'far^{-asws} Bin Muhammad^{-asws}, from his^{-asws} father^{-asws}, from Ali^{-asws} having said: 'The exclusion (if Allah^{-azwj} so Desires) in the oath is whenever one remembers, and even if it was after forty mornings'. Then he^{-asws} recited this Verse: **and mention your Lord when you forget [18:24]**'.⁷¹

70 قب، المناقب لابن شهر آشوب أبو علي بن راشد و غيره قال: كتبت عصابة الشيعة إلى موسى بن جعفر ع ما يقول العالم في رجل قال نذرت لله لأعتق كل مملوك كان في رقي قديماً و كان له جماعة من العبيد

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Abu Ali Bin Rashid and others said,

'A group of Shias wrote to Musa^{-asws} Bin Ja'far^{-asws} what the scholar (Imam^{-asws}) says regarding a man says, 'I vowed to Allah^{-azwj} I will free every slave who was in my servitude anciently', and there was a group of slaves for him.

الجواب بخطه ليعتق من كان في ملكه من قبل سنة أشهر و الدليل على صحة ذلك قوله تعالى - و القمر قدرناه منازل الآية و الحديث من ليس له سنة أشهر

⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 67

⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 68

⁷¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 69

The reply in his^{-asws} handwriting was: ‘Let him liberate the one who was in his ownership for more than six months, and the evidence upon correctness of that are Words of the Exalted: **And the moon, We Measure stages for it until it returns to be like the old palm branch [36:39]** – the Verse; and the new one is, one who hasn’t six months for him (in servitude).

وَكُتِبُوا مَا يَقُولُ الْعَالَمُ فِي رَجُلٍ قَالَ وَ اللَّهُ لَأَتَصَدَّقَنَّ بِمَالٍ كَثِيرٍ فِيمَا يَتَّصَدَّقُ

And they wrote, ‘What does the Scholar (Imam^{-asws}) say regarding a man who said, ‘By Allah^{-azwj} I shall donate a lot of wealth!’ what should he donate?’

الْجَوَابُ تَحْتَهُ بِحُطَّهِ إِنْ كَانَ الَّذِي حَلَفَ أَرْبَابَ شَيْءٍ فَلْيَتَّصَدَّقْ بِأَرْبَعٍ وَ ثَمَانِينَ شَاةً وَ إِنْ كَانَ مِنْ أَصْحَابِ النَّعَمِ فَلْيَتَّصَدَّقْ بِأَرْبَعٍ وَ ثَمَانِينَ بَعِيرًا وَ إِنْ كَانَ مِنْ أَرْبَابِ الدَّرَاهِمِ فَلْيَتَّصَدَّقْ بِأَرْبَعٍ وَ ثَمَانِينَ دِرْهَمًا وَ الدَّلِيلُ عَلَيْهِ قَوْلُهُ تَعَالَى - لَعَدَّ نَصْرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ فَعَدَّدْتُ مَوَاطِنَ رَسُولِ اللَّهِ ص قَبْلَ نُزُولِ تِلْكَ الْآيَةِ فَكَانَتْ أَرْبَعَةً وَ ثَمَانِينَ مَوْطِنًا.

The answer beneath it in his^{-asws} handwriting: ‘If the one who swore the oath was an owner of sheep, let him donate eighty-four sheep, and if he was an owner of camels, let him donate eight-four camels, and if he was an owner of Dirhams, let him donate eighty-four Dirhams; and the evidence upon it are Words of the Exalted: **Allah has Helped you in many places [9:25]**. I^{-asws} counted places of Rasool-Allah^{-sawww} before the Revelation of that Verse, these were eighty-four places’.⁷²

أقول: تمامه في أبواب معجزات الكاظم ع.

I (Majlisi) say, ‘Its complete version is in the chapters on miracles of Al-Kazim^{-asws}’.

71. كتاب حسين بن سعيد و النوادر حماد بن عيسى عن عبد الله بن ميمون قال سمعت أبا عبد الله عليه السلام يقول للعبد أن يستغني عما بينه وبين أربعين يوماً إذا نسيت.

From the book of Haseen Bin Saeed, and ‘Al Nawadir’— Hammad Bin Isa, from Abdullah Bin Maymoun who said,

‘I heard Abu Abdullah^{-asws}, may the greeting be upon him^{-asws}, saying: ‘For the servant is that he should make an exclusion (if Allah^{-azwj} so Desires) what is between it and forty days when he forgets.

إِنَّ رَسُولَ اللَّهِ ص أَنَاهُ أَنَا مِنْ الْيَهُودِ فَسَأَلُوهُ عَنْ أَشْيَاءَ فَعَالَ لَهُمْ تَعَالَوْا عِدَاً أَعْبَدِكُمْ وَ أَمْ يَدِينُنَّ

Some people from the Jews came to Rasool-Allah^{-sawww}. They asked him^{-sawww} about issues. He^{-sawww} said to them: ‘Come tomorrow! I^{-sawww} will narrate to you all’, and he did not make the exclusion (if Allah^{-azwj} so Desires).

فَأَخْبَسَ حَبْرِيْلُ أَرْبَعِينَ يَوْماً ثُمَّ أَنَاهُ فَعَالَ لَا تَعْمَلَنَّ لِي شَيْءٍ إِيَّيَّ فَاعِلٌ ذَلِكَ عِدَاً إِلَّا أَنْ يَشَاءَ اللَّهُ وَ ادُّكْرَ رَجُلٌ إِذَا نَسِيَتْ.

⁷² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 70

So Jibraeel^{as} was withheld for forty days. Then he^{as} came to him^{saww}. He^{as} said: **'And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires'; and mention your Lord when you forget [18:24]'**.⁷³-Derogatory

72 ين، كتاب حسين بن سعيد و النوادر عن الحسن بن القلانيسي عن أبي عبد الله ع يميل ذلك و قال للعبد أن يستثني في اليمين ما بينه و بين أربعين يوماً إذا نسي.

(The book) 'Haseen Bin Saeed, and 'Al Nawadir' – From Al Husayn Al Qalanisy,

From Abu Abdullah^{asws} similar to that, and he^{asws} said: 'For the servant is that he should make the exclusion (if Allah^{azwj} so Desires) in the oat, what is between it and forty days when he forgets'.⁷⁴

73 ين، كتاب حسين بن سعيد و النوادر عن أبي جعفر الأختول عن سلام بن المستنير عن أبي جعفر ع في قوله لقد عهدنا إلى آدم من قبل فَنَسِيَ وَ لَمْ يَجِدْ لَهُ عَزْماً قَالَ إِنَّ اللَّهَ لَمَّا قَالَ لِآدَمِ ادْخُلِ الْجَنَّةَ قَالَ لَهُ يَا آدَمُ لَا تَقْرُبْ هَذِهِ الشَّجَرَةَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Abu Ja'far Al Ahowl, from Sallam Bin Al Mustaneer,

From Abu Ja'far^{asws} regarding His^{azwj} Words: **And We had Covenanted to Adam before, but he forgot, and We did not find for him having determination [20:115]**. He^{asws} said: 'When Allah^{azwj} Said to Adam^{as}: "Enter the Paradise!", Said to him^{as}: "Do not go near this tree!'

قَالَ فَأَرَاهُ إِيَّهَا فَقَالَ آدَمُ لِرَبِّهِ كَيْفَ أَقْرَبُهَا وَ قَدْ هَمَيْتَنِي عَنْهَا أَنَا وَ زَوْجَتِي

He^{asws} said: 'He^{azwj} Showed it to him^{as}. Adam^{as} said to his^{as} Lord^{azwj}, 'How can I^{as} go near it and You^{azwj} has Forbidden me^{as} and my^{as} wife?'

قَالَ فَقَالَ هُمَا لَا تَقْرَبَاهَا يَعْنِي لَا تَأْكُلَا مِنْهَا

He^{asws} said: 'He^{azwj} Said to them^{as} both: "Do not go near it!", meaning do not eat from it.

فَقَالَ آدَمُ وَ زَوْجَتُهُ نَعَمْ يَا رَبَّنَا- لَا نَقْرُبُهَا وَ لَا نَأْكُلُ مِنْهَا وَ لَمْ يَسْتَثْنِيَا فِي قَوْلِهِمَا نَعَمْ فَوَكَّلَهُمَا اللَّهُ فِي ذَلِكَ إِلَى أَنْفُسِهِمَا وَ إِلَى ذِكْرِهِمَا

Adam^{as} and his^{as} wife said: 'Yes, O our Lord^{azwj}! We will neither go near it nor eat from it', and they did not make the exclusion in their^{as} word: 'Yes'. So, during that, Allah^{azwj} Allocated them^{as} to themselves and to their remembrance'.

قَالَ وَ قَدْ قَالَ اللَّهُ لِنَبِيِّ فِي الْكِتَابِ- لَا تَقُولَنَّ لِبَشِيءٍ إِنِّي فَاعِلٌ ذَلِكَ غَدًا إِلَّا أَنْ يَشَاءَ اللَّهُ أَنْ لَا أَفْعَلَهُ فَتَسْبِقَ مَشِيئَةَ اللَّهِ فِي أَنْ لَا أَفْعَلَهُ فَلَا أَقْدِرَ عَلَى أَنْ أَفْعَلَهُ فَلِذَلِكَ قَالَ اللَّهُ وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ أَيِ اسْتَثْنَى مَشِيئَةَ اللَّهِ فِي فِعْلِكَ.

He^{asws} said: 'And Allah^{azwj} Said to His^{azwj} Prophet^{saww} in the Book: **'And you should not be saying for a thing, 'I will do that tomorrow' [18:23] Except, (with) 'If Allah so Desires' [18:24]**, if I don't do it and the Desire of Allah^{azwj} precedes me that I don't do it, so I will not be able

⁷³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 71

⁷⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 72

upon doing it. For that reason, Allah^{-azwj} Said: **and mention your Lord when you forget [18:24]** – i.e., make the exclusion of the Desire of Allah^{-azwj} in your actions'.⁷⁵

74 ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ وَ اذْكُرْ رَبَّكَ إِذَا نَسِيتَ قَالَ إِذَا حَلَفَ الرَّجُلُ فَسَيَأْتِيهِ أَنْ يَسْتَتِيهِ فَلْيَسْتَتِيهِ إِذَا ذَكَرَ.

The book of Haseen Bin Saeed, and 'Al-Nawadir' – Muhammad Bin Muslim,

From Abu Ja'far^{-asws} and Abu Abdullah^{-asws} regarding Words of Allah^{-azwj}: **and mention your Lord when you forget [18:24]**. They^{-asws} said: 'When the man swears an oath, so he forgets to make the exclusion (if Allah^{-azwj} so Desires), let him do so when he remembers'.⁷⁶

75 وَ رَوَى لِي مُرَازِمٌ قَالَ: دَخَلَ أَبُو عَبْدِ اللَّهِ ع يَوْمًا إِلَى مَنْزِلِ زَيْدٍ وَ هُوَ يُرِيدُ الْعُمْرَةَ فَتَنَاوَلَ لَوْحًا فِيهِ كِتَابٌ لِعَمِّهِ فِيهِ أَرْزَاقُ الْعِيَالِ وَ مَا يَحْتَزُّهُمْ هُمْ قَائِدًا فِيهِ لِعُلَّانٍ وَ فُلَّانٍ وَ فُلَّانٍ وَ لَيْسَ فِيهِ اسْتِثْنَاءٌ

And it is reported to me by Murazim who said,

'One day Abu Abdullah^{-asws} entered to the house of Zayd and he intended the Umrah. He^{-asws} took a tablet wherein was a letter of his^{-asws} uncle. In it were provisions of the dependants and what was allotted for them. In it was, 'For so and so, and so and so, and so and so', and there wasn't any exclusion (if Allah^{-azwj} so Desires) in it.

فَقَالَ لَهُ مَنْ كَتَبَ هَذَا الْكِتَابَ وَ لَمْ يَسْتَتِيهِ فِيهِ كَيْفَ ظَنَّ أَنَّهُ يَتِمُّ

He^{-asws} said to him: 'Who wrote this letter and did not make an exclusion in it? How did he think that it would be completed?'

ثُمَّ دَعَا بِالِدَّوَاةِ فَقَالَ أَلْحِقْ فِيهِ فِي كُلِّ اسْمٍ إِنْ شَاءَ اللَّهُ.

Then he^{-asws} called for the inkwell. He^{-asws} said: 'Attach in it, in each name, 'If Allah^{-azwj} so Desires'!⁷⁷

76 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنِ الْبَطَّانِيِّ عَنِ أَبِي بَصِيرٍ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَوْ حَلَفَ الرَّجُلُ أَنْ لَا يَخُكَّ أَنْفَهُ بِالْحَائِطِ - لَا يَنْتَلَاهُ اللَّهُ حَتَّى يَخُكَّ أَنْفَهُ بِالْحَائِطِ وَ قَالَ لَوْ حَلَفَ الرَّجُلُ لَا يَنْطِخُ الْحَائِطَ بِرَأْسِهِ لَوَكَّلَ اللَّهُ بِهِ شَيْطَانًا حَتَّى يَنْطِخَ رَأْسَهُ بِالْحَائِطِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Al Batainy, from Abu Baseer,

From Abu Abdullah^{-asws} having said: 'If a man were to swear that he would not rub his nose against the wall, Allah^{-azwj} would Test him until he does rub his nose against the wall'. And he^{-asws} said: 'If a man were to swear that he would not strike the wall with his head, Allah^{-azwj} would Assign to him a Satan^{-la} until he does strike his head against the wall'.⁷⁸

⁷⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 73

⁷⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 74

⁷⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 75

⁷⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 76

77 ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ وَ فَضَالَةُ جَمِيعاً عَنِ الْعَلَاءِ عَنِ مُحَمَّدٍ عَنِ أَحَدِيهِمَا ع أَنَّهُ سُئِلَ عَنِ امْرَأَةٍ جَعَلَتْ مَالَهَا هَدِيًّا وَ كُلَّ مَمْلُوكٍ لَهَا حُرًّا إِنْ كَلَّمَتْ أُخْتَهَا أَبَدًا قَالَ تُكَلِّمُهَا وَ لَيْسَ هَذَا بِشَيْءٍ إِذَا هَذَا وَ أَشْبَاهُهُ مِنْ حُطُوتِ الشَّيْطَانِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Safwan and Fazalah, altogether from Al A’la, from Muhammad,

From one of the two (5th or 6th Imam^{-asws}), he^{-asws} was asked about a woman who made her wealth as a gift, and every slave of hers being free, if she talks to her sister, forever. He^{-asws} said: ‘She can talk to her and this isn’t anything. But rather, this and its like are from the footsteps of Satan^{-la’}.⁷⁹

78 ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ مَنْصُورِ بْنِ يُوسُفَ وَ عَلِيِّ وَ [بْنِ] إِسْمَاعِيلَ الْمِيبِيِّ عَنِ مَنْصُورِ بْنِ حَارِثٍ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا رِضَاعَ بَعْدَ فِطَامٍ وَ لَا وَصَالَ فِي صِبَاةٍ وَ لَا يُنْمَ بَعْدَ احْتِلَامٍ وَ لَا صَمْتٌ يَوْمَ إِلَى اللَّيْلِ وَ لَا تَعْرُبُ بَعْدَ الْهَجْرَةِ وَ لَا هَجْرَةٌ بَعْدَ الْفَتْحِ وَ لَا طَلَاقٌ قَبْلَ النِّكَاحِ وَ لَا عَتَقٌ قَبْلَ الْمَلِكِ وَ لَا يَمِينٌ لَوْلَدٍ مَعَ وَالِدِهِ وَ لَا لِمَمْلُوكٍ مَعَ مَوْلَاهُ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا نَذْرٌ فِي مَعْصِيَةٍ وَ لَا يَمِينٌ فِي قَطِيعَةٍ رَحِمٍ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ibn Abu Umeyr, and Muhammad Bin Ismail, from Mansour Bin Yunus, and Ali Bin Ismail Al Mayshami, from Mansour Bin Hazim,

From Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘There is no breast-feeding after weaning, nor connection in the fasting, nor orphanhood after puberty, nor silence a day to the night, nor Arabism after the emigration, nor emigration after the conquest (of Makkah), nor divorce before the marriage, nor liberation before ownership, nor an oath for a child with its parent, nor for a slave with his master, nor for the woman with her husband, nor any vow regarding an act of obedience, nor an oath in cutting off kinship’.⁸⁰

79 ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عَيْسَى عَنِ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ يَجْعَلُ عَلَيْهِ أَيْمَانًا أَنْ يَمْشِيَ إِلَى الْكَعْبَةِ أَوْ صَدَقَةً أَوْ عَتَقًا أَوْ نَذْرًا أَوْ هَدِيًّا [هَدِيًّا] إِنْ كَلَّمَ أَبَاهُ أَوْ أُمَّهُ أَوْ أَخَاهُ وَ [أَوْ] ذَا رَحِمٍ أَوْ قَطِيعَةَ قَرَابَةٍ أَوْ مَائِمًا [مَائِمًا] يُقِيمُ عَلَيْهِ أَوْ أَمْرًا [أَمْرًا] لَا يَصْلُحُ لَهُ فِعْلُهُ

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

‘I asked him^{-asws} about a man whom makes an oath upon himself that he will walk to the Kabah, or donate, or liberate (a slave), or vow, or a sacrificial offering if he talks to his father, or his mother, or his brother, or a relative, or cut off a relative, or a sin he still stand upon, or a matter not correct for him to do.

فَقَالَ كِتَابُ اللَّهِ قَبْلَ الْيَمِينِ وَ لَا يَمِينٌ فِي مَعْصِيَةِ اللَّهِ إِذَا الْيَمِينُ الْوَاجِبَةُ الَّتِي يَنْبَغِي لِصَاحِبِهَا أَنْ يَفِي بِهَا مَا جَعَلَ اللَّهُ عَلَيْهِ فِي الشُّكْرِ إِنْ هُوَ عَافَاهُ مِنْ مَرَضِهِ أَوْ عَافَاهُ مِنْ أَمْرٍ يَخَافُهُ أَوْ رَدَّهُ مِنْ سَفَرٍ أَوْ رَزَقَهُ رِزْقًا فَقَالَ لِلَّهِ عَلَيَّ كَذَا وَ كَذَا شُكْرًا

He^{-asws} said: ‘The Book of Allah^{-azwj} takes precedence over the oath, and there is no oath in disobedience to Allah^{-azwj}. The obligatory oath that a person must fulfil is what he makes upon himself as an act of gratitude to Allah^{-azwj}, such as if He^{-azwj} Heals him from illness, Protects

⁷⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 77

⁸⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 78

him from something he fears, Returns him safely from a journey, or provides him with sustenance, so he says, 'For Allah^{-azwj} upon me is such and such, in appreciation'.

فَهَذَا الْوَاجِبُ عَلَى صَاحِبِهِ يَتَّبَعِي لَهُ أَنْ يَفِي بِهِ.

This is the kind of oath that is binding on its maker, and he should fulfil it'.⁸¹

80 ين، كتاب حسين بن سعيد و النوادر صفوان بن يحيى وَ فَضَالَةُ بْنُ أَيُّوبَ عَنِ الْعَلَاءِ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ أَنَّ امْرَأَةً مِنْ آلِ مُحَمَّدٍ حَلَمَتْ عَلَى أُخْتِهَا أَوْ ذَاتِ قَرَابَةٍ لَهَا قَالَتْ اذْبَنِي يَا فَلَانَةُ فَكُلِّي مَعِي فَقَالَتْ لَا فَحَلَمْتُ عَلَيْهَا الْمَشْيَ إِلَى بَيْتِ اللَّهِ وَ عِنْتُ مَا تَمْلِكُ إِنْ لَمْ تَأْتِيَنِي فَتَأْكُلِينَ مَعِي إِنْ أَظَلَّهَا وَ إِيَّاهَا سَفُفُ بَيْتٍ أَوْ أَكَلْتُ مَعَكَ عَلَى خِوَانٍ أَبَدًا قَالَ فَقَالَتْ الْأُخْرَى مِثْلَ ذَلِكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya, and Fazala Bin Ayoub, from Al A'ala, from Muhammad Bin Muslim.

'A woman from the family of Mukhtar swore an oath upon her sister, or a relative of hers. She said, 'Come near me, O so and so, and eat with me!' She said, 'No'. So she swore upon it if she did not come to eat with her, then she would walk to the House of God and free whatever she owned. She added, 'If ever a roof should cover both me and you, or if I should ever eat with you at the same table!' Then the other woman swore the same oath.

فَحَمَلَتْ ابْنُ حَنْظَلَةَ إِلَى أَبِي جَعْفَرٍ ع مَقَالَتُهُمَا قَالَ أَنَا أَقْضِي فِي ذَا قُلْ لَهَا فَلْتَأْكُلْ وَ لِيُظَلَّهَا وَ إِيَّاهَا سَفُفُ بَيْتٍ وَ لَا تَمْشِي وَ لَا تُعِيْقُ وَ لَتُنْتَقِ اللَّهَ رَجْمًا وَ لَا تَعُودَنَّ إِلَى ذَلِكَ فَإِنَّ هَذَا مِنْ حُطُوبِ الشَّيْطَانِ.

Ibn Hanzala carried their words to Abu Ja'far^{-asws}. He^{-asws} said: 'I^{-asws} shall judge regarding that. Tell her, let her eat, and let her and her be shaded by the roof of a house, and she should neither walk nor liberate, and let her fear Allah^{-azwj} her Lord^{-azwj}, and she should not return to (doing) that, for this is from the footsteps of Satan^{-la'}.⁸²

81 ين، كتاب حسين بن سعيد و النوادر عنه عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى مَا هُوَ خَيْرٌ مِنْهَا فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ وَ لَهُ حَسَنَةٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him,

From Abu Abdullah^{-asws} having said: One who swears an oath, then he sees what is better than it, let him do that which is better, and for him would be a good deed'.⁸³

82 ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد بن محمد بن عثمان عن معاوية بن أبي الصباح قال: قلت لأبي الحسين زيدا أمي تصدقت علي بنصيب لها في دار فقلت لها إن الفضة لا يجيزون هذا و لكنني اكتنبت شري فقالت اصنع ما بدا لك و كل ما ترى أنه يسوع لك فتوثقت و أراد بغض الوزئة أن يستخلفني أي قد نقدتها التمن و لم أنفدتها شيئا فما ترى قال فأخلف له.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Hammad Bin Usman, from Muawiya Bin Abu Al Sabbah who said,

⁸¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 79

⁸² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 80

⁸³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 81

'I said to Abu Al-Husayn Zayd, 'My mother gave me as charity her share in a house. I said to her, 'The judges will not approve this, but write it as a sale!' She said, 'Do whatever you think best, and whatever you see as permissible for you'. So, I secured it. Then one of the heirs wanted to make me swear that I had paid her the price, though I had not paid her anything. What do you think? He said: 'Then swear to him'.⁸⁴ (Not a Hadeeth)

83 ين، كتاب حسين بن سعيد و النوادر عنه عن ابن بكير بن أعين قال: إن أخت عبد الله بن حمدان الممختار دخلت على أخت لها وهي مريضة فقالت لها أختها أفطري فأبت فقالت أختها جاريتي حرّة إن لم تُفطري إن كَلْمْتُكِ أبداً فقالت فجاريتي حرّة إن أفطرت فقالت الأخرى فعلى المشي إلى بيت الله و كل ما لي في المساكين إن لم تُفطري فقالت على مثل ذلك إن أفطرت

The book Haseen Bin Saeed, and 'Al Nawadir' – From him, from Ibn Bukeyr Bin Ayn who said,

'The sister of Abdullah Ibn Hamdan Al Mukhtar entered upon her sister who was ill. Her sister said to her, 'Break your fast', but she refused. So her sister said, 'My maid is free if you do not break your fast, and I will never speak to you again'. She replied, 'Then my maid is free if I do break my fast. The other then said, 'It is upon me to walk to the House of Allah-^{azwj}, and all my wealth is for the poor if you do not break your fast'. She replied, 'It is upon me the same if I do break my fast.

فَسئِلْ أَبُو جَعْفَرٍ ع عَنْ ذَلِكَ فَقَالَ فَلْتَكَلِمِهَا إِنَّ هَذَا كُلُّهُ لَيْسَ بِشَيْءٍ وَإِنَّمَا هُوَ خَطْوَاتِ الشَّيْطَانِ.

Abu Ja'far-^{asws} was asked about that. He-^{asws} said: 'Let her talk to her. This, all of it, isn't anything, and rather it is from the footsteps of Satan-^{la'}.⁸⁵

84 ين، كتاب حسين بن سعيد و النوادر عن أبان عن زرارة و عبد الرحمن بن أبي عبد الله عن أبي عبد الله ع في رجل قال إن كلم أباة أو أمه فهو محرم بحجة قال ليس بشيء.

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

And Abdul Rahman son of Abu Abdullah-^{asws}, from Abu Abdullah-^{asws} regarding a man who said if he talks to his father, or his mother, he would consecrate with Hajj. He-^{asws} said: 'It isn't anything'.⁸⁶

85 ين، كتاب حسين بن سعيد و النوادر عنه قال: سألتنا أبا عبد الله ع عن الرجل يُقسم على الرجل في الطعام يأكل معه فلم يأكل هل عليه في ذلك كفارة

The book of Haseen Bin Saeed, and 'Al Nawadir', from him, said,

'We asked Abu Abdullah-^{asws} about a man who swears upon the man regarding the meal to eat with him, but he does not eat. 'Is there expiation upon him regarding that?'

⁸⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 82

⁸⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 83

⁸⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 84

قَالَ لَا.

He^{-asws} said: 'No'.⁸⁷

86 ين، كتاب حسين بن سعيد و النوادر عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنِ امْرَأَةٍ تَصَدَّقَتْ بِمَالِهَا عَلَى الْمَسَاكِينِ إِنْ خَرَجَتْ مَعَ زَوْجِهَا ثُمَّ خَرَجَتْ مَعَهُ قَالَ لَيْسَ عَلَيْهَا شَيْءٌ.

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

'I asked about a woman (who vowed that she would) donate her wealth to the needy if she went out with her husband. Then she went out with her husband. He^{-asws} said: 'There isn't anything upon her'.⁸⁸

87 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْحَنْطَمِيِّ قَالَ: قُلْتُ لَهُ الرَّجُلُ يَقُولُ عَلَيَّ الْمَشْيُ إِلَى بَيْتِ اللَّهِ أَوْ مَالِي صَدَقَةٌ أَوْ هَدْيٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Muhammad Bin Yahya Al Khas'amy who said,

'I said to him^{-asws}, 'The man says, 'Upon me is the walking to the House of Allah^{-azwj}', or 'My wealth is donated to charity or gifted'.

قَالَ قَالَ إِنَّ أَبِي لَا يَرَى ذَلِكَ شَيْئاً إِلَّا أَنْ يَجْعَلَهُ اللَّهُ عَلَيْهِ.

He (the narrator) said, 'He^{-asws} said: 'My^{-asws} father^{-asws} did not view that as anything except he makes it to be for Allah^{-azwj}, upon him'.⁸⁹

88 ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ عَ مَا سَمِعْتَ بِطَارِقٍ إِنْ طَارِقاً كَانَ نَحَاساً بِالْمَدِينَةِ فَأَتَى أَبَا جَعْفَرٍ عَ فَقَالَ يَا أَبَا جَعْفَرٍ إِنِّي هَالِكٌ إِنِّي حَلَفْتُ بِالطَّلَاقِ وَالْعَتَاقِ وَالنُّدُورِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Hazim said,

'Abu Abdullah^{-asws} said to me: 'Have you not heard of Tariq? Tariq was a slave trader at Al-Medina. He came to Abu Ja'far^{-asws}. He said, 'O Abu Ja'far^{-asws}! I am destroyed! I have sworn an oath with the divorce (of my wives), and the liberation (of my slaves), and the (other) vows'.

فَقَالَ لَهُ يَا طَارِقُ إِنَّ هَذِهِ مِنْ حُطُوتِ الشَّيْطَانِ.

He^{-asws} said to him: 'O Tariq! This is from the footsteps of Satan^{-la'}.⁹⁰

⁸⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 85

⁸⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 86

⁸⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 87

⁹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 88

89 ين، كتاب حسين بن سعيد و النوادر صفوان عن منصور بن حازم عن أبي عبد الله ع قال: إذا قال الرجل علي المشي إلى بيت الله و هو محرم بحجة أو علي هدي كذا و كذا فليس بشيء حتى يقول لله علي المشي إلى بيته أو يقول لله عليه أن يحرم بحجة أو يقول لله علي هدي كذا و كذا إن لم يفعل كذا و كذا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Hazim said,

'From Abu Abdullah^{-asws} having said: 'When the man says, 'Upon me is the walking to the House of Allah^{-azwj}', and he is consecrated for the Hajj, or 'Upon me is a sacrificial offering of such and such', this isn't anything until he says, 'For Allah^{-azwj} upon me is the walking to His^{-azwj} House', or he says, 'For Allah^{-azwj} upon me is to consecrate for the Hajj', or he says, 'For Allah^{-azwj} upon me is a sacrificial offering of such and such, if I don't do such and such!'"⁹¹

90 ين، كتاب حسين بن سعيد و النوادر عنه عن أبي عبد الله ع قال: سألتُه عن رجلٍ غضب فقال علي المشي إلى بيت الله

The book of Haseen Bin Saeed, and 'Al Nawadir' from him,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about a man who is angered, so he says, 'Upon me is the walking to the House of Allah^{-azwj}!'

فقال إذا لم يقل لله فليس بشيء.

He^{-asws} said: 'When he has not says, 'For Allah^{-azwj}', it isn't anything'.⁹²

91 ين، كتاب حسين بن سعيد و النوادر عن زرارَةَ عن أبي عبد الله ع في رجلٍ قال و هو محرم بحجة أن يفعل كذا و كذا فلم يفعل قال ليس بشيء.

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

From Abu Abdullah^{-asws} regarding a man who says, while he is consecrated for Hajj, that he will do such and such, but he does not do it. He^{-asws} said: 'It isn't anything'.⁹³

92 ين، كتاب حسين بن سعيد و النوادر القاسم عن علي عن أبي عبد الله ع قال قال: لا يمين في معصية الله أو قطيعة رحم.

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

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'There is no oath regarding an act of disobedience to Allah^{-azwj} or cutting a kinship'.⁹⁴

93 ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم عن أحدهما ع أنه قال: في رجلٍ حلفَ يميناً فيها معصية الله قال ليس عليه شيءٌ فليعمل الذي حلفَ على هجرانه.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim,

⁹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 89

⁹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 90

⁹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 91

⁹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 92

From one of the two (5th or 6th Imam^{-asws}), he^{-asws} said regarding a man who swears an oath in which is disobedience to Allah^{-azwj}. He^{-asws} said: ‘There isn’t anything upon him, so let him work on abandoning what which he had sworn to do’.⁹⁵

94 ين، كتاب حسين بن سعيد و النوادر عن إسحاق بن عمار عن أبي إبراهيم ع قال: سألتُهُ أ قال رسول الله ص لا نذر في معصية

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Is’haq Bin Ammar,

From Abu Ibrahim (Musa Al-Kazim^{-asws}), he (the narrator) said, ‘I asked him^{-asws}, ‘Did Rasool-Allah^{-saww} said: ‘There is no vow in an act of obedience?’

قال نعم.

He^{-asws} said: ‘Yes’.⁹⁶

95 ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم عن أبي جعفر ع قال: كل يمين في معصية فليس بشيء عتي أو طلاق أو غيره.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Muhammad Bin Muslim,

‘From Abu Ja’far^{-asws} having said: ‘Every oath regarding an act of disobedience, it isn’t anything, whether it is liberation, or divorce, or something else’.⁹⁷

96 ين، كتاب حسين بن سعيد و النوادر عن حماد بن عثمان عن عبيد الله بن علي الحلبي قال: كل يمين لا يراد بها وجه الله فليس بشيء في طلاق و لا عتي.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Hammad Bin Usman, from Ubeydullah Bin Ali Al Halby who said,

‘Every oath the Face of Allah^{-azwj} is not intended by it, it isn’t with anything, neither divorce nor liberation’.⁹⁸

97 عن عبد الرحمن بن أبي عبد الله قال: سألت أبا عبد الله ع عن رجل حلف أن ينحر ولده فقال ذلك من خطوات الشيطان.

From Abdul Rahman son of Abu Abdullah^{-asws}, he said, ‘I asked Abu Abdullah^{-asws} about a man who swears an oath that he will sacrifice his son. He^{-asws} said: ‘That is from the footsteps of Satan^{-la}’.⁹⁹

98 ين، كتاب حسين بن سعيد و النوادر عن محمد بن علي الحلبي قال: سألتُهُ عن رجل قال علي نذر و لم يسع قال ليس بشيء.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Muhammad Bin Ali Al Halby who said,

⁹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 93

⁹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 94

⁹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 95

⁹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 96

⁹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 97

'I asked him^{-asws} about a man who said, 'Upon me is a vow', and does not specify. He^{-asws} said: 'It isn't anything'.¹⁰⁰

99 عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ قُلْتُ رَجُلًا قَالَ عَلَيَّ نَذْرٌ

From Abu Al Sabbah Al Kinani who said,

'I asked Abu Abdullah^{-asws}. I said, 'A man says, 'Upon me is a vow'.

قَالَ لَيْسَ النَّذْرُ شَيْئًا حَتَّى يُسَمِّيَ شَيْئًا لِلَّهِ صِيَامًا أَوْ صَدَقَةً أَوْ هَدْيًا أَوْ حَجًّا.

He^{-asws} said: 'The vow isn't anything until he specifies something for Allah^{-azwj}, fasting or charity or sacrificial offering or Hajj'.¹⁰¹

100 عَنْ أَبِي نَصْرِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ نَذْرٌ

From Abu Nasr who said,

'I asked Abu Abdullah^{-asws} about the man saying, 'Upon me is a vow'.

فَقَالَ لَيْسَ بِشَيْءٍ إِلَّا أَنْ يُسَمِّيَ النَّذْرَ فَيَقُولَ نَذْرٌ صَوْمٍ أَوْ عَتَقٍ أَوْ صَدَقَةٍ أَوْ هَدْيٍ وَ إِنْ قَالَ الرَّجُلُ أَنَا أَهْدِي هَذَا الطَّعَامَ فَلَيْسَ بِشَيْءٍ إِلَّا إِذَا يُهْدَى الْبُدْنُ.

He^{-asws} said: 'It isn't anything, except if he specifies the vow, so he says, 'A vow of fasting, or liberating (slaves), or charity, or sacrificial offering, and if a man says, 'I shall offer this food', it isn't anything. But rather, he can offer the sacrificial animal'.¹⁰²

101 عَنْ مُحَمَّدِ بْنِ الْقَاضِي الْكِنَانِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَ عَنِ رَجُلٍ قَالَ لَطَعَامٍ هُوَ يُهْدِيهِ

From Muhammad Bin Al Fazl Al Kinani who said,

'I asked to Abu Abdullah^{-asws} about a man who says for food, 'It is his offering'.

فَقَالَ لَا يُهْدَى الطَّعَامُ وَ لَوْ أَنَّ رَجُلًا قَالَ لِحِزْوَرٍ بَعْدَ مَا نُحِرَتْ هُوَ يُهْدِيهَا لَمْ يَكُنْ يُهْدِيهَا حِينَ صَارَتْ لَحْمًا إِلَّا إِذَا هَدَيْ وَ هُنَّ أَحْيَاءُ.

He^{-asws} said: 'The food cannot be offered, and if a man were to say for a camel after it has been slaughtered, it is his offering, it would not be his offering when it has become meat. But rather, the offering is while it is alive'.¹⁰³

102 ين، كتاب حسين بن سعيد و النوادر عن أبي نصر قال: سألت أبا عبد الله عليه السلام عن رجل يقول هو يهودي أو نصراني إن لم يفعل كذا و كذا قال ليس بشيء.

¹⁰⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 98

¹⁰¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 99

¹⁰² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 100

¹⁰³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 101

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Abu Nasr who said,

'I asked Abu Abdullah^{-asws}, may the greeting be upon him^{-asws}, about a man saying he will be a Jew or a Christian if he does not do such and such. He^{-asws} said: 'It isn't anything'.¹⁰⁴

103 عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا إِبْرَاهِيمَ عَ عَنْ رَجُلٍ قَالَ لِلَّهِ عَلَيَّ الْمَشْيُ إِلَى الْكَعْبَةِ إِنْ اشْتَرَيْتُ لِأَهْلِي شَيْئًا بِنَسِيئَةٍ

From Is'haq Bin Ammar who said,

'I asked Abu Ibrahim (Musa Al-Kazim^{-asws}) about a man who says, 'For Allah^{-azwj} upon me is the walking to the Kabah, if I buy something for my family, on credit'.

قَالَ أَيْسُوهُ ذَلِكَ عَلَيْهِمْ

He^{-asws} said: 'Would that be worse upon them?'

قُلْتُ نَعَمْ يَسُوهُ عَلَيْهِمْ إِنْ لَا يَأْخُذُ نَسِيئَةً لَيْسَ لَهُمْ شَيْءٌ

I said, 'It would be worse upon them if he does not take on credit. There is nothing for them!'

قَالَ فَلْيَأْخُذْ بِنَسِيئَةٍ وَ لَيْسَ عَلَيْهِ شَيْءٌ.

He^{-asws} said: 'Then let him take on credit and there isn't anything upon him^{-asws}'.¹⁰⁵

104 ين، كتاب حسين بن سعيد و النوادر عَنْ زُرَّارَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ أَيُّ شَيْءٍ لَا تَنْدَرُ فِي مَعْصِيَةِ اللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zurarah who said,

'I said to Abu Abdullah^{-asws}, may the greeting be upon him^{-asws}, 'Which this is, 'There is no vow in disobedience of Allah^{-azwj}?'

قَالَ فَقَالَ كُلُّ مَا كَانَ لَكَ فِيهِ مَنْفَعَةٌ فِي دِينٍ أَوْ دُنْيَا فَلَا حُنْتَ عَلَيْكَ فِيهِ.

He (the narrator) said, 'He^{-asws} said: 'All that there was a benefit for you in it, regarding religion or world, there is no sin upon you in it'.¹⁰⁶

105 ين، كتاب حسين بن سعيد و النوادر عَنْهُ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا حَلَفَ الرَّجُلُ عَلَى شَيْءٍ وَ الَّذِي حَلَفَ عَلَيْهِ إِيْتَانُهُ خَيْرٌ مِنْ تَرْكِهِ فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ وَ لَا كَفَّارَةَ عَلَيْهِ وَ إِنَّمَا ذَلِكَ مِنْ حُطُوتِ الشَّيْطَانِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him,

¹⁰⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 102

¹⁰⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 103

¹⁰⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 104

From Abu Abdullah^{asws} having said: ‘When the man swears an oath upon something, and that which he has sworn upon is better than his leaving it, let him do that which is better and there is no expiation penalty upon him, and rather that is from the footsteps of Satan^{-la’}.¹⁰⁷

106 ين، كتاب حسين بن سعيد و النوادر عن زُرارة قَالَ: سَمِعْتُ أَبَا جَعْفَرٍ ع وَ رَجُلًا يَسْأَلُهُ عَنْ رَجُلٍ جَعَلَ عَلَيْهِ رَقَبَةً مِنْ وُلْدِ إِسْمَاعِيلَ فَقَالَ وَ مَنْ عَسَى أَنْ يَكُونَ مِنْ وُلْدِ إِسْمَاعِيلَ إِلَّا وَ أَشَارَ بِيَدِهِ إِلَى بَيْتِهِ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Zurarah who said,

‘I heard Abu Ja’far^{asws} and a man asked him^{asws} about a man upon him was (freeing of) a neck from the children of Ismail^{as}. He^{asws} said: ‘And who can possibly be from the children of Ismail^{as} except’ – and he^{asws} indicated towards his^{asws} own house’.¹⁰⁸

107 ين، كتاب حسين بن سعيد و النوادر عن أَبِي نَصْرِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ أَعْتَقَ مَا لَا يَمْلِكُ فَهُوَ بَاطِلٌ وَ كُلُّ مَنْ قَبَلْنَا يُقُولُونَ- لَا طَلَاقَ وَ لَا عَتَاقَ إِلَّا مِنْ بَعْدِ مَا يَمْلِكُ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Abu Nasr,

From Abu Abdullah^{asws} having said: ‘One who liberates what (slave) he does not own, it is invalid, and all the ones before us as saying, ‘There is neither divorce, nor liberation except from after possessing’.¹⁰⁹

108 ين، كتاب حسين بن سعيد و النوادر عن الرُّبَيْعِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِ اللَّهِ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ يَغْنِي الرَّجُلَ يَخْلِفُ أَلَا يُكَلِّمُ أُمَّهُ وَ لَا يُكَلِّمُ أَبَاهُ أَوْ مَا أَشْبَهَ ذَلِكَ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Al Rabie,

From Abu Abdullah^{asws} regarding Words of Allah^{-azwj}: **And do not be making Allah as obstacle to your oaths [2:224]** – meaning the man who swears an oath that he will neither speak to his mother, nor speak to his father, or whatever resembles that’.¹¹⁰

109 ين، كتاب حسين بن سعيد و النوادر عن أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَوْلُ اللَّهِ لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّعْنِ فِي أَيْمَانِكُمْ قَالَ هُوَ كَلًّا وَ اللَّهُ وَ بَلَى وَ اللَّهُ.

The book Haseen Bin Saeed, and ‘Al Nawadir’ – From Abu Al Sabbah,

‘From Abu Abdullah^{asws} regarding Words of Allah^{-azwj}: **Allah will not Seize you with the vanity in your oaths [2:225]**. He^{asws} said: ‘It is, ‘Never, by Allah^{-azwj}’, and, ‘Yes, by Allah^{-azwj}!’¹¹¹

110 عَنِ الْحَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ جَعَلَ لِلَّهِ عَلَيْهِ نَذْرًا وَ لَمْ يُسَمِّهِ فَقَالَ إِنْ سَمِيَ فَهُوَ الَّذِي سَمِيَ وَ إِنْ لَمْ يُسَمِّ فَلَيْسَ عَلَيْهِ شَيْءٌ.

¹⁰⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 105

¹⁰⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 106

¹⁰⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 107

¹¹⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 108

¹¹¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 109

From Al Halby,

From Abu Abdullah^{-asws} regarding a man who makes a vow to Allah^{-azwj} upon him and does not specify it. He^{-asws} said: 'If he specifies, it is what he has specified, and if he does not specify, there isn't anything upon him'.¹¹²

111 ين، كتاب حسين بن سعيد و النوادر عن منصور بن حازم قال: سألت أبا عبد الله ع عن امرأة خلعت لزوجها بالعناق و الهدى إن هو مات أن لا تتزوج بعده أبداً ثم بدا لها أن تتزوج

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Mansour Bin Hazim who said,

'I asked Abu Abdullah^{-asws} about a woman who swears an oath to her husband with the liberation (of slave) and the sacrificial offering, if he were to die, she will not re-marry after him, ever. Then there is a change of mind for her, so she gets married.

فقال تبيع مملوكها إني أخاف عليها السلطان و ليس عليها في الحقي شيء فإن شاءت أن تُهدى هدياً فعلت.

He^{-asws} said: 'She should sell her slave. I^{-asws} fear upon her the ruler, and there isn't anything upon her regarding the right. If she desires to usher a sacrificial animal, she can do so'.¹¹³

112 ين، كتاب حسين بن سعيد و النوادر عن الوليد بن هشام المرادي قال: قدمت من مصر و معي رقيق لي فمررت بالعاشر فسألني فقلت هم أحرار كلهم

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Al Waleed Bin Hisham Al Muradi who said,

'I arrived from Egypt and with me was a slave of mine. I passed by the taxman. He asked me. I said, 'They are free, all of them'.

فقدمت المدينة فدخلت على أبي الحسن ع فأخبرته بقولي للعاشر فقال ليس عليك شيء.

I arrived at Al-Medina. I entered to see Abu Al-Hassan^{-asws}. I informed him^{-asws} of my words to the taxman. He^{-asws} said: 'There isn't anything upon you'.¹¹⁴

113 ين، كتاب حسين بن سعيد و النوادر عن علي فقلت لأبي الحسن ع جعلت فداك إني كنت أتزوج المنعة فكرهتها و تشأمت بها فأعطيت الله عهداً بين المقام و الركن و جعلت علي في ذلك ندوراً و صيماً أن لا أتزوجها ثم إن ذلك شق علي و ندمت على يميني و لم يكن يدي من القوة ما أتزوج به في العلية

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

'I said to Abu Abdullah^{-asws}, 'May I be sacrificed for you^{-asws}! I used to get married with the Mut'ah but I disliked it, and was pessimistic with it. I gave Allah^{-azwj} a pact between Al-Maqam (of Ibrahim^{-as}), and Al-Rukn (Al-Yemeni), and made a vow in that and fasting that I will not

¹¹² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 110

¹¹³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 111

¹¹⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 112

marry her. Then that was grievous upon me and I regretted upon my oath, and there did not happen to be (financial) strength in my hands what I could get married with openly’.

فَقَالَ عَاهَدْتُ اللَّهَ أَلَّا تُطِيعَهُ وَ اللَّهُ لَئِنْ لَمْ تُطِعْهُ لَتُعْصِيَنَّهُ.

He^{-asws} said: ‘You made a pact with Allah^{-azwj} that you will not obey Him^{-azwj}. By Allah^{-azwj}, if you don’t obey Him^{-azwj}, you will be disobeying Him^{-azwj}!’¹¹⁵

114 ين، كتاب حسين بن سعيد و النواردين عن أبي الصباح الكناني عن أبي عبد الله ع قال: ليس من شيء هو لله طاعة يجعله الرجل عليه إلا أنه ينبغي له أن يفي به و ليس من رجل جعل لله عليه شيئاً في معصية الله إلا أنه ينبغي له أن يتركها إلى طاعة الله.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Abu Al Sabbah Al Kinani,

From Abu Abdullah^{-asws} having said: ‘There isn’t anything which is in obedience to Allah^{-azwj} the man makes it to be upon him, except it is befitting for him to be loyal with it, and there isn’t any man who makes something for Allah^{-azwj} upon him in disobedience to Allah^{-azwj} except it is befitting for him that he leaves it to the obedience of Allah^{-azwj}’.¹¹⁶

115 ين، كتاب حسين بن سعيد و النواردين عن سعيد الأعرج قال: سألت أبا عبد الله ع عن الرجل يخلف على اليمين فبى أن تتركها أفضل و إن تركها حثي أن يأثم أ يتركها

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Saeed Al A’raj who said,

‘I asked Abu Abdullah^{-asws} about the man who swears an oath, then leaving it would be better, and if he leaves it, he fears that he might be sinning, ‘Should he leave it?’

فَقَالَ أ مَا سَمِعْتَ قَوْلَ رَسُولِ اللَّهِ ص إِذَا رَأَيْتَ خَيْرًا مِنْ يَمِينِكَ فَدَعَهَا.

He^{-asws} said: ‘Have you not heard the words of Rasool-Allah^{-saww}: ‘When you see better than your oath, so leave it?’¹¹⁷

116 ين، كتاب حسين بن سعيد و النواردين عن الحلبي أنه قال في رجل حلف بيمين أن لا يكلم ذا قرابته له قال ليس بشيء فليس بشيء في طلاق أو عتق.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ –

From Al-Halby who said regarding a man who swears an oath that he will not talk with a relative of his. He^{-asws} said: ‘It isn’t anything. It isn’t anything even regarding divorce of liberation (of a slave)’.¹¹⁸

¹¹⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 113

¹¹⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 114

¹¹⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 115

¹¹⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 116

117 قَالَ الْحَلْبِيُّ وَ سَأَلْتُهُ عَنِ امْرَأَةٍ جَعَلَتْ مَالَهَا هَدِيًّا لِبَيْتِ اللَّهِ إِنَّ أَعَارَتْ مَتَاعَهَا فُلَانَةً وَ فُلَانَةً فَأَعَارَ بَعْضُ أَهْلِهَا بَعِيرَ أُمِّهَا

Al-Halby said, 'And I asked him^{-asws} about a woman who made her wealth as an offering to the House of Allah^{-azwj} if she lent her belongings to such and such woman, and such and such woman. One of her family members lent these without her instructions.

قَالَ لَيْسَ عَلَيْهَا هَدْيٌ إِنَّمَا الْهَدْيُ مَا جُعِلَ لِلَّهِ هَدِيًّا لِلْكَعْبَةِ فَذَلِكَ الَّذِي يُؤْتِي بِهِ إِذَا جَعَلَ لِلَّهِ وَ مَا كَانَ مِنْ أَشْبَاهِ هَذَا فَلَيْسَ بِشَيْءٍ وَ لَا هَدْيٌ لَا يُذَكَّرُ فِيهِ اللَّهُ.

He^{-asws} said: 'There isn't any offering upon her. But rather, the offering is what is made as an offering to Allah^{-azwj} to the Kabah. So that is which she should be loyal with when she made it to be for Allah^{-azwj}, and whatever was from the likes of this, it isn't anything, nor any offering the Name of Allah^{-azwj} is not mentioned in it'.¹¹⁹

118 وَ سُئِلَ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ أَلْفٌ بَدَنَةٍ وَ هُوَ مُحْرِمٌ بِاللَّيْلِ حَجَّةً قَالَ تِلْكَ حُطُوتُ الشَّيْطَانِ

And he^{-asws} was asked about the man saying while he is consecrated (in Ihraam), 'Upon me are a thousand camels for a thousand Hajj!' He^{-asws} said: 'That is from the footsteps of Satan'.

وَ عَنِ الرَّجُلِ يَقُولُ هُوَ مُحْرِمٌ بِحَجَّةٍ وَ يَقُولُ أَنَا أَهْدِي هَذَا الطَّعَامَ قَالَ لَيْسَ بِشَيْءٍ إِنَّ الطَّعَامَ لَا يُهْدَى

And about the man saying while he is in Ihraam for Hajj, and he says, 'I offer this food!' He^{-asws} said: 'It isn't anything. The food cannot be offered'.

أَوْ يَقُولُ لِحُزُورٍ بَعْدَ مَا نُحِرَتْ هُوَ يُهْدِيهَا لِبَيْتِ اللَّهِ فَقَالَ إِنَّمَا تُهْدَى الْبُدُنُ وَ هِيَ أَحْيَاءٌ لَيْسَ تُهْدَى حِينَ صَارَتْ لَحْمًا.

Or he says for a camel after it had been slaughtered he is offering it for the House of Allah^{-azwj}. He^{-asws} said: 'But rather the camel is offered while it is alive. It cannot be offered when it has become meat'.¹²⁰

119 ين، كتاب حسين بن سعيد و النوادر مُحَمَّدُ بْنُ مُسْلِمٍ قَالَ: سَأَلْتُ أَحَدَهُمَا عَنِ رَجُلٍ قَالَتْ لَهُ امْرَأَتُهُ أَسْأَلُكَ بِوَجْهِ اللَّهِ إِلَّا مَا طَلَّقْتَنِي

The book of Haseen Bin Saeed, and 'Al Nawadir' – Muhammad Bin Muslim said,

'I asked one of the two (5th or 6th Imam^{-asws}) about a man whose wife said to him, 'I ask you by the Face of Allah^{-azwj}, please divorce me!'

قَالَ يُوجِعُهَا ضَرْبًا أَوْ يَغْفُو عَنْهَا.

He^{-asws} said: 'Either he pains her with a strike or pardons her'.¹²¹

¹¹⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 117

¹²⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 118

¹²¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 119

120 ين، كتاب حسين بن سعيد و النوادر عن يحيى بن أبي العلاء عن أبي عبد الله ع عن أبيه أن امرأة نذرت أن تُفادَ مَؤمومةً بِرِمامٍ في أنفها فَوَقَعَ بَعِيرٌ فَخَرَمَ أَنْفَهَا فَأَتَتْ عَلِيًّا مُخَاصِمٌ فَأَبْطَلَهُ وَ قَالَ إِنَّمَا التَّنْذِرُ لِلَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Yahya Bin Abu Al A'ala,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}: 'A woman vowed that she would be led by a rein in her nose. A camel fell and pierced her nose. She came to Ali^{-asws} to dispute. He^{-asws} invalidated it and said: 'But rather, the vow is for Allah^{-azwj}'.¹²²

121 ين، كتاب حسين بن سعيد و النوادر عن زُرارة قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنِ الرَّجُلِ يَقُولُ إِنْ اشْتَرَيْتُ فُلَانًا أَوْ فُلَانَةً فَهُوَ حُرٌّ وَ إِنْ اشْتَرَيْتُ هَذَا الثَّوْبَ فَهُوَ فِي الْمَسَاكِينِ وَ إِنْ نَكَحْتُ فُلَانَةَ فَهِيَ طَالِقٌ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zurara who said,

'I asked Abu Ja'far^{-asws} about the man saying, 'If I buy so and so slave, or so and so slave girl, he is free, and if I buy this cloth, it is for the needy, and if I marry so and so woman, she is divorced'.

قَالَ لَيْسَ ذَلِكَ كُفَّةً بِشَيْءٍ - لَا يُطَلَّقُ إِلَّا مَا يَمْلِكُ وَ لَا يَتَصَدَّقُ إِلَّا بِمَا يَمْلِكُ وَ لَا يُعْتَقُ إِلَّا مَا يَمْلِكُ.

He^{-asws} said: 'All that isn't anything. He cannot divorce except what he possesses, nor can he donate except with what he owns, nor can he liberate except what he owns'.¹²³

122 ين، كتاب حسين بن سعيد و النوادر عن أبان بن أبي يعفور عن أبي عبد الله ع أنه قال: فِي الْيَمِينِ الَّتِي لَا يُكْفَرُ هُوَ بِمَا حَلَفَتْ لِلَّهِ وَ فِيهِ مَا يُكْفَرُ قُلْتُ فَرَجُلٌ قَالَ عَلَيْهِ الْمَشِيءُ إِلَى بَيْتِ اللَّهِ إِنْ كَلَّمَ ذَا قَرَابَةٍ لَهُ قَالَ هَذَا بِمَا لَا يُكْفَرُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Aban, from Ibn Abu Yafour,

From Abu Abdullah^{-asws} having said regarding the oath which has not expiation penalty, from what is sworn for Allah^{-azwj} and in it is what has to be expiated. I said, 'A man says upon him is the walking to the House of Allah^{-azwj} if he talks to a relative of his. He^{-asws} said: 'This is from what has not expiation penalty'.¹²⁴

123 ين، كتاب حسين بن سعيد و النوادر عن زَيْدِ الْحَنَاطِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنَّ امْرَأَتِي حَرَجَتْ بَعِيرٍ إِذْنِي فَعَلْتُ لَهَا إِنْ حَرَجَتْ بَعِيرٍ إِذْنِي فَأَتَتْ طَالِقٌ فَحَرَجَتْ فَلَمَّا أَنْ دَكَّرْتُ دَخَلَتْ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zayd Al Hannat who said,

'I said to Abu Abdullah^{-asws}, 'My wife went out without my permission. I said to her, 'If you go out without my permission, you are divorced!' She still went out. When I remembered, I entered'.

¹²² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 120

¹²³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 121

¹²⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 122

فَقَالَ أَبُو عَبْدِ اللَّهِ عَ خَرَجَتْ سَبْعِينَ ذِرَاعًا

Abu Abdullah^{-asws} said: 'Did she go out to seventy cubits?'

قَالَ لَا

He said, 'No'.

قَالَ وَ مَا أَشَدَّ مِنْ هَذَا يَجِيءُ مِثْلُ هَذَا مِنَ الْمُشْرِكِينَ فَيَقُولُ لِامْرَأَتِهِ الْقَوْلَ فَيَنْتَرِجُ فَيَنْتَرِجُ زَوْجًا آخَرَ وَ هِيَ امْرَأَتُهُ.

He^{-asws} said: 'And what is not severe than this? The likes of this come from the Polytheists. He would say the word to his wife, so she goes away and marries another husband while she is still his wife'.¹²⁵

124 ين، كتاب حسين بن سعيد و النوادر عن معمر بن عمار قال: سألت أبا عبد الله ع عن الرجل يقول عليّ نذر و لم يسم شيئاً قال ليس بشيء.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ma'mar Bin Umar who said,

'I asked Abu Abdullah^{-asws} about the man saying, 'Upon me is a vow', and did not specify anything. He^{-asws} said: 'It isn't anything'.¹²⁶

125 ين، كتاب حسين بن سعيد و النوادر محمد بن أبي عمير و فضالة بن أيوب عن جميل بن دراج عن زرارة بن أعين عن أحدهما ع قال: سألتُهُ عمّا يُكْفَرُ مِنَ الْأَيْمَانِ قَالَ مَا كَانَ عَلَيْكَ أَنْ تَفْعَلَهُ فَحَلَفْتَ أَنْ لَا تَفْعَلَهُ فَفَعَلْتَهُ فَلَيْسَ عَلَيْكَ شَيْءٌ إِذَا فَعَلْتَهُ وَ مَا لَمْ يَكُنْ عَلَيْكَ وَاجِبٌ أَنْ تَفْعَلَهُ فَحَلَفْتَ أَلَّا تَفْعَلَهُ ثُمَّ فَعَلْتَهُ فَعَلَيْكَ الْكَفَّارَةُ.

The book of Haseen Bin Saeed', and 'Al Nawadir' – Muhammad Bin Abu Umeyr and Fazalah Bin Ayoub, from Jameel Bin Darraj, from Zurara Bin Ayn,

From one of the two (5th or 6th Imam^{-asws}), he (the narrator) said, 'I asked him^{-asws} about what oaths have to be expiated from. He^{-asws} said: 'Whatever was upon you to do, so you swear an oath that you will not do it, but you do it, there isn't anything upon you when you do it; and whatever did not happen to be obligatory upon you to do, so you swear an oath that you will not do it, but you do, upon you is the expiation penalty'.¹²⁷

126 ين، كتاب حسين بن سعيد و النوادر عن عنبسة بن مضعب قال: نذرت في ابن لي إن عافاه الله أن أخرج ماشياً فمشيت حتى بلغت العقبنة فاشتكت فركبت ثم وجدت راحة فمشيت فسألت أبا عبد الله ع عن ذلك

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Anbasa Bin Mus'ab who said,

¹²⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 123

¹²⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 124

¹²⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 125

'I vowed regarding a son of mine if Allah^{-azwj} Grants him well-being I will perform Hajj walking. I walked until I reached Al-Aqaba. Then I had a health issue so I rode. Then I found rest, so I walking. I asked Abu Abdullah^{-asws} about that.

فَقَالَ إِنِّي أُحِبُّ إِنْ كُنْتُ مُوسِرًا أَنْ تَذْبَحَ بَقْرَةً

He^{-asws} said: 'I^{-asws} would love it, if you are affluent, that you slaughter a cow'.

فَقُلْتُ مَعِيَ نَفَقَةٌ وَ لَوْ شِئْتُ لَفَعَلْتُ وَ عَلَيَّ دَيْنٌ

I said, 'There is expenditure money with me, and if I so desire, I can do it, and there is a debt upon me'.

فَقَالَ أَنَا أُحِبُّ إِنْ كُنْتُ مُوسِرًا أَنْ تَذْبَحَ بَقْرَةً

He^{-asws} said: 'I^{-asws} would love it, if you are affluent, that you slaughter a cow'.

فَقُلْتُ أَ شَيْءٌ وَاجِبٌ أَفَعَلُهُ

I said, 'Is it something obligatory for me to do?'

فَقَالَ لَا وَ لَكِنَّ مَنْ جَعَلَ لِلَّهِ شَيْئًا فَلْيَسَّرْهُ عَلَيْهِ شَيْءٌ.

He^{-asws} said: 'No, but the one who makes something for Allah^{-azwj}, so he strives extensively, there isn't anything upon him'.¹²⁸

127 رَوَى عَبْدُ اللَّهِ بْنُ مُسْكَانَ عَنْ عَنَبَسَةَ بْنِ مُصْعَبٍ مِثْلَ ذَلِكَ.

And it is reported by Abdullah Bin Muskan, from Anbasa Bin Mus'ab, similar to that.¹²⁹

128 ين، كتاب حسين بن سعيد و النوادر عن عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْيَمِينِ الَّتِي يَجِبُ فِيهَا الْكَفَّارَةُ قَالَ الْكَفَّارَاتُ فِي الدَّيِّ يَخْلِفُ عَلَى الْمَتَاعِ إِلَّا تَبِعَهُ وَ لَا يَشْتَرِيهِ ثُمَّ يَبْدُو لَهُ فَيَشْتَرِيهِ فَيَكْفُرُ بِمِينِهِ.

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

From Abdul Rahman son of Abu Abdullah^{-asws}, he said, 'I asked Abu Abdullah^{-asws} about the oath in which the expiation penalty is obligated. He^{-asws} said: 'The expiations are in which he swears an oath upon the merchandise that he will not sell it, and will not buy it. Then there is a change of mind for him, so he buys it, there is expiation penalty of his oath'.¹³⁰

¹²⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 126

¹²⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 127

¹³⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 128

129 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ وَقَعَ عَلَى جَارِيَةٍ فَارْتَفَعَ حَيْضُهَا وَ خَافَ أَنْ يَكُونَ قَدْ حَمَلَتْ فَجَعَلَ لِلَّهِ عَلَيْهِ عَتَقَ رَقَبَةً وَ صَوْمًا وَ صَدَقَةً إِنْ هِيَ حَاضَتْ وَ قَدْ كَانَتْ الْجَارِيَةُ طَمِثَتْ قَبْلَ أَنْ يَخْلِفَ يَوْمِمْ أَوْ يَوْمِينَ وَ هُوَ لَا يَعْلَمُ قَالَ لَيْسَ عَلَيْهِ شَيْءٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I asked him^{-asws} about a man who falls upon a slave girl (for marital relations), and her menstruations stop, and he fears that she might have become pregnant, so he makes for Allah^{-azwj} upon him, liberation of a slave, and fasting, and charity if she does menstruate, and the slave girl had menstruation a day or two days before he swore the oath, and he did not know. He^{-asws} said: 'There is nothing upon him'.¹³¹

130 ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع فِي رَجُلٍ قَالَ عَلَيْهِ بَدَنَةٌ وَ لَمْ يُسَمَّ أَيُّنَ يَنْحَرُهَا قَالَ إِنَّمَا الْمَنْحَرُ بَيْنَ يَفْسَمُهَا بَيْنَ الْمَسَاكِينِ وَ قَالَ فِي رَجُلٍ قَالَ عَلَيْهِ بَدَنَةٌ يَنْحَرُهَا بِالْكُوفَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim,

From Abu Ja'far^{-asws} regarding a man upon whom is a camel and did not specify where would he sacrifice. He^{-asws} said: 'But rather the sacrifice is at Mina. He should distribute it between the needy'.

فَقَالَ إِذَا سَمِيَ مَكَانًا فَلْيَنْحَرْ فِيهَا فَإِنَّهُ يُجْزِي عَنْهُ.

And he^{-asws} said regarding a man who says upon him is a camel, he will sacrifice at Al-Kufa. He^{-asws} said: 'When he has specified a place, let him sacrifice it therein, for it would suffice from it'.¹³²

131 ين، كتاب حسين بن سعيد و النوادر عَنْ جَمِيلِ بْنِ صَالِحٍ قَالَ: كَانَتْ عِنْدِي جَارِيَةٌ بِالْمَدِينَةِ فَارْتَفَعَ طَمِثُهَا فَجَعَلْتُ لِلَّهِ عَلَيَّ نَذْرًا إِنْ هِيَ حَاضَتْ فَعَلِمْتُ بَعْدُ أَنَّهَا حَاضَتْ قَبْلَ أَنْ أَجْعَلَ النَّذْرَ عَلَيَّ فَكَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ ع وَ أَنَا بِالْمَدِينَةِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Jameel Bin Salih who said,

'There was a slave girl in my possession at Al-Medina. Her menstruations stopped, so I made it for Allah^{-azwj} a vow upon me if she menstruates. I came to know afterwards she had menstruation before I made the vow upon me. I wrote to Abu Abdullah^{-asws} and I was at Al-Medina.

فَأَجَابَنِي إِنْ كَانَتْ حَاضَتْ قَبْلَ النَّذْرِ فَلَا عَلَيْكَ وَ إِنْ كَانَتْ بَعْدَ النَّذْرِ فَعَلَيْكَ.

He^{-asws} answered me: 'If she had menstruated before the vow, it is not upon you, and if she menstruated after the vow, it is upon you'.¹³³

¹³¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 129

¹³² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 130

¹³³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 131

132 ين، كتاب حسين بن سعيد و النوادر عن إسحاق بن عمار عن أبي إبراهيم ع قال: قُلْتُ رَجُلٌ كَانَتْ عَلَيْهِ حَجَّةُ الْإِسْلَامِ فَأَرَادَ أَنْ يَحْجَّ فَوَيْلَ لَهُ تَزَوَّجَ ثُمَّ حَجَّ فَقَالَ إِنَّ أَتَزَوَّجَ قَبْلَ أَنْ أَحْجَّ فَعَلَامِي خُرْتُ فَتَزَوَّجَ قَبْلَ أَنْ يَحْجَّ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Is'haq Bin Ammar,

From Abu Ibrahim^{-asws}, he (the narrator) said, 'I said, 'A man had performance of Hajj of Al-Islam upon him (as a vow). He intended to perform Hajj. It was said to him, 'Get married, then perform Hajj'. He^{-asws} said, 'If I get married before I perform Hajj, my slave is free'. Then he got married before he performed Hajj'.

فَقَالَ أُعْتِقَ عُلَامُهُ

He^{-asws} said: 'He should free his slave'.

فَقُلْتُ لَمْ يُرِدْ بَعْتِهِ وَجَهَ اللَّهُ

I said, 'He had not intended the Face of Allah^{-azwj} with his liberation'.

فَقَالَ إِنَّهُ نَدَرَ فِي طَاعَةِ اللَّهِ وَ الْحَجُّ أَحَقُّ مِنَ التَّزْوِيجِ وَ أَوْجِبُ عَلَيْهِ مِنَ التَّزْوِيجِ

He^{-asws} said: 'He had vowed in obedience of Allah^{-azwj}, and the Hajj is more rightful than the marriage and more obligatory upon him than the marriage'.

قُلْتُ فَإِنَّ الْحَجَّ تَطَوُّعٌ لَيْسَ بِحَجَّةِ الْإِسْلَامِ

I said, 'But the Hajj is voluntary. It isn't (the obligatory) Hajj of Al-Islam!'

قَالَ وَ إِنْ كَانَ تَطَوُّعًا فَهِيَ طَاعَةٌ لِلَّهِ قَدْ أُعْتِقَ عُلَامُهُ.

He^{-asws} said: 'And even if it was voluntary, it is an act of obedience to Allah^{-azwj}. His slave is free'.¹³⁴

133 ين، كتاب حسين بن سعيد و النوادر عنه قال: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع إِنِّي جَعَلْتُ عَلَى نَفْسِي شُكْرًا لِلَّهِ رَكَعَتَيْنِ أُصَلِّيهِمَا لِلَّهِ فِي السَّفَرِ وَ الْحَضَرِ أ فَأَصَلِّيهِمَا فِي السَّفَرِ بِالنَّهَارِ

The book of Haseen Bin Saeed, and 'Al Nawadir', from him who said,

'I said to Abu Abdullah^{-asws}, 'I have made it upon myself in appreciation to Allah^{-azwj}, two units of Salat I shall pray during the journey and the residence. Can I pray these during that journey at daytime?'

قَالَ نَعَمْ

¹³⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 132

He^{-asws} said: ‘Yes’.

ثُمَّ قَالَ لِي إِنِّي أَكْرَهُ الْإِجَابَ أَنْ يُوجِبَ الرَّجُلُ عَلَيَّ نَفْسِهِ

Then he^{-asws} said to me: ‘I^{-asws} dislike it if the man obligates an obligation upon himself’.

قُلْتُ إِنِّي لَمْ أَجْعَلْهَا لِلَّهِ عَلَيَّ إِنَّمَا جَعَلْتُ عَلَيَّ نَفْسِي أَصْلِيهِمَا شُكْرًا لِلَّهِ وَ لَمْ أُوجِبْهُ لِلَّهِ عَلَيَّ نَفْسِي أَفَادَعُهُمَا إِذَا شِئْتُ

I said, ‘I did not make it for Allah^{-azwj} upon me! But rather, I made it upon myself that I will be praying these in appreciation to Allah^{-azwj}, and I did not obligate it for Allah^{-azwj} upon myself. Can I leave these if I so desire to?’

قَالَ نَعَمْ.

He^{-asws} said: ‘Yes’.¹³⁵

134 ين، كتاب حسين بن سعيد و النوادر عن عبد الملك بن عمرو عن أبي عبد الله ع قال: مَنْ جَعَلَ لِلَّهِ عَلَيْهِ أَلَّا يَرْكَبَ مُحْرَمًا سَمَاءَ فَرْكَبَهُ

The book of Haseen Bin Saeed, and Al Nawadir, from Abdul Malik Bin Amro,

From Abu Abdullah^{-asws} having said regarding someone who makes for Allah^{-azwj} upon him that he will not indulge in a prohibition, and he specifies it, then he commits it.

قَالَ وَ لَا أَعْلَمُهُ إِلَّا قَالَ فَلْيُعْتِقْ رَقَبَةً أَوْ لِيَصُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ لِيُطْعِمَ سِتِّينَ مِسْكِينًا.

He (the narrator) said, ‘And I don’t know except he^{-asws} said: ‘Let him either liberate a slave or let him fast two months consecutive, or let him feed sixty needy ones’.¹³⁶

135 ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم قال: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنِ الْأَيْمَانِ وَ النَّذُورِ وَ الْيَمِينِ الَّذِي هِيَ لِلَّهِ طَاعَةٌ فَقَالَ مَا جَعَلَ لِلَّهِ فِي طَاعَةٍ فَلْيُطْعِمِهِ فَإِنْ جَعَلَ لِلَّهِ شَيْئًا مِنْ ذَلِكَ ثُمَّ لَمْ يَفْعَلْ فَلْيُكْفِرْ يَمِينَهُ وَ أَمَّا مَا كَانَتْ يَمِينًا فِي مَعْصِيَةٍ فَلَيْسَ بِشَيْءٍ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Muhammad Bin Muslim who said,

‘I asked Abu Ja’far^{-asws} about the oath and the vows, and the oath which is an act of obedience to Allah^{-azwj}. He^{-asws} said: ‘Whatever he makes for Allah^{-azwj} regarding an act of obedience, let him fulfil. If he makes something from that, then he does not do it, let him pay the expiation penalty of his oath’; and as for whatever was sworn regarding an act of disobedience, it isn’t anything’.¹³⁷

136 ين، كتاب حسين بن سعيد و النوادر عن سعيد بن عبد الله الأعرج قال: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنِ الرَّجُلِ يَخْلِفُ بِالْمَسِي إِلَى بَيْتِ اللَّهِ وَ يُحْرِمُ بِحِجَّةٍ وَ الْهَدْيِ فَقَالَ مَا جَعَلَ لِلَّهِ فَهُوَ وَاجِبٌ عَلَيْهِ.

¹³⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 133

¹³⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 134

¹³⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 135

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Saeed Bin Abdullah Al A'raj who said,

'I asked Abu Abdullah^{-asws} about the man who swear an oath of walking to the House of Allah^{-azwj}, and consecration for a Hajj, and the sacrificial offering. He^{-asws} said: 'Whatever he makes for Allah^{-azwj}, it is obligated upon him'.¹³⁸

137 ين، كتاب حسين بن سعيد و النوادر عَبْدُ اللَّهِ بْنِ عَلِيٍّ الْمُطَّلِبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِنْ قُلْتَ لِلَّهِ عَلَيَّ فَكَفَّارَةٌ بِمِثْلِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Abdullah Bin Ali Al Halby,

From Abu Abdullah^{-asws} having said: 'If you say, 'For Allah^{-azwj} upon me', there is an expiation penalty of the oath'.¹³⁹

138 ين، كتاب حسين بن سعيد و النوادر عَنْ حَمْرَةَ بْنِ حُمْرَانَ عَنْ زُرَّارَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع أَيُّ شَيْءٍ الَّذِي فِيهِ الْكُفَّارَةُ عَنِ الْإِيمَانِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hamza Bin Humran, from Zurarah who said,

'I said to Abu Abdullah^{-asws}, 'Which is the thing in which there is the expiation penalty of the oath?'

قَالَ مَا حَلَفْتَ عَلَيْهِ بِمَا فِيهِ الْمُعْصِيَةُ فَلَيْسَ عَلَيْكَ فِيهِ الْكُفَّارَةُ إِذَا رَجَعْتَ عَنْهُ وَ مَا كَانَ سِوَى ذَلِكَ بِمَا لَيْسَ فِيهِ بُرٌّ وَ لَا مَعْصِيَةٌ فَلَيْسَ بِشَيْءٍ.

He^{-asws} said: 'Whatever you swear upon in which is the act of disobedience, the expiation penalty isn't upon you when you retract from it, and whatever was besides that from what there isn't any righteousness in it nor disobedience, it isn't anything'.¹⁴⁰

139 ين، كتاب حسين بن سعيد و النوادر عَنْ ابْنِ أَبِي يَعْقُوبٍ أَنَّهُ قَالَ: الْيَمِينُ الَّتِي تُكْفَرُ أَنْ يَقُولَ الرَّجُلُ- لَا وَ اللَّهِ وَ نَحْوَ ذَلِكَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ibn Abu Yafour, he said,

'The oath which has to be expiated is the man saying, 'No, by Allah^{-azwj}', and approximate to that'.¹⁴¹

140 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ قَالَ: سَأَلْتُهُ عَمَّنْ قَالَ وَ اللَّهُ ثُمَّ لَمْ يَفِ قَالَ أَبُو عَبْدِ اللَّهِ ع إِطْعَامَ عَشْرَةِ مَسَاكِينَ مَدًّا مِنْ دَقِيقٍ أَوْ حِنْطَةٍ أَوْ تَحْرِيرُ رَقَبَةٍ أَوْ صِيَامُ ثَلَاثَةِ أَيَّامٍ مُتَوَالِيَةٍ إِذَا لَمْ يَجِدْ شَيْئًا مِنْ ذَلِكَ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Qasim Bin Muhammad, from Ali Bin Abu Hamza who said,

'I asked him^{-asws} about the one who says, 'By Allah^{-azwj}', then he does not fulfil. Abu Abdullah^{-asws} said: 'He should feed ten needy ones, a *Mudd* of flour, or wheat, or free a neck, or fast three days consecutively when he cannot find anything from that'.¹⁴²

¹³⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 136

¹³⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 137

¹⁴⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 138

¹⁴¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 139

¹⁴² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 140

141 ين، كتاب حسين بن سعيد و النوادر صَفْوَانُ بْنُ يَحْيَى وَ إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي إِبْرَاهِيمَ ع قَالَ: سَأَلْتُهُ عَنْ كَفَّارَةِ الْيَمِينِ قَوْلِهِ- فَمَنْ لَمْ يَجِدْ فَصِيَامَ ثَلَاثَةَ أَيَّامٍ مَا حَدُّ مَنْ لَمْ يَجِدْ فَلْتُ فَالرَّجُلُ يَسْأَلُ فِي كَفِّهِ وَ هُوَ يَجِدُ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Safwan Bin Yahya and Is'haq Bin Ammar,

From Abu Ibrahim (Musa Al-Kazim^{-asws}), he (the narrator) said, 'I asked him^{-asws} about expiation penalty of the oath, His^{-azwj} Words: **But the one who cannot find, so it is the Fasting for three days [2:196]**, What the limit is of the one who cannot find. I said, 'The man begs by his hands and he does find!'

قَالَ إِذَا لَمْ يَكُنْ عِنْدَهُ فَضْلٌ عَنْ قُوْتِ عِيَالِهِ فَهُوَ لَا يَجِدُ.

He^{-asws} said: 'When there does not happen to be in his possession any extra from the daily subsistence of his dependants, so he (is the one who) cannot find'.¹⁴³

142 ين، كتاب حسين بن سعيد و النوادر النَّضْرُ بْنُ سُؤَيْدٍ عَنْ عَصِيمِ بْنِ مُحَمَّدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِهِ- مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ قَالَ تَوْبٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Aasim Bin Humeyd, from Abu Baseer,

From Abu Ja'far^{-asws}, he (the narrator) said, 'I asked him^{-asws} about His^{-azwj} Words: **from the average of what you feed your families, or their clothing [5:89]**. He^{-asws} said: 'A garment'.¹⁴⁴

143 ين، كتاب حسين بن سعيد و النوادر الْحُسَيْنُ بْنُ سَعِيدٍ عَنْ أَحْمَدَ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي بَانَ بْنِ عَثْمَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع فِي كَفَّارَةِ الْيَمِينِ قَالَ عَشْرَةَ أَمْدَادٍ نَهَيْ طَيْبٍ لِكُلِّ مَسْكِينٍ مُدًّا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al Nazr Bin Suweyd, from Aasim Bin Humeyd, from Abu Baseer, from Aban Bin Usman, from Zurarah,

From Abu Ja'far^{-asws} regarding expiation penalty of the oath. He^{-asws} said: 'Ten *Mudds*, pure good, a *Mudd* for each needy one'.¹⁴⁵

144 ين، كتاب حسين بن سعيد و النوادر الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ كَفَّارَةِ الْيَمِينِ قَالَ عَتَقُ رَقَبَةً أَوْ كِسْوَةَ أَوْ كِسْوَةَ تَوْبِينَ أَوْ إِطْعَامَ عَشْرَةِ مَسَاكِينٍ أَيْ ذَلِكَ فَعَلَ أَجْزَأَ عَنْهُ فَإِنْ لَمْ يَجِدْ فَصِيَامَ ثَلَاثَةَ أَيَّامٍ مُتَوَالِيَاتٍ طَعَامَ عَشْرَةِ مَسَاكِينٍ مُدًّا مُدًّا.

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

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about expiation penalty of the oath. He^{-asws} said: 'Liberate a slave, or clothe, and the clothing is two garments, or feeding ten needy ones. Whichever of those he does, it will suffice for it. If he cannot find, he should fast three-days consecutively. Feeding ten needy ones is *Mudd* by *Mudd* (each)'.¹⁴⁶

¹⁴³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 141

¹⁴⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 142

¹⁴⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 143

¹⁴⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 144

145 ين، كتاب حسين بن سعيد و النوادر عن مُحَمَّدِ بْنِ قَيْسٍ قَالَ أَبُو جَعْفَرٍ ع قَالَ اللَّهُ لِنَبِيِّهِ يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ تَبْتَغِي مَرْضَاتِ أَزْوَاجِكَ إِلَى آخِرِهِ فَبَجَلَهَا يَمِيناً فَكَفَّرَهَا رَسُولُ اللَّهِ ص

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Muhammad Bin Qays,

‘Abu Abdullah^{-asws} said: ‘Allah^{-azwj} Said to His^{-azwj} Prophet^{-saww}: **O you the Prophet! Do not deny (yourself) what Allah has Permitted for you, seeking pleasure of your wives [66:1]** – up to end of the Verse. He^{-azwj} Made it to be an oath, so Rasool-Allah^{-saww} expiated it’.

قُلْتُ بِمَا كَفَّرَهَا

I said, ‘What did he^{-saww} expiate it with?’

قَالَ إِطْعَامُ عَشْرَةِ مَسَاكِينَ لِكُلِّ مِسْكِينٍ مُدًّا

He^{-asws} said: ‘He^{-saww} fed ten needy ones, a *Mudd* for each needy one’.

قُلْتُ فَمَنْ وَجَدَ الْكِسْوَةَ

I said, ‘So (what about) the one who can find the clothing?’

قَالَ ثَوْبٌ يُوَارِي عَوْرَتَهُ.

He^{-asws} said: ‘A garment to cover his bareness’.¹⁴⁷

146 ين، كتاب حسين بن سعيد و النوادر عن مَنْصُورِ بْنِ حَازِمٍ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ ع أَطْعِمُ فِي كَفَّارَةِ الْيَمِينِ مُدًّا لِكُلِّ مِسْكِينٍ إِلَّا صَدَقَةَ الْفِطْرِ فَإِنَّهُ يَصْنَعُ صَاعًا أَوْ صَاعًا مِنْ تَمْرٍ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Mansour Bin Hazim who said,

‘Abu Abdullah^{-asws} said to me: ‘In expiation penalty of the oath, feed a Mudd to each needy one, except charity of (Eid) Al-Fitr, for it is half a *Sa’a* (two *Mudds*), or a *Sa’a* of dates’.¹⁴⁸

147 ين، كتاب حسين بن سعيد و النوادر عن إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا إِبْرَاهِيمَ ع عَنْ إِطْعَامِ عَشْرَةِ مَسَاكِينَ أَوْ إِطْعَامِ سِتِّينَ مِسْكِيناً أَيْجُمَعُ ذَلِكَ لِإِنْسَانٍ وَاحِدٍ يُعْطَاهُ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Is’haq Bin Ammar who said,

‘I asked Abu Ibrahim^{-asws} (Musa Al-Kazim^{-asws}) about feeding ten needy ones, or feeding sixty needy ones, ‘Can that be gathered in giving it to one person (feeding him for ten or sixty days)?’

¹⁴⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 145

¹⁴⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 146

قَالَ لَا وَ لَكِنْ يُعْطَى إِنْسَانٌ إِنْسَانًا كَمَا قَالَ اللَّهُ

He^{-asws} said: 'No! Give to person by person just as Allah^{-azwj} has Said'.

فُلْتُ فَيُعْطِيهِمُ الضُّعَفَاءَ مِنْ غَيْرِ أَهْلِ الْوِلَايَةِ

I said, 'Can he give to the weak ones from other than the people of Wilayah?'

قَالَ نَعَمْ وَ أَهْلُ الْوِلَايَةِ أَحَبُّ إِلَيَّ.

He^{-asws} said: 'Yes, but the people of Wilayah are more beloved to me^{-asws}'.¹⁴⁹

148 ين، كتاب حسين بن سعيد و النوادر عَنْ عُبيدِ اللَّهِ بْنِ عَلِيٍّ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي كَفَّارَةِ الْيَمِينِ مُدٌّ وَ حَفْنَةٌ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ubeydullah Bin Ali Al Halby,

'From Abu Abdullah^{-asws} regarding expiation penalty of the oath: 'A Mudd and a handful'.¹⁵⁰

149 ين، كتاب حسين بن سعيد و النوادر عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ رَبِيعٍ قَالَ: قَالَ مُحَمَّدُ بْنُ مُسْلِمٍ لِأَبِي جَعْفَرٍ فِي كَفَّارَةِ الْيَمِينِ قَالَ أَطْعَمَ رَسُولُ اللَّهِ ص عَشْرَةَ مَسَاكِينَ كُلِّ [لِكُلِّ] مِسْكِينٍ مُدٌّ مِنْ طَعَامٍ فِي أَمْرِ مَارِيَةَ وَ هُوَ قَوْلُهُ يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ إِلَى آخِرِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hammad Bin Isa, from Rabie who said,

'Muhammad Bin Muslim said to Abu Ja'far^{-asws} regarding the expiation penalty of the oath. He^{-asws} said: 'Ten needy ones, a Mudd of food to each needy one, from the food in the matter of Mariah^{-ra}, and it is His^{-azwj} Word: **O you the Prophet! Do not deny (yourself) what Allah has Permitted for you [66:1] – up to end its end**'.¹⁵¹

150 ين، كتاب حسين بن سعيد و النوادر عَنْ إِبْرَاهِيمَ بْنِ عُمَرَ أَنَّهُ سَمِعَ أَبَا عَبْدِ اللَّهِ ع يَقُولُ فِي كَفَّارَةِ الْيَمِينِ مَنْ كَانَ لَهُ مَا يُطْعَمُ فَلَيْسَ لَهُ أَنْ يَصُومَ وَ يُطْعَمُ عَشْرَةَ مَسَاكِينَ مُدًّا مُدًّا فَإِنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ.

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

From Ibrahim Bin Umar, he heard Abu Abdullah^{-asws} saying regarding expiation penalty of the oath: 'One who had food for him when he can feed with, it isn't for him that he fasts, and feeding ten needy ones if a Mudd, a Mudd (each). If he cannot find, then he fasts for three days'.¹⁵²

¹⁴⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 147

¹⁵⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 148

¹⁵¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 149

¹⁵² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 150

151 ين، كتاب حسين بن سعيد و النوادر حَمَّادُ بْنُ عَيْسَى عَنْ عَبْدِ اللَّهِ بْنِ مُعَيْرَةَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ قَالَ هُوَ كَمَا يَكُونُ إِنَّهُ يَكُونُ فِي الْبَيْتِ مَنْ يَأْكُلُ أَكْثَرَ مِنَ الْمُدِّ وَ مِنْهُمْ مَنْ يَأْكُلُ أَقَلَّ مِنْ ذَلِكَ فَإِنْ شِئْتَ جَعَلْتَ لَهُمْ أَدْمًا وَ الْأُدْمُ أَدْوَنُهُ الْمَلْحُ وَ أَوْسَطُهَا الزَّيْتُ وَ الْخَلُّ وَ أَرْفَعُهُ اللَّحْمُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Hammad Bin Isa, from Abdullah Bin Mugheira, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: '**from the average of what you feed your families [5:89]**. He^{-asws} said: 'It is what can be. There could be someone in the house eating more than the *Mudd*, and from them is one who eats less than that. If he so desires, he can make for them a condiment, and the condiment, the least of it is the salt, and its average is the oil and the vinegar, and the highest of it is the meat.¹⁵³

152 ين، كتاب حسين بن سعيد و النوادر عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي كَفَّارَةِ الْيَمِينِ قَالَ مُدٌّ مِنْ حِنْطَةٍ وَ حَفْنَةٌ لِيَكُونَ الْحَفْنَةُ فِي طَحْنِهِ وَ حِنْطَةٍ.

The book of Haseen Bin Saeed, and 'Al Nawadir', from Hisham Bin Al Hakam,

From Abu Abdullah^{-asws} regarding the expiation penalty of the oath. He^{-asws} said: 'A *Mudd* of wheat, and a handful. Let the handful be from its ground state, and wheat.¹⁵⁴

153 ين، كتاب حسين بن سعيد و النوادر عَنْ مَعْمَرِ بْنِ عُمَرَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَمَّنْ وَجَبَتْ عَلَيْهِ الْكِسْوَةُ لِلْمَسَاكِينِ فِي كَفَّارَةِ الْيَمِينِ قَالَ تَوْبٌ هُوَ مَا يُوَارِي عَوْرَتَهُ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ma'mar Bin Umar who said,

'I asked Abu Ja'far^{-asws} about the one, the clothing of the needy ones is obligatory, regarding the expiation penalty of the oath. He^{-asws} said: 'A garment. It is what covers his bareness'.¹⁵⁵

154 ين، كتاب حسين بن سعيد و النوادر عَلَاءَةُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: سُئِلَ عَنْ رَجُلٍ جَعَلَ عَلَى نَفْسِهِ الْمَشْيَ إِلَى الْكَعْبَةِ أَوْ صَدَقَةً أَوْ عَتَقًا أَوْ نَذْرًا أَوْ هَدِيًّا إِنْ عَاقَى اللَّهُ أَبَاهُ أَوْ أَحَاهُ أَوْ دَا رَحِمٍ أَوْ فَطَعَ قَرَابَةً أَوْ أَمَرَ مَائِمًا

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ala'a, from Muhammad Bin Muslim,

From Abu Ja'far^{-asws}, he (the narrator) said, 'He^{-asws} was asked about a man who made upon himself walking to the Kabah, or charity, or liberating (a slave), or a vow, or a sacrificial offering if Allah^{-azwj} Grants him well-being to his father, or his brother, or a relative, or cutting a kinship, or a sinful matter.

قَالَ كِتَابُ اللَّهِ قَبْلَ الْيَمِينِ لَا يَمِينُ فِي مَعْصِيَةٍ إِلَّا الْيَمِينُ الْوَاجِبَةُ الَّتِي يُتَّبَعِي لِصَاحِبِهَا أَنْ يَنْبَغِي بِهَا مَا جَعَلَ اللَّهُ عَلَيْهِ مِنَ الشُّكْرِ إِنْ هُوَ عَاقَاهُ مِنْ مَرَضٍ أَوْ مِنْ أَمْرٍ يَخَافُهُ أَوْ رَدَّ عَائِبٌ أَوْ رَدَّ مِنْ سَفَرِهِ أَوْ رَزَقَهُ اللَّهُ وَ هَذَا الْوَاجِبُ عَلَى صَاحِبِهِ يُتَّبَعِي لَهُ أَنْ يَنْبَغِي لَهُ بِهِ.

¹⁵³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 151

¹⁵⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 152

¹⁵⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 153

He^{-asws} said: 'The Book of Allah^{-azwj} is before the oath! There is no oath in disobedience. But rather, the obligating oath which befits its owner to be loyal with it is what he makes for Allah^{-azwj} upon him, of the appreciation if He^{-azwj} Grants him well-being from a sickness, or from a matter he fears, or return an absentee, or returning from his journey, or Allah^{-azwj} to Provide him, and this is obligatory upon its owner. It is befitting for him that he is loyal with it'.¹⁵⁶

155 وَ قَالَ أَبُو جَعْفَرٍ ع مَا كَانَ عَلَيْهِ وَاجِباً فَحَلَفَ أَنْ لَا يَفْعَلَهُ فَفَعَلَهُ فَالْكَفَّارَةُ.

And Abu Ja'far^{-asws} said: 'Whatever was obligated upon him, so he swears an oath that he will not do it, then he does it, there isn't anything upon him, and whatever does not happen to be obligated upon him, so he swears an oath that he will not do it, then he does it, the expiation penalty (is obligated)'.¹⁵⁷

156 وَ سُئِلَ هَلْ يَصِحُّ إِذَا حَلَفَ الرَّجُلُ أَنْ يَضْرِبَ عَبْدَهُ عَدَدًا أَنْ يَجْمَعَ حَشْبًا فَيَضْرِبُهُ فَيَحْسُبُ بِعَدَدِهِ

And he^{-asws} was asked, 'Is it correct if a man swears an oath to strike his slave a number of times, that he gathers sticks and strikes him, and counts at their number?'

قَالَ نَعَمْ إِنَّ عَلِيًّا جَلَدَ الْوَلِيدَ بْنِ عُقْبَةَ فِي الْحُمْرِ بِسَوْطٍ لَهُ رَأْسَانِ فَحَسَبَ كُلَّ جَلْدَةٍ بِجَلْدَتَيْنِ.

He^{-asws} said: 'Yes! Ali^{-asws} had whipped Al-Waleed Bin Uqbah regarding (drinking) the wine, with a whip that had two ends for it. He^{-asws} calculated each lash as two lashes'.¹⁵⁸

157 قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يَقُولُ عَلَيَّ مِائَةٌ بَدَنَةٍ أَوْ أَلْفٌ بَدَنَةٍ أَوْ مَا لَا يُطِيقُ فَقَالَ قَالَ رَسُولُ اللَّهِ ص ذَلِكَ مِنْ حُطُوتِ الشَّيْطَانِ.

And I asked him^{-asws} about the man saying, 'Upon me are a hundred camels', or 'a thousand camels', or what he cannot endure. He^{-asws} said: 'Rasool-Allah^{-sawww} said: 'That is from the footsteps of Satan^{-la'}'.¹⁵⁹

158 وَ سُئِلَ عَنْ رَجُلٍ جَعَلَ عَلَى نَفْسِهِ عَتَقَ رَقَبَةٍ مِنْ وَدِّ إِسْمَاعِيلَ قَالَ وَ مَنْ عَسَى أَنْ يَكُونَ وَدِّ إِسْمَاعِيلَ إِلَّا هُوَ لَا وَ أَشَارَ بِيَدِهِ إِلَى أَهْلِهِ وَ وَدِّهِ

And he^{-asws} was asked about a man who makes upon himself liberation of a neck from the children of Ismail^{-as}. He^{-asws} said: 'And who can be from the children of Ismail^{-as} except them?' – and he^{-asws} indicated by his^{-asws} hand towards his^{-asws} family and his^{-asws} children.

قَالَ وَ لَا يَخْلِفُ الْيَهُودِيُّ وَ النَّصْرَانِيُّ إِلَّا بِاللَّهِ وَ لَا يَصْلُحُ لِأَحَدٍ أَنْ يَسْتَخْلِفَهُمْ بِأَهْلِهِمْ.

¹⁵⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 154

¹⁵⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 155

¹⁵⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 156

¹⁵⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 157

He^{-asws} said: 'And neither get the Jew or the Christian to swear except by Allah^{-azwj}, and it is not correct for anyone that he makes them swear by their gods'.¹⁶⁰

159 وَ عَنْهُ قَالَ: كُلَّمَا خَالَفَ كِتَابَ اللَّهِ فِي شَيْءٍ مِنْ الْأَشْيَاءِ مِنْ يَمِينٍ أَوْ غَيْرِهِ رَدَّهُ إِلَى كِتَابِ اللَّهِ.

And from him^{-asws} having said: 'All that is sworn by the Book of Allah^{-azwj}, regarding anything from the things, either from an oath or something else, it is returned to the Book of Allah^{-azwj}'.¹⁶¹

160 وَ سَأَلْتُهُ عَنْ رَجُلٍ جَعَلَ عَلَى نَفْسِهِ أَنْ يَصُومَ إِلَى أَنْ يَقُومَ فَاتَمُّكُمْ قَالَ شَيْءٌ عَلَيْهِ أَوْ جَعَلَهُ لِلَّهِ

And I asked him^{-asws} about a man who makes upon himself that he will fast up to the rising of your^{-asws} Qaim^{-ajfj}. He^{-asws} said: 'Is it something upon him or he made it for Allah^{-azwj}?'

قُلْتُ بَلَى جَعَلَهُ لِلَّهِ

I said, 'But, he made it for Allah^{-azwj}!'

قَالَ كَانَ عَارِفًا أَوْ غَيْرَ عَارِفٍ

He^{-asws} said: 'Was he a knower or not a knower?'

قُلْتُ بَلَى عَارِفٍ

I said, 'But, a knower'.

قَالَ إِنْ كَانَ عَارِفًا أَمَّ الصَّوْمَ وَ لَا يَصُومُ فِي السَّفَرِ وَ الْمَرَضِ وَ أَيَّامِ التَّشْرِيقِ.

He^{-asws} said: 'If he was a knower, he should complete the fasts, but he cannot fast during the journey and the sickness, and the days of Al-Tashreeq (11th, 12th & 13th of Zulhijjah)'.¹⁶²

161 وَ عَنْهُ فِي رَجُلٍ عَاهَدَ اللَّهُ عِنْدَ الْحَجْرِ أَنْ لَا يَقْرَبَ مُحَرَّمًا أَبَدًا فَلَمَّا رَجَعَ عَادَ إِلَى الْمُحَرَّمِ

And from him^{-asws} regarding a man who makes a pact with Allah^{-azwj} at the (Black) Stone that he will not go near a prohibition, ever. When he returned, he returned to the prohibition.

فَقَالَ أَبُو جَعْفَرٍ ع يُعِينُ أَوْ يَصُومُ أَوْ يُطْعِمُ سِتِّينَ مِسْكِينًا وَ مَا تَرَكَ مِنَ الْأَمْرِ أَكْبَرُ وَ يَسْتَعْفِرُ اللَّهَ وَ يَتُوبُ.

¹⁶⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 158

¹⁶¹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 159

¹⁶² Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 160

Abu Ja'far^{-asws} said: 'He should either liberate (a slave), or fast, or feed sixty needy ones, and what matter he has neglected is more grievous, and he should seek Forgiveness of Allah^{-azwj} and repent'.¹⁶³

162 أَبُو عَبْدِ اللَّهِ ع كَفَّارَةُ الْيَمِينِ إِطْعَامُ عَشْرَةِ مَسَاكِينَ لِكُلِّ وَاحِدٍ فِيهِ طِخْنَةٌ وَ حِنْطَةٌ أَوْ تُوْبٌ.

Abu Abdullah^{-asws}: 'The expiation penalty of an oath is feeding ten needy ones, for each one a handful (of flour), and wheat, or a garment'.¹⁶⁴

163 وَ فِي رِوَايَةِ الْحَلْبِيِّ مُدٌّ وَ حَفْنَةٌ أَوْ تُوْبَيْنِ [تُوْبَانِ] وَ إِنْ أَعْتَقَ مُسْتَضْعِفاً وَ قَدْ وَجِبَ عَلَيْهِ الْعِتْقُ لَمْ يَكُنْ بِهِ بَأْسٌ.

And in another report by Al Halby – 'A Mudd, and a handful (of flour), or two garments, and if he were to liberate a weak one, and the liberation has been obligated upon him, there would be no problem in it'.¹⁶⁵

164 نَوَادِرُ الرَّوْانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا يَمِينٌ لِمَرْأَةٍ مَعَ زَوْجِهَا وَ لَا يَمِينٌ لَوَلَدٍ مَعَ وَالِدِهِ وَ لَا يَمِينٌ لِلْمَمْلُوكِ مَعَ سَيِّدِهِ وَ لَا يَمِينٌ فِي قَطِيعَةِ رَجْمٍ وَ لَا يَمِينٌ فِي مَا لَا يَمْلِكُ وَ لَا يَمِينٌ فِي مَعْصِيَةِ الْخَبَرِ.

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

From Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There is no oath for a wife with her husband, nor an oath for a child with its parent, nor an oath for the slave with his master, nor an oath in cutting a kinship, nor an oath in what he does not own, nor an oath in disobedience' – the Hadeeth.¹⁶⁶

165 بَيَانُ التَّنْزِيلِ، لِابْنِ شَهْرَاشُوبَ وَ رَوْضُ الْجِنَانِ، لِأَبِي الْفَتْوحِ رَحْمَةُ اللَّهِ عَلَيْهِمَا زُوِيَ أَنَّ رَجُلًا سَأَلَ أَبَا بَكْرٍ عَنِ الْحَيْنِ وَ كَانَ نَذَرَ أَلَّا يُكَلِّمَ زَوْجَتَهُ حِينَئِذٍ فَقَالَ إِلَى يَوْمِ الْقِيَامَةِ لِقَوْلِهِ تَعَالَى وَ مَتَاعٌ إِلَى حِينٍ

(The book) 'Bayan Al Tanzeel' of Ibn Shehr Ashub, and 'Rowzat Al Jinan' of Abu Al Futouh, may Allah^{-azwj} Mercy them both –

'It is reported that a man asked Abu Bakr about 'a while' (Al-Heen), and he had vowed that he will not speak to his wife for a while (Heen). He said, 'Up to the Day of Qiyamah, due to Words of the Exalted: **and a provision for a while [2:36]**.

فَسَأَلَ عُمَرَ فَقَالَ أَرْبَعِينَ سَنَةً لِقَوْلِهِ تَعَالَى - هَلْ أَتَى عَلَى الْإِنْسَانِ حِينٌ مِّنَ الدَّهْرِ

He asked Umar. He said, 'Forty years, due to Words of the Exalted: **Didn't there come upon the human being, a while (phase) from the time [76:1]**'.

فَسَأَلَ عُمَرَ فَقَالَ سَنَةً لِقَوْلِهِ تَعَالَى - تُؤْتِي أُمَّهَا كُلَّ حِينٍ

¹⁶³ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 161

¹⁶⁴ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 162

¹⁶⁵ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 163

¹⁶⁶ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 164

He asked Usman. He said, 'A year, due to Words of the Exalted: **Yielding its fruit in every season (while) [14:25].**

فَسَأَلَ عَلِيًّا عَ فَقَالَ إِنَّ نَدَرْتَ غُدُوَّةً فَتَكَلِّمْ عَشِيَّةً وَإِنْ نَدَرْتَ عَشِيَّةً فَتَكَلِّمْ بُكْرَةً لِفَوَهِ تَعَالَى فَسُبْحَانَ اللَّهِ حِينَ تُمْسُونَ وَ حِينَ تُصْبِحُونَ

He asked Ali^{-asws}. He^{-asws} said: 'If you have vowed in the morning, speak in the evening, and if you have vowed in the evening, speak in the morning, due to Words of the Exalted: **Therefore, Glorify Allah when you come up to the evening and when you come up to the morning [30:17].**

فَفَرِحَ الرَّجُلُ وَ قَالَ اللَّهُ أَعْلَمُ حَيْثُ يَجْعَلُ رِسَالَتِي.

The man rejoiced and said, 'Allah^{-azwj} is more Knowing where to Place His^{-azwj} Message!'¹⁶⁷

166 كِتَابُ الْعَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ التَّقْفِيّ عَنِ بَشِيرِ بْنِ حَبِثَةَ عَنْ عَبْدِ الْقُدُوسِ عَنْ أَبِي إِسْحَاقَ عَنِ الْحَارِثِ أَنَّ أَمِيرَ الْمُؤْمِنِينَ عَ سَمِعَ رَجُلًا يَقُولُ كَلًّا وَ الَّذِي اخْتَجَبَ بِالسَّبْعِ

(The book) 'Kitab Al Gharaat' of Ibrahim Muhammad Al Saqafy, from Bashir Bin Khaysama, from Abdul Qudous, from Abu Is'haq, from Al Haris,

'Amir Al-Momineen^{-asws} heard a man saying, 'Never, by the One Who is veiled by the seven!'

فَضْرَبَهُ عَلِيٌّ عَ عَلَى ظَهْرِهِ ثُمَّ قَالَ يَا لِحَامٍ وَ مَنْ الَّذِي اخْتَجَبَ بِالسَّبْعِ

Ali^{-asws} struck him upon his back, then said, 'O butcher, and who is the one who is veiled by the seven?'

قَالَ رَبُّ الْعَالَمِينَ يَا أَمِيرَ الْمُؤْمِنِينَ

He said, 'Lord^{-azwj} of the worlds, O Amir Al-Momineen^{-asws}!'

فَقَالَ لَهُ أَحْطَأْتُ تُكَلِّمَكَ أُمًّا إِنَّ اللَّهَ لَيْسَ بَيْنَهُ وَ بَيْنَ خَلْقِهِ حِجَابٌ لِأَنَّهُ مَعَهُمْ أَيْنَمَا كَانُوا

He^{-asws} said to him: 'You are mistaken, may your mother be bereft of you! Allah^{-azwj}, there isn't any veil between Him^{-azwj} and His^{-azwj} creation because He^{-azwj} is with them wherever they may be'.

فَقَالَ الرَّجُلُ مَا كَفَّارَةٌ مَا قُلْتُ يَا أَمِيرَ الْمُؤْمِنِينَ

The man said, 'What is the expiation penalty of what I said, O Amir Al-Momineen^{-asws}?'

قَالَ أَنْ تَعْلَمَ أَنَّ اللَّهَ مَعَكَ حَيْثُ كُنْتَ

¹⁶⁷ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 165

He^{-asws} said: 'Allah^{-azwj} is with you wherever you may be!'

قَالَ أَطْعِمِ الْمَسَاكِينَ

He said, 'Do I have to feed the needy ones?'

قَالَ لَا إِنَّمَا حَلَفْتَ بِغَيْرِ رَبِّكَ.

He^{-asws} said: 'No! But rather, you have sworn by other than your Lord^{-azwj}'.¹⁶⁸

167 اِهْدَايَةُ، التُّدْوَرُ وَ الْاِيْمَانُ وَ الْكُفَّارَاتُ الْيَمِينُ عَلَى وَجْهَيْنِ يَمِينٌ فِيهَا كَفَّارَةٌ وَ يَمِينٌ لَا كَفَّارَةَ فِيهَا

(The book) 'Al-Hidaya' -

The vows and the oaths and the expiations of the oath are based upon two aspects, an oath there is an expiation penalty in it, and an oath there being no expiation penalty in it.

قَالَتِي فِيهَا الْكُفَّارَةُ فَهُوَ أَنْ يَحْلِفَ الرَّجُلُ عَلَى شَيْءٍ لَا يَلْزَمُهُ أَنْ يَفْعَلَ فَيَحْلِفُ أَنْ يَفْعَلَ ذَلِكَ الشَّيْءَ وَ لَمْ يَفْعَلْهُ أَوْ يَحْلِفُ أَوْ حَلَفَ عَلَى مَا يَلْزَمُهُ أَنْ يَفْعَلَهُ فَعَلَيْهِ الْكُفَّارَةُ إِذَا لَمْ يَفْعَلْهُ

The (oath) in which is the expiation penalty, it is the man swearing upon something which does not necessitate him to do. So, he swears that he will do that thing but does not do it, or he swears or swears upon what does necessitate him to do, so upon him is the expiation when he does not do it.

وَ الْيَمِينُ الَّتِي لَا كَفَّارَةَ عَلَيْهِ فِيهَا وَ هِيَ عَلَى ثَلَاثَةِ أَوْجُهٍ فَمِنْهَا مَا يُؤْجَرُ عَلَيْهِ الرَّجُلُ إِذَا حَلَفَ كَاذِبًا وَ مِنْهَا لَا كَفَّارَةَ عَلَيْهِ وَ لَا أَجْرَ وَ مِنْهَا مَا لَا كَفَّارَةَ عَلَيْهِ فِيهَا وَ الْعُقُوبَةُ فِيهَا دُخُولُ النَّارِ

And the oath in which there is no expiation upon him, and it is upon three aspects. From these is what the man is rewarded upon, when he swears falsely; and from these is neither expiation upon him nor reward; and from these is what there is no expiation upon him regarding it, and the punishment in it is entering the Hellfire.

فَأَمَّا الَّتِي يُؤْجَرُ عَلَيْهَا الرَّجُلُ إِذَا حَلَفَ كَاذِبًا وَ لَمْ تَلْزَمُهُ فِيهَا الْكُفَّارَةُ فَهُوَ أَنْ يَحْلِفَ الرَّجُلُ فِي خَلَاصِ امْرِئٍ مُسْلِمٍ أَوْ يُخَلِّصَ بِهَا مَالَ امْرِئٍ مُسْلِمٍ مِنْ مُتَعَدِّ عَلَيْهِ مِنْ لَصٍّ أَوْ غَيْرِهِ

As for which the man is rewarded upon when he swears falsely and the expiation does not necessitate him in it, it is the man swearing in rescuing a Muslim person, or rescuing the wealth of a Muslim person by it from someone transgressing upon him, either a thief or someone else.

وَ أَمَّا الَّتِي لَا كَفَّارَةَ عَلَيْهِ وَ لَا أَجْرَ فَهُوَ أَنْ يَحْلِفَ الرَّجُلُ عَلَى شَيْءٍ ثُمَّ يَجِدُ مَا هُوَ خَيْرٌ مِنَ الْيَمِينِ فَيَبْتَئُكُ الْيَمِينِ وَ يَرْجِعُ إِلَى الَّذِي هُوَ خَيْرٌ.

¹⁶⁸ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 166

And as for which there is no expiation upon him nor any reward, it is that the man swears upon something, then he finds it is better than the oath so he neglects the oath and returns to that which is better'.¹⁶⁹

168 وَ قَالَ الْكَاطِمُ ع لَا كَفَّارَةَ عَلَيْهِ وَ ذَلِكَ مِنْ حُطُوبَاتِ الشَّيْطَانِ وَ أَمَّا الَّتِي عُقُوبَتُهَا دُخُولُ النَّارِ فَهُوَ أَنْ يَخْلِفَ الرَّجُلُ عَلَى مَا لَمْ يَكُنْ مُسْلِمًا أَوْ عَلَى حَقِّهِ ظُلْمًا فَهَذِهِ يَمِينٌ عَمُوسٌ تُوجِبُ النَّارَ وَ لَا كَفَّارَةَ عَلَيْهِ فِي الدُّنْيَا-

And Al-Kazim^{-asws} said: 'There is no expiation upon him, and that is from the footsteps of Satan^{la}. And as for (the oath) which its punishment is entering the Hellfire, it is the man swearing upon wealth of a Muslim person, or upon his rights unjustly. So, this is an oath of perjury obligating the Hellfire, and there is no expiation upon him in the world.

وَ اعْلَمُ أَنْ لَا يَمِينَ فِي قَطِيعَةِ رَحِمٍ وَ لَا نَذْرٌ فِي مَعْصِيَةٍ وَ لَا يَمِينَ لَوْلَدٍ مَعَ وَالِدِهِ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا لِلْمَمْلُوكِ مَعَ مَوْلَاهُ

And know that there is neither an oath in cutting a kinship nor a vow in an act of disobedience, nor any child with its parent, nor for the woman with her husband, nor for the slave with his master.

وَ لَوْ أَنَّ رَجُلًا نَذَرَ أَنْ يَشْرَبَ خَمْرًا أَوْ يَفْسُقَ أَوْ يَمُتَعَ رَحِمًا أَوْ يَنْزِكَ فَرَضًا أَوْ سَنَةً لَكَانَ يَجِبُ عَلَيْهِ أَنْ لَا يَشْرَبَ الْخَمْرَ وَ لَا يَفْسُقَ وَ لَا يَنْزِكَ الْفَرَضَ وَ السَّنَةَ

And if a man were to vow that he will drink wine, or cut off a kinship, or neglect an obligation or a Sunnah, it would obligate upon him that he neither drinks the wine, nor makes mischief, nor neglects the obligation and the Sunnah.

وَ لَا كَفَّارَةَ إِذَا خَبَثَ فِي يَمِينِهِ وَ إِذَا خَلَفَ الرَّجُلُ عَلَى مَا فِيهِ الْكُفَّارَةُ لَرَمْتَهُ الْكُفَّارَةُ كَمَا قَالَ اللَّهُ عَزَّ وَ جَلَّ- فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينٍ وَ هُوَ مُدٌّ لِكُلِّ رَجُلٍ أَوْ كِسْوَتُهُمْ لِكُلِّ رَجُلٍ ثَوْبٌ أَوْ تَحْرِيرُ رَقَبَةٍ وَ هُوَ بِالْخِيَارِ أَيُّ الثَّلَاثِ فَعَلَّ جَازَ لَهُ فَإِنْ لَمْ يَقْدِرْ عَلَى وَاحِدَةٍ مِنْهَا صَامَ ثَلَاثَةَ أَيَّامٍ مُتَوَالِيَاتٍ

And there is no expiation when there is a sin in his oath, and when the man swears upon what the expiation necessitates him in it, the expiation is necessitated just as Allah^{-azwj} Mighty and Majestic Said: **so its expiation is feeding ten poor ones [5:89]**, and it is a **Mudd** for each man, **or their clothing** being a garment for each man, **or freeing a neck**, and he is with the choice whichever of the three he does, it is allowed for him. If he is not able upon one of these, **then Fasting for three days** consecutively.

وَ النَّذْرُ عَلَى وَجْهَيْنِ فَأَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ إِنْ عُوِفْتُ مِنْ مَرَضٍ أَوْ تَخَلَّصْتُ مِنْ دَيْنٍ أَوْ عَدُوٍّ أَوْ كَانَ كَذَا وَ كَذَا صُمْتُ أَوْ صَلَّيْتُ أَوْ تَصَدَّقْتُ أَوْ حَجَّجْتُ وَ فَعَلْتُ شَيْئًا مِنَ الْخَيْرِ فَهُوَ بِالْخِيَارِ إِنْ شَاءَ فَعَلَّ مُتَتَابِعًا وَ إِنْ شَاءَ مُتَفَرِّقًا وَ إِنْ شَاءَ لَمْ يَفْعَلْ

And the vow is based upon two aspects. One of these is that the man says, 'If I recover from a sickness', or 'rescued from a debt or an enemy', or 'if such and such happens I will fast, or pray Salat, or donate charity, or perform Hajj, or I will do something from good', so he is with

¹⁶⁹ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 167

the choice. If he desires, he does consecutively or if he desires, he can separate, and if he desires, he does not do it.

فَإِنْ قَالَ إِنَّ كَانَ كَذَا وَكَذَا بِمَا قَدَّمْنَا ذِكْرَهُ فَلِلَّهِ عَلَيْهِ كَذَا فَهُوَ نَذْرٌ وَاجِبٌ وَ لَا يَسَعُهُ تَرْكُهُ وَ عَلَيْهِ الْوَفَاءُ بِهِ فَإِنْ خَالَفَ لَزِمَتْهُ الْكَفَّارَةُ صِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ

If he says, 'If such and such happens' from what we have mentioned before - 'For Allah^{-azwj} upon me would be such and such', so it is an obligatory vow. There is no leeway for him to neglect it, and upon him is to be loyal with it. If he opposes, the expiation penalty would necessitate him of fasting two months consecutively.

وَ قَدْ رُوِيَ كَفَّارَةُ بَيْنَ فَإِنْ نَذَرَ الرَّجُلُ أَنْ يَصُومَ يَوْمًا أَوْ شَهْرًا لَا يَعْتَنِيهِ فَهُوَ بِالْخِيَارِ أَيَّ يَوْمٍ صَامَ وَ أَيَّ شَهْرٍ صَامَ مَا لَمْ يَكُنْ ذَا الْحِجَّةِ أَوْ سُؤْلًا فَإِنَّ فِيهِمَا الْعِيدَيْنِ وَ لَا يَجُوزُ صَوْمُهُمَا

And it has been reported regarding expiation of an oath – 'If the man vows that he will fast for a day, or a month, not being exact, he is with the choice whichever month he fasts, and which month he fasts for as long as it does not happen to be Zul Hijjah, or Shawwal, for therein are two Eids, and it is not allowed to fast these.

فَإِنْ صَامَ يَوْمًا أَوْ شَهْرًا لَمْ يُسَمِّهِ فِي النَّذْرِ فَأَفْطَرَ فَلَا كَفَّارَةَ عَلَيْهِ إِذَا عَلِيَهُ أَنْ يَصُومَ يَوْمًا مَكَانَهُ أَوْ شَهْرًا مَعْرُوفًا عَلَى حَسَبِ مَا نَذَرَ فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْمًا مَعْرُوفًا أَوْ شَهْرًا مَعْرُوفًا فَلَعَلِيهِ أَنْ يَصُومَ ذَلِكَ الْيَوْمَ أَوْ ذَلِكَ الشَّهْرَ فَإِنْ لَمْ يَصُمْهُ أَوْ صَامَ فَأَفْطَرَ فَلَعَلِيهِ الْكَفَّارَةُ

If he fasts for a day or a month, not specifying it, so he breaks, there is no expiation upon him. But rather, upon him is to fast a day in its place, or a known month in accordance to what he had vowed. If he vowed then he would fast a known day, or a known month, upon him is to fast that day or that day. If he does not fast it, or fasts but breaks, upon him is the expiation.

وَ لَوْ أَنَّ رَجُلًا نَذَرَ نَذْرًا وَ لَمْ يُسَمِّ شَيْئًا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ تَصَدَّقَ بِشَيْءٍ وَ إِنْ شَاءَ صَلَّى رَكَعَتَيْنِ أَوْ صَامَ يَوْمًا إِلَّا أَنْ يَكُونَ نَوَى شَيْئًا فِي نَذْرِهِ فَيَلْزِمُهُ فِعْلُ ذَلِكَ الشَّيْءِ مِنْ صَدَقَةٍ أَوْ صَوْمٍ أَوْ حَجٍّ أَوْ غَيْرِ ذَلِكَ

And if a man vows a vow and does not specify anything, he is with the choice. If he desires, he can donate with something, and if he desires, he prays two units Salat, or fasts a day, except if he happens to have intended something in his vow, it necessitates him to do that thing, either charity, or fasting, or Hajj or other than that.

فَإِنْ نَذَرَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ وَ لَمْ يُسَمِّ مَبْلَعَهُ فَإِنَّ الْكَثِيرَ تَمَانُونَ فَمَا زَادَ لِقَوْلِ اللَّهِ تَعَالَى لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَ كَانَتْ تَمَانِينَ مَوْطِنًا.

If he vows that he would donate a lot of wealth and does not specify its extent, the 'lot' is eighty and what is more, due to Words of Allah^{-azwj} the Exalted: **Allah has Helped you in many places [9:25]**.¹⁷⁰

¹⁷⁰ Bihar Al-Anwaar V 101 – The Book of Contracts and Declarations – CH 128 H 168

كتاب الأحكام

THE BOOK OF RULINGS

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ وَ سَلَامٌ عَلَى عِبَادِهِ الَّذِينَ اصْطَفَى مُحَمَّدٌ وَ آلِهِ خَيْرَةُ الْوَرَى أَمَا بَعْدُ فَهَذَا هُوَ الْمَجْلَدُ الرَّابِعُ وَ الْعَشْرُونَ مِنْ كِتَابِ بَحَارِ الْأَنْوَارِ فِي الْأَحْكَامِ الشَّرْعِيَّةِ مِمَّا أَلْفَهُ الْخَاطِئُ الْخَاسِرُ ابْنُ مُحَمَّدٍ تَقِيٍّ مُحَمَّدٌ بَاقِرٌ عَفَا اللَّهُ عَنْ جُرَائِمِهِمَا.

In the Name of Allah^{-azwj} the Beneficent, the Merciful, and greetings be upon His^{-azwj} servants, those whom He^{-azwj} Chose, Muhammad^{-sawww} and his^{-sawww} Progeny^{-asws}, the best of creation. As for after, this is the twenty-fourth volume of the book 'Bihar Al Anwaar', regarding rulings of the law from what is compiled by the sinner, the loser Muhammad Baqir, son of Muhammad Taqi, may Allah^{-azwj} Pardon both their offences.

باب 1 اللقطة و الضالة

CHAPTER 1 – THE FOUND AND LOST PROPERTY

1- ب، قرب الإسناد عَنْهُمَا عَنْ حَنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ اللَّقْطَةِ قَالَ تُعْرَفُهَا سَنَةً فَإِذَا انْقَضَتْ فَأَنْتَ أَمْلِكُ بِهَا.

(The book) 'Qurb Al Isnaad' – From them both, from Hanan who said,

'I asked Abu Abdullah^{-asws} about the found property. He^{-asws} said: 'Introduce (advertise) it for a year. When it expires, you are the owner of it'.¹⁷¹

2- ب، قرب الإسناد عَلِيِّ عَنِ أَخِيهِ ع قَالَ: سَأَلْتُهُ عَنِ اللَّقْطَةِ إِذَا كَانَتْ جَارِيَةً هَلْ يَحِلُّ فَرْجُهَا لِمَنْ اتَّقَطَهَا

(The book) 'Qurb Al Isnaad' -

Ali, from his brother (Musa Al-Kazim^{-asws}), he said, 'I asked him^{-asws} about the found property, 'When it was a (lost) slave girl, are her private parts permissible for the one who finds her?'

قَالَ لَا إِذَا يَحِلُّ لَهُ بَيْعُهَا بِمَا أَنْفَقَ عَلَيْهَا.

He^{-asws} said: 'No! But rather, it is permissible for him to sell her for what he had spent upon her'.¹⁷²

3- قَالَ: وَ سَأَلْتُهُ عَنِ اللَّقْطَةِ يُصِيبُهَا الرَّجُلُ قَالَ يُعْرَفُهَا سَنَةً ثُمَّ هِيَ كَسَائِرِ مَالِهِ

He said, 'And I asked him^{-asws} about the found property attained by the man. He^{-asws} said: 'He should introduce (advertise) it for a year, then it is like rest of his wealth'.

¹⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 1

¹⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 2

وَ قَالَ كَانَ عَلِيٌّ بِنُ الْحُسَيْنِ ع يَقُولُ لِأَهْلِهِ- لَا تَمَسُّوَهَا.

And he^{-asws} said: 'Ali^{-asws} Bin Al-Husayn^{-asws} had said to his^{-asws} family: 'Do not touch it!'¹⁷³

4- قَالَ: وَ سَأَلْتُهُ عَنِ اللَّقْطَةِ يَجِدُهَا الْفَقِيرُ هَلْ هُوَ فِيهَا بِمَنْزِلَةِ الْعَنِيِّ

He said, 'And I asked him^{-asws} about the found property the poor man finds it, 'Is he in it at the status of the rich one? (to advertise for a year)'

قَالَ نَعَمْ.

He^{-asws} said: 'Yes'.¹⁷⁴

5- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُصِيبُ اللَّقْطَةَ دَرَاهِمَ أَوْ ثَوْبًا أَوْ دَابَّةً كَيْفَ يَصْنَعُ بِهَا

He said, 'And I asked him^{-asws} about the man who finds the lost Dirhams, or a garment, or an animal, 'How should he deal with it?'

قَالَ يُعْرِفُهَا سَنَةً فَإِنْ لَمْ يَعْرِفْ صَاحِبَهَا حَفِظَهَا فِي غُرْضِ مَالِهِ حَتَّى يَجِيءَ طَالِبُهَا فَيُعْطِيَهَا إِيَّاهُ وَ إِنْ مَاتَ أَوْ صَى بِهَا فَإِنْ أَصَابَهَا شَيْءٌ فَهُوَ ضَامِنٌ.

He^{-asws} said: 'He should introduce (advertise it) for a year. If its owner is not recognised, he should preserve it in the whole of his wealth until its seeker comes, so he should give it to him, and if he were to die, he should bequeath it with it. If something (adverse) happens to it, he is responsible'.¹⁷⁵

6- قَالَ: وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُصِيبُ الْفِضَّةَ فَيُعْرِفُهَا سَنَةً ثُمَّ يَتَصَدَّقُ بِهَا فَيَأْتِي صَاحِبُهَا مَا حَالَ الَّذِي تَصَدَّقَ بِهِ وَ لِمَنِ الْأَجْرُ هَلْ عَلَيْهِ أَنْ يَرُدَّ عَلَى صَاحِبِهَا أَوْ قِيمَتَهَا

He said, 'And I asked him^{-asws} about the man who found the silver. He advertises it for a year, then donates it, then its owner comes, 'What is the state of the one who donated it, and who receives the reward. Is it upon him to return it to its owner, or its value?'

قَالَ هُوَ ضَامِنٌ لَهَا وَ الْأَجْرُ لَهُ إِلَّا أَنْ يَرْضَى صَاحِبُهَا فَيَدْعَهَا وَ الْأَجْرُ لَهُ.

He^{-asws} said: 'He is responsible for it, and reward is for him except if he presents it to its owner, and he leaves it, and the reward is for him'.¹⁷⁶

7- وَ قَالَ: أَخْبَرْتَنِي جَارِيَةٌ لِأَبِي الْحُسَيْنِ مُوسَى ع وَ كَانَتْ تُؤْصِيهِ وَ كَانَتْ خَادِمًا صَادِقًا قَالَتْ وَصَّأْتُهُ بِقُدَيْدٍ وَ هُوَ عَلَى مَنِيرٍ وَ أَنَا أَصْبُ عَلَيْهِ الْمَاءَ فَجَرَى الْمَاءُ عَلَى الْمِيزَابِ فَإِذَا قُرْطَانٍ مِنْ ذَهَبٍ فِيهِمَا دُرٌّ مَا رَأَيْتُ أَحْسَنَ مِنْهُ

¹⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 3

¹⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 4

¹⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 5

¹⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 6

And he said, 'A slave girl of Abu Al-Hassan Musa^{-asws} informed me, and she used to pour water of his^{-asws} Wud'u, and she was a sincere servant. She said, 'I poured water for his^{-asws} Wud'u at Qudeyd while he^{-asws} was upon a pulpit, and I was pouring the water upon him^{-asws}. The water flowed upon the spout and there were two ear-rings of gold having gems in these, I had not seen any more excellent than it.

فَرَفَعَ رَأْسَهُ إِلَيَّ فَقَالَ هَلْ رَأَيْتِ

He^{-asws} raised his^{-asws} head towards me. He^{-asws} said: 'Did you see?'

فَقُلْتُ نَعَمْ

I said, 'Yes'.

فَقَالَ حَمْرِيهِ بِالْأُتْرَابِ وَلَا تُخْبِرِينَ بِهِ أَحَدًا

He^{-asws} said: 'Cover it with the soil and do not inform anyone with it!'

قَالَتْ فَفَعَلْتُ وَ مَا أَخْبَرْتُ بِهِ أَحَدًا حَتَّى مَاتَ صَلَّى اللَّهُ عَلَيْهِ وَ عَلَى آبَائِهِ وَ السَّلَامُ عَلَيْهِمْ وَ رَحْمَةُ اللَّهِ وَ بَرَكَاتُهُ.

She said, 'I did so and did not inform anyone with it until he^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws} and upon his^{-asws} forefathers^{-asws}, and the greeting be upon them^{-asws}, and Mercy of Allah^{-azwj} and His^{-azwj} Blessings, passed away'.¹⁷⁷

8- قَالَ: وَ سَأَلْتُهُ عَنْ رَجُلٍ أَصَابَ شَاةً فِي الصَّحْرَاءِ هَلْ تَحِلُّ لَهُ

He said, 'And I asked him^{-asws} about a man who found a sheep in the desert, 'Is it lawful for him?'

قَالَ قَالَ رَسُولُ اللَّهِ ص هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّبِّ فَخُذْهَا عَرَفْتَهَا حَيْثُ أَصَبْتَهَا فَإِنْ عَرَفْتَ فَرُدَّهَا إِلَى صَاحِبِهَا وَ إِنْ لَمْ تَعْرِفْ فَكُلْهَا وَ أَنْتَ ضَامِرٌ لَهَا إِنْ جَاءَ صَاحِبُهَا يَطْلُبُ مَمْنَهَا أَنْ تَرُدَّهَا عَلَيْهِ.

He^{-asws} said: 'Rasool-Allah^{-sawww} said: 'It is either for you, or for your brother (who may find it), or for the wolf (to devour it). So take it and advertise it where you found it. If he is known, return it to its owner, and if it is not known, eat it, and you will be responsible for it if its owner comes seeking its price, you will have to return it to him!'¹⁷⁸

9- سن، المحاسن التوفلي عن أبي عبد الله عن أبيه عن آبيه عن آباءه أن علياً ع سئل عن سفرة وجدت في الطريق مطروحة كثير لحمها و خبزها و جبنها و بيضها و فيها سكين فقال يعقوب ما فيها ثم يؤكل لأنه يفسد و ليس له بقاء فإن جاء طالب لها غرموا له الثمن

(The book) 'Al Mahasin' – Al Nowfaly, from Al Sakuni,

¹⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 7

¹⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 8

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws}: ‘Ali^{-asws} was asked about a meal thrown in the street. Its meat and its bread and its cheese and its eggs were a lot, and in it was a knife. He^{-asws} said: ‘It should be evaluated whatever is in it, then eaten, because it would spoil, and there isn’t any lasting for it. If its seeker comes for it, pay the price to him’.

قِيلَ يَا أَمِيرَ الْمُؤْمِنِينَ - لَا نَدْرِي سُفْرَةَ مُسْلِمٍ أَوْ سُفْرَةَ مَجُوسِيٍّ

It was said, ‘O Amir Al-Momineen^{-asws}! We don’t know whether it was a meal of a Muslim or a Magian!’

فَقَالَ هُمْ فِي سَعَةٍ حَتَّى يَعْلَمُوا.

He^{-asws} said: ‘They would be in leeway until they know’.¹⁷⁹

10- ضَاء، فقه الرضا عليه السلام اعْلَمْ أَنَّ اللَّقْطَةَ لِقَطَّتَانِ لِقَطَّةُ الْحَرَمِ وَ لِقَطَّةُ غَيْرِ الْحَرَمِ

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} – ‘Know that the found properties are of two types – found in the Sanctuary and found in other than the Sanctuary.

فَأَمَّا لِقَطَّةُ الْحَرَمِ فَإِنَّمَا تُعْرَفُ سَنَةً فَإِن جَاءَ صَاحِبُهَا وَ إِلَّا تَصَدَّقَتْ بِهَا وَ إِن كُنْتَ وَ جَدْتَ فِي الْحَرَمِ دِينَاراً مُطَّلَساً فَهُوَ لَكَ لَا تُعْرَفُ

As for which is found in the Sanctuary, it should be advertised for a year. If its owner comes, or else you should donate to charity with it; and if you were to find a polished Dinar in the Sanctuary, it is for you. Do not advertise it.

وَ لِقَطَّةُ غَيْرِ الْحَرَمِ تُعْرَفُهَا أَيْضاً سَنَةً فَإِذَا جَاءَ صَاحِبُهَا وَ إِلَّا فَهِيَ كَسَبِيلِ مَالِكَ وَ إِن كَانَ دُونَ دَرْهَمٍ فَهِيَ لَكَ حَلَالٌ

And the property found in other than the Sanctuary, advertise it for a year as well. When its owner comes, or else it is like the rest of your wealth; and if it was less than a Dirham, it is lawful for you.

وَ إِن وَ جَدْتَ فِي دَارٍ وَ هِيَ عَامِرَةٌ فَهِيَ لِأَهْلِهَا وَ إِن كَانَ حَرَاباً فَهِيَ لِمَنْ وَ جَدَهَا فَإِن وَ جَدْتَ فِي جَوْفِ الْبَهَائِمِ وَ الطُّيُورِ وَ غَيْرِ ذَلِكَ فَتُعْرَفُهَا صَاحِبُهَا
الَّذِي اشْتَرَيْتَهَا مِنْهُ فَإِن عَرَفَهَا فَهُوَ لَهُ وَ إِلَّا فَهِيَ كَسَبِيلِ مَالِكَ

And if it is found in a house which is built up, it is for its inhabitants, and if it was a ruin, it is for the one who finds it. If you find it in the interior of animals and the birds, and other than that, introduce it to its owner whom you had bought it from. If he recognises it, it is for him, or else it is like the rest of your wealth.

وَ أَفْضَلُ مَا يُسْتَعْمَلُ فِي اللَّقْطَةِ إِذَا وَ جَدْتَهَا فِي الْحَرَمِ أَوْ غَيْرِ الْحَرَمِ أَنْ تَتْرَكَهَا فَلَا تَأْخُذَهَا وَ لَا تَمْسَسَهَا وَ لَوْ أَنَّ النَّاسَ تَرَكُوا مَا وَ جَدُوا لَجَاءَ صَاحِبُهَا فَأَخَذَهَا

¹⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 9

And the best of what one can deal with regarding the found property when you find it in the Sanctuary or other than the Sanctuary, is to leave it, so you neither take it nor touch it, and if the people were to leave what they find, its owner would come and take it.

وَإِنْ وَجَدْتَ إِدَاوَةً أَوْ نَعْلًا أَوْ سَوْطًا فَلَا تَأْخُذْهُ وَ إِنْ وَجَدْتَ مِسْلَةً أَوْ مِحْبُطًا أَوْ سَيْرًا فَخُذْهُ وَ انْتَفِعْ بِهِ وَ إِنْ وَجَدْتَ طَعَامًا فِي مَفَازَةٍ فَمَوْمُهُ عَلَى نَفْسِكَ لِصَاحِبِهِ ثُمَّ كُلْهُ فَإِنْ جَاءَ صَاحِبُهُ فَرُدَّ عَلَيْهِ ثَمَنَهُ وَ إِلَّا فَتَصَدَّقْ بِهِ بَعْدَ سَنَةٍ

And if you were to find a water-skin, or slippers, or a whip, do not take it, and if you were to find a needle or thread or a strap, take it and benefit with it; and if you were to find food in a wilderness, evaluate it upon yourself for its owner, then eat it. If its owner comes, return its price to him, or else donate it to charity after a year.

فَإِنْ وَجَدْتَ شَاةً فِي فَلَاةٍ مِنَ الْأَرْضِ فَخُذْهَا وَ إِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّئِبِ فَإِنْ وَجَدْتَ بَعِيرًا فِي فَلَاةٍ فَدَعُهُ فَلَا تَأْخُذْهُ فَإِنَّ بَطْنَهُ وَعَاؤُهُ وَ كَرِشُهُ سِقَاؤُهُ وَ حُفَّهُ جِدَاؤُهُ.

If you were to find a sheep in a wilderness of the earth, take it, and rather it is either for you, or for your brother (who finds it), or for the wolf (to devour it). If you were to find a camel in the wilderness, leave it. Do not take it, for its belly is its receptacle (store), and its stomach is its water skin, and its hooves are its shoes.¹⁸⁰

11- بج، الخراج و الجرائع يُوي أن رجلاً دخل على الصادق ع و شكّا إليه فاقته فقال له ع طب نفسك فإن الله يُسهل الأمر

(The book) 'Al Kharaj Wa Al Jaraih' -

It is reported that a man entered to see Al-Sadiq^{asws} and complained to him^{asws} of his destitution. He^{asws} said to him: 'Feel good, for Allah^{azwj} will Ease the matter!'

فَخَرَجَ الرَّجُلُ فَلَقِيَ فِي طَرِيقِهِ هَيْبَانًا فِيهِ سَبْعُمِائَةِ دِينَارٍ فَأَخَذَ مِنْهُ ثَلَاثِينَ دِينَارًا وَ انصَرَفَ إِلَى أَبِي عَبْدِ اللَّهِ ع وَ حَدَّثَهُ بِمَا وَجَدَ فَقَالَ لَهُ اخْرُجْ وَ نَادِ عَلَيْهِ سَنَةً لَعَلَّكَ تَظْفُرُ بِصَاحِبِهِ

The man went out and found a money-belt in his road wherein were seven hundred Dinars. He took thirty Dinars from it and came to Abu Abdullah^{asws} and narrated to him^{asws} with what he had found. He^{asws} said to him: 'Go out and call out upon it for a year, perhaps you will come across its owner'.

فَخَرَجَ الرَّجُلُ وَ قَالَ- لَا أَنَادِي فِي الْأَسْوَاقِ وَ فِي مَجْمَعِ النَّاسِ وَ خَرَجَ إِلَى سِكَّةٍ فِي آخِرِ الْبَلَدِ وَ قَالَ مَنْ ضَاعَ لَهُ شَيْءٌ؟

The man went out and said, 'I will not call out in the marketplace and in a gathering of the people', and he went out to an alleyway at the end of the city and said, 'Who has lost something of his?'

فَإِذَا رَجُلًا قَالَ ذَهَبَ مِنِّي سَبْعُمِائَةِ دِينَارٍ فِي كَذَا

¹⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 10

There was a man who said, ‘Seven hundred Dinars have gone from me in such and such (place)!’

قَالَ مَعِيَ ذَلِكَ

He said, ‘That is with me!’

فَلَمَّا رَأَهُ وَكَانَ مَعَهُ مِيزَانٌ فَوَزَنَهَا فَكَانَ كَمَا كَانَ لَمْ تَنْقُصْ فَأَخَذَ مِنْهَا سَبْعِينَ دِينَارًا وَ أَعْطَاهَا الرَّجُلَ فَأَخَذَهَا وَ خَرَجَ إِلَى أَبِي عَبْدِ اللَّهِ عَ فَلَمَّا رَأَهُ تَبَسَّمَ وَ قَالَ مَا هَذِهِ هَاتِ الصُّرَّةَ

When he saw it, and there was a scale with him, he weighed them. It was just as it had been, not deficient. He took seventy Dinars from these and gave it to the man (as reward). He took it and went out to Abu Abdullah^{-asws}. When he^{-asws} saw him, he^{-asws} smiled and said: ‘What is this? Give the pouch!’

فَأَتَى بِهَا فَقَالَ هَذَا ثَلَاثُونَ وَ قَدْ أَخَذْتُ سَبْعِينَ مِنَ الرَّجُلِ وَ سَبْعُونَ حَلَالًا خَيْرٌ مِنْ سَبْعِمِائَةٍ حَرَامٍ.

He brought it. He^{-asws} said: ‘These are thirty, and you have taken seventy from the man, and seventy lawful are better than seven hundred unlawful’.¹⁸¹

12- سر، السرائر جميل عن زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ عَ فِي رَجُلٍ صَادَ حَمَامًا أَهْلِيًّا قَالَ إِذَا مَلَكَ جَنَاحَهُ فَهُوَ لِمَنْ أَخَذَهُ.

(The book) ‘Al Saraair’ – Jameel, from Zurara,

From Abu Abdullah^{-asws} regarding a man who captures a domesticated pigeon. He^{-asws} said: ‘If it flaps its wings, it is for the one who takes it’.¹⁸²

13- سر، السرائر في جامع البزنطي عن إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَ الطَّيْرُ يَفْعُ فِي الدَّارِ فَنَصِيدُهُ وَ حَوْلَنَا لِيَعْضِيهِمْ حَمَامٌ

(The book) ‘Al Saraair’, in ‘Jamie’ of Al Bazanty – From Is’haq Bin Ammar who said,

‘I said to Abu Abdullah^{-asws}, ‘The bird falls in the house, so we capture it, and around us there are some who have pigeons for them’.

قَالَ إِذَا مَلَكَ جَنَاحَهُ فَهُوَ لِمَنْ أَخَذَهُ

He^{-asws} said: ‘When it flaps its wings, it is for the one who takes it’.

قَالَ قُلْتُ فَيَفْعُ عَلَيْنَا وَ نَأْخُذُهُ وَ قَدْ نَعْرِفُ لِمَنْ هُوَ

He (the narrator) said, ‘I said, ‘Supposing it falls upon us and we take it, and we do know who it is for?’

¹⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 11

¹⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 12

قَالَ إِذَا عَرَفْتَهُ فَرُدَّهُ عَلَى صَاحِبِهِ.

He^{-asws} said: 'When you know him, return it to its owner'.¹⁸³

14- سر، السرائر في جامع البرنطبي عن أمير المؤمنين ع قال: إِذَا عَرَفْتَ السَّفِينَةَ وَ مَا فِيهَا فَأَصَابَهُ النَّاسُ فَمَا قَدَفَ بِهِ الْبَحْرُ عَلَى سَاحِلِهِ فَهُوَ لِأَهْلِهِ فَهُمْ أَحَقُّ بِهِ وَ مَا غَاصَ عَلَيْهِ النَّاسُ فَأَخْرَجُوهُ وَ قَدْ تَرَكَهُ صَاحِبُهُ فَهُوَ لَهُمْ.

(The book) 'Al Saraair', in 'Jamie' of Al Bazanty -

From Amir Al-Momineen^{-asws} having said: 'When the ship and whatever is in it capsizes and the people find it, so whatever the sea has thrown it at its coast, it is for its people. They are more rightful with it, and whatever the people dive upon it and extract it (from the bottom of the sea), and its owner has left it, it is for them'.¹⁸⁴

15- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ: سُئِلَ عَلِيُّ ع عَنْ سُفْرَةٍ وُجِدَتْ فِي الطَّرِيقِ فِيهَا لَحْمٌ كَثِيرٌ وَ خُبْزٌ كَثِيرٌ وَ بَيْضٌ وَ فِيهَا سِكِّينٌ فَقَالَ يُقَوِّمُ مَا فِيهَا ثُمَّ يُؤْكَلُ لِأَنَّهُ يَفْسُدُ فَإِذَا جَاءَ طَالِبُهَا غَرِمَ لَهُ

(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} was asked about a meal found in the road wherein was a lot of meat, and a lot of bread and eggs, and therein was a knife. He^{-asws} said: 'Evaluate whatever was in it, then eat, because (otherwise) it would spoil. When its seeker comes, pay it to him'.

فَقَالُوا لَهُ يَا أَمِيرَ الْمُؤْمِنِينَ- لَا نَعْلَمُ أ سَفْرَةٌ ذِيَّةٍ أَمْ سَفْرَةٌ جُوسِيَّةٍ

They said to him^{-asws}, 'O Amir Al-Momineen^{-asws}! We don't know whether it was a meal of a Zimmy (Jew or Christian under protection of Muslim government), or meal of a Magian!'

فَقَالَ هُمْ فِي سَعَةٍ مِنْ أَكْلِهَا مَا لَمْ يَعْلَمُوا.

He^{-asws} said: 'They are in leeway from eating it as long as they don't know'.¹⁸⁵

16- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ ص وَ قَدْ سُئِلَ عَنْ ضَالَّةِ الْإِبِلِ فَقَالَ لِلسَّائِلِ مَا لَكَ وَ لَهَا مَعَهَا حِدَاؤُهَا وَ سِقَاؤُهَا تَرُدُّ الْمَاءَ وَ تَرَعَى الشَّجَرَ حَتَّى يَجِيءَ رَهْطًا فَيَأْخُذَهَا.

(The book) 'Al Majazaat Al Nabawiyya' -

¹⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 13

¹⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 14

¹⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 15

He^{-saww} said, and he^{-saww} had been asked about a lost camel. He^{-saww} said to the questioner: 'What is it to you and it? With it is its shoes (hooves), and its water-skin (belly). It can go to the water and graze from the trees until its owner comes and takes it!'¹⁸⁶

و هاتان استعارتان كأنه ع جعل خف الضالة بمنزلة الحذاء و مشفرها بمنزلة السقاء فليس يضر بها التردد في الفيافي و النقل في المصايف و المشاتي لأنها صابرة على قطع الشقة و تكلف المشقة- لاستحصال مناسمها و استغلاظ قوائمها و لأنها بطول عنقها تمتلك من ورود المياه الغائصة و التناول من أوراق الشجر الشاحصة

Note - And these two are considered borrowed, as if he (peace be upon him) made the lost water skin like a shoe and its strap like a water container. Therefore, travelling through deserts and moving across summer and winter pastures does not harm them, because they are resilient against tearing and endure hardship—due to the smoothness of their surfaces and the strength of their legs. And because of their long necks, they can access deep waters and reach high leaves on trees.

فهي لهذه الأحوال بخلاف الضالة من الشاء لأن تلك تضعف عن إيمان السير و الضرب في أقطار الأرض لضعف قوائمها و قلة تمكنها من أكثر المياه و المراعي بنفسها و مع ذلك فهي فريسة للذئب إن أحس حسنها و استروح ريحها و لأجل ذلك قَالَ ع لِّلْسَائِلِ عَنْهَا حُذَّهَا فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّيْبِ.

Thus, they are suited for these conditions, unlike the lost sheep, which cannot endure constant travel across lands due to weak legs and limited access to water and pastures. Nevertheless, the sheep is prey for the wolf if it senses it or catches its scent, and for this reason, he^{-asws} had said to the questioner about it: 'Take it, for it is either for you, your brother, or for the wolf'.

17- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ عَلَيْهِ وَ آلِهِ السَّلَامُ ضَالَّةُ الْمُؤْمِنِ حَرَقُ النَّارِ.

(The book) 'Al-Majazaat Al-Nabawiya' -

He^{-saww}, may the greeting be upon him^{-saww} and his^{-asws} Progeny^{-asws}: 'Lost property of the Momin is firewood of the Hellfire'.¹⁸⁷

و هذا القول مجاز لأن الضالة على الحقيقة ليست بحرق النار و إنما المراد أخذ ضالة المؤمن و الاشتغال عليها و الحول بينه و بينها يستحق به العقاب بالنار فلما كانت الضالة سبب ذلك حسن أن يسمى باسمه لأن عاقبة أخذها يقول إلى حريق النار و يفضي إلى أليم العقاب و قد نهي رسول الله ص عن أخذ ضوال الإبل و هواميهما و هوامي الضائعة.

Note - And this word is metaphorical, because in reality the lost property is not literally firewood for the Hellfire. What is meant is that taking a believer's lost property and withholding it from them makes one deserving of punishment by Hellfire. Since the lost property is the cause of this, it is fitting to call it by this name, because the consequence of taking it leads to the Hellfire and results in severe punishment; and Rasool-Allah^{-saww} had forbidden taking lost camels, their young and other livestock.

¹⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 16

¹⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 17

18- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ سَعِيدٍ عَنِ الْحَسَنِ بْنِ عُبَيْدِ الْكِنْدِيِّ عَنِ النَّوْفَلِيِّ عَنِ السُّكُونِيِّ عَنِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص ضَالَّةُ الْمُسْلِمِ حَرْقُ النَّارِ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – From Muhammad Bin Abdullah, from Ahmad Bin Muhammad Bin Saeed, from Al-Hassan Bin Ubeyd Al Kindy, 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: 'Lost property of the Muslim is firewood of the Hellfire'.¹⁸⁸

[باب 2 المشتركة و إحياء الموات و حكم الحرم](#)

CHAPTER 2 – THE COMMON PROPERTIES, AND REVIVING THE DEAD (LAND), AND RULINGS OF THE SACRED PRECINCTS

1- ل، الخصال القاسم بن محمد بن أحمد عن الحسن بن علي بن نصر عن محمد بن عثمان عن عبید الله بن موسى عن شيبان عن الأعمش عن أبي صالح عن أبي هريرة قال قال رسول الله ص ثلاثة لا يكلمهم الله عز وجل ولا يزيكهمم و لهم عذاب أليم رجل بايع إماماً لا يبایعه إلا لدنيا إن أعطاه منها ما يريد وئ له و إلا كف

(The book) 'Al Khisaal' – Al Qasim Bin Muhammad Bin Ahmad, from Al Hassan Bin Ali Bin Nasr, from Muhammad Bin Usman, from Ubeydullah Bin Musa, from Shayban, from Al Amsh, from Abu Salih, from Abu Hureyra (a well-known fabricator) said,

'Rasool-Allah^{-saww} said: 'Three, neither will Allah^{-azwj} Mighty and Majestic Speak to them nor Purify them, and for them would be a painful punishment – a man who pledges allegiance to an Imam^{-asws}, and he did not pledge allegiance to him^{-asws} except for world (worldly benefits) that he^{-asws} would give him from it what he wants, so he would be loyal to him^{-asws}, or else refrain.

و رجل بايع رجلاً بسلعة بعد العصر فحلف بالله عز وجل لقد أعطى بما كذا وكذا فصدقه فأخذها و لم يُعط فيها ما قال و رجل على فضل ماء بالقلعة بمنعه ابن السبيل.

And a man who sells merchandise after the afternoon, so he swears by Allah^{-azwj} Mighty and Majestic that he had been offered such and such for it. So, he believes him and takes it, and he had not been offered regarding it what he had said; and a man being upon extra water in the wilderness prevents the traveller of it'.¹⁸⁹

2- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أن علياً ع كان يقول حرّم البئر العادية حمسون ذراعاً إلا أن يكون إلى عطن أو إلى الطريق فيكون أقل من ذلك خمسة وعشرين ذراعاً و حرّم البئر المحدثه خمسة وعشرون ذراعاً.

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

¹⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 1 H 18

¹⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 1

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had said: 'The protected area around an ancient well is fifty cubits, unless it is near a watering place or a road, in which case it is twenty-five cubits. The protected area around a newly-dug well is twenty-five cubits'.¹⁹⁰

3- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ رَسُولُ اللَّهِ ص حَرِيمُ النَّخْلَةِ طَوْلُ سَعْفِهَا.

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

He^{asws} said: 'Rasool-Allah^{saww} said: 'The protected area of a palm tree is the length of its branches'.¹⁹¹

4- ب، قرب الإسناد بهذا الإسناد قَالَ قَالَ عَلِيُّ ع لَا يَحِلُّ مَنَعُ الْمِلْحِ وَ النَّارِ.

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

'Ali^{asws} said: 'It is not permissible to prevent the salt and the fire (firewood)'.¹⁹²

5- ما، الأماالي للشيخ الطوسي الحفّاز عن أبي القاسم الدّعيلبي عن مُحَمَّدِ بْنِ عَلِيٍّ عَنْ أَبِي عَمْرِو بْنِ الْحُسَيْنِ بْنِ أَبِي جَعْفَرٍ عَنْ مَعْمَرٍ عَنِ الزُّهْرِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ ص حَرِيمُ الْبُئْرِ حَمْسَةٌ وَعَشْرُونَ ذِرَاعاً وَ حَرِيمُ الْبُئْرِ الْعَادِيَةِ حَمْسُونَ ذِرَاعاً وَ حَرِيمُ عَيْنِ الْبُئْرِ السَّائِحَةِ ثَلَاثُمِائَةَ ذِرَاعٍ وَ حَرِيمُ بُئْرِ الزَّرْعِ سِتْمِائَةَ ذِرَاعٍ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Abu Al Qasim Al Deobali, from Muhammad Bin Ghalib, from Abu Umeyr Al Howsy, from Al Hassan Bin Abu Ja'far, from Ma'mar, from Al Zuhry, from Saeed Bin Al Musayyab, from Abu Hureyra (well-known fabricator) who said,

Rasool-Allah^{saww} said: 'The protected area of a well is twenty-five cubits, the protected area of an ancient well is fifty cubits, the protected area of a flowing spring is three hundred cubits, and the protected area of a farming well is six hundred cubits'.¹⁹³

6- غط، الغيبة للشيخ الطوسي الفضل عن عَبْدِ الرَّحْمَنِ بْنِ أَبِي هَاشِمٍ عَنْ عَلِيِّ بْنِ أَبِي حَمَزَةَ عَنْ أَبِي بصيرٍ قَالَ: إِذَا قَامَ الْقَائِمُ يُوسِعُ الطَّرِيقَ الْأَعْظَمَ فَيَصِيرُ سِتِينَ ذِرَاعاً وَ يُهْدِمُ كُلَّ مَسْجِدٍ عَلَى الطَّرِيقِ وَ يَسُدُّ كُلَّ كُوَّةٍ إِلَى الطَّرِيقِ وَ كُلَّ جَنَاحٍ وَ كَنِيفٍ وَ مِيزَابٍ إِلَى الطَّرِيقِ تَمَامَ الْحَبْرِ.

(The book) 'Al Ghayba' of the sheykh Al Tusi – Al Fazl, from Abdul Rahman Bin Abu Hashim, from Ali Bin Abu Hamza, from Abu Baseer who said,

'When Al-Qaim^{ajfj} rises, he^{ajfj} will widen the main road until it becomes sixty cubits, and he^{ajfj} will demolish every Masjid upon the road, and block every window opening to the road, and remove every extension, and toilet, and gutter to the road' – the complete Hadeeth.¹⁹⁴

¹⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 2

¹⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 3

¹⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 4

¹⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 5

¹⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 6

7- مل، كامل الزيارات أبي عن محمد بن يحيى عن ابن عيسى عن ابن بري عن بعض أصحابه يرفعه إلى أبي عبد الله ع قال: قلت نكون بمكة أو بالمدينة أو الحير أو المواضع التي يرجى فيها الفضل فربما يخرج الرجل يتوضأ فيجيء آخر فيصير مكانه

(The book) 'Kamil Al Ziyaraat' – My father, from Muhammad Bin Yahya, from Ibn Isa, from Ibn Bazie, from one of his companions raising it to,

Abu Abdullah^{-asws}, he (the narrator) said, 'I said, 'We tend to be at Makkah or at Al-Medina, or Al-Hayr, or the places in which the Grace is hoped for. Sometimes a man goes out to perform Wud'u, so another comes to be in his place'.

قَالَ مَنْ سَبَقَ إِلَى مَوْضِعٍ فَهُوَ أَحَقُّ بِهِ يَوْمَهُ وَ لَيْلَتُهُ.

He^{-asws} said: 'One who precedes to a place, he is more rightful with it, his day and his night'.¹⁹⁵

8 مل، كامل الزيارات أبي عن سعد بن ابن عيسى مغلته.

(The book) 'Kamil Al Ziyaraat' – My father, from Sa'ad, from Ibn Isa, similar to it.¹⁹⁶

9- بج، الخرائج و الجرائع روي أن الفرات مادت على عهد علي ع فقال الناس نخاف العرق فركب و صلى على الفرات

(The book) 'Al Kharaj Wa Al Jaraih' –

It is reported that the Euphrates swelled in the era of Ali^{-asws}. The people said, 'We fear the drowning'. So he^{-asws} rode to pray Salat at the Euphrates.

فمر بمجلس ثقيف فعمز عليه بعض شبانهم فالتفت إليهم و قال يا بغية نمود يا صغار الخدود هل أنتم إلا طعام لئام من لي هؤلاء الأعداء

He^{-asws} passed by a gathering of Saqeef. One of their youths winked (mockingly) at him^{-asws}. He^{-asws} turned to them and said: 'O remnants of Samood! O ones of small cheeks! Are you anything but vile rubble? Who is for me^{-asws} (to deal) with these slaves!'

فقال مشايخ منهم إن هؤلاء شبان جهال فلا تأخذنا بهم و اغف عنا

The elders among them said, 'These are ignorant youths, so do not seize us with them, and pardon us!'

قال- لا أعفو عنكم إلا على أن أرجع و قد هدمتم هذه المجالس و سدذتم كل كوة و قلعتكم كل ميزاب و طمتمتم كل بالوعة على الطريق فإن هذا كله في طريق المسلمين و فيه أذى لهم

He^{-asws} said: 'I^{-asws} will not pardon you except upon (the condition) that when I^{-asws} return, you will have demolished these gatherings, and blocked every window, and uprooted every water

¹⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 7

¹⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 8

spout (leading to the road), and filled upon every gutter upon the road, for all of this is in the road of the Muslims, and in it there is harm for them!’

فَقَالُوا نَفْعَلُ وَ مَضَى وَ تَرَكَهُمْ فَفَعَلُوا ذَلِكَ كُلَّهُ

They said, ‘We shall do so!’, and he^{-asws} went and left them. They did all of that.

فَلَمَّا صَارَ إِلَى الْفُرَاتِ دَعَا ثُمَّ قَرَعَ الْفُرَاتَ فَرَعَةً فَتَقَصَّ ذِرَاعًا فَقَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ هَذِهِ زُرْنَانَةٌ قَدْ جَاءَ بِهَا الْمَاءُ وَ قَدْ اخْتَبَسَتْ عَلَى الْجِسْرِ مِنْ كِبَرِهَا وَ عَظَمِهَا

When he^{-asws} came to the Euphrates, he^{-asws} supplicated, then knocked the Euphrates with a knock, so it reduced (its level) by a cubit. They said, ‘O Amir Al-Momineen^{-asws}! This is a pomegranate which has come with the water and it was withheld at the bridge due to its large size’.

فَاخْتَمَلَهَا وَ قَالَ هَذِهِ زُرْنَانَةٌ مِنْ زُرْنَانِ الْجَنَّةِ وَ لَا يَأْكُلُ ثَمَارَ الْجَنَّةِ إِلَّا نَبِيٌّ أَوْ وَصِيٌّ نَبِيٍّ وَ لَوْ لَا ذَلِكَ لَقَسَمْتُهَا بَيْنَكُمْ.

He^{-asws} carried it and said: ‘This pomegranate is a pomegranate from the pomegranates of Paradise, and no one can eat the fruits of Paradise except a Prophet^{-as} or a successor^{-asws} of a Prophet^{-as}, and had it not been for that, I^{-asws} would have divided it between you all’¹⁹⁷

10- سر، السرائر من كتاب المشيخة لابن محبوب عن إبراهيم الكرخي عن أبي عبد الله ع قال قال رسول الله ص ثلاث ملعون ملعون من فعلهن المتعوط في ظل الثزال و المانع الماء المتتاب و السائد الطريق المسلوك.

(The book) ‘Al Saraair’, from ‘Kitab Al Masheykha’ of Ibn Mahboub, from Ibrahim Al Karkhy,

From Abu Abdullah^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘Three are accursed, accursed, accursed is the one who does these! The one who defecates is a shade of the guest house, and preventing the water from the passers-by, and blocking the travelled road.’¹⁹⁸

11- ين، كتاب حسين بن سعيد و النوادر ابن مسكان عن الحلبي قال: سألته عن أرض خربة عمرها رجل و كسح أثمارها هل عليه فيها صدقة

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

‘I asked him^{-asws} about a ruined land a man develops it and clears its canals, ‘Is there any charity due upon him regarding it?’

قَالَ إِنْ كَانَ يَعْرِفُ صَاحِبَهَا فَلْيُرِدْ إِلَيْهِ حَقَّهُ وَ أَيْ رَجُلٍ اشْتَرَى دَارًا فِيهَا زِيَادَةٌ مِنَ الطَّرِيقِ قَبْلَ شِرَائِهِ إِيَّاهَا فَإِنْ شَرَاهُ جَائِزٌ.

He^{-asws} said: ‘If he knows its owner, he should return to him his right, and whichever man buys a house wherein was an extension from the road before he buys it, his acquisition is valid’.¹⁹⁹

¹⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 9

¹⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 10

¹⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 11

12- نَوَادِرُ الرَّوَّانِدِيِّ، بِإِسْنَادِهِ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَا بَيْنَ بئرِ الْعَطْنِ إِلَى بئرِ الْعَطْنِ أَرْبَعُونَ ذِرَاعاً وَ مَا بَيْنَ بئرِ النَّاصِحِ إِلَى بئرِ النَّاصِحِ سِتُونَ ذِرَاعاً وَ مَا بَيْنَ الْعَيْنِ إِلَى الْعَيْنِ مِائَتَةٌ ذِرَاعاً [ذِرَاع] وَ الطَّرِيقُ إِلَى الطَّرِيقِ إِذَا تَضَايَقَ عَلَى أَهْلِهِ سَبْعَةُ أَذْرُعٍ.

(The book) 'Nawadir' of Al Rawandi' -

By his chain from Musa^{-asws} Bin Ja'far^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'The distance between one watering well and another should be forty cubits; the distance between one irrigation well and another should be sixty cubits; the distance between one spring and another should be five hundred cubits; and the width of a road to another road, when it becomes too narrow for its people, should be seven cubits'.²⁰⁰

13- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ ص مَنْ أَحْيَا أَرْضاً مَيْتَةً فَهِيَ لَهُ وَ لَيْسَ لِعِرْقٍ ظَالِمٍ حَقٌّ.

(The book) 'Al Majazaat Al Nabawiya' -

He^{-saww} said: 'One who revives a dead land, it is for him, and there isn't any right for an unjust lineage'.²⁰¹

بيان: قال السيد رضي الله هذا مجاز و المراد به أن يحيي الرجل إلى الأرض قد أحيها محي قبله فيغرس فيها أو يحدث فيها حدثا فيكون ظلما بما أحدثه و غاصبا لحق لا يملكه و إنما أضاف ع الظلم إلى العرق لأنه إنما ظلم بغرس عرقه فنسب الظلم إلى العرق دون صاحبه و ذلك كما قالوا ليل نائم و نهار صائم أي ينام في هذا و يصام في هذا.

Explanation: *The Seyyid, may Allah^{-azwj} be Pleased with him, said, 'This is metaphorical, and what is meant is that if a man comes to land he has revived, planting in it or making some alteration, he would be wronging it by what he has done and usurping a right he does not own. The term 'Injustice is attributed to the lineage' is used because the wrongdoing comes through planting his lineage's crop, so the injustice is ascribed to the lineage rather than its owner. This is similar to the expression 'Night is for sleeping and day is for fasting', meaning one sleeps at night and fasts during the day.*

و روى سفيان بن عيينة عن هشام بن عروة عن أبيه عروة بن الزبير قال العروق أربعة عرقان ظاهران و عرقان باطنان أما الظاهران فالغرس و البناء و أما الباطنان فالبئر و المعدن و ربما روي هذا الخبر على الإضافة فيكون ليس لعرق ظالم حق فإن كانت هذه الرواية صحيحة فقد خرج الكلام من حيز الاستعارة و دخل في باب الحقيقة.

Sufyan Bin Uyaynah narrated from Hisham Bin Urwah, from his father, Urwah Bin Al-Zubayr, that there are four types of lineage - two apparent and two hidden. The apparent are planting and building, and the hidden are wells and mines. This report has also been narrated attributively, meaning that an unjust lineage has no right. If this narration is correct, then the statement moves from the realm of metaphor into the realm of reality.

²⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 12

²⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 13

14- كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ أَحْمَدَ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ الصَّفَّارِ عَنْ إِبْرَاهِيمَ بْنِ هَاشِمٍ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص سُوْقُ الْمُسْلِمِينَ كَمَسْجِدِهِمْ فَمَنْ سَبَقَ إِلَى مَكَانٍ فَهُوَ أَحَقُّ بِهِ إِلَى اللَّيْلِ.

(The book) ‘Kitab Al Imamat 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: ‘A Market (stall) of the Muslims is like their Masjids. The one who precedes to a place, he is more rightful with it up to the night.’²⁰²

15- وَ مِنْهُ، عَنِ الْحُسَيْنِ بْنِ حَمَزَةَ الْعَلَوِيِّ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ أَبِي الْقَاسِمِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص صَاحِبُ الدَّابَّةِ أَحَقُّ بِالْجَادَةِ مِنَ الرَّاجِلِ وَ الْحَافِي أَحَقُّ بِالْجَادَةِ مِنَ الْمُتَعَلِّجِ.

And from him, from Al Hassan Bin Hamza Al Alawy, from Ali Bin Muhammad Bin Abu Al Qasim, from his father, from Haroun Bin Muslim, from Mas’ada Bin Sadaqa,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘Owner of the riding animal is more rightful with the main road than the walker, and the barefooted is more rightful with the main road than the wearer of shoes’.²⁰³

[باب 3 الشفعة](#)

CHAPTER 3 – THE PRE-EMPTION

1- ما، الأماالي للشيخ الطوسي عن أبي هريرة قال قال رسول الله ص إذا وقعت الحدود فلا شفعة.

(The book) ‘Al Amaali’ of the Sheykh Al Tusi – From Abu Hureyra (well-known fabricator) said,

‘Rasool-Allah^{-saww} said: ‘When the legal penalties occur, there is no pre-emption (prevention – the exclusivity)’.²⁰⁴

2- ب، قرب الإسناد ابن رباب عن أبي عبد الله ع في رجل اشترى داراً بريقي و متاع بزر و جوهر قال فقال ليس لأحد فيها شفعة.

(The book) ‘Qurb Al Isnaad’ – Ibn Riab,

From Abu Abdullah^{-asws} regarding a man who buys a house with slaves, and fine goods, and jewels. He (the narrator) said, ‘He^{-asws} said: ‘There isn’t any pre-emption for anyone in it’.²⁰⁵

3- ضا، فقه الرضا عليه السلام اعلم أن الشفعة واجبة في البيعة المشاعة و ليس في المجاز المقسوم و في المجاورة و الشربة الجامع و في الأرحية و في الحمامات و لا شفعة لليهودي و لا نصراني و لا مخالف

²⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 14

²⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 2 H 15

²⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 1

²⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 2

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} - 'Know that the right of pre-emption is obligatory in undivided partnership, but not in divided property, and it applies in cases of neighbouring property, shared water rights, mills, and bathhouses.

وَلَا شُفْعَةَ فِي سَفِينَةٍ وَلَا فِي طَرِيقٍ لِجَمِيعِ الْمُسْلِمِينَ وَلَا حَيَّوَانٍ وَلَا ضَرَّازٍ وَلَا شُرَكَاءٍ أَكْثَرَ مِنْ اثْنَيْنِ فَلَا شُفْعَةَ لَوَاحِدٍ مِنْهُمْ

There is no pre-emption for a Jew, a Christian, or an adversary. There is no pre-emption in a ship, in a public road for all Muslims, or in animals. There is to be no harm or causing harm in pre-emption.

وَالشُّفْعَةُ عَلَى الْبَائِعِ وَالْمُشْتَرِيِ وَ لَيْسَ لِلْبَائِعِ أَنْ يَبِيعَ أَوْ يَعْضَرَ عَلَى شَرِيكِهِ أَوْ مُجَاوِرِهِ وَلَا لِلْمُشْتَرِيِ أَنْ يُمْتَنِعَ إِذَا طُوْلَبَ بِالشُّفْعَةِ.

Pre-emption is binding on both the seller and the buyer. The seller is not permitted to sell or offer the property to his partner or neighbour, nor is the buyer permitted to refuse when pre-emption is demanded'.²⁰⁶

4- وَ رُوِيَ أَنَّ الشُّفْعَةَ وَاجِبَةٌ فِي كُلِّ شَيْءٍ مِنَ الْحَيَّوَانِ وَالْعَقَّارِ وَ رَقِيقٍ إِذَا كَانَ الشَّيْءُ بَيْنَ شَرِيكَيْنِ فَبَاعَ أَحَدُهُمَا فَالشُّرَيْكُ أَحَقُّ بِهِ مِنَ الْقُرْبِ وَإِذَا كَانَ الشُّرَكَاءُ أَكْثَرَ مِنْ اثْنَيْنِ فَلَا شُفْعَةَ لَوَاحِدٍ مِنْهُمْ

And it is reported that the right of pre-emption is obligatory in everything, whether animals, real estate, or slaves, if the property is shared between two partners and one of them sells, then the other partner has more right to it due to closeness. If the partners are more than two, then none of them has the right of pre-emption.

وَ إِنَّمَا يَجِبُ لِلشُّرَيْكِ إِذَا بَاعَ شَرِيكُهُ أَنْ يَعْضَرَ عَلَيْهِ فَإِنْ لَمْ يَفْعَلْ بَطَلَتِ الشُّفْعَةُ مَتَى مَا سَأَلَ- لَا أَنْ يَتَجَاوَرَ عَنْهُ أَوْ يَقُولَ بَارَكَ اللهُ لَكَ فِيمَا اشْتَرَيْتَ أَوْ يَبْعَثَ أَوْ يَطْلُبَ مِنْهُ مُفَاسِمَةً.

And rather the obligation of pre-emption for a partner is only when his partner sells, that he must offer it to him. If he does not, then the right of pre-emption is nullified whenever the partner asks for it, not if he refrains, or says, 'May Allah^{-azwj} Bless you in what you bought or sold', or requests a division from him.²⁰⁷

5- وَ رُوِيَ أَنَّهُ لَيْسَ فِي الطَّرِيقِ شُفْعَةٌ وَلَا فِي النَّهْرِ وَلَا فِي الرَّحَى وَلَا فِي حَمَامٍ وَلَا فِي تَوْبٍ وَلَا فِي شَيْءٍ مَقْسُومٍ فَإِذَا كَانَتْ دَارًا فِيهَا دُورٌ وَ طَرِيقٌ أَبْوَابُهَا فِي عَرَصَةٍ وَاحِدَةٍ فَبَاعَ رَجُلٌ دَارًا مِنْهَا مِنْ رَجُلٍ فَكَانَ لِصَاحِبِ دَارِ الأُخْرَى شُفْعَةٌ إِذَا لَمْ يَتَهَيَّأْ لَهُ أَنْ يُحَوَّلَ بَابَ الدَّارِ الَّتِي اشْتَرَاهَا إِلَى مَوْضِعِ آخَرَ فَإِنْ حَوَّلَ بَابَهَا فَلَا شُفْعَةَ لِأَحَدٍ عَلَيْهِ

It is reported that there is no right of pre-emption in a road, nor in a river, nor in a mill, nor in a bathhouse, nor in a garment, nor in anything that has been divided. But if there is a house containing several dwellings and the doorways open into one courtyard, and a man sells one of those dwellings to another man, then the owner of the other dwelling has the right of pre-

²⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 3

²⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 4

emption if it is not possible for him to move the doorway of the purchased dwelling to another place. If the doorway is moved, then no one has any right of pre-emption over it.

وَ إِنَّمَا يَجِبُ الشُّفْعَةُ لِشَرِيكِ غَيْرِ مُقَاسِمٍ فَإِذَا عُرِفَ حِصَّةُ رَجُلٍ مِنْ حِصَّةِ شَرِيكِ فَلَا شُفْعَةَ لِوَاحِدٍ مِنْهُمَا وَ بِاللَّهِ التَّوْفِيقُ.

And rather, the right of pre-emption is only obligatory for a partner in undivided property. When the share of one partner is distinguished from the other, then neither of them has any right of pre-emption. And through Allah^{-azwj} is the inclination.²⁰⁸

6- الْهُدَايَةُ، وَ الشُّفْعَةُ وَاجِبَةٌ وَ لَا تَجِبُ إِلَّا فِي مُشَاعٍ وَ إِذَا عُرِفَتْ حِصَّةُ الرَّجُلِ مِنْ حِصَّةِ شَرِيكِهِ فَلَا شُفْعَةَ لِوَاحِدٍ مِنْهُمَا.

(The book) 'Al-Hidaya' - The right of pre-emption is obligatory, but it is only obligatory in undivided property. When the share of one partner is distinguished from the share of the other, then neither of them has any right of pre-emption.²⁰⁹

7- وَ قَالَ عَلِيُّ ع الشُّفْعَةُ عَلَى عَدَدِ الرِّجَالِ.

And Ali^{-asws} said: 'The (right of) pre-emption is based upon the number of men'.²¹⁰

8- وَ قَالَ: وَصِيَّ الْيَتِيمِ بِمَنْزِلَةِ أَبِيهِ يَأْخُذُ لَهُ الشُّفْعَةُ وَ لِلْغَائِبِ الشُّفْعَةُ وَ لَا شُفْعَةَ لِيَهُودِيٍّ وَ لَا نَصْرَانِيٍّ وَ لَا شُفْعَةَ فِي سَفِينَةٍ وَ لَا نَهْرٍ وَ لَا فِي حَمَّامٍ وَ لَا فِي رَحَى وَ لَا فِي طَرِيقٍ وَ لَا فِي شَيْءٍ مَقْسُومٍ.

And he^{-asws} said: 'The guardian of an orphan is in the place of his father. He takes the right of pre-emption on his behalf. The absent person has the right of pre-emption. There is no pre-emption for a Jew or a Christian, and no pre-emption in a ship, a river, a bathhouse, a mill, a road, or in anything that has been divided.²¹¹

9- الْمَجَازَاتُ النَّبَوِيَّةُ، قَالَ ع إِذَا وَقَعَتِ الْحُدُودُ وَ صُرِفَتِ الطُّرُقُ فَلَا شُفْعَةَ.

(The book) 'Al Majazaat Al Nabawiyya -

He^{-asws} said: 'When the boundaries are established and the roads are designated, then there is no right of pre-emption'.²¹²

و هذا القول مجاز و المراد و حيزت الطرق فخرجت عن حال الاشتراك و طريقة الاختلاط شبه ذلك بصرف الإنسان عن وجهه و عكسه عن جهته و هذا الخبر مما يستشهد به من قال إن الشفعة إنما تجب للشريك المخالط دون الجار المجاور و قال أهل العراق إنما يجب للشريك المخالط ثم للجار المجاور.

Note - And this statement is figurative. What is meant is when the roads are set apart and no longer remain in a state of joint ownership and intermingling. This is likened to turning a person away from his direction and diverting him from his course. This report is among the

²⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 5

²⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 6

²¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 7

²¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 8

²¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 9

evidence cited by those who say that the right of pre-emption belongs only to a co-partner in shared property, not to a neighbouring owner. The people of Iraq, however, said that it is obligatory first for the co-partner in shared property, and then for the neighbouring owner.

10- كِتَابُ الْإِمَامَةِ وَ التَّنْبِيْهِ، عَنْ هَارُونَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنِ ابْنِ فَضَّالٍ عَنِ الصَّادِقِ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنِ النَّبِيِّ ص قَالَ: الشُّفْعَةُ عَلَى عَدَدِ الرِّجَالِ وَ لَيْسَ بِأَصْلِ.

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

From Al-Sadiq^{asws}, from his^{asws} father^{asws}, from his^{asws} forefathers^{asws}, from the Prophet^{saww}, having said: 'The right of pre-emption is based upon the number of men, not according to the share'.²¹³

11- وَ قَالَ ص الشُّفْعَةُ لَا تُورَثُ.

And he^{saww} said: 'The pre-emption is not inherited'.²¹⁴

باب 4 الغصب و ما يوجب الضمان

CHAPTER 4 – THE USURPATION AND WHAT OBLIGATES THE COMPENSATION

1- تَخَّجَ الْبَلَاغَةَ، قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الْحَجْرُ الْعَصْبُ فِي الدَّارِ رَهْنٌ عَلَى خِرَابِهَا.

(The book) 'Nahj Al Balagah' -

Amir Al-Momineen^{asws} said: 'The usurpation of a stone in the house is a pledge upon its ruination'.²¹⁵

قال السيد رضوان الله عليه و يروى هذا الكلام للنبي ص و لا عجب أن يشتبه الكلامان فإن مستقاهما من قلب و مفرغهما من ذنوب.

The Seyyid, may the Pleasure of Allah^{azwj} be upon him, said, 'And this speech is of the Prophet^{saww}, and it is not surprising that the two speeches resemble each other for their source is from one well, and their^{asws} being free from sins'.

Translator's note - If someone unlawfully takes possession of part of a property (even as small as a stone), they will see all of it is ruined due to the usurpation.

2- وَ مِنْهُ، قَالَ ع يَنَامُ الرَّجُلُ عَلَى التَّكْلِ وَ لَا يَنَامُ عَلَى الْحَرْبِ.

²¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 10

²¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 3 H 11

²¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 1

And from it, he^{-asws} said: 'The man can sleep upon the bereavement, and (but) he cannot sleep upon the loss of wealth'.²¹⁶

قال السيد رضوان الله عليه و معنى ذلك أنه يصبر على قتل الأولاد و لا يصبر على سلب الأموال.

The Seyyid, may the Pleasure of Allah^{-azwj} be upon him, said, 'And the meaning of that is that he can be patient upon the children being killed but cannot be patient upon the loss of wealth'.

3- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أن علياً ع قال: من استعان عبداً مملوكاً لِقَوْمٍ فَعَيْبَ فَهُوَ ضَامِنٌ وَ مَنْ اسْتَعَانَ حُرّاً صَغِيراً فَعَيْبَ فَهُوَ ضَامِنٌ.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws}: 'Ali^{-asws} said: 'The one who hires an owned slave to a people, and he is defective, he is responsible, and the one who hires a free young person, and he is defective, he is responsible'.²¹⁷

4- ق، المناقب لابن شهر آشوب قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي ثَلَاثَةِ نَفَرٍ اشْتَرَكُوا فِي بَعِيرٍ فَأَخَذَهُ أَحَدُ الثَّلَاثَةِ فَعَقَلَهُ وَ شَدَّ يَدَيْهِ جَمِيعاً وَ مَضَى فِي حَاجَةٍ وَ جَاءَ الرَّجُلَانِ فَخَلَّيَا يَدًا وَاحِدَةً وَ تَرَكَ وَاحِدَةً وَ تَشَاغَلَا عَنْهُ فَقَامَ الْبَعِيرُ يَمْشِي عَلَى ثَلَاثَةِ قَوَائِمٍ فَتَرَدَّى فِي بئرٍ فَأَنْكَسَرَ الْبَعِيرُ فَأَذْرَكُوا دَكَّاتَهُ فَنَحَرُوهُ ثُمَّ بَاعُوا لَحْمَهُ فَأَتَاهُمُ الرَّجُلُ فَقَالَ لِمَ أَخَلَلْتُمُوهُ حَتَّى أَجِيءَ وَ أَحْفَظُهُ أَوْ يَحْفَظُهُ أَحَدُكُمْ

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

Amir Al-Momineen^{-asws} judged regarding three persons who were shared-owners of a camel. One of the three took it and tied its two forelegs, and went regarding a need, and the two men came and they untied its one foreleg and left one, and were pre-occupied from it. The camel stood up to walk upon three legs and fell into a well. The camel broke (died), and they came across it and slaughtered it, then sold its meat. The man came to them. He said, 'Why did you release it, until I could come and preserve it, or one of you could preserve it?'

فَقَضَى ع عَلَى شَرِيكَيْهِ الثُّلُثَ مِنْ أَجْلِ أَنَّهُ كَانَ قَدْ أُوثِقَ حَقُّهُ وَ عَقَلَ الْبَعِيرَ فَخَلَّيَاهُ فَنظَرُوا فِي ثَمَنِ لَحْمِ الْبَعِيرِ فَإِذَا هُوَ ثُلُثُ الثَّمَنِ بِقَدْرِ مَا كَانَ لِلرَّجُلِ الثُّلُثُ فَأَخَذَهُ كُلُّهُ بِحَقِّهِ وَ حَرَجَ الرَّجُلَانِ صُفْراً فَذَهَبَ حَظُّهُ بِحَظِّهِمَا.

He^{-asws} judged against the two partners (to pay) the third (to the third partner) for the reason that he had secured his right and fastened the camel. The two had untied it. They looked into the price of the camel meat, and it was a third of the price (of the camel), in accordance to what (share) was for the man, a third. He took all of it (the meat) as his right, and the two men went out with zero, as his right did away both their rights.²¹⁸

²¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 2

²¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 3

²¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 4

5- مجالس الشيخ، الحسين بن عبد الله بن إبراهيم عن هارون بن موسى التلعكبري عن محمد بن همام بن سهيل عن عبد الله بن جعفر الحميري عن محمد بن خالد الطيالسي عن زريق بن الزبير الخفائي قال: كنت عند أبي عبد الله ع يوماً إذ دخل علي رجلاً من أهل الكوفة من أصحابنا فقال أبو عبد الله ع أتعرفهما

(The book) 'Majaalis' of the Sheykh – Al Husayn Bin Abdullah Bin Ibrahim, from Haroun Bin Musa Al Tal'ukbari, from Muhammad Bin Hammam Bin Suheyl, from Abdullah Bin Ja'far Al Himeyri, from Muhammad Bin Khalid Al Tayalisi, from Zureyq Bin Al Zubeyr Al Khulqany who said,

'One day I was in the presence of Abu Abdullah^{-asws} when two men from the people of Kufa, from our companions, entered to see him^{-asws}. Abu Abdullah^{-asws} said: 'Do you recognise these two?'

I said, 'Yes, they are from your^{-asws} followers'.

فُتت نعم هما من مواليك فقال نعم و الحمد لله الذي جعل أجلة موالئ بال عراق

He^{-asws} said: 'Yes, and the Praise is for Allah^{-azwj} Who Made the most majestic of our^{-asws} followers to be in Iraq'.

فقال له أحد الرجلين جعلت فداك إني كان علي مال لرجل ينسب إلى بني عمارة الصبارف بالكوفة و له بذلك دكر حق و شهود فأخذ المال و لم أسترجع منه الدكر بالحق و لا كتبت عليه كتاباً و لا أخذت منه براءة و ذلك لأني وثقت به و فُتت له مرق الدكر بالحق الذي عندك

One of the two men said to him, 'May I be sacrificed for you^{-asws}! Upon me was some money for a man attributed to the clan of Ammar the money-changer at Al-Kufa, and for him there was mention of that right (in a document) and witnesses. He took the money and I did not seek return of the document of the right from him, nor did I write any letter upon it, nor did I take a freedom (from the debt) from him, and that is because I trusted him and said to him, 'Tear up the document of the right which is in your possession'.

فمات و تمأون بذلك و لم يمزها و أعقب هذا أن طالبي بالمال ورائته و حاكموني و أخرجوا بذلك الدكر بالحق و أقاموا العُدول فشهدوا عند الحاكم فأخذت بالمال و كان المال كثيراً فتوارثت عن الحاكم

He died and took that lightly and did not tear it up, and as a consequence of this, his inheritors demanded the money from me and they took me to a judge with that document of the right, and they established the just witnesses who testified in the presence of the judge. So I was seized for that money, and the money was a lot. I hid from the judge.

فباع علي قاضي الكوفة معيشة لي و قبض القوم المال و هذا رجل من إخواننا اثتلي بشراء معيشتي من القاضي

The judge of Al-Kufa sold my livelihood (income stream) of mine against me, and the people (inheritors) took possession of the money, and this man is from our brethren who was tested with acquiring my livelihood (income stream) from the judge.

ثم إن ورثة الميت أقرؤا أن المال كان أبوهم قد قبضه و قد سأله أن يرُد علي معيشتي و يعطونه في أنجم معلومة فقال إني أحب أن تسأل أبا عبد الله ع عن هذا

Then inheritors of the deceased accepted that their (late) father had taken the money and they asked him to return my livelihood (income stream) to me and give him in known instalments. He said, 'I would love to ask Abu Abdullah^{-asws} about this'.

فَقَالَ الرَّجُلُ جَعَلَنِي اللَّهُ فِدَاكَ كَيْفَ أَصْنَعُ

The man said, 'May Allah^{-azwj} Make me sacrificed for you^{-asws}! How shall I deal with it?'

فَقَالَ لَهُ تَصْنَعُ أَنْ تَرْجِعَ بِمَالِكَ عَلَى الْوَرْتَةِ وَ تَرُدَّ الْمَعِيشَةَ إِلَى صَاحِبِهَا وَ تُخْرِجَ يَدَكَ عَنْهَا

He^{-asws} said: 'What you should do is reclaim your money from the heirs, return the livelihood to its owner, and withdraw your hand from it!'

قَالَ فَإِذَا أَنَا فَعَلْتُ ذَلِكَ لَهُ أَنْ يُطَالِبَنِي بِغَيْرِ هَذَا

He said, 'If I were to do that for him, he will demand from me with other than this!'

قَالَ لَهُ نَعَمْ لَهُ أَنْ يَأْخُذَ مِنْكَ مَا أَخَذْتَ مِنَ الْعَلَّةِ مِنْ ثَمَنِ الثَّمَارِ وَ كُلِّ مَا كَانَ مَرْمُومًا فِي الْمَعِيشَةِ يَوْمَ اشْتَرَيْتَهَا يَجِبُ أَنْ تُرُدَّ كُلَّ ذَلِكَ إِلَّا مَا كَانَ مِنْ زَرْعٍ زَرَعْتَهُ أَنْتَ فَإِنَّ لِلْمُزَارِعِ إِذَا قِيمَةُ الزَّرْعِ وَ إِذَا أَنْ تَصْبِرَ عَلَيْكَ إِلَى وَقْتِ حَصَادِ الزَّرْعِ فَإِنْ لَمْ يَفْعَلْ كَانَ ذَلِكَ لَهُ وَ رَدَّ عَلَيْكَ الْقِيَمَةَ وَ كَانَ الزَّرْعُ لَهُ

He^{-asws} said to him: 'Yes, for him is to take from you whatever you have taken from the yield of the price of fruits, and all what you took in produce from the price of the fruits and everything that was designated as part of the livelihood on the day you purchased it. All of that must be returned, except for the crops that you yourself planted. In that case, the planter has the right either to the value of the crops or to wait until the time of harvest. If he does not agree to wait, then the crops belong to him, and he must return to you their value, and the crops are for him'.

فُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ كَانَ هَذَا فَدَّ أَخَذْتَ فِيهَا بِنَاءً أَوْ عَرَسَ

I said, 'May I be sacrificed for you^{-asws}! Supposing in it any construction or planting had occurred?'

قَالَ لَهُ قِيَمَةُ ذَلِكَ أَوْ يَكُونُ ذَلِكَ الْمُحَدَّثُ بِعَيْنِهِ يُقْلَعُ وَ يَأْخُذُهُ

He^{-asws} said: 'The value of that must be given, or the very thing that was newly added may be removed and he should take it away'.

فُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ كَانَ فِيهَا عَرَسٌ أَوْ بِنَاءٌ فَقْلَعِ الْعَرَسَ وَ هَدِّمِ الْبِنَاءَ

I said, 'May I be sacrificed for you^{-asws}! Supposing there were plants in it or a building, so he uproots the plants and demolishes the building?'

فَقَالَ يَرُدُّ ذَلِكَ إِلَى مَا كَانَ أَوْ يَغْرُمُ الْقِيَمَةَ لِصَاحِبِ الْأَرْضِ فَإِذَا رَدَّ جَمِيعَ مَا أَخَذَهُ مِنْ غَلَّاتِهَا إِلَى صَاحِبِهَا وَرَدَّ الْبِنَاءَ وَالْعَرْسَ وَكُلَّ مُحَدَّثٍ إِلَى مَا كَانَ أَوْ رَدَّ الْقِيَمَةَ كَذَلِكَ يَجِبُ عَلَى صَاحِبِ الْأَرْضِ أَنْ يَرُدَّ عَلَيْهِ كُلَّ مَا خَرَجَ عَنْهُ فِي إِصْلَاحِ الْمَعِيشَةِ مِنْ قِيَمَةِ عَرْسٍ أَوْ بِنَاءٍ أَوْ نَفَقَةٍ فِي مَصْلَحَةِ الْمَعِيشَةِ وَدَفْعِ النَّوَائِبِ عَنْهَا كُلُّ ذَلِكَ فَهُوَ مَرْدُودٌ إِلَيْهِ.

He^{-asws} said: 'He must restore it to what it was, or pay the value to the owner of the land. When he returns everything he took from its produce to its owner, and restores the building, the planting, and everything newly added to what it was, or returns their value, then likewise the owner of the land is obliged to return to him everything he spent on improving the livelihood, whether the value of planting, building, or expenses for its maintenance and for warding off harms. All of that must be returned to him'.²¹⁹

باب 5 أصناف القضاة و حال قضاة الجور و الترافع إليهم

CHAPTER 5 – THE TYPES OF JUDGES, AND STATE OF THE TYRANNICAL JUDGES, AND RAISING THE CASES TO THEM

1- ج، الإحتجاج عن عمر بن حنظلة قال: سألت أبا عبد الله ع عن رجلين من أصحابنا بينهما منازعة في دين أو ميراث فتحاكما إلى السلطان وإلى القضاة أيجل ذلك

(The book) 'Al Ihtijaj' – From Umar Bin Hanzala who said,

'I asked Abu Abdullah^{-asws} about two men from our companions. There is a dispute between them regarding a debt or inheritance, so they take the case to the ruler or to the judges, 'Is that permissible?'

قَالَ ع مَنْ تَحَاكَمَ إِلَيْهِمْ فِي حَقٍّ أَوْ بَاطِلٍ فَإِنَّمَا تَحَاكَمَ إِلَى الْجِبْتِ وَالطَّاغُوتِ الْمُنْهَيَّ عَنْهُ وَ مَا حُكِمَ لَهُ بِهِ فَإِنَّمَا يَأْخُذُ سُخْتًا وَ إِنْ كَانَ حَقُّهُ نَائِبًا لَهُ لِأَنَّهُ أَخَذَهُ بِحُكْمِ الطَّاغُوتِ وَ قَدْ أَمَرَ اللَّهُ عَزَّ وَ جَلَّ أَنْ يَكْفُرَ بِهِ قَالَ اللَّهُ عَزَّ وَ جَلَّ- يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَ قَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ

He^{-asws} said: 'The one who takes a case to them, true or false, he has rather taken his case to the false god (*Jibt*) and the tyrant (*Taghout*) which he has been forbidden from, and whatever he judges for him with, he has rather taking an ill-gotten gain, and even if his right is established for him, because he has taken by a judgment of the tyrant, and Allah^{-azwj} Mighty and Majestic has Commanded him to disbelieve him. Allah^{-azwj} Mighty and Majestic Says: ***They are intending to summon each other to the judgment of the tyrant, although they have been Commanded to disbelieve in him [4:60]***.'

فُلْتُ فَكَيْفَ يَصْنَعَانِ وَ قَدْ اِخْتَلَفَا

I said, 'So how should they deal with it, and they have differed?'

قَالَ يَنْظُرَانِ مَنْ كَانَ مِنْكُمْ مِمَّنْ قَدْ رَوَى حَدِيثَنَا وَ عَرَفَ حَالَئَنَا وَ حَرَامَنَا وَ عَرَفَ أَحْكَامَنَا فَلْيَرْضَوْا بِهِ حَكْمًا فَإِنِّي قَدْ جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا

²¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 4 H 5

He^{-asws} said: 'They should look for the one from you who has reported our^{-asws} Ahadeeth, and recognises our^{-asws} permissible(s) and our^{-asws} prohibitions, and recognises our^{-asws} rulings, so they should be satisfied with him as a judge, for I^{-asws} have made him to be a judge upon you all!

فَإِذَا حَكَمَ بِحُكْمٍ وَ لَمْ يَقْبَلْهُ مِنْهُ فَإِنَّمَا بِحُكْمِ اللَّهِ اسْتَحْفَتَ وَ عَلَيْنَا زِدَّ وَ الرَّادُّ عَلَيْنَا كَالرَّادِّ عَلَى اللَّهِ وَ هُوَ عَلَى حَدِّ الشِّرْكِ بِاللَّهِ

If he were to judge with a ruling and he does not accept it from him, rather he has taken lightly with a Ruling of Allah^{-azwj} and has rejected upon us^{-asws}, and the rejecter upon us is the rejecter upon Allah^{-azwj}, and he would be upon the borders of association (Shirk) with Allah^{-azwj}!

قُلْتُ فَإِن كَانَ كُلُّ وَاحِدٍ مِنْهُمَا اخْتَارَ رَجُلًا مِنْ أَصْحَابِنَا فَرَضِينَا أَنْ يَكُونَا النَّاطِرَيْنِ فِي حَقِّهِمَا فَاخْتَلَفَا فِيمَا حَكَمَا فَإِنَّ الْحَكَمَيْنِ اخْتَلَفَا فِي حَدِيثِكُمْ

I said, 'Supposing each one of them had chosen a man from our companions, and they agree that they would be looking into their rights, but they differ in what they judge, so the two judges differ regarding your^{-asws} Ahadeeth?'

قَالَ إِنَّ الْحُكْمَ مَا حَكَمَ بِهِ أَعَدُّهُمَا وَ أَفْقَهُهُمَا وَ أَصَدَّقُهُمَا فِي الْحَدِيثِ وَ أَوْعَاهُمَا وَ لَا يُتَّقَتُ إِلَى مَا يَحْكُمُ بِهِ الْآخَرُ

He^{-asws} said: 'The (final) judgment is what is judged by their most just, and their most understanding, and their most truthful regarding the Hadeeth, and their most devout (pious), and what the other one had judged with should not be turned to!'

قُلْتُ فَإِنَّهُمَا عَدَلَانِ مَرْضِيَّانِ عَرَفَا بِدَلِكِ - لَا يَمُضُّ أَحَدُهُمَا صَاحِبَهُ

I said, 'Supposing they are both just, satisfactory, well-known with that, one of them does not surpass the other?'

قَالَ يُنْظَرُ إِلَى مَا كَانَ مِنْ رَوَايَتِهِمَا عَنَّا فِي ذَلِكَ الَّذِي حَكَمَا الْمُجْمَعِ عَلَيْهِ بَيْنَ أَصْحَابِكَ فَيُؤْخَذُ بِهِ مِنْ حُكْمَيْهِمَا وَ يُتْرَكُ الشَّأْدُ الَّذِي لَيْسَ بِمَشْهُورٍ عِنْدَ أَصْحَابِكَ فَإِنَّ الْمُجْمَعِ عَلَيْهِ لَا رَيْبَ فِيهِ

He^{-asws} said: 'It should be looked at what was from their reporting from us^{-asws} regarding that (case) which they had judged, what there is consensus upon between your companions. It should be taken with from their rulings, and leave the unusual which isn't well-known in the presence of your companions, for the one there is consensus upon, there is no doubt in it!

فَإِنَّمَا الْأُمُورُ ثَلَاثَةٌ أَمْرٌ بَيْنَ رُسُلِهِ فَيَتَّبَعُ وَ أَمْرٌ بَيْنَ عَيْهِ فَيُجْتَنَّبُ وَ أَمْرٌ مُشْكِلٌ يُرَدُّ حُكْمُهُ إِلَى اللَّهِ عَزَّ وَ جَلَّ وَ إِلَى رَسُولِهِ ص

But rather, the matters are three – a matter its guidance is clear so it should be followed, and a matter its error is clear so it should be avoided, and a problematic matter. Its ruling should be referred to Allah^{-azwj} Mighty and Majestic and to His^{-azwj} Rasool^{-saww}.

وَ قَدْ قَالَ رَسُولُ اللَّهِ ص حَلَالَ بَيْنَ وَ حَرَامَ بَيْنَ وَ شُبُهَاتٍ تَتَرَدَّدُ بَيْنَ ذَلِكَ فَمَنْ تَرَكَ الشُّبُهَاتِ نَجَا مِنَ الْمُحَرَّمَاتِ وَ مَنْ أَحَدَ بِالشُّبُهَاتِ ارْتَكَبَ الْمُحَرَّمَاتِ وَ هَلَكَ مِنْ حَيْثُ لَا يَعْلَمُ

And Rasool-Allah^{-saww} had said: 'Halal (Permissible) is clear, and Haraam (Prohibition) is clear, and suspect matters fluctuate between that. The one who leaves the suspect matters will be saved from the Prohibitions, and the one who takes with the suspect matters will indulge in the Prohibitions, and he will be destroyed from where he does not know!'

قُلْتُ فَإِنْ كَانَ الْخَيْرَانِ عَنْكُمَا مَشْهُورَيْنِ قَدْ رَوَاهُمَا النَّقَاتُ عَنْكُمْ

I said, 'Supposing there were two Ahadeeth from you^{-asws} are well-known having been reported by the trusted ones, from you^{-asws} all (Imams^{-asws})?'

قَالَ يُنْظَرُ مَا وَافَقَ حُكْمَهُ حُكْمَ الْكِتَابِ وَ السُّنَّةِ وَ خَالَفَ الْعَامَّةَ فَيُؤْخَذُ بِهِ وَ يُتْرَكُ مَا خَالَفَ حُكْمَهُ حُكْمَ الْكِتَابِ وَ السُّنَّةِ وَ وَافَقَ الْعَامَّةَ

He^{-asws} said: 'Whatever his judgment is compatible with Judgment of the Book and the Sunnah and opposes the general Muslims should be taken with, and whatever of his judgment opposes Judgment of the Book and the Sunnah and is compatible to the general Muslims should be neglected!'

قُلْتُ جُعِلْتُ فِدَاكَ أَرَأَيْتَ إِنْ كَانَ الْقَمِيهَانِ عَرَفَا حُكْمَهُ مِنَ الْكِتَابِ وَ السُّنَّةِ ثُمَّ وَجَدْنَا أَحَدَ الْخَيْرَيْنِ يُوَافِقُ الْعَامَّةَ وَ الْآخَرَ يُخَالِفُ بَأَيِّهِمَا نَأْخُذُ مِنَ الْخَيْرَيْنِ

I said, 'May I be sacrificed for you^{-asws}! What is your^{-asws} view if they were both jurists, recognising its ruling from the Book and the Sunnah? Then we find one of the Hadeeth being compatible with the general Muslims and the other opposing, which of the two should we take from the two Ahadeeth?'

قَالَ يُنْظَرُ إِلَى مَا هُمْ إِلَيْهِ يَمِيلُونَ فَإِنْ مَا خَالَفَ الْعَامَّةَ فَفِيهِ الرَّشَادُ

He^{-asws} said: 'One should look at when they are inclining towards, for whatever opposes the general Muslims, the rightful guidance is in it'.

قُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ وَافَقَهُمُ الْخَيْرَانِ جَمِيعاً

I said, 'May I be sacrificed for you^{-asws}! Supposing both the Ahadeeth are compatible with them all?'

قَالَ انْظُرُوا إِلَى مَا يَمِيلُ إِلَيْهِ حُكَّامُهُمْ وَ قُضَاتُهُمْ فَاتَّوَكُّؤُهُ جَانِباً وَ حُدُّوا بِعَبْرِهِ

He^{-asws} said: 'Look at what their rulers and their judges are inclining towards, leave it aside and take with the other one!'

قُلْتُ فَإِنْ وَافَقَ حُكَّامُهُمُ الْخَيْرَيْنِ جَمِيعاً

I said, 'Supposing their rulers are compatible with both the Ahadeeth together?'

قَالَ إِذَا كَانَ كَذَلِكَ فَأَرْجِهْ وَ قِفْ عِنْدَهُ حَتَّى تَلْقَى إِمَامَكَ فَإِنَّ الْوُقُوفَ عِنْدَ الشُّبُهَاتِ خَيْرٌ مِنَ الْإِتِحَامِ فِي الْهَلَكَاتِ وَ اللَّهُ الْمُرْشِدُ.

He^{-asws} said: 'When it was like that, postpone it and pause at it until you meet your Imam^{-asws}, for the pausing at the suspect matters is better than the storming into the destruction, and Allah^{-azwj} is the Guide'.²²⁰

2- ج، الإحتجاج عَنْ سَعْدِ بْنِ أَبِي الْحَضْبِ قَالَ: دَخَلْتُ أَنَا وَ ابْنُ أَبِي لَيْلَى الْمَدِينَةَ فَبِينَا نَحْنُ فِي مَسْجِدِ الرَّسُولِ ص إِذْ دَخَلَ جَعْفَرُ بْنُ مُحَمَّدٍ ع فَقُمْنَا إِلَيْهِ فَسَأَلَنِي عَنْ نَفْسِي وَ أَهْلِي ثُمَّ قَالَ مَنْ هَذَا مَعَكَ

(The book) 'Al Ihtijaj' – From Sa'ad Bin Abu Al Khaseyb who said,

'I and Ibn Abu Layla entered Al-Medina. While we were in Masjid of the Rasool^{-saww} when Ja'far^{-asws} Bin Muhammad^{-asws} entered. We stood up to him^{-asws}. He^{-asws} asked me about myself and my family, then said: 'Who is this one with you?'

فَقُلْتُ ابْنُ أَبِي لَيْلَى قَاضِي الْمُسْلِمِينَ

I said, 'Ibn Abu Layla, judge of the Muslims!'

فَقَالَ نَعَمْ

He^{-asws} said: 'Yes'.

ثُمَّ قَالَ لَهُ تَأْخُذُ مَالَ هَذَا فَتُعْطِيهِ هَذَا وَ تُفَرِّقُ بَيْنَ الْمَرْءِ وَ زَوْجِهِ وَ لَا تَخَافُ فِي هَذَا أَحَدًا

Then he^{-asws} said to him: 'You take the wealth of this one and give it to this one, and you separate between the man and his wife and you don't fear anyone in this?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَبِأَيِّ شَيْءٍ تَقْضِي

He^{-asws} said: 'So by which thing do you judge?'

قَالَ بِمَا بَلَغَنِي عَنْ رَسُولِ اللَّهِ ص وَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ

He said, 'With whatever has reached me from Rasool-Allah^{-saww}, and from Abu Bakr and Umar'.

قَالَ فَبَلَّغَكَ أَنَّ رَسُولَ اللَّهِ ص قَالَ أَقْضَاكُمْ عَلَيَّ

He^{-asws} said: 'Has it reached you that Rasool-Allah^{-saww} had said that your most judicial is Ali^{-asws}?'

²²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 1

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَكَيْفَ تُقْضِي بِغَيْرِ قَضَاءِ عَلِيٍّ ع وَ قَدْ بَلَغَكَ هَذَا

He^{-asws} said: 'So how come you are judging with other than the judgment of Ali^{-asws}, and this has reached you?'

قَالَ فَاصْفَرَّ وَجْهُ ابْنِ أَبِي لَيْلَى ثُمَّ قَالَ التَّمَسَّ لِنَفْسِكَ زَمِيلاً وَ اللَّهُ لَا أُحْكِمُكَ مِنْ رَأْسِي كَلِمَةً أَبَدًا.

He (the narrator) said, 'The face of Ibn Abu Layla paled. Then he^{-asws} said: 'Seek a companion for yourself. By Allah^{-azwj}, I^{-asws} will not speak to you from my^{-asws} head a single word, ever!'²²¹

3- ل، الخصال جَعْفَرُ بْنُ عَلِيٍّ عَنْ جَدِّهِ الْحَسَنِ بْنِ عَبْدِ اللَّهِ عَنْ عَلِيِّ بْنِ حَسَّانَ عَنْ عَمِّهِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: إِذَا فَشَتْ أَرْبَعَةٌ ظَهَرَتْ أَرْبَعَةٌ إِذَا فَشَا الرِّثَا ظَهَرَتْ الرِّزَالُ وَإِذَا أُمْسِكَتِ الرِّكَاءُ هَلَكَتِ المَاشِيَةُ وَإِذَا جَارَ الحُكَّامُ فِي القَضَاءِ أُمْسِكَتِ القَطْرُ مِنَ السَّمَاءِ وَإِذَا خُفِرَتِ الدِّمَةُ نُصِرَ المُشْرِكُونَ عَلَى المُسْلِمِينَ.

(The book) 'Al Khisaal' – Ja'far Bin Ali, from his grandfather Al Hassan Bin Abdullah, from Ali Bin Hassan, from his uncle Abdul Rahman,

From Abu Abdullah^{-asws} having said: 'When four (matters) are widespread, four will appear. When the adultery is widespread the earthquakes will appear, and when the Zakat is withheld the livestock will perish, and when the judges are tyrannical in the judging the drops of the sky will be withheld, and when protection (by the Muslims government to the people of the Book) is violated, the Polytheists will be victorious over the Muslims'.²²²

4- ل، الخصال ابْنُ المُتَوَكِّلِ عَنِ السَّعْدِ ابْنِ أَبِي بَرْقِيٍّ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع قَالَ: القَضَاءُ أَرْبَعَةٌ قَاضِيَ بِالحَقِّ وَ هُوَ لَا يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي النَّارِ وَ قَاضِيَ بِالبَاطِلِ وَ هُوَ لَا يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضِيَ بِالبَاطِلِ وَ هُوَ يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضِيَ بِالحَقِّ وَ هُوَ يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي الجَنَّةِ.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from his father, from Ibn Abu Umeyr raising it to,

Abu Abdullah^{-asws} said: 'The judgments are four – a judge judges with the truth and he does not know that it is the truth, so he would be in the Hellfire; and a judge judging with the falsehood and he does not know that it is false, so he would be in the Hellfire; and a judge judging with the falsehood and he knows that it is false, he would be in the Hellfire; and a judge judging with the truth and he knows that it is true, he would be in the Paradise'.²²³

5- ل، الخصال عَنِ الصَّادِقِ ع قَالَ: لَا يَطْمَعَنَّ قَلِيلُ القُفْهِ فِي القَضَاءِ.

²²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 2

²²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 3

²²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 4

(The book) 'Al Khisaal' -

From Al-Sadiq^{asws} having said: 'The one of little (knowledge of) jurisprudence should not have aspiration in judging'.²²⁴

6- ضا، فقه الرضا عليه السلام اعلم أن القضاء أربعة قاضٍ يفتي بالباطل وهو يعلم أنه باطل فهو في النار وقاضٍ يفتي بالباطل وهو لا يعلم أنه باطل فهو في النار وقاضٍ قضى بالحق وهو لا يعلم أنه حق فهو في الجنة فاجتنب القضاء فإنك لا تقيم به.

(The book) 'Fiqh Al-Reza^{asws}' – 'Know that the judgments are four – a judge judging with the falsehood and he knows that it is false, so he would be in the Hellfire; and a judge judging with the falsehood and he does not know that it is false, he would be in the Hellfire; and a judge judging with the truth and he does not know it is true, he would be in the Hellfire; and a judge judging with the truth and he knows it is true, he would be in the Paradise! Therefore, shun the judging for you cannot stand with it (uphold it)!'²²⁵

7- شي، تفسير العياشي عن يونس مولى علي عن أبي عبد الله ع قال: من كانت بينه وبين أخيه منازعة فدعاه إلى رجل من أصحابه يحكم بينهما فأبى إلا أن يرفعه إلى السلطان فهو كمن حاكم إلى الميت والطاغوت وقد قال الله يريدون أن يتحاكموا إلى الطاغوت إلى قوله بعيداً.

Tafseer Al-Ayyashi – From Yunus, a disciple of Ali,

From Abu Abdullah^{asws} having said: 'One who has a dispute between him and his brother so he calls him to a man from his companion to judge between them but he refuses except that he will raise it to the ruler, he is like the one who has gone for judgment to the false god (Jibt) and the tyrant (Taghout), and Allah^{azwj} has Said: **They are intending to summon each other to the judgment of the tyrant, although they have been Commanded to disbelieve in him, and the Satan intends to stray them with a far straying [4:60]**'.²²⁶

8- شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع في قول الله تعالى ألم تر إلى الذين يزعمون أنهم آمنوا بما أنزل إليك وما أنزل من قبلك يريدون أن يتحاكموا إلى الطاغوت

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

From Abu Abdullah^{asws} regarding Words of Allah^{azwj} Exalted: **Have you not seen those who are alleging that they do believe in what is Revealed unto you and what was Revealed from before you? They are intending to summon each other to the judgment of the tyrant [4:60]**.

فقال يا أبا محمد إنه لو كان لك على رجل حق فدعوته إلى حكام أهل العدل فأبى عليك إلا أن يرافعك إلى حكام أهل الجور ليفضوا له كان بمن حاكم إلى الطاغوت.

He^{asws} said: 'O Abu Muhammad! It is that if there was a right for you upon a man so you call him to the judges of the just people but he refuses upon you except he will raise your case to

²²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 5

²²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 6

²²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 7

the judges of the tyrannical people in order for them to judge for him, he would be from the ones taking a case to the tyrant'.²²⁷

9- شي، تفسير العياشي عن عمّار بن موسى عن أبي عبد الله ع قال: سُئِلَ عَنِ الْحُكُومَةِ قَالَ مَنْ حَكَمَ بِرَأْيِهِ بَيْنَ اثْنَيْنِ فَقَدْ كَفَرَ.

(The book) 'Tafseer Al Ayyashi' – From Ammar Bin Musa,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} was asked about the judging. He^{-asws} said: 'One who judges between two by his opinion, he has committed Kufr (blasphemed)!'²²⁸

10- شي، تفسير العياشي عن أبي عبد الرحمن السلميّ أنّ عليّاً ع مرَّ على قاضي فقال هل تعرف الناسخ من المنسوخ

(The book) 'Tafseer Al Ayyashi' – From Abdul Rahman Al Sulamy,

'Ali^{-asws} passed by a judge. He^{-asws} said: 'Do you recognise the Abrogating from the Abrogated (Verses of the Quran)?'

قَالَ لَا

He said, 'No'.

فَقَالَ هَلَكْتَ وَ أَهْلَكَتَ تَأْوِيلُ كُلِّ حَرْفٍ مِنَ الْقُرْآنِ عَلَى وُجُوهِهِ.

He^{-asws} said: 'You are destroyed and getting others to be destroyed! Interpretation of every letter of the Quran is based upon its perspective!'²²⁹

11- شي، تفسير العياشي عن أبي بصير عن أبي عبد الله ع قال: قُلْتُ لَهُ قَوْلَ اللَّهِ - وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَ تُذَلُّوا بِهَا إِلَى الْحُكَّامِ

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

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said to him^{-asws}, '***And do not devour your wealth between yourselves by falsehood, dangling these (as a bribe) to the judges [2:188]***'.

فَقَالَ يَا أَبَا بصيرٍ إِنَّ اللَّهَ قَدْ عَلِمَ أَنَّ فِي الْأُمَّةِ حُكَّامًا يَجُورُونَ أَمَا إِنَّهُ لَمْ يَعْزِمْ حُكَّامَ أَهْلِ الْعَدْلِ وَ لَكِنَّهُ عَنَى حُكَّامَ أَهْلِ الْجَوْرِ

He^{-asws} said: 'O Abu Baseer! Allah^{-azwj} knew that in the community, there will be judges who will be judging tyrannically. But, He^{-azwj} does not Mean the just people, but He^{-azwj} means the judges of the tyrannical people.

يَا أَبَا مُحَمَّدٍ أَمَا إِنَّهُ لَوْ كَانَ لَكَ عَلَى رَجُلٍ حَقٌّ فَدَعَوْتَهُ إِلَى حُكَّامِ أَهْلِ الْعَدْلِ فَأَتَى عَلَيْكَ إِلَّا أَنْ يُرَافِعَكَ إِلَى حُكَّامِ أَهْلِ الْجَوْرِ لَيَقْضُوا لَهُ كَانَ مِمَّنْ يُحَاكِمُ إِلَى الطَّاعُونَ.

²²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 8

²²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 9

²²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 10

O Abu Muhammad! But, if there were to be a right for you upon a man, so you call him to judges of the just people, but he refuses upon you except that he will raise you to the judges of the tyrannical people for them to judge for him, he would be from the ones taking a case to the tyrants'.²³⁰

12- شي، تفسير العياشي عن الحسن بن علي قال: قرأت في كتاب أبي الأسد إلى أبي الحسن الثاني ع و جوابه بخطه سأل عن تفسير قوله - و لا تأكلوا أموالكم بينكم بالباطل و تدلوا بها إلى الحكام

(The book) 'Tafseer Al Ayyashi' –

From Al-Hassan^{-asws} Bin Ali^{-asws} having said: 'I read in a letter of Abu Al-Asad to Abu Al-Hassan^{-asws} the 2nd, and his^{-asws} answer in his^{-asws} handwriting, asking about interpretation of His^{-azwj} Words: **'And do not devour your wealth between yourselves by falsehood, dangling these (as a bribe) to the judges [2:188]'**.

قال فكتب إليه الحكام المضاة

He (the narrator) said, 'He^{-asws} wrote to him: 'The 'Hukam' (in the Verse) are the judges'.

قال ثم كتب تحته هو أن يعلم الرجل أنه ظالم العاصي و هو غير معذور في أخذه ذلك الذي حكم له به إذا كان قد علم أنه ظالم.

Then he^{-asws} wrote beneath it: 'It is that the man knows he is unjust, disobedient, and he is not excused in his taking that which has been judged for him with, when he had known that he (judge) is unjust'.²³¹

13- شي، تفسير العياشي عن عبد الله بن مسكان عن أبي عبد الله عن أبيه عن آتائه ع قال قال رسول الله ص من حكم في درهمين حكم جور ثم كبر عليه كان من أهل هذه الآية - و من لم يحكم بما أنزل الله فأولئك هم الكافرون

(The book) 'Tafseer Al Ayyashi' – From Abdullah Bin Muskan,

From Abu Abdullah^{-asws}, from his^{-asws} father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who judges regarding two Dirham a tyrannical judgment, then enforces upon him, would be from the people of this Verse: **And the ones who do not judge with what Allah Revealed, so them, they are the Kafirs [5:44]'**.

فقلت يا ابن رسول الله و كيف [جبر] عليه

I said, 'O son^{-asws} of Rasool-Allah^{-saww}, and how does he enforce upon him?'

قال يكون له سوط و سجن فيحكم عليه فإن رضي بحكومته و إلا ضربته بسوطه و حبسه في سجنه.

²³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 11

²³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 12

He^{-asws} said: 'For him would be a whip, and a prison, so he judges against him. Either he agrees with it or else he would beat him with his whip and hold him in his prison'.²³²

14- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَكَمَ فِي دِرْهَمَيْنِ بَعْدَ مَا أَنْزَلَ اللَّهُ فَقَدْ كَفَرَ وَ مَنْ حَكَمَ فِي دِرْهَمَيْنِ فَأَخْطَأَ كَفَرَ.

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

From Abu Abdullah^{-asws} having said: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} has Revealed has committed Kufr, and the one who judges regarding two Dirhams, so he errs, has committed Kufr'.²³³

15- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ بن [عَنْ] عَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ سَمِعْتُهُ يَقُولُ مَنْ حَكَمَ فِي دِرْهَمَيْنِ بَعْدَ مَا أَنْزَلَ اللَّهُ فَهُوَ كَافِرٌ بِاللَّهِ الْعَظِيمِ.

(The book) 'Tafseer Al Ayyashi' – From Abu Baseer, from Ali,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I heard him^{-asws} saying: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} has Revealed, he is a disbeliever (Kafir) in Allah^{-azwj} the Magnificent!'²³⁴

16- شي، تفسير العياشي عَنْ بَعْضِ أَصْحَابِهِ قَالَ سَمِعْتُ عَمَّاراً يَقُولُ عَلَى مِنْبَرِ الْكُوفَةِ- ثَلَاثَةٌ يَشْهَدُونَ عَلَى عُثْمَانَ أَنَّهُ كَافِرٌ وَ أَنَا الرَّابِعُ وَ أَنَا أُسَمِّ الْأَرْبَعَةَ

(The book) 'Tafseer Al Ayyashi' –

From one of his companions who said, 'I heard Ammar^{-ra} saying upon the pulpit of Al-Kufa, 'Three testified upon Usman that he was a Kafir, and I^{-ra} am the fourth!'

ثُمَّ قَرَأَ هَؤُلَاءِ الْآيَاتِ فِي الْمَائِدَةِ- وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ وَ الظَّالِمُونَ وَ الْفَاسِقُونَ.

Then he^{-ra} read this Verse in (Surah) Al Maidah: **And the one who does not judge with what Allah Revealed, so them, they are the transgressors [5:47]**.²³⁵

17- شي، تفسير العياشي عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ عَلِيُّ ع مَنْ قَضَى فِي دِرْهَمَيْنِ بَعْدَ مَا أَنْزَلَ اللَّهُ فَقَدْ كَفَرَ.

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

From Abu Ja'far^{-asws} having said: 'Ali^{-asws} said: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} has Revealed has committed Kufr'.²³⁶

²³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 13

²³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 14

²³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 15

²³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 16

²³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 17

18- شي، تفسير العياشي عن أبي العباس عن أبي عبد الله ع قال: مَنْ حَكَمَ فِي دِرْهَمَيْنِ بَعِيرٍ مَا أَنْزَلَ اللَّهُ فَقَدْ كَفَرَ فُلْتُ كَفَرَ بِمَا أَنْزَلَ اللَّهُ أَوْ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ ص قَالَ وَبَلَّكَ إِذَا كَفَرَ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ أَلَيْسَ قَدْ كَفَرَ بِمَا أَنْزَلَ اللَّهُ.

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

From Abu Abdullah^{-asws} having said: 'One who judges regarding two Dirhams with other than what Allah^{-azwj} Revealed has committed Kuf'r'.²³⁷

19- كَش، رجال الكشي مُحَمَّدُ بْنُ مَسْعُودٍ عَنْ أَحْمَدَ بْنِ مَنصُورٍ عَنْ أَحْمَدَ بْنِ الْفَضْلِ الْكُنَاسِيِّ قَالَ: قَالَ لِي أَبُو عَبْدِ اللَّهِ ع أَيُّ شَيْءٍ بَلَغَنِي عَنْكُمْ

(The book) 'Rijal Al Kashi' – Muhammad Bin Masoud, from Ahmad Bin Mansour, from Ahmad Bin Al Fazl Al Kunasi who said,

'Abu Abdullah^{-asws} said to me: 'Which thing has reached me^{-asws} about you all?'

قُلْتُ مَا هُوَ

I said, 'What is it?'

قَالَ بَلَغَنِي أَنَّكُمْ أَفَعَدْتُمْ قَاضِيًا بِالْكَنَاسَةِ

He^{-asws} said: 'It has reached me that you have sat (appointed) a judge at Al-Kunasa?'

قَالَ قُلْتُ نَعَمْ جُعِلْتُ فِدَاكَ رَجُلًا يُقَالُ لَهُ عُرْوَةُ الْقَتَّاتِ وَهُوَ رَجُلٌ لَهُ حِطٌّ مِنْ عَقْلِ نَجْتَمِعُ عِنْدَهُ فَنَتَكَلَّمُ وَنَتَسَاءَلُ ثُمَّ نَرُدُّ ذَلِكَ إِلَيْكُمْ

He (the narrator) said, 'I said, 'Yes, may I be sacrificed for you^{-asws}, a man called Urwah Al-Qattat, and he is a man having a good share of intellect. We gather with him, so we talk and ask, then we refer that to you (Imams^{-asws})'.

قَالَ لَا بَأْسَ.

He^{-asws} said: 'There is no problem'.²³⁸

20- كِتَابُ الْعَايَاتِ، قَالَ ع حَبِيبُ النَّاسِ قُضَاءُ الْحَقِّ.

(The book) 'Kitab Al Gayaat' -

He^{-asws} said: 'Best of the people are the judges (judging with) the truth'.²³⁹

21- تَخْرُجُ الْبُلَاغَةَ وَ مِنْ كَلَامِهِ ع فِي صِفَةِ مَنْ يَتَصَدَّى لِلْحُكْمِ بَيْنَ الْأُمَّةِ وَ لَيْسَ لَذَلِكَ بِأَهْلٍ إِنَّ أُنْبَعَضَ الْخَلَائِقِ إِلَى اللَّهِ رَجُلَانِ

²³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 18

²³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 19

²³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 20

(The book) 'Nahj Al-Balagah' - From a speech of his^{asws} in describing the one who sits for the judging between the community, and he isn't rightful with it: 'The most hateful to Allah^{azwj} are two types (of people): -

رَجُلٌ وَكَلَهُ اللَّهُ إِلَى نَفْسِهِ فَهُوَ جَائِرٌ عَنِ قَصْدِ السَّبِيلِ مَشْعُوفٌ بِكَلَامِ بَدْعَةٍ وَ دُعَاءِ ضَلَالَةٍ فَهُوَ فِتْنَةٌ لِمَنْ افْتَتَنَ بِهِ ضَالٌّ عَنِ هَدْيٍ مَنْ كَانَ قَبْلَهُ مُضِلًّا
لِمَنْ افْتَدَى بِهِ فِي حَيَاتِهِ وَ بَعْدَ وَفَاتِهِ حَمَّالٌ خَطَايَا غَيْرِهِ رَهْنٌ بِخَطِيئَتِهِ

A man whom Allah^{azwj} Allocates him to himself. He deviates from the purpose of the way. He loves to speak innovations and call to the straying. Thus, he is a *Fitna* for the one who is tempted by him. He strays away from the guidance by the ones who were before him, straying the one who take his lead during his lifetime and after his death. He is a carrier of sins of others, pledged with his own sins.

وَ رَجُلٌ قَمَشَ جَهْلًا مَوْضِعَ فِي جُهَالِ الْأُمَّةِ عَادٍ فِي أَعْبَاشِ الْفِتْنَةِ عَمَّ بِمَا فِي عَقْدِ الْهُدْنَةِ قَدْ سَمَّاهُ أَشْبَاهُ النَّاسِ عَالِمًا وَ لَيْسَ بِهِ

And a man who has collected ignorance. He is quick among the ignoramuses of the community, turning in the darkness of the *Fitna*, blind to the advantages of peace and reconciliation. Those resembling the people have named him as a scholar, and he isn't it.

بَكَرٌ فَاسْتَكْتَرَ مِنْ جَمْعٍ مَا قَلَّ مِنْهُ خَيْرٌ مِمَّا كَثُرَ حَتَّى إِذَا ارْتَوَى مِنْ مَاءٍ آجِنٍ وَ [اَكْتَنَزَ] اَكْتَنَزَ مِنْ غَيْرِ طَائِلٍ جَلَسَ بَيْنَ النَّاسِ قَاضِيًا ضَامِنًا لِتَخْلِيصِ مَا
التَّبَسَّ عَلَى غَيْرِهِ

He goes out early morning amassing a lot, the little from it would have been better than what is more, until when has saturated from the polluted waters and acquired meaningless things, he sits between the people as a judge responsible for solving what is confusing upon others.

فَإِنْ نَزَلَتْ بِهِ إِحْدَى الْمُبْهَمَاتِ هَيَّأَ لَهَا حَشْوًا رَثًا مِنْ رَأْيِهِ ثُمَّ قَطَعَ بِهِ فَهُوَ مِنْ لَبْسِ الشُّبُهَاتِ فِي مِثْلِ نَسِجِ الْعَنْكَبُوتِ لَا يَذْرِي أَصَابَ أَمْ أخطأَ فَإِنْ
أَصَابَ خَافَ أَنْ يَكُونَ قَدْ أخطأَ وَ إِنْ أخطأَ رَجَا أَنْ يَكُونَ قَدْ أَصَابَ

If one of the ambiguous problems befalls with him, he prepares for it an additional useless argument from his opinion, then he cuts (judges) by it. Thus, he gets entangled in the confusing doubts in an example of the spider's web. He does not know whether he is correct or has erred. If he is correct, he fears that he might has erred, and if he has erred, he hopes that he would be correct.

جَاهِلٌ خَبَّاطٌ جَهَالَاتٍ عَاشٍ رَكَّابٌ عَشَوَاتٍ لَمْ يَعْصَ عَلَى الْعِلْمِ بِضُرْسٍ قَاطِعٍ - [يُذْرِي] يَذْرُو الرُّوَايَاتِ [إِذْرَاءً] دَزُو الرِّيحِ الْهَثِيمِ

He is an ignoramus wandering in the in the ignorance's of life riding without guidance. He does not bite upon the knowledge with cutting incisors. He scatters the reports the (like) the winds scattering leaves.

لَا مَلِيٍّ وَ اللَّهُ إِضْدَارٌ مَا وَرَدَ عَلَيْهِ وَ لَا [هُوَ] أَهْلٌ لِمَا [فُوضَ] فُوطَ بِهِ [إِلَيْهِ] لَا يَحْسَبُ الْعِلْمَ فِي شَيْءٍ مِمَّا أَنْكَرَهُ وَ لَا يَرَى أَنَّ مِنْ وَرَاءِ مَا بَلَغَ مَذْهَبًا لِعَيْرِهِ

By Allah^{azwj}! He is neither capable of resolving what is referred to him, nor is he rightful of what position has been assigned to him, nor does he reckon the knowledge regarding

anything from what he has denied, nor does he view that there beyond his reach is a doctrine reached by others.

وَإِنْ أَظْلَمَ عَلَيْهِ أَفْئِدَةٌ أَكْتَنَمَ بِهِ لِمَا يَعْلَمُ مِنْ جَهْلِ نَفْسِهِ تَصْرُحُ مِنْ جُورِ قَضَائِهِ الدِّمَاءِ وَ تَعَجُّ مِنْهُ الْمَوَارِيثُ

And if a matter is obscure to him, he conceals it due to what he knows of his own ignorance. The bloods (lost lives) are crying out due to the tyranny of his judgments, and the inheritances (misappropriated) are grumbling from him.

إِلَى اللَّهِ أَشْكُو مِنْ مَعْشَرٍ يَعِيشُونَ جَهْلًا وَ يُمُوتُونَ ضَلَالًا لَيْسَ فِيهِمْ سِلْعَةٌ أُبُورُ مِنَ الْكِتَابِ إِذَا تُلِيَ حَقٌّ تَلَاوَتِهِ وَ لَا سِلْعَةٌ أَنْفَقَ بَيْعًا وَ لَا أَعْلَى ثَمَنًا مِنَ الْكِتَابِ إِذَا حُرِفَ عَنْ مَوَاضِعِهِ وَ لَا عِنْدَهُمْ أَنْكَرُ مِنَ الْمَعْرُوفِ وَ لَا أَعْرَفُ مِنَ الْمُنْكَرِ

I^{asws} complain to Allah^{azwj} of the people living in ignorance and dying in straying. There is no commodity more ruinous among them than the Book when it is recited as it is right of reciting it, and there is no commodity more expensive to sell nor of a higher price than the Book when (it's Verses) are altered from its place, nor is there anything eviller than the act of kindness, nor anything more recognised than the evil'.²⁴⁰

22- نَحَجُ الْبَلَاغَةَ فِي عَهْدِهِ عَ لِلْأَشْتَرِ رَضِيَ اللَّهُ عَنْهُ ثُمَّ اخْتَرُ لِلْحُكْمِ بَيْنَ النَّاسِ أَفْضَلَ رَعِيَّتِكَ فِي نَفْسِكَ مِمَّنْ لَا تَضِيقُ بِهِ الْأُمُورُ وَ لَا يَمْحُكُهُ الْحُصُومُ وَ لَا يَتَمَادَى فِي الرِّزَّةِ وَ لَا يَحْضُرُ مِنَ الْفِيءِ إِلَى الْحَقِّ إِذَا عَرَفَهُ وَ لَا تُشْرِفُ نَفْسُهُ عَلَى طَمَعٍ وَ لَا يَكْتَفِي بِأَذْنِ فَهْمٍ دُونَ أَفْصَاهُ

(The book) 'Nahj Al Balagah' -

In his^{asws} pact for Al-Ashtar^{ra}, may Allah^{azwj} be Pleased with him^{ra}: 'Then choose between the people for the judgment, the most superior of your citizens in your view, from the ones the affairs would not be restricted with him, nor would his judgment, nor would he deliberately be in the error, nor would he be confined from the environment to the truth when he does recognise it, nor would be overlook himself upon greed nor suffice with low understanding besides being thorough.

[وَ] أَوْقَفَهُمْ فِي الشُّبُهَاتِ وَ أَحَدَهُمْ بِالْحَجَجِ وَ أَقْلَهُمْ تَبَرُّمًا بِمُرَاجَعَةِ الْحُصْمِ وَ أَصْرَهُمْ عَلَى تَكْشِيفِ الْأُمُورِ وَ أَصْرَمَهُمْ عِنْدَ إِبْصَاحِ الْحُكْمِ مِمَّنْ لَا يَزْدَهِيهِ إِطْرَاءٌ وَ لَا يَسْتَمِيلُهُ إِغْرَاءٌ وَ أَوْلِيكَ قَلِيلًا

And he should pause them during the doubtful matters, and take them with the arguments, and least disgusted with the dispute of the litigants, and most patient of them upon uncovering the affairs and their bravest at passing the judgment, from the ones compliments do not sway him nor would he be tempted by elation, and they are few.

تَمَّ أَكْثَرَ تَعَاهُدَ قَضَائِهِ وَ أَسْخَحَ لَهُ فِي الْبَدَلِ مَا يُرِيحُ عِلَّتَهُ وَ تَقَبَّلُ مَعَهُ حَاجَتَهُ إِلَى النَّاسِ وَ أَعْطَاهُ مِنَ الْمُنْتَزِلَةِ لَدَيْكَ مَا لَا يَطْمَعُ فِيهِ غَيْرُهُ مِنْ خَاصَّتِكَ لِيَأْمَنَ بِدَلِّكَ اغْتِيَابَ الرِّجَالِ لَهُ عِنْدَكَ

Then frequently check his judgment and be generous to him in the expenses what would impede his reason and his needs to the people would be reduced by it, and give him from the

²⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 21

status with you what no others can covet regarding it apart from him, from your special ones for him to be safe by that from the men in your presence to aspire to him'.²⁴¹

23- وَقَالَ ع فيما كتب إلى قُتَيْبِ بْنِ عَبَّاسٍ وَ اجْلِسْ لَهُمُ الْعَصْرَيْنِ فَأُفْتِ لِلْمُسْتَفْتِي وَ عَلِّمِ الْجَاهِلَ وَ ذَاكِرِ الْعَالِمَ وَ لَا يَكُنْ لَكَ إِلَى النَّاسِ سَفِيرٌ إِلَّا لِسَانُكَ وَ لَا حَاجِبٌ إِلَّا وَجْهُكَ وَ لَا تُحْجَبَنَّ ذَا حَاجَةٍ عَن لِقَائِكَ بِهَا فَإِنَّهَا إِنْ ذُبِدَتْ عَن أَبْوَابِكَ فِي أَوَّلِ وَرْدِهَا لَمْ تَجِدْ فِيهَا بَعْدَ عَلَى قَضَائِهَا.

And he^{-asws} said in what he^{-asws} had written to Qusam Bin Al-Abbas: 'And sit to them (for judgment) morning and afternoon. Issue verdict to the seeker of verdict, and teach the ignorant, and discuss with the learned and do not let an ambassador to be for you to the people except your tongue, nor any guard except your face, nor bar the one with need to see you for if he is impeded from your door during the first arrival, you will not be praised upon fulfilling it afterwards.'²⁴²

24- وَ مِنْ وَصِيَّتِهِ ع لِعَبْدِ اللَّهِ بْنِ الْعَبَّاسِ عِنْدَ اسْتِخْلَافِهِ إِثَاءَهُ عَلَى الْبَصْرَةِ سَعِ النَّاسِ بِوَجْهِكَ وَ مَجْلِسِكَ وَ حُكْمِكَ وَ إِيَّاكَ وَ الْعَضْبَ فَإِنَّهُ طَيْرَةٌ مِنَ الشَّيْطَانِ.

And from his^{-asws} advice to Abdullah Bin Al-Abbas at his^{-asws} appointing him as a caliph upon Al-Basra: 'Be capacious to the people with your face, and your gathering, and your decisions, and beware of the anger for it is an evil omen from the Satan'^{la}.²⁴³

25- الْهُدَايَةُ، الْقَضَاءُ وَ الْأَحْكَامُ الْمُحْكَمُ فِي الدَّعَاوِي كُلِّهَا أَنَّ الْبَيْتَةَ عَلَى الْمُدَّعِي وَ الْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ فَإِنْ رَدَّ الْمُدَّعَى عَلَيْهِ الْيَمِينَ عَلَى الْمُدَّعِي إِذَا لَمْ يَكُنْ لِلْمُدَّعِي شَاهِدَانِ فَلَمْ يَخْلَفْ فَلَا حَقَّ لَهُ إِلَّا فِي الْحُدُودِ فَإِنَّهُ لَا يَمِينَ فِيهَا وَ فِي الدَّمِ فَإِنَّ الْبَيْتَةَ عَلَى الْمُدَّعَى عَلَيْهِ وَ الْيَمِينَ عَلَى الْمُدَّعِي لِقَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ.

(The book) 'Al-Hidaya' - Judgment and rulings - The burden of proof is on the claimant, and the oath is on the defendant. If the defendant rejects the oath, it is on the claimant, provided the claimant does not have two witnesses and does not swear, then he has no right except in cases of legal penalties, where there is no oath, and in matters of blood, for the evidence is on the defendant and the oath is on the claimant so that the blood of a Muslim person is not invalidated'.²⁴⁴

²⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 22

²⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 23

²⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 24

²⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 25

CHAPTER 6 – ABHORRENCE OF PROLONGED DISPUTE

1- تَهَجُّجُ الْبَلَاغَةِ، فِي حَدِيثِهِ عَ أَنَّ لِلْخُصُومَةِ فُحْمًا.

(The book) 'Nahj Al-Balagah' -

In his^{-asws} Hadeeth: 'For the disputes there is ruination'.²⁴⁵

2- تَهَجُّجُ الْبَلَاغَةِ، قَالَ عَ مَنْ بَالَغَ فِي الْخُصُومَةِ أَثِمَ وَ مَنْ قَصَرَ فِيهَا طَلِمَ وَ لَا يَسْتَطِيعُ أَنْ يَتَّقِيَ اللَّهَ مِنْ خَاصَمٍ.

(The book) 'Nahj Al-Balagah' -

He^{-asws} said: 'One going to the extreme in the disputing sins, and the one deficient in it will be oppressed, and the one who disputes you is not capable of fearing Allah^{-azwj}'.²⁴⁶

3- دَعَائِمُ الْإِسْلَامِ، زُوَيْنَا عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ صَلَوَاتُ اللَّهِ عَلَيْهِ أَنَّهُ قَالَ يَوْمًا لِابْنِ أَبِي لَيْلَى أ تَقْضِي بَيْنَ النَّاسِ يَا عَبْدَ الرَّحْمَنِ

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

We are reporting from Ja'far^{-asws} Bin Muhammad^{-asws}, may the Salawaat of Allah^{-azwj} be upon him^{-asws}. One day he^{-asws} said to Ibn Abu Layla, 'Are you judging between the people, O Abdul Rahman?'

فَقَالَ نَعَمْ يَا ابْنَ رَسُولِ اللَّهِ

He said, 'Yes, O son^{-asws} of Rasool-Allah^{-saww}!'

قَالَ تَنْزِعُ مَالًا مِنْ يَدَيَّ هَذَا فَتُعْطِيهِ هَذَا وَ تَنْزِعُ امْرَأَةً مِنْ يَدَيَّ هَذَا فَتُعْطِيهَا هَذَا قَالَ نَعَمْ

He^{-asws} said: 'You snatch the wealth from the hands of this one and cut this one off, and you snatch a woman from the hands of this one and you give her to this one?'

قَالَ بِمَ ذَا تَفْعَلُ ذَلِكَ كُلُّهُ

He^{-asws} said: 'By what do you do all of that?'

قَالَ بِكِتَابِ اللَّهِ

He said, 'By the Book of Allah^{-azwj}'.

²⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 1

²⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 2

قَالَ كُلُّ شَيْءٍ تَفْعَلُهُ بَجِدُهُ فِي كِتَابِ اللَّهِ

He^{-asws} said: 'Everything you do, you find it in the Book of Allah^{-azwj}?'

قَالَ لَا

He said, 'No'.

قَالَ فَمَا لَمْ بَجِدُهُ فِي كِتَابِ اللَّهِ فَمِنْ أَيْنَ تَأْخُذُهُ

He^{-asws} said: 'So what you do not find in the Book of Allah^{-azwj}, from where do you take it?'

قَالَ فَاتَّخِذُهُ عَنْ رَسُولِ اللَّهِ ص

He said, 'I take it from Rasool-Allah^{-saww}'.

قَالَ وَكُلُّ شَيْءٍ بَجِدُهُ فِي كِتَابِ اللَّهِ وَ سُنَّةِ رَسُولِ اللَّهِ

He^{-asws} said: 'And everything you find, being in the Book of Allah^{-azwj} and Sunnah of Rasool-Allah^{-saww}?'

قَالَ مَا لَمْ أَجِدُهُ فِي كِتَابِ اللَّهِ وَ لَا فِي سُنَّةِ رَسُولِ اللَّهِ ص أَخَذْتُهُ عَنْ أَصْحَابِ رَسُولِ اللَّهِ

He said, 'Whatever I do not find in the Book of Allah^{-azwj} nor being in Sunnah of Rasool-Allah^{-saww}, I take it from companions of Rasool-Allah^{-saww}'.

قَالَ عَنْ أَيِّهِمْ تَأْخُذُ

He^{-asws} said: 'From which of them do you take?'

قَالَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ وَ عَلِيٍّ وَ عُثْمَانَ وَ طَلْحَةَ وَ الزُّبَيْرِ وَ عَدَدَ أَصْحَابِ رَسُولِ اللَّهِ ص

He said, 'From Abu Bakr, and Umar, and Ali^{-asws}, and Usman, and Talha, and Al-Zubeyr, and a number of companions of Rasool-Allah^{-saww}'.

قَالَ وَ كُلُّ شَيْءٍ تَأْخُذُهُ عَنْهُمْ يَجِدُهُمْ قَدْ اجْتَمَعُوا عَلَيْهِ

He^{-asws} said: 'And everything you take from them you are finding them to have had a consensus upon it?'

قَالَ لَا

He said, 'No'.

قَالَ فَإِذَا اِخْتَلَفُوا فَيَقُولُ مَنْ تَأْخُذُ مِنْهُمْ

He^{-asws} said: 'So when they are differing, by whose word from them do you take?'

قَالَ بِمَوْلٍ مَنْ رَأَيْتُ أَنْ أَخَذَ مِنْهُمْ أَحَدْتُ

He said, 'By the word of the one I opine I should be taking from'.

قَالَ وَ لَا تُبَالِي أَنْ تُخَالِفَ الْبَاقِينَ

He^{-asws} said: 'And you don't care if the rest of them differ?'

قَالَ لَا

He said, 'No'.

قَالَ فَهَلْ تُخَالِفُ عَلِيًّا فِيمَا بَلَغَكَ أَنَّهُ قَضَى بِهِ

He^{-asws} said: 'So do you oppose Ali^{-asws} among what has reached you that he had judged with?'

قَالَ رَبِّمَا خَالَفْتُهُ إِلَىٰ غَيْرِهِ

He said, 'Sometimes I do oppose him^{-asws} (Imam Ali^{-asws}) to (prefer) others'.

فَسَكَتَ أَبُو عَبْدِ اللَّهِ ع سَاعَةً يَنْكُتُ فِي الْأَرْضِ ثُمَّ رَفَعَ رَأْسَهُ إِلَيْهِ فَقَالَ لَهُ يَا عَبْدَ الرَّحْمَنِ فَمَا تَقُولُ يَوْمَ الْقِيَامَةِ إِنْ أَخَذَ رَسُولُ اللَّهِ ص يَدَكَ وَ أَوْفَقَكَ بَيْنَ يَدَيِ اللَّهِ وَ قَالَ أَيُّ رَبِّ إِنْ هَذَا بَلَغَهُ عَنِّي قَوْلٌ فَخَالَفَهُ

Abu Abdullah^{-asws} was silent for a while tapping on the ground, then he^{-asws} raised his^{-asws} head towards him. He^{-asws} said to him: 'O Abdul Rahman! So, what would you say regarding the Day of Qiyamah if Rasool-Allah^{-sawww} were to hold you by your hand and pause you in front of Allah^{-sawww} and says: 'Yes, Lord^{-azwj}! This one, a word had reached him from me^{-sawww} but he opposed it!

قَالَ وَ أَيْنَ خَالَفْتُ قَوْلَهُ يَا ابْنَ رَسُولِ اللَّهِ

He said, 'And where have I opposed his^{-sawww} word, O son^{-asws} of Rasool-Allah^{-sawww}?'

قَالَ أَمْ لَمْ يَبْلُغَكَ قَوْلُهُ ص لِأَصْحَابِهِ أَفَضَّاكُمْ عَلَيَّ

He^{-asws} said: 'Has it not reached you, his^{-sawww} word to his^{-sawww} companions: 'The most just of you is Ali^{-asws}!'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ فَإِذَا خَالَفْتَ قَوْلَهُ أَمْ تُخَالِفُ رَسُولَ اللَّهِ ص

He^{-asws} said: 'So when you oppose his^{-asws} word do you not oppose Rasool-Allah^{-saww}!?'

فَاصْفَرَ وَجْهَهُ ابْنُ أَبِي لَيْلَى حَتَّى عَادَ كَالْأُتْرُجَةِ وَ لَمْ يُجِزْ جَوَابًا.

The face of Ibn Abu Layla paled to the extent it became like a citron, and he could give an answer'.²⁴⁷

و رُوِيَ عَنِ عُمَرَ بْنِ أَدِيْنَةَ وَ كَانَ مِنْ أَصْحَابِ أَبِي عَبْدِ اللَّهِ جَعْفَرِ بْنِ مُحَمَّدٍ ع أَنَّهُ قَالَ: دَخَلْتُ يَوْمًا عَلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى بِالْكُوفَةِ وَ هُوَ قَاضٍ فَقُلْتُ أَرَدْتُ أَصْلَحَكَ اللَّهُ أَنْ أَسْأَلَكَ عَنْ مَسَائِلَ وَ كُنْتُ حَدِيثَ السِّتْرِ

And we are reporting from Umar Bin Azina, and he was from the companions of Abu Abdullah Ja'far^{-asws} Bin Muhammad^{-asws}, he said, 'One day I entered to see Abdul Rahman Bin Abu Layla at Al-Kufa, and he was a judge. I said, 'May Allah^{-azwj} Keep you well! I want to ask you about issues, and I was a young person.

فَقَالَ سَلْ يَا ابْنَ أَخِي عَمَّا شِئْتَ

He said, 'Ask, O son of my brother, about whatever you like!'

فَقُلْتُ أَحْبَبْتَنِي عَنْكُمْ مَعَاشِرَ الْقَضَاةِ تَرُدُّ عَلَيْكُمْ الْقَضِيَّةَ فِي الْمَالِ وَ الْمَرْجِ وَ الدِّمِّ فَتَقْضِي أَنْتَ فِيهَا بِرَأْيِكَ ثُمَّ تَرُدُّ تِلْكَ الْقَضِيَّةَ بِعَيْنَيْهَا عَلَى قَاضِي مَكَّةَ فَيَقْضِي فِيهَا بِخِلَافِ قَضِيَّتِكَ وَ تَرُدُّ عَلَى قَاضِي الْبَصْرَةِ وَ قَضَاةِ الْيَمَنِ وَ قَاضِي الْمَدِينَةِ فَيَقْضُونَ فِيهَا بِخِلَافِ ذَلِكَ

I said, 'Inform about you all, community of judges. Cases are referred to you for judgment regarding the wealth, the private parts (relationship), and the blood (murder), so you judge in it with your opinion. Then that very case is referred to the judge of Makkah, so he judges in it differently to your judgment, and it is referred to the judge of Al-Basra and the judges of Al-Yemen and judge of Al-Medina, so they are judging regarding it differently to that.

ثُمَّ يَجْتَمِعُونَ عِنْدَ خَلِيفَتِكُمْ الَّذِي اسْتَفْضَاكُمْ فَتُخْبِرُونَهُ بِاخْتِلَافِ قَضَايَاكُمْ فَيَصَوِّبُ قَوْلَ كُلِّ وَاحِدٍ مِنْكُمْ وَ إِهْمُكُمْ وَاحِدٌ وَ نَبِيُّكُمْ وَاحِدٌ وَ دِينُكُمْ وَاحِدٌ

Then you are gathering in the presence of your caliph, the one who appointed you as judges and you are informing him of your differing judgments. He deems the word of each one of you as correct, and although your God^{-azwj} is One, and your Prophet^{-saww} is one, and your religion is one.

فَأَمَرَكُمْ اللَّهُ عَزَّ وَ جَلَّ بِالْإِخْتِلَافِ فَأَطَعْتُمُوهُ أَمْ هَأَكْمُ عَنْهُ فَعَصَيْتُمُوهُ أَمْ كُنْتُمْ شُرَكَاءَ اللَّهِ فِي حُكْمِهِ فَلَكُمْ أَنْ تَقُولُوا وَ عَلَيْهِ أَنْ يَرْضَى أَمْ أَنْزَلَ اللَّهُ دِينًا نَاقِصًا فَاسْتَعَانَ بِكُمْ عَلَى إِتْمَامِهِ أَمْ أَنْزَلَهُ اللَّهُ تَامًا فَقَصَّرَ رَسُولُ اللَّهِ ص عَنْ أَدَائِهِ أَمْ مَا دَا تَقُولُونَ

Did Allah^{-azwj} Mighty and Majestic Command you with the differing so you are obeying Him^{-azwj}, or did He^{-azwj} Forbid you from it, so you are disobeying Him^{-azwj}? Or are you partners of Allah^{-azwj} in His^{-azwj} Judgments, so for you is to say and upon Him^{-azwj} is to Agree? Or did Allah^{-azwj} Reveal a deficient religion so He^{-azwj} is Seeking your assistance upon completing it, or did

²⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 3 a

Allah^{-azwj} Reveal it as completed but Rasool-Allah^{-saww} was deficient from delivering it? Or what is that you are saying?’

فَقَالَ مِنْ أَيْنَ أَنْتَ يَا فَتَى

He said, ‘Where are you from, O youth?’

قُلْتُ مِنْ أَهْلِ الْبَصْرَةِ

I said, ‘From the people of Basra’.

قَالَ مِنْ أَيِّهَا

He said, ‘From which of its tribes?’

قُلْتُ مِنْ عَبْدِ الْقَيْسِ

I said, ‘From Abdul Qays’.

قَالَ مِنْ أَيِّهِمْ

He said, ‘From which (clan) of theirs?’

قُلْتُ مِنْ بَنِي أُذَيْنَةَ

I said, ‘From the clan of Uzina’.

قَالَ مَا قَرَابَتُكَ مِنْ عَبْدِ الرَّحْمَنِ بْنِ أُذَيْنَةَ

He said, ‘What is your relationship with Abdul Rahman Bin Uzina?’

قُلْتُ هُوَ جَدِّي

I said, ‘He is my grandfather’.

فَرَحَّبَ لِي وَفَرَّبَنِي وَ قَالَ أَيُّ فَتَى لَقَدْ سَأَلْتَ فَعَلَّطْتَ وَ ائْتَمَكْتَ فَعَوَّضْتَ وَ سَأَخِرُكَ إِنْ شَاءَ اللَّهُ

He was welcoming to me and drew me closer and said, ‘Yes, youth! You have asked harshly and delved deeply, making it difficult, and I will be informing you, if Allah^{-azwj} so Desires.

أَمَّا قَوْلُكَ فِي اخْتِلَافِ الْقَضَايَا فَإِنَّهُ مَا وَرَدَ عَلَيْنَا مِنْ أَمْرِ الْقَضَايَا بِمَا لَهُ فِي كِتَابِ اللَّهِ أَصْلٌ وَ فِي سُنَّةِ نَبِيِّهِ فَلَيْسَ لَنَا أَنْ نَعُدُّوَ الْكِتَابَ وَ السُّنَّةَ وَ مَا وَرَدَ عَلَيْنَا لَيْسَ فِي كِتَابِ اللَّهِ وَ لَا فِي سُنَّةِ رَسُولِهِ فَإِنَّا نَأْخُذُ فِيهِ بِرَأْيِنَا

As for your word regarding differing judgments, it is what has been referred to us from the matters of the cases, from what there is an origin for it in the Book of Allah^{-azwj} and in the Sunnah of His^{-azwj} Prophet^{-saww}. It isn’t for us to leave the Book and the Sunnah; and what has

been referred to us which is neither in the Book of Allah^{-azwj} nor in the Sunnah of His^{-azwj} Rasool^{-saww}, we take with our opinion’.

قُلْتُ مَا صَنَعْتَ شَيْئاً لِأَنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ مَا قَرَرْنَا فِي الْكِتَابِ مِنْ شَيْءٍ وَ قَالَ فِيهِ بَيِّنَاتٌ كُلِّ شَيْءٍ أَرَأَيْتَ لَوْ أَنَّ رَجُلًا عَمِلَ بِمَا أَمَرَهُ اللَّهُ بِهِ وَ انْتَهَى عَمَّا نَهَاهُ اللَّهُ عَنْهُ أَ بَقِيَ لِلَّهِ شَيْءٌ يُعَذِّبُهُ عَلَيْهِ إِنْ لَمْ يَفْعَلْهُ أَوْ يُبَيِّهُ عَلَيْهِ إِنْ فَعَلَهُ

I said, ‘You have not done anything, because Allah^{-azwj} Mighty and Majestic: **We have not neglected in the Book of anything [6:38]**, and Said in it is **a clarification of all things [16:89]**. What is your view if a man works with what Allah^{-azwj} has Commanded him with and desists from what Allah^{-azwj} has Forbidden from, does there remain anything for Allah^{-azwj} to Punish him upon if he does not do it, or Reward him upon if he does it?’

قَالَ وَ كَيْفَ يُبَيِّهُ عَلَى مَا لَمْ يَأْمُرْ بِهِ أَوْ يُعَاقِبُهُ عَلَى مَا لَمْ يَنْهَهُ عَنْهُ

He said, ‘And how can He^{-azwj} Reward him upon what He^{-azwj} did not Command him with, or Punish him upon what He^{-azwj} did not Forbid him from?’

قُلْتُ وَ كَيْفَ يَرُدُّ عَلَيْكَ مِنَ الْأَحْكَامِ مَا لَيْسَ لَهُ فِي كِتَابِ اللَّهِ أَنْزَلَ وَ لَا فِي سُنَّةِ نَبِيِّهِ خَيْرٌ

I said, ‘And how can the rulings be referred to you, when there is neither any trace of it in the Book of Allah^{-azwj} nor any Hadeeth in the Sunnah of His^{-azwj} Prophet^{-saww}?’

قَالَ أَخْبِرْكَ يَا ابْنَ أَخِي حَدِيثاً حَدَّثَنَا بِغَضِّ أَصْحَابِنَا يَرْفَعُ الْحَدِيثَ إِلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَضَى قَضِيَّةً بَيْنَ رَجُلَيْنِ فَقَالَ لَهُ أَدْنَى الْقَوْمِ إِلَيْهِ مَجْلِساً أَصَبَتْ يَا أَمِيرَ الْمُؤْمِنِينَ فَعَلَاهُ عُمَرُ بِالِدَّرَةِ وَ قَالَ تُكَلِّمُكَ أُمُّكَ وَ اللَّهُ مَا يَدْرِي عُمَرُ أَصَابَ أَمْ أَخْطَأَ إِنَّمَا هُوَ رَأْيٌ اجْتَهَدْتُهُ فَلَا تُرْكُونَا فِي وُجُوهِنَا

He said, ‘I will inform you, O son of my brother, a Hadeeth one of our companions has narrated to us, raising the Hadeeth to Umar Bin Al-Khattab who had judged a case between two men. The closest of the people in the seat said to him, ‘You are correct, O commander of the faithful!’ Umar pained him with the whip and said, ‘May your mother be bereft of you! By Allah^{-azwj}, Umar does not know whether he is correct or mistaken, but rather it is an opinion I have strived with, so do not praise us in our faces!’

قُلْتُ أَمْ فَلَا أَحَدٌ نَكِّحَكَ حَدِيثاً

I said, ‘Shall I narrate a Hadeeth to you?’

قَالَ وَ مَا هُوَ

He said, ‘And what is it?’

قُلْتُ أَخْبِرْنِي أَبِي عَنْ أَبِي الْقَاسِمِ الْعَبْدِيِّ عَنْ أَبَانَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ ع أَنَّهُ قَالَ الْقَضَاءُ ثَلَاثَةٌ هَالِكَانِ وَ نَاجٍ فَأَمَّا الْهَالِكَانِ فَجَارٌ مُتَعَمِّدٌ وَ مُجْتَهِدٌ أَخْطَأَ وَ النَّاجِي مَنْ عَمِلَ بِمَا أَمَرَهُ اللَّهُ بِهِ فَهَذَا نَقَضُ حَدِيثِكَ يَا عَمَّ

I said, ‘My father informed me from Abu Al-Qasim Al-Abdy, from Aban, from Ali^{-asws} Bin Abu Talib^{-asws}, having said: ‘The judgments are three – two are destroyed and one is saved. As for the two destroyed, a tyrant is tyrannical deliberately, and a striver (making a decision after a

long arbitration and deep thinking) is mistaken, while the saved is the one who works with what Allah^{-azwj} has Commanded him with. So, this contradicts your Hadeeth, O uncle!

قَالَ أَجَلٌ وَاللَّهِ يَا ابْنَ أَخِي فَتَقُولُ إِنَّ كُلَّ شَيْءٍ فِي كِتَابِ اللَّهِ

He said, 'Yes, by Allah^{-azwj}, O son of my brother! So, you are saying that all things are in the Book of Allah^{-azwj}?'

قُلْتُ اللَّهُ قَالَ ذَلِكَ وَمَا مِنْ حَلَالٍ وَلَا حَرَامٍ وَلَا أَمْرٍ وَلَا نَهْيٍ إِلَّا وَهُوَ فِي كِتَابِ اللَّهِ عَرَفَ ذَلِكَ مِنْ عَرَفَهُ وَجَهَلَهُ مِنْ جَهَلَهُ وَ لَقَدْ أَخْبَرَنَا اللَّهُ عَزَّ وَ جَلَّ فِيهِ بِمَا لَا نَحْتَأَجُّ إِلَيْهِ فَكَيْفَ بِمَا نَحْتَأَجُّ إِلَيْهِ

I said, 'Allah^{-azwj} Said that, and there is none from a Halal nor from a Haraam, nor a Command nor a Prohibition except, and it is in the Book of Allah^{-azwj}. The one who recognises it has recognised it, and the one who is ignorant of it, is ignorant of it, and Allah^{-azwj} Mighty and Majestic has Informed us in it with what we are not even needy of, so how can it be with what we are need of (that it is not in the Book)?'

قَالَ كَيْفَ قُلْتُ

He said, 'How can you say so?'

قُلْتُ قَوْلُهُ— فَأَصْبَحَ يُقَلِّبُ كَفَّيْهِ عَلَى مَا أَنْتَفَقَ فِيهَا

I said, 'His Words: ***So in the morning he was wringing his hands upon what he had spent in these [18:42]***'²⁴⁸.

قَالَ فَعِنْدَ مَنْ يُوجَدُ عِلْمُ ذَلِكَ

He said, 'So with whom can one find knowledge of that?'

قُلْتُ عِنْدَ مَنْ عَرَفْتُ

I said, 'With the one who recognises'.

قَالَ وَرَدَّدْتُ لَوْ أَبِي عَرَفْتُهُ فَأَغْسِلُ قَدَمَيْهِ وَأَخْدُمُهُ وَأَتَعَلَّمُ مِنْهُ

He said, 'I would love it if I could know him, so I would wash his feet and serve him, and learn from him!'

قُلْتُ أَنَا شَيْدُكَ اللَّهُ هَلْ تَعْلَمُ رَجُلًا كَانَ إِذَا سَأَلَ رَسُولَ اللَّهِ صِ اعْطَاهُ وَإِذَا سَكَتَ عَنْهُ ابْتَدَأَهُ

²⁴⁸ {42} وَأَجِيزٌ بِتَمَرِهِ فَأَصْبَحَ يُقَلِّبُ كَفَّيْهِ عَلَى مَا أَنْتَفَقَ فِيهَا وَهِيَ خَاوِبَةٌ عَلَى غُرُوشِهَا وَيَقُولُ يَا لَيْتَنِي لَمْ أُشْرِكْ بِرَبِّي أَحَدًا

And his fruits were ruined. So in the morning he was wringing his hands upon what he had spent in these, and these had collapsed upon its top, and he was saying, 'Woe be unto me! Had I not associated anyone with my Lord!' [18:42]

I said, 'I adjure you with Allah^{-azwj}! Do you know of any man whenever he had asked Rasool-Allah^{-saww}, he^{-saww} gave him, and when he was silent, he^{-saww} initiated him?'

قَالَ نَعَمْ ذَلِكَ عَلَيَّ بِنُ أَبِي طَالِبٍ ع

He said, 'Yes, that is Ali^{-asws} Bin Abu Talib^{-asws}'.

قُلْتُ فَهَلْ عَلِمْتَ أَنَّ عَلِيًّا سَأَلَ أَحَدًا بَعْدَ رَسُولِ اللَّهِ ص عَنْ حَلَالٍ أَوْ حَرَامٍ

I said, 'Do you know that after Rasool-Allah^{-saww}, Ali^{-asws} had asked anyone about a Halal or Haraam?'

قَالَ لَا

He said, 'No'.

قُلْتُ فَهَلْ عَلِمْتَ أَنَّهُمْ كَانُوا يَخْتِاجُونَ إِلَيْهِ وَ يَأْخُذُونَ عَنْهُ

I said, 'Do you know they (companions) were needed to him^{-asws} and were taking from him^{-asws}?'

قَالَ نَعَمْ

He said, 'Yes'.

قُلْتُ فَذَلِكَ عِنْدَهُ

I said, 'So that (knowledge) is with him^{-asws}'.

قَالَ فَقَدْ مَضَى فَأَيْنَ لَنَا بِهِ

He said, 'He^{-asws} has passed away, so where can it be for us with him^{-asws}?'

قُلْتُ تَسْأَلُ فِي وُلْدِهِ فَإِنَّ ذَلِكَ الْعِلْمَ فِيهِمْ وَعِنْدَهُمْ

I said, 'You can ask his^{-asws} sons^{-asws}, for that knowledge is among them^{-asws} and with them^{-asws}'.

قَالَ وَكَيْفَ لِي بِهِمْ

He said, 'And how can it be for me with them^{-asws}?'

قُلْتُ أَرَأَيْتَ قَوْمًا كَانُوا فِي مَفَازَةٍ مِنَ الْأَرْضِ وَمَعَهُمْ أَدْلَاءُ فَوُتِبُوا عَلَيْهِمْ فَفَتَلُّوا بَعْضُهُمْ وَأَخَافُوا بَعْضُهُمْ فَهَرَبَ وَ اسْتَتَرَ مَنْ بَقِيَ لِخَوْفِهِ فَلَمْ يَجِدُوا مَنْ يَدُلُّهُمْ فَتَاهُوا فِي تِلْكَ الْمَفَازَةِ حَتَّى هَلَكُوا مَا تَقُولُ فِيهِمْ

I said, 'What is your view of a people who were in a wilderness of the earth and with them were guides, but they pounced upon them and killed some of them and some of them feared so one who remained went into hiding due to his fear, so they could no longer find one who could guide them. So, they wandered in that wilderness until they were destroyed (died). What do you say regarding them?'

قَالَ إِلَى النَّارِ وَاصْفَرَ وَجْهُهُ وَكَانَتْ فِي يَدِهِ سَقْرَجَلَةٌ فَضَرَبَ بِهَا الْأَرْضَ فَتَهَشَّمَتْ وَضَرَبَ بَيْنَ يَدَيْهِ وَقَالَ إِنَّ اللَّهَ وَإِنَّا إِلَيْهِ رَاجِعُونَ.

He said, 'To the Hellfire!', and his face paled, and in his hand was a quince. He threw it on the ground and it shattered, and he struck upon his own hand and said: ***We are for Allah and we are returning to Him*** [2:156].²⁴⁹

4- نَحَج، نَحَجِ الْبَلَاغَةَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لَا يُتَقِيمُ أَمْرَ اللَّهِ سُبْحَانَهُ تَعَالَى إِلَّا مَنْ لَا يُصَانِعُ وَلَا يُضَارِعُ وَلَا يَتَّبِعُ الْمَطَامِعَ.

(The book) 'Nahj Al Balagah' -

Amir Al-Momineen^{-asws} said: 'The Commands of Allah^{-azwj} the Glorious cannot be established except by the one who neither takes a bribe, nor does he resemble (the wrong doers) nor follows the greed'.²⁵⁰

باب 7 الرشا في الحكم و أنواعه

CHAPTER 7 – THE BRIBERY IN THE JUDGMENT AND ITS TYPES

1- ل، الخصال ابن الوليد عن محمد العطار عن الأشعري عن موسى بن عمر عن ابن المغيرة عن السكوني عن الصادق عن آبائه عن علي ع قال: السُّخْتُ ثَمَنُ الْمَيْتَةِ وَ ثَمَنُ الْكَلْبِ وَ ثَمَنُ الْحُمْرِ وَ مَهْرُ الْبَغِيِّ وَ الرِّشْوَةُ فِي الْحُكْمِ وَ أَجْرُ الْكَاهِنِ.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Muhammad Al Attar, from Al Ashary, from Musa Bin Umar, from Ibn Al Mugheira, from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} having said: 'The ill-gotten gains are – price of the dead, and price of the dog, and price of the wine, and dowry of the prostitute, and the bribery in the judgment, and recompense of the sooth-sayer'.²⁵¹

2 شي، تفسير العياشي عن السكوني مثله.

(The book) 'Tafseer Al Ayyashi' – from Al Sakuni, similar to it.²⁵²

²⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 3 b

²⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 4

²⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 1

²⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 2

3- ل، الخصال أبي عن سعد عن ابن عيسى عن ابن محبوب عن أبي أيوب عن عمارة بن مروان قال قال أبو عبد الله ع السُّحْتُ أَنْوَاعٌ كَثِيرَةٌ مِنْهَا مَا أُصِيبَ مِنْ أَعْمَالِ الْوَلَاةِ الظَّلْمَةِ وَ مِنْهَا أَجُورُ الْقَضَاءِ وَ أَجُورُ الْفُؤَاجِرِ وَ تَمْنُ الْحُمْرِ وَ التَّبِيدُ الْمُسْكِرِ وَ الرِّبَا بَعْدَ التَّبَيُّنِ فَأَمَّا الرِّشَا يَا عَمَّارُ فِي الْأَحْكَامِ فَإِنَّ ذَلِكَ الْكُفْرُ بِاللَّهِ الْعَظِيمِ وَ بِرَسُولِهِ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abu Ayoub, from Ammar Bin Marwan who said,

'Abu Abdullah^{-asws} said: 'The ill-gotten gains are of many types. From these is what is achieved from office bearers of the unjust governors, and from these is recompense of the judges, and recompense of the prostitutes, and the price of wine, and the intoxicating Al-Nabeez, and the usury after the clarification. As for the bribe in the judgment O Ammar, that is the blaspheming (Kufr) with Allah^{-azwj} the Magnificent and with His^{-azwj} Rasool^{-saww}!'²⁵³

4 مع، معاني الأخبار ابن المتوكل عن الحميري عن ابن أبي الخطاب عن ابن محبوب عن أبي أيوب عن عمارة بن مثله.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Mahboub, from Abu Ayoub, from Ammar, similar to it.²⁵⁴

5- ن، عيون أخبار الرضا عليه السلام بالأسانيد الثلاثة عن الرضا عن آتائه عن علي ع في قول الله عز وجل - أَكْأَلُونَ لِسُحَّتٍ قَالَ هُوَ الرَّجُلُ يَفْضِي لِأَخِيهِ الْحَاجَةَ ثُمَّ يَقْبَلُ هَدِيَّتَهُ.

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, by the three chains from Al-Reza^{-asws}, from his^{-asws} forefathers^{-asws}, from Ali^{-asws} regarding Words of Allah^{-azwj} Mighty and Majestic: **devouring the ill-gotten gains [5:42]**. He^{-asws} said: 'He is the man who fulfils the need for his brother, then he accepts a gift'.²⁵⁵

6- ما، الأماالي للشيخ الطوسي أبو عمرو عن ابن عثمة عن أحمد بن يحيى عن عبد الرحمن عن أبيه عن ليث بن أبي سليمان عن عطاء بن أبي رباح عن جابر بن عبد الله أنه قال: هَدِيَّتُهُ الْأَمْرَاءُ عُلوُّ.

(The book) 'Al Amaali' of the sheykh Al Tusi – Abu Amro, from Ibn Uqdah,, from Ahmad Bin Yahya, from Abdul Rahman, from his father, from Lays Bin Abu Suleym, from Ata'a Bin Abu Rabbah,

From Jabir Bin Abdullah^{-ra}, he^{-ra} said, 'The gift by the governors is theft (from the war booty before its distribution)'.²⁵⁶

7- شي، تفسير العياشي عن جرّاح المدايني عن أبي عبد الله ع قال: مِنْ أَكْلِ السُّحْتِ الرِّشْوَةُ فِي الْحُكْمِ.

(The book) 'Tafseer Al Ayyashi' – From Jarrah Al Madainy,

²⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 3

²⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 4

²⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 5

²⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 6

From Abu Abdullah^{-asws} having said: 'From consumption of the ill-gotten gains is the bribery in the judgment'.²⁵⁷

8- شي، تفسير العياشي عن سماعة عن أبي عبد الله ع قال: الرِّشَا فِي الْحُكْمِ هُوَ الْكُفْرُ بِاللَّهِ.

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

From Abu Abdullah^{-asws} having said: 'The bribery in the judgment, it is the Kufr with Allah^{-azwj}'.²⁵⁸

9- جمع، جامع الأخبار قال النبي ص الرِّاشِي وَ الْمُرْتَشِي وَ الْمَاشِي بَيْنَهُمَا مَلْعُونُونَ.

(The book) 'Jamie Al Akhbaar' -

The Prophet^{-saww} said: 'The briber and the bribed, and the walker (mediator) between the two are accursed!'²⁵⁹

10 كِتَابُ الْإِمَامَةِ وَ التَّبَصُّرَةِ، عَنْ سَهْلِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ الْأَشْعَثِ عَنْ مُوسَى بْنِ إِسْمَاعِيلَ بْنِ مُوسَى بْنِ جَعْفَرٍ عَنْ أَبِيهِ عَنْ آبَائِهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مِثْلَهُ.

(The book) 'Kitab Al Imama Wa Al Tabsira' – from Sahl Bin Ahmad, from Muhammad Bin Muhammad Bin Al Asha's,

From Musa Bin Ismail son of Musa^{-asws} Bin Ja'far^{-asws}, from his father^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said – similar to it'.²⁶⁰

11- وَ قَالَ ص لَعَنَ اللَّهُ الرَّاشِيَّ وَ الْمُرْتَشِيَّ وَ الْمَاشِيَّ بَيْنَهُمَا.

And he^{-saww} said: 'May Allah^{-azwj} Curse the briber and the bribed and the walker (mediator) between the two!'²⁶¹

12- وَ قَالَ ص إِيَّاكُمْ وَ الرِّشْوَةَ فَإِنَّهَا تَحْضُ الْكُفْرَ وَ لَا يَشْمُ صَاحِبُ الرِّشْوَةِ رِيحَ الْجَنَّةِ.

And he^{-saww} said: 'Beware of the bribe, for it is pure Kufir, and the owner of the bribe will not smell the aroma of Paradise'.²⁶²

²⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 7

²⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 8

²⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 9

²⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 10

²⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 11

²⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 12

CHAPTER 8 – RULINGS OF THE GOVERNORS AND THE JUDGES AND THEIR DISCIPLINE

1- ل، الخصال ماجيلويه عن محمد العطار عن سهل عن ابن يزيد عن محمد بن إبراهيم التوفلي رفعه إلى الصادق ع عن آباءه ع أن أمير المؤمنين ع كتب إلى عماله أدقوا أقلامكم و قاربوا بين سطورك و اخدموا عني فضولكم و اقصدوا قصد المعاني و إياكم و الإكثار فإن أموال المسلمين لا تحتمل الإضرار.

(The book) 'Al Khisaal' – Majaylawiya, from Muhammad Al Attar, from Sahl, from Ibn Yazeed, from Muhammad Bin Ibrahim Al Nowfali raising it to

Al-Sadiq^{asws}, from his^{asws} forefathers^{asws}: 'Amir Al-Momineen^{asws} wrote to his^{asws} office bearers: 'Make your pens thin, keep your lines close together, omit unnecessary words, aim for the intended meanings, and beware of the excess, for the wealth of Muslims cannot bear the harm!'²⁶³

2- ن، عيون أخبار الرضا عليه السلام بإسناد التميمي عن الرضا عن آباءه ع قال أمير المؤمنين صلوات الله عليه قال النبي ص لَمَّا وَجَّهَنِي إِلَى الْيَمَنِ إِذَا تُحْكَمَ إِلَيْكَ فَلَا تُحْكَمَ لِأَحَدٍ الْحُصَيْنِ دُونَ أَنْ تَسْمَعَ مِنَ الْآخَرِ

(The book) 'Uyoun Akhbar Al-Reza^{asws}', may the greeting be upon him^{asws}, by the chain of Al-Tameemi, from Al-Reza^{asws}, from his^{asws} forefathers^{asws}: 'Amir Al-Momineen^{asws}, may the Salawaat of Allah^{azwj} be upon him^{asws}, said: 'The Prophet^{saww} said when he^{saww} sent me^{asws} to Al-Yemen: 'When they bring a case to you^{asws} do not judge for anyone of the two disputants without listening to the other'.

قَالَ فَمَا شَكَّكَ فِي فَضَاءٍ بَعْدَ ذَلِكَ.

He^{asws} said: 'I^{asws} did not doubt in any judgment after that'.²⁶⁴

3- ما، الأمالي للشيخ الطوسي فيما كتبه أمير المؤمنين ع لمحمد بن أبي بكر - لا تقض في أمر واحد بقضائين مختلفين فيختلف أمرك و تربع عن الحق و أحب لعامة رعيتك ما أحب لنفسك و أهل بيتك و أكره لهم ما تكره لنفسك و أهل بيتك فإن ذلك أوجب للحجة و أصلح للبيعة و خض العمرات و لا تخف في الله لومة لائم و انصح المرء إذا استشارك و اجعل نفسك أسوة لقريب المسلمين و بعيدهم.

(The book) 'Al Amaali' of the sheykh Al Tusi -

Among what Amir Al-Momineen^{asws} wrote to Muhammad Bin Abu Bakr: 'Do not rule on a single matter with two conflicting judgments, lest your decision differs and deviates from the truth. Love for the generality of your subjects, what you love for yourself and your household, and dislike for them, what you dislike for yourself and your household. This ensures the validity of the proof and the welfare of the subjects. Take on the responsibilities and do not

²⁶³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 1

²⁶⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 2

fear the blame of a critic for the Sake of Allah^{-azwj}. Advise a person when he consults you, and make yourself an example for both the close and distant Muslims'.²⁶⁵

4- ما، الأماالي للشيخ الطوسي الجعافي عن ابن عُفْدَةَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ مُعَاوِيَةَ بْنِ سُفْيَانَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ الْحَكَمِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَانَ فِي بَنِي إِسْرَائِيلَ قَاضٍ وَكَانَ يَقْضِي بَيْنَهُمْ

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Jiany, from Ibn Uqdah, from Ali Bin Al-Husayn Bin Abdullah, from his father, from Muawiya Bin Sufyan, from Muhammad Bin Ismail Bin Al Hakam,

From Abu Ja'far^{-asws} having said: 'There was a judge among the children of Israel and he used to judge between them'.

قَالَ فَلَمَّا حَضَرَهُ الْمَوْتُ قَالَ لِامْرَأَتِهِ إِذَا مِتُّ فَاعْسِلِيْنِي وَكَفِّبِيْنِي وَضَعِيْنِي عَلَى سَرِيرِي وَعَطِّيْ وَجْهِي فَإِنَّكَ لَا تَرَيْنِ سِوَاءِ [شَوْءٍ]

He^{-asws} said: 'When the death presented to him, he said to his wife, 'When I am dead, wash me and shroud me and place me upon my bier and cover my face, for you will not see any evil'.

قَالَ فَلَمَّا أَنْ مَاتَ فَعَلَتْ بِهِ ذَلِكَ ثُمَّ مَكَثَتْ حِينًا وَكَشَفَتْ عَنْ وَجْهِهِ لِتَنْظُرَ إِلَيْهِ فَإِذَا هِيَ بِدُودَةٍ تَفْرِضُ مَنْخِرَهُ فَفَرَعَتْ لِذَلِكَ فَلَمَّا كَانَ اللَّيْلُ أَتَاهَا فِي مَنَامِهَا فَقَالَ لَهَا أَفْرَعَكَ مَا رَأَيْتِ

He^{-asws} said: 'When he died, that was done with him. Then she remained for a while and she uncovered from his face to look at him, and there was an insect biting his nostril. She panicked at that. When it was night he came to her in her dream. He said to her, 'It alarmed you what you saw?'

فَقَالَتْ أَجَلٌ لَقَدْ فُرِعْتُ

She said, 'Yes, I did panic'.

قَالَ أَمَا إِنَّكَ إِنْ كُنْتِ فَرَعْتِ مَا كَانَ مَا رَأَيْتِ إِلَّا فِي أَخِيكَ فُلَانٍ أَتَانِي وَ مَعَهُ حَصْمٌ لَهُ فَلَمَّا جَلَسَا إِلَيَّ قُلْتُ اللَّهُمَّ اجْعَلِ الْحَقَّ لَهُ وَ وَجْهَ الْقَضَاءِ لَهُ عَلَى صَاحِبِهِ

He said, 'Indeed, if you were startled, it was only because of your brother so and so. He came to me with an opponent, and when they both sat before me, I said, 'O Allah^{-azwj} Grant him the truth and Direct the judgment in his favour against his opponent!'

فَلَمَّا احْتَضَمَا إِلَيَّ كَانَ الْحَقُّ لَهُ وَ رَأَيْتُ ذَلِكَ بَيِّنًا فِي الْقَضَاءِ فَوَجَّهْتُ الْقَضَاءَ لَهُ عَلَى صَاحِبِهِ فَأَصَابَنِي مَا رَأَيْتُ لِمَوْضِعِ هَوَايَ كَانَ مَعَهُ وَ إِنْ وَافَقَهُ الْحَقُّ.

When they disputed before me, the truth was indeed with him, and I saw that clearly in the judgment, so I directed the judgment in his favour against his opponent. What you saw happened because of the position of my desire, even though the truth was with him'.²⁶⁶

²⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 3

²⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 4

5 ص، قصص الأنبياء عليهم السلام بالإِسْنَادِ إِلَى الصَّدُوقِ عَنِ ابْنِ الْمُتَوَكَّلِ عَنِ الْحِمَيْرِيِّ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الثُّمَالِيِّ عَنِ أَبِي جَعْفَرٍ عٍ مِثْلَهُ.

(The book) 'Qasas Al-Anbiya^{as}', may the greeting be upon them^{asws} – By the chains to A Sadouq, from Ibn Al Mutawakkil, from Al Himeyri, from Ahmad Bin Muhammad, from Al Sumali, from Abu Ja'far^{asws}, similar to it.²⁶⁷

6- ضا، فقه الرضا عليه السلام اعلم أنه يجب عليك أن تساوي بين الخصمين حتى النظر إليهما حتى لا يكون نظرك إلى أحدهم أكثر من نظرك إلى الثاني فإذا تحاكمت إلى حاكم فانظر أن تكون على يمين خصمك و إذا تحاكم خصمان فادعى كل واحد منهما على صاحبه دعوى فالذي يدعى بالدعوى أحق من صاحبه أن يسمع منه فإذا ادعيا جميعاً فالدعوى الذي على يمين خصمه.

(The book) 'Fiqh Al-Reza^{asws}' – Know that it is obligatory for you to treat both parties equally, even in looking at them, so that your gazing at one is not greater than your gazing at the other. When you refer a matter to a judge, ensure that you sit on the right of your opponent. If two opponents bring claims against each other, each making a claim against the other, the one who asserts the claim is more deserving to be heard than his opponent. If they both assert claims simultaneously, then the claim of the one on the right of his opponent takes precedence.²⁶⁸

7- شي، تفسير العياشي عن الحسن بن علي ع قال قال رسول الله ص إذا أتاك الخصمان فلا تقض لواحده حتى تسمع من الآخر فإنه أجدد أن تعلم الحق.

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

From Ali^{asws} having said: 'Rasool-Allah^{saww} said: 'When the two disputants come to you, do not judge for one until you hear from the other, for it is worthier than you know the truth'.²⁶⁹

8- الهداية، و من حكم في درهمين بغير ما أنزل الله فهو كافر.

(The book) 'Al Hidayah' –

And the one judging regarding two Dirhams with other than what Allah^{azwj} has Revealed, he is a Kafir'.²⁷⁰

²⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 5

²⁶⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 6

²⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 7

²⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 8

CHAPTER 9 – THE RULING WITH THE WITNESS AND THE OATH

1- لي، الأماالي للصدوق الطالقاني عن العدي عن صهيب بن عبد عن أبيه عن الصادق عن آتاه ع أن رسول الله ص قضى باليمين مع الشاهد الواحد و أن علياً ع قضى به بالعراق.

(The book) 'Al Amaali' of al Sadouq – Al Talaqany, from Al Adawy, from Suheyb Bin Abbad, from his father,

From Al-Sadiq^{asws} from his^{asws} forefathers^{asws}: 'Rasool-Allah^{saww} had judged with the oath with the one witness, and Ali^{asws} had judged with it at Iraq'.²⁷¹

2 لي، الأماالي للصدوق بهذا الإسناد عن الصادق عن أبيه ع عن جابر بن عبد الله قال: جاء جبرئيل إلى النبي ص فأمره أن يأخذ باليمين مع الشاهد.

(The book) 'Al-Amaali' of Al-Sadouq – By this chain from Al-Sadiq^{asws}, from his^{asws} father^{asws}, from Jabir Bin Abdullah^{ra} having said, 'Jibraeel^{as} came to the Prophet^{saww}. He^{as} instructed him^{saww} take with the oath along with the (one) witness'.²⁷²

3- ب، قرب الإسناد حماد بن عيسى عن الصادق عن أبيه ع قال قال أبي ع قضى رسول الله ص بشاهد و يمين.

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

From Al-Sadiq^{asws}, from his^{asws} father^{asws} having said: 'Ali^{asws} said: 'Rasool-Allah^{saww} had judged with a witness and an oath'.²⁷³

4- ب، قرب الإسناد ابن عيسى عن البرزطي قال سمعت الرضا ع يقول قال أبو حنيفة لأبي عبد الله ع جئت رسول الله ص بشاهد واحد و يمين

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

'I heard Al-Reza^{asws} saying: 'Abu Haneefa said to Abu Abdullah^{asws}, 'You^{asws} are sufficing with one witness and an oath (to make a judgment)?'

قال نعم قضى به رسول الله ص و قضى به علي ع بين أظهركم بشاهد و يمين فعجب أبو حنيفة

He^{asws} said: 'Yes, Rasool-Allah^{saww} had judged with it, and Ali^{asws} had judged with it in your midst with a witness and an oath!'

فقال أبو عبد الله ع أعجب من هذا أنكم تفتنون بشاهد واحد في مائة شاهد و جئت رسول الله ص بشهادتهم بقوله

²⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 1

²⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 2

²⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 3

Abu Haneefa was surprised, so Abu Abdullah^{-asws} said: 'Most surprising than this is that you judge by the testimony of a single witness in place of a hundred witnesses and are satisfied with their testimonies through his word'.

فَقَالَ لَهُ لَا نَفْعَ لَكَ

He said to him^{-asws}, 'No we don't!'

فَقَالَ بَلَى تَبْعُونَ رَجُلًا وَاحِدًا فَيَسْأَلُ عَنْ مِائَةِ شَاهِدٍ فَمُتَّحِرُونَ شَهَادَاتِهِمْ بِقَوْلِهِ وَإِنَّمَا هُوَ رَجُلٌ وَاحِدٌ

He^{-asws} said: 'Yes! You are sending one man to ask about one hundred witnesses, and are sufficing with their testimonies due to his word, and rather he is one man'.

فَقَالَ أَبُو حَنِيفَةَ أَيُّشِ فَرْقٌ مَا بَيْنَ ظِلَالِ الْمُحْرِمِ وَالْحَبَاءِ

Abu Haneefa said, 'Which thing is the difference between the consecrated pilgrim taking shade and the tent?'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ السُّنَّةَ لَا تُقَاسُ.

Abu Abdullah^{-asws} said: 'The Sunnah cannot be analogised!'²⁷⁴

5- أَرْبَعِينَ الشَّهِيدِ، بِإِسْنَادِهِ عَنِ الصَّدُوقِ عَنِ جَعْفَرِ بْنِ الْحُسَيْنِ عَنِ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ جَعْفَرِ الْجَمَيْرِيِّ عَنِ وَالِدِهِ عَنِ مُحَمَّدِ بْنِ عَيْسَى بْنِ عَبْدِ اللَّهِ الْأَشْعَرِيِّ عَنِ حَمَّادِ بْنِ عَيْسَى قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ قَالَ أَبِي رَضِيَ اللَّهُ عَنْهُ قَضَى رَسُولُ اللَّهِ ص بِشَاهِدٍ وَبَيِّنٍ.

(The book) 'Arbaeen Al Shaheed' – By his chain from Al Sadouq, from Ja'far Bin Al-Husayn, from Muhammad Bin Abdullah Bin Ja'far Al Himeyri, from his father, from Muhammad Bin Isa Bin Abdullah Al Ashary, from Hammad Bin Isa who said,

'I heard Abu Abdullah^{-asws} saying: 'My^{-asws} father^{-asws}, may Allah^{-azwj} be Pleased with him^{-asws} said: 'Rasool-Allah^{-saww} judged with a witness and an oath'.²⁷⁵

6- الْهِدَايَةُ، وَ حَكَمَ رَسُولُ اللَّهِ ص بِشَهَادَةِ شَاهِدٍ وَ بَيِّنِ الْمُدَّعِي.

(The book) 'Al Hidayah' -

And Rasool-Allah^{-saww} had judged by the testimony of a witness and oath of the claimant'.²⁷⁶

²⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 4

²⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 5

²⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 9 H 6

CHAPTER 10 – SWEARING THE TRUTHFUL AND THE FALSE OATH, AND ADMINISTERING OATHS TO OTHERS

1- لي، الأماالي للصدوق في حبر المناهي قال النبي ص من حلف بيمين كاذبة صبراً ليقطع بها مال امرئ مسلم لقي الله عز وجل وهو عليه غضبان إلا أن يتوب.

(The book) 'Al Amaali' of Al Sadouq –

In a Hadeeth of the prohibitions, the Prophet^{-saww} said: 'One who swears a false oath deliberately in order to cut (devour) by it wealth of a Muslim person will meet Allah^{-azwj} Mighty and Majestic and He^{-azwj} will be Angry upon him, except if he repents'.²⁷⁷

2- لي، الأماالي للصدوق العطار عن أبيه عن البرقي عن أبيه عن محمد بن سنان عن أبي الجارود عن رجل من عبد القيس عن سلمان رحمه الله أنه مر على المقابر فقال السلام عليكم يا أهل القبور من المؤمنين والمسلمين يا أهل الديار هل علمتم أن اليوم جمعة

(The book) 'Al Amaali' of Al Sadouq – Al Attar, from his father, from Al Barqy, from his father, from Muhammad Bin Sinan, from Abu Al Jaroud, from a man, from Abdul Qays,

From Salman^{-ra}, may Allah^{-azwj} Mercy him^{-ra}, he^{-ra} passed by the graves. He^{-ra} said, 'The greeting be upon you O occupants of the graves, from the believers and the Muslims! O people of the houses! Do you know that today is Friday?'

فلما انصرف إلى منزله و نام و ملكته عيناه أتته آت فقال فعليك السلام يا أبا عبد الله تكلمت فسمعنا و سلمت فرددنا و قلت هل تعلمون أن اليوم جمعة و قد علمنا ما تقول الطير في يوم الجمعة

When he^{-ra} left to go to his^{-ra} home and slept and his eyes overcame him^{-ra}, a comer came. He said, 'Upon you^{-ra} be the greeting, O Abu Abdullah! You^{-ra} spoke and we listened, and you^{-ra} greeted and we responded, and you^{-ra} said, 'Do you know that today is Friday?', and we do know what you^{-ra} said is what the bird says on the day of Friday'.

قال و ما تقول الطير في يوم الجمعة

He^{-ra} said, 'And what do the birds say on the day of Friday?'

قال تقول قُدوس قُدوس ربنا الرحمن الملك ما يعرف عظمة ربنا من يحلف باسمه كاذباً.

He said, 'It says, 'Holy! Holy is our Lord^{-azwj} the Beneficent, the King! He does not recognise the Magnificence of our Lord^{-azwj}, the one who swears by His^{-azwj} Name falsely!²⁷⁸

²⁷⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 1

²⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 2

3، ثواب الأعمال أَبِي عَنْ مُحَمَّدٍ الْعَطَّارِ مِثْلَهُ

(The book) 'Sawaab Al Amaal' – My father, from Muhammad Al Attar, similar to it.²⁷⁹

4، سن، المحاسن أَبِي مِثْلَهُ.

(The book) 'Al Mahasin' – My father, similar to it.²⁸⁰

5- لي، الأماالي للصدوق ابْنُ إِدْرِيسَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنْ عُثْمَانَ بْنِ عَيْسَى عَنِ الْحَزَّازِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: مَنْ حَلَفَ بِاللَّهِ فَلْيَصِدْقِي وَ مَنْ لَمْ يَصِدْقِي فَلَيْسَ مِنَ اللَّهِ وَ مَنْ حَلَفَ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ.

(The book) 'Al Amaali' of Al Sadouq – Ibn Idrees, from his father, from Ibn Al Khattab, from Usman Bin Isa, from Al Khazzaz,

From Abu Abdullah^{-asws} having said: 'One who swears by Allah^{-azwj} let him be truthful, and one who is truthful isn't from (the slaves of) Allah^{-azwj}, and the one whom it is sworn to by Allah^{-azwj} let him be satisfied, and one who is not satisfied isn't from (the slaves of) Allah^{-azwj}'.²⁸¹

6، سن، المحاسن أَبِي عَنْ عُثْمَانَ مِثْلَهُ

(The book) 'Al-Mahasin' – My father, from Usman, similar to it.²⁸²

7، كتاب حسين بن سعيد و النوادر عَنْ عُثْمَانَ مِثْلَهُ.

The book of Haseen Bin Saeed, and 'Al-Nawadir' – from Usman, similar it.²⁸³

8- ل، الخصال عَنْ سَعِيدِ بْنِ عَلَاقَةَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع الْبَيْمِ الْفَاجِرَةُ تُورِثُ الْفَقْرَ.

(The book) 'Al Khisaal' – From Saeed Bin Ilaqa,

Amir Al-Momineen^{-asws} said: 'The immoral oath inherits the poverty'.²⁸⁴

9- ما، الأماالي للشيخ الطوسي الحَفَّارُ عَنْ عُثْمَانَ بْنِ أَحْمَدَ عَنْ أَبِي قِلَابَةَ عَنْ وَهْبِ بْنِ حَرِيرٍ وَ أَبُو زَيْدٍ عَنْ شُعْبَةَ عَنِ الْأَعْمَشِ عَنْ أَبِي وَائِلٍ عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ص قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ يَمْتَطِعُ بِهَا مَالَ أَخِيهِ لَقِيَ اللَّهَ عَزَّ وَ جَلَّ وَ هُوَ عَلَيْهِ غَضَبَانُ فَأَنْزَلَ اللَّهُ تَصْدِيقَ ذَلِكَ فِي كِتَابِهِ- إِنَّ الدِّينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَ أَيْمَانِهِمْ تَمَنَّا قَلِيلًا

(The book) 'Al Amaali' of the sheykh Al Tusi – Al Haffar, from Usman Bin Ahmad, from Abu Qilabah, from Wahb Bin Hareez and Abu Zayd, from Shuba, from Al Amsh, from Abu Wail,

²⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 3

²⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 4

²⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 5

²⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 6

²⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 7

²⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 8

From Abu Abdullah^{-asws}, from the Prophet^{-saww}, having said: ‘One who swears an oath to cut off (to devour) by it the wealth of his brother, will meet Allah^{-azwj} Mighty and Majestic, and He^{-azwj} will be Angry upon him. Allah^{-azwj} has Revealed verification of that in His^{-azwj} Book: **Those who are taking for the Covenant of Allah and their own oaths, a small price [3:77]**’.

قَالَ فَبَرَزَ الْأَشْعَثُ بْنُ قَيْسٍ فَقَالَ فِي نَزَلَتْ خَاصَمْتُ إِلَى رَسُولِ اللَّهِ ص فَقَضَى عَلَيَّ بِالْيَمِينِ.

He (the narrator) said, ‘Al-Ash’as Bin Qays (an enemies of Ahl Al-Bayt^{-asws})²⁸⁵ came out. He said, ‘It was Revealed regarding me! I had brought a dispute to Rasool-Allah^{-saww}, and he^{-saww} judged upon me with the oath!’²⁸⁶

10- ما، الأماي للشيخ الطوسي بهذا الإسناد إلى وهب عن أبيه عن عدي بن عدي عن رجاء بن حبة و العرس بن عميرة قال حدثنا عن عدي بن عدي عن أبيه قال: اختصم إفرؤ القيس و رجل من حضرموت إلى رسول الله ص في أرض فقال أ لك بيته

(The book) ‘Al Amaali’ of the Sheykh Al Tusi – By this chain to Wahb, from his father, from Aday, from Raja’a Bin Habwah, and Al Urs Bin Ameyra who said, ‘It is narrated to us from Aday Bin Aday, from his father who said,

‘Imro Al-Qays and a man from Hazramaut brought a dispute to Rasool-Allah^{-saww} regarding land. He^{-saww} said: ‘Is there any proof for you?’

قَالَ لَا

He said, ‘No’.

قَالَ فَيَمِينُهُ

He^{-saww} said: ‘Make him swear an oath!’

قَالَ إِذَا وَ اللَّهُ يَذْهَبُ بِأَرْضِي

He said, ‘Then, by Allah^{-azwj} he will go with my land!’

قَالَ إِنَّ ذَهَبَ بِأَرْضِكَ بِيَمِينِهِ كَانَ مِمَّنْ لَا يَنْظُرُ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ وَ لَا يُرَكِّبُهُ وَ لَهُ عَذَابٌ أَلِيمٌ

He^{-saww} said: ‘If he goes with your land by an oath, he would be from the ones Allah^{-azwj} will not Look at (consider) him on the Day of Qiyamah nor will He^{-azwj} Purify (Forgive) him, and for him would be painful Punishment!’

قَالَ فَفَرَعَ الرَّجُلُ وَ رَدَّهَا إِلَيْهِ.

²⁸⁵ E.g., According to historical sources, Al-Ash’ath was aware of Ibn Muljam’s plan for Imam Ali’s assassination. Al-Ya’qubi reports that when Ibn Muljam travelled from Egypt to Kufa to assassinate the Imam, he stayed in Al-Ash’ath’s house for one month, preparing himself for the assassination. (Ya’qūbī, Tārīkh al-Ya’qūbī, vol. 2, p. 212.), <https://en.al-shia.org/the-life-of-ashath-ibn-qays/>

²⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 9

He (the narrator) said, 'The man panicked and returned it to him'.²⁸⁷

11 ما، الأماالي للشيخ الطوسي الحفّار عن عُثْمَانَ بْنِ أَحْمَدَ عَنْ أَبِي قِلَابَةَ عَنْ أَبِي الْوَلِيدِ عَنْ أَبِي عَوَانَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ عَنْ عَلْقَمَةَ بْنِ وَائِلٍ عَنْ أَبِيهِ مِثْلَهُ.

(The book) 'Al Amaali' of the Sheykh Al Tusi – Al Haffar, from Usman Bin Ahmad, from Abu Qilabah, from Abu Al Waleed, from Abu Awana, from Abdul Malik Bin Umeyr, from Alqamah Bin Wail, from his father, similar to it.²⁸⁸

12- ثوب الأعمال أَبِي عَنْ سَعْدِ بْنِ أَبِي هَاشِمٍ عَنْ ابْنِ مَعْبُدٍ عَنْ دُرُسْتٍ عَنْ عَبْدِ الْحَمِيدِ الطَّائِيِّ عَنْ أَبِي الْحَسَنِ الْأَوَّلِ ع قَالَ قَالَ النَّبِيُّ ص مَنْ قَدَّمَ غَرِيماً إِلَى السُّلْطَانِ يَسْتَخْلِفُهُ وَ هُوَ يَعْلَمُ أَنَّهُ يَخْلِفُ ثُمَّ تَرَكَهُ تَعْظِيماً لِلَّهِ عَزَّ وَ جَلَّ لَمْ يَرْضَ اللَّهُ لَهُ بِمَنْزِلَةٍ إِلَّا مَنْزِلَةَ إِبْرَاهِيمَ خَلِيلِ الرَّحْمَنِ ع.

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Ibn Hashim, from Ibn Ma'bad, from Dorost, from Abdul Hameed Taie,

From Abu Al-Hassan^{-asws} the 1st having said: 'The Prophet^{-saww} said: 'One who brings a debtor to the ruler to make him swear an oath, and he knows he will swear, then he leaves him in reverence to Allah^{-azwj} Mighty and Majestic, Allah^{-azwj} will not be Pleased for him of any status on the Day of Qiyamah except the status of Ibrahim^{-as}, Friend of the Beneficent'.²⁸⁹

13 ضا، فقه الرضا عليه السلام مِثْلَهُ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws}, similar to it.²⁹⁰

14- ص، قصص الأنبياء عليهم السلام عن الصادق ع قَالَ عَيْسَى لِلْحَوَارِيِّينَ إِنَّ مُوسَى ع أَمَرَكُمْ أَنْ لَا تَخْلِفُوا بِاللَّهِ لَا كَاذِبِينَ وَ لَا صَادِقِينَ.

(The book) 'Qasas Al-Anbiya^{-as}', may the greeting be upon them^{-as} – From Al-Sadiq^{-asws}: 'Isa^{-as} said to the disciples: 'Musa^{-as} had instructed you not to swear by Allah^{-azwj} falsely, and I^{-as} am instructing you that you should not swear by Allah^{-azwj}, neither falsely nor truthfully'.²⁹¹

15- شي، تفسير العياشي عن مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ قَوْلِ اللَّهِ تَبَارَكَ وَ تَعَالَى لَا إِلَهَ غَيْرُهُ- وَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ أَنْ تَبَرُّوا وَ تَتَّقُوا قَالَ هُوَ قَوْلُ الرَّجُلِ لَا وَ اللَّهِ وَ بَلَى وَ اللَّهِ.

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

'I asked Abu Abdullah^{-asws}, about Words of Allah^{-azwj} the Blessed and Exalted, there is no god apart from Him^{-azwj}: **And do not be making Allah as obstacle to your oaths if you are doing**

²⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 10

²⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 11

²⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 12

²⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 13

²⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 14

good; and be fearing [2:224]. He^{-asws} said: ‘It is the word of a man, ‘No, by Allah^{-azwj!}’, and ‘Yes, by Allah^{-azwj!}’²⁹²

16 ين، كتاب حسين بن سعيد و النوادر القاسم بن محمد عن علي عن أبي بصير قال حدثني أبو جعفر إن أباة كان تحتة امرأة من الخوارج أظنها كانت من بني خنيفة فقال له مؤلى له يا ابن رسول الله إن عندك امرأة تنبراً من جدك

The book of Haseed Bin Saeed, and ‘Al Nawadir’ – Al Qasim Bin Muhammad, from Ali, from Abu Baseer who said,

‘Abu Ja’far^{-asws} narrated to me that his^{-asws} father^{-asws} had a wife for him^{-asws} from the Kharijites, I think she was from the clan of Haneefa. A slave of his^{-asws} said to him^{-asws}, ‘O son^{-asws} of Rasool-Allah^{-saww!} Under you^{-asws} is a woman who disavows from your^{-asws} grandfather (Ali^{-asws})!’

قال فجعير فعلمت أنه طالقها فادعت عليه صداقها فجاءت به إلى أمير المدينة تستعديه عليه فقالت لي عليه صداقي أربعمائة دينار

He (the narrator) said, ‘He^{-asws} was shocked. I came to know (later) that he^{-asws} had divorced her. She claimed her dowry upon him^{-asws}. She came with him^{-asws} to the governor of Medina to claim it against him^{-asws}. She said to me^{-asws}, ‘Upon him^{-asws} is my dowry of four hundred Dinars!’

فقال الوالي أ لك بيينة

The governor said, ‘Is there any proof for you?’

فقالت لا و لكني أخذ بيينه

She said, ‘No, but take his^{-asws} oath!’

فقال والي المدينة يا علي إنا أن تحلف و إنا أن نعطيه

The governor of Medina said, ‘O Ali^{-asws} (Bin Al-Husayn^{-asws})! Either you^{-asws} swear an oath or you^{-asws} give it to her!’

فقال لي يا نبي فم فأعطيه أربعمائة دينار

He^{-asws} said to me^{-asws}: ‘O my^{-asws} son^{-asws}! Get up and give her four hundred dinars!’

فقلت يا أبت جعلت فداك أ كنت محمداً

I^{-asws} said: ‘O father^{-asws}, may I^{-asws} be sacrificed for you^{-asws}! Are you^{-asws} not on the right?’

فقال بلى يا نبي و لكبي أجلت الله أن أخلف به بين صبر.

²⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 15

He^{-asws} said: ‘Yes, O my^{-asws} son^{-asws}, but I^{-asws} regard Allah^{-azwj} as too Majestic to swear by Him^{-azwj} deliberately’.²⁹³

17- ين، كتاب حسين بن سعيد و النوادر عُثْمَانُ بْنُ عَيْسَى عَنْ أَبِي أَيُّوبَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تَحْلِفُوا بِاللَّهِ صَادِقِينَ وَ لَا كَاذِبِينَ فَإِنَّ اللَّهَ قَدْ هَيَّأَ لَكُمْ ذَلِكَ فَقَالَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Usman Bin Isa, from Abu Ayoub,

From Abu Abdullah^{-asws} having said: ‘Do not swear by Allah^{-azwj}, neither truthfully nor falsely, for Allah^{-azwj} has Forbidden from that! He^{-azwj} Said: **And do not be making Allah as obstacle to your oaths [2:224]**’.²⁹⁴

18- ين، كتاب حسين بن سعيد و النوادر عَلِيُّ بْنُ أَبِي جَعْفَرٍ ع يُحْكِي لَهُ شَيْئاً فَكَتَبَ إِلَيْهِ وَ اللَّهُ مَا كَانَ ذَلِكَ وَ إِنِّي لَأَكْرَهُ أَنْ أَقُولَ وَ اللَّهُ عَلَى حَالٍ مِنَ الْأَحْوَالِ وَ لَكِنَّهُ عَمَّيْ أَنْ يُقَالَ مَا لَمْ يَكُنْ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Ali said,

‘A man wrote to Abu Ja’far^{-asws} narrating something to him^{-asws}. He^{-asws} wrote to him: ‘By Allah^{-azwj} that did not happen, and I^{-asws} dislike to say, ‘By, Allah^{-azwj}’ upon any situation from the situations, but it saddened me^{-asws} that it be said what did not happen’.²⁹⁵

19- ين، كتاب حسين بن سعيد و النوادر يَحْيَى بْنُ عَمْرَانَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ حَلَفَ عَلَى يَمِينٍ صَبْرٍ فَقَطَعَ بِهَا مَالَ امْرِئٍ مُسْلِمٍ فَإِنَّمَا قَطَعَ جَدْوَةً مِنَ النَّارِ.

The book Haseen Bin Saeed, and ‘Al Nawadir’ – Yahya Bin Imran, from his father, from Abdullah Bin Suleyman,

From Abu Ja’far^{-asws} having said: ‘Rasool-Allah^{-sawww} said: ‘One who swears an oath deliberately, so by it he cuts off wealth of a Muslim person, has rather cut an ember of the fire!’²⁹⁶

20- عم، إعلام الوری اشْتَهَرَ فِي الرَّوَايَةِ أَنَّ الْمَنْصُورَ أَمَرَ الرَّبِيعَ بِإِحْضَارِ أَبِي عَبْدِ اللَّهِ ع فَأَحْضَرَهُ فَلَمَّا بَصُرَ بِهِ قَالَ قَتَلَنِي اللَّهُ إِنْ لَمْ أَقْتُلْكَ أَ تُلْحِدُ فِي سُلْطَانِي وَ تَنْعِيْبِي الْغَوَائِلِ

(The book) ‘A’lam Al Wara’ -

It is well-known in the reports that (the caliph) Al-Mansour ordered for Abu Abdullah^{-asws} to be presented, so they presented him^{-asws}. When he sighted him^{-asws}, said, ‘May Allah^{-azwj} Kill me if I don’t kill you! Are you apostatising in my authority and are seeking calamities for me?’

فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع وَ اللَّهُ مَا فَعَلْتُ وَ لَا أَرَدْتُ فَإِنْ كَانَ بَلَغَكَ فَمِنْ كَاذِبٍ وَ لَوْ كُنْتُ فَعَلْتُ لَقَدْ ظَلَمْتُ يَوْسُفَ فَعَفَرَ وَ ابْتُلِيَ أَيُّوبَ فَصَبَرَ وَ أُعْطِيَ سُلَيْمَانَ فَشَكَرَ فَهَؤُلَاءِ أَنْبِيَاءُ اللَّهِ وَ إِلَيْهِمْ يَرْجِعُ نَسَبُكَ

²⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 16

²⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 17

²⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 18

²⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 19

Abu Abdullah^{-asws} said to him: 'By Allah^{-azwj}, I^{-asws} have not done so, nor have I^{-asws} even intended to! If it has reached you such, it is from a liar, and had I^{-asws} done it, Yusuf^{-as} was wronged and he^{-as} forgave, Ayoub^{-as} was afflicted and he^{-as} was patient, Suleyman^{-as} was Given and he^{-as} appreciated. They^{-as} are Prophets^{-as} of Allah^{-azwj} and your lineage returns to them^{-as}!'

فَقَالَ لَهُ الْمَنْصُورُ أَجَلَ ارْتَفَعِ هَاهُنَا فَارْتَفِعْ

Al-Mansour said to him^{-asws}, 'Yes, come up over here!'

فَقَالَ لَهُ إِنَّ فُلَانَ بَنَ فُلَانَ أَخْبَرَنِي عَنْكَ بِمَا ذَكَرْتُ

He^{-asws} went up. He said to him^{-asws}, 'So and so, son of so and so informed me about you^{-asws} with what I mentioned'.

فَقَالَ أَخْضِرُهُ يَا أَمِيرَ الْمُؤْمِنِينَ لِيُوَافِقَنِي عَلَى ذَلِكَ

He^{-asws} said: 'Present him, O commander of the faithful, so he may agree with me^{-asws} upon that'.

فَأَخْضِرَ الرَّجُلُ الْمَذْكُورُ فَقَالَ لَهُ الْمَنْصُورُ أَنْتَ سَمِعْتَ مَا حَكَتِ عَنْ جَعْفَرٍ

The mentioned man was presented. Al-Mansour said to him, 'You heard what you told about Ja'far^{-asws}?'

قَالَ نَعَمْ

He said, 'Yes'.

قَالَ لَهُ أَبُو عَبْدِ اللَّهِ ع فَاسْتَحْلِفُهُ عَلَى ذَلِكَ

Abu Abdullah^{-asws} said: 'Make him oath upon that!'

فَقَالَ لَهُ الْمَنْصُورُ أَتَخْلِفُ

Al-Mansour said to him, 'Will you swear an oath?'

قَالَ نَعَمْ فَايْتَدَأُ الْيَمِينَ

He said, 'Yes', and he began the oath.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع دَعَنِي يَا أَمِيرَ الْمُؤْمِنِينَ أَخْلِفُهُ أَنَا

Abu Abdullah^{-asws} said: 'O commander of the faithful! Leave me^{-asws}, I^{-asws} shall make him swear!'

فَقَالَ لَهُ افْعَلْ

He said to him^{-asws}, 'Do so'.

فَقَالَ أَبُو عَبْدِ اللَّهِ لِلْسَّاعِي قُلْ بَرِّئْتُ مِنَ حَوْلِ اللَّهِ وَفُؤْتِهِ وَالتَّجَاثُ إِلَى حَوْلِي وَفُؤْتِي لَقَدْ فَعَلْتُ كَذَا وَكَذَا جَعَفَرُ

Abu Abdullah^{-asws} said to the informer: 'Say, 'I disavow from the Mighty of Allah^{-azwj} and His^{-azwj} Strength, and I shelter to my own mighty and my own strength! Ja'far^{-asws} has done such and such!'

فَامْتَنَعَ مِنْهَا هُنَيْهَةً ثُمَّ خَلَفَ بِهَا فَمَا بَرِحَ حَتَّى اضْطَرَبَ بِرِجْلِهِ فَقَالَ أَبُو جَعْفَرٍ جُرُوا بِرِجْلِهِ فَأَخْرِجُوهُ لَعْنَهُ اللَّهُ

He refused from it for a while, to swear with it. He had not departed until his legs trembled. Abu Ja'far (Al-Mansour) said, 'Drag him by his feet and expel him, may Allah^{-azwj} Curse him!'

قَالَ الرَّبِيعُ وَكُنْتُ رَأَيْتُ جَعْفَرَ بْنَ مُحَمَّدٍ عَ حِينَ دَخَلَ عَلَى الْمُنْصُورِ يُحْرِكُ شَفَتَيْهِ فِكُلَّمَا حَرَكَهُمَا سَكَنَ غَضَبُ الْمُنْصُورِ حَتَّى أَذْنَاهُ مِنْهُ وَرَضِي عَنْهُ فَلَمَّا خَرَجَ أَبُو عَبْدِ اللَّهِ مِنَ عِنْدِ أَبِي جَعْفَرٍ اتَّبَعْتُهُ

Al-Rabie said, 'I had seen Ja'far^{-asws} Bin Muhammad^{-asws} when he^{-asws} entered to see Al-Mansour. He^{-asws} move his^{-asws} lips. Every time he^{-asws} moved them, the anger of Al-Mansour subsided until he drew him^{-asws} near and was satisfied with him^{-asws}. When Abu Abdullah^{-asws} went out from the presence of Abu Ja'far^{-asws}, I sought him^{-asws}.

فَقُلْتُ لَهُ إِنَّ هَذَا الرَّجُلَ كَانَ أَشَدَّ النَّاسِ غَضَبًا عَلَيْكَ فَلَمَّا دَخَلَتْ عَلَيْهِ وَ حَرَّكَتْ شَفَتَيْكَ سَكَنَ غَضَبُهُ فَبِأَيِّ شَيْءٍ كُنْتَ تُحَرِّكُهُمَا

I said to him^{-asws}, 'This man was the most severe of people in anger upon you^{-asws}. When you^{-asws} entered to see him and moved your^{-asws} lips, his anger subsided. So, with which thing had you^{-asws} moved your^{-asws} lips?'

قَالَ بِدُعَاءِ جَدِّي الْحُسَيْنِ بْنِ عَلِيٍّ ع

He^{-asws} said: 'With a supplication of my^{-asws} grandfather^{-asws} Al-Husayn^{-asws} Bin Ali^{-asws}'.

فَقُلْتُ جُعِلْتُ فِدَاكَ وَ مَا هَذَا الدُّعَاءُ

I said, 'May I be sacrificed for you^{-asws}, and what is this supplication?'

قَالَ يَا عَدَّتِي عِنْدَ شِدَّتِي وَ يَا عَوْثِي عِنْدَ كُرْبَتِي احْرُسِي بَعَيْنِكَ الَّتِي لَا تَنَامُ وَ اكْفِي بِرُكْبِكَ الَّذِي لَا يُرَامُ

He^{-asws} said: 'O my weapon during my adversity, and O my help during my distress! Guard me with Your^{-azwj} Eye which does not sleep, and Guard me with Your^{-azwj} Power which cannot be breached!'

قَالَ الرَّبِيعُ فَحَفِظْتُ هَذَا الدُّعَاءَ فَمَا نَزَلَتْ بِي شِدَّةٌ قَطُّ فَدَعَوْتُ بِهِ إِلَّا فَرَّجَ اللَّهُ عَنِّي

Al Rabie said, 'I memorised this supplication. No adversity befell with me at all and I supplicated with it, except Allah^{-azwj} Relieved it from me!'

قَالَ وَ قُلْتُ لَجُعْفَرِ بْنِ مُحَمَّدٍ لِمَ مَنَعْتَ السَّاعِيَّ أَنْ يَحْلِفَ بِاللَّهِ تَعَالَى

He (the narrator) said, 'And I said to Ja'far^{-asws} Bin Muhammad^{-asws}, 'Why did you^{-asws} prevent the seeker from swearing by Allah^{-azwj} the Exalted?'

قَالَ كَرِهْتُ أَنْ يَرَاهُ اللَّهُ تَعَالَى يُوجِدُهُ وَ يُمَجِّدُهُ فَيَحْلِمَ عَنْهُ وَ يُؤَخِّرَ عُقُوبَتَهُ فَاسْتَحْلَفْتُهُ بِمَا سَمِعْتُ فَأَخَذَهُ اللَّهُ أَخَذَةً رَابِيَةً.

He^{-asws} said: 'I^{-asws} disliked that Allah^{-azwj} would See him professing His^{-azwj} Oneness so He^{-azwj} would be Lenient with him and Delay Punishing him, therefore I^{-asws} made him swear with what you heard, and so Allah^{-azwj} Seized him a severe seizure'.²⁹⁷

21- إختص، الإختصاص قَالَ الصَّادِقُ ع مَنْ حَلَفَ بِاللَّهِ كَاذِبًا كَفَرَ وَ مَنْ حَلَفَ بِاللَّهِ صَادِقًا أَثِمَ إِنَّ اللَّهَ يُعُولُ - وَ لَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ.

(The book) 'Al Ikhtisas' -

Al-Sadiq^{-asws} said: 'One who swears falsely by Allah^{-azwj}, has committed Kufr, and the one who swears truthfully by Allah^{-azwj} has sinned. Allah^{-azwj} Says: '**And do not be making Allah as obstacle to your oaths [2:224]**'.²⁹⁸

22- إختص، الإختصاص قَالَ الرِّضَا ع مَنْ بَارَزَ اللَّهَ بِالْأَيْمَانِ الْكَاذِبَةِ بَرِيَ اللَّهُ مِنْهُ.

(The book) 'Al Ikhtisas' -

Al-Reza^{-asws} said: 'One who duels Allah^{-azwj} with the false oath, Allah^{-azwj} Disavows from him'.²⁹⁹

23- تَهَجُّجُ الْبَلَاغَةِ، قَالَ ع فِيمَا كَتَبَ إِلَى الْحَارِثِ الْهُمْدَانِيِّ وَ عَظِيمِ اسْمِ اللَّهِ أَنْ لَا تَذْكُرُهُ إِلَّا عَلَى حَقٍّ.

(The book) 'Nahj Al Balagah' -

He (Amir Al-Momineen^{-asws}) said among what he^{-asws} wrote to Al-Haris Al-Hamdany: 'And revere the Name of Allah^{-azwj} by not mentioning it except upon truth'.³⁰⁰

24- أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ: مَنْ حَلَفَ عَلَى يَمِينٍ وَ هُوَ يَعْلَمُ أَنَّهُ كَاذِبٌ فَقَدْ بَارَزَ اللَّهَ بِالْمُحَارَبَةِ وَ إِنَّ الْيَمِينَ الْكَاذِبَةَ تَذُرُ الدِّيارَ بِلَافِعٍ مِنْ أَهْلِهَا وَ تُورِثُ الْفَقْرَ فِي الْعَقَبِ وَ إِنَّهُ لَا يَعْرِفُ عَظَمَةَ اللَّهِ مَنْ يَحْلِفُ بِهِ كَاذِبًا.

(The book) 'A'lam Al Deen' -

From the Prophet^{-saww} having said: 'One who swears an oath and he knows it is a lie, he has duelled Allah^{-azwj} with the battle, and the false oath ruins the households with desolation from

²⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 20

²⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 21

²⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 22

³⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 23

its inhabitants and inherits the poverty in the descendants, and surely he has not recognised the Magnificence of Allah^{-azwj}, the one who swears falsely by him'.³⁰¹

باب 11 أحكام الحلف

CHAPTER 11 – RULINGS OF THE OATH

1- ين، كتاب حسين بن سعيد و النوادر الحسن بن علي بن فضال و فضالة عن ابن بكير عن زرارَةَ قَالَ قُلْتُ لِأبي جعفرٍ ع تَمُرٌّ بِالْمَالِ عَلَى الْعُشَارِ فَيَطْلُبُونَ مِنَّا أَنْ نُحْلِفَ لَهُمْ وَ يُحْلُونَ سَبِيلَنَا وَ لَا يَرْضَوْنَ مِنَّا إِلَّا بِذَلِكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Al-Hassan Bin Ali Bin Fazzal, and Fazalah, from Ibn Bukeyr, from Zurarah who said,

'I said to Abu Ja'far^{-asws}, 'We pass by the tax collectors with wealth and they demand from that we swear an oath to them and they free our way, and they are not satisfied from us except with that!'

قَالَ فَمَا حَلَفْتُ لَهُمْ فَهُوَ أَحَلُّ مِنْ التَّمْرِ وَ الزَّبَدِ.

He^{-asws} said: 'Whatever you swear to them, it is more Halal than the dates and the butter are'.³⁰²

2- ين، كتاب حسين بن سعيد و النوادر عنه عن أبي جعفرٍ ع قَالَ: قُلْتُ إِنَّا نَمُرُّ بِهَؤُلَاءِ الْقَوْمِ فَيَسْتَحْلِفُونَنَا عَلَى أَمْوَالِنَا وَ قَدْ أَدَيْنَا زَكَاةَهَا

(The book) 'Haseen Bin Saeed, and 'Al Nawadir' -

From Abu Ja'far^{-asws}, he (the narrator) said, 'I said, 'We tend to pass by these people (tax collectors), so they make us swear oaths upon our wealth, and we have already given its Zakaat!'

قَالَ يَا زُرَّارَةَ إِذَا خِفْتَ فَاحْلِفْ لَهُمْ بِمَا شَاءُوا

He^{-asws} said: 'O Zurara! When you fear, then swear for them with whatever they like'.

فَقُلْتُ جُعِلْتُ فِدَاكَ بِطَلَاقٍ وَ عَتَاقٍ

I said, 'May I be sacrificed for you^{-asws}, (even) with a divorce and liberation (of slaves)?'

قَالَ بِمَا شَاءُوا

He^{-asws} said with whatever they like'.

³⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 10 H 24

³⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 1

وَقَالَ أَبُو عَبْدِ اللَّهِ عِ التَّقِيَّةُ فِي كُلِّ ضَرُورَةٍ وَصَاحِبُهَا أَعْلَمُ بِهَا حِينَ تَنْزِلُ بِهِ.

And Abu Abdullah^{-asws} said: 'The Taqiyya (dissimulation) is in every necessity, and its doer is more knowing with it when it befalls him'.³⁰³

3- ين، كتاب حسين بن سعيد و النوادر عَنْ مَعْمَرِ بْنِ يَحْيَى قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع إِنَّ مَعِيَ بَضَائِعَ لِلنَّاسِ وَ نَحْنُ نَمُرُّ بِهَا عَلَى هَؤُلَاءِ الْعُشَّارِ فَيُخْلِفُونَا عَلَيْهَا فَتَخْلِفُ هُمْ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Ma'mar Bin Yahya who said,

'I said to Abu Ja'far^{-asws}, 'With me there is merchandise of the people and we (transporters) pass with these upon these tax collectors. They make us oath upon these so we oath for them'.

قَالَ وَدِدْتُ أَنِّي أَقْدِرُ أَنْ أُجِيرَ أَمْوَالَ الْمُسْلِمِينَ كُلَّهَا وَ أَخْلِفَ عَلَيْهَا كُلَّمَا خَافَ الْمُؤْمِنُ عَلَى نَفْسِهِ فِيهِ ضَرُورَةٌ فَلَهُ فِيهِ التَّقِيَّةُ.

He said, 'I^{-asws} would love to have power to shelter (protect) wealth of the Muslims, all of it, and I^{-asws} would swear an oath upon! Every time the Momin fears upon himself in which is necessity, for him is the Taqiyya (dissimulation) in it'.³⁰⁴

4- ين، كتاب حسين بن سعيد و النوادر فَضَالَةُ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ قَالَ: قُلْتُ لِأَبِي عَبْدِ اللَّهِ ع رَجُلٌ حَلَفَ لِلسُّلْطَانِ بِالطَّلَاقِ وَ الْعَتَاقِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – Fazala, from Sayf Bin Ameyra, from Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'A man swears an oath for the ruler with the divorce and the liberation (of his slave)'.

قَالَ إِذَا حَشِي سَوْطَهُ وَ سَيْفَهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَعْفُو وَ النَّاسُ لَا يَعْفُونَ.

He^{-asws} said: 'When he fears his (ruler's) whip and his sword, there isn't anything upon him. O Abu Bakr! Allah^{-azwj} Pardons while the people do not pardon'.³⁰⁵

5- ين، كتاب حسين بن سعيد و النوادر عَنْ إِسْمَاعِيلِ الْجُعْفِيِّ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ ع أَمْرٌ بِالْعُشَّارِ وَ مَعِيَ الْمَالُ فَيَسْتَخْلِفُونِي فَإِنْ حَلَفْتُ تَرْكُونِي وَ إِنْ لَمْ أَخْلِفْ فَلَسُونِي وَ ظَلَمُونِي

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ismail Al Jufy who said,

³⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 2

³⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 3

³⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 4

'I said to Abu Ja'far^{-asws}, 'I pass by the tax collector and with me is the wealth, so they make me swear an oath. If I swear, they leave me, and if I don't swear, they take the money and oppress me!'

فَقَالَ اخْلِفْ لَهُمْ

He^{-asws} said: 'Swear for them!'

فَقُلْتُ فَإِنْ خَلَفْتَنِي بِالطَّلَاقِ فَأَخْلِفْ لَهُمْ

I said, 'Supposing they make me swear with the divorce, shall I swear for them?'

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

قُلْتُ فَإِنَّ الْمَالَ لَا يَكُونُ لِي

I said, 'But the wealth does not happen to be mine!'

قَالَ تُبْقِي مَالَ أَخِيكَ.

He^{-asws} said: 'You will save the wealth of your brother'.³⁰⁶

6- ين، كتاب حسين بن سعيد و النوادر عن أبي الحسن ع فَإِنِّي سَأَلْتُهُ عَنِ الرَّجُلِ يُسْتَكْرَهُ عَلَى الْيَمِينِ فَيَخْلِفُ بِالطَّلَاقِ وَ الْعَتَاقِ وَ صَدَقَةَ مَا يَمْلِكُ أ يَلْزُمُهُ ذَلِكَ

The book of Haseen Bin Saeed, and 'Al Nawadir' -

From Abu Al-Hassan^{-asws}, for I had 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 ثُمَّ قَالَ قَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنِّي مَا أُكْرَهُوا عَلَيْهِ وَ لَمْ يُطِيفُوا وَ مَا أُخْطِئُوا.

He^{-asws} said: 'No', then said: 'Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community whatever they are coerced upon, and they cannot endure and what they are mistaken in'.³⁰⁷

7- ين، كتاب حسين بن سعيد و النوادر سماعة قال: قَالَ إِذَا خَلَفَ الرَّجُلُ بِاللَّهِ تَعَيَّتْ لَمْ يَضُرَّهُ وَ بِالطَّلَاقِ وَ الْعَتَاقِ أَيْضاً لَا يَضُرُّهُ إِذَا هُوَ أَكْرَهُ وَ اضْطُرَّ إِلَيْهِ

³⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 5

³⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 6

The book of Haseen Bin Saeed, and Al Nawadir – Sama'at said,

'When the man swears by Allah^{-azwj} in Taqiyyah (dissimulation) it does not harm him, and with the divorce and the liberation as well, it does not harm him when he is coerced and is desperate to'.

وَقَالَ لَيْسَ شَيْءٌ مِّمَّا حَرَّمَ اللَّهُ إِلَّا وَ قَدْ أَحَلَّهُ لِمَنْ اضْطُرَّ إِلَيْهِ.

And he^{-asws} said: 'There isn't anything from what Allah^{-azwj} has Prohibited, except and He^{-azwj} has Permitted it for the one who is desperate to it'.³⁰⁸

8- ين، كتاب حسين بن سعيد و النوادر عن أبي بكر الحضرمي قَالَ: قُلْتُ لِأبي عَبْدِ اللَّهِ ع تَخْلِفُ لِصَاحِبِ الْعُسْطَارِ نُجَيْرٌ بِذَلِكَ مَا لَنَا

The book of Haseen Bin Saeed, and Al Nawadir' – From Abu Bakr Al Hazramy who said,

'I said to Abu Abdullah^{-asws}, 'Can we swear for the tax collector to protect our wealth by it'.

قَالَ نَعَمْ

He^{-asws} said: 'Yes'.

وَ فِي الرَّجُلِ يَخْلِفُ تَمِيَّةً قَالَ إِنْ خَشِيتَ عَلَى دِمِكَ وَ مَالِكَ فَاخْلِفْ تَرْدَهُ عَنْكَ بِيَمِينِكَ وَ إِنْ رَأَيْتَ أَنَّ يَمِينَكَ لَا يَرُدُّ عَنْكَ شَيْئاً فَلَا تَخْلِفْ لَهُمْ.

And regarding the man who swears in Taqiyyah (dissimulation), he^{-asws} said: 'If you fear upon your blood and your wealth, swear to repel it by your oath, and if you see that your oath does not repel anything from you, do not swear for them'.³⁰⁹

9- ين، كتاب حسين بن سعيد و النوادر عن معاوية بن أبي سفيان قَالَ: قُلْتُ لِأبي عَبْدِ اللَّهِ ع إِنَّا نُسْتَخْلِفُ بِالطَّلَاقِ وَ الْعَتَاقِ فَمَا تَرَى أَخْلِفُ لَهُمْ

The book of Haseen Bin Saeed, and 'Al Nawadir' – from Muaz Bayya Al Aksiya who said,

'I said to Abu Abdullah^{-asws}, 'We are made to swear oaths with the divorce and the liberation (of slaves), so what is your^{-asws} view if I were to swear for the?'

قَالَ اخْلِفْ لَهُمْ بِمَا أَرَادُوا إِذَا خِفْتَ.

He^{-asws} said: 'Swear for them with whatever they want, when you fear'.³¹⁰

10- ين، كتاب حسين بن سعيد و النوادر عن علاء بن محمد عن أبي جعفر ع قَالَ: لَا يُسْتَخْلَفُ الْعَبْدُ إِلَّا عَلَى عِلْمِهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Ala'a, from Muhammad,

³⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 7

³⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 8

³¹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 9

From Abu Ja'far^{-asws} having said: 'The servant should not be made to swear an oath except based upon his knowledge'.

وَقَالَ فِي قَوْلِهِ وَلَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ قَالَ لَا وَاللَّهِ وَتَلَى وَاللَّهِ-

And he (the narrator) said, 'Regarding His^{-azwj} Words: **And do not be making Allah as obstacle to your oaths [2:224]**, he^{-asws} said: 'No, by Allah^{-azwj}', and 'Yes, by Allah^{-azwj}'

وَسَأَلْتُهُ عَنْ قَوْلِ اللَّهِ- فَلَا أُقْسِمُ بِمَوَاقِعِ النُّجُومِ قَالَ عَظُمَ إِثْمُ مَنْ يُقْسِمُ بِهَا

And I asked him^{-asws} about Words of Allah^{-azwj}: '**So do not swear by the locations of the stars! [56:75]**. He^{-asws} said: 'A mighty sin, one who swears by these'.

قَالَ وَكَانَ أَهْلُ الْجَاهِلِيَّةِ يُعْظِمُونَ الْحَرَمَ وَلَا يُقْسِمُونَ بِهِ وَاسْتَجْلُونَ حُرْمَةَ اللَّهِ فِيهِ وَلَا يَعْرِضُونَ لِمَنْ كَانَ فِيهِ وَلَا يَجْرَحُونَ فِيهِ ذَابَّةً فَقَالَ اللَّهُ لَا أُقْسِمُ بِهَذَا الْبَلَدِ وَأَنْتَ حِلٌّ بِهَذَا الْبَلَدِ- وَالْوَالِدِ وَمَا وَلَدَ

He^{-asws}, 'And people of the pre-Islamic period were revering the Sanctuary and they were not swearing by it, and they were violating the Sanctity of Allah^{-azwj} in it, and they were not harming the one who was in it, and they were not injuring any creature in it. Allah^{-azwj} Said: **I hereby Swear by this city! [90:1] And you are a dweller in this city [90:2] And (so is) a father and what he begot [90:3]**'.

قَالَ يُعْظِمُونَ الْبُلْدَانَ يَخْلِفُونَ بِهِ وَاسْتَجْلُونَ حُرْمَةَ رَسُولِ اللَّهِ فِيهِ وَقَوْلُ الرَّجُلِ لَا بَأْسَ شَانِئَكَ فَإِنَّ ذَلِكَ قَسَمٌ أَهْلِ الْجَاهِلِيَّةِ فَلَوْ خَلَفَ بِهِ الرَّجُلُ وَهُوَ يُرِيدُ اللَّهُ كَانَ قَسَمًا

He^{-asws} said: 'They were revering the cities, swearing by it and violating the sanctity of Rasool-Allah^{-saww} in it; as the words of a man, 'No, by your enemy', for that is a swear of the people of Pre-Islamic period. If a man were to take an oath by it and intended Allah^{-azwj}, it would be a swear.

وَأَمَّا قَوْلُهُ لَعَمْرُ اللَّهِ وَابْتِئَمَّ اللَّهُ فَإِنَّمَا هُوَ بِاللَّهِ وَقَوْلُهُمْ يَا هَنَاءَ يَا هَنَاءَ فَإِنَّ ذَلِكَ طَلَبُ الْإِسْمِ.

And as for his words, 'By the life of Allah^{-azwj}', and 'I swear by Allah^{-azwj}', it is rather by Allah^{-azwj}, while their words, 'O Hannah', and 'O Hammah', for that demands the name'.³¹¹

11- وَقَالَ: لَا يُخْلَفُ الْيَهُودِيُّ وَالنَّصْرَانِيُّ إِلَّا بِاللَّهِ وَلَا يَصْلُحُ لِأَحَدٍ أَنْ يَسْتَخْلِفَهُمْ بِأَهْلِيهِمْ.

And he^{-asws} said: 'Do not get the Jew and the Christian to oath except by Allah^{-azwj}, and it is not correct for anyone to make them swear by their gods'.³¹²

³¹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 10

³¹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 11

12- تَخَّجَ الْبَلَاغَةَ، كَانَ أَمِيرُ الْمُؤْمِنِينَ ع يَقُولُ اخْلِفُوا الظَّالِمَ إِذَا أَرَدْتُمْ بِمَيْنَهُ بِأَنَّهُ بَرِيءٌ مِنْ حَوْلِ اللَّهِ وَ قُوَّتِهِ فَإِنَّهُ إِذَا حَلَفَ بِهَا كَاذِبًا عُوْجِلَ وَ إِذَا حَلَفَ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ لَمْ يُعَاجِلْ لِأَنَّهُ قَدْ وَحَّدَ اللَّهُ سُبْحَانَهُ.

(The book) 'Nahj Al Balagah' -

Amir Al-Momineen^{-asws} had said: 'And he^{-asws} had said: 'Make an unjust one to (take an) oath, when you want him to swear (for the oat then let him say like this), that he is disavowed from the Might of Allah^{-azwj} and His^{-azwj} Strength (if he is lying), for when he swears by it (with these words) falsely, the Punishment will be hastened; and when he swears by Allah^{-azwj} the One^{-azwj}, there is no god except He^{-azwj}, he will not be hastened with (punishment) because he would have professed the Oneness of Allah^{-azwj} the Glorious'.³¹³

13- وَ قَالَ ع لَا وَ الَّذِي أَمْسَيْنَا مِنْهُ فِي غَيْرِ لَيْلَةٍ دَهْمَاءَ تَكْثِيرٌ عَنْ يَوْمِ أَعْرَ مَا كَانَ كَذَا وَ كَذَا.

And he^{-asws} said: 'And he^{-asws} said: 'No! By the One^{-azwj} Who Lets us pass from it - remainder of the night, darkness to be brightened from a day, like a bright face, such and such would not have happened'.³¹⁴

14- ين، كتاب حسين بن سعيد و النوادر عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ أَوْ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ: لَا أَرَى أَنْ يَخْلِفَ الرَّجُلُ إِلَّا بِاللَّهِ فَأَمَّا قَوْلُ الرَّجُلِ لَا بَلْ شَأْنُكَ فَإِنَّهُ مِنْ قَوْلِ الْجَاهِلِيَّةِ وَ لَوْ حَلَفَ النَّاسُ بِحَدَا وَ أَشْبَاهِهِ لَتَرَكَ الْخَلْفُ بِاللَّهِ

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Zurara,

From Abu Ja'far^{-asws} or about Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'I^{-asws} don't view that the man should oath except by Allah^{-azwj}. As for the words of a man, 'No, buy by your adversary', it is from words of the pre-Islamic period, and if the people were to oath with this and its like, the oath by Allah^{-azwj} would be neglected.

فَأَمَّا قَوْلُ الرَّجُلِ يَا هَنَّا [هَنَاءٌ] أَوْ يَا هَمَاءَ فَإِنَّمَا ذَلِكَ طَلَبُ الْإِسْمِ وَ لَا أَرَى بِهِ بَأْسًا وَ أَمَّا قَوْلُهُ لَعَمْرُ اللَّهِ وَ قَوْلُهُ- لَا هَلَاةُ إِذَا فَإِنَّمَا هُوَ بِاللَّهِ.

As for the words of a man, 'O Hanna', or 'O Hammah', that rather demands the man, and I^{-asws} don't see any problem with it; and as for his words, 'By the life of Allah^{-azwj}', and his words, 'O by god', so rather it is by Allah^{-azwj}'.³¹⁵

15- ين، كتاب حسين بن سعيد و النوادر ابْنُ أَبِي عُمَيْرٍ عَنْ مَنْصُورِ بْنِ يُؤُسَ عَنِ الثُّمَالِيِّ عَنِ عَلِيِّ بْنِ الْحُسَيْنِ قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تَخْلِفُوا إِلَّا بِاللَّهِ وَ مَنْ حَلَفَ بِاللَّهِ فَلْيَصِدْقُ وَ مَنْ حَلَفَ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ حَلَفَ لَهُ بِاللَّهِ فَلَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ibn Abu Umeyr, from Mansour Bin Yunus, from Al Sumali,

From Ali^{-asws} Bin Al-Husayn^{-asws} having said: 'Rasool-Allah^{-saww} said: 'Do not swear except by Allah^{-azwj}, and the one who swears by Allah^{-azwj}, let him be truthful, and to whom someone

³¹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 12

³¹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 13

³¹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 14

swears by Allah^{-azwj}, let him be satisfied, and the one to whom someone swears by Allah^{-azwj} but he is not satisfied, he isn't from Allah^{-azwj}.³¹⁶

16- ين، كتاب حسين بن سعيد و النوادر عنه عن الحلبي عن أبي عبد الله ع قال: سألتُه عن استخلاف أهل الذمة فقال لا تحلفوهم إلا بالله.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From him, from Al Halby,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about making *Ahl Al-Zimma* (Jews and Christians) to swear. He^{-asws} said: 'Do not make them swear except by Allah^{-azwj}'.³¹⁷

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Muslim who said,

'I said to Abu Ja'far^{-asws} regarding Words of Allah^{-azwj}: **'(I Swear) by the night when it overcomes [92:1] And the day when it is displayed [92:2], and what resembles that'**.

17- ين، كتاب حسين بن سعيد و النوادر عن محمد بن مسلم قال: قلت لأبي جعفر ع في قول الله- و الليل إذا يغشى و النجم إذا هوى و ما أشبه ذلك فقال إن لله أن يقسم من خلقه بما شاء و ليس خلقه أن يقسموا إلا به.

He^{-asws} said: 'For Allah^{-azwj} is to Swear from His^{-azwj} creature with whatever He^{-azwj} Desires, and it isn't for His^{-azwj} creatures to be swearing except by Him^{-azwj}'.³¹⁸

18- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن حماد بن عثمان عن معاوية عن أبي الصباح قال: قلت لأبي الحسين زيد أمني تصدقت علي بنصيب لها في دار فقلت لها إن الفضة لا تجزون هذا و لكنه اكتبيه شري فقالت اصنع ما بدا لك و كلما ترى أنه يسوع لك فتوثقت و أراد بعض الورثة أن يستخلفني أبي قد نقدتها الثمن و لم أنفدها شيئاً فما ترى

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Hammad Bin Usman, from Muawiya, from Abu Al Sabbah who said,

'I said to Abu Al-Husayn Zayd, 'My mother donated to me her share in a house, so I said to her, 'The judges will not be validating this, but write it as a sale!' She said, 'Do whatever comes to your mind and all what you see that is proper for you!' I secured it, and one of the inheritors wanted to make me swear an oath that I had given her the cash price, but I had not given her anything. So what is your^{-asws} view?'

قال فاحلف له.

He^{-asws} said: 'Swear for him'.³¹⁹

19- ب، قرب الإسناد ابن طريف عن ابن علوان عن الصادق عن أبيه ع أن علياً ع كان يستخلف النصارى و اليهود في بيعهم و كنائسهم و المجرس في بيوت نيرانهم و يقول شددوا عليهم احتياطاً للمسلمين.

³¹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 15

³¹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 16

³¹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 17

³¹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 18

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

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had made the Christians and the Jews in their synagogues and their Churches, and the Magians in their houses of fire-worship, and he^{asws} said: 'Be harsh upon them as a precaution for the Muslims'.³²⁰

20- ب، قرب الإسناد أبو البختري عن الصادق عن أبيه ع أن علياً ع كان يستخلف اليهود والنصارى بكنائسهم ويستخلف المجوس بيوت نازهم.

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

From Al-Sadiq^{asws}, from his^{asws} father^{asws}: 'Ali^{asws} had made the Jews and the Christians to swear at their Churches, and made the Magians to swear at their houses of fire-worship'.³²¹

21- لي، الأماالي للصدوق في خبر المناهي أن النبي ص نهي أن يخلف الرجل بغير الله وقال من حلف بغير الله فليس من الله في شيء

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions – 'The Prophet^{saww} prohibited the man from swearing an oath by other than Allah^{azwj}, and said: 'One who swears by other than Allah^{azwj}, he isn't in anything from Allah^{azwj}!'

و نهي أن يخلف الرجل بسورة من كتاب الله وقال من حلف بسورة من كتاب الله فعليه بكل آية منها يمئن فمن شاء برّ و من شاء فجر

And he^{saww} prohibited a man from swearing an oath by a Chapter of the Book of Allah^{azwj} and said: 'One who swears by a Chapter of the Book of Allah^{azwj}, upon him, with each Verse from it, is an oath. The one who desires can be righteous, and one who desires can be immoral'.

و نهي أن يقول الرجل للرجل - لا و حياتك و حياة فلان.

And he^{saww} prohibited the man from saying to a man, 'No, by your life', and 'Life of so and so!'³²²

22- ب، قرب الإسناد هارون عن ابن صدقة قال: سئل جعفر بن محمد ع عما قد يجوز و عما لا يجوز من التبيّة على الإضمار في التبيين فقال إن التبيات قد يجوز في موضع و لا يجوز في آخر

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

'Ja'far^{asws} Bin Muhammad^{asws} was asked about what is allowed and what is not allowed from the intention of the concealment in the oath. He^{asws} said: 'The intentions, they are allowed in a place and not allowed in another.

³²⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 19

³²¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 20

³²² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 21

فَأَمَّا مَا يُجُوزُ فِيهِ فَإِذَا كَانَ مَظْلُومًا فَمَا حَلَفَ بِهِ وَ نَوَى الْيَمِينَ فَعَلَى نَيْتِهِ وَ أَمَّا إِذَا كَانَ ظَالِمًا فَالْيَمِينُ عَلَى نَيْتِ الْمَظْلُومِ

As for what is allowed, if one is wronged and swears an oath while intending the oath, it is based on his intention. But if one is the wrongdoer, the oath is considered according to the intention of the one who was wronged’.

ثُمَّ قَالَ وَ لَوْ كَانَتِ النَّيَاتُ مِنْ أَهْلِ الْفُسْئِ يُؤْخَذُ بِهَا أَهْلُهَا إِذَا لَأُجِدَ كُلُّ مَنْ نَوَى الرَّبَا بِالرَّبَا وَ كُلُّ مَنْ نَوَى السَّرِقَةَ بِالسَّرِقَةِ وَ كُلُّ مَنْ نَوَى الْقَتْلَ بِالْقَتْلِ

Then^{-asws} said: ‘If intentions of the people of sin were acted upon, then everyone who intended adultery would be held for adultery, everyone who intended theft would be held for theft, and everyone who intended murder would be held for murder.

وَ لَكِنَّ اللَّهَ عَدْلٌ كَرِيمٌ حَكِيمٌ لَيْسَ الْجُورُ مِنْ شَأْنِهِ وَ لَكِنَّهُ يُبَيِّتُ عَلَى نِيَّاتِ الْخَيْرِ أَهْلَهَا وَ إِضْمَارِهِمْ عَلَيْهَا وَ لَا يُؤْخَذُ أَهْلُ الْفُسُوقِ حَتَّى يَفْعَلُوا.

But Allah^{-azwj} is Just, Benevolent, Wise. The tyranny isn’t from His^{-azwj} Conduct, but rather He^{-azwj} Rewards the goodness upon intentions of its people, and their consciences upon it, and He^{-azwj} does not Seize the mischievous until they (actually) act upon it’.³²³

23- سن، المحاسن أبي عن فضالة عن سيف عن أبي بكر الحضرمي قال: قلت لأبي عبد الله ع رجل حلف للسلطان بالطلاق والعقاق

(The book) ‘Al Mahasin’ – My father, from Fazala, from Sayf, from Abu Bakr Al Hazrami who said,

‘I said to Abu Abdullah^{-asws}, ‘A man swears an oath for the ruler with the divorce and the liberation (of slave)’.

فَقَالَ إِذَا حَشِي سَيْفُهُ وَ سَطُونُهُ فَلَيْسَ عَلَيْهِ شَيْءٌ يَا أَبَا بَكْرٍ إِنَّ اللَّهَ يَغْفُو وَ النَّاسُ لَا يَغْفُونَ.

He^{-asws} said: ‘When he swears his sword and his whip, there isn’t anything upon him. O Abu Bakr! Allah^{-azwj} Pardons, and the people do not pardon’.³²⁴

24- سن، المحاسن أبي عن صفوان عن أبي الحسن و البرنظي معاً عن أبي الحسن ع قال: سألته عن الرجل يستكره على اليمين فيخلف بالطلاق والعقاق و صدقة ما يملك أ يلزمه ذلك

(The book) ‘Al Mahasin’ – 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 فَقَالَ رَسُولُ اللَّهِ ص وَضِعَ عَنْ أُمَّتِي مَا أُكْرَهُوا عَلَيْهِ وَ لَمْ يُطِيعُوا وَ مَا أُحْطُوا.

³²³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 22

³²⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 23

He^{-asws} said: 'No! Rasool-Allah^{-saww} said: 'It has been dropped from my^{-saww} community, what they are coerced upon, and (what) they cannot endure, and what they are mistaken in'.³²⁵

25- سن، المحاسن أبي عن ابن أبي عمير عن أبي أيوب عن معاوية بن عمار الأصبهاني قال: قلت لأبي عبد الله ع إننا نستخلف بالطلاق والعناق فما ترى أخلفهم

(The book) 'Al-Mahasin' – My father, from Ibn Abu Umeyr, from Abu Ayoub, from Muaz Baya Al Akeysa who said,

'I said to Abu Abdullah^{-asws}, 'We are made to swear with the divorce and the liberation (of slaves), so what is your^{-asws} view, shall I swear to them?'

قَالَ أَخْلِفْ لَهُمْ بِمَا أَرَادُوا إِذَا خِفْتَ.

He^{-asws} said: 'Swear to them with whatever they want when you fear'.³²⁶

26- ضا، فقه الرضا عليه السلام إذا أعطيت رجلاً مالا فجحذك فحلف عليه ثم أتاك بالمال بعد مددٍ و بما ربح فيه و نديم على ما كان منه فخذ منه رأس مالك و نصف الربح و ردّ عليه نصف الربح هذا رجلٌ نائب

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'When you give money to a man but he denies it and swear an oath upon it, then afterwards he comes to you with the money after a period and with what he had profited with, and regrets upon what had happened from him, take your capital from him and half the profit, and return half the profit to him. This is a repentance.

فإن جحذك رجلٌ حَقَّكَ وَ حَلَفَ عَلَيْهِ وَ وَقَعَ لَهُ عِنْدَكَ مَالٌ فَلَا تَأْخُذْ مِنْهُ إِلَّا بِمِقْدَارِ حَقِّكَ وَ قُلِ اللَّهُمَّ إِنِّي أَخَذْتُهُ مَكَانَ حَقِّي وَ لَا تَأْخُذْ أَكْثَرَ بِمَّا حَبَسْتَهُ عَلَيْكَ

If a man rejects your right and swears upon it, and money of his occurs in your possession, do not take from it except a measurement of your right, and say, 'O Allah^{-azwj}! I am taking it in place of my right!', and do not take more than what he had withheld from you.

وَ إِنْ اسْتَخْلَفَكَ عَلَى أَنَّكَ مَا أَخَذْتَ فَجَائِزٌ لَكَ أَنْ تَحْلِفَ إِذَا قُلْتَ هَذِهِ الْكَلِمَةَ فَإِنْ حَلَفْتَهُ أَنْتَ عَلَى حَقِّكَ وَ حَلَفَ هُوَ فَلَيْسَ لَكَ أَنْ تَأْخُذَ مِنْهُ شَيْئاً

And if he makes you swear that you did not take it, then it is permissible for you to swear if you say these words. But if you make him swear concerning your right, and he swears, then you have no right to take anything from him.

فَقَدْ قَالَ النَّبِيُّ ص مَنْ حَلَفَ بِاللَّهِ فَلْيَصِدْقٌ وَ مَنْ حَلَفَ لَهُ فَلْيَبْرُصَ وَ مَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ جَلَّ وَ عَزَّ فَإِنْ أَتَاكَ الرَّجُلُ بِحَقِّكَ مِنْ بَعْدِ مَا حَلَفْتَهُ مِنْ غَيْرِ أَنْ تُطَالِبَهُ فَإِنْ كُنْتَ مُوسِراً أَخَذْتَهُ فَتَصَدَّقْتَ بِهِ وَ إِنْ كُنْتَ مُحْتِاجاً إِلَيْهِ أَخَذْتَهُ لِنَفْسِكَ.

The Prophet^{-saww} had said: 'One who swears by Allah^{-azwj}, let him be truthful, and one who is sworn to, let him be satisfied, and one who is not satisfied, he isn't from (the slaves of) Allah'

³²⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 24

³²⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 25

azwj Majestic and Mighty. If the man comes to you with your right from after he had sworn an oath, from without your having demanded it, if you were affluent then take it and donate it, and if you have need to it then take it for yourself'.³²⁷

27- شي، تفسير العياشي عن سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا يُحْلَفُ الْيَهُودِيُّ وَ لَا النَّصْرَانِيُّ وَ لَا الْمَجُوسِيُّ بِغَيْرِ اللَّهِ إِنَّ اللَّهَ يَقُولُ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ.

Tafseer Al Ayyashi – From Suleyman Bin Khalid,

From Abu Abdullah^{-asws} having said: ‘Neither make the Jew, nor the Christian nor the Magian to swear with other than Allah^{-azwj}. Allah^{-azwj} Says: **Therefore judge between them with what Allah Revealed [5:48]**’.³²⁸

28- ين، كتاب حسين بن سعيد و النوادر النَّضْرُ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ: لَا تُحْلَفُ الْيَهُودِيُّ وَ النَّصْرَانِيُّ وَ لَا الْمَجُوسِيُّ بِغَيْرِ اللَّهِ إِنَّ اللَّهَ يَقُولُ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ.

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – Al Nazr, from Hisham Bin Salim, from Suleyman Bin Khalid,

From Abu Abdullah^{-asws}, he (the narrator) said, ‘He^{-asws} said: ‘Do not make the Jew, nor the Christian, nor the Magian to swear with other than Allah^{-azwj}. He^{-azwj} Says: **Therefore judge between them with what Allah Revealed [5:48]**’.³²⁹

29- ين، كتاب حسين بن سعيد و النوادر عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: لَا تَحْلَفُ بِغَيْرِ اللَّهِ

The book of Haseen Bin Saeed, and ‘Al Nawadir’ – From Jarrah Al Madainy,

From Abu Abdullah^{-asws} having said: ‘Do not swear by other than Allah^{-azwj}!’

وَ قَالَ الْيَهُودِيُّ وَ النَّصْرَانِيُّ وَ الْمَجُوسِيُّ- لَا تُحْلَفُوهُمْ إِلَّا بِاللَّهِ.

And he^{-asws} said: ‘The Jew, and the Christian, and the Magian, do not make them swear except by Allah^{-azwj}!’³³⁰

30- ين، كتاب حسين بن سعيد و النوادر عَنْ عُثْمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ هَلْ يَصْلُحُ لِأَحَدٍ أَنْ يُحْلَفَ أَحَدًا مِنَ الْيَهُودِ وَ النَّصَارَى وَ الْمَجُوسِ بِالْهَيْبَةِ

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

‘I asked him^{-asws}, ‘Is it correct for anyone to get anyone from the Jews, and the Christians, and the Magians to swear by their gods?’

³²⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 26

³²⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 27

³²⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 28

³³⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 29

قَالَ لَا يَصْلُحُ أَنْ يُحْلَفَ أَحَدًا إِلَّا بِاللَّهِ.

He^{-asws} said: 'It is not correct to swear anyone except by Allah^{-azwj}'.³³¹

31- ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنِ الْأَحْكَامِ فَقَالَ يَجُوزُ فِي كُلِّ دِينٍ مَا يَسْتَحِلُّونَ.

The book of Haseen Bin Saeed, and 'Al Nawadir', from Muhammad Bin Muslim who said,

'I asked him^{-asws} about the rulings. He^{-asws} said: 'It is allowed in every religion what they are deeming permissible'.³³²

32- ين، كتاب حسين بن سعيد و النوادر عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ ع يَقُولُ قَضَى عَلِيٌّ فِيْمَا اسْتَحْلَفَ أَهْلُ الْكِتَابِ بِيَمِينِ صَبْرٍ أَنْ يُسْتَحْلَفَ بِكِتَابِهِ وَ مِلَّتِهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Muhammad Bin Qays who said,

'I heard Abu Ja'far^{-asws} saying: 'Ali^{-asws} judged regarding that one should get people of the Book to swear an oath deliberately by making him swear by his own Book and his own religion'.³³³

33- ين، كتاب حسين بن سعيد و النوادر عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع عَنْ أَهْلِ الْمَلِكِ يُسْتَحْلَفُونَ فَقَالَ لَا تُحْلِفُوهُمْ إِلَّا بِاللَّهِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – From Hammad, from Al Halby who said,

'I asked Abu Abdullah^{-asws} about the people of (other) religions, one seeks to make them swear. He^{-asws} said: 'Do not make them swear except by Allah^{-azwj}'.³³⁴

[باب 12 جوامع أحكام القضاء](#)

CHAPTER 12 – SUMMARY OF THE RULINGS OF JUDGMENTS

1- قب، المناقب لابن شهر آشوب ابْنُ بُطَّةَ وَ شَرِيكَ بِإِسْنَادِهِمَا عَنِ ابْنِ أَبِي الْعَجَلِيِّ قَالَ: كُنْتُ عِنْدَ مُعَاوِيَةَ فَاخْتَصَمَ إِلَيْهِ رَجُلَانِ فِي ثَوْبٍ فَقَالَ أَحَدُهُمَا ثَوْبِي وَ أَقَامَ الْبَيِّنَةَ وَ قَالَ الْآخَرُ ثَوْبِي اشْتَرَيْتُهُ مِنَ السُّوقِ مِنْ رَجُلٍ لَا أَعْرِفُهُ

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Ibn Buttah and Shareek, by their chains from Ibn Abjar Al Ijaly who said,

'I was in the presence of Muawiya and two men brought a dispute to him regarding a cloth. One of them said, '(This is) my cloth!', and he established the proof, and the other said, '(This is) my cloth, I bought it from the market from a man I don't know!'

فَقَالَ مُعَاوِيَةُ لَوْ كَانَ لَهَا عَلِيٌّ بِنُ أَبِي طَالِبٍ

³³¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 30

³³² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 31

³³³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 32

³³⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 11 H 33

Muawiya said, 'If only Ali^{-asws} Bin Abu Talib^{-asws} had been (here) for it!'

فَقَالَ ابْنُ أَبِي جَرْرٍ فَقُلْتُ لَهُ قَدْ شَهِدْتُ عَلَيْكَ فِي مِثْلِ هَذَا وَ ذَلِكَ أَنَّهُ قَضَى بِالْتَّوْبِ لِلَّذِي أَقَامَ الْبَيْتَةَ وَ قَالَ لِلْآخِرِ اطْلُبِ الْبَائِعَ

Ibn Abjar said, 'I said to him, 'I have witnessed Ali^{-asws} judge regarding something similar to this, and that is he^{-asws} had judged the cloth to be for the one who had established the proof, and he^{-asws} said to the other, 'Seek out the seller!'

فَقَضَى مُعَاوِيَةَ بِذَلِكَ بَيْنَ الرَّجُلَيْنِ.

So Muawiya judged with that between the two men'.³³⁵

2- قب، المناقب لابن شهر آشوب الحكم بن عتيبة سألتها امرأة قالت إن زوجي مات وترك ألف درهم و لي عليه مهر خمسمائة درهم فأخذت مهري و أخذت ميراثي مما بقي ثم جاء رجل فادعى عليه ألف درهم فشهدت بذلك على زوجي

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

Al-Hakam Bin Uteyba, a woman asked him. She said, 'My husband has died and left a thousand Dirhams, and for me there is dowry upon him of five hundred Dirhams, so I took my dowry and took my inheritance of what remains. Then a man came and claimed a thousand Dirhams upon him, so I testified with that against my husband'.

فَحَوَّلَ الْحَكَمُ يَحْسُبُ نَصِيْبَهَا إِذْ خَرَجَ أَبُو جَعْفَرٍ ع فَأَخْبَرَهُ بِمَقَالَةِ الْمَرْأَةِ فَقَالَ أَبُو جَعْفَرٍ ع أَقْرَبْتُ بِثُلُثِ مَا فِي يَدِهَا وَ لَا مِيرَاثَ لَهَا أَيُّ يَقْدِرُ مَا يُصِيبُهَا فِي حِصَّتِهِ وَ لَا يَلْزَمُ الدَّيْنُ كُلَّهُ.

Al-Hakam was calculating her share when Abu Ja'far^{-asws} came out, so he informed him^{-asws} with the words of the woman. Abu Ja'far^{-asws} said: 'I^{-asws} accept a third of what is in her hands, and there is no inheritance for her, meaning in proportion to what would fall to her share in his estate, and she is not liable for the entire debt'.³³⁶

3- ين، كتاب حسين بن سعيد و النوادر عن علاء عن محمد بن أبي جعفر ع قَالَ قَالَ رَسُولُ اللَّهِ ص اللَّهُمَّ إِنَّمَا أَنَا بَشَرٌ أَعْصَبُ وَ أَرْضِي وَ إِنَّمَا مُؤْمِنٌ حَرَمْتُهُ وَ أَقْصَيْتُهُ أَوْ دَعَوْتُ عَلَيْهِ فَاجْعَلْهُ كَفَّارَةً وَ طَهُورًا وَ إِنَّمَا كَافِرٌ فَرِّبْتُهُ أَوْ حَبَوْتُهُ أَوْ أَعْطَيْتُهُ أَوْ دَعَوْتُ لَهُ وَ لَا يَكُونُ لَهَا أَهْلًا فَاجْعَلْ ذَلِكَ عَلَيْهِ عَذَابًا وَ وَبَالًا.

The book of Haseen Bin Saeed, and 'Al Nawadir' – from A'la, from Muhammad,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} (recommended a supplication as): 'O Allah^{-azwj!} But rather I^{-saww} am a mortal getting angry and pleased, and whichever believer whom I have deprived, distanced, or invoked against, Make that a means of expiation and purification for him, and any disbeliever whom I have drawn near, favoured, given, or supplicated for, while he is not deserving of it, then make that for him a torment and a burden!'³³⁷

³³⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 1

³³⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 2

³³⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 3

4- كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ عَنِ إِسْمَاعِيلِ بْنِ أَبَانَ عَنْ عَمْرِو بْنِ شِمْرٍ عَنْ سَالِمِ الْجُفَيْيِّ عَنِ الشَّعْبِيِّ قَالَ: وَجَدَ عَلِيٌّ عِندَ دِرْعَاءِ لَهْ عِنْدَ نَصْرَانٍ فَجَاءَ بِهِ إِلَى شُرَيْحٍ مُخَاصِمُهُ إِلَيْهِ فَلَمَّا نَظَرَ إِلَيْهِ شُرَيْحٌ ذَهَبَ يَتَنَحَّى وَ قَالَ مَكَانَكَ فَجَلَسَ إِلَى جَنْبِهِ وَ قَالَ يَا شُرَيْحُ أَمَا لَوْ كَانَ حُصْبِي مُسْلِمًا مَا جَلَسْتُ إِلَّا مَعَهُ وَ لَكِنَّهُ نَصْرَانِيٌّ

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafy, from Ismail Bin Aban, from Amro Bin Shimr, from Salim Al Jufy, from Al Shaby who said,

'Ali^{-asws} found a shield of his^{-asws} in the possession of a Christian. He^{-asws} came with him to Shureyh (the judge) bringing his^{-asws} dispute to him. When Shureyh looked at him he went on to move aside, and he^{-asws} said: 'Stay in your place!' He^{-asws} sat to his side and said: 'O Shureyh! If a Muslim had disputed me^{-asws}, I^{-asws} would not have sat except with him, but he is a Christian.

وَ قَالَ رَسُولُ اللَّهِ ص إِذَا كُنْتُمْ وَ إِيَّاهُمْ فِي طَرِيقٍ فَأَجْبُوهُمْ إِلَى مَضَائِقِهِ وَ صَعُّوا بِكُمْ كَمَا صَعَّرَ اللَّهُ بِكُمْ فِي غَيْرِ أَنْ تَطْلُمُوا

And Rasool-Allah^{-saww} had said: 'When you and them were in a road, drive them to its narrowness and belittle them just as Allah^{-azwj} has Belittle them without being oppressive'.

ثُمَّ قَالَ عَلِيٌّ ع إِنَّ هَذَا دِرْعِي لَمْ أَيْعَ وَ لَمْ أَهَبْ

Then Ali^{-asws} said: 'This is my^{-asws} shield, I^{-asws} did not sell nor did I^{-asws} gift!'

فَقَالَ لِلنَّصْرَانِيِّ مَا يَقُولُ أَمِيرُ الْمُؤْمِنِينَ

He (Shureyh) said to the Christian, 'What is Amir Al-Momineen^{-asws} saying?'

فَقَالَ النَّصْرَانِيُّ مَا الدَّرْعُ إِلَّا دِرْعِي وَ مَا أَمِيرُ الْمُؤْمِنِينَ عِنْدِي إِلَّا بِكَادِبٍ

The Christian said, 'The shield is not except my shield, and Amir Al-Momineen^{-asws} is not in my view except a liar!'

فَأَلْفَقَتْ شُرَيْحٌ إِلَى عَلِيٍّ ع فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ هَلْ مِنْ بَيِّنَةٍ

Shureyh turned to Ali^{-asws}. He said, 'O Amir Al-Momineen^{-asws}! Is there any proof?'

قَالَ لَا

He^{-asws} said: 'No!'

فَقَضَى بِمَا لِلنَّصْرَانِيِّ فَمَسَى هُنَيْئَةً ثُمَّ أَقْبَلَ فَقَالَ أَمَا أَنَا فَأَشْهَدُ أَنَّ هَذِهِ أَحْكَامُ النَّبِيِّينَ أَمِيرُ الْمُؤْمِنِينَ يَمْشِي بِي إِلَى قَاضِيهِ وَ قَاضِيهِ يَقْضِي عَلَيْهِ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ الدَّرْعُ وَ اللَّهُ دِرْعُكَ يَا أَمِيرَ الْمُؤْمِنِينَ

So, he judged with it to be for the Christian. The man walked a while, then came back. He said, 'As for me, I testify that this is the ruling of the Prophet^{-as}! Amir Al-Momineen^{-asws} walked with me to his^{-asws} judge, and his^{-asws} judged judges against him^{-asws}. I hereby testify that there is no god except Allah^{-azwj} Alone, there is no associate for Him^{-azwj}, and that Muhammad^{-saww} is His⁻

azwj servant and His-azwj Rasool-saww! By Allah-azwj, the shield is your-asws shield), O Amir Al-Momineen-asws!'

فَخَرَجَ مَعَ أَمِيرِ الْمُؤْمِنِينَ عَ إِلَى صِفِّينَ فَأَخْبَرَنِي مَنْ رَأَاهُ يُقَاتِلُ مَعَ عَلِيٍّ عَ الْحَوَارِجَ فِي النَّهْرَوَانَ.

He went out with Amir Al-Momineen-asws to (the battle of) Siffeen. The one who saw him informed me, he fought the Kharijites along with Ali-asws in (the battle of) Al-Naharwan'.³³⁸

5- ضا، فقه الرضا عليه السلام إِنَّ الْحُكْمَ فِي الدَّعَاوِي كُلِّهَا أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعِي وَ الْبَيِّنَ عَلَى الْمُدَّعَى عَلَيْهِ فَإِنْ نَكَلَ عَنِ الْبَيِّنِ لَزِمَهُ الْحُكْمُ فَإِنْ رَدَّ عَلَيْهِ فَالْبَيِّنُ عَلَى الْمُدَّعَى إِذَا لَمْ يَكُنْ لِلْمُدَّعَى شَاهِدَانِ فَلَوْ لَمْ يَخْلِفْ فَلَا حَقَّ لَهُ إِلَّا فِي الْحُدُودِ فَلَا يَمِينُ فِيهَا

(The book) 'Fiqh Al-Reza-asws', may the greeting be upon him-asws - 'Judgment in all claims is that the evidence is upon the claimant (to provide), and the oath is upon the defendant. If he refuses to take the oath, the judgment is binding upon him. If he returns the oath to the claimant, then the oath is upon the claimant if he does not have two witnesses. If he refuses to swear, then he has no right, except in cases of prescribed punishments, in which there is no oath.

وَ فِي الدَّمِ لِأَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعَى عَلَيْهِ وَ الْبَيِّنُ عَلَى الْمُدَّعَى لِأَنَّ بَيِّنَةَ دَمِ امْرِئٍ مُسْلِمٍ

And in cases of blood (murder), for in such cases the evidence is (to be proven) against the one being accused, and the oath is upon the claimant so that the blood of a Muslim may not be lost in vain.

وَ إِذَا ادَّعَى رَجُلٌ عَلَى رَجُلٍ عَقَارًا أَوْ حَيَوَانًا أَوْ غَيْرَهُ وَ أَقَامَ بِذَلِكَ بَيِّنَةً وَ أَقَامَ الَّذِي فِي يَدِهِ شَاهِدَيْنِ فَإِنَّ الْحُكْمَ فِيهِ أَنْ يُخْرَجَ الشَّيْءُ مِنْ يَدِ مَالِكِهِ إِلَى الْمُدَّعَى لِأَنَّ الْبَيِّنَةَ عَلَيْهِ

And if a man claims against another man ownership of property, livestock, or anything else, and brings forth evidence, while the one in possession also produces two witnesses, the judgment is that the property be taken from the possession of its holder and given to the claimant, because the evidence is against him.

فَإِنْ لَمْ يَكُنِ الْمَلِكُ فِي يَدَيْ أَحَدٍ وَ ادَّعَى فِيهِ الْخِصْمَانِ جَمِيعًا فَكُلُّ مَنْ أَقَامَ عَلَيْهِ شَاهِدَيْنِ فَهُوَ أَحَقُّ بِهِ فَإِنْ أَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا شَاهِدَيْنِ فَإِنَّ أَحَقَّ الْمُدَّعِيَيْنِ مَنْ عَدَلَ شَاهِدَاهُ فَإِنْ اسْتَوَى الشُّهُودُ فِي الْعَدَالَةِ فَأَكْثَرُهُمْ شُهُودًا يَخْلِفُ بِاللَّهِ وَ يُدْفَعُ إِلَيْهِ الشَّيْءُ وَ كُلَّمَا لَا يَتَهَيَّأُ فِيهِ الْإِشْهَادُ عَلَيْهِ فَإِنَّ الْحَقَّ فِيهِ أَنْ يُسْتَعْمَلَ فِيهِ الْفُرْعَةُ.

But if the property is in the possession of neither of them, and both parties claim it, then whoever brings two witnesses is more entitled to it. If both bring two witnesses, then the one whose witnesses are deemed more just is entitled to it. If the witnesses are equal in justice, then the one who has the greater number of witnesses shall swear by Allah-azwj, and the item

³³⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 4

shall be given to him. And in every matter where testimony cannot practically be established, the proper course is to resort to drawing lots (casting lots).³³⁹

6- وَ قَدْ رُوِيَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: فَأَيُّ قَضِيَّةٍ أَعْدَلُ مِنَ الْقُرْعَةِ إِذَا فُوضَ الْأَمْرُ إِلَى اللَّهِ لِقَوْلِهِ - فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ.

And it is reported from Abu Abdullah^{-asws} having said: 'Which judgment can be more just than drawing of the lots when the matter is delegated to Allah^{-azwj} due to His^{-azwj} Words: **So he drew lots with them and he was the one to be thrown off [37:141]**'.³⁴⁰

7- ل، الخصال أبي عن سعد بن الربيع عن البرزطي عن أبي جميلة عن إسماعيل بن أبي أويس عن ضمرة بن أبي ضمرة عن أبيه عن جدّه قال قال أمير المؤمنين ع جميع أحكام المسلمين تجري على ثلاثة أوجه شهادة عادلة أو يمين قاطعة أو سنة جارية من أئمة الهدى.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Al Barqy, from Al Bazanty, from Abu Jameela, from Ismail Bin Abu Oweys, from Zamrah Bin Abu Zamrah, from his father, from his grandfather having said: '

Amir Al-Momineen^{-asws} said: 'Entirety of the rulings of Muslims flow upon three perspectives – a just testimony, or a cutting oath, or a Sunnah (conduct) flowing from the Imams^{-asws} of guidance'.³⁴¹

8- ل، الخصال ابن الوليد عن الصفار عن ابن هاشم عن أبي جعفر المثري رفعه عن الصادق عن آبائه ع قال قال أمير المؤمنين ع خمسة أشياء يجب على القاضي الأخذ فيها بظاهر الحكم الولاية و المناكح و الموارث و الذبائح و الشهادات إذا كان ظاهر الشهود مأموناً جازت شهادتهم و لا يسأل عن باطنهم.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Ibn Hashim, from Abu Ja'far Al Muqry raising it,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Amir Al-Momineen^{-asws} said: 'Five things are obligated upon the judge to take in with the apparent ruling – the governance, and the marriages, and the inheritances, and the slaughters, and the testimonies. When the witnesses were apparently believers, their testimonies are allowed and he cannot ask about their esoteric (inner state)'.³⁴²

³³⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 5

³⁴⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 6

³⁴¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 7

³⁴² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 8

CHAPTER 13 – THE RULING UPON THE ABSENTEE AND THE DECEASED

1- ب، قرب الإسناد أبو البَحْرِيِّ عَنِ الصَّادِقِ ع عَنْ أَبِيهِ ع قَالَ قَالَ عَلِيُّ ع لَا يُقْضَى عَلَى غَائِبٍ.

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

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Ali^{-asws} said: 'There is no judgment (to be passed) upon an absentee'.³⁴³

باب 14 عقاب من أكل أموال الناس ظلماً أو سعى إلى السلطان بالباطل أو تولى خصومة ظالم أو منع مسلماً حقه

CHAPTER 14 – PUNISHMENT OF ONE WHO DEVOURS WEALTH OF THE PEOPLE UNJUSTLY, OR STRIVES (APPEALS) TO THE RULER WITH THE FALSEHOOD, OR TAKES CHARGE OF A DISPUTE BY AN UNJUST, OR PREVENTING A MUSLIM FROM HIS RIGHT

1- لي، الأماالي للصدوق في خبر المناهي أنه قال النبي ص من تولى خصومة ظالم أو أعان عليها ثم نزل به ملك الموت قال له أبشرك بلعنة الله و نار جهنم و بقس المصير

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions, the Prophet^{-saww} said: 'One who takes charge of a dispute of an unjust one, or assists upon it, then the Angel of death descends to him, will say to him: 'Receive news of the Curse of Allah^{-azwj} and Fire of Hell, and the evil destination!''

و قَالَ مَنْ دَلَّ جَائِراً عَلَى جَوْرِ كَانَ قَرِيناً هَامَاناً فِي جَهَنَّمَ.

And the one who points (guides/assists) a tyrant upon tyranny would be paired with Haman^{-la} in Hell'.³⁴⁴

2- وَ قَالَ: مَنْ حَبَسَ عَنِ أَحِيهِ الْمُسْلِمِ شَيْئاً مِنْ حَقِّهِ حَرَّمَ اللَّهُ عَلَيْهِ بَرَكَةَ الرِّزْقِ إِلَّا أَنْ يَتُوبَ.

And he^{-saww} said: 'One who withholds from his Muslim brother something from his right, Allah^{-azwj} will Prohibited upon him the Blessings of sustenance except if he repents'.³⁴⁵

3- وَ قَالَ: مَنْ يُبْطِلُ عَلَى ذِي حَقِّ حَقَّهُ وَ هُوَ يُقْدِرُ عَلَى آدَاءِ حَقِّهِ فَعَلَيْهِ كُلُّ يَوْمٍ حَطِيئَةٌ عَشْرًا.

³⁴³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 13 H 1

³⁴⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 1

³⁴⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 2

And he^{-saww} said: ‘One who nullifies upon someone with a right of his right while he is able upon paying his right, upon him is a sin of the tax collector every day’.³⁴⁶

4- ب، قرب الإسناد هارون عن ابن زياد عن الصادق ع عن أبيه ع قال قال رسول الله ص إن شر الناس يوم القيامة المثلث

(The book) ‘Qurb Al Isnaad’ – Haroun, from Ibn Ziyad,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: ‘Rasool-Allah^{-saww} said: ‘The evillest of people on the Day of Qiyamah will be the ‘Musallis’.

قيل يا رسول الله و ما المثلث

It was said, ‘O Rasool-Allah^{-saww}, and what is the ‘Musallis’?’

قال الرجل يسعى بأخيه إلى إمامه فيقتله فيهلك نفسه وأخاه وإمامه.

He^{-saww} said: ‘The man striving (informing) with his brother to his imam, so he kills him. Thus, he destroys himself, and his brother and his imam’.³⁴⁷

5- ل، الخصال أبي عن علي عن أبيه عن ابن أبي عمير رفعه إلى أبي عبد الله ع قال: الساعي قاتل ثلاثة قاتل نفسه و قاتل من سعى به و قاتل من يسعى إليه.

(The book) ‘Al Khisaal’ – My father, from Ali, from his father, from Ibn Abu Umeyr raising it to,

Abu Abdullah^{-asws} said: ‘The striver (informant) is a killer of three. Killer of his soul, and killer of the one he had informed with, and killer of the one he had strived (informed) to’.³⁴⁸

6- ل، الخصال أبي عن محمد العطار عن الأشعري عن سهل عن محمد بن سنان عن المفضل عن يونس بن زبيب قال قال أبو عبد الله ع المحمدية السمحة إقام الصلاة و إيتاء الزكاة و صيام شهر رمضان و حج البيت و الطاعة للإمام و أداء حقوق المؤمنين فإن من حبس حق المؤمن أقامه الله يوم القيامة خمسمائة عام على رجله حتى يسيل من عرقه أودية ثم يُنادي مُنادٍ من عند الله جلَّ جلاله هذا الظالم الذي حبس عن الله حقه

(The book) ‘Al Khisaal’ – My father, from Muhammad Al Attar, from Al Ash’ary, from Sahl, from Muhammad Bin Sinan, from Al Mufazzal, from Yunus Bin Zabyan who said,

‘Abu Abdullah^{-asws} said: ‘Tolerant Muhammadan way is establishing the Salat, and giving the Zakat, and fasting month of Ramazan, and (performing) Hajj of the House (Kaaba), and obedience to the Imam^{-asws}, and paying rights of the Momin, for the one who withholds a right of the Momin will be made to stand on the Day of Qiyamah for five hundred years upon his legs until valleys of sweat flows. Then a caller will call out from the Presence of Allah^{-azwj}, Majestic is His^{-azwj} Majesty: ‘This is the unjust one who had withheld from Allah^{-azwj} His^{-azwj} Right!’

³⁴⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 3

³⁴⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 4

³⁴⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 5

قَالَ فَيُؤْتِيهِمْ أَرْبَعِينَ عَامًا ثُمَّ يُؤْمَرُ بِهِ إِلَى نَارِ جَهَنَّمَ.

He^{-asws} said: 'He will be rebuked for forty years, then Commanded with to the Hellfire!'³⁴⁹

7- ثَوَابُ الْأَعْمَالِ لِي، الْأَمَالِي لِلصَّدُوقِ ابْنِ مُوسَى عَنِ الْأَسَدِيِّ عَنِ النَّوْفَلِيِّ عَنِ خُفْصِ بْنِ الْيَاقِينِ عَنِ أَبِي بَرزَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعَةٌ يُؤَذُّونَ أَهْلَ النَّارِ عَلَى مَا يَجْمَعُونَ مِنَ الْأَذَى يُسْتَقَوْنَ مِنَ الْحَمِيمِ وَالْجَحِيمِ يُنَادُونَ بِالْوَيْلِ وَالْتُبُّورِ يَقُولُ أَهْلُ النَّارِ بَعْضُهُمْ لِبَعْضٍ مَا بَالُ هَؤُلَاءِ الْأَرْبَعَةِ قَدْ آذَوْنَا عَلَى مَا بَنَا مِنَ الْأَذَى

(The book) 'Sawab Al Amaal', (and) 'Al Amaali' of Al Sadouq – Ibn Musa, from Al Asady, from Al Nakhaie, from Al Nowfaly, from Hafs,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}, having said: 'Rasool-Allah^{-saww} said: 'Four will be tormenting the people of Hellfire on top of whatever torment will be with them. They will be quenched from the boiling water and the blazing fire. They will be calling out for the woe and the ruination. The people of the Hellfire will say to each other, 'What is the matter with these four? They are tormenting us on top of what torment is already with us!'

فَرَجُلٌ مُعَلَّقٌ فِي النَّابُوتِ مِنْ جَمْرٍ وَ رَجُلٌ يَجْرُ أَمْعَاءُهُ وَ رَجُلٌ يَسِيلُ فُوهَهُ فَيْحًا وَ دَمًا وَ رَجُلٌ يَأْكُلُ لَحْمَهُ

(They will see) A man is hanging from a coffin by burning coals, a man is dragging his intestines, a man has pus and blood flowing from his mouth, and a man is eating his own flesh.

فَقِيلَ لِصَاحِبِ النَّابُوتِ مَا بَالُ الْأَبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأَبْعَدَ قَدْ مَاتَ وَ فِي عُنُقِهِ أَمْوَالُ النَّاسِ لَمْ يَجِدْ لَهَا فِي نَفْسِهِ آدَاءً وَ لَا وَفَاءً

It will be said to the master of the coffin, 'What is the matter with this wretch? He is tormenting us on top of what torment there is with us!' (The occupier of the coffin) will say: 'The wretch had died while in his neck was wealth of the people. He neither felt for it within himself to repay nor (showed) any loyalty!'

ثُمَّ يُقَالُ لِلَّذِي يَجْرُ أَمْعَاءُهُ مَا بَالُ الْأَبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأَبْعَدَ كَانَ لَا يُبَالِي أَيَّنَ أَصَابَ الْبُولُ مِنْ جَسَدِهِ

Then it will be said to the one dragging his intestines, 'What is the matter with the wretch? He is tormenting us on top of the torment there is with us?' He (the master of the coffin) will say, 'The wretch had not cared when the urine from his body had hit!'

ثُمَّ يُقَالُ لِلَّذِي يَسِيلُ فُوهَهُ فَيْحًا وَ دَمًا مَا بَالُ الْأَبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأَبْعَدَ كَانَ يُحَاكِي فَيَنْظُرُ إِلَى كُلِّ كَلِمَةٍ حَبِيئَةٍ فَيَسْبُدُهَا وَ يُحَاكِي بِهَا

Then it will be said to the one whose mouth will be overflowing with vomit and blood, 'What is the matter with the wretch? He is tormenting us on top of what torment there is with us!'

³⁴⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 6

He (the master of the coffin) will say, 'The wretch used to imitate others. Whenever he heard an evil or vile word, he would repeat it and imitate it!'

ثُمَّ يُقَالُ لِلَّذِي كَانَ يَأْكُلُ لَحْمَهُ مَا بَالَ الْأُبْعَدِ قَدْ آذَانَا عَلَى مَا بَنَا مِنَ الْأَذَى فَيَقُولُ إِنَّ الْأُبْعَدَ كَانَ يَأْكُلُ لَحْمَ النَّاسِ بِالْغَيْبَةِ وَ يَتَشَبَّهِ بِالتَّمِيمَةِ.

Then it will be said to the one who would be eating his own flesh, 'What is the matter with the wretch? He is tormenting us on top of what torment there is with us!' He will say, 'The wretch had been eating flesh of the people with the backbiting and walking with the gossiping'.³⁵⁰

8- ثواب الأعمال ابْنُ الْمُتَوَكَّلِ عَنِ الْحَمَيْرِيِّ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ مُحَمَّدِ بْنِ هِشَامٍ عَنِ هِشَامِ بْنِ سَالِمٍ عَنِ الْحَدَّاءِ قَالَ قَالَ أَبُو جَعْفَرٍ ع قَالَ رَسُولُ اللَّهِ ص مَنْ افْتَتَعَ مَالَ مُؤْمِنٍ غَضَبًا بَعِيرَ حَقِّهِ لَمْ يَزَلِ اللَّهُ عَزَّ وَ جَلَّ مُعْرِضًا عَنْهُ مَا قَتْنَا لِأَعْمَالِهِ الَّتِي يَعْمَلُهَا مِنَ الْبِرِّ وَ الْحَيْرِ - لَا يُبْتِنُّهَا فِي حَسَنَاتِهِ حَتَّى يَتُوبَ وَ يَرُدَّ الْمَالَ الَّذِي أَخَذَهُ إِلَى صَاحِبِهِ.

(The book) 'Sawab Al Amaal' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Mahboub, from Hisham Bin Salim, from Al Haza'a who said,

'Abu Ja'far^{-asws} said: 'Rasool-Allah^{-saww} said: 'One who cuts (steals) wealth of a Momin in usurpation without his right, Allah^{-saww} Mighty and Majestic will not cease to be Turned away from him in disdain of his deeds which he had worked, from the righteous and the good. He^{-azwj} will not Reward these as his good deeds until he repents and returns the wealth which he had taken, back to its owner'.³⁵¹

9- ثواب الأعمال ماجيلونيه عَنْ عَلِيِّ عَنِ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ الصَّادِقِ عَنِ آبَائِهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَكْبَرُ الْخَطَايَا اقْتِطَاعُ مَالِ امْرِئٍ مُسْلِمٍ بِغَيْرِ حَقِّ.

(The book) 'Sawab Al Amaal' – Majaylawiya, from Ali, from his father, from Al Nowfaly, from Al Sakuni,

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws}, having said: 'Amir Al-Momineen^{-asws} said: 'Mightiest of the sins is cutting out (stealing) wealth of a Muslims person without right'.³⁵²

10- ضا، فقه الرضا عليه السلام أُرْوِي أَنَّهُ إِذَا كَانَ يَوْمُ الْقِيَامَةِ دَفَعَ اللَّهُ أَعْمَالَ قَوْمٍ كَأَمْثَالِ الْقَبَاطِيِّ فَيَقُولُ اللَّهُ اذْهَبُوا وَ خُذُوا أَعْمَالَكُمْ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – 'It is reported that when it will be the Day of Qiyamah, Allah^{-azwj} will Hand over the deeds of a people, for example the Coptic's. Allah^{-azwj} will Say: "Go and take your deeds!"

When they go near it, Allah^{-azwj} Mighty and Majestic will Say: "Be dust particles!" So it would become dust particles, and it is His^{-azwj} Word: **And We will proceed to what they have done of a deed, so We shall Make it as scattered floating dust [25:23]**'.

³⁵⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 7

³⁵¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 8

³⁵² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 9

فَإِذَا دَنَوْا مِنْهَا قَالَ اللَّهُ جَلٌّ وَ عَزٌّ كُنْ هَبَاءً فَصَارَتْ هَبَاءً وَ هُوَ قَوْلُهُ- وَ قَدِمْنَا إِلَى مَا عَمِلُوا مِنْ عَمَلٍ فَجَعَلْنَاهُ هَبَاءً مَثُورًا ثُمَّ قَالَ أَمَا وَ اللَّهُ لَقَدْ كَانُوا يُصَلُّونَ وَ يَصُومُونَ وَ لَكِنْ إِذَا عَرَضَ لَهُمُ الْحَرَامُ كَانُوا يَأْخُذُونَ وَ لَمْ يُبَالُوا.

Then he^{-asws} said: 'But, by Allah^{-azwj}! They would have been praying Salat and fasting, but whenever the Haraam (prohibition) was presented to them, they would take and did not care!'³⁵³

11- جمع، جامع الأخبار قَالَ رَسُولُ اللَّهِ ص دَرَاهِمٌ يَرُدُّهُ الْعَبْدُ إِلَى الْخِصْمَاءِ خَيْرٌ لَهُ مِنْ عِبَادَةِ أَلْفِ سَنَةٍ وَ خَيْرٌ لَهُ مِنْ عِنَقِ أَلْفِ رَقَبَةٍ وَ خَيْرٌ لَهُ مِنْ أَلْفِ حِجَّةٍ وَ عُمْرَةٍ.

(The book) 'Jamie Al Akhbar' -

Rasool-Allah^{-saww} said: 'A Dirham the servant returns to the disputant is better for him than worship of a thousand years, and better for him than liberating a thousand necks, and better for him than (performing) a thousand Hajj and Umrah'.³⁵⁴

12- وَ قَالَ ع مَنْ رَدَّ دِرْهَمًا إِلَى الْخِصْمَاءِ أَعْتَقَ اللَّهُ رَقَبَتَهُ مِنَ النَّارِ وَ أَعْطَاهُ بِكُلِّ دَانِقٍ ثَوَابَ نَبِيٍّ وَ بِكُلِّ دِرْهَمٍ مَدِينَةً مِنْ دُرَّةٍ حُمْرَاءَ.

And he^{-asws} said: 'One who returns a Dirham to the disputant, Allah^{-azwj} will Liberate his neck from the Fire, and Give him Rewards of a Prophet^{-saww} with every Daniq (penny), and with every Dirham a city of red gems'.³⁵⁵

13- وَ قَالَ ع مَنْ رَدَّ أَدْنَى شَيْءٍ إِلَى الْخِصْمَاءِ جَعَلَ اللَّهُ بَيْنَهُ وَ بَيْنَ النَّارِ تَرَاكُمَا بَيْنَ السَّمَاءِ وَ الْأَرْضِ وَ يَكُونُ فِي عِدَادِ الشُّهَدَاءِ.

And he^{-asws} said: 'One who returns the least thing to the disputant, Allah^{-azwj} will Make a barrier like what is between the sky and the earth, and he would be counted among the martyrs'.³⁵⁶

14- وَ قَالَ ع مَنْ أَرْضَى الْخِصْمَاءَ مِنْ نَفْسِهِ وَ حَبَّتْ لَهُ الْجَنَّةُ يَغْيِرُ حِسَابٍ وَ يَكُونُ فِي الْجَنَّةِ مَدَائِنٌ مِنْ نُورٍ وَ عَلَى الْمَدَائِنِ أَبْوَابٌ مِنْ ذَهَبٍ مُكَلَّلٌ بِالذُّرِّ وَ الْبَابُوتِ وَ فِي جُوفِ الْمَدَائِنِ قَبَابٌ مِنْ مِسْكِ وَ زَعْفَرَانٍ مَنْ نَظَرَ إِلَى تِلْكَ الْمَدَائِنِ يَتَمَنَّى أَنْ يَكُونَ لَهُ مَدِينَةٌ مِنْهَا

And he^{-asws} said: 'One who pleases the disputant from himself, the Paradise will be obligated for him without Reckoning, and there will be in the Paradise cities of light, and at the cities are gates of gold embedded with the gems and the rubies, and in the interior of the cities are domes (dunes) of Musk and Saffron. One who looks at those cities will wish that there be a city for him from these'.

قَالُوا يَا نَبِيَّ اللَّهِ لِمَنْ هَذِهِ الْمَدَائِنُ

They said, 'O Prophet^{-saww} of Allah^{-azwj}! For whom are these cities?'

³⁵³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 10

³⁵⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 11

³⁵⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 12

³⁵⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 13

قَالَ لِلتَّائِبِينَ النَّادِمِينَ الْمُحْصِمِينَ الْحُصَمَاءَ مِنْ أَنْفُسِهِمْ فَإِنَّ الْعَبْدَ إِذَا رَدَّ دِرْهَمًا إِلَى الْحُصَمَاءِ أَكْرَمَهُ اللَّهُ كِرَامَةً سَبْعِينَ شَهِيدًا فَإِنَّ دِرْهَمًا يُرَدُّ الْعَبْدَ إِلَى الْحُصَمَاءِ خَيْرٌ لَهُ مِنْ صِيَامِ النَّهَارِ وَ قِيَامِ اللَّيْلِ وَ مَنْ رَدَّ دِرْهَمًا نَادَاهُ مَلَكٌ مِنْ تَحْتِ الْعَرْشِ يَا عَبْدَ اللَّهِ اسْتَأْنِفِ الْعَمَلَ فَقَدْ غُفِرَ لَكَ مَا تَقَدَّمَ مِنْ ذَنْبِكَ.

He^{-saww} said: 'For the repentant, the remorseful, the ones having pleased the disputants from themselves, for the servant, when he returns a Dirham to the disputant, Allah^{-azwj} will Honour him with honours of seventy martyrs. A Dirham the servant returns to the disputant is better for him than fasting the day and standing (praying Salat) at night, and the one who returns a Dirham, and Angels calls out from beneath the Throne: 'O servant of Allah^{-azwj}! Resume the deeds, for it has been Forgiven for you whatever you had sent ahead of your sins!'³⁵⁷

15- **وَ قَالَ ع** مَنْ بَاتَ غَيْرَ تَائِبٍ زَفَرَتْ جَهَنَّمُ فِي وَجْهِهِ ثَلَاثَ زَفَرَاتٍ فَأَوَّلُهَا لَا يَبْقَى دَمْعَةٌ إِلَّا جَرَتْ عَنْ عَيْنَيْهِ وَ الرَّفْرُؤُ الثَّانِيَةُ لَا يَبْقَى دَمٌ إِلَّا خَرَجَ مِنْ مَنْخَرِيهِ وَ الرَّفْرُؤُ الثَّلَاثَةُ لَا يَبْقَى قَيْحٌ إِلَّا خَرَجَ مِنْ فِيهِ

And he^{-asws} said: 'One who spends a night without repenting, Hell will puff, in his face, three exhalations. At its first, there will not remain any tear except it would flow from his eyes, and at the second exhalation there will not remain any blood except it will emerge from his nostrils, and at the third exhalation there will not remain any vomit except it will emerge from his mouth!

فَرَحِمَ اللَّهُ مَنْ تَابَ ثُمَّ أَرْضَى الْحُصَمَاءَ فَمَنْ فَعَلَ فَأَنَا كَفِيلُهُ بِالْجَنَّةِ.

May Allah^{-azwj} Mercy the one who repents, then pleases the disputant. The one does so, I^{-asws} am his guarantor for the Paradise!³⁵⁸

16- **وَ قَالَ النَّبِيُّ** ص لَرْدُ دَانِيٍّ مِنْ حِرَامٍ يُعْدِلُ عِنْدَ اللَّهِ سَبْعِينَ أَلْفَ حِجَّةٍ مَبْرُورَةٍ.

And the Prophet^{-saww} said: 'Returning an unlawful Daniq (penny) equates in the Presence of Allah^{-azwj} to seventy thousand accomplished Hajj'.³⁵⁹

17- **نَبِيهِ، تَنْبِيهِ الْخَاطِرِ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ كَانَ أَبُو عَبْدِ اللَّهِ ع يَقُولُ كَانَ أَمِيرُ الْمُؤْمِنِينَ ع يَقُولُ لَيْسَ بِيَوْمِي لَنَا مِنْ أَكَلِ مَالِ مُؤْمِنٍ حَرَامًا.**

(The book) 'Tanbeeh Al Khatir' – Sama'at Bin Mihran who said,

'Abu Abdullah^{-asws} had said: 'Amir Al-Momineen^{-asws} had said: 'He isn't a friend (follower) of ours^{-asws}, the one who devours wealth of a Momin unlawfully!³⁶⁰

18- **أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ ص قَالَ:** مَنْ حَبَسَ حَقَّ الْمُؤْمِنِ أَقَامَهُ اللَّهُ يَوْمَ الْقِيَامَةِ حَمْسَمِائَةَ عَامٍ عَلَى رَجُلَيْهِ حَتَّى يَسِيلَ مِنْ عَرْقِهِ أَوْدِيَّةٌ وَ يُنَادِي مُنَادٍ مِنْ عِنْدِ اللَّهِ هَذَا الظَّالِمُ الَّذِي حَبَسَ حَقَّ الْمُؤْمِنِ وَ يُؤْمَرُ بِهِ إِلَى النَّارِ.

(The book) 'A'lam Al Deen' -

³⁵⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 14

³⁵⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 15

³⁵⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 16

³⁶⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 17

From the Prophet^{-saww} having said: ‘One who withholds the right of a Momin, on the Day of Qiyamah, Allah^{-azwj} will Make him stand for five hundred years upon his legs until valleys of sweat flow from him, and a caller will call out from the Presence of Allah^{-azwj}: ‘This is the unjust one who withheld the right of a Momin!’, and he will be Commanded with to the Fire’.³⁶¹

[باب 15 نوادر القضاء](#)

CHAPTER 15 – MISCELLANEOUS (REGARDING) THE JUDGMENTS

1- ص، قصص الأنبياء عليهم السلام بالإسناد إلى الصدوق عن أبيه عن سعد بن ابن محبوب عن مالك بن عطية عن الثمالي عن أبي جعفر ع قال: كان في بني إسرائيل رجل عاقل كثير المال وكان له ابن يشبهه في السمائل من زوجة عفيفة وكان له ابنان من زوجة غير عفيفة فلما حضرته الوفاة قال لهم هذا مالي لواحد منكم

(The book) ‘Qasas Al Anbiya^{-as}’, may the greeting be upon him^{-asws} – By the chain to Al Sadouq, from his father, from Sa’ad, from Ibn Mahboub, from Malik Bin Atiyya, from Al Sumali,

From Abu Ja’far^{-asws} having said: ‘There was an intellectual among the children of Israel having a lot of wealth, and there was a son for him resembling him in appearance from a chaste wife, and there were (also) two sons for him from an unchaste wife. When the expiry presented to him, he said to them, ‘This is my wealth for one of you!’

فَلَمَّا تُوِّفِيَ قَالَ الْكَبِيرُ أَنَا ذَلِكَ الْوَاحِدُ وَقَالَ الْاَوْسَطُ أَنَا ذَلِكَ وَقَالَ الْأَصْغَرُ أَنَا ذَلِكَ

When he expired, the elder said, ‘I am that one!’, and the middle one said, ‘I am that!’, and the young one said, ‘I am that!’

فَاخْتَصَمُوا إِلَى قَاضِيهِمْ قَالَ لَيْسَ عِنْدِي فِي أَمْرِكُمْ شَيْءٌ أَنْطَلِقُوا إِلَى بَنِي غَنَامِ الْإِخْوَةَ الثَّلَاثِ

They brought the dispute to their judge. He said, ‘There isn’t anything with me regarding your matter. Go to the clan of Ghanam of the three brothers!’

فَأْتَتْهُمَا إِلَى وَاحِدٍ مِنْهُمُ فَرَأَوْا شَيْخًا كَبِيرًا فَقَالَ لَهُمُ ادْخُلُوا إِلَى أَخِي فَلَانَ فَهَوَ أَكْبَرُ مِنِّي فَاسْأَلُوهُ

They ended up to one of them. They saw him as an aged man. He said to them, ‘Enter to see my brother so and so, for he is older than me, and ask him!’

فَدَخَلُوا عَلَيْهِ فَخَرَجَ شَيْخٌ كَهْلٌ فَقَالَ سَلُوا أَخِي الْأَكْبَرَ مِنِّي

They entered to see him. An elderly man of middle age came out. He said, ‘As my brother is older than me!’

³⁶¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 18

فَدَخَلُوا عَلَى الثَّالِثِ فَإِذَا هُوَ فِي الْمَنْظَرِ أَصْعَرَ فَسَأَلُوهُ أَوَّلًا مِنْ خَالِهِمْ ثُمَّ مُسْتَبِينًا لَهُمْ فَقَالَ أَمَّا أَحْيَى الَّذِي رَأَيْتُمُوهُ أَوَّلًا هُوَ الْأَصْعَرُ وَإِنَّ لَهُ امْرَأَةً سَوَّءَ نَسْوُهُ
وَ قَدْ صَبَرَ عَلَيْهَا خَافَةَ أَنْ يُتَلَّى بِبَلَاءٍ لَا صَبْرَ لَهُ عَلَيْهِ فَهَرَمَتْهُ

They entered to see the third, and behold, he was the youngest in looks. Firstly, they asked him about their state, then it became clear to them. He said, 'As for my brother, the one whom you saw first, he is the youngest, and there is an evil wife for him worsening him, and he has been patient upon her, fearing that he might be afflicted with an affliction there will be no patience for him over it, so it has aged him.

وَ أَمَّا الثَّانِي أَحْيَى فَإِنَّ عِنْدَهُ زَوْجَةً نَسْوُهُ وَ تَسْرُهُ وَ هُوَ مُمْتَسِكُ الشَّبَابِ وَ أَمَّا أَنَا فَزَوْجَتِي تَسْرُنِي وَ لَا تَسْوُونِي لَمْ يَلْزَمْنِي مِنْهَا مَكْرُوهٌ قَطُّ مُنْذُ صَحَبْتَنِي
فَسَبَّابِي مَعَهَا مُتَمَسِكٌ

And as for my second brother, there is a wife with him, worsening him and cheering him, and he has held on to the youthfulness; and as for my wife, she cheers me and does not worsen me. No abhorrence has come to me from her at all since she has accompanied me, so my youthfulness with her has adhered.

وَ أَمَّا حَدِيثُكُمْ الَّذِي هُوَ حَدِيثُ أَبِيكُمْ انْطَلِقُوا أَوَّلًا وَ بَعِثُوا قَبْرَهُ وَ اسْتَخْرِجُوا عِظَامَهُ وَ أَخْرِفُوهَا ثُمَّ عُودُوا لِأَقْضِي بَيْنَكُمْ

And as for your narration which is narration of your father, firstly go and exhume his grave and extract his bones and incinerate these, then return and I will judge between you all!

فَانْصَرَفُوا فَأَخَذَ الصَّيْبِيُّ سَيْفَ أَبِيهِ وَ أَخَذَ الْأَخْوَانُ الْمَعَاوِلَ فَلَمَّا هَمَّا بِذَلِكَ قَالَ لَهُمُ الصَّغِيرُ- لَا تُبْعِثُوا قَبْرَ أَبِي وَ أَنَا أَدْعُ لَكُمْ حِصَّتِي

They left. The young one grabbed a sword of his father while the two brother took the pickaxe. When they were both with that (to dig up the grave), the young one said to them, 'Do not exhume the grave of my father and I shall leave my share for you two!'

فَانْصَرَفُوا إِلَى الْقَاضِي فَقَالَ يُشْفِعُكُمْ هَذَا اثْنُونِي بِالْمَالِ

They left to go to the judge. He said, 'This one has contented you both. Bring me the wealth!'

فَقَالَ لِلصَّغِيرِ خُذِ الْمَالَ فَلَوْ كَانَا ابْنَيْهِ لَدَخَلْتُمَا مِنَ الرِّقَّةِ كَمَا دَخَلَ عَلَى الصَّغِيرِ.

He said to the young one, 'Take the wealth, for had they been his (true) sons, the kindness would have entered them just as it had entered upon the young one!'³⁶²

2- ص، قصص الأنبياء عليهم السلام بالإِسْنَادِ إِلَى الصَّدُوقِ عَنْ أَبِيهِ عَنْ سَعْدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ
ع قَالَ: كَانَ عَلَى عَهْدِ دَاوُدَ ع سَلْسِلَةٌ يَتَحَاكَمُ النَّاسُ إِلَيْهَا وَ إِنَّ رَجُلًا أُودِعَ رَجُلًا جَوْهَرًا فَجَحَدَهُ إِيَّاهُ فَدَعَاهُ إِلَى السَّلْسِلَةِ فَذَهَبَ مَعَهُ إِلَيْهَا وَ قَدْ أُدْخِلَ
الجَوْهَرَ فِي قَنَاقَةٍ

³⁶² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 1

(The book) 'Qasas Al Anbiya^{-as}', may the greeting be upon them^{-as} – By the chain to Al Sadouq, from his father, from Sa'ad, from Ibn Isa, from Ali Bin Al Hakam, from Hisham Bin Salim,

From Abu Abdullah^{-asws} having said: 'There was a chain in the era of Dawood^{-as}, the people used to come to for judgment, and a man had deposited a jewel with a man, but he denies it to him. He called him to the chain. He went with him to it, and he had inserted the jewel in a tube.

فَلَمَّا أَرَادَ أَنْ يَتَنَاوَلَ السِّلْسِلَةَ

When he wanted to grab the chain, he said to him, 'Hold this tube until I grab the chain!'

قَالَ لَهُ أَمْسِكْ هَذِهِ الْقِنَاءَةَ حَتَّى آخِذَ السِّلْسِلَةَ فَأَمْسِكَهَا وَ دَنَا الرَّجُلُ مِنَ السِّلْسِلَةِ فَتَنَاوَلَهَا وَ أَخَذَهَا وَ صَارَتْ فِي يَدِهِ

He held it, and the man went near the chain. He took it and grabbed it and it came to be in his hand.

فَأَوْحَى اللَّهُ تَعَالَى إِلَى دَاوُدَ عَ أَنْ اخْكُمْ بَيْنَهُم بِالْبَيِّنَاتِ وَ أَضِفْهُمْ إِلَى اسْمِي يَخْلِفُونَ بِهِ وَ رُفِعَتِ السِّلْسِلَةُ.

Allah^{-azwj} the Exalted Revealed to Dawood^{-as}: "Judge between them with the proofs, and call them to My^{-azwj} Name to be swearing by!", and the chain was lifted'.³⁶³

3- ختص، الإختصاص أبو أحمد عن رجل عن أبي عبد الله أو أبي جعفر ع قال: اجتمع رجلان يتعديان مع واحد ثلاثة أرغفة و مع واحد خمسة أرغفة

(The book) 'Al Ikhtisas' – Abu Ahmad, from a man,

From Abu Abdullah^{-asws} or Abu Ja'far^{-asws} having said: 'Two men gathered to have breakfast. With one there were three breads, and with one were five breads'.

قَالَ فَمَرَّ بِهِمَا رَجُلٌ فَقَالَ سَلَامٌ عَلَيْكُمَا

He^{-asws} said: 'A man passed by them. He said, 'Greeting be upon you both!'

فَقَالَا وَ عَلَيْكَ السَّلَامُ الْعِدَاءَ رَجَمَكَ اللَّهُ

They said, 'And upon you be the greeting! The breakfast, may Allah^{-azwj} Mercy you!'

فَقَالَ فَفَعَدَ وَ أَكَلَ مَعَهُمَا فَلَمَّا فَرَغَ قَامَ وَ طَرَحَ إِلَيْهِمَا ثَمَانِيَةَ دَرَاهِمَ

He^{-asws} said: 'He sat down and ate with them. When he was free, he stood up and gave eight Dirham to them. He said, 'This is a compensation to you both for what I have eaten from your food'.

³⁶³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 2

فَقَالَ هَذِهِ عَوْضٌ لَكُمْ بِمَا أَكَلْتُمْ مِنْ طَعَامِكُمْ قَالَ فَتَنَازَعَا بِهَا فَقَالَ صَاحِبُ الثَّلَاثَةِ الرَّيْفُ لِي وَ الرَّيْفُ لَكَ وَ قَالَ صَاحِبُ الْخَمْسَةِ لِي خَمْسَةٌ بِقَدْرِ خَمْسَتِي وَ لَكَ ثَلَاثَةٌ بِقَدْرِ ثَلَاثَتِكَ

He^{-asws} said: 'They disputed with it. The owner of the three (breads) said, 'The half is for me and the half is for you!', and the owner of the five said, 'For me are five in accordance with my five (breads), and for you are three due to your three (breads)'.

فَأَبَيَا وَ تَنَازَعَا حَتَّى ارْتَفَعَا إِلَى أَمِيرِ الْمُؤْمِنِينَ عَ فَاقْتَصَا عَلَيْهِ الْقِصَّةَ فَقَالَ إِنَّ هَذَا الْأَمْرَ الَّذِي أَنْتُمَا فِيهِ دِينٌ وَ لَا يَنْبَغِي أَنْ تَرْفَعَا فِيهِ إِلَى حَكِيمٍ

They refused each other and disputed until they raised (the case) to Amir Al-Momineen^{-asws}. They narrated the story to him^{-asws}. He^{-asws} said: 'This matter which you are (disputing) in is lowly and it is not befitting for you to raise it to a judge'.

ثُمَّ أَقْبَلَ عَلَيَّ عَ إِلَى صَاحِبِ الثَّلَاثَةِ فَقَالَ أَرَى أَنَّ صَاحِبَكَ قَدْ عَرَضَ عَلَيْكَ أَنْ يُعْطِيكَ ثَلَاثَةً وَ خُبْرُهُ أَكْثَرُ مِنْ خُبْرِكَ فَارْضَ بِهِ

Then Ali^{-asws} turn to owner of the three. He said: 'Your companions have presented to you that he should give you three (Dirhams) and his bread was more than your bread, so be pleased with it'.

فَقَالَ لَا وَ اللَّهُ يَا أَمِيرَ الْمُؤْمِنِينَ لَا أَرْضَى إِلَّا بِمُرِّ الْحَقِّ

He said, 'No, by Allah^{-azwj}, O Amir Al-Momineen^{-asws}! I will not agree except with the full right'.

قَالَ فَإِنَّمَا لَكَ فِي مَرِّ الْحَقِّ دِرْهَمٌ فَخُذْ دِرْهَمًا وَ أَعْطِهِ سَبْعَةً

He^{-asws} said: 'But rather, for you in the full right would be (one) Dirham, so take a Dirham and give him seven!'

فَقَالَ سُبْحَانَ اللَّهِ يَا أَمِيرَ الْمُؤْمِنِينَ عَرَضَ عَلَيَّ ثَلَاثَةٌ فَأَبَيْتُ وَ أَحَدٌ وَاحِدًا

He said, 'Glory be to Allah^{-azwj}, O Amir Al-Momineen^{-asws}! He presented three to me and I refused, and I should take one?'

فَقَالَ عَرَضَ ثَلَاثَةٌ لِلصُّلْحِ فَخَلَفْتُمْ أَنْ لَا تَرْضَى إِلَّا بِمُرِّ الْحَقِّ وَ إِنَّمَا لَكَ بِمُرِّ الْحَقِّ دِرْهَمٌ

He^{-asws} said: 'Present three (Dirhams) for the reconciliation. Swear an oath that you will not agree except with the full right, and rather for you, the full right is a Dirham!'

قَالَ فَأَوْفُقْنِي عَلَى هَذَا

He said, 'Make me understand this'.

قَالَ أَلَيْسَ تَعْلَمُ أَنَّ ثَلَاثَتَكَ تِسْعَةُ أَثْلَاثٍ

He^{-asws} said: 'Don't you know that your three is of nine thirds?'

قَالَ بَلَى

He said, 'Yes'.

قَالَ أَوْ لَيْسَ تَعْلَمُ أَنَّ خَمْسَةَ خَمْسَةَ عَشَرَ ثُلثًا

He^{-asws} said: 'And don't you know that five are fifteen thirds?'

قَالَ بَلَى

He said, 'Yes'.

قَالَ فَذَلِكَ أَرْبَعَةٌ وَعِشْرُونَ ثُلثًا أَكَلْتِ أَنْتِ ثَمَانِيَةَ وَ أَكَلِ الضَّيْفُ ثَمَانِيَةَ وَ أَكَلِ هُوَ ثَمَانِيَةَ فَبَقِيَ مِنْ تِسْعَتِكَ وَاحِدًا أَكَلِ الضَّيْفُ وَ بَقِيَ مِنْ خَمْسَةِ عَشَرَ سَبْعَةً أَكَلَهَا الضَّيْفُ فَلَهُ سَبْعَةٌ بِسَبْعَةٍ وَ لَكَ بِوَاحِدِكَ الَّذِي أَكَلَهُ الضَّيْفُ وَاحِدًا.

He^{-asws} said: 'So that is twenty-four thirds. You ate eight (thirds), and the guest ate eight (thirds), and he ate eight (thirds). Thus, there remains one from your nine, and the guest ate one, while from (his) fifteen (thirds) seven remain (which) the guest ate. Thus for him are seven (Dirhams) due to seven (thirds), and for you is one due to your one which the guest ate'.³⁶⁴

4- كَنْزُ الْكَرَاجِكِيِّ، رُوِيَ أَنَّ امْرَأَةً عَلِقَتْ بِغُلَامٍ فَرَاوَدَتْهُ عَنْ نَفْسِهِ فَأَمْتَنَعَ عَلَيْهَا فَقَالَتْ وَ اللَّهُ لَئِن لَمْ تَفْعَلْ لَأَفْضَحُكَ فَلَمْ يَفْعَلْ فَأَخَذَتْ بَيْضَةً فَأَلْقَتْ بِيَاضِهَا عَلَى ثَوْبِهَا وَ تَعَلَّقَتْ بِهِ وَ اسْتَعَانَتْ بِأَمِيرِ الْمُؤْمِنِينَ عَلَيْهِ الصَّلَاةُ وَ السَّلَامُ وَ قَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ هَذَا الْغُلَامَ كَاتَبَنِي عَلَى نَفْسِي وَ قَدْ أَصَابَ مِنِّي وَ هَذَا مَاءُهُ عَلَى ثَوْبِي

(The book) 'Kanz' of Al Karajaky -

It is reported that a woman was attached (attracted to) a boy and seduced him to herself. He refused to her. She said, 'By Allah^{-azwj}! If you don't do it, I will scandalise you!' He did not do it. She took an egg and cast its white fluid upon her garment and it stuck with it, and she cried out for help with Amir Al-Momineen^{-asws}, may the Salawaat and the greeting be upon him^{-asws}, and said, 'O Amir Al-Momineen^{-asws}! This boy has forced himself upon me and has attained from me, and this is his water upon my garment!'

فَسَأَلَهُ أَمِيرُ الْمُؤْمِنِينَ عَ عَنْ ذَلِكَ فَبَكَى وَ قَالَ وَ اللَّهُ يَا أَمِيرَ الْمُؤْمِنِينَ لَقَدْ كَذَبْتَ وَ مَا فَعَلْتُ شَيْئًا بِمَا ذَكَرْتَ

Amir Al-Momineen^{-asws} asked him about that. He cried and said, 'By Allah^{-azwj} O Amir Al-Momineen^{-asws}! She has lied, and I have not done anything from what she mentioned'.

فَوَعْظَهَا أَمِيرُ الْمُؤْمِنِينَ عَ فَقَالَتْ وَ اللَّهُ لَقَدْ فَعَلْتُ وَ هَذَا مَاءُهُ

³⁶⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 3

Amir Al-Momineen^{-asws} advised her. She said, 'By Allah^{-azwj}, he has done it, and this is his water!'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع عَلَيَّ بِقَنْبَرٍ

Amir Al-Momineen^{-asws} said: 'Come to me^{-asws} with Qanbar!'

فَجِيءَ بِهِ

They came with him. He^{-asws} said to him: 'Instruct someone to boil some water until its heat is intense, and come with it to me^{-asws}!'

فَقَالَ لَهُ مُرْ مَنْ يَغْلِي بِمَاءٍ حَتَّى يَشْتَدَّ حَرَارَتُهُ وَ صِرْ بِهِ إِلَيَّ فَلَمَّا أَتَى بِالْمَاءِ الْحَارِّ أَمَرَ أَنْ يُلْقَى عَلَى نَوْحِهَا فَأُلْقِيَ فَأَنْسَلَقَ بِيَاضُ الْبَيْضِ وَ ظَهَرَ أَمْرُهُ فَأَمَرَ رَجُلَيْنِ مِنَ الْمُسْلِمِينَ أَنْ يَتَطَعَّمَاهُ وَ يَلْفِظَاهُ لِيَمَعَ الْعِلْمُ الْيَقِينُ بِهِ فَمَعَلَا فَرَأَاهُ بَيْضًا فَحَلَّى الْعُلَامَ وَ أَمَرَ بِالْمَرْأَةِ فَأَوْجَعَهَا أَدْبًا.

When he came with the hot water, he^{-asws} instructed that it be thrown upon her garment. The white of the egg peeled off, and its matter was revealed. He^{-asws} ordered two men from the Muslims to taste it and spit it out in order for certain knowledge to occur with it. They did so and saw it as egg. He^{-asws} freed the boy and ordered with the women to be pained as discipline'.³⁶⁵

5- قب، المناقب لابن شهر آشوب حليته الأولياء و نزهة الألبصار أنه مضى ع في حكومة إلى شريح مع يهودي

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) 'Hilyat Al Awliya', (and) 'Nuzhat Al Absaar' -

He (Amir Al-Momineen^{-asws} went to Shuryeh (the judge) with a Jew for judgment. He^{-asws} said, 'O Jew! The shield, is my^{-asws} shield, and I^{-asws} did not sell it and did not gift it!'

فَقَالَ يَا يَهُودِيّ الدِّعْ دِرْعِي وَ لَمْ أَبْعَ وَ لَمْ أَهَبْ فَقَالَ الْيَهُودِيّ الدِّعْ لِي وَ فِي يَدِي

The Jew said, 'The shield is mine and it is in my hands'.

فَسَأَلَهُ شُرَيْحُ الْبَيْتَةَ فَقَالَ هَذَا قَنْبَرٌ وَ الْحُسَيْنُ يَشْهَدَانِ لِي بِذَلِكَ

Shureyh as him^{-asws} for the proof. He^{-asws} said: 'This is Qanbar and Al Husayn^{-asws}, they will both testify for me with that!'

فَقَالَ شُرَيْحُ شَهَادَةُ الْإِبْنِ لَا تَجُوزُ لِأَبِيهِ وَ شَهَادَةُ الْعَبْدِ لَا تَجُوزُ لِسَيِّدِهِ وَ إِهْمَا يَجُزَّانِ إِلَيْكَ

Shureyh said, 'Testimony of a son is not allowed for his father, and testimony of the slave is not allowed for his master, and they are both inclined to you^{-asws}!'

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ وَبِكَ يَا شُرَيْحُ أَحْطَأْتُ مِنْ وُجُوهِ أُمَّةٍ وَاحِدَةٍ فَأَنَا وَإِمَامُكَ تَدِينُ اللَّهُ بِطَاعَتِي وَ تَعْلَمُ أَنِّي لَا أَقُولُ بَاطِلًا فَزِدْتُ قَوْلِي وَ أَنْبَلْتُ دَعْوَايَ

³⁶⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 4

Amir Al-Momineen^{-asws} said: 'Woe be to you, O Shureyh! You have erred from (various) aspects! As for one, I^{-asws} am your Imam^{-asws}. You have to make it a religion of Allah^{-azwj} by obeying me^{-asws}, and you know I^{-asws} do not say falsities, but you rejected my^{-asws} word and invalidated my^{-asws} claim.

ثُمَّ سَأَلْتَنِي الْبَيْتَةَ فَشَهِدَ عَبْدٌ وَ أَحَدُ سَيِّدِي [سَيِّدِي] شَبَابِ أَهْلِ الْجَنَّةِ فَرَدَدْتُ شَهَادَتَهُمَا ثُمَّ ادَّعَيْتَ عَلَيْهِمَا أَهْمًا يُجْرَانِ إِلَى أَنْفُسِهِمَا أَمَا إِنِّي لِأَعَابِتُكَ إِلَّا أَنْ تَقْضِي بَيْنَ الْيَهُودِ ثَلَاثَةَ أَيَّامٍ أَخْرِجُوهُ

Then you asked me^{-asws} for the proof. A slave testified and one is a master (chief) of the youths of the inhabitants of Paradise, but you rejected both their testimonies. Then you claimed that they are inclined to themselves. But I^{-asws} will punish you only that you should judge between the Jews for three days. Expel him!

فَأَخْرَجَهُ إِلَى قُبَاءَ فَقَضَى بَيْنَ الْيَهُودِ ثَلَاثًا ثُمَّ انْصَرَفَ فَلَمَّا سَمِعَ الْيَهُودِيُّ ذَلِكَ قَالَ هَذَا أَمِيرُ الْمُؤْمِنِينَ جَاءَ إِلَى الْحَاكِمِ وَ الْحَاكِمِ حَكَمَ عَلَيْهِ فَأَسْلَمَ ثُمَّ

They took him out to a dome and he judged between the Jews for three days. Then he^{-asws} left. When the Jew heard that, he said, 'This is Commander of the faithful. He^{-asws} came to the judge, and the judge ruled against him^{-asws}!'

قَالَ الدِّرْعُ دِرْعُكَ سَقَطَتْ يَوْمَ صِفِّينَ مِنْ جَمَلٍ أَوْرَقَ فَأَخَذْتُهَا.

He became a Muslim, then said, 'The shield is your^{-asws} shield. It had fallen off a grey camel on the day of (the battle of) Siffeen, and I had taken it'.³⁶⁶

6- وَ فِي الْأَحْكَامِ الشَّرْعِيَّةِ، عَنِ الْحَزَّازِ الْقُمِّيِّ أَنَّ عَلِيًّا ع كَانَ فِي مَسْجِدِ الْكُوفَةِ فَمَرَّ بِهِ عَبْدُ اللَّهِ بْنُ قُفْلٍ التَّيْمِيُّ وَ مَعَهُ دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ فَقَالَ ع هَذِهِ دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ

And in 'Al Ahkam Al Sharia' – from Al Khazaz Al Qummi,

'Ali^{-asws} was in Masjid Al-Kufa. Abdullah Bin Qufli Al-Taymi passed by, and with him was a shield of Talha. He had taken (before war booty distribution) on the day of (battle of) Basra. He^{-asws} said: 'This is a shield of Talha. You had taken it before war booty distribution on the day of Basra!'

فَقَالَ ابْنُ قُفْلٍ يَا أَمِيرَ الْمُؤْمِنِينَ اجْعَلْ بَيْنِي وَ بَيْنَكَ قَاضِيًا

Ibn Qufli said, 'O Amir Al-Momineen^{-asws}! Make a judge to be between me and you^{-asws}!'

فَحَكَمَ شُرْحًا فَقَالَ عَلِيٌّ ع هَذِهِ دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ

So, Shureyh was appointed (to judge). Ali^{-asws} said: 'This is a shield of Talha. It was taken before the war booty distribution, on the day of Basra.

³⁶⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 5

فَأْتَمَسَ شُرَيْحًا [شُرَيْحُ] الْبَيْتَةَ فَشَهِدَ الْحَسَنُ بْنُ عَلِيٍّ عَ بِذَلِكَ فَسَأَلَ آخَرَ فَشَهِدَ فَنَبَّرَ بِذَلِكَ

Shureyh sought the proof. Al-Hassan^{-asws} Bin Ali^{-asws} testified with that. He asked for another, so Qanbar testified with that.

فَقَالَ هَذَا مَمْلُوكٌ وَ لَا أَقْضِي بِشَهَادَةِ الْمَمْلُوكِ فَغَضِبَ ع

He said, 'This is a slave and I cannot judge by the testimony of a slave!'

ثُمَّ قَالَ خُذُوا الدِّرْعَ فَقَدْ قَضَى بِجُورٍ ثَلَاثَ مَرَّاتٍ

He^{-asws} was angered, then said: 'Take the shield, for he has judged with tyranny!' – three times.

فَسَأَلَهُ عَنْ ذَلِكَ فَقَالَ عَ إِنِّي لَمَّا قُلْتُ لَكَ إِهْمَا دِرْعُ طَلْحَةَ أَخَذْتَ عُلوًّا يَوْمَ الْبَصْرَةِ فَقُلْتَ هَاتِ عَلَيَّ مَا قُلْتَ بَيِّنَةً فَقُلْتُ رَجُلًا لَمْ يَسْمَعْ الْحَدِيثَ وَ قَدْ قَالَ رَسُولُ اللَّهِ صَ حَيْثُ مَا وَجِدَ عُلوًّا أَخَذَ بِغَيْرِ بَيِّنَةٍ

He asked about that. He^{-asws} said: 'When I^{-asws} said to you it is a shield of Talha taken before war booty distribution on the Day of Basra, you said, 'Give proof upon what you^{-asws} said'. I^{-asws} say, (you are) a man who did not hear the Hadeeth, and Rasool-Allah^{-saww} had said: 'Wherever such property is found it would be seized without proof'.

ثُمَّ أَتَيْتُكَ بِالْحَسَنِ فَشَهِدَ فَقُلْتَ هَذَا شَاهِدٌ وَ لَا أَقْضِي بِشَاهِدٍ حَتَّى يَكُونَ مَعَهُ آخَرُ وَ قَدْ قَضَى رَسُولُ اللَّهِ صَ بِشَاهِدٍ وَ يَمِينٍ فَهَذَانِ اثْنَتَانِ

Then I^{-asws} came to you with Al Hassan^{-asws} and he^{-asws} testified. You said, 'This is one witness and I cannot judge with one witness until there happens to be another with him^{-asws}!', and Rasool-Allah^{-saww} had judged with one witness and an oath. So, these are two errors.

ثُمَّ أَتَيْتُكَ بِقَنْبَرٍ فَقُلْتَ هَذَا مَمْلُوكٌ وَ لَا بَأْسَ بِشَهَادَةِ الْمَمْلُوكِ إِذَا كَانَ عَدْلًا فَهَذِهِ الثَّلَاثَةُ

Then I^{-asws} came to you with Qanbar. You said, 'This is a slave', and there is no problem with testimony of the slave if he was a just person. So, these are three (errors)'.³⁶⁷

ثُمَّ قَالَ يَا شُرَيْحُ إِنَّ إِمَامَ الْمُسْلِمِينَ يُؤْتَمَرُ فِي أُمُورِهِمْ عَلَيَّ مَا هُوَ أَكْبَرُ مِنْ هَذَا.

Then he^{-asws} said: 'O Shureyh! A leader of the Muslims is trusted in their matters upon what is greater than this!'³⁶⁷

7- قب، المناقب لابن شهر آشوب إِنَّ غُلَامًا طَلَبَ مَالَ أَبِيهِ مِنْ عُمَرَ وَ دَكَرَ أَنَّ وَالِدَهُ تُوِّفِيَ بِالْكُوفَةِ وَ الْوَلَدُ طِفْلٌ بِالْمَدِينَةِ

(The book) 'Al Manaqib' of Ibn Shehr Ashub -

'A young boy sought the wealth of his father from Umar, and he mentioned that his father had died at Al-Kufa while he the son was a child at Al-Medina'.

³⁶⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 6

فَصَاحَ عَلَيْهِ عُمَرُ وَ طَرَدَهُ فَخَرَجَ يَتَطَلَّمُ مِنْهُ فَلَقِيَهُ عَلِيٌّ ع فَقَالَ ائْتُونِي بِهِ إِلَى الْجَامِعِ حَتَّى أَكْشِفَ أَمْرَهُ

Umar shouted at him and repelled him. He went out complaining about him. Ali^{-asws} met him. He^{-asws} said: 'Come to me^{-asws} with him to the central Masjid until I uncover his matter!'

فَجِيءَ بِهِ فَسَأَلَهُ عَنْ حَالِهِ فَأَخْبَرَهُ بِخَبْرِهِ فَقَالَ ع لِأَحْكَمَنَّ فِيكُمْ بِحُكْمِ اللَّهِ بِمَا مِنْ فَوْقِ سَبْعِ سَمَاوَاتِهِ- لَا يَحْكُمُ بِهَا إِلَّا مَنْ ارْتَضَاهُ لِعِلْمِهِ

They came with him. He^{-asws} asked him about his situation. He informed him^{-asws} of his news. He^{-asws} said: 'I^{-asws} will judge among you with a judgment Allah^{-azwj} had Judged with from above His^{-azwj} seven skies! No one will judge with it except one He^{-azwj} is Pleased with his knowledge!'

ثُمَّ اسْتَدْعَى بَعْضَ أَصْحَابِهِ وَ قَالَ هَاتِ بِمِخْرَفَةٍ

Then he^{-asws} called one of his^{-asws} companions and said: 'Bring a digging tool!'

ثُمَّ قَالَ سِيرُوا بِنَا إِلَى قَبْرِ وَالِدِ الصَّبِيِّ فَسَارُوا

Then he^{-asws} said: 'Let us go to the grave of the father of the boy!'

فَقَالَ احْفَرُوا هَذَا الْقَبْرَ وَ انْبِشُوهُ وَ اسْتَخْرِجُوا إِلَيَّ ضِلْعًا مِنْ أَضْلَاعِهِ فَدَفَعَهُ إِلَى الْغُلَامِ

They went. He^{-asws} said: 'Dig this grave and exhume him and extract to me^{-asws} a rib from his ribs and hand it to the boy!'

فَقَالَ لَهُ شِمِّهِ

He^{-asws} said to him: 'Smell it!'

فَلَمَّا شَمَّهُ انْبَعَثَ الدَّمُ مِنْ مَنْخَرَيْهِ فَقَالَ ع إِنَّهُ وَلَدُهُ

When he smelt it, the blood spurted from his nostrils. He^{-asws} said: 'He is surely his son!'

فَقَالَ عُمَرُ بِانْبِعَاطِ الدَّمِ تُسَلِّمُ إِلَيْهِ الْمَالِ

Umar said, 'By a spurt of the blood you^{-asws} will submit the wealth to him?'

فَقَالَ إِنَّهُ أَحَقُّ بِالْمَالِ مِنْكَ وَ مِنْ سَائِرِ الْخَلْقِ أَجْمَعِينَ

He^{-asws} said: 'He is more rightful with the wealth than you are and rest of the people altogether!'

ثُمَّ أَمَرَ الْحَاضِرِينَ بِشِمِّ الضِّلْعِ فَشَمُّوهُ فَلَمْ يَنْبَعِثِ الدَّمُ مِنْ وَاحِدٍ مِنْهُمْ فَأَمَرَ أَنْ أُعِيدَ إِلَيْهِ ثَانِيَةً وَ قَالَ شِمِّهِ

Then he^{-asws} instructed the ones present to smell the rib. They smelled it but the blood did not spurt from even one of them. He^{-asws} returned to him a second time and said: 'Smell it!'

فَلَمَّا شَمَّه انْبَعَثَ الدَّمُ انْبِعَاثًا كَثِيرًا فَقَالَ عِ إِنَّهُ أَبُوهُ فَسَلَّمَ إِلَيْهِ الْمَالَ

When he smelled it, a lot of blood spurted out. He^{-asws} said: 'He is his father, so submit the wealth to him!'

ثُمَّ قَالَ وَ اللَّهُ مَا كَذَّبْتُ وَ لَا كُذِّبْتُ.

Then he^{-asws} said: 'By Allah^{-azwj}, neither have I^{-asws} lied nor have I^{-asws} been lied to!'³⁶⁸

باب 16 الشهادة و أحكامها و عللها و آداب كتابة الحجة و أحكامها

CHAPTER 16 – THE TESTIMONY AND ITS RULINGS, AND ITS REASONS, AND METHOD OF WRITING THE ARGUMENT (EVIDENCE) AND ITS RULINGS

1- ب، قرب الإسناد هارون عن ابن صدقة عن الصادق عن آتائه ع قَالَ قَالَ رَسُولُ اللَّهِ ص أَصْنَافٌ لَا يُسْتَجَابُ لَهُمْ مِنْهُمْ مَنْ أَدَانَ رَجُلًا دِينًا إِلَى أَجَلٍ فَلَمْ يَكْتُبْ عَلَيْهِ كِتَابًا وَ لَمْ يُشْهِدْ عَلَيْهِ شُهوداً الْخَبَرَ.

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

From Al-Sadiq^{-asws}, from his^{-asws} forefathers^{-asws} having said: 'Rasool-Allah^{-saww} said: 'There are types of people, (supplication) is not Answered for them. From them is one who lends a loan to a man to a (specified) term but did not write an agreement upon it and did not keep any witnesses upon it' – the Hadeeth.³⁶⁹

2- ع، علل الشرائع أبي عن الحميري عن ابن عيسى عن علي بن أشيم عن زواؤه من أصحابنا عن أبي عبد الله ع أَنَّهُ قِيلَ لَهُ لِمَ جُعِلَ فِي الرِّبَا أَرْبَعَةٌ مِنَ الشُّهُودِ وَ فِي الْقَتْلِ شَاهِدَانِ

(The book) 'Ilal Al Sharaie' – My father, from Al Himeyri, from Ibn Isa, from Ali Bin Asheym, from the one who reported it, from our companions,

From Abu Abdullah^{-asws}, it was said to him^{-asws}, 'Why have four witnesses made to be regarding the adultery and two witnesses in the murder?'

فَقَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ أَحَلَّ لَكُمْ الْمُنْعَةَ وَ عَلِمَ أَنَّهَا سُنُّكُمْ عَلَيْكُمْ فَجَعَلَ الْأَرْبَعَةَ الشُّهُودَ احْتِيَاظًا لَكُمْ لَوْ لَا ذَلِكَ لَأَتَى عَلَيْكُمْ وَ قَلَّ مَا يَجْتَمِعُ أَرْبَعَةٌ عَلَى شَهَادَةٍ بِأَمْرٍ وَاحِدٍ.

He^{-asws} said: 'Allah^{-azwj} Mighty and Majestic has Permitted the Mut'ah for you and He^{-azwj} Knew that it will be denied upon you, so He^{-azwj} Made the four witnesses as a safeguard for you all. Had it not been that, they would have come to you (with accusations of adultery), and hardly every four would unite upon testifying one matter'.³⁷⁰

³⁶⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 15 H 7

³⁶⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 1

³⁷⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 2

3 سن، المحاسن أبي عن ابن أشيم مثله.

(The book) 'Al Mahasin' – My father, from Ibn Asheym, similar to it.³⁷¹

4- ع، علل الشرائع ابن الوليد عن الصغار عن ابن مغروف عن ابن مهران عن علي بن أحمد بن محمد بن أبيه عن إسماعيل بن حماد عن أبي حنيفة قال: قلت لأبي عبد الله ع أيهما أشد الزنا أم القتل

(The book) 'Ilal Al Sharaie' – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Ali Bin Ahmad Bin Muhammad, from his father, from Ismail Bin Hammad, from Abu Haneefa who said,

'I (Abu Haneefa) said to Abu Abdullah^{-asws}, 'Which of the two is severer, the adultery of the murder?'

قال فقال القتل

He (Abu Haneefa) said, 'He^{-asws} said: 'The murder'.

قال فقلت فما بال القتل جاز فيه شاهدان ولا يجوز في الزنا إلا أربعة

He (Abu Haneefa) said, 'I said, 'So what is the matter in the murder two witnesses are allowed (sufficed) and they are not allowed in the adultery except four?'

فقال لي ما عندكم فيه يا أبا حنيفة

He^{-asws} said to me: 'What is with you regarding it, O Abu Haneefa?'

قال قلت ما عندنا فيه إلا حديث عمر إن الله أخرج في الشهادة كلمتين على العباد

He (Abu Haneefa) said, 'I said, 'There is nothing with us regarding it except a narration by Umar that Allah^{-azwj} has Extracted two phrases upon the servants regarding the testimonies'.

قال قال ليس كذلك يا أبا حنيفة ولكن الزنا فيه حدان ولا يجوز إلا أن يشهد كل اثنين على واحد لأن الرجل والمرأة جميعاً عليهما الحد والقتل وإنما يُقام الحد على القاتل ويدفع عن المقتول.

He (Abu Haneefa) said, 'He^{-asws} said: 'It isn't like that, O Abu Haneefa, but the adultery as two legal penalties in it, and it is not allowed except that every two should testify upon each one, because the man and the woman are such, the legal punishment is upon them both, while the murder, the legal penalty is established upon the murderer and pushed away from the murdered'.³⁷²

³⁷¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 3

³⁷² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 4

5- ن، عيون أخبار الرضا عليه السلام في علي ابن سنان أن الرضا ع كتب إليه علة ترك شهادة النساء في الطلاق و الهلال لصغفهن على الرؤية و محابتهن النساء في الطلاق فلذلك لا يجوز شهادتهن إلا في موضع ضرورة مثل شهادة القابلة و ما لا يجوز للرجال أن ينظروا إليه كضرورة

(The book) 'Uyoun Akhbar Al-Reza^{-asws}', may the greeting be upon him^{-asws}, Al-Reza^{-asws} had written to him regarding the reason of neglecting testimony of the women regarding the divorce and the sighting the crescent due to their weakness upon the sighting and their favouring the women in (matters of) divorce. For that reason, their testimonies are not accepted except in places of necessity like testimony of the midwife, and what is not allowed for the men to be looking at, due to necessity.

يجوز شهادة أهل الكتاب إذا لم يوجد غيرهم و في كتاب الله عز و جل اثنان ذوا عدل منكم مسلمين أو آخزان من غيركم كافرين و مثل شهادة الصبيان على القتل إذا لم يوجد غيرهم-

Testimony of people of the Book is allowed when others cannot be found, and in the Book of Allah^{-azwj} Mighty and Majestic **two (men) from you possessing justice (Muslims), or two other from others (non-Muslims) [5:106]**, and like testimonies of the children upon the murder when others cannot be found.

و العلة في شهادة أزبعة في الرنا و اثنان في سائر الحقوق لشدة حد المخصن لأن فيه القتل فجعلت الشهادة فيه مضاعفة معظفة لما فيه من قتل نفسه و ذهاب نسب ولديه لفساد الميراث.

And the reason in four testimonies regarding the adultery and two in rest of the rights is due to the severity of the legal penalty of the married man, because in it is the killing (of the adulterer), so the testimonies had been Made to be double in it as harshness due to the killing of a soul in it, and effacement of lineage of his children for corruption of the inheritance'.³⁷³

6- ج، الإحتجاج كتب الحيمري إلى القائم ع يسأله عن الضير إذا شهد في حال صحته على شهادة ثم كف بصره و لا يرى خطه فيعرفه هل يجوز شهادته و بالله التوفيق أم لا و إن ذكر هذا الضير الشهادة هل يجوز أن يشهد على شهادته أم لا يجوز

(The book) 'Al-Ihtijaj' – Al-Himeyri wrote to Al-Qaim^{-ajfj} asking him^{-ajfj} about the blind man when he witnesses in a state of healthy eyes upon a witness. Then his sight stopped and he could not even see his own handwriting so he could recognise it, 'Is his testimony allowed or not? And with Allah^{-azwj} is the inclination, and if this blind one remembers the testimony, is it allowed for him to testify upon his testimony or not allowed?'

فأجاب ع فإذا حفظ الشهادة و حفظ الوقت جازت شهادته.

He^{-ajfj} answered: 'When he has memorised the witnessing and memorised the time, his testimony is allowed'.³⁷⁴

³⁷³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 5

³⁷⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 6

7- وَ سُئِلَ عَنِ الرَّجُلِ يُوقِفُ ضَيْعَةً أَوْ دَابَّةً وَ يُشْهَدُ عَلَى نَفْسِهِ بِاسْمِ بَعْضِ وَكَلَاءِ الْوَقْفِ ثُمَّ يَمُوتُ هَذَا الْوَكِيلُ وَ يَتَغَيَّرُ أَمْرُهُ وَ يَتَوَلَّى غَيْرُهُ هَلْ يَجُوزُ أَنْ يَشْهَدَ الشَّاهِدُ لِهَذَا الَّذِي أُقِيمَ مَقَامَهُ إِذَا كَانَ أَصْلُ الْوَقْفِ لِرَجُلٍ وَاحِدٍ أَمْ لَا يَجُوزُ ذَلِكَ

And he^{-ajfi} was asked about a man who dedicates an estate or an animal as an endowment and records a testimony in his own name designating one of the agents of the endowment, then that agent dies or his position changes, and another person takes his place. Is it permissible for the witness to testify in favour of the new agent if the original endowment was for one person, or is that not allowed?’

فَأَجَابَ عَ لَا يَجُوزُ غَيْرَ ذَلِكَ لِأَنَّ الشَّهَادَةَ لَمْ تَقُمْ لِلْوَكِيلِ وَ إِنَّمَا قَامَتْ لِلْمَالِكِ وَ قَدْ قَالَ اللَّهُ تَعَالَى وَ أَقِيمُوا الشَّهَادَةَ لِلَّهِ.

The Imam^{-ajfi} answered, it is not allowed other than that because the testimony cannot stand for the agent, and rather it was established for the owner, and Allah^{-azwj} the Exalted Said: **establish the testimony for the Sake of Allah [65:2]**.³⁷⁵

8- ف، تحف العقول عن أبي الحسن الثالث ع في جواب ما سأل يحيى بن أكنم قال ع أما شهادة المرأة وحدها التي جازت فهي القابلة جازت شهادتها مع الرضا فإن لم يكن رضى فلا أقل من امرأتين تقوم المرأة بدل الرجل للضرورة لأن الرجل لا يمكنه أن يقوم مقامها فإن كانت وحدها قيل قولها مع يمينها.

(The book) ‘Tuhaf Al Uqoul’ -

From Abu Al-Hassan^{-asws} the 3rd in answer to what Yahya Bin Aksam asked. He^{-asws} said: ‘As for the testimony of one woman alone which is allowed, it is the midwife. Her testimony is allowed with the agreement (of those involved), then no less than two women. The woman can stand in place of the man for the necessity because the man, it is not possible for him to stand in her place. Thus, if she is alone, her word is accepted with her oath’.³⁷⁶

9- ضا، فقه الرضا عليه السلام لا يجوز شهادة على شهادة في الحدود ولا يجوز شهادة الرجل لشرهه إلا فيما لا يعود نفعه عليه فإذا شهد رجل على شهادة رجل فإن شهادته تقبل وهي نصف شهادة وإذا شهد رجلان على شهادة رجل فقد ثبتت شهادة رجل واحد

(The book) ‘Fiqh Al-Reza^{-asws}’, may the greeting be upon him^{-asws} - Testimony upon testimony is not permissible in cases involving legal punishments, nor is it permissible for a man to testify in favour of his partner except in matters where no benefit returns to him. If a man testifies based on the testimony of another man, his testimony is accepted as half a testimony. If two men testify based on the testimony of one man, it counts as the testimony of one complete witness.

فإن كان الذي شهد عليه معه في مضره ولو أهما حضرا فشهد أحدهما على شهادة الآخر وأنكر صاحبه أن يكون أشهده على شهادته فإنه يقبل قول أعدلهما وإذا دعي رجل ليشهد على رجل فليس له أن يمتنع من الشهادة عليه من قوله- ولا ياب الشهاده إذا ما دعوا

If the one whose testimony is being testified to lives in the same town, and if both were present and one testified based on the other’s testimony while the latter denied having

³⁷⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 7

³⁷⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 8

authorised him to testify on his behalf, then the statement of the more just of the two is accepted. And if a man is called to testify on behalf of another, he is not allowed to refuse to bear witness upon him, due to His^{-azwj} Words: **And the witnesses should not refuse when they are summoned (for it) [2:282]**.

فَإِذَا أَرَادَ صَاحِبُهُ أَنْ يَشْهَدَ لَهُ بِمَا أُشْهِدَ فَلَا يَمْتَنِعْ لِقَوْلِهِ- وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتَمٌ فَلُبُّهُ وَ إِذَا أُبِي الرِّجُلُ بِكِتَابٍ فِيهِ خَطُّهُ وَ غَلَامَتُهُ وَ لَمْ يَتَذَكَّرِ الشَّهَادَةَ فَلَا يَشْهَدُ لِأَنَّ الْخَطَّ يَتَشَابَهُ إِلَّا أَنْ يَكُونَ صَاحِبُهُ نَفَقَةً وَ مَعَهُ شَاهِدٌ آخَرَ نَفَقَةً فَيَشْهَدُ لَهُ حِينَئِذٍ

So, when his companion wants to testify for him regarding what he was made to witness, he should not refuse, **and the one who conceals it, so he is of a sinful heart [2:283]**, And if a man is presented with a document bearing his handwriting and his mark, but he does not recall the testimony, then he should not testify, for handwriting can resemble that of others unless its owner is trustworthy and accompanied by another trustworthy witness, in which case, he may testify.

وَ إِنْ شَهِدَ أَرْبَعَةٌ عُذُولٌ عَلَى رَجُلٍ بِالزَّيْنِ فَرَجِمَ أَوْ شَهِدَ رَجُلَانِ عَلَى رَجُلٍ بِقَتْلِ رَجُلٍ أَوْ سَرَقَةَ فَرَجِمَ الَّذِي شَهِدُوا عَلَيْهِ بِالزَّيْنِ وَ قُتِلَ الَّذِي شَهِدُوا عَلَيْهِ بِالْقَتْلِ وَ قُطِعَ الَّذِي شَهِدُوا عَلَيْهِ بِالسَّرَقَةِ ثُمَّ رَجَعَا عَنْ شَهَادَتَيْمَا ثُمَّ قَالَا غَلِطْنَا فِي هَذَا الَّذِي شَهِدْنَا وَ أَتَيْتَا بِرَجُلٍ وَ قَالَا هَذَا الَّذِي قَتَلَ وَ هَذَا الَّذِي سَرَقَ وَ هَذَا الَّذِي زَيَّنَا

And if four just witnesses testify against a man for adultery and he is stoned, or if two men testify against a man for murder or theft, and the one accused of adultery is stoned, the one accused of murder is executed, and the one accused of theft has his hand cut, then afterward the witnesses retract their testimony and say, 'We were mistaken in our testimony' and they bring forth another man saying, 'This is the one who committed the murder, this is the one who stole, and this is the one who committed adultery',

قَالَ يَجِبُ عَلَيْهِمَا دِيَةُ الْمُقْتُولِ الَّذِي قُتِلَ وَ دِيَةُ يَدِ الَّذِي قُطِعَ بِشَهَادَتَيْمَا وَ لَمْ يُعْبَلْ شَهَادَتُهُمَا عَلَى الثَّانِي الَّذِي شَهِدُوا عَلَيْهِ فَإِنْ قَالُوا نَعَمَدْنَا قُطِعَا فِي السَّرَقَةِ وَ كُلُّ مَنْ شَهِدَ شَهَادَتَهُمَا الزُّورَ فِي مَالٍ أَوْ قَتَلَ لِرَمِّهِ دِيَةُ الْمُقْتُولِ بِشَهَادَتَيْمَا فَرَدَّدَ مَاءَ الدَّمِّ مَنْ شَهِدَا عَلَيْهِ وَ لَمْ يُعْبَلْ شَهَادَتُهُمَا بَعْدَ ذَلِكَ وَ عُثُوبَتُهُمَا فِي الْأَخِرَةِ النَّارُ فَاسْتَحَقَّهَا مَنْ قَبِلَ أَنْ تَزُولَ أَقْدَامُهُمَا

He^{-asws} said: 'They are obliged to pay the wergild for the one who was killed and the compensation for the hand that was cut off, based on their testimony. Their testimony is not accepted against the second person they testified about. If they say they testified falsely, the hand is cut for theft, and whoever testified falsely regarding property or murder is liable to pay the wergild of the killed person according to their false testimony. The guilt of those they testified against is overturned, and their testimony is no longer accepted thereafter. As for their punishment in the Hereafter, it is the Fire, and they deserved it even before their feet move'.

وَ بَلَغَنِي عَنِ الْعَلِيمِ ع أَنَّهُ قَالَ إِذَا كَانَ لِأَخِيكَ الْمُؤْمِنِ عَلَى رَجُلٍ حَقٌّ فَدَعَعَهُ عَنْهُ وَ لَمْ يَكُنْ لَهُ مِنَ الْبَيِّنَةِ إِلَّا وَاحِدَةٌ وَ كَانَ الشَّاهِدُ نَفَقَةً فَسَأَلْتَهُ عَنْ شَهَادَتِهِ فَإِذَا أَقَامَهَا عِنْدَكَ شَهِدْتَ مَعَهُ عِنْدَ الْحَاكِمِ عَلَى مِثَالِ مَا شَهِدَ لِغُلَامٍ يَتَوَى حَقُّ امْرِئٍ مُسْلِمٍ.

It was reported to me from the Scholar (Imam^{-asws}) that he^{-asws} said: 'If your believing brother has a right against a man and the latter denies it, and he has only one piece of evidence while the witness is trustworthy, then you ask him about his testimony. If he upholds it before you,

you testify with him before the judge in the same manner he testified, so that the right of a Muslim person is not violated.³⁷⁷

10- م، تفسير الإمام عليه السلام قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ وَ سَلَامُهُ عَلَيْهِ فِي قَوْلِهِ تَعَالَى أَوْ ضَعِيفاً أَوْ لَا يَسْتَطِيعُ أَنْ يُجْلَّ هُوَ فَلْيُعَدَّلْ وَلِيُّهُ بِالْعَدْلِ

Tafseer Al-Imam^{-asws}, may the greeting be upon him^{-asws} – Amir Al-Momineen^{-asws}, may the Salawaat of Allah^{-azwj} and His^{-azwj} greeting be upon him^{-asws}, regarding Words of the Exalted: **or weak (of understanding), or he is not able to dictate himself, so let his guardian dictate with fairness [2:282].**

قَالَ ضَعِيفاً فِي بَدَنِهِ لَا يَقْدِرُ أَنْ يُجْلَّ أَوْ ضَعِيفاً فِي فَهْمِهِ وَ عِلْمِهِ لَا يَقْدِرُ أَنْ يُجْلَّ وَ بِمِيزَةِ الْفَاطَةِ الَّتِي هِيَ عَدْلٌ عَلَيْهِ وَ لَهُ مِنَ الْأَلْفَاظِ الَّتِي هِيَ جَوْرٌ عَلَيْهِ أَوْ عَلَى حَمِيمِهِ- أَوْ لَا يَسْتَطِيعُ أَنْ يُجْلَّ هُوَ يَعْنِي بِأَنْ يَكُونَ مَشْغُولاً فِي مَرْمَةِ لِمَعَاشٍ أَوْ تَرْوُدٍ لِمَعَادٍ أَوْ لَدَوِّ فِي غَيْرِ مَحْرَمٍ فَإِنَّ تِلْكَ هِيَ الْأَشْغَالُ الَّتِي لَا يَتَّبَعِي لِعَاقِلٍ أَنْ يَشْرَعَ فِي غَيْرِهَا

He^{-asws} said: ‘Weakness in his body, not being able to dictate, or weakness in his understanding and his knowledge, nor be able to dictate, meaning that he would be busy in maintaining his livelihood, or providing for the Hereafter, or deriving pleasure in other than a prohibition, for that is the pre-occupation which is not befitting for an intellectual to legislate in something else.

قَالَ فَلْيُعَدَّلْ وَلِيُّهُ بِالْعَدْلِ يَعْنِي النَّائِبَ عَنْهُ وَ الْقَيْمَ بِأَمْرِهِ بِالْعَدْلِ بِأَنْ لَا يَحِيفَ عَلَى الْمَكْتُوبِ لَهُ وَ لَا عَلَى الْمَكْتُوبِ عَلَيْهِ-

He^{-azwj} Said: ‘**so let his guardian dictate with fairness [2:282]** – meaning the representative on his behalf, and the custodian with his matter with the justice, so as not to wrong against the written for him nor upon the written against him.

قَالَ رَسُولُ اللَّهِ ص مِنْ أَعَانَ ضَعِيفاً فِي بَدَنِهِ عَلَى أَمْرِهِ أَعَانَهُ اللَّهُ عَلَى أَمْرِهِ وَ نَصَبَ لَهُ فِي الْقِيَامَةِ مَلَائِكَةً يُعِينُونَهُ عَلَى قَطْعِ تِلْكَ الْأَهْوَالِ وَ عُيُورِ تِلْكَ الْحُنَادِقِ مِنَ النَّارِ حَتَّى لَا يُصِيبَهُ مِنْ دُخَانِهَا وَ لَا سُخُومِهَا وَ عَلَى عُيُورِ الصِّرَاطِ إِلَى الْجَنَّةِ سَالِماً آمِناً

Rasool-Allah^{-saww} said: ‘One who assists one who is weak in his body upon his matter, Allah^{-azwj} will Assist him in his matter and will Nominate Angels for him during Qiyamah to assist him upon cutting those horrors and cross over those ditches of fire until nothing from its smoke hits him nor its toxins, and upon crossing the Bridge to the Paradise safely, secure.

وَ مِنْ أَعَانَ مَشْغُولاً بِصَالِحِ دُنْيَا أَوْ دِينِهِ عَلَى أَمْرِهِ حَتَّى لَا يَنْتَبِرَ عَلَيْهِ أَعَانَهُ اللَّهُ عَلَى تَرَاحُمِ الْأَشْغَالِ وَ انْتِشَارِ الْأَحْوَالِ- يَوْمَ قِيَامِهِ بَيْنَ يَدَيْ الْجَبَّارِ فَمَيِّزُهُ مِنَ الْأَشْرَارِ وَ جَعَلَهُ مِنَ الْأَخْيَارِ-

And the one who is too pre-occupied with the correction of his worldly affairs or his Religion being upon His^{-azwj} Commands, until it is no longer difficult upon him. Allah^{-azwj} the Exalted would Assist him on the Day when the activities would be contended and the horrors would be widespread, the Day of his standing in front of the King, the Subduer. Thus, He^{-azwj} would Sift him out from the evils and Make him to be from the good ones’.

وَ قَوْلُهُ عَزَّ وَ جَلَّ وَ اسْتَشْهَدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَيُّ مِنْ أَحْرَارِكُمْ مِنَ الْمُسْلِمِينَ الْعُدُولِ

And Words of the Mighty and Majestic: **And two witnesses should be bearing witness, from your men [2:282]** – Amir Al-Momineen^{-asws} said: ‘i.e. from your free ones from the Muslims, the just ones’.

قَالَ عِ اسْتَشْهِدُوهُمْ لِتَحُوطُوا بِهِمْ أَذْيَانَكُمْ وَأَمْوَالَكُمْ وَ لِتَسْتَعْمَلُوا أَدَبَ اللَّهِ وَ وَصِيَّتَهُ فَإِنَّ فِيهِمَا النَّفْعَ وَ الْبَرَكَةَ وَ لَا تُخَالِفُوهُمَا فَيَلْحَقُكُمْ النَّدَمُ

He^{-asws} said: ‘Keep them as witnesses in order to guard your religion and your wealth by them, and for them to be utilising the education of Allah^{-azwj} and His^{-azwj} Advice, for in these is the benefit and the Blessings, and do not oppose these for the regret will catch up with you!’

Then Amir Al-Momineen^{-asws} said: ‘I^{-asws} heard Rasool-Allah^{-saww} saying: ‘Three, Allah^{-azwj} will not Answer (their supplications) for them, but He^{-azwj} will Punish them and Rebuke them.

ثُمَّ قَالَ أَمِيرُ الْمُؤْمِنِينَ سَمِعْتُ رَسُولَ اللَّهِ ص يَقُولُ ثَلَاثَةٌ لَا يَسْتَجِيبُ اللَّهُ لَهُمْ بَلَى يُعَذِّبُهُمْ وَ يُؤَيِّبُهُمْ أَمَّا أَحَدُهُمْ فَرَجُلٌ ابْتَلَى بِأَمْرَاةٍ سَوِيٍّ فَهِيَ تُؤْذِيهِ وَ تُضَارُّهُ وَ تَعِيبُ عَلَيْهِ دُنْيَاهُ وَ تَنْفُضُهَا وَ تُكَدِّرُهَا وَ تُفْسِدُ عَلَيْهِ آخِرَتَهُ فَهُوَ يَقُولُ اللَّهُمَّ يَا رَبِّ خَلِّصْنِي مِنْهَا يَقُولُ اللَّهُ يَا أَيُّهَا الْجَاهِلُ قَدْ خَلَّصْتُكَ مِنْهَا جَعَلْتُ بِيَدِكَ طَلَاقَهَا وَ التَّقْصِيَّ مِنْهَا طَلَّقَهَا وَ ابْنَيْهَا نَبَذَ الْجُورِبَ الْخَلْقِ

As for one of them, so it is a man who is Tried by an evil wife, and she hurts him and affects him adversely and faults his worldly affairs upon him, and taints it, and upsets it, and spoils his Hereafter upon him. So, he says, ‘O Allah^{-azwj}! O Lord^{-azwj}! Finish me off from her’ (cursing her). Allah^{-azwj} the Exalted is Saying: “O you ignorant one! I^{-azwj} have already given you the means to finish off from her. I^{-azwj} Made her divorce be in your hands and the freedom from her. Divorce her and remove her from you (like) the people remove their torn socks!”

وَ الثَّانِي رَجُلٌ مُقِيمٌ فِي الْبَلَدِ قَدْ اسْتَوْبَلْتَهُ وَ لَا يَحْضُرُهُ لَهُ فِيهِ كُلُّ مَا يُرِيدُ وَ كُلُّ مَا التَّمَسَّهُ حُرْمُهُ يَقُولُ اللَّهُمَّ يَا رَبِّ خَلِّصْنِي مِنْ هَذَا الْبَلَدِ الَّذِي قَدْ اسْتَوْبَلْتَهُ يَقُولُ قَدْ أَوْصَحْتُ لَكَ طُرُقَ الْخُرُوجِ وَ مَكْنُتَكَ مِنْ ذَلِكَ فَالْخُرُوجُ مِنْهُ إِلَى غَيْرِهِ يَحْتَلِبُ عَافِيَتِي وَ تَسْرَرْتَنِي

And the second one is a man staying in a city incompatible for him, and there is nothing present therein everything what he wants and everything what he seeks, he is deprives of. He is saying, ‘O Allah^{-azwj}! O Lord^{-azwj}! Finish me off from this city where I am having problems. Allah^{-azwj} Mighty and Majestic is Saying: “O My^{-azwj} servant! I^{-azwj} have already given you the means to Finish you off from this city, and I^{-azwj} have Clarified to you the way of exiting from it, and Enabled you from that. So exit from it to another. Seek My^{-azwj} Grant of good health and My^{-azwj} sustenance!”

وَ الثَّلَاثُ رَجُلٌ أَوْصَاهُ اللَّهُ بِأَنْ يَحْتَاطَ لِدِينِهِ بِشُهُودٍ وَ كِتَابٍ فَلَمْ يَفْعَلْ ذَلِكَ وَ دَفَعَ مَالَهُ إِلَى غَيْرِ ثِقَةٍ بَعِيرٍ وَثِيقَةٍ فَحَدَّهْهُ أَوْ بَخَسَهُ فَهُوَ يَقُولُ اللَّهُمَّ يَا رَبِّ رُدِّ عَلَيَّ مَالِي

And the third is a man Allah^{-azwj} the Exalted has Given the capacity that he takes precaution for his lending with witnesses and written documentation. But he does not do that and hands over his wealth to another one, trusting one without trustworthiness. Then he (borrower) disputes it or undervalues it, so he (the lender) is saying, ‘O Allah^{-azwj}! O Lord^{-azwj}! Return my wealth to me’.

يَقُولُ اللَّهُ عَزَّ وَ جَلَّ لَهُ يَا عَبْدِي قَدْ عَلَّمْتُكَ كَيْفَ تَسْتَوْتِقُ لِمَالِكَ لِيَكُونَ مَحْفُوظًا لِفَلَا يَتَعَرَّضَ لِلتَّلَفِ فَأَبَيْتَ فَأَنْتَ الْآنَ تَدْعُونِي وَ قَدْ ضَيَّعْتَ مَالَكَ وَ أَتْلَفْتَهُ وَ خَالَفْتَ وَصِيَّتِي فَلَا أَسْتَجِيبُ لَكَ

Allah^{-azwj} Mighty and Majestic is Saying to him: “O My^{-azwj} servant! I^{-azwj} have already Taught you how to deal with your wealth for it to be protected, lest it is exposed to the harm, but you refused. So now you are calling upon Me^{-azwj}, and you have wasted your wealth and destroyed it, and you opposed My^{-azwj} Advice, therefore I^{-azwj} will not Respond to you!”

ثُمَّ قَالَ رَسُولُ اللَّهِ ص أَلَا فَاسْتَعْمِلُوا وَصِيَّةَ اللَّهِ تَفْلِحُوا وَ تَنْجَحُوا وَ لَا تُخَالِفُوا هَذَا فَتَنْدُمُوا-

Then Rasool-Allah^{-saww} said: ‘Indeed! Utilise the Advice of Allah^{-azwj}, you will succeed and be saved, and do not oppose it, for you will regret’.

فَإِنْ لَمْ يَكُنَا رَجُلَيْنِ فَرَجُلًا وَ امْرَأَتَانِ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع فَإِنْ لَمْ يَكُنَا رَجُلَيْنِ فَرَجُلًا وَ امْرَأَتَانِ قَالَ عَدَلَتِ امْرَأَتَانِ فِي الشَّهَادَةِ رَجُلًا وَ اللَّهُ فَإِذَا كَانَ رَجُلَانِ أَوْ رَجُلًا وَ امْرَأَتَانِ أَقَامُوا الشَّهَادَةَ فَضَى بِشَهَادَتِهِمْ

Amir Al-Momineen^{-asws} said: ‘Regarding the Words of the Almighty **But if there does not happen to be two men, then a man and two women**, he^{-asws} said: ‘Two women equate with one man regarding the testimony. So when there were two men, or a man and two women, the testimony would stand for the judgment with their testimonies’.

قَالَ أَمِيرُ الْمُؤْمِنِينَ ع وَ بَيْنَمَا نَحْنُ مَعَ رَسُولِ اللَّهِ ص وَ هُوَ يُدَاكِرُنَا بِقَوْلِهِ - وَ اسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ - قَالَ أَحْرَازُكُمْ دُونَ عِبِيدِكُمْ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ شَغَلَ الْعَبِيدَ بِخِدْمَةِ مَوْلَاهُمْ عَنْ تَحْمِيلِ الشَّهَادَاتِ وَ عَنْ آدَائِهَا

Amir Al-Momineen^{-asws} said: ‘It so happened that we were with Rasool-Allah^{-saww}, and he^{-saww} was mentioning to us the Words of the Exalted **And two witnesses should be bearing witness, from your men [2:282]**, he^{-saww} said: ‘Your free ones besides your slaves, for Allah^{-azwj} the Exalted has too pre-occupied the slaves with serving their masters from having to bear the testimonies, and from fulfilling these.

وَ لِيَكُونُوا مِنَ الْمُسْلِمِينَ مِنْكُمْ فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ إِذَا شَرَفَ الْمُسْلِمِينَ الْعُدُولَ بِقَبُولِ شَهَادَاتِهِمْ وَ جَعَلَ ذَلِكَ مِنَ الشَّرَفِ الْعَاجِلِ لَهُمْ وَ مِنْ ثَوَابِ دُنْيَاهُمْ قَبْلَ أَنْ يَصِلُوا إِلَى الْآخِرَةِ

And let them (witnesses) happen to be from the Muslims from you, for Allah^{-azwj} Mighty and Majestic, rather, Ennobled the just Muslims by the Acceptance of their testimonies, and Made that to be from the current nobility for them and from the Rewards of their world, before they (even) arrive to the Hereafter.

إِذْ جَاءَتْ امْرَأَةٌ فَوَقَفَتْ قُبَالَةَ رَسُولِ اللَّهِ ص وَ قَالَتْ يَا أَبِي أَنْتَ وَ أُمِّي يَا رَسُولَ اللَّهِ أَنَا وَافِدَةٌ لِسَاءِ إِلَيْكَ فَمَا مِنْ امْرَأَةٍ يَنْبَغُهَا مَسِيرِي هَذَا إِلَيْكَ إِلَّا سَرَّهَا ذَلِكَ

Then a woman came over, so she paused facing Rasool-Allah^{-saww}, and she said, ‘By my father and my mother (being sacrificed for) you^{-saww}, O Rasool-Allah^{-saww}! I am a delegate of the women to you^{-saww}. There is none from a woman to whom would reach (the news of) this travelling of mine to you^{-saww}, except that would cheer her.

يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ عَزَّ وَجَلَّ رَبُّ الرَّجَالِ وَالنِّسَاءِ وَخَالِقُ وَزَارِقُ لِلرِّجَالِ وَالنِّسَاءِ وَإِنَّ آدَمَ أَبُو الرَّجَالِ وَالنِّسَاءِ وَإِنَّ حَوَاءَ أُمُّ الرَّجَالِ وَالنِّسَاءِ وَ
إِنَّكَ رَسُولُ اللَّهِ إِلَى الرَّجَالِ وَالنِّسَاءِ مَا بَأَلُ الْمَرْأَتَيْنِ بِرَجُلٍ فِي الشَّهَادَةِ وَ فِي الْمِيرَاثِ

O Rasool-Allah^{-saww}! Allah^{-azwj} Mighty and Majestic is the Lord^{-azwj} of the men and the women, and Creator of the men and the women, and Sustainer of the men and the women. And Adam^{-as} is the father of the men and the women, and that Hawwa^{-as} is the mother of the men and the women, and you^{-saww} are the Rasool^{-saww} of Allah^{-azwj} to the men and the women. So, what is the matter that there should be two women with one man in the testimony and the inheritance?'

فَقَالَ رَسُولُ اللَّهِ ص يَا أَيُّهَا الْمَرْأَةُ إِنَّ ذَلِكَ قَضَاءٌ مِنْ مَلِكٍ عَدْلٍ حَكِيمٍ لَا يَجُورُ وَلَا يَحْبِئُ وَلَا يَتَحَامَلُ- لَا يَنْفَعُهُ مَا مَنَعَكَ يُدَبِّرُ الْأَمْرَ بِعِلْمِهِ يَا أَيُّهَا
الْمَرْأَةُ لِأَنَّكَ نَاقِصَاتُ الدِّينِ وَالْعَقْلِ

Rasool-Allah^{-saww} said: 'O you woman! That is a Judgment from a King, Just, Wise, and He^{-azwj} is neither tyrannous, nor does He^{-azwj} infringe, nor is He^{-azwj} biased. It will not benefit you (women) what He^{-azwj} has Prevented from you, nor would it incur a loss for you what He^{-azwj} Does for you. He^{-azwj} Manage the affairs by His^{-azwj} Knowledge. O you woman! (This is) because you are deficient in the Religion and the intellect'

قَالَتْ يَا رَسُولَ اللَّهِ وَ مَا نُفْصَانُ دِينَنَا قَالَ إِنَّ إِخْدَاكُنَّ تَفْعُدُ نِصْفَ دَهْرِكُنَّ- لَا تُصَلِّي بِحَيْضَةٍ عَنِ الصَّلَاةِ لِلَّهِ وَ إِنَّكَ تُكْذِبِينَ اللَّعْنَ وَ تُكْفِرِينَ الْعَشِيرَةَ
تَمُكُّتُ إِخْدَاكُنَّ عِنْدَ الرَّجُلِ عَشْرَ سِنِينَ فَصَاعِدًا يُجْسِنُ إِلَيْهَا وَ يُنْعِمُ عَلَيْهَا فَإِذَا ضَاقَتْ يَدُهُ يَوْمًا أَوْ خَاصَمَهَا قَالَتْ لَهُ مَا رَأَيْتُ فِيكَ خَيْرًا قَطُّ

She said, 'O Rasool-Allah^{-saww}! And what is our deficiency in our Religion?' He^{-saww} said: 'One of you sits half of her time not praying due to menstruation, and you are frequent in the cursing, and deny the Bounties. One of you remains with the man for ten years and more, and he is good to her and favours upon her. So, when his hand is straitened for a day, or disputes with her, she says to him, 'I did not see any goodness from you, at all!'

وَ مَنْ لَمْ يَكُنْ مِنَ النِّسَاءِ هَذَا خُلِقَ فَالَّذِي يُصِيبُهَا مِنْ هَذَا النُّفْصَانِ حِمْنَةٌ عَلَيْهَا التَّصَبُّرُ فَيُعْظِمُ اللَّهُ نَوَاحِيهَا فَأَبْشِرِي

So, the one from the women who does not happen to be this mannerism, then that is the one who is hit from this reduction, being a test upon her of her patience, and Allah^{-azwj} would Magnify her Rewards. Therefore, receive glad tidings!'

ثُمَّ قَالَ لَهَا رَسُولُ اللَّهِ ص مَا مِنْ رَجُلٍ رَدِيٍّ إِلَّا وَ الْمَرْأَةُ الرَّدِيَّةُ أَرْدَى مِنْهُ وَ لَا مِنْ امْرَأَةٍ صَالِحَةٍ إِلَّا وَ الرَّجُلُ أَفْضَلُ مِنْهَا وَ مَا سَاوَى اللَّهُ قَطُّ امْرَأَةً بِرَجُلٍ إِلَّا
مَا كَانَ مِنْ تَسْوِيَةِ اللَّهِ فَاطِمَةَ بِعَلِيٍّ ع وَ إِخْتِاقَهَا وَ هِيَ امْرَأَةٌ بِأَفْضَلِ رِجَالِ الْعَالَمِينَ-

Then Rasool-Allah^{-saww} said to her: 'There is none from a man who is wicked except the wicked woman would be more wicked than him, nor from a righteous woman, except the righteous man would be superior than her. And Allah^{-azwj} has not Equated a woman with a man at all, except what was from the Equalisation by Allah^{-azwj} of (Syeda) Fatima^{-asws} with Ali^{-asws}, and joining her^{-asws} with him^{-asws}. And she^{-asws} is the most superior of the women of the worlds!'

أَنْ تَضِلَّ إِخْدَاهُا فَتُدَكَّرَ إِخْدَاهُا الْأُخْرَى قَالَ إِذَا ضَلَّتْ إِخْدَاهُا عَنِ الشَّهَادَةِ
وَ نَسِيَتْهَا دَكَّرْتَهَا إِخْدَاهُا الْأُخْرَى فَاسْتَقَامَتَا عَلَى آدَاءِ الشَّهَادَةِ عَدَلَ اللَّهُ شَهَادَةَ امْرَأَتَيْنِ بِشَهَادَةِ رَجُلٍ لِنُفْصَانِ عُفُوهِنَّ وَ دِينِهِنَّ

If one of the two errs, so the other one should remind him [2:282] Amir Al-Momineen^{-asws} said: ‘Regarding His^{-azwj} Words: **If one of the two errs, so the other one should remind him** – he^{-asws} said: ‘When one of them erred from the testimony and forgot it, the other ones reminds the other one with it, so they would both be straight in the giving of the testimony. Allah^{-azwj} Equated the testimonies of two women with the testimony of one man, due to the deficiency of their intellects and their Religion’.

ثُمَّ قَالَ عَ مَعَاشِرَ النِّسَاءِ خَلِفْتُنَّ نَاقِصَاتِ الْعُمُولِ فَاحْتَرِزْنَ فِي الشَّهَادَاتِ مِنَ الْعَلَطِ فَإِنَّ اللَّهَ يُعْطِمُ ثَوَابَ الْمُتَحَفِّظِينَ وَ الْمُحْتَفِّظَاتِ

Then he^{-asws} said: ‘Community of women! You have been Created deficient of the intellects, therefore preserve yourselves from the mistakes in the testimonies, for Allah^{-azwj} the Exalted Grants great Rewards to the male preservers and the female preservers (of the testimonies).

وَلَقَدْ سَمِعْتُ مُحَمَّدًا رَسُولَ اللَّهِ ص يَقُولُ مَا مِنْ امْرَأَتَيْنِ اخْتَرَزْنَا فِي الشَّهَادَةِ فَذَكَرَتْ إِحْدَاهُمَا الْأُخْرَى حَتَّى تُقِيمَا الْحَقَّ وَ تَنْفِيَا الْبَاطِلَ إِلَّا وَ إِذَا بَعَثَهُمَا اللَّهُ يَوْمَ الْقِيَامَةِ عَظَمَ ثَوَابُهُمَا وَ لَا يَزَالُ يَصُبُّ عَلَيْهِمَا النَّعِيمَ وَ يُذَكِّرُهُمَا الْمَلَائِكَةُ مَا كَانَ مِنْ طَاعَتِهِمَا فِي الدُّنْيَا وَ مَا كَانَتْ فِيهِ مِنْ أَنْوَاعِ الْهُمُومِ فِيهَا وَ مَا أَرَاهُ اللَّهُ عَنْهُمَا حَتَّى خَلَّدَهُمَا فِي الْجَنَّةِ

And I^{-asws} have heard Rasool-Allah^{-saww} saying: ‘There are none from the two women who are preserving regarding the testimonies, so one of them reminds the others until the truth is established, and the falsehood is negated, except when Allah^{-azwj} Resurrects them both on the Day of Qiyamah with Great Rewards. He^{-azwj} will not Cease to Pour the Bounties upon them, and He^{-azwj} would Mention to the Angels what their obedience was in the world, and what they were in the varieties of worries in it – and Allah^{-azwj} will not Cease from them until He^{-azwj} Makes them abide eternally in the Gardens’.

وَ إِنَّ فِيهِنَّ لَمَنْ تُبْعَثُ يَوْمَ الْقِيَامَةِ فَيُؤْتَى بِمَا قَبْلَ أَنْ تُعْطَى كِتَابُهَا فَتَرَى السِّبَّاتِ بِهَا مُحِيطَةً وَ تَرَى حَسَنَاتِهَا قَلِيلَةً فَيَقَالُ لَهَا يَا أُمَّةَ اللَّهِ هَذِهِ سَيِّئَاتُكَ فَأَيْنَ حَسَنَاتُكَ فَتَقُولُ لَا أَذْكَرُ حَسَنَاتِي فَيَقُولُ اللَّهُ لِحَفِظَتِهَا يَا مَلَائِكَتِي تَذَكَّرُوا حَسَنَاتِهَا وَ ذَكِّرُوا خَيْرَاتِهَا فَيَتَذَكَّرُونَ حَسَنَاتِهَا

And that among them would be one who would be Resurrected on the Day of Qiyamah, so they would come with her before she is given her book. She would see the evil deeds having encompassed it, and she would see her good deeds as being few. It would be said to her: ‘O maid of Allah^{-azwj}! These are your evils deeds, so where are your good deeds?’ She would be saying, ‘I don’t remember my good deeds’. Allah^{-azwj} would be Saying to her recorders: “O My^{-azwj} Angels! Mention her good deeds, and mention her goodness!” So they would be mentioning her good deeds.

يَقُولُ الْمَلَكُ الَّذِي عَلَى الْيَمِينِ لِلْمَلِكِ الَّذِي عَلَى الشَّمَالِ مَا تَذَكَّرُ مِنْ حَسَنَاتِهَا كَذَا وَ كَذَا فَيَقُولُ بَلَى وَ لَكِنِّي أَذْكَرُ مِنْ سَيِّئَاتِهَا كَذَا وَ كَذَا فَيَعْبُدُ وَ يَقُولُ الْمَلَكُ الَّذِي عَلَى الْيَمِينِ لَهُ أَفَمَا تَذَكَّرُ تَوْبَتَهَا مِنْهَا قَالَ لَا أَذْكَرُ

The Angel who is upon her right would be saying to the Angel upon the left: ‘But, do you remember from her good deeds, such and such?’ He would say, ‘Yes, but remember from her evils deeds, such and such’. So they would count, and the Angel upon her right would say to him: ‘But, do you not remember her repentance from it?’ He would say, ‘I don’t remember’.

قَالَ أَمَا تَذْكُرُ أُمَّهَا وَصَاحِبَتَهَا تَذَاكُرْنَا الشَّهَادَةَ الَّتِي كَانَتْ عِنْدَهُمَا حَتَّى اتَّفَقْنَا وَشَهِدْنَا بِهَا وَ لَمْ نَأْخُذْهُمَا فِي اللَّهِ لَوْمَةً لَأَنَّهُمَا قِيَمُوا بِلِي قِيَمُوا الْمَلِكِ الَّذِي عَلَى الْيَمِينِ لِلَّذِي عَلَى الشَّمَالِ أَمَا تِلْكَ الشَّهَادَةُ مِنْهُمَا تَوْبَةٌ مَاحِيَةٌ لِسَالِفِ ذُنُوبِهِمَا

He would say, 'But, do you remember that she and her companions both mentioned the testimony which was with them until the testimony until they concurred, and gave the testimony with it, and they did not take for the Sake of Allah^{-azwj}, the accusation of an accuser?' He would be saying, 'Yes'. So the Angel upon the right would say to the one upon the left: 'But that testimony from them both is (sufficient) as a repentance for the deletion of their past sins'.

ثُمَّ تُعْطَيَانِ كِتَابَهُمَا بِيَمَائِهِمَا فَتُوجَدُ حَسَنَاتُهُمَا كُلُّهَا مَكْتُوبَةً وَ سَيِّئَاتُهُمَا كُلُّهَا

Then they would both be given their book in their right hands, and they would find their good deeds, all of them to be written therein, and their evil deeds, all of them.

ثُمَّ تَجِدَانِ فِي آخِرِهَا يَا أُمَّتِي أَقَمْتِ الشَّهَادَةَ بِالْحَقِّ لِلضُّعَفَاءِ عَلَى الْمُبْطَلِينَ وَ لَمْ يَأْخُذْكِ فِيهَا لَوْمَةً اللَّائِمِينَ فَصَبَّرْتِ لَكَ ذَلِكَ كَفَّارَةً لِدُنُوبِكَ الْمَاضِيَةِ وَ مَحْوًا لِحَطِيئَاتِكَ السَّالِفَةِ.

Then they would find written at the end of it: "O My^{-azwj} maid! You established the testimony with the truth for the weak ones against the false ones, and did not take for the Sake of Allah^{-azwj}, the accusation of an accuser. Thus, that has become an expiation for you for your sins of the past, and a deletion of your past mistakes".³⁷⁸

11- ين، كتاب حسين بن سعيد و النوادر ابنُ مُشْكَنَانَ عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْفَاحِشِ أَوْ تَقْبَلُ شَهَادَتَهُ بَعْدَ الْحَدِّ إِذَا تَابَ

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

'I asked Abu Abdullah^{-asws} about the slanderer, 'Can his testimony be accepted after the legal penalty (has been established upon him), when he repents?'

قَالَ نَعَمْ قُلْتُ

He^{-asws} said: 'Yes'.

وَ مَا تَوْبَتُهُ

I said, 'And what is his repentance?'

قَالَ يُكَذِّبُ نَفْسَهُ عِنْدَ الْإِمَامِ فِيمَا افْتَرَاهُ وَ يَنْدَمُ وَ يَتُوبُ بِمَا قَالَ.

He^{-asws} said: 'He should belie himself in the presence of the Imam^{-asws} regarding what he had fabricated, and he should regret and repent from what he had said'.³⁷⁹

³⁷⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 10

³⁷⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 11

12- كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الله بن سنان عن أبي عبد الله ع قال قال: يُرَدُّ شَهَادَةُ الظَّنِّينِ وَ الْمُتَّهَمِ.

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdullah Bin Sinan,

From Abu Abdullah^{-asws}, he (the narrator) said, 'He^{-asws} said: 'Testimony of the suspicious and the accused is rejected'.³⁸⁰

13- وَ قَالَ فِي الْمَكَاتِبِ إِذَا شَهِدَ فِي الطَّلَاقِ وَ قَدْ أُعْتِقَ نِصْفُهُ إِنْ كَانَ مَعَهُ رَجُلٌ وَ امْرَأَةٌ جَارَتْ شَهَادَتُهُ.

And he^{-asws} said regarding the contracted slave: 'When he testified regarding the divorce, and half of his has been liberated, if there was a man and a woman with him, his testimony is allowed'.³⁸¹

14- وَ لَا يَجُوزُ شَهَادَةُ وَلَدِ الزَّوْنِ وَ شَهَادَةُ النِّسَاءِ فِي الطَّلَاقِ.

And testimony of a son of adultery (bastard) is not allowed, and the testimony of the women regarding the divorce'.³⁸²

15- وَ قَالَ: وَ يَغْرُمُ شَاهِدُ الزُّورِ بِقَدْرِ مَا شَهِدَ عَلَيْهِ مِنْ مَالِهِ.

And he^{-asws} said: 'The false testifier is liable (penalised) from his wealth in accordance to what he had testified upon'.³⁸³

16- وَ قَالَ قَالَ: فَضَى رَسُولُ اللَّهِ ص بِشَهَادَةِ الْوَاحِدِ وَ يَمِينِ الْخُصْمِ فَأَمَّا فِي الْهَلَالِ فَلَا إِلَّا شَاهِدَيْنِ عَدْلٍ وَ يَجُوزُ شَهَادَةُ النِّسَاءِ فِي كُلِّ مَا لَمْ يَجْزِ لِلرِّجَالِ النَّظَرُ إِلَيْهِ.

And he (Al-Sadiq^{-asws}) said: 'He (Ali^{-asws}) said: 'Rasool-Allah^{-saww} judged with the one testimony and oath of the claimant. As for regarding the Halaal, so no except two just witnesses, and testimony of the women is allowed in all what it is not allowed for the men to be looking at'.³⁸⁴

17- ابْنُ مُسْلِمٍ وَ قَالَ رَسُولُ اللَّهِ لَمْ يَجْزِ شَهَادَةُ الصَّبِيِّ وَ لَا خُصْمٍ وَ لَا مُتَّهَمٍ وَ لَا ظَنِّينِ وَ إِذَا سَمِعَ الرَّجُلُ شَهَادَةً وَ لَمْ يُشْهَدْ عَلَيْهَا فَهِيَ بِالْخِيَارِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ

Ibn Muslim -

'And Rasool-Allah^{-saww} said: 'The testimony of a child, an adversary, one accused, or one given to suspicion is not accepted. If a man hears testimony but was not called upon to bear witness, he has the choice, if he wishes, he may testify, and if he wishes, he may remain silent.

³⁸⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 12

³⁸¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 13

³⁸² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 14

³⁸³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 15

³⁸⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 16

وَ الرَّجُلُ يَدَّعِي وَ لَا بَيِّنَةٌ لَهُ يُسْتَحْلَفُ الْمُدَّعَى عَلَيْهِ فَإِنْ رَدَّ الْيَمِينَ عَلَى الْمُدَّعِي فَأَبَى أَنْ يَحْلِفَ فَلَا حَقَّ لَهُ وَ الصَّبِيُّ يَشْهَدُ ثُمَّ يُدْرِكُ فَإِنْ بَقِيَ عَلَى مَوْضِعِ الشَّهَادَةِ وَ كَذَلِكَ الْمَمْلُوكُ وَ الْمُشْرِكُ.

When a man makes a claim without evidence, the defendant is made to swear an oath. If the defendant refers the oath back to the claimant and the claimant refuses to swear, then he has no right. And if a child gives testimony and later reaches maturity, his testimony is accepted if he maintains it, and the same applies to a slave and to a Polytheist'.³⁸⁵

18- قَالَ: وَ كَانَ عَلِيٌّ ع إِذَا أَنَاهُ عِدَّةٌ وَ عَدَّتْهُمْ وَاحِدٌ أَقْرَعَ بَيْنَهُمْ أَيُّهُمْ وَقَعَتِ الْيَمِينُ عَلَيْهِ اسْتَحْلَفْتُهُمْ وَ قَالَ اللَّهُمَّ رَبَّ السَّمَاوَاتِ السَّبْعِ أَيُّهُمْ كَانَ الْحَقُّ لَهُ فَأَدَّهِ إِلَيْهِ ثُمَّ يَجْعَلُ الْحَقُّ لِلَّذِي يَصِيرُ الْيَمِينَ عَلَيْهِ إِذَا حَلَفَ.

He^{-asws} said: 'And Ali^{-asws} was such that whenever a number of men came to him^{-asws}, and their fairness was one, he^{-asws} drew lots between them. Whichever the oath fell upon he^{-asws} would make him swear, and he^{-asws} said: 'O Lord^{-azwj}! Lord^{-azwj} of the seven skies! Whoever of them has the right for him, Fulfil to him!' Then he^{-asws} would make the right to be for the one the oath had come upon, when he swore'.³⁸⁶

[باب 17 شهادة الزور و كتمان الشهادة و تحملها و تحريفها و تصحيحها و حكم الرجوع عن الشهادة](#)

CHAPTER 17 – FALSE TESTIMONY, AND CONCEALING THE TESTIMONY, AND BEARING IT, AND ALTERING IT, AND CORRECTING IT, AND RULING OF THE RETRACTION FROM THE TESTIMONY

1- غو، غوالي اللثالي روي في كتاب التكاليف لابن أبي العزاقير رواه عن العالم ع أنه قال: مَنْ شَهِدَ عَلَى مُؤْمِنٍ بِمَا يَنْتَلِمُهُ أَوْ يَنْتَلِمُ مَالَهُ أَوْ مُرُوءَتَهُ سَمَّاهُ اللَّهُ كَذَّابًا وَ إِنْ كَانَ صَادِقًا وَ مَنْ شَهِدَ لِمُؤْمِنٍ بِمَا يُحْيِي بِهِ مَالَهُ أَوْ يُعِينُهُ عَلَى عَدُوِّهِ أَوْ يَحْفَظُهُ دَمَهُ سَمَّاهُ اللَّهُ صَادِقًا وَ إِنْ كَانَ كَاذِبًا.

(The book) 'Gawal Al-La'aly' – It is reported in 'Kitab Al Takleef' of Ibn Abu Al-Azaqir,

It is reported from the Scholar (Imam^{-asws}) having said: 'One who testifies upon a Momin with what damages him or damages his wealth or his personality, Allah^{-azwj} Names him as a liar and even if he was truthful; and one who testifies for a Momin what revives his wealth by it, or assists him against his enemy, or protects his blood, Allah^{-azwj} Names him as truthful, and even if he was a liar!'³⁸⁷

2- وَ رَوَى أَيْضًا صَاحِبُ هَذَا الْكِتَابِ عَنِ الْعَالِمِ ع قَالَ: إِذَا كَانَ لِأَخِيكَ الْمُؤْمِنِ عَلَى رَجُلٍ حَقٌّ فَدَفَعَهُ وَ لَمْ يَكُنْ لَهُ بَيِّنَةٌ إِلَّا شَاهِدٌ وَاحِدٌ وَ كَانَ الشَّاهِدُ نَيْفَةً رَجَعْتَ إِلَى الشَّاهِدِ فَسَأَلْتَهُ عَنْ شَهَادَتِهِ فَإِذَا أَقَامَهَا عِنْدَكَ شَهِدَتْ مَعَهُ عِنْدَ الْحَاكِمِ عَلَى مِثْلِ مَا شَهِدَ لَهُ لِقَالِ يَتَوَى حَقُّ امْرِئٍ مُسْلِمٍ.

And it is reported as well by author of this book,

From the Scholar (Imam^{-asws}), having said: 'When there was a right for your Momin brother upon a man and he has repelled him, and there does not happen to be any proof for him

³⁸⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 17

³⁸⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 16 H 18

³⁸⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 1

except one witness, and the witness was trusted, refer to the witness and ask him about his testimony. When he establishes it in your presence, testify with him in the presence of the judge upon similar he had testified to him lest a right of a Muslim person is lost'.³⁸⁸

3- أَعْلَامُ الدِّينِ، عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ شَهِدَ شَهَادَةً زُورًا عَلَى رَجُلٍ مُسْلِمٍ أَوْ ذِمِّيٍّ أَوْ مِنْ كَانَ مِنَ النَّاسِ عُلِقَ بِلسَانِهِ يَوْمَ الْقِيَامَةِ وَهُوَ مَعَ الْمُتَأَفِّقِينَ فِي الدَّرَكِ الْأَسْفَلِ مِنَ النَّارِ.

(The book) A'Iam Al Deen' -

From the Prophet^{-saww} having said: 'One who testifies a false testimony upon a Muslim man, or a Zimmy, or someone from the people, he will be hung by his tongue on the Day of Qiyamah, and he would be with the hypocrites **in the lowest Level of the Fire [4:145]**'³⁸⁹

4- كِتَابُ الْغَايَاتِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ إِنَّ أَقْرَبَكُمْ مِنِّي مَجْلِسًا يَوْمَ الْقِيَامَةِ أَحْسَنُكُمْ أَخْلَاقًا وَإِنَّ أْبَعَضَكُمْ مِنِّي وَ مِنْ اللَّهِ مَجْلِسًا شَاهِدُ زُورًا.

(The book) 'Kitab Al-Ghayaat' -

From Jabir Bin Abdullah^{-ra} who said, 'Rasool-Allah^{-saww} said: 'The closest of you from me in a seat on the Day of Qiyamah is your best manners, and the most hateful of you to me and your remotest from me^{-saww} and from Allah^{-azwj} is a false testifier'.³⁹⁰

5- لِي، الْأَمَالِي لِلصَّدُوقِ فِي خَيْرِ الْمَنَاهِجِ أَنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ عَنْ كَيْفَانِ الشَّهَادَةِ وَ قَالَ مَنْ كَتَمَهَا أَطْعَمَهُ اللَّهُ لَحْمَهُ عَلَى رُؤُوسِ الْخَلَائِقِ وَ هُوَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ- وَ لَا تَكْتُمُوا الشَّهَادَةَ وَ مَنْ يَكْتُمُهَا فَإِنَّهُ آتَمٌ قَلْبُهُ.

(The book) 'Al Amaali' of Al Sadouq -

In a Hadeeth of the prohibitions, the Prophet^{-saww} forbade from the false testimony, and forbade from concealment of the testimony and said: 'One who conceals it, Allah^{-azwj} will Feed him, his own flesh upon heads of the people, and it is Word of Allah^{-azwj} Mighty and Majestic: **And do not conceal the testimony, and the one who conceals it, so he is of a sinful heart [2:283]**'.³⁹¹

6- ثَوَابُ الْأَعْمَالِ لِي، الْأَمَالِي لِلصَّدُوقِ أَبِي عَنْ سَعْدِ بْنِ أَبِي يَزِيدَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: شَاهِدُ الزُّورِ لَا تَزُولُ قَدَمَاهُ حَتَّى يَجِبَ لَهُ النَّارُ.

(The book) 'Sawab Al Amaal', (and) 'Al Amaali' of Al Sadouq - My father, from Sa'ad, from Ibn Yazeed, from Ibn Abu Umeyr, from Hisham Bin Salim,

³⁸⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 2

³⁸⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 3

³⁹⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 4

³⁹¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 5

From Abu Abdullah^{-asws} having said: 'The false testifier, his feet will not move until the Fire is obligated for him'.³⁹²

7- ثواب الأعمال لي، الأماي للصدوق ابن الوليد عن الصَّفَّارِ عَنِ ابْنِ عَيْسَى عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ ابْنِ الْأَخْمَرِ عَنِ رَجُلٍ عَنِ صَالِحِ بْنِ مَيْمَنٍ عَنِ أَبِي جَعْفَرٍ ع قَالَ: مَا مِنْ رَجُلٍ يَشْهَدُ شَهَادَةً زُورٍ عَلَى مَالِ رَجُلٍ مُسْلِمٍ لِيَقْطَعَهُ إِلَّا كَتَبَ اللَّهُ عَزَّ وَجَلَّ لَهُ مَكَانَهُ صَكَكًا إِلَى النَّارِ.

(The book) 'Sawab Al Amaal', (and) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ali Bin Al Hakam, from Aban Al Ahmar, from a man, from Salih Bin Maysam,

From Abu Ja'far^{-asws} having said: 'There is none from a man who testifies a false testimony upon the wealth of a Muslim man to cut him off, except Allah^{-azwj} Mighty and Majestic will Write in its place a document to the Hellfire'.³⁹³

8- ب، قرب الإسناد هارون عن ابن زياد عن الصادق عن أبيه ع قَالَ قَالَ رَسُولُ اللَّهِ ص إِنَّ شَاهِدَ الزُّورِ لَا يَزُولُ قَدَمُهُ حَتَّى تُوجِبَ لَهُ النَّارُ.

(The book) 'Qurb Al Isnaad' – Haroun, from Ibn Ziyad,

From Al-Sadiq^{-asws}, from his^{-asws} father^{-asws} having said: 'Rasool-Allah^{-saww} said: 'A false witness will not move from his position until he is condemned to Hell'.³⁹⁴

9- ثواب الأعمال ابن الوليد عن الصَّفَّارِ عَنِ ابْنِ عَيْسَى عَنِ ابْنِ أَبِي نَجْرَانَ عَنِ أَبِي جَبَلَةَ عَنْ جَابِرٍ عَنِ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ كَتَمَ شَهَادَةً أَوْ شَهِدَ بِهَا لِيَهْدَرَ بِهَا دَمَ امْرِئٍ مُسْلِمٍ أَوْ لِيُنْتَوَى بِهَا مَالُ امْرِئٍ مُسْلِمٍ أُنَى يَوْمَ الْقِيَامَةِ وَ لَوَجْهَهُ ظَلَمَةٌ مَدَّ الْبَصَرَ وَ فِي وَجْهِهِ كُدُوحٌ تَعْرِفُهُ الْحَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ وَ مَنْ شَهِدَ شَهَادَةً حَقًّا لِيُحْيِيَ بِهَا حَقَّ امْرِئٍ مُسْلِمٍ أُنَى يَوْمَ الْقِيَامَةِ وَ لَوَجْهَهُ نُورٌ مَدَّ الْبَصَرَ يَعْرِفُهُ الْحَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ

(The book) 'Sawab Al-Amaal' – Ibn Al Waleed, from Al Saffar, from Ibn Isa, from Ibn Abu Najran, from Abu Jameela, from Jabir,

From Abu Ja'far^{-asws} having said: 'Rasool-Allah^{-saww} said: 'One who conceals a testimony or testifies with it to spill the blood of a Muslim person by it, or seize the wealth of a Muslim person by it, will come on the Day of Qiyamah and his face will be dark to the extent of the sight, and in his face will be marking, the people will recognise him by his name, and his lineage'.

ثُمَّ قَالَ أَبُو جَعْفَرٍ ع أَلَا تَرَى اللَّهُ عَزَّ وَجَلَّ يَقُولُ - وَ أَقِيمُوا الشَّهَادَةَ لِلَّهِ.

Then Abu Ja'far^{-asws} said: 'Don't you see Allah^{-azwj} Mighty and Majestic Said: **establish the testimony for the Sake of Allah [65:2]**'.³⁹⁵

10- ثواب الأعمال ابن المَتَوَكَّلِ عَنِ الْحُمَيْرِيِّ عَنِ ابْنِ أَبِي الْخَطَّابِ عَنِ ابْنِ مُحَمَّدٍ عَنِ أَبِي أَيُّوبَ عَنِ سَمَاعَةَ عَنِ أَبِي عَبْدِ اللَّهِ ع قَالَ: شُهُودُ الزُّورِ يُجْلَدُونَ جُلْدًا لَيْسَ لَهُ وَقْتُ وَ ذَلِكَ إِلَى الْإِمَامِ وَ يُطَافُ بِهِمْ حَتَّى يُعْرِفُوا فَلَا يُعْودُوا

³⁹² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 6

³⁹³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 7

³⁹⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 8

³⁹⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 9

(The book) 'Sawab Al Amaal' – Ibn Al Mutawakkil, from Al Himeyri, from Ibn Abu Al Khattab, from Ibn Mahboub, from Abu Ayoun, from Sama'at,

From Abu Abdullah^{-asws} having said: 'The false testifiers will be whipped lashes, not having a fixed number for it, and that is up to the Imam^{-asws}, they will be paraded with until they are recognised, so they do not repeat'.

قَالَ فَمُلَّتْ لَهُ فَإِنْ تَابُوا وَ أَصْلَحُوا تُقْبَلُ شَهَادَتُهُمْ بَعْدَهُ

He (the narrator) said, 'I said to him^{-asws}, 'Supposing they repent and correct themselves, will their testimonies be accepted after it?'

قَالَ إِذَا تَابُوا تَابَ اللَّهُ عَلَيْهِمْ وَ قُبِلَتْ شَهَادَتُهُمْ بَعْدَهُ.

He^{-asws} said: 'When they repent, Allah^{-azwj} will Turn to them, and their testimonies will be accepted afterwards'.³⁹⁶

11- ثَوَابُ الْأَعْمَالِ أَبِي عَنْ سَعْدِ بْنِ الرَّبِيعِ عَنْ أَبِيهِ عَنْ صَفْوَانَ بْنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ أَبِي عَبْدِ اللَّهِ ع قَالَ لَهُ فِي شَهَادَةِ الرَّوْرِ مَا تَوْبَتُهُ

(The book) 'Sawab Al Amaal' – My father, from Sa'ad, from Al Barqy, from his father, from Safwan, from Al A'la, from Muhammad,

From Abu Abdullah^{-asws}, he (the narrator) said to him^{-asws}, 'Regarding the false testimony, what is his repentance?'

قَالَ يُؤَدِّي الْمَالِ الَّذِي شَهِدَ عَلَيْهِ بِقَدْرِ مَا ذَهَبَ مِنْ مَالِهِ إِنْ كَانَ الْبِصْفَ أَوْ الثُّلُثَ إِنْ كَانَ شَهِدَ هُوَ وَ آخِرُ مَعَهُ أَدَى الْبِصْفِ.

He^{-asws} said: 'He should pay back the wealth which he had testified upon, in accordance to his wealth which had gone, even if it was half, or a third. If he had testified and another one was with him, he should pay back the half'.³⁹⁷

12- ضَا، فقه الرضا عليه السلام أُرْوِي عَنِ الْعَالِمِ أَنَّهُ قَالَ: مَنْ كَتَمَ شَهَادَتَهُ أَوْ شَهِدَ آثِمًا لِيَهْدِرَ دَمَ رَجُلٍ مُسْلِمٍ أَوْ لِيَتَوَي مَالَهُ أَتَى يَوْمَ الْقِيَامَةِ وَ لَوَجْهِهِ ظُلْمَةٌ مَدَّ الْبَصَرَ وَ فِي وَجْهِهِ كُدُوحٌ يَعْرِفُهُ الْخَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ

(The book) 'Fiqh Al-Reza^{-asws}', may the greeting be upon him^{-asws} – It has been reported from the Scholar (Imam^{-asws}), he^{-asws} said: 'One who conceals his testimony or testifies sinfully to spill the blood of a Muslim man, or seize his wealth, will come on the Day of Qiyamah and there will be darkness for his face to the extent of the sight, and in his face will be markings, the people will recognise him by his name and his lineage.

وَ مَنْ شَهِدَ شَهَادَةً حَقًّا لِيُخْرِجَ بِهَا حَقًّا لِأَمْرِي مُسْلِمٍ أَوْ لِيُخْفَنَ بِهَا دَمُهُ أَتَى يَوْمَ الْقِيَامَةِ وَ لَوَجْهِهِ نُورٌ مَدَّ الْبَصَرَ يَعْرِفُهُ الْخَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ.

³⁹⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 10

³⁹⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 11

And one who testifies a true testimony to extract a right of a Muslim person, or to save his blood by it, will come on the Day of Qiyamah, and there will be radiance for his face to the extent of the sight. The people will recognise him by his name and his lineage'.³⁹⁸

13- وَ أَرُوِي عَنِ الْعَالِمِ ع أَنَّهُ قَالَ: مَنْ شَهِدَ عَلَى مُؤْمِنٍ بِمَا يَنْتَلِمُهُ أَوْ يَنْتَلِمُ مَالَهُ أَوْ مُرُوتَهُ سَمَاءُ اللَّهِ كَاذِبًا وَإِنْ كَانَ صَادِقًا وَإِنْ شَهِدَ لَهُ بِمَا يُجِبِي مَالَهُ أَوْ يُعِينُهُ بِهِ عَلَى عَدُوِّهِ أَوْ يَخْفُضُ دَمَهُ سَمَاءُ اللَّهِ صَادِقًا وَإِنْ كَانَ كَاذِبًا

And it is reported from the Scholar (Imam^{-asws}) having said: 'One who testifies against a Momin with what he damages his wealth or his personality, Allah^{-azwj} will Name him as a liar and even if he was truthful; and if he testifies for him with what revives his wealth or assists him with it against his enemy, or saves his blood, Allah^{-azwj} will Name him as a truthful and even if he was a liar.

وَمَعْنَى ذَلِكَ أَنْ يَشْهَدَ لَهُ وَيَشْهَدَ عَلَيْهِ فِيمَا بَيْنَهُ وَبَيْنَ مُخَالَفٍ فَأَمَّا بَيْنَهُ وَبَيْنَ مُوَافِقٍ فَلْيَشْهَدْ لَهُ وَعَلَيْهِ بِالْحَقِّ.

And the meaning of that is that he testifies for him and testifies against him in what is between him and an opponent. As for what is between him and a compatible on (Momin), let him testify for him and against him with the truth'.³⁹⁹

14- شي، تفسير العياشي عَنْ يَزِيدَ بْنِ أُسَامَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ وَ لَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ لَا يَنْبَغِي لِأَحَدٍ إِذَا مَا دُعِيَ إِلَى الشَّهَادَةِ لِيَشْهَدَ عَلَيْهَا أَنْ يَقُولَ لَا أَشْهَدُ لَكُمْ.

Tafseer Al Ayyashi – From Yazeed Bin Usama,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I asked him^{-asws} about Words of Allah^{-azwj}: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'It is not befitting for anyone when he is summoned to the witnessing to testify upon it, that he should be saying, 'I will not be a witness for you''.⁴⁰⁰

15- شي، تفسير العياشي عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الْحَسَنِ مُوسَى ع فِي قَوْلِ اللَّهِ وَ لَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ إِذَا دَعَاكَ الرَّجُلُ تَشْهَدُ عَلَى دَيْنٍ أَوْ حَقٍّ- لَا يَنْبَغِي أَنْ تَتَفَاعَسَ عَنْهُ.

Tafseer Al Ayyashi – From Muhammad Bin Al Fuzeyl,

From Abu Al-Hassan Musa^{-asws} regarding Words of Allah^{-azwj}: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'When a man calls you to witness upon a debt or a right, it is not befitting that you be sluggish from it'.⁴⁰¹

16- شي، تفسير العياشي عَنْ أَبِي الصَّبَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ وَ لَا يَأْتِ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ لَا يَنْبَغِي لِأَحَدٍ إِذَا مَا دُعِيَ لِلشَّهَادَةِ أَنْ يَشْهَدَ عَلَيْهَا أَنْ يَقُولَ- لَا أَشْهَدُ لَكُمْ وَ ذَلِكَ قَبْلَ الْكِتَابِ.

³⁹⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 12

³⁹⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 13

⁴⁰⁰ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 14

⁴⁰¹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 15

Tafseer Al Ayyashi – From Abu Al Sabbah,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'It is not befitting for anyone when he is summoned for the witnessing to testify upon it that he says, 'I will not be a witness for you', and that is before the writing (of the agreement)'.⁴⁰²

17- شي، تفسير العياشي عن هشام بن سالم عن أبي عبد الله ع قال: فُلْتُ لَا نَكْتُمُوا الشَّهَادَةَ

Tafseer Al-Ayyashi – From Hisham Bin Salim,

From Abu Abdullah^{-asws}, he (the narrator) said, 'I said, **And do not conceal the testimony [2:283]**'.

قَالَ بَعْدَ الشَّهَادَةِ.

He^{-asws} said: 'After the witnessing'.⁴⁰³

18- شي، تفسير العياشي عن هشام بن سالم عن أبي عبد الله ع في قوله وَ لَا يَأْبُ الشُّهَادَةَ قَالَ قَبْلَ الشَّهَادَةِ.

Tafseer Al Ayyashi – From Hisham,

From Abu Abdullah^{-asws} regarding His^{-azwj} Words: **And the witnesses should not refuse [2:282]**. He^{-asws} said: 'Before the witnessing'.⁴⁰⁴

19- سر، السرائر من جامع البرنطبي عن صفوان بن يحيى عن داود بن الحصين قال: قَالَ فِي رَجُلٍ يُدْعَى إِلَى الشَّهَادَةِ فَيَصْحَحُهَا بِكُلِّ مَا يَجِدُ السَّبِيلَ إِلَيْهِ مِنْ زِيَادَةِ الْأَلْفَاظِ وَالْمَعَانِي وَ التَّفْسِيرِ فِي الشَّهَادَةِ مَا بِهِ يُثْبِتُ الْحَقُّ وَ يَصْحُحُ وَ لَا تَأْخُذُهُ هَوَادَةٌ عَلَى الْحَقِّ لَهُ مِثْلُ أَجْرِ الْقَائِمِ الْمُجَاهِدِ بِسَبِيلِ فِي سَبِيلِ اللَّهِ.

(The book) 'Al Saraair', from 'Jamie' of Al Bazanty – from Safwan Bin Yahya, from Dawood Bin Al Husayn who said,

He^{-asws} said regarding a man summoned to the testifying, so he corrects with all what he finds the way to, from additional words, and the meaning, and the interpretation in the testimony what he can affirm the truth with, and he verifies, and does not take leniency upon the truth, for him would be Rewards similar to the Holy fighter standing with his sword in the Way of Allah^{-azwj}.⁴⁰⁵

20- وَ يَجِدُ الْإِسْنَادَ عَنْ دَاوُدَ بْنِ الْحُصَيْنِ قَالَ: سَمِعْتُ مَنْ سَأَلَ أَبَا عَبْدِ اللَّهِ ع وَ أَنَا حَاضِرٌ عِنْدَهُ عَنِ الرَّجُلِ تَكُونُ عِنْدَهُ الشَّهَادَةُ وَ هُوَ لَا يَرْضَى لَهَا قَوْلًا لَا يَقْبَلُونَ الشَّهَادَةَ إِلَّا عَلَى الصَّحِيحِ مِمَّا يَرَوْنَ فِيهِ مَذْهَبَهُمْ وَ إِلَيَّ إِذَا أَقَمْتُ الشَّهَادَةَ احْتَجَّتْ إِلَيَّ أَنْ أُغَيِّرَهَا خِلَافَ مَا أَشْهَدْتُ عَلَيْهِ وَ أَنْ أَزِيدَ فِي الْأَلْفَاظِ مَا لَمْ أَشْهَدْ عَلَيْهِ وَ إِلَّا لَمْ يَصْحَحْ فِي قَضَائِهِمْ لِصَاحِبِ الْحَقِّ بِمَا أَشْهَدْتُ لِي ذَلِكَ

⁴⁰² Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 16

⁴⁰³ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 17

⁴⁰⁴ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 18

⁴⁰⁵ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 19

And by this chain, from Dawood Bin Al Husayn who said,

'I heard one who asked Abu Abdullah^{-asws} and I was present in his^{-asws} presence, about the man having a testimony with him and these judges are not accepting the testimony except based upon the correct of what they are reporting regarding it in their doctrines, 'And If I present the testimony, I must alter it from what I actually witnessed and add words I did not witness to, otherwise, according to their judgment, the rightful claimant will not obtain his right based on my testimony. Is that Permissible for me?'

فَقَالَ إِي وَ اللَّهُ ذَاكَ أَفْضَلُ الْأَجْرِ وَ النَّوَابِ فَصَحَّحَهَا بِكُلِّ مَا قَدَرْتُ عَلَيْهِ بِمَا يَرُونَ الصَّحِيحَ فِي قَضَائِهِمْ.

He^{-asws} said: 'Yes, by Allah^{-azwj}! That is of better Recompense and Reward. Correct it with all what you are able upon from what they are reporting as the correct in their judgments'.⁴⁰⁶

21- 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 و تزوجت ثم إن الزوج الغائب قدم فزعم أنه لم يطلقها و أكدب نفسه أحد الشاهدين

(The book) 'Al Saraair' – Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim,

From Abu Ja'far^{-asws} regarding two men who testified upon a man absent from his wife that she is divorced. The woman observed the waiting period and re-married. Then the absentee husband arrived. He claimed that he had not divorced her, and one of the two witnessed belied himself'.

فَقَالَ لَا سَبِيلَ لِالْآخِرِ عَلَيْهَا وَ يُؤْخَذُ الصَّدَاقُ مِنَ الَّذِي شَهِدَ وَ رَجَعَ فَيُرَدُّ عَلَى الْآخِرِ وَ الْأَوَّلُ أَمْلَكَ بِهَا وَ نَعْتَدُ مِنَ الْآخِرِ وَ لَا يَفْرُجُهَا الْأَوَّلُ حَتَّى تَنْقُضِي عِدَّتَهَا.

He^{-asws} said: 'There is no way for the latter one to her, and he would take the dowry from the one who had testified and retracted and return to the latter ones, and the first has more right to her, and she has to observe the waiting period from the latter one and the first one cannot go near her until her waiting period has expired'.⁴⁰⁷

22- م، تفسير الإمام عليه السلام قوله عز وجل ولا يأتى الشهود إذا ما دُعوا

Tafseer Al-Imam (Hassan Al-Askari^{-asws}), may the greeting be upon him^{-asws} – Words of Mighty and Majestic: **And the witnesses should not refuse when they are summoned (for it) [2:282].**

قَالَ أَمِيرُ الْمُؤْمِنِينَ ع أَيُّ مَنْ كَانَ فِي عُنُقِهِ شَهَادَةٌ فَلَا يَأْتِ إِذَا دُعِيَ لِإِقَامَتِهَا وَ لِيَقِيمَهَا وَ لِيَنْصَحَ فِيهَا وَ لَا يَأْخُذُ فِيهَا لَوْمَةً لَائِمَ وَ لِيَأْمُرَ بِالْمَعْرُوفِ وَ لِيَنْهَى عَنِ الْمُنْكَرِ.

⁴⁰⁶ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 20

⁴⁰⁷ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 21

Amir Al-Momineen^{-asws} said: 'i.e., the one who had a testimony in his neck, he should not refuse when summoned to establish it, be sincere in it, not be swayed by the blame of any critic, enjoin what is right, and forbid what is wrong'.⁴⁰⁸

23- وَ فِي خَيْرٍ آخَرَ وَ لَا يَأْتِ الشُّهَادَةَ إِذَا مَا دُعُوا قَالَ نَزَلَتْ فِيْمَنْ إِذَا دُعِيَ لِسَمَاعِ الشُّهَادَةِ أَبِي وَ نَزَلَتْ فِيْمَنْ اِمْتَنَعَ عَنِ أَدَاءِ الشُّهَادَةِ إِذَا كَانَتْ عِنْدَهُ وَ لَا تَكْتُمُوا الشُّهَادَةَ وَ مَنْ يَكْتُمُهَا فَإِنَّهُ آتَمٌ قَلْبُهُ يَعْنِي كَافِرٌ قَلْبُهُ.

And in another Hadeeth: **And the witnesses should not refuse when they are summoned (for it) [2:282]**. He^{-asws} said: 'It was Revealed regarding the one when summoned to listen to the testimony refuses, and it was Revealed regarding one who prevents from giving the testimony when it was with him: **And do not conceal the testimony, and the one who conceals it, so he is of a sinful heart [2:283]** – meaning his heart has disbelieved'.⁴⁰⁹

⁴⁰⁸ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 22

⁴⁰⁹ Bihar Al-Anwaar V 101 – The Book of Rulings – CH 17 H 23