ENGLISH TRANSLATION

مَنْ لَا يَحْضُرُهُ الْفَقِيهُ

Man La Yahduruhu Al-Faqih

لِلشَّيْخِ الصَّدُوقِ

Al-Shaykh Al-Saduq

VOLUME 3

TRANSLATION: HAYDAR ALI SHAYKH

BAB UL QAIM
PUBLICATIONS

ENGLISH TRANSLATION OF

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MAN LA YAHDURUHU AL-FAQIH

أَبِي جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيِّ بْنِ الْحُسَيْنِ بْنِ بَابَوَيْهِ الْقُمِّيُّ

Shaykh Al-Saduq

Abu Ja'far Muhammad ibn Ali ibn al-Husayn ibn Babawayh al-Qummi

VOLUME 3



مُتَرْجِم . حَيْدَر عَلِيّ الشَّيْخ بْنُ مُحَمَّد

TRANSLATOR: HAYDAR ALI SHAYKH IBN MUHAMMAD

BAB UL QAIM PUBLICATIONS

Book ;	MAN LA YAHDURUHU AL FAQIH
Edition;	Volume 3 of 4, Edition 2
Year;	January, 2025
Country;	United Kingdom
Complied by;	Shaykh Al-Saduq Abu Ja'far Muhammad ibn Ali ibn al-Husayn ibn Babawayh al-Qummi [d.381AH]
Translated by;	Haydar Ali Shaykh Ibn Muhammad
Publisher;	BAB UL QAIM PUBLICATIONS
Quantity;	Electronic Release
Number of Pages;	800
Size:	169.9 mm by 244.1 mm

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ISBN: 979-8-31256742-7 (Paperback)

ISBN: 979-8-31256742-7 (Hardcover)

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Front cover image by Artist ‘HAYDAR ALI SHAYKH’.

Book design by Designer ‘HAYDAR ALI SHAYKH’.

Print authorized by BAB UL QAIM PUBLICATIONS, in the United Kingdom.

First printing edition: 2025.

BAB UL QAIM PUBLICATIONS.

Email; BabUlQaimpublications@outlook.com

Website; https://babulqaim.com/



۞ إِنَّمَا وَلِيُّكُمُ ٱللَّهُ وَرَسُولُهُ وَٱلَّذِينَ ءَامَنُواْ ٱلَّذِينَ يُقِيمُونَ ٱلصَّلَوٰةَ وَيُؤۡتُونَ ٱلزَّكَوٰةَ وَهُمۡ رَٰكِعُونَ ۞

But rather, your Guardian is Allah, and His Rasool, and those who are believers, those who establish the Salat and are giving the Zakat while they are performing Ruku (Surah Al Maida 5:55)

"(It is narrated) from Imam Ali ibn Al-Hussein {a.s} and Imam Al-Baqir {a.s} having said (about) [5:55]: 'It was revealed regarding Ameerul Momineen Imam Ali ibn Abi Talib {a.s}."

(Tafseer Abu Hamza Al Thumali)

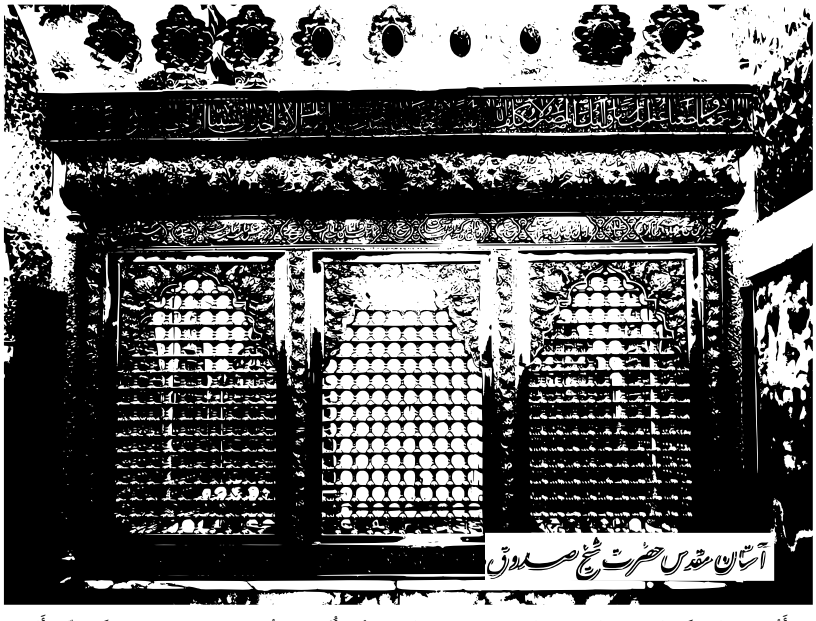


﴿ وَ قَالَ صَلَّى ٱللَّهُ عَلَيۡهِ وَ آلِهِ :فَاطِمَةُ بَضۡعَةٌ مِنِّي مَنۡ آذَاهَا فَقَدۡ آذَانِي وَ مَنۡ آذَانِي فَقَدۡ آذَى ٱللَّهَ ﴾

The Prophet {saws} said: "Fatima {s.a} is a part of Me; whoever harms her, has harmed Me, and thus whoever harms Me; has harmed Allah {SWT}".

(Bihar Al-Anwar, Vol. 30, p. 353)





السَّلَامُ عَلَيْكَ أَيُّهَا العَبْدُ الصَّالِحُ وَالعَالِمُ الفَاضِلُ وَالوَلِيُّ النَّاصِحُ، شَيْخُ الأُمَّةِ وَثِقَةُ الحَدِيثِ وَالمَاضِي إِلَى رَبِّهِ، أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيِّ بْنِ بَابَوَيْهِ القُمِّيُّ، رَحِمَكَ اللَّهُ وَرَضِيَ عَنْكَ وَجَزَاكَ اللهُ عَنْ الإِسْلَامِ وَأَهْلِهِ خَيْرَ الجَزَاءِ.

Peace be upon you, O righteous servant, virtuous scholar, and sincere guardian. O Sheikh of the Ummah, trustworthy transmitter of Hadith, and one who departed towards his Lord, Abu Ja'far Muhammad ibn 'Ali ibn Babawayh al-Qummi. May Allah have mercy on you, be pleased with you, and reward you with the best recompense on behalf of Islam and its people.

السَّلَامُ عَلَيْكَ يَا شَيْخَنَا الصَّدُوقُ وَحَافِظُ دِينِ اللهِ، وَمُبَلِّغُ أَحَادِيثِ آلِ مُحَمَّدٍ، وَأَمِينُ الإِمَامِ القَائِمِ فِي زَمَانِهِ، وَنَاصِرُ أَحْكَامِ الدِّينِ، وَدَفَّاعُ عَنْ شَرِيعَةِ سَيِّدِ المُرْسَلِينَ.

Peace be upon you, O our Sheikh Al-Saduq, the preserver of Allah's religion, the conveyer of the traditions of the family of Muhammad, the trustee of the Imam al-Qa'im in his time, the supporter of the rulings of religion, and the defender of the sacred law of the Master of the Messengers.

أَشْهَدُ أَنَّكَ قَدْ بَذَلْتَ جُهْدَكَ فِي نُصْرَةِ دِينِ اللهِ، وَأَفْنَيْتَ عُمُرَكَ فِي خِدْمَةِ الحَدِيثِ وَالعِلْمِ، وَكَانَتْ أَيَّامُكَ مَجْمَعًا لِلرِّوَايَةِ وَالإِفَادَةِ، وَأَنَّكَ كُنْتَ عَلَى بَصِيرَةٍ مِنْ أَمْرِكَ وَمِنْ أَمْرِ أَئِمَّتِكَ الطَّاهِرِينَ.

I bear witness that you exerted your utmost effort in the service of Allah's religion, dedicated your life to the preservation of Hadith and knowledge, and that your days were filled with narration and guidance. I bear witness that you were upon insight regarding your affair and the affair of your purified Imams.

فَرَحِمَكَ اللَّهُ يَا شَيْخَنَا، وَجَعَلَكَ فِي أَعْلَى عِلِّيِّينَ مَعَ الأَئِمَّةِ الهُدَاةِ المَهْدِيِّينَ، وَأَلْحَقَنَا بِكَ فِي دَارِ الكَرَامَةِ وَالرِّضْوَانِ.

May Allah have mercy on you, O our Sheikh, and grant you the highest station in 'Illiyyin alongside the guiding and rightly guided Imams. May He join us with you in the abode of honor and divine pleasure.

اللَّهُمَّ إِنِّي أَتَقَرَّبُ إِلَيْكَ بِزِيَارَةِ وَلِيِّكَ، وَأَسْأَلُكَ بِحُرْمَتِهِ عِنْدَكَ وَبِجَاهِهِ أَنْ تَغْفِرَ لِي ذُنُوبِي، وَتَرْزُقَنِي زِيَارَةَ مَوَالِيَّ الطَّاهِرِينَ، وَأَنْ تَجْمَعَنِي مَعَهُمْ فِي جَنَّاتِ النَّعِيمِ .السَّلَامُ عَلَيْكَ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ.

O Allah, I seek closeness to You through the visitation of Your wali (beloved servant), and I ask You, by his status in Your presence and his esteemed position, to forgive my sins, grant me the opportunity to visit my pure masters, and to unite me with them in the gardens of bliss. Peace be upon you, and the mercy and blessings of Allah.

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INTRODUCTION

The Book of 'Man La Yahduruhu Al-Faqih', was authored by the esteemed Shaykh Al Jaleel, Shaykh Al-Saduq Abu Ja'far Muhammad ibn Ali ibn al-Husayn ibn Babawayh al-Qummi [d.381 AH]. The translation of this work into English has been done by a humble servant of the Ahlulbayt {a.s}, Haydar Ali Shaykh ibn Muhammad. BAB UL QAIM PUBLICATIONS (B.U.Q) is the publishing house of this book, dedicated to providing unrestricted academic access to this valuable work, and making its content free to all. B.U.Q mission is to foster a culture of learning Hadiths, ensuring that everyone has the opportunity to access and share this knowledge. B.U.Q aims to spread this wisdom and teachings widely, as knowledge of the Ahlulbayt {a.s} is a legacy for all of humanity.

In the name of Allah {SWT}, the Most Gracious, the Most Merciful.

Praise be to Allah {SWT}, O' One who clarified the path to the standards of Islam and made Sunnah a guide to the laws and rulings. He sent His beloved Messenger {saws} amongst the creation as extension of his utmost mercy to all of humanity. He revealed the Qur'an as an explanation for everything, concluding his Hujjah through it, and enlightening the path for all people.

Allah {SWT} then illuminated the Infallible lanterns through our Prophet Muhammad {saws}, peace and blessings be upon him and his family, and through his brother, successor and comprehensive inheritor, Commander of the Faithful Imam Ali ibn Abi Talib {a.s}, and his infallible progeny {a.s}, who are the fountains of knowledge of the Sovereign Exalted Allah {SWT}. They are the foundations of the religion and the pillars of certainty. Through them, we have come to know the boundaries of lawful and unlawful and the acts of devotion, and through them alone, we are saved from the brink of eternal ruin, incomprehensible in magnitude and grandeur. Through them alone, we may live a worthy, fulfilling, and elevated life, far from humiliation, misery, and destruction, and so that we may not live in disgrace like exploited cattle or neglectful beasts.

May Allah's {SWT} blessings be upon His trustworthy Messenger {saws} and his pure progeny {a.s}, who are the custodians of the religion, within whom are the comprehensive treasures of the Qur'an and the secrets of the Most Merciful. When they speak; they are the unfathomable knowledge, When they are silent; they are the inimitable truth, When they walk, they are unparalleled, When they rest, they are unrivalled and supreme. In every hardship, they are the solace and strength that sooth our pain; for every illness, they are the everlasting and mending cure; and in every darkness, they stand alone, radiant and unwavering; the beacons of salvations that guide us. None is created like them, and they are created like none – absolutely matchless in their complete embodiment, secondary only to the sole supreme dominion of the One Allah {SWT}, the Al-Mutakabbir and Al-Adheem.

As for this book, 'Man La Yahduruhu al-Faqih', it is known by the scholars and the common folk. It is like the full moon, untouched by the hands of detractors, and few works can compare to it or approach it. Whoever traverses its paths and plains, finds refuge in the stronghold and fortress of Ahlulbayt {a.s}. The reader, no matter how much they delve into the vastness of its ocean and immerse themselves in the sweetness of its words and meanings, will find therein their sought-after aim and fulfilled desire. The one confused by conflicting statements seeks refuge in the firm pillars of this book, from misguidance and calamities.

So, blessed is the one who is guided by the light of its guidance, and how honoured is the one who follows its path – the true path of the Ahlulbayt {a.s}. Such a person will ease their journey of the hereafter, effortlessly picking at the fruits of the gardens and drink from the pure springs on the Day of Resurrection. The companion of this book will find grace on the day of their departure and true happiness when they rest, by Allah's {SWT} will. It will shield them from the troubles of their day and protect them from the dangers of the night. Through it, one will rise in the ascents of dignity and reside in the delight of Imaan and unfathomable eternal bliss.

The author, Shaykh Al Jaleel Al Saduq - may Allah's {SWT} abundant mercy be upon him - compiled this book with his tireless diligence, accurate judgment, sharp intellect, profound knowledge of narrations, extensive awareness of subtleties, keen perception of hidden aspects, deep understanding of jurisprudence and rulings, matters of the lawful and unlawful, and mastery in the discipline. He avoided error and doubt, composed the book skillfully, and conveyed it effectively. He derived his knowledge from its purest sources and obtained light from its niches and infallible lanterns of guidance. He followed the pure Infallible Imams {a.s}; guided by the Prophet {saws} and his family {a.s}, drawing from their infinite universe of knowledge, enlightened by their guidance, and clinging to the rope of their allegiance, never straying from their light.

Therefore, the seeker, delving through the folds of the cherished and eternal pages of this book, finds a clear methodology, evidence-backed jurisprudence, a solid foundation, wise and prudent reasoning, the correct school of thought, the straight truth, deep wisdom, bright proofs, eloquent speech, proper logic, along with landmarks, knowledge, exquisite insights, fascinating anecdotes, light, beauty, wisdom, and noble traditions, all guiding to the only true path and leading to the straight way – only through the Infallible Ahlulbayt {a.s}.

My motivations behind unbridling this ocean of knowledge for the believers was many fold. To compile this book in the manner that you see, my unwavering inspirations to endure the adversity and effort in its preparation was; foremost, the service to my master - Imam al-Zaman, Imam Muhammad ibn Hassan Al-Mahdi; Al-Qa'im; Al-Hujjah; Al-Muntazar; Al-Khalaf al-Salih; Al-Maw'ud; Baqiyatullah; Sahib al-Zaman and satisfaction of His Infallible Forefathers {a.s}.

Secondly, I wanted leave behind this ocean of knowledge as a legacy in honor of my parents and the believers, that they may find guidance, wisdom, and strength in its pages. May it serve as a source of enlightenment, guiding them through the trials of life and helping them to grow in virtue and understanding. This work was a means of investment into my eternal life, and may this serve as mediation for the many sins of myself, my parents and the believers – that we may not remain bereft of the intercession of the Ahlulbayt {a.s} and the famed mercy of Allah {SWT}. My aim was to unlock this treasure and share its knowledge and wisdom, for it to be a means of seeking elevated Imaan, spreading the light of guidance and forgiveness for the sins, an offering of charity that may echo beyond the grave, bringing mercy and peace to the souls of my parents and believers.

Lastly, the effort behind these works stems from the inspiration I have drawn from my esteemed teachers and role models, both past and present, whose dedication to knowledge has ignited a lasting flame within me - may Allah {SWT} extend his mercy over them. Their shining commitment serves as a beacon, encouraging me to undertake projects of this magnitude despite my own felt inadequacies. I have reflected deeply and considered at length, finding this task immense and myself insufficient, and I have often feared my capacity to be deficient for the scale of the task. Yet, as a service to the Ahlulbayt {a.s}, I remain steadfast and eager to

serve their cause until my last, striving to spread their boundless knowledge using every tool at my disposal. I acknowledge the challenges and complexities inherent in such work and apologize for any errors that may arise. The burden is heavy, requiring sacrifice, extensive time, and diligence, but with determination and reliance on His divine support, I have taken on this task. My goal is to grow progressively more comprehensive and precise, piecing together these efforts to form a unified and expansive contribution - may Allah {SWT} reward us for the efforts we expend for the Truth and allows this work to be a source of benefit for generations to come.

I firmly believe in the immense greatness and profound significance of this book. It is a work that truly warrants translation and widespread dissemination among the masses, ideally undertaken by scholars far more learned and capable than myself. Yet, for now, such a pivotal text must rely on the humble efforts of servants like myself. Insha'Allah, it will receive the justice it rightfully deserves in due time. Perhaps by this effort, we will inscribe a new page in the annals of loyalty to our great Infallible Imams {a.s}, and to their teachings.

I supplicate to Allah {SWT} that He grants me the gratitude for the guidance and success He has bestowed, keeps me away from misguidance and error, and allows me to complete this work as a tribute to Shaykh Abu Ja'far al-Saduq - may Allah {SWT} be pleased with him - for he is a true genius scholar, as shown by exemplary effort he expended in authoring this book.

We humbly requests all Momineen to recite Surah Al-Fatiha for the souls of our dearly departed Marhoomeen. May Allah {SWT} elevate their status in Alam-e-Barzakh, surround them with His boundless mercy, and forgive their sins. We also pray that Allah {SWT} bestows His infinite mercy upon our parents and teachers, who inspired and guided us to follow the noble Path of the AhlulBayt {a.s} and encouraged us to dedicate ourselves to spreading their timeless teachings.

A heartfelt dua request for the soul of Marhoom Muhammad Hanif Shaykh ibn Ghulam Abbas, May Allah {SWT} shower him with everlasting mercy and fill his resting place with light.



﴿ إمامُ جَعفَرِ بنِ مُحَمَّدٍ الصّادِقِ عليه السَّلامُ قالَ : سِتَّةٌ يَلْحَقْنَ اَلْمُؤمِنَ بَعْدَ وَفَاتِهِ وَلَدٌ يَسْتَغْفِرُ لَهُ وَ مُصْحَفٌ يُخَلِّفُهُ وَ غَرْسٌ يَغْرِسُهُ وَ صَدَقَةُ مَاءٍ يُجْرِيهِ وَ قَلِيبٌ يَحْفِرُهُ وَ سُنَّةٌ يُؤْخَذُ بِهَا مِنْ بَعْدِهِ ﴾

Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Six things follow a believer after his death: a child who seeks forgiveness for him, a Quran he leaves behind, a tree he plants, a charity of water he provides, a well he digs, and a good tradition acted upon after him.".
Man La Yahduruhu Al-Faqih, Volume. 1 (Hadith.555)

TRANSLATOR'S FOREWORD

In the name of Allah {SWT}, the Most Gracious, the Most Merciful.

It is with profound gratitude and humility that I present this translation of Man La Yahduruhu Al-Faqih, a cornerstone of Shia Islamic jurisprudence authored by the esteemed Sheikh Al-Saduq (may Allah {SWT} sanctify his soul). This monumental work, deeply rooted in the wisdom of the Ahlulbayt {a.s}, serves as a timeless guide for believers in their faith, worship, and daily life.

The task of translating such a pivotal text was both an honor and a responsibility. Sheikh Al-Saduq's intent in compiling this '*Man La Yahduruhu Al-Faqih*' book was to provide a practical and accessible reference for those who may not have direct access to a jurist. Recognizing its enduring relevance, I undertook this translation with the hope of bringing its profound teachings to a broader audience, ensuring that the divine guidance it encapsulates reaches those who seek it, removing the language barriers.

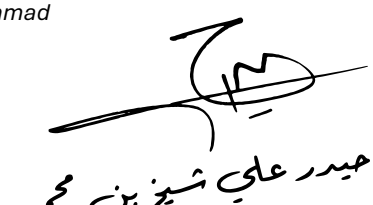
This translation is the result of meticulous study and careful effort. I relied on original Arabic manuscripts to ensure authenticity and accuracy of text, cross-referencing multiple editions of translations of the text to capture its depth and nuances. To enhance the reliability of the translation, I referred to classical Arabic dictionaries and lexical works to clarify complex terms and their contextual meanings. Additionally, I benefited from other notable translational works and other modern tools at our disposal today, comparing them with the original text to maintain integrity and consistency.

Throughout the process, I endeavoured to remain faithful to the original text, preserving the depth and essence of Sheikh Al-Saduq's words while rendering them in a manner accessible to contemporary readers. Where necessary, I have included only little clarifications and annotations to provide context for certain terms and concepts, always with the utmost respect for the original work.

I am also profoundly aware of my own limitations and the challenges inherent in such a task. Any shortcomings or errors are mine alone, and I ask for forgiveness of both Allah {SWT} and the readers. I humbly invite readers to share their feedback, corrections, or insights, as this translation is not an end but a step toward a greater understanding of this revered work.

May this effort, however small, serve as a source of guidance and benefit for all who engage with it. I pray that Allah {SWT} accepts this humble contribution, and that it earns the approval of the Ahlulbayt {a.s}.

With sincere gratitude,
Haydar Ali Shaykh bin Muhammad
[November, 2024]





BACKGROUND OF SHAYKH AL-SADUQ

The distinguished Shaykh Abu Ja'far Muhammad ibn Ali ibn al-Husayn ibn Babawayh al-Qummi, widely recognized as "Al-Saduq", is renowned for his profound religious influence during the fourth century of the Islamic era, his prominence was unanimously acknowledged by the Muslim community, and he was deeply revered and respected.

Shaykh al-Tusi, may Allah {SWT} have mercy on him, mentioned him in "Al-Fihrist" and "Al-Rijal," noting: "Muhammad ibn Ali ibn al-Husayn was a master of hadith memorization, well-versed in jurisprudence and the science of narrators, and a meticulous critic of narrations. Among the scholars of Qom, none were equal to him in terms of memory and extensive knowledge."

The renowned scholar Abu al-Abbas al-Najashi stated: "Abu Ja'far resided in Ray, where he was a leading elder and jurist, a prominent figure among the community in Khurasan. He visited Baghdad and was heard by the scholars of the community during his youth."

Many other notable figures, including Ibn Idris in "Al-Sara'ir," Ibn Shahrashub in "Al-Ma'alim," al-Muhaqqiq al-Hilli in "Al-Mu'tabar," Ibn Tawus in "Iqbal al-A'mal," al-Allamah in "Al-Khulasah," and Ibn Dawud in his "Rijal," praised him. His name was also mentioned by historians like al-Khatib al-Baghdadi in "Tarikh Baghdad" and al-Zarkali in "Al-A'lam."

Born and raised in Qom, he later travelled to various regions, such as Ray, Sitarabad, Gorgan, Nishapur, Mashhad (at the shrine of Imam Ali ibn Musa Ar-Ridha {a.s}), Marw al-Rudh, Sarakhs, Ilak, Samarqand, Farghana, Balkh (beyond the river), Hamadan, Baghdad, Kufa, Fid, Mecca, and Medina.

His father, Ali ibn al-Husayn - may Allah {SWT} have mercy on them both - was a prominent figure among the scholars of Qom, known for his leadership and high standing. During a time when Qom was home to numerous eminent scholars and narrators, he stood out. Despite his scholarly prominence, he lived modestly as a merchant, trading in the market with humility and self-sufficiency. Al-Tusi and al-Najashi documented his numerous works across various subjects, and Ibn al-Nadim mentioned him in their works.

Al-Saduq was born in response to a supplication by Imam Muhammad ibn Hassan al-Mahdi {a.s}, according to historical sources, which attested to his blessed and virtuous character. No praise could truly capture his stature, for even the esteemed Mulla Muhammad Taqi al-Majlisi remarked; "He is a pillar of religion." It is unsurprising that jurists regard his words as akin to transmitted texts and reliable reports. He authored approximately three hundred works, as documented by Shaykh al-Tusi and others. Regrettably, most have been lost over time, with "Madinat al-Ilm" being one of the greatest among them, now lost. Scholars like al-Majlisi searched for it in vain.

Our Scholarly heritage is rich, yet much has been lost to time due to neglect. It is our duty to preserve, revive, and disseminate these treasures to counter the claims of those who question the legacy of our religious scholarship. May we awaken to this task and honor our scholarly heritage with renewed dedication.

SEGMENTS AND SYMBOLS

عَلَيْهِ اَلسَّلاَم	Main Arabic Text	This is the original Arabic text from Shaykh Al-Saduq's book, presented with full tashkil and harakat (diacritical marks) to enhance readability and accessibility for the reader.
۞ بِسْمِ اللهِ ۞	Quranic Ayah	A verse from the Quran Al-Majeed, whether presented in full or partially, is accompanied by its original Arabic text, along with the Surah name and Ayah number for reference.
Hadith.[1] – Main hadith text.	**Hadith Number** & Hadith Text	This is provided to assist readers and researchers in locating the relevant Hadith, with the numbering aligned to the original book for ease of reference.
[AL SADUQ] Commentary	Commentary of Al Saduq	This is the direct translation of the commentary by the esteemed Shaykh Al-Jaleel, Al-Saduq.
[REFERENCES]	**Referenced Hadiths**	This section identifies similar or repeated Hadiths found within the corpus of Shia Hadith literature. It serves as a tool for verifying the accuracy and reliability of the translation.
{ SWT }	Subhanahu wa ta'ala	Islamic honorific that translates to "The Most Glorified, The Most High". It is used when mentioning Allah directly or referring to Him through pronouns such as "He" or "Him," as a way of showing reverence and exalting His divine status
{ AZJ }	Azzawajal	Islamic honorific that translates to "The Mighty and The Majestic". It is used when referring to Allah by titles such as "Lord" or "Rabb," to honor His greatness and majesty.
{ saws }	Sallallahu Alayhi wa Alayhi Wasallam	Islamic honorific that translates to "Peace be upon Him and His Family". It is exclusively for Prophet Muhammad {saws} as a mark of respect and admiring him and his purified family {saws}.
{ a.s }	Alayhis Salam	Islamic honorific that translates to "Peace be upon them". It is used to honor the Infallible Imams of the AhlulBayt {a.s}, the Infallible Prophets {a.s}, and the Angels of Allah {SWT}.

PRELUDE

قالَ الشَّيخُ الإمامُ السَّعيدُ الفَقيهُ [نَزيلُ الرِّيّ] أَبُو جَعفَرٍ مُحَمَّدُ بنُ عَلِيِّ بنِ الحُسَينِ بنِ مُوسَى بنِ بابَوَيْهِ القُمِّيُّ مُصَنِّفُ هذا الكِتابِ - قَدَّسَ اللّهُ رُوحَهُ:-

أَمّا بَعدُ فَإِنَّهُ لَمّا ساقَني القَضاءُ إِلى بِلادِ الغُربَةِ، وخَصَّلَني القَدَرُ مِنها بِأَرضِ بَلقِ مِن قَصبَةِ إيلاك وَرَدَها الشَّريفُ الدِّينُ أَبُو عَبدِ اللّهِ المَعرُوفُ بِنعمَةِ - وَهوَ مُحَمَّدُ بنُ الحَسَنِ بنِ إسحَاقَ بنِ [الحَسَنِ بنِ] الحُسَينِ بنِ إسحَاقَ بنِ مُوسَى بنِ جَعفَرَ بنِ مُحَمَّدِ بنِ عَلِيِّ بنِ الحُسَينِ بنِ عَلِيِّ بنِ أَبِي طالِبٍ عَلَيهِمُ السَّلامُ.

فَدامَ بِمُجالَسَتِهِ سُرُورِي وَانشَرَحَ بِذَاكِرَتِهِ صَدرِي وَعَظُمَ بِمَوَدَّتِهِ تَشَرُّفِي، لِأَخلاقٍ قَد جَمَعَها إِلى شَرَفِهِ مِن سِترٍ وَصَلاحٍ، وَسَكِينَةٍ وَوَقارٍ وَدِيَانَةٍ وَعَفافٍ، وَتَقوًى وَإِخبَاتٍ.

فَذاكَرَنِي بِكِتابٍ صَنَّفَهُ مُحَمَّدُ بنُ زَكرِيّا المُتَطَبِّبُ الرَّازِي وَتَرجَمَهُ بِكِتابٍ "مَن لا يَحضُرُهُ الطَّبِيبُ" وَذَكَرَ أَنَّهُ شافٍ في مَعناهُ، وَسَأَلَنِي أَن أُصَنِّفَ لَهُ كِتابًا في الفِقهِ وَالحَلالِ وَالحَرامِ، وَالشَّرائِعِ وَالأَحكامِ، مُوفِيًا عَلى جَمِيعِ ما صَنَّفتُ في مَعناهُ وَأُتَرجِمُهُ بكتاب "مَن لا يَحضُرُهُ الفَقيهُ" لِيَكونَ إِلَيهِ مَرجِعُهُ وَعَلَيهِ مُعتَمَدُهُ، وَبِهِ أَخذُهُ، وَيَشتَرِكُ في أَجرِهِ مَن يَنظُرُ فيهِ، وَيَنسَخُهُ وَيَعمَلُ بِمَودَعِهِ، هذا مَعَ نَسخِهِ لِأَكثَرِ ما صَحِبَنِي مِن مُصَنَّفَاتِي وَسَماعِهِ لَها، وَرِوايَتِها عَنِّي، وَوُقوفِهِ عَلى جُملَتِها، وَهِيَ مِائَتا كِتابٍ وَخَمسَةٌ وَأَربَعونَ كِتابًا.

فَأَجَبتُهُ - أَدامَ اللّهُ تَوفيقَهُ - إِلى ذلكَ لِأَنِّي وَجَدتُهُ أَهلًا لَهُ، وَصَنَّفتُ لَهُ هذا الكِتابَ بِحَذفِ الأَسانيدِ لِئَلّا تَكثُرَ طُرُقُهُ وَإِن كَثُرَت فَوائِدُهُ، وَلَم أَقصِد فيهِ قَصدَ المُصَنِّفينَ في إِيرادِ جَمِيعِ ما رَوَوهُ، بَل قَصدتُ إِلى إِيرادِ ما أُفتِي بِهِ وَأَحكُمُ بِصِحَّتِهِ وَأَعتَقِدُ فيهِ أَنَّهُ حُجَّةٌ فيما بَينِي وَبَينَ رَبِّي - تَقَدَّسَ ذِكرُهُ وَتَعالَت قُدرَتُهُ .وَجَميعُ ما فيهِ مُستَخرَجٌ مِن كُتُبٍ مَشهورةٍ، عَلَيها المُعَوَّلُ وَإِلَيها المَرجِعُ، مِثلَ كِتابِ حَرِيزِ بنِ عَبدِ اللّهِ السِّجِستانِيِّ وَكِتابِ عُبَيدِ اللّهِ بنِ عَلِيٍّ الحَلَبِيِّ وَكُتُبِ عَلِيِّ بنِ مهزيار الأَهوَازِيِّ، وَكُتُبِ الحُسَينِ بنِ سَعِيدٍ، وَنَوادِرِ أَحمَدَ بنِ مُحَمَّدِ بنِ عِيسَى وَكِتابِ نَوادِرِ الحِكمَةِ تَصنِيفِ مُحَمَّدِ بنِ أَحمَدَ بنِ يَحيى بنِ عِمرانَ الأَشعَرِيِّ وَكِتابِ الرَّحمَةِ لِسَعدِ بنِ عَبدِ اللّهِ وَجامِعِ شَيخِنا مُحَمَّدِ بنِ الحَسَنِ بنِ الوَلِيدِ رَضِيَ اللّهُ عَنهُ وَنَوادِرِ مُحَمَّدِ بنِ أَبِي عُمَيرٍ وَكُتُبِ المُحاسِنِ لِأَحمَدَ بنِ أَبِي عَبدِ اللّهِ البَرقِيِّ وَرِسالَةِ أَبِي - رَضِيَ اللّهُ عَنهُ - إِلَي غَيرِها مِن الأُصولِ وَالمُصَنَّفاتِ الَّتي طُرُقِي إِلَيها مَعرُوفَةٌ في فِهرِسِ الكُتُبِ الَّتي رَوَيتُها عَن مَشايِخِي وَأَسلافي - رَضِيَ اللّهُ عَنهُم.

وَبالَغتُ في ذلكَ جُهدِي، مُستَعِينًا بِاللّهِ، وَمُتَوَكِّلًا عَلَيهِ، وَمُستَغفِرًا مِن التَّقصِيرِ، وَما تَوفِيقِي إِلّا بِاللّهِ عَلَيهِ تَوَكَّلتُ وَإِلَيهِ أُنيبُ، وَهوَ حَسبِي وَنِعمَ الوَكيلُ.

[AL SADUQ]

The honourable Shaykh Al Jaleel, and jurist, Abu Ja'far Muhammad ibn Ali ibn al-Husayn ibn Musa ibn Babawayh al-Qummi, the author of this book - may Allah {SWT} sanctify his soul - wrote:

After praise to Allah {SWT}, it happened that fate drove me to the lands of exile, and destiny brought me to the land of Balkh, specifically the town of Ilaq. There arrived the noble Sharif al-Din Abu Abdullah, known as Ni'mah - Muhammad ibn al-Hasan ibn Ishaq ibn [al-Hasan ibn] al-Husayn ibn Ishaq ibn Musa ibn Ja'far ibn Muhammad ibn Ali ibn al-Husayn ibn Ali ibn Abi Talib (peace be upon them all).

With his companionship, my happiness was prolonged, my heart was comforted by his memory, and my honor was elevated by his affection, due to his noble character combined with virtues such as modesty, piety, calmness, dignity, religiosity, chastity, godliness, and humility.

He mentioned to me a book authored by Muhammad ibn Zakariya al-Razi, the physician, titled *Man La Yahduruhu al-Tabeeb* (For Him Who Has No Access to a Doctor), which he found to be effective in its purpose. He requested that I compile for him a book on jurisprudence, covering lawful and unlawful matters, and the statutes and rulings, comprehensively surpassing all I had previously written on the subject, and title it *Man La Yahduruhu al-Faqih* (For Him Who Has No Access to a Jurist). The intention was for it to serve as his reference, foundation, and guide - one through which he could achieve reward, along with those who read, copy, or act upon its contents.

This was in addition to his copying most of what I carried with me from my works, listening to them, narrating them from me, and familiarizing himself with their entirety, which amounted to two hundred and forty-five books.

I agreed to his request (may Allah {SWT} grant him continuous success) because I found him deserving of it. I compiled this book by omitting the chains of narration to avoid excessive length, while ensuring its benefits were plentiful. I did not intend to follow the approach of other compilers who include all they have narrated. Instead, I included only what I issue fatwas upon, deem to be authentic, and believe to be a proof between me and my Lord {AZJ} - exalted be His remembrance and elevated be His power.

Everything in this book is derived from well-known books that are relied upon and referenced, such as the book of Hariz ibn Abdullah al-Sijistani, the book of Ubaydullah ibn Ali al-Halabi, the works of Ali ibn Mahziyar al-Ahwazi, the books of al-Husayn ibn Sa'id, the *Nawadir* of Ahmad ibn Muhammad ibn Isa, the *Nawadir al-Hikmah* compiled by Muhammad ibn Ahmad ibn Yahya ibn Imran al-Ash'ari, the *Kitab al-Rahmah* by Sa'd ibn Abdullah, the compilation of our Sheikh Muhammad ibn al-Hasan ibn al-Walid (may Allah {SWT} be pleased with them), the *Nawadir* of Muhammad ibn Abi Umayr, the books of al-Muhasin by Ahmad ibn Abi Abdullah al-Barqi, the letters of my father (may Allah be pleased with them), and other foundational texts and compilations.

The paths to these works are well-known in the catalog of books I have narrated from my teachers and predecessors (may Allah {SWT} be pleased with them). I have exerted my utmost effort in this task, seeking Allah's {SWT} assistance, placing my trust in Him, and asking forgiveness for any shortcomings. My success is only through Allah {SWT}. Upon Him I rely, and to Him I turn. He is sufficient for me, and He is the best trustee.

CHAPTERS ON LEGAL CASES AND RULINGS

أَبْوَابُ الْقَضَايَا وَ الْأَحْكَامِ

CHAPTER 1 – CHAPTER ON THOSE TO WHOM JUDGMENT IS PERMISSIBLE AND THOSE TO WHOM IT IS NOT PERMISSIBLE

بَابُ مَنْ يَجُوزُ التَّحَاكُمُ إِلَيْهِ وَ مَنْ لَا يَجُوزُ

HADITH 3216 – 3220

3216 - رَوَى أَحْمَدُ بْنُ عَائِذٍ عَنْ أَبِي خَدِيجَةَ سَالِمِ بْنِ مُكْرَمٍ اَلْجَمَّالِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ جَعْفَرُ بْنُ مُحَمَّدٍ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِيَّاكُمْ أَنْ يُحَاكِمَ بَعْضُكُمْ بَعْضاً إِلَى أَهْلِ اَلْجَوْرِ وَ لَكِنِ اُنْظُرُوا إِلَى رَجُلٍ مِنْكُمْ، يَعْلَمُ شَيْئاً مِنْ قَضَايَانَا فَاجْعَلُوهُ بَيْنَكُمْ فَإِنِّي قَدْ جَعَلْتُهُ قَاضِياً فَتَحَاكَمُوا إِلَيْهِ ».

H.3216 - Ahmad ibn A'idh narrated from Abu Khadijah Salim ibn Mukram al-Jammal, who said: Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Beware that none of you should take another to judgment before the people of tyranny. Instead, look for a man among you who knows something of our judgments, and appoint him as a judge between you, for indeed I have appointed him as a judge. So refer to him for judgment."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.3 • Tahdhib Al-Ahkam, Vol.6 p.219 • Wasa'il Al-Shi'ah, Vol.27 p.13 • Al-Fusul Al-Muhimmah, Vol.2 p.495

HADITH

3217 - وَ رَوَى مُعَلَّى بْنُ خُنَيْسٍ عَنِ اَلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ قَوْلُ اَللَّهِ عَزَّ وَ جَلَّ ﴿ إِنَّ اَللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا اَلْأَمَانَاتِ إِلَى أَهْلِهَا وَ إِذَا حَكَمْتُمْ بَيْنَ اَلنَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ﴾ قَالَ «عَلَى اَلْإِمَامِ أَنْ يَدْفَعَ مَا عِنْدَهُ إِلَى اَلْإِمَامِ اَلَّذِي بَعْدَهُ وَ أُمِرَتِ اَلْأَئِمَّةُ أَنْ يَحْكُمُوا بِالْعَدْلِ وَ أُمِرَ اَلنَّاسُ أَنْ يَتَّبِعُوهُمْ».

H.3217 - Mualla ibn Khunays narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s}.
He said: I asked Imam {a.s} about the saying of Allah {SWT}, the Mighty and Majestic:
"*Indeed, Allah {SWT} commands you to render trusts to their owners and when you judge between people, to judge with justice*." (Surah An-Nisa 4:58)
Imam {a.s} replied: "It is incumbent upon the Imam {a.s} to hand over what is with him to the next Imam {a.s} who comes after him. The Imams {a.s} have been commanded to judge with justice, and the people have been commanded to follow them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.3 • Tahdhib Al-Ahkam, Vol.6 p.223 • Al-Wafi, Vol.16 p.917 • Wasa'il Al-Shi'ah, Vol.27 p.14 • Tafsir Al-Burhan, Vol.2 p.103 • Bahjat Al-Nazir, Vol.1 p.32

HADITH

3218 - وَ رَوَى عَطَاءُ بْنُ اَلسَّائِبِ عَنْ عَلِيِّ بْنِ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «إِذَا كُنْتُمْ فِي أَئِمَّةِ جَوْرٍ فَاقْضُوا فِي أَحْكَامِهِمْ وَ لاَ تَشْهَرُوا أَنْفُسَكُمْ فَتُقْتَلُوا وَ إِنْ تَعَامَلْتُمْ بِأَحْكَامِنَا كَانَ خَيْراً لَكُمْ ».

H.3218 - Ata' ibn al-Sa'ib narrated from Imam Ali ibn Al-Hussain {a.s} who said:
"When you are under oppressive rulers, then judge according to their rulings and do not expose yourselves, lest you be killed. However, if you conduct your dealings according to our rulings, it will be better for you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.3 • Ilal Al-Shara'i', Vol.2 p.531 • Tahdhib Al-Ahkam, Vol.6 p.224 • Tahdhib Al-Ahkam, Vol.6 p.225 • Al-Wafi, Vol.16 p.905 • Wasa'il Al-Shi'ah, Vol.27 p.14 • Wasa'il Al-Shi'ah, Vol.27 p.226 • Bihar Al-Anwar, Vol.2 p.237

HADITH

3219 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «أَيُّمَا مُؤْمِنٍ قَدَّمَ مُؤْمِناً فِي خُصُومَةٍ إِلَى قَاضٍ أَوْ سُلْطَانِ جَائِرٍ فَقَضَى عَلَيْهِ بِغَيْرِ حُكْمِ اَللَّهِ عَزَّ وَ جَلَّ فَقَدْ شَرِكَهُ فِي اَلْإِثْمِ ».

H.3219 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, from Abu Abdillah {a.s}, who said:
"Any believer who refers another believer to a judge or a tyrannical ruler, and he rules against him contrary to the judgment of Allah {SWT}, the Mighty and Majestic, has indeed shared in the sin."

[REFERENCES] Al-Kafi, Vol.7 p.411 • Man La Yahduruhu Al-Faqih, Vol.3 p.4 • Tahdhib Al-Ahkam, Vol.6 p.218 • Al-Wafi, Vol.16 p.899 • Wasa'il Al-Shi'ah, Vol.27 p.11 • Al-Fusul Al-Muhimmah, Vol.2 p.495

HADITH

3220 - وَ رَوَى حَرِيزٌ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «أَيُّمَا رَجُلٍ كَانَ بَيْنَهُ وَ بَيْنَ أَخٍ لَهُ، مُمَارَاةٌ فِي حَقٍّ فَدَعَاهُ إِلَى رَجُلٍ مِنْ إِخْوَانِكُمْ لِيَحْكُمَ بَيْنَهُ وَ بَيْنَهُ فَأَبَى إِلاَّ أَنْ يُرَافِعَهُ إِلَى هَؤُلاَءِ كَانَ بِمَنْزِلَةِ اَلَّذِينَ قَالَ اَللَّهُ عَزَّ وَ جَلَّ: ﴿ أَ لَمْ تَرَ إِلَى اَلَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَ مَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى اَلطَّاغُوتِ وَ قَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ ﴾ » اَلآيَةَ.

H.3220 - Hariz narrated from Abu Basir, from Abu Abdillah {a.s} that he said:
"Any man who has a dispute with his brother over a right, and he calls him to a man from among your brothers to judge between them, but he refuses and insists on taking him to these (unjust judges), is like those about whom Allah {SWT}, the Mighty and Majestic, said:
'Have you not seen those who claim to have believed in what was revealed to you and what was revealed before you? They wish to refer their judgment to Taghut, while they were commanded to reject it'" (Surah An-Nisa 4:60).

[REFERENCES] Al-Kafi, Vol.7 p.411 • Man La Yahduruhu Al-Faqih, Vol.3 p.4 • Tahdhib Al-Ahkam, Vol.6 p.220 • Al-Wafi, Vol.16 p.899 • Tafsir Al-Safi, Vol.1 p.466 • Wasa'il Al-Shi'ah, Vol.27 p.11 • Tafsir Al-Burhan, Vol.2 p.116 • Tafsir Nur Al-Thaqalayn, Vol.1 p.508

CHAPTER 2 – CHAPTER ON THE CATEGORIES OF JUDGES AND THE METHODS OF RULING

بَابُ أَصْنَافِ الْقُضَاةِ وَ وُجُوهِ الْحُكْمِ

HADITH 3221

3221 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْقُضَاةُ أَرْبَعَةٌ ثَلاَثَةٌ فِي اَلنَّارِ وَ وَاحِدٌ فِي اَلْجَنَّةِ رَجُلٌ قَضَى بِجَوْرٍ وَ هُوَ يَعْلَمُ فَهُوَ فِي اَلنَّارِ وَ رَجُلٌ قَضَى بِجَوْرٍ وَ هُوَ لاَ يَعْلَمُ فَهُوَ فِي اَلنَّارِ وَ رَجُلٌ قَضَى بِحَقٍّ وَ هُوَ لاَ يَعْلَمُ فَهُوَ فِي اَلنَّارِ وَ رَجُلٌ قَضَى بِالْحَقِّ وَ هُوَ يَعْلَمُ فَهُوَ فِي اَلْجَنَّةِ » وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «اَلْحُكْمُ حُكْمَانِ حُكْمُ اَللَّهِ عَزَّ وَ جَلَّ وَ حُكْمُ أَهْلِ اَلْجَاهِلِيَّةِ فَمَنْ أَخْطَأَ حُكْمَ اَللَّهِ عَزَّ وَ جَلَّ حَكَمَ بِحُكْمِ أَهْلِ اَلْجَاهِلِيَّةِ وَ مَنْ حَكَمَ بِدِرْهَمَيْنِ بِغَيْرِ مَا أَنْزَلَ اَللَّهُ عَزَّ وَ جَلَّ فَقَدْ كَفَرَ بِاللَّهِ تَعَالَى ».

H.3221 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The judges are four: three are in the Fire, and one is in Paradise.
A man who judges unjustly while he knows is in the Fire.
A man who judges unjustly while he does not know is in the Fire.
A man who judges justly while he does not know is in the Fire.
And a man who judges justly while he knows is in Paradise."
Al-Sadiq {a.s} also said:
"Judgment is of two kinds: the judgment of Allah {SWT}, the Mighty and Majestic, and the judgment of the people of ignorance.
Whoever deviates from the judgment of Allah {SWT}, the Mighty and Majestic, has judged by the judgment of the people of ignorance.
And whoever judges for two dirhams contrary to what Allah {SWT}, the Mighty and Majestic, has revealed has indeed disbelieved in Allah {SWT}, the Exalted."

[REFERENCES] Al-Kafi, Vol.7 p.407 • Man La Yahduruhu Al-Faqih, Vol.3 p.4 • Tahdhib Al-Ahkam, Vol.6 p.218 • Al-Wafi, Vol.16 p.888 • Tafsir Al-Burhan, Vol.2 p.312

CHAPTER 3 – CHAPTER ON AVOIDING JUDGMENTS

بَابُ اتِّقَاءِ الْحُكُومَةِ

HADITH 3222 – 3223

3222 - رَوَى سُلَيْمَانُ بْنُ خَالِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اِتَّقُوا اَلْحُكُومَةَ فَإِنَّ اَلْحُكُومَةَ إِنَّمَا هِيَ لِلْإِمَامِ اَلْعَالِمِ بِالْقَضَاءِ اَلْعَادِلِ فِي اَلْمُسْلِمِينَ كَنَبِيٍّ أَوْ وَصِيِّ نَبِيٍّ».

H.3222 - Sulayman ibn Khalid narrated from Abu Abdillah {a.s} who said:
"Beware of judging, for judgment is only for an Imam who is knowledgeable in judicial matters and just among the Muslims, like a prophet or the executor of a prophet."

[REFERENCES] Al-Kafi, Vol.7 p.406 • Man La Yahduruhu Al-Faqih, Vol.3 p.5 • Tahdhib Al-Ahkam, Vol.6 p.217 • Al-Wafi, Vol.16 p.887 • Wasa'il Al-Shi'ah, Vol.27 p.17 • Al-Fusul Al-Muhimmah, Vol.1 p.542

HADITH

3223 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ لِشُرَيْحٍ : «يَا شُرَيْحُ قَدْ جَلَسْتَ مَجْلِساً مَا جَلَسَهُ إِلاَّ نَبِيٌّ أَوْ وَصِيُّ نَبِيٍّ أَوْ شَقِيٌّ ».

H.3223 - Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said to Shurayh:
"O Shurayh, you have sat in a position that none has sat in except a prophet, the executor of a prophet, or a wretched person."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.5

CHAPTER 4 – CHAPTER ON THE DISLIKE OF SITTING WITH JUDGES IN THEIR GATHERINGS

بَابُ كَرَاهَةِ مُجَالَسَةِ الْقُضَاةِ فِي مَجَالِسِهِمْ

HADITH 3224 - 3226

3224 - رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ قَالَ : مَرَّ بِي أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ وَ أَنَا جَالِسٌ عِنْدَ اَلْقَاضِي بِالْمَدِينَةِ فَدَخَلْتُ عَلَيْهِ مِنَ اَلْغَدِ فَقَالَ لِي «مَا مَجْلِسٌ رَأَيْتُكَ فِيهِ أَمْسِ» قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ إِنَّ هَذَا اَلْقَاضِيَ بِيَ مُكْرِمٌ فَرُبَّمَا جَلَسْتُ إِلَيْهِ فَقَالَ لِي «وَ مَا يُؤْمِنُكَ أَنْ تَنْزِلَ اَللَّعْنَةُ فَتَعُمَّكَ مَعَهُ ».

وَ فِي خَبَرٍ آخَرَ: «فَتَعُمَّ مَنْ فِي اَلْمَجْلِسِ».

H.3224 - Muhammad ibn Muslim narrated:
Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} passed by me while I was sitting with the judge in Madinah.
The next day, I went to him, and Imam {a.s} said to me:
"What was the gathering I saw you in yesterday?"
I said to Him {a.s}: "May I be your ransom! This judge honors me, so I sometimes sit with him."
Imam {a.s} said to me: "And what ensures you that the curse will not descend and encompass you along with him?"

[AL SADUQ]
And in another narration: "...and encompass everyone in the gathering?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.5 • Tafsir Nur Al-Thaqalayn, Vol.1 p.727 • Tafsir Kanz Al-Daqaiq, Vol.4 p.353

HADITH

3225 - وَ رُوِيَ فِي خَبَرٍ آخَرَ : «إِنَّ شَرَّ اَلْبِقَاعِ دُورُ اَلْأُمَرَاءِ اَلَّذِينَ لاَ يَقْضُونَ بِالْحَقِّ».

H.3225 - And it has been narrated in another report:
"Indeed, the worst of places are the courts of rulers who do not judge with justice."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.6 • Al-Nawadir (Lil-Rawandi), Vol.1 p.19 • Al-Wafi, Vol.16 p.897 • Wasa'il Al-Shi'ah, Vol.27 p.219 • Bihar Al-Anwar, Vol.72 p.380 • Bihar Al-Anwar, Vol.72 p.382

HADITH

3226 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَلنَّوَاوِيسَ شَكَتْ إِلَى اَللَّهِ عَزَّ وَ جَلَّ شِدَّةَ حَرِّهَا فَقَالَ لَهَا عَزَّ وَ جَلَّ «أُسْكُتِي فَإِنَّ مَوَاضِعَ اَلْقُضَاةِ أَشَدُّ حَرّاً مِنْكِ» ».

H.3226 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Indeed, the graves complained to Allah {SWT}, the Mighty and Majestic, about their intense heat. So Allah {SWT}, the Mighty and Majestic, said to them: *'Be silent, for the places of judges are hotter than you*.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.6 • Wasa'il Al-Shi'ah, Vol.27 p.219

CHAPTER 5 – CHAPTER ON THE DISLIKE OF RECEIVING PAYMENT FOR JUDGING

بَابُ كَرَاهَةِ أَخْذِ الرِّزْقِ عَلَى الْقَضَاءِ

HADITH 3227

3227 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ قَاضٍ بَيْنَ قَرْيَتَيْنِ يَأْخُذُ مِنَ اَلسُّلْطَانِ عَلَى اَلْقَضَاءِ اَلرِّزْقَ فَقَالَ «ذَاكَ سُحْتٌ».

H.3227 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan who said:
Abu Abdillah {a.s} was asked about a judge between two villages who takes a salary from the ruler for judging.
Imam {a.s} said: "That is unlawful (suht)."

[REFERENCES] Al-Kafi, Vol.7 p.409 • Man La Yahduruhu Al-Faqih, Vol.3 p.6 • Al-Wafi, Vol.16 p.908 • Wasa'il Al-Shi'ah, Vol.27 p.221 • Tafsir Al-Burhan, Vol.2 p.304 • Tafsir Nur Al-Thaqalayn, Vol.1 p.635 • Tafsir Kanz Al-Daqaiq, Vol.4 p.121

CHAPTER 6 – CHAPTER ON INJUSTICE IN JUDGMENT

بَابُ الْحَيْفِ فِي الْحُكْمِ

HADITH 3228

3228 - رَوَى اَلسَّكُونِيُّ بِإِسْنَادِهِ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «يَدُ اَللَّهِ فَوْقَ رَأْسِ اَلْحَاكِمِ تُرَفْرِفُ بِالرَّحْمَةِ، فَإِذَا حَافَ فِي اَلْحُكْمِ وَكَلَهُ اَللَّهُ عَزَّ وَ جَلَّ إِلَى نَفْسِهِ».

H.3228 - Al-Sakuni narrated with his chain of transmission that Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said:
"The hand of Allah {SWT} hovers with mercy above the head of the judge. But if he deviates in judgment, Allah {SWT}, the Mighty and Majestic, leaves him to himself."

[REFERENCES] Al-Kafi, Vol.7 p.410 • Man La Yahduruhu Al-Faqih, Vol.3 p.6 • Tahdhib Al-Ahkam, Vol.6 p.222 • Al-Wafi, Vol.16 p.895 • Wasa'il Al-Shi'ah, Vol.27 p.224

CHAPTER 7 – CHAPTER ON ERROR IN JUDGMENT

بَابُ الْخَطَإِ فِي الْحُكْمِ

HADITH 3229 – 3230

3229 - رُوِيَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «مَنْ حَكَمَ فِي دِرْهَمَيْنِ فَأَخْطَأَ كَفَرَ ».

H.3229 - It is narrated from Abu Basir that Abu Jafar Imam Al-Baqir {a.s} said:
"Whoever judges in a matter of two dirhams and errs has disbelieved."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.7 • Al-Wafi, Vol.16 p.889 • Wasa'il Al-Shi'ah, Vol.27 p.32

HADITH

3230 - وَ رَوَى مُعَاوِيَةُ بْنُ وَهْبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «أَيُّ قَاضٍ قَضَى بَيْنَ اِثْنَيْنِ فَأَخْطَأَ سَقَطَ أَبْعَدَ مِنَ اَلسَّمَاءِ».

H.3230 - Muawiyah ibn Wahb narrated from Abu Abdillah {a.s} that he said:
"Any judge who judges between two people and errs falls farther than the distance between the heavens."

[REFERENCES] Al-Kafi, Vol.7 p.408 • Man La Yahduruhu Al-Faqih, Vol.3 p.7 • Tahdhib Al-Ahkam, Vol.6 p.221 • Al-Wafi, Vol.16 p.890 • Wasa'il Al-Shi'ah, Vol.27 p.32

CHAPTER 8 – CHAPTER ON COMPENSATION FOR JUDGES' ERRORS

بَابُ أَرْشِ خَطَإِ الْقُضَاةِ

HADITH 3231

3231 - رُوِيَ عَنِ اَلْأَصْبَغِ بْنِ نُبَاتَةَ أَنَّهُ قَالَ : قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ أَنَّ مَا أَخْطَأَتِ اَلْقُضَاةُ فِي دَمٍ أَوْ قَطْعٍ فَهُوَ عَلَى بَيْتِ مَالِ اَلْمُسْلِمِينَ.

H.3231 - It is narrated from Al-Asbagh ibn Nubatah that he said:
Commander of the Faithful Imam Ali ibn Abi Talib {a.s} ruled that any error made by judges concerning bloodshed or amputation is to be compensated from the public treasury of the Muslims.

[REFERENCES] Al-Kafi, Vol.7 p.354 • Man La Yahduruhu Al-Faqih, Vol.3 p.7 • Tahdhib Al-Ahkam, Vol.6 p.315 • Al-Wafi, Vol.16 p.854 • Wasa'il Al-Shi'ah, Vol.27 p.226 • Wasa'il Al-Shi'ah, Vol.29 p.147

CHAPTER 9 – CHAPTER ON AGREEMENT UPON TWO JUST INDIVIDUALS IN JUDGMENT

بَابُ الِاتِّفَاقِ عَلَى عَدْلَيْنِ فِي الْحُكُومَةِ

HADITH 3232 – 3233

3232 - رُوِيَ عَنْ دَاوُدَ بْنِ اَلْحُصَيْنِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ اِتَّفَقَا عَلَى عَدْلَيْنِ جَعَلاَهُمَا بَيْنَهُمَا فِي حُكْمٍ وَقَعَ بَيْنَهُمَا فِيهِ خِلاَفٌ فَرَضِيَا بِالْعَدْلَيْنِ فَاخْتَلَفَ اَلْعَدْلاَنِ بَيْنَهُمَا عَلَى قَوْلِ أَيِّهِمَا يَمْضِي اَلْحُكْمُ قَالَ «يُنْظَرُ إِلَى أَفْقَهِهِمَا وَ أَعْلَمِهِمَا بِأَحَادِيثِنَا وَ أَوْرَعِهِمَا فَيَنْفُذُ حُكْمُهُ وَ لاَ يُلْتَفَتُ إِلَى اَلْآخَرِ».

H.3232 - It is narrated from Dawud ibn al-Husayn, from Abu Abdillah {a.s}, regarding two men who appointed two just individuals between them to judge a dispute, and they both agreed to the judgment of these two just individuals. However, the two just individuals disagreed in their judgment.
Imam {a.s} said: "The one who is more knowledgeable in jurisprudence, more learned in our narrations, and more pious should be considered, and his judgment should be implemented. The opinion of the other should be disregarded."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.8 • Tahdhib Al-Ahkam, Vol.6 p.301 • Al-Wafi, Vol.16 p.903 • Wasa'il Al-Shi'ah, Vol.27 p.113

HADITH

3233 - وَ رَوَى دَاوُدُ بْنُ اَلْحُصَيْنِ عَنْ عُمَرَ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ فِي رَجُلَيْنِ اِخْتَارَ كُلُّ وَاحِدٍ مِنْهُمَا رَجُلاً فَرَضِيَا أَنْ يَكُونَا اَلنَّاظِرَيْنِ فِي حَقِّهِمَا فَاخْتَلَفَا فِيمَا حَكَمَا وَ كِلاَهُمَا اِخْتَلَفَ فِي حَدِيثِنَا قَالَ «اَلْحُكْمُ مَا حَكَمَ بِهِ أَعْدَلُهُمَا وَ أَفْقَهُهُمَا وَ أَصْدَقُهُمَا فِي اَلْحَدِيثِ وَ أَوْرَعُهُمَا وَ لاَ يُلْتَفَتُ إِلَى مَا يَحْكُمُ بِهِ اَلْآخَرُ، » قَالَ قُلْتُ فَإِنَّهُمَا عَدْلاَنِ مَرْضِيَّانِ عِنْدَ أَصْحَابِنَا لَيْسَ يَتَفَاضَلُ وَاحِدٌ مِنْهُمَا عَلَى صَاحِبِهِ قَالَ فَقَالَ «يُنْظَرُ إِلَى مَا كَانَ مِنْ رِوَايَتِهِمَا عَنَّا فِي ذَلِكَ اَلَّذِي حَكَمَا بِهِ اَلْمُجْمَعَ عَلَيْهِ أَصْحَابُكَ فَيُؤْخَذُ بِهِ مِنْ حُكْمِنَا وَ يُتْرَكُ اَلشَّاذُّ اَلَّذِي لَيْسَ بِمَشْهُورٍ عِنْدَ أَصْحَابِكَ فَإِنَّ اَلْمُجْمَعَ عَلَيْهِ حُكْمُنَا لاَ رَيْبَ فِيهِ وَ إِنَّمَا اَلْأُمُورُ ثَلاَثَةٌ أَمْرٌ بَيِّنٌ رُشْدُهُ فَمُتَّبَعٌ وَ أَمْرٌ بَيِّنٌ غَيُّهُ فَمُجْتَنَبٌ وَ أَمْرٌ مُشْكِلٌ يُرَدُّ حُكْمُهُ إِلَى اَللَّهِ عَزَّ وَ جَلَّ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «حَلاَلٌ بَيِّنٌ وَ حَرَامٌ بَيِّنٌ وَ شُبُهَاتٌ بَيْنَ ذَلِكَ فَمَنْ تَرَكَ اَلشُّبُهَاتِ نَجَا مِنَ اَلْمُحَرَّمَاتِ وَ مَنْ أَخَذَ بِالشُّبُهَاتِ اِرْتَكَبَ اَلْمُحَرَّمَاتِ وَ هَلَكَ مِنْ حَيْثُ لاَ يَعْلَمُ، » » قُلْتُ فَإِنْ كَانَ اَلْخَبَرَانِ عَنْكُمْ مَشْهُورَيْنِ قَدْ رَوَاهُمَا اَلثِّقَاتُ عَنْكُمْ قَالَ «يُنْظَرُ فَمَا وَافَقَ حُكْمُهُ حُكْمَ اَلْكِتَابِ وَ اَلسُّنَّةِ وَ خَالَفَ اَلْعَامَّةَ أُخِذَ بِهِ» قُلْتُ جُعِلْتُ فِدَاكَ وَجَدْنَا أَحَدَ اَلْخَبَرَيْنِ مُوَافِقاً لِلْعَامَّةِ وَ اَلْآخَرَ مُخَالِفاً لَهَا بِأَيِّ اَلْخَبَرَيْنِ يُؤْخَذُ قَالَ «بِمَا يُخَالِفُ اَلْعَامَّةَ فَإِنَّ فِيهِ اَلرَّشَادَ» قُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ وَافَقَهُمَا اَلْخَبَرَانِ جَمِيعاً، قَالَ «يُنْظَرُ إِلَى مَا هُمْ إِلَيْهِ أَمْيَلُ حُكَّامُهُمْ وَ قُضَاتُهُمْ فَيُتْرَكُ وَ يُؤْخَذُ بِالْآخَرِ» قُلْتُ فَإِنْ وَافَقَ حُكَّامَهُمْ وَ قُضَاتَهُمُ اَلْخَبَرَانِ جَمِيعاً قَالَ «إِذَا كَانَ كَذَلِكَ فَأَرْجِهِ حَتَّى تَلْقَى إِمَامَكَ فَإِنَّ اَلْوُقُوفَ عِنْدَ اَلشُّبُهَاتِ خَيْرٌ مِنَ اَلِاقْتِحَامِ فِي اَلْهَلَكَاتِ».

H.3233 - Dawud ibn al-Husayn narrated from Umar ibn Hanzala, from Imam Abu Abdullah {a.s}, who said:
I asked Imam {a.s} about two men who each selected a person and agreed that they would act as arbiters regarding their rights. However, they disagreed in their judgments, and both differed in their understanding of our traditions.
Imam {a.s} said: "The ruling should be based on the judgment of the one who is more just, more knowledgeable in jurisprudence, more truthful in narrating hadith, and more pious. The ruling of the other should not be considered."
I said: What if both of them are equally just and approved by our companions, and neither is superior to the other?
Imam {a.s} replied: "In such a case, their narrations from us regarding the matter they have judged should be examined. What is unanimously agreed upon by your companions should be taken from our rulings, and what is singular and not well-known among your companions should be disregarded. Indeed, what is unanimously agreed upon is our ruling, and there is no doubt in it. Matters are of three kinds: a matter whose correctness is clear and should be followed, a matter whose error is clear and should be avoided, and a matter that is ambiguous, whose judgment should be referred to Allah {SWT}, the Almighty and Glorious."
The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "That which is lawful is clear, and that which is unlawful is clear, and between them are doubtful matters. Whoever avoids the doubtful matters has saved himself from falling into the unlawful, and whoever indulges in the doubtful matters has committed the unlawful and will perish without realizing it."
I said: What if both narrations from you are well-known and have been transmitted by trustworthy individuals?
Imam {a.s} said: "Consider the one whose ruling aligns with the Book of Allah {SWT} and the Sunnah and contradicts the general public, and adhere to it."
I said: May I be your ransom! If we find that one of the narrations agrees with the general public while the other contradicts it, which one should we follow?
Imam {a.s} said: "Follow the one that contradicts the general public, for therein lies guidance."
I said: May I be your ransom! What if both narrations agree with the general public?
Imam {a.s} said: "Look at what their rulers and judges are inclined towards; leave that and take the other."
I said: What if their rulers and judges agree with both narrations?
Imam {a.s} said: "If that is the case, then delay acting upon it until you meet your Imam, for holding back in doubtful matters is better than plunging into destruction."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.8

CHAPTER 10 – CHAPTER ON THE ETIQUETTES OF JUDGMENT

بَابُ آدَابِ الْقَضَاءِ

HADITH 3234 – 3243

3234 - قَالَ رَسُولُ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ : «مَنِ ٱبْتُلِيَ بِالْقَضَاءِ فَلاَ يَقْضِيَنَّ وَ هُوَ غَضْبَانُ».

H.3234 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever is tested with judging should not pass judgment while he is angry."

[REFERENCES] Al-Kafi, Vol.7 p.413 • Man La Yahduruhu Al-Faqih, Vol.3 p.11 • Tahdhib Al-Ahkam, Vol.6 p.226 • Al-Wafi, Vol.16 p.910 • Wasa'il Al-Shi'ah, Vol.27 p.213 • Al-Fusul Al-Muhimmah, Vol.2 p.496

HADITH

3235 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا كَانَ اَلْحَاكِمُ يَقُولُ لِمَنْ عَنْ يَمِينِهِ وَ لِمَنْ عَنْ يَسَارِهِ مَا تَقُولُ مَا تَرَى فَعَلَى ذَلِكَ «لَعْنَةُ اَللّٰهِ وَ اَلْمَلاَئِكَةِ وَ اَلنّٰاسِ أَجْمَعِينَ» أَلاَّ يَقُومُ مِنْ مَجْلِسِهِ وَ يُجْلِسُهُمَا مَكَانَهُ ».

H.3235 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If the judge turns to those on his right and left, asking, 'What do you say? What do you think?' then upon him is the curse of Allah {SWT}, the angels, and all people. He should rise from his seat and let them sit in his place."

[REFERENCES] Al-Kafi, Vol.7 p.414 • Man La Yahduruhu Al-Faqih, Vol.3 p.11 • Tahdhib Al-Ahkam, Vol.6 p.227 • Al-Wafi, Vol.16 p.892 • Wasa'il Al-Shi'ah, Vol.27 p.215

HADITH

3236 - وَ إِنَّ رَجُلاً نَزَلَ بِعَلِيِّ بْنِ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ فَمَكَثَ عِنْدَهُ أَيَّاماً ثُمَّ تَقَدَّمَ إِلَيْهِ فِي حُكُومَةٍ لَمْ يَذْكُرْهَا لِعَلِيٍّ عَلَيْهِ اَلسَّلاَمُ فَقَالَ لَهُ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «أَ خَصْمٌ أَنْتَ» قَالَ نَعَمْ قَالَ «تَحَوَّلْ عَنَّا فَإِنَّ رَسُولَ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ نَهَى أَنْ يُضَافَ اَلْخَصْمُ إِلاَّ وَ مَعَهُ خَصْمُهُ».

H.3236 - A man stayed as a guest with Imam Ali ibn Abi Talib {a.s} for a few days. Then he presented a legal dispute to him, which he had not previously mentioned to Imam Ali {a.s}.
So Imam Ali ibn Abi Talib {a.s} said to him: "Are you a litigant?"
He replied: "Yes."
Imam Ali ibn Abi Talib {a.s} said: "Then leave us, for the Messenger of Allah {SWT} (peace be upon him and his family) forbade hosting a litigant except when his opponent is also present."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.12

HADITH

3237 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ أَنْصَفَ اَلنَّاسَ مِنْ نَفْسِهِ رُضِيَ بِهِ حَكَماً لِغَيْرِهِ ».

H.3237 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever treats people with fairness from himself is accepted as a judge for others."

[REFERENCES] Al-Kafi, Vol.2 p.146 • Man La Yahduruhu Al-Faqih, Vol.3 p.13 • Al-Khisal, Vol.1 p.8 • Tuhaf Al-'Uqul, Vol.1 p.357 • Majmu'at Warram, Vol.2 p.196 • Al-Wafi, Vol.4 p.476 • Al-Wafi, Vol.16 p.904 • Wasa'il Al-Shi'ah, Vol.15 p.283 • Wasa'il Al-Shi'ah, Vol.27 p.216 • Bihar Al-Anwar, Vol.72 p.25

HADITH

3238 - وَ رُوِيَ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِذَا تَقَاضَى إِلَيْكَ رَجُلاَنِ فَلاَ تَقْضِ لِلأَوَّلِ حَتَّى تَسْمَعَ مِنَ اَلْآخَرِ فَإِنَّكَ إِذَا فَعَلْتَ ذَلِكَ تَبَيَّنَ لَكَ اَلْقَضَاءُ » قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «فَمَا زِلْتُ بَعْدَهَا قَاضِياً» وَ قَالَ لَهُ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ « اَللَّهُمَّ فَهِّمْهُ اَلْقَضَاءَ ».

H.3238 - It is narrated from Imam Ali ibn Abi Talib {a.s} that Imam {a.s} said:
The Messenger of Allah {SWT} (peace be upon him and his family) said:
"If two men bring a case before you, do not judge in favor of the first until you hear from the other, for if you do so, the judgment will become clear to you."
Imam Ali ibn Abi Talib {a.s} said: "After that, I continued to serve as a judge."
And the Prophet (peace be upon him and his family) said to him: "O Allah {SWT}, grant him understanding in judgment."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.13

HADITH

3239 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ لِشُرَيْحٍ : «يَا شُرَيْحُ لاَ تُسَارَّ أَحَداً فِي مَجْلِسِكَ وَ إِذَا غَضِبْتَ فَقُمْ وَ لاَ تَقْضِيَنَّ وَ أَنْتَ غَضْبَانُ ».

H.3239 - Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said to Shurayh:
"O Shurayh, do not speak privately with anyone in your court. And if you become angry, stand up and do not pass judgment while you are angry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.14

HADITH

3240 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَنْ يُقَدَّمَ صَاحِبُ اَلْيَمِينِ فِي اَلْمَجْلِسِ بِالْكَلاَمِ».

H.3240 - Muhammad ibn Muslim narrated from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"The Messenger of Allah {SWT} (peace be upon him and his family) ruled that the one on the right should speak first in a gathering."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.14 • Al-Wafi, Vol.16 p.911 • Wasa'il Al-Shi'ah, Vol.27 p.218

HADITH

3241 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا تَقَدَّمْتَ مَعَ خَصْمٍ إِلَى وَالٍ أَوْ إِلَى قَاضٍ فَكُنْ عَنْ يَمِينِهِ».

يَعْنِي عَنْ يَمِينِ الْخَصْمِ.

H.3241 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, from Imam Abu Abdillah {a.s} who said: "If you appear with an opponent before a governor or a judge, stand to his right."

[AL SADUQ]
This means to stand to the right of the opponent.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.14 • Tahdhib Al-Ahkam, Vol.6 p.227 • Al-Wafi, Vol.16 p.912 • Wasa'il Al-Shi'ah, Vol.27 p.218

HADITH

3242 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنِ اُبْتُلِيَ بِالْقَضَاءِ فَلْيُسَاوِ بَيْنَهُمْ فِي اَلْإِشَارَةِ وَ اَلنَّظَرِ فِي اَلْمَجْلِسِ».

H.3242 - The Prophet (peace be upon him and his family) said:
"Whoever is tested with judging should treat them equally in gestures and glances within the gathering."

[REFERENCES] Al-Kafi, Vol.7 p.413 • Man La Yahduruhu Al-Faqih, Vol.3 p.14 • Tahdhib Al-Ahkam, Vol.6 p.226 • Al-Wafi, Vol.16 p.911 • Wasa'il Al-Shi'ah, Vol.27 p.214 • Al-Fusul Al-Muhimmah, Vol.2 p.496

HADITH

3243 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ لِشُرَيْحٍ : «يَا شُرَيْحُ اُنْظُرْ إِلَى أَهْلِ اَلْمَعْكِ وَ اَلْمَطْلِ وَ اَلاِضْطِهَادِ وَ مَنْ يَدْفَعُ حُقُوقَ اَلنَّاسِ مِنْ أَهْلِ اَلْمَقْدُرَةِ وَ اَلْيَسَارِ وَ مَنْ يُدْلِي بِأَمْوَالِ اَلْمُسْلِمِينَ إِلَى اَلْحُكَّامِ فَخُذْ لِلنَّاسِ بِحُقُوقِهِمْ مِنْهُمْ وَ بِعِ اَلْعَقَارَ وَ اَلدِّيَارَ فَإِنِّي سَمِعْتُ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَقُولُ «مَطْلُ اَلْمُسْلِمِ اَلْمُوسِرِ ظُلْمٌ لِلْمُسْلِمِ» وَ مَنْ لَمْ يَكُنْ لَهُ مَالٌ وَ لاَ عَقَارٌ وَ لاَ دَارٌ فَلاَ سَبِيلَ عَلَيْهِ وَ اِعْلَمْ أَنَّهُ لاَ يَحْمِلُ اَلنَّاسَ عَلَى اَلْحَقِّ إِلاَّ مَنْ وَزَعَهُمْ عَنِ اَلْبَاطِلِ ثُمَّ وَاسِ بَيْنَ اَلْمُسْلِمِينَ بِوَجْهِكَ وَ مَنْطِقِكَ وَ مَجْلِسِكَ حَتَّى لاَ يَطْمَعَ قَرِيبُكَ فِي حَيْفِكَ وَ لاَ يَيْأَسَ عَدُوُّكَ

مِنْ عَدْلِكَ وَ رُدَّ اَلْيَمِينَ عَلَى اَلْمُدَّعِي مَعَ بَيِّنَةٍ فَإِنَّ ذَلِكَ أَجْلَى لِلْعَمَى وَ أَثْبَتُ فِي اَلْقَضَاءِ وَ اِعْلَمْ أَنَّ اَلْمُسْلِمِينَ عُدُولٌ بَعْضُهُمْ عَلَى بَعْضٍ إِلاَّ مَجْلُوداً فِي حَدٍّ لَمْ يَتُبْ مِنْهُ أَوْ مَعْرُوفاً بِشَهَادَةِ اَلزُّورِ أَوْ ظَنِيناً وَ إِيَّاكَ وَ اَلضَّجَرَ وَ اَلتَّأَذِّيَ فِي مَجْلِسِ اَلْقَضَاءِ اَلَّذِي أَوْجَبَ اَللَّهُ تَعَالَى فِيهِ اَلْأَجْرَ وَ أَحْسَنَ فِيهِ اَلذُّخْرَ لِمَنْ قَضَى بِالْحَقِّ وَ اِجْعَلْ لِمَنِ اِدَّعَى شُهُوداً غُيَّباً أَمَداً بَيْنَهُمْ فَإِنْ أَحْضَرَهُمْ أَخَذْتَ لَهُ بِحَقِّهِ وَ إِنْ لَمْ يُحْضِرْهُمْ أَوْجَبْتَ عَلَيْهِ اَلْقَضِيَّةَ وَ إِيَّاكَ أَنْ تُنَفِّذَ حُكْماً فِي قِصَاصٍ أَوْ حَدٍّ مِنْ حُدُودِ اَلنَّاسِ أَوْ حَقٍّ مِنْ حُقُوقِ اَللَّهِ عَزَّ وَ جَلَّ حَتَّى تَعْرِضَ ذَلِكَ عَلَيَّ وَ إِيَّاكَ أَنْ تَجْلِسَ فِي مَجْلِسِ اَلْقَضَاءِ حَتَّى تَطْعَمَ شَيْئاً إِنْ شَاءَ اَللَّهُ تَعَالَى».

- رَوَى ذَلِكَ الْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَمْرِو بْنِ أَبِي الْمِقْدَامِ عَنْ أَبِيهِ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ عَنْ أَمِيرِ الْمُؤْمِنِينَ ع.

H.3243 - Al-Hasan ibn Mahbub narrated from Amr ibn Abi al-Miqdam, from his father, from Salamah ibn Kuhayl, from Commander of the Faithful Imam Ali ibn Abi Talib {a.s}, who said to Shurayh:

"O Shurayh, observe those who procrastinate, delay payments, oppress others, and deny people their rights despite having wealth and resources. Take the rights of the people from them and sell their properties and houses if necessary.

I heard the Messenger of Allah {SWT} (peace be upon him and his family) say:

'Delaying payment by a wealthy Muslim is injustice to another Muslim.'

As for the one who has no wealth, property, or house, there is no recourse against him.

Know that no one can enforce the truth upon people except one who restrains them from falsehood. Treat the Muslims equally in your appearance, speech, and seating so that your relatives do not hope for favoritism, nor do your enemies despair of your justice.

Return the oath to the claimant along with evidence, for this is clearer for truth and firmer in judgment.

Know that Muslims are trustworthy over one another, except for one who has been punished for a crime and has not repented, one who is known for false testimony, or one who is under suspicion.

Beware of irritation and annoyance in the court, which Allah {SWT} has made a place of reward and the best form of provision for those who judge with justice.

Grant the claimant time to bring witnesses if they are absent. If he produces them, give him his right, and if not, decide the case against him.

Beware of executing a judgment involving retaliation, legal punishments, or any right of Allah {SWT}, the Mighty and Majestic, without presenting it to me first.

And do not sit in the court until you have eaten something, if Allah {SWT} wills."

[AL SADUQ]

Al-Hasan ibn Mahbub narrated from Amr ibn Abi al-Miqdam, from his father, from Salamah ibn Kuhayl, from Commander of the Faithful Imam Ali ibn Abi Talib {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.15

CHAPTER 11 – CHAPTER ON THE OBLIGATION TO ADHERE TO THE APPARENT RULING

بَابُ مَا يَجِبُ الْأَخْذُ فِيهِ بِظَاهِرِ الْحُكْمِ

HADITH 3244

3244 - فِي رِوَايَةِ يُونُسَ بْنِ عَبْدِ اَلرَّحْمَنِ عَنْ بَعْضِ رِجَالِهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلْبَيِّنَةِ إِذَا أُقِيمَتْ عَلَى اَلْحَقِّ أَ يَحِلُّ لِلْقَاضِي أَنْ يَقْضِيَ بِقَوْلِ اَلْبَيِّنَةِ فَقَالَ «خَمْسَةُ أَشْيَاءَ يَجِبُ عَلَى اَلنَّاسِ اَلْأَخْذُ فِيهَا بِظَاهِرِ اَلْحُكْمِ اَلْوِلاَيَاتُ وَ اَلْمَنَاكِحُ وَ اَلذَّبَائِحُ وَ اَلشَّهَادَاتُ وَ اَلْأَنْسَابُ فَإِذَا كَانَ ظَاهِرُ اَلرَّجُلِ ظَاهِراً مَأْمُوناً، جَازَتْ شَهَادَتُهُ وَ لاَ يُسْأَلُ عَنْ بَاطِنِهِ ».

H.3244 - In the narration of Yunus ibn Abd al-Rahman, from some of his companions, from Abu Abdillah {a.s}:
I asked him about evidence when it is presented to establish a right - whether it is permissible for the judge to rule based on the testimony of the witnesses.
Imam {a.s} said: "There are five matters in which people must act according to apparent judgment: leadership positions, marriages, slaughtered animals, testimonies, and lineage.
So, if a man's outward appearance is trustworthy, his testimony is accepted, and his inner state is not investigated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.16 • Wasa'il Al-Shi'ah, Vol.27 p.392

CHAPTER 12 – CHAPTER ON LEGAL STRATAGEMS IN RULINGS

بَابُ الْحِيَلِ فِي الْأَحْكَامِ

HADITH 3245 – 3257

3245 - فِي رِوَايَةِ اَلنَّضْرِ بْنِ سُوَيْدٍ يَرْفَعُهُ : أَنَّ رَجُلاً حَلَفَ أَنْ يَزِنَ فِيلاً فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «يُدْخِلُ اَلْفِيلَ سَفِينَةً ثُمَّ يَنْظُرُ إِلَى مَوْضِعِ مَبْلَغِ اَلْمَاءِ مِنَ اَلسَّفِينَةِ فَيُعَلِّمُ عَلَيْهِ ثُمَّ يُخْرِجُ اَلْفِيلَ وَ يُلْقِي فِي اَلسَّفِينَةِ حَدِيداً أَوْ صُفْراً أَوْ مَا شَاءَ فَإِذَا بَلَغَ اَلْمَوْضِعَ اَلَّذِي عَلَّمَ عَلَيْهِ أَخْرَجَهُ وَ وَزَنَهُ».

H.3245 - In the narration of al-Nadr ibn Suwayd, attributed to the Prophet (peace be upon him and his family):
A man swore an oath that he would weigh an elephant.
The Prophet (peace be upon him and his family) said:
"He should place the elephant in a boat, then observe the water level reached by the boat and mark it. After that, he should remove the elephant and load the boat with iron, copper, or anything he wishes until it reaches the marked water level. Then, he should take out the loaded material and weigh it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.17 • Al-Wafi, Vol.16 p.1120 • Wasa'il Al-Shi'ah, Vol.27 p.286 • Bihar Al-Anwar, Vol.40 p.316

HADITH

3246 - وَ فِي رِوَايَةِ عَمْرِو بْنِ شِمْرٍ عَنْ جَعْفَرِ بْنِ غَالِبٍ اَلْأَسَدِيِّ رَفَعَ اَلْحَدِيثَ قَالَ : بَيْنَمَا رَجُلاَنِ جَالِسَانِ فِي زَمَنِ عُمَرَ بْنِ اَلْخَطَّابِ إِذْ مَرَّ بِهِمَا رَجُلٌ مُقَيَّدٌ فَقَالَ أَحَدُ اَلرَّجُلَيْنِ إِنْ لَمْ يَكُنْ فِي قَيْدِهِ كَذَا وَ كَذَا فَامْرَأَتُهُ طَالِقٌ ثَلاَثاً فَقَالَ اَلْآخَرُ إِنْ كَانَ فِيهِ كَمَا قُلْتَ فَامْرَأَتُهُ طَالِقٌ ثَلاَثاً فَذَهَبَا إِلَى مَوْلَى اَلْعَبْدِ وَ هُوَ اَلْمُقَيَّدُ فَقَالاَ لَهُ إِنَّا حَلَفْنَا عَلَى كَذَا وَ كَذَا فَحُلَّ قَيْدَ غُلاَمِكَ حَتَّى نَزِنَهُ فَقَالَ مَوْلَى اَلْعَبْدِ اِمْرَأَتُهُ طَالِقٌ إِنْ حَلَلْتُ قَيْدَ غُلاَمِي فَارْتَفَعُوا إِلَى عُمَرَ فَقَصُّوا عَلَيْهِ اَلْقِصَّةَ فَقَالَ عُمَرُ مَوْلاَهُ أَحَقُّ بِهِ اِذْهَبُوا بِهِ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ لَعَلَّهُ يَكُونُ عِنْدَهُ فِي هَذَا شَيْءٌ فَأَتَوْا عَلِيّاً عَلَيْهِ اَلسَّلاَمُ فَقَصُّوا عَلَيْهِ اَلْقِصَّةَ فَقَالَ «مَا أَهْوَنَ هَذَا» فَدَعَا بِجَفْنَةٍ وَ أَمَرَ بِقَيْدِهِ فَشُدَّ فِيهِ خَيْطٌ وَ أَدْخَلَ رِجْلَيْهِ وَ اَلْقَيْدَ فِي اَلْجَفْنَةِ ثُمَّ صَبَّ عَلَيْهِ اَلْمَاءَ حَتَّى اِمْتَلَأَتْ ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ «اِرْفَعُوا اَلْقَيْدَ» فَرَفَعُوا اَلْقَيْدَ حَتَّى أُخْرِجَ مِنَ اَلْمَاءِ فَلَمَّا أُخْرِجَ نَقَصَ اَلْمَاءُ ثُمَّ دَعَا بِزُبَرِ اَلْحَدِيدِ فَأَرْسَلَهُ فِي اَلْمَاءِ حَتَّى تَرَاجَعَ اَلْمَاءُ إِلَى مَوْضِعِهِ وَ اَلْقَيْدُ فِي اَلْمَاءِ ثُمَّ قَالَ «زِنُوا هَذَا اَلزُّبَرَ فَهُوَ وَزْنُهُ». قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَضِيَ اَللَّهُ عَنْهُ إِنَّمَا هَدَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ إِلَى مَعْرِفَةِ ذَلِكَ لِيُخَلِّصَ بِهِ اَلنَّاسَ مِنْ أَحْكَامِ مَنْ يُجِيزُ اَلطَّلاَقَ بِالْيَمِينِ.

H.3246 - In the narration of Amr ibn Shimr, from Jafar ibn Ghalib al-Asadi, who reported:

Two men were sitting during the time of Umar ibn al-Khattab when a man passed by them in chains. One of the men said: “If there is not such-and-such weight in his chains, then my wife is divorced three times."

The other man said: “If there is such-and-such weight in his chains as you said, then my wife is divorced three times."

They went to the owner of the chained slave and said: "We have sworn oaths regarding such-and-such, so release the chain of your slave so that we may weigh it."

The owner of the slave said: "My wife will be divorced if I release the chain of my slave."

So, they went to Umar and told him the story.

Umar said: "The owner has more right over his slave. Go to Ali ibn Abi Talib - perhaps he has something regarding this matter."

They went to Imam Ali ibn Abi Talib {a.s} and told him the story.

Imam {a.s} said: "How simple this is!"

Imam {a.s} called for a large basin and ordered the chain to be tied with a string and placed in the basin. Then Imam {a.s} put the man's feet and the chain into the basin and filled it with water until it was full.

Then Imam {a.s} said: "Lift the chain."

When they lifted the chain out of the water, the water level dropped. Imam {a.s} then called for pieces of iron and placed them into the water until the water level returned to its original position.

Then Imam {a.s} said: "Weigh these pieces of iron - they are equal in weight to the chain."

[AL SADUQ]

The author of this book (may Allah {SWT} be pleased with him) said:

Commander of the Faithful Imam Ali ibn Abi Talib {a.s} used this method to resolve the case and free the people from the rulings of those who permit divorce through oaths.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.17 • Al-Wafi, Vol.16 p.1120 • Wasa’il Al-Shi’ah, Vol.27 p.287

HADITH

3247 - وَ رَوَى أَحْمَدُ بْنُ عَائِذٍ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ مَمْلُوكَيْنِ مُفَوَّضٍ إِلَيْهِمَا يَشْتَرِيَانِ وَ يَبِيعَانِ بِأَمْوَالِ مَوَالِيهِمَا فَكَانَ بَيْنَهُمَا كَلاَمٌ فَاقْتَتَلاَ فَخَرَجَ هَذَا يَعْدُو إِلَى مَوْلَى هَذَا وَ هَذَا إِلَى مَوْلَى هَذَا وَ هُمَا فِي اَلْقُوَّةِ سَوَاءٌ فَاشْتَرَى هَذَا مِنْ مَوْلَى هَذَا اَلْعَبْدِ وَ ذَهَبَ هَذَا فَاشْتَرَى هَذَا مِنْ مَوْلاَهُ وَ جَاءَ هَذَا وَ أَخَذَ بِتَلْبِيبِ هَذَا وَ أَخَذَ هَذَا بِتَلْبِيبِ هَذَا وَ قَالَ كُلُّ وَاحِدٍ مِنْهُمَا لِصَاحِبِهِ أَنْتَ عَبْدِي قَدِ اِشْتَرَيْتُكَ قَالَ «يُحْكَمُ بَيْنَهُمَا مِنْ حَيْثُ اِفْتَرَقَا فَيُذْرَعُ اَلطَّرِيقُ فَأَيُّهُمَا كَانَ أَقْرَبَ فَالَّذِي أَخَذَ فِيهِ هُوَ اَلَّذِي سَبَقَ اَلَّذِي هُوَ أَبْعَدُ وَ إِنْ كَانَا سَوَاءً فَهُمَا رَدٌّ عَلَى مَوَالِيهِمَا».

H.3247 - Ahmad ibn A'idh narrated from Abu Salamah, from Abu Abdillah {a.s}, regarding two slave men who were authorized to buy and sell with the wealth of their masters. A dispute arose between them, and they fought. Each ran to the master of the other. They were equal in strength.
One purchased the other from his master, and the other did the same, purchasing his opponent from his master. Then each of them grabbed the collar of the other, saying, "You are my slave; I have purchased you."
Imam {a.s} said: "They should be judged based on the point where they separated. The path should be measured, and whichever one was closer to his master, he is considered to have reached first and thus has precedence over the one farther away. But if both distances are equal, they are returned to their respective masters."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.18

HADITH

3248 - وَ فِي رِوَايَةِ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ اَلثَّقَفِيِّ قَالَ : اِسْتَوْدَعَ رَجُلاَنِ اِمْرَأَةً وَدِيعَةً وَ قَالاَ لَهَا لاَ تَدْفَعِي إِلَى وَاحِدٍ مِنَّا حَتَّى نَجْتَمِعَ عِنْدَكِ ثُمَّ اِنْطَلَقَا فَغَابَا فَجَاءَ أَحَدُهُمَا إِلَيْهَا وَ قَالَ أَعْطِينِي وَدِيعَتِي فَإِنَّ صَاحِبِي قَدْ مَاتَ فَأَبَتْ حَتَّى كَثُرَ اِخْتِلاَفُهُ إِلَيْهَا ثُمَّ أَعْطَتْهُ ثُمَّ جَاءَ اَلْآخَرُ فَقَالَ هَاتِي وَدِيعَتِي قَالَتْ أَخَذَهَا صَاحِبُكَ وَ ذَكَرَ أَنَّكَ قَدْ مِتَّ فَارْتَفَعَا إِلَى عُمَرَ فَقَالَ لَهَا عُمَرُ مَا أَرَاكِ إِلاَّ وَ قَدْ ضَمِنْتِ فَقَالَتِ اَلْمَرْأَةُ اِجْعَلْ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ بَيْنِي وَ بَيْنَهُ فَقَالَ لَهُ اِقْضِ بَيْنَهُمَا فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «هَذِهِ اَلْوَدِيعَةُ عِنْدَهَا وَ قَدْ أَمَرْتُمَاهَا أَلاَّ تَدْفَعَهَا إِلَى وَاحِدٍ مِنْكُمَا حَتَّى تَجْتَمِعَا عِنْدَهَا فَائْتِنِي بِصَاحِبِكَ وَ لَمْ يُضَمِّنْهَا» وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «إِنَّمَا أَرَادَا أَنْ يَذْهَبَا بِمَالِ اَلْمَرْأَةِ».

H.3248 - In the narration of Ibrahim ibn Muhammad al-Thaqafi:
Two men entrusted a woman with a deposit and said to her, "Do not give it to either of us until we both come together to collect it." Then they left and were absent for a while. One of them came to her and said: "Give me my deposit, for my companion has died." She refused, but he repeatedly came to her until she finally gave it to him.
Later, the other man came and said: "Give me my deposit." She replied: "Your companion took it and claimed that you had died."
They brought their case before Umar, who said to her, "I see no way except that you are liable."
The woman said: "Make Ali {a.s} judge between me and him."
So Umar said to Imam {a.s}: "Judge between them."
Imam Ali ibn Abi Talib {a.s} said: "This deposit is still with her, and you both instructed her not to hand it over to either of you until you were both present. Bring your companion to me."
Thus, Imam {a.s} did not hold her liable.
Then Imam Ali ibn Abi Talib {a.s} said: "They only intended to deceive the woman and take her wealth."

[REFERENCES] Al-Kafi, Vol.7 p.428 • Man La Yahduruhu Al-Faqih, Vol.3 p.19 • Tahdhib Al-Ahkam, Vol.6 p.290 • Al-Manaqib, Vol.2 p.370 • Al-Wafi, Vol.16 p.1113 • Wasa'il Al-Shi'ah, Vol.19 p.10 • Bihar Al-Anwar, Vol.40 p.316

HADITH

3249 - وَ رَوَى عَاصِمُ بْنُ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «كَانَ لِرَجُلٍ عَلَى عَهْدِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ جَارِيَتَانِ فَوَلَدَتَا جَمِيعاً فِي لَيْلَةٍ وَاحِدَةٍ إِحْدَاهُمَا اِبْناً وَ اَلْأُخْرَى بِنْتاً فَعَمَدَتْ صَاحِبَةُ اَلاِبْنَةِ فَوَضَعَتِ اِبْنَتَهَا فِي اَلْمَهْدِ اَلَّذِي كَانَ فِيهِ اَلاِبْنُ وَ أَخَذَتِ اِبْنَهَا فَقَالَتْ صَاحِبَةُ اَلاِبْنَةِ اَلاِبْنُ اِبْنِي وَ قَالَتْ صَاحِبَةُ اَلاِبْنِ اَلاِبْنُ اِبْنِي فَتَحَاكَمَا إِلَى أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَأَمَرَ أَنْ يُوزَنَ لَبَنُهُمَا وَ قَالَ «أَيَّتُهُمَا كَانَتْ أَثْقَلَ لَبَناً فَالاِبْنُ لَهَا» ».

H.3249 - Asim ibn Humayd narrated from Muhammad ibn Qays, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
During the time of Imam Ali ibn Abi Talib {a.s}, a man had two female slaves, and both gave birth on the same night - one to a son and the other to a daughter.
The mother of the daughter took her child and placed her in the cradle that contained the son, and she took the son for herself.
The mother of the daughter claimed, "The son is mine," and the mother of the son also said: “The son is mine."
They brought their case before Commander of the Faithful Imam Ali ibn Abi Talib {a.s}.
Imam {a.s} ordered that their milk be weighed and said:
"Whichever of the two has the heavier milk, the son belongs to her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.19 • Bihar Al-Anwar, Vol.40 p.317

HADITH

3250 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «ضَرَبَ رَجُلٌ رَجُلاً فِي هَامَتِهِ عَلَى عَهْدِ أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَادَّعَى اَلْمَضْرُوبُ أَنَّهُ لاَ يُبْصِرُ بِعَيْنَيْهِ شَيْئاً وَ أَنَّهُ لاَ يَشَمُّ رَائِحَةً، وَ أَنَّهُ قَدْ خَرِسَ فَلاَ يَنْطِقُ فَقَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ «إِنْ كَانَ صَادِقاً فَقَدْ وَجَبَتْ لَهُ ثَلاَثُ دِيَاتِ اَلنَّفْسِ» فَقِيلَ لَهُ وَ كَيْفَ يَسْتَبِينُ ذَلِكَ مِنْهُ يَا أَمِيرَ اَلْمُؤْمِنِينَ حَتَّى نَعْلَمَ أَنَّهُ صَادِقٌ فَقَالَ «أَمَّا مَا اِدَّعَاهُ فِي عَيْنَيْهِ وَ أَنَّهُ لاَ يُبْصِرُ بِهِمَا فَإِنَّهُ يَسْتَبِينُ ذَلِكَ بِأَنْ يُقَالَ لَهُ اِرْفَعْ عَيْنَيْكَ إِلَى عَيْنِ اَلشَّمْسِ فَإِنْ كَانَ صَحِيحاً لَمْ يَتَمَالَكْ إِلاَّ أَنْ يُغْمِضَ عَيْنَيْهِ وَ إِنْ كَانَ صَادِقاً لَمْ يُبْصِرْ بِهِمَا وَ بَقِيَتْ عَيْنَاهُ مَفْتُوحَتَيْنِ وَ أَمَّا مَا اِدَّعَاهُ فِي خَيَاشِيمِهِ وَ أَنَّهُ لاَ يَشَمُّ رَائِحَةً فَإِنَّهُ يَسْتَبِينُ ذَلِكَ بِحُرَاقٍ يُدْنَى مِنْ أَنْفِهِ فَإِنْ كَانَ صَحِيحاً وَصَلَتْ رَائِحَةُ اَلْحُرَاقِ إِلَى دِمَاغِهِ وَ دَمَعَتْ عَيْنَاهُ وَ نَحَّى بِرَأْسِهِ وَ أَمَّا مَا اِدَّعَاهُ فِي لِسَانِهِ مِنَ اَلْخَرَسِ وَ أَنَّهُ لاَ يَنْطِقُ فَإِنَّهُ يَسْتَبِينُ ذَلِكَ بِإِبْرَةٍ تُضْرَبُ عَلَى لِسَانِهِ فَإِنْ كَانَ يَنْطِقُ خَرَجَ اَلدَّمُ أَحْمَرَ وَ إِنْ كَانَ لاَ يَنْطِقُ خَرَجَ اَلدَّمُ أَسْوَدَ» ».

H.3250 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said:
A man struck another man on the head during the time of Commander of the Faithful Imam Ali ibn Abi Talib {a.s}. The injured man claimed that he could no longer see with his eyes, could not smell any fragrance, and had lost his speech, becoming mute.
Commander of the Faithful {a.s} said: "If he is truthful, then he is entitled to three blood-money compensations."
It was asked: “O Commander of the Faithful, how can it be verified whether he is truthful?"
Imam {a.s} replied: "As for what he claims about his eyes, that he cannot see, it can be verified by asking him to look up at the sun. If he is healthy, he will be unable to stop himself from closing his eyes, but if he is truthful and cannot see, his eyes will remain open.
As for his claim about his nose, that he cannot smell, it can be verified by bringing something pungent close to his nose. If he is healthy, the smell will reach his brain, his eyes will water, and he will turn his head away.
As for his claim about his tongue, that he is mute and cannot speak, it can be verified by pricking his tongue with a needle. If he is able to speak, the blood will flow red, but if he is mute, the blood will flow black."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.19

HADITH

3251 - وَ رَوَى سَعْدُ بْنُ طَرِيفٍ عَنِ اَلْأَصْبَغِ بْنِ نُبَاتَةَ قَالَ : أُتِيَ عُمَرُ بْنُ اَلْخَطَّابِ بِجَارِيَةٍ فَشَهِدَ عَلَيْهَا شُهُودٌ أَنَّهَا بَغَتْ وَ كَانَ مِنْ قِصَّتِهَا أَنَّهَا كَانَتْ يَتِيمَةً عِنْدَ رَجُلٍ وَ كَانَ لِلرَّجُلِ اِمْرَأَةٌ وَ كَانَ اَلرَّجُلُ كَثِيراً مَا يَغِيبُ عَنْ أَهْلِهِ فَشَبَّتِ اَلْيَتِيمَةُ وَ كَانَتْ جَمِيلَةً فَتَخَوَّفَتِ اَلْمَرْأَةُ أَنْ يَتَزَوَّجَهَا زَوْجُهَا إِذَا رَجَعَ إِلَى مَنْزِلِهِ فَدَعَتْ بِنِسْوَةٍ مِنْ جِيرَانِهَا فَأَمْسَكَتْهَا ثُمَّ اِقْتَضَّتْهَا بِإِصْبَعِهَا فَلَمَّا قَدِمَ زَوْجُهَا سَأَلَ اِمْرَأَتَهُ عَنِ اَلْيَتِيمَةِ فَرَمَتْهَا بِالْفَاحِشَةِ وَ أَقَامَتِ اَلْبَيِّنَةَ مِنْ جِيرَانِهَا عَلَى ذَلِكَ قَالَ فَرُفِعَ ذَلِكَ إِلَى عُمَرَ بْنِ اَلْخَطَّابِ فَلَمْ يَدْرِ كَيْفَ يَقْضِي فِي ذَلِكَ فَقَالَ لِلرَّجُلِ اِذْهَبْ بِهَا إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ فَأَتَوْا عَلِيّاً وَ قَصُّوا عَلَيْهِ اَلْقِصَّةَ فَقَالَ لِاِمْرَأَةِ اَلرَّجُلِ «أَ لَكِ بَيِّنَةٌ» قَالَتْ نَعَمْ هَؤُلاَءِ جِيرَانِي يَشْهَدْنَ عَلَيْهَا بِمَا أَقُولُ فَأَخْرَجَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ اَلسَّيْفَ مِنْ غِمْدِهِ وَ طَرَحَهُ بَيْنَ يَدَيْهِ ثُمَّ أَمَرَ بِكُلِّ وَاحِدَةٍ مِنَ اَلشُّهُودِ فَأُدْخِلَتْ بَيْتاً ثُمَّ دَعَا بِامْرَأَةِ اَلرَّجُلِ فَأَدَارَهَا بِكُلِّ وَجْهٍ فَأَبَتْ أَنْ تَزُولَ عَنْ قَوْلِهَا فَرَدَّهَا إِلَى اَلْبَيْتِ اَلَّذِي كَانَتْ فِيهِ ثُمَّ دَعَا بِإِحْدَى اَلشُّهُودِ وَ جَثَا عَلَى رُكْبَتَيْهِ وَ قَالَ لَهَا «أَ تَعْرِفِينِي أَنَا عَلِيُّ بْنُ أَبِي طَالِبٍ وَ هَذَا سَيْفِي وَ قَدْ قَالَتِ اِمْرَأَةُ اَلرَّجُلِ مَا قَالَتْ وَ رَجَعَتْ إِلَى اَلْحَقِّ وَ أَعْطَيْتُهَا اَلْأَمَانَ فَاصْدُقِينِي وَ إِلاَّ مَلَأْتُ سَيْفِي مِنْكِ» فَالْتَفَتَتِ اَلْمَرْأَةُ إِلَى عَلِيٍّ فَقَالَتْ يَا أَمِيرَ اَلْمُؤْمِنِينَ اَلْأَمَانَ عَلَى اَلصِّدْقِ فَقَالَ لَهَا عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «فَاصْدُقِي» فَقَالَتْ لاَ وَ اَللَّهِ مَا زَنَتِ اَلْيَتِيمَةُ وَ لَكِنِ اِمْرَأَةُ اَلرَّجُلِ لَمَّا رَأَتْ حُسْنَهَا وَ جَمَالَهَا وَ هَيْئَتَهَا خَافَتْ فَسَادَ زَوْجِهَا فَسَقَتْهَا اَلْمُسْكِرَ وَ دَعَتْنَا فَأَمْسَكْنَاهَا فَاقْتَضَّتْهَا بِإِصْبَعِهَا فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «اَللَّهُ أَكْبَرُ اَللَّهُ أَكْبَرُ أَنَا أَوَّلُ مَنْ فَرَّقَ بَيْنَ اَلشُّهُودِ إِلاَّ دَانِيَالَ » ثُمَّ حَدَّ اَلْمَرْأَةَ حَدَّ اَلْقَاذِفِ وَ أَلْزَمَهَا وَ مَنْ سَاعَدَهَا عَلَى اِقْتِضَاضِ اَلْيَتِيمَةِ اَلْمَهْرَ لَهَا أَرْبَعَ مِائَةِ دِرْهَمٍ وَ فَرَّقَ بَيْنَ اَلْمَرْأَةِ وَ زَوْجِهَا وَ زَوَّجَهُ اَلْيَتِيمَةَ وَ سَاقَ عَنْهُ اَلْمَهْرَ إِلَيْهَا مِنْ مَالِهِ فَقَالَ عُمَرُ بْنُ اَلْخَطَّابِ فَحَدِّثْنَا يَا أَبَا اَلْحَسَنِ بِحَدِيثِ دَانِيَالَ اَلنَّبِيِّ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «إِنَّ دَانِيَالَ كَانَ غُلاَماً يَتِيماً لاَ أَبَ لَهُ وَ لاَ أُمَّ وَ إِنَّ اِمْرَأَةً مِنْ

بَنِي إِسْرَائِيلَ عَجُوزاً ضَمَّتْهُ إِلَيْهَا وَ رَبَّتْهُ وَ إِنَّ مَلِكاً مِنْ مُلُوكِ بَنِي إِسْرَائِيلَ كَانَ لَهُ قَاضِيَانِ وَ كَانَ لَهُ صَدِيقٌ وَ كَانَ رَجُلاً صَالِحاً وَ كَانَتْ لَهُ اِمْرَأَةٌ جَمِيلَةٌ وَ كَانَ يَأْتِي اَلْمَلِكَ فَيُحَدِّثُهُ فَاحْتَاجَ اَلْمَلِكُ إِلَى رَجُلٍ يَبْعَثُهُ فِي بَعْضِ أُمُورِهِ فَقَالَ لِلْقَاضِيَيْنِ اِخْتَارَا لِي رَجُلاً أَبْعَثُهُ فِي بَعْضِ أُمُورِي فَقَالاَ فُلاَنٌ فَوَجَّهَهُ اَلْمَلِكُ فَقَالَ اَلرَّجُلُ لِلْقَاضِيَيْنِ أُوصِيكُمَا بِامْرَأَتِي خَيْراً فَقَالاَ نَعَمْ فَخَرَجَ اَلرَّجُلُ وَ كَانَ اَلْقَاضِيَانِ يَأْتِيَانِ بَابَ اَلصَّدِيقِ فَعَشِقَا اِمْرَأَتَهُ فَرَاوَدَاهَا عَنْ نَفْسِهَا فَأَبَتْ عَلَيْهِمَا فَقَالاَ لَهَا إِنْ لَمْ تَفْعَلِي شَهِدْنَا عَلَيْكِ عِنْدَ اَلْمَلِكِ بِالزِّنَا لِيَرْجُمَكِ فَقَالَتِ اِفْعَلاَ مَا شِئْتُمَا فَأَتَيَا اَلْمَلِكَ فَشَهِدَا عَلَيْهَا أَنَّهَا بَغَتْ وَ كَانَ لَهَا ذِكْرٌ حَسَنٌ جَمِيلٌ فَدَخَلَ اَلْمَلِكَ مِنْ ذَلِكَ أَمْرٌ عَظِيمٌ اِشْتَدَّ غَمُّهُ وَ كَانَ بِهَا مُعْجَباً فَقَالَ لَهُمَا إِنَّ قَوْلَكُمَا مَقْبُولٌ فَأَجِّلُوهَا ثَلاَثَةَ أَيَّامٍ ثُمَّ اُرْجُمُوهَا وَ نَادَى فِي مَدِينَتِهِ اُحْضُرُوا قَتْلَ فُلاَنَةَ اَلْعَابِدَةِ فَإِنَّهَا قَدْ بَغَتْ وَ قَدْ شَهِدَ عَلَيْهَا اَلْقَاضِيَانِ بِذَلِكَ فَأَكْثَرَ اَلنَّاسُ اَلْقَوْلَ فِي ذَلِكَ فَقَالَ اَلْمَلِكُ لِوَزِيرِهِ مَا عِنْدَكَ فِي هَذَا حِيلَةٌ فَقَالَ لاَ وَ اَللَّهِ مَا عِنْدِي فِي هَذَا شَيْءٌ فَلَمَّا كَانَ اَلْيَوْمُ اَلثَّالِثُ رَكِبَ اَلْوَزِيرُ وَ هُوَ آخِرُ أَيَّامِهَا فَإِذَا هُوَ بِغِلْمَانٍ عُرَاةٍ يَلْعَبُونَ وَ فِيهِمْ دَانِيَالُ فَقَالَ دَانِيَالُ يَا مَعْشَرَ اَلصِّبْيَانِ تَعَالَوْا حَتَّى أَكُونَ أَنَا اَلْمَلِكَ وَ تَكُونَ أَنْتَ يَا فُلاَنُ فُلاَنَةَ اَلْعَابِدَةَ وَ يَكُونَ فُلاَنٌ وَ فُلاَنٌ اَلْقَاضِيَيْنِ اَلشَّاهِدَيْنِ عَلَيْهَا ثُمَّ جَمَعَ تُرَاباً وَ جَعَلَ سَيْفاً مِنْ قَصَبٍ ثُمَّ قَالَ لِلْغِلْمَانِ خُذُوا بِيَدِ هَذَا فَنَحُّوهُ إِلَى مَوْضِعِ كَذَا وَ اَلْوَزِيرُ وَاقِفٌ وَ خُذُوا هَذَا فَنَحُّوهُ إِلَى مَوْضِعِ كَذَا ثُمَّ دَعَا بِأَحَدِهِمَا فَقَالَ قُلْ حَقّاً فَإِنَّكَ إِنْ لَمْ تَقُلْ حَقّاً قَتَلْتُكَ قَالَ نَعَمْ وَ اَلْوَزِيرُ يَسْمَعُ فَقَالَ لَهُ بِمَ تَشْهَدُ عَلَى هَذِهِ اَلْمَرْأَةِ قَالَ أَشْهَدُ أَنَّهَا زَنَتْ قَالَ فِي أَيِّ يَوْمٍ قَالَ فِي يَوْمِ كَذَا وَ كَذَا قَالَ فِي أَيِّ وَقْتٍ قَالَ فِي وَقْتِ كَذَا وَ كَذَا قَالَ فِي أَيِّ مَوْضِعٍ قَالَ فِي مَوْضِعِ كَذَا وَ كَذَا قَالَ مَعَ مَنْ قَالَ مَعَ فُلاَنِ بْنِ فُلاَنٍ فَقَالَ رُدُّوا هَذَا إِلَى مَكَانِهِ وَ هَاتُوا اَلآخَرَ فَرَدُّوهُ وَ جَاءُوا بِالْآخَرِ فَسَأَلَهُ عَنْ ذَلِكَ فَخَالَفَ صَاحِبَهُ فِي اَلْقَوْلِ فَقَالَ دَانِيَالُ اَللَّهُ أَكْبَرُ اَللَّهُ أَكْبَرُ شَهِدَا عَلَيْهَا بِزُورٍ ثُمَّ نَادَى فِي اَلْغِلْمَانِ إِنَّ اَلْقَاضِيَيْنِ شَهِدَا عَلَى فُلاَنَةَ بِالزُّورِ فَاحْضُرُوا قَتْلَهُمَا فَذَهَبَ اَلْوَزِيرُ إِلَى اَلْمَلِكِ مُبَادِراً فَأَخْبَرَهُ بِالْخَبَرِ فَبَعَثَ اَلْمَلِكُ إِلَى اَلْقَاضِيَيْنِ فَأَحْضَرَهُمَا ثُمَّ فَرَّقَ بَيْنَهُمَا وَ فَعَلَ بِهِمَا كَمَا فَعَلَ دَانِيَالُ بِالْغُلاَمَيْنِ فَاخْتَلَفَا كَمَا اِخْتَلَفَا فَنَادَى فِي اَلنَّاسِ وَ أَمَرَ بِقَتْلِهِمَا».

H.3251 - Sad ibn Tarif narrated from Al-Asbagh ibn Nubatah who said:
A woman was brought before Umar ibn al-Khattab, and witnesses testified against her that she had committed adultery. Her story was that she was an orphan raised in the house of a man who had a wife. The man would frequently be away from home. The orphan grew up to be beautiful, and the man's wife feared that her husband might marry the orphan upon his return.
So, the wife called some women from her neighborhood, restrained the orphan, and violated her with her finger.
When the husband returned, his wife accused the orphan of indecency and brought forth witnesses from her neighbors to support her claim.
The case was presented to Umar ibn al-Khattab, but he did not know how to judge it.
He said to the man, "Take her to Ali ibn Abi Talib {a.s}."
They came to Imam Ali ibn Abi Talib {a.s} and told him the story.
Imam {a.s} said to the man's wife: "Do you have witnesses?"
She replied: "Yes, these are my neighbors who testify to what I say."

Imam Ali ibn Abi Talib {a.s} then drew his sword from its sheath and placed it in front of him.

Imam {a.s} ordered each witness to be taken into a separate room.

Then Imam {a.s} called the man's wife and interrogated her from every angle, but she insisted on her accusation.

Imam {a.s} sent her back to the room and then summoned one of the witnesses.

Imam {a.s} knelt before her and said: "Do you know who I am? I am Ali ibn Abi Talib, and this is my sword. The man's wife has confessed and returned to the truth. I have granted her safety. Now, speak the truth, or I will fill this sword with your blood."

The woman then turned to Imam Ali ibn Abi Talib {a.s} and said: "O Commander of the Faithful, I seek safety in exchange for speaking the truth."

Imam Ali ibn Abi Talib {a.s} said to her: "Speak the truth."

She said: "No, by Allah {SWT}, the orphan did not commit adultery. However, the man's wife, when she saw her beauty, charm, and appearance, feared that her husband might be attracted to her. So she gave her intoxicants to drink, called us, and we restrained her. Then, she violated her with her finger."

Imam Ali ibn Abi Talib {a.s} said: "Allah {SWT} is the Greatest! Allah {SWT} is the Greatest! I am the first to separate witnesses, except for (Prophet) Daniel {a.s}."

Then Imam Ali ibn Abi Talib {a.s} sentenced the man's wife to the punishment for false accusation and obligated her and those who assisted her in violating the orphan girl to pay her a dowry of four hundred dirhams.

Imam {a.s} also separated the woman from her husband and married the orphan girl to him, paying her dowry from the husband's wealth.

Upon witnessing this judgment, Umar ibn al-Khattab said: "Tell us, O Abu al-Hasan, about the story of Prophet Daniel {a.s}."

Imam Ali ibn Abi Talib {a.s} said: "Daniel was a young orphan who had neither father nor mother. An elderly woman from the Children of Israel took him in and raised him.

There was a king among the Children of Israel who had two judges. The king had a pious and righteous friend who had a beautiful wife.

This man used to visit the king and speak with him.

One day, the king needed to send someone on a mission, so he said to the two judges, 'Choose for me a man whom I can send on this task.'

They said: ‘Send this man (the pious friend).'

So, the king sent him."

The man said to the two judges, "I entrust my wife to your care and advise you to treat her well." They replied: “Yes."

After the man left, the two judges began visiting the house of the pious man and fell in love with his wife. They tried to seduce her, but she refused.

They said to her, "If you do not yield to us, we will testify against you before the king that you have committed adultery, and you will be stoned."

She replied: “Do as you wish."

So, they went to the king and testified against her, claiming that she had committed adultery.

The woman was well-known for her piety and virtue, and the matter deeply troubled the king, for he admired her.

The king said to them, "Your testimony is accepted, but delay her punishment for three days, and then stone her."

He then announced throughout his city, "Attend the execution of so-and-so, the devout woman, for she has committed adultery, as testified by the two judges."

The people began talking about the matter extensively.

The king asked his minister, "Do you have any solution to this situation?"

The minister replied: “No, by Allah {SWT}, I have no solution for this matter."

On the third day, the minister went out, as it was the last day for the woman. Along the way, he saw a group of naked boys playing, and among them was Daniel.

Daniel said: “O children, come here! Let me be the king, and you, so-and-so, be the devout woman. Let these two boys be the judges who testified against her."

He gathered some dirt and made a sword out of reeds. Then he said to the children, "Take this one and place him in one spot, and take the other and place him in another spot." The minister was watching all of this.

Then Daniel called one of the boys who was acting as a judge and said to him, "Speak the truth, for if you do not speak the truth, I will kill you."

The boy said: “Yes," while the minister listened attentively.

Daniel then asked him, "What do you testify against this woman?"

The boy replied: “I testify that she committed adultery."

Daniel asked: “On what day?"

The boy said: “On such-and-such a day."

Daniel asked: “At what time?"

The boy replied: “At such-and-such a time."

Daniel asked: “In what place?"

The boy said: “In such-and-such a place."

Daniel asked: “With whom?"

The boy said: “With so-and-so, the son of so-and-so."

Then Daniel said: “Return this one to his place and bring the other one."

They returned the first boy and brought the second one.

Daniel questioned him about the same details, but his answers contradicted those of the first boy.

At this, Daniel said: “Allah {SWT} is the Greatest! Allah {SWT} is the Greatest! They have testified falsely against her."

He then called out to the children, "The two judges have testified falsely against this woman. Come and witness their execution."

The minister rushed to the king and informed him of what had happened.

The king sent for the two judges, brought them in, and separated them. He questioned them just as Daniel had questioned the boys, and they contradicted each other, just as the boys had.

The king then announced their guilt to the people and ordered their execution.”

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.20

HADITH

3252 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «وُجِدَ عَلَى عَهْدِ أَمِيرِ اَلْمُؤْمِنِينَ صَلَوَاتُ اَللَّهِ عَلَيْهِ رَجُلٌ مَذْبُوحٌ فِي خَرِبَةٍ وَ هُنَاكَ رَجُلٌ بِيَدِهِ سِكِّينٌ مُلَطَّخٌ بِالدَّمِ فَأُخِذَ لِيُؤْتَى بِهِ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَأَقَرَّ أَنَّهُ قَتَلَهُ فَاسْتَقْبَلَهُ رَجُلٌ فَقَالَ لَهُمْ خَلُّوا عَنْ هَذَا فَأَنَا قَاتِلُ صَاحِبِكُمْ فَأُخِذَ أَيْضاً وَ أُتِيَ بِهِ مَعَ صَاحِبِهِ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَلَمَّا دَخَلُوا قَصُّوا عَلَيْهِ اَلْقِصَّةَ فَقَالَ لِلْأَوَّلِ «مَا حَمَلَكَ عَلَى اَلْإِقْرَارِ» قَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ إِنِّي رَجُلٌ قَصَّابٌ وَ قَدْ كُنْتُ ذَبَحْتُ شَاةً بِجَنْبِ اَلْخَرِبَةِ فَأَعْجَلَنِي اَلْبَوْلُ فَدَخَلْتُ اَلْخَرِبَةَ وَ بِيَدِي سِكِّينٌ مُلَطَّخٌ بِالدَّمِ فَأَخَذَنِي هَؤُلاَءِ وَ قَالُوا أَنْتَ قَتَلْتَ صَاحِبَنَا فَقُلْتُ مَا يُغْنِي عَنِّي اَلْإِنْكَارُ شَيْئاً وَ هَاهُنَا رَجُلٌ مَذْبُوحٌ وَ أَنَا بِيَدِي سِكِّينٌ مُلَطَّخٌ بِالدَّمِ فَأَقْرَرْتُ لَهُمْ أَنِّي قَتَلْتُهُ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ لِلْآخَرِ «مَا تَقُولُ أَنْتَ» قَالَ أَنَا قَتَلْتُهُ يَا أَمِيرَ اَلْمُؤْمِنِينَ فَقَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ «اِذْهَبُوا إِلَى اَلْحَسَنِ اِبْنِي لِيَحْكُمَ بَيْنَكُمْ» فَذَهَبُوا إِلَيْهِ وَ قَصُّوا عَلَيْهِ اَلْقِصَّةَ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «أَمَّا هَذَا فَإِنْ كَانَ قَدْ قَتَلَ رَجُلاً فَقَدْ أَحْيَا هَذَا وَ اَللَّهُ عَزَّ وَ جَلَّ يَقُولُ: ﴿ وَ مَنْ أَحْيٰاهٰا فَكَأَنَّمٰا أَحْيَا اَلنّٰاسَ جَمِيعاً ﴾ لَيْسَ عَلَى أَحَدٍ مِنْهُمَا شَيْءٌ وَ تُخْرَجُ اَلدِّيَةُ مِنْ بَيْتِ اَلْمَالِ لِوَرَثَةِ اَلْمَقْتُولِ».

H.3252 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said:
“During the time of Commander of the Faithful Imam Ali ibn Abi Talib {a.s}, a man was found slaughtered in a deserted place. Nearby, there was another man holding a knife covered in blood. He was arrested and brought before Imam Ali ibn Abi Talib {a.s}.
The man confessed, saying that he had killed the victim.
However, another man approached and said to them, "Release him, for I am the one who killed your companion." He too was arrested and brought along with the first man before Commander of the Faithful Imam Ali ibn Abi Talib {a.s}.
When they presented their case, Imam Ali ibn Abi Talib {a.s} asked the first man:
"What made you confess?"
He replied: “O Commander of the Faithful, I am a butcher. I had slaughtered a sheep near the deserted place, and I urgently needed to relieve myself. So, I entered the deserted place with a knife in my hand, stained with blood. These people saw me, accused me of killing their companion, and arrested me. I thought that denying it would be of no use, since there was a man slaughtered and I was holding a bloodied knife, so I confessed."
Imam Ali {a.s} asked the second man: "What do you say?"
He replied: “I am the one who killed him, O Commander of the Faithful."
Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said:
"Take them to my son, Imam Hasan ibn Ali {a.s}, so he may judge between you."
They went to Imam Hasan ibn Ali {a.s} and presented the case.
Imam Hasan ibn Ali {a.s} said: "As for this one, if he has killed a man, he has also given life to this one (the butcher). And Allah {SWT}, the Mighty and Majestic, says: *'And whoever saves a life, it is as though he has saved all of mankind.'* (Surah Al-Ma'idah 5:32). There is no punishment upon either of them, and the blood money should be paid from the public treasury to the heirs of the deceased."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.23 • Tahdhib Al-Ahkam, Vol.6 p.315

HADITH

3253 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «تُوُفِّيَ رَجُلٌ عَلَى عَهْدِ أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ وَ خَلَّفَ اِبْناً وَ عَبْداً فَادَّعَى كُلٌّ وَاحِدٍ مِنْهُمَا أَنَّهُ اَلاِبْنُ وَ أَنَّ اَلْآخَرَ عَبْدٌ لَهُ فَأَتَيَا أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَتَحَاكَمَا إِلَيْهِ فَأَمَرَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ أَنْ يُثْقَبَ فِي حَائِطِ اَلْمَسْجِدِ ثَقْبَيْنِ ثُمَّ أَمَرَ كُلَّ وَاحِدٍ مِنْهُمَا أَنْ يُدْخِلَ رَأْسَهُ فِي ثَقْبٍ فَفَعَلاَ ثُمَّ قَالَ «يَا قَنْبَرُ جَرِّدِ اَلسَّيْفَ» وَ أَسَرَّ إِلَيْهِ لاَ تَفْعَلْ مَا آمُرُكَ بِهِ ثُمَّ قَالَ «اِضْرِبْ عُنُقَ اَلْعَبْدِ» قَالَ فَنَحَّى اَلْعَبْدُ رَأْسَهُ فَأَخَذَهُ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ وَ قَالَ لِلْآخَرِ «أَنْتَ اَلاِبْنُ وَ قَدْ أَعْتَقْتُ هَذَا وَ جَعَلْتُهُ مَوْلًى لَكَ» ».

H.3253 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said:
During the time of Commander of the Faithful Imam Ali ibn Abi Talib {a.s}, a man passed away, leaving behind a son and a slave. Each of them claimed to be the son and accused the other of being the slave.
They brought their case before Commander of the Faithful Imam Ali ibn Abi Talib {a.s} for judgment.
Commander of the Faithful Imam Ali ibn Abi Talib {a.s} ordered that two holes be made in the wall of the mosque. Then he instructed each of them to place his head into one of the holes, and they did so.
Imam {a.s} said: "O Qanbar, unsheathe the sword."
Then Imam {a.s} secretly told Qanbar not to carry out what he was about to command.
Commander of the Faithful {a.s} said: "Strike the neck of the slave!"
Hearing this, one of the men quickly pulled his head out of the hole.
Commander of the Faithful {a.s} then took hold of him and said to the other, 'You are the son, and I have now freed this one and made him your freed servant (mawla).'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.23 • Al-Wafi, Vol.16 p.1102 • Wasa'il Al-Shi'ah, Vol.27 p.287

HADITH

3254 - وَ رَوَى عَمْرُو بْنُ ثَابِتٍ عَنْ أَبِيهِ عَنْ سَعْدِ بْنِ طَرِيفٍ عَنِ اَلْأَصْبَغِ بْنِ نُبَاتَةَ قَالَ : أُتِيَ عُمَرُ بْنُ اَلْخَطَّابِ بِامْرَأَةٍ تَزَوَّجَهَا شَيْخٌ فَلَمَّا أَنْ وَاقَعَهَا مَاتَ عَلَى بَطْنِهَا فَجَاءَتْ بِوَلَدٍ فَادَّعَى بَنُوهُ أَنَّهَا فَجَرَتْ وَ تَشَاهَدُوا عَلَيْهَا فَأَمَرَ بِهَا عُمَرُ أَنْ تُرْجَمَ فَمَرُّوا بِهَا عَلَى عَلِيِّ بْنِ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ فَقَالَتْ يَا اِبْنَ عَمِّ رَسُولِ اَللَّهِ إِنِّي مَظْلُومَةٌ وَ هَذِهِ حُجَّتِي فَقَالَ «هَاتِي حُجَّتَكِ» فَدَفَعَتْ إِلَيْهِ كِتَاباً فَقَرَأَهُ فَقَالَ «هَذِهِ اَلْمَرْأَةُ تُعْلِمُكُمْ بِيَوْمَ تَزَوَّجَهَا وَ يَوْمَ وَاقَعَهَا وَ كَيْفَ كَانَ جِمَاعُهُ لَهَا رُدُّوا اَلْمَرْأَةَ» فَلَمَّا كَانَ مِنَ اَلْغَدِ دَعَا عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ بِصِبْيَانٍ يَلْعَبُونَ أَتْرَابٍ وَ فِيهِمُ اِبْنُهَا فَقَالَ لَهُمُ «اِلْعَبُوا» فَلَعِبُوا حَتَّى إِذَا أَلْهَاهُمُ اَللَّعِبُ فَصَاحَ بِهِمْ فَقَامُوا وَ قَامَ اَلْغُلاَمُ اَلَّذِي هُوَ اِبْنُ اَلْمَرْأَةِ مُتَّكِئاً عَلَى رَاحَتَيْهِ فَدَعَا بِهِ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فَوَرَّثَهُ مِنْ أَبِيهِ وَ جَلَدَ إِخْوَتَهُ اَلْمُفْتَرِينَ حَدّاً حَدّاً فَقَالَ لَهُ عُمَرُ كَيْفَ صَنَعْتَ قَالَ «عَرَفْتُ ضَعْفَ اَلشَّيْخِ فِي ثُكَأَةِ اَلْغُلاَمِ عَلَى رَاحَتَيْهِ».

H.3254 - Amr ibn Thabit narrated from his father, from Sad ibn Tarif, from Al-Asbagh ibn Nubatah, who said:

A woman was brought before Umar ibn al-Khattab. She had married an old man who died while lying on top of her after consummating the marriage. Later, she gave birth to a child. The old man's sons accused her of adultery and testified against her.

Umar ordered that she be stoned.

As they were leading her away, they passed by Commander of the Faithful Imam Ali ibn Abi Talib {a.s}.

She called out: "O cousin of the Messenger of Allah {SWT}! I am wronged, and this is my evidence."

Imam {a.s} said: "Present your evidence."

She handed him a letter, and Imam {a.s} read it.

Then Imam {a.s} said: "This woman is informing you of the date of her marriage, the date of consummation, and how it occurred. Return the woman."

The next day, Imam Ali ibn Abi Talib {a.s} summoned some children who were of the same age as the woman's child and told them to play.

They played until they became distracted.

Then Imam {a.s} called out to them suddenly, and they all stood up, including the woman's child, who stood leaning on both his palms for support.

Imam Ali ibn Abi Talib {a.s} called the child forward, confirmed his paternity, and ruled that he inherit from his father.

He then ordered the brothers, who had falsely accused the woman, to be lashed one by one as the punishment for false accusation.

Umar asked Imam Ali ibn Abi Talib {a.s}: "How did you reach this judgment?"

Imam {a.s} replied: "I recognized the frailty of the old man from the way the child leaned on his palms to stand up."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.24

HADITH

3255 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «دَخَلَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ اَلْمَسْجِدَ فَاسْتَقْبَلَهُ شَابٌّ وَ هُوَ يَبْكِي وَ حَوْلَهُ قَوْمٌ يُسْكِتُونَهُ، فَقَالَ عَلَيْهِ اَلسَّلاَمُ «مَا أَبْكَاكَ» فَقَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ إِنَّ شُرَيْحاً قَضَى عَلَيَّ بِقَضِيَّةٍ مَا أَدْرِي مَا هِيَ إِنَّ هَؤُلاَءِ اَلنَّفَرَ خَرَجُوا بِأَبِي مَعَهُمْ فِي سَفَرِهِمْ فَرَجَعُوا وَ لَمْ يَرْجِعْ أَبِي فَسَأَلْتُهُمْ عَنْهُ فَقَالُوا مَاتَ فَسَأَلْتُهُمْ عَنْ مَالِهِ فَقَالُوا مَا تَرَكَ مَالاً فَقَدَّمْتُهُمْ إِلَى شُرَيْحٍ فَاسْتَحْلَفَهُمْ وَ قَدْ عَلِمْتُ يَا أَمِيرَ اَلْمُؤْمِنِينَ أَنَّ أَبِي خَرَجَ وَ مَعَهُ مَالٌ كَثِيرٌ فَقَالَ لَهُمْ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ «اِرْجِعُوا» فَرَدُّوهُمْ جَمِيعاً وَ اَلْفَتَى مَعَهُمْ إِلَى شُرَيْحٍ فَقَالَ لَهُ «يَا شُرَيْحُ كَيْفَ قَضَيْتَ بَيْنَ هَؤُلاَءِ»

فَقَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ إِدَّعَى هَذَا اَلْغُلاَمُ عَلَى هَؤُلاَءِ اَلنَّفَرِ أَنَّهُمْ خَرَجُوا فِي سَفَرٍ وَ أَبُوهُ مَعَهُمْ فَرَجَعُوا وَ لَمْ يَرْجِعْ أَبُوهُ فَسَأَلْتُهُمْ عَنْهُ فَقَالُوا مَاتَ فَسَأَلْتُهُمْ عَنْ مَالِهِ فَقَالُوا مَا خَلَّفَ شَيْئاً فَقُلْتُ لِلْفَتَى هَلْ لَكَ بَيِّنَةٌ عَلَى مَا تَدَّعِي فَقَالَ لاَ فَاسْتَحْلَفْتُهُمْ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «يَا شُرَيْحُ هَيْهَاتَ هَكَذَا تَحْكُمُ فِي مِثْلِ هَذَا» فَقَالَ كَيْفَ هَذَا يَا

أَمِيرَ اَلْمُؤْمِنِينَ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «يَا شُرَيْحُ وَ اَللَّهِ لَأَحْكُمَنَّ فِيهِمْ بِحُكْمٍ مَا حَكَمَ بِهِ خَلْقٌ قَبْلِي إِلاَّ دَاوُدَ اَلنَّبِيُّ عَلَيْهِ اَلسَّلاَمُ يَا قَنْبَرُ اُدْعُ لِي شُرْطَةَ اَلْخَمِيسِ »

فَدَعَاهُمْ فَوَكَّلَ بِهِمْ بِكُلِّ وَاحِدٍ مِنْهُمْ رَجُلاً مِنَ اَلشُّرْطَةِ ثُمَّ نَظَرَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ إِلَى وُجُوهِهِمْ فَقَالَ «مَا ذَا تَقُولُونَ أَ تَقُولُونَ إِنِّي لاَ أَعْلَمُ مَا صَنَعْتُمْ بِأَبِ هَذَا اَلْفَتَى إِنِّي إِذاً لَجَاهِلٌ» ثُمَّ قَالَ «فَرِّقُوهُمْ وَ غَطُّوا رُءُوسَهُمْ» فَفُرِّقَ بَيْنَهُمْ وَ أُقِيمَ كُلُّ وَاحِدٍ مِنْهُمْ إِلَى أُسْطُوَانَةٍ مِنْ أَسَاطِينِ اَلْمَسْجِدِ وَ رُءُوسُهُمْ مُغَطَّاةٌ بِثِيَابِهِمْ ثُمَّ دَعَا بِعُبَيْدِ اَللَّهِ بْنِ أَبِي رَافِعٍ كَاتِبِهِ فَقَالَ «هَاتِ صَحِيفَةً وَ دَوَاةً» وَ جَلَسَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي مَجْلِسِ اَلْقَضَاءِ وَ اِجْتَمَعَ اَلنَّاسُ إِلَيْهِ فَقَالَ «إِذَا أَنَا كَبَّرْتُ فَكَبِّرُوا»

ثُمَّ قَالَ لِلنَّاسِ «أَفْرِجُوا» ثُمَّ دَعَا بِوَاحِدٍ مِنْهُمْ فَأَجْلَسَهُ بَيْنَ يَدَيْهِ فَكَشَفَ عَنْ وَجْهِهِ ثُمَّ قَالَ لِعُبَيْدِ اَللَّهِ «اُكْتُبْ إِقْرَارَهُ وَ مَا يَقُولُ» ثُمَّ أَقْبَلَ عَلَيْهِ بِالسُّؤَالِ ثُمَّ قَالَ لَهُ «فِي أَيِّ يَوْمٍ خَرَجْتُمْ مِنْ مَنَازِلِكُمْ وَ أَبُو هَذَا اَلْفَتَى مَعَكُمْ» فَقَالَ اَلرَّجُلُ فِي يَوْمِ كَذَا وَ كَذَا فَقَالَ «وَ فِي أَيِّ شَهْرٍ» فَقَالَ فِي شَهْرِ كَذَا وَ كَذَا قَالَ «وَ إِلَى أَيْنَ بَلَغْتُمْ مِنْ سَفَرِكُمْ حِينَ مَاتَ أَبُو هَذَا اَلْفَتَى» قَالَ إِلَى مَوْضِعِ كَذَا وَ كَذَا قَالَ «وَ فِي أَيِّ مَنْزِلٍ» قَالَ فِي مَنْزِلِ فُلاَنِ بْنِ فُلاَنٍ قَالَ «وَ مَا كَانَ مِنْ مَرَضِهِ» قَالَ كَذَا وَ كَذَا قَالَ «وَ كَمْ يَوْماً مَرِضَ» قَالَ كَذَا وَ كَذَا يَوْماً قَالَ «فَمَنْ كَانَ يُمَرِّضُهُ وَ فِي أَيِّ يَوْمٍ مَاتَ وَ مَنْ غَسَّلَهُ وَ أَيْنَ غَسَّلَهُ وَ مَنْ كَفَّنَهُ وَ بِمَا كَفَّنْتُمُوهُ وَ مَنْ صَلَّى عَلَيْهِ وَ مَنْ نَزَلَ قَبْرَهُ»

فَلَمَّا سَأَلَهُ عَنْ جَمِيعِ مَا يُرِيدُ كَبَّرَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ وَ كَبَّرَ اَلنَّاسُ مَعَهُ فَارْتَابَ أُولَئِكَ اَلْبَاقُونَ وَ لَمْ يَشُكُّوا أَنَّ صَاحِبَهُمْ قَدْ أَقَرَّ عَلَيْهِمْ وَ عَلَى نَفْسِهِ فَأَمَرَ أَنْ يُغَطَّى رَأْسُهُ وَ أَنْ يَنْطَلِقُوا بِهِ إِلَى اَلْحَبْسِ ثُمَّ دَعَا بِآخَرَ فَأَجْلَسَهُ بَيْنَ يَدَيْهِ وَ كَشَفَ عَنْ وَجْهِهِ ثُمَّ قَالَ «كَلاَّ زَعَمْتَ أَنِّي لاَ أَعْلَمُ مَا صَنَعْتُمْ» فَقَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ مَا أَنَا إِلاَّ وَاحِدٌ مِنَ اَلْقَوْمِ وَ لَقَدْ كُنْتُ كَارِهاً لِقَتْلِهِ فَأَقَرَّ ثُمَّ دَعَا بِوَاحِدٍ بَعْدَ وَاحِدٍ فَكُلُّهُمْ يُقِرُّ بِالْقَتْلِ وَ أَخْذِ اَلْمَالِ ثُمَّ رَدَّ اَلَّذِي كَانَ أَمَرَ بِهِ إِلَى اَلسِّجْنِ فَأَقَرَّ أَيْضاً فَأَلْزَمَهُمُ اَلْمَالَ وَ اَلدَّمَ فَقَالَ شُرَيْحٌ يَا أَمِيرَ اَلْمُؤْمِنِينَ وَ كَيْفَ كَانَ حُكْمُ دَاوُدَ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «إِنَّ دَاوُدَ اَلنَّبِيَّ عَلَيْهِ اَلسَّلاَمُ مَرَّ بِغِلْمَةٍ يَلْعَبُونَ وَ يُنَادُونَ بَعْضُهُمْ بَعْضاً مَاتَ اَلدِّينُ فَدَعَا مِنْهُمْ غُلاَماً فَقَالَ لَهُ يَا غُلاَمُ مَا اِسْمُكَ قَالَ اِسْمِي مَاتَ اَلدِّينُ فَقَالَ لَهُ دَاوُدُ عَلَيْهِ اَلسَّلاَمُ مَنْ سَمَّاكَ بِهَذَا اَلاِسْمِ قَالَ أُمِّي فَانْطَلَقَ إِلَى أُمِّهِ فَقَالَ يَا اِمْرَأَةُ مَا اِسْمُ اِبْنِكِ هَذَا قَالَتْ مَاتَ اَلدِّينُ فَقَالَ لَهَا وَ مَنْ سَمَّاهُ بِهَذَا اَلاِسْمِ قَالَتْ أَبُوهُ قَالَ وَ كَيْفَ كَانَ ذَلِكَ قَالَتْ إِنَّ أَبَاهُ خَرَجَ فِي سَفَرٍ لَهُ وَ مَعَهُ قَوْمٌ وَ هَذَا اَلصَّبِيُّ حَمْلٌ فِي بَطْنِي فَانْصَرَفَ اَلْقَوْمُ وَ لَمْ يَنْصَرِفْ زَوْجِي فَسَأَلْتُهُمْ عَنْهُ فَقَالُوا مَاتَ قُلْتُ أَيْنَ مَا تَرَكَ قَالُوا لَمْ يُخَلِّفْ مَالاً فَقُلْتُ أَوْصَاكُمْ بِوَصِيَّةٍ قَالُوا نَعَمْ زَعَمَ أَنَّكِ حُبْلَى فَمَا وَلَدَتْ مِنْ وَلَدٍ ذَكَرٍ أَوْ أُنْثَى فَسَمِّيهِ مَاتَ اَلدِّينُ فَسَمَّيْتُهُ فَقَالَ أَ تَعْرِفِينَ اَلْقَوْمَ اَلَّذِينَ كَانُوا خَرَجُوا مَعَ زَوْجِكِ قَالَتْ نَعَمْ قَالَ فَأَحْيَاءٌ هُمْ أَمْ أَمْوَاتٌ قَالَتْ بَلْ أَحْيَاءٌ قَالَ فَانْطَلِقِي بِنَا إِلَيْهِمْ ثُمَّ مَضَى مَعَهَا فَاسْتَخْرَجَهُمْ مِنْ مَنَازِلِهِمْ فَحَكَمَ بَيْنَهُمْ بِهَذَا اَلْحُكْمِ فَثَبَّتَ عَلَيْهِمُ اَلْمَالَ وَ اَلدَّمَ ثُمَّ قَالَ لِلْمَرْأَةِ سَمِّي اِبْنَكِ هَذَا عَاشَ اَلدِّينُ » ثُمَّ إِنَّ اَلْفَتَى وَ اَلْقَوْمَ اِخْتَلَفُوا فِي مَالِ أَبِ اَلْفَتَى كَمْ كَانَ فَأَخَذَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ خَاتَمَهُ وَ جَمَعَ خَوَاتِيمَ عِدَّةٍ ثُمَّ قَالَ «أَجِيلُوا هَذِهِ اَلسِّهَامَ فَأَيُّكُمْ أَخْرَجَ خَاتَمِي فَهُوَ اَلصَّادِقُ فِي دَعْوَاهُ لِأَنَّهُ سَهْمُ اَللَّهِ عَزَّ وَ جَلَّ وَ هُوَ سَهْمٌ لاَ يَخِيبُ» ».

H.3255 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said:

Imam Ali ibn Abi Talib {a.s} entered the mosque, and a young man approached him, crying, while a group of people around him tried to silence him.

Imam Ali ibn Abi Talib {a.s} asked: "What makes you cry?"

The young man said: "O Commander of the Faithful, Shurayh judged against me in a case, and I do not understand it.

These men went on a journey with my father, but they returned without him. When I asked them about him, they said he had died. Then I asked them about his wealth, and they said he left no wealth. I brought them before Shurayh, and he made them swear an oath.

But I know, O Commander of the Faithful, that my father left with a great amount of wealth."

So Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said to them: "Return."

Imam {a.s} gathered all of them, including the young man, and took them back to Shurayh.

Then Imam {a.s} said to him: "O Shurayh, how did you judge between these people?"

Shurayh said: "O Commander of the Faithful, this young man claimed that these men went on a journey with his father, but they returned while his father did not. He asked them about his father, and they said he had died. Then he asked them about his father's wealth, and they said he left nothing. I asked the young man if he had any evidence for his claim, but he said no. So, I made them swear an oath, and then I ruled in their favor."

Imam Ali ibn Abi Talib {a.s} said: "O Shurayh, how could you judge in such a case like this?"

Shurayh asked: "How should it be judged, O Commander of the Faithful?"

Imam Ali ibn Abi Talib {a.s} said: "O Shurayh, by Allah {SWT}, I will issue a ruling in this matter that no one before me has ruled except Prophet Dawud {a.s}."

Imam {a.s} then said: "O Qanbar, call for the guards of the Thursday patrol."

Then Commander of the Faithful Imam Ali ibn Abi Talib {a.s} summoned the guards, assigning one guard to each of the accused men.

Imam {a.s} looked at their faces and said: "What do you say? Do you think that I do not know what you have done to the father of this young man? If so, then I would indeed be ignorant."

Imam {a.s} then said: "Separate them and cover their heads."

They were separated and each was placed by one of the pillars of the mosque with their heads covered by their garments.

Then Imam {a.s} called for Ubaydullah ibn Abi Rafi, his scribe, and said: "Bring me a scroll and an inkwell."

Imam Ali ibn Abi Talib {a.s} sat in the seat of judgment, and the people gathered around him.

Imam {a.s} said: "When I say 'Allahu Akbar,' then you all say 'Allahu Akbar.'"

Then Commander of the Faithful {a.s} said to the people: "Make space."

Imam {a.s} called one of the accused, seated him in front of him, uncovered his face, and said to Ubaydullah: "Write down his confession and what he says."

Imam {a.s} then began questioning him, saying: "On what day did you leave your homes, with the father of this young man accompanying you?"

The man replied: "On such-and-such a day."

He {a.s} asked: "In which month?"

The man replied: "In such-and-such a month."

He {a.s} asked: "To what point in your journey had you reached when the father of this young man died?"

The man replied: "To such-and-such a place."

He {a.s} asked: "In which dwelling?"

The man replied: "In the dwelling of so-and-so, the son of so-and-so."

He {a.s} asked: "What illness did he suffer from?"

The man replied: "Such-and-such illness."

He {a.s} asked: "For how many days was he ill?"

The man replied: "For such-and-such days."

He {a.s} asked: "Who was taking care of him? On what day did he die? Who washed his body? Where was he washed? Who shrouded him? In what was he shrouded? Who prayed over him? And who lowered him into his grave?"

When Commander of the Faithful {a.s} finished questioning the first man about all the details he wanted, Imam {a.s} said "Allahu Akbar," and the people echoed "Allahu Akbar" with him.

This caused the remaining men to become anxious, as they were certain that their companion had confessed and implicated them.

Then Commander of the Faithful {a.s} ordered that the first man's head be covered and that he be taken to prison.

He then called for the second man, seated him before him, uncovered his face, and said:

"You thought that I would not know what you have done?"

The man replied: "O Commander of the Faithful, I am just one of the group, and I was unwilling to kill him."

Thus, he confessed.

One by one, Imam Ali ibn Abi Talib {a.s} called the others, and each of them confessed to the killing and taking of the wealth.

Then Imam {a.s} summoned the first man, who had been sent to prison, and he too confessed.

Commander of the Faithful {a.s} obligated them to pay the blood money and return the stolen wealth.

Shurayh then asked: "O Commander of the Faithful {a.s}, what was the judgment of Prophet Dawud {a.s}?"

Imam Ali ibn Abi Talib {a.s} said: "Prophet Dawud {a.s} once passed by a group of children who were playing and calling each other by names. One of them called out, 'Mat ad-Din' (Religion has died).

Prophet Dawud {a.s} summoned the child and asked: 'What is your name?'
The child replied: 'My name is Mat ad-Din.'
Dawud {a.s} asked: 'Who gave you this name?'
The child replied: 'My mother.'
So Prophet Dawud {a.s} went to the child's mother and asked: "O woman, what is the name of this son of yours?"
She replied: "His name is Mat ad-Din (Religion has died)."
He asked: "Who named him with this name?"
She said: "His father."
He asked: "How did that happen?"
She said: "His father went on a journey with a group of people while I was pregnant with this child. The group returned, but my husband did not. I asked them about him, and they said he had died.
I asked: 'What wealth did he leave behind?' They said: 'He left no wealth.' I asked: 'Did he leave any will?' They said: 'Yes. He said that you are pregnant, and whatever child you bear, whether male or female, name it Mat ad-Din.'" So I named him as instructed."
Dawud {a.s} then asked her, "Do you know the people who went on the journey with your husband?"
She said: "Yes."
He asked: "Are they alive or dead?"
She replied: "They are alive."
He said: "Take me to them."
He went with her, brought the group from their homes, and judged between them with the same ruling as Commander of the Faithful {a.s}.
He held them accountable for the wealth and the blood.
Then he said to the woman, "Name this son of yours Ash ad-Din (Religion has lived).'"
Later, the young man and the group disputed over the exact amount of wealth the father had left.
So Imam Ali ibn Abi Talib {a.s} took his ring, gathered several other rings, and said:
"Draw lots with these rings. Whichever of you draws my ring is truthful in his claim, for it is the lot of Allah {SWT}, the Mighty and Majestic, and it never fails."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.24 • Tahdhib Al-Ahkam, Vol.6 p.316 • Bihar Al-Anwar, Vol.14 p.11

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3256 - وَ - قَضَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي اِمْرَأَةٍ أَتَتْهُ فَقَالَتْ إِنَّ زَوْجِي وَقَعَ عَلَى جَارِيَتِي بِغَيْرِ إِذْنِي فَقَالَ لِلرَّجُلِ «مَا تَقُولُ» فَقَالَ مَا وَقَعْتُ عَلَيْهَا إِلاَّ بِإِذْنِهَا فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «إِنْ كُنْتِ صَادِقَةً رَجَمْنَاهُ وَ إِنْ كُنْتِ كَاذِبَةً ضَرَبْنَاكِ حَدّاً» وَ أُقِيمَتِ اَلصَّلاَةُ فَقَامَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ يُصَلِّي فَفَكَّرَتِ اَلْمَرْأَةُ فِي نَفْسِهَا فَلَمْ تَرَ لَهَا فِي رَجْمِ زَوْجِهَا فَرَجاً وَ لاَ فِي ضَرْبِهَا اَلْحَدَّ فَخَرَجَتْ وَ لَمْ تَعُدْ وَ لَمْ يَسْأَلْ عَنْهَا أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ.

H.3256 - Imam Ali ibn Abi Talib {a.s} judged in the case of a woman who came to him and said: “My husband has had relations with my bondwoman without my permission."
Imam {a.s} said to the man: "What do you say?"
The man replied: “I did not approach her except with her permission."
Imam Ali ibn Abi Talib {a.s} said: “If you are truthful, we will stone him. But if you are lying, we will administer the prescribed punishment (lashes) on you."
At that moment, the call for prayer was made, and Imam Ali ibn Abi Talib {a.s} stood up to pray.
While Imam {a.s} prayed, the woman reflected and saw no benefit in having her husband stoned, nor in facing the punishment herself.
She left and did not return, and Commander of the Faithful {a.s} did not inquire about her afterward.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.27 • Al-Wafi, Vol.16 p.1100 • Wasa’il Al-Shi’ah, Vol.27 p.288

HADITH

3257 - وَ - قَضَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ جَاءَ بِهِ رَجُلاَنِ فَقَالاَ إِنَّ هَذَا سَرَقَ دِرْعاً فَجَعَلَ اَلرَّجُلُ يُنَاشِدُهُ لَمَّا نَظَرَ فِي اَلْبَيِّنَةِ وَ جَعَلَ يَقُولُ وَ اَللَّهِ لَوْ كَانَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ مَا قَطَعَ يَدِي أَبَداً قَالَ «وَ لِمَ» قَالَ كَانَ يُخْبِرُهُ رَبِّي عَزَّ وَ جَلَّ أَنِّي بَرِيءٌ فَيُبَرِّئُنِي بِبَرَاءَتِي فَلَمَّا رَأَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ مُنَاشَدَتَهُ إِيَّاهُ دَعَا اَلشَّاهِدَيْنِ وَ قَالَ لَهُمَا «اِتَّقِيَا اَللَّهَ وَ لاَ تَقْطَعَا يَدَ اَلرَّجُلِ ظُلْماً» وَ نَاشَدَهُمَا ثُمَّ قَالَ «لِيَقْطَعْ أَحَدُكُمَا يَدَهُ وَ يُمْسِكْ اَلْآخَرُ يَدَهُ» فَلَمَّا تَقَدَّمَا إِلَى اَلْمِصْطَبَّةِ لِيَقْطَعَا يَدَهُ ضَرَبَا اَلنَّاسَ حَتَّى اِخْتَلَطُوا فَلَمَّا اِخْتَلَطُوا أَرْسَلاَ اَلرَّجُلَ فِي غُمَارِ اَلنَّاسِ وَ فَرَّا حَتَّى اِخْتَلَطَا بِالنَّاسِ فَجَاءَ اَلَّذِي شَهِدَا عَلَيْهِ فَقَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ شَهِدَ عَلَيَّ اَلرَّجُلاَنِ ظُلْماً فَلَمَّا ضَرَبَا اَلنَّاسَ وَ اِخْتَلَطُوا أَرْسَلاَنِي وَ فَرَّا وَ لَوْ كَانَا صَادِقَيْنِ لَمَا فَرَّا وَ لَمْ يُرْسِلاَنِي فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «مَنْ يَدُلُّنِي عَلَى هَذَيْنِ اَلشَّاهِدَيْنِ أُنَكِّلْهُمَا».

H.3257 - Imam Ali ibn Abi Talib {a.s} judged in the case of a man who was brought by two others who said: “This man has stolen a coat of armor."
The accused pleaded with Imam Ali ibn Abi Talib {a.s} to examine the evidence carefully and said: “By Allah {SWT}, if the Messenger of Allah {SWT} (peace be upon him and his family) were here, he would never cut off my hand."
Imam Ali ibn Abi Talib {a.s} asked: “Why?"
The man replied: “Because my Lord {AZJ}, the Almighty, would have informed him of my innocence, and He {saws} would have declared me innocent based on that knowledge."
When Imam Ali ibn Abi Talib {a.s} saw how the man pleaded, Imam {a.s} called the two witnesses and said to them: "Fear Allah {SWT}, and do not have this man's hand cut off unjustly."
Imam {a.s} continued to appeal to them and then said: “Let one of you cut off his hand while the other holds it."
As they prepared to execute the sentence, they stirred the people, causing a commotion in the crowd.
In the chaos, they released the accused man and fled, blending into the crowd.
The accused man then returned and said: “O Commander of the Faithful, these two men testified against me falsely. When the crowd was stirred, they released me and fled. If they were truthful, they would neither have fled nor let me go."
Imam Ali ibn Abi Talib {a.s} said: “Who can lead me to these two witnesses so that I may punish them?"

[REFERENCES] Al-Kafi, Vol.7 p.264 • Man La Yahduruhu Al-Faqih, Vol.3 p.27 • Tahdhib Al-Ahkam, Vol.6 p.318 • Tahdhib Al-Ahkam, Vol.10 p.125 • Al-Wafi, Vol.16 p.1100 • Bihar Al-Anwar, Vol.40 p.314

CHAPTER 13 – CHAPTER ON LEGAL RESTRICTION AND BANKRUPTCY

بَابُ الْحَجْرِ وَ الْإِفْلَاسِ

HADITH 3258 – 3259

3258 - رَوَى اَلْأَصْبَغُ بْنُ نُبَاتَةَ عَنْ أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ قَضَى «أَنْ يُحْجَرَ عَلَى اَلْغُلاَمِ اَلْمُفْسِدِ حَتَّى يَعْقِلَ» وَ قَضَى عَلَيْهِ اَلسَّلاَمُ فِي اَلدَّيْنِ «أَنَّهُ يُحْبَسُ صَاحِبُهُ فَإِذَا تَبَيَّنَ إِفْلاَسُهُ وَ اَلْحَاجَةُ فَيُخَلَّى سَبِيلُهُ حَتَّى يَسْتَفِيدَ مَالاً» وَ قَضَى عَلَيْهِ اَلسَّلاَمُ فِي اَلرَّجُلِ يَلْتَوِي عَلَى غُرَمَائِهِ «أَنَّهُ يُحْبَسُ ثُمَّ يُؤْمَرُ بِهِ فَيَقْسِمُ مَالَهُ بَيْنَ غُرَمَائِهِ بِالْحِصَصِ فَإِنْ أَبَى بَاعَهُ فَقَسَمَهُ بَيْنَهُمْ».

H.3258 - Al-Asbagh ibn Nubatah narrated from Commander of the Faithful Imam Ali Ibn Abi Talib {a.s} that he ruled:
"A corrupt young man should be placed under guardianship until he matures and becomes rational."
Imam {a.s} also ruled regarding debt:
"The debtor should be imprisoned. If his insolvency and need are proven, he is released until he acquires wealth."
Imam {a.s} further ruled in the case of a man who evades his creditors:
"He should be imprisoned, and then ordered to divide his wealth among his creditors proportionally. If he refuses, his property is sold, and the proceeds are distributed among them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.28 • Tahdhib Al-Ahkam, Vol.6 p.232 • Al-Wafi, Vol.16 p.1072 • Wasa'il Al-Shi'ah, Vol.27 p.247

HADITH

3259 - وَ سَأَلَ أَبُو أَيُّوبَ اَلْخَزَّازُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يُحِيلُ اَلرَّجُلَ بِالْمَالِ أَ يَرْجِعُ عَلَيْهِ قَالَ «لاَ يَرْجِعُ عَلَيْهِ أَبَداً إِلاَّ أَنْ يَكُونَ قَدْ أَفْلَسَ قَبْلَ ذَلِكَ».

H.3259 - Abu Ayyub al-Khazzaz asked Abu Abdillah {a.s} about a man who transfers his debt to another man.
Imam {a.s} said: "He cannot revert the debt back to the original debtor under any circumstances, except if the transferee had already declared bankruptcy before the transfer."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.28 • Man La Yahduruhu Al-Faqih, Vol.3 p.98

CHAPTER 14 – CHAPTER ON INTERCESSIONS IN RULINGS

بَابُ الشَّفَاعَاتِ فِي الْأَحْكَامِ

HADITH 3260

3260 - رَوَى اَلسَّكُونِيُّ بِإِسْنَادِهِ قَالَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «لاَ يَشْفَعَنَّ أَحَدُكُمْ فِي حَدٍّ إِذَا بَلَغَ اَلْإِمَامَ فَإِنَّهُ لاَ يَمْلِكُهُ فِيمَا يُشْفَعُ فِيهِ وَ مَا لَمْ يَبْلُغِ اَلْإِمَامَ فَإِنَّهُ يَمْلِكُهُ فَاشْفَعْ فِيمَا لَمْ يَبْلُغِ اَلْإِمَامَ إِذَا رَأَيْتَ اَلنَّدَمَ وَ اِشْفَعْ فِيمَا لَمْ يَبْلُغِ اَلْإِمَامَ فِي غَيْرِ اَلْحَدِّ مَعَ رُجُوعِ اَلْمَشْفُوعِ لَهُ وَ لاَ تَشْفَعْ فِي حَقِّ اِمْرِئٍ مُسْلِمٍ أَوْ غَيْرِهِ إِلاَّ بِإِذْنِهِ».

H.3260 - Al-Sakuni narrated through his chain of transmission that Commander of the Faithful {a.s} said:
"None of you should intercede in the enforcement of a legal punishment (hadd) once it has reached the Imam, for the Imam has no authority to waive it through intercession.
However, before it reaches the Imam, it is still under the control of those involved, so intercede in cases that have not yet reached the Imam, if you see signs of remorse.
Intercede in matters that have not reached the Imam, as long as they do not involve a legal punishment, and if the one being interceded for shows repentance.
Do not intercede in the right of any Muslim - or anyone else - except with their permission."

[REFERENCES] Al-Kafi, Vol.7 p.254 • Man La Yahduruhu Al-Faqih, Vol.3 p.29 • Tahdhib Al-Ahkam, Vol.10 p.83 • Tahdhib Al-Ahkam, Vol.10 p.124 • Tahdhib Al-Ahkam, Vol.10 p.147 • Al-Wafi, Vol.15 p.542 • Al-Wafi, Vol.15 p.542 • Wasa'il Al-Shi'ah, Vol.27 p.304 • Wasa'il Al-Shi'ah, Vol.28 p.43

CHAPTER 15 – CHAPTER ON IMPRISONMENT DUE TO THE IMPLEMENTATION OF RULINGS

بَابُ الْحَبْسِ بِتَوَجُّهِ الْأَحْكَامِ

HADITH 3261 – 3266

3261 - رَوَى صَفْوَانُ بْنُ مِهْرَانَ عَنْ عَامِرِ بْنِ اَلسِّمْطِ عَنْ عَلِيِّ بْنِ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ : فِي اَلرَّجُلِ يَقَعُ عَلَى أُخْتِهِ قَالَ «يُضْرَبُ ضَرْبَةً بِالسَّيْفِ بَلَغَتْ مِنْهُ مَا بَلَغَتْ فَإِنْ عَاشَ خُلِّدَ فِي اَلْحَبْسِ حَتَّى يَمُوتَ».

H.3261 - Safwan ibn Mihran narrated from Amir ibn al-Simt, from Imam Ali ibn Al-Hussain {a.s} regarding a man who commits intercourse with his sister.
Imam {a.s} said: "He is struck with a sword, and whatever injury it causes will be his fate. If he survives, he is to be imprisoned for life until he dies."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.29 • Nuzhat Al-Nazir, Vol.1 p.122 • Al-Wafi, Vol.15 p.294 • Wasa'il Al-Shi'ah, Vol.28 p.116

HADITH

3262 - وَ رَوَى اَلسَّكُونِيُّ بِإِسْنَادِهِ أَنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ قَالَ : فِي رَجُلٍ أَمَرَ عَبْدَهُ أَنْ يَقْتُلَ رَجُلاً فَقَتَلَهُ قَالَ «هَلْ عَبْدُ اَلرَّجُلِ إِلاَّ كَسَوْطِهِ وَ سَيْفِهِ فَقُتِلَ اَلسَّيِّدُ وَ اُسْتُودِعَ اَلْعَبْدُ اَلسِّجْنَ ».

H.3262 - Al-Sakuni narrated through his chain of transmission that Commander of the Faithful {a.s} said regarding a man who ordered his slave to kill another man, and the slave carried out the order:
(Imam {a.s} said) "Is not the slave like his master's whip or sword?"
Therefore, the master was executed, and the slave was imprisoned.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.29 • Nuzhat Al-Nazir, Vol.1 p.122

HADITH

3263 - وَ رُفِعَ ثَلاَثَةُ نَفَرٍ إِلَى عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ أَمَّا وَاحِدٌ مِنْهُمْ أَمْسَكَ رَجُلاً وَ أَقْبَلَ اَلْآخَرُ فَقَتَلَهُ وَ اَلثَّالِثُ فِي اَلرُّؤْيَةِ يَرَاهُمْ فَقَضَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي اَلَّذِي فِي اَلرُّؤْيَةِ أَنْ تُسْمَلَ عَيْنَاهُ وَ قَضَى فِي اَلَّذِي أَمْسَكَ أَنْ يُحْبَسَ حَتَّى يَمُوتَ كَمَا أَمْسَكَهُ وَ قَضَى فِي اَلَّذِي قَتَلَ أَنْ يُقْتَلَ.

H.3263 - Three men were brought before Imam Ali ibn Abi Talib {a.s}.
One of them had restrained a man, the second came and killed him, and the third stood watching the act.
Imam {a.s} ruled: "The one who stood watching should have his eyes gouged out,
The one who restrained the victim should be imprisoned until he dies, just as he had restrained the victim, and the one who committed the murder should be executed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.30

HADITH

3264 - وَ فِي رِوَايَةِ حَمَّادٍ عَنْ حَرِيزٍ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يُخَلَّدُ فِي اَلسِّجْنِ إِلاَّ ثَلاَثَةٌ اَلَّذِي يُمْسِكُ عَلَى اَلْمَوْتِ يَحْفَظُهُ حَتَّى يُقْتَلَ وَ اَلْمَرْأَةُ اَلْمُرْتَدَّةُ عَنِ اَلْإِسْلاَمِ وَ اَلسَّارِقُ بَعْدَ قَطْعِ اَلْيَدِ وَ اَلرِّجْلِ ».

H.3264 - In the narration of Hammad from Hariz, Abu Abdillah {a.s} said:
"No one is sentenced to life imprisonment except for three: the one who is held for murder and is kept until he is executed, the woman who apostasizes from Islam, and the thief after his hand and foot have been amputated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.31 • Wasa'il Al-Shi'ah, Vol.27 p.300

HADITH

3265 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «عَلَى اَلْإِمَامِ أَنْ يُخْرِجَ اَلْمَحْبُوسِينَ فِي اَلدَّيْنِ، يَوْمَ اَلْجُمُعَةِ إِلَى اَلْجُمُعَةِ وَ يَوْمَ اَلْعِيدِ إِلَى اَلْعِيدِ فَيُرْسِلَ مَعَهُمْ فَإِذَا قَضَوْا اَلصَّلاَةَ وَ اَلْعِيدَ رَدَّهُمْ إِلَى اَلسِّجْنِ».

H.3265 - Abdullah ibn Sinan narrated from Abu Abdillah {a.s} that he said:
"It is the duty of the Imam to bring out those imprisoned for debt on Fridays and for Eid prayers. He should send someone to accompany them, and once they have completed the prayer and the Eid rituals, they should be returned to prison."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.31 • Tahdhib Al-Ahkam, Vol.3 p.285 • Tahdhib Al-Ahkam, Vol.6 p.319 • Al-Wafi, Vol.8 p.1131 • Al-Wafi, Vol.16 p.1075 • Wasa'il Al-Shi'ah, Vol.7 p.340 • Wasa'il Al-Shi'ah, Vol.27 p.301

HADITH

3266 - وَ فِي رِوَايَةِ أَحْمَدَ بْنِ أَبِي عَبْدِ اَللَّهِ اَلْبَرْقِيِّ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «يَجِبُ عَلَى اَلْإِمَامِ أَنْ يَحْبِسَ اَلْفُسَّاقَ مِنَ اَلْعُلَمَاءِ وَ اَلْجُهَّالَ مِنَ اَلْأَطِبَّاءِ وَ اَلْمَفَالِيسَ مِنَ اَلْأَكْرِيَاءِ» وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «حَبْسُ اَلْإِمَامِ بَعْدَ اَلْحَدِّ ظُلْمٌ».

H.3266 - In the narration of Ahmad ibn Abi Abdillah al-Barqi, Imam Ali ibn Abi Talib {a.s} said:
"It is obligatory upon the Imam to imprison the corrupt among the scholars, the ignorant among the physicians, and the bankrupt among those who rent out property."
And Imam {a.s} also said: "Imprisonment by the Imam after the implementation of the legal punishment is oppression."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.31 • Tahdhib Al-Ahkam, Vol.6 p.319 • Al-Wafi, Vol.16 p.1076 • Wasa'il Al-Shi'ah, Vol.27 p.301

CHAPTER 16 – CHAPTER ON RECONCILIATION

بَابُ الصُّلْحِ

HADITH 3267 – 3279

3267 - قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلْبَيِّنَةُ عَلَى اَلْمُدَّعِي وَ اَلْيَمِينُ عَلَى اَلْمُدَّعَى عَلَيْهِ وَ اَلصُّلْحُ جَائِزٌ بَيْنَ اَلْمُسْلِمِينَ إِلاَّ صُلْحاً أَحَلَّ حَرَاماً أَوْ حَرَّمَ حَلاَلاً».

H.3267 - The Messenger of Allah {SWT} said: "The burden of proof is upon the claimant, and the oath is upon the one who denies the claim.
Reconciliation is permissible among Muslims, except for a reconciliation that makes something unlawful (to be) lawful, or makes something lawful (to be) unlawful."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.32 • Wasa'il Al-Shi'ah, Vol.18 p.443 • Wasa'il Al-Shi'ah, Vol.27 p.234 • Al-Fusul Al-Muhimmah, Vol.2 p.280

HADITH

3268 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : فِي رَجُلَيْنِ كَانَ لِكُلِّ وَاحِدٍ مِنْهُمَا طَعَامٌ عِنْدَ صَاحِبِهِ وَ لاَ يَدْرِي كُلُّ وَاحِدٍ مِنْهُمَا كَمْ لَهُ عِنْدَ صَاحِبِهِ فَقَالَ كُلُّ وَاحِدٍ مِنْهُمَا لِصَاحِبِهِ لَكَ مَا عِنْدَكَ وَ لِي مَا عِنْدِي فَقَالَ «لاَ بَأْسَ بِذَلِكَ إِذَا تَرَاضَيَا وَ طَابَتْ أَنْفُسُهُمَا».

H.3268 - Al-Ala' narrated from Muhammad ibn Muslim, who reported from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} regarding two men, each of whom had some food stored with the other, but neither knew exactly how much he had with his companion. They said to each other, "You keep what is with you, and I will keep what is with me."
Imam {a.s} said: "There is no harm in that if they both agree and are content with the arrangement."

[REFERENCES] Al-Kafi, Vol.5 p.258 • Man La Yahduruhu Al-Faqih, Vol.3 p.33 • Tahdhib Al-Ahkam, Vol.6 p.206 • Al-Wafi, Vol.18 p.892 • Wasa'il Al-Shi'ah, Vol.18 p.445

HADITH

3269 - وَ رَوَى عَلِيُّ بْنُ أَبِي حَمْزَةَ قَالَ : قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ يَهُودِيٌّ أَوْ نَصْرَانِيٌّ كَانَتْ لَهُ عِنْدِي أَرْبَعَةُ آلاَفِ دِرْهَمٍ فَمَاتَ أَ لِي أَنْ أُصَالِحَ وَرَثَتَهُ وَ لاَ أُعْلِمَهُمْ كَمْ كَانَ قَالَ «لاَ يَجُوزُ حَتَّى تُخْبِرَهُمْ».

H.3269 - Ali ibn Abi Hamzah said: I asked Abu al-Hasan {a.s} about a Jewish or Christian man who had a debt of four thousand dirhams with me, and he died.
I asked: "Is it lawful for me to settle with his heirs without informing them of the exact amount?"
Imam {a.s} said: "It is not permissible until you inform them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.33 • Tahdhib Al-Ahkam, Vol.6 p.206 • Wasa'il Al-Shi'ah, Vol.18 p.445 • Al-Fusul Al-Muhimmah, Vol.2 p.280

HADITH

3270 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَكُونُ عَلَيْهِ دَيْنٌ إِلَى أَجَلٍ مُسَمًّى فَيَأْتِيهِ غَرِيمُهُ وَ يَقُولُ لَهُ أَنْقُدْ لِي مِنَ اَلَّذِي لِي كَذَا وَ كَذَا وَ أَضَعُ لَكَ بَقِيَّتَهُ أَوْ يَقُولُ أَنْقُدْ لِي بَعْضاً وَ أَمُدُّ لَكَ فِي اَلْأَجَلِ فِيمَا بَقِيَ فَقَالَ «لاَ أَرَى بِهِ بَأْساً مَا لَمْ يَزِدْ عَلَى رَأْسِ مَالِهِ شَيْئاً يَقُولُ اَللَّهُ عَزَّ وَ جَلَّ: ﴿ فَلَكُمْ رُؤُسُ أَمْوٰالِكُمْ لاٰ تَظْلِمُونَ وَ لاٰ تُظْلَمُونَ ﴾ ».

H.3270 - Aban narrated from Muhammad ibn Muslim, who reported from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} regarding a man who owes a debt with a specified due date.
The creditor comes to him and says, "Pay me such-and-such amount from what you owe, and I will waive the rest," or says, "Pay me a part now, and I will extend the deadline for the remainder."
Imam {a.s} said: "I see no harm in it, as long as nothing is added to the principal amount." Allah {SWT}, the Almighty, says: *'Then you shall have your principal; you shall not wrong, nor shall you be wronged*.' (Surah Al-Baqarah, 2:279)"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.33 • Tahdhib Al-Ahkam, Vol.6 p.207 • Fiqh Al-Quran, Vol.1 p.395 • Wasa'il Al-Shi'ah, Vol.18 p.376 • Wasa'il Al-Shi'ah, Vol.18 p.448 • Tafsir Al-Burhan, Vol.1 p.556

HADITH

3271 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يُعْطِي أَقْفِزَةً مِنْ حِنْطَةٍ مَعْلُومَةٍ يَطْحَنُونَ بِالدَّرَاهِمِ فَلَمَّا فَرَغَ اَلطَّحَّانُ مِنْ طَحْنِهِ نَقَدَهُ اَلدَّرَاهِمَ وَ قَفِيزاً مِنْهُ وَ هُوَ شَيْءٌ قَدِ اِصْطَلَحُوا عَلَيْهِ فِيمَا بَيْنَهُمْ قَالَ «لاَ بَأْسَ بِهِ وَ إِنْ لَمْ يَكُنْ سَاعَرَهُ عَلَى ذَلِكَ».

H.3271 - Hammad narrated from al-Halabi, who reported from Abu Abdillah {a.s} regarding a man who gives a specific amount of wheat to a miller to grind for a fee in dirhams.
After the milling is completed, the man pays the miller the agreed dirhams along with a portion of the ground wheat, as this is a customary practice among them.
Imam {a.s} said: "There is no harm in it, even if they did not previously agree on this arrangement."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.34 • Tahdhib Al-Ahkam, Vol.6 p.207 • Al-Wafi, Vol.18 p.903 • Wasa'il Al-Shi'ah, Vol.18 p.449

HADITH

3272 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «إِنِّي كُنْتُ عِنْدَ قَاضِ مِنْ قُضَاةِ اَلْمَدِينَةِ فَأَتَاهُ رَجُلاَنِ فَقَالَ أَحَدُهُمَا إِنِّي اِكْتَرَيْتُ مِنْ هَذَا دَابَّةً لِيُبَلِّغَنِي عَلَيْهَا مِنْ كَذَا وَ كَذَا إِلَى كَذَا وَ كَذَا فَلَمْ يُبَلِّغْنِي اَلْمَوْضِعَ فَقَالَ اَلْقَاضِي لِصَاحِبِ اَلدَّابَّةِ بَلَّغْتَهُ إِلَى اَلْمَوْضِعِ قَالَ لاَ قَدْ أَعْيَتْ دَابَّتِي فَلَمْ تَبْلُغْ فَقَالَ لَهُ اَلْقَاضِي لَيْسَ لَكَ كِرَاءٌ إِذْ لَمْ تُبَلِّغْهُ إِلَى اَلْمَوْضِعِ اَلَّذِي اِكْتَرَى دَابَّتَكَ إِلَيْهِ» قَالَ عَلَيْهِ اَلسَّلاَمُ «فَدَعَوْتُهُمَا إِلَيَّ فَقُلْتُ لِلَّذِي اِكْتَرَى لَيْسَ لَكَ يَا عَبْدَ اَللَّهِ أَنْ تَذْهَبَ بِكِرَاءِ دَابَّةِ اَلرَّجُلِ كُلِّهِ وَ قُلْتُ لِلْآخَرِ يَا عَبْدَ اَللَّهِ لَيْسَ لَكَ أَنْ تَأْخُذَ كِرَاءَ دَابَّتِكَ كُلَّهُ وَ لَكِنِ اُنْظُرْ قَدْرَ مَا بَقِيَ مِنَ اَلْمَوْضِعِ وَ قَدْرَ مَا رَكِبْتَهُ فَاصْطَلِحَا عَلَيْهِ » فَفَعَلاَ.

H.3272 - Al-Hasan ibn Mahbub narrated from al-Ala', who reported from Muhammad ibn Muslim:
I heard Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} say:
"I was once with a judge in Medina when two men approached him.
One of them said: 'I hired this man's animal to take me from such-and-such place to such-and-such place, but it did not reach the destination.'
The judge asked the owner of the animal, 'Did you take him to the place he hired you for?'
He replied: 'No, my animal became exhausted and could not complete the journey.'
The judge then said to the owner of the animal, 'You are not entitled to any fare since you did not deliver him to the destination he hired your animal for.'"
Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"I called both of them to me and said to the hirer, 'You are not entitled to take back all the fare you paid for the animal.'
And I said to the owner, 'You are not entitled to take the full fare for your animal.'
Instead, I told them, 'Consider how much of the journey remains and how much of it has been completed. Then come to a mutual agreement about the fare based on that.'
So they did as I instructed and settled the matter."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.34 • Al-Wafi, Vol.18 p.930 • Wasa'il Al-Shi'ah, Vol.19 p.115

HADITH

3273 - وَ رَوَى مَنْصُورُ بْنُ يُونُسَ عَنْ مُحَمَّدٍ اَلْحَلَبِيِّ قَالَ : كُنْتُ قَاعِداً عِنْدَ قَاضٍ وَ عِنْدَهُ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ جَالِسٌ فَأَتَاهُ رَجُلاَنِ فَقَالَ أَحَدُهُمَا إِنِّي تَكَارَيْتُ إِبِلَ هَذَا اَلرَّجُلِ لِيَحْمِلَ لِي مَتَاعاً إِلَى بَعْضِ اَلْمَعَادِنِ فَاشْتَرَطْتُ أَنْ يُدْخِلَنِي اَلْمَعْدِنَ يَوْمَ كَذَا وَ كَذَا لِأَنَّ بِهَا سُوقاً أَتَخَوَّفُ أَنْ يَفُوتَنِي فَإِنِ اُحْتُبِسْتُ عَنْ ذَلِكَ حَطَطْتُ مِنَ اَلْكِرَاءِ عَنْ كُلِّ يَوْمٍ اِحْتَبَسْتُهُ كَذَا وَ كَذَا وَ إِنَّهُ حَبَسَنِي عَنْ ذَلِكَ اَلْوَقْتِ كَذَا وَ كَذَا يَوْماً فَقَالَ اَلْقَاضِي هَذَا شَرْطٌ فَاسِدٌ وَفِّهِ كِرَاهُ فَلَمَّا قَامَ اَلرَّجُلُ أَقْبَلَ إِلَيَّ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ وَ قَالَ «شَرْطُهُ هَذَا جَائِزٌ مَا لَمْ يَحُطَّ بِجَمِيعِ كِرَاهُ».

H.3273 - Mansur ibn Yunus narrated from Muhammad al-Halabi:
I was sitting with a judge, and Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} was also present.
Two men approached the judge. One of them said: “I hired this man’s camels to transport my goods to a certain mine. I stipulated that he must get me there on a specific day because there is a market there, and I feared missing it.
I also stipulated that if I was delayed, I would deduct a specific amount from the fare for each day of the delay.
However, he delayed me for several days beyond the agreed time."
The judge said: “This condition is invalid. Pay him his full fare."
When the man left, Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} turned to me and said: "His condition is valid as long as he does not deduct the entire fare."

[REFERENCES] Al-Kafi, Vol.5 p.290 • Man La Yahduruhu Al-Faqih, Vol.3 p.35 • Tahdhib Al-Ahkam, Vol.7 p.214 • Awali Al-La’ali, Vol.3 p.254 • Al-Wafi, Vol.18 p.931 • Wasa’il Al-Shi’ah, Vol.19 p.116

HADITH

3274 - وَ فِي رِوَايَةِ عَبْدِ اَللَّهِ بْنِ اَلْمُغِيرَةِ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ كَانَ مَعَهُمَا دِرْهَمَانِ فَقَالَ أَحَدُهُمَا اَلدِّرْهَمَانِ لِي وَ قَالَ اَلْآخَرُ هُمَا بَيْنِي وَ بَيْنَكَ فَقَالَ «أَمَّا اَلَّذِي قَالَ هُمَا بَيْنِي وَ بَيْنَكَ فَقَدْ أَقَرَّ بِأَنَّ أَحَدَ اَلدِّرْهَمَيْنِ لَيْسَ لَهُ وَ أَنَّهُ لِصَاحِبِهِ وَ يُقْسَمُ اَلْآخَرُ بَيْنَهُمَا».

H.3274 - In the narration of Abdullah ibn al-Mughirah, from more than one of our companions, from Abu Abdillah {a.s}:
Two men had two dirhams with them.
One of them said: “Both dirhams are mine."
The other said: “They are shared between me and you."
Imam {a.s} said: "As for the one who said: ‘They are shared between me and you,' he has admitted that one of the dirhams does not belong to him and is his companion’s.
The remaining dirham should be divided equally between them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.35 • Wasa’il Al-Shi’ah, Vol.18 p.450

HADITH

3275 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلَيْنِ كَانَ لَهُمَا مَالٌ مِنْهُ بِأَيْدِيهِمَا وَ مِنْهُ مُتَفَرِّقٌ عَنْهُمَا فَاقْتَسَمَا بِالسَّوِيَّةِ مَا كَانَ فِي أَيْدِيهِمَا وَ مَا كَانَ غَائِباً فَهَلَكَ نَصِيبُ أَحَدِهِمَا مِمَّا كَانَ عَنْهُ غَائِباً وَ اِسْتَوْفَى اَلْآخَرُ أَ يَرُدُّ عَلَى صَاحِبِهِ قَالَ «نَعَمْ مَا يَذْهَبُ بِمَالِهِ».

H.3275 - Abdullah ibn Muskan narrated from Sulayman ibn Khalid, who said:
I asked Abu Abdillah {a.s} about two men who had shared wealth. Some of it was in their possession, and some of it was scattered and not in their hands.
They divided equally what was in their possession, as well as what was absent.
Later, one of them lost his share of the absent wealth, while the other received his share in full.
I asked: “Should the one who received his full share compensate the other?"
Imam {a.s} said: "Yes, he should compensate him. He cannot take all the wealth for himself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.35 • Tahdhib Al-Ahkam, Vol.6 p.207 • Wasa’il Al-Shi’ah, Vol.18 p.370

HADITH

3276 - وَ فِي رِوَايَةِ اِبْنِ فَضَّالٍ عَنْ أَبِي جَمِيلَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ عَنِ اِبْنِ طَرَفَةَ : أَنَّ رَجُلَيْنِ اِدَّعَيَا بَعِيراً فَأَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا بَيِّنَةً فَجَعَلَهُ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ بَيْنَهُمَا.

H.3276 - In the narration of Ibn Faddal, from Abu Jamilah, from Simak ibn Harb, from Ibn Tarafah: Two men claimed ownership of a camel, and each presented evidence to support his claim.
Imam Ali ibn Abi Talib {a.s} ruled that the camel should be divided equally between them.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.36 • Wasa’il Al-Shi’ah, Vol.18 p.451

HADITH

3277 - وَ فِي رِوَايَةِ اَلْحُسَيْنِ بْنِ أَبِي اَلْعَلاَءِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يُبْضِعُهُ اَلرَّجُلُ ثَلاَثِينَ دِرْهَماً فِي ثَوْبٍ وَ آخَرُ عِشْرِينَ دِرْهَماً فِي ثَوْبٍ فَبَعَثَ اَلثَّوْبَيْنِ وَ لَمْ يَعْرِفْ هَذَا ثَوْبَهُ وَ لاَ هَذَا ثَوْبَهُ قَالَ «يُبَاعُ اَلثَّوْبَانِ فَيُعْطَى صَاحِبُ اَلثَّلاَثِينَ ثَلاَثَةَ أَخْمَاسِ اَلثَّمَنِ وَ اَلْآخَرُ خُمُسَيِ اَلثَّمَنِ» قَالَ فَقُلْتُ فَإِنَّ صَاحِبَ اَلْعِشْرِينَ قَالَ لِصَاحِبِ اَلثَّلاَثِينَ اِخْتَرْ أَيَّهُمَا شِئْتَ قَالَ «لَقَدْ أَنْصَفَهُ».

H.3277 - In the narration of Al-Husayn ibn Abi Al-Ala' from Ishaq ibn Ammar, who reported:
Abu Abdillah {a.s} was asked about a case where a man entrusted another with thirty dirhams to buy a garment, and another entrusted him with twenty dirhams for another garment.
Both garments were sent, but it was unclear which garment belonged to whom.
Imam {a.s} said: "The two garments should be sold, and the one who entrusted thirty dirhams should receive three-fifths of the price, and the other should receive two-fifths of the price."
I then said: "What if the one who entrusted twenty dirhams said to the other, 'Choose whichever garment you prefer'?"
Imam {a.s} replied: "He has treated him fairly."

[REFERENCES] Al-Kafi, Vol.7 p.421 • Man La Yahduruhu Al-Faqih, Vol.3 p.36 • Tahdhib Al-Ahkam, Vol.6 p.208 • Tahdhib Al-Ahkam, Vol.6 p.303 • Al-Wafi, Vol.16 p.1111 • Wasa'il Al-Shi'ah, Vol.18 p.451

HADITH

3278 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ : فِي رَجُلٍ اِسْتَوْدَعَ رَجُلاً دِينَارَيْنِ وَ اِسْتَوْدَعَهُ آخَرُ دِينَاراً فَضَاعَ دِينَارٌ مِنْهُمَا فَقَالَ «يُعْطَى صَاحِبُ اَلدِّينَارَيْنِ دِينَاراً وَ يَقْتَسِمَانِ اَلدِّينَارَ اَلْبَاقِيَ بَيْنَهُمَا نِصْفَيْنِ».

H.3278 - In the narration of Al-Sakuni from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
A man entrusted another with two dinars, and another person entrusted him with one dinar.
One of the dinars was lost.
Imam {a.s} said: "The owner of the two dinars should be given one dinar, and the remaining dinar should be divided equally between them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.37 • Tahdhib Al-Ahkam, Vol.6 p.208 • Wasa'il Al-Shi'ah, Vol.18 p.452

HADITH

3279 - وَ رُوِيَ عَنْ صَبَّاحٍ اَلْمُزَنِيِّ رَفَعَهُ قَالَ : جَاءَ رَجُلاَنِ إِلَى أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَقَالَ أَحَدُهُمَا يَا أَمِيرَ اَلْمُؤْمِنِينَ إِنَّ هَذَا غَادَانِي فَجِئْتُ أَنَا بِثَلاَثَةِ أَرْغِفَةٍ وَ جَاءَ هُوَ بِخَمْسَةِ أَرْغِفَةٍ فَتَغَدَّيْنَا وَ مَرَّ بِنَا رَجُلٌ فَدَعَوْنَاهُ إِلَى اَلْغَدَاءِ فَجَاءَ فَتَغَدَّى مَعَنَا فَلَمَّا فَرَغْنَا وَهَبَ لَنَا ثَمَانِيَةَ دَرَاهِمَ وَ مَضَى فَقُلْتُ يَا هَذَا قَاسِمْنِي فَقَالَ لاَ أَفْعَلُ إِلاَّ عَلَى قَدْرِ اَلْخِصَصِ مِنَ اَلْخُبْزِ قَالَ «اِذْهَبَا فَاصْطَلِحَا» قَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ إِنَّهُ يَأْبَى أَنْ يُعْطِيَنِي إِلاَّ ثَلاَثَةَ دَرَاهِمَ وَ يَأْخُذُ هُوَ خَمْسَةَ دَرَاهِمَ فَاحْمِلْنَا عَلَى اَلْقَضَاءِ قَالَ فَقَالَ لَهُ «يَا عَبْدَ اَللَّهِ أَ تَعْلَمُ أَنَّ ثَلاَثَةَ أَرْغِفَةٍ تِسْعَةُ أَثْلاَثٍ» قَالَ نَعَمْ قَالَ «وَ تَعْلَمُ أَنَّ خَمْسَةَ أَرْغِفَةٍ خَمْسَةَ عَشَرَ ثُلُثاً» قَالَ نَعَمْ قَالَ «فَأَكَلْتَ أَنْتَ مِنْ تِسْعَةِ أَثْلاَثٍ ثَمَانِيَةٌ وَ بَقِيَ لَكَ وَاحِدٌ وَ أَكَلَ هَذَا مِنْ خَمْسَةَ عَشَرَ ثَمَانِيَةٌ وَ بَقِيَ لَهُ سَبْعَةٌ وَ أَكَلَ اَلضَّيْفُ مِنْ خُبْزِ هَذَا سَبْعَةَ أَثْلاَثٍ وَ مِنْ خُبْزِكَ هَذَا اَلثُّلُثَ اَلَّذِي بَقِيَ مِنْ خُبْزِكَ فَأَصَابَ كُلَّ وَاحِدٍ مِنْكُمْ ثَمَانِيَةُ أَثْلاَثٍ فَلِهَذَا سَبْعَةُ دَرَاهِمَ بَدَلَ كُلِّ ثُلُثٍ دِرْهَمٌ وَ لَكَ أَنْتَ لِثُلُثِكَ دِرْهَمٌ فَخُذْ أَنْتَ دِرْهَماً وَ أَعْطِ هَذَا سَبْعَةَ دَرَاهِمَ».

H.3279 - It is narrated from Sabbah Al-Muzani, who raised it (in chain of narration):
Two men came to Commander of the Faithful {a.s}.
One of them said:
"O Commander of the Faithful, this man and I went out together. I brought three loaves of bread, and he brought five loaves of bread. We had lunch together, and a man passed by us, so we invited him to join us for lunch. He came and ate with us.
When we finished, he gifted us eight dirhams and left.
I said to this man: 'Divide the dirhams with me.'
He said: 'I will not do so except based on the proportion of the shares of the bread.'
Commander of the Faithful {a.s} said: 'Go and reconcile between yourselves.'
The man replied: 'O Commander of the Faithful, he refuses to give me more than three dirhams while he takes five dirhams. Judge between us.'
Commander of the Faithful {a.s} said to him: 'O servant of Allah {SWT}, do you know that three loaves of bread equal nine thirds?'
He said: 'Yes.'
Imam {a.s} continued: 'And do you know that five loaves of bread equal fifteen thirds?'
He said: 'Yes.'
Imam {a.s} said: 'You ate from your nine-thirds eight-thirds, leaving you one-third.
And this man ate from his fifteen-thirds eight-thirds, leaving him seven-thirds.
The guest ate seven-thirds from this man's bread and one-third from your bread.
Thus, each of you consumed eight-thirds.
This man is entitled to seven dirhams, one dirham for each remaining third of bread he contributed, and you are entitled to one dirham for the one-third you contributed.
So, take one dirham, and give this man seven dirhams.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.37 • Wasa'il Al-Shi'ah, Vol.18 p.453

CHAPTER 17 – CHAPTER ON JUSTICE

بَابُ الْعَدَالَةِ

HADITH 3280

3280 - رُوِيَ عَنْ عَبْدِ اَللّٰهِ بْنِ أَبِي يَعْفُورٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللّٰهِ عَلَيْهِ اَلسَّلاَمُ بِمَ تُعْرَفُ عَدَالَةُ اَلرَّجُلِ بَيْنَ اَلْمُسْلِمِينَ حَتّٰى تُقْبَلَ شَهَادَتُهُ لَهُمْ وَ عَلَيْهِمْ فَقَالَ «أَنْ تَعْرِفُوهُ بِالسِّتْرِ وَ اَلْعَفَافِ، وَ كَفِّ اَلْبَطْنِ وَ اَلْفَرْجِ وَ اَلْيَدِ وَ اَللِّسَانِ وَ تُعْرَفُ بِاجْتِنَابِ اَلْكَبَائِرِ اَلَّتِي أَوْعَدَ اَللّٰهُ عَزَّ وَ جَلَّ عَلَيْهَا اَلنَّارَ مِنْ شُرْبِ اَلْخُمُورِ وَ اَلزِّنَا وَ اَلرِّبَا وَ عُقُوقِ اَلْوَالِدَيْنِ وَ اَلْفِرَارِ مِنَ اَلزَّحْفِ وَ غَيْرِ ذَلِكَ وَ اَلدَّلاَلَةُ عَلَى ذَلِكَ كُلِّهِ أَنْ يَكُونَ سَاتِراً لِجَمِيعِ عُيُوبِهِ حَتّٰى يَحْرُمَ عَلَى اَلْمُسْلِمِينَ مَا وَرَاءَ ذَلِكَ مِنْ عَثَرَاتِهِ وَ عُيُوبِهِ وَ تَفْتِيشُ مَا وَرَاءَ ذَلِكَ وَ يَجِبَ عَلَيْهِمْ تَزْكِيَتُهُ وَ إِظْهَارُ عَدَالَتِهِ فِي اَلنَّاسِ وَ يَكُونَ مَعَهُ اَلتَّعَاهُدُ لِلصَّلَوَاتِ اَلْخَمْسِ إِذَا وَاظَبَ عَلَيْهِنَّ وَ حَفِظَ مَوَاقِيتَهُنَّ بِحُضُورِ جَمَاعَةٍ مِنَ اَلْمُسْلِمِينَ وَ أَنْ لاَ يَتَخَلَّفَ عَنْ جَمَاعَتِهِمْ فِي مُصَلاَّهُمْ إِلاَّ مِنْ عِلَّةٍ فَإِذَا كَانَ كَذَلِكَ لاَزِماً لِمُصَلاَّهُ عِنْدَ حُضُورِ اَلصَّلَوَاتِ اَلْخَمْسِ فَإِذَا سُئِلَ عَنْهُ فِي قَبِيلَتِهِ وَ مَحَلَّتِهِ قَالُوا مَا رَأَيْنَا مِنْهُ إِلاَّ خَيْراً، مُوَاظِباً عَلَى اَلصَّلَوَاتِ مُتَعَاهِداً لِأَوْقَاتِهَا فِي مُصَلاَّهُ فَإِنَّ ذَلِكَ يُجِيزُ شَهَادَتَهُ وَ عَدَالَتَهُ بَيْنَ اَلْمُسْلِمِينَ وَ ذَلِكَ أَنَّ اَلصَّلاَةَ سِتْرٌ وَ كَفَّارَةٌ لِلذُّنُوبِ وَ لَيْسَ يُمْكِنُ اَلشَّهَادَةُ عَلَى اَلرَّجُلِ بِأَنَّهُ يُصَلِّي إِذَا كَانَ لاَ يَحْضُرُ مُصَلاَّهُ وَ يَتَعَاهَدُ جَمَاعَةَ اَلْمُسْلِمِينَ وَ إِنَّمَا جُعِلَ اَلْجَمَاعَةُ وَ اَلاِجْتِمَاعُ إِلَى اَلصَّلاَةِ لِكَيْ يُعْرَفَ مَنْ يُصَلِّي مِمَّنْ لاَ يُصَلِّي وَ مَنْ يَحْفَظُ مَوَاقِيتَ اَلصَّلَوَاتِ مِمَّنْ يُضَيِّعُ وَ لَوْ لاَ ذَلِكَ لَمْ يُمْكِنْ أَحَداً أَنْ يَشْهَدَ عَلَى آخَرَ بِصَلاَحٍ لِأَنَّ مَنْ لاَ يُصَلِّي لاَ صَلاَحَ لَهُ بَيْنَ اَلْمُسْلِمِينَ فَإِنَّ رَسُولَ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ هَمَّ بِأَنْ يُحْرِقَ قَوْماً فِي مَنَازِلِهِمْ، لِتَرْكِهِمُ اَلْحُضُورَ لِجَمَاعَةِ اَلْمُسْلِمِينَ وَ قَدْ كَانَ مِنْهُمْ مَنْ يُصَلِّي فِي بَيْتِهِ فَلَمْ يَقْبَلْ مِنْهُ ذَلِكَ وَ كَيْفَ تُقْبَلُ شَهَادَةٌ أَوْ عَدَالَةٌ بَيْنَ اَلْمُسْلِمِينَ مِمَّنْ جَرَى اَلْحُكْمُ مِنَ اَللّٰهِ عَزَّ وَ جَلَّ وَ مِنْ رَسُولِهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ فِيهِ اَلْحَرَقُ فِي جَوْفِ بَيْتِهِ بِالنَّهَارِ وَ قَدْ كَانَ يَقُولُ رَسُولُ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ «لاَ صَلاَةَ لِمَنْ لاَ يُصَلِّي فِي اَلْمَسْجِدِ مَعَ اَلْمُسْلِمِينَ إِلاَّ مِنْ عِلَّةٍ» ».

H.3280 - It is narrated from Abdullah ibn Abi Ya'fur, who said:
I asked Abu Abdullah {a.s}:
"By what means is the righteousness ('Adalah) of a man among the Muslims recognized, so that his testimony may be accepted for or against them?"
Imam {a.s} replied: "It is recognized by his modesty and chastity, by his restraint over his stomach, private parts, hands, and tongue, and by his avoidance of major sins for which Allah {SWT}, the Mighty and Majestic, has threatened punishment in Hell.
These sins include: drinking alcohol, fornication, usury, disobedience to parents, fleeing from battle, and other similar acts.
The sign of all this is that he covers his faults and defects, making it impermissible for Muslims to investigate or expose his errors and shortcomings.
It becomes obligatory upon them to testify to his righteousness and exhibit his piety among people.

Additionally, he must be diligent in observing the five daily prayers, maintaining their times, and attending congregational prayers with the Muslims.

He should not miss the congregation at the mosque except for a valid excuse.

If he remains steadfast in attending his place of prayer for the five daily prayers, and when asked about him in his community or neighborhood, people say:

'We have seen nothing but good from him. He is regular in prayers, punctual in observing their times, and consistently present at his place of prayer,' then this confirms his testimony and establishes his righteousness among Muslims.

This is because prayer serves as a covering and an expiation for sins.

It is not possible to testify to a man's observance of prayer unless he attends his place of worship and maintains congregation with the Muslims.

Indeed, congregation and assembly for prayer were instituted so that those who pray may be distinguished from those who do not, and those who guard the times of prayer from those who neglect them.

Without this, no one could testify to another's piety.

Whoever does not pray has no righteousness among the Muslims.

The Messenger of Allah {SWT} (peace be upon him and his family) even intended to burn the houses of those who abandoned congregational prayer, despite some of them praying at home.

This was not accepted from them.

How then can the testimony or righteousness of someone be accepted when Allah {SWT}, the Mighty and Majestic, and His Messenger (peace be upon him and his family) had judged that such a person deserves to be burned in his house during the daytime?

The Messenger of Allah {SWT} (peace be upon him and his family) used to say:

'There is no prayer for the one who does not pray in the mosque with the Muslims, except due to a valid excuse.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.38 • Wasa'il Al-Shi'ah, Vol.27 p.391

CHAPTER 18 – CHAPTER ON WHOSE TESTIMONY MUST BE REJECTED AND WHOSE TESTIMONY MUST BE ACCEPTED

بَابُ مَنْ يَجِبُ رَدُّ شَهَادَتِهِ وَ مَنْ يَجِبُ قَبُولُ شَهَادَتِهِ

HADITH 3281 – 35

3281 - رُوِيَ عَنْ عُبَيْدِ اَللَّهِ بْنِ عَلِيٍّ اَلْحَلَبِيِّ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَمَّا يُرَدُّ مِنَ اَلشُّهُودِ فَقَالَ «اَلظَّنِينُ وَ اَلْمُتَّهَمُ وَ اَلْخَصْمُ» قَالَ قُلْتُ فَالْفَاسِقُ وَ اَلْخَائِنُ قَالَ «هَذَا يَدْخُلُ فِي اَلظَّنِينِ».

H.3281 - It is narrated from Ubaydullah ibn Ali Al-Halabi, who said:
Abu Abdullah {a.s} was asked about the categories of witnesses whose testimony is to be rejected.
Imam {a.s} replied: "The one suspected (Al-Zaneen), the accused (Al-Muttaham), and the adversary (Al-Khasm)."
I said: "What about the immoral (Al-Fasiq) and the dishonest (Al-Kha'in)?"
Imam {a.s} said: "These fall under the category of the suspected (Al-Zaneen)."

[REFERENCES] Al-Kafi, Vol.7 p.395 • Man La Yahduruhu Al-Faqih, Vol.3 p.40 • Tahdhib Al-Ahkam, Vol.6 p.242 • Wasa'il Al-Shi'ah, Vol.27 p.374

HADITH

3282 - وَ فِي حَدِيثٍ آخَرَ قَالَ : «لاَ يَجُوزُ شَهَادَةُ اَلْمُرِيبِ وَ اَلْخَصْمِ وَ دَافِعِ مَغْرَمٍ أَوْ أَجِيرٍ أَوْ شَرِيكٍ، أَوْ مُتَّهَمٍ أَوْ تَابِعٍ وَ لاَ تُقْبَلُ شَهَادَةُ شَارِبِ اَلْخَمْرِ وَ لاَ شَهَادَةُ اَللاَّعِبِ بِالشِّطْرَنْجِ وَ اَلنَّرْدِ وَ لاَ شَهَادَةُ اَلْمُقَامِرِ».

H.3282 - And in another narration, Imam {a.s} said:
"The testimony of the one who arouses suspicion (Al-Mureeb), the adversary (Al-Khasm), the one evading a financial obligation (Dafi' Maghram), the hired worker (Ajir), the business partner (Shareek), the accused (Mutaham), or the follower (Tabi') is not valid.
Furthermore, the testimony of a wine drinker (Sharib Al-Khamr), a player of chess (Shatranj) and dice (Nard), and a gambler (Muqamir) is not accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.40 • Wasa'il Al-Shi'ah, Vol.27 p.379

HADITH

3283 - وَ رَوَى عَلِيُّ بْنُ أَسْبَاطٍ عَنْ مُحَمَّدِ بْنِ اَلصَّلْتِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ عَنْ رِفْقَةٍ كَانُوا فِي طَرِيقٍ فَقُطِعَ عَلَيْهِمُ اَلطَّرِيقُ فَأُخِذَ اَللُّصُوصُ فَشَهِدَ بَعْضُهُمْ لِبَعْضٍ فَقَالَ «لاَ تُقْبَلُ شَهَادَتُهُمْ إِلاَّ بِالْإِقْرَارِ مِنَ اَللُّصُوصِ أَوْ شَهَادَةٍ مِنْ غَيْرِهِمْ عَلَيْهِمْ ».

H.3283 - And Ali ibn Asbat narrated from Muhammad ibn Al-Salt who said:
I asked Abu Al-Hasan Al-Ridha {a.s} about a group of travelers who were ambushed by robbers on their journey. The robbers were captured, and some of them testified in favor of the others.
Imam {a.s} replied: "Their testimony is not accepted except if it is accompanied by a confession from the robbers themselves or testimony against them from others."

[REFERENCES] Al-Kafi, Vol.7 p.394 • Man La Yahduruhu Al-Faqih, Vol.3 p.40 • Tahdhib Al-Ahkam, Vol.6 p.246 • Al-Wafi, Vol.16 p.992 • Wasa'il Al-Shi'ah, Vol.27 p.369

HADITH

3284 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «تَجُوزُ شَهَادَةُ اَلْعَبْدِ اَلْمُسْلِمِ عَلَى اَلْحُرِّ اَلْمُسْلِمِ ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي لِغَيْرِ سَيِّدِهِ.

H.3284 - And Al-Hasan ibn Mahbub narrated from Al-Alaa, from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}: "The testimony of a Muslim slave is valid against a free Muslim."

[AL SADUQ]
The compiler of this book - may Allah {SWT} have mercy on him - explained:
"This applies when the testimony is against someone other than the slave's master."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.41 • Tahdhib Al-Ahkam, Vol.6 p.249 • Tahdhib Al-Ahkam, Vol.6 p.249 • Al-Istibsar, Vol.3 p.16 • Al-Istibsar, Vol.3 p.16 • Awali Al-La'ali, Vol.3 p.532 • Al-Wafi, Vol.16 p.968 • Al-Wafi, Vol.16 p.969 • Wasa'il Al-Shi'ah, Vol.27 p.346 • Wasa'il Al-Shi'ah, Vol.27 p.348

HADITH

3285 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَوْ قَالَ سَأَلَهُ بَعْضُ أَصْحَابِهِ : عَنِ اَلرَّجُلِ يَشْهَدُ لِأَبِيهِ أَوِ اَلْأَخِ لِأَخِيهِ أَوِ اَلزَّجُلِ لِامْرَأَتِهِ قَالَ «لاَ بَأْسَ بِذَلِكَ إِذَا كَانَ خَيِّراً تُقْبَلُ شَهَادَتُهُ لِأَبِيهِ وَ اَلْأَبِ لِابْنِهِ وَ اَلْأَخِ لِأَخِيهِ».

H.3285 - And Al-Hasan ibn Mahbub narrated from Hisham ibn Salim, from Ammar ibn Marwan, who said:
I asked Abu Abdullah {a.s}, or it is said that one of his companions asked him, regarding a man who testifies in favor of his father, or a brother for his brother, or a man for his wife.
Imam {a.s} said: "There is no harm in that if he is righteous. His testimony is accepted for his father, and a father's testimony is accepted for his son, and a brother's testimony is accepted for his brother."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.41

HADITH

3286 - وَ فِي خَبَرٍ آخَرَ : «أَنَّهُ لاَ تُقْبَلُ شَهَادَةُ اَلْوَلَدِ عَلَى وَالِدِهِ ».

H.3286 - And in another report: "The testimony of a child against his parent is not accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.42 • Al-Wafi, Vol.16 p.988 • Wasa'il Al-Shi'ah, Vol.27 p.369

HADITH

3287 - وَ رَوَى اَلْحَسَنُ بْنُ زَيْدٍ نَحْواً مِمَّا ذَكَرَهُ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «أُتِيَ عُمَرُ بْنُ اَلْخَطَّابِ بِقُدَامَةَ بْنِ مَظْعُونٍ قَدْ شَرِبَ اَلْخَمْرَ فَشَهِدَ عَلَيْهِ رَجُلاَنِ أَحَدُهُمَا خَصِيٌّ وَ هُوَ عَمْرٌو اَلتَّمِيمِيُّ وَ اَلْآخَرُ اَلْمُعَلَّى بْنُ اَلْجَارُودِ فَشَهِدَ أَحَدُهُمَا أَنَّهُ رَآهُ يَشْرَبُ وَ شَهِدَ اَلْآخَرُ أَنَّهُ رَآهُ يَقِيءُ اَلْخَمْرَ فَأَرْسَلَ عُمَرُ إِلَى أُنَاسٍ مِنْ أَصْحَابِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِيهِمْ عَلِيُّ بْنُ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ فَقَالَ لِعَلِيٍّ عَلَيْهِ اَلسَّلاَمُ مَا تَقُولُ يَا أَبَا اَلْحَسَنِ فَإِنَّكَ اَلَّذِي قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَعْلَمُ هَذِهِ اَلْأُمَّةِ وَ أَقْضَاهَا بِالْحَقِّ» فَإِنَّ هَذَيْنِ قَدِ اِخْتَلَفَا فِي شَهَادَتِهِمَا فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «مَا اِخْتَلَفَا فِي شَهَادَتِهِمَا وَ مَا قَاءَهَا حَتَّى شَرِبَهَا » فَقَالَ هَلْ تَجُوزُ شَهَادَةُ اَلْخَصِيِّ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «مَا ذَهَابُ أُنْثَيَيْهِ إِلاَّ كَذَهَابِ بَعْضِ أَعْضَائِهِ»».

H.3287 - And Al-Hasan bin Zayd narrated something similar from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Umar bin Al-Khattab was presented with Qudamah bin Maz'un, who had drunk alcohol. Two men testified against him - one of them was a eunuch, Amr Al-Tamimi, and the other was Al-Mu'alla bin Al-Jarood. One of them testified that he saw him drinking, and the other testified that he saw him vomiting alcohol. Umar then sent for a group of the companions of the Messenger of Allah {SWT}, peace be upon him and his family, among them Commander of the Faithful Imam Ali ibn Abi Talib {a.s}.
Umar said to Imam Ali ibn Abi Talib {a.s}: 'What do you say, O Abu Al-Hasan? For you are the one about whom the Messenger of Allah {SWT}, peace be upon him and his family, said: "The most knowledgeable of this nation and the one who judges with truth."'
Imam Ali ibn Abi Talib {a.s} said: 'They have not differed in their testimony, for he would not have vomited it unless he had drunk it.'
Umar then asked: 'Is the testimony of a eunuch acceptable?'
Imam Ali ibn Abi Talib {a.s} replied: 'The loss of his testicles is no different than the loss of some other part of his body.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.42 • Bihar Al-Anwar, Vol.101 p.320

HADITH

3288 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ : «لاَ تُقْبَلُ شَهَادَةُ ذِي شَحْنَاءَ أَوْ ذِي مُخْزِيَةٍ فِي اَلدِّينِ».

H.3288 - And Isma'il bin Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, peace be upon them, who said:
"The testimony of one who harbors enmity or one who has a disgraceful reputation in religion is not accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.43 • Al-Wafi, Vol.16 p.998 • Wasa'il Al-Shi'ah, Vol.27 p.378

HADITH

3289 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ شَهِدَ عِنْدَنَا بِشَهَادَةٍ ثُمَّ غَيَّرَ أَخَذْنَا بِالْأُولَى وَ طَرَحْنَا اَلْأُخْرَى».

H.3289 - And the Prophet, may Allah {SWT} bless him and his family, said:
"Whoever testifies before us with a testimony and then changes it, we will accept the first (testimony) and discard the second (testimony)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.43 • Al-Ash'athiyat, Vol.1 p.145 • Al-Wafi, Vol.16 p.914 • Wasa'il Al-Shi'ah, Vol.27 p.333 • Mustadrak Al-Wasa'il, Vol.17 p.417

HADITH

3290 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تُصَلِّ خَلْفَ مَنْ يَبْغِي عَلَى اَلْأَذَانِ وَ اَلصَّلاَةِ بِالنَّاسِ أَجْراً وَ لاَ تُقْبَلْ شَهَادَتُهُ».

H.3290 - And Muhammad ibn Muslim narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Do not pray behind one who seeks payment for the call to prayer and leading people in prayer, and his testimony is not accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.43 • Al-Wafi, Vol.8 p.1184 • Al-Wafi, Vol.16 p.1000 • Wasa'il Al-Shi'ah, Vol.27 p.378

HADITH

3291 - وَ رَوَى اَلْعَلاَءُ بْنُ سَيَابَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تُقْبَلُ شَهَادَةُ صَاحِبِ اَلنَّرْدِ وَ اَلْأَرْبَعَةَ عَشَرَ وَ صَاحِبِ اَلشَّاهَيْنِ يَقُولُ لاَ وَ اَللَّهِ وَ بَلَى وَ اَللَّهِ مَاتَ وَ اَللَّهِ شَاهُهُ وَ قُتِلَ وَ اَللَّهِ شَاهُهُ وَ اَللَّهُ تَعَالَى ذِكْرُهُ شَاهُهُ مَا مَاتَ وَ لاَ قُتِلَ».

H.3291 - And Al-'Ala ibn Sayabah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"The testimony of the player of nard (a type of board game), the one who plays arba‘ata ‘ashar (a gambling game), and the player of chess is not accepted. They say, 'No, by Allah {SWT},' and 'Yes, by Allah {SWT},' and 'By Allah {SWT}, his king (chess piece) died,' and 'By Allah {SWT}, his king (chess piece) was killed,' while Allah {SWT}, exalted is His mention, is the true King who neither dies nor is killed."

[REFERENCES] Al-Kafi, Vol.7 p.396 • Man La Yahduruhu Al-Faqih, Vol.3 p.43 • Tahdhib Al-Ahkam, Vol.6 p.243 • Al-Wafi, Vol.16 p.998 • Wasa’il Al-Shi’ah, Vol.27 p.380

HADITH

3292 - وَ رَوَى سَمَاعَةُ بْنُ مِهْرَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «وَ لاَ بَأْسَ بِشَهَادَةِ اَلضَّيْفِ إِذَا كَانَ عَفِيفاً صَائِناً» قَالَ «وَ يُكْرَهُ شَهَادَةُ اَلْأَجِيرِ لِصَاحِبِهِ وَ لاَ بَأْسَ بِشَهَادَتِهِ لِغَيْرِهِ وَ لاَ بَأْسَ بِهَا لَهُ عِنْدَ مُفَارَقَتِهِ».

H.3292 - And Sama'ah ibn Mehran narrated from Abu Baseer, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "There is no harm in the testimony of a guest if he is chaste and upright."
Imam {a.s} also said: "The testimony of an employee for his employer is disliked, but there is no harm in his testimony for someone else, and there is no harm in his testimony for the employer after leaving his service."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.44 • Tahdhib Al-Ahkam, Vol.6 p.258 • Al-Istibsar, Vol.3 p.21 • Al-Wafi, Vol.16 p.993 • Wasa’il Al-Shi’ah, Vol.27 p.372

HADITH

3293 - وَ رَوَى فَضَالَةُ عَنْ أَبَانٍ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ شَرِيكَيْنِ شَهِدَ أَحَدُهُمَا لِصَاحِبِهِ قَالَ «تَجُوزُ شَهَادَتُهُ إِلاَّ فِي شَيْءٍ لَهُ فِيهِ نَصِيبٌ ».

H.3293 - And Fadalah narrated from Aban, who said:
Abu Abdullah {a.s}, was asked about two partners, one of whom testified for the other.
Imam {a.s} said: "His testimony is valid except in something where he has a share."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.44 • Wasa’il Al-Shi’ah, Vol.27 p.370

HADITH

3294 - وَ رُوِيَ عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ : «شَهَادَةُ اَلصِّبْيَانِ جَائِزَةٌ بَيْنَهُمْ مَا لَمْ يَتَفَرَّقُوا أَوْ يَرْجِعُوا إِلَى أَهْلِيهِمْ ».

H.3294 - And it was narrated from Talhah ibn Zayd, from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, from Imam Ali ibn Abi Talib {a.s}, who said:
"The testimony of children is valid among them as long as they have not dispersed or returned to their families."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.44 • Al-Wafi, Vol.16 p.974 • Wasa'il Al-Shi'ah, Vol.27 p.345

HADITH

3295 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ شَهَادَةَ اَلصِّبْيَانِ إِذَا شَهِدُوا وَ هُمْ صِغَارٌ جَازَتْ إِذَا كَبِرُوا مَا لَمْ يَنْسَوْهَا وَ كَذَلِكَ اَلْيَهُودُ وَ اَلنَّصَارَى إِذَا أَسْلَمُوا جَازَتْ شَهَادَتُهُمْ وَ اَلْعَبْدُ إِذَا أُشْهِدَ عَلَى شَهَادَةٍ ثُمَّ أُعْتِقَ جَازَتْ شَهَادَتُهُ إِذَا لَمْ يَرُدَّهَا اَلْحَاكِمُ قَبْلَ أَنْ يُعْتَقَ» وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «إِنْ أُعْتِقَ اَلْعَبْدُ لِمَوْضِعِ اَلشَّهَادَةِ لَمْ تَجُزْ شَهَادَتُهُ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ أَمَّا قَوْلُهُ ع إِذَا لَمْ يَرُدَّهَا الْحَاكِمُ قَبْلَ أَنْ يُعْتَقَ فَإِنَّهُ يَعْنِي بِهِ أَنْ يَرُدَّهَا لِفِسْقٍ ظَاهِرٍ أَوْ حَالٍ يَجْرَحُ عَدَالَتَهُ لَا لِأَنَّهُ عَبْدٌ لِأَنَّ شَهَادَةَ الْعَبْدِ جَائِزَةٌ وَ أَوَّلُ مَنْ رَدَّ شَهَادَةَ الْمَمْلُوكِ عُمَرُ وَ أَمَّا قَوْلُهُ ع إِنْ أُعْتِقَ الْعَبْدُ لِمَوْضِعِ الشَّهَادَةِ لَمْ تَجُزْ شَهَادَتُهُ كَأَنَّهُ يَعْنِي إِذَا كَانَ شَاهِداً لِسَيِّدِهِ فَأَمَّا إِذَا كَانَ شَاهِداً لِغَيْرِ سَيِّدِهِ جَازَتْ شَهَادَتُهُ عَبْداً كَانَ أَوْ مُعْتَقاً إِذَا كَانَ عَدْلًا.

H.3295 - And it was narrated by Isma'il ibn Muslim, from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, from Imam Ali ibn Abi Talib {a.s}, who said:
"The testimony of children, if they testified while they were young, is valid when they grow older as long as they have not forgotten it. Likewise, the testimony of Jews and Christians, if they embrace Islam, is valid. Also, the testimony of a slave, if he was made to testify and then was freed, is valid as long as the judge did not reject it before his emancipation."
And Imam {a.s} said: "If the slave was freed specifically for the purpose of testimony, his testimony is not valid."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, said:
As for Imam {a.s} statement, peace be upon him, that the judge did not reject it before his emancipation, it means that it was not rejected due to apparent immorality or a condition that undermines his integrity, not because he was a slave, for the testimony of a slave is valid.
The first to reject the testimony of a servant was Umar.

And as for Imam {a.s} statement, peace be upon him, that if the slave was freed for the purpose of testimony, his testimony is not valid, it appears to mean that this applies if he testified for his master.
However, if he testified for someone other than his master, his testimony is valid whether he was still a slave or had been freed, as long as he was just.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.45 • Tahdhib Al-Ahkam, Vol.6 p.250 • Al-Wafi, Vol.16 p.970 • Wasa'il Al-Shi'ah, Vol.27 p.349

HADITH

3296 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «تَجُوزُ شَهَادَةُ اَلْمَمْلُوكِ مِنْ أَهْلِ اَلْقِبْلَةِ عَلَى أَهْلِ اَلْكِتَابِ ».

H.3296 - And it was narrated by Al-Hasan ibn Mahbub, from Al-Ala', from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"The testimony of a slave from the people of the Qiblah (Muslims) is valid against the People of the Book (Jews and Christians)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.45 • Awali Al-La'ali, Vol.3 p.532 • Wasa'il Al-Shi'ah, Vol.27 p.346 • Wasa'il Al-Shi'ah, Vol.27 p.387

HADITH

3297 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنِ اَلْعَلاَءِ بْنِ سَيَابَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «لاَ تُقْبَلُ شَهَادَةُ سَابِقِ اَلْحَاجِّ إِنَّهُ قَتَلَ رَاحِلَتَهُ وَ أَفْنَى زَادَهُ وَ أَتْعَبَ نَفْسَهُ وَ اِسْتَخَفَّ بِصَلاَتِهِ قِيلَ فَالْمُكَارِي وَ اَلْجَمَّالُ وَ اَلْمَلاَّحُ » فَقَالَ «وَ مَا بَأْسَ بِهِمْ تُقْبَلُ شَهَادَتُهُمْ إِذَا كَانُوا صُلَحَاءَ».

H.3297 - And it was narrated by Muhammad ibn Abi Umayr, from Al-Ala' ibn Sayabah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said that Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, said:
"The testimony of one who hastens ahead of the pilgrims is not accepted, as he has killed his mount, consumed his provisions, exhausted himself, and neglected his prayers."
It was asked: "What about the muleteer, the camel driver, and the sailor?"
Imam {a.s} said: "There is no harm in them; their testimony is accepted if they are righteous."

[REFERENCES] Al-Kafi, Vol.7 p.396 • Man La Yahduruhu Al-Faqih, Vol.3 p.46 • Tahdhib Al-Ahkam, Vol.6 p.243 • Al-Wafi, Vol.16 p.999 • Wasa'il Al-Shi'ah, Vol.27 p.381

HADITH

3298 - وَ رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ اَلْمُغِيرَةِ قَالَ : قُلْتُ لِلرِّضَا عَلَيْهِ اَلسَّلاَمُ رَجُلٌ طَلَّقَ اِمْرَأَتَهُ وَ أَشْهَدَ شَاهِدَيْنِ نَاصِبِيَّيْنِ قَالَ «كُلُّ مَنْ وُلِدَ عَلَى اَلْفِطْرَةِ وَ عُرِفَ بِالصَّلاَحِ فِي نَفْسِهِ جَازَتْ شَهَادَتُهُ».

H.3298 - And it was narrated from Abdullah ibn Al-Mughirah who said:
I asked Imam Ali ibn Musa Ar-Ridha {a.s}, about a man who divorced his wife and brought two witnesses who were Nasibis.
Imam {a.s} said: "Everyone who is born upon the natural disposition (Fitrah) and is known for righteousness in himself, his testimony is accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.46 • Tahdhib Al-Ahkam, Vol.6 p.284 • Al-Wafi, Vol.16 p.1011 • Wasa'il Al-Shi'ah, Vol.27 p.393 • Wasa'il Al-Shi'ah, Vol.27 p.398

HADITH

3299 - وَ رُوِيَ عَنْ عُبَيْدِ اَللَّهِ بْنِ عَلِيٍّ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ هَلْ تَجُوزُ شَهَادَةُ أَهْلِ اَلذِّمَّةِ عَلَى غَيْرِ أَهْلِ مِلَّتِهِمْ قَالَ «نَعَمْ إِنْ لَمْ يُوجَدْ مِنْ أَهْلِ مِلَّتِهِمْ جَازَتْ شَهَادَةُ غَيْرِهِمْ إِنَّهُ لاَ يَصْلُحُ ذَهَابُ حَقِّ أَحَدٍ».

H.3299 - And it was narrated from Ubaydullah ibn Ali Al-Halabi who said:
I asked Abu Abdullah {a.s}, whether the testimony of the People of the Book (Ahl al-Dhimmah) is valid against those not of their religion.
Imam {a.s} said: "Yes, if witnesses from their own religion cannot be found, then the testimony of others is valid, for it is not right for anyone's rights to be lost."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.47 • Wasa'il Al-Shi'ah, Vol.27 p.389

HADITH

3300 - وَ رَوَى اَلْحَسَنُ بْنُ عَلِيٍّ اَلْوَشَّاءُ عَنْ أَحْمَدَ بْنِ عُمَرَ قَالَ : سَأَلْتُهُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ ذَوا عَدْلٍ مِنْكُمْ أَوْ آخَرانِ مِنْ غَيْرِكُمْ ﴾ قَالَ «اَللَّذَانِ مِنْكُمْ مُسْلِمَانِ وَ اَللَّذَانِ مِنْ غَيْرِكُمْ مِنْ أَهْلِ اَلْكِتَابِ فَإِنْ لَمْ تَجِدْ مِنْ أَهْلِ اَلْكِتَابِ فَمِنَ اَلْمَجُوسِ لِأَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ «سُنُّوا بِهِمْ سُنَّةَ أَهْلِ اَلْكِتَابِ » وَ ذَلِكَ إِذَا مَاتَ اَلرَّجُلُ بِأَرْضٍ غُرْبَةٍ فَلَمْ يَجِدْ مُسْلِمَيْنِ يُشْهِدُهُمَا فَرَجُلاَنِ مِنْ أَهْلِ اَلْكِتَابِ ».

H.3300 - And it was narrated by Al-Hasan ibn Ali Al-Washsha' from Ahmad ibn Umar, who said: I asked Imam {a.s} about the saying of Allah {SWT}, the Majestic: "*Two just men from among you or two others from outside you*." (Surah Al-Ma'idah 5:106)
Imam {a.s} said: "The two from among you are Muslims, and the two from outside you are from the People of the Book (Ahl al-Kitab). And if none from the People of the Book can be found, then from the Magians, because the Messenger of Allah {SWT} said:
'Deal with them as you would with the People of the Book.'
And this applies if a man dies in a foreign land and cannot find two Muslims to bear witness, then two men from the People of the Book may act as witnesses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.47 • Al-Wafi, Vol.24 p.34 • Wasa'il Al-Shi'ah, Vol.27 p.390 • Tafsir Al-Burhan, Vol.2 p.377 • Tafsir Nur Al-Thaqalayn, Vol.1 p.687

HADITH

3301 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «فِي اَلْمُكَاتَبِ كَانَ اَلنَّاسُ مُدَّةً لاَ يَشْتَرِطُونَ إِنْ عَجَزَ فَهُوَ رَدٌّ فِي اَلرِّقِّ فَهُمُ اَلْيَوْمَ يَشْتَرِطُونَ وَ اَلْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ وَ يُجْلَدُ فِي اَلْحَدِّ عَلَى قَدْرِ مَا أُعْتِقَ مِنْهُ» قُلْتُ أَ رَأَيْتَ إِنْ أُعْتِقَ نِصْفُهُ أَ تَجُوزُ شَهَادَتُهُ فِي اَلطَّلاَقِ قَالَ «إِنْ كَانَ مَعَهُ رَجُلٌ وَ اِمْرَأَةٌ جَازَتْ شَهَادَتُهُ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ إِنَّمَا ذَلِكَ عَلَى جِهَةِ التَّقِيَّةِ وَ فِي الْحَقِيقَةِ تُقْبَلُ شَهَادَةُ الْمُكَاتَبِ وَ الرَّجُلُ مَعَهُ بِشَاهِدَيْنِ وَ أَدْخَلَ الْمَرْأَةَ فِي ذَلِكَ لِئَلَّا يَقُولَ الْمُخَالِفُونَ إِنَّهُ قَبِلَ شَهَادَةَ قَدْ رَدَّهَا إِمَامُهُمْ وَ أَمَّا شَهَادَةُ النِّسَاءِ فِي الطَّلَاقِ فَغَيْرُ مَقْبُولَةٍ عَلَى أَصْلِنَا.

H.3301 - And it was narrated by Hammad from Al-Halabi, who said:
I heard Abu Abdullah {a.s}, say: "Regarding a mukatab (a slave under a contract of emancipation), there was a time when people did not stipulate that if he failed to fulfill the terms of his contract, he would revert to slavery. But today, they stipulate this condition, and Muslims are bound by their conditions. If a mukatab commits an offense requiring a legal punishment (hudud), he is punished in proportion to the extent to which he has been freed."
I asked: "What if half of him has been freed? Does his testimony in matters of divorce count?"
Imam {a.s} said: "If he testifies alongside a man and a woman, his testimony is accepted."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented: This ruling was stated as a matter of taqiyyah (dissimulation). In truth, the testimony of a mukatab is acceptable when supported by two witnesses.
The inclusion of the woman in this scenario was to prevent opponents from claiming that he had accepted testimony that their Imam had rejected. However, based on our foundational principles, the testimony of women in cases of divorce is not acceptable.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.48

HADITH

3302 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ اَلْمُغِيرَةِ عَنْ أَبِي اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ وُلِدَ عَلَى اَلْفِطْرَةِ وَ عُرِفَ بِالصَّلاَحِ فِي نَفْسِهِ جَازَتْ شَهَادَتُهُ».

H.3302 - And it was narrated by Abdullah ibn Al-Mughirah from Abu Al-Hasan Imam Ali ibn Musa Ar-Ridha {a.s}, who said:
"Whoever is born upon the natural disposition (fitrah) and is known for his righteousness in himself, his testimony is valid."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.48 • Tahdhib Al-Ahkam, Vol.6 p.283 • Al-Fusul Al-Muhimmah, Vol.2 p.509 • Bihar Al-Anwar, Vol.85 p.32 • Bihar Al-Anwar, Vol.85 p.36

HADITH

3303 - وَ رُوِيَ عَنِ اَلْعَلاَءِ بْنِ سَيَابَةَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ شَهَادَةِ مَنْ يَلْعَبُ بِالْحَمَامِ قَالَ «لاَ بَأْسَ إِذَا كَانَ لاَ يُعْرَفُ بِفِسْقٍ» قُلْتُ فَإِنَّ مَنْ قِبَلَنَا يَقُولُونَ قَالَ عُمَرُ هُوَ شَيْطَانٌ فَقَالَ «سُبْحَانَ اَللَّهِ أَ مَا عَلِمْتَ أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ «إِنَّ اَلْمَلاَئِكَةَ لَتَنْفِرُ عِنْدَ اَلرِّهَانِ وَ تَلْعَنُ صَاحِبَهُ مَا خَلاَ اَلْحَافِرَ وَ اَلْخُفَّ وَ اَلرِّيشَ وَ اَلنَّصْلَ فَإِنَّهَا تَحْضُرُهَا اَلْمَلاَئِكَةُ» وَ قَدْ سَابَقَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ، أُسَامَةَ بْنَ زَيْدٍ وَ أَجْرَى اَلْخَيْلَ».

H.3303 - And it was narrated from Al-Ala ibn Sayabah who said: I asked Abu Abdullah {a.s}, about the testimony of one who plays with pigeons.
Imam {a.s} said: "There is no harm if he is not known for sinfulness."
I said: The people around us say that Umar called them to be a 'devil'.
Imam {a.s} replied: "Glory be to Allah {SWT}! Do you not know that the Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: 'Indeed, the angels flee from gambling and curse its participant, except for activities involving hoofs, claws, feathers, and arrows, for the angels attend such activities.'
And the Messenger of Allah {SWT}, peace be upon him and his family, raced with Usamah ibn Zayd and ran horses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.48 • Al-Wafi, V.16 p.1012 • Wasa'il Al-Shi'ah, V.27 p.413

HADITH

3304 - وَ رُوِيَ عَنْ دَاوُدَ بْنِ اَلْحُصَيْنِ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «أَقِيمُوا اَلشَّهَادَةَ عَلَى اَلْوَالِدَيْنِ وَ اَلْوَلَدِ وَ لاَ تُقِيمُوهَا عَلَى اَلْأَخِ فِي اَلدِّيْنِ اَلضَّيْرَ» قُلْتُ وَ مَا اَلضَّيْرُ قَالَ «إِذَا تَعَدَّى فِيهِ صَاحِبُ اَلْحَقُّ اَلَّذِي يَدَّعِيهِ قِبَلَهُ خِلاَفَ مَا أَمَرَ اَللَّهُ عَزَّ وَ جَلَّ وَ رَسُولُهُ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ مَثَلُ ذَلِكَ أَنْ يَكُونَ لِرَجُلٍ عَلَى آخَرَ دَيْنٌ وَ هُوَ مُعْسِرٌ وَ قَدْ أَمَرَ اَللَّهُ تَعَالَى بِإِنْظَارِهِ حَتَّى يَيْسَرَ فَقَالَ «فَنَظِرَةٌ إِلىٰ مَيْسَرَةٍ» وَ يَسْأَلُكَ أَنْ تُقِيمَ اَلشَّهَادَةَ وَ أَنْتَ تَعْرِفُهُ بِالْعُسْرِ فَلاَ يَحِلُّ لَكَ أَنْ تُقِيمَ اَلشَّهَادَةَ فِي حَالِ اَلْعُسْرِ».

H.3304 - And it was narrated from Dawud ibn Al-Husayn who said: I heard Abu Abdullah {a.s}, say: "Establish testimony against parents and children, but do not establish it against a brother in religion out of harm (al-ḍayr)."
I said: What is al-ḍayr?
Imam {a.s} said: "It is when the claimant transgresses in demanding his right contrary to what Allah {SWT}, the Almighty, and His Messenger {saws} have commanded. An example of this is when one man has a debt upon another who is in hardship, and Allah {SWT}, the Exalted, has commanded to grant him respite until ease, as He {SWT} said: *'then a respite until ease*.' (Surah Al-Baqarah 2:280), Yet, he asks you to bear witness against him while you know he is in hardship. It is not permissible for you to establish the testimony during his state of hardship."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.49 • Tahdhib Al-Ahkam, Vol.6 p.257 • Al-Wafi, Vol.16 p.1027 • Wasa'il Al-Shi'ah, Vol.27 p.340

HADITH

3305 - وَ رَوَى مِسْمَعٌ كِرْدِينٌ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ بِالزِّنَا فَرُجِمَ ثُمَّ رَجَعَ أَحَدُهُمْ وَ قَالَ شَكَكْتُ فِي شَهَادَتِي قَالَ «عَلَيْهِ اَلدِّيَةُ» قَالَ قُلْتُ فَإِنَّهُ قَالَ شَهِدْتُ عَلَيْهِ مُتَعَمِّداً قَالَ «يُقْتَلُ».

H.3305 - And it was narrated by Misma' Kardin from Abu Abdullah Imam Jafar Al-Sadiq {a.s}, regarding four witnesses who testified against a man for adultery, and he was stoned. Then one of them retracted and said: “I doubted my testimony."
Imam {a.s} said: "He must pay the blood money."
I said: What if he said: “I testified against him intentionally"?
Imam {a.s} said: "He is to be executed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.50 • Al-Wafi, V.16 p.851 • Wasa’il Al-Shi’ah, Vol.27 p.329

HADITH

3306 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «لاَ آخُذُ بِقَوْلِ عَرَّافٍ وَ لاَ قَائِفٍ وَ لاَ لِصٍّ، وَ لاَ أَقْبَلُ شَهَادَةَ اَلْفَاسِقِ إِلاَّ عَلَى نَفْسِهِ ».

H.3306 - And it was narrated by Muhammad bin Qais from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said that the Commander of the Faithful {a.s}, used to say: "I do not act upon the statement of a fortune-teller, nor a tracker, nor a thief, and I do not accept the testimony of a transgressor except against himself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.50 • Al-Wafi, Vol.16 p.1000 • Wasa’il Al-Shi’ah, Vol.27 p.378 • Al-Fusul Al-Muhimmah, Vol.3 p.342

HADITH

3307 - وَ رَوَى سُلَيْمَانُ بْنُ دَاوُدَ اَلْمِنْقَرِيُّ عَنْ حَفْصِ بْنِ غِيَاثٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قَالَ لَهُ رَجُلٌ أَ رَأَيْتَ إِذَا رَأَيْتُ شَيْئاً فِي يَدَيْ رَجُلٍ أَ يَجُوزُ لِي أَنْ أَشْهَدَ أَنَّهُ لَهُ فَقَالَ «نَعَمْ» قُلْتُ فَلَعَلَّهُ لِغَيْرِهِ قَالَ «وَ مِنْ أَيْنَ جَازَ لَكَ أَنْ تَشْتَرِيَهُ وَ يَصِيرَ مِلْكاً لَكَ ثُمَّ تَقُولَ بَعْدَ اَلْمِلْكِ هُوَ لِي وَ تَحْلِفَ عَلَيْهِ وَ لاَ يَجُوزُ لَكَ أَنْ تَنْسُبَهُ إِلَى مَنْ صَارَ مِلْكُهُ إِلَيْكَ مِنْ قِبَلِهِ» ثُمَّ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «لَوْ لَمْ يَجُزْ هَذَا مَا قَامَتْ لِلْمُسْلِمِينَ سُوقٌ».

H.3307 - And it was narrated by Sulayman bin Dawood Al-Minqari from Hafs bin Ghiyath, who said: A man asked Abu Abdullah {a.s}, "What do you say if I see something in the possession of a man - can I testify that it belongs to him?"
Imam {a.s} replied: “Yes."
The man then asked: “But perhaps it belongs to someone else?"
Imam {a.s} said: “Then how is it permissible for you to buy it and for it to become your property, and afterward you claim it as yours and swear upon it, yet it is not permissible for you to attribute it to the one from whom it came into your possession?"
Imam {a.s} said: “If this were not permissible, the marketplace for Muslims would not function."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.51

HADITH

3308 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ شَهِدَ عِنْدَهُ رَجُلٌ وَ قَدْ قُطِعَتْ يَدُهُ وَ رِجْلُهُ بِشَهَادَةٍ فَأَجَازَ شَهَادَتَهُ وَ قَدْ كَانَ تَابَ وَ عُرِفَتْ تَوْبَتُهُ.

H.3308 - And it was narrated by Isma'il bin Muslim from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon him, that a man who had his hand and foot amputated based on testimony came to testify before Commander of the Faithful, peace be upon him. Imam {a.s} accepted his testimony, as the man had repented, and his repentance was known.

[REFERENCES] Al-Kafi, Vol.7 p.397 • Man La Yahduruhu Al-Faqih, Vol.3 p.51 • Tahdhib Al-Ahkam, Vol.6 p.245 • Al-Istibsar, Vol.3 p.37 • Al-Wafi, Vol.16 p.1005 • Wasa'il Al-Shi'ah, Vol.27 p.385 • Bihar Al-Anwar, Vol.85 p.31

HADITH

3309 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ اَلْفُضَيْلِ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ شَهَادَةِ اَلنِّسَاءِ هَلْ تَجُوزُ فِي نِكَاحٍ أَوْ طَلاَقٍ أَوْ رَجْمٍ قَالَ «تَجُوزُ شَهَادَةُ اَلنِّسَاءِ فِيمَا لاَ يَسْتَطِيعُ اَلرِّجَالُ اَلنَّظَرَ إِلَيْهِ وَ تَجُوزُ فِي اَلنِّكَاحِ إِذَا كَانَ مَعَهُنَّ رَجُلٌ، وَ لاَ تَجُوزُ فِي اَلطَّلاَقِ وَ لاَ فِي اَلدَّمِ وَ تَجُوزُ فِي حَدِّ اَلزِّنَا، إِذَا كَانَ ثَلاَثَةَ رِجَالٍ وَ اِمْرَأَتَيْنِ وَ لاَ تَجُوزُ شَهَادَةُ رَجُلَيْنِ وَ أَرْبَعِ نِسْوَةٍ ».

H.3309 - And it was narrated by Safwan bin Yahya from Muhammad bin Al-Fudhayl, from Abu Al-Hasan, peace be upon him.
He said: I asked him about the testimony of women - does it suffice in cases of marriage, divorce, or stoning?
Imam {a.s} said: "The testimony of women is accepted in matters that men cannot observe. It is also valid in marriage if accompanied by one man. However, it is not accepted in divorce or bloodshed. It is accepted in cases of adultery if there are three men and two women, but the testimony of two men and four women is not accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.51

HADITH

3310 - وَ سَأَلَ عُبَيْدُ اَللَّهِ بْنُ عَلِيٍّ اَلْحَلَبِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ شَهَادَةِ اَلْقَابِلَةِ فِي اَلْوِلاَدَةِ قَالَ «تَجُوزُ شَهَادَةُ اَلْوَاحِدَةِ وَ شَهَادَةُ اَلنِّسَاءِ فِي اَلْمَنْفُوسِ وَ اَلْعُذْرَةِ ».

H.3310 - And Ubaydullah bin Ali Al-Halabi asked Abu Abdullah {a.s}, about the testimony of a midwife in childbirth.
Imam {a.s} said: "The testimony of one woman is accepted, and so is the testimony of women regarding the newborn and the virginity (of a girl)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.52

HADITH

3311 - وَ - قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي غُلاَمٍ شَهِدَتْ عَلَيْهِ اِمْرَأَةٌ أَنَّهُ دَفَعَ غُلاَماً فِي بِئْرٍ فَقَتَلَهُ فَأَجَازَ شَهَادَةَ اَلْمَرْأَةِ.

H.3311 - And the Commander of the Faithful {a.s}, ruled in the case of a boy against whom a woman testified that he had pushed another boy into a well, causing his death.
Imam {a.s} accepted the testimony of the woman.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.52 • Tahdhib Al-Ahkam, Vol.6 p.267 • Al-Istibsar, Vol.3 p.27 • Al-Wafi, Vol.16 p.958 • Wasa'il Al-Shi'ah, Vol.27 p.357

HADITH

3312 - وَ رَوَى زُرَارَةُ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ :

فِي أَرْبَعَةٍ شَهِدُوا عَلَى اِمْرَأَةٍ بِالزِّنَا فَقَالَتْ أَنَا بِكْرٌ فَنَظَرَتْ إِلَيْهَا اَلنِّسَاءُ فَوَجَدُوهَا بِكْراً قَالَ «تُقْبَلُ شَهَادَةُ اَلنِّسَاءِ».

H.3312 - And Zurara narrated from one of the Imams {a.s}, peace be upon them, regarding four witnesses who testified against a woman for committing adultery.
She claimed that she was a virgin, so women examined her and found her to be a virgin.
Imam {a.s} said: "The testimony of the women is accepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.52 • Tahdhib Al-Ahkam, Vol.6 p.271 • Al-Wafi, Vol.16 p.960 • Wasa'il Al-Shi'ah, Vol.27 p.363

HADITH

3313 - وَ سَأَلَ عَبْدُ اَللَّهِ بْنُ اَلْحَكَمِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اِمْرَأَةٍ شَهِدَتْ عَلَى رَجُلٍ أَنَّهُ دَفَعَ صَبِيّاً فِي بِئْرٍ فَمَاتَ قَالَ «عَلَى اَلرَّجُلِ رُبُعُ دِيَةِ اَلصَّبِيِّ بِشَهَادَةِ اَلْمَرْأَةِ».

H.3313 - And Abdullah bin Al-Hakam asked Abu Abdullah {a.s}, about a woman who testified against a man that he had pushed a boy into a well, resulting in his death.
Imam {a.s} said: "The man is liable for one-fourth of the boy's blood money based on the testimony of the woman."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.52 • Tahdhib Al-Ahkam, Vol.6 p.267 • Al-Istibsar, Vol.3 p.27 • Al-Wafi, Vol.16 p.959 • Wasa'il Al-Shi'ah, Vol.27 p.359

HADITH

3314 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنِ اَلْحُسَيْنِ بْنِ خَالِدٍ اَلصَّيْرَفِيِّ عَنْ أَبِي اَلْحَسَنِ اَلْمَاضِي عَلَيْهِ اَلسَّلاَمُ قَالَ : كَتَبْتُ إِلَيْهِ فِي رَجُلٍ مَاتَ وَ لَهُ أُمُّ وَلَدٍ وَ قَدْ جَعَلَ لَهَا سَيِّدُهَا شَيْئاً فِي حَيَاتِهِ ثُمَّ مَاتَ قَالَ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «لَهَا مَا آتَاهَا بِهِ سَيِّدُهَا فِي حَيَاتِهِ مَعْرُوفٌ ذَلِكَ لَهَا تُقْبَلُ عَلَى ذَلِكَ شَهَادَةُ اَلرَّجُلِ وَ اَلْمَرْأَةِ وَ اَلْخَدَمِ غَيْرِ اَلْمُتَّهَمِينَ».

H.3314 - And Ibn Abi Umair narrated from Al-Husayn bin Khalid Al-Sayrafi, from Abu Al-Hasan Al-Madhi, peace be upon him, who said: I wrote to Imam {a.s} regarding a man who died, leaving behind a bondwoman, and her master had given her something during his lifetime. Then the master died.
Imam {a.s} wrote back: "She is entitled to what her master gave her during his lifetime, as it is recognized for her. The testimony of a man, a woman, and trustworthy servants is accepted in this matter, provided they are not accused of dishonesty."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.53 • Al-Wafi, V.16 p.965 • Wasa'il Al-Shi'ah, Vol.27 p.364

HADITH

3315 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَجَازَ شَهَادَةَ اَلنِّسَاءِ فِي اَلدَّيْنِ وَ لَيْسَ مَعَهُنَّ رَجُلٌ.

H.3315 - And Hammad narrated from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: Indeed, the Messenger of Allah {SWT}, peace and blessings be upon him and his family, approved the testimony of women in matters of debt even if no man was with them.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.53 • Tahdhib Al-Ahkam, Vol.6 p.263 • Tahdhib Al-Ahkam, Vol.6 p.271 • Al-Istibsar, Vol.3 p.22 • Al-Wafi, Vol.16 p.952 • Wasa'il Al-Shi'ah, Vol.27 p.356 • Wasa'il Al-Shi'ah, Vol.27 p.363

HADITH

3316 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَ عَنْ رَجُلٍ مَاتَ وَ تَرَكَ اِمْرَأَةً وَ هِيَ حَامِلٌ فَوَضَعَتْ بَعْدَ مَوْتِهِ غُلاَماً ثُمَّ مَاتَ اَلْغُلاَمُ بَعْدَ مَا وَقَعَ إِلَى اَلْأَرْضِ فَشَهِدَتِ اَلْمَرْأَةُ اَلَّتِي قَبِلَتْهَا بِهِ أَنَّهُ اِسْتَهَلَّ وَ صَاحَ حِينَ وَقَعَ إِلَى اَلْأَرْضِ ثُمَّ مَاتَ بَعْدُ فَقَالَ «عَلَى اَلْإِمَامِ أَنْ يُجِيزَ شَهَادَتَهَا فِي رُبُعِ مِيرَاثِ اَلْغُلاَمِ».

H.3316 - And Al-Hasan ibn Mahbub narrated from Umar ibn Yazid, who said:
I asked Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, about a man who died and left behind a wife who was pregnant. She gave birth to a boy after his death, and then the boy died after falling to the ground. The woman who received him testified that he cried out and screamed when he fell to the ground, and then he died afterward. Imam {a.s} said: It is upon the Imam to approve her testimony concerning a quarter of the boy's inheritance.

[REFERENCES] Al-Kafi, Vol.7 p.392 • Man La Yahduruhu Al-Faqih, Vol.3 p.53 • Tahdhib Al-Ahkam, Vol.6 p.268 • Tahdhib Al-Ahkam, Vol.9 p.391 • Al-Istibsar, Vol.3 p.29 • Wasa'il Al-Shi'ah, Vol.27 p.352

HADITH

3317 - وَ فِي رِوَايَةٍ أُخْرَى : «إِنْ كَانَتِ اِمْرَأَتَيْنِ تَجُوزُ شَهَادَتُهُمَا فِي نِصْفِ اَلْمِيرَاثِ وَ إِنْ كُنَّ ثَلاَثَ نِسْوَةٍ جَازَتْ شَهَادَتُهُنَّ فِي ثَلاَثَةِ أَرْبَاعِ اَلْمِيرَاثِ وَ إِنْ كُنَّ أَرْبَعاً جَازَتْ شَهَادَتُهُنَّ فِي اَلْمِيرَاثِ كُلِّهِ ».

H.3317 - And in another narration:
If there are two women, their testimony is valid for half of the inheritance.
If there are three women, their testimony is valid for three-fourths of the inheritance.
And if there are four women, their testimony is valid for the entire inheritance.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.54 • Al-Wafi, V.16 p.961 • Wasa'il Al-Shi'ah, V.27 p.365

CHAPTER 19 – CHAPTER ON JUDGING BY THE TESTIMONY OF ONE WITNESS AND THE OATH OF THE CLAIMANT

بَابُ الْحُكْمِ بِشَهَادَةِ الْوَاحِدِ وَ يَمِينِ الْمُدَّعِي

HADITH 3318 – 35

3318 - قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِشَهَادَةِ شَاهِدٍ وَ يَمِينِ اَلْمُدَّعِي وَ قَالَ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «نَزَلَ عَلَيَّ جَبْرَئِيلُ عَلَيْهِ اَلسَّلاَمُ بِالْحُكْمِ بِشَهَادَةِ شَاهِدٍ وَ يَمِينِ صَاحِبِ اَلْحَقِّ»

وَ حَكَمَ بِهِ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ بِالْعِرَاقِ.

H.3318 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, ruled based on the testimony of one witness and the oath of the claimant.
He {saws}, peace and blessings be upon him and his family, said: "Jibril {a.s} descended upon me with the judgment of the testimony of one witness and the oath of the claimant."

[AL SADUQ]
Commander of the Faithful, peace be upon him, also judged by this ruling in Iraq.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.54 • Al-Wafi, Vol.16 p.945 • Wasa'il Al-Shi'ah, Vol.27 p.269

HADITH

3319 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لَوْ كَانَ اَلْأَمْرُ إِلَيْنَا لَأَجَزْنَا شَهَادَةَ اَلرَّجُلِ إِذَا عُلِمَ مِنْهُ خَيْرٌ مَعَ يَمِينِ اَلْخَصْمِ فِي حُقُوقِ اَلنَّاسِ فَأَمَّا مَا كَانَ مِنْ حُقُوقِ اَللَّهِ عَزَّ وَ جَلَّ وَ رُؤْيَةِ اَلْهِلاَلِ فَلاَ».

H.3319 - Al-Hasan ibn Mahbub narrated from Al-Alaa, from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: "If the matter were up to us, we would permit the testimony of one man, if he is known for goodness, along with the oath of the claimant, in the rights of people. However, as for the rights of Allah {SWT}, the Almighty, and the sighting of the crescent moon, we would not permit it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.54 • Tahdhib Al-Ahkam, Vol.6 p.273 • Al-Istibsar, Vol.3 p.33 • Al-Wafi, Vol.16 p.945 • Wasa'il Al-Shi'ah, Vol.27 p.268 • Al-Fusul Al-Muhimmah, Vol.2 p.502

CHAPTER 20 – CHAPTER ON JUDGING BY THE TESTIMONY OF TWO WOMEN AND THE OATH OF THE CLAIMANT

بَابُ الْحُكْمِ بِشَهَادَةِ امْرَأَتَيْنِ وَ يَمِينِ الْمُدَّعِي

HADITH 3320 – 3321

3320 - رَوَى مَنْصُورُ بْنُ حَازِمٍ أَنَّ أَبَا اَلْحَسَنِ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «إِذَا شَهِدَ لِطَالِبِ اَلْحَقِّ اِمْرَأَتَانِ وَ يَمِينُهُ فَهُوَ جَائِزٌ».

H.3320 - Mansur ibn Hazim narrated that Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s}, said: "If two women testify in favor of the claimant along with his oath, it is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.55 • Tahdhib Al-Ahkam, Vol.6 p.272 • Al-Istibsar, Vol.3 p.31 • Al-Wafi, Vol.16 p.951 • Wasa'il Al-Shi'ah, Vol.27 p.271 • Al-Fusul Al-Muhimmah, Vol.2 p.502

HADITH

3321 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَجَازَ شَهَادَةَ اَلنِّسَاءِ مَعَ يَمِينِ اَلطَّالِبِ فِي اَلدَّيْنِ يَحْلِفُ بِاللَّهِ إِنَّ حَقَّهُ لَحَقٌّ».

H.3321 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that:
"The Messenger of Allah {SWT}, peace be upon him and his family, permitted the testimony of women along with the oath of the claimant in matters of debt, where he swears by Allah {SWT} that his claim is true."

[REFERENCES] Al-Kafi, Vol.7 p.386 • Man La Yahduruhu Al-Faqih, Vol.3 p.55 • Tahdhib Al-Ahkam, Vol.6 p.272 • Al-Istibsar, Vol.3 p.32 • Al-Wafi, Vol.16 p.951 • Wasa'il Al-Shi'ah, Vol.27 p.271

CHAPTER 21 – CHAPTER ON ESTABLISHING TESTIMONY BASED ON KNOWLEDGE WITHOUT FORMAL WITNESSING

بَابُ إِقَامَةِ الشَّهَادَةِ بِالْعِلْمِ دُونَ الْإِشْهَادِ

HADITH 3322 – 3325

3322 - رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ اَلْبَاقِرِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَشْهَدُ حِسَابَ اَلرَّجُلَيْنِ ثُمَّ يُدْعَى إِلَى اَلشَّهَادَةِ قَالَ «إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ لَمْ يَشْهَدْ».

H.3322 - Al-Ala narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a man who observes the accounting between two men and is then called to testify.
Imam {a.s} said: "If he wishes, he may testify, and if he wishes, he may abstain from testifying."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.55 • Al-Wafi, Vol.16 p.1029 • Wasa'il Al-Shi'ah, Vol.27 p.319

HADITH

3323 - وَ رَوَى اِبْنُ فَضَّالٍ عَنْ أَحْمَدَ بْنِ يَزِيدَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَشْهَدُ حِسَابَ اَلرَّجُلَيْنِ ثُمَّ يُدْعَى إِلَى اَلشَّهَادَةِ قَالَ «يَشْهَدُ».

H.3323 - Ibn Faddal narrated from Ahmad ibn Yazid, from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a man who observes the accounting between two men and is then called to testify.
Imam {a.s} said: "He should testify."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.55 • Al-Wafi, Vol.16 p.1029 • Wasa'il Al-Shi'ah, Vol.27 p.319

HADITH

3324 - وَ رَوَى عَلِيُّ بْنُ أَحْمَدَ بْنِ أَشْيَمَ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ طَهُرَتِ اِمْرَأَتُهُ مِنْ حَيْضِهَا فَقَالَ فُلاَنَةُ طَالِقٌ وَ قَوْمٌ يَسْمَعُونَ كَلاَمَهُ وَ لَمْ يَقُلْ لَهُمُ اِشْهَدُوا أَ يَقَعُ اَلطَّلاَقُ عَلَيْهَا قَالَ «نَعَمْ هَذِهِ شَهَادَةٌ أَ فَتَتْرُكُهَا مُعَلَّقَةً».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ مَعْنَى هَذَا الْخَبَرِ الَّذِي جُعِلَ الْخِيَارُ فِيهِ إِلَى الشَّاهِدِ بِحِسَابِ الرَّجُلَيْنِ هُوَ إِذَا كَانَ عَلَى ذَلِكَ الْحَقِّ غَيْرُهُ مِنَ الشُّهُودِ فَمَتَى عَلِمَ أَنَّ صَاحِبَ الْحَقِّ مَظْلُومٌ وَ لَا يُحْيَا حَقُّهُ إِلَّا بِشَهَادَتِهِ وَجَبَ عَلَيْهِ إِقَامَتُهَا وَ لَمْ يَحِلَّ لَهُ كِتْمَانُهَا.

H.3324 - Ali ibn Ahmad ibn Ashyam narrated that he asked Imam Abu al-Hasan {a.s}, about a man whose wife became pure from her menstruation.
The man said (to his wife): “So-and-so is divorced," while people were listening to his words, but this man did not (explicitly) tell them to ‘Bear witness.’ (to the words)
Does the divorce take effect upon her?
Imam {a.s} said: “Yes, this is a testimony. Would you leave her in suspense?"

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented:
The meaning of this narration, in which the choice was left to the witness regarding the accounting of two men, applies when there are other witnesses regarding that right. Whenever it is known that the rightful person is being wronged and his right cannot be restored except through the testimony, it becomes obligatory to give it, and it is not permissible to conceal it.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.56 • Wasa’il Al-Shi’ah, Vol.27 p.319

HADITH

3325 - فَقَدْ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْعِلْمُ شَهَادَةٌ إِذَا كَانَ صَاحِبُهُ مَظْلُوماً».

H.3325 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Knowledge is a testimony when its possessor is wronged."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.57 • Al-Wafi, Vol.16 p.1030 • Wasa’il Al-Shi’ah, Vol.27 p.319

CHAPTER 22 – CHAPTER ON REFRAINING FROM TESTIMONY, WHAT HAS BEEN MENTIONED ABOUT ESTABLISHING IT, EMPHASIZING IT, AND CONCEALING IT

بَابُ الِامْتِنَاعِ مِنَ الشَّهَادَةِ وَ مَا جَاءَ فِي إِقَامَتِهَا وَ تَأْكِيدِهَا وَ كِتْمَانِهَا

HADITH 3326 – 3330

3326 - رُوِيَ عَنْ مُحَمَّدِ بْنِ اَلْفُضَيْلِ قَالَ اَلْعَبْدُ اَلصَّالِحُ عَلَيْهِ اَلسَّلاَمُ : «لاَ يَنْبَغِي لِلَّذِي يُدْعَى إِلَى شَهَادَةٍ أَنْ يَتَقَاعَسَ عَنْهَا».

H.3326 - It is narrated from Muhammad ibn al-Fudayl who said that the Righteous Servant, peace be upon him, said: "One who is called to bear witness should not refrain from it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.57 • Al-Wafi, Vol.16 p.1023 • Wasa'il Al-Shi'ah, Vol.27 p.311

HADITH

3327 - وَ رَوَى هِشَامُ بْنُ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ لاَ يَأْبَ اَلشُّهَدَاءُ إِذَا مَا دُعُوا ﴾ قَالَ «قَبْلَ اَلشَّهَادَةِ وَ فِي قَوْلِهِ عَزَّ وَ جَلَّ: ﴿ وَ مَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ ﴾ قَالَ «بَعْدَ اَلشَّهَادَةِ».

H.3327 - It is narrated from Hisham ibn Salim, from Imam Abu Abdullah {a.s}, regarding the words of Allah {SWT}, the Almighty and Majestic:
"*And the witnesses should not refuse when they are called*"
(Surah Al-Baqarah 2:282)
Imam {a.s} said: "This refers to before giving testimony."
And regarding words of Allah {SWT}, the Almighty and Majestic::
"*And whoever conceals it, his heart is indeed sinful*"
(Surah Al-Baqarah 2:283)
Imam {a.s} said: "This refers to after giving testimony."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.57 • Tahdhib Al-Ahkam, Vol.6 p.275 • Awali Al-La'ali, Vol.2 p.346 • Awali Al-La'ali, Vol.3 p.540 • Al-Wafi, Vol.16 p.1023 • Wasa'il Al-Shi'ah, Vol.27 p.309 • Tafsir Al-Burhan, Vol.1 p.564

HADITH

3328 - وَ رَوَى عُثْمَانُ بْنُ عِيسَى عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ يَكُونُ لِلرَّجُلِ مِنْ إِخْوَانِي عِنْدِي اَلشَّهَادَةُ لَيْسَ كُلُّهَا تُجِيزُهَا اَلْقُضَاةُ عِنْدَنَا قَالَ «إِذَا عَلِمْتَ أَنَّهَا حَقٌّ فَصَحِّحْهَا بِكُلِّ وَجْهٍ حَتَّى يَصِحَّ لَهُ حَقُّهُ».

H.3328 - It is narrated from Uthman ibn Isa, from some of our companions, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}. I said to Imam {a.s}, "A man from my brothers has a testimony with me, but not all of it is admissible by the judges here." Imam {a.s} said: “If you know that it is true, then validate it in every possible way so that his right is established."

[REFERENCES] Al-Kafi, Vol.7 p.387 • Man La Yahduruhu Al-Faqih, Vol.3 p.57 • Tahdhib Al-Ahkam, Vol.6 p.262 • Al-Wafi, Vol.16 p.1036 • Wasa’il Al-Shi’ah, Vol.27 p.317 • Al-Fusul Al-Muhimmah, Vol.2 p.505

HADITH

3329 - وَ رَوَى جَابِرٌ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ كَتَمَ اَلشَّهَادَةَ أَوْ شَهِدَ بِهَا لِيُهْدِرَ بِهَا دَمَ اِمْرِئٍ مُسْلِمٍ أَوْ لِيُثْوِيَ مَالَ اِمْرِئٍ مُسْلِمٍ أَتَى يَوْمَ اَلْقِيَامَةِ وَ لِوَجْهِهِ ظُلْمَةٌ مَدَّ اَلْبَصَرِ وَ فِي وَجْهِهِ كُدُوحٌ تَعْرِفُهُ اَلْخَلاَئِقُ بِاسْمِهِ وَ نَسَبِهِ وَ مَنْ شَهِدَ شَهَادَةَ حَقٍّ لِيُحْيِيَ بِهَا مَالَ اِمْرِئٍ مُسْلِمٍ أَتَى يَوْمَ اَلْقِيَامَةِ وَ لِوَجْهِهِ نُورٌ مَدَّ اَلْبَصَرِ تَعْرِفُهُ اَلْخَلاَئِقُ بِاسْمِهِ وَ نَسَبِهِ» ثُمَّ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «أَ لاَ تَرَى أَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۝ وَ أَقِيمُوا اَلشَّهٰادَةَ لِلّٰهِ ۝ ».

H.3329 - It is narrated from Jabir, from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said that the Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "Whoever conceals testimony or gives false testimony to shed the blood of a Muslim or to destroy the wealth of a Muslim, will come on the Day of Judgment with darkness on his face extending as far as the eye can see, and scars on his face by which all creatures will recognize him by his name and lineage. And whoever testifies truthfully to preserve the wealth of a Muslim, will come on the Day of Judgment with light on his face extending as far as the eye can see, and all creatures will recognize him by his name and lineage."
Then Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, said: "Do you not see that Allah {SWT}, the Almighty and Glorious, says: *'And establish the testimony for Allah {SWT}'*?" (Surah At-Talaq 65:2)

[REFERENCES] Al-Kafi, Vol.7 p.380 • Man La Yahduruhu Al-Faqih, Vol.3 p.58 • Al-Amali (Lil-Saduq), Vol.1 p.482 • Tahdhib Al-Ahkam, Vol.6 p.276 • Al-Wafi, Vol.16 p.1025 • Wasa’il Al-Shi’ah, Vol.27 p.312 • Tafsir Al-Burhan, Vol.1 p.566 • Tafsir Al-Burhan, Vol.5 p.408 • Bihar Al-Anwar, Vol.7 p.218 • Bihar Al-Anwar, Vol.101 p.311

HADITH

3330 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ مَنْ يَكْتُمْهٰا فَإِنَّهُ آثِمٌ قَلْبُهُ ﴾ قَالَ «كَافِرٌ قَلْبُهُ».

H.3330 - And Imam {a.s} said regarding the saying of Allah {SWT}, the Almighty and Glorious: "*And whoever conceals it, then indeed his heart is sinful*" (Surah Al-Baqarah 2:283)
Imam {a.s} said: "His heart is disbelieving."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.58 • Al-Wafi, Vol.16 p.1026 • Wasa'il Al-Shi'ah, Vol.27 p.313 • Tafsir Al-Burhan, Vol.1 p.567 • Tafsir Nur Al-Thaqalayn, Vol.1 p.301 • Tafsir Kanz Al-Daqaiq, Vol.2 p.472

CHAPTER 23 – CHAPTER ON FALSE TESTIMONY AND WHAT HAS BEEN REPORTED REGARDING IT

بَابُ شَهَادَةِ الزُّورِ وَ مَا جَاءَ فِيهَا

HADITH 3331 – 3339

3331 - رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي شَهَادَةِ اَلزُّورِ قَالَ «إِذَا كَانَ اَلشَّيْءُ قَائِماً بِعَيْنِهِ رُدَّ عَلَى صَاحِبِهِ وَ إِنْ لَمْ يَكُنْ قَائِماً ضَمِنَ بِقَدْرِ مَا أَتْلَفَ مِنْ مَالِ اَلرَّجُلِ ».

H.3331 - Muhammad ibn Abi Umayr narrated from Jamil ibn Darraj from Imam Abu Abdullah {a.s}, regarding false testimony.
Imam {a.s} said: "If the thing is present in its original form, it is returned to its owner. But if it is no longer present, then the false witness is liable for the value of what he caused to be lost from the man's property."

[REFERENCES] Al-Kafi, Vol.7 p.384 • Man La Yahduruhu Al-Faqih, Vol.3 p.59 • Tahdhib Al-Ahkam, Vol.6 p.259 • Al-Wafi, Vol.16 p.1042 • Wasa'il Al-Shi'ah, Vol.27 p.327

HADITH

3332 - وَ رَوَى سَمَاعَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «شُهُودُ اَلزُّورِ يُجْلَدُونَ حَدّاً وَ لَيْسَ لَهُ وَقْتٌ ذَلِكَ إِلَى اَلْإِمَامِ وَ يُطَافُ بِهِمْ حَتَّى يُعْرَفُوا وَ لاَ يَعُودُوا » قَالَ قُلْتُ فَإِنْ تَابُوا وَ أَصْلَحُوا أَ تُقْبَلُ شَهَادَتُهُمْ بَعْدُ فَقَالَ «إِذَا تَابُوا تَابَ اَللَّهُ عَلَيْهِمْ وَ قُبِلَتْ شَهَادَتُهُمْ بَعْدُ».

H.3332 - Sama'ah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "False witnesses are subjected to flogging as a punishment, and its extent is determined by the Imam. They are paraded publicly so that they may be recognized and refrain from repeating the act."
I said: "If they repent and reform, will their testimony be accepted afterward?"
Imam {a.s} said: "If they repent, Allah {SWT} accepts their repentance, and their testimony will be accepted thereafter."

[REFERENCES] Al-Kafi, Vol.7 p.243 • Man La Yahduruhu Al-Faqih, Vol.3 p.59 • Al-Wafi, Vol.15 p.505 • Wasa'il Al-Shi'ah, Vol.27 p.333 • Wasa'il Al-Shi'ah, Vol.28 p.376

HADITH

3333 - وَ كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ إِذَا أَخَذَ شَاهِدَ زُورٍ فَإِنْ كَانَ غَرِيباً بَعَثَ بِهِ إِلَى حَيِّهِ وَ إِنْ كَانَ سُوقِيّاً بَعَثَ بِهِ إِلَى سُوقِهِ ثُمَّ يُطِيفُ بِهِ ثُمَّ يَحْبِسُهُ أَيَّاماً ثُمَّ يُخَلِّي سَبِيلَهُ.

H.3333 - It is reported that when Imam Ali ibn Abi Talib {a.s} apprehended a false witness, if the person was a stranger, he would send him back to his tribe. If the person was a tradesman, Imam {a.s} would send him to his marketplace. Then Imam {a.s} would parade him publicly, imprison him for a few days, and afterward release him.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.59

HADITH

3334 - وَ رَوَى إِبْرَاهِيمُ بْنُ عَبْدِ اَلْحَمِيدِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَةٍ شَهِدَ عِنْدَهَا شَاهِدَانِ بِأَنَّ زَوْجَهَا مَاتَ فَتَزَوَّجَتْ ثُمَّ جَاءَ زَوْجُهَا اَلْأَوَّلُ قَالَ «لَهَا اَلْمَهْرُ بِمَا اِسْتَحَلَّ مِنْ فَرْجِهَا اَلْأَخِيرُ وَ يُضْرَبُ اَلشَّاهِدَانِ اَلْحَدَّ وَ يُضَمَّنَانِ اَلْمَهْرَ بِمَا غَرَّا اَلرَّجُلَ ثُمَّ تَعْتَدُّ وَ تَرْجِعُ إِلَى زَوْجِهَا اَلْأَوَّلِ».

H.3334 - Ibrahim ibn Abdul Hamid reported from Abu Basir, who narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a woman for whom two witnesses testified that her husband had died. She then remarried, but later her first husband returned.
Imam {a.s} said: “The second husband owes her the dowry because he lawfully enjoyed her intimacy. The two witnesses are to be given the prescribed punishment (for false testimony) and held liable for the dowry due to having deceived the man. The woman must observe the waiting period ('iddah) and then return to her first husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.59 • Tahdhib Al-Ahkam, Vol.6 p.286 • Al-Wafi, Vol.22 p.647 • Wasa’il Al-Shi’ah, Vol.27 p.330

HADITH

3335 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ وَ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ شَهِدَا عَلَى رَجُلٍ غَائِبٍ عِنْدَ اِمْرَأَتِهِ بِأَنَّهُ طَلَّقَهَا فَاعْتَدَّتِ اَلْمَرْأَةُ وَ تَزَوَّجَتْ ثُمَّ إِنَّ اَلزَّوْجَ اَلْغَائِبَ قَدِمَ فَزَعَمَ أَنَّهُ لَمْ يُطَلِّقْهَا وَ أَكْذَبَ نَفْسَهُ أَحَدُ اَلشَّاهِدَيْنِ فَقَالَ «لاَ سَبِيلَ لِلْأَخِيرِ عَلَيْهَا وَ يُؤْخَذُ اَلصَّدَاقُ مِنَ اَلَّذِي شَهِدَ وَ رَجَعَ فَيُرَدُّ عَلَى اَلْأَخِيرِ وَ يُفَرَّقُ بَيْنَهُمَا وَ تَعْتَدُّ مِنَ اَلْأَخِيرِ وَ لاَ يَقْرَبُهَا اَلْأَوَّلُ حَتَّى تَنْقَضِيَ عِدَّتُهَا».

H.3335 - Al-Hasan ibn Mahbub reported from Al-Ala and Abu Ayyub, who narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding two men who testified against an absent man in the presence of his wife, claiming that he had divorced her.

The woman observed her waiting period (iddah) and then remarried. Later, the absent husband returned, asserting that he had not divorced her, and one of the witnesses admitted to lying.

Imam {a.s} said: “The second husband has no claim over her, and the dowry is to be taken from the witness who retracted his testimony and returned to the second husband. They must be separated, and the woman must observe the waiting period (iddah) from the second husband. The first husband may not approach her until her waiting period has ended."

[REFERENCES] Al-Kafi, Vol.6 p.149 • Man La Yahduruhu Al-Faqih, Vol.3 p.60 • Tahdhib Al-Ahkam, Vol.6 p.285 • Tahdhib Al-Ahkam, Vol.6 p.286 • Al-Istibsar, Vol.3 p.38 • Al-Sarair, Vol.3 p.592 • Al-Wafi, Vol.22 p.645 • Wasa’il Al-Shi’ah, Vol.22 p.252 • Wasa’il Al-Shi’ah, Vol.27 p.331 • Bihar Al-Anwar, Vol.101 p.144

HADITH

3336 - وَ رَوَى عَلِيُّ بْنُ مَطَرٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنَّ شُهُودَ اَلزُّورِ يُجْلَدُونَ حَدّاً لَيْسَ لَهُ وَقْتٌ ذَلِكَ إِلَى اَلْإِمَامِ وَ يُطَافُ بِهِمْ حَتَّى يَعْرِفَهُمُ اَلنَّاسُ وَ قَوْلُهُ عَزَّ وَ جَلَّ، ﴿ وَ لاٰ تَقْبَلُوا لَهُمْ شَهٰادَةً أَبَداً وَ أُولٰئِكَ هُمُ اَلْفٰاسِقُونَ إِلاَّ اَلَّذِينَ تٰابُوا ﴾ » قُلْتُ بِمَ تُعْرَفُ تَوْبَتُهُ قَالَ «يُكَذِّبُ نَفْسَهُ عَلَى رُءُوسِ اَلْأَشْهَادِ حَيْثُ يُضْرَبُ وَ يَسْتَغْفِرُ رَبَّهُ عَزَّ وَ جَلَّ فَإِنْ هُوَ فَعَلَ ذَلِكَ فَثَمَّ ظَهَرَتْ تَوْبَتُهُ».

H.3336 - Ali ibn Matar narrated from Abdullah ibn Sinan, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that Imam {a.s} said:

"False witnesses are subjected to a punishment of flogging, the duration of which is determined by the Imam.

They are paraded so that people recognize them." Allah {SWT}, the Almighty, says:

'And do not accept their testimony ever, and those are the defiantly disobedient - except for those who repent.' (Surah An-Nur 24:4-5)”

I asked: ‘How is their repentance recognized?'

Imam {a.s} said: ‘He must publicly declare his falsehood before the witnesses where he was punished, and seek forgiveness from his Lord {AZJ}, the Almighty. If he does this, then his repentance becomes evident.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.60

HADITH

3337 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ يَنْقَضِي كَلاَمُ شَاهِدِ زُورٍ مِنْ بَيْنِ يَدَيِ اَلْحَاكِمِ حَتَّى يَتَبَوَّأَ مَقْعَدَهُ مِنَ اَلنَّارِ وَ كَذَلِكَ مَنْ كَتَمَ اَلشَّهَادَةَ».

H.3337 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "The speech of a false witness does not end before the judge without him having taken his seat in the Hellfire, and the same applies to one who conceals testimony."

[REFERENCES] Al-Kafi, Vol.7 p.383 • Man La Yahduruhu Al-Faqih, Vol.3 p.60 • Al-Wafi, Vol.16 p.1041 • Wasa'il Al-Shi'ah, Vol.27 p.325

HADITH

3338 - وَ رَوَى صَالِحُ بْنُ مِيثَمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَا مِنْ رَجُلٍ يَشْهَدُ شَهَادَةَ زُورٍ عَلَى رَجُلٍ مُسْلِمٍ لِيَقْطَعَ مَالَهُ إِلاَّ كَتَبَ اَللَّهُ لَهُ مَكَانَهُ صَكّاً إِلَى اَلنَّارِ».

H.3338 - Salih bin Mitham narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: "There is no man who gives false testimony against a Muslim to seize his wealth except that Allah {SWT} writes for him a decree to Hell in its place."

[REFERENCES] Al-Kafi, Vol.7 p.383 • Man La Yahduruhu Al-Faqih, Vol.3 p.61 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.225 • Al-Amali (Lil-Saduq), Vol.1 p.482 • Al-Ikhtisas, Vol.1 p.25 • Al-Wafi, Vol.16 p.1041 • Wasa'il Al-Shi'ah, Vol.27 p.324 • Bihar Al-Anwar, Vol.101 p.310 • Mustadrak Al-Wasa'il, Vol.17 p.415

HADITH

3339 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَمَّنْ أَخْبَرَهُ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ : «فِي اَلشُّهُودِ إِذَا شَهِدُوا عَلَى رَجُلٍ ثُمَّ رَجَعُوا عَنْ شَهَادَتِهِمْ وَ قَدْ قُضِيَ عَلَى اَلرَّجُلِ ضُمِّنُوا مَا شَهِدُوا بِهِ وَ غُرِّمُوا فَإِنْ لَمْ يَكُنْ قُضِيَ طُرِحَتْ شَهَادَتُهُمْ وَ لَمْ يُغَرَّمِ اَلشُّهُودُ شَيْئاً».

H.3339 - Jamil bin Darraj narrated from someone who informed him about one of the Imams, peace be upon them, who said:
"Regarding witnesses who testify against a man and then retract their testimony - if a judgment has already been passed against the man, the witnesses are held liable for what they testified and must pay compensation. However, if no judgment has been passed, their testimony is discarded, and the witnesses are not required to pay anything."

[REFERENCES] Al-Kafi, Vol.7 p.383 • Man La Yahduruhu Al-Faqih, Vol.3 p.61 • Tahdhib Al-Ahkam, Vol.6 p.259 • Al-Wafi, Vol.16 p.1043 • Wasa'il Al-Shi'ah, Vol.27 p.326

CHAPTER 24 – CHAPTER ON THE INVALIDATION OF THE CLAIMANT'S RIGHT BY ADMINISTERING AN OATH EVEN IF THEY HAVE EVIDENCE

بَابُ بُطْلَانِ حَقِّ الْمُدَّعِي بِالتَّحْلِيفِ وَ إِنْ كَانَ لَهُ بَيِّنَةٌ

HADITH 3340 – 3341

3340 - رَوَى عَبْدُ اَللَّهِ بْنُ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا رَضِيَ صَاحِبُ اَلْحَقِّ بِيَمِينِ اَلْمُنْكِرِ لِحَقِّهِ فَاسْتَحْلَفَهُ فَحَلَفَ أَنْ لاَ حَقَّ لَهُ قِبَلَهُ ذَهَبَتِ اَلْيَمِينُ بِحَقِّ اَلْمُدَّعِي وَ لاَ دَعْوَى لَهُ» قُلْتُ وَ إِنْ كَانَتْ لَهُ بَيِّنَةٌ عَادِلَةٌ قَالَ «نَعَمْ وَ إِنْ أَقَامَ بَعْدَ مَا اِسْتَحْلَفَهُ بِاللَّهِ خَمْسِينَ قَسَامَةً مَا كَانَ لَهُ حَقٌّ فَإِنَّ اَلْيَمِينَ قَدْ أَبْطَلَتْ كُلَّ مَا اِدَّعَاهُ قَبْلَهُ مِمَّا قَدِ اِسْتَحْلَفَهُ عَلَيْهِ».

H.3340 - Abdullah bin Abi Ya'fur narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"If the claimant is satisfied with the oath of the defendant regarding his claim, and he requests the defendant to swear, and the defendant swears that there is no right due to the claimant upon him, then the oath nullifies the claimant's right, and he no longer has a claim."
I said: “What if the claimant has a just and valid proof?"
Imam {a.s} said: “Yes, even if he later presents fifty witnesses after having requested the defendant to swear by Allah {SWT}, he would have no right, for the oath has invalidated all previous claims for which he had requested the defendant to swear."

[REFERENCES] Al-Kafi, Vol.7 p.417 • Man La Yahduruhu Al-Faqih, Vol.3 p.61 • Tahdhib Al-Ahkam, Vol.6 p.231 • Awali Al-La’ali, Vol.3 p.521 • Al-Wafi, Vol.16 p.930 • Wasa’il Al-Shi’ah, Vol.27 p.244

HADITH

3341 - قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ حَلَفَ لَكُمْ بِاللَّهِ عَلَى حَقٍّ فَصَدِّقُوهُ وَ مَنْ سَأَلَكُمْ بِاللَّهِ فَأَعْطُوهُ ذَهَبَتِ اَلْيَمِينُ بِدَعْوَى اَلْمُدَّعِي وَ لاَ دَعْوَى لَهُ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ مَتَى جَاءَ الرَّجُلُ الَّذِي يَحْلِفُ عَلَى حَقٍّ تَائِباً وَ حَمَلَ مَا عَلَيْهِ مَعَ مَا رَبِحَ فِيهِ فَعَلَى صَاحِبِ الْحَقِّ أَنْ يَأْخُذَ مِنْهُ رَأْسَ الْمَالِ وَ نِصْفَ الرِّبْحِ وَ يَرُدَّ عَلَيْهِ نِصْفَ الرِّبْحِ لِأَنَّ هَذَا رَجُلٌ تَائِبٌ رَوَى ذَلِكَ مِسْمَعٌ أَبُو سَيَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ سَأَذْكُرُ الْحَدِيثَ بِلَفْظِهِ فِي هَذَا الْكِتَابِ فِي بَابِ الْوَدِيعَةِ إِنْ شَاءَ اللَّهُ تَعَالَى.

H.3341 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "Whoever swears to you by Allah {SWT} regarding a right, then believe him, and whoever asks you in the name of Allah {SWT}, then give him. The oath is for the claimant, and there is no claim for him without it."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented:
Whenever a man who had taken an oath on a right repents and returns what he owes, along with the profit he gained from it, the rightful owner should take back his principal amount and half of the profit, and return the other half of the profit to the repentant man, because he is a repentant person.
This was narrated by Misma' Abu Sayyar from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, and I will mention the full wording of this narration later in this book, in the chapter on deposits (al-wadi'ah), if Allah {SWT}, the Exalted, wills.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.62 • Al-Wafi, Vol.16 p.930 • Wasa'il Al-Shi'ah, Vol.27 p.245

CHAPTER 25 – CHAPTER ON JUDGING BY REVERSING THE OATH AND THE INVALIDATION OF THE RIGHT DUE TO REFUSAL

بَابُ الْحُكْمِ بِرَدِّ الْيَمِينِ وَ بُطْلَانِ الْحَقِّ بِالنُّكُولِ

HADITH 3342

3342 - رَوَى أَبَانٌ عَنْ جَمِيلٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا أَقَامَ اَلْمُدَّعِي اَلْبَيِّنَةَ فَلَيْسَ عَلَيْهِ يَمِينٌ وَ إِنْ لَمْ يُقِمِ اَلْبَيِّنَةَ فَرَدَّ عَلَيْهِ اَلَّذِي أُدُّعِيَ عَلَيْهِ اَلْيَمِينَ فَأَبَى فَلاَ حَقَّ لَهُ ».

H.3342 - Aban narrated from Jamil, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"If the claimant presents evidence, then no oath is required from him. However, if he does not present evidence and the defendant offers to take an oath, but the claimant refuses, then he has no right to his claim."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.63 • Wasa'il Al-Shi'ah, Vol.27 p.242

CHAPTER 26 – CHAPTER ON JUDGING BY ADMINISTERING AN OATH TO THE CLAIMANT AGAINST THE DECEASED AFTER PRESENTING EVIDENCE

بَابُ الْحُكْمِ بِالْيَمِينِ عَلَى الْمُدَّعِي عَلَى الْمَيِّتِ حَقّاً بَعْدَ إِقَامَةِ الْبَيِّنَةِ

HADITH 3343

3343 - رُوِيَ عَنْ يَاسِينَ اَلضَّرِيرِ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ قَالَ : قُلْتُ لِلشَّيْخِ يَعْنِي مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ أَخْبِرْنِي عَنِ اَلرَّجُلِ يَدَّعِي قِبَلَ اَلرَّجُلِ اَلْحَقَّ فَلاَ يَكُونُ لَهُ بَيِّنَةٌ بِمَا لَهُ قَالَ «فَيَمِينُ اَلْمُدَّعَى عَلَيْهِ فَإِنْ حَلَفَ فَلاَ حَقَّ لَهُ، وَ إِنْ رَدَّ اَلْيَمِينَ عَلَى اَلْمُدَّعِي فَلَمْ يَحْلِفْ فَلاَ حَقَّ لَهُ فَإِنْ كَانَ اَلْمَطْلُوبُ بِالْحَقِّ قَدْ مَاتَ وَ أُقِيمَتْ عَلَيْهِ اَلْبَيِّنَةُ فَعَلَى اَلْمُدَّعِي اَلْيَمِينُ بِاللَّهِ اَلَّذِي لاَ إِلَهَ إِلاَّ هُوَ لَقَدْ مَاتَ فُلاَنٌ وَ إِنَّ حَقَّهُ لَعَلَيْهِ فَإِنْ حَلَفَ وَ إِلاَّ فَلاَ حَقَّ لَهُ لِأَنَّا لاَ نَدْرِي لَعَلَّهُ قَدْ أَوْفَاهُ بِبَيِّنَةٍ لاَ نَعْلَمُ مَوْضِعَهُمْ أَوْ بِغَيْرِ بَيِّنَةٍ قَبْلَ اَلْمَوْتِ فَمِنْ ثَمَّ صَارَتْ عَلَيْهِ اَلْيَمِينُ مَعَ اَلْبَيِّنَةِ وَ إِنِ اِدَّعَى بِلاَ بَيِّنَةٍ فَلاَ حَقَّ لَهُ لِأَنَّ اَلْمُدَّعَى عَلَيْهِ لَيْسَ بِحَيٍّ وَ لَوْ كَانَ حَيّاً لَأَلْزَمَ اَلْيَمِينَ أَوِ اَلْحَقَّ أَوْ يَرُدُّ اَلْيَمِينَ فَمِنْ ثَمَّ لَمْ يَثْبُتْ لَهُ حَقٌّ».

H.3343 - It is narrated from Yasin Al-Dareer, from Abdul Rahman ibn Abi Abdullah, who said: I asked the Sheikh, meaning Imam Musa ibn Jafar Al-Kadhim {a.s}, "Inform me about a man who claims a right against another man but has no evidence to prove his claim."

Imam {a.s} said: "The defendant must take an oath. If he swears, then the claimant has no right. However, if the defendant refers the oath back to the claimant and the claimant refuses to swear, then he has no right either.

If the person against whom the claim is made has died and evidence is presented against him, the claimant must take an oath by Allah {SWT}, there is no God but He {SWT}, that the deceased owed him the claimed right. If he swears, the claim is valid; otherwise, he has no right.

This is because we do not know - perhaps the deceased settled the debt through evidence unknown to us or without evidence before his death.

Therefore, an oath along with the evidence is required. If the claimant makes a claim without evidence, he has no right because the defendant is not alive. Had the defendant been alive, he would have been required to either take an oath, acknowledge the claim, or refer the oath back. Hence, no right is established for the claimant."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.63

CHAPTER 27 – CHAPTER ON THE JUDGMENT REGARDING TWO CLAIMANTS EACH PRESENTING EVIDENCE THAT THE RIGHT BELONGS TO THEM

بَابُ حُكْمِ الْمُدَّعِيَيْنِ فِي حَقٍّ يُقِيمُ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيِّنَةَ عَلَى أَنَّهُ لَهُ

HADITH 3344 – 3345

3344 - رَوَى شُعَيْبٌ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ ذَكَرَ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ أَتَاهُ قَوْمٌ يَخْتَصِمُونَ فِي بَغْلَةٍ فَقَامَتِ اَلْبَيِّنَةُ لِهَؤُلاَءِ أَنَّهُمْ أَنْتَجُوهَا عَلَى مِذْوَدِهِمْ لَمْ يَبِيعُوا وَ لَمْ يَهَبُوا وَ قَامَتِ اَلْبَيِّنَةُ لِهَؤُلاَءِ أَنَّهُمْ أَنْتَجُوهَا عَلَى مِذْوَدِهِمْ لَمْ يَبِيعُوا وَ لَمْ يَهَبُوا فَقَضَى عَلَيْهِ اَلسَّلاَمُ بِهَا لِأَكْثَرِهِمْ بَيِّنَةً وَ اِسْتَحْلَفَهُمْ ».

H.3344 - It is narrated by Shu'ayb from Abu Basir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he mentioned: A group of people came to Commander of the Faithful Imam Ali ibn Abi Talib {a.s}, disputing ownership of a mule. Both parties presented evidence.
One group claimed that they had raised it at their feeding trough, had neither sold it nor gifted it, and provided witnesses to support their claim.
The other group also claimed that they had raised it at their feeding trough, had neither sold it nor gifted it, and provided their own witnesses.
Imam Ali ibn Abi Talib {a.s} ruled in favor of the group that had a greater number of witnesses and required them to take an oath to support their claim.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.64

HADITH

3345 - قَالَ أَبُو بَصِيرٍ : وَ سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَأْتِي اَلْقَوْمَ فَيَدَّعِي دَاراً فِي أَيْدِيهِمْ وَ يُقِيمُ اَلْبَيِّنَةَ وَ يُقِيمُ اَلَّذِي فِي يَدِهِ اَلدَّارُ اَلْبَيِّنَةَ أَنَّهَا وَرِثَهَا عَنْ أَبِيهِ وَ لاَ يَدْرِي كَيْفَ أَمْرُهَا فَقَالَ «أَكْثَرُهُمْ بَيِّنَةً يُسْتَحْلَفُ وَ تُدْفَعُ إِلَيْهِ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ لَوْ قَالَ الَّذِي فِي يَدِهِ الدَّارُ أَنَّهَا لِي وَ هِيَ مِلْكِي وَ أَقَامَ عَلَى ذَلِكَ بَيِّنَةً وَ أَقَامَ الْمُدَّعِي عَلَى دَعْوَاهُ بَيِّنَةً كَانَ الْحَقُّ أَنْ يُحْكَمَ بِهَا لِلْمُدَّعِي لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ إِنَّمَا أَوْجَبَ الْبَيِّنَةَ عَلَى الْمُدَّعِي وَ لَمْ يُوجِبْهَا عَلَى الْمُدَّعَى عَلَيْهِ وَ لَكِنَّ هَذَا الْمُدَّعَى عَلَيْهِ ذَكَرَ أَنَّهُ وَرِثَهَا عَنْ أَبِيهِ وَ لَا يَدْرِي كَيْفَ أَمْرُهَا فَلِهَذَا أَوْجَبَ الْحُكْمَ بِاسْتِحْلَافِ أَكْثَرِهِمْ بَيِّنَةً وَ دَفْعِ الدَّارِ إِلَيْهِ وَ لَوْ أَنَّ رَجُلًا ادَّعَى عَلَى رَجُلٍ عَقَاراً أَوْ حَيَوَاناً أَوْ غَيْرَهُ وَ أَقَامَ شَاهِدَيْنِ وَ أَقَامَ الَّذِي فِي يَدِهِ شَاهِدَيْنِ وَ اسْتَوَى الشُّهُودُ فِي الْعَدَالَةِ لَكَانَ الْحُكْمُ أَنْ يُخْرَجَ الشَّيْءُ مِنْ يَدَيْ مَالِكِهِ إِلَى الْمُدَّعِي لِأَنَّ الْبَيِّنَةَ عَلَيْهِ فَإِنْ لَمْ يَكُنِ الشَّيْءُ فِي يَدَيْ أَحَدٍ وَ ادَّعَى فِيهِ الْخَصْمَانِ جَمِيعاً فَكُلُّ مَنْ أَقَامَ الْبَيِّنَةَ فَهُوَ أَحَقُّ بِهِ فَإِنْ أَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيِّنَةَ فَإِنَّ أَحَقَّ الْمُدَّعِيَيْنِ مَنْ عُدِّلَ شَاهِدَاهُ فَإِنِ اسْتَوَى الشُّهُودُ فِي الْعَدَالَةِ فَأَكْثَرُهُمَا شُهُوداً يَحْلِفُ بِاللَّهِ وَ يُدْفَعُ إِلَيْهِ الشَّيْءُ هَكَذَا ذَكَرَهُ أَبِي رَضِيَ اللَّهُ عَنْهُ فِي رِسَالَتِهِ إِلَيَّ.

H.3345 - Abu Basir narrated that he asked Abu Abdullah {a.s}, about a man who comes to a group of people and claims ownership of a house in their possession. He provides evidence, and the one in possession of the house also provides evidence that he inherited it from his father but does not know its exact history.

Abu Abdullah {a.s}, replied: “The one with more evidence is required to take an oath, and the house is given to him."

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, commented: If the one in possession of the house claims it as his property and provides evidence, and the claimant also provides evidence for his claim, the correct ruling is that the house should be awarded to the claimant. This is because Allah {SWT}, the Exalted, has made it obligatory for the claimant to produce evidence, not for the one in possession.

However, in this case, the possessor stated that he inherited the house from his father and is unaware of its exact legal status. Therefore, the ruling requires the one with stronger evidence to take an oath and have the property awarded to him.

If a person claims real estate, an animal, or other property, and provides two witnesses, and the possessor also provides two witnesses of equal credibility, the ruling is that the property should be transferred from the possessor to the claimant because the evidence rests upon the claimant.

If the property is not in the possession of either party and both claim it, then the one who presents evidence is entitled to it. If both present evidence, the one whose witnesses are deemed more credible is entitled to it. If the witnesses are equally credible, then the one with more witnesses must take an oath, and the property is awarded to him.

This explanation was mentioned by my father, may Allah {SWT} be pleased with him, in his letter to me.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.65

CHAPTER 28 – CHAPTER ON JUDGMENT IN ALL CLAIMS

بَابُ الْحُكْمِ فِي جَمِيعِ الدَّعَاوِي

HADITH -

قَالَ أَبِي رَضِيَ اللَّهُ عَنْهُ فِي رِسَالَتِهِ إِلَيَّ اعْلَمْ يَا بُنَيَّ أَنَّ الْحُكْمَ فِي الدَّعَاوِي كُلِّهَا أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعِي وَ الْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ فَإِنْ نَكَلَ عَنِ الْيَمِينِ لَزِمَهُ الْحَقُّ فَإِنْ رَدَّ الْمُدَّعَى عَلَيْهِ الْيَمِينَ عَلَى الْمُدَّعِي إِذَا لَمْ يَكُنْ لِلْمُدَّعِي شَاهِدَانِ فَلَمْ يَحْلِفْ فَلَا حَقَّ لَهُ إِلَّا فِي الْحُدُودِ فَلَا يَمِينَ فِيهَا وَ فِي الدَّمِ فَإِنَّ الْبَيِّنَةَ عَلَى الْمُدَّعَى عَلَيْهِ وَ الْيَمِينَ عَلَى الْمُدَّعِي لِئَلَّا يَبْطُلَ دَمُ امْرِئٍ مُسْلِمٍ.

[AL SADUQ]

My father, may Allah {SWT} be pleased with him, stated in his letter to me:

Know, O my son, that the ruling concerning all claims is that the burden of proof (evidence) lies upon the claimant, and the oath is upon the defendant.

If the defendant refuses to take the oath, the right (claim) becomes binding upon him.

If the defendant refers the oath back to the claimant, in cases where the claimant does not have two witnesses, and the claimant refuses to swear, then he has no right to the claim.

However, in cases involving hudud (prescribed punishments), there is no oath, and in cases involving bloodshed (murder or bodily harm), the burden of proof lies upon the defendant, while the oath is upon the claimant - so that the life of a Muslim is not lost without justice.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.67

CHAPTER 29 – CHAPTER ON TESTIMONY AGAINST A WOMAN

بَابُ الشَّهَادَةِ عَلَى الْمَرْأَةِ

HADITH 3346 – 3347

3346 - رُوِيَ عَنْ عَلِيِّ بْنِ يَقْطِينٍ عَنْ أَبِي اَلْحَسَنِ اَلْأَوَّلِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِالشَّهَادَةِ عَلَى إِقْرَارِ اَلْمَرْأَةِ وَ لَيْسَتْ بِمُسْفِرَةٍ إِذَا عُرِفَتْ بِعَيْنِهَا أَوْ يَحْضُرُ مَنْ عَرَفَهَا ».

وَ لَا يَجُوزُ عِنْدَهُمْ أَنْ يَشْهَدَ الشُّهُودُ عَلَى إِقْرَارِهَا دُونَ أَنْ تُسْفِرَ فَيَنْظُرَ إِلَيْهَا.

H.3346 - It is narrated from Ali ibn Yaqtin, from Abu al-Hasan al-Awwal {a.s}, who said: "There is no issue with bearing witness to a woman's acknowledgment (confession) without her unveiling her face, as long as she is identified either by her specific features or in the presence of someone who recognizes her."

[AL SADUQ]

However, in their view, it is not permissible for witnesses to testify regarding her acknowledgment without her unveiling so that they may see her directly.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.67

HADITH

3347 - وَ كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ رَضِيَ اَللَّهُ عَنْهُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَرَادَ أَنْ يَشْهَدَ عَلَى اِمْرَأَةٍ لَيْسَ لَهَا بِمَحْرَمٍ هَلْ يَجُوزُ لَهُ أَنْ يَشْهَدَ عَلَيْهَا مِنْ وَرَاءِ اَلسِّتْرِ وَ يَسْمَعَ كَلاَمَهَا إِذَا شَهِدَ عَدْلاَنِ أَنَّهَا فُلاَنَةُ بِنْتُ فُلاَنٍ اَلَّتِي تُشْهِدُكَ وَ هَذَا كَلاَمُهَا أَوْ لاَ تَجُوزُ اَلشَّهَادَةُ عَلَيْهَا حَتَّى تَبْرُزَ وَ تُثْبِتَهَا بِعَيْنِهَا فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «تَتَنَقَّبُ وَ تَظْهَرُ لِلشُّهُودِ إِنْ شَاءَ اَللَّهُ».

وَ هَذَا التَّوْقِيعُ عِنْدِي بِخَطِّهِ ع.

H.3347 - It is narrated that Muhammad ibn al-Hasan al-Saffar (may Allah {SWT} be pleased with him) wrote to Abu Muhammad al-Hasan ibn Ali {a.s} regarding a man who wanted to testify about a woman who was not his mahram (unmarriageable relative). He asked: "Is it permissible for him to testify about her from behind a curtain while hearing her speech, provided that two just witnesses testify that she is indeed so-and-so, the daughter of so-and-so, who is calling you to bear witness and this is her voice? Or is it not permissible to testify about her until she uncovers her face and is identified by her appearance?"

The Imam {a.s} replied: "She should veil her face partially (wear a niqab) and appear before the witnesses, if Allah {SWT} wills."

[AL SADUQ]

This reply (tawqi') was documented in his handwriting {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.67 • Tahdhib Al-Ahkam, Vol.6 p.255 • Al-Istibsar, Vol.3 p.19 • Wasa'il Al-Shi'ah, Vol.27 p.401

CHAPTER 30 – CHAPTER ON INVALIDATING TESTIMONY REGARDING INJUSTICE, USURY, AND CONTRADICTION TO THE SUNNAH

بَابُ إِبْطَالِ الشَّهَادَةِ عَلَى الْجَنَفِ وَ الرِّبَا وَ خِلَافِ السُّنَّةِ

HADITH 3348 – 3350

3348 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «تَبْطُلُ اَلشَّهَادَةُ فِي اَلرِّبَا وَ اَلْجَنَفِ وَ إِذَا قَالَ اَلشُّهُودُ إِنَّا لاَ نَعْلَمُ خَلِّ سَبِيلَهُمْ وَ إِذَا عَلِمُوا عَزِّرْهُمْ».

H.3348 - It is narrated by Isma'il ibn Muslim from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father Imam Muhammad ibn Ali Al-Baqir {a.s} that he said:
"Testimonies are invalidated in cases of usury (riba) and bias (janaf). If the witnesses say, 'We do not know,' then release them. However, if they are found to have known, then they should be disciplined (ta'zir)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.68

HADITH

3349 - وَ فِي رِوَايَةِ عَبْدِ اَللَّهِ بْنِ مَيْمُونٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «جَاءَ رَجُلٌ مِنَ اَلْأَنْصَارِ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ يَا رَسُولَ اَللَّهِ أُحِبُّ أَنْ تَشْهَدَ لِي عَلَى نَخْلٍ نَحَلْتُهَا اِبْنِي قَالَ «مَا لَكَ وَلَدٌ سِوَاهُ» قَالَ نَعَمْ قَالَ «فَنَحَلْتَهُمْ كَمَا نَحَلْتَهُ» قَالَ لاَ قَالَ «فَإِنَّا مَعَاشِرَ اَلْأَنْبِيَاءِ لاَ نَشْهَدُ عَلَى اَلْجَنَفِ » ».

H.3349 - In a narration from Abdullah ibn Maymun from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father Imam Muhammad ibn Ali Al-Baqir {a.s}, it is stated:
"A man from the Ansar came to the Prophet (peace be upon him and his family) and said:
‘O Messenger of Allah {SWT}, I wish for you to bear witness for me regarding a palm grove that I have gifted to my son.'
The Prophet (peace be upon him and his family) asked: ‘Do you have any children besides him?' He replied: ‘Yes.'
The Prophet {saws} then asked: ‘Did you gift them as you gifted him?'
He said: ‘No.'
The Prophet (peace be upon him and his family) said: ‘Indeed, we, the community of Prophets, do not bear witness to bias (janaf).'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.69 • Al-Wafi, Vol.16 p.1039 • Wasa’il Al-Shi’ah, Vol.27 p.414

HADITH

3350 - وَ فِي رِوَايَةِ أَبِي اَلْحُسَيْنِ مُحَمَّدِ بْنِ جَعْفَرٍ اَلْأَسَدِيِّ رَضِيَ اَللَّهُ عَنْهُ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَشْهَدْ عَلَى مَنْ يُطَلِّقُ لِغَيْرِ اَلسُّنَّةِ».

H.3350 - In a narration from Abu al-Husayn Muhammad ibn Ja'far al-Asadi (may Allah {SWT} be pleased with him), Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Do not bear witness for one who divorces contrary to the Sunnah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.69 • Al-Wafi, Vol.16 p.1040 • Wasa'il Al-Shi'ah, Vol.27 p.414

CHAPTER 31 – CHAPTER ON TESTIMONY BASED ON TESTIMONY

بَابُ الشَّهَادَةِ عَلَى الشَّهَادَةِ

HADITH 3351 – 3358

3351 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا شَهِدَ رَجُلٌ عَلَى شَهَادَةِ رَجُلٍ فَإِنَّ شَهَادَتَهُ تُقْبَلُ وَ هِيَ نِصْفُ شَهَادَةٍ وَ إِنْ شَهِدَ رَجُلاَنِ عَدْلاَنِ عَلَى شَهَادَةِ رَجُلٍ فَقَدْ ثَبَتَ شَهَادَةُ رَجُلٍ وَاحِدٍ».

H.3351 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If a man testifies based on the testimony of another man, his testimony is accepted, and it counts as half a testimony. However, if two just men testify based on the testimony of one man, it is considered equivalent to the testimony of one man."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.69 • Al-Wafi, Vol.16 p.1017 • Wasa'il Al-Shi'ah, Vol.27 p.404 • Mustadrak Al-Wasa'il, Vol.17 p.442

HADITH

3352 - وَ رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَانَ لاَ يُجِيزُ شَهَادَةَ رَجُلٍ عَلَى شَهَادَةِ رَجُلٍ إِلاَّ شَهَادَةَ رَجُلَيْنِ عَلَى شَهَادَةِ رَجُلٍ».

H.3352 - Ghiyath ibn Ibrahim narrated from Imam Jafar Al-Sadiq {a.s} from his father Imam Al-Baqir {a.s}: "Indeed, Imam Ali {a.s} would not validate the testimony of one man based on the testimony of another man, except if there were two men testifying based on testimony of one man."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.70 • Tahdhib Al-Ahkam, Vol.6 p.255 • Al-Istibsar, Vol.3 p.21 • Al-Wafi, Vol.16 p.1017 • Al-Wafi, Vol.16 p.1017 • Wasa'il Al-Shi'ah, Vol.27 p.403 • Wasa'il Al-Shi'ah, Vol.27 p.403 • Al-Fusul Al-Muhimmah, Vol.2 p.509

HADITH

3353 - وَ رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ شَهِدَ عَلَى شَهَادَةِ رَجُلٍ فَجَاءَ اَلرَّجُلُ فَقَالَ إِنِّي لَمْ أُشْهِدْهُ قَالَ «تَجُوزُ شَهَادَةُ أَعْدَلِهِمَا وَ إِنْ كَانَتْ عَدَالَتُهُمَا وَاحِدَةً لَمْ تَجُزْ شَهَادَتُهُ ».

H.3353 - It is narrated from Abdullah ibn Sinan, from Abdurrahman ibn Abi Abdullah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who testified based on the testimony of another man, and then the original man said:
'I did not make him a witness,'
Imam {a.s} said: "The testimony of the more upright of the two is accepted, but if their uprightness is equal, then his testimony is not accepted."

[REFERENCES] Al-Kafi, Vol.7 p.399 • Al-Kafi, Vol.7 p.399 • Man La Yahduruhu Al-Faqih, Vol.3 p.70 • Tahdhib Al-Ahkam, Vol.6 p.256 • Awali Al-La'ali, Vol.3 p.543 • Al-Wafi, Vol.16 p.1018 • Wasa'il Al-Shi'ah, Vol.27 p.405 • Wasa'il Al-Shi'ah, Vol.27 p.405

HADITH

3354 - وَ سَأَلَ صَفْوَانُ بْنُ يَحْيَى أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ أَشْهَدَ أَجِيرَهُ عَلَى شَهَادَةٍ ثُمَّ فَارَقَهُ أَ تَجُوزُ شَهَادَتُهُ بَعْدَ أَنْ يُفَارِقَهُ قَالَ «نَعَمْ» قُلْتُ فَيَهُودِيٌّ أُشْهِدَ عَلَى شَهَادَةٍ ثُمَّ أَسْلَمَ أَ تَجُوزُ شَهَادَتُهُ قَالَ «نَعَمْ».

H.3354 - Safwan ibn Yahya asked Abu al-Hasan {a.s} about a man who made his employee a witness to a testimony and then separated from him, would his testimony be valid after their separation?
Imam {a.s} said: "Yes."
He further asked: What if a Jew was made a witness to a testimony and then embraced Islam, would his testimony be valid?
Imam {a.s} said: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.70 • Wasa'il Al-Shi'ah, Vol.27 p.387

HADITH

3355 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلذِّمِّيِّ وَ اَلْعَبْدِ يُشْهَدَانِ عَلَى شَهَادَةٍ ثُمَّ يُسْلِمُ اَلذِّمِّيُّ وَ يُعْتَقُ اَلْعَبْدُ أَ تَجُوزُ شَهَادَتُهُمَا عَلَى مَا كَانَا أُشْهِدَا عَلَيْهِ قَالَ «نَعَمْ إِذَا عُلِمَ مِنْهُمَا بَعْدَ ذَلِكَ خَيْرٌ جَازَتْ شَهَادَتُهُمَا ».

H.3355 - Al-Ala narrated from Muhammad ibn Muslim:
He said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a dhimmi (non-Muslim under Islamic protection) and a slave who bore witness to a testimony. Then the dhimmi embraced Islam and the slave was emancipated, would their testimony about what they were made witnesses to before be valid?
Imam {a.s} said: "Yes, if goodness is known from them afterward, the testimony is valid."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.70 • Al-Wafi, Vol.16 p.980 • Wasa'il Al-Shi'ah, Vol.27 p.387

HADITH

3356 - وَ رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَجُوزُ شَهَادَةٌ عَلَى شَهَادَةٍ فِي حَدٍّ وَ لاَ كَفَالَةٌ فِي حَدٍّ».

H.3356 - Ghiyath ibn Ibrahim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father Imam Muhammad ibn Ali Al-Baqir {a.s}:
Imam Ali ibn Abi Talib {a.s} said: "Testimony upon testimony is not valid in cases involving prescribed punishments (hudud), nor is sponsorship (kafalah) valid in cases involving prescribed punishments."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.70 • Tahdhib Al-Ahkam, Vol.6 p.256 • Al-Wafi, Vol.16 p.1019 • Wasa'il Al-Shi'ah, Vol.27 p.404

HADITH

3357 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنِ اَلْبَاقِرِ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي اَلشَّهَادَةِ عَلَى شَهَادَةِ اَلرَّجُلِ وَ هُوَ بِالْحَضْرَةِ فِي اَلْبَلَدِ قَالَ «نَعَمْ وَ لَوْ كَانَ خَلْفَ سَارِيَةٍ وَ يَجُوزُ ذَلِكَ إِذَا كَانَ لاَ يُمْكِنُهُ أَنْ يُقِيمَهَا لِعِلَّةٍ تَمْنَعُهُ مِنْ أَنْ يَحْضُرَ وَ يُقِيمَهَا فَلاَ بَأْسَ بِإِقَامَةِ اَلشَّهَادَةِ عَلَى شَهَادَتِهِ».

H.3357 - Muhammad ibn Muslim narrated from Al-Baqir, Abu Ja'far Imam Muhammad ibn Ali {a.s} regarding testimony upon the testimony of a man who is present in the town. Imam {a.s} said: "Yes, even if he is behind a column. It is permissible if he is unable to present it himself due to some excuse preventing him from attending and presenting it. In such a case, there is no harm in establishing testimony based on his testimony."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.71 • Tahdhib Al-Ahkam, Vol.6 p.256 • Al-Istibsar, Vol.3 p.20 • Al-Wafi, Vol.16 p.1020 • Wasa'il Al-Shi'ah, Vol.27 p.402

HADITH

3358 - وَ رَوَى عَمْرُو بْنُ جُمَيْعٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «أَشْهِدْ عَلَى شَهَادَتِكَ مَنْ يَنْصَحُكَ» قَالُوا أَصْلَحَكَ اَللَّهُ كَيْفَ يَزِيدُ وَ يَنْقُصُ قَالَ «لاَ وَ لَكِنْ مَنْ يَحْفَظُهَا عَلَيْكَ».

وَ لَا تَجُوزُ شَهَادَةٌ عَلَى شَهَادَةٍ عَلَى شَهَادَةٍ.

H.3358 - Amr ibn Jumay' narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
Imam {a.s} said: "Let someone trustworthy bear witness to your testimony."
They asked: 'May Allah {SWT} keep you well, how can it increase or decrease?'
Imam {a.s} replied: "No, but it should be someone who preserves it for you."
Imam {a.s} also said: "It is not permissible to testify upon a testimony that is based on another testimony."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.71 • Al-Wafi, Vol.16 p.1020 • Wasa'il Al-Shi'ah, Vol.27 p.404

CHAPTER 32 – CHAPTER ON PRECAUTION IN GIVING TESTIMONY

بَابُ الِاحْتِيَاطِ فِي إِقَامَةِ الشَّهَادَةِ

HADITH 3359 – 3361

3359 - رُوِيَ عَنْ عَلِيِّ بْنِ غُرَابٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَ قَالَ : «لاَ تَشْهَدَنَّ عَلَى شَهَادَةٍ حَتَّى تَعْرِفَهَا كَمَا تَعْرِفُ كَفَّكَ».

H.3359 - It is narrated from Ali ibn Ghurab, from Abu Abdillah {a.s}:
"Do not testify to a testimony until you know it as clearly as you know your own palm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.71 • Al-Fusul Al-Muhimmah, Vol.2 p.507

HADITH

3360 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ سُوَيْدٍ قَالَ : قُلْتُ لِأَبِي اَلْحَسَنِ اَلْمَاضِي عَلَيْهِ اَلسَّلاَمُ يُشْهِدُنِي هَؤُلاَءِ عَلَى إِخْوَانِي قَالَ «نَعَمْ أَقِمِ اَلشَّهَادَةَ لَهُمْ وَ إِنْ خِفْتَ عَلَى أَخِيكَ ضَرَراً ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ هَكَذَا وَجَدْتُهُ فِي نُسخَتِي وَ وَجَدْتُ فِي غَيْرِ نُسْخَتِي وَ إِنْ خِفْتَ عَلَى أَخِيكَ ضَرَراً فَلَا.وَ مَعْنَاهُمَا قَرِيبٌ وَ ذَلِكَ أَنَّهُ إِذَا كَانَ لِكَافِرٍ عَلَى مُؤْمِنٍ حَقٌّ وَ هُوَ مُوسِرٌ مَلِيءٌ بِهِ وَجَبَ إِقَامَةُ الشَّهَادَةِ عَلَيْهِ بِذَلِكَ وَ إِنْ كَانَ عَلَيْهِ ضَرَرٌ بِنَقْصِ مِنْ مَالِهِ وَ مَتَى كَانَ الْمُؤْمِنُ مُعْسِراً وَ عَلِمَ الشَّاهِدُ بِذَلِكَ فَلَا تَحِلُّ لَهُ إِقَامَةُ الشَّهَادَةِ عَلَيْهِ وَ إِدْخَالُ الضَّرَرِ عَلَيْهِ بِأَنْ يُحْبَسَ أَوْ يُخْرَجَ عَنْ مَسْقَطِ رَأْسِهِ أَوْ يُخْرَجَ خَادِمُهُ عَنْ مِلْكِهِ وَ هَكَذَا لَا يَجُوزُ لِلْمُؤْمِنِ أَنْ يُقِيمَ شَهَادَةً يُقْتَلُ بِهَا مُؤْمِنٌ بِكَافِرٍ وَ مَتَى كَانَ غَيْرُ ذَلِكَ فَيَجِبُ إِقَامَتُهَا عَلَيْهِ فَإِنَّ فِي صِفَاتِ الْمُؤْمِنِ أَلَّا يُخَدِّثَ أَمَانَتَهُ الْأَصْدِقَاءَ وَ لَا يَكْتُمَ شَهَادَةَ الْأَعْدَاءِ.

H.3360 - It is narrated from Ali ibn Suwayd: “I said to Abu al-Hasan al-Madhi {a.s} (Imam Musa ibn Jafar Al-Kadhim {a.s}): "These people call me to testify against my brothers." Imam {a.s} said: 'Yes, establish the testimony for them, even if you fear harm for your brother.'"

[AL SADUQ]
The compiler of this book said: This is how I found it in my copy, and in another copy, I found it stated: 'If you fear harm for your brother, then do not testify.' Both meanings are close in interpretation.
The explanation is that if a disbeliever has a right over a believer and the believer is wealthy and capable of fulfilling it, then it is obligatory to establish the testimony against him, even if it causes financial loss. However, if the believer is in financial distress and the witness knows this, then it is not permissible for him to establish the testimony that could harm the believer by leading to imprisonment, displacement from his home, or the loss of his servant.
Likewise, it is not permissible for a believer to provide testimony that would lead to the killing of a believer in favor of a disbeliever. However, if the situation is different, then the testimony must be established because one attributes of a believer is that he does not betray his trust, whether among friends or by concealing testimony from enemies.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.72 • Al-Wafi, Vol.16 p.1026

HADITH

3361 - وَ رُوِيَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ يُشْهِدُنِي عَلَى اَلشَّهَادَةِ فَأَعْرِفُ خَطِّي وَ خَاتَمِي وَ لاَ أَذْكُرُ مِنَ اَلْبَاقِي قَلِيلاً وَ لاَ كَثِيراً فَقَالَ «إِذَا كَانَ صَاحِبُكَ ثِقَةً وَ مَعَكَ رَجُلٌ ثِقَةٌ فَاشْهَدْ لَهُ».

وَ رُوِيَ «أَنَّهُ : لاَ تَكُونُ اَلشَّهَادَةُ إِلاَّ بِعِلْمِ مَنْ شَاءَ كَتَبَ كِتَاباً أَوْ نَقَشَ خَاتَماً ».

H.3361 - It is narrated from Umar ibn Yazid, who said:
I said to Abu Abdullah {a.s}: "A man calls me to testify, and I recognize my handwriting and my seal, but I do not remember anything else, whether little or much."
Imam {a.s} said: 'If your companion is trustworthy and you have another trustworthy man with you, then testify for him.'"

[AL SADUQ]

It is also narrated that: "Testimony cannot be established except with knowledge. Whoever wishes may write a document or engrave a seal."

[REFERENCES] Al-Kafi, Vol.7 p.382 • Man La Yahduruhu Al-Faqih, Vol.3 p.72 • Tahdhib Al-Ahkam, Vol.6 p.258 • Al-Istibsar, Vol.3 p.22 • Awali Al-La'ali, Vol.3 p.542 • Al-Wafi, Vol.16 p.1031 • Wasa'il Al-Shi'ah, Vol.27 p.321 • Al-Fusul Al-Muhimmah, Vol.1 p.585

CHAPTER 33 – CHAPTER ON THE TESTIMONY OF THE EXECUTOR FOR THE DECEASED WHO HAS A DEBT

بَابُ شَهَادَةِ الْوَصِيِّ لِلْمَيِّتِ وَ عَلَيْهِ دَيْنٌ

HADITH 3362

3362 - كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ رَضِيَ اَللَّهُ عَنْهُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : هَلْ تُقْبَلُ شَهَادَةُ اَلْوَصِيِّ لِلْمَيِّتِ بِدَيْنٍ لَهُ عَلَى رَجُلٍ مَعَ شَاهِدٍ آخَرَ عَدْلٍ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «إِذَا شَهِدَ مَعَهُ آخَرُ عَدْلٌ فَعَلَى اَلْمُدَّعِي يَمِينٌ» وَ كَتَبَ إِلَيْهِ أَ يَجُوزُ لِلْوَصِيِّ أَنْ يَشْهَدَ لِوَارِثِ اَلْمَيِّتِ صَغِيراً أَوْ كَبِيراً بِحَقٍّ لَهُ عَلَى اَلْمَيِّتِ أَوْ عَلَى غَيْرِهِ وَ هُوَ اَلْقَابِضُ لِلْوَارِثِ اَلصَّغِيرِ وَ لَيْسَ لِلْكَبِيرِ بِقَابِضٍ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «نَعَمْ وَ يَنْبَغِي لِلْوَصِيِّ أَنْ يَشْهَدَ بِالْحَقِّ وَ لاَ يَكْتُمَ شَهَادَتَهُ» وَ كَتَبَ إِلَيْهِ أَ وَ تُقْبَلُ شَهَادَةُ اَلْوَصِيِّ عَلَى اَلْمَيِّتِ بِدَيْنٍ مَعَ شَاهِدٍ آخَرَ عَدْلٍ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «نَعَمْ مِنْ بَعْدِ يَمِينٍ».

H.3362 - Muhammad ibn al-Hasan al-Saffar, may Allah {SWT} have mercy on him, wrote to Abu Muhammad al-Hasan ibn Ali {a.s}:
"Is the testimony of the executor (al-wasi) for the deceased regarding a debt owed to him by a man acceptable along with another just witness?"
Imam {a.s} replied: "If another just witness testifies with him, then the claimant must take an oath."
He also wrote to Imam {a.s}: "Is it permissible for the executor to testify for the heir of the deceased, whether young or old, regarding a right owed to him by the deceased or by another person, especially if he is the custodian of the young heir but not the custodian of the older one?"
Imam {a.s} replied: "Yes, the executor should testify truthfully and must not conceal his testimony."
Furthermore, he wrote to Imam {a.s}: "Is the testimony of the executor against the deceased regarding a debt, along with another just witness, acceptable?"
Imam {a.s} replied: "Yes, but only after an oath."

[REFERENCES] Al-Kafi, Vol.7 p.394 • Man La Yahduruhu Al-Faqih, Vol.3 p.73 • Tahdhib Al-Ahkam, Vol.6 p.247 • Al-Wafi, Vol.16 p.989 • Wasa'il Al-Shi'ah, Vol.27 p.371

CHAPTER 34 – CHAPTER ON THE PROHIBITION OF REVIVING RIGHTS THROUGH FALSE TESTIMONIES

بَابُ النَّهْيِ عَنْ إِحْيَاءِ الْحَقِّ بِشَهَادَاتِ الزُّورِ

HADITH 3363

3363 - سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ عَلَى اَلرَّجُلِ حَقٌّ فَيَجْحَدُ حَقَّهُ وَ يَحْلِفُ أَنْ لَيْسَ لَهُ عَلَيْهِ شَيْءٌ وَ لَيْسَ لِصَاحِبِ اَلْحَقِّ عَلَى حَقِّهِ بَيِّنَةٌ أَ يَجُوزُ لَهُ إِحْيَاءُ حَقِّهِ بِشَهَادَةِ اَلزُّورِ إِذَا خَشِيَ ذَهَابَ حَقِّهِ قَالَ «لاَ يَجُوزُ ذَلِكَ لِعِلَّةِ اَلتَّدْلِيسِ».

وَ هَذَا فِي رِوَايَةِ- يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع.

H.3363 - Abu Abdillah {a.s} was asked about a man who has a right over another man, but the latter denies his right and swears that he owes him nothing. The claimant has no evidence to support his claim. Is it permissible for him to revive his right through false testimony if he fears losing it?
Imam {a.s} replied: "It is not permissible due to the reason of deception."

[AL SADUQ]
This narration is reported by Yunus ibn Abd al-Rahman from some of his companions from Abu Abdillah {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.74

CHAPTER 35 – CHAPTER ON MISCELLANEOUS MATTERS RELATED TO TESTIMONIES

بَابُ نَوَادِرِ الشَّهَادَاتِ

HADITH 3364 – 3366

3364 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا دَفَنْتَ فِي اَلْأَرْضِ شَيْئاً فَأَشْهِدْ عَلَيْهَا فَإِنَّهَا لاَ تُؤَدِّي إِلَيْكَ شَيْئاً».

H.3364 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If you bury something in the ground, have witnesses for it, for the earth will not return anything to you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.74 • Al-Wafi, Vol.16 p.1124 • Wasa'il Al-Shi'ah, Vol.27 p.415

HADITH

3365 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «أَوَّلُ شَهَادَةٍ شُهِدَ بِهَا بِالزُّورِ فِي اَلْإِسْلاَمِ شَهَادَةُ سَبْعِينَ رَجُلاً حِينَ اِنْتَهَوْا إِلَى مَاءِ اَلْحَوْأَبِ فَنَبَحَتْهُمْ كِلاَبُهَا فَأَرَادَتْ صَاحِبَتُهُمُ اَلرُّجُوعَ وَ قَالَتْ سَمِعْتُ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَقُولُ لِأَزْوَاجِهِ «إِنَّ إِحْدَاكُنَّ تَنْبَحُهَا كِلاَبُ اَلْحَوْأَبِ ، فِي اَلتَّوَجُّهِ إِلَى قِتَالِ وَصِيِّي، عَلِيِّ بْنِ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ » فَشَهِدَ عِنْدَهَا سَبْعُونَ رَجُلاً أَنَّ ذَلِكَ لَيْسَ بِمَاءِ اَلْحَوْأَبِ فَكَانَتْ أَوَّلَ شَهَادَةٍ شُهِدَ بِهَا فِي اَلْإِسْلاَمِ بِالزُّورِ».

H.3365 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The first false testimony given in Islam was the testimony of seventy men when they reached the water of Haw'ab, and its dogs barked at them.
The woman among them intended to return and said: 'I heard the Messenger of Allah {SWT} (peace be upon him and his family) say to his wives: One of you will be barked at by the dogs of Haw'ab while heading to fight my successor, Ali ibn Abi Talib {a.s}.'
Then seventy men testified before her that it was not the water of Haw'ab. This was the first false testimony given in Islam."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.74 • Al-Wafi, Vol.16 p.1125 • Ithbat Al-Huda, Vol.1 p.278 • Bihar Al-Anwar, Vol.32 p.147 • Mustadrak Al-Wasa'il, Vol.17 p.448

HADITH

3366 - وَ قِيلَ لِلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ إِنَّ شَرِيكاً يَرُدُّ شَهَادَتَنَا فَقَالَ «لاَ تُذِلُّوا أَنْفُسَكُمْ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ لَيْسَ يُرِيدُ ع بِذَلِكَ النَّهْيَ عَنْ إِقَامَتِهَا لِأَنَّ إِقَامَةَ الشَّهَادَةِ وَاجِبَةٌ إِنَّمَا يَعْنِي بِهَا تَحَمُّلَهَا يَقُولُ لَا تَتَحَمَّلُوا الشَّهَادَاتِ فَتُذِلُّوا أَنْفُسَكُمْ بِإِقَامَتِهَا عِنْدَ مَنْ يَرُدُّهَا وَ قَدْ رُوِيَ عَنْ أَبِي كَهْمَسٍ أَنَّهُ قَالَ تَقَدَّمْتُ إِلَى شَرِيكٍ فِي شَهَادَةٍ لَزِمَتْنِي فَقَالَ لِي كَيْفَ أُجِيزُ شَهَادَتَكَ وَ أَنْتَ تُنْسَبُ إِلَى مَا تُنْسَبُ إِلَيْهِ قَالَ أَبُو كَهْمَسٍ فَقُلْتُ وَ مَا هُوَ قَالَ الرَّفْضُ قَالَ فَبَكَيْتُ ثُمَّ قُلْتُ نَسَبْتَنِي إِلَى قَوْمٍ أَخَافُ أَلَّا أَكُونَ مِنْهُمْ فَأَجَازَ شَهَادَتِي وَ قَدْ وَقَعَ مِثْلُ ذَلِكَ لِابْنِ أَبِي يَعْفُورٍ وَ لِفُضَيْلٍ سُكَّرَةَ.

H.3366 - It was said to Imam Jafar ibn Muhammad Al-Sadiq {a.s}, "Sharik rejects our testimony.".

Imam {a.s} replied: “Do not humiliate yourselves."

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, explained that Imam {a.s} did not intend to prohibit giving testimony, as bearing witness is obligatory.

Rather, he meant to avoid taking on testimonies that would lead to humiliation when presenting them to someone who would reject them.

It is narrated from Abu Kahmas that he said: I approached Sharik with a testimony I was obliged to present.

Sharik said to me, "How can I accept your testimony when you are associated with what you are associated with?"

Abu Kahmas said: “I asked: ‘What is that?'

He replied: ‘Rafd (i.e., being a Rafidi).'

I wept and said: ‘You have associated me with a group I fear I may not even be worthy of belonging to.'

Then Sharik accepted my testimony."

A similar incident occurred with Ibn Abi Ya'fur and Fudayl Sukkara.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.75 • Tahdhib Al-Ahkam, Vol.6 p.283 • Al-Wafi, Vol.16 p.1126 • Wasa’il Al-Shi’ah, Vol.27 p.412 • Wasa’il Al-Shi’ah, Vol.27 p.412

CHAPTER 36 – CHAPTER ON PRE-EMPTION

بَابُ الشُّفْعَةِ

HADITH 3367 – 3380

3367 - رَوَى طَلْحَةُ بْنُ زَيْدٍ عَنِ اَلصَّادِقِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ : «أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَضَى بِالشُّفْعَةِ مَا لَمْ تُوَرَّفْ يَعْنِي تُقْسَمْ ».

H.3367 - Talhah ibn Zayd narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon them:
"Indeed, the Messenger of Allah {SWT} (peace be upon him and his family) ruled in favor of preemption (shufah) as long as the property had not been inherited, meaning divided."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.76 • Al-Wafi, Vol.18 p.767 • Wasa'il Al-Shi'ah, Vol.25 p.398

HADITH

3368 - وَ رَوَى عُقْبَةُ بْنُ خَالِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِالشُّفْعَةِ بَيْنَ اَلشُّرَكَاءِ فِي اَلْأَرَضِينَ وَ اَلْمَسَاكِنِ وَ قَالَ «لاَ ضَرَرَ وَ لاَ إِضْرَارَ» ».

H.3368 - Uqbah ibn Khalid narrated from Abu Abdillah {a.s}:
"The Messenger of Allah {SWT} (peace be upon him and his family) ruled in favor of preemption (shufah) between partners in lands and houses, and He {saws} said: 'There is no harm and no harming (la darar wa la dirar).'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.76 • Awali Al-La'ali, Vol.1 p.309

HADITH

3369 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أُرِّفَتِ اَلْأَرَفُ وَ حُدَّتِ اَلْحُدُودُ فَلاَ شُفْعَةَ وَ لاَ شُفْعَةَ إِلاَّ لِشَرِيكٍ غَيْرِ مُقَاسِمٍ ».

H.3369 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"When the landmarks are established and the boundaries are defined, there is no preemption (shufah). And there is no preemption except for a partner who has not divided (the property)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.77

HADITH

3370 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اَلشُّفْعَةُ عَلَى عَدَدِ اَلرِّجَالِ».

H.3370 - Isma'il ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from Imam Muhammad ibn Ali Al-Baqir {a.s} who said that Imam Ali ibn Abi Talib {a.s} said: "The right of pre-emption is according to the number of men."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.77 • Man La Yahduruhu Al-Faqih, Vol.3 p.77 • Tahdhib Al-Ahkam, Vol.7 p.166 • Al-Istibsar, Vol.3 p.116 • Awali Al-La'ali, Vol.1 p.308 • Al-Wafi, Vol.18 p.772 • Wasa'il Al-Shi'ah, Vol.25 p.403 • Bihar Al-Anwar, Vol.101 p.257

HADITH

3371 - وَ- فِي رِوَايَةِ طَلْحَةَ بْنِ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ اَلشُّفْعَةُ عَلَى عَدَدِ اَلرِّجَالِ.

H.3371 - In the narration of Talhah ibn Zayd from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from Imam Muhammad ibn Ali Al-Baqir {a.s} who said that Imam Ali ibn Abi Talib {a.s} said:
"The right of pre-emption is according to the number of men."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.78

HADITH

3372 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لَيْسَ لِلْيَهُودِيِّ وَ اَلنَّصْرَانِيِّ شُفْعَةٌ وَ لاَ شُفْعَةَ إِلاَّ لِشَرِيكٍ غَيْرِ مُقَاسِمٍ».

H.3372 - Imam {a.s} said: "There is no preemption (shufah) for a Jew or a Christian, and preemption is only for a partner who has not yet divided."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.78

HADITH

3373 - وَ فِي رِوَايَةِ طَلْحَةَ بْنِ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اَلشُّفْعَةُ لاَ تُورَثُ».

H.3373 - In the narration of Talhah ibn Zayd from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from Imam Muhammad ibn Ali Al-Baqir {a.s} who said that Imam Ali ibn Abi Talib {a.s} said:
"Preemption (shufah) is not inherited."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.78 • Awali Al-La'ali, Vol.3 p.479 • Awali Al-La'ali, Vol.3 p.479 • Al-Wafi, Vol.18 p.776 • Bihar Al-Anwar, Vol.101 p.258 • Mustadrak Al-Wasa'il, Vol.17 p.105 • Mustadrak Al-Wasa'il, Vol.17 p.106

HADITH

3374 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ شُفْعَةَ فِي سَفِينَةٍ وَ لاَ فِي نَهَرٍ وَ لاَ فِي طَرِيقٍ وَ لاَ فِي رَحًى وَ لاَ فِي حَمَّامٍ».

H.3374 - In the narration of Al-Sakooni from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} from his forefathers from Imam Ali ibn Abi Talib {a.s}, who said that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"There is no preemption (shufah) in a ship, nor in a river, nor in a road, nor in a mill, nor in a bathhouse."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.78 • Al-Wafi, Vol.18 p.770 • Al-Fusul Al-Muhimmah, Vol.2 p.459

HADITH

3375 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «وَصِيُّ اَلْيَتِيمِ بِمَنْزِلَةِ أَبِيهِ يَأْخُذُ لَهُ اَلشُّفْعَةَ إِذَا كَانَتْ لَهُ رَغْبَةٌ» قَالَ عَلَيْهِ اَلسَّلاَمُ «لِلْغَائِبِ اَلشُّفْعَةُ».

H.3375 - Imam Ali ibn Abi Talib {a.s} said:
"The guardian of the orphan is in the position of his father; he takes the preemption (shufah) for him if he has a desire for it."
Imam Ali ibn Abi Talib {a.s} also said: "The absentee has the right of preemption (shufah)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.78

HADITH

3376 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «إِذَا وَقَعَتِ اَلسِّهَامُ اِرْتَفَعَتِ اَلشُّفْعَةُ».

H.3376 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said: "When the shares are divided, the right of preemption (shufah) is annulled."

[REFERENCES] Al-Kafi, Vol.5 p.280 • Man La Yahduruhu Al-Faqih, Vol.3 p.79 • Tahdhib Al-Ahkam, Vol.7 p.163 • Al-Wafi, Vol.18 p.766 • Wasa'il Al-Shi'ah, Vol.25 p.397

HADITH

3377 - وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلشُّفْعَةِ لِمَنْ هِيَ وَ فِي أَيِّ شَيْءٍ هِيَ وَ هَلْ تَكُونُ فِي اَلْحَيَوَانِ شُفْعَةٌ وَ كَيْفَ هِيَ قَالَ «اَلشُّفْعَةُ وَاجِبَةٌ فِي كُلِّ شَيْءٍ مِنْ حَيَوَانٍ أَوْ أَرْضٍ أَوْ مَتَاعٍ إِذَا كَانَ اَلشَّيْءُ بَيْنَ شَرِيكَيْنِ لاَ غَيْرِهِمَا فَبَاعَ أَحَدُهُمَا نَصِيبَهُ فَشَرِيكُهُ أَحَقُّ بِهِ مِنْ غَيْرِهِ فَإِنْ زَادَ عَلَى اَلاِثْنَيْنِ فَلاَ شُفْعَةَ لِأَحَدٍ مِنْهُمْ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي بِذَلِكَ الشُّفْعَةَ فِي الْحَيَوَانِ وَحْدَهُ فَأَمَّا فِي غَيْرِ الْحَيَوَانِ فَالشُّفْعَةُ وَاجِبَةٌ لِلشُّرَكَاءِ وَ إِنْ كَانُوا أَكْثَرَ مِنِ اثْنَيْنِ وَ تَصْدِيقُ ذَلِكَ مَا رَوَاهُ.

H.3377 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about preemption (shufah) - to whom it applies, in what cases it is valid, and whether it applies to animals.

Imam {a.s} replied: "Preemption is obligatory in everything - be it animals, land, or goods - if the property is shared between two partners and one of them sells his share. In such a case, his partner has more right to it than anyone else. However, if there are more than two partners, then none of them has a right to preemption."

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, clarified that this ruling applies specifically to animals. As for other forms of property, preemption remains obligatory for partners even if they are more than two, as supported by further narrations.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.79 • Awali Al-La'ali, Vol.1 p.308

HADITH

3378 - أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ : سَأَلْتُهُ عَنْ مَمْلُوكٍ بَيْنَ شُرَكَاءَ أَرَادَ أَحَدُهُمْ بَيْعَ نَصِيبِهِ قَالَ «يَبِيعُهُ» قَالَ قُلْتُ فَإِنَّهُمَا كَانَا اِثْنَيْنِ فَأَرَادَ أَحَدُهُمَا بَيْعَ نَصِيبِهِ فَلَمَّا أَقْدَمَ عَلَى اَلْبَيْعِ قَالَ لَهُ شَرِيكُهُ أَعْطِنِي قَالَ «هُوَ أَحَقُّ بِهِ» ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ «لاَ شُفْعَةَ فِي حَيَوَانٍ إِلاَّ أَنْ يَكُونَ اَلشَّرِيكُ فِيهِ وَاحِداً».

H.3378 - Ahmad ibn Muhammad ibn Abi Nasr narrated from Abdullah ibn Sinan who said: I asked Imam {a.s} about a slave owned jointly by partners, and one of them wanted to sell his share.

Imam {a.s} said: "He may sell it."

I then asked: "What if there were only two partners, and one of them wanted to sell his share, but when he proceeded with the sale, his partner said to him, 'Give it to me instead'?"

Imam {a.s} replied: "The partner has more right to it."

Then Imam {a.s} said: "There is no preemption (shufah) in animals except when there is only one partner involved."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.80 • Awali Al-La'ali, Vol.1 p.308 • Al-Wafi, Vol.18 p.772 • Wasa'il Al-Shi'ah, Vol.25 p.404

HADITH

3379 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِشْتَرَى دَاراً بِرَقِيقٍ وَ مَتَاعٍ وَ بَزٍّ وَ جَوْهَرٍ فَقَالَ «لَيْسَ لِأَحَدٍ فِيهَا شُفْعَةٌ».

وَ إِذَا كَانَتْ دَاراً فِيهَا دُورٌ وَ طَرِيقٌ أَرْبَابِهَا فِي عَرْصَةٍ وَاحِدَةٍ فَبَاعَ أَحَدُهُمْ داراً مِنْهَا مِنْ رَجُلٍ وَ طَلَبَ صَاحِبُ الدَّارِ الْأُخْرَى الشُّفْعَةَ فَإِنَّ لَهُ عَلَيْهِ الشُّفْعَةَ إِذَا لَمْ يَتَهَيَّأْ لَهُ أَنْ يُحَوِّلَ بَابَ الدَّارِ الَّتِي اشْتَرَاهَا إِلَى مَوْضِعٍ آخَرَ فَإِنْ كَانَ حَوَّلَ بَابَهَا فَلَا شُفْعَةَ لِأَحَدٍ عَلَيْهِ- وَ مَنْ طَلَبَ شُفْعَةً وَ زَعَمَ أَنَّ مَالَهُ غَيْرُ حَاضِرٍ وَ أَنَّهُ فِي بَلَدٍ آخَرَ انْتُظِرَ بِهِ مَسِيرَةَ الطَّرِيقِ فِي ذَهَابِهِ وَ رُجُوعِهِ وَ زِيَادَةَ ثَلَاثَةِ أَيَّامٍ فَإِنْ أَتَى بِالْمَالِ وَ إِلَّا فَلَا شُفْعَةَ لَهُ وَ إِذَا قَالَ طَالِبُ الشُّفْعَةِ لِلْمُشْتَرِي بَارَكَ اللَّهُ لَكَ فِيمَا اشْتَرَيْتَ أَوْ طَلَبَ مِنْهُ مُقَاسَمَةً فَلَا شُفْعَةَ لَهُ وَ كَانَ شَيْخُنَا مُحَمَّدُ بْنُ الْحَسَنِ رَضِيَ اللَّهُ عَنْهُ يَقُولُ لَيْسَ فِي الْمَوْهُوبِ وَ الْمُعَاوَضِ بِهِ شُفْعَةٌ إِنَّمَا الشُّفْعَةُ فِيمَا اشْتَرَيْتَ بِثَمَنٍ مَعْلُومٍ ذَهَبٍ أَوْ فِضَّةٍ وَ يَكُونُ غَيْرَ مَقْسُومٍ- وَ حَدِيثُ عَلِيِّ بْنِ رِئَابٍ يُؤَيِّدُ ذَلِكَ وَ إِذَا تَبَرَّأَ الرَّجُلُ إِلَى الرَّجُلِ مِنْ نَصِيبِهِ فِي دَارٍ أَوْ أَرْضٍ فَلَا شُفْعَةَ لِأَحَدٍ عَلَيْهِ وَ لَا قُوَّةَ إِلَّا بِاللَّهِ الْعَلِيِّ الْعَظِيمِ.

H.3379 - Al-Hasan ibn Mahbub narrated from Ali ibn Ri'ab from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}: Regarding a man who bought a house using slaves, goods, fabric, and jewels.

Imam {a.s} said: "There is no preemption (shufah) for anyone in this case."

[AL SADUQ]

And if there is a house that contains multiple units, and the owners share a common courtyard, and one of them sells his unit to another person, the owner of the other unit has the right of preemption, provided it is not possible for him to relocate the door of the purchased unit to another location. But if the door can be relocated, then there is no preemption for anyone.

Whoever claims the right of preemption but says that his money is in another town, he is to be given the time required to travel to and from that town, plus an additional three days. If he fails to produce the money, then he forfeits his right of preemption.

If the claimant of preemption says to the buyer, "May Allah {SWT} bless what you have purchased," or requests to divide the property with him, then he has no right of preemption.

Our Sheikh, Muhammad ibn Al-Hasan (may Allah {SWT} have mercy on him), used to say that there is no preemption in gifts or items exchanged; preemption applies only to purchases made with a specified price, whether gold or silver, and when the property is undivided.

The narration of Ali ibn Ri'ab supports this.

And if a man relinquishes his share of a house or land to another person, then no one else has the right of preemption against him. And there is no power except with Allah {SWT}, the Most High, the Most Great.

[REFERENCES] Qurb Al-Isnad, Vol.1 p.165 • Man La Yahduruhu Al-Faqih, Vol.3 p.80 • Tahdhib Al-Ahkam, Vol.7 p.167 • Al-Wafi, Vol.18 p.774 • Wasa'il Al-Shi'ah, Vol.25 p.406 • Bihar Al-Anwar, Vol.101 p.256

HADITH

3380 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً عَلَى بَيْتٍ فِي دَارٍ لَهُ وَ لَهُ فِي تِلْكَ اَلدَّارِ شُرَكَاءُ قَالَ «جَائِزٌ لَهُ وَ لَهَا وَ لاَ شُفْعَةَ لِأَحَدٍ مِنَ اَلشُّرَكَاءِ عَلَيْهَا».

H.3380 - Al-Hasan ibn Mahbub narrated from Malik ibn Atiyyah from Abu Basir from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}: I asked him about a man who married a woman with the condition of giving her a house in his property, and he had partners in that property.
Imam {a.s} said: "It is permissible for him and her, and none of the partners have any right of preemption (shufah) against her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.83 • Risalat Fi Al-Mahr, Vol.1 p.25 • Tahdhib Al-Ahkam, Vol.7 p.167 • Tahdhib Al-Ahkam, Vol.7 p.483 • Al-Wafi, Vol.18 p.776 • Wasa'il Al-Shi'ah, Vol.25 p.407 • Mustadrak Al-Wasa'il, Vol.15 p.99

CHAPTER 37 – CHAPTER ON AGENCY

بَابُ الْوَكَالَةِ

HADITH 3381 – 3387

3381 - رَوَى جَابِرُ بْنُ يَزِيدَ وَ مُعَاوِيَةُ بْنُ وَهْبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «مَنْ وَكَّلَ رَجُلاً عَلَى إِمْضَاءِ أَمْرٍ مِنَ اَلْأُمُورِ فَالْوَكَالَةُ ثَابِتَةٌ أَبَداً حَتَّى يُعْلِمَهُ بِالْخُرُوجِ مِنْهَا، كَمَا أَعْلَمَهُ بِالدُّخُولِ فِيهَا ».

H.3381 - Jabir ibn Yazid and Mu'awiyah ibn Wahb narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that Imam {a.s} said: "Whoever appoints a man as an agent to execute a matter, the agency remains valid permanently until he informs him of its termination, just as he informed him of its initiation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.83 • Tahdhib Al-Ahkam, Vol.6 p.213 • Awali Al-La'ali, Vol.3 p.258 • Al-Wafi, Vol.18 p.959 • Wasa'il Al-Shi'ah, Vol.19 p.161 • Al-Fusul Al-Muhimmah, Vol.2 p.303

HADITH

3382 - وَ رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ مُسْكَانَ عَنْ أَبِي هِلاَلٍ اَلرَّازِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ وَكَّلَ رَجُلاً بِطَلاَقِ اِمْرَأَتِهِ إِذَا حَاضَتْ وَ طَهُرَتْ وَ خَرَجَ اَلرَّجُلُ فَبَدَا لَهُ فَأَشْهَدَ أَنَّهُ قَدْ أَبْطَلَ مَا كَانَ أَمَرَهُ بِهِ وَ أَنَّهُ قَدْ بَدَا لَهُ فِي ذَلِكَ قَالَ «فَلْيُعْلِمْ أَهْلَهُ وَ لْيُعْلِمِ اَلْوَكِيلَ ».

H.3382 - It is narrated from Abdullah ibn Muskan, from Abu Hilal Al-Razi, who said:
I asked Abu Abdullah {a.s} about a man who appointed another man as an agent to divorce his wife after she menstruates and becomes pure, but later the man changed his mind and testified that he had revoked what he had commanded and reconsidered the matter.
Imam {a.s} said: "He should inform his wife and inform the agent."

[REFERENCES] Al-Kafi, Vol.6 p.129 • Man La Yahduruhu Al-Faqih, Vol.3 p.83 • Tahdhib Al-Ahkam, Vol.6 p.214 • Tahdhib Al-Ahkam, Vol.8 p.39 • Al-Istibsar, Vol.3 p.278 • Al-Wafi, Vol.23 p.1124 • Wasa'il Al-Shi'ah, Vol.19 p.164 • Wasa'il Al-Shi'ah, Vol.22 p.89

HADITH

3383 - وَ رُوِيَ عَنْ عَلاَءِ بْنِ سَيَابَةَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اِمْرَأَةٍ وَكَّلَتْ رَجُلاً بِأَنْ يُزَوِّجَهَا مِنْ رَجُلٍ فَقَبِلَ اَلْوَكَالَةَ فَأَشْهَدَتْ لَهُ بِذَلِكَ فَذَهَبَ اَلْوَكِيلُ فَزَوَّجَهَا ثُمَّ إِنَّهَا أَنْكَرَتْ ذَلِكَ اَلْوَكِيلَ وَ زَعَمَتْ أَنَّهَا عَزَلَتْهُ عَنِ اَلْوَكَالَةِ فَأَقَامَتْ شَاهِدَيْنِ أَنَّهَا عَزَلَتْهُ فَقَالَ «مَا يَقُولُ مَنْ قِبَلَكُمْ فِي ذَلِكَ» قَالَ قُلْتُ يَقُولُونَ يُنْظَرُ فِي ذَلِكَ فَإِنْ كَانَتْ عَزَلَتْهُ قَبْلَ أَنْ يُزَوِّجَ فَالْوَكَالَةُ بَاطِلَةٌ وَ اَلتَّزْوِيجُ بَاطِلٌ وَ إِنْ عَزَلَتْهُ وَ قَدْ زَوَّجَهَا فَالتَّزْوِيجُ ثَابِتٌ عَلَى مَا زَوَّجَ اَلْوَكِيلُ وَ عَلَى مَا اِتَّفَقَ مَعَهَا مِنَ اَلْوَكَالَةِ إِذَا لَمْ يَتَعَدَّ شَيْئاً مِمَّا أَمَرَتْ بِهِ وَ اِشْتَرَطَتْ عَلَيْهِ فِي اَلْوَكَالَةِ قَالَ ثُمَّ قَالَ «يَعْزِلُونَ اَلْوَكِيلَ عَنْ وَكَالَتِهَا وَ لَمْ تُعْلِمْهُ بِالْعَزْلِ» فَقُلْتُ نَعَمْ يَزْعُمُونَ أَنَّهَا لَوْ وَكَّلَتْ رَجُلاً وَ أَشْهَدَتْ فِي اَلْمَلاَ وَ قَالَتْ فِي اَلْمَلاَ اِشْهَدُوا أَنِّي قَدْ عَزَلْتُهُ وَ أَبْطَلْتُ وَكَالَتَهُ بِلاَ أَنْ يَعْلَمَ بِالْعَزْلِ وَ يَنْقُضُونَ جَمِيعَ مَا فَعَلَ اَلْوَكِيلُ فِي اَلنِّكَاحِ خَاصَّةً وَ فِي غَيْرِهِ لاَ يُبْطِلُونَ اَلْوَكَالَةَ إِلاَّ أَنْ يَعْلَمَ اَلْوَكِيلُ بِالْعَزْلِ وَ يَقُولُونَ اَلْمَالُ مِنْهُ عِوَضٌ لِصَاحِبِهِ وَ اَلْفَرْجُ لَيْسَ مِنْهُ عِوَضٌ إِذَا وَقَعَ مِنْهُ وَلَدٌ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «سُبْحَانَ اَللَّهِ مَا أَجْوَرَ هَذَا اَلْحُكْمَ وَ أَفْسَدَهُ إِنَّ اَلنِّكَاحَ أَحْرَى وَ أَحْرَى أَنْ يُحْتَاطَ فِيهِ وَ هُوَ فَرْجٌ وَ مِنْهُ يَكُونُ اَلْوَلَدُ إِنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ أَتَتْهُ اِمْرَأَةٌ اِسْتَعْدَتْهُ عَلَى أَخِيهَا فَقَالَتْ يَا أَمِيرَ اَلْمُؤْمِنِينَ وَكَّلْتُ أَخِي هَذَا بِأَنْ يُزَوِّجَنِي رَجُلاً وَ أَشْهَدْتُ لَهُ ثُمَّ عَزَلْتُهُ مِنْ سَاعَتِهِ تِلْكَ فَذَهَبَ فَزَوَّجَنِي وَ لِي بَيِّنَةٌ أَنِّي عَزَلْتُهُ قَبْلَ أَنْ يُزَوِّجَنِي فَأَقَامَتِ اَلْبَيِّنَةَ فَقَالَ اَلْأَخُ يَا أَمِيرَ اَلْمُؤْمِنِينَ إِنَّهَا وَكَّلَتْنِي وَ لَمْ تُعْلِمْنِي أَنَّهَا عَزَلَتْنِي عَنِ اَلْوَكَالَةِ حَتَّى زَوَّجْتُهَا كَمَا أَمَرَتْنِي فَقَالَ لَهَا «مَا تَقُولِينَ» قَالَتْ قَدْ أَعْلَمْتُهُ يَا أَمِيرَ اَلْمُؤْمِنِينَ فَقَالَ لَهَا «أَ لَكِ بَيِّنَةٌ بِذَلِكِ» فَقَالَتْ هَؤُلاَءِ شُهُودِي يَشْهَدُونَ قَالَ لَهُمْ «مَا تَقُولُونَ» قَالُوا نَشْهَدُ أَنَّهَا قَالَتْ اِشْهَدُوا أَنِّي قَدْ عَزَلْتُ أَخِي فُلاَناً عَنِ اَلْوَكَالَةِ بِتَزْوِيجِي فُلاَناً وَ أَنِّي مَالِكَةٌ لِأَمْرِي قَبْلَ أَنْ يُزَوِّجَنِي فُلاَناً فَقَالَ «أَشْهَدَتْكُمْ عَلَى ذَلِكَ بِعِلْمٍ مِنْهُ وَ مَحْضَرٍ» قَالُوا لاَ قَالَ «فَتَشْهَدُونَ أَنَّهَا أَعْلَمَتْهُ اَلْعَزْلَ كَمَا أَعْلَمَتْهُ اَلْوَكَالَةَ» قَالُوا لاَ قَالَ «أَرَى اَلْوَكَالَةَ ثَابِتَةً وَ اَلنِّكَاحَ وَاقِعاً أَيْنَ اَلزَّوْجُ» فَجَاءَ فَقَالَ «خُذْ بِيَدِهَا بَارَكَ اَللَّهُ لَكَ فِيهَا» قَالَتْ يَا أَمِيرَ اَلْمُؤْمِنِينَ أَحْلِفُهُ أَنِّي لَمْ أُعْلِمْهُ اَلْعَزْلَ وَ أَنَّهُ لَمْ يَعْلَمْ بِعَزْلِي إِيَّاهُ قَبْلَ اَلنِّكَاحِ فَقَالَ «وَ تَحْلِفُ » قَالَ نَعَمْ يَا أَمِيرَ اَلْمُؤْمِنِينَ فَحَلَفَ وَ أَثْبَتَ وَكَالَتَهُ وَ أَجَازَ اَلنِّكَاحَ».

H.3383 - It is narrated from Alaa ibn Sayabah who said: I asked Abu Abdullah {a.s} about a woman who appointed a man as her agent to marry her to a man. The agent accepted the agency, and she testified to that in front of witnesses.

The agent then proceeded and performed the marriage, but afterward, the woman denied the agent's authority and claimed that she had dismissed him from the agency. She produced two witnesses who testified that she had dismissed him.

Imam {a.s} said: "What do the people around you say about this matter?"

I said: "They say that if she dismissed him before he performed the marriage, then the agency is void and the marriage is invalid. However, if she dismissed him after he had already performed the marriage, then the marriage stands valid based on what the agent agreed upon with her and according to the conditions she specified in the agency, provided he did not exceed what she instructed."

Then Imam {a.s} said: "Do they dismiss the agent from the agency without informing him of the dismissal?"

I said: “Yes, they claim that if she appointed a man as an agent and testified in public, saying, 'Bear witness that I have dismissed him and revoked his agency,' without informing the agent directly of the dismissal, they annul all the agent’s actions in marriage specifically. However, in other matters, they do not invalidate the agency unless the agent is informed of the dismissal. They argue that wealth can be returned to its owner as compensation, but the private parts cannot be compensated if a child results from the union."

Imam {a.s} said: "Glory be to Allah {SWT}! How unjust is this ruling!" Marriage is even more deserving of caution, as it involves intimacy and the potential for offspring. Indeed, when a woman approached Commander of the Faithful {a.s} seeking justice against her brother, she said: O Commander of the Faithful, I appointed my brother as my agent to marry me to a man, and I testified to that. Then, I immediately dismissed him from the agency. However, he went ahead and married me, and I have witnesses that I dismissed him before the marriage. She presented her witnesses, but the brother said: O Commander of the Faithful, she appointed me as her agent, and she did not inform me that she had dismissed me before I performed the marriage as she instructed.

Imam Ali ibn Abi Talib {a.s} asked her: What do you say?

She replied: I informed him, O Commander of the Faithful.

Imam Ali ibn Abi Talib {a.s} then asked her: Do you have evidence for this?

She replied: These are my witnesses who testify.

Imam Ali ibn Abi Talib {a.s} turned to the witnesses and asked: What do you say?

They said: We testify that she said: ‘Bear witness that I have dismissed my brother from acting as my agent to marry me to such-and-such, and that I have control over my affairs before he married me.'

Imam Ali ibn Abi Talib {a.s} asked: Did she testify to this in his presence and with his knowledge? They replied: No.

Imam Ali ibn Abi Talib {a.s} then asked: Do you testify that she informed him of the dismissal, just as she had informed him of the agency?

They replied: No.

Imam Ali ibn Abi Talib {a.s} said: I find the agency valid and the marriage effective. Where is the husband?

The husband came forward, and the Imam Ali ibn Abi Talib {a.s} said: Take her by the hand - may Allah {SWT} bless her for you.

The woman said: O Commander of the Faithful, make him swear that I did not inform him of the dismissal and that he did not know of my dismissal before the marriage.

Imam Ali ibn Abi Talib {a.s} said: Will you swear?

The brother replied: Yes, O Commander of the Faithful.

He then took the oath, and the Imam Ali ibn Abi Talib {a.s} upheld his agency and validated the marriage.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.84 • Tahdhib Al-Ahkam, Vol.6 p.214 • Al-Wafi, Vol.18 p.960 • Wasa’il Al-Shi’ah, Vol.19 p.163

HADITH

3384 - وَ رُوِيَ عَنْ دَاوُدَ بْنِ اَلْحُصَيْنِ عَنْ عُمَرَ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِآخَرَ اُخْطُبْ لِي فُلاَنَةَ فَمَا فَعَلْتَ شَيْئاً مِمَّا قَاوَلْتَ مِنْ صَدَاقٍ أَوْ ضَمِنْتَ مِنْ شَيْءٍ أَوْ شَرَطْتَ فَذَلِكَ لِي رِضًا وَ هُوَ لاَزِمٌ لِي وَ لَمْ يُشْهِدْ عَلَى ذَلِكَ فَذَهَبَ فَخَطَبَ لَهُ وَ بَذَلَ عَنْهُ اَلصَّدَاقَ وَ غَيْرَ ذَلِكَ مِمَّا طَالَبُوهُ وَ سَأَلُوهُ فَلَمَّا رَجَعَ أَنْكَرَ ذَلِكَ كُلَّهُ قَالَ «يُغَرَّمُ لَهَا نِصْفَ اَلصَّدَاقِ عَنْهُ وَ ذَلِكَ أَنَّهُ هُوَ اَلَّذِي ضَيَّعَ حَقَّهَا فَلَمَّا لَمْ يُشْهِدْ لَهَا عَلَيْهِ بِذَلِكَ اَلَّذِي قَالَ لَهُ حَلَّ لَهَا أَنْ تَتَزَوَّجَ وَ لاَ تَحِلُّ لِلْأَوَّلِ فِيمَا بَيْنَهُ وَ بَيْنَ اَللَّهِ عَزَّ وَ جَلَّ إِلاَّ أَنْ يُطَلِّقَهَا لِأَنَّ اَللَّهَ تَعَالَى يَقُولُ: ۝ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ ۝ فَإِنْ لَمْ يَفْعَلْ فَإِنَّهُ مَأْثُومٌ فِيمَا بَيْنَهُ وَ بَيْنَ اَللَّهِ عَزَّ وَ جَلَّ وَ كَانَ اَلْحُكْمُ اَلظَّاهِرُ حُكْمَ اَلْإِسْلاَمِ وَ قَدْ أَبَاحَ اَللَّهُ عَزَّ وَ جَلَّ لَهَا أَنْ تَتَزَوَّجَ».

H.3384 - It is narrated from Dawood ibn Al-Husayn, from Umar ibn Hanzalah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
I asked him about a man who said to another, "Propose marriage to so-and-so on my behalf, and whatever you negotiate regarding the dowry, guarantee, or conditions will be binding on me and accepted."
However, he did not bring witnesses for this agreement. The second man went ahead, proposed marriage, and committed to the dowry and other demands they requested. When he returned, the first man denied all of it.
Imam {a.s} said: "He must pay half of the dowry on his behalf, as it was he who neglected her right by failing to have witnesses for the agreement he made. Thus, it becomes permissible for her to marry someone else, and the first man is not allowed to take her back unless he formally divorces her. This is because Allah {SWT} the Exalted says: *'Retention in kindness or release in fairness'* (Surah Al-Baqarah 2:229). If he does not do so, then he is sinful before Allah {SWT} the Almighty. However, the apparent ruling under Islamic law allows her to marry someone else, as Allah {SWT} has made it permissible for her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.85 • Tahdhib Al-Ahkam, Vol.6 p.213 • Al-Wafi, Vol.22 p.677 • Wasa'il Al-Shi'ah, Vol.19 p.165 • Tafsir Nur Al-Thaqalayn, Vol.1 p.222

HADITH

3385 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ وَكَّلَ آخَرَ عَلَى وَكَالَةٍ فِي أَمْرٍ مِنَ اَلْأُمُورِ وَ أَشْهَدَ لَهُ بِذَلِكَ شَاهِدَيْنِ فَقَامَ اَلْوَكِيلُ فَخَرَجَ لِإِمْضَاءِ اَلْأَمْرِ فَقَالَ اِشْهَدُوا أَنِّي قَدْ عَزَلْتُ فُلاَناً عَنِ اَلْوَكَالَةِ فَقَالَ «إِنْ كَانَ اَلْوَكِيلُ أَمْضَى اَلْأَمْرَ اَلَّذِي وُكِّلَ عَلَيْهِ قَبْلَ أَنْ يُعْزَلَ عَنِ اَلْوَكَالَةِ فَإِنَّ اَلْأَمْرَ وَاقِعٌ مَاضٍ عَلَى مَا أَمْضَاهُ اَلْوَكِيلُ كَرِهَ اَلْمُوَكِّلُ أَمْ رَضِيَ» قُلْتُ فَإِنَّ اَلْوَكِيلَ أَمْضَى اَلْأَمْرَ قَبْلَ أَنْ يَعْلَمَ بِالْعَزْلِ أَوْ يَبْلُغَهُ أَنَّهُ قَدْ عُزِلَ عَنِ اَلْوَكَالَةِ فَالْأَمْرُ عَلَى مَا أَمْضَاهُ قَالَ «نَعَمْ» قُلْتُ فَإِنْ بَلَغَهُ اَلْعَزْلُ قَبْلَ أَنْ يُمْضِيَ اَلْأَمْرَ ثُمَّ ذَهَبَ حَتَّى أَمْضَاهُ لَمْ يَكُنْ ذَلِكَ بِشَيْءٍ قَالَ «نَعَمْ إِنَّ اَلْوَكِيلَ إِذَا وُكِّلَ ثُمَّ قَامَ عَنِ اَلْمَجْلِسِ فَأَمْرُهُ مَاضٍ أَبَداً وَ اَلْوَكَالَةُ ثَابِتَةٌ حَتَّى يَبْلُغَهُ اَلْعَزْلُ عَنِ اَلْوَكَالَةِ بِثِقَةٍ يُبَلِّغُهُ أَوْ يُشَافَهَ بِالْعَزْلِ عَنِ اَلْوَكَالَةِ».

H.3385 - It is narrated from Muhammad ibn Abi Umayr, from Hisham ibn Salim, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} :
Regarding a man who appointed another as his agent (wakil) for a matter and had two witnesses testify to the appointment, the agent then proceeded to act upon the matter. Meanwhile, the principal declared, "Witness that I have dismissed so-and-so from the agency."
Imam {a.s} said: "If the agent had executed the matter before being dismissed from the agency, then the action remains valid and binding, whether the principal is pleased with it or not."
I asked: "What if the agent completed the action before learning of the dismissal or being informed that he had been removed from the agency?"
Imam {a.s} replied: "Yes, the action stands as valid."
I then asked: "What if the agent received notice of dismissal before carrying out the matter, but proceeded with it anyway?"
Imam {a.s} said: "Then the action is invalid."
Imam {a.s} added: "An agent, once appointed, retains authority as long as he is not informed of the dismissal by a trustworthy source or directly notified in person of the termination of the agency."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.86 • Tahdhib Al-Ahkam, Vol.6 p.213 • Al-Wafi, Vol.18 p.959 • Wasa'il Al-Shi'ah, Vol.19 p.162

HADITH

3386 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي رَجُلٍ وَلَّتْهُ اِمْرَأَةٌ أَمْرَهَا إِمَّا ذَاتُ قَرَابَةٍ أَوْ جَارَةٌ لَهُ لاَ يَعْلَمُ دَخِيلَةَ أَمْرِهَا فَوَجَدَهَا قَدْ دَلَّسَتْ عَيْباً هُوَ بِهَا قَالَ «يُؤْخَذُ اَلْمَهْرُ مِنْهَا وَ لاَ يَكُونُ عَلَى اَلَّذِي زَوَّجَهَا شَيْءٌ» وَ قَالَ فِي اِمْرَأَةٍ وَلَّتْ أَمْرَهَا رَجُلاً فَقَالَتْ زَوِّجْنِي فُلاَناً قَالَ لاَ زَوَّجْتُكِ حَتَّى تُشْهِدِي بِأَنَّ أَمْرَكِ بِيَدِي فَأَشْهَدَتْ لَهُ فَقَالَ عِنْدَ اَلتَّزْوِيجِ لِلَّذِي يَخْطُبُهَا يَا فُلاَنُ عَلَيْكَ كَذَا وَ كَذَا قَالَ نَعَمْ فَقَالَ هُوَ لِلْقَوْمِ اِشْهَدُوا أَنَّ ذَلِكَ لَهَا عِنْدِي وَ قَدْ زَوَّجْتُهَا مِنْ نَفْسِي فَقَالَتِ اَلْمَرْأَةُ مَا كُنْتُ أَتَزَوَّجُكَ وَ لاَ كَرَامَةَ وَ لاَ أَمْرِي إِلاَّ بِيَدِي وَ مَا وَلَّيْتُكَ أَمْرِي إِلاَّ حَيَاءً مِنَ اَلْكَلاَمِ قَالَ «تُنْزَعُ مِنْهُ وَ يُوجَعُ رَأْسُهُ».

H.3386 - It is narrated from Hammad, from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:

Regarding a man to whom a woman entrusted her affairs - whether she was a relative or a neighbor - and he did not know her internal situation, and later discovered that she had concealed a defect:

Imam {a.s} said: "The dowry is to be taken from her, and the man who married her is not held liable."

He also said regarding a woman who entrusted her affairs to a man and said: “Marry me to so-and-so."

The man replied: “I will not marry you until you testify that your affair is in my hands."

She testified to this, and during the marriage contract, the man said to the suitor, "O so-and-so, upon you is such-and-such (as a condition)."

The suitor replied: “Yes."

The man then said to the witnesses, "Bear witness that this is due to her from me, and I have married her to myself."

The woman then declared, "I never intended to marry you, nor do I accept such a marriage. My affair is in my own hands, and I only entrusted you out of modesty in speaking."

Imam {a.s} said: "She is to be separated from him, and he is to be disciplined for his conduct."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.87 • Tahdhib Al-Ahkam, Vol.6 p.216

HADITH

3387 - وَ فِي نَوَادِرِ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ :
فِي رَجُلٍ قَبَضَ صَدَاقَ اِبْنَتِهِ مِنْ زَوْجِهَا ثُمَّ مَاتَ هَلْ لَهَا أَنْ تُطَالِبَ زَوْجَهَا بِصَدَاقِهَا أَوْ قَبْضُ أَبِيهَا قَبْضُهَا فَقَالَ عَلَيْهِ اَلسَّلاَمُ «إِنْ كَانَتْ وَكَّلَتْهُ بِقَبْضِ صَدَاقِهَا مِنْ زَوْجِهَا فَلَيْسَ لَهَا أَنْ تُطَالِبَهُ وَ إِنْ لَمْ تَكُنْ وَكَّلَتْهُ فَلَهَا ذَلِكَ وَ يَرْجِعُ اَلزَّوْجُ عَلَى وَرَثَةِ أَبِيهَا بِذَلِكَ إِلاَّ أَنْ تَكُونَ حِينَئِذٍ صَبِيَّةً فِي حَجْرِهِ فَيَجُوزُ لِأَبِيهَا أَنْ يَقْبِضَ صَدَاقَهَا عَنْهَا وَ مَتَى طَلَّقَهَا قَبْلَ اَلدُّخُولِ بِهَا فَلِأَبِيهَا أَنْ يَعْفُوَ عَنْ بَعْضِ اَلصَّدَاقِ وَ يَأْخُذَ بَعْضاً وَ لَيْسَ لَهُ أَنْ يَدَعَ كُلَّهُ وَ ذَلِكَ قَوْلُ اَللَّهِ عَزَّ وَ جَلَّ: ۝ إِلاَّ أَنْ يَعْفُونَ أَوْ يَعْفُوَا اَلَّذِي بِيَدِهِ عُقْدَةُ اَلنِّكَاحِ ۝ يَعْنِي اَلْأَبَ وَ اَلَّذِي تُوَكِّلُهُ اَلْمَرْأَةُ وَ تُوَلِّيهِ أَمْرَهَا مِنْ أَخٍ أَوْ قَرَابَةٍ أَوْ غَيْرِهِمَا».

H.3387 - In the book "Nawadir" by Muhammad ibn Abi Umayr, from multiple narrators among our companions, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Concerning a man who collected the dowry of his daughter from her husband and then passed away - can she demand her dowry from her husband, or is her father's collection considered her own collection?
Imam {a.s} said: "If she had authorized him to collect her dowry from her husband, then she has no right to demand it again. However, if she had not authorized him, then she has the right to claim it. In this case, the husband may seek repayment from the father's heirs - unless she was a minor under his care. In such a situation, the father's collection is valid on her behalf.
If the husband divorces her before consummation, the father may waive part of the dowry and retain part, but he does not have the authority to forgo the entire amount. This is based on the verse of Allah {SWT}, the Exalted:
'Except when they waive it or he (the guardian) in whose hand is the marriage contract waives it.' (Surah Al-Baqarah 2: 237)
This refers to the father or anyone the woman appoints and entrusts with her affairs, such as a brother, a relative, or others."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.88 • Tahdhib Al-Ahkam, Vol.6 p.215 • Al-Wafi, Vol.22 p.690 • Wasa'il Al-Shi'ah, Vol.19 p.168 • Tafsir Al-Burhan, Vol.1 p.494

CHAPTER 38 – CHAPTER ON JUDGMENT BY LOT

بَابُ الْحُكْمِ بِالْقُرْعَةِ

HADITH 3388 – 3399

3388 - رَوَى حَمَّادُ بْنُ عِيسَى عَمَّنْ أَخْبَرَهُ عَنْ حَرِيزٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : أَوَّلُ مَنْ سُوهِمَ عَلَيْهِ مَرْيَمُ بِنْتُ عِمْرَانَ وَ هُوَ قَوْلُ اَللَّهِ عَزَّ وَ جَلَّ:﴿ وَ مٰا كُنْتَ لَدَيْهِمْ إِذْ يُلْقُونَ أَقْلاٰمَهُمْ أَيُّهُمْ يَكْفُلُ مَرْيَمَ ﴾ وَ اَلسِّهَامُ سِتَّةٌ ثُمَّ اِسْتَهَمُوا فِي يُونُسَ عَلَيْهِ اَلسَّلاَمُ لَمَّا رَكِبَ مَعَ اَلْقَوْمِ فَوَقَعَتِ اَلسَّفِينَةُ فِي اَللُّجَّةِ فَاسْتَهَمُوا فَوَقَعَ اَلسَّهْمُ عَلَى يُونُسَ ثَلاَثَ مَرَّاتٍ » قَالَ «فَمَضَى يُونُسُ عَلَيْهِ اَلسَّلاَمُ إِلَى صَدْرِ اَلسَّفِينَةِ فَإِذَا اَلْحُوتُ فَاتِحٌ فَاهُ فَرَمَى نَفْسَهُ ثُمَّ كَانَ عِنْدَ عَبْدِ اَلْمُطَّلِبِ تِسْعَةُ بَنِينَ فَنَذَرَ فِي اَلْعَاشِرِ إِنْ رَزَقَهُ اَللَّهُ غُلاَماً أَنْ يَذْبَحَهُ، فَلَمَّا وُلِدَ عَبْدُ اَللَّهِ لَمْ يَكُنْ يَقْدِرُ أَنْ يَذْبَحَهُ وَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِي صُلْبِهِ فَجَاءَ بِعَشْرٍ مِنَ اَلْإِبِلِ فَسَاهَمَ عَلَيْهَا وَ عَلَى عَبْدِ اَللَّهِ فَخَرَجَتِ اَلسِّهَامُ عَلَى عَبْدِ اَللَّهِ فَزَادَ عَشْراً فَلَمْ تَزَلِ اَلسِّهَامُ تَخْرُجُ عَلَى عَبْدِ اَللَّهِ وَ يَزِيدُ عَشْراً فَلَمَّا أَنْ خَرَجَتْ مِائَةٌ خَرَجَتِ اَلسِّهَامُ عَلَى اَلْإِبِلِ فَقَالَ عَبْدُ اَلْمُطَّلِبِ مَا أَنْصَفْتُ رَبِّي فَأَعَادَ اَلسِّهَامَ ثَلاَثاً فَخَرَجَتْ عَلَى اَلْإِبِلِ فَقَالَ اَلْآنَ عَلِمْتُ أَنَّ رَبِّي قَدْ رَضِيَ فَنَحَرَهَا ».

H.3388 - Narrated by Hammad ibn Isa, from someone who informed him, from Hariz, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"The first person upon whom casting lots (Qur'ah) was performed was Maryam {s.a} (Mary), the daughter of Imran. This is based on the saying of Allah {SWT}, the Exalted: *'And you were not with them when they cast their pens as to which of them should be responsible for Maryam*.' (Surah Aal-E-Imran 3:44).
The lots were six in number. Then they cast lots for Yunus {a.s} (Jonah {a.s}) when he sailed with a group of people. When the ship was caught in turbulence, they cast lots, and the lot fell upon Yunus three times."
Imam {a.s} continued: "Yunus {a.s} proceeded to the edge of the ship, and there was the whale with its mouth wide open. So he threw himself in.
Similarly, when Abdul Muttalib {a.s} had nine sons, he vowed that if Allah {SWT} granted him a tenth son, he would sacrifice him. When Abdullah {a.s} was born, he could not bear to sacrifice him, as the Prophet {saws} was in his lineage.
So Abdul Muttalib {a.s} then brought ten camels and cast lots between them and Abdullah {a.s}. The lot fell on Abdullah {a.s}. He added ten more camels and repeated the process. The lot continued to fall on Abdullah {a.s}, and he kept increasing the camels by ten each time.
Finally, when the number of camels reached one hundred, the lot fell on the camels.
Abdul Muttalib {a.s} then said: 'I have not yet done justice to my Lord {AZJ},' and repeated the lot three more times. When it fell on the camels each time, he said:
'Now I know my Lord {AZJ} is satisfied.' So he sacrificed the camels."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.89 • Al-Khisal, Vol.1 p.156 • Al-Wafi, Vol.16 p.1126 • Wasa'il Al-Shi'ah, Vol.27 p.260 • Tafsir Al-Burhan, Vol.4 p.630 • Bihar Al-Anwar, Vol.15 p.126 • Bihar Al-Anwar, Vol.101 p.324

HADITH

3389 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ اَلْحَكِيمِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ عَنْ شَيْءٍ فَقَالَ لِي «كُلُّ مَجْهُولٍ فَفِيهِ اَلْقُرْعَةُ» فَقُلْتُ إِنَّ اَلْقُرْعَةَ تُخْطِئُ وَ تُصِيبُ فَقَالَ «كُلُّ مَا حَكَمَ اَللَّهُ عَزَّ وَ جَلَّ بِهِ فَلَيْسَ بِمُخْطِئٍ».

H.3389 - Narrated by Muhammad ibn al-Hakim:
"I asked Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} about a matter.
Imam {a.s} said to me: 'For every unknown matter, the solution lies in casting lots (Qur'ah).'
I said: 'But casting lots can be right or wrong.'
Imam {a.s} replied: 'Whatever Allah {SWT}, the Mighty and Majestic, decrees is never wrong.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.92 • Tahdhib Al-Ahkam, Vol.6 p.240 • Fiqh Al-Quran, Vol.2 p.16 • Al-Wafi, Vol.16 p.940 • Wasa'il Al-Shi'ah, Vol.27 p.259 • Al-Fusul Al-Muhimmah, Vol.1 p.694

HADITH

3390 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَا تَقَارَعَ قَوْمٌ فَفَوَّضُوا أَمْرَهُمْ إِلَى اَللَّهِ تَعَالَى إِلاَّ خَرَجَ سَهْمُ اَلْمُحِقِّ».

H.3390 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"No group of people cast lots (Qur'ah) and entrusted their matter to Allah {SWT}, the Exalted, except that the lot would favor the one who is rightful."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.92 • Al-Fusul Al-Muhimmah, Vol.1 p.694 • Al-Fusul Al-Muhimmah, Vol.2 p.501

HADITH

3391 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «أَيُّ قَضِيَّةٍ أَعْدَلُ مِنَ اَلْقُرْعَةِ إِذَا فُوِّضَ اَلْأَمْرُ إِلَى اَللَّهِ أَ لَيْسَ اَللَّهُ تَعَالَى يَقُولُ: ﴿ فَسٰاهَمَ فَكٰانَ مِنَ اَلْمُدْحَضِينَ ﴾ ».

H.3391 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"What judgment is more just than the casting of lots (Qur'ah) when the matter is entrusted to Allah {SWT}? Does not Allah {SWT}, the Exalted, say:
'So they cast lots, and he was among the losers'?" (Surah As-Saffat 37:141)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.92 • Al-Fusul Al-Muhimmah, Vol.1 p.694

HADITH

3392 - وَ رَوَى اَلْحَكَمُ بْنُ مِسْكِينٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا وَطِئَ رَجُلاَنِ أَوْ ثَلاَثَةٌ جَارِيَةً فِي طُهْرٍ وَاحِدٍ فَوَلَدَتْ فَادَّعَوْهُ جَمِيعاً أُقْرِعَ اَلْوَالِي بَيْنَهُمْ فَمَنْ قَرَعَ كَانَ اَلْوَلَدُ وَلَدَهُ وَ يَرُدُّ قِيمَةَ اَلْوَلَدِ عَلَى صَاحِبِ اَلْجَارِيَةِ» قَالَ «فَإِنِ اِشْتَرَى رَجُلٌ جَارِيَةً فَجَاءَ رَجُلٌ فَاسْتَحَقَّهَا وَ قَدْ وَلَدَتْ مِنَ اَلْمُشْتَرِي رَدَّ اَلْجَارِيَةَ عَلَيْهِ وَ كَانَ لَهُ وَلَدُهَا بِقِيمَتِهِ».

H.3392 - Al-Hakam ibn Miskin narrated from Mu'awiyah ibn Ammar, who said that Abu Abdillah {a.s} said:
"If two or three men have intercourse with a bondwoman during the same period of purity, and she gives birth, and all of them claim the child, the ruler should draw lots among them. Whomever the lot falls upon, the child is his, and he must pay the value of the child to the owner of the bondwoman."
Imam {a.s} further said: "If a man buys a bondwoman, and another man comes and claims her rightfully, and she has already given birth to a child by the buyer, the bondwoman is returned to the rightful owner, while the child belongs to the buyer, but he must pay its value."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.92 • Tahdhib Al-Ahkam, Vol.8 p.169 • Al-Istibsar, Vol.3 p.368 • Al-Wafi, Vol.23 p.1420 • Wasa'il Al-Shi'ah, Vol.21 p.171 • Wasa'il Al-Shi'ah, Vol.27 p.261

HADITH

3393 - وَ رَوَى زُرْعَةُ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنَّ رَجُلَيْنِ اِخْتَصَمَا إِلَى عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ فِي دَابَّةٍ فَزَعَمَ كُلُّ وَاحِدٍ مِنْهُمَا أَنَّهَا نُتِجَتْ عَلَى مِذْوَدِهِ وَ أَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا بَيِّنَةً سَوَاءً فِي اَلْعَدَدِ فَأَقْرَعَ بَيْنَهُمَا سَهْمَيْنِ فَعَلَّمَ اَلسَّهْمَيْنِ عَلَى كُلِّ وَاحِدٍ مِنْهُمَا بِعَلاَمَةٍ ثُمَّ قَالَ « اَللَّهُمَّ رَبَّ اَلسَّمَاوَاتِ اَلسَّبْعِ وَ رَبَّ اَلْأَرَضِينَ اَلسَّبْعِ وَ رَبَّ اَلْعَرْشِ اَلْعَظِيمِ عَالِمَ اَلْغَيْبِ وَ اَلشَّهَادَةِ اَلرَّحْمَنَ اَلرَّحِيمَ أَيُّهُمَا كَانَ صَاحِبَ اَلدَّابَّةِ وَ هُوَ أَوْلَى بِهَا فَأَسْأَلُكَ أَنْ تُخْرِجَ سَهْمَهُ » فَخَرَجَ سَهْمُ أَحَدِهِمَا فَقَضَى لَهُ بِهَا».

H.3393 - Zur'ah narrated from Sama'ah, who said that Abu Abdillah {a.s} said:
"Two men disputed before Imam Ali ibn Abi Talib {a.s} over a beast, each claiming that it was born in his stable. Both presented equal evidence in number.
So, Imam Ali ibn Abi Talib {a.s} drew lots between them. He marked the two lots with distinct signs for each claimant, and then said:
'O Allah {SWT}, Lord {AZJ} of the seven heavens and the seven earths, and Lord {AZJ} of the Great Throne, Knower of the unseen and the seen, the Most Merciful, the Most Compassionate - whichever of these two is the rightful owner of the beast and has the stronger claim to it, I ask You to bring forth his lot.'
Then the lot of one of them was drawn, and Imam Ali ibn Abi Talib {a.s} ruled in his favor."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.93 • Tahdhib Al-Ahkam, Vol.6 p.234 • Al-Istibsar, Vol.3 p.40 • Al-Wafi, Vol.16 p.936 • Wasa'il Al-Shi'ah, Vol.27 p.254

HADITH

3394 - وَ رَوَى اَلْبَزَنْطِيُّ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ شَهِدَا عَلَى رَجُلٍ فِي أَمْرٍ وَ جَاءَ آخَرَانِ فَشَهِدَا عَلَى غَيْرِ اَلَّذِي شَهِدَ عَلَيْهِ اَلْأَوَّلاَنِ قَالَ «يُقْرَعُ بَيْنَهُمْ فَأَيُّهُمْ قَرَعَ فَعَلَيْهِ اَلْيَمِينُ وَ هُوَ أَوْلَى بِالْقَضَاءِ».

H.3394 - Al-Bazanti narrated from Dawood ibn Sirhan, who said that Abu Abdillah {a.s} said:
"In the case of two men who testified against another man regarding a matter, and then two others came and testified to something different from what the first two had testified - lots are drawn between them. Whichever group's lot is drawn, they shall take an oath, and their testimony will have precedence in judgment."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.93

HADITH

3395 - وَ رَوَى حَمَّادُ بْنُ عُثْمَانَ عَنْ عُبَيْدِ اَللَّهِ بْنِ عَلِيٍّ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ قَالَ أَوَّلُ مَمْلُوكٍ أَمْلِكُهُ فَهُوَ حُرٌّ فَوَرِثَ سَبْعَةً جَمِيعاً قَالَ «يُقْرِعُ بَيْنَهُمْ وَ يُعْتِقُ اَلَّذِي خَرَجَ سَهْمُهُ».

H.3395 - Hammad ibn Uthman narrated from Ubaydullah ibn Ali al-Halabi, who said that Abu Abdillah {a.s} said:
"If a man says, 'The first slave I acquire shall be free,' and then he inherits seven slaves altogether, lots are drawn among them, and the one whose lot is drawn shall be freed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.94 • Al-Wafi, Vol.10 p.613 • Wasa'il Al-Shi'ah, Vol.27 p.261

HADITH

3396 - وَ رَوَى حَرِيزٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ يَكُونُ لَهُ اَلْمَمْلُوكُونَ فَيُوصِي بِعِتْقِ ثُلُثِهِمْ قَالَ «كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ يُسْهِمُ بَيْنَهُمْ».

H.3396 - Hariz narrated from Muhammad ibn Muslim, who said:
"I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who has slaves and wills to free one-third of them.
Imam {a.s} said: 'Imam Ali ibn Abi Talib {a.s} used to draw lots among them.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.94 • Tahdhib Al-Ahkam, Vol.8 p.234 • Wasa'il Al-Shi'ah, Vol.23 p.103 • Wasa'il Al-Shi'ah, Vol.27 p.261

HADITH

3397 - وَ رَوَى مُوسَى بْنُ اَلْقَاسِمِ اَلْبَجَلِيُّ وَ عَلِيُّ بْنُ اَلْحَكَمِ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ إِذَا أَتَاهُ رَجُلاَنِ يَخْتَصِمَانِ بِشُهُودٍ عِدَّتُهُمْ سَوَاءٌ وَ عَدَالَتُهُمْ سَوَاءٌ أَقْرَعَ بَيْنَهُمَا عَلَى أَيِّهِمَا تَصِيرُ اَلْيَمِينُ وَ كَانَ يَقُولُ « اَللَّهُمَّ رَبَّ اَلسَّمَاوَاتِ اَلسَّبْعِ وَ رَبَّ اَلْأَرَضِينَ اَلسَّبْعِ مَنْ كَانَ اَلْحَقُّ لَهُ فَأَدِّهِ إِلَيْهِ » ثُمَّ يَجْعَلُ اَلْحَقَّ لِلَّذِي تَصِيرُ اَلْيَمِينُ عَلَيْهِ إِذَا حَلَفَ».

H.3397 - Musa ibn al-Qasim al-Bajali and Ali ibn al-Hakam narrated from Abd al-Rahman ibn Abi Abdillah, who said:
Abu Abdillah {a.s} said: "'Imam Ali ibn Abi Talib {a.s}, whenever two men came to him disputing with an equal number of witnesses of equal integrity, would draw lots between them to determine upon whom the oath would fall.
Then Imam Ali ibn Abi Talib {a.s} would say: O Allah {SWT}, Lord {AZJ} of the seven heavens and Lord {AZJ} of the seven earths, grant the right to the one it belongs to.
After that, he would assign the right to the one upon whom the oath was placed if he took the oath.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.94

HADITH

3398 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلٍ عَنْ فُضَيْلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ مَوْلُودٍ لَيْسَ لَهُ مَا لِلرِّجَالِ وَ لَيْسَ لَهُ مَا لِلنِّسَاءِ قَالَ «هَذَا يُقْرِعُ عَلَيْهِ اَلْإِمَامُ يَكْتُبُ عَلَى سَهْمٍ عَبْدُ اَللَّهِ وَ عَلَى سَهْمٍ آخَرَ أَمَةُ اَللَّهِ ثُمَّ يَقُولُ اَلْإِمَامُ أَوِ اَلْمُقْرِعُ اَللَّهُمَّ أَنْتَ اَللَّهُ لاَ إِلَهَ إِلاَّ أَنْتَ «عٰالِمَ اَلْغَيْبِ وَ اَلشَّهٰادَةِ أَنْتَ تَحْكُمُ بَيْنَ عِبٰادِكَ فِي مٰا كٰانُوا فِيهِ يَخْتَلِفُونَ» بَيِّنْ لَنَا أَمْرَ هَذَا اَلْمَوْلُودِ حَتَّى يُوَرَّثَ مَا فَرَضْتَ لَهُ فِي كِتَابِكَ ثُمَّ يَطْرَحُ اَلسِّهْمَيْنِ فِي سِهَامٍ مُبْهَمَةٍ ثُمَّ تُجَالُ فَأَيُّهُمَا خَرَجَ وُرِّثَ عَلَيْهِ».

H.3398 - Al-Hasan ibn Mahbub narrated from Jamil, from Fudhayl ibn Yasar, who said:
"I asked Abu Abdillah {a.s} about a newborn who has neither the features of males nor the features of females.
Imam {a.s} said: 'The Imam draws lots for this case. He writes on one lot "Abdullah" (servant of Allah {SWT}) and on another lot "Amatullah" (maidservant of Allah {SWT}). Then the Imam or the one drawing the lot says:
'O Allah {SWT}, You are Allah {SWT}, there is no god but You, Knower of the unseen and the seen. You judge among Your servants concerning that in which they differ. Make clear to us the matter of this newborn so that he may inherit what You have ordained for him in Your Book.'
Then he (the Imam) places the two lots into other unspecified lots, and they are mixed. Whichever lot is drawn, the inheritance is based on it."

[REFERENCES] Al-Muhasin, Vol.2 p.603 • Al-Kafi, Vol.7 p.158 • Man La Yahduruhu Al-Faqih, Vol.3 p.94 • Man La Yahduruhu Al-Faqih, Vol.4 p.329 • Tahdhib Al-Ahkam, Vol.6 p.239 • Tahdhib Al-Ahkam, Vol.9 p.356 • Al-Istibsar, Vol.4 p.187 • Mishkat Al-Anwar, Vol.1 p.330 • Al-Wafi, Vol.25 p.907 • Wasa'il Al-Shi'ah, Vol.26 p.292

HADITH

3399 - وَ رَوَى عَاصِمُ بْنُ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «بَعَثَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ إِلَى اَلْيَمَنِ فَقَالَ لَهُ حِينَ قَدِمَ «حَدِّثْنِي بِأَعْجَبِ مَا وَرَدَ عَلَيْكَ» قَالَ «يَا رَسُولَ اَللَّهِ أَتَانِي قَوْمٌ قَدْ تَبَايَعُوا جَارِيَةً فَوَطِئُوهَا جَمِيعاً فِي طُهْرٍ وَاحِدٍ فَوَلَدَتْ غُلاَماً فَاخْتَلَفُوا فِيهِ كُلُّهُمْ يَدَّعِي فِيهِ فَأَسْهَمْتُ بَيْنَهُمْ ثَلاَثَةً فَجَعَلْتُهُ لِلَّذِي خَرَجَ سَهْمُهُ وَ ضَمَّنْتُهُ نَصِيبَهُمْ» فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «لَيْسَ مِنْ قَوْمٍ تَقَارَعُوا وَ فَوَّضُوا أَمْرَهُمْ إِلَى اَللَّهِ إِلاَّ خَرَجَ سَهْمُ اَلْمُحِقِّ» ».

H.3399 - Asim ibn Humayd narrated from Abu Basir, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:

"The Messenger of Allah {SWT} (peace be upon him and his family) sent Imam Ali ibn Abi Talib {a.s} to Yemen. When he returned, the Prophet (peace be upon him and his family) said to him, 'Tell me about the most astonishing case that came to you.'

Imam Ali ibn Abi Talib {a.s} said: 'O Messenger of Allah {SWT}, a group of people came to me who had jointly purchased a bondwoman. They all had relations with her during the same period of purity, and she gave birth to a boy. They disputed over him, with each claiming him. I drew lots among them, assigning the child to the one whose lot was drawn, and I made him liable for the shares of the others.'

The Prophet (peace be upon him and his family) said:

'Whenever a group draws lots and entrusts their matter to Allah {SWT}, the rightful one's lot will come forth.'"

[REFERENCES] Al-Kafi, Vol.5 p.491 • Man La Yahduruhu Al-Faqih, Vol.3 p.94 • Tahdhib Al-Ahkam, Vol.6 p.238 • Tahdhib Al-Ahkam, Vol.8 p.170 • Al-Istibsar, Vol.3 p.369 • Al-Wafi, Vol.23 p.1419 • Wasa'il Al-Shi'ah, Vol.21 p.172 • Wasa'il Al-Shi'ah, Vol.27 p.258

CHAPTER 39 – CHAPTER ON GUARANTEE

بَابُ الْكَفَالَةِ

HADITH 3400 – 3405

3400 - رَوَى سَعْدُ بْنُ طَرِيفٍ عَنِ اَلْأَصْبَغِ بْنِ نُبَاتَةَ قَالَ : قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ تَكَفَّلَ بِنَفْسِ رَجُلٍ أَنْ يُحْبَسَ وَ قَالَ لَهُ «أُطْلُبْ صَاحِبَكَ» وَ قَضَى عَلَيْهِ اَلسَّلاَمُ «أَنَّهُ لاَ كَفَالَةَ فِي حَدٍّ».

H.3400 - Sa'd ibn Tarif narrated from Al-Asbagh ibn Nubatah:
"Commander of the Faithful Imam Ali ibn Abi Talib {a.s} ruled in the case of a man who guaranteed the presence of another man that he should be detained, and Imam {a.s} said to him, "Seek your companion."
And Imam {a.s} ruled: 'There is no guarantee (kafalah) in matters involving prescribed punishments (hudud).'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.95 • Al-Wafi, Vol.18 p.835

HADITH

3401 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ لِأَبِي اَلْعَبَّاسِ اَلْفَضْلِ بْنِ عَبْدِ اَلْمَلِكِ «مَا مَنَعَكَ مِنَ اَلْحَجِّ» قَالَ كَفَالَةٌ تَكَفَّلْتُ بِهَا قَالَ «مَا لَكَ وَ لِلْكَفَالاَتِ أَ مَا عَلِمْتَ أَنَّ اَلْكَفَالَةَ هِيَ اَلَّتِي أَهْلَكَتِ اَلْقُرُونَ اَلْأُولَى ».

H.3401 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said to Abu al-Abbas al-Fadl ibn Abd al-Malik: "What has prevented you from performing Hajj?"
He replied: “A guarantee (kafalah) that I undertook."
The Imam {a.s} said: “What do you have to do with guarantees? Do you not know that guarantees were what destroyed the earlier generations?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.95

HADITH

3402 - وَ رُوِيَ عَنِ اَلْحُسَيْنِ بْنِ خَالِدٍ قَالَ : قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ قَوْلُ اَلنَّاسِ اَلضَّامِنُ غَارِمٌ فَقَالَ «لَيْسَ عَلَى اَلضَّامِنِ غُرْمٌ إِنَّمَا اَلْغُرْمُ عَلَى مَنْ أَكَلَ اَلْمَالَ».

H.3402 - It is narrated from Al-Husayn ibn Khalid who said:
I said to Abu al-Hasan {a.s}, "May I be your ransom! People say, 'The guarantor (al-damin) is liable (gharim).'"
Imam {a.s} replied: “There is no liability (ghurm) upon the guarantor. The liability is upon the one who consumed the wealth."

[REFERENCES] Al-Kafi, Vol.5 p.104 • Man La Yahduruhu Al-Faqih, Vol.3 p.96 • Tahdhib Al-Ahkam, Vol.6 p.209 • Al-Wafi, Vol.18 p.834 • Wasa’il Al-Shi’ah, Vol.18 p.421

HADITH

3403 - وَ رَوَى دَاوُدُ بْنُ اَلْحُصَيْنِ عَنْ أَبِي اَلْعَبَّاسِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَتَكَفَّلُ بِنَفْسِ اَلرَّجُلِ إِلَى أَجَلٍ فَإِنْ لَمْ يَأْتِ بِهِ فَعَلَيْهِ كَذَا وَ كَذَا دِرْهَماً قَالَ «إِنْ جَاءَ بِهِ إِلَى اَلْأَجَلِ فَلَيْسَ عَلَيْهِ مَا قَالَ وَ هُوَ كَفِيلٌ بِنَفْسِهِ أَبَداً إِلاَّ أَنْ يَبْدَأَ بِالدَّرَاهِمِ فَإِنْ بَدَأَ بِالدَّرَاهِمِ فَهُوَ لَهَا ضَامِنٌ إِنْ لَمْ يَأْتِ بِهِ إِلَى اَلْأَجَلِ اَلَّذِي أَجَّلَهُ».

H.3403 - It is narrated from Dawud ibn al-Husayn, from Abu al-Abbas, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
I asked him about a man who guarantees (takes responsibility for) another man's presence until a specified time, and if he does not bring him, he will owe such-and-such amount of dirhams.
Imam {a.s} said: “If he brings him by the specified time, then he is not liable for what he mentioned, and he remains a guarantor for his presence indefinitely unless he begins with the dirhams. If he begins with the dirhams, then he is liable for them if he does not bring him by the specified time he had set."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.96 • Tahdhib Al-Ahkam, Vol.6 p.209 • Al-Sarair, Vol.3 p.579 • Awali Al-La’ali, Vol.3 p.242 • Al-Wafi, Vol.18 p.835 • Wasa’il Al-Shi’ah, Vol.18 p.432

HADITH

3404 - وَ - سَأَلَ دَاوُدُ بْنُ سِرْحَانَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْكَفِيلِ وَ اَلرَّهْنِ فِي بَيْعِ اَلنَّسِيئَةِ قَالَ «لاَ بَأْسَ».

H.3404 - Dawud ibn Sirhan asked Abu Abdullah {a.s}:
About a guarantor (kafil) and a pledge (rahn) in a deferred sale (bay' al-nasi'ah).
Imam {a.s} said: “There is no harm in it."

[REFERENCES] Al-Kafi, Vol.5 p.233 • Man La Yahduruhu Al-Faqih, Vol.3 p.97 • Man La Yahduruhu Al-Faqih, Vol.3 p.264 • Tahdhib Al-Ahkam, Vol.7 p.179 • Al-Wafi, Vol.18 p.838 • Al-Wafi, Vol.18 p.839 • Wasa’il Al-Shi’ah, Vol.18 p.379 • Wasa’il Al-Shi’ah, Vol.18 p.380 • Al-Fusul Al-Muhimmah, Vol.2 p.268

HADITH

3405 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْكَفَالَةُ خَسَارَةٌ غَرَامَةٌ نَدَامَةٌ».

H.3405 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Guarantorship (kafalah) is loss, liability, and regret."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.97 • Al-Wafi, Vol.18 p.837 • Wasa’il Al-Shi’ah, Vol.18 p.428

CHAPTER 40 – CHAPTER ON TRANSFER OF DEBT

بَابُ الْحَوَالَةِ

HADITH 3406 – 3409

3406 - رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ بَيْنَهُمَا مَالٌ مِنْهُ بِأَيْدِيهِمَا وَ مِنْهُ غَائِبٌ عَنْهُمَا فَاقْتَسَمَا اَلَّذِي بِأَيْدِيهِمَا وَ أَحَالَ كُلُّ وَاحِدٍ مِنْهُمَا بِنَصِيبِهِ فَقَبَضَ أَحَدُهُمَا وَ لَمْ يَقْبِضِ اَلْآخَرُ فَقَالَ «مَا قَبَضَ أَحَدُهُمَا فَهُوَ بَيْنَهُمَا وَ مَا ذَهَبَ فَهُوَ بَيْنَهُمَا».

H.3406 - Ghiyath ibn Ibrahim narrated from Imam Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, from Imam Ali ibn Abi Talib {a.s}:
Regarding two men who share property - some of it is in their possession, and some is absent - so they divide what is in their possession, and each one assigns his share. One of them collects his share, but the other does not collect his share.
Imam Ali {a.s} said: "Whatever is collected by one of them is shared between them, and whatever is lost is also shared between them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.97 • Tahdhib Al-Ahkam, Vol.6 p.212 • Wasa'il Al-Shi'ah, Vol.18 p.435

HADITH

3407 - وَ رُوِيَ : «أَنَّهُ اُحْتُضِرَ عَبْدُ اَللَّهِ بْنُ اَلْحَسَنِ فَاجْتَمَعَ إِلَيْهِ غُرَمَاؤُهُ فَطَالَبُوهُ بِدَيْنٍ لَهُمْ فَقَالَ مَا عِنْدِي مَا أُعْطِيكُمْ وَ لَكِنِ اِرْضَوْا بِمَنْ شِئْتُمْ مِنْ أَخِي وَ بَنِي عَمِّي عَلِيِّ بْنِ اَلْحُسَيْنِ أَوْ عَبْدِ اَللَّهِ بْنِ جَعْفَرٍ فَقَالَ اَلْغُرَمَاءُ أَمَّا عَبْدُ اَللَّهِ بْنُ جَعْفَرٍ فَمَلِيٌّ مَطُولٌ وَ أَمَّا عَلِيُّ بْنُ اَلْحُسَيْنِ فَرَجُلٌ لاَ مَالَ لَهُ صَدُوقٌ وَ هُوَ أَحَبُّهُمَا إِلَيْنَا فَأَرْسَلَ إِلَيْهِ فَأَخْبَرَهُ اَلْخَبَرَ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «أَضْمَنُ لَكُمُ اَلْمَالَ إِلَى غَلَّةٍ» وَ لَمْ يَكُنْ لَهُ غَلَّةٌ فَقَالَ اَلْقَوْمُ قَدْ رَضِينَا فَضَمِنَهُ فَلَمَّا أَتَتِ اَلْغَلَّةُ أَتَاحَ اَللَّهُ عَزَّ وَ جَلَّ لَهُ اَلْمَالَ فَأَدَّاهُ».

H.3407 - It is narrated: When Abdullah ibn al-Hasan was on his deathbed, his creditors gathered around him and demanded repayment of their debts.
He replied: "I do not have anything to give you, but accept as your guarantor whomever you wish from my brother and my cousins - Ali ibn al-Husayn {a.s} or Abdullah ibn Ja'far."
The creditors said: "As for Abdullah ibn Ja'far, he is wealthy but delays payments, and as for Ali ibn al-Husayn {a.s}, he has no wealth, but he is truthful, and he is the most beloved of the two to us."
So, they sent for Imam Ali ibn al-Husayn {a.s} and informed him of the situation.
Imam {a.s} said: "I will guarantee your payment until the harvest comes," though he did not have any harvest. The creditors agreed, and he guaranteed the payment. When the harvest came, Allah {SWT} provided him with the means, and he repaid the debts.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.98 • Tahdhib Al-Ahkam, Vol.6 p.211 • Wasa'il Al-Shi'ah, Vol.18 p.426

HADITH

3408 - وَ- سَأَلَ أَبُو أَيُّوبَ أَبَا عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ الرَّجُلِ يُحِيلُ الرَّجُلَ بِالْمَالِ أَ يَرْجِعُ عَلَيْهِ قَالَ لَا يَرْجِعُ عَلَيْهِ أَبَداً إِلَّا أَنْ يَكُونَ قَدْ أَفْلَسَ قَبْلَ ذَلِكَ.

H.3408 - Abu Ayyub asked Abu Abdullah {a.s} about a man who transfers a debt to another man (through a payment order or promissory note). Does the original debtor still remain liable for the payment?
Imam {a.s} replied: “No, he does not return to him (for payment) at all, except if the one to whom the debt was transferred had already declared bankruptcy before the transfer."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.99

HADITH

3409 - وَ رَوَى اَلْبَزَنْطِيُّ عَنْ دَاوُدَ بْنِ سِرْحَانَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ كَانَتْ لَهُ عِنْدَ رَجُلٍ دَنَانِيرُ فَأَحَالَ لَهُ عَلَى رَجُلٍ آخَرَ بِدَنَانِيرِهِ فَيَأْخُذُ بِهَا دَرَاهِمَ أَ يَجُوزُ ذَلِكَ قَالَ «نَعَمْ».

H.3409 - Al-Bazanti narrated from Dawood bin Sirhan, who said:
I asked Abu Abdullah {a.s} about a man who had dinars owed to him by another man, and the debtor transferred the payment obligation to a third man in exchange for dirhams instead of dinars. Is this permissible?
Imam {a.s} replied: “Yes, it is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.99

CHAPTER 41 – CHAPTER ON JUDGMENT REGARDING THE FLOOD OF THE MAHZUR VALLEY

بَابُ الْحُكْمِ فِي سَيْلِ وَادِي مَهْزُورٍ

HADITH 3410 – 3411

3410 - رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ آبَائِهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِي سَيْلِ وَادِي مَهْزُورٍ أَنْ يُحْبَسَ اَلْأَعْلَى عَلَى اَلْأَسْفَلِ اَلْمَاءُ لِلزَّرْعِ إِلَى اَلشِّرَاكِ وَ لِلنَّخْلِ إِلَى اَلْكَعْبِ ثُمَّ يُرْسَلَ اَلْمَاءُ إِلَى اَلْأَسْفَلِ مِنْ ذَلِكَ».

H.3410 - Ghiyath bin Ibrahim narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his forefathers, from Imam Ali ibn Abi Talib {a.s}:
The Messenger of Allah {SWT} (peace be upon him and his family) ruled regarding the floodwaters of the Valley of Mahzur that the upper part should hold the water for irrigation until it reaches the level of the sandal strap for crops and the level of the ankle for palm trees. Then the water should be released to the lower areas from that point.

[REFERENCES] Al-Kafi, Vol.5 p.278 • Man La Yahduruhu Al-Faqih, Vol.3 p.99

HADITH

3411 - وَ فِي خَبَرٍ آخَرَ : «لِلزَّرْعِ إِلَى اَلشِّرَاكَيْنِ وَ لِلنَّخْلِ إِلَى اَلسَّاقَيْنِ».

وَ هَذَا عَلَى حَسَبِ قُوَّةِ الْوَادِي وَ ضَعْفِهِ قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ سَمِعْتُ مَنْ أَثِقُ بِهِ مِنْ أَهْلِ الْمَدِينَةِ أَنَّهُ وَادِي مَهْزُورٍ وَ مَسْمُوعِي مِنْ شَيْخِنَا مُحَمَّدِ بْنِ الْحَسَنِ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ قَالَ- وَادِي مَهْرُوزٍ بِتَقْدِيمِ الرَّاءِ غَيْرِ الْمُعْجَمَةِ عَلَى الزَّاءِ الْمُعْجَمَةِ وَ ذَكَرَ أَنَّهَا كَلِمَةٌ فَارِسِيَّةٌ وَ هُوَ مِنْ هَرْزِ الْمَاءِ وَ الْمَاءُ الْهَرْزُ بِالْفَارِسِيَّةِ الزَّائِدُ عَلَى الْمِقْدَارِ الَّذِي يُحْتَاجُ إِلَيْهِ.

H.3411 - In another narration: "For crops, the water should reach up to the two sandal straps, and for palm trees, up to the two shins."

[AL SADUQ]
The ruling depends on the strength or weakness of the wadi (valley)."
The compiler of this book, may Allah {SWT} have mercy on him, said:
I heard from someone I trust among the people of Medina that it is called Wadi Mahzur. I also heard from our teacher, Muhammad ibn al-Hasan (may Allah {SWT} be pleased with him), that he said it is Wadi Mahruz, with the placement of the unpointed "ra" before the pointed "zay." He mentioned that it is a Persian word derived from "harz al-maa," meaning water that exceeds the required amount in Persian.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.99

CHAPTER 42 – CHAPTER ON JUDGMENT REGARDING THE ENCLOSURE BETWEEN TWO HOUSES

بَابُ الْحُكْمِ فِي الْحَظِيرَةِ بَيْنَ دَارَيْنِ

HADITH 3412 – 3413

3412 - سَأَلَ مَنْصُورُ بْنُ حَازِمٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ حَظِيرَةٍ بَيْنَ دَارَيْنِ فَذَكَرَ «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ قَضَى بِهَا لِصَاحِبِ اَلدَّارِ اَلَّذِي مِنْ قِبَلِهِ اَلْقِمَاطُ».

H.3412 - Mansur ibn Hazim asked Abu Abdillah {a.s} about a courtyard situated between two houses.
Imam {a.s} mentioned that Imam Ali ibn Abi Talib {a.s} ruled that it belongs to the owner of the house from whose side the boundary rope (al-qimat) extends.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.100

HADITH

3413 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ قَضَى فِي رَجُلَيْنِ اِخْتَصَمَا إِلَيْهِ فِي خُصٍّ فَقَالَ «إِنَّ اَلْخُصَّ لِلَّذِي إِلَيْهِ اَلْقُمْطُ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ الْخُصُّ الطُّنُ الَّذِي يَكُونُ فِي السَّوَادِ بَيْنَ الدُّورِ وَ الْقَمْطُ هُوَ شَدُّ الْحَبْلِ يَعْنِي أَنْ يَكُونَ الْخُصُّ هُوَ الَّذِي إِلَيْهِ شُدَّ الْحَبْلُ وَ قَدْ قِيلَ إِنَّ الْقِمَاطَ هُوَ الْحَجَرُ الَّذِي يُغْلَقُ مِنْهُ عَلَى الْبَابِ.

H.3413 - Amr ibn Shimr narrated from Jabir, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, from his father, from his grandfather, from Imam Ali ibn Abi Talib {a.s}:
He ruled in a case where two men disputed over a reed fence (khuss).
Imam Ali ibn Abi Talib {a.s} said: "The fence belongs to the one to whom the boundary rope (al-qimat) is attached."

[AL SADUQ]
The compiler of this book (may Allah {SWT} have mercy on him) explained that the 'khuss' refers to a structure made of reeds, commonly found in rural areas between houses. The 'qimat' is the fastening of a rope, indicating that the ownership of the fence is determined by whose side the rope is tied. Some have also said that 'qimat' refers to a stone used to secure the door.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.100 • Al-Wafi, Vol.18 p.1066 • Wasa'il Al-Shi'ah, Vol.18 p.454

CHAPTER 43 – CHAPTER ON JUDGMENT REGARDING SHEEP GRAZING IN A CULTIVATED FIELD

بَابُ الْحُكْمِ فِي نَفْشِ الْغَنَمِ فِي الْحَرْثِ

HADITH 3414 – 3415

3414 - رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِهِ عَزَّ وَ جَلَّ:
﴿ وَ دٰاوُدَ وَ سُلَيْمٰانَ إِذْ يَحْكُمٰانِ فِي اَلْحَرْثِ إِذْ نَفَشَتْ فِيهِ غَنَمُ اَلْقَوْمِ ﴾
قَالَ «لَمْ يَحْكُمَا إِنَّمَا كَانَا يَتَنَاظَرَانِ ﴿ فَفَهَّمْنٰاهٰا سُلَيْمٰانَ ﴾ ».

H.3414 - Jamil ibn Darraj narrated from Zurara, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
Regarding the words of Allah {SWT}, the Exalted: "*And [mention] David and Solomon, when they judged concerning the field, when the sheep of the people had strayed into it*" (Surah Al-Anbiya 21:78).
Imam {a.s} said: "They did not pass a judgment; rather, they were discussing the matter. '*And We gave Solomon understanding of it*" (Surah Al-Anbiya 21:79).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.100 • Tafsir Nur Al-Thaqalayn, Vol.3 p.443 • Tafsir Kanz Al-Daqaiq, Vol.8 p.447

HADITH

3415 - وَ رَوَى اَلْوَشَّاءُ عَنْ أَحْمَدَ بْنِ عُمَرَ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ:
﴿ وَ دٰاوُدَ وَ سُلَيْمٰانَ إِذْ يَحْكُمٰانِ فِي اَلْحَرْثِ ﴾ قَالَ «كَانَ حُكْمُ دَاوُدَ عَلَيْهِ اَلسَّلاَمُ رِقَابَ اَلْغَنَمِ وَ اَلَّذِي فَهَّمَ اَللَّهُ عَزَّ وَ جَلَّ سُلَيْمَانَ عَلَيْهِ اَلسَّلاَمُ أَنْ حَكَمَ لِصَاحِبِ اَلْحَرْثِ بِاللَّبَنِ وَ اَلصُّوفِ ذَلِكَ اَلْعَامَ كُلَّهُ».

H.3415 - Al-Washa narrated from Ahmad ibn Umar al-Halabi, who said:
I asked Abu al-Hasan {a.s} about the words of Allah {SWT}, the Exalted: "*And [mention] David and Solomon, when they judged concerning the field*" (Surah Al-Anbiya 21:78).
Imam {a.s} said: "The judgment of David {a.s} was to grant the ownership of the sheep, but what Allah {SWT}, the Exalted, made Solomon {a.s} understand was that he ruled in favor of the owner of the field by granting him the milk and wool of the sheep for the entire year."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.101 • Al-Wafi, Vol.18 p.927 • Bihar Al-Anwar, Vol.14 p.131 • Tafsir Nur Al-Thaqalayn, Vol.3 p.443 • Tafsir Kanz Al-Daqaiq, Vol.8 p.447

CHAPTER 44 – CHAPTER ON THE RULING REGARDING RESERVED AREAS

بَابُ حُكْمِ الْحَرِيمِ

HADITH 3416 – 3423

3416 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ : «قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِي رَجُلٍ بَاعَ نَخْلَهُ وَ اِسْتَثْنَى نَخْلَةً قَضَى لَهُ بِالْمَدْخَلِ إِلَيْهَا وَ اَلْمَخْرَجِ مِنْهَا وَ مَدَى جَرَائِدِهَا ».

H.3416 - Isma'il ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them), who said:
"The Messenger of Allah {SWT} (peace be upon him and his family) ruled regarding a man who sold his palm trees but excluded one palm tree. He ruled that the man had the right to access it for entry and exit, as well as the reach of its fronds."

[REFERENCES] Al-Kafi, Vol.5 p.295 • Man La Yahduruhu Al-Faqih, Vol.3 p.101 • Tahdhib Al-Ahkam, Vol.7 p.144 • Al-Wafi, Vol.18 p.1055 • Wasa'il Al-Shi'ah, Vol.18 p.91

HADITH

3417 - وَ رَوَى وَهْبُ بْنُ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ كَانَ يَقُولُ : «حَرِيمُ اَلْبِئْرِ اَلْعَادِيَّةِ خَمْسُونَ ذِرَاعاً إِلاَّ أَنْ يَكُونَ إِلَى عَطَنٍ أَوْ إِلَى طَرِيقٍ فَيَكُونُ أَقَلَّ مِنْ ذَلِكَ إِلَى خَمْسَةٍ وَ عِشْرِينَ ذِرَاعاً».

H.3417 - Wahb ibn Wahb narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} that Imam Ali ibn Abi Talib {a.s} used to say:
"The protected area (harim) around an ancient well is fifty cubits, unless it is near a watering place or a road, in which case it is reduced to twenty-five cubits."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.53 • Man La Yahduruhu Al-Faqih, Vol.3 p.101 • Wasa'il Al-Shi'ah, Vol.25 p.426

HADITH

3418 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «حَرِيمُ اَلنَّخْلَةِ طُولُ سَعَفَتِهَا».

H.3418 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"The protected area (harim) of a palm tree is the length of its fronds."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.53 • Man La Yahduruhu Al-Faqih, Vol.3 p.101 • Al-Wafi, Vol.18 p.1056 • Wasa'il Al-Shi'ah, Vol.25 p.424 • Bihar Al-Anwar, Vol.101 p.253

HADITH

3419 - وَ رُوِيَ : «أَنَّ حَرِيمَ اَلْمَسْجِدِ أَرْبَعُونَ ذِرَاعاً مِنْ كُلِّ نَاحِيَةٍ وَ حَرِيمَ اَلْمُؤْمِنِ فِي اَلصَّيْفِ بَاعٌ» وَ رُوِيَ «عَظْمُ اَلذِّرَاعِ».

H.3419 - It has been narrated: "The protected area (harim) of a mosque is forty cubits from every side, and the protected area (harim) of a believer in the summer is a span." And it has also been narrated: "The length of a cubit."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.102 • Al-Wafi, V.18 p.1061 • Wasa'il Al-Shi'ah, V.25 p.427

HADITH

3420 - وَ رَوَى عُقْبَةُ بْنُ خَالِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَتَى جَبَلاً فَشَقَّ مِنْهُ قَنَاةً جَرَى مَاؤُهَا سَنَةً ثُمَّ إِنَّ رَجُلاً أَتَى ذَلِكَ اَلْجَبَلَ فَشَقَّ مِنْهُ قَنَاةً أُخْرَى فَذَهَبَتْ قَنَاةُ اَلْآخَرِ بِمَاءِ قَنَاةِ اَلْأَوَّلِ قَالَ «يُقَايَسَانِ بِحَقَائِبِ اَلْبِئْرِ لَيْلَةً لَيْلَةً فَيُنْظَرُ أَيَّتُهَا أَضَرَّتْ بِصَاحِبَتِهَا فَإِنْ كَانَتِ اَلْأَخِيرَةُ أَضَرَّتْ بِالْأُولَى فَلْيَتَعَوَّرْ وَ قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِذَلِكَ وَ قَالَ «إِنْ كَانَتِ اَلْأُولَى أَخَذَتْ مَاءَ اَلْأَخِيرَةِ لَمْ يَكُنْ لِصَاحِبِ اَلْأَخِيرَةِ عَلَى اَلْأُولَى سَبِيلٌ» ».

H.3420 - Narrated by Uqbah ibn Khalid from Abu Abdullah Imam Jafar Al-Sadiq {a.s}:
Regarding a man who dug a water channel from a mountain, and its water flowed for a year. Then another man came to the same mountain and dug another channel, but the second channel diverted the water of the first channel.
Imam {a.s} said: "They should measure the water flow using the buckets of the well, alternating night by night, to determine which channel has caused harm to the other. If the later channel has harmed the earlier one, then it should be removed."
And the Messenger of Allah {SWT} judged similarly, saying:
"If the first channel has taken the water of the second channel, then the owner of the second channel has no claim over the first."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.102 • Al-Wafi, Vol.18 p.1057

HADITH

3421 - وَ سُئِلَ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْمٍ كَانَ لَهُمْ عُيُونٌ فِي أَرْضٍ قَرِيبَةٍ بَعْضُهَا مِنْ بَعْضٍ فَأَرَادَ رَجُلٌ أَنْ يَجْعَلَ عَيْنَهُ أَسْفَلَ مِنْ مَوْضِعِهَا اَلَّذِي كَانَتْ عَلَيْهِ وَ بَعْضُ اَلْعُيُونِ إِذَا فُعِلَ بِهَا ذَلِكَ أَضَرَّتْ بِبَقِيَّتِهَا وَ بَعْضُهَا لاَ تَضُرُّ مِنْ شِدَّةِ اَلْأَرْضِ فَقَالَ «مَا كَانَ فِي مَكَانٍ جَلِيدٍ فَلاَ يَضُرُّهُ وَ مَا كَانَ فِي أَرْضٍ رِخْوَةٍ بَطْحَاءَ فَإِنَّهُ يَضُرُّ».

H.3421 - Imam {a.s} was asked about a group of people who had springs in a land, with some springs being close to others. One of the men wanted to lower the level of his spring from its original position, but some of the springs, if altered in this way, could harm the others, while some would not cause harm due to the firmness of the soil.
Imam {a.s} said: "Whatever is in a solid, firm ground does not cause harm, but whatever is in a loose, sandy soil will cause harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.102

HADITH

3422 - وَ قَالَ عَ : «يَكُونُ بَيْنَ اَلْبِئْرَيْنِ إِنْ كَانَتْ أَرْضاً صُلْبَةً خَمْسُمِائَةِ ذِرَاعٍ وَ إِنْ كَانَتْ رِخْوَةً فَأَلْفُ ذِرَاعٍ ».

H.3422 - Imam {a.s} said: "There should be a distance of five hundred cubits between two wells if the land is solid, and one thousand cubits if the land is loose."

[REFERENCES] Al-Kafi, V.5 p.296 • Man La Yahduruhu Al-Faqih, V.3 p.102 • Wasa'il Al-Shi'ah, Vol.25 p.425

HADITH

3423 - وَ رَوَى اَلْحَسَنُ اَلصَّيْقَلُ عَنْ أَبِي عُبَيْدَةَ اَلْحَذَّاءِ قَالَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «كَانَ لِسَمُرَةَ بْنِ جُنْدَبٍ نَخْلَةٌ فِي حَائِطِ بَنِي فُلاَنٍ فَكَانَ إِذَا جَاءَ إِلَى نَخْلَتِهِ نَظَرَ إِلَى شَيْءٍ مِنْ أَهْلِ اَلرَّجُلِ يَكْرَهُهُ اَلرَّجُلُ» قَالَ «فَذَهَبَ اَلرَّجُلُ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَشَكَاهُ فَقَالَ يَا رَسُولَ اَللَّهِ إِنَّ سَمُرَةَ يَدْخُلُ عَلَيَّ بِغَيْرِ إِذْنِي فَلَوْ أَرْسَلْتَ إِلَيْهِ فَأَمَرْتَهُ أَنْ يَسْتَأْذِنَ حَتَّى تَأْخُذَ أَهْلِي حِذْرَهَا مِنْهُ فَأَرْسَلَ إِلَيْهِ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَدَعَاهُ فَقَالَ «يَا سَمُرَةَ مَا شَأْنُ فُلاَنٍ يَشْكُوكَ وَ يَقُولُ يَدْخُلُ بِغَيْرِ إِذْنِي فَتَرَى مِنْ أَهْلِهِ مَا يَكْرَهُ ذَلِكَ يَا سَمُرَةُ اِسْتَأْذِنْ إِذَا أَنْتَ دَخَلْتَ» ثُمَّ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «يَسُرُّكَ أَنْ يَكُونَ لَكَ عَذْقٌ فِي اَلْجَنَّةِ بِنَخْلَتِكَ» قَالَ لاَ قَالَ «لَكَ ثَلاَثَةٌ» قَالَ لاَ قَالَ «مَا أَرَاكَ يَا سَمُرَةُ إِلاَّ مُضَارّاً اِذْهَبْ يَا فُلاَنُ فَاقْطَعْهَا وَ اِضْرِبْ بِهَا وَجْهَهُ» ».

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ لَيْسَ هَذَا اَلْحَدِيثُ بِخِلاَفِ اَلْحَدِيثِ اَلَّذِي ذَكَرْتُهُ فِي أَوَّلِ هَذَا اَلْبَابِ مِنْ قَضَاءِ رَسُولِ اَللَّهِ ص فِي رَجُلٍ بَاعَ نَخْلَهُ وَ اسْتَثْنَى نَخْلَةً فَقَضَى لَهُ بِالْمَدْخَلِ إِلَيْهَا وَ اَلْمَخْرَجِ مِنْهَا لِأَنَّ ذَلِكَ فِيمَنِ اشْتَرَى اَلنَّخْلَةَ مَعَ اَلطَّرِيقِ إِلَيْهَا وَ سَمُرَةُ كَانَتْ لَهُ نَخْلَةٌ وَ لَمْ يَكُنْ لَهُ اَلْمَمَرُّ إِلَيْهَا.

H.3423 - Al-Hasan al-Sayqal narrated from Abu Ubaydah al-Hadhdha', who said that Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"Samurah ibn Jundub had a date palm tree in the orchard of a certain man. Whenever he came to his tree, he would see things related to the man's family that the man disliked being seen. The man went to the Messenger of Allah {SWT} and complained about him, saying: O Messenger of Allah {SWT}, Samurah enters my property without my permission. Would you send for him and command him to seek permission, so that my family can take precautions against him?'
The Messenger of Allah {SWT} sent for Samurah and said to him:
'O Samurah, what is this matter that so-and-so complains about you, saying that you enter his property without permission and see things from his family that he dislikes? O Samurah, seek permission when you enter.'
Then Messenger of Allah {SWT} (peace be upon him and his family) said: 'Would it please you (Samurah) to have a date palm branch in Paradise in exchange for your tree?'
He (Samurah) replied: 'No.'
The Prophet said: 'You will have three (branches in Paradise).'
He (Samurah) again said: 'No.'
The Prophet then said: 'I do not see you, O Samurah, except as someone who causes harm. O so-and-so, cut down his tree and throw it in his face.'"

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, said:

"This hadith does not contradict the earlier hadith I mentioned in the beginning of this chapter, where the Messenger of Allah {SWT} (peace be upon him and his family) judged regarding a man who sold his date palms but excluded one tree, ruling that he had the right to enter and exit to reach it.

The earlier ruling applies to someone who purchased the palm tree along with its access path.

However, in the case of Samurah, he owned the palm tree but did not have the right of passage to access it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.103 • Al-Wafi, Vol.18 p.1072 • Wasa'il Al-Shi'ah, Vol.25 p.427

CHAPTER 45 – CHAPTER ON THE RULING OF FORCING A MAN TO PROVIDE FOR HIS RELATIVES

بَابُ الْحُكْمِ بِإِجْبَارِ الرَّجُلِ عَلَى نَفَقَةِ أَقْرِبَائِهِ

HADITH 3424

3424 - رَوَى مُحَمَّدُ بْنُ عَلِيٍّ اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ مَنِ اَلَّذِي أُجْبَرُ عَلَى نَفَقَتِهِ قَالَ «اَلْوَالِدَانِ وَ اَلْوَلَدُ وَ اَلزَّوْجَةُ وَ اَلْوَارِثُ اَلصَّغِيرُ يَعْنِي اَلْأَخَ وَ اِبْنَ اَلْأَخِ وَ غَيْرَهُ».

H.3424 - Muhammad ibn Ali al-Halabi narrated from Abu Abdillah {a.s}:

I said to Imam {a.s}: "Who are those whom I am obligated to provide for?"

Imam {a.s} said: "The parents, the child, the wife, and the minor heir - meaning the brother, the brother's son, and others."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.105

CHAPTER 46 – CHAPTER ON CLAIMS THAT ARE ACCEPTED WITHOUT EVIDENCE

بَابُ مَا يُقْبَلُ مِنَ الدَّعَاوِي بِغَيْرِ بَيِّنَةٍ

HADITH 3425 – 3430

3425 - جَاءَ أَعْرَابِيٌّ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَادَّعَى عَلَيْهِ سَبْعِينَ دِرْهَماً ثَمَنَ نَاقَةٍ بَاعَهَا مِنْهُ فَقَالَ «قَدْ أَوْفَيْتُكَ» فَقَالَ اِجْعَلْ بَيْنِي وَ بَيْنَكَ رَجُلاً يَحْكُمُ بَيْنَنَا فَأَقْبَلَ رَجُلٌ مِنْ قُرَيْشٍ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اُحْكُمْ بَيْنَنَا» فَقَالَ لِلْأَعْرَابِيِّ مَا تَدَّعِي عَلَى رَسُولِ اَللَّهِ قَالَ سَبْعِينَ دِرْهَماً ثَمَنَ نَاقَةٍ بِعْتُهَا مِنْهُ فَقَالَ مَا تَقُولُ يَا رَسُولَ اَللَّهِ قَالَ «قَدْ أَوْفَيْتُهُ» فَقَالَ لِلْأَعْرَابِيِّ مَا تَقُولُ قَالَ لَمْ يُوفِنِي فَقَالَ لِرَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَ لَكَ بَيِّنَةٌ عَلَى أَنَّكَ قَدْ أَوْفَيْتَهُ قَالَ «لاَ» قَالَ لِلْأَعْرَابِيِّ أَ تَحْلِفُ أَنَّكَ لَمْ تَسْتَوْفِ حَقَّكَ وَ تَأْخُذَهُ فَقَالَ نَعَمْ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «لَأَتَحَاكَمَنَّ مَعَ هَذَا إِلَى رَجُلٍ يَحْكُمُ بَيْنَنَا بِحُكْمِ اَللَّهِ عَزَّ وَ جَلَّ» فَأَتَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلِيّ بْنَ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ وَ مَعَهُ اَلْأَعْرَابِيُّ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «مَا لَكَ يَا رَسُولَ اَللَّهِ » قَالَ «يَا أَبَا اَلْحَسَنِ اُحْكُمْ بَيْنِي وَ بَيْنَ هَذَا اَلْأَعْرَابِيِّ» فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «يَا أَعْرَابِيُّ مَا تَدَّعِي عَلَى رَسُولِ اَللَّهِ » قَالَ سَبْعِينَ دِرْهَماً ثَمَنَ نَاقَةٍ بِعْتُهَا مِنْهُ فَقَالَ «مَا تَقُولُ يَا رَسُولَ اَللَّهِ » قَالَ «قَدْ أَوْفَيْتُهُ ثَمَنَهَا» فَقَالَ «يَا أَعْرَابِيُّ أَ صَدَقَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِيمَا قَالَ» قَالَ لاَ مَا أَوْفَانِي شَيْئاً فَأَخْرَجَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ سَيْفَهُ فَضَرَبَ عُنُقَهُ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «لِمَ فَعَلْتَ يَا عَلِيُّ ذَلِكَ» فَقَالَ «يَا رَسُولَ اَللَّهِ نَحْنُ نُصَدِّقُكَ عَلَى أَمْرِ اَللَّهِ وَ نَهْيِهِ وَ عَلَى أَمْرِ اَلْجَنَّةِ وَ اَلنَّارِ وَ اَلثَّوَابِ وَ اَلْعِقَابِ وَ وَحْيِ اَللَّهِ عَزَّ وَ جَلَّ وَ لاَ نُصَدِّقُكَ فِي ثَمَنِ نَاقَةِ هَذَا اَلْأَعْرَابِيِّ وَ إِنِّي قَتَلْتُهُ لِأَنَّهُ كَذَّبَكَ لَمَّا قُلْتُ لَهُ أَ صَدَقَ رَسُولُ اَللَّهِ فِيمَا قَالَ فَقَالَ لاَ مَا أَوْفَانِي شَيْئاً» فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَصَبْتَ يَا عَلِيُّ فَلاَ تَعُدْ إِلَى مِثْلِهَا» ثُمَّ اِلْتَفَتَ إِلَى اَلْقُرَشِيِّ وَ كَانَ قَدْ تَبِعَهُ فَقَالَ «هَذَا حُكْمُ اَللَّهِ لاَ مَا حَكَمْتَ بِهِ» ».

H.3425 - A Bedouin came to the Prophet, peace be upon him and his family, and claimed seventy dirhams as the price of a she-camel he had sold to Him {saws}.
The Prophet {saws} said: “I have paid you."
The Bedouin said: “Appoint someone between me and you who will judge between us."
Then, a man from Quraysh approached, and the Messenger of Allah {SWT}, peace be upon him and his family, said: “Judge between us."
The man asked the Bedouin: "What is your claim against the Messenger of Allah {SWT}?"
He replied: “Seventy dirhams, the price of a she-camel I sold to Him {saws}."
The judge asked: “What do you say, O Messenger of Allah {SWT}?"
The Prophet {saws} said: “I have paid him."
The judge then asked the Bedouin: "What do you say?"
The Bedouin replied: “He {saws} has not paid me."

The judge said to the Messenger of Allah {SWT}, peace be upon him and his family: "Do you have any evidence that you have paid him?"

The Prophet {saws} said: “No."

The judge then said to the Bedouin: "Will you swear that you have not received your due and then take it?"

The Bedouin replied: “Yes."

Then the Messenger of Allah {SWT}, peace be upon him and his family, said: “I will indeed take this matter for judgment to a man who judges between us with the judgment of Allah {SWT}, the Mighty and Majestic."

The Messenger of Allah {SWT}, peace be upon him and his family, went to Imam Ali ibn Abi Talib {a.s}, accompanied by the Bedouin.

Imam Ali ibn Abi Talib {a.s} said: “What is the matter, O Messenger of Allah {SWT}?"

He {saws} said: “O Abu al-Hasan {a.s}, judge between me and this Bedouin."

Imam Ali ibn Abi Talib {a.s} said: “O Bedouin, what is your claim against the Messenger of Allah {SWT}?"

The Bedouin replied: “Seventy dirhams, the price of a she-camel I sold to him {saws}."

Imam Ali ibn Abi Talib {a.s} asked: “What do you say, O Messenger of Allah {SWT}?"

The Prophet, peace be upon him and his family, said: “I have paid him its price."

Imam Ali ibn Abi Talib {a.s} said: “O Bedouin, has the Messenger of Allah {SWT}, peace be upon him and his family, spoken the truth in what He {saws} said?"

The Bedouin replied: “No, He {saws} has not paid me anything."

Imam Ali ibn Abi Talib {a.s}, then drew his sword and struck his neck.

The Messenger of Allah {SWT}, peace be upon him and his family, said: “Why did you do that, O Ali {a.s}?"

Imam Ali ibn Abi Talib {a.s} replied: “O Messenger of Allah {SWT}, we believe you concerning Allah’s {SWT} commands and prohibitions, and regarding Paradise and Hell, reward and punishment, and the revelation of Allah {SWT}, the Mighty and Majestic. Should we then not believe you concerning the price of this Bedouin’s she-camel? I killed him because he denied you when I asked him, 'Has the Messenger of Allah {SWT} spoken the truth in what he said?' and he replied: ‘No, he has not paid me anything.'"

The Messenger of Allah {SWT}, peace be upon him and his family, said: “You have done right, O Ali {a.s}, but do not repeat this again."

Then, He {saws} turned to the Qurayshi man who had followed him and said: “This is the judgment of Allah {SWT}, not what you had judged."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.105 • Awali Al-La’ali, Vol.3 p.518 • Al-Wafi, Vol.16 p.1102 • Wasa’il Al-Shi’ah, Vol.27 p.274

HADITH

3426 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ بَحْرٍ اَلشَّيْبَانِيِّ عَنْ أَحْمَدَ بْنِ اَلْحَارِثِ قَالَ حَدَّثَنَا أَبُو أَيُّوبَ اَلْكُوفِيُّ قَالَ حَدَّثَنَا إِسْحَاقُ بْنُ وَهْبٍ اَلْعَلاَّفُ قَالَ حَدَّثَنَا أَبُو عَاصِمٍ اَلنَّبَّالُ عَنِ اِبْنِ جُرَيْجٍ عَنِ اَلضَّحَّاكِ عَنِ اِبْنِ عَبَّاسٍ قَالَ : خَرَجَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ مِنْ مَنْزِلِ عَائِشَةَ فَاسْتَقْبَلَهُ أَعْرَابِيٌّ وَ مَعَهُ نَاقَةٌ فَقَالَ يَا مُحَمَّدُ تَشْتَرِي هَذِهِ اَلنَّاقَةَ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «نَعَمْ بِكَمْ تَبِيعُهَا يَا أَعْرَابِيُّ» فَقَالَ بِمِائَتَيْ دِرْهَمٍ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «بَلْ نَاقَتُكَ خَيْرٌ مِنْ هَذَا»

قَالَ فَمَا زَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَزِيدُ حَتَّى اِشْتَرَى اَلنَّاقَةَ بِأَرْبَعِ مِائَةِ دِرْهَمٍ قَالَ فَلَمَّا دَفَعَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِلَى اَلْأَعْرَابِيِّ اَلدَّرَاهِمَ ضَرَبَ اَلْأَعْرَابِيُّ يَدَهُ إِلَى زِمَامِ اَلنَّاقَةِ فَقَالَ اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي فَإِنْ كَانَ لِمُحَمَّدٍ شَيْءٌ فَلْيُقِمِ اَلْبَيِّنَةَ قَالَ فَأَقْبَلَ رَجُلٌ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَ تَرْضَى بِالشَّيْخِ اَلْمُقْبِلِ» قَالَ نَعَمْ يَا مُحَمَّدُ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «تَقْضِي فِيمَا بَيْنِي وَ بَيْنَ هَذَا اَلْأَعْرَابِيِّ» فَقَالَ تَكَلَّمْ يَا رَسُولَ اَللَّهِ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي إِنْ كَانَ لِمُحَمَّدٍ شَيْءٌ فَلْيُقِمِ اَلْبَيِّنَةَ فَقَالَ اَلْأَعْرَابِيُّ بَلِ اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي إِنْ كَانَ لِمُحَمَّدٍ شَيْءٌ فَلْيُقِمِ اَلْبَيِّنَةَ فَقَالَ اَلرَّجُلُ اَلْقَضِيَّةُ فِيهَا وَاضِحَةٌ يَا رَسُولَ اَللَّهِ لِأَنَّ اَلْأَعْرَابِيَّ طَلَبَ اَلْبَيِّنَةَ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي بَلِ اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي إِنْ كَانَ لِمُحَمَّدٍ شَيْءٌ فَلْيُقِمِ اَلْبَيِّنَةَ فَقَالَ اَلْأَعْرَابِيُّ يَا رَسُولَ اَللَّهِ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَ تَرْضَى يَا أَعْرَابِيُّ بِالشَّيْخِ اَلْمُقْبِلِ» قَالَ نَعَمْ يَا مُحَمَّدُ فَلَمَّا دَنَا قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اِقْضِ فِيمَا بَيْنِي وَ بَيْنَ اَلْأَعْرَابِيِّ» قَالَ تَكَلَّمْ يَا رَسُولَ اَللَّهِ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمُ اَلْأَعْرَابِيِّ» فَقَالَ اَلْأَعْرَابِيُّ بَلِ اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي إِنْ كَانَ لِمُحَمَّدٍ شَيْءٌ فَلْيُقِمِ اَلْبَيِّنَةَ فَقَالَ اَلرَّجُلُ اَلْقَضِيَّةُ فِيهَا وَاضِحَةٌ يَا رَسُولَ اَللَّهِ لِأَنَّ اَلْأَعْرَابِيَّ طَلَبَ اَلْبَيِّنَةَ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اِجْلِسْ حَتَّى يَأْتِيَ اَللَّهُ بِمَنْ يَقْضِي بَيْنِي وَ بَيْنَ اَلْأَعْرَابِيِّ بِالْحَقِّ»

فَأَقْبَلَ عَلِيُّ بْنُ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَ تَرْضَى بِالشَّابِّ اَلْمُقْبِلِ» قَالَ نَعَمْ فَلَمَّا دَنَا قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «يَا أَبَا اَلْحَسَنِ اِقْضِ فِيمَا بَيْنِي وَ بَيْنَ اَلْأَعْرَابِيِّ» فَقَالَ «تَكَلَّمْ يَا رَسُولَ اَللَّهِ » فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمُ اَلْأَعْرَابِيِّ» فَقَالَ اَلْأَعْرَابِيُّ لاَ بَلِ اَلنَّاقَةُ نَاقَتِي وَ اَلدَّرَاهِمُ دَرَاهِمِي إِنْ كَانَ لِمُحَمَّدٍ شَيْءٌ فَلْيُقِمِ اَلْبَيِّنَةَ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «خَلِّ بَيْنَ اَلنَّاقَةِ وَ بَيْنَ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ » فَقَالَ اَلْأَعْرَابِيُّ مَا كُنْتُ بِالَّذِي أَفْعَلُ أَوْ يُقِيمَ اَلْبَيِّنَةَ قَالَ فَدَخَلَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ مَنْزِلَهُ فَاشْتَمَلَ عَلَى قَائِمِ سَيْفِهِ ثُمَّ أَتَى فَقَالَ «خَلِّ بَيْنَ اَلنَّاقَةِ وَ بَيْنَ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ » قَالَ مَا كُنْتُ بِالَّذِي أَفْعَلُ أَوْ يُقِيمَ اَلْبَيِّنَةَ قَالَ فَضَرَبَهُ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ ضَرْبَةً فَاجْتَمَعَ أَهْلُ اَلْحِجَازِ عَلَى أَنَّهُ رَمَى بِرَأْسِهِ وَ قَالَ بَعْضُ أَهْلِ اَلْعِرَاقِ بَلْ قَطَعَ مِنْهُ عُضْواً قَالَ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «مَا حَمَلَكَ عَلَى هَذَا يَا عَلِيُّ » فَقَالَ «يَا رَسُولَ اَللَّهِ نُصَدِّقُكَ عَلَى اَلْوَحْيِ مِنَ اَلسَّمَاءِ وَ لاَ نُصَدِّقُكَ عَلَى أَرْبَعِمِائَةِ دِرْهَمٍ».

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ هَذَانِ اَلْحَدِيثَانِ غَيْرُ مُخْتَلِفَيْنِ لِأَنَّهُمَا فِي قَضِيَّتَيْنِ وَ كَانَتْ هَذِهِ اَلْقَضِيَّةُ قَبْلَ اَلْقَضِيَّةِ اَلَّتِي ذَكَرْتُهَا قَبْلَهَا.

H.3426 - In the narration of Muhammad ibn Bahr al-Shaybani, from Ahmad ibn al-Harith, who said: Abu Ayyub al-Kufi narrated to us, who said: Ishaq ibn Wahb al-Allaf narrated to us, who said: Abu Asim al-Nabbal narrated to us, from Ibn Jurayj, from al-Dahhak, from Ibn Abbas, who said:

The Messenger of Allah {SWT}, peace be upon him and his family, came out from the house of Aisha, and a Bedouin approached him with a she-camel.

The Bedouin said: “O Muhammad, will you buy this she-camel?"

The Prophet, peace be upon him and his family, said: “Yes. For how much do you sell it, O Bedouin?"

The Bedouin replied: “For two hundred dirhams."

The Prophet, peace be upon him and his family, said: “Rather, your she-camel is worth more than this."

The Prophet, peace be upon him and his family, continued to increase the price until he purchased the she-camel for four hundred dirhams.

When the Prophet, peace be upon him and his family, handed the dirhams to the Bedouin, the Bedouin grabbed the reins of the she-camel and said: “The she-camel is mine, and the dirhams are mine. If Muhammad {saws} has any claim, let him present evidence."

Then a man approached, and the Prophet, peace be upon him and his family, said: “Do you agree to this elder who has come to judge between us?"

The Bedouin said: “Yes, O Muhammad {saws}."

The Prophet, peace be upon him and his family, said: “Judge between me and this Bedouin."

The man said: “Speak, O Messenger of Allah {SWT}."

The Prophet, peace be upon him and his family, said: “The she-camel is mine, and the dirhams belong to the Bedouin."

The Bedouin said: “Rather, the she-camel is mine, and the dirhams are mine. If Muhammad {saws} has any claim, let him present evidence."

The man said: “The case is clear, O Messenger of Allah {SWT}, since the Bedouin is asking for evidence."

The Prophet, peace be upon him and his family, said to him, "Sit down." So he sat.

Then another man approached, and the Prophet, peace be upon him and his family, said: “Do you agree, O Bedouin, to this elder who has come to judge between us?"

The Bedouin said: “Yes, O Muhammad {saws}."

When the man came closer, the Prophet, peace be upon him and his family, said: “Judge between me and the Bedouin."

The man said: “Speak, O Messenger of Allah {SWT}."

The Prophet, peace be upon him and his family, said: “The she-camel is mine, and the dirhams belong to the Bedouin."

The Bedouin said: “Rather, the she-camel is mine, and the dirhams are mine. If Muhammad {saws} has any claim, let him present evidence."

The man said: “The case is clear, O Messenger of Allah {SWT}, because the Bedouin is asking for evidence."

The Prophet, peace be upon him and his family, said: “Sit until Allah {SWT} brings someone who will judge between me and the Bedouin with truth."

Then Imam Ali ibn Abi Talib {a.s} approached.

The Prophet, peace be upon him and his family, said: “Do you accept this young man who has come forward as a judge?"

The Bedouin said: “Yes."

When Imam Ali ibn Abi Talib {a.s} drew near, the Prophet, peace be upon him and his family, said: “O Abu al-Hasan {a.s}, judge between me and this Bedouin."

Imam Ali ibn Abi Talib {a.s} said: “Speak, O Messenger of Allah {SWT}."

The Prophet, peace be upon him and his family, said: “The she-camel is mine, and the dirhams belong to the Bedouin."

The Bedouin said: “No, rather the she-camel is mine, and the dirhams are mine. If Muhammad {saws} has any claim, let him bring evidence."

Imam Ali ibn Abi Talib {a.s} said: “Leave the she-camel with the Messenger of Allah {SWT}, peace be upon him and his family."

The Bedouin replied: “I will not do so unless He {saws} presents evidence."

Imam Ali ibn Abi Talib {a.s} then entered his house, took hold of the hilt of his sword, and came back.

Imam Ali ibn Abi Talib {a.s} said: “Leave the she-camel with the Messenger of Allah {SWT}, peace be upon him and his family."

The Bedouin replied: “I will not do so unless he presents evidence."

So Imam Ali ibn Abi Talib {a.s} struck him with a blow.

The people of Hijaz said that he struck off his head, while some people of Iraq said that he cut off one of his limbs.

The Prophet, peace be upon him and his family, said: “What made you do this, O Ali {a.s}?"

Imam Ali ibn Abi Talib {a.s} said: “O Messenger of Allah {SWT}, we believe you concerning the revelation from the heavens, yet we do not believe you regarding four hundred dirhams?"

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, said: These two narrations are not contradictory because they pertain to two different incidents. The latter incident occurred before the one I mentioned earlier.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.106 • Al-Wafi, Vol.16 p.1103 • Mustadrak Al-Wasa’il, Vol.17 p.382

HADITH

3427 - وَ رَوَى مُحَمَّدُ بْنُ بَحْرٍ اَلشَّيْبَانِيُّ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَحْمَدَ اَلذُّهْلِيِّ قَالَ حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى اَلنَّيْسَابُورِيُّ قَالَ حَدَّثَنَا أَبُو اَلْيَمَانِ اَلْحَكَمُ بْنُ نَافِعٍ اَلْحِمْصِيُّ قَالَ حَدَّثَنَا شُعَيْبٌ عَنْ اَلزُّهْرِيِّ عَنْ عَبْدِ اَللَّهِ بْنِ أَحْمَدَ اَلذُّهْلِيِّ قَالَ حَدَّثَنِي عُمَارَةُ بْنُ خُزَيْمَةَ بْنِ ثَابِتٍ أَنَّ عَمَّهُ حَدَّثَهُ وَ هُوَ مِنْ أَصْحَابِ اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : أَنَّ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اِبْتَاعَ فَرَساً مِنْ أَعْرَابِيٍّ فَأَسْرَعَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلْمَشْيَ لِيُقَبِّضَهُ ثَمَنَ فَرَسِهِ فَأَبْطَأَ اَلْأَعْرَابِيُّ فَطَفِقَ رِجَالٌ يَعْتَرِضُونَ اَلْأَعْرَابِيَّ فَيُسَاوِمُونَهُ بِالْفَرَسِ وَ هُمْ لاَ يَشْعُرُونَ أَنَّ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اِبْتَاعَهُ حَتَّى زَادَ بَعْضُهُمُ اَلْأَعْرَابِيَّ فِي اَلسَّوْمِ عَلَى اَلثَّمَنِ فَنَادَى اَلْأَعْرَابِيُّ فَقَالَ إِنْ كُنْتَ مُبْتَاعاً لِهَذَا اَلْفَرَسِ فَابْتَعْهُ وَ إِلاَّ بِعْتُهُ فَقَامَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ حِينَ سَمِعَ اَلْأَعْرَابِيَّ فَقَالَ «أَ وَ لَيْسَ قَدِ اِبْتَعْتُهُ مِنْكَ» فَطَفِقَ اَلنَّاسُ يَلُوذُونَ بِالنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ بِالْأَعْرَابِيِّ وَ هُمَا يَتَشَاجَرَانِ فَقَالَ اَلْأَعْرَابِيُّ هَلُمَّ شَهِيداً يَشْهَدُ أَنِّي قَدْ بَايَعْتُكَ وَ مَنْ جَاءَ مِنَ اَلْمُسْلِمِينَ قَالَ لِلْأَعْرَابِيِّ إِنَّ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَمْ يَكُنْ لِيَقُولَ إِلاَّ حَقّاً حَتَّى جَاءَ خُزَيْمَةُ بْنُ ثَابِتٍ فَاسْتَمَعَ لِمُرَاجَعَةِ اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ اَلْأَعْرَابِيِّ فَقَالَ خُزَيْمَةُ إِنِّي أَنَا أَشْهَدُ أَنَّكَ قَدْ بَايَعْتَهُ فَأَقْبَلَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلَى خُزَيْمَةَ فَقَالَ «بِمَ تَشْهَدُ» قَالَ بِتَصْدِيقِكَ يَا رَسُولَ اَللَّهِ فَجَعَلَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ شَهَادَةَ خُزَيْمَةَ بْنِ ثَابِتٍ شَهَادَتَيْنِ وَ سَمَّاهُ ذَا اَلشَّهَادَتَيْنِ.

H.3427 - Muhammad ibn Bahr al-Shaybani narrated from Abd al-Rahman ibn Ahmad al-Dhuhli, who said: Muhammad ibn Yahya al-Naysaburi narrated to us, who said: Abu al-Yaman al-Hakam ibn Nafi' al-Himsi narrated to us, who said: Shu'ayb narrated from al-Zuhri, from Abdullah ibn Ahmad al-Dhuhli, who said:
'Umara ibn Khuzayma ibn Thabit narrated to me that his uncle, who was one of the companions of the Prophet, peace be upon him and his family, said:
The Prophet, peace be upon him and his family, purchased a horse from a Bedouin.
The Prophet, peace be upon him and his family, walked quickly to pay him the price of the horse, but the Bedouin delayed. Meanwhile, some men intercepted the Bedouin and began bargaining with him for the horse, unaware that the Prophet, peace be upon him and his family, had already bought it. Some of them even offered the Bedouin a higher price.
Then the Bedouin called out: "If you want to buy this horse, then buy it; otherwise, I will sell it to someone else."
The Prophet, peace be upon him and his family, upon hearing this, said: “Did I not already buy it from you?"
People began to gather around the Prophet, peace be upon him and his family, and the Bedouin, and they started disputing.
The Bedouin said: “Bring a witness to testify that I sold it to you."
Among the Muslims who arrived, they said to the Bedouin: "The Prophet, peace be upon him and his family, does not speak except the truth."
Then Khuzayma ibn Thabit came forward, listened to the argument between the Prophet, peace be upon him and his family, and the Bedouin, and said: “I bear witness that you have sold it to him."

The Prophet, peace be upon him and his family, turned to Khuzayma and said: “On what basis do you testify?"
Khuzayma replied: “By affirming your truthfulness, O Messenger of Allah {SWT}."
Then the Prophet, peace be upon him and his family, declared the testimony of Khuzayma ibn Thabit equal to the testimony of two witnesses, and he called him 'Dhul Shahadatayn' (the possessor of two testimonies).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.108 • Al-Wafi, Vol.16 p.1106 • Wasa’il Al-Shi’ah, Vol.27 p.276

HADITH

3428 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَانَ فِي مَسْجِدِ اَلْكُوفَةِ فَمَرَّ بِهِ عَبْدُ اَللَّهِ بْنُ قُفْلٍ اَلتَّيْمِيُّ وَ مَعَهُ دِرْعُ طَلْحَةَ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «هَذِهِ دِرْعُ طَلْحَةَ أُخِذَتْ غُلُولاً يَوْمَ اَلْبَصْرَةِ » فَقَالَ اِبْنُ قُفْلٍ يَا أَمِيرَ اَلْمُؤْمِنِينَ اِجْعَلْ بَيْنِي وَ بَيْنَكَ قَاضِيَكَ اَلَّذِي اِرْتَضَيْتَهُ لِلْمُسْلِمِينَ فَجَعَلَ بَيْنَهُ وَ بَيْنَهُ شُرَيْحاً فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «هَذِهِ دِرْعُ طَلْحَةَ أُخِذَتْ غُلُولاً يَوْمَ اَلْبَصْرَةِ » فَقَالَ شُرَيْحٌ يَا أَمِيرَ اَلْمُؤْمِنِينَ هَاتِ عَلَى مَا تَقُولُ بَيِّنَةً فَأَتَاهُ بِالْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ فَشَهِدَ أَنَّهَا دِرْعُ طَلْحَةَ أُخِذَتْ يَوْمَ اَلْبَصْرَةِ غُلُولاً فَقَالَ شُرَيْحٌ هَذَا شَاهِدٌ وَ لاَ أَقْضِي بِشَاهِدٍ حَتَّى يَكُونَ مَعَهُ آخَرُ فَأَتَى بِقَنْبَرٍ فَشَهِدَ أَنَّهَا دِرْعُ طَلْحَةَ أُخِذَتْ غُلُولاً يَوْمَ اَلْبَصْرَةِ فَقَالَ هَذَا مَمْلُوكٌ وَ لاَ أَقْضِي بِشَهَادَةِ اَلْمَمْلُوكِ فَغَضِبَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ ثُمَّ قَالَ «خُذُوا اَلدِّرْعَ فَإِنَّ هَذَا قَدْ قَضَى بِجَوْرٍ ثَلاَثَ مَرَّاتٍ» فَتَحَوَّلَ شُرَيْحٌ عَنْ مَجْلِسِهِ وَ قَالَ لاَ أَقْضِي بَيْنَ اِثْنَيْنِ حَتَّى تُخْبِرَنِي مِنْ أَيْنَ قَضَيْتَ بِجَوْرٍ ثَلاَثَ مَرَّاتٍ فَقَالَ لَهُ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «إِنِّي لَمَّا قُلْتُ لَكَ إِنَّهَا دِرْعُ طَلْحَةَ أُخِذَتْ غُلُولاً يَوْمَ اَلْبَصْرَةِ فَقُلْتَ هَاتِ عَلَى مَا تَقُولُ بَيِّنَةً وَ قَدْ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «حَيْثُمَا وُجِدَ غُلُولٌ أُخِذَ بِغَيْرِ بَيِّنَةٍ» فَقُلْتُ رَجُلٌ لَمْ يَسْمَعِ اَلْحَدِيثَ ثُمَّ أَتَيْتُكَ بِالْحَسَنِ فَشَهِدَ فَقُلْتَ هَذَا شَاهِدٌ وَاحِدٌ وَ لاَ أَقْضِي بِشَاهِدٍ حَتَّى يَكُونَ مَعَهُ آخَرُ وَ قَدْ قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِشَاهِدٍ وَ يَمِينٍ فَهَاتَانِ اِثْنَتَانِ ثُمَّ أَتَيْتُكَ بِقَنْبَرٍ فَشَهِدَ فَقُلْتَ هَذَا مَمْلُوكٌ وَ مَا بَأْسَ بِشَهَادَةِ اَلْمَمْلُوكِ إِذَا كَانَ عَدْلاً فَهَذِهِ اَلثَّالِثَةُ» ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ «يَا شُرَيْحُ إِنَّ إِمَامَ اَلْمُسْلِمِينَ يُؤْتَمَنُ مِنْ أُمُورِهِمْ عَلَى مَا هُوَ أَعْظَمُ مِنْ هَذَا» » ثُمَّ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «فَأَوَّلُ مَنْ رَدَّ شَهَادَةَ اَلْمَمْلُوكِ رُمَعُ ».

H.3428 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:

Imam Ali ibn Abi Talib {a.s} was in the Mosque of Kufa when Abdullah ibn Qufl al-Taymi passed by him, carrying the armor of Talha.

Imam Ali ibn Abi Talib {a.s} said: "This is Talha's armor, which was taken unlawfully on the day of Basra."

Ibn Qufl said: "O Commander of the Faithful, appoint as judge between you and me the one you have approved for the Muslims."

Imam Ali ibn Abi Talib {a.s} appointed Shurayh as the judge.

Imam Ali ibn Abi Talib {a.s} said: "This is Talha's armor, which was taken unlawfully on the day of Basra."

Shurayh said: "O Commander of the Faithful, bring evidence for what you claim."

So Imam Ali ibn Abi Talib {a.s} brought Imam Hasan ibn Ali {a.s}, who testified that it was Talha's armor and had been taken unlawfully on the day of Basra.

Shurayh said: "This is one witness, but I do not pass judgment based on a single witness until there is another."

Imam Ali ibn Abi Talib {a.s} then brought Qanbar, who testified that it was Talha's armor and had been taken unlawfully on the day of Basra.

Shurayh said: "This is a servant, and I do not pass judgment based on the testimony of a servant."

Imam Ali ibn Abi Talib {a.s} became angry and said: "Take the armor, for this judge has ruled unjustly three times."

Shurayh then moved away from his seat and said: "I will not judge between two people until you explain to me how I have ruled unjustly three times."

Imam Ali ibn Abi Talib {a.s} said: "When I told you that it was Talha's armor, taken unlawfully on the day of Basra, you demanded evidence, even though the Messenger of Allah {SWT}, peace be upon him and his family, said: 'Wherever stolen property is found, it shall be taken without the need for evidence.' I said to myself, 'Perhaps this man has not heard this H.'

Then I brought you al-Hasan {a.s}, who testified, and you said: 'This is one witness, and I do not pass judgment based on a single witness until there is another.' Yet the Messenger of Allah {SWT}, peace be upon him and his family, passed judgment based on one witness and an oath. This was the second error.

Then I brought you Qanbar, who testified, and you said: 'This is a servant, and I do not accept the testimony of a servant.' But there is nothing wrong with accepting the testimony of a servant if he is just. This was the third error."

Then Imam Ali ibn Abi Talib {a.s} said: "O Shurayh, the Imam of the Muslims is entrusted with matters greater than this."

Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said: "The first to reject the testimony of a servant was Rum'a."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.109

HADITH

3429 - وَ رَوَى مُحَمَّدُ بْنُ عِيسَى بْنِ عُبَيْدٍ عَنْ أَخِيهِ جَعْفَرِ بْنِ عِيسَى قَالَ : كَتَبْتُ إِلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ اَلْمَرْأَةُ تَمُوتُ فَيَدَّعِي أَبُوهَا أَنَّهُ أَعَارَهَا بَعْضَ مَا كَانَ عِنْدَهَا مِنَ اَلْمَتَاعِ وَ اَلْخَدَمِ أَ تُقْبَلُ دَعْوَاهُ بِلاَ بَيِّنَةٍ أَمْ لاَ تُقْبَلُ دَعْوَاهُ إِلاَّ بِبَيِّنَةٍ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «تَجُوزُ بِلاَ بَيِّنَةٍ» قَالَ وَ كَتَبْتُ إِلَى أَبِي اَلْحَسَنِ يَعْنِي عَلِيَّ بْنَ مُحَمَّدٍ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ إِنِ اِدَّعَى زَوْجُ اَلْمَرْأَةِ اَلْمَيِّتَةِ أَوْ أَبُو زَوْجِهَا أَوْ أُمُّ زَوْجِهَا فِي مَتَاعِهَا أَوْ فِي خَدَمِهَا مِثْلَ اَلَّذِي اِدَّعَى أَبُوهَا مِنْ عَارِيَّةِ بَعْضِ اَلْمَتَاعِ وَ اَلْخَدَمِ أَ يَكُونُ بِمَنْزِلَةِ اَلْأَبِ فِي اَلدَّعْوَى فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «لاَ».

H.3429 - Muhammad ibn Isa ibn Ubayd narrated from his brother Ja'far ibn Isa, who said:

I wrote to Abu al-Hasan {a.s} saying: "May I be your ransom. If a woman dies and her father claims that he had lent her some of the items or servants in her possession, is his claim accepted without evidence, or is it not accepted unless he provides evidence?"

Imam {a.s} wrote in reply: "His claim is accepted without evidence."

Ja'far continued:

I also wrote to Abu al-Hasan {a.s}, referring to Imam Ali ibn Muhammad {a.s}: "May I be your ransom. If the deceased woman's husband, or the father of her husband, or the mother of her husband, makes a similar claim about lending some of the items or servants, like the father had claimed, would they be treated like the father in their claim?"

Imam {a.s} wrote in reply: "No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.110 • Al-Wafi, Vol.16 p.948

HADITH

3430 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ رِفَاعَةَ بْنِ مُوسَى اَلنَّخَّاسِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا طَلَّقَ اَلرَّجُلُ اِمْرَأَتَهُ فَادَّعَتْ أَنَّ اَلْمَتَاعَ لَهَا وَ اِدَّعَى أَنَّ اَلْمَتَاعَ لَهُ كَانَ لَهُ مَا لِلرِّجَالِ وَ لَهَا مَا لِلنِّسَاءِ». وَ قَدْ رُوِيَ: «أَنَّ اَلْمَرْأَةَ أَحَقُّ بِالْمَتَاعِ لِأَنَّ مَنْ بَيْنَ لاَبَتَيْهَا قَدْ يَعْلَمُ أَنَّ اَلْمَرْأَةَ تَنْقُلُ إِلَى بَيْتِ زَوْجِهَا اَلْمَتَاعَ ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي بِذَلِكَ الْمَتَاعَ الَّذِي هُوَ مِنْ مَتَاعِ النِّسَاءِ وَ الْمَتَاعِ الَّذِي هُوَ يَحْتَاجُ إِلَيْهِ الرِّجَالُ كَمَا تَحْتَاجُ إِلَيْهِ النِّسَاءُ فَأَمَّا مَا لَا يَصْلُحُ إِلَّا لِلرِّجَالِ فَهُوَ لِلرَّجُلِ وَ لَيْسَ هَذَا الْحَدِيثُ بِمُخَالِفٍ لِلَّذِي قَالَ لَهُ مَا لِلرِّجَالِ وَ لَهَا مَا لِلنِّسَاءِ وَ بِاللَّهِ التَّوْفِيقُ.

H.3430 - Muhammad ibn Abi Umayr narrated from Rifa'ah ibn Musa al-Nakhkhas, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"If a man divorces his wife, and she claims that the belongings are hers while he claims that the belongings are his, then the man is entitled to what is for men, and the woman is entitled to what is for women."
It has also been narrated:
"The woman has a greater right to the belongings because it is commonly known among the people of the area that a woman brings belongings with her to her husband's house."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, said:
This refers to belongings that are typically used by women and belongings that are commonly needed by both men and women. As for items that are suitable only for men, they belong to the man. This narration does not contradict the previous one, which stated that the man is entitled to what is for men and the woman to what is for women. And Allah {SWT} grants success.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.111

CHAPTER 47 – CHAPTER OF RARITIES

بَابٌ نَادِرٌ

HADITH 3431 – 3432

3431 - رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَبْصَرَ طَيْراً فَتَبِعَهُ حَتَّى وَقَعَ عَلَى شَجَرَةٍ فَجَاءَ رَجُلٌ آخَرُ فَأَخَذَهُ فَقَالَ «لِلْعَيْنِ مَا رَأَتْ وَ لِلْيَدِ مَا أَخَذَتْ ».

H.3431 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, from Imam Ali ibn Abi Talib {a.s}:
He {a.s} was asked about a man who saw a bird and followed it until it landed on a tree. Then another man came and took it.
Imam Ali ibn Abi Talib {a.s} said: “What the eye sees belongs to it, and what the hand takes belongs to it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.112 • Wasa’il Al-Shi’ah, Vol.25 p.461

HADITH

3432 - وَ رَوَى عَلِيُّ بْنُ عَبْدِ اَللَّهِ اَلْوَرَّاقُ رَحِمَهُ اَللَّهُ عَنْ سَعْدِ بْنِ عَبْدِ اَللَّهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْأَخْرَسِ كَيْفَ يَحْلِفُ إِذَا اُدُّعِيَ عَلَيْهِ دَيْنٌ وَ لَمْ يَكُنْ لِلْمُدَّعِي بَيِّنَةٌ فَقَالَ «إِنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ أُتِيَ بِأَخْرَسَ وَ أُدُّعِيَ عَلَيْهِ دَيْنٌ فَأَنْكَرَهُ وَ لَمْ يَكُنْ لِلْمُدَّعِي عَلَيْهِ بَيِّنَةٌ فَقَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ «اَلْحَمْدُ لِلَّهِ اَلَّذِي لَمْ يُخْرِجْنِي مِنَ اَلدُّنْيَا حَتَّى بَيَّنْتُ لِلْأُمَّةِ جَمِيعَ مَا يَحْتَاجُ إِلَيْهِ» ثُمَّ قَالَ «اِئْتُونِي بِمُصْحَفٍ » فَأُتِيَ بِهِ فَقَالَ لِلْأَخْرَسِ «مَا هَذَا» فَرَفَعَ رَأْسَهُ إِلَى اَلسَّمَاءِ وَ أَشَارَ أَنَّهُ كِتَابُ اَللَّهِ ثُمَّ قَالَ «اِئْتُونِي بِوَلِيِّهِ» فَأَتَوْهُ بِأَخٍ لَهُ فَأَقْعَدَهُ إِلَى جَنْبِهِ ثُمَّ قَالَ «يَا قَنْبَرُ عَلَيَّ بِدَوَاةٍ وَ صِينِيَّةٍ» فَأَتَاهُ بِهِمَا ثُمَّ قَالَ لِأَخِ اَلْأَخْرَسِ «قُلْ لِأَخِيكَ هَذَا بَيْنَكَ وَ بَيْنَهُ إِنَّهُ عَلِيٌّ » فَتَقَدَّمَ إِلَيْهِ بِذَلِكَ ثُمَّ كَتَبَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ «وَ اَللَّهِ «اَلَّذِي لاَ إِلَهَ إِلاَّ هُوَ عَالِمُ اَلْغَيْبِ وَ اَلشَّهَادَةِ».. «اَلرَّحْمَنُ اَلرَّحِيمُ» اَلطَّالِبُ اَلْغَالِبُ اَلضَّارُّ اَلنَّافِعُ اَلْمُهْلِكُ اَلْمُدْرِكُ اَلَّذِي يَعْلَمُ اَلسِّرَّ وَ اَلْعَلاَنِيَةَ إِنَّ فُلاَنَ بْنَ فُلاَنٍ اَلْمُدَّعِيَ لَيْسَ لَهُ قِبَلَ فُلاَنِ بْنِ فُلاَنٍ أَعْنِي اَلْأَخْرَسَ حَقٌّ وَ لاَ طِلْبَةٌ بِوَجْهٍ مِنَ اَلْوُجُوهِ وَ لاَ سَبَبٍ مِنَ اَلْأَسْبَابِ» ثُمَّ غَسَلَهُ وَ أَمَرَ اَلْأَخْرَسَ أَنْ يَشْرَبَهُ فَامْتَنَعَ فَأَلْزَمَهُ اَلدَّيْنَ».

H.3432 - Ali ibn Abdullah al-Warraq, may Allah {SWT} have mercy on him, narrated from Sa'd ibn Abdullah, from Ahmad ibn Muhammad ibn Isa, from Muhammad ibn Abi Umayr, from Hammad, from Muhammad ibn Muslim, who said:
I asked Abu Abdullah {a.s}, about an oath for a mute person if a debt is claimed against him and the claimant has no evidence.
Imam {a.s} said: "Commander of the Faithful, peace be upon him, was once brought a case involving a mute person against whom a debt was claimed. The mute denied it, and the claimant had no evidence.
Commander of the Faithful, peace be upon him, said: ‘Praise be to Allah {SWT}, who did not take me from this world until I clarified for the nation all that it needs.'
Then Imam Ali ibn Abi Talib {a.s} said: ‘Bring me a copy of the Quran.'
When it was brought, Imam Ali ibn Abi Talib {a.s} said to the mute: 'What is this?'
The mute raised his head toward the sky and gestured that it was the Book of Allah {SWT}.
Then Imam Ali ibn Abi Talib {a.s} said: ‘Bring me his guardian.'
They brought his brother, and Imam Ali ibn Abi Talib {a.s}, seated him next to the mute.
Then Imam Ali ibn Abi Talib {a.s} said: ‘O Qanbar, bring me ink and a plate.'
When they were brought, Imam Ali ibn Abi Talib {a.s} said to the mute’s brother: 'Say to your brother that this matter between him and the claimant is a matter of truth.'
Then Commander of the Faithful, peace be upon him, wrote:
'By Allah {SWT}, besides whom there is no god, Knower of the unseen and the seen, the Most Merciful, the Most Compassionate, the Overpowering, the Victorious, the One who brings harm and benefit, the Destroyer, the All-Knowing - who knows what is hidden and what is apparent - indeed, the claimant (mentioning his name) has no right or claim against (mentioning the mute’s name) in any form or through any cause.'
Then Imam Ali ibn Abi Talib {a.s} washed the writing and ordered the mute to drink it.
The mute refused, so Commander of the Faithful, peace be upon him, ruled that the debt was binding upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.112 • Tahdhib Al-Ahkam, Vol.6 p.319 • Al-Wafi, Vol.16 p.1063 • Wasa’il Al-Shi’ah, Vol.27 p.302 • Mustadrak Al-Wasa’il, Vol.17 p.405

CHAPTER 48 – CHAPTER ON EMANCIPATION AND ITS RULINGS

بَابُ الْعِتْقِ وَ أَحْكَامِهِ

HADITH 3433 – 3455

3433 - قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ أَعْتَقَ مُؤْمِناً أَعْتَقَ اَللَّهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْواً مِنَ اَلنَّارِ وَ إِنْ كَانَتْ أُنْثَى أَعْتَقَ اَللَّهُ بِكُلِّ عُضْوَيْنِ مِنْهَا عُضْواً مِنَ اَلنَّارِ لِأَنَّ اَلْمَرْأَةَ بِنِصْفِ اَلرَّجُلِ».

H.3433 - The Messenger of Allah {SWT}, peace be upon him and his family, said:
"Whoever frees a believing slave, Allah {SWT} will free a limb of his from the Fire for every limb of the slave. And if it is a female slave, Allah {SWT} will free two limbs of his for every limb of hers from the Fire, because a woman is equal to half of a man."

[REFERENCES] Al-Kafi, Vol.6 p.180 • Man La Yahduruhu Al-Faqih, Vol.3 p.113 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.138 • Wasa'il Al-Shi'ah, Vol.23 p.13 • Al-Fusul Al-Muhimmah, Vol.2 p.391 • Bihar Al-Anwar, Vol.101 p.194 • Mustadrak Al-Wasa'il, Vol.15 p.451

HADITH

3434 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «يُسْتَحَبُّ لِلرَّجُلِ أَنْ يَتَقَرَّبَ عَشِيَّةَ عَرَفَةَ وَ يَوْمَ عَرَفَةَ بِالْعِتْقِ وَ اَلصَّدَقَةِ».

H.3434 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"It is recommended for a man to draw closer to Allah {SWT} on the evening of Arafah and the Day of Arafah through freeing slaves and giving charity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.113 • Wasa'il Al-Shi'ah, Vol.23 p.12 • Wasa'il Al-Shi'ah, Vol.23 p.12

HADITH

3435 - وَ رُوِيَ عَنْ أَبِي بَصِيرٍ وَ أَبِي اَلْعَبَّاسِ وَ عُبَيْدِ بْنِ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا مَلَكَ اَلرَّجُلُ وَالِدَيْهِ أَوْ أُخْتَهُ أَوْ عَمَّتَهُ أَوْ خَالَتَهُ أَوِ اِبْنَةَ أَخِيهِ أَوِ اِبْنَةَ أُخْتِهِ » وَ ذَكَرَ أَهْلَ هَذِهِ اَلْآيَةِ مِنَ اَلنِّسَاءِ «عَتَقُوا جَمِيعاً وَ يَمْلِكُ اَلرَّجُلُ عَمَّهُ وَ اِبْنَ أَخِيهِ وَ اِبْنَ أُخْتِهِ وَ خَالَهُ وَ لاَ يَمْلِكُ أُمَّهُ مِنَ اَلرَّضَاعَةِ وَ لاَ أُخْتَهُ وَ لاَ عَمَّتَهُ وَ لاَ خَالَتَهُ فَإِذَا مَلَكَهُنَّ عَتَقْنَ » قَالَ «وَ مَا يَحْرُمُ مِنَ اَلنَّسَبِ مِنَ اَلنِّسَاءِ فَإِنَّهُ يَحْرُمُ مِنَ اَلرَّضَاعِ » وَ قَالَ «يَمْلِكُ اَلذُّكُورَ مَا خَلاَ اَلْوَالِدَ وَ اَلْوَلَدَ وَ لاَ يَمْلِكُ مِنَ اَلنِّسَاءِ ذَاتَ مَحْرَمٍ» قُلْتُ وَ كَذَلِكَ يَجْرِي فِي اَلرَّضَاعِ قَالَ «نَعَمْ يَجْرِي فِي اَلرَّضَاعِ مِثْلُ ذَلِكَ».

H.3435 - It is narrated from Abu Basir, Abu al-Abbas, and Ubayd ibn Zurarah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"If a man owns his parents, or his sister, or his paternal aunt, or his maternal aunt, or his brother's daughter, or his sister's daughter" - and he mentioned the women listed in this verse - "then they all become free.
However, a man may own his paternal uncle, or his brother's son, or his sister's son, or his maternal uncle, but he may not own his mother through nursing, nor his sister, nor his paternal aunt, nor his maternal aunt. If he comes to own them, they are freed."
Imam {a.s} also said: "What is prohibited due to lineage among women is also prohibited through nursing."
And Imam {a.s} said: "A man may own males except his father and his son, and he may not own any woman who is a mahram."
I said: “Does the same ruling apply in the case of nursing?"
Imam {a.s} said: “Yes, the same rulingapplies in the case of nursing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.113 • Tahdhib Al-Ahkam, Vol.8 p.243 • Al-Istibsar, Vol.4 p.17 • Al-Wafi, Vol.10 p.654 • Wasa’il Al-Shi’ah, Vol.18 p.247 • Al-Fusul Al-Muhimmah, Vol.2 p.258

HADITH

3436 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي جَارِيَةٍ كَانَتْ بَيْنَ اِثْنَيْنِ فَأَعْتَقَ أَحَدُهُمَا نَصِيبَهُ قَالَ «إِنْ كَانَ مُوسِراً كُلِّفَ أَنْ يَضْمَنَ وَ إِنْ كَانَ مُعْسِراً أُخْدِمَتْ بِالْحِصَصِ».

H.3436 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a bondwoman who was jointly owned by two people, and one of them freed his share.
Imam {a.s} said: "If he is financially capable, he is required to pay and compensate for the remaining share. But if he is financially incapable, she continues to serve based on their respective shares."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.114 • Tahdhib Al-Ahkam, Vol.8 p.219 • Al-Istibsar, Vol.4 p.3

HADITH

3437 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي عَبْدٍ كَانَ بَيْنَ رَجُلَيْنِ فَحَرَّرَ أَحَدُهُمَا نِصْفَهُ وَ هُوَ صَغِيرٌ وَ أَمْسَكَ اَلْآخَرُ نِصْفَهُ قَالَ «يُقَوَّمُ قِيمَةَ يَوْمِ حَرَّرَ اَلْأَوَّلُ وَ أُمِرَ اَلْمُحَرِّرُ أَنْ يَسْعَى فِي نِصْفِهِ اَلَّذِي لَمْ يُحَرِّرْ حَتَّى يَقْضِيَهُ» ».

H.3437 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
Commander of the Faithful, peace be upon him, ruled regarding a slave who was jointly owned by two men. One of them freed his half while the slave was still a child, and the other retained ownership of his half.
Imam {a.s} said: "The slave shall be valued based on his worth on the day the first owner freed his share, and the freed slave shall be required to work to pay off the value of the half that was not freed until he fulfills the amount."

[REFERENCES] Al-Kafi, Vol.6 p.183 • Man La Yahduruhu Al-Faqih, Vol.3 p.114 • Al-Wafi, Vol.10 p.601 • Wasa'il Al-Shi'ah, Vol.23 p.37

HADITH

3438 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلَيْنِ يَكُونُ بَيْنَهُمَا اَلْأَمَةُ فَيُعْتِقُ أَحَدُهُمَا نِصْفَهُ فَتَقُولُ اَلْأَمَةُ لِلَّذِي لَمْ يُعْتِقْ نِصْفَهُ لاَ أُرِيدُ أَنْ تُقَوِّمَنِي ذَرْنِي كَمَا أَنَا أَخْدُمُكَ وَ أَنَّهُ أَرَادَ أَنْ يَسْتَنْكِحَ اَلنِّصْفَ اَلْآخَرَ قَالَ «لاَ يَنْبَغِي لَهُ أَنْ يَفْعَلَ إِنَّهُ لاَ يَكُونُ لِلْمَرْأَةِ فَرْجَانِ وَ لاَ يَنْبَغِي لَهُ أَنْ يَسْتَخْدِمَهَا وَ لَكِنْ يُقَوِّمُهَا وَ يَسْتَسْعِيهَا».

وَ فِي رِوَايَةِ أَبِي بَصِيرٍ مِثْلَهُ إِلاَّ أَنَّهُ قَالَ: «وَ إِنْ كَانَ اَلَّذِي أَعْتَقَهَا مُحْتَاجاً فَلْيَسْتَسْعِهَا».

H.3438 - Muhammad ibn al-Fudayl narrated from Abu al-Sabbah al-Kinani, who said:
I asked Abu Abdullah {a.s}, about two men who jointly own a female slave. One of them frees his half, and the slave says to the one who did not free his half, "I do not want to be valued; leave me as I am, and I will continue serving you."
Meanwhile, the owner intends to marry the other half of her.
Imam {a.s} said: "He should not do that, for a woman cannot have two private parts. Nor should he use her for service. Instead, he must value her and let her work to pay off the remaining portion."

[AL SADUQ]
And in the narration of Abu Basir, it is similar, except that he said:
"If the one who freed her is in need, then let her work to pay off the value."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.114 • Wasa'il Al-Shi'ah, Vol.23 p.40

HADITH

3439 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلَيْنِ كَانَ بَيْنَهُمَا عَبْدٌ فَأَعْتَقَ أَحَدُهُمَا نَصِيبَهُ قَالَ «إِنْ كَانَ مُضَارّاً كُلِّفَ أَنْ يُعْتِقَهُ كُلَّهُ وَ إِلاَّ اُسْتُسْعِيَ اَلْعَبْدُ فِي اَلنِّصْفِ اَلْآخَرِ».

H.3439 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he was asked about two men who jointly owned a slave, and one of them freed his share.
Imam {a.s} said: "If he did so with the intent of causing harm, he will be required to free the slave completely. Otherwise, the slave must work to pay off the value of the remaining half."

[REFERENCES] Al-Kafi, Vol.6 p.182 • Man La Yahduruhu Al-Faqih, Vol.3 p.115 • Tahdhib Al-Ahkam, Vol.8 p.220 • Al-Istibsar, Vol.4 p.4 • Awali Al-La'ali, Vol.3 p.427 • Al-Wafi, Vol.10 p.600 • Wasa'il Al-Shi'ah, Vol.23 p.36

HADITH

3440 - وَ رَوَى حَرِيزٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ وَرِثَ غُلاَماً وَ لَهُ فِيهِ شُرَكَاءُ فَأَعْتَقَ لِوَجْهِ اَللَّهِ نَصِيبَهُ فَقَالَ «إِذَا أَعْتَقَ نَصِيبَهُ مُضَارَّةً وَ هُوَ مُوسِرٌ ضَمِنَ لِلْوَرَثَةِ وَ إِذَا أَعْتَقَ نَصِيبَهُ لِوَجْهِ اَللَّهِ عَزَّ وَ جَلَّ كَانَ اَلْغُلاَمُ قَدْ أُعْتِقَ مِنْهُ حِصَّةُ مَنْ أَعْتَقَ وَ يَسْتَعْمِلُونَهُ عَلَى قَدْرِ مَا لَهُمْ فِيهِ فَإِنْ كَانَ فِيهِ نِصْفُهُ عَمِلَ لَهُمْ يَوْماً وَ لَهُ يَوْمٌ وَ إِنْ أَعْتَقَ اَلشَّرِيكُ مُضَارّاً فَلاَ عِتْقَ لَهُ لِأَنَّهُ أَرَادَ أَنْ يُفْسِدَ عَلَى اَلْقَوْمِ وَ يَرْجِعُ اَلْقَوْمُ عَلَى حِصَّتِهِمْ».

H.3440 - Hariz narrated from Muhammad ibn Muslim, who said:
I said to Abu Abdullah {a.s}, "A man inherited a slave, and there were partners with him in the ownership of the slave. He freed his share for the sake of Allah {SWT}."
Imam {a.s} said: "If he freed his share with the intent of causing harm while being financially capable, he must compensate the heirs. But if he freed his share sincerely for the sake of Allah {SWT}, the portion belonging to the one who freed him is emancipated. The remaining partners may utilize the slave according to their shares.
For instance, if half of the slave is still owned by the partners, the slave will work one day for them and one day for himself.
However, if the partner freed his share with the intent of causing harm, the emancipation is invalid because he intended to create disruption for the others. In such a case, the remaining partners retain their shares."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.115 • Tahdhib Al-Ahkam, Vol.8 p.221 • Al-Istibsar, Vol.4 p.4 • Al-Wafi, Vol.10 p.603 • Wasa'il Al-Shi'ah, Vol.23 p.40

HADITH

3441 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ عِتْقَ إِلاَّ مَا أُرِيدَ بِهِ وَجْهُ اَللَّهِ عَزَّ وَ جَلَّ».

H.3441 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"There is no valid emancipation except that which is done sincerely for the sake of Allah {SWT}, the Mighty and Majestic."

[REFERENCES] Al-Kafi, Vol.6 p.178 • Man La Yahduruhu Al-Faqih, Vol.3 p.115 • Tahdhib Al-Ahkam, Vol.8 p.217 • Awali Al-La'ali, Vol.2 p.299 • Al-Wafi, Vol.10 p.583 • Wasa'il Al-Shi'ah, Vol.23 p.14

HADITH

3442 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ تَكُونُ لَهُ اَلْأَمَةُ فَيَقُولُ مَتَى آتِيهَا فَهِيَ حُرَّةٌ ثُمَّ يَبِيعُهَا مِنْ رَجُلٍ ثُمَّ يَشْتَرِيهَا بَعْدَ ذَلِكَ قَالَ «لاَ بَأْسَ بِأَنْ يَأْتِيَهَا قَدْ خَرَجَتْ مِنْ مِلْكِهِ».

H.3442 - Al-Ala' narrated from Muhammad ibn Muslim, from one of the Imams {a.s}:
"I asked Imam {a.s} about a man who owned a bondwoman and said:
"Whenever I approach her, she will be free."
Then he sold her to another man and later bought her back.
Imam {a.s} said: "There is no harm in approaching her, as she had exited his ownership."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.115 • Tahdhib Al-Ahkam, Vol.8 p.226 • Awali Al-La'ali, Vol.2 p.300 • Al-Wafi, Vol.10 p.615 • Wasa'il Al-Shi'ah, Vol.23 p.94 • Mustadrak Al-Wasa'il, Vol.15 p.478

HADITH

3443 - وَ رُوِيَ عَنْ سَمَاعَةَ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِثَلاَثَةِ مَمَالِيكَ لَهُ أَنْتُمْ أَحْرَارٌ وَ كَانَ لَهُ أَرْبَعَةٌ فَقَالَ لَهُ رَجُلٌ مِنَ اَلنَّاسِ أَعْتَقْتَ مَمَالِيكَكَ قَالَ نَعَمْ أَ يَجِبُ عِتْقُ اَلْأَرْبَعَةِ حِينَ أَجْمَلَهُمْ أَوْ هُوَ لِلثَّلاَثَةِ اَلَّذِينَ أَعْتَقَ قَالَ «إِنَّمَا يَجِبُ اَلْعِتْقُ لِمَنْ أَعْتَقَ».

H.3443 - It is narrated from Sama'ah, who said: I asked Imam {a.s} about a man who said to three of his slaves, "You are free," while he actually had four slaves.
Then someone said to him: "You have freed all your slaves."
He replied: "Yes."
I asked: "Is the emancipation binding for all four because he generalized them, or is it limited to the three whom he specifically mentioned?"
Imam {a.s} said: "Emancipation is binding only for those he specifically freed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.115 • Tahdhib Al-Ahkam, Vol.8 p.226 • Al-Wafi, Vol.10 p.616 • Wasa'il Al-Shi'ah, Vol.23 p.94

HADITH

3444 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ زَوَّجَ أَمَتَهُ مِنْ رَجُلٍ وَ شَرَطَ لَهُ أَنَّ مَا وَلَدَتْ مِنْ وَلَدٍ فَهُوَ حُرٌّ فَطَلَّقَهَا زَوْجُهَا أَوْ مَاتَ عَنْهَا فَزَوَّجَهَا مِنْ رَجُلٍ آخَرَ مَا مَنْزِلَةُ وَلَدِهَا قَالَ «بِمَنْزِلَتِهَا إِنَّمَا جَعَلَ ذَلِكَ لِلْأَوَّلِ وَ هُوَ فِي اَلْآخَرِ بِالْخِيَارِ إِنْ شَاءَ أَعْتَقَ وَ إِنْ شَاءَ أَمْسَكَ».

H.3444 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who married his bondwoman to another man and stipulated that any child she bore would be free. Then her husband either divorced her or died, and she was married to another man.
I asked: "What is the status of her child in this case?"
Imam {a.s} said: "The child is regarded like her. That condition applied only to the first husband. As for the second husband, he has the option - if he wishes, he may free the child, and if he wishes, he may keep the child as a slave."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.116 • Tahdhib Al-Ahkam, Vol.8 p.225 • Al-Wafi, Vol.23 p.1405 • Wasa'il Al-Shi'ah, Vol.21 p.124

HADITH

3445 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ طَلاَقَ قَبْلَ نِكَاحٍ وَ لاَ عِتْقَ قَبْلَ مِلْكٍ».

H.3445 - The Messenger of Allah {SWT}, peace be upon him and his family, said:
"There is no divorce before marriage, and there is no emancipation before ownership."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.104 • Al-Kafi, Vol.6 p.179 • Da'a'im Al-Islam, Vol.2 p.98 • Man La Yahduruhu Al-Faqih, Vol.3 p.116 • Tahdhib Al-Ahkam, Vol.8 p.217 • Al-Istibsar, Vol.4 p.5 • Al-Wafi, Vol.10 p.584 • Wasa'il Al-Shi'ah, Vol.22 p.33 • Wasa'il Al-Shi'ah, Vol.23 p.15 • Wasa'il Al-Shi'ah, Vol.23 p.16

HADITH

3446 - وَ سَأَلَهُ عَبْدُ اَلرَّحْمَنِ بْنُ أَبِي عَبْدِ اَللَّهِ : عَنْ رَجُلٍ قَالَ لِغُلاَمِهِ أُعْتِقُكَ عَلَى أَنْ أُزَوِّجَكَ جَارِيَتِي هَذِهِ فَإِنْ نَكَحْتَ عَلَيْهَا أَوْ تَسَرَّيْتَ فَعَلَيْكَ مِائَةُ دِينَارٍ فَأَعْتَقَهُ عَلَى ذَلِكَ فَنَكَحَ أَوْ تَسَرَّى أَ عَلَيْهِ مِائَةُ دِينَارٍ وَ يَجُوزُ شَرْطُهُ قَالَ «يَجُوزُ عَلَيْهِ شَرْطُهُ».

H.3446 - Abd al-Rahman ibn Abi Abdullah asked him about a man who said to his slave, "I will free you on the condition that I marry you to this bondwoman of mine. However, if you marry another woman or take another concubine, you will be liable for one hundred dinars."
Then he freed him based on this condition, and the slave either married another woman or took another concubine.
Abd al-Rahman asked: "Is he liable for the one hundred dinars, and is his condition valid?"
Imam {a.s} said: "His condition is valid, and he is liable for it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.116 • Al-Wafi, Vol.10 p.595 • Wasa'il Al-Shi'ah, Vol.23 p.27

HADITH

3447 - وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَعْتَقَ مَمْلُوكَهُ عَلَى أَنْ يُزَوِّجَهُ اِبْنَتَهُ وَ شَرَطَ عَلَيْهِ إِنْ تَزَوَّجَ أَوْ تَسَرَّى عَلَيْهَا فَعَلَيْهِ كَذَا وَ كَذَا قَالَ «يَجُوزُ».

H.3447 - Abu Abdullah {a.s}, was asked about a man who freed his slave on the condition that he marries his daughter and stipulated that if he marries another woman or takes another concubine, he would be liable for a specific amount.
Imam {a.s} said: "It is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.116 • Al-Wafi, Vol.10 p.595 • Wasa'il Al-Shi'ah, Vol.23 p.27

HADITH

3448 - وَ سَأَلَهُ يَعْقُوبُ بْنُ شُعَيْبٍ : عَنْ رَجُلٍ أَعْتَقَ جَارِيَتَهُ وَ شَرَطَ عَلَيْهَا أَنْ تَخْدُمَهُ خَمْسَ سِنِينَ فَأَبَقَتْ ثُمَّ مَاتَ اَلرَّجُلُ فَوَجَدَهَا وَرَثَتُهُ أَ لَهُمْ أَنْ يَسْتَخْدِمُوهَا قَالَ «لاَ».

H.3448 - Ya'qub ibn Shu'ayb asked him about a man who freed his bondwoman on the condition that she serves him for five years. However, she ran away, and then the man died.
Ya'qub asked: “If his heirs find her, do they have the right to make her serve them?"
Imam {a.s} said: "No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.117

HADITH

3449 - وَ رَوَى جَمِيلٌ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اَللَّهِ عَلَيْهِمَا اَلسَّلاَمُ : فِي رَجُلٍ أَعْتَقَ عَبْداً لَهُ مَالٌ لِمَنْ مَالُ اَلْعَبْدِ قَالَ «إِنْ كَانَ عَلِمَ أَنَّ لَهُ مَالاً تَبِعَهُ مَالُهُ وَ إِلاَّ فَهُوَ لِلْمُعْتِقِ»
وَ فِي رَجُلٍ بَاعَ مَمْلُوكاً وَ لَهُ مَالٌ قَالَ «إِنْ عَلِمَ مَوْلاَهُ اَلَّذِي بَاعَهُ أَنَّ لَهُ مَالاً فَالْمَالُ لِلْمُشْتَرِي وَ إِنْ لَمْ يَعْلَمِ اَلْبَائِعُ فَالْمَالُ لِلْبَائِعِ».

H.3449 - Jamil narrated from Zurarah, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} and Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who freed a slave that had wealth.
The Imams {a.s} said: "If he knew that the slave had wealth, then the wealth belongs to the freed slave. But if he did not know, then the wealth belongs to the one who emancipated him."
And regarding a man who sold a slave that had wealth, the Imams {a.s} said:
"If the seller knew that the slave had wealth, then the wealth belongs to the buyer. But if the seller did not know, then the wealth belongs to the seller."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.117

HADITH

3450 - وَ رَوَى اِبْنُ بُكَيْرٍ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا كَانَ لِلرَّجُلِ مَمْلُوكٌ فَأَعْتَقَهُ وَ هُوَ يَعْلَمُ أَنَّ لَهُ مَالاً وَ لَمْ يَكُنِ اِسْتَثْنَى اَلسَّيِّدُ اَلْمَالَ حِينَ أَعْتَقَهُ فَهُوَ لِلْعَبْدِ».

H.3450 - Ibn Bukayr narrated from Zurarah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"If a man has a slave and frees him, knowing that the slave has wealth, and the master did not exclude the wealth at the time of freeing him, then the wealth belongs to the slave."

[REFERENCES] Al-Kafi, Vol.6 p.190 • Man La Yahduruhu Al-Faqih, Vol.3 p.117 • Tahdhib Al-Ahkam, Vol.8 p.223 • Al-Istibsar, Vol.4 p.10 • Al-Wafi, Vol.10 p.669 • Wasa’il Al-Shi’ah, Vol.23 p.47

HADITH

3451 - وَ سَأَلَهُ عَبْدُ اَلرَّحْمَنِ بْنُ أَبِي عَبْدِ اَللَّهِ : عَنْ رَجُلٍ أَعْتَقَ عَبْداً لَهُ وَ لِلْعَبْدِ مَالٌ فَتُوُفِّيَ اَلَّذِي أَعْتَقَ اَلْعَبْدَ لِمَنْ يَكُونُ مَالُ اَلْعَبْدِ أَ يَكُونُ لِلَّذِي أَعْتَقَ اَلْعَبْدَ أَوْ لِلْعَبْدِ قَالَ «إِذَا أَعْتَقَهُ وَ هُوَ يَعْلَمُ أَنَّ لَهُ مَالاً فَمَالُهُ لَهُ وَ إِنْ لَمْ يَعْلَمْ فَمَالُهُ لِوُلْدِ سَيِّدِهِ».

H.3451 - Abd al-Rahman ibn Abi Abdullah asked him about a man who freed his slave, and the slave had wealth. Then the man who freed the slave passed away.
Abd al-Rahman asked: “To whom does the wealth of the slave belong? Does it go to the one who freed the slave, or does it belong to the slave?"
Imam {a.s} said: "If he freed him knowing that the slave had wealth, then the wealth belongs to the slave. But if he did not know, then the wealth belongs to the children of his master."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.117 • Tahdhib Al-Ahkam, Vol.8 p.223 • Al-Istibsar, Vol.4 p.11 • Al-Wafi, Vol.10 p.670 • Wasa’il Al-Shi’ah, Vol.23 p.49

HADITH

3452 - وَ رَوَى جَمِيلٌ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَعْتَقَ مَمْلُوكَهُ عِنْدَ مَوْتِهِ وَ عَلَيْهِ دَيْنٌ قَالَ «إِنْ كَانَ قِيمَةُ اَلْعَبْدِ مِثْلَ اَلَّذِي عَلَيْهِ وَ مِثْلَهُ جَازَ عِتْقُهُ وَ إِلاَّ لَمْ يَجُزْ».

H.3452 - Jamil narrated from Zurarah, from Abu Abdullah Imam Jafar Al-Sadiq {a.s}, regarding a man who freed his slave at the time of his death while he was in debt.
Imam {a.s} said: "If the value of the slave equals the amount of his debt or more, the emancipation is valid. Otherwise, it is not valid."

[REFERENCES] Al-Kafi, Vol.7 p.27 • Man La Yahduruhu Al-Faqih, Vol.3 p.118 • Man La Yahduruhu Al-Faqih, Vol.4 p.224 • Tahdhib Al-Ahkam, Vol.8 p.232 • Tahdhib Al-Ahkam, Vol.9 p.218 • Al-Istibsar, Vol.4 p.7 • Al-Wafi, Vol.10 p.621 • Wasa’il Al-Shi’ah, Vol.19 p.356

HADITH

3453 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْهُ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي اَلرَّجُلِ يَقُولُ إِنْ مِتُّ فَعَبْدِي حُرٌّ وَ عَلَى اَلرَّجُلِ دَيْنٌ قَالَ «إِنْ تُوُفِّيَ وَ عَلَيْهِ دَيْنٌ قَدْ أَحَاطَ بِثَمَنِ اَلْعَبْدِ بِيعَ اَلْعَبْدُ وَ إِنْ لَمْ يَكُنْ أَحَاطَ بِثَمَنِ اَلْعَبْدِ اُسْتُسْعِيَ اَلْعَبْدُ فِي قَضَاءِ دَيْنِ مَوْلاَهُ وَ هُوَ حُرٌّ بِهِ إِذَا أَوْفَاهُ».

H.3453 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he was asked about a man who said:
“If I die, my slave is free," while the man was in debt.
Imam {a.s} said: "If he dies and his debt equals the value of the slave, the slave shall be sold to pay off the debt. But if the debt does not equal value of the slave, the slave must work to pay off his master's debt, and he becomes free once debt is fully repaid."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.119 • Tahdhib Al-Ahkam, Vol.8 p.232 • Al-Istibsar, Vol.4 p.9 • Al-Wafi, Vol.10 p.620

HADITH

3454 - وَ رَوَى مُحَمَّدُ بْنُ مَرْوَانَ عَنْهُ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «إِنَّ أَبِي عَلَيْهِ اَلسَّلاَمُ تَرَكَ سِتِّينَ مَمْلُوكاً وَ أَوْصَى بِعِتْقِ ثُلُثِهِمْ فَأَقْرَعْتُ بَيْنَهُمْ فَأَخْرَجْتُ عِشْرِينَ فَأَعْتَقْتُهُمْ».

H.3454 - Muhammad ibn Marwan narrated from Imam {a.s} who said:
"My father, peace be upon him, left sixty slaves and instructed in his will to free one-third of them. So, I cast lots among them and selected twenty, then I freed them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.119 • Tahdhib Al-Ahkam, Vol.8 p.234 • Al-Wafi, Vol.10 p.615

HADITH

3455 - وَ رَوَى حَرِيزٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ تَرَكَ مَمْلُوكاً بَيْنَ نَفَرٍ فَشَهِدَ أَحَدُهُمْ أَنَّ اَلْمَيِّتَ أَعْتَقَهُ قَالَ «إِنْ كَانَ اَلشَّاهِدُ مَرْضِيّاً لَمْ يَضْمَنْ وَ جَازَتْ شَهَادَتُهُ فِي نَصِيبِهِ وَ اُسْتُسْعِيَ اَلْعَبْدُ فِيمَا كَانَ لِلْوَرَثَةِ».

H.3455 - Hariz narrated from Muhammad ibn Muslim, from one of the Imams {a.s}, peace be upon them, who said:
I asked Imam {a.s} about a man who left a slave jointly owned by several people, and one of them testified that the deceased had freed the slave.
Imam {a.s} said: "If the witness is trustworthy, he does not have to compensate the others, and his testimony is valid for his share. As for the remaining shares belonging to the heirs, the slave must work to pay off their value."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.119 • Tahdhib Al-Ahkam, Vol.8 p.234 • Al-Wafi, Vol.25 p.944 • Wasa'il Al-Shi'ah, Vol.19 p.324 • Wasa'il Al-Shi'ah, Vol.23 p.88

CHAPTER 49 – CHAPTER ON CONDITIONAL EMANCIPATION (TADBIR)

بَابُ التَّدْبِيرِ

HADITH 3456 – 3468

3456 - سَأَلَ إِسْحَاقُ بْنُ عَمَّارٍ أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يُعْتِقُ مَمْلُوكَهُ عَنْ دُبُرٍ ثُمَّ يَحْتَاجُ إِلَى ثَمَنِهِ قَالَ «يَبِيعُهُ» قَالَ قُلْتُ فَإِنْ كَانَ لَهُ عَنْ ثَمَنِهِ غِنًى قَالَ «إِذَا رَضِيَ اَلْمَمْلُوكُ فَلاَ بَأْسَ».

H.3456 - Ishaq ibn Ammar asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim) {a.s}, about a man who frees his slave as a delayed emancipation (to take effect after his death) and then becomes in need of the slave's price.
Imam {a.s} said: "He may sell him."
I asked: "What if he is not in need of the price?"
Imam {a.s} said: "If the slave agrees, then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.120

HADITH

3457 - وَ رَوَى جَمِيلٌ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلْمُدَبَّرِ أَ يُبَاعُ قَالَ «إِنِ اِحْتَاجَ صَاحِبُهُ إِلَى ثَمَنِهِ وَ رَضِيَ اَلْمَمْلُوكُ فَلاَ بَأْسَ».

H.3457 - Jamil narrated from Abu Abdullah Imam Al-Sadiq {a.s}, who said:
I asked him about a mudabbar (a slave promised freedom after the owner's death).
Imam {a.s} said: "If his owner needs the price and the slave agrees, then there is no harm in selling him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.120

HADITH

3458 - وَ رُوِيَ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ : فِي اَلرَّجُلِ يُعْتِقُ غُلاَمَهُ أَوْ جَارِيَتَهُ عَنْ دُبُرٍ مِنْهُ ثُمَّ يَحْتَاجُ إِلَى ثَمَنِهِ أَ يَبِيعُهُ قَالَ «لاَ إِلاَّ أَنْ يَشْتَرِطَ عَلَى اَلَّذِي يَبِيعُهُ إِيَّاهُ أَنْ يُعْتِقَهُ عِنْدَ مَوْتِهِ».

H.3458 - It is narrated by al-Ala', from Muhammad ibn Muslim, from one of the Imams {a.s}, peace be upon them, regarding a man who frees his male or female slave as a mudabbar (to be freed after his death) and then becomes in need of the slave's price.
Imam {a.s} said: "No, he may not sell the slave - unless he stipulates to the buyer that the slave must be freed at the time of his death."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.120 • Tahdhib Al-Ahkam, Vol.8 p.263 • Al-Istibsar, Vol.4 p.28 • Awali Al-La'ali, Vol.3 p.432 • Al-Wafi, Vol.10 p.629 • Wasa'il Al-Shi'ah, Vol.23 p.117 • Mustadrak Al-Wasa'il, Vol.16 p.5

HADITH

3459 - وَ سُئِلَ أَبُو إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ عَنِ اِمْرَأَةٍ دَبَّرَتْ جَارِيَةً لَهَا فَوَلَدَتِ اَلْجَارِيَةُ جَارِيَةً نَفِيسَةً فَلَمْ يُدْرَ أَ مُدَبَّرَةٌ هِيَ مِثْلُ أُمِّهَا أَمْ لاَ فَقَالَ «مَتَى كَانَ اَلْحَمْلُ كَانَ وَ هِيَ مُدَبَّرَةٌ أَوْ قَبْلَ اَلتَّدْبِيرِ» قُلْتُ جُعِلْتُ فِدَاكَ لاَ أَدْرِي أُجِبْنِي فِيهِمَا جَمِيعاً فَقَالَ «إِنْ كَانَتِ اَلْجَارِيَةُ حُبْلَى قَبْلَ اَلتَّدْبِيرِ وَ لَمْ يَذْكُرْ مَا فِي بَطْنِهَا فَالْجَارِيَةُ مُدَبَّرَةٌ وَ مَا فِي بَطْنِهَا رِقٌّ وَ إِنْ كَانَ اَلتَّدْبِيرُ قَبْلَ اَلْحَمْلِ ثُمَّ حَدَثَ اَلْحَمْلُ فَالْوَلَدُ مُدَبَّرٌ مَعَ أُمِّهِ لِأَنَّ اَلْحَمْلَ إِنَّمَا حَدَثَ بَعْدَ اَلتَّدْبِيرِ».

H.3459 - Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) was asked about a woman who made her bondwoman mudabbar (to be freed after her death). The bondwoman later gave birth to a precious daughter, and it was unclear whether the child was also mudabbar like her mother or not.
Imam {a.s} said: "When the pregnancy occurred, was it before or after the tadbir (declaration of delayed emancipation)?"
I said: “May I be your ransom, I do not know. Please answer regarding both situations."
Imam {a.s} said: "If the bondwoman was pregnant before the tadbir and her pregnancy was not mentioned during the declaration, then the bondwoman is mudabbar, but what is in her womb remains in bondage (not mudabbar).
However, if the tadbir occurred before the pregnancy and then she became pregnant, the child is mudabbar along with her, because the pregnancy occurred after the tadbir."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.120

HADITH

3460 - وَ سَأَلَ اَلْحَسَنُ بْنُ عَلِيٍّ اَلْوَشَّاءُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ دَبَّرَ جَارِيَةً وَ هِيَ حُبْلَى فَقَالَ «إِنْ كَانَ عَلِمَ بِحَبَلِ اَلْجَارِيَةِ فَمَا فِي بَطْنِهَا بِمَنْزِلَتِهَا وَ إِنْ كَانَ لَمْ يَعْلَمْ فَمَا فِي بَطْنِهَا رِقٌّ » قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يُدَبِّرُ اَلْمَمْلُوكَ وَ هُوَ حَسَنُ اَلْحَالِ ثُمَّ يَحْتَاجُ أَ يَجُوزُ لَهُ أَنْ يَبِيعَهُ قَالَ «نَعَمْ إِذَا اِحْتَاجَ إِلَى ذَلِكَ».

H.3460 - Al-Hasan ibn Ali al-Washsha’ asked Abu al-Hasan {a.s} about a man who made his bondwoman mudabbar (to be freed after his death) while she was pregnant.
Imam {a.s} said: "If he knew about the pregnancy of the bondwoman, then what is in her womb has the same status as her (i.e., it is also mudabbar). But if he did not know, then what is in her womb remains in bondage (not mudabbar)."
Al-Hasan ibn Ali al-Washsha’ further asked him about a man who made his slave mudabbar while he was financially well-off, but later he became needy.
Imam {a.s} said: "Yes, if he becomes in need, it is permissible for him to sell the slave."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.121

HADITH

3461 - وَ رُوِيَ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «اَلْمُدَبَّرُ مِنَ اَلثُّلُثِ وَ لِلرَّجُلِ أَنْ يَرْجِعَ فِي ثُلُثِهِ إِنْ كَانَ أَوْصَى فِي صِحَّةٍ أَوْ مَرَضٍ».

H.3461 - It is narrated from al-Ala', from Muhammad ibn Muslim, from one of the Imams {a.s}, peace be upon them, who said:
"A mudabbar (a slave promised freedom after the owner's death) is considered to be from the one-third (of the estate). A man has the right to retract from his bequest regarding this one-third, whether he made the will during his health or illness."

[REFERENCES] Al-Kafi, Vol.7 p.22 • Man La Yahduruhu Al-Faqih, Vol.3 p.121 • Tahdhib Al-Ahkam, Vol.9 p.225 • Al-Wafi, Vol.24 p.74 • Wasa'il Al-Shi'ah, Vol.19 p.307 • Wasa'il Al-Shi'ah, Vol.23 p.119

HADITH

3462 - وَ رَوَى أَبَانٌ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سُئِلَ عَنِ اَلرَّجُلِ يُعْتِقُ جَارِيَتَهُ عَنْ دُبُرٍ أَ يَطَؤُهَا إِنْ شَاءَ أَوْ يُنْكِحُهَا أَوْ يَبِيعُ خِدْمَتَهَا حَيَاتَهُ قَالَ «نَعَمْ أَيَّ ذَلِكَ شَاءَ فَعَلَ».

H.3462 - Aban narrated from Abu Maryam, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who was asked about a man who made his bondwoman mudabbar (to be freed after his death).
Imam {a.s} was asked: "Can he have relations with her if he wishes, or marry her off, or sell her service during his lifetime?"
Imam {a.s} said: "Yes, he may do any of these if he wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.121 • Tahdhib Al-Ahkam, Vol.8 p.263 • Al-Istibsar, Vol.4 p.29 • Al-Wafi, Vol.10 p.628 • Wasa'il Al-Shi'ah, Vol.23 p.119

HADITH

3463 - وَ رَوَى عَاصِمٌ عَنْ أَبِي بَصِيرٍ قَالَ : سَأَلْتُهُ عَنِ اَلْعَبْدِ وَ اَلْأَمَةِ يُعْتَقَانِ عَنْ دُبُرٍ فَقَالَ «لِمَوْلاَهُ أَنْ يُكَاتِبَهُ إِنْ شَاءَ وَ لَيْسَ لَهُ أَنْ يَبِيعَهُ إِلاَّ أَنْ يَشَاءَ اَلْعَبْدُ أَنْ يَبِيعَهُ مُدَّةَ حَيَاتِهِ وَ لَهُ أَنْ يَأْخُذَ مَالَهُ إِنْ كَانَ لَهُ مَالٌ ».

H.3463 - Asim narrated from Abu Basir, who said:
I asked him about a male or female slave who had been made mudabbar (to be freed after the master's death).
Imam {a.s} said: "The master may enter into a mukataba (a contract of emancipation in exchange for payment) with the slave if he wishes. However, he cannot sell the slave unless the slave agrees to be sold for the duration of the master's life. The master is also entitled to take any wealth the slave possesses, if the slave has wealth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.122

HADITH

3464 - وَ سَأَلَهُ عَبْدُ اَللَّهِ بْنُ سِنَانٍ : عَنِ اِمْرَأَةٍ أَعْتَقَتْ ثُلُثَ خَادِمِهَا عِنْدَ مَوْتِهَا أَ عَلَى أَهْلِهَا أَنْ يُكَاتِبُوهَا إِنْ شَاءُوا وَ إِنْ أَبَوْا قَالَ «لاَ وَ لَكِنْ لَهَا مِنْ نَفْسِهَا ثُلُثُهَا وَ لِلْوَارِثِ ثُلُثَاهَا يَسْتَخْدِمُهَا بِحِسَابِ اَلَّذِي لَهُ مِنْهَا وَ يَكُونُ لَهَا مِنْ نَفْسِهَا بِحِسَابِ مَا أُعْتِقَ مِنْهَا».

H.3464 - Abdullah ibn Sinan asked him about a woman who freed one-third of her servant at the time of her death.
He asked: “Are her heirs required to enter into a mukataba (a contract of emancipation in exchange for payment) with the servant if they wish, or can they refuse?"
Imam {a.s} said: "No, but the servant owns one-third of herself, and the heirs own two-thirds. The heirs may use her services in proportion to their share, and she has freedom over herself in proportion to the part that was freed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.122

HADITH

3465 - وَ رَوَى أَبَانٌ عَنْ عَبْدِ اَلرَّحْمَنِ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ قَالَ لِعَبْدِهِ إِنْ حَدَثَ بِي حَدَثٌ فَهُوَ حُرٌّ وَ عَلَى اَلرَّجُلِ تَحْرِيرُ رَقَبَةٍ فِي كَفَّارَةِ يَمِينٍ أَوْ ظِهَارٍ أَ لَهُ أَنْ يُعْتِقَ عَبْدَهُ اَلَّذِي جَعَلَ لَهُ اَلْعِتْقَ إِنْ حَدَثَ بِهِ حَدَثٌ فِي كَفَّارَةِ تِلْكَ اَلْيَمِينِ قَالَ «لاَ يَجُوزُ اَلَّذِي يَجْعَلُ لَهُ فِي ذَلِكَ».

H.3465 - Aban narrated from Abd al-Rahman, who said:
I asked him about a man who said to his slave, "If something happens to me, you are free." Meanwhile, the man is obligated to free a slave as an expiation for breaking an oath or zihar (a form of prohibited declaration regarding one's wife).
I asked: “Can he use this same slave, whom he had promised freedom upon his death, to fulfill the requirement of freeing a slave for the expiation?"
Imam {a.s} said: "No, it is not permissible to use the slave designated for that purpose."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.122 • Tahdhib Al-Ahkam, Vol.8 p.265 • Awali Al-La’ali, Vol.3 p.410 • Wasa’il Al-Shi’ah, Vol.23 p.131

HADITH

3466 - وَ رَوَى وُهَيْبُ بْنُ حَفْصٍ عَنْ أَبِي بَصِيرٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ دَبَّرَ غُلاَمَهُ وَ عَلَيْهِ دَيْنٌ فِرَاراً مِنَ اَلدَّيْنِ قَالَ «لاَ تَدْبِيرَ لَهُ وَ إِنْ كَانَ دَبَّرَهُ فِي صِحَّةٍ مِنْهُ وَ سَلاَمَةٍ فَلاَ سَبِيلَ لِلدَّيَّانِ عَلَيْهِ».

H.3466 - Wuhayb ibn Hafs narrated from Abu Basir, who said:
I asked Abu Abdullah {a.s}, about a man who made his slave mudabbar (to be freed after his death) while he was in debt, intending to escape from paying the debt.
Imam {a.s} said: "There is no valid tadbir (declaration of delayed emancipation) in this case. However, if he made the tadbir while he was in good health and free from any financial distress, then the creditors have no claim over the slave."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.123 • Tahdhib Al-Ahkam, Vol.6 p.311 • Tahdhib Al-Ahkam, Vol.8 p.261 • Al-Wafi, Vol.10 p.630 • Wasa'il Al-Shi'ah, Vol.23 p.128

HADITH

3467 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ دَبَّرَ مَمْلُوكاً لَهُ تَاجِراً مُوسِراً فَاشْتَرَى اَلْمُدَبَّرُ جَارِيَةً بِأَمْرِ مَوْلاَهُ فَوَلَدَتْ مِنْهُ أَوْلاَداً ثُمَّ إِنَّ اَلْمُدَبَّرَ مَاتَ قَبْلَ سَيِّدِهِ فَقَالَ «أَرَى أَنَّ جَمِيعَ مَا تَرَكَ اَلْمُدَبَّرُ مِنْ مَتَاعٍ أَوْ ضِيَاعٍ فَهُوَ لِلَّذِي دَبَّرَهُ وَ أَرَى أَنَّ أُمَّ وَلَدِهِ رِقٌّ لِلَّذِي دَبَّرَهُ وَ أَرَى أَنَّ وُلْدَهَا مُدَبَّرُونَ كَهَيْئَةِ أَبِيهِمْ فَإِذَا مَاتَ اَلَّذِي دَبَّرَ أَبَاهُمْ فَهُمْ أَحْرَارٌ».

H.3467 - Ibn Mahbub narrated from Ali ibn Ri'ab, from Burayd ibn Mu'awiyah, who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, about a man who made his wealthy slave mudabbar (to be freed after his death). The mudabbar, with the permission of his master, bought a bondwoman who bore him children. Then the mudabbar died before his master.
Imam {a.s} said: "I believe that all the property, possessions, or estates left by the mudabbar belong to the one who made him mudabbar. As for the mother of his children, she remains a slave to the one who made him mudabbar. However, I see that her children take the same status as their father - they are mudabbar. Therefore, when the one who made their father mudabbar dies, they will be freed."

[REFERENCES] Al-Kafi, Vol.6 p.185 • Man La Yahduruhu Al-Faqih, Vol.3 p.123 • Tahdhib Al-Ahkam, Vol.8 p.260 • Al-Wafi, Vol.10 p.632 • Wasa'il Al-Shi'ah, Vol.23 p.124 • Mustadrak Al-Wasa'il, Vol.16 p.8

HADITH

3468 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اَلْمُعْتَقُ عَنْ دُبُرٍ هُوَ مِنَ اَلثُّلُثِ وَ مَا جَنَى هُوَ وَ اَلْمُكَاتَبُ وَ أُمُّ اَلْوَلَدِ فَالْمَوْلَى ضَامِنٌ لِجِنَايَتِهِمْ ».

H.3468 – Imam Ali ibn Abi Talib {a.s} said:
"A mudabbar (a slave promised freedom after the owner's death) is counted as part of the one-third (of the estate). As for any offense committed by the mudabbar, the mukatab (a slave under a contract of emancipation), or the umm al-walad (a bondwoman who bore her master a child), the master is liable for their offenses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.124 • Tahdhib Al-Ahkam, Vol.8 p.262 • Al-Istibsar, Vol.4 p.31 • Wasa'il Al-Shi'ah, Vol.23 p.126

CHAPTER 50 – CHAPTER ON THE CONTRACT OF MANUMISSION (MUKATABA)

بَابُ الْمُكَاتَبَةِ

HADITH 3469 – 3493

3469 - وَ رَوَى مُحَمَّدُ بْنُ سِنَانٍ عَنِ اَلْعَلاَءِ بْنِ اَلْفُضَيْلِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ۝ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْراً ۝ قَالَ «إِنْ عَلِمْتُمْ لَهُمْ مَالاً » قَالَ قُلْتُ ۝ وَ آتُوهُمْ مِنْ مٰالِ اَللّٰهِ اَلَّذِي آتٰاكُمْ ۝ قَالَ «تَضَعُ عَنْهُ مِنْ نُجُومِهِ اَلَّتِي لَمْ تَكُنْ تُرِيدُ أَنْ تَنْقُصَهُ مِنْهَا شَيْئاً وَ لاَ تَزِيدُهُ فَوْقَ مَا فِي نَفْسِكَ» فَقُلْتُ كَمْ قَالَ «وَضَعَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ لِمَمْلُوكٍ لَهُ أَلْفاً مِنْ سِتَّةِ آلاَفٍ».

H.3469 - Muhammad ibn Sinan narrated from al-Ala' ibn al-Fudayl, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding the saying of Allah {SWT}, the Mighty and Majestic: "*Then write [a contract of emancipation] for them if you know any good in them*" (Surah An-Nur 24:33).
Imam {a.s} said: "If you know that they possess wealth."
I asked about the verse: *'And give them from the wealth of Allah which He has given you,'* (Surah An-Nur 24:33).
Imam {a.s} said: "You reduce for them from their installments what you did not initially intend to reduce, and do not increase it beyond what you originally intended."
I asked: "How much?"
Imam {a.s} said: "Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, reduced one thousand out of six thousand for one of his slaves."

[REFERENCES] Al-Kafi, Vol.6 p.189 • Man La Yahduruhu Al-Faqih, Vol.3 p.124 • Tahdhib Al-Ahkam, Vol.8 p.270 • Al-Wafi, Vol.10 p.639 • Wasa'il Al-Shi'ah, Vol.23 p.153 • Tafsir Al-Burhan, Vol.4 p.65 • Tafsir Nur Al-Thaqalayn, Vol.3 p.601 • Tafsir Kanz Al-Daqaiq, Vol.9 p.297

HADITH

3470 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلْمُكَاتَبِ يُشْتَرَطُ عَلَيْهِ إِنْ عَجَزَ فَهُوَ رَدٌّ فِي اَلرِّقِّ فَعَجَزَ قَبْلَ أَنْ يُؤَدِّيَ شَيْئاً قَالَ «لاَ يُرَدُّ فِي اَلرِّقِّ حَتَّى يَمْضِيَ لَهُ ثَلاَثُ سِنِينَ وَ يُعْتَقُ مِنْهُ مِقْدَارُ مَا أَدَّى صَدْراً فَإِذَا أَدَّى صَدْراً فَلَيْسَ لَهُمْ أَنْ يَرُدُّوهُ فِي اَلرِّقِّ».

H.3470 - Amr ibn Shimr narrated from Jabir, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I asked him about a mukatab (a slave under a contract of emancipation) who had a condition stipulated that if he failed to make payments, he would return to slavery. What if he failed before paying anything?
Imam {a.s} said: "He does not return to slavery until three years have passed. Whatever portion he has already paid counts toward his emancipation. If he has made partial payments, they cannot return him to slavery."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.125

HADITH

3471 - وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ مُكَاتَبٍ عَجَزَ عَنْ مُكَاتَبَتِهِ وَ قَدْ أَدَّى بَعْضَهَا قَالَ «يُؤَدَّى عَنْهُ مِنْ مَالِ اَلصَّدَقَةِ إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ فِي كِتَابِهِ: ﴿ وَ فِي اَلرِّقَابِ ﴾ ».

H.3471 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about a mukatab (a slave under a contract of emancipation) who was unable to complete the payments of his contract, although he had already paid part of it.
Imam {a.s} said: "The remaining amount should be paid on his behalf from the charity funds, as Allah {SWT}, the Mighty and Majestic, says in His {SWT} Book:
'and for freeing slaves' (Surah At-Tawbah 9:60)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.125 • Tahdhib Al-Ahkam, Vol.8 p.275 • Tafsir Al-Safi, Vol.2 p.352 • Wasa'il Al-Shi'ah, Vol.9 p.293 • Wasa'il Al-Shi'ah, Vol.23 p.166 • Tafsir Nur Al-Thaqalayn, Vol.2 p.232 • Tafsir Kanz Al-Daqaiq, Vol.5 p.484

HADITH

3472 - وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ أَخَاهُ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : عَنْ رَجُلٍ كَاتَبَ مَمْلُوكَهُ فَقَالَ بَعْدَ مَا كَاتَبَهُ هَبْ لِي بَعْضَ مُكَاتَبَتِي وَ أُعَجِّلَ لَكَ مُكَاتَبَتِي أَ يَحِلُّ ذَلِكَ قَالَ «إِنْ كَانَ هِبَةً فَلاَ بَأْسَ وَ إِذَا قَالَ تَحُطُّهُ عَنِّي وَ أُعَجِّلُ لَكَ فَلاَ يَصْلُحُ».

H.3472 - Ali ibn Ja'far asked his brother Imam Musa ibn Jafar Al-Kadhim {a.s}, about a man who entered into a mukataba (a contract of emancipation) with his slave.
After the contract, the slave said: "Forgive me part of my payments, and I will pay off the remainder early."
Imam {a.s} said: "If it is given as a gift, then there is no harm. But if he says, 'Reduce my payment in exchange for early payment,' then it is not permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.125

HADITH

3473 - وَ رَوَى عَمَّارُ بْنُ مُوسَى اَلسَّابَاطِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي مُكَاتَبٍ بَيْنَ شَرِيكَيْنِ فَيُعْتِقُ أَحَدُهُمَا نَصِيبَهُ كَيْفَ يَصْنَعُ اَلْخَادِمُ قَالَ «يَخْدُمُ اَلثَّانِي يَوْماً وَ يَخْدُمُ نَفْسَهُ يَوْماً» قُلْتُ فَإِنْ مَاتَ وَ تَرَكَ مَالاً قَالَ «اَلْمَالُ بَيْنَهُمَا نِصْفَانِ بَيْنَ اَلَّذِي أَعْتَقَ وَ بَيْنَ اَلَّذِي أَمْسَكَ».

H.3473 - Ammar ibn Musa al-Sabati narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (slave under a contract of emancipation) jointly owned by two partners, and one of them freed his share.
Imam {a.s} said: "The slave serves the second partner one day and serves himself one day."
I asked: “What if the slave dies and leaves behind wealth?"
Imam {a.s} said: "The wealth is divided equally between the one who freed his share and the one who retained his share."

[REFERENCES] Al-Kafi, Vol.7 p.172 • Man La Yahduruhu Al-Faqih, Vol.3 p.126 • Tahdhib Al-Ahkam, Vol.8 p.275 • Tahdhib Al-Ahkam, Vol.9 p.396 • Al-Wafi, Vol.25 p.927 • Wasa’il Al-Shi’ah, Vol.23 p.163 • Wasa’il Al-Shi’ah, Vol.26 p.48 • Wasa’il Al-Shi’ah, Vol.26 p.61

HADITH

3474 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ أَرَادَ أَنْ يُعْتِقَ مَمْلُوكاً لَهُ وَ قَدْ كَانَ مَوْلاَهُ يَأْخُذُ مِنْهُ ضَرِيبَةً فَرَضَهَا عَلَيْهِ فِي كُلِّ سَنَةٍ وَ رَضِيَ بِذَلِكَ مِنْهُ اَلْمَوْلَى فَأَصَابَ اَلْمَمْلُوكُ فِي تِجَارَتِهِ مَالاً سِوَى مَا كَانَ يُعْطِي مَوْلاَهُ مِنَ اَلضَّرِيبَةِ فَقَالَ «إِذَا أَدَّى إِلَى سَيِّدِهِ مَا كَانَ فَرَضَ عَلَيْهِ فَمَا اِكْتَسَبَ بَعْدَ اَلْفَرِيضَةِ فَهُوَ لِلْمَمْلُوكِ» قَالَ ثُمَّ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «أَ لَيْسَ قَدْ فَرَضَ اَللَّهُ عَزَّ وَ جَلَّ عَلَى اَلْعِبَادِ فَرَائِضَ فَإِذَا أَدَّوْهَا إِلَيْهِ لَمْ يَسْأَلْهُمْ عَمَّا سِوَاهَا» قُلْتُ لَهُ فَلِلْمَمْلُوكِ أَنْ يَتَصَدَّقَ مِمَّا اِكْتَسَبَ وَ يُعْتَقُ بَعْدَ اَلْفَرِيضَةِ اَلَّتِي يُؤَدِّيهَا إِلَى سَيِّدِهِ قَالَ «نَعَمْ وَ أَجْرُ ذَلِكَ لَهُ» قُلْتُ فَإِنْ أَعْتَقَ مَمْلُوكاً مِمَّا كَانَ اِكْتَسَبَ سِوَى اَلْفَرِيضَةِ لِمَنْ يَكُونُ وَلاَءُ اَلْمُعْتَقِ فَقَالَ «يَذْهَبُ فَيَتَوَلَّى إِلَى مَنْ أَحَبَّ فَإِذَا ضَمِنَ جَرِيرَتَهُ وَ عَقْلَهُ كَانَ مَوْلاَهُ وَ وَرِثَهُ» قُلْتُ لَهُ أَ لَيْسَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلْوَلاَءُ لِمَنْ أَعْتَقَ» فَقَالَ «هَذَا سَائِبَةٌ لاَ يَكُونُ وَلاَؤُهُ لِعَبْدٍ مِثْلِهِ» قُلْتُ فَإِنْ ضَمِنَ اَلْعَبْدُ اَلَّذِي أَعْتَقَهُ جَرِيرَتَهُ وَ حَدَثَهُ يَلْزَمُهُ ذَلِكَ وَ يَكُونُ مَوْلاَهُ وَ يَرِثُهُ فَقَالَ «لاَ يَجُوزُ ذَلِكَ لاَ يَرِثُ عَبْدٌ حُرّاً».

H.3474 - Ibn Mahbub narrated from Umar ibn Yazid, who said:
I asked Abu Abdullah {a.s}, about a man who wanted to free his slave. The master had been taking an annual payment (tribute) from the slave and was satisfied with this arrangement. Meanwhile, the slave earned wealth from trade, in addition to paying the required tribute to his master.
Abu Abdullah {a.s}, said: "If the slave has paid his master what was required, then whatever he earns after fulfilling this obligation belongs to the slave."
Then Abu Abdullah {a.s}, said: "Has Allah {SWT}, the Mighty and Majestic, not prescribed obligations upon His servants? Once they fulfill them, He does not ask them about anything beyond those obligations."

I asked: “Can the slave give charity from what he earned and be freed after fulfilling his obligation to his master?"
Imam {a.s} said: "Yes, and he will be rewarded for it."
I asked: “If the slave frees another slave from what he earned beyond the obligation, to whom does the loyalty (wala) of the freed slave belong?"
Imam {a.s} said: "He may choose to align himself with whomever he wishes. If the person guarantees his liability and responsibility, then that person becomes his master and inherits from him."
I asked: “Did not the Messenger of Allah {SWT}, peace be upon him and his family, say, 'Loyalty (wala) is for the one who emancipates'?"
Imam {a.s} said: "This case involves a sa'ibah (freed without specific allegiance), and his loyalty cannot belong to another slave like him."
I asked: “If the slave who freed him guarantees his liability and responsibility, does it bind him, and does he then become his master and inherit from him?"
Imam {a.s} said: "No, that is not permissible. A slave cannot inherit from a free person."

[REFERENCES] Al-Kafi, Vol.6 p.190 • Al-Kafi, Vol.7 p.170 • Man La Yahduruhu Al-Faqih, Vol.3 p.126 • Tahdhib Al-Ahkam, Vol.8 p.224 • Awali Al-La’ali, Vol.3 p.425 • Wasa’il Al-Shi’ah, Vol.18 p.255

HADITH

3475 - وَ رَوَى أَبَانٌ عَنْ أَبِي اَلْعَبَّاسِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ قَالَ غُلاَمِي حُرٌّ وَ عَلَيْهِ عُمَالَةُ كَذَا وَ كَذَا سَنَةً قَالَ «هُوَ حُرٌّ وَ عَلَيْهِ اَلْعُمَالَةُ » قُلْتُ إِنَّ اِبْنَ أَبِي لَيْلَى يَزْعُمُ أَنَّهُ حُرٌّ وَ لَيْسَ عَلَيْهِ شَيْءٌ قَالَ «كَذَبَ إِنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ أَعْتَقَ، أَبَا نَيْزَرَ وَ عِيَاضاً وَ رِيَاحاً وَ عَلَيْهِمْ عُمَالَةُ كَذَا وَ كَذَا سَنَةً وَ لَهُمْ رِزْقُهُمْ وَ كِسْوَتُهُمْ بِالْمَعْرُوفِ فِي تِلْكَ اَلسِّنِينَ».

H.3475 - Aban narrated from Abu al-Abbas, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked him about a man who said: “My slave is free, but he must work for me for such-and-such a number of years."
Imam {a.s} said: "He is free, but he is obligated to fulfill the work."
I said: “Ibn Abi Layla claims that he is free and is not obligated to do anything."
Imam {a.s} said: "He has lied! Indeed, Imam Ali ibn Abi Talib {a.s} freed Abu Nayzar, 'Iyad, and Riah, while requiring them to work for such-and-such a number of years. They were provided with their sustenance and clothing in a reasonable manner during those years."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.127 • Al-Wafi, Vol.10 p.593

HADITH

3476 - وَ رَوَى اَلْقَاسِمُ بْنُ بُرَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي مُكَاتَبٍ شُرِطَ عَلَيْهِ إِنْ عَجَزَ أَنْ يُرَدَّ فِي اَلرِّقِّ قَالَ « اَلْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ ».

H.3476 - Al-Qasim ibn Burayd narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a mukatab (a slave under a contract of emancipation) who had a condition stipulated that if he failed to fulfill the contract, he would return to slavery.
Imam {a.s} said: "Muslims are bound by their conditions."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.128 • Al-Wafi, Vol.10 p.642 • Wasa'il Al-Shi'ah, Vol.23 p.142

HADITH

3477 - وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمُكَاتَبِ فَقَالَ «يَجُوزُ عَلَيْهِ مَا شَرَطْتَ عَلَيْهِ ».

H.3477 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about a mukatab (a slave under a contract of emancipation).
Imam {a.s} said: "What you have stipulated upon him is binding."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.128 • Wasa'il Al-Shi'ah, Vol.23 p.143 • Al-Fusul Al-Muhimmah, Vol.2 p.400

HADITH

3478 - وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي مُكَاتَبَةٍ تُوُفِّيَتْ وَ قَدْ قَضَتْ عَامَّةَ مَا عَلَيْهَا وَ قَدْ وَلَدَتْ وَلَداً فِي مُكَاتَبَتِهَا فَقَضَى فِي وَلَدِهَا أَنْ يُعْتَقَ مِنْهُ مِثْلَ اَلَّذِي عَتَقَ مِنْهَا وَ يُرَقَّ مِنْهُ مِثْلَ مَا رُقَّ مِنْهَا».

H.3478 - Commander of the Faithful Imam Ali ibn Abi Talib {a.s}, ruled regarding a mukatabah (a female slave under a contract of emancipation) who passed away after having paid most of what was required of her and had given birth to a child during her contract.
Imam {a.s} ruled that the child should be freed in proportion to the part of the mother that had been freed and remain in bondage in proportion to the part of the mother that was still in bondage.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.128 • Man La Yahduruhu Al-Faqih, Vol.3 p.132 • Tahdhib Al-Ahkam, Vol.8 p.271 • Al-Wafi, Vol.10 p.646 • Wasa'il Al-Shi'ah, Vol.23 p.150

HADITH

3479 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلْمُكَاتَبِ يَشْتَرِطُ عَلَيْهِ مَوْلاَهُ أَنْ لاَ يَتَزَوَّجَ إِلاَّ بِإِذْنٍ مِنْهُ حَتَّى يُؤَدِّيَ مُكَاتَبَتَهُ قَالَ «يَنْبَغِي لَهُ أَنْ لاَ يَتَزَوَّجَ إِلاَّ بِإِذْنٍ مِنْهُ إِنَّ لَهُمْ شَرْطَهُمْ».

H.3479 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (a slave under a contract of emancipation) whose master stipulated that he should not marry without the master's permission until he fulfills his contract.
Imam {a.s} said: "He should not marry without the master's permission, for they have their condition."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.128 • Wasa'il Al-Shi'ah, Vol.23 p.148

HADITH

3480 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي مُكَاتَبٍ يَمُوتُ وَ قَدْ أَدَّى بَعْضَ مُكَاتَبَتِهِ وَ لَهُ اِبْنٌ مِنْ جَارِيَتِهِ وَ تَرَكَ مَالاً قَالَ «يُؤَدِّي اِبْنُهُ بَقِيَّةَ مُكَاتَبَتِهِ وَ يُعْتَقُ وَ يَرِثُ مَا بَقِيَ».

H.3480 - Jamil ibn Darraj narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (a slave under a contract of emancipation) who dies after having paid part of his contract. He had a son from his bondwoman and left behind wealth.
Imam {a.s} said: "His son shall pay the remaining amount of the contract, be freed, and inherit what remains."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.128 • Tahdhib Al-Ahkam, Vol.8 p.271 • Tahdhib Al-Ahkam, Vol.9 p.351 • Al-Wafi, Vol.25 p.857 • Wasa'il Al-Shi'ah, Vol.23 p.150 • Wasa'il Al-Shi'ah, Vol.26 p.59

HADITH

3481 - وَ سَأَلَهُ سَمَاعَةُ : عَنِ اَلْعَبْدِ يُكَاتِبُهُ مَوْلاَهُ وَ هُوَ يَعْلَمُ أَنْ لَيْسَ لَهُ قَلِيلٌ وَ لاَ كَثِيرٌ قَالَ «فَلْيُكَاتِبْهُ وَ إِنْ كَانَ يَسْأَلُ اَلنَّاسَ وَ لاَ يَمْنَعُهُ اَلْمُكَاتَبَةُ مِنْ أَجْلِ أَنَّهُ لَيْسَ لَهُ مَالٌ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَرْزُقُ اَلْعِبَادَ بَعْضَهُمْ مِنْ بَعْضٍ فَالْمُحْسِنُ مُعَانٌ ».

H.3481 - Sama'ah asked him about a slave whose master enters into a mukataba (a contract of emancipation) with him, knowing that the slave possesses neither a little nor much wealth.
Imam {a.s} said: "Let him enter into the mukataba, even if the slave has to ask others for help. The lack of wealth should not prevent the contract, for Allah {SWT}, the Mighty and Majestic, provides sustenance to His servants through one another. The one who does good is supported."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.129 • Tahdhib Al-Ahkam, Vol.8 p.272 • Tafsir Al-Safi, Vol.3 p.433 • Tafsir Nur Al-Thaqalayn, Vol.3 p.601 • Tafsir Kanz Al-Daqaiq, Vol.9 p.296

HADITH

3482 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ مَلَكَ مَمْلُوكاً لَهُ فَسَأَلَ صَاحِبَهُ اَلْمُكَاتَبَةَ أَ لَهُ أَنْ لاَ يُكَاتِبَهُ إِلاَّ عَلَى اَلْغَلاَءِ قَالَ «نَعَمْ».

H.3482 – Imam {a.s} was asked about a man who owned a slave, and the slave requested a mukataba (a contract of emancipation).
Is the master allowed to set the terms of the mukataba at a high price?
Imam {a.s} said: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.129 • Tahdhib Al-Ahkam, Vol.8 p.272 • Al-Wafi, Vol.10 p.642 • Wasa'il Al-Shi'ah, Vol.23 p.161

HADITH

3483 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلْمُكَاتَبِ يُكَاتَبُ وَ يَشْتَرِطُ عَلَيْهِ مَوَالِيهِ أَنَّهُ إِنْ عَجَزَ فَهُوَ مَمْلُوكٌ وَ لَهُمْ مَا أَخَذُوا مِنْهُ قَالَ «يَأْخُذُهُ مَوَالِيهِ بِشَرْطِهِمْ».

H.3483 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (a slave under a contract of emancipation) who enters into the contract with his masters, and they stipulate that if he fails to complete the payments, he will return to slavery, and whatever they have already received from him will remain theirs.
Imam {a.s} said: "His masters will take him back as a slave based on their condition."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.129 • Al-Wafi, Vol.10 p.642 • Wasa'il Al-Shi'ah, Vol.23 p.142 • Wasa'il Al-Shi'ah, Vol.23 p.154

HADITH

3484 - وَ رَوَى مُعَاوِيَةُ بْنُ وَهْبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي مَمْلُوكٍ كَاتَبَ عَلَى نَفْسِهِ وَ مَالِهِ وَ لَهُ أَمَةٌ وَ قَدْ شُرِطَ عَلَيْهِ أَنْ لاَ يَتَزَوَّجَ فَأَعْتَقَ اَلْأَمَةَ وَ تَزَوَّجَهَا قَالَ «لاَ يَصْلُحُ لَهُ أَنْ يُحْدِثَ فِي مَالِهِ إِلاَّ اَلْأُكْلَةَ مِنَ اَلطَّعَامِ وَ نِكَاحُهُ فَاسِدٌ مَرْدُودٌ» قِيلَ فَإِنَّ سَيِّدَهُ عَلِمَ بِنِكَاحِهِ وَ لَمْ يَقُلْ شَيْئاً قَالَ «إِذَا صَمَتَ حِينَ يَعْلَمُ ذَلِكَ فَقَدْ أَقَرَّ» قِيلَ فَإِنْ كَانَ اَلْمُكَاتَبُ أُعْتِقَ أَ فَتَرَى أَنْ يُجَدِّدَ نِكَاحَهُ أَوْ يَمْضِيَ عَلَى اَلنِّكَاحِ اَلْأَوَّلِ قَالَ «يَمْضِي عَلَى نِكَاحِهِ».

H.3484 - Mu'awiyah ibn Wahb narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (a slave under a contract of emancipation) who entered into the contract on behalf of himself and his wealth. He had a female slave and was under a condition that he should not marry. He then freed the female slave and married her.
Imam {a.s} said: "He is not allowed to make changes to his wealth except for basic sustenance, and his marriage is invalid and rejected."
It was asked: "What if his master knew about the marriage and remained silent without objecting?"
Imam {a.s} said: "If the master remained silent after knowing, then he has approved it."

It was further asked: “If the mukatab was later emancipated, should he renew the marriage contract or continue based on the initial contract?"
Imam {a.s} said: "He may continue based on the initial marriage."

[REFERENCES] Al-Kafi, Vol.5 p.478 • Al-Kafi, Vol.6 p.188 • Man La Yahduruhu Al-Faqih, Vol.3 p.130 • Tahdhib Al-Ahkam, Vol.7 p.352 • Tahdhib Al-Ahkam, Vol.8 p.269 • Al-Wafi, Vol.22 p.605

HADITH

3485 - وَ رَوَى عَلِيُّ بْنُ اَلنُّعْمَانِ عَنْ أَبِي اَلصَّبَّاحِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلْمُكَاتَبِ يُؤَدِّي نِصْفَ مُكَاتَبَتِهِ وَ يَبْقَى عَلَيْهِ اَلنِّصْفُ ثُمَّ يَدْعُو مَوَالِيَهُ إِلَى بَقِيَّةِ مُكَاتَبَتِهِ فَيَقُولُ لَهُمْ خُذُوا مَا بَقِيَ ضَرْبَةً وَاحِدَةً قَالَ «يَأْخُذُونَ مَا بَقِيَ ثُمَّ يُعْتَقُ» وَ قَالَ فِي اَلْمُكَاتَبِ يُؤَدِّي بَعْضَ مُكَاتَبَتِهِ ثُمَّ يَمُوتُ وَ يَتْرُكُ اِبْناً وَ يَتْرُكُ مَالاً أَكْثَرَ مِمَّا عَلَيْهِ مِنْ مُكَاتَبَتِهِ قَالَ «يُوَفَّى مَوَالِيَهُ مَا بَقِيَ مِنْ مُكَاتَبَتِهِ وَ مَا بَقِيَ فَلِوَلَدِهِ».

H.3485 - Ali ibn al-Nu'man narrated from Abu al-Sabbah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (a slave under a contract of emancipation) who pays half of his contract and still owes the remaining half. Then he offers his masters the remaining amount as a lump sum payment.
Imam {a.s} said: "They may take the remaining amount, and he becomes free."
And regarding a mukatab who pays part of his contract, then dies, leaving behind a son and wealth greater than the amount owed for his contract:
Imam {a.s} said: "The masters are paid the remaining balance of the contract, and whatever remains belongs to his son."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.130 • Tahdhib Al-Ahkam, Vol.8 p.271

HADITH

3486 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي مُكَاتَبٍ يَمُوتُ وَ قَدْ أَدَّى بَعْضَ مُكَاتَبَتِهِ وَ لَهُ اِبْنٌ مِنْ جَارِيَتِهِ قَالَ «إِنْ كَانَ اُشْتُرِطَ عَلَيْهِ إِنْ عَجَزَ فَهُوَ مَمْلُوكٌ رَجَعَ اِبْنُهُ مَمْلُوكاً وَ اَلْجَارِيَةُ وَ إِنْ لَمْ يَكُنِ اُشْتُرِطَ عَلَيْهِ أَدَّى اِبْنُهُ مَا بَقِيَ مِنْ مُكَاتَبَتِهِ وَ وَرِثَ مَا بَقِيَ».

H.3486 - Ibn Abi Umayr narrated from Abdullah ibn Sinan, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a mukatab (a slave under a contract of emancipation) who dies after having paid part of his contract and has a son from his bondwoman.
Imam {a.s} said: "If it was stipulated in the contract that if he fails to complete the payments, he would return to slavery, then his son and the bondwoman also return to slavery.
However, if no such condition was stipulated, then his son must pay the remaining balance of the contract and inherit whatever remains."

[REFERENCES] Al-Kafi, Vol.7 p.151 • Man La Yahduruhu Al-Faqih, Vol.3 p.131 • Tahdhib Al-Ahkam, Vol.8 p.272 • Tahdhib Al-Ahkam, Vol.9 p.349 • Al-Istibsar, Vol.4 p.37 • Awali Al-La’ali, Vol.3 p.438 • Al-Wafi, Vol.25 p.855 • Wasa’il Al-Shi’ah, Vol.23 p.163 • Wasa’il Al-Shi’ah, Vol.26 p.57 • Mustadrak Al-Wasa’il, Vol.16 p.21

HADITH

3487 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ مِهْزَمٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمُكَاتَبِ يَمُوتُ وَ لَهُ وُلْدٌ فَقَالَ «إِنْ كَانَ أُشْتُرِطَ عَلَيْهِ فَوُلْدُهُ مَمَالِيكُ وَ إِنْ لَمْ يَكُنْ أُشْتُرِطَ عَلَيْهِ سَعَى وُلْدُهُ فِي مُكَاتَبَةِ أَبِيهِمْ وَ عَتَقُوا إِذَا أَدَّوْا».

H.3487 - Jamil ibn Darraj narrated from Mihzam, who said:
I asked Abu Abdullah {a.s}, about a mukatab (a slave under a contract of emancipation) who dies and leaves behind children.
Imam {a.s} said: "If it was stipulated in the contract that failure to complete the payments would result in returning to slavery, then his children are slaves.
However, if no such condition was stipulated, then his children must work to pay off their father's contract, and they will be freed once they complete the payments."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.131 • Tahdhib Al-Ahkam, Vol.8 p.272 • Tahdhib Al-Ahkam, Vol.9 p.352 • Al-Istibsar, Vol.4 p.38 • Al-Wafi, Vol.10 p.646 • Wasa'il Al-Shi'ah, Vol.23 p.151 • Wasa'il Al-Shi'ah, Vol.26 p.59

HADITH

3488 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنِ اِشْتَرَطَ اَلْمَمْلُوكُ اَلْمُكَاتَبُ عَلَى مَوْلاَهُ أَنَّهُ لاَ وَلاَءَ لِأَحَدٍ عَلَيْهِ أَوِ اِشْتَرَطَ اَلسَّيِّدُ وَلاَءَ اَلْمُكَاتَبِ فَأَقَرَّ اَلْمُكَاتَبُ اَلَّذِي كُوتِبَ فَلَهُ وَلاَؤُهُ » قَالَ «وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي مُكَاتَبٍ أُشْتُرِطَ عَلَيْهِ وَلاَؤُهُ إِذَا أُعْتِقَ فَنَكَحَ وَلِيدَةً لِرَجُلٍ آخَرَ فَوَلَدَتْ لَهُ وَلَداً فَحُرِّرَ وَلَدُهُ ثُمَّ تُوُفِّيَ اَلْمُكَاتَبُ فَوَرِثَهُ وَلَدُهُ فَاخْتَلَفُوا فِي وَلَدِهِ مَنْ يَرِثُهُ فَأَلْحَقَ وَلَدَهُ بِمَوَالِي أَبِيهِ».

H.3488 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"If a mukatab (a slave under a contract of emancipation) stipulates with his master that there will be no wala' (loyalty) upon him, or if the master stipulates that the wala' of the mukatab will belong to him and the mukatab agrees, then the wala' belongs to the master."
Imam {a.s} said: "Commander of the Faithful, peace be upon him, ruled regarding a mukatab who had a condition in his contract that his wala' would belong to his master upon his emancipation. The mukatab married a bondwoman belonging to another man, and she bore him a child. The child was then freed.
Later, the mukatab died, and his child inherited from him.
There was a dispute regarding who would inherit from the child. Commander of the Faithful, peace be upon him, ruled that the child should be affiliated with the master of his father."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.131 • Al-Wafi, Vol.25 p.927

HADITH

3489 - وَ قَضَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي مُكَاتَبَةٍ تُوُفِّيَتْ وَ قَدْ قَضَتْ عَامَّةَ الَّذِي عَلَيْهَا فَوَلَدَتْ وَلَداً فِي مُكَاتَبَتِهَا فَقَضَى فِي وَلَدِهَا أَنَّهُ يَعْتِقُ مِنْهُ مِثْلُ الَّذِي عَتَقَ مِنْهَا وَ يَرِقُّ مِنْهُ مِثْلُ الَّذِي رَقَّ مِنْهَا.

H.3489 - Imam Ali ibn Abi Talib {a.s} ruled regarding a mukatabah (a female slave under a contract of emancipation) who passed away after having paid most of what was required of her and had given birth to a child during her contract.
Imam Ali ibn Abi Talib {a.s} ruled that the child would be freed in proportion to the part of the mother that had been freed and would remain in bondage in proportion to the part of the mother that remained in bondage.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.132

HADITH

3490 - وَ رَوَى عُمَرُ صَاحِبُ اَلْكَرَابِيسِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «فِي رَجُلٍ كَاتَبَ مَمْلُوكَهُ وَ اِشْتَرَطَ عَلَيْهِ أَنَّ مِيرَاثَهُ لَهُ فَرُفِعَ ذَلِكَ إِلَى عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ فَأَبْطَلَ شَرْطَهُ وَ قَالَ «شَرْطُ اَللَّهِ قَبْلَ شَرْطِكَ» ».

H.3490 - Umar, the companion of al-Karabis, narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who entered into a mukataba (a contract of emancipation) with his slave and stipulated that the slave's inheritance would belong to him (the master).
This case was presented to Imam Ali ibn Abi Talib {a.s} , who invalidated the condition and said:
"The condition of Allah {SWT} precedes your condition."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.132 • Tahdhib Al-Ahkam, Vol.8 p.270 • Al-Wafi, Vol.25 p.859 • Wasa'il Al-Shi'ah, Vol.23 p.158

HADITH

3491 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْراً ﴾ قَالَ «اَلْخَيْرُ أَنْ يَشْهَدَ أَنْ لاَ إِلَهَ إِلاَّ اَللَّهُ وَ أَنَّ مُحَمَّداً رَسُولُ اَللَّهِ وَ يَكُونَ بِيَدِهِ عَمَلٌ يَكْتَسِبُ بِهِ أَوْ يَكُونَ لَهُ حِرْفَةٌ».

H.3491 - Al-Ala' narrated from Muhammad ibn Muslim, from Abu Abdullah Imam Al-Sadiq {a.s}, regarding the saying of Allah {SWT}, the Mighty and Majestic:
"*Then write [a contract of emancipation] for them if you know any good in them*" (Surah An-Nur 24:33).
Imam {a.s} said: "The 'good' refers to bearing witness that there is no god but Allah {SWT} and that Muhammad is the Messenger of Allah {SWT}, and that the slave possesses a skill by which he can earn a livelihood or has a trade."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.132 • Awali Al-La'ali, Vol.3 p.436 • Al-Wafi, Vol.10 p.635 • Wasa'il Al-Shi'ah, Vol.23 p.138 • Tafsir Al-Burhan, Vol.4 p.65 • Tafsir Nur Al-Thaqalayn, Vol.3 p.600

HADITH

3492 - وَ رُوِيَ عَنِ اَلْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَانَ يَسْتَسْعِي اَلْمُكَاتَبَ لِأَنَّهُمْ لَمْ يَكُونُوا يَشْتَرِطُونَ إِنْ عَجَزَ فَهُوَ رِقٌّ » وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «لَهُمْ شُرُوطُهُمْ » وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «يُنْتَظَرُ بِالْمُكَاتَبِ ثَلاَثَةَ أَنْجُمٍ فَإِنْ هُوَ عَجَزَ رُدَّ رَقِيقاً».

H.3492 - It is narrated from Al-Qasim ibn Sulayman, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Imam Ali ibn Abi Talib {a.s} used to allow a mukatab (a slave under a contract of emancipation) to continue working to pay off his contract, because at that time they did not stipulate that if he failed, he would return to slavery.
Abu Abdullah {a.s}, said: "They are bound by their conditions."
Imam {a.s} also said: "A mukatab is given a period of three installments. If he fails to make the payments, he is returned to slavery."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.132 • Tahdhib Al-Ahkam, Vol.8 p.267 • Al-Istibsar, Vol.4 p.34 • Al-Wafi, Vol.10 p.644

HADITH

3493 - قَالَ : وَ سَأَلْتُهُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ آتُوهُمْ مِنْ مٰالِ اَللّٰهِ اَلَّذِي آتٰاكُمْ ﴾ قَالَ «سَمِعْتُ أَبِي عَلَيْهِ اَلسَّلاَمُ يَقُولُ «لاَ يُكَاتِبُهُ عَلَى اَلَّذِي أَرَادَ أَنْ يُكَاتِبَهُ ثُمَّ يَزِيدُ عَلَيْهِ ثُمَّ يَضَعُ عَنْهُ وَ لَكِنَّهُ يَضَعُ عَنْهُ مِمَّا نَوَى أَنْ يُكَاتِبَهُ عَلَيْهِ» ».

H.3493 - He said: I asked him about the saying of Allah {SWT}, the Mighty and Majestic: "*And give them from the wealth of Allah {SWT} which He has given you*" (Surah An-Nur 24:33).
Imam {a.s} said: I heard my father, peace be upon him, say:
"He should not set the amount for the mukataba (contract of emancipation) and then increase it, only to reduce it later. Rather, he should reduce the amount from what he initially intended to stipulate in the contract."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.132 • Al-Wafi, Vol.10 p.640 • Wasa'il Al-Shi'ah, Vol.23 p.153 • Tafsir Al-Burhan, Vol.4 p.65 • Tafsir Nur Al-Thaqalayn, Vol.3 p.601 • Tafsir Kanz Al-Daqaiq, Vol.9 p.297

CHAPTER 51 – CHAPTER ON THE ALLEGIANCE OF THE FREED SLAVE

بَابُ وَلَاءِ الْمُعْتَقِ

HADITH 3494 – 3508

3494 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلْوَلاَءُ لُحْمَةٌ كَلُحْمَةِ اَلنَّسَبِ، لاَ تُبَاعُ وَ لاَ تُوهَبُ».

H.3494 - Isma'il ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
The Prophet, peace and blessings be upon him and his family, said:
"Wala' (the bond of loyalty) is like the bond of lineage; it cannot be sold or given away as a gift."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.133 • Tahdhib Al-Ahkam, Vol.8 p.255 • Al-Istibsar, Vol.4 p.24 • Al-Wafi, Vol.25 p.940 • Wasa'il Al-Shi'ah, Vol.23 p.75

HADITH

3495 - وَ قِيلَ لِلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ لِمَ قُلْتُمْ مَوْلَى اَلرَّجُلِ مِنْهُ قَالَ «لِأَنَّهُ خُلِقَ مِنْ طِينِهِ ثُمَّ فُرِّقَ بَيْنَهُمَا فَرَدَّهُ اَلسَّبْيُ إِلَيْهِ فَعَطَفَ عَلَيْهِ مَا كَانَ فِيهِ مِنْهُ فَأَعْتَقَهُ فَلِذَلِكَ هُوَ مِنْهُ».

H.3495 - It was said to Imam Jafar ibn Muhammad Al-Sadiq {a.s}: "Why do you say that a man's mawla (freed slave) is considered to be from him?"
Imam {a.s} said: "Because he was created from his clay, then they were separated, and captivity brought him back to him. So, he showed compassion for what was in him (the shared origin) and freed him. Therefore, he is considered to be from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.133

HADITH

3496 - وَ رُوِيَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يُعْتِقُ اَلرَّجُلَ فِي كَفَّارَةِ يَمِينٍ أَوْ ظِهَارٍ لِمَنْ يَكُونُ اَلْوَلاَءُ قَالَ «لِلَّذِي أَعْتَقَ».

H.3496 - It is narrated from Asim ibn Humayd, from Abu Basir, who said:
I asked Abu Abdullah {a.s}, about a man who frees another man as an expiation for breaking an oath or for zihar (a prohibited declaration regarding one's wife).
Imam {a.s} said: "The wala' (bond of loyalty) belongs to the one who freed him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.133 • Tahdhib Al-Ahkam, Vol.8 p.256 • Al-Istibsar, Vol.4 p.26 • Al-Wafi, Vol.25 p.938 • Wasa'il Al-Shi'ah, Vol.23 p.78

HADITH

3497 - وَ فِي رِوَايَةِ عُبَيْدِ اَللَّهِ بْنِ عَلِيٍّ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ ذَكَرَ «أَنَّ بَرِيرَةَ كَانَتْ عِنْدَ زَوْجٍ لَهَا وَ هِيَ مَمْلُوكَةٌ فَاشْتَرَتْهَا عَائِشَةُ فَأَعْتَقَتْهَا فَخَيَّرَهَا رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِنْ شَاءَتْ تَقِرُّ عِنْدَ زَوْجِهَا وَ إِنْ شَاءَتْ فَارَقَتْهُ وَ كَانَ مَوَالِيهَا اَلَّذِينَ بَاعُوهَا قَدِ اِشْتَرَطُوا وَلاَءَهَا عَلَى عَائِشَةَ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلْوَلاَءُ لِمَنْ أَعْتَقَ» وَ صُدِّقَ عَلَى بَرِيرَةَ بِلَحْمٍ فَأَهْدَتْهُ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَعَلَّقَتْهُ عَائِشَةُ وَ قَالَتْ إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لاَ يَأْكُلُ اَلصَّدَقَةَ فَجَاءَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ اَللَّحْمُ مُعَلَّقٌ فَقَالَ «مَا شَأْنُ هَذَا اَللَّحْمِ لَمْ يُطْبَخْ» قَالَتْ يَا رَسُولَ اَللَّهِ صُدِّقَ بِهِ عَلَى بَرِيرَةَ وَ أَنْتَ لاَ تَأْكُلُ اَلصَّدَقَةَ فَقَالَ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «هُوَ لَهَا صَدَقَةٌ وَ لَنَا هَدِيَّةٌ» ثُمَّ أَمَرَ بِطَبْخِهِ فَجَرَتْ فِيهَا ثَلاَثُ مِنَ اَلسُّنَنِ».

H.3497 - It is narrated from Ubaydullah ibn Ali al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who mentioned:
Barirah was married to a husband while she was still a slave. Then Aisha bought her and freed her.
The Messenger of Allah {SWT}, peace and blessings be upon him and his family, gave her the choice: if she wished, she could remain with her husband, and if she wished, she could separate from him.
Her former masters, who had sold her, had stipulated that her *wala'* (right of allegiance) should remain with them. The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "The *wala'* belongs to the one who grants freedom."
Later, meat was given to Barirah as charity, and she gifted it to the Messenger of Allah {SWT}, peace and blessings be upon him and his family.
Aisha, upon seeing it, commented: "The Messenger of Allah {SWT} (peace and blessings be upon him and his family) does not consume charity."
When the Messenger of Allah {SWT}, peace and blessings be upon him and his family, arrived and saw the meat hanging, he said: "What is the matter with this meat? Why has it not been cooked?"
Aisha replied: "O Messenger of Allah {SWT}, it was given to Barirah as charity, and you do not eat charity."
The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "It is charity for her, but for us, it is a gift."
Then He {saws} ordered it to be cooked.
Thus, three rulings (sunan) were derived from this case.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.134 • Al-Khisal, Vol.1 p.190 • Al-Wafi, Vol.10 p.194 • Wasa'il Al-Shi'ah, Vol.23 p.65 • Bihar Al-Anwar, Vol.93 p.74 • Bihar Al-Anwar, Vol.100 p.339

HADITH

3498 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنِ اَلْعِيصِ بْنِ اَلْقَاسِمِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى عَبْداً وَ لَهُ أَوْلاَدٌ مِنِ اِمْرَأَةٍ حُرَّةٍ فَأَعْتَقَهُ قَالَ «وَلاَءُ أَوْلاَدِهِ لِمَنْ أَعْتَقَهُ».

H.3498 - Safwan ibn Yahya narrated from Al-Is ibn Al-Qasim, who said:
I asked Abu Abdullah {a.s}, about a man who purchased a slave that had children from a free woman, and then the man freed the slave.
Imam {a.s} said: "The wala' (bond of loyalty) of his children belongs to the one who freed him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.134 • Tahdhib Al-Ahkam, Vol.8 p.250 • Al-Istibsar, Vol.4 p.21 • Wasa'il Al-Shi'ah, Vol.23 p.66

HADITH

3499 - وَ رُوِيَ عَنْ بَكْرِ بْنِ مُحَمَّدٍ أَنَّهُ قَالَ : دَخَلْتُ عَلَى أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ مَعِي عَلِيُّ بْنُ عَبْدِ اَلْعَزِيزِ فَقَالَ لِي «مَنْ هَذَا» قُلْتُ مَوْلاَنَا فَقَالَ «أَعْتَقْتُمُوهُ أَوْ أَبَاهُ» فَقُلْتُ بَلْ أَبَاهُ فَقَالَ «لَيْسَ هَذَا مَوْلاَكَ هَذَا أَخُوكَ وَ اِبْنُ عَمِّكَ وَ إِنَّمَا اَلْمَوْلَى اَلَّذِي جَرَتْ عَلَيْهِ اَلنِّعْمَةُ فَإِذَا جَرَتْ عَلَى أَبِيهِ فَهُوَ أَخُوكَ وَ اِبْنُ عَمِّكَ » قَالَ وَ سَأَلَهُ رَجُلٌ وَ أَنَا حَاضِرٌ فَقَالَ يَكُونُ لِيَ اَلْغُلاَمُ وَ يَشْرَبُ وَ يَدْخُلُ فِي هَذِهِ اَلْأُمُورِ اَلْمَكْرُوهَةِ فَأُرِيدُ عِتْقَهُ فَأُعْتِقُهُ أَحَبُّ إِلَيْكَ أَمْ أَبِيعُهُ وَ أَتَصَدَّقُ بِثَمَنِهِ فَقَالَ «إِنَّ اَلْعِتْقَ فِي بَعْضِ اَلزَّمَانِ أَفْضَلُ وَ فِي بَعْضِ اَلزَّمَانِ اَلصَّدَقَةُ أَفْضَلُ اَلْعِتْقُ أَفْضَلُ إِذَا كَانَ اَلنَّاسُ حَسَنَةً حَالُهُمْ وَ إِذَا كَانَ اَلنَّاسُ شَدِيدَةً حَالُهُمْ فَالصَّدَقَةُ أَفْضَلُ وَ بَيْعُ هَذَا أَحَبُّ إِلَيَّ إِذَا كَانَ بِهَذِهِ اَلْحَالِ».

H.3499 - It is narrated from Bakr ibn Muhammad, who said:
I entered upon Abu Abdullah {a.s}, along with Ali ibn Abdul-Aziz.
Imam {a.s} asked me: "Who is this?"
I said: "Our mawla (freed servant)."
Imam {a.s} said: "Did you free him or his father?"
I said: "His father."
Imam {a.s} said: "Then this is not your mawla; this is your brother and your cousin. A mawla is one upon whom the blessing of freedom has directly been granted. But if the blessing was granted to his father, then he is your brother and cousin."
Bakr ibn Muhammad continued:
A man asked him a question in my presence and said:
"I have a slave who drinks and engages in disliked acts, and I wish to free him. Do you prefer that I free him or sell him and give his price in charity?"
Imam {a.s} said: "Freeing a slave is sometimes more virtuous, and at other times charity is more virtuous. Freeing is better when people's conditions are good, but when people's conditions are difficult, charity is better. As for this particular slave, selling him is preferable to me, given his current state."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.135

HADITH

3500 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يَمْلِكُ ذَا رَحِمِهِ هَلْ يَصْلُحُ لَهُ أَنْ يَبِيعَهُ أَوْ يَسْتَعْبِدَهُ قَالَ «لاَ يَصْلُحُ لَهُ بَيْعُهُ وَ لاَ يَتَّخِذُهُ عَبْداً وَ هُوَ مَوْلاَهُ وَ أَخُوهُ فِي اَلدِّينِ وَ أَيُّهُمَا مَاتَ وَرِثَهُ صَاحِبُهُ إِلاَّ أَنْ يَكُونَ لَهُ وَارِثٌ أَقْرَبُ إِلَيْهِ مِنْهُ ».

H.3500 - Al-Hasan ibn Mahbub narrated from Sama'ah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who owns a relative (of close kinship). Is it permissible for him to sell or enslave that relative?
Imam {a.s} said: "It is neither permissible for him to sell nor to enslave him. He is his mawla (freed person) and his brother in faith. If either of them dies, the other inherits from him, unless there is a closer heir than him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.135 • Al-Wafi, Vol.10 p.653 • Wasa'il Al-Shi'ah, Vol.18 p.249 • Wasa'il Al-Shi'ah, Vol.23 p.29

HADITH

3501 - وَ رَوَى حُذَيْفَةُ بْنُ مَنْصُورٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلْمُعْتِقُ هُوَ اَلْمَوْلَى وَ اَلْوَلَدُ يَنْتَمِي إِلَى مَنْ يَشَاءُ».

H.3501 - Hudhayfah ibn Mansur narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"The one who frees (a slave) is the mawla (master), and the child associates himself with whomever he wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.135 • Tahdhib Al-Ahkam, Vol.8 p.253 • Al-Istibsar, Vol.4 p.23 • Al-Wafi, Vol.10 p.677 • Wasa'il Al-Shi'ah, Vol.23 p.67

HADITH

3502 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي اَلرَّبِيعِ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلسَّائِبَةِ قَالَ «هُوَ اَلرَّجُلُ يُعْتِقُ غُلاَمَهُ ثُمَّ يَقُولُ لَهُ اِذْهَبْ حَيْثُ شِئْتَ لَيْسَ لِي مِنْ مِيرَاثِكَ شَيْءٌ وَ لاَ عَلَيَّ مِنْ جَرِيرَتِكَ شَيْءٌ وَ يُشْهِدُ عَلَى ذَلِكَ شَاهِدَيْنِ ».

H.3502 - Al-Hasan ibn Mahbub narrated from Khalid ibn Jarir, from Abu al-Rabi', who said:
Abu Abdullah {a.s}, was asked about al-sa'ibah (a freed slave who is left without ties).
Imam {a.s} said: "He is a man who frees his slave and then says to him, 'Go wherever you wish. I have no share in your inheritance, nor am I responsible for any liability on your behalf.' He must have two witnesses testify to this declaration."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.348 • Al-Kafi, Vol.7 p.171 • Man La Yahduruhu Al-Faqih, Vol.3 p.136 • Ma'ani Al-Akhbar, Vol.1 p.240 • Tahdhib Al-Ahkam, Vol.8 p.256 • Al-Istibsar, Vol.4 p.26 • Al-Wafi, Vol.25 p.934 • Wasa'il Al-Shi'ah, Vol.23 p.64 • Wasa'il Al-Shi'ah, Vol.23 p.77 • Tafsir Al-Burhan, Vol.2 p.372

HADITH

3503 - وَ رُوِيَ عَنْ شُعَيْبٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلْمَمْلُوكِ يُعْتَقُ سَائِبَةً قَالَ «يَتَوَلَّى مَنْ شَاءَ وَ عَلَى مَنْ يَتَوَلَّى جَرِيرَتُهُ وَ لَهُ مِيرَاثُهُ» قَالَ قُلْتُ فَإِنْ سَكَتَ حَتَّى يَمُوتَ وَ لَمْ يَتَوَلَّ أَحَداً قَالَ «يُجْعَلُ مَالُهُ فِي بَيْتِ مَالِ اَلْمُسْلِمِينَ ».

H.3503 - It is narrated from Shu'ayb, from Abu Basir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he was asked about a slave who is freed as a sa'ibah (without any specific ties).
Imam {a.s} said: "He may choose whomever he wishes to be his guardian. The one he chooses will be responsible for his liabilities and will inherit from him."
I asked: “What if he remains silent until he dies and does not appoint anyone as his guardian?"
Imam {a.s} said: "His wealth will be placed in the treasury of the Muslims."

[REFERENCES] Al-Kafi, Vol.7 p.171 • Al-Kafi, Vol.7 p.172 • Man La Yahduruhu Al-Faqih, Vol.3 p.136 • Tahdhib Al-Ahkam, Vol.8 p.255 • Tahdhib Al-Ahkam, Vol.9 p.395 • Al-Istibsar, Vol.4 p.199 • Al-Istibsar, Vol.4 p.199 • Al-Wafi, Vol.25 p.932 • Wasa’il Al-Shi’ah, Vol.23 p.73 • Wasa’il Al-Shi’ah, Vol.26 p.244

HADITH

3504 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ عَمَّارِ بْنِ أَبِي اَلْأَحْوَصِ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلسَّائِبَةِ قَالَ «أُنْظُرْ فِي اَلْقُرْآنِ فَمَا كَانَ فِيهِ تَحْرِيرُ رَقَبَةٍ فَذَلِكَ يَا عَمَّارُ اَلسَّائِبَةُ اَلَّتِي لاَ وَلاَءَ لِأَحَدٍ مِنَ اَلْمُسْلِمِينَ عَلَيْهِ إِلاَّ اَللَّهَ عَزَّ وَ جَلَّ فَمَا كَانَ وَلاَؤُهُ لِلَّهِ عَزَّ وَ جَلَّ فَهُوَ لِرَسُولِهِ وَ مَا كَانَ لِرَسُولِهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَإِنَّ وَلاَءَهُ لِلْإِمَامِ وَ جِنَايَتَهُ عَلَى اَلْإِمَامِ وَ مِيرَاثُهُ لَهُ».

H.3504 - Ibn Mahbub narrated from Ammar ibn Abi Al-Ahwas, who said:
I asked Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, about al-sa'ibah (a freed slave without specific ties).
Imam {a.s} said: "Look in the Qur'an. Wherever there is mention of the freeing of a slave, that, O Ammar, refers to the sa'ibah, who has no wala' (loyalty) to any Muslim except Allah {SWT}, the Mighty and Majestic.
So, whoever's wala' belongs to Allah {SWT}, it belongs to His Messenger.
And whatever belongs to His Messenger, peace and blessings be upon him and his family, its wala' belongs to the Imam.
His liabilities (for crimes or debts) are upon the Imam, and his inheritance belongs to the Imam."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.136 • Al-Istibsar, Vol.4 p.199

HADITH

3505 - وَ رَوَى يَاسِينُ عَنْ حَرِيزٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ مَمْلُوكٍ أَرَادَ أَنْ يَشْتَرِيَ نَفْسَهُ فَدَسَّ إِنْسَاناً هَلْ لِلْمَدْسُوسِ أَنْ يَشْتَرِيَهُ كُلَّهُ مِنْ مَالِ اَلْعَبْدِ وَ لاَ يُخْبِرَ اَلسَّيِّدَ أَنَّهُ إِنَّمَا يَشْتَرِيهِ مِنْ مَالِ اَلْعَبْدِ قَالَ «لاَ يَنْبَغِي وَ إِنْ أَرَادَ أَنْ يَسْتَحِلَّ ذَلِكَ فِيمَا بَيْنَهُ وَ بَيْنَ اَللَّهِ عَزَّ وَ جَلَّ حَتَّى يَكُونَ وَلاَؤُهُ لَهُ فَلْيَزِدْ هُوَ مَا يَشَاءُ بَعْدَ أَنْ يَكُونَ زِيَادَةٌ مِنْ مَالِهِ فِي ثَمَنِ اَلْعَبْدِ يَسْتَحِلُّ بِهِ اَلْوَلاَءَ فَيَكُونُ وَلاَءُ اَلْعَبْدِ لَهُ».

H.3505 - Yasin narrated from Hariz, from Sulayman ibn Khalid, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked him about a slave who wants to purchase his freedom and secretly arranges for someone else to buy him.
Is it permissible for the person acting on behalf of the slave to buy him entirely with the slave's own money and not inform the master that the purchase is being made with the slave's money?
Imam {a.s} said: "It is not proper. However, if the slave wants to make it permissible between himself and Allah {SWT}, the Mighty and Majestic, so that the wala' (bond of loyalty) belongs to him, then let him add any amount he wishes (as an extra payment) from his own money toward the purchase price. By doing so, he makes the wala' lawful, and the wala' of the slave becomes his."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.136

HADITH

3506 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ بُرَيْدٍ اَلْعِجْلِيِّ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ كَانَ عَلَيْهِ عِتْقُ رَقَبَةٍ فَمَاتَ مِنْ قَبْلِ أَنْ يُعْتِقَ رَقَبَةً فَانْطَلَقَ اِبْنُهُ فَابْتَاعَ رَجُلاً مِنْ كَسْبِهِ فَأَعْتَقَهُ عَنْ أَبِيهِ وَ إِنَّ اَلْمُعْتَقَ أَصَابَ بَعْدَ ذَلِكَ مَالاً ثُمَّ مَاتَ وَ تَرَكَهُ لِمَنْ يَكُونُ مِيرَاثُهُ قَالَ فَقَالَ «إِنْ كَانَتِ اَلرَّقَبَةُ اَلَّتِي كَانَتْ عَلَى أَبِيهِ فِي نَذْرٍ أَوْ شُكْرٍ أَوْ كَانَتْ وَاجِبَةً عَلَيْهِ فَإِنَّ اَلْمُعْتَقَ سَائِبَةٌ لاَ سَبِيلَ لِأَحَدٍ عَلَيْهِ » قَالَ «فَإِنْ كَانَ تَوَلَّى قَبْلَ أَنْ يَمُوتَ إِلَى أَحَدٍ مِنَ اَلْمُسْلِمِينَ فَضَمِنَ جِنَايَتَهُ وَ جَرِيرَتَهُ كَانَ مَوْلاَهُ وَ وَارِثَهُ إِنْ لَمْ يَكُنْ لَهُ قَرِيبٌ مِنَ اَلْمُسْلِمِينَ يَرِثُهُ وَ إِنْ لَمْ يَكُنْ تَوَالَى إِلَى أَحَدٍ حَتَّى مَاتَ فَإِنَّ مِيرَاثَهُ لِلْإِمَامِ إِمَامِ اَلْمُسْلِمِينَ إِنْ لَمْ يَكُنْ لَهُ قَرِيبٌ يَرِثُهُ مِنَ اَلْمُسْلِمِينَ » قَالَ «وَ إِنْ كَانَتِ اَلرَّقَبَةُ اَلَّتِي عَلَى أَبِيهِ تَطَوُّعاً وَ قَدْ كَانَ أَبُوهُ أَمَرَهُ أَنْ يُعْتِقَ عَنْهُ نَسَمَةً فَإِنَّ وَلاَءَ اَلْمُعْتَقِ هُوَ مِيرَاثٌ لِجَمِيعِ وُلْدِ اَلْمَيِّتِ » قَالَ «وَ يَكُونُ اَلَّذِي اِشْتَرَاهُ فَأَعْتَقَهُ بِأَمْرِ أَبِيهِ كَوَاحِدٍ مِنَ اَلْوَرَثَةِ إِذَا لَمْ يَكُنْ لِلْمُعْتَقِ قَرَابَةٌ مِنَ اَلْمُسْلِمِينَ أَحْرَارٌ يَرِثُونَهُ» قَالَ «وَ إِنْ كَانَ اِبْنُهُ اَلَّذِي اِشْتَرَى اَلرَّقَبَةَ فَأَعْتَقَهَا عَنْ أَبِيهِ مِنْ مَالِهِ بَعْدَ مَوْتِ أَبِيهِ تَطَوُّعاً مِنْهُ مِنْ غَيْرِ أَنْ يَكُونَ أَبُوهُ أَمَرَهُ بِذَلِكَ فَإِنَّ وَلاَءَهُ وَ مِيرَاثَهُ لِلَّذِي اِشْتَرَاهُ مِنْ مَالِهِ فَأَعْتَقَهُ عَنْ أَبِيهِ إِذَا لَمْ يَكُنْ لِلْمُعْتَقِ وَارِثٌ مِنْ قَرَابَتِهِ».

H.3506 - Al-Hasan ibn Mahbub narrated from Abu Ayyub, from Burayd al-Ijli, who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, about a man who was obligated to free a slave but died before doing so. His son then purchased a slave with his own wealth and freed him on behalf of his father. Later, the freed slave acquired wealth and passed away, leaving an inheritance.

I asked: "Who inherits from him?"

Imam {a.s} replied: "If the obligation to free the slave was due to a vow, gratitude, or was otherwise obligatory upon his father, then the freed slave is a sa'ibah (freed without claim of ownership), and no one has any claim over him."

Imam {a.s} continued: "However, if the freed slave had allied himself (by appointing a guardian) to one of the Muslims before dying, and that guardian accepted responsibility for his offenses and liabilities, then the guardian becomes his master and inherits from him - if the freed slave has no Muslim relatives to inherit from him."

"If the freed slave did not appoint a guardian before dying, then his inheritance goes to the Imam of the Muslims - provided he has no Muslim relatives to inherit from him."

Imam {a.s} further said: "If the obligation to free the slave was voluntary, and the father had instructed his son to free a slave on his behalf, then the wala' (bond of loyalty) of the freed slave and his inheritance belong to all the children of the deceased."

"In this case, the son who purchased and freed the slave based on his father's instructions is counted as one of the heirs - unless the freed slave has free Muslim relatives who can inherit from him."

Imam {a.s} added: "If the son purchased and freed the slave after his father's death voluntarily, without any instruction from his father, then the wala' and inheritance of the freed slave belong to the son who freed him - provided the freed slave has no inheriting relatives from among his kin."

[REFERENCES] Al-Kafi, Vol.7 p.171 • Man La Yahduruhu Al-Faqih, Vol.3 p.137 • Tahdhib Al-Ahkam, Vol.8 p.254 • Al-Istibsar, Vol.4 p.23 • Al-Wafi, Vol.25 p.937 • Wasa'il Al-Shi'ah, Vol.23 p.71

CHAPTER 52 – CHAPTER ON MOTHERS OF OFFSPRING

بَابُ أُمَّهَاتِ الْأَوْلَادِ

HADITH 3507 – 3514

3507 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ أُمِّ اَلْوَلَدِ قَالَ «أَمَةٌ تُبَاعُ وَ تُورَثُ وَ تُوهَبُ وَ حَدُّهَا حَدُّ اَلْأَمَةِ».

H.3507 - Al-Hasan ibn Mahbub narrated from Ali ibn Ri'ab, from Zurara, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, about Umm al-Walad (a female slave who bears a child for her master).
Imam {a.s} said: "She is a slave. She can be sold, inherited, and gifted, and her legal ruling is the same as that of a slave."

[REFERENCES] Al-Kafi, Vol.6 p.191 • Man La Yahduruhu Al-Faqih, Vol.3 p.138 • Tahdhib Al-Ahkam, Vol.8 p.237 • Al-Istibsar, Vol.4 p.11 • Al-Wafi, Vol.10 p.662 • Wasa'il Al-Shi'ah, Vol.18 p.279

HADITH

3508 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ وَهْبِ بْنِ عَبْدِ رَبِّهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ زَوَّجَ أُمَّ وَلَدِ لَهُ عَبْداً لَهُ ثُمَّ مَاتَ اَلسَّيِّدُ قَالَ «لاَ خِيَارَ لَهَا عَلَى اَلْعَبْدِ هِيَ مَمْلُوكَةٌ لِلْوَرَثَةِ».

H.3508 - Al-Hasan ibn Mahbub narrated from Wahb ibn Abd Rabbih, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who married his Umm al-Walad (a female slave who bore him a child) to his slave, and then the master died.
Imam {a.s} said: "She has no choice regarding the slave. She remains a slave belonging to the heirs."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.138 • Tahdhib Al-Ahkam, Vol.8 p.206 • Al-Wafi, Vol.22 p.612 • Wasa'il Al-Shi'ah, Vol.21 p.192 • Wasa'il Al-Shi'ah, Vol.23 p.173

HADITH

3509 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ مَحْبُوبٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَى عَنِ اَلْبَزَنْطِيِّ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَمُوتُ وَ لَهُ أُمُّ وَلَدٍ وَ لَهُ مِنْهَا وَلَدٌ أَ يَصْلُحُ لِلرَّجُلِ أَنْ يَتَزَوَّجَهَا فَقَالَ «أُخْبِرْتُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ أَوْصَى فِي أُمَّهَاتِ اَلْأَوْلاَدِ اَللاَّتِي كَانَ يَطُوفُ عَلَيْهِنَّ «مَنْ كَانَ مِنْهُنَّ لَهَا وَلَدٌ فَهِيَ مِنْ نَصِيبِ وَلَدِهَا وَ مَنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَهِيَ حُرَّةٌ» وَ إِنَّمَا جُعِلَ مَنْ كَانَ مِنْهُنَّ لَهَا وَلَدٌ مِنْ نَصِيبِ وَلَدِهَا لِكَيْلاَ تَنْكِحَ إِلاَّ بِإِذْنِ أَهْلِهَا».

H.3509 - In a narration from Muhammad ibn Ali ibn Mahbub, from Ahmad ibn Muhammad ibn Isa, from Al-Bazanti, from Abdullah ibn Sinan, he said:
I asked Abu Abdullah {a.s}, about a man who dies and leaves behind an Umm al-Walad (a female slave who bore him a child) and has a child from her. Can another man marry her?
Imam {a.s} said: "I was informed that Imam Ali ibn Abi Talib {a.s}, instructed regarding the Umm al-Walad women he had relations with:
'Whoever among them has borne a child, she becomes the share of her child. And whoever has not borne a child, she is set free.' And those who had children were assigned to their children to ensure that they would not marry except with the permission of their family."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.138 • Al-Wafi, Vol.22 p.612 • Wasa'il Al-Shi'ah, Vol.23 p.174

HADITH

3510 - وَ رَوَى سُلَيْمَانُ بْنُ دَاوُدَ اَلْمِنْقَرِيُّ عَنْ عَبْدِ اَلْعَزِيزِ بْنِ مُحَمَّدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَوْ سَمِعْتُهُ يَقُولُ : «لاَ تُجْبَرُ اَلْحُرَّةُ عَلَى رَضَاعِ اَلْوَلَدِ وَ تُجْبَرُ أُمُّ اَلْوَلَدِ».

H.3510 - Sulaiman ibn Dawud Al-Minqari narrated from Abdul Aziz ibn Muhammad, who said: I asked Abu Abdullah {a.s}, or I heard him say:
"A free woman is not compelled to breastfeed the child, but an Umm al-Walad (a female slave who bore her master a child) is compelled."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.139 • Wasa'il Al-Shi'ah, Vol.23 p.178

HADITH

3511 - وَ رَوَى اِبْنُ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ بَعْضِهِمْ عَلَيْهِمُ اَلسَّلاَمُ قَالَ : «كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ إِذَا مَاتَ اَلرَّجُلُ وَ لَهُ اِمْرَأَةٌ مَمْلُوكَةٌ اِشْتَرَاهَا مِنْ مَالِهِ فَأَعْتَقَهَا ثُمَّ وَرَّثَهَا».

H.3511 - Ibn Muskan narrated from Sulaiman ibn Khalid, who narrated from some of the Imams {a.s}, peace be upon them:
"When a man died and had a wife who was a slave, Imam Ali ibn Abi Talib {a.s} would purchase her from his estate, emancipate her, and then make her an heir."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.139 • Man La Yahduruhu Al-Faqih, Vol.4 p.339 • Tahdhib Al-Ahkam, Vol.8 p.247 • Tahdhib Al-Ahkam, Vol.9 p.337 • Awali Al-La'ali, Vol.2 p.337 • Al-Wafi, Vol.25 p.846 • Wasa'il Al-Shi'ah, Vol.23 p.89

HADITH

3512 - وَ رَوَى عُمَرُ بْنُ يَزِيدَ عَنْ أَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ أَسْأَلُكَ قَالَ «سَلْ» قُلْتُ لِمَ بَاعَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ أُمَّهَاتِ اَلْأَوْلاَدِ فَقَالَ «فِي فَكَاكِ رِقَابِهِنَّ» قُلْتُ وَ كَيْفَ ذَاكَ قَالَ «أَيُّمَا رَجُلٍ اِشْتَرَى جَارِيَةً فَأَوْلَدَهَا ثُمَّ لَمْ يُؤَدِّ ثَمَنَهَا وَ لَمْ يَدَعْ مِنَ اَلْمَالِ مَا يُؤَدَّى عَنْهُ أُخِذَ وَلَدُهَا مِنْهَا وَ بِيعَتْ وَ أُدِّيَ ثَمَنُهَا» قُلْتُ فَتُبَاعُ فِيمَا سِوَى ذَلِكَ مِنَ اَلدَّيْنِ قَالَ «لاَ».

H.3512 - Umar ibn Yazid narrated from Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}), who said:
I said to him: "May I ask you a question?"
Imam {a.s} replied: “Ask."
I asked: “Why did Commander of the Faithful, peace be upon him, sell the mothers of children (Umm al-Walad)?"
Imam {a.s} said: “To free them from slavery."
I asked: “How was that?"
Imam {a.s} said: “If a man purchased a bondwoman and she bore him a child, but he did not pay her price and did not leave enough wealth to pay for her, her child would be taken from her, and she would be sold to pay her price."
I asked: “Is she sold for any other debt besides this?"
Imam {a.s} said: “No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.139 • Wasa’il Al-Shi’ah, Vol.23 p.170

HADITH

3513 - وَ رَوَى عَاصِمٌ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «أَيُّمَا رَجُلٍ تَرَكَ سُرِّيَّةً لَهَا وَلَدٌ أَوْ فِي بَطْنِهَا وَلَدٌ أَوْ لاَ وَلَدَ لَهَا فَإِنْ كَانَ أَعْتَقَهَا رَبُّهَا عَتَقَتْ وَ إِنْ لَمْ يُعْتِقْهَا حَتَّى تُوُفِّيَ فَقَدْ سَبَقَ فِيهَا كِتَابُ اَللَّهِ عَزَّ وَ جَلَّ وَ كِتَابُ اَللَّهِ أَحَقُّ» قَالَ «وَ إِنْ كَانَ لَهَا وَلَدٌ وَ تَرَكَ مَالاً تُجْعَلُ فِي نَصِيبِ وَلَدِهَا وَ يُمْسِكُهَا أَوْلِيَاءُ وَلَدِهَا حَتَّى يَكْبَرَ اَلْوَلَدُ فَيَكُونُ هُوَ اَلَّذِي يُعْتِقُهَا إِنْ شَاءَ وَ يَكُونُونَ هُمْ يَرِثُونَ وَلَدَهَا مَا دَامَتْ أَمَةً فَإِنْ أَعْتَقَهَا وَلَدُهَا عَتَقَتْ وَ إِنْ تُوُفِّيَ عَنْهَا وَلَدُهَا وَ لَمْ يُعْتِقْهَا فَإِنْ شَاءُوا أَرَقُّوا وَ إِنْ شَاءُوا أَعْتَقُوا» «وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ تَرَكَ جَارِيَةً وَ قَدْ وَلَدَتْ مِنْهُ اِبْنَةً وَ هِيَ صَغِيرَةٌ غَيْرَ أَنَّهَا تُبِينُ اَلْكَلاَمَ فَأَعْتَقَتْ أُمَّهَا فَتَخَاصَمَ فِيهَا مَوَالِي أَبِ اَلْجَارِيَةِ فَأَجَازَ عِتْقَهَا لِأُمِّهَا».

H.3513 - Asim narrated from Muhammad ibn Qays, who narrated from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, that Commander of the Faithful, peace be upon him, said:
"Any man who leaves behind a concubine (surriyah) who has a child, or is pregnant with a child, or has no child, then if her master had freed her, she is free. But if he did not free her before his death, then the Book of Allah {SWT}, the Almighty and Glorious, has already decided her case, and the Book of Allah {SWT} is more deserving to be followed."

Imam {a.s} continued: "If she has a child and the man leaves wealth, then she is to be placed under the share of her child, and the guardians of the child shall keep her until the child grows up. At that point, the child has the right to free her if they wish.
Meanwhile, the guardians inherit the child's wealth as long as she remains a slave. If her child frees her, she becomes free. However, if her child dies without freeing her, the guardians have the option to either keep her as a slave or free her."
"Commander of the Faithful, peace be upon him, also ruled concerning a man who left behind a bondwoman who had borne him a daughter. The daughter was still young but capable of speaking. The daughter then freed her mother.
The guardians of the father's estate disputed this matter, but Commander of the Faithful, peace be upon him, upheld the daughter's act of freeing her mother."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.140

HADITH

3514 - وَ رَوَى اَلْحُسَيْنُ بْنُ سَعِيدٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ اَلْوَلِيدِ بْنِ هِشَامٍ قَالَ : قَدِمْتُ مِنْ مِصْرَ وَ مَعِي رَقِيقٌ فَمَرَرْتُ بِالْعَاشِرِ فَسَأَلَنِي فَقُلْتُ هُمْ أَحْرَارٌ كُلُّهُمْ فَقَدِمْتُ اَلْمَدِينَةَ فَدَخَلْتُ عَلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ فَأَخْبَرْتُهُ بِقَوْلِي لِلْعَاشِرِ فَقَالَ «لَيْسَ عَلَيْكَ شَيْءٌ » فَقُلْتُ إِنَّ فِيهِمْ جَارِيَةً قَدْ وَقَعْتُ عَلَيْهَا وَ بِهَا حَمْلٌ قَالَ «لاَ أَ لَيْسَ وَلَدُهَا بِالَّذِي يُعْتِقُهَا إِذَا هَلَكَ سَيِّدُهَا صَارَتْ مِنْ نَصِيبِ وَلَدِهَا».

H.3514 - Al-Husayn ibn Sa'id narrated from Safwan ibn Yahya, who narrated from al-Walid ibn Hisham:
"I came from Egypt with some slaves, and when I passed by the tax collector (al-'Ashir), he asked me about them. I said: 'They are all free.'
When I arrived in Medina, I went to Abu al-Hasan {a.s}, and informed him about what I had told the tax collector.
Imam {a.s} said: 'There is nothing upon you.'
I then said: 'Among them is a bondwoman with whom I had relations, and she is pregnant.'
Imam {a.s} replied: 'Isn't her child the one who will free her? When her master dies, she becomes the share of her child.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.140 • Tahdhib Al-Ahkam, Vol.8 p.227 • Al-Wafi, Vol.10 p.617 • Wasa'il Al-Shi'ah, Vol.23 p.176

CHAPTER 53 – CHAPTER ON FREEDOM

بَابُ الْحُرِّيَّةِ

HADITH 3515 – 3527

3515 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : إِنَّ اَلنَّاسَ كُلَّهُمْ أَحْرَارٌ إِلاَّ مَنْ أَقَرَّ عَلَى نَفْسِهِ بِالرِّقِّ وَ هُوَ مُدْرِكٌ مِنْ عَبْدٍ أَوْ أَمَةٍ وَ مَنْ شَهِدَ عَلَيْهِ شَاهِدَانِ بِالرِّقِّ صَغِيراً كَانَ أَوْ كَبِيراً.

H.3515 - Al-Hasan ibn Mahbub narrated from 'Abdullah ibn Sinan, who said:
"I heard Abu Abdullah {a.s} say: Commander of the Faithful, peace be upon him, used to say: 'Indeed, all people are free, except for the one who acknowledges servitude upon himself while being of sound understanding - whether he is a slave or a bondwoman - or the one upon whom two witnesses testify to his servitude, whether he is young or old.'"

[REFERENCES] 30 • Al-Kafi, Vol.6 p.195 • Man La Yahduruhu Al-Faqih, Vol.3 p.141 • Tahdhib Al-Ahkam, Vol.8 p.235 • Al-Wafi, Vol.17 p.257 • Wasa'il Al-Shi'ah, Vol.23 p.54 • Al-Fusul Al-Muhimmah, Vol.2 p.394

HADITH

3516 - وَ رُوِيَ عَنِ اَلْعَبَّاسِ بْنِ عَامِرٍ عَنْ أَبَانٍ عَنْ مُحَمَّدِ بْنِ اَلْفَضْلِ اَلْهَاشِمِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ أَقَرَّ أَنَّهُ عَبْدٌ قَالَ يَأْخُذُهُ بِمَا قَالَ أَوْ يَرُدَّ اَلْمَالَ.

H.3516 - Al-'Abbas ibn 'Amir narrated from Aban, from Muhammad ibn al-Fadl al-Hashimi, who said: "I said to Abu Abdullah {a.s}, 'A man admitted that he is a slave.'
Imam {a.s} said: 'He will be held accountable based on what he said, or he must return the wealth.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.141

HADITH

3517 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : إِذَا عَمِيَ اَلْعَبْدُ فَلاَ رِقَّ عَلَيْهِ وَ اَلْعَبْدُ إِذَا أَجْذَمَ فَلاَ رِقَّ عَلَيْهِ.

H.3517 - Al-Sakooni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, peace be upon them, who said:
The Messenger of Allah {SWT}, peace be upon him and his family, said: "If a slave becomes blind, there is no servitude upon him; and if a slave becomes leprous, there is no servitude upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.141 • Awali Al-La'ali, Vol.2 p.304

HADITH

3518 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا عَمِيَ اَلْعَبْدُ فَقَدْ عَتَقَ».

H.3518 - Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If a slave becomes blind, he is emancipated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.142

HADITH

3519 - وَ رَوَى هِشَامُ بْنُ سَالِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِيمَنْ نَكَّلَ بِمَمْلُوكِهِ أَنَّهُ حُرٌّ لاَ سَبِيلَ لَهُ عَلَيْهِ سَائِبَةٌ يَذْهَبُ فَيَتَوَلَّى إِلَى مَنْ أَحَبَّ فَإِذَا ضَمِنَ حَدَثَهُ فَهُوَ يَرِثُهُ».

H.3519 - Hisham ibn Salim narrated from Abu Basir, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"Commander of the Faithful, peace be upon him, ruled regarding a person who mistreated his slave that the slave becomes free. There is no authority over him, and he is considered a 'sa'ibah' (free without obligation). He may choose to align himself with whomever he wishes, and if that person guarantees his liability, then he inherits from him."

[REFERENCES] Al-Kafi, Vol.7 p.172 • Man La Yahduruhu Al-Faqih, Vol.3 p.142 • Tahdhib Al-Ahkam, Vol.8 p.223 • Tahdhib Al-Ahkam, Vol.9 p.395 • Al-Wafi, Vol.10 p.666 • Wasa'il Al-Shi'ah, Vol.23 p.43 • Wasa'il Al-Shi'ah, Vol.26 p.245 • Al-Fusul Al-Muhimmah, Vol.2 p.481

HADITH

3520 - وَ رُوِيَ : فِي اِمْرَأَةٍ قَطَعَتْ ثَدْيَ وَلِيدَتِهَا «أَنَّهَا حُرَّةٌ لاَ سَبِيلَ لِمَوْلاَتِهَا عَلَيْهَا».

H.3520 - It is narrated regarding a woman who cut off the breast of her female slave;
"She (the slave) is free, and her mistress has no authority over her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.142 • Mustadrak Al-Wasa'il, Vol.15 p.463

HADITH

3521 - وَ رَوَى طَلْحَةُ بْنُ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَعْتَقَ بَعْضَ مَمْلُوكِهِ قَالَ «هُوَ حُرٌّ كُلُّهُ لَيْسَ لِلَّهِ عَزَّ وَ جَلَّ شَرِيكٌ».

H.3521 - It is narrated by Talhah bin Zayd, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon him, regarding a man who freed part of his slave.
Imam {a.s} said: "He is completely free; there is no partner with Allah {SWT}, the Almighty."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.142

HADITH

3522 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَعْتَقَ أَمَةً وَ هِيَ حُبْلَى فَاسْتَثْنَى مَا فِي بَطْنِهَا قَالَ «اَلْأَمَةُ حُرَّةٌ وَ مَا فِي بَطْنِهَا حُرٌّ لِأَنَّ مَا فِي بَطْنِهَا مِنْهَا».

H.3522 - It is narrated by Al-Sakooni, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon him, regarding a man who freed a pregnant bondwoman but excluded what was in her womb.
Imam {a.s} said: “The bondwoman is free, and what is in her womb is also free because what is in her womb is a part of her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.142 • Tahdhib Al-Ahkam, Vol.8 p.236 • Awali Al-La’ali, Vol.3 p.428 • Al-Wafi, Vol.10 p.609 • Wasa’il Al-Shi’ah, Vol.23 p.106

HADITH

3523 - وَ رُوِيَ عَنْ سَيْفِ بْنِ عَمِيرَةَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَ يَجُوزُ لِلْمُسْلِمِ أَنْ يُعْتِقَ مَمْلُوكاً مُشْرِكاً قَالَ «لاَ».

H.3523 - It is narrated from Saif bin Amira, who said:
“I asked Abu Abdullah {a.s}, ‘Is it permissible for a Muslim to free a slave who is a polytheist?’"
Imam {a.s} said: “No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.142 • Tahdhib Al-Ahkam, Vol.8 p.218 • Al-Istibsar, Vol.4 p.2 • Al-Wafi, Vol.10 p.590 • Wasa’il Al-Shi’ah, Vol.23 p.35

HADITH

3524 - وَ رَوَى أَبُو اَلْبَخْتَرِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَجُوزُ فِي اَلْعَتَاقِ اَلْأَعْمَى وَ اَلْأَعْوَرُ وَ اَلْمُقْعَدُ وَ يَجُوزُ اَلْأَشَلُّ وَ اَلْأَعْرَجُ ».

H.3524 - It is narrated by Abu Al-Bakhtari from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam Ali ibn Abi Talib {a.s} said:
"It is not permissible in emancipation (freeing a slave) for the blind, the one-eyed, or the crippled. However, it is permissible for the one with a paralyzed hand or the lame."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.158 • Al-Kafi, Vol.6 p.196 • Man La Yahduruhu Al-Faqih, Vol.3 p.143 • Tahdhib Al-Ahkam, Vol.8 p.230 • Al-Wafi, Vol.10 p.587 • Wasa’il Al-Shi’ah, Vol.22 p.397 • Wasa’il Al-Shi’ah, Vol.23 p.45 • Bihar Al-Anwar, Vol.101 p.196

HADITH

3525 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عِتْقُ رَقَبَةٍ فَأَرَادَ أَنْ يُعْتِقَ نَسَمَةً أَيُّهُمَا أَفْضَلُ أَنْ يُعْتِقَ شَيْخاً كَبِيراً أَوْ شَابّاً أَجْرَدَ قَالَ «أَعْتَقَ مَنْ أَغْنَى نَفْسَهُ اَلشَّيْخُ اَلْكَبِيرُ أَفْضَلُ مِنَ اَلشَّابِّ اَلْأَجْرَدِ».

H.3525 - It is narrated from Ali bin Ja'far from his brother Imam Musa ibn Jafar Al-Kadhim {a.s}, who said:
"I asked him about a man who is obligated to free a slave and intends to emancipate one. Which is better - to free an old man or a young, healthy man?"
Imam {a.s} replied: ‘Free the one who is more self-sufficient. The old man is better than the young, healthy (strong) man.' "

[REFERENCES] Masa’il Ali Ibn Ja’far, Vol.1 p.303 • Al-Kafi, Vol.6 p.196 • Man La Yahduruhu Al-Faqih, Vol.3 p.143 • Tahdhib Al-Ahkam, Vol.8 p.230 • Al-Wafi, Vol.10 p.587 • Wasa’il Al-Shi’ah, Vol.23 p.31

HADITH

3526 - وَ رُوِيَ عَنْ أَحْمَدَ بْنِ هِلاَلٍ قَالَ : كَتَبْتُ إِلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ كَانَ عَلَيَّ عِتْقُ رَقَبَةٍ فَهَرَبَ لِي مَمْلُوكٌ لَسْتُ أَعْلَمُ أَيْنَ هُوَ أَ يُجْزِينِي عِتْقُهُ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «نَعَمْ ».

H.3526 - It is narrated from Ahmad bin Hilal, who said:
"I wrote to Abu al-Hasan {a.s}, stating that I was obligated to free a slave, but my slave had escaped, and I did not know where he was. Would his emancipation suffice for fulfilling my obligation?"
Imam {a.s} wrote back: 'Yes.' "

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.143 • Al-Wafi, Vol.11 p.596 • Wasa’il Al-Shi’ah, Vol.23 p.84

HADITH

3527 - وَ رُوِيَ عَنْ أَبِي هَاشِمٍ اَلْجَعْفَرِيِّ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ لَهُ مَمْلُوكٌ قَدْ أَبَقَ مِنْهُ يَجُوزُ أَنْ يُعْتِقَهُ فِي كَفَّارَةِ اَلظِّهَارِ قَالَ «لاَ بَأْسَ بِهِ مَا لَمْ يَعْرِفْ مِنْهُ مَوْتاً».

H.3527 - It is narrated from Abu Hashim al-Ja’fari, who said:
"I asked Abu al-Hasan {a.s}, about a man who had a runaway slave. Is it permissible for him to free the slave as an expiation for zihar?"
Imam {a.s} replied: ‘There is no harm in it, as long as he has not come to know of the slave’s death.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.144 • Tahdhib Al-Ahkam, Vol.8 p.247 • Al-Wafi, Vol.22 p.934

CHAPTER 54 – CHAPTER ON WHAT HAS BEEN REPORTED REGARDING THE CHILD OF ADULTERY AND THE FOUNDLING

بَابُ مَا جَاءَ فِي وَلَدِ الزِّنَا وَ اللَّقِيطِ

HADITH 3528 – 3533

3528 - رَوَى سَعِيدُ بْنُ يَسَارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِأَنْ يُعْتَقَ وَلَدُ اَلزِّنَا».

H.3528 - It is narrated from Sa'id ibn Yasar, who said:
"Abu Abdullah {a.s}, said: 'There is no harm in emancipating the child born out of wedlock.' "

[REFERENCES] Al-Kafi, Vol.6 p.182 • Man La Yahduruhu Al-Faqih, Vol.3 p.144 • Tahdhib Al-Ahkam, Vol.8 p.218 • Tahdhib Al-Ahkam, Vol.8 p.227 • Al-Wafi, Vol.10 p.589 • Wasa'il Al-Shi'ah, Vol.23 p.32

HADITH

3529 - وَ رَوَى عَنْبَسَةُ بْنُ مُصْعَبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ جَارِيَةٌ لِي زَنَتْ أَبِيعُ وَلَدَهَا قَالَ «نَعَمْ» قُلْتُ أَحُجُّ بِثَمَنِهِ قَالَ «نَعَمْ».

H.3529 - It is narrated from Anbasa ibn Mus'ab that he said:
"I said to Abu Abdullah {a.s}: 'A bondwoman of mine committed adultery. Can I sell her child?'
Imam {a.s} said: 'Yes.'
I said: 'Can I perform Hajj with its price?'
Imam {a.s} said: 'Yes.' "

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.144 • Al-Wafi, Vol.17 p.274 • Wasa'il Al-Shi'ah, Vol.17 p.300

HADITH

3530 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ وَلَدِ اَلزِّنَا أَ يُشْتَرَى أَوْ يُبَاعُ أَوْ يُسْتَخْدَمُ قَالَ «نَعَمْ إِلاَّ جَارِيَةً لَقِيطَةً فَإِنَّهَا لاَ تُشْتَرَى».

H.3530 - It is narrated from Hammad, from Al-Halabi, who said:
"Abu Abdullah {a.s}, was asked about a child born out of adultery - can he be bought, sold, or used for service?
Imam {a.s} said: 'Yes, except for a foundling girl (abandoned by parents), as she cannot be bought.' "

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.145 • Tahdhib Al-Ahkam, Vol.8 p.227 • Al-Wafi, Vol.17 p.274 • Wasa'il Al-Shi'ah, Vol.17 p.300 • Wasa'il Al-Shi'ah, Vol.23 p.96

HADITH

3531 - وَ رَوَى حَمَّادُ بْنُ عِيسَى عَنْ حَرِيزٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلْمَنْبُوذُ حُرٌّ إِنْ شَاءَ جَعَلَ وَلاَءَهُ لِلَّذِينَ رَبَّوْهُ وَ إِنْ شَاءَ لِغَيْرِهِمْ».

H.3531 - It is narrated from Hammad bin Isa, from Hariz, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"The abandoned child (foundling) is free. If he wishes, he may assign his allegiance to those who raised him, or if he wishes, to others."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.145 • Tahdhib Al-Ahkam, Vol.8 p.227 • Al-Wafi, Vol.25 p.937 • Wasa'il Al-Shi'ah, Vol.23 p.98

HADITH

3532 - وَ فِي رِوَايَةِ اَلْمُثَنَّى عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنْ طَلَبَ اَلَّذِي رَبَّاهُ بِنَفَقَتِهِ وَ كَانَ مُوسِراً رَدَّ عَلَيْهِ وَ إِنْ لَمْ يَكُنْ مُوسِراً كَانَ مَا أَنْفَقَ صَدَقَةً».

H.3532 - In the narration of Al-Muthanna, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"If the one who raised the abandoned child demands repayment for his expenses and he (the child) is financially capable, he must repay him. However, if he is not financially capable, then what was spent is considered charity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.145 • Wasa'il Al-Shi'ah, Vol.23 p.98

HADITH

3533 - وَ رَوَى زُرَارَةُ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ أَنَّهُ قَالَ : فِي لَقِيطَةٍ وُجِدَتْ فَقَالَ «حُرَّةٌ لاَ تُشْتَرَى وَ لاَ تُبَاعُ وَ إِنْ كَانَ وُلِدَ مَمْلُوكٌ لَكَ مِنَ اَلزِّنَا فَأَمْسِكْ أَوْ بِعْ إِنْ أَحْبَبْتَ هُوَ مَمْلُوكٌ لَكَ».

H.3533 - Zurarah narrates from one of the Imams {a.s}, peace be upon them, that Imam {a.s} said regarding a foundling:
"She is free and cannot be bought or sold. However, if a child is born to you from her through unlawful relations, then you may keep or sell the child if you wish, as he is your slave."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.145 • Tahdhib Al-Ahkam, Vol.8 p.228 • Al-Wafi, Vol.17 p.272 • Wasa'il Al-Shi'ah, Vol.17 p.300

CHAPTER 55 – CHAPTER ON ABSCONDING SLAVES

بَابُ الْإِبَاقِ

HADITH 3534 – 3545

3534 - قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «اَلْعَبْدُ اَلْآبِقُ لاَ تُقْبَلُ لَهُ صَلاَةٌ حَتَّى يَرْجِعَ إِلَى مَوْلاَهُ».

H.3534 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, said:
"The runaway slave's prayer is not accepted until he returns to his master."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.145 • Al-Wafi, Vol.15 p.519 • Wasa'il Al-Shi'ah, Vol.23 p.82

HADITH

3535 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْمَمْلُوكُ إِذَا هَرَبَ وَ لَمْ يَخْرُجْ مِنْ مِصْرِهِ لَمْ يَكُنْ آبِقاً».

H.3535 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If a slave runs away but does not leave his city, he is not considered a runaway (abiq)."

[REFERENCES] Al-Kafi, Vol.6 p.200 • Man La Yahduruhu Al-Faqih, Vol.3 p.145 • Al-Wafi, Vol.15 p.519 • Wasa'il Al-Shi'ah, Vol.23 p.82 • Mustadrak Al-Wasa'il, Vol.15 p.476

HADITH

3536 - وَ رَوَى زَيْدٌ اَلشَّحَّامُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ يَتَخَوَّفُ إِبَاقَ مَمْلُوكِهِ أَوْ يَكُونُ اَلْمَمْلُوكُ قَدْ أَبَقَ أَ يُقَيِّدُهُ أَوْ يَجْعَلُ فِي عُنُقِهِ رَايَةً قَالَ «إِنَّمَا هُوَ بِمَنْزِلَةِ بَعِيرٍ يُخَافُ شِرَادُهُ فَإِذَا خِفْتَ ذَلِكَ فَاسْتَوْثِقْ مِنْهُ وَ أَشْبِعْهُ وَ أَكْسُهُ» قُلْتُ وَ كَمْ شِبَعُهُ قَالَ «أَمَّا نَحْنُ نَرْزُقُ عِيَالَنَا مُدَّيْنِ تَمْراً».

H.3536 - Zayd al-Shahham narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
He was asked about a man who fears that his slave might run away or that the slave had already run away. Should he restrain him or place a mark on his neck?
Imam {a.s} replied: "He is like a camel you fear might escape. If you fear that, secure him properly, feed him well, and clothe him."
I asked: "How much is sufficient to fill his hunger?"
Imam {a.s} said: "As for us, we provide our dependents with two measures (mudd) of dates."

[REFERENCES] Al-Kafi, Vol.6 p.199 • Man La Yahduruhu Al-Faqih, Vol.3 p.146 • Wasa'il Al-Shi'ah, Vol.23 p.83

HADITH

3537 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ جَارِيَةٍ مُدَبَّرَةٍ أَبَقَتْ مِنْ سَيِّدِهَا سِنِينَ ثُمَّ إِنَّهَا جَاءَتْ بَعْدَ مَا مَاتَ سَيِّدُهَا بِأَوْلاَدٍ وَ مَتَاعٍ كَثِيرٍ وَ شَهِدَ لَهَا شَاهِدَانِ أَنَّ سَيِّدَهَا كَانَ قَدْ دَبَّرَهَا فِي حَيَاتِهِ مِنْ قَبْلِ أَنْ تَأْبِقَ قَالَ «أَرَى أَنَّ جَمِيعَ مَا مَعَهَا لِلْوَرَثَةِ » قُلْتُ وَ لاَ تُعْتَقُ مِنْ ثُلُثِ سَيِّدِهَا قَالَ «لاَ إِنَّهَا أَبَقَتْ عَاصِيَةً لِلَّهِ وَ لِسَيِّدِهَا فَأَبْطَلَ اَلْإِبَاقُ اَلتَّدْبِيرَ».

H.3537 - Muhammad ibn Muslim narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
I asked him about a bondwoman who was mudadbarah (promised freedom upon the master's death). She ran away from her master for several years and later returned after her master had died. She came back with children and considerable possessions. Two witnesses testified that her master had declared her mudadbarah during his lifetime, before she had run away.
Imam {a.s} said: "I see that all the possessions she brought belong to the heirs."
I asked: "Would she not be freed from her master's one-third estate?"
Imam {a.s} replied: "No, because she fled, disobeying Allah {SWT} and her master. Her escape nullified the declaration of tadbir (conditional freedom)."

[REFERENCES] Al-Kafi, Vol.6 p.200 • Man La Yahduruhu Al-Faqih, Vol.3 p.146 • Tahdhib Al-Ahkam, Vol.8 p.264 • Al-Istibsar, Vol.4 p.32 • Al-Wafi, Vol.10 p.631 • Wasa'il Al-Shi'ah, Vol.23 p.129 • Mustadrak Al-Wasa'il, Vol.16 p.9

HADITH

3538 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ أُخْتُصِمَ إِلَيْهِ فِي رَجُلٍ أَخَذَ عَبْداً آبِقاً وَ كَانَ مَعَهُ ثُمَّ هَرَبَ مِنْهُ قَالَ «يَحْلِفُ بِاللَّهِ اَلَّذِي لاَ إِلَهَ إِلاَّ هُوَ مَا سَلَبَهُ ثِيَابَهُ وَ لاَ شَيْئاً مِمَّا كَانَ عَلَيْهِ وَ لاَ بَاعَهُ وَ لاَ دَاهَنَ فِي إِرْسَالِهِ فَإِذَا حَلَفَ بَرِئَ مِنَ اَلضَّمَانِ» ».

H.3538 - Isma'il ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
Imam Ali ibn Abi Talib {a.s} was approached with a dispute regarding a man who had captured a runaway slave. The slave had been with him for some time, but later escaped again.
Imam Ali ibn Abi Talib {a.s} said: "The man must swear by Allah {SWT}, there is no god but Him, that he did not take the slave's clothes, nor anything that belonged to him, nor did he sell him, nor conspire in his release. If he swears this, he is absolved from liability."

[REFERENCES] Al-Kafi, Vol.6 p.201 • Man La Yahduruhu Al-Faqih, Vol.3 p.146 • Tahdhib Al-Ahkam, Vol.8 p.247 • Al-Wafi, Vol.18 p.920 • Wasa'il Al-Shi'ah, Vol.23 p.85

HADITH

3539 - وَ رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ اَلدَّارِمِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ قَالَ : فِي جُعْلِ اَلْآبِقِ «إِنَّ اَلْمُسْلِمَ يُرَدُّ عَلَى اَلْمُسْلِمِ ».

H.3539 - Ghiyath ibn Ibrahim al-Darimi narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
Imam Ali ibn Abi Talib {a.s} said regarding the reward for capturing a runaway slave:
"Indeed, the Muslim should be returned to the Muslim."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.146 • Al-Wafi, Vol.17 p.406 • Wasa'il Al-Shi'ah, Vol.23 p.87

HADITH

3540 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَخَذَ آبِقاً فَفَرَّ مِنْهُ قَالَ «لَيْسَ عَلَيْهِ شَيْءٌ».

H.3540 – Imam {a.s} said regarding a man who captured a runaway slave and then the slave escaped from him:
"There is nothing (no liability) upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.147

HADITH

3541 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْحَسَنِ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ أَصَابَ دَابَّةً قَدْ سُرِقَتْ مِنْ جَارٍ لَهُ فَأَخَذَهَا لِيَأْتِيَهُ بِهَا فَنَفَقَتْ قَالَ «لَيْسَ عَلَيْهِ شَيْءٌ».

H.3541 - Al-Hasan ibn Mahbub narrated from Al-Hasan ibn Salih, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}. He said: I asked him about a man who found a stolen animal that belonged to his neighbor, so he took it to return it to him, but the animal died.
Imam {a.s} said: "There is nothing (no liability) upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.147

HADITH

3542 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنَّ اَلْعَبْدَ إِذَا أَبَقَ مِنْ مَوَالِيهِ ثُمَّ سَرَقَ لَمْ يُقْطَعْ وَ هُوَ آبِقٌ لِأَنَّهُ بِمَنْزِلَةِ اَلْمُرْتَدِّ عَنِ اَلْإِسْلاَمِ وَ لَكِنْ يُدْعَى إِلَى اَلرُّجُوعِ إِلَى مَوَالِيهِ وَ اَلدُّخُولِ فِي اَلْإِسْلاَمِ فَإِنْ أَبَى أَنْ يَرْجِعَ إِلَى مَوَالِيهِ قُطِعَتْ يَدُهُ بِالسَّرِقَةِ ثُمَّ قُتِلَ وَ اَلْمُرْتَدُّ إِذَا سَرَقَ بِمَنْزِلَتِهِ».

H.3542 - Ali ibn Ri'ab narrated from Abu Ubaydah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}.
Imam {a.s} said: "Indeed, if a slave escapes from his masters and then steals, his hand is not cut off while he is a fugitive, because he is like one who has apostatized from Islam. However, he is invited to return to his masters and re-enter Islam. If he refuses to return to his masters, his hand is cut off for the theft, and then he is executed. And the apostate, if he steals, is treated in the same manner."

[REFERENCES] Al-Kafi, Vol.7 p.259 • Man La Yahduruhu Al-Faqih, Vol.3 p.147 • Tahdhib Al-Ahkam, Vol.10 p.142 • Al-Wafi, Vol.15 p.491 • Wasa'il Al-Shi'ah, Vol.23 p.108 • Wasa'il Al-Shi'ah, Vol.28 p.303 • Wasa'il Al-Shi'ah, Vol.28 p.338 • Mustadrak Al-Wasa'il, Vol.18 p.148 • Mustadrak Al-Wasa'il, Vol.18 p.172

HADITH

3543 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ أَبِي حَبِيبٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ عَبْداً وَ كَانَ عِنْدَهُ عَبْدَانِ فَقَالَ لِلْمُشْتَرِي اِذْهَبْ بِهِمَا فَاخْتَرْ أَحَدَهُمَا وَ رُدَّ اَلْآخَرَ وَ قَدْ قَبَضَ اَلْمَالَ فَذَهَبَ بِهِمَا اَلْمُشْتَرِي فَأَبَقَ أَحَدُهُمَا مِنْ عِنْدِهِ قَالَ «لِيَرُدَّ اَلَّذِي عِنْدَهُ مِنْهُمَا وَ يَقْبِضُ نِصْفَ ثَمَنِ مَا أَعْطَى مِنَ اَلْبَائِعِ وَ يَذْهَبُ فِي طَلَبِ اَلْغُلاَمِ فَإِنْ وَجَدَهُ اِخْتَارَ أَيَّهُمَا شَاءَ وَ رَدَّ اَلْآخَرَ وَ إِنْ لَمْ يَجِدْهُ كَانَ اَلْعَبْدُ بَيْنَهُمَا نِصْفُهُ لِلْبَائِعِ وَ نِصْفُهُ لِلْمُبْتَاعِ».

H.3543 - Ibn Abi Umayr narrated from Abu Habib, from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}. He said:
"I asked him about a man who bought a slave from another man, and the seller had two slaves. The seller said to the buyer, 'Take them both, then choose one of them and return the other,' and he had already received the payment. The buyer took both slaves, but one of them escaped while in his possession.
Imam {a.s} said: 'He should return the one that is with him and reclaim half of the price he paid from the seller. Then, he may search for the escaped slave. If he finds him, he may choose either of them and return the other. But if he does not find him, then the slave that remains will be shared between them - half belonging to the seller and half to the buyer.'"

[REFERENCES] Al-Kafi, Vol.5 p.217 • Man La Yahduruhu Al-Faqih, Vol.3 p.148 • Tahdhib Al-Ahkam, Vol.7 p.72 • Tahdhib Al-Ahkam, Vol.7 p.82 • Awali Al-La'ali, Vol.3 p.229 • Al-Wafi, Vol.16 p.1119 • Wasa'il Al-Shi'ah, Vol.18 p.268

HADITH

3544 - وَ رُوِيَ عَنْ أَبِي جَمِيلَةَ عَنْ عَبْدِ اَللَّهِ بْنِ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أُكْتُبْ لِلْآبِقِ فِي وَرَقَةٍ أَوْ فِي قِرْطَاسٍ: «بِسْمِ اَللَّهِ اَلرَّحْمٰنِ اَلرَّحِيمِ» يَدُ فُلاَنٍ مَغْلُولَةٌ إِلَى عُنُقِهِ إِذَا أَخْرَجَهَا ۝ لَمْ يَكَدْ يَرٰاهٰا وَ مَنْ لَمْ يَجْعَلِ اَللّٰهُ لَهُ نُوراً فَمٰا لَهُ مِنْ نُورٍ ۝ ثُمَّ لُفَّهَا ثُمَّ اِجْعَلْهَا بَيْنَ عُودَيْنِ ثُمَّ أَلْقِهَا فِي كَوَّةِ بَيْتٍ مُظْلِمٍ فِي اَلْمَوْضِعِ اَلَّذِي كَانَ يَأْوِي فِيهِ ».

H.3544 - Abu Jameelah narrated from Abdullah ibn Abi Ya'fur, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Write for the runaway slave on a piece of paper or parchment: 'In the Name of Allah {SWT}, the Most Gracious, the Most Merciful. The hand of [slave's name] is tied to his neck. If he extends it, he will hardly see it. *And whomever Allah {SWT} has not granted light, for him there is no light* (Surah An-Nur 24:40).'
Then wrap it, place it between two sticks, and throw it into a dark corner of the house where he used to stay."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.148 • Makarim Al-Akhlaq, Vol.1 p.413 • Al-Wafi, Vol.15 p.519 • Wasa'il Al-Shi'ah, Vol.23 p.109 • Tafsir Nur Al-Thaqalayn, Vol.3 p.611 • Tafsir Kanz Al-Daqaiq, Vol.9 p.322

HADITH

3545 - وَ رُوِيَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اُدْعُ بِهَذَا اَلدُّعَاءِ لِلْآبِقِ وَ أُكْتُبْهُ فِي وَرَقَةٍ : اَللّٰهُمَّ اَلسَّمَاءُ لَكَ وَ اَلْأَرْضُ لَكَ وَ مَا بَيْنَهُمَا لَكَ فَاجْعَلْ مَا بَيْنَهُمَا أَضْيَقَ عَلَى فُلاَنٍ مِنْ جِلْدِ جَمَلٍ حَتَّى تَرُدَّهُ عَلَيَّ وَ تُظْفِرَنِي بِهِ وَ لْيَكُنْ حَوْلَ اَلْكِتَابِ آيَةُ اَلْكُرْسِيِّ مَكْتُوبَةً مُدَوَّرَةً ثُمَّ اِدْفِنْهُ وَ ضَعْ فَوْقَهُ شَيْئاً ثَقِيلاً فِي اَلْمَوْضِعِ اَلَّذِي كَانَ يَأْوِي فِيهِ بِاللَّيْلِ».

H.3545 - Mu'awiyah ibn Ammar narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Recite this supplication for the runaway slave and write it down on a piece of paper: 'O Allah {SWT}! The heavens belong to You, the earth belongs to You, and whatever is between them belongs to You. Make what is between them tighter upon [slave's name] than the skin of a camel, until You return him to me and make me victorious over him.' Then, write Ayat al-Kursi around the paper in a circular manner. Bury it and place something heavy over it in the spot where he used to take shelter at night."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.148 • Makarim Al-Akhlaq, Vol.1 p.398 • Al-Wafi, Vol.15 p.519 • Wasa'il Al-Shi'ah, Vol.23 p.109 • Bihar Al-Anwar, Vol.92 p.123

CHAPTER 56 – CHAPTER ON APOSTASY

بَابُ الِارْتِدَادِ

HADITH 3546 – 3556

3546 - رَوَى هِشَامُ بْنُ سَالِمٍ عَنْ عَمَّارٍ اَلسَّابَاطِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «كُلُّ مُسْلِمٍ بَيْنَ مُسْلِمَيْنِ اِرْتَدَّ عَنِ اَلْإِسْلاَمِ وَ جَحَدَ مُحَمَّداً صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ نُبُوَّتَهُ وَ كَذَّبَهُ فَإِنَّ دَمَهُ مُبَاحٌ لِكُلِّ مَنْ سَمِعَ ذَلِكَ مِنْهُ وَ اِمْرَأَتَهُ بَائِنَةٌ مِنْهُ فَلاَ تَقْرَبْهُ وَ يُقْسَمُ مَالُهُ عَلَى وَرَثَتِهِ وَ تَعْتَدُّ اِمْرَأَتُهُ عِدَّةَ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا، وَ عَلَى اَلْإِمَامِ أَنْ يَقْتُلَهُ إِنْ أُتِيَ بِهِ وَ لاَ يَسْتَتِيبَهُ ».

H.3546 - Hisham ibn Salim narrated from Ammar al-Sabati who said:
I heard Abu Abdullah {a.s}, say: "Any Muslim who is living among Muslims and then apostasizes from Islam, denies the prophethood of Muhammad, peace be upon him and his family, and rejects him, then his blood is permissible (to be shed) for anyone who hears that from him.
His wife becomes separated from him and must not approach him. His wealth is distributed among his heirs, and his wife observes the waiting period (iddah) as if her husband had died. It is upon the Imam to execute him if he is brought before him, and he is not to be given the opportunity to repent."

[REFERENCES] Al-Kafi, Vol.7 p.257 • Man La Yahduruhu Al-Faqih, Vol.3 p.149 • Tahdhib Al-Ahkam, Vol.10 p.136 • Al-Istibsar, Vol.4 p.253 • Al-Wafi, Vol.15 p.482 • Wasa'il Al-Shi'ah, Vol.28 p.324 • Al-Fusul Al-Muhimmah, Vol.2 p.519 • Mustadrak Al-Wasa'il, Vol.18 p.172

HADITH

3547 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ : «أَنَّ اَلْمُرْتَدَّ عَنِ اَلْإِسْلاَمِ تُعْزَلُ عَنْهُ اِمْرَأَتُهُ وَ لاَ تُؤْكَلُ ذَبِيحَتُهُ وَ يُسْتَتَابُ ثَلاَثاً فَإِنْ رَجَعَ وَ إِلاَّ قُتِلَ يَوْمَ اَلرَّابِعِ إِذَا كَانَ صَحِيحَ اَلْعَقْلِ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي بِذَلِكَ الْمُرْتَدَّ الَّذِي لَيْسَ بِابْنِ مُسْلِمَيْنِ.

H.3547 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers, peace be upon them:
"A person who apostasizes from Islam is to be separated from his wife, his slaughtered meat is not to be eaten, and he is to be given an opportunity to repent for three days. If he repents, he is spared, but if he does not repent, he is killed on the fourth day, provided he is of sound mind."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented: "This applies to an apostate who is not the child of two Muslim parents."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.149

HADITH

3548 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلْمُرْتَدِّ عَنِ اَلْإِسْلاَمِ قَالَ «لاَ تُقْتَلُ وَ تُسْتَخْدَمُ خِدْمَةً شَدِيدَةً وَ تُمْنَعُ عَنِ اَلطَّعَامِ وَ اَلشَّرَابِ إِلاَّ مَا تُمْسِكُ بِهِ نَفْسَهَا وَ تُلْبَسُ أَخْشَنَ اَلثِّيَابِ وَ تُضْرَبُ عَلَى اَلصَّلَوَاتِ.

H.3548 - Hammad narrated from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a person who apostasizes from Islam:
"He is not to be killed but is to be subjected to hard labor, denied food and drink except what sustains his life, made to wear coarse clothing, and beaten to perform prayers."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.150

HADITH

3549 - وَ فِي رِوَايَةِ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا اِرْتَدَّتِ اَلْمَرْأَةُ عَنِ اَلْإِسْلاَمِ لَمْ تُقْتَلْ وَ لَكِنْ تُحْبَسُ أَبَداً».

H.3549 - In a narration by Ghiyath ibn Ibrahim, from Imam Jafar Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam Ali ibn Abi Talib {a.s} said:
"If a woman apostasizes from Islam, she is not to be killed but is to be imprisoned forever."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.150 • Tahdhib Al-Ahkam, Vol.10 p.142 • Al-Istibsar, Vol.4 p.255 • Al-Wafi, Vol.15 p.492 • Wasa'il Al-Shi'ah, Vol.28 p.330

HADITH

3550 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ لَمَّا فَرَغَ مِنْ أَهْلِ اَلْبَصْرَةِ أَتَاهُ سَبْعُونَ رَجُلاً مِنَ اَلزُّطِّ فَسَلَّمُوا عَلَيْهِ وَ كَلَّمُوهُ بِلِسَانِهِمْ ثُمَّ قَالَ لَهُمْ «إِنِّي لَسْتُ كَمَا قُلْتُمْ أَنَا عَبْدُ اَللَّهِ مَخْلُوقٌ» » قَالَ «فَأَبَوْا عَلَيْهِ وَ قَالُوا لَعَنَهُمُ اَللَّهُ لاَ بَلْ أَنْتَ أَنْتَ هُوَ فَقَالَ لَهُمْ «لَئِنْ لَمْ تَرْجِعُوا عَمَّا قُلْتُمْ وَ لَمْ تَتُوبُوا إِلَى اَللَّهِ عَزَّ وَ جَلَّ لَأَقْتُلَنَّكُمْ» » قَالَ «فَأَبَوْا عَلَيْهِ أَنْ يَتُوبُوا وَ يَرْجِعُوا » قَالَ «فَأَمَرَ عَلَيْهِ اَلسَّلاَمُ أَنْ تُحْفَرَ لَهُمْ آبَارٌ فَحُفِرَتْ ثُمَّ خَرَقَ بَعْضَهَا إِلَى بَعْضٍ ثُمَّ قَذَفَ بِهِمْ فِيهَا ثُمَّ جَزَّ رُءُوسَهَا ثُمَّ أَلْهَبَ فِي بِئْرٍ مِنْهَا نَاراً وَ لَيْسَ فِيهَا أَحَدٌ مِنْهُمْ فَدَخَلَ فِيهَا اَلدُّخَانُ عَلَيْهِمْ فَمَاتُوا».

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ إِنَّ اَلْغُلاَةَ لَعَنَهُمُ اَللَّهُ يَقُولُونَ لَوْ لَمْ يَكُنْ عَلِيٌّ رَبّاً لَمَا عَذَّبَهُمْ بِالنَّارِ فَيُقَالُ لَهُمْ لَوْ كَانَ رَبّاً لَمَا احْتَاجَ إِلَى حَفْرِ اَلْآبَارِ وَ خَرْقِ بَعْضِهَا إِلَى بَعْضٍ وَ تَغْطِيَةِ رُءُوسِهَا وَ لَكَانَ يُحْدِثُ نَاراً فِي أَجْسَادِهِمْ فَتَلْهَبُ بِهِمْ فَتُحْرِقُهُمْ وَ لَكِنَّهُ لَمَّا كَانَ عَبْداً مَخْلُوقاً حَفَرَ اَلْآبَارَ وَ فَعَلَ مَا فَعَلَ حَتَّى أَقَامَ حُكْمَ اَللَّهِ فِيهِمْ وَ قَتَلَهُمْ وَ لَوْ كَانَ مَنْ يُعَذِّبُ بِالنَّارِ وَ يُقِيمُ اَلْحَدَّ بِهَا رَبّاً لَكَانَ مَنْ عَذَّبَ بِغَيْرِ اَلنَّارِ لَيْسَ بِرَبٍّ وَ قَدْ وَجَدْنَا اَللَّهَ تَعَالَى عَذَّبَ قَوْماً بِالْغَرَقِ وَ آخَرِينَ بِالرِّيحِ وَ آخَرِينَ بِالطُّوفَانِ وَ آخَرِينَ بِالْجَرَادِ وَ الْقُمَّلِ وَ الضَّفَادِعِ وَ الدَّمِ وَ آخَرِينَ بِحِجَارَةٍ مِنْ سِجِّيلٍ وَ إِنَّمَا عَذَّبَهُمْ أَمِيرُ الْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ عَلَى قَوْلِهِمْ بِرُبُوبِيَّتِهِ بِالنَّارِ دُونَ غَيْرِهَا لِعِلَّةٍ فِيهَا حِكْمَةٌ بَالِغَةٌ وَ هِيَ أَنَّ اَللَّهَ تَعَالَى ذِكْرُهُ حَرَّمَ اَلنَّارَ عَلَى أَهْلِ تَوْحِيدِهِ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ لَوْ كُنْتُ رَبَّكُمْ مَا أَحْرَقْتُكُمْ وَ قَدْ قُلْتُمْ بِرُبُوبِيَّتِي وَ لَكِنَّكُمُ اسْتَوْجَبْتُمْ مِنِّي بِظُلْمِكُمْ ضِدَّ مَا اسْتَوْجَبَهُ اَلْمُوَحِّدُونَ مِنْ رَبِّهِمْ عَزَّ وَ جَلَّ وَ أَنَا قَسِيمُ نَارِهِ بِإِذْنِهِ فَإِنْ شِئْتُ عَجَّلْتُهَا لَكُمْ وَ إِنْ شِئْتُ أَخَّرْتُهَا فَمَأْوَاكُمُ اَلنَّارُ هِيَ مَوْلاَكُمْ أَيْ هِيَ أَوْلَى

بِكُمْ وَ بِئْسَ الْمَصِيرُ وَ لَسْتُ لَكُمْ بِمَوْلًى وَ إِنَّمَا أَقَامَهُمْ أَمِيرُ الْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي قَوْلِهِمْ بِرُبُوبِيَّتِهِ مَقَامَ مَنْ عَبَدَ مِنْ دُونِ اللَّهِ عَزَّ وَ جَلَّ صَنَماً.

H.3550 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, said:
"When Imam Ali ibn Abi Talib {a.s} had finished dealing with the people of Basra, seventy men from the Zutt came to him, greeted him, and spoke to him in their language.
Then Imam Ali ibn Abi Talib {a.s} said to them: 'Indeed, I am not as you have said. I am a servant of Allah {SWT}, created by Him.'
They refused to accept his words and said (may Allah {SWT} curse them): 'No, rather you are (God) Himself.'
So Imam Ali ibn Abi Talib {a.s} said to them: 'If you do not retract what you have said and do not repent to Allah {SWT}, the Almighty and Glorious, I will surely kill you.'
They refused to repent or retract.
Then, Imam Ali ibn Abi Talib {a.s}, ordered that pits be dug for them, which were then connected to one another. Imam {a.s} cast them into these pits and covered their openings.
Imam {a.s} then lit a fire in one of the pits, without any of them inside, causing smoke to enter and suffocate them until they died."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, said:
The extremists, may Allah {SWT} curse them, claim that if Ali {a.s} had not been a Lord {AZJ}, he would not have punished them with fire.
It is said to them: If he were a Lord {AZJ}, he would not have needed to dig pits, connect some of them to others, cover their tops, and then set fire to them. Instead, he would have created fire directly within their bodies, causing it to blaze and burn them.
However, since he was a created servant of Allah {SWT}, he dug the pits and did what he did in order to establish Allah's {SWT} ruling upon them and executed them accordingly.
If the one who punishes with fire and enforces punishment using it must be a Lord {AZJ}, then by this reasoning, anyone who punishes by other means, such as drowning, would not be a Lord {AZJ}.
Yet, we have found that Allah {SWT} the Exalted punished some people by drowning, others by the wind, others by the flood, and others by locusts, lice, frogs, blood, and stones of baked clay.
Indeed, Commander of the Faithful Imam Ali ibn Abi Talib {a.s} punished them with fire for their claim of his divinity, instead of using other forms of punishment, for a profound wisdom.
This wisdom lies in the fact that Allah {SWT} the Exalted has forbidden fire upon the people of His Oneness. So Imam Ali ibn Abi Talib {a.s} said:
"Had I been your Lord {AZJ}, I would not have burned you, even though you claimed my divinity. But because of your wrongdoing, you have earned from me the opposite of what the believers in Allah's {SWT} Oneness deserve from their Lord {AZJ}, the Almighty.
I am the divider of His fire by His permission - if I wish, I hasten it for you, and if I wish, I delay it.

Your abode is the fire; it is your master," meaning it is more deserving of you, and what an evil destination!
And I am not your master."
Thus, Commander of the Faithful Imam Ali ibn Abi Talib {a.s} dealt with them for their claim of his divinity in the same way as those who worshiped idols instead of Allah {SWT}, the Almighty.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.150

HADITH

3551 - وَ ذَلِكَ أَنَّ رَجُلَيْنِ بِالْكُوفَةِ مِنَ اَلْمُسْلِمِينَ أَتَى رَجُلٌ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَشَهِدَ أَنَّهُ رَآهُمَا يُصَلِّيَانِ لِصَنَمٍ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ وَيْحَكَ لَعَلَّهُ بَعْضُ مَنْ يَشْتَبِهُ عَلَيْكَ أَمْرُهُ فَأَرْسَلَ رَجُلاً فَنَظَرَ إِلَيْهِمَا وَ هُمَا يُصَلِّيَانِ لِصَنَمٍ فَأَتَى بِهِمَا قَالَ فَقَالَ لَهُمَا اِرْجِعَا فَأَبَيَا فَخَدَّ لَهُمَا فِي اَلْأَرْضِ أُخْدُوداً وَ أَجَّجَ فِيهِ نَاراً فَطَرَحَهُمَا فِيهِ رَوَى ذَلِكَ مُوسَى بْنُ بَكْرٍ عَنِ اَلْفُضَيْلِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ :.

H.3551 - And it is reported that two men in Kufa, who were Muslims, were brought before Commander of the Faithful Imam Ali ibn Abi Talib {a.s}. A man testified that he had seen them praying to an idol.
Imam Ali ibn Abi Talib {a.s} said: "Woe unto you! Perhaps it is someone who merely appeared similar to them, and the matter has confused you."
Then, Imam Ali ibn Abi Talib {a.s} sent a man to observe them. The man returned and confirmed that they were indeed praying to an idol.
So, Imam Ali ibn Abi Talib {a.s} summoned them and said: "Repent and return (to Islam)."
But they refused.
Then, Imam {a.s} dug a trench in the ground, lit a fire in it, and threw them into the fire.
This was narrated by Musa ibn Bakr from al-Fudayl, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.151

HADITH

3552 - وَ كَتَبَ غُلاَمٌ لِأَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ إِلَيْهِ إِنِّي قَدْ أَصَبْتُ قَوْماً مِنَ اَلْمُسْلِمِينَ زَنَادِقَةً وَ قَوْماً مِنَ اَلنَّصَارَى زَنَادِقَةً فَقَالَ «أَمَّا مَنْ كَانَ مِنَ اَلْمُسْلِمِينَ وُلِدَ عَلَى اَلْفِطْرَةِ ثُمَّ اِرْتَدَّ فَاضْرِبْ عُنُقَهُ وَ لاَ تَسْتَتِبْهُ وَ مَنْ لَمْ يُولَدْ مِنْهُمْ عَلَى اَلْفِطْرَةِ فَاسْتَتِبْهُ فَإِنْ تَابَ وَ إِلاَّ فَاضْرِبْ عُنُقَهُ وَ أَمَّا اَلنَّصَارَى فَمَا هُمْ عَلَيْهِ أَعْظَمُ مِنَ اَلزَّنْدَقَةِ».

H.3552 - A servant wrote to Commander of the Faithful Imam Ali ibn Abi Talib {a.s} saying:
"I have come across a group of Muslims who are heretics (Zindiqs) and a group of Christians who are also heretics."
Imam Ali ibn Abi Talib {a.s} replied: "As for those who were born as Muslims, upon the natural disposition (Fitrah), and then apostatized - strike their necks (execute them) and do not offer them repentance.
But those who were not born upon the natural disposition (Fitrah), offer them repentance. If they repent, then leave them; but if they do not, then strike their necks (execute them).
And as for the Christians, what they are upon (their belief system) is even graver than heresy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.152

HADITH

3553 - وَ فِي رِوَايَةِ مُوسَى بْنِ بَكْرٍ عَنِ اَلْفُضَيْلِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ رَجُلاً مِنَ اَلْمُسْلِمِينَ تَنَصَّرَ فَأُتِيَ بِهِ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فَاسْتَتَابَهُ فَأَبَى عَلَيْهِ فَقَبَضَ عَلَى شَعْرِهِ وَ قَالَ «طَئُوا عِبَادَ اَللَّهِ عَلَيْهِ» فَوُطِئَ حَتَّى مَاتَ».

H.3553 - In a narration reported by Musa bin Bakr from Al-Fudhayl, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"A man from among the Muslims converted to Christianity. He was brought to Imam Ali ibn Abi Talib {a.s}.
Imam Ali ibn Abi Talib {a.s} asked him to repent, but he refused.
Then Imam Ali ibn Abi Talib {a.s} seized him by his hair and said: 'Trample upon him, O servants of Allah {SWT}!' So they trampled him until he died."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.152

HADITH

3554 - وَ رَوَى فَضَالَةُ عَنْ أَبَانٍ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : فِي اَلصَّبِيِّ إِذَا شَبَّ فَاخْتَارَ اَلنَّصْرَانِيَّةَ وَ أَحَدُ أَبَوَيْهِ نَصْرَانِيٌّ أَوْ جَمِيعاً مُسْلِمَيْنِ قَالَ «لاَ يُتْرَكُ وَ لَكِنْ يُضْرَبُ عَلَى اَلْإِسْلاَمِ ».

H.3554 - In a narration reported by Fadalah from Aban, Abu Abdullah {a.s} said:
"Regarding a child who grows up and chooses Christianity while one of his parents is a Christian or both of them are Muslims, he is not to be left (in that state), but rather he is compelled to follow Islam."

[REFERENCES] Al-Kafi, Vol.7 p.257 • Man La Yahduruhu Al-Faqih, Vol.3 p.152 • Tahdhib Al-Ahkam, Vol.10 p.140 • Al-Wafi, Vol.15 p.490 • Wasa'il Al-Shi'ah, Vol.28 p.326

HADITH

3555 - وَ رَوَى اِبْنُ فَضَّالٍ عَنْ أَبَانٍ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : فِي اَلرَّجُلِ يَمُوتُ مُرْتَدّاً عَنِ اَلْإِسْلاَمِ وَ لَهُ أَوْلاَدٌ وَ مَالٌ قَالَ «مَالُهُ لِوُلْدِهِ اَلْمُسْلِمِينَ ».

H.3555 - Ibn Faddal reported from Aban that Abu Abdullah {a.s} said:
"If a man dies as an apostate from Islam and he has children and wealth, his wealth is to be inherited by his Muslim children."

[REFERENCES] Al-Kafi, Vol.7 p.152 • Man La Yahduruhu Al-Faqih, Vol.3 p.152 • Tahdhib Al-Ahkam, Vol.9 p.374 • Tahdhib Al-Ahkam, Vol.10 p.143 • Al-Wafi, Vol.25 p.922 • Wasa'il Al-Shi'ah, Vol.26 p.28 • Wasa'il Al-Shi'ah, Vol.28 p.325

HADITH

3556 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أَسْلَمَ اَلْأَبُ جَرَّ اَلْوَلَدَ إِلَى اَلْإِسْلاَمِ فَمَنْ أَدْرَكَ مِنْ وُلْدِهِ دُعِيَ إِلَى اَلْإِسْلاَمِ فَإِنْ أَبَى قُتِلَ وَ إِنْ أَسْلَمَ اَلْوَلَدُ لَمْ يَجُرَّ أَبَوَيْهِ وَ لَمْ يَكُنْ بَيْنَهُمَا مِيرَاثٌ ».

H.3556 - Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said:
"If the father embraces Islam, he leads his child to Islam. When the child reaches maturity, he is invited to accept Islam; if he refuses, he is to be killed.
However, if the child accepts Islam, they do not bring their parents into it, and there will be no inheritance between them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.152 • Tahdhib Al-Ahkam, Vol.8 p.236 • Al-Wafi, Vol.15 p.485 • Wasa'il Al-Shi'ah, Vol.23 p.107 • Wasa'il Al-Shi'ah, Vol.28 p.329

CHAPTER 57 – CHAPTER ON MISCELLANEOUS MATTERS RELATED TO EMANCIPATION

بَابُ نَوَادِرِ الْعِتْقِ

HADITH 3557 – 3565

3557 - رَوَى سَعْدُ بْنُ سَعْدٍ عَنْ حَرِيزٍ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ قَالَ لِمَمْلُوكِهِ أَنْتَ حُرٌّ وَ لِي مَالُكَ قَالَ «يَبْدَأُ بِالْمَالِ قَبْلَ اَلْعِتْقِ يَقُولُ لِي مَالُكَ وَ أَنْتَ حُرٌّ بِرِضاً مِنَ اَلْمَمْلُوكِ».

H.3557 - Sa'd ibn Sa'd narrated from Hariz who said:
I asked Abu al-Hasan {a.s} about a man who said to his slave, "You are free, and your wealth belongs to me."
Imam {a.s} said: "He must begin with the wealth before granting freedom, saying, 'Your wealth belongs to me, and you are free,' with the consent of the slave."

[REFERENCES] Al-Kafi, Vol.6 p.191 • Man La Yahduruhu Al-Faqih, Vol.3 p.153 • Tahdhib Al-Ahkam, Vol.8 p.224 • Al-Istibsar, Vol.4 p.11 • Awali Al-La'ali, Vol.2 p.303 • Awali Al-La'ali, Vol.3 p.425 • Al-Wafi, Vol.10 p.670 • Wasa'il Al-Shi'ah, Vol.23 p.48

HADITH

3558 - وَ سَأَلَهُ اَلْحَسَنُ اَلصَّيْقَلُ : عَنْ رَجُلٍ قَالَ أَوَّلُ مَمْلُوكٍ أَمْلِكُهُ فَهُوَ حُرٌّ فَأَصَابَ سِتَّةً فَقَالَ «إِنَّمَا كَانَتْ نِيَّتُهُ عَلَى وَاحِدٍ فَلْيَخْتَرْ أَيَّهُمْ شَاءَ فَلْيُعْتِقْهُ».

H.3558 - Al-Hasan al-Sayqal asked about a man who said: "The first slave I acquire will be free." Then he acquired six slaves.
Imam {a.s} said: "His intention was for one. Let him choose whichever one he wishes and set him free."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.153 • Awali Al-La'ali, Vol.2 p.301 • Awali Al-La'ali, Vol.3 p.424

HADITH

3559 - وَ رَوَى إِبْرَاهِيمُ بْنُ مَهْزِيَارَ عَنْ أَخِيهِ عَلِيِّ بْنِ مَهْزِيَارَ قَالَ : كَتَبْتُ إِلَيْهِ أَسْأَلُهُ عَنِ اَلْمَمْلُوكِ يَحْضُرُهُ اَلْمَوْتُ فَيُعْتِقُهُ مَوْلاَهُ فِي تِلْكَ اَلسَّاعَةِ فَيَخْرُجُ مِنَ اَلدُّنْيَا حُرّاً هَلْ لِلْمَوْلَى فِي عِتْقِهِ ذَلِكَ أَجْرٌ أَوْ يَتْرُكُهُ مَمْلُوكاً فَيَكُونُ لَهُ أَجْرٌ إِذَا مَاتَ وَ هُوَ مَمْلُوكٌ لَهُ أَفْضَلُ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «يُتْرَكُ اَلْعَبْدُ مَمْلُوكاً فِي حَالِ مَوْتِهِ فَهُوَ آجَرُ لِمَوْلاَهُ وَ هَذَا اَلْعِتْقُ فِي تِلْكَ اَلسَّاعَةِ لَمْ يَكُنْ نَافِعاً لَهُ».

H.3559 - Ibrahim ibn Mahziyar narrated from his brother, Ali ibn Mahziyar, who said:
I wrote to Imam {a.s} asking about a slave who is near death, and his master frees him at that moment so that he leaves this world as a free man. Does the master earn a reward for freeing him, or is it better to leave him as a slave so that the master gains a greater reward if he dies while still owned?
Imam {a.s} wrote: "It is better for the master to leave the slave as a servant at the time of his death, for this brings more reward to the master. Freeing him in such an hour offers no benefit."

[REFERENCES] Al-Kafi, Vol.6 p.195 • Man La Yahduruhu Al-Faqih, Vol.3 p.153 • Al-Wafi, Vol.10 p.588 • Wasa'il Al-Shi'ah, Vol.23 p.58

HADITH

3560 - وَ رَوَى مُحَمَّدُ بْنُ عِيسَى اَلْعُبَيْدِيُّ عَنِ اَلْفَضْلِ بْنِ اَلْمُبَارَكِ : أَنَّهُ كَتَبَ إِلَى أَبِي اَلْحَسَنِ عَلِيِّ بْنِ مُحَمَّدٍ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ لَهُ مَمْلُوكٌ فَمَرِضَ أَ يُعْتِقُهُ فِي مَرَضِهِ أَعْظَمُ لِأَجْرِهِ أَوْ يَتْرُكُهُ مَمْلُوكاً فَقَالَ «إِنْ كَانَ فِي مَرَضِ فَالْعِتْقُ أَفْضَلُ لَهُ لِأَنَّهُ يُعْتِقُ اَللَّهُ عَزَّ وَ جَلَّ بِكُلِّ عُضْوٍ مِنْهُ عُضْواً مِنَ اَلنَّارِ وَ إِنْ كَانَ فِي حَالِ حُضُورِ اَلْمَوْتِ فَيَتْرُكُهُ مَمْلُوكاً أَفْضَلُ لَهُ مِنْ عِتْقِهِ».

H.3560 - Muhammad ibn Isa al-Ubaydi narrated from al-Fadl ibn al-Mubarak:
He wrote to Abu al-Hasan Ali ibn Muhammad {a.s} asking about a man who owns a slave, and the slave becomes ill. Is it better for the man to free him during his illness to gain a greater reward, or to leave him as a servant?
Imam {a.s} replied: "If it is during his illness, then freeing him is better for him because Allah {SWT}, the Mighty and Majestic, frees a part of the master from the Fire for every part of the slave that is freed. However, if it is at the time of death, then leaving him as a servant is better than freeing him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.154 • Al-Wafi, V.10 p.588 • Wasa'il Al-Shi'ah, Vol.23 p.58

HADITH

3561 - وَ رَوَى مُحَمَّدُ بْنُ عِيسَى اَلْعُبَيْدِيُّ عَنِ اَلْفَضْلِ بْنِ اَلْمُبَارَكِ اَلْبَصْرِيِّ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ جُعِلْتُ فِدَاكَ اَلرَّجُلُ يَجِبُ عَلَيْهِ عِتْقُ رَقَبَةٍ مُؤْمِنَةٍ فَلاَ يَجِدُهَا كَيْفَ يَصْنَعُ فَقَالَ «عَلَيْكُمْ بِالْأَطْفَالِ فَأَعْتِقُوهُمْ فَإِنْ خَرَجَتْ مُؤْمِنَةً فَذَاكَ وَ إِنْ لَمْ تَخْرُجْ مُؤْمِنَةً فَلَيْسَ عَلَيْكُمْ شَيْءٌ».

H.3561 - Muhammad ibn Isa al-Ubaydi narrated from al-Fadl ibn al-Mubarak al-Basri, from his father, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
I said to Imam {a.s}: "May I be your ransom, a man is required to free a believing slave, but he cannot find one. What should he do?"
Imam {a.s} replied: "Resort to the children (among slaves) and free them. If they turn out to be believers, then that fulfills the requirement. But if they do not turn out to be believers, then there is no obligation upon you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.154 • Wasa'il Al-Shi'ah, Vol.22 p.369

HADITH

3562 - وَ رَوَى مُعَاوِيَةُ بْنُ مَيْسَرَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَبِيعُ عَبْدَهُ بِنُقْصَانٍ مِنْ ثَمَنِهِ لِيُعْتِقَ فَقَالَ لَهُ اَلْعَبْدُ فِيمَا بَيْنَهُمَا لَكَ عَلَيَّ كَذَا وَ كَذَا أَ لَهُ أَنْ يَأْخُذَهُ مِنْهُ قَالَ «يَأْخُذُهُ مِنْهُ عَفْواً وَ يَسْأَلُهُ إِيَّاهُ فِي عَفْوٍ فَإِنْ أَبَى فَلْيَدَعْهُ».

H.3562 - Muawiyah ibn Maytharah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
I asked him about a man who sells his slave at a reduced price so that he may be freed, and the slave says to him in private, "I will give you such-and-such amount."
Is it permissible for the man to take it from him?
Imam {a.s} replied: “He may take it from him willingly and ask him for it politely. But if the slave refuses, then let him leave it."

[REFERENCES] Al-Kafi, Vol.6 p.197 • Man La Yahduruhu Al-Faqih, Vol.3 p.154 • Al-Wafi, Vol.10 p.673 • Wasa’il Al-Shi’ah, Vol.23 p.51

HADITH

3563 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ : فِي مُكَاتَبَةٍ يَطَؤُهَا مَوْلاَهَا فَتَحْبَلُ قَالَ «يَرُدُّ عَلَيْهَا مَهْرَ مِثْلِهَا وَ تَسْعَى فِي قِيمَتِهَا فَإِنْ عَجَزَتْ فَهِيَ مِنْ أُمَّهَاتِ اَلْأَوْلاَدِ».

H.3563 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), who said:
“Imam Ali ibn Al-Hussain {a.s} was asked about a contract-bound female slave (mukatabah) whose master had intercourse with her, and she became pregnant.
Imam {a.s} replied: “He must pay her the equivalent of her dowry, and she must work to pay off her value. If she is unable to do so, then she is considered one of the mothers of children (Umm al-Walad)."

[REFERENCES] Al-Kafi, Vol.6 p.188 • Man La Yahduruhu Al-Faqih, Vol.3 p.154 • Tahdhib Al-Ahkam, Vol.8 p.269 • Al-Istibsar, Vol.4 p.36 • Al-Wafi, Vol.10 p.643 • Wasa’il Al-Shi’ah, Vol.23 p.158

HADITH

3564 - وَ دَخَلَ اِبْنُ أَبِي سَعِيدٍ اَلْمُكَارِي عَلَى اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : فَقَالَ لَهُ أَبْلَغَ اَللَّهُ مِنْ قَدْرِكَ أَنْ تَدَّعِيَ مَا يَدَّعِي أَبُوكَ فَقَالَ لَهُ «مَا لَكَ أَطْفَأَ اَللَّهُ نُورَكَ وَ أَدْخَلَ اَلْفَقْرَ بَيْتَكَ أَ مَا عَلِمْتَ أَنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى أَوْحَى إِلَى عِمْرَانَ أَنِّي وَاهِبٌ لَكَ ذَكَراً فَوَهَبَ لَهُ مَرْيَمَ وَ وَهَبَ لِمَرْيَمَ عِيسَى ، فَعِيسَى مِنْ مَرْيَمَ وَ مَرْيَمُ مِنْ عِيسَى وَ عِيسَى وَ مَرْيَمُ شَيْءٌ وَاحِدٌ وَ أَنَا مِنْ أَبِي وَ أَبِي مِنِّي وَ أَنَا وَ أَبِي شَيْءٌ وَاحِدٌ » فَقَالَ لَهُ اِبْنُ أَبِي سَعِيدٍ فَأَسْأَلُكَ عَنْ مَسْأَلَةٍ فَقَالَ «لاَ إِخَالُكَ تَقْبَلُ مِنِّي وَ لَسْتَ مِنْ غَنَمِي وَ لَكِنْ هَلُمَّهَا» فَقَالَ رَجُلٌ قَالَ عِنْدَ مَوْتِهِ كُلُّ مَمْلُوكٍ لِي قَدِيمٍ فَهُوَ حُرٌّ لِوَجْهِ اَللَّهِ تَعَالَى فَقَالَ «نَعَمْ إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۝ حَتَّى عٰادَ كَالْعُرْجُونِ اَلْقَدِيمِ ۝ فَمَا كَانَ مِنْ مَمَالِيكِهِ أَتَى لَهُ سِتَّةُ أَشْهُرٍ فَهُوَ قَدِيمٌ حُرٌّ» قَالَ فَخَرَجَ وَ اِفْتَقَرَ حَتَّى مَاتَ وَ لَمْ يَكُنْ لَهُ مَبِيتُ لَيْلَةٍ لَعَنَهُ اَللَّهُ.

H.3564 - Ibn Abi Sa'id al-Mukari entered upon Imam Ali ibn Musa Ar-Ridha {a.s} and said to him: "Has Allah {SWT} elevated your status to the extent that you claim what your father claims?"
The Imam {a.s} replied: "What is wrong with you? May Allah {SWT} extinguish your light and bring poverty into your house! Do you not know that Allah {SWT}, the Blessed and Exalted, revealed to Imran, 'I will grant you a son,' and then granted him Maryam instead, and granted Maryam, Isa? Isa is from Maryam, and Maryam is from Isa, and Isa and Maryam are one and the same.
I am from my father, and my father is from me, and I and my father are one and the same."
Then Ibn Abi Sa'id said to Him {a.s}: "Let me ask you a question."
The Imam {a.s} replied: "I do not think you will accept my answer, for you are not from my followers. But go ahead and ask."
The man said: "What if someone, upon his deathbed, declares that all his old slaves are free for the sake of Allah {SWT}?"
The Imam {a.s} said: "Yes, indeed. Allah {SWT}, the Exalted, says: '*until it becomes like the old date stalk*' (Surah Ya-Sin 36:39) Thus, any of his slaves who have been with him for six months are considered old and are set free."
The narrator said that Ibn Abi Sa'id left and fell into poverty until he died, without having a shelter to spend the night in. May Allah {SWT} curse him!

[REFERENCES] Al-Kafi, Vol.6 p.195 • Man La Yahduruhu Al-Faqih, Vol.3 p.155 • Uyun Al-Akhbar, Vol.1 p.308 • Ma'ani Al-Akhbar, Vol.1 p.218 • Tafsir Al-Burhan, Vol.4 p.576 • Madinat Ma'ajiz Al-A'immah, Vol.7 p.127 • Bihar Al-Anwar, Vol.49 p.81 • Bihar Al-Anwar, Vol.49 p.270 • Bihar Al-Anwar, Vol.100 p.208 • Awalim Al-Uloom, Vol.22 p.161

HADITH

3565 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي اَلْوَرْدِ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ مَمْلُوكٍ نَصْرَانِيٍّ لِرَجُلٍ مُسْلِمٍ عَلَيْهِ جِزْيَةٌ قَالَ «نَعَمْ إِنَّمَا هُوَ مَالِكُهُ يَفْتَدِيهِ إِذَا أُخِذَ يُؤَدِّي عَنْهُ ».

H.3565 - Al-Hasan ibn Mahbub narrated from Hisham ibn Salim, from Abu al-Ward, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a Christian slave owned by a Muslim man - does the slave have to pay jizyah (tribute tax)?
Imam {a.s} replied: "Yes, because his owner is the one responsible for redeeming him if he is taken, and he (the owner) must pay it on his behalf."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.155

BOOK OF LIVELIHOOD

كِتَابُ الْمَعِيشَةِ

CHAPTER 58 – CHAPTER ON LIVELIHOODS, EARNINGS, PROFITS, AND PROFESSIONS

بَابُ الْمَعَايِشِ وَ الْمَكَاسِبِ وَ الْفَوَائِدِ وَ الصِّنَاعَاتِ

HADITH 3566 – 3678

3566 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ :
فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ رَبَّنَا آتِنَا فِي اَلدُّنْيَا حَسَنَةً وَ فِي اَلْآخِرَةِ حَسَنَةً ﴾
قَالَ «رِضْوَانُ اَللَّهِ وَ اَلْجَنَّةُ فِي اَلْآخِرَةِ وَ اَلسَّعَةُ فِي اَلرِّزْقِ وَ اَلْمَعَايِشِ وَ حُسْنُ اَلْخُلُقِ فِي اَلدُّنْيَا».

H.3566 - Al-Hasan ibn Mahbub narrated from Jamil ibn Salih, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Regarding the words of Allah {SWT}, the Almighty:
"*Our Lord {AZJ}, grant us good in this world and good in the Hereafter*" (Surah Al-Baqarah 2:201)
Imam {a.s} said:
"Good in the Hereafter" refers to Allah's {SWT} pleasure and Paradise,
and "good in this world" refers to abundance in sustenance, favorable living conditions, and good character.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.156 • Ma'ani Al-Akhbar, Vol.1 p.174 • Fiqh Al-Quran, Vol.2 p.22 • Wasa'il Al-Shi'ah, Vol.17 p.9 • Bihar Al-Anwar, Vol.68 p.383 • Bihar Al-Anwar, Vol.92 p.348 • Tafsir Nur Al-Thaqalayn, Vol.1 p.199 • Tafsir Kanz Al-Daqaiq, Vol.2 p.297

HADITH

3567 - وَ رَوَى ذَرِيحُ بْنُ يَزِيدَ اَلْمُحَارِبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «نِعْمَ اَلْعَوْنُ اَلدُّنْيَا عَلَى اَلْآخِرَةِ».

H.3567 - Dharih ibn Yazid al-Muharibi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"The world is an excellent aid for the Hereafter."

[REFERENCES] Al-Zuhd, Vol.1 p.51 • Al-Kafi, Vol.5 p.72 • Al-Kafi, Vol.5 p.73 • Man La Yahduruhu Al-Faqih, Vol.3 p.156 • Al-Wafi, Vol.17 p.39 • Wasa'il Al-Shi'ah, Vol.17 p.29 • Bihar Al-Anwar, Vol.70 p.127 • Mustadrak Al-Wasa'il, Vol.13 p.15 • Mustadrak Al-Wasa'il, Vol.13 p.17 • Mustadrak Al-Wasa'il, Vol.13 p.58

HADITH

3568 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لَيْسَ مِنَّا مَنْ تَرَكَ دُنْيَاهُ لِآخِرَتِهِ وَ لاَ آخِرَتَهُ لِدُنْيَاهُ ».

H.3568 - Imam {a.s} said: "He is not from us who abandons his worldly life for his Hereafter, nor his Hereafter for his worldly life."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.156 • Al-Wafi, Vol.17 p.41 • Wasa'il Al-Shi'ah, Vol.17 p.76

HADITH

3569 - وَ رُوِيَ عَنِ اَلْعَالِمِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «اِعْمَلْ لِدُنْيَاكَ كَأَنَّكَ تَعِيشُ أَبَداً وَ اِعْمَلْ لِآخِرَتِكَ كَأَنَّكَ تَمُوتُ غَداً».

H.3569 - It is narrated from the Imam {a.s} that he said:
"Work for your worldly life as if you will live forever, and work for your Hereafter as if you will die tomorrow."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.156 • Majmu'at Warram, Vol.2 p.234 • Al-Wafi, Vol.17 p.41 • Wasa'il Al-Shi'ah, Vol.17 p.76 • Mustadrak Al-Wasa'il, Vol.1 p.146 • Mustadrak Al-Wasa'il, Vol.13 p.58

HADITH

3570 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «نِعْمَ اَلْعَوْنُ عَلَى تَقْوَى اَللَّهِ اَلْغِنَى».

H.3570 - The Messenger of Allah {SWT}, peace be upon him and his family, said:
"Wealth is an excellent aid in attaining piety towards Allah {SWT}."

[REFERENCES] Al-Kafi, Vol.5 p.71 • Man La Yahduruhu Al-Faqih, Vol.3 p.156 • Tuhaf Al-'Uqul, Vol.1 p.49 • Al-Ash'athiyat, Vol.1 p.155 • Awali Al-La'ali, Vol.1 p.267 • Al-Wafi, Vol.17 p.37 • Wasa'il Al-Shi'ah, Vol.17 p.29 • Wasa'il Al-Shi'ah, Vol.17 p.76 • Bihar Al-Anwar, Vol.74 p.153 • Mustadrak Al-Wasa'il, Vol.13 p.15

HADITH

3571 - وَ رَوَى عُمَرُ بْنُ أُذَيْنَةَ عَنِ اَلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى لَيُحِبُّ اَلِاغْتِرَابَ فِي طَلَبِ اَلرِّزْقِ».

H.3571 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Indeed, Allah {SWT}, Blessed and Exalted, loves traveling in pursuit of sustenance."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.156 • Al-Wafi, Vol.17 p.25 • Wasa'il Al-Shi'ah, Vol.17 p.77

HADITH

3572 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «اِشْخَصْ يَشْخَصْ لَكَ اَلرِّزْقُ».

H.3572 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Set out (on a journey), and sustenance will set out for you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Al-Wafi, Vol.17 p.25 • Wasa'il Al-Shi'ah, Vol.17 p.77

HADITH

3573 - وَ رَوَى عَلِيُّ بْنُ عَبْدِ اَلْعَزِيزِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «إِنِّي لَأُحِبُّ أَنْ أَرَى اَلرَّجُلَ مُتَحَرِّفاً فِي طَلَبِ اَلرِّزْقِ إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ -: « اَللَّهُمَّ بَارِكْ لِأُمَّتِي فِي بُكُورِهَا » ».

H.3573 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"I love to see a man striving in pursuit of sustenance. Indeed, the Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: 'O Allah {SWT}, bless my nation in their early mornings.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Al-Wafi, Vol.17 p.25 • Wasa'il Al-Shi'ah, Vol.17 p.78

HADITH

3574 - وَ قَالَ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِذَا أَرَادَ أَحَدُكُمُ اَلْحَاجَةَ فَلْيُبَكِّرْ إِلَيْهَا فَإِنِّي سَأَلْتُ رَبِّي عَزَّ وَ جَلَّ أَنْ يُبَارِكَ لِأُمَّتِي فِي بُكُورِهَا».

H.3574 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said:
"If any of you has a need, let him seek it early in the morning, for I asked my Lord {AZJ}, the Almighty and Glorious, to bless my nation in their early mornings."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Al-Wafi, Vol.17 p.112 • Wasa'il Al-Shi'ah, Vol.17 p.78

HADITH

3575 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أَرَادَ أَحَدُكُمُ اَلْحَاجَةَ فَلْيُبَكِّرْ إِلَيْهَا وَ لْيُسْرِعِ اَلْمَشْيَ إِلَيْهَا».

H.3575 – Imam {a.s} said:
"If any of you intends to fulfill a need, let him seek it early in the morning and hasten in walking towards it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Al-Wafi, Vol.17 p.112 • Wasa'il Al-Shi'ah, Vol.17 p.78

HADITH

3576 - وَ رَوَى حَمَّادٌ اَللَّحَّامُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَكْسَلُوا فِي طَلَبِ مَعَايِشِكُمْ فَإِنَّ آبَاءَنَا كَانُوا يَرْكُضُونَ فِيهَا وَ يَطْلُبُونَهَا».

H.3576 - Hammad al-Lahham narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Do not be lazy in seeking your livelihood, for our fathers used to strive for it and pursue it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Wasa'il Al-Shi'ah, Vol.17 p.60

HADITH

3577 - وَ أَرْسَلَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ رَجُلاً فِي حَاجَةٍ فَكَانَ يَمْشِي فِي اَلشَّمْسِ فَقَالَ لَهُ «اِمْشِ فِي اَلظِّلِّ فَإِنَّ اَلظِّلَّ مُبَارَكٌ».

H.3577 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, sent a man to fulfill a need, and the man was walking in the sun.
So the Prophet {saws} said to him: "Walk in the shade, for the shade is blessed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Al-Wafi, Vol.17 p.112 • Wasa'il Al-Shi'ah, Vol.17 p.79

HADITH

3578 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ ذَهَبَ فِي حَاجَةٍ عَلَى غَيْرِ وُضُوءٍ فَلَمْ تُقْضَ حَاجَتُهُ فَلاَ يَلُومَنَّ إِلاَّ نَفْسَهُ».

H.3578 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever goes to fulfill a need without being in a state of ablution, and his need is not fulfilled, let him blame none but himself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.157 • Makarim Al-Akhlaq, Vol.1 p.346 • Al-Wafi, Vol.17 p.112 • Wasa'il Al-Shi'ah, Vol.17 p.79 • Bihar Al-Anwar, Vol.92 p.159

HADITH

3579 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «إِنِّي أَجِدُنِي أَمْقُتُ اَلرَّجُلَ يَتَعَذَّرُ عَلَيْهِ اَلْمَكَاسِبُ فَيَسْتَلْقِي عَلَى قَفَاهُ وَ يَقُولُ اَللَّهُمَّ اُرْزُقْنِي وَ يَدَعُ أَنْ يَنْتَشِرَ فِي اَلْأَرْضِ وَ يَلْتَمِسَ مِنْ فَضْلِ اَللَّهِ وَ اَلذَّرَّةُ تَخْرُجُ مِنْ جُحْرِهَا تَلْتَمِسُ رِزْقَهَا».

H.3579 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, said:
"I find myself despising a man who faces difficulties in earning a livelihood, yet he lies on his back and says, 'O Allah {SWT}, provide for me,' while neglecting to go out into the land and seek Allah's {SWT} bounty. Even the smallest ant comes out of its hole to seek its sustenance."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.158 • Al-Wafi, Vol.17 p.25 • Wasa'il Al-Shi'ah, Vol.17 p.30

HADITH

3580 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى يُحِبُّ اَلْمُحْتَرِفَ اَلْأَمِينَ».

H.3580 - Commander of the Faithful, peace be upon him, said:
"Indeed, Allah {SWT}, Blessed and Exalted, loves the trustworthy worker."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.158 • Al-Wafi, Vol.17 p.181 • Wasa'il Al-Shi'ah, Vol.17 p.23 • Wasa'il Al-Shi'ah, Vol.17 p.134

HADITH

3581 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ عُذَافِرٍ عَنْ أَبِيهِ قَالَ : دَفَعَ إِلَيَّ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ سَبْعَمِائَةِ دِينَارٍ وَ قَالَ «يَا عُذَافِرُ اِصْرِفْهَا فِي شَيْءٍ مَا» وَ قَالَ «مَا أَفْعَلُ هَذَا عَلَى شَرَهٍ مِنِّي وَ لَكِنِّي أَحْبَبْتُ أَنْ يَرَانِيَ اَللَّهُ تَبَارَكَ وَ تَعَالَى مُتَعَرِّضاً لِفَوَائِدِهِ» قَالَ عُذَافِرٌ فَرَبِحْتُ فِيهَا مِائَةَ دِينَارٍ فَقُلْتُ لَهُ فِي اَلطَّوَافِ جُعِلْتُ فِدَاكَ قَدْ رَزَقَ اَللَّهُ عَزَّ وَ جَلَّ فِيهَا مِائَةَ دِينَارٍ قَالَ «أَثْبِتْهَا فِي رَأْسِ مَالِي».

H.3581 - It is narrated from Muhammad ibn Udhafir, from his father, who said:
Abu Abdullah {a.s}, handed me seven hundred dinars and said:
"O 'Udhafir, invest it in something."
Imam {a.s} then added: "I am not doing this out of greed, but I wish for Allah {SWT}, Blessed and Exalted, to see me seeking His bounties."
Udhafir said: I earned a profit of one hundred dinars from it. So, while performing Tawaf, I said to him: "May I be your ransom! Allah {SWT}, the Exalted, has grant a profit of one hundred dinars in it."
Imam {a.s} replied: "Add it to my capital."

[REFERENCES] Al-Kafi, Vol.5 p.77 • Man La Yahduruhu Al-Faqih, Vol.3 p.158 • Al-Wafi, Vol.17 p.35 • Wasa'il Al-Shi'ah, Vol.17 p.43

HADITH

3582 - وَ رَوَى إِبْرَاهِيمُ بْنُ عَبْدِ اَلْحَمِيدِ عَنْ أَبِي اَلْحَسَنِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «جَاءَ رَجُلٌ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ يَا رَسُولَ اَللَّهِ قَدْ عَلَّمْتُ اِبْنِي هَذَا اَلْكِتَابَ فَفِي أَيِّ شَيْءٍ أُسْلِمُهُ فَقَالَ «أَسْلِمْهُ لِلَّهِ أَبُوكَ وَ لاَ تُسْلِمْهُ فِي خَمْسٍ لاَ تُسْلِمْهُ سَيَّاءً وَ لاَ صَائِغاً وَ لاَ قَصَّاباً وَ لاَ حَنَّاطاً وَ لاَ نَخَّاساً» فَقَالَ يَا رَسُولَ اَللَّهِ وَ مَا اَلسَّيَّاءُ قَالَ «اَلَّذِي يَبِيعُ اَلْأَكْفَانَ وَ يَتَمَنَّى مَوْتَ أُمَّتِي وَ لَلْمَوْلُودُ مِنْ أُمَّتِي أَحَبُّ إِلَيَّ مِمَّا طَلَعَتْ عَلَيْهِ اَلشَّمْسُ وَ أَمَّا اَلصَّائِغُ فَإِنَّهُ يُعَالِجُ غَبْنَ أُمَّتِي وَ أَمَّا اَلْقَصَّابُ فَإِنَّهُ يَذْبَحُ حَتَّى تَذْهَبَ اَلرَّحْمَةُ مِنْ قَلْبِهِ وَ أَمَّا اَلْحَنَّاطُ فَإِنَّهُ يَحْتَكِرُ اَلطَّعَامَ عَلَى أُمَّتِي وَ لَأَنْ يَلْقَى اَللَّهَ اَلْعَبْدُ سَارِقاً أَحَبُّ إِلَيَّ مِنْ أَنْ يَلْقَاهُ قَدِ اِحْتَكَرَ طَعَاماً أَرْبَعِينَ يَوْماً وَ أَمَّا اَلنَّخَّاسُ فَإِنَّهُ أَتَانِي جَبْرَئِيلُ عَلَيْهِ اَلسَّلاَمُ فَقَالَ يَا مُحَمَّدُ إِنَّ شَرَّ أُمَّتِكَ اَلَّذِينَ يَبِيعُونَ اَلنَّاسَ» ».

H.3582 - Ibrahim ibn Abdul-Hamid narrated from Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s}, who said:
A man came to the Prophet, peace be upon him and his family, and said:
"O Messenger of Allah {SWT}, I have taught my son to read and write. In what profession should I place him?"
The Prophet, peace be upon him and his family, replied:"Entrust him to Allah {SWT} and do not place him in five professions:
Do not make him a seller of shrouds, nor a jeweler, nor a butcher, nor a grain merchant, nor a slave trader."
The man asked: "O Messenger of Allah {SWT}, what is the harm in selling shrouds?"
The Prophet, peace be upon him and his family, explained: "The one who sells shrouds wishes for the death of my nation, while the birth of a new soul in my nation is more

beloved to me than all that the sun has risen upon.
As for the jeweler, he engages in defrauding my nation.
As for the butcher, he slaughters so frequently that mercy departs from his heart.
As for the grain merchant, he hoards food against my nation, and it is more beloved to me that a servant meets Allah {SWT} as a thief than that he meets Him having hoarded food for forty days.
As for the slave trader, Archangel Jibril {a.s} came to me and said: 'O Muhammad, the worst of your nation are those who sell human beings.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.158 • Al-Khisal, Vol.1 p.287 • Ilal Al-Shara'i', Vol.2 p.530 • Ma'ani Al-Akhbar, Vol.1 p.150 • Tahdhib Al-Ahkam, Vol.6 p.362 • Al-Istibsar, Vol.3 p.63 • Awali Al-La'ali, Vol.3 p.196 • Al-Wafi, Vol.17 p.187 • Wasa'il Al-Shi'ah, Vol.17 p.137 • Bihar Al-Anwar, Vol.100 p.77

HADITH

3583 - وَ رُوِيَ عَنْ سَدِيرٍ اَلصَّيْرَفِيِّ قَالَ : قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ حَدِيثٌ بَلَغَنِي عَنِ اَلْحَسَنِ اَلْبَصْرِيِّ فَإِنْ كَانَ حَقّاً فَ «إِنَّا لِلّٰهِ وَ إِنَّا إِلَيْهِ رٰاجِعُونَ» قَالَ «وَ مَا هُوَ» قُلْتُ بَلَغَنِي أَنَّ اَلْحَسَنَ كَانَ يَقُولُ لَوْ غَلَى دِمَاغُهُ مِنْ حَرِّ اَلشَّمْسِ مَا اِسْتَظَلَّ بِحَائِطِ صَيْرَفِيٍّ وَ لَوْ تَفَرَّثَتْ كَبِدُهُ مَاءً وَ هُوَ عَمَلِي وَ تِجَارَتِي وَ عَلَيْهِ نَبَتَ لَحْمِي وَ دَمِي وَ مِنْهُ حَجَّتِي وَ عُمْرَتِي قَالَ فَجَلَسَ عَلَيْهِ اَلسَّلاَمُ ثُمَّ قَالَ «كَذَبَ اَلْحَسَنُ خُذْ سَوَاءً وَ أَعْطِ سَوَاءً فَإِذَا حَضَرَتِ اَلصَّلاَةُ فَدَعْ مَا بِيَدِكَ وَ اِنْهَضْ إِلَى اَلصَّلاَةِ أَ مَا عَلِمْتَ أَنَّ أَصْحَابَ اَلْكَهْفِ كَانُوا صَيَارِفَةً ».

يَعْنِي صَيَارِفَةَ اَلْكَلاَمِ وَ لَمْ يَعْنِ صَيَارِفَةَ اَلدَّرَاهِمِ.

H.3583 - Sadir al-Sayrafi narrated:
I said to Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}:
"A report has reached me about Hasan al-Basri, and if it is true, then 'Indeed, we belong to Allah {SWT} and to Him we shall return.'"
Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} asked: "What is it?"
I said: "I have heard that Hasan used to say, 'If my head boiled from the heat of the sun, I would not seek shade under the wall of a moneychanger, and if my liver dried up from thirst, I would not drink water earned through trade. Yet, this (trade) is my occupation, my business, and by it my flesh and blood have grown, and from it, I performed my Hajj and Umrah.'"
Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} then sat up and said: "Hasan has lied! Take what is fair and give what is fair, and when the time for prayer arrives, leave what is in your hands and rise for prayer. Do you not know that the companions of the cave (Ashab al-Kahf) were moneychangers?"

[AL SADUQ]
Imam {a.s} meant they were money changers of speech, not of dirhams (currency).

[REFERENCES] Al-Kafi, Vol.5 p.113 • Man La Yahduruhu Al-Faqih, Vol.3 p.159 • Tahdhib Al-Ahkam, Vol.6 p.363 • Al-Istibsar, Vol.3 p.64 • Al-Wafi, Vol.17 p.181 • Wasa'il Al-Shi'ah, Vol.17 p.139 • Bihar Al-Anwar, Vol.14 p.429 • Bihar Al-Anwar, Vol.42 p.143

HADITH

3584 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «وَيْلٌ لِتُجَّارِ أُمَّتِي مِنْ لاَ وَ اَللَّهِ وَ بَلَى وَ اَللَّهِ وَ وَيْلٌ لِصُنَّاعِ أُمَّتِي مِنَ اَلْيَوْمِ وَ غَدٍ ».

H.3584 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said:
"Woe to the merchants of my nation because of (their frequent oaths) 'No, by Allah {SWT}' and 'Yes, by Allah {SWT}.' And woe to the craftsmen of my nation because of (their worries about) today and tomorrow."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.160 • Al-Wafi, Vol.17 p.189 • Wasa'il Al-Shi'ah, Vol.17 p.420

HADITH

3585 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : قَالَ «اِحْتَجَمَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ حَجَمَهُ مَوْلًى لِبَنِي بَيَاضَةَ وَ أَعْطَاهُ وَ لَوْ كَانَ حَرَاماً مَا أَعْطَاهُ فَلَمَّا فَرَغَ قَالَ لَهُ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَيْنَ اَلدَّمُ» قَالَ شَرِبْتُهُ يَا رَسُولَ اَللَّهِ فَقَالَ «مَا كَانَ يَنْبَغِي لَكَ أَنْ تَفْعَلَهُ وَ قَدْ جَعَلَهُ اَللَّهُ لَكَ حِجَاباً مِنَ اَلنَّارِ»».

H.3585 - Imam Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, narrated through Jabir from Amr ibn Shimr:
"The Messenger of Allah {SWT}, peace and blessings be upon him and his family, underwent cupping. A servant from the tribe of Banu Bayadah performed the cupping, and the Prophet {saws} gave him payment. If it were prohibited, he would not have given him payment.
When the procedure was completed, the Messenger of Allah {SWT}, peace and blessings be upon him and his family, asked him: 'Where is the blood?'
The servant replied: 'I drank it, O Messenger of Allah {SWT}.'
The Prophet said: 'You should not have done that, but Allah {SWT} has made it a barrier for you against the Fire.'"

[REFERENCES] Al-Kafi, Vol.5 p.116 • Man La Yahduruhu Al-Faqih, Vol.3 p.160 • Tahdhib Al-Ahkam, Vol.6 p.355 • Al-Istibsar, Vol.3 p.59 • Al-Wafi, Vol.17 p.192 • Wasa'il Al-Shi'ah, Vol.17 p.105 • Bihar Al-Anwar, Vol.22 p.143

HADITH

3586 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلنُّثَارِ مِنَ اَلسُّكَّرِ وَ اَللَّوْزِ وَ أَشْبَاهِهِ أَ يَحِلُّ أَكْلُهُ فَقَالَ «يُكْرَهُ كُلُّ مَالٍ يُنْتَهَبُ».

H.3586 - It is narrated from Ali ibn Ja'far, from his brother Imam Musa ibn Jafar Al-Kadhim {a.s}, who said:
"I asked him about scattered treats such as sugar, almonds, and similar items - whether it is permissible to eat them.
Imam {a.s} replied: 'It is disliked to consume anything that is seized unlawfully.'"

[REFERENCES] Qurb Al-Isnad, Vol.1 p.273 • Al-Kafi, Vol.5 p.123 • Man La Yahduruhu Al-Faqih, Vol.3 p.160 • Tahdhib Al-Ahkam, Vol.6 p.370 • Al-Istibsar, Vol.3 p.66 • Al-Wafi, Vol.17 p.234 • Wasa'il Al-Shi'ah, Vol.17 p.168 • Bihar Al-Anwar, Vol.100 p.279

HADITH

3587 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لَمَّا أَنْزَلَ اَللَّهُ تَبَارَكَ وَ تَعَالَى: ﴿ إِنَّمَا اَلْخَمْرُ وَ اَلْمَيْسِرُ وَ اَلْأَنْصابُ وَ اَلْأَزْلاٰمُ رِجْسٌ مِنْ عَمَلِ اَلشَّيْطٰانِ فَاجْتَنِبُوهُ ﴾ قِيلَ يَا رَسُولَ اَللَّهِ مَا اَلْمَيْسِرُ قَالَ «كُلُّ مَا تُقُومِرَ بِهِ حَتَّى اَلْكِعَابُ وَ اَلْجَوْزُ، » قِيلَ فَمَا اَلْأَنْصَابُ قَالَ «مَا ذَبَحُوا لِآلِهَتِهِمْ » قِيلَ فَمَا اَلْأَزْلاَمُ قَالَ «قِدَاحُهُمُ اَلَّتِي يَسْتَقْسِمُونَ بِهَا » ».

H.3587 - It is narrated from Amr ibn Shimr, from Jabir, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"When Allah {SWT}, the Blessed and Exalted, revealed the verse: *'Indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah {SWT}], and divining arrows are but defilement from the work of Satan, so avoid them'* (Surah Al-Ma'idah 5:90).
The people asked: 'O Messenger of Allah {SWT}, what is gambling (maysir)?'
He {saws} replied: 'Everything that involves betting, even dice and walnuts.'
They asked: 'What are the stone alters (ansab)?'
He {saws} said: 'They are the sacrifices offered to their idols.'
They asked: 'What are the divining arrows (azlam)?'
He {saws} said: 'They are their arrows used for seeking decisions or division.'"

[REFERENCES] Al-Kafi, Vol.5 p.122 • Man La Yahduruhu Al-Faqih, Vol.3 p.160 • Tahdhib Al-Ahkam, Vol.6 p.371 • Fiqh Al-Quran, Vol.2 p.28 • Al-Wafi, Vol.17 p.225 • Wasa'il Al-Shi'ah, Vol.17 p.165 • Al-Fusul Al-Muhimmah, Vol.2 p.239 • Tafsir Al-Burhan, Vol.1 p.456 • Tafsir Al-Burhan, Vol.2 p.352 • Tafsir Nur Al-Thaqalayn, Vol.1 p.667

HADITH

3588 - وَ رَوَى اَلسَّكُونِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ : أَنَّهُ كَانَ يَنْهَى عَنِ اَلْجَوْزِ اَلَّذِي يَجِيءُ بِهِ اَلصِّبْيَانُ مِنَ اَلْقِمَارِ أَنْ يُؤْكَلَ وَ قَالَ هُوَ سُحْتٌ.

H.3588 - It is narrated from Al-Sakuni, from Abu Abdillah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} that:
"He {a.s} used to forbid eating the walnuts that children bring from gambling, and He {a.s} said it is unlawful (suht)."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.322 • Al-Kafi, Vol.5 p.123 • Man La Yahduruhu Al-Faqih, Vol.3 p.161 • Tahdhib Al-Ahkam, Vol.6 p.370 • Al-Wafi, Vol.17 p.226 • Wasa'il Al-Shi'ah, Vol.17 p.166 • Tafsir Al-Burhan, Vol.2 p.305

HADITH

3589 - وَ رَوَى أَيُّوبُ بْنُ اَلْحُرِّ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِأَجْرِ اَلنَّائِحَةِ اَلَّتِي تَنُوحُ عَلَى اَلْمَيِّتِ وَ أَجْرِ اَلْمُغَنِّيَةِ اَلَّتِي تَزُفُّ اَلْعَرَائِسَ لَيْسَ بِهِ بَأْسٌ وَ لَيْسَتْ بِالَّتِي يَدْخُلُ عَلَيْهَا اَلرِّجَالُ ».

H.3589 - It is narrated from Ayyub ibn Al-Hurr, from Abu Basir, from Abu Abdillah Imam Jafar Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"There is no harm in the payment for a wailing woman who mourns the deceased, and the payment for a singer who escorts brides; there is no harm in it, as long as she is not someone whom men enter upon."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.161

HADITH

3590 - وَ رَوَى أَبَانُ بْنُ عُثْمَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ :
«أَرْبَعٌ لاَ تَجُوزُ فِي أَرْبَعَةٍ اَلْخِيَانَةُ وَ اَلْغُلُولُ وَ اَلسَّرِقَةُ وَ اَلرِّبَا لاَ يَجُزْنَ فِي حَجٍّ وَ لاَ عُمْرَةٍ وَ لاَ جِهَادٍ وَ لاَ صَدَقَةٍ».

H.3590 - It is narrated from Aban ibn Uthman, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Four things are not permissible in four situations: treachery, embezzlement, theft, and usury. They are not permissible in Hajj, Umrah, Jihad, or charity."

[REFERENCES] Al-Kafi, Vol.5 p.124 • Man La Yahduruhu Al-Faqih, Vol.3 p.161 • Al-Khisal, Vol.1 p.216 • Tahdhib Al-Ahkam, Vol.6 p.368 • Fiqh Al-Quran, Vol.2 p.27 • Al-Wafi, Vol.17 p.60 • Wasa'il Al-Shi'ah, Vol.11 p.145 • Wasa'il Al-Shi'ah, Vol.17 p.90 • Wasa'il Al-Shi'ah, Vol.25 p.389 • Bihar Al-Anwar, Vol.93 p.166

HADITH

3591 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لاَ بَأْسَ بِكَسْبِ اَلْمَاشِطَةِ إِذَا لَمْ تُشَارِطْ وَ قَبِلَتْ مَا تُعْطَى وَ لاَ تَصِلُ شَعْرَ اَلْمَرْأَةِ بِشَعْرِ اِمْرَأَةٍ غَيْرِهَا فَأَمَّا شَعْرُ اَلْمَعْزِ فَلاَ بَأْسَ بِأَنْ يُوصَلَ بِشَعْرِ اَلْمَرْأَةِ وَ لاَ بَأْسَ بِكَسْبِ اَلنَّائِحَةِ إِذَا قَالَتْ صِدْقاً ».

H.3591 – Imam {a.s} said: "There is no harm in the earnings of a hairdresser if she does not stipulate a specific payment and accepts what is given to her. However, she should not attach the hair of one woman to the hair of another woman. As for the hair of goats, there is no harm in attaching it to a woman's hair. Also, there is no harm in the earnings of a mourner if she speaks the truth."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.162 • Al-Wafi, V.17 p.203 • Wasa'il Al-Shi'ah, Vol.17 p.133

HADITH

3592 - وَ رُوِيَ «أَنَّهَا تَسْتَحِلُّهُ بِضَرْبِ إِحْدَى يَدَيْهَا عَلَى اَلْأُخْرَى ».

H.3592 - It is narrated: "She makes it permissible by striking one of her hands against the other."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.1 p.183 • Man La Yahduruhu Al-Faqih, Vol.3 p.162

HADITH

3593 - وَ رُوِيَ عَنِ اَلْحَسَنِ بْنِ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِيهِ قَالَ : رَأَيْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ يَعْمَلُ فِي أَرْضٍ لَهُ وَ قَدِ اِسْتَنْقَعَتْ قَدَمَاهُ فِي اَلْعَرَقِ فَقُلْتُ لَهُ جُعِلْتُ فِدَاكَ أَيْنَ اَلرِّجَالُ فَقَالَ «يَا عَلِيُّ عَمِلَ بِالْيَدِ مَنْ هُوَ خَيْرٌ مِنِّي وَ مِنْ أَبِي فِي أَرْضِهِ» فَقُلْتُ لَهُ مَنْ هُوَ فَقَالَ « رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ أَمِيرُ اَلْمُؤْمِنِينَ وَ آبَائِي عَلَيْهِمُ اَلسَّلاَمُ كُلُّهُمْ قَدْ عَمِلُوا بِأَيْدِيهِمْ وَ هُوَ مِنْ عَمَلِ اَلنَّبِيِّينَ وَ اَلْمُرْسَلِينَ وَ اَلصَّالِحِينَ».

H.3593 - It is narrated from Al-Hasan ibn Ali ibn Abi Hamzah, from his father, who said: "I saw Abu Al-Hasan {a.s} working in his land, and his feet were soaked in sweat. I said to him, 'May I be your ransom! Where are the men (to assist you)?'
Imam {a.s} replied: 'O Ali, one who is better than me and my father worked with his hands in his land.'
I asked him, 'Who is that?'
He said: 'The Messenger of Allah {SWT}, Commander of the Faithful {a.s}, and my forefathers (peace be upon them) - all of them worked with their hands, and it is the work of the prophets, the messengers, and the righteous."

[REFERENCES] Al-Kafi, Vol.5 p.75 • Man La Yahduruhu Al-Faqih, Vol.3 p.162 • Awali Al-La'ali, Vol.3 p.200 • Al-Wafi, Vol.17 p.33 • Wasa'il Al-Shi'ah, Vol.17 p.38 • Bihar Al-Anwar, Vol.48 p.115

HADITH

3594 - وَ رَوَى شَرِيفُ بْنُ سَابِقٍ اَلتَّفْلِيسِيُّ عَنِ اَلْفَضْلِ بْنِ أَبِي قُرَّةَ اَلسَّمَنْدِيِّ اَلْكُوفِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ قَالَ : «أَوْحَى اَللَّهُ عَزَّ وَ جَلَّ إِلَى دَاوُدَ عَلَيْهِ اَلسَّلاَمُ » «أَنَّكَ نِعْمَ اَلْعَبْدُ لَوْ لاَ أَنَّكَ تَأْكُلُ مِنْ بَيْتِ اَلْمَالِ وَ لاَ تَعْمَلُ بِيَدِكَ شَيْئاً» قَالَ «فَبَكَى دَاوُدُ عَلَيْهِ اَلسَّلاَمُ فَأَوْحَى اَللَّهُ عَزَّ وَ جَلَّ إِلَى اَلْحَدِيدِ ۝ أَنْ لِنْ لِعَبْدِي دَاوُدَ ۝ فَلاَنَ فَأَلاَنَ اَللَّهُ تَعَالَى لَهُ اَلْحَدِيدَ فَكَانَ يَعْمَلُ كُلَّ يَوْمٍ دِرْعاً فَيَبِيعُهَا بِأَلْفِ دِرْهَمٍ فَعَمِلَ عَلَيْهِ اَلسَّلاَمُ ثَلاَثَمِائَةٍ وَ سِتِّينَ دِرْعاً فَبَاعَهَا بِثَلاَثِمِائَةٍ وَ سِتِّينَ أَلْفاً وَ اِسْتَغْنَى عَنْ بَيْتِ اَلْمَالِ».

H.3594 - It is narrated from Sharif ibn Sabiq Al-Taflisi, from Al-Fadl ibn Abi Qurrah Al-Samandi Al-Kufi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that Commander of the Faithful {a.s} said:
"Allah {SWT}, the Majestic, revealed to Dawud {a.s}: 'You are an excellent servant, except that you eat from the public treasury and do not work with your hands.'
Dawud {a.s} then wept.
So Allah {SWT}, the Almighty and Majestic, revealed to the iron:
'Soften for My servant Dawud.' (Surah Saba 34:10) And the iron softened.
Allah {SWT} made the iron pliable for him, and he began to make a coat of armor each day, selling it for a thousand dirhams.
Dawud {a.s} made three hundred and sixty coats of armor, selling them for three hundred and sixty thousand dirhams, and he became independent of public treasury."

[REFERENCES] Al-Kafi, Vol.5 p.74 • Man La Yahduruhu Al-Faqih, Vol.3 p.162 • Tahdhib Al-Ahkam, Vol.6 p.326 • Al-Wafi, V.17 p.31 • Tafsir Al-Safi, V.3 p.350 • Wasa'il Al-Shi'ah, V.17 p.37 • Kulliyat Hadith Qudsi, V.1 p.189 • Tafsir Al-Burhan, Vol.3 p.832 • Tafsir Al-Burhan, Vol.4 p.508 • Qisas Al-Anbiya (Lil-Rawandi), Vol.1 p.340

HADITH

3595 - وَ رُوِيَ عَنِ اَلْفَضْلِ بْنِ أَبِي قُرَّةَ قَالَ : دَخَلْنَا عَلَى أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ هُوَ يَعْمَلُ فِي حَائِطٍ لَهُ فَقُلْنَا جَعَلَنَا اَللَّهُ فِدَاكَ دَعْنَا نَعْمَلْ لَكَ أَوْ تَعْمَلْهُ اَلْغِلْمَانُ قَالَ «لاَ دَعُونِي فَإِنِّي أَشْتَهِي أَنْ يَرَانِيَ اَللَّهُ عَزَّ وَ جَلَّ أَعْمَلُ بِيَدِي وَ أَطْلُبُ اَلْحَلاَلَ فِي أَذَى نَفْسِي».

H.3595 - It is narrated from Al-Fadl ibn Abi Qurrah:
"We entered upon Abu Abdullah {a.s} while he was working in his garden.
We said: 'May Allah {SWT} make us your ransom! Let us work for you, or let the servants handle it.'
Imam {a.s} replied: 'No, leave me to it, for I desire that Allah {SWT}, the Almighty and Majestic, sees me working with my own hands and seeking lawful sustenance, even if it causes hardship to myself.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.163 • Awali Al-La'ali, Vol.3 p.200 • Al-Wafi, Vol.17 p.36 • Wasa'il Al-Shi'ah, Vol.17 p.40

HADITH

3596 - وَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَخْرُجُ فِي اَلْهَاجِرَةِ فِي اَلْحَاجَةِ قَدْ كُفِيَهَا يُرِيدُ أَنْ يَرَاهُ اَللَّهُ تَعَالَى يُتْعِبُ نَفْسَهُ فِي طَلَبِ اَلْحَلاَلِ.

وَ لَا بَأْسَ بِكَسْبِ الْمُعَلِّمِ إِذَا كَانَ إِنَّمَا يَأْخُذُ عَلَى تَعْلِيمِ الشِّعْرِ وَ الرَّسَائِلِ وَ الْحُقُوقِ وَ أَشْبَاهِهَا وَ إِنْ شَارَطَ فَأَمَّا عَلَى تَعْلِيمِ الْقُرْآنِ فَلَا.

H.3596 - It is reported that Commander of the Faithful {a.s} used to go out during the midday heat for tasks that had already been taken care of, desiring that Allah {SWT}, the Exalted, would see him exerting himself in the pursuit of lawful sustenance.

[AL SADUQ]
As for the earnings of a teacher, there is no harm if he takes payment for teaching poetry, letters, legal rights, and similar subjects - even if he sets a condition for payment.
However, taking payment for teaching the Quran is not permissible.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.163 • Awali Al-La'ali, Vol.3 p.200 • Al-Wafi, Vol.17 p.36 • Wasa'il Al-Shi'ah, Vol.17 p.23

HADITH

3597 - وَ رُوِيَ عَنِ اَلْفَضْلِ بْنِ أَبِي قُرَّةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ إِنَّ هَؤُلاَءِ يَقُولُونَ إِنَّ كَسْبَ اَلْمُعَلِّمِ سُحْتٌ فَقَالَ «كَذَبَ أَعْدَاءُ اَللَّهِ إِنَّمَا أَرَادُوا أَنْ لاَ يُعَلِّمُوا أَوْلاَدَهُمُ اَلْقُرْآنَ لَوْ أَنَّ رَجُلاً أَعْطَى اَلْمُعَلِّمَ دِيَةَ وَلَدِهِ كَانَ لِلْمُعَلِّمِ مُبَاحاً».

H.3597 - It is reported from al-Fadl ibn Abi Qurrah that he said:
I asked Abu Abdillah {a.s}, "These people claim that the earnings of a teacher are unlawful."
Imam {a.s} replied: "The enemies of Allah {SWT} have lied! They only intend to prevent their children from learning the Quran. If a man were to give the teacher the blood money of his child, it would be lawful for the teacher."

[REFERENCES] Al-Kafi, Vol.5 p.121 • Man La Yahduruhu Al-Faqih, Vol.3 p.163 • Tahdhib Al-Ahkam, Vol.6 p.364 • Al-Istibsar, Vol.3 p.65 • Al-Wafi, Vol.17 p.237 • Wasa'il Al-Shi'ah, Vol.17 p.154 • Tafsir Al-Burhan, Vol.2 p.304

HADITH

3598 - وَ قَالَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ : «إِنَّ مِنْ سَعَادَةِ اَلْمَرْءِ أَنْ يَكُونَ مَتْجَرُهُ فِي بِلاَدِهِ وَ يَكُونَ خُلَطَاؤُهُ صَالِحِينَ وَ يَكُونَ لَهُ أَوْلاَدٌ يَسْتَعِينُ بِهِمْ».

H.3598 - Imam Ali ibn Al-Hussain {a.s} said:
"Part of a man's happiness is that his business is in his own land, that his associates are righteous, and that he has children who assist him."

[REFERENCES] Al-Kafi, Vol.5 p.257 • Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Al-Khisal, Vol.1 p.159 • Al-Wafi, Vol.17 p.421 • Wasa'il Al-Shi'ah, Vol.17 p.243 • Wasa'il Al-Shi'ah, Vol.17 p.467

HADITH

3599 - وَ رُوِيَ عَنْ عَبْدِ اَلْحَمِيدِ بْنِ عَوَّاضٍ اَلطَّائِيِّ قَالَ :
قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي اِتَّخَذْتُ رَحًى فِيهَا مَجْلِسِي وَ يَجْلِسُ إِلَيَّ فِيهَا أَصْحَابِي قَالَ «ذَاكَ رِفْقُ اَللَّهِ عَزَّ وَ جَلَّ».

H.3599 - It is narrated from Abdul-Hamid ibn 'Awad al-Ta'i who said:
I said to Abu Abdullah {a.s}: "I have set up a millstone, and it is my sitting place where my companions also sit with me."
Imam {a.s} said: "That is Allah's {SWT} mercy."

[REFERENCES] Al-Kafi, Vol.5 p.310 • Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Al-Wafi, Vol.17 p.422 • Wasa'il Al-Shi'ah, Vol.17 p.244

HADITH

3600 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ لِلْوَلِيدِ بْنِ صَبِيحٍ : «يَا وَلِيدُ لاَ تَشْتَرِ لِي مِنْ مُحَارَفٍ شَيْئاً فَإِنَّ خُلْطَتَهُ لاَ بَرَكَةَ فِيهَا ».

H.3600 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said to Al-Walid ibn Subayh:
"O Walid, do not buy anything for me from one who is engaged in unlawful earnings (Muharif), for there is no blessing in associating with him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Ilal Al-Shara'i', Vol.2 p.526 • Wasa'il Al-Shi'ah, Vol.17 p.413 • Bihar Al-Anwar, Vol.100 p.83

HADITH

3601 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لاَ تُخَالِطُوا وَ لاَ تُعَامِلُوا إِلاَّ مَنْ نَشَأَ فِي اَلْخَيْرِ».

H.3601 - Imam {a.s} said: "Do not associate with or conduct business except with those who have been raised in goodness."

[REFERENCES] Al-Kafi, Vol.5 p.158 • Al-Kafi, Vol.5 p.159 • Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Ilal Al-Shara'i', Vol.2 p.526 • Tahdhib Al-Ahkam, Vol.7 p.10 • Tahdhib Al-Ahkam, Vol.7 p.10 • Al-Wafi, Vol.17 p.411 • Wasa'il Al-Shi'ah, Vol.17 p.75 • Wasa'il Al-Shi'ah, Vol.17 p.414 • Wasa'il Al-Shi'ah, Vol.17 p.414

HADITH

3602 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «اِحْذَرُوا مُعَامَلَةَ أَصْحَابِ اَلْعَاهَاتِ فَإِنَّهُمْ أَظْلَمُ شَيْءٍ».

H.3602 - Imam {a.s} said: "Beware of dealing with those who have defects, for they are the most unjust of people."

[REFERENCES] Al-Kafi, Vol.5 p.158 • Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Ilal Al-Shara'i', Vol.2 p.526 • Al-Wafi, Vol.17 p.411 • Bihar Al-Anwar, Vol.100 p.83

HADITH

3603 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ لِأَبِي اَلرَّبِيعِ اَلشَّامِيِّ : «لاَ تُخَالِطِ اَلْأَكْرَادَ فَإِنَّ اَلْأَكْرَادَ حَيٌّ مِنَ اَلْجِنِّ كَشَفَ اَللَّهُ عَزَّ وَ جَلَّ عَنْهُمُ اَلْغِطَاءَ ».

H.3603 - Imam {a.s} said to Abu Al-Rabi' Al-Shami:
"Do not associate with the Kurds, for the Kurds are a group from the Jinn whom Allah {SWT}, the Almighty and Majestic, has removed the veil from."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Wasa'il Al-Shi'ah, Vol.17 p.416 • Al-Fusul Al-Muhimmah, Vol.2 p.247 • Bihar Al-Anwar, Vol.60 p.73

HADITH

3604 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَسْتَعِنْ بِمَجُوسِيٍّ ، وَ لَوْ عَلَى أَخْذِ قَوَائِمِ شَاتِكَ وَ أَنْتَ تُرِيدُ أَنْ تَذْبَحَهَا».

H.3604 - Imam {a.s} said:
"Do not seek the assistance of a Magian, even for holding the legs of your sheep while you intend to slaughter it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.164 • Al-Amali (Lil-Tusi), Vol.1 p.443 • Al-Wafi, Vol.17 p.413 • Wasa'il Al-Shi'ah, Vol.17 p.417 • Wasa'il Al-Shi'ah, Vol.17 p.418 • Bihar Al-Anwar, Vol.62 p.322

HADITH

3605 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِيَّاكُمْ وَ مُخَالَطَةَ اَلسَّفِلَةِ، فَإِنَّهُ لاَ يَئُولُ إِلَى خَيْرٍ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ جَاءَتِ الْأَخْبَارُ فِي مَعْنَى السَّفِلَةِ عَلَى وُجُوهٍ فَمِنْهَا أَنَّ السَّفِلَةَ هُوَ الَّذِي لَا يُبَالِي مَا قَالَ وَ لَا مَا قِيلَ لَهُ وَ مِنْهَا أَنَّ السَّفِلَةَ مَنْ يَضْرِبُ بِالطُّنْبُورِ وَ مِنْهَا أَنَّ السَّفِلَةَ مَنْ لَمْ يَسُرَّهُ الْإِحْسَانُ وَ لَا تَسُوؤُهُ الْإِسَاءَةُ وَ السَّفِلَةُ مَنِ ادَّعَى الْإِمَامَةَ وَ لَيْسَ لَهَا بِأَهْلٍ وَ هَذِهِ كُلُّهَا أَوْصَافُ السَّفِلَةِ مَنِ اجْتَمَعَ فِيهِ بَعْضُهَا أَوْ جَمِيعُهَا وَجَبَ اجْتِنَابُ مُخَالَطَتِهِ.

H.3605 – Imam {a.s} said: "Beware of associating with the lowly, for it does not lead to any good."

[AL SADUQ]
The compiler of this book (may Allah {SWT} have mercy on him) said:
Reports regarding the definition of the lowly (safilah) have come in different forms:
The lowly is the one who does not care about what he says or what is said to him.
The lowly is the one who plays the tambourine.
The lowly is the one who is neither pleased by kindness nor disturbed by wrongdoing.
The lowly is the one who claims Imamate without being qualified for it.
All these are descriptions of the lowly. Anyone who possesses some or all of these characteristics must be avoided and kept away from.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.164

HADITH

3606 - وَ رُوِيَ عَنْ اَلْفُضَيْلِ بْنِ يَسَارٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي قَدْ تَرَكْتُ اَلتِّجَارَةَ فَقَالَ «لاَ تَفْعَلْ اِفْتَحْ بَابَكَ وَ اُبْسُطْ بِسَاطَكَ وَ اِسْتَرْزِقِ اَللَّهَ رَبَّكَ».

H.3606 - Al-Fudhayl ibn Yasaar asked Abu Abdullah {a.s}: "I have abandoned trade."
Imam {a.s} replied: "Do not do that. Open your door, spread your mat, and seek sustenance from your Lord {AZJ}, Allah {SWT}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.165 • Al-Wafi, Vol.17 p.69 • Wasa'il Al-Shi'ah, Vol.17 p.17

HADITH

3607 - وَ قَالَ سَدِيرٌ اَلصَّيْرَفِيُّ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَيُّ شَيْءٍ عَلَى اَلرَّجُلِ فِي طَلَبِ اَلرِّزْقِ فَقَالَ «يَا سَدِيرُ إِذَا فَتَحْتَ بَابَكَ وَ بَسَطْتَ بِسَاطَكَ فَقَدْ قَضَيْتَ مَا عَلَيْكَ».

H.3607 - Sadir Al-Sayrafi said:
I asked Abu Abdullah {a.s}: "What is required of a man in seeking sustenance?"
Imam {a.s} replied: "O Sadir, if you open your door and spread your mat, then you have fulfilled what is required of you."

[REFERENCES] Al-Kafi, Vol.5 p.79 • Man La Yahduruhu Al-Faqih, Vol.3 p.165 • Tahdhib Al-Ahkam, Vol.6 p.323 • Al-Wafi, Vol.17 p.99 • Wasa'il Al-Shi'ah, Vol.17 p.54 • Tafsir Nur Al-Thaqalayn, Vol.5 p.134 • Tafsir Kanz Al-Daqaiq, Vol.12 p.437

HADITH

3608 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى جَعَلَ أَرْزَاقَ اَلْمُؤْمِنِينَ مِنْ حَيْثُ لاَ يَحْتَسِبُونَ وَ ذَلِكَ أَنَّ اَلْعَبْدَ إِذَا لَمْ يَعْرِفْ وَجْهَ رِزْقِهِ كَثُرَ دُعَاؤُهُ».

H.3608 - Imam {a.s} said: "Indeed, Allah {SWT}, Blessed and Exalted, has made the sustenance of the believers come from where they do not expect. This is because when a servant does not know the source of his sustenance, his supplications increase."

[REFERENCES] Al-Mu'min, Vol.1 p.53 • Al-Kafi, Vol.5 p.84 • Man La Yahduruhu Al-Faqih, Vol.3 p.165 • Al-Tawhid, Vol.1 p.402 • Al-Amali (Lil-Saduq), Vol.1 p.181 • Tahdhib Al-Ahkam, Vol.6 p.328 • Rawdat Al-Wa'izin, Vol.2 p.326 • Makarim Al-Akhlaq, Vol.1 p.270 • Sulwat Al-Hazin, Vol.1 p.116 • Al-Wafi, Vol.17 p.68

HADITH

3609 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «كُنْ لِمَا لاَ تَرْجُو أَرْجَى مِنْكَ لِمَا تَرْجُو فَإِنَّ مُوسَى بْنَ عِمْرَانَ عَلَيْهِ اَلسَّلاَمُ خَرَجَ يَقْتَبِسُ لِأَهْلِهِ نَاراً فَكَلَّمَهُ اَللَّهُ عَزَّ وَ جَلَّ وَ رَجَعَ نَبِيّاً وَ خَرَجَتْ مَلِكَةُ، سَبَإٍ فَأَسْلَمَتْ مَعَ سُلَيْمَانَ عَلَيْهِ اَلسَّلاَمُ وَ خَرَجَتْ سَحَرَةُ فِرْعَوْنَ يَطْلُبُونَ اَلْعِزَّةَ لِفِرْعَوْنَ فَرَجَعُوا مُؤْمِنِينَ ».

H.3609 - Imam Ali ibn Abi Talib {a.s} said: "Be more hopeful for what you do not expect than for what you expect. Indeed, Moses, son of Imran {a.s}, went out to fetch fire for his family, but Allah {SWT}, the Almighty and Majestic, spoke to him, and he returned as a prophet. And the Queen of Sheba went out and embraced Islam with Solomon {a.s}. And the magicians of Pharaoh went out seeking honor for Pharaoh but returned as believers."

[REFERENCES] Fiqh Al-Ridha, Vol.1 p.359 • Al-Kafi, Vol.5 p.83 • Man La Yahduruhu Al-Faqih, Vol.3 p.165 • Man La Yahduruhu Al-Faqih, Vol.4 p.399 • Al-Amali (Lil-Saduq), Vol.1 p.178 • Tuhaf Al-'Uqul, Vol.1 p.208 • Rawdat Al-Wa'izin, Vol.2 p.502 • Mishkat Al-Anwar, Vol.1 p.117 • Al-Sarair, Vol.3 p.622 • Al-Wafi, Vol.17 p.67

HADITH

3610 - وَ قَالَ رَجُلٌ لِأَبِي اَلْحَسَنِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ عِدْنِي قَالَ «كَيْفَ أَعِدُكَ وَ أَنَا لِمَا لاَ أَرْجُو أَرْجَى مِنِّي لِمَا أَرْجُو».

H.3610 - A man said to Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s}:
"Promise me something."
Imam {a.s} replied: "How can I promise you, when I have more hope in what I do not expect than in what I do expect?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.165 • Al-Wafi, Vol.17 p.69 • Wasa'il Al-Shi'ah, Vol.17 p.53

HADITH

3611 - وَ رُوِيَ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَا سَدَّ اَللَّهُ عَزَّ وَ جَلَّ عَلَى مُؤْمِنٍ بَابَ رِزْقٍ إِلاَّ فَتَحَ اَللَّهُ لَهُ مَا هُوَ خَيْرٌ مِنْهُ».

H.3611 - It is narrated from Jamil ibn Darraj, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Allah {SWT}, the Almighty and Glorious, does not close a door of sustenance for a believer except that He opens for him what is better than it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Al-Wafi, Vol.17 p.70 • Wasa'il Al-Shi'ah, Vol.17 p.53

HADITH

3612 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «مَنْ أَتَاهُ اَللَّهُ عَزَّ وَ جَلَّ بِرِزْقٍ لَمْ يَخْطُ إِلَيْهِ بِرِجْلِهِ وَ لَمْ يَمُدَّ إِلَيْهِ يَدَهُ وَ لَمْ يَتَكَلَّمْ فِيهِ بِلِسَانِهِ وَ لَمْ يَشُدَّ إِلَيْهِ ثِيَابَهُ وَ لَمْ يَتَعَرَّضْ لَهُ كَانَ مِمَّنْ ذَكَرَهُ اَللَّهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ: ﴿ وَ مَنْ يَتَّقِ اَللَّهَ يَجْعَلْ لَهُ مَخْرَجاً وَ يَرْزُقْهُ مِنْ حَيْثُ لاٰ يَحْتَسِبُ ﴾ »

H.3612 - It is narrated by Al-Sakooni, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them) that
Imam Ali ibn Abi Talib {a.s} said:
"Whoever receives sustenance from Allah {SWT}, the Almighty and Glorious, without having walked towards it with his feet, nor extended his hand for it, nor spoken about it with his tongue, nor prepared himself for it by tightening his garments, nor exposed himself to acquire it - he is among those whom Allah {SWT}, the Almighty and Glorious, mentioned in His Book:
'And whoever fears Allah {SWT}, He will make a way out for him, and will provide for him from where he does not expect.'" (Surah At-Talaq 65:2-3)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Al-Wafi, Vol.17 p.70 • Tafsir Nur Al-Thaqalayn, Vol.5 p.356 • Tafsir Kanz Al-Daqaiq, Vol.13 p.306

HADITH

3613 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «اَلْمَعُونَةُ تَنْزِلُ مِنَ اَلسَّمَاءِ عَلَى قَدْرِ اَلْمَئُونَةِ».

H.3613 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said: "Assistance descends from the heavens in proportion to one's needs."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Man La Yahduruhu Al-Faqih, V.4 p.418 • Al-Ikhtisas, Vol.1 p.30 • Al-Wafi, Vol.17 p.112 • Wasa'il Al-Shi'ah, Vol.16 p.324 • Awalim Al-Uloom, Vol.20 p.689

HADITH

3614 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «غِنًى يَحْجُزُكَ عَنِ اَلظُّلْمِ خَيْرٌ مِنْ فَقْرٍ يَحْمِلُكَ عَلَى اَلْإِثْمِ».

H.3614 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Wealth that prevents you from committing oppression is better than poverty that leads you to sin."

[REFERENCES] Al-Kafi, Vol.5 p.72 • Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Tahdhib Al-Ahkam, Vol.6 p.328 • Majmu'at Warram, Vol.2 p.12 • Wasa'il Al-Shi'ah, Vol.17 p.31

HADITH

3615 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لاَ خَيْرَ فِيمَنْ لاَ يُحِبُّ جَمْعَ اَلْمَالِ مِنْ حَلاَلٍ فَيَكُفَّ بِهِ وَجْهَهُ وَ يَقْضِيَ بِهِ دَيْنَهُ وَ يَصِلَ بِهِ رَحِمَهُ».

H.3615 - Imam {a.s} said: "There is no good in one who does not desire to earn wealth through lawful means, so that he may protect his dignity, pay off his debts, and maintain ties of kinship."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.180

HADITH

3616 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مِنَ اَلْمُرُوءَةِ اِسْتِصْلاَحُ اَلْمَالِ».

H.3616 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "Part of honor and dignity is managing wealth properly."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Al-Khisal, Vol.1 p.10 • Ma'ani Al-Akhbar, Vol.1 p.258 • Al-Wafi, Vol.17 p.84 • Wasa'il Al-Shi'ah, Vol.11 p.435 • Wasa'il Al-Shi'ah, Vol.17 p.64 • Wasa'il Al-Shi'ah, Vol.17 p.64 • Bihar Al-Anwar, Vol.73 p.313 • Bihar Al-Anwar, Vol.100 p.4

HADITH

3617 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِصْلاَحُ اَلْمَالِ مِنَ اَلْإِيمَانِ».

H.3617 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Managing wealth properly is a part of faith."

[REFERENCES] Al-Kafi, Vol.5 p.87 • Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Al-Wafi, Vol.17 p.81 • Wasa'il Al-Shi'ah, Vol.17 p.63

HADITH

3618 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ يَصْلُحُ اَلْمَرْءُ اَلْمُسْلِمُ إِلاَّ بِثَلاَثٍ اَلتَّفَقُّهِ فِي اَلدِّينِ وَ اَلتَّقْدِيرِ فِي اَلْمَعِيشَةِ وَ اَلصَّبْرِ عَلَى اَلنَّائِبَةِ».

H.3618 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"A Muslim cannot be righteous except through three qualities: understanding the religion, managing livelihood wisely, and exercising patience in adversity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.166

HADITH

3619 - قَالَ وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِنَّ اَلنَّفْسَ إِذَا أَحْرَزَتْ قُوتَهَا اِسْتَقَرَّتْ».

H.3619 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "Indeed, when the soul secures its provision, it becomes content."

[REFERENCES] Al-Kafi, Vol.5 p.89 • Man La Yahduruhu Al-Faqih, Vol.3 p.166 • Al-Wafi, Vol.17 p.93 • Wasa'il Al-Shi'ah, Vol.17 p.434

HADITH

3620 - وَ سَأَلَ مُعَمَّرُ بْنُ خَلاَّدٍ أَبَا اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنْ حَبْسِ اَلطَّعَامِ سَنَةً فَقَالَ «أَنَا أَفْعَلُهُ».

يَعْنِي بِذَلِكَ إِحْرَازَ اَلْقُوتِ.

H.3620 - Mu'ammar ibn Khallad asked Abu al-Hasan Imam Ali ibn Musa Ar-Ridha {a.s} about storing food for a year.
Imam {a.s} replied: "I do it myself."

[AL SADUQ]
This indicates securing provisions.

HADITH

3621 - وَ رَوَى اِبْنُ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ : «مَا مِنْ نَفَقَةٍ أَحَبَّ إِلَى اَللَّهِ عَزَّ وَ جَلَّ مِنْ نَفَقَةِ قَصْدٍ وَ يُبْغِضُ اَلْإِسْرَافَ إِلاَّ فِي اَلْحَجِّ وَ اَلْعُمْرَةِ فَرَحِمَ اَللَّهُ مُؤْمِناً كَسَبَ طَيِّباً وَ أَنْفَقَ مِنْ قَصْدٍ أَوْ قَدَّمَ فَضْلاً ».

H.3621 - Ibn Abi Ya'fur narrated from Abu Abdullah Imam Jafar Al-Sadiq {a.s} that he said: "The Messenger of Allah {SWT} (peace be upon him and his family) said:
'There is no spending more beloved to Allah {SWT}, the Mighty and Majestic, than moderate spending. He {SWT} dislikes extravagance, except in Hajj and Umrah.
May Allah {SWT} have mercy on a believer who earns lawfully, spends moderately, or gives something in charity from his surplus.' "

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.167 • Al-Wafi, Vol.17 p.84 • Wasa'il Al-Shi'ah, Vol.11 p.149

HADITH

3622 - وَ قَالَ اَلْعَالِمُ عَلَيْهِ اَلسَّلاَمُ : «ضَمِنْتُ لِمَنِ اِقْتَصَدَ أَنْ لاَ يَفْتَقِرَ».

H.3622 - The Scholar, Imam {a.s} said: "I guarantee that whoever practices moderation will never become poor."

[REFERENCES] Fiqh Al-Ridha, Vol.1 p.255 • Al-Kafi, Vol.4 p.53 • Man La Yahduruhu Al-Faqih, Vol.2 p.64 • Man La Yahduruhu Al-Faqih, Vol.3 p.167 • Al-Khisal, Vol.1 p.9 • Al-Wafi, Vol.10 p.496 • Al-Wafi, Vol.17 p.84 • Wasa'il Al-Shi'ah, Vol.17 p.64 • Wasa'il Al-Shi'ah, Vol.21 p.552 • Wasa'il Al-Shi'ah, Vol.21 p.553

HADITH

3623 - وَ قَالَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ : «إِنَّ اَلرَّجُلَ لَيُنْفِقُ مَالَهُ فِي حَقٍّ وَ إِنَّهُ لَمُسْرِفٌ ».

H.3623 - Imam Ali ibn Al-Hussain {a.s} said:
"A man may spend his wealth on what is right, yet still be considered extravagant."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.167 • Al-Wafi, Vol.17 p.84 • Wasa'il Al-Shi'ah, Vol.17 p.65

HADITH

3624 - وَ رَوَى اَلْأَصْبَغُ بْنُ نُبَاتَةَ عَنْ أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «لِلْمُسْرِفِ ثَلاَثُ عَلاَمَاتٍ يَأْكُلُ مَا لَيْسَ لَهُ وَ يَشْتَرِي مَا لَيْسَ لَهُ وَ يَلْبَسُ مَا لَيْسَ لَهُ».

H.3624 - Al-Asbagh ibn Nubata narrated from Commander of the Faithful {a.s} that he said:
"The extravagant person has three signs: he eats what does not belong to him, buys what does not belong to him, and wears what does not belong to him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.167 • Al-Khisal, Vol.1 p.97 • Al-Wafi, Vol.17 p.85 • Wasa'il Al-Shi'ah, Vol.17 p.65 • Bihar Al-Anwar, Vol.72 p.303 • Tafsir Nur Al-Thaqalayn, Vol.1 p.772 • Tafsir Kanz Al-Daqaiq, Vol.4 p.462 • Mustadrak Al-Wasa'il, Vol.15 p.270

HADITH

3625 - وَ رَوَى أَبُو هِشَامٍ اَلْبَصْرِيُّ عَنْ اَلرِّضَا عَ أَنَّهُ قَالَ : «مِنَ اَلْفَسَادِ قَطْعُ اَلدِّرْهَمِ وَ اَلدِّينَارِ وَ طَرْحُ اَلنَّوَى ».

H.3625 - Abu Hisham al-Basri narrated from Imam Ali ibn Musa Ar-Ridha {a.s} that he said:
"Among the causes of corruption are the discontinuation of currency (dirham and dinar) and the discarding of date pits."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.167 • Al-Wafi, Vol.17 p.85 • Wasa'il Al-Shi'ah, Vol.5 p.52

HADITH

3626 - وَ سَأَلَ إِسْحَاقُ بْنُ عَمَّارٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ أَدْنَى اَلْإِسْرَافِ فَقَالَ «ثَوْبُ صَوْنِكَ تَبْتَذِلُهُ وَ فَضْلُ اَلْإِنَاءِ تُهَرِيقُهُ وَ قَذْفُكَ اَلنَّوَى هَكَذَا وَ هَكَذَا».

H.3626 - Ishaq ibn Ammar asked Abu Abdullah {a.s} about the least form of extravagance.
Imam {a.s} replied: "Wearing your garment of dignity for ordinary tasks, spilling the excess of what is in your vessel, and carelessly throwing away date pits like this and that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.167

HADITH

3627 - وَ رَوَى اَلْوَلِيدُ بْنُ صَبِيحٍ عَنِ اَلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «ثَلاَثَةٌ يَدْعُونَ فَلاَ يُسْتَجَابُ لَهُمْ» أَوْ قَالَ «يُرَدُّ عَلَيْهِمْ دُعَاؤُهُمْ رَجُلٌ كَانَ لَهُ مَالٌ كَثِيرٌ يَبْلُغُ ثَلاَثِينَ أَلْفاً أَوْ أَرْبَعِينَ أَلْفاً فَأَنْفَقَهُ فِي وُجُوهِهِ فَيَقُولُ اَللَّهُمَّ اُرْزُقْنِي فَيَقُولُ اَللَّهُ تَعَالَى أَ لَمْ أَرْزُقْكَ وَ رَجُلٌ أَمْسَكَ عَنِ اَلطَّلَبِ فَيَقُولُ اَللَّهُمَّ اُرْزُقْنِي فَيَقُولُ اَللَّهُ تَعَالَى أَ لَمْ أَجْعَلْ لَكَ اَلسَّبِيلَ إِلَى اَلطَّلَبِ وَ رَجُلٌ كَانَتْ عِنْدَهُ اِمْرَأَةٌ فَقَالَ اَللَّهُمَّ فَرِّقْ بَيْنِي وَ بَيْنَهَا فَيَقُولُ اَللَّهُ عَزَّ وَ جَلَّ أَ لَمْ أَجْعَلْ ذَلِكَ إِلَيْكَ».

H.3627 - Al-Walid ibn Sabih narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} that he said:
"Three people make supplications, but their prayers are not answered" - or he said: “their prayers are returned to them":
A man who had a large amount of wealth, reaching thirty thousand or forty thousand, and spent it without careful consideration. Then he says, 'O Allah {SWT}, provide for me.' Allah {SWT}, the Exalted, says, 'Did I not provide for you?'
A man who refrains from seeking sustenance and says, 'O Allah {SWT}, provide for me.' Allah {SWT}, the Exalted, says, 'Did I not make a way for you to seek provision?'
A man who had a wife and prays, 'O Allah {SWT}, separate me from her.' Allah {SWT}, the Almighty, says, 'Did I not give you the authority to handle this matter yourself?'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Al-Wafi, Vol.17 p.26

HADITH

3628 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «مِنْ سَعَادَةِ اَلْمَرْءِ أَنْ يَكُونَ اَلْقَيِّمَ عَلَى عِيَالِهِ ».

H.3628 - Imam {a.s} said: "Part of a man's happiness is that he is the caretaker of his family."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Al-Wafi, Vol.17 p.98 • Wasa’il Al-Shi’ah, Vol.17 p.68

HADITH

3629 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «كَفَى بِالْمَرْءِ إِثْماً أَنْ يُضَيِّعَ مَنْ يَعُولُ ».

H.3629 - Imam {a.s} said: "It is sufficient for a man to be sinful if he neglects those he is responsible for."

[REFERENCES] Al-Kafi, Vol.4 p.12 • Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Uddat Al-Da'i, Vol.1 p.82 • Al-Wafi, Vol.10 p.437 • Al-Wafi, Vol.17 p.98 • Wasa'il Al-Shi'ah, Vol.17 p.68 • Wasa'il Al-Shi'ah, Vol.21 p.542 • Bihar Al-Anwar, Vol.100 p.13 • Mustadrak Al-Wasa'il, Vol.14 p.252

HADITH

3630 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَلْعُونٌ مَلْعُونٌ مَنْ يُضَيِّعُ مَنْ يَعُولُ».

H.3630 - The Prophet (peace be upon him and his family) said:
"Cursed, cursed is the one who neglects those he is responsible for."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Uddat Al-Da'i, Vol.1 p.82 • Al-Wafi, Vol.17 p.98 • Wasa'il Al-Shi'ah, Vol.17 p.68

HADITH

3631 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «اَلْكَادُّ عَلَى عِيَالِهِ مِنْ حَلاَلٍ كَالْمُجَاهِدِ فِي سَبِيلِ اَللَّهِ».

H.3631 - Imam {a.s} said: "The one who strives to provide for his family through lawful means is like a warrior in the path of Allah {SWT}."

[REFERENCES] Al-Kafi, Vol.5 p.88 • Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Uddat Al-Da'i, Vol.1 p.82 • Awali Al-La'ali, Vol.1 p.268 • Awali Al-La'ali, Vol.2 p.109 • Awali Al-La'ali, Vol.3 p.199 • Al-Wafi, Vol.17 p.97 • Wasa'il Al-Shi'ah, Vol.17 p.66 • Bihar Al-Anwar, Vol.97 p.7 • Bihar Al-Anwar, Vol.100 p.13

HADITH

3632 - وَ رَوَى إِسْمَاعِيلُ بْنُ جَابِرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «لاَ تَتَعَرَّضُوا لِلْحُقُوقِ، فَإِذَا لَزِمَتْكُمْ فَاصْبِرُوا لَهَا».

H.3632 - Isma'il bin Jabir narrated from Abu Abdillah {a.s} that he said:
"Do not expose yourselves to obligations, but if they become binding upon you, then be patient with them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Al-Wafi, Vol.17 p.98 • Wasa'il Al-Shi'ah, Vol.16 p.327 • Wasa'il Al-Shi'ah, Vol.18 p.428 • Wasa'il Al-Shi'ah, Vol.23 p.304 • Al-Fusul Al-Muhimmah, Vol.2 p.276

HADITH

3633 - وَ قَالَ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : «لاَ تَبْذُلْ لِإِخْوَانِكَ مِنْ نَفْسِكَ مَا ضَرَرُهُ عَلَيْكَ أَكْثَرُ مِنْ نَفْعِهِ لَهُمْ ».

H.3633 - Imam Ali ibn Musa Ar-Ridha {a.s} said:
"Do not give to your brothers from yourself what causes you more harm than it benefits them."

[REFERENCES] Al-Kafi, Vol.4 p.32 • Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Al-Wafi, Vol.10 p.461 • Wasa'il Al-Shi'ah, Vol.16 p.316 • Wasa'il Al-Shi'ah, Vol.16 p.316

HADITH

3634 - وَ رَوَى عُمَرُ بْنُ يَزِيدَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «إِيَّاكَ وَ اَلْكَسَلَ وَ اَلضَّجَرَ فَإِنَّهُمَا مِفْتَاحُ كُلِّ سُوءٍ إِنَّهُ مَنْ كَسِلَ لَمْ يُؤَدِّ حَقّاً وَ مَنْ ضَجِرَ لَمْ يَصْبِرْ عَلَى حَقٍّ».

H.3634 - Abu Abdillah {a.s} said:
"Beware of laziness and restlessness, for they are the keys to every evil. Indeed, whoever is lazy will not fulfill a right, and whoever is restless will not endure upon the truth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.168 • Al-Wafi, Vol.17 p.75 • Wasa'il Al-Shi'ah, Vol.17 p.61

HADITH

3635 - وَ قَالَ أَبُو اَلْحَسَنِ مُوسَى بْنُ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : «إِنَّ اَللَّهَ تَعَالَى لَيُبْغِضُ اَلْعَبْدَ اَلنَّوَّامَ إِنَّ اَللَّهَ تَعَالَى لَيُبْغِضُ اَلْعَبْدَ اَلْفَارِغَ».

H.3635 - Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} said: "Indeed, Allah {SWT} the Exalted hates a servant who sleeps excessively. Indeed, Allah {SWT} the Exalted hates a servant who is idle."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.169 • Wasa'il Al-Shi'ah, Vol.17 p.58

HADITH

3636 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ لِبَشِيرٍ اَلنَّبَّالِ : «إِذَا رُزِقْتَ مِنْ شَيْءٍ فَالْزَمْهُ».

H.3636 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said to Bishir al-Nabbal:
"When you are granted provision from something, remain committed to it."

[REFERENCES] Al-Kafi, Vol.5 p.168 • Man La Yahduruhu Al-Faqih, Vol.3 p.169 • Shihab Al-Akhbar, Vol.1 p.151 • Tahdhib Al-Ahkam, Vol.7 p.14 • Al-Wafi, Vol.17 p.424 • Wasa'il Al-Shi'ah, Vol.17 p.441 • Al-Fusul Al-Muhimmah, Vol.2 p.248

HADITH

3637 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «شَكَا رَجُلٌ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلْحُرْفَةَ فَقَالَ «اُنْظُرْ بُيُوعاً فَاشْتَرِهَا ثُمَّ بِعْهَا فَمَا رَبِحْتَ فِيهِ فَالْزَمْهُ» ».

H.3637 - Ishaq ibn Ammar narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
A man complained to the Messenger of Allah {SWT} (peace and blessings be upon him and his family) about trade.
The Prophet said: “Look for merchandise, purchase it, and then sell it. Whatever you profit from it, remain committed to it."

[REFERENCES] Al-Kafi, Vol.5 p.168 • Man La Yahduruhu Al-Faqih, Vol.3 p.169 • Awali Al-La’ali, Vol.3 p.201 • Al-Wafi, Vol.17 p.423 • Wasa’il Al-Shi’ah, Vol.17 p.440

HADITH

3638 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «بَاشِرْ كِبَارَ أُمُورِكَ بِنَفْسِكَ وَ كِلْ مَا صَغُرَ مِنْهَا إِلَى غَيْرِكَ » فَقِيلَ ضَرْبُ أَيِّ شَيْءٍ فَقَالَ «ضَرْبُ أَشْرِيَةِ اَلْعَقَارِ وَ مَا أَشْبَهَهَا».

H.3638 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Handle your major affairs personally, and delegate the smaller ones to others."
It was asked: “What kind of tasks are you referring to?"
Imam {a.s} replied: “Matters like buying and selling properties and similar transactions."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.169

HADITH

3639 - وَ رُوِيَ عَنِ اَلْأَرْقَطِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَكُونَنَّ دَوَّاراً فِي اَلْأَسْوَاقِ وَ لاَ تَلِي شِرَاءَ دَقَائِقِ اَلْأَشْيَاءِ بِنَفْسِكَ فَإِنَّهُ لاَ يَنْبَغِي لِلْمَرْءِ اَلْمُسْلِمِ ذِي اَلدِّينِ وَ اَلْحَسَبِ أَنْ يَلِيَ شِرَاءَ دَقَائِقِ اَلْأَشْيَاءِ بِنَفْسِهِ مَا خَلاَ ثَلاَثَةَ أَشْيَاءَ فَإِنَّهُ يَنْبَغِي لِذِي اَلدِّينِ وَ اَلْحَسَبِ أَنْ يَلِيَهَا بِنَفْسِهِ اَلْعَقَارَ وَ اَلْإِبِلَ وَ اَلرَّقِيقَ».

H.3639 - It is narrated from Al-Arqat that Abu Abdillah {a.s} said:
"Do not spend your time wandering through markets, nor personally handle the purchase of minor goods. It does not befit a Muslim who possesses faith and honor to involve himself directly in purchasing small items - except in three matters.
It is proper for a man of faith and dignity to personally handle these three matters: buying real estate, camels, and slaves."

[REFERENCES] Al-Kafi, Vol.5 p.91 • Man La Yahduruhu Al-Faqih, Vol.3 p.169 • Al-Wafi, Vol.17 p.78 • Wasa’il Al-Shi’ah, Vol.17 p.73 • Al-Fusul Al-Muhimmah, Vol.3 p.386

HADITH

3640 - وَ رَوَى هِشَامُ بْنُ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَحْتَطِبُ وَ يَسْتَقِي وَ يَكْنُسُ وَ كَانَتْ فَاطِمَةُ عَلَيْهَا اَلسَّلاَمُ تَطْحَنُ وَ تَعْجِنُ وَ تَخْبِزُ».

H.3640 - Hisham ibn Salim narrated from Abu Abdillah {a.s} who said:
"Commander of the Faithful {a.s} used to gather firewood, draw water, and sweep, while Sayiida Fatimah {s.a} used to grind, knead, and bake."

[REFERENCES] Al-Kafi, Vol.5 p.86 • Man La Yahduruhu Al-Faqih, Vol.3 p.169 • Al-Amali (Lil-Tusi), Vol.1 p.660 • Al-Manaqib, Vol.2 p.104 • Majmu'at Warram, Vol.2 p.79 • Awali Al-La'ali, Vol.3 p.200 • Al-Wafi, Vol.17 p.77 • Wasa'il Al-Shi'ah, Vol.17 p.40 • Wasa'il Al-Shi'ah, Vol.17 p.62 • Wasa'il Al-Shi'ah, Vol.20 p.222

HADITH

3641 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مُشْتَرِي اَلْعَقَارِ مَرْزُوقٌ وَ بَائِعُ اَلْعَقَارِ مَمْحُوقٌ ».

H.3641 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The buyer of real estate is blessed, while the seller of real estate is deprived."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.169

HADITH

3642 - وَ رَوَى زُرَارَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَا يُخَلِّفُ اَلرَّجُلُ بَعْدَهُ شَيْئاً أَشَدَّ عَلَيْهِ مِنَ اَلْمَالِ اَلصَّامِتِ » قَالَ قُلْتُ لَهُ كَيْفَ يَصْنَعُ قَالَ «يَضَعُهُ فِي اَلْحَائِطِ وَ اَلْبُسْتَانِ وَ اَلدَّارِ».

H.3642 - Zurara narrated from Abu Abdillah {a.s}: "A man does not leave behind anything more burdensome upon him than silent wealth (hoarded wealth)."
I asked him, "What should he do with it?"
Imam {a.s} replied: "Invest it in walls, orchards, and houses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.170 • Kashf Al-Muhajjah, Vol.1 p.180 • Wasa'il Al-Shi'ah, Vol.17 p.69

HADITH

3643 - وَ رَوَى عَبْدُ اَلصَّمَدِ بْنُ بَشِيرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لَمَّا دَخَلَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلْمَدِينَةَ خَطَّ دُورَهَا بِرِجْلِهِ ثُمَّ قَالَ « اَللَّهُمَّ مَنْ بَاعَ رُقْعَةً مِنْ أَرْضٍ فَلاَ تُبَارِكْ فِيهِ » ».

H.3643 - Abdul-Samad ibn Bashir narrate from Muawiyah ibn Ammar from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"When the Messenger of Allah {SWT} entered Medina, he marked its houses with his foot and then said: 'O Allah {SWT}, do not bless anyone who sells a piece of land from it.' "

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.170

HADITH

3644 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «مَكْتُوبٌ فِي اَلتَّوْرَاةِ أَنَّهُ مَنْ بَاعَ أَرْضاً وَ مَاءً فَلَمْ يَضَعْ ثَمَنَهُ فِي أَرْضٍ وَ مَاءٍ ذَهَبَ ثَمَنُهُ مَحْقاً ».

H.3644 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"It is written in the Torah that whoever sells land and water, and does not invest its price in land and water, its price will be lost in ruin."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.170 • Kulliyat Hadith Qudsi, Vol.1 p.128 • Bihar Al-Anwar, Vol.13 p.360

HADITH

3645 - وَ رَوَى مُعَاوِيَةُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ كَسْبِ اَلْحَجَّامِ فَقَالَ «لاَ بَأْسَ بِهِ».

H.3645 - Mu'awiyah ibn Ammar narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
I asked him about the earnings of a cupper (bloodletter).
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.170 • Wasa'il Al-Shi'ah, Vol.17 p.104

HADITH

3646 - وَ نَهَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَنْ عَسِيبِ اَلْفَحْلِ وَ هُوَ أَجْرُ اَلضِّرَابِ.

H.3646 - The Messenger of Allah {SWT} (peace be upon him and his family) forbade 'Aseeb Al-Fahl', which is the fee for the mating of a stallion.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.170 • Al-Wafi, Vol.17 p.194 • Wasa'il Al-Shi'ah, Vol.17 p.111

HADITH

3647 - وَ سَأَلَهُ أَبُو بَصِيرٍ : عَنْ ثَمَنِ كَلْبِ اَلصَّيْدِ فَقَالَ «لاَ بَأْسَ بِثَمَنِهِ وَ اَلْآخَرُ لاَ يَحِلُّ ثَمَنُهُ».

H.3647 - Abu Basir asked him about the price of a hunting dog.
Imam {a.s} said: "There is no harm in its price, but as for the other type, its price is not permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.170

HADITH

3648 - وَ قَالَ : «أَجْرُ اَلزَّانِيَةِ سُحْتٌ وَ ثَمَنُ اَلْكَلْبِ اَلَّذِي لَيْسَ بِكَلْبِ اَلصَّيْدِ سُحْتٌ وَ ثَمَنُ اَلْخَمْرِ سُحْتٌ وَ أَجْرُ اَلْكَاهِنِ سُحْتٌ وَ ثَمَنُ اَلْمَيْتَةِ سُحْتٌ فَأَمَّا اَلرِّشَا فِي اَلْحُكْمِ فَهُوَ اَلْكُفْرُ بِاللَّهِ اَلْعَظِيمِ».

H.3648 – Imam {a.s} said:
"The wage of a prostitute is unlawful (suht), the price of a dog that is not a hunting dog is unlawful (suht), the price of wine is unlawful (suht), the earnings of a soothsayer are unlawful (suht), and the price of a dead animal is unlawful (suht). As for bribes in judgment, they amount to disbelief in Allah {SWT}, the Almighty."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.171 • Al-Wafi, Vol.17 p.279 • Wasa'il Al-Shi'ah, Vol.17 p.94

HADITH

3649 - وَ رُوِيَ : «أَنَّ أَجْرَ اَلْمُغَنِّي وَ اَلْمُغَنِّيَةِ سُحْتٌ ».

H.3649 - It is narrated: "The earnings of a male singer and a female singer are unlawful (suht)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.172 • Al-Wafi, Vol.17 p.208 • Al-Wafi, Vol.17 p.279 • Wasa'il Al-Shi'ah, Vol.17 p.307

HADITH

3650 - : وَ نَهَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَنْ أُجْرَةِ اَلْقَارِئِ اَلَّذِي لاَ يَقْرَأُ إِلاَّ عَلَى أَجْرٍ مَشْرُوطٍ.

H.3650 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, forbade taking payment for recitation by one who does not recite except on a stipulated fee.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.172 • Wasa'il Al-Shi'ah, Vol.17 p.156

HADITH

3651 - وَ رُوِيَ عَنِ اَلْحُسَيْنِ بْنِ اَلْمُخْتَارِ اَلْقَلاَنِسِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّا نَعْمَلُ اَلْقَلاَنِسَ فَنَجْعَلُ فِيهَا اَلْقُطْنَ اَلْعَتِيقَ فَنَبِيعُهَا وَ لاَ نُبَيِّنُ لَهُمْ مَا فِيهَا فَقَالَ «إِنِّي لَأُحِبُّ لَكَ أَنْ تُبَيِّنَ لَهُمْ مَا فِيهَا».

H.3651 - Al-Husayn ibn al-Mukhtar al-Qalanisi narrated:
I said to Abu Abdullah {a.s}, 'We make caps and place old cotton inside them, then sell them without informing the buyers of what is inside.'
Imam {a.s} replied: 'I would prefer that you inform them about what is inside.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.172 • Tahdhib Al-Ahkam, Vol.6 p.376 • Al-Wafi, Vol.17 p.286 • Wasa'il Al-Shi'ah, Vol.17 p.282

HADITH

3652 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ آكِلَ مَالِ اَلْيَتِيمِ سَيَلْحَقُهُ وَبَالُ ذَلِكَ فِي اَلدُّنْيَا وَ اَلْآخِرَةِ أَمَّا فِي اَلدُّنْيَا فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۝ وَ لْيَخْشَ اَلَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعٰافاً خٰافُوا عَلَيْهِمْ فَلْيَتَّقُوا اَللّٰهَ ۝ وَ أَمَّا فِي اَلْآخِرَةِ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۝ إِنَّ اَلَّذِينَ يَأْكُلُونَ أَمْوٰالَ اَلْيَتٰامىٰ ظُلْماً إِنَّمٰا يَأْكُلُونَ فِي بُطُونِهِمْ نٰاراً وَ سَيَصْلَوْنَ سَعِيراً ۝ »

H.3652 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Indeed, the one who consumes the wealth of an orphan will face its consequences both in this world and in the Hereafter.
As for this world, Allah {SWT}, the Almighty, says:
'And let those fear who, if they left behind weak offspring, would be afraid for them. So let them fear Allah {SWT}...' (Surah An-Nisa 4:9).
And as for the Hereafter, Allah {SWT}, the Almighty, says:
'Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze.' (Surah An-Nisa 4:10)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.173 • Al-Wafi, Vol.17 p.308 • Tafsir Al-Safi, Vol.1 p.425 • Wasa'il Al-Shi'ah, Vol.17 p.245 • Bihar Al-Anwar, Vol.76 p.272 • Tafsir Nur Al-Thaqalayn, Vol.1 p.448 • Tafsir Kanz Al-Daqaiq, Vol.3 p.342

HADITH

3653 - وَ كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ رَضِيَ اَللَّهُ عَنْهُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : رَجُلٌ يُبَذْرِقُ اَلْقَوَافِلَ مِنْ غَيْرِ أَمْرِ اَلسُّلْطَانِ فِي مَوْضِعٍ مُخِيفٍ وَ يُشَارِطُونَهُ عَلَى شَيْءٍ مُسَمًّى أَ لَهُ أَنْ يَأْخُذَهُ مِنْهُمْ أَمْ لاَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «إِذَا آجَرَ نَفْسَهُ بِشَيْءٍ مَعْرُوفٍ أَخَذَ حَقَّهُ إِنْ شَاءَ اَللَّهُ».

H.3653 - Muhammad bin Al-Hasan Al-Saffar, may Allah {SWT} be pleased with him, wrote to Imam Abu Muhammad Al-Hasan bin Ali {a.s} asking:
"A man escorts caravans without the order of the ruler in a fearful place, and they agree with him on a specific payment. Is it permissible for him to take it from them or not?"
Imam {a.s} said: "If he hires himself out for a well-known payment, he may take his due, Allah {SWT} willing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.173 • Tahdhib Al-Ahkam, Vol.6 p.385 • Al-Wafi, Vol.17 p.407

HADITH

3654 - وَ كَتَبَ مُحَمَّدُ بْنُ عِيسَى بْنِ عُبَيْدٍ اَلْيَقْطِينِيُّ إِلَى أَبِي اَلْحَسَنِ عَلِيِّ بْنِ مُحَمَّدٍ اَلْعَسْكَرِيِّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ دَفَعَ اِبْنَهُ إِلَى رَجُلٍ وَ سَلَّمَهُ مِنْهُ سَنَةً بِأُجْرَةٍ مَعْلُومَةٍ لِيَخِيطَ لَهُ ثُمَّ جَاءَ رَجُلٌ آخَرُ فَقَالَ لَهُ سَلِّمْ اِبْنَكَ مِنِّي سَنَةً بِزِيَادَةٍ هَلْ لَهُ اَلْخِيَارُ فِي ذَلِكَ وَ هَلْ يَجُوزُ لَهُ أَنْ يَفْسَخَ مَا وَافَقَ عَلَيْهِ اَلْأَوَّلُ أَمْ لاَ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ بِخَطِّهِ «يَجِبُ عَلَيْهِ اَلْوَفَاءُ لِلْأَوَّلِ مَا لَمْ يَعْرِضْ لِاِبْنِهِ مَرَضٌ أَوْ ضَعْفٌ».

H.3654 - Muhammad bin Isa bin Ubaid Al-Yaqtini wrote to Abu Al-Hasan Imam Ali bin Muhammad Al-Askari {a.s}, asking: "A man entrusted his son to another man and handed him over for a year with a known wage to sew for him. Then another man came and said to him, 'Hand over your son to me for a year with an increased wage.'
Does he have the choice in this matter, and is it permissible for him to revoke the agreement made with the first man or not?"
Imam {a.s} replied in his handwriting: 'He must fulfill the agreement with the first man unless his son faces illness or weakness.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.173

HADITH

3655 - وَ رَوَى مُحَمَّدُ بْنُ خَالِدٍ اَلْبَرْقِيُّ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ أَبِي اَلْحَسَنِ قَالَ : سَأَلْتُهُ عَنِ اَلْإِجَارَةِ فَقَالَ «صَالِحٌ لاَ بَأْسَ بِهَا إِذَا نَصَحَ قَدْرَ طَاقَتِهِ قَدْ آجَرَ نَفْسَهُ مُوسَى بْنُ عِمْرَانَ عَلَيْهِ اَلسَّلاَمُ وَ اِشْتَرَطَ قَالَ إِنْ شِئْتُ ثَمَانِياً وَ إِنْ شِئْتُ عَشْراً فَأَنْزَلَ اَللَّهُ تَعَالَى فِيهِ ﴿ عَلىٰ أَنْ تَأْجُرَنِي ثَمٰانِيَ حِجَجٍ فَإِنْ أَتْمَمْتَ عَشْراً فَمِنْ عِنْدِكَ ﴾ ».

H.3655 - Muhammad bin Khalid Al-Barqi narrated from Muhammad bin Sinan, who narrated from Abu Al-Hasan {a.s} that he said: I asked him about hiring (employment).
Imam {a.s} said: 'It is permissible and there is no harm in it as long as one does it sincerely and to the best of his ability. Indeed, Musa bin Imran {a.s} hired himself out and stipulated: "If you wish, for eight years, and if you wish, for ten years."
Then Allah {SWT}, the Exalted, revealed regarding him:
That you serve me for eight years, but if you complete ten, it will be of your own accord.'' (Surah Al-Qasas 28:27)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.173 • Awali Al-La'ali, Vol.3 p.254

HADITH

3656 - وَ رَوَى مُحَمَّدُ بْنُ عَمْرِو بْنِ أَبِي اَلْمِقْدَامِ عَنْ عَمَّارٍ اَلسَّابَاطِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَتَّجِرُ وَ إِنْ هُوَ آجَرَ نَفْسَهُ أُعْطِيَ أَكْثَرَ مِمَّا يُصِيبُ فِي تِجَارَتِهِ قَالَ «لاَ يُؤَاجِرْ نَفْسَهُ وَ لَكِنْ يَسْتَرْزِقُ اَللَّهَ تَعَالَى وَ يَتَّجِرُ فَإِنَّهُ إِذَا آجَرَ نَفْسَهُ حَظَرَ عَلَى نَفْسِهِ اَلرِّزْقَ».

H.3656 - Muhammad bin Amr bin Abi Al-Miqdam narrated from Ammar Al-Sabati, who said: I asked Abu Abdullah {a.s}, about a man who trades but, if he hires himself out, earns more than he does in his trade.
Imam {a.s} said: 'He should not hire himself out but rather seek sustenance from Allah {SWT}, and continue trading. For if he hires himself out, he will restrict his sustenance.'

[REFERENCES] Al-Kafi, Vol.5 p.90 • Man La Yahduruhu Al-Faqih, Vol.3 p.174 • Tahdhib Al-Ahkam, Vol.6 p.353 • Al-Istibsar, Vol.3 p.55 • Fiqh Al-Quran, Vol.2 p.25 • Awali Al-La'ali, Vol.3 p.201 • Awali Al-La'ali, Vol.3 p.254 • Al-Wafi, Vol.17 p.148 • Wasa'il Al-Shi'ah, Vol.17 p.239

HADITH

3657 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مُحَمَّدٍ اَلْجُعْفِيُّ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ آجَرَ نَفْسَهُ فَقَدْ حَظَرَ عَلَيْهَا اَلرِّزْقَ وَ كَيْفَ لاَ يَحْظُرُ عَلَيْهَا اَلرِّزْقَ وَ مَا أَصَابَ فَهُوَ لِرَبِّ آجَرَهُ».

H.3657 - Abdullah bin Muhammad Al-Ju'fi narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
'Whoever hires himself out has restricted his sustenance. And how could he not restrict his sustenance when whatever he earns belongs to the master who hired him?'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.174 • Wasa'il Al-Shi'ah, Vol.17 p.239

HADITH

3658 - وَ رَوَى هَارُونُ بْنُ حَمْزَةَ اَلْغَنَوِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ اِسْتَأْجَرَ أَجِيراً فَلَمْ يَأْمَنْ أَحَدُهُمَا صَاحِبَهُ فَوَضَعَ اَلْأَجْرَ عَلَى يَدَيْ رَجُلٍ فَهَلَكَ ذَلِكَ اَلرَّجُلُ وَ لَمْ يَدَعْ وَفَاءً وَ اُسْتُهْلِكَ اَلْأَجْرُ فَقَالَ «اَلْمُسْتَأْجِرُ ضَامِنٌ لِأَجْرِ اَلْأَجِيرِ حَتَّى يَقْضِيَ إِلاَّ أَنْ يَكُونَ اَلْأَجِيرُ دَعَاهُ إِلَى ذَلِكَ فَرَضِيَ بِهِ فَإِنْ فَعَلَ فَحَقُّهُ حَيْثُ وَضَعَهُ وَ رَضِيَ بِهِ».

H.3658 - Harun bin Hamzah Al-Ghanawi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked him about a man who hired a laborer, but neither of them trusted the other, so they deposited the wages with a third person. Then that third person died without leaving anything to cover the wages, and the wages were lost.
Imam {a.s} said: 'The employer is responsible for the wages of the laborer until they are settled, unless the laborer had invited the employer to do so and agreed to it. If he did, then his right is where he placed it and what he agreed upon.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.174 • Al-Wafi, Vol.18 p.943 • Wasa'il Al-Shi'ah, Vol.19 p.109

HADITH

3659 - وَ رَوَى عُبَيْدُ بْنُ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : لَهُ «يَا عُبَيْدُ إِنَّ اَلسَّرَفَ يُورِثُ اَلْفَقْرَ وَ إِنَّ اَلْقَصْدَ يُورِثُ اَلْغِنَى».

H.3659 - Ubayd bin Zurarah narrated from Abu Abdullah Imam Jafar Al-Sadiq {a.s}, that he said to him:
'O Ubayd, extravagance leads to poverty, and moderation leads to wealth.'

[REFERENCES] Al-Kafi, Vol.4 p.53 • Man La Yahduruhu Al-Faqih, Vol.3 p.174 • Al-Wafi, Vol.10 p.497 • Al-Wafi, Vol.17 p.84 • Wasa'il Al-Shi'ah, Vol.17 p.64 • Wasa'il Al-Shi'ah, Vol.21 p.552

HADITH

3660 - وَ سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يُعَالِجُ اَلدَّوَاءَ لِلنَّاسِ فَيَأْخُذُ عَلَيْهِ جُعْلاً قَالَ «لاَ بَأْسَ بِهِ».

H.3660 - Muhammad bin Muslim asked Abu Ja'far Imam Muhammad Al-Baqir {a.s}, about a man who prepares medicine for people and takes a fee for it.
Imam {a.s} said: 'There is no harm in it.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.175 • Tahdhib Al-Ahkam, Vol.6 p.375 • Al-Wafi, Vol.17 p.407 • Wasa'il Al-Shi'ah, Vol.17 p.278 • Bihar Al-Anwar, Vol.59 p.72

HADITH

3661 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ اَلْحَسَنِ بْنِ رِبَاطٍ عَنْ أَبِي سَارَةَ عَنْ هِنْدٍ اَلسَّرَّاجِ قَالَ : قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَصْلَحَكَ اَللَّهُ إِنِّي كُنْتُ أَحْمِلُ اَلسِّلاَحَ إِلَى أَهْلِ اَلشَّامِ فَأَبِيعُهُ مِنْهُمْ فَلَمَّا عَرَّفَنِيَ اَللَّهُ هَذَا اَلْأَمْرَ ضِقْتُ بِذَلِكَ اَلسِّلاَحِ قُلْتُ لاَ أَحْمِلُ إِلَى أَعْدَاءِ اَللَّهِ قَالَ «اِحْمِلْ إِلَيْهِمْ وَ بِعْهُمْ فَإِنَّ اَللَّهَ تَعَالَى يَدْفَعُ بِهِمْ عَدُوَّنَا وَ عَدُوَّكُمْ يَعْنِي اَلرُّومَ » قَالَ «فَإِذَا كَانَتِ اَلْحَرْبُ بَيْنَنَا وَ بَيْنَهُمْ فَمَنْ حَمَلَ إِلَى عَدُوِّنَا سِلاَحاً يَسْتَعِينُونَ بِهِ عَلَيْنَا فَهُوَ مُشْرِكٌ».

H.3661 - Al-Hasan bin Mahbub narrated from Ali bin al-Hasan bin Ribaat, from Abu Sarah, from Hind al-Sarraj, who said:
I said to Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}: 'May Allah {SWT} set you aright. I used to carry weapons to the people of Sham and sell them.
But when Allah {SWT} made me aware of this matter, I became distressed about that weaponry. I said, I will not carry it to the enemies of Allah {SWT}.'
Imam {a.s} said: 'Carry it to them and sell it, for Allah {SWT}, the Exalted, uses them to repel our enemies and your enemies, meaning the Romans.'
Imam {a.s} continued, 'But if there is a war between us and them, whoever carries weapons to our enemy that they use against us is a polytheist.'

[REFERENCES] Al-Kafi, Vol.5 p.112 • Man La Yahduruhu Al-Faqih, Vol.3 p.175 • Al-Wafi, Vol.17 p.174 • Wasa'il Al-Shi'ah, Vol.17 p.101

HADITH

3662 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي وَلاَّدٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ مَا تَرَى فِي اَلرَّجُلِ يَلِي أَعْمَالَ اَلسُّلْطَانِ لَيْسَ لَهُ مَكْسَبٌ إِلاَّ مِنْ أَعْمَالِهِمْ وَ أَنَا أَمُرُّ بِهِ وَ أَنْزِلُ عَلَيْهِ فَيُضِيفُنِي وَ يُحْسِنُ إِلَيَّ وَ رُبَّمَا أَمَرَ لِي بِالدَّرَاهِمِ وَ اَلْكِسْوَةِ وَ قَدْ ضَاقَ صَدْرِي مِنْ ذَلِكَ فَقَالَ لِي «خُذْ وَ كُلْ مِنْهُ فَلَكَ اَلْمَهْنَأُ وَ عَلَيْهِ اَلْوِزْرُ».

H.3662 - Al-Hasan bin Mahbub narrate from Abu Walad who said: I said to Abu Abdullah {a.s}, 'What do you think about a man who holds positions in the service of the Sultan and has no means of livelihood except through his work for them?
I pass by him, and he hosts me, treats me kindly, and sometimes gives me dirhams and clothing. I feel uneasy about this.'
Imam {a.s} said to me: 'Take it and eat from it, for the benefit is yours, and the sin is upon him.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.175 • Tahdhib Al-Ahkam, Vol.6 p.338 • Al-Wafi, Vol.17 p.161 • Wasa'il Al-Shi'ah, Vol.17 p.213

HADITH

3663 - وَ رُوِيَ عَنْ أَبِي اَلْمَغْرَاءِ قَالَ : سَأَلَ رَجُلٌ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ أَنَا عِنْدَهُ فَقَالَ أَصْلَحَكَ اَللَّهُ أَمُرُّ بِالْعَامِلِ أَوْ آتِي اَلْعَامِلَ فَيُجِيزُنِي بِالدَّرَاهِمِ آخُذُهَا قَالَ «نَعَمْ» قُلْتُ وَ أَحُجُّ بِهَا قَالَ «نَعَمْ وَ حُجَّ بِهَا».

H.3663 - It is narrated from Abu al-Maghra, who said: A man asked Abu Abdullah {a.s}, while I was present, 'May Allah {SWT} rectify your affairs. I pass by the official or go to the official, and he grants me dirhams. Should I take them?'
Imam {a.s} said: 'Yes.'
I asked: 'Can I perform Hajj with them?'
Imam {a.s} said: 'Yes, and perform Hajj with them.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.175 • Tahdhib Al-Ahkam, Vol.6 p.338 • Wasa'il Al-Shi'ah, Vol.17 p.213

HADITH

3664 - وَ رَوَى عَلِيُّ بْنُ يَقْطِينٍ قَالَ قَالَ لِي أَبُو اَلْحَسَنِ مُوسَى بْنُ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : «إِنَّ لِلَّهِ تَبَارَكَ وَ تَعَالَى مَعَ اَلسُّلْطَانِ أَوْلِيَاءَ يَدْفَعُ بِهِمْ عَنْ أَوْلِيَائِهِ ».

H.3664 - It is narrated from Ali ibn Yaqtin who said:
Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} said to me: 'Indeed, Allah {SWT}, Blessed and Exalted, has allies among the rulers through whom He {SWT} repels harm from His {SWT} friends.'

[REFERENCES] Al-Kafi, Vol.5 p.112 • Man La Yahduruhu Al-Faqih, Vol.3 p.176 • Al-Wafi, Vol.17 p.169 • Wasa'il Al-Shi'ah, Vol.17 p.192 • Wasa'il Al-Shi'ah, Vol.17 p.193

HADITH

3665 - وَ فِي خَبَرٍ آخَرَ : «أُولَئِكَ عُتَقَاءُ اَللَّهِ مِنَ اَلنَّارِ».

H.3665 - And in another narration: "They are the freed ones of Allah {SWT} from the Fire."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.176

HADITH

3666 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كَفَّارَةُ عَمَلِ اَلسُّلْطَانِ قَضَاءُ حَوَائِجِ اَلْإِخْوَانِ».

H.3666 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The expiation for working for the ruler is fulfilling the needs of the brothers."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.176 • Man La Yahduruhu Al-Faqih, Vol.3 p.378 • Mishkat Al-Anwar, Vol.1 p.101 • Mishkat Al-Anwar, Vol.1 p.316 • Awali Al-La'ali, Vol.1 p.314 • Al-Wafi, Vol.17 p.169 • Wasa'il Al-Shi'ah, Vol.17 p.192 • Wasa'il Al-Shi'ah, Vol.22 p.403 • Awalim Al-Uloom, Vol.20 p.791

HADITH

3667 - وَ رُوِيَ عَنْ عُبَيْدِ بْنِ زُرَارَةَ أَنَّهُ قَالَ : بَعَثَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلاً إِلَى زِيَادِ بْنِ عُبَيْدِ اَللَّهِ فَقَالَ «وَلِّ ذَا بَعْضَ عَمَلِكَ».

H.3667 - It is narrated from Ubayd ibn Zurarah that he said:
Abu Abdillah {a.s} sent a man to Ziyad ibn Ubaydillah and said: "Appoint this person to some of your work."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.176

HADITH

3668 - رَوَى حَرِيزٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ لِابْنِهِ مَالٌ فَاحْتَاجَ إِلَيْهِ اَلْأَبُ قَالَ «يَأْكُلُ مِنْهُ وَ أَمَّا اَلْأُمُّ فَلاَ تَأْخُذْ مِنْهُ إِلاَّ قَرْضاً عَلَى نَفْسِهَا».

H.3668 - Hariz narrated from Muhammad ibn Muslim who said:
I asked him about a man whose son has wealth, and the father is in need of it.
Imam {a.s} said: "He may take from it, but as for the mother, she should not take from it except as a loan upon herself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.176

HADITH

3669 - وَ رَوَى اَلْحُسَيْنُ بْنُ أَبِي اَلْعَلاَءِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ مَا يَحِلُّ لِلرَّجُلِ مِنْ مَالِ وُلْدِهِ قَالَ «قُوتُهُ بِغَيْرِ سَرَفٍ إِذَا اُضْطُرَّ إِلَيْهِ » قَالَ فَقُلْتُ لَهُ فَقَوْلُ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَنْتَ وَ مَالُكَ لِأَبِيكَ» فَقَالَ «إِنَّمَا جَاءَ بِأَبِيهِ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ يَا رَسُولَ اَللَّهِ هَذَا أَبِي وَ قَدْ ظَلَمَنِي مِيرَاثِي مِنْ أُمِّي فَأَخْبَرَهُ اَلْأَبُ أَنَّهُ قَدْ أَنْفَقَهُ عَلَيْهِ وَ عَلَى نَفْسِهِ فَقَالَ «أَنْتَ وَ مَالُكَ لِأَبِيكَ» وَ لَمْ يَكُنْ عِنْدَ اَلرَّجُلِ شَيْءٌ أَ فَكَانَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَحْبِسُ أَباً لِابْنٍ».

H.3669 - Al-Husayn ibn Abi Al-Ala narrated that he said:
I said to Abu Abdillah {a.s}, "What is permissible for a man to take from the wealth of his child?" Imam {a.s} said: “His sustenance without extravagance if he is in need."
He said: “I then asked him about the saying of the Messenger of Allah {SWT} (peace be upon him and his family), 'You and your wealth belong to your father.'"
Imam {a.s} replied: “Indeed, the father brought his case to the Messenger of Allah {SWT} (peace be upon him and his family) and said: ‘O Messenger of Allah {SWT}, this is my son, and he has wronged me concerning my inheritance from his mother.'
The father then informed him that he had spent it on him and on himself. So, the Prophet (peace be upon him and his family) said: ‘You and your wealth belong to your father.'
The man had nothing left with him, so would the Messenger of Allah {SWT} (peace be upon him and his family) imprison a father for the sake of his son?'"

[REFERENCES] Al-Kafi, Vol.5 p.136 • Man La Yahduruhu Al-Faqih, Vol.3 p.177 • Ma’ani Al-Akhbar, Vol.1 p.155 • Tahdhib Al-Ahkam, Vol.6 p.344 • Al-Istibsar, Vol.3 p.49 • Al-Wafi, Vol.17 p.323 • Tafsir Al-Safi, Vol.3 p.448 • Wasa’il Al-Shi’ah, Vol.17 p.265 • Bihar Al-Anwar, Vol.100 p.74 • Tafsir Nur Al-Thaqalayn, Vol.3 p.626

HADITH

3670 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لَيْسَ لِلْمَرْأَةِ مَعَ زَوْجِهَا أَمْرٌ فِي عِتْقٍ وَ لاَ صَدَقَةٍ وَ لاَ تَدْبِيرٍ وَ لاَ هِبَةٍ وَ لاَ نَذْرٍ فِي مَالِهَا إِلاَّ بِإِذْنِ زَوْجِهَا إِلاَّ فِي زَكَاةٍ أَوْ بِرِّ وَالِدَيْهَا أَوْ صِلَةِ قَرَابَتِهَا».

H.3670 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, from Abu Abdillah {a.s}, who said: "A woman has no authority with her husband regarding emancipation, charity, endowment, gift, or vow concerning her wealth, except with her husband's permission - except in the case of Zakat, kindness to her parents, or maintaining ties with her relatives."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.177 • Man La Yahduruhu Al-Faqih, Vol.3 p.438 • Tahdhib Al-Ahkam, Vol.7 p.462 • Tahdhib Al-Ahkam, Vol.8 p.257 • Makarim Al-Akhlaq, Vol.1 p.214 • Al-Wafi, Vol.10 p.537 • Wasa’il Al-Shi’ah, Vol.19 p.214 • Wasa’il Al-Shi’ah, Vol.23 p.80 • Wasa’il Al-Shi’ah, Vol.23 p.315 • Al-Fusul Al-Muhimmah, Vol.2 p.414

HADITH

3671 - وَ - قِيلَ لِلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ إِنَّ اَلنَّاسَ يَرْوُونَ عَنْ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَنَّهُ قَالَ «إِنَّ اَلصَّدَقَةَ لاَ تَحِلُّ لِغَنِيٍّ وَ لاَ لِذِي مِرَّةٍ سَوِيٍّ» فَقَالَ عَلَيْهِ اَلسَّلاَمُ «قَدْ قَالَ لِغَنِيٍّ وَ لَمْ يَقُلْ لِذِي مِرَّةٍ سَوِيٍّ».

H.3671 - It was said to Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"People narrate from the Messenger of Allah {SWT} (peace be upon him and his family) that he said: 'Charity is not permissible for a wealthy person nor for one who is strong and able-bodied.'"
Imam {a.s} replied: "He {saws} indeed said it is not permissible for a wealthy person, but he {saws} did not say for one who is strong and able-bodied."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.177 • Al-Wafi, Vol.10 p.174 • Wasa'il Al-Shi'ah, Vol.9 p.232

HADITH

3672 - وَ رَوَى أَبُو اَلْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لَإِسْمَاعُ اَلْأَصَمِّ مِنْ غَيْرِ ضَجَرٍ صَدَقَةٌ هَنِيئَةٌ».

H.3672 - Abu Al-Bakhtari narrated from Abu Abdillah {a.s} who said:
"Helping a deaf person to hear without annoyance is a pleasant charity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.178 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.139 • Mishkat Al-Anwar, Vol.1 p.220 • Al-Wafi, Vol.10 p.400 • Wasa'il Al-Shi'ah, Vol.12 p.134 • Bihar Al-Anwar, Vol.71 p.388 • Awalim Al-Uloom, Vol.20 p.715

HADITH

3673 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لِرَجُلٍ «أَصْبَحْتَ صَائِماً» قَالَ لاَ قَالَ «فَعُدْتَ مَرِيضاً» قَالَ لاَ قَالَ «فَاتَّبَعْتَ جَنَازَةً» قَالَ لاَ قَالَ «فَأَطْعَمْتَ مِسْكِيناً» قَالَ لاَ قَالَ «فَارْجِعْ إِلَى أَهْلِكَ فَأَصِبْهُمْ فَإِنَّهُ مِنْكَ عَلَيْهِمْ صَدَقَةٌ».

H.3673 - The Prophet (peace be upon him and his family) said to a man:
"Did you wake up fasting?"
He replied: "No."
He {saws} said: "Then did you visit a sick person?"
He replied: "No."
He {saws} said: "Then did you follow a funeral procession?"
He replied: "No."
He {saws} said: "Then did you feed a poor person?"
He replied: "No."
He {saws} said: "Then return to your family and be with them, for that is a charity from you to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.178 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.139 • Al-Wafi, Vol.10 p.399 • Wasa'il Al-Shi'ah, Vol.9 p.385 • Bihar Al-Anwar, Vol.100 p.289

HADITH

3674 - وَ أَتَى رَجُلٌ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَقَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ وَ اَللَّهِ إِنِّي لَأُحِبُّكَ فَقَالَ لَهُ «وَ لَكِنِّي أُبْغِضُكَ» قَالَ وَ لِمَ قَالَ «لِأَنَّكَ تَبْغِي فِي اَلْأَذَانِ كَسْباً وَ تَأْخُذُ عَلَى تَعْلِيمِ اَلْقُرْآنِ أَجْراً».

H.3674 - A man came to the Commander of the Faithful {a.s} and said:
"O Commander of the Faithful, by Allah {SWT}, I love you."
Imam {a.s} said to him: "But I dislike you."
The man asked: "Why?"
Imam {a.s} replied: "Because you seek profit through the call to prayer (Adhan) and take payment for teaching the Quran."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.178 • Al-Wafi, Vol.7 p.592 • Wasa'il Al-Shi'ah, Vol.5 p.447

HADITH

3675 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «مَنْ أَخَذَ عَلَى تَعْلِيمِ اَلْقُرْآنِ أَجْراً كَانَ حَظُّهُ يَوْمَ اَلْقِيَامَةِ ».

H.3675 - Imam Ali ibn Abi Talib {a.s} said:
"Whoever takes payment for teaching the Quran, his share will be [taken] on the Day of Judgment."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.178 • Wasa'il Al-Shi'ah, Vol.17 p.156

HADITH

3676 - وَ رَوَى اَلْحَكَمُ بْنُ مِسْكِينٍ عَنْ قُتَيْبَةَ بْنِ اَلْأَعْشَى قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي أَقْرَأُ اَلْقُرْآنَ فَتُهْدَى إِلَيَّ اَلْهَدِيَّةُ فَأَقْبَلُهَا قَالَ «لاَ» قُلْتُ إِنْ لَمْ أُشَارِطْهُ قَالَ «أَ رَأَيْتَ إِنْ لَمْ تَقْرَأْهُ أَ كَانَ يُهْدِي لَكَ» قَالَ قُلْتُ لاَ قَالَ «فَلاَ تَقْبَلْهُ».

H.3676 - Al-Hakam ibn Miskin narrated from Qutaybah ibn Al-A'sha who said:
I said to Abu Abdillah {a.s}, "I recite the Quran, and gifts are given to me - should I accept them?"
Imam {a.s} said: "No."
I said: "What if I did not stipulate it (as a condition)?"
Imam {a.s} said: "Tell me, if you had not recited it, would they have given you a gift?"
I said: "No."
Imam {a.s} said: "Then do not accept it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.179 • Tahdhib Al-Ahkam, Vol.6 p.365 • Al-Istibsar, Vol.3 p.66 • Al-Wafi, Vol.17 p.239 • Wasa'il Al-Shi'ah, Vol.17 p.155

HADITH

3677 - وَ رُوِيَ عَنْ عِيسَى بْنِ شَقَفِيٍّ : وَ كَانَ سَاحِراً يَأْتِيهِ اَلنَّاسُ وَ يَأْخُذُ عَلَى ذَلِكَ اَلْأَجْرَ قَالَ فَحَجَجْتُ فَلَقِيتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ بِمِنًى فَقُلْتُ لَهُ جُعِلْتُ فِدَاكَ أَنَا رَجُلٌ كَانَتْ صِنَاعَتِي اَلسِّحْرَ وَ كُنْتُ آخُذُ عَلَيْهِ اَلْأَجْرَ وَ قَدْ حَجَجْتُ وَ مَنَّ اَللَّهُ عَزَّ وَ جَلَّ عَلَيَّ بِلِقَائِكَ وَ قَدْ تُبْتُ إِلَى اَللَّهِ فَهَلْ لِي فِي شَيْءٍ مِنْهُ مَخْرَجٌ فَقَالَ «نَعَمْ حُلَّ وَ لاَ تَعْقِدْ».

H.3677 - It is narrated from Isa ibn Shaqafi, who was a sorcerer to whom people would come, and he used to take payment for it.
He said: I performed Hajj and met Abu Abdillah {a.s} in Mina.
I said to Him {a.s}: "May I be your ransom! I am a man whose profession was sorcery, and I used to take payment for it. I have performed Hajj, and Allah {SWT}, the Mighty and Exalted, has blessed me with meeting you, and I have repented to Allah {SWT}. Is there any way out for me regarding it?"
Imam {a.s} said: “Yes, undo (the spells) and do not tie (them)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.180 • Bihar Al-Anwar, Vol.76 p.210

HADITH

3678 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ مَرَّ بِبَسَاتِينَ فَلاَ بَأْسَ بِأَنْ يَأْكُلَ مِنْ ثِمَارِهَا وَ لاَ يَحْمِلْ مَعَهُ مِنْهَا شَيْئاً».

H.3678 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever passes by orchards, there is no harm in eating from their fruits, but he should not carry anything from them with him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.180 • Al-Wafi, Vol.18 p.1077 • Wasa’il Al-Shi’ah, Vol.18 p.228

CHAPTER 59 – CHAPTER ON DEBT AND LOAN

بَابُ الدَّيْنِ وَ الْقَرْضِ

HADITH 3679 – 3716

3679 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «تَعَوَّذُوا بِاللَّهِ مِنْ غَلَبَةِ اَلدَّيْنِ وَ غَلَبَةِ اَلرِّجَالِ وَ بَوَارِ اَلْأَيِّمِ ».

H.3679 - Al-Hasan ibn Mahbub narrated from Abdur-Rahman ibn Al-Hajjaj, from Abu Abdillah {a.s}, who said: "Seek refuge with Allah {SWT} from the burden of debt, the dominance of men, and the ruin of the unmarried."

[REFERENCES] Al-Kafi, Vol.5 p.92 • Man La Yahduruhu Al-Faqih, Vol.3 p.181 • Tahdhib Al-Ahkam, Vol.6 p.183 • Al-Wafi, Vol.17 p.140 • Wasa'il Al-Shi'ah, Vol.18 p.315

HADITH

3680 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِيَّاكُمْ وَ اَلدَّيْنَ فَإِنَّهُ شَيْنٌ لِلدِّينِ».

H.3680 - Al-Sakuni narrated from Imam Jafar Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said that the Messenger of Allah {SWT} (peace be upon him and his family) said: "Beware of debt, for it is a disgrace to religion."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.181 • Wasa'il Al-Shi'ah, Vol.18 p.315

HADITH

3681 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «إِيَّاكُمْ وَ اَلدَّيْنَ فَإِنَّهُ هَمٌّ بِاللَّيْلِ وَ ذُلٌّ بِالنَّهَارِ».

H.3681 - Imam Ali ibn Abi Talib {a.s} said: "Beware of debt, for it is worry at night and humiliation during the day."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.182 • Ilal Al-Shara'i', Vol.2 p.527 • Al-Wafi, Vol.17 p.144 • Wasa'il Al-Shi'ah, Vol.18 p.316 • Bihar Al-Anwar, Vol.100 p.141

HADITH

3682 - وَ قَالَ عَلِيٌّ عَ : «إِيَّاكُمْ وَ اَلدَّيْنَ فَإِنَّهُ مَذَلَّةٌ بِالنَّهَارِ وَ مَهَمَّةٌ بِاللَّيْلِ وَ قَضَاءٌ فِي اَلدُّنْيَا وَ قَضَاءٌ فِي اَلْآخِرَةِ».

H.3682 - Imam Ali ibn Abi Talib {a.s} said:
"Beware of debt, for it is humiliation during the day, worry at night, accountability in this world, and accountability in the Hereafter."

[REFERENCES] Al-Kafi, Vol.5 p.95 • Man La Yahduruhu Al-Faqih, Vol.3 p.182 • Ilal Al-Shara'i', Vol.2 p.527 • Tahdhib Al-Ahkam, Vol.6 p.183 • Al-Wafi, Vol.17 p.141 • Wasa'il Al-Shi'ah, Vol.18 p.316 • Wasa'il Al-Shi'ah, Vol.18 p.327 • Bihar Al-Anwar, Vol.100 p.141

HADITH

3683 - وَ رُوِيَ عَنْ مُعَاوِيَةَ بْنِ وَهْبٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّهُ ذُكِرَ لَنَا أَنَّ رَجُلاً مِنَ اَلْأَنْصَارِ مَاتَ وَ عَلَيْهِ دِينَارَانِ دَيْناً فَلَمْ يُصَلِّ عَلَيْهِ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ قَالَ «صَلُّوا عَلَى أَخِيكُمْ حَتَّى ضَمِنَهُمَا عَنْهُ بَعْضُ قَرَابَاتِهِ» فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «ذَاكَ اَلْحَقُّ» ثُمَّ قَالَ «إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِنَّمَا فَعَلَ ذَلِكَ لِيَتَّعِظُوا وَ لِيَزْدَ بَعْضُهُمْ عَلَى بَعْضٍ وَ لِئَلاَّ يَسْتَخِفُّوا بِالدَّيْنِ وَ قَدْ مَاتَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ عَلَيْهِ دَيْنٌ وَ قُتِلَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ وَ عَلَيْهِ دَيْنٌ وَ مَاتَ اَلْحَسَنُ عَلَيْهِ اَلسَّلاَمُ وَ عَلَيْهِ دَيْنٌ وَ قُتِلَ اَلْحُسَيْنُ عَلَيْهِ اَلسَّلاَمُ وَ عَلَيْهِ دَيْنٌ».

H.3683 - It is narrated from Mu'awiyah ibn Wahb who said:
I said to Abu Abdillah {a.s}, "It has been mentioned to us that a man from the Ansar died while owing two dinars as debt, so the Prophet (peace be upon him and his family) did not pray over him and said: ‘Pray over your brother,' until one of his relatives guaranteed them on his behalf."
Abu Abdillah {a.s} said: “That is true."
Then Imam {a.s} said: “Indeed, the Messenger of Allah {SWT} (peace be upon him and his family) did that so they would take heed, and so that they would support one another, and so that they would not take debt lightly.
And yet the Messenger of Allah {SWT} (peace be upon him and his family) died while he was in debt, the Commander of the Faithful {a.s} was killed while he was in debt, Al-Hasan {a.s} died while he was in debt, and Al-Husayn {a.s} was killed while he was in debt."

[REFERENCES] Al-Kafi, Vol.5 p.93 • Man La Yahduruhu Al-Faqih, Vol.3 p.182 • Tahdhib Al-Ahkam, Vol.6 p.183 • Al-Wafi, Vol.17 p.141 • Wasa’il Al-Shi’ah, Vol.18 p.319

HADITH

3684 - وَ رُوِيَ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ أَبِي اَلْحَسَنِ اَلْأَوَّلِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ طَلَبَ اَلرِّزْقَ مِنْ حِلِّهِ فَغُلِبَ فَلْيَسْتَقْرِضْ عَلَى اَللَّهِ عَزَّ وَ جَلَّ وَ عَلَى رَسُولِهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ».

H.3684 - It is narrated from Musa ibn Bakr, from Abu Al-Hasan Al-Awwal {a.s}, who said: "Whoever seeks sustenance through lawful means and is overcome, let him borrow in the name of Allah {SWT}, the Mighty and Exalted, and His Messenger (peace be upon him and his family)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.182 • Al-Wafi, Vol.17 p.144 • Wasa’il Al-Shi’ah, Vol.18 p.321

HADITH

3685 - وَ رَوَى اَلْمِيثَمِيُّ عَنْ أَبِي مُوسَى قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ - جُعِلْتُ فِدَاكَ يَسْتَقْرِضُ اَلرَّجُلُ وَ يَحُجُّ قَالَ «نَعَمْ» قُلْتُ يَسْتَقْرِضُ وَ يَتَزَوَّجُ قَالَ «نَعَمْ إِنَّهُ يَنْتَظِرُ رِزْقَ اَللَّهِ غُدْوَةً وَ عَشِيَّةً».

H.3685 - Al-Mithami narrated from Abu Musa who said:
I said to Abu Abdillah {a.s} - "May I be your ransom! Can a man borrow and perform Hajj?"
Imam {a.s} said: “Yes."
I said: “Can he borrow and get married?"
Imam {a.s} said: “Yes, for he awaits the provision of Allah {SWT} morning and evening."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.182 • Al-Wafi, Vol.17 p.145 • Wasa’il Al-Shi’ah, Vol.18 p.323

HADITH

3686 - وَ رُوِيَ عَنْ أَبِي ثُمَامَةَ قَالَ : قُلْتُ لِأَبِي جَعْفَرٍ اَلثَّانِي عَلَيْهِ اَلسَّلاَمُ إِنِّي أُرِيدُ أَنْ أُلاَزِمَ مَكَّةَ وَ اَلْمَدِينَةَ وَ عَلَيَّ دَيْنٌ فَمَا تَقُولُ قَالَ «اِرْجِعْ إِلَى مُؤَدِّي دَيْنِكَ وَ أَنْظُرْ أَنْ تَلْقَى اَللَّهَ عَزَّ وَ جَلَّ وَ لَيْسَ عَلَيْكَ دَيْنٌ فَإِنَّ اَلْمُؤْمِنَ لاَ يَخُونُ».

H.3686 - It is narrated from Abu Thumamah who said:
I said to Abu Ja'far Al-Thani {a.s}, "I wish to remain in Makkah and Madinah, but I have a debt upon me. What do you advise?"
Imam {a.s} said: “Return and pay off your debt, and make sure you meet Allah {SWT}, the Mighty and Exalted, without any debt upon you, for the believer does not betray."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.183

HADITH

3687 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ كَانَ عَلَيْهِ دَيْنٌ يَنْوِي قَضَاءَهُ كَانَ مَعَهُ مِنَ اَللَّهِ عَزَّ وَ جَلَّ حَافِظَانِ يُعِينَانِهِ عَلَى اَلْأَدَاءِ عَنْ أَمَانَتِهِ فَإِنْ قَصَرَتْ نِيَّتُهُ عَنِ اَلْأَدَاءِ قَصَرَا عَنْهُ مِنَ اَلْمَعُونَةِ بِقَدْرِ مَا قَصَرَ مِنْ نِيَّتِهِ».

H.3687 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever has a debt and intends to repay it, Allah {SWT}, the Mighty and Exalted, appoints two angels to assist him in fulfilling his trust. But if his intention to repay falls short, their assistance will also decrease in proportion to his intention."

[REFERENCES] Al-Kafi, Vol.5 p.95 • Man La Yahduruhu Al-Faqih, Vol.3 p.183 • Tahdhib Al-Ahkam, Vol.6 p.185 • Al-Wafi, Vol.18 p.786 • Wasa’il Al-Shi’ah, Vol.18 p.328 • Al-Fusul Al-Muhimmah, Vol.2 p.263

HADITH

3688 - وَ رُوِيَ عَنْ أَبَانٍ عَنْ بَشَّارٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «أَوَّلُ قَطْرَةٍ مِنْ دَمِ اَلشَّهِيدِ كَفَّارَةٌ لِذُنُوبِهِ إِلاَّ اَلدَّيْنَ فَإِنَّ كَفَّارَتَهُ قَضَاؤُهُ».

H.3688 - It is narrated from Aban, from Bashshar, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said: "The first drop of the martyr's blood is an expiation for his sins - except for debt, for its expiation is its repayment."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.183 • Al-Wafi, Vol.18 p.789 • Wasa'il Al-Shi'ah, Vol.18 p.326 • Al-Fusul Al-Muhimmah, Vol.2 p.262

HADITH

3689 - وَ رَوَى أَبُو خَدِيجَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «أَيُّمَا رَجُلٍ أَتَى رَجُلاً فَاسْتَقْرَضَ مِنْهُ مَالاً وَ فِي نِيَّتِهِ أَلاَّ يُؤَدِّيَهُ فَذَلِكَ اَللِّصُّ اَلْعَادِي».

H.3689 - Abu Khadijah narrated from Abu Abdillah {a.s} who said: "Any man who goes to another man and borrows money from him while intending not to repay it, then he is a thief and a transgressor."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.183 • Al-Wafi, Vol.18 p.788 • Wasa'il Al-Shi'ah, Vol.18 p.329

HADITH

3690 - وَ رَوَى سَمَاعَةُ بْنُ مِهْرَانَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ مِنَّا يَكُونُ عِنْدَهُ اَلشَّيْءُ يَتَبَلَّغُ بِهِ وَ عَلَيْهِ دَيْنٌ أَ يُطْعِمُهُ عِيَالَهُ حَتَّى يَأْتِيَهُ اَللَّهُ عَزَّ وَ جَلَّ بِمَيْسَرَةٍ فَيَقْضِيَ دَيْنَهُ أَوْ يَسْتَقْرِضُ عَلَى ظَهْرِهِ فِي خُبْثِ اَلزَّمَانِ وَ شِدَّةِ اَلْمَكَاسِبِ أَوْ يَقْبَلُ اَلصَّدَقَةَ فَقَالَ «يَقْضِي بِمَا عِنْدَهُ دَيْنَهُ وَ لاَ يَأْكُلُ أَمْوَالَ اَلنَّاسِ إِلاَّ وَ عِنْدَهُ مَا يُؤَدِّي إِلَيْهِمْ إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۝ وَ لا تَأْكُلُوا أَمْوالَكُمْ بَيْنَكُمْ بِالْباطِلِ ۝ ».

H.3690 - Sama'ah ibn Mihran narrated that he said:
I said to Abu Abdillah {a.s}, "A man among us has something with which he can sustain himself, but he is in debt. Should he feed his family with it until Allah {SWT}, the Mighty and Exalted, provides him with ease so he can repay his debt, or should he borrow despite the difficulty of the times and the hardship of earning, or should he accept charity?"
Imam {a.s} said: "He should use what he has to repay his debt and should not consume people's wealth unless he has the means to repay them. Indeed, Allah {SWT}, the Mighty and Exalted, says: *'And do not consume one another's wealth unjustly*.'" (Surah Al-Baqarah 2:188)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.184 • Tafsir Al-Safi, Vol.1 p.226 • Tafsir Nur Al-Thaqalayn, Vol.1 p.176 • Tafsir Kanz Al-Daqaiq, Vol.2 p.258

HADITH

3691 - وَ رَوَى أَبُو حَمْزَةَ اَلثُّمَالِيُّ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «مَنْ حَبَسَ حَقَّ اِمْرِئٍ مُسْلِمٍ وَ هُوَ يَقْدِرُ عَلَى أَنْ يُعْطِيَهُ إِيَّاهُ مَخَافَةَ مِنْ أَنَّهُ إِنْ خَرَجَ ذَلِكَ اَلْحَقُّ مِنْ يَدِهِ أَنْ يَفْتَقِرَ كَانَ اَللَّهُ عَزَّ وَ جَلَّ أَقْدَرَ عَلَى أَنْ يُفْقِرَهُ مِنْهُ عَلَى أَنْ يُغْنِيَ نَفْسَهُ بِحَبْسِهِ ذَلِكَ اَلْحَقَّ ».

H.3691 - Abu Hamzah Al-Thumali narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} that he said:
"Whoever withholds the right of a Muslim while he is able to give it to him, out of fear that if he lets go of that right he might become poor, then Allah {SWT}, the Mighty and Exalted, is more capable of making him poor than he is of enriching himself by withholding that right."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.184 • Tahdhib Al-Ahkam, Vol.6 p.189 • Al-Wafi, Vol.18 p.787 • Wasa'il Al-Shi'ah, Vol.18 p.331

HADITH

3692 - وَ رَوَى إِسْمَاعِيلُ بْنُ أَبِي فُدَيْكٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ مَعَ صَاحِبِ اَلدَّيْنِ حَتَّى يُؤَدِّيَهُ مَا لَمْ يَأْخُذْهُ مِمَّا يَحْرُمُ عَلَيْهِ».

H.3692 - Isma'il ibn Abi Fudayk narrated from Abu Abdillah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Indeed, Allah {SWT}, the Mighty and Exalted, is with the debtor until he repays his debt, as long as he did not acquire it through what is forbidden to him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.184 • Al-Wafi, Vol.18 p.788 • Wasa'il Al-Shi'ah, Vol.18 p.322

HADITH

3693 - وَ رُوِيَ عَنْ بُرَيْدٍ اَلْعِجْلِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّ عَلَيَّ دَيْناً لِأَيْتَامٍ وَ أَخَافُ إِنْ بِعْتُ ضَيْعَتِي بَقِيتُ وَ مَا لِيَ شَيْءٌ قَالَ «لاَ تَبِعْ ضَيْعَتَكَ وَ لَكِنْ أَعْطِ بَعْضاً وَ أَمْسِكْ بَعْضاً».

H.3693 - It is narrated from Burayd Al-Ijli who said:
I said to Abu Abdillah {a.s}, "I owe a debt to orphans, and I fear that if I sell my estate, I will be left with nothing."
Imam {a.s} said: "Do not sell your estate; rather, give some and keep some."

[REFERENCES] Al-Kafi, Vol.5 p.96 • Man La Yahduruhu Al-Faqih, Vol.3 p.184 • Tahdhib Al-Ahkam, Vol.6 p.186 • Al-Wafi, Vol.18 p.791 • Wasa'il Al-Shi'ah, Vol.18 p.340

HADITH

3694 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لَيْسَ مِنْ غَرِيمٍ يَنْطَلِقُ مِنْ عِنْدِهِ غَرِيمُهُ رَاضِياً إِلاَّ صَلَّتْ عَلَيْهِ دَوَابُّ اَلْأَرْضِ وَ نُونُ اَلْبُحُورِ وَ لَيْسَ مِنْ غَرِيمٍ يَنْطَلِقُ صَاحِبُهُ غَضْبَانَ وَ هُوَ مَلِيٌّ إِلاَّ كَتَبَ اَللَّهُ عَزَّ وَ جَلَّ بِكُلِّ يَوْمٍ يَحْبِسُهُ أَوْ لَيْلَةٍ ظُلْماً ».

H.3694 - The Prophet (peace be upon him and his family) said: "There is no debtor whose creditor leaves him satisfied except that the creatures of the earth and the fish in the seas pray for him. And there is no debtor whose creditor leaves him angry while he is capable of paying, except that Allah {SWT}, the Mighty and Exalted, records for him - each day or night that he withholds payment unjustly - a sin."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.185 • Al-Wafi, Vol.18 p.789 • Wasa'il Al-Shi'ah, Vol.18 p.350 • Al-Fusul Al-Muhimmah, Vol.2 p.264

HADITH

3695 - وَ رَوَى إِبْرَاهِيمُ بْنُ عَبْدِ اَلْحَمِيدِ عَنْ خَضِرِ بْنِ عَمْرٍو اَلنَّخَعِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَكُونُ لَهُ عَلَى اَلرَّجُلِ مَالٌ فَيَجْحَدُهُ قَالَ «إِنِ اِسْتَحْلَفَهُ فَلَيْسَ لَهُ أَنْ يَأْخُذَ مِنْهُ بَعْدَ اَلْيَمِينِ شَيْئاً وَ إِنْ حَبَسَهُ فَلَيْسَ لَهُ أَنْ يَأْخُذَ مِنْهُ شَيْئاً وَ إِنْ تَرَكَهُ وَ لَمْ يَسْتَحْلِفْهُ فَهُوَ عَلَى حَقِّهِ».

H.3695 - Ibrahim ibn Abdul Hamid narrated from Khidr ibn Amr Al-Nakha'i, from Abu Abdillah {a.s} regarding a man who has money owed to him by another man, but the debtor denies it.
Imam {a.s} said: "If he makes him swear an oath, then he has no right to take anything from him after the oath. And if he imprisons him, he has no right to take anything from him. But if he leaves him and does not make him swear, then his right remains intact."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.185 • Al-Wafi, Vol.18 p.803

HADITH

3696 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ وَقَعَ لِي عِنْدَهُ مَالٌ فَكَابَرَنِي عَلَيْهِ وَ حَلَفَ ثُمَّ وَقَعَ لَهُ عِنْدِي مَالٌ أَ فَآخُذُهُ مَكَانَ مَالِيَ اَلَّذِي أَخَذَهُ وَ أَحْلِفُ عَلَيْهِ كَمَا صَنَعَ هُوَ فَقَالَ «إِنْ خَانَكَ فَلاَ تَخُنْهُ وَ لاَ تَدْخُلْ فِيمَا عِبْتَهُ عَلَيْهِ».

H.3696 - Ali ibn Ri'ab narrated from Sulayman ibn Khalid who said:
I asked Abu Abdillah {a.s} about a man who owed me money but denied it and swore an oath. Then, some of his money came into my possession. Should I take it in place of what he took from me and swear an oath as he did?
Imam {a.s} said: "If he has betrayed you, do not betray him, and do not commit what you criticized him for."

[REFERENCES] Al-Kafi, Vol.5 p.98 • Man La Yahduruhu Al-Faqih, Vol.3 p.185 • Tahdhib Al-Ahkam, Vol.6 p.197 • Tahdhib Al-Ahkam, Vol.6 p.348 • Al-Istibsar, Vol.3 p.52 • Al-Wafi, Vol.18 p.813 • Wasa'il Al-Shi'ah, Vol.17 p.274 • Tafsir Nur Al-Thaqalayn, Vol.2 p.144 • Tafsir Kanz Al-Daqaiq, Vol.5 p.321

HADITH

3697 - وَ رَوَى مُعَاوِيَةُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ اَلرَّجُلُ يَكُونُ لِي عَلَيْهِ حَقٌّ فَيَجْحَدُنِيهِ ثُمَّ يَسْتَوْدِعُنِي مَالاً أَ لِي أَنْ آخُذَ مَالِي عِنْدَهُ قَالَ «لاَ هَذِهِ اَلْخِيَانَةُ».

H.3697 - Mu'awiyah ibn Ammar narrated from Abu Abdillah {a.s} who said:
I said to him, "A man owes me a right but denies it, and then he entrusts me with some money. Is it permissible for me to take my due from it?"
Imam {a.s} said: "No, that would be betrayal."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.186 • Wasa'il Al-Shi'ah, Vol.17 p.275

HADITH

3698 - وَ رَوَى زَيْدٌ اَلشَّحَّامُ قَالَ قَالَ لِي أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «مَنِ اِئْتَمَنَكَ بِأَمَانَةٍ فَأَدِّهَا إِلَيْهِ وَ مَنْ خَانَكَ فَلاَ تَخُنْهُ».

H.3698 - Zayd Al-Shahham narrated that Abu Abdillah {a.s} said to me:
"Whoever entrusts you with a trust, then return it to him. And whoever betrays you, do not betray him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.186 • Wasa'il Al-Shi'ah, Vol.17 p.276

HADITH

3699 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ اَلْحَضْرَمِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ كَانَ لَهُ عَلَى رَجُلٍ مَالٌ فَجَحَدَهُ إِيَّاهُ وَ ذَهَبَ بِهِ مِنْهُ ثُمَّ صَارَ إِلَيْهِ بَعْدَ ذَلِكَ مِنْهُ لِلرَّجُلِ اَلَّذِي ذَهَبَ بِمَالِهِ مَالٌ مِثْلُهُ أَ يَأْخُذُهُ مَكَانَ مَالِهِ اَلَّذِي ذَهَبَ بِهِ مِنْهُ قَالَ «نَعَمْ يَقُولُ اَللَّهُمَّ إِنِّي إِنَّمَا آخُذُ هَذَا مَكَانَ مَالِيَ اَلَّذِي أَخَذَهُ مِنِّي ».

H.3699 - Al-Hasan ibn Mahbub narrated from Saif ibn Amirah, from Abu Bakr Al-Hadrami, who said:
I said to Abu Abdillah {a.s}, "A man had money owed to him by another man, but the debtor denied it and took it away from him. Later, the creditor gained possession of an equivalent amount belonging to the debtor. Can he take it in place of the money that was taken from him?"
Imam {a.s} said: "Yes, and he should say, 'O Allah {SWT}, I am only taking this in place of my money that he took from me.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.186

HADITH

3700 - وَ - فِي خَبَرٍ آخَرَ لِيُونُسَ بْنِ عَبْدِ اَلرَّحْمَنِ عَنْ أَبِي بَكْرٍ اَلْحَضْرَمِيِّ مِثْلَهُ إِلاَّ أَنَّهُ قَالَ : يَقُولُ: « اَللَّهُمَّ إِنِّي لَمْ آخُذْ مَا أَخَذْتُ مِنْهُ خِيَانَةً وَ لاَ ظُلْماً وَ لَكِنِّي أَخَذْتُهُ مَكَانَ حَقِّي ».

H.3700 - And in another narration from Yunus ibn Abdul Rahman, from Abu Bakr Al-Hadrami, similar to the previous one, except that he said:
He should say, "O Allah {SWT}, I did not take what I took from him as an act of betrayal or injustice, but I took it in place of my rightful due."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.186

HADITH

3701 - وَ - فِي خَبَرٍ آخَرَ : «إِنِ اِسْتَحْلَفَهُ عَلَى مَا أَخَذَ مِنْهُ فَجَائِزٌ لَهُ أَنْ يَحْلِفَ إِذَا قَالَ هَذِهِ اَلْكَلِمَةَ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ هَذِهِ الْأَخْبَارُ مُتَّفِقَةُ الْمَعَانِي غَيْرُ مُخْتَلِفَةٍ وَ ذَلِكَ أَنَّهُ مَتَى حَلَّفَهُ عَلَى مَالِهِ فَلَيْسَ لَهُ أَنْ يَأْخُذَ مِنْهُ بَعْدَ ذَلِكَ شَيْئاً.

H.3701 - And in another narration: "If he makes him swear regarding what he took from him, then it is permissible for him to swear if he says this statement."

[AL SADUQ]
The compiler of this book - may Allah {SWT} have mercy on him - said: These narrations are consistent in meaning and do not differ. The point is that whenever he makes him swear regarding his wealth, then he has no right to take anything from him after that.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.186

HADITH

3702 - لِقَوْلِ اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ حَلَفَ بِاللَّهِ فَلْيَصْدُقْ وَ مَنْ حُلِفَ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اَللَّهِ فِي شَيْءٍ».

وَ إِنْ حَلَفَ مِنْ غَيْرِ أَنْ يُحَلِّفَهُ ثُمَّ طَالَبَهُ بِحَقِّهِ أَوْ أَخَذَ مِنْهُ أَوْ مِمَّا يَصِيرُ إِلَيْهِ مِنْ مَالِهِ لَمْ يَكُنْ بِدَاخِلٍ فِي النَّهْيِ وَ كَذَلِكَ إِنِ اسْتَوْدَعَهُ مَالًا فَلَيْسَ لَهُ أَنْ يَأْخُذَ مِنْهُ شَيْئاً لِأَنَّهَا أَمَانَةٌ ائْتَمَنَهُ عَلَيْهَا فَلَا يَجُوزُ لَهُ أَنْ يَخُونَهُ كَمَا خَانَهُ وَ مَتَى لَمْ يُحَلِّفْهُ عَلَى مَالِهِ وَ لَمْ يَأْتَمِنْهُ عَلَى أَمَانَةٍ وَ إِنَّمَا صَارَ إِلَيْهِ لَهُ مَالٌ أَوْ وَقَعَ عِنْدَهُ فَجَائِزٌ لَهُ أَنْ يَأْخُذَ مِنْهُ حَقَّهُ بَعْدَ أَنْ يَقُولَ مَا أُمِرَ بِهِ مِمَّا قَدْ ذَكَرْتُهُ فَهَذَا وَجْهُ اتِّفَاقِ هَذِهِ الْأَخْبَارِ وَ لَا حَوْلَ وَ لَا قُوَّةَ إِلَّا بِاللَّهِ.

H.3702 - The Prophet {saws} said: "Whoever swears by Allah {SWT} should speak the truth, and whoever is sworn to by Allah {SWT} should be satisfied. And whoever is not satisfied is not from Allah {SWT} in any way."

[AL SADUQ]

If someone swears without being made to swear and then demands his right or takes it, either directly or from what comes into his possession from the debtor's wealth, he is not included in the prohibition. Similarly, if the debtor entrusts him with some money, it is not permissible for him to take anything from it, because it is a trust, and he has been entrusted with it. Thus, it is not permissible for him to betray the trust as he was betrayed.

However, if the creditor neither made the debtor swear about his wealth nor was entrusted with any of his property, but some of the debtor's wealth came into his possession or fell into his hands, then it is permissible for him to take his rightful due after saying what he has been instructed to say, as mentioned earlier.

This is the explanation of the consistency of these narrations. There is no power and no strength except with Allah {SWT}.

[REFERENCES] Al-Muhasin, Vol.1 p.120 • Al-Nawadir (Lil-Ash'ari), Vol.1 p.51 • Al-Kafi, Vol.7 p.438 • Man La Yahduruhu Al-Faqih, Vol.3 p.187 • Man La Yahduruhu Al-Faqih, Vol.3 p.362 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.228 • Al-Amali (Lil-Saduq), Vol.1 p.483 • Tahdhib Al-Ahkam, Vol.6 p.349 • Rawdat Al-Wa'izin, Vol.2 p.468 • Awali Al-La'ali, Vol.2 p.118

HADITH

3703 - وَ قَدْ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ دَاوُدَ بْنِ زُرْبِيٍّ قَالَ : قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ إِنِّي أُعَامِلُ قَوْماً فَرُبَّمَا أَرْسَلُوا إِلَيَّ فَأَخَذُوا مِنِّي اَلْجَارِيَةَ وَ اَلدَّابَّةَ فَذَهَبُوا بِهَا مِنِّي ثُمَّ يَدُورُ لَهُمُ اَلْمَالُ عِنْدِي فَآخُذُ مِنْهُ بِقَدْرِ مَا أَخَذُوا مِنِّي فَقَالَ «خُذْ مِنْهُمْ بِقَدْرِ مَا أَخَذُوا مِنْكَ وَ لاَ تَزِدْ عَلَيْهِ».

H.3703 - Muhammad ibn Abi Umayr narrated from Dawud ibn Zurbi who said:

I said to Abu Al-Hasan {a.s}, "I deal with some people, and sometimes they send to me and take a bondwoman or an animal from me, and they take it away. Then their wealth later comes into my possession. Can I take from it an amount equivalent to what they took from me?"

Imam {a.s} said: "Take from them an amount equal to what they took from you and do not take more than that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.187

HADITH

3704 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هُذَيْلِ بْنِ حَنَانٍ أَخِي جَعْفَرِ بْنِ حَنَانٍ اَلصَّيْرَفِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي دَفَعْتُ إِلَى أَخِي جَعْفَرٍ مَالاً فَهُوَ يُعْطِينِي مَا أُنْفِقُهُ وَ أَحُجُّ مِنْهُ وَ أَتَصَدَّقُ وَ قَدْ سَأَلْتُ مَنْ عِنْدَنَا فَذَكَرُوا أَنَّ ذَلِكَ فَاسِدٌ لاَ يَحِلُّ وَ أَنَا أُحِبُّ أَنْ أَنْتَهِيَ فِي ذَلِكَ إِلَى قَوْلِكَ فَقَالَ «أَ كَانَ يَصِلُكَ قَبْلَ أَنْ تَدْفَعَ إِلَيْهِ مَالَكَ» قُلْتُ نَعَمْ قَالَ «خُذْ مِنْهُ مَا يُعْطِيكَ وَ كُلْ وَ اِشْرَبْ وَ حُجَّ وَ تَصَدَّقْ فَإِذَا قَدِمْتَ اَلْعِرَاقَ فَقُلْ، جَعْفَرُ بْنُ مُحَمَّدٍ أَفْتَانِي بِهَذَا».

H.3704 - Al-Hasan ibn Mahbub narrated from Hudhayl ibn Hanan, the brother of Ja'far ibn Hanan, the money changer, who said:
I said to Abu Abdillah {a.s}, "I gave my brother Ja'far some money, and he gives me from it what I spend, perform Hajj with, and give in charity. I asked the people around us, and they said that this is invalid and not permissible. I wish to follow your guidance in this matter."
Imam {a.s} said: "Did he use to give to you before you entrusted him with your money?"
I said: “Yes."
Imam {a.s} said: “Then take what he gives you, eat, drink, perform Hajj, and give in charity. And when you return to Iraq, say, 'Ja'far ibn Muhammad {a.s} has given me this ruling.'"

[REFERENCES] Al-Kafi, Vol.5 p.103 • Man La Yahduruhu Al-Faqih, Vol.3 p.187 • Tahdhib Al-Ahkam, Vol.6 p.202 • Tahdhib Al-Ahkam, Vol.6 p.386 • Al-Istibsar, Vol.3 p.10 • Al-Wafi, Vol.18 p.664 • Wasa’il Al-Shi’ah, Vol.18 p.353

HADITH

3705 - وَ سَأَلَ سَمَاعَةُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يَنْزِلُ عَلَى اَلرَّجُلِ وَ لَهُ عَلَيْهِ دَيْنٌ أَ يَأْكُلُ مِنْ طَعَامِهِ فَقَالَ «نَعَمْ يَأْكُلُ مِنْ طَعَامِهِ ثَلاَثَةَ أَيَّامٍ وَ لاَ يَأْكُلُ بَعْدَ ذَلِكَ شَيْئاً».

H.3705 - Sama'ah asked Abu Abdillah {a.s} about a man who stays with another man to whom he owes a debt. Is it permissible for him to eat from his food?
Imam {a.s} said: "Yes, he may eat from his food for three days, but after that, he should not eat anything."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.188 • Tahdhib Al-Ahkam, Vol.6 p.204 • Wasa’il Al-Shi’ah, Vol.18 p.351

HADITH

3706 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ لاٰ خَيْرَ فِي كَثِيرٍ مِنْ نَجْوٰاهُمْ إِلاّٰ مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلاٰحٍ بَيْنَ اَلنّٰاسِ ﴾ فَقَالَ «يَعْنِي بِالْمَعْرُوفِ اَلْقَرْضَ».

H.3706 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said regarding the saying of Allah {SWT}, the Mighty and Exalted: "*There is no good in much of their secret talk except in one who enjoins charity, or kindness, or reconciliation between people*" (Surah An-Nisa 4:114)
Imam {a.s} said: “Kindness refers to giving a loan."

[REFERENCES] Al-Kafi, Vol.4 p.34 • Man La Yahduruhu Al-Faqih, Vol.2 p.58 • Man La Yahduruhu Al-Faqih, Vol.3 p.188 • Al-Wafi, Vol.10 p.465 • Wasa’il Al-Shi’ah, Vol.9 p.459 • Wasa’il Al-Shi’ah, Vol.16 p.317 • Tafsir Al-Burhan, Vol.2 p.173 • Tafsir Nur Al-Thaqalayn, Vol.1 p.549 • Tafsir Kanz Al-Daqaiq, Vol.3 p.537

HADITH

3707 - وَ رُوِيَ عَنِ اَلصَّبَّاحِ بْنِ سَيَابَةَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّ عَبْدَ اَللَّهِ بْنَ أَبِي يَعْفُورٍ أَمَرَنِي أَنْ أَسْأَلَكَ قَالَ إِنَّا نَسْتَقْرِضُ اَلْخُبْزَ مِنَ اَلْجِيرَانِ فَنَرُدُّ أَصْغَرَ مِنْهُ أَوْ أَكْبَرَ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «نَحْنُ نَسْتَقْرِضُ اَلْجَوْزَ اَلسِّتِّينَ وَ اَلسَّبْعِينَ عَدَداً فَيَكُونُ فِيهِ اَلصَّغِيرَةُ وَ اَلْكَبِيرَةُ فَلاَ بَأْسَ».

H.3707 - It is narrated from Al-Sabbah ibn Sayabah who said: I said to Abu Abdillah {a.s}, "Abdullah ibn Abi Ya'fur instructed me to ask you - when we borrow bread from our neighbors, we sometimes return it smaller or larger in size. Is this permissible?"
Imam {a.s} said: "We borrow walnuts, sixty or seventy in number, and they may include small and large ones. There is no harm in this."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.188 • Al-Wafi, Vol.18 p.586 • Wasa'il Al-Shi'ah, Vol.18 p.361

HADITH

3708 - قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «مَنْ أَقْرَضَ قَرْضاً إِلَى مَيْسَرَةٍ كَانَ مَالُهُ فِي زَكَاةٍ وَ كَانَ هُوَ فِي صَلاَةٍ مِنَ اَلْمَلاَئِكَةِ عَلَيْهِ حَتَّى يَقْبِضَهُ ».

H.3708 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"Whoever gives a loan until ease of repayment, his wealth will be considered in Zakat, and the angels will continue praying for him until he receives it back."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.188

HADITH

3709 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ أَنَّهُ كَانَ يَقُولُ : «إِذَا كَانَ عَلَى اَلرَّجُلِ دَيْنٌ ثُمَّ مَاتَ حَلَّ اَلدَّيْنُ ».

H.3709 - Isma'il ibn Muslim narrated from Abu Abdillah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, that he used to say:
"If a man has a debt and then dies, the debt becomes due."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.188

HADITH

3710 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا مَاتَ اَلْمَيِّتُ حَلَّ مَا لَهُ وَ مَا عَلَيْهِ».

H.3710 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"When a deceased person dies, what he owes and what is owed to him become due."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.189 • Wasa'il Al-Shi'ah, Vol.18 p.345

HADITH

3711 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْحَسَنِ بْنِ صَالِحٍ اَلثَّوْرِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَمُوتُ وَ عَلَيْهِ دَيْنٌ فَيَضْمَنُهُ ضَامِنٌ لِلْغُرَمَاءِ قَالَ «إِذَا رَضِيَ بِهِ اَلْغُرَمَاءُ فَقَدْ بَرِئَتْ ذِمَّةُ اَلْمَيِّتِ».

H.3711 - Al-Hasan ibn Mahbub narrated from Al-Hasan ibn Salih Al-Thawri, from Abu Abdillah {a.s}, regarding a man who dies while owing a debt, and a guarantor guarantees it for the creditors.
Imam {a.s} said: "If the creditors are satisfied with him, then the deceased is absolved of liability."

[REFERENCES] Al-Kafi, Vol.5 p.99 • Al-Kafi, Vol.7 p.25 • Man La Yahduruhu Al-Faqih, Vol.3 p.189 • Man La Yahduruhu Al-Faqih, Vol.4 p.225 • Tahdhib Al-Ahkam, Vol.6 p.187 • Tahdhib Al-Ahkam, Vol.9 p.167 • Al-Wafi, Vol.18 p.790 • Wasa'il Al-Shi'ah, Vol.18 p.346 • Wasa'il Al-Shi'ah, Vol.18 p.422 • Wasa'il Al-Shi'ah, Vol.19 p.426

HADITH

3712 - وَ رَوَى إِبْرَاهِيمُ بْنُ عَبْدِ اَلْحَمِيدِ عَنِ اَلْحَسَنِ بْنِ خُنَيْسٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّ لِعَبْدِ اَلرَّحْمَنِ بْنِ سَيَابَةَ دَيْناً عَلَى رَجُلٍ وَ قَدْ مَاتَ فَكَلَّمْنَاهُ أَنْ يُحَلِّلَهُ فَأَبَى قَالَ «وَيْحَهُ أَ مَا يَعْلَمُ أَنَّ لَهُ بِكُلِّ دِرْهَمٍ عَشَرَةً إِذَا حَلَّلَهُ وَ إِذَا لَمْ يُحَلِّلْهُ فَإِنَّمَا لَهُ دِرْهَمٌ بَدَلَ دِرْهَمٍ».

H.3712 - Ibrahim ibn Abdul Hamid narrated from Al-Hasan ibn Khunays who said:
I said to Abu Abdillah {a.s}, "Abdur-Rahman ibn Sayabah has a debt owed to him by a man who has died. We spoke to him about forgiving it, but he refused."
Imam {a.s} said: "Woe to him! Does he not know that for every dirham he forgives, he will receive ten in return? But if he does not forgive, then he will only receive a dirham in exchange for a dirham."

[REFERENCES] Al-Kafi, Vol.4 p.36 • Man La Yahduruhu Al-Faqih, Vol.2 p.59 • Man La Yahduruhu Al-Faqih, Vol.3 p.189 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.145 • Tahdhib Al-Ahkam, Vol.6 p.195 • Al-Wafi, Vol.10 p.471 • Wasa'il Al-Shi'ah, Vol.16 p.321 • Wasa'il Al-Shi'ah, Vol.18 p.363 • Bihar Al-Anwar, Vol.100 p.150

HADITH

3713 - وَ رَوَى اَلسَّكُونِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ : «أَتَى رَجُلٌ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ فَقَالَ إِنِّي كَسَبْتُ مَالاً أَغْمَضْتُ فِي طَلَبِهِ حَلاَلاً وَ حَرَاماً فَقَدْ أَرَدْتُ اَلتَّوْبَةَ وَ لاَ أَدْرِي اَلْحَلاَلَ مِنْهُ وَ لاَ اَلْحَرَامَ فَقَدِ اِخْتَلَطَ عَلَيَّ فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «أَخْرِجْ خُمُسَ مَالِكَ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ قَدْ رَضِيَ مِنَ اَلْإِنْسَانِ بِالْخُمُسِ وَ سَائِرُ اَلْمَالِ كُلُّهُ لَكَ حَلاَلٌ» ».

H.3713 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them) who said:
A man came to Imam Ali ibn Abi Talib {a.s} and said: "I have earned wealth, but I was not careful in seeking it, whether it was lawful or unlawful. Now I wish to repent, but I do not know what portion of it is lawful and what is unlawful, as it has become mixed."
Imam Ali ibn Abi Talib {a.s} said: "Take out one-fifth of your wealth, for Allah {SWT}, the Mighty and Exalted, has accepted one-fifth from a person, and the rest of the wealth is entirely lawful for you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.189 • Wasa'il Al-Shi'ah, Vol.18 p.130

HADITH

3714 - وَ رَوَى أَبُو اَلْبَخْتَرِيِّ وَهْبُ بْنُ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «قَضَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ مَاتَ وَ تَرَكَ وَرَثَةً فَأَقَرَّ أَحَدُ اَلْوَرَثَةِ بِدَيْنٍ عَلَى أَبِيهِ أَنَّهُ يَلْزَمُهُ ذَلِكَ فِي حِصَّتِهِ بِقَدْرِ مَا وَرِثَ وَ لاَ يَكُونُ ذَلِكَ فِي مَالِهِ كُلِّهِ فَإِنْ أَقَرَّ اِثْنَانِ مِنَ اَلْوَرَثَةِ وَ كَانَا عَدْلَيْنِ أُجِيزَ ذَلِكَ عَلَى اَلْوَرَثَةِ وَ إِنْ لَمْ يَكُونَا عَدْلَيْنِ أُلْزِمَا فِي حِصَّتِهِمَا بِقَدْرِ مَا وَرِثَا وَ كَذَلِكَ إِنْ أَقَرَّ بَعْضُ اَلْوَرَثَةِ بِأَخٍ أَوْ أُخْتٍ إِنَّمَا يَلْزَمُهُ فِي حِصَّتِهِ وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «مَنْ أَقَرَّ لِأَخِيهِ فَهُوَ شَرِيكٌ فِي اَلْمَالِ وَ لاَ يَثْبُتُ نَسَبُهُ وَ إِذَا أَقَرَّ اِثْنَانِ فَكَذَلِكَ إِلاَّ أَنْ يَكُونَا عَدْلَيْنِ فَيُلْحَقُ نَسَبُهُ وَ يُضْرَبُ فِي اَلْمِيرَاثِ مَعَهُمْ» ».

H.3714 - Abu Al-Bakhtari Wahb ibn Wahb narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), who said:
Imam Ali ibn Abi Talib {a.s} ruled concerning a man who died and left heirs. One of the heirs acknowledged a debt against his father.
Imam Ali ibn Abi Talib {a.s} ruled that it would be binding upon him in his share, according to what he inherited, and it would not apply to the entire estate.
If two of the heirs acknowledged the debt and they were just (trustworthy), then it would be enforced against all the heirs. However, if they were not just, they would only be liable in their shares, based on what they inherited.
Similarly, if some of the heirs acknowledged a brother or sister, the acknowledgment would only apply to their share.
Imam Ali ibn Abi Talib {a.s} said: "Whoever acknowledges a brother, he is a partner in the wealth, but his lineage is not established.
If two heirs acknowledge him, the same applies - unless they are just (trustworthy), in which case his lineage is established, and he shares in the inheritance with them."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.52 • Man La Yahduruhu Al-Faqih, Vol.3 p.189 • Tahdhib Al-Ahkam, Vol.6 p.198 • Tahdhib Al-Ahkam, Vol.9 p.163 • Tahdhib Al-Ahkam, Vol.9 p.372 • Al-Istibsar, Vol.4 p.114 • Al-Wafi, Vol.25 p.943 • Bihar Al-Anwar, Vol.100 p.154 • Bihar Al-Anwar, Vol.101 p.365

HADITH

3715 - وَ رَوَى إِبْرَاهِيمُ بْنُ هَاشِمٍ أَنَّ مُحَمَّدَ بْنَ أَبِي عُمَيْرٍ رَضِيَ اَللَّهُ عَنْهُ كَانَ رَجُلاً بَزّازاً فَذَهَبَ مَالُهُ وَ اِفْتَقَرَ وَ كَانَ لَهُ عَلَى رَجُلٍ عَشَرَةُ آلاَفِ دِرْهَمٍ فَبَاعَ دَاراً لَهُ كَانَ يَسْكُنُهَا بِعَشَرَةِ آلاَفِ دِرْهَمٍ وَ حَمَلَ اَلْمَالَ إِلَى بَابِهِ فَخَرَجَ إِلَيْهِ مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ فَقَالَ مَا هَذَا قَالَ هَذَا مَالُكَ اَلَّذِي لَكَ عَلَيَّ قَالَ وَرِثْتَهُ قَالَ لاَ قَالَ وُهِبَ لَكَ قَالَ لاَ قَالَ فَقَالَ فَهُوَ ثَمَنُ ضَيْعَةٍ بِعْتَهَا قَالَ لاَ قَالَ فَمَا هُوَ قَالَ بِعْتُ دَارِيَ اَلَّتِي أَسْكُنُهَا لِأَقْضِيَ دَيْنِي فَقَالَ مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ رَضِيَ اَللَّهُ عَنْهُ حَدَّثَنِي ذَرِيحٌ اَلْمُحَارِبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: «لاَ يُخْرَجُ اَلرَّجُلُ عَنْ مَسْقَطِ رَأْسِهِ بِالدَّيْنِ اِرْفَعْهَا فَلاَ حَاجَةَ لِي فِيهَا وَ اَللَّهِ إِنِّي مُحْتَاجٌ فِي وَقْتِي هَذَا إِلَى دِرْهَمٍ وَ مَا يَدْخُلُ مِلْكِي مِنْهَا دِرْهَمٌ».

وَ كَانَ شَيْخُنَا مُحَمَّدُ بْنُ الْحَسَنِ رَضِيَ اللَّهُ عَنْهُ يَرْوِي أَنَّهَا إِنْ كَانَتِ الدَّارُ وَاسِعَةً يَكْتَفِي صَاحِبُهَا بِبَعْضِهَا فَعَلَيْهِ أَنْ يَسْكُنَ مِنْهَا مَا يَحْتَاجُ إِلَيْهِ وَ يَقْضِيَ بِبَقِيَّتِهَا دَيْنَهُ وَ كَذَلِكَ إِنْ كَفَتْهُ دَارٌ بِدُونِ ثَمَنِهَا بَاعَهَا وَ اشْتَرَى بِثَمَنِهَا دَاراً لِيَسْكُنَهَا وَ يَقْضِيَ بِبَاقِي الثَّمَنِ دَيْنَهُ.

H.3715 - Ibrahim ibn Hashim narrated that Muhammad ibn Abi Umayr (may Allah {SWT} be pleased with him) was a cloth merchant.

He lost his wealth and became poor. A man owed him ten thousand dirhams. Muhammad ibn Abi Umayr sold his house, which he lived in, for ten thousand dirhams and brought the money to the debtor's door.

Muhammad ibn Abi Umayr came out and asked: "What is this?"

The man replied: "This is your money that I owe you."

He asked: "Did you inherit it?"

The man said: "No."

He asked: "Was it gifted to you?"

The man said: "No."

He asked: "Is it the price of a property you sold?"

The man said: "No."

He asked: "Then what is it?"

The man replied: "I sold the house I live in to repay my debt."

Muhammad ibn Abi Umayr (may Allah {SWT} be pleased with him) said: "Zarih Al-Muharibi narrated to me from Abu Abdillah {a.s} that he said:

'A man should not be forced out of his home because of a debt.' Take it back; I have no need for it. By Allah {SWT}, I am in need of a dirham at this moment, yet not a single dirham of it will enter my possession."

[AL SADUQ]

Our teacher, Muhammad ibn Al-Hasan (may Allah {SWT} be pleased with him), used to narrate that if the house was spacious and the owner could suffice with part of it, he should live in what he needs and sell the rest to repay his debt. Similarly, if he could live in a smaller house at a lower price, he should sell the larger house, buy a smaller one, and use the remaining amount to settle his debt.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.190 • Tahdhib Al-Ahkam, Vol.6 p.198 • Al-Wafi, Vol.18 p.799 • Wasa'il Al-Shi'ah, Vol.18 p.341

HADITH

3716 - وَ كَتَبَ يُونُسُ بْنُ عَبْدِ اَلرَّحْمَنِ إِلَى اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ كَانَ لِي عَلَى رَجُلٍ عَشَرَةُ دَرَاهِمَ وَ إِنَّ اَلسُّلْطَانَ أَسقَطَ تِلْكَ اَلدَّرَاهِمَ وَ جَاءَ بِدَرَاهِمَ أَعْلَى مِنْ تِلْكَ اَلدَّرَاهِمِ وَ فِي تِلْكَ اَلدَّرَاهِمِ اَلْأُولَى اَلْيَوْمَ وَضِيعَةٌ فَأَيُّ شَيْءٍ لِي عَلَيْهِ اَلدَّرَاهِمُ اَلْأُولَى اَلَّتِي أَسْقَطَهَا اَلسُّلْطَانُ أَوِ اَلدَّرَاهِمُ اَلَّتِي أَجَازَهَا اَلسُّلْطَانُ فَكَتَبَ «لَكَ اَلدَّرَاهِمُ اَلْأُولَى».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ كَانَ شَيْخُنَا مُحَمَّدُ بْنُ الْحَسَنِ رَضِيَ اللَّهُ عَنْهُ يَرْوِي حَدِيثاً فِي أَنَّ لَهُ الدَّرَاهِمَ الَّتِي تَجُوزُ بَيْنَ النَّاسِ وَ الْحَدِيثَانِ مُتَّفِقَانِ غَيْرُ مُخْتَلِفَيْنِ فَمَتَى كَانَ لِلرَّجُلِ عَلَى الرَّجُلِ دَرَاهِمُ بِنَقْدٍ مَعْرُوفٍ فَلَيْسَ لَهُ إِلَّا ذَلِكَ النَّقْدُ وَ مَتَى كَانَ لَهُ عَلَى الرَّجُلِ دَرَاهِمُ بِوَزْنٍ مَعْلُومٍ بِغَيْرِ نَقْدٍ مَعْرُوفٍ فَإِنَّمَا لَهُ الدَّرَاهِمُ الَّتِي تَجُوزُ بَيْنَ النَّاسِ.

H.3716 - Yunus ibn Abdul Rahman wrote to Al-Ridha {a.s}, saying: "I had ten dirhams owed to me by a man, but the ruler invalidated those dirhams and introduced new dirhams that are higher in value than the previous ones. The earlier dirhams are now devalued. What is my right upon him - the original dirhams that the ruler invalidated or the new dirhams approved by the ruler?"
Imam {a.s} wrote in response: "You have the right to the original dirhams."

[AL SADUQ]

The compiler of this book - may Allah {SWT} have mercy on him - said: Our teacher, Muhammad ibn Al-Hasan (may Allah {SWT} be pleased with him), narrated a tradition stating that the creditor is entitled to the dirhams that are accepted among the people. The two narrations are consistent and do not conflict. If a man is owed dirhams in a specific currency, he is only entitled to that currency. However, if the debt is measured by a specified weight rather than a known currency, then he is entitled to the dirhams currently accepted among the people.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.191

CHAPTER 60 – CHAPTER ON TRADE, ITS ETIQUETTES, VIRTUES, AND JURISPRUDENCE

بَابُ التِّجَارَةِ وَ آدَابِهَا وَ فَضْلِهَا وَ فِقْهِهَا

HADITH 3717 – 3750

3717 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلتِّجَارَةُ تَزِيدُ فِي اَلْعَقْلِ».

H.3717 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Trade increases intellect."

[REFERENCES] Al-Kafi, Vol.5 p.148 • Man La Yahduruhu Al-Faqih, Vol.3 p.191 • Al-Wafi, Vol.17 p.121 • Wasa'il Al-Shi'ah, Vol.17 p.12 • Wasa'il Al-Shi'ah, Vol.17 p.17

HADITH

3718 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «تَرْكُ اَلتِّجَارَةِ مَذْهَبَةٌ لِلْعَقْلِ».

H.3718 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Abandoning trade diminishes intellect."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.192 • Al-Wafi, V.17 p.126 • Wasa'il Al-Shi'ah, V.17 p.17

HADITH

3719 - وَ رُوِيَ عَنِ اَلْمُعَلَّى بْنِ خُنَيْسٍ أَنَّهُ قَالَ : رَآنِي أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ قَدْ تَأَخَّرْتُ عَنِ اَلسُّوقِ فَقَالَ لِي «أُغْدُ إِلَى عِزِّكَ».

H.3719 - It is narrated from Al-Mu'alla ibn Khunays that he said: Abu Abdillah {a.s} saw me when I had delayed going to the market, so Imam {a.s} said to me:
"Go early to your source of honor."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.192 • Al-Wafi, V.17 p.126 • Wasa'il Al-Shi'ah, V.17 p.10

HADITH

3720 - وَ رُوِيَ عَنْ رَوْحِ بْنِ عَبْدِ اَلرَّحِيمِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ رِجٰالٌ لاٰ تُلْهِيهِمْ تِجٰارَةٌ وَ لاٰ بَيْعٌ عَنْ ذِكْرِ اَللّٰهِ ﴾ قَالَ «كَانُوا أَصْحَابَ تِجَارَةٍ فَإِذَا حَضَرَتِ اَلصَّلاَةُ تَرَكُوا اَلتِّجَارَةَ وَ اِنْطَلَقُوا إِلَى اَلصَّلاَةِ وَ هُمْ أَعْظَمُ أَجْراً مِمَّنْ لَمْ يَتَّجِرْ».

H.3720 - It is narrated from Rawh ibn Abd Al-Rahim, from Abu Abdillah {a.s}, regarding the saying of Allah {SWT}, the Mighty and Exalted: "*Men whom neither trade nor sale distracts from the remembrance of Allah {SWT}.*" (Surah An-Nur 24:37)
Imam {a.s} said: "They were businessmen, but when the time for prayer arrived, they left their trade and went to perform the prayer. They are greater in reward than those who did not engage in trade."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.192 • Al-Wafi, Vol.17 p.126 • Wasa'il Al-Shi'ah, Vol.17 p.17 • Tafsir Nur Al-Thaqalayn, Vol.3 p.610 • Tafsir Kanz Al-Daqaiq, Vol.9 p.318

HADITH

3721 - وَ رَوَى هَارُونُ بْنُ حَمْزَةَ عَنْ عَلِيِّ بْنِ عَبْدِ اَلْعَزِيزِ قَالَ : قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «مَا فَعَلَ عُمَرُ بْنُ مُسْلِمٍ » قُلْتُ جُعِلْتُ فِدَاكَ أَقْبَلَ عَلَى اَلْعِبَادَةِ وَ تَرَكَ اَلتِّجَارَةَ فَقَالَ «وَيْحَهُ أَ مَا عَلِمَ أَنَّ تَارِكَ اَلطَّلَبِ لاَ يُسْتَجَابُ لَهُ دَعْوَةٌ، إِنَّ قَوْماً مِنْ أَصْحَابِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَمَّا نَزَلَتْ: ۝ وَ مَنْ يَتَّقِ اَللَّهَ يَجْعَلْ لَهُ مَخْرَجاً وَ يَرْزُقْهُ مِنْ حَيْثُ لاٰ يَحْتَسِبُ ۝ أَغْلَقُوا اَلْأَبْوَابَ وَ أَقْبَلُوا عَلَى اَلْعِبَادَةِ وَ قَالُوا قَدْ كُفِينَا فَبَلَغَ ذَلِكَ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَأَرْسَلَ إِلَيْهِمْ فَقَالَ «مَا حَمَلَكُمْ عَلَى مَا صَنَعْتُمْ» قَالُوا يَا رَسُولَ اَللَّهِ تَكَفَّلَ اَللَّهُ عَزَّ وَ جَلَّ بِأَرْزَاقِنَا فَأَقْبَلْنَا عَلَى اَلْعِبَادَةِ فَقَالَ «إِنَّهُ مَنْ فَعَلَ ذَلِكَ لَمْ يَسْتَجِبِ اَللَّهُ لَهُ عَلَيْكُمْ بِالطَّلَبِ» ثُمَّ قَالَ «إِنِّي لَأُبْغِضُ اَلرَّجُلَ فَاغِراً فَاهُ إِلَى رَبِّهِ يَقُولُ أَرْزُقْنِي وَ يَتْرُكُ اَلطَّلَبَ» ».

H.3721 - Harun ibn Hamzah narrated from Ali ibn Abdul Aziz who said:
Abu Abdillah {a.s} asked: "What has Umar ibn Muslim done?"
I said: "May I be your ransom! He has devoted himself to worship and abandoned trade."
Imam {a.s} said: "Woe to him! Does he not know that the one who abandons seeking sustenance will not have his supplication answered?
Indeed, some of the companions of the Messenger of Allah {SWT} (peace be upon him and his family), when the verse was revealed;
'And whoever fears Allah {SWT}, He will make a way out for him, and provide for him from where he does not expect' (Surah At-Talaq 65:2-3),
they locked their doors and devoted themselves to worship, saying, 'We have been guaranteed provision.'
When the Messenger of Allah {SWT} (peace be upon him and his family) heard about this, he sent for them and said: 'What led you to do what you have done?'
They said: 'O Messenger of Allah {SWT}, Allah {SWT}, the Mighty and Exalted, has guaranteed our provision, so we have devoted ourselves to worship.'
He {saws} said: 'Whoever does this, Allah {SWT} will not answer his supplication. You must continue seeking sustenance.'
Then Imam {a.s} said: 'I hate a man who sits idle, opening his mouth to his Lord {AZJ}, saying, "Provide for me," while he abandons seeking sustenance.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.192 • Al-Wafi, Vol.17 p.68

HADITH

3722 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «اِتَّجِرُوا بَارَكَ اَللَّهُ لَكُمْ فَإِنِّي سَمِعْتُ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَقُولُ «إِنَّ اَلرِّزْقَ عَشَرَةُ أَجْزَاءٍ تِسْعَةٌ فِي اَلتِّجَارَةِ وَ وَاحِدٌ فِي غَيْرِهَا» ».

H.3722 - The Commander of the Faithful {a.s} said:
"Engage in trade - may Allah {SWT} bless you - for I heard the Messenger of Allah {SWT} (peace be upon him and his family) say, 'Provision is divided into ten parts, nine of which are in trade, and one in other means.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.192 • Uddat Al-Da'i, Vol.1 p.82 • Al-Wafi, Vol.17 p.126 • Bihar Al-Anwar, Vol.100 p.13

HADITH

3723 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «تَعَرَّضُوا لِلتِّجَارَةِ فَإِنَّ فِيهَا لَكُمْ غِنًى عَمَّا فِي أَيْدِي اَلنَّاسِ».

H.3723 - The Commander of the Faithful {a.s} said:
"Engage in trade, for in it lies independence from what is in the hands of others."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.193

HADITH

3724 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَدَعُوا اَلتِّجَارَةَ فَتَهُونُوا اِتَّجِرُوا بَارَكَ اَللَّهُ لَكُمْ»

رَوَى ذَلِكَ شَرِيفُ بْنُ سَابِقٍ اَلتَّفْلِيسِيُّ عَنِ اَلْفَضْلِ بْنِ أَبِي قُرَّةَ اَلسَّمَنْدِيِّ.

H.3724 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Do not abandon trade, lest you become insignificant. Engage in trade - may Allah {SWT} bless you."

[AL SADUQ]
This was narrated by Sharif ibn Sabiq Al-Taflisi from Al-Fadl ibn Abi Qurrah Al-Samandi.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.193

HADITH

3725 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «مَنِ اِتَّجَرَ بِغَيْرِ عِلْمٍ اِرْتَطَمَ فِي اَلرِّبَا ثُمَّ اِرْتَطَمَ فَلاَ يَقْعُدَنَّ فِي اَلسُّوقِ إِلاَّ مَنْ يَعْقِلُ اَلشِّرَاءَ وَ اَلْبَيْعَ».

H.3725 - The Commander of the Faithful {a.s} said:
"Whoever engages in trade without knowledge will fall into usury, and then fall into it again. Therefore, no one should sit in the marketplace except one who understands buying and selling."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.193

HADITH

3726 - وَ كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ ، بِالْكُوفَةِ يَغْتَدِي كُلَّ بُكْرَةٍ فَيَطُوفُ فِي أَسْوَاقِ اَلْكُوفَةِ سُوقاً سُوقاً وَ مَعَهُ اَلدِّرَّةُ عَلَى عَاتِقِهِ وَ كَانَ لَهَا طَرَفَانِ وَ كَانَتْ تُسَمَّى اَلسَّبِيبَةَ قَالَ فَيَقِفُ عَلَى أَهْلِ كُلِّ سُوقٍ فَيُنَادِيهِمْ «يَا مَعْشَرَ اَلتُّجَّارِ قَدِّمُوا اَلاِسْتِخَارَةَ وَ تَبَرَّكُوا بِالسُّهُولَةِ وَ اِقْتَرِبُوا مِنَ اَلْمُبْتَاعِينَ وَ تَزَيَّنُوا بِالْحِلْمِ وَ تَجَافَوْا عَنِ اَلظُّلْمِ وَ أَنْصِفُوا اَلْمَظْلُومِينَ وَ لاَ تَقْرَبُوا اَلرِّبَا «وَ أَوْفُوا اَلْكَيْلَ وَ اَلْمِيزٰانَ» «وَ لاٰ تَبْخَسُوا اَلنّٰاسَ أَشْيٰاءَهُمْ وَ لاٰ تَعْثَوْا فِي اَلْأَرْضِ مُفْسِدِينَ» »

قَالَ فَيَطُوفُ فِي جَمِيعِ أَسْوَاقِ اَلْكُوفَةِ ثُمَّ يَرْجِعُ فَيَقْعُدُ لِلنَّاسِ.

H.3726 - Imam Ali ibn Abi Talib {a.s} used to go out every morning in Kufa and walk through its markets, visiting them one by one.
Imam {a.s} carried a whip with two ends, which was called "Al-Sabeebah."
Imam {a.s} would stand in each market and call out to the merchants, saying:
"O group of traders! Begin with seeking goodness (from Allah {SWT}), bless your trade with ease, draw near to the buyers, adorn yourselves with patience, avoid oppression, give justice to the oppressed, and do not approach usury.
'And give full measure and weight' and 'Do not diminish people's goods, nor act corruptly in the land, making mischief.'"
Then Imam {a.s} would continue walking through all the markets of Kufa before returning to sit and attend to the people's needs.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.193

HADITH

3727 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ بَاعَ وَ اِشْتَرَى فَلْيَحْفَظْ خَمْسَ خِصَالٍ وَ إِلاَّ فَلاَ يَشْتَرِيَنَّ وَ لاَ يَبِيعَنَّ اَلرِّبَا وَ اَلْحَلْفَ وَ كِتْمَانَ اَلْعُيُوبِ وَ اَلْمَدْحَ إِذَا بَاعَ وَ اَلذَّمَّ إِذَا اِشْتَرَى ».

H.3727 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever buys and sells should observe five qualities; otherwise, let him not buy or sell: usury, swearing, concealing defects, praising when selling, and criticizing when buying."

[REFERENCES] Al-Kafi, Vol.5 p.150 • Man La Yahduruhu Al-Faqih, Vol.3 p.194 • Tahdhib Al-Ahkam, Vol.7 p.6 • Fiqh Al-Quran, Vol.2 p.43 • Wasa'il Al-Shi'ah, Vol.17 p.383 • Bihar Al-Anwar, Vol.100 p.100

HADITH

3728 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «يَا مَعْشَرَ اَلتُّجَّارِ اِرْفَعُوا رُءُوسَكُمْ فَقَدْ وَضَحَ لَكُمُ اَلطَّرِيقُ تُبْعَثُونَ يَوْمَ اَلْقِيَامَةِ فُجَّاراً إِلاَّ مَنْ صَدَقَ حَدِيثُهُ».

H.3728 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "O group of traders, raise your heads, for the path has been made clear for you. You will be resurrected on the Day of Judgment as transgressors, except those who speak the truth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.194 • Al-Wafi, Vol.17 p.439 • Wasa'il Al-Shi'ah, Vol.17 p.384

HADITH

3729 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلتَّاجِرُ فَاجِرٌ وَ اَلْفَاجِرُ فِي اَلنَّارِ إِلاَّ مَنْ أَخَذَ اَلْحَقَّ وَ أَعْطَى اَلْحَقَّ».

H.3729 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "The trader is sinful, and the sinful one is in the Fire - except for the one who takes what is right and gives what is right."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.194 • Wasa'il Al-Shi'ah, Vol.17 p.384 • Al-Fusul Al-Muhimmah, Vol.2 p.245 • Mustadrak Al-Wasa'il, Vol.13 p.249

HADITH

3730 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «يَا مَعْشَرَ اَلتُّجَّارِ صُونُوا أَمْوَالَكُمْ بِالصَّدَقَةِ تُكَفِّرْ عَنْكُمْ ذُنُوبُكُمْ وَ أَيْمَانَكُمُ اَلَّتِي تَحْلِفُونَ فِيهَا تُطَيِّبْ لَكُمْ تِجَارَتُكُمْ».

H.3730 - Imam {a.s} said: "O group of traders, protect your wealth through charity, your sins will be forgiven, and the oaths you make will be purified for you - thus your trade will be blessed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.194 • Al-Wafi, Vol.17 p.440 • Wasa'il Al-Shi'ah, Vol.17 p.384

HADITH

3731 - وَ رُوِيَ عَنِ اَلْأَصْبَغِ بْنِ نُبَاتَةَ قَالَ سَمِعْتُ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ يَقُولُ عَلَى اَلْمِنْبَرِ : «يَا مَعْشَرَ اَلتُّجَّارِ اَلْفِقْهَ ثُمَّ اَلْمَتْجَرَ اَلْفِقْهَ ثُمَّ اَلْمَتْجَرَ وَ اَللَّهِ لَلرِّبَا فِي هَذِهِ اَلْأُمَّةِ دَبِيبٌ أَخْفَى مِنْ دَبِيبِ اَلنَّمْلِ عَلَى اَلصَّفَا صُونُوا أَمْوَالَكُمْ بِالصَّدَقَةِ اَلتَّاجِرُ فَاجِرٌ وَ اَلْفَاجِرُ فِي اَلنَّارِ إِلاَّ مَنْ أَخَذَ اَلْحَقَّ وَ أَعْطَى اَلْحَقَّ».

H.3731 - It is narrated from Al-Asbagh ibn Nubatah who said:
I heard Imam Ali ibn Abi Talib {a.s} saying from the pulpit:
"O group of traders! Learn jurisprudence, then engage in trade. Learn jurisprudence, then engage in trade. By Allah {SWT}, usury in this nation is more hidden than the crawling of an ant on a smooth stone.
Protect your wealth through charity. The trader is sinful, and the sinful one is in the Fire - except the one who takes what is right and gives what is right."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.194 • Tahdhib Al-Ahkam, Vol.7 p.6

HADITH

3732 - وَ رَوَى حَفْصُ بْنُ اَلْبَخْتَرِيِّ عَنِ اَلْحُسَيْنِ بْنِ اَلْمُنْذِرِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ دَفَعَتْ إِلَيَّ اِمْرَأَتِي مَالاً أَعْمَلُ بِهِ مَا شِئْتُ فَأَشْتَرِي مِنْ مَالِهَا اَلْجَارِيَةَ أَطَأُهَا قَالَ «لاَ إِنَّمَا دَفَعَتْ إِلَيْكَ لِتَقَرَّ عَيْنُهَا وَ أَنْتَ تُرِيدُ أَنْ تُسْخِنَ عَيْنَهَا».

H.3732 - Hafs ibn Al-Bakhtari narrated from Al-Husayn ibn Al-Mundhir who said:
I said to Abu Abdillah {a.s}, "My wife gave me money to use as I wish. Can I buy a bondwoman with her money and have relations with her?"
Imam {a.s} said: "No. She gave it to you to bring comfort to her eyes, and you intend to cause her distress."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.195

HADITH

3733 - وَ رَوَى عُثْمَانُ بْنُ عِيسَى عَنْ مُيَسِّرٍ قَالَ : قُلْتُ لَهُ يَجِيئُنِي اَلرَّجُلُ فَيَقُولُ تَشْتَرِي لِي فَيَكُونُ مَا عِنْدِي خَيْراً مِنْ مَتَاعِ اَلسُّوقِ قَالَ «إِنْ أَمِنْتَ أَلاَّ يَتَّهِمَكَ فَأَعْطِهِ مِنْ عِنْدِكَ وَ إِنْ خِفْتَ أَنْ يَتَّهِمَكَ فَاشْتَرِ لَهُ مِنَ اَلسُّوقِ».

H.3733 - Uthman ibn Isa narrated from Muyassir who said:
I said to Him {a.s}: "A man comes to me and asks me to buy something for him, but what I have is better than what is available in the market. What should I do?"
Imam {a.s} said: "If you are confident that he will not suspect you, then give him from what you have. But if you fear that he might suspect you, then buy for him from the market."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.195 • Al-Wafi, Vol.17 p.464 • Wasa'il Al-Shi'ah, Vol.17 p.390

HADITH

3734 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «أَنْزَلَ اَللَّهُ تَعَالَى عَلَى بَعْضِ أَنْبِيَائِهِ عَلَيْهِمُ اَلسَّلاَمُ لِلْكَرِيمِ فَكَارِمْ وَ لِلسَّمْحِ فَسَامِحْ وَ لِلشَّحِيحِ فَشَاحِحْ وَ عِنْدَ اَلشَّكِسِ فَالْتَوِ».

H.3734 - Isma'il ibn Muslim narrated from Abu Abdillah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
Allah {SWT}, the Exalted, revealed to one of His prophets (peace be upon them): "*Deal generously with the generous, be lenient with the lenient, be tight-fisted with the stingy, and be evasive with the harsh*."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.195 • Al-Wafi, Vol.17 p.442

HADITH

3735 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ سَمِعْتُ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَقُولُ : «اَلسَّمَاحُ وَجْهٌ مِنَ اَلرِّبَاحِ» قَالَ عَلَيْهِ اَلسَّلاَمُ «ذَلِكَ لِرَجُلٍ يُوصِيهِ وَ مَعَهُ سِلْعَةٌ يَبِيعُهَا».

H.3735 - Imam Ali ibn Abi Talib {a.s} said: “I heard the Messenger of Allah {SWT} say, "Leniency is a means of profit."
Imam {a.s} then said: “This applies to a man who is advised while he has goods to sell."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.196 • Wasa’il Al-Shi’ah, Vol.17 p.388

HADITH

3736 - وَ مَرَّ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ عَلَى جَارِيَةٍ قَدِ اِشْتَرَتْ لَحْماً مِنْ قَصَّابٍ وَ هِيَ تَقُولُ زِدْنِي فَقَالَ لَهُ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «زِدْهَا فَإِنَّهُ أَعْظَمُ لِلْبَرَكَةِ».

H.3736 - Imam Ali ibn Abi Talib {a.s} passed by a bondwoman who had bought meat from a butcher and was asking him to add more.
Imam Ali ibn Abi Talib {a.s} said to the butcher: "Give her more, for it brings greater blessings."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.196

HADITH

3737 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى يُحِبُّ اَلْعَبْدَ يَكُونُ سَهْلَ اَلْبَيْعِ سَهْلَ اَلشِّرَاءِ سَهْلَ اَلْقَضَاءِ سَهْلَ اَلاِقْتِضَاءِ».

H.3737 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Indeed, Allah {SWT}, the Blessed and Exalted, loves a servant who is easygoing in selling, easygoing in buying, easygoing in settling debts, and easygoing in demanding repayment."

[REFERENCES] Da’a’im Al-Islam, Vol.2 p.17 • Man La Yahduruhu Al-Faqih, Vol.3 p.196 • Wasa’il Al-Shi’ah, Vol.17 p.450

HADITH

3738 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «أَيُّمَا مُسْلِمٍ أَقَالَ مُسْلِماً نَدَامَةً فِي اَلْبَيْعِ أَقَالَهُ اَللَّهُ عَثْرَتَهُ يَوْمَ اَلْقِيَامَةِ».

H.3738 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Any Muslim who cancels a sale for another Muslim who regrets it, Allah {SWT} will cancel his slip on the Day of Judgment."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.196 • Musadaqat Al-Ikhwan, Vol.1 p.72 • Wasa'il Al-Shi'ah, Vol.17 p.387 • Al-Fusul Al-Muhimmah, Vol.2 p.246

HADITH

3739 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : مَرَّ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلَى رَجُلٍ وَ مَعَهُ سِلْعَةٌ يُرِيدُ بَيْعَهَا فَقَالَ «عَلَيْكَ بِأَوَّلِ اَلسُّوقِ».

H.3739 - Imam Ali ibn Abi Talib {a.s} said: The Prophet {saws} passed by a man who had goods he wanted to sell and said to him, "Go to the beginning of the market."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.196 • Al-Wafi, V.17 p.443 • Wasa'il Al-Shi'ah, V.17 p.401

HADITH

3740 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «صَاحِبُ اَلسِّلْعَةِ أَحَقُّ بِالسَّوْمِ».

H.3740 - Imam {a.s} said: "The owner of the goods has more right to set the price."

[REFERENCES] Al-Kafi, Vol.5 p.152 • Man La Yahduruhu Al-Faqih, Vol.3 p.196 • Tahdhib Al-Ahkam, Vol.7 p.8 • Al-Wafi, Vol.17 p.445 • Wasa'il Al-Shi'ah, Vol.17 p.399 • Bihar Al-Anwar, Vol.100 p.136 • Mustadrak Al-Wasa'il, Vol.13 p.255

HADITH

3741 - وَ نَهَى صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَنِ اَلسَّوْمِ مَا بَيْنَ طُلُوعِ اَلْفَجْرِ إِلَى طُلُوعِ اَلشَّمْسِ.

H.3741 - The Prophet {saws} peace be upon him and his family, forbade trading between the rise of dawn and the rise of the sun.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.196

HADITH

3742 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «مَاكِسِ اَلْمُشْتَرِيَ فَإِنَّهُ أَطْيَبُ لِلنَّفْسِ وَ إِنْ أَعْطَى اَلْجَزِيلَ فَإِنَّ اَلْمَغْبُونَ فِي بَيْعِهِ وَ شِرَائِهِ غَيْرُ مَحْمُودٍ وَ لاَ مَأْجُورٍ».

H.3742 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"Bargain with the buyer, for it is more satisfying to the soul. Even if he gives generously, the one who is cheated in buying or selling is neither praiseworthy nor rewarded."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.197 • Al-Wafi, V.17 p.443 • Wasa'il Al-Shi'ah, V.17 p.455

HADITH

3743 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لاَ تُمَاكِسْ فِي أَرْبَعَةِ أَشْيَاءَ فِي اَلْأُضْحِيَّةِ وَ فِي اَلْكَفَنِ وَ فِي ثَمَنِ نَسَمَةٍ وَ فِي اَلْكِرَى إِلَى مَكَّةَ ».

H.3743 – Imam {a.s} said: "Do not bargain in four things; the sacrificial animal, the shroud, the price of freeing a slave, and the fare to Makkah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.197 • Al-Khisal, Vol.1 p.245 • Makarim Al-Akhlaq, Vol.1 p.266 • Al-Wafi, Vol.17 p.444 • Bihar Al-Anwar, Vol.78 p.313

HADITH

3744 - وَ كَانَ عَلِيُّ بْنُ اَلْحُسَيْنِ زَيْنُ اَلْعَابِدِينَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ لِقَهْرَمَانِهِ إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ لِي مِنْ حَوَائِجِ اَلْحَجِّ شَيْئاً فَاشْتَرِ وَ لاَ تُمَاكِسْ

وَ رَوَى ذَلِكَ زِيَادٌ اَلْقَنْدِيُّ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ.

H.3744 - Imam Ali ibn Al-Hussain Zayn Al-Abidin {a.s} used to say to his steward:
"If you intend to buy something for me from the needs of Hajj, then buy it and do not bargain."

[AL SADUQ]
This was narrated by Ziyad Al-Qandi from Abdullah ibn Sinan, from Abu Abdillah {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.197

HADITH

[الوفاء و البخس]

FULFILLMENT AND DIMINISHMENT

3745 - وَ رَوَى مُيَسِّرٌ عَنْ حَفْصٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ رَجُلٌ مِنْ نِيَّتِهِ اَلْوَفَاءُ وَ هُوَ إِذَا كَالَ لَمْ يُحْسِنْ أَنْ يَكِيلَ فَقَالَ «مَا يَقُولُ اَلَّذِينَ حَوْلَهُ» قَالَ قُلْتُ يَقُولُونَ لاَ يُوفِي قَالَ «هُوَ مِمَّنْ لاَ يَنْبَغِي لَهُ أَنْ يَكِيلَ».

H.3745 - Muyassir narrated from Hafs, from Abu Abdillah {a.s}, who said: I said to him, "A man intends to be honest, but when he measures, he does not measure accurately."
He {a.s} asked: “What do those around him say?"
I said: “They say he does not give full measure."
He {a.s} said: “He is among those who should not be measuring."

[REFERENCES] Al-Kafi, Vol.5 p.159 • Man La Yahduruhu Al-Faqih, Vol.3 p.197 • Tahdhib Al-Ahkam, Vol.7 p.12 • Al-Wafi, Vol.17 p.484 • Wasa’il Al-Shi’ah, Vol.17 p.394

HADITH

3746 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ أَخَذَ اَلْمِيزَانَ بِيَدِهِ فَنَوَى أَنْ يَأْخُذَ لِنَفْسِهِ وَافِياً لَمْ يَأْخُذْهُ إِلاَّ رَاجِحاً وَ مَنْ أَعْطَى فَنَوَى أَنْ يُعْطِيَ سَوَاءً لَمْ يُعْطِ إِلاَّ نَاقِصاً ».

H.3746 - Ishaq ibn Ammar narrated from Abu Abdillah {a.s} who said: "Whoever takes the scales in his hand with the intention of taking a full measure for himself will only take more than his due. And whoever gives with the intention of giving an equal measure will only give less."

[REFERENCES] Al-Kafi, Vol.5 p.159 • Man La Yahduruhu Al-Faqih, Vol.3 p.197 • Tahdhib Al-Ahkam, Vol.7 p.11 • Al-Wafi, Vol.17 p.483 • Wasa'il Al-Shi'ah, Vol.17 p.393

HADITH

3747 - وَ رَوَى حَمَّادُ بْنُ بَشِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَكُونُ اَلْوَفَاءُ حَتَّى يَمِيلَ اَللِّسَانُ».

H.3747 - Hammad ibn Bashir narrated from Abu Abdillah {a.s} who said:
"Fulfillment (of measure) is not achieved until the scale tips."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.198

HADITH

3748 - وَ فِي خَبَرٍ آخَرَ : «لاَ يَكُونُ اَلْوَفَاءُ حَتَّى يَرْجَحَ».

H.3748 - And in another narration: "Fulfillment (of measure) is not achieved until it exceeds (the exact amount)."

[REFERENCES] Al-Kafi, Vol.5 p.160 • Man La Yahduruhu Al-Faqih, Vol.3 p.198 • Tahdhib Al-Ahkam, Vol.7 p.11 • Tahdhib Al-Ahkam, Vol.7 p.110 • Al-Wafi, Vol.17 p.484 • Wasa'il Al-Shi'ah, Vol.17 p.392

HADITH

3749 - وَ رُوِيَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ آخُذُ اَلدَّرَاهِمَ مِنَ اَلرَّجُلِ فَأَزِنُهَا ثُمَّ أُفَرِّقُهَا وَ يَفْضُلُ فِي يَدِي مِنْهَا فَضْلٌ قَالَ «أَ لَيْسَ تَحَرَّى اَلْوَفَاءَ» قُلْتُ بَلَى قَالَ «لاَ بَأْسَ».

H.3749 - It is narrated from Ishaq ibn Ammar who said:
I said to Abu Abdillah {a.s}, "I receive dirhams from a man, weigh them, then distribute them, and a surplus remains in my hand. What should I do?"
Imam {a.s} said: "Did you not strive to be accurate in your measure?"
I said: "Yes."
Imam {a.s} said: "Then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.198 • Wasa'il Al-Shi'ah, Vol.18 p.88

HADITH

[العربون]

EARNEST MONEY

3750 - وَ رَوَى وَهْبُ بْنُ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَانَ يَقُولُ : «لاَ يَجُوزُ اَلْعَرَبُونُ إِلاَّ أَنْ يَكُونَ نَقْداً مِنَ اَلثَّمَنِ».

H.3750 - Wahb ibn Wahb narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), that Imam Ali ibn Abi Talib {a.s} used to say:
"Earnest money (down payment) is not permissible unless it is part of the price."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.149 • Al-Kafi, Vol.5 p.233 • Man La Yahduruhu Al-Faqih, Vol.3 p.198 • Al-Wafi, Vol.17 p.475 • Wasa'il Al-Shi'ah, Vol.18 p.89 • Bihar Al-Anwar, Vol.100 p.88

CHAPTER 61 – CHAPTER ON THE MARKETPLACE

بَابُ السُّوقِ

HADITH 3751 – 3752

3751 - قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «جَاءَ أَعْرَابِيٌّ مِنْ بَنِي عَامِرٍ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَسَأَلَهُ عَنْ شَرِّ بِقَاعِ اَلْأَرْضِ وَ خَيْرِ بِقَاعِ اَلْأَرْضِ فَقَالَ لَهُ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «شَرُّ بِقَاعِ اَلْأَرْضِ اَلْأَسْوَاقُ وَ هِيَ مَيْدَانُ إِبْلِيسَ يَغْدُو بِرَايَتِهِ وَ يَضَعُ كُرْسِيَّهُ وَ يَبُثُّ ذُرِّيَّتَهُ فَبَيْنَ مُطَفِّفٍ فِي قَفِيزٍ أَوْ طَائِشٍ فِي مِيزَانٍ أَوْ سَارِقٍ فِي ذَرْعٍ أَوْ كَاذِبٍ فِي سِلْعَةٍ فَيَقُولُ عَلَيْكُمْ بِرَجُلٍ مَاتَ أَبُوهُ وَ أَبُوكُمْ حَيٌّ فَلاَ يَزَالُ مَعَ ذَلِكَ أَوَّلَ دَاخِلٍ وَ آخِرَ خَارِجٍ » ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ «وَ خَيْرُ اَلْبِقَاعِ اَلْمَسَاجِدُ وَ أَحَبُّهُمْ إِلَى اَللَّهِ عَزَّ وَ جَلَّ أَوَّلُهُمْ دُخُولاً وَ آخِرُهُمْ خُرُوجاً مِنْهَا» ».

H.3751 - The Commander of the Faithful {a.s} said:
A Bedouin from the tribe of Banu 'Amir came to the Prophet (peace be upon him and his family) and asked him about the worst and the best places on earth.
The Messenger of Allah {SWT} (peace be upon him and his family) said: "The worst places on earth are the markets - they are the playgrounds of Iblis. He sets out in the morning with his banner, places his throne there, and sends out his offspring among them. There, you find someone who cheats in measuring, another who falsifies the scale, someone who steals in length, or someone who lies about merchandise. Iblis then says to them: 'Stick to a man whose father has died while your father is still alive.' And he remains there, being the first to enter and the last to leave."
Then Imam {a.s} said: "And the best places are the mosques. The most beloved among them to Allah {SWT}, the Mighty and Exalted, are those who enter first and leave last."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.199 • Al-Wafi, Vol.17 p.448 • Wasa'il Al-Shi'ah, Vol.17 p.468

HADITH

3752 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «سُوقُ اَلْمُسْلِمِينَ كَمَسْجِدِهِمْ فَمَنْ سَبَقَ إِلَى مَكَانٍ فَهُوَ أَحَقُّ بِهِ إِلَى اَللَّيْلِ».

H.3752 - The Commander of the Faithful {a.s} said: "The marketplace of the Muslims is like their mosque. Whoever reaches a spot first has more right to it until the night."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.199 • Bihar Al-Anwar, Vol.80 p.356 • Bihar Al-Anwar, Vol.80 p.382 • Bihar Al-Anwar, Vol.101 p.256 • Mustadrak Al-Wasa'il, Vol.3 p.424 • Mustadrak Al-Wasa'il, Vol.13 p.262

CHAPTER 62 – CHAPTER ON THE REWARD OF SUPPLICATION IN MARKETPLACES

بَابُ ثَوَابِ الدُّعَاءِ فِي الْأَسْوَاقِ

HADITH 3753 – 3756

3753 - رَوَى عَاصِمُ بْنُ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ دَخَلَ سُوقاً أَوْ مَسْجِدَ جَمَاعَةٍ فَقَالَ مَرَّةً وَاحِدَةً: أَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اَللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ وَ اَللَّهُ أَكْبَرُ كَبِيراً وَ اَلْحَمْدُ لِلَّهِ كَثِيراً وَ سُبْحَانَ اَللَّهِ بُكْرَةً وَ أَصِيلاً وَ لاَ حَوْلَ وَ لاَ قُوَّةَ إِلاَّ بِاللَّهِ اَلْعَلِيِّ اَلْعَظِيمِ وَ صَلَّى اَللَّهُ عَلَى مُحَمَّدٍ وَ آلِهِ عَدَلَتْ لَهُ حَجَّةً مَبْرُورَةً».

H.3753 - Asim ibn Humayd narrated from Abu Basir, from Abu Abdillah {a.s}, who said:
"Whoever enters a marketplace or a congregational mosque and says once:
I bear witness that there is no god but Allah {SWT}, alone, without any partner.
Allah {SWT} is the Greatest, immensely great.
All praise is due to Allah {SWT}, abundantly.
Glory be to Allah {SWT}, morning and evening.
There is no power and no strength except with Allah {SWT}, the Most High, the Most Great.
May Allah {SWT} send blessings upon Muhammad and his family.
This will be equal to a blessed and accepted Hajj for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.199 • Al-Wafi, Vol.17 p.450 • Wasa'il Al-Shi'ah, Vol.17 p.408

HADITH

3754 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ حَمَّادٍ اَلْأَنْصَارِيُّ عَنْ سَدِيرٍ قَالَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «يَا أَبَا اَلْفَضْلِ أَ مَا لَكَ فِي اَلسُّوقِ مَكَانٌ تَقْعُدُ فِيهِ تُعَامِلُ اَلنَّاسَ» قَالَ قُلْتُ بَلَى قَالَ «اِعْلَمْ أَنَّهُ مَا مِنْ رَجُلٍ يَغْدُو وَ يَرُوحُ إِلَى مَجْلِسِهِ وَ سُوقِهِ فَيَقُولُ حِينَ يَضَعُ رِجْلَهُ فِي اَلسُّوقِ: اَللَّهُمَّ إِنِّي أَسْأَلُكَ خَيْرَهَا وَ خَيْرَ أَهْلِهَا وَ أَعُوذُ بِكَ مِنْ شَرِّهَا وَ شَرِّ أَهْلِهَا إِلاَّ وَكَّلَ اَللَّهُ عَزَّ وَ جَلَّ بِهِ، مَنْ يَحْفَظُهُ وَ يَحْفَظُ عَلَيْهِ حَتَّى يَرْجِعَ إِلَى مَنْزِلِهِ فَيَقُولُ لَهُ قَدْ أَجَزْتُكَ مِنْ شَرِّهَا وَ شَرِّ أَهْلِهَا يَوْمَكَ هَذَا فَإِذَا جَلَسَ مَكَانَهُ حِينَ يَجْلِسُ فَيَقُولُ أَشْهَدُ أَنْ لاَ إِلَهَ إِلاَّ اَللَّهُ وَحْدَهُ لاَ شَرِيكَ لَهُ وَ أَشْهَدُ أَنَّ مُحَمَّداً عَبْدُهُ وَ رَسُولُهُ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَللَّهُمَّ إِنِّي أَسْأَلُكَ مِنْ فَضْلِكَ حَلاَلاً طَيِّباً وَ أَعُوذُ بِكَ مِنْ أَنْ أَظْلِمَ أَوْ أُظْلَمَ وَ أَعُوذُ بِكَ مِنْ صَفْقَةٍ خَاسِرَةٍ وَ يَمِينٍ كَاذِبَةٍ فَإِذَا قَالَ ذَلِكَ قَالَ اَلْمَلَكُ اَلْمُوَكَّلُ أَبْشِرْ فَمَا فِي سُوقِكَ اَلْيَوْمَ أَحَدٌ أَوْفَرُ نَصِيباً مِنْكَ وَ سَيَأْتِيكَ مَا قَسَمَ اَللَّهُ لَكَ مُوَفَّراً حَلاَلاً طَيِّباً مُبَارَكاً فِيهِ».

H.3754 - Abdullah ibn Hammad Al-Ansari narrated from Sadeer, who said: Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said: "O Abu Al-Fadl, do you not have a place in the market where you sit and deal with people?"
I said: "Yes."
Imam {a.s} said: "Know that any man who goes to his seat in the market, and when he places his foot in the market says:
'O Allah {SWT}, I ask You for its goodness and the goodness of its people, and I seek refuge in You from its evil and the evil of its people',
Allah {SWT}, the Mighty and Exalted, appoints an angel to protect him and preserve him until he returns to his home. The angel then says to him, 'I have safeguarded you from its evil and the evil of its people for this day.'
And when he sits in his place, he should say:
'I bear witness that there is no god but Allah {SWT}, alone, without any partner. And I bear witness that Muhammad is His servant and Messenger. O Allah {SWT}, I ask You for lawful, pure sustenance from Your bounty, and I seek refuge in You from wronging others or being wronged, and I seek refuge in You from a bad transaction and a false oath.'
When he says this, the appointed angel says, 'Rejoice! For there is no one in the market today with a greater share than you. And what Allah {SWT} has decreed for you will come to you fully, lawfully, purely, and with blessings.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.200

HADITH

3755 - وَ رُوِيَ : «أَنَّ مَنْ ذَكَرَ اَللَّهَ عَزَّ وَ جَلَّ فِي اَلْأَسْوَاقِ غَفَرَ اَللَّهُ لَهُ بِعَدَدِ مَا فِيهَا مِنْ فَصِيحٍ وَ أَعْجَمَ».
وَ اَلْفَصِيحُ مَا يَتَكَلَّمُ وَ اَلْأَعْجَمُ مَا لَا يَتَكَلَّمُ.

H.3755 - It is narrated: "Whoever remembers Allah {SWT}, the Mighty and Exalted, in the marketplaces, Allah {SWT} will forgive him in proportion to the number of those in it, both those who speak and those who do not."

[AL SADUQ]
And the speaking refers to those who talk, while the silent refers to those who do not speak.

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.200 • Al-Wafi, V.17 p.450 • Wasa'il Al-Shi'ah, Vol.17 p.409

HADITH

3756 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ ذَكَرَ اَللَّهَ عَزَّ وَ جَلَّ فِي اَلْأَسْوَاقِ غَفَرَ لَهُ بِعَدَدِ أَهْلِهَا».

H.3756 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever remembers Allah {SWT}, the Mighty and Exalted, in the marketplaces, Allah {SWT} will forgive him by the number of its people."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.200 • Al-Wafi, Vol.17 p.450 • Wasa'il Al-Shi'ah, Vol.17 p.409

CHAPTER 63 – CHAPTER ON SUPPLICATION WHEN PURCHASING GOODS FOR TRADE

بَابُ الدُّعَاءِ عِنْدَ شِرَاءِ الْمَتَاعِ لِلتِّجَارَةِ

HADITH 3757 – 3758

3757 - رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَحَدُهُمَا عَلَيْهِمَا اَلسَّلاَمُ : «إِذَا اِشْتَرَيْتَ مَتَاعاً فَكَبِّرِ اَللَّهَ ثَلاَثاً ثُمَّ قُلِ اَللَّهُمَّ إِنِّي اِشْتَرَيْتُهُ أَلْتَمِسُ فِيهِ مِنْ خَيْرِكَ فَاجْعَلْ لِي فِيهِ خَيْراً اَللَّهُمَّ إِنِّي اِشْتَرَيْتُهُ أَلْتَمِسُ فِيهِ مِنْ فَضْلِكَ فَاجْعَلْ لِي فِيهِ فَضْلاً اَللَّهُمَّ إِنِّي اِشْتَرَيْتُهُ أَلْتَمِسُ فِيهِ مِنْ رِزْقِكَ فَاجْعَلْ لِي فِيهِ رِزْقاً ثُمَّ أَعِدْ كُلَّ وَاحِدَةٍ مِنْهَا ثَلاَثَ مَرَّاتٍ».

H.3757 - Al-Ala narrated from Muhammad ibn Muslim who said:
One of the Imams {a.s} said:
"When you purchase merchandise, glorify Allah {SWT} (say Allahu Akbar) three times, then say:
O Allah {SWT}, I have purchased it seeking Your goodness, so make goodness for me in it.
O Allah {SWT}, I have purchased it seeking Your bounty, so make bounty for me in it.
O Allah {SWT}, I have purchased it seeking Your provision, so make provision for me in it.
Then repeat each of these supplications three times."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.200

HADITH

3758 - وَ كَانَ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ يَكْتُبُ عَلَى اَلْمَتَاعِ «بَرَكَةٌ لَنَا».

H.3758 - Imam Ali ibn Musa Ar-Ridha {a.s} used to write on merchandise:
"Blessing for us."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.201 • Al-Adab Al-Diniyyah, Vol.1 p.99 • Al-Wafi, Vol.18 p.974

CHAPTER 64 – CHAPTER ON SUPPLICATION WHEN PURCHASING ANIMALS

بَابُ الدُّعَاءِ عِنْدَ شِرَاءِ الْحَيَوَانِ

HADITH 3759 – 3760

3759 - رَوَى عُمَرُ بْنُ إِبْرَاهِيمَ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنِ اِشْتَرَى دَابَّةً فَلْيَقُمْ مِنْ جَانِبِهَا اَلْأَيْسَرِ وَ يَأْخُذُ نَاصِيَتَهَا بِيَدِهِ اَلْيُمْنَى وَ يَقْرَأُ عَلَى رَأْسِهَا فَاتِحَةَ اَلْكِتَابِ وَ «قُلْ هُوَ اَللَّهُ أَحَدٌ» وَ اَلْمُعَوِّذَتَيْنِ وَ آخِرَ اَلْحَشْرِ وَ آخِرَ بَنِي إِسْرَائِيلَ «قُلِ اُدْعُوا اَللَّهَ أَوِ اُدْعُوا اَلرَّحْمٰنَ» وَ آيَةَ اَلْكُرْسِيِّ فَإِنَّ ذَلِكَ أَمَانٌ تِلْكَ اَلدَّابَّةِ مِنَ اَلْآفَاتِ».

H.3759 - Umar ibn Ibrahim narrated from Abu Al-Hasan {a.s} who said:
"Whoever buys an animal should stand on its left side, hold its forelock with his right hand, and recite over its head:
Surah Al-Fatiha: the Opening of the Book,
Surah Al-Ikhlas (Qul Huwa Allahu Ahad),
Surah Al-Falaq and Surah Al-Nas (the two Mu'awwidhatayn) - two chapters of seeking refuge,
The last verses of Surah Al-Hashr,
The last verse of Surah Bani Isra'il (Al-Isra'): 'Say, call upon Allah {SWT} or call upon the Most Merciful',
And Ayat Al-Kursi,
Verily, this will serve as protection for the animal from afflictions."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.201 • Al-Wafi, V.17 p.452 • Wasa’il Al-Shi’ah, V.17 p.412

HADITH

3760 - وَ رَوَى اِبْنُ فَضَّالٍ عَنْ ثَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا اِشْتَرَيْتَ جَارِيَةً فَقُلِ: اَللَّهُمَّ إِنِّي أَسْتَشِيرُكَ وَ أَسْتَخِيرُكَ وَ إِذَا اِشْتَرَيْتَ دَابَّةً أَوْ رَأْساً فَقُلِ: اَللَّهُمَّ قَدِّرْ لِي أَطْوَلَهُنَّ حَيَاةً وَ أَكْثَرَهُنَّ مَنْفَعَةً وَ خَيْرَهُنَّ عَاقِبَةً ».

H.3760 - Ibn Faddal narrated from Thalabah ibn Maymun, from Abu Abdillah {a.s} who said: "When you purchase a bondwoman, say:
O Allah {SWT}, I seek Your {SWT} counsel and ask for Your {SWT} guidance.
And when you purchase an animal or livestock, say:
O Allah {SWT}, decree for me the longest life, the greatest benefit, and the best outcome among them."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.201 • Al-Wafi, V.17 p.453 • Wasa’il Al-Shi’ah, V.17 p.412

CHAPTER 65 – CHAPTER ON CONDITIONS AND OPTIONS IN SALES

بَابُ الشَّرْطِ وَ الْخِيَارِ فِي الْبَيْعِ

HADITH 3761 – 3767

3761 - رَوَى اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «فِي اَلْحَيَوَانِ كُلِّهِ شَرْطُ ثَلاَثَةِ أَيَّامٍ لِلْمُشْتَرِي فَهُوَ بِالْخِيَارِ فِيهَا إِنِ اِشْتَرَطَ أَوْ لَمْ يَشْتَرِطْ».

H.3761 - Al-Halabi narrated from Abu Abdillah {a.s} who said:
"For all animals, the buyer has a three-day condition (option) to return it, whether he stipulated it or not."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.201 • Tahdhib Al-Ahkam, Vol.7 p.24 • Awali Al-La'ali, Vol.3 p.209 • Al-Wafi, Vol.17 p.515 • Wasa'il Al-Shi'ah, Vol.18 p.10 • Wasa'il Al-Shi'ah, Vol.18 p.11

HADITH

3762 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «أَيُّمَا رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ بَيْعاً فَهُمَا بِالْخِيَارِ حَتَّى يَفْتَرِقَا فَإِذَا اِفْتَرَقَا فَقَدْ وَجَبَ اَلْبَيْعُ».

H.3762 - Imam {a.s} said: "Whenever a man buys something from another man, they both have the option (to cancel the deal) until they part ways. Once they part, the sale becomes binding."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.201 • Wasa'il Al-Shi'ah, Vol.18 p.6

HADITH

3763 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ عَبْداً أَوْ دَابَّةً وَ شَرَطَ يَوْماً أَوْ يَوْمَيْنِ فَمَاتَ اَلْعَبْدُ أَوْ نَفَقَتِ اَلدَّابَّةُ أَوْ حَدَثَ فِيهِ حَدَثٌ عَلَى مَنِ اَلضَّمَانُ قَالَ «لاَ ضَمَانَ عَلَى اَلْمُبْتَاعِ حَتَّى يَنْقَضِيَ اَلشَّرْطُ وَ يَصِيرَ اَلْمَبِيعُ لَهُ».

H.3763 - Imam {a.s} was asked about a man who purchased a slave or an animal from another man and stipulated a condition for one or two days. If the slave dies, the animal perishes, or a defect occurs during that period, who is responsible for the loss? Imam {a.s} said: "There is no liability on the buyer until the condition period ends and the sale becomes final."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.202

HADITH

3764 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنِ اَلْعَبْدِ اَلصَّالِحِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنِ اِشْتَرَى بَيْعاً وَ مَضَتْ ثَلاَثَةُ أَيَّامٍ وَ لَمْ يَجِئْ فَلاَ بَيْعَ لَهُ ».

H.3764 - Ishaq ibn Ammar narrated from the Righteous Servant of Allah {SWT} (Imam Musa ibn Jafar Al-Kadhim {a.s}) who said:
"Whoever buys an item, and three days pass without him coming (to confirm or claim it), then the sale is void."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.202 • Tahdhib Al-Ahkam, Vol.7 p.22 • Al-Istibsar, Vol.3 p.78 • Al-Wafi, Vol.17 p.514 • Wasa'il Al-Shi'ah, Vol.18 p.22

HADITH

3765 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : « اَلْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ إِلاَّ كُلَّ شَرْطٍ خَالَفَ، كِتَابَ اَللَّهِ عَزَّ وَ جَلَّ فَلاَ يَجُوزُ ».

H.3765 - Abdullah ibn Sinan narrated from Abu Abdillah {a.s} who said:
"Muslims are bound by their conditions, except for any condition that contradicts the Book of Allah {SWT}, the Mighty and Exalted, which is not permissible."

[REFERENCES] Da'a'im Al-Islam, Vol.2 p.44 • Man La Yahduruhu Al-Faqih, Vol.3 p.202 • Tahdhib Al-Ahkam, Vol.7 p.22 • Al-Wafi, Vol.17 p.503 • Wasa'il Al-Shi'ah, Vol.18 p.16 • Al-Fusul Al-Muhimmah, Vol.1 p.670 • Al-Fusul Al-Muhimmah, Vol.2 p.249 • Bihar Al-Anwar, Vol.100 p.137 • Mustadrak Al-Wasa'il, Vol.13 p.300

HADITH

3766 - وَ رَوَى جَمِيلٌ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ اَلرَّجُلُ يَشْتَرِي مِنَ اَلرَّجُلِ اَلْمَتَاعَ ثُمَّ يَدَعُهُ عِنْدَهُ يَقُولُ حَتَّى آتِيَكَ بِثَمَنِهِ فَقَالَ «إِنْ جَاءَ فِيمَا بَيْنَهُ وَ بَيْنَ ثَلاَثَةِ أَيَّامٍ وَ إِلاَّ فَلاَ بَيْعَ لَهُ».

H.3766 - Jamil narrated from Zurarah, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I asked him about a man who buys merchandise from another man and then leaves it with him, saying, "I will bring you its price."
Imam {a.s} said: "If he brings the payment within three days, then the sale is valid; otherwise, there is no sale for him."

[REFERENCES] Al-Kafi, Vol.5 p.171 • Man La Yahduruhu Al-Faqih, Vol.3 p.202 • Tahdhib Al-Ahkam, Vol.7 p.21 • Al-Istibsar, V.3 p.77 • Nuzhat Al-Nazir, V.1 p.86 • Awali Al-La'ali, V.3 p.211 • Wasa'il Al-Shi'ah, V.18 p.21

HADITH

3767 - وَ فِي رِوَايَةٍ أُخْرَى عَنِ اِبْنِ فَضَّالٍ عَنِ اَلْحَسَنِ بْنِ عَلِيِّ بْنِ رِبَاطٍ عَمَّنْ رَوَاهُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنْ حَدَثَ بِالْحَيَوَانِ حَدَثٌ قَبْلَ ثَلاَثَةِ أَيَّامٍ فَهُوَ مِنْ مَالِ اَلْبَائِعِ».

وَ مَنِ اشْتَرَى جَارِيَةً وَ قَالَ لِلْبَائِعِ أُجِيئُكَ بِالثَّمَنِ فَإِنْ جَاءَ فِيمَا بَيْنَهُ وَ بَيْنَ شَهْرٍ وَ إِلَّا فَلَا بَيْعَ لَهُ وَ الْعُهْدَةُ فِيمَا يَفْسُدُ مِنْ يَوْمِهِ مِثْلِ الْبُقُولِ وَ الْبِطِّيخِ وَ الْفَوَاكِهِ يَوْمٌ إِلَى اللَّيْلِ.

H.3767 - In another narration, Ibn Faddal narrated from Al-Hasan ibn Ali ibn Ribbat, from someone who narrated it from Abu Abdillah {a.s}, who said:
"If an animal develops a defect within three days, it is the responsibility of the seller."

[AL SADUQ]
And whoever buys a bondwoman and says to the seller, 'I will bring you the payment,' then if he brings it within a month, the sale is valid; otherwise, the sale is void.
As for goods that spoil quickly, such as vegetables, melons, and fruits, the liability lasts only until the end of the day."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.203 • Tahdhib Al-Ahkam, Vol.7 p.67 • Wasa'il Al-Shi'ah, Vol.18 p.15

CHAPTER 66 – CHAPTER ON THE SEPARATION THAT CONCLUDES A SALE, WHETHER IT IS BY PHYSICAL DEPARTURE OR VERBAL AGREEMENT

بَابُ الِافْتِرَاقِ الَّذِي يَجِبُ بِهِ الْبَيْعُ أَ هُوَ بِالْأَبْدَانِ أَوْ بِالْقَوْلِ

HADITH 3768 – 3769

3768 - رُوِيَ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «إِنَّ أَبِي عَلَيْهِ اَلسَّلاَمُ اِشْتَرَى أَرْضاً يُقَالُ لَهَا اَلْعُرَيْضُ فَلَمَّا اِسْتَوْجَبَهَا قَامَ فَمَضَى فَقُلْتُ لَهُ يَا أَبَةِ عَجِّلْتَ بِالْقِيَامِ فَقَالَ «يَا بُنَيَّ إِنِّي أَرَدْتُ أَنْ يَجِبَ اَلْبَيْعُ» ».

H.3768 - It is narrated from Al-Halabi, from Abu Abdillah {a.s}, that he said:
"My father {a.s} purchased a piece of land called Al-Urayd. When he finalized the purchase, he immediately stood up and left.
Imam Al Sadiq {a.s} said to Imam Al Baqir {a.s}: 'O father, you left in haste.'
Imam Al Baqir {a.s} replied: ‘O my son, I wanted the sale to become binding.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.203 • Al-Wafi, V.17 p.508 • Wasa’il Al-Shi’ah, Vol.18 p.8

HADITH

3769 - وَ رَوَى أَبُو أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «اِبْتَعْتُ أَرْضاً فَلَمَّا اِسْتَوْجَبْتُهَا قُمْتُ فَمَشَيْتُ خُطًا ثُمَّ رَجَعْتُ أَرَدْتُ أَنْ يَجِبَ اَلْبَيْعُ حِينَ اَلِافْتِرَاقِ».

H.3769 - Abu Ayyub narrated from Muhammad ibn Muslim who said: I heard Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} say:
"I purchased a piece of land, and when I finalized the purchase, I stood up and walked a few steps, then returned. I did this to make the sale binding at the time of separation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.204

CHAPTER 67 – CHAPTER ON THE RULING OF A BALANCED PARTNERSHIP AGREEMENT BETWEEN TWO MEN WITH A KNOWN CONDITION AND A SPECIFIED TERM

بَابُ حُكْمِ الْقَبَالَةِ الْمُعَدَّلَةِ بَيْنَ الرَّجُلَيْنِ بِشَرْطٍ مَعْرُوفٍ إِلَى أَجَلٍ مَعْلُومٍ

HADITH 3770 – 3771

3770 - رُوِيَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّا نُخَالِطُ قَوْماً مِنْ أَهْلِ اَلسَّوَادِ وَ غَيْرِهِمْ فَنَبِيعُهُمْ وَ نَرْبَحُ عَلَيْهِمُ اَلْعَشَرَةَ اِثْنَيْ عَشَرَ وَ اَلْعَشَرَةَ ثَلاَثَةَ عَشَرَ وَ نُؤَخِّرُ ذَلِكَ فِيمَا بَيْنَنَا وَ بَيْنَهُمُ اَلسَّنَةَ وَ نَحْوَهَا فَيَكْتُبُ اَلرَّجُلُ لَنَا بِهَا عَلَى دَارِهِ أَوْ عَلَى أَرْضِهِ بِذَلِكَ اَلْمَالِ اَلَّذِي فِيهِ اَلْفَضْلُ اَلَّذِي أَخَذَ مِنَّا شِرًى بِأَنَّهُ قَدْ بَاعَهُ وَ أَخَذَ اَلثَّمَنَ فَنَعِدُهُ إِنْ هُوَ جَاءَ بِالْمَالِ فِي وَقْتِ بَيْنَنَا وَ بَيْنَهُ أَنْ نَرُدَّ عَلَيْهِ اَلشِّرَاءَ وَ إِنْ جَاءَنَا اَلْوَقْتُ وَ لَمْ يَأْتِنَا بِالدَّرَاهِمِ فَهُوَ لَنَا فَمَا تَرَى فِي اَلشِّرَاءِ فَقَالَ «أَرَى أَنَّهُ لَكَ إِذَا لَمْ يَفْعَلْ وَ إِنْ جَاءَ بِالْمَالِ لِلْوَقْتِ فَتَرُدُّ عَلَيْهِ».

H.3770 - It is narrated from Sa'id ibn Yasar who said: I said to Abu Abdillah {a.s}:
"We deal with some people from the rural areas and others. We sell to them and make a profit - sometimes ten becomes twelve, and sometimes ten becomes thirteen. We allow them to defer payment for a year or so, and they provide us with a written guarantee secured by their house or land for the amount, including the added profit.
We then agree that if they bring the payment within the specified time, we will cancel the sale and return the property to them. However, if the deadline passes and they do not bring the payment, the property becomes ours.
What do you think about this transaction?"
Imam {a.s} said: "I see that it is yours if they fail to meet the condition. But if they bring the payment within the agreed time, you must return the property to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.204

HADITH

3771 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلَهُ رَجُلٌ وَ أَنَا عِنْدَهُ فَقَالَ رَجُلٌ مُسْلِمٌ اِحْتَاجَ إِلَى بَيْعِ دَارِهِ فَجَاءَ إِلَى أَخِيهِ فَقَالَ أَبِيعُكَ دَارِي هَذِهِ فَتَكُونُ لَكَ أَحَبُّ إِلَيَّ مِنْ أَنْ تَكُونَ لِغَيْرِكَ عَلَى أَنْ تَشْتَرِطَ لِي إِنْ أَنَا جِئْتُكَ بِثَمَنِهَا إِلَى سَنَةٍ أَنْ تَرُدَّهَا عَلَيَّ فَقَالَ «لاَ بَأْسَ بِهَذَا إِنْ جَاءَ بِثَمَنِهَا إِلَى سَنَةٍ رَدَّهَا عَلَيْهِ» قُلْتُ فَإِنْ كَانَتْ فِيهَا غَلَّةٌ كَثِيرَةٌ فَأَخَذَ اَلْغَلَّةَ لِمَنْ تَكُونُ اَلْغَلَّةُ قَالَ «لِلْمُشْتَرِي أَ مَا تَرَى أَنَّهَا لَوِ اِحْتَرَقَتْ لَكَانَتْ مِنْ مَالِهِ».

قَالَ شَيْخُنَا مُحَمَّدُ بْنُ الْحَسَنِ رَضِيَ اللَّهُ عَنْهُ مَتَى عُدِّلَتِ الْقَبَالَةُ بَيْنَ رَجُلَيْنِ عِنْدَ رَجُلٍ إِلَى أَجَلٍ فَكَتَبَا بَيْنَهُمَا اتِّفَاقاً لِيَحْمِلَهُمَا عَلَيْهِ فَعَلَى الْعَدْلِ أَنْ يَعْمَلَ بِمَا فِي الِاتِّفَاقِ وَ لَا يَتَجَاوَزَهُ وَ لَا يَحِلُّ لَهُ أَنْ يُؤَخِّرَ رَدَّ ذَلِكَ الْكِتَابَ عَلَى مُسْتَحِقِّهِ فِي الْوَقْتِ الَّذِي يَسْتَوْجِبُهُ فِيهِ وَ سَمِعْتُهُ رَضِيَ اللَّهُ عَنْهُ يَقُولُ سَمِعْتُ مَشَايِخَنَا رَضِيَ اللَّهُ عَنْهُمْ يَقُولُونَ إِنَّ الِاتِّفَاقَاتِ لَا تُحْمَلُ عَلَى الْأَحْكَامِ

لِأَنَّهَا إِنْ حُمِلَتْ عَلَى الْأَحْكَامِ بَطَلَتْ وَ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ فِيمَا وَافَقَ كِتَابَ اللَّهِ عَزَّ وَ جَلَّ وَ مَتَى جَاءَ مَنْ عَلَيْهِ الْمَالُ بِبَعْضِهِ فِي الْمَحَلِّ أَوْ قَبْلَهُ وَ حَلَّ الْأَجَلُ وَ لَمْ يَحْمِلْ تَمَامَهُ فَعَلَى الْعَدْلِ أَنْ يُصَحِّحَ الْمَقْبُوضَ مِنَ الْمَالِ عَلَى قَابِضِهِ بِالْإِشْهَادِ عَلَيْهِ إِنْ كَانَ مَلِيّاً وَ إِنْ لَمْ يَكُنْ مَلِيّاً فَبِالاسْتِيثَاقِ وَ إِنْ أَمَرَهُ بِرَدِّهِ عَلَى مَنْ قَبَضَهُ مِنْهُ كَانَ أَوْلَى وَ أَبْلَغَ وَ إِنْ ذُكِرَ فِي الِاتِّفَاقِ بَيْنَهُمَا غَيْرُ ذَلِكَ حَمَلَهُمَا عَلَيْهِ إِنْ شَاءَ اللَّهُ تَعَالَى.

H.3771 - Ishaq ibn Ammar narrated from Abu Abdillah {a.s}:
A man asked him while I was present, saying: "A Muslim man needed to sell his house, so he came to his brother and said: 'I will sell you my house. It is more beloved to me that it belongs to you than to someone else, on the condition that if I bring you its price within a year, you will return it to me.'"
He {a.s} said: "There is no problem with this. If he brings its price within a year, he should return it to him."
I asked: "What if the property yields a significant income during that time? Who does the income belong to?"
He {a.s} said: "It belongs to the buyer. Do you not see that if it were to burn down, it would be his loss?"

[AL SADUQ]
Our teacher, Muhammad ibn Al-Hasan (may Allah {SWT} be pleased with him), said:
Whenever a financial agreement (qabalah) is established between two men before a third party for a specified term, and they write an agreement between them to obligate themselves to abide by it, the intermediary must act according to the agreement and not exceed it.
It is not permissible for him to delay returning that written agreement to its rightful owner at the time it is due.
I also heard him (our teacher Muhammad ibn Al-Hasan), may Allah {SWT} be pleased with him say:
I heard our elders (may Allah {SWT} be pleased with them) say that agreements are not treated as binding judgments (ahkam). If agreements were treated as judgments, they would be invalidated.
Muslims are bound by their conditions as long as they conform to the Book of Allah {SWT}, the Mighty and Exalted.
If the debtor brings part of the payment at the due time or before it, but does not pay the full amount, the intermediary must verify the amount received from the debtor by documenting it in the presence of witnesses - if the debtor is solvent.
If the debtor is not solvent, then additional security should be required.
If the intermediary instructs the return of the payment to the person from whom it was received, this would be preferable and more secure.
If the agreement specifies terms different from this, the intermediary should enforce them, if Allah {SWT} wills.

[REFERENCES] Al-Kafi, Vol.5 p.171 • Man La Yahduruhu Al-Faqih, Vol.3 p.205 • Tahdhib Al-Ahkam, Vol.7 p.23 • Al-Wafi, Vol.17 p.509 • Wasa'il Al-Shi'ah, Vol.18 p.19

CHAPTER 68 – CHAPTER ON SALES

بَابُ الْبُيُوعِ

HADITH 3772 – 3860

3772 - رَوَى مَنْصُورُ بْنُ حَازِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا اِشْتَرَيْتَ مَتَاعاً فِيهِ كَيْلٌ أَوْ وَزْنٌ فَلاَ تَبِعْهُ حَتَّى تَقْبِضَهُ إِلاَّ أَنْ تُوَلِّيَهُ فَإِنْ لَمْ يَكُنْ فِيهِ كَيْلٌ وَ لاَ وَزْنٌ فَبِعْهُ ».

يَعْنِي أَنَّهُ يُوَكِّلُ الْمُشْتَرِيَ بِقَبْضِهِ.

H.3772 - Mansur ibn Hazim narrated from Abu Abdillah {a.s} who said:
"If you purchase goods that require measuring or weighing, do not sell them until you take possession of them - unless you appoint someone to take possession on your behalf.
However, if the goods do not require measuring or weighing, then you may sell them immediately."

[AL SADUQ]
This means that the buyer can authorize someone to take possession of the goods on his behalf.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.206 • Tahdhib Al-Ahkam, Vol.7 p.35 • Al-Wafi, Vol.17 p.496 • Wasa'il Al-Shi'ah, Vol.18 p.68 • Wasa'il Al-Shi'ah, Vol.18 p.302 • Al-Fusul Al-Muhimmah, Vol.2 p.250

HADITH

3773 - وَ رَوَى عَبْدُ اَلرَّحْمَنِ بْنُ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ كُرٌّ مِنْ طَعَامٍ فَاشْتَرَى كُرّاً مِنْ رَجُلٍ فَقَالَ لِلرَّجُلِ اِنْطَلِقْ فَاسْتَوْفِ حَقَّكَ قَالَ «لاَ بَأْسَ بِهِ ».

H.3773 - Abd Al-Rahman ibn Abi Abdillah narrated from Abu Abdillah {a.s}:
I asked him about a man who owed a kurr (a measure) of food and then purchased a kurr from another man. He said to the seller, "Go and take your right (measure) from the food I owe."
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.206 • Wasa'il Al-Shi'ah, Vol.18 p.65

HADITH

3774 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي رَجُلٍ اِبْتَاعَ مِنْ رَجُلٍ طَعَاماً بِدَرَاهِمَ فَأَخَذَ نِصْفَهُ ثُمَّ جَاءَهُ بَعْدَ ذَلِكَ وَ قَدِ اِرْتَفَعَ اَلطَّعَامُ أَوْ نَقَصَ فَقَالَ «إِنْ كَانَ يَوْمَ اِبْتَاعَهُ سَاعَرَهُ بِكَذَا وَ كَذَا فَهُوَ ذَاكَ وَ إِنْ لَمْ يَكُنْ سَاعَرَهُ فَإِنَّمَا لَهُ سِعْرُ يَوْمِهِ » قَالَ وَ قَالَ فِي اَلرَّجُلِ يَكُونُ عِنْدَهُ لَوْنَانِ مِنْ طَعَامٍ وَاحِدٍ قَدْ سَعَّرَهُمَا بِشَيْءٍ وَ أَحَدُهُمَا خَيْرٌ مِنَ اَلْآخَرِ فَيَخْلِطُهُمَا جَمِيعاً ثُمَّ يَبِيعُهُمَا بِسِعْرٍ وَاحِدٍ قَالَ «لاَ يَصْلُحُ لَهُ أَنْ يَفْعَلَ يَغُشَّ بِهِ اَلْمُسْلِمِينَ حَتَّى يُبَيِّنَهُ».

H.3774 - Abdullah ibn Muskan narrated from Al-Halabi, from Abu Abdillah {a.s}:
Regarding a man who purchased food with dirhams from another man, took half of it, and then returned later - after the price of the food had either increased or decreased. Imam {a.s} said: "If, on the day he purchased it, they agreed on a fixed price, then that price applies. But if no price was fixed, then it is sold at the price of the day it is taken."
Imam {a.s} also said about a man who had two types of the same food, priced equally, but one was better than the other, and he mixed them together and sold them at one price:
"It is not permissible for him to do that, as it deceives the Muslims, unless he makes it clear (to the buyer)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.207

HADITH

3775 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي اَلْعُطَارِدِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ يَشْتَرِي اَلطَّعَامَ فَيَتَغَيَّرُ سِعْرُهُ قَبْلَ أَنْ يَقْبِضَهُ قَالَ «إِنِّي لَأُحِبُّ أَنْ يَفِيَ لَهُ كَمَا أَنَّهُ لَوْ كَانَ فِيهِ فَضْلٌ أَخَذَهُ».

H.3775 - Ishaq ibn Ammar narrated from Abu Al-Utard who said:
I asked Abu Abdillah {a.s} about a man who purchases food, and its price changes before he takes possession of it.
Imam {a.s} said: "I prefer that he honors the agreement (at the original price), just as he would have taken the benefit if there had been an increase in value."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.207 • Tahdhib Al-Ahkam, Vol.7 p.39 • Al-Wafi, Vol.17 p.501 • Wasa'il Al-Shi'ah, Vol.18 p.86

HADITH

3776 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَصْلُحُ لِلرَّجُلِ أَنْ يَبِيعَ بِصَاعٍ غَيْرِ صَاعِ اَلْمِصْرِ».

H.3776 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, who said:
"It is not permissible for a man to sell using a measure other than the standard measure of the city."

[REFERENCES] Al-Kafi, Vol.5 p.184 • Man La Yahduruhu Al-Faqih, Vol.3 p.207 • Tahdhib Al-Ahkam, Vol.7 p.40 • Al-Wafi, Vol.17 p.481 • Wasa'il Al-Shi'ah, Vol.17 p.347 • Wasa'il Al-Shi'ah, Vol.17 p.377

HADITH

3777 - وَ رُوِيَ عَنْ عَبْدِ اَلصَّمَدِ بْنِ بَشِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ سَأَلَهُ مُحَمَّدُ بْنُ اَلْقَاسِمِ اَلْحَنَّاطُ : فَقَالَ أَصْلَحَكَ اَللَّهُ أَبِيعُ اَلطَّعَامَ مِنَ اَلرَّجُلِ إِلَى أَجَلٍ فَأَجِيءُ وَ قَدْ تَغَيَّرَ اَلطَّعَامُ مِنْ سِعْرِهِ فَيَقُولُ لَيْسَ عِنْدِي دَرَاهِمُ قَالَ «خُذْ مِنْهُ بِسِعْرِ يَوْمِهِ » قَالَ أَفْهَمُ أَصْلَحَكَ اَللَّهُ أَنَّهُ طَعَامِيَ اَلَّذِي اِشْتَرَاهُ مِنِّي قَالَ «لاَ تَأْخُذْ مِنْهُ حَتَّى يَبِيعَ وَ يُعْطِيَكَ » قَالَ أَرْغَمَ اَللَّهُ أَنْفِي رَخَّصَ لِي فَزَدَدْتُ عَلَيْهِ فَشَدَّدَ عَلَيَّ.

H.3777 - It is narrated from Abd Al-Samad ibn Bashir, from Abu Abdillah {a.s}:
Muhammad ibn Al-Qasim Al-Hannat asked him, "May Allah {SWT} keep you well. I sell food to a man on credit, and when I go to collect payment, the price of the food has changed, and he says, 'I do not have dirhams.' What should I do?"
Imam {a.s} said: “Take from him at the price of the day."
Muhammad asked: “I understand, may Allah {SWT} keep you well, but what if it is the same food he purchased from me?"
Imam {a.s} said: “Do not take it from him until he sells it and gives you the payment."
Muhammad said: “May Allah {SWT} humble me! He initially gave me a concession, but when I questioned further, he imposed a stricter rule upon me."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.207 • Tahdhib Al-Ahkam, Vol.7 p.35 • Al-Istibsar, Vol.3 p.77 • Al-Wafi, Vol.18 p.574 • Wasa’il Al-Shi’ah, Vol.18 p.312

HADITH

3778 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَشْتَرِي طَعَاماً فَيَكُونُ أَحْسَنَ لَهُ وَ أَنْفَقَ أَنْ يَبُلَّهُ مِنْ غَيْرِ أَنْ يَلْتَمِسَ زِيَادَةً فَقَالَ «إِنْ كَانَ لاَ يُصْلِحُهُ إِلاَّ ذَلِكَ وَ لاَ يُنْفِقُهُ غَيْرُهُ مِنْ غَيْرِ أَنْ يَلْتَمِسَ فِيهِ اَلزِّيَادَةَ فَلاَ بَأْسَ وَ إِنْ كَانَ إِنَّمَا يَغُشُّ بِهِ اَلْمُسْلِمِينَ فَلاَ يَصْلُحُ».

H.3778 - Hammad narrated from Al-Halabi, who said:
I asked Abu Abdillah {a.s} about a man who buys food and finds it more suitable and marketable if he moistens it, without intending to increase its weight.
Imam {a.s} said: "If it cannot be preserved or sold without doing that, and there is no intention of increasing its weight, then there is no harm.
But if the purpose is to deceive the Muslims, then it is not permissible."

[REFERENCES] Al-Kafi, Vol.5 p.183 • Man La Yahduruhu Al-Faqih, Vol.3 p.208 • Tahdhib Al-Ahkam, Vol.7 p.34 • Al-Wafi, Vol.17 p.468 • Wasa’il Al-Shi’ah, Vol.18 p.113

HADITH

3779 - وَ رُوِيَ عَنِ اِبْنِ مُسْكَانَ عَنْ إِسْحَاقَ اَلْمَدَائِنِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْقَوْمِ يَدْخُلُونَ اَلسَّفِينَةَ يَشْتَرُونَ اَلطَّعَامَ فَيُسَاوِمُونَ مِنْهُ ثُمَّ يَشْتَرِيهِ رَجُلٌ مِنْهُمْ فَيَسْأَلُونَهُ فَيُعْطِيهِمْ مَا يُرِيدُونَ مِنَ اَلطَّعَامِ فَيَكُونُ صَاحِبُ اَلطَّعَامِ هُوَ اَلَّذِي يَدْفَعُهُ إِلَيْهِمْ وَ يَقْبِضُ اَلثَّمَنَ قَالَ «لاَ بَأْسَ مَا أَرَاهُمْ إِلاَّ وَ قَدْ شَارَكُوهُ» فَقُلْتُ إِنَّ صَاحِبَ اَلطَّعَامِ يَدْعُو اَلْكَيَّالَ فَيَكِيلُهُ لَنَا وَ لَنَا أُجَرَاءُ فَيَعْتَبِرُونَهُ فَيَزِيدُ وَ يَنْقُصُ قَالَ «لاَ بَأْسَ مَا لَمْ يَكُنْ شَيْءٌ كَثِيرٌ غَلَطٌ».

H.3779 - It is narrated from Ibn Muskan, from Ishaq Al-Mada'ini, who said:
I asked Abu Abdillah {a.s} about a group of people who board a ship to purchase food. They negotiate the price, and one of them buys it. Then the others request portions of the food from him, and he provides it to them while the seller handles the weighing and receives the payment.
Imam {a.s} said: "There is no harm in this. I do not see it as anything other than them sharing in the purchase."
I said: “The seller calls a measurer to weigh it for us, and we have laborers who check the measurement, but sometimes it is slightly more or less."
Imam {a.s} said: "There is no harm in it, as long as the error is not significant."

[REFERENCES] Al-Kafi, Vol.5 p.180 • Man La Yahduruhu Al-Faqih, Vol.3 p.208 • Tahdhib Al-Ahkam, Vol.7 p.38

HADITH

3780 - وَ رُوِيَ عَنْ خَالِدِ بْنِ حَجَّاجٍ اَلْكَرْخِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَشْتَرِي طَعَاماً إِلَى أَجَلٍ مُسَمًّى فَيَطْلُبُهُ اَلتُّجَّارُ مِنِّي بَعْدَ مَا اِشْتَرَيْتُهُ قَبْلَ أَنْ أَقْبِضَهُ قَالَ «لاَ بَأْسَ أَنْ تَبِيعَ إِلَى أَجَلٍ كَمَا اِشْتَرَيْتَهُ وَ لَيْسَ لَكَ أَنْ تَدْفَعَ أَوْ تَقْبِضَ» قُلْتُ فَإِذَا قَبَضْتُهُ جُعِلْتُ فِدَاكَ فَلِي أَنْ أَدْفَعَهُ بِكَيْلِهِ قَالَ «لاَ بَأْسَ بِذَلِكَ إِذَا رَضُوا » وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «كُلُّ طَعَامٍ اِشْتَرَيْتَهُ مِنْ بَيْدَرٍ أَوْ طَسُّوجٍ فَأَتَى اَللَّهُ عَزَّ وَ جَلَّ عَلَيْهِ فَلَيْسَ لِلْمُشْتَرِي إِلاَّ رَأْسُ مَالِهِ وَ مَا اِشْتَرَى مِنْ طَعَامٍ مَوْصُوفٍ وَ لَمْ يُسَمَّ فِيهِ قَرْيَةٌ وَ لاَ مَوْضِعاً فَعَلَى صَاحِبِهِ أَنْ يُؤَدِّيَهُ» قَالَ وَ قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَشْتَرِي اَلطَّعَامَ مِنَ اَلرَّجُلِ ثُمَّ أَبِيعُهُ مِنْ رَجُلٍ آخَرَ قَبْلَ أَنْ أَكْتَالَهُ فَأَقُولُ اِبْعَثْ وَكِيلَكَ حَتَّى يَشْهَدَ كَيْلَهُ إِذَا قَبَضْتُهُ قَالَ «لاَ بَأْسَ».

H.3780 - It is narrated from Khalid ibn Hajjaj Al-Karkhi, who said:
I asked Abu Abdillah {a.s}: "I buy food on deferred payment until a specified time, and then merchants request to buy it from me before I take possession of it."
Imam {a.s} said: "There is no harm in selling it on deferred payment, as you purchased it, but you are not allowed to hand it over or take possession of it before you actually receive it."
I asked: “Once I take possession of it, may I be your ransom, can I then hand it over using its measured amount?"
Imam {a.s} said: "There is no harm in that if they are satisfied with it."

Imam {a.s} also said: "Any food you purchase from a field (baydar) or a district (tassuj), and then Allah {SWT} causes it to perish, the buyer is only entitled to his principal amount.
But if he purchases food with a general description and does not specify a village or location, then the seller is obligated to deliver it."
I further asked Abu Abdillah {a.s}: "I buy food from a man and then sell it to another man before measuring it, saying to him, 'Send your agent to witness its measurement when I take possession of it.'"
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.209

HADITH

3781 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ طَعَاماً عِدْلاً بِكَيْلٍ مَعْلُومٍ وَ إِنَّ صَاحِبَهُ قَالَ لِلْمُشْتَرِي اِبْتَعْ مِنِّي هَذَا اَلْعِدْلَ اَلْآخَرَ بِغَيْرِ كَيْلٍ فَإِنَّ فِيهِ مَا فِي اَلْآخَرِ اَلَّذِي اِبْتَعْتَهُ قَالَ «لاَ يَصْلُحُ إِلاَّ بِكَيْلٍ» قَالَ وَ «مَا كَانَ مِنْ طَعَامٍ سَمِّيَتْ فِيهِ كَيْلاً فَإِنَّهُ لاَ يَصْلُحُ مُجَازَفَةً هَذَا مِمَّا يُكْرَهُ مِنْ بَيْعِ اَلطَّعَامِ».

H.3781 - Ibn Muskan narrated from Al-Halabi, from Abu Abdillah {a.s}:
Regarding a man who purchased a measured amount of food from another man, and then the seller said to the buyer, "Buy this other sack without measuring it, for it contains the same amount as the one you already purchased."
Imam {a.s} said: "This is not permissible unless it is measured."
Imam {a.s} further said: "Any food for which a specific measurement has been stipulated cannot be sold without measuring it. Such sales, based on estimation, are disapproved in the case of food."

[REFERENCES] Al-Kafi, Vol.5 p.179 • Man La Yahduruhu Al-Faqih, Vol.3 p.209 • Tahdhib Al-Ahkam, Vol.7 p.36 • Al-Wafi, Vol.18 p.668 • Wasa'il Al-Shi'ah, Vol.17 p.342

HADITH

3782 - وَ سَأَلَ عَبْدُ اَلرَّحْمَنِ بْنُ أَبِي عَبْدِ اَللَّهِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَشْتَرِي اَلطَّعَامَ أَشْتَرِيهِ مِنْهُ بِكَيْلِهِ وَ أُصَدِّقُهُ فَقَالَ «لاَ بَأْسَ وَ لَكِنْ لاَ تَبِعْهُ حَتَّى تَكِيلَهُ».

H.3782 - Abd Al-Rahman ibn Abi Abdillah asked Abu Abdillah {a.s} about a man who buys food and then sells it back to the same seller based on the original measurement, trusting him regarding the quantity.
Imam {a.s} said: "There is no harm in this, but do not sell it until you measure it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.210

HADITH

3783 - وَ رُوِيَ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ فُضُولِ اَلْكَيْلِ وَ اَلْمَوَازِينِ فَقَالَ «إِذَا لَمْ يَكُنْ تَعَدِّى فَلاَ بَأْسَ ».

H.3783 - It is narrated from Abd Al-Rahman ibn Al-Hajjaj, who said:
I asked Abu Abdillah {a.s} about the excess that may result from measuring or weighing.
Imam {a.s} said: "If there is no deliberate excess (beyond fairness), then there is no harm."

[REFERENCES] Al-Kafi, Vol.5 p.182 • Man La Yahduruhu Al-Faqih, Vol.3 p.210 • Tahdhib Al-Ahkam, Vol.7 p.40 • Al-Wafi, Vol.17 p.477 • Wasa'il Al-Shi'ah, Vol.18 p.87

HADITH

3784 - وَ سَأَلَهُ جَمِيلٌ : عَمَّنِ اِشْتَرَى تِبْنَ بَيْدَرٍ كُلَّ كُرٍّ بِشَيْءٍ مَعْلُومٍ وَ يَقْبِضُ اَلتِّبْنَ فَيَبِيعُهُ قَبْلَ أَنْ يَكْتَالَ اَلطَّعَامَ فَقَالَ «لاَ بَأْسَ».

H.3784 - Jamil asked Abu Abdillah {a.s} about a man who buys straw from a threshing floor, each load (kurr) for a specified price, and takes possession of the straw but sells it before measuring the grain.
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.210

HADITH

3785 - وَ رَوَى جَمِيلٌ عَنْ زُرَارَةَ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى مِنْ طَعَامِ قَرْيَةٍ بِعَيْنِهِ فَقَالَ «لاَ بَأْسَ إِنْ خَرَجَ فَهُوَ لَهُ وَ إِنْ لَمْ يَخْرُجْ كَانَ دَيْناً عَلَيْهِ».

H.3785 - Jamil narrated from Zurara, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who purchased food specifically from a village.
Imam {a.s} said: "There is no harm in that. If the food is delivered, it belongs to him. But if it is not delivered, then it remains a debt upon the seller."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.211 • Tahdhib Al-Ahkam, Vol.7 p.39 • Al-Wafi, Vol.18 p.562 • Wasa'il Al-Shi'ah, Vol.18 p.313

HADITH

3786 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنِ اَلْحَسَنِ بْنِ عَطِيَّةَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ ع قُلْتُ إِنَّا نَشْتَرِي اَلطَّعَامَ مِنَ اَلسُّفُنِ ثُمَّ نَكِيلُهُ فَيَزِيدُ قَالَ «وَ رُبَّمَا نَقَصَ عَلَيْكُمْ» قُلْتُ نَعَمْ قَالَ «فَإِذَا نَقَصَ يَرُدُّونَ عَلَيْكُمْ» قُلْتُ لاَ قَالَ «لاَ بَأْسَ».

H.3786 - Ibn Abi Umayr narrated from Al-Hasan ibn Atiyyah, who said:
I asked Abu Abdillah {a.s}: "We buy food from ships, and then we measure it, sometimes finding an excess."
Imam {a.s} said: "And perhaps it might sometimes be less for you?"
I said: "Yes."
Imam {a.s} said: "If it is less, do they compensate you?"
I said: "No."
Imam {a.s} said: "Then there is no harm."

[REFERENCES] Al-Kafi, Vol.5 p.182 • Man La Yahduruhu Al-Faqih, Vol.3 p.211 • Tahdhib Al-Ahkam, Vol.7 p.39 • Al-Wafi, Vol.17 p.477 • Wasa'il Al-Shi'ah, Vol.18 p.87

HADITH

3787 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ ع قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَشْتَرِي اَلثَّمَرَةَ ثُمَّ يَبِيعُهَا قَبْلَ أَنْ يَأْخُذَهَا قَالَ «لاَ بَأْسَ بِهِ إِنْ وَجَدَ بِهَا رِبْحاً فَلْيَبِعْ» قَالَ وَ سُئِلَ عَلَيْهِ اَلسَّلاَمُ عَنْ شِرَاءِ اَلنَّخْلِ وَ اَلْكَرْمِ وَ اَلثِّمَارِ ثَلاَثَ سِنِينَ وَ أَرْبَعَ قَالَ «لاَ بَأْسَ بِهِ تَقُولُ إِنْ لَمْ يَخْرُجْ فِي هَذِهِ اَلسَّنَةِ يَخْرُجُ فِي قَابِلٍ وَ إِنِ اِشْتَرَيْتَهُ سَنَةً وَاحِدَةً فَلاَ تَشْتَرِهِ حَتَّى يَبْلُغَ » قَالَ وَ سُئِلَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَشْتَرِي اَلثَّمَرَةَ اَلْمُسَمَّاةَ مِنَ اَلْأَرْضِ فَتَهْلِكُ ثَمَرَةُ تِلْكَ اَلْأَرْضِ كُلُّهَا فَقَالَ «قَدِ اِخْتَصَمُوا فِي ذَلِكَ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَكَانُوا يَذْكُرُونَ ذَلِكَ فَلَمَّا رَآهُمْ لاَ يَدَعُونَ اَلْخُصُومَةَ نَهَاهُمْ عَنْ ذَلِكَ اَلْبَيْعِ حَتَّى تَبْلُغَ اَلثَّمَرَةُ وَ لَمْ يُحَرِّمْهُ وَ لَكِنْ فَعَلَ ذَلِكَ مِنْ أَجْلِ خُصُومَتِهِمْ».

H.3787 - Hammad narrated from Al-Halabi, who reported from Abu Abdillah {a.s}:
I asked him about a man who buys fruits and then sells them before taking possession of them.
Imam {a.s} said: "There is no harm if he finds profit in them; let him sell."
Imam {a.s} was asked about purchasing palm trees, grapevines, and fruits for three or four years.
Imam {a.s} said: "There is no harm in it, as you may say, 'If it does not yield in this year, it will yield in the next.' But if you buy it for one year, do not purchase it until the fruit has matured."
Imam {a.s} was also asked about a man who buys specific fruits from a piece of land, and then all the fruits of that land are destroyed.
Imam {a.s} said: "They disputed this matter before the Messenger of Allah {SWT} (peace be upon him and his family), and they would continue to argue about it. So when he saw that they would not stop disputing, he forbade that sale until the fruit matures. However, he did not prohibit it entirely; rather, he forbade it due to their disputes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.211

HADITH

3788 - وَ رَوَى حَمَّادُ بْنُ عِيسَى عَنْ رِبْعِيٍّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَبِيعُ اَلثَّمَرَةَ ثُمَّ يَسْتَثْنِي كَيْلاً وَ تَمْراً قَالَ «لاَ بَأْسَ بِهِ» قَالَ وَ كَانَ مَوْلًى لَهُ عِنْدَهُ جَالِساً فَقَالَ اَلْمَوْلَى إِنَّهُ لَيَبِيعُ وَ يَسْتَثْنِي أَوْسَاقاً يَعْنِي أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ فَنَظَرَ إِلَيْهِ وَ لَمْ يُنْكِرْ ذَلِكَ مِنْ قَوْلِهِ.

H.3788 - Hammad ibn Isa narrated from Ribi, who reported from Abu Abdillah {a.s}:
Regarding a man who sells fruits and then excludes a specific measure (a portion) of dates,
Imam {a.s} said: "There is no harm in it."
It was mentioned that one of his servants was sitting with him, and the servant said: "He indeed sells and excludes certain measures (Awsaq)" - referring to Abu Abdillah {a.s}.
Imam {a.s} then looked at him and did not disapprove of what he had said.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.211 • Al-Wafi, Vol.17 p.535 • Wasa'il Al-Shi'ah, Vol.18 p.242

HADITH

3789 - وَ رَوَى زُرْعَةُ عَنْ سَمَاعَةَ قَالَ : سَأَلْتُهُ عَنْ بَيْعِ اَلثَّمَرَةِ هَلْ يَصْلُحُ شِرَاؤُهَا قَبْلَ أَنْ يَخْرُجَ طَلْعُهَا فَقَالَ «لاَ إِلاَّ أَنْ يَشْتَرِيَ مَعَهَا شَيْئاً مِنْ غَيْرِهَا رَطْبَةً أَوْ بَقْلَةً فَيَقُولُ أَشْتَرِي مِنْكَ هَذِهِ اَلرَّطْبَةَ وَ هَذَا اَلنَّخْلَ وَ هَذَا اَلشَّجَرَ بِكَذَا وَ كَذَا فَإِنْ لَمْ تَخْرُجِ اَلثَّمَرَةُ كَانَ رَأْسُ مَالِ اَلْمُشْتَرِي فِي اَلرَّطْبَةِ وَ اَلْبَقْلِ» قَالَ وَ سَأَلْتُهُ عَنْ وَرَقِ اَلشَّجَرِ هَلْ يَصْلُحُ شِرَاؤُهُ ثَلاَثَ خَرَطَاتٍ أَوْ أَرْبَعَ خَرَطَاتٍ فَقَالَ «إِذَا رَأَيْتَ اَلْوَرَقَ فِي شَجَرَةٍ فَاشْتَرِ مِنْهُ مَا شِئْتَ مِنْ خَرْطَةٍ».

H.3789 - Zur'ah narrated from Sama'ah, who said:
I asked him about selling fruits - whether it is permissible to buy them before their buds appear.
Imam {a.s} said: "No, except if he buys something along with it, like fresh greens or vegetables, and says: 'I am buying these greens, this palm tree, and this tree for such and such price.'
If the fruit does not emerge, the buyer's capital will be in the greens and vegetables."
Imam {a.s} was also asked about buying tree leaves, whether it is permissible to buy them for three or four harvests.
Imam {a.s} said: "If you see the leaves on the tree, then buy as many harvests as you wish."

[REFERENCES] Al-Kafi, Vol.5 p.176 • Man La Yahduruhu Al-Faqih, Vol.3 p.212 • Al-Wafi, Vol.17 p.536

HADITH

3790 - وَ رَوَى اَلْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى بُسْتَاناً فِيهِ نَخْلٌ وَ شَجَرٌ مِنْهُ مَا قَدْ أَطْعَمَ وَ مِنْهُ مَا لَمْ يُطْعِمْ قَالَ «لاَ بَأْسَ بِهِ إِذَا كَانَ فِيهِ مَا قَدْ أَطْعَمَ».

H.3790 - Al-Qasim bin Muhammad narrated from Ali bin Abi Hamzah, who said:
I asked Abu Abdillah {a.s} about a man who bought an orchard that contained palm trees and other trees, some of which had already borne fruit and others had not yet borne fruit.
Imam {a.s} said: "There is no harm in it if there are trees that have already borne fruit."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.212 • Wasa'il Al-Shi'ah, Vol.18 p.218

HADITH

3791 - وَ رُوِيَ عَنِ اَلْحَسَنِ بْنِ عَلِيِّ بْنِ بِنْتِ إِلْيَاسَ قَالَ : قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ هَلْ يَجُوزُ بَيْعُ اَلنَّخْلِ إِذَا حَمَلَ قَالَ «لاَ يَجُوزُ بَيْعُهُ حَتَّى يَزْهُوَ» قُلْتُ وَ مَا اَلزَّهْوُ جُعِلْتُ فِدَاكَ قَالَ «يَحْمَرُّ وَ يَصْفَرُّ».

H.3791 - Al-Hasan bin Ali bin Bint Ilyas narrated:
I asked Abu Al-Hasan {a.s}: Is it permissible to sell palm trees when they have borne fruit?
Imam {a.s} said: "It is not permissible to sell them until they ripen."
I said: What is meant by ripening, may I be your ransom?
Imam {a.s} said: "When they turn red or yellow."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.212

HADITH

3792 - رُوِيَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قُلْتُ أُعْطِي اَلرَّجُلَ اَلثَّمَنَ عِشْرِينَ دِينَاراً وَ أَقُولُ لَهُ إِذَا قَامَتْ ثَمَرَتُكَ بِشَيْءٍ فَهِيَ لِي بِذَلِكَ اَلثَّمَنِ إِنْ رَضِيتَ أَخَذْتُ وَ إِنْ كَرِهْتَ تَرَكْتُ فَقَالَ «أَ مَا تَسْتَطِيعُ أَنْ تُعْطِيَهُ وَ لاَ تَشْتَرِطَ شَيْئاً» قُلْتُ جُعِلْتُ فِدَاكَ وَ لاَ يُسَمِّي شَيْئاً وَ اَللَّهُ يَعْلَمُ مِنْ نِيَّتِهِ ذَلِكَ قَالَ «لاَ يَصْلُحُ إِذَا كَانَ مِنْ نِيَّتِهِ ذَلِكَ».

H.3792 - Ya'qub bin Shu'ayb narrated:
I asked Abu Abdullah {a.s}: I give a man twenty dinars and say to him, "If your fruit reaches a certain value, it is mine for that price. If I agree, I will take it, and if I dislike it, I will leave it."
Imam {a.s} said: "Can you not give it to him without making any condition?"
I said: May I be your ransom! What if he does not specify anything, but Allah {SWT} knows his intention?
Imam {a.s} said: "It is not permissible if that is his intention."

[REFERENCES] Al-Kafi, Vol.5 p.176 • Man La Yahduruhu Al-Faqih, Vol.3 p.212 • Tahdhib Al-Ahkam, Vol.7 p.89 • Al-Wafi, Vol.17 p.537 • Wasa'il Al-Shi'ah, Vol.18 p.221

HADITH

3793 - وَ رَوَى عَاصِمُ بْنُ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَقُولُ لِلرَّجُلِ أَبْتَاعُ لَكَ مَتَاعاً وَ اَلرِّبْحُ بَيْنِي وَ بَيْنَكَ قَالَ «لاَ بَأْسَ بِهِ».

H.3793 - Asim bin Humayd narrated from Abu Basir:
I asked Abu Abdullah {a.s} about a man who says to another man, "I will buy merchandise for you, and the profit will be shared between me and you."
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.213 • Tahdhib Al-Ahkam, Vol.7 p.56 • Al-Wafi, Vol.18 p.695 • Wasa'il Al-Shi'ah, Vol.18 p.75 • Wasa'il Al-Shi'ah, Vol.19 p.20

HADITH

3794 - وَ رُوِيَ عَنْ مُيَسِّرٍ بَيَّاعِ اَلزُّطِّيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّا نَشْتَرِي اَلْمَتَاعَ بِنَظِرَةٍ فَيَجِيءُ اَلرَّجُلُ فَيَقُولُ بِكَمْ تَقَوَّمَ عَلَيْكَ فَأَقُولُ تُقَوَّمُ بِكَذَا وَ كَذَا فَأَبِيعُهُ بِرِبْحٍ قَالَ «إِذَا بِعْتَهُ مُرَابَحَةً كَانَ لَهُ مِنَ اَلنَّظِرَةِ مِثْلُ مَا لَكَ» قَالَ فَاسْتَرْجَعْتُ وَ قُلْتُ هَلَكْنَا فَقَالَ «مِمَّا» قُلْتُ لِأَنَّ مَا فِي اَلْأَرْضِ ثَوْباً أَبِيعُهُ مُرَابَحَةً فَيُشْتَرَى مِنِّي وَ لَوْ وُضِعْتُ مِنْ رَأْسِ اَلْمَالِ حَتَّى أَقُولَ تُقَوَّمُ بِكَذَا وَ كَذَا قَالَ فَلَمَّا رَأَى مَا شَقَّ عَلَيَّ قَالَ «أَ فَلاَ أَفْتَحُ لَكَ بَاباً يَكُونُ لَكَ فِيهِ فَرَجٌ» قُلْتُ بَلَى قَالَ «قُلْ قَامَ عَلَيَّ بِكَذَا وَ كَذَا وَ أَبِيعُكَ بِكَذَا وَ كَذَا وَ لاَ تَقُلْ بِرِبْحٍ».

H.3794 - Maysir, the seller of fabrics, narrated:
I said to Abu Abdullah {a.s}: We purchase merchandise on credit, and a man comes and asks, "For how much was it valued for you?" I reply, "It was valued at such and such," and then I sell it to him at a profit.
Imam {a.s} said: "If you sell it on a profit basis (Murabaha), then he is entitled to the same credit period as you."
I became distressed and said: "We are ruined!"
Imam {a.s} asked: "Why?"
I said: "Because the goods I sell on a Murabaha basis are purchased from me, and if I deduct from the principal amount to state its valuation, it would cause difficulty."
When Imam {a.s} saw what troubled me, Imam {a.s} said: "Shall I not open for you a door that will bring you ease?"
I said: "Indeed, please do!"
Imam {a.s} said: "Say, 'It cost me such and such, and I sell it to you for such and such,' and do not mention the word 'profit' (Ribh)."

[REFERENCES] Al-Kafi, Vol.5 p.198 • Man La Yahduruhu Al-Faqih, Vol.3 p.213 • Al-Wafi, Vol.18 p.689 • Wasa'il Al-Shi'ah, Vol.18 p.82

HADITH

3795 - وَ رُوِيَ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَقُولُ لَهُ اَلرَّجُلُ أَشْتَرِي مِنْكَ اَلْمَتَاعَ عَلَى أَنْ تَجْعَلَ لِي فِي كُلِّ ثَوْبٍ أَشْتَرِيهِ مِنْكَ كَذَا وَ كَذَا وَ إِنَّمَا يَشْتَرِي لِلنَّاسِ وَ يَقُولُ اِجْعَلْ لِي رِبْحاً عَلَى أَنْ أَشْتَرِيَ مِنْكَ فَكَرِهَهُ.

H.3795 - Abdul-Rahman ibn Al-Hajjaj narrated: I asked Abu Al-Hasan {a.s} about a man who said to another man: "I will buy merchandise from you, provided that you give me such and such profit on each piece of cloth I purchase from you."
The man, however, buys the merchandise for others and says,
"Grant me a profit because I am buying from you."
Imam {a.s} disliked this arrangement.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.214 • Al-Wafi, Vol.18 p.696 • Wasa'il Al-Shi'ah, Vol.18 p.58 • Wasa'il Al-Shi'ah, Vol.18 p.76

HADITH

3796 - وَ رُوِيَ عَنْ بَشَّارِ بْنِ يَسَارٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَ عَنِ اَلرَّجُلِ يَبِيعُ اَلْمَتَاعَ بِنَسَاءٍ أَ يَشْتَرِيهِ مِنْ صَاحِبِهِ اَلَّذِي يَبِيعُهُ مِنْهُ قَالَ «نَعَمْ لاَ بَأْسَ بِهِ » فَقُلْتُ لَهُ أَشْتَرِي مَتَاعِي فَقَالَ «لَيْسَ هُوَ مَتَاعَكَ وَ لاَ بَقَرَكَ وَ لاَ غَنَمَكَ».

H.3796 - Bashshar ibn Yasar narrated: I asked Abu Abdullah {a.s} about a man who sells merchandise for deferred payment (on credit).
Can he buy it back from the one to whom he sold it?
Imam {a.s} replied: "Yes, there is no problem with it."
I then asked him: "Can I buy back my own merchandise?"
Imam {a.s} replied: "It is not your merchandise, nor your cattle, nor your sheep."

[REFERENCES] Al-Kafi, Vol.5 p.208 • Man La Yahduruhu Al-Faqih, Vol.3 p.214 • Tahdhib Al-Ahkam, Vol.7 p.47 • Al-Wafi, Vol.18 p.715 • Wasa'il Al-Shi'ah, Vol.18 p.41

HADITH

3797 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلرَّجُلِ يَبْتَاعُ اَلثَّوْبَ مِنَ اَلسُّوقِ لِأَهْلِهِ وَ يَأْخُذُهُ بِشَرْطٍ فَيُعْطَى اَلرِّبْحَ فِي أَهْلِهِ قَالَ «إِنْ رَغِبَ فِي اَلرِّبْحِ فَلْيُوجِبِ اَلثَّوْبَ عَلَى نَفْسِهِ وَ لاَ يَجْعَلْ فِي نَفْسِهِ أَنْ يَرُدَّ اَلثَّوْبَ عَلَى صَاحِبِهِ إِنْ رُدَّ عَلَيْهِ».

H.3797 - Hammad narrated from Al-Halabi, who reported from Abu Abdullah {a.s}:
He was asked about a man who buys a garment from the market for his family and takes it with a condition that he may return it if not accepted, but he is offered a profit if his family keeps it.
Imam {a.s} said: "If he desires the profit, then he must make the garment binding upon himself (as a confirmed purchase) and should not intend in his heart to return the garment to its owner if it is returned to him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.214 • Wasa'il Al-Shi'ah, Vol.18 p.25

HADITH

3798 - وَ رَوَى اِبْنُ مُسْكَانَ عَنْ عِيسَى بْنِ أَبِي مَنْصُورٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْقَوْمِ يَشْتَرُونَ اَلْجِرَابَ اَلْهَرَوِيَّ أَوِ اَلْكَرَوِيَّ أَوِ اَلْمَرْوَزِيَّ أَوِ اَلْقُوهِيَّ فَيَشْتَرِي اَلرَّجُلُ مِنْهُمْ عَشَرَةَ أَثْوَابٍ يَشْتَرِطُ عَلَيْهِ خِيَارَهُ كُلُّ ثَوْبٍ خَمْسَةُ دَرَاهِمَ أَوْ أَقَلُّ أَوْ أَكْثَرُ فَقَالَ «مَا أُحِبُّ هَذَا اَلْبَيْعَ أَ رَأَيْتَ إِنْ لَمْ يَجِدْ فِيهِ خِيَاراً غَيْرَ خَمْسَةِ أَثْوَابٍ وَ وَجَدَ بَقِيَّتَهُ سَوَاءً» فَقَالَ لَهُ إِسْمَاعِيلُ اِبْنُهُ إِنَّهُمْ قَدِ اِشْتَرَطُوا عَلَيْهِ أَنْ يَأْخُذَ مِنْهُ عَشَرَةَ أَثْوَابٍ فَرَدَّدَ عَلَيْهِ مِرَاراً فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «إِنَّمَا اِشْتَرَطَ عَلَيْهِمْ أَنْ يَأْخُذَ خِيَارَهَا أَ رَأَيْتَ إِنْ لَمْ يَجِدْ إِلاَّ خَمْسَةً وَ وَجَدَ بَقِيَّتَهُ سَوَاءً» ثُمَّ قَالَ «مَا أُحِبُّ هَذَا اَلْبَيْعَ ».

H.3798 - Ibn Muskan narrated from Isa ibn Abi Mansur, who said:
I asked Abu Abdullah {a.s} about a group of people who buy Herawi, Karawi, Marwazi, or Quhi bundles of clothes. A man among them purchases ten garments, stipulating a condition that each garment is worth five dirhams, or less, or more.
Imam {a.s} said: "I do not like this type of sale. What if he does not find any choice among them except five garments, and the rest are all the same?"
Then Isma'il, his son, said to him: "They have stipulated that he must take ten garments from them."
Abu Abdullah {a.s} repeatedly responded: "He has only stipulated with them to take the best among them. What if he only finds five that are suitable, and the rest are all the same?"
Then Imam {a.s} said: "I do not like this type of sale."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.215

HADITH

3799 - وَ رَوَى أَبُو اَلصَّبَّاحِ اَلْكِنَانِيُّ وَ سَمَاعَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلرَّجُلِ يَحْمِلُ اَلْمَتَاعَ لِأَهْلِ اَلسُّوقِ وَ قَدْ قَوَّمُوا عَلَيْهِ قِيمَةً فَيَقُولُونَ بِعْ فَمَا اِزْدَدْتَ فَلَكَ قَالَ «لاَ بَأْسَ بِذَلِكَ وَ لَكِنْ لاَ يَبِيعُهُمْ مُرَابَحَةً ».

H.3799 - Abu al-Sabbah al-Kinani and Sama’ah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Imam {a.s} was asked about a man who carries goods for the people of the market, and they have set a price for him. They then say to him, “Sell it, and whatever profit you make above the price is yours.”
Imam {a.s} said: "There is no harm in that, but he should not sell it to them as a murabaha (profit-sharing agreement)."

[REFERENCES] Al-Kafi, Vol.5 p.195 • Man La Yahduruhu Al-Faqih, Vol.3 p.215 • Tahdhib Al-Ahkam, Vol.7 p.54 • Al-Wafi, Vol.18 p.674 • Wasa’il Al-Shi’ah, Vol.18 p.57

HADITH

3800 - وَ رَوَى عُبَيْدُ اَللَّهِ بْنُ عَلِيٍّ اَلْحَلَبِيُّ وَ مُحَمَّدٌ اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُدِّمَ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ مَتَاعٌ مِنْ مِصْرٍ فَصَنَعَ طَعَاماً وَ دَعَا لَهُ اَلتُّجَّارَ فَقَالُوا نَأْخُذُهُ بِدَهْ دَوَازْدَهْ فَقَالَ «وَ كَمْ يَكُونُ ذَلِكَ» فَقَالُوا فِي كُلِّ عَشَرَةِ آلاَفٍ أَلْفَيْنِ قَالَ «فَإِنِّي أَبِيعُكُمْ هَذَا اَلْمَتَاعَ بِاِثْنَيْ عَشَرَ أَلْفاً».

H.3800 - Ubaydullah ibn Ali al-Halabi and Muhammad al-Halabi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Goods arrived for Abu Abdullah {a.s} from Egypt. Imam {a.s} prepared food and invited the merchants.
They said: “We will take it at dah dawazdah (a price of twelve).”
Imam {a.s} asked: “And how much does that amount to?”
They replied: “For every ten thousand, two thousand more.”
Imam {a.s} said: “Then I will sell you these goods for twelve thousand.”

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.216 • Tahdhib Al-Ahkam, Vol.7 p.54 • Awali Al-La’ali, Vol.3 p.214

HADITH

3801 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَ : فِي اَلرَّجُلِ يَشْتَرِي اَلْمَتَاعَ جَمِيعاً بِثَمَنٍ ثُمَّ يُقَوِّمُ كُلَّ ثَوْبٍ بِمَا يَسْوَى حَتَّى يَقَعَ عَلَى رَأْسِ مَالِهِ يَبِيعُهُ مُرَابَحَةً ثَوْباً ثَوْباً قَالَ «لاَ حَتَّى يُبَيِّنَ لَهُ أَنَّهُ إِنَّمَا قَوَّمَهُ ».

H.3801 - Al-'Ala narrated from Muhammad ibn Muslim, from one of the Imams {a.s}, regarding a man who buys goods altogether for a set price and then appraises each garment based on its value until it equals his capital, selling it item by item at a profit
Imam {a.s} said: "No, not until he clarifies to the buyer that he merely appraised it."

[REFERENCES] Al-Kafi, Vol.5 p.197 • Man La Yahduruhu Al-Faqih, V.3 p.216 • Tahdhib Al-Ahkam, V.7 p.55 • Al-Wafi, V.18 p.685 • Al-Wafi, V.18 p.685 • Wasa’il Al-Shi’ah, Vol.18 p.77 • Wasa’il Al-Shi’ah, Vol.18 p.78

HADITH

3802 - وَ رُوِيَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ : بِعْتُ بِالْمَدِينَةِ جِرَاباً هَرَوِيّاً كُلُّ ثَوْبٍ بِكَذَا وَ كَذَا فَأَخَذُوهُ فَاقْتَسَمُوهُ ثُمَّ وَجَدُوا بِثَوْبٍ فِيهَا عَيْباً فَرَدُّوهُ عَلَيَّ فَقُلْتُ لَهُمْ أُعْطِيكُمْ ثَمَنَهُ اَلَّذِي بِعْتُكُمْ بِهِ فَقَالُوا لاَ وَ لَكِنَّا نَأْخُذُ قِيمَتَهُ مِنْكَ فَذَكَرْتُ ذَلِكَ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «يَلْزَمُهُمْ ذَلِكَ ».

H.3802 - It is narrated from Umar ibn Yazid: I sold a Harawi sack in Medina, with each garment priced at a specific amount. They took it and divided it among them. Then they found a defect in one of the garments and returned it to me.
I said to them, "I will give you its price that I sold it to you for."
They replied: “No, rather we will take its value from you."
I mentioned this matter to Abu Abdullah {a.s},
Imam {a.s} said: "They are obligated to that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.216 • Al-Wafi, Vol.18 p.735

HADITH

3803 - وَ فِي رِوَايَةِ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ : فِي اَلرَّجُلِ يَشْتَرِي اَلثَّوْبَ مِنَ اَلرَّجُلِ أَوِ اَلْمَتَاعَ فَيَجِدُ بِهِ عَيْباً قَالَ «إِنْ كَانَ اَلثَّوْبُ قَائِماً بِعَيْنِهِ رَدَّهُ عَلَى صَاحِبِهِ وَ أَخَذَ اَلثَّمَنَ وَ إِنْ كَانَ خَاطَ اَلثَّوْبَ أَوْ صَبَغَهُ أَوْ قَطَعَهُ رَجَعَ بِنُقْصَانِ اَلْعَيْبِ».

H.3803 - In the narration of Jamil ibn Darraj, from some of our companions, from one of the Imams {a.s} regarding a man who buys a garment or merchandise from another man and then discovers a defect in it.
Imam {a.s} said: "If the garment is still intact as it was, he can return it to its owner and take back the price. But if he has sewn the garment, dyed it, or cut it, then he shall return the value of the defect."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.217

HADITH

3804 - وَ رَوَى أَبَانٌ عَنْ مَنْصُورٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى بَيْعاً لَيْسَ فِيهِ كَيْلٌ وَ لاَ وَزْنٌ أَ لَهُ أَنْ يَبِيعَهُ مُرَابَحَةً قَبْلَ أَنْ يَقْبِضَهُ وَ يَأْخُذَ رِبْحَهُ قَالَ «لاَ بَأْسَ بِذَلِكَ مَا لَمْ يَكُنْ فِيهِ كَيْلٌ وَ لاَ وَزْنٌ فَإِنْ هُوَ قَبَضَهُ فَهُوَ أَبْرَأُ لِنَفْسِهِ».

H.3804 - Aban narrated from Mansur who said: I asked Abu Abdullah {a.s} about a man who buys goods that do not require measurement by volume or weight.
Is it permissible for him to sell them at a profit before taking possession of them and to collect his profit?
The Imam {a.s} said: "There is no harm in that as long as the goods do not require measurement by volume or weight.
However, if he takes possession of them, it is better and safer for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.217 • Tahdhib Al-Ahkam, Vol.7 p.56 • Al-Wafi, Vol.17 p.495 • Wasa'il Al-Shi'ah, Vol.18 p.69

HADITH

3805 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْمٍ اِشْتَرَوْا بَزّاً فَاشْتَرَكُوا فِيهِ جَمِيعاً وَ لَمْ يَقْتَسِمُوهُ أَ يَصْلُحُ لِأَحَدٍ مِنْهُمْ بَيْعَ بَزِّهِ قَبْلَ أَنْ يَقْبِضَهُ قَالَ «لاَ بَأْسَ بِهِ» وَ قَالَ «إِنَّ هَذَا لَيْسَ بِمَنْزِلَةِ اَلطَّعَامِ لِأَنَّ اَلطَّعَامَ يُكَالُ».

H.3805 - Ibn Muskan narrated from Al-Halabi who said: I asked Abu Abdullah {a.s} about a group of people who bought cloth and jointly owned it without dividing it among themselves. Is it permissible for any one of them to sell his share of the cloth before taking possession of it?
The Imam {a.s} said: "There is no harm in that."
Then Imam {a.s} added: "This is not like food because food is measured by volume."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.217 • Tahdhib Al-Ahkam, Vol.7 p.55 • Al-Wafi, Vol.17 p.495 • Wasa'il Al-Shi'ah, Vol.18 p.67

HADITH

3806 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى ثَوْباً ثُمَّ رَدَّهُ عَلَى صَاحِبِهِ فَأَبَى أَنْ يُقِيلَهُ إِلاَّ بِوَضِيعَةٍ قَالَ «لاَ يَصْلُحُ لَهُ أَنْ يَأْخُذَهُ بِوَضِيعَةٍ فَإِنْ جَهِلَ فَأَخَذَهُ فَبَاعَهُ بِأَكْثَرَ مِنْ ثَمَنِهِ رَدَّ عَلَى صَاحِبِهِ اَلْأَوَّلِ مَا زَادَ».

H.3806 - Hammad narrated from Al-Halabi who said:
I asked Abu Abdullah {a.s} about a man who bought a garment and then returned it to its seller, but the seller refused to cancel the sale except with a reduction in price.
The Imam {a.s} said: "It is not permissible for him to take it back at a reduced price.
If he was unaware and took it back, then sold it for more than its original price, he must return the extra amount to the first seller."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.217 • Tahdhib Al-Ahkam, Vol.7 p.56

HADITH

3807 - وَ رُوِيَ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ بَيْعِ اَلْغَزْلِ بِالثِّيَابِ اَلْمَنْسُوجَةِ وَ اَلْغَزْلُ أَكْثَرُ وَزْناً مِنَ اَلثِّيَابِ قَالَ «لاَ بَأْسَ».

H.3807 - Abdul-Rahman ibn Abi Abdullah narrated:
I asked Abu Abdullah {a.s} about selling yarn in exchange for woven clothes, where the yarn weighs more than the clothes.
The Imam {a.s} said: "There is no harm in it."

[REFERENCES] Al-Kafi, Vol.5 p.190 • Man La Yahduruhu Al-Faqih, Vol.3 p.218 • Tahdhib Al-Ahkam, Vol.7 p.120 • Al-Wafi, Vol.18 p.590 • Wasa'il Al-Shi'ah, Vol.18 p.161

HADITH

3808 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي وَلاَّدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ غَيْرِهِ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِأَجْرِ اَلسِّمْسَارِ إِنَّمَا هُوَ يَشْتَرِي لِلنَّاسِ يَوْماً بَعْدَ يَوْمٍ بِشَيْءٍ مُسَمًّى إِنَّمَا هُوَ مِثْلُ اَلْأَجِيرِ».

H.3808 - Al-Hasan ibn Mahbub narrated from Abi Walad, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, and others from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"There is no harm in paying a broker's fee. He only buys for people day after day for a specified amount. He is just like a hired worker."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.218

HADITH

3809 - قَالَ : وَ سَأَلْتُهُ عَنِ اَلسِّمْسَارِ يَشْتَرِي بِالْأَجْرِ فَيُدْفَعُ إِلَيْهِ اَلْوَرِقُ وَ يُشْتَرَطُ عَلَيْهِ أَنَّكَ مَا تَشْتَرِي فَمَا شِئْتُ أَخَذْتُهُ وَ مَا شِئْتُ تَرَكْتُهُ فَيَذْهَبُ فَيَشْتَرِي ثُمَّ يَأْتِي بِالْمَتَاعِ فَيَقُولُ خُذْ مَا رَضِيتَ وَ دَعْ مَا كَرِهْتَ فَقَالَ «لاَ بَأْسَ».

H.3809 - He said: I asked Imam {a.s} about a broker who buys for a fee. Money is handed over to him, and it is stipulated that whatever he buys, the buyer has the option to take what he likes and leave what he dislikes. The broker then goes and makes the purchase, and upon returning with the goods, he says, "Take what you are satisfied with and leave what you dislike."
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.218

HADITH

[شراء الرقيق و أحكامه]

BUYING OF SLAVES AND ITS RULINGS

3810 - وَ رُوِيَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «أُتِيَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِسَبْيٍ مِنَ اَلْيَمَنِ فَلَمَّا بَلَغُوا اَلْجُحْفَةَ نَفِدَتْ نَفَقَاتُهُمْ فَبَاعُوا جَارِيَةً كَانَتْ أُمُّهَا مَعَهُمْ فَلَمَّا قَدِمُوا عَلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ سَمِعَ بُكَاءَهَا فَقَالَ «مَا هَذِهِ» فَقَالُوا يَا رَسُولَ اَللَّهِ اِحْتَجْنَا إِلَى نَفَقَةٍ فَبِعْنَا اِبْنَتَهَا فَبَعَثَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَأُتِيَ بِهَا وَ قَالَ «بِيعُوهُمَا جَمِيعاً أَوْ أَمْسِكُوهُمَا جَمِيعاً»».

H.3810 - It is narrated from Mu'awiyah ibn Ammar who said: I heard Abu Abdullah {a.s} say:
A group of captives from Yemen were brought to the Messenger of Allah {SWT} (peace be upon him and his family). When they reached Al-Juhfa, their provisions ran out, so they sold a young girl whose mother was with them.
When they arrived before the Messenger of Allah {SWT} (peace be upon him and his family), He {saws} heard the girl crying and asked: “What is this?"
They replied: “O Messenger of Allah {SWT}, we needed provisions, so we sold her daughter."
The Messenger of Allah {SWT} (peace be upon him and his family) then sent someone to bring her back and said: “Sell them both together or keep them both together."

[REFERENCES] Al-Kafi, Vol.5 p.218 • Man La Yahduruhu Al-Faqih, Vol.3 p.218 • Tahdhib Al-Ahkam, Vol.7 p.73 • Awali Al-La’ali, Vol.3 p.228 • Al-Wafi, Vol.18 p.755 • Wasa’il Al-Shi’ah, Vol.18 p.264

HADITH

3811 - وَ - سَأَلَ سَمَاعَةُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْأَخَوَيْنِ اَلْمَمْلُوكَيْنِ هَلْ يُفَرَّقُ بَيْنَهُمَا وَ بَيْنَ اَلْمَرْأَةِ وَ وَلَدِهَا فَقَالَ «لاَ هُوَ حَرَامٌ إِلاَّ أَنْ يُرِيدُوا ذَلِكَ».

H.3811 - Sama'ah asked Abu Abdullah {a.s} about two slave brothers, whether they can be separated, and about a woman and her child, whether they can be separated.
Imam {a.s} replied: "No, it is forbidden, except if they themselves desire it."

[REFERENCES] Al-Kafi, Vol.5 p.218 • Man La Yahduruhu Al-Faqih, Vol.3 p.219 • Tahdhib Al-Ahkam, Vol.7 p.73 • Awali Al-La'ali, Vol.3 p.228 • Al-Wafi, Vol.18 p.755 • Wasa'il Al-Shi'ah, Vol.18 p.265

HADITH

3812 - وَ رَوَى اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ اِشْتَرَى جَارِيَةً بِثَمَنٍ مُسَمًّى ثُمَّ بَاعَهَا فَرَبِحَ فِيهَا قَبْلَ أَنْ يَنْقُدَ صَاحِبَهَا اَلَّذِي كَانَتْ لَهُ فَأَتَى صَاحِبُهَا يَتَقَاضَاهُ فَقَالَ صَاحِبُ اَلْجَارِيَةِ لِلَّذِينَ بَاعَهُمْ اِكْفُونِي غَرِيمِي هَذَا وَ اَلَّذِي رَبِحْتُ عَلَيْكُمْ فَهُوَ لَكُمْ فَقَالَ «لاَ بَأْسَ».

H.3812 - Al-Halabi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that he was asked about a man who bought a bondwoman for a specified price, then sold her and made a profit before paying the original seller.
The original seller came to demand his payment, so the man who sold the bondwoman said to those who bought her: "Take care of this creditor of mine, and the profit I made from you is yours."
Imam {a.s} said: "There is no harm in this."

[REFERENCES] Al-Kafi, Vol.5 p.211 • Man La Yahduruhu Al-Faqih, Vol.3 p.219 • Tahdhib Al-Ahkam, Vol.7 p.68 • Al-Wafi, Vol.18 p.894 • Wasa'il Al-Shi'ah, Vol.18 p.39

HADITH

3813 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِشْتَرَى دَابَّةً وَ لَمْ يَكُنْ عِنْدَهُ ثَمَنُهَا فَأَتَى رَجُلاً مِنْ أَصْحَابِهِ فَقَالَ يَا فُلاَنُ أَنْقُدْ عَنِّي وَ اَلرِّبْحُ بَيْنِي وَ بَيْنَكَ فَنَقَدَ عَنْهُ فَنَفَقَتِ اَلدَّابَّةُ قَالَ «اَلثَّمَنُ عَلَيْهِمَا لِأَنَّهُ لَوْ كَانَ رِبْحٌ كَانَ بَيْنَهُمَا».

H.3813 - Imam {a.s} said regarding a man who bought an animal but did not have its price, so he went to one of his companions and said: "O so-and-so, pay on my behalf, and the profit will be shared between me and you."
The companion paid on his behalf, but the animal died.
Imam {a.s} said: "The price is upon both of them because if there had been a profit, it would have been shared between them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.219 • Tahdhib Al-Ahkam, Vol.7 p.68 • Al-Wafi, Vol.18 p.902

HADITH

3814 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَبِيعُ اَلْمَمْلُوكَ وَ يَشْتَرِطُ عَلَيْهِ أَنْ يَجْعَلَ لَهُ شَيْئاً قَالَ «يَجُوزُ».

H.3814 - Imam {a.s} said regarding a man who sells a slave and stipulates upon the buyer to give him something: "It is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.220 • Tahdhib Al-Ahkam, V.7 p.68 • Al-Wafi, V.18 p.760

HADITH

3815 - وَ رَوَى يَحْيَى بْنُ أَبِي اَلْعَلاَءِ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «مَنْ بَاعَ عَبْداً وَ كَانَ لِلْعَبْدِ مَالٌ فَالْمَالُ لِلْبَائِعِ إِلاَّ أَنْ يَشْتَرِطَ اَلْمُبْتَاعُ أَمَرَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِذَلِكَ».

H.3815 - Yahya ibn Abi Al-'Ala narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Whoever sells a slave, and the slave has wealth, the wealth belongs to the seller unless the buyer stipulates otherwise. The Messenger of Allah {SWT} (peace be upon him and his family) commanded this."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.220 • Al-Wafi, V.18 p.762 • Wasa'il Al-Shi'ah, V.18 p.253

HADITH

3816 - وَ فِي رِوَايَةِ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَارَةَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَشْتَرِي اَلْمَمْلُوكَ لِمَنْ مَالُهُ فَقَالَ «إِنْ كَانَ عَلِمَ اَلْبَائِعُ أَنَّ لَهُ مَالاً فَهُوَ لِلْمُشْتَرِي وَ إِنْ لَمْ يَكُنْ عَلِمَ فَهُوَ لِلْبَائِعِ».

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ هَذَانِ اَلْحَدِيثَانِ مُتَّفِقَانِ وَ لَيْسَا بِمُخْتَلِفَيْنِ وَ ذَلِكَ أَنَّ مَنْ بَاعَ مَمْلُوكاً وَ اشْتَرَطَ اَلْمُشْتَرِي مَالَهُ فَإِنْ لَمْ يَعْلَمِ اَلْبَائِعُ بِهِ فَالْمَالُ لِلْمُشْتَرِي وَ مَتَى لَمْ يَشْتَرِطِ اَلْمُشْتَرِي مَالَهُ وَ لَمْ يَعْلَمِ اَلْبَائِعُ أَنَّ لَهُ مَالًا فَالْمَالُ لِلْبَائِعِ وَ مَتَى عَلِمَ اَلْبَائِعُ أَنَّ لَهُ مَالًا وَ لَمْ يَسْتَثْنِ بِهِ عِنْدَ اَلْبَيْعِ فَالْمَالُ لِلْمُشْتَرِي.

H.3816 - In a narration from Jamil ibn Darraj, from Zurara, he said:
"I asked Abu Abdullah {a.s} about a man who buys a slave, who does the wealth of the slave belong to?"
Imam {a.s} replied: "If the seller knew that the slave had wealth, then it belongs to the buyer. However, if the seller was unaware, then it belongs to the seller."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented:
"These two narrations are consistent and not contradictory. The explanation is that if a person sells a slave and the buyer stipulates ownership of the slave's wealth, then if the seller was unaware of this wealth, it belongs to the buyer. However, if the buyer does not stipulate ownership of the wealth, and the seller is unaware of its existence, then it belongs to the seller. If the seller was aware of the wealth and did not exclude it during the sale, then the wealth belongs to the buyer."

[REFERENCES] Al-Kafi, Vol.5 p.213 • Man La Yahduruhu Al-Faqih, Vol.3 p.220 • Tahdhib Al-Ahkam, Vol.7 p.71 • Al-Wafi, Vol.18 p.761 • Wasa'il Al-Shi'ah, Vol.18 p.253

HADITH

3817 - وَ رُوِيَ عَنْ زُرَارَةَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَشْتَرِي اَلْمَمْلُوكَ وَ مَالَهُ فَقَالَ «لاَ بَأْسَ» قُلْتُ فَيَكُونُ مَالُ اَلْمَمْلُوكِ أَكْثَرَ مِمَّا اِشْتَرَاهُ بِهِ فَقَالَ «لاَ بَأْسَ».

H.3817 - Zurara narrated: "I said to Abu Abdullah {a.s}: A man buys a slave along with his wealth.
Imam {a.s} replied: 'There is no harm in it.'
I asked: 'What if the wealth of the slave is greater than the price he was purchased for?'
Imam {a.s} replied: 'There is no harm in it.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.220 • Wasa'il Al-Shi'ah, Vol.18 p.254

HADITH

3818 - وَ رَوَى أَبَانٌ عَنْ إِسْمَاعِيلَ بْنِ اَلْفَضْلِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ شِرَاءِ مَمْلُوكٍ أَهْلِ اَلذِّمَّةِ فَقَالَ «إِذَا أَقَرُّوا لَهُمْ بِذَلِكَ فَاشْتَرِ وَ اِنْكِحْ».

H.3818 - Aban narrated from Ismail ibn Al-Fadl, who said: "I asked Abu Abdullah {a.s} about purchasing a slave from the People of the Book (Ahl al-Dhimma)."
Imam {a.s} replied: "If they acknowledge ownership of the slave, then buy and marry."

[REFERENCES] Al-Kafi, Vol.5 p.210 • Man La Yahduruhu Al-Faqih, Vol.3 p.221 • Tahdhib Al-Ahkam, Vol.7 p.70 • Al-Wafi, Vol.17 p.258 • Wasa'il Al-Shi'ah, Vol.18 p.243

HADITH

3819 - وَ رُوِيَ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَشْتَرِي اَلْجَارِيَةَ فَيَقَعُ عَلَيْهَا فَيَجِدُهَا حُبْلَى فَقَالَ «يَرُدُّهَا وَ يَرُدُّ مَعَهَا شَيْئاً».

H.3819 - Abd al-Rahman ibn Abi Abdillah narrated from Abu Abdillah {a.s}. He said: "I asked Imam {a.s} about a man who buys a bondwoman, then has relations with her, and later discovers that she is pregnant."
Imam {a.s} replied: "He must return her and also return something along with her."

[REFERENCES] Al-Kafi, Vol.5 p.215 • Man La Yahduruhu Al-Faqih, Vol.3 p.221 • Tahdhib Al-Ahkam, Vol.7 p.62 • Al-Istibsar, Vol.3 p.81 • Wasa'il Al-Shi'ah, Vol.18 p.106

HADITH

3820 - وَ فِي رِوَايَةِ عَبْدِ اَلْمَلِكِ بْنِ عَمْرٍو عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «يَرُدُّهَا وَ يَرُدُّ نِصْفَ عُشْرِ ثَمَنِهَا إِذَا كَانَتْ حُبْلَى».

H.3820 - In the narration of Abdul-Malik ibn Amr from Abu Abdillah {a.s}:
"He must return her and also return half a tenth of her price if she is pregnant."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.221

HADITH

3821 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «يَرُدُّهَا وَ يَكْسُوهَا».

H.3821 - In the narration of Muhammad ibn Muslim from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}: "He must return her and provide her with clothing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.221

HADITH

3822 - وَ رَوَى مُحَمَّدُ بْنُ مَيْسَّرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ لاَ يَرُدُّ اَلْجَارِيَةَ بِعَيْبٍ إِذَا وُطِئَتْ وَ لَكِنْ يَرْجِعُ بِقِيمَةِ اَلْعَيْبِ وَ كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ يَقُولُ «مَعَاذَ اَللَّهِ أَنْ أَجْعَلَ لَهَا أَجْراً» ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي الَّتِي لَيْسَتْ بِحُبْلَى فَأَمَّا الْحُبْلَى فَإِنَّهَا تُرَدُّ.

H.3822 - Muhammad ibn Maythar narrates from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Imam Ali ibn Abi Talib {a.s} would not return a bondwoman due to a defect if she had been intimate, but he would claim compensation for the value of the defect.
Imam Ali ibn Abi Talib {a.s} used to say, 'I seek refuge in Allah {SWT} from making her a source of payment.'"

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, explains: This ruling applies to a bondwoman who is not pregnant. However, if she is pregnant, she must be returned.

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.221 • Al-Wafi, V.18 p.743 • Wasa'il Al-Shi'ah, V.18 p.104

HADITH

3823 - وَ رُوِيَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : قُلْتُ لِأَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ يَدُلُّ اَلرَّجُلَ عَلَى اَلسِّلْعَةِ وَ يَقُولُ اِشْتَرِهَا وَ لِيَ نِصْفُهَا فَيَشْتَرِيهَا اَلرَّجُلُ وَ يَنْقُدُ مِنْ مَالِهِ قَالَ لَهُ نِصْفُ اَلرِّبْحِ قُلْتُ فَإِنْ وُضِعَ لَحِقَهُ مِنَ اَلْوَضِيعَةِ شَيْءٌ فَقَالَ «نَعَمْ عَلَيْهِ اَلْوَضِيعَةُ كَمَا يَأْخُذُ اَلرِّبْحَ».

H.3823 - Ishaq ibn Ammar narrates: I said to Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}): A man directs another man to a commodity and says, 'Buy it, and half of it will be mine.' The man buys it and pays from his own money.
The Imam {a.s} replied: "He is entitled to half the profit."
I asked: "What if there is a loss; does he also bear part of the loss?"
The Imam {a.s} said: "Yes, he is liable for the loss just as he shares in the profit."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.222 • Al-Wafi, Vol.18 p.901 • Wasa'il Al-Shi'ah, Vol.18 p.266

HADITH

3824 - وَ رُوِيَ عَنْ حَمْزَةَ بْنِ حُمْرَانَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَدْخُلُ اَلسُّوقَ أُرِيدُ أَنْ أَشْتَرِيَ جَارِيَةً فَتَقُولُ إِنِّي حُرَّةٌ قَالَ «اِشْتَرِهَا إِلاَّ أَنْ تَكُونَ لَهَا بَيِّنَةٌ».

H.3824 - Hamzah ibn Humran narrates: I said to Abu Abdullah {a.s}: I enter the market intending to buy a bondwoman, but she claims that she is free.
The Imam {a.s} replied: "Buy her unless she has evidence (to prove her claim of freedom)."

[REFERENCES] Al-Kafi, Vol.5 p.211 • Man La Yahduruhu Al-Faqih, Vol.3 p.222 • Tahdhib Al-Ahkam, Vol.7 p.74 • Al-Wafi, Vol.17 p.261 • Wasa'il Al-Shi'ah, Vol.18 p.250

HADITH

3825 - وَ سَأَلَهُ اَلْعِيصُ بْنُ اَلْقَاسِمِ : عَنْ مَمْلُوكٍ اِدَّعَى أَنَّهُ حُرٌّ وَ لَمْ يَأْتِ بِبَيِّنَةٍ عَلَى ذَلِكَ أَشْتَرِيهِ قَالَ «نَعَمْ».

H.3825 - Al-Is ibn al-Qasim asked Abu Abdullah {a.s} about a slave who claimed that he was free but did not provide any evidence for his claim.
The Imam {a.s} replied: "Yes, you may buy him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.222 • Tahdhib Al-Ahkam, Vol.7 p.74 • Al-Wafi, Vol.17 p.262 • Wasa'il Al-Shi'ah, Vol.18 p.250 • Wasa'il Al-Shi'ah, Vol.23 p.55

HADITH

3826 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي وَلِيدَةٍ بَاعَهَا اِبْنُ سَيِّدِهَا وَ أَبُوهُ غَائِبٌ فَتَسَرَّاهَا اَلَّذِي اِشْتَرَاهَا فَوَلَدَتْ مِنْهُ غُلاَماً ثُمَّ جَاءَ سَيِّدُهَا اَلْأَوَّلُ يُخَاصِمُ سَيِّدَهَا اَلْآخَرَ فَقَالَ وَلِيدَتِي بَاعَهَا اِبْنِي بِغَيْرِ إِذْنِي قَالَ «اَلْحُكْمُ أَنْ يَأْخُذَ وَلِيدَتَهُ وَ اِبْنَهَا» فَيُنَاشِدَهُ اَلَّذِي اِشْتَرَاهَا فَقَالَ لَهُ «خُذِ اِبْنَهُ اَلَّذِي بَاعَكَ وَ تَقُولُ لاَ وَ اَللَّهِ لاَ أُرْسِلُ اِبْنَكَ حَتَّى تُرْسِلَ اِبْنِي» فَلَمَّا رَأَى ذَلِكَ سَيِّدُ اَلْوَلِيدَةِ أَجَازَ بَيْعَ اِبْنِهِ».

H.3826 - Muhammad ibn Qays narrated from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"Commander of the Faithful {a.s} ruled concerning a female slave who was sold by the son of her master while her master was absent. The buyer took her as a concubine, and she bore him a son. Later, her original master returned and disputed with the buyer, claiming: 'She is my slave, and my son sold her without my permission.'
The Imam {a.s} said: 'The ruling is that the master may reclaim both his female slave and her son.'
The buyer pleaded with him, saying: 'Take your son who sold her to me, but I will not release your son until you release mine.'
When the master of the female slave saw this, he accepted and approved the sale conducted by his son."

[REFERENCES] Al-Kafi, Vol.5 p.211 • Man La Yahduruhu Al-Faqih, Vol.3 p.222 • Tahdhib Al-Ahkam, Vol.7 p.74 • Al-Wafi, Vol.16 p.1115

HADITH

3827 - وَ رُوِيَ عَنِ اِبْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَشْتَرِي اَلْغُلاَمَ أَوِ اَلْجَارِيَةَ وَ لَهُ أَخٌ أَوْ أُخْتٌ أَوْ أَبٌ أَوْ أُمٌّ بِمِصْرٍ مِنَ اَلْأَمْصَارِ قَالَ «لاَ يُخْرِجُهُ مِنْ مِصْرٍ إِلَى مِصْرٍ آخَرَ إِنْ كَانَ صَغِيراً وَ لاَ يَشْتَرِيهِ فَإِنْ كَانَتْ لَهُ أُمٌّ فَطَابَتْ نَفْسُهَا وَ نَفْسُهُ فَاشْتَرِهِ إِنْ شِئْتَ».

H.3827 - Ibn Sinan narrated that Abu Abdullah {a.s} said: "Regarding a man who buys a male or female slave, and the slave has a brother, sister, father, or mother in one of the cities, he should not take the slave out of that city to another city if the slave is young, nor should he buy him.
However, if the slave has a mother and both she and the slave are content with the sale, then he may buy the slave if he wishes."

[REFERENCES] Al-Kafi, Vol.5 p.219 • Man La Yahduruhu Al-Faqih, Vol.3 p.223 • Al-Wafi, Vol.18 p.756 • Wasa'il Al-Shi'ah, Vol.18 p.263

HADITH

[بيع العدد و المجازفة و الشّيء المبهم]

SALE OF QUANTITY, RISK-BASED TRANSACTIONS, AND UNSPECIFIED ITEMS

3828 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلْجَوْزِ لاَ نَسْتَطِيعُ أَنْ نَعُدَّهُ فَيُكَالُ بِمِكْيَالٍ ثُمَّ يُعَدُّ مَا فِيهِ ثُمَّ يُكَالُ مَا بَقِيَ عَلَى حِسَابِ ذَلِكَ مِنَ اَلْعَدَدِ قَالَ «لاَ بَأْسَ بِهِ».

H.3828 - Hammad narrated from Al-Halabi, from Imam Abu Abdullah {a.s}:
He was asked about walnuts that cannot be counted individually, so they are measured with a container and then counted based on the amount in that container. Afterward, the remaining quantity is measured according to that count.
Imam {a.s} said: "There is no problem with that."

[REFERENCES] Al-Kafi, Vol.5 p.193 • Man La Yahduruhu Al-Faqih, Vol.3 p.223 • Tahdhib Al-Ahkam, Vol.7 p.122 • Al-Wafi, Vol.18 p.668 • Wasa'il Al-Shi'ah, Vol.17 p.348

HADITH

3829 - وَ رَوَى اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَا كَانَ مِنْ طَعَامٍ سَمَّيْتَ فِيهِ كَيْلاً فَلاَ يَصْلُحُ بَيْعُهُ مُجَازَفَةً هَذَا مِمَّا يُكْرَهُ مِنْ بَيْعِ اَلطَّعَامِ».

H.3829 - Al-Halabi narrated from Abu Abdullah Imam Jafar Al-Sadiq {a.s}:
"Any food for which a specific measure has been stated cannot be sold by estimation. This is among the practices that are disliked in selling food."

[REFERENCES] Al-Kafi, Vol.5 p.193 • Man La Yahduruhu Al-Faqih, Vol.3 p.223 • Tahdhib Al-Ahkam, Vol.7 p.122 • Al-Istibsar, Vol.3 p.102 • Wasa'il Al-Shi'ah, Vol.17 p.341

HADITH

3830 - وَ رَوَى عَبْدُ اَلرَّحْمَنِ بْنُ اَلْحَجَّاجِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَشْتَرِي اَلْمَبِيعَ بِالدِّرْهَمِ وَ هُوَ يَنْقُصُ اَلْحَبَّةَ وَ نَحْوَ ذَلِكَ أَ يُعْطِيهِ اَلَّذِي يَشْتَرِي مِنْهُ وَ لاَ يُعْلِمُهُ أَنَّهُ يَنْقُصُ قَالَ «لاَ إِلاَّ أَنْ يَكُونَ مِثْلَ هَذِهِ اَلْوَضَاحِيَّةِ يَجُوزُ، كَمَا يَجُوزُ عِنْدَنَا عَدَداً».

H.3830 - Abd al-Rahman ibn al-Hajjaj narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"I asked Imam {a.s} about a man who purchases a commodity with a dirham, and the dirham is deficient by a fraction, such as a grain or the like. Should he give it to the seller without informing him that it is deficient?"
Imam {a.s} said: 'No, unless it is something like these small coins (al-wadaḥiyyah), which are commonly accepted, just as we accept them by count.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.223 • Al-Wafi, Vol.18 p.649

HADITH

3831 - وَ سَأَلَهُ سَمَاعَةُ : عَنِ اَللَّبَنِ يُشْتَرَى وَ هُوَ فِي اَلضُّرُوعِ فَقَالَ «لاَ إِلاَّ أَنْ يَحْلُبَ لَكَ مِنْهُ سُكُرُّجَةً فَتَقُولُ أَشْتَرِي مِنْكَ هَذَا اَللَّبَنَ اَلَّذِي فِي اَلسُّكُرُّجَةِ وَ مَا فِي ضُرُوعِهَا بِثَمَنٍ مُسَمًّى فَإِنْ لَمْ يَكُنْ فِي اَلضُّرُوعِ شَيْءٌ كَانَ فِيمَا فِي اَلسُّكُرُّجَةِ».

H.3831 - Samaah asked him about purchasing milk while it is still in the udders.
Imam {a.s} said: "No, unless he milks some of it into a small vessel (sukurjah) for you, and then you say, 'I purchase from you this milk that is in the vessel and what is in its udders for a specified price.' If there is nothing in the udders, then the sale applies to what is in the vessel."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.224

HADITH

3832 - وَ رَوَى أَبَانٌ عَنْ إِسْمَاعِيلَ بْنِ اَلْفَضْلِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَتَقَبَّلُ خَرَاجَ اَلرِّجَالِ وَ جِزْيَةَ رُءُوسِهِمْ وَ خَرَاجَ اَلنَّخْلِ وَ اَلشَّجَرِ وَ اَلْآجَامِ وَ اَلْمَصَايِدِ وَ اَلسَّمَكِ وَ اَلطَّيْرِ وَ هُوَ لاَ يَدْرِي لَعَلَّ هَذَا لاَ يَكُونُ أَبَداً أَوْ يَكُونُ أَ يَشْتَرِيهِ وَ فِي أَيِّ زَمَانٍ يَشْتَرِيهِ وَ يَتَقَبَّلُ مِنْهُ فَقَالَ «إِذَا عَلِمْتَ أَنَّ مِنْ ذَلِكَ شَيْئاً وَاحِداً قَدْ أَدْرَكَ فَاشْتَرِهِ وَ تَقَبَّلْ بِهِ».

H.3832 - Aban narrated from Ismail ibn al-Fadl, who reported from Abu Abdillah {a.s}:
I asked him about a man who accepts responsibility for the payment of poll tax (jizyah) for individuals, the land tax (kharaj) for palm trees, crops, forests, hunting grounds, fish, and birds, while he does not know whether any of these will produce revenue or not. Can he purchase and accept responsibility for it, and at what time should he make such a purchase and agreement?
Imam {a.s} said: "If you know that at least one of these sources will yield income, then you may purchase and accept responsibility for it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.224 • Al-Wafi, Vol.18 p.672

HADITH

3833 - وَ رَوَى زُرْعَةُ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَشْتَرِي اَلْعَبْدَ وَ هُوَ آبِقٌ عَنْ أَهْلِهِ قَالَ «لاَ يَصْلُحُ لَهُ إِلاَّ أَنْ يَشْتَرِيَ مَعَهُ شَيْئاً آخَرَ وَ يَقُولَ أَشْتَرِي مِنْكَ هَذَا اَلشَّيْءَ وَ عَبْدَكَ بِكَذَا وَ كَذَا فَإِنْ لَمْ يَقْدِرْ عَلَى اَلْعَبْدِ كَانَ اَلثَّمَنُ اَلَّذِي نَقَدَهُ فِيمَا اِشْتَرَى مِنْهُ».

H.3833 - Zur'ah narrated from Sama'ah, from Abu Abdillah {a.s} regarding a man who purchases a slave while the slave has run away from his owner.
Imam {a.s} said: "It is not permissible for him unless he purchases something else along with him and says, 'I purchase from you this item and your slave for such and such amount.' If he is unable to obtain the slave, then the payment he made will apply to what he has purchased from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.225 • Tahdhib Al-Ahkam, Vol.7 p.124 • Al-Wafi, Vol.18 p.677 • Wasa'il Al-Shi'ah, Vol.17 p.353

HADITH

3834 - وَ رُوِيَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَكُونُ لِي عَلَيْهِ أَحْمَالٌ بِكَيْلٍ مُسَمًّى فَبَعَثَ إِلَيَّ بِأَحْمَالٍ مِنْهَا أَقَلُّ مِنَ اَلْكَيْلِ اَلَّذِي لِي عَلَيْهِ فَآخُذُهَا مُجَازَفَةً فَقَالَ «لاَ بَأْسَ بِهِ» قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ عَلَى اَلْآخَرِ مِائَةُ كُرٍّ تَمْراً وَ لَهُ نَخْلٌ فَيَأْتِيهِ فَيَقُولُ أَعْطِنِي نَخْلَكَ هَذَا بِمَا عَلَيْكَ فَكَأَنَّهُ كَرِهَهُ قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلَيْنِ يَكُونُ بَيْنَهُمَا اَلنَّخْلُ فَيَقُولُ أَحَدُهُمَا لِصَاحِبِهِ اِخْتَرْ إِمَّا أَنْ تَأْخُذَ هَذَا اَلنَّخْلَ بِكَذَا وَ كَذَا كَيْلاً مُسَمًّى وَ تُعْطِيَنِي نِصْفَ هَذَا اَلْكَيْلِ زَادَ أَوْ نَقَصَ وَ إِمَّا أَنْ آخُذَهُ أَنَا بِذَلِكَ قَالَ «لاَ بَأْسَ بِهِ».

H.3834 - Yaqub ibn Shuayb narrated:
I asked Abu Abdillah {a.s} about a man who owes me loads of goods measured by a specific scale, but he sends me loads that are less than the specified measurement I am owed. Can I take them without measuring precisely (mujazafah)?
Imam {a.s} said: "There is no harm in it."
He said: I also asked Imam {a.s} about a man who owes another person a hundred kur of dates and owns date palms. He comes to him and says, "Give me these date palms in place of what you owe me."
It was as if Imam {a.s} disliked it.
He said: I asked Imam {a.s} about two men who jointly own date palms, and one of them says to the other, "Choose, either you take this date palm for such and such a specified measure and give me half of this measure, whether it increases or decreases, or I will take it under the same terms."
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.225 • Tahdhib Al-Ahkam, Vol.7 p.125

HADITH

3835 - وَ رَوَى جَمِيلٌ عَنْ زُرَارَةَ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى تِبْنَ بَيْدَرٍ قَبْلَ أَنْ يُدَاسَ تِبْنَ كُلُّ كُرٍّ بِشَيْءٍ مَعْلُومٍ فَيَأْخُذُ اَلتِّبْنَ وَ يَبِيعُهُ قَبْلَ أَنْ يُكَالَ اَلطَّعَامُ قَالَ «لاَ بَأْسَ بِهِ».

H.3835 - Jameel narrated from Zurara who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who purchased straw from a threshing floor before it was threshed, each load of straw for a specified amount, and he took the straw and sold it before the grain was measured.
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.226 • Tahdhib Al-Ahkam, Vol.7 p.125 • Al-Wafi, Vol.17 p.493 • Wasa'il Al-Shi'ah, Vol.17 p.359

HADITH

3836 - وَ رُوِيَ عَنْ عَبْدِ اَلْمَلِكِ بْنِ عَمْرٍو قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَشْتَرِي مِائَةَ رَاوِيَةٍ مِنْ زَيْتٍ وَ أَعْتَرِضُ رَاوِيَةً أَوِ اِثْنَتَيْنِ وَ أَتَّزِنُهُمَا ثُمَّ آخُذُ سَائِرَهُ عَلَى قَدْرِ ذَلِكَ فَقَالَ «لاَ بَأْسَ».

H.3836 - It is narrated from Abdul-Malik bin Amr who said:
I said to Abu Abdillah {a.s}, "I purchase one hundred containers of oil, and I inspect one or two containers and weigh them, then take the rest based on that measurement."
Imam {a.s} said: "There is no harm."

[REFERENCES] Al-Kafi, Vol.5 p.194 • Man La Yahduruhu Al-Faqih, Vol.3 p.226 • Tahdhib Al-Ahkam, Vol.7 p.122 • Al-Istibsar, Vol.3 p.102 • Al-Wafi, Vol.18 p.670 • Wasa'il Al-Shi'ah, Vol.17 p.343

HADITH

3837 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ اَلدَّيْنُ وَ مَعَهُ رَهْنٌ أَ يَشْتَرِيهِ قَالَ «نَعَمْ».

H.3837 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, who said:
I asked Imam {a.s} about a man who has a debt and holds collateral along with it, can he purchase it?
Imam {a.s} said: “Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.226 • Wasa’il Al-Shi’ah, Vol.18 p.398

HADITH

3838 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «مَا كَانَ مِنْ طَعَامٍ سَمَّيْتَ فِيهِ كَيْلاً فَلاَ يَصْلُحُ مُجَازَفَةً».

H.3838 - Ibn Muskan narrated from Al-Halabi who said that Abu Abdillah {a.s} said: "Any food for which a specific measure has been stipulated cannot be sold without measurement."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.226 • Tahdhib Al-Ahkam, Vol.7 p.122 • Al-Istibsar, Vol.3 p.102 • Wasa’il Al-Shi’ah, Vol.17 p.342

HADITH

3839 - وَ رُوِيَ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : كَانَ مَعِي جِرَابَانِ مِنْ مِسْكٍ أَحَدُهُمَا رَطْبٌ وَ اَلْآخَرُ يَابِسٌ فَبَدَأْتُ بِالرَّطْبِ فَبِعْتُهُ ثُمَّ أَخَذْتُ اَلْيَابِسَ أَبِيعُهُ فَإِذَا أَنَا لاَ أُعْطَى بِالْيَابِسِ اَلثَّمَنَ اَلَّذِي يَسْوَى وَ لاَ يَزِيدُونِّي عَلَى ثَمَنِ اَلرَّطْبِ فَسَأَلْتُهُ عَنْ ذَلِكَ أَ يَصْلُحُ لِي أَنْ أُنَدِّيَهُ قَالَ «لاَ إِلاَّ أَنْ تُعْلِمَهُمْ» قَالَ فَنَدَّيْتُهُ ثُمَّ أَعْلَمْتُهُمْ قَالَ «لاَ بَأْسَ بِهِ إِذَا أَعْلَمْتَهُمْ».

H.3839 - It is narrated from Dawood bin Sirhan, from Abu Abdillah {a.s}, who said:
I had two sacks of musk - one was moist, and the other was dry. I started with the moist one and sold it.
Then I took the dry one to sell, but I found that I was not offered the price it was worth, and they would not pay me more than the price of the moist musk.
So I asked Imam {a.s} about that, whether it was permissible for me to mix them.
Imam {a.s} said: “No, unless you inform them."
He said: “So I mixed them and then informed them."
Imam {a.s} said: “There is no harm in it if you inform them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.226 • Tahdhib Al-Ahkam, Vol.7 p.139 • Al-Wafi, Vol.17 p.470 • Wasa’il Al-Shi’ah, Vol.18 p.113

HADITH

3840 - وَ رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ وَلَدِ اَلزِّنَا أَ يُبَاعُ وَ يُشْتَرَى وَ يُسْتَخْدَمُ قَالَ «نَعَمْ » قُلْتُ فَيُسْتَنْكَحُ قَالَ «نَعَمْ وَ لاَ تَطْلُبْ وَلَدَهَا ».

H.3840 - It is narrated from Abdullah bin Sinan who said: I asked Abu Abdillah {a.s} about a child born out of wedlock, can he be sold, purchased, and employed as a servant?
Imam {a.s} said: “Yes."
I said: “Can he be married?"
Imam {a.s} said: “Yes, but do not seek her offspring."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.227 • Wasa’il Al-Shi’ah, Vol.17 p.299

HADITH

3841 - وَ سَأَلَهُ سَمَاعَةُ : عَنْ شِرَاءِ اَلْخِيَانَةِ وَ اَلسَّرِقَةِ قَالَ «إِذَا عَرَفْتَ أَنَّهُ كَذَلِكَ فَلاَ إِلاَّ أَنْ يَكُونَ شَيْئاً تَشْتَرِيهِ مِنَ اَلْعُمَّالِ».

H.3841 - Sama'ah asked him about purchasing stolen or embezzled goods.
Imam {a.s} said: “If you know that it is so, then no, unless it is something you are buying from the authorities."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.227 • Tahdhib Al-Ahkam, Vol.6 p.337 • Tahdhib Al-Ahkam, Vol.7 p.132 • Al-Wafi, Vol.17 p.294 • Wasa’il Al-Shi’ah, Vol.17 p.336

HADITH

3842 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمُضَارَبَةِ يُعْطَى اَلرَّجُلُ اَلْمَالَ فَيَخْرُجُ بِهِ إِلَى أَرْضٍ وَ يُنْهَى أَنْ يَخْرُجَ بِهِ إِلَى أَرْضٍ غَيْرِهَا فَعَصَى وَ خَرَجَ إِلَى أَرْضٍ أُخْرَى فَعَطِبَ اَلْمَالُ فَقَالَ «هُوَ ضَامِنٌ وَ إِنْ سَلِمَ وَ رَبِحَ فَالرِّبْحُ بَيْنَهُمَا ».

H.3842 - Muhammad bin Al-Fudayl narrated from Abu Al-Sabbah Al-Kinani who said:
I asked Abu Abdillah {a.s} about a partnership in which a man is given wealth and instructed to take it to a specific land, but he disobeys and takes it to another land, and the wealth is lost.
Imam {a.s} said: “He is liable. However, if it is safe and profits are made, then the profit is to be shared between them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.227 • Tahdhib Al-Ahkam, Vol.7 p.189 • Al-Wafi, Vol.18 p.885 • Wasa’il Al-Shi’ah, Vol.19 p.17

HADITH

3843 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ إِنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ ضَمَّنَ تَاجِراً فَلَيْسَ لَهُ إِلاَّ رَأْسُ اَلْمَالِ وَ لَيْسَ لَهُ مِنَ اَلرِّبْحِ شَيْءٌ».

H.3843 - Muhammad bin Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said that Commander of the Faithful {a.s} said: "Whoever guarantees a trader is entitled only to the principal amount and has no share in the profit."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.228 • Tahdhib Al-Ahkam, Vol.7 p.192 • Awali Al-La'ali, Vol.3 p.246 • Wasa'il Al-Shi'ah, Vol.19 p.22

HADITH

3844 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ دَفَعَ إِلَى رَجُلٍ أَلْفَ دِرْهَمٍ مُضَارَبَةً فَاشْتَرَى أَبَاهُ وَ هُوَ لاَ يَعْلَمُ قَالَ «يُقَوَّمُ فَإِنْ زَادَ دِرْهَماً وَاحِداً أُعْتِقَ وَ اُسْتُسْعِيَ فِي مَالِ اَلرَّجُلِ ».

H.3844 - It is narrated from Muhammad bin Qays who said:
I said to Abu Abdillah {a.s}, "A man gave another man one thousand dirhams in a partnership, and he unknowingly purchased his father with it."
Imam {a.s} said: "He should be valued, and if his value exceeds by even one dirham, he shall be freed and shall work to repay the man's wealth."

[REFERENCES] Al-Kafi, Vol.5 p.241 • Man La Yahduruhu Al-Faqih, Vol.3 p.228 • Tahdhib Al-Ahkam, Vol.7 p.190 • Al-Wafi, Vol.18 p.882 • Wasa'il Al-Shi'ah, Vol.19 p.25

HADITH

3845 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يَكُونُ لَهُ مَالٌ عَلَى رَجُلٍ فَيَتَقَاضَاهُ وَ لاَ يَكُونُ عِنْدَهُ مَا يَقْضِيهِ فَيَقُولُ هُوَ عِنْدَكَ مُضَارَبَةً قَالَ «لاَ يَصْلُحُ حَتَّى يَقْبِضَهُ مِنْهُ ».

H.3845 - Al-Sakooni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them) who said that Imam Ali ibn Abi Talib {a.s} said regarding a man who is owed money by another man and demands repayment, but the debtor does not have the means to repay and says, "Consider it as a partnership investment with you."
Imam {a.s} said: "It is not permissible until he first takes possession of it from him."

[REFERENCES] Al-Kafi, Vol.5 p.240 • Man La Yahduruhu Al-Faqih, Vol.3 p.228 • Tahdhib Al-Ahkam, Vol.6 p.195 • Tahdhib Al-Ahkam, Vol.7 p.192 • Al-Wafi, Vol.18 p.881 • Wasa'il Al-Shi'ah, Vol.19 p.23

HADITH

3846 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اَلْمُضَارِبُ مَا أَنْفَقَ فِي سَفَرِهِ فَهُوَ مِنْ جَمْعِ اَلْمَالِ فَإِذَا قَدِمَ بَلْدَتَهُ فَمَا أَنْفَقَ فَهُوَ مِنْ نَصِيبِهِ».

H.3846 - Imam Ali ibn Abi Talib {a.s} said:
"Whatever the partner spends during his travel is taken from the joint capital. However, when he returns to his town, whatever he spends is from his own share."

[REFERENCES] Masa'il Ali Ibn Ja'far, Vol.1 p.312 • Al-Kafi, Vol.5 p.241 • Al-Kafi, Vol.5 p.241 • Man La Yahduruhu Al-Faqih, Vol.3 p.229 • Tahdhib Al-Ahkam, Vol.7 p.191 • Al-Wafi, Vol.18 p.881 • Wasa'il Al-Shi'ah, Vol.19 p.24

HADITH

3847 - وَ كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «مَنْ يَمُوتُ وَ عِنْدَهُ مَالُ اَلْمُضَارَبَةِ إِنَّهُ إِنْ سَمَّاهُ بِعَيْنِهِ قَبْلَ مَوْتِهِ فَقَالَ هَذَا لِفُلاَنٍ فَهُوَ لَهُ وَ إِنْ مَاتَ وَ لَمْ يَذْكُرْهُ فَهُوَ أُسْوَةُ اَلْغُرَمَاءِ ».

H.3847 - Imam Ali ibn Abi Talib {a.s} used to say: "Whoever dies while holding partnership capital, if he specifies it before his death and says, 'This belongs to so-and-so,' then it is his. However, if he dies without mentioning it, it will be treated like the property of other creditors."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.229 • Tahdhib Al-Ahkam, Vol.7 p.192 • Al-Wafi, Vol.18 p.888 • Wasa'il Al-Shi'ah, Vol.19 p.29

HADITH

3848 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلَيْنِ اِشْتَرَكَا فِي مَالٍ فَرَبِحَا رِبْحاً وَ كَانَ مِنَ اَلْمَالِ دَيْنٌ وَ عَيْنٌ فَقَالَ أَحَدُهُمَا لِصَاحِبِهِ أَعْطِنِي رَأْسَ اَلْمَالِ وَ اَلرِّبْحُ لَكَ وَ مَا تَوِيَ فَعَلَيَّ فَقَالَ «لاَ بَأْسَ بِهِ إِذَا اِشْتَرَطَا وَ إِنْ كَانَ شَرْطاً يُخَالِفُ كِتَابَ اَللَّهِ رُدَّ إِلَى كِتَابِ اَللَّهِ عَزَّ وَ جَلَّ».

H.3848 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, regarding two men who entered into partnership with wealth, made a profit, and the wealth included both debt and cash.
One of them said to the other, "Give me the principal amount, and the profit will be yours, and any loss will be my responsibility."
Imam {a.s} said: "There is no harm in it if they agree to this condition, but if the condition contradicts the Book of Allah {SWT}, it must be referred back to the Book of Allah {SWT}, the Mighty and Glorious."

[REFERENCES] Al-Kafi, Vol.5 p.258 • Man La Yahduruhu Al-Faqih, Vol.3 p.229 • Tahdhib Al-Ahkam, Vol.6 p.207 • Tahdhib Al-Ahkam, Vol.7 p.186 • Al-Wafi, Vol.18 p.889 • Wasa'il Al-Shi'ah, Vol.18 p.17 • Wasa'il Al-Shi'ah, Vol.18 p.444

HADITH

3849 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «لاَ يَنْبَغِي لِلرَّجُلِ مِنْكُمْ أَنْ يُشَارِكَ اَلذِّمِّيَّ وَ لاَ يُبْضِعَهُ بِضَاعَةً وَ لاَ يُودِعَهُ وَدِيعَةً وَ لاَ يُصَافِيَهُ اَلْمَوَدَّةَ ».

H.3849 - Ibn Mahbub narrated from Ali bin Ri'ab who said:
I heard Abu Abdillah {a.s} say, "It is not proper for any of you to enter into a partnership with a Dhimmi, nor to entrust him with goods, nor to deposit a trust with him, nor to establish a close friendship with him."

[REFERENCES] Al-Kafi, Vol.5 p.286 • Man La Yahduruhu Al-Faqih, Vol.3 p.229 • Tahdhib Al-Ahkam, Vol.7 p.185 • Fiqh Al-Quran, Vol.2 p.68 • Al-Wafi, Vol.17 p.413 • Wasa'il Al-Shi'ah, Vol.19 p.8 • Al-Fusul Al-Muhimmah, Vol.2 p.283 • Mustadrak Al-Wasa'il, Vol.13 p.449

HADITH

3850 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي وَلاَّدٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ اَلْغَنَمُ يَحْلُبُهَا لَهَا أَلْبَانٌ كَثِيرَةٌ فِي كُلِّ يَوْمٍ مَا تَقُولُ فِي شِرَاءِ اَلْخَمْسِمِائَةِ رِطْلٍ بِكَذَا وَ كَذَا دِرْهَماً يَأْخُذُ فِي كُلِّ يَوْمٍ مِنْهُ أَرْطَالاً حَتَّى يَسْتَوْفِيَ مَا يَشْتَرِي مِنْهُ قَالَ «لاَ بَأْسَ بِهَذَا وَ نَحْوِهِ».

H.3850 - Al-Hasan bin Mahbub narrated from Abu Wallad who said:
I asked Abu Abdillah {a.s} about a man who owns sheep that produce a large quantity of milk every day.
What do you say about purchasing five hundred ritls of milk for a specified amount of dirhams, taking a certain amount from it each day until he fulfills what he purchased?
Imam {a.s} said: "There is no harm in this and similar transactions."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.230 • Wasa'il Al-Shi'ah, Vol.18 p.291

HADITH

3851 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ رِفَاعَةَ اَلنَّخَّاسِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ سَاوَمْتُ رَجُلاً بِجَارِيَةٍ فَبَاعَنِيهَا بِحُكْمِي فَقَبَضْتُهَا عَلَى ذَلِكَ ثُمَّ بَعَثْتُ إِلَيْهِ بِأَلْفِ دِرْهَمٍ وَ قُلْتُ لَهُ هَذِهِ أَلْفُ دِرْهَمٍ عَلَى حُكْمِي عَلَيْكَ فَأَبَى أَنْ يَقْبَلَهَا مِنِّي وَ قَدْ كُنْتُ مَسِسْتُهَا قَبْلَ أَنْ أَبْعَثَ إِلَيْهِ بِالثَّمَنِ فَقَالَ «أَرَى أَنْ تُقَوَّمَ اَلْجَارِيَةُ قِيمَةً عَادِلَةً فَإِنْ كَانَ ثَمَنُهَا أَكْثَرَ مِمَّا بَعَثْتَ بِهِ إِلَيْهِ كَانَ عَلَيْكَ أَنْ تَرُدَّ عَلَيْهِ مَا نَقَصَ مِنَ اَلْقِيمَةِ وَ إِنْ كَانَ ثَمَنُهَا أَقَلَّ مِمَّا بَعَثْتَ بِهِ إِلَيْهِ فَهُوَ لَهُ » قُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ وَجَدْتُ بِهَا عَيْباً بَعْدَ مَا مَسِسْتُهَا قَالَ «لَيْسَ لَكَ أَنْ تَرُدَّهَا وَ لَكَ أَنْ تَأْخُذَ قِيمَةَ مَا بَيْنَ اَلصِّحَّةِ وَ اَلْعَيْبِ مِنْهُ».

H.3851 - Al-Hasan bin Mahbub narrated from Rifa'ah Al-Nakhas who said:
I said to Abu Abdillah {a.s}, "I bargained with a man over a bondwoman, and he sold her to me based on my judgment. I took possession of her on that basis, then I sent him one thousand dirhams and said to him, 'Here are one thousand dirhams based on my judgment over you.'

But he refused to accept them from me, and I had already touched her before sending him the payment."
Imam {a.s} said: “I see that the bondwoman should be appraised at a fair value. If her value is more than what you sent him, then you must pay him the difference. However, if her value is less than what you sent him, then the surplus belongs to him."
I said: “May I be your ransom, what if I find a defect in her after having touched her?"
Imam {a.s} said: “You do not have the right to return her, but you are entitled to claim the difference between her value when healthy and her value with the defect from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.230 • Wasa’il Al-Shi’ah, Vol.17 p.364

HADITH

3852 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ بْنِ زِيَادٍ اَلْكَرْخِيِّ قَالَ : اِشْتَرَيْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ جَارِيَةً فَلَمَّا ذَهَبْتُ أَنْقُدُهُمْ قُلْتُ أَسْتَحِطُّهُمْ قَالَ «لاَ إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ نَهَى عَنِ اَلِاسْتِحْطَاطِ بَعْدَ اَلصَّفْقَةِ».

H.3852 - Al-Hasan bin Mahbub narrated from Ibrahim bin Ziyad Al-Karkhi who said:
I purchased a bondwoman for Abu Abdillah {a.s}.
When I was about to pay them, I said: “I will try to get a discount from them."
Imam {a.s} said: “No, indeed the Messenger of Allah {SWT} (peace and blessings be upon him and his family) forbade seeking a discount after the deal has been concluded."

[REFERENCES] Al-Kafi, Vol.5 p.286 • Man La Yahduruhu Al-Faqih, Vol.3 p.231 • Tahdhib Al-Ahkam, Vol.7 p.80 • Tahdhib Al-Ahkam, Vol.7 p.233 • Al-Istibsar, Vol.3 p.73 • Wasa’il Al-Shi’ah, Vol.17 p.452

HADITH

3853 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ اَلْكَرْخِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ مَا تَقُولُ فِي رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ أَصْوَافَ مِائَةِ نَعْجَةٍ وَ مَا فِي بُطُونِهَا مِنْ حَمْلٍ بِكَذَا وَ كَذَا دِرْهَماً فَقَالَ «لاَ بَأْسَ بِذَلِكَ إِنْ لَمْ يَكُنْ فِي بُطُونِهَا حَمْلٌ كَانَ رَأْسُ مَالِهِ فِي اَلصُّوفِ».

H.3853 - Ibn Mahbub narrated from Ibrahim Al-Karkhi who said:
I said to Abu Abdillah {a.s}, "What do you say about a man who buys the wool of one hundred sheep and what is in their wombs in terms of pregnancy for such-and-such amount of dirhams?" Imam {a.s} said: “There is no harm in that. If there is no pregnancy in their wombs, then his capital is in the wool."

[REFERENCES] Al-Kafi, Vol.5 p.194 • Man La Yahduruhu Al-Faqih, Vol.3 p.231 • Tahdhib Al-Ahkam, Vol.7 p.45 • Tahdhib Al-Ahkam, Vol.7 p.123 • Al-Wafi, Vol.18 p.671 • Wasa’il Al-Shi’ah, Vol.17 p.351

HADITH

3854 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ زَيْدٍ اَلشَّحَّامِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَشْتَرِي سِهَامَ اَلْقَصَّابِينَ مِنْ قَبْلِ أَنْ يَخْرُجَ اَلسَّهْمُ قَالَ «إِنِ اِشْتَرَى سَهْماً فَهُوَ بِالْخِيَارِ إِذَا خَرَجَ».

H.3854 - Al-Hasan bin Mahbub narrated from Zayd Al-Shahham who said:
I asked Abu Abdillah {a.s} about a man who purchases shares from butchers before the shares are distributed.
Imam {a.s} said: “If he purchases a share, then he has the option to accept or reject it when it is distributed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.231

HADITH

3855 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ مَا تَقُولُ فِي رَجُلٍ يَهَبُ لِعَبْدِهِ أَلْفَ دِرْهَمٍ أَوْ أَقَلَّ أَوْ أَكْثَرَ فَيَقُولُ حَلِّلْنِي مِنْ ضَرْبِي إِيَّاكَ أَوْ مِنْ كُلِّ مَا كَانَ مِنِّي إِلَيْكَ أَوْ مِمَّا أَخَفْتُكَ وَ أَرْهَبْتُكَ فَيُحَلِّلُهُ وَ يَجْعَلُهُ فِي حِلٍّ رَغْبَةً فِيمَا أَعْطَاهُ ثُمَّ إِنَّ اَلْمَوْلَى بَعْدُ أَصَابَ اَلدَّرَاهِمَ اَلَّتِي أَعْطَاهُ فِي مَوْضِعٍ قَدْ وَضَعَهَا فِيهِ اَلْعَبْدُ فَأَخَذَهَا اَلْمَوْلَى أَ حَلاَلٌ هِيَ لَهُ فَقَالَ «لاَ» فَقُلْتُ لَهُ أَ لَيْسَ اَلْعَبْدُ وَ مَالُهُ لِمَوْلاَهُ قَالَ «لَيْسَ هَذَا ذَاكَ » ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ «قُلْ لَهُ فَلْيَرُدَّهَا عَلَيْهِ فَإِنَّهُ لاَ يَحِلُّ لَهُ فَإِنَّهُ اِفْتَدَى بِهَا نَفْسَهُ مِنَ اَلْعَبْدِ مَخَافَةَ اَلْعُقُوبَةِ وَ اَلْقِصَاصِ يَوْمَ اَلْقِيَامَةِ » فَقُلْتُ لَهُ فَعَلَى اَلْعَبْدِ أَنْ يُزَكِّيَهَا إِذَا حَالَ عَلَيْهَا اَلْحَوْلُ قَالَ «لاَ إِلاَّ أَنْ يَعْمَلَ لَهُ بِهَا وَ لاَ يُعْطَى اَلْعَبْدُ مِنَ اَلزَّكَاةِ شَيْئاً».

H.3855 - Al-Hasan bin Mahbub narrated from Ishaq bin Ammar who said:
I said to Abu Abdillah {a.s}, "What do you say about a man who gifts his slave one thousand dirhams, or more or less, and says to him, 'Release me from my beating you, or from everything I have done to you, or from the fear and intimidation I caused you?' So the slave releases him and declares him free from blame, desiring what he has been given. Then, later, the master finds the dirhams that he gave the slave in a place where the slave had kept them and takes them. Is it lawful for him?"
Imam {a.s} said: “No."
I said: “Is not the slave and his wealth the property of his master?"
Imam {a.s} said: “This is not one of those cases."
Then Imam {a.s} said: “Tell him to return the money to the slave, for it is not lawful for him. He gave it to the slave as a ransom for himself to avoid punishment and retribution on the Day of Judgment."
I said: “Does the slave have to pay zakat on it if a year passes over it?"
Imam {a.s} said: “No, unless he invests it in trade. And a slave is not given anything from zakat."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.232 • Tahdhib Al-Ahkam, Vol.8 p.225 • Al-Wafi, Vol.10 p.538

HADITH

3856 - وَ رُوِيَ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَشْتَرِي مِنَ اَلرَّجُلِ اَلْبَيْعَ فَيَسْتَوْهِبُهُ بَعْدَ اَلشِّرَاءِ مِنْ غَيْرِ أَنْ يَحْمِلَهُ عَلَى اَلْكُرْهِ قَالَ «لاَ بَأْسَ بِهِ».

H.3856 - It is narrated from Yunus bin Ya'qub who said: I said to Abu Abdillah {a.s}, "A man purchases goods from another man and then asks for them as a gift after the purchase, without compelling him."
Imam {a.s} said: “There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.232 • Al-Wafi, Vol.17 p.472 • Wasa’il Al-Shi’ah, Vol.17 p.454

HADITH

3857 - وَ رُوِيَ عَنْ زَيْدٍ اَلشَّحَّامِ قَالَ : أَتَيْتُ أَبَا جَعْفَرٍ مُحَمَّدَ بْنَ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ بِجَارِيَةٍ أَعْرِضُهَا عَلَيْهِ فَجَعَلَ يُسَاوِمُنِي وَ أَنَا أُسَاوِمُهُ ثُمَّ بِعْتُهَا إِيَّاهُ فَضَمِنَ عَلَى يَدِي، فَقُلْتُ جُعِلْتُ فِدَاكَ إِنَّمَا سَاوَمْتُكَ لِأَنْظُرَ اَلْمُسَاوَمَةُ تَنْبَغِي أَوْ لاَ تَنْبَغِي فَقُلْتُ قَدْ حَطَطْتُ عَنْكَ عَشَرَةَ دَنَانِيرَ قَالَ «هَيْهَاتَ أَ لاَّ كَانَ هَذَا قَبْلَ اَلضَّمَّةِ أَ مَا بَلَغَكَ قَوْلُ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلْوَضِيعَةُ بَعْدَ اَلضَّمَّةِ حَرَامٌ» ».

H.3857 - It is narrated from Zayd Al-Shahham who said: I brought a bondwoman to Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} to offer her for sale.
Imam {a.s} began to bargain with me, and I bargained with Him {a.s}, and then I sold her to Him {a.s}. He {a.s} finalized the deal by taking possession through my hand.
I said: “May I be your ransom, I was only bargaining with you {a.s} to see whether bargaining is permissible or not. I then said: ‘I have reduced the price for you by ten dinars.'"
Imam {a.s} said: “Far from it! Should this not have been done before finalizing the deal? Have you not heard the saying of the Messenger of Allah {SWT} (peace and blessings be upon him and his family): 'Reducing the price after finalization is forbidden?'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.232 • Tahdhib Al-Ahkam, Vol.7 p.80 • Wasa’il Al-Shi’ah, Vol.17 p.453

HADITH

3858 - وَ رَوَى رَوْحٌ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «تِسْعَةُ أَعْشَارِ اَلرِّزْقِ فِي اَلتِّجَارَةِ ».

H.3858 - Rawh narrated from Abu Abdillah {a.s} who said: "Nine-tenths of sustenance is in trade."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.233 • Al-Wafi, Vol.17 p.126 • Wasa’il Al-Shi’ah, Vol.17 p.10 • Mustadrak Al-Wasa’il, Vol.13 p.9

HADITH

3859 - وَ رَوَى اِبْنُ بُكَيْرٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنَّ سَمُرَةَ اِبْنَ جُنْدَبٍ كَانَ لَهُ عَذْقٌ فِي حَائِطِ رَجُلٍ مِنَ اَلْأَنْصَارِ وَ كَانَ مَنْزِلُ اَلْأَنْصَارِيِّ فِيهِ اَلطَّرِيقُ إِلَى اَلْحَائِطِ فَكَانَ يَأْتِيهِ فَيَدْخُلُ عَلَيْهِ وَ لاَ يَسْتَأْذِنُ فَقَالَ إِنَّكَ تَجِيءُ وَ تَدْخُلُ وَ نَحْنُ فِي حَالٍ نَكْرَهُ أَنْ تَرَانَا عَلَيْهِ فَإِذَا جِئْتَ فَاسْتَأْذِنْ حَتَّى نَتَحَرَّزَ ثُمَّ نَأْذَنَ لَكَ وَ تَدْخُلَ قَالَ لاَ أَفْعَلُ هُوَ مَالِي أَدْخُلُ عَلَيْهِ وَ لاَ أَسْتَأْذِنُ فَأَتَى اَلْأَنْصَارِيُّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَشَكَا إِلَيْهِ وَ أَخْبَرَهُ فَبَعَثَ إِلَى سَمُرَةَ فَجَاءَهُ فَقَالَ لَهُ «اِسْتَأْذِنْ عَلَيْهِ» فَأَبَى وَ قَالَ لَهُ مِثْلَ مَا قَالَ لِلْأَنْصَارِيِّ فَعَرَضَ عَلَيْهِ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَنْ يَشْتَرِيَ مِنْهُ بِالثَّمَنِ فَأَبَى عَلَيْهِ وَ جَعَلَ يَزِيدُهُ فَيَأْبَى أَنْ يَبِيعَ فَلَمَّا رَأَى ذَلِكَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ لَهُ «لَكَ عَذْقٌ فِي اَلْجَنَّةِ » فَأَبَى أَنْ يَقْبَلَ ذَلِكَ فَأَمَرَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلْأَنْصَارِيَّ أَنْ يَقْلَعَ اَلنَّخْلَةَ فَيُلْقِيَهَا إِلَيْهِ وَ قَالَ «لاَ ضَرَرَ وَ لاَ إِضْرَارَ».

H.3859 - Ibn Bukayr narrated from Zurara, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:

Samurah ibn Jundab had a date-palm tree in the garden of a man from the Ansar, and the house of the Ansari had the pathway leading to the garden. Samurah would come and enter without seeking permission.

The Ansari said to him: "You come and enter while we are in a state that we dislike you seeing us in. When you come, seek permission so that we may prepare ourselves, and then we will permit you to enter."

Samurah replied: "I will not do so. It is my property, and I will enter it without seeking permission."

The Ansari then went to the Messenger of Allah {SWT} (peace and blessings be upon him and his family) and complained to him and informed him of the situation.

The Prophet (peace and blessings be upon him and his family) sent for Samurah, and he came.

The Prophet (peace and blessings be upon him and his family) said to him: "Seek permission before entering."

Samurah refused and said the same as he had said to the Ansari.

The Messenger of Allah {SWT} (peace and blessings be upon him and his family) offered to buy the tree from him for a price, but he refused.

The Prophet (peace and blessings be upon him and his family) kept increasing the offer, but Samurah refused to sell.

When the Prophet (peace and blessings be upon him and his family) saw this, He {saws} said to him: "You will have a date-palm tree in Paradise."

Yet Samurah refused to accept this as well.

Then the Messenger of Allah {SWT} (peace and blessings be upon him and his family) ordered the Ansari to uproot the tree and throw it to him and said: "There should be no harm and no causing of harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.233

HADITH

3860 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَدْفَعُ اَلطَّعَامَ إِلَى اَلطَّحَّانِ فَيُقَاطِعُهُ عَلَى أَنْ يُعْطِيَ صَاحِبَهُ لِكُلِّ عَشَرَةِ أَمْنَانٍ عَشَرَةَ أَمْنَانٍ دَقِيقٍ قَالَ «لاَ» فَقُلْتُ فَرَجُلٌ يَدْفَعُ اَلسِّمْسِمَ إِلَى اَلْعَصَّارِ فَيَضْمَنُ لَهُ بِكُلِّ صَاعٍ أَرْطَالاً مُسَمَّاةً فَقَالَ «لاَ».

H.3860 - Al-Ala' narrated from Muhammad bin Muslim, from one of the imams (peace be upon them), who said: I asked Imam {a.s} about a man who gives grain to a miller and agrees with him to receive ten measures of flour for every ten measures of grain.
Imam {a.s} said: "No."
I then asked: "What about a man who gives sesame seeds to an oil presser and guarantees to receive a specified amount of oil for each measure?"
Imam {a.s} said: "No."

[REFERENCES] Al-Kafi, Vol.5 p.189 • Man La Yahduruhu Al-Faqih, Vol.3 p.233 • Tahdhib Al-Ahkam, Vol.7 p.45 • Tahdhib Al-Ahkam, Vol.7 p.96 • Al-Wafi, Vol.18 p.580 • Wasa'il Al-Shi'ah, Vol.18 p.141

CHAPTER 69 – CHAPTER ON THE SALE OF PASTURE, CROPS, TREES, LANDS, SERVANTS, WATER RIGHTS, AND REAL ESTATE

بَابُ بَيْعِ الْكَلَإِ وَ الزَّرْعِ وَ الْأَشْجَارِ وَ الْأَرَضِينَ وَ الْقُنِيِّ وَ الشِّرْبِ وَ الْعَقَارِ

HADITH 3861 – 3875

3861 - رَوَى أَبَانٌ عَنْ إِسْمَاعِيلَ بْنِ اَلْفَضْلِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ بَيْعِ اَلْكَلَإِ إِذَا كَانَ سَيْحاً يَعْمِدُ اَلرَّجُلُ إِلَى مَائِهِ فَيَسُوقُهُ إِلَى اَلْأَرْضِ فَيَسْقِيهِ اَلْحَشِيشَ وَ هُوَ اَلَّذِي حَفَرَ اَلنَّهَرَ وَ لَهُ اَلْمَاءُ يَزْرَعُ بِهِ مَا يَشَاءُ فَقَالَ «إِذَا كَانَ اَلْمَاءُ لَهُ فَلْيَزْرَعْ بِهِ مَا شَاءَ وَ يَبِيعُهُ بِمَا أَحَبَّ ».

H.3861 - Aban narrated from Isma'il bin Al-Fadl who said: I asked Abu Abdillah {a.s} about selling pasture when it is irrigated by flowing water, where a man directs his water to the land, irrigates the grass, and he is the one who dug the canal and owns the water, planting with it whatever he wishes.
Imam {a.s} said: “If the water is his, then he may plant with it whatever he wishes and sell it for whatever he likes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.234 • Al-Wafi, Vol.18 p.1007

HADITH

3862 - وَ سَأَلَهُ سَمَاعَةُ : عَنْ شِرَاءِ اَلْقَصِيلِ يَشْتَرِيهِ اَلرَّجُلُ فَلاَ يَقْصِلُهُ وَ يَبْدُو لَهُ فِي تَرْكِهِ حَتَّى يَخْرُجَ سُنْبُلُهُ شَعِيراً أَوْ حِنْطَةً وَ قَدِ اِشْتَرَاهُ مِنْ أَصْلِهِ وَ مَا كَانَ عَلَى أَرْبَابِهِ مِنْ خَرَاجٍ فَهُوَ عَلَى اَلْعِلْجِ فَقَالَ «إِنْ كَانَ اِشْتَرَطَ حِينَ اِشْتَرَاهُ إِنْ شَاءَ قَطَعَهُ قَصِيلاً وَ إِنْ شَاءَ تَرَكَهُ كَمَا هُوَ حَتَّى يَكُونَ سُنْبُلاً وَ إِلاَّ فَلاَ يَنْبَغِي لَهُ أَنْ يَتْرُكَهُ حَتَّى يَكُونَ سُنْبُلاً».

H.3862 - Sama'ah asked him about purchasing fodder crops, where a man buys them but does not harvest them, and then decides to leave them until they produce spikes of barley or wheat. He had bought them from their roots, and any tax due on them was the responsibility of the cultivator.
Imam {a.s} said: “If he stipulated at the time of purchase that he may either cut them as fodder or leave them as they are until they produce spikes, then there is no harm. Otherwise, it is not proper for him to leave them until they produce spikes."

[REFERENCES] Al-Kafi, Vol.5 p.275 • Man La Yahduruhu Al-Faqih, Vol.3 p.234 • Tahdhib Al-Ahkam, Vol.7 p.142 • Al-Istibsar, Vol.3 p.112 • Al-Wafi, Vol.18 p.549 • Wasa’il Al-Shi’ah, Vol.18 p.236

HADITH

3863 - وَ سَأَلَهُ سَمَاعَةُ : عَنِ اَلرَّجُلِ اِشْتَرَى مَرْعًى يَرْعَى فِيهِ بِخَمْسِينَ دِرْهَماً أَوْ أَقَلَّ أَوْ أَكْثَرَ فَأَرَادَ أَنْ يُدْخِلَ مَعَهُ مَنْ يَرْعَى مَعَهُ وَ يَأْخُذَ مِنْهُمُ اَلثَّمَنَ قَالَ «فَلْيُدْخِلْ مَعَهُ مَنْ شَاءَ بِبَعْضِ مَا أَعْطَى وَ إِنْ أَدْخَلَ مَعَهُ بِتِسْعَةٍ وَ أَرْبَعِينَ دِرْهَماً فَكَانَ غَنَمُهُ تَرْعَى بِدِرْهَمٍ فَلاَ بَأْسَ وَ لَيْسَ لَهُ أَنْ يَبِيعَهُ بِخَمْسِينَ دِرْهَماً وَ يَرْعَى مَعَهُمْ إِلاَّ أَنْ يَكُونَ قَدْ عَمِلَ فِي اَلْمَرْعَى عَمَلاً حَفَرَ بِئْراً أَوْ شَقَّ نَهَراً بِرِضَا أَصْحَابِ اَلْمَرْعَى فَلاَ بَأْسَ بِأَنْ يَبِيعَهُ بِأَكْثَرَ مِمَّا اِشْتَرَاهُ بِهِ لِأَنَّهُ قَدْ عَمِلَ فِيهِ عَمَلاً فَلِذَلِكَ يَصْلُحُ لَهُ».

H.3863 - Sama'ah asked him about a man who purchased grazing land for fifty dirhams, or more or less, to graze his livestock, and then wanted to allow others to graze with him and charge them a fee.
Imam {a.s} said: “He may allow others to graze with him for part of what he paid. For example, if he includes others for forty-nine dirhams and his livestock grazes for one dirham, there is no harm in it. However, he is not allowed to sell the grazing rights for fifty dirhams and graze with them unless he has done some work on the pasture, such as digging a well or channeling a stream with the consent of the pasture owners. In that case, there is no harm in selling it for more than what he purchased it for, because he has added value through his work, making it permissible for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.235

HADITH

3864 - وَ رَوَى سُلَيْمَانُ بْنُ خَالِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنِّي لَأَكْرَهُ أَنْ أَسْتَأْجِرَ اَلرَّحَى وَحْدَهَا ثُمَّ أُؤَاجِرَهَا بِأَكْثَرَ مِمَّا اِسْتَأْجَرْتُهَا إِلاَّ أَنْ أُحْدِثَ فِيهَا حَدَثاً أَوْ أُغْرَمَ فِيهَا غُرْماً».

H.3864 - Sulaiman bin Khalid narrated from Abu Abdillah {a.s} who said: "I dislike renting a millstone alone and then leasing it out for more than what I rented it for, unless I make improvements to it or incur expenses related to it."

[REFERENCES] Al-Kafi, Vol.5 p.273 • Man La Yahduruhu Al-Faqih, Vol.3 p.235 • Tahdhib Al-Ahkam, Vol.7 p.204 • Al-Wafi, Vol.18 p.939 • Wasa’il Al-Shi’ah, Vol.19 p.124 • Wasa’il Al-Shi’ah, Vol.19 p.130

HADITH

3865 - وَ فِي رِوَايَةِ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا تَقَبَّلْتَ أَرْضاً بِذَهَبٍ أَوْ فِضَّةٍ فَلاَ تُقَبِّلْهَا بِأَكْثَرَ مِمَّا قَبِلْتَهَا بِهِ لِأَنَّ اَلذَّهَبَ وَ اَلْفِضَّةَ مُصْمَتَانِ».

H.3865 - In a narration from Ishaq bin Ammar, from Abu Basir, from Abu Abdillah {a.s}, who said: "If you lease land with gold or silver, do not lease it out for more than what you leased it for, because gold and silver are fixed commodities."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.235 • Wasa’il Al-Shi’ah, Vol.19 p.128

HADITH

3866 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلْحِنْطَةِ وَ اَلشَّعِيرِ أَشْتَرِي زَرْعَهُ قَبْلَ أَنْ يُسَنْبِلَ وَ هُوَ حَشِيشٌ قَالَ «لاَ إِلاَّ أَنْ يَشْتَرِيَهُ لِقَصِيلٍ يَعْلِفُهُ اَلدَّوَابَّ ثُمَّ يَتْرُكَهُ إِنْ شَاءَ حَتَّى يُسَنْبِلَ».

H.3866 - It is narrated from Ali bin Abi Hamzah, from Abu Basir, from Abu Abdillah {a.s}, who said: I asked him about purchasing wheat and barley crops before they produce spikes while they are still grass.
Imam {a.s} said: “No, unless he buys it as fodder to feed animals, and then, if he wishes, he may leave it until it produces spikes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.236 • Al-Wafi, Vol.18 p.551 • Wasa’il Al-Shi’ah, Vol.18 p.237

HADITH

3867 - وَ رُوِيَ عَنْ سَعِيدِ بْنِ يَسَارٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ شِرْبٌ مَعَ اَلْقَوْمِ فِي قَنَاتِهِمْ وَ هُمْ فِيهِ شُرَكَاءُ فَيَسْتَغْنِي بَعْضُهُمْ عَنْ شِرْبِهِ أَ يَبِيعُهُ قَالَ «نَعَمْ إِنْ شَاءَ بَاعَهُ بِوَرِقٍ وَ إِنْ شَاءَ بَاعَهُ بِكَيْلِ حِنْطَةٍ».

H.3867 - It is narrated from Sa'id bin Yasar who said: I asked Abu Abdillah {a.s} about a man who has a share of water usage in a canal along with others, and they are partners in it. If some of them no longer need their share of the water, can they sell it?
Imam {a.s} said: “Yes, if he wishes, he may sell it for silver coins, or if he wishes, he may sell it for a measure of wheat."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.236

HADITH

3868 - وَ سَأَلَهُ سَمَاعَةُ : عَنْ رَجُلٍ يُزَارِعُ بِبَذْرِهِ فِي اَلْأَرْضِ مِائَةَ جَرِيبٍ مِنَ اَلطَّعَامِ أَوْ غَيْرِهِ مِمَّا يُزْرَعُ ثُمَّ يَأْتِيهِ رَجُلٌ آخَرُ فَيَقُولُ لَهُ خُذْ مِنِّي نِصْفَ بَذْرِكَ وَ نِصْفَ نَفَقَتِكَ فِي هَذِهِ اَلْأَرْضِ لِأُشَارِكَكَ قَالَ «لاَ بَأْسَ بِذَلِكَ».

H.3868 - Sama'ah asked him about a man who cultivates one hundred jaribs of crops, whether food or other plants, using his own seeds. Then another man comes to him and says, "Take half of my seeds and half of my expenses for this land so that I may share the partnership with you."
Imam {a.s} said: “There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.236 • Al-Wafi, Vol.18 p.1030

HADITH

3869 - وَ سَأَلَهُ عَنْ رَجُلٍ اِشْتَرَى قَصِيلاً فَلَمْ يَقْصِلْهُ وَ تَرَكَهُ حَتَّى صَارَ شَعِيراً وَ قَدْ كَانَ اِشْتَرَطَ عَلَى اَلْعِلْجِ يَوْمَ اِشْتَرَاهُ أَنَّهُ مَا يَأْتِيهِ مِنْ نَائِبَةٍ أَنَّهُ عَلَى اَلْعِلْجِ فَقَالَ «إِنْ كَانَ اِشْتَرَطَ عَلَى اَلْعِلْجِ يَوْمَ اِشْتَرَاهُ أَنَّهُ إِنْ شَاءَ جَعَلَهُ سُنْبُلاً وَ إِنْ شَاءَ جَعَلَهُ قَصِيلاً فَلَهُ شَرْطُهُ وَ إِنْ لَمْ يَكُنِ اِشْتَرَطَ فَلاَ يَنْبَغِي لَهُ أَنْ يَدَعَهُ حَتَّى يَكُونَ سُنْبُلاً فَإِنْ فَعَلَ فَإِنَّ عَلَيْهِ طَسْقَهُ وَ نَفَقَتَهُ وَ لَهُ مَا يَخْرُجُ مِنْهُ ».

وَ إِنِ اشْتَرَى رَجُلٌ نَخْلًا لِيَقْطَعَهُ لِلْجُذُوعِ فَغَابَ وَ تَرَكَ النَّخْلَ كَهَيْئَتِهِ لَمْ يَقْطَعْ ثُمَّ قَدِمَ وَ قَدْ حَمَلَ النَّخْلُ فَالْحَمْلُ لَهُ إِلَّا أَنْ يَكُونَ صَاحِبُ النَّخْلِ كَانَ يَسْقِيهِ وَ يَقُومُ عَلَيْهِ وَ إِنْ أَتَى رَجُلٌ أَرْضاً فَزَرَعَهَا بِغَيْرِ إِذْنِ صَاحِبِهَا فَلَمَّا بَلَغَ الزَّرْعُ جَاءَ صَاحِبُ الْأَرْضِ فَقَالَ زَرَعْتَ بِغَيْرِ إِذْنِي فَزَرْعُكَ لِي وَ عَلَيَّ مَا أَنْفَقْتَ فَلِلزَّارِعِ زَرْعُهُ وَ لِصَاحِبِ الْأَرْضِ كِرَى أَرْضِهِ.

H.3869 - Sama'ah asked him about a man who purchased fodder crops but did not harvest them and left them until they turned into barley. He had stipulated with the landowner at the time of purchase that any incident or damage would be the responsibility of the landowner.
Imam {a.s} said: “If he stipulated with the landowner at the time of purchase that he may leave it to grow into spikes or cut it as fodder, then he is bound by his condition. However, if he did not stipulate this, it is not proper for him to leave it until it becomes spikes. If he does so, then he is responsible for its tax and expenses, and he is entitled to what it produces."

[AL SADUQ]
And if a man buys date palms to cut them down for their trunks, but he leaves them as they are without cutting them and later returns to find the palms bearing fruit, the fruit belongs to him - unless the owner of the palms was watering and maintaining them.
And if a man plants crops on land without the owner’s permission, and when the crops grow, the landowner comes and says, "You planted without my permission, so the crops belong to me, and I will compensate you for your expenses," then the crops belong to the planter, and the landowner is entitled to rent for his land.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.237

HADITH

3870 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ مَحْبُوبٍ قَالَ : كَتَبَ رَجُلٌ إِلَى اَلْفَقِيهِ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ كَانَتْ لَهُ رَحًى عَلَى نَهَرِ قَرْيَةٍ وَ اَلْقَرْيَةُ لِرَجُلٍ أَوْ لِرَجُلَيْنِ فَأَرَادَ صَاحِبُ اَلْقَرْيَةِ أَنْ يَسُوقَ اَلْمَاءَ إِلَى قَرْيَتِهِ فِي غَيْرِ هَذَا اَلنَّهَرِ اَلَّذِي عَلَيْهِ هَذِهِ اَلرَّحَى وَ يُعَطِّلَ هَذِهِ اَلرَّحَى أَ لَهُ ذَلِكَ أَمْ لاَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «يَتَّقِي اَللَّهَ وَ يَعْمَلُ فِي ذَلِكَ بِالْمَعْرُوفِ وَ لاَ يُضَارُّ أَخَاهُ اَلْمُؤْمِنَ » وَ فِي رَجُلٍ كَانَتْ لَهُ قَنَاةٌ فِي قَرْيَةٍ فَأَرَادَ رَجُلٌ آخَرُ أَنْ يَحْفِرَ قَنَاةً أُخْرَى فَوْقَهَا فَمَا يَكُونُ بَيْنَهُمَا فِي اَلْبُعْدِ حَتَّى لاَ يُضِرَّ بِالْأُخْرَى فِي أَرْضٍ إِذَا كَانَتْ صَعْبَةً أَوْ رِخْوَةً فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «عَلَى حَسَبِ أَنْ لاَ يُضِرَّ أَحَدُهُمَا بِالْآخَرِ إِنْ شَاءَ اَللَّهُ تَعَالَى».

H.3870 - It is narrated from Muhammad bin Ali bin Mahbub who said: A man wrote to the 'Jurist' (Imam Hasan ibn Ali Al-Askari {a.s}) regarding a case where a man had a mill situated on a river that passed through a village. The village belonged to one or two men. The owner of the village wanted to divert the water to his village through a different channel, which would disable the mill. He asked whether he had the right to do so.
The 'Jurist' Imam {a.s} responded: "He should fear Allah {SWT} and act in a fair manner, and he should not harm his believing brother."
He also asked about a man who had a canal in a village, and another man wanted to dig another canal above it. He inquired about the required distance between them so that one would not harm the other, especially if the land was either hard or soft.
The 'Jurist' Imam {a.s} responded: "It should be done in such a way that neither of them harms the other, if Allah {SWT} wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.238 • Tahdhib Al-Ahkam, Vol.7 p.146

HADITH

3871 - وَ - قَضَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَنْ يَكُونَ بَيْنَ اَلْقَنَاتَيْنِ فِي اَلْعَرْضِ إِذَا كَانَتْ أَرْضاً رِخْوَةً أَنْ يَكُونَ بَيْنَهُمَا أَلْفُ ذِرَاعٍ وَ إِنْ كَانَتْ أَرْضاً صُلْبَةً يَكُونُ بَيْنَهُمَا خَمْسُمِائَةِ ذِرَاعٍ.

H.3871 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) ruled that the distance between two canals, if the land is soft, should be one thousand cubits, and if the land is hard, the distance should be five hundred cubits.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.238

HADITH

3872 - وَ قَضَى عَلَيْهِ اَلسَّلاَمُ فِي أَهْلِ اَلْبَوَادِي أَنْ لاَ يَمْنَعُوا فَضْلَ مَاءٍ وَ لاَ يَبِيعُوا فَضْلَ اَلْكَلَإِ.

H.3872 - Imam {a.s} ruled concerning the people of the desert that they should neither withhold surplus water nor sell excess pasture.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.238 • Wasa'il Al-Shi'ah, Vol.17 p.372

HADITH

3873 - وَ قَضَى عَلَيْهِ اَلسَّلاَمُ أَنَّ اَلْبِئْرَ حَرِيمُهَا أَرْبَعُونَ ذِرَاعاً لاَ يُحْفَرُ إِلَى جَنْبِهَا بِئْرٌ أُخْرَى لِمَعْطَنٍ أَوْ غَنَمٍ.

H.3873 - Imam {a.s} ruled that the protected area around a well is forty cubits, and no other well may be dug next to it for watering livestock or sheep.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.238

HADITH

3874 - وَ رَوَى مُحَمَّدُ بْنُ سِنَانٍ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ مَاءِ اَلْوَادِي فَقَالَ «إِنَّ اَلْمُسْلِمِينَ شُرَكَاءُ فِي اَلْمَاءِ وَ اَلنَّارِ وَ اَلْكَلَإِ».

H.3874 - Muhammad bin Sinan narrated from Abu Al-Hasan {a.s} who said: I asked him about the water of the valley.
Imam {a.s} said: “Indeed, Muslims are partners in water, fire, and pasture."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.239 • Tahdhib Al-Ahkam, Vol.7 p.146 • Wasa’il Al-Shi’ah, Vol.25 p.417

HADITH

3875 - وَ رَوَى عُمَرُ بْنُ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ بَاعَ أَرْضاً عَلَى أَنَّ فِيهَا عَشَرَةَ أَجْرِبَةٍ فَاشْتَرَى اَلْمُشْتَرِي ذَلِكَ مِنْهُ بِحُدُودِهِ وَ نَقَدَ اَلثَّمَنَ وَ أَوْقَعَ صَفْقَةَ اَلْبَيْعِ وَ اِفْتَرَقَا فَلَمَّا مَسَحَ اَلْأَرْضَ إِذَا هِيَ خَمْسَةُ أَجْرِبَةٍ قَالَ «إِنْ شَاءَ اِسْتَرْجَعَ فَضْلَ مَالِهِ وَ أَخَذَ اَلْأَرْضَ وَ إِنْ شَاءَ رَدَّ اَلْبَيْعَ وَ أَخَذَ مَالَهُ كُلَّهُ إِلاَّ أَنْ تَكُونَ إِلَى حَدِّ تِلْكَ اَلْأَرْضِ لَهُ أَيْضاً أَرَضُونَ فَيُوَفِّيَهُ وَ يَكُونُ اَلْبَيْعُ لاَزِماً لَهُ وَ اَلْوَفَاءُ لَهُ بِتَمَامِ اَلْمَبِيعِ فَإِنْ لَمْ يَكُنْ لَهُ فِي ذَلِكَ اَلْمَكَانِ غَيْرُ اَلَّذِي بَاعَ فَإِنْ شَاءَ اَلْمُشْتَرِي أَخَذَ اَلْأَرْضَ وَ اِسْتَرْجَعَ فَضْلَ مَالِهِ وَ إِنْ شَاءَ رَدَّ وَ أَخَذَ اَلْمَالَ كُلَّهُ».

H.3875 - Umar bin Hanzalah narrated from Abu Abdillah {a.s} regarding a man who sold a piece of land, claiming it contained ten jaribs, and the buyer purchased it with its boundaries specified, paid the price, concluded the sale, and they separated.
However, when the land was measured, it turned out to be only five jaribs.
Imam {a.s} said: "If the buyer wishes, he may reclaim the excess amount of his payment and keep the land, or if he wishes, he may cancel the sale and take back all his money, unless the seller owns additional land adjacent to the specified boundaries and fulfills the remainder of the agreed quantity. In that case, the sale remains valid, and the seller must complete the agreed quantity. However, if the seller does not own any additional land in that area beyond what he sold, then the buyer has the option to keep the land and reclaim the excess amount of his payment, or cancel the sale entirely and recover all his money."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.239 • Tahdhib Al-Ahkam, Vol.7 p.153 • Awali Al-La’ali, Vol.3 p.219 • Al-Wafi, Vol.17 p.520 • Wasa’il Al-Shi’ah, Vol.18 p.27

CHAPTER 70 – CHAPTER ON REVIVING BARREN LANDS AND PROPERTIES

بَابُ إِحْيَاءِ الْمَوَاتِ وَ الْأَرَضِينَ

HADITH 3876 – 3889

3876 - رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُهُ عَنِ اَلشِّرَاءِ مِنْ أَرْضِ اَلْيَهُودِيِّ وَ اَلنَّصْرَانِيِّ فَقَالَ «لَيْسَ بِهِ بَأْسٌ وَ قَدْ ظَهَرَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلَى خَيْبَرَ فَخَارَجَهُمْ عَلَى أَنْ تَكُونَ اَلْأَرْضُ فِي أَيْدِيهِمْ يَعْمَلُونَ فِيهَا وَ يَعْمُرُونَهَا وَ مَا بَأْسٌ لَوِ اِشْتَرَيْتَ مِنْهَا شَيْئاً وَ أَيُّمَا قَوْمٍ أَحْيَوْا شَيْئاً مِنَ اَلْأَرْضِ فَعَمَرُوهُ فَهُمْ أَحَقُّ بِهِ وَ هُوَ لَهُمْ».

H.3876 - Al-Ala’ narrated from Muhammad bin Muslim who said: I asked him about purchasing land from Jews and Christians.
Imam {a.s} said: "There is no harm in it. Indeed, the Messenger of Allah {SWT} (peace and blessings be upon him and his family) conquered Khaybar and made an agreement with them that the land would remain in their hands, they would work on it and cultivate it. So, there is no harm if you purchase something from it. And any people who revive and develop a piece of land, they have the right to it, and it belongs to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.239

HADITH

3877 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ غَرَسَ شَجَراً بَدْءاً أَوْ حَفَرَ وَادِياً لَمْ يَسْبِقْهُ إِلَيْهِ أَحَدٌ أَوْ أَحْيَا أَرْضاً مَيْتَةً فَهِيَ لَهُ قَضَاءً مِنَ اَللَّهِ عَزَّ وَ جَلَّ وَ رَسُولِهِ ».

H.3877 - The Prophet (peace and blessings be upon him and his family) said:
"Whoever plants a tree from the beginning, or digs a valley that no one has preceded him in, or revives dead land, then it belongs to him, this is a decree from Allah {SWT}, the Mighty and Glorious, and His Messenger."

[REFERENCES] Al-Kafi, Vol.5 p.280 • Man La Yahduruhu Al-Faqih, Vol.3 p.240 • Tahdhib Al-Ahkam, Vol.7 p.151 • Al-Istibsar, Vol.3 p.107 • Al-Wafi, Vol.18 p.984 • Wasa’il Al-Shi’ah, Vol.25 p.413

HADITH

3878 - وَ رُوِيَ عَنِ اَلْحَسَنِ بْنِ عَلِيٍّ اَلْوَشَّاءِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ أَرْضاً جُرْبَاناً مَعْلُومَةً بِمِائَةِ كُرٍّ عَلَى أَنْ يُعْطِيَهُ مِنَ اَلْأَرْضِ فَقَالَ «حَرَامٌ » قُلْتُ جُعِلْتُ فِدَاكَ فَإِنِ اِشْتَرَى مِنْهُ اَلْأَرْضَ بِكَيْلٍ مَعْلُومٍ وَ حِنْطَةٍ مِنْ غَيْرِهَا فَقَالَ «لاَ بَأْسَ بِذَلِكَ».

H.3878 - It is narrated from Al-Hasan bin Ali Al-Washsha' who said:
I asked Abu Al-Hasan {a.s} about a man who purchased a specified number of plots of land from another man for one hundred kurr, with the condition that he would give him the payment from the yield of the land.
Imam {a.s} said: "This is forbidden."
I said: "May I be your ransom, what if he purchases the land with a specified measure and with wheat from elsewhere?"
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.240 • Tahdhib Al-Ahkam, Vol.7 p.149 • Wasa'il Al-Shi'ah, Vol.18 p.237

HADITH

3879 - وَ رُوِيَ عَنْ أَبِي اَلرَّبِيعِ اَلشَّامِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَشْتَرِي مِنْ أَرَاضِي أَهْلِ اَلسَّوَادِ شَيْئاً إِلاَّ مَنْ كَانَتْ لَهُ ذِمَّةٌ فَإِنَّمَا هِيَ فَيْءٌ لِلْمُسْلِمِينَ ».

H.3879 - It is narrated from Abu Al-Rabi' Al-Shami, from Abu Abdillah {a.s}, who said:
"Do not purchase anything from the lands of the Sawad except from those who have a covenant, for it is a spoils (fay') for the Muslims."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.240 • Tahdhib Al-Ahkam, Vol.7 p.147 • Al-Istibsar, Vol.3 p.109 • Al-Wafi, Vol.18 p.996 • Wasa'il Al-Shi'ah, Vol.17 p.369

HADITH

3880 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سُئِلَ وَ أَنَا حَاضِرٌ عَنْ رَجُلٍ أَحْيَا أَرْضاً مَوَاتاً فَكَرَى فِيهَا نَهَراً وَ بَنَى بُيُوتاً وَ غَرَسَ نَخْلاً وَ شَجَراً فَقَالَ «هِيَ لَهُ وَ لَهُ أَجْرُ بُيُوتِهَا وَ عَلَيْهِ فِيهَا اَلْعُشْرُ فِيمَا سَقَتِ اَلسَّمَاءُ أَوْ سَيْلُ وَادٍ أَوْ عَيْنٌ وَ عَلَيْهِ فِيمَا سَقَتِ اَلدَّوَالِي وَ اَلْغَرْبُ نِصْفُ اَلْعُشْرِ».

H.3880 - Al-Hasan bin Mahbub narrated from Abdullah bin Sinan, from Abu Abdillah {a.s}, who said:
Imam {a.s} was asked, while I was present, about a man who revived dead land, dug a canal in it, built houses, and planted palm trees and other trees.
Imam {a.s} said: "It belongs to him, and he is entitled to the rent of its houses. However, he must pay a tenth (ʿushr) of what is watered by rain, a valley stream, or a spring. As for what is watered by buckets or water-lifting devices, he must pay half of a tenth (nisfu al-ʿushr)."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.241 • Al-Wafi, V.18 p.985 • Wasa'il Al-Shi'ah, Vol.25 p.412

HADITH

3881 - وَ سَأَلَهُ سَمَاعَةُ : عَنْ رَجُلٍ زَارَعَ مُسْلِماً أَوْ مُعَاهَداً فَأَنْفَقَ فِيهِ نَفَقَةً ثُمَّ بَدَا لَهُ فِي بَيْعِهِ أَ لَهُ ذَلِكَ قَالَ «يَشْتَرِيهِ بِالْوَرِقِ فَإِنَّ أَصْلَهُ طَعَامٌ».

H.3881 - Sama'ah asked him about a man who entered into a farming partnership with a Muslim or a covenant holder (Mu'ahid) and spent on it, but then decided to sell it. Imam {a.s} said: "He may sell it for silver coins, for its origin is food."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.241

HADITH

3882 - وَ - سَأَلَهُ عَبْدُ اَللَّهِ بْنُ سِنَانٍ : عَنِ اَلنُّزُولِ عَلَى أَهْلِ اَلْخَرَاجِ فَقَالَ «ثَلاَثَةُ أَيَّامٍ».

وَ رُوِيَ ذَلِكَ عَنِ اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ.

H.3882 - Abdullah bin Sinan asked him about staying with the people who pay land tax (Ahl al-Kharaj). Imam {a.s} said: "Three days."

[AL SADUQ]
And this is also narrated from the Prophet (peace be upon him and his family).

[REFERENCES] Al-Kafi, Vol.5 p.284 • Man La Yahduruhu Al-Faqih, Vol.3 p.241 • Al-Wafi, Vol.18 p.1002 • Wasa'il Al-Shi'ah, Vol.19 p.64

HADITH

3883 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ مَهْزِيَارَ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ اَلثَّانِيَ عَلَيْهِ اَلسَّلاَمُ عَنْ دَارٍ كَانَتْ لِامْرَأَةٍ وَ كَانَ لَهَا اِبْنٌ وَ اِبْنَةٌ فَغَابَ اَلاِبْنُ فِي اَلْبَحْرِ وَ مَاتَتِ اَلْمَرْأَةُ فَادَّعَتِ اِبْنَتُهَا أَنَّ أُمَّهَا كَانَتْ صَيَّرَتْ تِلْكَ اَلدَّارَ لَهَا وَ بَاعَتْ أَشْقَاصاً مِنْهَا وَ بَقِيَتْ فِي اَلدَّارِ قِطْعَةٌ إِلَى جَنْبِ دَارِ رَجُلٍ مِنْ إِخْوَانِنَا فَهُوَ يَكْرَهُ أَنْ يَشْتَرِيَهَا لِغَيْبَةِ اَلاِبْنِ وَ مَا يَتَخَوَّفُ مِنْ أَنَّهُ لاَ يَحِلُّ لَهُ شِرَاؤُهَا وَ لَيْسَ يُعْرَفُ لِلاِبْنِ خَبَرٌ قَالَ «وَ مُنْذُ كَمْ غَابَ» قُلْتُ مُنْذُ سِنِينَ كَثِيرَةٍ فَقَالَ «يَنْتَظِرُ بِهِ غَيْبَةَ عَشْرِ سِنِينَ ثُمَّ يَشْتَرِي».

H.3883 - It is narrated from Ali bin Mahziyar who said:
I asked Abu Ja'far Al-Thani {a.s} about a house that belonged to a woman who had a son and a daughter. The son went missing at sea, and the woman died. The daughter claimed that her mother had transferred the ownership of the house to her and sold portions of it, leaving a remaining portion beside the house of one of our brothers.
This brother was reluctant to purchase it due to the absence of the son and the concern that buying it might not be permissible, as there was no news about the son.
Imam {a.s} asked: "How long has he been missing?"
I said: "For many years."
Imam {a.s} said: "He should wait for the son's absence for ten years, and then he may purchase it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.241 • Al-Wafi, Vol.18 p.764

HADITH

3884 - وَ كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ رَحِمَهُ اَللَّهُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ بَيْتاً فِي دَارٍ لَهُ بِجَمِيعِ حُقُوقِهِ وَ فَوْقَهُ بَيْتٌ آخَرُ هَلْ يَدْخُلُ اَلْبَيْتُ اَلْأَعْلَى فِي حُقُوقِ اَلْبَيْتِ اَلْأَسْفَلِ أَمْ لاَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لَيْسَ لَهُ إِلاَّ مَا اِشْتَرَاهُ بِاسْمِهِ وَ مَوْضِعِهِ إِنْ شَاءَ اَللَّهُ».

H.3884 - Muhammad bin Al-Hasan Al-Saffar, may Allah {SWT} have mercy on him, wrote to Abu Muhammad Al-Hasan bin Ali {a.s} regarding a man who purchased a house in a property with all its rights, and there was another house above it.
He asked whether the upper house is included in the rights of the lower house or not.
Imam {a.s} responded: "He is entitled only to what he purchased by its name and specified location, if Allah {SWT} wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.242 • Tahdhib Al-Ahkam, Vol.7 p.150 • Al-Wafi, Vol.17 p.526 • Wasa'il Al-Shi'ah, Vol.18 p.91

HADITH

3885 - وَ كَتَبَ إِلَيْهِ فِي رَجُلٍ قَالَ لِرَجُلَيْنِ اِشْهَدَا أَنَّ جَمِيعَ اَلدَّارِ اَلَّتِي لَهُ فِي مَوْضِعِ كَذَا وَ كَذَا بِحُدُودِهَا كُلِّهَا لِفُلاَنِ بْنِ فُلاَنٍ وَ جَمِيعَ مَا لَهُ فِي اَلدَّارِ مِنَ اَلْمَتَاعِ وَ اَلْبَيِّنَةُ لاَ تَعْرِفُ اَلْمَتَاعَ أَيُّ شَيْءٍ هُوَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «يَصْلُحُ إِذَا أَحَاطَ اَلشِّرَاءُ بِجَمِيعِ ذَلِكَ إِنْ شَاءَ اَللَّهُ».

H.3885 - He wrote to Imam {a.s} regarding a man who said to two witnesses,
"Bear witness that the entire house which he owns in such-and-such a location, with all its boundaries, belongs to so-and-so, along with all the belongings he has in the house."
However, the witnesses did not know what the belongings were.
Imam {a.s} responded: "It is valid if the purchase encompasses all of that, if Allah {SWT} wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.242 • Tahdhib Al-Ahkam, Vol.7 p.150 • Al-Wafi, Vol.16 p.1036

HADITH

3886 - وَ كَتَبَ إِلَيْهِ فِي رَجُلٍ كَانَتْ لَهُ قِطَاعُ أَرَضِينَ فَحَضَرَهُ اَلْخُرُوجُ إِلَى مَكَّةَ وَ اَلْقَرْيَةُ عَلَى مَرَاحِلَ مِنْ مَنْزِلِهِ وَ لَمْ يَكُنْ لَهُ مِنَ اَلْمُقَامِ مَا يَأْتِي بِحُدُودِ أَرْضِهِ وَ عَرَّفَ حُدُودَ اَلْقَرْيَةِ اَلْأَرْبَعَةَ فَقَالَ لِلشُّهُودِ اِشْهَدُوا أَنِّي قَدْ بِعْتُ مِنْ فُلاَنٍ يَعْنِي اَلْمُشْتَرِيَ جَمِيعَ اَلْقَرْيَةِ اَلَّتِي حَدٌّ مِنْهَا كَذَا وَ اَلثَّانِي وَ اَلثَّالِثُ وَ اَلرَّابِعُ وَ إِنَّمَا لَهُ فِي هَذِهِ اَلْقَرْيَةِ قِطَاعُ أَرَضِينَ فَهَلْ يَصْلُحُ لِلْمُشْتَرِي ذَلِكَ وَ إِنَّمَا لَهُ بَعْضُ هَذِهِ اَلْقَرْيَةِ وَ قَدْ أَقَرَّ لَهُ بِكُلِّهَا فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لاَ يَجُوزُ بَيْعُ مَا لَيْسَ يَمْلِكُ وَ قَدْ وَجَبَ اَلشِّرَاءُ مِنَ اَلْبَائِعِ عَلَى مَا يَمْلِكُ ».

H.3886 - He wrote to Imam {a.s} regarding a man who owned several plots of land and was preparing to leave for Mecca. The village was several stages away from his residence, and he did not have enough time to specify the boundaries of his land. Instead, he identified the four boundaries of the entire village and said to the witnesses, "Bear witness that I have sold to so-and-so (the buyer) the entire village, with its specified boundaries."
However, in reality, he only owned some plots of land within that village. The question was whether this sale was valid for the buyer, given that the seller acknowledged ownership of the whole village.
Imam {a.s} responded: "It is not permissible to sell what one does not own. However, the purchase is valid for the portion that the seller actually owns."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.242 • Tahdhib Al-Ahkam, Vol.7 p.150 • Wasa'il Al-Shi'ah, Vol.17 p.339

HADITH

3887 - وَ كَتَبَ إِلَيْهِ فِي رَجُلٍ يُشْهِدُهُ أَنَّهُ قَدْ بَاعَ ضَيْعَةً مِنْ رَجُلٍ آخَرَ وَ هِيَ قِطَاعُ أَرَضِينَ وَ لَمْ يُعَرِّفِ اَلْحُدُودَ فِي وَقْتِ مَا أَشْهَدَهُ وَ قَالَ إِذَا أَتَوْكَ بِالْحُدُودِ فَاشْهَدْ بِهَا هَلْ يَجُوزُ لَهُ ذَلِكَ أَوْ لاَ يَجُوزُ لَهُ أَنْ يَشْهَدَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «نَعَمْ يَجُوزُ وَ اَلْحَمْدُ لِلَّهِ».

H.3887 - He wrote to Imam {a.s} regarding a man who made another person a witness that he had sold an estate to another man. The estate consisted of several plots of land, but the boundaries were not specified at the time the witness was called.
The seller then said: "When they bring you the boundaries, testify to them."
The question was whether it was permissible for the witness to testify in such a case.
Imam {a.s} responded: "Yes, it is permissible, and all praise is due to Allah {SWT}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.243 • Tahdhib Al-Ahkam, Vol.7 p.151

HADITH

3888 - وَ كَتَبَ إِلَيْهِ هَلْ يَجُوزُ أَنْ يَشْهَدَ عَلَى اَلْحُدُودِ إِذَا جَاءَ قَوْمٌ آخَرُونَ مِنْ أَهْلِ تِلْكَ اَلْقَرْيَةِ فَشَهِدُوا أَنَّ حُدُودَ هَذِهِ اَلضَّيْعَةِ اَلَّتِي بَاعَهَا اَلرَّجُلُ هِيَ هَذِهِ فَهَلْ يَجُوزُ لِهَذَا اَلشَّاهِدِ اَلَّذِي أَشْهَدَهُ بِالضَّيْعَةِ وَ لَمْ يُسَمِّ اَلْحُدُودَ أَنْ يَشْهَدَ بِالْحُدُودِ بِقَوْلِ هَؤُلاَءِ اَلَّذِينَ عَرَّفُوا هَذِهِ اَلضَّيْعَةَ وَ شَهِدُوا لَهُ أَمْ لاَ يَجُوزُ لَهُمْ أَنْ يَشْهَدُوا وَ قَدْ قَالَ لَهُمُ اَلْبَائِعُ اِشْهَدُوا بِالْحُدُودِ إِذَا أَتَوْكُمْ بِهَا فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ « لاَ تَشْهَدْ إِلاَّ عَلَى صَاحِبِ اَلشَّيْءِ وَ بِقَوْلِهِ إِنْ شَاءَ اَللَّهُ».

H.3888 - He wrote to Imam {a.s} asking whether it is permissible for a witness, who was called to testify about the sale of an estate without specifying its boundaries, to later testify to the boundaries based on the statements of other people from the village who identified and confirmed the boundaries of the estate.
The question was whether this witness, who initially testified to the sale, could now testify to the boundaries based on their statements.
Imam {a.s} responded: "Do not testify except based on the statement of the owner of the property, if Allah {SWT} wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.243 • Tahdhib Al-Ahkam, Vol.7 p.151

HADITH

3889 - وَ رُوِيَ عَنْ جَرَّاحٍ اَلْمَدَائِنِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ دَارٍ فِيهَا ثَلاَثَةُ أَبْيَاتٍ وَ لَيْسَ لَهُنَّ حَجْرٌ قَالَ «إِنَّمَا اَلْإِذْنُ عَلَى اَلْبُيُوتِ لَيْسَ عَلَى اَلدَّارِ إِذْنٌ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي بِذَلِكَ الدَّارَ الَّتِي تَكُونُ لِلْغَلَّةِ وَ فِيهَا السُّكَّانُ بِالْكِرَى أَوْ بِالسُّكْنَى فَلَيْسَ عَلَى مِثْلِهَا مِنَ الدُّورِ إِذْنٌ إِنَّمَا الْإِذْنُ عَلَى الْبُيُوتِ فَأَمَّا الدَّارُ الَّتِي لَيْسَتْ لِلْغَلَّةِ فَلَيْسَ لِأَحَدٍ أَنْ يَدْخُلَهَا إِلَّا بِإِذْنٍ.

H.3889 - It is narrated from Jarrah Al-Mada'ini who said: I asked Abu Abdillah {a.s} about a house that contains three rooms, and these rooms do not have separate enclosures.
Imam {a.s} said: "Permission is required for the rooms, but there is no need for permission regarding the house."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, explained: This refers to a house used for income, where tenants reside either by lease or as temporary occupants. Such houses do not require permission to enter the general premises; rather, permission is specifically required for the rooms.
However, for a house that is not intended for rental income, no one is permitted to enter it without explicit permission.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.243 • Tahdhib Al-Ahkam, Vol.7 p.154 • Al-Wafi, Vol.18 p.1061 • Wasa'il Al-Shi'ah, Vol.25 p.435 • Tafsir Nur Al-Thaqalayn, Vol.3 p.587 • Tafsir Kanz Al-Daqaiq, Vol.9 p.275

CHAPTER 71 – CHAPTER ON SHARECROPPING AND LEASING

بَابُ الْمُزَارَعَةِ وَ الْإِجَارَةِ

HADITH 3890 – 3916

3890 - رُوِيَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يُعْطِي اَلرَّجُلَ أَرْضَهُ وَ فِيهَا مَاءٌ وَ نَخْلٌ وَ فَاكِهَةٌ فَيَقُولُ اِسْقِ هَذَا مِنَ اَلْمَاءِ وَ أَعْمُرْهُ وَ لَكَ نِصْفُ مَا أَخْرَجَ اَللَّهُ عَزَّ وَ جَلَّ مِنْهُ قَالَ «لاَ بَأْسَ» قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يُعْطِي اَلرَّجُلَ اَلْأَرْضَ اَلْخَرِبَةَ فَيَقُولُ أَعْمُرْهَا وَ هِيَ لَكَ ثَلاَثَ سِنِينَ أَوْ أَرْبَعَ أَوْ خَمْسَ سِنِينَ أَوْ مَا شَاءَ قَالَ «لاَ بَأْسَ بِذَلِكَ» قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ تَكُونُ لَهُ اَلْأَرْضُ مِنْ أَرْضِ اَلْخَرَاجِ عَلَيْهَا خَرَاجٌ مَعْلُومٌ وَ رُبَّمَا زَادَ وَ رُبَّمَا نَقَصَ فَيَدْفَعُهَا إِلَى اَلرَّجُلِ عَلَى أَنْ يَكْفِيَهُ خَرَاجَهَا وَ يُعْطِيَهُ مِائَتَيْ دِرْهَمٍ فِي اَلسَّنَةِ قَالَ «لاَ بَأْسَ».

H.3890 - It is narrated from Ya'qub bin Shu'ayb, from Abu Abdillah {a.s}, who said:
I asked Imam {a.s} about a man who gives his land, which has water, palm trees, and fruits, to another man and says, "Irrigate this with water, cultivate it, and you will have half of what Allah {SWT}, the Mighty and Glorious, produces from it."
Imam {a.s} said: "There is no harm in it."
I also asked him about a man who gives another man a piece of ruined land and says, "Rebuild it, and it is yours for three years, or four, or five years, or for whatever period you decide."
Imam {a.s} said: "There is no harm in that."
I further asked Imam {a.s} about a man who owns a piece of land from the lands subject to tax (kharaj) with a fixed tax, which sometimes increases and sometimes decreases. He leases it to another man under the condition that the lessee will cover its tax and pay him two hundred dirhams annually.
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.244

HADITH

3891 - وَ سَأَلَ سَمَاعَةُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَتَقَبَّلُ اَلْأَرْضَ بِطِيبَةِ نَفْسِ أَهْلِهَا عَلَى شَرْطٍ يُشَارِطُهُمْ عَلَيْهِ قَالَ «لَهُ أَجْرُ بُيُوتِهَا إِلاَّ اَلَّذِي كَانَ فِي أَيْدِي دَهَاقِينِهَا إِلاَّ أَنْ يَكُونَ قَدِ اِشْتَرَطَ عَلَى أَصْحَابِ اَلْأَرْضِ مَا فِي أَيْدِي اَلدَّهَاقِينِ».

H.3891 - Sama'ah asked Abu Abdillah {a.s} about a man who leases land with the consent of its owners, based on specific conditions agreed upon with them.
Imam {a.s} said: "He is entitled to the rent of its houses, except for what is already in the possession of its cultivators (dahaaqeen), unless he stipulated with the landowners to include what is in the possession of the cultivators."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.245 • Al-Wafi, Vol.18 p.1032

HADITH

3892 - وَ رَوَى شُعَيْبٌ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا تَقَبَّلْتَ أَرْضاً بِطِيبَةِ نَفْسِ أَهْلِهَا عَلَى شَرْطٍ شَارَطْتَهُمْ عَلَيْهِ فَإِنَّ لَكَ كُلَّ فَضْلٍ فِي حَرْثِهَا إِذَا وَفَيْتَ لَهُمْ وَ إِنَّكَ إِنْ رَمَمْتَ فِيهَا مَرَمَّةً وَ أَحْدَثْتَ فِيهَا بِنَاءً فَإِنَّ لَكَ أَجْرَ بُيُوتِهَا إِلاَّ مَا كَانَ فِي أَيْدِي دَهَاقِينِهَا».

H.3892 - Shu'ayb narrated from Abu Basir, from Abu Abdillah {a.s}, who said:
"If you lease land with the consent of its owners, based on specific conditions you agreed upon with them, then any surplus from its cultivation belongs to you, provided you fulfill your agreement with them. If you repair anything in it or construct buildings on it, then you are entitled to the rent of its buildings, except for what is already in the possession of its cultivators (dahaaqeen)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.245 • Tahdhib Al-Ahkam, Vol.7 p.202 • Al-Wafi, Vol.18 p.1032 • Wasa'il Al-Shi'ah, Vol.19 p.60

HADITH

3893 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ اِسْتَأْجَرَ أَرْضاً بِأَلْفِ دِرْهَمٍ ثُمَّ آجَرَ بَعْضَهَا بِمِائَتَيْ دِرْهَمٍ ثُمَّ قَالَ لَهُ صَاحِبُ اَلْأَرْضِ اَلَّذِي آجَرَهُ أَنَا أَدْخُلُ مَعَكَ فِيهَا بِمَا اِسْتَأْجَرْتَ فَنُنْفِقُ جَمِيعاً فَمَا كَانَ فِيهَا مِنْ فَضْلٍ كَانَ بَيْنِي وَ بَيْنَكَ قَالَ «لاَ بَأْسَ بِذَلِكَ».

H.3893 - Al-Ala' narrated from Muhammad bin Muslim, from one of the Imams {a.s}:
I asked Imam {a.s} about a man who rented land for one thousand dirhams, then subleased part of it for two hundred dirhams. Later, the owner of the land who had leased it to him said:
"I will join you in it under the same terms you rented it, and we will spend on it together, and whatever profit it yields will be shared between you and me."
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.245 • Tahdhib Al-Ahkam, Vol.7 p.200 • Al-Wafi, Vol.18 p.1034 • Wasa'il Al-Shi'ah, Vol.19 p.52 • Wasa'il Al-Shi'ah, Vol.19 p.124

HADITH

3894 - وَ رَوَى أَبَانٌ عَنْ إِسْمَاعِيلَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِسْتَأْجَرَ مِنْ رَجُلٍ أَرْضاً فَقَالَ آجِرْنِيهَا بِكَذَا وَ كَذَا إِنْ زَرَعْتُهَا أَوْ لَمْ أَزْرَعْهَا أُعْطِيكَ ذَلِكَ فَلَمْ يَزْرَعِ اَلرَّجُلُ قَالَ «لَهُ أَنْ يَأْخُذَهُ بِمَالِهِ إِنْ شَاءَ تَرَكَ وَ إِنْ شَاءَ لَمْ يَتْرُكْ».

H.3894 - Aban narrated from Isma'il who said: I asked Abu Abdillah {a.s} about a man who rented land from another man and said: "Rent it to me for such-and-such amount, whether I cultivate it or not, I will pay you that amount." However, the man did not cultivate the land.
Imam {a.s} said: "The owner has the right to claim the payment. If he wishes, he may waive it, and if he wishes, he may not waive it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.245 • Wasa'il Al-Shi'ah, Vol.19 p.123

HADITH

3895 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَسْتَأْجِرِ اَلْأَرْضَ بِالتَّمْرِ وَ لاَ بِالْحِنْطَةِ وَ لاَ بِالشَّعِيرِ وَ لاَ بِالْأَرْبِعَاءِ وَ لاَ بِالتِّطَافِ» قُلْتُ وَ مَا اَلْأَرْبِعَاءُ قَالَ «اَلشِّرْبُ وَ اَلتِّطَافُ فَضْلُ اَلْمَاءِ وَ لَكِنْ تَتَقَبَّلُهَا بِالذَّهَبِ وَ اَلْفِضَّةِ وَ اَلنِّصْفِ وَ اَلثُّلُثِ وَ اَلرُّبُعِ ».

H.3895 - Ishaq bin Ammar narrated from Abu Abdillah {a.s} who said:
"Do not rent land in exchange for dates, wheat, barley, water shares (arbi'a'), or surplus water (nitaaf)."
I asked: "What is arbi'a'?"
Imam {a.s} said: "It means water shares, and nitaaf refers to surplus water. However, you may lease the land for gold, silver, half, a third, or a quarter."

[REFERENCES] Al-Kafi, Vol.5 p.264 • Man La Yahduruhu Al-Faqih, Vol.3 p.246 • Ma'ani Al-Akhbar, Vol.1 p.162 • Tahdhib Al-Ahkam, Vol.7 p.195 • Al-Istibsar, Vol.3 p.128 • Al-Wafi, Vol.18 p.1022 • Wasa'il Al-Shi'ah, Vol.19 p.138 • Bihar Al-Anwar, Vol.100 p.167

HADITH

3896 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِكْتَرَى دَاراً وَ فِيهَا بُسْتَانٌ فَزَرَعَ فِي اَلْبُسْتَانِ وَ غَرَسَ نَخْلاً وَ أَشْجَاراً وَ فَاكِهَةً وَ غَيْرَهَا وَ لَمْ يَسْتَأْمِرْ فِي ذَلِكَ صَاحِبَ اَلدَّارِ قَالَ «عَلَيْهِ اَلْكِرَى وَ يُقَوَّمُ صَاحِبُ اَلدَّارِ ذَلِكَ اَلْغَرْسَ وَ اَلزَّرْعَ فَيُعْطِيهِ اَلْغَارِسَ إِنْ كَانَ اِسْتَأْمَرَهُ فِي ذَلِكَ وَ إِنْ لَمْ يَكُنِ اِسْتَأْمَرَهُ فَعَلَيْهِ اَلْكِرَى وَ لَهُ اَلْغَرْسُ وَ اَلزَّرْعُ يَقْلَعُهُ وَ يَذْهَبُ بِهِ حَيْثُ شَاءَ».

H.3896 - Muhammad bin Muslim narrated from Abu Ja'far Imam Al-Baqir {a.s} regarding a man who rented a house that included a garden.
The tenant planted crops, palm trees, and other fruit-bearing trees without seeking the landlord's permission.
Imam {a.s} said: "He is responsible for paying the rent.
The landlord should evaluate the plants and crops, and compensate the tenant if he had sought permission for planting them. However, if the tenant did not seek permission, he is still responsible for paying the rent, but the plants and crops belong to him. He may uproot them and take them wherever he wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.246

HADITH

3897 - وَ رَوَى إِدْرِيسُ بْنُ زَيْدٍ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ جُعِلْتُ فِدَاكَ إِنَّ لَنَا ضِيَاعاً وَ لَهَا اَلدُّولاَبُ وَ فِيهَا مَرَاعِي وَ لِلرَّجُلِ مِنَّا غَنَمٌ وَ إِبِلٌ وَ يَحْتَاجُ إِلَى تِلْكَ اَلْمَرَاعِي لِغَنَمِهِ وَ إِبِلِهِ أَ يَحِلُّ لَهُ أَنْ يَحْمِيَ اَلْمَرَاعِيَ لِحَاجَتِهِ إِلَيْهَا قَالَ «إِذَا كَانَتِ اَلْأَرْضُ أَرْضَهُ فَلَهُ أَنْ يَحْمِيَ وَ يُصَيِّرَ ذَلِكَ إِلَى مَا يَحْتَاجُ إِلَيْهِ» وَ قُلْتُ لَهُ اَلرَّجُلُ يَبِيعُ اَلْمَرْعَى فَقَالَ «إِذَا كَانَتِ اَلْأَرْضُ أَرْضَهُ فَلاَ بَأْسَ».

H.3897 - Idris bin Zayd narrated from Abu Al-Hasan {a.s} who said: I said to him, "May I be your ransom, we have lands that contain waterwheels and pastures, and some of us have sheep and camels and need these pastures for them. Is it permissible for him to reserve the pastures for his own need?"
Imam {a.s} said: "If the land is his, then he may reserve it and allocate it according to his needs."
I then asked him, "Can a man sell the pasture?"
Imam {a.s} said: "If the land is his, then there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.246

HADITH

3898 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ اَلْكَرْخِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أُشَارِكُ اَلْعِلْجَ اَلْمُشْرِكَ فَيَكُونُ مِنْ عِنْدِي اَلْأَرْضُ وَ اَلْبَقَرُ وَ اَلْبَذْرُ وَ يَكُونُ عَلَى اَلْعِلْجِ اَلْقِيَامُ وَ اَلسَّعْيُ وَ اَلْعَمَلُ فِي اَلزَّرْعِ حَتَّى يَصِيرَ حِنْطَةً أَوْ شَعِيراً وَ تَكُونُ اَلْقِسْمَةُ فَيَأْخُذُ اَلسُّلْطَانُ حَظَّهُ وَ يَبْقَى مَا بَقِيَ عَلَى أَنَّ لِلْعِلْجِ مِنْهُ اَلثُّلُثَ وَ لِيَ اَلْبَاقِيَ فَقَالَ «لاَ بَأْسَ بِذَلِكَ» قُلْتُ فَإِنَّ عَلَيْهِ أَنْ يَرُدَّ عَلَيَّ مَا أَخْرَجْتُ مِنَ اَلْبَذْرِ وَ يَقْسِمَ اَلْبَاقِيَ فَقَالَ «لاَ إِنَّمَا شَارَكْتَهُ عَلَى أَنَّ اَلْبَذْرَ وَ اَلْبَقَرَ وَ اَلْأَرْضَ مِنْ عِنْدِكَ وَ عَلَيْهِ اَلْقِيَامَ وَ اَلسَّعْيَ».

H.3898 - Al-Hasan bin Mahbub narrated from Ibrahim Al-Karkhi who said: I said to Abu Abdillah {a.s}: "I partner with a non-Muslim (al-ilj) in such a way that the land, cattle, and seeds are provided by me, and the non-Muslim is responsible for managing, working, and cultivating the crops until they become wheat or barley. Afterward, harvest is divided, the authorities take their share, and from the remaining portion, the non-Muslim receives one-third while I take the rest."
Imam {a.s} said: "There is no harm in that."
I then asked: “Is he required to return to me what I spent on the seeds and then divide the remaining harvest?"
Imam {a.s} said: "No. You partnered with him based on the agreement that the seeds, cattle, and land are provided by you, while he is responsible for the labor and effort."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.247

HADITH

3899 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ أَخِي إِسْحَاقَ بْنِ جَرِيرٍ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ أَرْضٍ يُرِيدُ رَجُلٌ أَنْ يَتَقَبَّلَهَا فَأَيُّ وُجُوهِ اَلْقَبَالَةِ أَحَلُّ قَالَ «يَتَقَبَّلُ مِنْ أَهْلِهَا بِشَيْءٍ مُسَمًّى إِلَى سِنِينَ مُسَمَّاةٍ فَيَعْمُرُ وَ يُؤَدِّي اَلْخَرَاجَ فَإِنْ كَانَ فِيهَا عُلُوجٌ فَلاَ يُدْخِلِ اَلْعُلُوجَ فِي اَلْقَبَالَةِ فَإِنَّ ذَلِكَ لاَ يَحِلُّ».

H.3899 - Al-Hasan bin Mahbub narrated from Khalid bin Jarir, the brother of Ishaq bin Jarir, who said: Abu Abdillah {a.s} was asked about a piece of land that a man wanted to lease. He was asked which form of leasing (qabalah) is permissible.
Imam {a.s} said: "He may lease it from its owners for a specified amount and for a specified number of years. He should cultivate it and pay the required tax (kharaj). However, if there are non-Muslim laborers (ʿuluj) working on it, he must not include them in the lease agreement, for that is not permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.247

HADITH

3900 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ خَالِدٍ عَنْ أَبِي اَلرَّبِيعِ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَتَقَبَّلُ اَلْأَرْضَ مِنَ اَلدَّهَاقِينِ فَيُؤَاجِرُهَا بِأَكْثَرَ مِمَّا يَتَقَبَّلُهَا بِهِ وَ يَقُومُ فِيهَا بِحَظِّ اَلسُّلْطَانِ فَقَالَ «لاَ بَأْسَ بِهِ إِنَّ اَلْأَرْضَ لَيْسَتْ مِثْلَ اَلْأَجِيرِ وَ لاَ مِثْلَ اَلْبَيْتِ إِنَّ فَضْلَ اَلْأَجِيرِ وَ اَلْبَيْتِ حَرَامٌ».

H.3900 - Al-Hasan bin Mahbub narrated from Khalid, from Abu Al-Rabi', who said:
Abu Abdillah {a.s} was asked about a man who leases land from the landowners (dahaaqeen) and then subleases it for more than what he leased it for, while also being responsible for paying the taxes required by the authorities.
Imam {a.s} said: "There is no harm in that. Land is not like a hired worker or a rented house, as the profit from a worker or a house is prohibited."

[REFERENCES] Al-Kafi, Vol.5 p.271 • Man La Yahduruhu Al-Faqih, Vol.3 p.248 • Tahdhib Al-Ahkam, Vol.7 p.203 • Al-Istibsar, Vol.3 p.129 • Al-Wafi, Vol.18 p.1041 • Wasa'il Al-Shi'ah, Vol.19 p.125

HADITH

3901 - وَ لَوْ أَنَّ رَجُلاً اِسْتَأْجَرَ دَاراً بِعَشَرَةِ دَرَاهِمَ فَسَكَنَ ثُلُثَيْهَا وَ آجَرَ ثُلُثَهَا بِعَشَرَةِ دَرَاهِمَ لَمْ يَكُنْ بِهِ بَأْسٌ وَ لَكِنْ لاَ يُؤَاجِرُهَا بِأَكْثَرَ مِمَّا اِسْتَأْجَرَهَا.

H.3901 - If a man rents a house for ten dirhams, lives in two-thirds of it, and subleases one-third of it for ten dirhams, there is no harm in that.
However, he must not sublease it for more than what he rented it for.

[REFERENCES] Al-Kafi, Vol.5 p.272 • Man La Yahduruhu Al-Faqih, Vol.3 p.248 • Tahdhib Al-Ahkam, Vol.7 p.209 • Al-Wafi, Vol.18 p.938 • Wasa'il Al-Shi'ah, Vol.19 p.129 • Mustadrak Al-Wasa'il, Vol.14 p.35

HADITH

3902 - وَ سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِسْتَأْجَرَ أَرْضاً مِنْ أَرْضِ اَلْخَرَاجِ بِدَرَاهِمَ مُسَمَّاةٍ أَوْ بِطَعَامٍ مُسَمًّى فَيُؤَاجِرُهَا جَرِيباً جَرِيباً أَوْ قِطْعَةً قِطْعَةً بِشَيْءٍ مَعْلُومٍ فَيَكُونُ لَهُ فَضْلٌ فِيمَا اِسْتَأْجَرَ مِنَ اَلسُّلْطَانِ وَ لاَ يُنْفِقُ شَيْئاً أَوْ يُؤَاجِرُ تِلْكَ اَلْأَرْضَ قِطَعاً عَلَى أَنْ يُعْطِيَهُمُ اَلْبُذُورَ وَ اَلنَّفَقَةَ فَيَكُونَ لَهُ فِي ذَلِكَ فَضْلٌ عَلَى إِجَارَتِهِ وَ لَهُ مَرَمَّةُ اَلْأَرْضِ أَ لَهُ ذَلِكَ أَوْ لَيْسَ لَهُ فَقَالَ «إِذَا اِسْتَأْجَرْتَ أَرْضاً فَأَنْفَقْتَ فِيهَا شَيْئاً أَوْ رَمَمْتَ فِيهَا فَلاَ بَأْسَ بِمَا ذَكَرْتَ».

وَ لَا بَأْسَ أَنْ يَسْتَكْرِيَ الرَّجُلُ أَرْضاً بِمِائَةِ دِينَارٍ فَيُكْرِيَ بَعْضَهَا بِخَمْسَةٍ وَ تِسْعِينَ دِينَاراً وَ يَعْمُرَ بَقِيَّتَهَا.

H.3902 - Abu Abdillah {a.s} was asked about a man who rented land from the kharaj lands for a specified amount of dirhams or a specified quantity of food. He then subleased it, piece by piece or plot by plot, for a known price, and gained a profit over what he rented it for from the authorities without spending anything on it.
Or, he subleased parts of the land while providing seeds and expenses to the tenants, resulting in a profit beyond his rental cost, and he maintained the land.
Imam {a.s} said: "If you rent land and spend on it or maintain it, then there is no harm in what you have described."

[AL SADUQ]
And there is no harm if a man rents land for one hundred dinars, subleases part of it for ninety-five dinars, and develops the rest of it.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.248

HADITH

3903 - رُوِيَ عَنْ أَبِي اَلرَّبِيعِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «كَانَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ» : «إِذَا بِيعَ اَلْحَائِطُ وَ فِيهِ اَلنَّخْلُ وَ اَلشَّجَرُ سَنَةً وَاحِدَةً فَلاَ يُبَاعَنَّ حَتَّى يَبْلُغَ ثَمَرَتُهُ وَ إِذَا بِيعَ سَنَتَيْنِ أَوْ ثَلاَثاً فَلاَ بَأْسَ بِبَيْعِهِ بَعْدَ أَنْ يَكُونَ فِيهِ شَيْءٌ مِنَ اَلْخَضِرِ ».

H.3903 - It is narrated from Abu Al-Rabi' who said that Abu Abdillah {a.s} said:
"Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} used to say: If an orchard containing palm trees and other trees is sold for one year, it should not be sold until its fruits have ripened. However, if it is sold for two or three years, then there is no harm in selling it as long as there is some greenery present in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.249 • Tahdhib Al-Ahkam, Vol.7 p.87 • Al-Istibsar, Vol.3 p.86 • Al-Wafi, Vol.17 p.539 • Wasa'il Al-Shi'ah, Vol.18 p.212

HADITH

3904 - وَ رُوِيَ عَنْ أَبِي اَلرَّبِيعِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يَزْرَعُ فِي أَرْضِ رَجُلٍ عَلَى أَنْ يُشْتَرَطَ لِلْبَقَرِ اَلثُّلُثُ وَ لِلْبَذْرِ اَلثُّلُثُ وَ لِصَاحِبِ اَلْأَرْضِ اَلثُّلُثُ فَقَالَ «لاَ يُسَمِّي بَقَراً وَ لاَ بَذْراً وَ لَكِنْ يَقُولُ لِصَاحِبِ اَلْأَرْضِ أُزَارِعُكَ فِي أَرْضِكَ وَ لَكَ كَذَا وَ كَذَا مِمَّا أَخْرَجَ اَللَّهُ عَزَّ وَ جَلَّ فِيهَا».

H.3904 - It is narrated from Abu Al-Rabi', from Abu Abdillah {a.s}, regarding a man who cultivates another man's land on the condition that one-third is allocated for the oxen, one-third for the seeds, and one-third for the landowner.
Imam {a.s} said: "He should not specify shares for the oxen or the seeds. Instead, he should say to the landowner, 'I will cultivate your land, and you will receive such-and-such portion of what Allah {SWT}, the Mighty and Glorious, produces from it.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.249 • Al-Wafi, Vol.18 p.1021

HADITH

3905 - قَالَ أَبُو اَلرَّبِيعِ وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يَأْتِي أَهْلَ قَرْيَةٍ وَ قَدِ اِعْتَدَى عَلَيْهِمُ اَلسُّلْطَانُ فَضَعُفُوا عَنِ اَلْقِيَامِ بِخَرَاجِهَا وَ اَلْقَرْيَةُ فِي أَيْدِيهِمْ وَ لاَ يُدْرَى لَهُمْ هِيَ أَمْ لِغَيْرِهِمْ فِيهَا شَيْءٌ فَيَدْفَعُونَهَا إِلَيْهِ عَلَى أَنْ يُؤَدِّيَ خَرَاجَهَا فَيَأْخُذُهَا مِنْهُمْ وَ يُؤَدِّي خَرَاجَهَا وَ يَفْضُلُ بَعْدَ ذَلِكَ شَيْءٌ كَثِيرٌ فَقَالَ «لاَ بَأْسَ بِذَلِكَ إِذَا كَانَ اَلشَّرْطُ عَلَيْهِمْ بِذَلِكَ».

H.3905 - Abu Al-Rabi' said that Abu Abdillah {a.s} was asked about a man who comes to the people of a village that has been overburdened by the authorities, making them unable to pay its taxes. The village remains in their possession, but it is unclear whether it fully belongs to them or if others have a share in it.
They hand over the village to him on the condition that he pays its taxes. He takes possession of it, pays the taxes, and ends up with a significant surplus.
Imam {a.s} said: "There is no harm in that, as long as such an agreement was made with them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.250 • Wasa'il Al-Shi'ah, Vol.19 p.58

HADITH

3906 - وَ فِي رِوَايَةِ حَمَّادٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ مُزَارَعَةِ أَهْلِ اَلْخَرَاجِ بِالرُّبُعِ وَ اَلثُّلُثِ وَ اَلنِّصْفِ فَقَالَ «لاَ بَأْسَ قَدْ قَبَّلَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ، أَهْلَ خَيْبَرَ أَعْطَاهَا اَلْيَهُودَ حِينَ فُتِحَتْ عَلَيْهِ بِالْخَبْرِ وَ اَلْخَبْرُ هُوَ اَلنِّصْفُ».

H.3906 - In a narration from Hammad, from Al-Halabi, from Abu Abdillah {a.s}, who said: I asked Imam {a.s} about farming partnerships with the people of kharaj lands based on a quarter, a third, or half of the yield.
Imam {a.s} said: "There is no harm in it. Indeed, the Messenger of Allah {SWT} made an agreement with the Jews of Khaybar when it was conquered, granting them the land based on 'al-khabr,' and 'al-khabr' means half."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.250 • Wasa'il Al-Shi'ah, Vol.19 p.42

HADITH

3907 - وَ رَوَى مُحَمَّدُ بْنُ خَالِدٍ عَنِ اِبْنِ سَيَابَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلَهُ رَجُلٌ فَقَالَ لَهُ جُعِلْتُ فِدَاكَ أَسْمَعُ قَوْماً يَقُولُونَ إِنَّ اَلزِّرَاعَةَ مَكْرُوهَةٌ فَقَالَ «اِزْرَعُوا وَ اِغْرِسُوا فَلاَ وَ اَللَّهِ مَا عَمِلَ اَلنَّاسُ عَمَلاً أَحَلَّ وَ أَطْيَبَ مِنْهُ وَ اَللَّهِ لَيَزْرَعُنَّ اَلزَّرْعَ وَ اَلنَّخْلَ بَعْدَ خُرُوجِ اَلدَّجَّالِ ».

H.3907 - Muhammad bin Khalid narrated from Ibn Sayyabah, from Abu Abdillah {a.s}:
A man asked Imam {a.s}: "May I be your ransom! I hear some people saying that farming is disliked."
Imam {a.s} said: "Cultivate and plant! By Allah {SWT}, people have not engaged in any work more lawful and pure than this.
By Allah {SWT}, they will continue to cultivate crops and date palms even after the emergence of the Dajjal."

[REFERENCES] Al-Kafi, Vol.5 p.260 • Man La Yahduruhu Al-Faqih, Vol.3 p.250 • Tahdhib Al-Ahkam, Vol.6 p.384 • Tahdhib Al-Ahkam, Vol.7 p.236 • Al-Wafi, Vol.17 p.130 • Wasa'il Al-Shi'ah, Vol.19 p.32

HADITH

3908 - رَوَى اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «لاَ تَسْتَأْجِرِ اَلْأَرْضَ بِحِنْطَةٍ ثُمَّ تَزْرَعُهَا حِنْطَةً».

H.3908 - Al-Halabi narrated from Abu Abdillah {a.s} that Imam {a.s} said:
"Do not rent land with wheat and then plant it with wheat."

[REFERENCES] Al-Kafi, Vol.5 p.265 • Man La Yahduruhu Al-Faqih, Vol.3 p.251 • Tahdhib Al-Ahkam, Vol.7 p.195 • Al-Wafi, Vol.18 p.1023 • Wasa'il Al-Shi'ah, Vol.19 p.54

HADITH

3909 - وَ رَوَى مُحَمَّدُ بْنُ سَهْلٍ عَنْ أَبِيهِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَزْرَعُ لَهُ اَلْحَرَّاثُ اَلزَّعْفَرَانَ وَ يَضْمَنُ لَهُ عَلَى أَنْ يُعْطِيَهُ فِي جَرِيبِ أَرْضٍ يَمْسَحُ عَلَيْهِ كَذَا وَ كَذَا دِرْهَماً فَرُبَّمَا نَقَصَ وَ غَرِمَ وَ رُبَّمَا زَادَ قَالَ «لاَ بَأْسَ بِهِ إِذَا تَرَاضَيَا».

H.3909 - Muhammad bin Sahl narrated from his father, who said:
I asked Abu Al-Hasan {a.s} about a man whose farmer plants saffron for him and guarantees to pay him a specified amount of dirhams for each measured jarib of land. Sometimes the yield is less, causing a loss, and sometimes it is more, yielding a profit.
Imam {a.s} said: "There is no harm in it if they mutually agree."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.251

HADITH

3910 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ يَقْطِينٍ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَتَكَارَى مِنَ اَلرَّجُلِ اَلْبَيْتَ أَوِ اَلسَّفِينَةَ سَنَةً وَ أَكْثَرَ مِنْ ذَلِكَ أَوْ أَقَلَّ قَالَ «اَلْكِرَى لاَزِمٌ إِلَى اَلْوَقْتِ اَلَّذِي تَكَارَى إِلَيْهِ وَ اَلْخِيَارُ فِي أَخْذِ اَلْكِرَى إِلَى رَبِّهَا إِنْ شَاءَ أَخَذَ وَ إِنْ شَاءَ تَرَكَ».

H.3910 - It is narrated from Ali bin Yaqtin, who said: I asked Abu Al-Hasan {a.s} about a man who rents a house or a boat from another man for a year, more, or less.
Imam {a.s} said: "The lease is binding until the agreed-upon time. As for the payment of the rent, it is up to the owner, if he wishes, he may take it, and if he wishes, he may waive it."

[REFERENCES] Al-Kafi, Vol.5 p.292 • Man La Yahduruhu Al-Faqih, Vol.3 p.251 • Tahdhib Al-Ahkam, Vol.7 p.209 • Tahdhib Al-Ahkam, Vol.7 p.210 • Wasa'il Al-Shi'ah, Vol.19 p.110

HADITH

3911 - وَ سَأَلَ عَلِيٌّ اَلصَّائِغُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فَقَالَ أَتَقَبَّلُ اَلْعَمَلَ فَأُقَبِّلُهُ مِنَ اَلْغِلْمَانِ يَعْمَلُونَ مَعِي بِالثُّلُثَيْنِ فَقَالَ «لاَ يَصْلُحُ ذَلِكَ إِلاَّ أَنْ تُعَالِجَ مَعَهُمْ» قُلْتُ فَإِنِّي أُذِيبُهُ لَهُمْ قَالَ «ذَلِكَ عَمَلٌ فَلاَ بَأْسَ».

H.3911 - Ali the goldsmith asked Abu Abdillah {a.s}: "I take on work and then hire young workers to assist me, giving them two-thirds of the earnings. Is this permissible?"
Imam {a.s} said: "This is not permissible unless you work alongside them."
I said: "What if I melt the gold for them?"
Imam {a.s} said: "That is considered work, so there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.251 • Tahdhib Al-Ahkam, Vol.7 p.211 • Al-Wafi, Vol.18 p.950 • Wasa'il Al-Shi'ah, Vol.19 p.134

HADITH

3912 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ أَبِي مُحَمَّدٍ اَلْخَيَّاطِ عَنْ مُجَمِّعٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَ أَتَقَبَّلُ اَلثِّيَابَ أَخِيطُهَا فَأُعْطِيهَا اَلْغِلْمَانَ بِالثُّلُثَيْنِ قَالَ «أَ لَيْسَ تَعْمَلُ فِيهَا» قُلْتُ أُقَطِّعُهَا وَ أَشْتَرِي لَهُمُ اَلْخُيُوطَ قَالَ «لاَ بَأْسَ».

H.3912 - Safwan bin Yahya narrated from Abu Muhammad Al-Khayyat, from Mujammi', who said: I said to Abu Abdillah {a.s},
"I take on garments to sew and then give them to young workers, keeping one-third and giving them two-thirds. Is this permissible?"
Imam {a.s} said: "Don't you also work on them?"
I said: "I cut the fabric and buy the threads for them."
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.252 • Tahdhib Al-Ahkam, Vol.7 p.211 • Al-Wafi, Vol.18 p.950 • Wasa'il Al-Shi'ah, Vol.19 p.133

HADITH

3913 - وَ رُوِيَ عَنْ مُحَمَّدٍ اَلطَّيَّارِ قَالَ : دَخَلْتُ اَلْمَدِينَةَ وَ طَلَبْتُ بَيْتاً أَتَكَارَاهُ فَدَخَلْتُ دَاراً فِيهَا بَيْتَانِ بَيْنَهُمَا بَابٌ وَ فِيهِ اِمْرَأَةٌ فَقَالَتْ تُكَارِي هَذَا اَلْبَيْتَ قُلْتُ بَيْنَهُمَا بَابٌ وَ أَنَا شَابٌّ قَالَتْ أَنَا أُغْلِقُ اَلْبَابَ بَيْنِي وَ بَيْنَكَ فَحَوَّلْتُ مَتَاعِي فِيهِ وَ قُلْتُ لَهَا أَغْلِقِي اَلْبَابَ فَقَالَتْ تَدْخُلُ عَلَيَّ مِنْهُ اَلرَّوْحُ دَعْهُ فَقُلْتُ لاَ أَنَا شَابٌّ وَ أَنْتِ شَابَّةٌ أَغْلِقِيهِ قَالَتِ اُقْعُدْ أَنْتَ فِي بَيْتِكَ فَلَسْتُ آتِيكَ وَ لاَ أَقْرَبُكَ وَ أَبَتْ أَنْ تُغْلِقَهُ فَأَتَيْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَسَأَلْتُهُ عَنْ ذَلِكَ فَقَالَ «تَحَوَّلْ مِنْهُ فَإِنَّ اَلرَّجُلَ وَ اَلْمَرْأَةَ إِذَا خُلِّيَا فِي بَيْتٍ كَانَ ثَالِثُهُمَا اَلشَّيْطَانَ».

H.3913 - It is narrated from Muhammad Al-Tayyar, who said:
I entered Medina looking for a house to rent. I came across a property with two rooms separated by a door, and a woman was living there.
She said: “Would you like to rent this room?"
I said: “But there is a door between the two rooms, and I am a young man."
She said: “I will close the door between me and you."
So, I moved my belongings into the room and said to her: "Close the door."
She said: “I need it open for ventilation. Leave it."
I replied: “No, I am a young man, and you are a young woman, close it."
She said: “Stay in your room. I will not come to you or approach you," but she refused to close the door.
So I went to Abu Abdillah {a.s} and asked him about this matter.
Imam {a.s} said: "Move out of there, for when a man and a woman are left alone in a house, the third one among them is Satan."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.252 • Al-Wafi, Vol.22 p.871 • Wasa’il Al-Shi’ah, Vol.19 p.154

HADITH

3914 - وَ كَتَبَ أَبُو هَمَّامٍ إِلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِسْتَأْجَرَ ضَيْعَةً مِنْ رَجُلٍ فَبَاعَ اَلْمُؤَاجِرُ تِلْكَ اَلضَّيْعَةَ بِحَضْرَةِ اَلْمُسْتَأْجِرِ وَ لَمْ يُنْكِرِ اَلْمُسْتَأْجِرُ اَلْبَيْعَ وَ كَانَ حَاضِراً لَهُ شَاهِداً عَلَيْهِ فَمَاتَ اَلْمُشْتَرِي وَ لَهُ وَرَثَةٌ هَلْ يَرْجِعُ ذَلِكَ اَلشَّيْءُ فِي مِيرَاثِ اَلْمَيِّتِ أَوْ يَثْبُتُ فِي يَدِ اَلْمُسْتَأْجِرِ إِلَى أَنْ تَنْقَضِيَ إِجَارَتُهُ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «يَثْبُتُ فِي يَدِ اَلْمُسْتَأْجِرِ إِلَى أَنْ تَنْقَضِيَ إِجَارَتُهُ».

وَ سَأَلْتُ شَيْخَنَا مُحَمَّدَ بْنَ الْحَسَنِ رَضِيَ اللَّهُ عَنْهُ عَنْ رَجُلٍ آجَرَ ضَيْعَةً مِنْ رَجُلٍ هَلْ لَهُ أَنْ يَبِيعَهَا قَالَ لَيْسَ لَهُ أَنْ يَبِيعَهَا قَبْلَ انْقِضَاءِ مُدَّةِ الْإِجَارَةِ إِلَّا أَنْ يَشْتَرِطَ عَلَى الْمُشْتَرِي الْوَفَاءَ لِلْمُسْتَأْجِرِ إِلَى انْقِضَاءِ مُدَّةِ إِجَارَتِهِ.

H.3914 - Abu Hammam wrote to Abu Al-Hasan {a.s} regarding a man who rented a property from another man. The landlord then sold the property in the presence of the tenant, who did not object to the sale and witnessed it. The buyer later died, leaving heirs. The question was whether the property would revert to the heirs as inheritance or remain with the tenant until the lease period ended.
Imam {a.s} wrote in response: "It remains in the hands of the tenant until the lease period ends."

[AL SADUQ]
I also asked our Sheikh, Muhammad bin Al-Hasan (may Allah {SWT} be pleased with him), about a man who rented a property to another man, whether he could sell it.
He said: "He cannot sell it before the lease period ends unless he stipulates to the buyer that the tenant's rights must be honored until the lease period is completed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.252 • Wasa'il Al-Shi'ah, Vol.19 p.134

HADITH

3915 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ عَطِيَّةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ اِخْتَارَ لِأَنْبِيَائِهِ عَلَيْهِمُ اَلسَّلاَمُ اَلْحَرْثَ وَ اَلزَّرْعَ لِئَلاَّ يَكْرَهُوا شَيْئاً مِنْ قَطْرِ اَلسَّمَاءِ ».

H.3915 - It is narrated from Muhammad bin Atiyyah, who said: I heard Abu Abdillah {a.s} say: "Indeed, Allah {SWT}, the Mighty and Glorious, chose farming and cultivation for His prophets (peace be upon them) so that they would not dislike anything from the rainfall."

[REFERENCES] Al-Kafi, Vol.5 p.260 • Man La Yahduruhu Al-Faqih, Vol.3 p.253 • Al-Wafi, Vol.17 p.129

HADITH

3916 - وَ سُئِلَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ عَلَى اَللَّهِ فَلْيَتَوَكَّلِ اَلْمُتَوَكِّلُونَ ﴾ قَالَ «اَلزَّارِعُونَ».

H.3916 - Imam Ali ibn Abi Talib {a.s} was asked about the saying of Allah {SWT}, the Mighty and Glorious: "*And upon Allah {SWT} let the reliant rely*" (Surah Ibrahim 14:12).
Imam {a.s} said: "It refers to the farmers."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.2 p.222 • Man La Yahduruhu Al-Faqih, Vol.3 p.253 • Al-Wafi, Vol.17 p.129 • Wasa'il Al-Shi'ah, Vol.17 p.42 • Wasa'il Al-Shi'ah, Vol.19 p.34 • Tafsir Al-Burhan, Vol.3 p.181 • Tafsir Al-Burhan, Vol.3 p.291 • Tafsir Al-Burhan, Vol.3 p.291 • Tafsir Nur Al-Thaqalayn, Vol.2 p.530 • Tafsir Kanz Al-Daqaiq, Vol.7 p.38

CHAPTER 72 – CHAPTER ON LIABILITY FOR THOSE WHO TAKE PAYMENT FOR REPAIRING SOMETHING BUT CAUSE DAMAGE INSTEAD

بَابُ مَا يَجِبُ مِنَ الضَّمَانِ عَلَى مَنْ يَأْخُذُ أَجْراً عَلَى شَيْءٍ لِيُصْلِحَهُ فَيُفْسِدُهُ

HADITH 3917 – 3919

3917 - رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يُعْطَى اَلثَّوْبَ لِيَصْبَغَهُ فَيُفْسِدُهُ فَقَالَ «كُلُّ عَامِلٍ أَعْطَيْتَهُ أَجْراً عَلَى أَنْ يُصْلِحَ فَأَفْسَدَ فَهُوَ ضَامِنٌ».

H.3917 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, regarding a man who gives a garment to someone to dye it, but the dyer ruins it.
Imam {a.s} said: "Any worker whom you pay to repair or improve something but ends up damaging it is liable."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.253 • Al-Wafi, Vol.18 p.907 • Wasa'il Al-Shi'ah, Vol.19 p.147 • Al-Fusul Al-Muhimmah, Vol.2 p.301

HADITH

3918 - وَ رَوَى عَلِيُّ بْنُ اَلْحَكَمِ عَنْ إِسْمَاعِيلَ بْنِ اَلصَّبَّاحِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَ عَنِ اَلْقَصَّارِ يُسَلَّمُ إِلَيْهِ اَلْمَتَاعُ فَيُحْرِقُهُ أَوْ يَخْرِقُهُ أَ يُغَرَّمُهُ قَالَ «نَعَمْ غُرِّمَهُ بِمَا جَنَتْ يَدُهُ فَإِنَّكَ إِنَّمَا أَعْطَيْتَهُ لِيُصْلِحَ وَ لَمْ تُعْطِهِ لِيُفْسِدَ».

H.3918 - Ali bin Al-Hakam narrated from Isma'il bin Al-Sabbah, who said:
I asked Abu Abdillah {a.s} about a launderer to whom a garment is given, but he burns or tears it. Should he be held liable?
Imam {a.s} said: "Yes, he is liable for the damage caused by his actions, for you gave it to him to repair or clean, not to ruin."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.253 • Tahdhib Al-Ahkam, Vol.7 p.221 • Al-Istibsar, Vol.3 p.133 • Al-Wafi, Vol.18 p.909

HADITH

3919 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «كَانَ أَبِي عَلَيْهِ اَلسَّلاَمُ يُضَمِّنُ اَلْقَصَّارَ وَ اَلصَّوَّاغَ مَا أَفْسَدَا وَ كَانَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ يَتَفَضَّلُ عَلَيْهِمْ».

H.3919 - Imam {a.s} said: "My father {a.s} used to hold the launderer and the goldsmith liable for any damage they caused. But, Imam Ali ibn Al-Hussain {a.s} would show leniency toward them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.254 • Al-Wafi, Vol.18 p.907 • Wasa'il Al-Shi'ah, Vol.19 p.147

CHAPTER 73 – CHAPTER ON THE LIABILITY OF ONE WHO CARRIED SOMETHING AND CLAIMED ITS LOSS

بَابُ ضَمَانِ مَنْ حَمَلَ شَيْئاً فَادَّعَى ذَهَابَهُ

HADITH 3920 – 3933

3920 - رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي جَمَّالٍ يَحْمِلُ مَعَهُ اَلزَّيْتَ فَيَقُولُ قَدْ ذَهَبَ أَوْ أُهْرِقَ أَوْ قُطِعَ عَلَيْهِ اَلطَّرِيقُ «فَإِنْ جَاءَ عَلَيْهِ بِبَيِّنَةٍ عَادِلَةٍ أَنَّهُ قُطِعَ عَلَيْهِ أَوْ ذَهَبَ فَلَيْسَ عَلَيْهِ شَيْءٌ وَ إِلاَّ ضَمِنَ» وَ فِي رَجُلٍ حَمَلَ مَعَهُ رَجُلٌ فِي سَفِينَتِهِ طَعَاماً فَنَقَصَ قَالَ «هُوَ ضَامِنٌ» قُلْتُ لَهُ إِنَّهُ رُبَّمَا زَادَ قَالَ «تَعْلَمُ أَنَّهُ زَادَ فِيهِ شَيْئاً» قُلْتُ لاَ قَالَ «هُوَ لَكَ».

H.3920 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, regarding a camel driver who carries oil and claims that it was lost, spilled, or taken by robbers.
Imam {a.s} said: "If he brings trustworthy evidence that it was stolen, lost, or taken, then he is not liable. Otherwise, he is responsible for compensating it."
And regarding a man who transported food for another man in his boat, but the quantity decreased,
Imam {a.s} said: "He is liable."
I said to him: "Sometimes the quantity increases."
Imam {a.s} said: "Do you know that he added anything to it?"
I said: “No."
Imam {a.s} said: "Then it belongs to you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.254

HADITH

3921 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «فِي اَلْغَسَّالِ وَ اَلصَّوَّاغِ مَا سُرِقَ مِنْهُمْ مِنْ شَيْءٍ فَلَمْ يَخْرُجْ بِبَيِّنَةٍ عَلَى أَمْرٍ بَيِّنٍ أَنَّهُ قَدْ سُرِقَ وَ كُلُّ قَلِيلٍ لَهُ أَوْ كَثِيرٍ فَإِنْ فَعَلَ فَلَيْسَ عَلَيْهِ شَيْءٌ وَ إِنْ لَمْ يُقِمْ بَيِّنَةً وَ زَعَمَ أَنَّهُ قَدْ ذَهَبَ اَلَّذِي اِدَّعَى فَقَدْ ضَمِنَهُ إِنْ لَمْ يَكُنْ لَهُ عَلَى قَوْلِهِ بَيِّنَةٌ ».

H.3921 - Imam {a.s} said:
"Regarding the washer (ghassal) and the goldsmith (sawwagh), if something is stolen from them and they do not provide clear evidence proving that it was stolen, whether it is little or much, then they are liable. However, if they establish proof with clear evidence, then they are not liable. But if they fail to present evidence and merely claim that the item was lost, they are responsible for compensating it unless they provide proof to support their claim."

[REFERENCES] Al-Kafi, Vol.5 p.242 • Man La Yahduruhu Al-Faqih, Vol.3 p.254 • Wasa’il Al-Shi’ah, Vol.19 p.141

HADITH

3922 - وَ قَالَ : فِي رَجُلٍ تَكَارَى دَابَّةً إِلَى مَكَانٍ مَعْلُومٍ فَتَضِيعُ اَلدَّابَّةُ قَالَ «إِنْ كَانَ جَازَ اَلشَّرْطَ فَهُوَ ضَامِنٌ وَ إِنْ دَخَلَ وَادِياً فَلَمْ يُوثِقْهَا فَهُوَ ضَامِنٌ وَ إِنْ سَقَطَتْ فِي بِئْرٍ فَهُوَ ضَامِنٌ لِأَنَّهُ لَمْ يَسْتَوْثِقْ مِنْهَا».

H.3922 - Imam {a.s} said regarding a man who rents an animal to travel to a specified location, but the animal is lost:
"If he exceeded the agreed conditions, he is liable. If he entered a valley and did not secure the animal properly, he is liable. And if it fell into a well, he is liable because he did not take proper precautions to safeguard it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.255

HADITH

3923 - وَ رُوِيَ عَنْ رَجُلٍ جَمَّالٍ اُكْتُرِيَ مِنْهُ إِبِلٌ وَ بُعِثَ مَعَهُ بِزَيْتٍ إِلَى أَرْضٍ فَزَعَمَ أَنَّ بَعْضَ زِقَاقِ اَلزَّيْتِ اِنْخَرَقَ وَ أَهْرَاقَ اَلزَّيْتَ قَالَ «إِنَّهُ إِنْ شَاءَ أَخَذَ اَلزَّيْتَ» وَ قَالَ «اِنْخَرَقَ وَ لَكِنْ لاَ يُصَدَّقُ إِلاَّ بِبَيِّنَةٍ عَادِلَةٍ وَ أَيُّمَا رَجُلٍ تَكَارَى دَابَّةً فَأَخَذَتْهَا اَلدُّبَّةُ فَشَقَّتْ عَيْنَهَا فَنَفَقَتْ فَهُوَ لَهَا ضَامِنٌ إِلاَّ أَنْ يَكُونَ مُسْلِماً عَدْلاً».

H.3923 - It is narrated about a camel driver who was hired to transport oil to a certain land. He claimed that some of the oil skins were torn, causing the oil to spill.
Imam {a.s} said: "The owner may take the remaining oil if he wishes."
Imam {a.s} also said: "The camel driver's claim that the skins were torn is not accepted unless supported by trustworthy and just evidence."
And Imam {a.s} added: "Any man who rents an animal, and it is attacked by a wolf, which injures its eye and causes it to die, is liable for it unless he is a trustworthy and just person."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.255

HADITH

3924 - وَ رُوِيَ عَنْ جَعْفَرِ بْنِ عُثْمَانَ قَالَ : حَمَلَ أَبِي مَتَاعاً إِلَى اَلشَّامِ مَعَ جَمَّالٍ فَذَكَرَ أَنَّ حِمْلاً مِنْهُ ضَاعَ فَذَكَرْتُ ذَلِكَ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «أَ تَتَّهِمُهُ» فَقُلْتُ لاَ قَالَ «فَلاَ تُضَمِّنْهُ».

H.3924 - It is narrated from Ja'far bin Uthman, who said:
My father sent some goods to Syria with a camel driver, and the camel driver claimed that one of the loads was lost. I mentioned this to Abu Abdillah {a.s}.
Imam {a.s} said: "Do you suspect him?"
I said: “No."
Imam {a.s} said: "Then do not hold him liable."

[REFERENCES] Al-Kafi, Vol.5 p.244 • Man La Yahduruhu Al-Faqih, Vol.3 p.256 • Tahdhib Al-Ahkam, Vol.7 p.217 • Al-Wafi, Vol.18 p.917 • Wasa’il Al-Shi’ah, Vol.19 p.150

HADITH

3925 - وَ رَوَى اِبْنُ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ قَصَّارٍ دَفَعْتُ إِلَيْهِ ثَوْباً فَزَعَمَ أَنَّهُ سُرِقَ مِنْ بَيْنِ ثِيَابِهِ قَالَ «عَلَيْهِ أَنْ يُقِيمَ اَلْبَيِّنَةَ أَنَّ ذَلِكَ سُرِقَ مِنْ بَيْنِ مَتَاعِهِ وَ لَيْسَ عَلَيْهِ شَيْءٌ وَ إِنْ سُرِقَ مَعَ مَتَاعِهِ فَلَيْسَ عَلَيْهِ شَيْءٌ».

H.3925 - Ibn Muskan narrated from Abu Basir, from Abu Abdillah {a.s}, who said:
I asked him about a launderer to whom I gave a garment, and he claimed that it was stolen from among his belongings.
Imam {a.s} said: "He must provide evidence that it was stolen from among his belongings, and if he does so, then he is not liable. Similarly, if it was stolen along with his belongings, he is not liable."

[REFERENCES] Al-Kafi, Vol.5 p.242 • Man La Yahduruhu Al-Faqih, Vol.3 p.256 • Tahdhib Al-Ahkam, Vol.7 p.218 • Al-Wafi, Vol.18 p.907 • Wasa'il Al-Shi'ah, Vol.19 p.142

HADITH

3926 - وَ رَوَى عُثْمَانُ بْنُ زِيَادٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ إِنَّ جَمَّالاً لَنَا كَانَ يُكَارِينَا فَحَمَلَ عَلَى غَيْرِهِ فَضَاعَ قَالَ «ضَمِّنْهُ وَ خُذْ مِنْهُ».

H.3926 - Uthman bin Ziyad narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I said to Imam {a.s}: "We had a camel driver who used to work for us. He loaded goods onto someone else's camel, and they were lost."
Imam {a.s} said: "Hold him liable and take compensation from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.256

HADITH

3927 - وَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يُضَمِّنُ اَلصَّبَّاغَ وَ اَلْقَصَّارَ وَ اَلصَّائِغَ، اِحْتِيَاطاً عَلَى أَمْتِعَةِ اَلنَّاسِ وَ كَانَ لاَ يُضَمِّنُ مِنَ اَلْغَرَقِ وَ اَلْحَرَقِ وَ اَلشَّيْءِ اَلْغَالِبِ وَ إِذَا غَرِقَتِ اَلسَّفِينَةُ وَ مَا فِيهَا فَأَصَابَهُ اَلنَّاسُ فَمَا قَذَفَ بِهِ اَلْبَحْرُ عَلَى سَاحِلِهِ فَهُوَ لِأَهْلِهِ وَ هُمْ أَحَقُّ بِهِ وَ مَا غَاصَ عَلَيْهِ اَلنَّاسُ وَ تَرَكَهُ صَاحِبُهُ فَهُوَ لَهُمْ».

H.3927 - Commander of the Faithful {a.s} used to hold the dyer, launderer, and goldsmith liable as a precaution to protect people's belongings. However, he did not hold them liable for damages caused by drowning, fire, or overwhelming events.
And if a ship sinks along with its cargo, and people recover what washes up on the shore, it belongs to its owners, and they have the strongest claim to it. But whatever people dive for and the owner abandons, it belongs to those who recover it.

[REFERENCES] Al-Kafi, Vol.5 p.242 • Man La Yahduruhu Al-Faqih, Vol.3 p.256 • Tahdhib Al-Ahkam, Vol.7 p.219 • Al-Wafi, Vol.18 p.908

HADITH

3928 - وَ رَوَى اِبْنُ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يُضَمِّنُ اَلصَّائِغُ وَ لاَ اَلْقَصَّارُ وَ لاَ اَلْحَائِكُ إِلاَّ أَنْ يَكُونُوا مُتَّهَمِينَ فَيَجِيئُونَ بِالْبَيِّنَةِ فَيُخَوَّفُ وَ يُسْتَحْلَفُ لَعَلَّهُ يُسْتَخْرَجُ مِنْهُ شَيْءٌ ».

H.3928 - Ibn Muskan narrated from Abu Basir, from Abu Abdillah {a.s}, who said:
"The goldsmith, the launderer, and the weaver are not held liable unless they are suspected. In such cases, they must bring evidence, and they should be made to swear an oath and be warned, perhaps something may be revealed from them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.257

HADITH

3929 - وَ أُتِيَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ بِصَاحِبِ حَمَّامٍ وُضِعَتْ عِنْدَهُ اَلثِّيَابُ فَضَاعَتْ فَلَمْ يُضَمِّنْهُ وَ قَالَ «إِنَّمَا هُوَ أَمِينٌ».

H.3929 - Imam Ali ibn Abi Talib {a.s} was presented with the case of a bathhouse attendant with whom clothes were deposited, but they were lost.
Imam {a.s} did not hold him liable and said: "He is merely a trustee."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.257

HADITH

3930 - وَ إِنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ ضَمَّنَ رَجُلاً مُسْلِماً أَصَابَ خِنْزِيراً لِنَصْرَانِيٍّ قِيمَتَهُ».

H.3930 - Indeed, Imam Ali ibn Abi Talib {a.s} held a Muslim man liable to pay the value of a pig that belonged to a Christian, which he had harmed.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.257 • Tahdhib Al-Ahkam, Vol.7 p.221

HADITH

3931 - وَ رَوَى اِبْنُ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَسْتَأْجِرُ اَلْحَمَّالَ فَيَكْسِرُ اَلَّذِي يَحْمِلُ عَلَيْهِ أَوْ يُهَرِيقُهُ قَالَ «إِنْ كَانَ مَأْمُوناً فَلَيْسَ عَلَيْهِ شَيْءٌ وَ إِنْ كَانَ غَيْرَ مَأْمُونٍ فَهُوَ ضَامِنٌ».

H.3931 - Ibn Muskan narrated from Abu Basir, from Abu Abdillah {a.s}, regarding a man who hires a porter, and the porter either breaks what he is carrying or spills it.
Imam {a.s} said: "If he is trustworthy, then he is not liable. But if he is not trustworthy, then he is liable."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.257

HADITH

3932 - وَ رَوَى اِبْنُ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «فِي رَجُلٍ حَمَلَ مَتَاعاً عَلَى رَأْسِهِ فَأَصَابَ إِنْسَاناً فَمَاتَ أَوْ اِنْكَسَرَ مِنْهُ شَيْءٌ فَهُوَ ضَامِنٌ».

H.3932 - Ibn Abi Nasr narrated from Dawood bin Sirhan, from Abu Abdillah {a.s}:
"If a man carries goods on his head and accidentally strikes someone, causing their death or breaking something, then he is liable."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.258 • Tahdhib Al-Ahkam, Vol.7 p.222 • Wasa'il Al-Shi'ah, Vol.19 p.152

HADITH

3933 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ مَحْبُوبٍ قَالَ كَتَبَ رَجُلٌ إِلَى اَلْفَقِيهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ دَفَعَ ثَوْباً إِلَى اَلْقَصَّارِ لِيُقَصِّرَهُ فَدَفَعَهُ اَلْقَصَّارُ إِلَى قَصَّارٍ غَيْرِهِ لِيُقَصِّرَهُ فَضَاعَ اَلثَّوْبُ هَلْ يَجِبُ عَلَى اَلْقَصَّارِ أَنْ يَرُدَّ مَا دَفَعَهُ إِلَى غَيْرِهِ إِنْ كَانَ اَلْقَصَّارُ مَأْمُوناً فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «هُوَ ضَامِنٌ لَهُ إِلاَّ أَنْ يَكُونَ ثِقَةٌ مَأْمُوناً إِنْ شَاءَ اَللَّهُ».

H.3933 - It is narrated from Muhammad bin Ali bin Mahbub, who said:
A man wrote to the 'Jurist' (Imam Hasan ibn Ali Al-Askari {a.s}) asking about a case where a person gave a garment to a launderer to clean, and the launderer then handed it over to another launderer to clean, but the garment was lost. Should the first launderer be required to compensate for what he entrusted to another?
Imam {a.s} wrote in reply: "He is liable for it unless the second launderer is trustworthy and reliable, God willing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.258 • Tahdhib Al-Ahkam, Vol.7 p.222 • Al-Wafi, Vol.18 p.913 • Wasa'il Al-Shi'ah, Vol.19 p.146

CHAPTER 74 – CHAPTER ON ADVANCE PAYMENT IN FOOD, ANIMALS, AND OTHER GOODS

بَابُ السَّلَفِ فِي الطَّعَامِ وَ الْحَيَوَانِ وَ غَيْرِهِمَا

HADITH 3934 – 3953

3934 - رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَسْلَفْتُهُ دَرَاهِمَ فِي طَعَامٍ فَلَمَّا حَلَّ طَعَامِي عَلَيْهِ بَعَثَ إِلَيَّ بِدَرَاهِمَ وَ قَالَ اِشْتَرِ لِنَفْسِكَ طَعَاماً وَ اِسْتَوْفِ حَقَّكَ فَقَالَ «أَرَى أَنْ تُوَلِّيَ ذَلِكَ غَيْرَكَ وَ تَقُومَ مَعَهُ حَتَّى تَقْبِضَ اَلَّذِي لَكَ وَ لاَ تَوَلَّ أَنْتَ شِرَاءَهُ».

H.3934 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}:
Imam {a.s} was asked about a man to whom I had lent dirhams in advance for food. When the time came for me to receive the food, he sent me dirhams and said: “Buy food for yourself and settle your due."
Imam {a.s} said: "I think you should appoint someone else to handle the purchase on your behalf and accompany him until you receive what is owed to you. Do not handle the purchase yourself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.258

HADITH

3935 - وَ رُوِيَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يُسْلِمُ فِي اَلْحِنْطَةِ أَوِ اَلتَّمْرِ مِائَةَ دِرْهَمٍ فَيَأْتِي صَاحِبُهُ، حِينَ يَحِلُّ لَهُ اَلدَّيْنُ فَيَقُولُ وَ اَللَّهِ مَا عِنْدِي إِلاَّ نِصْفُ اَلَّذِي لَكَ فَخُذْ مِنِّي إِنْ شِئْتَ بِنِصْفِ اَلَّذِي لَكَ حِنْطَةً وَ نِصْفاً وَرِقاً فَقَالَ «لاَ بَأْسَ إِذَا أَخَذَ مِنْهُ اَلْوَرِقَ كَمَا أَعْطَاهُ، » قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يَكُونُ لِي عَلَيْهِ جُلَّةٌ مِنْ بُسْرٍ فَآخُذُ مِنْهُ جُلَّةً مِنْ رُطَبٍ مَكَانَهَا وَ هِيَ أَقَلُّ مِنْهَا قَالَ «لاَ بَأْسَ» قُلْتُ فَيَكُونُ لِي عَلَيْهِ جُلَّةٌ مِنْ بُسْرٍ فَآخُذُ مَكَانَهَا جُلَّةً مِنْ تَمْرٍ وَ هِيَ أَكْثَرُ مِنْهَا قَالَ «لاَ بَأْسَ إِذَا كَانَ مَعْرُوفاً بَيْنَكُمَا» قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ يَكُونُ لَهُ عَلَى اَلْآخَرِ مِائَةُ كُرٍّ مِنْ تَمْرٍ وَ لَهُ نَخْلٌ فَيَأْتِيهِ فَيَقُولُ أَعْطِنِي نَخْلَكَ هَذَا بِمَا عَلَيْكَ فَكَأَنَّهُ كَرِهَهُ قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ عَلَى اَلْآخَرِ أَحْمَالٌ مِنْ رُطَبٍ أَوْ تَمْرٍ فَيَبْعَثُ إِلَيْهِ بِدَنَانِيرَ فَيَقُولُ اِشْتَرِ بِهَذِهِ وَ اِسْتَوْفِ مِنْهُ اَلَّذِي لَكَ قَالَ «لاَ بَأْسَ إِذَا اِئْتَمَنَهُ».

H.3935 - Safwan bin Yahya narrated from Ya'qub bin Shu'ayb, who said:
I asked Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who makes an advance payment of 100 dirhams for wheat or dates.
When the debt becomes due, the seller says, "By Allah {SWT}, I only have half of what is owed to you. Take half in wheat and the other half in cash if you wish."
Imam {a.s} said: "There is no harm if he takes the cash just as he had given it."
He continued: I asked Imam {a.s} about a man who owes me a basket of ripe dates, and I take instead a basket of fresh dates, which is less in quantity.

Imam {a.s} said: "There is no harm in that."
I then asked: “What if I take instead a basket of dried dates, which is more in quantity?"
Imam {a.s} said: "There is no harm as long as it is mutually agreed upon."
I also asked Imam {a.s} about a man who owes another 100 measures of dates, and the creditor offers to take the debtor’s palm trees as payment.
Imam {a.s} seemed to dislike this.
I then asked Imam {a.s} about a man who is owed loads of fresh or dried dates and sends dinars to the debtor, saying, "Buy with these and settle my debt."
Imam {a.s} said: "There is no harm if he trusts him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.258

HADITH

3936 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فِي اَلرَّجُلِ يُسْلِمُ فِي غَيْرِ زَرْعٍ وَ لاَ نَخْلٍ قَالَ «يُسَمِّي كَيْلاً مَعْلُوماً إِلَى أَجَلٍ مَعْلُومٍ» قَالَ وَ سَأَلْتُهُ عَنِ اَلسَّلَمِ فِي اَلْحَيَوَانِ وَ اَلطَّعَامِ وَ يَرْتَهِنَ اَلرَّجُلُ بِمَالِهِ رَهْناً قَالَ «نَعَمْ اِسْتَوْثِقْ مِنْ مَالِكَ».

H.3936 - Safwan bin Yahya narrated from Abdullah bin Sinan, who said:
I asked Abu Abdillah {a.s} about a man who makes a forward contract (salam) for something other than crops or dates.
Imam {a.s} said: "He should specify a known measure and set a fixed time for delivery."
I also asked Imam {a.s} about making a forward contract for livestock or food and whether the creditor can take collateral for his money.
Imam {a.s} said: "Yes, secure your wealth properly."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.259 • Al-Wafi, Vol.18 p.555

HADITH

3937 - وَ رُوِيَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ كَانَ لَهُ عَلَى رَجُلٍ دَرَاهِمُ مِنْ ثَمَنِ غَنَمٍ اِشْتَرَاهَا مِنْهُ فَأَتَى اَلطَّالِبُ اَلْمَطْلُوبَ يَتَقَاضَاهُ فَقَالَ لَهُ اَلْمَطْلُوبُ أَبِيعُكَ هَذِهِ اَلْغَنَمَ بِدَرَاهِمِكَ اَلَّتِي لَكَ عِنْدِي فَرَضِيَ قَالَ «لاَ بَأْسَ بِذَلِكَ».

H.3937 - It is narrated from Mansur bin Hazim, who said:
I said to Abu Abdillah {a.s}: "A man owed another man dirhams for the price of sheep he had bought from him. The creditor came to demand payment, and the debtor said: ‘I will sell you these sheep for the dirhams I owe you.' The creditor agreed."
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.260 • Tahdhib Al-Ahkam, Vol.7 p.43 • Al-Wafi, Vol.18 p.729 • Wasa’il Al-Shi’ah, Vol.18 p.40 • Wasa’il Al-Shi’ah, Vol.18 p.312

HADITH

3938 - وَ رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ بُكَيْرٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ أَسْلَفَ فِي شَيْءٍ يُسْلِفُ اَلنَّاسُ فِيهِ مِنَ اَلثِّمَارِ فَذَهَبَ ثِمَارُهَا وَ لَمْ يَسْتَوْفِ سَلَفَهُ قَالَ «فَلْيَأْخُذْ رَأْسَ مَالِهِ أَوْ لِيُنْظِرْهُ».

H.3938 - It is narrated from Abdullah bin Bukayr, who said:
I asked Abu Abdillah {a.s} about a man who made an advance payment (salam) for something that people typically make advance payments for, such as fruits, but the fruits were destroyed, and he did not receive what was due.
Imam {a.s} said: "Let him take back his principal amount, or he may grant the debtor more time."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.260 • Tahdhib Al-Ahkam, Vol.7 p.31 • Al-Istibsar, Vol.3 p.74 • Al-Wafi, Vol.18 p.559 • Wasa'il Al-Shi'ah, Vol.18 p.309

HADITH

3939 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنِ اَلْعِيصِ بْنِ اَلْقَاسِمِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ أَسْلَفَ رَجُلاً دَرَاهِمَ بِحِنْطَةٍ حَتَّى إِذَا حَضَرَ اَلْأَجَلُ لَمْ يَكُنْ عِنْدَهُ طَعَامٌ وَ وَجَدَ عِنْدَهُ دَوَابَّاً [دَوَابَّ] وَ رَقِيقاً وَ مَتَاعاً أَ يَحِلُّ لَهُ أَنْ يَأْخُذَ مِنْ عُرُوضِهِ تِلْكَ بِطَعَامِهِ قَالَ «نَعَمْ يُسَمِّي كَذَا وَ كَذَا بِكَذَا وَ كَذَا صَاعاً».

H.3939 - Safwan bin Yahya narrated from Al-Ays bin Al-Qasim, who said:
I asked Abu Abdillah {a.s} about a man who had advanced dirhams to another man for wheat. When the due date arrived, the debtor did not have any food but had animals, slaves, and goods.
I asked: "Is it permissible for him to take these items in place of the wheat owed to him?"
Imam {a.s} said: "Yes, he may specify such and such items for such and such a measure."

[REFERENCES] Al-Kafi, Vol.5 p.186 • Man La Yahduruhu Al-Faqih, Vol.3 p.260 • Tahdhib Al-Ahkam, Vol.7 p.31 • Al-Istibsar, Vol.3 p.76 • Al-Wafi, Vol.18 p.557 • Wasa'il Al-Shi'ah, Vol.18 p.305

HADITH

3940 - وَ رُوِيَ عَنْ حَدِيدِ بْنِ حَكِيمٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَشْتَرِي اَلْجُلُودَ مِنَ اَلْقَصَّابِ فَيُعْطِيهِ كُلَّ يَوْمٍ شَيْئاً مَعْلُوماً فَقَالَ «لاَ بَأْسَ بِهِ».

H.3940 - It is narrated from Hadid bin Hakim, who said:
I said to Abu Abdillah {a.s}: "A man buys hides from a butcher and pays him a fixed amount every day."
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Al-Kafi, Vol.5 p.221 • Man La Yahduruhu Al-Faqih, Vol.3 p.260 • Tahdhib Al-Ahkam, Vol.7 p.28 • Al-Wafi, Vol.18 p.701 • Wasa'il Al-Shi'ah, Vol.18 p.290

HADITH

3941 - وَ رَوَى أَبَانٌ أَنَّهُ قَالَ : فِي اَلرَّجُلِ يُسْلِفُ اَلرَّجُلَ اَلدَّرَاهِمَ يَنْقُدُهَا إِيَّاهُ بِأَرْضٍ أُخْرَى قَالَ «لاَ بَأْسَ بِهِ».

H.3941 - It is narrated from Aban that Imam {a.s} said regarding a man who advances dirhams to another man and pays him in another land.
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.261 • Al-Wafi, Vol.18 p.662 • Wasa'il Al-Shi'ah, Vol.18 p.197

HADITH

3942 - وَ - سَأَلَهُ سَمَاعَةُ : عَنِ اَلرَّهْنِ يُرْهِنُهُ اَلرَّجُلُ فِي سَلَمٍ إِذَا أَسْلَمَ فِي طَعَامٍ أَوْ مَتَاعٍ أَوْ حَيَوَانٍ فَقَالَ «لاَ بَأْسَ بِأَنْ تَسْتَوْثِقَ مِنْ مَالِكَ».

H.3942 - Sama'ah asked him about a pledge (rahn) that a man gives as security in a salam transaction when he advances payment for food, goods, or animals.
Imam {a.s} said: "There is no harm in securing your wealth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.261

HADITH

3943 - وَ رَوَى عَلِيُّ بْنُ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلسَّلَمِ فِي اَلْحَيَوَانِ فَقَالَ «لَيْسَ بِهِ بَأْسٌ» فَقُلْتُ أَ رَأَيْتَ إِنْ أَسْلَمَ فِي أَسْنَانٍ مَعْلُومَةٍ أَوْ شَيْءٍ مَعْلُومٍ مِنَ اَلرِّقِيقِ فَأَعْطَاهُ دُونَ شَرْطِهِ أَوْ فَوْقَهُ بِطِيبَةِ نَفْسٍ مِنْهُمْ فَقَالَ «لاَ بَأْسَ بِهِ».

H.3943 - Ali bin Abi Hamzah narrated from Abu Basir, who said:
I asked Abu Abdillah {a.s} about salam transactions involving animals.
Imam {a.s} said: "There is no harm in it."
I then asked: "What if he specifies particular ages or certain characteristics of slaves and delivers something less or more than the condition agreed upon, with mutual consent?"
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Al-Kafi, Vol.5 p.220 • Man La Yahduruhu Al-Faqih, Vol.3 p.261 • Tahdhib Al-Ahkam, Vol.7 p.42 • Tahdhib Al-Ahkam, Vol.7 p.46 • Al-Wafi, Vol.18 p.569 • Wasa'il Al-Shi'ah, Vol.18 p.299

HADITH

3944 - وَ رَوَى أَبَانٌ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ بَاعَ طَعَاماً بِدَرَاهِمَ فَلَمَّا بَلَغَ ذَلِكَ اَلْأَجَلُ تَقَاضَاهُ فَقَالَ لَيْسَ عِنْدِي دَرَاهِمُ خُذْ مِنِّي طَعَاماً قَالَ «لاَ بَأْسَ بِهِ إِنَّمَا لَهُ دَرَاهِمُ يَأْخُذُ بِهَا مَا شَاءَ».

H.3944 - Aban narrated from Ya'qub bin Shu'ayb, who said:
I asked Abu Abdillah {a.s} about a man who sold food for dirhams.
When the payment became due, he demanded his money, but the buyer said: “I do not have dirhams; take food instead."
Imam {a.s} said: "There is no harm in that. He is entitled to dirhams, and he may take whatever he wishes in exchange for them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.262 • Wasa’il Al-Shi’ah, Vol.18 p.307

HADITH

3945 - وَ رَوَى عُبَيْدُ اَللَّهِ بْنُ عَلِيٍّ اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَسْلَمَ دَرَاهِمَ فِي خَمْسَةِ مَخَاتِيمِ حِنْطَةٍ أَوْ شَعِيرٍ إِلَى أَجَلٍ مُسَمًّى وَ كَانَ اَلَّذِي عَلَيْهِ اَلْحِنْطَةُ وَ اَلشَّعِيرُ لاَ يَقْدِرُ عَلَى أَنْ يَقْضِيَهُ جَمِيعَ اَلَّذِي حَلَّ فَشَاءَ صَاحِبُ اَلْحَقِّ أَنْ يَأْخُذَ نِصْفَ اَلطَّعَامِ أَوْ ثُلُثَهُ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ وَ يَأْخُذَ رَأْسَ مَالِ مَا بَقِيَ مِنَ اَلطَّعَامِ دَرَاهِمَ قَالَ «لاَ بَأْسَ بِهِ» قَالَ وَ سُئِلَ عَنِ اَلزَّعْفَرَانِ يُسْلِفُ فِيهِ اَلرَّجُلُ دَرَاهِمَ فِي عِشْرِينَ مِثْقَالاً أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ قَالَ «لاَ بَأْسَ إِنْ لَمْ يَقْدِرِ اَلَّذِي عَلَيْهِ اَلزَّعْفَرَانُ أَنْ يُعْطِيَهُ جَمِيعَ مَالِهِ أَنْ يَأْخُذَ نِصْفَ حَقِّهِ أَوْ ثُلُثَهُ أَوْ ثُلُثَيْهِ وَ يَأْخُذَ رَأْسَ مَالِ مَا بَقِيَ مِنْ حَقِّهِ دَرَاهِمَ».

H.3945 - Ubaydullah bin Ali Al-Halabi narrated from Abu Abdillah {a.s}:
Imam {a.s} was asked about a man who lent dirhams in advance for five measures of wheat or barley until a specified time.
When the payment became due, the debtor was unable to repay the full amount of wheat or barley. The creditor wanted to take half, a third, or less or more of the food, and receive the remaining amount in dirhams equivalent to the value of the rest.
Imam {a.s} said: "There is no harm in that."
Imam {a.s} was also asked about saffron, where a man lent dirhams in advance for twenty mithqals, or more or less.
Imam {a.s} said: "There is no harm if the debtor cannot deliver the full amount of saffron. The creditor may take half, a third, or two-thirds of his right and receive the remaining value of what is owed in dirhams."

[REFERENCES] Al-Kafi, Vol.5 p.186 • Man La Yahduruhu Al-Faqih, Vol.3 p.262 • Tahdhib Al-Ahkam, Vol.7 p.29 • Al-Wafi, Vol.18 p.558 • Wasa’il Al-Shi’ah, Vol.18 p.305

HADITH

3946 - وَ سُئِلَ عَنِ اَلرَّجُلِ يُسْلِفُ فِي اَلْغَنَمِ ثُنْيَانٍ وَ جُذْعَانٍ وَ غَيْرِ ذَلِكَ إِلَى أَجَلٍ مُسَمًّى قَالَ «لاَ بَأْسَ إِنْ لَمْ يَقْدِرِ اَلَّذِي عَلَيْهِ اَلْغَنَمُ عَلَى جَمِيعِ اَلَّذِي عَلَيْهِ أَنْ يَأْخُذَ صَاحِبُ اَلْغَنَمِ نِصْفَهَا أَوْ ثُلُثَهَا أَوْ ثُلُثَيْهَا وَ يَأْخُذَ رَأْسَ مَالِ مَا بَقِيَ مِنَ اَلْغَنَمِ دَرَاهِمَ وَ يَأْخُذَ دُونَ شَرْطِهِمْ وَ لاَ يَأْخُذْ فَوْقَ شَرْطِهِمْ» قَالَ «وَ اَلْأَكْسِيَةُ أَيْضاً مِثْلُ اَلْحِنْطَةِ وَ اَلشَّعِيرِ وَ اَلزَّعْفَرَانِ وَ اَلْغَنَمِ».

H.3946 - Imam {a.s} was asked about a man who lends in advance for sheep, both two-year-olds and younger ones, until a specified time.
Imam {a.s} said: "There is no harm if the debtor cannot deliver all the sheep he owes. The creditor may take half, a third, or two-thirds of the sheep, and receive the remaining value of what is owed in dirhams. He should take less than what was agreed upon, but must not take more than their agreed value."
Imam {a.s} added: "This ruling also applies to garments, just as it applies to wheat, barley, saffron, and sheep."

[REFERENCES] Al-Kafi, Vol.5 p.221 • Man La Yahduruhu Al-Faqih, Vol.3 p.262 • Tahdhib Al-Ahkam, Vol.7 p.32 • Al-Istibsar, Vol.3 p.74 • Al-Wafi, Vol.18 p.570 • Wasa'il Al-Shi'ah, Vol.18 p.303

HADITH

3947 - وَ رَوَى اَلْوَشَّاءُ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «لاَ يَنْبَغِي لِلرَّجُلِ إِسْلاَفُ اَلسَّمْنِ بِالزَّيْتِ وَ لاَ اَلزَّيْتِ بِالسَّمْنِ ».

H.3947 - Al-Washsha' narrated from Abdullah ibn Sinan, who said:
I heard Abu Abdullah {a.s} say: "It is not proper for a man to lend ghee in exchange for oil, nor oil in exchange for ghee."

[REFERENCES] Al-Kafi, Vol.5 p.190 • Man La Yahduruhu Al-Faqih, Vol.3 p.263 • Tahdhib Al-Ahkam, Vol.7 p.43 • Tahdhib Al-Ahkam, Vol.7 p.97 • Al-Istibsar, Vol.3 p.79 • Al-Wafi, Vol.18 p.565 • Wasa'il Al-Shi'ah, Vol.18 p.148 • Wasa'il Al-Shi'ah, Vol.18 p.297

HADITH

3948 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلسَّلَفِ فِي اَللَّحْمِ قَالَ «لاَ تَقْرَبَنَّهُ فَإِنَّهُ يُعْطِيكَ مَرَّةً اَلسَّمِينَ وَ مَرَّةً اَلتَّاوِيَ وَ مَرَّةً اَلْمَهْزُولَ فَاشْتَرِهِ مُعَايَنَةً يَداً بِيَدٍ» قَالَ وَ سَأَلْتُهُ عَنِ اَلسَّلَفِ فِي رَوَايَا اَلْمَاءِ فَقَالَ «لاَ فَإِنَّهُ يُعْطِيكَ مَرَّةً نَاقِصَةً وَ مَرَّةً كَامِلَةً وَ لَكِنِ اِشْتَرِهَا مُعَايَنَةً فَهَذَا أَسْلَمُ لَكَ وَ لَهُ».

H.3948 - Amr ibn Shimr narrated from Jabir, who reported:Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} was asked about lending meat in advance.
Imam {a.s} said: "Do not approach it, for sometimes he may give you fat meat, sometimes lean meat, and sometimes emaciated meat. Instead, buy it through direct observation, hand-to-hand."
Imam {a.s} was also asked about lending water carriers (skins).
Imam {a.s} said: "No, for sometimes he may give you an incomplete one and sometimes a complete one. Rather, buy them through direct observation, for this is safer for you and for him."

[REFERENCES] Al-Kafi, Vol.5 p.222 • Man La Yahduruhu Al-Faqih, Vol.3 p.263 • Tahdhib Al-Ahkam, Vol.7 p.45 • Al-Wafi, Vol.18 p.563 • Wasa'il Al-Shi'ah, Vol.18 p.287

HADITH

3949 - وَ رَوَى وَهْبُ بْنُ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «لاَ بَأْسَ أَنْ يُسْلَفَ مَا يُوزَنُ فِيمَا يُكَالُ وَ مَا يُكَالُ فِيمَا يُوزَنُ».

H.3949 - Wahb ibn Wahb narrated from Ja'far ibn Muhammad from his father {a.s}:
Imam Ali ibn Abi Talib {a.s} said: "There is no harm in advancing payment for what is weighed in exchange for what is measured, and for what is measured in exchange for what is weighed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.264 • Tahdhib Al-Ahkam, Vol.7 p.44 • Al-Istibsar, Vol.3 p.79 • Al-Wafi, Vol.18 p.566 • Wasa'il Al-Shi'ah, Vol.18 p.296

HADITH

3950 - وَ رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «لاَ بَأْسَ بِالسَّلَمِ بِكَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ وَ لاَ يُسْلَمُ إِلَى دِيَاسٍ وَ لاَ حَصَادٍ ».

H.3950 - Ghiyath ibn Ibrahim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
Imam Ali ibn Abi Talib {a.s}: "There is no harm in a Salam contract with a specified measure and a fixed time, but it should not be made conditional upon threshing or harvesting."

[REFERENCES] Al-Kafi, Vol.5 p.184 • Man La Yahduruhu Al-Faqih, Vol.3 p.264 • Tahdhib Al-Ahkam, Vol.7 p.27 • Al-Wafi, Vol.18 p.553 • Wasa'il Al-Shi'ah, Vol.18 p.289

HADITH

3951 - وَ رَوَى اَلنَّضْرُ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَ يَصْلُحُ أَنْ يُسْلِمَ فِي اَلطَّعَامِ عِنْدَ رَجُلٍ لَيْسَ عِنْدَهُ طَعَامٌ وَ لاَ حَيَوَانٌ إِلاَّ أَنَّهُ إِذَا جَاءَ اَلْأَجَلُ اِشْتَرَاهُ وَ أَوْفَاهُ قَالَ «إِذَا ضَمِنَهُ إِلَى أَجَلٍ مُسَمًّى فَلاَ بَأْسَ» قَالَ قُلْتُ أَ رَأَيْتَ إِنْ أَوْفَانِي بَعْضاً وَ أَخَّرَ بَعْضاً أَ يَجُوزُ ذَلِكَ قَالَ «نَعَمْ».

H.3951 - Al-Nadr narrated from Abdullah ibn Sinan who said:
I asked Abu Abdullah {a.s}: "Is it permissible to enter into a Salam contract for food with a man who does not currently possess the food or livestock, but promises to purchase it and deliver it when the due date arrives?"
Imam {a.s} replied: "If he guarantees it for a specified term, then there is no harm in it."
I then asked: "What if he delivers part of it and delays the rest? Is that permissible?"
Imam {a.s} said: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.264 • Tahdhib Al-Ahkam, Vol.7 p.41

HADITH

3952 - وَ- رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِ اَلسَّلاَمُ قَالَ سَأَلْتُهُ عَنِ اَلرَّهْنِ وَ اَلْكَفِيلِ فِي بَيْعِ اَلنَّسِيئَةِ قَالَ لَا بَأْسَ بِهِ.

H.3952 - Al-Ala narrated from Muhammad ibn Muslim who report from one of Imams {a.s}:
I asked Imam {a.s} about pledging collateral (Rahn) and having a guarantor (Kafil) in a deferred payment sale.
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.265

HADITH

3953 - وَ فِي رِوَايَةِ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِالسَّلَمِ فِي اَلْمَتَاعِ إِذَا وَصَفْتَ اَلطُّولَ وَ اَلْعَرْضَ وَ فِي اَلْحَيَوَانِ إِذَا وَصَفْتَ أَسْنَانَهُ».

H.3953 - In a narration from Zurarah who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"There is no harm in Salam (advance payment) for goods if you describe their length and width, and for animals if you describe their age."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.265 • Tahdhib Al-Ahkam, Vol.7 p.41 • Al-Wafi, Vol.18 p.568 • Wasa'il Al-Shi'ah, Vol.18 p.286

CHAPTER 75 – CHAPTER ON HOARDING AND PRICING

بَابُ الْحُكْرَةِ وَ الْأَسْعَارِ

HADITH 3954 – 3974

3954 - رُوِيَ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لَيْسَ اَلْحُكْرَةُ إِلاَّ فِي اَلْحِنْطَةِ وَ اَلشَّعِيرِ وَ اَلتَّمْرِ وَ اَلزَّبِيبِ وَ اَلسَّمْنِ وَ اَلزَّيْتِ ».

H.3954 - It is narrated from Ghiyath bin Ibrahim, who reported from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
"Hoarding (Ihtikar) applies only to wheat, barley, dates, raisins, ghee, and oil."

[REFERENCES] Al-Kafi, Vol.5 p.164 • Man La Yahduruhu Al-Faqih, Vol.3 p.265 • Tahdhib Al-Ahkam, Vol.7 p.159 • Al-Istibsar, Vol.3 p.114 • Awali Al-La'ali, Vol.3 p.207 • Wasa'il Al-Shi'ah, Vol.17 p.425

HADITH

3955 - وَ مَرَّ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِالْمُحْتَكِرِينَ فَأَمَرَ بِحُكْرَتِهِمْ أَنْ تُخْرَجَ إِلَى بُطُونِ اَلْأَسْوَاقِ وَ حَيْثُ يَنْظُرُ اَلنَّاسُ إِلَيْهَا فَقِيلَ لِرَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَوْ قَوَّمْتَ عَلَيْهِمْ فَغَضِبَ عَلَيْهِ اَلسَّلاَمُ حَتَّى عُرِفَ اَلْغَضَبُ فِي وَجْهِهِ وَ قَالَ «أَنَا أُقَوِّمُ عَلَيْهِمْ إِنَّمَا اَلسِّعْرُ إِلَى اَللَّهِ عَزَّ وَ جَلَّ يَرْفَعُهُ إِذَا شَاءَ وَ يَخْفِضُهُ إِذَا شَاءَ».

H.3955 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, once passed by some hoarders and commanded that their hoarded goods be brought out into the marketplaces where people could see them.
Someone then suggested to the Messenger of Allah {SWT}, peace and blessings be upon him and his family:
"Would you set a price for them?"
At this, the Prophet, peace and blessings be upon him and his family, became angry, and his anger was apparent on his face.
Prophet {saws} said: "Am I to set prices for them? Indeed, pricing is in the hands of Allah {SWT}, the Almighty and Majestic. He raises it when He wills and lowers it when He wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.265 • Tahdhib Al-Ahkam, Vol.7 p.161 • Al-Istibsar, Vol.3 p.114 • Al-Wafi, Vol.17 p.393 • Wasa'il Al-Shi'ah, Vol.17 p.430

HADITH

3956 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلْحُكْرَةِ فَقَالَ «إِنَّمَا اَلْحُكْرَةُ أَنْ تَشْتَرِيَ طَعَاماً وَ لَيْسَ فِي اَلْمِصْرِ غَيْرُهُ فَتَحْتَكِرَهُ فَإِنْ كَانَ فِي اَلْمِصْرِ طَعَامٌ أَوْ مَتَاعٌ غَيْرُهُ فَلاَ بَأْسَ أَنْ تَلْتَمِسَ بِسِلْعَتِكَ اَلْفَضْلَ».

H.3956 - Hammad narrated from Al-Halabi, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that Imam {a.s} was asked about hoarding (ḥukrah).
Imam {a.s} said: "Hoarding is when you purchase food, and there is no other food available in the town, and then you hoard it. However, if there is other food or goods available in the town, then there is no harm in seeking profit through your merchandise."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.266 • Al-Tawhid, V.1 p.389 • Wasa'il Al-Shi'ah, Vol.17 p.427

HADITH

3957 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ سَلَمَةَ اَلْحَنَّاطِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «مَا عَمَلُكَ» فَقُلْتُ حَنَّاطٌ وَ رُبَّمَا قَدِمْتُ عَلَى نَفَاقٍ وَ رُبَّمَا قَدِمْتُ عَلَى كَسَادٍ فَحَبَسْتُهُ قَالَ «فَمَا يَقُولُ مَنْ قِبَلَكُمْ فِيهِ» قُلْتُ يَقُولُونَ مُحْتَكِرٌ قَالَ «يَبِيعُهُ أَحَدٌ غَيْرُكَ» قُلْتُ مَا أَبِيعُ أَنَا مِنْ أَلْفِ جُزْءٍ جُزْءاً فَقَالَ «لاَ بَأْسَ إِنَّمَا كَانَ ذَلِكَ رَجُلٌ مِنْ قُرَيْشٍ يُقَالُ لَهُ حَكِيمُ بْنُ حِزَامٍ وَ كَانَ إِذَا دَخَلَ اَلطَّعَامُ اَلْمَدِينَةَ اِشْتَرَاهُ كُلَّهُ فَمَرَّ عَلَيْهِ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ لَهُ «يَا حَكِيمَ بْنَ حِزَامٍ إِيَّاكَ أَنْ تَحْتَكِرَ» ».

H.3957 - Safwan ibn Yahya narrated from Salamah al-Hannat, who said that Abu Abdullah {a.s}, asked: "What is your occupation?"
I replied: "I am a wheat seller, and sometimes I arrive during a time of demand, and sometimes I arrive during a time of stagnation, so I hold onto it."
Imam {a.s} asked: "What do the people around you say about this?"
I said: "They say I am a hoarder."
Imam {a.s} then asked: "Do others besides you sell it?"
I said: "I sell only a small portion compared to the whole market."
Imam {a.s} replied: "There is no harm in that. This issue arose with a man from Quraysh named Hakim ibn Hizam. Whenever food entered Medina, he would buy all of it.
The Prophet, peace be upon him and his family, passed by him and said: 'O Hakim ibn Hizam, beware of hoarding.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.266 • Tahdhib Al-Ahkam, Vol.7 p.160

HADITH

3958 - وَ رَوَى اَلنَّضْرُ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي تُجَّارٍ قَدِمُوا أَرْضاً وَ اِشْتَرَكُوا عَلَى أَنْ لاَ يَبِيعُوا بَيْعَهُمْ إِلاَّ بِمَا أَحَبُّوا قَالَ «لاَ بَأْسَ بِذَلِكَ».

H.3958 - Al-Nadr narrated from Abdullah ibn Sinan that Abu Abdullah {a.s}, said regarding merchants who arrived at a land and agreed among themselves not to sell their goods except at a price they desired: "There is no harm in that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.266 • Tahdhib Al-Ahkam, Vol.7 p.161 • Al-Wafi, Vol.17 p.398 • Wasa'il Al-Shi'ah, Vol.17 p.422

HADITH

3959 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ يَحْتَكِرُ اَلطَّعَامَ إِلاَّ خَاطِئٌ».

H.3959 - The Messenger of Allah {SWT}, peace be upon him and his family, said:
"No one hoards food except a sinner."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.266 • Tahdhib Al-Ahkam, Vol.7 p.159 • Al-Istibsar, Vol.3 p.114 • Awali Al-La'ali, Vol.3 p.207 • Al-Wafi, Vol.17 p.394 • Wasa'il Al-Shi'ah, Vol.17 p.426 • Wasa'il Al-Shi'ah, Vol.17 p.426

HADITH

3960 - وَ رُوِيَ عَنْ مُعَمَّرِ بْنِ خَلاَّدٍ قَالَ : سَأَلَ رَجُلٌ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ عَنْ حَبْسِ اَلطَّعَامِ سَنَةً قَالَ «أَنَا أَفْعَلُهُ».

يَعْنِي إِحْرَازَ الْقُوتِ.

H.3960 - It is narrated from Mu'ammar ibn Khallad that a man asked Imam Ali ibn Musa Ar-Ridha {a.s}, about storing food for a year.
Imam {a.s} replied: "I do it."

[AL SADUQ]
This refers to securing provisions for sustenance.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.266

HADITH

3961 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلْجَالِبُ مَرْزُوقٌ وَ اَلْمُحْتَكِرُ مَلْعُونٌ».

H.3961 - The Messenger of Allah {SWT}, peace be upon him and his family, said:
"The one who brings goods to the market is blessed with sustenance, and the hoarder is cursed."

[REFERENCES] Al-Kafi, Vol.5 p.165 • Man La Yahduruhu Al-Faqih, Vol.3 p.266 • Al-Tawhid, Vol.1 p.390 • Tahdhib Al-Ahkam, Vol.7 p.159 • Al-Istibsar, Vol.3 p.114 • Awali Al-La'ali, Vol.2 p.138 • Awali Al-La'ali, Vol.2 p.242 • Awali Al-La'ali, Vol.3 p.207 • Al-Wafi, Vol.17 p.392 • Wasa'il Al-Shi'ah, Vol.17 p.424

HADITH

3692 - وَ نَهَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْحُكْرَةِ فِي اَلْأَمْصَارِ».

H.3962 - Commander of the Faithful {a.s}, peace be upon him, forbade hoarding in the cities.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.267 • Al-Wafi, Vol.17 p.393 • Wasa'il Al-Shi'ah, Vol.17 p.426

HADITH

3963 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اَلْحُكْرَةُ فِي اَلْخِصْبِ أَرْبَعُونَ يَوْماً وَ فِي اَلشِّدَّةِ وَ اَلْبَلاَءِ ثَلاَثَةُ أَيَّامٍ فَمَا زَادَ عَلَى أَرْبَعِينَ يَوْماً فِي اَلْخِصْبِ فَصَاحِبُهُ مَلْعُونٌ وَ مَا زَادَ فِي اَلْعُسْرَةِ فَوْقَ ثَلاَثَةِ أَيَّامٍ فَصَاحِبُهُ مَلْعُونٌ ».

H.3963 - Al-Sakooni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon him, who said that Imam Ali ibn Abi Talib, stated:
"Hoarding during times of abundance is permitted for forty days, and during hardship and distress, for three days. Anything beyond forty days in times of abundance makes its owner accursed, and anything beyond three days in times of difficulty makes its owner accursed."

[REFERENCES] Al-Kafi, Vol.5 p.165 • Man La Yahduruhu Al-Faqih, Vol.3 p.267 • Tahdhib Al-Ahkam, Vol.7 p.159 • Al-Istibsar, Vol.3 p.114 • Al-Wafi, Vol.17 p.392 • Wasa'il Al-Shi'ah, Vol.17 p.423

HADITH

3964 - وَ رَوَى أَبُو إِسْحَاقَ عَنِ اَلْحَارِثِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ بَاعَ اَلطَّعَامَ نُزِعَتْ مِنْهُ اَلرَّحْمَةُ ».

H.3964 - Abu Ishaq narrated from Al-Harith, from Imam Ali ibn Abi Talib, who said:
"Whoever hoards food, mercy is removed from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.267 • Tahdhib Al-Ahkam, Vol.7 p.162 • Fiqh Al-Quran, Vol.2 p.54 • Al-Wafi, Vol.17 p.187 • Wasa'il Al-Shi'ah, Vol.17 p.138

HADITH

3965 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «كِيلُوا طَعَامَكُمْ فَإِنَّ اَلْبَرَكَةَ فِي اَلطَّعَامِ اَلْمَكِيلِ ».

H.3965 - The Messenger of Allah {SWT}, peace be upon him and his family, said:
"Measure your food, for indeed, the blessing is in the measured food."

[REFERENCES] Al-Kafi, Vol.5 p.167 • Man La Yahduruhu Al-Faqih, Vol.3 p.267 • Al-Ash'athiyat, Vol.1 p.160 • Al-Wafi, Vol.17 p.95 • Wasa'il Al-Shi'ah, Vol.17 p.440 • Mustadrak Al-Wasa'il, Vol.13 p.280

HADITH

3966 - وَ رُوِيَ عَنْ أَبِي حَمْزَةَ اَلثُّمَالِيِّ قَالَ : ذُكِرَ عِنْدَ عَلِيِّ بْنِ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ غَلاَءُ اَلسِّعْرِ فَقَالَ «وَ مَا عَلَيَّ مِنْ غَلاَئِهِ إِنْ غَلاَ فَهُوَ عَلَيْهِ وَ إِنْ رَخُصَ فَهُوَ عَلَيْهِ».

H.3966 - It is narrated from Abu Hamzah al-Thumali that he said:
Imam Ali ibn Al-Hussain {a.s} was informed about the rise in prices.
Imam {a.s} said: “What concern is it to me if prices rise? It is upon Him {SWT}, and if they fall, it is upon Him {SWT}."

[REFERENCES] Al-Kafi, Vol.5 p.81 • Man La Yahduruhu Al-Faqih, Vol.3 p.267 • Tahdhib Al-Ahkam, Vol.6 p.321 • Al-Wafi, Vol.17 p.397 • Wasa’il Al-Shi’ah, Vol.17 p.18 • Wasa’il Al-Shi’ah, Vol.17 p.57 • Wasa’il Al-Shi’ah, Vol.17 p.431 • Bihar Al-Anwar, Vol.46 p.55 • Awalim Al-Uloom, Vol.18 p.97 • Awalim Al-Uloom, Vol.18 p.142

HADITH

3967 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اِشْتَرُوا وَ إِنْ كَانَ غَالِياً فَإِنَّ اَلرِّزْقَ يَنْزِلُ مَعَ اَلشِّرَاءِ».

H.3967 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Buy, even if it is expensive, for indeed sustenance descends with purchasing."

[REFERENCES] Al-Kafi, Vol.5 p.150 • Man La Yahduruhu Al-Faqih, Vol.3 p.268 • Tahdhib Al-Ahkam, Vol.7 p.4 • Fiqh Al-Quran, Vol.2 p.57 • Al-Wafi, Vol.17 p.125

HADITH

3968 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ إِنِّي أَرٰاكُمْ بِخَيْرٍ ﴾ فَقَالَ «كَانَ سِعْرُهُمْ رَخِيصاً».

H.3968 - It is narrated that Imam {a.s}, peace be upon him, said regarding the saying of Allah {SWT}, the Mighty and Majestic: "*Indeed, I see you in prosperity*" (Surah Hud 11:84)
Imam {a.s} said: "Their prices were low."

[REFERENCES] Tafsir Al-’Ayyashi, Vol.2 p.159 • Al-Kafi, Vol.5 p.164 • Man La Yahduruhu Al-Faqih, Vol.3 p.268 • Al-Wafi, Vol.17 p.397 • Tafsir Al-Burhan, Vol.3 p.130 • Bihar Al-Anwar, Vol.12 p.387 • Tafsir Nur Al-Thaqalayn, Vol.2 p.390 • Tafsir Kanz Al-Daqaiq, Vol.6 p.222

HADITH

3969 - وَ قِيلَ لِلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَوْ سَعَّرْتَ لَنَا سِعْراً فَإِنَّ اَلْأَسْعَارَ تَزِيدُ وَ تَنْقُصُ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «مَا كُنْتُ لِأَلْقَى اَللَّهَ تَعَالَى بِبِدْعَةٍ لَمْ يُحَدِّثْ إِلَيَّ فِيهَا شَيْئاً فَدَعُوا عِبَادَ اَللَّهِ يَأْكُلُ بَعْضُهُمْ مِنْ بَعْضٍ وَ إِذَا اُسْتُنْصِحْتُمْ فَانْصَحُوا».

H.3969 - It was said to the Prophet, peace and blessings be upon him and his family: "Would you set a fixed price for us, for prices rise and fall?"
The Prophet {saws} replied:
"I would not meet Allah {SWT}, the Exalted, with an innovation about which He {SWT} has revealed nothing to me. So leave the servants of Allah {SWT} to benefit from one another. And if you are consulted for advice, then give sincere advice."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.268 • Al-Wafi, Vol.17 p.397 • Wasa'il Al-Shi'ah, Vol.17 p.431

HADITH

3970 - وَ رُوِيَ عَنْ أَبِي حَمْزَةَ اَلثُّمَالِيِّ عَنْ عَلِيِّ بْنِ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى وَكَّلَ بِالسِّعْرِ مَلَكاً يُدَبِّرُهُ بِأَمْرِهِ».

H.3970 - It is narrated by Abu Hamzah Al-Thumali, that Imam Al-Hussain {a.s}, who said: "Indeed, Allah {SWT}, the Blessed and Exalted, has appointed an angel to regulate prices by His command."

[REFERENCES] Al-Kafi, Vol.5 p.163 • Man La Yahduruhu Al-Faqih, Vol.3 p.268 • Wasa'il Al-Shi'ah, Vol.17 p.431 • Wasa'il Al-Shi'ah, Vol.17 p.432

HADITH

3971 - وَ رُوِيَ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «يَا أَبَا اَلصَّبَّاحِ شِرَاءُ اَلدَّقِيقِ ذُلٌّ وَ شِرَاءُ اَلْحِنْطَةِ عِزٌّ وَ شِرَاءُ اَلْخُبْزِ فَقْرٌ فَتَعَوَّذُوا بِاللَّهِ مِنَ اَلْفَقْرِ ».

H.3971 - It is narrated from Abu Al-Sabbah Al-Kinani that Abu Abdullah {a.s}, said: "O Abu Al-Sabbah! Buying flour is humiliation, buying wheat is honor, and buying bread is poverty. So seek refuge with Allah {SWT} from poverty."

[REFERENCES] Al-Kafi, Vol.5 p.167 • Man La Yahduruhu Al-Faqih, Vol.3 p.268 • Tahdhib Al-Ahkam, Vol.7 p.163 • Al-Wafi, Vol.17 p.92 • Wasa'il Al-Shi'ah, Vol.17 p.438

HADITH

3972 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : دَخَلَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلَى عَائِشَةَ وَ هِيَ تُحْصِي اَلْخُبْزَ فَقَالَ «يَا حُمَيْرَاءُ لاَ تُحْصِينَ فَيُحْصَى عَلَيْكِ».

H.3972 - It is reported that the Messenger of Allah {SWT}, peace and blessings be upon him and his family, entered upon Aisha while she was counting pieces of bread. Prophet {saws} said: "O Humaira, do not count, lest it be counted against you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.269 • Tahdhib Al-Ahkam, Vol.7 p.163 • Al-Wafi, Vol.19 p.272 • Wasa'il Al-Shi'ah, Vol.17 p.446

HADITH

3973 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تُمَانِعُوا قَرْضَ اَلْخَمِيرِ وَ اَلْخُبْزِ فَإِنَّ مَنْعَهُمَا يُورِثُ اَلْفَقْرَ».

H.3973 - Al-Sakooni reported from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon him, who said:
"Do not withhold lending leavened dough and bread, for withholding them causes poverty."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.269 • Al-Ash'athiyat, Vol.1 p.160 • Tahdhib Al-Ahkam, Vol.7 p.162 • Al-Wafi, Vol.10 p.468 • Wasa'il Al-Shi'ah, Vol.17 p.445 • Mustadrak Al-Wasa'il, Vol.12 p.435 • Mustadrak Al-Wasa'il, Vol.12 p.436 • Mustadrak Al-Wasa'il, Vol.13 p.282

HADITH

3974 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «عَلاَمَةُ رِضَا اَللَّهِ فِي خَلْقِهِ عَدْلُ سُلْطَانِهِمْ وَ رُخْصُ أَسْعَارِهِمْ وَ عَلاَمَةُ غَضَبِ اَللَّهِ عَلَى خَلْقِهِ جَوْرُ سُلْطَانِهِمْ وَ غَلاَءُ أَسْعَارِهِمْ».

H.3974 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said:
"The sign of Allah's {SWT} pleasure with His {SWT} creation is the justice of their ruler and the affordability of their prices, and the sign of Allah's {SWT} anger upon His {SWT} creation is the oppression of their ruler and the high cost of their prices."

[REFERENCES] Al-Usul Al-Sittah Ashar (T. Dar Al-Shibistri), Vol.1 p.2 • Al-Usul Al-Sittah Ashar (T. Dar Al-Shibistri), Vol.1 p.3 •Al-Usul Al-Sittah Ashar (T. Dar Al-Hadith), Vol.1 p.122 •Al-Usul Al-Sittah Ashar (T. Dar Al-Hadith), Vol.1 p.122 • Al-Kafi, Vol.5 p.162 • Man La Yahduruhu Al-Faqih, Vol.3 p.269 • Tuhaf Al-'Uqul, Vol.1 p.40 • Tahdhib Al-Ahkam, Vol.7 p.158 • Fiqh Al-Quran, Vol.2 p.52 • Al-Wafi, Vol.17 p.395

CHAPTER 76 – CHAPTER ON JUDGMENT IN THE DISPUTE BETWEEN BUYER AND SELLER

بَابُ الْحُكْمِ فِي اخْتِلَافِ الْمُتَبَايِعَيْنِ

HADITH 3975

3975 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَبِيعُ اَلشَّيْءَ فَيَقُولُ اَلْمُشْتَرِي هُوَ بِكَذَا وَ كَذَا بِأَقَلَّ مِمَّا قَالَ اَلْبَائِعُ قَالَ «اَلْقَوْلُ قَوْلُ اَلْبَائِعِ إِذَا كَانَ اَلشَّيْءُ قَائِماً بِعَيْنِهِ مَعَ يَمِينِهِ ».

H.3975 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said regarding a man who sells something and the buyer claims that it was sold for a lower price than what the seller stated:
"The statement of the seller is to be accepted if the item is still present in its original form, along with his oath."

[REFERENCES] Al-Kafi, Vol.5 p.174 • Man La Yahduruhu Al-Faqih, Vol.3 p.269 • Tahdhib Al-Ahkam, Vol.7 p.26 • Tahdhib Al-Ahkam, Vol.7 p.229 • Al-Wafi, Vol.17 p.523 • Wasa'il Al-Shi'ah, Vol.18 p.59

CHAPTER 77 – CHAPTER ON THE OBLIGATION TO RETURN THE SOLD ITEM DUE TO THE OPTION OF INSPECTION

بَابُ وُجُوبِ رَدِّ الْمَبِيعِ بِخِيَارِ الرُّؤْيَةِ

HADITH 3976 – 3978

3976 - رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى ضَيْعَةً وَ قَدْ كَانَ يَدْخُلُهَا وَ يَخْرُجُ مِنْهَا فَلَمَّا أَنْ نَقَدَ اَلْمَالَ صَارَ إِلَى اَلضَّيْعَةِ فَفَتَّشَهَا ثُمَّ رَجَعَ فَاسْتَقَالَ صَاحِبَهُ فَلَمْ يُقِلْهُ فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «لَوْ قَلَّبَهَا وَ نَظَرَ مِنْهَا إِلَى تِسْعٍ وَ تِسْعِينَ قِطْعَةً ثُمَّ بَقِيَ مِنْهَا قِطْعَةٌ لَمْ يَرَهَا لَكَانَ لَهُ فِي ذَلِكَ خِيَارُ اَلرُّؤْيَةِ».

H.3976 - Muhammad ibn Abi Umayr narrates from Jamil ibn Darraj, who said:
I asked Imam Jafar ibn Muhammad Al-Sadiq {a.s} about a man who purchased a property. He used to enter and leave it, but after paying the price and inspecting the property, he returned and requested the seller to annul the sale, but the seller refused.
Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said: "Even if he had examined and inspected ninety-nine parts of it, and one part remained unseen, he would still have the right of option (Khiyar al-Ru'yah) based on inspection."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.270 • Tahdhib Al-Ahkam, Vol.7 p.26 • Al-Wafi, Vol.17 p.519 • Wasa'il Al-Shi'ah, Vol.18 p.28

HADITH

3977 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ مُيَسِّرِ بْنِ عَبْدِ اَلْعَزِيزِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ اِشْتَرَى زِقَّ زَيْتٍ فَوَجَدَ فِيهِ دُرْدِيّاً فَقَالَ «إِنْ كَانَ مِمَّنْ يَعْلَمُ أَنَّ ذَلِكَ يَكُونُ فِي اَلزَّيْتِ لَمْ يَرُدَّهُ عَلَيْهِ وَ إِنْ لَمْ يَكُنْ يَعْلَمُ أَنَّ ذَلِكَ يَكُونُ فِي اَلزَّيْتِ رَدَّهُ عَلَيْهِ».

H.3977 - Muhammad ibn Abi Umayr narrates from Muyassir ibn Abdul Aziz, who said:
I asked Imam Jafar ibn Muhammad Al-Sadiq {a.s}, about a man who bought a container of oil and found sediment (dregs) in it.
Imam {a.s} said: "If the buyer was aware that such sediment is commonly found in oil, he cannot return it. However, if he was unaware that such sediment is usually present, he has the right to return it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.270

HADITH

3978 - وَ دَخَلَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ سُوقَ اَلتَّمَّارِينَ فَإِذَا اِمْرَأَةٌ تَبْكِي وَ هِيَ تُخَاصِمُ رَجُلاً تَمّاراً فَقَالَ لَهَا «مَا لَكِ» فَقَالَتْ يَا أَمِيرَ اَلْمُؤْمِنِينَ اِشْتَرَيْتُ مِنْ هَذَا تَمْراً بِدِرْهَمٍ فَخَرَجَ أَسْفَلُهُ رَدِيّاً وَ لَيْسَ مِثْلَ هَذَا اَلَّذِي رَأَيْتُ فَقَالَ لَهُ «رُدَّ عَلَيْهَا» فَأَبَى حَتَّى قَالَ لَهُ ثَلاَثَ مَرَّاتٍ فَأَبَى فَعَلاَهُ بِالدِّرَّةِ حَتَّى رَدَّ عَلَيْهَا وَ كَانَ عَلَيْهِ اَلسَّلاَمُ يَكْرَهُ أَنْ يُجَلِّلَ اَلتَّمْرُ.

H.3978 - Commander of the Faithful, peace be upon him, entered the market of the date sellers. There, He {a.s} saw a woman crying while disputing with a date seller.
Imam {a.s} said to her: "What is the matter?"
She replied: "O Commander of the Faithful, I bought dates from this man for one dirham, but the bottom of the container was filled with poor-quality dates, unlike what I had seen at the top."
Commander of the Faithful, peace be upon him, said to the seller: "Return her money."
The seller refused, and Imam Ali ibn Abi Talib {a.s} repeated the instruction three times, but the seller continued to refuse.
So, Imam Ali ibn Abi Talib {a.s} struck him with his staff until he returned the money to the woman.
Imam Ali ibn Abi Talib {a.s} used to dislike covering the dates to conceal their defects.

[REFERENCES] Al-Kafi, Vol.5 p.230 • Man La Yahduruhu Al-Faqih, Vol.3 p.270 • Al-Wafi, Vol.18 p.737 • Wasa'il Al-Shi'ah, Vol.18 p.110

CHAPTER 78 – CHAPTER ON ANNOUNCING THE SALE OF GOODS

بَابُ النِّدَاءِ عَلَى الْمَبِيعِ

HADITH 3979

3979 - رَوَى أُمَيَّةُ بْنُ عَمْرٍو عَنِ اَلشَّعِيرِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «إِذَا نَادَى اَلْمُنَادِي فَلَيْسَ لَكَ أَنْ تَزِيدَ فَإِذَا سَكَتَ فَلَكَ أَنْ تَزِيدَ وَ إِنَّمَا تَحْرُمُ اَلزِّيَادَةُ وَ اَلنِّدَاءُ يُسْمَعُ وَ يُحِلُّهَا اَلسُّكُوتُ ».

H.3979 - Umayyah ibn Amr narrated from Al-Sha'eeri, who narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that Commander of the Faithful, peace be upon him, said:
"When the caller (auctioneer) announces the price, it is not permissible for you to increase the bid. However, when the caller becomes silent, then you are allowed to increase the bid. Indeed, raising the bid is prohibited while the announcement is still being heard, but it becomes permissible when silence follows."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.271

CHAPTER 79 – CHAPTER ON SELLING IN THE SHADE

بَابُ الْبَيْعِ فِي الظِّلَالِ

HADITH 3980

3980 - رُوِيَ عَنْ هِشَامِ بْنِ اَلْحَكَمِ أَنَّهُ قَالَ : كُنْتُ أَبِيعُ اَلسَّابِرِيَّ فِي اَلظِّلاَلِ فَمَرَّ بِي أَبُو اَلْحَسَنِ اَلْأَوَّلُ عَلَيْهِ اَلسَّلاَمُ رَاكِباً فَقَالَ لِي «يَا هِشَامُ إِنَّ اَلْبَيْعَ فِي اَلظِّلاَلِ غِشٌّ وَ اَلْغِشُّ لاَ يَحِلُّ».

H.3980 - Hisham ibn Al-Hakam narrated:
"I used to sell Sabiri (a type of cloth) in the shade, and Abu Al-Hasan the First {a.s} passed by me while riding.
Imam {a.s} said to me: 'O Hisham, selling in the shade is deceit, and deceit is not permissible.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.271 • Wasa'il Al-Shi'ah, Vol.17 p.466

CHAPTER 80 – CHAPTER ON SELLING MILK MIXED WITH WATER

بَابُ بَيْعِ اللَّبَنِ الْمَشَابِ بِالْمَاءِ

HADITH 3981

3981 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «نَهَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَنْ يُشَابَ اَللَّبَنُ بِالْمَاءِ لِلْبَيْعِ».

H.3981 - Isma'il ibn Muslim narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"The Messenger of Allah {SWT} (peace and blessings be upon him and his family) forbade mixing milk with water for sale."

[REFERENCES] Al-Kafi, Vol.5 p.160 • Man La Yahduruhu Al-Faqih, Vol.3 p.272 • Tahdhib Al-Ahkam, Vol.7 p.12 • Tahdhib Al-Ahkam, Vol.7 p.13 • Al-Wafi, Vol.17 p.467

CHAPTER 81 – CHAPTER ON DEFRAUDING THE UNAWARE BUYER

باب غَبْنُ الْمُسْتَرْسِلِ

HADITH 3982 – 3984

3982 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «غَبْنُ اَلْمُسْتَرْسِلِ سُحْتٌ وَ غَبْنُ اَلْمُؤْمِنِ حَرَامٌ».

H.3982 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Defrauding the one who entrusts you is unlawful gain, and defrauding a believer is forbidden."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.272 • Wasa'il Al-Shi'ah, Vol.17 p.396

HADITH

3983 - وَ فِي رِوَايَةِ عَمْرِو بْنِ جُمَيْعٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «غَبْنُ اَلْمُسْتَرْسِلِ رِبًا ».

H.3983 - In a narration from Amr ibn Jameei, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said:
"Defrauding the one who entrusts you is usury."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.272 • Al-Wafi, Vol.17 p.456 • Wasa'il Al-Shi'ah, Vol.17 p.396 • Bihar Al-Anwar, Vol.100 p.104 • Mustadrak Al-Wasa'il, Vol.13 p.255 • Mustadrak Al-Wasa'il, Vol.13 p.307

HADITH

3984 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِذَا قَالَ اَلرَّجُلُ لِلرَّجُلِ هَلُمَّ أَحْسِنْ بَيْعَكَ فَقَدْ حَرُمَ عَلَيْهِ اَلرِّبْحُ ».

H.3984 - Imam {a.s} said: "If a man says to another man, 'Come, I will improve your sale,' then it is forbidden for him to make a profit."

[REFERENCES] Al-Kafi, Vol.5 p.152 • Man La Yahduruhu Al-Faqih, Vol.3 p.272 • Tahdhib Al-Ahkam, Vol.7 p.7 • Al-Wafi, Vol.17 p.457 • Wasa'il Al-Shi'ah, Vol.17 p.395 • Bihar Al-Anwar, Vol.100 p.136

CHAPTER 82 – CHAPTER ON KINDNESS AND AVOIDING DECEPTION IN SALES

بَابُ الْإِحْسَانِ وَ تَرْكِ الْغِشِّ فِي الْبَيْعِ

HADITH 3985 – 3987

3985 - قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ، لِزَيْنَبَ اَلْعَطَّارَةِ اَلْحَوْلاَءِ «إِذَا بِعْتِ فَأَحْسِنِي وَ لاَ تَغُشِّي فَإِنَّهُ أَنْقَى وَ أَبْقَى لِلْمَالِ ».

H.3985 - The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) said to Zaynab, the perfume seller, known as Al-Hawla': "When you sell, do so with excellence and do not deceive, for it is purer and more enduring for wealth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.272 • Al-Wafi, Vol.17 p.469

HADITH

3986 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لَيْسَ مِنَّا مَنْ غَشَّ مُسْلِماً ».

H.3986 - Imam {a.s} said: "He who deceives a Muslim is not from us."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.273 • Al-Wafi, Vol.17 p.469

HADITH

3987 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «مَنْ غَشَّ اَلْمُسْلِمِينَ حُشِرَ مَعَ اَلْيَهُودِ يَوْمَ اَلْقِيَامَةِ لِأَنَّهُمْ أَغَشُّ اَلنَّاسِ لِلْمُسْلِمِينَ».

H.3987 - Imam {a.s} said: "Whoever deceives the Muslims will be resurrected with the Jews on the Day of Judgment, because they are the most deceitful people towards the Muslims."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.273 • Al-Wafi, Vol.17 p.470

CHAPTER 83 – CHAPTER ON INTERCEPTING TRADE GOODS

بَابُ التَّلَقِّي

HADITH 3988 – 3990

3988 - قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ يَتَلَقَّى أَحَدُكُمْ طَعَاماً خَارِجاً مِنَ اَلْمِصْرِ وَ لاَ يَبِيعُ حَاضِرٌ لِبَادٍ ذَرُوا اَلْمُسْلِمِينَ يَرْزُقِ اَللَّهُ بَعْضَهُمْ مِنْ بَعْضٍ ».

H.3988 - The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) said: "None of you should intercept food outside the city, and no resident should sell on behalf of a visitor. Leave the Muslims so that Allah {SWT} may provide for some of them through others."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.273

HADITH

3989 - وَ رُوِيَ عَنْ مِنْهَالٍ اَلْقَصَّابِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ تَلَقِّي اَلْغَنَمِ فَقَالَ «لاَ تَلَقَّ وَ لاَ تَشْتَرِ مَا تُلُقِّيَ وَ لاَ تَأْكُلْ مِنْ لَحْمِ مَا تُلُقِّيَ».

H.3989 - It is narrated from Minhal al-Qassab who said: I asked Abu Abdullah {a.s} about intercepting sheep.
Imam {a.s} said: "Do not intercept, do not buy what has been intercepted, and do not eat the meat of what has been intercepted."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.273 • Al-Wafi, Vol.17 p.400 • Wasa'il Al-Shi'ah, Vol.17 p.443

HADITH

3990 - وَ رُوِيَ : «أَنَّ حَدَّ اَلتَّلَقِّي رَوْحَةٌ فَإِذَا صَارَ إِلَى أَرْبَعِ فَرَاسِخَ فَهُوَ جَلْبٌ ».

H.3990 - It is narrated: "The limit for intercepting is the distance of a short journey, but if it reaches four farsakhs, then it is considered transportation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.274 • Wasa'il Al-Shi'ah, Vol.17 p.444

CHAPTER 84 – CHAPTER ON USURY (RIBA)

بَابُ الرِّبَا

HADITH 3991 – 4031

3991 - رَوَى اَلْحُسَيْنُ بْنُ اَلْمُخْتَارِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «دِرْهَمٌ رِبًا أَشَدُّ عِنْدَ اَللَّهِ عَزَّ وَ جَلَّ مِنْ ثَلاَثِينَ زَنْيَةً كُلُّهَا بِذَاتِ مَحْرَمٍ مِثْلِ اَلْخَالَةِ وَ اَلْعَمَّةِ».

H.3991 - Al-Husayn ibn al-Mukhtar narrated from Abu Basir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "One dirham of usury is more severe in the sight of Allah {SWT}, the Almighty and Majestic, than thirty acts of fornication, all of which are committed with forbidden relatives, such as a maternal aunt or a paternal aunt."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.274

HADITH

3992 - وَ فِي رِوَايَةِ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «دِرْهَمٌ رِبًا أَشَدُّ عِنْدَ اَللَّهِ مِنْ سَبْعِينَ زَنْيَةً كُلُّهَا بِذَاتِ مَحْرَمٍ ».

H.3992 - In a narration from Hisham ibn Salim, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said:
"One dirham of usury is more severe in the sight of Allah {SWT} than seventy acts of fornication, all of which are committed with forbidden relatives."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.274

HADITH

3993 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «آكِلُ اَلرِّبَا وَ مُؤْكِلُهُ وَ كَاتِبُهُ وَ شَاهِدَاهُ فِي اَلْوِزْرِ سَوَاءٌ».

H.3993 - The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) said:
"The one who consumes usury, the one who gives it, its recorder, and its two witnesses are equal in sin."

[REFERENCES] Al-Kafi, Vol.5 p.144 • Man La Yahduruhu Al-Faqih, Vol.3 p.274 • Al-Wafi, Vol.17 p.376 • Wasa'il Al-Shi'ah, Vol.18 p.126

HADITH

3994 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «لَعَنَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلرِّبَا وَ آكِلَهُ وَ مُؤْكِلَهُ وَ بَائِعَهُ وَ مُشْتَرِيَهُ وَ كَاتِبَهُ وَ شَاهِدَيْهِ».

H.3994 - Imam Ali ibn Abi Talib {a.s} said: "The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) cursed usury, its consumer, its giver, its seller, its buyer, its recorder, and its two witnesses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.274 • Tahdhib Al-Ahkam, Vol.7 p.15 • Al-Wafi, Vol.17 p.381 • Tafsir Al-Safi, Vol.1 p.304 • Wasa'il Al-Shi'ah, Vol.18 p.127 • Mustadrak Al-Wasa'il, Vol.13 p.336

HADITH

3995 - وَ رَوَى إِبْرَاهِيمُ بْنُ عُمَرَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ:

﴿ وَ مٰا آتَيْتُمْ مِنْ رِباً لِيَرْبُوَا فِي أَمْوٰالِ اَلنّٰاسِ فَلاٰ يَرْبُوا عِنْدَ اَللّٰهِ ﴾

قَالَ «هُوَ هَدِيَّتُكَ إِلَى اَلرَّجُلِ تَطْلُبُ مِنْهُ اَلثَّوَابَ أَفْضَلَ مِنْهَا فَذَلِكَ رِبًا يُؤْكَلُ».

H.3995 - Ibrahim ibn Umar narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding the saying of Allah {SWT}, the Almighty and Majestic: "*And whatever you give as usury so that it may increase in the wealth of people, it does not increase with Allah {SWT}*" (Surah Ar-Rum 30:39)
Imam {a.s} said: "It is your gift to a man through which you seek a better return than it, and that is consumed as usury."

[REFERENCES] Da'a'im Al-Islam, Vol.2 p.327 • Man La Yahduruhu Al-Faqih, Vol.3 p.275 • Tahdhib Al-Ahkam, Vol.7 p.15 • Al-Wafi, Vol.17 p.383 • Wasa'il Al-Shi'ah, Vol.18 p.126 • Tafsir Al-Burhan, Vol.4 p.349 • Tafsir Nur Al-Thaqalayn, Vol.4 p.189 • Mustadrak Al-Wasa'il, Vol.13 p.335

HADITH

3996 - وَ رَوَى عُبَيْدُ بْنُ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَكُونُ اَلرِّبَا إِلاَّ فِيمَا يُكَالُ أَوْ يُوزَنُ ».

H.3996 - Ubayd ibn Zurarah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: "Usury only applies to what is measured or weighed."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.152 • Al-Kafi, Vol.5 p.146 • Man La Yahduruhu Al-Faqih, Vol.3 p.275 • Tahdhib Al-Ahkam, Vol.7 p.17 • Tahdhib Al-Ahkam, Vol.7 p.19 • Tahdhib Al-Ahkam, Vol.7 p.94 • Tahdhib Al-Ahkam, Vol.7 p.118 • Al-Istibsar, Vol.3 p.101 • Al-Wafi, Vol.18 p.589 • Wasa'il Al-Shi'ah, Vol.18 p.132

HADITH

3997 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «كُلُّ رِبًا أَكَلَهُ اَلنَّاسُ بِجَهَالَةٍ ثُمَّ تَابُوا فَإِنَّهُ يُقْبَلُ مِنْهُمْ إِذَا عُرِفَتْ مِنْهُمُ اَلتَّوْبَةُ » وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «لَوْ أَنَّ رَجُلاً وَرِثَ مِنْ أَبِيهِ مَالاً وَ قَدْ عَلِمَ أَنَّ فِي ذَلِكَ اَلْمَالِ رِبًا وَ لَكِنْ قَدِ اِخْتَلَطَ فِي اَلتِّجَارَةِ بِغَيْرِهِ فَإِنَّهُ لَهُ حَلاَلٌ طَيِّبٌ فَلْيَأْكُلْهُ وَ إِنْ عَرَفَ مِنْهُ شَيْئاً مَعْزُولاً أَنَّهُ رِبًا فَلْيَأْخُذْ رَأْسَ مَالِهِ وَ لْيَرُدَّ اَلرِّبَا ».

H.3997 - Imam {a.s} said: "Any usury that people consumed out of ignorance, and then they repented, it will be accepted from them once their repentance is recognized."
And Imam {a.s} said: "If a man inherits wealth from his father and knows that there is usury in that wealth, but it has been mixed with other lawful trade, then it is permissible and pure for him to consume it. However, if he identifies a specific portion as usury, he should take his principal amount and return the usury."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.275 • Tahdhib Al-Ahkam, Vol.7 p.16 • Tafsir Al-Burhan, Vol.1 p.557

HADITH

3998 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «أَيُّمَا رَجُلٍ أَدَارَ مَالاً كَثِيراً قَدْ أَكْثَرَ فِيهِ مِنَ اَلرِّبَا فَجَهِلَ ذَلِكَ ثُمَّ عَرَفَهُ بَعْدُ فَأَرَادَ أَنْ يَنْزِعَ ذَلِكَ مِنْهُ فَمَا مَضَى فَلَهُ وَ يَدَعُهُ فِيمَا يَسْتَأْنِفُ ».

H.3998 - Imam {a.s} said:
"If any man manages a large amount of wealth and has excessively engaged in usury unknowingly, then later becomes aware of it and wishes to remove it, what has already passed is permissible for him, but he must refrain from it in the future."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.276

HADITH

3999 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «أَتَى رَجُلٌ إِلَى أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ فَقَالَ إِنِّي وَرِثْتُ مَالاً وَ قَدْ عَلِمْتُ أَنَّ صَاحِبَهُ اَلَّذِي وَرِثْتُهُ مِنْهُ قَدْ كَانَ يُرْبِي وَ قَدْ أَعْرِفُ أَنَّ فِيهِ رِبًا وَ أَسْتَيْقِنُ ذَلِكَ وَ لَيْسَ يَطِيبُ لِي حَلاَلُهُ لِحَالِ عِلْمِي فِيهِ وَ قَدْ سَأَلْتُ فُقَهَاءَ أَهْلِ اَلْعِرَاقِ وَ أَهْلِ اَلْحِجَازِ فَقَالُوا لاَ يَحِلُّ لَكَ أَكْلُهُ مِنْ أَجْلِ مَا فِيهِ فَقَالَ لَهُ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «إِنْ كُنْتَ تَعْلَمُ أَنَّ فِيهِ مَالاً مَعْرُوفاً رِبًا وَ تَعْرِفُ أَهْلَهُ فَخُذْ رَأْسَ مَالِكَ وَ رُدَّ مَا سِوَى ذَلِكَ وَ إِنْ كَانَ مُخْتَلِطاً فَكُلْهُ هَنِيئاً مَرِيئاً فَإِنَّ اَلْمَالَ مَالُكَ وَ اِجْتَنِبْ مَا كَانَ يَصْنَعُ صَاحِبُهُ فَإِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَدْ وَضَعَ مَا مَضَى مِنَ اَلرِّبَا وَ حَرَّمَ مَا بَقِيَ فَمَنْ جَهِلَهُ وَسِعَهُ جَهْلُهُ حَتَّى يَعْرِفَهُ فَإِذَا عَرَفَ تَحْرِيمَهُ حَرُمَ عَلَيْهِ وَ وَجَبَ عَلَيْهِ فِيهِ اَلْعُقُوبَةُ إِذَا رَكِبَهُ كَمَا يَجِبُ عَلَى مَنْ يَأْكُلُ اَلرِّبَا» ».

H.3999 - Imam {a.s} said: “A man came to Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} and said: "I have inherited wealth, and I know that the one from whom I inherited it used to engage in usury. I am certain that there is usury in it, and this knowledge makes even the lawful portion unpleasant for me. I have asked the jurists of Iraq and Hijaz, and they said it is not permissible for me to consume it because of what it contains."
Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} said to him:
"If you know that there is a specific portion of it that is usury and you know its rightful owners, then take your principal amount and return what is beyond that. But if it is mixed, then consume it with ease and satisfaction, for the wealth is yours. Avoid what its previous owner used to do. Indeed, the Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) forgave what has passed of usury and prohibited what remains.
So whoever was ignorant of it, his ignorance is excused until he becomes aware of it. Once he knows it is prohibited, it becomes forbidden for him, and punishment becomes obligatory upon him if he engages in it, just as it is obligatory upon one who consumes usury."

[REFERENCES] Al-Kafi, Vol.5 p.145 • Man La Yahduruhu Al-Faqih, Vol.3 p.276 • Tahdhib Al-Ahkam, Vol.7 p.16 • Al-Wafi, Vol.17 p.378 • Wasa’il Al-Shi’ah, Vol.18 p.129 • Tafsir Al-Burhan, Vol.1 p.557

HADITH

4000 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لَيْسَ بَيْنَنَا وَ بَيْنَ أَهْلِ حَرْبِنَا رِبًا نَأْخُذُ مِنْهُمْ وَ لاَ نُعْطِيهِمْ».

H.4000 - The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) said: "There is no usury between us and the people with whom we are at war; we take from them, but we do not give to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.277

HADITH

4001 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لَيْسَ بَيْنَ اَلرَّجُلِ وَ بَيْنَ وَلَدِهِ رِبًا وَ لَيْسَ بَيْنَ اَلسَّيِّدِ وَ بَيْنَ عَبْدِهِ رِبًا ».

H.4001 - Imam {a.s} said: "There is no usury between a man and his child, and there is no usury between a master and his servant."

[REFERENCES] Al-Kafi, Vol.5 p.147 • Man La Yahduruhu Al-Faqih, Vol.3 p.277 • Tahdhib Al-Ahkam, Vol.7 p.18 • Awali Al-La’ali, Vol.1 p.309 • Al-Wafi, Vol.17 p.385 • Wasa’il Al-Shi’ah, Vol.18 p.135

HADITH

4002 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لَيْسَ بَيْنَ اَلْمُسْلِمِ وَ بَيْنَ اَلذِّمِّيِّ رِبًا وَ لاَ بَيْنَ اَلْمَرْأَةِ وَ بَيْنَ زَوْجِهَا رِبًا.

H.4002 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"There is no usury between a Muslim and a Dhimmi, nor between a woman and her husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.278 • Awali Al-La’ali, Vol.1 p.309 • Awali Al-La’ali, Vol.3 p.222 • Al-Wafi, Vol.17 p.387 • Wasa’il Al-Shi’ah, Vol.18 p.136

HADITH

4003 - وَ رُوِيَ عَنْ عُمَرَ بْنِ يَزِيدَ بَيَّاعِ اَلسَّابِرِيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ إِنَّ اَلنَّاسَ يَزْعُمُونَ أَنَّ اَلرِّبْحَ عَلَى اَلْمُضْطَرِّ حَرَامٌ وَ هُوَ مِنَ اَلرِّبَا فَقَالَ «وَ هَلْ رَأَيْتَ أَحَداً اِشْتَرَى غَنِيّاً أَوْ فَقِيراً إِلاَّ مِنْ ضَرُورَةٍ يَا عُمَرُ قَدْ «أَحَلَّ اَللَّهُ اَلْبَيْعَ وَ حَرَّمَ اَلرِّبٰا» فَارْبَحْ وَ لاَ تُرْبِهِ » قُلْتُ وَ مَا اَلرِّبَا قَالَ «دَرَاهِمُ بِدَرَاهِمَ مِثْلاَنِ بِمِثْلٍ».

H.4003 - It is narrated from Umar ibn Yazid, the seller of Sabiri, who said: I said to Abu Abdullah {a.s}: "May I be your ransom! People claim that making a profit from someone in distress is forbidden and is considered usury."
Imam {a.s} said: "Have you ever seen anyone, whether rich or poor, buy something except out of necessity, O Umar? Indeed, 'Allah {SWT} has permitted trade and forbidden usury.' So make a profit, but do not commit usury."
I said: "What is usury?"
Imam {a.s} said: "It is exchanging dirhams for dirhams of equal amount."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.278 • Tahdhib Al-Ahkam, Vol.7 p.18 • Al-Istibsar, Vol.3 p.72 • Al-Wafi, Vol.17 p.459 • Wasa'il Al-Shi'ah, Vol.17 p.447 • Tafsir Al-Burhan, Vol.1 p.553

HADITH

4004 - وَ رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَرِهَ بَيْعَ اَللَّحْمِ بِالْحَيَوَانِ».

H.4004 - Ghiyath ibn Ibrahim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam Ali ibn Abi Talib {a.s} disliked the sale of meat in exchange for live animals.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.278 • Wasa'il Al-Shi'ah, Vol.18 p.143

HADITH

4005 - وَ سَأَلَ رَجُلٌ اَلصَّادِقَ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ:﴿ يَمْحَقُ اَللَّهُ اَلرِّبٰا وَ يُرْبِي اَلصَّدَقٰاتِ ﴾ وَ قَدْ أَرَى مَنْ يَأْكُلُ اَلرِّبَا يَرْبُو مَالُهُ فَقَالَ «فَأَيُّ مَحْقٍ أَمْحَقُ مِنْ دِرْهَمٍ رِبًا يَمْحَقُ اَلدِّينَ فَإِنْ تَابَ مِنْهُ ذَهَبَ مَالُهُ وَ اِفْتَقَرَ».

H.4005 - A man asked Imam Jafar ibn Muhammad Al-Sadiq {a.s} about the saying of Allah {SWT}, the Almighty and Majestic:
"*Allah {SWT} destroys usury and gives increase for charities*." (Surah Al-Baqarah 2:276).
He asked: "Yet I see those who consume usury, and their wealth increases."
Imam {a.s} replied: "Is there any destruction greater than a dirham of usury that destroys one's religion? If he repents from it, his wealth will vanish, and he will become poor."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.279 • Tafsir Nur Al-Thaqalayn, Vol.1 p.293 • Tafsir Kanz Al-Daqaiq, Vol.2 p.456

HADITH

4006 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ اَلْحَلَبِيِّ وَ حَمَّادِ بْنِ عُثْمَانَ عَنْ عُبَيْدِ اَللَّهِ بْنِ عَلِيٍّ اَلْحَلَبِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «مَا كَانَ مِنْ طَعَامٍ مُخْتَلِفٍ أَوْ مَتَاعٍ أَوْ شَيْءٍ مِنَ اَلْأَشْيَاءِ يَتَفَاضَلُ فَلاَ بَأْسَ بِبَيْعِهِ مِثْلَيْنِ بِمِثْلٍ يَداً بِيَدٍ فَأَمَّا نَظِرَةً فَإِنَّهُ لاَ يَصْلُحُ ».

H.4006 - Aban narrated from Muhammad ibn Ali al-Halabi and Hammad ibn Uthman, from Ubaydullah ibn Ali al-Halabi, who said:
I heard Abu Abdullah {a.s} say:
"There is no harm in selling different types of food, goods, or items that vary in value, two for one, if it is done hand-to-hand. However, if it is done on credit, then it is not permissible."

[REFERENCES] Al-Kafi, Vol.5 p.191 • Man La Yahduruhu Al-Faqih, Vol.3 p.279 • Tahdhib Al-Ahkam, Vol.7 p.93 • Tahdhib Al-Ahkam, Vol.7 p.93 • Awali Al-La'ali, Vol.3 p.220 • Al-Wafi, Vol.18 p.592 • Wasa'il Al-Shi'ah, Vol.18 p.145 • Wasa'il Al-Shi'ah, Vol.18 p.157 • Al-Fusul Al-Muhimmah, Vol.2 p.254

HADITH

4007 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلْبَعِيرُ بِالْبَعِيرَيْنِ وَ اَلدَّابَّةُ بِالدَّابَّتَيْنِ يَداً بِيَدٍ لَيْسَ بِهِ بَأْسٌ» وَ قَالَ «لاَ بَأْسَ بِالثَّوْبِ بِالثَّوْبَيْنِ يَداً بِيَدٍ وَ نَسِيئَةً إِذَا وَصَفْتَهُمَا ».

H.4007 - Jamil ibn Darraj narrated from Zurarah, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: "There is no harm in exchanging a camel for two camels or an animal for two animals, as long as it is done hand-to-hand."
And Imam {a.s} said: "There is no harm in exchanging one garment for two garments, whether hand-to-hand or on credit, if you describe them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.279 • Al-Wafi, Vol.18 p.590 • Wasa'il Al-Shi'ah, Vol.18 p.155

HADITH

4008 - وَ سَأَلَ سَمَاعَةُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ بَيْعِ اَلْحَيَوَانِ اِثْنَيْنِ بِوَاحِدٍ - فَقَالَ «إِذَا سَمَّيْتَ اَلسِّنَّ فَلاَ بَأْسَ».

H.4008 - Sama'ah asked Abu Abdullah {a.s} about selling two animals for one.
Imam {a.s} said: "If you specify their age, then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.279

HADITH

4009 - وَ سَأَلَ عَبْدُ اَلرَّحْمَنِ بْنُ أَبِي عَبْدِ اَللَّهِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْعَبْدِ بِالْعَبْدَيْنِ وَ اَلْعَبْدِ بِالْعَبْدِ وَ اَلدَّرَاهِمِ فَقَالَ «لاَ بَأْسَ بِالْحَيَوَانِ كُلِّهَا يَداً بِيَدٍ».

H.4009 - Abd al-Rahman ibn Abi Abdullah asked Abu Abdullah {a.s} about exchanging one slave for two slaves, or one slave for another slave along with dirhams.
Imam {a.s} said: "There is no harm in exchanging all types of animals hand-to-hand."

[REFERENCES] Al-Kafi, Vol.5 p.191 • Man La Yahduruhu Al-Faqih, Vol.3 p.280 • Tahdhib Al-Ahkam, Vol.7 p.118 • Al-Istibsar, Vol.3 p.100 • Al-Wafi, Vol.18 p.591 • Wasa'il Al-Shi'ah, Vol.18 p.156

HADITH

4010 - وَ سَأَلَهُ سَعِيدُ بْنُ يَسَارٍ : عَنِ اَلْبَعِيرِ بِالْبَعِيرَيْنِ يَداً بِيَدٍ وَ نَسِيئَةً فَقَالَ «نَعَمْ لاَ بَأْسَ إِذَا سُمِّيَتِ اَلْأَسْنَانُ جَذَعَانَ أَوْ ثَنِيَّانَ، ثُمَّ أَمَرَنِي فَخَطَطْتُ عَلَى اَلنَّسِيئَةِ لِأَنَّ اَلنَّاسَ يَقُولُونَ لاَ وَ إِنَّمَا فَعَلَ ذَلِكَ لِلتَّقِيَّةِ».

H.4010 - Sa'id ibn Yasar asked him about exchanging one camel for two camels, whether hand-to-hand or on credit.
Imam {a.s} said: "Yes, there is no harm if their ages are specified, whether they are young or mature."
Then Imam {a.s} instructed me to strike out the mention of credit because people say it is not allowed, and Imam {a.s} only did that as a precaution (taqiyyah).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.280

HADITH

4011 - وَ رَوَى أَبَانٌ عَنْ سَلَمَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَلَيْهِمَا اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَسَا اَلنَّاسَ بِالْعِرَاقِ فَكَانَ فِي اَلْكِسْوَةِ حُلَّةٌ جَيِّدَةٌ فَسَأَلَهُ إِيَّاهَا اَلْحُسَيْنُ عَلَيْهِ اَلسَّلاَمُ فَأَبَى فَقَالَ اَلْحُسَيْنُ عَلَيْهِ اَلسَّلاَمُ «أَنَا أُعْطِيكَ مَكَانَهَا حُلَّتَيْنِ» فَأَبَى فَلَمْ يَزَلْ يُعْطِيهِ حَتَّى بَلَغَ خَمْساً فَأَخَذَهَا مِنْهُ ثُمَّ أَعْطَاهُ اَلْحُلَّةَ وَ جَعَلَ اَلْحُلَلَ فِي حَجْرِهِ فَقَالَ «لآخُذَنَّ خَمْسَةً بِوَاحِدَةٍ» ».

H.4011 - Aban narrated from Salamah, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} that:
Imam Ali ibn Abi Talib {a.s} distributed clothing among the people in Iraq, and among the garments was a fine robe. Imam Hussain ibn Ali {a.s} asked him for it, but Imam Ali ibn Abi Talib {a.s} refused.
Imam Hussain ibn Ali {a.s} then said: "I will give you two robes in exchange for it."
Imam Ali ibn Abi Talib {a.s} refused.
Imam Hussain ibn Ali {a.s} continued offering until he reached five robes. Imam Ali ibn Abi Talib {a.s} then took the robes from him, gave him the fine robe, and placed the robes in his lap, saying: "I will take five in exchange for one."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.280 • Tahdhib Al-Ahkam, Vol.7 p.119 • Al-Wafi, Vol.18 p.596 • Wasa'il Al-Shi'ah, Vol.18 p.154

HADITH

4012 - وَ رَوَى جَمِيلٌ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلدَّقِيقُ بِالْحِنْطَةِ وَ اَلسَّوِيقُ بِالدَّقِيقِ مِثْلاً بِمِثْلٍ لاَ بَأْسَ بِهِ ».

H.4012 - Jamil narrated from Zurarah, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: "Flour in exchange for wheat, and parched flour in exchange for regular flour, if it is equal in measure, there is no harm in it."

[REFERENCES] Al-Kafi, Vol.5 p.189 • Da'a'im Al-Islam, Vol.2 p.42 • Man La Yahduruhu Al-Faqih, Vol.3 p.280 • Tahdhib Al-Ahkam, Vol.7 p.94 • Al-Wafi, Vol.18 p.580 • Al-Wafi, Vol.18 p.580 • Wasa'il Al-Shi'ah, Vol.18 p.141 • Wasa'il Al-Shi'ah, Vol.18 p.142 • Mustadrak Al-Wasa'il, Vol.13 p.340

HADITH

4013 - وَ رَوَى أَبُو بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلْحِنْطَةُ وَ اَلشَّعِيرُ رَأْساً بِرَأْسٍ لاَ يُزَادُ وَاحِدٌ مِنْهُمَا عَلَى اَلْآخَرِ».

H.4013 - Abu Basir narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "Wheat and barley should be exchanged one for one, and neither of them should exceed the other."

[REFERENCES] Al-Kafi, Vol.5 p.187 • Man La Yahduruhu Al-Faqih, Vol.3 p.281 • Tahdhib Al-Ahkam, Vol.7 p.95 • Al-Wafi, Vol.18 p.577 • Wasa'il Al-Shi'ah, Vol.18 p.138

HADITH

4014 - وَ سَأَلَهُ سَمَاعَةُ : عَنِ اَلطَّعَامِ وَ اَلتَّمْرِ وَ اَلزَّبِيبِ فَقَالَ «لاَ يَصْلُحُ شَيْءٌ مِنْهُ اِثْنَانِ بِوَاحِدٍ إِلاَّ أَنْ تَصْرِفَهُ مِنْ نَوْعٍ إِلَى نَوْعٍ آخَرَ فَإِذَا صَرَفْتَهُ فَلاَ بَأْسَ بِهِ اِثْنَانِ بِوَاحِدٍ وَ أَكْثَرَ مِنْ ذَلِكَ».

H.4014 - Sama'ah asked him about food, dates, and raisins.
Imam {a.s} said: "It is not permissible to exchange two for one of any of these, except if you change it from one type to another. When you change it, then there is no harm in exchanging two for one or even more than that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.281 • Tahdhib Al-Ahkam, Vol.7 p.95 • Al-Wafi, Vol.18 p.584 • Wasa'il Al-Shi'ah, Vol.18 p.146

HADITH

4015 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «يَكْرَهُ وَسْقاً مِنْ تَمْرِ اَلْمَدِينَةِ بِوَسْقَيْنِ مِنْ تَمْرِ خَيْبَرَ لِأَنَّ تَمْرَ اَلْمَدِينَةِ أَجْوَدُهُمَا » قَالَ «وَ كَرِهَ أَنْ يُبَاعَ اَلتَّمْرُ بِالرُّطَبِ عَاجِلاً بِمِثْلِ كَيْلِهِ إِلَى أَجَلٍ مِنْ أَجْلِ أَنَّ اَلرُّطَبَ يَيْبَسُ فَيَنْقُصُ مِنْ كَيْلِهِ ».

H.4015 - It is narrated from Muhammad ibn Qays, who said: I heard Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} say: "It is disliked to exchange one wasq of dates from Medina for two wasqs of dates from Khaybar, because the dates of Medina are of better quality."
Imam {a.s} also said: "It is disliked to sell dates in exchange for fresh dates, even if measured equally, with a delayed payment, because fresh dates dry out and decrease in volume."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.281 • Al-Wafi, Vol.18 p.584

HADITH

4016 - وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ ، أَخَاهُ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : عَنْ رَجُلٍ أَعْطَى عَبْدَهُ عَشَرَةَ دَرَاهِمَ عَلَى أَنْ يُؤَدِّيَ اَلْعَبْدُ كُلَّ شَهْرٍ عَشَرَةَ دَرَاهِمَ أَ يَحِلُّ ذَلِكَ قَالَ «لاَ بَأْسَ».

H.4016 - Ali ibn Ja'far asked his brother Imam Musa ibn Jafar Al-Kadhim {a.s} about a man who gave his servant ten dirhams on the condition that the servant would pay back ten dirhams each month.
Imam {a.s} said: "There is no harm in that."

[REFERENCES] Masa'il Ali Ibn Ja'far, Vol.1 p.125 • Qurb Al-Isnad, Vol.1 p.266 • Man La Yahduruhu Al-Faqih, Vol.3 p.281 • Wasa'il Al-Shi'ah, Vol.19 p.28 • Bihar Al-Anwar, Vol.100 p.157

HADITH

4017 - وَ - سَأَلَ دَاوُدُ بْنُ اَلْحُصَيْنِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلشَّاةِ بِالشَّاتَيْنِ وَ اَلْبَيْضَةِ بِالْبَيْضَتَيْنِ قَالَ «لاَ بَأْسَ مَا لَمْ يَكُنْ مَكِيلاً أَوْ مَوْزُوناً».

H.4017 - Dawud ibn al-Husayn asked Abu Abdullah {a.s} about exchanging one sheep for two sheep and one egg for two eggs.
Imam {a.s} said: "There is no harm, as long as it is not something measured or weighed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.281

HADITH

4018 - وَ رَوَى اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «لاَ بَأْسَ بِمُعَاوَضَةِ اَلْمَتَاعِ مَا لَمْ يَكُنْ كَيْلاً وَ لاَ وَزْناً».

H.4018 - Al-Halabi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that Imam {a.s} said:
"There is no harm in exchanging goods, as long as they are not measured or weighed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282 • Al-Wafi, Vol.18 p.595 • Wasa'il Al-Shi'ah, Vol.18 p.155 • Al-Fusul Al-Muhimmah, Vol.2 p.254

HADITH

4019 - وَ رَوَى مُعَاوِيَةُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ يَجِيئُنِي اَلرَّجُلُ يَطْلُبُ بَيْعَ اَلْحَرِيرِ مِنِّي وَ لَيْسَ عِنْدِي مِنْهُ شَيْءٌ فَيُقَاوِلُنِي وَ أُقَاوِلُهُ فِي اَلرِّبْحِ وَ اَلْأَجَلِ حَتَّى نَجْتَمِعَ عَلَى شَيْءٍ ثُمَّ أَذْهَبُ فَأَشْتَرِي لَهُ وَ أَدْعُوهُ إِلَيْهِ فَقَالَ «أَ رَأَيْتَ إِنْ وَجَدَ بَيْعاً هُوَ أَحَبُّ إِلَيْهِ مِمَّا عِنْدَكَ أَ يَسْتَطِيعُ أَنْ يَنْصَرِفَ إِلَيْهِ وَ يَدَعَكَ أَوْ وَجَدْتَ أَنْتَ ذَلِكَ أَ تَسْتَطِيعُ أَنْ تَنْصَرِفَ عَنْهُ وَ تَدَعَهُ» قُلْتُ نَعَمْ قَالَ «لاَ بَأْسَ».

H.4019 - Mu'awiyah ibn Ammar narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
I said to Imam {a.s}, "A man comes to me asking to buy silk, but I do not have any. We negotiate about profit and payment terms until we agree on something. Then I go and buy it for him and invite him to complete the transaction."
Imam {a.s} said: "What if he finds another deal that he prefers over what you have, can he leave you and go for it? Or if you find a better deal, can you leave him and pursue it?"
I said: "Yes."
Imam {a.s} said: "Then there is no harm."

[REFERENCES] Al-Kafi, Vol.5 p.200 • Man La Yahduruhu Al-Faqih, Vol.3 p.282 • Tahdhib Al-Ahkam, Vol.7 p.50 • Al-Wafi, Vol.18 p.699 • Wasa'il Al-Shi'ah, Vol.18 p.50 • Bihar Al-Anwar, Vol.100 p.137

HADITH

4020 - وَ سَأَلَهُ أَبُو اَلصَّبَّاحِ اَلْكِنَانِيُّ : عَنْ رَجُلٍ اِشْتَرَى مِنْ رَجُلٍ مِائَةَ مَنٍّ صُفْراً بِكَذَا وَ كَذَا وَ لَيْسَ عِنْدَهُ مَا أَشْتَرِي مِنْهُ فَقَالَ «لاَ بَأْسَ إِذَا أَوْفَاهُ اَلْوَزْنَ اَلَّذِي أُشْتُرِطَ عَلَيْهِ».

H.4020 - Abu al-Sabbah al-Kinani asked Imam {a.s} about a man who bought one hundred mann of brass for a specified price, while the seller did not possess the quantity sold at the time of the transaction.
Imam {a.s} said: "There is no harm as long as he delivers the specified weight that was agreed upon."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282 • Al-Wafi, Vol.18 p.701

HADITH

4021 - وَ سَأَلَهُ عَبْدُ اَلرَّحْمَنِ بْنُ اَلْحَجَّاجِ : عَنِ اَلرَّجُلِ يَشْتَرِي اَلطَّعَامَ مِنَ اَلرَّجُلِ لَيْسَ عِنْدَهُ وَ يَشْتَرِي مِنْهُ حَالاً قَالَ «لاَ بَأْسَ بِهِ» قَالَ قُلْتُ إِنَّهُمْ يُفْسِدُونَهُ عِنْدَنَا قَالَ «فَأَيَّ شَيْءٍ يَقُولُونَ فِي اَلسَّلَمِ» قُلْتُ لاَ يَرَوْنَ فِيهِ بَأْساً يَقُولُونَ هَذَا إِلَى أَجَلٍ فَإِذَا كَانَ إِلَى غَيْرِ أَجَلٍ وَ لَيْسَ هُوَ عِنْدَ صَاحِبِهِ فَلاَ يَصْلُحُ فَقَالَ «إِذَا لَمْ يَكُنْ أَجَلٌ كَانَ أَحَقَّ بِهِ» ثُمَّ قَالَ «لاَ بَأْسَ أَنْ يَشْتَرِيَ اَلرَّجُلُ اَلطَّعَامَ وَ لَيْسَ هُوَ عِنْدَ صَاحِبِهِ إِلَى أَجَلٍ وَ حَالاً لاَ يُسَمِّي لَهُ أَجَلاً إِلاَّ أَنْ يَكُونَ بَيْعاً لاَ يُوجَدُ مِثْلُ اَلْعِنَبِ وَ اَلْبِطِّيخِ وَ شِبْهِهِ فِي غَيْرِ زَمَانِهِ فَلاَ يَنْبَغِي شِرَاءُ ذَلِكَ حَالاً».

H.4021 - Abd al-Rahman ibn al-Hajjaj asked Imam {a.s} about a man who buys food from another man who does not have it in his possession and buys it immediately (without delay).
Imam {a.s} said: "There is no harm in it."
I said: “But they consider it invalid among us."
Imam {a.s} said: "What do they say about salam (forward contracts)?"
I said: “They see no harm in it because it is for a specified term. However, if it is without a specified term and not in the seller’s possession, they say it is invalid."
Imam {a.s} said: "If there is no specified term, then it is even more justified."
Then Imam {a.s} said: "There is no harm in a man buying food that is not in the seller’s possession, whether on credit or immediately, without specifying a term, unless it is for items that are not commonly available, such as grapes, melons, and similar goods outside their season. In such cases, it is not proper to buy them immediately."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282 • Tahdhib Al-Ahkam, Vol.7 p.49 • Al-Wafi, Vol.18 p.702 • Wasa’il Al-Shi’ah, Vol.18 p.46

HADITH

4022 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «مَنْ بَاعَ سِلْعَةً فَقَالَ إِنَّ ثَمَنَهَا كَذَا وَ كَذَا يَداً بِيَدٍ وَ ثَمَنُهَا كَذَا وَ كَذَا نَظِرَةً فَخُذْهَا بِأَيِّ ثَمَنٍ شِئْتَ وَ اِجْعَلْ صَفْقَتَهَا وَاحِدَةً » فَقَالَ «لَيْسَ لَهُ إِلاَّ أَقَلُّهُمَا وَ إِنْ كَانَتْ نَظِرَةً ».

H.4022 - Muhammad ibn Qays narrated from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} that Commander of the Faithful {a.s} said:
"Whoever sells a commodity and says, 'Its price is such and such if paid immediately, and its price is such and such if paid later,' then take it at whichever price you wish and make it a single transaction."
Then Imam {a.s} said: "He is only entitled to the lower price, even if it is on credit."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.283

HADITH

4023 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «فِي رَجُلٍ أَمَرَهُ نَفَرٌ أَنْ يَبْتَاعَ لَهُمْ بَعِيراً بِوَرِقٍ وَ يَزِيدُونَهُ فَوْقَ ذَلِكَ نَظِرَةً فَابْتَاعَ لَهُمْ بَعِيراً وَ مَعَهُ بَعْضُهُمْ فَمَنَعَهُ أَنْ يَأْخُذَ مِنْهُمْ فَوْقَ وَرِقِهِ نَظِرَةً».

H.4023 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said regarding a man who was instructed by a group to buy a camel for them with silver and to charge them extra for deferred payment. He bought the camel for them, and one of them was with him.
Imam {a.s} prohibited him from taking more than the silver amount for the deferred payment.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.283

HADITH

4024 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ رَجُلٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَصْلَحَكَ اَللَّهُ إِنَّا نُخَالِطُ نَفَراً مِنْ أَهْلِ اَلسَّوَادِ فَنُقْرِضُهُمُ اَلْقَرْضَ وَ يَصْرِفُونَ إِلَيْنَا غَلاَّتِهِمْ فَنَبِيعُهَا لَهُمْ بِأَجْرٍ وَ لَنَا فِي ذَلِكَ مَنْفَعَةٌ فَقَالَ «لاَ بَأْسَ» وَ لاَ أَعْلَمُهُ إِلاَّ قَالَ وَ لَوْ لاَ مَا يَصْرِفُونَ إِلَيْنَا مِنْ غَلاَّتِهِمْ لَمْ نُقْرِضْهُمْ فَقَالَ «لاَ بَأْسَ».

H.4024 - Jamil ibn Darraj narrated from a man who said: I said to Abu Abdullah {a.s}: "May Allah {SWT} rectify your affairs. We interact with some people from the countryside, and we lend them loans. They deliver their crops to us, and we sell them for a fee, and we benefit from this arrangement."
Imam {a.s} said: "There is no harm in it."
And I believe he also said: "If it were not for the crops they deliver to us, we would not lend to them."
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.283 • Tahdhib Al-Ahkam, Vol.6 p.204 • Al-Wafi, Vol.18 p.658 • Wasa'il Al-Shi'ah, Vol.18 p.357

HADITH

4025 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَسْتَقْرِضُ اَلدَّرَاهِمَ اَلْبِيضَ عَدَداً وَ يَقْضِي سُوداً وَزْناً وَ قَدْ عَرَفَ أَنَّهَا أَثْقَلُ مِمَّا أَخَذَ وَ تَطِيبُ بِهَا نَفْسُهُ أَنْ يَجْعَلَ لَهُ فَضْلَهَا قَالَ «لاَ بَأْسَ بِهِ إِذَا لَمْ يَكُنْ فِيهِ شَرْطٌ وَ لَوْ وَهَبَهَا لَهُ كُلَّهَا صَلَحَ».

H.4025 - Ibn Muskan narrated from al-Halabi, who said: I asked Abu Abdullah {a.s} about a man who borrows a specified amount of white dirhams and repays them with black dirhams by weight, knowing that they are heavier than what he borrowed, and he willingly gives the extra weight.
Imam {a.s} said: "There is no harm in it as long as it is not a condition. Even if he gifted him all of it, it would be permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.284 • Tahdhib Al-Ahkam, Vol.7 p.109

HADITH

4026 - وَ سَأَلَهُ عَبْدُ اَلرَّحْمَنِ بْنُ اَلْحَجَّاجِ : عَنِ اَلرَّجُلِ يَسْتَقْرِضُ مِنَ اَلرَّجُلِ اَلدِّرْهَمَ فَيَرُدُّ عَلَيْهِ اَلْمِثْقَالَ أَوْ يَسْتَقْرِضُ اَلْمِثْقَالَ فَيَرُدُّ اَلدِّرْهَمَ قَالَ «إِذَا لَمْ يَكُنْ شَرَطَ فَلاَ بَأْسَ وَ ذَلِكَ هُوَ اَلْفَضْلُ إِنَّ أَبِي عَلَيْهِ اَلسَّلاَمُ كَانَ يَسْتَقْرِضُ اَلدَّرَاهِمَ اَلْفُسُولَةَ فَيُدْخِلُ مِنْ غَلَّتِهِ اَلْجِيَادَ فَيَقُولُ «يَا بُنَيَّ رُدَّهَا عَلَى اَلَّذِي اِسْتَقْرَضْنَا مِنْهُ» فَأَقُولُ يَا أَبَتِ إِنَّ دَرَاهِمَهُ كَانَتْ فُسُولَةً وَ هَذِهِ أَجْوَدُ مِنْهَا فَيَقُولُ «يَا بُنَيَّ هَذَا هُوَ اَلْفَضْلُ فَأَعْطِهَا إِيَّاهُ» ».

H.4026 - Abd al-Rahman ibn al-Hajjaj asked him about a man who borrows a dirham and repays it with a mithqal (a weight of gold), or borrows a mithqal and repays it with a dirham.
Imam {a.s} said: "If it was not stipulated as a condition, then there is no harm. This is considered a favor."
Imam {a.s} further said: "My father {a.s} used to borrow inferior dirhams and then, from his earnings, would return better-quality ones. He {a.s} would say, 'O my son {a.s}, return these to the one from whom we {a.s} borrowed.'
I said: 'O my father {a.s}, his dirhams were inferior, and these are of better quality.'
Imam {a.s} replied: 'O my son {a.s}, this is a favor, so give them to him.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.284

HADITH

4027 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ قَالَ : قُلْتُ لِأَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَكُونُ لَهُ عِنْدَ اَلرَّجُلِ اَلْمَالُ فَيُعْطِيهِ قَرْضاً فَيَطُولُ مَكْثُهُ عِنْدَ اَلرَّجُلِ لاَ يَدْخُلُ عَلَى صَاحِبِهِ مِنْهُ مَنْفَعَةٌ فَيُنِيلُهُ اَلرَّجُلُ اَلشَّيْءَ بَعْدَ اَلشَّيْءِ كَرَاهَةَ أَنْ يَأْخُذَ مَالَهُ حَيْثُ لاَ يُصِيبُ مِنْهُ مَنْفَعَةً يَحِلُّ ذَلِكَ لَهُ فَقَالَ «لاَ بَأْسَ إِذَا لَمْ يَكُونَا شَرَطَاهُ».

H.4027 - Ishaq ibn Ammar narrated:
I said to Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}):
"A man has some money with another man as a loan, and it remains with him for a long time without providing any benefit to the owner. So the borrower occasionally gives the lender something out of courtesy, to avoid returning the money without any benefit. Is this permissible for him?"
Imam {a.s} said: "There is no harm, as long as they did not stipulate it as a condition."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.284 • Tahdhib Al-Ahkam, Vol.6 p.205 • Al-Istibsar, Vol.3 p.10 • Al-Wafi, Vol.18 p.656 • Wasa'il Al-Shi'ah, Vol.18 p.357

HADITH

4028 - وَ رَوَى شِهَابُ بْنُ عَبْدِ رَبِّهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ إِنَّ رَجُلًا جَاءَ إِلَى رَسُولِ اَللَّهِ ص يَسْأَلُهُ فَقَالَ رَسُولُ اَللَّهِ ص مَنْ عِنْدَهُ سَلَفٌ فَقَالَ بَعْضُ اَلْمُسْلِمِينَ عِنْدِي فَقَالَ أَعْطِهِ أَرْبَعَةَ أَوْسَاقٍ مِنْ تَمْرٍ فَأَعْطَاهُ ثُمَّ جَاءَ إِلَى رَسُولِ اَللَّهِ ص فَتَقَاضَاهُ فَقَالَ يَكُونُ فَأُعْطِيكَ ثُمَّ عَادَ فَقَالَ يَكُونُ فَأُعْطِيكَ ثُمَّ عَادَ فَقَالَ يَكُونُ فَأُعْطِيكَ فَقَالَ أَكْثَرْتَ يَا رَسُولَ اَللَّهِ فَضَحِكَ وَ قَالَ عِنْدَ مَنْ سَلَفٌ فَقَامَ رَجُلٌ فَقَالَ عِنْدِي فَقَالَ كَمْ عِنْدَكَ قَالَ مَا شِئْتَ فَقَالَ أَعْطِهِ ثَمَانِيَةَ أَوْسَاقٍ فَقَالَ اَلرَّجُلُ إِنَّمَا لِي أَرْبَعَةٌ فَقَالَ عَلَيْهِ اَلسَّلاَمُ وَ أَرْبَعَةٌ أَيْضاً.

H.4028 - Shihab ibn Abd Rabbih narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
I heard Imam {a.s} say that a man came to the Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) asking for help. The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) said: “Who has a loan (to give)?"
One of the Muslims said: “I have."
So the Prophet (may Allah {SWT} bless him and his family) said: “Give him four wasqs of dates." The man gave him the dates.
Later, the man came back to the Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) asking for repayment.
The Prophet {saws} said: “It will be provided, and I will give it to you."
He returned again, and the Prophet {saws} said: “It will be provided, and I will give it to you."
He came back once more, and the Prophet {saws} repeated: "It will be provided, and I will give it to you."
The man then said: “You have asked too much, O Messenger of Allah {SWT}."
The Prophet (may Allah {SWT} bless him and his family) laughed and said: “Who has a loan (to give)?"
A man stood up and said: “I have."
The Prophet {saws} asked: “How much do you have?"
He said: “As much as you wish."
The Prophet {saws} said: “Give him eight wasqs."
The man said: “I only owe four."
The Prophet (may Allah {SWT} bless him and his family) replied: “And four more as well."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

HADITH

4029 - وَ سَأَلَهُ مُحَمَّدُ بْنُ مُسْلِمٍ عَنِ الرَّجُلِ يَسْتَقْرِضُ مِنَ الرَّجُلِ قَرْضاً وَ يُعْطِيهِ الرَّهْنَ إِمَّا خَادِماً وَ إِمَّا آنِيَةً وَ إِمَّا ثِيَاباً فَيَحْتَاجُ إِلَى الشَّيْءِ مِنْ أَمْتِعَتِهِ فَيَسْتَأْذِنُهُ فِيهِ فَيَأْذَنُ لَهُ قَالَ إِنْ طَابَتْ نَفْسُهُ لَهُ فَلَا بَأْسَ قُلْتُ إِنَّ مَنْ عِنْدَنَا يَرْوُونَ أَنَّ كُلَّ قَرْضٍ جَرَّ مَنْفَعَةً فَهُوَ فَاسِدٌ فَقَالَ أَ وَ لَيْسَ خَيْرُ الْقَرْضِ مَا جَرَّ مَنْفَعَةً.

H.4029 - Muhammad ibn Muslim asked him about a man who borrows a loan from another man and gives him collateral, either a servant, a vessel, or clothing.
Later, the borrower needs something from his belongings and seeks permission from the lender, who grants it.
Imam {a.s} said: "If the lender willingly allows it, then there is no harm."
I said: "Those among us narrate that any loan that brings benefit is invalid."
Imam {a.s} replied: "Isn’t the best loan the one that brings benefit?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

HADITH

4030 - وَ سُئِلَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الدَّرَاهِمُ وَ الْمَالُ فَيَدْعُوهُ إِلَى طَعَامِهِ أَوْ يُهْدِي لَهُ الْهَدِيَّةَ قَالَ لَا بَأْسَ.

H.4030 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} was asked about a man who has dirhams or wealth owed to him by another man, and he invites him to his meal or gives him a gift.
Imam {a.s} said: "There is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

HADITH

4031 - وَ- سَأَلَ يَعْقُوبُ بْنُ شُعَيْبٍ أَبَا عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ الرَّجُلِ يُقْرِضُ الرَّجُلَ الدَّرَاهِمَ الْغِلَّةَ فَيَأْخُذُ مِنْهُ الدَّرَاهِمَ الطَّازَجِيَّةَ طَيِّبَةً بِهَا نَفْسُهُ فَقَالَ لَا بَأْسَ بِهِ وَ ذُكِرَ ذَلِكَ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ.

وَ الرِّبَا رِبَاءَانِ رِبًا يُؤْكَلُ وَ رِبًا لَا يُؤْكَلُ فَأَمَّا الَّذِي يُؤْكَلُ فَهُوَ هَدِيَّتُكَ إِلَى الرَّجُلِ تُرِيدُ الثَّوَابَ أَفْضَلَ مِنْهَا وَ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ ۝ وَ ما آتَيْتُمْ مِنْ رِباً لِيَرْبُوَا فِي أَمْوالِ النَّاسِ فَلا يَرْبُوا عِنْدَ اللَّهِ ۝ وَ أَمَّا الَّذِي لَا يُؤْكَلُ فَهُوَ أَنْ يَدْفَعَ الرَّجُلُ إِلَى الرَّجُلِ عَشَرَةَ دَرَاهِمَ عَلَى أَنْ يَرُدَّ عَلَيْهِ أَكْثَرَ مِنْهَا فَهَذَا الرِّبَا الَّذِي نَهَى اللَّهُ عَنْهُ فَقَالَ ۝ يا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ ذَرُوا ما بَقِيَ مِنَ الرِّبا إِنْ كُنْتُمْ مُؤْمِنِينَ فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَ رَسُولِهِ وَ إِنْ تُبْتُمْ فَلَكُمْ رُؤُسُ أَمْوالِكُمْ لا تَظْلِمُونَ وَ لا تُظْلَمُونَ ۝ عَنَى اللَّهُ عَزَّ وَ جَلَّ أَنْ يَرُدَّ آكِلُ الرِّبَا الْفَضْلَ الَّذِي أَخَذَهُ عَنْ رَأْسِ مَالِهِ حَتَّى اللُّحْمُ الَّذِي عَلَى بَدَنِهِ مِمَّا حَمَلَهُ مِنَ الرِّبَا عَلَيْهِ أَنْ يَضَعَهُ فَإِذَا وُفِّقَ لِلتَّوْبَةِ أُدْمِنَ دُخُولَ الْحَمَّامِ لِيَنْقُصَ لَحْمُهُ عَنْ بَدَنِهِ وَ إِذَا قَالَ الرَّجُلُ لِصَاحِبِهِ عَاوِضْنِي بِفَرَسِي فَرَسَكَ وَ أَزِيدَكَ فَلَا يَصْلُحُ وَ لَا يَجُوزُ ذَلِكَ وَ لَكِنَّهُ يَقُولُ أَعْطِنِي فَرَسَكَ بِكَذَا وَ كَذَا وَ أُعْطِيَكَ فَرَسِي بِكَذَا وَ كَذَا.

H.4031 - Ya'qub ibn Shu'ayb asked Abu Abdullah {a.s} about a man who lends dirhams of lower quality and then receives better-quality dirhams in return, with the borrower's consent.
He {a.s} said: "There is no harm in it."
And this was also narrated from Imam Ali ibn Abi Talib {a.s}.

[AL SADUQ]
Usury is of two types: one that is consumed and one that is not consumed.
As for the type that is consumed, it is when you give a gift to someone seeking a better return than what you gave. This is what Allah {SWT}, the Almighty and Majestic, referred to in His saying:
'And whatever you give as usury so that it may increase in the wealth of people, it does not increase with Allah {SWT}.' (Surah Ar-Rum 30:39)
And as for the type that is not consumed, it is when a man lends another man ten dirhams on the condition that he repays more than that. This is the usury that Allah {SWT} has prohibited in His words:
'O you who believe, fear Allah {SWT} and give up what remains of usury, if you are believers. But if you do not, then be informed of a war from Allah {SWT} and His Messenger. And if you repent, you will have your principal amounts; you will not wrong and you will not be wronged.' (Surah Al-Baqarah 2:278-279)

Allah {SWT}, the Almighty and Majestic, has commanded the one who consumed usury to return the excess he took over his principal amount, even the flesh that has grown on his body due to what he gained from usury. He must reduce it.

If he repents, he should frequently visit the bathhouse to decrease his flesh.

And if a man says to another: 'Exchange your horse for my horse, and I will give you extra,' this is not valid and is impermissible.

However, he may say: 'Give me your horse for such and such amount, and I will give you my horse for such and such amount.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

CHAPTER 85 – CHAPTER ON BARTER AND TRANSACTION WITH IMMEDIATE BUYBACK (INAH)

بَابُ الْمُبَادَلَةِ وَ الْعِينَةِ

HADITH 4032 – 4035

4032 - رَوَى يُونُسُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ فِي الرَّجُلِ يُبَايِعُ الرَّجُلَ عَلَى الشَّيْءِ فَقَالَ لَا بَأْسَ إِذَا كَانَ أَصْلُ الشَّيْءِ حَلَالًا.

H.4032 - Yunus ibn Abd al-Rahman narrated from more than one person, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who trades with another man over something.
Imam {a.s} said: "There is no harm, as long as the origin of the item is lawful."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

HADITH

4033 - وَ- رَوَى مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِلرِّضَا عَلَيْهِ اَلسَّلاَمُ الرَّجُلُ يَكُونُ لَهُ الْمَالُ فَيَدْخُلُ عَلَى صَاحِبِهِ يَبِيعُهُ لُؤْلُؤَةً تُسَاوِي مِائَةَ دِرْهَمٍ بِأَلْفِ دِرْهَمٍ وَ يُؤَخِّرُ عَلَيْهِ الْمَالَ إِلَى وَقْتٍ قَالَ لَا بَأْسَ قَدْ أَمَرَنِي أَبِي عَلَيْهِ اَلسَّلاَمُ فَفَعَلْتُ ذَلِكَ.

وَ رَوَى مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ عَمَّارٍ أَنَّهُ سَأَلَ أَبَا الْحَسَنِ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ ذَلِكَ فَقَالَ لَهُ مِثْلَ ذَلِكَ.

H.4033 - Muhammad ibn Ishaq ibn Ammar narrated:
I said to Imam Ali ibn Musa Ar-Ridha {a.s}: "A man has wealth and goes to another man who sells him a pearl worth one hundred dirhams for one thousand dirhams, deferring the payment to a later time."
Imam {a.s} said: "There is no harm in it. My father {a.s} instructed me to do so, and I did it."

[AL SADUQ]
Muhammad ibn Ishaq ibn Ammar also narrated that he asked Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} about this matter, and he gave the same ruling.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

HADITH

4034 - وَ- رُوِيَ عَنْ صَفْوَانَ الْجَمَّالِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ عَيَّنْتُ رَجُلًا عِينَةً فَحَلَّتْ عَلَيْهِ فَقُلْتُ لَهُ اقْضِنِي قَالَ لَيْسَ عِنْدِي فَعَيِّنِّي حَتَّى أَقْضِيَكَ قَالَ عَيِّنْهُ حَتَّى يَقْضِيَكَ.

H.4034 - It is narrated from Safwan al-Jammal, who said:
I said to Abu Abdullah {a.s}: "I appointed a specific loan (aynah) for a man, and it became due. I said to him, 'Repay me.'
He said: 'I do not have it now, so specify another loan for me until I can repay you.'"
Imam {a.s} said: "Specify it for him until he repays you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

HADITH

4035 - وَ- رُوِيَ عَنْ بَكَّارِ بْنِ أَبِي بَكْرٍ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ فِي الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الْمَالُ فَإِذَا حَلَّ قَالَ لَهُ بِعْنِي مَتَاعاً حَتَّى أَبِيعَهُ وَ أُقْضِيَكَ الَّذِي لَكَ عَلَيَّ قَالَ لَا بَأْسَ بِهِ.

H.4035 - It is narrated from Bakkar ibn Abi Bakr, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who has a debt owed to him by another man. When the debt becomes due, the debtor says to him, "Sell me some goods so that I may sell them and repay you what I owe."
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282

CHAPTER 86 – CHAPTER ON CURRENCY EXCHANGE AND ITS FORMS

بَابُ الصَّرْفِ وَ وُجُوهِهِ

HADITH 4036 – 4046

4036 - رُوِيَ عَنْ عَمَّارٍ السَّابَاطِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قُلْتُ لَهُ الرَّجُلُ يَبِيعُ الدَّرَاهِمَ بِالدَّنَانِيرِ نَسِيئَةً قَالَ لَا بَأْسَ بِهِ.

H.4036 - It is narrated from Ammar al-Sabati, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked him about a man who sells dirhams for dinars on credit.
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.282 • Al-Wafi, Vol.18 p.701

HADITH

4037 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلْفِضَّةُ بِالْفِضَّةِ مِثْلٌ بِمِثْلٍ وَ اَلذَّهَبُ بِالذَّهَبِ مِثْلٌ بِمِثْلٍ لَيْسَ فِيهِ زِيَادَةٌ وَ لاَ نَظِرَةٌ اَلزَّائِدُ وَ اَلْمُسْتَزِيدُ فِي اَلنَّارِ».

H.4037 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Silver for silver must be equal, and gold for gold must be equal, there should be neither an increase nor a delay. The one who gives extra and the one who demands extra will be in the Fire."

[REFERENCES] Da'a'im Al-Islam, Vol.2 p.37 • Man La Yahduruhu Al-Faqih, Vol.3 p.288 • Al-Wafi, Vol.18 p.611 • Mustadrak Al-Wasa'il, Vol.13 p.347

HADITH

4038 - وَ رَوَى أَبَانٌ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : قُلْتُ لِأَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَكُونُ لَهُ عَلَى اَلرَّجُلِ اَلدَّنَانِيرُ فَيَأْخُذُ مِنْهُ دَرَاهِمَ ثُمَّ يَتَغَيَّرُ اَلسِّعْرُ قَالَ «هِيَ لَهُ عَلَى اَلسِّعْرِ اَلَّذِي أَخَذَهَا يَوْمَئِذٍ وَ إِنْ أَخَذَ دَنَانِيرَ وَ لَيْسَ لَهُ دَرَاهِمُ عِنْدَهُ فَدَنَانِيرُهُ عَلَيْهِ يَأْخُذُهَا بِرُءُوسِهَا مَتَى شَاءَ».

H.4038 - Aban narrated from Ishaq ibn Ammar, who said: I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a man who is owed dinars by another man, but he accepts dirhams instead. Then the price changes.
Imam {a.s} said: "It is based on the value at which he accepted them on that day. However, if he had accepted dinars and not dirhams, then his dinars remain owed to him, and he may take them in their original amount whenever he wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.288 • Tahdhib Al-Ahkam, Vol.7 p.107 • Al-Wafi, Vol.18 p.636 • Wasa'il Al-Shi'ah, Vol.18 p.184

HADITH

4039 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ حَنَانِ بْنِ سَدِيرٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّهُ يَأْتِينِي اَلرَّجُلُ وَ مَعَهُ اَلدَّرَاهِمُ فَأَشْتَرِيهَا مِنْهُ بِالدَّنَانِيرِ ثُمَّ أُعْطِيهِ كِيساً فِيهِ دَنَانِيرُ أَكْثَرُ مِنْ دَرَاهِمِهِ فَأَقُولُ لَكَ مِنْ هَذِهِ اَلدَّنَانِيرِ كَذَا وَ كَذَا دِينَاراً ثَمَنُ دَرَاهِمِكَ فَيَقْبِضُ اَلْكِيسَ مِنِّي ثُمَّ يَرُدُّهُ عَلَيَّ وَ يَقُولُ أَثْبِتْهَا لِي عِنْدَكَ فَقَالَ «إِنْ كَانَ فِي اَلْكِيسِ وَفَاءُ بِثَمَنِ دَرَاهِمِهِ فَلاَ بَأْسَ بِهِ».

H.4039 - Ibn Mahbub narrated from Hanan ibn Sadir, who said:
“I said to Imam Abu Abdullah {a.s}: A man comes to me with dirhams, and I buy them from him with dinars.
Then I give him a pouch containing more dinars than the value of his dirhams. I say to him: 'From these dinars, such and such amount is the price of your dirhams.'
He takes the pouch from me, then returns it and says: 'Keep it with you for me.'"
Imam {a.s} said: "If the pouch contains enough to cover the value of his dirhams, then there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.289 • Al-Wafi, V.18 p.633 • Wasa’il Al-Shi’ah, Vol.18 p.176

HADITH

4040 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : جَاءَهُ رَجُلٌ مِنْ أَهْلِ سِجِسْتَانَ فَقَالَ إِنَّ عِنْدَنَا دَرَاهِمَ يُقَالُ لَهَا اَلشَّامِيَّةُ تَحْمِلُ عَلَى اَلدَّرَاهِمِ دَانِقَيْنِ فَقَالَ «لاَ بَأْسَ بِهِ يَجُوزُ ذَلِكَ».

H.4040 - Muhammad ibn Muslim narrated from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} that a man from Sijistan came to him and said: "We have dirhams called al-Shamiyyah that are valued two daniqs more than regular dirhams."
Imam {a.s} said: "There is no harm in it; it is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.289 • Tahdhib Al-Ahkam, Vol.7 p.108 • Al-Wafi, Vol.18 p.646 • Wasa’il Al-Shi’ah, Vol.18 p.187

HADITH

4041 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلَيْنِ مِنَ اَلصَّيَارِفَةِ اِبْتَاعَا وَرِقاً بِدَنَانِيرَ فَقَالَ أَحَدُهُمَا لِصَاحِبِهِ أَنْقُدْ عَنِّي وَ هُوَ مُوسِرٌ لَوْ شَاءَ أَنْ يَنْقُدَ نَقَدَ فَيَنْقُدُ عَنْهُ ثُمَّ بَدَا لَهُ أَنْ يَشْتَرِيَ نَصِيبَ صَاحِبِهِ بِرِبْحٍ أَ يَصْلُحُ قَالَ «لاَ بَأْسَ بِهِ».

H.4041 - Ibn Muskan narrated from al-Halabi, who said:
“I asked Abu Abdullah {a.s} about two moneychangers who bought silver with dinars. One of them said to his companion, "Pay on my behalf," even though he was capable of paying if he wished. So the companion paid for him. Then later, he decided to buy his companion's share with a profit. I asked Imam {a.s} if this is permissible?"
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.289 • Tahdhib Al-Ahkam, Vol.7 p.106 • Al-Wafi, Vol.18 p.608 • Wasa’il Al-Shi’ah, Vol.18 p.94 • Wasa’il Al-Shi’ah, Vol.18 p.182

HADITH

4042 - رُوِيَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلدَّرَاهِمُ بِالدَّرَاهِمِ فِي إِحْدَاهُمَا رَصَاصٌ وَزْناً بِوَزْنٍ قَالَ أَعِدْ فَأَعَدْتُ عَلَيْهِ ثُمَّ قَالَ أَعِدْ فَأَعَدْتُ عَلَيْهِ فَقَالَ «لاَ أَرَى بِهِ بَأْساً».

H.4042 - It is narrated from Umar ibn Yazid, who said: I asked Abu Abdullah {a.s} about exchanging dirhams for dirhams, where one of them contains lead, but they are equal in weight.
Imam {a.s} said: "Repeat the question." So I repeated it to him.
Then Imam {a.s} said: “Repeat it again."
I repeated it again, and Imam {a.s} said: "I see no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.289 • Tahdhib Al-Ahkam, Vol.7 p.114 • Al-Wafi, Vol.18 p.609 • Wasa’il Al-Shi’ah, Vol.18 p.204

HADITH

4043 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ : سَأَلْتُهُ عَنِ اَلصَّرْفِ وَ قُلْتُ لَهُ إِنَّ اَلرِّفْقَةَ رُبَّمَا عَجِلَتْ فَلَمْ نَقْدِرْ عَلَى اَلدِّمَشْقِيَّةِ وَ اَلْبَصْرِيَّةِ وَ إِنَّمَا يَجُوزُ بِنَيْسَابُورَ اَلدِّمَشْقِيَّةُ وَ اَلْبَصْرِيَّةُ فَقَالَ «وَ مَا اَلرِّفْقَةُ » فَقُلْتُ اَلْقَوْمُ يَتَرَافَقُونَ وَ يَجْتَمِعُونَ لِلْخُرُوجِ فَإِذَا عَجِلُوا فَرُبَّمَا لَمْ يَقْدِرُوا عَلَى اَلدِّمَشْقِيَّةِ وَ اَلْبَصْرِيَّةِ فَبِعْنَاهَا بِالْغِلَّةِ فَصَرَفُوا اَلْأَلْفَ وَ اَلْخَمْسِينَ مِنْهَا بِأَلْفٍ مِنَ اَلدِّمَشْقِيَّةِ فَقَالَ «لاَ خَيْرَ فِيهَا أَ فَلاَ تَجْعَلُونَ فِيهَا ذَهَباً لِمَكَانِ زِيَادَتِهَا » فَقُلْتُ لَهُ أَشْتَرِي اَلْأَلْفَ وَ دِينَاراً بِأَلْفَيْ دِرْهَمٍ قَالَ «لاَ بَأْسَ إِنَّ أَبِي عَلَيْهِ اَلسَّلاَمُ كَانَ أَجْرَأَ عَلَى أَهْلِ اَلْمَدِينَةِ مِنَّا فَكَانَ يَفْعَلُ هَذَا فَيَقُولُونَ إِنَّمَا هُوَ اَلْفِرَارُ وَ لَوْ جَاءَ رَجُلٌ بِدِينَارٍ لَمْ يُعْطَ أَلْفَ دِرْهَمٍ وَ لَوْ جَاءَ بِأَلْفِ دِرْهَمٍ لَمْ يُعْطَ أَلْفَ دِينَارٍ وَ كَانَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ» «نِعْمَ اَلشَّيْءُ اَلْفِرَارُ مِنَ اَلْحَرَامِ إِلَى اَلْحَلاَلِ».

H.4043 - Safwan ibn Yahya narrated from Abd al-Rahman ibn al-Hajjaj, who said:
I asked Imam {a.s} about currency exchange, and I said to Imam {a.s}:
"Sometimes during travel, the caravan may hurry, and we are unable to find the Damascene and Basran currencies. However, only the Damascene and Basran currencies are accepted in Nishapur.
Imam {a.s} asked: 'What is the caravan?'
I said: 'It refers to a group of people who travel together and prepare for departure. If they hurry, they may not find the required currencies, so we sell them the lower-quality coins, exchanging 1,050 of these for 1,000 Damascene coins.'
Imam {a.s} said: 'There is no good in this. Why don't you add gold to it to account for the excess amount?'"
I said to Imam {a.s}: "Can I buy 1,000 and a dinar with 2,000 dirhams?"
Imam {a.s} said: "There is no harm in it. My father {a.s} was bolder than us towards the people of Medina. He used to do this, and they would say it is merely a tactic.
They would claim that if a man brought a dinar, he would not receive 1,000 dirhams, and if he brought 1,000 dirhams, he would not receive a dinar."
Then Imam {a.s} used to say: 'What an excellent thing it is to flee from the unlawful to the lawful.'"

[REFERENCES] Al-Kafi, Vol.5 p.246 • Man La Yahduruhu Al-Faqih, Vol.3 p.290 • Tahdhib Al-Ahkam, Vol.7 p.104 • Al-Wafi, Vol.18 p.603 • Wasa'il Al-Shi'ah, Vol.18 p.178

HADITH

4044 - وَ رَوَى صَفْوَانُ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : سَأَلْتُ أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَكُونُ لِي عَلَيْهِ اَلْمَالُ فَيَقْضِينِي بَعْضاً دَنَانِيرَ وَ بَعْضاً دَرَاهِمَ فَإِذَا جَاءَ يُحَاسِبُنِي لِيُوَفِّيَنِي جَاءَ وَ قَدْ تَغَيَّرَ سِعْرُ اَلدَّنَانِيرِ أَيَّ اَلسِّعْرَيْنِ أَحْسُبُ اَلَّذِي كَانَ يَوْمَ أَعْطَانِي اَلدَّنَانِيرَ أَوْ سِعْرَ يَوْمَ أُحَاسِبُهُ قَالَ «سِعْرَ يَوْمَ أَعْطَاكَ اَلدَّنَانِيرَ لِأَنَّكَ حَبَسْتَ مَنْفَعَتَهَا عَنْهُ».

H.4044 - Safwan narrated from Ishaq ibn Ammar, who said:
I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a man who owes me money and repays me partially with dinars and partially with dirhams. When he comes to settle the remaining amount, the price of the dinars has changed.
I asked: "Which price should I calculate, the price on the day he gave me the dinars or the price on the day we settle the account?"
Imam {a.s} said: "The price on the day he gave you the dinars, because you withheld their benefit from him."

[REFERENCES] Al-Kafi, Vol.5 p.248 • Man La Yahduruhu Al-Faqih, Vol.3 p.290 • Tahdhib Al-Ahkam, Vol.7 p.107 • Al-Wafi, Vol.18 p.635 • Wasa'il Al-Shi'ah, Vol.18 p.183

HADITH

4045 - وَ سَأَلَ عَبْدُ اَللَّهِ بْنُ سِنَانٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ شِرَاءِ اَلْفِضَّةِ وَ فِيهَا اَلزِّيبَقُ وَ اَلرَّصَاصُ بِالْوَرِقِ وَ هِيَ إِذَا أُذِيبَتْ نَقَصَتْ مِنْ كُلِّ عَشَرَةٍ دِرْهَمَانِ أَوْ ثَلاَثَةٌ فَقَالَ «لاَ يَصْلُحُ إِلاَّ بِالذَّهَبِ».

H.4045 - Abdullah ibn Sinan asked Abu Abdullah {a.s} about buying silver that contains mercury and lead with silver coins, knowing that when it is melted, it decreases by two or three dirhams for every ten.
Imam {a.s} said: "It is not permissible, except with gold."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.291

HADITH

4046 - وَ رُوِيَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَكُونُ لِلرَّجُلِ عِنْدِي مِنَ اَلدَّرَاهِمِ اَلْوَضَحُ فَيَلْقَانِي فَيَقُولُ أَ لَيْسَ لِي عِنْدَكَ كَذَا وَ كَذَا أَلْفَ دِرْهَمٍ وَضَحٍ فَأَقُولُ نَعَمْ فَيَقُولُ حَوِّلْهَا إِلَى دَنَانِيرَ بِهَذَا اَلسِّعْرِ وَ أَثْبِتْهَا لِي عِنْدَكَ فَمَا تَرَى فِي هَذَا قَالَ «إِذَا كُنْتَ قَدِ اِسْتَقْصَيْتَ لَهُ اَلسِّعْرَ يَوْمَئِذٍ فَلاَ بَأْسَ بِذَلِكَ» قَالَ فَقُلْتُ إِنِّي لَمْ أُوَازِنْهُ وَ لَمْ أُنَاقِدْهُ إِنَّمَا كَانَ كَلاَمٌ مِنِّي وَ مِنْهُ فَقَالَ «أَ لَيْسَ اَلدَّرَاهِمُ مِنْ عِنْدِكَ وَ اَلدَّنَانِيرُ مِنْ عِنْدِكَ» قُلْتُ بَلَى قَالَ «لاَ بَأْسَ بِذَلِكَ».

H.4046 - Ishaq ibn Ammar narrated: I said to Abu Abdullah {a.s}:
"A man has some clear silver dirhams with me. He meets me and says, 'Don't I have such and such amount of clear dirhams with you?'
I reply, 'Yes.'
Then he says, 'Convert them into dinars at this rate and record them for me as dinars.' What do you think about this?"
Imam {a.s} said: "If you had calculated the exchange rate for him on that day, then there is no harm in it."
I said: "I did not weigh them or make the exchange in person; it was only a verbal agreement between us."
Imam {a.s} said: "Aren't the dirhams and dinars both with you?"
I said: "Yes."
Imam {a.s} said: "Then there is no harm in it."

[REFERENCES] Al-Kafi, Vol.5 p.245 • Man La Yahduruhu Al-Faqih, Vol.3 p.291 • Tahdhib Al-Ahkam, Vol.7 p.102 • Awali Al-La'ali, Vol.2 p.251 • Awali Al-La'ali, Vol.3 p.222 • Al-Wafi, Vol.18 p.629 • Wasa'il Al-Shi'ah, Vol.18 p.174

CHAPTER 87 – CHAPTER ON LOST PROPERTY AND STRAY ANIMALS

بَابُ اللُّقَطَةِ وَ الضَّالَّةِ

HADITH 4047 – 4064

4047 - وَ رَوَى أَبُو عَبْدِ اَللّٰهِ مُحَمَّدُ بْنُ خَالِدِ اَلْبَرْقِيُّ رَضِيَ اَللّٰهُ عَنْهُ عَنْ وَهْبِ بْنِ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَأْكُلُ مِنَ اَلضَّالَّةِ إِلاَّ اَلضَّالُّونَ ».

H.4047 - Abu Abdullah Muhammad ibn Khalid al-Barqi (may Allah {SWT} be pleased with him) narrated from Wahb ibn Wahb, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"None consume from lost property except those who are themselves lost."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.291 • Al-Wafi, Vol.17 p.351 • Wasa'il Al-Shi'ah, Vol.25 p.440 • Wasa'il Al-Shi'ah, Vol.25 p.440 • Al-Fusul Al-Muhimmah, Vol.2 p.465

HADITH

4048 - وَ فِي رِوَايَةِ مَسْعَدَةَ بْنِ زِيَادٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً صَلَوَاتُ اَللّٰهِ وَ سَلاَمُهُ عَلَيْهِ قَالَ : «إِيَّاكُمْ وَ اَللُّقَطَةَ فَإِنَّهَا ضَالَّةُ اَلْمُؤْمِنِ وَ هِيَ حَرِيقٌ مِنْ حَرِيقِ جَهَنَّمَ ».

H.4048 - In a narration from Mas'adah ibn Ziyad, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam Ali ibn Abi Talib {a.s} said:
"Beware of taking lost property, for it is the loss of a believer, and it is a flame from the flames of Hell."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.292 • Al-Wafi, V.17 p.341 • Wasa'il Al-Shi'ah, V.25 p.440

HADITH

4049 - وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ ، أَخَاهُ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : عَنِ اَللُّقَطَةِ يَجِدُهَا اَلْفَقِيرُ هُوَ فِيهَا بِمَنْزِلَةِ اَلْغَنِيِّ فَقَالَ «نَعَمْ» قَالَ «وَ كَانَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ يَقُولُ «هِيَ لِأَهْلِهَا لاَ تَمَسُّوهَا » » قَالَ وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يُصِيبُ دِرْهَماً أَوْ ثَوْباً أَوْ دَابَّةً كَيْفَ يَصْنَعُ قَالَ «يُعَرِّفُهَا سَنَةً فَإِنْ لَمْ يَعْرِفْ جَعَلَهَا فِي عَرْضِ مَالِهِ حَتَّى يَجِيءَ طَالِبُهَا فَيُعْطِيَهَا إِيَّاهُ وَ إِنْ مَاتَ أَوْصَى بِهَا وَ هُوَ لَهَا ضَامِنٌ ».

H.4049 - Ali ibn Ja'far asked his brother Imam Musa ibn Jafar Al-Kadhim {a.s} about a lost item found by a poor person, whether he is in the same position regarding it as a wealthy person.
Imam {a.s} said: "Yes."
Imam {a.s} further said: " Imam Ali ibn Al-Hussain {a.s} used to say, 'It belongs to its owner, do not touch it.'"
He (Ali ibn Ja'far) said: I also asked Imam {a.s} about a man who finds a dirham, a piece of clothing, or a riding animal, what should he do?
Imam {a.s} said: "He should announce it for one year. If its owner does not come forward, he should keep it as part of his property until its claimant appears, and then he must return it. If he dies, he should include it in his will, and he is responsible for it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.292

HADITH

4050 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ رَجُلٌ وَجَدَ فِي بَيْتِهِ دِينَاراً فَقَالَ «يَدْخُلُ مَنْزِلَهُ غَيْرُهُ» فَقُلْتُ نَعَمْ كَثِيرٌ قَالَ «هَذِهِ لُقَطَةٌ» قُلْتُ وَ رَجُلٌ وَجَدَ فِي صُنْدُوقِهِ دِينَاراً قَالَ «يُدْخِلُ أَحَدٌ يَدَهُ فِي صُنْدُوقِهِ غَيْرُهُ أَوْ يَضَعُ فِيهِ شَيْئاً» قُلْتُ لاَ قَالَ «فَهُوَ لَهُ».

H.4050 - Ibn Mahbub narrated from Jamil ibn Salih, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked Imam {a.s} about a man who found a dinar in his house.
Imam {a.s} said: "Does anyone else enter his house?"
I said: "Yes, many people enter."
Imam {a.s} said: "Then it is considered lost property (luqata)."
I asked: "What about a man who found a dinar in his locked box?"
Imam {a.s} said: "Does anyone else put their hand into his box or place something in it?"
I said: "No."
Imam {a.s} said: "Then it belongs to him."

[REFERENCES] Al-Kafi, Vol.5 p.137 • Man La Yahduruhu Al-Faqih, Vol.3 p.293 • Tahdhib Al-Ahkam, Vol.6 p.390 • Al-Wafi, Vol.17 p.334 • Wasa'il Al-Shi'ah, Vol.25 p.446

HADITH

4051 - وَ رَوَى مُحَمَّدُ بْنُ عِيسَى عَنْ مُحَمَّدِ بْنِ رَجَاءٍ اَلْخَيَّاطِ قَالَ : كَتَبْتُ إِلَى اَلطَّيِّبِ عَلَيْهِ اَلسَّلاَمُ إِنِّي كُنْتُ فِي اَلْمَسْجِدِ اَلْحَرَامِ فَرَأَيْتُ دِينَاراً فَأَهْوَيْتُ إِلَيْهِ لِآخُذَهُ فَإِذَا أَنَا بِآخَرَ ثُمَّ بَحَثْتُ اَلْحَصَى فَإِذَا أَنَا بِثَالِثٍ فَأَخَذْتُهَا فَعَرَّفْتُهَا وَ لَمْ يَعْرِفْهَا أَحَدٌ فَمَا تَرَى فِي ذَلِكَ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «إِنِّي قَدْ فَهِمْتُ مَا ذَكَرْتَ مِنْ أَمْرِ اَلدَّنَانِيرِ فَإِنْ كُنْتَ مُحْتَاجاً فَتَصَدَّقْ بِثُلُثِهَا وَ إِنْ كُنْتَ غَنِيّاً فَتَصَدَّقْ بِالْكُلِّ».

H.4051 - Muhammad ibn Isa narrated from Muhammad ibn Raja' al-Khiyyat, who said: I wrote to al-Tayyib Imam Ali ibn Muhammad Al-Hadi {a.s}: "I was in the Sacred Mosque (Masjid al-Haram) and saw a dinar. I reached out to take it, and then I found another one. I searched the pebbles and found a third. I took them and announced them, but no one claimed them. What do you advise regarding this matter?"
Imam {a.s} wrote in reply: "I have understood what you mentioned about the dinars. If you are in need, then give one-third of them in charity. But if you are wealthy, then give all of them in charity."

[REFERENCES] Al-Kafi, Vol.4 p.239 • Man La Yahduruhu Al-Faqih, Vol.3 p.293 • Wasa'il Al-Shi'ah, Vol.13 p.261

HADITH

4052 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ صَفْوَانَ بْنِ يَحْيَى اَلْجَمَّالِ أَنَّهُ سَمِعَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «مَنْ وَجَدَ ضَالَّةً فَلَمْ يُعَرِّفْهَا ثُمَّ وُجِدَتْ عِنْدَهُ فَإِنَّهَا لِرَبِّهَا وَ مِثْلُهَا مِنْ مَالِ اَلَّذِي كَتَمَهَا ».

H.4052 - Al-Hasan ibn Mahbub narrated from Safwan ibn Yahya al-Jammal that he heard Abu Abdullah {a.s} say:
"Whoever finds lost property and does not announce it, then it is later found in his possession, it must be returned to its owner, and he must also pay an equivalent amount from his own wealth for having concealed it."

[REFERENCES] Al-Kafi, Vol.5 p.141 • Man La Yahduruhu Al-Faqih, Vol.3 p.293 • Tahdhib Al-Ahkam, Vol.6 p.393 • Al-Wafi, Vol.17 p.355 • Wasa'il Al-Shi'ah, Vol.25 p.460

HADITH

4053 - وَ رُوِيَ عَنْ أَبِي اَلْعَلاَءِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ وَجَدَ مَالاً فَعَرَّفَهُ حَتَّى إِذَا مَضَتِ اَلسَّنَةُ اِشْتَرَى بِهَا خَادِماً فَجَاءَ طَالِبُ اَلْمَالِ فَوَجَدَ اَلْجَارِيَةَ اَلَّتِي اِشْتَرَاهَا بِالدَّرَاهِمِ هِيَ اِبْنَتُهُ قَالَ «لَيْسَ لَهُ أَنْ يَأْخُذَ إِلاَّ اَلدَّرَاهِمَ وَ لَيْسَ لَهُ اَلاِبْنَةُ إِنَّمَا لَهُ رَأْسُ مَالِهِ إِنَّمَا كَانَتِ اِبْنَتُهُ مَمْلُوكَةَ قَوْمٍ».

H.4053 - It is narrated from Abu al-Ala, who said: I asked Abu Abdullah {a.s} about a man who found some money, announced it for a year, and then used it to buy a servant. Later, the owner of the money came and found that the servant purchased with the money was actually his daughter.
Imam {a.s} said: "He is only entitled to take the money and not the daughter. What he is entitled to is his principal amount, as the daughter was previously the property of others."

[REFERENCES] Al-Kafi, Vol.5 p.139 • Man La Yahduruhu Al-Faqih, Vol.3 p.294 • Tahdhib Al-Ahkam, Vol.6 p.391 • Al-Wafi, Vol.17 p.338 • Wasa'il Al-Shi'ah, Vol.25 p.451

HADITH

4054 - وَ رَوَى أَبُو خَدِيجَةَ سَالِمُ بْنُ مُكْرَمٍ اَلْجَمَّالُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ سَأَلَهُ ذَرِيحٌ : عَنِ اَلْمَمْلُوكِ يَأْخُذُ اَللُّقَطَةَ فَقَالَ «مَا لِلْمَمْلُوكِ وَ اَللُّقَطَةِ اَلْمَمْلُوكُ لاَ يَمْلِكُ مِنْ نَفْسِهِ شَيْئاً فَلاَ يَعْرِضُ لَهَا اَلْمَمْلُوكُ فَإِنَّهُ يَنْبَغِي لِلْحُرِّ أَنْ يُعَرِّفَهَا سَنَةً فِي مَجْمَعٍ فَإِنْ جَاءَ طَالِبُهَا دَفَعَهَا إِلَيْهِ وَ إِلاَّ كَانَتْ مِنْ مَالِهِ فَإِنْ مَاتَ كَانَتْ مِيرَاثاً لِوُلْدِهِ وَ لِمَنْ وَرِثَهُ فَإِنْ جَاءَ طَالِبُهَا بَعْدَ ذَلِكَ دَفَعُوهَا إِلَيْهِ».

H.4054 - Abu Khadijah Salim ibn Mukram al-Jammal narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that Dharih asked him about a servant who picks up lost property.
Imam {a.s} said: "What does a servant have to do with lost property? A servant does not own anything for himself, so he should not interfere with it.
It is proper for a free person to announce it for one year in a public gathering. If its owner comes, he should return it to him. Otherwise, it becomes part of his property.
If he dies, it becomes inheritance for his children and those who inherit from him. But if the owner comes after that, they must return it to him."

[REFERENCES] Al-Kafi, Vol.5 p.309 • Man La Yahduruhu Al-Faqih, Vol.3 p.294 • Tahdhib Al-Ahkam, Vol.6 p.397 • Al-Istibsar, Vol.3 p.69 • Al-Wafi, Vol.17 p.339 • Wasa'il Al-Shi'ah, Vol.25 p.465

HADITH

4055 - وَ سَأَلَهُ دَاوُدُ بْنُ أَبِي يَزِيدَ : عَنِ اَلْإِدَاوَةِ وَ اَلنَّعْلَيْنِ وَ اَلسَّوْطِ يَجِدُهُ اَلرَّجُلُ فِي اَلطَّرِيقِ أَ يَنْتَفِعُ بِهِ قَالَ «لاَ يَمَسَّهُ».

H.4055 - Dawud ibn Abi Yazid asked him about finding a water container, a pair of sandals, or a whip on the road, whether a person may use them.
Imam {a.s} said: "He should not touch them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.295

HADITH

4056 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «لاَ بَأْسَ بِلُقَطَةِ اَلْعَصَا وَ اَلشِّظَاظِ وَ اَلْوَتِدِ وَ اَلْحَبْلِ وَ اَلْعِقَالِ وَ أَشْبَاهِهِ».

H.4056 - Imam {a.s} said: "There is no harm in picking up lost items such as a staff, a strap, a peg, a rope, a hobble, and similar things."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.295

HADITH

4057 - وَ سُئِلَ عَنِ اَلشَّاةِ اَلضَّالَّةِ بِالْفَلاَةِ فَقَالَ لِلسَّائِلِ هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ قَالَ «وَ مَا أُحِبُّ أَنْ أَمَسَّهَا وَ عَنِ اَلْبَعِيرِ اَلضَّالِّ أَيْضاً» قَالَ «مَا لَكَ وَ لَهُ بَطْنُهُ وِعَاؤُهُ وَ خُفُّهُ حِذَاؤُهُ وَ كَرِشُهُ سِقَاؤُهُ خَلِّ عَنْهُ».

H.4057 - Imam {a.s} was asked about a lost sheep in the wilderness.
Imam {a.s} said to the questioner: "It is either yours, your brother's, or the wolf's."
Then Imam {a.s} said: "I do not like to touch it."
And when asked about a lost camel, Imam {a.s} said: "What do you have to do with it? Its belly is its container, its hooves are its shoes, and its stomach is its water carrier. Leave it alone."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.295

HADITH

4058 - وَ رُوِيَ عَنْ حَنَانِ بْنِ سَدِيرٍ قَالَ : سَأَلَ رَجُلٌ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَللُّقَطَةِ وَ أَنَا أَسْمَعُ فَقَالَ «تُعَرِّفُهَا سَنَةً فَإِنْ وَجَدْتَ صَاحِبَهَا وَ إِلاَّ فَأَنْتَ أَحَقُّ بِهَا».

يَعْنِي لُقَطَةَ غَيْرِ الْحَرَمِ.

H.4058 - It is narrated from Hanan ibn Sadir, who said: A man asked Abu Abdullah {a.s} about lost property while I was listening.
Imam {a.s} said: "Announce it for one year. If you find its owner, return it to him; otherwise, you are more entitled to keep it."

[AL SADUQ]
He meant lost property found outside the Sacred Sanctuary (Haram).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.295

HADITH

4059 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ تَرَكَ دَابَّتَهُ مِنْ جَهْدٍ قَالَ «إِنْ تَرَكَهَا فِي كَلَإٍ وَ مَاءٍ وَ أَمْنٍ فَهِيَ لَهُ يَأْخُذُهَا حَيْثُ أَصَابَهَا وَ إِنْ تَرَكَهَا فِي خَوْفٍ وَ غَيْرِ مَاءٍ وَ لاَ كَلَإٍ فَهِيَ لِمَنْ أَصَابَهَا » ».

H.4059 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
“Imam Ali ibn Abi Talib {a.s} ruled regarding a man who abandoned his animal due to hardship.
Imam {a.s} said: "If he left it in a place with grass, water, and safety, it remains his, and he may reclaim it wherever he finds it. But if he left it in a place with danger, without water or grass, then it belongs to whoever finds it."

[REFERENCES] Al-Kafi, Vol.5 p.140 • Man La Yahduruhu Al-Faqih, Vol.3 p.296 • Tahdhib Al-Ahkam, Vol.6 p.393 • Al-Wafi, Vol.17 p.354 • Wasa’il Al-Shi’ah, Vol.25 p.458

HADITH

4060 - وَ رُوِيَ عَنْ وَهْبِ بْنِ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ جُعْلِ اَلْآبِقِ وَ اَلضَّالَّةِ قَالَ «لاَ بَأْسَ».

H.4060 - It is narrated from Wahb ibn Wahb, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I asked Imam {a.s} about the reward for returning a runaway slave or lost property.
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Masa'il Ali Ibn Ja'far, V.1 p.140 • Qurb Al-Isnad, V.1 p.295 • Al-Kafi, V.6 p.201 • Man La Yahduruhu Al-Faqih, V.3 p.296 • Tahdhib Al-Ahkam, V.8 p.247 • Al-Wafi, V.17 p.405 • Wasa'il Al-Shi'ah, V.23 p.86 • Wasa'il Al-Shi'ah, V.23 p.189 • Wasa'il Al-Shi'ah, Vol.25 p.466 • Bihar Al-Anwar, Vol.100 p.180

HADITH

4061 - وَ رَوَى اَلْحُسَيْنُ بْنُ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : فِي اَلضَّالَّةِ يَجِدُهَا اَلرَّجُلُ فَيَنْوِي أَنْ يَأْخُذَ لَهَا جُعْلاً فَتَنْفُقُ قَالَ «هُوَ ضَامِنٌ لَهَا فَإِنْ لَمْ يَنْوِ أَنْ يَأْخُذَ لَهَا جُعْلاً فَنَفَقَتْ فَلاَ ضَمَانَ عَلَيْهِ ».

H.4061 - Al-Husayn ibn Zayd narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Commander of the Faithful {a.s} used to say regarding lost property found by someone who intends to take a reward for returning it, but it dies (or perishes):
"He is liable for it. However, if he did not intend to take a reward and it dies (or perishes), then he is not liable for it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.296 • Tahdhib Al-Ahkam, Vol.6 p.396 • Al-Wafi, Vol.17 p.355 • Al-Wafi, Vol.18 p.921 • Wasa'il Al-Shi'ah, Vol.25 p.464

HADITH

4062 - وَ رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ جَعْفَرٍ اَلْحِمْيَرِيِّ قَالَ : سَأَلْتُهُ عَ فِي كِتَابٍ عَنْ رَجُلٍ اِشْتَرَى جَزُوراً أَوْ بَقَرَةً أَوْ شَاةً أَوْ غَيْرَهَا لِلْأَضَاحِيِّ أَوْ غَيْرِهَا فَلَمَّا ذَبَحَهَا وَجَدَ فِي جَوْفِهَا صُرَّةً فِيهَا دَرَاهِمُ أَوْ دَنَانِيرُ أَوْ جَوَاهِرُ أَوْ غَيْرُ ذَلِكَ مِنَ اَلْمَنَافِعِ لِمَنْ يَكُونُ ذَلِكَ وَ كَيْفَ يَعْمَلُ بِهِ فَوَقَّعَ عَ «عَرِّفْهَا اَلْبَائِعَ فَإِنْ لَمْ يَعْرِفْهَا فَالشَّيْءُ لَكَ رَزَقَكَ اَللَّهُ إِيَّاهُ».

H.4062 - It is narrated from Abdullah ibn Ja'far al-Himyari, who said:
I wrote to Imam {a.s} asking about a man who bought a camel, a cow, a sheep, or any other animal, whether for sacrifice or otherwise. After slaughtering it, he found a pouch inside it containing dirhams, dinars, jewels, or other valuable items.
To whom does it belong, and what should he do with it?
Imam {a.s} wrote in response:
"Inform the seller about it. If he does not claim it, then it is yours, Allah {SWT} has provided it for you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.296 • Wasa'il Al-Shi'ah, Vol.25 p.452

HADITH

4063 - وَ رَوَى اَلْحَجَّالُ عَنْ دَاوُدَ بْنِ أَبِي يَزِيدَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قَالَ لَهُ رَجُلٌ إِنِّي قَدْ أَصَبْتُ مَالاً وَ إِنِّي قَدْ خِفْتُ فِيهِ عَلَى نَفْسِي فَلَوْ أَصَبْتُ صَاحِبَهُ دَفَعْتُهُ إِلَيْهِ وَ تَخَلَّصْتُ مِنْهُ قَالَ لَهُ «فَوَ اَللَّهِ لَوْ أَصَبْتَهُ كُنْتَ تَدْفَعُ إِلَيْهِ» قَالَ إِي وَ اَللَّهِ قَالَ عَلَيْهِ اَلسَّلاَمُ «فَلاَ وَ اَللَّهِ مَا لَهُ صَاحِبٌ غَيْرِي» قَالَ وَ اِسْتَحْلَفَهُ أَنْ يَدْفَعَ إِلَى مَنْ يَأْمُرُهُ قَالَ فَحَلَفَ قَالَ «اِذْهَبْ فَاقْسِمْهُ فِي إِخْوَانِكَ وَ لَكَ اَلْأَمَانُ فِيمَا خِفْتَ» قَالَ فَقَسَمَهُ بَيْنَ إِخْوَانِهِ.

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ كَانَ ذَلِكَ بَعْدَ تَعْرِيفِهِ سَنَةً.

H.4063 - Al-Hajjal narrated from Dawud ibn Abi Yazid, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
A man said to Imam {a.s}: "I have come across some wealth, and I fear for my safety because of it. If I were to find its owner, I would return it to him and be free from it."
Imam {a.s} said to him, "By Allah {SWT}, if you were to find its owner, would you truly return it to him?"
The man replied: “Yes, by Allah {SWT}."
Imam {a.s} then said: "By Allah {SWT}, it has no owner other than me."
Imam {a.s} then made the man swear to distribute it as Imam {a.s} instructed.
The man swore, and Imam {a.s} said: "Go and distribute it among your brothers, and you are safe from what you feared."
So, the man divided it among his brothers.

[AL SADUQ]
The compiler of this book (may Allah {SWT} have mercy on him) stated that this occurred after the man had announced it for one year.

[REFERENCES] Al-Kafi, Vol.5 p.138 • Man La Yahduruhu Al-Faqih, Vol.3 p.296 • Al-Wafi, Vol.17 p.337 • Wasa’il Al-Shi’ah, Vol.25 p.450

HADITH

4064 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «أَفْضَلُ مَا يَسْتَعْمِلُهُ اَلْإِنْسَانُ فِي اَللُّقَطَةِ إِذَا وَجَدَهَا أَلاَّ يَأْخُذَهَا وَ لاَ يَتَعَرَّضَ لَهَا فَلَوْ أَنَّ اَلنَّاسَ تَرَكُوا مَا يَجِدُونَهُ لَجَاءَ صَاحِبُهُ فَأَخَذَهُ ».

وَ إِنْ كَانَتِ اللُّقَطَةُ دُونَ دِرْهَمٍ فَهِيَ لَكَ لَا تُعَرِّفْهَا وَ إِنْ وَجَدْتَ فِي الْحَرَمِ دِينَاراً مُطَلْسَماً فَهُوَ لَكَ لَا تُعَرِّفْهُ وَ إِنْ وَجَدْتَ طَعَاماً فِي مَفَازَةٍ فَقَوِّمْهُ عَلَى نَفْسِكَ لِصَاحِبِهِ ثُمَّ كُلْهُ فَإِنْ جَاءَ صَاحِبُهُ فَرُدَّ عَلَيْهِ الْقِيمَةَ وَ إِنْ وَجَدْتَ لُقَطَةً فِي دَارٍ وَ كَانَتْ عَامِرَةً فَهِيَ لِأَهْلِهَا وَ إِنْ كَانَتْ خَرَاباً فَهِيَ لِمَنْ وَجَدَهَا.

H.4064 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The best approach for a person regarding lost property (luqata) when they find it is to leave it and not touch it. If people were to leave what they find, its owner would eventually come and take it."

[AL SADUQ]
And if the found item (luqata) is less than a dirham, then it belongs to you, and you do not have to announce it.
If you find a worn-out dinar in the sacred precinct (Haram), it belongs to you, and you do not have to announce it.
If you find food in a desolate place, then estimate its value for yourself on behalf of its owner, and eat it; if its owner comes, return the value to him.
If you find a lost item in an inhabited house, then it belongs to its residents; and if it is found in a deserted ruin, then it belongs to whoever finds it.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.297 • Fiqh Al-Quran, Vol.1 p.396

CHAPTER 88 – CHAPTER ON WHAT FALLS UNDER THE RULING OF LOST PROPERTY

بَابُ مَا يَكُونُ حُكْمُهُ حُكْمَ اللُّقَطَةِ

HADITH 4065

4065 - رَوَى سُلَيْمَانُ بْنُ دَاوُدَ اَلْمِنْقَرِيُّ عَنْ حَفْصِ بْنِ غِيَاثٍ اَلنَّخَعِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ مِنَ اَلْمُسْلِمِينَ أَوْدَعَهُ رَجُلٌ مِنَ اَللُّصُوصِ دَرَاهِمَ أَوْ مَتَاعاً وَ اَللِّصُّ مُسْلِمٌ فَهَلْ يَرُدُّهُ عَلَيْهِ قَالَ «لاَ يَرُدُّهُ عَلَيْهِ فَإِنْ أَمْكَنَهُ أَنْ يَرُدَّهُ عَلَى صَاحِبِهِ فَعَلَ وَ إِلاَّ كَانَ فِي يَدِهِ بِمَنْزِلَةِ اَللُّقَطَةِ يُصِيبُهَا فَيُعَرِّفُهَا حَوْلاً فَإِنْ أَصَابَ صَاحِبَهَا وَ إِلاَّ تَصَدَّقَ بِهَا فَإِنْ جَاءَ صَاحِبُهَا بَعْدَ ذَلِكَ خُيِّرَ بَيْنَ اَلْأَجْرِ وَ اَلْغُرْمِ فَإِنِ اِخْتَارَ اَلْأَجْرَ فَلَهُ اَلْأَجْرُ وَ إِنِ اِخْتَارَ اَلْغُرْمَ غَرِمَ لَهُ وَ كَانَ اَلْأَجْرُ لَهُ ».

H.4065 - Sulaiman ibn Dawud al-Minqari narrated from Hafs ibn Ghiyath al-Nakha'i, who said:
I asked Abu Abdullah {a.s} about a Muslim man who was entrusted with dirhams or goods by a thief, and the thief is also a Muslim. Should he return them to him?
Imam {a.s} said: "He should not return them to him. If he is able to return them to their rightful owner, he should do so. Otherwise, he should treat them as lost property (luqata), announcing them for one year.
If the rightful owner is found, he should return them to him. Otherwise, he should give them in charity.
If the owner later comes forward, he should be given the choice between accepting the reward for the charity or demanding repayment.
If he chooses the reward, it is his. If he chooses repayment, the person must compensate him, and the reward for the charity remains with the one who gave it."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.298 • Tahdhib Al-Ahkam, V.6 p.396 • Tahdhib Al-Ahkam, V.7 p.180 • Al-Istibsar, V.3 p.124 • Awali Al-La'ali, V.2 p.258 • Wasa'il Al-Shi'ah, V.25 p.463

CHAPTER 89 – CHAPTER ON GIFTS

بَابُ الْهَدِيَّةِ

HADITH 4066 – 4082

4066 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْهَدِيَّةُ فِي اَلتَّوْرَاةِ غَافِرٌ عَيْناً ».

H.4066 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"A gift in the Torah is described as something that blinds the eyes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.299

HADITH

4067 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «تَهَادَوْا تَحَابُّوا».

H.4067 - Imam {a.s} said: "Exchange gifts (with one another), and you will love one another."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.299 • Awali Al-La'ali, Vol.1 p.294 • Al-Wafi, Vol.17 p.371 • Wasa'il Al-Shi'ah, Vol.17 p.288

HADITH

4068 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «اَلْهَدِيَّةُ تَسُلُّ اَلسَّخَائِمَ».

H.4068 - Imam {a.s} said: "A gift removes grudges (resentments)."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.299 • Al-Wafi, V.17 p.371 • Wasa'il Al-Shi'ah, V.17 p.288

HADITH

4069 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «نِعْمَ اَلشَّيْءُ اَلْهَدِيَّةُ أَمَامَ اَلْحَاجَةِ».

H.4069 - Imam {a.s} said: "How excellent is a gift given before making a request."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.299 • Awali Al-La'ali, Vol.1 p.294 • Al-Wafi, Vol.17 p.371 • Wasa'il Al-Shi'ah, Vol.17 p.288 • Mustadrak Al-Wasa'il, Vol.13 p.205

HADITH

4070 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لَوْ دُعِيتُ إِلَى كُرَاعٍ لَأَجَبْتُ وَ لَوْ أُهْدِيَ إِلَيَّ كُرَاعٌ لَقَبِلْتُ».

H.4070 - The Messenger of Allah {SWT} (may Allah {SWT} bless him and his family) said:
"If I were invited to a meal consisting of a trotter, I would accept, and if I were gifted a trotter, I would accept it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.299 • Al-Wafi, Vol.17 p.371 • Wasa'il Al-Shi'ah, Vol.17 p.288

HADITH

4071 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «عَجِّلُوا رَدَّ ظُرُوفِ اَلْهَدَايَا فَإِنَّهُ أَسْرَعُ لِتَوَاتُرِهَا».

H.4071 - Imam {a.s} said:
"Hasten to return the gift containers, for it encourages the continuous giving of gifts."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.300 • Al-Wafi, V.17 p.372 • Wasa'il Al-Shi'ah, V.17 p.289

HADITH

4072 - وَ كَانَ عَلَيْهِ اَلسَّلاَمُ لاَ يَرُدُّ اَلطِّيبَ وَ اَلْحَلْوَاءَ.

H.4072 - Imam {a.s} would not refuse perfume or sweets.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.300 • Wasa'il Al-Shi'ah, Vol.17 p.289

HADITH

4073 - وَ أُتِيَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ بِهَدِيَّةِ اَلنَّيْرُوزِ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «مَا هَذَا» قَالُوا يَا أَمِيرَ اَلْمُؤْمِنِينَ اَلْيَوْمُ اَلنَّيْرُوزُ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «اِصْنَعُوا لَنَا كُلَّ يَوْمٍ نَيْرُوزاً».

H.4073 - Imam Ali ibn Abi Talib {a.s} was presented with a gift on the day of Nayrouz.
Imam {a.s} asked: "What is this?"
They replied: "O Commander of the Faithful, today is Nayrouz."
Imam {a.s} said: "Make every day for us a Nayrouz."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.300 • Al-Wafi, V.17 p.372 • Wasa'il Al-Shi'ah, V.17 p.288

HADITH

4074 - وَ رُوِيَ أَنَّهُ قَالَ عَلَيْهِ اَلسَّلاَمُ : «نَيْرُوزُنَا كُلُّ يَوْمٍ».

H.4074 - It is narrated that Imam {a.s} said: "Our Nayrouz is every day."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.300

HADITH

4075 - وَ رَوَى ثُوَيْرُ بْنُ أَبِي فَاخِتَةَ عَنْ أَبِيهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ : «أَهْدَى كِسْرَى لِلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَبِلَ مِنْهُ وَ أَهْدَى قَيْصَرُ لِلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَبِلَ مِنْهُ وَ أَهْدَتْ لَهُ اَلْمُلُوكُ فَقَبِلَ مِنْهُمْ».

H.4075 - Thuwair ibn Abi Fakhitah narrated from his father, by Imam Ali {a.s}, who said:
"Kisra sent a gift to the Prophet (may Allah {SWT} bless him and his family), and He {saws} accepted it.
Caesar also sent a gift to the Prophet (Allah {SWT} bless him and his family), and He {saws} accepted it. Likewise, the kings sent gifts to Him {saws}, and He {saws} accepted them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.300 • Al-Wafi, Vol.17 p.372 • Wasa'il Al-Shi'ah, Vol.17 p.291 • Bihar Al-Anwar, Vol.16 p.373

HADITH

4076 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «عُدْ مَنْ لاَ يَعُودُكَ وَ أَهْدِ إِلَى مَنْ لاَ يُهْدِي إِلَيْكَ».

H.4076 - Imam {a.s} said:
"Visit those who do not visit you, and give gifts to those who do not give gifts to you."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.300 • Al-Wafi, Vol.17 p.372 • Wasa'il Al-Shi'ah, Vol.17 p.288

HADITH

4077 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْهَدِيَّةُ ثَلاَثٌ هَدِيَّةُ مُكَافَأَةٍ وَ هَدِيَّةُ مُصَانَعَةٍ وَ هَدِيَّةٌ لِلَّهِ عَزَّ وَ جَلَّ».

H.4077 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Gifts are of three types: a gift given in reciprocation, a gift given to seek favor, and a gift given for the sake of Allah {SWT}, the Almighty and Glorious."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.300

HADITH

4078 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ اَلْكَرْخِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ اَلضَّيْعَةُ اَلْكَبِيرَةُ فَإِذَا كَانَ يَوْمُ اَلْمِهْرَجَانِ وَ اَلنَّيْرُوزِ أَهْدَوْا إِلَيْهِ اَلشَّيْءَ لَيْسَ هُوَ عَلَيْهِمْ يَتَقَرَّبُونَ بِذَلِكَ اَلشَّيْءِ إِلَيْهِ فَقَالَ «أَ لَيْسَ هُمْ مُصَلِّينَ » قُلْتُ بَلَى قَالَ «فَلْيَقْبَلْ هَدِيَّتَهُمْ وَ لْيُكَافِهِمْ».

H.4078 - Al-Hasan ibn Mahbub narrated from Ibrahim al-Karkhi, who said:
I asked Abu Abdullah {a.s} about a man who owns a large estate, and when the festivals of Mehregan and Nayrouz arrive, people gift him items, not as an obligation, but to seek closeness to him.
Imam {a.s} said: "Are they not Muslims?"
I said: "Yes."
Imam {a.s} said: "Then let him accept their gifts and reciprocate them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.300

HADITH

4079 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أُهْدِيَ إِلَى اَلرَّجُلِ اَلْهَدِيَّةُ مِنْ طَعَامٍ وَ عِنْدَهُ قَوْمٌ فَهُمْ شُرَكَاءُ فِيهَا يَعْنِي اَلْفَاكِهَةَ وَ غَيْرَهَا».

H.4079 - Imam {a.s} said:
"If a man is given a gift of food and he has guests with him, then they share in it, this includes fruits and other items."

[REFERENCES] Al-Kafi, Vol.5 p.144 • Man La Yahduruhu Al-Faqih, Vol.3 p.301 • Tahdhib Al-Ahkam, Vol.6 p.379 • Al-Wafi, Vol.17 p.370 • Wasa'il Al-Shi'ah, Vol.17 p.294

HADITH

4080 - وَ رُوِيَ عَنْ عِيسَى بْنِ أَعْيَنَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ أَهْدَى إِلَى رَجُلٍ هَدِيَّةً وَ هُوَ يَرْجُو ثَوَابَهَا فَلَمْ يُثِبْهُ صَاحِبُهَا حَتَّى هَلَكَ وَ أَصَابَ اَلرَّجُلُ هَدِيَّتَهُ بِعَيْنِهَا أَ لَهُ أَنْ يُرَاجِعَهَا إِنْ قَدِرَ عَلَى ذَلِكَ قَالَ «لاَ بَأْسَ أَنْ يَأْخُذَهُ».

H.4080 - It is narrated from Isa ibn Ayan, who said: I asked Abu Abdullah {a.s} about a man who gave a gift to another man, hoping for a return, but the recipient did not reciprocate until he passed away. The giver then found his gift in its original form.
I asked: “Is it permissible for him to take it back if he is able to?"
Imam {a.s} said: "There is no harm in taking it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.301 • Tahdhib Al-Ahkam, Vol.6 p.380 • Al-Wafi, Vol.17 p.372 • Wasa’il Al-Shi’ah, Vol.17 p.293

HADITH

4081 - وَ رُوِيَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : قُلْتُ لَهُ اَلرَّجُلُ اَلْفَقِيرُ يُهْدِي إِلَيَّ اَلْهَدِيَّةَ يَتَعَرَّضُ لِمَا عِنْدِي فَآخُذُهَا وَ لاَ أُعْطِيهِ شَيْئاً أَ يَحِلُّ لِي قَالَ «نَعَمْ هِيَ لَكَ حَلاَلٌ وَ لَكِنْ لاَ تَدَعْ أَنْ تُعْطِيَهُ».

H.4081 - It is narrated from Ishaq ibn Ammar, who said:
I asked Imam {a.s} about a poor man who gives me a gift, hoping to receive something from me in return. Is it permissible for me to accept it without giving him anything?
Imam {a.s} said: "Yes, it is permissible for you, and it is lawful for you. However, do not neglect giving him something."

[REFERENCES] Al-Kafi, Vol.5 p.143 • Man La Yahduruhu Al-Faqih, Vol.3 p.301 • Tahdhib Al-Ahkam, Vol.6 p.379 • Al-Wafi, Vol.17 p.368 • Wasa’il Al-Shi’ah, Vol.17 p.293 • Bihar Al-Anwar, Vol.67 p.370

HADITH

4082 - وَ رَوَى مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ بَزِيعٍ عَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ مَسْأَلَةٍ كَتَبَ بِهَا إِلَيَّ، مُحَمَّدُ بْنُ عَبْدِ اَللَّهِ اَلْقُمِّيُّ اَلْأَشْعَرِيُّ فَقَالَ لَنَا ضِيَاعٌ فِيهَا بُيُوتُ نِيرَانٍ تُهْدِي إِلَيْهَا اَلْمَجُوسُ اَلْبَقَرَ وَ اَلْغَنَمَ وَ اَلدَّرَاهِمَ فَهَلْ يَحِلُّ لِأَرْبَابِ اَلْقُرَى أَنْ يَأْخُذُوا ذَلِكَ وَ لِبُيُوتِ نِيرَانِهِمْ قُوَّامٌ يَقُومُونَ عَلَيْهَا فَقَالَ أَبُو اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ «لِيَأْخُذْ أَصْحَابُ اَلْقُرَى مِنْ ذَلِكَ فَلاَ بَأْسَ بِهِ».

H.4082 - Muhammad ibn Isma'il ibn Bazi' narrated from Imam Ar-Ridha {a.s}:
I asked him about a question that Muhammad ibn Abdullah al-Qummi al-Ash'ari had written to me.
He said: "We have lands where there are fire temples, and the Magians (Majus) offer cattle, sheep, and dirhams as gifts to these temples. Is it permissible for the landowners to take these offerings, knowing that the fire temples have caretakers who oversee them?"
Abu al-Hasan {a.s} said: "The landowners may take them, and there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.301

CHAPTER 90 – CHAPTER ON BORROWING (ARIYYAH)

بَابُ الْعَارِيَّةِ

HADITH 4083 – 4086

4083 - رُوِيَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَوْ أَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْعَارِيَّةُ لَيْسَ عَلَى مُسْتَعِيرِهَا ضَمَانٌ إِلاَّ أَنْ يُشْتَرَطَ إِلاَّ مَا كَانَ مِنْ ذَهَبٍ أَوْ فِضَّةٍ فَإِنَّهُمَا مَضْمُونَتَانِ اُشْتُرِطَا أَوْ لَمْ يُشْتَرَطَا » وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «إِذَا اُسْتُعِيرَتْ عَارِيَّةٌ بِغَيْرِ إِذْنِ صَاحِبِهَا فَهَلَكَتْ فَالْمُسْتَعِيرُ ضَامِنٌ ».

H.4083 - It is narrated from Ishaq ibn Ammar, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} or (Imam Musa ibn Jafar Al-Kadhim {a.s}), who said:
"A borrowed item (ariyyah) is not guaranteed by the borrower unless it is stipulated, except in the case of gold or silver, as these are guaranteed whether stipulated or not."
Imam {a.s} also said: "If an item is borrowed without the owner's permission and it perishes, the borrower is liable for it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.302 • Tahdhib Al-Ahkam, Vol.7 p.183 • Al-Wafi, Vol.18 p.871

HADITH

4084 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلْعَارِيَّةِ يَسْتَعِيرُهَا اَلْإِنْسَانُ فَتَهْلِكُ أَوْ تُسْرَقُ فَقَالَ «إِذَا كَانَ أَمِيناً فَلاَ غُرْمَ عَلَيْهِ».

H.4084 - Aban narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I asked him about a borrowed item (ariyyah) that a person borrows, and it either perishes or is stolen.
Imam {a.s} said: "If he is trustworthy, then there is no liability upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.302 • Tahdhib Al-Ahkam, Vol.7 p.182 • Al-Istibsar, Vol.3 p.124 • Al-Wafi, Vol.18 p.868 • Wasa'il Al-Shi'ah, Vol.19 p.93

HADITH

4085 - وَ رَوَى أَبَانٌ عَنْ حَرِيزٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ اِسْتَعَارَ ثَوْباً ثُمَّ عَمَدَ إِلَيْهِ فَرَهَنَهُ فَجَاءَ أَهْلُ اَلْمَتَاعِ إِلَى مَتَاعِهِمْ فَقَالَ «يَأْخُذُونَ مَتَاعَهُمْ».

H.4085 - Aban narrated from Hariz, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who borrowed a garment and then intentionally used it as collateral for a loan.
Imam {a.s} said: "The owners of the item have the right to reclaim their property."

[REFERENCES] Al-Kafi, Vol.5 p.239 • Man La Yahduruhu Al-Faqih, Vol.3 p.302 • Tahdhib Al-Ahkam, Vol.7 p.184 • Tahdhib Al-Ahkam, Vol.7 p.184 • Al-Wafi, Vol.18 p.843 • Wasa'il Al-Shi'ah, Vol.19 p.98

HADITH

4086 - وَ اِسْتَعَارَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ مِنْ صَفْوَانَ بْنِ أُمَيَّةَ اَلْجُمَحِيِّ سَبْعِينَ دِرْعاً حُطَمِيَّةً وَ ذَلِكَ قَبْلَ إِسْلاَمِهِ فَقَالَ أَ غَصْبٌ أَمْ عَارِيَّةٌ يَا أَبَا اَلْقَاسِمِ فَقَالَ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «لاَ بَلْ عَارِيَّةٌ مُؤَدَّاةٌ» فَجَرَتِ اَلسُّنَّةُ فِي اَلْعَارِيَّةِ إِذَا اُشْتُرِطَ فِيهَا أَنْ تَكُونَ مُؤَدَّاةً وَ كَانَ صَفْوَانُ بْنُ أُمَيَّةَ بَعْدَ إِسْلاَمِهِ نَائِماً فِي اَلْمَسْجِدِ فَسُرِقَ رِدَاؤُهُ فَتَبِعَ اَللِّصَّ وَ أَخَذَ مِنْهُ اَلرِّدَاءَ وَ جَاءَ بِهِ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ أَقَامَ بِذَلِكَ شَاهِدَيْنِ عَدْلَيْنِ عَلَيْهِ فَأَمَرَ عَلَيْهِ اَلسَّلاَمُ بِقَطْعِ يَمِينِهِ فَقَالَ صَفْوَانُ يَا رَسُولَ اَللَّهِ أَ تَقْطَعُهُ مِنْ أَجْلِ رِدَائِي قَدْ وَهَبْتُهُ لَهُ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «أَلاَّ كَانَ هَذَا قَبْلَ أَنْ تَرْفَعَهُ إِلَيَّ» فَقَطَعَهُ فَجَرَتِ اَلسُّنَّةُ فِي اَلْحَدِّ إِذَا رُفِعَ إِلَى اَلْإِمَامِ وَ قَامَتْ عَلَيْهِ اَلْبَيِّنَةُ أَنْ لاَ يُعَطَّلَ وَ يُقَامَ.

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ لَا قَطْعَ عَلَى مَنْ يَسْرِقُ مِنَ اَلْمَسَاجِدِ وَ اَلْمَوَاضِعِ اَلَّتِي يُدْخَلُ إِلَيْهَا بِغَيْرِ إِذْنٍ مِثْلَ اَلْحَمَّامَاتِ وَ اَلْأَرْحِيَةِ وَ اَلْخَانَاتِ وَ إِنَّمَا قَطَعَهُ اَلنَّبِيُّ ص لِأَنَّهُ سَرَقَ اَلرِّدَاءَ وَ أَخْفَاهُ فَلِإِخْفَائِهِ قَطَعَهُ وَ لَوْ لَمْ يُخْفِهِ لَعَزَّرَهُ وَ لَمْ يَقْطَعْهُ.

H.4086 - The Prophet (may Allah {SWT} bless him and his family) borrowed seventy coats of mail made of iron from Safwan ibn Umayyah al-Jumahi before he embraced Islam.
Safwan asked: “O Abu al-Qasim, is this a seizure or a loan?"
The Prophet (may Allah {SWT} bless him and his family) replied: "No, it is a loan to be returned."
Thus, it became a precedent that a loan (ariyyah) must be returned if stipulated.
After Safwan embraced Islam, he was once sleeping in the mosque when his cloak was stolen. Safwan pursued the thief, retrieved the cloak, and brought him to the Messenger of Allah {SWT} (may Allah {SWT} bless him and his family). He also presented two just witnesses against the thief.
The Prophet (may Allah {SWT} bless him and his family) ordered that the thief's right hand be cut off.
Safwan said: “O Messenger of Allah {SWT}, will you cut off his hand because of my cloak? I have already gifted it to him."
The Prophet (may Allah {SWT} bless him and his family) said: "Why did you not say this before bringing the matter to me?"
The sentence was then carried out, establishing the precedent that if a case reaches the Imam and evidence is presented, the prescribed punishment (hadd) cannot be waived.

[AL SADUQ]
The compiler of this book (may Allah {SWT} have mercy on him) commented:
"There is no cutting of the hand for theft committed in mosques or in places where entry is allowed without permission, such as bathhouses, mills, and inns. The Prophet (may Allah {SWT} bless him and his family) ordered the cutting of the thief's hand because he stole the cloak and concealed it. If he had not hidden it, the punishment would have been a discretionary penalty (ta'zir), not the cutting of the hand."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.302

CHAPTER 91 – CHAPTER ON DEPOSITS (WADI'AH)

بَابُ الْوَدِيعَةِ

HADITH 4087 – 4093

4087 - رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «صَاحِبُ اَلْوَدِيعَةِ وَ اَلْبِضَاعَةِ مُؤْتَمَنَانِ».

H.4087 - Hammad narrated from al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"The trustee of a deposit (wadi'ah) and the trustee of merchandise (bida'ah) are both considered trustworthy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.304 • Tahdhib Al-Ahkam, Vol.7 p.179 • Al-Wafi, Vol.18 p.873 • Mustadrak Al-Wasa'il, Vol.14 p.16

HADITH

4088 - وَ قَالَ : فِي رَجُلٍ اِسْتَأْجَرَ أَجِيراً فَأَقْعَدَهُ عَلَى مَتَاعِهِ فَسُرِقَ قَالَ «هُوَ مُؤْتَمَنٌ».

H.4088 - Imam {a.s} was asked about a man who hired a laborer and entrusted him to guard his goods, but the goods were stolen.
Imam {a.s} said: "He is considered trustworthy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.304 • Tahdhib Al-Ahkam, Vol.7 p.184 • Awali Al-La'ali, Vol.2 p.353 • Al-Wafi, Vol.18 p.877 • Wasa'il Al-Shi'ah, Vol.19 p.79 • Wasa'il Al-Shi'ah, Vol.19 p.142 • Wasa'il Al-Shi'ah, Vol.28 p.271

HADITH

4089 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ مَحْبُوبٍ قَالَ : كَتَبَ رَجُلٌ إِلَى اَلْفَقِيهِ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ دَفَعَ إِلَى رَجُلٍ وَدِيعَةً وَ أَمَرَهُ أَنْ يَضَعَهَا فِي مَنْزِلِهِ أَوْ لَمْ يَأْمُرْهُ فَوَضَعَهَا اَلرَّجُلُ فِي مَنْزِلِ جَارِهِ فَضَاعَتْ هَلْ يَجِبُ عَلَيْهِ إِذَا خَالَفَ أَمْرَهُ أَوْ أَخْرَجَهَا مِنْ مِلْكِهِ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «هُوَ ضَامِنٌ لَهَا إِنْ شَاءَ اَللَّهُ تَعَالَى».

H.4089 - It is narrated from Muhammad ibn Ali ibn Mahbub, who said:
A man wrote to the 'Jurist' (Imam Hasan ibn Ali Al-Askari {a.s}) regarding a case where someone entrusted another person with a deposit (wadi'ah) and instructed him to keep it in his own house, or gave no specific instruction. However, the man placed it in his neighbor's house, and it was lost.
Does he bear responsibility if he disobeyed the instruction or moved it out of his possession?
The 'Jurist' (Imam Hasan ibn Ali Al-Askari {a.s}) replied: "He is liable for it, if Allah {SWT} wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.304 • Al-Wafi, Vol.18 p.876

HADITH

4090 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ حَبِيبٍ اَلْخَثْعَمِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ اَلرَّجُلُ يَكُونُ عِنْدَهُ اَلْمَالُ وَدِيعَةً يَأْخُذُ مِنْهُ بِغَيْرِ إِذْنِ صَاحِبِهِ قَالَ «لاَ يَأْخُذْ إِلاَّ أَنْ يَكُونَ لَهُ وَفَاءٌ » وَ قَالَ قُلْتُ أَ رَأَيْتَ إِنْ وَجَدَ مَنْ يَضْمَنُهُ وَ لَمْ يَكُنْ لَهُ وَفَاءٌ وَ أَشْهَدَ عَلَى نَفْسِهِ اَلَّذِي يَضْمَنُهُ يَأْخُذُ مِنْهُ قَالَ «نَعَمْ».

H.4090 - Ibn Abi Umayr narrated from Habib al-Khath'ami, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked Imam {a.s} about a man who has wealth in his possession as a deposit (wadi'ah). Can he take from it without the owner's permission?
Imam {a.s} said: "He should not take from it unless he has the means to repay it."
I then asked: “What if he finds someone who guarantees it for him, but he himself does not have the means to repay, and he has the guarantor testify on his behalf, can he take from it?"
Imam {a.s} said: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.304 • Tahdhib Al-Ahkam, Vol.7 p.180 • Al-Wafi, Vol.18 p.877 • Wasa’il Al-Shi’ah, Vol.19 p.86

HADITH

4091 - وَ رُوِيَ عَنْ مِسْمَعٍ أَبِي سَيَّارٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي كُنْتُ اِسْتَوْدَعْتُ رَجُلاً مَالاً فَجَحَدَنِيهِ وَ حَلَفَ لِي عَلَيْهِ ثُمَّ إِنَّهُ جَاءَنِي بَعْدَ ذَلِكَ بِسَنَتَيْنِ بِالْمَالِ اَلَّذِي أَوْدَعْتُهُ إِيَّاهُ فَقَالَ هَذَا مَالُكَ فَخُذْهُ وَ هَذِهِ أَرْبَعَةُ آلاَفِ دِرْهَمٍ رَبِحْتُهَا فَهِيَ لَكَ مَعَ مَالِكَ وَ اِجْعَلْنِي فِي حِلٍّ فَأَخَذْتُ مِنْهُ اَلْمَالَ وَ أَبَيْتُ أَنْ آخُذَ اَلرِّبْحَ مِنْهُ وَ وَقَفْتُ اَلْمَالَ اَلَّذِي كُنْتُ اِسْتَوْدَعْتُهُ وَ أَبَيْتُ أَخْذَهُ حَتَّى أَسْتَطْلِعَ رَأْيَكَ فَمَا تَرَى فَقَالَ «خُذْ نِصْفَ اَلرِّبْحِ وَ أَعْطِهِ اَلنِّصْفَ وَ حَلِّلْهُ فَإِنَّ هَذَا رَجُلٌ تَائِبٌ وَ اَللَّهُ «يُحِبُّ اَلتَّوَّابِينَ» ».

H.4091 - It is narrated from Misma’ Abu Sayyar, who said:
I said to Abu Abdullah {a.s}: "I had entrusted a man with some wealth, but he denied it and swore an oath against it. After two years, he returned to me with the wealth I had entrusted him and said, This is your wealth, take it. And here are four thousand dirhams I earned as profit, it is also yours. Please forgive me.’
I took back my wealth but refused to take the profit. I held off from taking the entrusted wealth as well until I could consult your opinion. What do you advise?"
Imam {a.s} said: "Take half of the profit and give him the other half. Then forgive him, for this man has repented, and Allah {SWT} *'loves those who repent'*."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.305 • Tahdhib Al-Ahkam, Vol.7 p.180 • Al-Wafi, Vol.18 p.877 • Wasa’il Al-Shi’ah, Vol.19 p.89 • Wasa’il Al-Shi’ah, Vol.23 p.286

HADITH

4092 - وَ سَأَلَ إِسْحَاقُ بْنُ عَمَّارٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ اِسْتَوْدَعَ رَجُلاً أَلْفَ دِرْهَمٍ فَضَاعَتْ فَقَالَ لَهُ اَلرَّجُلُ إِنَّمَا كَانَتْ عَلَيْهِ قَرْضاً وَ قَالَ اَلْآخَرُ إِنَّمَا كَانَتْ وَدِيعَةً فَقَالَ «اَلْمَالُ لاَزِمٌ لَهُ إِلاَّ أَنْ يُقِيمَ اَلْبَيِّنَةَ إِنَّمَا كَانَتْ وَدِيعَةً».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ مَضَى مَشَايِخُنَا رَضِيَ اللَّهُ عَنْهُمْ عَلَى أَنَّ قَوْلَ الْمُودَعِ مَقْبُولٌ فَإِنَّهُ مُؤْتَمَنٌ وَ لَا يَمِينَ عَلَيْهِ.

H.4092 - Ishaq ibn Ammar asked Abu Abdullah {a.s} about a man who entrusted another man with one thousand dirhams, but the money was lost.
The trustee claimed that the amount was a loan, while the depositor insisted it was a deposit (wadi'ah).
Imam {a.s} said: "The money is binding upon him (the trustee) unless he provides evidence that it was a deposit."

[AL SADUQ]
The compiler of this book (may Allah {SWT} have mercy on him) commented:
"Our respected scholars (may Allah {SWT} be pleased with them) have ruled that the trustee's claim is accepted because he is considered trustworthy, and no oath is required from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.305

HADITH

4093 - وَ قَالَ رَجُلٌ لِلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ إِنِّي اِئْتَمَنْتُ رَجُلاً عَلَى مَالٍ أَوْدَعْتُهُ إِيَّاهُ عِنْدَهُ فَخَانَنِي فِيهِ وَ أَنْكَرَ مَالِي فَقَالَ عَلَيْهِ اَلسَّلاَمُ «لَمْ يَخُنْكَ اَلْأَمِينُ وَ لَكِنَّكَ اِئْتَمَنْتَ اَلْخَائِنَ».

H.4093 - A man said to Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"I entrusted a man with wealth, or I deposited it with him, but he betrayed me and denied having my wealth."
Imam {a.s} said: "The trustworthy one did not betray you, but rather, you entrusted a traitor."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.305 • Tahdhib Al-Ahkam, Vol.7 p.181 • Al-Wafi, Vol.18 p.955 • Wasa'il Al-Shi'ah, Vol.19 p.80

CHAPTER 92 – CHAPTER ON PLEDGING (RAHN)

بَابُ الرَّهْنِ

HADITH 4094 – 4120

4094 - رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ رَهَنَ عِنْدَ رَجُلٍ رَهْناً فَضَاعَ اَلرَّهْنُ قَالَ «هُوَ مِنْ مَالِ اَلرَّاهِنِ وَ يَرْتَجِعُ اَلْمُرْتَهَنُ عَلَيْهِ بِمَالِهِ».

H.4094 - Muhammad ibn Abi Umayr narrated from Jamil ibn Darraj, who said that Abu Abdullah {a.s} was asked about a man who gave collateral (rahn) to another man, but the collateral was lost.
Imam {a.s} said: "It is the responsibility of the pledger (rahin), and the pledgee (murtahin) has the right to claim his money from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.305 • Al-Wafi, V.18 p.858 • Wasa'il Al-Shi'ah, V.18 p.385

HADITH

4095 - وَ فِي رِوَايَةِ إِسْمَاعِيلَ بْنِ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلظَّهْرُ يُرْكَبُ إِذَا كَانَ مَرْهُوناً وَ عَلَى اَلَّذِي يَرْكَبُهُ نَفَقَتُهُ وَ اَلدَّرُّ يُشْرَبُ إِذَا كَانَ مَرْهُوناً وَ عَلَى اَلَّذِي يَشْرَبُ اَلدَّرَّ نَفَقَتُهُ ».

H.4095 - In a narration from Ismail ibn Muslim, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them), from Imam Ali ibn Abi Talib {a.s}, who said that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"The back (of a riding animal) may be ridden if it is given as collateral (rahn), and the one who rides it is responsible for its expenses.
And the milk may be drunk if it is given as collateral, and the one who drinks the milk is responsible for its expenses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.306 • Tahdhib Al-Ahkam, Vol.7 p.175 • Awali Al-La'ali, Vol.3 p.486 • Al-Wafi, Vol.18 p.849 • Wasa'il Al-Shi'ah, Vol.18 p.398

HADITH

4096 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ اَلرَّجُلُ يَرْتَهِنُ اَلْعَبْدَ فَيُصِيبُهُ عَوَرٌ أَوْ يَنْقُصُ مِنْ جَسَدِهِ شَيْءٌ عَلَى مَنْ يَكُونُ نُقْصَانُ ذَلِكَ قَالَ «عَلَى مَوْلاَهُ» قَالَ قُلْتُ إِنَّ اَلنَّاسَ يَقُولُونَ إِنْ رَهَنْتَ اَلْعَبْدَ فَمَرِضَ أَوِ اِنْفَقَأَتْ عَيْنُهُ فَأَصَابَهُ نُقْصَانٌ فِي جَسَدِهِ يَنْقُصُ مِنْ مَالِ اَلرَّجُلِ بِقَدْرِ مَا يَنْقُصُ مِنَ اَلْعَبْدِ قَالَ «أَ رَأَيْتَ لَوْ أَنَّ اَلْعَبْدَ قَتَلَ عَلَى مَنْ تَكُونُ جِنَايَتُهُ» قَالَ «جِنَايَتُهُ فِي عُنُقِهِ».

H.4096 - Safwan ibn Yahya narrated from Ishaq ibn Ammar, who said:
I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a man who takes a slave as collateral (rahn), and the slave suffers an injury, such as losing an eye or any reduction in his physical condition. Who bears the loss for such a deficiency?
Imam {a.s} replied: "It is upon his master."
I said: "The people say that if you give a slave as collateral and he falls ill, loses an eye, or suffers a physical defect, the man's wealth should decrease in proportion to the loss in the slave."
Imam {a.s} said: "What do you think, if the slave committed murder, who would bear the liability for his crime?"
I replied: "His liability would remain upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.306 • Al-Wafi, V.18 p.858 • Wasa'il Al-Shi'ah, Vol.18 p.386

HADITH

4097 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبَّادِ بْنِ صُهَيْبٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ مَتَاعٍ فِي يَدَيْ رَجُلَيْنِ أَحَدُهُمَا يَقُولُ اِسْتَوْدَعْتُكَاهُ وَ اَلْآخَرُ يَقُولُ هُوَ رَهْنٌ فَقَالَ «اَلْقَوْلُ قَوْلُ اَلَّذِي يَقُولُ هُوَ رَهْنٌ عِنْدِي إِلاَّ أَنْ يَأْتِيَ اَلَّذِي اِدَّعَى أَنَّهُ قَدْ أَوْدَعَهُ بِشُهُودٍ».

H.4097 - Al-Hasan ibn Mahbub narrated from 'Abbad ibn Suhayb, who said:
I asked Abu Abdullah {a.s} about an item held by two men, one of them claims, "I entrusted it to you as a deposit (wadi'ah)," while the other says, "It is collateral (rahn) with me."
Imam {a.s} said: "The statement of the one who claims it is collateral (rahn) is accepted unless the one who claims it was entrusted (wadi'ah) presents witnesses."

[REFERENCES] Al-Kafi, Vol.5 p.238 • Man La Yahduruhu Al-Faqih, Vol.3 p.306 • Tahdhib Al-Ahkam, Vol.7 p.176 • Al-Istibsar, Vol.3 p.122 • Al-Wafi, Vol.18 p.865 • Wasa'il Al-Shi'ah, Vol.18 p.401

HADITH

4098 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي وَلاَّدٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَأْخُذُ اَلدَّابَّةَ وَ اَلْبَعِيرَ رَهْناً بِمَالِهِ هَلْ لَهُ أَنْ يَرْكَبَهُمَا فَقَالَ «إِنْ كَانَ يَعْلِفُهُمَا فَلَهُ أَنْ يَرْكَبَهُمَا وَ إِنْ كَانَ اَلَّذِي أَرْهَنَهُمَا عِنْدَهُ يَعْلِفُهُمَا فَلَيْسَ لَهُ أَنْ يَرْكَبَهُمَا».

H.4098 - Al-Hasan ibn Mahbub narrated from Abu Walad, who said:
I asked Abu Abdullah {a.s} about a man who takes a riding animal or a camel as collateral (rahn) for his money, does he have the right to ride them?
Imam {a.s} said: "If he is the one feeding them, then he has the right to ride them. But if the one who pledged them as collateral is the one feeding them, then he does not have the right to ride them."

[REFERENCES] Al-Kafi, Vol.5 p.236 • Man La Yahduruhu Al-Faqih, Vol.3 p.307 • Tahdhib Al-Ahkam, Vol.7 p.176 • Al-Wafi, Vol.18 p.849 • Wasa'il Al-Shi'ah, Vol.18 p.397

HADITH

4099 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ اَلْكَرْخِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ رَهَنَ بِمَالِهِ أَرْضاً أَوْ داراً لَهَا غَلَّةٌ كَثِيرَةٌ فَقَالَ «عَلَى اَلَّذِي اِرْتَهَنَ اَلْأَرْضَ وَ اَلدَّارَ بِمَالِهِ أَنْ يَحْسُبَ لِصَاحِبِ اَلْأَرْضِ وَ اَلدَّارِ مَا أَخَذَ مِنَ اَلْغَلَّةِ وَ يَطْرَحَهُ عَنْهُ مِنَ اَلدَّيْنِ لَهُ».

H.4099 - Al-Hasan ibn Mahbub narrated from Ibrahim al-Karkhi, who said:
I asked Abu Abdullah {a.s} about a man who took a piece of land or a house as collateral (rahn) for his money, and both the land and the house produced abundant yield.
Imam {a.s} said: "It is upon the one who took the land and house as collateral, for his money, to calculate what he has taken from the yield and deduct it from debt owed."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.307 • Al-Wafi, V.18 p.849 • Wasa'il Al-Shi'ah, Vol.18 p.396

HADITH

4100 - وَ رَوَى مُحَمَّدُ بْنُ حَسَّانَ عَنْ أَبِي عِمْرَانَ اَلْأَرْمَنِيِّ عَنْ عَبْدِ اَللَّهِ بْنِ اَلْحَكَمِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ أَفْلَسَ وَ عَلَيْهِ دَيْنٌ لِقَوْمٍ وَ عِنْدَ بَعْضِهِمْ رُهُونٌ وَ لَيْسَ عِنْدَ بَعْضِهِمْ فَمَاتَ وَ لاَ يُحِيطُ مَالُهُ بِمَا عَلَيْهِ مِنَ اَلدَّيْنِ قَالَ «يُقْسَمُ جَمِيعُ مَا خَلَّفَ مِنَ اَلرُّهُونِ وَ غَيْرِهَا عَلَى أَرْبَابِ اَلدَّيْنِ بِالْحِصَصِ».

H.4100 - Muhammad ibn Hassan narrated from Abi Imran al-Armani, from Abdullah ibn al-Hakam, who said:
I asked Abu Abdullah {a.s} about a man who became bankrupt and owed debts to some people, some of whom held collateral (ruhun) while others did not. The man then died, and his remaining wealth was insufficient to cover his debts.
Imam {a.s} said: "All that he left behind, including the collateral and other possessions, shall be divided among the creditors in proportion to their shares of the debt."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.307 • Tahdhib Al-Ahkam, Vol.7 p.177 • Awali Al-La'ali, Vol.3 p.235 • Al-Wafi, Vol.18 p.844 • Wasa'il Al-Shi'ah, Vol.18 p.405

HADITH

4101 - قَالَ : وَ سَأَلْتُهُ عَنْ رَجُلٍ رَهَنَ عِنْدَ رَجُلٍ رَهْناً عَلَى أَلْفِ دِرْهَمٍ وَ اَلرَّهْنُ يُسَاوِي أَلْفَيْنِ فَضَاعَ قَالَ «يَرْجِعُ عَلَيْهِ بِفَضْلِ مَا رَهَنَهُ وَ إِنْ كَانَ أَنْقَصَ مِمَّا رَهَنَهُ عَلَيْهِ رَجَعَ عَلَى اَلرَّاهِنِ بِالْفَضْلِ وَ إِنْ كَانَ اَلرَّهْنُ يَسْوَي مَا رَهَنَهُ عَلَيْهِ فَالرَّهْنُ بِمَا فِيهِ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ هَذَا مَتَى ضَاعَ الرَّهْنُ بِتَضْيِيعِ الْمُرْتَهِنِ لَهُ فَأَمَّا إِذَا ضَاعَ مِنْ حِرْزِهِ أَوْ غُلِبَ عَلَيْهِ يَرْجِعُ بِمَالِهِ عَلَى الرَّاهِنِ وَ تَصْدِيقُ ذَلِك.

H.4101 – He (narrator) said: I asked him about a man who deposited collateral (rahn) with another man against a debt of one thousand dirhams, while the value of the collateral was two thousand dirhams, but the collateral was lost.
Imam {a.s} said: "The creditor shall reclaim from the debtor the surplus value of what was pledged. If the value of the collateral was less than the debt, the creditor shall reclaim the remaining balance from the debtor. However, if the value of the collateral equaled the debt, then the collateral suffices as payment for the debt."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, added:
"This ruling applies when the collateral is lost due to the creditor's negligence. However, if it is lost while securely stored or by overpowering circumstances, the creditor may reclaim the debt from the debtor, as confirmed by the narration."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.308 • Al-Wafi, Vol.18 p.861 • Wasa'il Al-Shi'ah, Vol.18 p.392

HADITH

4102 - مَا رَوَاهُ عَلِيُّ بْنُ اَلْحَكَمِ عَنْ أَبَانِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «فِي اَلرَّهْنِ إِذَا ضَاعَ مِنْ عِنْدِ اَلْمُرْتَهِنِ مِنْ غَيْرِ أَنْ يَسْتَهْلِكَهُ رَجَعَ بِحَقِّهِ عَلَى اَلرَّاهِنِ فَأَخَذَهُ وَ إِنِ اِسْتَهْلَكَهُ تَرَادَّا اَلْفَضْلَ بَيْنَهُمَا».

H.4102 - Ali ibn al-Hakam narrated from Aban ibn Uthman, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Regarding a pledge (rahn), if it is lost while in the possession of the creditor (murtahin) without being consumed by him, he may reclaim his right from the pledger (rahin) and take it. However, if the creditor consumed it, then they should settle the surplus value between them."

[REFERENCES] Al-Kafi, Vol.5 p.234 • Man La Yahduruhu Al-Faqih, Vol.3 p.308 • Tahdhib Al-Ahkam, Vol.7 p.172 • Tahdhib Al-Ahkam, Vol.7 p.172 • Al-Istibsar, Vol.3 p.120 • Al-Istibsar, Vol.3 p.120 • Al-Wafi, Vol.18 p.855 • Wasa'il Al-Shi'ah, Vol.18 p.386 • Wasa'il Al-Shi'ah, Vol.18 p.387 • Al-Fusul Al-Muhimmah, Vol.2 p.269

HADITH

4103 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنْ رَهَنَ رَجُلٌ أَرْضاً فِيهَا ثَمَرَةٌ فَإِنَّ ثَمَرَتَهَا مِنْ حِسَابِ مَالِهِ وَ لَهُ حِسَابُ مَا عَمِلَ فِيهَا وَ أَنْفَقَ فِيهَا فَإِذَا اِسْتَوْفَى مَالَهُ فَلْيَدْفَعِ اَلْأَرْضَ إِلَى صَاحِبِهَا».

H.4103 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"If a man pledges (rahn) a piece of land that contains fruit, then its produce shall be accounted as part of his payment. He is also entitled to calculate what he worked on and spent on it. Once his debt is settled, he must return the land to its owner."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.308 • Al-Wafi, Vol.18 p.849 • Wasa'il Al-Shi'ah, Vol.18 p.396

HADITH

4104 - وَ رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : فِي رَهْنٍ اِخْتَلَفَ فِيهِ اَلرَّاهِنُ وَ اَلْمُرْتَهِنُ فَقَالَ «اَلرَّاهِنُ هُوَ بِكَذَا وَ كَذَا» وَ قَالَ «اَلْمُرْتَهِنُ هُوَ بِأَكْثَرَ إِنَّهُ يُصَدَّقُ اَلْمُرْتَهِنُ حَتَّى يُحِيطَ بِالثَّمَنِ لِأَنَّهُ أَمِينٌ».

H.4104 - Isma'il ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), who said that Imam Ali ibn Abi Talib {a.s} stated:
"In a case of dispute over a pledged item (rahn) between the pledger (rahin) and the pledgee (murtahin), where the pledger claims its value is such-and-such, and the pledgee claims it is of a higher value, the pledgee shall be believed until the value covers the debt because he is considered trustworthy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.308 • Tahdhib Al-Ahkam, Vol.7 p.175 • Al-Istibsar, Vol.3 p.122 • Awali Al-La'ali, Vol.3 p.236 • Al-Wafi, Vol.18 p.865 • Wasa'il Al-Shi'ah, Vol.18 p.403

HADITH

4105 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : سَأَلْتُ أَبَا إِبْرَاهِيمَ ع عَنْ رَجُلٍ يَكُونُ عِنْدَهُ اَلرَّهْنُ فَلاَ يَدْرِي لِمَنْ هُوَ مِنَ اَلنَّاسِ فَقَالَ «مَا أُحِبُّ أَنْ يَبِيعَهُ حَتَّى يَجِيءَ صَاحِبُهُ» قُلْتُ لاَ يَدْرِي لِمَنْ هُوَ مِنَ اَلنَّاسِ فَقَالَ «فِيهِ فَضْلٌ أَوْ نُقْصَانٌ» قُلْتُ فَإِنْ كَانَ فِيهِ فَضْلٌ أَوْ نُقْصَانٌ مَا يَصْنَعُ قَالَ «إِنْ كَانَ فِيهِ نُقْصَانٌ فَهُوَ أَهْوَنُ يَبِيعُهُ فَيُؤْجَرُ بِمَا بَقِيَ وَ إِنْ كَانَ فِيهِ فَضْلٌ فَهُوَ أَشَدُّهُمَا عَلَيْهِ يَبِيعُهُ وَ يُمْسِكُ فَضْلَهُ حَتَّى يَجِيءَ صَاحِبُهُ».
قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ هَذَا إِذَا لَمْ يَعْرِفْ صَاحِبَهُ وَ لَمْ يَطْمَعْ فِي رُجُوعِهِ فَمَتَى عَرَفَ صَاحِبَهُ فَلَيْسَ لَهُ بَيْعُهُ حَتَّى يَجِيءَ وَ تَصْدِيقُ ذَلِكَ.

H.4105 - Safwan ibn Yahya narrated from Ishaq ibn Ammar, who said:
"I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a man who has a pledged item (rahn) in his possession but does not know to whom it belongs.
Imam {a.s} said: 'I do not recommend that he sell it until its owner comes.'
I said: 'He does not know to whom it belongs.'

Imam {a.s} replied: 'Does it have any excess value or deficiency?'
I said: 'What if it has excess or deficiency, what should he do?'
Imam {a.s} said: 'If it has a deficiency, it is easier; he may sell it and be rewarded for what remains. However, if it has excess value, that is more difficult; he should sell it and hold the surplus until its owner comes.' "

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented:
"This applies if the owner is unknown and there is no expectation of his return. However, if the owner is identified, it is not permissible to sell it until the owner comes."

[REFERENCES] Al-Kafi, Vol.5 p.233 • Man La Yahduruhu Al-Faqih, Vol.3 p.309 • Tahdhib Al-Ahkam, Vol.7 p.168 • Al-Wafi, Vol.18 p.851 • Wasa'il Al-Shi'ah, Vol.18 p.384

HADITH

4106 - مَا رَوَاهُ اَلْقَاسِمُ بْنُ سُلَيْمَانَ عَنْ عُبَيْدِ بْنِ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ رَهَنَ رَهْناً إِلَى وَقْتٍ ثُمَّ غَابَ هَلْ لَهُ وَقْتٌ يُبَاعُ فِيهِ رَهْنُهُ فَقَالَ «لاَ حَتَّى يَجِيءَ».

H.4106 - Al-Qasim ibn Sulaiman narrated from Ubayd ibn Zurara, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who pledged a security (rahn) for a specified time and then disappeared, should there be a time set to sell his pledge?"
Imam {a.s} replied: "No, it should not be sold until he returns."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.309 • Tahdhib Al-Ahkam, Vol.7 p.169 • Al-Wafi, Vol.18 p.852 • Wasa'il Al-Shi'ah, Vol.18 p.384

HADITH

4107 - وَ رَوَى أَبَانٌ عَنْ عُبَيْدِ بْنِ زُرَارَةَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ رَهَنَ عِنْدَ رَجُلٍ سِوَارَيْنِ فَهَلَكَ أَحَدُهُمَا قَالَ «يَرْجِعُ بِحَقِّهِ فِيمَا بَقِيَ».

H.4107 - Aban narrated from Ubayd ibn Zurara, who said:
"I asked Abu Abdullah {a.s} about a man who pledged two bracelets (siwarayn) as security with another man, and one of them was destroyed."
Imam {a.s} replied: "He may reclaim his right from what remains."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.309

HADITH

4108 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ رَهَنَ عِنْدَ رَجُلٍ دَاراً فَاحْتَرَقَتْ أَوِ اِنْهَدَمَتْ قَالَ «يَكُونُ مَالُهُ فِي تُرْبَةِ اَلْأَرْضِ».

H.4108 - Imam {a.s} said regarding a man who pledged a house as security with another man, and the house either burned down or collapsed: "His wealth remains in the soil of the land."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.309

HADITH

4109 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ رَهَنَ عِنْدَهُ رَجُلٌ مَمْلُوكاً فَجُذِمَ أَوْ رَهَنَ عِنْدَهُ مَتَاعاً فَلَمْ يَنْشُرْ ذَلِكَ اَلْمَتَاعَ وَ لَمْ يَتَعَاهَدْهُ وَ لَمْ يُحَرِّكْهُ فَأُكِلَ يَعْنِي أَكَلَهُ اَلسُّوسُ هَلْ يَنْقُصُ مِنْ مَالِهِ بِقَدْرِ ذَلِكَ قَالَ «لاَ».

H.4109 - Imam {a.s} was asked about a man who had pledged a slave as security, and the slave developed leprosy, or about a man who pledged goods as security but did not inspect, maintain, or move those goods, and they were consumed by worms.
Imam {a.s} said: "No, it does not diminish from his wealth by that amount."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.309 • Al-Wafi, Vol.18 p.856

HADITH

4110 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَرْهَنُ عِنْدَ اَلرَّجُلِ اَلرَّهْنَ فَيُصِيبُهُ تَوًى أَوْ ضَاعَ قَالَ «يَرْجِعُ بِمَالِهِ عَلَيْهِ».

H.4110 - Hammad narrated from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who pledged a security with another man, and the security was destroyed or lost.
Imam {a.s} said: "He may reclaim his money from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.310

HADITH

4111 - وَ رَوَى مُحَمَّدُ بْنُ عِيسَى بْنِ عُبَيْدٍ عَنْ سُلَيْمَانَ بْنِ حَفْصٍ اَلْمَرْوَزِيِّ قَالَ : كَتَبْتُ إِلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ مَاتَ وَ عَلَيْهِ دَيْنٌ وَ لَمْ يُخَلِّفْ شَيْئاً إِلاَّ رَهْناً فِي يَدِ بَعْضِهِمْ وَ لاَ يَبْلُغُ ثَمَنُهُ أَكْثَرَ مِنْ مَالِ اَلْمُرْتَهِنِ أَ يَأْخُذُهُ بِمَالِهِ أَوْ هُوَ وَ سَائِرُ اَلدُّيَّانِ فِيهِ شُرَكَاءُ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «جَمِيعُ اَلدُّيَّانِ فِي ذَلِكَ سَوَاءٌ يُوَزِّعُونَهُ بَيْنَهُمْ بِالْحِصَصِ » قَالَ وَ كَتَبْتُ إِلَيْهِ فِي رَجُلٍ مَاتَ وَ لَهُ وَرَثَةٌ فَجَاءَ رَجُلٌ فَادَّعَى عَلَيْهِ مَالاً وَ أَنَّ عِنْدَهُ رَهْناً فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «إِنْ كَانَ لَهُ عَلَى اَلْمَيِّتِ مَالٌ وَ لاَ بَيِّنَةَ لَهُ عَلَيْهِ فَلْيَأْخُذْ مَالَهُ مِمَّا فِي يَدِهِ وَ لْيَرُدَّ اَلْبَاقِيَ عَلَى وَرَثَتِهِ وَ مَتَى أَقَرَّ بِمَا عِنْدَهُ أُخِذَ بِهِ وَ طُولِبَ بِالْبَيِّنَةِ عَلَى دَعْوَاهُ وَ أُوفَى حَقَّهُ بَعْدَ اَلْيَمِينِ وَ مَتَى لَمْ يُقِمِ اَلْبَيِّنَةَ وَ اَلْوَرَثَةُ مُنْكِرُونَ فَلَهُ عَلَيْهِمْ يَمِينُ عِلْمٍ يَحْلِفُونَ بِاللَّهِ مَا يَعْلَمُونَ أَنَّ لَهُ عَلَى مَيِّتِهِمْ حَقّاً».

H.4111 - Muhammad bin Isa bin Ubaid narrated from Sulaiman bin Hafs Al-Marwazi, who said: I wrote to Abu Al-Hasan {a.s} about a man who died and had a debt, leaving nothing except a pledged item in the possession of someone. The value of the pledge did not exceed the creditor's due amount. I asked whether the creditor could take it for his claim or if all creditors shared in it.
Imam {a.s} wrote: "All creditors are equal in this matter and must distribute it among themselves in proportion to their claims."
He further said: I wrote to Imam {a.s} about a man who died, leaving heirs. Then someone came forward, claiming a debt against him and that he held a pledge for it.
Imam {a.s} wrote: "If he has a claim against the deceased but has no evidence for it, he may take his due from what is in his possession and return the remainder to the heirs. However, if he admits to what he possesses, he is bound by it and must provide evidence for his claim. He must fulfill his right after swearing an oath. If he cannot provide evidence and the heirs deny the claim, then the heirs must take an oath of knowledge, swearing by Allah {SWT} that they have no knowledge of any right owed to him by their deceased."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.310 • Tahdhib Al-Ahkam, Vol.7 p.178 • Al-Wafi, Vol.18 p.844

HADITH

4112 - وَ رَوَى فَضَالَةُ عَنْ أَبَانٍ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ كَيْفَ يَكُونُ اَلرَّهْنُ بِمَا فِيهِ إِنْ كَانَ حَيَوَاناً أَوْ دَابَّةً أَوْ فِضَّةً أَوْ مَتَاعاً فَأَصَابَهُ حَرِيقٌ أَوْ لُصُوصٌ فَهَلَكَ مَالُهُ أَوْ نَقَصَ مَتَاعُهُ وَ لَيْسَ لَهُ عَلَى مُصِيبَتِهِ بَيِّنَةٌ قَالَ «إِذَا ذَهَبَ مَتَاعُهُ كُلُّهُ فَلَمْ يُوجَدْ لَهُ شَيْءٌ فَلاَ شَيْءَ عَلَيْهِ» قَالَ «وَ إِنْ قَالَ ذَهَبَ مِنْ بَيْنِ مَالِي وَ لَهُ مَالٌ فَلاَ يُصَدَّقُ».

H.4112 - Fadalah narrated from Aban, who narrated from a man, that Abu Abdillah {a.s} was asked: "How does the collateral (rahn) remain valid in cases where it is an animal, a mount, silver, or goods, and it gets destroyed due to fire or theft, causing the owner's loss or a decrease in its value, and there is no evidence to support the claim of loss?"
Imam {a.s} said: "If all of his goods are completely destroyed and nothing remains, then there is nothing (no liability) upon him."
Imam {a.s} further said: "However, if he claims that the loss occurred from among his possessions while he still possesses other property, he will not be believed."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.310 • Tahdhib Al-Ahkam, V.7 p.173 • Al-Wafi, Vol.18 p.857

HADITH

4113 - وَ رَوَى أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ اَلْبَزَنْطِيُّ عَنْ دَاوُدَ بْنِ اَلْحُصَيْنِ عَنْ أَبِي اَلْعَبَّاسِ اَلْفَضْلِ بْنِ عَبْدِ اَلْمَلِكِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ رَجُلٍ رَهَنَ عِنْدَهُ آخَرُ عَبْدَيْنِ فَهَلَكَ أَحَدُهُمَا أَ يَكُونُ حَقُّهُ فِي اَلْآخَرِ قَالَ «نَعَمْ» قُلْتُ أَوْ دَاراً فَاحْتَرَقَتْ أَ يَكُونُ حَقُّهُ فِي اَلتُّرْبَةِ قَالَ «نَعَمْ» قُلْتُ أَوْ دَابَّتَيْنِ فَهَلَكَتْ إِحْدَاهُمَا أَ يَكُونُ حَقُّهُ فِي اَلْأُخْرَى قَالَ «نَعَمْ» قُلْتُ أَوْ مَتَاعاً فَهَلَكَ مِنْ طُولِ مَا تَرَكَهُ أَوْ طَعَاماً فَفَسَدَ أَوْ غُلاَماً فَأَصَابَهُ جُدَرِيٌّ فَعَمِيَ أَوْ ثِيَاباً تَرَكَهَا مَطْوِيَّةً لَمْ يَتَعَاهَدْهَا وَ لَمْ يَنْشُرْهَا حَتَّى هَلَكَتْ قَالَ «هَذَا نَحْوُ وَاحِدٍ يَكُونُ حَقُّهُ عَلَيْهِ».

H.4113 - Ahmad ibn Muhammad ibn Abi Nasr al-Bazanti narrated from Dawud ibn al-Husayn, who narrated from Abu al-Abbas al-Fadl ibn Abd al-Malik, who narrated from Abu Abdillah {a.s}: I asked him about a man who took two slaves as collateral (rahn) from another man, and one of them perished. Does his right apply to the other slave?
Imam {a.s} said: "Yes."
I asked: What if it was a house that burned down? Does his right remain in the land?
Imam {a.s} said: "Yes."
I asked: What if it was two animals and one of them perished? Does his right apply to the other?
Imam {a.s} said: "Yes."
I asked: What if it was merchandise that was destroyed because it was left for a long time, or food that spoiled, or a servant who became blind due to smallpox, or clothes that were left folded without being aired out until they were ruined?
Imam {a.s} said: "All of this is the same case. His right remains applicable to the remaining property."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.311 • Wasa'il Al-Shi'ah, Vol.18 p.389

HADITH

4114 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : سَأَلْتُ أَبَا إِبْرَاهِيمَ عَ عَنِ اَلرَّجُلِ يَرْهَنُ اَلرَّهْنَ بِمِائَةِ دِرْهَمٍ وَ هُوَ يُسَاوِي ثَلاَثَمِائَةِ دِرْهَمٍ فَيُهْلِكُهُ أَ عَلَى اَلرَّجُلِ أَنْ يَرُدَّ عَلَى صَاحِبِهِ مِائَتَيْ دِرْهَمٍ قَالَ «نَعَمْ لِأَنَّهُ أَخَذَ رَهْناً فِيهِ فَضْلٌ وَ ضَيَّعَهُ» قُلْتُ فَهَلَكَ نِصْفُ اَلرَّهْنِ قَالَ «عَلَى حِسَابِ ذَلِكَ» قُلْتُ فَيَتَرَادَّانِ اَلْفَضْلَ قَالَ «نَعَمْ».

H.4114 - Safwan ibn Yahya narrated from Ishaq ibn Ammar, who said:
I asked Abu Ibrahim (Imam Musa Al-Kadhim {a.s}) about a man who takes an item as collateral (rahn) for one hundred dirhams, while its value is three hundred dirhams, and it gets destroyed. Is the man required to return two hundred dirhams to its owner?
Imam {a.s} said: "Yes, because he took collateral that had surplus value and then caused its loss."
I asked: What if half of the collateral is destroyed?
Imam {a.s} said: "It will be accounted for accordingly."
I asked: Should they return the surplus value between them?
Imam {a.s} said: "Yes."

[REFERENCES] Al-Kafi, Vol.5 p.234 • Man La Yahduruhu Al-Faqih, Vol.3 p.311 • Tahdhib Al-Ahkam, Vol.7 p.172 • Al-Istibsar, Vol.3 p.120 • Al-Wafi, Vol.18 p.861 • Wasa'il Al-Shi'ah, Vol.18 p.391

HADITH

4115 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي اَلرَّهْنِ إِذَا كَانَ أَكْثَرَ مِنْ مَالِ اَلْمُرْتَهِنِ فَهَلَكَ أَنْ يُؤَدِّيَ اَلْفَضْلُ إِلَى صَاحِبِ اَلرَّهْنِ وَ إِنْ كَانَ اَلرَّهْنُ أَقَلَّ مِنْ مَالِهِ فَهَلَكَ اَلرَّهْنُ أَدَّى إِلَيْهِ صَاحِبُهُ فَضْلَ مَالِهِ وَ إِنْ كَانَ اَلرَّهْنُ يَسْوَى مَا رَهَنَهُ فَلَيْسَ عَلَيْهِ شَيْءٌ ».

H.4115 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"Commander of the Faithful {a.s} ruled regarding collateral (rahn) that if its value is greater than the debt owed to the creditor and it is destroyed, the excess value must be returned to the owner of the collateral.
And if the collateral is worth less than the debt and is destroyed, the debtor must pay the remaining amount owed to the creditor.
But if the value of the collateral equals the debt, then there is no further obligation on either party."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.312 • Wasa'il Al-Shi'ah, Vol.18 p.392

HADITH

4116 - وَ رَوَى فَضَالَةُ عَنْ أَبَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا اِخْتَلَفَا فِي اَلرَّهْنِ فَقَالَ أَحَدُهُمَا رَهَنْتُهُ بِأَلْفِ دِرْهَمٍ وَ قَالَ اَلْآخَرُ رَهَنْتُهُ بِمِائَةِ دِرْهَمٍ فَإِنَّهُ يُسْأَلُ صَاحِبُ اَلْأَلْفِ اَلْبَيِّنَةَ فَإِنْ لَمْ يَكُنْ لَهُ بَيِّنَةٌ حَلَفَ صَاحِبُ اَلْمِائَةِ وَ إِنْ كَانَ اَلرَّهْنُ أَقَلَّ مِمَّا رَهَنَ بِهِ أَوْ أَكْثَرَ وَ اِخْتَلَفَا فِي اَلرَّهْنِ فَقَالَ أَحَدُهُمَا هُوَ رَهْنٌ وَ قَالَ اَلْآخَرُ هُوَ وَدِيعَةٌ فَإِنَّهُ يُسْأَلُ صَاحِبُ اَلْوَدِيعَةِ اَلْبَيِّنَةَ فَإِنْ لَمْ يَكُنْ لَهُ بَيِّنَةٌ حَلَفَ صَاحِبُ اَلرَّهْنِ ».

H.4116 - Fadalah narrated from Aban, from Abu Abdillah {a.s}:
"If two parties disagree about the value of collateral (rahn), with one claiming it was pledged for one thousand dirhams and the other claiming it was pledged for one hundred dirhams, the one claiming the higher value must present evidence. If he cannot provide evidence, the one claiming the lower value must take an oath."
"Similarly, if the collateral is worth either less or more than the claimed amount, and they disagree about its status, whether it is collateral (rahn) or a deposit (wadi'ah), the one claiming it is a deposit must present evidence. If he cannot provide evidence, the one claiming it is collateral must take an oath."

[REFERENCES] Al-Kafi, Vol.5 p.237 • Man La Yahduruhu Al-Faqih, Vol.3 p.312 • Tahdhib Al-Ahkam, Vol.7 p.174 • Al-Wafi, Vol.18 p.863

HADITH

4117 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ : سَأَلْتُ أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَرْهَنُ اَلْعَبْدَ أَوِ اَلثَّوْبَ أَوِ اَلْحُلِيَّ أَوْ مَتَاعَ اَلْبَيْتِ فَيَقُولُ صَاحِبُ اَلْمَتَاعِ لِلْمُرْتَهِنِ أَنْتَ فِي حِلٍّ مِنْ لُبْسِ هَذَا اَلثَّوْبِ اِلْبَسِ اَلثَّوْبَ وَ اِنْتَفِعْ بِالْمَتَاعِ وَ اِسْتَخْدِمِ اَلْخَادِمَ قَالَ «هُوَ لَهُ حَلاَلٌ إِذَا أَحَلَّهُ لَهُ وَ مَا أُحِبُّ أَنْ يَفْعَلَ» قُلْتُ فَارْتَهَنَ دَاراً لَهَا غَلَّةٌ لِمَنِ اَلْغَلَّةُ قَالَ «لِصَاحِبِ اَلدَّارِ» قُلْتُ فَارْتَهَنَ أَرْضاً بَيْضَاءَ فَقَالَ لَهُ صَاحِبُ اَلْأَرْضِ اِزْرَعْهَا لِنَفْسِكَ فَقَالَ «هَذَا حَلاَلٌ لَيْسَ هَذَا مِثْلَ هَذَا يَزْرَعُهَا بِمَالِهِ فَهُوَ لَهُ حَلاَلٌ كَمَا أَحَلَّهُ لِأَنَّهُ يَزْرَعُ بِمَالِهِ وَ يَعْمُرُهَا».

H.4117 - Safwan ibn Yahya narrated from Ishaq ibn Ammar, who said:
"I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a man who pledges a slave, garment, jewellery, or household items as collateral, and the owner of the property tells the creditor, 'You are permitted to use this garment, wear it, benefit from the property, and use the servant.'
Imam {a.s} said: 'It is lawful for him if the owner permits it, but I do not like him to do so.'"
I then asked: 'What if someone pledges a house that produces income, who does the income belong to?'
Imam {a.s} replied: 'The income belongs to the owner of the house.' "
I further asked: 'What if someone pledges a barren land and the owner of the land tells him to cultivate it for himself?'
Imam {a.s} replied: 'This is lawful. It is not the same as the previous case. He cultivates it with his own money, so it is lawful for him as the owner has permitted it, because he invests his own resources and develops the land.' "

[REFERENCES] Al-Kafi, Vol.5 p.235 • Man La Yahduruhu Al-Faqih, Vol.3 p.312 • Tahdhib Al-Ahkam, Vol.7 p.173 • Al-Wafi, Vol.18 p.847 • Wasa'il Al-Shi'ah, Vol.18 p.392

HADITH

4118 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ رَبَاحٍ اَلْقَلاَّءِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ هَلَكَ أَخُوهُ وَ تَرَكَ صُنْدُوقاً فِيهِ رُهُونٌ بَعْضُهَا عَلَيْهِ اِسْمُ صَاحِبِهِ وَ بِكَمْ هُوَ رُهِنَ وَ بَعْضُهَا لاَ يُدْرَى لِمَنْ هُوَ وَ لاَ بِكَمْ هُوَ رُهِنَ مَا تَرَى فِي هَذَا اَلَّذِي لاَ يُعْرَفُ صَاحِبُهُ فَقَالَ «هُوَ كَمَالِهِ».

H.4118 - Safwan ibn Yahya narrated from Muhammad ibn Rabah al-Qalla', who said:
"I asked Abu al-Hasan {a.s} about a man whose brother passed away and left behind a box containing pledged items. Some of these items had the names of their owners and the amounts for which they were pledged, while others had no information about their owners or the amounts for which they were pledged. What is the ruling regarding the items whose owners are unknown?"
Imam {a.s} replied: 'They are treated as part of his property.' "

[REFERENCES] Al-Kafi, Vol.5 p.236 • Man La Yahduruhu Al-Faqih, Vol.3 p.313 • Tahdhib Al-Ahkam, Vol.7 p.170 • Al-Wafi, Vol.18 p.842 • Wasa'il Al-Shi'ah, Vol.18 p.399 • Mustadrak Al-Wasa'il, Vol.13 p.423

HADITH

4119 - وَ رَوَى أَبُو اَلْحُسَيْنِ مُحَمَّدُ بْنُ جَعْفَرٍ اَلْأَسَدِيُّ رَضِيَ اَللَّهُ عَنْهُ عَنْ مُوسَى بْنِ عِمْرَانَ اَلنَّخَعِيِّ عَنْ عَمِّهِ اَلْحُسَيْنِ بْنِ يَزِيدَ اَلنَّوْفَلِيِّ عَنْ عَلِيِّ بْنِ سَالِمٍ عَنْ أَبِيهِ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْخَبَرِ اَلَّذِي رُوِيَ «أَنَّ مَنْ كَانَ بِالرَّهْنِ أَوْثَقَ مِنْهُ بِأَخِيهِ اَلْمُؤْمِنِ فَأَنَا مِنْهُ بَرِيءٌ» فَقَالَ «ذَلِكَ إِذَا ظَهَرَ اَلْحَقُّ وَ قَامَ قَائِمُنَا أَهْلَ اَلْبَيْتِ » قُلْتُ فَالْخَبَرُ اَلَّذِي رُوِيَ «أَنَّ رِبْحَ اَلْمُؤْمِنِ عَلَى اَلْمُؤْمِنِ رِبًا مَا هُوَ» قَالَ «ذَاكَ إِذَا ظَهَرَ اَلْحَقُّ وَ قَامَ قَائِمُنَا أَهْلَ اَلْبَيْتِ وَ أَمَّا اَلْيَوْمَ فَلاَ بَأْسَ بِأَنْ يَبِيعَ مِنَ اَلْأَخِ اَلْمُؤْمِنِ وَ يَرْبَحَ عَلَيْهِ».

H.4119 - Abu al-Husayn Muhammad ibn Ja'far al-Asadi (may Allah {SWT} be pleased with him) narrated from Musa ibn Imran al-Nakha'i, from his uncle al-Husayn ibn Yazid al-Nawfali, from Ali ibn Salim, from his father, who said:
"I asked Abu Abdullah {a.s} about the report that has been narrated: 'Whoever relies more on a pledge (rahn) than on his believing brother, I am free from him.'
Imam {a.s} replied: 'That applies when the truth becomes manifest, and our Qaim (the Mahdi Imam Muhammad ibn Hassan Al-Mahdi {a.s}) from among the Ahlulbayt {a.s} rises.'
I then asked about the report that says: 'The profit earned by a believer from another believer is riba (usury).'
Imam {a.s} said: 'That applies when the truth becomes manifest, and our Qaim {a.s} from among the Ahlulbayt {a.s} rises. As for today, there is no harm if a believer sells to his believing brother and earns profit from him.' "

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.313 • Tahdhib Al-Ahkam, Vol.7 p.178 • Ithbat Al-Huda, Vol.5 p.68

HADITH

4120 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَرْهَنُ جَارِيَتَهُ أَ يَحِلُّ لَهُ أَنْ يَطَأَهَا قَالَ «إِنَّ اَلَّذِينَ اِرْتَهَنُوهَا يَحُولُونَ بَيْنَهُ وَ بَيْنَهَا» قُلْتُ أَ رَأَيْتَ إِنْ قَدَرَ عَلَيْهَا خَالِياً وَ لَمْ يَعْلَمِ اَلَّذِينَ اِرْتَهَنُوهَا قَالَ «نَعَمْ لاَ أَرَى بِهَذَا بَأْساً».

H.4120 - Al-Alaa narrated from Muhammad ibn Muslim, who reported from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}:
"I asked Imam {a.s} about a man who pledges his bondwoman (as collateral). Is it permissible for him to have intercourse with her?"
Imam {a.s} replied: "Those who have taken her as collateral (the creditors) prevent him from having access to her."
I then asked: "What if he manages to be with her privately without the knowledge of those who took her as collateral?"
Imam {a.s} said: "Yes, I do not see any harm in this."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.313 • Awali Al-La'ali, Vol.3 p.234

CHAPTER 93 – CHAPTER ON HUNTING AND SLAUGHTERING

بَابُ الصَّيْدِ وَ الذَّبَائِحِ

HADITH 4121 – 4235

قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى ﴿ يَسْئَلُونَكَ ما ذا أُحِلَّ لَهُمْ قُلْ أُحِلَّ لَكُمُ الطَّيِّباتُ وَ ما عَلَّمْتُمْ مِنَ الْجَوارِحِ مُكَلِّبِينَ تُعَلِّمُونَهُنَّ مِمَّا عَلَّمَكُمُ اللَّهُ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَ اذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ ﴾

[AL SADUQ]
Allah {SWT}, the Blessed and Exalted, said:
"*They ask you what has been made lawful for them. Say: Lawful to you are all good things, and what you have taught of hunting animals, trained as hounds, teaching them of what Allah {SWT} has taught you. So eat of what they catch for you, and mention the name of Allah {SWT} upon it.*" (Surah Al-Ma'idah 5:4).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.315 • Tahdhib Al-Ahkam, Vol.9 p.24 • Tafsir Al-Safi, Vol.2 p.11 • Tafsir Kanz Al-Daqaiq, Vol.4 p.38

HADITH

4121 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «فِي صَيْدِ اَلْكَلْبِ إِنْ أَرْسَلَهُ صَاحِبُهُ وَ سَمَّى فَلْيَأْكُلْ كُلَّ مَا أَمْسَكَ عَلَيْهِ وَ إِنْ قَتَلَ وَ إِنْ أَكَلَ فَكُلْ مَا بَقِيَ وَ إِنْ كَانَ غَيْرَ مُعَلَّمٍ فَعَلَّمَهُ سَاعَتَهُ حِينَ يُرْسِلُهُ فَلْيَأْكُلْ مِنْهُ فَإِنَّهُ مُعَلَّمٌ فَأَمَّا مَا خَلاَ اَلْكِلاَبَ مِمَّا تَصِيدُهُ اَلْفُهُودُ وَ اَلصُّقُورُ وَ أَشْبَاهُهُ فَلاَ تَأْكُلْ مِنْ صَيْدِهِ إِلاَّ مَا أَدْرَكْتَ ذَكَاتَهُ، لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ قَالَ «مُكَلِّبِينَ» فَمَا خَلاَ اَلْكِلاَبَ فَلَيْسَ صَيْدُهُ بِالَّذِي يُؤْكَلُ إِلاَّ أَنْ تُدْرِكَ ذَكَاتَهُ».

H.4121 - Musa ibn Bakr narrated from Zurara, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he said:
"Regarding the hunting of a dog, if its owner releases it and pronounces the name of Allah {SWT}, then he may eat whatever it catches for him, even if it kills. And if it eats from it, then eat what remains.
If the dog is not trained, but the owner trains it at the moment he releases it, he may eat from it, for it is considered trained.
However, apart from dogs, such as animals hunted by cheetahs, falcons, and similar creatures, do not eat from their catch you reach it and perform the proper slaughtering (dhabh). This is because Allah {SWT}, the Mighty and Majestic, said: 'Mukallibeen' (those who train hunting dogs)
Thus, apart from dogs, their catch is not lawful to eat unless you reach it and slaughter it properly."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.315 • Tahdhib Al-Ahkam, Vol.9 p.24 • Tafsir Al-Safi, Vol.2 p.11 • Tafsir Kanz Al-Daqaiq, Vol.4 p.38

HADITH

4122 - وَ فِي خَبَرٍ آخَرَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كُلْ مَا أَكَلَ مِنْهُ اَلْكَلْبُ وَ إِنْ أَكَلَ مِنْهُ ثُلُثَيْهِ كُلْ مَا أَكَلَ اَلْكَلْبُ وَ إِنْ لَمْ يَبْقَ مِنْهُ إِلاَّ بَضْعَةٌ وَاحِدَةٌ».

H.4122 - And in another narration, Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Eat whatever the dog has eaten from, even if it has eaten two-thirds of it. Eat whatever the dog has eaten, even if nothing remains of it except a single piece."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.315 • Al-Wafi, Vol.19 p.145 • Wasa'il Al-Shi'ah, Vol.23 p.336 • Mustadrak Al-Wasa'il, Vol.16 p.105

HADITH

4123 - وَ رَوَى هِشَامُ بْنُ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ كَلْبٍ اَلْمَجُوسِيِّ يَأْخُذُهُ اَلرَّجُلُ اَلْمُسْلِمُ فَيُسَمِّي حِينَ يُرْسِلُهُ أَ يَأْكُلُ مَا أَمْسَكَ عَلَيْهِ قَالَ «نَعَمْ لِأَنَّهُ مُكَلَّبٌ وَ ذَكَرَ اِسْمَ اَللَّهِ عَلَيْهِ».

H.4123 - Hisham bin Salim narrated from Sulaiman bin Khalid, who said:
"I asked Abu Abdullah {a.s} about a Magian's dog that is taken by a Muslim man, and he pronounces the name of Allah {SWT} when releasing it. Should he eat what the dog catches for him?"
Imam {a.s} said: 'Yes, because it is trained and the name of Allah {SWT} has been mentioned upon it.'"

[REFERENCES] Al-Kafi, Vol.6 p.208 • Man La Yahduruhu Al-Faqih, Vol.3 p.315 • Tahdhib Al-Ahkam, Vol.9 p.30 • Al-Istibsar, Vol.4 p.70 • Al-Wafi, Vol.19 p.159 • Wasa'il Al-Shi'ah, Vol.23 p.360 • Bihar Al-Anwar, Vol.62 p.264

HADITH

4124 - وَ رَوَى اَلنَّضْرُ بْنُ سُوَيْدٍ عَنِ اَلْقَاسِمِ بْنِ سُلَيْمَانَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ كَلْبٍ أَفْلَتَ وَ لَمْ يُرْسِلْهُ صَاحِبُهُ فَصَادَ فَأَدْرَكَهُ صَاحِبُهُ وَ قَدْ قَتَلَهُ أَ يَأْكُلُ مِنْهُ فَقَالَ «لاَ إِذَا صَادَ وَ قَدْ سَمَّى فَلْيَأْكُلْ وَ إِذَا صَادَ وَ لَمْ يُسَمِّ فَلاَ يَأْكُلْ وَ هُوَ مِمَّا ﴿ عَلَّمْتُمْ مِنَ اَلْجَوٰارِحِ مُكَلِّبِينَ ﴾ ».

H.4124 - Al-Nadr bin Suwayd narrated from Al-Qasim bin Sulaiman, who said:
I asked Abu Abdullah {a.s} about a dog that escaped and was not released by its owner, yet it hunted and its owner found it after it had killed the prey. Should he eat from it?
Imam {a.s} said: 'No. If it hunted while the owner had pronounced the name of Allah {SWT}, then he may eat from it.
But if it hunted without the name of Allah {SWT} being mentioned, then he should not eat from it. And this is from what Allah {SWT} has said:
"*Of what you have trained among hunting animals, teaching them as Allah {SWT} has taught you*" (Surah Al-Ma'idah 5:4)

[REFERENCES] Al-Kafi, Vol.6 p.205 • Man La Yahduruhu Al-Faqih, Vol.3 p.316 • Tahdhib Al-Ahkam, Vol.9 p.25 • Al-Wafi, Vol.19 p.147 • Tafsir Nur Al-Thaqalayn, Vol.1 p.592 • Tafsir Kanz Al-Daqaiq, Vol.4 p.40

HADITH

4125 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا أَرْسَلَ اَلرَّجُلُ كَلْبَهُ وَ نَسِيَ أَنْ يُسَمِّيَ فَهُوَ بِمَنْزِلَةِ مَنْ قَدْ ذَبَحَ وَ نَسِيَ أَنْ يُسَمِّيَ وَ كَذَلِكَ إِذَا رَمَى وَ نَسِيَ أَنْ يُسَمِّيَ ».

H.4125 - Musa bin Bakr narrated from Zurara, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"If a man sends his hunting dog and forgets to mention the name of Allah {SWT}, it is like one who slaughters an animal and forgets to mention the name of Allah {SWT}.
The same applies if he shoots (an arrow) and forgets to mention the name of Allah {SWT}."

[REFERENCES] Al-Kafi, Vol.6 p.206 • Man La Yahduruhu Al-Faqih, Vol.3 p.316 • Tahdhib Al-Ahkam, Vol.9 p.25 • Al-Wafi, Vol.19 p.148 • Wasa'il Al-Shi'ah, Vol.23 p.357 • Tafsir Nur Al-Thaqalayn, Vol.1 p.590

HADITH

4126 - وَ حُكْمُ ذَلِكَ فِي خَبَرٍ آخَرَ «أَنْ يُسَمِّيَ حِينَ يَأْكُلُ».

H.4126 - And the ruling regarding that, as mentioned in another narration, is:
"He should mention the name of Allah {SWT} at the time of eating."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.316

HADITH

4127 - وَ رَوَى حَمَّادُ بْنُ عِيسَى عَنْ حَرِيزٍ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّمِيَّةِ يَجِدُهَا صَاحِبُهَا مِنَ اَلْغَدِ أَ يَأْكُلُ مِنْهَا قَالَ «إِنْ كَانَ يَعْلَمُ أَنَّ رَمْيَتَهُ هِيَ قَتَلَتْهُ فَلْيَأْكُلْ وَ ذَلِكَ إِذَا كَانَ قَدْ سَمَّى».

H.4127 - Hammad ibn Isa narrated from Hariz who said:
Abu Abdullah {a.s}, was asked about an animal shot with an arrow, and its owner finds it the next day. Should he eat from it?
Imam {a.s} said: "If he knows that his shot is what killed it, then he may eat it, provided that he had mentioned the name of Allah {SWT} (at the time of shooting)."

[REFERENCES] Al-Kafi, Vol.6 p.210 • Man La Yahduruhu Al-Faqih, Vol.3 p.316 • Tahdhib Al-Ahkam, Vol.9 p.34 • Al-Wafi, Vol.19 p.162 • Wasa'il Al-Shi'ah, Vol.23 p.365

HADITH

4128 - وَ رَوَى أَبَانٌ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «مَا أَخَذَتِ اَلْحِبَالَةُ وَ قَطَعَتْ مِنْهُ فَهُوَ مَيْتَةٌ وَ مَا أَدْرَكْتَ مِنْ سَائِرِ جَسَدِهِ حَيّاً فَذَكِّهِ ثُمَّ كُلْ مِنْهُ ».

H.4128 - Aban narrated from Abdur-Rahman ibn Abi Abdullah who said:
Abu Abdullah {a.s}, said: "Whatever is caught by a snare and has part of it severed, then it is considered dead. However, if you find the rest of its body alive, then perform the proper slaughtering (Zabiha) and eat from it."

[REFERENCES] Al-Kafi, Vol.6 p.214 • Al-Kafi, Vol.6 p.214 • Al-Kafi, Vol.6 p.214 • Man La Yahduruhu Al-Faqih, Vol.3 p.316 • Tahdhib Al-Ahkam, Vol.9 p.37 • Tahdhib Al-Ahkam, Vol.9 p.37 • Al-Wafi, Vol.19 p.175 • Wasa'il Al-Shi'ah, Vol.23 p.376 • Wasa'il Al-Shi'ah, Vol.23 p.377

HADITH

4129 - وَ رَوَى أَبَانُ بْنُ عُثْمَانَ عَنْ عِيسَى اَلْقُمِّيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَرْمِي بِسَهْمٍ فَلاَ أَدْرِي أَ سَمَّيْتُ أَمْ لَمْ أُسَمِّ فَقَالَ «كُلْ وَ لاَ بَأْسَ » فَقُلْتُ أَرْمِي فَيَغِيبُ عَنِّي فَأَجِدُ سَهْمِي فِيهِ فَقَالَ «كُلْ مَا لَمْ يُؤْكَلْ مِنْهُ وَ إِنْ أُكِلَ مِنْهُ فَلاَ تَأْكُلْ» مِنْهُ.

H.4129 - Aban ibn Uthman narrated from Isa al-Qummi who said:
I said to Abu Abdullah {a.s}: "I shoot an arrow, but I do not know whether I mentioned the name of Allah {SWT} (Bismillah) or not."
Imam {a.s} said: "Eat, and there is no problem."
I said: "I shoot, and it disappears from my sight, then I find my arrow in it."
Imam {a.s} said: "Eat as long as nothing has been eaten from it. But if something has been eaten from it, then do not eat it."

[REFERENCES] Al-Kafi, Vol.6 p.210 • Man La Yahduruhu Al-Faqih, Vol.3 p.317 • Tahdhib Al-Ahkam, Vol.9 p.33 • Al-Wafi, Vol.19 p.163

HADITH

4130 - وَ سَأَلَهُ مُحَمَّدُ بْنُ عَلِيٍّ اَلْحَلَبِيُّ : عَنِ اَلصَّيْدِ يَضْرِبُهُ اَلرَّجُلُ بِالسَّيْفِ أَوْ يَطْعُنُهُ بِرُمْحِهِ أَوْ يَرْمِيهِ بِسَهْمِهِ فَيَقْتُلُهُ وَ قَدْ سَمَّى حِينَ فَعَلَ ذَلِكَ قَالَ «كُلْهُ فَلاَ بَأْسَ بِهِ».

H.4130 - Muhammad ibn Ali al-Halabi asked Imam {a.s} about hunting when a man strikes the prey with his sword, pierces it with his spear, or shoots it with his arrow, and he had mentioned the name of Allah {SWT} (Bismillah) at the time of doing so.
Imam {a.s} said: "Eat it, and there is no problem with it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.317 • Awali Al-La'ali, Vol.3 p.453

HADITH

4131 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلصَّيْدِ يَرْمِيهِ اَلرَّجُلُ بِسَهْمِ فَيُصِيبُهُ مُعْتَرِضاً فَيَقْتُلُهُ وَ قَدْ سَمَّى عَلَيْهِ حِينَ رَمَى وَ لَمْ تُصِبْهُ اَلْحَدِيدَةُ فَقَالَ «إِنْ كَانَ اَلسَّهْمُ اَلَّذِي أَصَابَهُ هُوَ قَتَلَهُ فَإِذَا رَآهُ فَلْيَأْكُلْهُ».

H.4131 - Ibn Muskan narrated from al-Halabi who said:
I asked Abu Abdullah {a.s}, about a man who shoots an arrow at a game animal, and it strikes it sideways and kills it. He had mentioned the name of Allah {SWT} (Bismillah) when he shot the arrow, but the arrowhead did not wound it.
Imam {a.s} said: "If the arrow that struck it is what killed it, then when he finds it, let him eat it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.317 • Tahdhib Al-Ahkam, Vol.9 p.33 • Al-Wafi, Vol.19 p.169

HADITH

4132 - وَ سَمِعَ زُرَارَةُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «فِيمَا قَتَلَ اَلْمِعْرَاضُ لاَ بَأْسَ بِهِ إِذَا كَانَ إِنَّمَا يُصْنَعُ لِذَلِكَ».

H.4132 - Zurara heard Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, saying:
"There is no harm in what the 'mi'raad' (a hunting tool) kills, as long as it is specifically made for that purpose."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.317 • Al-Wafi, Vol.19 p.167 • Wasa’il Al-Shi’ah, Vol.23 p.372

HADITH

4133 - وَ فِي رِوَايَةِ حَمَّادٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَمَّا صَرَعَ اَلْمِعْرَاضُ مِنَ اَلصَّيْدِ فَقَالَ «إِنْ لَمْ يَكُنْ لَهُ نَبْلٌ غَيْرُ اَلْمِعْرَاضِ وَ ذَكَرَ اِسْمَ اَللَّهِ عَزَّ وَ جَلَّ عَلَيْهِ فَلْيَأْكُلْ مِمَّا قَتَلَ وَ إِنْ كَانَ لَهُ نَبْلٌ غَيْرُهُ فَلاَ».

H.4133 - In a narration from Hammad, from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Imam {a.s} was asked about what the 'mi'raad' (a hunting tool) strikes down from game.
Imam {a.s} said: "If he has no other arrows except the 'Mi'rad' and mentioned the name of Allah {SWT}, the Mighty and Majestic, over it, then he may eat from what it killed. However, if he had other arrows besides it, then he should not."

[REFERENCES] Al-Kafi, Vol.6 p.212 • Man La Yahduruhu Al-Faqih, Vol.3 p.318 • Tahdhib Al-Ahkam, Vol.9 p.35 • Al-Wafi, Vol.19 p.167 • Wasa’il Al-Shi’ah, Vol.23 p.371 • Bihar Al-Anwar, Vol.62 p.279

HADITH

4134 - وَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «إِذَا كَانَ ذَلِكَ سِلاَحَهُ اَلَّذِي يَرْمِي بِهِ فَلاَ بَأْسَ».

H.4134 - And Commander of the Faithful, peace be upon him, used to say:
"If that is his weapon which he uses to hunt with, then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.318

HADITH

4135 - وَ فِي خَبَرٍ آخَرَ : «إِنْ كَانَتْ تِلْكَ مِرْمَاتَهُ فَلاَ بَأْسَ».

H.4135 - And in another report: "If that is his shooting instrument, then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.318

HADITH

4136 - وَ رُوِيَ : «أَنَّهُ إِنْ خَرَقَ أُكِلَ وَ إِنْ لَمْ يَخْرِقْ لَمْ يُؤْكَلْ».

H.4136 - And it was narrated:
"If it pierced, it may be eaten, but if it did not pierce, it may not be eaten."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.318

HADITH

4137 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «فِي رَجُلٍ لَهُ نِبَالٌ لَيْسَ فِيهَا حَدِيدٌ وَ هِيَ عِيدَانٌ كُلُّهَا فَيَرْمِي بِالْعُودِ فَيُصِيبُ وَسَطَ اَلطَّيْرِ مُعْتَرِضاً فَيَقْتُلُهُ وَ يَذْكُرُ اِسْمَ اَللَّهِ عَلَيْهِ وَ إِنْ لَمْ يَخْرُجْ دَمٌ وَ هِيَ نِبَالَةٌ مَعْلُومَةٌ فَيَأْكُلُ مِنْهُ إِذَا ذَكَرَ اِسْمَ اَللَّهِ عَزَّ وَ جَلَّ».

H.4137 - Imam Ali ibn Abi Talib {a.s} said regarding a man who has arrows without iron tips, and they are entirely wooden. If he shoots with the wooden arrow and strikes the bird in the middle while it is flying and kills it, and he mentions the name of Allah {SWT} upon it, even if no blood comes out, and these are known arrows, then he may eat from it if he has mentioned the name of Allah {SWT}, the Mighty and Majestic.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.318 • Al-Wafi, Vol.19 p.169 • Wasa'il Al-Shi'ah, Vol.23 p.373

HADITH

4138 - وَ رَوَى حَمَّادُ بْنُ عُثْمَانَ عَنِ اَلْحَلَبِيِّ وَ حَمَّادُ بْنُ عِيسَى عَنْ حَرِيزٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ قَتْلِ اَلْحَجَرِ وَ اَلْبُنْدُقِ أَ يُؤْكَلُ فَقَالَ «لاَ».

H.4138 - Hammad ibn Uthman narrated from Al-Halabi, and Hammad ibn Isa narrated from Hariz, from Abu Abdillah {a.s}, that he was asked about killing an animal with a stone or a bullet (projectile).
Imam {a.s} said: "No, it should not be eaten."

[REFERENCES] Al-Kafi, Vol.6 p.213 • Al-Kafi, Vol.6 p.213 • Al-Kafi, Vol.6 p.213 • Al-Kafi, Vol.6 p.213 • Man La Yahduruhu Al-Faqih, Vol.3 p.318 • Tahdhib Al-Ahkam, Vol.9 p.36 • Tahdhib Al-Ahkam, Vol.9 p.37 • Tahdhib Al-Ahkam, Vol.9 p.37 • Al-Wafi, Vol.19 p.171 • Wasa'il Al-Shi'ah, Vol.23 p.374

HADITH

4139 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : فِي صَيْدٍ وُجِدَ فِيهِ سَهْمٌ وَ هُوَ مَيِّتٌ لاَ يُدْرَى مَنْ قَتَلَهُ فَقَالَ «لاَ تَطْعَمُوهُ » وَ قَالَ «مَنْ جَرَحَ بِسِلاَحٍ وَ ذَكَرَ اِسْمَ اَللَّهِ عَزَّ وَ جَلَّ ثُمَّ بَقِيَ اَلصَّيْدُ لَيْلَةً أَوْ لَيْلَتَيْنِ ثُمَّ وَجَدَهُ لَمْ يَأْكُلْ مِنْهُ سَبُعٌ وَ عَلِمَ أَنَّ سِلاَحَهُ قَتَلَهُ فَلْيَأْكُلْ مِنْهُ إِنْ شَاءَ اَللَّهُ».

H.4139 - Commander of the Faithful {a.s} said regarding a hunted animal that was found with an arrow in it and was dead, but it was not known who killed it.
Imam {a.s} said: "Do not eat it."
And Imam {a.s} said: "Whoever wounds an animal with a weapon and mentions the name of Allah {SWT}, the Mighty and Majestic, upon it, and then the game remains for a night or two, and he finds it without a predator having eaten from it, and he knows that his weapon killed it, then he may eat from it, if Allah {SWT} wills."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.319

HADITH

4140 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي إِيِّلٍ اِصْطَادَهُ رَجُلٌ فَيُقَطِّعُهُ اَلنَّاسُ وَ اَلَّذِي اِصْطَادَهُ يَمْنَعُهُ فَفِيهِ نَهْيٌ فَقَالَ «وَ لَيْسَ فِيهِ نَهْيٌ وَ لَيْسَ بِهِ بَأْسٌ».

H.4140 - Imam {a.s} said regarding a deer that a man hunted, and people started cutting it up while the one who hunted it was trying to prevent them.
Imam {a.s} said: "There is no prohibition in it, and there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.319 • Al-Wafi, V.19 p.162 • Wasa'il Al-Shi'ah, V.23 p.365

HADITH

4141 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدٍ اَلْحَلَبِيِّ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَرْمِي اَلصَّيْدَ فَيَصْرَعُهُ فَيَبْتَدِرُهُ اَلْقَوْمُ فَيُقَطِّعُونَهُ فَقَالَ «كُلْهُ».

H.4141 - Aban narrated from Muhammad Al-Halabi who said: I asked Imam {a.s} about a man who shoots at game and brings it down, then the people rush to it and cut it up. Imam {a.s} said: "Eat it."

[REFERENCES] Al-Kafi, Vol.6 p.211 • Man La Yahduruhu Al-Faqih, Vol.3 p.319 • Al-Wafi, Vol.19 p.165 • Wasa'il Al-Shi'ah, Vol.23 p.364

HADITH

4142 - وَ رَوَى اَلْمُفَضَّلُ بْنُ صَالِحٍ عَنْ أَبَانِ بْنِ تَغْلِبَ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «كَانَ أَبِي عَلَيْهِ اَلسَّلاَمُ يُفْتِي فِي زَمَنِ بَنِي أُمَيَّةَ «أَنَّ مَا قَتَلَ اَلْبَازُ وَ اَلصَّقْرُ فَهُوَ حَلاَلٌ» وَ كَانَ يَتَّقِيهِمْ وَ أَنَا لاَ أَتَّقِيهِمْ وَ هُوَ حَرَامٌ مَا قَتَلَ اَلْبَازُ وَ اَلصَّقْرُ».

H.4142 - Al-Mufaddal ibn Salih narrated from Aban ibn Taghlib who said:
I heard Abu Abdillah {a.s} saying: "My father {a.s} used to issue legal rulings during the time of Banu Umayyah that what was killed by the hawk and the falcon was lawful, and he would do so out of precaution (Taqiyyah) from them.
But I do not fear them, and what is killed by the hawk and the falcon is unlawful."

[REFERENCES] Al-Kafi, Vol.6 p.208 • Man La Yahduruhu Al-Faqih, Vol.3 p.320 • Tahdhib Al-Ahkam, Vol.9 p.32 • Al-Istibsar, Vol.4 p.72 • Al-Wafi, Vol.19 p.155 • Wasa'il Al-Shi'ah, Vol.23 p.352

HADITH

4143 - وَ رَوَى أَبُو بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «إِنْ أَرْسَلْتَ بَازاً أَوْ صَقْراً أَوْ عُقَاباً فَقَتَلَ فَلاَ تَأْكُلْ حَتَّى تُذَكِّيَهُ».

H.4143 - Abu Basir narrated from Abu Abdillah {a.s} that Imam {a.s} said:
"If you release a hawk, a falcon, or an eagle and it kills, do not eat it until you properly slaughter it."

[REFERENCES] Al-Kafi, Vol.6 p.207 • Man La Yahduruhu Al-Faqih, Vol.3 p.320 • Al-Wafi, Vol.19 p.153 • Tafsir Al-Safi, Vol.2 p.11 • Wasa'il Al-Shi'ah, Vol.23 p.350

HADITH

4144 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِنْ أَرْسَلْتَ كَلْبَكَ عَلَى صَيْدٍ فَأَدْرَكْتَهُ وَ لَمْ تَكُنْ مَعَكَ حَدِيدَةٌ تَذْبَحُهُ بِهَا فَدَعِ اَلْكَلْبَ يَقْتُلْهُ ثُمَّ كُلْ مِنْهُ».

فَإِذَا أَرْسَلْتَ كَلْبَكَ عَلَى صَيْدٍ وَ شَارَكَهُ كَلْبٌ آخَرُ فَلَا تَأْكُلْ مِنْهُ إِلَّا أَنْ تُدْرِكَ ذَكَاتَهُ وَ إِنْ رَمَيْتَهُ وَ هُوَ عَلَى جَبَلٍ فَسَقَطَ وَ مَاتَ فَلَا تَأْكُلْهُ وَ إِنْ رَمَيْتَهُ فَأَصَابَهُ سَهْمُكَ وَ وَقَعَ فِي الْمَاءِ فَمَاتَ فَكُلْهُ إِذَا كَانَ رَأْسُهُ خَارِجاً مِنَ الْمَاءِ وَ إِنْ كَانَ رَأْسُهُ فِي الْمَاءِ فَلَا تَأْكُلْهُ وَ الطَّيْرُ إِذَا مَلَكَ جَنَاحَيْهِ فَهُوَ لِمَنْ أَخَذَهُ إِلَّا أَنْ يَعْرِفَ صَاحِبَهُ فَيَرُدُّهُ عَلَيْهِ.

H.4144 - Imam {a.s} said: "If you send your hunting dog after a game and you catch up with it but do not have a blade to slaughter it with, then let the dog kill it, and you may eat from it."

[AL SADUQ]

If you send your dog after game and another dog joins it, do not eat from it unless you are able to slaughter it properly.

If you shoot at it while it is on a mountain and it falls and dies, then do not eat it.

If you shoot it and your arrow strikes it, and it falls into water and dies, then eat it if its head remains out of the water; but if its head is in the water, then do not eat it.

As for a bird, if someone captures it by holding its wings, it belongs to the one who caught it unless the owner is known, in which case it should be returned to him.

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.320 • Al-Wafi, V.19 p.148 • Wasa'il Al-Shi'ah, Vol.23 p.348

HADITH

4145 - وَ نَهَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ عَنْ صَيْدِ اَلْحَمَامِ بِالْأَمْصَارِ.

وَ لَا يَجُوزُ أَخْذُ الْفِرَاخِ مِنْ أَوْكَارِهَا فِي جَبَلٍ أَوْ بِئْرٍ أَوْ أَجَمَةٍ حَتَّى يَنْهَضَ.

H.4145 - Commander of the Faithful {a.s} forbade hunting pigeons in cities.

[AL SADUQ]

It is not permissible to take chicks from their nests in a mountain, a well, or a thicket until they are able to fly.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.321 • Al-Wafi, Vol.19 p.199 • Wasa'il Al-Shi'ah, Vol.23 p.389

HADITH

4146 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ زُرَارَةَ بْنِ أَعْيَنَ أَنَّهُ قَالَ: وَ اَللَّهِ مَا رَأَيْتُ مِثْلَ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَطُّ سَأَلْتُهُ فَقُلْتُ أَصْلَحَكَ اَللَّهُ مَا يُؤْكَلُ مِنَ اَلطَّيْرِ فَقَالَ «كُلْ مَا دَفَّ وَ لاَ تَأْكُلْ مَا صَفَّ» قَالَ قُلْتُ اَلْبَيْضُ فِي اَلْآجَامِ قَالَ «كُلُّ مَا اِسْتَوَى طَرَفَاهُ فَلاَ تَأْكُلْ وَ كُلُّ مَا اِخْتَلَفَ طَرَفَاهُ فَكُلْ» قُلْتُ فَطَيْرُ اَلْمَاءِ قَالَ «كُلُّ مَا كَانَتْ لَهُ قَانِصَةٌ فَكُلْ وَ مَا لَمْ تَكُنْ لَهُ قَانِصَةٌ فَلاَ تَأْكُلْ ». وَ فِي حَدِيثٍ آخَرَ: «إِنْ كَانَ اَلطَّيْرُ يَصُفُّ وَ يَدُفُّ فَكَانَ دَفِيفُهُ أَكْثَرَ مِنْ صَفِيفِهِ أُكِلَ وَ إِنْ كَانَ صَفِيفُهُ أَكْثَرَ مِنْ دَفِيفِهِ فَلَمْ يُؤْكَلْ وَ يُؤْكَلُ مِنْ طَيْرِ اَلْمَاءِ مَا كَانَتْ لَهُ قَانِصَةٌ أَوْ صِيصِيَةٌ وَ لاَ يُؤْكَلُ مَا لَيْسَتْ لَهُ قَانِصَةٌ أَوْ صِيصِيَةٌ».

H.4146 - Ibn Abi Umayr narrated from Ali ibn Ri'ab, from Zurara ibn Ayan, that he said: By Allah {SWT}, I have never seen anyone like Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}.

I asked him and said: "May Allah {SWT} rectify your affairs, what birds are permissible to eat?"

Imam {a.s} said: "Eat whatever flaps its wings, and do not eat what glides."

I said: "What about eggs found in thickets?"

Imam {a.s} said: "If both ends are equal, then do not eat it, but if the two ends are different, then eat it."

I asked: "What about water birds?"

Imam {a.s} said: "Eat whatever has a crop, and do not eat what does not have a crop."

In another narration, Imam {a.s} said: "If the bird glides and flaps, but its flapping is more than its gliding, then it may be eaten; but if its gliding is more than its flapping, then it should not be eaten. From water birds, what has a crop or a spur may be eaten, and what lacks them should not be eaten."

[REFERENCES] Al-Kafi, Vol.6 p.247 • Man La Yahduruhu Al-Faqih, Vol.3 p.321 • Tahdhib Al-Ahkam, Vol.9 p.16 • Al-Wafi, Vol.19 p.57 • Makarim Al-Akhlaq, Vol.1 p.164 • Al-Wafi, Vol.19 p.58 • Wasa'il Al-Shi'ah, Vol.24 p.153 • Bihar Al-Anwar, Vol.62 p.182

HADITH

4147 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «كُلُّ ذِي نَابٍ مِنَ اَلسِّبَاعِ وَ مِخْلَبٍ مِنَ اَلطَّيْرِ حَرَامٌ».

H.4147 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "Every predatory animal with fangs and every bird with talons is unlawful."

[REFERENCES] Al-Kafi, Vol.6 p.244 • Da'a'im Al-Islam, Vol.2 p.123 • Man La Yahduruhu Al-Faqih, Vol.3 p.322 • Tahdhib Al-Ahkam, Vol.9 p.38 • Al-Wafi, Vol.19 p.55 • Wasa'il Al-Shi'ah, Vol.24 p.113 • Al-Fusul Al-Muhimmah, Vol.2 p.426 • Bihar Al-Anwar, Vol.62 p.185 • Tafsir Nur Al-Thaqalayn, Vol.1 p.775 • Mustadrak Al-Wasa'il, Vol.16 p.173

HADITH

4148 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ اَلْحَارِثِ قَالَ : سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ طَيْرِ اَلْمَاءِ مِمَّا يَأْكُلُ اَلسَّمَكَ مِنْهُ يَحِلُّ قَالَ «لاَ بَأْسَ بِهِ كُلْهُ».

H.4148 - Safwan ibn Yahya narrated from Muhammad ibn al-Harith who said: I asked Abu al-Hasan {a.s} about water birds that eat fish, whether they are permissible to eat. He {a.s} said: "There is no harm in it, eat them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.322 • Tahdhib Al-Ahkam, Vol.9 p.17 • Al-Wafi, Vol.19 p.59 • Wasa'il Al-Shi'ah, Vol.24 p.158

HADITH

4149 - وَ سَأَلَ كِرْدِينٌ اَلْمِسْمَعِيُّ أَبَا عَبْدِ اَللَّهِ عَ : عَنِ اَلْحُبَارَى فَقَالَ «لَوَدِدْتُ أَنَّ عِنْدِي مِنْهُ فَآكُلُ حَتَّى أُمْتَلِئَ».

H.4149 - Kirdin al-Mismai asked Abu Abdillah {a.s} about the bustard bird.
Imam {a.s} said: "I wish I had some of it so that I could eat until I am full."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.322

HADITH

4150 - وَ سَأَلَ زَكَرِيَّا بْنُ آدَمَ أَبَا اَلْحَسَنِ عَ : عَنْ دَجَاجِ اَلْمَاءِ فَقَالَ «إِذَا كَانَ يَلْتَقِطُ غَيْرَ اَلْعَذِرَةِ فَلاَ بَأْسَ بِهِ ».

H.4150 - Zakariyya ibn Adam asked Abu al-Hasan {a.s} about water birds.
Imam {a.s} said: "If they pick up things other than filth, then there is no harm in eating them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.322 • Wasa'il Al-Shi'ah, Vol.24 p.165

HADITH

4151 - وَ سَأَلَ عَبْدُ اَللَّهِ بْنُ سِنَانٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ بَيْضِ طَيْرِ اَلْمَاءِ فَقَالَ «مَا كَانَ مِنْهُ مِثْلَ بَيْضِ اَلدَّجَاجِ يَعْنِي عَلَى خِلْقَتِهِ فَكُلْ».

H.4151 - Abdullah ibn Sinan asked Abu Abdillah {a.s} about the eggs of water birds.
Imam {a.s} said: "Whatever resembles the eggs of chickens in shape, then eat it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.322 • Al-Wafi, Vol.19 p.73

HADITH

4152 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كُلْ مِنَ اَلسَّمَكِ مَا كَانَ لَهُ فُلُوسٌ وَ لاَ تَأْكُلْ مِنْهُ مَا لَيْسَ لَهُ فَلْسٌ ».

H.4152 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Eat from the fish that has scales, and do not eat from it that which has no scales."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.323 • Al-Wafi, Vol.19 p.40 • Wasa'il Al-Shi'ah, Vol.24 p.129 • Al-Fusul Al-Muhimmah, Vol.2 p.428

HADITH

4153 - وَ رَوَى حَمَّادٌ عَنْ أَبِي أَيُّوبَ : أَنَّهُ سَأَلَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِصْطَادَ سَمَكَةً فَرَبَطَهَا بِخَيْطٍ وَ أَرْسَلَهَا فِي اَلْمَاءِ فَمَاتَتْ أَ تُؤْكَلُ قَالَ «لاَ».

H.4153 - Hammad narrated from Abu Ayyub that he asked Abu Abdillah {a.s} about a man who caught a fish, tied it with a string, and released it into the water, and then it died.
Imam {a.s} said: "It should not be eaten."

[REFERENCES] Al-Kafi, Vol.6 p.217 • Man La Yahduruhu Al-Faqih, Vol.3 p.323 • Tahdhib Al-Ahkam, Vol.9 p.11 • Al-Wafi, Vol.19 p.186 • Wasa'il Al-Shi'ah, Vol.24 p.79

HADITH

4154 - وَ سَأَلَهُ عَبْدُ اَلرَّحْمَنِ بْنُ سَيَابَةَ : عَنِ اَلسَّمَكِ يُصَادُ ثُمَّ يُجْعَلُ فِي شَيْءٍ ثُمَّ يُعَادُ فِي اَلْمَاءِ فَيَمُوتُ فِيهِ فَقَالَ «لاَ تَأْكُلْ لِأَنَّهُ مَاتَ فِي اَلَّذِي فِيهِ حَيَاتُهُ ».

H.4154 - Abd al-Rahman ibn Sayabah asked him about fish that are caught, placed in something, and then returned to the water where they die.
Imam {a.s} said: "Do not eat it, because it died in what is its source of life."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.323

HADITH

4155 - وَ رَوَى أَبَانٌ عَنْ زُرَارَةَ قَالَ : قُلْتُ لَهُ سَمَكَةٌ اِرْتَفَعَتْ فَوَقَعَتْ عَلَى اَلْجَدَدِ فَاضْطَرَبَتْ حَتَّى مَاتَتْ آكُلُهَا قَالَ «نَعَمْ».

H.4155 - Aban narrated from Zurara who said: I asked him about a fish that leaps out of the water, falls onto dry land, and struggles until it dies.
I said: "Can I eat it?"
Imam {a.s} said: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.323 • Wasa'il Al-Shi'ah, Vol.24 p.82

HADITH

4156 - وَ رَوَى اَلْقَاسِمُ بْنُ بُرَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ نَصَبَ شَبَكَةً فِي اَلْمَاءِ ثُمَّ رَجَعَ إِلَى بَيْتِهِ وَ تَرَكَهَا مَنْصُوبَةً ثُمَّ أَتَاهَا بَعْدَ ذَلِكَ وَ قَدْ وَقَعَ فِيهَا سَمَكٌ فَمُوِّتْنَ فَقَالَ «مَا عَمِلَتْ يَدُهُ فَلاَ بَأْسَ بِأَكْلِ مَا وَقَعَ فِيهِ».

H.4156 - Al-Qasim ibn Burayd narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a man who sets up a net in the water, then returns to his house and leaves it set up.
Later, he comes back and finds that fish have been caught in it and have died.
Imam {a.s} said: "What his hand has done is permissible, so there is no harm in eating what was caught in it."

[REFERENCES] Al-Kafi, Vol.6 p.217 • Man La Yahduruhu Al-Faqih, Vol.3 p.323 • Tahdhib Al-Ahkam, Vol.9 p.11 • Al-Istibsar, Vol.4 p.61 • Awali Al-La'ali, Vol.2 p.322 • Al-Wafi, Vol.19 p.189 • Wasa'il Al-Shi'ah, Vol.24 p.83 • Bihar Al-Anwar, Vol.62 p.209

HADITH

4157 - وَ سَأَلَ أَبُو اَلصَّبَّاحِ اَلْكِنَانِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْحِيتَانِ يَصِيدُهَا اَلْمَجُوسُ قَالَ «لاَ بَأْسَ بِهَا إِنَّمَا صَيْدُ اَلْحِيتَانِ أَخْذُهَا».

H.4157 - Abu al-Sabbah al-Kinani asked Abu Abdillah {a.s} about fish caught by the Magians.
Imam {a.s} said: "There is no harm in it; the catching of fish is merely taking them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.324

HADITH

4158 - وَ فِي رِوَايَةِ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِكَوَامِيخِ اَلْمَجُوسِ وَ لاَ بَأْسَ بِصَيْدِهِمُ اَلسَّمَكَ».

H.4158 - In the narration of Abdullah ibn Sinan from Abu Abdillah {a.s}, Imam {a.s} said: "There is no harm in pickled foods of the Magians, and there is no harm in their catching of fish."

[REFERENCES] Al-Muhasin, Vol.2 p.454 • Man La Yahduruhu Al-Faqih, Vol.3 p.324 • Tahdhib Al-Ahkam, Vol.9 p.11 • Al-Istibsar, Vol.4 p.64 • Al-Wafi, Vol.19 p.192 • Wasa'il Al-Shi'ah, Vol.24 p.77 • Wasa'il Al-Shi'ah, Vol.24 p.209 • Bihar Al-Anwar, Vol.62 p.206 • Bihar Al-Anwar, Vol.77 p.45

HADITH

4159 - قَالَ : وَ سَأَلْتُهُ عَنِ اَلْحَظِيرَةِ مِنَ اَلْقَصَبِ تُجْعَلُ لِلْحِيتَانِ فِي اَلْمَاءِ فَيَدْخُلُهَا اَلْحِيتَانُ فَيَمُوتُ بَعْضُهَا فِيهَا قَالَ «لاَ بَأْسَ ».

H.4159 - He said: I asked him about an enclosure made of reeds placed in the water for fish, and the fish enter it, and some of them die inside it.
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.324 • Wasa'il Al-Shi'ah, Vol.24 p.85

HADITH

4160 - وَ سَأَلَهُ اَلْحَلَبِيُّ : عَنْ صَيْدِ اَلْحِيتَانِ وَ إِنْ لَمْ يُسَمَّ فَقَالَ «لاَ بَأْسَ بِهِ».

H.4160 - Al-Halabi asked him about catching fish without mentioning the name of Allah {SWT} over it.
Imam {a.s} said: "There is no harm in it."

[REFERENCES] Al-Kafi, Vol.6 p.216 • Man La Yahduruhu Al-Faqih, Vol.3 p.324 • Tahdhib Al-Ahkam, Vol.9 p.8 • Al-Wafi, Vol.19 p.185 • Wasa'il Al-Shi'ah, Vol.23 p.385 • Wasa'il Al-Shi'ah, Vol.24 p.73

HADITH

4161 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَأْكُلِ اَلْجِرِّيَّ وَ لاَ اَلْمَارْمَاهِيَ وَ لاَ اَلزَّمِّيرَ وَ لاَ اَلطَّافِيَ وَ هُوَ اَلَّذِي يَمُوتُ فِي اَلْمَاءِ فَيَطْفُو عَلَى رَأْسِ اَلْمَاءِ».

وَ إِنْ وَجَدْتَ سَمَكاً وَ لَمْ تَعْلَمْ أَ ذَكِيٌّ هُوَ أَوْ غَيْرُ ذَكِيٍّ وَ ذَكَاتُهُ أَنْ يُخْرَجَ مِنَ الْمَاءِ حَيّاً فَخُذْ مِنْهُ فَاطْرَحْهُ فِي الْمَاءِ فَإِنْ طَفَا عَلَى الْمَاءِ مُسْتَلْقِياً عَلَى ظَهْرِهِ فَهُوَ غَيْرُ ذَكِيٍّ وَ إِنْ كَانَ عَلَى وَجْهِهِ فَهُوَ ذَكِيٌّ وَ كَذَلِكَ إِذَا وَجَدْتَ لَحْماً وَ لَا تَعْلَمُ أَ ذَكِيٌّ هُوَ أَمْ مَيْتَةٌ فَأَلْقِ مِنْهُ قِطْعَةً عَلَى النَّارِ فَإِنْ تَقَبَّضَ فَهُوَ ذَكِيٌّ وَ إِنِ اسْتَرْخَى عَلَى النَّارِ فَهُوَ مَيْتَةٌ.

H.4161 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Do not eat the catfish, nor the eel, nor the zabir, nor the tafiy, which is that which dies in the water and floats on the surface of the water."

[AL SADUQ]
And if you find fish and do not know whether it has been properly slaughtered or not, and its proper slaughtering is that it is taken out of the water alive, then take it and throw it into the water. If it floats on the water lying on its back, then it is not properly slaughtered; but if it is on its front, then it is properly slaughtered. Similarly, if you find meat and do not know whether it is properly slaughtered or is carrion, then throw a piece of it onto fire. If it contracts, then it is properly slaughtered; but if it loosens on the fire, then it is carrion.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.325 • Wasa'il Al-Shi'ah, Vol.24 p.132

HADITH

4162 - وَ رُوِيَ : «فِيمَنْ وَجَدَ سَمَكاً وَ لَمْ يَعْلَمْ أَنَّهُ مِمَّا يُؤْكَلُ أَوْ لاَ فَإِنَّهُ يُشَقُّ أَصْلُ ذَنَبِهِ فَإِنْ ضَرَبَ إِلَى اَلْخُضْرَةِ فَهُوَ مِمَّا لاَ يُؤْكَلُ وَ إِنْ ضَرَبَ إِلَى اَلْحُمْرَةِ فَهُوَ مِمَّا يُؤْكَلُ وَ إِنِ اِبْتَلَعَتْ حَيَّةٌ سَمَكَةً ثُمَّ رَمَتْ بِهَا وَ هِيَ حَيَّةٌ تَضْطَرِبُ فَإِنْ كَانَ فُلُوسُهَا قَدْ تَسَلَّخَتْ لَمْ تُؤْكَلْ وَ إِنْ لَمْ يَكُنْ فُلُوسُهَا تَسَلَّخَتْ أُكِلَتْ ».

H.4162 - It has been narrated: "If someone finds a fish and does not know whether it is permissible to eat or not, then its tail should be split at the base. If the color turns green, it is not permissible to eat; but if it turns red, then it is permissible to eat.
And if a snake swallows a fish and then spits it out while it is still alive and wriggling, if its scales have peeled off, it should not be eaten; but if its scales have not peeled off, it may be eaten."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.325

HADITH

[ما تذكّى به الذّبيحة]

THAT BY WHICH THE SLAUGHTERED ANIMAL IS RENDERED LAWFUL.

4163 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ : سَأَلْتُ أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَرْوَةِ وَ اَلْقَصَبَةِ وَ اَلْعُودِ يَذْبَحُ بِهِنَّ اَلْإِنْسَانُ إِذَا لَمْ يَجِدْ سِكِّيناً فَقَالَ «إِذَا فَرَى اَلْأَوْدَاجَ فَلاَ بَأْسَ بِذَلِكَ ».

H.4163 - Safwan ibn Yahya narrated from Abd al-Rahman ibn al-Hajjaj who said: I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about using a flint, a reed, or a piece of wood to slaughter an animal if one does not have a knife.
Imam {a.s} said: "If it cuts the veins, then there is no harm in it."

[REFERENCES] Al-Kafi, Vol.6 p.228 • Man La Yahduruhu Al-Faqih, Vol.3 p.326 • Tahdhib Al-Ahkam, Vol.9 p.52 • Al-Istibsar, Vol.4 p.80 • Al-Wafi, Vol.19 p.208 • Wasa'il Al-Shi'ah, Vol.24 p.8 • Bihar Al-Anwar, Vol.62 p.306

HADITH

4164 - وَ رَوَى اِبْنُ اَلْمُغِيرَةِ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «لاَ بَأْسَ بِأَنْ تَأْكُلَ مَا ذُبِحَ بِحَجَرٍ إِذَا لَمْ تَجِدْ حَدِيدَةً».

H.4164 - Ibn al-Mughira narrated from Abdullah ibn Sinan, from Abu Abdillah {a.s}, that Imam {a.s} said: "There is no harm in eating what is slaughtered with a stone if no iron is available."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.326 • Al-Wafi, Vol.19 p.209 • Wasa'il Al-Shi'ah, Vol.24 p.9

HADITH

4165 - وَ رَوَى اَلْفَضْلُ وَ عَبْدُ اَلرَّحْمَنِ بْنُ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنَّ قَوْماً أَتَوْا اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالُوا لَهُ إِنَّ بَقَرَةً لَنَا غَلَبَتْنَا وَ اِسْتَصْعَبَتْ عَلَيْنَا فَضَرَبْنَاهَا بِالسَّيْفِ فَأَمَرَهُمْ بِأَكْلِهَا».

H.4165 - Al-Fadl and Abd al-Rahman ibn Abi Abdillah narrated from Abu Abdillah {a.s} that he said: "A group of people came to the Prophet (peace and blessings be upon him and his family) and said to him: 'A cow of ours overpowered us and became difficult to handle, so we struck it with a sword.'
Prophet (peace and blessings be upon him and his family) instructed them to eat it."

[REFERENCES] Al-Kafi, Vol.6 p.231 • Man La Yahduruhu Al-Faqih, Vol.3 p.327 • Tahdhib Al-Ahkam, Vol.9 p.54 • Al-Wafi, Vol.19 p.218 • Wasa'il Al-Shi'ah, Vol.24 p.20

HADITH

4166 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنِ اَلْعِيصِ بْنِ اَلْقَاسِمِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنَّ ثَوْراً ثَارَ بِالْكُوفَةِ فَثَارَ إِلَيْهِ اَلنَّاسُ بِأَسْيَافِهِمْ فَضَرَبُوهُ وَ أَتَوْا أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَسَأَلُوهُ فَقَالَ «ذَكَاةٌ وَجِيَّةٌ وَ لَحْمُهُ حَلاَلٌ»».

H.4166 - Safwan ibn Yahya narrated from Al-Is ibn al-Qasim, from Abu Abdillah {a.s}, who said: "A bull in Kufa became wild, and the people attacked it with their swords and struck it. They then came to Commander of the Faithful {a.s} and asked him about it.
Imam {a.s} said: 'It is a valid slaughtering, and its meat is lawful.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.327

HADITH

4167 - وَ رَوَى أَبَانٌ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ بَعِيرٍ تَرَدَّى فِي بِئْرٍ فَذُبِحَ مِنْ قِبَلِ ذَنَبِهِ فَقَالَ «لاَ بَأْسَ إِذَا ذَكَرُوا اِسْمَ اَللَّهِ عَلَيْهِ».

H.4167 - Aban narrated from Zurara, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: I asked Imam {a.s} about a camel that fell into a well and was slaughtered from the side of its tail.
Imam {a.s} said: "There is no harm in it if they mentioned the name of Allah {SWT} over it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.327 • Al-Wafi, Vol.19 p.219 • Wasa'il Al-Shi'ah, Vol.24 p.21

HADITH

4168 - وَ رَوَى عُمَرُ بْنُ أُذَيْنَةَ عَنِ اَلْفُضَيْلِ قَالَ : سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ ذَبَحَ فَسَبَقَهُ اَلسِّكِّينُ فَقَطَعَ اَلرَّأْسَ فَقَالَ «ذَكَاةٌ وَجِيَّةٌ فَلاَ بَأْسَ بِأَكْلِهِ».

H.4168 - Umar ibn Udhaynah narrated from Al-Fudayl who said: I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who was slaughtering an animal, and the knife moved too quickly and severed the head completely.
Imam {a.s} said: "It is a valid slaughtering, and there is no harm in eating it."

[REFERENCES] Al-Kafi, Vol.6 p.230 • Man La Yahduruhu Al-Faqih, Vol.3 p.327 • Tahdhib Al-Ahkam, Vol.9 p.55 • Al-Wafi, Vol.19 p.214 • Wasa'il Al-Shi'ah, Vol.24 p.17

HADITH

4169 - وَ فِي رِوَايَةِ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِنْ خَرَجَ اَلدَّمُ فَكُلْ».

H.4169 - In the narration of Hariz from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, he said: "If the blood flows, then eat."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.327

HADITH

4170 - وَ فِي رِوَايَةِ سَمَاعَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ بَأْسَ بِهِ إِذَا سَالَ اَلدَّمُ».

H.4170 - In the narration of Samaah from Abu Abdillah {a.s}, Imam {a.s} said: "There is no harm in it if the blood flows."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.327

HADITH

4171 - وَ سَأَلَ أَبُو بَصِيرٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلشَّاةِ تُذْبَحُ فَلاَ تَتَحَرَّكُ وَ يُهْرَاقُ مِنْهَا دَمٌ كَثِيرٌ عَبِيطٌ فَقَالَ «لاَ تَأْكُلْ إِنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَانَ يَقُولُ «إِذَا رَكَضَتِ اَلرِّجْلُ أَوْ طَرَفَتِ اَلْعَيْنُ فَكُلْ» ».

H.4171 - Abu Basir asked Abu Abdillah {a.s} about a sheep that is slaughtered but does not move, yet a lot of fresh blood flows from it.
Imam {a.s} said: "Do not eat it. Indeed, Imam Ali ibn Abi Talib {a.s} used to say: 'If the leg kicks or the eye blinks, then eat it.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.327

HADITH

4172 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ ذَبَحَ طَيْراً فَقَطَعَ رَأْسَهُ أَ يُؤْكَلُ مِنْهُ قَالَ «نَعَمْ وَ لَكِنْ لاَ يَتَعَمَّدْ قَطْعَ رَأْسِهِ ».

H.4172 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, that he was asked about a man who slaughtered a bird and severed its head.
Imam {a.s} said: "Yes, it may be eaten, but he should not deliberately cut off its head."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.328 • Awali Al-La'ali, Vol.2 p.320 • Awali Al-La'ali, Vol.3 p.459 • Al-Wafi, Vol.19 p.215 • Wasa'il Al-Shi'ah, Vol.24 p.18 • Bihar Al-Anwar, Vol.62 p.321

HADITH

4173 - وَ رَوَى عَلِيُّ بْنُ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَأْكُلَنَّ مِنْ فَرِيسَةِ اَلسَّبُعِ وَ لاَ اَلْمَوْقُوذَةِ وَ لاَ اَلْمُنْخَنِقَةِ وَ لاَ اَلْمُتَرَدِّيَةِ وَ لاَ اَلنَّطِيحَةِ إِلاَّ أَنْ تُدْرِكَهُ حَيّاً فَتُذَكِّيَهُ ».

H.4173 - Ali ibn Abi Hamzah narrated from Abu Basir, from Abu Abdillah {a.s}, who said: "Do not eat from what has been killed by a predator, nor from that which has been beaten to death, strangled, fallen from a height, or gored, unless you find it alive and slaughter it properly."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.328 • Tahdhib Al-Ahkam, Vol.9 p.59 • Al-Wafi, Vol.19 p.235 • Wasa'il Al-Shi'ah, Vol.24 p.37 • Tafsir Nur Al-Thaqalayn, Vol.1 p.585

HADITH

4174 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : فِي اَلذَّبِيحَةِ تُذْبَحُ وَ فِي بَطْنِهَا وَلَدٌ قَالَ «إِنْ كَانَ تَامّاً فَكُلْهُ فَإِنَّ ذَكَاتَهُ ذَكَاةُ أُمِّهِ وَ إِنْ لَمْ يَكُنْ تَامّاً فَلاَ تَأْكُلْهُ».

H.4174 - Aban narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, that he said regarding an animal that is slaughtered and has a fetus in its womb: "If it is fully formed, then eat it, for its slaughtering is the slaughtering of its mother. But if it is not fully formed, then do not eat it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.328 • Tahdhib Al-Ahkam, Vol.9 p.58 • Awali Al-La'ali, Vol.3 p.461 • Al-Wafi, Vol.19 p.233 • Wasa'il Al-Shi'ah, Vol.24 p.34

HADITH

4175 - وَ رَوَى عُمَرُ بْنُ أُذَيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ أُحِلَّتْ لَكُمْ بَهِيمَةُ اَلْأَنْعَامِ ﴾ فَقَالَ «اَلْجَنِينُ إِذَا أَشْعَرَ أَوْ أَوْبَرَ فَذَكَاتُهُ ذَكَاةُ أُمِّهِ ».

H.4175 - Umar ibn Udhaynah narrated from Muhammad ibn Muslim, from one of the Imams (peace be upon them), that he said: I asked him about the saying of Allah {SWT}, the Mighty and Majestic: "*Lawful to you are the beasts of cattle*." (Surah Al-Ma'idah 5:1) Imam {a.s} said: "The fetus, if it has grown hair or fur, its slaughtering is the slaughtering of its mother."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.290 • Al-Kafi, Vol.6 p.234 • Da'a'im Al-Islam, Vol.2 p.178 • Man La Yahduruhu Al-Faqih, Vol.3 p.328 • Awali Al-La'ali, Vol.3 p.461 • Wasa'il Al-Shi'ah, Vol.24 p.36 • Tafsir Al-Burhan, Vol.2 p.217 • Bihar Al-Anwar, Vol.63 p.30

HADITH

4176 - وَ رَوَى اَلْكَاهِلِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلَهُ رَجُلٌ وَ أَنَا عِنْدَهُ عَنْ قَطْعِ أَلْيَاتِ اَلْغَنَمِ قَالَ «لاَ بَأْسَ بِقَطْعِهَا إِذَا كُنْتَ إِنَّمَا تُصْلِحُ بِهِ مَالَكَ» ثُمَّ قَالَ «إِنَّ فِي كِتَابِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ «أَنَّ مَا قُطِعَ مِنْهَا مَيْتٌ لاَ يُنْتَفَعُ بِهِ » ».

H.4176 - Al-Kahili narrated from Abu Abdillah {a.s} that a man asked him a question while I was present about cutting the tails of sheep.
Imam {a.s} said: "There is no harm in cutting them if you are doing so to improve your wealth."
Then Imam {a.s} said: "Indeed, in the book of Imam Ali ibn Abi Talib {a.s}, it is written: 'Whatever is cut from a living animal is considered dead and should not be used.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.329

HADITH

4177 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كُلُّ مَنْخُورٍ مَذْبُوحٍ حَرَامٌ وَ كُلُّ مَذْبُوحٍ مَنْخُورٍ حَرَامٌ».

H.4177 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Every animal that should be slaughtered but is instead killed by stabbing is unlawful, and every animal that should be killed by stabbing but is instead slaughtered is unlawful."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.2 p.503 • Man La Yahduruhu Al-Faqih, Vol.3 p.329 • Al-Wafi, Vol.14 p.1157 • Al-Wafi, Vol.19 p.216 • Wasa'il Al-Shi'ah, Vol.14 p.154 • Wasa'il Al-Shi'ah, Vol.24 p.14 • Al-Fusul Al-Muhimmah, Vol.2 p.422

HADITH

4178 - وَ رُوِيَ عَنْ صَفْوَانَ بْنِ يَحْيَى قَالَ سَأَلَ اَلْمَرْزُبَانُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : عَنْ ذَبِيحَةِ وَلَدِ اَلزِّنَا وَ قَدْ عَرَفْنَاهُ بِذَلِكَ قَالَ «لاَ بَأْسَ بِهِ وَ اَلْمَرْأَةُ وَ اَلصَّبِيُّ إِذَا اُضْطُرُّوا إِلَيْهِ».

H.4178 - Safwan ibn Yahya narrated that Al-Marzuban asked Abu al-Hasan {a.s} about the slaughtered animal of a child born out of wedlock, and they were certain of his status.
Imam {a.s} said: "There is no harm in it, and it is permissible for a woman and a child if they are in necessity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.329

HADITH

4179 - وَ سَأَلَهُ اَلْحَلَبِيُّ : عَنْ ذَبِيحَةِ اَلْمُرْجِئِ وَ اَلْحَرُورِيِّ قَالَ فَقَالَ «كُلْ وَ قِرَّ وَ اِسْتَقِرَّ حَتَّى يَكُونَ مَا يَكُونُ».

H.4179 - Al-Halabi asked him about the slaughtered animal of the Murji'ite and the Haruri.
Imam {a.s} said: "Eat, and be at ease and settled until whatever is to happen occurs."

[REFERENCES] Al-Kafi, Vol.6 p.236 • Man La Yahduruhu Al-Faqih, Vol.3 p.329 • Tahdhib Al-Ahkam, Vol.9 p.72 • Al-Istibsar, Vol.4 p.88 • Al-Wafi, Vol.19 p.243 • Wasa'il Al-Shi'ah, Vol.24 p.68

HADITH

4180 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَأْكُلْ ذَبِيحَةَ اَلْيَهُودِيِّ وَ اَلنَّصْرَانِيِّ وَ اَلْمَجُوسِيِّ وَ جَمِيعِ مَنْ خَالَفَ اَلدِّينَ إِلاَّ مَا إِذَا سَمِعْتَهُ يَذْكُرُ اِسْمَ اَللَّهِ عَلَيْهَا وَ فِي كِتَابِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ «لاَ يَذْبَحِ اَلْمَجُوسِيُّ وَ لاَ اَلنَّصْرَانِيُّ وَ لاَ نَصَارَى اَلْعَرَبِ اَلْأَضَاحِيَّ » » وَ قَالَ «تَأْكُلُ ذَبِيحَتَهُ إِذَا ذَكَرَ اِسْمَ اَللَّهِ عَزَّ وَ جَلَّ».

H.4180 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Do not eat the slaughtered animal of a Jew, a Christian, a Magian, or anyone who opposes the religion, except if you hear him mention the name of Allah {SWT} over it."

And in the book of Imam Ali ibn Abi Talib {a.s}, it is written: "A Magian, a Christian, or the Christians of the Arabs should not slaughter the sacrificial animals."
Imam {a.s} also said: "You may eat their slaughtered animal if they mention the name of Allah {SWT}, the Mighty and Majestic, over it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.330 • Al-Wafi, Vol.19 p.254

HADITH

4181 - وَ فِي رِوَايَةِ عَبْدِ اَلْمَلِكِ بْنِ عَمْرٍو عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ مَا تَقُولُ فِي ذَبَائِحِ اَلنَّصَارَى فَقَالَ «لاَ بَأْسَ بِهَا» قُلْتُ فَإِنَّهُمْ يَذْكُرُونَ عَلَيْهَا اَلْمَسِيحَ فَقَالَ «إِنَّمَا أَرَادُوا بِالْمَسِيحِ اَللَّهَ تَعَالَى».

H.4181 - And in the narration of Abdul Malik bin Amr, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said:
"I asked him, 'What do you say about the slaughtered animals of the Christians?'
Imam {a.s} said: 'There is no harm in them.'
I said: 'But they mention the name of the Messiah over them.'
Imam {a.s} replied: 'They only mean Allah {SWT}, the Exalted, by the Messiah.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.331 • Tahdhib Al-Ahkam, Vol.9 p.68 • Al-Istibsar, Vol.4 p.85 • Al-Wafi, Vol.19 p.258 • Wasa'il Al-Shi'ah, Vol.24 p.62

HADITH

4182 - وَ رَوَى أَبُو بَكْرٍ اَلْحَضْرَمِيُّ عَنِ اَلْوَرْدِ بْنِ زَيْدٍ قَالَ : قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ حَدِّثْنِي حَدِيثاً وَ أَمْلِ عَلَيَّ حَتَّى أَكْتُبَهُ فَقَالَ «أَيْنَ حِفْظُكُمْ يَا أَهْلَ اَلْكُوفَةِ » قُلْتُ حَتَّى لاَ يَرُدَّهُ عَلَيَّ أَحَدٌ، مَا تَقُولُ فِي مَجُوسِيٍّ قَالَ بِسْمِ اَللَّهِ وَ ذَبَحَ فَقَالَ «كُلْ» فَقُلْتُ مُسْلِمٌ ذَبَحَ وَ لَمْ يُسَمِّ فَقَالَ «لاَ تَأْكُلْ إِنَّ اَللَّهَ تَعَالَى يَقُولُ: ۝ فَكُلُوا مِمَّا ذُكِرَ اِسْمُ اَللَّهِ عَلَيْهِ ۝ وَ يَقُولُ ۝ وَ لاَ تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اِسْمُ اَللَّهِ عَلَيْهِ ۝ ».

H.4182 - And Abu Bakr al-Hadrami narrated from Al-Ward bin Zaid, who said:
I said to Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, 'Relate to me a narration and dictate it to me so that I may write it down.'
Imam {a.s} said: 'Where is your memory, O people of Kufa?'
I said: 'So that no one disputes it with me later.'
I then asked: 'What do you say about a Magian who says 'In the name of Allah {SWT}' and slaughters an animal?'
Imam {a.s} said: 'Eat.'
I said: 'What if a Muslim slaughters but does not mention the name of Allah {SWT}?'
Imam {a.s} replied: 'Do not eat. Indeed, Allah {SWT}, the Exalted, says:
'So eat of that upon which the name of Allah {SWT} has been mentioned'
(Surah Al-An'am 6:118)
and He {SWT} also says:
'And do not eat of that upon which the name of Allah {SWT} has not been mentioned.'
(Surah Al-An'am 6:121)'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.331 • Tahdhib Al-Ahkam, Vol.9 p.69 • Al-Istibsar, Vol.4 p.85 • Al-Wafi, Vol.19 p.258 • Wasa'il Al-Shi'ah, Vol.24 p.63 • Tafsir Nur Al-Thaqalayn, Vol.1 p.761 • Tafsir Kanz Al-Daqaiq, Vol.4 p.434

HADITH

4183 - وَ رَوَى اَلْحُسَيْنُ اَلْأَحْمَسِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «هُوَ اَلِاسْمُ وَ لاَ يُؤْمَنُ عَلَيْهِ إِلاَّ مُسْلِمٌ».

H.4183 - And Al-Husayn Al-Ahmasi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"It is the (mentioning of) the name, and none is to be trusted with it except a Muslim."

[REFERENCES] Al-Kafi, Vol.6 p.240 • Man La Yahduruhu Al-Faqih, Vol.3 p.331 • Tahdhib Al-Ahkam, Vol.9 p.66 • Wasa'il Al-Shi'ah, Vol.24 p.52 • Wasa'il Al-Shi'ah, Vol.24 p.53 • Wasa'il Al-Shi'ah, Vol.24 p.59

HADITH

4184 - وَ رَوَى اَلْحُسَيْنُ بْنُ اَلْمُخْتَارِ عَنِ اَلْحُسَيْنِ بْنِ عُبَيْدِ اَللَّهِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّا نَكُونُ بِالْجَبَلِ فَنَبْعَثُ اَلرُّعَاةَ إِلَى اَلْغَنَمِ فَرُبَّمَا عَطِبَتِ اَلشَّاةُ وَ أَصَابَهَا شَيْءٌ فَذَبَحُوهَا فَنَأْكُلُهَا قَالَ «لاَ إِنَّمَا هِيَ اَلذَّبِيحَةُ فَلاَ يُؤْمَنُ عَلَيْهَا إِلاَّ اَلْمُسْلِمُ ».

H.4184 - Al-Husayn ibn al-Mukhtar narrated from Al-Husayn ibn Ubayd Allah {SWT} who said: I said to Abu Abdillah {a.s}, "We are in the mountains and we send the shepherds to the sheep. Sometimes a sheep is injured or something happens to it, and they slaughter it. Can we eat it?"
Imam {a.s} said: "No, for it is a matter of proper slaughtering, and only a Muslim can be trusted with it."

[REFERENCES] Al-Kafi, Vol.6 p.239 • Man La Yahduruhu Al-Faqih, Vol.3 p.331 • Tahdhib Al-Ahkam, Vol.9 p.66 • Al-Istibsar, Vol.4 p.83 • Al-Wafi, Vol.19 p.249 • Wasa'il Al-Shi'ah, Vol.24 p.49

HADITH

4185 - وَ رُوِيَ عَنِ اَلْفُضَيْلِ وَ زُرَارَةَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُمْ سَأَلُوهُ عَنْ شِرَاءِ اَللَّحْمِ مِنَ اَلْأَسْوَاقِ وَ لاَ يُدْرَى مَا يَصْنَعُ اَلْقَصَّابُونَ فَقَالَ «كُلْ إِذَا كَانَ فِي أَسْوَاقِ اَلْمُسْلِمِينَ وَ لاَ تَسْأَلْ عَنْهُ».

H.4185 - And it is narrated from Al-Fudayl, Zurara, and Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
They asked Imam {a.s} about buying meat from the markets without knowing what the butchers do.
Imam {a.s} said: "Eat if it is in the markets of the Muslims, and do not ask about it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.332

HADITH

[ما ذبح لغير القبلة أو ترك التسمية]

THAT WHICH IS SLAUGHTERED NOT FACING THE QIBLA OR WHEN THE TASMIYAH (MENTIONING THE NAME OF ALLAH) IS OMITTED.

4186 - وَ سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ ذَبِيحَةٍ ذُبِحَتْ لِغَيْرِ اَلْقِبْلَةِ فَقَالَ «كُلْ لاَ بَأْسَ بِذَلِكَ مَا لَمْ يُتَعَمَّدْ» قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ ذَبَحَ وَ لَمْ يُسَمِّ فَقَالَ «إِنْ كَانَ نَاسِياً فَلْيُسَمِّ حِينَ يَذْكُرُ يَقُولُ بِسْمِ اَللَّهِ عَلَى أَوَّلِهِ وَ عَلَى آخِرِهِ ».

H.4186 - And Muhammad ibn Muslim asked Abu Abdullah {a.s}, about an animal that was slaughtered not facing the Qibla.
Imam {a.s} said: “Eat, there is no harm in that as long as it was not done intentionally."
He further asked Imam {a.s} about a man who slaughtered an animal without mentioning the name of Allah {SWT}.
Imam {a.s} said: “If he forgot, let him mention the name of Allah {SWT} when he remembers and say: 'In the name of Allah {SWT}, at its beginning and at its end.'"

[REFERENCES] Al-Kafi, Vol.6 p.233 • Man La Yahduruhu Al-Faqih, Vol.3 p.332 • Tahdhib Al-Ahkam, Vol.9 p.59 • Al-Wafi, Vol.19 p.228

HADITH

4187 - وَ سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ ذَبَحَ فَسَبَّحَ أَوْ كَبَّرَ أَوْ هَلَّلَ أَوْ حَمَّدَ اَللَّهَ عَزَّ وَ جَلَّ قَالَ «هَذَا كُلُّهُ مِنْ أَسْمَاءِ اَللَّهِ تَعَالَى لاَ بَأْسَ بِهِ».

H.4187 - And Muhammad ibn Muslim asked Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, about a man who slaughtered an animal while saying Subhan Allah {SWT} (Glory be to Allah {SWT}), or Allahu Akbar (Allah {SWT} is the Greatest), or La Ilaha Illa Allah (There is no god but Allah {SWT}), or Alhamdulillah (Praise be to Allah {SWT}).
Imam {a.s} said: “All of these are among the names of Allah {SWT}, the Exalted, and there is no harm in it."

[REFERENCES] Al-Kafi, Vol.6 p.234 • Man La Yahduruhu Al-Faqih, Vol.3 p.333 • Tahdhib Al-Ahkam, Vol.9 p.59 • Al-Wafi, Vol.19 p.229 • Tafsir Al-Safi, Vol.2 p.153 • Wasa’il Al-Shi’ah, Vol.24 p.31 • Tafsir Nur Al-Thaqalayn, Vol.1 p.763 • Tafsir Kanz Al-Daqaiq, Vol.4 p.437

HADITH

4188 - وَ فِي رِوَايَةِ حَمَّادٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سُئِلَ عَنِ اَلرَّجُلِ يَذْبَحُ فَيَنْسَى أَنْ يُسَمِّيَ أَ تُؤْكَلُ ذَبِيحَتُهُ قَالَ «نَعَمْ إِذَا كَانَ لاَ يُتَّهَمُ وَ يُحْسِنُ اَلذَّبْحَ قَبْلَ ذَلِكَ وَ لاَ يَنْخَعُ وَ لاَ يَكْسِرُ اَلرَّقَبَةَ حَتَّى تَبْرُدَ اَلذَّبِيحَةُ ».

H.4188 - And in the narration of Hammad, from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, it is reported:
Imam {a.s} was asked about a man who slaughters an animal but forgets to mention the name of Allah {SWT}, can his slaughtered animal be eaten?
Imam {a.s} said: “Yes, if he is not suspected (of negligence) and is known to perform slaughtering properly, and if he does not sever the spinal cord or break the neck until the animal has completely cooled (ceased movement)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.333 • Wasa’il Al-Shi’ah, Vol.24 p.29

HADITH

4189 - وَ رَوَى مُحَمَّدٌ اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «مَنْ لَمْ يُسَمِّ إِذَا ذَبَحَ فَلاَ تَأْكُلْهُ».

H.4189 - And Muhammad Al-Halabi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Whoever does not mention the name of Allah {SWT} when slaughtering, do not eat (from it)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.333 • Al-Wafi, Vol.19 p.229 • Wasa’il Al-Shi’ah, Vol.24 p.30

HADITH

4190 - وَ رَوَى حَمَّادٌ عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ ذَبِيحَةِ اَلْمَرْأَةِ فَقَالَ «إِنْ كُنَّ نِسَاءً لَيْسَ مَعَهُنَّ رَجُلٌ فَلْتَذْبَحْ أَعْلَمُهُنَّ وَ لْتَذْكُرِ اِسْمَ اَللَّهِ عَلَيْهِ» وَ سَأَلْتُهُ عَنْ ذَبِيحَةِ اَلصَّبِيِّ فَقَالَ «إِذَا تَحَرَّكَ وَ كَانَ خَمْسَةَ أَشْبَارٍ وَ أَطَاقَ اَلشَّفْرَةَ ».

H.4190 - And Hammad narrated from Hariz, from Muhammad ibn Muslim, who said:
I asked Abu Abdullah {a.s}, about the slaughtering done by a woman.
Imam {a.s} said: "If they are women and there is no man among them, then the most knowledgeable one among them should slaughter and mention the name of Allah {SWT} upon it."
And I asked Imam {a.s} about the slaughtering done by a boy.
Imam {a.s} said: "If he has reached the age where he can move, is five spans tall, and can handle the knife, then it is permissible."

[REFERENCES] Al-Kafi, Vol.6 p.237 • Man La Yahduruhu Al-Faqih, Vol.3 p.333 • Tahdhib Al-Ahkam, Vol.9 p.73 • Al-Wafi, Vol.19 p.237

HADITH

4191 - وَ فِي رِوَايَةِ عُمَرَ بْنِ أُذَيْنَةَ عَنْ رَهْطٍ رَوَوْهُ عَنْهُمَا عَلَيْهِمَا اَلسَّلاَمُ جَمِيعاً : «أَنَّ ذَبِيحَةَ اَلْمَرْأَةِ إِذَا أَجَادَتِ اَلذَّبْحَ وَ سَمَّتْ فَلاَ بَأْسَ بِأَكْلِهِ وَ كَذَلِكَ اَلصَّبِيُّ وَ كَذَلِكَ اَلْأَعْمَى إِذَا سُدِّدَ ».

H.4191 - And in the narration of Umar ibn Udhaynah from a group who narrated from both of the Imams {a.s}, peace be upon them:
"If a woman performs the slaughter properly and mentions the name of Allah {SWT}, then there is no issue with eating it. Likewise, the boy and the blind person, if they are guided, may also perform the slaughter."

[REFERENCES] Al-Kafi, Vol.6 p.238 • Man La Yahduruhu Al-Faqih, Vol.3 p.334 • Tahdhib Al-Ahkam, Vol.9 p.73 • Al-Wafi, Vol.19 p.239 • Wasa'il Al-Shi'ah, Vol.24 p.45 • Wasa'il Al-Shi'ah, Vol.24 p.47

HADITH

4192 - وَ فِي رِوَايَةِ اِبْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ ذَبِيحَةِ اَلْغُلاَمِ وَ اَلْمَرْأَةِ هَلْ تُؤْكَلُ فَقَالَ «إِذَا كَانَتِ اَلْمَرْأَةُ مُسْلِمَةً وَ ذَكَرَتِ اِسْمَ اَللَّهِ عَلَى ذَبِيحَتِهَا حَلَّتْ ذَبِيحَتُهَا وَ اَلْغُلاَمُ إِذَا قَوِيَ عَلَى اَلذَّبِيحَةِ وَ ذَكَرَ اِسْمَ اَللَّهِ تَعَالَى حَلَّتْ ذَبِيحَتُهُ وَ ذَلِكَ إِذَا خِيفَ فَوْتُ اَلذَّبِيحَةِ وَ لَمْ يُوجَدْ مَنْ يَذْبَحُ غَيْرُهُمَا».

H.4192 - And in the narration of Ibn Muskan from Sulayman ibn Khalid, he said:
"I asked Abu Abdullah {a.s}, about the slaughter by a boy and a woman, can it be eaten?
Imam {a.s} said: 'If the woman is a Muslim and mentions the name of Allah {SWT} over her slaughter, then her slaughter is permissible.
And if the boy is strong enough to perform the slaughter and mentions the name of Allah {SWT}, his slaughter is also permissible.
This applies in cases where there is a fear of losing the animal and no one else is available to perform the slaughter.'"

[REFERENCES] Al-Kafi, Vol.6 p.237 • Man La Yahduruhu Al-Faqih, Vol.3 p.334 • Tahdhib Al-Ahkam, Vol.9 p.73 • Al-Wafi, Vol.19 p.238 • Wasa'il Al-Shi'ah, Vol.24 p.45

HADITH

4193 - وَ رَوَى اِبْنُ اَلْمُغِيرَةِ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيَّ بْنَ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ كَانَتْ لَهُ جَارِيَةٌ تَذْبَحُ لَهُ إِذَا أَرَادَ».

H.4193 - And Ibn al-Mughira narrated from Abdullah ibn Sinan, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Imam Ali ibn Al-Hussain {a.s} had a servant girl who used to slaughter for him whenever he desired."

[REFERENCES] Al-Kafi, Vol.6 p.238 • Man La Yahduruhu Al-Faqih, Vol.3 p.334 • Tahdhib Al-Ahkam, Vol.9 p.74 • Al-Wafi, Vol.19 p.240 • Wasa'il Al-Shi'ah, Vol.24 p.43 • Wasa'il Al-Shi'ah, Vol.24 p.45

HADITH

[الحمل و الجدي يرضعان من لبن خنزيرة أو امرأة]

A LAMB OR A YOUNG GOAT THAT SUCKLES FROM THE MILK OF A SOW OR A WOMAN.

4194 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «وَ لاَ تَأْكُلْ مِنْ لَحْمِ حَمَلٍ رَضَعَ مِنْ خِنْزِيرَةٍ».

H.4194 - And Commander of the Faithful, peace be upon him, said:
"Do not eat the meat of a lamb that has suckled from a sow."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.334 • Mustadrak Al-Wasa'il, Vol.16 p.186

HADITH

4195 - وَ كَتَبَ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ عِيسَى إِلَى عَلِيِّ بْنِ مُحَمَّدٍ عَلَيْهِ اَلسَّلاَمُ : اِمْرَأَةٌ أَرْضَعَتْ عَنَاقاً مِنَ اَلْغَنَمِ بِلَبَنِهَا حَتَّى فَطَمَتْهَا فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «فِعْلٌ مَكْرُوهٌ وَ لاَ بَأْسَ بِهِ».

H.4195 - Ahmad ibn Muhammad ibn Isa wrote to Imam Ali ibn Muhammad Al-Hadi {a.s}, inquiring about a woman who nursed a young goat with her milk until it was weaned.
Imam {a.s} wrote in reply: "It is a disliked (makruh) act, but there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.334

HADITH

4196 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنْ حَنَانِ بْنِ سَدِيرٍ قَالَ : سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ جَدْيٍ رَضَعَ مِنْ لَبَنِ خِنْزِيرَةٍ حَتَّى شَبَّ وَ كَبِرَ ثُمَّ اِسْتَفْحَلَهُ رَجُلٌ فِي غَنَمِهِ فَخَرَجَ لَهُ نَسْلٌ قَالَ «أَمَّا مَا عَرَفْتَ مِنْ نَسْلِهِ بِعَيْنِهِ فَلاَ تَقْرَبْهُ وَ أَمَّا مَا لَمْ تَعْرِفْهُ فَإِنَّهُ بِمَنْزِلَةِ اَلْجُبُنِّ فَكُلْ وَ لاَ تَسْأَلْ عَنْهُ».

H.4196 - Al-Hasan ibn Mahbub and Muhammad ibn Isma'il narrated from Hanan ibn Sadeer, who said:
Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about a young goat that had nursed from the milk of a sow until it grew up and matured. A man then bred it among his flock, and offspring were produced from it.
Imam {a.s} said: "As for the offspring that you specifically know came from it, do not approach them. But as for those you do not recognize, they are like cheese, so eat and do not inquire about them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.335

HADITH

]الحلال و الحرام من لحوم الدّوابّ[

THE LAWFUL AND UNLAWFUL OF THE MEATS OF ANIMALS.

4197 - وَ سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : عَنْ لُحُومِ اَلْخَيْلِ وَ اَلدَّوَابِّ وَ اَلْبِغَالِ وَ اَلْحَمِيرِ فَقَالَ «حَلاَلٌ وَ لَكِنَّ اَلنَّاسَ يَعَافُونَهَا».

وَ إِنَّمَا نَهَى رَسُولُ اللَّهِ ص عَنْ أَكْلِ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ بِخَيْبَرَ لِئَلَّا تَفْنَى ظُهُورُهَا وَ كَانَ ذَلِكَ نَهْيَ كَرَاهَةٍ لَا نَهْيَ تَحْرِيمٍ وَ لَا بَأْسَ بِأَكْلِ لُحُومِ الْحُمُرِ الْوَحْشِيَّةِ وَ لَا بَأْسَ بِأَكْلِ الْآمِصِ وَ هُوَ الْيَحَامِيرُ - وَ لَا بَأْسَ بِأَلْبَانِ الْأُتُنِ وَ الشِّيرَازِ الْمُتَّخَذِ مِنْهَا وَ لَا يَجُوزُ أَكْلُ شَيْءٍ مِنَ الْمَسُوخِ وَ هِيَ الْقِرَدَةُ وَ الْخِنْزِيرُ وَ الْكَلْبُ وَ الْفِيلُ وَ الدُّبُّ وَ الْفَأْرَةُ وَ الْأَرْنَبُ وَ الضَّبُّ وَ الطَّاوُسُ وَ النَّعَامَةُ وَ الدُّعْمُوصُ وَ الْجِرِّيُّ وَ السَّرَطَانُ وَ السُّلَحْفَاةُ وَ الْوَطْوَاطُ وَ الْبَقَّاءُ وَ الثَّعْلَبُ وَ الدُّبُّ وَ الْيَرْبُوعُ وَ الْقُنْفُذُ مَسُوخٌ لَا يَجُوزُ أَكْلُهَا.

H.4197 - Muhammad ibn Muslim asked Abu Ja'far Imam Muhammad Al-Baqir {a.s}, about the meat of horses, beasts of burden, mules, and donkeys.
Imam {a.s} said: "It is permissible, but people find it repugnant."

[AL SADUQ]
The Messenger of Allah {SWT}, peace be upon him and his family, only forbade eating the meat of domesticated donkeys at Khaybar to prevent their backs from being depleted. That was a prohibition of dislike (karahah), not a prohibition of unlawfulness (tahrim).
There is no harm in eating the meat of wild donkeys, nor in consuming the flesh of deer (al-yaḥamir).
There is also no harm in drinking the milk of female donkeys or cheese made from it.
However, it is not permissible to eat anything from the mutated creatures (masukh), which include:
Monkeys, pigs, dogs, elephants, wolves, rats, rabbits, lizards (al-dabb), peacocks, ostriches, chameleons (al-duʿmuṣ), catfish (al-jirri), crabs, turtles, bats, spotted animals (al-baqʿaʾ), foxes, bears, jerboas (al-yarbuʿ), and hedgehogs (al-qanfudh).
These are mutated creatures, and it is not permissible to eat them.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.335 • Al-Wafi, Vol.19 p.31 • Wasa'il Al-Shi'ah, Vol.24 p.122

HADITH

4198 - وَ رُوِيَ : «أَنَّ اَلْمَسُوخَ لَمْ تَبْقَ أَكْثَرَ مِنْ ثَلاَثَةِ أَيَّامٍ فَإِنَّ هَذِهِ مُثِّلَ بِهَا فَنَهَى اَللَّهُ عَزَّ وَ جَلَّ عَنْ أَكْلِهَا».

H.4198 - And it has been narrated: "The mutated creatures (al-masukh) did not remain alive for more than three days. These were transformed as a lesson, and Allah {SWT}, the Almighty and Majestic, forbade eating them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.337 • Wasa'il Al-Shi'ah, Vol.24 p.108 • Tafsir Nur Al-Thaqalayn, Vol.2 p.90

HADITH

4199 - وَ رَوَى اَلْوَشَّاءُ عَنْ دَاوُدَ اَلرَّقِّيِّ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّ رَجُلاً مِنْ أَصْحَابِ أَبِي اَلْخَطَّابِ نَهَانِي عَنِ اَلْبُخْتِ وَ عَنْ أَكْلِ لَحْمِ اَلْحَمَامِ اَلْمُسَرْوَلِ فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «لاَ بَأْسَ بِرُكُوبِ اَلْبُخْتِ وَ شُرْبِ أَلْبَانِهَا وَ أَكْلِ لُحُومِهَا وَ أَكْلِ لَحْمِ اَلْحَمَامِ اَلْمُسَرْوَلِ » وَ نَهَى عَلَيْهِ اَلسَّلاَمُ عَنْ رُكُوبِ اَلْجَلاَّلاَتِ وَ شُرْبِ أَلْبَانِهَا فَقَالَ «إِنْ أَصَابَكَ شَيْءٌ مِنْ عَرَقِهَا فَاغْسِلْهُ».

وَ النَّاقَةُ الْجَلَّالَةُ تُرْبَطُ أَرْبَعِينَ يَوْماً ثُمَّ يَجُوزُ بَعْدَ ذَلِكَ نَحْرُهَا وَ أَكْلُهَا وَ الْبَقَرَةُ تُرْبَطُ ثَلَاثِينَ يَوْماً.

H.4199 - And it was narrated by Al-Washsha from Dawud Al-Raqqi who said:
I said to Abu Abdullah {a.s}: A man from the followers of Abu Al-Khattab forbade me from riding Bukt (a type of camel) and eating the meat of 'musarwal' pigeons (pigeons with feathered legs).
Abu Abdullah {a.s} replied: 'There is no harm in riding the Bukt, drinking their milk, eating their meat, or eating the meat of musarwal pigeons.'
However, Imam {a.s} forbade riding the Jallalat (animals that feed on filth) and drinking their milk, and Imam {a.s} said: "If any of their sweat touches you, then wash it."
And regarding a 'jallalah' she-camel, Imam {a.s} said: 'It should be confined for forty days before it becomes permissible for slaughter and consumption.'
As for a 'jallalah' cow, Imam {a.s} said: 'It should be confined for thirty days.'

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.337

HADITH

4200 - وَ فِي رِوَايَةِ اَلْقَاسِمِ بْنِ مُحَمَّدٍ اَلْجَوْهَرِيِّ : «أَنَّ اَلْبَقَرَةَ تُرْبَطُ عِشْرِينَ يَوْماً».

وَ الشَّاةُ تُرْبَطُ عَشَرَةَ أَيَّامٍ وَ الْبَطَّةُ تُرْبَطُ ثَلَاثَةَ أَيَّامٍ وَ رُوِيَ سِتَّةَ أَيَّامٍ وَ الدَّجَاجَةُ تُرْبَطُ ثَلَاثَةَ أَيَّامٍ وَ السَّمَكُ الْجَلَّالُ يُرْبَطُ يَوْماً إِلَى اللَّيْلِ فِي الْمَاءِ.

H.4200 - And in the narration of Al-Qasim bin Muhammad Al-Jawhari:
The cow is to be confined for twenty days."

[AL SADUQ]
A sheep is to be confined for ten days.
A duck is to be confined for three days. It was also narrated as six days for the duck.
A chicken is to be confined for three days.
A fish that feeds on filth (jallal) is to be confined in water from morning until night.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.338

HADITH

4201 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كُلُّ مَا كَانَ فِي اَلْبَحْرِ مِمَّا يُؤْكَلُ فِي اَلْبَرِّ مِثْلُهُ فَجَائِزٌ أَكْلُهُ وَ كُلُّ مَا كَانَ فِي اَلْبَحْرِ مِمَّا لاَ يَجُوزُ أَكْلُهُ فِي اَلْبَرِّ لَمْ يَجُزْ أَكْلُهُ».

H.4201 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Everything in the sea that has a counterpart on land which is permissible to eat is also permissible to eat. And everything in the sea that does not have a permissible counterpart on land is not permissible to eat."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.339 • Al-Wafi, Vol.19 p.59 • Wasa'il Al-Shi'ah, Vol.24 p.159 • Al-Fusul Al-Muhimmah, Vol.2 p.431 • Bihar Al-Anwar, Vol.62 p.200

HADITH

4202 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَأْكُلِ اَلْجِرِّيَّ وَ لاَ اَلطِّحَالَ».

H.4202 - Aban narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Do not eat the eel (al-jirri) and do not eat the spleen (al-tihal)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.339 • Al-Wafi, Vol.19 p.50 • Wasa'il Al-Shi'ah, Vol.24 p.132

HADITH

4203 - وَ رَوَى اِبْنُ مُسْكَانَ عَنْ عَبْدِ اَلرَّحِيمِ اَلْقَصِيرِ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «إِنَّ إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ لَمَّا أَرَادَ أَنْ يَذْبَحَ اَلْكَبْشَ أَتَاهُ إِبْلِيسُ فَقَالَ هَذَا لِي فَقَالَ إِبْرَاهِيمُ عَلَيْهِ اَلسَّلاَمُ لاَ قَالَ لِي مِنْهُ كَذَا وَ كَذَا قَالَ إِبْرَاهِيمُ عَلَيْهِ اَلسَّلاَمُ لاَ فَلَمْ يَزَلْ يُسَمِّي عُضْواً عُضْواً مِنَ اَلشَّاةِ وَ يَأْبَى عَلَيْهِ إِبْرَاهِيمُ عَلَيْهِ اَلسَّلاَمُ حَتَّى اِنْتَهَى إِلَى اَلطِّحَالِ فَسَمَّاهُ فَأَعْطَاهُ إِيَّاهُ فَهُوَ لُقْمَةُ اَلشَّيْطَانِ». وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا كَانَ اَللَّحْمُ مَعَ اَلطِّحَالِ فِي سَفُّودٍ أُكِلَ اَللَّحْمُ إِذَا كَانَ فَوْقَ اَلطِّحَالِ فَإِنْ كَانَ أَسْفَلَ مِنَ اَلطِّحَالِ لَمْ يُؤْكَلْ وَ يُؤْكَلُ جُوذَابُهُ لِأَنَّ اَلطِّحَالَ فِي حِجَابٍ وَ لاَ يَنْزِلُ مِنْهُ شَيْءٌ إِلاَّ أَنْ يُثْقَبَ فَإِنْ ثُقِبَ سَالَ مِنْهُ وَ لَمْ يُؤْكَلْ مَا تَحْتَهُ مِنَ اَلْجُوذَابِ فَإِنْ جُعِلَتْ سَمَكَةٌ يَجُوزُ أَكْلُهَا مَعَ جِرِّيٍّ أَوْ غَيْرِهَا مِمَّا لاَ يَجُوزُ أَكْلُهُ فِي سَفُّودٍ أُكِلَتِ اَلَّتِي لَهَا فُلُوسٌ إِذَا كَانَتْ فِي اَلسَّفُّودِ فَوْقَ اَلْجِرِّيِّ وَ فَوْقَ اَللاَّتِي لاَ تُؤْكَلُ فَإِنْ كَانَتْ أَسْفَلَ مِنَ اَلْجِرِّيِّ لَمْ تُؤْكَلْ».

H.4203 - Ibn Muskan narrated from Abdul Rahim Al-Qasir, who said:
I heard Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, say:
"Indeed, when Ibrahim {a.s}, peace be upon him, intended to slaughter the ram, Iblis came to him and said: 'This belongs to me.'
Ibrahim {a.s}, peace be upon him, replied: 'No.'
Iblis said: 'I have a share in it,'
Ibrahim {a.s}, peace be upon him, responded: 'No.'
Iblis then began naming each part of the sheep, but Ibrahim {a.s}, peace be upon him, rejected him until he finally mentioned the spleen (al-tihal).

At that point, Ibrahim {a.s}, peace be upon him, gave it to him. Therefore, it is considered the morsel of Satan."
Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If meat is placed with the spleen on a skewer, the meat may be eaten if it is placed above the spleen.
However, if it is placed below the spleen, it should not be eaten. Its dripping (fat and juices) may be consumed because the spleen is enclosed in a membrane, and nothing comes out of it unless it is punctured. If it is punctured, its contents will leak out, and the dripping below it should not be consumed.
If a permissible fish is placed on a skewer with a catfish or any other fish that is not permissible to eat, the fish with scales may be eaten if it is placed above the catfish or the non-permissible fish on the skewer. However, if it is placed below the catfish, it should not be eaten."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.339 • Al-Wafi, Vol.19 p.114 • Wasa'il Al-Shi'ah, Vol.24 p.200 • Al-Wafi, Vol.19 p.115 • Wasa'il Al-Shi'ah, Vol.24 p.202 • Bihar Al-Anwar, Vol.62 p.256 • Mustadrak Al-Wasa'il, Vol.16 p.197

HADITH

4204 - وَ كَتَبَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ بَزِيعٍ إِلَى اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : اِخْتَلَفَ اَلنَّاسُ فِي اَلرَّبِيثَا فَمَا تَأْمُرُنِي فِيهَا فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «لاَ بَأْسَ بِهَا».

H.4204 - Muhammad ibn Isma'il ibn Bazi' wrote to Imam Ali ibn Musa Ar-Ridha {a.s}, saying:
"The people have differed regarding the rabbit (al-rabitha). What do you command me concerning it?"
Imam {a.s} wrote back: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.340

HADITH

4205 - وَ رُوِيَ عَنْ حَنَانِ بْنِ سَدِيرٍ قَالَ : أَهْدَى فَيْضُ بْنُ اَلْمُخْتَارِ إِلَى أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَبِيثَا فَأَدْخَلَهَا إِلَيْهِ وَ أَنَا عِنْدَهُ فَنَظَرَ إِلَيْهَا وَ قَالَ «هَذِهِ لَهَا قِشْرٌ» فَأَكَلَ مِنْهَا وَ نَحْنُ نَرَاهُ.

H.4205 - It is narrated from Hanan ibn Sadir who said:
"Fayd ibn Al-Mukhtar gifted a rabbit (al-rabitha) to Abu Abdullah {a.s}. He brought it to him while I was present.
Imam {a.s} looked at it and said: "This has a shell (skin)," and Imam {a.s} ate from it while we were observing.

[REFERENCES] Al-Kafi, Vol.6 p.220 • Man La Yahduruhu Al-Faqih, Vol.3 p.340 • Al-Wafi, Vol.19 p.41 • Wasa'il Al-Shi'ah, Vol.24 p.139

HADITH

4206 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يُؤْكَلُ مَا نَبَذَهُ اَلْمَاءُ مِنَ اَلْحِيتَانِ وَ مَا نَضَبَ اَلْمَاءُ عَنْهُ فَذَلِكَ اَلْمَتْرُوكُ».

H.4206 - It is narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"That which is thrown out by the water from the fish and that which the water recedes from should not be eaten, for that is considered abandoned."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.340 • Wasa'il Al-Shi'ah, Vol.24 p.82 • Wasa'il Al-Shi'ah, Vol.24 p.144

HADITH

4207 - وَ رَوَى مُحَمَّدُ بْنُ يَحْيَى اَلْخَثْعَمِيُّ عَنْ حَمَّادِ بْنِ عُثْمَانَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ مَا تَقُولُ فِي اَلْكَنْعَتِ قَالَ «لاَ بَأْسَ بِأَكْلِهِ» قُلْتُ فَإِنَّهُ لَيْسَ لَهُ قِشْرٌ قَالَ «بَلَى وَ لَكِنَّهَا حُوتَةٌ سَيِّئَةُ اَلْخُلُقِ تَحْتَكُّ بِكُلِّ شَيْءٍ فَإِذَا نَظَرْتَ فِي أَصْلِ أُذُنَيْهَا وَجَدْتَ لَهَا قِشْراً».

H.4207 - It is narrated from Muhammad ibn Yahya al-Khath'ami, from Hammad ibn Uthman, who said:
I said to Abu Abdullah {a.s}: "May I be your ransom! What do you say about eating 'Kan'at'?"
Imam {a.s} replied: "There is no harm in eating it."
I said: "But it has no scales."
Imam {a.s} replied: "Indeed, it does! However, it is a fish with bad manners that rubs against everything. If you look at the base of its ears, you will find scales."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.341

HADITH

4208 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «كُلُّ شَيْءٍ يَكُونُ فِيهِ حَلاَلٌ وَ حَرَامٌ فَهُوَ لَكَ حَلاَلٌ أَبَداً حَتَّى تَعْرِفَ اَلْحَرَامَ مِنْهُ بِعَيْنِهِ فَتَدَعَهُ ».

H.4208 - It is narrated from Al-Hasan ibn Mahbub, from Abdullah ibn Sinan, who said: Abu Abdullah {a.s}, said: "Everything that contains both lawful and unlawful elements is always lawful for you until you specifically identify the unlawful part, at which point you must avoid it."

[REFERENCES] Al-Kafi, Vol.5 p.313 • Man La Yahduruhu Al-Faqih, Vol.3 p.341 • Tahdhib Al-Ahkam, Vol.7 p.226 • Tahdhib Al-Ahkam, Vol.9 p.79 • Awali Al-La'ali, Vol.3 p.465 • Al-Wafi, Vol.17 p.61 • Wasa'il Al-Shi'ah, Vol.17 p.87 • Wasa'il Al-Shi'ah, Vol.24 p.236 • Al-Fusul Al-Muhimmah, Vol.1 p.631 • Al-Fusul Al-Muhimmah, Vol.2 p.236

HADITH

4209 - وَ رَوَى اَلْحَسَنُ بْنُ عَلِيِّ بْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ : سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْإِخْصَاءِ فَلَمْ يُجِبْنِي ، فَسَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ ذَلِكَ فَقَالَ «لاَ بَأْسَ بِهِ».

H.4209 - It is narrated by Al-Hasan ibn Ali ibn Fadhal, from Yunus ibn Ya'qub, who said:
I asked Abu Abdullah {a.s}, about castration, but Imam {a.s} did not answer me.
Then I asked Abu Al-Hasan {a.s} about it, and Imam {a.s} said: "There is no harm in it."

[REFERENCES] Al-Muhasin, Vol.2 p.628 • Man La Yahduruhu Al-Faqih, Vol.3 p.341 • Al-Wafi, Vol.19 p.261 • Wasa'il Al-Shi'ah, Vol.11 p.522 • Bihar Al-Anwar, Vol.61 p.222

HADITH

4210 - وَ رَوَى يُونُسُ بْنُ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلسَّخْلَةُ اَلَّتِي مَرَّ بِهَا رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ هِيَ مَيْتَةٌ فَقَالَ «مَا ضَرَّ أَهْلَهَا لَوِ اِنْتَفَعُوا بِإِهَابِهَا» فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «لَمْ تَكُنْ مَيْتَةً يَا أَبَا مَرْيَمَ وَ لَكِنَّهَا كَانَتْ مَهْزُولَةً فَذَبَحَهَا أَهْلُهَا فَرَمَوْا بِهَا فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «مَا كَانَ عَلَى أَهْلِهَا لَوِ اِنْتَفَعُوا بِإِهَابِهَا» ».

H.4210 - It is narrated by Yunus ibn Ya'qub from Abu Maryam, who said:
I said to Abu Abdullah {a.s}, regarding the young goat that the Messenger of Allah {SWT}, peace and blessings be upon him and his family, passed by and it was dead. And He {saws} said:
"What harm would it have been to its owners if they had benefited from its hide?"
Then Abu Abdullah {a.s}, said: "It was not dead, O Abu Maryam, but it was emaciated, so its owners slaughtered it and then threw it away.
The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: 'What harm would it have been to its owners if they had benefited from its hide?'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.341 • Tahdhib Al-Ahkam, Vol.9 p.79 • Al-Wafi, Vol.19 p.105 • Wasa'il Al-Shi'ah, Vol.3 p.503 • Wasa'il Al-Shi'ah, Vol.24 p.185

HADITH

4211 - وَ سَأَلَ سَعِيدٌ اَلْأَعْرَجُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ قِدْرٍ فِيهَا لَحْمُ جَزُورٍ وَقَعَ فِيهَا أُوقِيَّةٌ مِنْ دَمٍ أَ يُؤْكَلُ مِنْهَا قَالَ «نَعَمْ فَإِنَّ اَلنَّارَ تَأْكُلُ اَلدَّمَ».

H.4211 - Sa'eed Al-A'raj asked Abu Abdullah {a.s}, about a pot containing camel meat into which an ounce of blood had fallen.
Imam {a.s} said: "Yes, it can be eaten because the fire consumes the blood."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.342

HADITH

4212 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلْإِنْفَحَةِ تَخْرُجُ مِنَ اَلْجَدْيِ اَلْمَيِّتِ قَالَ «لاَ بَأْسَ بِهِ» قُلْتُ اَللَّبَنُ يَكُونُ فِي ضَرْعِ اَلشَّاةِ وَ قَدْ مَاتَتْ قَالَ «لاَ بَأْسَ بِهِ» قُلْتُ فَالصُّوفُ وَ اَلشَّعْرُ وَ عِظَامُ اَلْفِيلِ وَ اَلْبَيْضَةُ تُخْرَجُ مِنَ اَلدَّجَاجَةِ فَقَالَ «كُلُّ هَذَا ذَكِيٌّ لاَ بَأْسَ بِهِ».

H.4212 - Al-Hasan ibn Mahbub narrated from Ali ibn Ri'ab, from Zurara, who said:
I asked Abu Abdullah {a.s}, about the rennet (infaha) that comes out of a dead kid (young goat).
Imam {a.s} said: "There is no harm in it."
I asked about the milk that is in the udder of a sheep that has died.
Imam {a.s} said: "There is no harm in it."
I asked about wool, hair, elephant bones, and an egg that is taken from a hen.
Imam {a.s} said: "All of these are pure and lawful; there is no harm in them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.342 • Tahdhib Al-Ahkam, Vol.9 p.76 • Al-Istibsar, Vol.4 p.89 • Al-Wafi, Vol.19 p.102 • Wasa'il Al-Shi'ah, Vol.24 p.182

HADITH

4213 - وَ رَوَى عَبْدُ اَلْعَظِيمِ بْنُ عَبْدِ اَللَّهِ اَلْحَسَنِيُّ عَنْ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيٍّ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : سَأَلْتُهُ عَمَّا أُهِلَّ لِغَيْرِ اَللَّهِ بِهِ فَقَالَ «مَا ذُبِحَ لِصَنَمٍ أَوْ وَثَنٍ أَوْ شَجَرٍ حَرَّمَ اَللَّهُ ذَلِكَ كَمَا حَرَّمَ اَلْمَيْتَةَ وَ اَلدَّمَ وَ لَحْمَ اَلْخِنْزِيرِ «فَمَنِ اُضْطُرَّ غَيْرَ بَاغٍ وَ لاَ عَادٍ فَلاَ إِثْمَ عَلَيْهِ» أَنْ يَأْكُلَ اَلْمَيْتَةَ» قَالَ فَقُلْتُ لَهُ يَا اِبْنَ رَسُولِ اَللَّهِ مَتَى تَحِلُّ لِلْمُضْطَرِّ اَلْمَيْتَةُ قَالَ «حَدَّثَنِي أَبِي عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ سُئِلَ فَقِيلَ لَهُ يَا رَسُولَ اَللَّهِ إِنَّا نَكُونُ بِأَرْضٍ فَتُصِيبُنَا اَلْمَخْمَصَةُ فَمَتَى تَحِلُّ لَنَا اَلْمَيْتَةُ قَالَ «مَا لَمْ تَصْطَبِحُوا أَوْ تَغْتَبِقُوا أَوْ تَحْتَفِئُوا بَقْلاً فَشَأْنَكُمْ بِهَا ، » » قَالَ عَبْدُ اَلْعَظِيمِ فَقُلْتُ لَهُ يَا اِبْنَ رَسُولِ اَللَّهِ مَا مَعْنَى قَوْلِهِ عَزَّ وَ جَلَّ: ﴿ فَمَنِ اُضْطُرَّ غَيْرَ بَاغٍ وَ لاَ عَادٍ فَلاَ إِثْمَ عَلَيْهِ ﴾ قَالَ «اَلْعَادِي اَلسَّارِقُ وَ اَلْبَاغِي اَلَّذِي يَبْغِي اَلصَّيْدَ بَطَراً أَوْ لَهْواً لاَ لِيَعُودَ بِهِ عَلَى عِيَالِهِ لَيْسَ لَهُمَا أَنْ يَأْكُلاَ اَلْمَيْتَةَ إِذَا اُضْطُرَّا هِيَ حَرَامٌ عَلَيْهِمَا فِي حَالِ اَلاِضْطِرَارِ كَمَا هِيَ حَرَامٌ عَلَيْهِمَا فِي حَالِ اَلاِخْتِيَارِ وَ لَيْسَ لَهُمَا أَنْ يُقَصِّرَا فِي صَوْمٍ وَ لاَ صَلاَةٍ فِي سَفَرٍ » قَالَ فَقُلْتُ فَقَوْلُهُ عَزَّ وَ جَلَّ:﴿ اَلْمُنْخَنِقَةُ وَ اَلْمَوْقُوذَةُ وَ اَلْمُتَرَدِّيَةُ وَ اَلنَّطِيحَةُ وَ مَا أَكَلَ اَلسَّبُعُ إِلاَّ مَا ذَكَّيْتُمْ ﴾ قَالَ « «اَلْمُنْخَنِقَةُ» اَلَّتِي اِنْخَنَقَتْ بِأُحْنَاقِهَا حَتَّى تَمُوتَ «وَ اَلْمَوْقُوذَةُ» اَلَّتِي مَرِضَتْ وَ قَذَفَهَا اَلْمَرَضُ حَتَّى لَمْ يَكُنْ بِهَا حَرَكَةٌ «وَ اَلْمُتَرَدِّيَةُ» اَلَّتِي تَتَرَدَّى مِنْ مَكَانٍ مُرْتَفِعٍ إِلَى أَسْفَلَ أَوْ تَتَرَدَّى مِنْ جَبَلٍ أَوْ فِي بِئْرٍ فَتَمُوتُ «وَ اَلنَّطِيحَةُ» اَلَّتِي تَنْطَحُهَا بَهِيمَةٌ أُخْرَى فَتَمُوتُ «وَ مَا أَكَلَ اَلسَّبُعُ» مِنْهُ فَمَاتَ «وَ مَا ذُبِحَ عَلَى اَلنُّصُبِ» عَلَى حَجَرٍ أَوْ صَنَمٍ إِلاَّ مَا أُدْرِكَ ذَكَاتُهُ فَيُذَكَّى » قُلْتُ «وَ أَنْ تَسْتَقْسِمُوا بِالْأَزْلاَمِ» قَالَ «كَانُوا فِي اَلْجَاهِلِيَّةِ يَشْتَرُونَ بَعِيراً فِيمَا بَيْنَ عَشَرَةِ أَنْفُسٍ وَ يَسْتَقْسِمُونَ عَلَيْهِ بِالْقِدَاحِ وَ كَانَتْ عَشَرَةً سَبْعَةٌ لَهَا أَنْصِبَاءُ وَ ثَلاَثَةٌ لاَ أَنْصِبَاءَ لَهَا أَمَّا اَلَّتِي لَهَا أَنْصِبَاءُ فَالْفَذُّ وَ اَلتَّوْأَمُ وَ اَلنَّافِسُ وَ اَلْحِلْسُ وَ اَلْمُسْبِلُ وَ اَلْمُعَلَّى وَ اَلرَّقِيبُ وَ أَمَّا اَلَّتِي لاَ أَنْصِبَاءَ لَهَا فَالسَّفِيحُ وَ اَلْمَنِيحُ وَ اَلْوَغْدُ فَكَانُوا يُجِيلُونَ اَلسِّهَامَ بَيْنَ عَشَرَةٍ فَمَنْ خَرَجَ بِاسْمِهِ سَهْمٌ مِنَ اَلَّتِي لاَ أَنْصِبَاءَ لَهَا أُلْزِمَ ثُلُثَ ثَمَنِ اَلْبَعِيرِ فَلاَ يَزَالُونَ بِذَلِكَ حَتَّى تَقَعَ اَلسِّهَامُ اَلثَّلاَثَةُ اَلَّتِي لاَ أَنْصِبَاءَ لَهَا إِلَى ثَلاَثَةٍ مِنْهُمْ فَيُلْزِمُونَهُمْ ثَمَنَ اَلْبَعِيرِ ثُمَّ يَنْحَرُونَهُ وَ يَأْكُلُهُ اَلسَّبْعَةُ اَلَّذِينَ لَمْ يَنْقُدُوا فِي ثَمَنِهِ

شَيْئاً وَ لَمْ يَطْعَمُوا مِنْهُ اَلثَّلاَثَةَ اَلَّذِينَ نَقَدُوا ثَمَنَهُ شَيْئاً فَلَمَّا جَاءَ اَلْإِسْلاَمُ حَرَّمَ اَللَّهُ تَعَالَى ذِكْرُهُ ذَلِكَ فِيمَا حَرَّمَ فَقَالَ عَزَّ وَ جَلَّ: ﴿ وَ أَنْ تَسْتَقْسِمُوا بِالْأَزْلاَمِ ذٰلِكُمْ فِسْقٌ» يَعْنِي حَرَاماً ﴾.

وَ هَذَا الْخَبَرُ فِي رِوَايَاتِ- أَبِي الْحُسَيْنِ الْأَسَدِيِّ رَحِمَهُ اللَّهُ عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَبْدِ الْعَظِيمِ بْنِ عَبْدِ اللَّهِ الْحَسَنِيِّ عَنْ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيٍّ الرِّضَا ع.

H.4213 - Abdul Azim ibn Abdullah al-Hasani narrated from Abu Ja'far Muhammad ibn Ali al-Ridha {a.s}, peace be upon him:
I asked Imam {a.s} about what has been sacrificed for other than Allah {SWT}.
Imam {a.s} said: "Whatever is slaughtered for an idol, a statue, or a tree, Allah {SWT} has forbidden it, just as He {SWT} has forbidden carrion, blood, and the flesh of swine.
'But if one is forced by necessity, without willful disobedience nor transgressing due limits, then there is no sin upon him' to eat from the carrion."
I then asked Imam {a.s}: "O son of the Messenger of Allah {SWT}, when does carrion become permissible for one who is compelled by necessity?"
Imam {a.s} said: "My father {a.s} narrated to me from his father {a.s}, from his forefathers, peace be upon them all, that the Messenger of Allah {SWT}, peace be upon him and his family, was asked: 'O Messenger of Allah {SWT}, we may find ourselves in a land where we are struck by severe hunger. When does carrion become lawful for us?'
Prophet {saws} said: 'As long as you have not had a morning or evening meal, or found herbs to sustain yourselves, then you may consume it.'"
Abdul Azim said: I asked Imam {a.s}: "O son of the Messenger of Allah {SWT}, what is the meaning of Allah's {SWT} statement:
'But whoever is forced by necessity, neither desiring it nor transgressing its limits, then there is no sin upon him' (Surah Al-Baqarah 2:173)
Imam {a.s} said: "The 'transgressor' (al-ʿadi) is the thief, and the 'oppressor' (al-baghi) is the one who hunts out of arrogance or for amusement, not to provide sustenance for his dependents. Neither of these two is permitted to eat carrion in a state of necessity. It remains forbidden for them in times of necessity just as it is forbidden in times of ease. Likewise, they are not allowed to shorten their prayers or fasts during travel."
I then asked Imam {a.s} about Allah's {SWT} statement:
'And (forbidden to you is) that which dies by strangling, and that beaten to death, and that which dies from falling, and that which is gored, and that which a wild beast has eaten - except what you are able to slaughter properly.' (Surah Al-Ma'idah 5:3)
Imam {a.s} said: "'The strangled' (al-mun-khaniqah) is that which dies by suffocation; 'the beaten' (al-mawqoodah) is that which falls ill and perishes from its illness, showing no movement;
'the fallen' (al-mutaraddiyah) is that which falls from a high place to a lower one, such as from a mountain or into a well, and dies;
'the gored' (al-natiḥah) is that which is gored by another animal and dies; and
'that which a wild beast has eaten' is what has been attacked by a predator and then dies.

'That which is slaughtered on altars' (al-nusub) refers to what is sacrificed on a stone or idol. However, if any of these are caught while still alive and slaughtered properly (zakat), then it is permissible."

I then asked Imam {a.s} about Allah's {SWT} statement:

'And (forbidden is) that you seek division by arrows.' (Surah Al-Ma'idah 5:3)

Imam {a.s} said: "During the pre-Islamic era (Jahiliyyah), people used to buy a camel collectively, shared among ten individuals. They would then divide its shares using arrows. There were ten arrows, seven with shares and three without shares.

As for those with shares, they were: 'al-Fadh' (the single), 'al-Taw'am' (the twin), 'al-Nafis' (the valuable), 'al-Hils' (the covering), 'al-Musbil' (the extended), 'al-Mu'alla' (the elevated), and 'al-Raqib' (the watcher).

Those without shares were: 'al-Safih' (the wasteful), 'al-Manih' (the granted), and 'al-Waghd' (the despicable).

They would cast lots among the ten participants. Whoever's name came up with one of the three arrows without shares had to pay one-third of the camel's price. They would continue this process until the three arrows without shares fell to three individuals, obliging them to pay for the camel.

Then they would slaughter the camel, and the seven who paid nothing would eat from it, while the three who paid for it would neither eat from it nor benefit in any way.

When Islam came, Allah {SWT} Almighty prohibited this practice as part of what He {SWT} forbade. Allah {SWT} said: *'And (forbidden is) that you seek division through arrows. That is disobedience*.' (Surah Al-Ma'idah 5:3). This means it is unlawful."

[AL SADUQ]

This narration is recorded in reports of Abu al-Husayn Asadi from Sahl ibn Ziyad, from Abdul Azim ibn Abdullah al-Hasani, from Abu Ja'far Muhammad ibn Ali al-Ridha {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.343 • Tahdhib Al-Ahkam, Vol.9 p.83 • Al-Wafi, Vol.19 p.91 • Tafsir Al-Burhan, Vol.2 p.219 • Bihar Al-Anwar, Vol.62 p.147 • Tafsir Nur Al-Thaqalayn, Vol.1 p.585

HADITH

4214 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنِ اُضْطُرَّ إِلَى اَلْمَيْتَةِ وَ اَلدَّمِ وَ لَحْمِ اَلْخِنْزِيرِ فَلَمْ يَأْكُلْ شَيْئاً مِنْ ذَلِكَ حَتَّى يَمُوتَ فَهُوَ كَافِرٌ»

وَ هَذَا فِي نَوَادِرِ اَلْحِكْمَةِ لِمُحَمَّدِ بْنِ أَحْمَدَ بْنِ يَحْيَى بْنِ عِمْرَانَ اَلْأَشْعَرِيِّ.

H.4214 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:

"Whoever is compelled by necessity to eat from a dead animal, blood, or the flesh of a pig, yet refrains from eating any of it until he dies, then he is considered a disbeliever."

[AL SADUQ]

This narration is recorded in "Nawadir al-Hikmah" by Muhammad ibn Ahmad ibn Yahya ibn Imran al-Ash'ari.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.345 • Tafsir Al-Safi, Vol.1 p.213 • Wasa'il Al-Shi'ah, Vol.24 p.216 • Tafsir Nur Al-Thaqalayn, Vol.1 p.155 • Tafsir Kanz Al-Daqaiq, Vol.2 p.222

HADITH

4215 - وَ رَوَى مُحَمَّدُ بْنُ عُذَافِرٍ عَنْ أَبِيهِ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ لِمَ حَرَّمَ اَللَّهُ اَلْخَمْرَ وَ اَلْمَيْتَةَ وَ اَلدَّمَ وَ لَحْمَ اَلْخِنْزِيرِ فَقَالَ «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى لَمْ يُحَرِّمْ ذَلِكَ عَلَى عِبَادِهِ وَ أَحَلَّ لَهُمْ مَا وَرَاءَ ذَلِكَ مِنْ رَغْبَةٍ فِيمَا أَحَلَّ لَهُمْ وَ لاَ زُهْدٍ فِيمَا حَرَّمَهُ عَلَيْهِمْ وَ لَكِنَّهُ عَزَّ وَ جَلَّ خَلَقَ اَلْخَلْقَ فَعَلِمَ مَا تَقُومُ بِهِ أَبْدَانُهُمْ وَ مَا يُصْلِحُهُمْ فَأَحَلَّهُ لَهُمْ وَ أَبَاحَهُ لَهُمْ وَ عَلِمَ مَا يَضُرُّهُمْ فَنَهَاهُمْ عَنْهُ ثُمَّ أَحَلَّهُ لِلْمُضْطَرِّ فِي اَلْوَقْتِ اَلَّذِي لاَ يَقُومُ بَدَنُهُ إِلاَّ بِهِ فَأَمَرَهُ أَنْ يَنَالَ مِنْهُ بِقَدْرِ اَلْبُلْغَةِ لاَ غَيْرِ ذَلِكَ » ثُمَّ قَالَ «وَ أَمَّا اَلْمَيْتَةُ فَإِنَّهُ لَمْ يَنَلْ أَحَدٌ مِنْهَا إِلاَّ ضَعُفَ بَدَنُهُ وَ وَهَنَتْ قُوَّتُهُ وَ اِنْقَطَعَ نَسْلُهُ وَ لاَ يَمُوتُ آكِلُ اَلْمَيْتَةِ إِلاَّ فَجْأَةً وَ أَمَّا اَلدَّمُ فَإِنَّهُ يُورِثُ آكِلَهُ اَلْمَاءَ اَلْأَصْفَرَ وَ يُورِثُ اَلْكَلَبَ وَ قَسَاوَةَ اَلْقَلْبِ وَ قِلَّةَ اَلرَّأْفَةِ وَ اَلرَّحْمَةِ حَتَّى لاَ يُؤْمَنَ عَلَى حَمِيمِهِ وَ لاَ يُؤْمَنَ عَلَى مَنْ صَحِبَهُ وَ أَمَّا لَحْمُ اَلْخِنْزِيرِ فَإِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى مَسَخَ قَوْماً فِي صُوَرٍ شَتَّى مِثْلَ اَلْخِنْزِيرِ وَ اَلْقِرْدِ وَ اَلدُّبِّ ثُمَّ نَهَى عَنْ أَكْلِ اَلْمَثُلَةِ لِئَلاَّ يُنْتَفَعَ بِهَا وَ لاَ يُسْتَخَفَّ بِعُقُوبَتِهَا وَ أَمَّا اَلْخَمْرُ فَإِنَّهُ حَرَّمَهَا لِفِعْلِهَا وَ فَسَادِهَا» ثُمَّ قَالَ «إِنَّ مُدْمِنَ اَلْخَمْرِ كَعَابِدِ وَثَنٍ وَ يُورِثُهُ اَلاِرْتِعَاشَ وَ يَهْدِمُ مُرُوءَتَهُ وَ يَحْمِلُهُ عَلَى أَنْ يَجْسُرَ عَلَى اَلْمَحَارِمِ مِنْ سَفْكِ اَلدِّمَاءِ وَ رُكُوبِ اَلزِّنَا حَتَّى لاَ يُؤْمَنَ إِذَا سَكِرَ أَنْ يَثِبَ عَلَى حَرَمِهِ وَ هُوَ لاَ يَعْقِلُ ذَلِكَ وَ اَلْخَمْرُ لاَ يَزِيدُ شَارِبَهَا إِلاَّ كُلَّ شَرٍّ ».

H.4215 - Muhammad ibn 'Udhafir narrated from his father, who narrated from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}:

I asked Imam {a.s}: "Why did Allah {SWT} make wine, dead meat, blood, and the flesh of pigs forbidden?"

Imam {a.s} replied: "Indeed, Allah {SWT}, Blessed and Exalted, did not forbid these things to His servants while permitting everything else out of mere preference for what He {SWT} made lawful or out of disdain for what He {SWT} forbade.

Rather, Allah {SWT} created the creatures and knew what sustains their bodies and what benefits them, so He {SWT} made it lawful for them and permitted it.

And He {SWT} knew what harms them, so He {SWT} prohibited it for them. However, He {SWT} made it lawful for one in necessity during a time when his body cannot survive without it, and He {SWT} commanded him to take from it only as much as is necessary, and no more."

Then Imam {a.s} said: "As for carrion (dead meat), no one who consumes it experiences anything but a weakened body, diminished strength, and interrupted offspring. The one who eats carrion does not die except suddenly.

As for blood, it causes the one who consumes it to develop jaundice, wild behavior, and hardness of the heart, along with a lack of compassion and mercy. Such a person cannot be trusted with his close ones or those who accompany him.

As for flesh of pigs, Allah {SWT}, Blessed and Exalted, transformed some people into various forms, such as pigs, apes, and bears. Then He {SWT} forbade the consumption of these deformed beings so that no benefit would be derived from them, and their punishment would not be taken lightly.

As for wine, He {SWT} forbade it due to its effects and its corruption."

Then Imam {a.s} said: "Indeed, a habitual drinker of wine is like an idol worshipper. It causes trembling, destroys one's dignity, and drives one to commit forbidden acts,

such as spilling blood and engaging in fornication. When intoxicated, he cannot be trusted even with his own household, as he loses his senses. Wine increases its drinker in nothing but evil."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.345

HADITH

4216 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «فِي اَلشَّاةِ عَشَرَةُ أَشْيَاءَ لاَ تُؤْكَلُ اَلْفَرْثُ وَ اَلدَّمُ وَ اَلنُّخَاعُ وَ اَلطِّحَالُ وَ اَلْغُدَدُ وَ اَلْقَضِيبُ وَ اَلْأُنْثَيَانِ وَ اَلرَّحِمُ وَ اَلْحَيَاءُ وَ اَلْأَوْدَاجُ ».

H.4216 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"In a sheep, there are ten parts that are not to be eaten: the dung, the blood, the spinal marrow, the spleen, the glands, the penis, the testicles, the uterus, the vulva, and the veins (jugulars)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.346 • Al-Khisal, Vol.2 p.433 • Wasa'il Al-Shi'ah, Vol.24 p.174 • Wasa'il Al-Shi'ah, Vol.24 p.176 • Bihar Al-Anwar, Vol.63 p.35 • Bihar Al-Anwar, Vol.63 p.39 • Mustadrak Al-Wasa'il, Vol.16 p.189

HADITH

4217 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «عَشَرَةُ أَشْيَاءَ مِنَ اَلْمَيْتَةِ ذَكِيَّةٌ اَلْقَرْنُ وَ اَلْحَافِرُ وَ اَلْعَظْمُ وَ اَلسِّنُّ وَ اَلْإِنْفَحَةُ وَ اَللَّبَنُ وَ اَلشَّعْرُ وَ اَلصُّوفُ وَ اَلرِّيشُ وَ اَلْبَيْضُ».

وَ قَدْ ذَكَرْتُ ذَلِكَ مُسْنَداً فِي كِتَابِ اَلْخِصَالِ فِي بَابِ اَلْعَشَرَاتِ.

H.4217 – Imam {a.s} said: "Ten things from a dead animal are considered pure: the horn, the hoof, the bone, the tooth, the rennet, the milk, the hair, the wool, the feathers, and the eggs."

[AL SADUQ]
This has been mentioned with proper chains of narration in the book Al-Khisal under the section of tens.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.347 • Al-Khisal, Vol.2 p.434 • Al-Wafi, Vol.19 p.102 • Wasa'il Al-Shi'ah, Vol.24 p.182 • Bihar Al-Anwar, Vol.63 p.48 • Bihar Al-Anwar, Vol.63 p.52 • Tafsir Nur Al-Thaqalayn, Vol.1 p.154 • Tafsir Kanz Al-Daqaiq, Vol.2 p.220 • Mustadrak Al-Wasa'il, Vol.2 p.601 • Mustadrak Al-Wasa'il, Vol.16 p.190

HADITH

[طعام أهل الذّمّة و مؤاكلتهم و آنيتهم]

THE FOOD OF THE PEOPLE OF THE BOOK, DINING WITH THEM, AND THEIR UTENSILS.

4218 - وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ طَعٰامُ اَلَّذِينَ أُوتُوا اَلْكِتٰابَ حِلٌّ لَكُمْ ﴾ قَالَ «يَعْنِي اَلْحُبُوبَ».

H.4218 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, was asked about the saying of Allah {SWT}, the Almighty and Majestic:
"*And the food of those who were given the Scripture is lawful for you*" (Surah Al-Ma'idah, 5:5).
Imam {a.s} said: "It means grains."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.347 • Al-Wafi, V.19 p.123 • Wasa'il Al-Shi'ah, Vol.24 p.205

HADITH

4219 - وَ فِي رِوَايَةِ هِشَامِ بْنِ سَالِمٍ عَنْهُ عَلَيْهِ اَلسَّلاَمُ قَالَ : «اَلْعَدَسُ وَ اَلْحِمَّصُ وَ غَيْرُ ذَلِكَ».

H.4219 - And in the narration of Hisham ibn Salim from Imam {a.s} that He {a.s} said:
"Lentils, chickpeas, and other similar items."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.347

HADITH

4220 - وَ - سَأَلَهُ سَعِيدٌ اَلْأَعْرَجُ : عَنْ سُؤْرِ اَلْيَهُودِيِّ وَ اَلنَّصْرَانِيِّ أَ يُؤْكَلُ أَوْ يُشْرَبُ قَالَ «لاَ».

H.4220 - Sa'id al-A'raj asked Imam {a.s} about the leftover (drink or food) of a Jew or a Christian: "Is it permissible to eat or drink from it?"
Imam {a.s} said: "No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.347

HADITH

4221 - وَ رَوَى زُرَارَةُ عَنْهُ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «فِي آنِيَةِ اَلْمَجُوسِ إِذَا اُضْطُرِرْتُمْ إِلَيْهَا فَاغْسِلُوهَا بِالْمَاءِ».

H.4221 - And Zurara narrated from Imam {a.s}, that He {a.s} said:
"Regarding the vessels of the Magians, if you are compelled to use them, then wash them with water."

[REFERENCES] Al-Muhasin, Vol.2 p.584 • Man La Yahduruhu Al-Faqih, Vol.3 p.348 • Al-Wafi, Vol.19 p.128 • Wasa'il Al-Shi'ah, Vol.3 p.422 • Wasa'il Al-Shi'ah, Vol.24 p.210 • Wasa'il Al-Shi'ah, Vol.24 p.212 • Bihar Al-Anwar, Vol.77 p.46

HADITH

4222 - وَ سَأَلَهُ اَلْعِيصُ بْنُ اَلْقَاسِمِ : عَنْ مُؤَاكَلَةِ اَلْيَهُودِيِّ وَ اَلنَّصْرَانِيِّ فَقَالَ «لاَ بَأْسَ إِذَا كَانَ مِنْ طَعَامِكَ» وَ سَأَلَهُ عَنْ مُؤَاكَلَةِ اَلْمَجُوسِيِّ فَقَالَ «إِذَا تَوَضَّأَ فَلاَ بَأْسَ».

H.4222 - And Al-'Ays ibn Al-Qasim asked Imam {a.s}: "Regarding eating with a Jew or a Christian?"
Imam {a.s} said: "There is no harm if it is from your food."
And he asked Imam {a.s} about eating with a Magian.
Imam {a.s} said: "If he performs ablution, then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.348

HADITH

4223 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنْ آنِيَةِ أَهْلِ اَلذِّمَّةِ فَقَالَ «لاَ تَأْكُلُوا فِي آنِيَتِهِمْ إِذَا كَانُوا يَأْكُلُونَ فِيهَا اَلْمَيْتَةَ وَ اَلدَّمَ وَ لَحْمَ اَلْخِنْزِيرِ».

H.4223 - And Al-Ala' narrated from Muhammad ibn Muslim from one of the Imams {a.s} who said: "I asked him about the vessels of the People of the Book."
Imam {a.s} said: "Do not eat in their vessels if they eat in them the dead (carrion), blood, or the flesh of swine."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.348

HADITH

[جواز استعمال شعر الخنزير]

THE PERMISSIBILITY OF USING PIG HAIR.

4224 - وَ رَوَى حَنَانُ بْنُ سَدِيرٍ عَنْ بُرْدٍ اَلْإِسْكَافِ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي رَجُلٌ خَرَّازٌ وَ لاَ يَسْتَقِيمُ عَمَلُنَا إِلاَّ بِشَعْرِ اَلْخِنْزِيرِ نَخْرُزُ بِهِ قَالَ «خُذْ مِنْهُ وَبَرَةً فَاجْعَلْهَا فِي فَخَّارَةٍ ثُمَّ أَوْقِدْ تَحْتَهَا حَتَّى تُذْهِبَ دَسَمَهُ ثُمَّ اِعْمَلْ بِهِ».

H.4224 - And Hanan ibn Sadeer narrated from Burd al-Iskafi who said:
I said to Abu Abdullah {a.s}: 'I am a shoemaker, and our work cannot be done without using pig hair to sew with.'
Imam {a.s} said: 'Take a single bristle from it and place it in a clay pot, then light a fire underneath it until its grease is removed. After that, you may work with it.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.348 • Tahdhib Al-Ahkam, Vol.9 p.84 • Al-Wafi, Vol.6 p.205 • Wasa'il Al-Shi'ah, Vol.17 p.228 • Wasa'il Al-Shi'ah, Vol.24 p.237

HADITH

4225 - وَ فِي رِوَايَةِ عَبْدِ اَللَّهِ بْنِ اَلْمُغِيرَةِ عَنْ بُرْدٍ قَالَ : قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ إِنَّا نَعْمَلُ بِشَعْرِ اَلْخِنْزِيرِ فَرُبَّمَا نَسِيَ اَلرَّجُلُ فَصَلَّى وَ فِي يَدِهِ مِنْهُ شَيْءٌ فَقَالَ «لاَ يَنْبَغِي أَنْ يُصَلِّيَ وَ فِي يَدِهِ مِنْهُ شَيْءٌ» وَ قَالَ «خُذُوهُ فَاغْسِلُوهُ فَمَا كَانَ لَهُ دَسَمٌ فَلاَ تَعْمَلُوا بِهِ وَ مَا لَمْ يَكُنْ لَهُ دَسَمٌ فَاعْمَلُوا بِهِ وَ اِغْسِلُوا أَيْدِيَكُمْ مِنْهُ».

H.4225 - And in the narration of Abdullah ibn al-Mughirah from Burd, he said:
I said to Abu Abdullah {a.s}: 'May I be your ransom! We work with pig hair, and sometimes a man forgets and prays while having something of it in his hand.'
Imam {a.s} said: 'It is not proper for him to pray while having something of it in his hand.'
And Imam {a.s} also said: 'Take it and wash it. If it has grease, do not use it. But if it does not have grease, then you may use it, and wash your hands after handling it.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.349 • Tahdhib Al-Ahkam, Vol.9 p.85 • Al-Wafi, Vol.6 p.205 • Wasa'il Al-Shi'ah, Vol.17 p.228 • Wasa'il Al-Shi'ah, Vol.24 p.237

HADITH

[اتّخاذ الغنم و الطّير]

RAISING SHEEP AND BIRDS

4226 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مُحَمَّدِ بْنِ مَارِدٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «مَا مِنْ مُؤْمِنٍ يَكُونُ لَهُ فِي مَنْزِلِهِ عَنْزٌ حَلُوبٌ إِلاَّ قُدِّسَ أَهْلُ ذَلِكَ اَلْمَنْزِلِ وَ بُورِكَ عَلَيْهِمْ فَإِنْ كَانَتِ اِثْنَتَيْنِ قُدِّسُوا كُلَّ يَوْمٍ مَرَّتَيْنِ» فَقَالَ رَجُلٌ مِنْ أَصْحَابِنَا كَيْفَ يُقَدَّسُونَ قَالَ «يُقَالُ لَهُمْ بُورِكَ عَلَيْكُمْ وَ طِبْتُمْ وَ طَابَ إِدَامُكُمْ» قَالَ قُلْتُ فَمَا مَعْنَى قُدِّسْتُمْ قَالَ «طُهِّرْتُمْ».

H.4226 - Al-Hasan ibn Mahbub narrated from Muhammad ibn Marid, who said:
"I heard Abu Abdullah {a.s}, say: 'There is no believer who has a milking goat in his house except that the people of that house are sanctified and blessed. If there are two goats, they are sanctified twice each day.'
A man from our companions then asked: 'How are they sanctified?'
Imam {a.s} replied: 'It is said to them: Blessed are you, and may your food be pure and wholesome.'
I said: 'What is the meaning of being sanctified?'
Imam {a.s} said: 'It means you are purified.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.349 • Wasa'il Al-Shi'ah, Vol.24 p.429

HADITH

4227 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلِيُّ بْنُ أَبِي طَالِبٍ صَلَوَاتُ اَللَّهِ عَلَيْهِ : «اِتَّقُوا اَللَّهَ فِيمَا خَوَّلَكُمْ وَ فِي اَلْعُجْمِ مِنْ أَمْوَالِكُمْ» فَقِيلَ لَهُ وَ مَا اَلْعُجْمُ قَالَ «اَلشَّاةُ وَ اَلْبَقَرَةُ وَ اَلْحَمَامُ وَ أَشْبَاهُ ذَلِكَ».

H.4227 - Commander of the Faithful, Imam Ali ibn Abi Talib {a.s}, said:
"Fear Allah {SWT} regarding what He {SWT} has entrusted to you, and regarding the 'Ajm' among your possessions."
Imam {a.s} was asked: "What is meant by 'Ajm'?"
Imam {a.s} replied: "It refers to sheep, cattle, pigeons, and similar animals."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.349 • Al-Wafi, Vol.20 p.852 • Wasa'il Al-Shi'ah, Vol.11 p.518 • Bihar Al-Anwar, Vol.61 p.119

HADITH

4228 - وَ شَكَا رَجُلٌ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلْوَحْشَةَ فَأَمَرَهُ بِاتِّخَاذِ زَوْجِ حَمَامٍ».

H.4228 - A man complained to the Prophet {saws} about feeling lonely.
The Prophet {saws} instructed him: "Keep a pair of pigeons."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.350 • Bihar Al-Anwar, Vol.73 p.162

HADITH

4229 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ حَفِيفَ أَجْنِحَةِ اَلْحَمَامِ لَيَطْرُدُ اَلشَّيَاطِينَ ».

H.4229 - Commander of the Faithful, peace be upon him, said:
"Indeed, the fluttering of pigeons' wings drives away the devils."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.350 • Al-Wafi, Vol.20 p.856 • Wasa'il Al-Shi'ah, Vol.11 p.517 • Wasa'il Al-Shi'ah, Vol.11 p.518 • Bihar Al-Anwar, Vol.73 p.162

HADITH

[كراهة نهك العظام]

THE DISLIKE OF GNAWING BONES

4230 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ أَبِيهِ قَالَ صَنَعَ لَنَا أَبُو حَمْزَةَ طَعَاماً وَ نَحْنُ جَمَاعَةٌ فَلَمَّا حَضَرُوا رَأَى أَبُو حَمْزَةَ رَجُلاً يَنْهَكُ عَظْماً فَصَاحَ بِهِ وَ قَالَ لاَ تَفْعَلْ فَإِنِّي سَمِعْتُ عَلِيَّ بْنَ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ يَقُولُ : «لاَ تَنْهَكُوا اَلْعِظَامَ فَإِنَّ لِلْجِنِّ فِيهَا نَصِيباً فَإِنْ فَعَلْتُمْ ذَهَبَ مِنَ اَلْبَيْتِ مَا هُوَ خَيْرٌ لَكُمْ مِنْ ذَلِكَ».

H.4230 - It is narrated from Ali ibn Asbat, from his father, who said:
"Abu Hamzah prepared food for us while we were a group. When the food was served, Abu Hamzah noticed a man excessively gnawing on a bone.
He shouted at him and said:
'Do not do that! For I heard Imam Ali ibn Al-Hussain {a.s} say:
'Do not excessively gnaw on bones, for the jinn have a share in them. And if you do so, something better for you than that will depart from your house.'"

[REFERENCES] Al-Muhasin, Vol.2 p.472 • Al-Kafi, V.6 p.322 • Man La Yahduruhu Al-Faqih, V.3 p.350 • Al-Wafi, Vol.20 p.487 • Bihar Al-Anwar, V.63 p.72 • Bihar Al-Anwar, Vol.63 p.426 • Mustadrak Al-Wasa'il, Vol.16 p.309

HADITH

4231 - وَ قِيلَ لِلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَلَيْهِ اَلسَّلاَمُ بَلَغَنَا أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى لَيُبْغِضُ اَلْبَيْتَ اَللَّحِمَ وَ اَللَّحِمَ اَلسَّمِينَ» فَقَالَ عَلَيْهِ اَلسَّلاَمُ «إِنَّا لَنَأْكُلُ اَللَّحْمَ وَ نُحِبُّهُ وَ إِنَّمَا عَنَى عَلَيْهِ اَلسَّلاَمُ اَلْبَيْتَ اَلَّذِي تُؤْكَلُ فِيهِ لُحُومُ اَلنَّاسِ بِالْغِيبَةِ وَ عَنَى بِاللَّحِمِ اَلسَّمِينِ اَلْمُتَبَخْتِرَ اَلْمُخْتَالَ فِي مِشْيَتِهِ».

H.4231 - It was said to Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"We have heard that the Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: 'Indeed, Allah {SWT}, the Blessed and Exalted, despises the house filled with meat and the fattened meat.'"
So Imam {a.s} replied: "We eat meat and love it. What the Prophet, peace be upon him, meant was the house where the flesh of people is consumed through backbiting. And by 'fattened meat,' he meant the one who is arrogant and boastful in his walk."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.350 • Al-Wafi, Vol.19 p.285 • Wasa'il Al-Shi'ah, Vol.25 p.37

HADITH

4232 - وَ رَوَى حَرِيزٌ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ نَهَى أَنْ يُؤْكَلَ اَللَّحْمُ غَرِيضاً يَعْنِي نِيئاً وَ قَالَ «إِنَّمَا تَأْكُلُهُ اَلسِّبَاعُ» » قَالَ حَرِيزٌ يَعْنِي حَتَّى تُغَيِّرَهُ اَلشَّمْسُ أَوِ اَلنَّارُ.

H.4232 - Hariz narrated from Zurara, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} that the Messenger of Allah {SWT} prohibited eating meat raw, meaning uncooked.
The Prophet {saws} said: "It is only eaten by wild beasts."
Hariz said: "This means until it is altered by the sun or fire."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.350 • Al-Wafi, Vol.19 p.295

HADITH

4233 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ يُؤْكَلُ مِنَ اَلْغِرْبَانِ زَاغٌ وَ لاَ غَيْرُهُ وَ لاَ يُؤْكَلُ مِنَ اَلْحَيَّاتِ شَيْءٌ».

H.4233 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"No type of crow, whether a 'Zagh' or any other kind, is permissible to eat, and nothing from snakes is permissible to eat."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.351 • Al-Wafi, Vol.19 p.61 • Wasa'il Al-Shi'ah, Vol.24 p.127

HADITH

4234 - وَ سَأَلَ اَلْحَلَبِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ قَتْلِ اَلْحَيَّاتِ فَقَالَ «اُقْتُلْ كُلَّ شَيْءٍ تَجِدُهُ فِي اَلْبَرِّيَّةِ إِلاَّ اَلْجَانَّ » وَ نَهَى عَنْ قَتْلِ عَوَامِرِ اَلْبُيُوتِ وَ قَالَ «لاَ تَدَعُوهُنَّ مَخَافَةَ تَبِعَاتِهِنَّ فَإِنَّ اَلْيَهُودَ عَلَى عَهْدِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَتْ مَنْ قَتَلَ عَامِرَ بَيْتٍ أَصَابَهُ كَذَا وَ كَذَا فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «مَنْ تَرَكَهُنَّ مَخَافَةَ تَبِعَاتِهِنَّ فَلَيْسَ مِنِّي وَ إِنَّمَا تَتْرُكُهَا لِأَنَّهَا لاَ تُرِيدُكَ» » وَ قَالَ «رُبَّمَا قَتَلْتُهُنَّ فِي بُيُوتِهِنَّ».

H.4234 - Al-Halabi asked Abu Abdullah {a.s} about killing snakes.
Imam {a.s} said: "Kill everything you find in the wilderness except the jinn."
And he forbade killing the household spirits (ʿAwamir) and said:
"Do not leave them out of fear of their consequences, for the Jews during the time of the Messenger of Allah {SWT}, peace be upon him and his family, used to say that whoever killed a household spirit would suffer such-and-such misfortune."
Then the Messenger of Allah {SWT}, peace be upon him and his family, said:
"Whoever refrains from killing them out of fear of their consequences is not from me. Rather, leave them alone because they do not intend to harm you."
Imam {a.s} also said: "I sometimes killed them in their houses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.351 • Al-Wafi, Vol.19 p.261 • Wasa'il Al-Shi'ah, Vol.23 p.397 • Bihar Al-Anwar, Vol.61 p.260

HADITH

4235 - وَ رَوَى مُوسَى بْنُ بَكْرٍ اَلْوَاسِطِيُّ عَنْ أَبِي اَلْحَسَنِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ : «اَللَّحْمُ يُنْبِتُ اَللَّحْمَ وَ اَلسَّمَكُ يُذِيبُ اَلْجَسَدَ وَ اَلدُّبَّاءُ يَزِيدُ فِي اَلدِّمَاغِ وَ كَثْرَةُ أَكْلِ اَلْبَيْضِ يَزِيدُ فِي اَلْوَلَدِ وَ مَا اِسْتَشْفَى مَرِيضٌ بِمِثْلِ اَلْعَسَلِ وَ مَنْ أَدْخَلَ جَوْفَهُ لُقْمَةَ شَحْمٍ أَخْرَجَتْ مِثْلَهَا مِنَ اَلدَّاءِ».

H.4235 - Musa ibn Bakr al-Wasiti narrated from Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} that he said:
"Meat nourishes the flesh, and fish melts the body. Gourd increases intelligence, and eating eggs frequently increases offspring. No sick person has sought healing with anything better than honey. And whoever consumes a morsel of fat expels an equal amount of illness from his body."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.351 • Al-Wafi, Vol.19 p.287

CHAPTER 94 – CHAPTER ON EATING AND DRINKING FROM GOLD AND SILVER UTENSILS AND OTHER ETIQUETTES OF EATING

بَابُ الْأَكْلِ وَ الشُّرْبِ فِي آنِيَةِ الذَّهَبِ وَ الْفِضَّةِ وَ غَيْرِ ذَلِكَ مِنْ آدَابِ الطَّعَامِ

HADITH 4236 – 4272

4236 - رَوَى سَمَاعَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَنْبَغِي اَلشُّرْبُ فِي آنِيَةِ اَلْفِضَّةِ وَ اَلذَّهَبِ».

H.4236 - Sama'ah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"It is not proper to drink from vessels made of silver and gold."

[REFERENCES] Al-Muhasin, Vol.2 p.582 • Al-Kafi, Vol.6 p.385 • Man La Yahduruhu Al-Faqih, Vol.3 p.352 • Al-Wafi, Vol.20 p.575 • Wasa'il Al-Shi'ah, Vol.3 p.507 • Bihar Al-Anwar, Vol.63 p.529 • Bihar Al-Anwar, Vol.63 p.537

HADITH

4237 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَأْكُلْ فِي آنِيَةِ ذَهَبٍ وَ لاَ فِضَّةٍ».

H.4237 - Aban narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: "Do not eat from vessels made of gold or silver."

[REFERENCES] Al-Muhasin, Vol.2 p.582 • Al-Kafi, Vol.6 p.267 • Man La Yahduruhu Al-Faqih, Vol.3 p.352 • Tahdhib Al-Ahkam, Vol.9 p.90 • Al-Wafi, Vol.20 p.493 • Al-Wafi, Vol.20 p.494 • Wasa'il Al-Shi'ah, Vol.3 p.506 • Wasa'il Al-Shi'ah, Vol.3 p.508 • Wasa'il Al-Shi'ah, Vol.24 p.231 • Al-Fusul Al-Muhimmah, Vol.2 p.58

HADITH

4238 - وَ رَوَى ثَعْلَبَةُ عَنْ بُرَيْدٍ اَلْعِجْلِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ :
«أَنَّهُ كَرِهَ اَلشُّرْبَ فِي اَلْفِضَّةِ وَ فِي اَلْقَدَحِ اَلْمُفَضَّضِ وَ كَرِهَ أَنْ يُدَّهَنَ مِنْ مُدْهُنٍ مُفَضَّضٍ وَ اَلْمُشْطُ كَذَلِكَ فَإِنْ لَمْ يَجِدْ بُدّاً مِنَ اَلشُّرْبِ فِي اَلْقَدَحِ اَلْمُفَضَّضِ عَدَلَ بِفَمِهِ عَنْ مَوْضِعِ اَلْفِضَّةِ ».

H.4238 - Thalabah narrated from Burayd al-Ijli, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
"Imam {a.s} disliked drinking from silver vessels and from cups plated with silver.
Imam {a.s} also disliked applying oil from a silver-plated container and using a comb that is silver-plated.
However, if one has no choice but to drink from a silver-plated cup, he should turn his mouth away from the part that is plated with silver."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.352 • Al-Wafi, Vol.20 p.576

HADITH

4239 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «آنِيَةُ اَلذَّهَبِ وَ اَلْفِضَّةِ مَتَاعُ «اَلَّذِينَ لاٰ يُوقِنُونَ» ».

H.4239 - The Prophet, peace and blessings be upon him and his family, said:
"Vessels of gold and silver are the possessions of those who do not have certainty (in faith)."

[REFERENCES] Al-Muhasin, Vol.2 p.582 • Al-Kafi, Vol.6 p.268 • Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Al-Ash'athiyat, Vol.1 p.185 • Tahdhib Al-Ahkam, Vol.9 p.91 • Al-Nawadir (Lil-Rawandi), Vol.1 p.12 • Al-Wafi, Vol.20 p.494 • Wasa'il Al-Shi'ah, Vol.3 p.507 • Wasa'il Al-Shi'ah, Vol.3 p.508 • Wasa'il Al-Shi'ah, Vol.24 p.231

HADITH

4240 - وَ رَوَى يُونُسُ بْنُ يَعْقُوبَ عَنْ يُوسُفَ أَخِيهِ : أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اِسْتَسْقَى مَاءً فَأُتِيَ بِقَدَحٍ مِنْ صُفْرٍ فِيهِ مَاءٌ فَقَالَ لَهُ بَعْضُ جُلَسَائِهِ إِنَّ عَبَّادَ اَلْبَصْرِيَّ يَكْرَهُ اَلشُّرْبَ فِي اَلصُّفْرِ قَالَ «فَسَلْهُ أَ ذَهَبٌ هُوَ أَمْ فِضَّةٌ».

H.4240 - Yunus bin Yaqub narrated from his brother Yusuf:
Abu Abdullah {a.s}, once asked for water, and a vessel made of brass containing water was brought to him.
One of those sitting with him said: "'Abbad al-Basri dislikes drinking from brass vessels."
Imam {a.s} said: "Then ask him, is it gold or silver?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Tahdhib Al-Ahkam, Vol.9 p.92 • Al-Wafi, Vol.20 p.577

HADITH

4241 - وَ رُوِيَ عَنْ جَرَّاحٍ اَلْمَدَائِنِيِّ قَالَ : كَرِهَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنْ يَأْكُلَ اَلرَّجُلُ بِشِمَالِهِ أَوْ يَشْرَبَ بِهَا أَوْ يَتَنَاوَلَ بِهَا.

H.4241 - It is narrated from Jarrah Al-Mada'ini:
Abu Abdullah {a.s}, disliked that a man should eat with his left hand, drink with it, or take anything with it.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Wasa'il Al-Shi'ah, Vol.25 p.270

HADITH

4242 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مَيْمُونٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَ قَالَ : «كَانَ أَصْحَابُ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَتَبُوكَ يَعُبُّونَ اَلْمَاءَ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اِشْرَبُوا فِي أَيْدِيكُمْ فَإِنَّهَا مِنْ خَيْرِ آنِيَتِكُمْ» ».

H.4242 - It is narrated by Abdullah bin Maymoon, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}:
The companions of the Messenger of Allah {SWT}, peace be upon him and his family, were drinking water in large gulps at Tabuk.
So the Messenger of Allah {SWT}, peace be upon him and his family, said:
"Drink with your hands, for they are among the best of your vessels."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.353 • Al-Wafi, V.20 p.565 • Wasa'il Al-Shi'ah, Vol.25 p.259

HADITH

4243 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «شُرْبُ اَلْمَاءِ مِنْ قِيَامٍ بِالنَّهَارِ أَدَرُّ لِلْعِرْقِ وَ أَقْوَى لِلْبَدَنِ».

H.4243 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Drinking water while standing during the day increases perspiration and strengthens the body."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Wasa'il Al-Shi'ah, Vol.25 p.241

HADITH

4244 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «شُرْبُ اَلْمَاءِ بِاللَّيْلِ مِنْ قِيَامٍ يُورِثُ اَلْمَاءَ اَلْأَصْفَرَ».

H.4244 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Drinking water while standing at night causes yellow water (jaundice)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Wasa'il Al-Shi'ah, Vol.25 p.241

HADITH

4245 - و سَأَلَهُ بَعْضُ أَصْحَابِهِ : عَنِ اَلشُّرْبِ بِنَفَسٍ وَاحِدٍ فَقَالَ «إِذَا كَانَ اَلَّذِي يُنَاوِلُكَ اَلْمَاءَ مَمْلُوكاً لَكَ فَاشْرَبْ فِي ثَلاَثَةِ أَنْفَاسٍ وَ إِنْ كَانَ حُرّاً فَاشْرَبْهُ بِنَفَسٍ وَاحِدٍ».

وَ هَذَا الْحَدِيثُ فِي رِوَايَاتِ مُحَمَّدِ بْنِ يَعْقُوبَ الْكُلَيْنِيِّ رَحِمَهُ اللَّهُ.

H.4245 - One of his companions asked him about drinking water in a single breath.
Imam {a.s} said: "If the person handing you the water is your servant, then drink it in three breaths; but if he is free, then drink it in a single breath."

[AL SADUQ]
This narration is found in the reports of Muhammad ibn Yaqub al-Kulayni.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Wasa'il Al-Shi'ah, Vol.25 p.245 • Bihar Al-Anwar, Vol.63 p.473 • Mustadrak Al-Wasa'il, Vol.17 p.10

HADITH

4246 - وَ فِي رِوَايَةِ حَمَّادٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «ثَلاَثَةُ أَنْفَاسٍ فِي اَلشُّرْبِ أَفْضَلُ مِنْ شُرْبٍ بِنَفَسٍ وَاحِدٍ» وَ كَانَ يَكْرَهُ أَنْ يُشَبَّهَ بِالْهِيمِ قُلْتُ وَ مَا اَلْهِيمُ قَالَ «اَلرِّمْلُ». وَ فِي حَدِيثٍ آخَرَ: اَلْإِبِلُ. وَ رُوِيَ: «أَنَّ اَلْهِيمَ اَلنِّيبُ». وَ رُوِيَ: «أَنَّ اَلْهِيمَ مَا «لَمْ يُذْكَرِ اِسْمُ اَللَّهِ عَلَيْهِ» »

H.4246 - In a narration by Hammad from Al-Halabi, Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said: "Drinking in three breaths is better than drinking in one breath."
Imam {a.s} disliked that a person should resemble 'Al-Heem.'
I asked: “What is Al-Heem?"
Imam {a.s} replied: "It refers to camels."
In another narration, it states: "Al-Heem refers to thirsty camels."
And it is also narrated: "Al-Heem refers to those upon whom the name of Allah {SWT} has not been mentioned."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.353 • Al-Wafi, Vol.20 p.566 • Mustadrak Al-Wasa’il, Vol.17 p.10

HADITH

4247 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ اَلْمُغِيرَةِ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَأْكُلْ وَ أَنْتَ تَمْشِي إِلاَّ أَنْ تُضْطَرَّ إِلَى ذَلِكَ».

H.4247 - Abdullah ibn Al-Mughirah narrated from Abdullah ibn Sinan, who reported from Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he said:
"Do not eat while you are walking unless you are compelled to do so."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.354 • Makarim Al-Akhlaq, Vol.1 p.145 • Al-Wafi, Vol.20 p.511 • Wasa’il Al-Shi’ah, Vol.24 p.261

HADITH

4248 - وَ رُوِيَ عَنْ عُمَرَ بْنِ أَبِي شُعْبَةَ قَالَ : رَأَيْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَأْكُلُ مُتَّكِئاً ثُمَّ ذَكَرَ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ «مَا أَكَلَ مُتَّكِئاً حَتَّى مَاتَ».

H.4248 - It is narrated from Umar ibn Abi Shu'bah who said:
"I saw Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} eating while reclining.
Then Imam {a.s} mentioned the Messenger of Allah {SWT}, peace and blessings be upon him and his family, and said: 'He never ate while reclining until he passed away.' "

[REFERENCES] Al-Zuhd, Vol.1 p.59 • Man La Yahduruhu Al-Faqih, Vol.3 p.354 • Al-Wafi, Vol.20 p.483 • Wasa’il Al-Shi’ah, Vol.24 p.252 • Bihar Al-Anwar, Vol.63 p.388

HADITH

4249 - وَ رُوِيَ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ عُمَرَ بْنِ أَبِي شُعْبَةَ عَنْ أَبِي شُعْبَةَ : أَنَّهُ رَأَى أَبَا عَبْدِ اَللَّهِ عَ يَأْكُلُ مُتَرَبِّعاً.

H.4249 - It is narrated from Hammad ibn Uthman, from Umar ibn Abi Shu'bah, from Abi Shu'bah:
"He saw Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, eating while sitting cross-legged."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.354 • Al-Wafi, V.20 p.484 • Wasa'il Al-Shi'ah, V.24 p.258

HADITH

4250 - وَ فِي رِوَايَةِ إِسْمَاعِيلَ بْنِ أَبِي زِيَادٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ : «إِذَا وُضِعَتِ اَلْمَائِدَةُ حَفَّهَا أَرْبَعَةُ أَمْلاَكٍ فَإِذَا قَالَ اَلْعَبْدُ بِسْمِ اَللَّهِ قَالَتِ اَلْمَلاَئِكَةُ لِلشَّيْطَانِ اِخْرَجْ يَا فَاسِقُ فَلاَ سُلْطَانَ لَكَ عَلَيْهِمْ فَإِذَا فَرَغُوا فَقَالُوا اَلْحَمْدُ لِلَّهِ قَالَتِ اَلْمَلاَئِكَةُ هُمْ قَوْمٌ أَنْعَمَ اَللَّهُ عَلَيْهِمْ فَأَدَّوْا شُكْرَ رَبِّهِمْ فَإِذَا لَمْ يَقُولُوا بِسْمِ اَللَّهِ قَالَتِ اَلْمَلاَئِكَةُ لِلشَّيْطَانِ اُدْنُ يَا فَاسِقُ فَكُلْ مَعَهُمْ فَإِذَا رُفِعَتْ فَلَمْ يَحْمَدُوا اَللَّهَ قَالَتِ اَلْمَلاَئِكَةُ هُمْ قَوْمٌ أَنْعَمَ اَللَّهُ عَلَيْهِمْ فَنَسُوا رَبَّهُمْ».

H.4250 - It is narrated by Isma'il ibn Abi Ziyad, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that the Messenger of Allah {SWT}, said:
"When the table (for food) is set, four angels surround it.
If the servant says 'In the name of Allah {SWT},' the angels say to Satan, 'Be gone, O wicked one, for you have no authority over them.'
But if they finish eating and say 'Praise be to Allah {SWT},' the angels say, 'They are a people whom Allah {SWT} has blessed, and they have expressed gratitude to their Lord {AZJ}.'
However, if they do not say 'In the name of Allah {SWT},' the angels say to Satan, 'Come closer, O wicked one, and eat with them.'
And if they do not praise Allah {SWT} when they finish, the angels say, 'They are a people whom Allah {SWT} has blessed, but they forgot their Lord {AZJ}.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.355 • Makarim Al-Akhlaq, Vol.1 p.142

HADITH

4251 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «صَاحِبُ اَلرَّحْلِ يَشْرَبُ أَوَّلَ اَلْقَوْمِ وَ يَتَوَضَّأُ آخِرَهُمْ».

H.4251 - The Prophet, peace and blessings be upon him and his family, said:
"The owner of the provision will drink first among the people and performs ablution last among them."

[REFERENCES] Al-Muhasin, Vol.2 p.452 • Man La Yahduruhu Al-Faqih, Vol.3 p.355 • Al-Wafi, Vol.20 p.567 • Wasa'il Al-Shi'ah, Vol.24 p.340 • Wasa'il Al-Shi'ah, Vol.25 p.264 • Bihar Al-Anwar, Vol.63 p.367 • Bihar Al-Anwar, Vol.72 p.455

HADITH

4252 - وَ رَوَى سَمَاعَةُ بْنُ مِهْرَانَ قَالَ : كُنْتُ آكُلُ مَعَ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «يَا سَمَاعَةُ أَكْلاً وَ حَمْداً لاَ أَكْلاً وَ صَمْتاً».

H.4252 - Sama'ah bin Mehran narrated:
I was eating with Abu Abdullah {a.s}, and Imam {a.s} said:
"O Sama'ah, eat with gratitude and praise, not with eating and silence."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.355 • Al-Wafi, V.20 p.479 • Wasa'il Al-Shi'ah, V.24 p.350

HADITH

4253 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَ : «ضَمِنْتُ لِمَنْ سَمَّى عَلَى طَعَامِهِ أَنْ لاَ يَشْتَكِيَ مِنْهُ» فَقَالَ اِبْنُ اَلْكَوَّاءِ يَا أَمِيرَ اَلْمُؤْمِنِينَ لَقَدْ أَكَلْتُ اَلْبَارِحَةَ طَعَاماً فَسَمَّيْتُ عَلَيْهِ ثُمَّ آذَانِي فَقَالَ أَمِيرُ اَلْمُؤْمِنِينَ «أَكَلْتَ أَلْوَاناً فَسَمَّيْتَ عَلَى بَعْضِهَا وَ لَمْ تُسَمِّ عَلَى بَعْضٍ يَا لُكَعُ». وَ رُوِيَ: «أَنَّ مَنْ نَسِيَ أَنْ يُسَمِّيَ عَلَى كُلِّ لَوْنٍ فَلْيَقُلْ بِسْمِ اَللَّهِ عَلَى أَوَّلِهِ وَ آخِرِهِ».

H.4253 - Commander of the Faithful, peace be upon him, said:
"I guarantee that whoever mentions the name of Allah {SWT} upon his food will not suffer any harm from it."
Then Ibn al-Kawwa' said:
"O Commander of the Faithful, I ate food last night, mentioned the name of Allah {SWT} upon it, and yet it caused me discomfort."
Commander of the Faithful, peace be upon him, replied:
"You ate different types of food, but you mentioned the name of Allah {SWT} on some and did not mention it on others, O foolish one!"
It is also narrated: "Whoever forgets to mention the name of Allah {SWT} on each type of food should say: 'In the name of Allah {SWT}, on its beginning and its end.'"

[REFERENCES] Al-Muhasin, Vol.2 p.430 • Man La Yahduruhu Al-Faqih, Vol.3 p.355 • Bihar Al-Anwar, Vol.63 p.369 • Makarim Al-Akhlaq, Vol.1 p.143 • Miftah Al-Falah, Vol.1 p.171 • Al-Wafi, Vol.20 p.480 • Wasa'il Al-Shi'ah, Vol.24 p.357 • Bihar Al-Anwar, Vol.63 p.380

HADITH

4254 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَا اِتَّخَمْتُ قَطُّ وَ ذَلِكَ أَنِّي لَمْ أَبْدَأْ بِطَعَامٍ إِلاَّ قُلْتُ: بِسْمِ اَللَّهِ وَ لَمْ أَفْرُغْ مِنْ طَعَامٍ إِلاَّ قُلْتُ اَلْحَمْدُ لِلَّهِ ».

H.4254 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"I have never suffered from indigestion, and that is because I never began eating any food without saying: 'In the name of Allah {SWT},' and I never finished eating without saying: 'All praise is due to Allah {SWT}.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.356 • Makarim Al-Akhlaq, Vol.1 p.143 • Al-Wafi, Vol.20 p.479 • Wasa'il Al-Shi'ah, Vol.24 p.354

HADITH

4255 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَلْبَطْنَ إِذَا شَبِعَ طَغَى».

H.4255 – Imam {a.s} said: "Indeed, when the stomach is full, it becomes rebellious."

[REFERENCES] Al-Muhasin, Vol.2 p.446 • Al-Kafi, Vol.6 p.270 • Man La Yahduruhu Al-Faqih, Vol.3 p.356 • Makarim Al-Akhlaq, Vol.1 p.143 • Al-Wafi, Vol.20 p.501 • Al-Wafi, Vol.20 p.502 • Wasa'il Al-Shi'ah, Vol.24 p.242 • Wasa'il Al-Shi'ah, Vol.24 p.243 • Bihar Al-Anwar, Vol.63 p.336

HADITH

4256 - وَ رُوِيَ عَنْ عَمْرِو بْنِ قَيْسٍ اَلْمَاصِرِ قَالَ : دَخَلْتُ عَلَى أَبِي جَعْفَرٍ عَ بِالْمَدِينَةِ وَ بَيْنَ يَدَيْهِ خِوَانٌ وَ هُوَ يَأْكُلُ فَقُلْتُ لَهُ مَا حَدُّ هَذَا اَلْخِوَانِ فَقَالَ «إِذَا وَضَعْتَهُ فَسَمِّ اَللَّهَ وَ إِذَا رَفَعْتَهُ فَاحْمَدِ اَللَّهَ وَ قُمَّ مَا حَوْلَ اَلْخِوَانِ فَإِنَّ هَذَا حَدُّهُ» قَالَ فَالْتَفَتُّ فَإِذَا كُوزٌ مَوْضُوعٌ فَقُلْتُ لَهُ مَا حَدُّ اَلْكُوزِ فَقَالَ «اِشْرَبْ مِمَّا يَلِي شَفَتَيْهِ وَ سَمِّ اَللَّهَ عَزَّ وَ جَلَّ فَإِذَا رَفَعْتَهُ عَنْ فِيكَ فَاحْمَدِ اَللَّهَ وَ إِيَّاكَ وَ مَوْضِعَ اَلْعُرْوَةِ أَنْ تَشْرَبَ مِنْهَا فَإِنَّهَا مَقْعَدُ اَلشَّيْطَانِ فَهَذَا حَدُّهُ».

H.4256 - Amr ibn Qays al-Masir narrated: I entered upon Abu Ja'far Imam Al-Baqir {a.s}, in Medina, and there was a dining table before him, and Imam {a.s} was eating.
I said to Imam {a.s}: "What is the proper etiquette for this table?"
Imam {a.s} replied: "When you place it, mention the name of Allah {SWT}, and when you remove it, praise Allah {SWT}. Clean up what is around the table, for this is its etiquette."
He said: Then I turned, and there was a jug placed there. So I said to Imam {a.s}, "What is the proper etiquette for the jug?"
Imam {a.s} replied: "Drink from the side of its lip, and mention the name of Allah {SWT}, the Almighty and Majestic. When you lift it from your mouth, praise Allah {SWT}, the Almighty and Majestic. Avoid drinking from the spot near the handle, for that is the seat of Satan. This is its etiquette."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.356

HADITH

4257 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ اَلْوَلِيدِ اَلْكِرْمَانِيِّ قَالَ : أَكَلْتُ بَيْنَ يَدَيْ أَبِي جَعْفَرٍ اَلثَّانِي عَلَيْهِ اَلسَّلاَمُ حَتَّى إِذَا فَرَغْتُ وَ رُفِعَ اَلْخِوَانُ ذَهَبَ اَلْغُلاَمُ يَرْفَعُ مَا وَقَعَ مِنْ فُتَاتِ اَلطَّعَامِ فَقَالَ لَهُ «مَا كَانَ فِي اَلصَّحْرَاءِ فَدَعْهُ وَ لَوْ فَخِذَ شَاةٍ وَ مَا كَانَ فِي اَلْبَيْتِ فَتَتَبَّعْهُ وَ اُلْقُطْهُ».

H.4257 - It is narrated from Muhammad ibn al-Walid al-Kirmani: I ate in the presence of Abu Ja'far al-Thani Imam Muhammad ibn Ali Al-Jawad {a.s}. When I finished and the dining mat was lifted, a servant went to collect the crumbs of food that had fallen.
Imam {a.s} said to him: "Whatever is in the open area, leave it even if it is the leg of a sheep, and whatever is inside (the house), collect it and pick it up."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.356 • Makarim Al-Akhlaq, Vol.1 p.141 • Al-Wafi, Vol.20 p.505 • Wasa'il Al-Shi'ah, Vol.24 p.376 • Bihar Al-Anwar, Vol.63 p.430 • Awalim Al-Uloom, Vol.23 p.519

HADITH

4258 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ بَنِي أُمَيَّةَ يَبْدَءُونَ بِالْخَلِّ فِي أَوَّلِ اَلطَّعَامِ وَ يَخْتِمُونَ بِالْمِلْحِ وَ إِنَّا نَبْدَأُ بِالْمِلْحِ فِي أَوَّلِ اَلطَّعَامِ وَ نَخْتِمُ بِالْخَلِّ».

H.4258 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Indeed, the Banu Umayyah begin their meals with vinegar and end them with salt. Whereas we begin our meals with salt and end them with vinegar."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.357 • Al-Wafi, Vol.19 p.326 • Wasa'il Al-Shi'ah, Vol.24 p.408

HADITH

4259 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «اِبْدَءُوا بِالْمِلْحِ فِي أَوَّلِ اَلطَّعَامِ فَلَوْ عَلِمَ اَلنَّاسُ مَا فِي اَلْمِلْحِ لاَخْتَارُوهُ عَلَى اَلتِّرْيَاقِ اَلْمُجَرَّبِ».

H.4259 - Commander of the Faithful {a.s} said: "Begin with salt at the start of the meal, for if people knew what is in salt, they would prefer it over the tried remedy."

[REFERENCES] Al-Muhasin, Vol.2 p.591 • Al-Kafi, Vol.6 p.326 • Man La Yahduruhu Al-Faqih, Vol.3 p.357 • Makarim Al-Akhlaq, Vol.1 p.142 • Al-Wafi, Vol.19 p.320 • Wasa'il Al-Shi'ah, Vol.24 p.403 • Bihar Al-Anwar, Vol.63 p.396

HADITH

4260 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ وَهْبِ بْنِ عَبْدِ رَبِّهِ قَالَ : رَأَيْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَتَخَلَّلُ فَنَظَرْتُ إِلَيْهِ فَقَالَ «إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ كَانَ يَتَخَلَّلُ وَ هُوَ يُطَيِّبُ اَلْفَمَ».

H.4260 - Al-Hasan ibn Mahbub narrated from Wahb ibn Abd Rabbih who said: I saw Abu Abdillah {a.s} using a toothpick, so I looked at him.
Imam {a.s} said: "Indeed, the Messenger of Allah {SWT} (peace be upon him and his family) used a toothpick, and it purifies the mouth."

[REFERENCES] Al-Kafi, Vol.6 p.376 • Man La Yahduruhu Al-Faqih, Vol.3 p.357 • Al-Wafi, Vol.20 p.545 • Wasa'il Al-Shi'ah, Vol.24 p.420 • Awalim Al-Uloom, Vol.20 p.175

HADITH

4261 - وَ فِي خَبَرٍ آخَرَ : «إِنَّ مِنْ حَقِّ اَلضَّيْفِ أَنْ يُعَدَّ لَهُ اَلْخِلاَلُ».

H.4261 - And in another narration: "Indeed, it is from the rights of the guest that a toothpick is prepared for him."

[REFERENCES] Al-Muhasin, Vol.2 p.564 • Man La Yahduruhu Al-Faqih, Vol.3 p.357 • Al-Wafi, Vol.20 p.546 • Wasa'il Al-Shi'ah, Vol.24 p.319 • Bihar Al-Anwar, Vol.63 p.441 • Bihar Al-Anwar, Vol.72 p.455

HADITH

4262 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «مَا أَدَرْتَ عَلَيْهِ لِسَانَكَ فَأَخْرَجْتَهُ فَابْلَعْهُ وَ مَا أَخْرَجْتَهُ بِالْخِلاَلِ فَارْمِ بِهِ».

H.4262 - Imam {a.s} said: "Whatever you roll around with your tongue and remove, swallow it, and whatever you remove with a toothpick, discard it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.357 • Al-Wafi, Vol.20 p.548 • Wasa'il Al-Shi'ah, Vol.24 p.426

HADITH

4263 - وَ رَوَى صَفْوَانُ اَلْجَمَّالُ عَنْ أَبِي غُرَّةَ اَلْخُرَاسَانِيِّ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «اَلْوُضُوءُ قَبْلَ اَلطَّعَامِ وَ بَعْدَهُ يَذْهَبَانِ بِالْفَقْرِ».

H.4263 - Safwan al-Jammal narrated from Abi Ghurrah al-Khurasani who said that Abu Abdillah {a.s} said: "Performing ablution before and after eating removes poverty."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Al-Wafi, Vol.20 p.466 • Wasa'il Al-Shi'ah, Vol.24 p.337

HADITH

4264 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ سَرَّهُ أَنْ يَكْثُرَ خَيْرُ بَيْتِهِ فَلْيَتَوَضَّأْ عِنْدَ حُضُورِ طَعَامِهِ».

H.4264 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "Whoever desires that the blessings of his house increase, let him perform ablution when food is brought."

[REFERENCES] Al-Muhasin, Vol.2 p.424 • Al-Kafi, Vol.6 p.290 • Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Al-Khisal, Vol.1 p.13 • Al-Ash'athiyat, Vol.1 p.27 • Rawdat Al-Wa'izin, Vol.2 p.306 • Al-Nawadir (Lil-Rawandi), Vol.1 p.46 • Sulwat Al-Hazin, Vol.1 p.143 • Majmu'at Warram, Vol.1 p.49 • Al-Wafi, Vol.20 p.466

HADITH

4265 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «مَنْ غَسَلَ يَدَهُ قَبْلَ اَلطَّعَامِ وَ بَعْدَهُ عَاشَ فِي سَعَةٍ وَ عُوفِيَ مِنْ بَلْوَى فِي جَسَدِهِ».

H.4265 - Imam {a.s} said: "Whoever washes his hands before and after eating will live in ease and will be protected from afflictions in his body."

[REFERENCES] Al-Muhasin, Vol.2 p.424 • Al-Kafi, Vol.6 p.290 • Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Tahdhib Al-Ahkam, Vol.9 p.97 • Al-Adab Al-Diniyyah, Vol.1 p.87 • Miftah Al-Falah, Vol.1 p.172 • Al-Wafi, Vol.20 p.465 • Wasa'il Al-Shi'ah, Vol.24 p.336 • Bihar Al-Anwar, Vol.63 p.356

HADITH

4266 - وَ رُوِيَ عَنْ أَبِي حَمْزَةَ اَلثُّمَالِيِّ عَنْ عَلِيِّ بْنِ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ : أَنَّهُ كَانَ إِذَا طَعِمَ قَالَ -: « اَلْحَمْدُ لِلَّهِ اَلَّذِي أَطْعَمَنَا وَ سَقَانَا وَ كَفَانَا وَ أَيَّدَنَا وَ آوَانَا وَ أَنْعَمَ عَلَيْنَا وَ أَفْضَلَ اَلْحَمْدُ لِلَّهِ اَلَّذِي «يُطْعِمُ وَ لاَ يُطْعَمُ» ».

H.4266 - It is narrated from Abu Hamzah al-Thumali, from Imam Ali ibn Al-Hussain {a.s}, that whenever he ate, Imam {a.s} would say:
"All praise is due to Allah {SWT}, Who fed us, gave us drink, sufficed us, supported us, sheltered us, blessed us, and bestowed His favor upon us. All praise is due to Allah {SWT}, Who feeds and is not fed."

[REFERENCES] Al-Muhasin, Vol.2 p.435 • Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Makarim Al-Akhlaq, Vol.1 p.143 • Al-Wafi, Vol.20 p.479 • Wasa'il Al-Shi'ah, Vol.24 p.360 • Bihar Al-Anwar, Vol.63 p.376

HADITH

4267 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «نِعْمَ اَلْإِدَامُ اَلْخَلُّ مَا أَفْقَرَ بَيْتٌ فِيهِ خَلٌّ ».

H.4267 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "What an excellent condiment vinegar is! A house that has vinegar will never be destitute."

[REFERENCES] Al-Muhasin, Vol.2 p.486 • Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Al-Wafi, Vol.19 p.323 • Wasa'il Al-Shi'ah, Vol.25 p.90 • Wasa'il Al-Shi'ah, Vol.25 p.91 • Bihar Al-Anwar, Vol.63 p.301

HADITH

4268 - وَ رَوَى شُعَيْبٌ عَنْ أَبِي بَصِيرٍ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلثُّومِ وَ اَلْبَصَلِ وَ اَلْكُرَّاثِ فَقَالَ «لاَ بَأْسَ بِأَكْلِهِ نِيّاً وَ فِي اَلْقُدُورِ وَ لاَ بَأْسَ بِأَنْ يُتَدَاوَى بِالثُّومِ وَ لَكِنْ إِذَا كَانَ ذَلِكَ فَلاَ يَخْرُجْ إِلَى اَلْمَسْجِدِ».

H.4268 - Shu'ayb narrated from Abu Basir who said: Abu Abdillah {a.s} was asked about garlic, onions, and leeks.
Imam {a.s} said: "There is no harm in eating them raw or cooked in pots, and there is no harm in using garlic as a remedy. However, if one does so, let him not go to the mosque."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Tahdhib Al-Ahkam, Vol.9 p.97 • Al-Istibsar, Vol.4 p.92

HADITH

4269 - وَ رَوَى عُمَرُ بْنُ أُذَيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلثُّومِ فَقَالَ «إِنَّمَا نَهَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَنْهُ لِرِيحِهِ وَ قَالَ «مَنْ أَكَلَ هَذِهِ اَلْبَقْلَةَ اَلْخَبِيثَةَ فَلاَ يَقْرَبْ مَسْجِدَنَا فَأَمَّا مَنْ أَكَلَهُ وَ لَمْ يَأْتِ اَلْمَسْجِدَ فَلاَ بَأْسَ» ».

H.4269 - Umar ibn Udhaynah narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"I asked Imam {a.s} about garlic.
Imam {a.s} said: "The Messenger of Allah {SWT} (peace be upon him and his family) only forbade it because of its smell.
Prophet {saws} said: 'Whoever eats this foul plant should not come near our mosque.' However, as for one who eats it and does not go to the mosque, there is no harm."

[REFERENCES] Al-Kafi, Vol.6 p.374 • Man La Yahduruhu Al-Faqih, Vol.3 p.358 • Ilal Al-Shara'i', Vol.2 p.519 • Al-Istibsar, Vol.4 p.92 • Wasa'il Al-Shi'ah, Vol.5 p.226 • Wasa'il Al-Shi'ah, Vol.25 p.213 • Bihar Al-Anwar, Vol.63 p.247 • Bihar Al-Anwar, Vol.81 p.8

HADITH

4270 - وَ رَوَى إِبْرَاهِيمُ اَلْكَرْخِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ اَلْحَسَنُ بْنُ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : «فِي اَلْمَائِدَةِ اِثْنَتَا عَشْرَةَ خَصْلَةً يَجِبُ عَلَى كُلِّ مُسْلِمٍ أَنْ يَعْرِفَهَا أَرْبَعٌ مِنْهَا فَرْضٌ وَ أَرْبَعٌ سُنَّةٌ وَ أَرْبَعٌ تَأْدِيبٌ فَأَمَّا اَلْفَرْضُ فَالْمَعْرِفَةُ وَ اَلرِّضَا وَ اَلتَّسْمِيَةُ وَ اَلشُّكْرُ وَ أَمَّا اَلسُّنَّةُ فَالْوُضُوءُ قَبْلَ اَلطَّعَامِ وَ اَلْجُلُوسُ عَلَى اَلْجَانِبِ اَلْأَيْسَرِ وَ اَلْأَكْلُ بِثَلاَثِ أَصَابِعَ وَ لَعْقُ اَلْأَصَابِعِ وَ أَمَّا اَلتَّأْدِيبُ فَالْأَكْلُ مِمَّا يَلِيكَ وَ تَصْغِيرُ اَللُّقْمَةِ وَ تَجْوِيدُ اَلْمَضْغِ وَ قِلَّةُ اَلنَّظَرِ فِي وُجُوهِ اَلنَّاسِ».

H.4270 - Ibrahim al-Karkhi narrated from Abu Abdillah {a.s}, from his fathers (peace be upon them), who said: Imam Hasan ibn Ali {a.s} said:
"There are twelve qualities related to the dining table that every Muslim must know, four of them are obligatory, four are recommended practices (Sunnah), and four are etiquettes:
As for the obligatory ones, they are: recognition (of Allah {SWT}), contentment, mentioning the name of Allah {SWT} (Bismillah), and gratitude.
As for the recommended practices, they are: performing ablution before eating, sitting on the left side, eating with three fingers, and licking the fingers.
As for the etiquettes, they are: eating from what is directly in front of you, taking small bites, chewing well, and avoiding looking at people's faces."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.359 • Al-Khisal, Vol.2 p.485 • Rawdat Al-Wa'izin, Vol.2 p.311 • Al-Adab Al-Diniyyah, Vol.1 p.87 • Makarim Al-Akhlaq, Vol.1 p.141 • Sulwat Al-Hazin, Vol.1 p.137 • Iqbal Al-A'mal, Vol.1 p.112 • Al-Aman, Vol.1 p.59 • Al-Wafi, Vol.20 p.478 • Wasa'il Al-Shi'ah, Vol.24 p.431

HADITH

4271 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «يَنْبَغِي لِلشَّيْخِ اَلْكَبِيرِ أَلاَّ يَنَامَ إِلاَّ وَ جَوْفُهُ مُمْتَلِئٌ مِنَ اَلطَّعَامِ فَإِنَّهُ أَهْدَأُ لِنَوْمِهِ وَ أَطْيَبُ لِنَكْهَتِهِ».

H.4271 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"It is appropriate for an elderly person not to sleep unless his stomach is full of food, for it makes his sleep more restful and his breath more pleasant."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.359 • Al-Wafi, Vol.20 p.510 • Wasa'il Al-Shi'ah, Vol.24 p.334 • Bihar Al-Anwar, Vol.63 p.345

HADITH

4272 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «عَجِبْتُ لِمَنْ يَحْتَمِي مِنَ اَلطَّعَامِ مَخَافَةَ اَلدَّاءِ كَيْفَ لاَ يَحْتَمِي مِنَ اَلذُّنُوبِ مَخَافَةَ اَلنَّارِ».

H.4272 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"I am amazed at the one who abstains from food out of fear of illness, how does he not abstain from sins out of fear of the Fire?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.359 • Al-Amali (Lil-Saduq), Vol.1 p.180 • Rawdat Al-Wa'izin, Vol.2 p.419 • Sulwat Al-Hazin, Vol.1 p.81 • Al-Wafi, Vol.20 p.552 • Bihar Al-Anwar, Vol.59 p.269 • Bihar Al-Anwar, Vol.70 p.347

CHAPTER 95 – CHAPTER ON OATHS, VOWS, AND EXPIATIONS

بَابُ الْأَيْمَانِ وَ النُّذُورِ وَ الْكَفَّارَاتِ

HADITH 4273 – 4335

4273 - رَوَى مَنْصُورُ بْنُ حَازِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ رَضَاعَ بَعْدَ فِطَامٍ وَ لاَ وِصَالَ فِي صِيَامٍ وَ لاَ يُتْمَ بَعْدَ اِحْتِلاَمٍ وَ لاَ صَمْتَ يَوْماً إِلَى اَللَّيْلِ وَ لاَ تَعَرُّبَ بَعْدَ اَلْهِجْرَةِ وَ لاَ هِجْرَةَ بَعْدَ اَلْفَتْحِ وَ لاَ طَلاَقَ قَبْلَ نِكَاحٍ وَ لاَ عِتْقَ قَبْلَ مِلْكٍ وَ لاَ يَمِينَ لِوَلَدٍ مَعَ وَالِدِهِ وَ لاَ لِمَمْلُوكٍ مَعَ مَوْلاَهُ وَ لاَ لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لاَ نَذْرَ فِي مَعْصِيَةٍ وَ لاَ يَمِينَ فِي قَطِيعَةٍ ».

H.4273 - Mansur ibn Hazim narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said that the Messenger of Allah {SWT} (peace be upon him and his family) said: "There is no breastfeeding after weaning, no continuous fasting without breaking, no orphanhood after reaching puberty, no silence for a day until night, no returning to a Bedouin life after migration, no migration after the conquest (of Mecca), no divorce before marriage, no emancipation before ownership, no oath for a child in the presence of their parent, nor for a slave with their master, nor for a woman with her husband, no vow in disobedience, and no oath in severing family ties."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.26 • Man La Yahduruhu Al-Faqih, Vol.3 p.359 • Al-Amali (Lil-Saduq), Vol.1 p.378 • Tuhaf Al-'Uqul, Vol.1 p.381 • Al-Amali (Lil-Tusi), Vol.1 p.423 • Al-Wafi, Vol.11 p.558 • Wasa'il Al-Shi'ah, Vol.23 p.217 • Al-Fusul Al-Muhimmah, Vol.2 p.343 • Bihar Al-Anwar, Vol.75 p.267 • Bihar Al-Anwar, Vol.93 p.262

HADITH

4274 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اِمْرَأَةٍ جَعَلَتْ مَالَهَا هَدْياً وَ كُلُّ مَمْلُوكٍ لَهَا حُرّاً إِنْ كَلَّمَتْ أُخْتَهَا أَبَداً قَالَ «تُكَلِّمُهَا وَ لَيْسَ هَذَا بِشَيْءٍ إِنَّمَا هَذَا وَ شِبْهُهُ مِنْ «خُطُوَاتِ اَلشَّيْطَانِ»».

H.4274 - Al-Ala narrated from Muhammad ibn Muslim, from one of the Imams {a.s}, that he was asked about a woman who vowed to donate all her wealth as an offering and to set all her slaves free if she ever spoke to her sister again.
Imam {a.s} said: "She may speak to her, and this (vow) is of no consequence. Indeed, this and similar actions are among the steps of Satan."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.26 • Tafsir Al-'Ayyashi, Vol.1 p.73 • Man La Yahduruhu Al-Faqih, Vol.3 p.360 • Al-Wafi, Vol.11 p.563 • Wasa'il Al-Shi'ah, Vol.23 p.218 • Tafsir Al-Burhan, Vol.1 p.371 • Bihar Al-Anwar, Vol.101 p.223 • Bihar Al-Anwar, Vol.101 p.231 • Tafsir Nur Al-Thaqalayn, Vol.1 p.207 • Mustadrak Al-Wasa'il, Vol.16 p.43

HADITH

4275 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى مَا هُوَ خَيْرٌ مِنْهَا فَلْيَأْتِ اَلَّذِي هُوَ خَيْرٌ مِنْهَا وَ لَهُ زِيَادَةُ حَسَنَةٍ ».

H.4275 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever swears an oath and then sees something better than it, let him do that which is better, and he will have an additional good deed."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.28 • Al-Kafi, Vol.7 p.444 • Man La Yahduruhu Al-Faqih, Vol.3 p.360 • Al-Wafi, Vol.11 p.556 • Wasa'il Al-Shi'ah, Vol.23 p.241 • Wasa'il Al-Shi'ah, Vol.23 p.242 • Al-Fusul Al-Muhimmah, Vol.2 p.409 • Bihar Al-Anwar, Vol.101 p.232

HADITH

4276 - وَ رَوَى حَمَّادُ بْنُ عُثْمَانَ عَنْ مُحَمَّدِ بْنِ أَبِي اَلصَّبَّاحِ قَالَ : قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ إِنَّ أُمِّي تَصَدَّقَتْ عَلَيَّ بِنَصِيبٍ لَهَا فِي اَلدَّارِ فَقُلْتُ لَهَا إِنَّ اَلْقُضَاةَ لاَ يُجِيزُونَ هَذَا وَ لَكِنِ اُكْتُبِيهِ شِرًى فَقَالَتْ اِصْنَعْ مِنْ ذَلِكَ مَا بَدَا لَكَ وَ كُلُّ مَا تَرَى أَنْ يَسُوغَ لَكَ فَتَوَثَّقْتُ فَأَرَادَ بَعْضُ اَلْوَرَثَةِ أَنْ يَسْتَحْلِفَنِي أَنِّي قَدْ نَقَدْتُهَا اَلثَّمَنَ وَ لَمْ أَنْقُدْهَا شَيْئاً فَمَا تَرَى قَالَ «فَاحْلِفْ لَهُمْ».

H.4276 - Hammad ibn Uthman narrated from Muhammad ibn Abi al-Sabbah who said:
I said to Abu al-Hasan {a.s}: "My mother gave me her share in the house as charity. I told her that the judges do not approve of this unless it is written as a sale.
She said: 'Do whatever you see fit and whatever you think is permissible for you.'
So I documented it.
Later, some of the heirs wanted me to swear that I had paid her the price, although I had not given her anything. What do you suggest?"
Imam {a.s} said, "Swear to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.361 • Tahdhib Al-Ahkam, Vol.8 p.287 • Tahdhib Al-Ahkam, Vol.9 p.138 • Al-Wafi, Vol.16 p.1069 • Wasa'il Al-Shi'ah, Vol.19 p.196 • Wasa'il Al-Shi'ah, Vol.23 p.281

HADITH

4277 - وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ حَلَفَ إِنْ كَلَّمَ أَبَاهُ أَوْ أُمَّهُ فَهُوَ يُحْرِمُ بِحَجَّةٍ قَالَ «لَيْسَ بِشَيْءٍ».

H.4277 - Abu Abdillah {a.s} was asked about a man who swore that if he spoke to his father or mother, he would enter into the state of ihram for Hajj.
Imam {a.s} said: "It is of no consequence."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.361

HADITH

4278 - وَ سُئِلَ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ غَضِبَ فَقَالَ عَلَيَّ اَلْمَشْيُ إِلَى بَيْتِ اَللَّهِ اَلْحَرَامِ قَالَ «إِذَا لَمْ يَقُلْ لِلَّهِ عَلَيَّ فَلَيْسَ بِشَيْءٍ».

H.4278 - Imam {a.s} was asked about a man who, in a state of anger, said:
"Upon me is to walk to the Sacred House of Allah {SWT}."
Imam {a.s} said: "If he did not say, 'It is a vow to Allah {SWT} upon me,' then it is of no consequence."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.31 • Man La Yahduruhu Al-Faqih, Vol.3 p.361 • Al-Wafi, Vol.11 p.508 • Bihar Al-Anwar, Vol.101 p.234 • Mustadrak Al-Wasa'il, Vol.16 p.96

HADITH

4279 - وَ رَوَى أَبُو بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ لاٰ يُؤٰاخِذُكُمُ اَللّٰهُ بِاللَّغْوِ فِي أَيْمٰانِكُمْ ﴾ قَالَ «هُوَ لاَ وَ اَللَّهِ وَ بَلَى وَ اَللَّهِ ».

H.4279 - Abu Basir narrated from Abu Abdillah {a.s} regarding the saying of Allah {SWT}, the Almighty and Glorious: "*Allah {SWT} does not take you to task for what is unintentional in your oaths*" (Surah Al-Baqarah 2:225).
Imam {a.s} said: "It refers to sayings like 'No, by Allah {SWT}' and 'Yes, by Allah {SWT}.'"

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.37 • Man La Yahduruhu Al-Faqih, Vol.3 p.361 • Al-Wafi, Vol.11 p.565 • Wasa'il Al-Shi'ah, Vol.23 p.239 • Bihar Al-Anwar, Vol.101 p.236 • Tafsir Nur Al-Thaqalayn, Vol.1 p.665

HADITH

4280 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ قَالَ : سَأَلْتُ أَحَدَهُمَا عَلَيْهِمَا اَلسَّلاَمُ عَنْ رَجُلٍ قَالَتْ لَهُ اِمْرَأَتُهُ أَسْأَلُكَ بِوَجْهِ اَللَّهِ إِلاَّ مَا طَلَّقْتَنِي قَالَ «يُوجِعُهَا ضَرْباً أَوْ يَعْفُو عَنْهَا ».

H.4280 - Muhammad ibn Muslim said: I asked one of the Imams {a.s} about a man whose wife said to him, "I ask you, for the sake of Allah {SWT}, to divorce me."
Imam {a.s} said: "He should either discipline her with a beating or forgive her."

[REFERENCES] Al-Usul Al-Sittah Ashar (T. Dar Al-Shibistri), Vol.1 p.155 •Al-Usul Al-Sittah Ashar (T. Dar Al-Hadith), Vol.1 p.365 • Al-Nawadir (Lil-Ash'ari), Vol.1 p.40 • Man La Yahduruhu Al-Faqih, Vol.3 p.361 • Al-Wafi, Vol.11 p.575 • Wasa'il Al-Shi'ah, Vol.23 p.280 • Bihar Al-Anwar, Vol.101 p.158 • Bihar Al-Anwar, Vol.101 p.238 • Mustadrak Al-Wasa'il, Vol.15 p.316 • Mustadrak Al-Wasa'il, Vol.16 p.76

HADITH

4281 - وَ رَوَى عُثْمَانُ بْنُ عِيسَى عَنْ أَبِي أَيُّوبَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ تَحْلِفُوا بِاللَّهِ صَادِقِينَ وَ لاَ كَاذِبِينَ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ قَدْ نَهَى عَنْ ذَلِكَ فَقَالَ عَزَّ وَ جَلَّ ۝ وَ لاٰ تَجْعَلُوا اَللّٰهَ عُرْضَةً لِأَيْمٰانِكُمْ ۝.

H.4281 - Uthman ibn Isa narrated from Abu Ayyub, from Abu Abdillah {a.s}, who said: "Do not swear by Allah {SWT}, whether truthfully or falsely, for Allah {SWT}, the Almighty and Glorious, has forbidden that, as He {SWT}, the Almighty, says: *'And do not make Allah {SWT} an excuse in your oaths*' (Surah Al-Baqarah 2:224)."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.51 • Man La Yahduruhu Al-Faqih, Vol.3 p.362 • Wasa'il Al-Shi'ah, Vol.23 p.199 • Bihar Al-Anwar, Vol.101 p.281 • Mustadrak Al-Wasa'il, Vol.16 p.36

HADITH

4282 - وَ- قَالَ أَبُو أَيُّوبَ قَالَ أَبُو عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ مَنْ حَلَفَ بِاللَّهِ فَلْيَصْدُقْ وَ مَنْ لَمْ يَصْدُقْ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ وَ مَنْ حُلِفَ لَهُ بِاللَّهِ فَلْيَرْضَ وَ مَنْ لَمْ يَرْضَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ.

H.4282 - Abu Ayyub said that Abu Abdillah {a.s} said: "Whoever swears by Allah {SWT}, let him speak the truth; and whoever does not speak the truth has nothing to do with Allah {SWT} in any way. And whoever is sworn to by Allah {SWT}, let him be content; and whoever is not content has nothing to do with Allah {SWT} in any way."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.52 • Man La Yahduruhu Al-Faqih, Vol.3 p.362 • Al-Wafi, Vol.11 p.575 • Wasa'il Al-Shi'ah, Vol.23 p.199 • Bihar Al-Anwar, Vol.101 p.231

HADITH

4283 - وَ رَوَى بَكْرُ بْنُ مُحَمَّدٍ اَلْأَزْدِيُّ عَنْ أَبِي بَصِيرٍ عَنْهُ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «لَوْ حَلَفَ اَلرَّجُلُ أَنْ لاَ يَحُكَّ أَنْفَهُ بِالْحَائِطِ لاَبْتَلاَهُ اَللَّهُ تَعَالَى حَتَّى يَحُكَّ أَنْفَهُ بِالْحَائِطِ وَ لَوْ حَلَفَ اَلرَّجُلُ أَنْ لاَ يَنْطَحَ بِرَأْسِهِ اَلْحَائِطَ لَوَكَّلَ اَللَّهُ عَزَّ وَ جَلَّ بِهِ شَيْطَاناً حَتَّى يَنْطَحَ بِرَأْسِهِ اَلْحَائِطَ ».

H.4283 - Bakr ibn Muhammad al-Azdi narrated from Abu Basir, from Imam {a.s}, that he said:
"If a man swears that he will not rub his nose against a wall, Allah {SWT}, the Exalted, will test him until he rubs his nose against the wall. And if a man swears that he will not strike his head against the wall, Allah {SWT}, the Almighty and Glorious, will assign a devil to him until he strikes his head against the wall."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.52 • Man La Yahduruhu Al-Faqih, Vol.3 p.362 • Al-Wafi, Vol.11 p.575 • Wasa'il Al-Shi'ah, Vol.23 p.199 • Bihar Al-Anwar, Vol.101 p.231

HADITH

4284 - وَ رَوَى حَمَّادُ بْنُ عِيسَى عَنْ عَبْدِ اَللَّهِ بْنِ مَيْمُونٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لِلْعَبْدِ أَنْ يَسْتَثْنِيَ مَا بَيْنَهُ وَ بَيْنَ أَرْبَعِينَ يَوْماً نَسِيَ إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ أَتَاهُ نَاسٌ مِنَ اَلْيَهُودِ فَسَأَلُوهُ عَنْ أَشْيَاءَ فَقَالَ لَهُمْ «تَعَالَوْا غَداً أُحَدِّثْكُمْ» وَ لَمْ يَسْتَثْنِ فَاحْتَبَسَ جَبْرَئِيلُ عَلَيْهِ اَلسَّلاَمُ عَنْهُ أَرْبَعِينَ يَوْماً ثُمَّ أَتَاهُ فَقَالَ ﴿ وَ لاٰ تَقُولَنَّ لِشَيْءٍ إِنِّي فٰاعِلٌ ذٰلِكَ غَداً إِلاّٰ أَنْ يَشٰاءَ اَللّٰهُ وَ اُذْكُرْ رَبَّكَ إِذٰا نَسِيتَ ﴾ »

H.4284 - Hammad ibn Isa narrated from Abdullah ibn Maymun, from Abu Abdillah {a.s}, who said:
"A servant may make an exception (by saying 'If Allah {SWT} wills') within forty days if he forgets. The Messenger of Allah {SWT} (peace be upon him and his family) was visited by some Jews who asked Him {saws} about certain matters.
He {saws} said to them: 'Come tomorrow, and I will inform you,' but He {saws} did not say 'If Allah {SWT} wills.'
So, Archangel Jibril {a.s} was delayed from coming to Him {saws} for forty days. Then Jibril {a.s} came and said:
'And do not say about anything: Surely I will do that tomorrow, except (by adding) If Allah {SWT} wills. And remember your Lord {AZJ} when you forget.'
(Surah Al-Kahf 18:23-24)"

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.55 • Man La Yahduruhu Al-Faqih, Vol.3 p.362 • Awali Al-La'ali, Vol.3 p.445 • Al-Wafi, Vol.11 p.578 • Tafsir Al-Safi, Vol.3 p.238 • Wasa'il Al-Shi'ah, Vol.23 p.258 • Bihar Al-Anwar, Vol.101 p.230 • Tafsir Nur Al-Thaqalayn, Vol.3 p.254 • Tafsir Kanz Al-Daqaiq, Vol.8 p.60 • Mustadrak Al-Wasa'il, Vol.16 p.61

HADITH

4285 - وَ رَوَى اَلْقَاسِمُ بْنُ مُحَمَّدٍ اَلْجَوْهَرِيُّ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ قَالَ : سَأَلْتُهُ عَمَّنْ قَالَ وَ اَللَّهِ ثُمَّ لَمْ يَفِ بِهِ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «كَفَّارَتُهُ إِطْعَامُ عَشَرَةِ مَسَاكِينَ مُدّاً مُدّاً دَقِيقٍ أَوْ حِنْطَةٍ أَوْ تَحْرِيرُ رَقَبَةٍ أَوْ صِيَامُ ثَلاَثَةِ أَيَّامٍ مُتَوَالِيَةٍ إِذَا لَمْ يَجِدْ شَيْئاً».

H.4285 - Al-Qasim ibn Muhammad al-Jawhari narrated from Ali ibn Abi Hamzah, who said: I asked him about someone who said: "By Allah {SWT}," and then did not fulfill it.
Abu Abdillah {a.s} said: "Its expiation is feeding ten needy people with a measure (mudd) each of flour or wheat, or freeing a slave. If he cannot find any of these, then he must fast for three consecutive days."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.57 • Al-Kafi, Vol.7 p.453 • Man La Yahduruhu Al-Faqih, Vol.3 p.363 • Al-Wafi, Vol.11 p.584 • Wasa'il Al-Shi'ah, Vol.22 p.376 • Tafsir Al-Burhan, Vol.2 p.349 • Bihar Al-Anwar, Vol.101 p.241 • Mustadrak Al-Wasa'il, Vol.15 p.415

HADITH

4286 - وَ رَوَى اِبْنُ بُكَيْرٍ عَنْ زُرَارَةَ قَالَ : قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ نَمُرُّ بِالْمَالِ عَلَى اَلْعُشَّارِ فَيَطْلُبُونَ مِنَّا أَنْ نَحْلِفَ لَهُمْ وَ يُخَلُّونَ سَبِيلَنَا وَ لاَ يَرْضَوْنَ مِنَّا إِلاَّ بِذَلِكَ قَالَ «فَاحْلِفْ لَهُمْ فَهُوَ أَحَلُّ مِنَ اَلتَّمْرِ وَ اَلزُّبْدِ».

H.4286 - Ibn Bukayr narrated from Zurarah, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}: "We pass by tax collectors, and they ask us to swear an oath so that they let us go, and they are not satisfied with anything else."
Imam {a.s} said: "Then swear to them, for it is more lawful than dates and butter."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.73 • Man La Yahduruhu Al-Faqih, Vol.3 p.363 • Al-Wafi, Vol.16 p.1068 • Wasa'il Al-Shi'ah, Vol.23 p.225 • Bihar Al-Anwar, Vol.101 p.283

HADITH

4287 - وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «اَلتَّقِيَّةُ فِي كُلِّ ضَرُورَةٍ وَ صَاحِبُهَا أَعْلَمُ بِهَا حِينَ تَنْزِلُ بِهِ ».

H.4287 - Abu Abdillah {a.s} said: "Taqiyyah (dissimulation) is in every situation of necessity, and the one facing it knows best when it arises."

[REFERENCES] Al-Kafi, Vol.2 p.219 • Man La Yahduruhu Al-Faqih, Vol.3 p.363 • Mishkat Al-Anwar, Vol.1 p.41 • Al-Wafi, Vol.5 p.690 • Al-Wafi, Vol.16 p.1067 • Wasa'il Al-Shi'ah, Vol.16 p.214 • Wasa'il Al-Shi'ah, Vol.23 p.225 • Wasa'il Al-Shi'ah, Vol.23 p.227 • Al-Fusul Al-Muhimmah, Vol.2 p.231 • Bihar Al-Anwar, Vol.72 p.411

HADITH

4288 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ :
«أَرَى أَنْ لاَ يُحْلَفَ إِلاَّ بِاللَّهِ وَ أَمَّا قَوْلُ اَلرَّجُلِ لاَ بَلِ شَانِئِكَ فَإِنَّهُ مِنْ قَوْلِ اَلْجَاهِلِيَّةِ وَ لَوْ حَلَفَ اَلنَّاسُ بِهَذَا أَوْ شِبْهِهِ تُرِكَ أَنْ يُحْلَفَ بِاللَّهِ وَ أَمَّا قَوْلُ اَلرَّجُلِ يَا هَنَاهْ يَا هَنَاهْ فَإِنَّمَا ذَلِكَ طَلَبُ اَلاِسْمِ وَ لاَ أَرَى بِهِ بَأْساً وَ أَمَّا لَعَمْرُ اَللَّهِ وَ اَيْمُ اَللَّهِ فَإِنَّمَا هُوَ بِاللَّهِ ».

H.4288 - Hammad narrated from al-Halabi, from Abu Abdillah {a.s}, who said:
"I believe that one should only swear by Allah {SWT}.
As for a man's saying, 'No, by your enemy,' this is from the sayings of Jahiliyyah (the pre-Islamic era of ignorance). If people were to swear by this or similar expressions, swearing by Allah {SWT} would be abandoned.
As for a man's saying, 'Ya Hanah, Ya Hanah' (O so-and-so), it is merely calling a name, and I see no harm in it.
And as for saying, 'By the life of Allah {SWT}' (La 'amr Allah {SWT}) and 'By the oath of Allah {SWT}' (Aym Allah {SWT}), these are indeed swearing by Allah {SWT}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.363

HADITH

4289 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ حَلَفَ تَقِيَّةً قَالَ «إِنْ خَشِيتَ عَلَى دَمِكَ وَ مَالِكَ فَاحْلِفْ تَرُدُّهُ عَنْكَ بِيَمِينِكَ فَإِنْ رَأَيْتَ أَنَّ يَمِينَكَ لاَ تَرُدُّ عَنْكَ شَيْئاً فَلاَ تَحْلِفْ لَهُمْ».

H.4289 - Imam {a.s} was asked about a man who swore an oath out of taqiyyah (dissimulation).
Imam {a.s} said: "If you fear for your life or property, then swear an oath to protect yourself with it. However, if you see that your oath will not protect you in any way, then do not swear to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.364 • Al-Wafi, Vol.16 p.1067

HADITH

4290 - وَ قَالَ اَلْحَلَبِيُّ : وَ سَأَلْتُهُ عَنِ اَلرَّجُلِ يَجْعَلُ عَلَيْهِ نَذْراً وَ لاَ يُسَمِّيهِ قَالَ «إِنْ سَمَّيْتَهُ فَهُوَ مَا سَمَّيْتَ وَ إِنْ لَمْ تُسَمِّ شَيْئاً فَلَيْسَ بِشَيْءٍ فَإِنْ قُلْتَ لِلَّهِ عَلَيَّ فَكَفَّارَةُ يَمِينٍ».

H.4290 - Al-Halabi said: I asked Imam {a.s} about a man who makes a vow upon himself without specifying it.
Imam {a.s} said: "If you specify it, then it is as you specified. But if you do not specify anything, then it is of no consequence. However, if you said: 'It is upon me for the sake of Allah {SWT},' then its expiation is the expiation of an oath."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.364 • Wasa'il Al-Shi'ah, Vol.23 p.297

HADITH

4291 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «كُلُّ يَمِينٍ لاَ يُرَادُ بِهَا وَجْهُ اَللَّهِ عَزَّ وَ جَلَّ فَلَيْسَ بِشَيْءٍ، فِي طَلاَقٍ أَوْ عِتْقٍ ».

H.4291 - Imam {a.s} said: "Any oath that is not intended for the sake of Allah {SWT}, the Almighty and Glorious, is of no consequence, whether it pertains to divorce or emancipation."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.33 • Al-Kafi, Vol.7 p.442 • Man La Yahduruhu Al-Faqih, Vol.3 p.364 • Tahdhib Al-Ahkam, Vol.8 p.288 • Al-Wafi, Vol.11 p.561 • Wasa'il Al-Shi'ah, Vol.23 p.230 • Wasa'il Al-Shi'ah, Vol.23 p.230 • Wasa'il Al-Shi'ah, Vol.23 p.231 • Al-Fusul Al-Muhimmah, Vol.2 p.409 • Bihar Al-Anwar, Vol.101 p.234

HADITH

4292 - وَ قَالَ : «فِي كَفَّارَةِ اَلْيَمِينِ مُدٌّ وَ حَفْنَةٌ».

H.4292 - Imam {a.s} said regarding the expiation of an oath: "It is a mudd and a handful."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.60 • Man La Yahduruhu Al-Faqih, Vol.3 p.365 • Wasa'il Al-Shi'ah, Vol.22 p.383 • Bihar Al-Anwar, Vol.101 p.242

HADITH

4293 - وَ عَنِ اَلرَّجُلِ يَحْلِفُ لِصَاحِبِ اَلْعُشُورِ يُحْرِزُ بِذَلِكَ مَالَهُ قَالَ «نَعَمْ».

H.4293 - And regarding a man who swears an oath to the tax collector in order to protect his wealth.
Imam {a.s} said: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.365

HADITH

4294 - وَ سَأَلْتُهُ عَنِ اِمْرَأَةٍ جَعَلَتْ مَالَهَا هَدْياً لِبَيْتِ اَللَّهِ إِنْ أَعَارَتْ مَتَاعاً لَهَا فُلاَنَةَ وَ فُلاَنَةَ فَأَعَارَ بَعْضُ أَهْلِهَا بِغَيْرِ أَمْرِهَا قَالَ «لَيْسَ عَلَيْهَا هَدْيٌ إِنَّمَا اَلْهَدْيُ مَا جُعِلَ لِلَّهِ عَزَّ وَ جَلَّ هَدْياً لِلْكَعْبَةِ فَذَلِكَ اَلَّذِي يُوفَى بِهِ إِذَا جُعِلَ لِلَّهِ وَ مَا كَانَ مِنْ أَشْبَاهِ هَذَا فَلَيْسَ بِشَيْءٍ وَ لاَ هَدْيَ لاَ يُذْكَرُ فِيهِ اِسْمُ اَللَّهِ عَزَّ وَ جَلَّ».

H.4294 - I asked him about a woman who vowed to offer her wealth as an offering to the House of Allah {SWT} if she lent some of her belongings to so-and-so. Then, some of her family members lent those belongings without her permission.
Imam {a.s} said: "She is not required to offer the offering. The true offering is what is made as a dedication to Allah {SWT}, the Almighty and Glorious, as an offering to the Ka'bah. That is what must be fulfilled when it is made for Allah {SWT}. But matters like this are of no consequence, and an offering that does not mention the name of Allah {SWT}, the Almighty and Glorious, is not valid."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.39 • Man La Yahduruhu Al-Faqih, Vol.3 p.365 • Bihar Al-Anwar, Vol.96 p.69 • Bihar Al-Anwar, Vol.101 p.237 • Mustadrak Al-Wasa'il, Vol.9 p.350

HADITH

4295 - وَ سُئِلَ عَنِ اَلرَّجُلِ يَقُولُ عَلَيَّ أَلْفُ بَدَنَةٍ وَ هُوَ مُحْرِمٌ بِأَلْفِ حَجَّةٍ قَالَ «تِلْكَ خُطُوَاتُ اَلشَّيْطَانِ» وَ عَنِ اَلرَّجُلِ يَقُولُ وَ هُوَ مُحْرِمٌ بِحَجَّةٍ أَوْ يَقُولُ أَنَا أُهْدِي هَذَا اَلطَّعَامَ قَالَ «لَيْسَ بِشَيْءٍ إِنَّ اَلطَّعَامَ لاَ يُهْدَى أَوْ يَقُولُ لِجَزُورٍ بَعْدَ مَا نُحِرَتْ هُوَ هَدْيٌ لِبَيْتِ اَللَّهِ إِنَّمَا تُهْدَى اَلْبُدْنُ وَ هِيَ أَحْيَاءٌ وَ لَيْسَ تُهْدَى حِينَ صَارَتْ لَحْماً».

H.4295 - Imam {a.s} was asked about a man who says, "I am obligated to offer a thousand camels" while he is in the state of ihram for a thousand Hajj.
Imam {a.s} said: "These are the steps of Satan."
And regarding a man who, while in ihram for Hajj, says, "I will offer this food as a gift,"
Imam {a.s} said: "It is of no consequence. Food is not offered as a gift."
Or if he says about a camel after it has been slaughtered, "This is an offering to the House of Allah {SWT},"
Imam {a.s} said: "Offerings are made while the animals are alive, and they are not offered after they have become meat."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.39 • Man La Yahduruhu Al-Faqih, Vol.3 p.366 • Bihar Al-Anwar, Vol.96 p.69 • Bihar Al-Anwar, Vol.101 p.237

HADITH

4296 - وَ رُوِيَ فِي حَدِيثٍ آخَرَ : فِي رَجُلٍ قَالَ لاَ وَ أَبِي قَالَ «يَسْتَغْفِرُ اَللَّهَ».

H.4296 - It is narrated in another tradition about a man who said: “No, by my father." Imam {a.s} said: "He should seek forgiveness from Allah {SWT}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.366 • Al-Wafi, Vol.11 p.592 • Wasa’il Al-Shi’ah, Vol.23 p.234

HADITH

4297 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْيَمِينُ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَحْلِفَ اَلرَّجُلُ عَلَى شَيْءٍ لاَ يَلْزَمُهُ أَنْ يَفْعَلَ فَيَحْلِفُ أَنَّهُ يَفْعَلُ ذَلِكَ اَلشَّيْءَ أَوْ يَحْلِفَ عَلَى مَا يَلْزَمُهُ أَنْ يَفْعَلَ فَعَلَيْهِ اَلْكَفَّارَةُ إِذَا لَمْ يَفْعَلْهُ وَ اَلْأُخْرَى عَلَى ثَلاَثَةِ أَوْجُهٍ فَمِنْهَا مَا يُؤْجَرُ اَلرَّجُلُ عَلَيْهِ إِذَا حَلَفَ كَاذِباً وَ مِنْهَا مَا لاَ كَفَّارَةَ عَلَيْهِ وَ لاَ أَجْرَ لَهُ وَ مِنْهَا مَا لاَ كَفَّارَةَ عَلَيْهِ فِيهَا وَ اَلْعُقُوبَةُ فِيهَا دُخُولُ اَلنَّارِ فَأَمَّا اَلَّتِي يُؤْجَرُ عَلَيْهَا اَلرَّجُلُ إِذَا حَلَفَ كَاذِباً وَ لاَ تَلْزَمُهُ اَلْكَفَّارَةُ فَهُوَ أَنْ يَحْلِفَ اَلرَّجُلُ فِي خَلاَصِ اِمْرِئٍ مُسْلِمٍ أَوْ خَلاَصِ مَالِهِ مِنْ مُتَعَدٍّ يَتَعَدَّى عَلَيْهِ مِنْ لِصٍّ أَوْ غَيْرِهِ وَ أَمَّا اَلَّتِي لاَ كَفَّارَةَ عَلَيْهِ فِيهَا وَ لاَ أَجْرَ لَهُ فَهُوَ أَنْ يَحْلِفَ اَلرَّجُلُ عَلَى شَيْءٍ ثُمَّ يَجِدُ مَا هُوَ خَيْرٌ مِنَ اَلْيَمِينِ فَيَتْرُكُ اَلْيَمِينَ وَ يَرْجِعُ إِلَى اَلَّذِي هُوَ خَيْرٌ وَ أَمَّا اَلَّتِي عُقُوبَتُهَا دُخُولُ اَلنَّارِ فَهُوَ أَنْ يَحْلِفَ اَلرَّجُلُ عَلَى مَالِ اِمْرِئٍ مُسْلِمٍ أَوْ عَلَى حَقِّهِ ظُلْماً فَهَذِهِ يَمِينٌ غَمُوسٌ تُوجِبُ اَلنَّارَ وَ لاَ كَفَّارَةَ عَلَيْهِ فِي اَلدُّنْيَا ».

وَ لَا يَجُوزُ إِطْعَامُ الصَّغِيرِ فِي كَفَّارَةِ الْيَمِينِ وَ لَكِنْ صَغِيرَيْنِ بِكَبِيرٍ فَمَنْ لَمْ يَجِدْ فِي الْكَفَّارَةِ إِلَّا رَجُلًا أَوْ رَجُلَيْنِ فَلْيُكَرِّرْ عَلَيْهِمْ حَتَّى يَسْتَكْمِلَ.

H.4297 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"An oath is of two types. One type is when a man swears upon something that he is not obligated to do, yet he swears that he will do it.
The other type is when he swears upon something that he is obligated to do; in this case, if he does not fulfill it, he must offer expiation.
The second type has three categories. One of them is an oath for which a man will be rewarded if he swears falsely, another for which there is neither expiation nor reward, and the third for which there is no expiation but the punishment is entering the Fire.
As for the oath for which a man will be rewarded if he swears falsely and for which no expiation is required, it is when a person swears to protect the life of a Muslim or his property from an oppressor or a thief or anyone who intends harm.
As for the oath for which there is neither expiation nor reward, it is when a person swears upon something but later finds an option that is better than his oath, so he leaves the oath and chooses what is better.
And as for the oath whose punishment is entering the Fire, it is when a man swears falsely to take the wealth or rights of another Muslim unjustly. This is a 'Ghamus' oath, which necessitates the Fire, and there is no expiation for it in this world."

[AL SADUQ]

It is not permissible to feed a single child in expiation for an oath, but two children may be considered as one adult. If a person finds no one for the expiation except one or two individuals, he should repeat the feeding for them until the requirement is fulfilled.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.366 • Al-Wafi, Vol.11 p.553

HADITH

4298 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْيَمِينُ اَلْكَاذِبَةُ تَدَعُ اَلدِّيَارَ بَلاَقِعَ مِنْ أَهْلِهَا».

وَ النَّذْرُ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ الرَّجُلُ إِنْ كَانَ كَذَا وَ كَذَا صُمْتُ أَوْ صَلَّيْتُ أَوْ تَصَدَّقْتُ أَوْ حَجَجْتُ أَوْ فَعَلْتُ شَيْئاً مِنَ الْخَيْرِ وَ كَانَ ذَلِكَ فَهُوَ بِالْخِيَارِ إِنْ شَاءَ فَعَلَ وَ إِنْ شَاءَ لَمْ يَفْعَلْ فَإِنْ قَالَ إِنْ كَانَ كَذَا وَ كَذَا فَلِلَّهِ عَلَيَّ كَذَا وَ كَذَا فَهُوَ نَذْرٌ وَاجِبٌ لَا يَسَعُهُ تَرْكُهُ وَ عَلَيْهِ الْوَفَاءُ بِهِ وَ إِنْ خَالَفَ لَزِمَتْهُ الْكَفَّارَةُ وَ كَفَّارَةُ النَّذْرِ كَفَّارَةُ الْيَمِينِ وَ كَفَّارَةُ الْيَمِينِ إِطْعَامُ عَشَرَةِ مَسَاكِينَ مِنْ أَوْسَطِ ما تُطْعِمُونَ أَهْلِيكُمْ لِكُلِّ مِسْكِينٍ مُدٌّ أَوْ كِسْوَتُهُمْ لِكُلِّ رَجُلٍ ثَوْبَيْنِ أَوْ تَحْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيامُ ثَلاثَةِ أَيَّامٍ ذلِكَ كَفَّارَةُ أَيْمانِكُمْ إِذا حَلَفْتُمْ فَإِنْ نَذَرَ رَجُلٌ أَنْ يَصُومَ كُلَّ يَوْمِ سَبْتٍ أَوْ أَحَدٍ أَوْ سَائِرِ الْأَيَّامِ فَلَيْسَ لَهُ أَنْ يَتْرُكَهُ إِلَّا مِنْ عِلَّةٍ وَ لَيْسَ عَلَيْهِ صَوْمُهُ فِي سَفَرٍ وَ لَا مَرَضٍ إِلَّا أَنْ يَكُونَ نَوَى ذَلِكَ فَإِنْ أَفْطَرَ مِنْ غَيْرِ عِلَّةٍ تَصَدَّقَ مَكَانَ كُلِّ يَوْمٍ عَلَى عَشَرَةِ مَسَاكِينَ فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْماً بِعَيْنِهِ مَا دَامَ حَيّاً فَوَافَقَ ذَلِكَ الْيَوْمُ يَوْمَ عِيدِ فِطْرٍ أَوْ أَضْحًى أَوْ أَيَّامَ التَّشْرِيقِ أَوْ سَافَرَ أَوْ مَرِضَ فَقَدْ وَضَعَ اللَّهُ عَنْهُ الصِّيَامَ فِي هَذِهِ الْأَيَّامِ كُلِّهَا وَ يَصُومُ يَوْماً بَدَلَ يَوْمٍ وَ إِذَا نَذَرَ الرَّجُلُ نَذْراً وَ لَمْ يُسَمِّ شَيْئاً فَهُوَ بِالْخِيَارِ إِنْ شَاءَ تَصَدَّقَ بِشَيْءٍ وَ إِنْ شَاءَ صَلَّى رَكْعَتَيْنِ وَ إِنْ شَاءَ صَامَ يَوْماً و إِنْ شَاءَ أَطْعَمَ مِسْكِيناً رَغِيفاً وَ إِذَا نَذَرَ أَنْ يَتَصَدَّقَ بِمَالٍ كَثِيرٍ وَ لَمْ يُسَمِّ مَبْلَغَهُ فَإِنَّ الْكَثِيرَ ثَمَانُونَ وَ مَا زَادَ لِقَوْلِ اللَّهِ تَعَالَى- لَقَدْ نَصَرَكُمُ اللَّهُ فِي مَواطِنَ كَثِيرَةٍ وَ كَانَتْ ثَمَانِينَ مَوْطِناً وَ إِنْ صَامَ يَوْماً أَوْ شَهْراً لَمْ يُسَمِّهِ فِي النَّذْرِ فَأَفْطَرَ فَلَا كَفَّارَةَ عَلَيْهِ إِنَّمَا عَلَيْهِ أَنْ يَصُومَ مَكَانَهُ يَوْماً مَعْرُوفاً أَوْ شَهْراً مَعْرُوفاً عَلَى حَسَبِ مَا نَذَرَ فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْماً مَعْرُوفاً أَوْ شَهْراً مَعْرُوفاً فَعَلَيْهِ أَنْ يَصُومَ ذَلِكَ الْيَوْمَ أَوْ ذَلِكَ الشَّهْرَ فَإِنْ لَمْ يَصُمْهُ أَوْ صَامَهُ فَأَفْطَرَ فَعَلَيْهِ الْكَفَّارَةُ فَإِنْ نَذَرَ أَنْ يَصُومَ يَوْماً فَوَقَعَ ذَلِكَ الْيَوْمَ عَلَى أَهْلِهِ فَعَلَيْهِ أَنْ يَصُومَ يَوْماً بَدَلَ يَوْمٍ وَ يُعْتِقَ رَقَبَةً مُؤْمِنَةً وَ الْأَعْمَى لَا يُجْزِي فِي الرَّقَبَةِ وَ يُجْزِي الْأَقْطَعُ وَ الْأَشَلُّ وَ الْأَعْرَجُ وَ الْأَعْوَرُ وَ لَا يُجْزِي الْمُقْعَدُ- وَ يَجُوزُ فِي الظِّهَارِ صَبِيٌّ مِمَّنْ وُلِدَ فِي الْإِسْلَامِ فَإِنْ حَلَّفَ رَجُلٌ غَرِيمَهُ أَنْ لَا يَخْرُجَ مِنَ الْبَلَدِ إِلَّا بِعِلْمِهِ فَلَا يَجُوزُ لَهُ أَنْ يَخْرُجَ حَتَّى يُعْلِمَهُ فَإِنْ خَشِيَ أَنْ لَا يَدَعَهُ أَنْ يَخْرُجَ وَ يَقَعَ عَلَيْهِ وَ عَلَى عِيَالِهِ ضَرَرٌ فَلْيَخْرُجْ وَ لَا شَيْءَ عَلَيْهِ وَ إِنِ ادَّعَى رَجُلٌ عَلَى رَجُلٍ مَالًا وَ لَمْ يَكُنْ لَهُ بَيِّنَةٌ وَ كَانَ غَيْرَ مُحِقٍّ فِي دَعْوَاهُ فَإِنْ بَلَغَ مِقْدَارَ ثَلَاثِينَ دِرْهَماً فَلْيُعْطِهِ وَ لَا يَحْلِفْ وَ إِنْ كَانَ أَكْثَرَ مِنْ ثَلَاثِينَ دِرْهَماً فَلْيَحْلِفْ وَ لَا يُعْطِهِ وَ إِذَا كَانَ لِلرَّجُلِ جَارِيَةٌ فَآذَتْهُ امْرَأَتُهُ وَ غَارَتْ عَلَيْهِ فَقَالَ لَهَا هِيَ عَلَيْكِ صَدَقَةٌ فَإِنْ كَانَ جَعَلَهَا لِلَّهِ عَزَّ وَ جَلَّ فَلَيْسَ لَهُ أَنْ يَقْرَبَهَا وَ إِنْ لَمْ يَكُنْ ذَكَرَ اللَّهَ فَهِيَ جَارِيَتُهُ يَصْنَعُ بِهَا مَا يَشَاءُ.

H.4298 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said that a false oath leaves homes deserted of their inhabitants.

[AL SADUQ]

Regarding vows (nadhir), they are of two types. The first type is when a man says, "If such-and-such happens, I will fast, pray, give charity, perform Hajj, or do some act of goodness." In this case, if condition is fulfilled, he has option to either fulfill the vow or leave it, as it is not binding.

The second type is when a man says, "If such-and-such happens, then it is an obligation upon me for the sake of Allah {SWT} to do such-and-such." In this situation,

the vow becomes binding, and he cannot abandon it. He must fulfill it, and if he fails, he is required to offer expiation.

The expiation for breaking a vow is the same as the expiation for breaking an oath, which is to feed ten needy people from the average food that one provides to their own family.

For each needy person, the expiation is either one mudd of food or providing clothing, with each man receiving two garments, or freeing a slave. If one cannot afford these options, then fasting for three days is required. This is expiation for your oaths when you swear and then break them.

If a man vows to fast every Saturday, Sunday, or all days continuously, he is not allowed to abandon it except for a valid reason. He is also not required to fast during travel or illness unless he had specifically intended to include these situations in his vow. If he breaks his fast without a valid reason, he must feed ten needy people for each day missed.

If a man vows to fast on a specific day for the rest of his life, and that day coincides with Eid al-Fitr, Eid al-Adha, or the days of Tashreeq, or if he is traveling or falls ill, Allah {SWT} has exempted him from fasting on these days. Instead, he should fast on another day as a substitute.

If a man makes a vow without specifying what he vowed, he has the choice to fulfill it by giving charity, praying two units of prayer, fasting a day, or feeding a needy person with a loaf of bread.

If a man vows to give a large amount of wealth in charity without specifying the amount, then the definition of "large" is eighty or more, based on the saying of Allah {SWT}, "*Indeed, Allah {SWT} has given you victory in many places"* (Surah At-Tawbah 9:25), where "many" refers to eighty places.

If a man vows to fast for a day or a month without specifying which day or month in his vow, and then breaks his fast, there is no expiation required. Instead, he must fast another specified day or month as a replacement, in accordance with his vow. However, if he vows to fast on a specific, well-known day or month, then he must fast that exact day or month. If he does not fast it or fasts it but then breaks it, he must offer expiation.

If a man vows to fast on a specific day and that day coincides with a day of obligation toward his family, he must fast another day in its place and also free a believing slave. It is important to note that a blind slave does not suffice for expiation, whereas a slave who is missing a limb, such as one who is maimed, crippled, one-eyed, or lame, is acceptable. However, a slave who is completely paralyzed does not fulfill the requirement for expiation.

In the case of ẓihar, it is permissible for a young boy born into Islam to be involved. If a man imposes an oath upon his debtor that he must not leave the town without informing him, then the debtor is not allowed to leave until he notifies the creditor. However, if the debtor fears that the creditor will prevent him from leaving and that this will result in harm to him and his family, he may leave without notifying the creditor, and there is no blame upon him for doing so.

If a man claims money from another man without any evidence and his claim is invalid, then if the amount claimed reaches thirty dirhams, he should give it to the claimant and not take an oath. However, if the amount is more than thirty dirhams, he should take an oath and not give it.

If a man owns a female slave, and his wife is upset by her presence and becomes jealous, leading him to say, "She is charity upon you," then if he made her an offering to Allah {SWT}, the Almighty and Glorious, he is no longer permitted to approach her. However, if he did not mention Allah {SWT} when making the statement, then the female slave remains his property, and he may do with her as he pleases.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.367 • Al-Wafi, Vol.16 p.1046 • Al-Wafi, Vol.26 p.165 • Wasa'il Al-Shi'ah, Vol.23 p.206

HADITH

4299 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ أَجَلَّ اَللَّهَ أَنْ يَحْلِفَ بِهِ كَاذِباً أَعْطَاهُ اَللَّهُ عَزَّ وَ جَلَّ خَيْراً مِمَّا ذَهَبَ مِنْهُ ».

H.4299 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever reveres Allah {SWT} and refrains from swearing a false oath by Him {SWT}, Allah {SWT}, the Almighty and Glorious, will grant him something better than what he has lost."

[REFERENCES] Al-Kafi, Vol.7 p.434 • Man La Yahduruhu Al-Faqih, Vol.3 p.370 • Tahdhib Al-Ahkam, Vol.8 p.282 • Majmu'at Warram, Vol.2 p.267 • Al-Wafi, Vol.16 p.1052 • Wasa'il Al-Shi'ah, Vol.23 p.198 • Wasa'il Al-Shi'ah, Vol.23 p.206

HADITH

4300 - وَ قَالَ أَبُو جَعْفَرٍ اَلْبَاقِرُ عَلَيْهِ اَلسَّلاَمُ : «مَا تَرَكَ عَبْدٌ شَيْئاً لِلَّهِ عَزَّ وَ جَلَّ فَفَقَدَهُ».

H.4300 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"No servant leaves something for the sake of Allah {SWT}, the Almighty and Glorious, and then finds himself in loss because of it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.371 • Al-Wafi, Vol.16 p.1052 • Wasa'il Al-Shi'ah, Vol.23 p.201

HADITH

4301 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ حَلَفَ سِرّاً فَلْيَسْتَثْنِ سِرّاً وَ مَنْ حَلَفَ عَلاَنِيَةً فَلْيَسْتَثْنِ عَلاَنِيَةً».

H.4301 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever takes an oath in private should make an exception in private, and whoever takes an oath publicly should make an exception publicly."

[REFERENCES] Al-Kafi, Vol.7 p.449 • Da'a'im Al-Islam, Vol.2 p.97 • Man La Yahduruhu Al-Faqih, Vol.3 p.371 • Tahdhib Al-Ahkam, Vol.8 p.282 • Awali Al-La'ali, Vol.3 p.446 • Al-Wafi, Vol.11 p.579 • Wasa'il Al-Shi'ah, Vol.23 p.254 • Mustadrak Al-Wasa'il, Vol.16 p.59

HADITH

4302 - وَ سَأَلَ إِسْمَاعِيلُ بْنُ سَعْدٍ أَبَا اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يَحْلِفُ بِالْيَمِينِ وَ ضَمِيرُهُ عَلَى غَيْرِ مَا حَلَفَ قَالَ «اَلْيَمِينُ عَلَى اَلضَّمِيرِ».

يَعْنِي عَلَى ضَمِيرِ الْمَظْلُومِ.

H.4302 - Isma'il ibn Sa'd asked Abu al-Hasan Imam Ar-Ridha {a.s} about a man who swears an oath, but his intention in the oath differs from the apparent wording.
Imam {a.s} said: "The oath is based on the intention."

[AL SADUQ]
This means it is judged according to the intention of the one who is wronged.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.371

HADITH

4303 - وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ ، أَخَاهُ مُوسَى بْنَ جَعْفَرٍ: عَنِ اَلرَّجُلِ يَحْلِفُ وَ يَنْسَى مَا قَالَهُ قَالَ «هُوَ عَلَى مَا نَوَى».

H.4303 - Ali ibn Ja'far asked his brother Imam Musa ibn Jafar Al-Kadhim {a.s} about a man who takes an oath and then forgets what he said.
Imam {a.s} replied: "It is based on what he intended."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.371

HADITH

4304 - وَ رُوِيَ عَنْ سَعْدِ بْنِ اَلْحَسَنِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلرَّجُلِ يَحْلِفُ أَنْ لاَ يَبِيعَ سِلْعَتَهُ بِكَذَا وَ كَذَا ثُمَّ يَبْدُو لَهُ قَالَ «يَبِيعُ وَ لاَ يُكَفِّرُ».

H.4304 - It is narrated from Sa'd ibn al-Hasan, from Abu Abdillah {a.s}, that Imam {a.s} was asked about a man who swears that he will not sell his merchandise for a certain price, but then later changes his mind.
Imam {a.s} said: "He may sell it, and no expiation is required."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.372 • Al-Wafi, V.11 p.555 • Wasa'il Al-Shi'ah, Vol.23 p.243

HADITH

4305 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَلَيْهِ اَلسَّلاَمُ قَالَ : «إِذَا قَالَ اَلرَّجُلُ أَقْسَمْتُ أَوْ حَلَفْتُ فَلَيْسَ بِشَيْءٍ حَتَّى يَقُولَ أَقْسَمْتُ بِاللَّهِ أَوْ حَلَفْتُ بِاللَّهِ».

H.4305 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s}who said: "If a man says, 'I swear' or 'I have taken an oath,' it is of no consequence until he says, 'I swear by Allah {SWT}' or 'I have taken an oath by Allah {SWT}.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.372 • Tahdhib Al-Ahkam, Vol.8 p.301 • Al-Wafi, Vol.11 p.570 • Wasa'il Al-Shi'ah, Vol.23 p.234

HADITH

4306 - وَ رَوَى أَبَانٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ قَالَ عَلَيَّ بَدَنَةٌ وَ لَمْ يُسَمِّ أَيْنَ يَنْحَرُهَا قَالَ «إِنَّمَا اَلنَّحْرُ بِمِنًى يَقْسِمُهَا بَيْنَ اَلْمَسَاكِينِ».

H.4306 - Aban narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a man who said: "I am obligated to offer a camel," but did not specify where it should be slaughtered.
Imam {a.s} said: "The slaughtering is to be done at Mina, and it should be distributed among the needy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.372 • Awali Al-La'ali, Vol.2 p.315

HADITH

4307 - وَ رَوَى مُحَمَّدُ بْنُ يَحْيَى اَلْخَزَّازُ عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ كَرِهَ أَنْ يُطْعِمَ اَلرَّجُلُ فِي كَفَّارَةِ اَلْيَمِينِ قَبْلَ اَلْحِنْثِ ».

H.4307 - Muhammad ibn Yahya al-Khazzaz narrated from Talhah ibn Zayd, from Imam Jafar Al-Sadiq {a.s} from his father, Imam Al-Baqir {a.s} that Imam Ali ibn Abi Talib {a.s} disliked that a man should feed others as expiation for an oath before breaking it.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.372 • Tahdhib Al-Ahkam, Vol.8 p.299 • Al-Istibsar, Vol.4 p.44 • Al-Wafi, Vol.11 p.597 • Wasa'il Al-Shi'ah, Vol.22 p.389 • Wasa'il Al-Shi'ah, Vol.23 p.288

HADITH

4308 - وَ سَأَلَ مُحَمَّدُ بْنُ مَنْصُورٍ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : عَنْ رَجُلٍ نَذَرَ صِيَاماً فَثَقُلَ اَلصَّوْمُ عَلَيْهِ قَالَ «تَصَدَّقُ عَنْ كُلِّ يَوْمٍ بِمُدٍّ مِنْ حِنْطَةٍ».

H.4308 - Muhammad ibn Mansur asked Imam Musa ibn Jafar Al-Kadhim {a.s} about a man who made a vow to fast but found fasting to be too difficult for him.
Imam {a.s} said: "He should give charity for each day in amount of one mudd of wheat."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.372

HADITH

4309 - وَ رَوَى طَلْحَةُ بْنُ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَةٍ حُبْلَى شَرِبَتْ دَوَاءً فَأَسْقَطَتْ قَالَ «تُكَفِّرُ عَنْهُ».

H.4309 - Talhah ibn Zayd narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a pregnant woman who drank medicine and caused a miscarriage.
Imam {a.s} said: "She must offer expiation for it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.373 • Al-Wafi, Vol.16 p.580 • Wasa'il Al-Shi'ah, Vol.22 p.374

HADITH

4310 - وَ سَمِعَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ رَجُلاً يَقُولُ أَنَا بَرِيءٌ مِنْ دِينِ مُحَمَّدٍ فَقَالَ لَهُ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «وَيْلَكَ إِذَا بَرِئْتَ مِنْ دِينِ مُحَمَّدٍ فَعَلَى دِينِ مَنْ تَكُونُ» فَمَا كَلَّمَهُ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ حَتَّى مَاتَ.

H.4310 - The Messenger of Allah {SWT}, peace be upon him and his family, heard a man saying, "I am free from the religion of Muhammad."
The Messenger of Allah {SWT}, peace be upon him and his family, said to him: "Woe to you! If you are free from the religion of Muhammad, then whose religion will you follow?"
The Messenger of Allah {SWT}, peace be upon him and his family, never spoke to him again until he died.

[REFERENCES] Al-Kafi, Vol.7 p.438 • Man La Yahduruhu Al-Faqih, Vol.3 p.373 • Tahdhib Al-Ahkam, Vol.8 p.284 • Al-Wafi, Vol.11 p.568 • Al-Wafi, Vol.16 p.1061 • Wasa'il Al-Shi'ah, Vol.23 p.212

HADITH

4311 - رَوَى مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنْ سَلاَّمِ بْنِ سَهْمٍ اَلْمُتَعَبِّدِ أَنَّهُ سَمِعَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ لِسَدِيرٍ : «يَا سَدِيرُ إِنَّهُ مَنْ حَلَفَ بِاللَّهِ كَاذِباً كَفَرَ وَ مَنْ حَلَفَ بِاللَّهِ صَادِقاً أَثِمَ إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ﴿ وَ لاٰ تَجْعَلُوا اَللّٰهَ عُرْضَةً لِأَيْمٰانِكُمْ ﴾ »

H.4311 - Muhammad ibn Isma'il narrated from Salam ibn Sahm, the devout elder, that he heard Abu Abdillah {a.s} say to Sadir:
"O Sadir, whoever swears by Allah {SWT} falsely has committed disbelief, and whoever swears by Allah {SWT} truthfully has sinned. Indeed, Allah {SWT}, the Almighty and Glorious, says:
'And do not make Allah {SWT} an excuse in your oaths' (Surah Al-Baqarah 2:224)."

[REFERENCES] Al-Kafi, Vol.7 p.434 • Man La Yahduruhu Al-Faqih, Vol.3 p.373 • Al-Ikhtisas, Vol.1 p.25 • Tahdhib Al-Ahkam, Vol.8 p.282 • Al-Wafi, Vol.16 p.1052 • Wasa'il Al-Shi'ah, Vol.23 p.198 • Tafsir Al-Burhan, Vol.1 p.467 • Bihar Al-Anwar, Vol.101 p.283 • Tafsir Nur Al-Thaqalayn, Vol.1 p.218 • Tafsir Kanz Al-Daqaiq, Vol.2 p.337

HADITH

4312 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ اَلْقَاسِمِ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «لاَ يَمِينَ فِي غَضَبٍ وَ لاَ فِي قَطِيعَةِ رَحِمٍ وَ لاَ فِي جَبْرٍ وَ لاَ فِي إِكْرَاهٍ» قَالَ قُلْتُ أَصْلَحَكَ اَللَّهُ فَمَا فَرْقٌ بَيْنَ اَلْإِكْرَاهِ وَ اَلْجَبْرِ قَالَ «اَلْجَبْرُ مِنَ اَلسُّلْطَانِ يَكُونُ وَ اَلْإِكْرَاهُ مِنَ اَلزَّوْجَةِ وَ اَلْأَبِ وَ اَلْأُمِّ وَ لَيْسَ ذَلِكَ بِشَيْءٍ».

H.4312 - Abdullah ibn al-Qasim narrated from Abdullah ibn Sinan, who said that Abu Abdillah {a.s} said: "There is no valid oath taken in anger, nor in severing ties of kinship, nor under coercion, nor under compulsion."
I asked: “May Allah {SWT} keep you well, what is the difference between coercion and compulsion?"
Imam {a.s} replied: "Compulsion is from a ruler, while coercion can come from a wife, a father, or a mother, and such an oath is of no consequence."

[REFERENCES] Al-Kafi, Vol.7 p.442 • Al-Kafi, Vol.7 p.442 • Man La Yahduruhu Al-Faqih, Vol.3 p.373 • Ma’ani Al-Akhbar, Vol.1 p.166 • Ma’ani Al-Akhbar, Vol.1 p.389 • Tahdhib Al-Ahkam, Vol.8 p.286 • Al-Wafi, Vol.11 p.563 • Wasa’il Al-Shi’ah, Vol.23 p.235 • Bihar Al-Anwar, Vol.101 p.219 • Bihar Al-Anwar, Vol.101 p.219

HADITH

4313 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اِحْلِفْ بِاللَّهِ كَاذِباً وَ أَنْجِ أَخَاكَ مِنَ اَلْقَتْلِ ».

H.4313 - And Imam Ali ibn Abi Talib {a.s} said:
"Swear by Allah {SWT} falsely and save your brother from being killed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.374

HADITH

4314 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ جَبَلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يَجْعَلُ عَلَيْهِ صِيَاماً فِي نَذْرٍ فَلاَ يَقْوَى قَالَ «يُعْطِي مَنْ يَصُومُ عَنْهُ كُلَّ يَوْمٍ مُدَّيْنِ».

H.4314 - Abdullah ibn Jabalah narrated from Ishaq ibn Ammar, from Abu Abdillah {a.s}, regarding a man who makes fasting obligatory upon himself through a vow but is unable to fulfill it.
Imam {a.s} said: "He should give two mudds of food for each day to someone who will fast on his behalf."

[REFERENCES] Al-Kafi, Vol.7 p.457 • Man La Yahduruhu Al-Faqih, Vol.3 p.374 • Tahdhib Al-Ahkam, Vol.8 p.306 • Awali Al-La’ali, Vol.2 p.315 • Awali Al-La’ali, Vol.3 p.409 • Al-Wafi, Vol.11 p.521 • Wasa’il Al-Shi’ah, Vol.23 p.312

HADITH

4315 - وَ رَوَى مُحَمَّدُ بْنُ عَبْدِ اَللَّهِ بْنِ مِهْرَانَ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ : سَأَلْتُهُ عَنِ اَلرَّجُلِ يَقُولُ هُوَ يُهْدِي إِلَى اَلْكَعْبَةِ كَذَا وَ كَذَا مَا عَلَيْهِ إِذَا كَانَ لاَ يَقْدِرُ عَلَى مَا يُهْدِيهِ قَالَ «إِنْ كَانَ جَعَلَهُ نَذْراً وَ لاَ يَمْلِكُهُ فَلاَ شَيْءَ عَلَيْهِ وَ إِنْ كَانَ مِمَّا يَمْلِكُ غُلاَماً أَوْ جَارِيَةً أَوْ شِبْهَهُمَا بَاعَ وَ اِشْتَرَى بِثَمَنِهِ طِيباً فَيُطَيِّبُ بِهِ اَلْكَعْبَةَ وَ إِنْ كَانَتْ دَابَّةً فَلَيْسَ عَلَيْهِ شَيْءٌ».

H.4315 - Muhammad ibn Abdullah ibn Mihran narrated from Ali ibn Ja'far, from his brother Imam Musa ibn Jafar Al-Kadhim {a.s}, who said:
I asked him about a man who says that he will offer such-and-such as a gift to the Ka'bah, but he is unable to fulfill it.
Imam {a.s} said: "If he made it a vow and does not own it, then there is nothing upon him. However, if it is something he owns, such as a slave, a maid, or something similar, he should sell it and use the proceeds to buy perfume, which he will use to anoint the Ka'bah. But if it is an animal, then there is nothing required of him."

[REFERENCES] Masa'il Ali Ibn Ja'far, Vol.1 p.174 • Man La Yahduruhu Al-Faqih, Vol.3 p.374 • Tahdhib Al-Ahkam, Vol.8 p.310 • Al-Istibsar, Vol.4 p.55 • Al-Wafi, Vol.11 p.536 • Wasa'il Al-Shi'ah, Vol.23 p.321

HADITH

4316 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ سُئِلَ عَنْ رَجُلٍ نَذَرَ أَنْ يَمْشِيَ إِلَى اَلْبَيْتِ فَمَرَّ بِمَعْبَرٍ قَالَ «فَلْيَقُمْ فِي اَلْمِعْبَرِ حَتَّى يَجُوزَهُ».

H.4316 - Al-Sakuni narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam Ali ibn Abi Talib {a.s} was asked about a man who vowed to walk to the House of Allah {SWT} but encountered a river crossing along the way.
Imam {a.s} said: "Let him stand in the crossing until he passes it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.374

HADITH

4317 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ لِيُونُسَ بْنِ ظَبْيَانَ : «يَا يُونُسُ لاَ تَحْلِفْ بِالْبَرَاءَةِ مِنَّا فَإِنَّهُ مَنْ حَلَفَ بِالْبَرَاءَةِ مِنَّا صَادِقاً كَانَ أَوْ كَاذِباً فَقَدْ بَرِئَ مِنَّا».

H.4317 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said to Yunus ibn Zabyan:
"O Yunus, do not swear by disassociating from us, for whoever swears by disassociating from us, whether truthfully or falsely, has indeed disassociated from us."

[REFERENCES] Al-Kafi, Vol.7 p.438 • Man La Yahduruhu Al-Faqih, Vol.3 p.375 • Tahdhib Al-Ahkam, Vol.8 p.284 • Wasa'il Al-Shi'ah, Vol.23 p.213

HADITH

4318 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «مَنْ بَرِئَ مِنَ اَللَّهِ عَزَّ وَ جَلَّ صَادِقاً كَانَ أَوْ كَاذِباً فَقَدْ بَرِئَ اَللَّهُ مِنْهُ».

H.4318 - Imam {a.s} also said: "Whoever disassociates from Allah {SWT}, the Almighty and Glorious, whether truthfully or falsely, then Allah {SWT} has disassociated from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.375 • Wasa'il Al-Shi'ah, Vol.23 p.213

HADITH

4319 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ : سَأَلْتُهُ عَنِ اَلْأَحْكَامِ فَقَالَ «يَجُوزُ عَلَى كُلِّ دَيِّنٍ بِمَا يَسْتَحْلِفُونَ».

H.4319 - Al-Ala narrated from Muhammad ibn Muslim who said: I asked him about oaths. Imam {a.s} said: "It is permissible to take an oath with every religious group according to what they regard as binding for oaths."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.54 • Man La Yahduruhu Al-Faqih, Vol.3 p.375 • Bihar Al-Anwar, Vol.101 p.289 • Mustadrak Al-Wasa'il, Vol.16 p.69

HADITH

4320 - وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ فِيمَنِ اِسْتَحْلَفَ رَجُلاً مِنْ أَهْلِ اَلْكِتَابِ بِيَمِينِ صَبْرٍ أَنْ يَسْتَحْلِفَهُ بِكِتَابِهِ وَ مِلَّتِهِ ».

H.4320 - Commander of the Faithful {a.s} ruled concerning a case where someone required a man from the People of the Book to take a solemn oath.
Imam {a.s} said that the oath should be taken according to his scripture and his religion.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.375 • Wasa'il Al-Shi'ah, Vol.23 p.268

HADITH

4321 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مُسْكَانَ عَنْ بَدْرِ بْنِ خَلِيلٍ قَالَ : سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ كَانَ فِي حَبْسٍ فَقَالَ لِلَّهِ عَلَيَّ إِنْ خَرَجْتُ مِنْ حَبْسِي هَذَا أَنْ أَصُومَ سَنَةً فَخَرَجَ اَلرَّجُلُ مِنَ اَلْحَبْسِ وَ خَافَ أَنْ لاَ يُمْكِنَهُ أَنْ يَصُومَ سَنَةً كَيْفَ يَصْنَعُ قَالَ «يَصُومُ شَهْراً وَ مِنَ اَلشَّهْرِ اَلثَّانِي أَيَّاماً فَيَكُونُ قَدْ صَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ ثُمَّ يَصُومُ بَعْدَ ذَلِكَ فَمَتَى أَفْطَرَ يَوْماً تَصَدَّقَ بِمُدٍّ وَ مَتَى صَامَ حُسِبَ لَهُ حَتَّى يَتِمَّ لَهُ سَنَةٌ».

H.4321 - Abdullah ibn Muskan narrated from Badr ibn Khalil, who said that Abu Abdillah {a.s} was asked about a man who was imprisoned and vowed, saying, "It is upon me, for the sake of Allah {SWT}, that if I am released from this prison, I will fast for a year." The man was then released from prison but feared that he might not be able to fast for an entire year.
Imam {a.s} said: "He should fast for one month, and then from the second month, he should fast a few days so that he completes two consecutive months. After that, he should continue fasting, and whenever he misses a day, he should give a mudd of food in charity. Whenever he fasts, it will be counted for him until he completes a year."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.376 • Al-Wafi, Vol.11 p.517

HADITH

4322 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزِيعٍ عَنْ أَبِي جَعْفَرٍ اَلثَّانِي عَلَيْهِ اَلسَّلاَمُ قَالَ : قُلْتُ لَهُ رَجُلٌ مَاتَ وَ عَلَيْهِ صَوْمٌ يُصَامُ عَنْهُ أَوْ يُتَصَدَّقُ قَالَ «يُتَصَدَّقُ عَنْهُ فَإِنَّهُ أَفْضَلُ».

H.4322 - It is narrated from Muhammad ibn Isma'il ibn Bazee' that he said:
I asked Abu Ja'far al-Thani {a.s} about a man who died and had fasting obligations upon him. Should fasting be done on his behalf, or should charity be given on his behalf?
Imam {a.s} said: "Charity should be given on his behalf, for it is better."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.376 • Al-Wafi, V.11 p.349 • Awalim Al-Uloom, Vol.23 p.421

HADITH

4323 - وَ رُوِيَ عَنْ عَلِيِّ بْنِ مَهْزِيَارَ قَالَ : قُلْتُ لِأَبِي جَعْفَرٍ اَلثَّانِي عَلَيْهِ اَلسَّلاَمُ قَوْلُهُ عَزَّ وَ جَلَّ ۝ وَ اَللَّيْلِ إِذٰا يَغْشىٰ وَ اَلنَّهٰارِ إِذٰا تَجَلّٰى ۝ وَ قَوْلُهُ عَزَّ وَ جَلَّ ۝ وَ اَلنَّجْمِ إِذٰا هَوىٰ ۝ وَ مَا أَشْبَهَ هَذَا فَقَالَ «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يُقْسِمُ مِنْ خَلْقِهِ بِمَا يَشَاءُ وَ لَيْسَ لِخَلْقِهِ أَنْ يُقْسِمُوا إِلاَّ بِهِ عَزَّ وَ جَلَّ».

H.4323 - It is narrated from Ali ibn Mahziyar that he said: I asked Abu Ja'far al-Thani {a.s} about the saying of Allah {SWT}, the Almighty and Glorious;
"By the night when it covers, and by the day when it appears" (Surah Al-Lail 92:1-2) and His saying, *"By the star when it falls*" (Surah An-Najm 53:1), and other similar verses.
Imam {a.s} said: "Indeed, Allah {SWT}, the Almighty and Glorious, may swear by whatever He {SWT} wills from His {SWT} creation, but His {SWT} creation is only permitted to swear by Him {SWT}, the Almighty and Glorious."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.376 • Wasa'il Al-Shi'ah, Vol.23 p.259 • Tafsir Al-Burhan, Vol.5 p.676 • Tafsir Nur Al-Thaqalayn, Vol.5 p.146 • Tafsir Nur Al-Thaqalayn, Vol.5 p.499 • Tafsir Nur Al-Thaqalayn, Vol.5 p.588 • Tafsir Kanz Al-Daqaiq, Vol.14 p.304 • Awalim Al-Uloom, Vol.23 p.488

HADITH

[الكفّارات]

EXPIATIONS

4324 - وَ رَوَى مُحَمَّدٌ اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : «لاَ يَجُوزُ فِي اَلْقَتْلِ إِلاَّ رَجُلٌ وَ يَجُوزُ فِي اَلظِّهَارِ وَ كَفَّارَةِ اَلْيَمِينِ صَبِيٌّ».

H.4324 - Muhammad al-Halabi narrated from Abu Abdillah {a.s} who said:
"In cases of murder, only an adult man is permissible for expiation. However, in cases of ẓihar and the expiation of oaths, a young boy is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.377 • Al-Wafi, Vol.11 p.593 • Wasa'il Al-Shi'ah, Vol.22 p.370

HADITH

4325 - وَ سَأَلَ إِسْحَاقُ بْنُ عَمَّارٍ أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ : فَقَالَ يُعْطَى ضَعِيفاً مِنْ غَيْرِ أَهْلِ اَلْوَلاَيَةِ قَالَ «نَعَمْ وَ أَهْلُ اَلْوَلاَيَةِ أَحَبُّ إِلَيَّ ».

يَعْنِي فِي الْكَفَّارَاتِ.

H.4325 - Ishaq ibn Ammar asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) whether it is permissible to give expiation to someone who is weak but not from the people of wilayah (those who follow the Ahlulbayt).
Imam {a.s} said: "Yes, but the people of wilayah are more beloved to me."

[AL SADUQ]
This statement refers to giving expiation in cases where it is required.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.377

HADITH

4326 - وَ رُوِيَ عَنِ اَلْمُفَضَّلِ بْنِ عُمَرَ اَلْجُعْفِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ : «فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ۝ فَلاٰ أُقْسِمُ بِمَوٰاقِعِ اَلنُّجُومِ وَ إِنَّهُ لَقَسَمٌ لَوْ تَعْلَمُونَ عَظِيمٌ ۝ يَعْنِي بِهِ اَلْيَمِينَ بِالْبَرَاءَةِ مِنَ اَلْأَئِمَّةِ عَلَيْهِمُ اَلسَّلاَمُ يَحْلِفُ بِهَا اَلرَّجُلُ يَقُولُ إِنَّ ذَلِكَ عِنْدَ اَللَّهِ عَظِيمٌ».

وَ هَذَا الْحَدِيثُ فِي نَوَادِرِ الْحِكْمَةِ.

H.4326 - Al-Mufaddal ibn Umar al-Ju'fi narrated that he heard Abu Abdillah {a.s} say regarding the words of Allah {SWT}, the Almighty and Glorious:
"But no! I swear by the setting of the stars. And indeed, it is a mighty oath - if you only knew" (Surah Al-Waqi'ah 56:75-76).
Imam {a.s} said: "It refers to the oath of disassociation from the Imams (peace be upon them), where a man swears by it. Verily, such an oath is considered great in the sight of Allah {SWT}."

[AL SADUQ]
This narration is included in Nawadir al-Hikmah (Rare Wisdom).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.377 • Wasa'il Al-Shi'ah, Vol.23 p.214

HADITH

4327 - وَ رَوَى حَفْصُ بْنُ عُمَرَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ : سُئِلَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ مَا كَفَّارَةُ اَلِاغْتِيَابِ قَالَ «تَسْتَغْفِرُ لِمَنِ اِغْتَبْتَهُ كَمَا ذَكَرْتَهُ ».

H.4327 - Hafs ibn Umar narrated from Abu Abdillah {a.s} that the Messenger of Allah {SWT} (peace be upon him and his family) was asked: "What is the expiation for backbiting?"
Imam {a.s} said: "You should seek forgiveness for the one you have backbitten, just as you mentioned him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.377 • Wasa'il Al-Shi'ah, Vol.22 p.403

HADITH

4328 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كَفَّارَةُ اَلضَّحِكِ أَنْ يَقُولَ: اَللَّهُمَّ لاَ تَمْقُتْنِي ».

H.4328 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The expiation for excessive laughter is to say, 'O Allah {SWT}, do not despise me.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.377

HADITH

4329 - وَ- قَالَ الصَّادِقُ عَلَيْهِ اَلسَّلاَمُ كَفَّارَةُ عَمَلِ السُّلْطَانِ قَضَاءُ حَوَائِجِ الْإِخْوَانِ.

H.4329 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The expiation for working with the ruler is to fulfill the needs of your brothers."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.378

HADITH

4330 - وَ كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ رَضِيَ اَللَّهُ عَنْهُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : رَجُلٌ حَلَفَ بِالْبَرَاءَةِ مِنَ اَللَّهِ عَزَّ وَ جَلَّ أَوْ مِنْ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَحَنِثَ مَا تَوْبَتُهُ وَ مَا كَفَّارَتُهُ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «يُطْعِمُ عَشَرَةَ مَسَاكِينَ لِكُلِّ مِسْكِينٍ مُدٌّ وَ يَسْتَغْفِرُ اَللَّهَ عَزَّ وَ جَلَّ».

H.4330 - Muhammad ibn al-Hasan al-Saffar, may Allah {SWT} be pleased with him, wrote to Abu Muhammad al-Hasan ibn Ali {a.s} asking about a man who swore an oath of disassociation from Allah {SWT}, the Almighty and Glorious, or from the Messenger of Allah {SWT} (peace be upon him and his family) and then broke his oath. What is his repentance and expiation?
Imam {a.s} responded: "He should feed ten needy people, giving each needy person one mudd of food, and seek forgiveness from Allah {SWT}, the Almighty and Glorious."

[REFERENCES] Al-Kafi, Vol.7 p.461 • Man La Yahduruhu Al-Faqih, Vol.3 p.378 • Tahdhib Al-Ahkam, Vol.8 p.299 • Wasa'il Al-Shi'ah, Vol.22 p.390 • Wasa'il Al-Shi'ah, Vol.23 p.213

HADITH

4331 - وَ رَوَى عَبْدُ اَلْوَاحِدِ بْنُ مُحَمَّدِ بْنِ عُبْدُوسٍ اَلنَّيْسَابُورِيُّ رَضِيَ اَللَّهُ عَنْهُ عَنْ عَلِيِّ بْنِ مُحَمَّدِ بْنِ قُتَيْبَةَ عَنْ حَمْدَانَ بْنِ سُلَيْمَانَ عَنْ عَبْدِ اَلسَّلاَمِ بْنِ صَالِحٍ اَلْهَرَوِيِّ قَالَ : قُلْتُ لِلرِّضَا عَلَيْهِ اَلسَّلاَمُ يَا اِبْنَ رَسُولِ اَللَّهِ قَدْ رُوِيَ لَنَا عَنْ آبَائِكَ عَلَيْهِمُ اَلسَّلاَمُ «فِيمَنْ جَامَعَ فِي شَهْرِ رَمَضَانَ أَوْ أَفْطَرَ فِيهِ ثَلاَثُ كَفَّارَاتٍ» وَ رُوِيَ عَنْهُمْ عَلَيْهِمُ اَلسَّلاَمُ أَيْضاً «كَفَّارَةٌ وَاحِدَةٌ» فَبِأَيِّ اَلْخَبَرَيْنِ نَأْخُذُ فَقَالَ «بِهِمَا جَمِيعاً مَتَى جَامَعَ اَلرَّجُلُ حَرَاماً أَوْ أَفْطَرَ عَلَى حَرَامٍ فِي شَهْرِ رَمَضَانَ فَعَلَيْهِ ثَلاَثُ كَفَّارَاتٍ عِتْقُ رَقَبَةٍ وَ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ إِطْعَامُ سِتِّينَ مِسْكِيناً وَ قَضَاءُ ذَلِكَ اَلْيَوْمِ وَ إِنْ كَانَ نَكَحَ حَلاَلاً أَوْ أَفْطَرَ عَلَى حَلاَلٍ فَعَلَيْهِ كَفَّارَةٌ وَاحِدَةٌ وَ قَضَاءُ ذَلِكَ اَلْيَوْمِ وَ إِنْ كَانَ نَاسِياً فَلاَ شَيْءَ عَلَيْهِ».

H.4331 - Abd al-Wahid ibn Muhammad ibn Abdus al-Naysaburi, may Allah {SWT} be pleased with him, narrated from Ali ibn Muhammad ibn Qutaybah, from Hamdan ibn Sulayman, from Abd al-Salam ibn Salih al-Harawi, who said:
I asked Imam Ali ibn Musa Ar-Ridha {a.s}:
"O son of the Messenger of Allah {SWT}, it has been narrated to us from your forefathers (peace be upon them) that for someone who has intercourse or breaks their fast in the month of Ramadan, there are three expiations. It has also been narrated from them (peace be upon them) that there is only one expiation. Which of the two narrations should we follow?"
Imam {a.s} said: "Both are correct. If a person has intercourse unlawfully or breaks their fast by consuming something unlawful during the month of Ramadan, then three expiations are required, freeing a slave, fasting for two consecutive months, and feeding sixty needy people. In addition, the person must make up the fast for that day. However, if the person had lawful intercourse or broke their fast by consuming something lawful, then only one expiation is required, along with making up the fast for that day.
And if the person did so out of forgetfulness, then nothing is required of him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.378 • Uyun Al-Akhbar, Vol.1 p.314 • Ma'ani Al-Akhbar, Vol.1 p.389 • Tahdhib Al-Ahkam, Vol.4 p.209 • Al-Istibsar, Vol.2 p.97 • Awali Al-La'ali, Vol.2 p.315 • Al-Wafi, Vol.11 p.279 • Wasa'il Al-Shi'ah, Vol.10 p.53 • Bihar Al-Anwar, Vol.93 p.280

HADITH

4332 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «مَنْ حَلَفَ فَقَالَ لاَ وَ رَبِّ اَلْمُصْحَفِ فَعَلَيْهِ كَفَّارَةٌ وَاحِدَةٌ».

H.4332 - Commander of the Faithful {a.s} said:
"Whoever takes an oath and says, 'No, by the Lord {AZJ} of the Mushaf (the Quran),' must offer a single expiation."

[REFERENCES] Al-Kafi, Vol.7 p.461 • Man La Yahduruhu Al-Faqih, Vol.3 p.378 • Tahdhib Al-Ahkam, Vol.8 p.294 • Tahdhib Al-Ahkam, Vol.8 p.302 • Al-Wafi, Vol.11 p.591 • Wasa'il Al-Shi'ah, Vol.23 p.276

HADITH

4333 - وَ رَوَى حَنَانُ بْنُ سَدِيرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ : «كُلُّ ذَنْبٍ يُكَفِّرُهُ اَلْقَتْلُ فِي سَبِيلِ اَللَّهِ إِلاَّ اَلدَّيْنَ لاَ كَفَّارَةَ لَهُ إِلاَّ اَلْأَدَاءُ أَوْ يُرْضَى صَاحِبُهُ أَوْ يَعْفُوَ اَلَّذِي لَهُ اَلْحَقُّ».

H.4333 - Hanan ibn Sadir narrated from Abu Ja'far Imam Al-Baqir {a.s} that he said: "Every sin is expiated by being killed in the way of Allah {SWT}, except for debt, there is no expiation for it except its repayment, the satisfaction of the creditor, or forgiveness by the one to whom the right belongs."

[REFERENCES] Al-Kafi, Vol.5 p.94 • Man La Yahduruhu Al-Faqih, Vol.3 p.378 • Al-Khisal, Vol.1 p.12 • Ilal Al-Shara'i', Vol.2 p.528 • Tahdhib Al-Ahkam, Vol.6 p.184 • Majmu'at Warram, Vol.2 p.7 • Al-Wafi, Vol.18 p.785 • Wasa'il Al-Shi'ah, Vol.18 p.324 • Al-Fusul Al-Muhimmah, Vol.2 p.262 • Bihar Al-Anwar, Vol.97 p.10

HADITH

4334 - وَ رُوِيَ عَنْ جَمِيلِ بْنِ صَالِحٍ قَالَ : كَانَتْ عِنْدِي جَارِيَةٌ بِالْمَدِينَةِ فَارْتَفَعَ طَمْثُهَا فَجَعَلْتُ لِلَّهِ عَزَّ وَ جَلَّ عَلَيَّ نَذْراً إِنْ هِيَ حَاضَتْ فَعَلِمْتُ بَعْدُ أَنَّهَا حَاضَتْ قَبْلَ أَنْ أَجْعَلَ اَلنَّذْرَ عَلَيَّ فَكَتَبْتُ إِلَى أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ أَنَا بِالْمَدِينَةِ فَأَجَابَنِي «إِنْ كَانَتْ حَاضَتْ قَبْلَ اَلنَّذْرِ فَلاَ نَذْرَ عَلَيْكَ وَ إِنْ كَانَتْ حَاضَتْ بَعْدَ اَلنَّذْرِ فَعَلَيْكَ ».

H.4334 - Jamil ibn Salih narrated that he had a female slave in Medina whose menstruation had stopped. He made a vow to Allah {SWT}, the Almighty and Glorious, that if she began to menstruate, he would fulfill a certain obligation.
Later, he learned that she had already menstruated before he made the vow. He wrote to Abu Abdillah {a.s} while he was in Medina, asking for guidance.
Abu Abdillah {a.s} replied: "If she had menstruated before the vow, then there is no obligation upon you. However, if she menstruated after the vow, then the vow is binding upon you."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.43 • Al-Kafi, Vol.7 p.455 • Man La Yahduruhu Al-Faqih, Vol.3 p.379 • Tahdhib Al-Ahkam, Vol.8 p.303 • Al-Wafi, Vol.11 p.524 • Wasa'il Al-Shi'ah, Vol.23 p.301 • Bihar Al-Anwar, Vol.101 p.240 • Mustadrak Al-Wasa'il, Vol.16 p.86

HADITH

4335 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «كَفَّارَاتُ اَلْمَجَالِسِ أَنْ تَقُولَ عِنْدَ قِيَامِكَ مِنْهَا:
۞ سُبْحَانَ رَبِّكَ رَبِّ اَلْعِزَّةِ عَمَّا يَصِفُونَ وَ سَلاَمٌ عَلَى اَلْمُرْسَلِينَ وَ اَلْحَمْدُ لِلَّهِ رَبِّ اَلْعَالَمِينَ ۞ »

H.4335 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"The expiation for gatherings is to say upon leaving them: *'Glory be to your Lord {AZJ}, the Lord {AZJ} of Honor, above what they describe. And peace be upon the messengers. And all praise is due to Allah {SWT}, the Lord {AZJ} of the worlds.*' (Surah As-Saffat 37:180-182)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.379 • Wasa'il Al-Shi'ah, Vol.22 p.405

BOOK OF MARRIAGE (NIKAH)

كِتَابُ النِّكَاحِ

CHAPTER 96 – CHAPTER ON THE BEGINNING OF MARRIAGE AND ITS ORIGIN

بَابُ بَدْءِ النِّكَاحِ وَ أَصْلِهِ

HADITH 4336 – 4338

4336 - رُوِيَ عَنْ زُرَارَةَ بْنِ أَعْيَنَ أَنَّهُ قَالَ: سُئِلَ أَبُو عَبْدِ اَللّٰهِ عَلَيْهِ اَلسَّلاَمُ عَنْ خَلْقِ حَوَّاءَ وَ قِيلَ لَهُ إِنَّ أُنَاساً عِنْدَنَا يَقُولُونَ، إِنَّ اَللّٰهَ عَزَّ وَ جَلَّ خَلَقَ حَوَّاءَ مِنْ ضِلْعِ آدَمَ اَلْأَيْسَرِ اَلْأَقْصَى فَقَالَ «سُبْحَانَ اَللّٰهِ وَ تَعَالَى عَنْ ذَلِكَ عُلُوّاً كَبِيراً أَ يَقُولُ مَنْ يَقُولُ هَذَا إِنَّ اَللّٰهَ تَبَارَكَ وَ تَعَالَى لَمْ يَكُنْ لَهُ مِنَ اَلْقُدْرَةِ مَا يَخْلُقُ لِآدَمَ زَوْجَةً مِنْ غَيْرِ ضِلْعِهِ وَ يَجْعَلُ لِلْمُتَكَلِّمِ مِنْ أَهْلِ اَلتَّشْنِيعِ سَبِيلاً إِلَى اَلْكَلاَمِ أَنْ يَقُولَ إِنَّ آدَمَ كَانَ يَنْكِحُ بَعْضُهُ بَعْضاً إِذَا كَانَتْ مِنْ ضِلْعِهِ مَا لِهَؤُلاَءِ حَكَمَ اَللّٰهُ بَيْنَنَا وَ بَيْنَهُمْ» ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ «إِنَّ اَللّٰهَ تَبَارَكَ وَ تَعَالَى لَمَّا خَلَقَ آدَمَ عَلَيْهِ اَلسَّلاَمُ مِنْ طِينٍ وَ أَمَرَ اَلْمَلاَئِكَةَ فَسَجَدُوا لَهُ أَلْقَى عَلَيْهِ اَلسُّبَاتَ ثُمَّ اِبْتَدَعَ لَهُ حَوَّاءَ فَجَعَلَهَا فِي مَوْضِعِ اَلنُّقْرَةِ اَلَّتِي بَيْنَ وَرِكَيْهِ وَ ذَلِكَ لِكَيْ تَكُونَ اَلْمَرْأَةُ تَبَعاً لِلرَّجُلِ فَأَقْبَلَتْ تَتَحَرَّكُ فَانْتَبَهَ لِتَحَرُّكِهَا فَلَمَّا اِنْتَبَهَ نُودِيَتْ أَنْ تَنَحَّيْ عَنْهُ فَلَمَّا نَظَرَ إِلَيْهَا نَظَرَ إِلَى خَلْقٍ حَسَنٍ يُشْبِهُ صُورَتَهُ غَيْرَ أَنَّهَا أُنْثَى فَكَلَّمَهَا فَكَلَّمَتْهُ بِلُغَتِهِ فَقَالَ لَهَا مَنْ أَنْتِ قَالَتْ خَلْقٌ خَلَقَنِي اَللّٰهُ كَمَا تَرَى فَقَالَ آدَمُ عَلَيْهِ اَلسَّلاَمُ عِنْدَ ذَلِكَ يَا رَبِّ مَا هَذَا اَلْخَلْقُ اَلْحَسَنُ اَلَّذِي قَدْ آنَسَنِي قُرْبُهُ وَ اَلنَّظَرُ إِلَيْهِ فَقَالَ اَللّٰهُ تَبَارَكَ وَ تَعَالَى «يَا آدَمُ هَذِهِ أَمَتِي حَوَّاءُ أَ فَتُحِبُّ أَنْ تَكُونَ مَعَكَ تُؤْنِسُكَ وَ تُحَدِّثُكَ وَ تَكُونَ تَبَعاً لِأَمْرِكَ» فَقَالَ نَعَمْ يَا رَبِّ وَ لَكَ عَلَيَّ بِذَلِكَ اَلْحَمْدُ وَ اَلشُّكْرُ مَا بَقِيتُ فَقَالَ اَللّٰهُ عَزَّ وَ جَلَّ «فَاخْطُبْهَا إِلَيَّ فَإِنَّهَا أَمَتِي وَ قَدْ تَصْلُحُ لَكَ أَيْضاً زَوْجَةً لِلشَّهْوَةِ» وَ أَلْقَى اَللّٰهُ عَزَّ وَ جَلَّ عَلَيْهِ اَلشَّهْوَةَ وَ قَدْ عَلَّمَهُ قَبْلَ ذَلِكَ اَلْمَعْرِفَةَ بِكُلِّ شَيْءٍ فَقَالَ يَا رَبِّ فَإِنِّي أَخْطُبُهَا إِلَيْكَ فَمَا رِضَاكَ لِذَلِكَ فَقَالَ عَزَّ وَ جَلَّ «رِضَايَ أَنْ تُعَلِّمَهَا مَعَالِمَ دِينِي» فَقَالَ ذَلِكَ لَكَ يَا رَبِّ عَلَيَّ إِنْ شِئْتَ ذَلِكَ لِي فَقَالَ عَزَّ وَ جَلَّ «وَ قَدْ شِئْتُ ذَلِكَ وَ قَدْ زَوَّجْتُكَهَا فَضُمَّهَا إِلَيْكَ» فَقَالَ لَهَا آدَمُ عَلَيْهِ اَلسَّلاَمُ إِلَيَّ فَأَقْبِلِي فَقَالَتْ لَهُ بَلْ أَنْتَ فَأَقْبِلْ إِلَيَّ فَأَمَرَ اَللّٰهُ عَزَّ وَ جَلَّ آدَمَ عَلَيْهِ اَلسَّلاَمُ أَنْ يَقُومَ إِلَيْهَا وَ لَوْ لاَ ذَلِكَ لَكَانَ اَلنِّسَاءُ هُنَّ يَذْهَبْنَ إِلَى اَلرِّجَالِ حَتَّى يَخْطُبْنَ عَلَى أَنْفُسِهِنَّ فَهَذِهِ قِصَّةُ حَوَّاءَ صَلَوَاتُ اَللّٰهِ عَلَيْهَا ».

وَ أَمَّا قَوْلُ اللّٰهِ عَزَّ وَ جَلَّ ﴿ يا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ واحِدَةٍ وَ خَلَقَ مِنْها زَوْجَها وَ بَثَّ مِنْهُما رِجالًا كَثِيراً وَ نِساءً فَإِنَّهُ ﴾

رُوِيَ: «أَنَّهُ عَزَّ وَ جَلَّ خَلَقَ مِنْ طِينَتِهَا زَوْجَهَا ﴿ وَ بَثَّ مِنْهُمَا رِجَالاً كَثِيراً وَ نِسَاءً ﴾ ».

وَ اَلْخَبَرُ اَلَّذِي رُوِيَ: «أَنَّ حَوَّاءَ خُلِقَتْ مِنْ ضِلْعِ آدَمَ اَلْأَيْسَرِ ».

صَحِيحٌ وَ مَعْنَاهُ مِنَ الطِّينَةِ الَّتِي فَضَلَتْ مِنْ ضِلْعِهِ الْأَيْسَرِ فَلِذَلِكَ صَارَتْ أَضْلَاعُ الرَّجُلِ أَنْقَصَ مِنْ أَضْلَاعِ النِّسَاءِ بِضِلْعٍ.

H.4336 - Zurarah ibn A'yun narrated that Abu Abdillah {a.s} was asked about the creation of Hawwa (Eve). It was said to him that some people claim Allah {SWT}, the Almighty and Glorious, created Hawwa from the leftmost rib of Adam.

Imam {a.s} said: "Glory be to Allah {SWT} and far exalted is He {SWT} above such a claim. Does the one who says this believe that Allah {SWT}, Blessed and Exalted, lacked the power to create Adam's spouse from something other than his rib? Does he provide an opportunity for those who seek to cast doubts to say that Adam married a part of himself if she was created from his rib? What is wrong with these people? May Allah {SWT} judge between us and them."

Then Imam {a.s} said: "Indeed, when Allah {SWT}, Blessed and Exalted, created Adam {a.s} from clay and commanded the angels to prostrate before him, He {SWT} caused Adam to fall into a deep sleep. He {SWT} then created Hawwa for him and placed her in the indentation between his thighs. This was done so that the woman would be dependent upon the man."

Imam {a.s} continued: "Hawwa began to move, which caused Adam to wake up due to her movement. When he woke up, he was told to move away from her. When he looked at her, he saw a beautiful creation resembling his own image, except that she was female. He spoke to her, and she responded to him in his language."

Adam {a.s} then asked her: 'Who are you?'

She replied: 'A creation whom Allah {SWT} created, as you can see.'

Adam {a.s} then said: 'O Lord {AZJ}, what is this beautiful creation whose closeness has comforted me and whose sight has pleased me?'

Allah {SWT}, the Almighty, said: "O Adam, this is My servant Hawwa. Do you wish for her to be with you, to comfort you, converse with you, and be subject to your command?"

Adam {a.s} replied: "Yes, O Lord {AZJ}, and for that, I offer You praise and thanks for as long as I live."

Allah {SWT}, the Almighty, then said: "Propose to her through Me {SWT}, for she is My servant, and she may also be suitable for you as a wife for fulfilling desires."

Allah {SWT} then instilled in Adam the natural desire and had already taught him knowledge of all things.

Adam {a.s} said: "O Lord {AZJ}, I propose to her through You {SWT}. What is Your {SWT} satisfaction regarding this matter?"

Allah {SWT}, said: "My satisfaction is that you teach her the principles of My religion."

Adam {a.s} replied: "That is upon me, O Lord {AZJ}, if You {SWT} will grant her to me."

Allah {SWT}, the Almighty, said: "I have willed it and have married her to you. Now take her to yourself."

Adam {a.s} then said to her: "Come to me." But she replied: "No, you come to me."

Allah {SWT}, the Almighty, then commanded Adam {a.s} to go to her. Had it not been so, women would have approached men and proposed themselves.

This is the story of Hawwa (peace be upon her)."

As for the saying of Allah {SWT}, the Almighty and Glorious: *"O mankind, fear your Lord {AZJ}, who created you from a single soul and created from it its mate, and dispersed from both of them many men and women"* (Surah An-Nisa 4:1),

It is narrated that Allah {SWT}, the Almighty and Glorious, created Adam's spouse from his clay, as mentioned in the verse: *"And dispersed from both of them many men and women"* (Surah An-Nisa 4:1).

[AL SADUQ]

As for the narration that states, "Hawwa was created from Adam's left rib," it is authentic. However, its meaning is that she was created from the clay that remained from his left rib.

For this reason, men have one rib fewer than women.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.379 • Al-Wafi, Vol.21 p.21 • Tafsir Al-Safi, Vol.1 p.413 • Tafsir Kanz Al-Daqaiq, Vol.3 p.307

HADITH

4337 - وَ رَوَى زُرَارَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ آدَمَ عَلَيْهِ اَلسَّلاَمُ وُلِدَ لَهُ شِيثٌ وَ أَنَّ اِسْمَهُ هِبَةُ اَللَّهِ وَ هُوَ أَوَّلُ وَصِيٍّ أُوصِيَ إِلَيْهِ مِنَ اَلْآدَمِيِّينَ فِي اَلْأَرْضِ ثُمَّ وُلِدَ لَهُ بَعْدَ شِيثٍ يَافِثُ فَلَمَّا أَدْرَكَا أَرَادَ اَللَّهُ عَزَّ وَ جَلَّ أَنْ يُبْلِغَ بِالنَّسْلِ مَا تَرَوْنَ وَ أَنْ يَكُونَ مَا قَدْ جَرَى بِهِ اَلْقَلَمُ مِنْ تَحْرِيمِ مَا حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ مِنَ اَلْأَخَوَاتِ عَلَى اَلْإِخْوَةِ أَنْزَلَ بَعْدَ اَلْعَصْرِ فِي يَوْمِ خَمِيسٍ حَوْرَاءَ مِنَ اَلْجَنَّةِ اِسْمُهَا نَزْلَةُ فَأَمَرَ اَللَّهُ عَزَّ وَ جَلَّ آدَمَ أَنْ يُزَوِّجَهَا مِنْ شِيثٍ فَزَوَّجَهَا مِنْهُ ثُمَّ أَنْزَلَ بَعْدَ اَلْعَصْرِ مِنَ اَلْغَدِ حَوْرَاءَ مِنَ اَلْجَنَّةِ وَ اِسْمُهَا مُنْزَلَةُ فَأَمَرَ اَللَّهُ عَزَّ وَ جَلَّ آدَمَ أَنْ يُزَوِّجَهَا مِنْ يَافِثَ فَزَوَّجَهَا مِنْهُ فَوُلِدَ لِشِيثٍ غُلاَمٌ وَ وُلِدَ لِيَافِثَ جَارِيَةٌ فَأَمَرَ اَللَّهُ عَزَّ وَ جَلَّ آدَمَ حِينَ أَدْرَكَا أَنْ يُزَوِّجَ اِبْنَةَ يَافِثَ مِنِ اِبْنِ شِيثٍ فَفَعَلَ فَوُلِدَ اَلصَّفْوَةُ مِنَ اَلنَّبِيِّينَ وَ اَلْمُرْسَلِينَ مِنْ نَسْلِهِمَا وَ مَعَاذَ اَللَّهِ أَنْ يَكُونَ ذَلِكَ عَلَى مَا قَالُوا مِنْ أَمْرِ اَلْإِخْوَةِ وَ اَلْأَخَوَاتِ».

H.4337 - Zurarah narrated from Abu Abdillah {a.s} that Adam {a.s} had a son named Sheeth, whose name means "Gift of Allah {SWT}." He was the first successor appointed among humans on earth. After Sheeth, Adam {a.s} had another son named Yafith.

When both sons reached maturity, Allah {SWT}, the Almighty and Glorious, intended to continue human progeny and fulfill what was decreed by His {SWT} command. To enforce the prohibition of marriage between brothers and sisters, Allah {SWT} sent down, after the afternoon (Asr) on a Thursday, a heavenly woman from Paradise named Nazlah. Allah {SWT} commanded Adam {a.s} to marry her to Sheeth, and so he did.

The next afternoon, on Friday, Allah {SWT} sent down another heavenly woman from Paradise named Munzalah. Allah {SWT} commanded Adam {a.s} to marry her to Yafith, and so he did.

Sheeth and Nazlah had a son, and Yafith and Munzalah had a daughter. When these children grew up, Allah {SWT} commanded Adam {a.s} to marry the daughter of Yafith to the son of Sheeth. Adam obeyed this command, and from their lineage came the chosen ones among the prophets and messengers.

Far be it from Allah {SWT} that human propagation occurred as some have claimed - through marriage between brothers and sisters. Instead, Allah {SWT} ensured the preservation of purity and honor in the lineage through divine arrangements.

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.381 • Al-Wafi, V.21 p.23 • Wasa'il Al-Shi'ah, V.20 p.364

HADITH

4338 - رَوَى اَلْقَاسِمُ بْنُ عُرْوَةَ عَنْ بُرَيْدٍ اَلْعِجْلِيِّ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى أَنْزَلَ عَلَى آدَمَ حَوْرَاءَ مِنَ اَلْجَنَّةِ فَزَوَّجَهَا أَحَدَ اِبْنَيْهِ وَ تَزَوَّجَ اَلْآخَرُ اِبْنَةَ اَلْجَانِّ فَمَا كَانَ فِي اَلنَّاسِ مِنْ جَمَالٍ كَثِيرٍ أَوْ حُسْنِ خُلُقٍ فَهُوَ مِنَ اَلْحَوْرَاءِ وَ مَا كَانَ فِيهِمْ مِنْ سُوءِ خُلُقٍ فَهُوَ مِنِ اِبْنَةِ اَلْجَانِّ».

H.4338 - Al-Qasim ibn Urwah narrated from Burayd al-Ijli, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Indeed, Allah {SWT}, Blessed and Exalted, sent down to Adam a woman from Paradise, and he married her to one of his sons. The other son married a daughter of the jinn. Therefore, whatever beauty or good character exists among people, it is from the woman of Paradise, and whatever bad character exists among them, it is from the daughter of the jinn."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.382 • Al-Wafi, Vol.21 p.24 • Tafsir Al-Safi, Vol.1 p.417 • Bihar Al-Anwar, Vol.60 p.97 • Tafsir Kanz Al-Daqaiq, Vol.3 p.316

CHAPTER 97 – CHAPTER ON THE TYPES OF MARRIAGE

بَابُ وُجُوهِ اَلنِّكَاحِ

HADITH 4339

4339 - رُوِيَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنِ اَلْحُسَيْنِ بْنِ زَيْدٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «تَحِلُّ اَلْفُرُوجُ بِثَلاَثَةِ وُجُوهٍ نِكَاحٍ بِمِيرَاثٍ وَ نِكَاحٍ بِلاَ مِيرَاثٍ وَ نِكَاحٍ بِمِلْكِ اَلْيَمِينِ».

H.4339 - It is narrated from Muhammad ibn Ziyad, from al-Husayn ibn Zayd, who said that he heard Abu Abdillah {a.s} say: "Marital relations are made lawful through three means - marriage with inheritance, marriage without inheritance, and marriage through ownership by the right hand."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.382 • Al-Khisal, Vol.1 p.119 • Tafsir Al-Safi, Vol.3 p.394 • Wasa'il Al-Shi'ah, Vol.20 p.85 • Wasa'il Al-Shi'ah, Vol.26 p.230 • Bihar Al-Anwar, Vol.100 p.297 • Tafsir Nur Al-Thaqalayn, Vol.1 p.454 • Tafsir Nur Al-Thaqalayn, Vol.3 p.531 • Tafsir Nur Al-Thaqalayn, Vol.5 p.419 • Tafsir Kanz Al-Daqaiq, Vol.9 p.163

CHAPTER 98 – CHAPTER ON THE VIRTUE OF MARRIAGE

بَابُ فَضْلِ التَّزْوِيجِ

HADITH 4340 – 4345

4340 - رُوِيَ عَنْ عَمْرِو بْنِ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيٍّ اَلْبَاقِرِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَا يَمْنَعُ اَلْمُؤْمِنَ أَنْ يَتَّخِذَ أَهْلاً لَعَلَّ اَللَّهُ أَنْ يَرْزُقَهُ نَسَمَةً تُثْقِلُ اَلْأَرْضَ بِلاَ إِلَهَ إِلاَّ اَللَّهُ».

H.4340 - It is narrated from Amr ibn Shimr, from Jabir, from Abu Ja'far Muhammad ibn Ali al-Baqir {a.s} that the Messenger of Allah {SWT} (peace be upon him and his family) said: "What prevents a believer from taking a spouse? Perhaps Allah {SWT} will grant him offspring who will fill the earth with 'There is no god but Allah {SWT}.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.382 • Makarim Al-Akhlaq, Vol.1 p.196 • Awali Al-La'ali, Vol.3 p.288 • Al-Wafi, Vol.21 p.33 • Wasa'il Al-Shi'ah, Vol.20 p.14

HADITH

4341 - وَ رُوِيَ عَنْ مُعَمَّرِ بْنِ خَلاَّدٍ عَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «ثَلاَثٌ مِنْ سُنَنِ اَلْمُرْسَلِينَ اَلْعِطْرُ وَ إِحْفَاءُ اَلشَّعْرِ وَ كَثْرَةُ اَلطَّرُوقَةِ».

H.4341 - It is narrated from Mu'ammar ibn Khallad that Imam Ali ibn Musa Ar-Ridha {a.s} said: "Three practices are from the traditions of the messengers, using perfume, removing excess hair, and frequently visiting one's wife (or wives)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.382 • Al-Khisal, Vol.1 p.92 • Tuhaf Al-'Uqul, Vol.1 p.442 • Tahdhib Al-Ahkam, Vol.7 p.403 • Rawdat Al-Wa'izin, Vol.2 p.308 • Awali Al-La'ali, Vol.3 p.282 • Al-Wafi, Vol.21 p.28 • Wasa'il Al-Shi'ah, Vol.20 p.241 • Bihar Al-Anwar, Vol.73 p.141 • Bihar Al-Anwar, Vol.75 p.335

HADITH

4342 - وَ قَدْ رَوَى اَلْحَسَنُ بْنُ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ تَزَوَّجَ أَحْرَزَ نِصْفَ دِينِهِ».

وَ فِي حَدِيثٍ آخَرَ : «فَلْيَتَّقِ اَللَّهَ فِي اَلنِّصْفِ اَلْبَاقِي».

H.4342 - It is narrated from al-Hasan ibn Ali ibn Abi Hamzah, from Abu Abdillah {a.s}, that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever gets married has safeguarded half of his religion."
In another narration, it is added: "So let him fear Allah {SWT} regarding the remaining half."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.383 • Al-Wafi, Vol.21 p.32 • Wasa'il Al-Shi'ah, Vol.20 p.16 • Al-Fusul Al-Muhimmah, Vol.2 p.322 • Tafsir Kanz Al-Daqaiq, Vol.9 p.288

HADITH

4343 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ اَلْحَكَمِ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَا بُنِيَ بِنَاءٌ فِي اَلْإِسْلاَمِ أَحَبُّ إِلَى اَللَّهِ تَعَالَى مِنَ اَلتَّزْوِيجِ».

H.4343 - Abdullah ibn al-Hakam narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"No structure in Islam is more beloved to Allah {SWT}, the Exalted, than marriage."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.383 • Makarim Al-Akhlaq, Vol.1 p.196 • Al-Wafi, Vol.21 p.34 • Wasa'il Al-Shi'ah, Vol.20 p.14 • Al-Fusul Al-Muhimmah, Vol.2 p.321 • Bihar Al-Anwar, Vol.100 p.222 • Mustadrak Al-Wasa'il, Vol.14 p.152 • Mustadrak Al-Wasa'il, Vol.14 p.153

HADITH

4344 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ: «تَزَوَّجُوا فَإِنِّي مُكَاثِرٌ بِكُمُ اَلْأُمَمَ غَداً فِي اَلْقِيَامَةِ حَتَّى إِنَّ اَلسِّقْطَ لَيَجِيءُ مُحْبَنْطِئاً عَلَى بَابِ اَلْجَنَّةِ فَيُقَالُ لَهُ اُدْخُلِ اَلْجَنَّةَ فَيَقُولُ لاَ حَتَّى يَدْخُلَ أَبَوَايَ اَلْجَنَّةَ قَبْلِي».

H.4344 - Ali ibn Ri'ab narrated from Muhammad ibn Muslim that Abu Abdillah {a.s} said that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"Marry, for I will take pride in your numbers before the nations on the Day of Judgment. Even the miscarried child will stand at the gate of Paradise, refusing to enter until his parents enter Paradise before him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.383 • Ma'ani Al-Akhbar, Vol.1 p.291 • Makarim Al-Akhlaq, Vol.1 p.196 • Al-Wafi, Vol.21 p.33 • Wasa'il Al-Shi'ah, Vol.20 p.14 • Wasa'il Al-Shi'ah, Vol.21 p.358

HADITH

4345 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اِتَّخَذُوا اَلْأَهْلَ فَإِنَّهُ أَرْزَقُ لَكُمْ ».

H.4345 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Take a spouse, for it is a means of increasing your sustenance."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.20 • Man La Yahduruhu Al-Faqih, Vol.3 p.383 • Al-Wafi, Vol.21 p.40 • Wasa'il Al-Shi'ah, Vol.20 p.15 • Wasa'il Al-Shi'ah, Vol.20 p.43

CHAPTER 99 – CHAPTER ON THE SUPERIORITY OF THE MARRIED PERSON OVER THE UNMARRIED PERSON

بَابُ فَضْلِ الْمُتَزَوِّجِ عَلَى الْعَزَبِ

HADITH 4346 – 4349

4346 - رَوَى عَبْدُ اَللَّهِ بْنُ مَيْمُونٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «رَكْعَتَانِ يُصَلِّيهِمَا مُتَزَوِّجٌ أَفْضَلُ مِنْ سَبْعِينَ رَكْعَةً يُصَلِّيهِمَا أَعْزَبُ ».

H.4346 - Abdullah ibn Maymun narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), who said: "Two units of prayer performed by a married person are better than seventy units of prayer performed by an unmarried person."

[REFERENCES] Al-Kafi, Vol.5 p.328 • Man La Yahduruhu Al-Faqih, Vol.3 p.384 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.40 • Al-Muqni'ah, Vol.1 p.497 • Tahdhib Al-Ahkam, Vol.7 p.239 • Rawdat Al-Wa'izin, Vol.2 p.374 • Rawdat Al-Wa'izin, Vol.2 p.374 • Makarim Al-Akhlaq, Vol.1 p.197 • Al-Wafi, Vol.21 p.31 • Wasa'il Al-Shi'ah, Vol.20 p.18

HADITH

4347 - قَالَ وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لَرَكْعَتَانِ يُصَلِّيهِمَا مُتَزَوِّجٌ أَفْضَلُ مِنْ رَجُلٍ عَزَبٍ يَقُومُ لَيْلَهُ وَ يَصُومُ نَهَارَهُ ».

H.4347 - The Prophet (peace be upon him and his family) said:
"Two units of prayer performed by a married person are better than an unmarried man who spends his nights in prayer and his days fasting."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.384 • Makarim Al-Akhlaq, Vol.1 p.197 • Al-Wafi, Vol.21 p.32 • Wasa'il Al-Shi'ah, Vol.20 p.19

HADITH

4348 - وَ رُوِيَ أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ: «إِنَّ أَرَاذِلَ مَوْتَاكُمُ اَلْعُزَّابُ».

H.4348 - It is narrated that the Messenger of Allah {SWT} (peace be upon him and his family) said: "Indeed, the most despicable of your dead are the unmarried."

[REFERENCES] Al-Kafi, Vol.5 p.329 • Man La Yahduruhu Al-Faqih, Vol.3 p.384 • Tahdhib Al-Ahkam, Vol.7 p.239 • Rawdat Al-Wa'izin, Vol.2 p.374 • Makarim Al-Akhlaq, Vol.1 p.197 • Awali Al-La'ali, Vol.3 p.283 • Al-Wafi, Vol.21 p.32 • Wasa'il Al-Shi'ah, Vol.20 p.19 • Al-Fusul Al-Muhimmah, Vol.2 p.322 • Bihar Al-Anwar, Vol.100 p.220

HADITH

4349 - وَ رُوِيَ أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ: «أَكْثَرُ أَهْلِ اَلنَّارِ اَلْعُزَّابُ».

H.4349 - It has been narrated that the Messenger of Allah {SWT} (peace and blessings be upon him and his family) said:
"The majority of the inhabitants of the Fire are the unmarried."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.384 • Al-Wafi, Vol.21 p.32 • Wasa'il Al-Shi'ah, Vol.20 p.20 • Al-Fusul Al-Muhimmah, Vol.2 p.322

CHAPTER 100 – CHAPTER ON THE AFFECTION FOR WOMEN

بَابُ حُبِّ النِّسَاءِ

HADITH 4350 – 4351

4350 - رَوَى أَبُو مَالِكٍ اَلْحَضْرَمِيُّ عَنْ أَبِي اَلْعَبَّاسِ قَالَ سَمِعْتُ اَلصَّادِقَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «اَلْعَبْدُ كُلَّمَا اِزْدَادَ لِلنِّسَاءِ حُبّاً اِزْدَادَ فِي اَلْإِيمَانِ فَضْلاً».

H.4350 - Abu Malik al-Hadrami narrated from Abu al-Abbas, who said that he heard Imam Jafar ibn Muhammad Al-Sadiq {a.s} say:
"The more love a servant has for women, the greater he increases in faith and virtue."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.384 • Makarim Al-Akhlaq, Vol.1 p.197 • Al-Wafi, Vol.21 p.28 • Wasa'il Al-Shi'ah, Vol.20 p.23

HADITH

4351 - وَ فِي رِوَايَةِ أَبَانٍ عَنْ عُمَرَ بْنِ يَزِيدَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «مَا أَظُنُّ رَجُلاً يَزْدَادُ فِي اَلْإِيمَانِ خَيْراً إِلاَّ اِزْدَادَ حُبّاً لِلنِّسَاءِ».

H.4351 - In a narration from Aban, from Umar ibn Yazid, Abu Abdillah {a.s} said:
"I do not think that a man increases in faith and goodness except that he also increases in love for women."

[REFERENCES] Al-Kafi, Vol.5 p.320 • Man La Yahduruhu Al-Faqih, Vol.3 p.384 • Al-Wafi, Vol.21 p.27 • Wasa'il Al-Shi'ah, Vol.20 p.21

CHAPTER 101 – CHAPTER ON THE ABUNDANCE OF GOODNESS IN WOMEN

بَابُ كَثْرَةِ الْخَيْرِ فِي النِّسَاءِ

HADITH 4352

4352 - رُوِيَ عَنِ اِبْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَمَّنْ سَمِعَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «أَكْثَرُ اَلْخَيْرِ فِي اَلنِّسَاءِ».

H.4352 - It is narrated from Ibn Faddal, from Yunus ibn Ya'qub, from someone who heard Abu Abdillah {a.s} say:
"Most of the good is found in women."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.385 • Makarim Al-Akhlaq, Vol.1 p.197 • Al-Wafi, Vol.21 p.35 • Wasa’il Al-Shi’ah, Vol.20 p.24

CHAPTER 102 – CHAPTER ON ONE WHO AVOIDS MARRIAGE DUE TO FEAR OF POVERTY

بَابٌ فِيمَنْ تَرَكَ التَّزْوِيجَ مَخَافَةَ الْفَقْرِ

HADITH 4353 – 4354

4353 - رُوِيَ عَنْ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ حَرِيزٍ عَنِ اَلْوَلِيدِ قَالَ أَبُو عَبْدِ اَللَّهِ عَ : «مَنْ تَرَكَ اَلتَّزْوِيجَ مَخَافَةَ اَلْفَقْرِ فَقَدْ أَسَاءَ اَلظَّنَّ بِاللَّهِ عَزَّ وَ جَلَّ إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۝ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اَللَّهُ مِنْ فَضْلِهِ ۝ ».

H.4353 - It is narrated from Muhammad ibn Abi Umayr, from Hariz, from al-Walid, who said that Abu Abdillah {a.s} said: "Whoever avoids marriage out of fear of poverty has thought poorly of Allah {SWT}, the Almighty and Glorious. Indeed, Allah {SWT}, the Almighty and Glorious, says: *'If they are poor, Allah {SWT} will enrich them out of His bounty'* (Surah An-Nur 24:32)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.385 • Makarim Al-Akhlaq, Vol.1 p.197 • Awali Al-La'ali, Vol.3 p.281 • Al-Wafi, Vol.21 p.37 • Tafsir Al-Burhan, Vol.4 p.63 • Tafsir Nur Al-Thaqalayn, Vol.3 p.597 • Tafsir Kanz Al-Daqaiq, Vol.9 p.290

HADITH

4354 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ سَرَّهُ أَنْ يَلْقَى اَللَّهَ طَاهِراً مُطَهَّراً فَلْيَلْقَهُ بِزَوْجَةٍ وَ مَنْ تَرَكَ اَلتَّزْوِيجَ مَخَافَةَ اَلْعَيْلَةِ فَقَدْ أَسَاءَ اَلظَّنَّ بِاللَّهِ عَزَّ وَ جَلَّ».

H.4354 - The Prophet (peace be upon him and his family) said: "Whoever desires to meet Allah {SWT} in a state of purity and purification, let him meet Him with a spouse. And whoever avoids marriage out of fear of poverty has thought poorly of Allah {SWT}, the Almighty and Glorious."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.385 • Al-Wafi, Vol.21 p.38 • Wasa'il Al-Shi'ah, Vol.20 p.43

CHAPTER 103 – CHAPTER ON ONE WHO MARRIES FOR THE SAKE OF ALLAH {SWT}, THE ALMIGHTY, AND TO UPHOLD FAMILY TIES

بَابُ مَنْ تَزَوَّجَ لِلَّهِ عَزَّ وَ جَلَّ وَ لِصِلَةِ الرَّحِمِ

HADITH 4355

4355 - قَالَ عَلِيُّ بْنُ اَلْحُسَيْنِ سَيِّدُ اَلْعَابِدِينَ عَلَيْهِ اَلسَّلاَمُ : «مَنْ تَزَوَّجَ لِلَّهِ عَزَّ وَ جَلَّ وَ لِصِلَةِ اَلرَّحِمِ تَوَّجَهُ اَللَّهُ تَعَالَى بِتَاجِ اَلْمُلْكِ وَ اَلْكَرَامَةِ».

H.4355 - Imam Ali ibn Al-Hussain {a.s}, Sayyid al-'Abideen {a.s}, said:
"Whoever marries for the sake of Allah {SWT}, the Almighty and Glorious, and to maintain family ties, Allah {SWT}, the Exalted, will crown him with the crown of sovereignty and honor."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.385 • Makarim Al-Akhlaq, Vol.1 p.198 • Awali Al-La'ali, Vol.3 p.301 • Al-Wafi, Vol.21 p.35 • Wasa'il Al-Shi'ah, Vol.20 p.51

CHAPTER 104 – CHAPTER ON THE BEST OF WOMEN

بَابُ أَفْضَلِ النِّسَاءِ

HADITH 4356

4356 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «أَفْضَلُ نِسَاءِ أُمَّتِي أَصْبَحُهُنَّ وَجْهاً وَ أَقَلُّهُنَّ مَهْراً».

H.4356 - Isma'il ibn Muslim narrated from al-Sadiq Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them) that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"The best women of my nation are those with the most radiant faces and the lowest dowries."

[REFERENCES] Al-Kafi, Vol.5 p.324 • Da'a'im Al-Islam, Vol.2 p.197 • Man La Yahduruhu Al-Faqih, Vol.3 p.385 • Al-Ash'athiyat, Vol.1 p.92 • Tahdhib Al-Ahkam, Vol.7 p.404 • Rawdat Al-Wa'izin, Vol.2 p.375 • Al-Adab Al-Diniyyah, Vol.1 p.103 • Makarim Al-Akhlaq, Vol.1 p.198 • Makarim Al-Akhlaq, Vol.1 p.201 • Al-Nawadir (Lil-Rawandi), Vol.1 p.36

CHAPTER 105 – CHAPTER ON THE CATEGORIES OF WOMEN

بَابُ أَصْنَافِ النِّسَاءِ

HADITH 4357 – 4358

4357 - رُوِيَ عَنْ مَسْعَدَةَ بْنِ زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلنِّسَاءُ أَرْبَعَةُ أَصْنَافٍ فَمِنْهُنَّ رَبِيعٌ مُرْبِعٌ وَ مِنْهُنَّ جَامِعٌ مُجْمِعٌ وَ مِنْهُنَّ كَرْبٌ مُقْمِعٌ وَ مِنْهُنَّ غُلٌّ قَمِلٌ».

قَالَ أَحْمَدُ بْنُ أَبِي عَبْدِ اللَّهِ الْبَرْقِيُّ جَامِعٌ مُجْمِعٌ أَيْ كَثِيرَةُ الْخَيْرِ مُخْصِبَةٌ وَ رَبِيعٌ مُرْبِعٌ الَّتِي فِي حَجْرِهَا وَلَدٌ وَ فِي بَطْنِهَا آخَرُ وَ كَرْبٌ مُقْمِعٌ أَيْ سَيِّئَةُ الْخُلُقِ مَعَ زَوْجِهَا وَ غُلٌّ قَمِلٌ هِيَ عِنْدَ زَوْجِهَا كَالْغُلِّ الْقَمِلِ وَ هُوَ غُلٌّ مِنْ جِلْدٍ يَقَعُ فِيهِ الْقَمْلُ فَيَأْكُلُهُ فَلَا يَتَهَيَّأُ لَهُ أَنْ يَحْذَرَ مِنْهُ شَيْئاً وَ هُوَ مَثَلٌ لِلْعَرَبِ.

H.4357 - Mas'adah ibn Ziyad narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them both) that Imam {a.s} said:
"Women are of four types;
There are those who are like a fertile spring,
Those who are abundant and productive,
Those who are burdensome and oppressive,
And those who are like a shackle infested with lice."

[AL SADUQ]
Ahmad bin Abi Abdillah Al-Barqi explained:
A woman described as Jami' Mujmi' refers to one who is abundant in goodness and fertile.
A woman described as Rabi' Murbi' is one who has a child in her lap and another in her womb.
A woman described as Karb Muqmi' is one who has bad manners with her husband.
A woman described as Ghull Qamil is one who is like a restrictive shackle (ghull) for her husband, infested with lice, resembling a shackle made of skin in which lice gather and eat it, such that he cannot rid himself of them. This term serves as an Arab metaphor for someone who is a source of continual distress and hardship.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.386 • Al-Adab Al-Diniyyah, Vol.1 p.104 • Al-Wafi, Vol.21 p.66 • Wasa'il Al-Shi'ah, Vol.20 p.32

HADITH

4358 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ دَاوُدَ اَلْكَرْخِيِّ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنَّ صَاحِبَتِي هَلَكَتْ وَ كَانَتْ لِي مُوَافِقَةً وَ قَدْ هَمَمْتُ أَنْ أَتَزَوَّجَ فَقَالَ «اُنْظُرْ أَيْنَ تَضَعُ نَفْسَكَ وَ مَنْ تُشْرِكُهُ فِي مَالِكَ وَ تُطْلِعُهُ عَلَى دِينِكَ وَ سِرِّكَ وَ أَمَانَتِكَ فَإِنْ كُنْتَ لاَ بُدَّ فَاعِلاً فَبِكْراً تُنْسَبُ إِلَى اَلْخَيْرِ وَ إِلَى حُسْنِ اَلْخُلُقِ، أَلاَ إِنَّ اَلنِّسَاءَ خُلِقْنَ شَتَّى فَمِنْهُنَّ اَلْغَنِيمَةُ وَ اَلْغَرَامُ وَ مِنْهُنَّ اَلْهِلاَلُ إِذَا تَجَلَّى لِصَاحِبِهِ وَ مِنْهُنَّ اَلظَّلاَمُ فَمَنْ يَظْفَرْ بِصَالِحِهِنَّ يَسْعَدْ وَ مَنْ يُغْبَنْ فَلَيْسَ لَهُ اِنْتِقَامُ وَ هُنَّ ثَلاَثٌ فَامْرَأَةٌ وَلُودٌ وَدُودٌ، تُعِينُ زَوْجَهَا عَلَى دَهْرِهِ لِدُنْيَاهُ وَ آخِرَتِهِ وَ لاَ تُعِينُ اَلدَّهْرَ عَلَيْهِ وَ اِمْرَأَةٌ عَقِيمٌ لاَ ذَاتُ جَمَالٍ وَ لاَ خُلُقٍ وَ لاَ تُعِينُ زَوْجَهَا عَلَى خَيْرٍ وَ اِمْرَأَةٌ صَخَّابَةٌ وَلاَّجَةٌ هَمَّازَةٌ تَسْتَقِلُّ اَلْكَثِيرَ وَ لاَ تَقْبَلُ اَلْيَسِيرَ».

H.4358 - Al-Hasan ibn Mahbub narrated from Dawud al-Karkhi, who said: I said to Abu Abdillah {a.s}, "My wife has passed away. She was compatible with me, and I am thinking about getting married."

Imam {a.s} said: "Consider carefully where you place yourself, with whom you share your wealth, and to whom you reveal your religion, secrets, and trust. If you must proceed, then marry a virgin who is known for goodness and good character.

Know that women are created differently: among them are those who are a blessing and those who are a burden; among them are like the crescent moon that delights its owner when it appears; and among them are like darkness. Whoever finds a righteous woman is happy, and whoever is deceived by one has no recourse for revenge.

Women are of three types:

A woman who is fertile, loving, and supports her husband in his worldly and religious affairs, not helping life's hardships against him.

A woman who is barren, neither beautiful nor of good character, and does not help her husband in anything good.

And a woman who is loud, argumentative, fault-finding, belittles much, and is not content with little."

[REFERENCES] Al-Kafi, Vol.5 p.323 • Man La Yahduruhu Al-Faqih, Vol.3 p.386 • Ma'ani Al-Akhbar, Vol.1 p.317 • Makarim Al-Akhlaq, Vol.1 p.199 • Al-Wafi, Vol.21 p.67 • Wasa'il Al-Shi'ah, Vol.20 p.27 • Bihar Al-Anwar, Vol.100 p.232 • Tafsir Nur Al-Thaqalayn, Vol.3 p.598 • Tafsir Kanz Al-Daqaiq, Vol.9 p.292

CHAPTER 106 – CHAPTER ON THE BLESSING AND OMEN OF A WOMAN

بَابُ بَرَكَةِ الْمَرْأَةِ وَ شُؤْمِهَا

HADITH 4359 – 4361

4359 - رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «مِنْ بَرَكَةِ اَلْمَرْأَةِ خِفَّةُ مَئُونَتِهَا وَ تَيْسِيرُ وِلاَدَتِهَا وَ مِنْ شُؤْمِهَا شِدَّةُ مَئُونَتِهَا وَ تَعْسِيرُ وِلاَدَتِهَا».

H.4359 - It is narrated from Abdullah ibn Bukayr, from Muhammad ibn Muslim, that Abu Abdillah {a.s} said:
"Among the blessings of a woman are the lightness of her expenses and the ease of her childbirth. And among her misfortunes are the heaviness of her expenses and the difficulty of her childbirth."

[REFERENCES] Al-Kafi, Vol.5 p.564 • Man La Yahduruhu Al-Faqih, Vol.3 p.387 • Tahdhib Al-Ahkam, Vol.7 p.399 • Wasa'il Al-Shi'ah, Vol.21 p.250

HADITH

4360 - وَ رُوِيَ: «أَنَّ مِنْ بَرَكَةِ اَلْمَرْأَةِ قِلَّةَ مَهْرِهَا وَ مِنْ شُؤْمِهَا كَثْرَةَ مَهْرِهَا».

H.4360 - It is narrated: "Among the blessings of a woman is the smallness of her dowry, and among her misfortunes is the largeness of her dowry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.387 • Makarim Al-Akhlaq, Vol.1 p.198 • Al-Wafi, Vol.21 p.63 • Wasa'il Al-Shi'ah, Vol.20 p.112 • Wasa'il Al-Shi'ah, Vol.21 p.251

HADITH

4361 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «تَزَوَّجُوا اَلزُّرْقَ فَإِنَّ فِيهِنَّ اَلْبَرَكَةَ».

H.4361 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "Marry women with blue eyes, for indeed there is blessing in them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.387 • Al-Adab Al-Diniyyah, Vol.1 p.105 • Makarim Al-Akhlaq, Vol.1 p.198

CHAPTER 107 – CHAPTER ON THE RECOMMENDED AND PRAISEWORTHY TRAITS AND CHARACTERISTICS OF WOMEN

بَابُ مَا يُسْتَحَبُّ وَ يُحْمَدُ مِنْ أَخْلَاقِ النِّسَاءِ وَ صِفَاتِهِنَ

HADITH 4362 – 4369

4362 - قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «تَزَوَّجْ سَمْرَاءَ عَيْنَاءَ عَجْزَاءَ مَرْبُوعَةً فَإِنْ كَرِهْتَهَا فَعَلَيَّ اَلصَّدَاقُ».

H.4362 - Commander of the Faithful {a.s} said: "Marry a woman who is dark-skinned, wide-eyed, full-figured, and of medium height. If you dislike her, then I will bear the dowry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.387

HADITH

4363 - وَ كَانَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِذَا أَرَادَ أَنْ يَتَزَوَّجَ اِمْرَأَةً بَعَثَ إِلَيْهَا مَنْ يَنْظُرُ إِلَيْهَا وَ قَالَ «شَمِّي لِيتَهَا فَإِنْ طَابَ لِيتُهَا طَابَ عَرْفُهَا وَ إِنْ دَرِمَ كَعْبُهَا عَظُمَ كَعْثَبُهَا».

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ اَللِّيتُ صَفْحَةُ اَلْعُنُقِ وَ اَلْعَرْفُ اَلرِّيحُ اَلطَّيِّبَةُ قَالَ اَللَّهُ عَزَّ وَ جَلَّ ﴿ وَ يُدْخِلُهُمُ اَلْجَنَّةَ عَرَّفَهَا لَهُمْ أَيْ طَيَّبَهَا لَهُمْ ﴾ وَ قَدْ قِيلَ إِنَّ اَلْعَرْفَ اَلْعُودُ اَلطَّيِّبُ اَلرِّيحِ وَ قَوْلُهُ ع دَرِمَ كَعْبُهَا أَيْ كَثُرَ لَحْمُ كَعْبِهَا وَ يُقَالُ اِمْرَأَةٌ دَرْمَاءُ إِذَا كَانَتْ كَثِيرَةَ لَحْمِ اَلْقَدَمِ وَ اَلْكَعْبِ وَ اَلْكَعْثَبُ اَلْفَرْجُ.

H.4363 - The Messenger of Allah {SWT} (peace be upon him and his family), when intending to marry a woman, would send someone to look at her and said: "Smell her neck, for if her neck smells good, her scent will also be pleasant. And if her ankles are fleshy, her private parts will be well-developed."

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, explained that 'al-leet' refers to the side of the neck, and 'al-araf' means a pleasant fragrance, as mentioned in the verse: *'And He will admit them into Paradise, which He has made known to them'* (Surah Muhammad 47:6), meaning He {SWT} has made it fragrant for them.

It is also said that 'al-araf' refers to fragrant incense. The phrase 'darima ka'buha' means that her ankles are fleshy, and a woman described as 'darmaa' has well-fleshed feet and ankles. The term 'ka'thab' refers to the private parts.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.388 • Makarim Al-Akhlaq, Vol.1 p.199

HADITH

4364 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أَرَادَ أَحَدُكُمْ أَنْ يَتَزَوَّجَ فَلْيَسْأَلْ عَنْ شَعْرِهَا كَمَا يَسْأَلُ عَنْ وَجْهِهَا فَإِنَّ اَلشَّعْرَ أَحَدُ اَلْجَمَالَيْنِ».

H.4364 - Imam {a.s} said: "If any of you intends to marry, let him inquire about her hair just as he inquires about her face, for hair is one of the two aspects of beauty."

[REFERENCES] Da'a'im Al-Islam, Vol.2 p.196 • Man La Yahduruhu Al-Faqih, Vol.3 p.388 • Al-Ash'athiyat, Vol.1 p.94 • Makarim Al-Akhlaq, Vol.1 p.200 • Al-Nawadir (Lil-Rawandi), Vol.1 p.13 • Al-Wafi, Vol.21 p.55 • Wasa'il Al-Shi'ah, Vol.20 p.59 • Bihar Al-Anwar, Vol.100 p.237 • Mustadrak Al-Wasa'il, Vol.14 p.181

HADITH

4365 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «خَيْرُ نِسَائِكُمُ اَلطَّيِّبَةُ اَلرِّيحِ اَلطَّيِّبَةُ اَلطَّعَامِ ، اَلَّتِي إِنْ أَنْفَقَتْ أَنْفَقَتْ بِمَعْرُوفٍ وَ إِنْ أَمْسَكَتْ أَمْسَكَتْ بِمَعْرُوفٍ فَتِلْكَ مِنْ عُمَّالِ اَللَّهِ وَ عَامِلُ اَللَّهِ لاَ يَخِيبُ».

H.4365 - Imam {a.s} said: "The best of your women is the one who has a pleasant fragrance and prepares good food, who spends appropriately if she spends, and who withholds appropriately if she withholds. Such a woman is among the workers of Allah {SWT}, and the worker of Allah {SWT} will never fail."

[REFERENCES] Al-Kafi, Vol.5 p.325 • Man La Yahduruhu Al-Faqih, Vol.3 p.388 • Tahdhib Al-Ahkam, Vol.7 p.402 • Makarim Al-Akhlaq, Vol.1 p.200 • Al-Wafi, Vol.21 p.60

HADITH

4366 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «خَيْرُ نِسَائِكُمُ اَلَّتِي إِنْ غَضِبَتْ أَوْ أَغْضَبَتْ قَالَتْ لِزَوْجِهَا يَدِي فِي يَدِكَ لاَ أَكْتَحِلُ بِغُمْضٍ حَتَّى تَرْضَى عَنِّي».

H.4366 - Jamil ibn Darraj narrated from Abu Abdillah {a.s} who said: "The best of your women is the one who, if she becomes angry or causes her husband to become angry, says to him, 'My hand is in your hand, and I will not rest until you are pleased with me.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.389 • Makarim Al-Akhlaq, Vol.1 p.200 • Al-Wafi, Vol.21 p.60

HADITH

4367 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ أَبِي حَمْزَةَ اَلثُّمَالِيِّ عَنْ جَابِرِ بْنِ عَبْدِ اَللَّهِ اَلْأَنْصَارِيِّ قَالَ: كُنَّا جُلُوساً مَعَ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ فَتَذَاكَرْنَا اَلنِّسَاءَ وَ فَضْلَ بَعْضِهِنَّ عَلَى بَعْضٍ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَ لاَ أُخْبِرُكُمْ بِخَيْرِ نِسَائِكُمْ» قَالُوا بَلَى يَا رَسُولَ اَللَّهِ فَأَخْبِرْنَا قَالَ «إِنَّ مِنْ خَيْرِ نِسَائِكُمُ اَلْوَلُودَ اَلْوَدُودَ اَلسَّتِيرَةَ اَلْعَفِيفَةَ اَلْعَزِيزَةَ فِي أَهْلِهَا اَلذَّلِيلَةَ مَعَ بَعْلِهَا اَلْمُتَبَرِّجَةَ مَعَ زَوْجِهَا اَلْحَصَانَ مَعَ غَيْرِهِ اَلَّتِي تَسْمَعُ قَوْلَهُ وَ تُطِيعُ أَمْرَهُ وَ إِذَا خَلاَ بِهَا بَذَلَتْ لَهُ مَا أَرَادَ مِنْهَا وَ لَمْ تَبَذَّلْ لَهُ تَبَذُّلَ اَلرَّجُلِ ».

H.4367 - Ali ibn Ri'ab narrated from Abu Hamzah al-Thumali, from Jabir ibn Abdullah al-Ansari, who said:
We were sitting with the Messenger of Allah {SWT} (peace be upon him and his family) when we began discussing women and the virtues of some over others.
The Messenger of Allah {SWT} (peace be upon him and his family) said: "Shall I not inform you of the best of your women?"
They said: “Yes, O Messenger of Allah {SWT}, tell us."
He {saws} said: "The best of your women is the one who is loving and fertile, modest and chaste, honorable among her family, humble with her husband, displaying her beauty to her husband while guarding herself from others. She listens to his words, obeys his commands, and when he is alone with her, she offers him what he desires, without imitating the mannerisms of men."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.389

HADITH

4368 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَا اِسْتَفَادَ اِمْرُؤٌ مُسْلِمٌ فَائِدَةً بَعْدَ اَلْإِسْلاَمِ أَفْضَلَ مِنْ زَوْجَةٍ مُسْلِمَةٍ تَسُرُّهُ إِذَا نَظَرَ إِلَيْهَا وَ تُطِيعُهُ إِذَا أَمَرَهَا وَ تَحْفَظُهُ إِذَا غَابَ عَنْهَا فِي نَفْسِهَا وَ مَالِهِ».

H.4368 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "A Muslim man does not gain a better benefit after Islam than a Muslim wife who pleases him when he looks at her, obeys him when he commands her, and safeguards herself and his wealth in his absence."

[REFERENCES] Al-Kafi, Vol.5 p.327 • Man La Yahduruhu Al-Faqih, Vol.3 p.389 • Al-Muqni’ah, Vol.1 p.497 • Tahdhib Al-Ahkam, Vol.7 p.240 • Rawdat Al-Wa’izin, Vol.2 p.374 • Makarim Al-Akhlaq, Vol.1 p.200 • Awali Al-La’ali, Vol.2 p.125 • Al-Wafi, Vol.21 p.71 • Tafsir Al-Safi, Vol.1 p.448 • Wasa’il Al-Shi’ah, Vol.20 p.40

HADITH

4369 - : وَ جَاءَ رَجُلٌ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ إِنَّ لِي زَوْجَةً إِذَا دَخَلْتُ تَلَقَّتْنِي وَ إِذَا خَرَجْتُ شَيَّعَتْنِي وَ إِذَا رَأَتْنِي مَهْمُوماً قَالَتْ مَا يُهِمُّكَ إِنْ كُنْتَ تَهْتَمُّ لِرِزْقِكَ فَقَدْ تَكَفَّلَ لَكَ بِهِ غَيْرُكَ وَ إِنْ كُنْتَ تَهْتَمُّ بِأَمْرِ آخِرَتِكَ فَزَادَكَ اَللَّهُ هَمّاً فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «إِنَّ لِلَّهِ عُمَّالاً وَ هَذِهِ مِنْ عُمَّالِهِ لَهَا نِصْفُ أَجْرِ اَلشَّهِيدِ».

H.4369 - A man came to the Messenger of Allah {SWT} (peace be upon him and his family) and said: "I have a wife who, when I enter the house, welcomes me, and when I leave, bids me farewell. If she sees me worried, she says, 'What is troubling you? If you are concerned about your sustenance, know that someone else has taken responsibility for it. And if you are concerned about your afterlife, then may Allah {SWT} increase your concern.'"
The Messenger of Allah {SWT} (peace be upon him and his family) said: "Indeed, Allah {SWT} has workers, and she is one of His {SWT} workers. She will have half the reward of a martyr."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.389 • Awali Al-La'ali, Vol.3 p.291 • Al-Wafi, Vol.21 p.61 • Wasa'il Al-Shi'ah, Vol.20 p.32

CHAPTER 108 – CHAPTER ON THE BLAMEWORTHY TRAITS AND CHARACTERISTICS OF WOMEN

بَابُ الْمَذْمُومِ مِنْ أَخْلَاقِ النِّسَاءِ وَ صِفَاتِهِنَ

HADITH 4370 – 4378

4370 - رُوِيَ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَغْلَبُ اَلْأَعْدَاءِ لِلْمُؤْمِنِ زَوْجَةُ اَلسَّوْءِ».

H.4370 - It is narrated from Abdullah ibn Sinan, from Abu Abdillah {a.s}, who said: "The most overpowering enemy of a believer is a bad wife."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.390 • Makarim Al-Akhlaq, Vol.1 p.201 • Al-Wafi, Vol.21 p.62 • Wasa'il Al-Shi'ah, Vol.20 p.25 • Wasa'il Al-Shi'ah, Vol.20 p.180 • Al-Fusul Al-Muhimmah, Vol.3 p.391 • Bihar Al-Anwar, Vol.100 p.240 • Mustadrak Al-Wasa'il, Vol.14 p.165

HADITH

4371 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَا رَأَيْتُ ضَعِيفَاتِ اَلدِّينِ نَاقِصَاتِ اَلْعُقُولِ أَسْلَبَ لِذِي لُبٍّ مِنْكُنَّ .«

H.4371 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "I have not seen those who are weak in faith and deficient in intellect more capable of overwhelming a man of reason than you (women)."

[REFERENCES] Al-Kafi, Vol.5 p.322 • Man La Yahduruhu Al-Faqih, Vol.3 p.390 • Tahdhib Al-Ahkam, Vol.7 p.404 • Makarim Al-Akhlaq, Vol.1 p.201 • Al-Wafi, Vol.21 p.30 • Wasa'il Al-Shi'ah, Vol.20 p.24

HADITH

4372 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّمَا اَلنِّسَاءُ عِيٌّ وَ عَوْرَةٌ فَاسْتُرُوا اَلْعَوْرَةَ بِالْبُيُوتِ وَ اُسْتُرُوا اَلْعِيَّ بِالسُّكُوتِ».

H.4372 - Imam {a.s} said: "Indeed, women are a source of dependence and vulnerability. So, conceal their vulnerability within the homes and cover their dependence with silence."

[REFERENCES] Al-Kafi, Vol.5 p.535 • Man La Yahduruhu Al-Faqih, Vol.3 p.390 • Al-Amali (Lil-Tusi), Vol.1 p.662 • Al-Wafi, Vol.22 p.797 • Wasa'il Al-Shi'ah, Vol.20 p.66 • Bihar Al-Anwar, Vol.100 p.252

HADITH

4373 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «لَوْ لاَ اَلنِّسَاءُ لَعُبِدَ اَللَّهُ حَقّاً حَقّاً».

H.4373 - Imam {a.s} said: "If it were not for women, Allah {SWT} would have been truly worshiped as He {SWT} deserves to be worshiped."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.390 • Makarim Al-Akhlaq, Vol.1 p.201 • Al-Wafi, Vol.22 p.805 • Wasa'il Al-Shi'ah, Vol.20 p.35

HADITH

4374 - وَ رَوَى اَلْأَصْبَغُ بْنُ نُبَاتَةَ عَنْ أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «يَظْهَرُ فِي آخِرِ اَلزَّمَانِ وَ اِقْتِرَابِ اَلسَّاعَةِ وَ هُوَ شَرُّ اَلْأَزْمِنَةِ نِسْوَةٌ كَاسِفَاتٌ عَارِيَاتٌ مُتَبَرِّجَاتٌ مِنَ اَلدِّينِ دَاخِلاَتٌ فِي اَلْفِتَنِ مَائِلاَتٌ إِلَى اَلشَّهَوَاتِ مُسْرِعَاتٌ إِلَى اَللَّذَّاتِ مُسْتَحِلاَّتٌ لِلْمُحَرَّمَاتِ فِي جَهَنَّمَ خَالِدَاتٌ ».

H.4374 - Al-Asbagh ibn Nubatah narrated from Commander of the Faithful {a.s} that he said:
"I heard him say: In the last days and near the Hour, when it will be the worst of times, there will appear women who are uncovered, naked, and flaunting themselves.
They will outwardly belong to the religion but will be immersed in trials, inclined toward desires, hastening toward pleasures, and making permissible what is forbidden. They will dwell in Hell forever."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.390 • Makarim Al-Akhlaq, Vol.1 p.201

HADITH

4375 - : وَ مَرَّ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلَى نِسْوَةٍ فَوَقَفَ عَلَيْهِنَّ ثُمَّ قَالَ
«يَا مَعَاشِرَ اَلنِّسَاءِ مَا رَأَيْتُ نَوَاقِصَ عُقُولٍ وَ دِينٍ أَذْهَبَ بِعُقُولِ ذَوِي اَلْأَلْبَابِ مِنْكُنَّ إِنِّي قَدْ رَأَيْتُ أَنَّكُنَّ أَكْثَرُ أَهْلِ اَلنَّارِ ، يَوْمَ اَلْقِيَامَةِ فَتَقَرَّبْنَ إِلَى اَللَّهِ عَزَّ وَ جَلَّ مَا اِسْتَطَعْتُنَّ»
فَقَالَتِ اِمْرَأَةٌ مِنْهُنَّ يَا رَسُولَ اَللَّهِ مَا نُقْصَانُ دِينِنَا وَ عُقُولِنَا فَقَالَ «أَمَّا نُقْصَانُ دِينِكُنَّ فَالْحَيْضُ اَلَّذِي يُصِيبُكُنَّ فَتَمْكُثُ إِحْدَاكُنَّ مَا شَاءَ اَللَّهُ لاَ تُصَلِّي وَ لاَ تَصُومُ وَ أَمَّا نُقْصَانُ عُقُولِكُنَّ فَشَهَادَتُكُنَّ إِنَّمَا شَهَادَةُ اَلْمَرْأَةِ نِصْفُ شَهَادَةِ اَلرَّجُلِ».

H.4375 - The Messenger of Allah {SWT} (peace be upon him and his family) passed by a group of women, stopped, and said:
"O assembly of women! I have not seen those who are deficient in intellect and religion more capable of taking away the reasoning of men of understanding than you. Indeed, I have observed that you will form the majority of the inhabitants of Hell on the Day of Judgment. So, seek closeness to Allah {SWT}, the Almighty and Glorious, as much as you can."
One of the women asked: “O Messenger of Allah {SWT}, what is the deficiency in our religion and intellect?"
He {saws} replied: "As for the deficiency in your religion, it is due to the menstruation that afflicts you, during which one of you may remain for a period, as Allah {SWT} wills, without praying or fasting. And as for the deficiency in your intellect, it is because the testimony of a woman is equivalent to half the testimony of a man."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.391 • Makarim Al-Akhlaq, Vol.1 p.202 • Wasa’il Al-Shi’ah, Vol.20 p.25

HADITH

4376 - : وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَ لاَ أُخْبِرُكُمْ بِشَرِّ نِسَائِكُمْ» قَالُوا بَلَى يَا رَسُولَ اَللَّهِ فَأَخْبِرْنَا قَالَ «مِنْ شَرِّ نِسَائِكُمُ اَلذَّلِيلَةُ فِي أَهْلِهَا اَلْعَزِيزَةُ مَعَ بَعْلِهَا اَلْعَقِيمُ اَلْحَقُودُ اَلَّتِي لاَ تَتَوَرَّعُ عَنْ قَبِيحٍ اَلْمُتَبَرِّجَةُ إِذَا غَابَ عَنْهَا زَوْجُهَا اَلْحَصَانُ مَعَهُ إِذَا حَضَرَ اَلَّتِي لاَ تَسْمَعُ قَوْلَهُ وَ لاَ تُطِيعُ أَمْرَهُ فَإِذَا خَلاَ بِهَا تَمَنَّعَتْ تَمَنُّعَ اَلصَّعْبَةِ عِنْدَ رُكُوبِهَا وَ لاَ تَقْبَلُ لَهُ عُذْراً وَ لاَ تَغْفِرُ لَهُ ذَنْباً».

H.4376 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "Shall I not inform you about the worst of your women?"
They said: “Yes, O Messenger of Allah {SWT}, tell us."
He said: "The worst of your women is the one who is humble and submissive with her family but domineering and arrogant with her husband. She is barren, spiteful, and does not refrain from committing indecency. She flaunts herself when her husband is absent but is reserved and guarded when he is present. She does not listen to his words nor obey his commands. When he is alone with her, she behaves stubbornly like a difficult mount that resists being ridden. She neither accepts his apology nor forgives his faults."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.391 • Makarim Al-Akhlaq, Vol.1 p.202

HADITH

4377 - : وَ قَامَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ خَطِيباً فَقَالَ «أَيُّهَا اَلنَّاسُ إِيَّاكُمْ وَ خَضْرَاءَ اَلدِّمَنِ » قِيلَ يَا رَسُولَ اَللَّهِ وَ مَا خَضْرَاءُ اَلدِّمَنِ قَالَ «اَلْمَرْأَةُ اَلْحَسْنَاءُ فِي مَنْبِتِ اَلسَّوْءِ».

H.4377 - The Prophet (peace be upon him and his family) stood up to deliver a sermon and said: "O people, beware of the green growth in a dung heap."
It was asked: “O Messenger of Allah {SWT}, what is the green growth in a dung heap?"
He {saws} replied: "A beautiful woman raised in a bad environment."

[REFERENCES] Al-Kafi, Vol.5 p.332 • Man La Yahduruhu Al-Faqih, Vol.3 p.391 • Ma’ani Al-Akhbar, Vol.1 p.316 • Tahdhib Al-Ahkam, Vol.7 p.403 • Rawdat Al-Wa’izin, Vol.2 p.375 • Makarim Al-Akhlaq, Vol.1 p.203 • Wasa’il Al-Shi’ah, Vol.20 p.48 • Bihar Al-Anwar, Vol.100 p.236 • Mustadrak Al-Wasa’il, Vol.14 p.166

HADITH

4378 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «اِعْلَمُوا أَنَّ اَلْمَرْأَةَ اَلسَّوْدَاءَ إِذَا كَانَتْ وَلُوداً أَحَبُّ إِلَيَّ مِنَ اَلْحَسْنَاءِ اَلْعَاقِرِ».

H.4378 - Imam {a.s} said: "Know that a dark-skinned woman who bears many children is more beloved to me than a beautiful woman who is barren."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.392 • Makarim Al-Akhlaq, Vol.1 p.203 • Awali Al-La’ali, Vol.3 p.299 • Al-Wafi, Vol.21 p.48 • Wasa’il Al-Shi’ah, Vol.20 p.54

CHAPTER 109 – CHAPTER ON THE ADMONITION REGARDING WOMEN

بَابُ الْوَصِيَّةِ بِالنِّسَاءِ

HADITH 4379

4379 - رَوَى سَمَاعَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اِتَّقُوا اَللَّهَ فِي اَلضَّعِيفَيْنِ».

يَعْنِي بِذَلِكَ الْيَتِيمَ وَ النِّسَاءَ.

H.4379 - Sama'ah narrated from Abu Abdillah {a.s} who said: "Fear Allah {SWT} regarding the two weak ones."

[AL SADUQ]
He meant by this the orphan and women.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.392

CHAPTER 110 – CHAPTER ON MARRYING A WOMAN FOR HER WEALTH, BEAUTY, OR RELIGION

بَابُ تَزْوِيجِ الْمَرْأَةِ لِمَالِهَا وَ لِجَمَالِهَا أَوْ لِدِينِهَا

HADITH 4380

4380 - رَوَى هِشَامُ بْنُ اَلْحَكَمِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا تَزَوَّجَ اَلرَّجُلُ اَلْمَرْأَةَ لِمَالِهَا أَوْ جَمَالِهَا لَمْ يُرْزَقْ ذَلِكَ فَإِنْ تَزَوَّجَهَا لِدِينِهَا رَزَقَهُ اَللَّهُ عَزَّ وَ جَلَّ جَمَالَهَا وَ مَالَهَا ».

H.4380 - Hisham ibn al-Hakam narrated from Abu Abdillah {a.s} who said: "If a man marries a woman for her wealth or her beauty, he will not be granted that. But if he marries her for her religion, Allah {SWT}, the Almighty and Glorious, will grant him her beauty and her wealth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.392 • Makarim Al-Akhlaq, Vol.1 p.203

CHAPTER 111 – CHAPTER ON COMPATIBILITY IN MARRIAGE

بَابُ الْأَكْفَاءِ

HADITH 4381 – 4386

4381 - رَوَى مُحَمَّدُ بْنُ اَلْوَلِيدِ عَنِ اَلْحُسَيْنِ بْنِ بَشَّارٍ قَالَ: كَتَبْتُ إِلَى أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ خَطَبَ إِلَيَّ فَكَتَبَ «مَنْ خَطَبَ إِلَيْكُمْ فَرَضِيتُمْ دِينَهُ وَ أَمَانَتَهُ كَائِناً مَنْ كَانَ فَزَوِّجُوهُ وَ إِلاَّ تَفْعَلُوا «تَكُنْ فِتْنَةٌ فِي اَلْأَرْضِ وَ فَسٰادٌ كَبِيرٌ» ».

H.4381 - Muhammad ibn al-Walid narrated from al-Husayn ibn Bashshar, who said:
I wrote to Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} concerning a man who proposed marriage to someone.
Imam {a.s} replied: "If someone proposes to you, and you are satisfied with his religion and trustworthiness, then marry him, whoever he may be. If you do not do so, there will be 'fitnah (discord) on the earth and great corruption.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.393 • Makarim Al-Akhlaq, Vol.1 p.204 • Tafsir Nur Al-Thaqalayn, Vol.2 p.170 • Tafsir Kanz Al-Daqaiq, Vol.5 p.377

HADITH

4382 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : « «إِنَّمٰا أَنَا بَشَرٌ مِثْلُكُمْ» أَتَزَوَّجُ فِيكُمْ وَ أُزَوِّجُكُمْ إِلاَّ فَاطِمَةَ فَإِنَّ تَزْوِيجَهَا نَزَلَ مِنَ اَلسَّمَاءِ ».

H.4382 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"I am only a human being like you; I marry amongst you and I arrange marriages for you.
Except for Sayyida Fatimah {s.a}, for her marriage was decreed from the heavens."

[REFERENCES] Al-Kafi, Vol.5 p.568 • Man La Yahduruhu Al-Faqih, Vol.3 p.393 • Makarim Al-Akhlaq, Vol.1 p.204 • Al-Wafi, Vol.21 p.315 • Wasa'il Al-Shi'ah, Vol.20 p.74 • Bihar Al-Anwar, Vol.43 p.144 • Awalim Al-Uloom, Vol.11 p.371

HADITH

4383 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «لَوْ لاَ أَنَّ اَللَّهَ تَعَالَى خَلَقَ فَاطِمَةَ لِعَلِيٍّ مَا كَانَ لَهَا عَلَى وَجْهِ اَلْأَرْضِ كُفْوٌ آدَمُ فَمَنْ دُونَهُ».

H.4383 - Imam {a.s} said: "Had Allah {SWT}, the Exalted, not created Sayyida Fatimah {s.a} for Imam Ali ibn Abi Talib {a.s}, there would not have been any equal for her on the face of the earth, from Adam to those after him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.393 • Al-Wafi, Vol.21 p.84 • Wasa'il Al-Shi'ah, Vol.20 p.74

HADITH

4384 - : وَ نَظَرَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِلَى أَوْلاَدِ عَلِيٍّ وَ جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «بَنَاتُنَا لِبَنِينَا وَ بَنُونَا لِبَنَاتِنَا».

H.4384 - The Prophet (peace be upon him and his family) looked at the children of Imam Ali ibn Abi Talib {a.s} and Ja'far ibn Abi Talib {a.s}, peace be upon them, and said: "Our daughters are for our sons, and our sons are for our daughters."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.393 • Al-Manaqib, Vol.3 p.305 • Al-Wafi, Vol.21 p.84 • Wasa'il Al-Shi'ah, Vol.20 p.74 • Awalim Al-Uloom, Vol.11 p.997

HADITH

4385 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : « اَلْمُؤْمِنُونَ بَعْضُهُمْ أَكْفَاءُ بَعْضٍ ».

H.4385 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "
Believers are equals to one another."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.393 • Makarim Al-Akhlaq, Vol.1 p.204 • Awali Al-La'ali, Vol.2 p.274 • Al-Wafi, Vol.21 p.83 • Wasa'il Al-Shi'ah, Vol.20 p.74

HADITH

4386 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «اَلْكُفْؤُ أَنْ يَكُونَ عَفِيفاً وَ عِنْدَهُ يَسَارٌ».

H.4386 - Imam {a.s} said: "A suitable match is one who is chaste and possesses financial means."

[REFERENCES] Al-Kafi, Vol.5 p.347 • Man La Yahduruhu Al-Faqih, Vol.3 p.394 • Ma'ani Al-Akhbar, Vol.1 p.239 • Tahdhib Al-Ahkam, Vol.7 p.394 • Tahdhib Al-Ahkam, Vol.7 p.394 • Makarim Al-Akhlaq, Vol.1 p.204 • Awali Al-La'ali, Vol.3 p.338 • Awali Al-La'ali, Vol.3 p.339 • Awali Al-La'ali, Vol.3 p.341 • Al-Wafi, Vol.21 p.83

CHAPTER 112 – CHAPTER ON THE RECOMMENDED SUPPLICATIONS AND PRAYERS FOR ONE WHO INTENDS TO MARRY

بَابُ مَا يُسْتَحَبُّ مِنَ الدُّعَاءِ وَ الصَّلَاةِ لِمَنْ يُرِيدُ التَّزْوِيجَ

HADITH 4387

4387 - رَوَى مُثَنَّى بْنُ اَلْوَلِيدِ اَلْحَنَّاطُ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ لِي أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «إِذَا تَزَوَّجَ أَحَدُكُمْ كَيْفَ يَصْنَعُ» قُلْتُ مَا أَدْرِي جُعِلْتُ فِدَاكَ قَالَ «إِذَا هَمَّ بِذَلِكَ فَلْيُصَلِّ رَكْعَتَيْنِ وَ يَحْمَدُ اَللَّهَ عَزَّ وَ جَلَّ وَ يَقُولُ: اَللَّهُمَّ إِنِّي أُرِيدُ اَلتَّزْوِيجَ فَقَدِّرْ لِي مِنَ اَلنِّسَاءِ أَعَفَّهُنَّ فَرْجاً وَ أَحْفَظَهُنَّ لِي فِي نَفْسِهَا وَ مَالِي وَ أَوْسَعَهُنَّ رِزْقاً وَ أَعْظَمَهُنَّ بَرَكَةً وَ قَيِّضْ لِي مِنْهَا وَلَداً طَيِّباً تَجْعَلُهُ لِي خَلَفاً صَالِحاً فِي حَيَاتِي وَ بَعْدَ مَوْتِي».

H.4387 - Muthanna ibn al-Walid al-Hannat narrated from Abu Basir, who said:
Abu Abdillah {a.s} said to me: "When one of you intends to get married, what should he do?"
I replied: “I do not know, may I be your ransom."
Imam {a.s} said: "When he makes up his mind for that, let him perform two units of prayer, praise Allah {SWT}, the Almighty and Glorious, and say:
'O Allah {SWT}, I intend marriage, so decree for me from among the women the one who is most chaste in her private parts, best in preserving herself for me, my wealth, and the most abundant in sustenance, and the greatest in blessings. Grant me from her a good offspring whom You {SWT} make for me a righteous successor during my life and after my death.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.394

CHAPTER 113 – CHAPTER ON THE TIME WHEN MARRIAGE IS DISLIKED

بَابُ الْوَقْتِ الَّذِي يُكْرَهُ فِيهِ التَّزْوِيجُ

HADITH 4388 – 4389

4388 - رَوَى مُحَمَّدُ بْنُ حُمْرَانَ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «مَنْ تَزَوَّجَ وَ اَلْقَمَرُ فِي اَلْعَقْرَبِ لَمْ يَرَ اَلْحُسْنَى».

H.4388 - Muhammad ibn Humran narrated from his father, who reported from Abu Abdillah {a.s} that he said: "Whoever marries when the moon is in a harmful or unfavorable position will not see good outcomes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.394 • Tahdhib Al-Ahkam, Vol.7 p.407 • Makarim Al-Akhlaq, Vol.1 p.198 • Al-Wafi, Vol.21 p.383 • Bihar Al-Anwar, Vol.100 p.274

HADITH

4389 - وَ رُوِيَ: «أَنَّهُ يُكْرَهُ اَلتَّزْوِيجُ فِي مُحَاقِ اَلشَّهْرِ».

H.4389 - It is narrated that "It is disliked to marry during the waning phase of the moon."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.394 • Makarim Al-Akhlaq, Vol.1 p.198 • Al-Wafi, Vol.21 p.385 • Wasa'il Al-Shi'ah, Vol.20 p.115

CHAPTER 114 – CHAPTER ON THE GUARDIAN, WITNESSES, PROPOSAL, AND DOWRY

بَابُ الْوَلِيِّ وَ الشُّهُودِ وَ الْخِطْبَةِ وَ الصَّدَاقِ

HADITH 4390 – 4401

4390 - رَوَى اَلْعَلاَءُ عَنِ اِبْنِ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ تُنْكَحُ ذَوَاتُ اَلْآبَاءِ مِنَ اَلْأَبْكَارِ إِلاَّ بِإِذْنِ آبَائِهِنَّ».

H.4390 - Al-Ala' narrated from Ibn Abi Ya'fur, who reported from Abu Abdillah {a.s} that he said: "Virgin daughters who have fathers should not be married except with the permission of their fathers."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.395 • Wasa'il Al-Shi'ah, Vol.20 p.277

HADITH

4391 - وَ سَأَلَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ بَزِيعٍ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ :
عَنِ اَلصَّبِيَّةِ يُزَوِّجُهَا أَبُوهَا ثُمَّ يَمُوتُ وَ هِيَ صَغِيرَةٌ ثُمَّ تَكْبَرُ قَبْلَ أَنْ يَدْخُلَ بِهَا زَوْجُهَا أَ يَجُوزُ عَلَيْهَا اَلتَّزْوِيجُ أَمِ اَلْأَمْرُ إِلَيْهَا فَقَالَ «يَجُوزُ عَلَيْهَا تَزْوِيجُ أَبِيهَا».

H.4391 - Muhammad ibn Isma'il ibn Bazi' asked Imam Ali ibn Musa Ar-Ridha {a.s} about a young girl who was married off by her father, and then the father died while she was still a child.
When she grew older, before her husband consummated the marriage, does the marriage remain valid, or is the matter in her hands?
Imam {a.s} replied: "The marriage performed by her father is valid for her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.395 • Tahdhib Al-Ahkam, Vol.7 p.381 • Al-Istibsar, Vol.3 p.236 • Bihar Al-Anwar, Vol.100 p.329

HADITH

4392 - وَ رَوَى اِبْنُ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَارَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلْجَارِيَةُ يُرِيدُ أَبُوهَا أَنْ يُزَوِّجَهَا مِنْ رَجُلٍ وَ يُرِيدُ جَدُّهَا أَنْ يُزَوِّجَهَا مِنْ رَجُلٍ آخَرَ فَقَالَ «اَلْجَدُّ أَوْلَى بِذَلِكَ إِنْ لَمْ يَكُنِ اَلْأَبُ زَوَّجَهَا مِنْ قَبْلِهِ».

H.4392 - Ibn Bukayr narrated from Ubayd ibn Zurarah who said:
I asked Abu Abdullah {a.s} about a young girl whose father wishes to marry her to one man, while her grandfather wishes to marry her to another man.
Imam {a.s} said: "The grandfather has more right in this matter if the father has not already married her off before him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.395 • Awali Al-La'ali, Vol.2 p.267

HADITH

4393 - وَ فِي رِوَايَةِ هِشَامِ بْنِ سَالِمٍ وَ مُحَمَّدِ بْنِ حَكِيمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا زَوَّجَ اَلْأَبُ وَ اَلْجَدُّ كَانَ اَلتَّزْوِيجُ لِلْأَوَّلِ فَإِنْ كَانَا زَوَّجَا فِي حَالٍ وَاحِدَةٍ فَالْجَدُّ أَوْلَى».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ لَا وِلَايَةَ لِأَحَدٍ عَلَى الْمَرْأَةِ إِلَّا لِأَبِيهَا مَا لَمْ تَتَزَوَّجْ وَ كَانَتْ بِكْراً فَإِنْ كَانَتْ ثَيِّباً فَلَا يَجُوزُ عَلَيْهَا تَزْوِيجُ أَبِيهَا إِلَّا بِأَمْرِهَا وَ إِنْ كَانَ لَهَا أَبٌ وَ جَدٌّ فَلِلْجَدِّ عَلَيْهَا وِلَايَةٌ مَا دَامَ أَبُوهَا حَيّاً لِأَنَّهُ يَمْلِكُ وَلَدَهُ وَ مَا مَلَكَ فَإِذَا مَاتَ الْأَبُ لَمْ يُزَوِّجْهَا الْجَدُّ إِلَّا بِإِذْنِهَا.

H.4393 - Hisham ibn Salim and Muhammad ibn Hakim narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: "If the father and the grandfather both arrange the marriage, the marriage arranged by the first one will take precedence. However, if both arranged the marriage simultaneously, then the grandfather has greater authority."

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, stated: No one has authority over a woman except her father as long as she has not married and remains a virgin. If she is no longer a virgin, then her father cannot arrange her marriage without her consent. If she has both a father and a grandfather, the grandfather has authority over her as long as the father is alive, because the father has authority over his children and what they own. However, if the father dies, the grandfather cannot arrange her marriage except with her permission.

[REFERENCES] Al-Kafi, Vol.5 p.395 • Man La Yahduruhu Al-Faqih, Vol.3 p.395 • Tahdhib Al-Ahkam, Vol.7 p.390 • Al-Wafi, Vol.21 p.437 • Wasa'il Al-Shi'ah, Vol.20 p.289 • Al-Fusul Al-Muhimmah, Vol.2 p.338

HADITH

4394 - وَ رَوَى حَنَانُ بْنُ سَدِيرٍ عَنْ مُسْلِمِ بْنِ بَشِيرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً وَ لَمْ يُشْهِدْ فَقَالَ «أَمَّا فِيمَا بَيْنَهُ وَ بَيْنَ اَللَّهِ عَزَّ وَ جَلَّ فَلَيْسَ عَلَيْهِ شَيْءٌ وَ لَكِنْ إِنْ أَخَذَهُ سُلْطَانٌ جَائِرٌ عَاقَبَهُ».

H.4394 - Hanan ibn Sadir narrated from Muslim ibn Bashir, who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}.

He said: I asked him about a man who married a woman without witnesses.

Imam {a.s} replied: "As far as what is between him and Allah {SWT}, the Exalted, there is nothing against him. However, if a tyrannical ruler were to apprehend him, he would punish him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.396 • Awali Al-La'ali, Vol.3 p.313 • Al-Wafi, Vol.21 p.446 • Wasa'il Al-Shi'ah, Vol.20 p.99

HADITH

4395 - وَ رُوِيَ عَنْ عَبْدِ اَلْحَمِيدِ بْنِ عَوَّاضٍ عَنْ عَبْدِ اَلْخَالِقِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَ عَنِ اَلْمَرْأَةِ اَلثَّيِّبِ تَخْطُبُ إِلَى نَفْسِهَا قَالَ «هِيَ أَمْلَكُ بِنَفْسِهَا تُوَلِّي أَمْرَهَا مَنْ شَاءَتْ إِذَا كَانَ كُفْواً بَعْدَ أَنْ تَكُونَ قَدْ نَكَحَتْ زَوْجاً قَبْلَ ذَلِكَ».

H.4395 - It is narrated from Abdul Hamid ibn Awad, who reported from Abdul Khaliq, that he said: I asked Abu Abdullah {a.s} about a previously married woman (thayyib) who arranges her own marriage proposal.
He replied: "She has full authority over herself. She may entrust her affairs to whomever she wishes, provided he is a suitable match, as long as she has been married to a husband prior to this."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.396 • Tahdhib Al-Ahkam, Vol.7 p.385 • Wasa'il Al-Shi'ah, Vol.20 p.268

HADITH

4396 - وَ رَوَى دَاوُدُ بْنُ سِرْحَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: فِي رَجُلٍ يُرِيدُ أَنْ يُزَوِّجَ أُخْتَهُ قَالَ «يُؤَامِرُهَا فَإِنْ سَكَتَتْ فَهُوَ إِقْرَارُهَا وَ إِنْ أَبَتْ لَمْ يُزَوِّجْهَا فَإِنْ قَالَتْ زَوِّجْنِي فُلاَناً فَلْيُزَوِّجْهَا مِمَّنْ تَرْضَى وَ اَلْيَتِيمَةُ فِي حَجْرِ اَلرَّجُلِ لاَ يُزَوِّجُهَا إِلاَّ مِمَّنْ تَرْضَى».

H.4396 - It is narrated by Dawood ibn Sirhan from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that he said regarding a man who wishes to arrange the marriage of his sister:
"He should consult her. If she remains silent, it is her consent, but if she refuses, he should not marry her off. If she says, 'Marry me to so-and-so,' then he should marry her to someone she approves of.
As for an orphan girl under the care of a man, he should not marry her off except to someone she is pleased with."

[REFERENCES] Al-Kafi, Vol.5 p.393 • Man La Yahduruhu Al-Faqih, Vol.3 p.397 • Tahdhib Al-Ahkam, Vol.7 p.386 • Al-Istibsar, Vol.3 p.239 • Al-Wafi, Vol.21 p.431 • Wasa'il Al-Shi'ah, Vol.20 p.268

HADITH

4397 - وَ رَوَى اَلْفُضَيْلُ بْنُ يَسَارٍ وَ مُحَمَّدُ بْنُ مُسْلِمٍ وَ زُرَارَةُ وَ بُرَيْدُ بْنُ مُعَاوِيَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْمَرْأَةُ اَلَّتِي قَدْ مَلَكَتْ نَفْسَهَا غَيْرَ اَلسَّفِيهَةِ وَ لاَ اَلْمُوَلَّى عَلَيْهَا تَزْوِيجُهَا بِغَيْرِ وَلِيٍّ جَائِزٌ».

H.4397 - It is narrated by Al-Fudhayl ibn Yasar, Muhammad ibn Muslim, Zurara, and Burayd ibn Muawiyah from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"A woman who has control over herself, is neither foolish nor under guardianship, her marriage without a guardian is permissible."

[REFERENCES] Al-Kafi, Vol.5 p.391 • Man La Yahduruhu Al-Faqih, Vol.3 p.397 • Tahdhib Al-Ahkam, Vol.7 p.377 • Al-Istibsar, Vol.3 p.232 • Al-Wafi, Vol.21 p.425 • Wasa'il Al-Shi'ah, Vol.20 p.100 • Wasa'il Al-Shi'ah, Vol.20 p.267

HADITH

4398 - : وَ خَطَبَ أَبُو طَالِبٍ رَحِمَهُ اَللَّهُ لَمَّا تَزَوَّجَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ، خَدِيجَةَ بِنْتَ خُوَيْلِدٍ رَحِمَهَا اَللَّهُ بَعْدَ أَنْ خَطَبَهَا إِلَى أَبِيهَا وَ مِنَ اَلنَّاسِ مَنْ يَقُولُ إِلَى عَمِّهَا فَأَخَذَ بِعِضَادَتَيِ اَلْبَابِ وَ مَنْ شَاهَدَهُ مِنْ قُرَيْشٍ حُضُورٌ فَقَالَ اَلْحَمْدُ لِلَّهِ اَلَّذِي جَعَلَنَا مِنْ زَرْعِ إِبْرَاهِيمَ وَ ذُرِّيَّةِ إِسْمَاعِيلَ وَ جَعَلَ لَنَا بَيْتاً مَحْجُوجاً وَ «حَرَماً آمِناً يُجْبىٰ إِلَيْهِ ثَمَرٰاتُ كُلِّ شَيْءٍ» وَ جَعَلَنَا اَلْحُكَّامَ عَلَى اَلنَّاسِ فِي بَلَدِنَا اَلَّذِي نَحْنُ فِيهِ ثُمَّ إِنَّ اِبْنَ أَخِي مُحَمَّدَ بْنَ عَبْدِ اَللَّهِ بْنِ عَبْدِ اَلْمُطَّلِبِ لاَ يُوزَنُ بِرَجُلٍ مِنْ قُرَيْشٍ إِلاَّ رَجَحَ وَ لاَ يُقَاسُ بِأَحَدٍ مِنْهُمْ إِلاَّ عَظُمَ عَنْهُ وَ إِنْ كَانَ فِي اَلْمَالِ قَلٌّ فَإِنَّ اَلْمَالَ رِزْقٌ حَائِلٌ وَ ظِلٌّ زَائِلٌ وَ لَهُ فِي خَدِيجَةَ رَغْبَةٌ وَ لَهَا فِيهِ رَغْبَةٌ وَ اَلصَّدَاقُ مَا سَأَلْتُمْ عَاجِلُهُ وَ آجِلُهُ مِنْ مَالِي وَ لَهُ خَطَرٌ عَظِيمٌ وَ شَأْنٌ رَفِيعٌ وَ لِسَانٌ شَافِعٌ جَسِيمٌ فَزَوَّجَهُ وَ دَخَلَ بِهَا مِنَ اَلْغَدِ فَأَوَّلُ مَا حَمَلَتْ وَلَدَتْ عَبْدَ اَللَّهِ بْنَ مُحَمَّدٍ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ.

H.4398 - Abu Talib {a.s}, may Allah {SWT} have mercy upon him, arranged the marriage of the Prophet Muhammad (peace and blessings be upon him and his family) to Khadijah bint Khuwaylid {s.a}, may Allah {SWT} have mercy upon her, after proposing to her through her father, or as some say, through her uncle.
Abu Talib {a.s}, stood by the doorposts, addressing the gathering of Quraysh who were present.
Abu Talib {a.s} began by praising Allah {SWT}, saying:
"All praise is due to Allah {SWT}, who made us from the progeny of Ibrahim and the descendants of Isma'il, who established for us a sacred house that is frequented (by pilgrims) and a secure sanctuary to which the fruits of all things are brought.
He {SWT} has made us the rulers over the people in our land.
My nephew, Muhammad ibn Abdullah ibn Abdul-Muttalib {saws}, cannot be compared to any man of Quraysh except that He {saws} surpasses them in virtue, nor can He {saws} be equated with anyone except that He {saws} holds greater honor than them.
Though He {saws} may possess little wealth, wealth is merely a fleeting provision and a transient shade.
He {saws} has an interest in Khadijah {s.a}, and she {s.a} has an interest in Him {a.s}.
The dowry, whether its immediate or deferred portion, will be paid from my wealth.
He {saws} holds a great position, a lofty status, and an eloquent and persuasive tongue."
Following this address, Khadijah {s.a} was married to the Prophet (peace and blessings be upon him and his family), and He {saws} consummated the marriage the following day.
The first child she {s.a} bore for Him {saws} was Abdullah ibn Muhammad (peace and blessings be upon him and his family).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.397 • Al-Wafi, Vol.21 p.389 • Bihar Al-Anwar, Vol.16 p.16

HADITH

4399 - : وَ لَمَّا تَزَوَّجَ أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيٍّ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ اِبْنَةَ اَلْمَأْمُونِ خَطَبَ لِنَفْسِهِ فَقَالَ « اَلْحَمْدُ لِلَّهِ مُتِمِّ اَلنِّعَمِ بِرَحْمَتِهِ وَ اَلْهَادِي إِلَى شُكْرِهِ بِمَنِّهِ وَ صَلَّى اَللَّهُ عَلَى مُحَمَّدٍ خَيْرِ خَلْقِهِ اَلَّذِي جَمَعَ فِيهِ مِنَ اَلْفَضْلِ مَا فَرَّقَهُ فِي اَلرُّسُلِ قَبْلَهُ وَ جَعَلَ تُرَاثَهُ إِلَى مَنْ خَصَّهُ بِخِلاَفَتِهِ وَ سَلَّمَ تَسْلِيماً وَ هَذَا أَمِيرُ اَلْمُؤْمِنِينَ زَوَّجَنِي اِبْنَتَهُ عَلَى مَا فَرَضَ اَللَّهُ عَزَّ وَ جَلَّ لِلْمُسْلِمَاتِ عَلَى اَلْمُؤْمِنِينَ مِنْ إِمْسَاكٍ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ وَ بَذَلْتُ لَهَا مِنَ اَلصَّدَاقِ مَا بَذَلَهُ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لِأَزْوَاجِهِ وَ هُوَ اِثْنَتَا عَشْرَةَ أُوقِيَّةً وَ نَشٌّ وَ عَلَيَّ تَمَامُ اَلْخَمْسِمِائَةِ وَ قَدْ نَحَلْتُهَا مِنْ مَالِي مِائَةَ أَلْفِ زَوَّجْتَنِي يَا أَمِيرَ اَلْمُؤْمِنِينَ» قَالَ بَلَى قَالَ «قَبِلْتُ وَ رَضِيتُ».

H.4399 - When Imam Abu Ja'far Muhammad ibn Ali al-Ridha {a.s} married the daughter of al-Ma'mun, Imam {a.s} delivered the following sermon for himself:
"All praise is due to Allah {SWT}, the Completer of blessings through His {SWT} mercy, and the Guide to gratitude through His {SWT} favor.
May Allah {SWT} send blessings upon Muhammad {saws}, the best of His {SWT} creation, in whom He {SWT} gathered all virtues that He {SWT} distributed among the previous messengers, and He {SWT} entrusted his inheritance to those whom He {SWT} chose for his succession. May Allah {SWT} grant him peace and blessings in abundance.
Here stands (your political ruler) Commander of Faithful, who has married me to his daughter in accordance with what Allah {SWT}, the Almighty and Glorious, has ordained for Muslim women over believing men, either to retain them honorably or to release them kindly.
I have offered her as a dowry what the Messenger of Allah {SWT} (peace and blessings be upon him and his family) offered to his wives, which is twelve uqiyyah and a nashsh (approximately 500 dirhams). And I have added to it, from my own wealth, one hundred thousand (dirhams).
O' (political ruler) Commander of the Faithful, you have married her to me, have you not?"
He (al-Ma'mun) replied: "Yes."
Imam {a.s} said: "I accept, and I am satisfied."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.398 • Makarim Al-Akhlaq, Vol.1 p.205 • Al-Wafi, Vol.21 p.399 • Bihar Al-Anwar, Vol.100 p.264 • Awalim Al-Uloom, Vol.23 p.525

HADITH

4400 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ تَزَوَّجَ اِمْرَأَةً وَ لَمْ يَنْوِ أَنْ يُوَفِّيَهَا صَدَاقَهَا فَهُوَ عِنْدَ اَللَّهِ عَزَّ وَ جَلَّ زَانٍ».

H.4400 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever marries a woman and does not intend to pay her dowry is, in the sight of Allah {SWT}, the Almighty and Glorious, considered a fornicator."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.398 • Makarim Al-Akhlaq, Vol.1 p.207 • Al-Wafi, Vol.22 p.520 • Tafsir Al-Safi, Vol.1 p.421 • Wasa'il Al-Shi'ah, Vol.21 p.267

HADITH

4401 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ أَحَقَّ اَلشُّرُوطِ أَنْ يُوفَى بِهَا مَا اِسْتَحْلَلْتُمْ بِهِ اَلْفُرُوجَ».

وَ السُّنَّةُ الْمُحَمَّدِيَّةُ فِي الصَّدَاقِ خَمْسُمِائَةِ دِرْهَمٍ فَمَنْ زَادَ عَلَى السُّنَّةِ رُدَّ إِلَى السُّنَّةِ فَإِنْ أَعْطَاهَا مِنَ الْخَمْسِمِائَةِ دِرْهَمٍ دِرْهَماً وَاحِداً أَوْ أَكْثَرَ مِنْ ذَلِكَ ثُمَّ دَخَلَ بِهَا فَلَا شَيْءَ لَهَا بَعْدَ ذَلِكَ إِنَّمَا لَهَا مَا أَخَذَتْ مِنْهُ قَبْلَ أَنْ يَدْخُلَ بِهَا - وَ كُلُّ مَا جَعَلَتْهُ الْمَرْأَةُ مِنْ صَدَاقِهَا دَيْناً عَلَى الرَّجُلِ فَهُوَ وَاجِبٌ لَهَا عَلَيْهِ فِي حَيَاتِهِ وَ بَعْدَ مَوْتِهِ أَوْ مَوْتِهَا وَ الْأَوْلَى أَنْ لَا يُطَالِبَ الْوَرَثَةُ بِمَا لَمْ تُطَالِبْ بِهِ الْمَرْأَةُ فِي حَيَاتِهَا وَ لَمْ تَجْعَلْهُ دَيْناً لَهَا عَلَى زَوْجِهَا وَ كُلُّ مَا دَفَعَهُ إِلَيْهَا وَ رَضِيَتْ بِهِ عَنْ صَدَاقِهَا قَبْلَ الدُّخُولِ بِهَا فَذَاكَ صَدَاقُهَا وَ إِنَّمَا صَارَ مَهْرُ السُّنَّةِ- خَمْسَمِائَةِ دِرْهَمٍ لِأَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَوْجَبَ عَلَى نَفْسِهِ أَنْ لَا يُكَبِّرَهُ مُؤْمِنٌ مِائَةَ تَكْبِيرَةٍ وَ لَا يُسَبِّحَهُ مِائَةَ تَسْبِيحَةٍ وَ لَا يُهَلِّلَهُ مِائَةَ تَهْلِيلَةٍ وَ لَا يُحَمِّدَهُ مِائَةَ تَحْمِيدَةٍ وَ لَا يُصَلِّيَ عَلَى النَّبِيِّ وَ آلِهِ ص مِائَةَ مَرَّةٍ ثُمَّ يَقُولَ اللَّهُمَّ زَوِّجْنِي مِنَ الْحُورِ الْعِينِ إِلَّا زَوَّجَهُ اللَّهُ حَوْرَاءَ مِنَ الْجَنَّةِ وَ جَعَلَ ذَلِكَ مَهْرَهَا وَ إِذَا زَوَّجَ الرَّجُلُ ابْنَتَهُ فَلَيْسَ لَهُ أَنْ يَأْكُلَ صَدَاقَهَا.

H.4401 - Imam Ali ibn Abi Talib {a.s} said: "Indeed, the most deserving of conditions to be fulfilled are those by which you make lawful access to private parts."

[AL SADUQ]

The Muhammadan tradition regarding the dowry is five hundred dirhams. Therefore, whoever exceeds this tradition should be reverted to it. If a man gives his wife one dirham or more from the five hundred dirhams, and then consummates the marriage, she is entitled only to what she has already received before consummation.

Any amount that a woman stipulates as a debt upon her husband from her dowry remains obligatory for him to pay during his lifetime or after his death. However, it is preferable that the heirs do not demand what the woman did not claim during her lifetime, unless she had explicitly made it a debt upon her husband.

Whatever the husband gives her, and she accepts as her dowry before consummation, is considered her dowry.

The reason why the dowry of the Sunnah is set at five hundred dirhams is that Allah {SWT}, the Exalted, has decreed upon Himself that if a believer recites one hundred takbirs (Allahu Akbar), one hundred tasbihs (Subhan Allah {SWT}), one hundred tahlils (La ilaha illa Allah {SWT}), one hundred tahmids (Alhamdulillah), and sends blessings upon the Prophet and his family (peace be upon them) one hundred times, then asks Allah {SWT} to marry him to one of the women of Paradise, Allah {SWT} will indeed grant him a heavenly spouse and make that the dowry.

Furthermore, if a man marries off his daughter, he is not entitled to consume her dowry.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.399 • Al-Wafi, Vol.22 p.520 • Tafsir Al-Safi, Vol.1 p.422 • Wasa'il Al-Shi'ah, Vol.21 p.267

CHAPTER 115 – CHAPTER ON SCATTERING GIFTS AND THE WEDDING CEREMONY

بَابُ النِّثَارِ وَ الزِّفَافِ

HADITH 4402 – 4403

4402 - رُوِيَ عَنْ جَابِرِ بْنِ عَبْدِ اَللَّهِ اَلْأَنْصَارِيِّ قَالَ: لَمَّا زَوَّجَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَاطِمَةَ مِنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ أَتَاهُ نَاسٌ مِنْ قُرَيْشٍ فَقَالُوا إِنَّكَ زَوَّجْتَ عَلِيّاً بِمَهْرٍ خَسِيسٍ فَقَالَ لَهُمْ «مَا أَنَا زَوَّجْتُ عَلِيّاً وَ لَكِنَّ اَللَّهَ عَزَّ وَ جَلَّ زَوَّجَهُ لَيْلَةَ أَسْرَى بِي عِنْدَ سِدْرَةِ اَلْمُنْتَهَى » أَوْحَى اَللَّهُ عَزَّ وَ جَلَّ إِلَى اَلسِّدْرَةِ «أَنِ انْثُرِي» فَنَثَرَتِ اَلدُّرَّ وَ اَلْجَوْهَرَ عَلَى اَلْحُورِ اَلْعِينِ فَهُنَّ يَتَهَادَيْنَهُ وَ يَتَفَاخَرْنَ بِهِ وَ يَقُلْنَ هَذَا مِنْ نُثَارِ فَاطِمَةَ بِنْتِ مُحَمَّدٍ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَلَمَّا كَانَتْ لَيْلَةُ اَلزِّفَافِ أَتَى اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِبَغْلَتِهِ اَلشَّهْبَاءِ وَ ثَنَى عَلَيْهَا قَطِيفَةً وَ قَالَ لِفَاطِمَةَ عَلَيْهَا اَلسَّلاَمُ «اِرْكَبِي» وَ أَمَرَ سَلْمَانَ رَحِمَهُ اَللَّهُ أَنْ يَقُودَهَا وَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَسُوقُهَا فَبَيْنَا هُوَ فِي بَعْضِ اَلطَّرِيقِ إِذْ سَمِعَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَجْبَةً فَإِذَا هُوَ بِجَبْرَئِيلَ عَلَيْهِ اَلسَّلاَمُ فِي سَبْعِينَ أَلْفاً وَ مِيكَائِيلَ فِي سَبْعِينَ أَلْفاً فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «مَا أَهْبَطَكُمْ إِلَى اَلْأَرْضِ» قَالُوا جِئْنَا نَزُفُّ فَاطِمَةَ عَلَيْهَا اَلسَّلاَمُ إِلَى زَوْجِهَا وَ كَبَّرَ جَبْرَئِيلُ عَلَيْهِ اَلسَّلاَمُ وَ كَبَّرَ مِيكَائِيلُ عَلَيْهِ اَلسَّلاَمُ وَ كَبَّرَتِ اَلْمَلاَئِكَةُ وَ كَبَّرَ مُحَمَّدٌ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَوُضِعَ اَلتَّكْبِيرُ عَلَى اَلْعَرَائِسِ مِنْ تِلْكَ اَللَّيْلَةِ.

H.4402 - It is narrated from Jabir ibn Abdullah Al-Ansari that he said:
When the Messenger of Allah {SWT}, peace be upon him and his family, married Sayyidah Fatimah {s.a} to Imam Ali ibn Abi Talib {a.s}, peace be upon them, some people from Quraysh came to Him {saws} and said:
“You have married Ali {a.s} with a trivial dowry."
The Prophet, peace be upon him and his family, replied to them:
"It was not I (Muhammad {saws}), who married Ali {a.s}, but Allah {SWT}, Mighty and Majestic, married Him {a.s} to Her {s.a}.
The Prophet {saws} continued;
“On the night I was taken on the Night Journey (Miraj) to the Sidrat al-Muntaha (Lote Tree at the Utmost Boundary), Allah {SWT}, the Mighty and Majestic, revealed to the Lote Tree, 'Scatter your ornaments.'
It then scattered pearls and jewels upon the maidens of Paradise, who exchanged them as gifts and took pride in them, saying, 'This is from the scattering (of gifts) for Sayyidah Fatimah {s.a}, the daughter of Muhammad {saws}, peace be upon him and his family.'"
When the night of the wedding arrived, the Prophet {saws}, peace be upon him and his family, brought his grey mule and covered it with a cloak.
He {saws} said to Sayyidah Fatimah {s.a}, peace be upon her: "Mount it."
He {saws} then commanded Salman, may Allah {SWT} have mercy on him, to lead the mule, while the Prophet {saws}, peace be upon him and his family, walked behind it.

While they were on the way, the Prophet {saws}, peace be upon him and his family, heard a sound and saw Archangel Jibril (Gabriel) {a.s}, descending with seventy thousand angels, and Mika'il (Michael), peace be upon him, with seventy thousand angels.
The Prophet {saws}, peace be upon him and his family, said:
“What has brought you (angels) down to earth?"
They (Jibril and Mika’il) said:
“We have come to escort Sayyida Fatimah {s.a}, peace be upon her, to her husband."

[AL SADUQ]

Archangel Jibril {a.s} proclaimed "Allahu Akbar" (Allah {SWT} is the Greatest),
and Mika'il {a.s}, peace be upon him, followed with the same proclamation, as did all the angels.
Then Prophet Muhammad {saws}, peace be upon him and his family, also proclaimed "Allahu Akbar."
From that night, the custom of proclaiming "Allahu Akbar" during weddings was established.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.401 • Makarim Al-Akhlaq, Vol.1 p.208 • Al-Wafi, Vol.21 p.457 • Bihar Al-Anwar, Vol.100 p.266

HADITH

4403 - وَ رَوَى اَلسَّكُونِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «زُفُّوا عَرَائِسَكُمْ لَيْلاً وَ أَطْعِمُوا ضُحًى».

H.4403 - It is narrated by Al-Sakooni from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Escort your brides at night and serve food in the morning."

[REFERENCES] Al-Kafi, Vol.5 p.366 • Da’a’im Al-Islam, Vol.2 p.210 • Man La Yahduruhu Al-Faqih, Vol.3 p.401 • Al-Ash’athiyat, Vol.1 p.110 • Tahdhib Al-Ahkam, Vol.7 p.418 • Makarim Al-Akhlaq, Vol.1 p.208 • Al-Nawadir (Lil-Rawandi), Vol.1 p.40 • Al-Wafi, Vol.21 p.382 • Wasa’il Al-Shi’ah, Vol.20 p.91 • Bihar Al-Anwar, Vol.100 p.266

CHAPTER 116 – CHAPTER ON THE WEDDING FEAST (WALIMAH)

بَابُ الْوَلِيمَةِ

HADITH 4404

4404 - رَوَى مُوسَى بْنُ بَكْرٍ عَنْ أَبِي اَلْحَسَنِ اَلْأَوَّلِ عَلَيْهِ اَلسَّلاَمُ أَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ: «لاَ وَلِيمَةَ إِلاَّ فِي خَمْسٍ فِي عُرْسٍ أَوْ خُرْسٍ أَوْ عِذَارٍ أَوْ وِكَارٍ أَوْ رِكَازٍ فَالْعُرْسُ اَلتَّزْوِيجُ وَ اَلْخُرْسُ اَلنِّفَاسُ بِالْوَلَدِ وَ اَلْعِذَارُ اَلْخِتَانُ وَ اَلْوِكَارُ اَلرَّجُلُ يَشْتَرِي اَلدَّارَ وَ اَلرِّكَازُ اَلرَّجُلُ يَقْدَمُ مِنْ مَكَّةَ ».

H.4404 - It is narrated by Musa ibn Bakr from Imam Abu al-Hasan al-Awwal {a.s}, that the Messenger of Allah {SWT}, peace be upon him and his family, said:
"There is no feast except on five occasions; at a wedding, at childbirth (nifas), at circumcision, when a man buys a house, and upon returning from Hajj."
The wedding refers to marriage, childbirth refers to the postnatal period, circumcision refers to the act of circumcision, buying a house refers to acquiring a new home, and returning from Hajj refers to returning from pilgrimage to Mecca.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.402 • Al-Khisal, Vol.1 p.313 • Ma'ani Al-Akhbar, Vol.1 p.272 • Wasa'il Al-Shi'ah, Vol.20 p.95 • Bihar Al-Anwar, Vol.73 p.157 • Bihar Al-Anwar, Vol.96 p.384

CHAPTER 117 – CHAPTER ON WHAT A MAN SHOULD DO WHEN HIS WIFE IS BROUGHT TO HIM

بَابُ مَا يَصْنَعُ الرَّجُلُ إِذَا أُدْخِلَتْ أَهْلُهُ إِلَيْهِ

HADITH 4405

4405 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ لِبَعْضِ أَصْحَابِهِ : «إِذَا أُدْخِلَتْ عَلَيْكَ أَهْلُكَ فَخُذْ بِنَاصِيَتِهَا وَ اِسْتَقْبِلْ بِهَا اَلْقِبْلَةَ وَ قُلْ: اَللَّهُمَّ بِأَمَانَتِكَ أَخَذْتُهَا وَ بِكَلِمَاتِكَ اِسْتَحْلَلْتُ فَرْجَهَا فَإِنْ قَضَيْتَ لِي مِنْهَا وَلَداً فَاجْعَلْهُ مُبَارَكاً سَوِيّاً وَ لاَ تَجْعَلْ لِلشَّيْطَانِ فِيهِ شِرْكاً وَ لاَ نَصِيباً ».

H.4405 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said to some of his companions:
"When your wife is brought to you, take hold of her forelock, face her toward the Qibla, and say: 'O Allah {SWT}, I have taken her with Your {SWT} trust, and by Your {SWT} words, I have made her lawful for myself. If You {SWT} decree for me from her a child, then make him blessed, righteous, and sound, and do not allow Satan to have any share or portion in him.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.402

CHAPTER 118 – CHAPTER ON THE TIMES WHEN INTERCOURSE IS DISLIKED

بَابُ الْأَوْقَاتِ الَّتِي يُكْرَهُ فِيهَا الْجِمَاعُ

HADITH 4406 – 4413

4406 - رَوَى سُلَيْمَانُ بْنُ جَعْفَرٍ اَلْجَعْفَرِيُّ عَنْ أَبِي اَلْحَسَنِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «مَنْ أَتَى أَهْلَهُ فِي مُحَاقِ اَلشَّهْرِ فَلْيُسَلِّمْ لِسِقْطِ اَلْوَلَدِ».

H.4406 - Sulaiman bin Ja'far al-Ja'fari narrated from Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s}, that he said: "Whoever approaches his wife during the waning phase of the moon, let him be prepared for the miscarriage of the child."

[REFERENCES] Al-Kafi, Vol.5 p.499 • Man La Yahduruhu Al-Faqih, Vol.3 p.402 • Tahdhib Al-Ahkam, Vol.7 p.411 • Al-Wafi, Vol.22 p.716 • Wasa'il Al-Shi'ah, Vol.20 p.127 • Al-Fusul Al-Muhimmah, Vol.2 p.326

HADITH

4407 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ اَلْخَزَّازِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ أَ يُكْرَهُ اَلْجِمَاعُ فِي سَاعَةٍ مِنَ اَلسَّاعَاتِ قَالَ «نَعَمْ يُكْرَهُ فِي لَيْلَةٍ يَنْخَسِفُ فِيهَا اَلْقَمَرُ وَ اَلْيَوْمِ اَلَّذِي تَنْكَسِفُ فِيهِ اَلشَّمْسُ وَ فِيمَا بَيْنَ غُرُوبِ اَلشَّمْسِ إِلَى أَنْ يَغِيبَ اَلشَّفَقُ وَ مِنْ طُلُوعِ اَلْفَجْرِ إِلَى طُلُوعِ اَلشَّمْسِ وَ فِي اَلرِّيحِ اَلسَّوْدَاءِ وَ اَلْحَمْرَاءِ وَ اَلصَّفْرَاءِ وَ اَلزَّلْزَلَةِ وَ لَقَدْ بَاتَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَيْلَةً عِنْدَ بَعْضِ نِسَائِهِ فَانْخَسَفَ اَلْقَمَرُ فِي تِلْكَ اَللَّيْلَةِ فَلَمْ يَكُنْ مِنْهُ شَيْءٌ فَقَالَتْ لَهُ زَوْجَتُهُ يَا رَسُولَ اَللَّهِ بِأَبِي أَنْتَ وَ أُمِّي أَ كُلُّ هَذَا لِبُغْضٍ فَقَالَ «وَيْحَكِ حَدَثَ هَذَا اَلْحَادِثُ فِي اَلسَّمَاءِ فَكَرِهْتُ أَنْ أَتَلَذَّذَ وَ أَدْخُلَ فِي شَيْءٍ وَ لَقَدْ عَيَّرَ اَللَّهُ تَعَالَى قَوْماً فَقَالَ: ◯ وَ إِنْ يَرَوْا كِسْفاً مِنَ اَلسَّمٰاءِ سٰاقِطاً يَقُولُوا سَحٰابٌ مَرْكُومٌ ◯ » وَ أَيْمُ اَللَّهِ لاَ يُجَامِعُ أَحَدٌ فِي هَذِهِ اَلسَّاعَاتِ اَلَّتِي وَصَفْتُ فَيُرْزَقَ مِنْ جِمَاعِهِ وَلَداً وَ قَدْ سَمِعَ هَذَا اَلْحَدِيثَ فَيَرَى مَا يُحِبُّ».

H.4407 - Al-Hasan bin Mahbub narrated from Abu Ayyub al-Khazzaz, from Amr bin Uthman, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I asked Imam {a.s}: "Is it disliked to have intercourse at certain times?"
Imam {a.s} replied: "Yes, it is disliked during a night when the moon is eclipsed, during the day when the sun is eclipsed, between sunset and the disappearance of twilight, from the rising of dawn until the rising of the sun, during black, red, and yellow winds, and during earthquakes."
Imam {a.s} continued: "The Messenger of Allah {SWT}, peace be upon him and his family, spent a night with one of his wives, and the moon was eclipsed that night. He {saws} refrained from intimacy.
His {saws} wife said to him: 'O Messenger of Allah {SWT}, may my father and mother be sacrificed for you, is all of this due to dislike?"

He {saws} replied: "Woe to you! This celestial event has occurred, and I disliked to take pleasure and engage in something (worldly) at such a time. Indeed, Allah, the Exalted, has reproached a people, saying: *'And if they see a piece of the sky falling, they would say, "A heap of clouds!"'* (Surah At-Tur 52:44)
By Allah {SWT}, no one engages in intimacy during these times that I {saws} have described, having heard this explanation, and is granted a child from that intimacy, except that they will see what they dislike."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.403 • Tahdhib Al-Ahkam, Vol.7 p.411 • Wasa'il Al-Shi'ah, Vol.20 p.126

HADITH

4408 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ تُجَامِعْ فِي أَوَّلِ اَلشَّهْرِ وَ لاَ فِي وَسَطِهِ وَ لاَ فِي آخِرِهِ فَإِنَّهُ مَنْ فَعَلَ ذَلِكَ فَلْيُسَلِّمْ لِسِقْطِ اَلْوَلَدِ فَإِنْ تَمَّ أَوْشَكَ أَنْ يَكُونَ مَجْنُوناً أَ لاَ تَرَى أَنَّ اَلْمَجْنُونَ أَكْثَرُ مَا يُصْرَعُ فِي أَوَّلِ اَلشَّهْرِ وَ وَسَطِهِ وَ آخِرِهِ ».

H.4408 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Do not have intercourse at the beginning of the month, in its middle, or at its end. For whoever does so should prepare himself for the possibility of miscarriage.
And if the child is born, it is likely to suffer from mental instability.
Do you not see that most cases of insanity occur at the beginning, middle, and end of the month?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.403 • Makarim Al-Akhlaq, Vol.1 p.212 • Al-Wafi, Vol.22 p.718 • Wasa'il Al-Shi'ah, Vol.20 p.129 • Mustadrak Al-Wasa'il, Vol.14 p.227

HADITH

4409 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «يُكْرَهُ اَلْجَنَابَةُ حِينَ تَصْفَرُّ اَلشَّمْسُ وَ حِينَ تَطْلُعُ وَ هِيَ صَفْرَاءُ ».

H.4409 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said: "It is disliked to engage in janabah (ritual impurity due to sexual intercourse) when the sun is turning yellow and when it rises while it is yellow."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.1 p.84 • Man La Yahduruhu Al-Faqih, Vol.3 p.404 • Makarim Al-Akhlaq, Vol.1 p.212 • Al-Wafi, Vol.22 p.718 • Al-Wafi, Vol.22 p.730 • Wasa'il Al-Shi'ah, Vol.20 p.139

HADITH

4410 - وَ سَأَلَ مُحَمَّدُ بْنُ اَلْفَيْضِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فَقَالَ أُجَامِعُ وَ أَنَا عُرْيَانٌ قَالَ «لاَ وَ لاَ تَسْتَقْبِلُ اَلْقِبْلَةَ وَ لاَ تَسْتَدْبِرُهَا».

H.4410 - Muhammad ibn al-Faydh asked Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, saying: "May I engage in intercourse while being completely naked?"
Imam {a.s} replied: "No, and do not face the Qibla nor turn your back to it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.404

HADITH

4411 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «لاَ تُجَامِعْ فِي اَلسَّفِينَةِ».

H.4411 – Imam {a.s} said: "Do not engage in intercourse on a ship."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.404 • Al-Wafi, Vol.22 p.727 • Wasa'il Al-Shi'ah, Vol.20 p.138

HADITH

4412 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «يُكْرَهُ أَنْ يَغْشَى اَلرَّجُلُ اَلْمَرْأَةَ وَ قَدِ اِحْتَلَمَ حَتَّى يَغْتَسِلَ مِنِ اِحْتِلاَمِهِ اَلَّذِي رَأَى فَإِنْ فَعَلَ فَخَرَجَ اَلْوَلَدُ مَجْنُوناً فَلاَ يَلُومَنَّ إِلاَّ نَفْسَهُ».

H.4412 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "It is disliked for a man to approach his wife after having experienced a nocturnal emission (wet dream) until he has performed ghusl (ritual purification) from that emission. If he does so and the child is born with a mental disorder, he should blame none but himself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.404 • Makarim Al-Akhlaq, Vol.1 p.212 • Al-Wafi, Vol.22 p.729 • Wasa'il Al-Shi'ah, Vol.20 p.139 • Wasa'il Al-Shi'ah, Vol.20 p.139

HADITH

4413 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ جَامَعَ اِمْرَأَتَهُ وَ هِيَ حَائِضٌ فَخَرَجَ اَلْوَلَدُ مَجْذُوماً أَوْ أَبْرَصَ فَلاَ يَلُومَنَّ إِلاَّ نَفْسَهُ».

H.4413 - The Messenger of Allah {SWT}, peace and blessings be upon him and his family, said: "Whoever has intercourse with his wife while she is menstruating, and a child is born afflicted with leprosy or vitiligo, let him blame none but himself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.1 p.96 • Man La Yahduruhu Al-Faqih, Vol.3 p.404 • Makarim Al-Akhlaq, Vol.1 p.212 • Awali Al-La'ali, Vol.3 p.307 • Al-Wafi, Vol.22 p.719 • Wasa'il Al-Shi'ah, Vol.2 p.318

CHAPTER 119 – CHAPTER ON SAYING THE NAME OF ALLAH {SWT} BEFORE INTERCOURSE

بَابُ التَّسْمِيَةِ عِنْدَ الْجِمَاعِ

HADITH 4414

4414 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أَتَى أَحَدُكُمْ أَهْلَهُ فَلْيَذْكُرِ اَللَّهَ فَإِنَّ مَنْ لَمْ يَذْكُرِ اَللَّهَ عِنْدَ اَلْجِمَاعِ وَ كَانَ مِنْهُ وَلَدٌ كَانَ ذَلِكَ شِرْكَ شَيْطَانٍ وَ يُعْرَفُ ذَلِكَ بِحُبِّنَا وَ بُغْضِنَا».

H.4414 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"If one of you approaches his wife, let him remember Allah {SWT}, for whoever does not remember Allah {SWT} during intercourse, and a child is born from it, that child will have a share of Satan's partnership.
This can be recognized by the child's love or hatred for us."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.404 • Al-Wafi, Vol.22 p.711 • Wasa'il Al-Shi'ah, Vol.20 p.137 • Bihar Al-Anwar, Vol.60 p.201

CHAPTER 120 – CHAPTER ON THE PERMISSIBLE DURATION FOR ABSTAINING FROM INTERCOURSE FOR ONE WHO HAS A YOUNG FREE WIFE

بَابُ حَدِّ الْمُدَّةِ الَّتِي يَجُوزُ فِيهَا تَرْكُ الْجِمَاعِ لِمَنْ عِنْدَهُ الْمَرْأَةُ الشَّابَّةُ الْحُرَّةُ

HADITH 4415

4415 - سَأَلَ صَفْوَانُ بْنُ يَحْيَى أَبَا اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ تَكُونُ عِنْدَهُ اَلْمَرْأَةُ اَلشَّابَّةُ فَيُمْسِكُ عَنْهَا اَلْأَشْهُرَ وَ اَلسَّنَةَ لاَ يَقْرَبُهَا لَيْسَ يُرِيدُ اَلْإِضْرَارَ بِهَا يَكُونُ لَهُمْ مُصِيبَةٌ يَكُونُ فِي ذَلِكَ آثِماً قَالَ «إِذَا تَرَكَهَا أَرْبَعَةَ أَشْهُرٍ كَانَ آثِماً بَعْدَ ذَلِكَ إِلاَّ أَنْ يَكُونَ بِإِذْنِهَا».

H.4415 - Safwan ibn Yahya asked Imam Ali ibn Musa Ar-Ridha {a.s}, about a man who has a young wife and refrains from approaching her for months or even a year, not intending to harm her but due to some hardship or difficulty they are facing. Is he considered sinful for this?
The Imam {a.s} replied: "If he refrains from her for four months, he is sinful after that unless it is with her consent."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.405 • Tahdhib Al-Ahkam, Vol.7 p.412 • Tahdhib Al-Ahkam, Vol.7 p.419 • Wasa'il Al-Shi'ah, Vol.20 p.140

CHAPTER 121 – CHAPTER ON WHAT ALLAH {SWT}, THE ALMIGHTY, HAS MADE PERMISSIBLE AND PROHIBITED IN MARRIAGE

بَابُ مَا أَحَلَّ اللَّهُ عَزَّ وَ جَلَّ مِنَ النِّكَاحِ وَ مَا حَرَّمَ مِنْهُ

HADITH 4416 – 4494

4416 - رُوِيَ عَنْ أَبِي اَلْمَغْرَاءِ عَنِ اَلْحَلَبِيِّ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «لاَ تُتَزَوَّجُ اَلْمَرْأَةُ اَلْمُسْتَعْلِنَةُ بِالزِّنَا وَ لاَ يُزَوَّجُ اَلرَّجُلُ اَلْمُسْتَعْلِنُ بِالزِّنَا إِلاَّ أَنْ تُعْرَفَ مِنْهُمَا اَلتَّوْبَةُ».

H.4416 - It is narrated from Abu al-Maghra from Al-Halabi who said that Abu Abdullah {a.s}, said: “A woman who openly commits adultery should not be married, nor should a man who openly commits adultery be given in marriage, unless repentance is known from both of them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.405 • Al-Istibsar, Vol.3 p.168 • Makarim Al-Akhlaq, Vol.1 p.204 • Wasa’il Al-Shi’ah, Vol.20 p.438

HADITH

4417 - رَوَى دَاوُدُ بْنُ سِرْحَانَ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ اَلزَّانِي لاَ يَنْكِحُ إِلاَّ زَانِيَةً أَوْ مُشْرِكَةً وَ اَلزَّانِيَةُ لاَ يَنْكِحُهَا إِلاَّ زَانٍ أَوْ مُشْرِكٌ ﴾ قَالَ «هُنَّ نِسَاءٌ مَشْهُورَاتٌ بِالزِّنَا وَ رِجَالٌ مَشْهُورُونَ بِالزِّنَا شُهِرُوا بِالزِّنَا وَ عُرِفُوا بِهِ وَ اَلنَّاسُ اَلْيَوْمَ بِتِلْكَ اَلْمَنْزِلَةِ مَنْ أُقِيمَ عَلَيْهِ حَدُّ اَلزِّنَا أَوْ شُهِرَ بِالزِّنَا لَمْ يَنْبَغِ لِأَحَدٍ أَنْ يُنَاكِحَهُ حَتَّى يَعْرِفَ مِنْهُ تَوْبَةً».

H.4417 - It is narrated by Dawood bin Sirhan from Zurarah, who said that Abu Abdullah {a.s}, was asked about the saying of Allah {SWT}, the Almighty and Majestic:
"The adulterer does not marry except an adulteress or a polytheist, and the adulteress does not marry except an adulterer or a polytheist." (Surah An-Nur 24:3)
Imam {a.s} said: “They are women known for adultery and men known for adultery, who have been publicly infamous for committing adultery and are recognized for it.
Today, people in such a situation, whether the prescribed punishment for adultery has been carried out on them or they are publicly known for adultery, should not be married until their repentance is established."

[REFERENCES] Al-Kafi, Vol.5 p.354 • Al-Kafi, Vol.5 p.354 • Man La Yahduruhu Al-Faqih, Vol.3 p.405 • Wasa’il Al-Shi’ah, Vol.20 p.439 • Tafsir Al-Burhan, Vol.4 p.46 • Tafsir Al-Burhan, Vol.4 p.46 • Bihar Al-Anwar, Vol.101 p.11 • Tafsir Nur Al-Thaqalayn, Vol.3 p.571 • Tafsir Nur Al-Thaqalayn, Vol.3 p.572 • Tafsir Kanz Al-Daqaiq, Vol.9 p.244

HADITH

4418 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «إِيَّاكُمْ وَ تَزْوِيجَ اَلْمُطَلَّقَاتِ ثَلاَثاً فِي مَجْلِسٍ وَاحِدٍ فَإِنَّهُنَّ ذَوَاتُ أَزْوَاجٍ».

H.4418 – Imam {a.s} said: "Beware of marrying women who have been divorced three times in a single sitting, for they are still considered to have spouses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.406 • Al-Fusul Al-Mukhtarah, Vol.1 p.177 • Tahdhib Al-Ahkam, Vol.7 p.470 • Tahdhib Al-Ahkam, Vol.8 p.56 • Al-Istibsar, Vol.3 p.289 • Mutashabih Al-Quran wa Mukhtalifah, Vol.2 p.195 • Al-Wafi, Vol.21 p.270 • Al-Wafi, Vol.23 p.1061 • Wasa'il Al-Shi'ah, Vol.20 p.495 • Wasa'il Al-Shi'ah, Vol.22 p.68

HADITH

4419 - وَ رَوَى حَفْصُ بْنُ اَلْبَخْتَرِيِّ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يُرِيدُ تَزْوِيجَ اِمْرَأَةٍ قَدْ طُلِّقَتْ ثَلاَثاً كَيْفَ يَصْنَعُ فِيهَا قَالَ «يَدَعُهَا حَتَّى تَحِيضَ وَ تَطْهُرَ ثُمَّ يَأْتِي زَوْجَهَا وَ مَعَهُ رَجُلاَنِ فَيَقُولُ لَهُ قَدْ طَلَّقْتَ فُلاَنَةَ فَإِذَا قَالَ نَعَمْ تَرَكَهَا ثَلاَثَةَ أَشْهُرٍ ثُمَّ خَطَبَهَا إِلَى نَفْسِهِ».

H.4419 - Hafs ibn Al-Bakhtari narrated from Ishaq ibn Ammar, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a man who wishes to marry a woman who has been divorced three times.
Imam {a.s} said: "He should leave her until she experiences a menstrual period and becomes pure. Then he should go to her husband along with two men and ask him, 'Have you divorced so-and-so?'
If he says yes, he should leave her for three months and then propose marriage to her himself."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.406 • Tahdhib Al-Ahkam, Vol.7 p.470 • Wasa'il Al-Shi'ah, Vol.22 p.76

HADITH

4420 - وَ فِي خَبَرٍ آخَرَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «إِنَّ طَلاَقَكُمُ اَلثَّلاَثَ لاَ يَحِلُّ لِغَيْرِكُمْ وَ طَلاَقَهُمْ يَحِلُّ لَكُمْ لِأَنَّكُمْ لاَ تَرَوْنَ اَلثَّلاَثَ شَيْئاً وَ هُمْ يُوجِبُونَهَا».

H.4420 - And in another narration, Imam {a.s} said: "Indeed, your triple divorce does not become permissible for others, but their divorce becomes permissible for you because you do not consider the triple divorce as binding, whereas they deem it obligatory."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.406

HADITH

4421 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «مَنْ كَانَ يَدِينُ بِدِينِ قَوْمٍ لَزِمَتْهُ أَحْكَامُهُمْ».

H.4421 - And Imam {a.s} said: "Whoever follows the religion of a people is bound by their rulings."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.407 • Al-Wafi, V.21 p.294 • Wasa'il Al-Shi'ah, V.22 p.74

HADITH

4422 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مُعَاوِيَةَ بْنِ وَهْبٍ وَ غَيْرِهِ مِنْ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلرَّجُلِ اَلْمُؤْمِنِ يَتَزَوَّجُ اَلْيَهُودِيَّةَ وَ اَلنَّصْرَانِيَّةَ فَقَالَ «إِذَا أَصَابَ اَلْمُسْلِمَةَ فَمَا يَصْنَعُ بِالْيَهُودِيَّةِ وَ اَلنَّصْرَانِيَّةِ » قُلْتُ يَكُونُ لَهُ فِيهَا اَلْهَوَى قَالَ «فَإِنْ فَعَلَ فَلْيَمْنَعْهَا مِنْ شُرْبِ اَلْخَمْرِ وَ أَكْلِ لَحْمِ اَلْخِنْزِيرِ وَ اِعْلَمْ أَنَّ عَلَيْهِ فِي دِينِهِ فِي تَزْوِيجِهِ إِيَّاهَا غَضَاضَةً».

H.4422 - And Al-Hasan ibn Mahbub narrated from Muawiyah ibn Wahb and others of our companions, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}.
He said: I asked Imam {a.s} about a believing man marrying a Jewish or Christian woman.
Imam {a.s} replied: "If he has access to a Muslim woman, what need does he have for a Jewish or Christian woman?"
I said: "He may have affection for her."
Imam {a.s} said: "If he does so, then he must prevent her from drinking wine and eating pork, and know that there is a deficiency in his religion for marrying her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.407

HADITH

4423 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلرَّجُلِ اَلْمُسْلِمِ يَتَزَوَّجُ اَلْمَجُوسِيَّةَ فَقَالَ «لاَ وَ لَكِنْ إِنْ كَانَتْ لَهُ أَمَةٌ مَجُوسِيَّةٌ فَلاَ بَأْسَ أَنْ يَطَأَهَا وَ يَعْزِلَ عَنْهَا وَ لاَ يَطْلُبَ وَلَدَهَا».

H.4423 - Al-Hasan ibn Mahbub narrated from Al-Ala ibn Razin, from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}.
He said: I asked Imam {a.s} about a Muslim man marrying a Magian (Zoroastrian) woman.
Imam {a.s} replied: "No, but if he has a Magian bondwoman, then there is no harm in having relations with her while practicing withdrawal, and he should not seek to have a child with her."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.120 • Man La Yahduruhu Al-Faqih, Vol.3 p.407 • Tahdhib Al-Ahkam, Vol.8 p.212 • Tafsir Al-Safi, Vol.2 p.13 • Wasa'il Al-Shi'ah, Vol.20 p.151 • Wasa'il Al-Shi'ah, Vol.20 p.543 • Bihar Al-Anwar, Vol.100 p.377 • Mustadrak Al-Wasa'il, Vol.14 p.436

HADITH

4424 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ سُلَيْمَانَ اَلْحَمَّارِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَنْبَغِي لِلرَّجُلِ اَلْمُسْلِمِ مِنْكُمْ أَنْ يَتَزَوَّجَ اَلنَّاصِبِيَّةَ وَ لاَ يُزَوِّجَ اِبْنَتَهُ نَاصِباً وَ لاَ يَطْرَحَهَا عِنْدَهُ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ مَنْ نَصَبَ حَرْباً لِآلِ مُحَمَّدٍ ص فَلَا نَصِيبَ لَهُ فِي الْإِسْلَامِ فَلِهَذَا حُرِّمَ نِكَاحُهُمْ.

H.4424 - Al-Hasan ibn Mahbub narrated from Sulayman al-Hammar, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "It is not appropriate for a Muslim man among you to marry a Nasibi woman, nor to give his daughter in marriage to a Nasibi man, nor to leave her with him."

[AL SADUQ]

The compiler of this book, may Allah {SWT} have mercy on him, said: Whoever declares enmity against the family of Muhammad, peace be upon them, has no share in Islam. For this reason, their marriage has been prohibited.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.408 • Al-Wafi, Vol.21 p.105 • Wasa'il Al-Shi'ah, Vol.20 p.553

HADITH

4425 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «صِنْفَانِ مِنْ أُمَّتِي لاَ نَصِيبَ لَهُمَا فِي اَلْإِسْلاَمِ اَلنَّاصِبُ لِأَهْلِ بَيْتِي حَرْباً وَ غَالٍ فِي اَلدِّينِ مَارِقٌ مِنْهُ».

وَ مَنِ اسْتَحَلَّ لَعْنَ أَمِيرِ الْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ وَ الْخُرُوجَ عَلَى الْمُسْلِمِينَ وَ قَتْلَهُمْ حُرِّمَتْ مُنَاكَحَتُهُ لِأَنَّ فِيهَا الْإِلْقَاءَ بِالْأَيْدِي إِلَى التَّهْلُكَةِ وَ الْجُهَّالُ يَتَوَهَّمُونَ أَنَّ كُلَّ مُخَالِفٍ نَاصِبٌ وَ لَيْسَ كَذَلِكَ.

H.4425 - The Prophet, peace and blessings be upon him and his family, said: "Two groups from my nation have no share in Islam: those who harbor enmity against my household and declare war against them, and those who are extreme in religion and deviate from it."

[AL SADUQ]

Whoever deems it lawful to curse the Commander of the Faithful, peace be upon him, rise against Muslims, and kill them, is prohibited from marriage because it leads to destruction.

The ignorant may assume that every dissenter is a Nasibi, but this is not the case.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.408 • Al-Wafi, Vol.2 p.229 • Wasa'il Al-Shi'ah, Vol.20 p.553 • Ithbat Al-Huda, Vol.5 p.377

HADITH

4426 - وَ رَوَى صَفْوَانُ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «تَزَوَّجُوا فِي اَلشُّكَّاكِ وَ لاَ تُزَوِّجُوهُمْ لِأَنَّ اَلْمَرْأَةَ تَأْخُذُ مِنْ أَدَبِ زَوْجِهَا وَ يَقْهَرُهَا عَلَى دِينِهِ ».

H.4426 - Safwan narrated from Zurara, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he said:
"Marry among those who are doubtful (in faith), but do not give them your daughters in marriage, for the woman adopts the manners of her husband and he compels her to follow his religion."

[REFERENCES] Al-Kafi, Vol.5 p.348 • Al-Kafi, Vol.5 p.349 • Man La Yahduruhu Al-Faqih, Vol.3 p.408 • Ilal Al-Shara'i', Vol.2 p.502 • Tahdhib Al-Ahkam, Vol.7 p.304 • Al-Istibsar, Vol.3 p.184 • Al-Wafi, Vol.21 p.97 • Wasa'il Al-Shi'ah, Vol.20 p.555 • Bihar Al-Anwar, Vol.100 p.380

HADITH

4427 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ حُمْرَانَ بْنِ أَعْيَنَ : وَ كَانَ بَعْضُ أَهْلِهِ يُرِيدُ اَلتَّزْوِيجَ فَلَمْ يَجِدِ اِمْرَأَةً يَرْضَاهَا فَذُكِرَ ذَلِكَ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «أَيْنَ أَنْتَ مِنَ اَلْبَلْهَاءِ وَ اَللَّوَاتِي لاَ يَعْرِفْنَ شَيْئاً» قُلْتُ إِنَّمَا يَقُولُ إِنَّ اَلنَّاسَ عَلَى وَجْهَيْنِ كَافِرٍ وَ مُؤْمِنٍ فَقَالَ «فَأَيْنَ اَلَّذِينَ ﴿ خَلَطُوا عَمَلاً صَالِحاً وَ آخَرَ سَيِّئاً ﴾ وَ أَيْنَ اَلْ ﴿ مُرْجَوْنَ لِأَمْرِ اَللَّهِ ﴾ أَيْ عَفْوِ اَللَّهِ».

H.4427 - Al-Hasan ibn Mahbub narrated from Yunus ibn Yaqub, who reported from Humran ibn Ayan: Some of his family members were seeking to marry, but they could not find a woman they deemed suitable.
This matter was mentioned to Abu Abdullah {a.s}, who said:
"Where are you regarding the simple and innocent women, those who know nothing?"
I said: "But people say that humanity is divided into two types: believer and disbeliever."
Imam {a.s} replied: "Then where are those about whom Allah {SWT} said:
'They mixed a righteous deed with another that was evil.' (Surah At-Tawbah, 9:102) and where are those who are *'deferred until Allah's {SWT} command*,' (Surah At-Tawbah, 9:106), awaiting for Allah's {SWT} pardon?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.408

HADITH

4428 - وَ رَوَى يَعْقُوبُ بْنُ يَزِيدَ عَنِ اَلْحُسَيْنِ بْنِ بَشَّارٍ اَلْوَاسِطِيِّ قَالَ: كَتَبْتُ إِلَى أَبِي اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ أَنَّ لِي قَرَابَةً قَدْ خَطَبَ إِلَيَّ اِبْنَتِي وَ فِي خُلُقِهِ سُوءٌ فَقَالَ «لاَ تُزَوِّجْهُ إِنْ كَانَ سَيِّئَ اَلْخُلُقِ».

H.4428 - Yaqub ibn Yazid narrated from Al-Husayn ibn Bashshar Al-Wasiti, who said: I wrote to Abu Al-Hasan Imam Ali ibn Musa Ar-Ridha {a.s} saying:
"I have a relative who has proposed to my daughter, but he has bad character."
Imam {a.s} replied: "Do not marry her to him if he has bad character."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.409 • Al-Wafi, V.21 p.117 • Wasa'il Al-Shi'ah, V.20 p.81

HADITH

4429 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ زُرَارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «مَا أُحِبُّ لِلرَّجُلِ اَلْمُسْلِمِ أَنْ يَتَزَوَّجَ اِمْرَأَةً إِذَا كَانَتْ ضَرَّةً لِأُمِّهِ مَعَ غَيْرِ أَبِيهِ».

H.4429 - Al-Hasan ibn Mahbub narrated from Jamil ibn Salih, from Zurara, who said: I heard Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} say: "I do not like for a Muslim man to marry a woman who would be a co-wife to his mother, with someone other than his father."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.409 • Tahdhib Al-Ahkam, Vol.7 p.472 • Tahdhib Al-Ahkam, Vol.7 p.489 • Al-Wafi, Vol.21 p.211 • Wasa'il Al-Shi'ah, Vol.20 p.504

HADITH

4430 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزِيعٍ قَالَ: سَأَلْتُ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ عَنِ اِمْرَأَةٍ أُبْتُلِيَتْ بِشُرْبِ نَبِيذٍ فَسَكِرَتْ فَزَوَّجَتْ نَفْسَهَا رَجُلاً فِي سُكْرِهَا ثُمَّ أَفَاقَتْ فَأَنْكَرَتْ ذَلِكَ ثُمَّ ظَنَّتْ أَنَّهُ يَلْزَمُهَا فَوَرِعَتْ مِنْهُ فَأَقَامَتْ مَعَ اَلرَّجُلِ عَلَى ذَلِكَ اَلتَّزْوِيجِ أَ حَلاَلٌ هُوَ لَهَا أَوِ اَلتَّزْوِيجُ فَاسِدٌ لِمَكَانِ اَلسُّكْرِ وَ لاَ سَبِيلَ لِلرَّجُلِ عَلَيْهَا فَقَالَ «إِذَا أَقَامَتْ مَعَهُ بَعْدَ مَا أَفَاقَتْ فَهُوَ رِضَاهَا، » فَقُلْتُ وَ هَلْ يَجُوزُ ذَلِكَ اَلتَّزْوِيجُ عَلَيْهَا فَقَالَ «نَعَمْ».

H.4430 - Muhammad ibn Ismail ibn Bazi reported that he asked Imam Ali ibn Musa Ar-Ridha {a.s}, about a woman who had been afflicted with drinking wine and became intoxicated, then married herself to a man while in her intoxicated state.
When she sobered up, she denied it but then assumed that the marriage might be binding, so she remained with the man out of caution based on that marriage.
He asked whether this was lawful for her or if the marriage was invalid due to the intoxication, and whether the man had any claim over her.
Imam {a.s} said: "If she remained with him after she sobered up, then that is her consent."
He then asked: "Does such a marriage become valid for her?"
Imam {a.s} replied: "Yes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.409

HADITH

4431 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْقَابِلَةِ أَ يَحِلُّ لِلْمَوْلُودِ أَنْ يَنْكِحَهَا قَالَ «لاَ وَ لاَ اِبْنَتَهَا هِيَ كَبَعْضِ أُمَّهَاتِهِ».

H.4431 - Amr ibn Shimr reported from Jabir, who said:
I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, about the midwife, whether it is permissible for the child she delivered to marry her.
Imam {a.s} replied: "No, nor her daughter. She is like one of his mothers."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.410 • Tahdhib Al-Ahkam, Vol.7 p.455 • Al-Istibsar, Vol.3 p.176 • Wasa'il Al-Shi'ah, Vol.20 p.362 • Wasa'il Al-Shi'ah, Vol.20 p.500

HADITH

4432 - وَ رُوِيَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «إِنْ قَبِلَتْ وَ مَرَّتْ فَالْقَوَابِلُ أَكْثَرُ مِنْ ذَلِكَ وَ إِنْ قَبِلَتْ وَ رَبَّتْ حَرُمَتْ عَلَيْهِ».

H.4432 - It is narrated from Mu'awiyah ibn 'Ammar that Abu Abdullah {a.s} said:
"If she only received (the child) and then left, then midwives are more common than that. But if she received and raised (the child), then she becomes prohibited for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.410

HADITH

4433 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمُحْرِمِ يَتَزَوَّجُ قَالَ «لاَ وَ لاَ يُزَوِّجُ اَلْمُحْرِمُ اَلْمُحِلَّ».

H.4433 - It is narrated from Al-Hasan ibn Mahbub, from Yunus ibn Ya'qub, who said:
I asked Abu Abdullah {a.s} about a person in the state of ihram getting married.
Imam {a.s} said: "No, and one in the state of ihram cannot perform the marriage of someone who is not in ihram."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.410 • Al-Wafi, Vol.13 p.676 • Al-Wafi, Vol.21 p.278 • Wasa'il Al-Shi'ah, Vol.20 p.491

HADITH

4434 - وَ فِي خَبَرٍ آخَرَ: «إِنْ زَوَّجَ أَوْ تَزَوَّجَ فَنِكَاحُهُ بَاطِلٌ».

H.4434 - And in another narration:
"If he marries or gets married while in the state of ihram, his marriage is invalid."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.410

HADITH

4435 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ تَكُونُ عِنْدَهُ اَلْجَارِيَةُ يُجَرِّدُهَا وَ يَنْظُرُ إِلَى جِسْمِهَا نَظَرَ شَهْوَةٍ هَلْ تَحِلُّ لِأَبِيهِ وَ إِنْ فَعَلَ أَبُوهُ هَلْ تَحِلُّ لِابْنِهِ قَالَ «إِذَا نَظَرَ إِلَيْهَا نَظَرَ شَهْوَةٍ وَ نَظَرَ مِنْهَا إِلَى مَا يَحْرُمُ عَلَى غَيْرِهِ لَمْ تَحِلَّ لِابْنِهِ وَ إِنْ فَعَلَ ذَلِكَ اَلِابْنُ لَمْ تَحِلَّ لِلْأَبِ».

H.4435 - And it is narrated from Al-Hasan ibn Mahbub, from Abdullah ibn Sinan, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who has a female slave, strips her, and looks at her body with lustful intent, whether she becomes unlawful for his father, and if the father does the same, whether she becomes unlawful for his son.
Imam {a.s} said: "If he looks at her with lustful intent and sees from her what is unlawful for others to see, she becomes unlawful for his son. And if the son does the same, she becomes unlawful for the father."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.410 • Wasa'il Al-Shi'ah, Vol.20 p.418

HADITH

4436 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ أَبِي عُبَيْدَةَ اَلْحَذَّاءِ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «لاَ تُنْكَحُ اَلْمَرْأَةُ عَلَى عَمَّتِهَا وَ لاَ عَلَى خَالَتِهَا وَ لاَ عَلَى أُخْتِهَا مِنَ اَلرَّضَاعَةِ» قَالَ وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «إِنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ ذَكَرَ لِرَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اِبْنَةَ حَمْزَةَ فَقَالَ «أَ مَا عَلِمْتَ أَنَّهَا اِبْنَةُ أَخِي مِنَ اَلرَّضَاعَةِ» وَ كَانَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ حَمْزَةُ قَدْ رَضَعَا مِنْ لَبَنِ اِمْرَأَةٍ ».

H.4436 - And it is narrated from Al-Hasan ibn Mahbub, from Ali ibn Ri'ab, from Abu Ubaydah Al-Hadhdha' that he said:
I heard Abu Abdullah {a.s} say: "A woman cannot be married alongside her paternal aunt, nor alongside her maternal aunt, nor alongside her sister through breastfeeding."
Imam {a.s} also said: "Indeed, Imam Ali ibn Abi Talib {a.s} mentioned the daughter of Hamza to the Messenger of Allah {SWT} (peace be upon him and his family). The Prophet (peace be upon him and his family) said: 'Do you not know that she is the daughter of my brother through breastfeeding?'
And the Messenger of Allah {SWT} (peace be upon him and his family) and Hamza had both been nursed from the milk of the same woman."

[REFERENCES] Al-Kafi, Vol.5 p.445 • Man La Yahduruhu Al-Faqih, Vol.3 p.411 • Tahdhib Al-Ahkam, Vol.7 p.292 • Al-Wafi, Vol.21 p.214 • Bihar Al-Anwar, Vol.15 p.340

HADITH

4437 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ تَتَزَوَّجُ اَلْمَرْأَةُ عَلَى خَالَتِهَا وَ تُزَوَّجُ اَلْخَالَةُ عَلَى اِبْنَةِ أُخْتِهَا».

H.4437 - And it is narrated from Al-Hasan ibn Mahbub, from Malik ibn Atiyyah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
"A woman cannot be married alongside her maternal aunt, but the maternal aunt can be married alongside the daughter of her sister."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.106 • Man La Yahduruhu Al-Faqih, Vol.3 p.412 • Al-Wafi, Vol.21 p.209 • Wasa'il Al-Shi'ah, Vol.20 p.489 • Bihar Al-Anwar, Vol.101 p.26 • Mustadrak Al-Wasa'il, Vol.14 p.410

HADITH

4438 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ تُنْكَحُ اِبْنَةُ اَلْأَخِ وَ لاَ اِبْنَةُ اَلْأُخْتِ عَلَى عَمَّتِهَا وَ لاَ عَلَى خَالَتِهَا إِلاَّ بِإِذْنِهِمَا وَ تُنْكَحُ اَلْعَمَّةُ وَ اَلْخَالَةُ عَلَى اِبْنَةِ اَلْأَخِ وَ اِبْنَةِ اَلْأُخْتِ بِغَيْرِ إِذْنِهِمَا ».

H.4438 - And in a narration from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"The daughter of a brother and the daughter of a sister cannot be married alongside their paternal or maternal aunt except with their permission. However, the paternal and maternal aunt can be married alongside the daughter of a brother or the daughter of a sister without requiring their permission."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.105 • Al-Nawadir (Lil-Ash'ari), Vol.1 p.106 • Al-Kafi, Vol.5 p.424 • Man La Yahduruhu Al-Faqih, Vol.3 p.412 • Ilal Al-Shara'i', Vol.2 p.499 • Al-Wafi, Vol.21 p.207 • Wasa'il Al-Shi'ah, Vol.20 p.487 • Wasa'il Al-Shi'ah, Vol.20 p.490 • Bihar Al-Anwar, Vol.101 p.18 • Bihar Al-Anwar, Vol.101 p.25

HADITH

4439 - وَ سَأَلَ عَبْدُ اَللَّهِ بْنُ سِنَانٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يُرِيدُ أَنْ يَتَزَوَّجَ اَلْمَرْأَةَ أَ يَنْظُرُ إِلَى شَعْرِهَا قَالَ «نَعَمْ إِنَّمَا يُرِيدُ أَنْ يَشْتَرِيَهَا بِأَغْلَى اَلثَّمَنِ».

H.4439 - And Abdullah ibn Sinan asked Abu Abdullah {a.s} about a man who intends to marry a woman, can he look at her hair?
Imam {a.s} said: "Yes, because he desires to acquire her for the highest price."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.412

HADITH

4440 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يُدْخَلُ بِالْجَارِيَةِ حَتَّى يَأْتِيَ لَهَا تِسْعُ سِنِينَ أَوْ عَشْرُ سِنِينَ».

H.4440 - And Musa ibn Bakr narrated from Zurara, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"A girl should not be consummated with until she reaches nine or ten years of age."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.135 • Al-Kafi, Vol.5 p.398 • Al-Kafi, Vol.5 p.398 • Man La Yahduruhu Al-Faqih, Vol.3 p.412 • Man La Yahduruhu Al-Faqih, Vol.4 p.221 • Tahdhib Al-Ahkam, Vol.7 p.391 • Tahdhib Al-Ahkam, Vol.7 p.410 • Tahdhib Al-Ahkam, Vol.7 p.451 • Tahdhib Al-Ahkam, Vol.9 p.184 • Al-Wafi, Vol.22 p.757

HADITH

4441 - وَ رُوِيَ: «أَنَّ مَنْ دَخَلَ بِامْرَأَةٍ قَبْلَ أَنْ تَبْلُغَ تِسْعَ سِنِينَ فَأَصَابَهَا عَيْبٌ فَهُوَ ضَامِنٌ» -

رَوَاهُ حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ.

H.4441 - And it is narrated:
"Whoever has intercourse with a woman before she reaches nine years of age, and she suffers harm, he is liable (for compensation)."

[AL SADUQ]
This was narrated by Hammad from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.413 • Wasa'il Al-Shi'ah, Vol.20 p.103

HADITH

4442 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ أَعْتَقَ مَمْلُوكَةً لَهُ وَ جَعَلَ عِتْقَهَا صَدَاقَهَا ثُمَّ طَلَّقَهَا مِنْ قَبْلِ أَنْ يَدْخُلَ بِهَا فَقَالَ «قَدْ مَضَى عِتْقُهَا وَ يَرْتَجِعُ عَلَيْهَا سَيِّدُهَا بِنِصْفِ قِيمَةِ ثَمَنِهَا تَسْعَى فِيهَا، وَ لاَ عِدَّةَ لَهُ عَلَيْهَا».

H.4442 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, who said:
I asked Abu Abdullah {a.s} about a man who freed his female slave and made her emancipation her dowry, then divorced her before consummating the marriage.
Imam {a.s} said: "Her emancipation has taken effect, and her master reclaims half of her value, which she must work to pay off. She has no waiting period ('iddah) upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.413

HADITH

4443 - وَ فِي رِوَايَةِ اَلْحَسَنِ بْنِ مَحْبُوبٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَعْتَقَ أَمَةً لَهُ وَ جَعَلَ عِتْقَهَا صَدَاقَهَا ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ «يَسْتَسْعِيهَا فِي نِصْفِ قِيمَتِهَا فَإِنْ أَبَتْ كَانَ لَهَا يَوْمٌ وَ لَهُ يَوْمٌ فِي اَلْخِدْمَةِ» قَالَ «فَإِنْ كَانَ لَهَا وَلَدٌ وَ لَهُ مَالٌ أَدَّى عَنْهَا نِصْفَ قِيمَتِهَا وَ عَتَقَتْ».

H.4443 - Al-Hasan ibn Mahbub narrated from Yunus ibn Yaqub, who narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who freed his female slave and made her emancipation her dowry, then divorced her before consummating the marriage.
Imam {a.s} said: "He makes her work to pay off half of her value. If she refuses, then she serves him one day and herself one day."
Imam {a.s} further said: "If she has a child and he has wealth, he pays on her behalf half of her value, and she becomes fully free."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.413 • Tahdhib Al-Ahkam, Vol.7 p.482 • Tahdhib Al-Ahkam, Vol.8 p.201 • Al-Istibsar, Vol.3 p.210 • Al-Wafi, Vol.21 p.497 • Wasa'il Al-Shi'ah, Vol.21 p.102

HADITH

4444 - وَ رَوَى عَلِيُّ بْنُ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِأَمَتِهِ أَعْتَقْتُكِ وَ جَعَلْتُ عِتْقَكِ مَهْرَكِ قَالَ «عَتَقَتْ وَ هِيَ بِالْخِيَارِ إِنْ شَاءَتْ تَزَوَّجَتْهُ وَ إِنْ شَاءَتْ فَلاَ فَإِنْ تَزَوَّجَتْهُ فَلْيُعْطِهَا شَيْئاً فَإِنْ قَالَ قَدْ تَزَوَّجْتُكِ وَ جَعَلْتُ مَهْرَكِ عِتْقَكِ فَإِنَّ اَلنِّكَاحَ وَاقِعٌ وَ لاَ يُعْطِيهَا شَيْئاً ».

H.4444 - Ali ibn Jafar narrated from his brother Imam Musa ibn Jafar Al-Kadhim {a.s} that he said: I asked him about a man who said to his female slave, "I have freed you and made your emancipation your dowry."
Imam {a.s} replied: "She is freed, and she has the choice, if she wishes, she may marry him, and if she wishes, she may not.
If she marries him, then he should give her something. However, if he said: 'I have married you and made your dowry your emancipation,' then the marriage is valid, and he does not have to give her anything."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.413 • Tahdhib Al-Ahkam, Vol.8 p.201 • Al-Istibsar, Vol.3 p.210 • Awali Al-La'ali, Vol.3 p.350 • Al-Wafi, Vol.21 p.483 • Wasa'il Al-Shi'ah, Vol.21 p.98

HADITH

4445 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلْمَرْأَةِ تَضَعُ أَ يَحِلُّ أَنْ تَتَزَوَّجَ قَبْلَ أَنْ تَطْهُرَ قَالَ «نَعَمْ وَ لَيْسَ لِزَوْجِهَا أَنْ يَدْخُلَ بِهَا حَتَّى تَطْهُرَ».

H.4445 - Ibn Abi Umair narrated from Abdullah ibn Sinan, who narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}: I asked him about a woman who gives birth, does it become permissible for her to marry before she purifies (from postnatal bleeding)?
Imam {a.s} replied: "Yes, it is permissible. However, her husband must not consummate the marriage with her until she purifies."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.414 • Tahdhib Al-Ahkam, Vol.7 p.474 • Tahdhib Al-Ahkam, Vol.7 p.489 • Wasa'il Al-Shi'ah, Vol.20 p.503 • Wasa'il Al-Shi'ah, Vol.22 p.271

HADITH

4446 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ تَزَوَّجَ جَارِيَةً عَلَى أَنَّهَا حُرَّةٌ ثُمَّ جَاءَ رَجُلٌ فَأَقَامَ اَلْبَيِّنَةَ عَلَى أَنَّهَا جَارِيَتُهُ قَالَ «يَأْخُذُهَا وَ يَأْخُذُ قِيمَةَ وَلَدِهَا».

H.4446 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} regarding a man who married a woman under the assumption that she was free, but then another man came forward and presented evidence proving that she was his slave, what is the ruling?
Imam {a.s} said: "He (the rightful owner) takes her back and also takes the value of her child."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.414 • Al-Wafi, Vol.22 p.558 • Wasa'il Al-Shi'ah, Vol.21 p.188 • Mustadrak Al-Wasa'il, Vol.15 p.49

HADITH

4447 - وَ فِي رِوَايَةِ جَمِيلِ بْنِ دَرَّاجٍ : أَنَّهُ سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا هَلْ تَحِلُّ لَهُ اِبْنَتُهَا قَالَ «اَلْأُمُّ وَ اَلاِبْنَةُ فِي هَذَا سَوَاءٌ إِذَا لَمْ يَدْخُلْ بِإِحْدَاهُمَا حَلَّتْ لَهُ اَلْأُخْرَى».

H.4447 - In a narration by Jamil ibn Darraj:
Abu Abdillah {a.s} was asked about a man who married a woman and then divorced her before consummating the marriage. Is it permissible for him to marry her daughter?
Imam {a.s} said: "The mother and the daughter are equal in this matter. If he did not consummate the marriage with one of them, the other is permissible for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.414 • Al-Wafi, Vol.21 p.169 • Wasa'il Al-Shi'ah, Vol.20 p.464

HADITH

4448 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «اَلرَّبَائِبُ عَلَيْكُمْ حَرَامٌ كُنَّ فِي اَلْحَجْرِ أَوْ لَمْ يَكُنَّ».

H.4448 - Imam Ali ibn Abi Talib {a.s} said:
"Stepdaughters are prohibited for you, whether they were raised in your household or not."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.415 • Wasa'il Al-Shi'ah, Vol.20 p.459

HADITH

4449 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: فِي رَجُلٍ تَزَوَّجَ اِمْرَأَةً عَلَى حُكْمِهَا أَوْ عَلَى حُكْمِهِ فَمَاتَ أَوْ مَاتَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ «لَهَا اَلْمُتْعَةُ وَ اَلْمِيرَاثُ وَ لاَ مَهْرَ لَهَا» قَالَ «وَ إِنْ طَلَّقَهَا وَ قَدْ تَزَوَّجَهَا عَلَى حُكْمِهَا لَمْ يَتَجَاوَزْ بِحُكْمِهَا عَلَى أَكْثَرَ مِنْ خَمْسِمِائَةِ دِرْهَمٍ مُهُورِ نِسَاءِ اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ».

H.4449 - Al-Hasan ibn Mahbub narrated from Abu Ayyub, from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, regarding a man who married a woman based on her terms or his terms, and then he or she died before consummation.
Imam {a.s} said: "She is entitled to a gift (mut'ah) and inheritance, but there is no dowry for her."
Imam {a.s} also said: "If he divorced her after marrying her based on her terms, the amount of her terms cannot exceed five hundred dirhams, the dowry of the wives of the Prophet (peace be upon him and his family)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.415

HADITH

4450 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ أَبِي جَعْفَرٍ بِمِرْدَعَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ تَزَوَّجَ اِمْرَأَةً بِحُكْمِهَا ثُمَّ مَاتَ قَبْلَ أَنْ تَحْكُمَ قَالَ «لَيْسَ لَهَا صَدَاقٌ وَ هِيَ تَرِثُ ».

H.4450 - Safwan ibn Yahya narrated from Abu Ja'far with reference to Mird'ah:
I said to Abu Abdullah {a.s} about a man who married a woman based on her terms but then died before she made her decision (regarding the terms).
Imam {a.s} said: "She is not entitled to a dowry (sadaq), but she inherits from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.415 • Al-Wafi, Vol.21 p.460 • Wasa'il Al-Shi'ah, Vol.21 p.279

HADITH

4451 - وَ رَوَى عَلِيُّ بْنُ جَعْفَرٍ عَنْ أَخِيهِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ بِامْرَأَةٍ فَلَمْ يَدْخُلْ بِهَا فَزَنَى مَا عَلَيْهِ قَالَ «يُجْلَدُ اَلْحَدَّ وَ يُحْلَقُ رَأْسُهُ وَ يُفَرَّقُ بَيْنَهُ وَ بَيْنَ أَهْلِهِ وَ يُنْفَى سَنَةً».

H.4451 - Ali ibn Ja'far narrated from his brother Imam Musa ibn Jafar Al-Kadhim {a.s}:
I asked Imam {a.s} about a man who married a woman but did not consummate the marriage and then committed adultery.
Imam {a.s} said: "He shall be lashed with the prescribed punishment (hadd), his head shall be shaved, he shall be separated from his wife, and he shall be exiled for one year."

[REFERENCES] Masa'il Ali Ibn Ja'far, Vol.1 p.289 • Man La Yahduruhu Al-Faqih, Vol.3 p.416 • Tahdhib Al-Ahkam, Vol.7 p.489 • Tahdhib Al-Ahkam, Vol.10 p.36 • Al-Wafi, Vol.15 p.241 • Al-Wafi, Vol.21 p.134 • Wasa'il Al-Shi'ah, Vol.21 p.236 • Wasa'il Al-Shi'ah, Vol.28 p.78

HADITH

4452 - وَ رَوَى طَلْحَةُ بْنُ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قَرَأْتُ فِي كِتَابِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : «أَنَّ اَلرَّجُلَ إِذَا تَزَوَّجَ اَلْمَرْأَةَ فَزَنَى قَبْلَ أَنْ يَدْخُلَ بِهَا لَمْ تَحِلَّ لَهُ لِأَنَّهُ زَانٍ وَ يُفَرَّقُ بَيْنَهُمَا وَ يُعْطِيهَا نِصْفَ اَلْمَهْرِ».

H.4452 - Talhah ibn Zayd narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), who said:
"I read in the book of Imam Ali ibn Abi Talib {a.s}: 'If a man marries a woman and commits adultery before consummating the marriage, she does not remain lawful for him because he is an adulterer. They shall be separated, and he must give her half of the dowry.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.416 • Ilal Al-Shara'i', Vol.2 p.501 • Tahdhib Al-Ahkam, Vol.7 p.481 • Tahdhib Al-Ahkam, Vol.7 p.490 • Al-Wafi, Vol.21 p.134 • Wasa'il Al-Shi'ah, Vol.21 p.237 • Bihar Al-Anwar, Vol.101 p.7

HADITH

4453 - وَ فِي رِوَايَةِ إِسْمَاعِيلَ بْنِ أَبِي زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : فِي اَلْمَرْأَةِ إِذَا زَنَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا زَوْجُهَا قَالَ «يُفَرَّقُ بَيْنَهُمَا وَ لاَ صَدَاقَ لَهَا لِأَنَّ اَلْحَدَثَ مِنْ قِبَلِهَا».

H.4453 - In a narration from Isma'il ibn Abi Ziyad, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, peace be upon them, who said:
Imam Ali ibn Abi Talib {a.s} said regarding a woman who commits adultery before her husband consummates the marriage: "They shall be separated, and she is not entitled to a dowry because the offense originated from her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.416 • Ilal Al-Shara'i', Vol.2 p.502 • Tahdhib Al-Ahkam, Vol.7 p.473 • Tahdhib Al-Ahkam, Vol.7 p.490 • Tahdhib Al-Ahkam, Vol.10 p.36 • Nuzhat Al-Nazir, Vol.1 p.104 • Wasa'il Al-Shi'ah, Vol.21 p.218 • Bihar Al-Anwar, Vol.101 p.7

HADITH

4454 - وَ فِي رِوَايَةِ اَلْحَسَنِ بْنِ مَحْبُوبٍ عَنِ اَلْفَضْلِ بْنِ يُونُسَ قَالَ: سَأَلْتُ أَبَا اَلْحَسَنِ مُوسَى عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً فَلَمْ يَدْخُلْ بِهَا فَزَنَتْ قَالَ «يُفَرَّقُ بَيْنَهُمَا وَ تُحَدُّ اَلْحَدَّ وَ لاَ صَدَاقَ لَهَا».

H.4454 - In a narration from Al-Hasan ibn Mahbub, from Al-Fadl ibn Yunus, he said: I asked Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} about a man who married a woman but did not consummate the marriage, and then she committed adultery.
Imam {a.s} said: "They shall be separated, she shall receive the prescribed punishment, and she is not entitled to a dowry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.416 • Tahdhib Al-Ahkam, Vol.7 p.490 • Al-Wafi, Vol.21 p.134 • Wasa'il Al-Shi'ah, Vol.21 p.218

HADITH

4455 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللّهِ بْنِ سِنَانٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يُصِيبُ مِنْ أُخْتِ اِمْرَأَتِهِ حَرَاماً أَ يُحَرِّمُ ذَلِكَ عَلَيْهِ اِمْرَأَتَهُ فَقَالَ «إِنَّ اَلْحَرَامَ لاَ يُفْسِدُ اَلْحَلاَلَ وَ اَلْحَلاَلُ يَصْلُحُ بِهِ اَلْحَرَامُ».

H.4455 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, who said: I asked Abu Abdullah {a.s} about a man who commits a forbidden act with his wife's sister. Does this make his wife forbidden to him?
Imam {a.s} said: "Indeed, the forbidden does not invalidate the lawful, and the lawful rectifies the forbidden."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.94 • Man La Yahduruhu Al-Faqih, Vol.3 p.416 • Al-Wafi, Vol.21 p.198 • Wasa'il Al-Shi'ah, Vol.20 p.429 • Bihar Al-Anwar, Vol.101 p.9 • Mustadrak Al-Wasa'il, Vol.14 p.383

HADITH

4456 - وَ فِي رِوَايَةِ مُوسَى بْنِ بَكْرٍ عَنْ زُرَارَةَ بْنِ أَعْيَنَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سُئِلَ عَنْ رَجُلٍ كَانَتْ عِنْدَهُ اِمْرَأَةٌ فَزَنَى بِأُمِّهَا أَوْ بِابْنَتِهَا أَوْ بِأُخْتِهَا فَقَالَ «مَا حَرَّمَ حَرَامٌ قَطُّ حَلاَلاً اِمْرَأَتُهُ لَهُ حَلاَلٌ» وَ قَالَ «لاَ بَأْسَ إِذَا زَنَى رَجُلٌ بِامْرَأَةٍ أَنْ يَتَزَوَّجَ بِهَا بَعْدُ وَ ضَرَبَ مَثَلَ ذَلِكَ مَثَلَ رَجُلٍ سَرَقَ مِنْ تَمْرَةِ نَخْلَةٍ ثُمَّ اِشْتَرَاهَا بَعْدُ وَ لاَ بَأْسَ أَنْ يَتَزَوَّجَهَا بَعْدُ أُمَّهَا أَوِ اِبْنَتَهَا أَوْ أُخْتَهَا وَ إِنْ كَانَتْ تَحْتَهُ اَلْمَرْأَةُ، فَتَزَوَّجَ أُمَّهَا أَوِ اِبْنَتَهَا أَوْ أُخْتَهَا فَدَخَلَ بِهَا ثُمَّ عَلِمَ فَارَقَ اَلْأَخِيرَةَ وَ اَلْأُولَى اِمْرَأَتُهُ وَ لَمْ يَقْرَبِ اِمْرَأَتَهُ حَتَّى يَسْتَبْرِئَ رَحِمَ اَلَّتِي فَارَقَ وَ إِنْ زَنَى رَجُلٌ بِامْرَأَةِ اِبْنِهِ أَوِ اِمْرَأَةِ أَبِيهِ أَوْ بِجَارِيَةِ اِبْنِهِ أَوْ بِجَارِيَةِ أَبِيهِ فَإِنَّ ذَلِكَ لاَ يُحَرِّمُهَا عَلَى زَوْجِهَا وَ لاَ تَحْرُمُ اَلْجَارِيَةُ عَلَى سَيِّدِهَا وَ إِنَّمَا يُحَرِّمُ ذَلِكَ إِذَا كَانَ ذَلِكَ مِنْهُ بِالْجَارِيَةِ وَ هِيَ حَلاَلٌ فَلاَ تَحِلُّ تِلْكَ اَلْجَارِيَةُ أَبَداً لِابْنِهِ وَ لاَ لِأَبِيهِ وَ إِذَا تَزَوَّجَ اِمْرَأَةً تَزْوِيجاً حَلاَلاً فَلاَ تَحِلُّ تِلْكَ اَلْمَرْأَةُ لِابْنِهِ وَ لاَ لِأَبِيهِ».

H.4456 - Musa ibn Bakr narrated from Zurara ibn Ayan, who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
He was asked about a man who had a wife and then committed fornication with her mother, her daughter, or her sister.
Imam {a.s} said: "No unlawful act has ever rendered lawful acts unlawful. His wife remains lawful to him."
And Imam {a.s} further said: "There is no harm if a man commits fornication with a woman and then marries her afterward.
He compared this to a man who steals a date from a palm tree and then buys it later - there is no harm in doing so.
It is also permissible for him to marry her mother, daughter, or sister afterward. If he is already married to the woman and then marries her mother, daughter, or sister and consummates the marriage, but later finds out the relationship, he should separate from the latter, while his first wife remains lawful to him.
However, he should not approach his first wife until the womb of the woman he separated from has been cleared.
If a man commits fornication with his son's wife, his father's wife, his son's concubine, or his father's concubine, this does not make them unlawful for their husbands or owners.
However, if he commits such an act with a concubine while she is lawfully his, she becomes forever unlawful to his son or his father.
Similarly, if a man lawfully marries a woman, she becomes forever unlawful to his son or his father."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.417

HADITH

4457 - وَ رَوَى أَبُو اَلْمَغْرَاءِ عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ فَجَرَ بِامْرَأَةٍ ثُمَّ أَرَادَ بَعْدَ ذَلِكَ أَنْ يَتَزَوَّجَهَا فَقَالَ «إِذَا تَابَتْ حَلَّتْ لَهُ» قُلْتُ وَ كَيْفَ تُعْرَفُ تَوْبَتُهَا قَالَ «يَدْعُوهَا إِلَى مَا كَانَا عَلَيْهِ مِنَ اَلْحَرَامِ فَإِنِ اِمْتَنَعَتْ فَاسْتَغْفَرَتْ رَبَّهَا عَرَفَ تَوْبَتَهَا ».

H.4457 - Abu al-Maghra narrated from Abu Basir, who said:
I asked Imam {a.s} about a man who committed fornication with a woman and then later wanted to marry her.
Imam {a.s} said: "If she repents, she becomes lawful for him."
I asked: "And how can her repentance be known?"
Imam {a.s} replied: "He should invite her to engage in the same unlawful act they previously committed. If she refuses and seeks forgiveness from her Lord {AZJ}, then her repentance is known."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.418 • Tahdhib Al-Ahkam, Vol.7 p.327 • Al-Istibsar, Vol.3 p.168 • Awali Al-La'ali, Vol.3 p.329 • Al-Wafi, Vol.21 p.139 • Wasa'il Al-Shi'ah, Vol.20 p.435

HADITH

4458 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً بِالْعِرَاقِ ثُمَّ خَرَجَ إِلَى اَلشَّامِ فَتَزَوَّجَ اِمْرَأَةً أُخْرَى فَإِذَا هِيَ أُخْتُ اِمْرَأَتِهِ اَلَّتِي بِالْعِرَاقِ قَالَ «يُفَرِّقُ بَيْنَهُ وَ بَيْنَ اَلَّتِي تَزَوَّجَهَا بِالشَّامِ وَ لاَ يَقْرَبُ اَلْعِرَاقِيَّةَ حَتَّى تَنْقَضِيَ عِدَّةُ اَلشَّامِيَّةِ» قُلْتُ فَإِنْ تَزَوَّجَ اِمْرَأَةً ثُمَّ تَزَوَّجَ أُمَّهَا وَ هُوَ لاَ يَعْلَمُ أَنَّهَا أُمُّهَا فَقَالَ «قَدْ وَضَعَ اَللَّهُ عَنْهُ جَهَالَتَهُ بِذَلِكَ» ثُمَّ قَالَ «إِذَا عَلِمَ أَنَّهَا أُمُّهَا فَلاَ يَقْرَبْهَا وَ لاَ يَقْرَبِ اَلاِبْنَةَ حَتَّى تَنْقَضِيَ عِدَّةُ اَلْأُمِّ مِنْهُ فَإِذَا اِنْقَضَتْ عِدَّةُ اَلْأُمِّ حَلَّ لَهُ نِكَاحُ اَلاِبْنَةِ» قُلْتُ فَإِنْ جَاءَتِ اَلْأُمُّ بِوَلَدٍ فَقَالَ «هُوَ وَلَدُهُ يَرِثُهُ وَ يَكُونُ اِبْنَهُ وَ أَخاً لِاِمْرَأَتِهِ».

H.4458 - Ali ibn Ri'ab narrated from Zurara, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who married a woman in Iraq, then traveled to Syria and married another woman, only to later discover that she was the sister of his wife in Iraq.
Imam {a.s} said: "He must separate from the one he married in Syria, and he cannot approach the one in Iraq until the waiting period ('iddah) of the one in Syria is completed."
I asked: "What if he married a woman and then married her mother, not knowing that she was her mother?"
Imam {a.s} said: "Allah {SWT} excuses his ignorance in this matter."
Then Imam {a.s} continued: "When he learns that she is the mother, he must not approach her, nor approach the daughter until the waiting period of the mother is completed. After the mother's waiting period ends, it becomes lawful for him to marry the daughter."
I asked: "What if the mother bears a child?"
Imam {a.s} said: "The child is his, inherits from him, and is both his son and the brother of his wife."

[REFERENCES] Al-Kafi, Vol.5 p.431 • Man La Yahduruhu Al-Faqih, Vol.3 p.418 • Tahdhib Al-Ahkam, Vol.7 p.285 • Al-Istibsar, Vol.3 p.169 • Wasa'il Al-Shi'ah, Vol.20 p.478

HADITH

4459 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَمَرَ رَجُلاً أَنْ يُزَوِّجَهُ اِمْرَأَةً مِنْ أَهْلِ اَلْبَصْرَةِ مِنْ بَنِي تَمِيمٍ فَزَوَّجَهُ اِمْرَأَةً مِنْ أَهْلِ اَلْكُوفَةِ مِنْ بَنِي تَمِيمٍ قَالَ «خَالَفَ أَمْرَهُ وَ عَلَى اَلْمَأْمُورِ نِصْفُ اَلصَّدَاقِ لِأَهْلِ اَلْمَرْأَةِ وَ لاَ عِدَّةَ عَلَيْهَا وَ لاَ مِيرَاثَ بَيْنَهُمَا » فَقَالَ بَعْضُ مَنْ حَضَرَهُ فَإِنْ أَمَرَهُ أَنْ يُزَوِّجَهُ اِمْرَأَةً وَ لَمْ يُسَمِّ أَرْضاً وَ لاَ قَبِيلَةً ثُمَّ جَحَدَ اَلْآمِرُ أَنْ يَكُونَ قَدْ أَمَرَهُ بِذَلِكَ بَعْدَ مَا زَوَّجَهُ فَقَالَ «إِنْ كَانَ لِلْمَأْمُورِ بَيِّنَةٌ أَنَّهُ كَانَ أَمَرَهُ أَنْ يُزَوِّجَهُ بِزَوْجَةٍ كَانَ اَلصَّدَاقُ عَلَى اَلْآمِرِ وَ إِنْ لَمْ يَكُنْ لَهُ بَيِّنَةٌ كَانَ اَلصَّدَاقُ عَلَى اَلْمَأْمُورِ لِأَهْلِ اَلْمَرْأَةِ وَ لاَ مِيرَاثَ بَيْنَهُمَا وَ لاَ عِدَّةَ عَلَيْهَا وَ لَهَا نِصْفُ اَلصَّدَاقِ إِنْ كَانَ فَرَضَ لَهَا صَدَاقاً وَ إِنْ لَمْ يَكُنْ سَمَّى لَهَا صَدَاقاً فَلاَ شَيْءَ لَهَا ».

H.4459 - Al-Hasan ibn Mahbub narrated from Malik ibn Atiyyah, from Abu Ubaydah, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Regarding a man who instructed another man to marry him to a woman from the people of Basra, from the tribe of Banu Tamim, but the intermediary instead married him to a woman from the people of Kufa, also from the tribe of Banu Tamim.
Imam {a.s} said: "He has disobeyed his command. The intermediary is responsible for half the dowry to the woman's family. There is no waiting period ('iddah) for her, and there is no inheritance between them."
Someone present then asked: "What if he instructed him to marry a woman without specifying the land or tribe, and later the man who gave the order denied ever instructing him after the marriage had been performed?"
Imam {a.s} said: "If the intermediary has proof that he was instructed to arrange the marriage, then the dowry is the responsibility of the one who gave the order. However, if the intermediary has no proof, then the dowry falls upon the intermediary to pay to the woman's family. There is no inheritance between them, and there is no waiting period ('iddah) for her. She is entitled to half the dowry if a specific dowry was stipulated. If no dowry was specified, then she is entitled to nothing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.419 • Tahdhib Al-Ahkam, Vol.7 p.483 • Tahdhib Al-Ahkam, Vol.7 p.490 • Al-Wafi, Vol.22 p.681 • Wasa'il Al-Shi'ah, Vol.20 p.302

HADITH

4460 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ تَزَوَّجَ أُخْتَيْنِ فِي عَقْدَةٍ وَاحِدَةٍ قَالَ «يُمْسِكُ أَيَّتَهُمَا شَاءَ وَ يُخَلِّي سَبِيلَ اَلْأُخْرَى » وَ قَالَ فِي رَجُلٍ تَزَوَّجَ خَمْساً فِي عَقْدَةٍ وَاحِدَةٍ قَالَ «يُخَلِّي سَبِيلَ أَيَّتِهِنَّ شَاءَ».

H.4460 - Ibn Abi Umayr narrated from Jamil ibn Darraj, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who married two sisters in a single contract.
Imam {a.s} said: "He should keep whichever one he wishes and release the other."
And regarding a man who married five women in a single contract.
Imam {a.s} said: "He should release whichever ones he wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.419 • Wasa'il Al-Shi'ah, Vol.20 p.478

HADITH

4461 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: فِي رَجُلٍ كَانَ تَحْتَهُ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ وَاحِدَةً مِنْهُنَّ ثُمَّ نَكَحَ أُخْرَى قَبْلَ أَنْ تَسْتَكْمِلَ اَلْمُطَلَّقَةُ عِدَّتَهَا فَقَضَى «أَنْ تَلْحَقَ اَلْأَخِيرَةُ بِأَهْلِهَا حَتَّى تَسْتَكْمِلَ اَلْمُطَلَّقَةُ أَجَلَهَا وَ تَسْتَقْبِلُ اَلْأُخْرَى عِدَّةً أُخْرَى وَ لَهَا صَدَاقُهَا إِنْ كَانَ دَخَلَ بِهَا وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَيْسَ لَهَا صَدَاقٌ وَ لاَ عِدَّةَ عَلَيْهَا مِنْهُ ثُمَّ إِنْ شَاءَ أَهْلُهَا بَعْدَ اِنْقِضَاءِ عِدَّتِهَا زَوَّجُوهَا إِيَّاهُ وَ إِنْ شَاءُوا فَلاَ».

H.4461 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
Regarding a man who had four wives and divorced one of them, then married another woman before the divorced wife had completed her waiting period.
Imam {a.s} ruled: "The latter wife must return to her family until the divorced wife completes her waiting period. After that, the latter wife must observe a new waiting period. If he had consummated the marriage with her, she is entitled to her dowry. However, if he had not consummated the marriage, she has no dowry and no waiting period required for her. After her waiting period ends, if her family wishes, they may give her back in marriage to him, and if they wish, they may refuse."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.420

HADITH

4462 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ سَعْدِ بْنِ أَبِي خَلَفٍ اَلزَّامِّ عَنْ سِنَانِ بْنِ طَرِيفٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سُئِلَ عَنْ رَجُلٍ كُنَّ لَهُ ثَلاَثُ نِسْوَةٍ ثُمَّ تَزَوَّجَ اِمْرَأَةً أُخْرَى فَلَمْ يَدْخُلْ بِهَا ثُمَّ أَرَادَ أَنْ يُعْتِقَ أَمَةً وَ يَتَزَوَّجَهَا فَقَالَ «إِنْ هُوَ طَلَّقَ اَلَّتِي لَمْ يَدْخُلْ بِهَا فَلاَ بَأْسَ أَنْ يَتَزَوَّجَ أُخْرَى مِنْ يَوْمِهِ ذَلِكَ وَ إِنْ طَلَّقَ مِنَ اَلثَّلاَثِ اَلنِّسْوَةِ اَللاَّتِي دَخَلَ بِهِنَّ وَاحِدَةً لَمْ يَكُنْ لَهُ أَنْ يَتَزَوَّجَ اِمْرَأَةً أُخْرَى حَتَّى تَنْقَضِيَ عِدَّةُ اَلْمُطَلَّقَةِ».

H.4462 - Al-Hasan ibn Mahbub narrated from Sa'd ibn Abi Khalaf al-Zam and Sinan ibn Tarif, who narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}:
Imam {a.s} was asked about a man who had three wives, then married another woman but did not consummate the marriage with her. Later, he wanted to emancipate a bondwoman and marry her.
Imam {a.s} said: "If he divorces the woman with whom he had not consummated the marriage, then there is no harm in him marrying another woman on that same day. However, if he divorces one of the three wives with whom he had consummated the marriage, he cannot marry another woman until the waiting period of the divorced wife is completed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.420 • Tahdhib Al-Ahkam, Vol.7 p.485 • Al-Wafi, Vol.21 p.299 • Wasa'il Al-Shi'ah, Vol.20 p.521

HADITH

4463 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ عَنْبَسَةَ بْنِ مُصْعَبٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ كُنَّ لَهُ ثَلاَثُ نِسْوَةٍ فَتَزَوَّجَ عَلَيْهِنَّ اِمْرَأَتَيْنِ فِي عَقْدَةٍ وَاحِدَةٍ فَدَخَلَ بِوَاحِدَةٍ مِنْهُمَا ثُمَّ مَاتَ قَالَ «إِنْ كَانَ دَخَلَ بِالَّتِي بَدَأَ بِاسْمِهَا وَ ذَكَرَهَا عِنْدَ عُقْدَةِ اَلنِّكَاحِ فَإِنَّ نِكَاحَهُ جَائِزٌ وَ عَلَيْهَا اَلْعِدَّةُ وَ لَهَا اَلْمِيرَاثُ وَ إِنْ كَانَ دَخَلَ بِالْمَرْأَةِ اَلَّتِي سُمِّيَتْ وَ ذُكِرَتْ بَعْدَ ذِكْرِ اَلْمَرْأَةِ اَلْأُولَى فَإِنَّ نِكَاحَهُ بَاطِلٌ وَ لاَ مِيرَاثَ لَهَا وَ عَلَيْهَا اَلْعِدَّةُ».

H.4463 - Muhammad ibn Abi Umayr narrated from Anbasa ibn Mus'ab, who said:
I asked Abu Abdullah {a.s} about a man who had three wives and then married two more women in a single contract. He consummated the marriage with one of them and then died.
Imam {a.s} said: "If he consummated the marriage with the woman whose name was mentioned first during the marriage contract, then his marriage is valid, and she must observe the waiting period ('iddah), and she is entitled to inheritance. However, if he consummated the marriage with the woman whose name was mentioned after the first woman, then his marriage is invalid, she is not entitled to inheritance, but she must observe the waiting period ('iddah).

[REFERENCES] Al-Kafi, Vol.5 p.430 • Man La Yahduruhu Al-Faqih, Vol.3 p.420 • Tahdhib Al-Ahkam, Vol.7 p.295 • Al-Wafi, Vol.21 p.296 • Wasa'il Al-Shi'ah, Vol.20 p.523

HADITH

4464 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً حُرَّةً وَ أَمَتَيْنِ مَمْلُوكَتَيْنِ فِي عَقْدَةٍ وَاحِدَةٍ فَقَالَ «أَمَّا اَلْحُرَّةُ فَنِكَاحُهَا جَائِزٌ فَإِنْ كَانَ قَدْ سَمَّى لَهَا مَهْراً فَهُوَ لَهَا وَ أَمَّا اَلْمَمْلُوكَتَانِ فَإِنَّ نِكَاحَهُمَا فِي عَقْدَةٍ وَاحِدَةٍ مَعَ اَلْحُرَّةِ بَاطِلٌ يُفَرَّقُ بَيْنَهُ وَ بَيْنَهُمَا».

H.4464 - Al-Hasan ibn Mahbub narrated from Abu Ayyub, from Abu Ubaydah, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
He was asked about a man who married a free woman and two bondwomen in a single contract.
Imam {a.s} said: "As for the free woman, her marriage is valid, and if he specified a dowry for her, it belongs to her. However, as for the two bondwomen, their marriage in the same contract with the free woman is invalid. He must separate from them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.421

HADITH

4465 - وَ رَوَى طَلْحَةُ بْنُ زَيْدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا أُغْتُصِبَتْ أَمَةٌ فَاقْتُضَّتْ فَعَلَيْهِ عُشْرُ ثَمَنِهَا فَإِذَا كَانَتْ حُرَّةً فَعَلَيْهِ اَلصَّدَاقُ».

H.4465 - Talhah ibn Zayd narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} that Ali {a.s} said:
"If a bondwoman is raped and her virginity is taken, the perpetrator must pay one-tenth of her value. However, if she is a free woman, he must pay the dowry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.421 • Tahdhib Al-Ahkam, Vol.10 p.49 • Wasa'il Al-Shi'ah, Vol.21 p.198

HADITH

4466 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ أَقَرَّ أَنَّهُ غَصَبَ رَجُلاً عَلَى جَارِيَتِهِ وَ قَدْ وَلَدَتِ اَلْجَارِيَةُ مِنَ اَلْغَاصِبِ قَالَ «تُرَدُّ اَلْجَارِيَةُ وَ وَلَدُهَا عَلَى اَلْمَغْصُوبِ إِذَا أَقَرَّ بِذَلِكَ أَوْ كَانَتْ عَلَيْهِ بَيِّنَةٌ».

H.4466 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said regarding a man who confessed that he had forcibly taken another man's bondwoman, and the bondwoman had given birth to a child by the usurper:
"The bondwoman and her child must be returned to the rightful owner if the usurper has confessed to this or if there is evidence against him."

[REFERENCES] Al-Kafi, Vol.5 p.556 • Man La Yahduruhu Al-Faqih, Vol.3 p.421 • Tahdhib Al-Ahkam, Vol.7 p.482 • Al-Wafi, Vol.22 p.684 • Al-Wafi, Vol.23 p.1406 • Wasa'il Al-Shi'ah, Vol.21 p.177

HADITH

4467 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلَيْنِ نَكَحَا اِمْرَأَتَيْنِ فَأُتِيَ هَذَا بِامْرَأَةِ هَذَا وَ هَذَا بِامْرَأَةِ هَذَا قَالَ «تَعْتَدُّ هَذِهِ مِنْ هَذَا وَ هَذِهِ مِنْ هَذَا ثُمَّ تَرْجِعُ كُلُّ وَاحِدَةٍ إِلَى زَوْجِهَا».

H.4467 - Al-'Ala' narrated from Muhammad ibn Muslim, who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
I asked Imam {a.s} about two men who married two women, but each man was mistakenly given the wife of the other.
Imam {a.s} said: "Each woman must observe the waiting period (iddah) from the other man, and then they may return to their rightful husbands."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.421 • Al-Wafi, Vol.22 p.682 • Wasa'il Al-Shi'ah, Vol.20 p.513

HADITH

4468 - وَ رَوَى جَمِيلُ بْنُ صَالِحٍ عَنْ أَبِي عُبَيْدَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ كُنَّ لَهُ ثَلاَثُ بَنَاتٍ أَبْكَارٍ فَزَوَّجَ وَاحِدَةً مِنْهُنَّ رَجُلاً وَ لَمْ يُسَمِّ اَلَّتِي زَوَّجَ لِلزَّوْجِ وَ لاَ لِلشُّهُودِ وَ قَدْ كَانَ اَلزَّوْجُ فَرَضَ لَهَا صَدَاقاً فَلَمَّا بَلَغَ أَنْ يُدْخُلَ بِهَا عَلَى اَلزَّوْجِ وَ بَلَغَ اَلزَّوْجَ أَنَّهَا اَلْكُبْرَى قَالَ اَلزَّوْجُ لِأَبِيهَا إِنَّمَا تَزَوَّجْتُ مِنْكَ اَلصُّغْرَى مِنْ بَنَاتِكَ فَقَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «إِنْ كَانَ اَلزَّوْجُ رَآهُنَّ كُلَّهُنَّ وَ لَمْ يُسَمِّ لَهُ وَاحِدَةً مِنْهُنَّ فَالْقَوْلُ فِي ذَلِكَ قَوْلُ اَلْأَبِ وَ عَلَى اَلْأَبِ فِيمَا بَيْنَهُ وَ بَيْنَ اَللَّهِ عَزَّ وَ جَلَّ أَنْ يَدْفَعَ إِلَى اَلزَّوْجِ اَلْجَارِيَةَ اَلَّتِي كَانَ نَوَى أَنْ يُزَوِّجَهَا إِيَّاهُ عِنْدَ عُقْدَةِ اَلنِّكَاحِ وَ إِنْ كَانَ اَلزَّوْجُ لَمْ يَرَهُنَّ كُلَّهُنَّ وَ لَمْ يُسَمِّ لَهُ وَاحِدَةً مِنْهُنَّ عِنْدَ عُقْدَةِ اَلنِّكَاحِ فَالنِّكَاحُ بَاطِلٌ ».

H.4468 - Jamil ibn Salih narrated from Abu 'Ubaydah, who said:
I asked Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who had three unmarried daughters.
He married one of them to a man but did not specify which daughter to the husband or the witnesses. The husband had already agreed upon a dowry for her.
When the time came for the husband to consummate the marriage, he was informed that the bride was the eldest daughter. However, the husband said to the father, "I only intended to marry your youngest daughter."
Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} replied: "If the husband had seen all the daughters and had not specified one of them, then the decision is based on the father's word. However, the father must, before Allah {SWT} (Glorified and Exalted), give the husband the daughter he intended to marry off at the time of the marriage contract. But if the husband had not seen all the daughters and no specific one was identified during the marriage contract, then the marriage is invalid."

[REFERENCES] Al-Kafi, Vol.5 p.412 • Man La Yahduruhu Al-Faqih, Vol.3 p.421 • Tahdhib Al-Ahkam, Vol.7 p.393 • Al-Wafi, Vol.22 p.678 • Wasa’il Al-Shi’ah, Vol.20 p.294

HADITH

4469 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: فِي أُخْتَيْنِ أُهْدِيَتَا لِأَخَوَيْنِ فَأُدْخِلَتِ اِمْرَأَةُ هَذَا عَلَى هَذَا وَ اِمْرَأَةُ هَذَا عَلَى هَذَا قَالَ «لِكُلِّ وَاحِدَةٍ مِنْهُمَا اَلصَّدَاقُ بِالْغِشْيَانِ وَ إِنْ كَانَ وَلِيُّهُمَا تَعَمَّدَ ذَلِكَ أُغْرِمَ اَلصَّدَاقَ وَ لاَ يَقْرَبُ وَاحِدٌ مِنْهُمَا اِمْرَأَتَهُ حَتَّى تَنْقَضِيَ اَلْعِدَّةُ فَإِذَا اِنْقَضَتِ اَلْعِدَّةُ صَارَتْ كُلُّ اِمْرَأَةٍ مِنْهُمَا إِلَى زَوْجِهَا اَلْأَوَّلِ بِالنِّكَاحِ اَلْأَوَّلِ» قِيلَ لَهُ فَإِنْ مَاتَتَا قَبْلَ اِنْقِضَاءِ اَلْعِدَّةِ قَالَ «يَرْجِعُ اَلزَّوْجَانِ بِنِصْفِ اَلصَّدَاقِ عَلَى وَرَثَتِهِمَا وَ يَرِثَانِهِمَا اَلرَّجُلاَنِ» قِيلَ فَإِنْ مَاتَ اَلزَّوْجَانِ وَ هُمَا فِي اَلْعِدَّةِ قَالَ «تَرِثَانِهِمَا وَ لَهُمَا نِصْفُ اَلْمَهْرِ وَ عَلَيْهِمَا اَلْعِدَّةُ بَعْدَ مَا تَفْرُغَانِ مِنَ اَلْعِدَّةِ اَلْأُولَى تَعْتَدَّانِ عِدَّةَ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا».

H.4469 - Al-Hasan ibn Mahbub narrated from Jamil ibn Salih that Abu Abdullah {a.s} said regarding two sisters who were given in marriage to two brothers, but each was mistakenly sent to the other brother.
Abu Abdullah {a.s} said: "Each woman is entitled to the dowry due to consummation. If their guardian deliberately caused this mix-up, he must pay the dowry.
Neither man may approach his wife until her waiting period ('iddah) ends. Once the waiting period is over, each woman returns to her original husband based on the first marriage contract."
It was asked: "What if the women die before the waiting period ends?"
Imam {a.s} said: "The husbands may reclaim half of the dowry from their heirs, and the two husbands inherit from them."
It was further asked: "What if the husbands die while the wives are still in the waiting period?"
Imam {a.s} said: "The wives inherit from their husbands and are entitled to half of the dowry. After completing the waiting period for the first incident, they must observe another waiting period as widows of their deceased husbands."

[REFERENCES] Al-Kafi, Vol.5 p.407 • Man La Yahduruhu Al-Faqih, Vol.3 p.422 • Tahdhib Al-Ahkam, Vol.7 p.434 • Al-Wafi, Vol.22 p.682 • Wasa'il Al-Shi'ah, Vol.20 p.513

HADITH

4470 - وَ رَوَى مُحَمَّدُ بْنُ عَبْدِ اَلْحَمِيدِ عَنْ مُحَمَّدِ بْنِ شُعَيْبٍ قَالَ: كَتَبْتُ إِلَيْهِ أَنَّ رَجُلاً خَطَبَ إِلَى عَمٍّ لَهُ اِبْنَتَهُ فَأَمَرَ بَعْضَ إِخْوَتِهِ أَنْ يُزَوِّجَهُ اِبْنَتَهُ اَلَّتِي خَطَبَهَا وَ أَنَّ اَلرَّجُلَ أَخْطَأَ بِاسْمِ اَلْجَارِيَةِ وَ كَانَ اِسْمُهَا فَاطِمَةَ فَسَمَّاهَا بِغَيْرِ اِسْمِهَا وَ لَيْسَ لِلرَّجُلِ اِبْنَةٌ بِاسْمِ اَلَّتِي ذَكَرَ اَلْمُزَوِّجُ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لاَ بَأْسَ بِهِ».

H.4470 - Muhammad ibn Abd al-Hamid narrated from Muhammad ibn Shuayb who said:
I wrote to Imam {a.s} regarding a man who proposed marriage to his uncle's daughter.
The uncle instructed one of his brothers to marry his daughter to the man.
However, during the marriage contract, the man mistakenly mentioned a different name instead of the daughter's actual name, which was Fatimah. The man did not have any daughter by the name he mentioned during the contract.
The Imam {a.s} responded: "There is no harm in it."

[REFERENCES] Al-Kafi, Vol.5 p.562 • Man La Yahduruhu Al-Faqih, Vol.3 p.423 • Al-Wafi, Vol.22 p.678 • Wasa'il Al-Shi'ah, Vol.20 p.297

HADITH

4471 - وَ رَوَى إِسْمَاعِيلُ بْنُ أَبِي زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَحِلُّ اَلنِّكَاحُ اَلْيَوْمَ فِي اَلْإِسْلاَمِ بِإِجَارَةٍ بِأَنْ يَقُولَ أَعْمَلُ عِنْدَكَ كَذَا وَ كَذَا سَنَةً عَلَى أَنْ تُزَوِّجَنِي أُخْتَكَ أَوِ اِبْنَتَكَ» قَالَ «هُوَ حَرَامٌ لِأَنَّهُ ثَمَنُ رَقَبَتِهَا وَ هِيَ أَحَقُّ بِمَهْرِهَا».

وَ فِي حَدِيثٍ آخَرَ: «إِنَّمَا كَانَ ذَلِكَ لِمُوسَى بْنِ عِمْرَانَ عَلَيْهِ اَلسَّلاَمُ لِأَنَّهُ عَلِمَ مِنْ طَرِيقِ اَلْوَحْيِ هَلْ يَمُوتُ قَبْلَ اَلْوَفَاءِ أَمْ لاَ فَوَفَى بِأَتَمِّ اَلْأَجَلَيْنِ».

H.4471 - Ismail ibn Abi Ziyad narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} that Imam Ali ibn Abi Talib {a.s} said:

"Marriage through employment is not permissible in Islam today, such as when someone says, 'I will work for you for such and such a year in exchange for marrying your sister or daughter.'

Such an arrangement is forbidden because it reduces her to a price, whereas she is entitled to her dowry."

[AL SADUQ]

In another narration, it is reported:

"This (form of marriage) was only allowed for Musa ibn Imran {a.s} because he knew through divine revelation whether he would complete the specified term or not, and he fulfilled it by completing the longer of the two terms."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.423 • Tafsir Nur Al-Thaqalayn, Vol.4 p.124 • Tafsir Kanz Al-Daqaiq, Vol.10 p.60 • Wasa'il Al-Shi'ah, Vol.21 p.281 • Tafsir Nur Al-Thaqalayn, Vol.4 p.124 • Tafsir Kanz Al-Daqaiq, Vol.10 p.60

HADITH

4472 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي عُبَيْدَةَ اَلْحَذَّاءِ قَالَ: سُئِلَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ خَصِيٍّ تَزَوَّجَ اِمْرَأَةً وَ هِيَ تَعْلَمُ أَنَّهُ خَصِيٌّ قَالَ «جَائِزٌ» قِيلَ لَهُ إِنَّهُ مَكَثَ مَعَهَا مَا شَاءَ اَللَّهُ ثُمَّ طَلَّقَهَا هَلْ عَلَيْهَا عِدَّةٌ قَالَ «نَعَمْ أَ لَيْسَ قَدْ لَذَّ مِنْهَا وَ لَذَّتْ مِنْهُ » قِيلَ لَهُ فَهَلْ كَانَ عَلَيْهَا فِيمَا يَكُونُ مِنْهَا وَ مِنْهُ غُسْلٌ قَالَ «إِنْ كَانَ إِذَا كَانَ ذَلِكَ مِنْهُ أَمْنَتْ فَإِنَّ عَلَيْهَا غُسْلاً» قِيلَ لَهُ فَلَهُ أَنْ يَرْجِعَ بِشَيْءٍ مِنَ اَلصَّدَاقِ إِذَا طَلَّقَهَا قَالَ «لاَ».

H.4472 - Al-Hasan ibn Mahbub narrated from Jamil ibn Salih from Abu Ubaydah al-Hadhdha' that Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} was asked about a eunuch who married a woman, and she was aware that he was a eunuch.
Imam {a.s} said: "It is permissible."
It was then asked: "If he remained with her as long as Allah {SWT} willed and then divorced her, is she required to observe a waiting period (iddah)?"
Imam {a.s} replied: "Yes, did he not experience pleasure with her, and did she not experience pleasure with him?"
Imam {a.s} was further asked: "Is she required to perform ritual purification (ghusl) due to their intimacy?"
Imam {a.s} replied: "If she experiences sexual discharge during their intimacy, then she is required to perform ghusl."
Imam {a.s} was asked: "Does he have the right to reclaim any part of the dowry (mahr) if he divorces her?"
Imam {a.s} said: "No."

[REFERENCES] Al-Kafi, Vol.6 p.151 • Man La Yahduruhu Al-Faqih, Vol.3 p.424 • Al-Wafi, Vol.23 p.1181 • Wasa'il Al-Shi'ah, Vol.21 p.227

HADITH

4473 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ عَبْدِ اَللَّهِ بْنِ بُكَيْرٍ عَنْ أَبِيهِ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ : فِي خَصِيٍّ دَلَّسَ نَفْسَهُ لِامْرَأَةٍ مُسْلِمَةٍ فَتَزَوَّجَهَا قَالَ «يُفَرَّقُ بَيْنَهُمَا إِنْ شَاءَتِ اَلْمَرْأَةُ وَ يُوجَعُ رَأْسُهُ فَإِنْ رَضِيَتْ وَ أَقَامَتْ مَعَهُ لَمْ يَكُنْ لَهَا بَعْدَ اَلرِّضَا أَنْ تَأْبَاهُ».

H.4473 - Ali ibn Ri'ab narrated from Abdullah ibn Bukayr from his father, from one of the Imams {a.s}, regarding a eunuch who deceived a Muslim woman and married her.
Imam {a.s} said: "They shall be separated if the woman so desires, and his head shall be struck as a punishment. However, if she accepts him and decides to stay with him after learning the truth, she will no longer have the right to reject him later."

[REFERENCES] Al-Kafi, Vol.5 p.410 • Man La Yahduruhu Al-Faqih, Vol.3 p.424 • Tahdhib Al-Ahkam, Vol.7 p.432 • Al-Wafi, Vol.22 p.570 • Wasa'il Al-Shi'ah, Vol.21 p.226

HADITH

4474 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ أَبِي جَرِيرٍ اَلْقُمِّيِّ قَالَ: سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ أُزَوِّجُ أَخِي مِنْ أُمِّي أُخْتِي مِنْ أَبِي فَقَالَ أَبُو اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ «زَوِّجْ إِيَّاهَا إِيَّاهُ، أَوْ زَوِّجْ إِيَّاهُ إِيَّاهَا ».

H.4474 - Safwan ibn Yahya narrated from Abi Jarir Al-Qummi, who said:
I asked Abu Al-Hasan {a.s}: "Can I marry my maternal brother to my paternal sister?"
Abu Al-Hasan {a.s} replied: 'Marry her to him, or marry him to her.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.424 • Al-Sarair, Vol.3 p.595 • Al-Wafi, Vol.21 p.211 • Wasa'il Al-Shi'ah, Vol.20 p.368

HADITH

4475 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ :
«أَنَّهُ قَضَى فِي رَجُلٍ تَزَوَّجَ اِمْرَأَةً وَ أَصْدَقَتْهُ هِيَ وَ اِشْتَرَطَتْ عَلَيْهِ «أَنَّ بِيَدِهَا اَلْجِمَاعَ وَ اَلطَّلاَقَ»
قَالَ «خَالَفَتِ اَلسُّنَّةَ وَ وُلِّيَتْ حَقّاً لَيْسَتْ بِأَهْلِهِ » فَقَضَى «أَنَّ عَلَيْهِ اَلصَّدَاقَ وَ بِيَدِهِ اَلْجِمَاعَ وَ اَلطَّلاَقَ وَ ذَلِكَ اَلسُّنَّةُ».

H.4475 - Muhammad ibn Qays narrated from Abu Ja'far Imam Al-Baqir {a.s}:
Imam {a.s} ruled regarding a man who married a woman, and she gave him the dowry herself and stipulated that she would have the authority over intimacy and divorce.
Imam {a.s} said: "She has opposed the Sunnah and has been given a right she is not entitled to." Then Imam {a.s} ruled: "The dowry is obligatory upon him, and the consummation and divorce are in his hands, as this is the Sunnah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.425 • Wasa'il Al-Shi'ah, Vol.21 p.289

HADITH

4476 - وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَتَيْنِ نَكَحَ إِحْدَاهُمَا رَجُلٌ ثُمَّ طَلَّقَهَا وَ هِيَ حُبْلَى ثُمَّ خَطَبَ أُخْتَهَا فَنَكَحَهَا قَبْلَ أَنْ تَضَعَ أُخْتُهَا اَلْمُطَلَّقَةُ وَلَدَهَا فَأَمَرَهُ أَنْ يُطَلِّقَ اَلْأُخْرَى حَتَّى تَضَعَ أُخْتُهَا اَلْمُطَلَّقَةُ وَلَدَهَا ثُمَّ يَخْطُبُهَا وَ يُصْدِقُهَا صَدَاقَهَا مَرَّتَيْنِ ».

H.4476 - Commander of the Faithful {a.s} ruled concerning two sisters:
A man married one of them and then divorced her while she was pregnant. He then proposed to and married her sister before the divorced sister gave birth.
Imam {a.s} ordered him to divorce the second sister until the first sister gave birth. After that, he could propose to the second sister again and pay her dowry twice.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.425

HADITH

4477 - : «وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ «أَنْ تُنْكَحَ اَلْحُرَّةُ عَلَى اَلْأَمَةِ وَ لاَ تُنْكَحَ اَلْأَمَةُ عَلَى اَلْحُرَّةِ» وَ مَنْ تَزَوَّجَ حُرَّةً عَلَى أَمَةٍ قَسَمَ لِلْحُرَّةِ ضِعْفَيْ مَا يَقْسِمُ لِلْأَمَةِ مِنْ مَالِهِ وَ نَفْسِهِ وَ لِلْأَمَةِ اَلثُّلُثَ مِنْ مَالِهِ وَ نَفْسِهِ».

H.4477 - Commander of the Faithful {a.s} ruled:
"A free woman may be married before a bondwoman, but a bondwoman may not be married before a free woman."
If a man marries a free woman along with a bondwoman, he must allocate to the free woman twice as much from his wealth and time as he allocates to the bondwoman, and the bondwoman is entitled to one-third of his wealth and time."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.425 • Al-Wafi, Vol.21 p.150

HADITH

4478 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ تَزَوَّجَ ذِمِّيَّةً عَلَى مُسْلِمَةٍ قَالَ «يُفَرَّقُ بَيْنَهُمَا وَ يُضْرَبُ ثُمُنَ اَلْحَدِّ اِثْنَيْ عَشَرَ سَوْطاً وَ نِصْفاً فَإِنْ رَضِيَتِ اَلْمُسْلِمَةُ ضُرِبَ ثُمُنَ اَلْحَدِّ وَ لَمْ يُفَرَّقْ بَيْنَهُمَا» قُلْتُ كَيْفَ يُضْرَبُ اَلنِّصْفَ قَالَ «يُؤْخَذُ اَلسَّوْطُ بِالنِّصْفِ فَيُضْرَبُ بِهِ».

H.4478 - Imam Abu Abdullah {a.s} was asked about a man who married a Dhimmi woman (non-Muslim under Muslim protection) while already married to a Muslim woman.
Imam {a.s} said: "They should be separated, and he should be given one-eighth of the prescribed punishment, which amounts to twelve and a half lashes. However, if the Muslim woman consents to it, he should still receive one-eighth of the punishment, but they should not be separated."
I asked: “How is half a lash administered?"
Imam {a.s} replied: "The whip is held by its middle, and he is struck with it."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.426 • Al-Wafi, V.21 p.146 • Wasa’il Al-Shi’ah, Vol.20 p.544

HADITH

4479 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلاَءٍ وَ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَتَزَوَّجِ اَلْأَعْرَابِيُّ اَلْمُهَاجِرَةَ فَيُخْرِجَهَا مِنْ دَارِ اَلْهِجْرَةِ إِلَى اَلْأَعْرَابِ ».

H.4479 - Imam Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"An Arab man should not marry a Muhajira woman (a woman who migrated for the sake of faith) and then take her out of the land of migration to the land of the Arabs."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.426 • Al-Wafi, Vol.21 p.115 • Wasa’il Al-Shi’ah, Vol.20 p.563

HADITH

4480 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: قُلْتُ لَهُ اَلرَّجُلُ تَكُونُ عِنْدَهُ اَلْمَرْأَةُ يَتَزَوَّجُ أُخْرَى أَ لَهُ أَنْ يُفَضِّلَهَا قَالَ «نَعَمْ إِنْ كَانَتْ بِكْراً فَسَبْعَةَ أَيَّامٍ وَ إِنْ كَانَتْ ثَيِّباً فَثَلاَثَةَ أَيَّامٍ».

H.4480 - Muhammad ibn Muslim reported:
I asked Imam Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who already has a wife and then marries another woman.
I asked: “Is it permissible for him to give preference to her (the new wife)?"
Imam {a.s} replied: "Yes, if she is a virgin, then seven days; and if she is previously married (a widow or divorced), then three days."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.427 • Al-Wafi, V.22 p.794 • Wasa’il Al-Shi’ah, Vol.21 p.339

HADITH

4481 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ اَلْكَرْخِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ لَهُ أَرْبَعُ نِسْوَةٍ فَهُوَ يَبِيتُ عِنْدَ ثَلاَثٍ مِنْهُنَّ فِي لَيَالِيهِنَّ وَ يَمَسُّهُنَّ فَإِذَا بَاتَ عِنْدَ اَلرَّابِعَةِ فِي لَيْلَتِهَا لَمْ يَمَسَّهَا فَهَلْ عَلَيْهِ فِي هَذَا إِثْمٌ قَالَ «إِنَّمَا عَلَيْهِ أَنْ يَبِيتَ عِنْدَهَا فِي لَيْلَتِهَا وَ يَظَلَّ عِنْدَهَا صَبِيحَتَهَا وَ لَيْسَ عَلَيْهِ أَنْ يُجَامِعَهَا إِذَا لَمْ يُرِدْ ذَلِكَ ».

H.4481 - Al-Hasan ibn Mahbub narrated from Ibrahim al-Karkhi, who said: I asked Abu Abdillah {a.s} about a man who has four wives and spends the night with three of them during their respective nights, and he has relations with them.
However, when he spends the night with the fourth one on her night, he does not have relations with her. Is there any sin upon him in this matter?
Imam {a.s} said: "It is only obligatory upon him to spend the night with her on her night and to remain with her until the morning. There is no obligation upon him to have relations with her if he does not wish to do so."

[REFERENCES] Al-Kafi, Vol.5 p.564 • Man La Yahduruhu Al-Faqih, Vol.3 p.427 • Tahdhib Al-Ahkam, Vol.7 p.422 • Awali Al-La'ali, Vol.3 p.368 • Al-Wafi, Vol.22 p.792 • Wasa'il Al-Shi'ah, Vol.21 p.342

HADITH

4482 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنِ اَلرَّجُلِ تَكُونُ عِنْدَهُ اِمْرَأَتَانِ إِحْدَاهُمَا أَحَبُّ إِلَيْهِ مِنَ اَلْأُخْرَى قَالَ لَهُ «أَنْ يَأْتِيَهَا ثَلاَثَ لَيَالٍ وَ اَلْأُخْرَى لَيْلَةً فَإِنْ شَاءَ أَنْ يَتَزَوَّجَ أَرْبَعَ نِسْوَةٍ كَانَ لِكُلِّ اِمْرَأَةٍ لَيْلَةٌ فَلِذَلِكَ كَانَ لَهُ أَنْ يُفَضِّلَ بَعْضَهُنَّ عَلَى بَعْضٍ مَا لَمْ يَكُنَّ أَرْبَعاً».

H.4482 - Al-Alaa narrated from Muhammad ibn Muslim, who said:
I asked him about a man who has two wives, one of whom is more beloved to him than the other. Imam {a.s} said: "He may spend three nights with her and one night with the other. However, if he wishes to marry four wives, then each wife is entitled to one night. Therefore, it is permissible for him to prefer some of them over others as long as they are not four."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.428 • Al-Wafi, Vol.22 p.793 • Wasa'il Al-Shi'ah, Vol.21 p.338

HADITH

4483 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «تَزَوَّجِ اَلْأَمَةَ عَلَى اَلْأَمَةِ وَ لاَ تَزَوَّجِ اَلْأَمَةَ عَلَى اَلْحُرَّةِ وَ تَزَوَّجِ اَلْحُرَّةَ عَلَى اَلْأَمَةِ فَإِنْ تَزَوَّجْتَ اَلْحُرَّةَ عَلَى اَلْأَمَةِ فَلِلْحُرَّةِ اَلثُّلُثَانِ وَ لِلْأَمَةِ اَلثُّلُثُ وَ لَيْلَتَانِ وَ لَيْلَةٌ».

H.4483 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"Marry a bondwoman alongside another bondwoman, but do not marry a bondwoman alongside a free woman. However, you may marry a free woman alongside a bondwoman.
If you marry a free woman alongside a bondwoman, then the free woman is entitled to two-thirds, and the bondwoman to one-third, of both your wealth and your time, two nights for the free woman and one night for the bondwoman."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.428 • Al-Wafi, Vol.21 p.150

HADITH

4484 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ قَالَ: إِنَّ ضُرَيْساً كَانَتْ تَحْتَهُ اِبْنَةُ حُمْرَانَ فَجَعَلَ لَهَا أَنْ لاَ يَتَزَوَّجَ عَلَيْهَا وَ لاَ يَتَسَرَّى عَلَيْهَا أَبَداً فِي حَيَاتِهَا وَ لاَ بَعْدَ مَوْتِهَا عَلَى أَنْ جَعَلَتْ هِيَ أَنْ لاَ تَتَزَوَّجَ بَعْدَهُ وَ جَعَلاَ عَلَيْهِمَا مِنَ اَلْحَجِّ وَ اَلْهَدْيِ وَ اَلنُّذُورِ وَ كُلِّ مَالٍ لَهُمَا يَمْلِكَانِهِ فِي اَلْمَسَاكِينِ وَ كُلِّ مَمْلُوكٍ لَهُمَا حُرّاً إِنْ لَمْ يَفِ كُلُّ وَاحِدٍ مِنْهُمَا لِصَاحِبِهِ ثُمَّ إِنَّهُ أَتَى أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَذَكَرَ لَهُ ذَلِكَ فَقَالَ «إِنَّ لِاِبْنَةِ حُمْرَانَ حَقّاً وَ لَنْ يَحْمِلَنَا ذَلِكَ عَلَى أَنْ لاَ نَقُولَ اَلْحَقَّ اِذْهَبْ فَتَزَوَّجْ وَ تَسَرَّ فَإِنَّ ذَلِكَ لَيْسَ بِشَيْءٍ» فَجَاءَ بَعْدَ ذَلِكَ فَتَسَرَّى فَوُلِدَ لَهُ بَعْدَ ذَلِكَ أَوْلاَدٌ.

H.4484 - Musa ibn Bakr narrated from Zurara, who said: Durais had married the daughter of Humran, and he made a condition for her that he would neither marry another wife nor take a concubine over her, neither during her lifetime nor after her death. In return, she made a condition that she would not marry anyone after him.
They also pledged that if either of them failed to fulfill their commitment, all their wealth, possessions, and slaves would be given as charity to the poor, and their slaves would be set free.
Then, Durais went to Abu Abdillah {a.s} and mentioned this matter to him.
Imam {a.s} said: "The daughter of Humran has her rights, but that will not prevent us from speaking the truth. Go and marry and take concubines, for this agreement has no binding effect."
After that, Durais married and took a concubine, and children were born to him afterward.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.428

HADITH

4485 - وَ رَوَى ثَعْلَبَةُ بْنُ مَيْمُونٍ عَنْ عَبْدِ اَللَّهِ بْنِ هِلاَلٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ يَتَزَوَّجُ اَلْوَلَدَ اَلزِّنَى فَقَالَ «لاَ بَأْسَ إِنَّمَا يُكْرَهُ مَخَافَةَ اَلْعَارِ وَ إِنَّمَا اَلْوَلَدُ لِلصُّلْبِ وَ إِنَّمَا اَلْمَرْأَةُ وِعَاءٌ» قَالَ قُلْتُ فَالرَّجُلُ يَشْتَرِي اَلْجَارِيَةَ اَلْوَلَدَ اَلزِّنَى فَيَطَؤُهَا قَالَ «لاَ بَأْسَ».

H.4485 - Thalabah ibn Maymun narrated from Abdullah ibn Hilal, who said:
I asked Abu Abdillah {a.s} about a man who marries a child born of fornication.
He {a.s} said: "There is no harm in it. It is only disliked due to the fear of disgrace. Indeed, the child belongs to the father, and the woman is merely a vessel."
I said: What about a man who buys a bondwoman born of fornication and has relations with her?
He {a.s} said: "There is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.429

HADITH

4486 - وَ رَوَى اَلْبَزَنْطِيُّ عَنِ اَلْمَشْرِقِيِّ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ مَا تَقُولُ فِي رَجُلٍ اِدَّعَى أَنَّهُ خَطَبَ اِمْرَأَةً إِلَى نَفْسِهَا وَ مَازَحَ فَزَوَّجَتْهُ مِنْ نَفْسِهَا وَ هِيَ مَازِحَةٌ فَسُئِلَتِ اَلْمَرْأَةُ عَنْ ذَلِكَ فَقَالَتْ نَعَمْ قَالَ «لَيْسَ بِشَيْءٍ» قُلْتُ فَيَحِلُّ لِلرَّجُلِ أَنْ يَتَزَوَّجَهَا قَالَ «نَعَمْ».

H.4486 - Al-Bazanti narrated from Al-Mashriqi, who said:
I asked Abu Al-Hasan {a.s}: What do you say about a man who claimed that he proposed to a woman, and jokingly, she married herself to him while also joking? Then the woman was asked about this, and she said: “Yes."
Imam {a.s} said: "It is nothing."
I asked: Is it permissible for the man to marry her?
Imam {a.s} said: "Yes."

[REFERENCES] Al-Kafi, Vol.5 p.563 • Man La Yahduruhu Al-Faqih, Vol.3 p.429 • Al-Wafi, Vol.22 p.691 • Wasa’il Al-Shi’ah, Vol.20 p.300

HADITH

4487 - وَ سَأَلَ حَمَّادُ بْنُ عِيسَى أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فَقَالَ لَهُ كَمْ يَتَزَوَّجُ اَلْعَبْدُ قَالَ قَالَ أَبِي عَلَيْهِ اَلسَّلاَمُ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «لاَ يَزِيدُ عَلَى اِمْرَأَتَيْنِ».

H.4487 - Hammad ibn Isa asked Abu Abdillah {a.s} about how many wives can a slave marry?
He {a.s} said: My father {a.s} said that Imam Ali ibn Abi Talib {a.s} said: "He may not marry more than two wives."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.429

HADITH

4488 - وَ فِي حَدِيثٍ آخَرَ : «يَتَزَوَّجُ اَلْعَبْدُ حُرَّتَيْنِ أَوْ أَرْبَعَ إِمَاءٍ أَوْ أَمَتَيْنِ وَ حُرَّةً».

وَ لِلْحُرِّ أَنْ يَتَزَوَّجَ مِنَ الْحَرَائِرِ الْمُسْلِمَاتِ أَرْبَعاً وَ يَتَسَرَّى وَ يَتَمَتَّعَ مَا شَاءَ وَ لَا بَأْسَ أَنْ يَتَزَوَّجَ الرَّجُلُ أُخْتَ الْمُخْتَلِعَةِ مِنْ سَاعَتِهِ.

H.4488 - And in another narration: "A slave may marry two free women, or four bondwomen, or two bondwomen and one free woman."

[AL SADUQ]

And a free man may marry up to four free Muslim women, and he may have concubines and engage in temporary marriage as much as he wishes. There is no harm if a man marries the sister of a woman who has obtained a khul divorce immediately after her divorce.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.429 • Tahdhib Al-Ahkam, Vol.8 p.211 • Al-Istibsar, Vol.3 p.214 • Al-Wafi, Vol.21 p.304 • Wasa'il Al-Shi'ah, Vol.21 p.112 • Al-Fusul Al-Muhimmah, Vol.2 p.351 • Mustadrak Al-Wasa'il, Vol.15 p.14

HADITH

4489 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي وَلاَّدٍ اَلْحَنَّاطِ قَالَ: سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ أَمَرَ رَجُلاً أَنْ يُزَوِّجَهُ اِمْرَأَةً بِالْمَدِينَةِ وَ سَمَّاهَا لَهُ وَ اَلَّذِي أَمَرَهُ بِالْعِرَاقِ فَخَرَجَ اَلْمَأْمُورُ فَزَوَّجَهَا إِيَّاهُ ثُمَّ قَدِمَ إِلَى اَلْعِرَاقِ فَوَجَدَ اَلَّذِي أَمَرَهُ قَدْ مَاتَ قَالَ «يُنْظَرُ فِي ذَلِكَ فَإِنْ كَانَ اَلْمَأْمُورُ زَوَّجَهَا إِيَّاهُ قَبْلَ أَنْ يَمُوتَ اَلْآمِرُ ثُمَّ مَاتَ اَلْآمِرُ بَعْدَهُ فَإِنَّ اَلْمَهْرَ فِي جَمِيعِ ذَلِكَ اَلْمِيرَاثِ بِمَنْزِلَةِ اَلدَّيْنِ وَ إِنْ كَانَ زَوَّجَهَا إِيَّاهُ بَعْدَ مَا مَاتَ اَلْآمِرُ فَلاَ شَيْءَ عَلَى اَلْآمِرِ وَ لاَ عَلَى اَلْمَأْمُورِ وَ اَلنِّكَاحُ بَاطِلٌ».

H.4489 - Al-Hasan ibn Mahbub narrated from Abu Walad al-Hannat, who said:
Abu Abdillah {a.s} was asked about a man who instructed another man to marry a woman for him in Medina, specifying her by name, while the one giving the instruction was in Iraq. The one instructed went and married her to him. Then he returned to Iraq and found that the one who had given the instruction had died.
Imam {a.s} said: "It should be examined. If the instructed person married her to him before the one who gave the instruction died, and then the one who gave the instruction died afterward, then the dowry in all such cases will be considered part of the inheritance, like a debt. But if he married her to him after the one who gave the instruction had died, then there is no obligation on the one who gave the instruction nor on the one who carried it out, and the marriage is invalid."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.430 • Al-Wafi, Vol.22 p.680 • Wasa'il Al-Shi'ah, Vol.20 p.305

HADITH

4490 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ زَيْدِ بْنِ اَلْجَهْمِ اَلْهِلاَلِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَتَزَوَّجُ اَلْمَرْأَةَ وَ لَهَا اِبْنَةٌ مِنْ غَيْرِهِ أَ يُزَوِّجُ اِبْنَهُ اِبْنَتَهَا قَالَ «إِنْ كَانَتْ مِنْ زَوْجٍ قَبْلَ أَنْ يَتَزَوَّجَهَا فَلاَ بَأْسَ وَ إِنْ كَانَتْ مِنْ زَوْجٍ بَعْدَ مَا تَزَوَّجَهَا فَلاَ».

H.4490 - Safwan ibn Yahya narrated from Zayd ibn al-Jahm al-Hilali, who said:
I asked Abu Abdillah {a.s} about a man who marries a woman, and she has a daughter from another man. Can he marry his son to her daughter?
Imam {a.s} said: "If the daughter is from a husband she had before he married her, then there is no harm. But if the daughter is from a husband she had after he married her, then no, it is not permissible."

[REFERENCES] Al-Kafi, Vol.5 p.400 • Man La Yahduruhu Al-Faqih, Vol.3 p.430 • Tahdhib Al-Ahkam, Vol.7 p.452 • Al-Istibsar, Vol.3 p.174 • Al-Wafi, Vol.21 p.200 • Al-Wafi, Vol.21 p.200 • Wasa'il Al-Shi'ah, Vol.20 p.474

HADITH

4491 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ حَمَّادٍ اَلنَّابِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً عَلَى بُسْتَانٍ لَهُ مَعْرُوفٍ وَ لَهُ غَلَّةٌ كَثِيرَةٌ ثُمَّ مَكَثَ سِنِينَ لَمْ يَدْخُلْ بِهَا ثُمَّ طَلَّقَهَا قَالَ «يَنْظُرُ إِلَى مَا صَارَ إِلَيْهِ مِنْ غَلَّةِ اَلْبُسْتَانِ مِنْ يَوْمِ تَزَوَّجَهَا فَيُعْطِيهَا نِصْفَهُ وَ يُعْطِيهَا نِصْفَ اَلْبُسْتَانِ إِلاَّ أَنْ تَعْفُوَ فَتَقْبَلَ مِنْهُ وَ يَصْطَلِحَانِ عَلَى شَيْءٍ تَرْضَى بِهِ مِنْهُ فَإِنَّهُ «أَقْرَبُ لِلتَّقْوىٰ» ».

H.4491 - Al-Hasan ibn Mahbub narrated from Hammad al-Nab, from Abu Basir, who said:
I asked Abu Abdillah {a.s} about a man who married a woman with the condition of giving her a well-known orchard that had abundant produce. Then, after remaining for years without consummating the marriage, he divorced her.
Imam {a.s} said: "He must look at what the orchard has yielded in produce from the day he married her, and he should give her half of it, along with half of the orchard itself, unless she pardons him and agrees to settle for something that pleases her from him, for that is closer to piety."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.431 • Al-Wafi, Vol.21 p.491 • Wasa'il Al-Shi'ah, Vol.21 p.290 • Tafsir Nur Al-Thaqalayn, Vol.1 p.235

HADITH

4492 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي اَلْحَسَنِ مُوسَى بْنِ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ يَتَزَوَّجُ اِمْرَأَةً عَلَى عَبْدٍ لَهُ وَ اِمْرَأَةٍ لِلْعَبْدِ فَسَاقَهُمَا إِلَيْهَا فَمَاتَتِ اِمْرَأَةُ اَلْعَبْدِ عِنْدَ اَلْمَرْأَةِ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ «إِنْ كَانَ قَوَّمَهَا عَلَيْهَا يَوْمَ تَزَوَّجَهَا بِقِيمَةٍ فَإِنَّهُ يُقَوَّمُ اَلثَّانِي بِقِيمَةٍ ثُمَّ يُنْظَرُ مَا بَقِيَ مِنَ اَلْقِيمَةِ اَلْأُولَى اَلَّتِي تَزَوَّجَهَا عَلَيْهَا فَتَرُدُّ اَلْمَرْأَةُ عَلَى اَلزَّوْجِ ثُمَّ يُعْطِيهَا اَلزَّوْجُ نِصْفَ مَا صَارَ إِلَيْهِ مِنْ ذَلِكَ».

H.4492 - Ishaq ibn Ammar narrated from Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s}, who said:
I asked him about a man who married a woman on the basis of giving her his slave and the slave's wife, and he delivered them to her. Then the slave's wife died while in the possession of the woman, and afterward, he divorced her before consummating the marriage.
Imam {a.s} said: "If he had evaluated their worth for her at the time of the marriage, then the second (the slave) should also be evaluated. After that, the remaining value of the original dowry at the time of the marriage should be assessed, and the woman must return it to the husband. Then the husband must give her half of what remains from that value."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.431 • Wasa'il Al-Shi'ah, Vol.21 p.291

HADITH

4493 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ حُمْرَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سُئِلَ عَنْ رَجُلٍ تَزَوَّجَ جَارِيَةً بِكْراً لَمْ تُدْرِكْ فَلَمَّا دَخَلَ بِهَا اِقْتَضَّهَا فَأَفْضَاهَا ، فَقَالَ «إِنْ كَانَ دَخَلَ بِهَا حِينَ دَخَلَ بِهَا وَ لَهَا تِسْعُ سِنِينَ فَلاَ شَيْءَ عَلَيْهِ وَ إِنْ كَانَتْ لَمْ تَبْلُغْ تِسْعَ سِنِينَ أَوْ كَانَ لَهَا أَقَلُّ مِنْ ذَلِكَ بِقَلِيلٍ حِينَ دَخَلَ بِهَا فَاقْتَضَّهَا فَإِنَّهُ قَدْ أَفْسَدَهَا وَ عَطَّلَهَا عَلَى اَلْأَزْوَاجِ فَعَلَى اَلْإِمَامِ أَنْ يُغَرِّمَهُ دِيَتَهَا وَ إِنْ أَمْسَكَهَا وَ لَمْ يُطَلِّقْهَا حَتَّى تَمُوتَ فَلاَ شَيْءَ عَلَيْهِ ».

H.4493 - Al-Hasan ibn Mahbub narrated from Abu Ayyub, from Humran, who said:
Abu Abdillah {a.s} was asked about a man who married a young bondwoman who was a virgin and had not yet reached maturity. When he consummated the marriage, he deflowered her and caused her to lose her virginity completely.
Imam {a.s} said: "If he consummated the marriage with her when she was nine years old, then there is no liability upon him. However, if she had not yet reached nine years of age, or was slightly younger than that at the time he consummated the marriage and deflowered her, then he has caused her harm and rendered her unfit for other marriages. In such a case, it is upon the Imam to impose upon him the payment of her full dowry. But if he keeps her and does not divorce her until she dies, then there is no liability upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.431 • Al-Wafi, Vol.22 p.759 • Wasa'il Al-Shi'ah, Vol.20 p.103 • Wasa'il Al-Shi'ah, Vol.20 p.493

HADITH

4494 - وَ سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْعَزْلِ قَالَ «اَلْمَاءُ لِلرَّجُلِ يَصْرِفُهُ حَيْثُ يَشَاءُ».

H.4494 - Muhammad ibn Muslim asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about withdrawal (coitus interruptus).
Imam {a.s} said: "The semen belongs to the man; he may direct it wherever he wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.432

CHAPTER 122 – CHAPTER ON CASES IN WHICH MARRIAGE IS INVALIDATED

بَابُ مَا يُرَدُّ مِنْهُ النِّكَاحُ

HADITH 4495 – 4499

4495 - رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ أَبِي عَبْدِ اَللَّهِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «اَلْمَرْأَةُ تُرَدُّ مِنْ أَرْبَعَةِ أَشْيَاءَ مِنَ اَلْبَرَصِ وَ اَلْجُذَامِ وَ اَلْجُنُونِ وَ اَلْقَرَنِ وَ اَلْعَفَلِ مَا لَمْ يَقَعْ عَلَيْهَا فَإِذَا وَقَعَ عَلَيْهَا فَلاَ».

H.4495 - Safwan ibn Yahya narrated from Abdur-Rahman ibn Abi Abdillah, who said: Abu Abdillah {a.s} said: "A woman can be returned (in marriage) for four reasons; leprosy, vitiligo, insanity, and genital defects (imperforation or obstruction), as long as the marriage has not been consummated.
However, if consummation has taken place, then she cannot be returned."

[REFERENCES] Al-Kafi, Vol.5 p.409 • Man La Yahduruhu Al-Faqih, Vol.3 p.432 • Tahdhib Al-Ahkam, Vol.7 p.427 • Al-Istibsar, Vol.3 p.248 • Al-Wafi, Vol.22 p.563 • Wasa'il Al-Shi'ah, Vol.21 p.207 • Al-Fusul Al-Muhimmah, Vol.2 p.358

HADITH

4496 - وَ سَأَلَ مُحَمَّدُ بْنُ مُسْلِمٍ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ تَزَوَّجَ إِلَى قَوْمٍ اِمْرَأَةً فَوَجَدَهَا عَوْرَاءَ وَ لَمْ يُبَيِّنُوا أَ لَهُ أَنْ يَرُدَّهَا قَالَ «لاَ يَرُدَّهَا إِنَّمَا يُرَدُّ اَلنِّكَاحُ مِنَ اَلْجُنُونِ وَ اَلْجُذَامِ وَ اَلْبَرَصِ» قُلْتُ أَ رَأَيْتَ إِنْ دَخَلَ بِهَا كَيْفَ يَصْنَعُ قَالَ «لَهَا اَلْمَهْرُ بِمَا اِسْتَحَلَّ مِنْ فَرْجِهَا وَ يَغْرَمُ وَلِيُّهَا اَلَّذِي أَنْكَحَهَا مِثْلَ مَا سَاقَهُ».

H.4496 - Muhammad ibn Muslim asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who married a woman from a family and later found her to be one-eyed, but they had not disclosed this to him. Does he have the right to return her?
Imam {a.s} said: "He cannot return her. Marriage can only be annulled for reasons of insanity, leprosy, and vitiligo."
I said: What if he has already consummated the marriage with her? What should he do then?
He {a.s} said: "She is entitled to her dowry for what has been made lawful to him from her private parts. However her guardian, who married her off, must compensate him with an amount equal to what he paid as dowry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.433

HADITH

4497 - وَ رَوَى عَبْدُ اَلْحَمِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «تُرَدُّ اَلْعَمْيَاءُ وَ اَلْبَرْصَاءُ وَ اَلْجَذْمَاءُ وَ اَلْعَرْجَاءُ ».

H.4497 - Abd al-Hamid narrated from Muhammad ibn Muslim, who said:
Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said: "A blind woman, a woman with vitiligo, a woman with leprosy, and a lame woman can be returned (marriage contract can be annulled due to these conditions)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.433 • Wasa'il Al-Shi'ah, Vol.21 p.209

HADITH

4498 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: فِي اَلرَّجُلِ يَتَزَوَّجُ إِلَى قَوْمٍ فَإِذَا اِمْرَأَتُهُ عَوْرَاءُ وَ لَمْ يُبَيِّنُوا لَهُ قَالَ «لاَ تُرَدُّ إِنَّمَا يُرَدُّ اَلنِّكَاحُ مِنَ اَلْبَرَصِ وَ اَلْجُذَامِ وَ اَلْجُنُونِ وَ اَلْعَفَلِ» قُلْتُ أَ رَأَيْتَ إِنْ كَانَ قَدْ دَخَلَ بِهَا كَيْفَ يَصْنَعُ بِمَهْرِهَا قَالَ «اَلْمَهْرُ لَهَا بِمَا اِسْتَحَلَّ مِنْ فَرْجِهَا وَ يَغْرَمُ وَلِيُّهَا اَلَّذِي أَنْكَحَهَا مِثْلَ مَا سَاقَ إِلَيْهَا».

H.4498 - Hammad narrated from Al-Halabi, from Abu Abdillah {a.s}, who said regarding a man who marries into a family and finds that his wife is one-eyed, and they did not disclose this to him:
"She cannot be returned. Only marriage can be annulled due to vitiligo, leprosy, insanity, or defects of the genitalia (impairing intimacy)."
I asked: "What if he has already consummated the marriage? What happens to her dowry?"
Imam {a.s} replied: "The dowry is hers because he has made lawful what was private to her. Her guardian who arranged the marriage must compensate him with an amount equal to what he gave as dowry."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.78 • Man La Yahduruhu Al-Faqih, Vol.3 p.433 • Tahdhib Al-Ahkam, Vol.7 p.426 • Al-Istibsar, Vol.3 p.247 • Al-Wafi, Vol.22 p.559 • Bihar Al-Anwar, Vol.100 p.364 • Mustadrak Al-Wasa'il, Vol.15 p.45

HADITH

4499 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْحَسَنِ بْنِ صَالِحٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً فَوَجَدَهَا قَرْنَاءَ قَالَ «هَذِهِ لاَ تَحْبَلُ تُرَدُّ عَلَى أَهْلِهَا» قُلْتُ فَإِنْ كَانَ دَخَلَ بِهَا قَالَ «إِنْ كَانَ عَلِمَ قَبْلَ أَنْ يُجَامِعَهَا ثُمَّ جَامَعَهَا فَقَدْ رَضِيَ بِهَا وَ إِنْ لَمْ يَعْلَمْ بِهَا إِلاَّ بَعْدَ مَا جَامَعَهَا فَإِنْ شَاءَ بَعْدُ أَمْسَكَهَا وَ إِنْ شَاءَ سَرَّحَهَا إِلَى أَهْلِهَا وَ لَهَا مَا أَخَذَتْ مِنْهُ بِمَا اِسْتَحَلَّ مِنْ فَرْجِهَا».

H.4499 - Al-Hasan ibn Mahbub narrated from Al-Hasan ibn Salih, who said:
I asked Abu Abdillah {a.s} about a man who married a woman and later found her to have a genital defect (imperforation or obstruction).
Imam {a.s} said: "Such a woman cannot conceive and should be returned to her family."
I said: What if he had already consummated the marriage with her?
Imam {a.s} said: "If he knew about the defect before having relations with her and still proceeded, then he has accepted her. However, if he only discovered it after consummating the marriage, then he has the choice to either keep her or return her to her family. In either case, she is entitled to keep what he gave her for making her private parts lawful to him."

[REFERENCES] Al-Kafi, Vol.5 p.409 • Man La Yahduruhu Al-Faqih, Vol.3 p.433 • Al-Wafi, Vol.22 p.563 • Wasa'il Al-Shi'ah, Vol.21 p.215

CHAPTER 123 – CHAPTER ON SEPARATION BETWEEN HUSBAND AND WIFE DUE TO THE DEMAND FOR DOWRY

بَابُ التَّفْرِيقِ بَيْنَ الزَّوْجِ وَ الْمَرْأَةِ بِطَلَبِ الْمَهْرِ

HADITH 4500

4500 - رَوَى عَبْدُ اَللَّهِ بْنُ جَعْفَرٍ اَلْحِمْيَرِيُّ عَنِ اَلْحَسَنِ بْنِ مَالِكٍ قَالَ: كَتَبْتُ إِلَى أَبِي اَلْحَسَنِ عَ رَجُلٌ زَوَّجَ اِبْنَتَهُ مِنْ رَجُلٍ فَرَغِبَ فِيهِ ثُمَّ زَهِدَ فِيهِ بَعْدَ ذَلِكَ وَ أَحَبَّ أَنْ يُفَرِّقَ بَيْنَهُ وَ بَيْنَ اِبْنَتِهِ وَ أَبَى اَلْخَتَنُ ذَلِكَ وَ لَمْ يُجِبْ إِلَى اَلطَّلاَقِ فَأَخَذَهُ بِمَهْرِ اِبْنَتِهِ لِيُجِيبَ إِلَى اَلطَّلاَقِ وَ مَذْهَبُ اَلْأَبِ اَلتَّخَلُّصُ مِنْهُ فَلَمَّا أُخِذَ بِالْمَهْرِ أَجَابَ إِلَى اَلطَّلاَقِ فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «إِنْ كَانَ اَلزُّهْدُ مِنْ طَرِيقِ اَلدِّينِ فَلْيَعْمِدْ إِلَى اَلتَّخَلُّصِ وَ إِنْ كَانَ غَيْرَهُ فَلاَ يَتَعَرَّضْ لِذَلِكَ».

H.4500 - Abdullah ibn Jafar al-Himyari narrated from Al-Hasan ibn Malik, who said:
I wrote to Abu al-Hasan {a.s} about a man who had married his daughter to another man. Initially, he was pleased with him, but later he lost interest in him and wished to separate his daughter from him.
However, the son-in-law refused to comply and did not agree to divorce her. The father then demanded the dowry of his daughter from him to compel him to agree to the divorce. The father's intention was to free his daughter from the marriage. When the dowry was demanded, the son-in-law agreed to the divorce.
Imam {a.s} wrote in reply: "If the disinterest is based on religious grounds, then let him seek to free himself from the situation. However, if it is for any other reason, he should not interfere in the matter."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.434 • Al-Wafi, V.22 p.987 • Wasa'il Al-Shi'ah, Vol.21 p.291

CHAPTER 124 – CHAPTER ON A CHILD BEING BETWEEN BOTH PARENTS – WHO HAS MORE RIGHT TO CUSTODY

بَابُ الْوَلَدِ يَكُونُ بَيْنَ وَالِدَيْهِ أَيُّهُمَا أَحَقُّ بِهِ

HADITH 4501 – 4504

4501 - رَوَى اَلْعَبَّاسُ بْنُ عَامِرٍ اَلْقَصَبَانِيُّ عَنْ دَاوُدَ بْنِ اَلْحُصَيْنِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ۞ وَ اَلْوَالِدَاتُ يُرْضِعْنَ أَوْلاَدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ ۞ قَالَ «مَا دَامَ اَلْوَلَدُ فِي اَلرَّضَاعِ فَهُوَ بَيْنَ اَلْأَبَوَيْنِ بِالسَّوِيَّةِ فَإِذَا فُطِمَ فَالْأَبُ أَحَقُّ بِهِ مِنَ اَلْأُمِّ فَإِذَا مَاتَ اَلْأَبُ فَالْأُمُّ أَحَقُّ بِهِ مِنَ اَلْعَصَبَةِ وَ إِنْ وَجَدَ اَلْأَبُ مَنْ يُرْضِعُهُ بِأَرْبَعَةِ دَرَاهِمَ فَقَالَتِ اَلْأُمُّ لاَ أُرْضِعُهُ إِلاَّ بِخَمْسَةِ دَرَاهِمَ فَإِنَّ لَهُ أَنْ يَنْزِعَهُ مِنْهَا إِلاَّ أَنَّ خَيْراً لَهُ وَ أَرْفَقَ بِهِ أَنْ يَذَرَهُ مَعَ أُمِّهِ».

H.4501 - Al-Abbas ibn Amir al-Qasbani narrated from Dawud ibn al-Husayn, from Abu Abdillah {a.s} regarding the saying of Allah {SWT}, the Mighty and Majestic:
"And the mothers shall suckle their children for two full years." (Surah Al-Baqarah 2:233)
Imam {a.s} said: "As long as the child is being nursed, the parents share equal rights over it. But when the child is weaned, the father has more right to it than the mother. However, if the father dies, the mother has more right to the child than the paternal relatives.
If the father finds someone to nurse the child for four dirhams, and the mother says, 'I will not nurse him except for five dirhams,' then he has the right to take the child away from her. Nevertheless, it is better and more beneficial for the child to remain with its mother."

[REFERENCES] Al-Kafi, Vol.6 p.45 • Man La Yahduruhu Al-Faqih, Vol.3 p.434 • Tahdhib Al-Ahkam, Vol.8 p.104 • Al-Istibsar, Vol.3 p.320 • Awali Al-La'ali, Vol.3 p.369 • Al-Wafi, Vol.23 p.1376 • Wasa'il Al-Shi'ah, Vol.21 p.470

HADITH

4502 - وَ رَوَى سُلَيْمَانُ بْنُ دَاوُدَ اَلْمِنْقَرِيُّ عَنْ حَفْصِ بْنِ غِيَاثٍ أَوْ غَيْرِهِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ طَلَّقَ اِمْرَأَتَهُ وَ بَيْنَهُمَا وَلَدٌ أَيُّهُمَا أَحَقُّ بِهِ قَالَ «اَلْمَرْأَةُ مَا لَمْ تَتَزَوَّجْ».

H.4502 - Sulaiman ibn Dawud al-Minqari narrated from Hafs ibn Ghiyath or another person, who said: I asked Abu Abdillah {a.s} about a man who divorced his wife, and they had a child between them. Which of them has more right to the child?
Imam {a.s} said: "The mother, as long as she does not remarry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.435 • Awali Al-La'ali, Vol.3 p.368

HADITH

4503 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنِ اَلْفُضَيْلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: «أَيُّمَا اِمْرَأَةٍ حُرَّةٍ تَزَوَّجَتْ عَبْداً فَوَلَدَتْ مِنْهُ أَوْلاَداً فَهِيَ أَحَقُّ بِوُلْدِهَا مِنْهُ وَ هُمْ أَحْرَارٌ فَإِذَا أُعْتِقَ اَلرَّجُلُ فَهُوَ أَحَقُّ بِوُلْدِهِ مِنْهَا لِمَوْضِعِ اَلْأَبِ».

H.4503 - Al-Hasan ibn Mahbub narrated from Abu Ayyub, from Al-Fudhayl ibn Yasar, from Abu Abdillah {a.s}, who said: "Any free woman who marries a slave and bears children from him, she has more right to her children than he does, and the children are free. However, if the man is emancipated, then he has more right to his children than she does because of his position as their father."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.435 • Al-Wafi, Vol.23 p.1377 • Wasa'il Al-Shi'ah, Vol.21 p.459

HADITH

4504 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ جَعْفَرٍ اَلْحِمْيَرِيُّ عَنْ أَيُّوبَ بْنِ نُوحٍ قَالَ: كَتَبَ إِلَيْهِ عَلَيْهِ اَلسَّلاَمُ بَعْضُ أَصْحَابِهِ أَنَّهُ كَانَتْ لِيَ اِمْرَأَةٌ وَ لِي مِنْهَا وَلَدٌ وَ خَلَّيْتُ سَبِيلَهَا فَكَتَبَ عَلَيْهِ اَلسَّلاَمُ «اَلْمَرْأَةُ أَحَقُّ بِالْوَلَدِ إِلَى أَنْ يَبْلُغَ سَبْعَ سِنِينَ إِلاَّ أَنْ تَشَاءَ اَلْمَرْأَةُ».

H.4504 - Abdullah ibn Jafar al-Himyari narrated from Ayyub ibn Nuh, who said:
One of his {a.s} companions wrote to him, saying: "I had a wife, and I have a child from her, but I divorced her."
Imam {a.s} wrote in reply: "The mother has more right to the child until the child reaches seven years of age, unless the mother chooses otherwise."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.435 • Al-Wafi, Vol.23 p.1376 • Wasa'il Al-Shi'ah, Vol.21 p.472

CHAPTER 125 – CHAPTER ON THE AGE AT WHICH CHILDREN SHOULD NO LONGER BE TOUCHED AFFECTIONATELY OR CARRIED, AND THE OBLIGATION TO SEPARATE THEM IN THEIR BEDS

بَابُ الْحَدِّ الَّذِي إِذَا بَلَغَهُ الصِّبْيَانُ لَمْ يَجُزْ مُبَاشَرَتُهُمْ وَ حَمْلُهُمْ وَ وَجَبَ التَّفْرِيقُ بَيْنَهُمْ فِي الْمَضَاجِعِ

HADITH 4505 – 4510

4505 - رَوَى مُحَمَّدُ بْنُ يَحْيَى اَلْخَزَّازُ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ صَلَوَاتُ اَللَّهِ عَلَيْهِ : «مُبَاشَرَةُ اَلْمَرْأَةِ اِبْنَتَهَا إِذَا بَلَغَتْ سِتَّ سِنِينَ شُعْبَةٌ مِنَ اَلزِّنَا».

H.4505 - Muhammad ibn Yahya al-Khazzaz narrated from Ghiyath ibn Ibrahim, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
“Imam Ali ibn Abi Talib {a.s} said: "A woman touching her daughter in an inappropriate manner once she has reached six years of age is a form of indecency (a branch of fornication)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.436 • Makarim Al-Akhlaq, Vol.1 p.223 • Al-Wafi, Vol.22 p.849 • Wasa’il Al-Shi’ah, Vol.20 p.230 • Bihar Al-Anwar, Vol.101 p.96

HADITH

4506 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ يَحْيَى اَلْكَاهِلِيُّ قَالَ سَأَلَ أَحْمَدُ بْنُ اَلنُّعْمَانِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فَقَالَ لَهُ عِنْدِي جُوَيْرِيَةٌ لَيْسَ بَيْنِي وَ بَيْنَهَا رَحِمٌ وَ لَهَا سِتُّ سِنِينَ قَالَ «لاَ تَضَعْهَا فِي حَجْرِكَ».

H.4506 - Abdullah ibn Yahya al-Kahili narrated that Ahmad ibn al-Numan asked Abu Abdillah {a.s}: "I have a young bondwoman who is not related to me by blood, and she is six years old."
Imam {a.s} said: "Do not place her in your lap."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.436

HADITH

4507 - وَ رَوَى أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ قَالَ: «يُؤْخَذُ اَلْغُلاَمُ بِالصَّلاَةِ وَ هُوَ اِبْنُ سَبْعِ سِنِينَ وَ لاَ تُغَطِّي اَلْمَرْأَةُ شَعْرَهَا مِنْهُ حَتَّى يَحْتَلِمَ».

H.4507 - Ahmad ibn Muhammad ibn Abi Nasr narrated from Imam Ali ibn Musa Ar-Ridha {a.s}, who said: "A boy is instructed to perform prayer when he is seven years old, and a woman is not required to cover her hair in front of him until he reaches puberty."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.436 • Al-Wafi, Vol.22 p.815 • Wasa'il Al-Shi'ah, Vol.20 p.229 • Wasa'il Al-Shi'ah, Vol.21 p.460

HADITH

4508 - وَ رُوِيَ: «أَنَّهُ يُفَرَّقُ بَيْنَ اَلصِّبْيَانِ فِي اَلْمَضَاجِعِ لِسِتِّ سِنِينَ».

H.4508 - It is narrated: "Children should be separated in their sleeping arrangements at the age of six years."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.436 • Makarim Al-Akhlaq, Vol.1 p.223 • Al-Wafi, Vol.23 p.1380 • Wasa'il Al-Shi'ah, Vol.20 p.231 • Wasa'il Al-Shi'ah, Vol.21 p.461 • Bihar Al-Anwar, Vol.101 p.97

HADITH

4509 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مَيْمُونٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلصَّبِيُّ وَ اَلصَّبِيُّ وَ اَلصَّبِيُّ وَ اَلصَّبِيَّةُ وَ اَلصَّبِيَّةُ وَ اَلصَّبِيَّةُ يُفَرَّقُ بَيْنَهُمْ فِي اَلْمَضَاجِعِ لِعَشْرِ سِنِينَ ».

H.4509 - Abdullah ibn Maymun narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them), who said: The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "A boy and a boy, a boy and a girl, and a girl and a girl should be separated in their sleeping arrangements at the age of ten years."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.436 • Makarim Al-Akhlaq, Vol.1 p.223 • Al-Wafi, Vol.23 p.1380 • Wasa'il Al-Shi'ah, Vol.20 p.231 • Wasa'il Al-Shi'ah, Vol.21 p.460 • Bihar Al-Anwar, Vol.101 p.96

HADITH

4510 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ اَلْعُبَيْدِيِّ عَنْ زَكَرِيَّا اَلْمُؤْمِنِ رَفَعَهُ أَنَّهُ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «إِذَا بَلَغَتِ اَلْجَارِيَةُ سِتَّ سِنِينَ فَلاَ يُقَبِّلُهَا اَلْغُلاَمُ وَ اَلْغُلاَمُ لاَ يُقَبِّلُ اَلْمَرْأَةَ إِذَا جَازَ سَبْعَ سِنِينَ».

H.4510 - In a narration from Muhammad ibn Ahmad, from Al-Ubaydi, from Zakariya al-Mu'min, who raised it to Abu Abdillah {a.s}, he said:
"When a girl reaches six years of age, a boy should not kiss her, and a boy should not kiss a woman once he passes seven years of age."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.437 • Al-Wafi, Vol.22 p.849 • Wasa'il Al-Shi'ah, Vol.20 p.230 • Bihar Al-Anwar, Vol.101 p.96

CHAPTER 126 – CHAPTER ON LEGAL MARITAL PROTECTION (IHSAN)

بَابُ الْإِحْصَانِ

HADITH 4511 – 4512

4511 - رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلْحُرِّ أَ تُحْصِنُهُ اَلْمَمْلُوكَةُ قَالَ «لاَ تُحْصِنُ اَلْحُرَّ اَلْمَمْلُوكَةُ وَ لاَ يُحْصِنُ اَلْمَمْلُوكَ اَلْحُرَّةَ وَ اَلنَّصْرَانِيُّ يُحْصِنُ اَلْيَهُودِيَّةَ وَ اَلْيَهُودِيُّ يُحْصِنُ اَلنَّصْرَانِيَّةَ ».

H.4511 - Al-Alaa narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: I asked Imam {a.s} whether a bondwoman provides legal protection (iḥṣan) for a free man.
Imam {a.s} said: "A bondwoman does not provide legal protection for a free man, nor does a slave man provide legal protection for a free woman. However, a Christian man provides legal protection for a Jewish woman, and a Jewish man provides legal protection for a Christian woman."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.437 • Al-Wafi, Vol.15 p.254 • Wasa'il Al-Shi'ah, Vol.28 p.75

HADITH

4512 - : وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ۞ وَ اَلْمُحْصَنٰاتُ مِنَ اَلنِّسٰاءِ ۞ قَالَ «هُنَّ ذَوَاتُ اَلْأَزْوَاجِ» قُلْتُ ۞ وَ اَلْمُحْصَنٰاتُ مِنَ اَلَّذِينَ أُوتُوا اَلْكِتٰابَ مِنْ قَبْلِكُمْ ۞ قَالَ «هُنَّ اَلْعَفَائِفُ».

H.4512 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about the saying of Allah {SWT}, the Mighty and Majestic: *"And [forbidden to you are] married women*" (Surah An-Nisa 4:24).
Imam {a.s} said: "They are those who have husbands."
I said: "*And [lawful in marriage are] chaste women from among those who were given the Scripture before you*" (Surah Al-Ma'idah, 5:5).
Imam {a.s} said: "They are the chaste women."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.437 • Al-Wafi, Vol.21 p.277 • Wasa'il Al-Shi'ah, Vol.28 p.72 • Tafsir Al-Burhan, Vol.2 p.57 • Tafsir Nur Al-Thaqalayn, Vol.1 p.594 • Tafsir Kanz Al-Daqaiq, Vol.4 p.42

CHAPTER 127 – CHAPTER ON THE HUSBAND'S RIGHTS OVER HIS WIFE

بَابُ حَقِّ الزَّوْجِ عَلَى الْمَرْأَةِ

HADITH 4513 – 4524

4513 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «جَاءَتِ اِمْرَأَةٌ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَتْ يَا رَسُولَ اَللَّهِ مَا حَقُّ اَلزَّوْجِ عَلَى اَلْمَرْأَةِ فَقَالَ لَهَا «تُطِيعُهُ وَ لاَ تَعْصِيهِ وَ لاَ تَصَدَّقُ مِنْ بَيْتِهَا شَيْئاً إِلاَّ بِإِذْنِهِ وَ لاَ تَصُومُ تَطَوُّعاً إِلاَّ بِإِذْنِهِ وَ لاَ تَمْنَعُهُ نَفْسَهَا وَ إِنْ كَانَتْ عَلَى ظَهْرِ قَتَبٍ وَ لاَ تَخْرُجُ مِنْ بَيْتِهَا إِلاَّ بِإِذْنِهِ فَإِنْ خَرَجَتْ بِغَيْرِ إِذْنِهِ لَعَنَتْهَا مَلاَئِكَةُ اَلسَّمَاءِ وَ مَلاَئِكَةُ اَلْأَرْضِ وَ مَلاَئِكَةُ اَلْغَضَبِ وَ مَلاَئِكَةُ اَلرَّحْمَةِ حَتَّى تَرْجِعَ إِلَى بَيْتِهَا» فَقَالَتْ يَا رَسُولَ اَللَّهِ مَنْ أَعْظَمُ اَلنَّاسِ حَقّاً عَلَى اَلرَّجُلِ قَالَ «وَالِدَاهُ» قَالَتْ فَمَنْ أَعْظَمُ اَلنَّاسِ حَقّاً عَلَى اَلْمَرْأَةِ قَالَ «زَوْجُهَا» قَالَتْ فَمَا لِي مِنَ اَلْحَقِّ عَلَيْهِ مِثْلُ مَا لَهُ عَلَيَّ قَالَ «لاَ وَ لاَ مِنْ كُلِّ مِائَةٍ وَاحِدَةٌ» فَقَالَتْ وَ اَلَّذِي بَعَثَكَ بِالْحَقِّ نَبِيّاً لاَ يَمْلِكُ رَقَبَتِي رَجُلٌ أَبَداً ».

H.4513 - Al-Hasan ibn Mahbub narrated from Malik ibn Atiyyah, from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
A woman came to the Messenger of Allah {SWT} (peace and blessings be upon him and his family) and said: "O Messenger of Allah {SWT}, what is the right of a husband over his wife?"
Imam {a.s} said: "She must obey him and not disobey him. She must not give anything in charity from his house except with his permission, and she must not observe voluntary fasting except with his permission. She must not deny him herself, even if she is on the back of a camel. She must not leave her house without his permission. If she leaves without his permission, the angels of the heavens, the angels of the earth, the angels of wrath, and the angels of mercy will curse her until she returns to her house."
She then asked: "O Messenger of Allah {SWT}, who has the greatest right over a man?"
He {saws} said: "His parents."
She asked: "And who has the greatest right over a woman?"
He {saws} said: "Her husband."
She then asked: "Do I have the same right over him as he has over me?"
He {saws} replied: "No, not even one out of a hundred."
She said: "By the One who sent you as a Prophet with truth, no man will ever have control over my neck!"

[REFERENCES] Al-Kafi, Vol.5 p.506 • Man La Yahduruhu Al-Faqih, Vol.3 p.438 • Makarim Al-Akhlaq, Vol.1 p.214 • Awali Al-La'ali, Vol.2 p.142 • Awali Al-La'ali, Vol.3 p.310 • Al-Wafi, Vol.22 p.773 • Tafsir Al-Safi, Vol.1 p.258 • Wasa'il Al-Shi'ah, Vol.20 p.157 • Tafsir Al-Burhan, Vol.1 p.475 • Bihar Al-Anwar, Vol.100 p.248

HADITH

4514 - وَ- رَوَى الْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: لَيْسَ لِلْمَرْأَةِ مَعَ زَوْجِهَا أَمْرٌ فِي عِتْقٍ وَ لَا صَدَقَةٍ وَ لَا تَدْبِيرٍ وَ لَا هِبَةٍ وَ لَا نَذْرٍ فِي مَالِهَا إِلَّا بِإِذْنِ زَوْجِهَا إِلَّا فِي حَجٍّ أَوْ زَكَاةٍ أَوْ بِرِّ وَالِدَيْهَا أَوْ صِلَةِ قَرَابَتِهَا.

H.4514 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, from Imam Abu Abdillah {a.s}, who said:
"A woman has no authority, alongside her husband, to emancipate (a slave), give charity, make a bequest, give a gift, or make a vow concerning her wealth without her husband's permission, except in matters of Hajj, Zakat, honoring her parents, or maintaining ties with her relatives."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.438

HADITH

4515 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ قَوْماً أَتَوْا رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالُوا يَا رَسُولَ اَللَّهِ إِنَّا رَأَيْنَا أُنَاساً يَسْجُدُ بَعْضُهُمْ لِبَعْضٍ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «لَوْ كُنْتُ آمِراً أَحَداً أَنْ يَسْجُدَ لِأَحَدٍ لَأَمَرْتُ اَلْمَرْأَةَ أَنْ تَسْجُدَ لِزَوْجِهَا».

H.4515 - Al-Hasan ibn Mahbub narrated from Malik ibn Atiyyah, from Sulaiman ibn Khalid, from Abu Abdillah {a.s}, who said:
"A group of people came to the Messenger of Allah {SWT} and said:
'O Messenger of Allah {SWT}, we have seen people prostrating to one another.'
The Messenger of Allah {SWT} said: 'If I were to command anyone to prostrate to another, I would have commanded the woman to prostrate to her husband.'"

[REFERENCES] Al-Kafi, Vol.5 p.507 • Man La Yahduruhu Al-Faqih, Vol.3 p.438 • Makarim Al-Akhlaq, Vol.1 p.215 • Al-Wafi, Vol.22 p.777 • Wasa'il Al-Shi'ah, Vol.20 p.162

HADITH

4516 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ شُرَيْسٍ اَلْوَابِشِيِّ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ كَتَبَ عَلَى اَلرِّجَالِ اَلْجِهَادَ وَ عَلَى اَلنِّسَاءِ اَلْجِهَادَ فَجِهَادُ اَلرَّجُلِ أَنْ يَبْذُلَ مَالَهُ وَ دَمَهُ حَتَّى يُقْتَلَ فِي سَبِيلِ اَللَّهِ عَزَّ وَ جَلَّ وَ جِهَادُ اَلْمَرْأَةِ أَنْ تَصْبِرَ عَلَى مَا تَرَى مِنْ أَذَى زَوْجِهَا وَ غَيْرَتِهِ».

H.4516 - Muhammad ibn al-Fudhayl narrated from Shurayh al-Wabishi, from Jabir, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Indeed, Allah {SWT}, the Mighty and Majestic, has ordained jihad upon men and jihad upon women. The jihad of a man is to spend his wealth and sacrifice his blood until he is killed in the way of Allah {SWT}, the Mighty and Majestic. And the jihad of a woman is to be patient with what she faces from the harm and jealousy of her husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.439 • Makarim Al-Akhlaq, Vol.1 p.215 • Wasa'il Al-Shi'ah, Vol.20 p.157

HADITH

4517 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: إِنَّ «اَلنَّاجِيَ مِنَ اَلرِّجَالِ قَلِيلٌ وَ مِنَ اَلنِّسَاءِ أَقَلُّ وَ أَقَلُّ».

H.4517 - Imam {a.s} said: "Indeed, those who are saved from among the men are few, and from among the women, even fewer and fewer."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.439 • Makarim Al-Akhlaq, Vol.1 p.215 • Wasa'il Al-Shi'ah, Vol.20 p.157

HADITH

4518 - وَ فِي حَدِيثٍ آخَرَ قَالَ: «جِهَادُ اَلْمَرْأَةِ حُسْنُ اَلتَّبَعُّلِ ».

H.4518 - And in another narration, Imam {a.s} said:
"The jihad of a woman is being a good wife."

[REFERENCES] Al-Kafi, Vol.5 p.9 • Al-Kafi, Vol.5 p.507 • Man La Yahduruhu Al-Faqih, Vol.3 p.439 • Shihab Al-Akhbar, Vol.1 p.28 • Makarim Al-Akhlaq, Vol.1 p.215 • Uyun Al-Hikam, Vol.1 p.223 • Al-Wafi, Vol.22 p.776 • Wasa'il Al-Shi'ah, Vol.15 p.23 • Wasa'il Al-Shi'ah, Vol.20 p.163 • Bihar Al-Anwar, Vol.97 p.7

HADITH

4519 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ سَعْدِ بْنِ عُمَرَ اَلْجَلاَّبِ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «أَيُّمَا اِمْرَأَةٍ بَاتَتْ وَ زَوْجُهَا عَلَيْهَا سَاخِطٌ فِي حَقٍّ لَمْ تُقْبَلْ مِنْهَا صَلاَةٌ حَتَّى يَرْضَى عَنْهَا».

H.4519 - Muhammad ibn al-Fudhayl narrated from Sa'd ibn Umar al-Jallab, who said: Abu Abdillah {a.s} said:
"Any woman who spends the night while her husband is angry with her over a rightful matter, her prayer will not be accepted until he is pleased with her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.439 • Makarim Al-Akhlaq, Vol.1 p.215

HADITH

4520 - وَ رَوَى اَلسَّكُونِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «أَيُّمَا اِمْرَأَةٍ خَرَجَتْ مِنْ بَيْتِهَا بِغَيْرِ إِذْنِ زَوْجِهَا فَلاَ نَفَقَةَ لَهَا حَتَّى تَرْجِعَ ».

H.4520 - Al-Sakuni narrated from Jafar ibn Muhammad, from his father {a.s}, who said: The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said:
"Any woman who leaves her house without her husband's permission has no right to maintenance until she returns."

[REFERENCES] Al-Kafi, Vol.5 p.514 • Man La Yahduruhu Al-Faqih, Vol.3 p.439 • Makarim Al-Akhlaq, Vol.1 p.215 • Al-Wafi, Vol.22 p.778 • Wasa'il Al-Shi'ah, Vol.21 p.116 • Wasa'il Al-Shi'ah, Vol.21 p.517

HADITH

4521 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «أَيُّمَا اِمْرَأَةٍ تَطَيَّبَتْ لِغَيْرِ زَوْجِهَا لَمْ تُقْبَلْ مِنْهَا صَلاَةٌ حَتّٰى تَغْتَسِلَ مِنْ طِيبِهَا كَغُسْلِهَا مِنْ جَنَابَتِهَا».

H.4521 - Imam {a.s} said:
"Any woman who applies perfume for someone other than her husband, her prayer will not be accepted until she washes off the perfume as she would wash after a state of major ritual impurity (janabah)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.440 • Makarim Al-Akhlaq, Vol.1 p.215

HADITH

4522 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ يَنْبَغِي لِلْمَرْأَةِ أَنْ تُجَمِّرَ ثَوْبَهَا إِذَا خَرَجَتْ مِنْ بَيْتِهَا».

H.4522 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"It is not appropriate for a woman to perfume her clothes with incense when she leaves her house."

[REFERENCES] Al-Kafi, Vol.5 p.519 • Man La Yahduruhu Al-Faqih, Vol.3 p.440 • Al-Wafi, Vol.22 p.814 • Wasa'il Al-Shi'ah, Vol.20 p.161

HADITH

4523 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «أَيُّمَا اِمْرَأَةٍ وَضَعَتْ ثَوْبَهَا فِي غَيْرِ مَنْزِلِ زَوْجِهَا أَوْ بِغَيْرِ إِذْنِهِ لَمْ تَزَلْ فِي لَعْنَةِ اَللَّهِ إِلَى أَنْ تَرْجِعَ إِلَى بَيْتِهَا».

H.4523 - Imam {a.s} said:
"Any woman who removes her clothing outside her husband's house or without his permission remains under the curse of Allah {SWT} until she returns to her home."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.440 • Makarim Al-Akhlaq, Vol.1 p.215 • Al-Wafi, Vol.22 p.778

HADITH

4524 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: «أَيُّمَا اِمْرَأَةٍ قَالَتْ لِزَوْجِهَا مَا رَأَيْتُ قَطُّ مِنْ وَجْهِكَ خَيْراً فَقَدْ حَبِطَ عَمَلُهَا ».

H.4524 - Jamil ibn Darraj narrated from Abu Abdillah {a.s} that he said:
"Any woman who says to her husband, 'I have never seen any good from you,' then her deeds are rendered void."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.440 • Al-Wafi, Vol.22 p.781 • Wasa'il Al-Shi'ah, Vol.20 p.162

CHAPTER 128 – CHAPTER ON THE WIFE'S RIGHTS OVER HER HUSBAND

بَابُ حَقِّ الْمَرْأَةِ عَلَى الزَّوْجِ

HADITH 4525 – 4538

4525 - رَوَى اَلْعَلاَءُ بْنُ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «أَوْصَانِي جَبْرَئِيلُ عَلَيْهِ اَلسَّلاَمُ بِالْمَرْأَةِ حَتَّى ظَنَنْتُ أَنَّهُ لاَ يَنْبَغِي طَلاَقُهَا إِلاَّ مِنْ فَاحِشَةٍ مُبَيِّنَةٍ».

H.4525 - Al-Alaa ibn Razin narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} that the Messenger of Allah {SWT} said:
"Archangel Jibril {a.s} advised me regarding women so much that I thought divorce should not be permissible except in the case of clear indecency."

[REFERENCES] Al-Kafi, V.5 p.512 • Man La Yahduruhu Al-Faqih, V.3 p.440 • Makarim Al-Akhlaq, V.1 p.216 • Uddat Al-Da'i, V.1 p.91 • Al-Wafi, V.22 p.786 • Wasa'il Al-Shi'ah, V.20 p.170 • Bihar Al-Anwar, Vol.100 p.253

HADITH

4526 - وَ سَأَلَ إِسْحَاقُ بْنُ عَمَّارٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ حَقِّ اَلْمَرْأَةِ عَلَى زَوْجِهَا قَالَ «يُشْبِعُ بَطْنَهَا وَ يَكْسُو جُثَّتَهَا وَ إِنْ جَهِلَتْ غَفَرَ لَهَا».

H.4526 - Ishaq ibn Ammar asked Imam Abu Abdillah {a.s} about the right of a woman over her husband.
Imam {a.s} said: "He should satisfy her hunger, clothe her body, and if she acts ignorantly, he should forgive her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.440 • Tafsir Al-Safi, Vol.1 p.257

HADITH

4527 - : «إِنَّ إِبْرَاهِيمَ خَلِيلَ اَلرَّحْمَنِ عَلَيْهِ اَلسَّلاَمُ شَكَا إِلَى اَللَّهِ عَزَّ وَ جَلَّ خُلُقَ سَارَةَ فَأَوْحَى اَللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ أَنَّ مَثَلَ اَلْمَرْأَةِ مَثَلُ اَلضِّلْعِ إِنْ أَقَمْتَهُ اِنْكَسَرَ وَ إِنْ تَرَكْتَهُ اِسْتَمْتَعْتَ بِهِ » قُلْتُ مَنْ قَالَ هَذَا فَغَضِبَ ثُمَّ قَالَ «هَذَا وَ اَللَّهِ قَوْلُ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ».

H.4527 – Ibrahim {a.s}, the Friend of the Most Merciful {SWT}, complained to Allah {SWT}, about the behavior of Sarah {s.a}. So Allah {SWT}, the Mighty and Majestic, revealed to him: "The example of a woman is like the example of a rib, if you try to straighten it, it will break, and if you leave it as it is, you will benefit from it."
I (narrator) asked: "Who said this?"
Imam {a.s} became angry and said: "By Allah {SWT}, it is the saying of Prophet of Allah {SWT}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.440

HADITH

4528 - وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «كَانَتْ لِأَبِي عَلَيْهِ اَلسَّلاَمُ اِمْرَأَةٌ وَ كَانَتْ تُؤْذِيهِ فَكَانَ يَغْفِرُ لَهَا ».

H.4528 - Abu Abdillah {a.s} said:
"My father {a.s} had a wife who used to harm him, yet he would forgive her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.441 • Awalim Al-Uloom, Vol.19 p.345

HADITH

4529 - وَ رَوَى عَاصِمُ بْنُ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «مَنْ كَانَتْ عِنْدَهُ اِمْرَأَةٌ فَلَمْ يَكْسُهَا مَا يُوَارِي عَوْرَتَهَا وَ يُطْعِمُهَا مَا يُقِيمُ صُلْبَهَا كَانَ حَقّاً عَلَى اَلْإِمَامِ أَنْ يُفَرِّقَ بَيْنَهُمَا».

H.4529 - Asim ibn Humayd narrated from Abu Basir, who said: I heard Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} say:
"Whoever has a wife and does not provide her with clothing to cover her modesty and food to sustain her strength, it is the duty of the Imam to separate them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.441 • Makarim Al-Akhlaq, Vol.1 p.217 • Al-Wafi, Vol.22 p.789 • Wasa'il Al-Shi'ah, Vol.21 p.509

HADITH

4530 - وَ رَوَى رِبْعِيُّ بْنُ عَبْدِ اَللَّهِ وَ اَلْفُضَيْلُ بْنُ يَسَارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِهِ عَزَّ وَ جَلَّ: ﴿ وَ مَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمّٰا آتٰاهُ اَللّٰهُ ﴾ قَالَ «إِنْ أَنْفَقَ عَلَيْهَا مَا يُقِيمُ ظَهْرَهَا مَعَ كِسْوَةٍ وَ إِلاَّ فُرِّقَ بَيْنَهُمَا».

H.4530 - Rubi ibn Abdullah and Al-Fudhayl ibn Yasar narrated from Abu Abdillah {a.s} regarding the saying of Allah {SWT}, the Mighty and Majestic:
"*And whoever has his provision restricted, let him spend from what Allah {SWT} has given him"* (Surah At-Talaq 65:7).
Imam {a.s} said: "If he provides for her what sustains her strength along with clothing, then it is sufficient. Otherwise, they shall be separated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.441 • Makarim Al-Akhlaq, Vol.1 p.217 • Wasa'il Al-Shi'ah, Vol.21 p.509 • Tafsir Al-Burhan, Vol.5 p.412

HADITH

4531 - وَ رَوَى أَبُو اَلصَّبَّاحِ اَلْكِنَانِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا صَلَّتِ اَلْمَرْأَةُ خَمْسَهَا وَ صَامَتْ شَهْرَهَا وَ حَجَّتْ بَيْتَ رَبِّهَا وَ أَطَاعَتْ زَوْجَهَا وَ عَرَفَتْ حَقَّ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ فَلْتَدْخُلْ مِنْ أَيِّ أَبْوَابِ اَلْجِنَانِ شَاءَتْ ».

H.4531 - Abu al-Sabbah al-Kinani narrated from Abu Abdillah {a.s} who said:
"If a woman performs her five daily prayers, fasts during her month (Ramadan), performs Hajj to the House of her Lord {AZJ}, obeys her husband, and acknowledges the right of Imam Ali ibn Abi Talib {a.s}, then she may enter Paradise through whichever gate she wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.441 • Wasa'il Al-Shi'ah, Vol.20 p.159

HADITH

4532 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ رَجُلاً مِنَ اَلْأَنْصَارِ عَلَى عَهْدِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ خَرَجَ فِي بَعْضِ حَوَائِجِهِ وَ عَهِدَ إِلَى اِمْرَأَتِهِ عَهْداً أَلاَّ تَخْرُجَ مِنْ بَيْتِهَا حَتَّى يَقْدَمَ» قَالَ «وَ إِنَّ أَبَاهَا مَرِضَ فَبَعَثَتِ اَلْمَرْأَةُ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَتْ إِنَّ زَوْجِي خَرَجَ وَ عَهِدَ إِلَيَّ أَنْ لاَ أَخْرُجَ مِنْ بَيْتِي حَتَّى يَقْدَمَ وَ إِنَّ أَبِي مَرِيضٌ فَتَأْمُرُنِي أَنْ أَعُودَهُ فَقَالَ «لاَ اِجْلِسِي فِي بَيْتِكِ وَ أَطِيعِي زَوْجَكِ» » قَالَ «فَمَاتَ فَبَعَثَتْ إِلَيْهِ فَقَالَتْ يَا رَسُولَ اَللَّهِ إِنَّ أَبِي قَدْ مَاتَ فَتَأْمُرُنِي أَنْ أُصَلِّيَ عَلَيْهِ فَقَالَ «لاَ اِجْلِسِي فِي بَيْتِكِ وَ أَطِيعِي زَوْجَكِ» » قَالَ «فَدُفِنَ اَلرَّجُلُ فَبَعَثَ إِلَيْهَا، رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَنَّ اَللَّهَ عَزَّ وَ جَلَّ قَدْ غَفَرَ لَكِ وَ لِأَبِيكِ بِطَاعَتِكِ لِزَوْجِكِ» ».

H.4532 - Muhammad ibn Abi Umayr narrated from Abdullah ibn Sinan, from Abu Abdillah {a.s}, who said:
A man from the Ansar, during the time of the Messenger of Allah {SWT} (peace and blessings be upon him and his family), went out for some errands and instructed his wife not to leave her house until he returned.
Her father became ill, so the woman sent a message to the Messenger of Allah {SWT} (peace and blessings be upon him and his family) saying: "My husband has gone out and instructed me not to leave my house until he returns, but my father is ill. Do you command me to visit him?"
The Messenger of Allah {SWT} said: "No, stay in your house and obey your husband."
Then her father died, so she sent another message, saying: "O Messenger of Allah {SWT}, my father has died. Do you command me to perform the funeral prayer for him?"
He (peace and blessings be upon him and his family) said: "No, stay in your house and obey your husband."
After the man was buried, the Messenger of Allah {SWT} sent her a message saying: "Indeed, Allah {SWT}, the Mighty and Majestic, has forgiven you and your father because of your obedience to your husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.441 • Makarim Al-Akhlaq, Vol.1 p.216 • Mustadrak Al-Wasa'il, Vol.14 p.258

HADITH

4533 - : وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ قُوا أَنْفُسَكُمْ وَ أَهْلِيكُمْ نٰاراً ﴾ كَيْفَ نَقِيهِنَّ قَالَ «تَأْمُرُونَهُنَّ وَ تَنْهَوْنَهُنَّ» قِيلَ لَهُ إِنَّا نَأْمُرُهُنَّ وَ نَنْهَاهُنَّ فَلاَ يَقْبَلْنَ قَالَ «إِذَا أَمَرْتُمُوهُنَّ وَ نَهَيْتُمُوهُنَّ فَقَدْ قَضَيْتُمْ مَا عَلَيْكُمْ».

H.4533 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about the saying of Allah {SWT}, the Mighty and Majestic:
"Protect yourselves and your families from a Fire" (Surah At-Tahrim, 66:6).
How do we protect them?
Imam {a.s} said: "You command them and forbid them."
It was said to him: "We command them and forbid them, but they do not accept."
Imam {a.s} said: "When you have commanded them and forbidden them, then you have fulfilled your responsibility."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.442 • Al-Wafi, Vol.22 p.798 • Wasa'il Al-Shi'ah, Vol.20 p.177 • Tafsir Nur Al-Thaqalayn, Vol.5 p.373 • Tafsir Kanz Al-Daqaiq, Vol.13 p.336

HADITH

4534 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَلْهِمُوهُنَّ حُبَّ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ وَ ذَرُوهُنَّ بَلْهَاءَ ».

H.4534 - Abdullah ibn Sinan narrated from Abu Abdillah {a.s} who said:
"Inspire them with the love of Imam Ali ibn Abi Talib {a.s} and leave them in their natural simplicity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.442 • Al-Wafi, Vol.22 p.799

HADITH

4535 - وَ رَوَى إِسْمَاعِيلُ بْنُ أَبِي زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ تُنْزِلُوا نِسَاءَكُمُ اَلْغُرَفَ وَ لاَ تُعَلِّمُوهُنَّ اَلْكِتَابَةَ وَ لاَ تُعَلِّمُوهُنَّ سُورَةَ يُوسُفَ وَ عَلِّمُوهُنَّ اَلْمِغْزَلَ وَ سُورَةَ اَلنُّورِ ».

H.4535 - Ismail ibn Abi Ziyad narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them), who said: The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said:
"Do not house your women in upper chambers, do not teach them writing, and do not teach them Surah Yusuf. Instead, teach them spinning and Surah An-Nur."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.1 p.374 • Man La Yahduruhu Al-Faqih, Vol.3 p.442 • Al-Wafi, Vol.22 p.801 • Wasa'il Al-Shi'ah, Vol.6 p.185 • Tafsir Al-Burhan, Vol.3 p.153 • Tafsir Kanz Al-Daqaiq, Vol.6 p.268

HADITH

4536 - وَ رَوَى ضُرَيْسٌ اَلْكُنَاسِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ:

«إِنَّ اِمْرَأَةً أَتَتْ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لِبَعْضِ اَلْحَاجَةِ فَقَالَ لَهَا «لَعَلَّكِ مِنَ اَلْمُسَوِّفَاتِ» فَقَالَتْ وَ مَا اَلْمُسَوِّفَاتُ يَا رَسُولَ اَللَّهِ فَقَالَ «اَلْمَرْأَةُ يَدْعُوهَا زَوْجُهَا لِبَعْضِ اَلْحَاجَةِ فَلاَ تَزَالُ تُسَوِّفُهُ حَتَّى يَنْعُسَ زَوْجُهَا فَيَنَامَ فَتِلْكَ لاَ تَزَالُ اَلْمَلاَئِكَةُ تَلْعَنُهَا حَتَّى يَسْتَيْقِظَ زَوْجُهَا » ».

H.4536 - Durays al-Kunasi narrated from Abu Abdillah {a.s} who said:
A woman came to the Messenger of Allah {SWT} (peace and blessings be upon him and his family) for some need, and he said to her: "Perhaps you are one of those who delay (their husbands)?"
She asked: “And who are those who delay, O Messenger of Allah {SWT}?"
He (peace and blessings be upon him and his family) said: "A woman whose husband calls her for some need, but she keeps delaying him until he becomes drowsy and falls asleep. Such a woman is continuously cursed by the angels until her husband wakes up."

[REFERENCES] Al-Kafi, Vol.5 p.508 • Man La Yahduruhu Al-Faqih, Vol.3 p.442 • Makarim Al-Akhlaq, Vol.1 p.217 • Awali Al-La’ali, Vol.3 p.310 • Al-Wafi, Vol.22 p.777 • Wasa’il Al-Shi’ah, Vol.20 p.164

HADITH

4537 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «رَحِمَ اَللَّهُ عَبْداً أَحْسَنَ فِيمَا بَيْنَهُ وَ بَيْنَ زَوْجَتِهِ، فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ قَدْ مَلَّكَهُ نَاصِيَتَهَا وَ جَعَلَهُ اَلْقَيِّمَ عَلَيْهَا».

H.4537 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"May Allah {SWT} have mercy on a servant who treats his wife well, for Allah {SWT}, the Mighty and Majestic, has given him authority over her and made him her guardian."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.443 • Makarim Al-Akhlaq, Vol.1 p.217 • Al-Wafi, Vol.22 p.789 • Wasa’il Al-Shi’ah, Vol.20 p.170

HADITH

4538 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «خَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِ وَ أَنَا خَيْرُكُمْ لِنِسَائِي ».

H.4538 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "The best of you is the one who is best to his wives, and I am the best of you to my wives."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.443 • Al-Wafi, Vol.22 p.789 • Wasa’il Al-Shi’ah, Vol.20 p.171

CHAPTER 129 – CHAPTER ON COITUS INTERRUPTUS (ʿAZL)

بَابُ الْعَزْلِ

HADITH 4539

4539 - رَوَى اَلْقَاسِمُ بْنُ يَحْيَى عَنْ جَدِّهِ اَلْحَسَنِ بْنِ رَاشِدٍ عَنْ يَعْقُوبَ اَلْجُعْفِيِّ قَالَ سَمِعْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «لاَ بَأْسَ بِالْعَزْلِ فِي سِتَّةِ وُجُوهِ اَلْمَرْأَةِ اَلَّتِي أَيْقَنَتْ أَنَّهَا لاَ تَلِدُ وَ اَلْمُسِنَّةِ وَ اَلْمَرْأَةِ اَلسَّلِيطَةِ وَ اَلْبَذِيَّةِ وَ اَلْمَرْأَةِ اَلَّتِي لاَ تُرْضِعُ وَلَدَهَا وَ اَلْأَمَةِ».

H.4539 - Al-Qasim ibn Yahya narrated from his grandfather Al-Hasan ibn Rashid, from Yaqub al-Jufi, who said: I heard Abu al-Hasan {a.s} say:
"There is no harm in practicing withdrawal (coitus interruptus) in six cases; the woman who is certain that she cannot conceive, the elderly woman, the ill-mannered woman, the obscene woman, the woman who does not nurse her child, and the bondwoman."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.443 • Al-Khisal, Vol.1 p.328 • Uyun Al-Akhbar, Vol.1 p.278 • Tahdhib Al-Ahkam, Vol.7 p.491 • Al-Wafi, Vol.22 p.755 • Wasa'il Al-Shi'ah, Vol.20 p.152 • Bihar Al-Anwar, Vol.101 p.61

CHAPTER 130 – CHAPTER ON PROTECTIVE JEALOUSY

بَابُ الْغَيْرَةِ

HADITH 4540 – 4543

4540 - قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «كَانَ أَبِي إِبْرَاهِيمُ عَلَيْهِ اَلسَّلاَمُ غَيُوراً وَ أَنَا أَغْيَرُ مِنْهُ وَ أَرْغَمَ اَللَّهُ أَنْفَ مَنْ لاَ يَغَارُ مِنَ اَلْمُؤْمِنِينَ».

H.4540 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "My father Ibrahim {a.s} was protective, and I am more protective than him. May Allah {SWT} humble the one among the believers who is not protective."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.444 • Makarim Al-Akhlaq, Vol.1 p.239 • Wasa'il Al-Shi'ah, Vol.20 p.154 • Bihar Al-Anwar, Vol.100 p.248

HADITH

4541 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَلْغَيْرَةَ مِنَ اَلْإِيمَانِ».

H.4541 - Imam {a.s} said: "Indeed, protective jealousy (ghayrah) is part of faith."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.444 • Shihab Al-Akhbar, Vol.1 p.55 • Al-Wafi, Vol.22 p.764 • Wasa'il Al-Shi'ah, Vol.20 p.154

HADITH

4542 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «إِنَّ اَلْجَنَّةَ لَتُوجَدُ رِيحُهَا مِنْ مَسِيرَةِ خَمْسِمِائَةِ عَامٍ وَ لاَ يَجِدُهَا عَاقٌّ وَ لاَ دَيُّوثٌ» قِيلَ يَا رَسُولَ اَللَّهِ وَ مَا اَلدَّيُّوثُ قَالَ «اَلَّذِي تَزْنِي اِمْرَأَتُهُ وَ هُوَ يَعْلَمُ بِهَا».

H.4542 - He {saws} said: "Indeed, the fragrance of Paradise can be perceived from a distance of five hundred years, but one who is disobedient to his parents and a cuckold (dayyuth) will not perceive it."
It was asked: "O Messenger of Allah {SWT}, who is the dayyuth?"
He (peace and blessings be upon him and his family) said: "The one whose wife commits adultery, and he is aware of it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.444 • Al-Khisal, Vol.1 p.37 • Rawdat Al-Wa'izin, Vol.2 p.366 • Al-Wafi, Vol.22 p.764 • Wasa'il Al-Shi'ah, Vol.20 p.154 • Wasa'il Al-Shi'ah, Vol.20 p.327 • Bihar Al-Anwar, Vol.76 p.114

HADITH

4543 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ شُرَيْسٍ اَلْوَابِشِيِّ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ لِي: «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى لَمْ يَجْعَلِ اَلْغَيْرَةَ لِلنِّسَاءِ وَ إِنَّمَا جَعَلَ اَلْغَيْرَةَ لِلرِّجَالِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ قَدْ أَحَلَّ لِلرَّجُلِ أَرْبَعَ حَرَائِرَ وَ مَا مَلَكَتْ يَمِينُهُ وَ لَمْ يَجْعَلْ لِلْمَرْأَةِ إِلاَّ زَوْجَهَا وَحْدَهُ فَإِنْ بَغَتْ مَعَ زَوْجِهَا غَيْرَهُ كَانَتْ عِنْدَ اَللَّهِ عَزَّ وَ جَلَّ زَانِيَةً وَ إِنَّمَا تَغَارُ اَلْمُنْكِرَاتُ مِنْهُنَّ فَأَمَّا اَلْمُؤْمِنَاتُ فَلاَ».

H.4543 - Muhammad ibn al-Fudhayl narrated from Shurayh al-Wabishi, from Jabir, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
Allah {SWT}, Blessed and Exalted, has not ordained jealousy (ghayrah) for women, but He {SWT} has ordained jealousy for men, because Allah {SWT}, Mighty and Majestic, has permitted a man to marry four free women and what his right hand possesses, whereas He {SWT} has made lawful for a woman only her husband.
So if a woman seeks another besides her husband while being married to him, she is considered by Allah {SWT}, Mighty and Majestic, as an adulteress. Jealousy is found among those who act contrary to what is proper, but as for believing women, they do not exhibit such jealousy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.444 • Al-Wafi, Vol.22 p.768 • Wasa'il Al-Shi'ah, Vol.20 p.154

CHAPTER 131 – CHAPTER ON THE PUNISHMENT OF A WOMAN FOR PRACTICING MAGIC ON HER HUSBAND

بَابُ عُقُوبَةِ الْمَرْأَةِ عَلَى أَنْ تَسْحَرَ زَوْجَهَا

HADITH 4544

4544 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ: قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لِامْرَأَةٍ سَأَلَتْهُ أَنَّ لِي زَوْجاً وَ بِهِ عَلَيَّ غِلْظَةٌ وَ إِنِّي صَنَعْتُ شَيْئاً لِأُعَطِّفَهُ عَلَيَّ فَقَالَ لَهَا رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أُفٍّ لَكِ كَدَّرْتِ اَلْبِحَارَ وَ كَدَّرْتِ اَلطِّينَ وَ لَعَنَتْكِ اَلْمَلاَئِكَةُ اَلْأَخْيَارُ وَ مَلاَئِكَةُ اَلسَّمَاوَاتِ وَ اَلْأَرْضِ» قَالَ فَصَامَتِ اَلْمَرْأَةُ نَهَارَهَا وَ قَامَتْ لَيْلَهَا وَ حَلَقَتْ رَأْسَهَا وَ لَبِسَتِ اَلْمُسُوحَ فَبَلَغَ ذَلِكَ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ «إِنَّ ذَلِكَ لاَ يُقْبَلُ مِنْهَا».

H.4544 - Ismail ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them), who said:
A woman came to the Messenger of Allah {SWT} (peace and blessings be upon him and his family) and said: “I have a husband who is harsh with me, and I made something (a charm or spell) to make him more affectionate toward me."
The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said to her: "Woe to you! You have polluted the seas, corrupted the earth, and the righteous angels and the angels of the heavens and the earth have cursed you."
The woman then fasted during the day, prayed during the night, shaved her head, and wore rough clothing as an act of repentance. When this was reported to the Prophet (peace and blessings be upon him and his family), he said: "None of this will be accepted from her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.445 • Al-Wafi, Vol.22 p.873 • Wasa’il Al-Shi’ah, Vol.20 p.247

CHAPTER 132 – CHAPTER ON ENSURING THE ABSENCE OF PREGNANCY IN BONDWOMEN (ISTIBRA)

بَابُ اسْتِبْرَاءِ الْإِمَاءِ

HADITH 4545 – 4547

4545 - رَوَى عَبْدُ اَللَّهِ بْنُ اَلْقَاسِمِ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَشْتَرِي اَلْجَارِيَةَ مِنَ اَلرَّجُلِ اَلْمَأْمُونِ فَيُخْبِرُنِي أَنَّهُ لَمْ يَمَسَّهَا مُنْذُ طَمِثَتْ عِنْدَهُ وَ طَهُرَتْ قَالَ «لَيْسَ بِجَائِزٍ أَنْ تَأْتِيَهَا حَتَّى تَسْتَبْرِئَهَا بِحَيْضَةٍ وَ لَكِنْ يَجُوزُ لَكَ مَا دُونَ اَلْفَرْجِ إِنَّ اَلَّذِينَ يَشْتَرُونَ اَلْإِمَاءَ ثُمَّ يَأْتُونَهُنَّ قَبْلَ أَنْ يَسْتَبْرِءُوهُنَّ فَأُولَئِكَ اَلزُّنَاةُ بِأَمْوَالِهِمْ».

H.4545 - Abdullah ibn al-Qasim narrated from Abdullah ibn Sinan, who said:
I asked Abu Abdillah {a.s}: "I purchase a bondwoman from a trustworthy man who informs me that he has not touched her since she menstruated and then purified herself. Is it permissible for me to have relations with her?"
Imam {a.s} said: "It is not permissible for you to have relations with her until she undergoes one menstrual cycle (for istibra'). However, you are allowed to engage in activities other than intercourse. Indeed, those who purchase bondwomans and have relations with them before ensuring they are free from pregnancy through istibra', such people are committing adultery with their wealth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.445 • Ilal Al-Shara'i', Vol.2 p.503 • Tahdhib Al-Ahkam, Vol.8 p.212 • Al-Wafi, Vol.23 p.1270 • Wasa'il Al-Shi'ah, Vol.18 p.261 • Bihar Al-Anwar, Vol.100 p.131

HADITH

4546 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «إِذَا اِشْتَرَى اَلرَّجُلُ جَارِيَةً وَ هِيَ لَمْ تُدْرِكْ أَوْ قَدْ يَئِسَتْ مِنَ اَلْحَيْضِ فَلاَ بَأْسَ بِأَنْ لاَ يَسْتَبْرِئَهَا».

H.4546 - Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"If a man purchases a bondwoman who has not yet reached maturity or has passed the age of menstruation, then there is no harm if he does not observe an istibra' (waiting period) for her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.446

HADITH

4547 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اِشْتَرَى جَارِيَةً وَ لَمْ يَكُنْ صَاحِبُهَا يَطَؤُهَا أَ يَسْتَبْرِئُ رَحِمَهَا قَالَ «نَعَمْ» قُلْتُ جَارِيَةٌ لَمْ تَحِضْ كَيْفَ يَصْنَعُ بِهَا قَالَ «أَمْرُهَا شَدِيدٌ فَإِنْ أَتَاهَا فَلاَ يُنْزِلْ حَتَّى يَسْتَبِينَ لَهُ أَنَّهَا حُبْلَى أَوْ لاَ » قُلْتُ لَهُ فِي كَمْ يَسْتَبِينُ لَهُ ذَلِكَ قَالَ «فِي خَمْسٍ وَ أَرْبَعِينَ لَيْلَةً».

H.4547 - Al-Alaa narrated from Muhammad ibn Muslim, who said: I asked him about a man who purchased a bondwoman and her previous owner had not had relations with her. Should he still observe an istibra' (waiting period) for her womb?
Imam {a.s} said: "Yes."
I asked: "What about a bondwoman who has not yet menstruated? What should he do with her?"
Imam {a.s} said: "Her matter is more severe. If he has relations with her, he must not ejaculate until it becomes clear whether she is pregnant or not."
I asked: "How long will it take for this to become clear?"
Imam {a.s} said: "In forty-five nights."

[REFERENCES] Al-Kafi, Vol.5 p.472 • Man La Yahduruhu Al-Faqih, Vol.3 p.446 • Al-Wafi, Vol.23 p.1266 • Wasa'il Al-Shi'ah, Vol.18 p.257

CHAPTER 133 – CHAPTER ON A SLAVE MARRYING WITHOUT HIS MASTER'S PERMISSION

بَابُ الْمَمْلُوكِ يَتَزَوَّجُ بِغَيْرِ إِذْنِ سَيِّدِهِ

HADITH 4548 – 4549

4548 - رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ عَبْدُهُ اِمْرَأَةً بِغَيْرِ إِذْنِهِ فَدَخَلَ بِهَا ثُمَّ اِطَّلَعَ عَلَى ذَلِكَ مَوْلاَهُ قَالَ «ذَلِكَ لِمَوْلاَهُ إِنْ شَاءَ فَرَّقَ بَيْنَهُمَا وَ إِنْ شَاءَ أَجَازَ نِكَاحَهُمَا فَإِنْ فَعَلَ وَ فَرَّقَ بَيْنَهُمَا فَلِلْمَرْأَةِ مَا أَصْدَقَهَا إِلاَّ أَنْ يَكُونَ اِعْتَدَى فَأَصْدَقَهَا صَدَاقاً كَثِيراً فَإِنْ أَجَازَ نِكَاحَهُ فَهُمَا عَلَى نِكَاحِهِمَا اَلْأَوَّلِ» فَقُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ فَإِنَّهُ فِي أَصْلِ اَلنِّكَاحِ كَانَ عَاصِياً فَقَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «إِنَّمَا أَتَى شَيْئاً حَلاَلاً وَ لَيْسَ بِعَاصٍ لِلَّهِ إِنَّمَا عَصَى سَيِّدَهُ وَ لَمْ يَعْصِ اَللَّهَ عَزَّ وَ جَلَّ إِنَّ ذَلِكَ لَيْسَ كَإِتْيَانِهِ مَا حَرَّمَ اَللَّهُ عَلَيْهِ مِنْ نِكَاحٍ فِي عِدَّةٍ وَ أَشْبَاهِ ذَلِكَ».

H.4548 - Musa ibn Bakr narrated from Zurara, who said:
I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a man whose slave married a woman without his permission and then consummated the marriage. Later, the master found out about it.
Imam {a.s} said:
"It is up to the master - if he wishes, he can separate them, and if he wishes, he can approve their marriage. If the master separates them, the woman is entitled to whatever dowry was given to her unless it was excessive, in which case it is reduced. But if the master approves their marriage, they remain upon their original marriage contract."
I then said to Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}: "Was the slave sinful in entering into the marriage without permission in the first place?"
Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} replied:
"What he did was something permissible and lawful; he did not disobey Allah {SWT}, the Mighty and Majestic. Rather, he disobeyed his master but did not violate any law of Allah {SWT}.
This is not like committing something forbidden by Allah {SWT}, such as marrying a woman who is in her waiting period or similar acts."

[REFERENCES] Al-Kafi, Vol.5 p.478 • Man La Yahduruhu Al-Faqih, Vol.3 p.446 • Tahdhib Al-Ahkam, Vol.7 p.351 • Al-Wafi, Vol.22 p.603 • Wasa'il Al-Shi'ah, Vol.21 p.115

HADITH

4549 - وَ رَوَى أَبَانُ بْنُ عُثْمَانَ أَنَّ رَجُلاً يُقَالُ لَهُ اِبْنُ زِيَادٍ اَلطَّائِيُّ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ إِنِّي كُنْتُ رَجُلاً مَمْلُوكاً فَتَزَوَّجْتُ بِغَيْرِ إِذْنِ مَوَالِيَّ ثُمَّ أَعْتَقَنِي اَللَّهُ عَزَّ وَ جَلَّ فَأُجَدِّدُ اَلنِّكَاحَ فَقَالَ «كَانُوا عَلِمُوا أَنَّكَ تَزَوَّجْتَ» قُلْتُ نَعَمْ قَدْ عَلِمُوا وَ سَكَتُوا وَ لَمْ يَقُولُوا لِي شَيْئاً فَقَالَ «ذَلِكَ إِقْرَارٌ مِنْهُمْ أَنْتَ عَلَى نِكَاحِكَ».

H.4549 - Aban ibn Uthman narrated that a man named Ibn Ziyad al-Ta'i said: I said to Abu Abdillah {a.s}: "I was a slave and got married without the permission of my masters. Then Allah {SWT}, the Mighty and Majestic, granted me freedom. Should I renew the marriage contract?"
Imam {a.s} said: "Were they aware that you had married?"
I said: "Yes, they knew and remained silent without objecting."
Imam {a.s} said: "Their silence is considered approval. You remain upon your original marriage contract."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.447 • Tahdhib Al-Ahkam, Vol.7 p.343 • Wasa'il Al-Shi'ah, Vol.21 p.118

CHAPTER 134 – CHAPTER ON A MAN WHO BUYS A BONDWOMAN WHILE SHE IS PREGNANT AND THEN IS INTIMATE WITH HER

بَابُ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ وَ هِيَ حُبْلَى فَيُجَامِعُهَا

HADITH 4550

4550 - رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ اِشْتَرَى جَارِيَةً حَامِلاً قَدِ اِسْتَبَانَ حَمْلُهَا فَوَطِئَهَا قَالَ «بِئْسَ مَا صَنَعَ » فَقُلْتُ مَا تَقُولُ فِيهَا قَالَ «عَزَلَ عَنْهَا أَمْ لاَ» قُلْتُ أَجِبْنِي فِي اَلْوَجْهَيْنِ فَقَالَ «إِنْ كَانَ عَزَلَ عَنْهَا فَلْيَتَّقِ اَللَّهَ وَ لاَ يَعُدْ وَ إِنْ كَانَ لَمْ يَعْزِلْ عَنْهَا فَلاَ يَبِيعُ ذَلِكَ اَلْوَلَدَ وَ لاَ يُوَرِّثُهُ وَ لَكِنْ يُعْتِقُهُ وَ يَجْعَلُ لَهُ شَيْئاً مِنْ مَالِهِ يَعِيشُ بِهِ فَإِنَّهُ قَدْ غَذَّاهُ بِنُطْفَتِهِ».

H.4550 - Muhammad ibn Abi Umayr narrated from Ishaq ibn Ammar, who said: I asked Abu al-Hasan {a.s} about a man who purchased a pregnant slave whose pregnancy was evident and had relations with her.
Imam {a.s} said: "What he did was a reprehensible act."
I said: "What is your ruling in this matter?"
Imam {a.s} said: "Did he practice withdrawal (coitus interruptus) or not?"
I said: "Please explain the ruling in both cases."
Imam {a.s} said: "If he practiced withdrawal, then he must fear Allah {SWT} and never repeat this action. But if he did not practice withdrawal, he must not sell the child, nor consider the child an inheritor. Instead, he must emancipate the child and allocate some of his wealth to provide for the child's living expenses, because he has nourished the child with his own seed."

[REFERENCES] Al-Kafi, Vol.5 p.487 • Man La Yahduruhu Al-Faqih, Vol.3 p.447 • Tahdhib Al-Ahkam, Vol.8 p.178 • Awali Al-La'ali, Vol.3 p.227 • Al-Wafi, Vol.23 p.1415 • Wasa'il Al-Shi'ah, Vol.21 p.94

CHAPTER 135 – CHAPTER ON MARRYING TWO BONDWOMEN SISTERS AT THE SAME TIME

بَابُ الْجَمْعِ بَيْنَ أُخْتَيْنِ مَمْلُوكَتَيْنِ

HADITH 4551 – 4552

4551 - رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ كَانَ عِنْدَهُ أُخْتَانِ مَمْلُوكَتَانِ فَوَطِئَ إِحْدَاهُمَا ثُمَّ وَطِئَ اَلْأُخْرَى قَالَ «إِذَا وَطِئَ اَلْأُخْرَى فَقَدْ حَرُمَتْ عَلَيْهِ اَلْأُولَى حَتَّى تَمُوتَ اَلْأُخْرَى » قُلْتُ أَ رَأَيْتَ إِنْ بَاعَهَا أَ تَحِلُّ لَهُ اَلْأُولَى قَالَ «إِنْ كَانَ بَاعَهَا لِحَاجَةٍ وَ لاَ يَخْطُرُ عَلَى بَالِهِ مِنَ اَلْأُخْرَى شَيْءٌ فَلاَ أَرَى بِذَلِكَ بَأْساً وَ إِنْ كَانَ يَبِيعُهَا لِيَرْجِعَ إِلَى اَلْأُولَى فَلاَ وَ لاَ كَرَامَةَ».

H.4551 - Al-Alaa narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
I asked him about a man who owned two slave sisters and had relations with one of them, then later had relations with the other.
Imam {a.s} said: "If he has relations with the second one, then the first becomes prohibited for him until the second one dies."
I said: "What if he sells the second one? Does the first then become permissible for him?"
Imam {a.s} said: "If he sold her due to a need and without intending to return to the first one, then I see no harm in it. But if he sold her with the intention of returning to the first one, then no, and may he have no honor in doing so."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.448 • Tahdhib Al-Ahkam, Vol.7 p.290 • Wasa'il Al-Shi'ah, Vol.20 p.485

HADITH

4552 - وَ فِي رِوَايَةِ عَلِيِّ بْنِ رِئَابٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ اَلرَّجُلُ يَشْتَرِي اَلْأُخْتَيْنِ فَيَطَأُ إِحْدَاهُمَا ثُمَّ يَطَأُ اَلْأُخْرَى قَالَ «إِذَا وَطِئَ اَلْأُخْرَى بِجَهَالَةٍ لَمْ تَحْرُمْ عَلَيْهِ اَلْأُولَى فَإِنْ وَطِئَ اَلْأَخِيرَةَ وَ هُوَ يَعْلَمُ أَنَّهَا تَحْرُمُ عَلَيْهِ حَرُمَتَا عَلَيْهِ جَمِيعاً».

H.4552 - In a narration from Ali ibn Ri'ab, from Al-Halabi, from Abu Abdillah {a.s}, he said:
I asked him about a man who purchases two sisters and has relations with one of them, then has relations with the other.
Imam {a.s} said: "If he had relations with the second one out of ignorance, the first does not become prohibited for him. However, if he had relations with the second one while knowing that it is prohibited, then both of them become prohibited for him."

[REFERENCES] Al-Kafi, Vol.5 p.433 • Man La Yahduruhu Al-Faqih, Vol.3 p.448 • Tahdhib Al-Ahkam, Vol.7 p.290 • Awali Al-La'ali, Vol.2 p.271 • Awali Al-La'ali, Vol.3 p.334 • Al-Wafi, Vol.21 p.194 • Wasa'il Al-Shi'ah, Vol.20 p.483

CHAPTER 136 – CHAPTER ON HOW A MAN MARRIES HIS MALE SLAVE TO HIS BONDWOMAN

بَابُ كَيْفِيَّةِ إِنْكَاحِ الرَّجُلِ عَبْدَهُ أَمَتَهُ

HADITH 4553

4553 - رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلرَّجُلِ كَيْفَ يُنْكِحُ عَبْدَهُ أَمَتَهُ قَالَ «يُجْزِيهِ أَنْ يَقُولَ قَدْ أَنْكَحْتُكَ فُلاَنَةَ وَ يُعْطِيهَا مَا شَاءَ مِنْ قِبَلِهِ أَوْ مِنْ قِبَلِ مَوْلاَهُ وَ لاَ بُدَّ مِنْ طَعَامٍ أَوْ دِرْهَمٍ أَوْ نَحْوِ ذَلِكَ وَ لاَ بَأْسَ بِأَنْ يَأْذَنَ لَهُ فَيَشْتَرِيَ مِنْ مَالِهِ إِنْ كَانَ لَهُ جَارِيَةً أَوْ جَوَارِيَ يَطَؤُهُنَّ».

H.4553 - Al-Alaa narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: I asked him how a man can marry his slave to his bondwoman.

Imam {a.s} said: "It is sufficient for him to say, 'I have married you to so-and-so,' and to give her whatever he wishes, either from himself or from her master. There must be something given, whether it be food, a dirham, or something similar.

There is also no harm if he permits the slave to purchase a bondwoman from his own wealth, if he has any, to have relations with her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.449 • Al-Wafi, Vol.22 p.601 • Wasa'il Al-Shi'ah, Vol.21 p.146

CHAPTER 137 – CHAPTER ON A FREE WOMAN MARRYING HERSELF TO A SLAVE WITHOUT THE PERMISSION OF HIS MASTERS AND THE DISLIKE OF MARRYING A BONDWOMAN OWNED BY TWO PARTNERS

بَابُ تَزْوِيجِ الْحُرَّةِ نَفْسَهَا مِنْ عَبْدٍ بِغَيْرِ إِذْنِ مَوَالِيهِ وَ كَرَاهِيَةِ نِكَاحِ الْأَمَةِ بَيْنَ الشَّرِيكَيْنِ

HADITH 4554 – 4555

4554 - رَوَى زُرْعَةُ عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ رَجُلَيْنِ بَيْنَهُمَا أَمَةٌ فَزَوَّجَاهَا مِنْ رَجُلٍ ثُمَّ إِنَّ اَلرَّجُلَ اِشْتَرَى بَعْضَ اَلسَّهْمَيْنِ قَالَ «حَرُمَتْ عَلَيْهِ بِاشْتِرَائِهِ إِيَّاهَا وَ ذَلِكَ أَنَّ بَيْعَهَا طَلاَقُهَا إِلاَّ أَنْ يَشْتَرِيَهَا جَمِيعاً ».

H.4554 - Zur'ah narrated from Sama'ah, who said: I asked him about two men who jointly owned a bondwoman and married her to another man. Then, one of the two owners purchased the other's share.
Imam {a.s} said: "She becomes prohibited for him by his purchase of her, because buying her is equivalent to divorcing her, unless he purchases her completely."

[REFERENCES] Al-Kafi, Vol.5 p.484 • Man La Yahduruhu Al-Faqih, Vol.3 p.449 • Tahdhib Al-Ahkam, Vol.8 p.199 • Al-Wafi, Vol.22 p.581

HADITH

4555 - وَ رَوَى إِسْمَاعِيلُ بْنُ أَبِي زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «أَيُّمَا اِمْرَأَةٍ حُرَّةٍ زَوَّجَتْ نَفْسَهَا عَبْداً بِغَيْرِ إِذْنِ مَوَالِيهِ فَقَدْ أَبَاحَتْ فَرْجَهَا وَ لاَ صَدَاقَ لَهَا».

H.4555 - Ismail ibn Abi Ziyad narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them) that the Messenger of Allah {SWT} (peace and blessings be upon him and his family) said:
"Any free woman who marries herself to a slave without the permission of his masters has made her private parts permissible unlawfully, and she is not entitled to a dowry."

[REFERENCES] Al-Kafi, Vol.5 p.479 • Man La Yahduruhu Al-Faqih, Vol.3 p.450 • Tahdhib Al-Ahkam, Vol.7 p.352 • Al-Wafi, Vol.22 p.606 • Wasa'il Al-Shi'ah, Vol.21 p.115

CHAPTER 138 – CHAPTER ON THE RULINGS REGARDING MALE SLAVES AND FEMALE BONDWOMAN

بَابُ أَحْكَامِ الْمَمَالِيكِ وَ الْإِمَاءِ

HADITH 4556 – 4581

4556 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ دَاوُدَ بْنِ فَرْقَدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اِشْتَرَى جَارِيَةً مُدْرِكَةً وَ لَمْ تَحِضْ عِنْدَهُ حَتَّى مَضَى لَهَا سِتَّةُ أَشْهُرٍ وَ لَيْسَ بِهَا حَبَلٌ قَالَ «إِنْ كَانَ مِثْلُهَا تَحِيضُ وَ لَمْ يَكُنْ ذَلِكَ مِنْ كِبَرٍ فَهَذَا عَيْبٌ تُرَدُّ مِنْهُ».

H.4556 - Al-Hasan ibn Mahbub narrated from Malik ibn Atiyyah, from Dawud ibn Farqad, from Abu Abdillah {a.s}, who said:
I asked him about a man who purchased a mature bondwoman who had not menstruated while with him for six months, and there was no sign of pregnancy.
Imam {a.s} said: "If it is customary for someone like her to menstruate, and her condition is not due to old age, then this is a defect for which she can be returned."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.450 • Tahdhib Al-Ahkam, Vol.8 p.209

HADITH

4557 - وَ رَوَى أَبَانُ بْنُ عُثْمَانَ عَنِ اَلْحَسَنِ اَلصَّيْقَلِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَمِعْتُهُ وَ سُئِلَ عَنْ رَجُلٍ اِشْتَرَى جَارِيَةً ثُمَّ وَقَعَ عَلَيْهَا قَبْلَ أَنْ يَسْتَبْرِئَ رَحِمَهَا قَالَ «بِئْسَ مَا صَنَعَ يَسْتَغْفِرُ اَللَّهَ وَ لاَ يَعُودُ» قَالَ فَإِنَّهُ بَاعَهَا مِنْ رَجُلٍ آخَرَ فَوَقَعَ عَلَيْهَا وَ لَمْ يَسْتَبْرِئْ رَحِمَهَا ثُمَّ بَاعَهَا اَلثَّانِي مِنْ رَجُلٍ آخَرَ فَوَقَعَ عَلَيْهَا وَ لَمْ يَسْتَبْرِئْ رَحِمَهَا، فَاسْتَبَانَ حَمْلُهَا عِنْدَ اَلثَّالِثِ فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «اَلْوَلَدُ لِلْفِرَاشِ وَ لِلْعَاهِرِ اَلْحَجَرُ».

H.4557 - Aban ibn Uthman narrated from Al-Hasan al-Sayqal, from Abu Abdillah {a.s}, who said:
I heard him being asked about a man who purchased a bondwoman and had relations with her before observing an istibra' (waiting period) to ensure she was not pregnant.
Imam {a.s} said: "What he did was wrong. He should seek forgiveness from Allah {SWT} and not repeat it."
Then it was said: "What if he sold her to another man, who also had relations with her without observing an istibra'? Then the second man sold her to a third man, who also had relations with her without observing an istibra', and it later became clear that she was pregnant while with the third man?"
Abu Abdillah {a.s} said: "The child belongs to the [current] owner of the bed (al-firash), and for the adulterer (al-ahir), there is nothing but loss (al-hajar)."

[REFERENCES] Al-Kafi, Vol.5 p.491 • Man La Yahduruhu Al-Faqih, Vol.3 p.450 • Tahdhib Al-Ahkam, Vol.8 p.168 • Al-Istibsar, Vol.3 p.367 • Al-Wafi, Vol.23 p.1407 • Wasa'il Al-Shi'ah, Vol.21 p.173

HADITH

4558 - وَ رَوَى وَهْبُ بْنُ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ : «مَنِ اِتَّخَذَ مِنَ اَلْإِمَاءِ أَكْثَرَ مِمَّا يَنْكِحُ أَوْ يُنْكِحُ فَالْإِثْمُ عَلَيْهِ إِنْ بَغَيْنَ».

H.4558 - Wahb ibn Wahb narrated from Jafar ibn Muhammad, from his father {a.s}, who said:
Imam Ali ibn Abi Talib {a.s} said: "Whoever acquires more bondwomen than he can marry or give in marriage, then the sin is upon him if they commit immorality."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.151 • Man La Yahduruhu Al-Faqih, Vol.3 p.451 • Al-Wafi, Vol.22 p.707 • Wasa'il Al-Shi'ah, Vol.21 p.178 • Bihar Al-Anwar, Vol.100 p.334

HADITH

4559 - وَ رَوَى هَارُونُ بْنُ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ زِيَادٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «يَحْرُمُ مِنَ اَلْإِمَاءِ عَشْرٌ لاَ تَجْمَعُ بَيْنَ اَلْأُمِّ وَ اَلِابْنَةِ وَ لاَ بَيْنَ اَلْأُخْتَيْنِ وَ لاَ أَمَتَكَ وَ هِيَ حَامِلٌ مِنْ غَيْرِكَ حَتَّى تَضَعَ وَ لاَ أَمَتَكَ وَ هِيَ عَمَّتُكَ مِنَ اَلرَّضَاعَةِ وَ لاَ أَمَتَكَ وَ هِيَ خَالَتُكَ مِنَ اَلرَّضَاعَةِ وَ لاَ أَمَتَكَ وَ هِيَ أُخْتُكَ مِنَ اَلرَّضَاعَةِ وَ لاَ أَمَتَكَ وَ هِيَ اِبْنَةُ أَخِيكَ مِنَ اَلرَّضَاعَةِ وَ لاَ أَمَتَكَ وَ لَهَا زَوْجٌ وَ لاَ أَمَتَكَ وَ هِيَ فِي عِدَّةٍ وَ لاَ أَمَتَكَ وَ لَكَ فِيهَا شَرِيكٌ ».

H.4559 - Harun ibn Muslim narrated from Masadah ibn Ziyad, who said: Abu Abdillah {a.s} said:
"Ten categories of bondwomen are prohibited:
You may not combine between a mother and her daughter.
You may not combine between two sisters.
You may not take your bondwoman if she is pregnant by another until she delivers.
You may not take your bondwoman if she is your paternal aunt through breastfeeding.
You may not take your bondwoman if she is your maternal aunt through breastfeeding.
You may not take your bondwoman if she is your sister through breastfeeding.
You may not take your bondwoman if she is the daughter of your brother through breastfeeding.
You may not take your bondwoman if she has a husband.
You may not take your bondwoman if she is in her waiting period (iddah).
You may not take your bondwoman if you share ownership of her with another."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.451 • Al-Wafi, Vol.21 p.274

HADITH

4560 - وَ رَوَى دَاوُدُ بْنُ اَلْحُصَيْنِ عَنْ أَبِي اَلْعَبَّاسِ اَلْبَقْبَاقِ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَتَزَوَّجُ اَلرَّجُلُ اَلْأَمَةَ بِغَيْرِ عِلْمِ أَهْلِهَا قَالَ «هُوَ زِنًى إِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ﴿ فَانْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ ﴾ ».

H.4560 - Dawud ibn al-Husayn narrated from Abu al-Abbas al-Baqbaq, who said:
I asked Abu Abdillah {a.s}: "Can a man marry a bondwoman without the knowledge of her owners?"
Imam {a.s} said: "That is considered fornication. Indeed, Allah {SWT}, the Mighty and Majestic, says:
'Then marry them with the permission of their owners' (Surah An-Nisa, 4:25)."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.234 • Man La Yahduruhu Al-Faqih, Vol.3 p.451 • Tahdhib Al-Ahkam, Vol.7 p.348 • Al-Istibsar, Vol.3 p.219 • Al-Wafi, Vol.22 p.602 • Wasa'il Al-Shi'ah, Vol.21 p.119 • Tafsir Al-Burhan, Vol.2 p.61 • Tafsir Al-Burhan, Vol.2 p.62 • Tafsir Al-Burhan, Vol.2 p.62 • Bihar Al-Anwar, Vol.100 p.340

HADITH

4561 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: فِي كِتَابِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ «أَنَّ اَلْوَلَدَ لاَ يَأْخُذُ مِنْ مَالِ وَالِدِهِ شَيْئاً وَ يَأْخُذُ اَلْوَالِدُ مِنْ مَالِ وَلَدِهِ مَا يَشَاءُ وَ لَهُ أَنْ يَقَعَ عَلَى جَارِيَةِ اِبْنِهِ إِنْ لَمْ يَكُنِ اَلاِبْنُ وَقَعَ عَلَيْهَا».

H.4561 - Al-Alaa narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
In the book of Imam Ali ibn Abi Talib {a.s}, it is written: "A child cannot take anything from the wealth of his father, but a father may take whatever he wishes from the wealth of his child. Additionally, a father is permitted to have relations with the bondwoman of his son, provided that the son has not had relations with her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.452 • Wasa'il Al-Shi'ah, Vol.21 p.141 • Mustadrak Al-Wasa'il, Vol.15 p.25

HADITH

4562 - وَ فِي خَبَرٍ آخَرَ: «لاَ يَجُوزُ لَهُ أَنْ يَقَعَ عَلَى جَارِيَةِ اِبْنَتِهِ إِلاَّ بِإِذْنِهَا».

H.4562 - And in another narration: "It is not permissible for a man to have relations with the bondwoman of his daughter except with her permission."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.452 • Wasa'il Al-Shi'ah, Vol.21 p.141

HADITH

4563 - وَ سَأَلَ عَبْدُ اَلرَّحْمَنِ بْنُ اَلْحَجَّاجِ وَ حَفْصُ بْنُ اَلْبَخْتَرِيِّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ تَكُونُ لَهُ اَلْجَارِيَةُ أَ فَتَحِلُّ لِابْنِهِ قَالَ «مَا لَمْ يَكُنْ جِمَاعٌ أَوْ مُبَاشَرَةٌ كَالْجِمَاعِ فَلاَ بَأْسَ».

H.4563 - Abd al-Rahman ibn al-Hajjaj and Hafs ibn al-Bakhtari asked Abu Abdillah {a.s} about a man who owns a bondwoman - does she become permissible for his son?
Imam {a.s} said: "As long as there has been no intercourse or intimate contact similar to intercourse, then there is no harm."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.452 • Tahdhib Al-Ahkam, Vol.7 p.284 • Al-Wafi, Vol.21 p.160 • Wasa'il Al-Shi'ah, Vol.20 p.422

HADITH

4564 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «كَانَ لِأَبِي عَلَيْهِ اَلسَّلاَمُ جَارِيَتَانِ تَقُومَانِ عَلَيْهِ فَوَهَبَ لِي إِحْدَاهُمَا».

H.4564 - Imam {a.s} said: "My father {a.s} had two bondwomans who served him, and he gifted one of them to me."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.452 • Al-Wafi, Vol.21 p.161 • Wasa'il Al-Shi'ah, Vol.20 p.422

HADITH

4565 - : وَ سُئِلَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَمْلُوكِ مَا يَحِلُّ لَهُ مِنَ اَلنِّسَاءِ قَالَ «حُرَّتَيْنِ أَوْ أَرْبَعَ إِمَاءٍ».

H.4565 - Imam {a.s} was asked about what is permissible for a male slave in terms of women.
Imam {a.s} said: "Two free women or four bondwomen."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.452 • Wasa'il Al-Shi'ah, Vol.20 p.526 • Wasa'il Al-Shi'ah, Vol.21 p.112

HADITH

4566 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ وَ كَانَ يَأْتِيهَا فَبَاعَهَا فَأُعْتِقَتْ وَ تَزَوَّجَتْ فَوَلَدَتْ اِبْنَةً هَلْ تَصْلُحُ اِبْنَتُهَا لِمَوْلاَهَا اَلْأَوَّلِ قَالَ «هِيَ عَلَيْهِ حَرَامٌ ».

H.4566 - Al-Alaa narrated from Muhammad ibn Muslim, from Abu Abdillah {a.s}, who said:
I asked him about a man who had a bondwoman with whom he had relations. He then sold her, and she was later freed and married, giving birth to a daughter. Is her daughter permissible for her former master?
Imam {a.s} said: "She is forbidden to him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.452 • Al-Wafi, Vol.21 p.176 • Wasa'il Al-Shi'ah, Vol.20 p.467

HADITH

4567 - وَ قَالَ: فِي جَارِيَةٍ لِرَجُلٍ وَ كَانَ يَأْتِيهَا فَأَسْقَطَتْ سِقْطاً مِنْهُ بَعْدَ ثَلاَثَةِ أَشْهُرٍ قَالَ «هِيَ أُمُّ وَلَدٍ».

H.4567 - Imam {a.s} said regarding a bondwoman who belonged to a man and with whom he had relations, and she miscarried his child after three months:
"She is considered Umm Walad (the mother of his child)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.453 • Al-Wafi, Vol.10 p.664 • Wasa'il Al-Shi'ah, Vol.23 p.171

HADITH

4568 - قَالَ: وَ سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اِمْرَأَةٍ حُرَّةٍ تَزَوَّجَتْ عَبْداً عَلَى أَنَّهُ حُرٌّ ثُمَّ عَلِمَتْ بَعْدُ أَنَّهُ مَمْلُوكٌ قَالَ «هِيَ أَمْلَكُ بِنَفْسِهَا إِنْ شَاءَتْ بَعْدَ عِلْمِهَا أَقَرَّتْ بِهِ وَ أَقَامَتْ مَعَهُ وَ إِنْ شَاءَتْ لَمْ تُقِمْ وَ إِنْ كَانَ اَلْعَبْدُ دَخَلَ بِهَا فَلَهَا اَلصَّدَاقُ بِمَا اِسْتَحَلَّ مِنْ فَرْجِهَا وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَالنِّكَاحُ بَاطِلٌ فَإِنْ أَقَرَّتْ مَعَهُ بَعْدَ عِلْمِهَا أَنَّهُ عَبْدٌ مَمْلُوكٌ فَهُوَ أَمْلَكُ بِهَا».

H.4568 - I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a free woman who married a man thinking he was free, but later discovered that he was a slave.
Imam {a.s} said: "She has authority over herself. After learning the truth, if she wishes, she may stay with him and accept him, or if she wishes, she may leave him.
If the slave had consummated the marriage with her, then she is entitled to the dowry for what was made lawful to him from her. However, if he had not consummated the marriage, then the marriage is invalid.
But if she chooses to remain with him after learning that he is a slave, then he has the right to keep her as his wife."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.453 • Al-Wafi, Vol.22 p.569

HADITH

4569 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ : فِي رَجُلٍ زَوَّجَ مَمْلُوكَةً لَهُ مِنْ رَجُلٍ حُرٍّ عَلَى أَرْبَعِمِائَةِ دِرْهَمٍ فَعَجَّلَ لَهُ مِائَتَيْ دِرْهَمٍ ثُمَّ أَخَّرَ عَنْهُ مِائَتَيْ دِرْهَمٍ فَدَخَلَ بِهَا زَوْجُهَا ثُمَّ إِنَّ سَيِّدَهَا بَاعَهَا بَعْدُ مِنْ رَجُلٍ لِمَنْ تَكُونُ اَلْمِائَتَانِ اَلْمُؤَخَّرَتَانِ عَلَيْهِ فَقَالَ «إِنْ لَمْ يَكُنْ أَوْفَاهَا بَقِيَّةَ اَلْمَهْرِ حَتَّى بَاعَهَا فَلاَ شَيْءَ لَهُ عَلَيْهِ وَ لاَ لِغَيْرِهِ وَ إِذَا بَاعَهَا اَلسَّيِّدُ فَقَدْ بَانَتْ مِنَ اَلزَّوْجِ اَلْحُرِّ إِذَا كَانَ يَعْرِفُ هَذَا اَلْأَمْرَ».

وَ قَدْ تَقَدَّمَ مِنْ ذَلِكَ عَلَى أَنَّ بَيْعَ الْأَمَةِ طَلَاقُهَا.

H.4569 - Al-Hasan ibn Mahbub narrated from Sadan ibn Muslim, from Abu Basir, from one of the Imams (peace be upon them), regarding a man who married his bondwoman to a free man for a dowry of four hundred dirhams. He paid two hundred dirhams in advance and delayed the payment of the remaining two hundred dirhams. The husband then consummated the marriage with her.

Later, her master sold her to another man. Who is responsible for the remaining two hundred dirhams?

Imam {a.s} said: "If the husband did not pay the remainder of the dowry before she was sold, then neither he nor anyone else owes it. And when her master sold her, she became separated from the free husband, provided he was aware of this ruling."

[AL SADUQ]

It has already been mentioned that the sale of a bondwoman is equivalent to her divorce.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.453

HADITH

4570 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اَلْعَلاَءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ مَمْلُوكٍ لِرَجُلٍ أَبَقَ مِنْهُ فَأَتَى أَرْضاً فَذَكَرَ لَهُمْ أَنَّهُ حُرٌّ مِنْ رَهْطِ بَنِي فُلاَنٍ وَ أَنَّهُ تَزَوَّجَ اِمْرَأَةً مِنْ أَهْلِ تِلْكَ اَلْأَرْضِ فَأَوْلَدَهَا أَوْلاَداً وَ أَنَّ اَلْمَرْأَةَ مَاتَتْ وَ تَرَكَتْ فِي يَدِهِ مَالاً وَ ضَيْعَةً وَ وَلَدَهَا ثُمَّ إِنَّ سَيِّدَهُ بَعْدُ أَتَى تِلْكَ اَلْأَرْضَ فَأَخَذَ اَلْعَبْدَ وَ جَمِيعَ مَا فِي يَدِهِ وَ أَذْعَنَ لَهُ اَلْعَبْدُ بِالرِّقِّ فَقَالَ «أَمَّا اَلْعَبْدُ فَعَبْدُهُ وَ أَمَّا اَلْمَالُ وَ اَلضَّيْعَةُ فَإِنَّهُ لِوَلَدِ اَلْمَرْأَةِ اَلْمَيِّتَةِ لاَ يَرِثُ عَبْدٌ حُرّاً» قُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ لَمْ يَكُنْ لِلْمَرْأَةِ يَوْمَ مَاتَتْ وَلَدٌ وَ لاَ وَارِثٌ لِمَنْ يَكُونُ اَلْمَالُ وَ اَلضَّيْعَةُ اَلَّتِي تَرَكَتْهَا فِي يَدِ اَلْعَبْدِ فَقَالَ «يَكُونُ جَمِيعُ مَا تَرَكَتْ لِإِمَامِ اَلْمُسْلِمِينَ خَاصَّةً».

H.4570 - Al-Hasan ibn Mahbub narrated from Al-Alaa, from Muhammad ibn Muslim, who said: I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a slave belonging to a man who fled and went to another land. There, he claimed to be a free man from a certain tribe and married a woman from that land, fathered children with her, and then she died, leaving behind wealth, property, and her children in his care.

Later, his master came to that land, reclaimed the slave and all that was in his possession, and the slave admitted to being his property.

Imam {a.s} said: "As for the slave, he belongs to his master. However, the wealth and property belong to the children of the deceased woman. A slave does not inherit from a free person."

I said: "May I be your ransom! What if the woman had no children or heirs when she died? Who would the wealth and property belong to?"

Imam {a.s} said: "All that she left behind would belong exclusively to the Imam of the Muslims."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.454 • Al-Wafi, Vol.25 p.850 • Wasa'il Al-Shi'ah, Vol.21 p.224

HADITH

4571 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ حَكَمٍ اَلْأَعْمَى وَ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارٍ اَلسَّابَاطِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ أَذِنَ لِغُلاَمِهِ فِي اِمْرَأَةٍ حُرَّةٍ فَتَزَوَّجَهَا ثُمَّ إِنَّ اَلْعَبْدَ أَبَقَ مِنْ مَوَالِيهِ فَجَاءَتِ اِمْرَأَةُ اَلْعَبْدِ تَطْلُبُ نَفَقَتَهَا مِنْ مَوْلَى اَلْعَبْدِ فَقَالَ «لَيْسَ لَهَا عَلَى مَوْلَى اَلْعَبْدِ نَفَقَةٌ وَ قَدْ بَانَتْ عِصْمَتُهَا مِنْهُ لِأَنَّ إِبَاقَ اَلْعَبْدِ طَلاَقُ اِمْرَأَتِهِ وَ هُوَ بِمَنْزِلَةِ اَلْمُرْتَدِّ عَنِ اَلْإِسْلاَمِ » قُلْتُ فَإِنْ هُوَ رَجَعَ إِلَى مَوْلاَهُ أَ تَرْجِعُ اِمْرَأَتُهُ إِلَيْهِ قَالَ «إِنْ كَانَ اِنْقَضَتْ عِدَّتُهَا مِنْهُ ثُمَّ تَزَوَّجَتْ زَوْجاً غَيْرَهُ فَلاَ سَبِيلَ لَهُ عَلَيْهَا وَ إِنْ كَانَتْ لَمْ تَتَزَوَّجْ فَهِيَ اِمْرَأَتُهُ عَلَى اَلنِّكَاحِ اَلْأَوَّلِ».

H.4571 - Al-Hasan ibn Mahbub narrated from Hakam al-Ama and Hisham ibn Salim, from Ammar al-Sabati, who said: I asked Abu Abdillah {a.s} about a man who permitted his slave to marry a free woman. The slave then fled from his master, and the wife of the slave came seeking maintenance from the master of the slave.
Imam {a.s} said: "She has no right to maintenance from the master of the slave, and her marriage bond with the slave is severed, because the slave's escape is considered a divorce, and he is like one who has apostatized from Islam."
I asked: "If the slave returns to his master, does his wife return to him?"
Imam {a.s} said: "If her waiting period (iddah) has ended and she has married another husband, then he has no claim over her. However, if she has not married another, she remains his wife based on the original marriage contract."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.454 • Wasa'il Al-Shi'ah, Vol.22 p.172

HADITH

4572 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي اِمْرَأَةٍ أَمْكَنَتْ مِنْ نَفْسِهَا عَبْداً لَهَا فَنَكَحَهَا «أَنْ تُضْرَبَ مِائَةً وَ يُضْرَبَ اَلْعَبْدُ خَمْسِينَ جَلْدَةً وَ أَنْ يُبَاعَ بِصُغْرِ مِنْهَا» وَ مُحَرَّمٌ عَلَى كُلِّ مُسْلِمٍ أَنْ يَبِيعَهَا عَبْداً مُدْرِكاً بَعْدَ ذَلِكَ».

H.4572 - Al-Alaa narrated from Muhammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"Commander of the Faithful {a.s} ruled in the case of a woman who allowed her slave to have relations with her and married him:
She is to be given one hundred lashes, and the slave is to be given fifty lashes. The slave is then to be sold in a manner that ensures he is distanced from her (bi-sughrin minha).
It is forbidden for any Muslim to sell her a mature slave after that incident."

[REFERENCES] Al-Kafi, Vol.5 p.493 • Man La Yahduruhu Al-Faqih, Vol.3 p.454 • Tahdhib Al-Ahkam, Vol.8 p.206 • Al-Wafi, Vol.15 p.324 • Wasa'il Al-Shi'ah, Vol.21 p.160

HADITH

4573 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَلْعَزِيزِ عَنْ عُبَيْدِ بْنِ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي عَبْدٍ بَيْنَ رَجُلَيْنِ زَوَّجَهُ أَحَدُهُمَا وَ اَلْآخَرُ لَمْ يَعْلَمْ بِهِ ثُمَّ إِنَّهُ عَلِمَ بِهِ بَعْدُ أَ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا قَالَ «لِلَّذِي لَمْ يَعْلَمْ وَ لَمْ يَأْذَنْ أَنْ يُفَرِّقَ بَيْنَهُمَا إِذَا عَلِمَ وَ إِنْ شَاءَ تَرَكَهُ عَلَى نِكَاحِهِ».

H.4573 - Al-Hasan ibn Mahbub narrated from Abdul-Aziz, from Ubayd ibn Zurarah, from Abu Abdillah {a.s} regarding a slave jointly owned by two men - one of them married him off without the knowledge of the other. Later, the second owner found out about the marriage.
Imam {a.s} said: "The one who was unaware and did not give permission has the right to annul the marriage when he learns about it. However, if he wishes, he may allow the marriage to remain valid."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.455 • Tahdhib Al-Ahkam, Vol.8 p.207 • Al-Wafi, Vol.22 p.607 • Wasa'il Al-Shi'ah, Vol.21 p.116

HADITH

4574 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يُزَوِّجُ مَمْلُوكاً لَهُ اِمْرَأَةً حُرَّةً عَلَى مِائَةِ دِرْهَمٍ ثُمَّ إِنَّهُ بَاعَهُ قَبْلَ أَنْ يَدْخُلَ عَلَيْهَا فَقَالَ «يُعْطِيهَا سَيِّدُهُ مِنْ ثَمَنِهِ نِصْفَ مَا فَرَضَ لَهَا إِنَّمَا هُوَ بِمَنْزِلَةِ دَيْنٍ اِسْتَدَانَهُ بِإِذْنِ سَيِّدِهِ».

H.4574 - Al-Hasan ibn Mahbub narrated from Ali ibn Abi Hamzah, from Imam Abu al-Hasan {a.s} regarding a man who married his slave to a free woman for a dowry of one hundred dirhams.
Then, before the slave consummated the marriage with her, the master sold him.
Imam {a.s} said: "The master must give her half of the agreed dowry from the price he received for selling the slave. This is treated as a debt that the slave incurred with the permission of his master."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.455 • Tahdhib Al-Ahkam, Vol.7 p.485 • Tahdhib Al-Ahkam, Vol.8 p.210 • Al-Wafi, Vol.22 p.607 • Wasa'il Al-Shi'ah, Vol.21 p.196 • Wasa'il Al-Shi'ah, Vol.21 p.336

HADITH

4575 - وَ سَأَلَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ بَزِيعٍ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنِ اِمْرَأَةٍ أَحَلَّتْ لِزَوْجِهَا جَارِيَتَهَا فَقَالَ «ذَلِكَ لَهُ» قَالَ فَإِنْ خَافَ أَنْ تَكُونَ تَمْزَحُ قَالَ «فَإِنْ عَلِمَ أَنَّهَا تَمْزَحُ فَلاَ».

H.4575 - Muhammad ibn Ismail ibn Bazi asked Imam Ali ibn Musa Ar-Ridha {a.s} about a woman who permitted her husband to have relations with her bondwoman.
Imam {a.s} said: "That is permissible for him."
He then asked: "What if he fears that she might be joking?"
Imam {a.s} said: "If he knows that she is joking, then it is not permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.455 • Tahdhib Al-Ahkam, Vol.7 p.462 • Wasa'il Al-Shi'ah, Vol.20 p.301 • Wasa'il Al-Shi'ah, Vol.21 p.128

HADITH

4576 - وَ رَوَى جَمِيلٌ عَنْ فُضَيْلٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ جُعِلْتُ فِدَاكَ إِنَّ بَعْضَ أَصْحَابِنَا رَوَى عَنْكَ أَنَّكَ قُلْتَ إِذَا أَحَلَّ اَلرَّجُلُ لِأَخِيهِ اَلْمُؤْمِنِ فَرْجَ جَارِيَتِهِ فَهُوَ لَهُ حَلاَلٌ فَقَالَ لَهُ «نَعَمْ يَا فُضَيْلُ » قُلْتُ فَمَا تَقُولُ فِي رَجُلٍ عِنْدَهُ جَارِيَةٌ لَهُ نَفِيسَةٌ وَ هِيَ بِكْرٌ أَحَلَّ لِأَخٍ لَهُ مَا دُونَ اَلْفَرْجِ أَ لَهُ أَنْ يَفْتَضَّهَا قَالَ «لاَ لَيْسَ لَهُ إِلاَّ مَا أَحَلَّ لَهُ مِنْهَا وَ لَوْ أَحَلَّ لَهُ قُبْلَةً مِنْهَا لَمْ يَحِلَّ لَهُ مَا سِوَى ذَلِكَ» قُلْتُ أَ رَأَيْتَ إِنْ هُوَ أَحَلَّ لَهُ مَا دُونَ اَلْفَرْجِ فَغَلَبَتْهُ اَلشَّهْوَةُ فَاقْتَضَّهَا قَالَ «لاَ يَنْبَغِي لَهُ ذَلِكَ» قُلْتُ فَإِنْ فَعَلَ ذَلِكَ أَ يَكُونُ زَانِياً قَالَ «لاَ وَ لَكِنْ يَكُونُ خَائِناً وَ يَغْرَمُ لِصَاحِبِهَا عُشْرَ قِيمَتِهَا».

H.4576 - Jamil narrated from Fudayl, who said: I said to Abu Abdillah {a.s}: "May I be your ransom! Some of our companions have narrated from you that you said if a man permits his believing brother to have relations with his bondwoman, then she is lawful for him."
Imam {a.s} said: "Yes, O Fudayl."
I asked: "What do you say about a man who has a precious bondwoman who is a virgin, and he permits his brother to enjoy her, but only in ways other than intercourse? Is it permissible for him to deflower her?"
Imam {a.s} said: "No, he is only allowed what has been made lawful for him. Even if he permitted him only to kiss her, nothing beyond that would be lawful for him."
I asked: "What if he permitted him everything except intercourse, but his desire overcame him, and he deflowered her?"
Imam {a.s} said: "He should not do that."
I asked: "If he did, would he be considered a fornicator?"
Imam {a.s} said: "No, but he would be a betrayer and must compensate the owner of the bondwoman with one-tenth of her value."

[REFERENCES] Al-Kafi, Vol.5 p.468 • Man La Yahduruhu Al-Faqih, Vol.3 p.455 • Tahdhib Al-Ahkam, Vol.7 p.244 • Al-Wafi, Vol.22 p.591 • Wasa'il Al-Shi'ah, Vol.21 p.132

HADITH

4577 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ ضُرَيْسِ بْنِ عَبْدِ اَلْمَلِكِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يُحِلُّ لِأَخِيهِ جَارِيَتَهُ وَ هِيَ تَخْرُجُ فِي حَوَائِجِهِ قَالَ «هِيَ لَهُ حَلاَلٌ» قُلْتُ أَ رَأَيْتَ إِنْ جَاءَتْ بِوَلَدٍ مَا يَصْنَعُ بِهِ قَالَ «هُوَ لِمَوْلَى اَلْجَارِيَةِ إِلاَّ أَنْ يَكُونَ قَدِ اِشْتَرَطَ عَلَيْهِ حِينَ أَحَلَّهَا لَهُ أَنَّهَا إِنْ جَاءَتْ بِوَلَدٍ مِنِّي فَهُوَ حُرٌّ فَإِنْ كَانَ فَعَلَ فَهُوَ حُرٌّ» قُلْتُ فَيَمْلِكُ وَلَدَهُ قَالَ «إِنْ كَانَ لَهُ مَالٌ اِشْتَرَاهُ بِالْقِيمَةِ».

H.4577 - Al-Hasan ibn Mahbub narrated from Jamil ibn Darraj, from Durays ibn Abdul-Malik, from Abu Abdillah {a.s} regarding a man who permits his brother to have relations with his bondwoman, and she goes out to fulfill his needs.
Imam {a.s} said: "She is lawful for him."
I asked: "What if she gives birth to a child? What should be done with the child?"
Imam {a.s} said: "The child belongs to the owner of the bondwoman unless he stipulated at the time he permitted her that if she gives birth to a child from him, then the child is free. If he made such a condition, then the child is free."
I asked: "Can he own his child?"
Imam {a.s} said: "If he has wealth, he can purchase the child at its value."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.456 • Tahdhib Al-Ahkam, Vol.7 p.248 • Al-Istibsar, Vol.3 p.140 • Wasa'il Al-Shi'ah, Vol.21 p.135

HADITH

4578 - وَ رَوَى سُلَيْمَانُ اَلْفَرَّاءُ عَنْ حَرِيزٍ عَنْ زُرَارَةَ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يُحِلُّ لِأَخِيهِ جَارِيَتَهُ قَالَ «لاَ بَأْسَ بِهِ» قُلْتُ فَإِنْ جَاءَتْ بِوَلَدٍ فَقَالَ «لِيَضُمَّ إِلَيْهِ وَلَدَهُ وَ لْيَرُدَّ عَلَى اَلرَّجُلِ جَارِيَتَهُ» قُلْتُ لَهُ لَمْ يَأْذَنْ لَهُ فِي ذَلِكَ قَالَ «إِنَّهُ قَدْ أَذِنَ لَهُ وَ لاَ يَأْمَنُ أَنْ يَكُونَ ذَلِكَ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ هَذَانِ الْحَدِيثَانِ مُتَّفِقَانِ وَ لَيْسَا بِمُخْتَلِفَيْنِ وَ خَبَرُ حَرِيزٍ عَنْ زُرَارَةَ فِيمَا قَالَ لِيَضُمَّ إِلَيْهِ وَلَدَهُ يَعْنِي بِالْقِيمَةِ مَا لَمْ يَقَعِ الشَّرْطُ بِأَنَّهُ حُرٌّ.

H.4578 - Sulayman al-Farra' narrated from Hariz, from Zurara, who said: I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who permits his brother to have relations with his bondwoman.
Imam {a.s} said: "There is no harm in it."
I asked: "What if she gives birth to a child?"
Imam {a.s} said: "Let him take his child and return the bondwoman to her owner."
I said: "But what if he did not permit him to do that?"
Imam {a.s} said: "By granting permission, he has implicitly allowed it, and he cannot guarantee that such an outcome would not occur."

[AL SADUQ]

The compiler of this book (may Allah {SWT} have mercy on him) stated: These two narrations are consistent and not contradictory.

The narration of Hariz from Zurara, where it says "let him take his child," means he should purchase the child at its value unless a condition was stipulated that the child would be free.

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.92 • Al-Kafi, Vol.5 p.469 • Man La Yahduruhu Al-Faqih, Vol.3 p.456 • Tahdhib Al-Ahkam, Vol.7 p.247 • Al-Istibsar, Vol.3 p.139 • Awali Al-La'ali, Vol.3 p.355 • Bihar Al-Anwar, Vol.100 p.327 • Mustadrak Al-Wasa'il, Vol.15 p.23

HADITH

4579 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ جَارِيَةٍ بَيْنَ رَجُلَيْنِ دَبَّرَاهَا جَمِيعاً ثُمَّ أَحَلَّ أَحَدُهُمَا فَرْجَهَا لِشَرِيكِهِ قَالَ «هِيَ حَلاَلٌ لَهُ وَ أَيُّهُمَا مَاتَ قَبْلَ صَاحِبِهِ فَقَدْ صَارَ نِصْفُهَا حُرّاً مِنْ قِبَلِ اَلَّذِي مَاتَ وَ نِصْفُهَا مُدَبَّراً» قُلْتُ أَ رَأَيْتَ إِنْ أَرَادَ اَلْبَاقِي مِنْهُمَا أَنْ يَمَسَّهَا أَ لَهُ ذَلِكَ قَالَ «لاَ إِلاَّ أَنْ يَثْبُتَ عِتْقُهَا وَ يَتَزَوَّجَهَا بِرِضاً مِنْهَا مَتَى مَا أَرَادَ» قُلْتُ لَهُ أَ لَيْسَ قَدْ صَارَ نِصْفُهَا حُرّاً وَ قَدْ مَلَكَتْ نِصْفَ رَقَبَتِهَا وَ اَلنِّصْفُ اَلْآخَرُ لِلْبَاقِي مِنْهُمَا قَالَ «بَلَى» قُلْتُ فَإِنْ هِيَ جَعَلَتْ مَوْلاَهَا فِي حِلٍّ مِنْ فَرْجِهَا قَالَ «لاَ يَجُوزُ ذَلِكَ لَهُ» قُلْتُ لَهُ لِمَ لاَ يَجُوزُ لَهَا ذَلِكَ وَ كَيْفَ أَجَزْتَ لِلَّذِي كَانَ لَهُ نِصْفُهَا حِينَ أَحَلَّ فَرْجَهَا لِشَرِيكِهِ فِيهَا قَالَ «لِأَنَّ اَلْمَرْأَةَ لاَ تَهَبُ فَرْجَهَا وَ لاَ تُعِيرُهُ وَ لاَ تُحِلُّهُ وَ لَكِنْ لَهَا مِنْ نَفْسِهَا يَوْمٌ وَ لِلَّذِي دَبَّرَهَا يَوْمٌ فَإِنْ أَحَبَّ أَنْ يَتَزَوَّجَهَا مُتْعَةً بِشَيْءٍ فِي ذَلِكَ اَلْيَوْمِ اَلَّذِي تَمْلِكُ فِيهِ نَفْسَهَا فَلْيَتَمَتَّعْ مِنْهَا بِشَيْءٍ قَلَّ أَوْ كَثُرَ».

H.4579 - Al-Hasan ibn Mahbub narrated from Ali ibn Ri'ab, from Muhammad ibn Muslim, who said: I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a bondwoman jointly owned by two men, who both designated her as mudabbar (set to be freed after their death). Then, one of them permitted his partner to have relations with her.

Imam {a.s} said: "She is lawful for him. If either of them dies before the other, then half of her becomes free from the one who died, and the other half remains mudabbar."

I asked: "What if the surviving partner wishes to have relations with her? Is that permissible?"

Imam {a.s} said: "No, unless her freedom is fully established, and then he marries her with her consent whenever he wishes."

I asked: "Hasn't half of her already become free, making her the owner of half of herself, while the other half belongs to the surviving partner?"

Imam {a.s} said: "Yes."

I asked: "What if she permits her master to have relations with her?"

Imam {a.s} said: "That is not permissible for him."

I asked: "Why is it not permissible for her to do that, while you allowed the first owner to permit his partner to have relations with her?"

Imam {a.s} said: "Because a woman cannot gift, lend, or permit her private parts. However, she has authority over herself for the day that she owns her freedom, and the one who designated her as mudabbar has authority over her for his day.
If he wishes to marry her temporarily (mutah) for something, whether small or large, on the day that she owns her freedom, he may do so."

[REFERENCES] Al-Kafi, Vol.5 p.482 • Man La Yahduruhu Al-Faqih, Vol.3 p.457 • Tahdhib Al-Ahkam, Vol.7 p.245 • Tahdhib Al-Ahkam, Vol.8 p.203 • Al-Wafi, Vol.22 p.580 • Wasa'il Al-Shi'ah, Vol.21 p.142

HADITH

4580 - : وَ سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ اَلْحُرِّ يَتَزَوَّجُ بِأَمَةِ قَوْمٍ اَلْوُلْدُ مَمَالِيكُ أَوْ أَحْرَارٌ قَالَ «اَلْوُلْدُ أَحْرَارٌ» ثُمَّ قَالَ «إِذَا كَانَ أَحَدُ وَالِدَيْهِ حُرّاً فَالْوَلَدُ حُرٌّ».

H.4580 - Abu Abdillah {a.s} was asked about a free man who marries a bondwoman belonging to a people. Are the children considered slaves or free?
Imam {a.s} said: "The children are free."
Then Imam {a.s} added: "If one of the parents is free, the child is free."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.457 • Wasa'il Al-Shi'ah, Vol.21 p.121

HADITH

4581 - وَ رَوَى جَمِيلُ بْنُ دَرَّاجٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ بِأَمَةٍ فَجَاءَتْ بِوَلَدٍ قَالَ «يَلْحَقُ اَلْوَلَدُ بِأَبِيهِ» قُلْتُ فَعَبْدٌ تَزَوَّجَ حُرَّةً قَالَ «يَلْحَقُ اَلْوَلَدُ بِأُمِّهِ».

H.4581 - Jamil ibn Darraj narrated that he asked Abu Abdillah {a.s} about a man who married a bondwoman, and she gave birth to a child.
Imam {a.s} said: "The child is attributed to his father."
I asked: "What about a slave who marries a free woman?"
Imam {a.s} said: "The child is attributed to his mother."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.458 • Al-Wafi, Vol.23 p.1400 • Wasa'il Al-Shi'ah, Vol.21 p.121

CHAPTER 139 – CHAPTER ON A DHIMMI MAN MARRYING A DHIMMI WOMAN AND THEN BOTH CONVERTING TO ISLAM

بَابُ الذِّمِّيِّ يَتَزَوَّجُ الذِّمِّيَّةَ ثُمَّ يُسْلِمَانِ

HADITH 4582

4582 - رُوِيَ عَنْ رُومِيِّ بْنِ زُرَارَةَ عَنْ عُبَيْدِ بْنِ زُرَارَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلنَّصْرَانِيُّ يَتَزَوَّجُ اَلنَّصْرَانِيَّةَ عَلَى ثَلاَثِينَ دَنّاً خَمْراً وَ ثَلاَثِينَ خِنْزِيراً ثُمَّ أَسْلَمَا بَعْدَ ذَلِكَ وَ لَمْ يَكُنْ دَخَلَ بِهَا قَالَ «يَنْظُرُ كَمْ قِيمَةُ اَلْخِنْزِيرِ وَ كَمْ قِيمَةُ اَلْخَمْرِ فَيُرْسِلُ بِهِ إِلَيْهَا ثُمَّ يَدْخُلُ عَلَيْهَا وَ هُمَا عَلَى نِكَاحِهِمَا اَلْأَوَّلِ ».

H.4582 - It is narrated from Rumi ibn Zurarah, from Ubayd ibn Zurarah, who said: I asked Abu Abdillah {a.s} about a Christian man who married a Christian woman with a dowry of thirty jars of wine and thirty pigs. Later, they both embraced Islam, and he had not yet consummated the marriage with her.
Imam {a.s} said: "He should assess the value of the pigs and the wine, and send that value to her. After that, he may consummate the marriage with her, and they remain upon their original marriage contract."

[REFERENCES] Al-Kafi, Vol.5 p.437 • Man La Yahduruhu Al-Faqih, Vol.3 p.458 • Tahdhib Al-Ahkam, Vol.7 p.356 • Al-Wafi, Vol.22 p.627 • Wasa'il Al-Shi'ah, Vol.21 p.243

CHAPTER 140 – CHAPTER ON TEMPORARY MARRIAGE (MUTʿAH)

بَابُ الْمُتْعَةِ

HADITH 4583 – 4616

4583 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لَيْسَ مِنَّا مَنْ لَمْ يُؤْمِنْ بِكَرَّتِنَا وَ يَسْتَحِلَّ مُتْعَتَنَا».

H.4583 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"He is not from us who does not believe in our return (Rajah) and does not consider the temporary marriage (Mutah) lawful."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.458 • Al-Wafi, Vol.21 p.343 • Tafsir Al-Safi, Vol.1 p.440 • Wasa'il Al-Shi'ah, Vol.21 p.7 • Bihar Al-Anwar, Vol.53 p.92 • Tafsir Kanz Al-Daqaiq, Vol.3 p.376

HADITH

4584 - وَ قَالَ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : «اَلْمُتْعَةُ لاَ تَحِلُّ إِلاَّ لِمَنْ عَرَفَهَا وَ هِيَ حَرَامٌ عَلَى مَنْ جَهِلَهَا».

H.4584 - Imam Ar-Ridha {a.s} said: "Temporary marriage (Mutah) is not lawful except for one who understands it, and it is forbidden for one who is ignorant of it."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.459 • Al-Wafi, Vol.21 p.343 • Wasa'il Al-Shi'ah, Vol.21 p.8

HADITH

4585 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبَانٍ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: إِنَّهُ سُئِلَ عَنِ اَلْمُتْعَةِ فَقَالَ «إِنَّ اَلْمُتْعَةَ اَلْيَوْمَ لَيْسَتْ كَمَا كَانَتْ قَبْلَ اَلْيَوْمِ إِنَّهُنَّ كُنَّ يُؤْمَنَّ يَوْمَئِذٍ فَالْيَوْمَ لاَ يُؤْمَنَّ فَاسْأَلُوا عَنْهُنَّ».

وَ أَحَلَّ رَسُولُ اللَّهِ ص الْمُتْعَةَ وَ لَمْ يُحَرِّمْهَا حَتَّى قُبِضَ وَ قَرَأَ ابْنُ عَبَّاسٍ ﴿ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ إِلَى أَجَلٍ مُسَمًّى فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً مِنَ اللَّهِ ﴾ وَ قَدْ أَخْرَجْتُ الْحُجَجَ عَلَى مُنْكِرِيهَا فِي كِتَابِ إِثْبَاتِ الْمُتْعَةِ.

H.4585 - Al-Hasan ibn Mahbub narrated from Aban, from Abu Maryam, from Abu Jafar Imam Muhammad Al-Baqir {a.s} who was asked about Mutah (temporary marriage).
Imam {a.s} said: "Mutah today is not as it was before. In those days, women were trustworthy, but today they are not trustworthy, so inquire about them."

[AL SADUQ]
The Messenger of Allah {SWT} (peace be upon him and his family) made *Mut'ah* lawful and did not prohibit it until he was taken (from this world).
Ibn Abbas recited the verse: *'So for whatever you enjoy from them to a specified term, give them their due compensation as an obligation from Allah* {SWT}'" (Surah An-Nisa 4:24).
The proofs against its deniers have been presented in the book *Ithbat al-Mut'ah* (Establishing the Legitimacy of Mut'ah).

[REFERENCES] Al-Kafi, Vol.5 p.453 • Man La Yahduruhu Al-Faqih, Vol.3 p.459 • Tahdhib Al-Ahkam, Vol.7 p.251 • Al-Wafi, Vol.21 p.349 • Wasa'il Al-Shi'ah, Vol.21 p.23

HADITH

4586 - وَ رَوَى دَاوُدُ بْنُ إِسْحَاقَ عَنْ مُحَمَّدِ بْنِ اَلْفَيْضِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمُتْعَةِ فَقَالَ «نَعَمْ إِذَا كَانَتْ عَارِفَةً » قُلْتُ جُعِلْتُ فِدَاكَ فَإِنْ لَمْ تَكُنْ عَارِفَةً قَالَ «فَاعْرِضْ عَلَيْهَا وَ قُلْ لَهَا فَإِنْ قَبِلَتْ فَتَزَوَّجْهَا وَ إِنْ أَبَتْ وَ لَمْ تَرْضَ بِقَوْلِكَ فَدَعْهَا وَ إِيَّاكُمْ وَ اَلْكَوَاشِفَ وَ اَلدَّوَاعِيَ وَ اَلْبَغَايَا وَ ذَوَاتَ اَلْأَزْوَاجِ» فَقُلْتُ مَا اَلْكَوَاشِفُ فَقَالَ «اَللَّوَاتِي يُكَاشِفْنَ وَ بُيُوتُهُنَّ مَعْلُومَةٌ وَ يُؤْتَيْنَ» قُلْتُ فَالدَّوَاعِي قَالَ «اَللَّوَاتِي يَدْعُونَ إِلَى أَنْفُسِهِنَّ وَ قَدْ عُرِفْنَ بِالْفَسَادِ» قُلْتُ فَالْبَغَايَا قَالَ «اَلْمَعْرُوفَاتُ بِالزِّنَا» قُلْتُ فَذَوَاتُ اَلْأَزْوَاجِ قَالَ «اَلْمُطَلَّقَاتُ عَلَى غَيْرِ اَلسُّنَّةِ».

H.4586 - Dawud ibn Ishaq narrated from Muhammad ibn Al-Faydh, who said:
I asked Abu Abdillah {a.s} about Mutah (temporary marriage).
Imam {a.s} said: "Yes, if she is knowledgeable (about its rulings)."
I said: "May I be your ransom! What if she is not knowledgeable?"
Imam {a.s} said: "Then explain it to her and say it to her. If she accepts, then marry her. But if she refuses and is not satisfied with your explanation, then leave her. And beware of al-Kawashif, al-Dawai, al-Baghaya, and married women."
I asked: "What are al-Kawashif?"
Imam {a.s} said: "Those who expose themselves, whose houses are known, and they are approached."
I asked: "What are al-Dawai?"
Imam {a.s} said: "Those who invite others to themselves and are known for corruption."
I asked: "What are al-Baghaya?"
Imam {a.s} said: "Those who are well-known for fornication."
I asked: "What about married women?"
Imam {a.s} said: "Those divorced contrary to the prescribed manner (not in accordance with the Sunnah)."

[REFERENCES] Al-Kafi, Vol.5 p.454 • Man La Yahduruhu Al-Faqih, Vol.3 p.459 • Ma'ani Al-Akhbar, Vol.1 p.225 • Al-Wafi, Vol.21 p.351 • Bihar Al-Anwar, Vol.100 p.312

HADITH

4587 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزِيعٍ قَالَ سَأَلَ رَجُلٌ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يَتَزَوَّجُ اِمْرَأَةً مُتْعَةً وَ يَشْتَرِطُ عَلَيْهَا أَنْ لاَ يَطْلُبَ وَلَدَهَا فَتَأْتِي بَعْدَ ذَلِكَ بِوَلَدٍ فَيُنْكِرُ اَلْوَلَدَ فَشَدَّدَ فِي ذَلِكَ وَ قَالَ «يَجْحَدُ وَ كَيْفَ يَجْحَدُ» إِعْظَاماً لِذَلِكَ قَالَ اَلرَّجُلُ فَإِنِ اِتَّهَمَهَا، قَالَ «لاَ يَنْبَغِي لَكَ أَنْ تَتَزَوَّجَ إِلاَّ بِمَأْمُونَةٍ إِنَّ اَللَّهَ عَزَّ وَ جَلَّ قَالَ: ۞ اَلزَّانِي لاَ يَنْكِحُ إِلاَّ زَانِيَةً أَوْ مُشْرِكَةً وَ اَلزَّانِيَةُ لاَ يَنْكِحُهَا إِلاَّ زَانٍ أَوْ مُشْرِكٌ وَ حُرِّمَ ذَلِكَ عَلَى اَلْمُؤْمِنِينَ ۞

H.4587 - It is narrated from Muhammad ibn Ismail ibn Bazee who said:
A man asked Imam Ali ibn Musa Ar-Ridha {a.s} about a man who marries a woman in Mutah (temporary marriage) and stipulates with her that he will not seek a child from her. However, she later gives birth to a child, and the man denies the child.
Al-Ridha {a.s} expressed strong disapproval of this and said:
"He denies it? How can he deny it?" - emphasizing the gravity of such an act.
The man then asked: "What if he suspects her (of wrongdoing)?"
Imam Al-Ridha {a.s} replied: "You should not marry except a trustworthy woman. Verily, Allah {SWT}, the Exalted, said:
'The fornicator does not marry except a fornicatress or a polytheist, and the fornicatress does not marry except a fornicator or a polytheist, and this has been forbidden for the believers.'" (Surah Al-Nur, 24:3)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.459 • Tahdhib Al-Ahkam, Vol.7 p.269 • Al-Istibsar, Vol.3 p.153 • Wasa'il Al-Shi'ah, Vol.21 p.69

HADITH

4588 - وَ رَوَى سَعْدَانُ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَتَزَوَّجُ اَلْيَهُودِيَّةَ وَ لاَ اَلنَّصْرَانِيَّةَ عَلَى حُرَّةٍ مُتْعَةً وَ غَيْرَ مُتْعَةٍ».

H.4588 - It is narrated from Sadan, from Abu Basir, from Abu Abdillah {a.s}, who said:
"A man should not marry a Jewish or Christian woman alongside a free Muslim woman, whether in Mutah (temporary marriage) or in a permanent marriage."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.460 • Al-Wafi, Vol.21 p.146 • Wasa'il Al-Shi'ah, Vol.20 p.545 • Wasa'il Al-Shi'ah, Vol.21 p.38 • Mustadrak Al-Wasa'il, Vol.14 p.460

HADITH

4589 - وَ سَأَلَ اَلْحَسَنُ اَلتَّفْلِيسِيُّ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ :

يَتَمَتَّعُ اَلرَّجُلُ مِنَ اَلْيَهُودِيَّةِ وَ اَلنَّصْرَانِيَّةِ قَالَ أَبُو اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ «يَتَمَتَّعُ مِنَ اَلْحُرَّةِ اَلْمُؤْمِنَةِ وَ هِيَ أَعْظَمُ حُرْمَةً مِنْهَا».

H.4589 - Al-Hasan Al-Taflisi asked Imam Ali ibn Musa Ar-Ridha {a.s}:
"Can a man engage in Mutah (temporary marriage) with a Jewish or Christian woman?"
Abu Al-Hasan Al-Ridha {a.s} replied:
"He should engage in Mutah with a free believing woman, as she has greater sanctity than the others."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.460

HADITH

4590 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ قَالَ: كَتَبْتُ إِلَيْهِ أَسْأَلُهُ عَنْ رَجُلٍ تَمَتَّعَ بِامْرَأَةٍ ثُمَّ وَهَبَ لَهَا أَيَّامَهَا قَبْلَ أَنْ يُفْضِيَ إِلَيْهَا أَوْ وَهَبَ لَهَا أَيَّامَهَا بَعْدَ مَا أَفْضَى إِلَيْهَا هَلْ لَهُ أَنْ يَرْجِعَ فِيمَا وَهَبَ لَهَا مِنْ ذَلِكَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لاَ يَرْجِعُ».

H.4590 - Ali bin Ri'ab narrated:
He wrote to Imam {a.s} asking about a man who engaged in Mutah (temporary marriage) with a woman and then gifted her the remaining days of the contract before consummating the marriage or after consummating it.
He asked whether the man could revoke what he had gifted her from those days.
The Imam {a.s} replied: "He cannot take it back."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.460 • Al-Wafi, Vol.22 p.673 • Wasa'il Al-Shi'ah, Vol.21 p.63

HADITH

4591 - وَ رَوَى مُحَمَّدُ بْنُ يَحْيَى اَلْخَثْعَمِيُّ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُهُ عَنِ اَلْجَارِيَةِ يَتَمَتَّعُ مِنْهَا اَلرَّجُلُ قَالَ «نَعَمْ إِلاَّ أَنْ تَكُونَ صَبِيَّةً تُخْدَعُ» قُلْتُ أَصْلَحَكَ اَللَّهُ وَ كَمِ اَلْحَدُّ اَلَّذِي إِذَا بَلَغَتْهُ لَمْ تُخْدَعْ قَالَ «اِبْنَةُ عَشْرِ سِنِينَ».

H.4591 - Muhammad bin Yahya al-Khathami narrated from Muhammad bin Muslim:
I asked Imam {a.s} about a bondwoman - can a man engage in Mutah (temporary marriage) with her?
Imam {a.s} replied: "Yes, except if she is a young girl who can be deceived."
I said: "May Allah {SWT} rectify your condition, what is the age limit at which she cannot be deceived?"
Imam {a.s} said: "Ten years old."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.461 • Tahdhib Al-Ahkam, Vol.7 p.255 • Al-Istibsar, Vol.3 p.145 • Al-Wafi, Vol.21 p.360 • Wasa'il Al-Shi'ah, Vol.21 p.36

HADITH

4592 - وَ رَوَى حَفْصُ بْنُ اَلْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَتَزَوَّجُ اَلْبِكْرَ مُتْعَةً قَالَ «يُكْرَهُ لِلْعَيْبِ عَلَى أَهْلِهَا».

H.4592 - Hafs bin al-Bakhtari narrated from Abu Abdillah {a.s} regarding a man who marries a virgin in Mutah (temporary marriage).
The Imam {a.s} said: "It is disliked (makruh) due to the reproach it may bring upon her family."

[REFERENCES] Al-Kafi, Vol.5 p.462 • Man La Yahduruhu Al-Faqih, Vol.3 p.461 • Tahdhib Al-Ahkam, Vol.7 p.255 • Al-Istibsar, Vol.3 p.146 • Al-Wafi, Vol.21 p.357 • Wasa'il Al-Shi'ah, Vol.21 p.34

HADITH

4593 - وَ رَوَى أَبَانٌ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْعَذْرَاءُ اَلَّتِي لَهَا أَبٌ لاَ تَتَزَوَّجُ مُتْعَةً إِلاَّ بِإِذْنِ أَبِيهَا».

H.4593 - Aban narrated from Abu Maryam, from Abu Abdillah {a.s}:
"The virgin who has a father cannot marry in Mutah (temporary marriage) except with her father's permission."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.461 • Al-Istibsar, Vol.3 p.145 • Al-Wafi, Vol.21 p.361

HADITH

4594 - وَ رَوَى حَمَّادٌ عَنْ أَبِي بَصِيرٍ قَالَ: سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمُتْعَةِ أَ هِيَ مِنَ اَلْأَرْبَعِ قَالَ «لاَ وَ لاَ مِنَ اَلسَّبْعِينَ».

H.4594 - Hammad narrated from Abu Basir, who said:
Abu Abdillah {a.s} was asked about Mutah (temporary marriage) - whether it is counted as part of the four [wives].
Imam {a.s} said: "No, and not even among seventy."

[REFERENCES] Al-Kafi, Vol.5 p.451 • Man La Yahduruhu Al-Faqih, Vol.3 p.461 • Tahdhib Al-Ahkam, Vol.7 p.258 • Al-Istibsar, Vol.3 p.147 • Al-Wafi, Vol.21 p.306 • Wasa'il Al-Shi'ah, Vol.21 p.19

HADITH

4595 - وَ سَأَلَهُ اَلْفُضَيْلُ بْنُ يَسَارٍ : عَنِ اَلْمُتْعَةِ فَقَالَ «هِيَ كَبَعْضِ إِمَائِكَ».

H.4595 - Al-Fudhayl ibn Yasaar asked him about Mutah (temporary marriage).
Imam {a.s} said: "It is like some of your bondwomen."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.461

HADITH

4596 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَتَزَوَّجُ اَلْمَرْأَةَ شَهْراً بِشَيْءٍ مُسَمًّى فَتَأْتِي بَعْضَ اَلشَّهْرِ وَ لاَ تَفِي بِبَعْضِ اَلشَّهْرِ قَالَ «تَحْبِسُ عَنْهَا مِنْ صَدَاقِهَا بِقَدْرِ مَا اِحْتَبَسَتْ عَنْكَ إِلاَّ أَيَّامَ حَيْضِهَا فَإِنَّهَا لَهَا».

H.4596 - Safwan ibn Yahya narrated from Umar ibn Hanzalah who said:
I asked Abu Abdullah {a.s}: "Can I marry a woman for a month with a specified dowry, but she only fulfills part of the month and does not fulfill the rest?"
Imam {a.s} said: "You withhold from her dowry an amount proportional to the time she withheld herself from you, except for the days of her menstruation, as those days belong to her."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.461 • Al-Wafi, Vol.22 p.672 • Wasa'il Al-Shi'ah, Vol.21 p.62

HADITH

4597 - وَ سَأَلَهُ مُحَمَّدُ بْنُ اَلنُّعْمَانِ اَلْأَحْوَلُ : فَقَالَ أُدْنَى مَا يَتَزَوَّجُ بِهِ اَلرَّجُلُ مُتْعَةً قَالَ «كَفٌّ مِنْ بُرٍّ يَقُولُ لَهَا زَوِّجِينِي نَفْسَكِ مُتْعَةً عَلَى كِتَابِ اَللَّهِ وَ سُنَّةِ نَبِيِّهِ نِكَاحاً غَيْرَ سِفَاحٍ عَلَى أَنْ لاَ أَرِثَكِ وَ لاَ تَرِثِينِي وَ لاَ أَطْلُبَ وَلَدَكِ إِلَى أَجَلٍ مُسَمًّى فَإِنْ بَدَا لِي زِدْتُكِ وَ زِدْتِنِي».

H.4597 - Muhammad ibn al-Nu'man al-Ahwal asked:
"What is the minimum requirement for a man to marry a woman in Mut'ah?"
Imam {a.s} replied: "A handful of wheat. He should say to her: 'Marry me to yourself in Mut'ah according to the Book of Allah {SWT} and the Sunnah of His Prophet, a marriage that is not fornication, with the condition that I will not inherit from you, nor will you inherit from me, and I will not seek a child from you, for a specified period. If we both wish, we can extend the period and increase the dowry mutually.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.462 • Tahdhib Al-Ahkam, Vol.7 p.263 • Al-Wafi, Vol.22 p.656 • Wasa'il Al-Shi'ah, Vol.21 p.44

HADITH

4598 - وَ رَوَى جَمِيلُ بْنُ صَالِحٍ قَالَ إِنَّ بَعْضَ أَصْحَابِنَا قَالَ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : إِنَّهُ يَدْخُلُنِي مِنَ اَلْمُتْعَةِ شَيْءٌ فَقَدْ حَلَفْتُ أَنْ لاَ أَتَزَوَّجَ مُتْعَةً أَبَداً فَقَالَ لَهُ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «إِنَّكَ إِذَا لَمْ تُطِعِ اَللَّهَ فَقَدْ عَصَيْتَهُ».

H.4598 - Jamil ibn Salih reported: One of our companions said to Abu Abdillah {a.s}:
"I feel uneasy about Mut'ah, and I have sworn that I will never engage in Mut'ah again."
Abu Abdillah {a.s} replied: "If you do not obey Allah {SWT}, then you have disobeyed Him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.462 • Al-Wafi, Vol.21 p.340 • Wasa'il Al-Shi'ah, Vol.21 p.17

HADITH

4599 - وَ رُوِيَ عَنْ يُونُسَ بْنِ عَبْدِ اَلرَّحْمَنِ قَالَ: سَأَلْتُ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً مُتْعَةً فَعَلِمَ بِهَا أَهْلُهَا فَزَوَّجُوهَا مِنْ رَجُلٍ فِي اَلْعَلاَنِيَةِ وَ هِيَ اِمْرَأَةُ صِدْقٍ قَالَ «لاَ تُمَكِّنُ زَوْجَهَا مِنْ نَفْسِهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا وَ شَرْطُهَا» قُلْتُ إِنْ كَانَ شَرْطُهَا سَنَةً وَ لاَ يَصْبِرُ لَهَا زَوْجُهَا قَالَ «فَلْيَتَّقِ اَللَّهَ زَوْجُهَا وَ لْيَتَصَدَّقْ عَلَيْهَا بِمَا بَقِيَ لَهُ فَإِنَّهَا قَدِ اُبْتُلِيَتْ وَ اَلدَّارُ دَارُ هُدْنَةٍ وَ اَلْمُؤْمِنُونَ فِي تَقِيَّةٍ» قُلْتُ فَإِنْ تَصَدَّقَ عَلَيْهَا بِأَيَّامِهَا وَ اِنْقَضَتْ عِدَّتُهَا كَيْفَ تَصْنَعُ قَالَ «تَقُولُ لِزَوْجِهَا إِذَا دَخَلَتْ بِهِ يَا هَذَا وَثَبَ عَلَيَّ أَهْلِي فَزَوَّجُونِي بِغَيْرِ أَمْرِي وَ لَمْ يَسْتَأْمِرُونِي وَ إِنِّي اَلْآنَ قَدْ رَضِيتُ فَاسْتَأْنِفْ أَنْتَ اَلْيَوْمَ وَ تَزَوَّجْنِي تَزْوِيجاً صَحِيحاً فِيمَا بَيْنِي وَ بَيْنَكَ» قَالَ وَ قُلْتُ لِلرِّضَا عَلَيْهِ اَلسَّلاَمُ اَلْمَرْأَةُ تَتَزَوَّجُ مُتْعَةً فَيَنْقَضِي شَرْطُهَا فَتَتَزَوَّجُ رَجُلاً آخَرَ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا قَالَ «وَ مَا عَلَيْكَ إِنَّمَا إِثْمُ ذَلِكَ عَلَيْهَا».

H.4599 - Yunus ibn Abdul Rahman reported:
I asked Imam Ali ibn Musa Ar-Ridha {a.s} about a man who married a woman in Mut'ah (temporary marriage). Later, her family came to know about it, and they married her off to another man in a public marriage, although she was a truthful woman.
Imam {a.s} said: "She must not allow her new husband to approach her until her waiting period ('iddah) and contract have ended."
I said: "What if her contract specifies a term of one year, and her new husband cannot wait that long?"
Imam {a.s} said: "Then her husband should fear Allah {SWT} and waive the remaining time for her. Indeed, she has been put to trial, and this world is a place of peace, and believers live in taqiyyah (dissimulation)."
I asked: "What if he waives the remaining days for her, and her waiting period ends? What should she do?"
Imam {a.s} said: "When she meets her new husband, she should say: 'O man, my family forced me and married me off without consulting me. But now, I am pleased. So, let us begin today with a new, proper marriage between us.'"
I also asked Al-Ridha {a.s}: "What about a woman who marries in Mut'ah, and after her contract ends, she marries another man before completing her waiting period?"
Imam {a.s} said: "What concern is it to you? The sin of that act is upon her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.462

HADITH

4600 - وَ رَوَى صَالِحُ بْنُ عُقْبَةَ عَنْ أَبِيهِ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ لِلْمُتَمَتِّعِ ثَوَابٌ قَالَ «إِنْ كَانَ يُرِيدُ بِذَلِكَ وَجْهَ اَللَّهِ تَعَالَى وَ خِلاَفاً عَلَى مَنْ أَنْكَرَهَا لَمْ يُكَلِّمْهَا كَلِمَةً إِلاَّ كَتَبَ اَللَّهُ تَعَالَى لَهُ بِهَا حَسَنَةً وَ لَمْ يَمُدَّ يَدَهُ إِلَيْهَا إِلاَّ كَتَبَ اَللَّهُ لَهُ حَسَنَةً فَإِذَا دَنَا مِنْهَا غَفَرَ اَللَّهُ تَعَالَى لَهُ بِذَلِكَ ذَنْباً فَإِذَا اِغْتَسَلَ غَفَرَ اَللَّهُ لَهُ بِقَدْرِ مَا مَرَّ مِنَ اَلْمَاءِ عَلَى شَعْرِهِ» قُلْتُ بِعَدَدِ اَلشَّعْرِ قَالَ «نَعَمْ بِعَدَدِ اَلشَّعْرِ».

H.4600 - Salih ibn Uqbah reported from his father, who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
I asked him, "Is there a reward for Mut'ah?"
He {a.s} replied: "If he seeks by it the pleasure of Allah {SWT} Almighty and to oppose those who deny it, then Allah {SWT} writes a good deed for him for every word he speaks to her. When he extends his hand toward her, Allah {SWT} writes a good deed for him. When he approaches her, Allah {SWT} forgives a sin for him. And when he performs ghusl (ritual purification), Allah {SWT} forgives him a number of sins equal to the drops of water that pass over his hair."
I asked: "Equal to the number of hairs?"
He {a.s} replied: "Yes, equal to the number of hairs."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.463 • Al-Wafi, Vol.21 p.343 • Wasa'il Al-Shi'ah, Vol.21 p.13

HADITH

4601 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَمَّا أُسْرِيَ بِهِ إِلَى اَلسَّمَاءِ قَالَ لَحِقَنِي جَبْرَئِيلُ عَلَيْهِ اَلسَّلاَمُ فَقَالَ يَا مُحَمَّدُ إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ «إِنِّي قَدْ غَفَرْتُ لِلْمُتَمَتِّعِينَ مِنْ أُمَّتِكَ مِنَ اَلنِّسَاءِ»».

H.4601 - Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"When the Prophet (peace be upon him and his family) was taken up to the heavens (Mi'raj), Jibril {a.s} came to him and said: 'O Muhammad {a.s}! Verily, Allah {SWT}, the Blessed and Exalted, says: I have forgiven those among your followers who engage in Mut'ah with women.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.463 • Al-Wafi, Vol.21 p.343 • Wasa'il Al-Shi'ah, Vol.21 p.13

HADITH

4602 - وَ رَوَى بَكْرُ بْنُ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلْمُتْعَةِ فَقَالَ «إِنِّي لَأَكْرَهُ لِلرَّجُلِ اَلْمُسْلِمِ أَنْ يَخْرُجَ مِنَ اَلدُّنْيَا وَ قَدْ بَقِيَتْ عَلَيْهِ خَلَّةٌ مِنْ خِلاَلِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَمْ يَقْضِهَا ».

H.4602 - Bakr ibn Muhammad narrated from Abu Abdillah {a.s}: I asked him about Mut'ah (temporary marriage).
Imam {a.s} said: "Indeed, I dislike for a Muslim man to leave this world while there remains an unfulfilled practice from the practices of the Messenger of Allah {SWT} (peace be upon him and his family) that he did not act upon."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.463 • Al-Wafi, Vol.21 p.344 • Wasa'il Al-Shi'ah, Vol.21 p.12 • Al-Fusul Al-Muhimmah, Vol.1 p.651

HADITH

4603 - وَ رَوَى اَلْقَاسِمُ بْنُ مُحَمَّدٍ اَلْجَوْهَرِيُّ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ قَالَ: قَرَأْتُ فِي كِتَابِ رَجُلٍ إِلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ تَزَوَّجَ بِامْرَأَةٍ مُتْعَةً إِلَى أَجَلٍ مُسَمًّى فَإِذَا اِنْقَضَى اَلْأَجَلُ بَيْنَهُمَا هَلْ يَحِلُّ لَهُ أَنْ يَتَزَوَّجَ بِأُخْتِهَا فَقَالَ «لاَ يَحِلُّ لَهُ حَتَّى تَنْقَضِيَ عِدَّتُهَا».

H.4603 - Al-Qasim ibn Muhammad al-Jawhari narrated from Ali ibn Abi Hamzah:
I read in a man's letter to Abu al-Hasan {a.s} about a man who married a woman in Mut'ah (temporary marriage) for a specified period. When the term between them ended, he asked whether it was permissible for him to marry her sister.
Imam {a.s} replied: "It is not permissible for him until her waiting period ('iddah) has ended."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.463

HADITH

4604 - وَ سَأَلَ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يَتَزَوَّجُ اَلْمَرْأَةَ مُتْعَةً أَ يَحِلُّ لَهُ أَنْ يَتَزَوَّجَ اِبْنَتَهَا بَتَاتاً قَالَ «لاَ».

H.4604 - Ahmad ibn Muhammad ibn Abi Nasr asked al-Ridha {a.s} about a man who marries a woman in Mut'ah (temporary marriage).
Is it permissible for him to marry her daughter permanently?
Imam {a.s} replied: "No."

[REFERENCES] Qurb Al-Isnad, Vol.1 p.366 • Man La Yahduruhu Al-Faqih, Vol.3 p.463 • Tafsir Al-Safi, Vol.1 p.436

HADITH

4605 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «عِدَّةُ اَلْمُتْعَةِ خَمْسَةٌ وَ أَرْبَعُونَ يَوْماً» كَأَنِّي أَنْظُرُ إِلَى أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَعْقِدُ بِيَدِهِ خَمْسَةً وَ أَرْبَعِينَ يَوْماً «فَإِذَا جَاءَ اَلْأَجَلُ كَانَتْ فُرْقَةٌ بِغَيْرِ طَلاَقٍ».

فَإِنْ شَاءَ أَنْ يَزِيدَ فَلَا بُدَّ مِنْ أَنْ يُصْدِقَهَا شَيْئاً قَلَّ أَوْ كَثُرَ وَ الصَّدَاقُ كُلُّ شَيْءٍ تَرَاضَيَا عَلَيْهِ فِي تَمَتُّعٍ أَوْ تَزْوِيجٍ بِغَيْرِ مُتْعَةٍ وَ لَا مِيرَاثَ بَيْنَهُمَا فِي الْمُتْعَةِ إِذَا مَاتَ وَاحِدٌ مِنْهُمَا فِي ذَلِكَ الْأَجَلِ وَ لَهُ أَنْ يَتَمَتَّعَ إِنْ شَاءَ وَ لَهُ امْرَأَةٌ وَ إِنْ كَانَ مُقِيماً مَعَهَا فِي مِصْرِهِ.

H.4605 - Musa ibn Bakr narrated from Zurara, who said:
I heard Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} saying:
"The waiting period ('Iddah) for Mut'ah (temporary marriage) is forty-five days."
Imam {a.s} then demonstrated by holding up his hand and showing forty-five days.
"When the specified term ends, the separation occurs without the need for divorce."

[AL SADUQ]
If he wishes to extend the term, he must provide her with another dowry (Sadaq), whether small or large, as mutually agreed upon.
The dowry applies to both Mut'ah and permanent marriage.
There is no inheritance between them in Mut'ah if one of them dies during the specified term.
It is permissible for a man to contract Mut'ah even if he has a wife and is residing with her in the same city.

[REFERENCES] Al-Kafi, Vol.5 p.458 • Man La Yahduruhu Al-Faqih, Vol.3 p.464 • Al-Wafi, Vol.23 p.1237 • Wasa'il Al-Shi'ah, Vol.21 p.52

HADITH

4606 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَرْأَةِ يَتَزَوَّجُهَا اَلرَّجُلُ مُتْعَةً ثُمَّ يُتَوَفَّى عَنْهَا هَلْ عَلَيْهَا اَلْعِدَّةُ قَالَ «تَعْتَدُّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْراً فَإِذَا اِنْقَضَتْ أَيَّامُهَا وَ هُوَ حَيٌّ فَحَيْضَةٌ وَ نِصْفٌ مِثْلَ مَا يَجِبُ عَلَى اَلْأَمَةِ» قَالَ قُلْتُ فَتُحِدُّ قَالَ «نَعَمْ وَ إِذَا مَكَثَتْ عِنْدَهُ يَوْماً أَوْ يَوْمَيْنِ أَوْ سَاعَةً مِنَ اَلنَّهَارِ فَقَدْ وَجَبَتِ اَلْعِدَّةُ وَ لاَ تُحِدُّ».

H.4606 - Safwan ibn Yahya narrated from Abdur-Rahman ibn Al-Hajjaj, who said:
I asked Abu Abdullah {a.s} about a woman who entered into a Mut'ah (temporary marriage) and then her husband passed away.
Imam {a.s} said: "She must observe an 'Iddah (waiting period) of four months and ten days."
Then Imam {a.s} continued: "If her term ends while he is still alive, her waiting period is one and a half menstrual cycles, similar to what is required for a female slave."
I asked: "Does she need to observe mourning (Hadd)?"
Imam {a.s} replied: "Yes, but if she stayed with him for a day, two days, or even just an hour during the day, the waiting period becomes obligatory, but mourning (Hadd) is not required."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.464 • Tahdhib Al-Ahkam, Vol.8 p.157 • Al-Istibsar, Vol.3 p.350 • Al-Wafi, Vol.23 p.1238 • Wasa'il Al-Shi'ah, Vol.22 p.275

HADITH

4607 - وَ رَوَى عُمَرُ بْنُ أُذَيْنَةَ عَنْ زُرَارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ مَا عِدَّةُ اَلْمُتْعَةِ إِذَا مَاتَ عَنْهَا اَلَّذِي تَمَتَّعَ بِهَا قَالَ «أَرْبَعَةُ أَشْهُرٍ وَ عَشْراً» قَالَ ثُمَّ قَالَ «يَا زُرَارَةُ كُلُّ نِكَاحٍ إِذَا مَاتَ عَنْهَا اَلزَّوْجُ فَعَلَى اَلْمَرْأَةِ حُرَّةً كَانَتْ أَوْ أَمَةً أَوْ عَلَى أَيِّ وَجْهٍ كَانَ اَلنِّكَاحُ مِنْهُ مُتْعَةً أَوْ تَزْوِيجاً أَوْ مِلْكَ يَمِينٍ فَالْعِدَّةُ أَرْبَعَةُ أَشْهُرٍ وَ عَشْراً وَ عِدَّةُ اَلْمُطَلَّقَةِ ثَلاَثَةُ أَشْهُرٍ وَ اَلْأَمَةُ اَلْمُطَلَّقَةُ عَلَيْهَا نِصْفُ مَا عَلَى اَلْحُرَّةِ وَ كَذَلِكَ اَلْمُتْعَةُ عَلَيْهَا مِثْلُ مَا عَلَى اَلْأَمَةِ».

H.4607 - Umar ibn Udhaynah narrated from Zurara, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about the waiting period ('Iddah) for a woman in a Mut'ah (temporary marriage) if her husband passes away.
Imam {a.s} replied: "It is four months and ten days."
Then Imam {a.s} continued:
"O Zurara, for every type of marriage - whether the woman is free or a slave, and regardless of whether the marriage was permanent (Nikah), temporary (Mut'ah), or through ownership (Milk Yamin) - if the husband dies, the waiting period ('Iddah) is four months and ten days."
"However, the waiting period ('Iddah) for a divorced woman is three months, and for a divorced female slave, it is half the waiting period of a free woman. Similarly, the waiting period ('Iddah) for a woman in Mut'ah is the same as that for a female slave."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.465 • Tahdhib Al-Ahkam, Vol.8 p.157 • Al-Istibsar, Vol.3 p.350 • Awali Al-La'ali, Vol.3 p.345 • Al-Wafi, Vol.23 p.1239 • Wasa'il Al-Shi'ah, Vol.22 p.275

HADITH

4608 - : وَ قِيلَ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ لِمَ جَعَلَ فِي اَلزِّنَا أَرْبَعَةً مِنَ اَلشُّهُودِ وَ فِي اَلْقَتْلِ شَاهِدَيْنِ قَالَ «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى أَحَلَّ لَكُمُ اَلْمُتْعَةَ وَ عَلِمَ أَنَّهَا سَتُنْكَرُ عَلَيْكُمْ فَجَعَلَ اَلْأَرْبَعَةَ اَلشُّهُودِ اِحْتِيَاطاً لَكُمْ وَ لَوْ لاَ ذَلِكَ لَأُتِيَ عَلَيْكُمْ وَ قَلَّ مَا يَجْتَمِعُ أَرْبَعَةٌ عَلَى شَهَادَةٍ بِأَمْرٍ وَاحِدٍ».

H.4608 - It was said to Abu Abdullah {a.s}: "Why has Allah {SWT} prescribed four witnesses for proving adultery (Zina) and only two witnesses for proving murder?"
Imam {a.s} replied: "Indeed, Allah {SWT}, the Blessed and Exalted, has made Mut'ah (temporary marriage) lawful for you, and He {SWT} knew that it would be denied and rejected by people. Therefore, He {SWT} required four witnesses as a precaution for you. Had it not been for this requirement, people would have accused you unjustly. And it is rare for four people to come together and testify about the same matter."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.465 • Ilal Al-Shara'i', Vol.2 p.509 • Bihar Al-Anwar, Vol.76 p.38 • Bihar Al-Anwar, Vol.101 p.301 • Tafsir Nur Al-Thaqalayn, Vol.3 p.573 • Tafsir Kanz Al-Daqaiq, Vol.9 p.247

HADITH

4609 - وَ رُوِيَ عَنْ بَكَّارِ بْنِ كَرْدَمٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ اَلرَّجُلُ يَلْقَى اَلْمَرْأَةَ فَيَقُولُ لَهَا زَوِّجِينِي نَفْسَكِ شَهْراً وَ لاَ يُسَمِّي اَلشَّهْرَ بِعَيْنِهِ فَيَلْقَاهَا بَعْدَ سِنِينَ فَقَالَ «لَهُ شَهْرُهُ إِنْ كَانَ سَمَّاهُ وَ إِنْ لَمْ يَكُنْ سَمَّاهُ فَلاَ سَبِيلَ لَهُ عَلَيْهَا».

H.4609 - It is narrated from Bakkar bin Kardam, who said:
I asked Abu Abdullah {a.s}: "A man meets a woman and says to her, 'Marry me to yourself for a month,' but he does not specify which month. Then he meets her again after several years - does he still have his month?"
Imam {a.s} replied: "He has his month if he had specified it. However, if he did not specify it, then he has no claim over her."

[REFERENCES] Al-Kafi, Vol.5 p.466 • Man La Yahduruhu Al-Faqih, Vol.3 p.465 • Tahdhib Al-Ahkam, Vol.7 p.267 • Al-Wafi, Vol.22 p.667 • Wasa'il Al-Shi'ah, Vol.21 p.72

HADITH

4610 - وَ رَوَى زُرْعَةُ عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ أَدْخَلَ جَارِيَةً يَتَمَتَّعُ بِهَا ثُمَّ أُنْسِيَ حَتَّى وَاقَعَهَا هَلْ يَجِبُ عَلَيْهِ حَدُّ اَلزَّانِي قَالَ «لاَ وَ لَكِنْ يَتَمَتَّعُ بِهَا بَعْدَ اَلنِّكَاحِ وَ يَسْتَغْفِرُ اَللَّهَ مِمَّا أَتَى».

H.4610 - It is narrated from Zur'ah, from Sama'ah, who said:
I asked him about a man who took a bondwoman for temporary marriage but forgot and had intercourse with her. Does he deserve the punishment of a fornicator?
Imam {a.s} replied: "No, but he should perform the temporary marriage contract with her again and seek forgiveness from Allah {SWT} for what he has done."

[REFERENCES] Al-Kafi, Vol.5 p.466 • Man La Yahduruhu Al-Faqih, Vol.3 p.466 • Tahdhib Al-Ahkam, Vol.7 p.479 • Al-Wafi, Vol.22 p.667 • Wasa'il Al-Shi'ah, Vol.21 p.74

HADITH

4611 - وَ رَوَى عَلِيُّ بْنُ أَسْبَاطٍ عَنْ مُحَمَّدِ بْنِ عُذَافِرٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلتَّمَتُّعِ بِالْأَبْكَارِ قَالَ «هَلْ جُعِلَ ذَلِكَ إِلاَّ لَهُنَّ فَلْيَسْتَتِرْنَ مِنْهُ وَ لْيَسْتَعْفِفْنَ».

H.4611 - It is narrated from Ali ibn Asbat, from Muhammad ibn Udhafir, from someone he mentioned, who said: I asked Abu Abdullah {a.s} about engaging in temporary marriage with virgins.
Imam {a.s} replied: "Was it not made permissible except for them? So let them observe modesty and chastity."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.466 • Al-Wafi, Vol.21 p.358 • Wasa'il Al-Shi'ah, Vol.21 p.33

HADITH

4612 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ رَجُلٌ تَزَوَّجَ بِجَارِيَةٍ عَاتِقٍ عَلَى أَنْ لاَ يَقْتَضَّهَا ثُمَّ أَذِنَتْ لَهُ بَعْدَ ذَلِكَ قَالَ «إِذَا أَذِنَتْ لَهُ فَلاَ بَأْسَ».

H.4612 - It is narrated from Ishaq in Ammar, who said:
I said to Abu Abdullah {a.s}: A man married a young bondwoman with the condition that he would not deflower her. Then afterward, she gave him permission.
Imam {a.s} replied: "If she gave him permission, then there is no harm in it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.466 • Tahdhib Al-Ahkam, Vol.7 p.369 • Al-Wafi, Vol.22 p.666 • Wasa'il Al-Shi'ah, Vol.21 p.33

HADITH

4613 - وَ رُوِيَ: «أَنَّ اَلْمُؤْمِنَ لاَ يَكْمُلُ حَتّٰى يَتَمَتَّعَ».

H.4613 - It is narrated: "A believer does not attain completeness until he practices Mut'ah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.466 • Al-Wafi, Vol.21 p.343 • Wasa'il Al-Shi'ah, Vol.21 p.14

HADITH

4614 - وَ رُوِيَ عَنْ جَابِرِ بْنِ عَبْدِ اَللّٰهِ اَلْأَنْصَارِيِّ : أَنَّ رَسُولَ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ خَطَبَ اَلنَّاسَ فَقَالَ «أَيُّهَا اَلنَّاسُ إِنَّ اَللّٰهَ تَبَارَكَ وَ تَعَالَى أَحَلَّ لَكُمُ اَلْفُرُوجَ عَلَى ثَلاَثَةِ مَعَانٍ فَرْجٍ مَوْرُوثٍ وَ هُوَ اَلْبَتَاتُ وَ فَرْجٍ غَيْرِ مَوْرُوثٍ وَ هُوَ اَلْمُتْعَةُ وَ مِلْكِ أَيْمَانِكُمْ».

H.4614 - It is narrated from Jabir ibn Abdullah Al-Ansari that:
The Messenger of Allah {SWT}, peace and blessings be upon him and his family, addressed the people and said: "O people, indeed Allah {SWT}, the Blessed and Exalted, has made permissible for you intimate relations in three forms: an inherited relationship, which is permanent (Nikah); a non-inherited relationship, which is Mut'ah; and what your right hands possess (slavery)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.466

HADITH

4615 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنِّي لَأَكْرَهُ لِلرَّجُلِ أَنْ يَمُوتَ وَ قَدْ بَقِيَتْ عَلَيْهِ خَلَّةٌ مِنْ خِلاَلِ رَسُولِ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ لَمْ يَأْتِهَا» فَقُلْتُ لَهُ فَهَلْ تَمَتَّعَ رَسُولُ اَللّٰهِ صَلَّى اَللّٰهُ عَلَيْهِ وَ آلِهِ قَالَ «نَعَمْ» وَ قَرَأَ هٰذِهِ اَلْآيَةَ « ۝ وَ إِذْ أَسَرَّ اَلنَّبِيُّ إِلىٰ بَعْضِ أَزْوٰاجِهِ حَدِيثاً ۝ إِلَى قَوْلِهِ تَعَالَى ۝ ثَيِّبٰاتٍ وَ أَبْكٰاراً ۝ ».

H.4615 - Imam Jafar ibn Muhammad Al-Sadiq {a.s}, said:
"Indeed, I dislike for a man to die while there remains a Sunnah of the practices of the Messenger of Allah {SWT}, peace and blessings be upon him and his family, that he did not act upon."
I said to him: "Did the Messenger of Allah {SWT}, peace and blessings be upon him and his family, perform Mut'ah?"
He replied: "Yes," and then recited this verse:
"*'And [remember] when the Prophet confided to one of his wives a statement'... to His saying: 'widowed and virgins'*" (Surah Al-Tahrim 66:3-5).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.466 • Wasa'il Al-Shi'ah, Vol.21 p.13 • Al-Fusul Al-Muhimmah, Vol.1 p.651 • Tafsir Al-Burhan, Vol.5 p.420 • Tafsir Nur Al-Thaqalayn, Vol.5 p.369 • Tafsir Kanz Al-Daqaiq, Vol.13 p.327

HADITH

4616 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى حَرَّمَ عَلَى شِيعَتِنَا اَلْمُسْكِرَ مِنْ كُلِّ شَرَابٍ وَ عَوَّضَهُمْ مِنْ ذَلِكَ اَلْمُتْعَةَ».

H.4616 - Abdullah ibn Sinan narrated from Abu Abdillah {a.s} who said: "Indeed, Allah {SWT}, Blessed and Exalted, has forbidden all intoxicating drinks for our Shia and has compensated them with mut'ah (temporary marriage)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.467 • Khilasat Al-Ijaz, Vol.1 p.42 • Khilasat Al-Ijaz, Vol.1 p.9 • Al-Wafi, Vol.21 p.344 • Wasa'il Al-Shi'ah, Vol.21 p.7 • Bihar Al-Anwar, Vol.100 p.306 • Mustadrak Al-Wasa'il, Vol.14 p.452 • Mustadrak Al-Wasa'il, Vol.17 p.61

CHAPTER 141 – CHAPTER ON MISCELLANEOUS MATTERS

بَابُ النَّوَادِرِ

HADITH 4617 – 4659

4617 - رَوَى إِسْمَاعِيلُ بْنُ مُسْلِمٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ يَحِلُّ لِاِمْرَأَةٍ حَاضَتْ أَنْ تَتَّخِذَ قُصَّةً وَ لاَ جُمَّةً».

H.4617 - Isma'il ibn Muslim narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them) that the Prophet (peace be upon him and his family) said:
"It is not permissible for a woman who is menstruating to adopt a qussah (a specific type of cloth) or a jummah (a certain hairstyle or wig)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.467 • Al-Adab Al-Diniyyah, Vol.1 p.114 • Makarim Al-Akhlaq, Vol.1 p.85 • Al-Sarair, Vol.3 p.610 • Al-Wafi, Vol.22 p.855 • Wasa'il Al-Shi'ah, Vol.20 p.186 • Bihar Al-Anwar, Vol.73 p.106

HADITH

4618 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «رَحِمَ اَللَّهُ اَلْمُسَرْوَلاَتِ».

H.4618 - Imam {a.s} said: "May Allah have mercy on the Musarwalat (those who wear trousers or are modestly covered)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.467 • Al-Wafi, Vol.22 p.856

HADITH

4619 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «إِذَا جَلَسَتِ اَلْمَرْأَةُ مَجْلِساً فَقَامَتْ عَنْهُ فَلاَ يَجْلِسُ فِي مَجْلِسِهَا أَحَدٌ حَتَّى يَبْرُدَ».

H.4619 - Imam {a.s} said: "When a woman leaves her seat, no one should sit in her place until it has cooled down."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.467 • Al-Adab Al-Diniyyah, Vol.1 p.114

HADITH

4620 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ خَلَقَ اَلشَّهْوَةَ عَشَرَةَ أَجْزَاءٍ تِسْعَةً فِي اَلرِّجَالِ وَ وَاحِدَةً فِي اَلنِّسَاءِ».

وَ ذَلِكَ لِبَنِي هَاشِمٍ وَ شِيعَتِهِمْ وَ فِي نِسَاءِ بَنِي أُمَيَّةَ وَ شِيعَتِهِمُ الشَّهْوَةُ عَشَرَةُ أَجْزَاءٍ فِي النِّسَاءِ تِسْعَةٌ وَ فِي الرِّجَالِ وَاحِدَةٌ.

H.4620 - Muhammad ibn Muslim narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"Indeed, Allah {SWT}, the Almighty and Glorious, created desire in ten parts, nine parts in men and one part in women."

[AL SADUQ]

This applies to the descendants of Banu Hashim and their followers. However, in the women of Banu Umayyah and their followers, desire is created in ten parts, nine parts in women and one part in men.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.467

HADITH

4621 - وَ رَوَى جَابِرٌ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: «فِي اَلنِّسَاءِ لاَ تُشَاوِرُوهُنَّ فِي اَلنَّجْوَى وَ لاَ تُطِيعُوهُنَّ فِي ذِي قَرَابَةٍ إِنَّ اَلْمَرْأَةَ إِذَا كَبِرَتْ ذَهَبَ خَيْرُ شَطْرَيْهَا وَ بَقِيَ شَرُّهُمَا ذَهَبَ جَمَالُهَا وَ اِحْتَدَّ لِسَانُهَا وَ عَقِمَ رَحِمُهَا وَ إِنَّ اَلرَّجُلَ إِذَا كَبِرَ ذَهَبَ شَرُّ شَطْرَيْهِ وَ بَقِيَ خَيْرُهُمَا ثَبَتَ عَقْلُهُ وَ اِسْتَحْكَمَ رَأْيُهُ وَ قَلَّ جَهْلُهُ».

H.4621 - Jabir narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} that he said: "Regarding women, do not consult them in confidential matters, and do not obey them in matters concerning relatives.

When a woman grows old, the better half of her qualities departs, and the worse half remains, her beauty fades, her tongue becomes sharper, and her womb becomes barren.

However, when a man grows old, the worse half of his qualities departs, and the better half remains, his intellect becomes more steadfast, his judgment more firm, and his ignorance decreases."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Adab Al-Diniyyah, Vol.1 p.114 • Makarim Al-Akhlaq, Vol.1 p.231 • Al-Wafi, Vol.22 p.804 • Bihar Al-Anwar, Vol.100 p.227

HADITH

4622 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «كُلُّ اِمْرِئٍ تُدَبِّرُهُ اِمْرَأَةٌ فَهُوَ مَلْعُونٌ».

H.4622 - Imam Ali ibn Abi Talib {a.s} said: "Any man who is ruled by a woman is cursed."

[REFERENCES] Al-Kafi, Vol.5 p.518 • Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Wafi, Vol.22 p.803 • Wasa'il Al-Shi'ah, Vol.20 p.182 • Bihar Al-Anwar, Vol.100 p.228

HADITH

4623 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «فِي خِلاَفِهِنَّ اَلْبَرَكَةُ».

H.4623 - Imam Ali ibn Abi Talib {a.s} said: "There is blessing in opposing them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Makarim Al-Akhlaq, Vol.1 p.231 • Bihar Al-Anwar, Vol.100 p.228

HADITH

4624 - : وَ كَانَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِذَا أَرَادَ اَلْحَرْبَ دَعَا نِسَاءَهُ فَاسْتَشَارَهُنَّ ثُمَّ خَالَفَهُنَّ.

H.4624 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family), whenever He {saws} intended to go to war, would consult his wives and then act contrary to their advice.

[REFERENCES] Al-Kafi, Vol.5 p.518 • Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Makarim Al-Akhlaq, Vol.1 p.230 • Al-Wafi, Vol.22 p.803 • Wasa'il Al-Shi'ah, Vol.20 p.179 • Bihar Al-Anwar, Vol.100 p.227

HADITH

4625 - : وَ نَهَى عَلَيْهِ اَلسَّلاَمُ أَنْ يُرْكَبَ اَلسَّرْجُ بِفَرْجٍ.

يَعْنِي اَلْمَرْأَةَ تَرْكَبُ بِسَرْجٍ.

H.4625 - He {a.s} forbade riding a saddle with a gap.

[AL SADUQ]
Meaning a woman riding with a saddle.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Adab Al-Diniyyah, Vol.1 p.115

HADITH

4626 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «لاَ تَحْمِلُوا اَلْفُرُوجَ عَلَى اَلسُّرُوجِ فَتُهَيِّجُوهُنَّ لِلْفُجُورِ».

H.4626 - Commander of the Faithful {a.s} said: "Do not place women on saddles, for it may provoke them toward immorality."

[REFERENCES] Al-Kafi, Vol.5 p.516 • Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Adab Al-Diniyyah, Vol.1 p.115 • Al-Wafi, Vol.22 p.802 • Wasa'il Al-Shi'ah, Vol.20 p.178

HADITH

4627 - وَ رَوَى اَلْفُضَيْلُ عَنْ أَبِي عَبْدِ اَللَّهِ قَالَ: قُلْتُ لَهُ شَيْءٌ يَقُولُهُ اَلنَّاسُ إِنَّ أَكْثَرَ أَهْلِ اَلنَّارِ يَوْمَ اَلْقِيَامَةِ اَلنِّسَاءُ قَالَ «وَ أَنَّى ذَلِكَ وَ قَدْ يَتَزَوَّجُ اَلرَّجُلُ فِي اَلْآخِرَةِ أَلْفاً مِنْ نِسَاءِ اَلدُّنْيَا فِي قَصْرٍ مِنْ دُرَّةٍ وَاحِدَةٍ».

H.4627 - Al-Fudayl narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}. I said to Imam {a.s}:
"There is something people say, that most of the inhabitants of Hell on the Day of Judgment will be women."
Imam {a.s} replied: "How can that be, when a man may marry a thousand women of this world in the Hereafter, all within a single palace made of one pearl?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Wafi, Vol.22 p.812

HADITH

4628 - وَ رَوَى عَمَّارٌ اَلسَّابَاطِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَكْثَرُ أَهْلِ اَلْجَنَّةِ مِنَ اَلْمُسْتَضْعَفِينَ اَلنِّسَاءُ، عَلِمَ اَللَّهُ عَزَّ وَ جَلَّ ضَعْفَهُنَّ فَرَحِمَهُنَّ».

H.4628 - Ammar Al-Sabati narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
"The majority of the inhabitants of Paradise will be the weak women. Allah {SWT}, the Almighty, knew their weakness and thus had mercy on them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Makarim Al-Akhlaq, Vol.1 p.235 • Al-Wafi, Vol.22 p.812 • Wasa'il Al-Shi'ah, Vol.20 p.168

HADITH

4629 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَحَاشُ نِسَاءِ أُمَّتِي عَلَى رِجَالِ أُمَّتِي حَرَامٌ».

H.4629 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "The private parts of the women of my nation are forbidden to the men of my nation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Wafi, Vol.22 p.750 • Wasa'il Al-Shi'ah, Vol.20 p.143

HADITH

4630 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْحَيَاءُ عَشَرَةُ أَجْزَاءٍ تِسْعَةٌ فِي اَلنِّسَاءِ وَ وَاحِدَةٌ فِي اَلرِّجَالِ فَإِذَا خُفِضَتْ ذَهَبَ جُزْءٌ مِنْ حَيَائِهَا وَ إِذَا تَزَوَّجَتْ ذَهَبَ جُزْءٌ فَإِذَا أُفْتُرِعَتْ ذَهَبَ جُزْءٌ وَ إِذَا وَلَدَتْ ذَهَبَ جُزْءٌ وَ بَقِيَ لَهَا خَمْسَةُ أَجْزَاءٍ فَإِذَا فَجَرَتْ ذَهَبَ حَيَاؤُهَا كُلُّهُ وَ إِنْ عَفَّتْ بَقِيَ لَهَا خَمْسَةُ أَجْزَاءٍ».

H.4630 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Modesty consists of ten parts - nine of them are in women and one is in men. When a woman undergoes circumcision, one part of her modesty diminishes. When she marries, another part diminishes. When her virginity is taken, another part diminishes. When she gives birth, another part diminishes, leaving her with five parts of modesty. If she commits adultery, all her modesty is lost, but if she remains chaste, the five parts of modesty remain with her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.468 • Al-Khisal, Vol.2 p.438 • Rawdat Al-Wa'izin, Vol.2 p.460 • Makarim Al-Akhlaq, Vol.1 p.201 • Mishkat Al-Anwar, Vol.1 p.235 • Al-Wafi, Vol.21 p.79 • Bihar Al-Anwar, Vol.100 p.244 • Awalim Al-Uloom, Vol.20 p.767

HADITH

4631 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «اَلْخَيْرَاتُ اَلْحِسَانُ مِنْ نِسَاءِ أَهْلِ اَلدُّنْيَا وَ هُنَّ أَجْمَلُ مِنَ اَلْحُورِ اَلْعِينِ وَ لاَ بَأْسَ أَنْ يَنْظُرَ اَلرَّجُلُ إِلَى اِمْرَأَتِهِ وَ هِيَ عُرْيَانَةٌ».

H.4631 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: “The virtuous and beautiful women of the people of this world are more beautiful than the houris of Paradise, and there is no harm if a man looks at his wife while she is unclothed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.469 • Wasa’il Al-Shi’ah, Vol.20 p.121

HADITH

4632 - وَ رَوَى إِسْحَاقُ بْنُ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَ يَنْظُرُ اَلْمَمْلُوكُ إِلَى شَعْرِ مَوْلاَتِهِ قَالَ «نَعَمْ وَ إِلَى سَاقِهَا».

H.4632 - Ishaq ibn Ammar narrated that he said to Imam Jafar ibn Muhammad Al-Sadiq {a.s}: "Can a servant look at the hair of his mistress?"
The Imam replied: “Yes, and at her legs as well."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.469 • Makarim Al-Akhlaq, Vol.1 p.235 • Al-Wafi, Vol.22 p.832 • Wasa’il Al-Shi’ah, Vol.20 p.224 • Bihar Al-Anwar, Vol.101 p.46

HADITH

4633 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ يَكُونُ لِلرَّجُلِ اَلْخَصِيُّ يَدْخُلُ عَلَى نِسَائِهِ يُنَاوِلُهُنَّ اَلْوَضُوءَ فَيَرَى شُعُورَهُنَّ قَالَ «لاَ».

H.4633 - It is narrated from Muhammad ibn Ishaq ibn Ammar that he said: I asked Abu al-Hasan {a.s}: "Can a eunuch belonging to a man enter upon his women and hand them water for ablution, thereby seeing their hair?"
The Imam {a.s} replied: “No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.469

HADITH

4634 - وَ فِي رِوَايَةِ رِبْعِيِّ بْنِ عَبْدِ اَللَّهِ : أَنَّهُ لَمَّا بَايَعَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلنِّسَاءَ وَ أَخَذَ عَلَيْهِنَّ دَعَا بِإِنَاءٍ فَمَلَأَهُ ثُمَّ غَمَسَ يَدَهُ فِي اَلْإِنَاءِ ثُمَّ أَخْرَجَهَا فَأَمَرَهُنَّ أَنْ يُدْخِلْنَ أَيْدِيَهُنَّ فَيَغْمِسْنَ فِيهِ وَ كَانَ عَلَيْهِ اَلسَّلاَمُ يُسَلِّمُ عَلَى اَلنِّسَاءِ وَ يَرْدُدْنَ عَلَيْهِ اَلسَّلاَمَ وَ كَانَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ يُسَلِّمُ عَلَى اَلنِّسَاءِ وَ كَانَ يَكْرَهُ أَنْ يُسَلِّمَ عَلَى اَلشَّابَّةِ مِنْهُنَّ وَ قَالَ «أَتَخَوَّفُ أَنْ يُعْجِبَنِي صَوْتُهَا فَيَدْخُلَ مِنَ اَلْإِثْمِ عَلَيَّ أَكْثَرُ مِمَّا أَطْلُبُ مِنَ اَلْأَجْرِ».

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ إِنَّمَا قَالَ عَلَيْهِ اَلسَّلاَمُ ذَلِكَ لِغَيْرِهِ وَ إِنْ عَبَّرَ عَنْ نَفْسِهِ وَ أَرَادَ بِذَلِكَ أَيْضاً اَلتَّخَوُّفَ مِنْ أَنْ يَظُنَّ ظَانٌّ أَنَّهُ يُعْجِبُهُ صَوْتُهَا فَيَكْفُرَ وَ لِكَلاَمِ اَلْأَئِمَّةِ ص مَخَارِجُ وَ وُجُوهٌ لَا يَعْقِلُهَا إِلَّا اَلْعَالِمُونَ.

H.4634 - In a narration from Rabi' ibn Abdullah:
When the Messenger of Allah {SWT} (peace be upon him and his family) took the pledge of allegiance from the women, he brought a vessel, filled it with water, and dipped his hand into it. Then he withdrew his hand and instructed the women to dip their hands into the vessel and immerse them.
He {a.s} would greet women, and they would return the greeting. Commander of the Faithful {a.s} would also greet women but disliked greeting young women.
Imam {a.s} said: “I fear that their voice might please me, and thereby I would fall into sin greater than the reward I seek."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, commented that the Imam {a.s} said this as an example for others, even though he expressed it in reference to himself.
He {a.s} also intended to caution against the possibility that someone might falsely assume he could be attracted to their voices, leading to disbelief.
The words of the Imams (peace be upon them) have meanings and interpretations that only the knowledgeable comprehend.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.469

HADITH

4635 - وَ سَأَلَ أَبُو بَصِيرٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : هَلْ يُصَافِحُ اَلرَّجُلُ اَلْمَرْأَةَ لَيْسَتْ لَهُ بِذِي مَحْرَمٍ قَالَ «لاَ إِلاَّ مِنْ وَرَاءِ اَلثَّوْبِ».

H.4635 - Abu Basir asked Abu Abdullah {a.s}: "Can a man shake hands with a woman who is not his mahram?"
Imam {a.s} replied: “No, except from behind a cloth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.469

HADITH

4636 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبَّادِ بْنِ صُهَيْبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «لاَ بَأْسَ بِالنَّظَرِ إِلَى شُعُورِ نِسَاءِ أَهْلِ تِهَامَةَ وَ اَلْأَعْرَابِ وَ أَهْلِ اَلْبَوَادِي مِنْ أَهْلِ اَلذِّمَّةِ وَ اَلْعُلُوجِ لِأَنَّهُنَّ إِذَا نُهِينَ لاَ يَنْتَهِينَ » قَالَ «وَ اَلْمَجْنُونَةُ اَلْمَغْلُوبَةُ لاَ بَأْسَ بِالنَّظَرِ إِلَى شَعْرِهَا وَ جَسَدِهَا مَا لَمْ يَتَعَمَّدْ ذَلِكَ».

H.4636 - Al-Hasan ibn Mahbub narrated from Abbad ibn Suhayb who said:
I heard Abu Abdullah {a.s} say:
"There is no harm in looking at the hair of the women of Tihama, the Bedouins, the people of the desert from among the People of the Book (Ahl al-Dhimma), and non-Arab pagans (al-‘uluj), because if they are forbidden, they do not comply."
Imam {a.s} also said: "As for a madwoman who is overpowered by her condition, there is no harm in looking at her hair and body, as long as it is not done deliberately."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.469

HADITH

4637 - وَ سَأَلَ عَمَّارٌ اَلسَّابَاطِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلنِّسَاءِ كَيْفَ يُسَلِّمْنَ إِذَا دَخَلْنَ عَلَى اَلْقَوْمِ قَالَ «اَلْمَرْأَةُ تَقُولُ عَلَيْكُمُ اَلسَّلاَمُ وَ اَلرَّجُلُ يَقُولُ اَلسَّلاَمُ عَلَيْكُمْ».

H.4637 - Ammar Al-Sabati asked Abu Abdullah {a.s} about how women should greet when they enter upon a group of people.
Imam {a.s} replied:
“A woman should say, 'Peace be upon you (ʿAlaykum al-Salam),' and a man should say, 'Peace be upon you all (Al-Salam ʿAlaykum).’"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.470 • Makarim Al-Akhlaq, Vol.1 p.236 • Mishkat Al-Anwar, Vol.1 p.199 • Wasa’il Al-Shi’ah, Vol.20 p.235 • Mustadrak Al-Wasa’il, Vol.8 p.366 • Mustadrak Al-Wasa’il, Vol.14 p.290

HADITH

4638 - وَ رَوَى أَبُو بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يَتَزَوَّجُ اِمْرَأَةً وَ لَهَا زَوْجٌ فَقَالَ «إِذَا لَمْ يُرْفَعْ خَبَرُهُ إِلَى اَلْإِمَامِ فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِخَمْسَةِ أَصْوَاعٍ دَقِيقاً هَذَا بَعْدَ أَنْ يُفَارِقَهَا».

H.4638 - Abu Basir narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who marries a woman while she has a husband.
Imam {a.s} said: "If the matter is not brought to the attention of the Imam, he must give five sa‘ (measures) of flour in charity. This is after he separates from her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.470 • Al-Wafi, Vol.22 p.647

HADITH

4639 - وَ فِي رِوَايَةِ جَمِيلِ بْنِ دَرَّاجٍ : فِي اَلْمَرْأَةِ تَتَزَوَّجُ فِي عِدَّتِهَا قَالَ «يُفَرَّقُ بَيْنَهُمَا وَ تَعْتَدُّ عِدَّةً وَاحِدَةً مِنْهُمَا فَإِنْ جَاءَتْ بِوَلَدٍ لِسِتَّةِ أَشْهُرٍ أَوْ أَكْثَرَ فَهُوَ لِلْأَخِيرِ وَ إِنْ جَاءَتْ بِوَلَدٍ فِي أَقَلَّ مِنْ سِتَّةِ أَشْهُرٍ فَهُوَ لِلْأَوَّلِ».

H.4639 - In the narration of Jameel ibn Darraj regarding a woman who marries during her waiting period (iddah).
Imam {a.s} said: “They must be separated, and she must observe one waiting period from either of them. If she gives birth to a child after six months or more, the child belongs to the latter husband. However, if she gives birth to a child in less than six months, the child belongs to the former husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.470 • Tahdhib Al-Ahkam, Vol.8 p.168

HADITH

4640 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً فَقَالَتْ لَهُ أَنَا حُبْلَى أَوْ أَنَا أُخْتُكَ مِنَ اَلرَّضَاعَةِ أَوْ عَلَى غَيْرِ عِدَّةٍ فَقَالَ «إِنْ كَانَ دَخَلَ بِهَا وَ وَاقَعَهَا فَلاَ يُصَدِّقُهَا وَ إِنْ كَانَ لَمْ يَدْخُلْ بِهَا وَ لَمْ يُوَاقِعْهَا فَلْيَحْتَطْ وَ لْيَسْأَلْ إِذَا لَمْ يَكُنْ عَرَفَهَا قَبْلَ ذَلِكَ».

H.4640 - Al-Hasan ibn Mahbub narrated from Hisham ibn Salim from Abu Basir who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who married a woman, and she told him, "I am pregnant," or "I am your sister through breastfeeding," or "I am still in my waiting period (iddah)."
Imam {a.s} said: "If he has already been intimate with her and consummated the marriage, he should not believe her. But if he has not been intimate with her and has not consummated the marriage, then he should take precaution and inquire if he was not aware of her situation beforehand."

[REFERENCES] Al-Kafi, Vol.5 p.561 • Man La Yahduruhu Al-Faqih, Vol.3 p.470 • Tahdhib Al-Ahkam, Vol.7 p.433 • Al-Wafi, Vol.21 p.258 • Wasa'il Al-Shi'ah, Vol.20 p.296

HADITH

4641 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ قَالَ لِأُمِّهِ كُلُّ اِمْرَأَةٍ أَتَزَوَّجُهَا فَهِيَ عَلَيَّ مِثْلُكِ حَرَامٌ قَالَ «لَيْسَ هَذَا بِشَيْءٍ».

H.4641 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan who said:
I asked Abu Abdullah {a.s} about a man who said to his mother, "Any woman I marry is as forbidden to me as you are."
Imam {a.s} replied: "This means nothing."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.471 • Al-Wafi, V.22 p.955 • Wasa'il Al-Shi'ah, Vol.22 p.311

HADITH

4642 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي جَمِيلَةَ عَنْ أَبَانِ بْنِ تَغْلِبَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً فَلَمْ تَلْبَثْ بَعْدَ مَا أُهْدِيَتْ إِلَيْهِ إِلاَّ أَرْبَعَةَ أَشْهُرٍ حَتَّى وَلَدَتْ جَارِيَةً فَأَنْكَرَ وَلَدَهَا وَ زَعَمَتْ هِيَ أَنَّهَا حَبِلَتْ مِنْهُ فَقَالَ «لاَ يُقْبَلُ مِنْهَا ذَلِكَ وَ إِنْ تَرَافَعَا إِلَى اَلسُّلْطَانِ تَلاَعَنَا وَ فُرِّقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَداً».

H.4642 - Al-Hasan ibn Mahbub narrated from Abu Jameelah from Aban ibn Taghlib who said: I asked Abu Abdullah {a.s} about a man who married a woman, and after being brought to him, she gave birth to a girl in only four months.
He denied that the child was his, while she claimed that she had conceived from him.
Imam {a.s} said: "Her claim is not accepted. If they take the matter to the ruler, they must both engage in mutual cursing (lian), and they will be separated, and she will never be permissible for him again."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.471 • Tahdhib Al-Ahkam, Vol.7 p.484 • Tahdhib Al-Ahkam, Vol.8 p.167 • Al-Wafi, Vol.23 p.1412 • Wasa'il Al-Shi'ah, Vol.21 p.382

HADITH

4643 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مُحَمَّدِ بْنِ حَكِيمٍ قَالَ: سَأَلْتُ أَبَا اَلْحَسَنِ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ عَنْ رَجُلٍ زَوَّجَ أَمَتَهُ مِنْ رَجُلٍ آخَرَ ثُمَّ قَالَ لَهَا إِذَا مَاتَ اَلزَّوْجُ فَهِيَ حُرَّةٌ فَمَاتَ اَلزَّوْجُ فَقَالَ «إِذَا مَاتَ اَلزَّوْجُ فَهِيَ حُرَّةٌ تَعْتَدُّ عِدَّةَ اَلْحُرَّةِ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا وَ لاَ مِيرَاثَ لَهَا مِنْهُ لِأَنَّهَا إِنَّمَا صَارَتْ حُرَّةً بَعْدَ مَوْتِ اَلزَّوْجِ».

H.4643 - Al-Hasan ibn Mahbub narrated from Muhammad ibn Hakim who said: I asked Abu al-Hasan Imam Musa ibn Jafar Al-Kadhim {a.s} about a man who married off his female slave to another man and then told her, "When your husband dies, you will be free." The husband then died.
Imam {a.s} said: "When the husband dies, she becomes free and must observe the waiting period (iddah) of a free woman whose husband has passed away. However, she does not inherit from him because she only became free after the husband's death."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.471 • Tahdhib Al-Ahkam, Vol.8 p.213 • Wasa'il Al-Shi'ah, Vol.23 p.131

HADITH

4644 - وَ رُوِيَ عَنْ أَبِي بَصِيرٍ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ أُخِذَ مَعَ اِمْرَأَةٍ فِي بَيْتٍ فَأَقَرَّتْ أَنَّهَا اِمْرَأَتُهُ وَ أَقَرَّ أَنَّهُ زَوْجُهَا فَقَالَ «رُبَّ رَجُلٍ لَوْ أُتِيتُ بِهِ لَأَجَزْتُ لَهُ ذَلِكَ وَ رُبَّ رَجُلٍ لَوْ أُتِيتُ بِهِ لَضَرَبْتُهُ».

H.4644 - It was narrated from Abu Basir who said:
I said to Abu Abdullah {a.s}: "A man was found with a woman in a house, and she admitted that she was his wife, and he admitted that he was her husband."
Imam {a.s} said: "There may be a man whom, if he were brought to me, I would approve of that for him, and there may be a man whom, if he were brought to me, I would have him beaten."

[REFERENCES] Al-Kafi, Vol.5 p.561 • Man La Yahduruhu Al-Faqih, Vol.3 p.471 • Al-Wafi, Vol.15 p.509 • Wasa'il Al-Shi'ah, Vol.20 p.297

HADITH

4645 - وَ رَوَى عَبْدُ اَلرَّحْمَنِ بْنُ اَلْحَجَّاجِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ يُزَوِّجُ مَمْلُوكَتَهُ عَبْدَهُ أَ تَقُومُ عَلَيْهِ كَمَا كَانَتْ تَقُومُ عَلَيْهِ تَرَاهُ مُنْكَشِفاً أَوْ يَرَاهَا عَلَى تِلْكَ اَلْحَالِ فَكَرِهَ ذَلِكَ وَ قَالَ «قَدْ مَنَعَنِي أَبِي عَلَيْهِ اَلسَّلاَمُ أَنْ أُزَوِّجَ بَعْضَ غِلْمَانِي أَمَتِي لِذَلِكَ».

H.4645 - Abd al-Rahman ibn al-Hajjaj narrated: I asked Abu Abdullah {a.s} about a man who marries his male slave to his female slave. Should she continue to serve him as she used to, seeing him uncovered or him seeing her in that state?
Imam {a.s} disliked that and said: "My father {a.s} prevented me from marrying one of my male servants to my female servant for this very reason."

[REFERENCES] Al-Kafi, Vol.5 p.480 • Man La Yahduruhu Al-Faqih, Vol.3 p.472 • Tahdhib Al-Ahkam, Vol.8 p.199 • Al-Wafi, Vol.22 p.839 • Wasa'il Al-Shi'ah, Vol.21 p.147

HADITH

4646 - وَ سَأَلَ اَلْعَلاَءُ بْنُ رَزِينٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ جُمْهُورِ اَلنَّاسِ فَقَالَ «هُمُ اَلْيَوْمَ أَهْلُ هُدْنَةٍ تُرَدُّ ضَالَّتُهُمْ وَ تُؤَدَّى أَمَانَتُهُمْ وَ تُحْقَنُ دِمَاؤُهُمْ وَ تَجُوزُ مُنَاكَحَتُهُمْ وَ مُوَارَثَتُهُمْ فِي هَذَا اَلْحَالِ».

H.4646 - Al-Alaa ibn Razin asked Abu Abdullah {a.s} about the the general masses (*Jumhur al-Nas*).
Imam {a.s} said: "They are today considered people of truce. Their lost property is to be returned to them, their trusts are to be fulfilled, their blood is to be protected, and marriage with them and inheritance from them is permissible in this state."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.472 • Al-Wafi, Vol.5 p.524 • Al-Wafi, Vol.21 p.106 • Wasa'il Al-Shi'ah, Vol.20 p.561

HADITH

4647 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مِنْ سَعَادَةِ اَلرَّجُلِ أَنْ لاَ تَحِيضَ اِبْنَتُهُ فِي بَيْتِهِ».

H.4647 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "Part of a man's happiness is that his daughter does not experience menstruation in his house."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.472 • Makarim Al-Akhlaq, Vol.1 p.219 • Wasa'il Al-Shi'ah, Vol.20 p.64 • Bihar Al-Anwar, Vol.101 p.92

HADITH

4648 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ يَحْيَى بْنِ عِمْرَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلشَّجَاعَةُ فِي أَهْلِ خُرَاسَانَ وَ اَلْبَاهُ فِي أَهْلِ بَرْبَرَ وَ اَلسَّخَاءُ وَ اَلْحَسَدُ فِي اَلْعَرَبِ فَتَخَيَّرُوا لِنُطَفِكُمْ».

H.4648 - Ibn Abi Umair narrated from Yahya ibn Imran from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: "Bravery is found among the people of Khurasan, physical vigor among the people of Barbar, and generosity and envy among the Arabs. Therefore, choose carefully where you place your seed."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.472 • Awali Al-La'ali, Vol.3 p.299 • Wasa'il Al-Shi'ah, Vol.20 p.49 • Wasa'il Al-Shi'ah, Vol.20 p.249

HADITH

4649 - وَ فِي رِوَايَةِ إِسْمَاعِيلَ بْنِ أَبِي زِيَادٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «مَا كَثُرَ شَعْرُ رَجُلٍ قَطُّ إِلاَّ قَلَّتْ شَهْوَتُهُ».

H.4649 - In the narration of Isma'il ibn Abi Ziyad from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, it is reported that Imam Ali ibn Abi Talib {a.s} said: “No man has ever had an abundance of hair without his desire becoming less."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.472 • Makarim Al-Akhlaq, Vol.1 p.236 • Awali Al-La’ali, Vol.3 p.309 • Al-Wafi, Vol.21 p.319 • Wasa’il Al-Shi’ah, Vol.20 p.241 • Bihar Al-Anwar, Vol.101 p.87 • Mustadrak Al-Wasa’il, Vol.1 p.399

HADITH

4650 - وَ رَوَى إِبْرَاهِيمُ بْنُ هَاشِمٍ عَنْ عَبْدِ اَلْعَزِيزِ بْنِ اَلْمُهْتَدِي قَالَ: سَأَلْتُ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ فَقُلْتُ لَهُ جُعِلْتُ فِدَاكَ إِنَّ أَخِي مَاتَ وَ تَزَوَّجْتُ اِمْرَأَتَهُ فَجَاءَ عَمِّي وَ اِدَّعَى أَنَّهُ كَانَ تَزَوَّجَهَا سِرّاً فَسَأَلْتُهَا عَنْ ذَلِكَ فَأَنْكَرَتْ أَشَدَّ اَلْإِنْكَارِ وَ قَالَتْ مَا كَانَ بَيْنِي وَ بَيْنَهُ شَيْءٌ قَطُّ فَقَالَ «يَلْزَمُكَ إِقْرَارُهَا وَ يَلْزَمُهُ إِنْكَارُهَا».

H.4650 - Ibrahim ibn Hashim narrated from Abdul Aziz ibn al-Muhtadi who said:
I asked Imam Ali ibn Musa Ar-Ridha {a.s}:
"May I be sacrificed for you! My brother passed away, and I married his wife. Then my uncle came and claimed that he had secretly married her. I asked her about this, and she strongly denied it, saying, 'There was never anything between me and him at all.'"
Imam {a.s} replied: “Her acknowledgment is binding upon you, and her denial is binding upon him."

[REFERENCES] Al-Kafi, Vol.5 p.563 • Man La Yahduruhu Al-Faqih, Vol.3 p.472 • Al-Wafi, Vol.22 p.686 • Wasa’il Al-Shi’ah, Vol.20 p.299

HADITH

4651 - وَ رَوَى صَالِحُ بْنُ عُقْبَةَ عَنْ سُلَيْمَانَ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سُئِلَ عَنْ رَجُلٍ يَنْكِحُ جَارِيَةَ اِمْرَأَتِهِ ثُمَّ يَسْأَلُهَا أَنْ تَجْعَلَهُ فِي حِلٍّ فَتَأْبَى فَيَقُولُ إِذاً لَأُطَلِّقَنَّكِ وَ يَجْتَنِبُ فِرَاشَهَا فَتَجْعَلُهُ فِي حِلٍّ قَالَ «هَذَا غَاصِبٌ فَأَيْنَ هُوَ عَنِ اَللُّطْفِ».

H.4651 - Salih ibn Uqbah narrated from Sulayman ibn Salih from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who was asked about a man who engages in intercourse with his wife's bondwoman and then asks his wife to pardon him, but she refuses. He then says: "If you do not pardon me, I will divorce you," and he avoids her bed until she pardons him.
Imam {a.s} said: “This man is an oppressor. Where is his kindness?"

[REFERENCES] Al-Kafi, Vol.5 p.470 • Man La Yahduruhu Al-Faqih, Vol.3 p.473 • Al-Wafi, Vol.22 p.599 • Wasa’il Al-Shi’ah, Vol.21 p.138

HADITH

4652 - وَ رَوَى أَبُو اَلْعَبَّاسِ وَ عُبَيْدٌ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَةٍ كَانَ لَهَا زَوْجٌ مَمْلُوكٌ فَوَرِثَتْهُ وَ أَعْتَقَتْهُ هَلْ يَكُونَانِ عَلَى نِكَاحِهِمَا قَالَ «لاَ وَ لَكِنْ يُجَدِّدَانِ نِكَاحاً آخَرَ».

H.4652 - Abu al-Abbas and Ubayd narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a woman who had a slave husband, then inherited him and freed him. They asked if they would remain in their marriage.
Imam {a.s} said: “No, but they must renew their marriage contract."

[REFERENCES] Al-Kafi, Vol.5 p.485 • Man La Yahduruhu Al-Faqih, Vol.3 p.473 • Al-Wafi, Vol.22 p.619 • Wasa’il Al-Shi’ah, Vol.21 p.159

HADITH

4653 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «يُسْتَحَبُّ لِلرَّجُلِ أَنْ يَأْتِيَ أَهْلَهُ أَوَّلَ لَيْلَةٍ مِنْ شَهْرِ رَمَضَانَ لِقَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ أُحِلَّ لَكُمْ لَيْلَةَ اَلصِّيَامِ اَلرَّفَثُ إِلىٰ نِسٰائِكُمْ ﴾ وَ اَلرَّفَثُ اَلْمُجَامَعَةُ».

H.4653 - Imam Ali ibn Abi Talib {a.s} said: “It is recommended for a man to approach his wife on the first night of the month of Ramadan because of the saying of Allah {SWT}, the Mighty and Majestic: *'It has been made lawful for you to be intimate with your wives during the nights of fasting'* (Surah Al-Baqarah 2:187), and al-rafath means sexual intercourse."

[REFERENCES] Al-Kafi, Vol.4 p.180 • Man La Yahduruhu Al-Faqih, Vol.2 p.173 • Man La Yahduruhu Al-Faqih, Vol.3 p.473 • Makarim Al-Akhlaq, Vol.1 p.213 • Al-Wafi, Vol.11 p.497 • Al-Wafi, Vol.22 p.730 • Wasa’il Al-Shi’ah, Vol.10 p.349 • Wasa’il Al-Shi’ah, Vol.20 p.129 • Tafsir Al-Burhan, Vol.1 p.398 • Tafsir Kanz Al-Daqaiq, Vol.2 p.251

HADITH

4654 - وَ رَوَى حَرِيزٌ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ قَالَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «أَ تَدْرِي مِنْ أَيْنَ صَارَ مُهُورُ اَلنِّسَاءِ أَرْبَعَةَ آلاَفِ دِرْهَمٍ» قُلْتُ لاَ قَالَ «إِنَّ أُمَّ حَبِيبَةَ بِنْتَ أَبِي سُفْيَانَ كَانَتْ فِي اَلْحَبَشَةِ فَخَطَبَهَا اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَسَاقَ عَنْهُ اَلنَّجَاشِيُّ أَرْبَعَةَ آلاَفِ دِرْهَمٍ فَمِنْ ثَمَّ هَؤُلاَءِ يَأْخُذُونَ بِهِ فَأَمَّا اَلْأَصْلُ فَاثْنَتَا عَشْرَةَ أُوقِيَّةً وَ نَشٌّ».

H.4654 - Hariz narrated from Muhammad ibn Ishaq who said:
Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} said: “Do you know why the dowries of women became four thousand dirhams?"
I said: “No."
Imam {a.s} said: “Indeed, Umm Habibah, the daughter of Abu Sufyan, was in Abyssinia when the Prophet (peace and blessings be upon him and his family) proposed to her. The Negus (the king of Abyssinia) gave four thousand dirhams on his behalf as her dowry. Since then, people have followed this practice. However, the original dowry was twelve uqiyyah and a nash."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.473 • Ilal Al-Shara’i’, Vol.2 p.500 • Makarim Al-Akhlaq, Vol.1 p.236

HADITH

4655 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ : أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ مَرَّ عَلَى بَهِيمَةٍ وَ فَحْلٍ يَسْفَدُهَا عَلَى ظَهْرِ اَلطَّرِيقِ فَأَعْرَضَ عَنْهُ بِوَجْهِهِ فَقِيلَ لَهُ لِمَ فَعَلْتَ ذَلِكَ يَا أَمِيرَ اَلْمُؤْمِنِينَ فَقَالَ «إِنَّهُ لاَ يَنْبَغِي أَنْ تَصْنَعُوا مَا يَصْنَعُونَ وَ هُوَ مِنَ اَلْمُنْكَرِ إِلاَّ أَنْ تُوَارُوهُ حَيْثُ لاَ يَرَاهُ رَجُلٌ وَ لاَ اِمْرَأَةٌ».

H.4655 - In the narration of Al-Sakooni, it is reported that Imam Ali ibn Abi Talib {a.s} passed by an animal and a stud mating in the middle of the road, and Imam {a.s} turned his face away.
It was said to him: "Why did you do that, O Commander of the Faithful {a.s}?"
Imam {a.s} replied: "It is not appropriate for you to do what they do (i.e., allow such things publicly). It is among the unacceptable acts unless you conceal it where no man or woman can see it."

[REFERENCES] Al-Muhasin, Vol.2 p.634 • Man La Yahduruhu Al-Faqih, Vol.3 p.473 • Makarim Al-Akhlaq, Vol.1 p.236 • Awali Al-La'ali, Vol.3 p.305 • Al-Wafi, Vol.22 p.874 • Wasa'il Al-Shi'ah, Vol.11 p.521 • Wasa'il Al-Shi'ah, Vol.20 p.133 • Bihar Al-Anwar, Vol.61 p.225

HADITH

4656 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ نَظَرَ إِلَى اِمْرَأَةٍ فَرَفَعَ بَصَرَهُ إِلَى اَلسَّمَاءِ أَوْ غَمَّضَ بَصَرَهُ لَمْ يَرْتَدَّ إِلَيْهِ بَصَرُهُ حَتَّى يُزَوِّجَهُ اَللَّهُ مِنَ اَلْحُورِ اَلْعِينِ».

H.4656 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Whoever looks at a woman and then raises his gaze to the sky or lowers his eyes, his sight will not return to him until Allah {SWT} marries him to a heavenly maiden (Hoor al-Ayn)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.473 • Makarim Al-Akhlaq, Vol.1 p.236 • Fiqh Al-Quran, Vol.2 p.144 • Awali Al-La'ali, Vol.3 p.291 • Al-Wafi, Vol.22 p.860 • Wasa'il Al-Shi'ah, Vol.20 p.193 • Bihar Al-Anwar, Vol.101 p.37

HADITH

4657 - وَ فِي خَبَرٍ آخَرَ: «لَمْ يَرْتَدَّ إِلَيْهِ طَرْفُهُ حَتَّى يُعْقِبَهُ اَللَّهُ إِيمَاناً يَجِدُ طَعْمَهُ».

H.4657 - And in another narration: "His gaze will not return to him until Allah {SWT} grants him faith, the sweetness of which he will experience."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.474 • Wasa'il Al-Shi'ah, Vol.20 p.193

HADITH

4658 - قَالَ عَلَيْهِ اَلسَّلاَمُ: «أَوَّلُ اَلنَّظْرَةِ لَكَ وَ اَلثَّانِيَةُ عَلَيْكَ وَ لاَ لَكَ وَ اَلثَّالِثَةُ فِيهَا اَلْهَلاَكُ».

H.4658 - Imam {a.s} said: "The first glance is for you, the second is against you and not for you, and the third in it is destruction."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.474 • Makarim Al-Akhlaq, Vol.1 p.236 • Al-Wafi, Vol.22 p.860 • Wasa'il Al-Shi'ah, Vol.20 p.193 • Bihar Al-Anwar, Vol.101 p.37

HADITH

4659 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ بَأْسَ أَنْ يَنْظُرَ اَلرَّجُلُ إِلَى شَعْرِ أُمِّهِ أَوْ أُخْتِهِ أَوِ اِبْنَتِهِ».

H.4659 - In the narration of Al-Sakooni from Ja'far ibn Muhammad from his father {a.s}, he said: “There is no harm for a man to look at the hair of his mother, his sister, or his daughter."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.474 • Makarim Al-Akhlaq, Vol.1 p.236 • Awali Al-La’ali, Vol.3 p.315 • Al-Wafi, Vol.22 p.817 • Bihar Al-Anwar, Vol.101 p.37

CHAPTER 142 – CHAPTER ON SUPPLICATION FOR SEEKING OFFSPRING

بَابُ الدُّعَاءِ فِي طَلَبِ الْوَلَدِ

HADITH 4660

4660 - قَالَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَ لِبَعْضِ أَصْحَابِهِ : «قُلْ فِي طَلَبِ اَلْوَلَدِ «رَبِّ لاَ تَذَرْنِي فَرْداً وَ أَنْتَ خَيْرُ اَلْوارِثِينَ» وَ اِجْعَلْ «لِي مِنْ لَدُنْكَ وَلِيًّا يَرِثُنِي» فِي حَيَاتِي وَ يَسْتَغْفِرُ لِي بَعْدَ مَوْتِي وَ اِجْعَلْهُ لِي خَلْقاً سَوِيّاً وَ لاَ تَجْعَلْ لِلشَّيْطَانِ فِيهِ نَصِيباً اَللَّهُمَّ إِنِّي أَسْتَغْفِرُكَ وَ أَتُوبُ إِلَيْكَ إِنَّكَ أَنْتَ اَلْغَفُورُ اَلرَّحِيمُ سَبْعِينَ مَرَّةً فَإِنَّهُ مَنْ أَكْثَرَ مِنْ هَذَا اَلْقَوْلِ رَزَقَهُ اَللَّهُ تَعَالَى مَا تَمَنَّى مِنْ مَالٍ وَ وَلَدٍ وَ مِنْ خَيْرِ اَلدُّنْيَا وَ اَلْآخِرَةِ فَإِنَّهُ يَقُولُ ﴿ اِسْتَغْفِرُوا رَبَّكُمْ إِنَّهُ كانَ غَفّاراً يُرْسِلِ اَلسَّماءَ عَلَيْكُمْ مِدْراراً وَ يُمْدِدْكُمْ بِأَمْوالٍ وَ بَنِينَ وَ يَجْعَلْ لَكُمْ جَنّاتٍ وَ يَجْعَلْ لَكُمْ أَنْهاراً ﴾ »

H.4660 - Ali ibn Al-Husayn (peace be upon them) said to one of his companions:
"When seeking a child, say:
'My Lord {AZJ}, do not leave me alone [without offspring], and You {SWT} are the best of inheritors' and add;
'Grant me from Yourself {SWT} a successor who will inherit from me during my life and seek forgiveness for me after my death. Make him well-formed in creation and do not allow Satan to have any share in him. O Allah {SWT}, I seek Your {SWT} forgiveness and repent to You {SWT}. Indeed, You {SWT} are the Most Forgiving, the Most Merciful.'
Repeat this seventy times. For whoever frequently says this supplication, Allah {SWT} the Exalted will grant him whatever he wishes of wealth, children, and the goodness of this world and the Hereafter.
For Allah {SWT} says: *'Seek forgiveness from your Lord {AZJ}; indeed, He {SWT} is ever Forgiving. He {SWT} will send rain to you in abundance and supply you with wealth and children and make for you gardens and make for you rivers'* (Surah Nuh 71:10–12)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.474 • Awali Al-La’ali, Vol.3 p.308 • Al-Wafi, Vol.23 p.1308 • Wasa’il Al-Shi’ah, Vol.21 p.369 • Tafsir Nur Al-Thaqalayn, Vol.5 p.422

CHAPTER 143 – CHAPTER ON BREASTFEEDING

بَابُ الرَّضَاعِ

HADITH 4661 – 4686

4661 - رُوِيَ عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلرَّضَاعُ وَاحِدٌ وَ عِشْرُونَ شَهْراً فَمَا نَقَصَ فَهُوَ جَوْرٌ عَلَى اَلصَّبِيِّ».

H.4661 - It was narrated from Sama'ah ibn Mihran that Abu Abdullah {a.s} said: “Breastfeeding is for twenty-one months, and anything less than that is an injustice to the child."

[REFERENCES] Al-Kafi, Vol.6 p.40 • Man La Yahduruhu Al-Faqih, Vol.3 p.474 • Tahdhib Al-Ahkam, Vol.8 p.106 • Al-Wafi, Vol.23 p.1364 • Wasa’il Al-Shi’ah, Vol.21 p.455

HADITH

4662 - وَ سَأَلَ سَعْدُ بْنُ سَعْدٍ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلصَّبِيِّ هَلْ يُرْضَعُ أَكْثَرَ مِنْ سَنَتَيْنِ فَقَالَ «عَامَيْنِ» قُلْتُ فَإِنْ زَادَ عَلَى سَنَتَيْنِ هَلْ عَلَى أَبَوَيْهِ مِنْ ذَلِكَ شَيْءٌ قَالَ «لاَ».

H.4662 - Sa'd ibn Sa'd asked Imam Ali ibn Musa Ar-Ridha {a.s} about whether a child can be breastfed for more than two years.
Imam {a.s} replied: “Two years."
I asked: “If it exceeds two years, is there any obligation upon the parents because of that?"
Imam {a.s} said: “No."

[REFERENCES] Al-Kafi, Vol.6 p.41 • Man La Yahduruhu Al-Faqih, Vol.3 p.475 • Tahdhib Al-Ahkam, Vol.8 p.107 • Al-Wafi, Vol.23 p.1365 • Wasa’il Al-Shi’ah, Vol.21 p.454

HADITH

4663 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «مَا مِنْ لَبَنٍ يُرْضَعُ بِهِ اَلصَّبِيُّ أَعْظَمَ بَرَكَةً عَلَيْهِ مِنْ لَبَنِ أُمِّهِ».

H.4663 - Imam Ali ibn Abi Talib {a.s} said:
“There is no milk with greater blessing for a child to be nursed with than the milk of his mother."

[REFERENCES] Al-Kafi, Vol.6 p.40 • Man La Yahduruhu Al-Faqih, Vol.3 p.475 • Tahdhib Al-Ahkam, Vol.8 p.108 • Al-Wafi, Vol.23 p.1363

HADITH

4664 - : وَ نَظَرَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ إِلَى أُمِّ إِسْحَاقَ بِنْتِ سُلَيْمَانَ وَ هِيَ تُرْضِعُ أَحَدَ اِبْنَيْهَا مُحَمَّداً أَوْ إِسْحَاقَ فَقَالَ «يَا أُمَّ إِسْحَاقَ لاَ تُرْضِعِيهِ مِنْ ثَدْيٍ وَاحِدٍ وَ أَرْضِعِيهِ مِنْ كِلَيْهِمَا يَكُونُ أَحَدُهُمَا طَعَاماً وَ اَلْآخَرُ شَرَاباً».

H.4664 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} looked at Umm Ishaq bint Sulayman while she was breastfeeding one of her two sons, either Muhammad or Ishaq, and Imam {a.s} said:
“O Umm Ishaq, do not nurse him from only one breast; rather, nurse him from both. One will serve as food and the other as drink."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.475

HADITH

4665 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ بُرَيْدٍ اَلْعِجْلِيِّ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ أَ رَأَيْتَ قَوْلَ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «يَحْرُمُ مِنَ اَلرَّضَاعِ مَا يَحْرُمُ مِنَ اَلنَّسَبِ» فَسِّرْهُ لِي فَقَالَ «كُلُّ اِمْرَأَةٍ أَرْضَعَتْ مِنْ لَبَنِ فَحْلِهَا وَلَدَ اِمْرَأَةٍ أُخْرَى مِنْ جَارِيَةٍ أَوْ غُلاَمٍ فَذَلِكَ اَلرَّضَاعُ اَلَّذِي قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ كُلُّ اِمْرَأَةٍ أَرْضَعَتْ مِنْ لَبَنِ فَحْلَيْنِ كَانَا لَهَا وَاحِداً بَعْدَ آخَرَ مِنْ جَارِيَةٍ أَوْ غُلاَمٍ فَإِنَّ ذَلِكَ رَضَاعٌ لَيْسَ بِالرَّضَاعِ اَلَّذِي قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «يَحْرُمُ مِنَ اَلرَّضَاعِ مَا يَحْرُمُ مِنَ اَلنَّسَبِ»».

H.4665 - Al-Hasan ibn Mahbub narrated from Hisham ibn Salim from Burayd al-Ijli who said: I asked Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"What is the meaning of the saying of the Messenger of Allah {SWT} –
'What is unlawful through lineage is also unlawful through breastfeeding'? Explain it to me."
Imam {a.s} replied: "Every woman who nurses, with the milk of her husband, the child of another woman, whether the child is male or female, that is the breastfeeding (ridha‘) referred to by the Messenger of Allah {SWT} (may Allah bless him and his family).
But any woman who nurses, with the milk of two different husbands (one after the other), the child of another woman, whether male or female, this is breastfeeding that does not fall under the ruling of the statement of the Messenger of Allah {SWT} 'What is prohibited through breastfeeding is the same as what is prohibited through lineage.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.475

HADITH

4666 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ رَضَاعَ بَعْدَ فِطَامٍ».

وَ مَعْنَاهُ أَنَّهُ إِذَا أُرْضِعَ الصَّبِيُّ حَوْلَيْنِ كَامِلَيْنِ ثُمَّ شَرِبَ بَعْدَ ذَلِكَ مِنْ لَبَنِ امْرَأَةٍ أُخْرَى مَا شَرِبَ لَمْ يُحَرِّمْ ذَلِكَ الرَّضَاعُ لِأَنَّهُ رَضَاعٌ بَعْدَ فِطَامٍ.

H.4666 - The Prophet (peace and blessings be upon him and his family) said: "There is no breastfeeding after weaning."

[AL SADUQ]

Its meaning is that if a child has been breastfed for two full years and then drinks milk from another woman after that, such breastfeeding does not establish a prohibition, because it is breastfeeding after weaning.

[REFERENCES] Al-Kafi, Vol.5 p.443 • Man La Yahduruhu Al-Faqih, Vol.3 p.476 • Awali Al-La'ali, Vol.1 p.72 • Awali Al-La'ali, Vol.2 p.128 • Awali Al-La'ali, Vol.2 p.270 • Al-Wafi, Vol.21 p.253 • Al-Wafi, Vol.21 p.254 • Wasa'il Al-Shi'ah, Vol.20 p.385

HADITH

4667 - وَ رَوَى دَاوُدُ بْنُ اَلْحُصَيْنِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلرَّضَاعُ بَعْدَ حَوْلَيْنِ قَبْلَ أَنْ يُفْطَمَ يُحَرِّمُ».

H.4667 - Dawud ibn Al-Husayn narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
"Breastfeeding within two years, before the child is weaned, establishes prohibition."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.476 • Al-Istibsar, Vol.3 p.198 • Awali Al-La'ali, Vol.3 p.325 • Awali Al-La'ali, Vol.3 p.325 • Al-Wafi, Vol.21 p.256

HADITH

4668 - وَ رُوِيَ عَنْ أَيُّوبَ بْنِ نُوحٍ قَالَ كَتَبَ عَلِيُّ بْنُ شُعَيْبٍ إِلَى أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : اِمْرَأَةٌ أَرْضَعَتْ بَعْضَ وُلْدِي هَلْ يَجُوزُ لِي أَنْ أَتَزَوَّجَ بَعْضَ وُلْدِهَا فَكَتَبَ «لاَ يَجُوزُ ذَلِكَ لِأَنَّ وُلْدَهَا قَدْ صَارَ بِمَنْزِلَةِ وُلْدِكَ».

H.4668 - It was narrated from Ayyub ibn Nuh who said: Ali ibn Shu'ayb wrote to Abu al-Hasan {a.s} asking: "A woman breastfed one of my children. Is it permissible for me to marry one of her children?"
Imam {a.s} wrote in response, "That is not permissible because her children have become like your own children."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.476 • Tahdhib Al-Ahkam, Vol.7 p.321 • Al-Istibsar, Vol.3 p.201 • Awali Al-La'ali, Vol.2 p.270 • Awali Al-La'ali, Vol.3 p.326 • Al-Wafi, Vol.21 p.222 • Wasa'il Al-Shi'ah, Vol.20 p.404

HADITH

4669 - وَ كَتَبَ عَبْدُ اَللَّهِ بْنُ جَعْفَرٍ اَلْحِمْيَرِيُّ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ اَلْعَسْكَرِيِّ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَةٍ أَرْضَعَتْ وَلَدَ اَلرَّجُلِ أَ يَحِلُّ لِذَلِكَ اَلرَّجُلِ أَنْ يَتَزَوَّجَ اِبْنَةَ هَذِهِ اَلْمُرْضِعَةِ أَمْ لاَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لاَ يَحِلُّ ذَلِكَ لَهُ».

H.4669 - Abdullah ibn Ja'far al-Himyari wrote to Abu Muhammad Al-Hasan ibn Ali Al-Askari {a.s} asking about a woman who breastfed a man's child.
He asked: “Is it permissible for that man to marry the daughter of this wet nurse or not?"
Imam {a.s} responded, "It is not permissible for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.476

HADITH

4670 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لَوْ أَنَّ رَجُلاً تَزَوَّجَ جَارِيَةً رَضِيعَةً فَأَرْضَعَتْهَا اِمْرَأَتُهُ فَسَدَ اَلنِّكَاحُ».

H.4670 - Al-Alaa narrated from Muhammad ibn Muslim from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} who said: "If a man marries a young girl (jariyah) who is still nursing, and his wife then breastfeeds her, the marriage becomes invalid."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.476 • Wasa’il Al-Shi’ah, Vol.20 p.399

HADITH

4671 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلرَّجُلِ يَتَزَوَّجُ اَلْمَرْأَةَ فَتَلِدُ مِنْهُ ثُمَّ تُرْضِعُ مِنْ لَبَنِهَا جَارِيَةً أَ يَصْلُحُ لِوَلَدِهِ مِنْ غَيْرِهَا أَنْ يَتَزَوَّجَ تِلْكَ اَلْجَارِيَةَ اَلَّتِي أَرْضَعَتْهَا قَالَ «لاَ هِيَ بِمَنْزِلَةِ اَلْأُخْتِ مِنَ اَلرَّضَاعَةِ لِأَنَّ اَللَّبَنَ لِفَحْلٍ وَاحِدٍ».

H.4671 - Al-Hasan ibn Mahbub narrated from Malik ibn Atiyyah from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who marries a woman, and she gives birth to his child.
Then she breastfeeds a bondwoman with her milk.
Imam {a.s} was asked: “Is it permissible for his child from another woman to marry that bondwoman whom she breastfed?"
Imam {a.s} replied: “No, she is like a sister through breastfeeding because the milk comes from the same father."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.477 • Al-Wafi, Vol.21 p.244 • Wasa’il Al-Shi’ah, Vol.20 p.393

HADITH

4672 - وَ رَوَى حَرِيزٌ عَنِ اَلْفُضَيْلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَحْرُمُ مِنَ اَلرَّضَاعِ إِلاَّ مَا كَانَ مَجْبُوراً » قَالَ قُلْتُ وَ مَا اَلْمَجْبُورُ قَالَ «أُمٌّ تُرَبِّي أَوْ ظِئْرٌ تُسْتَأْجَرُ أَوْ أَمَةٌ تُشْتَرَى».

H.4672 - Hariz narrated from Al-Fudayl ibn Yasar from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: “Breastfeeding does not create a prohibition except when it is continuous and intentional."
I asked: “What is meant by continuous and intentional?"
Imam {a.s} replied: “It is when a mother raises the child, a wet nurse is hired, or a bondwoman is purchased for breastfeeding."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.477

HADITH

4673 - وَ رَوَى اَلْعَلاَءُ بْنُ رَزِينٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَحْرُمُ مِنَ اَلرَّضَاعِ إِلاَّ مَا اِرْتَضَعَ مِنْ ثَدْيٍ وَاحِدٍ سَنَةً».

H.4673 - Al-Alaa ibn Razin narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
“Breastfeeding does not create a prohibition except when a child nurses from one breast for a full year."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.477 • Awali Al-La’ali, Vol.3 p.324 • Wasa’il Al-Shi’ah, Vol.20 p.379

HADITH

4674 - وَ رَوَى عُبَيْدُ بْنُ زُرَارَةَ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلرَّضَاعِ فَقَالَ «لاَ يَحْرُمُ مِنَ اَلرَّضَاعِ إِلاَّ مَا اِرْتَضَعَ مِنْ ثَدْيٍ وَاحِدٍ حَوْلَيْنِ كَامِلَيْنِ».

H.4674 - Ubayd ibn Zurarah narrated from Zurarah from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: I asked him about breastfeeding, and Imam {a.s} said:
“Breastfeeding does not create a prohibition except when a child nurses from one breast for two complete years."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.477 • Tahdhib Al-Ahkam, Vol.7 p.317 • Al-Istibsar, Vol.3 p.197 • Al-Wafi, Vol.21 p.240 • Wasa’il Al-Shi’ah, Vol.20 p.386

HADITH

4675 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ زُرَارَةَ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَحْرُمُ مِنَ اَلرَّضَاعِ إِلاَّ مَا كَانَ حَوْلَيْنِ كَامِلَيْنِ».

H.4675 - Abdullah ibn Zurarah narrated from Al-Halabi from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: “Breastfeeding does not create a prohibition except when it is for two complete years."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.477 • Al-Wafi, Vol.21 p.240 • Wasa’il Al-Shi’ah, Vol.20 p.379 • Wasa’il Al-Shi’ah, Vol.20 p.387

HADITH

4676 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ كَانَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «اِنْهَوْا نِسَاءَكُمْ أَنْ يُرْضِعْنَ يَمِيناً وَ شِمَالاً فَإِنَّهُنَّ يَنْسَيْنَ».

H.4676 - In the narration of Al-Sakooni, it is reported that Imam Ali ibn Abi Talib {a.s} used to say, "Prevent your women from breastfeeding here and there (to various children), for they may forget."

[REFERENCES] Al-Kafi, Vol.5 p.446 • Man La Yahduruhu Al-Faqih, Vol.3 p.478 • Al-Wafi, Vol.21 p.226 • Wasa’il Al-Shi’ah, Vol.20 p.382 • Wasa’il Al-Shi’ah, Vol.21 p.453

HADITH

4677 - وَ رَوَى فُضَيْلٌ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «عَلَيْكُمْ بِالْوُضَّاءِ مِنَ اَلظُّئُورَةِ فَإِنَّ اَللَّبَنَ يُعْدِي».

H.4677 - Fudayl narrated from Zurarah from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} who said: “Choose healthy wet nurses, for milk can transmit illness."

[REFERENCES] Al-Kafi, Vol.6 p.44 • Man La Yahduruhu Al-Faqih, Vol.3 p.478 • Tahdhib Al-Ahkam, Vol.8 p.110 • Al-Wafi, Vol.23 p.1370 • Wasa’il Al-Shi’ah, Vol.21 p.468

HADITH

4678 - وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ أَخَاهُ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : عَنِ اِمْرَأَةٍ زَنَتْ هَلْ تَصْلُحُ أَنْ تُسْتَرْضَعَ قَالَ «لاَ تَصْلُحُ وَ لاَ لَبَنُ اِبْنَتِهَا اَلَّتِي وُلِدَتْ مِنَ اَلزِّنَا».

H.4678 - Ali ibn Ja'far asked his brother Imam Musa ibn Jafar Al-Kadhim {a.s} about a woman who committed adultery - whether she is suitable to be taken as a wet nurse. He {a.s} replied: “She is not suitable, nor is the milk of her daughter who was born from adultery."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.478

HADITH

4679 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ تَسْتَرْضِعُوا اَلْحَمْقَاءَ فَإِنَّ اَللَّبَنَ يُعْدِي وَ إِنَّ اَلْغُلاَمَ يَنْزِعُ إِلَى اَللَّبَنِ يَعْنِي إِلَى اَلظِّئْرِ فِي اَلرُّعُونَةِ وَ اَلْحُمْقِ».

H.4679 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said that the Messenger of Allah {SWT} said:
"Do not choose a foolish woman as a wet nurse, for milk can transmit traits. A child is influenced by the milk, meaning by the wet nurse, in foolishness and ignorance."

[REFERENCES] Al-Kafi, Vol.6 p.43 • Man La Yahduruhu Al-Faqih, Vol.3 p.478 • Tahdhib Al-Ahkam, Vol.8 p.110 • Al-Wafi, Vol.23 p.1369 • Wasa'il Al-Shi'ah, Vol.21 p.467

HADITH

4680 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَلَبِيِّ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ دَفَعَ وَلَدَهُ إِلَى ظِئْرٍ يَهُودِيَّةٍ أَوْ نَصْرَانِيَّةٍ أَوْ مَجُوسِيَّةٍ تُرْضِعُهُ فِي بَيْتِهَا أَوْ تُرْضِعُهُ فِي بَيْتِهِ قَالَ «تُرْضِعُهُ لَكَ اَلْيَهُودِيَّةُ وَ اَلنَّصْرَانِيَّةُ وَ تَمْنَعُهَا مِنْ شُرْبِ اَلْخَمْرِ وَ مَا لاَ يَحِلُّ مِثْلَ لَحْمِ اَلْخِنْزِيرِ وَ لاَ يَذْهَبَنَ بِوَلَدِكَ إِلَى بُيُوتِهِنَّ وَ اَلزَّانِيَةُ لاَ تُرْضِعْ وَلَدَكَ فَإِنَّهُ لاَ يَحِلُّ لَكَ وَ اَلْمَجُوسِيَّةُ لاَ تُرْضِعُ لَكَ وَلَدَكَ إِلاَّ أَنْ تُضْطَرَّ إِلَيْهَا».

H.4680 - Ibn Muskan narrated from Al-Halabi who said: I asked him about a man who gives his child to a Jewish, Christian, or Magian (Zoroastrian) wet nurse to breastfeed him either in her house or in his house.
Imam {a.s} said: "A Jewish or Christian woman may breastfeed your child, but you must prevent her from drinking alcohol and consuming what is unlawful, such as pork. Do not let them take your child to their homes. A woman who is an adulteress must not breastfeed your child, for it is not permissible for you. A Magian woman must not breastfeed your child unless you are compelled to it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.479 • Tahdhib Al-Ahkam, Vol.8 p.116 • Al-Wafi, Vol.23 p.1366 • Wasa'il Al-Shi'ah, Vol.21 p.465

HADITH

4681 - وَ رَوَى حَرِيزٌ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ: «لَبَنُ اَلْيَهُودِيَّةِ وَ اَلنَّصْرَانِيَّةِ وَ اَلْمَجُوسِيَّةِ أَحَبُّ إِلَيَّ مِنْ لَبَنِ وَلَدِ اَلزِّنَا وَ كَانَ لاَ يَرَى بَأْساً بِلَبَنِ وَلَدِ اَلزِّنَا إِذَا جَعَلَ مَوْلَى اَلْجَارِيَةِ اَلَّذِي فَجَرَ بِالْجَارِيَةِ فِي حِلٍّ».

H.4681 - Hariz narrated from Muhammad ibn Muslim from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"The milk of a Jewish, Christian, or Magian woman is more beloved to me than the milk of a child born from adultery. However, he saw no harm in the milk of a child born from adultery if the master of the bondwoman, with whom the immoral act was committed, pardons it."

[REFERENCES] Al-Kafi, Vol.6 p.43 • Man La Yahduruhu Al-Faqih, Vol.3 p.479 • Al-Istibsar, Vol.3 p.322 • Al-Wafi, Vol.23 p.1367

HADITH

4682 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اِمْرَأَةٍ دَرَّ لَبَنُهَا مِنْ غَيْرِ وِلاَدَةٍ فَأَرْضَعَتْ جَارِيَةً وَ غُلاَماً بِذَلِكَ اَللَّبَنِ هَلْ يَحْرُمُ بِذَلِكَ اَللَّبَنِ مَا يَحْرُمُ مِنَ اَلرَّضَاعِ قَالَ «لاَ».

H.4682 - Muhammad ibn Abi Umayr narrated from Yunus ibn Yaqub from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: I asked Imam {a.s} about a woman whose milk flowed without childbirth, and she breastfed a girl and a boy with that milk. Does this milk create the same prohibitions as regular breastfeeding?
Imam {a.s} replied: “No."

[REFERENCES] Al-Kafi, Vol.5 p.446 • Man La Yahduruhu Al-Faqih, Vol.3 p.479 • Al-Wafi, Vol.21 p.241 • Wasa’il Al-Shi’ah, Vol.20 p.398

HADITH

4683 - وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «وَجُورُ اَلصَّبِيِّ اَللَّبَنَ بِمَنْزِلَةِ اَلرَّضَاعِ».

H.4683 - Abu Abdullah {a.s} said: “The sucking of milk by a child is equivalent to breastfeeding."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.479 • Al-Wafi, Vol.21 p.242

HADITH

4684 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «لاَ تُجْبَرُ اَلْحُرَّةُ عَلَى إِرْضَاعِ اَلْوَلَدِ وَ تُجْبَرُ أُمُّ اَلْوَلَدِ».

وَ مَتَى وَجَدَ الْأَبُ مَنْ يُرْضِعُ الْوَلَدَ بِأَرْبَعَةِ دَرَاهِمَ وَ قَالَتِ الْأُمُّ لَا أُرْضِعُهُ إِلَّا بِخَمْسَةِ دَرَاهِمَ فَإِنَّ لَهُ أَنْ يَنْزِعَهُ مِنْهَا إِلَّا أَنَّ الْأَصْلَحَ لَهُ وَ الْأَرْفَقَ بِهِ أَنْ يَتْرُكَهُ مَعَ أُمِّهِ وَ قَالَ اللَّهُ عَزَّ وَ جَلَّ ۝ وَ إِنْ تَعاسَرْتُمْ فَسَتُرْضِعُ لَهُ أُخْرى ۝

H.4684 - Imam Abu Abdullah {a.s} said: “A free woman cannot be forced to breastfeed a child, but a but a bondwoman (*umm al-walad*) can be compelled to do so."

[AL SADUQ]
If the father finds someone willing to breastfeed the child for four dirhams, and the mother says, "I will not breastfeed him except for five dirhams," then he has the right to take the child away from her. However, what is better and kinder for the child is to leave the child with the mother. Allah {SWT}, the Almighty and Majestic, says: *'But if you disagree, then another woman may breastfeed the child for him'* (Surah Al-Talaq 65:6).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.480 • Tafsir Al-Safi, Vol.1 p.260

HADITH

4685 - وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي رَجُلٍ تُوُفِّيَ وَ تَرَكَ صَبِيّاً وَ اُسْتُرْضِعَ لَهُ «أَنَّ أَجْرَ رَضَاعِ اَلصَّبِيِّ مِمَّا يَرِثُ مِنْ أَبِيهِ وَ أُمِّهِ».

H.4685 - The Commander of the Faithful {a.s}, ruled regarding a man who passed away and left behind a child who needed to be breastfed:
"The payment for the child's breastfeeding should be taken from what the child inherits from his father and mother."

[REFERENCES] Al-Kafi, Vol.6 p.41 • Man La Yahduruhu Al-Faqih, Vol.3 p.480 • Tahdhib Al-Ahkam, Vol.7 p.447 • Tahdhib Al-Ahkam, Vol.8 p.106 • Al-Wafi, Vol.23 p.1371 • Wasa'il Al-Shi'ah, Vol.21 p.456 • Wasa'il Al-Shi'ah, Vol.21 p.456 • Tafsir Nur Al-Thaqalayn, Vol.1 p.228 • Tafsir Kanz Al-Daqaiq, Vol.2 p.355

HADITH

4686 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّ عَلِيّاً عَلَيْهِ اَلسَّلاَمُ أَتَاهُ رَجُلٌ فَقَالَ إِنَّ أَمَتِي أَرْضَعَتْ وَلَدِي وَ قَدْ أَرَدْتُ بَيْعَهَا قَالَ «خُذْ بِيَدِهَا وَ قُلْ مَنْ يَشْتَرِي مِنِّي أُمَّ وَلَدِي».

H.4686 - In the narration of Al-Sakooni from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, it is reported that a man came to Imam Ali ibn Abi Talib {a.s} and said: "My bondwoman has breastfed my child, and I want to sell her."
Imam {a.s} replied: "Take her by the hand and say, 'Who will buy from me the mother of my child?'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.480 • Tahdhib Al-Ahkam, Vol.7 p.325 • Al-Wafi, Vol.21 p.228 • Wasa'il Al-Shi'ah, Vol.20 p.407

CHAPTER 144 – CHAPTER ON CONGRATULATING FOR THE BIRTH OF A CHILD

بَابُ التَّهْنِئَةِ بِالْوَلَدِ

HADITH 4687

4687 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «رَجُلٌ هَنَّأَ رَجُلاً أَصَابَ اِبْناً فَقَالَ يَهْنِيكَ اَلْفَارِسُ فَقَالَ لَهُ اَلْحَسَنُ بْنُ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ «مَا عِلْمُكَ أَنْ يَكُونَ فَارِساً أَوْ رَاجِلاً» فَقَالَ لَهُ جُعِلْتُ فِدَاكَ فَمَا أَقُولُ قَالَ «تَقُولُ شَكَرْتَ اَلْوَاهِبَ وَ بُورِكَ لَكَ فِي اَلْمَوْهُوبِ، وَ بَلَغَ أَشُدَّهُ وَ رُزِقْتَ بِرَّهُ» ».

H.4687 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
A man congratulated another man on the birth of a son by saying, "May this young warrior bring you joy!"
Imam Hasan ibn Ali {a.s}said to him: "How do you know whether he will be a warrior or one who walks on foot?"
The man replied: “May I be sacrificed for you! What should I say then?"
Imam {a.s} said: “Say: May you thank the Giver, may the gift be blessed for you, may he reach maturity, and may you be granted his righteousness."

[REFERENCES] Al-Kafi, Vol.6 p.17 • Man La Yahduruhu Al-Faqih, Vol.3 p.480 • Tahdhib Al-Ahkam, Vol.7 p.437 • Al-Wafi, Vol.23 p.1320 • Wasa’il Al-Shi’ah, Vol.21 p.386 • Bihar Al-Anwar, Vol.44 p.111

CHAPTER 145 – CHAPTER ON THE VIRTUE OF CHILDREN

بَابُ فَضْلِ الْأَوْلَادِ

HADITH 4688 – 4709

4688 - فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اَلْوَلَدُ اَلصَّالِحُ رَيْحَانَةٌ مِنْ رَيَاحِينِ اَلْجَنَّةِ.

H.4688 - In the narration of Al-Sakooni, the Messenger of Allah {SWT} (peace and blessings be upon him and his family) said:
“A righteous child is a flower from the flowers of Paradise."

[REFERENCES] Al-Kafi, Vol.6 p.3 • Man La Yahduruhu Al-Faqih, Vol.3 p.481 • Al-Ash’athiyat, Vol.1 p.187 • Makarim Al-Akhlaq, Vol.1 p.218 • Al-Nawadir (Lil-Rawandi), Vol.1 p.5 • Al-Wafi, Vol.23 p.1291 • Wasa’il Al-Shi’ah, Vol.21 p.358 • Al-Fusul Al-Muhimmah, Vol.2 p.362 • Bihar Al-Anwar, Vol.10 p.368 • Bihar Al-Anwar, Vol.101 p.90

HADITH

4689 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مِيرَاثُ اَللَّهِ مِنْ عَبْدِهِ اَلْمُؤْمِنِ اَلْوَلَدُ اَلصَّالِحُ يَسْتَغْفِرُ لَهُ».

H.4689 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
“Allah’s {SWT} inheritance from His {SWT} believing servant is a righteous child who seeks forgiveness for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.481 • Makarim Al-Akhlaq, Vol.1 p.218 • Al-Wafi, Vol.23 p.1296 • Wasa’il Al-Shi’ah, Vol.21 p.359 • Bihar Al-Anwar, Vol.101 p.90

HADITH

4690 - وَ قَالَ أَبُو اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى إِذَا أَرَادَ بِعَبْدٍ خَيْراً لَمْ يُمِتْهُ حَتَّى يُرِيَهُ اَلْخَلَفَ».

H.4690 - Abu al-Hasan {a.s} said:
“Indeed, when Allah {SWT}, the Blessed and Exalted, intends good for a servant, He {SWT} does not cause him to die until He {SWT} shows him (the believer) his successor."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.481 • Makarim Al-Akhlaq, Vol.1 p.219 • Al-Wafi, Vol.23 p.1296 • Wasa’il Al-Shi’ah, Vol.21 p.357 • Bihar Al-Anwar, Vol.101 p.91

HADITH

4691 - وَ رُوِيَ: «أَنَّ مَنْ مَاتَ بِلاَ خَلَفٍ فَكَأَنْ لَمْ يَكُنْ فِي اَلنَّاسِ وَ مَنْ مَاتَ وَ لَهُ خَلَفٌ فَكَأَنْ لَمْ يَمُتْ».

H.4691 - It is narrated:
"Whoever dies without leaving behind a successor, it is as if he was never among the people. And whoever dies and leaves behind a successor, it is as if he never died."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.481 • Makarim Al-Akhlaq, Vol.1 p.219 • Al-Wafi, Vol.23 p.1296 • Wasa’il Al-Shi’ah, Vol.21 p.357 • Bihar Al-Anwar, Vol.101 p.91

HADITH

4692 - وَ رَوَى أَبَانُ بْنُ تَغْلِبَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْبَنَاتُ حَسَنَاتٌ وَ اَلْبَنُونَ نِعْمَةٌ فَالْحَسَنَاتُ يُثَابُ عَلَيْهَا وَ اَلنِّعْمَةُ يُسْأَلُ عَنْهَا».

H.4692 - Aban ibn Taghlib narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: “Daughters are good deeds, and sons are blessings. Good deeds are rewarded, and blessings are questioned about."

[REFERENCES] Al-Kafi, Vol.6 p.6 • Man La Yahduruhu Al-Faqih, Vol.3 p.481 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.201 • Makarim Al-Akhlaq, Vol.1 p.219 • Uddat Al-Da’i, Vol.1 p.89 • Al-Wafi, Vol.23 p.1298 • Al-Wafi, Vol.23 p.1298 • Wasa’il Al-Shi’ah, Vol.21 p.365 • Wasa’il Al-Shi’ah, Vol.21 p.367 • Wasa’il Al-Shi’ah, Vol.21 p.367

HADITH

4693 - : وَ بُشِّرَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ بِابْنَةٍ فَنَظَرَ فِي وُجُوهِ أَصْحَابِهِ فَرَأَى اَلْكَرَاهَةَ فِيهِمْ فَقَالَ «مَا لَكُمْ رَيْحَانَةٌ أَشَمُّهَا وَ رِزْقُهَا عَلَى اَللَّهِ عَزَّ وَ جَلَّ» وَ كَانَ عَلَيْهِ اَلسَّلاَمُ أَبَا بَنَاتٍ.

H.4693 - The Prophet (peace and blessings be upon him and his family) was given the glad tidings of a daughter. He {saws} looked at the faces of his companions and saw displeasure in them.
He {saws} said: “What is the matter with you? She is a sweet flower (ray*ḥ*anah) that I smell, and her sustenance is upon Allah {SWT}, the Mighty and Majestic."
And Prophet {a.s} was a father of daughters.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.481 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.202 • Makarim Al-Akhlaq, Vol.1 p.219 • Al-Wafi, Vol.23 p.1302 • Wasa’il Al-Shi’ah, Vol.21 p.365 • Bihar Al-Anwar, Vol.101 p.90 • Bihar Al-Anwar, Vol.101 p.104 • Awalim Al-Uloom, Vol.11 p.58 • Mustadrak Al-Wasa’il, Vol.15 p.117

HADITH

4694 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «فِي اَلْمَرَضِ يُصِيبُ اَلصَّبِيَّ إِنَّهُ كَفَّارَةٌ لِوَالِدَيْهِ».

H.4694 - Imam Ali ibn Abi Talib {a.s} said: “When a child falls ill, it serves as an expiation for the sins of the parents."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Awali Al-La’ali, Vol.3 p.285 • Wasa’il Al-Shi’ah, Vol.21 p.357

HADITH

4695 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ لَيَرْحَمُ اَلرَّجُلَ لِشِدَّةِ حُبِّهِ لِوَلَدِهِ».

H.4695 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: “Indeed, Allah {SWT}, the Mighty and Majestic, has mercy on a man because of the intensity of his love for his child."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.201 • Makarim Al-Akhlaq, Vol.1 p.219 • Wasa’il Al-Shi’ah, Vol.21 p.359 • Bihar Al-Anwar, Vol.101 p.91

HADITH

4696 - وَ - قَالَ لَهُ عُمَرُ بْنُ يَزِيدَ : إِنَّ لِي بَنَاتٍ فَقَالَ «لَعَلَّكَ تَتَمَنَّى مَوْتَهُنَّ أَمَا إِنَّكَ إِنْ تَمَنَّيْتَ مَوْتَهُنَّ وَ مِتْنَ لَمْ تُؤْجَرْ يَوْمَ اَلْقِيَامَةِ وَ لَقِيتَ رَبَّكَ حِينَ تَلْقَاهُ وَ أَنْتَ عَاصٍ».

H.4696 - Umar ibn Yazid said to Imam Al-Sadiq {a.s}: "I have daughters."
The Imam {a.s} replied: “Perhaps you wish for their death? Know that if you wish for their death and they die, you will not be rewarded on the Day of Judgment, and you will meet your Lord {AZJ} while being disobedient to Him {SWT}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Makarim Al-Akhlaq, Vol.1 p.219 • Bihar Al-Anwar, Vol.101 p.91

HADITH

4697 - وَ رَوَى حَمْزَةُ بْنُ حُمْرَانَ بِإِسْنَادِهِ: أَنَّهُ أَتَى رَجُلٌ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ عِنْدَهُ رَجُلٌ فَأَخْبَرَهُ بِمَوْلُودٍ لَهُ فَتَغَيَّرَ لَوْنُ اَلرَّجُلِ فَقَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «مَا لَكَ» قَالَ خَيْرٌ قَالَ «قُلْ» قَالَ خَرَجْتُ وَ اَلْمَرْأَةُ تَمْخَضُ فَأُخْبِرْتُ أَنَّهَا وَلَدَتْ جَارِيَةً فَقَالَ لَهُ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «اَلْأَرْضُ تُقِلُّهَا وَ اَلسَّمَاءُ تُظِلُّهَا وَ اَللَّهُ يَرْزُقُهَا وَ هِيَ رَيْحَانَةٌ تَشَمُّهَا» ثُمَّ أَقْبَلَ عَلَى أَصْحَابِهِ فَقَالَ «مَنْ كَانَ لَهُ اِبْنَةٌ وَاحِدَةٌ فَهُوَ مَقْرُوحٌ وَ مَنْ كَانَ لَهُ اِبْنَتَانِ فَيَا غَوْثَاهُ بِاللَّهِ وَ مَنْ كَانَ لَهُ ثَلَاثُ بَنَاتٍ وُضِعَ عَنْهُ اَلْجِهَادُ وَ كُلُّ مَكْرُوهٍ وَ مَنْ كَانَ لَهُ أَرْبَعُ بَنَاتٍ فَيَا عِبَادَ اَللَّهِ أَعِينُوهُ يَا عِبَادَ اَللَّهِ أَقْرِضُوهُ يَا عِبَادَ اَللَّهِ اِرْحَمُوهُ».

H.4697 - Hamzah ibn Humran narrated through his chain of transmission that a man came to the Prophet {saws} while another man was sitting with Him {saws}.
The man informed the Prophet {saws} about the birth of his child, and the color of the man's face changed.
The Prophet {saws} asked him: "What is the matter with you?"
The man replied: “It's nothing."
The Prophet {saws} said: “Speak."
The man said: “I left while my wife was in labor, and I was informed that she gave birth to a daughter."
The Prophet {saws} said to him: "The earth will carry her, the sky will shade her, and Allah {SWT} will provide for her. She is a sweet flower that you will smell."
Then the Prophet {saws} turned to his companions and said:
“Whoever has one daughter will be burdened with care.
Whoever has two daughters, then seek help from Allah {SWT} for him.
Whoever has three daughters, the obligation of jihad and every hardship is lifted from him.
And whoever has four daughters, O servants of Allah {SWT}, help him!
O servants of Allah {SWT}, support him! O servants of Allah {SWT}, have mercy on him!"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.202 • Makarim Al-Akhlaq, Vol.1 p.219 • Awali Al-La’ali, Vol.3 p.294 • Bihar Al-Anwar, Vol.101 p.91 • Bihar Al-Anwar, Vol.101 p.104

HADITH

4698 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «مَنْ عَالَ ثَلاَثَ بَنَاتٍ أَوْ ثَلاَثَ أَخَوَاتٍ وَجَبَتْ لَهُ اَلْجَنَّةُ » قِيلَ يَا رَسُولَ اَللَّهِ وَ اِثْنَتَيْنِ قَالَ «وَ اِثْنَتَيْنِ» قِيلَ يَا رَسُولَ اَللَّهِ «وَ وَاحِدَةً» قَالَ «وَ وَاحِدَةً».

H.4698 - The Prophet (peace and blessings be upon him and his family) said:
“Whoever takes care of three daughters or three sisters, Paradise becomes obligatory for him." It was asked: “O Messenger of Allah {SWT}, what about two?"
He {saws} replied: “And two (meaning same reward)."
It was asked: “O Messenger of Allah {SWT}, and one?"
He {saws} said: “And one (meaning same reward)."

[REFERENCES] Al-Kafi, Vol.6 p.6 • Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Makarim Al-Akhlaq, Vol.1 p.219 • Uddat Al-Da’i, Vol.1 p.90 • Awali Al-La’ali, Vol.3 p.294 • Al-Wafi, Vol.23 p.1302 • Wasa’il Al-Shi’ah, Vol.21 p.361 • Wasa’il Al-Shi’ah, Vol.21 p.368 • Al-Fusul Al-Muhimmah, Vol.2 p.362 • Bihar Al-Anwar, Vol.101 p.92

HADITH

4699 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ عَالَ اِبْنَتَيْنِ أَوْ أُخْتَيْنِ أَوْ عَمَّتَيْنِ أَوْ خَالَتَيْنِ حَجَبَتَاهُ مِنَ اَلنَّارِ».

H.4699 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
“Whoever takes care of two daughters, two sisters, two paternal aunts, or two maternal aunts, they will shield him from the Fire."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Al-Khisal, Vol.1 p.37 • Awali Al-La’ali, Vol.3 p.295 • Al-Wafi, Vol.23 p.1302 • Wasa’il Al-Shi’ah, Vol.21 p.362 • Bihar Al-Anwar, Vol.101 p.69

HADITH

4700 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا أَصَابَ اَلرَّجُلُ اِبْنَةً بَعَثَ اَللَّهُ عَزَّ وَ جَلَّ إِلَيْهَا مَلَكاً فَأَمَرَّ جَنَاحَهُ عَلَى رَأْسِهَا وَ صَدْرِهَا وَ قَالَ ضَعِيفَةٌ خُلِقَتْ مِنْ ضَعْفٍ اَلْمُنْفِقُ عَلَيْهَا مُعَانٌ».

H.4700 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
“When a man is blessed with a daughter, Allah {SWT}, the Mighty and Majestic, sends an angel to her who passes his wing over her head and chest and says, 'A fragile being created from weakness; whoever provides for her will be assisted.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.482 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.202 • Awali Al-La’ali, Vol.3 p.295 • Al-Wafi, Vol.23 p.1302 • Wasa’il Al-Shi’ah, Vol.21 p.368 • Bihar Al-Anwar, Vol.101 p.104

HADITH

4701 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «اِعْلَمُوا أَنَّ أَحَدَكُمْ يَلْقَى سِقْطَهُ مُحْبَنْطِئاً عَلَى بَابِ اَلْجَنَّةِ حَتَّى إِذَا رَآهُ أَخَذَ بِيَدِهِ حَتَّى يُدْخِلَهُ اَلْجَنَّةَ وَ إِنَّ وَلَدَ أَحَدِكُمْ إِذَا مَاتَ أُجِرَ فِيهِ وَ إِنْ بَقِيَ بَعْدَهُ اِسْتَغْفَرَ لَهُ بَعْدَ مَوْتِهِ».

H.4701 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: “Know that one of you will find his miscarried child waiting anxiously at the gate of Paradise. When they (the child) sees him, they will grasp his hand and not let go until he brings him into Paradise. Indeed, if one of your children dies, you will be rewarded for it, and if the child remains after you, he will seek forgiveness for you after your death."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Awali Al-La’ali, Vol.3 p.289 • Al-Wafi, Vol.23 p.1296 • Wasa’il Al-Shi’ah, Vol.21 p.357

HADITH

4702 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «أَحِبُّوا اَلصِّبْيَانَ وَ اِرْحَمُوهُمْ وَ إِذَا وَعَدْتُمُوهُمْ فَفُوا لَهُمْ فَإِنَّهُمْ لاَ يَرَوْنَ إِلاَّ أَنَّكُمْ تَرْزُقُونَهُمْ».

H.4702 - The Prophet (peace and blessings be upon him and his family) said: “Love the children and have mercy on them. When you promise them something, fulfill it for them, for they only perceive that you are the ones who provide for them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Makarim Al-Akhlaq, Vol.1 p.219 • Bihar Al-Anwar, Vol.101 p.92

HADITH

4703 - وَ رَوَى رِفَاعَةُ بْنُ مُوسَى عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلرَّجُلِ يَكُونُ لَهُ بَنُونَ وَ أُمَّهُمْ لَيْسَتْ بِوَاحِدَةٍ أَ يُفَضِّلُ أَحَدَهُمْ عَلَى اَلْآخَرِ قَالَ «نَعَمْ لاَ بَأْسَ بِهِ وَ قَدْ كَانَ أَبِي عَلَيْهِ اَلسَّلاَمُ يُفَضِّلُنِي عَلَى عَبْدِ اَللَّهِ ».

H.4703 - Rifa'ah ibn Musa narrated from Abu Al-Hasan {a.s} who said:
I asked him about a man who has sons from different mothers, can he favor one of them over the others?
Imam {a.s} replied: “Yes, there is no harm in that. My father {a.s} used to favor me over Abdullah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Al-Wafi, Vol.23 p.1396 • Wasa’il Al-Shi’ah, Vol.21 p.487

HADITH

4704 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ: نَظَرَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِلَى رَجُلٍ لَهُ إِبْنَانِ فَقَبَّلَ أَحَدَهُمَا وَ تَرَكَ اَلْآخَرَ فَقَالَ لَهُ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «فَهَلاَّ وَاسَيْتَ بَيْنَهُمَا».

H.4704 - In the narration of Al-Sakooni, it is reported that the Messenger of Allah {SWT} (peace and blessings be upon him and his family) saw a man who had two sons.
The man kissed one of them and left the other.
The Prophet (peace and blessings be upon him and his family) said to him, "Why did you not treat them equally?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Al-Wafi, V.23 p.1397 • Wasa'il Al-Shi'ah, V.21 p.487

HADITH

4705 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «يَلْزَمُ اَلْوَالِدَيْنِ مِنْ عُقُوقِ اَلْوَلَدِ مَا يَلْزَمُ اَلْوَلَدَ لَهُمَا مِنَ اَلْعُقُوقِ».

H.4705 - Imam {a.s} said: "Parents are held accountable for disobedience toward their children just as children are held accountable for disobedience toward their parents."

[REFERENCES] Al-Kafi, Vol.6 p.48 • Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Tahdhib Al-Ahkam, Vol.8 p.112 • Makarim Al-Akhlaq, Vol.1 p.220 • Al-Wafi, Vol.23 p.1385 • Wasa'il Al-Shi'ah, Vol.21 p.480 • Bihar Al-Anwar, Vol.101 p.93 • Mustadrak Al-Wasa'il, Vol.15 p.127

HADITH

4706 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «بِرُّ اَلرَّجُلِ بِوَلَدِهِ بِرُّهُ بِوَالِدَيْهِ».

H.4706 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"A man's kindness to his child is a form of his kindness to his own parents."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Makarim Al-Akhlaq, Vol.1 p.220 • Al-Wafi, Vol.23 p.1388 • Wasa'il Al-Shi'ah, Vol.21 p.484 • Bihar Al-Anwar, Vol.101 p.93

HADITH

4707 - وَ فِي خَبَرٍ آخَرَ قَالَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ كَانَ عِنْدَهُ صَبِيٌّ فَلْيَتَصَابَ لَهُ ».

H.4707 - In another narration, the Prophet (peace and blessings be upon him and his family) said: "Whoever has a child should act childishly with him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.483 • Al-Wafi, Vol.23 p.1388 • Wasa'il Al-Shi'ah, Vol.21 p.486

HADITH

4708 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «مِنْ نِعَمِ اَللَّهِ عَزَّ وَ جَلَّ عَلَى اَلرَّجُلِ أَنْ يُشْبِهَهُ وَلَدُهُ».

H.4708 - Imam {a.s} said:
“Among the blessings of Allah {SWT}, the Mighty and Majestic, upon a man is that his child resembles him."

[REFERENCES] Al-Kafi, Vol.6 p.4 • Man La Yahduruhu Al-Faqih, Vol.3 p.484 • Al-Ash’athiyat, Vol.1 p.187 • Makarim Al-Akhlaq, Vol.1 p.221 • Makarim Al-Akhlaq, Vol.1 p.222 • Al-Nawadir (Lil-Rawandi), Vol.1 p.5 • Al-Wafi, Vol.23 p.1290 • Wasa’il Al-Shi’ah, Vol.21 p.356 • Wasa’il Al-Shi’ah, Vol.21 p.504 • Bihar Al-Anwar, Vol.71 p.84

HADITH

4709 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى إِذَا أَرَادَ أَنْ يَخْلُقَ خَلْقاً جَمَعَ كُلَّ صُورَةٍ بَيْنَهُ وَ بَيْنَ آدَمَ ثُمَّ خَلَقَهُ عَلَى صُورَةِ إِحْدَاهُنَّ فَلاَ يَقُولَنَّ أَحَدٌ لِوَلَدِهِ هَذَا لاَ يُشْبِهُنِي وَ لاَ يُشْبِهُ شَيْئاً مِنْ آبَائِي».

H.4709 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
“When Allah {SWT}, the Blessed and Exalted, wills to create a being,
He {SWT} gathers every form between him and Adam {a.s}, then creates him in the image of one of them. Therefore, no one should say about his child, 'This one does not resemble me or any of my ancestors.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.484 • Ilal Al-Shara’i’, Vol.1 p.103 • Makarim Al-Akhlaq, Vol.1 p.221 • Awali Al-La’ali, Vol.3 p.309 • Awali Al-La’ali, Vol.3 p.419 • Al-Wafi, Vol.23 p.1290 • Tafsir Al-Safi, Vol.1 p.316 • Wasa’il Al-Shi’ah, Vol.21 p.504 • Bihar Al-Anwar, Vol.57 p.340 • Bihar Al-Anwar, Vol.101 p.93

CHAPTER 146 – CHAPTER ON AQIQAH, TAHNIK, NAMING, KUNYAH, SHAVING THE NEWBORN'S HEAD, PIERCING THE EARS, AND CIRCUMCISION

بَابُ الْعَقِيقَةِ وَ التَّحْنِيكِ وَ التَّسْمِيَةِ وَ الْكُنَى وَ حَلْقِ رَأْسِ الْمَوْلُودِ وَ ثَقْبِ أُذُنَيْهِ وَ الْخِتَانِ

HADITH 4710 – 4730

4710 - رَوَى عُمَرُ بْنُ يَزِيدَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «كُلُّ اِمْرِئٍ مُرْتَهَنٌ، يَوْمَ اَلْقِيَامَةِ بِعَقِيقَتِهِ وَ اَلْعَقِيقَةُ أَوْجَبُ مِنَ اَلْأُضْحِيَّةِ».

H.4710 - Umar ibn Yazid narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: "Every person is held in pledge on the Day of Judgment by their Aqiqah, and the Aqiqah is more obligatory than the sacrificial offering (Udhiyyah)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.484 • Makarim Al-Akhlaq, Vol.1 p.226 • Wasa'il Al-Shi'ah, Vol.21 p.412 • Bihar Al-Anwar, Vol.101 p.120

HADITH

3711 - وَ فِي رِوَايَةِ أَبِي خَدِيجَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «كُلُّ إِنْسَانٍ مُرْتَهَنٌ بِالْفِطْرَةِ وَ كُلُّ مَوْلُودٍ مُرْتَهَنٌ بِالْعَقِيقَةِ».

H.4711 - In the narration of Abu Khadijah from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he said:
"Every person is held in pledge by their natural disposition (fitrah), and every newborn is held in pledge by their Aqiqah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.484 • Makarim Al-Akhlaq, Vol.1 p.226 • Al-Wafi, Vol.23 p.1330 • Wasa'il Al-Shi'ah, Vol.21 p.413 • Bihar Al-Anwar, Vol.101 p.120

HADITH

4712 - وَ رُوِيَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ اَللَّهِ مَا أَدْرِي أَ كَانَ أَبِي عَقَّ عَنِّي أَمْ لاَ فَأَمَرَنِي عَلَيْهِ اَلسَّلاَمُ فَعَقَقْتُ عَنْ نَفْسِي وَ أَنَا شَيْخٌ.

H.4712 - It was narrated from Umar ibn Yazid who said:
I said to Abu Abdullah {a.s}, "By Allah {SWT}, I do not know whether my father performed the aqiqah (sacrifice for a newborn) for me or not."
Imam {a.s} instructed me, so I performed the *aqiqah* for myself while I was an old man.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.484

HADITH

4713 - وَ فِي رِوَايَةِ عَلِيِّ بْنِ اَلْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنِ اَلْعَبْدِ اَلصَّالِحِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْعَقِيقَةُ وَاجِبَةٌ إِذَا وُلِدَ لِلرَّجُلِ وَلَدٌ فَإِنْ أَحَبَّ أَنْ يُسَمِّيَهُ مِنْ يَوْمِهِ فَعَلَ».

H.4713 - In the narration of Ali ibn Al-Hakam from Ali ibn Abi Hamzah from the Righteous Servant (Imam Musa ibn Jafar Al-Kadhim {a.s}), that he said:
"Aqiqah is obligatory when a man is blessed with a child. If he wishes to name the child on the same day, he may do so."

[REFERENCES] Al-Kafi, Vol.6 p.24 • Man La Yahduruhu Al-Faqih, Vol.3 p.484 • Tahdhib Al-Ahkam, Vol.7 p.440 • Makarim Al-Akhlaq, Vol.1 p.226 • Al-Wafi, Vol.23 p.1329 • Wasa'il Al-Shi'ah, Vol.21 p.413 • Bihar Al-Anwar, Vol.101 p.120

HADITH

4714 - وَ رَوَى عَمَّارٌ اَلسَّابَاطِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْعَقِيقَةُ لاَزِمَةٌ لِمَنْ كَانَ غَنِيّاً وَ مَنْ كَانَ فَقِيراً إِذَا أَيْسَرَ فَعَلَ فَإِنْ لَمْ يَقْدِرْ عَلَى ذَلِكَ فَلَيْسَ عَلَيْهِ شَيْءٌ وَ إِنْ لَمْ يَعُقَّ عَنْهُ حَتَّى ضَحَّى عَنْهُ فَقَدْ أَجْزَأَتْهُ اَلْأُضْحِيَّةُ وَ كُلُّ مَوْلُودٍ مُرْتَهَنٌ بِعَقِيقَتِهِ» وَ قَالَ فِي اَلْعَقِيقَةِ «يُذْبَحُ عَنْهُ كَبْشٌ فَإِنْ لَمْ يُوجَدْ كَبْشٌ أَجْزَأَهُ مَا يُجْزِي فِي اَلْأُضْحِيَّةِ وَ إِلاَّ فَحَمَلٌ أَعْظَمُ مَا يَكُونُ مِنْ حُمْلاَنِ اَلسَّنَةِ».

H.4714 - Ammar Al-Sabati narrated from Abu Abdullah Imam Al-Sadiq {a.s} who said:
"Aqiqah is obligatory for those who are wealthy. As for the poor, when they become financially capable, they should perform it. If they are unable to do so, then nothing is required of them.
If Aqiqah was not done for a person until a sacrifice (Udhiyyah) was offered on their behalf, the sacrifice suffices for them. Every newborn is held in pledge by their Aqiqah."
Imam {a.s} also said regarding Aqiqah: "A ram should be slaughtered on their behalf. If a ram is not available, anything permissible for sacrifice in Udhiyyah will suffice. If that is not possible, then a lamb, the largest among the lambs of the year, should be offered."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.485

HADITH

4715 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ مَارِدٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ اَلْعَقِيقَةِ فَقَالَ «شَاةٌ أَوْ بَقَرَةٌ أَوْ بَدَنَةٌ ثُمَّ يُسَمِّي وَ يَحْلِقُ رَأْسَ اَلْمَوْلُودِ يَوْمَ اَلسَّابِعِ وَ يَتَصَدَّقُ بِوَزْنِ شَعْرِهِ ذَهَباً أَوْ فِضَّةً فَإِنْ كَانَ ذَكَراً عَقَّ عَنْهُ ذَكَراً وَ إِنْ كَانَ أُنْثَى أُنْثَى عَقَّ عَنْهَا».

H.4715 - In the narration of Muhammad ibn Marid from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said: I asked Imam {a.s} about the Aqiqah.
Imam {a.s} replied: "It can be a sheep, a cow, or a camel.
Then the child should be named, and his head should be shaved on the seventh day.
Charity should be given in gold or silver equal to the weight of the shaved hair.
If the newborn is a boy, a male animal should be sacrificed on his behalf, and if it is a girl, a female animal should be sacrificed for her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.485 • Al-Wafi, Vol.23 p.1343

HADITH

4716 - وَ عَقَّ أَبُو طَالِبٍ رَحِمَهُ اَللَّهُ عَنْ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَوْمَ اَلسَّابِعِ فَدَعَا آلَ أَبِي طَالِبٍ فَقَالُوا مَا هَذِهِ فَقَالَ «عَقِيقَةُ أَحْمَدَ » قَالُوا لِأَيِّ شَيْءٍ سَمَّيْتَهُ أَحْمَدَ قَالَ «سَمَّيْتُهُ أَحْمَدَ لِمَحْمَدَةِ أَهْلِ اَلسَّمَاءِ وَ اَلْأَرْضِ لَهُ».

وَ يَجُوزُ أَنْ يُعَقَّ عَنِ الذَّكَرِ بِأُنْثَى وَ عَنِ الْأُنْثَى بِذَكَرٍ وَ قَدْ رُوِيَ أَنَّهُ يُعَقُّ عَنِ الذَّكَرِ بِأُنْثَيَيْنِ وَ عَنِ الْأُنْثَى بِوَاحِدَةٍ وَ مَا اسْتُعْمِلَ مِنْ ذَلِكَ فَهُوَ جَائِزٌ وَ الْأَبَوَانِ لَا يَأْكُلَانِ مِنَ الْعَقِيقَةِ وَ لَيْسَ ذَلِكَ بِمُحَرَّمٍ عَلَيْهِمَا وَ إِنْ أَكَلَتْ مِنْهُ الْأُمُّ لَمْ تُرْضِعْهُ وَ تُطْعَمُ الْقَابِلَةُ الرِّجْلَ مِنْهَا بِالْوَرِكِ وَ إِنْ كَانَتِ الْقَابِلَةُ أُمَّ الرِّجْلِ أَوْ فِي عِيَالِهِ فَلَيْسَ لَهَا شَيْءٌ وَ إِنْ شَاءَ قَسَمَهَا أَعْضَاءً كَمَا هِيَ وَ إِنْ شَاءَ طَبَخَهَا وَ قَسَمَ مَعَهَا خُبْزاً وَ مَرَقاً وَ لَا يُعْطِيهَا إِلَّا لِأَهْلِ الْوَلَايَةِ.

H.4716 - Abu Talib {a.s}, may Allah {SWT} have mercy on him, performed the Aqiqah for the Messenger of Allah {SWT} (peace and blessings be upon him and his family) on the seventh day after his birth.
He {a.s} invited the family of Abu Talib {a.s}, and when they asked: "What is this?"
Abu Talib {a.s} replied: "This is the Aqiqah of Ahmad {saws}."
They asked: "Why did you name him Ahmad {saws}?"
Abu Talib {a.s} said:
"I named him Ahmad {saws} because of the praise (mahmadah) He {saws} receives from the inhabitants of the heavens and the earth."

[AL SADUQ]
It is permissible to perform the Aqiqah for a male child with a female animal and for a female child with a male animal. It has also been narrated that two female animals may be sacrificed for a male child and one for a female child. Whatever is practiced in this regard is acceptable.
The parents should not eat from the Aqiqah meat, although it is not forbidden for them. If the mother eats from it, it is said that she may not nurse the child. The midwife (qabilah) should be given a leg portion, specifically the thigh.

However, if the midwife is the man's mother or lives within his household, she is not entitled to anything unless he chooses to give her.
The meat may be divided as it is, limb by limb, or it may be cooked and distributed with bread and broth. It should only be given to those who are followers of the Ahlulbayt (ahl al-wilayah).

[REFERENCES] Al-Kafi, Vol.6 p.34 • Man La Yahduruhu Al-Faqih, Vol.3 p.485 • Al-Wafi, Vol.23 p.1335 • Wasa'il Al-Shi'ah, Vol.21 p.431 • Bihar Al-Anwar, Vol.15 p.294

HADITH

4717 - وَ فِي رِوَايَةِ عَمَّارٍ اَلسَّابَاطِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنْ كَانَتِ اَلْقَابِلَةُ يَهُودِيَّةً لاَ تَأْكُلُ مِنْ ذَبِيحَةِ اَلْمُسْلِمِينَ أُعْطِيَتْ رُبُعَ قِيمَةِ اَلْكَبْشِ يُشْتَرَى ذَلِكَ مِنْهَا ».

H.4717 - In the narration of Ammar Al-Sabati from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that he said:
"If the midwife (qabilah) is a Jewess who does not eat the meat of an animal slaughtered by Muslims, she should be given one-fourth of the value of the ram, and it is purchased from her with that."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.486 • Wasa'il Al-Shi'ah, Vol.21 p.423

HADITH

4718 - وَ فِي رِوَايَةِ عَمَّارٍ أَيْضاً: «أَنَّهُ يُعْطِي اَلْقَابِلَةَ رُبُعَهَا فَإِنْ لَمْ تَكُنْ قَابِلَةٌ فَلِأُمِّهِ تُعْطِيهَا مَنْ شَاءَتْ وَ تُطْعِمُ مِنْهَا عَشَرَةً مِنَ اَلْمُسْلِمِينَ فَإِنْ زَادَ فَهُوَ أَفْضَلُ».

H.4718 - In another narration from Ammar, it is reported: "A quarter of the Aqiqah should be given to the midwife. If there is no midwife, then the child's mother may give it to whomever she wishes. She should also feed ten Muslims from it, and if she feeds more, it is even better."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.486 • Makarim Al-Akhlaq, Vol.1 p.227 • Wasa'il Al-Shi'ah, Vol.21 p.424 • Bihar Al-Anwar, Vol.101 p.121

HADITH

4719 - وَ رُوِيَ: «أَنَّ أَفْضَلَ مَا يُطْبَخُ بِهِ مَاءٌ وَ مِلْحٌ».

H.4719 - It is narrated: "The best way to cook the Aqiqah meat is with water and salt."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.486 • Al-Wafi, Vol.23 p.1344 • Wasa'il Al-Shi'ah, Vol.21 p.424

HADITH

4720 - قَالَ عَمَّارٌ اَلسَّابَاطِيُّ : وَ سُئِلَ عَنِ اَلْعَقِيقَةِ إِذَا ذُبِحَتْ هَلْ يُكْسَرُ عَظْمُهَا قَالَ «نَعَمْ يُكْسَرُ عَظْمُهَا وَ يُقَطَّعُ لَحْمُهَا وَ تَصْنَعُ بِهَا بَعْدَ اَلذَّبْحِ مَا شِئْتَ».

H.4720 - Ammar Al-Sabati reported that Imam {a.s} was asked about the Aqiqah about when it is slaughtered, should its bones be broken?
He {a.s} replied: "Yes, its bones should be broken, and its meat should be cut up. After the slaughter, you may do with it as you wish."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.486 • Al-Wafi, V.23 p.1347 • Wasa'il Al-Shi'ah, V.21 p.424

HADITH

4721 - وَ سَأَلَ إِدْرِيسُ بْنُ عَبْدِ اَللَّهِ اَلْقُمِّيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ مَوْلُودٍ يُولَدُ فَيَمُوتُ يَوْمَ اَلسَّابِعِ هَلْ يُعَقُّ عَنْهُ قَالَ «إِنْ كَانَ مَاتَ قَبْلَ اَلظُّهْرِ لَمْ يُعَقَّ عَنْهُ وَ إِنْ كَانَ مَاتَ بَعْدَ اَلظُّهْرِ عُقَّ عَنْهُ».

H.4721 - Idris ibn Abdullah Al-Qummi asked Abu Abdullah {a.s} about a newborn who is born and dies on the seventh day. Should the Aqiqah be performed for him?
Imam {a.s} replied: "If he dies before noon, the Aqiqah is not performed for him. But if he dies after noon, the Aqiqah should be performed for him."

[REFERENCES] Al-Kafi, Vol.6 p.39 • Man La Yahduruhu Al-Faqih, Vol.3 p.487 • Tahdhib Al-Ahkam, Vol.7 p.447 • Al-Wafi, Vol.23 p.1332 • Wasa'il Al-Shi'ah, Vol.21 p.445

HADITH

4722 - وَ رَوَى عَمَّارٌ اَلسَّابَاطِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا أَرَدْتَ أَنْ تَذْبَحَ اَلْعَقِيقَةَ قُلْتَ «يَا قَوْمِ إِنِّي بَرِيءٌ مِمَّا تُشْرِكُونَ إِنِّي وَجَّهْتُ وَجْهِيَ لِلَّذِي فَطَرَ اَلسَّمٰاوٰاتِ وَ اَلْأَرْضَ حَنِيفاً» مُسْلِماً «وَ مٰا أَنَا مِنَ اَلْمُشْرِكِينَ » «إِنَّ صَلاٰتِي وَ نُسُكِي وَ مَحْيٰايَ وَ مَمٰاتِي لِلّٰهِ رَبِّ اَلْعٰالَمِينَ لاٰ شَرِيكَ لَهُ وَ بِذٰلِكَ أُمِرْتُ» وَ أَنَا مِنَ اَلْمُسْلِمِينَ اَللَّهُمَّ مِنْكَ وَ لَكَ بِسْمِ اَللَّهِ وَ اَللَّهُ أَكْبَرُ اَللَّهُمَّ تَقَبَّلْ مِنْ فُلاَنِ بْنِ فُلاَنٍ وَ تُسَمِّي اَلْمَوْلُودَ بِاسْمِهِ ثُمَّ تَذْبَحُ».

H.4722 - Ammar Al-Sabati narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: "When you intend to slaughter the Aqiqah, say:
'O my people, I am free from what you associate with Allah {SWT}. Indeed, I have turned my face toward the One {SWT} who created the heavens and the earth, inclining toward truth, and I am not among the polytheists. Indeed, my prayer, my sacrifice, my life, and my death are for Allah {SWT}, the Lord {AZJ} of the worlds. He {SWT} has no partner, and with this I have been commanded, and I am among the Muslims. O Allah {SWT}, this is from You {SWT} and for You {SWT}. In the name of Allah {SWT} and Allah {SWT} is the Greatest. O Allah {SWT}, accept this from (mention the child's name), son of (mention the father's name).'
Then you proceed with the slaughter."

[REFERENCES] Al-Kafi, Vol.6 p.31 • Man La Yahduruhu Al-Faqih, Vol.3 p.487 • Makarim Al-Akhlaq, Vol.1 p.227 • Al-Wafi, Vol.23 p.1352 • Wasa'il Al-Shi'ah, Vol.21 p.426

HADITH

4723 - وَ فِي حَدِيثٍ آخَرَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «يُقَالُ عِنْدَ اَلْعَقِيقَةِ اَللَّهُمَّ مِنْكَ وَ لَكَ مَا وَهَبْتَ وَ أَنْتَ أَعْطَيْتَ اَللَّهُمَّ فَتَقَبَّلْهُ مِنَّا عَلَى سُنَّةِ نَبِيِّكَ وَ تَسْتَعِيذُ بِاللَّهِ مِنَ اَلشَّيْطَانِ اَلرَّجِيمِ وَ تُسَمِّي وَ تَذْبَحُ وَ تَقُولُ لَكَ سَفَكْتُ اَلدِّمَاءَ لاَ شَرِيكَ لَكَ «وَ اَلْحَمْدُ لِلَّهِ رَبِّ اَلْعالَمِينَ» اَللَّهُمَّ اِخْسَأْ عَنَّا اَلشَّيْطَانَ اَلرَّجِيمَ ». وَ أَمَّا الْخِتَانُ فَإِنَّهُ سُنَّةٌ فِي الرِّجَالِ وَ مَكْرُمَةٌ فِي النِّسَاءِ.

H.4723 - In another narration from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said: "At the time of performing the Aqiqah, say:
'O Allah {SWT}, this is from You {SWT} and for You {SWT}. It is what You {SWT} have granted, and You {SWT} are the Giver. O Allah {SWT}, accept it from us in accordance with the tradition of Your Prophet {saws}. I seek refuge in Allah {SWT} from the accursed Satan.'
Then mention the child's name, slaughter the animal, and say:
'For You {SWT}, I have shed this blood, with no partner for You {SWT}. All praise is due to Allah {SWT}, the Lord {AZJ} of the worlds. O Allah {SWT}, drive away from us the accursed Satan.'
As for circumcision, it is a Sunnah (recommended practice) for men and an honorable practice (makramah) for women."

[REFERENCES] Al-Kafi, Vol.6 p.31 • Man La Yahduruhu Al-Faqih, Vol.3 p.487 • Al-Wafi, Vol.23 p.1353 • Wasa'il Al-Shi'ah, Vol.21 p.427

HADITH

4724 - وَ رَوَى غِيَاثُ بْنُ إِبْرَاهِيمَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «لاَ بَأْسَ أَنْ لاَ تَخْتَتِنَ اَلْمَرْأَةُ فَأَمَّا اَلرَّجُلُ فَلاَ بُدَّ مِنْهُ».

H.4724 - Ghiyath ibn Ibrahim narrated from Imam Ja'far ibn Muhammad {a.s} from his father {a.s} who said that Imam Ali ibn Abi Talib {a.s}said:
"There is no harm if a woman is not circumcised, but as for a man, it is necessary for him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.487 • Al-Wafi, Vol.23 p.1361 • Wasa'il Al-Shi'ah, Vol.21 p.436

HADITH

4725 - وَ - كَتَبَ عَبْدُ اَللَّهِ بْنُ جَعْفَرٍ اَلْحِمْيَرِيُّ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ رُوِيَ عَنِ اَلصَّالِحِينَ عَلَيْهِمُ اَلسَّلاَمُ «أَنِ اِخْتِنُوا أَوْلاَدَكُمْ يَوْمَ اَلسَّابِعِ يَطَّهَّرُوا فَإِنَّ اَلْأَرْضَ تَضِجُّ إِلَى اَللَّهِ عَزَّ وَ جَلَّ مِنْ بَوْلِ اَلْأَغْلَفِ» وَ لَيْسَ جَعَلَنِيَ اَللَّهُ فِدَاكَ لِحَجَّامِي بَلَدِنَا حِذْقٌ بِذَلِكَ وَ لاَ يَخْتِنُونَهُ يَوْمَ اَلسَّابِعِ وَ عِنْدَنَا حَجَّامٌ مِنَ اَلْيَهُودِ فَهَلْ يَجُوزُ لِلْيَهُودِ أَنْ يَخْتِنُوا أَوْلاَدَ اَلْمُسْلِمِينَ أَمْ لاَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «يَوْمَ اَلسَّابِعِ فَلاَ تُخَالِفُوا اَلسُّنَنَ إِنْ شَاءَ اَللَّهُ».

H.4725 - Abdullah ibn Ja'far al-Himyari wrote to Imam Abu Muhammad Al-Hasan ibn Ali {a.s}, saying:
"It has been narrated from the Righteous Ones (peace be upon them) that they said: 'Circumcise your children on the seventh day so they may be purified, for the earth complains to Allah {SWT}, the Mighty and Majestic, about the urine of the uncircumcised.'
May Allah make me your ransom, but the barbers in our region are not skilled in this, and they do not circumcise on the seventh day. However, we have a barber who is a Jew. Is it permissible for the Jews to circumcise Muslim children or not?"
Imam {a.s} replied: "On the seventh day - do not oppose the Sunnah, God willing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.488 • Makarim Al-Akhlaq, Vol.1 p.229 • Bihar Al-Anwar, Vol.101 p.123

HADITH

4726 - وَ رُوِيَ عَنْ مُرَازِمِ بْنِ حَكِيمٍ اَلْأَزْدِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي اَلصَّبِيِّ إِذَا خُتِنَ قَالَ «يَقُولُ: اَللَّهُمَّ هَذِهِ سُنَّتُكَ وَ سُنَّةُ نَبِيِّكَ صَلَوَاتُكَ عَلَيْهِ وَ آلِهِ وَ اِتِّبَاعٌ مِنَّا لَكَ وَ لِنَبِيِّكَ بِمَشِيَّتِكَ وَ بِإِرَادَتِكَ وَ قَضَائِكَ لِأَمْرٍ أَنْتَ أَرَدْتَهُ وَ قَضَاءٍ حَتَمْتَهُ وَ أَمْرٍ أَنْفَذْتَهُ فَأَذَقْتَهُ حَرَّ اَلْحَدِيدِ فِي خِتَانِهِ وَ حِجَامَتِهِ لِأَمْرٍ أَنْتَ أَعْرَفُ بِهِ مِنِّي اَللَّهُمَّ فَطَهِّرْهُ مِنَ اَلذُّنُوبِ وَ زِدْ فِي عُمُرِهِ وَ اِدْفَعِ اَلْآفَاتِ عَنْ بَدَنِهِ وَ اَلْأَوْجَاعَ عَنْ جِسْمِهِ وَ زِدْهُ مِنَ اَلْغِنَى وَ اِدْفَعْ عَنْهُ اَلْفَقْرَ فَإِنَّكَ تَعْلَمُ وَ لاَ نَعْلَمُ » وَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «أَيُّ رَجُلٍ لَمْ يَقُلْهَا عِنْدَ خِتَانِ وَلَدِهِ فَلْيَقُلْهَا عَلَيْهِ مِنْ قَبْلِ أَنْ يَحْتَلِمَ فَإِنْ قَالَهَا كُفِيَ حَرَّ اَلْحَدِيدِ مِنْ قَتْلٍ أَوْ غَيْرِهِ».

وَ يُسْتَحَبُّ إِذَا وُلِدَ اَلْمَوْلُودُ أَنْ يُؤَذَّنَ فِي أُذُنِهِ اَلْأَيْمَنِ وَ يُقَامَ فِي اَلْأَيْسَرِ وَ يُحَنَّكَ بِمَاءِ اَلْفُرَاتِ سَاعَةَ يُولَدُ إِنْ قُدِرَ عَلَيْهِ.

H.4726 - It was narrated from Murazim ibn Hakim Al-Azdi that Abu Abdullah {a.s} said regarding the circumcision of a child:
"One should say:
O Allah {SWT}, this is Your {SWT} Sunnah and the Sunnah of Your Prophet (peace and blessings be upon him and his family), and it is our following of You {SWT} and Your Prophet {saws} by Your {SWT} will, Your {SWT} desire, and Your {SWT} decree for a matter You {SWT} have willed, a decision You {SWT} have made obligatory, and a command You {SWT} have executed.
You {SWT} have made him taste the heat of iron in his circumcision and cupping for a matter You {SWT} know better than I do. O Allah {SWT}, purify him from sins, increase his lifespan, protect his body from afflictions and his flesh from pain, increase him in wealth, and remove poverty from him. Indeed, You {SWT} know while we do not."
Abu Abdullah {a.s} also said: "Whoever does not say this at the time of his child's circumcision should say it before the child reaches puberty. If he says it, the child will be protected from the heat of iron, whether from killing or anything else."

[AL SADUQ]

It is also recommended that when a child is born, the adhan (call to prayer) should be recited in the right ear, the iqamah in the left ear, and the child should be given a taste of the water from the Euphrates at the moment of birth, if possible.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.488 • Wasa'il Al-Shi'ah, Vol.21 p.444

HADITH

4727 - وَ رُوِيَ عَنْ هَارُونَ بْنِ مُسْلِمٍ قَالَ:

كَتَبْتُ إِلَى صَاحِبِ اَلدَّارِ عَلَيْهِ اَلسَّلاَمُ وُلِدَ لِي مَوْلُودٌ وَ حَلَقْتُ رَأْسَهُ وَ وَزَنْتُ شَعْرَهُ بِالدَّرَاهِمِ وَ تَصَدَّقْتُ بِهِ قَالَ «لاَ يَجُوزُ وَزْنُهُ إِلاَّ بِالذَّهَبِ أَوِ اَلْفِضَّةِ وَ كَذَا جَرَتِ اَلسُّنَّةُ».

H.4727 - It was narrated from Harun ibn Muslim who said:
I wrote to the 'Sahib al-Dar' (Master of the House Imam Muhammad ibn Hassan Al-Mahdi {a.s}) saying: "A child was born to me, and I shaved his head, weighed his hair in dirhams, and gave its equivalent in charity."
Imam {a.s} replied: "It is not permissible to weigh it except with gold or silver, and this is the established Sunnah."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.489 • Al-Wafi, Vol.23 p.1338 • Wasa'il Al-Shi'ah, Vol.21 p.424

HADITH

4728 - : وَ سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ مَا اَلْعِلَّةُ فِي حَلْقِ رَأْسِ اَلْمَوْلُودِ قَالَ «تَطْهِيرُهُ مِنْ شَعْرِ اَلرَّحِمِ ».

H.4728 - Abu Abdullah {a.s} was asked about the reason for shaving the head of a newborn. Imam {a.s} replied: "It is to purify the child from the hair of the womb."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.489 • Al-Wafi, Vol.23 p.1348 • Wasa'il Al-Shi'ah, Vol.21 p.424 • Bihar Al-Anwar, Vol.101 p.123

HADITH

4729 - وَ سَأَلَ عَلِيُّ بْنُ جَعْفَرٍ أَخَاهُ مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ عَنْ مَوْلُودٍ لَمْ يُحْلَقْ رَأْسُهُ يَوْمَ اَلسَّابِعِ فَقَالَ «إِذَا مَضَى سَبْعَةُ أَيَّامٍ فَلَيْسَ عَلَيْهِ حَلْقٌ».

H.4729 - Ali ibn Ja'far asked his brother Imam Musa ibn Jafar Al-Kadhim {a.s} about a newborn whose head was not shaved on the seventh day.
Imam {a.s} replied: "If seven days have passed, then shaving the head is no longer required."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.489 • Makarim Al-Akhlaq, Vol.1 p.229 • Bihar Al-Anwar, Vol.101 p.123

HADITH

4730 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «يَا فَاطِمَةُ أُثْقُبِي أُذُنَيِ اَلْحَسَنِ وَ اَلْحُسَيْنِ خِلَافاً لِلْيَهُودِ ».

H.4730 - In the narration of Al-Sakooni, the Prophet (peace and blessings be upon him and his family) said: "O Fatimah, pierce the ears of Al-Hasan and Al-Husayn in opposition to the Jews."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.489 • Makarim Al-Akhlaq, Vol.1 p.228 • Al-Wafi, Vol.23 p.1338 • Wasa'il Al-Shi'ah, Vol.21 p.433 • Bihar Al-Anwar, Vol.101 p.123

CHAPTER 147 – CHAPTER ON THE STATE OF BELIEVERS' CHILDREN WHO PASS AWAY

بَابُ حَالِ مَنْ يَمُوتُ مِنْ أَطْفَالِ الْمُؤْمِنِينَ

HADITH 4731 – 4738

4731 - رَوَى أَبُو زَكَرِيَّا عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «إِذَا مَاتَ طِفْلٌ مِنْ أَطْفَالِ اَلْمُؤْمِنِينَ نَادَى مُنَادٍ فِي مَلَكُوتِ اَلسَّمَاوَاتِ وَ اَلْأَرْضِ أَلاَ إِنَّ فُلاَنَ بْنَ فُلاَنٍ قَدْ مَاتَ فَإِنْ كَانَ مَاتَ وَالِدَاهُ أَوْ أَحَدُهُمَا أَوْ بَعْضُ أَهْلِ بَيْتِهِ مِنَ اَلْمُؤْمِنِينَ دُفِعَ إِلَيْهِ يَغْذُوهُ وَ إِلاَّ دُفِعَ إِلَى فَاطِمَةَ عَلَيْهَا اَلسَّلاَمُ تَغْذُوهُ حَتَّى يَقْدَمَ أَبَوَاهُ أَوْ أَحَدُهُمَا أَوْ بَعْضُ أَهْلِ بَيْتِهِ فَتَدْفَعُهُ إِلَيْهِ».

H.4731 - Abu Zakariya narrated from Abu Basir who said that Abu Abdullah {a.s} said:
"When a child from the children of the believers dies, a caller announces in the kingdom of the heavens and the earth, 'Indeed, so-and-so, the son of so-and-so, has passed away.'
If his parents, one of them, or a family member from the believers had already passed away, the child is entrusted to them to nurture him.
If none of them had passed away, the child is entrusted to Sayyidah Fatimah {s.a} to nurture and care for them until their parents, one of them, or a family member arrives, and then she hands the child over to them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.490 • Al-Tawhid, Vol.1 p.394 • Al-Wafi, Vol.25 p.648 • Bihar Al-Anwar, Vol.5 p.293 • Tafsir Nur Al-Thaqalayn, Vol.5 p.141 • Tafsir Kanz Al-Daqaiq, Vol.12 p.453

HADITH

4732 - وَ فِي رِوَايَةِ اَلْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى كَفَّلَ إِبْرَاهِيمَ وَ سَارَةَ أَطْفَالَ اَلْمُؤْمِنِينَ يَغْذُوَانِهِمْ بِشَجَرَةٍ فِي اَلْجَنَّةِ لَهَا أَخْلاَفٌ كَأَخْلاَفِ اَلْبَقَرِ فِي قَصْرٍ مِنْ دُرَّةٍ فَإِذَا كَانَ يَوْمُ اَلْقِيَامَةِ أُلْبِسُوا وَ طُيِّبُوا وَ أُهْدُوا إِلَى آبَائِهِمْ فَهُمْ مُلُوكٌ فِي اَلْجَنَّةِ مَعَ آبَائِهِمْ وَ هُوَ قَوْلُ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ اَلَّذِينَ آمَنُوا وَ اِتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِيمٰانٍ أَلْحَقْنٰا بِهِمْ ذُرِّيَّتَهُمْ ﴾

H.4732 - In the narration of Al-Hasan ibn Mahbub from Ali ibn Ri'ab from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said:
"Indeed, Allah {SWT}, the Blessed and Exalted, has entrusted Ibrahim {a.s} and Sarah {s.a} with the care of the children of the believers. They nourish them from a tree in Paradise that has teats like those of cows, inside a palace made of pearl.
On the Day of Judgment, these children will be dressed, perfumed, and presented to their parents. They will be kings in Paradise along with their parents. This is in accordance with the saying of Allah {SWT}, the Mighty and Majestic:
'And those who believe and whose descendants follow them in faith – We will join them with their descendants'" (Surah At-Tur 52:21).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.490 • Awali Al-La'ali, Vol.3 p.287 • Al-Wafi, Vol.25 p.648 • Tafsir Al-Safi, Vol.5 p.79 • Tafsir Al-Burhan, Vol.5 p.179 • Bihar Al-Anwar, Vol.5 p.293 • Tafsir Nur Al-Thaqalayn, Vol.5 p.140 • Tafsir Kanz Al-Daqaiq, Vol.12 p.452

HADITH

4733 - وَ فِي رِوَايَةِ أَبِي بَكْرٍ اَلْحَضْرَمِيِّ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ:
﴿ وَ اَلَّذِينَ آمَنُوا وَ اِتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِيمٰانٍ أَلْحَقْنٰا بِهِمْ ذُرِّيَّتَهُمْ ﴾
قَالَ «قَصَرَتِ اَلْأَبْنَاءُ عَنْ أَعْمَالِ اَلْآبَاءِ فَأَلْحَقَ اَللَّهُ اَلْأَبْنَاءَ بِالْآبَاءِ لِتَقَرَّ بِذَلِكَ أَعْيُنُهُمْ».

H.4733 - In the narration of Abu Bakr Al-Hadrami, Abu Abdullah {a.s} said regarding the words of Allah {SWT}, the Mighty and Majestic: "*And those who believe and whose descendants follow them in faith – We will join them with their descendants*" (Surah At-Tur 52:21),
Imam {a.s} said: "The children fell short of the deeds of their fathers, so Allah {SWT} joined the children with their fathers to bring comfort to their eyes."

[REFERENCES] Al-Kafi, Vol.3 p.249 • Man La Yahduruhu Al-Faqih, Vol.3 p.490 • Al-Tawhid, Vol.1 p.394 • Al-Wafi, Vol.25 p.646 • Al-Fusul Al-Muhimmah, Vol.1 p.280 • Tafsir Al-Burhan, Vol.5 p.178 • Bihar Al-Anwar, Vol.5 p.292 • Tafsir Nur Al-Thaqalayn, Vol.5 p.139 • Tafsir Nur Al-Thaqalayn, Vol.5 p.140 • Tafsir Kanz Al-Daqaiq, Vol.12 p.451

HADITH

4734 - وَ سَأَلَ جَمِيلُ بْنُ دَرَّاجٍ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ أَطْفَالِ اَلْأَنْبِيَاءِ عَلَيْهِمُ اَلسَّلاَمُ فَقَالَ «لَيْسُوا كَأَطْفَالِ اَلنَّاسِ».

H.4734 - Jameel ibn Darraj asked Abu Abdullah {a.s} about the children of the prophets (peace be upon them).
Imam {a.s} replied: "They are not like the children of ordinary people."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.490

HADITH

4735 - : وَ سَأَلَهُ عَنْ إِبْرَاهِيمَ بْنِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لَوْ بَقِيَ كَانَ صِدِّيقاً نَبِيّاً قَالَ «لَوْ بَقِيَ كَانَ عَلَى مِنْهَاجِ أَبِيهِ صَلَوَاتُ اَللَّهِ عَلَيْهِ ».

H.4735 - Jameel ibn Darraj asked Abu Abdullah {a.s} about Ibrahim, the son of the Messenger of Allah {SWT} (peace and blessings be upon him and his family), whether he would have been a truthful prophet (ṣiddiq nabi) if he had lived.
Imam {a.s} replied: "If he had lived, he would have followed the path of his father (peace and blessings be upon him)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.490

HADITH

4736 - وَ فِي رِوَايَةِ عَامِرِ بْنِ عَبْدِ اَللَّهِ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «كَانَ عَلَى قَبْرِ إِبْرَاهِيمَ بْنِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَذْقٌ يُظِلُّهُ مِنَ اَلشَّمْسِ حَيْثُمَا دَارَتْ فَلَمَّا يَبِسَ اَلْعَذْقُ ذَهَبَ أَثَرُ اَلْقَبْرِ فَلَمْ يُعْلَمْ مَكَانُهُ».

H.4736 - In the narration of ʿAmir ibn ʿAbdullah, he said:
I heard Abu Abdullah {a.s} say: "There was a palm branch (ʿadhq) over the grave of Ibrahim, the son of the Messenger of Allah {SWT} (peace and blessings be upon him and his family), that shaded it from the sun wherever it moved. When the branch dried up, the trace of the grave disappeared, and its exact location became unknown."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.491

HADITH

4737 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «مَاتَ إِبْرَاهِيمُ وَ لَهُ ثَمَانِيَةَ عَشَرَ شَهْراً فَأَتَمَّ اَللَّهُ رَضَاعَهُ فِي اَلْجَنَّةِ ».

H.4737 - Imam {a.s} said: “Ibrahim (the son of the Prophet) died at the age of eighteen months, and Allah {SWT} completed his breastfeeding in Paradise."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.491 • Al-Wafi, Vol.23 p.1434

HADITH

4738 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ أَمَّا اَلْغُلاٰمُ فَكٰانَ أَبَوٰاهُ مُؤْمِنَيْنِ فَخَشِينٰا أَنْ يُرْهِقَهُمٰا طُغْيٰاناً وَ كُفْراً فَأَرَدْنٰا أَنْ يُبْدِلَهُمٰا رَبُّهُمٰا خَيْراً مِنْهُ زَكٰاةً وَ أَقْرَبَ رُحْماً ﴾
قَالَ «أَبْدَلَهُمَا اَللَّهُ عَزَّ وَ جَلَّ مَكَانَ اَلاِبْنِ اِبْنَةً فَوُلِدَ مِنْهَا سَبْعُونَ نَبِيّاً».

H.4738 - Imam {a.s} said regarding the words of Allah {SWT}, the Mighty and Majestic:
"As for the boy, his parents were believers, and we feared that he would overwhelm them with transgression and disbelief. So we intended that their Lord {AZJ} should replace him for them with one better in purity and closer in affection" (Surah Al-Kahf 18:80-81),
Imam {a.s} said: “Allah {SWT}, the Mighty and Majestic, replaced their son with a daughter, and from her were born seventy prophets."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.491 • Wasa’il Al-Shi’ah, Vol.21 p.365 • Tafsir Nur Al-Thaqalayn, Vol.3 p.286 • Tafsir Kanz Al-Daqaiq, Vol.8 p.129

CHAPTER 148 – CHAPTER ON THE STATE OF THE CHILDREN OF POLYTHEISTS AND DISBELIEVERS WHO PASS AWAY

بَابُ حَالِ مَنْ يَمُوتُ مِنْ أَطْفَالِ الْمُشْرِكِينَ وَ الْكُفَّارِ

HADITH 4739 – 4742

4739 - رَوَى وَهْبُ بْنِ وَهْبٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «أَوْلاَدُ اَلْمُشْرِكِينَ مَعَ آبَائِهِمْ فِي اَلنَّارِ وَ أَوْلاَدُ اَلْمُسْلِمِينَ مَعَ آبَائِهِمْ فِي اَلْجَنَّةِ ».

H.4739 - Wahb ibn Wahb narrated from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, who said that Imam Ali ibn Abi Talib {a.s} said:
“The children of polytheists will be with their parents in the Fire, and the children of Muslims will be with their parents in Paradise."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.491 • Al-Wafi, Vol.25 p.646 • Bihar Al-Anwar, Vol.5 p.294

HADITH

4740 - وَ رَوَى جَعْفَرُ بْنُ بَشِيرٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ أَوْلاَدِ اَلْمُشْرِكِينَ يَمُوتُونَ قَبْلَ أَنْ يَبْلُغُوا اَلْحِنْثَ قَالَ «كُفَّارٌ وَ اَللَّهُ أَعْلَمُ بِمَا كَانُوا عَامِلِينَ يَدْخُلُونَ مَدَاخِلَ آبَائِهِمْ».

H.4740 - Ja'far ibn Bashir narrated from Abdullah ibn Sinan who said:
I asked Abu Abdullah {a.s} about the children of polytheists who die before reaching the age of responsibility.
Imam {a.s} replied: “They are disbelievers, and Allah {SWT} knows best what they would have done. They will enter the same places as their fathers."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.491 • Al-Wafi, Vol.25 p.647

HADITH

4741 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «تُؤَجَّجُ لَهُمْ نَارٌ فَيُقَالُ لَهُمُ اُدْخُلُوهَا فَإِنْ دَخَلُوهَا كَانَتْ عَلَيْهِمْ بَرْداً وَ سَلاَماً وَ إِنْ أَبَوْا قَالَ اَللَّهُ عَزَّ وَ جَلَّ لَهُمْ «هُوَ ذَا أَنَا قَدْ أَمَرْتُكُمْ فَعَصَيْتُمُونِي» فَيَأْمُرُ اَللَّهُ عَزَّ وَ جَلَّ بِهِمْ إِلَى اَلنَّارِ».

H.4741 - Imam {a.s} said: "A fire will be kindled for them, and it will be said to them, 'Enter it.' If they enter it, it will be cool and peaceful for them.
But if they refuse, Allah {SWT}, the Mighty and Majestic, will say to them:
'Behold, I had commanded you, and you disobeyed Me.'
Then Allah {SWT}, the Mighty and Majestic, will command that they be taken to the Fire."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.492 • Al-Wafi, Vol.25 p.647

HADITH

4742 - وَ فِي رِوَايَةِ حَرِيزٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا كَانَ يَوْمُ اَلْقِيَامَةِ اِحْتَجَّ اَللَّهُ عَلَى سَبْعَةٍ عَلَى اَلطِّفْلِ وَ اَلَّذِي مَاتَ بَيْنَ اَلنَّبِيِّينَ وَ اَلشَّيْخِ اَلْكَبِيرِ اَلَّذِي أَدْرَكَ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ هُوَ لاَ يَعْقِلُ وَ اَلْأَبْلَهِ وَ اَلْمَجْنُونِ اَلَّذِي لاَ يَعْقِلُ وَ اَلْأَصَمِّ وَ اَلْأَبْكَمِ كُلُّ وَاحِدٍ مِنْهُمْ يَحْتَجُّ عَلَى اَللَّهِ عَزَّ وَ جَلَّ» قَالَ «فَيَبْعَثُ اَللَّهُ عَزَّ وَ جَلَّ إِلَيْهِمْ رَسُولاً فَيُؤَجِّجُ لَهُمْ نَاراً فَيَقُولُ إِنَّ رَبَّكُمْ يَأْمُرُكُمْ أَنْ تَثِبُوا فِيهَا فَمَنْ وَثَبَ فِيهَا كَانَتْ عَلَيْهِ بَرْداً وَ سَلاَماً وَ مَنْ عَصَى سِيقَ إِلَى اَلنَّارِ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ هَذِهِ الْأَخْبَارُ مُتَّفِقَةٌ وَ لَيْسَتْ بِمُخْتَلِفَةٍ وَ أَطْفَالُ الْمُشْرِكِينَ وَ الْكُفَّارِ مَعَ آبَائِهِمْ فِي النَّارِ لَا يُصِيبُهُمْ مِنْ حَرِّهَا لِتَكُونَ الْحُجَّةُ أَوْكَدَ عَلَيْهِمْ مَتَى أُمِرُوا يَوْمَ الْقِيَامَةِ بِدُخُولِ نَارٍ تُؤَجَّجُ لَهُمْ مَعَ ضَمَانِ السَّلَامَةِ مَتَى لَمْ يَثِقُوا بِهِ وَ لَمْ يُصَدِّقُوا وَعْدَهُ فِي شَيْءٍ قَدْ شَاهَدُوا مِثْلَهُ.

H.4742 - In the narration of Hariz from Zurara, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam {a.s} said:
"On the Day of Judgment, Allah {SWT} will argue against seven groups: the child, the one who died between the prophets, the elderly person who reached the Prophet (peace and blessings be upon him and his family) but did not comprehend, the simple-minded, the insane person who did not understand, the deaf, and the mute. Each one of them will present an argument before Allah {SWT}, the Mighty and Majestic."
Imam {a.s} said: "Then Allah {SWT}, the Mighty and Majestic, will send a messenger to them who will kindle a fire and say to them, 'Your Lord {AZJ} commands you to leap into it.' Whoever leaps into it, it will become cool and peaceful for him, but whoever refuses will be taken to the Fire."

[AL SADUQ]
The compiler of this book, may Allah {SWT} have mercy on him, said: These reports are consistent and not contradictory. The children of the polytheists and disbelievers will be with their parents in the Fire, but they will not suffer from its heat so that the argument against them will be more conclusive. When they are commanded on the Day of Judgment to enter a fire that will be kindled for them, with the assurance of safety, if they do not trust in it and do not believe His {SWT} promise concerning something similar to what they have already witnessed, the proof against them will be stronger.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.492 • Al-Tawhid, Vol.1 p.392 • Al-Wafi, Vol.25 p.644

CHAPTER 149 – CHAPTER ON DISCIPLINING AND TESTING A CHILD

بَابُ تَأْدِيبِ الْوَلَدِ وَ امْتِحَانِهِ

HADITH 4743 – 4750

4743 - قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «دَعِ اِبْنَكَ يَلْعَبْ سَبْعَ سِنِينَ وَ يُؤَدَّبْ سَبْعَ سِنِينَ وَ أَلْزِمْهُ نَفْسَكَ سَبْعَ سِنِينَ فَإِنْ أَفْلَحَ وَ إِلاَّ فَإِنَّهُ مِمَّنْ لاَ خَيْرَ فِيهِ».

H.4743 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
“Let your child play for seven years, then discipline him for seven years, and then keep him close to yourself for seven years. If he succeeds, then that is well; but if not, then he is among those in whom there is no good."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.492 • Al-Wafi, V.23 p.1380 • Wasa’il Al-Shi’ah, V.21 p.475

HADITH

4744 - : وَ كَانَ جَابِرُ بْنُ عَبْدِ اَللَّهِ اَلْأَنْصَارِيُّ يَدُورُ فِي سِكَكِ اَلْأَنْصَارِ بِالْمَدِينَةِ وَ هُوَ يَقُولُ « عَلِيٌّ خَيْرُ اَلْبَشَرِ فَمَنْ أَبَى فَقَدْ كَفَرَ يَا مَعَاشِرَ اَلْأَنْصَارِ أَدِّبُوا أَوْلاَدَكُمْ عَلَى حُبِّ عَلِيٍّ فَمَنْ أَبَى فَانْظُرُوا فِي شَأْنِ أُمِّهِ».

H.4744 - Jabir ibn Abdullah Al-Ansari used to walk through the streets of the Ansar in Medina, proclaiming,
"Imam Ali ibn Abi Talib {a.s} is the best of creation, and whoever denies it has disbelieved. O community of the Ansar, raise your children upon the love of Imam Ali ibn Abi Talib {a.s}. If anyone refuses, then investigate the matter of his mother."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.493 • Al-Wafi, Vol.23 p.1381

HADITH

4745 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ وَجَدَ بَرْدَ حُبِّنَا عَلَى قَلْبِهِ فَلْيُكْثِرِ اَلدُّعَاءَ لِأُمِّهِ فَإِنَّهَا لَمْ تَخُنْ أَبَاهُ».

وَ كَانَ الصَّبِيُّ عَلَى عَهْدِ رَسُولِ اللَّهِ ص إِذَا وَقَعَ الشَّكُّ فِي نَسَبِهِ عُرِضَتْ عَلَيْهِ وَلَايَةُ أَمِيرِ الْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَإِنْ قَبِلَهَا أُلْحِقَ نَسَبُهُ بِمَنْ يَنْتَمِي إِلَيْهِ وَ إِنْ أَنْكَرَهَا نُفِيَ.

H.4745 - Imam Al-Sadiq {a.s} said: “Whoever feels the coolness of our (Ahlulbayt {a.s}) love in his heart should frequently pray for his mother, for she did not betray his father."

[AL SADUQ]
During the time of the Messenger of Allah {SWT}, if there was doubt about a child's lineage, the child would be presented with the guardianship (wilayah) of the Commander of the Faithful, Imam Ali ibn Abi Talib {a.s}.
If the child accepted it, his lineage would be attributed to the one he was claimed to belong to. However, if he rejected it, his lineage would be denied.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.493 • Ilal Al-Shara'i', Vol.1 p.142 • Ma'ani Al-Akhbar, Vol.1 p.161 • Al-Amali (Lil-Saduq), Vol.1 p.609 • Bisharat Al-Mustafa, Vol.1 p.9 • Al-Wafi, Vol.23 p.1382 • Bihar Al-Anwar, Vol.27 p.146

HADITH

4746 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «يُرَبَّى اَلصَّبِيُّ سَبْعاً وَ يُؤَدَّبُ سَبْعاً وَ يُسْتَخْدَمُ سَبْعاً وَ مُنْتَهَى طُولِهِ فِي ثَلاَثٍ وَ عِشْرِينَ سَنَةً وَ عَقْلِهِ فِي خَمْسٍ وَ ثَلاَثِينَ سَنَةً وَ مَا كَانَ بَعْدَ ذَلِكَ فَبِالتَّجَارِبِ».

H.4746 - The Commander of the Faithful, Imam Ali ibn Abi Talib {a.s} said:
"A child should be nurtured for seven years, disciplined for seven years, and then employed (given responsibility) for seven years. His physical growth reaches its peak at twenty-three years, and his intellect matures at thirty-five years. Whatever comes after that is through experiences."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.493 • Makarim Al-Akhlaq, Vol.1 p.223 • Al-Wafi, Vol.23 p.1380 • Wasa'il Al-Shi'ah, Vol.21 p.475 • Bihar Al-Anwar, Vol.101 p.96

HADITH

4747 - وَ فِي رِوَايَةِ حَمَّادِ بْنِ عِيسَى قَالَ : «يَشِبُّ اَلصَّبِيُّ كُلَّ سَنَةٍ أَرْبَعَ أَصَابِعَ بِإِصْبَعِ نَفْسِهِ».

H.4747 - In the narration of Hammad ibn Isa, it is reported:
"A child grows every year by four finger-widths, measured by his own finger."

[REFERENCES] Al-Kafi, Vol.6 p.46 • Man La Yahduruhu Al-Faqih, Vol.3 p.493 • Al-Manaqib, Vol.2 p.53 • Al-Sirat Al-Mustaqim, Vol.1 p.224 • Al-Wafi, Vol.23 p.1391 • Bihar Al-Anwar, Vol.57 p.360

HADITH

4748 - وَ رَوَى صَالِحُ بْنُ عُقْبَةَ قَالَ سَمِعْتُ اَلْعَبْدَ اَلصَّالِحَ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «تُسْتَحَبُّ عَرَامَةُ اَلْغُلاَمِ فِي صِغَرِهِ لِيَكُونَ حَلِيماً فِي كِبَرِهِ ».

H.4748 - Salih ibn Uqbah narrated that he heard the Righteous Servant (Imam Musa ibn Jafar Al-Kadhim {a.s}) say:
"It is recommended for a boy to be lively and energetic in his childhood so that he may grow to be gentle and patient in his adulthood."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.493 • Wasa'il Al-Shi'ah, Vol.21 p.479

HADITH

4749 - وَ سَأَلَ رَجُلٌ اَلنَّبِيَّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ: مَا بَالُنَا نَجِدُ بِأَوْلاَدِنَا مَا لاَ يَجِدُونَ بِنَا قَالَ «لِأَنَّهُمْ مِنْكُمْ وَ لَسْتُمْ مِنْهُمْ ».

H.4749 - A man asked the Prophet (peace and blessings be upon him and his family), "Why do we feel a stronger attachment to our children than they feel toward us?"
The Prophet (peace and blessings be upon him and his family) replied: “Because they are from you, but you are not from them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.494 • Makarim Al-Akhlaq, Vol.1 p.221 • Al-Wafi, Vol.23 p.1433 • Bihar Al-Anwar, Vol.101 p.93

HADITH

4750 - : وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ لِمَ أَيْتَمَ اَللَّهُ نَبِيَّهُ مُحَمَّداً صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ «لِئَلاَّ يَكُونَ لِأَحَدٍ عَلَيْهِ طَاعَةٌ».

H.4750 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked: “Why did Allah {SWT} make His Prophet Muhammad (peace and blessings be upon him and his family) an orphan?"
Imam {a.s} replied: “So that no one would have authority over him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.494 • Bihar Al-Anwar, Vol.101 p.93

BOOK OF DIVORCE (TALAQ)

كِتَابُ الطَّلَاقِ

CHAPTER 150 – CHAPTER ON THE TYPES OF DIVORCE

بَابُ وُجُوهِ الطَّلَاقِ

HADITH -

الطَّلَاقُ عَلَى وُجُوهٍ وَ لَا يَقَعُ شَيْءٌ مِنْهَا إِلَّا عَلَى طُهْرٍ مِنْ غَيْرِ جِمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ وَ الرَّجُلُ مُرِيدٌ لِلطَّلَاقِ غَيْرَ مُكْرَهٍ وَ لَا مُجْبَرٍ فَمِنْهَا طَلَاقُ السُّنَّةِ وَ طَلَاقُ الْعِدَّةِ وَ طَلَاقُ الْغَائِبِ وَ طَلَاقُ الْغُلَامِ وَ طَلَاقُ الْمَعْتُوهِ وَ طَلَاقُ الَّتِي لَمْ يُدْخَلْ بِهَا وَ طَلَاقُ الْحَامِلِ وَ طَلَاقُ الَّتِي لَمْ تَبْلُغِ الْمَحِيضَ وَ طَلَاقُ الَّتِي قَدْ يَئِسَتْ مِنَ الْمَحِيضِ وَ طَلَاقُ الْأَخْرَسِ وَ طَلَاقُ السِّرِّ وَ مِنْهُ التَّخْيِيرُ وَ الْمُبَارَأَةُ وَ النُّشُوزُ وَ الشِّقَاقُ وَ الْخُلْعُ وَ الْإِيلَاءُ وَ الظِّهَارُ وَ اللِّعَانُ وَ طَلَاقُ الْعَبْدِ وَ طَلَاقُ الْمَرِيضِ وَ طَلَاقُ الْمَفْقُودِ وَ الْخَلِيَّةُ وَ الْبَرِيَّةُ وَ الْبَتَّةُ وَ الْبَائِنُ وَ الْحَرَامُ وَ حُكْمُ الْعِنِّينِ.

Divorce takes various forms, and none of them is valid except when performed during a period of purity without intercourse, in the presence of two just witnesses, and with the husband willingly intending the divorce without coercion or compulsion.

Among the types of divorce are: the divorce according to the Sunnah, the divorce of a woman observing the waiting period, the divorce of an absentee husband, the divorce of a minor boy, the divorce of an insane person, the divorce of a woman who has not been consummated, the divorce of a pregnant woman, the divorce of a woman who has not yet reached menstruation, the divorce of a woman who has reached menopause, the divorce of a mute person, and secret divorce.

Other forms include divorce through mutual choice, mutual renunciation, discord and conflict, khul (divorce at the wife's request with compensation), oath of abstinence (Ila'), zihar (a husband likening his wife to a forbidden relation), lian (mutual cursing in cases of adultery accusation), the divorce of a slave, the divorce of a sick person, the divorce of an absent or missing person, and various terms used for divorce such as khaliah (divorce with renunciation), bariah (divorce with full release), batta (final and irrevocable divorce), ba'in (irrevocable divorce), and haram (forbidden divorce).

Additionally, the rulings concerning an impotent husband are also addressed within the laws of divorce.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol. 1 • Al-Wafi, Vol. 6, p. 418 • Wasa'il Al-Shi'a, vol. 2, p. 220 • Bihar Al-Anwar, Vol. 63, p. 384 • Bihar Al Anwar, Vol. 78, p. 49 • Mustadrak Al-Wasail, Part 1, p. 466

CHAPTER 151 – CHAPTER ON DIVORCE ACCORDING TO THE SUNNAH

بَابُ طَلَاقِ السُّنَّةِ

HADITH 4751 - 4760

رُوِيَ عَنِ الْأَئِمَّةِ عَلَيْهِ اَلسَّلاَمُ أَنَّ طَلَاقَ السُّنَّةِ هُوَ أَنَّهُ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ تَرَبَّصَ بِهَا حَتَّى تَحِيضَ وَ تَطْهُرَ ثُمَّ يُطَلِّقُهَا فِي قُبُلِ عِدَّتِهَا بِشَاهِدَيْنِ عَدْلَيْنِ فِي مَوْقِفٍ وَاحِدٍ بِلَفْظَةٍ وَاحِدَةٍ فَإِنْ أَشْهَدَ عَلَى الطَّلَاقِ رَجُلًا وَ أَشْهَدَ بَعْدَ ذَلِكَ الثَّانِيَ لَمْ يَجُزْ ذَلِكَ الطَّلَاقُ إِلَّا أَنْ يُشْهِدَهُمَا جَمِيعاً فِي مَجْلِسٍ وَاحِدٍ فَإِذَا مَضَتْ بِهَا ثَلَاثَةُ أَطْهَارٍ فَقَدْ بَانَتْ مِنْهُ وَ هُوَ خَاطِبٌ مِنَ الْخُطَّابِ وَ الْأَمْرُ إِلَيْهَا إِنْ شَاءَتْ تَزَوَّجَتْهُ وَ إِنْ شَاءَتْ فَلَا فَإِنْ تَزَوَّجَهَا بَعْدَ ذَلِكَ تَزَوَّجَهَا بِمَهْرٍ جَدِيدٍ فَإِنْ أَرَادَ طَلَاقَهَا طَلَّقَهَا لِلسُّنَّةِ عَلَى مَا وَصَفْتُ وَ مَتَى طَلَّقَهَا طَلَاقَ السُّنَّةِ فَجَائِزٌ لَهُ أَنْ يَتَزَوَّجَهَا بَعْدَ ذَلِكَ وَ سُمِّيَ طَلَاقُ السُّنَّةِ طَلَاقَ الْهَدْمِ مَتَى اسْتَوْفَتْ قُرُوءَهَا وَ تَزَوَّجَهَا ثَانِيَةً هَدَمَ الطَّلَاقَ الْأَوَّلَ وَ كُلُّ طَلَاقٍ خَالَفَ السُّنَّةَ فَهُوَ بَاطِلٌ وَ مَنْ طَلَّقَ امْرَأَتَهُ لِلسُّنَّةِ فَلَهُ أَنْ يُرَاجِعَهَا مَا لَمْ تَنْقَضِ عِدَّتُهَا فَإِذَا انْقَضَتْ عِدَّتُهَا بَانَتْ مِنْهُ وَ كَانَ خَاطِباً مِنَ الْخُطَّابِ وَ لَا تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الطَّلَاقِ وَ عَلَى الْمُطَلِّقِ لِلسُّنَّةِ نَفَقَةُ الْمَرْأَةِ وَ السُّكْنَى مَا دَامَتْ فِي عِدَّتِهَا وَ هُمَا يَتَوَارَثَانِ حَتَّى تَنْقَضِيَ الْعِدَّةُ.

It has been narrated from the Imams (peace be upon them) that talaq al-sunnah (divorce according to the prescribed method) is that when a man intends to divorce his wife, he waits until she menstruates and then becomes pure.

He should then divorce her before engaging in intimacy during her waiting period, in the presence of two just witnesses, in a single sitting, and with a single utterance. If he testifies before one man and later before another, such a divorce is not valid unless both witnesses are present together in the same session.

If she completes three periods of purity, she is then separated from him, and he becomes like any other suitor.

The choice is hers - if she wishes, she may remarry him, and if she does not, she is free not to do so.

If he wishes to remarry her, he must do so with a new dowry. If he later wishes to divorce her again, he must do so according to the sunnah, as described. If he divorces her in the prescribed manner, it remains permissible for him to remarry her thereafter.

This type of divorce is referred to as talaq al-hadm (divorce of annulment), meaning that if she completes her waiting period and he remarries her, the previous divorce is annulled. Any divorce that does not conform to the prescribed sunnah is invalid.

If a man divorces his wife according to the sunnah, he has the right to take her back as long as her waiting period has not ended. Once the waiting period ends, she is separated from him, and he becomes like any other suitor.

The testimony of women alone is not acceptable in matters of divorce. The husband who divorces according to the sunnah is responsible for the financial maintenance and housing of his wife as long as she is in her waiting period. They also continue to inherit from one another until the waiting period concludes.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol. 3

HADITH

4751 - وَ رَوَى اَلْقَاسِمُ بْنُ مُحَمَّدٍ اَلْجَوْهَرِيُّ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ قَالَ قَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «لاَ طَلاَقَ إِلاَّ عَلَى اَلسُّنَّةِ إِنَّ عَبْدَ اَللَّهِ بْنَ عُمَرَ طَلَّقَ ثَلاَثاً فِي مَجْلِسٍ وَ اِمْرَأَتُهُ حَائِضٌ فَرَدَّ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ طَلاَقَهُ وَ قَالَ «مَا خَالَفَ كِتَابَ اَللَّهِ رُدَّ إِلَى كِتَابِ اَللَّهِ » ».

H.4751 - Al-Qasim ibn Muhammad Al-Jawhari narrated from Ali ibn Abi Hamzah, who said that Abu Abdullah {a.s} said: "There is no divorce except according to the Sunnah. Indeed, Abdullah ibn Umar divorced his wife three times in one sitting while she was menstruating.
The Messenger of Allah {SWT} (peace and blessings be upon him and his family) rejected his divorce and said: 'Whatever contradicts the Book of Allah {SWT} must be referred back to the Book of Allah {SWT}.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.496 • Al-Wafi, Vol.23 p.1010 • Wasa'il Al-Shi'ah, Vol.22 p.69 • Wasa'il Al-Shi'ah, Vol.22 p.108

HADITH

4752 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنْ رَجُلٍ قَالَ لِاِمْرَأَتِهِ إِنْ تَزَوَّجْتُ عَلَيْكِ أَوْ بِتُّ عَنْكِ فَأَنْتِ طَالِقٌ فَقَالَ «إِنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ «مَنْ شَرَطَ شَرْطاً سِوَى كِتَابِ اَللَّهِ عَزَّ وَ جَلَّ لَمْ يَجُزْ ذَلِكَ عَلَيْهِ وَ لاَ لَهُ» » ، قَالَ وَ سُئِلَ عَنْ رَجُلٍ قَالَ كُلُّ اِمْرَأَةٍ أَتَزَوَّجُهَا مَا عَاشَتْ أُمِّي فَهِيَ طَالِقٌ فَقَالَ «لاَ طَلاَقَ إِلاَّ بَعْدَ نِكَاحٍ وَ لاَ عِتْقَ إِلاَّ بَعْدَ مِلْكٍ».

H.4752 - Hammad narrated from Al-Halabi that Abu Abdullah {a.s} was asked about a man who said to his wife, "If I marry another woman over you or spend a night away from you, then you are divorced."
Imam {a.s} replied: "The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: 'Whoever sets a condition outside of the Book of Allah {SWT}, it is neither binding upon him nor for him.'"
Imam {a.s} was also asked about a man who said: "Any woman I marry while my mother is alive is divorced."
Imam {a.s} replied: "There is no divorce except after marriage, and no emancipation except after ownership."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.496 • Al-Wafi, Vol.23 p.1054

HADITH

4753 - وَ فِي رِوَايَةِ اَلنَّضْرِ بْنِ سُوَيْدٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: فِي رَجُلٍ قَالَ اِمْرَأَتُهُ طَالِقٌ وَ مَمَالِيكُهُ أَحْرَارٌ إِنْ شَرِبْتُ حَرَاماً أَوْ حَلاَلاً مِنَ اَلطِّلاَءِ أَبَداً فَقَالَ «أَمَّا اَلْحَرَامُ فَلاَ يَقْرَبُهُ أَبَداً إِنْ حَلَفَ وَ إِنْ لَمْ يَحْلِفْ وَ أَمَّا اَلطِّلاَءُ فَلَيْسَ لَهُ أَنْ يُحَرِّمَ مَا أَحَلَّ اَللَّهُ قَالَ اَللَّهُ عَزَّ وَ جَلَّ « ۞ يٰا أَيُّهَا اَلنَّبِيُّ لِمَ تُحَرِّمُ مٰا أَحَلَّ اَللّٰهُ لَكَ ۞ فَلاَ يَجُوزُ يَمِينٌ فِي تَحْرِيمِ حَلاَلٍ وَ لاَ فِي تَحْلِيلِ حَرَامٍ وَ لاَ فِي قَطِيعَةِ رَحِمٍ».

H.4753 - In the narration of Al-Nadr ibn Suwayd from Abdullah ibn Sinan, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, it was reported about a man who said: “My wife is divorced and my slaves are free if I ever drink something forbidden or even something permissible like tila (a type of fermented drink) ever again."
Imam {a.s} said: “As for what is forbidden, he must never approach it - whether he swore an oath or not. But as for tila (a type of fermented drink), he has no right to prohibit what Allah {SWT} has made lawful.
Allah {SWT}, the Mighty and Majestic, said: *'O Prophet, why do you forbid what Allah {SWT} has made lawful for you?'* (Surah At-Tahrim 66:1).
Therefore, it is not permissible to swear an oath to forbid what is lawful, to permit what is unlawful, or to sever family ties."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.497 • Al-Wafi, Vol.23 p.1054 • Wasa’il Al-Shi’ah, Vol.22 p.44 • Tafsir Nur Al-Thaqalayn, Vol.5 p.368

HADITH

4754 - وَ رُوِيَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: قَامَ رَجُلٌ إِلَى أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَقَالَ إِنِّي طَلَّقْتُ اِمْرَأَتِي لِلْعِدَّةِ بِغَيْرِ شُهُودٍ فَقَالَ «لَيْسَ طَلاَقُكَ بِطَلاَقٍ فَارْجِعْ إِلَى أَهْلِكَ».

وَ لَا يَقَعُ الطَّلَاقُ بِإِكْرَاهٍ وَ لَا إِجْبَارٍ وَ لَا عَلَى سُكْرٍ وَ لَا عَلَى غَضَبٍ وَ لَا يَمِينٍ.

H.4754 - It was narrated from Muhammad ibn Muslim, from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
A man stood before the Commander of the Faithful {a.s} and said: “I divorced my wife during her waiting period (ʿiddah) without any witnesses."
Imam {a.s} replied: “Your divorce is not valid. Return to your wife."

[AL SADUQ]
Additionally, divorce does not take effect if done under coercion, compulsion, intoxication, extreme anger, or through an oath.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.497 • Al-Wafi, Vol.23 p.1007 • Wasa’il Al-Shi’ah, Vol.22 p.28

HADITH

4755 - وَ رَوَى بُكَيْرُ بْنُ أَعْيَنَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «إِذَا طَلَّقَ اَلرَّجُلُ اِمْرَأَتَهُ وَ أَشْهَدَ شَاهِدَيْنِ عَدْلَيْنِ فِي قُبُلِ عِدَّتِهَا فَلَيْسَ لَهُ أَنْ يُطَلِّقَهَا بَعْدَ ذَلِكَ حَتَّى تَنْقَضِيَ عِدَّتُهَا أَوْ يُرَاجِعَهَا».

H.4755 - Bukayr ibn Aʿyan narrated from Abu Jafar Imam Al-Baqir {a.s}, who said:
"If a man divorces his wife and brings two just witnesses to bear witness to it during her waiting period (‘iddah), he cannot divorce her again after that until her waiting period ends or he reconciles with her."

[REFERENCES] Al-Kafi, Vol.6 p.74 • Man La Yahduruhu Al-Faqih, Vol.3 p.498 • Tahdhib Al-Ahkam, Vol.8 p.44 • Al-Wafi, Vol.23 p.1055 • Wasa’il Al-Shi’ah, Vol.22 p.69 • Wasa’il Al-Shi’ah, Vol.22 p.138

HADITH

4756 - : وَ جَاءَ رَجُلٌ إِلَى أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فَقَالَ يَا أَمِيرَ اَلْمُؤْمِنِينَ إِنِّي طَلَّقْتُ اِمْرَأَتِي فَقَالَ «أَ لَكَ بَيِّنَةٌ» فَقَالَ لاَ فَقَالَ «اُعْزُبْ».

H.4756 - A man came to the Commander of the Faithful {a.s} and said:
"O Commander of the Faithful, I have divorced my wife."
Imam {a.s} asked: "Do you have any evidence (witnesses)?"
The man replied: "No."
So Imam {a.s} said: "Be gone (uʿzub)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.498 • Wasa'il Al-Shi'ah, Vol.22 p.25

HADITH

4757 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «لَوْ وُلِّيتُ اَلنَّاسَ لَعَلَّمْتُهُمُ اَلطَّلاَقَ وَ كَيْفَ يَنْبَغِي لَهُمْ أَنْ يُطَلِّقُوا» ثُمَّ قَالَ «لَوْ أُتِيتُ بِرَجُلٍ قَدْ خَالَفَهُ لَأَوْجَعْتُ ظَهْرَهُ وَ مَنْ طَلَّقَ لِغَيْرِ اَلسُّنَّةِ رُدَّ إِلَى كِتَابِ اَللَّهِ عَزَّ وَ جَلَّ وَ إِنْ رَغِمَ أَنْفُهُ».

H.4757 - Abu Jafar Imam Al-Baqir {a.s} said: "If I were to govern the people, I would teach them the correct way to divorce and how it should be carried out."
Then Imam {a.s} added: "If someone were brought to me who opposed this (correct method), I would strike his back severely. Whoever divorces in a manner contrary to the Sunnah will have his divorce referred back to the Book of Allah {SWT}, the Mighty and Majestic, even if he dislikes it."

[REFERENCES] Al-Kafi, Vol.6 p.57 • Man La Yahduruhu Al-Faqih, Vol.3 p.499 • Al-Wafi, Vol.23 p.1001 • Wasa'il Al-Shi'ah, Vol.22 p.14

HADITH

4758 - وَ سَأَلَ سَمَاعَةُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْمُطَلَّقَةِ أَيْنَ تَعْتَدُّ قَالَ «فِي بَيْتِهَا لاَ تَخْرُجُ فَإِنْ أَرَادَتْ زِيَارَةً خَرَجَتْ قَبْلَ نِصْفِ اَللَّيْلِ وَ رَجَعَتْ بَعْدَ نِصْفِ اَللَّيْلِ وَ لاَ تَخْرُجُ نَهَاراً وَ لَيْسَ لَهَا أَنْ تَحُجَّ حَتَّى تَنْقَضِيَ عِدَّتُهَا».

H.4758 - Samaʿah asked Abu Abdullah {a.s} about where a divorced woman should observe her waiting period (ʿiddah).
Imam {a.s} replied: "In her house; she should not leave. If she wishes to visit someone, she may go out before midnight and return after midnight. She should not go out during the day, and she is not permitted to perform Hajj until her waiting period is complete."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.499

HADITH

4759 - : وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ اِتَّقُوا اَللّٰهَ رَبَّكُمْ لاٰ تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَ لاٰ يَخْرُجْنَ إِلاّٰ أَنْ يَأْتِينَ بِفٰاحِشَةٍ مُبَيِّنَةٍ ﴾ قَالَ «إِلاّٰ أَنْ تَزْنِيَ فَتُخْرَجَ وَ يُقَامَ عَلَيْهَا اَلْحَدُّ».

H.4759 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about the saying of Allah {SWT}, the Mighty and Majestic:
"*And fear Allah {SWT}, your Lord {AZJ}. Do not expel them from their houses, nor should they leave unless they commit a clear immorality*" (Surah At-Talaq 65:1).
Imam {a.s} replied: “Except if she commits adultery, then she is to be expelled, and the prescribed punishment (*ḥ*add) is to be carried out upon her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.499 • Al-Wafi, Vol.23 p.1213 • Wasa’il Al-Shi’ah, Vol.22 p.220 • Tafsir Al-Burhan, Vol.5 p.406 • Tafsir Nur Al-Thaqalayn, Vol.5 p.350 • Tafsir Kanz Al-Daqaiq, Vol.13 p.297

HADITH

4760 - وَ كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ رَضِيَ اَللَّهُ عَنْهُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَةٍ طَلَّقَهَا زَوْجُهَا وَ لَمْ يُجْرِ عَلَيْهَا اَلنَّفَقَةَ لِلْعِدَّةِ وَ هِيَ مُحْتَاجَةٌ هَلْ يَجُوزُ لَهَا أَنْ تَخْرُجَ وَ تَبِيتَ عَنْ مَنْزِلِهَا لِلْعَمَلِ وَ اَلْحَاجَةِ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لاَ بَأْسَ بِذَلِكَ إِذَا عَلِمَ اَللَّهُ اَلصِّحَّةَ مِنْهَا».

H.4760 - Muhammad ibn Al-Hasan Al-Saffar (may Allah {SWT} be pleased with him) wrote to Imam Abu Muhammad Al-Hasan ibn Ali {a.s} asking about a woman who was divorced by her husband, and he did not provide her with maintenance (nafaqah) during her waiting period (ʿiddah) while she was in need.
"Is it permissible for her to leave and spend nights away from her home for work and to fulfill her needs?"
Imam {a.s} replied in writing: "There is no harm in that if Allah knows her intention is sincere."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.499

CHAPTER 152 – CHAPTER ON DIVORCE DURING THE WAITING PERIOD (ʿIDDAH)

بَابُ طَلَاقِ الْعِدَّةِ

HADITH 4761 – 4765

طَلَاقُ الْعِدَّةِ هُوَ أَنَّهُ إِذَا أَرَادَ الرَّجُلُ أَنْ يُطَلِّقَ امْرَأَتَهُ طَلَّقَهَا عَلَى طُهْرٍ مِنْ غَيْرِ جِمَاعٍ بِشَاهِدَيْنِ عَدْلَيْنِ ثُمَّ يُرَاجِعُهَا مِنْ يَوْمِهِ ذَلِكَ أَوْ بَعْدَ ذَلِكَ قَبْلَ أَنْ تَحِيضَ وَ يُشْهِدُ عَلَى رَجْعَتِهَا حَتَّى تَحِيضَ فَإِذَا خَرَجَتْ مِنْ حَيْضِهَا طَلَّقَهَا تَطْلِيقَةً أُخْرَى مِنْ غَيْرِ جِمَاعٍ وَ يُشْهِدُ عَلَى ذَلِكَ ثُمَّ يُرَاجِعُهَا مَتَى شَاءَ قَبْلَ أَنْ تَحِيضَ وَ يُشْهِدُ عَلَى رَجْعَتِهَا وَ يُوَاقِعُهَا وَ تَكُونُ مَعَهُ إِلَى أَنْ تَحِيضَ الْحَيْضَةَ الثَّانِيَةَ فَإِذَا خَرَجَتْ مِنْ حَيْضَتِهَا طَلَّقَهَا الثَّالِثَةَ وَ هِيَ طَاهِرٌ مِنْ غَيْرِ جِمَاعٍ وَ يُشْهِدُ عَلَى ذَلِكَ فَإِنْ فَعَلَ ذَلِكَ فَقَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ وَ أَدْنَى الْمُرَاجَعَةِ أَنْ يُقَبِّلَهَا أَوْ يُنْكِرَ الطَّلَاقَ فَيَكُونُ إِنْكَارُ الطَّلَاقِ مُرَاجَعَةً وَ تَجُوزُ الْمُرَاجَعَةُ بِغَيْرِ شُهُودٍ كَمَا يَجُوزُ التَّزْوِيجُ وَ إِنَّمَا تُكْرَهُ الْمُرَاجَعَةُ بِغَيْرِ شُهُودٍ مِنْ جِهَةِ الْحُدُودِ وَ الْمَوَارِيثِ وَ السُّلْطَانِ وَ مَنْ طَلَّقَ امْرَأَتَهُ لِلْعِدَّةِ ثَلَاثاً وَاحِدَةً بَعْدَ وَاحِدَةٍ كَمَا وَصَفْتُ فَتَزَوَّجَتِ الْمَرْأَةُ زَوْجاً آخَرَ وَ لَمْ يَدْخُلْ بِهَا فَطَلَّقَهَا أَوْ مَاتَ عَنْهَا قَبْلَ الدُّخُولِ بِهَا فَاعْتَدَّتْ الْمَرْأَةُ لَمْ يَجُزْ لِزَوْجِهَا الْأَوَّلِ أَنْ يَتَزَوَّجَهَا حَتَّى يَتَزَوَّجَهَا رَجُلٌ آخَرُ وَ يَدْخُلَ بِهَا وَ يَذُوقَ عُسَيْلَتَهَا ثُمَّ يُطَلِّقَهَا أَوْ يَمُوتَ عَنْهَا فَتَعْتَدَّ مِنْهُ ثُمَّ إِنْ أَرَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا فَعَلَ فَإِنْ تَزَوَّجَهَا رَجُلٌ مُتْعَةً وَ دَخَلَ بِهَا وَ فَارَقَهَا أَوْ مَاتَ عَنْهَا لَمْ يَحِلَّ لِزَوْجِهَا الْأَوَّلِ أَنْ يَتَزَوَّجَ بِهَا حَتَّى يَتَزَوَّجَهَا رَجُلٌ آخَرُ تَزْوِيجاً بَتَاتاً وَ يَدْخُلَ بِهَا فَتَكُونَ قَدْ دَخَلَتْ فِي مِثْلِ مَا خَرَجَتْ مِنْهُ ثُمَّ يُطَلِّقَهَا أَوْ يَمُوتَ عَنْهَا وَ تَعْتَدَّ مِنْهُ ثُمَّ إِنْ أَرَادَ الْأَوَّلُ أَنْ يَتَزَوَّجَهَا فَعَلَ فَإِنْ تَزَوَّجَهَا عَبْدٌ فَهُوَ أَحَدُ الْأَزْوَاجِ وَ كُلُّ مَنْ طَلَّقَ امْرَأَتَهُ لِلْعِدَّةِ فَنَكَحَتْ زَوْجاً غَيْرَهُ ثُمَّ تَزَوَّجَهَا ثُمَّ طَلَّقَهَا لِلْعِدَّةِ فَنَكَحَتْ زَوْجاً غَيْرَهُ ثُمَّ تَزَوَّجَهَا ثُمَّ طَلَّقَهَا لِلْعِدَّةِ فَقَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ بَعْدَ تِسْعِ تَطْلِيقَاتٍ أَبَداً.

Talaq al-ʿiddah (divorce during the waiting period) is that when a man intends to divorce his wife, he should divorce her during a state of purity (ṭuhr) in which he has not had intercourse with her, and in the presence of two just witnesses. Then, he may reconcile with her on the same day or afterward before she menstruates, and he should have witnesses for this reconciliation.

When she menstruates and then becomes pure, he may divorce her a second time without intercourse and in the presence of witnesses. He can then reconcile with her whenever he wishes before she menstruates again, ensuring witnesses are present for the reconciliation. He may also engage in marital relations with her, and she remains with him until she experiences her second menstrual cycle.

Once she becomes pure after her second menstruation, he may divorce her a third time while she is in a state of purity without intercourse, again in the presence of witnesses. If he does this, she is permanently separated from him and is not permissible for him until she marries another man.

The least form of reconciliation is for him to kiss her or to deny the divorce, in which case his denial of the divorce counts as reconciliation.

Reconciliation is permissible without witnesses, just as marriage is, but it is disliked without witnesses due to legal matters concerning *ḥ*udud (Islamic penalties), inheritance, and authority.

If a man divorces his wife for the waiting period three times - each once after the other as described - and then she marries another man, the previous husband cannot take her back until that marriage is properly dissolved.

If a man divorces his wife three times for the waiting period (ʿiddah), one after another as described, and then the woman marries another man but he does not consummate the marriage with her and subsequently divorces her or dies before consummation, and she completes her waiting period (ʿiddah), it is not permissible for her first husband to remarry her. She can only return to her first husband if she marries another man in a permanent marriage, the second husband consummates the marriage with her, and then divorces her or dies. After completing her waiting period from the second husband, the first husband may then marry her again if he wishes.

However, if she marries a man in a temporary marriage (mutʿah), even if he consummates the marriage and then separates from her or dies, it does not make it permissible for her first husband to remarry her. The remarriage to another man must be a permanent marriage that includes consummation. Only after she completes her waiting period following this marriage can her first husband marry her again.

If she marries a slave, he is considered one of the husbands, and the same ruling applies.

Furthermore, if a man divorces his wife three times for the waiting period, and she marries another man, then returns to her first husband and is divorced again, and this cycle repeats until she has been divorced nine times, she becomes permanently forbidden to him and can never return to him.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.501

HADITH

4761 - وَ رَوَى اَلْمُفَضَّلُ بْنُ صَالِحٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ لاٰ تُمْسِكُوهُنَّ ضِرٰاراً لِتَعْتَدُوا ﴾ قَالَ «اَلرَّجُلُ يُطَلِّقُ حَتَّى إِذَا كَادَتْ أَنْ يَخْلُوَ أَجَلُهَا رَاجَعَهَا ثُمَّ طَلَّقَهَا يَفْعَلُ ذَلِكَ ثَلاَثَ مَرَّاتٍ فَنَهَى اَللَّهُ عَزَّ وَ جَلَّ عَنْ ذَلِكَ ».

H.4761 - Al-Mufaḍḍal ibn Ṣaliḥ narrated from Al-Ḥalabi, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: I asked him about the saying of Allah {SWT}, the Mighty and Majestic*:*

"And do not retain them to harm them so that you transgress"

(Surah Al-Baqarah 2:231).

Imam {a.s} replied: “This refers to a man who divorces his wife, and when her waiting period (ʿiddah) is about to end, he reconciles with her, then divorces her again. He repeats this process three times. Allah {SWT}, the Mighty and Majestic, forbade such behavior."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.119 • Man La Yahduruhu Al-Faqih, Vol.3 p.501 • Al-Wafi, Vol.23 p.1023 • Wasa'il Al-Shi'ah, Vol.22 p.172 • Tafsir Al-Burhan, Vol.1 p.482 • Tafsir Al-Burhan, Vol.1 p.482 • Bihar Al-Anwar, Vol.101 p.157 • Tafsir Nur Al-Thaqalayn, Vol.1 p.226 • Tafsir Kanz Al-Daqaiq, Vol.2 p.350 • Mustadrak Al-Wasa'il, Vol.15 p.342

HADITH

4762 - وَ رَوَى اَلْبَزَنْطِيُّ عَنْ عَبْدِ اَلْكَرِيمِ بْنِ عَمْرٍو عَنِ اَلْحَسَنِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَنْبَغِي لِلرَّجُلِ أَنْ يُطَلِّقَ اِمْرَأَتَهُ ثُمَّ يُرَاجِعَهَا وَ لَيْسَ لَهُ فِيهَا حَاجَةٌ ثُمَّ يُطَلِّقَهَا فَهَذَا اَلضِّرَارُ اَلَّذِي نَهَى اَللَّهُ عَزَّ وَ جَلَّ عَنْهُ إِلاَّ أَنْ يُطَلِّقَ ثُمَّ يُرَاجِعَ وَ هُوَ يَنْوِي اَلْإِمْسَاكَ».

H.4762 - Al-Bazanti narrated from Abd al-Karim ibn Amr, from al-Ḥasan ibn Ziyad, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"It is not appropriate for a man to divorce his wife and then reconcile with her when he has no need or intention for her, only to divorce her again. This is the harm (*ḍ*irar) that Allah {SWT}, the Mighty and Majestic, has forbidden. However, if he divorces her and then reconciles with her with the sincere intention of keeping her, then it is permissible."

[REFERENCES] Man La Yahduruhu Al-Faqih, V.3 p.501 • Al-Wafi, V.23 p.1023 • Wasa'il Al-Shi'ah, Vol.22 p.171 • Tafsir Al-Burhan, Vol.1 p.482 • Tafsir Nur Al-Thaqalayn, V.1 p.226 • Tafsir Kanz Al-Daqaiq, Vol.2 p.351

HADITH

4763 - وَ رَوَى اَلْقَاسِمُ بْنُ اَلرَّبِيعِ اَلصَّحَّافُ عَنْ مُحَمَّدِ بْنِ سِنَانٍ : أَنَّ أَبَا اَلْحَسَنِ عَلِيَّ بْنَ مُوسَى اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ كَتَبَ إِلَيْهِ فِيمَا كَتَبَ مِنْ جَوَابِ مَسَائِلِهِ «عِلَّةُ اَلطَّلاَقِ ثَلاَثاً لِمَا فِيهِ مِنَ اَلْمُهْلَةِ فِيمَا بَيْنَ اَلْوَاحِدَةِ إِلَى اَلثَّلاَثِ لِرَغْبَةٍ تَحْدُثُ أَوْ سُكُونِ غَضَبٍ إِنْ كَانَ وَ لْيَكُنْ ذَلِكَ تَخْوِيفاً وَ تَأْدِيباً لِلنِّسَاءِ وَ زَجْراً لَهُنَّ عَنْ مَعْصِيَةِ أَزْوَاجِهِنَّ فَاسْتَحَقَّتِ اَلْمَرْأَةُ اَلْفُرْقَةَ وَ اَلْمُبَايَنَةَ لِدُخُولِهَا فِيمَا لاَ يَنْبَغِي مِنْ تَرْكِ طَاعَةِ زَوْجِهَا وَ عِلَّةُ تَحْرِيمِ اَلْمَرْأَةِ بَعْدَ تِسْعِ تَطْلِيقَاتٍ فَلاَ تَحِلَّ لَهُ عُقُوبَةً لِئَلاَّ يَسْتَخِفَّ بِالطَّلاَقِ وَ لاَ يَسْتَضْعِفَ اَلْمَرْأَةَ وَ لِيَكُونَ نَاظِراً فِي أُمُورِهِ مُتَيَقِّظاً مُعْتَبِراً وَ لِيَكُونَ يَأْساً لَهُمَا مِنَ اَلاِجْتِمَاعِ بَعْدَ تِسْعِ تَطْلِيقَاتٍ».

H.4763 - Al-Qasim ibn al-Rabiʿ al-Ṣaḥḥaf narrated from Muḥammad ibn Sinan that Abu al-Ḥasan Imam Ar-Ridha {a.s} wrote to him in response to his questions:
"The reason for allowing divorce up to three times is to provide a period of reflection between each instance, from the first to the third, for any renewed affection that may arise or for the calming of anger if it had been present.
This process serves as a warning and a means of disciplining the woman and deterring her from disobeying her husband. If a woman engages in what is improper by neglecting her husband's obedience, she becomes deserving of separation and estrangement.
As for the reason why a woman becomes permanently forbidden (ḥaram) to her husband after nine divorces, it is a form of punishment to prevent the man from taking divorce lightly and from oppressing the woman. It encourages him to be thoughtful, attentive, and reflective in his actions. This also brings both parties to despair of ever reconciling after nine divorces."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.502 • Al-Wafi, Vol.23 p.1023

HADITH

4764 - وَ رَوَى عَلِيُّ بْنُ اَلْحَسَنِ بْنِ عَلِيِّ بْنِ فَضَّالٍ عَنْ أَبِيهِ قَالَ: سَأَلْتُ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْعِلَّةِ اَلَّتِي مِنْ أَجْلِهَا لاَ تَحِلُّ اَلْمُطَلَّقَةُ لِلْعِدَّةِ لِزَوْجِهَا «حَتّٰى تَنْكِحَ زَوْجاً غَيْرَهُ» فَقَالَ «إِنَّ اَللَّهَ عَزَّ وَ جَلَّ إِنَّمَا أَذِنَ فِي اَلطَّلاَقِ مَرَّتَيْنِ فَقَالَ عَزَّ وَ جَلَّ ۝ اَلطَّلاٰقُ مَرَّتٰانِ فَإِمْسٰاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسٰانٍ ۝ يَعْنِي فِي اَلتَّطْلِيقَةِ اَلثَّالِثَةِ فَلِدُخُولِهِ فِيمَا كَرِهَ اَللَّهُ عَزَّ وَ جَلَّ لَهُ مِنَ اَلطَّلاَقِ اَلثَّالِثِ حَرَّمَهَا عَلَيْهِ فَلاَ تَحِلُّ لَهُ «حَتّٰى تَنْكِحَ زَوْجاً غَيْرَهُ» لِئَلاَّ يُوقِعَ اَلنَّاسُ اَلاِسْتِخْفَافَ بِالطَّلاَقِ وَ لاَ يُضَارُّوا اَلنِّسَاءَ».

وَ الْمُطَلَّقَةُ لِلْعِدَّةِ إِذَا رَأَتْ أَوَّلَ قَطْرَةٍ مِنَ الدَّمِ الثَّالِثِ بَانَتْ مِنْ زَوْجِهَا وَ لَمْ تَحِلَّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ.

H.4764 - Ali ibn al-Ḥasan ibn Ali ibn Faḍḍal narrated from his father that he asked Imam Ali ibn Musa Ar-Ridha {a.s} about the reason why a woman divorced for the third time (ṭalaq al-ʿidda) does not become lawful again for her husband "until she marries another husband".

Imam {a.s} replied: "Indeed, Allah {SWT}, the Exalted and Glorious, has only permitted divorce twice, as He {SWT} said:

'Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment' (Surah Al-Baqarah 2:229).

This applies to the third divorce. Due to the man's persistence in engaging in what Allah {SWT} dislikes - namely, pronouncing a third divorce, Allah {SWT} made her unlawful for him, and she does not become lawful for him 'until she marries another husband'. This is to prevent people from taking divorce lightly and to stop them from harming women."

[AL SADUQ]

Additionally, a woman divorced for the third time becomes completely separated (baʾina) from her husband upon witnessing the first drop of blood from her third menstruation. She does not become lawful for him again until she marries another husband.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.502 • Ilal Al-Shara'i', Vol.2 p.507 • Uyun Al-Akhbar, Vol.2 p.85 • Al-Wafi, Vol.23 p.1024 • Wasa'il Al-Shi'ah, Vol.22 p.121 • Tafsir Al-Burhan, Vol.1 p.476 • Bihar Al-Anwar, Vol.101 p.151 • Tafsir Nur Al-Thaqalayn, Vol.1 p.224 • Tafsir Kanz Al-Daqaiq, Vol.2 p.348

HADITH

4765 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْمُطَلَّقَةُ ثَلاَثاً لَيْسَ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا وَ لاَ سُكْنَى إِنَّمَا ذَلِكَ لِلَّتِي لِزَوْجِهَا عَلَيْهَا رَجْعَةٌ».

H.4765 - Musa ibn Bakr narrated from Zurarah that Abu Jafar {a.s} said:
"A woman who has been divorced three times has no right to maintenance (nafaqa) or accommodation (sukna) from her husband. This is only for the woman whose husband still has the right to take her back (rajʿa)."

[REFERENCES] Al-Kafi, Vol.6 p.104 • Al-Kafi, Vol.6 p.104 • Man La Yahduruhu Al-Faqih, Vol.3 p.502 • Tahdhib Al-Ahkam, Vol.8 p.133 • Al-Istibsar, Vol.3 p.334 • Tafsir Al-Safi, Vol.5 p.190 • Wasa'il Al-Shi'ah, Vol.21 p.519 • Wasa'il Al-Shi'ah, Vol.21 p.520 • Tafsir Nur Al-Thaqalayn, Vol.5 p.361 • Tafsir Nur Al-Thaqalayn, Vol.5 p.362

CHAPTER 153 – CHAPTER ON THE DIVORCE OF AN ABSENT PERSON

بَابُ طَلَاقِ الْغَائِبِ

HADITH 4766 – 4768

4766 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي حَمْزَةَ اَلثُّمَالِيِّ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِرَجُلٍ اُكْتُبْ يَا فُلاَنُ إِلَى اِمْرَأَتِي بِطَلاَقِهَا أَوْ قَالَ اُكْتُبْ إِلَى عَبْدِي بِعِتْقِهِ أَ يَكُونُ ذَلِكَ طَلاَقاً أَوْ عِتْقاً قَالَ «لاَ يَكُونُ طَلاَقٌ وَ لاَ عِتْقٌ حَتَّى يَنْطِقَ بِهِ اَللِّسَانُ أَوْ يَخُطَّ بِيَدِهِ وَ هُوَ يُرِيدُ اَلطَّلاَقَ أَوِ اَلْعِتْقَ وَ يَكُونَ ذَلِكَ مِنْهُ بِالْأَهِلَّةِ وَ اَلشُّهُودِ وَ يَكُونَ غَائِباً عَنْ أَهْلِهِ».

وَ إِذَا أَرَادَ الْغَائِبُ أَنْ يُطَلِّقَ امْرَأَتَهُ فَحَدُّ غَيْبَتِهِ الَّتِي إِذَا غَابَهَا كَانَ لَهُ أَنْ يُطَلِّقَ مَتَى شَاءَ أَقْصَاهُ خَمْسَةُ أَشْهُرٍ أَوْ سِتَّةُ أَشْهُرٍ وَ أَوْسَطُهُ ثَلَاثَةُ أَشْهُرٍ وَ أَدْنَاهُ شَهْرٌ.

H.4766 - Al-Ḥasan ibn Maḥbub narrated from Abu Ḥamzah al-Thumali from Abu Jafar Imam Al-Baqir {a.s} who said: "I asked Imam {a.s} about a man who said to another, 'Write to my wife regarding her divorce,' or said: 'Write to my slave regarding his emancipation.' Would that constitute a divorce or emancipation?"
Imam {a.s} replied: "There is no divorce nor emancipation until it is spoken by the tongue or written by his own hand with the intention of divorce or emancipation. It must also be done with proper witnessing and at the right time while he is absent from his family."

[AL SADUQ]
And regarding a man who is absent and wishes to divorce his wife, the period of absence during which he may divorce whenever he wants is as follows: the longest is five or six months, the middle is three months, and the shortest is one month.

[REFERENCES] Al-Kafi, Vol.6 p.64 • Man La Yahduruhu Al-Faqih, Vol.3 p.503 • Tahdhib Al-Ahkam, Vol.8 p.38 • Al-Wafi, Vol.23 p.1035 • Wasa'il Al-Shi'ah, Vol.22 p.37

HADITH

4767 - فَقَدْ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ: قُلْتُ لِأَبِي إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ اَلْغَائِبُ اَلَّذِي يُطَلِّقُ كَمْ غَيْبَتُهُ قَالَ «خَمْسَةُ أَشْهُرٍ أَوْ سِتَّةُ أَشْهُرٍ» قُلْتُ حَدٌّ فِيهِ دُونَ ذَا قَالَ «ثَلاَثَةُ أَشْهُرٍ».

H.4767 - Ṣafwan ibn Yaḥya narrated from Isḥaq ibn Ammar who said:
"I asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about the absent man who divorces his wife. How long must his absence be?"
Imam {a.s} replied: "Five or six months."
I asked: "Is there a shorter period than that?"
Imam {a.s} said: "Three months."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.503 • Tahdhib Al-Ahkam, Vol.8 p.62 • Al-Istibsar, Vol.3 p.295 • Awali Al-La'ali, Vol.3 p.374 • Al-Wafi, Vol.23 p.1071 • Wasa'il Al-Shi'ah, Vol.22 p.58

HADITH

4768 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي حَمْزَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْغَائِبُ إِذَا أَرَادَ أَنْ يُطَلِّقَ اِمْرَأَتَهُ تَرَكَهَا شَهْراً».

H.4768 - Muḥammad ibn Abi Ḥamzah narrated from Isḥaq ibn ʿAmmar who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that he said:
"If an absent man wants to divorce his wife, he should leave her for one month."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.503 • Awali Al-La'ali, Vol.3 p.374 • Awali Al-La'ali, Vol.3 p.374

CHAPTER 154 – CHAPTER ON THE DIVORCE BY A YOUNG BOY

بَابُ طَلَاقِ الْغُلَامِ

HADITH 4769

4769 - رَوَى زُرْعَةُ عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ طَلاَقِ اَلْغُلاَمِ وَ لَمْ يَحْتَلِمْ وَ صَدَقَتِهِ فَقَالَ «إِذَا طَلَّقَ لِلسُّنَّةِ وَ وَضَعَ اَلصَّدَقَةَ فِي مَوْضِعِهَا وَ حَقِّهَا فَلاَ بَأْسَ وَ هُوَ جَائِزٌ».

H.4769 - Zuraʿah narrated from Samaʿah who said: I asked Imam {a.s} about the divorce issued by a young boy who has not yet reached puberty and about his giving of charity. Imam {a.s} said: "If he divorces according to the Sunnah and places the charity in its rightful place and for its due purpose, then there is no harm, and it is valid."

[REFERENCES] Al-Kafi, Vol.6 p.124 • Man La Yahduruhu Al-Faqih, Vol.3 p.504 • Tahdhib Al-Ahkam, Vol.8 p.76 • Tahdhib Al-Ahkam, Vol.8 p.94 • Al-Istibsar, Vol.3 p.303 • Al-Istibsar, Vol.3 p.303 • Al-Wafi, Vol.23 p.1101 • Wasa'il Al-Shi'ah, Vol.22 p.79

CHAPTER 155 – CHAPTER ON THE DIVORCE BY AN INSANE PERSON

بَابُ طَلَاقِ الْمَعْتُوهِ

HADITH 4770 – 4772

4770 - رَوَى عَبْدُ اَلْكَرِيمِ بْنُ عَمْرٍو عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ طَلاَقِ اَلْمَعْتُوهِ اَلزَّائِلِ اَلْعَقْلِ أَ يَجُوزُ فَقَالَ «لاَ» وَ عَنِ اَلْمَرْأَةِ إِذَا كَانَتْ كَذَلِكَ يَجُوزُ بَيْعُهَا وَ صَدَقَتُهَا فَقَالَ «لاَ».

H.4770 - Abd al-Karim ibn ʿAmr narrated from al-Ḥalabi from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
I asked Imam {a.s} about the divorce of a mentally impaired person whose intellect is diminished, whether it is permissible?
Imam {a.s} replied: "No."
I (narrator) also asked about a woman in the same condition, whether it is permissible to sell her property or manage her dowry?
He replied: "No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.504 • Tahdhib Al-Ahkam, Vol.8 p.75 • Al-Istibsar, Vol.3 p.302

HADITH

4771 - وَ رَوَى حَمَّادُ بْنُ عِيسَى عَنْ شُعَيْبٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلْمَعْتُوهِ يَجُوزُ طَلاَقُهُ فَقَالَ «مَا هُوَ» فَقُلْتُ اَلْأَحْمَقُ اَلذَّاهِبُ اَلْعَقْلِ فَقَالَ «نَعَمْ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي إِذَا طَلَّقَ عَنْهُ وَلِيُّهُ فَأَمَّا أَنْ يُطَلِّقَ هُوَ فَلَا وَ تَصْدِيقُ ذَلِكَ

H.4771 - Ḥammad ibn ʿIsa narrated from Shuʿayb, from Abu Baṣir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, that Imam {a.s} who was asked about the validity of a divorce issued by a mentally impaired person (ma'tooh).
Imam {a.s} responded: "What do you mean by that?"
I said: "The foolish one who lacks sound reasoning."
Imam {a.s} replied: "Yes, it is valid."

[AL SADUQ]
The author of this book (may Allah {SWT} have mercy on him) clarified:
This means that if the divorce is carried out by his guardian on his behalf, it is valid. However, if he himself pronounces the divorce, it is not valid. This is supported by corroborating evidence.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.505 • Tahdhib Al-Ahkam, Vol.8 p.75 • Al-Istibsar, Vol.3 p.302 • Al-Wafi, Vol.23 p.1107 • Wasa'il Al-Shi'ah, Vol.22 p.83

HADITH

4772 - مَا رَوَاهُ صَفْوَانُ بْنُ يَحْيَى عَنْ أَبِي خَالِدٍ اَلْقَمَّاطِ قَالَ: قُلْتُ، لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ يَعْرِفُ رَأْيَهُ مَرَّةً وَ يُنْكِرُهُ أُخْرَى يَجُوزُ طَلاَقُ وَلِيِّهِ عَلَيْهِ فَقَالَ «مَا لَهُ هُوَ لاَ يُطَلِّقُ» قَالَ قُلْتُ لاَ يَعْرِفُ حَدَّ اَلطَّلاَقِ وَ لاَ يُؤْمَنُ عَلَيْهِ إِنْ طَلَّقَ اَلْيَوْمَ أَنْ يَقُولَ غداً لَمْ أُطَلِّقْ فَقَالَ «مَا أَرَاهُ إِلاَّ بِمَنْزِلَةِ اَلْإِمَامِ يَعْنِي اَلْوَلِيّ».

H.4772 - Ṣafwan ibn Yaḥya narrated from Abu Khalid al-Qammaṭ, who said:
I said to Abu Abdillah {a.s}: "A man who sometimes understands his own position and at other times denies it, can his guardian (wali) issue a divorce on his behalf?"
Imam {a.s} said: "What is wrong with him? Can he not divorce himself?"
I said: "He does not understand the rules of divorce, and if he divorces today, he might say tomorrow that he did not divorce."
Imam {a.s} said: "I see him (wali) as being in the position of an Imam - that is, the guardian (wali) has authority over him."

[REFERENCES] Al-Kafi, Vol.6 p.125 • Man La Yahduruhu Al-Faqih, Vol.3 p.505 • Al-Wafi, Vol.23 p.1104 • Wasa'il Al-Shi'ah, Vol.22 p.81

CHAPTER 156 – CHAPTER ON THE DIVORCE OF A WOMAN WHO HAS NOT BEEN CONSUMMATED AND THE RULING ON A WOMAN WHOSE HUSBAND PASSES AWAY BEFORE OR AFTER CONSUMMATION

بَابُ طَلَاقِ الَّتِي لَمْ يُدْخَلْ بِهَا وَ حُكْمِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا قَبْلَ الدُّخُولِ وَ بَعْدَهُ

HADITH 4773 – 4786

4773 - رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا طَلَّقَ اَلرَّجُلُ اِمْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا فَلَهَا نِصْفُ مَهْرِهَا وَ إِنْ لَمْ يَكُنْ سَمَّى لَهَا مَهْراً فَ «مَتْاعٌ بِالْمَعْرُوفِ».. «عَلَى اَلْمُوسِعِ قَدَرُهُ وَ عَلَى اَلْمُقْتِرِ قَدَرُهُ» وَ لَيْسَ لَهَا عِدَّةٌ تَتَزَوَّجُ مَنْ شَاءَتْ مِنْ سَاعَتِهَا ».

H.4773 - Muhammad ibn al-Fudayl narrated from Abu al-Sabbah al-Kinani, who reported from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that he said:
"If a man divorces his wife before consummating the marriage, she is entitled to half of her dowry.
However, if he had not specified a dowry for her, then 'provision must be made for her in a fair manner', 'according to the means of the wealthy and according to the means of the poor.'
She does not have to observe any waiting period (iddah) and may marry whomever she wishes immediately."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.124 • Man La Yahduruhu Al-Faqih, Vol.3 p.505 • Al-Wafi, Vol.21 p.487 • Wasa'il Al-Shi'ah, Vol.21 p.307 • Tafsir Al-Burhan, Vol.1 p.491 • Bihar Al-Anwar, Vol.100 p.357 • Tafsir Nur Al-Thaqalayn, Vol.1 p.233 • Tafsir Kanz Al-Daqaiq, Vol.2 p.361 • Mustadrak Al-Wasa'il, Vol.15 p.88

HADITH

4774 - وَ رَوَى عَمْرُو بْنُ شِمْرٍ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ ﴿ ثُمَّ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمَسُّوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُّونَهَا فَمَتِّعُوهُنَّ وَ سَرِّحُوهُنَّ سَرٰاحاً جَمِيلاً ﴾
قَالَ «مَتِّعُوهُنَّ أَيْ جَمِّلُوهُنَّ بِمَا قَدَرْتُمْ عَلَيْهِ مِنْ مَعْرُوفٍ فَإِنَّهُنَّ يَرْجِعْنَ بِكَآبَةٍ وَ وَحْشَةٍ وَ هَمٍّ عَظِيمٍ وَ شَمَاتَةٍ مِنْ أَعْدَائِهِنَّ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ كَرِيمٌ يَسْتَحْيِي وَ يُحِبُّ أَهْلَ اَلْحَيَاءِ إِنَّ أَكْرَمَكُمْ أَشَدُّكُمْ إِكْرَاماً لِحَلاَئِلِهِمْ».

H.4774 - Amr ibn Shimr narrated from Jabir, who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} regarding the saying of Allah {SWT}, the Almighty:
"Then if you divorce them before you have touched them, there is no waiting period (iddah) for you to count against them. So provide for them and release them in a gracious manner." (Surah Al-Ahzab 33:49)
Imam {a.s} said: "Provide for them," meaning adorn them with whatever you are able to from kindness, for they return with sorrow, loneliness, great grief, and become a subject of gloating for their enemies. Indeed, Allah {SWT}, the Almighty, is generous, feels shy, and loves those who possess modesty. The most honorable among you is the one who honors his wives the most.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.506 • Tafsir Nur Al-Thaqalayn, Vol.4 p.288 • Tafsir Kanz Al-Daqaiq, Vol.10 p.408

HADITH

4775 - وَ فِي رِوَايَةِ اَلْبَزَنْطِيِّ : «أَنَّ مُتْعَةَ اَلْمُطَلَّقَةِ فَرِيضَةٌ».

H.4775 - In the narration of Al-Bazanti:
"The mut'ah (compensatory gift) for a divorced woman is an obligation (faridah)."

[REFERENCES] Al-Kafi, Vol.6 p.105 • Man La Yahduruhu Al-Faqih, Vol.3 p.506 • Tahdhib Al-Ahkam, Vol.8 p.141 • Al-Wafi, Vol.23 p.1223 • Al-Wafi, Vol.23 p.1223 • Al-Wafi, Vol.23 p.1223 • Tafsir Al-Safi, Vol.1 p.266 • Wasa'il Al-Shi'ah, Vol.21 p.306 • Wasa'il Al-Shi'ah, Vol.21 p.307 • Wasa'il Al-Shi'ah, Vol.21 p.308

HADITH

4776 - وَ رُوِيَ: «أَنَّ اَلْغَنِيَّ يُمَتِّعُ بِدَارٍ أَوْ خَادِمٍ وَ اَلْوَسَطَ يُمَتِّعُ بِثَوْبٍ وَ اَلْفَقِيرَ بِدِرْهَمٍ أَوْ خَاتَمٍ».

H.4776 - It is narrated: "The wealthy man should provide a house or a servant as a parting gift, the middle-income man should provide clothing, and the poor man should provide a silver coin or a ring."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.506 • Al-Wafi, Vol.23 p.1225 • Tafsir Al-Safi, Vol.1 p.266 • Wasa'il Al-Shi'ah, Vol.21 p.310 • Tafsir Kanz Al-Daqaiq, Vol.2 p.362

HADITH

4777 - وَ رُوِيَ: «أَنَّ أَدْنَاهُ اَلْخِمَارُ وَ شِبْهُهُ».

H.4777 - It is narrated: "The minimum (parting gift) is a headscarf or something similar to it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.506 • Tafsir Al-Safi, Vol.1 p.266 • Tafsir Kanz Al-Daqaiq, Vol.2 p.362

HADITH

4778 - وَ رَوَى اَلْحَلَبِيُّ وَ أَبُو بَصِيرٍ وَ سَمَاعَةُ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ وَ إِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمَسُّوهُنَّ وَ قَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَنِصْفُ مٰا فَرَضْتُمْ إِلاّٰ أَنْ يَعْفُونَ أَوْ يَعْفُوَا اَلَّذِي بِيَدِهِ عُقْدَةُ اَلنِّكٰاحِ ﴾ قَالَ «هُوَ اَلْأَبُ أَوِ اَلْأَخُ أَوِ اَلرَّجُلُ يُوصَى إِلَيْهِ وَ اَلَّذِي يَجُوزُ أَمْرُهُ فِي مَالِ اَلْمَرْأَةِ فَيَبْتَاعُ لَهَا وَ يَتَّجِرُ فَإِذَا عَفَا فَقَدْ جَازَ».

H.4778 - Al-Halabi, Abu Basir, and Sama'ah narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding the saying of Allah {SWT}, the Exalted:
"*And if you divorce them before you have touched them and you have already specified a dowry for them, then half of what you have specified must be paid, unless they forgo it or the one in whose hand is the marriage contract forgoes it*"
(Surah Al-Baqarah 2:237).
Imam {a.s} said: "It refers to the father, the brother, or the man who is entrusted with her affairs and whose authority over the woman's wealth is accepted, as he buys and trades for her. So, if he waives it, it becomes valid."

[REFERENCES] Al-Kafi, Vol.6 p.106 • Man La Yahduruhu Al-Faqih, Vol.3 p.506 • Al-Wafi, Vol.21 p.488 • Wasa'il Al-Shi'ah, Vol.21 p.315 • Tafsir Al-Burhan, Vol.1 p.492 • Tafsir Nur Al-Thaqalayn, Vol.1 p.235 • Tafsir Kanz Al-Daqaiq, Vol.2 p.364

HADITH

4779 - وَ فِي خَبَرٍ آخَرَ: «يَأْخُذُ بَعْضاً وَ يَدَعُ بَعْضاً وَ لَيْسَ لَهُ أَنْ يَدَعَ كُلَّهُ».

H.4779 - And in another narration:
"He may take a part and leave a part, but he does not have the right to forgo all of it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.507 • Tafsir Nur Al-Thaqalayn, Vol.1 p.235

HADITH

4780 - وَ سَأَلَ عُبَيْدُ بْنُ زُرَارَةَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اِمْرَأَةٍ هَلَكَ زَوْجُهَا وَ لَمْ يَدْخُلْ بِهَا قَالَ «لَهَا اَلْمِيرَاثُ وَ عَلَيْهَا اَلْعِدَّةُ كَامِلَةً وَ إِنْ سَمَّى لَهَا مَهْراً فَلَهَا نِصْفُهُ وَ إِنْ لَمْ يَكُنْ سَمَّى لَهَا مَهْراً فَلاَ شَيْءَ لَهَا».

وَ لَيْسَ لِلْمُتَوَفّٰى عَنْهَا زَوْجُهَا سُكْنىٰ وَ لاٰ نَفَقَةٌ.

H.4780 - Ubayd ibn Zurarah asked Abu Abdullah {a.s} about a woman whose husband passed away before consummating the marriage.
Imam {a.s} replied: "She is entitled to inheritance and must observe the complete waiting period (iddah). If he had specified a dowry for her, she is entitled to half of it, and if he had not specified a dowry, she is entitled to nothing."

[AL SADUQ]
Additionally, a woman whose husband has passed away is not entitled to housing or financial maintenance.

[REFERENCES] Al-Kafi, V.6 p.120 • Man La Yahduruhu Al-Faqih, V.3 p.507 • Al-Wafi, V.22 p.502 • Wasa'il Al-Shi'ah, V.21 p.327

HADITH

4781 - وَ سَأَلَ شِهَابٌ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ تَزَوَّجَ بِامْرَأَةٍ بِأَلْفِ دِرْهَمٍ فَأَدَّاهَا إِلَيْهَا فَوَهَبَتْهَا لَهُ وَ قَالَتْ أَنَا فِيكَ أَرْغَبُ فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ «يَرْجِعُ عَلَيْهَا بِخَمْسِمِائَةِ دِرْهَمٍ».

H.4781 - Shihab asked Abu Abdullah {a.s} about a man who married a woman with a dowry of one thousand dirhams. He paid her the dowry, and she gifted it back to him, saying, "I desire you more."
However, he divorced her before consummating the marriage.
Imam {a.s} replied: "He is entitled to reclaim five hundred dirhams from her."

[REFERENCES] Al-Kafi, Vol.6 p.107 • Man La Yahduruhu Al-Faqih, Vol.3 p.507

HADITH

4782 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «مُتْعَةُ اَلنِّسَاءِ وَاجِبَةٌ دُخِلَ بِهَا أَوْ لَمْ يُدْخَلْ بِهَا وَ تُمَتَّعُ قَبْلَ أَنْ تُطَلَّقَ».

H.4782 - Ali ibn Ri'ab narrated from Zurara, who reported from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"The compensation (mut'ah) for women is obligatory, whether the marriage was consummated or not. This compensation should be granted before she is divorced."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.507 • Al-Wafi, Vol.23 p.1224

HADITH

4783 - : وَ قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي اِمْرَأَةٍ تُوُفِّيَ عَنْهَا زَوْجُهَا وَ لَمْ يَمَسَّهَا قَالَ «لاَ تَنْكِحُ حَتَّى تَعْتَدَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشَرَةَ أَيَّامٍ عِدَّةَ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا».

وَ اَلْمُطَلَّقَةُ تَعْتَدُّ مِنْ يَوْمَ طَلَّقَهَا زَوْجُهَا وَ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا تَعْتَدُّ مِنْ يَوْمِ يَبْلُغُهَا اَلْخَبَرُ لِأَنَّ هَذِهِ تُحِدُّ وَ اَلْمُطَلَّقَةُ لَا تُحِدُّ.

H.4783 - Commander of the Faithful {a.s} ruled concerning a woman whose husband passed away without consummating the marriage, saying:
"She must not remarry until she completes a waiting period (iddah) of four months and ten days, which is the prescribed waiting period for a woman whose husband has passed away."

[AL SADUQ]
As for a divorced woman, her waiting period begins from the day her husband divorces her. However, the waiting period for a woman whose husband has died begins from the day she receives the news of his death because she must observe mourning (ihdad), whereas a divorced woman is not required to observe mourning.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.508

HADITH

4784 - وَ كَتَبَ مُحَمَّدُ بْنُ اَلْحَسَنِ اَلصَّفَّارُ إِلَى أَبِي مُحَمَّدٍ اَلْحَسَنِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : فِي اِمْرَأَةٍ مَاتَ عَنْهَا زَوْجُهَا وَ هِيَ فِي عِدَّةٍ مِنْهُ وَ هِيَ مُحْتَاجَةٌ لاَ تَجِدُ مَنْ يُنْفِقُ عَلَيْهَا وَ هِيَ تَعْمَلُ لِلنَّاسِ هَلْ يَجُوزُ لَهَا أَنْ تَخْرُجَ وَ تَعْمَلَ وَ تَبِيتَ عَنْ مَنْزِلِهَا لِلْعَمَلِ وَ اَلْحَاجَةِ فِي عِدَّتِهَا قَالَ فَوَقَّعَ عَلَيْهِ اَلسَّلاَمُ «لاَ بَأْسَ بِذَلِكَ إِنْ شَاءَ اَللَّهُ».

H.4784 - Muhammad ibn al-Hasan al-Saffar wrote to Abu Muhammad al-Hasan ibn Ali {a.s} regarding a woman whose husband had passed away while she was still in her waiting period (iddah) and who was in need, with no one to provide for her, and she worked for people.
He asked whether it was permissible for her to leave her house, work, and even stay away from her home overnight for work and necessity during her waiting period.
Imam {a.s} responded: "There is no harm in that, God willing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.508 • Al-Wafi, Vol.23 p.1220 • Wasa'il Al-Shi'ah, Vol.22 p.246

HADITH

4785 - وَ سَأَلَ عَمَّارٌ اَلسَّابَاطِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْمَرْأَةِ يَمُوتُ عَنْهَا زَوْجُهَا هَلْ يَحِلُّ لَهَا أَنْ تَخْرُجَ مِنْ مَنْزِلِهَا فِي عِدَّتِهَا قَالَ «نَعَمْ تَخْتَضِبُ وَ تَدَّهِنُ وَ تَكْتَحِلُ وَ تَمْتَشِطُ وَ تَصْبَغُ وَ تَلْبَسُ اَلْمُصَبَّغَ وَ تَصْنَعُ مَا شَاءَتْ بِغَيْرِ زِينَةٍ لِزَوْجٍ».

H.4785 - Ammar al-Sabati asked Abu Abdullah {a.s} about a woman whose husband has passed away. He inquired whether it is permissible for her to leave her house during her waiting period (iddah).
The Imam {a.s} replied: "Yes, she may apply henna, use oils, apply kohl, comb her hair, dye it, wear colored clothing, and do whatever she wishes as long as it is not for adornment intended for a husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.508 • Wasa'il Al-Shi'ah, Vol.22 p.234

HADITH

4786 - وَ فِي خَبَرٍ آخَرَ قَالَ: «لاَ بَأْسَ بِأَنْ تَحُجَّ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا وَ هِيَ فِي عِدَّتِهَا وَ تَنْتَقِلَ مِنْ مَنْزِلٍ إِلَى مَنْزِلٍ».

H.4786 - In another narration, it was said: "There is no harm for a woman whose husband has passed away to perform Hajj during her waiting period (iddah) and to move from one house to another."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.508

CHAPTER 157 – CHAPTER ON THE DIVORCE OF A PREGNANT WOMAN

بَابُ طَلَاقِ الْحَامِلِ

HADITH 4787 – 4795

4787 - رَوَى زُرَارَةُ عَنْ أَبِي جَعْفَرٍ ع : «طَلَاقُ اَلْحَامِلِ وَاحِدَةٌ فَإِذَا وَضَعَتْ مَا فِي بَطْنِهَا فَقَدْ بَانَتْ مِنْهُ».

وَ قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى ﴿ وَ أُولاتُ الْأَحْمالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ ﴾ فَإِذَا طَلَّقَهَا الرَّجُلُ وَ وَضَعَتْ مِنْ يَوْمِهَا أَوْ مِنْ غَدٍ فَقَدِ انْقَضَى أَجَلُهَا وَ جَائِزٌ لَهَا أَنْ تَتَزَوَّجَ وَ لَكِنْ لَا يَدْخُلُ بِهَا زَوْجُهَا حَتَّى تَطْهُرَ وَ الْحُبْلَى الْمُطَلَّقَةُ تَعْتَدُّ بِأَقْرَبِ الْأَجَلَيْنِ إِنْ مَضَتْ بِهَا ثَلَاثَةُ أَشْهُرٍ قَبْلَ أَنْ تَضَعَ فَقَدِ انْقَضَتْ عِدَّتُهَا مِنْهُ وَ لَكِنَّهَا لَا تَتَزَوَّجُ حَتَّى تَضَعَ فَإِنْ وَضَعَتْ مَا فِي بَطْنِهَا قَبْلَ انْقِضَاءِ ثَلَاثَةِ أَشْهُرٍ فَقَدِ انْقَضَى أَجَلُهَا وَ الْحُبْلَى الْمُتَوَفَّى عَنْهَا زَوْجُهَا تَعْتَدُّ بِأَبْعَدِ الْأَجَلَيْنِ إِنْ وَضَعَتْ قَبْلَ أَنْ تَمْضِيَ أَرْبَعَةُ أَشْهُرٍ وَ عَشَرَةُ أَيَّامٍ لَمْ تَنْقَضِ عِدَّتُهَا حَتَّى تَمْضِيَ أَرْبَعَةُ أَشْهُرٍ وَ عَشَرَةُ أَيَّامٍ وَ إِنْ مَضَتْ لَهَا أَرْبَعَةُ أَشْهُرٍ وَ عَشَرَةُ أَيَّامٍ قَبْلَ أَنْ تَضَعَ لَمْ تَنْقَضِ عِدَّتُهَا حَتَّى تَضَعَ.

H.4787 - Zurarah narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}:
"The divorce of a pregnant woman is a single divorce, and once she delivers what is in her womb, she is separated from him."

[AL SADUQ]
Allah {SWT}, the Blessed and Exalted, said:
"*And for those who are pregnant, their term is until they deliver their burden*." (Surah At-Talaq 65:4)
Therefore, if a man divorces his wife and she delivers on the same day or the next, her waiting period (iddah) has ended, and it is permissible for her to marry.
However, her new husband cannot consummate the marriage until she becomes pure (completes her postpartum period).
A pregnant woman who is divorced must observe the shorter of the two waiting periods. If three months pass before she delivers, her waiting period is over, but she cannot remarry until she gives birth. However, if she delivers before the completion of three months, her waiting period ends immediately.
On the other hand, a pregnant woman whose husband has passed away must observe the longer of the two waiting periods. If she delivers before the completion of four months and ten days, her waiting period is not over until the full four months and ten days pass.
Conversely, if four months and ten days pass before she delivers, her waiting period does not end until she gives birth.

[REFERENCES] Al-Kafi, Vol.6 p.81 • Man La Yahduruhu Al-Faqih, Vol.3 p.509 • Tahdhib Al-Ahkam, Vol.8 p.128 • Al-Istibsar, Vol.3 p.298 • Awali Al-La'ali, Vol.3 p.380 • Al-Wafi, Vol.23 p.1079 • Wasa'il Al-Shi'ah, Vol.22 p.145 • Wasa'il Al-Shi'ah, Vol.22 p.193

HADITH

4788 - وَ رَوَى عَلِيُّ بْنُ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «اَلْحُبْلَى اَلْمُطَلَّقَةُ يُنْفَقُ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا وَ هِيَ أَحَقُّ بِوَلَدِهَا أَنْ تُرْضِعَهُ بِمَا تَقْبَلُهُ اِمْرَأَةٌ أُخْرَى يَقُولُ اَللَّهُ عَزَّ وَ جَلَّ: ۞ لاٰ تُضَارَّ وٰالِدَةٌ بِوَلَدِهٰا وَ لاٰ مَوْلُودٌ لَهُ بِوَلَدِهِ وَ عَلَى اَلْوٰارِثِ مِثْلُ ذٰلِكَ ۞ لاَ يُضَارَّ بِالصَّبِيِّ وَ لاَ يُضَارَّ بِأُمِّهِ فِي رَضَاعِهِ وَ لَيْسَ لَهَا أَنْ تَأْخُذَ فِي رَضَاعِهِ فَوْقَ حَوْلَيْنِ كَامِلَيْنِ فَإِذَا أَرَادَ اَلْفِصَالَ قَبْلَ ذَلِكَ «عَنْ تَرٰاضٍ مِنْهُمٰا» كَانَ حَسَناً وَ اَلْفِصَالُ هُوَ اَلْفِطَامُ ».

H.4788 - Ali ibn Abi Hamzah narrated from Abu Basir from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
I heard Imam {a.s} say, "A pregnant divorced woman is to be provided for until she delivers her child, and she has more right to nurse her child as long as she accepts compensation similar to what another woman would accept.
Allah {SWT}, the Mighty and Majestic, says:
'No mother should be harmed because of her child, nor should any father because of his child. And upon the heir is the same responsibility' (Surah Al-Baqarah 2:233)
There should be no harm caused to the child nor to the mother in matters of nursing. She is not entitled to take compensation for nursing beyond two complete years, but if they both agree to wean the child before that 'by mutual consent and consultation,' then it is acceptable.
And 'weaning' means the cessation of breastfeeding."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.121 • Man La Yahduruhu Al-Faqih, Vol.3 p.510 • Wasa'il Al-Shi'ah, Vol.21 p.455 • Tafsir Al-Burhan, Vol.1 p.486 • Bihar Al-Anwar, Vol.101 p.133 • Mustadrak Al-Wasa'il, Vol.15 p.157

HADITH

4789 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : «فِي اَلْمَرْأَةِ اَلْحُبْلَى اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا يُنْفَقُ عَلَيْهَا مِنْ مَالِ وَلَدِهَا اَلَّذِي فِي بَطْنِهَا».

H.4789 - Muhammad ibn Al-Fudayl narrated from Abu al-Sabbah al-Kinani from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
"In the case of a pregnant woman whose husband has passed away, her expenses are to be provided from the wealth of the child she carries in her womb."

[REFERENCES] Al-Kafi, Vol.6 p.115 • Man La Yahduruhu Al-Faqih, Vol.3 p.510 • Tahdhib Al-Ahkam, Vol.8 p.152 • Al-Istibsar, Vol.3 p.345 • Al-Wafi, Vol.23 p.1234 • Wasa'il Al-Shi'ah, Vol.21 p.524

HADITH

4790 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ : «نَفَقَةُ اَلْحَامِلِ اَلْمُتَوَفًّى عَنْهَا زَوْجُهَا مِنْ جَمِيعِ اَلْمَالِ حَتَّى تَضَعَ ».

وَ الَّذِي نُفْتِي بِهِ رِوَايَةُ الْكِنَانِيِّ.

H.4790 - In the narration of Al-Sakuni, he said that Imam Ali ibn Abi Talib {a.s} said:
"The expenses of a pregnant woman whose husband has passed away are to be provided from the entire wealth until she gives birth."

[AL SADUQ]
However, the ruling we issue is based on the narration of Al-Kinani.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510 • Al-Istibsar, Vol.3 p.346 • Al-Wafi, Vol.23 p.1235 • Wasa'il Al-Shi'ah, Vol.21 p.524

HADITH

4791 - وَ- رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: قَضَى أَمِيرُ الْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي امْرَأَةٍ تُوُفِّيَ عَنْهَا زَوْجُهَا وَ هِيَ حُبْلَى فَوَلَدَتْ قَبْلَ أَنْ تَنْقَضِيَ أَرْبَعَةُ أَشْهُرٍ وَ عَشَرَةُ أَيَّامٍ فَتَزَوَّجَتْ فَقَضَى أَنْ يُخَلِّيَ عَنْهَا ثُمَّ لَا يَخْطُبَهَا حَتَّى يَنْقَضِيَ آخِرُ الْأَجَلَيْنِ فَإِنْ شَاءَ أَوْلِيَاءُ الْمَرْأَةِ أَنْكَحُوهَا إِيَّاهُ وَ إِنْ شَاءُوا أَمْسَكُوهَا فَإِنْ أَمْسَكُوهَا رَدُّوا عَلَيْهِ مَالَهُ.

H.4791 - Muhammad ibn Qays narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"The Commander of the Faithful {a.s} passed judgment regarding a woman whose husband had passed away while she was pregnant. She gave birth before the completion of four months and ten days, and then she married another man.
Imam {a.s} ruled that she must be separated from him and that he should not propose to her again until the longer of the two waiting periods is completed. If the woman's guardians wish, they may marry her to him, and if they wish, they may prevent it. If they prevent it, they must return his wealth to him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4792 - وَ- سَأَلَ عَبْدُ الرَّحْمَنِ بْنُ الْحَجَّاجِ- أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ عَنِ الْحُبْلَى يُطَلِّقُهَا زَوْجُهَا فَتَضَعُ سِقْطاً قَدْ تَمَّ أَوْ لَمْ يَتِمَّ أَوْ وَضَعَتْهُ مُضْغَةً أَ تَنْقَضِي بِذَلِكَ عِدَّتُهَا فَقَالَ كُلُّ شَيْءٍ وَضَعَتْهُ يَسْتَبِينُ أَنَّهُ حَمْلٌ تَمَّ أَوْ لَمْ يَتِمَّ فَقَدْ انْقَضَتْ بِهِ عِدَّتُهَا وَ إِنْ كَانَتْ مُضْغَةً قَالَ وَ سَمِعْتُهُ يَقُولُ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ فَادَّعَتْ حَبَلًا انْتَظَرَتْ تِسْعَةَ أَشْهُرٍ فَإِنْ وَلَدَتْ وَ إِلَّا اعْتَدَّتْ ثَلَاثَةَ أَشْهُرٍ ثُمَّ قَدْ بَانَتْ مِنْهُ.

H.4792 - Abdul Rahman ibn Al-Hajjaj asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a pregnant woman whom her husband divorces, and then she miscarries, whether the miscarriage was fully developed or not, or if she delivered a lump of flesh - does her waiting period end with that?
Imam {a.s} replied: “Anything she delivers that is clearly recognized as a pregnancy, whether fully developed or not, her waiting period is completed with that, even if it is a lump of flesh."
Imam {a.s} also said: “I heard him say that if a man divorces his wife and she claims to be pregnant, she should wait for nine months. If she gives birth, then so be it, but if not, she must observe a waiting period of three months, after which she is completely separated from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4793 - وَ- رَوَى سَلَمَةُ بْنُ الْخَطَّابِ عَنْ إِسْمَاعِيلَ بْنِ إِسْحَاقَ عَنْ إِسْمَاعِيلَ بْنِ أَبَانٍ عَنْ غِيَاثٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ: أَدْنَى مَا تَحْمِلُ الْمَرْأَةُ لِسِتَّةِ أَشْهُرٍ وَ أَكْثَرُ مَا تَحْمِلُ لِسَنَتَيْنِ.

H.4793 - Salamah ibn Al-Khattab narrated from Isma'il ibn Ishaq, from Isma'il ibn Aban, from Ghiyath, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his grandfather, from Imam Ali ibn Abi Talib {a.s} who said:
"The minimum period a woman can carry a pregnancy is six months, and the maximum period she can carry is two years."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4794 - وَ- رَوَى عَلِيُّ بْنُ الْحَكَمِ عَنْ مُحَمَّدِ بْنِ مَنْصُورٍ الصَّيْقَلِ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ فِي الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ وَ هِيَ حُبْلَى قَالَ يُطَلِّقُهَا قُلْتُ فَيُرَاجِعُهَا قَالَ نَعَمْ يُرَاجِعُهَا قُلْتُ فَإِنَّهُ بَدَا لَهُ بَعْدَ مَا رَاجَعَهَا أَنْ يُطَلِّقَهَا قَالَ لَا حَتَّى تَضَعَ.

H.4794 - Ali ibn Al-Hakam narrated from Muhammad ibn Mansur Al-Sayqal, from his father, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who divorces his wife while she is pregnant.
Imam {a.s} said: "He may divorce her."
I asked: “Can he take her back?"
Imam {a.s} replied: “Yes, he can take her back."
I asked: “What if he decides to divorce her again after taking her back?"
Imam {a.s} said: “No, not until she gives birth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4795 - وَ سُئِلَ الصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنِ الْمَرْأَةِ الْحَامِلِ يُطَلِّقُهَا زَوْجُهَا ثُمَّ يُرَاجِعُهَا ثُمَّ يُطَلِّقُهَا ثُمَّ يُرَاجِعُهَا ثُمَّ يُطَلِّقُهَا الثَّالِثَةَ فَقَالَ قَدْ بَانَتْ مِنْهُ وَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ.

H.4795 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about a pregnant woman whom her husband divorces, then takes her back, then divorces her again, then takes her back, and then divorces her a third time.
Imam {a.s} said: "She is now completely separated from him and is not permissible for him until she marries another husband."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

CHAPTER 158 – CHAPTER ON THE DIVORCE OF A WOMAN WHO HAS NOT REACHED MENSTRUATION, ONE REACHED MENOPAUSAL AGE, ONE WITH IRREGULAR MENSTRUATION, AND ONE WITH UNCERTAIN MENSTRUATION

بَابُ طَلَاقِ الَّتِي لَمْ تَبْلُغِ الْمَحِيضَ وَ الَّتِي قَدْ يَئِسَتْ مِنَ الْمَحِيضِ وَ الْمُسْتَحَاضَةِ وَ الْمُسْتَرَابَةِ

HADITH 4796 – 4805

4796 - رَوَى أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ الْبَزَنْطِيُّ عَنْ عَبْدِ الْكَرِيمِ بْنِ عَمْرٍو عَنْ مُحَمَّدِ بْنِ حَكِيمٍ عَنِ الْعَبْدِ الصَّالِحِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ الْجَارِيَةُ الشَّابَّةُ الَّتِي لَا تَحِيضُ وَ مِثْلُهَا تَحِيضُ طَلَّقَهَا زَوْجُهَا قَالَ عِدَّتُهَا ثَلَاثَةُ أَشْهُرٍ.

H.4796 - Ahmad ibn Muhammad ibn Abi Nasr Al-Bazanti narrated from Abdul Karim ibn Amr, from Muhammad ibn Hakim, from the Righteous Servant (Imam Musa ibn Jafar Al-Kadhim {a.s}).
He said: I asked him about a young girl who does not menstruate, though others like her do menstruate, and her husband divorces her.
Imam {a.s} said: "Her waiting period is three months."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4797 - وَ- رَوَى مُحَمَّدُ بْنُ حَكِيمٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ فِي الَّتِي قَدْ يَئِسَتْ مِنَ الْمَحِيضِ يُطَلِّقُهَا زَوْجُهَا قَالَ بَانَتْ مِنْهُ وَ لَا عِدَّةَ عَلَيْهَا.

H.4797 - Muhammad ibn Hakim narrated from Muhammad ibn Muslim who said:
I heard Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} say regarding a woman who has reached menopause and her husband divorces her:
"She is separated from him, and there is no waiting period (‘iddah) upon her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4798 - وَ- رَوَى الْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبَانِ بْنِ عُثْمَانَ عَنِ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: عِدَّةُ الْمَرْأَةِ الَّتِي لَا تَحِيضُ وَ الْمُسْتَحَاضَةِ الَّتِي لَا تَطْهُرُ وَ الْجَارِيَةِ الَّتِي قَدْ يَئِسَتْ ثَلَاثَةُ أَشْهُرٍ وَ عِدَّةُ الَّتِي يَسْتَقِيمُ حَيْضُهَا ثَلَاثُ حِيَضٍ.

H.4798 - Al-Hasan ibn Mahbub narrated from Aban ibn Uthman, from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
"The waiting period (‘iddah) for a woman who does not menstruate, for a woman experiencing continuous irregular bleeding (mustahadah) who does not become pure, and for a young girl who has reached menopause is three months.
As for a woman whose menstruation is regular, her waiting period is three menstrual cycles."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4799 - وَ- فِي رِوَايَةِ جَمِيلٍ أَنَّهُ قَالَ فِي الرَّجُلِ يُطَلِّقُ الصَّبِيَّةَ الَّتِي لَمْ تَبْلُغْ وَ لَا تَحْمِلُ مِثْلُهَا وَ قَدْ كَانَ دَخَلَ بِهَا وَ الْمَرْأَةَ الَّتِي قَدْ يَئِسَتْ مِنَ الْمَحِيضِ وَ ارْتَفَعَ طَمْثُهَا وَ لَا تَلِدُ مِثْلُهَا فَقَالَ لَيْسَ عَلَيْهِمَا عِدَّةٌ.

H.4799 - In a narration from Jamil, it is reported:
He asked about a man who divorces a young girl who has not reached puberty and is not of the age to conceive, even though he had consummated the marriage with her, and about a woman who has reached menopause, whose menstruation has ceased, and who is not capable of conceiving.
Imam {a.s} said: "There is no waiting period (‘iddah) for either of them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4800 - وَ- رَوَى الْبَزَنْطِيُّ عَنِ الْمُثَنَّى عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنِ الَّتِي لَا تَحِيضُ إِلَّا فِي ثَلَاثِ سِنِينَ أَوْ أَرْبَعِ سِنِينَ قَالَ تَعْتَدُّ ثَلَاثَةَ أَشْهُرٍ ثُمَّ تَتَزَوَّجُ إِنْ شَاءَتْ.

H.4800 - Al-Bazanti narrated from Al-Muthanna, from Zurara, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: I asked him about a woman who menstruates only once every three or four years.
Imam {a.s} said: "She observes a waiting period of three months, and then she may marry if she wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.510

HADITH

4801 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ أَنَّهُ قَالَ: فِي اَلَّتِي تَحِيضُ فِي كُلِّ ثَلاَثَةِ أَشْهُرٍ مَرَّةً أَوْ فِي كُلِّ سَنَةٍ مَرَّةً وَ اَلْمُسْتَحَاضَةِ وَ اَلَّتِي لَمْ تَبْلُغْ وَ اَلَّتِي تَحِيضُ مَرَّةً وَ يَرْتَفِعُ حَيْضُهَا مَرَّةً وَ اَلَّتِي لاَ تَطْمَعُ فِي اَلْوَلَدِ وَ اَلَّتِي قَدِ اِرْتَفَعَ حَيْضُهَا وَ زَعَمَتْ أَنَّهَا لَمْ تَيْأَسْ وَ اَلَّتِي تَرَى اَلصُّفْرَةَ مِنْ حَيْضٍ لَيْسَ بِمُسْتَقِيمٍ فَذَكَرَ «أَنَّ عِدَّةَ هَؤُلاَءِ كُلِّهِنَّ ثَلاَثَةُ أَشْهُرٍ».

H.4801 - Al-Alaa narrated from Muhammad ibn Muslim, from one of the Imams {a.s}:
“A woman who menstruates once every three months or once every year,
And the mustahadah (a woman with continuous bleeding),
And the girl who has not yet reached puberty,
And the woman who menstruates once and then her menstruation stops,
And the woman who does not expect to bear children,
And the woman whose menstruation has ceased but claims she has not despaired,
And the woman who sees yellowish discharge from irregular menstruation
(Imams {a.s} said) that "the waiting period for all of these women is three months."

[REFERENCES] Al-Kafi, Vol.6 p.99 • Man La Yahduruhu Al-Faqih, Vol.3 p.513 • Tahdhib Al-Ahkam, Vol.8 p.119 • Al-Istibsar, Vol.3 p.323 • Al-Wafi, Vol.23 p.1157 • Wasa’il Al-Shi’ah, Vol.22 p.183

HADITH

4802 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ وَ اَلْبَزَنْطِيُّ جَمِيعاً عَنْ جَمِيلٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَمْرَانِ أَيُّهُمَا سَبَقَ إِلَيْهَا بَانَتْ بِهِ اَلْمُطَلَّقَةُ اَلْمُسْتَرَابَةُ اَلَّتِي تَسْتَرِيبُ اَلْحَيْضَ إِنْ مَرَّتْ بِهَا ثَلاَثَةُ أَشْهُرٍ بِبِضٍ لَيْسَ فِيهَا دَمٌ بَانَتْ بِهَا وَ إِنْ مَرَّتْ بِهَا ثَلاَثُ حِيَضٍ لَيْسَ بَيْنَ اَلْحَيْضَتَيْنِ ثَلاَثَةُ أَشْهُرٍ بَانَتْ بِالْحَيْضِ».

قَالَ اِبْنُ أَبِي عُمَيْرٍ قَالَ جَمِيلُ بْنُ دَرَّاجٍ وَ تَفْسِيرُ ذَلِكَ إِنْ مَرَّتْ بِهَا ثَلاَثَةُ أَشْهُرٍ إِلَّا يَوْماً فَحَاضَتْ ثُمَّ مَرَّتْ بِهَا ثَلاَثَةُ أَشْهُرٍ إِلَّا يَوْماً فَحَاضَتْ ثُمَّ مَرَّتْ بِهَا ثَلاَثَةُ أَشْهُرٍ إِلَّا يَوْماً فَحَاضَتْ فَهَذِهِ تَعْتَدُّ بِالْحَيْضِ عَلَى هَذَا الْوَجْهِ وَ لَا تَعْتَدُّ بِالشُّهُورِ فَإِنْ مَرَّتْ بِهَا ثَلَاثَةُ أَشْهُرٍ بِبِضٍ لَمْ تَحِضْ فِيهَا بَانَتْ.

H.4802 - Ibn Abi Umayr and Al-Bazanti both narrated from Jamil, from Zurara, from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"There are two matters, whichever occurs first will determine the separation of a suspiciously divorced woman who is uncertain about her menstruation. If three full white months pass without any blood, she is separated by that. However, if three menstrual cycles occur, even if there are not three full months between them, she is separated by the menstruation."

[AL SADUQ]
Ibn Abi Umayr said that Jamil ibn Darraj explained this, saying: "If nearly three months pass - lacking only a day - and then she menstruates, and again nearly three months pass - lacking only a day - and she menstruates, and then once more nearly three months pass - lacking only a day - and she menstruates, then in this case, her waiting

period is counted by menstruation and not by months. But if three full white months pass without menstruation, then she is separated."

[REFERENCES] Al-Kafi, Vol.6 p.98 • Man La Yahduruhu Al-Faqih, Vol.3 p.514 • Al-Khisal, Vol.1 p.47 • Awali Al-La'ali, Vol.3 p.385 • Bihar Al-Anwar, Vol.101 p.184 • Tafsir Nur Al-Thaqalayn, Vol.1 p.221 • Tafsir Kanz Al-Daqaiq, Vol.2 p.343

HADITH

4803 - وَ سَأَلَ أَبُو اَلصَّبَّاحِ اَلْكِنَانِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلَّتِي تَحِيضُ فِي كُلِّ ثَلاَثِ سِنِينَ مَرَّةً كَيْفَ تَعْتَدُّ قَالَ «تَنْظُرُ مِثْلَ قُرُوئِهَا اَلَّتِي كَانَتْ تَحِيضُ فِيهِ فِي اَلاِسْتِقَامَةِ فَلْتَعْتَدَّ ثَلاَثَةَ قُرُوءٍ ثُمَّ لْتَتَزَوَّجْ إِنْ شَاءَتْ».

H.4803 - Abu al-Sabbah al-Kinani asked Abu Abdullah {a.s} about a woman who menstruates once every three years - how should she observe her waiting period?
Imam {a.s} said: "She should consider the usual menstruation cycles she used to have when her menstruation was regular and observe a waiting period of three menstrual cycles. Then, if she wishes, she may marry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.514

HADITH

4804 - وَ - سَأَلَهُ مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ عِدَّةِ اَلْمُسْتَحَاضَةِ فَقَالَ «تَنْتَظِرُ قَدْرَ أَقْرَائِهَا فَتَزِيدُ يَوْماً أَوْ تَنْقُصُ يَوْماً فَإِنْ لَمْ تَحِضْ فَلْتَنْظُرْ إِلَى بَعْضِ نِسَائِهَا فَلْتَعْتَدَّ بِأَقْرَائِهَا».

H.4804 - Muhammad ibn Muslim asked Imam {a.s} about the waiting period of a mustahadah (a woman experiencing continuous bleeding).
Imam {a.s} said: "She should wait for the duration of her usual menstrual cycles, adding a day or subtracting a day. If she does not menstruate, then she should look at the menstrual cycles of some of the women like her and observe her waiting period according to their cycles."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.514 • Tahdhib Al-Ahkam, Vol.8 p.121

HADITH

4805 - وَ رُوِيَ: «أَنَّ اَلْمَرْأَةَ إِذَا بَلَغَتْ خَمْسِينَ سَنَةً لَمْ تَرَ حُمْرَةً إِلاَّ أَنْ تَكُونَ اِمْرَأَةً مِنْ قُرَيْشٍ ».

H.4805 - It is narrated: "When a woman reaches the age of fifty, she no longer sees menstrual blood, except if she is a woman from the tribe of Quraysh."

[REFERENCES] Al-Kafi, Vol.3 p.107 • Man La Yahduruhu Al-Faqih, Vol.1 p.92 • Man La Yahduruhu Al-Faqih, Vol.3 p.514 • Tahdhib Al-Ahkam, Vol.1 p.397 • Awali Al-La'ali, Vol.3 p.388 • Al-Wafi, Vol.6 p.444 • Al-Wafi, Vol.23 p.1172 • Wasa'il Al-Shi'ah, Vol.2 p.335 • Wasa'il Al-Shi'ah, Vol.22 p.182

CHAPTER 159 – CHAPTER ON THE DIVORCE OF A MUTE PERSON

بَابُ طَلَاقِ الْأَخْرَسِ

HADITH 4806

4806 - سَأَلَ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ اَلْبَزَنْطِيُّ ، أَبَا اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : عَنْ رَجُلٍ تَكُونُ عِنْدَهُ اَلْمَرْأَةُ يَصْمُتُ وَ لاَ يَتَكَلَّمُ قَالَ «أَخْرَسُ هُوَ» قُلْتُ نَعَمْ فَنَعْلَمُ مِنْهُ بُغْضاً لِامْرَأَتِهِ وَ كَرَاهَةً لَهَا أَ يَجُوزُ أَنْ يُطَلِّقَ عَنْهُ وَلِيُّهُ قَالَ «لاَ وَ لَكِنْ يَكْتُبُ وَ يُشْهِدُ عَلَى ذَلِكَ» قُلْتُ أَصْلَحَكَ اَللَّهُ فَإِنَّهُ لاَ يَكْتُبُ وَ لاَ يَسْمَعُ كَيْفَ يُطَلِّقُهَا قَالَ «بِالَّذِي يُعْرَفُ بِهِ مِنْ أَفْعَالِهِ مِثْلَ مَا ذَكَرْتَ مِنْ كَرَاهَتِهِ وَ بُغْضِهِ لَهَا».

وَ قَالَ أَبِي رَضِيَ اللَّهُ عَنْهُ فِي رِسَالَتِهِ إِلَيَّ الْأَخْرَسُ إِذَا أَرَادَ أَنْ يُطَلِّقَ امْرَأَتَهُ أَلْقَى عَلَى رَأْسِهَا قِنَاعَهَا يُرِي أَنَّهَا قَدْ حَرُمَتْ عَلَيْهِ وَ إِذَا أَرَادَ مُرَاجَعَتَهَا كَشَفَ الْقِنَاعَ عَنْهَا يُرِي أَنَّهُ قَدْ حَلَّتْ لَهُ.

H.4806 - Ahmad ibn Muhammad ibn Abi Nasr Al-Bazanti asked Abu Al-Hasan Al-Ridha {a.s} about a man who has a wife but remains silent and does not speak.
Imam {a.s} asked: “Is he mute?"
He replied: “Yes, and we know from his behavior that he dislikes and detests his wife. Is it permissible for his guardian to divorce her on his behalf?"
Imam {a.s} said: “No, but he should write it down and have witnesses for it."
He said: “May Allah {SWT} correct you, but he neither writes nor hears. How can he divorce her?" Imam {a.s} replied: “Through actions that clearly indicate his intention, such as what you mentioned of his dislike and hatred for her."

[AL SADUQ]
My father (may Allah {SWT} be pleased with him) said in his letter to me:
"If a mute man wants to divorce his wife, he places her veil on her head to show that she has become unlawful for him. If he wants to take her back, he removes the veil from her to show that she has become lawful for him."

[REFERENCES] Al-Kafi, Vol.6 p.128 • Man La Yahduruhu Al-Faqih, Vol.3 p.515 • Tahdhib Al-Ahkam, Vol.8 p.74 • Al-Istibsar, Vol.3 p.301 • Awali Al-La’ali, Vol.3 p.378 • Al-Wafi, Vol.23 p.1113 • Wasa’il Al-Shi’ah, Vol.22 p.47

CHAPTER 160 – CHAPTER ON SECRET DIVORCE

بَابُ طَلَاقِ السِّرِّ

HADITH 4807

4807 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ: سَأَلْتُ أَبَا اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً سِرّاً مِنْ أَهْلِهِ وَ هِيَ فِي مَنْزِلِ أَهْلِهَا وَ قَدْ أَرَادَ أَنْ يُطَلِّقَهَا وَ لَيْسَ يَصِلُ إِلَيْهَا فَيَعْلَمَ بِطَمْثِهَا إِذَا طَمِثَتْ وَ لاَ يَعْلَمَ بِطُهْرِهَا إِذَا طَهُرَتْ فَقَالَ «هَذَا مِثْلُ اَلْغَائِبِ عَنْ أَهْلِهِ فَيُطَلِّقُهَا بِالْأَهِلَّةِ وَ اَلشُّهُورِ» قَالَ قُلْتُ أَ رَأَيْتَ إِنْ كَانَ يَصِلُ إِلَيْهَا اَلْأَحْيَانَ وَ اَلْأَحْيَانَ لاَ يَصِلُ إِلَيْهَا فَيَعْلَمَ حَالَهَا كَيْفَ يُطَلِّقُهَا فَقَالَ «إِذَا مَضَى لَهَا شَهْرٌ لاَ يَصِلُ إِلَيْهَا فَيُطَلِّقُهَا إِذَا نَظَرَ إِلَى غُرَّةِ اَلشَّهْرِ اَلْآخَرِ بِشُهُودٍ وَ يَكْتُبُ اَلشَّهْرَ اَلَّذِي يُطَلِّقُهَا فِيهِ وَ يُشْهِدُ عَلَى طَلاَقِهَا رَجُلَيْنِ فَإِذَا مَضَى ثَلاَثَةُ أَشْهُرٍ فَقَدْ بَانَتْ مِنْهُ وَ هُوَ خَاطِبٌ مِنَ اَلْخُطَّابِ وَ عَلَيْهِ نَفَقَتُهَا فِي تِلْكَ اَلثَّلاَثَةِ اَلْأَشْهُرِ اَلَّتِي تَعْتَدُّ فِيهَا».

H.4807 - Al-Hasan ibn Mahbub narrated from Abdul Rahman ibn Al-Hajjaj who said:
I asked Abu Al-Hasan {a.s} about a man who secretly married a woman without his family knowing while she remained in her family's house. He wanted to divorce her but could not reach her to know when she menstruates or when she becomes pure.
Imam {a.s} said: "This is like a man who is absent from his wife, so he should divorce her based on lunar months and months."
I asked: "What if he sometimes has access to her and sometimes does not, so he knows her condition? How should he divorce her then?"
Imam {a.s} replied: "If a month passes without him reaching her, he should divorce her at the beginning of the next month with witnesses, writing down the month in which he divorces her and bringing two witnesses to testify to the divorce. Once three months have passed, she is completely separated from him, and he becomes like any other suitor. However, he must provide for her during those three months in which she observes her waiting period."

[REFERENCES] Al-Kafi, Vol.6 p.86 • Man La Yahduruhu Al-Faqih, Vol.3 p.516 • Tahdhib Al-Ahkam, Vol.8 p.69 • Al-Wafi, Vol.23 p.1073 • Wasa'il Al-Shi'ah, Vol.22 p.60

CHAPTER 161 – CHAPTER ON WOMEN WHO CAN BE DIVORCED IN ANY CONDITION

بَابُ اللَّاتِي يُطَلَّقْنَ عَلَى كُلِّ حَالٍ

HADITH 4808 – 4809

4808 - رَوَى جَمِيلُ بْنُ دَرَّاجٍ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ اَلْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «خَمْسٌ يُطَلَّقْنَ عَلَى كُلِّ حَالٍ اَلْحَامِلُ اَلْمُتَبَيِّنُ حَمْلُهَا وَ اَلَّتِي لَمْ يَدْخُلْ بِهَا زَوْجُهَا وَ اَلْغَائِبُ عَنْهَا زَوْجُهَا وَ اَلَّتِي لَمْ تَحِضْ وَ اَلَّتِي قَدْ جَلَسَتْ مِنَ اَلْمَحِيضِ».

H.4808 - Jamil ibn Darraj narrated from Isma'il ibn Jabir Al-Ju'fi, from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"There are five types of women who can be divorced in any condition:
the pregnant woman whose pregnancy is evident,
the woman whose husband has not consummated the marriage with her,
the woman whose husband is absent,
the woman who does not menstruate,
And the woman who has ceased menstruating."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.516 • Wasa’il Al-Shi’ah, Vol.22 p.54 • Al-Fusul Al-Muhimmah, Vol.2 p.370

HADITH

4809 - وَ فِي خَبَرٍ آخَرَ: «وَ اَلَّتِي قَدْ يَئِسَتْ مِنَ اَلْمَحِيضِ».

H.4809 - And in another narration: "And the woman who has despaired of menstruation (menopause)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.517

CHAPTER 162 – CHAPTER ON GIVING THE CHOICE (TO THE WIFE)

بَابُ التَّخْيِيرِ

HADITH 4810 – 4815

قَالَ أَبِي رَضِيَ اللَّهُ عَنْهُ فِي رِسَالَتِهِ إِلَيَّ اعْلَمْ يَا بُنَيَّ أَنَّ أَصْلَ التَّخْيِيرِ هُوَ أَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى أَنِفَ لِنَبِيِّهِ ص فِي مَقَالَةٍ قَالَتْهَا بَعْضُ نِسَائِهِ أَ يَرَى مُحَمَّدٌ أَنَّهُ لَوْ طَلَّقَنَا لَا نَجِدُ أَكْفَاءَنَا مِنْ قُرَيْشٍ يَتَزَوَّجُونَّا فَأَمَرَ اللَّهُ نَبِيَّهُ ص أَنْ يَعْتَزِلَ نِسَاءَهُ تِسْعاً وَ عِشْرِينَ لَيْلَةً فَاعْتَزَلَهُنَّ النَّبِيُّ ص فِي مَشْرَبَةِ أُمِّ إِبْرَاهِيمَ ثُمَّ نَزَلَتْ هَذِهِ الْآيَةُ- ﴿ يا أَيُّهَا النَّبِيُّ قُلْ لِأَزْواجِكَ إِنْ كُنْتُنَّ تُرِدْنَ الْحَياةَ الدُّنْيا وَ زِينَتَها فَتَعالَيْنَ أُمَتِّعْكُنَّ وَ أُسَرِّحْكُنَّ سَراحاً جَمِيلًا وَ إِنْ كُنْتُنَّ تُرِدْنَ اللَّهَ وَ رَسُولَهُ وَ الدَّارَ الْآخِرَةَ فَإِنَّ اللَّهَ أَعَدَّ لِلْمُحْسِناتِ مِنْكُنَّ أَجْراً عَظِيماً ﴾ فَاخْتَرْنَ اللَّهَ وَ رَسُولَهُ فَلَمْ يَقَعِ الطَّلَاقُ وَ لَوِ اخْتَرْنَ أَنْفُسَهُنَّ لَبِنَ.

[AL SADUQ]
My father (may Allah {SWT} be pleased with him) said in his letter to me:
"Know, my son, that the origin of the matter of giving the choice (to divorce) is that Allah {SWT}, the Blessed and Exalted, was displeased with a statement made by some of the Prophet's (peace be upon him and his family) wives.
They said: 'Does Muhammad {saws} think that if he divorces us, we will not find suitable husbands from Quraysh to marry us?'
So, Allah {SWT} commanded His Prophet (peace be upon him and his family) to separate himself from his wives for twenty-nine nights.
The Prophet (peace be upon him and his family) secluded himself in the chamber of Umm Ibrahim.
Then this verse was revealed:
'O Prophet! Say to your wives: If you desire the life of this world and its adornment, then come, I will provide for you and release you in a gracious manner. But if you desire Allah {SWT}, His Messenger, and the Hereafter, then indeed Allah {SWT} has prepared for the good-doers among you a great reward' (Surah Al-Ahzab 33:28-29).
They chose Allah {SWT} and His Messenger {saws}, so divorce did not occur. But if they had chosen themselves, they would have been separated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.518

HADITH

4810 - وَ فِي رِوَايَةِ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ : «أَنَّ زَيْنَبَ قَالَتْ لِرَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ لاَ تَعْدِلُ وَ أَنْتَ رَسُولُ اَللَّهِ وَ قَالَتْ حَفْصَةُ إِنْ طَلَّقَنَا وَجَدْنَا فِي قَوْمِنَا أَكْفَاءَنَا مِنْ قُرَيْشٍ فَاحْتَبَسَ اَلْوَحْيُ عَنْ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ تِسْعَةً وَ عِشْرِينَ يَوْماً فَأَنِفَ اَللَّهُ عَزَّ وَ جَلَّ لِرَسُولِهِ فَأَنْزَلَ اَللَّهُ: ﴿ يا أَيُّهَا اَلنَّبِيُّ قُلْ لِأَزْواجِكَ إِنْ كُنْتُنَّ تُرِدْنَ اَلْحَيٰاةَ اَلدُّنْيا وَ زِينَتَها ﴾ إِلَى قَوْلِهِ «أَجْراً عَظِيماً» فَاخْتَرْنَ اَللَّهَ وَ رَسُولَهُ فَلَمْ يَقَعِ اَلطَّلاَقُ وَ لَوِ اِخْتَرْنَ أَنْفُسَهُنَّ لَبِنَّ».

H.4810 - In the narration of Abu al-Sabbah al-Kinani:
"Zaynab said to the Messenger of Allah {SWT} (peace be upon him and his family):
'You {saws} are not just, and You {saws} are the Messenger of Allah {SWT}!'
And Hafsa said: 'If He {saws} divorces us, we will find suitable husbands among our people from Quraysh.'
Then, the divine revelation was withheld from the Messenger of Allah {SWT} (peace be upon him and his family) for twenty-nine days.
Allah {SWT}, the Mighty and Majestic, was displeased for His {SWT} beloved Messenger {saws}, so Allah {SWT} revealed:
'O Prophet! Say to your wives: If you desire the life of this world and its adornment, then come, I will provide for you and release you in a gracious manner. But if you desire Allah {SWT}, His Messenger, and the Hereafter, then indeed Allah {SWT} has prepared for the good-doers among you a great reward' (Surah Al-Ahzab 33:28-29).
They chose Allah {SWT} and His Messenger {saws}, so divorce did not occur. But if they had chosen themselves, they would have been separated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.517

HADITH

4811 - وَ رَوَى اِبْنُ أُذَيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا خَيَّرَهَا أَوْ جَعَلَ أَمْرَهَا بِيَدِهَا فِي غَيْرِ قُبُلِ عِدَّتِهَا مِنْ غَيْرِ أَنْ يُشْهِدَ شَاهِدَيْنِ فَلَيْسَ بِشَيْءٍ وَ إِنْ خَيَّرَهَا أَوْ جَعَلَ أَمْرَهَا بِيَدِهَا بِشَهَادَةِ شَاهِدَيْنِ فِي قُبُلِ عِدَّتِهَا فَهِيَ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا فَإِنِ اِخْتَارَتْ نَفْسَهَا فَهِيَ وَاحِدَةٌ وَ هُوَ أَحَقُّ بِرَجْعَتِهَا وَ إِنِ اِخْتَارَتْ زَوْجَهَا فَلَيْسَ بِطَلاَقٍ ».

H.4811 - Ibn Udhayna narrated from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"If a man gives his wife the choice (to stay with him or separate) or places the matter of divorce in her hands outside of her waiting period ('iddah) and without the testimony of two witnesses, then it is of no consequence.
However, if he gives her the choice or places the matter in her hands with the testimony of two witnesses during her waiting period, then she has the option as long as they have not separated.
If she chooses herself (i.e., separation), then it is counted as one divorce, and he has the right to take her back. But if she chooses her husband (to remain married), then it is not considered a divorce."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.518 • Awali Al-La'ali, Vol.1 p.306 • Al-Wafi, Vol.23 p.1133 • Wasa'il Al-Shi'ah, Vol.22 p.96 • Mustadrak Al-Wasa'il, Vol.15 p.311

HADITH

4812 - وَ رَوَى اِبْنُ مُسْكَانَ عَنِ اَلْحَسَنِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلطَّلاَقُ أَنْ يَقُولَ اَلرَّجُلُ لِاِمْرَأَتِهِ اِخْتَارِي فَإِنِ اِخْتَارَتْ نَفْسَهَا فَقَدْ بَانَتْ مِنْهُ وَ هُوَ خَاطِبٌ مِنَ اَلْخُطَّابِ وَ إِنِ اِخْتَارَتْ زَوْجَهَا فَلَيْسَ بِشَيْءٍ أَوْ يَقُولَ أَنْتِ طَالِقٌ فَأَيِّ ذَلِكَ فَعَلَ فَقَدْ حَرُمَتْ عَلَيْهِ وَ لاَ يَكُونُ طَلاَقٌ وَ لاَ خُلْعٌ وَ لاَ مُبَارَاةٌ وَ لاَ تَخْيِيرٌ إِلاَّ عَلَى طُهْرٍ مِنْ غَيْرِ جِمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ ».

H.4812 - Ibn Muskan narrated from Al-Hasan ibn Ziyad, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "Divorce occurs when a man says to his wife, 'Choose (for yourself),'
And if she chooses herself, then she is separated from him, and he becomes one of the suitors (khuṭṭāb). But if she chooses her husband, then it is of no consequence.
Or (divorce occurs) if he says, 'You are divorced,' then whichever of these he does, she becomes prohibited for him.
However, divorce (ṭalāq), annulment (khul‘), mutual separation (mubāra’ah), or giving the wife a choice (takhyīr) is not valid except while she is in a state of purity (ṭuhr), without prior intercourse, and in the presence of two witnesses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.518 • Al-Wafi, Vol.23 p.1134 • Wasa’il Al-Shi’ah, Vol.22 p.96

HADITH

4813 - وَ رَوَى اَلْحَلَبِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ يُخَيِّرُ اِمْرَأَتَهُ أَوْ أَبَاهَا أَوْ أَخَاهَا أَوْ وَلِيَّهَا فَقَالَ «كُلُّهُمْ بِمَنْزِلَةٍ وَاحِدَةٍ إِذَا رَضِيَتْ».

H.4813 - Al-Halabi narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} regarding a man who gives his wife the choice (to separate or stay) or delegates the decision to her father, brother, or guardian.
Imam {a.s} said: "They are all in the same position, as long as she consents."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.518 • Al-Wafi, Vol.23 p.1134 • Wasa’il Al-Shi’ah, Vol.22 p.96

HADITH

4814 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنِ اَلْفُضَيْلِ بْنِ يَسَارٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ قَدْ جَعَلْتُ اَلْخِيَارَ إِلَيْكِ فَاخْتَارَتْ نَفْسَهَا قَبْلَ أَنْ تَقُومَ قَالَ «يَجُوزُ ذَلِكَ عَلَيْهِ» قُلْتُ فَلَهَا مُتْعَةٌ قَالَ «نَعَمْ» قُلْتُ فَلَهَا مِيرَاثٌ إِنْ مَاتَ اَلزَّوْجُ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا قَالَ «نَعَمْ وَ إِنْ مَاتَتْ هِيَ وَرِثَهَا اَلزَّوْجُ».

H.4814 - Al-Hasan ibn Mahbub narrated from Jamil ibn Salih, from Al-Fudayl ibn Yasar, who said: I asked Abu Abdullah {a.s} about a man who said to his wife, "I have given you the choice," and she chose herself before standing up.
Imam {a.s} said: "That is valid against him."
I asked: “Is she entitled to maintenance (compensation)?"
Imam {a.s} said: "Yes."
I asked: “Does she inherit if the husband dies before her waiting period ends?"
Imam {a.s} said: "Yes, and if she dies, the husband inherits from her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.519 • Al-Wafi, Vol.23 p.1134 • Wasa’il Al-Shi’ah, Vol.22 p.97

HADITH

4815 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ قَالَ: «مَا لِلنِّسَاءِ وَ اَلتَّخْيِيرَ إِنَّمَا ذَلِكَ شَيْءٌ خَصَّ اَللَّهُ بِهِ نَبِيَّهُ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ ».

H.4815 - Muhammad ibn Muslim narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that he said:
"What do women have to do with takhyīr (being given the choice in divorce)?
That is something which Allah specifically granted to His Prophet (may Allah bless him and his family)."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.519 • Wasa’il Al-Shi’ah, Vol.22 p.96 • Al-Fusul Al-Muhimmah, Vol.2 p.371

CHAPTER 163 – CHAPTER ON MUTUAL DISSOLUTION OF MARRIAGE (MUBARAʾAH)

بَابُ الْمُبَارَأَةِ

HADITH 4816

4816 - رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْمُبَارَأَةُ أَنْ تَقُولَ اَلْمَرْأَةُ لِزَوْجِهَا لَكَ مَا عَلَيْكَ وَ اُتْرُكْنِي فَتَرَكَهَا إِلاَّ أَنَّهُ يَقُولُ لَهَا إِنِ اِرْتَجَعْتِ فِي شَيْءٍ مِنْهُ فَأَنَا أَمْلَكُ بِبُضْعِكِ». وَ رُوِيَ: «أَنَّهُ لاَ يَنْبَغِي لَهُ أَنْ يَأْخُذَ مِنْهَا أَكْثَرَ مِنْ مَهْرِهَا بَلْ يَأْخُذُ مِنْهَا دُونَ مَهْرِهَا وَ اَلْمُبَارَأَةُ لاَ رَجْعَةَ لِزَوْجِهَا عَلَيْهَا».

H.4816 - Hammad narrated from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Mutual separation (mubara'ah) is when a woman says to her husband, 'You are free from any obligation I have upon you, so leave me,' and he leaves her.
However, he should say to her, 'If you reclaim anything from what you have given up, then I have authority over you.'"
It is also narrated: "It is not appropriate for him to take more from her than her dowry; rather, he should take less than her dowry. In mutual separation (mubara'ah), the husband has no right to take her back."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.519 • Al-Wafi, Vol.22 p.898 • Wasa'il Al-Shi'ah, Vol.22 p.294

CHAPTER 164 – CHAPTER ON MARITAL REBELLION (NUSHUZ)

بَابُ النُّشُوزِ

HADITH

اَلنُّشُوزُ قَدْ يَكُونُ مِنَ اَلرَّجُلِ وَ اَلْمَرْأَةِ جَمِيعاً فَأَمَّا اَلَّذِي مِنَ اَلرَّجُلِ فَهُوَ مَا قَالَ اَللَّهُ عَزَّ وَ جَلَّ فِي كِتَابِهِ ﴿ وَ إِنِ اِمْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزاً أَوْ إِعْرٰاضاً فَلاٰ جُنٰاحَ عَلَيْهِمٰا أَنْ يُصْلِحٰا بَيْنَهُمٰا صُلْحاً وَ اَلصُّلْحُ خَيْرٌ ﴾ وَ هُوَ أَنْ تَكُونَ اَلْمَرْأَةُ عِنْدَ اَلرَّجُلِ لاَ تُعْجِبُهُ فَيُرِيدُ طَلاَقَهَا فَتَقُولُ لَهُ أَمْسِكْنِي وَ لاَ تُطَلِّقْنِي وَ أَدَعُ لَكَ مَا عَلَى ظَهْرِكَ وَ أُحِلُّ لَكَ يَوْمِي وَ لَيْلَتِي فَقَدْ طَابَ ذَلِكَ لَهُ رَوَى ذَلِكَ اَلْمُفَضَّلُ بْنُ صَالِحٍ عَنْ زَيْدٍ اَلشَّحَّامِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ. فَإِذَا نَشَزَتِ اَلْمَرْأَةُ كَنُشُوزِ اَلرَّجُلِ فَهُوَ خُلْعٌ فَإِذَا كَانَ مِنَ اَلْمَرْأَةِ فَهُوَ أَنْ لاَ تُطِيعَهُ فِي فِرَاشِهِ وَ هُوَ مَا قَالَ اَللَّهُ عَزَّ وَ جَلَّ ﴿ وَ اللاّٰتِي تَخٰافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَ اهْجُرُوهُنَّ فِي اَلْمَضٰاجِعِ وَ اضْرِبُوهُنَ فَالْهَجْرُ أَنْ يُحَوِّلَ إِلَيْهَا ظَهْرَهُ وَ اَلضَّرْبُ بِالسِّوَاكِ وَ غَيْرِهِ ضَرْباً رَفِيقاً ﴾ فَإِنْ أَطَعْنَكُمْ فَلا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كانَ عَلِيًّا كَبِيراً.

[AL SADUQ]

Disobedience (nushuz) can occur from both the man and the woman.

As for the man's disobedience, it is as Allah {SWT}, the Mighty and Majestic, says in His Book:

"And if a woman fears ill-treatment or aversion from her husband, there is no blame upon them if they reconcile between themselves, and reconciliation is better" (Surah An-Nisa 4:128)

This refers to a situation where a woman is with her husband, but he is displeased with her and intends to divorce her. She then says to him, "Keep me and do not divorce me, and I will relinquish what is due to me and allow you my day and night."

This arrangement becomes acceptable to him. This was narrated by Al-Mufaddal ibn Salih from Zayd Al-Shahham from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}.

When a woman becomes disobedient (nashiz) like a man's disobedience, it leads to khulʿ (a form of divorce initiated by the wife). A woman's disobedience is when she does not obey her husband in matters of intimacy.

This is as Allah {SWT}, the Mighty and Majestic, says:

"And those [wives] from whom you fear arrogance [disobedience] - advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you, seek no means against them. Indeed, Allah {SWT} is Most High, Most Great" (Surah An-Nisa 4:34)

Forsaking them in bed means turning his back to her, and striking refers to gently striking with a miswak (tooth-stick) or something similar, in a kind manner.

If they obey you, then do not seek a way against them, for Allah {SWT} is Most High and Most Great.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.520 • Wasa'il Al-Shi'ah, Vol.21 p.350

CHAPTER 165 – CHAPTER ON MARITAL DISCORD (SHIQAQ)

بَابُ الشِّقَاقِ

HADITH 4817 – 4819

الشِّقَاقُ قَدْ يَكُونُ مِنَ الْمَرْأَةِ وَ الرَّجُلِ جَمِيعاً وَ هُوَ مِمَّا قَالَ اللَّهُ عَزَّ وَ جَلَّ ﴿ وَ إِنْ خِفْتُمْ شِقاقَ بَيْنِهِما فَابْعَثُوا حَكَماً مِنْ أَهْلِهِ وَ حَكَماً مِنْ أَهْلِها ﴾ فَيَخْتَارُ الرَّجُلُ رَجُلًا وَ تَخْتَارُ الْمَرْأَةُ رَجُلًا فَيَجْتَمِعَانِ عَلَى فُرْقَةٍ أَوْ عَلَى صُلْحٍ فَإِنْ أَرَادَا الْإِصْلَاحَ أَصْلَحَا مِنْ غَيْرِ أَنْ يَسْتَأْمِرَا وَ إِنْ أَرَادَا أَنْ يُفَرِّقَا فَلَيْسَ لَهُمَا أَنْ يُفَرِّقَا إِلَّا بَعْدَ أَنْ يَسْتَأْمِرَا الزَّوْجَ وَ الْمَرْأَةَ.

[AL SADUQ]

Disputes (shiqaq) can arise from both the husband and the wife. This is related to what Allah {SWT}, the Mighty and Majestic, has said:

"And if you fear discord between them, appoint an arbitrator from his family and an arbitrator from her family." (Surah An-Nisa 4:35)

The husband should choose a representative from his family, and the wife should choose a representative from hers. These two arbitrators will then meet to decide either on separation or reconciliation.

If they intend reconciliation, they may proceed with it without seeking further permission. However, if they wish to separate the couple, they are not allowed to do so unless they seek the consent of both the husband and the wife.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.520 • Wasa'il Al-Shi'ah, Vol.21 p.350

HADITH

4817 - وَ رَوَى حَمَّادٌ عَنِ الْحَلَبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ: ﴿ فَابْعَثُوا حَكَماً مِنْ أَهْلِهِ وَ حَكَماً مِنْ أَهْلِهَا ﴾ قَالَ «لَيْسَ لِلْحَكَمَيْنِ أَنْ يُفَرِّقَا حَتَّى يَسْتَأْمِرَا الرَّجُلَ وَ الْمَرْأَةَ وَ يَشْتَرِطَانِ عَلَيْهِمَا إِنْ شَاءَا جَمَعَا وَ إِنْ شَاءَا فَرَّقَا فَإِنْ جَمَعَا فَجَائِزٌ وَ إِنْ فَرَّقَا فَجَائِزٌ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ لَمَّا بَلَغْتُ هَذَا الْمَوْضِعَ ذَكَرْتُ فَصْلًا لِهِشَامِ بْنِ الْحَكَمِ مَعَ بَعْضِ الْمُخَالِفِينَ فِي الْحَكَمَيْنِ بِصِفِّينَ عَمْرِو بْنِ الْعَاصِ وَ أَبِي مُوسَى الْأَشْعَرِيِّ فَأَحْبَبْتُ إِيرَادَهُ وَ إِنْ لَمْ يَكُنْ مِنْ جِنْسِ مَا وَضَعْتُ لَهُ الْبَابَ قَالَ الْمُخَالِفُ إِنَّ الْحَكَمَيْنِ لِقَبُولِهِمَا الْحَكَمَ كَانَا مُرِيدَيْنِ لِلْإِصْلَاحِ بَيْنَ الطَّائِفَتَيْنِ فَقَالَ هِشَامٌ بَلْ كَانَا غَيْرَ مُرِيدَيْنِ لِلْإِصْلَاحِ بَيْنَ الطَّائِفَتَيْنِ فَقَالَ الْمُخَالِفُ مِنْ أَيْنَ قُلْتَ هَذَا قَالَ هِشَامٌ مِنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ ﴿ فِي الْحَكَمَيْنِ حَيْثُ يَقُولُ إِنْ يُرِيدا إِصْلاحاً يُوَفِّقِ اللَّهُ بَيْنَهُما فَلَمَّا اخْتَلَفَا وَ لَمْ يَكُنْ بَيْنَهُمَا ﴾ اتِّفَاقٌ عَلَى أَمْرٍ وَاحِدٍ وَ لَمْ يُوَفِّقِ اللَّهُ بَيْنَهُمَا عَلِمْنَا أَنَّهُمَا لَمْ يُرِيدَا الْإِصْلَاحَ رَوَى ذَلِكَ مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ.

H.4817 - Hammad narrated from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: I asked him about the saying of Allah {SWT}, the Mighty and Majestic: *"Appoint an arbitrator from his family and an arbitrator from her family"* (Surah An-Nisa 4:35).

Imam {a.s} said: "The two arbitrators do not have the authority to separate the couple until they consult both the husband and the wife and set conditions upon them. If they both agree, they may choose to reconcile or separate. If they choose to reconcile, it is valid, and if they choose to separate, it is also valid."

[AL SADUQ]

The author of this book, may Allah {SWT} have mercy on him, said: When I reached this point, I recalled a discussion involving Hisham ibn Al-Hakam with some opponents regarding the two arbitrators at the Battle of Siffin - Amr ibn Al-As and Abu Musa Al-Ash'ari. I wished to include it here, even though it does not directly relate to the subject of this chapter.

The opponent argued that the two arbitrators, by accepting arbitration, intended to reconcile the two parties.

Hisham responded: "Rather, they did not intend reconciliation between the two parties."

The opponent asked: “On what basis do you say this?"

Hisham replied: “From the saying of Allah {SWT}, concerning the two arbitrators: *'If they both desire reconciliation, Allah {SWT} will cause harmony between them'* (Surah An-Nisa 4:35).

Since they disagreed and could not agree on any matter, and Allah {SWT} did not cause harmony between them, we know that they did not intend reconciliation."

This narration was reported by Muhammad ibn Abi Umayr from Hisham ibn Al-Hakam.

[REFERENCES] Al-Kafi, Vol.6 p.146 • Man La Yahduruhu Al-Faqih, Vol.3 p.521 • Tahdhib Al-Ahkam, Vol.8 p.103 • Al-Wafi, Vol.22 p.883 • Wasa’il Al-Shi’ah, Vol.21 p.348 • Tafsir Al-Burhan, Vol.2 p.75 • Tafsir Nur Al-Thaqalayn, Vol.1 p.478

HADITH

4818 - وَ رَوَى اَلْقَاسِمُ بْنُ مُحَمَّدٍ اَلْجَوْهَرِيُّ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ قَالَ: سُئِلَ أَبُو إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَرْأَةِ يَكُونُ لَهَا زَوْجٌ قَدْ أُصِيبَ فِي عَقْلِهِ بَعْدَ مَا تَزَوَّجَهَا أَوْ عَرَضَ لَهُ جُنُونٌ فَقَالَ «لَهَا أَنْ تَنْزِعَ نَفْسَهَا مِنْهُ إِنْ شَاءَتْ ».

H.4818 - Al-Qasim ibn Muhammad Al-Jawhari narrated from Ali ibn Abi Hamzah who said: Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) was asked about a woman whose husband lost his sanity after marrying her or developed insanity.

Imam {a.s} said: "She has the right to separate herself from him if she wishes."

[REFERENCES] Al-Kafi, Vol.6 p.151 • Man La Yahduruhu Al-Faqih, Vol.3 p.522 • Tahdhib Al-Ahkam, Vol.7 p.428 • Tahdhib Al-Ahkam, Vol.8 p.197 • Awali Al-La’ali, Vol.3 p.356 • Al-Wafi, Vol.22 p.577 • Wasa’il Al-Shi’ah, Vol.21 p.225

HADITH

4819 - وَ فِي خَبَرٍ آخَرَ: «أَنَّهُ إِنْ بَلَغَ بِهِ اَلْجُنُونُ مَبْلَغاً لاَ يَعْرِفُ أَوْقَاتَ اَلصَّلاَةِ فُرِّقَ بَيْنَهُمَا فَإِنْ عَرَفَ أَوْقَاتَ اَلصَّلاَةِ فَلْتَصْبِرِ اَلْمَرْأَةُ مَعَهُ فَقَدْ بُلِيَتْ ».

H.4819 - And in another narration: "If his insanity reaches the point where he no longer recognizes the times of prayer, they are to be separated. However, if he still recognizes the times of prayer, the woman should remain patient with him, for she has been tested."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.522 • Al-Wafi, Vol.22 p.578 • Wasa'il Al-Shi'ah, Vol.21 p.226

CHAPTER 166 – CHAPTER ON DIVORCE BY MUTUAL CONSENT (KHUL)

بَابُ الْخُلْعِ

HADITH 4820 – 4823

4820 - رَوَى عَلِيُّ بْنُ اَلنُّعْمَانِ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: «فِي اَلْخُلْعِ إِذَا قَالَتْ لَهُ لاَ أَغْتَسِلُ لَكَ مِنْ جَنَابَةٍ وَ لاَ أُبِرُّ لَكَ قَسَماً وَ لَأُوطِئَنَّ فِرَاشَكَ مَنْ تَكْرَهُهُ فَإِذَا قَالَتْ لَهُ هَذَا حَلَّ لَهُ أَنْ يَخْلَعَهَا وَ حَلَّ لَهُ مَا أَخَذَ مِنْهَا».

H.4820 - Ali ibn Al-Nu'man narrated from Ya'qub ibn Shu'ayb, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "In the case of khulʿ (divorce initiated by the wife with compensation), if a woman says to her husband, 'I will not perform ghusl (ritual purification) for you after intimacy, I will not honor your oaths, and I will bring into your bed someone you dislike,' then when she says this to him, it becomes permissible for him to divorce her through khulʿ, and it is lawful for him to take from her what he has taken."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.522 • Al-Wafi, Vol.22 p.889 • Tafsir Al-Safi, Vol.1 p.434 • Wasa'il Al-Shi'ah, Vol.22 p.282

HADITH

4821 - وَ فِي رِوَايَةِ حَمَّادٍ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «عِدَّةُ اَلْمُخْتَلِعَةِ عِدَّةُ اَلْمُطَلَّقَةِ وَ خُلْعُهَا طَلاَقُهَا وَ هِيَ تُجْزِي مِنْ غَيْرِ أَنْ يُسَمِّيَ طَلاَقاً وَ اَلْمُخْتَلِعَةُ لاَ يَحِلُّ خُلْعُهَا حَتَّى تَقُولَ لِزَوْجِهَا وَ اَللَّهِ لاَ أُبِرُّ لَكَ قَسَماً وَ لاَ أُطِيعُ لَكَ أَمْراً وَ لاَ أَغْتَسِلُ لَكَ مِنْ جَنَابَةٍ وَ لَأُوطِئَنَّ فِرَاشَكَ وَ لَأُوذِنَنَّ عَلَيْكَ بِغَيْرِ إِذْنِكَ وَ قَدْ كَانَ اَلنَّاسُ عِنْدَهُ يُرَخِّصُونَ فِيمَا دُونَ هَذَا فَإِذَا قَالَتِ اَلْمَرْأَةُ ذَلِكَ لِزَوْجِهَا حَلَّ لَهُ مَا أَخَذَ مِنْهَا وَ كَانَتْ عِنْدَهُ عَلَى تَطْلِيقَتَيْنِ بَاقِيَتَيْنِ وَ كَانَ اَلْخُلْعُ تَطْلِيقَةً» وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «يَكُونُ اَلْكَلاَمُ مِنْ عِنْدِهَا».

يَعْنِي مِنْ غَيْرِ أَنْ تُعَلِّمَ.

H.4821 - In the narration of Hammad from Al-Halabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said:

"The waiting period (iddah) of a woman who undergoes khulʿ is the same as that of a divorced woman. Her khulʿ counts as her divorce, and it suffices even if it is not explicitly called a divorce. However, khulʿ is not valid for a woman until she says to her husband, 'By Allah {SWT}, I will not honor your oath, I will not obey your command, I will not perform ghusl for you after intimacy, I will indeed bring someone you dislike into your bed, and I will allow others to enter upon you without your permission.'

Previously, people used to permit khulʿ for less than this, but when a woman says this to her husband, it becomes lawful for him to take from her what he has taken, and she

will remain with him with two remaining divorce opportunities. The khulʿ counts as one divorce."
Imam {a.s} also said: "These words must come from her," meaning without being instructed to say them.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.523

HADITH

4822 - وَ سَأَلَهُ رِفَاعَةُ بْنُ مُوسَى : عَنِ اَلْمُخْتَلِعَةِ أَ لَهَا سُكْنَى وَ نَفَقَةٌ فَقَالَ «لاَ سُكْنَى لَهَا وَ لاَ نَفَقَةٌ » وَ سُئِلَ عَنِ اَلْمُخْتَلِعَةِ أَ لَهَا مُتْعَةٌ فَقَالَ «لاَ».

H.4822 - Rifa'ah ibn Musa asked Him {a.s} about a woman who undergoes khulʿ (divorce initiated by the wife with compensation), whether she is entitled to housing and maintenance. Imam {a.s} replied: "She has no housing and no maintenance."
Imam {a.s} was also asked whether a woman who undergoes khulʿ is entitled to any compensation (mutah).
Imam {a.s} said: "No."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.523

HADITH

4823 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ حُمْرَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا قَالَتِ اَلْمَرْأَةُ لِزَوْجِهَا جُمْلَةً لاَ أُطِيعُ لَكَ أَمْراً مُفَسَّرَةً أَوْ غَيْرَ مُفَسَّرَةٍ حَلَّ لَهُ مَا أَخَذَ مِنْهَا وَ لَيْسَ لَهُ عَلَيْهَا رَجْعَةٌ».

وَ لِلرَّجُلِ أَنْ يَأْخُذَ مِنَ الْمُخْتَلِعَةِ فَوْقَ الصَّدَاقِ الَّذِي أَعْطَاهَا لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ ﴿ فَإِنْ خِفْتُمْ أَلَّا يُقِيما حُدُودَ اللَّهِ فَلا جُناحَ عَلَيْهِما فِيمَا افْتَدَتْ بِهِ ﴾ وَ الْمُبَارَأَةُ لَا يُؤْخَذُ مِنْهَا إِلَّا دُونَ الصَّدَاقِ الَّذِي أَعْطَاهَا لِأَنَّ الْمُخْتَلِعَةَ تَعْتَدِي فِي الْكَلَامِ.

H.4823 - In the narration of Muhammad ibn Humran from Muhammad ibn Muslim, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, that Imam {a.s} said:
"If a woman says to her husband, in any form, 'I will not obey any of your commands,' whether she explains it in detail or not, it becomes permissible for him to take what he has taken from her, and he has no right to take her back."

[AL SADUQ]
A man is allowed to take from a woman who undergoes khulʿ more than the dowry he gave her, based on the saying of Allah {SWT}, the Mighty and Majestic:
"If you fear that they will not uphold the limits of Allah {SWT}, then there is no blame upon them for what she gives to secure her release" (Surah Al-Baqarah 2:229).
However, in the case of mubara'ah (mutual separation), he may only take less than the dowry he gave her, because the woman seeking khulʿ exceeds limits in her speech, unlike in mubara'ah.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.523 • Tafsir Al-Burhan, Vol.1 p.478

CHAPTER 167 – CHAPTER ON OATH OF ABSTINENCE (ILA)

بَابُ الْإِيلَاءِ

HADITH 4824 – 4825

4824 - رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلرَّجُلِ يَهْجُرُ اِمْرَأَتَهُ مِنْ غَيْرِ طَلاَقٍ وَ لاَ يَمِينٍ سَنَةً فَلاَ يَأْتِي فِرَاشَهَا قَالَ «لِيَأْتِ أَهْلَهُ» وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «أَيُّمَا رَجُلٍ آلَى مِنِ اِمْرَأَتِهِ وَ اَلْإِيلاَءُ أَنْ يَقُولَ وَ اَللَّهِ لاَ أُجَامِعُكِ كَذَا وَ كَذَا وَ اَللَّهِ لَأُغِيظَنَّكِ ثُمَّ يُغَايِظَهَا فَإِنَّهُ يُتَرَبَّصُ بِهِ أَرْبَعَةَ أَشْهُرٍ ثُمَّ يُؤْخَذُ بَعْدَ اَلْأَرْبَعَةِ اَلْأَشْهُرِ فَيُوقَفُ فَإِنْ فَاءَ وَ هُوَ أَنْ يُصَالِحَ أَهْلَهُ «فَإِنَّ اَللَّهَ غَفُورٌ رَحِيمٌ» وَ إِنْ لَمْ يَفِئْ أُجْبِرَ عَلَى اَلطَّلاَقِ وَ لاَ يَقَعُ بَيْنَهُمَا طَلاَقٌ حَتَّى يُوقَفَ وَ إِنْ كَانَ أَيْضاً بَعْدَ اَلْأَرْبَعَةِ اَلْأَشْهُرِ ثُمَّ يُجْبَرُ عَلَى أَنْ يَفِيءَ أَوْ يُطَلِّقَ».

وَ رُوِيَ: «أَنَّهُ إِنْ فَاءَ وَ هُوَ أَنْ يَرْجِعَ إِلَى اَلْجِمَاعِ وَ إِلاَّ حُبِسَ فِي حَظِيرَةٍ مِنْ قَصَبٍ وَ شُدِّدَ عَلَيْهِ فِي اَلْمَأْكَلِ وَ اَلْمَشْرَبِ حَتَّى يُطَلِّقَ ».

وَ قَدْ رُوِيَ: «أَنَّهُ مَتَى أَمَرَهُ إِمَامُ اَلْمُسْلِمِينَ بِالطَّلاَقِ فَامْتَنَعَ ضُرِبَتْ عُنُقُهُ لِامْتِنَاعِهِ عَلَى إِمَامِ اَلْمُسْلِمِينَ ».

H.4824 - Hammad narrated from Al-Halabi who said:
I asked Abu Abdullah {a.s} about a man who abandons his wife without divorcing her or taking an oath, leaving her for a year without approaching her bed.
Imam {a.s} said: "He must return to his wife."
Imam {a.s} also said: "Any man who swears an oath (ila') against his wife - ila' being when he says, 'By Allah {SWT}, I will not have relations with you for such and such time' or 'By Allah {SWT}, I will anger you,' and then he continues to upset her, he is to be given four months.
After those four months, he will be brought forward. If he reconciles with his wife, which means returning to her, then *'Indeed, Allah {SWT} is Forgiving, Merciful'* (Surah Al-Baqarah 2:226).
But if he does not reconcile, he will be forced to divorce her. However, no divorce will occur between them until he is brought forward, and even after the four months, he will be compelled either to reconcile or to divorce."
It is also narrated: "If he reconciles, meaning he returns to marital relations, then so be it. Otherwise, he will be imprisoned in a pen made of reeds and will be subjected to hardship in food and drink until he divorces her."
Additionally, it is narrated: "Whenever the Imam of the Muslims commands him to divorce and he refuses, his neck shall be struck (execution) due to his defiance against the authority of the Imam of the Muslims."

[REFERENCES] Al-Kafi, Vol.6 p.130 • Man La Yahduruhu Al-Faqih, Vol.3 p.524 • Tahdhib Al-Ahkam, Vol.8 p.2 • Al-Istibsar, Vol.3 p.252 • Al-Wafi, Vol.22 p.943 • Tafsir Al-Burhan, Vol.1 p.469 • Wasa'il Al-Shi'ah, Vol.22 p.354 • Al-Wafi, Vol.22 p.947 • Wasa'il Al-Shi'ah, Vol.22 p.354

HADITH

4825 - وَ فِي رِوَايَةِ أَبَانِ بْنِ عُثْمَانَ عَنْ مَنْصُورٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ آلَى مِنِ اِمْرَأَتِهِ، فَمَرَّتْ أَرْبَعَةُ أَشْهُرٍ قَالَ «يُوقَفُ فَإِنْ عَزَمَ اَلطَّلاَقَ بَانَتْ مِنْهُ وَ عَلَيْهَا عِدَّةُ اَلْمُطَلَّقَةِ وَ إِلاَّ كَفَّرَ يَمِينَهُ وَ أَمْسَكَهَا».

وَ لَا ظِهَارَ وَ لَا إِيلَاءَ حَتَّى يَدْخُلَ الرَّجُلُ بِامْرَأَتِهِ.

H.4825 - In the narration of Aban ibn Uthman from Mansur, he said: I asked Abu Abdullah {a.s} about a man who swears an oath (ila') against his wife, and four months pass.

Imam {a.s} said: "He is to be brought forward. If he decides on divorce, she is separated from him, and she must observe the waiting period (iddah) of a divorced woman. But if he does not divorce her, he must offer expiation for his oath and continue the marriage."

[AL SADUQ]

Additionally, there is no ẓihar (a form of divorce by comparison) or ila' (an oath of abstention) until the man has consummated the marriage with his wife.

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.113 • Man La Yahduruhu Al-Faqih, Vol.3 p.525 • Tahdhib Al-Ahkam, Vol.8 p.8 • Al-Istibsar, Vol.3 p.254 • Al-Wafi, Vol.22 p.949 • Al-Wafi, Vol.23 p.1260 • Wasa'il Al-Shi'ah, Vol.22 p.355 • Tafsir Al-Burhan, Vol.1 p.471 • Bihar Al-Anwar, Vol.101 p.171

CHAPTER 168 – CHAPTER ON ZIHAR (DECLARING ONE'S WIFE UNLAWFUL LIKE A MOTHER)

بَابُ الظِّهَارِ

HADITH 4826 – 4850

4826 - رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنِ اَلْفُضَيْلِ بْنِ يَسَارٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ مُمْلَكٍ ظَاهَرَ مِنِ اِمْرَأَتِهِ فَقَالَ «لاَ يَكُونُ ظِهَارٌ وَ لاَ يَكُونُ إِيلاَءٌ حَتَّى يَدْخُلَ بِهَا ».

H.4826 - Al-Hasan bin Mahbub narrated from Jamil bin Salih, from Al-Fudayl bin Yasar, who said:
I asked Abu Abdillah (peace be upon him) about a man who has only performed the marriage contract (mamluk, meaning he has not yet consummated the marriage) and then declares ẓihar (a pre-Islamic form of divorce where a husband likens his wife to a prohibited relative).
Imam {a.s} said: "There is no ẓihar and no īla' (an oath to abstain from marital relations) until he consummates the marriage with her."

[REFERENCES] Al-Kafi, Vol.6 p.158 • Man La Yahduruhu Al-Faqih, Vol.3 p.525 • Tahdhib Al-Ahkam, Vol.8 p.21 • Al-Wafi, Vol.22 p.913 • Al-Wafi, Vol.22 p.913 • Wasa'il Al-Shi'ah, Vol.22 p.316 • Tafsir Nur Al-Thaqalayn, Vol.5 p.256 • Tafsir Kanz Al-Daqaiq, Vol.13 p.124

HADITH

4827 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «وَ لاَ يَكُونُ اَلظِّهَارُ إِلاَّ عَلَى مَوْضِعِ اَلطَّلاَقِ».

H.4827 - And Imam {a.s} said: "Ẓihar (a form of divorce by comparison) does not apply except in the context where divorce is applicable."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.526

HADITH

4828 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رِئَابٍ عَنْ زُرَارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلظِّهَارِ فَقَالَ «هُوَ مِنْ كُلِّ ذِي مَحْرَمٍ أَوْ مِنْ أُمٍّ أَوْ أُخْتٍ أَوْ عَمَّةٍ أَوْ خَالَةٍ وَ لاَ يَكُونُ اَلظِّهَارُ فِي يَمِينٍ » فَقُلْتُ وَ كَيْفَ يَكُونُ قَالَ «يَقُولُ اَلرَّجُلُ لِامْرَأَتِهِ وَ هِيَ طَاهِرٌ مِنْ غَيْرِ جِمَاعٍ أَنْتِ عَلَيَّ حَرَامٌ مِثْلَ ظَهْرِ أُمِّي أَوْ أُخْتِي وَ هُوَ يُرِيدُ بِذَلِكَ اَلظِّهَارَ ».

H.4828 - Al-Hasan ibn Mahbub narrated from Ali ibn Ri'ab, from Zurara, who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about ẓihar (a form of divorce by comparison).
Imam {a.s} said: "Ẓihar applies only when a man likens his wife to someone who is permanently unlawful for him, such as his mother, sister, paternal aunt, or maternal aunt. Ẓihar does not occur through an oath."
I asked: "How does it occur?"
Imam {a.s} replied: "A man says to his wife, while she is in a state of purity and without having had intercourse with her, 'You are to me as unlawful as the back of my mother or my sister,' and he intends by this statement to make ẓihar."

[REFERENCES] Al-Kafi, Vol.6 p.153 • Man La Yahduruhu Al-Faqih, Vol.3 p.526 • Tahdhib Al-Ahkam, Vol.8 p.9 • Al-Wafi, Vol.22 p.905

HADITH

4829 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ أَبَانٍ وَ غَيْرِهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «كَانَ رَجُلٌ عَلَى عَهْدِ رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يُقَالُ لَهُ أَوْسُ بْنُ اَلصَّامِتِ وَ كَانَتْ تَحْتَهُ اِمْرَأَةٌ يُقَالُ لَهَا خَوْلَةُ بِنْتُ اَلْمُنْذِرِ فَقَالَ لَهَا ذَاتَ يَوْمٍ أَنْتِ عَلَيَّ كَظَهْرِ أُمِّي ثُمَّ نَدِمَ مِنْ سَاعَتِهِ وَ قَالَ لَهَا أَيَّتُهَا اَلْمَرْأَةُ مَا أَظُنُّكِ إِلاَّ وَ قَدْ حَرُمْتِ عَلَيَّ فَجَاءَتْ إِلَى رَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَتْ يَا رَسُولَ اَللَّهِ إِنَّ زَوْجِي قَالَ لِي أَنْتِ عَلَيَّ كَظَهْرِ أُمِّي وَ كَانَ هَذَا اَلْقَوْلُ فِيمَا مَضَى يُحَرِّمُ اَلْمَرْأَةَ عَلَى زَوْجِهَا فَقَالَ لَهَا رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَيَّتُهَا اَلْمَرْأَةُ مَا أَظُنُّكِ إِلاَّ وَ قَدْ حَرُمْتِ عَلَيْهِ» فَرَفَعَتِ اَلْمَرْأَةُ يَدَهَا إِلَى اَلسَّمَاءِ فَقَالَتْ أَشْكُو إِلَيْكَ فِرَاقَ زَوْجِي فَأَنْزَلَ اَللَّهُ عَزَّ وَ جَلَّ يَا مُحَمَّدُ : ۞ قَدْ سَمِعَ اَللَّهُ قَوْلَ اَلَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اَللَّهِ وَ اَللَّهُ يَسْمَعُ تَحَاوُرَكُمَا إِنَّ اَللَّهَ سَمِيعٌ بَصِيرٌ اَلَّذِينَ يُظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ مَا هُنَّ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلاَّ اَللاَّئِي وَلَدْنَهُمْ وَ إِنَّهُمْ لَيَقُولُونَ مُنْكَراً مِنَ اَلْقَوْلِ وَ زُوراً وَ إِنَّ اَللَّهَ لَعَفُوٌّ غَفُورٌ ۞ ثُمَّ أَنْزَلَ اَللَّهُ عَزَّ وَ جَلَّ اَلْكَفَّارَةَ فِي ذَلِكَ فَقَالَ ۞ وَ اَلَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَّا ذٰلِكُمْ تُوعَظُونَ بِهِ وَ اَللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَّا فَمَنْ لَمْ يَسْتَطِعْ فَإِطْعَامُ سِتِّينَ مِسْكِيناً ۞ ».

وَ الظِّهَارُ عَلَى وَجْهَيْنِ أَحَدُهُمَا أَنْ يَقُولَ اَلرَّجُلُ لِامْرَأَتِهِ هِيَ عَلَيْهِ كَظَهْرِ أُمِّهِ وَ يَسْكُتَ فَعَلَيْهِ اَلْكَفَّارَةُ مِنْ قَبْلِ أَنْ يُجَامِعَ فَإِنْ جَامَعَ مِنْ قَبْلِ أَنْ يُكَفِّرَ لَزِمَتْهُ كَفَّارَةٌ أُخْرَى فَإِنْ قَالَ هِيَ عَلَيْهِ كَظَهْرِ أُمِّهِ إِنْ فَعَلَ كَذَا وَ كَذَا فَلَيْسَ عَلَيْهِ شَيْءٌ حَتَّى يَفْعَلَ ذَلِكَ اَلشَّيْءَ وَ يُجَامِعَ فَتَلْزَمُهُ اَلْكَفَّارَةُ إِذَا فَعَلَ مَا حَلَفَ عَلَيْهِ وَ اَلْكَفَّارَةُ تَحْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَّا فَمَنْ لَمْ يَسْتَطِعْ فَإِطْعَامُ سِتِّينَ مِسْكِيناً لِكُلِّ مِسْكِينٍ مُدٌّ مِنْ طَعَامٍ فَإِنْ لَمْ يَجِدْ صَامَ ثَمَانِيَةَ عَشَرَ يَوْماً.

H.4829 - Muhammad ibn Abi Umayr narrated from Aban and others, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"During the time of the Messenger of Allah {SWT} (peace be upon him and his family), there was a man named Aws ibn Al-Samit who was married to a woman named Khawlah bint Tha'labah. One day, he said to her: 'You are to me as the back of my mother.'
He immediately regretted his words and said to her: 'O woman, I think you have become unlawful for me.'

Khawlah went to the Messenger of Allah {SWT} (peace be upon him and his family) and said:

'O Messenger of Allah {SWT}, my husband said to me, "You are to me as the back of my mother." This statement in the past used to make a wife unlawful for her husband.'

The Messenger of Allah {SWT} (peace be upon him and his family) said to her: 'O woman, I think you have indeed become unlawful for him.'

She then raised her hands to the sky and said: 'I complain to You {SWT} about the separation from my husband.'

Allah {SWT}, the Mighty and Majestic, revealed:

'Indeed, Allah {SWT} has heard the statement of the woman who disputes with you concerning her husband and complains to Allah {SWT}. And Allah {SWT} hears your dialogue; indeed, Allah {SWT} is All-Hearing, All-Seeing. Those among you who declare their wives unlawful to them (by ẓihar) are not their mothers. Their mothers are none but those who gave birth to them. And indeed, they utter an evil statement and a falsehood. But indeed, Allah {SWT} is Pardoning and Forgiving'" (Surah Al-Mujadilah 58:1-2).

Then Allah {SWT}, the Mighty and Majestic, revealed the expiation for this, saying:

'And those who pronounce ẓihar from their wives and then wish to go back on what they said, must free a slave before they touch one another. This is what you are admonished with, and Allah {SWT} is All-Aware of what you do. But whoever does not find [a slave to free] must fast for two consecutive months before they touch one another. And whoever is unable must feed sixty poor people'" (Surah Al-Mujadilah 58:3-4).

[AL SADUQ]

Ẓihar (a form of divorce by comparison) occurs in two forms.

The first is when a man says to his wife, "You are to me as the back of my mother," and remains silent without adding any conditions. In this case, he must offer expiation before engaging in intercourse with her. If he engages in intercourse before performing the expiation, he becomes obligated to offer another expiation.

The second form is when a man says to his wife, "You are to me as the back of my mother if I do such and such."

In this case, no expiation is required until he actually does the specified action and then engages in intercourse with her. Once he carries out what he swore upon and has intercourse, the expiation becomes mandatory.

The prescribed expiation for ẓihar is to free a slave. If he cannot find a slave, he must fast for two consecutive months before resuming relations with his wife. If he is unable to fast, he must feed sixty poor people, giving each person a mudd (a specific measure) of food. If he cannot afford that, he must fast for eighteen days.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.526 • Awali Al-La'ali, Vol.3 p.398 • Al-Wafi, Vol.22 p.903 • Wasa'il Al-Shi'ah, Vol.22 p.303

HADITH

4830 - وَ رُوِيَ: «أَنَّهُ إِذَا لَمْ يَقْدِرْ عَلَى اَلْإِطْعَامِ تَصَدَّقَ بِمَا يُطِيقُ».

وَ لَا يَقَعُ الظِّهَارُ عَلَى حَدِّ غَضَبٍ وَ لَا ظِهَارَ عَلَى مَنْ لَفَظَ بِالظِّهَارِ إِذَا لَمْ يَنْوِ بِهِ التَّحْرِيمَ وَ الْمَمْلُوكُ إِذَا ظَاهَرَ مِنِ امْرَأَتِهِ فَعَلَيْهِ نِصْفُ مَا عَلَى الْحُرِّ مِنَ الصِّيَامِ وَ لَيْسَ عَلَيْهِ عِتْقٌ وَ لَا صَدَقَةٌ لِأَنَّ الْمَمْلُوكَ لَا مَالَ لَهُ وَ إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ هِيَ عَلَيْهِ كَبَعْضِ ذَوَاتِ الْمَحَارِمِ فَهُوَ ظِهَارٌ وَ إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ هِيَ عَلَيْهِ كَظَهْرِ أُمِّهِ أَوْ كَبَطْنِهَا أَوْ كَيَدِهَا أَوْ كَرِجْلِهَا أَوْ كَكَعْبِهَا أَوْ كَشَعْرِهَا أَوْ كَشَيْءٍ مِنْ جَسَدِهَا يَنْوِي بِذَلِكَ التَّحْرِيمَ فَهُوَ ظِهَارٌ كَذَلِكَ ذَكَرَهُ إِبْرَاهِيمُ بْنُ هَاشِمٍ فِي نَوَادِرِهِ.

H.4830 - It is narrated:
"If he is unable to provide the required feeding (*it'ām*), he should give charity (*ṣadaqah*) according to what he is capable of."

[AL SADUQ]

*Ẓ*ihar does not take effect if it is uttered in a state of anger, nor does it apply if the man pronounces *ẓ*ihar without intending to make his wife unlawful to him. If a slave performs *ẓ*ihar against his wife, he is required to fast for half the period that a free man must fast, and he is not obligated to free a slave or give charity because a slave owns no wealth.

If a man says to his wife, "You are to me like some of my female relatives who are permanently unlawful to me," it is considered *ẓ*ihar.

Likewise, if a man says to his wife, "You are to me as the back of my mother," or "like her stomach," or "like her hand," or "like her leg," or "like her ankle," or "like her hair," or "like any part of her body," with the intention of making her unlawful to him, it is also regarded as *ẓ*ihar.

This was mentioned by Ibrahim ibn Hashim in his book Nawadir.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.528

HADITH

4831 - وَ رَوَى اِبْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ اَلْخَزَّازِ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ ع عَنْ رَجُلٍ ظَاهَرَ مِنِ اِمْرَأَتِهِ ثُمَّ طَلَّقَهَا تَطْلِيقَةً قَالَ «إِذَا هُوَ طَلَّقَهَا تَطْلِيقَةً فَقَدْ بَطَلَ اَلظِّهَارُ وَ هَدَمَ اَلطَّلاَقُ اَلظِّهَارَ» فَقُلْتُ لَهُ فَلَهُ أَنْ يُرَاجِعَهَا قَالَ «نَعَمْ هِيَ اِمْرَأَتُهُ فَإِنْ رَاجَعَهَا وَجَبَ عَلَيْهِ مَا يَجِبُ عَلَى اَلْمُظَاهِرِ «مِنْ قَبْلِ أَنْ يَتَمَاسَّا» » قُلْتُ فَإِنْ تَرَكَهَا حَتَّى يَحِلَّ أَجَلُهَا وَ تَمْلِكَ نَفْسَهَا ثُمَّ تَزَوَّجَهَا بَعْدَ ذَلِكَ هَلْ يَلْزَمُهُ اَلظِّهَارُ «مِنْ قَبْلِ أَنْ يَتَمَاسَّا» قَالَ «لاَ قَدْ بَانَتْ مِنْهُ وَ مَلَكَتْ نَفْسَهَا» قُلْتُ فَإِنْ ظَاهَرَ مِنْهَا فَلَمْ يَمَسَّهَا وَ تَرَكَهَا لاَ يَمَسُّهَا إِلاَّ أَنَّهُ يَرَاهَا مُتَجَرِّدَةً مِنْ غَيْرِ أَنْ يَمَسَّهَا هَلْ يَلْزَمُهُ فِي ذَلِكَ شَيْءٌ قَالَ «هِيَ اِمْرَأَتُهُ وَ لَيْسَ بِمُحَرَّمٍ عَلَيْهِ مُجَامَعَتُهَا وَ لَكِنْ يَجِبُ عَلَيْهِ مَا يَجِبُ عَلَى اَلْمُظَاهِرِ قَبْلَ أَنْ يُجَامِعَهَا وَ هِيَ اِمْرَأَتُهُ » قُلْتُ فَإِنْ رَفَعَتْهُ إِلَى اَلسُّلْطَانِ فَقَالَتْ إِنَّ هَذَا زَوْجِي قَدْ ظَاهَرَ مِنِّي وَ قَدْ أَمْسَكَنِي لاَ يَمَسُّنِي مَخَافَةَ أَنْ يَجِبَ عَلَيْهِ مَا يَجِبُ عَلَى اَلْمُظَاهِرِ فَقَالَ «لَيْسَ يَجِبُ عَلَيْهِ أَنْ يُجْبِرَهُ عَلَى اَلْعِتْقِ وَ اَلصِّيَامِ وَ اَلْإِطْعَامِ إِذَا لَمْ يَكُنْ لَهُ مَا يُعْتِقُ وَ لاَ يَقْوَى عَلَى اَلصِّيَامِ وَ لاَ يَجِدُ مَا يَتَصَدَّقُ بِهِ وَ إِنْ كَانَ يَقْدِرُ عَلَى أَنْ يُعْتِقَ فَإِنَّ عَلَى اَلْإِمَامِ أَنْ يُجْبِرَهُ عَلَى اَلْعِتْقِ وَ اَلصَّدَقَةِ مِنْ قَبْلِ أَنْ يَمَسَّهَا وَ مِنْ بَعْدِ أَنْ يَمَسَّهَا».

H.4831 - Ibn Mahbub narrated from Abu Ayyub Al-Khazzaz, from Burayd ibn Mu'awiyah, who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man who declared *ẓ*ihar (a form of divorce by comparison) against his wife and then divorced her with one divorce.

Imam {a.s} said: "If he divorces her with one divorce, the *ẓ*ihar becomes nullified, and the divorce cancels the *ẓ*ihar."

I asked: "Can he take her back?"

Imam {a.s} replied: "Yes, she is still his wife. However, if he takes her back, he must fulfill the obligation required of one who has performed *ẓ*ihar before engaging in intercourse with her."

I asked: "If he leaves her until her waiting period (iddah) ends and she gains full control over herself, and then he marries her again afterward, is he still bound by the previous *ẓ*ihar before engaging in intercourse?"

Imam {a.s} replied: "No, she has been completely separated from him and has gained control over herself."

I asked: "If he declared *ẓ*ihar against her but did not have intercourse with her and left her without touching her, although he still saw her uncovered, does anything become obligatory upon him in this case?"

Imam {a.s} said: "She is his wife, and it is not forbidden for him to have intercourse with her. However, he must fulfill what is required of one who has performed *ẓ*ihar before having intercourse with her, as she remains his wife."

I asked: "If she complains to the authorities, saying, 'This is my husband who has declared *ẓ*ihar against me but holds on to me without touching me out of fear of the obligation that comes with *ẓ*ihar,' what is to be done?"

Imam {a.s} said: "It is not obligatory for the authority to compel him to free a slave, fast, or feed the poor if he has nothing to free, cannot fast, and does not have the means to give charity. However, if he is capable of freeing a slave, then it is upon the Imam to compel him to free a slave or give charity before he touches her or after he has done so."

[REFERENCES] Al-Kafi, Vol.6 p.161 • Man La Yahduruhu Al-Faqih, Vol.3 p.529 • Tahdhib Al-Ahkam, Vol.8 p.16 • Al-Wafi, Vol.22 p.928

HADITH

4832 - وَ رَوَى أَبَانٌ عَنِ اَلْحَسَنِ اَلصَّيْقَلِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ ع عَنِ اَلرَّجُلِ يُظَاهِرُ مِنِ اِمْرَأَتِهِ قَالَ «فَيُكَفِّرُ» قُلْتُ فَإِنَّهُ وَاقَعَ مِنْ قَبْلِ أَنْ يُكَفِّرَ قَالَ «فَقَدْ أَتَى حَدّاً مِنْ حُدُودِ اَللَّهِ فَلْيَسْتَغْفِرِ اَللَّهَ وَ لْيَكُفَّ حَتَّى يُكَفِّرَ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ يَعْنِي فِي الظِّهَارِ الَّذِي يَكُونُ بِشَرْطٍ فَأَمَّا الظِّهَارُ الَّذِي لَيْسَ بِشَرْطٍ فَمَتَى جَامَعَ صَاحِبَهُ مِنْ قَبْلِ أَنْ يُكَفِّرَ لَزِمَتْهُ كَفَّارَةٌ أُخْرَى كَمَا ذَكَرْتُهُ وَ مَتَى طَلَّقَ الْمُظَاهِرُ امْرَأَتَهُ سَقَطَتْ عَنْهُ الْكَفَّارَةُ فَإِذَا رَاجَعَهَا لَزِمَتْهُ فَإِنْ تَرَكَهَا حَتَّى يَحِلَّ أَجَلُهَا وَ تَزَوَّجَهَا رَجُلٌ آخَرُ وَ طَلَّقَهَا أَوْ مَاتَ عَنْهَا ثُمَّ تَزَوَّجَهَا وَ دَخَلَ بِهَا لَمْ تَلْزَمْهُ الْكَفَّارَةُ وَ يُجْزِي فِي كَفَّارَةِ الظِّهَارِ صَبِيٌّ مِمَّنْ وُلِدَ فِي الْإِسْلَامِ.

H.4832 - Aban narrated from Al-Hasan Al-Sayqal who said:

I asked Abu Abdullah {a.s} about a man who performs ẓihar (a form of divorce by comparison) against his wife.

Imam {a.s} said: "He must offer expiation."

I asked: "What if he engages in intercourse with her before offering expiation?"

Imam {a.s} replied: "Then he has violated one of Allah's {SWT} limits. He must seek Allah's {SWT} forgiveness and abstain until he fulfills the expiation."

[AL SADUQ]

The author of this book, may Allah {SWT} have mercy on him, explained that this ruling applies to ẓihar that is conditional. However, in the case of ẓihar that is unconditional, if the man engages in intercourse with his wife before offering expiation, an additional expiation becomes obligatory upon him, as previously mentioned.

If a man who has performed ẓihar divorces his wife, the obligation of expiation is lifted. However, if he takes her back, the expiation becomes obligatory upon him again. But if he leaves her until her waiting period (iddah) ends and she marries another man who then divorces her or dies, and the first husband remarries her and consummates the marriage, the expiation is no longer required.

Additionally, a child born into Islam is sufficient for fulfilling the expiation of ẓihar (in the case where freeing a slave is the expiation).

[REFERENCES] Al-Kafi, Vol.6 p.160 • Man La Yahduruhu Al-Faqih, Vol.3 p.530 • Al-Wafi, Vol.22 p.921 • Wasa'il Al-Shi'ah, Vol.22 p.328

HADITH

4833 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ ظَاهَرَ مِنِ اِمْرَأَتِهِ ثَلاَثَ مَرَّاتٍ فَقَالَ «يُكَفِّرُ ثَلاَثَ مَرَّاتٍ» قُلْتُ إِنْ وَاقَعَ قَبْلَ أَنْ يُكَفِّرَ قَالَ «يَسْتَغْفِرُ اَللَّهَ وَ يُمْسِكُ حَتَّى يُكَفِّرَ».

H.4833 - Hammad narrated from Al-Halabi who said: I asked Abu Abdullah {a.s} about a man who declared ẓihar (a form of divorce by comparison) against his wife three times.

Imam {a.s} said: "He must offer expiation three times."

I asked: "What if he engages in intercourse with her before offering the expiation?"

Imam {a.s} replied: "He must seek Allah's {SWT} forgiveness and abstain until he completes the expiation."

[REFERENCES] Al-Nawadir (Lil-Ash'ari), Vol.1 p.65 • Al-Kafi, Vol.6 p.156 • Man La Yahduruhu Al-Faqih, Vol.3 p.531 • Tahdhib Al-Ahkam, Vol.8 p.18 • Al-Istibsar, Vol.3 p.265 • Al-Wafi, Vol.22 p.922 • Bihar Al-Anwar, Vol.101 p.172

HADITH

4834 - وَ - سَأَلَهُ مُحَمَّدُ بْنُ مُسْلِمٍ : عَنْ رَجُلٍ ظَاهَرَ مِنِ اِمْرَأَتِهِ خَمْسَ مَرَّاتٍ أَوْ أَكْثَرَ فَقَالَ «قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «مَكَانَ كُلِّ مَرَّةٍ كَفَّارَةٌ» ».

H.4834 - Muhammad ibn Muslim asked Imam {a.s} about a man who declared ẓihar (a form of divorce by comparison) against his wife five times or more.
Imam {a.s} replied: "Imam Ali ibn Abi Talib {a.s} said:
'For every instance, there is a separate expiation.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.531 • Tahdhib Al-Ahkam, Vol.8 p.22 • Al-Istibsar, Vol.3 p.262 • Al-Istibsar, Vol.3 p.262 • Awali Al-La'ali, Vol.2 p.293 • Awali Al-La'ali, Vol.3 p.402 • Al-Wafi, Vol.22 p.915 • Al-Wafi, Vol.22 p.915 • Wasa'il Al-Shi'ah, Vol.22 p.324 • Wasa'il Al-Shi'ah, Vol.22 p.325

HADITH

4835 - وَ سَأَلَهُ جَمِيلُ بْنُ دَرَّاجٍ : عَنِ اَلظِّهَارِ مَتَى يَقَعُ عَلَى صَاحِبِهِ فِيهِ اَلْكَفَّارَةُ فَقَالَ «إِذَا أَرَادَ أَنْ يُوَاقِعَ اِمْرَأَتَهُ» قُلْتُ فَإِنْ طَلَّقَهَا قَبْلَ أَنْ يُوَاقِعَهَا أَ عَلَيْهِ كَفَّارَةٌ فَقَالَ «لاَ سَقَطَتِ اَلْكَفَّارَةُ عَنْهُ» قُلْتُ فَإِنْ صَامَ فَمَرِضَ فَأَفْطَرَ أَ يَسْتَقْبِلُ أَوْ يُتِمُّ مَا بَقِيَ عَلَيْهِ فَقَالَ «إِنْ صَامَ شَهْراً ثُمَّ مَرِضَ اِسْتَقْبَلَ فَإِنْ زَادَ عَلَى اَلشَّهْرِ يَوْماً أَوْ يَوْمَيْنِ بَنَى عَلَيْهِ » قَالَ وَ قَالَ «اَلْحُرُّ وَ اَلْمَمْلُوكُ سَوَاءٌ غَيْرَ أَنَّ عَلَى اَلْمَمْلُوكِ نِصْفَ مَا عَلَى اَلْحُرِّ مِنَ اَلْكَفَّارَةِ».

H.4835 - Jamil ibn Darraj asked Imam {a.s} about ẓihar and when the obligation of expiation becomes due upon the one who declares it.
Imam {a.s} replied: "When he intends to have intercourse with his wife."
I asked: "If he divorces her before having intercourse with her, is expiation still required of him?" Imam {a.s} said: "No, the expiation is no longer required."
I then asked: "If he begins fasting (as expiation) but becomes ill and breaks his fast, must he start over or continue from where he left off?"
Imam {a.s} replied: "If he fasted for a month and then became ill, he must start over. But if he fasted more than a month by a day or two, he should continue from where he left off."
Imam {a.s} also said: "The ruling for a free man and a slave is the same, except that a slave is obligated to fulfill half of what is required from a free man in terms of expiation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.531

HADITH

4836 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ إِنْ ظَاهَرَ رَجُلٌ فِي شَعْبَانَ وَ لَمْ يَجِدْ مَا يُعْتِقُ قَالَ «يَنْتَظِرُ حَتَّى يَصُومَ شَهْرَ رَمَضَانَ ثُمَّ يَصُومُ «شَهْرَيْنِ مُتَتَابِعَيْنِ» فَإِنْ ظَاهَرَ وَ هُوَ مُسَافِرٌ يَنْظُرُ حَتَّى يَقْدَمَ وَ إِنْ صَامَ فَأَصَابَ مَالاً فَلْيَمْضِ فِي اَلَّذِي اِبْتَدَأَ فِيهِ».

H.4836 - Muhammad ibn Muslim narrated from one of the two Imams (peace be upon them) who said:
I asked Imam {a.s}: "If a man performs ẓihar (a form of divorce by comparison) in the month of Sha'ban and cannot find something to free (as expiation), what should he do?"
He {a.s} replied: "He should wait until he fasts the month of Ramadan and then fast two consecutive months afterward. If he performs ẓihar while he is traveling, he should wait until he returns. And if he begins fasting and then acquires wealth, he should continue with what he had already started."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.532

HADITH

4837 - وَ رَوَى سَمَاعَةُ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «جَاءَ رَجُلٌ إِلَى اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ يَا رَسُولَ اَللَّهِ ظَاهَرْتُ مِنِ اِمْرَأَتِي فَقَالَ «اِذْهَبْ فَأَعْتِقْ رَقَبَةً» فَقَالَ لَيْسَ عِنْدِي فَقَالَ «اِذْهَبْ فَصُمْ «شَهْرَيْنِ مُتَتَابِعَيْنِ» » فَقَالَ لاَ أَقْوَى فَقَالَ «اِذْهَبْ فَأَطْعِمْ «سِتِّينَ مِسْكِيناً» » قَالَ لَيْسَ عِنْدِي فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَنَا أَتَصَدَّقُ عَنْكَ» » قَالَ «فَأَعْطَاهُ تَمْراً لِإِطْعَامِ سِتِّينَ مِسْكِيناً فَقَالَ «اِذْهَبْ فَتَصَدَّقْ بِهِ» فَقَالَ وَ اَلَّذِي بَعَثَكَ بِالْحَقِّ نَبِيّاً مَا أَعْلَمُ أَنَّ بَيْنَ لاَبَتَيْهَا أَحَداً أَحْوَجَ إِلَيْهِ مِنِّي وَ مِنْ عِيَالِي فَقَالَ «اِذْهَبْ فَكُلْ وَ أَطْعِمْ عِيَالَكَ» ».

قَالَ مُصَنِّفُ هَذَا الْكِتَابِ رَحِمَهُ اللَّهُ هَذَا الْحَدِيثُ فِي الظِّهَارِ غَرِيبٌ نَادِرٌ لِأَنَّ الْمَشْهُورَ فِي هَذَا الْمَعْنَى فِي كَفَّارَةِ مَنْ أَفْطَرَ يَوْماً مِنْ شَهْرِ رَمَضَانَ.

H.4837 - Sama'ah narrated from Abu Basir, who said:
I heard Abu Abdullah {a.s} say: "A man came to the Prophet (peace be upon him and his family) and said: 'O Messenger of Allah {SWT}, I have performed ẓihar (declared my wife as unlawful to me).'
The Prophet (peace be upon him and his family) said: 'Go and free a slave.'
The man replied: 'I do not have one.'
The Prophet {saws} said: 'Then go and fast for two consecutive months.'
The man replied: 'I am not able to do so.'
The Prophet {saws} said: 'Then go and feed sixty poor people.'
The man replied: 'I do not have the means.'
The Messenger of Allah {SWT} (peace be upon him and his family) then said: 'I will give charity on your behalf.'"

He (peace be upon him and his family) gave him dates to feed sixty poor people and said:
"Go and give this in charity."
The man said: "By the One who sent you with the truth as a Prophet {saws}, I do not know anyone between these two mountains (of Madinah) who is more in need of this than me and my family."
The Prophet (peace be upon him and his family) said: "Then go and feed your family with it."

[AL SADUQ]
The author of this book, may Allah {SWT} have mercy on him, commented:
This narration regarding ẓihar is rare and uncommon because the well-known context for this type of expiation is related to the expiation for someone who breaks a fast in the month of Ramadan.

[REFERENCES] Al-Kafi, Vol.6 p.155 • Man La Yahduruhu Al-Faqih, Vol.3 p.532 • Tahdhib Al-Ahkam, Vol.8 p.15 • Al-Wafi, Vol.22 p.934 • Wasa'il Al-Shi'ah, Vol.22 p.362 • Tafsir Nur Al-Thaqalayn, Vol.5 p.257 • Tafsir Kanz Al-Daqaiq, Vol.13 p.126

HADITH

4838 - وَ فِي رِوَايَةِ اَلْحَسَنِ بْنِ عَلِيِّ بْنِ فَضَّالٍ أَنَّ رَجُلاً قَالَ: قُلْتُ لِأَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ إِنِّي قُلْتُ لِامْرَأَتِي أَنْتِ عَلَيَّ كَظَهْرِ أُمِّي إِنْ خَرَجْتِ مِنْ بَابِ اَلْحُجْرَةِ فَخَرَجَتْ فَقَالَ «لَيْسَ عَلَيْكَ شَيْءٌ» فَقُلْتُ فَإِنِّي أَقْوَى عَلَى أَنْ أُكَفِّرَ فَقَالَ «لَيْسَ عَلَيْكَ شَيْءٌ» فَقُلْتُ فَإِنِّي أَقْوَى عَلَى أَنْ أُكَفِّرَ رَقَبَةً وَ رَقَبَتَيْنِ فَقَالَ «لَيْسَ عَلَيْكَ شَيْءٌ قَوِيتَ أَوْ لَمْ تَقْوَ».

H.4838 - In the narration of Al-Hasan ibn Ali ibn Faddal, a man said: I said to Abu Al-Hasan {a.s}, "I told my wife, 'You are to me as the back of my mother if you leave the room,' and she left."
Imam {a.s} replied: "There is nothing upon you."
I said: "But I am capable of offering expiation."
Imam {a.s} replied: "There is nothing upon you."
I said: "I am capable of freeing one or even two slaves as expiation."
Imam {a.s} said: "There is nothing upon you, whether you are capable or not."

[REFERENCES] Al-Kafi, Vol.6 p.154 • Man La Yahduruhu Al-Faqih, Vol.3 p.532 • Tahdhib Al-Ahkam, Vol.8 p.13 • Al-Istibsar, Vol.3 p.261 • Al-Wafi, Vol.22 p.906 • Wasa'il Al-Shi'ah, Vol.22 p.332 • Tafsir Nur Al-Thaqalayn, Vol.5 p.256 • Tafsir Kanz Al-Daqaiq, Vol.13 p.125

HADITH

4839 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ آلَى مِن اِمْرَأَتِهِ وَ ظَاهَرَ فِي كَلِمَةٍ وَاحِدَةٍ قَالَ «عَلَيْهِ كَفَّارَةٌ وَاحِدَةٌ».

H.4839 - In the narration of Al-Sakuni, he said that Imam Ali ibn Abi Talib {a.s} was asked about a man who both swore an oath (ila') and declared ẓihar (a form of divorce by comparison) against his wife in a single statement.
Imam {a.s} said: "He is obligated to offer only one expiation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.533 • Al-Wafi, Vol.22 p.916 • Wasa'il Al-Shi'ah, Vol.22 p.338

HADITH

4840 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ بُكَيْرٍ عَنْ حُمْرَانَ قَالَ: قُلْتُ لِأَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ رَجُلٌ قَالَ لِأَمَتِهِ أَنْتِ عَلَيَّ كَظَهْرِ أُمِّي يُرِيدُ أَنْ يُرْضِيَ بِذَلِكَ اِمْرَأَتَهُ قَالَ «يَأْتِيهَا وَ لَيْسَ عَلَيْهَا وَ لاَ عَلَيْهِ شَيْءٌ».

H.4840 - Abdullah ibn Bukayr narrated from Humran who said:
I asked Abu Abdullah {a.s} about a man who said to his female slave, "You are to me as the back of my mother," intending by this statement to please his wife.
Imam {a.s} replied: "He may approach her (the slave), and there is nothing upon her or upon him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.533 • Tahdhib Al-Ahkam, Vol.8 p.10 • Al-Wafi, Vol.22 p.912 • Wasa'il Al-Shi'ah, Vol.22 p.314

HADITH

4841 - وَ رَوَى أَيُّوبُ بْنُ نُوحٍ عَنْ صَفْوَانَ عَنِ اِبْنِ عُيَيْنَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْمُظَاهِرُ إِذَا صَامَ شَهْراً وَ صَامَ مِنَ اَلشَّهْرِ اَلْآخَرِ يَوْماً فَقَدْ وَاصَلَ فَإِنْ شَاءَ فَلْيَقْضِ مُتَفَرِّقاً وَ إِنْ شَاءَ فَلْيُعْطِ لِكُلِّ يَوْمٍ مُدّاً مِنْ طَعَامٍ».

H.4841 - Ayyub ibn Nuh narrated from Safwan, from Ibn Uyaynah, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "If a man who has performed ẓihar fasts for one full month and then fasts a day from the second month, he has fulfilled the condition of consecutive fasting. After that, if he wishes, he may make up the remaining fasts in a non-consecutive manner, or if he wishes, he may give a mudd (a specific measure) of food for each remaining day."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.533 • Al-Wafi, Vol.22 p.937 • Wasa'il Al-Shi'ah, Vol.22 p.364

HADITH

4842 - وَ رَوَى زِيَادُ بْنُ اَلْمُنْذِرِ عَنْ أَبِي اَلْوَرْدِ : أَنَّهُ سُئِلَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ وَ أَنَا عِنْدَهُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ أَنْتِ عَلَيَّ كَظَهْرِ أُمِّي مِائَةَ مَرَّةٍ، فَقَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «يُطِيقُ لِكُلِّ مَرَّةٍ عِتْقَ نَسَمَةٍ» فَقَالَ لاَ قَالَ «يُطِيقُ إِطْعَامَ «سِتِّينَ مِسْكِيناً» مِائَةَ مَرَّةٍ» قَالَ لاَ قَالَ «فَيُطِيقُ صِيَامَ «شَهْرَيْنِ مُتَتَابِعَيْنِ» مِائَةَ مَرَّةٍ» قَالَ لاَ قَالَ «يُفَرَّقُ بَيْنَهُمَا ».

H.4842 - Ziyad ibn al-Mundhir narrated from Abu al-Ward that Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} was asked, while I was present, about a man who said to his wife, "You are to me like the back of my mother" a hundred times.
Abu Jafar Imam Al-Baqir {a.s} said: "Is he able to free a slave for each time?"
The man replied: “No."
Imam {a.s} said: "Is he able to feed sixty needy people for each time?"
The man replied: “No."
Imam {a.s} said: "Is he able to fast for two consecutive months for each time?"
The man replied: “No."
Imam {a.s} then said: "They should be separated."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.534 • Tahdhib Al-Ahkam, Vol.8 p.22 • Al-Istibsar, Vol.3 p.263 • Al-Wafi, Vol.22 p.916 • Wasa'il Al-Shi'ah, Vol.22 p.325 • Wasa'il Al-Shi'ah, Vol.22 p.367

HADITH

4843 - وَ فِي رِوَايَةِ اِبْنِ فَضَّالٍ عَنْ غِيَاثٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ ظَاهَرَ مِنْ أَرْبَعِ نِسْوَةٍ قَالَ «عَلَيْهِ كَفَّارَةٌ وَاحِدَةٌ».

H.4843 - In the narration of Ibn Faddal from Ghiyath, from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} (peace be upon them), it is reported that Imam Ali ibn Abi Talib {a.s} said regarding a man who performed ẓihar (a form of divorce by comparison) against four wives:
"He is obligated to offer only one expiation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.534 • Tahdhib Al-Ahkam, Vol.8 p.21 • Al-Istibsar, Vol.3 p.263 • Awali Al-La'ali, Vol.3 p.402 • Al-Wafi, Vol.22 p.917 • Wasa'il Al-Shi'ah, Vol.22 p.327

HADITH

4844 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «لاَ يَقَعُ ظِهَارٌ عَنْ طَلاَقٍ وَ لاَ طَلاَقٌ عَنْ ظِهَارٍ».

H.4844 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Ẓihar (a form of divorce by comparison) does not count as a divorce, nor does divorce count as ẓihar."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.534

HADITH

4845 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ أَبِي وَلاَّدٍ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَكُونُ ظِهَارٌ فِي يَمِينٍ وَ لاَ فِي إِضْرَارٍ وَ لاَ فِي غَضَبٍ وَ لاَ يَكُونُ ظِهَارٌ إِلاَّ عَلَى طُهْرٍ بِغَيْرِ جِمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ مُسْلِمَيْنِ ».

H.4845 - Al-Hasan ibn Mahbub narrated from Abu Walad, from Humran, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said: "Ẓihar (a form of divorce by comparison) does not occur through an oath, nor in a case of harm, nor in a state of anger. Ẓihar is only valid when it is declared during a state of purity (from menstruation), without prior intercourse, and in the presence of two Muslim witnesses."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.534 • Tahdhib Al-Ahkam, Vol.8 p.10 • Al-Istibsar, Vol.3 p.258 • Wasa'il Al-Shi'ah, Vol.22 p.307 • Al-Fusul Al-Muhimmah, Vol.2 p.381

HADITH

4846 - وَ سَأَلَ عَمَّارُ بْنُ مُوسَى اَلسَّابَاطِيُّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلظِّهَارِ اَلْوَاجِبِ قَالَ «اَلَّذِي يُرِيدُ بِهِ اَلرَّجُلُ اَلظِّهَارَ بِعَيْنِهِ».

H.4846 - Ammar ibn Musa Al-Sabati asked Abu Abdullah {a.s} about the obligatory ẓihar (a form of divorce by comparison).
Imam {a.s} replied: "It is when a man explicitly intends by his statement to perform ẓihar itself."

[REFERENCES] Al-Kafi, Vol.6 p.158 • Man La Yahduruhu Al-Faqih, Vol.3 p.535 • Tahdhib Al-Ahkam, Vol.8 p.11 • Al-Wafi, Vol.22 p.905 • Wasa'il Al-Shi'ah, Vol.22 p.309 • Tafsir Nur Al-Thaqalayn, Vol.5 p.256 • Tafsir Kanz Al-Daqaiq, Vol.13 p.125

HADITH

4847 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «إِذَا قَالَتِ اَلْمَرْأَةُ زَوْجِي عَلَيَّ كَظَهْرِ أُمِّي فَلاَ كَفَّارَةَ عَلَيْهَا».

H.4847 - In the narration of Al-Sakuni, it is reported that Commander of the Faithful {a.s} said: "If a woman says, 'My husband is to me as the back of my mother,' there is no expiation upon her."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.535 • Al-Wafi, Vol.22 p.913 • Wasa'il Al-Shi'ah, Vol.22 p.339 • Tafsir Nur Al-Thaqalayn, Vol.5 p.256 • Tafsir Kanz Al-Daqaiq, Vol.13 p.125

HADITH

4848 - وَ سَأَلَ إِسْحَاقُ بْنُ عَمَّارٍ أَبَا إِبْرَاهِيمَ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلرَّجُلِ يُظَاهِرُ مِنْ جَارِيَتِهِ فَقَالَ «اَلْحُرَّةُ وَ اَلْأَمَةُ فِي هَذَا سَوَاءٌ».

H.4848 - Ishaq ibn Ammar asked Abu Ibrahim (Imam Musa ibn Jafar Al-Kadhim {a.s}) about a man who performs *z*ihar (a form of divorce by comparison) against his female slave.
Imam {a.s} replied: "In this matter, a free woman and a bondwoman are the same."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.535 • Awali Al-La'ali, Vol.2 p.292 • Awali Al-La'ali, Vol.3 p.400

HADITH

4849 - وَ سَأَلَ مُحَمَّدُ بْنُ حُمْرَانَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنِ اَلْمَمْلُوكِ أَ عَلَيْهِ ظِهَارٌ فَقَالَ «عَلَيْهِ نِصْفُ مَا عَلَى اَلْحُرِّ مِنْ صَوْمِ شَهْرٍ وَ لَيْسَ عَلَيْهِ كَفَّارَةٌ مِنْ صَدَقَةٍ وَ لاَ عِتْقٍ».

H.4849 - Muhammad ibn Humran asked Abu Abdullah {a.s} about whether a slave is obligated to perform *z*ihar (a form of divorce by comparison).
Imam {a.s} replied: "He is required to fulfill half of what is required of a free man, which is fasting for one month. However, he is not obligated to offer expiation through charity or the freeing of a slave."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.535

HADITH

4850 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «أُمُّ اَلْوَلَدِ تُجْزِي فِي اَلظِّهَارِ».

H.4850 - In the narration of Al-Sakuni, it is reported that Imam Ali ibn Abi Talib {a.s} said: "The umm al-walad (woman who has borne her master's child) is included in the ruling of *z*ihar."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.535 • Tahdhib Al-Ahkam, Vol.8 p.319 • Al-Wafi, Vol.22 p.934 • Wasa'il Al-Shi'ah, Vol.22 p.396

CHAPTER 169 – CHAPTER ON MUTUAL CURSING (LI'AN)

بَابُ اللِّعَانِ

HADITH 4851 – 4858

4851 - رَوَى أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ اَلْبَزَنْطِيُّ عَنْ عَبْدِ اَلْكَرِيمِ بْنِ عَمْرٍو عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَقَعُ اَللِّعَانُ حَتَّى يَدْخُلَ اَلرَّجُلُ بِامْرَأَتِهِ».

وَ لَا يَكُونُ اللِّعَانُ إِلَّا بِنَفْيِ الْوَلَدِ وَ إِذَا قَذَفَ الرَّجُلُ امْرَأَتَهُ وَ لَمْ يَنْتَفِ مِنْ وَلَدِهَا جُلِدَ ثَمَانِينَ جَلْدَةً فَإِنْ رَمَى امْرَأَتَهُ بِالْفُجُورِ وَ قَالَ إِنِّي رَأَيْتُ بَيْنَ رِجْلَيْهَا رَجُلًا يُجَامِعُهَا وَ أَنْكَرَ وَلَدَهَا فَإِنْ أَقَامَ عَلَيْهَا بِذَلِكَ أَرْبَعَةَ شُهُودٍ عُدُولٍ رُجِمَتْ وَ إِنْ لَمْ يُقِمْ عَلَيْهَا أَرْبَعَةَ شُهُودٍ لَاعَنَهَا فَإِنِ امْتَنَعَ مِنْ لِعَانِهَا ضُرِبَ حَدَّ الْمُفْتَرِي ثَمَانِينَ جَلْدَةً فَإِنْ لَاعَنَهَا دُرِئَ عَنْهُ الْحَدُّ.

H.4851 - Ahmad ibn Muhammad ibn Abi Nasr Al-Bazanti narrated from Abdul Karim ibn Amr, from Abu Basir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Lian (the mutual curse between spouses) does not take place unless the man has consummated the marriage with his wife."

[AL SADUQ]
Lian only occurs when the husband denies the paternity of a child. If a man accuses his wife of adultery without denying his child, he is to be lashed eighty times. However, if a man accuses his wife of adultery and says, "I saw a man between her legs having intercourse with her," and he also denies the child, then if he brings forward four just witnesses, she is to be stoned. If he cannot present four witnesses, he must perform lian against her. If he refuses to perform lian, he is subjected to the punishment for false accusation (qadhf), which is eighty lashes. But if he performs lian, the punishment is lifted from him.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.535 • Wasa'il Al-Shi'ah, Vol.22 p.413

HADITH

4852 - وَ سَأَلَ اَلْبَزَنْطِيُّ أَبَا اَلْحَسَنِ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ : فَقَالَ لَهُ أَصْلَحَكَ اَللَّهُ كَيْفَ اَلْمُلاَعَنَةُ قَالَ «يَقْعُدُ اَلْإِمَامُ وَ يَجْعَلُ ظَهْرَهُ إِلَى اَلْقِبْلَةِ وَ يَجْعَلُ اَلرَّجُلَ عَنْ يَمِينِهِ وَ اَلْمَرْأَةَ وَ اَلصَّبِيَّ عَنْ يَسَارِهِ».

H.4852 - Al-Bazanti asked Abu Al-Hasan Imam Ali ibn Musa Ar-Ridha {a.s}:
"May Allah {SWT} rectify your affairs, how is the procedure of liʿan (mutual cursing) carried out?"
Imam {a.s} replied: "The Imam sits with his back facing the Qibla, placing the man on his right side and the woman along with the child on his left side."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.536 • Tahdhib Al-Ahkam, Vol.8 p.191

HADITH

4853 - وَ فِي خَبَرٍ آخَرَ: «ثُمَّ يَقُومُ اَلرَّجُلُ فَيَحْلِفُ أَرْبَعَ مَرَّاتٍ بِاللَّهِ «إِنَّهُ لَمِنَ اَلصَّادِقِينَ» فِيمَا رَمَاهَا بِهِ ثُمَّ يَقُولُ اَلْإِمَامُ لَهُ اِتَّقِ اَللَّهَ فَإِنَّ لَعْنَةَ اَللَّهِ شَدِيدَةٌ ثُمَّ يَقُولُ اَلرَّجُلُ لَعْنَةُ اَللَّهِ عَلَيْهِ «إِنْ كَانَ مِنَ اَلْكَاذِبِينَ» فِيمَا رَمَاهَا بِهِ ثُمَّ تَقُومُ اَلْمَرْأَةُ فَتَحْلِفُ أَرْبَعَ مَرَّاتٍ بِاللَّهِ «إِنَّهُ لَمِنَ اَلْكَاذِبِينَ» فِيمَا رَمَاهَا بِهِ ثُمَّ يَقُولُ لَهَا اَلْإِمَامُ اِتَّقِي اَللَّهَ فَإِنَّ غَضَبَ اَللَّهِ شَدِيدٌ ثُمَّ تَقُولُ اَلْمَرْأَةُ غَضَبُ «اَللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ اَلصَّادِقِينَ» فِيمَا رَمَاهَا بِهِ ».

فَإِنْ نَكَلَتْ رُجِمَتْ وَ يَكُونُ الرَّجْمُ مِنْ وَرَائِهَا وَ لَا تُرْجَمُ مِنْ وَجْهِهَا لِأَنَّ الضَّرْبَ وَ الرَّجْمَ لَا يُصِيبَانِ الْوَجْهَ يُضْرَبَانِ عَلَى الْجَسَدِ عَلَى الْأَعْضَاءِ كُلِّهَا وَ يُتَّقَى الْوَجْهُ وَ الْفَرْجُ - وَ إِذَا كَانَتِ الْمَرْأَةُ حُبْلَى لَمْ تُرْجَمْ وَ إِنْ لَمْ تَنْكُلْ دُرِئَ عَنْهَا الْحَدُّ وَ هُوَ الرَّجْمُ ثُمَّ يُفَرَّقُ بَيْنَهُمَا وَ لَا تَحِلُّ لَهُ أَبَداً فَإِنْ دَعَا أَحَدٌ وَلَدَهَا ابْنَ زَانِيَةٍ جُلِدَ الْحَدَّ فَإِنِ ادَّعَى الرَّجُلُ الْوَلَدَ بَعْدَ الْمُلَاعَنَةِ نُسِبَ إِلَيْهِ وَلَدُهُ وَ لَمْ تُرْجَعْ إِلَيْهِ امْرَأَتُهُ فَإِنْ مَاتَ الْأَبُ وَرِثَهُ الِابْنُ وَ إِنْ مَاتَ الِابْنُ لَمْ يَرِثْهُ الْأَبُ وَ يَكُونُ مِيرَاثُهُ لِأُمِّهِ فَإِنْ لَمْ يَكُنْ لَهُ أُمٌّ فَمِيرَاثُهُ لِأَخْوَالِهِ وَ لَا يَرِثُهُ أَحَدٌ مِنْ قِبَلِ الْأَبِ - وَ إِذَا قَذَفَ الرَّجُلُ امْرَأَتَهُ وَ هِيَ خَرْسَاءُ فُرِّقَ بَيْنَهُمَا وَ الْعَبْدُ إِذَا قَذَفَ امْرَأَتَهُ تَلَاعَنَا كَمَا يَتَلَاعَنُ الْحُرَّانِ وَ يَكُونُ اللِّعَانُ بَيْنَ الْحُرِّ وَ الْحُرَّةِ وَ بَيْنَ الْمَمْلُوكِ وَ الْحُرَّةِ وَ بَيْنَ الْحُرِّ وَ الْمَمْلُوكَةِ وَ بَيْنَ الْعَبْدِ وَ الْأَمَةِ وَ بَيْنَ الْمُسْلِمِ وَ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ.

H.4853 - In another narration, it is described that the man stands and swears four times by Allah {SWT}, saying: "Indeed, I am of the truthful in what I have accused her of."
Then the Imam says to him, "Fear Allah {SWT}, for the curse of Allah {SWT} is severe."
The man then says, "May the curse of Allah {SWT} be upon me if I am among the liars in what I have accused her of."
Then the woman stands and swears four times by Allah {SWT}, saying, "Indeed, he is among the liars in what he has accused me of."
The Imam then says to her, "Fear Allah {SWT}, for the anger of Allah {SWT} is severe."
She then says, "May the anger of Allah {SWT} be upon me if he is among the truthful in what he has accused me of."

[AL SADUQ]

If the woman refuses (nakalat) to perform the liʿan (mutual curse), she is to be stoned, and the stoning should be carried out from behind her and not from the front. This is because striking and stoning should not target the face; rather, they should be directed at the body and limbs, while the face and private parts must be avoided.
If the woman is pregnant, she is not to be stoned. However, if she does not refuse to perform liʿan, the punishment of stoning is lifted from her, and they are separated permanently. She will never be permissible for him again.
If anyone calls her child the offspring of adultery (ibn zaniyah), they are to be lashed the prescribed punishment for false accusation. If the man later acknowledges the child after the liʿan, the child will be attributed to him, but the wife will not be returned to him. If the father dies, the child inherits from him. However, if the child dies, the father does not inherit from him; rather, the inheritance goes to the mother. If the mother is not alive, the inheritance goes to the child's maternal relatives, and no one from the father's side inherits from him.
If a man accuses his mute wife of adultery, they are to be separated. If a slave accuses his wife of adultery, they must perform liʿan just as free men and women do.

Liʿan applies between a free man and a free woman, between a slave and a free woman, between a free man and a female slave, between a male slave and a female slave, and between a Muslim man and a Jewish or Christian woman.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.536 • Mustadrak Al-Wasa'il, Vol.15 p.431

HADITH

4854 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْحُرِّ يُلاَعِنُ اَلْمَمْلُوكَةَ قَالَ «نَعَمْ إِذَا كَانَ مَوْلاَهَا اَلَّذِي زَوَّجَهَا إِيَّاهُ».

H.4854 - Al-Alaa narrated from Muhammad ibn Muslim who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a free man performing liʿan (mutual cursing) against a female slave.
Imam {a.s} replied: "Yes, if it was her master who married her to him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.538 • Tahdhib Al-Ahkam, Vol.8 p.188 • Al-Istibsar, Vol.3 p.373 • Al-Wafi, Vol.22 p.974 • Wasa'il Al-Shi'ah, Vol.22 p.420

HADITH

4855 - فَأَمَّا خَبَرُ اَلْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يُلاَعِنُ اَلرَّجُلُ اَلْحُرُّ اَلْأَمَةَ وَ لاَ اَلذِّمِّيَّةَ وَ لاَ اَلَّتِي يَتَمَتَّعُ بِهَا».

فَإِنَّهُ يَعْنِي اَلْأَمَةَ اَلَّتِي يَطَؤُهَا بِمِلْكِ اَلْيَمِينِ وَ اَلذِّمِّيَّةَ اَلَّتِي هِيَ مَمْلُوكَةٌ لَهُ وَ لَمْ تُسْلِمْ وَ اَلْحَدِيثُ اَلْمُفَسَّرُ يَحْكُمُ عَلَى اَلْمُجْمَلِ وَ إِذَا لاَعَنَ اَلرَّجُلُ اِمْرَأَتَهُ وَ هِيَ حُبْلَى ثُمَّ اِدَّعَى وَلَدَهَا بَعْدَ مَا وَلَدَتْ وَ زَعَمَ أَنَّهُ مِنْهُ رُدَّ إِلَيْهِ اَلْوَلَدُ وَ لاَ يُجْلَدُ لِأَنَّهُ قَدْ مَضَى اَلتَّلاَعُنُ رَوَى ذَلِكَ اَلْبَزَنْطِيُّ عَنْ عَبْدِ اَلْكَرِيمِ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ.

H.4855 - As for the narration of Al-Hasan ibn Mahbub from Abdullah ibn Sinan, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "A free man does not perform liʿan (mutual cursing) against a female slave, nor against a non-Muslim woman (dhimmiyyah), nor against a woman with whom he is in a temporary marriage (mut'ah),"

[AL SADUQ]
For he means the bondwoman whom he has intercourse with through ownership, milk al yamin, and the Dhimmi woman who is his possession and has not embraced Islam. And the explained narration takes precedence over the general one.
And if a man performs mutual imprecation, lian, with his wife while she is pregnant, then later, after she gives birth, he claims the child and asserts that it is his, the child is returned to him, and he is not subjected to lashing because the mutual imprecation has already taken place.
This was narrated by al Bazanti from Abd al Karim from al Halabi from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.538

HADITH

4856 - وَ رَوَى مُحَمَّدُ بْنُ عَلِيِّ بْنِ مَحْبُوبٍ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنِ اَلْحُسَيْنِ بْنِ عُلْوَانَ عَنْ عَمْرِو بْنِ خَالِدٍ عَنْ زَيْدِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ قَذَفَ اِمْرَأَتَهُ ثُمَّ خَرَجَ فَجَاءَ وَ قَدْ تُوُفِّيَتْ قَالَ «يَخِيرُ وَاحِداً مِن اِثْنَيْنِ يُقَالُ لَهُ إِنْ شِئْتَ أَلْزَمْتَ نَفْسَكَ اَلذَّنْبَ فَيُقَامُ فِيكَ اَلْحَدُّ وَ تُعْطَى اَلْمِيرَاثَ وَ إِنْ شِئْتَ أَقْرَرْتَ فَلاَعَنْتَ أَدْنَى قَرَابَتِهَا إِلَيْهَا وَ لاَ مِيرَاثَ لَكَ ».

H.4856 - Muhammad ibn Ali ibn Mahbub narrated from Muhammad ibn Isa, from Al-Husayn ibn Alwan, from Amr ibn Khalid, from Zayd ibn Ali {a.s} regarding a man who accused his wife of adultery and then left, only to return and find that she had passed away.
Zayd {a.s} said: "He is given a choice between two options.
It is said to him: 'If you wish, you can accept the blame upon yourself, in which case the prescribed punishment (*ḥ*add) will be carried out on you, and you will be entitled to her inheritance. However, if you choose to admit to your accusation, you must perform li ʿan (mutual cursing) with her closest living relative, and in that case, you will not inherit from her.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.539 • Man La Yahduruhu Al-Faqih, Vol.4 p.324 • Tahdhib Al-Ahkam, Vol.8 p.194 • Awali Al-La'ali, Vol.3 p.416 • Al-Wafi, Vol.22 p.977 • Wasa'il Al-Shi'ah, Vol.22 p.435

HADITH

4857 - وَ رَوَى اَلْحَسَنُ بْنُ عَلِيٍّ اَلْكُوفِيُّ عَنِ اَلْحُسَيْنِ بْنِ سَيْفٍ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ أَبِي جَعْفَرٍ اَلثَّانِي عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ جُعِلْتُ فِدَاكَ كَيْفَ صَارَ اَلرَّجُلُ إِذَا قَذَفَ اِمْرَأَتَهُ كَانَتْ شَهَادَتُهُ أَرْبَعَ «شَهٰادٰاتٍ بِاللّٰهِ» فَإِذَا قَذَفَهَا غَيْرُهُ أَبٌ أَوْ أَخٌ أَوْ وَلَدٌ أَوْ غَرِيبٌ جُلِدَ اَلْحَدَّ أَوْ يُقِيمَ اَلْبَيِّنَةَ عَلَى مَا قَالَ فَقَالَ «قَدْ سُئِلَ جَعْفَرُ بْنُ مُحَمَّدٍ عَلَيْهِ اَلسَّلاَمُ عَنْ ذَلِكَ فَقَالَ «إِنَّ اَلزَّوْجَ إِذَا قَذَفَ اِمْرَأَتَهُ فَقَالَ رَأَيْتُ ذَلِكَ بِعَيْنِي كَانَتْ شَهَادَتُهُ أَرْبَعَ «شَهٰادٰاتٍ بِاللّٰهِ» » وَ إِذَا قَالَ إِنَّهُ لَمْ يَرَهُ قِيلَ لَهُ أَقِمِ اَلْبَيِّنَةَ عَلَى مَا قُلْتَهُ وَ إِلاَّ كَانَ بِمَنْزِلَةِ غَيْرِهِ وَ ذَلِكَ أَنَّ اَللّٰهَ عَزَّ وَ جَلَّ جَعَلَ لِلزَّوْجِ مَدْخَلاً يَدْخُلُهُ لَمْ يَجْعَلْهُ لِغَيْرِهِ مِنْ وَالِدٍ وَ لاَ وَلَدٍ وَ يَدْخُلُهُ بِاللَّيْلِ وَ اَلنَّهَارِ فَجَازَ أَنْ يَقُولَ رَأَيْتُ وَ لَوْ قَالَ غَيْرُهُ رَأَيْتُ قِيلَ لَهُ وَ مَا أَدْخَلَكَ اَلْمَدْخَلَ اَلَّذِي تَرَى هَذَا فِيهِ وَحْدَكَ أَنْتَ مُتَّهَمٌ وَ لاَ بُدَّ مِنْ أَنْ يُقَامَ عَلَيْكَ اَلْحَدُّ اَلَّذِي أَوْجَبَهُ اَللّٰهُ عَلَيْكَ».

H.4857 - Al-Hasan ibn Ali Al-Kufi narrated from Al-Husayn ibn Saif, from Muhammad ibn Sulayman, from Abu Ja'far Al-Thani {a.s}, who said:
I asked him: "May I be sacrificed for you, why is it that when a man accuses his wife of adultery, his testimony consists of four oaths by Allah {SWT}, but if someone else, such as a father, brother, son, or even a stranger - accuses her, he is subjected to the *ḥ*add punishment unless he provides clear evidence for his claim?"
Imam {a.s} replied: " Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked the same question and said: 'If a husband accuses his wife and claims, "I saw it with my own eyes," his testimony is four oaths by Allah {SWT}.

However, if he says he did not see it himself, he is told to bring evidence for his claim, and if he fails, he is treated like anyone else.'

This is because Allah {SWT}, the Almighty, has given the husband a special access to his wife that no one else has - neither a father, a son, nor anyone else. He has access to her day and night, so it is valid for him to say, 'I saw.'

But if anyone else were to say, 'I saw,' it would be said to him, 'How did you have access to such a place to witness this alone? You are under suspicion and must be subjected to the *ḥ*add punishment that Allah {SWT} has prescribed for you.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.539 • Tahdhib Al-Ahkam, Vol.8 p.192 • Awali Al-La'ali, Vol.3 p.419 • Al-Wafi, Vol.22 p.979 • Tafsir Al-Safi, Vol.3 p.422 • Wasa'il Al-Shi'ah, Vol.22 p.417

HADITH

4858 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَلرَّحْمَنِ بْنِ اَلْحَجَّاجِ قَالَ: إِنَّ عَبَّادَ اَلْبَصْرِيَّ سَأَلَ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ وَ أَنَا عِنْدَهُ حَاضِرٌ كَيْفَ يُلاَعِنُ اَلرَّجُلُ اَلْمَرْأَةَ فَقَالَ عَلَيْهِ اَلسَّلاَمُ «إِنَّ رَجُلاً مِنَ اَلْمُسْلِمِينَ أَتَى رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَقَالَ يَا رَسُولَ اَللَّهِ أَ رَأَيْتَ لَوْ أَنَّ رَجُلاً دَخَلَ مَنْزِلَهُ فَرَأَى مَعَ اِمْرَأَتِهِ رَجُلاً يُجَامِعُهَا مَا كَانَ يَصْنَعُ فِيهِمَا» قَالَ «فَأَعْرَضَ عَنْهُ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فَانْصَرَفَ اَلرَّجُلُ وَ كَانَ ذَلِكَ اَلرَّجُلُ هُوَ اَلَّذِي اُبْتُلِيَ بِذَلِكَ مِنِ اِمْرَأَتِهِ» قَالَ «فَنَزَلَ اَلْوَحْيُ مِنْ عِنْدِ اَللَّهِ عَزَّ وَ جَلَّ بِالْحُكْمِ فِيهِمَا» قَالَ «فَأَرْسَلَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ إِلَى ذَلِكَ اَلرَّجُلِ فَدَعَاهُ فَقَالَ «أَنْتَ اَلَّذِي رَأَيْتَ مَعَ اِمْرَأَتِكَ رَجُلاً» فَقَالَ نَعَمْ فَقَالَ لَهُ «اِنْطَلِقْ فَأْتِنِي بِامْرَأَتِكَ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ قَدْ أَنْزَلَ اَلْحُكْمَ فِيكَ وَ فِيهَا» »

قَالَ «فَأَحْضَرَهَا زَوْجُهَا فَوَقَّفَهَا رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ وَ قَالَ لِلزَّوْجِ «اِشْهَدْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّكَ لَمِنَ اَلصَّادِقِينَ فِيمَا رَمَيْتَهَا بِهِ» » قَالَ «فَشَهِدَ» قَالَ «ثُمَّ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «أَمْسِكْ» وَ وَعَظَهُ ثُمَّ قَالَ لَهُ «اِتَّقِ اَللَّهَ فَإِنَّ لَعْنَةَ اَللَّهِ شَدِيدَةٌ» ثُمَّ قَالَ «اِشْهَدِ اَلْخَامِسَةَ أَنَّ لَعْنَةَ اَللَّهِ عَلَيْكَ إِنْ كُنْتَ مِنَ اَلْكَاذِبِينَ» » قَالَ «فَشَهِدَ فَأَمَرَ بِهِ فَنُحِّيَ ثُمَّ قَالَ عَلَيْهِ اَلسَّلاَمُ لِلْمَرْأَةِ «اِشْهَدِي أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّ زَوْجَكِ لَمِنَ اَلْكَاذِبِينَ فِيمَا رَمَاكِ بِهِ» » قَالَ «فَشَهِدَتْ» قَالَ «ثُمَّ قَالَ لَهَا «أَمْسِكِي» وَ وَعَظَهَا ثُمَّ قَالَ لَهَا «اِتَّقِي اَللَّهَ فَإِنَّ غَضَبَ اَللَّهِ شَدِيدٌ» ثُمَّ قَالَ لَهَا «اِشْهَدِي اَلْخَامِسَةَ أَنَّ غَضَبَ اَللَّهِ عَلَيْكِ إِنْ كَانَ زَوْجُكِ مِنَ اَلصَّادِقِينَ فِيمَا رَمَاكِ بِهِ» » قَالَ «فَشَهِدَتْ» قَالَ «فَفَرَّقَ بَيْنَهُمَا وَ قَالَ لَهُمَا «لاَ تَجْتَمِعَا بِنِكَاحٍ أَبَداً بَعْدَ مَا تَلاَعَنْتُمَا» ».

H.4858 - Al-Hasan ibn Mahbub narrated from Abdul Rahman ibn Al-Hajjaj who said: Abbad Al-Basri asked Abu Abdullah {a.s}, while I was present with him, "How does a man invoke the mutual imprecation (li'an) against his wife?"

Imam {a.s} replied: "A man from among the Muslims came to the Messenger of Allah {SWT} (peace be upon him and his family) and said: 'O Messenger of Allah {SWT}, what do you say about a man who enters his house and finds another man with his wife, engaged in intercourse, what should he do about them?'

The Messenger of Allah {SWT} (peace be upon him and his family) turned away from him, and the man left. That man was, in fact, the one who had been afflicted with this situation concerning his wife.

Then, revelation descended from Allah {SWT}, the Almighty, with the ruling regarding their case.

The Messenger of Allah {SWT} (peace be upon him and his family) sent for the man and called him.

He {saws} said to him: 'Are you the one who saw a man with your wife?'

He replied: 'Yes.'

The Prophet (peace be upon him and his family) then said: 'Go and bring your wife to me, for Allah {SWT}, the Almighty, has revealed the ruling concerning you and her.'"

The husband brought his wife, and the Messenger of Allah {SWT} (peace be upon him and his family) had her stand before him {saws}.

The Prophet (peace be upon him and his family) said to the husband: "Bear witness four times by Allah {SWT} that you are among the truthful in what you have accused her of."

The man testified accordingly.

Then the Messenger of Allah {SWT} (peace be upon him and his family) said: "Pause," and He {saws} admonished him, saying, "Fear Allah {SWT}, for the curse of Allah {SWT} is severe."

He {saws} then instructed him: "Now bear witness the fifth time that the curse of Allah {SWT} is upon you if you are among the liars."

The man testified the fifth time.

The Prophet (peace be upon him and his family) then ordered that the man be set aside and turned to the woman, saying: "Bear witness four times by Allah {SWT} that your husband is among the liars in what he has accused you of."

She testified accordingly.

The Prophet (peace be upon him and his family) then said: "Pause," and He {saws} admonished her, saying, "Fear Allah {SWT}, for the anger of Allah {SWT} is severe."

He {saws} then told her: "Now bear witness the fifth time that the anger of Allah {SWT} is upon you if your husband is among the truthful in what he has accused you of."

She testified the fifth time.

The Prophet (peace be upon him and his family) then separated them and said: "You two can never be joined together in marriage again after you have both engaged in li ʿan."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.540 • Wasa'il Al-Shi'ah, Vol.22 p.407

CHAPTER 170 – CHAPTER ON THE DIVORCE BY A SLAVE

بَابُ طَلَاقِ الْعَبْدِ

HADITH 4859 – 4874

4859 - رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «طَلاَقُ اَلْعَبْدِ إِذَا تَزَوَّجَ اِمْرَأَةً حُرَّةً أَوْ تَزَوَّجَ وَلِيدَةَ قَوْمٍ آخَرِينَ إِلَى اَلْعَبْدِ وَ إِنْ تَزَوَّجَ وَلِيدَةَ مَوْلاَهُ كَانَ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا أَوْ يَجْمَعَ بَيْنَهُمَا إِنْ شَاءَ وَ إِنْ شَاءَ نَزَعَهَا مِنْهُ بِغَيْرِ طَلاَقٍ».

H.4859 - Muhammad ibn Al-Fudayl narrated from Abu Al-Hasan {a.s}, who said:
"The divorce of a slave who marries a free woman or marries a bondwoman belonging to another people is in the hands of the slave himself. However, if he marries a bondwoman owned by his master, the master has the authority to either separate them or keep them together if he wishes. Additionally, if he wants, he can take her away from him without the need for a formal divorce."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.540 • Tahdhib Al-Ahkam, Vol.7 p.338 • Al-Istibsar, Vol.3 p.205 • Al-Wafi, Vol.23 p.1094

HADITH

4860 - وَ رَوَى اِبْنُ أُذَيْنَةَ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اَللَّهِ عَلَيْهِمَا اَلسَّلاَمُ قَالاَ: «اَلْمَمْلُوكُ لاَ يَجُوزُ طَلاَقُهُ وَ لاَ نِكَاحُهُ إِلاَّ بِإِذْنِ سَيِّدِهِ » قُلْتُ فَإِنَّ اَلسَّيِّدَ كَانَ زَوَّجَهُ بِيَدِ مَنِ اَلطَّلاَقُ قَالَ «بِيَدِ اَلسَّيِّدِ: ﴿ ضَرَبَ اَللَّهُ مَثَلاً عَبْداً مَمْلُوكاً لاَ يَقْدِرُ عَلَىٰ شَيْءٍ ﴾ وَ اَلشَّيْءُ اَلطَّلاَقُ ».

H.4860 - Ibn Udhaynah narrated from Zurarah, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} and Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who both said:
"A slave cannot validly perform a divorce or marriage except with the permission of his master."
I asked: “If the master himself arranged his marriage, who then has the authority over the divorce?"
They {a.s} replied: “The authority over the divorce remains with the master, as Allah {SWT} has set forth the example: *'Allah sets forth a parable: a slave who is owned and has no power over anything...'* (Surah An-Nahl 16:75) and *'anything'* here refers to divorce."

[REFERENCES] Tafsir Al-’Ayyashi, Vol.2 p.265 • Man La Yahduruhu Al-Faqih, Vol.3 p.541 • Tahdhib Al-Ahkam, Vol.7 p.347 • Al-Istibsar, Vol.3 p.214 • Al-Wafi, Vol.23 p.1095 • Wasa’il Al-Shi’ah, Vol.22 p.101 • Tafsir Al-Burhan, Vol.3 p.439 • Tafsir Al-Burhan, Vol.3 p.440 • Bihar Al-Anwar, Vol.100 p.341 • Bihar Al-Anwar, Vol.101 p.148

HADITH

4861 - وَ رَوَى اَلْقَاسِمُ بْنُ مُحَمَّدٍ اَلْجَوْهَرِيُّ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ أَنْكَحَ أَمَتَهُ حُرّاً أَوْ عَبْدَ قَوْمٍ آخَرِينَ قَالَ «لَيْسَ لَهُ أَنْ يَنْزِعَهَا مِنْهُ فَإِنْ بَاعَهَا فَشَاءَ اَلَّذِي اِشْتَرَاهَا أَنْ يَنْزِعَهَا مِنْ زَوْجِهَا فَعَلَ».

H.4861 - Al-Qasim ibn Muhammad Al-Jawhari narrated from Ali ibn Abi Ḥamzah, from Abu Baṣir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked him about a man who marries off his bondwoman (amah) to a free man or to a slave belonging to another group of people.
Imam {a.s} replied: “The master does not have the right to take her back from her husband. However, if he sells her and the one who purchases her wishes to separate her from her husband, he is permitted to do so."

[REFERENCES] Al-Kafi, Vol.6 p.169 • Man La Yahduruhu Al-Faqih, Vol.3 p.541 • Tahdhib Al-Ahkam, Vol.7 p.337 • Al-Istibsar, Vol.3 p.208 • Al-Wafi, Vol.23 p.1097 • Wasa’il Al-Shi’ah, Vol.21 p.155 • Wasa’il Al-Shi’ah, Vol.22 p.100

HADITH

4862 - وَ رَوَى اِبْنُ بُكَيْرٍ عَنْ زُرَارَةَ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ مَمْلُوكٍ تَزَوَّجَ بِغَيْرِ إِذْنِ سَيِّدِهِ فَقَالَ «ذَلِكَ إِلَى اَلسَّيِّدِ إِنْ شَاءَ أَجَازَهُ وَ إِنْ شَاءَ فَرَّقَ بَيْنَهُمَا » فَقُلْتُ أَصْلَحَكَ اَللَّهُ إِنَّ اَلْحَكَمَ بْنَ عُتَيْبَةَ وَ إِبْرَاهِيمَ اَلنَّخَعِيَّ وَ أَصْحَابَهُمَا يَقُولُونَ إِنَّ أَصْلَ اَلنِّكَاحِ فَاسِدٌ فَلاَ تُحِلُّ إِجَازَةُ اَلسَّيِّدِ لَهُ فَقَالَ «إِنَّمَا عَصَى سَيِّدَهُ وَ لَمْ يَعْصِ اَللَّهَ فَإِذَا أَجَازَهُ لَهُ فَهُوَ جَائِزٌ».

H.4862 - Ibn Bukayr narrated from Zurarah, who said:
I asked Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} about a slave who married without the permission of his master.
Imam {a.s} replied: “This matter is up to the master. If he wishes, he can approve the marriage, and if he wishes, he can separate them."
I said: “May Allah {SWT} rectify your affairs! Al-Ḥakam ibn ʿUtaybah, Ibrahim al-Nakhaʿi, and their companions say that the marriage is invalid from the outset, and the master's approval does not make it lawful."
Imam {a.s} responded: "He only disobeyed his master but did not disobey Allah {SWT}. Therefore, if the master approves it, the marriage becomes valid."

[REFERENCES] Al-Kafi, Vol.5 p.478 • Man La Yahduruhu Al-Faqih, Vol.3 p.541 • Tahdhib Al-Ahkam, Vol.7 p.351 • Al-Wafi, Vol.22 p.604 • Wasa’il Al-Shi’ah, Vol.21 p.114 • Bihar Al-Anwar, Vol.2 p.278

HADITH

4863 - وَ رَوَى حَمَّادُ بْنُ عِيسَى عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ إِذَا كَانَتِ اَلْحُرَّةُ تَحْتَ اَلْعَبْدِ كَمْ يُطَلِّقُهَا فَقَالَ «قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «اَلطَّلاَقُ وَ اَلْعِدَّةُ بِالنِّسَاءِ » ».

H.4863 - Ḥammad ibn ʿIsa narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
I asked him, "If a free woman is married to a slave, how many divorces can he pronounce against her?"
He {a.s} replied: "Ali {a.s} said: 'Divorce and the waiting period (ʿiddah) are determined according to the status of the women.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.541 • Al-Wafi, Vol.23 p.1085 • Wasa'il Al-Shi'ah, Vol.22 p.161

HADITH

4864 - وَ رَوَى حَمَّادُ بْنُ عُثْمَانَ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «طَلاَقُ اَلْحُرَّةِ إِذَا كَانَتْ تَحْتَ اَلْعَبْدِ ثَلاَثُ تَطْلِيقَاتٍ وَ طَلاَقُ اَلْأَمَةِ إِذَا كَانَتْ تَحْتَ اَلْحُرِّ تَطْلِيقَتَانِ».

H.4864 - Ḥammad ibn ʿUthman narrated from Al-Ḥalabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "The divorce of a free woman when she is married to a slave is three divorces, and the divorce of a bondwoman when she is married to a free man is two divorces."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.541 • Tahdhib Al-Ahkam, Vol.8 p.83 • Tahdhib Al-Ahkam, Vol.8 p.83 • Al-Wafi, Vol.23 p.1086 • Wasa'il Al-Shi'ah, Vol.22 p.161 • Wasa'il Al-Shi'ah, Vol.22 p.162

HADITH

4865 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا كَانَ اَلرَّجُلُ حُرّاً وَ اِمْرَأَتُهُ أَمَةً فَطَلاَقُهَا تَطْلِيقَتَانِ وَ إِذَا كَانَ اَلرَّجُلُ عَبْداً وَ هِيَ حُرَّةً فَطَلاَقُهَا ثَلاَثُ تَطْلِيقَاتٍ».

H.4865 - Muḥammad ibn Al-Fuḍayl narrated from Abu Al-Ṣabbaḥ Al-Kinani, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "If a man is free and his wife is a bondwoman, her divorce is two pronouncements. But if the man is a slave and his wife is a free woman, her divorce is three pronouncements."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.542 • Al-Wafi, Vol.23 p.1085 • Wasa'il Al-Shi'ah, Vol.22 p.161

HADITH

4866 - وَ رَوَى فَضَالَةُ عَنِ اَلْقَاسِمِ بْنِ بُرَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا طَلَّقَ اَلْحُرُّ اَلْمَمْلُوكَةَ فَاعْتَدَّتْ بَعْضَ عِدَّتِهَا مِنْهُ ثُمَّ أُعْتِقَتْ فَإِنَّهَا تَعْتَدُّ عِدَّةَ اَلْمَمْلُوكَةِ».

H.4866 - Faḍalah narrated from Al-Qasim ibn Burayd, from Muḥammad ibn Muslim, from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"If a free man divorces a bondwoman and she completes part of her waiting period (ʿiddah) while still a slave and then she is freed, she must complete the waiting period according to the rules of a bondwoman."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.542 • Tahdhib Al-Ahkam, Vol.8 p.135 • Al-Istibsar, Vol.3 p.335 • Al-Wafi, Vol.23 p.1249 • Wasa'il Al-Shi'ah, Vol.22 p.273

HADITH

4867 - وَ فِي رِوَايَةِ سَمَاعَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «عِدَّةُ اَلْأَمَةِ اَلَّتِي لاَ تَحِيضُ خَمْسٌ وَ أَرْبَعُونَ لَيْلَةً».

يَعْنِي إِذَا طُلِّقَتْ.

H.4867 - In the narration of Samaʿah from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, he said:
"The waiting period (ʿiddah) of a bondwoman who does not menstruate is forty-five nights."

[AL SADUQ]
This refers to when she has been divorced.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.542 • Wasa'il Al-Shi'ah, Vol.22 p.258

HADITH

4868 - وَ رَوَى اَلْعَلاَءُ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا عَلَيْهِمَا اَلسَّلاَمُ قَالَ: «طَلاَقُ اَلْأَمَةِ بَيْعُهَا أَوْ بَيْعُ زَوْجِهَا» وَ قَالَ فِي اَلرَّجُلِ يُزَوِّجُ أَمَتَهُ رَجُلاً حُرّاً ثُمَّ يَبِيعُهَا قَالَ «هُوَ فِرَاقُ مَا بَيْنَهُمَا إِلاَّ أَنْ يَشَاءَ اَلْمُشْتَرِي أَنْ يَدَعَهُمَا».

H.4868 - Al-ʿAlaʾ narrated from Muḥammad ibn Muslim from one of the two Imams (peace be upon them), who said:
"The divorce of a bondwoman is through her sale or the sale of her husband."
Imam {a.s} also said regarding a man who marries his bondwoman to a free man and then sells her: "This constitutes separation between them unless the buyer wishes to let them remain together."

[REFERENCES] Al-Kafi, Vol.5 p.483 • Man La Yahduruhu Al-Faqih, Vol.3 p.542 • Tahdhib Al-Ahkam, Vol.7 p.337 • Al-Istibsar, Vol.3 p.208 • Al-Wafi, Vol.22 p.610 • Wasa'il Al-Shi'ah, Vol.21 p.154 • Al-Fusul Al-Muhimmah, Vol.2 p.354

HADITH

4869 - وَ رَوَى مُحَمَّدُ بْنُ اَلْفُضَيْلِ عَنْ أَبِي اَلصَّبَّاحِ اَلْكِنَانِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا بِيعَتِ اَلْأَمَةُ وَ لَهَا زَوْجٌ فَالَّذِي اِشْتَرَاهَا بِالْخِيَارِ إِنْ شَاءَ فَرَّقَ بَيْنَهُمَا وَ إِنْ شَاءَ تَرَكَهَا مَعَهُ فَإِنْ هُوَ تَرَكَهَا مَعَهُ فَلَيْسَ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا بَعْدَ مَا رَضِيَ » قَالَ «وَ إِنْ بِيعَ اَلْعَبْدُ فَإِنْ شَاءَ مَوْلاَهُ اَلَّذِي اِشْتَرَاهُ أَنْ يَصْنَعَ مِثْلَ اَلَّذِي صَنَعَ صَاحِبُ اَلْجَارِيَةِ فَذَلِكَ لَهُ وَ إِنْ هُوَ سَلَّمَ فَلَيْسَ لَهُ أَنْ يُفَرِّقَ بَيْنَهُمَا بَعْدَ مَا سَلَّمَ ».

H.4869 - Muḥammad ibn Al-Fuḍayl narrated from Abu Al-Ṣabbaḥ Al-Kinani, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "If a bondwoman is sold while she has a husband, the buyer has the choice - if he wishes, he may separate them, and if he wishes, he may leave her with her husband. However, if he chooses to leave her with him, he can no longer separate them after agreeing to that."
Imam {a.s} further said: “If a male slave is sold, then his new master has the same choice as the buyer of the bondwoman. But if the master consents to leave them together, he cannot separate them after that consent."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.543 • Al-Wafi, Vol.22 p.610 • Wasa’il Al-Shi’ah, Vol.21 p.156

HADITH

4870 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ كَانَ لَهُ أَبٌ مَمْلُوكٌ وَ كَانَتْ لِأَبِيهِ اِمْرَأَةٌ مُكَاتَبَةٌ قَدْ أَدَّتْ بَعْضَ مَا عَلَيْهَا فَقَالَ لَهَا اِبْنُ اَلْعَبْدِ هَلْ لَكِ أَنْ أُعِينَكِ عَلَى مُكَاتَبَتِكِ حَتَّى تُؤَدِّيَ مَا عَلَيْكِ بِشَرْطِ أَنْ لاَ يَكُونَ لَكِ اَلْخِيَارُ عَلَى أَبِي إِذَا أَنْتِ مَلَكْتِ نَفْسَكِ قَالَتْ نَعَمْ فَأَعْطَاهَا لِمُكَاتَبَتِهَا أَ يَكُونُ لَهَا اَلْخِيَارُ بَعْدَ ذَلِكَ فَقَالَ «لاَ يَكُونُ لَهَا اَلْخِيَارُ اَلْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ ».

H.4870 - Al-Ḥasan ibn Maḥbub narrated from Malik ibn ʿAṭiyyah, from Sulayman ibn Khalid, who said:
I asked Abu Abdullah {a.s} about a man whose father was a slave and whose father had a wife who was a mukatabah (a bondwoman under a contract for her freedom) and had already paid part of what she owed.
The son of the slave said to her: "Would you like me to help you complete your manumission payment so that you can fulfill what you owe, on the condition that you will not have the option to separate from my father once you gain your freedom?"
She agreed, and he gave her the amount for her manumission.
I asked: “Would she still have the choice to leave his father after that?"
Imam {a.s} replied: “No, she does not have the option. Muslims are bound by their conditions."

[REFERENCES] Al-Kafi, Vol.6 p.188 • Man La Yahduruhu Al-Faqih, Vol.3 p.543 • Tahdhib Al-Ahkam, Vol.8 p.269 • Al-Wafi, Vol.22 p.616 • Wasa’il Al-Shi’ah, Vol.23 p.155

HADITH

4871 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا كَانَ اَلْعَبْدُ تَحْتَهُ أَمَةٌ فَطَلَّقَهَا تَطْلِيقَةً ثُمَّ أُعْتِقَا جَمِيعاً كَانَتْ عِنْدَهُ عَلَى تَطْلِيقَةٍ».

H.4871 - Ḥammad narrated from al-Ḥalabi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"If a slave man had a bondwoman as his wife and he divorced her once, and then both of them were freed, she would remain with him on the basis of that one divorce."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.543 • Tahdhib Al-Ahkam, Vol.8 p.86 • Tahdhib Al-Ahkam, Vol.8 p.86 • Al-Istibsar, Vol.3 p.311 • Al-Wafi, Vol.23 p.1090 • Wasa'il Al-Shi'ah, Vol.22 p.167 • Wasa'il Al-Shi'ah, Vol.22 p.167 • Mustadrak Al-Wasa'il, Vol.15 p.341

HADITH

4872 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي أَمَةٍ طُلِّقَتْ ثُمَّ أُعْتِقَتْ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا فَقَالَ «تَعْتَدُّ بِثَلاَثِ حِيَضٍ فَإِنْ مَاتَ عَنْهَا زَوْجُهَا ثُمَّ أُعْتِقَتْ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا فَإِنَّ عِدَّتَهَا أَرْبَعَةُ أَشْهُرٍ وَ عَشَرَةُ أَيَّامٍ».

H.4872 - Ibn Abi ʿUmayr narrated from Jamil, from Hisham ibn Salim, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, regarding a bondwoman who was divorced and then freed before her waiting period (ʿiddah) had ended.
Imam {a.s} said: "She must complete the waiting period of three menstrual cycles. However, if her husband died and she was then freed before her waiting period ended, her ʿiddah would be four months and ten days."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.543 • Al-Wafi, Vol.23 p.1248 • Wasa'il Al-Shi'ah, Vol.22 p.272

HADITH

4873 - وَ رَوَى حَرِيزُ بْنُ عَبْدِ اَللَّهِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَمْلُوكَةِ تَكُونُ تَحْتَ اَلْعَبْدِ ثُمَّ تُعْتَقُ قَالَ «تُخَيَّرُ فَإِنْ شَاءَتْ أَقَامَتْ عَلَى زَوْجِهَا وَ إِنْ شَاءَتْ بَانَتْ».

H.4873 - Ḥariz ibn ʿAbdillah narrated from Muḥammad ibn Muslim who said:
I asked Abu Abdullah {a.s} about a bondwoman who was married to a slave man and then she was freed.
Imam {a.s} said: "She has the choice; if she wishes, she may remain with her husband, and if she wishes, she may separate from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.543 • Tahdhib Al-Ahkam, Vol.7 p.343 • Al-Wafi, Vol.22 p.616 • Wasa'il Al-Shi'ah, Vol.21 p.163

HADITH

4874 - وَ رَوَى مُحَمَّدُ بْنُ قَيْسٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «قَضَى أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي سُرِّيَّةٍ لِرَجُلٍ وَلَدَتْ لِسَيِّدِهَا ثُمَّ أَنْكَحَهَا عَبْدَهُ ثُمَّ تُوُفِّيَ سَيِّدُهَا فَأَعْتَقَهَا فَتَزَوَّجَهَا فَوَرِثَهُ وَلَدُهَا ثُمَّ تُوُفِّيَ وَلَدُهَا فَوَرِثَتْ زَوْجَهَا اَلْعَبْدَ فَجَاءَا يَخْتَصِمَانِ فَقَالَ هِيَ اِمْرَأَتِي لَسْتُ أُطَلِّقُهَا وَ قَالَتْ هُوَ عَبْدِي لَمْ يُجَامِعْنِي فَسُئِلَتْ «هَلْ جَامَعَكِ مُنْذُ كَانَ لَكِ عَبْداً» فَقَالَتْ لاَ فَقَالَ «لَوْ جَامَعَكِ مُنْذُ كَانَ لَكِ عَبْداً لَأَوْجَعْتُكِ اِذْهَبِي فَهُوَ عَبْدُكِ لَيْسَ لَهُ عَلَيْكِ سَبِيلٌ تَبِيعِينَ إِنْ شِئْتِ وَ تُرِقِّينَ إِنْ شِئْتِ وَ تُعْتِقِينَ إِنْ شِئْتِ» ».

H.4874 - Muḥammad ibn Qays narrated from Abu Jafar Imam Muhammad ibn Ali Al-Baqir {a.s} who said:

"The Commander of the Faithful {a.s} ruled concerning a concubine of a man who bore a child for her master. The master then married her to his slave.

Later, the master passed away and freed her. She then married the slave, and when he died, her child inherited from him. Then the child passed away, and she inherited her husband, the slave. They both came to dispute, with the man saying, 'She is my wife, and I will not divorce her,' while the woman said: ‘He is my slave, and he has not been intimate with me.'

She was asked: ‘Did he have intercourse with you since he became your slave?'

She replied: ‘No.'

Imam {a.s} said: ‘Had he been intimate with you after becoming your slave, I would have punished you. Go, for he is your slave; he has no right over you. You may sell him if you wish, enslave him if you wish, or free him if you wish.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.544

CHAPTER 171 – CHAPTER ON THE DIVORCE BY A SICK PERSON

بَابُ طَلَاقِ الْمَرِيضِ

HADITH 4875 – 4882

4875 - رَوَى عَبْدُ اَللّٰهِ بْنُ مُسْكَانَ عَنْ فَضْلِ بْنِ عَبْدِ اَلْمَلِكِ اَلْبَقْبَاقِ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللّٰهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ طَلَّقَ اِمْرَأَتَهُ وَ هُوَ مَرِيضٌ فَقَالَ «تَرِثُهُ فِي مَرَضِهِ مَا بَيْنَهُ وَ بَيْنَ سَنَةٍ إِنْ مَاتَ مِنْ مَرَضِهِ ذَلِكَ وَ تَعْتَدُّ مِنْ يَوْمَ طَلَّقَهَا عِدَّةَ اَلْمُطَلَّقَةِ ثُمَّ تَتَزَوَّجُ إِذَا اِنْقَضَتْ عِدَّتُهَا وَ تَرِثُهُ مَا بَيْنَهَا وَ بَيْنَ سَنَةٍ إِنْ مَاتَ فِي مَرَضِهِ ذَلِكَ فَإِنْ مَاتَ بَعْدَ مَا تَمْضِي سَنَةٌ فَلَيْسَ لَهَا مِيرَاثٌ ».

H.4875 - Abdullah ibn Miskan narrated from Faḍl ibn ʿAbd al-Malik al-Baqbaq who said:
I asked Abu Abdullah {a.s} about a man who divorced his wife while he was ill.
Imam {a.s} said: "She inherits from him during his illness for up to a year if he dies from that illness. She observes the waiting period (‘iddah) from the day he divorced her, following the waiting period of a divorced woman. After her waiting period ends, she may remarry. However, she will inherit from him within the span of a year if he dies from that illness. If he dies after a year has passed, then she has no right to inheritance."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.544 • Tahdhib Al-Ahkam, Vol.8 p.79 • Al-Istibsar, Vol.3 p.306 • Awali Al-La’ali, Vol.1 p.310 • Al-Wafi, Vol.23 p.1121 • Wasa’il Al-Shi’ah, Vol.22 p.154 • Mustadrak Al-Wasa’il, Vol.15 p.334

HADITH

4876 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنِ اِبْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَارَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللّٰهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَرِيضِ يُطَلِّقُ اِمْرَأَتَهُ فِي تِلْكَ اَلْحَالِ قَالَ «لاَ وَ لَكِنْ لَهُ أَنْ يَتَزَوَّجَ إِنْ شَاءَ فَإِنْ دَخَلَ بِهَا وَرِثَتْهُ وَ إِنْ لَمْ يَدْخُلْ بِهَا فَنِكَاحُهُ بَاطِلٌ».

H.4876 - Al-Ḥasan ibn Maḥbub narrated from Ibn Bukayr from ʿUbayd ibn Zurarah who said: I asked Abu Abdullah {a.s} about a sick man who divorces his wife in that state (of illness).
Imam {a.s} said: "No, but he may marry if he wishes. If he consummates the marriage, she will inherit from him. However, if he does not consummate the marriage, then his marriage is invalid."

[REFERENCES] Al-Kafi, Vol.6 p.121 • Man La Yahduruhu Al-Faqih, Vol.3 p.545 • Tahdhib Al-Ahkam, Vol.8 p.77 • Al-Istibsar, Vol.3 p.303 • Wasa’il Al-Shi’ah, Vol.22 p.150 • Wasa’il Al-Shi’ah, Vol.26 p.232

HADITH

4877 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ رَبِيعٍ اَلْأَصَمِّ عَنْ أَبِي عُبَيْدَةَ اَلْحَذَّاءِ وَ مَالِكِ بْنِ عَطِيَّةَ كِلاَهُمَا عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا طَلَّقَ اَلرَّجُلُ اِمْرَأَتَهُ تَطْلِيقَةً فِي مَرَضِهِ ثُمَّ مَكَثَ فِي مَرَضِهِ حَتَّى اِنْقَضَتْ عِدَّتُهَا ثُمَّ مَاتَ فِي ذَلِكَ اَلْمَرَضِ بَعْدَ اِنْقِضَاءِ اَلْعِدَّةِ فَإِنَّهَا تَرِثُهُ مَا لَمْ تَتَزَوَّجْ فَإِذَا كَانَتْ تَزَوَّجَتْ بَعْدَ اِنْقِضَاءِ اَلْعِدَّةِ فَإِنَّهَا لاَ تَرِثُهُ ».

H.4877 - Al-Ḥasan ibn Maḥbub narrated from Rabiʿ al-Aṣamm from Abu ʿUbaydah al-Ḥadhdhaʾ and Malik ibn ʿAṭiyyah, both from Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"If a man divorces his wife with one divorce during his illness and remains in his illness until her waiting period ends, and then he dies from that illness after the completion of her waiting period, she will inherit from him as long as she has not remarried. However, if she marries after the completion of her waiting period, then she does not inherit from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.545 • Wasa'il Al-Shi'ah, Vol.26 p.228

HADITH

4878 - وَ فِي رِوَايَةِ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ اِمْرَأَتَهُ ثُمَّ إِنَّهُ مَاتَ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا قَالَ «تَعْتَدُّ عِدَّةَ اَلْمُتَوَفَّى عَنْهَا زَوْجُهَا وَ لَهَا اَلْمِيرَاثُ».

H.4878 - In a narration from Samaʿah, he said: I asked him about a man who divorced his wife, and then he died before her waiting period had ended.
Imam {a.s} said: "She must observe the waiting period of a woman whose husband has passed away, and she is entitled to inherit from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.545 • Al-Wafi, Vol.23 p.1192 • Wasa'il Al-Shi'ah, Vol.22 p.251 • Wasa'il Al-Shi'ah, Vol.26 p.225

HADITH

4879 - وَ فِي رِوَايَةِ اِبْنِ أَبِي عُمَيْرٍ عَنْ أَبَانٍ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «فِي رَجُلٍ طَلَّقَ تَطْلِيقَتَيْنِ فِي صِحَّةٍ ثُمَّ طَلَّقَ اَلتَّطْلِيقَةَ اَلثَّالِثَةَ وَ هُوَ مَرِيضٌ إِنَّهَا تَرِثُهُ مَا دَامَ فِي مَرَضِهِ وَ إِنْ كَانَ إِلَى سَنَةٍ ».

H.4879 - In a narration from Ibn Abi Umair through Aban, it is reported that Abu Abdullah {a.s} said: "Regarding a man who divorced his wife twice while in good health and then pronounced the third divorce while he was ill, she is entitled to inherit from him as long as he remains in his illness, even if it extends up to a year."

[REFERENCES] Al-Kafi, Vol.6 p.123 • Man La Yahduruhu Al-Faqih, Vol.3 p.546 • Awali Al-La'ali, Vol.1 p.310 • Al-Wafi, Vol.23 p.1119 • Wasa'il Al-Shi'ah, Vol.22 p.152 • Mustadrak Al-Wasa'il, Vol.15 p.334

HADITH

4880 - وَ فِي رِوَايَةِ اِبْنِ بُكَيْرٍ عَنْ زُرَارَةَ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لَيْسَ لِلْمَرِيضِ أَنْ يُطَلِّقَ اِمْرَأَتَهُ وَ لَهُ أَنْ يَتَزَوَّجَ».

H.4880 - In a narration from Ibn Bukayr through Zurara, it is reported that Abu Abdullah {a.s} said: "A sick man does not have the right to divorce his wife, but he is permitted to marry."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.546

HADITH

4881 - وَ فِي رِوَايَةِ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ اِمْرَأَتَهُ وَ هُوَ مَرِيضٌ فَقَالَ «تَرِثُهُ مَا دَامَتْ فِي عِدَّتِهَا فَإِنْ طَلَّقَهَا فِي حَالِ اَلْإِضْرَارِ فَهِيَ تَرِثُهُ إِلَى سَنَةٍ وَ إِنْ زَادَ عَلَى اَلسَّنَةِ فِي عِدَّتِهَا يَوْمٌ وَاحِدٌ لَمْ تَرِثْهُ».

H.4881 - In a narration from Zurah through Samaah, it is reported that he asked about a man who divorced his wife while he was ill.
Imam {a.s} replied: "She inherits from him as long as she is in her waiting period (iddah). However, if he divorced her with the intention of causing harm, she will inherit from him for up to one year. But if her waiting period extends even one day beyond that year, she will not inherit from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.546 • Awali Al-La'ali, Vol.1 p.311 • Wasa'il Al-Shi'ah, Vol.26 p.228 • Mustadrak Al-Wasa'il, Vol.15 p.334

HADITH

4882 - وَ رَوَى حَمَّادٌ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : أَنَّهُ سُئِلَ عَنِ اَلرَّجُلِ يَحْضُرُهُ اَلْمَوْتُ فَيُطَلِّقُ اِمْرَأَتَهُ هَلْ يَجُوزُ طَلاَقُهُ قَالَ «نَعَمْ وَ إِنْ مَاتَ وَرِثَتْهُ وَ إِنْ مَاتَتْ لَمْ يَرِثْهَا».

H.4882 - In a narration from Hammad through Al-Halabi, it is reported that Abu Abdullah {a.s} was asked about a man who was on his deathbed and divorced his wife. He was asked whether such a divorce was permissible.
Imam {a.s} replied: "Yes, it is permissible. If he dies, she will inherit from him, but if she dies, he will not inherit from her."

[REFERENCES] Al-Kafi, Vol.6 p.123 • Man La Yahduruhu Al-Faqih, Vol.3 p.546 • Man La Yahduruhu Al-Faqih, Vol.4 p.311 • Tahdhib Al-Ahkam, Vol.8 p.79 • Al-Istibsar, Vol.3 p.304 • Al-Wafi, Vol.23 p.1120 • Wasa'il Al-Shi'ah, Vol.22 p.151 • Wasa'il Al-Shi'ah, Vol.26 p.227 • Tafsir Nur Al-Thaqalayn, Vol.1 p.454

CHAPTER 172 – CHAPTER ON THE DIVORCE OF A MISSING PERSON

بَابُ طَلَاقِ الْمَفْقُودِ

HADITH 4883 – 4888

4883 - رَوَى عُمَرُ بْنُ أُذَيْنَةَ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللّٰهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَفْقُودِ كَيْفَ تَصْنَعُ اِمْرَأَتُهُ قَالَ «مَا سَكَتَتْ عَنْهُ وَ صَبَرَتْ يُخَلَّى عَنْهَا وَ إِنْ هِيَ رَفَعَتْ أَمْرَهَا إِلَى اَلْوَالِي أَجَّلَهَا أَرْبَعَ سِنِينَ ثُمَّ يَكْتُبُ إِلَى اَلصُّقْعِ اَلَّذِي فُقِدَ فِيهِ فَيُسْأَلُ عَنْهُ فَإِنْ خُبِّرَ عَنْهُ بِحَيَاةٍ صَبَرَتْ وَ إِنْ لَمْ يُخْبَرْ عَنْهُ بِحَيَاةٍ حَتَّى تَمْضِيَ اَلْأَرْبَعُ سِنِينَ، دُعِيَ وَلِيُّ اَلزَّوْجِ اَلْمَفْقُودِ فَقِيلَ لَهُ هَلْ لِلْمَفْقُودِ مَالٌ فَإِنْ كَانَ لَهُ مَالٌ أُنْفِقَ عَلَيْهَا حَتَّى تُعْلَمَ حَيَاتُهُ مِنْ مَوْتِهِ وَ إِنْ لَمْ يَكُنْ لَهُ مَالٌ قِيلَ لِلْوَلِيِّ أَنْفِقْ عَلَيْهَا فَإِنْ فَعَلَ فَلاَ سَبِيلَ لَهَا إِلَى أَنْ تَتَزَوَّجَ مَا أَنْفَقَ عَلَيْهَا وَ إِنْ أَبَى أَنْ يُنْفِقَ عَلَيْهَا أَجْبَرَهُ اَلْوَالِي عَلَى أَنْ يُطَلِّقَ تَطْلِيقَةً فِي اِسْتِقْبَالِ اَلْعِدَّةِ وَ هِيَ طَاهِرٌ فَيَصِيرُ طَلاَقُ اَلْوَلِيِّ طَلاَقَ اَلزَّوْجِ فَإِنْ جَاءَ زَوْجُهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا مِنْ يَوْمَ طَلَّقَهَا اَلْوَلِيُّ فَبَدَا لَهُ أَنْ يُرَاجِعَهَا فَهِيَ اِمْرَأَتُهُ وَ هِيَ عِنْدَهُ عَلَى تَطْلِيقَتَيْنِ وَ إِنِ اِنْقَضَتِ اَلْعِدَّةُ قَبْلَ أَنْ يَجِيءَ وَ يُرَاجِعَ فَقَدْ حَلَّتْ لِلْأَزْوَاجِ وَ لاَ سَبِيلَ لِلْأَوَّلِ عَلَيْهَا».

H.4883 - In a narration from Umar ibn Udhayna through Buraid ibn Mu'awiyah, it is reported that he asked Abu Abdullah {a.s} about the ruling concerning the wife of a missing person.

Imam {a.s} replied: "As long as she remains silent about him and is patient, she should be left as she is. However, if she raises the matter to the authority, the ruler will wait for four years. Then, a letter will be sent to the region where he was lost, inquiring about him.

If news of his life is received, she must remain patient. If no information about his life is found after four years, the guardian of the missing husband will be summoned and asked if the missing person has any wealth.

If he has wealth, it should be spent on her until his life or death becomes known. If he has no wealth, the guardian will be instructed to provide for her. If he agrees, she cannot remarry as long as he supports her. However, if he refuses to provide for her, the ruler will compel him to issue a divorce while she is in a state of purity.

This divorce by the guardian will be considered as a divorce by the husband. If the husband returns before her waiting period ends and wishes to reconcile, she remains his wife and is counted as having two remaining divorces. But if the waiting period ends before his return and reconciliation, she becomes permissible for other men, and the first husband has no claim over her."

[REFERENCES] Al-Kafi, Vol.6 p.147 • Man La Yahduruhu Al-Faqih, Vol.3 p.547 • Tahdhib Al-Ahkam, Vol.7 p.479 • Awali Al-La'ali, Vol.3 p.388 • Al-Wafi, Vol.22 p.639 • Wasa'il Al-Shi'ah, Vol.22 p.156

HADITH

4884 - وَ فِي رِوَايَةٍ أُخْرَى: «أَنَّهُ إِنْ لَمْ يَكُنْ لِلزَّوْجِ وَلِيٌّ طَلَّقَهَا اَلْوَالِي وَ يُشْهِدُ شَاهِدَيْنِ عَدْلَيْنِ فَيَكُونُ طَلاَقُ اَلْوَالِي طَلاَقَ اَلزَّوْجِ وَ تَعْتَدُّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْراً ثُمَّ تَتَزَوَّجُ إِنْ شَاءَتْ».

H.4884 - In another narration, it is reported:
"If the missing husband has no guardian, the ruler will pronounce the divorce on his behalf, witnessing it with two just witnesses. This divorce by the ruler will be considered as the husband's divorce. The woman will then observe a waiting period (iddah) of four months and ten days. After completing this period, she may remarry if she wishes."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.547 • Wasa'il Al-Shi'ah, Vol.22 p.157

HADITH

4885 - وَ رَوَى أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ اَلْبَزَنْطِيُّ عَنْ عَبْدِ اَلْكَرِيمِ بْنِ عَمْرٍو اَلْخَثْعَمِيِّ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ وَ مُوسَى بْنِ بَكْرٍ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِذَا نُعِيَ اَلرَّجُلُ إِلَى أَهْلِهِ أَوْ خَبَّرُوهَا أَنَّهُ طَلَّقَهَا فَاعْتَدَّتْ ثُمَّ تَزَوَّجَتْ فَجَاءَ زَوْجُهَا بَعْدُ فَإِنَّ اَلْأَوَّلَ أَحَقُّ بِهَا مِنْ هَذَا اَلْآخَرِ دَخَلَ بِهَا اَلْآخَرُ أَوْ لَمْ يَدْخُلْ وَ لَهَا مِنَ اَلْآخَرِ اَلْمَهْرُ بِمَا اِسْتَحَلَّ مِنْ فَرْجِهَا»
وَ زَادَ عَبْدُ اَلْكَرِيمِ فِي حَدِيثِهِ «وَ لَيْسَ لِلْآخَرِ أَنْ يَتَزَوَّجَهَا أَبَداً».

H.4885 - Ahmad ibn Muhammad ibn Abi Nasr al-Bazanti narrated from Abdul Karim ibn Amr al-Khath'ami from Zurara, and Musa ibn Bakr narrated from Zurara from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, who said:
"If a man is reported dead to his family or they are informed that he has divorced his wife, and she observes her waiting period (iddah) and then remarries, but later her first husband returns, then the first husband has more right to her than the second, whether the second husband consummated the marriage or not. However, the second husband is entitled to the dowry for what he lawfully accessed of her."
Abdul Karim added in his narration: "And the second husband can never marry her again."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.547

HADITH

4886 - وَ رَوَى عَاصِمُ بْنُ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ حَسِبَ أَهْلُهُ أَنَّهُ قَدْ مَاتَ أَوْ قُتِلَ فَنَكَحَتِ اِمْرَأَتُهُ وَ تَزَوَّجَتْ سُرِّيَّتُهُ فَوَلَدَتْ كُلُّ وَاحِدَةٍ مِنْهُمَا مِنْ زَوْجِهَا فَجَاءَ زَوْجُهَا اَلْأَوَّلُ وَ مَوْلَى اَلسُّرِّيَّةِ فَقَالَ «يَأْخُذُ اِمْرَأَتَهُ فَهُوَ أَحَقُّ بِهَا وَ يَأْخُذُ سُرِّيَّتَهُ وَ وَلَدَهَا أَوْ يَأْخُذُ رِضًا مِنْ ثَمَنِهِ».

H.4886 - Asim ibn Humaid narrated from Muhammad ibn Qays who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about a man whose family believed he had died or been killed, so his wife remarried, and his concubine also married and each bore a child from their respective husbands.
Then the first husband and the master of the concubine returned.
Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said: "The first husband has more right to take back his wife, and the master has the right to take back his concubine and her child, or he may accept compensation for their value."

[REFERENCES] Al-Kafi, Vol.6 p.149 • Man La Yahduruhu Al-Faqih, Vol.3 p.548 • Al-Wafi, Vol.22 p.644 • Wasa'il Al-Shi'ah, Vol.22 p.253

HADITH

4887 - وَ فِي رِوَايَةِ إِبْرَاهِيمَ بْنِ عَبْدِ اَلْحَمِيدِ أَنَّ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: فِي شَاهِدَيْنِ شَهِدَا عِنْدَ اِمْرَأَةٍ بِأَنَّ زَوْجَهَا طَلَّقَهَا فَتَزَوَّجَتْ ثُمَّ جَاءَ زَوْجُهَا قَالَ «يُضْرَبَانِ اَلْحَدَّ وَ يُضَمَّنَانِ اَلصَّدَاقَ لِلزَّوْجِ ثُمَّ تَعْتَدُّ اَلزَّوْجَةُ وَ تَرْجِعُ إِلَى زَوْجِهَا اَلْأَوَّلِ».

H.4887 - In a narration from Ibrahim ibn Abd al-Hamid, it is reported that Abu Abdullah {a.s} said regarding two witnesses who testified to a woman that her husband had divorced her, leading her to remarry, and then her husband returned.
Imam {a.s} said: "The two witnesses shall be subjected to the prescribed punishment and must compensate the husband for the dowry. The woman must then observe her waiting period (iddah) and return to her first husband."

[REFERENCES] Al-Kafi, Vol.7 p.384 • Man La Yahduruhu Al-Faqih, Vol.3 p.548 • Tahdhib Al-Ahkam, Vol.6 p.260 • Al-Istibsar, Vol.3 p.38 • Awali Al-La'ali, Vol.3 p.544 • Wasa'il Al-Shi'ah, Vol.20 p.448 • Wasa'il Al-Shi'ah, Vol.27 p.330

HADITH

4888 - وَ رَوَى مُوسَى بْنُ بَكْرٍ عَنْ زُرَارَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْمَرْأَةِ نُعِيَ إِلَيْهَا زَوْجُهَا فَاعْتَدَّتْ وَ تَزَوَّجَتْ فَجَاءَ زَوْجُهَا اَلْأَوَّلُ فَفَارَقَهَا وَ فَارَقَهَا اَلْآخَرُ كَمْ تَعْتَدُّ لِلنَّاسِ فَقَالَ «ثَلاَثَةَ قُرُوءٍ وَ إِنَّمَا يُسْتَبْرَأُ رَحِمُهَا بِثَلاَثَةِ قُرُوءٍ تُحِلُّهَا لِلنَّاسِ كُلِّهِمْ».

قَالَ زُرَارَةُ وَ ذَلِكَ أَنَّ نَاساً قَالُوا تَعْتَدُّ عِدَّتَيْنِ مِنْ كُلِّ وَاحِدٍ عِدَّةً فَأَبَى ذَلِكَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ وَ قَالَ تَعْتَدُّ ثَلاَثَةَ قُرُوءٍ فَتَحِلُّ لِلرِّجَالِ.

H.4888 - Musa ibn Bakr narrated from Zurara who said: I asked Abu Abdullah {a.s} about a woman who was informed that her husband had passed away, so she observed her waiting period (iddah) and remarried. Then her first husband returned, leading both her first and second husbands to separate from her. I asked how long she should observe the waiting period for people (before remarrying).
Imam {a.s} said: "Three menstrual cycles (qur). Indeed, her womb is cleared after three menstrual cycles, which makes her lawful for all men."

[AL SADUQ]
Zurara added that some people had said she must observe two separate waiting periods, one for each husband, but Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} rejected this and stated that she must only observe three menstrual cycles (qur) to become lawful for marriage.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.548

CHAPTER 173 – CHAPTER ON THE TERMS: KHALIYAH, BARIAH, BATTA, BAIN, AND HARAM IN DIVORCE

بَابُ الْخَلِيَّةِ وَ الْبَرِيئَةِ وَ الْبَتَّةِ وَ الْبَائِنِ وَ الْحَرَامِ

HADITH 4889 – 4890

4889 - رَوَى حَمَّادُ بْنُ عُثْمَانَ عَنِ اَلْحَلَبِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ أَنْتِ مِنِّي خَلِيَّةٌ أَوْ بَرِيئَةٌ أَوْ بَتَّةٌ أَوْ بَائِنٌ أَوْ حَرَامٌ فَقَالَ «لَيْسَ بِشَيْءٍ».

H.4889 - Hammad ibn Uthman narrated from Al-Halabi who narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} that Imam {a.s} was asked about a man who said to his wife, "You are free from me," or "You are absolved," or "You are finalized," or "You are separated," or "You are forbidden."
Imam {a.s} replied: “It amounts to nothing."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.549 • Al-Wafi, Vol.22 p.955 • Wasa’il Al-Shi’ah, Vol.22 p.37

HADITH

4890 - وَ رَوَى أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ اَلْبَزَنْطِيُّ عَنْ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ أَنْتِ عَلَيَّ حَرَامٌ فَقَالَ «لَوْ كَانَ لِي عَلَيْهِ سُلْطَانٌ لَأَوْجَعْتُ رَأْسَهُ وَ قُلْتُ لَهُ اَللَّهُ تَعَالَى أَحَلَّهَا لَكَ فَمَنْ حَرَّمَهَا عَلَيْكَ إِنَّهُ لَمْ يَزِدْ عَلَى أَنْ كَذَبَ فَزَعَمَ أَنَّ مَا أَحَلَّ اَللَّهُ لَهُ حَرَامٌ وَ لاَ يَدْخُلُ عَلَيْهِ طَلاَقٌ وَ لاَ كَفَّارَةٌ» فَقُلْتُ لَهُ فَقَوْلُ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ يٰا أَيُّهَا اَلنَّبِيُّ لِمَ تُحَرِّمُ مٰا أَحَلَّ اَللّٰهُ لَكَ تَبْتَغِي مَرْضٰاتَ أَزْوٰاجِكَ وَ اَللّٰهُ غَفُورٌ رَحِيمٌ قَدْ فَرَضَ اَللّٰهُ لَكُمْ تَحِلَّةَ أَيْمٰانِكُمْ ﴾ فَجَعَلَ عَلَيْهِ فِيهِ اَلْكَفَّارَةَ فَقَالَ «إِنَّمَا حَرَّمَ عَلَيْهِ جَارِيَتَهُ مَارِيَةَ وَ حَلَفَ أَنْ لاَ يَقْرَبَهَا وَ إِنَّمَا جُعِلَتْ عَلَيْهِ اَلْكَفَّارَةُ فِي اَلْحَلْفِ وَ لَمْ يُجْعَلْ عَلَيْهِ فِي اَلتَّحْرِيمِ».

H.4890 - Ahmad ibn Muhammad ibn Abi Nasr al-Bazanti narrated from Muhammad ibn Sama'ah, from Zurara, from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:

I asked Imam {a.s} about a man who said to his wife: "You are forbidden to me."

Imam {a.s} replied: "If I had authority over him, I would have struck his head and said to him, 'Allah {SWT} the Exalted has made her lawful for you, so who has made her forbidden for you?'

He has done nothing more than lie, claiming that what Allah {SWT} has made lawful for him is forbidden. This does not count as divorce nor does it require any expiation."

I then asked Imam {a.s} about the saying of Allah {SWT}, the Mighty and Majestic:

"O Prophet! Why do you forbid (yourself) what Allah {SWT} has made lawful for you, seeking to please your wives? And Allah {SWT} is Forgiving, Merciful. Allah {SWT} has already ordained for you (Muslims) the dissolution of your oaths." (Surah At-Tahrim 66:1-2)

Imam {a.s} replied: "The Prophet (peace be upon him and his family) had forbidden himself from his bondwoman Mariyah and had sworn not to approach her. The expiation was made obligatory on him because of his oath, not because of the prohibition."

[REFERENCES] Al-Kafi, Vol.6 p.134 • Man La Yahduruhu Al-Faqih, Vol.3 p.549 • Tahdhib Al-Ahkam, Vol.8 p.41 • Fiqh Al-Quran, Vol.2 p.206 • Al-Wafi, Vol.22 p.953 • Wasa'il Al-Shi'ah, Vol.22 p.38 • Tafsir Al-Burhan, Vol.5 p.418 • Tafsir Nur Al-Thaqalayn, Vol.5 p.368 • Tafsir Kanz Al-Daqaiq, Vol.13 p.325

CHAPTER 174 – CHAPTER ON THE RULING REGARDING AN IMPOTENT HUSBAND

بَابُ حُكْمِ الْعِنِّينِ

HADITH 4891 – 4898

4891 - رَوَى مُحَمَّدُ بْنُ عَلِيِّ بْنِ مَحْبُوبٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَبْدِ اَللَّهِ بْنِ اَلْفَضْلِ اَلْهَاشِمِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قُلْتُ لَهُ أَوْ سَأَلَهُ رَجُلٌ عَنْ رَجُلٍ اِدَّعَتْ عَلَيْهِ اِمْرَأَتُهُ أَنَّهُ عِنِّينٌ وَ يُنْكِرُ ذَلِكَ اَلرَّجُلُ قَالَ «تَحْشُوهَا اَلْقَابِلَةُ بِالْخَلُوقِ وَ لاَ يَعْلَمُ اَلرَّجُلُ وَ يَدْخُلُ عَلَيْهَا فَإِنْ خَرَجَ وَ عَلَى ذَكَرِهِ اَلْخَلُوقُ صَدَقَ وَ كَذَبَتْ وَ إِلاَّ صَدَقَتْ وَ كَذَبَ».

H.4891 - Muhammad ibn Ali ibn Mahbub narrated from Ahmad ibn Muhammad, from his father, from Abdullah ibn al-Fadl al-Hashimi, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
I asked Imam {a.s}, or a man asked Imam {a.s}, about a man whose wife accused him of being impotent while the man denied it.
Imam {a.s} replied: “The midwife should apply khaluq (a type of perfume) to her without the man's knowledge. Then the man should enter upon her. If he comes out and khaluq is found on his private part, he has spoken the truth and she has lied. But if it is not found, then she has spoken the truth and he has lied."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.549

HADITH

4892 - وَ فِي خَبَرٍ آخَرَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِذَا اِدَّعَتِ اَلْمَرْأَةُ عَلَى زَوْجِهَا أَنَّهُ عِنِّينٌ وَ أَنْكَرَ اَلرَّجُلُ أَنْ يَكُونَ كَذَلِكَ فَالْحُكْمُ فِيهِ أَنْ يَقْعُدَ اَلرَّجُلُ فِي مَاءٍ بَارِدٍ فَإِنِ اِسْتَرْخَى ذَكَرُهُ فَهُوَ عِنِّينٌ وَ إِنْ تَشَنَّجَ فَلَيْسَ بِعِنِّينٍ».

H.4892 - In another narration, Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"If a woman accuses her husband of being impotent (ʿinnin) and the man denies it, the ruling in this case is that the man should sit in cold water. If his private part becomes relaxed, then he is indeed impotent. But if it becomes tense, then he is not impotent."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.550 • Al-Wafi, Vol.22 p.576 • Wasa’il Al-Shi’ah, Vol.21 p.234

HADITH

4893 - وَ رُوِيَ فِي خَبَرٍ آخَرَ: «أَنَّهُ يُطْعَمُ اَلسَّمَكَ اَلطَّرِيَّ ثَلاَثَةَ أَيَّامٍ ثُمَّ يُقَالُ لَهُ بُلْ عَلَى اَلرَّمَادِ فَإِنْ ثَقَبَ بَوْلُهُ اَلرَّمَادَ فَلَيْسَ بِعِنِّينٍ وَ إِنْ لَمْ يَثْقُبْ بَوْلُهُ اَلرَّمَادَ فَهُوَ عِنِّينٌ».

H.4893 - In another narration, it is reported:
"The man is to be fed fresh fish for three days, and then he is instructed to urinate on ashes. If his urine penetrates through the ashes, he is not impotent. However, if his urine does not penetrate the ashes, then he is indeed impotent."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.550 • Al-Wafi, Vol.22 p.576

HADITH

4894 - وَ رَوَى صَفْوَانُ بْنُ يَحْيَى عَنْ أَبَانٍ عَنْ غِيَاثٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «فِي اَلْعِنِّينِ إِذَا عُلِمَ أَنَّهُ عِنِّينٌ لاَ يَأْتِي اَلنِّسَاءَ فُرِّقَ بَيْنَهُمَا وَ إِذَا وَقَعَ عَلَيْهَا وَقْعَةً وَاحِدَةً لَمْ يُفَرَّقْ بَيْنَهُمَا وَ اَلرَّجُلُ لاَ يُرَدُّ مِنْ عَيْبٍ».

H.4894 - Safwan ibn Yahya narrated from Aban, from Ghiyath, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said: "In the case of an impotent man, if it is confirmed that he is indeed impotent and unable to approach women, they are to be separated. However, if he engages in intercourse with her even once, they are not to be separated. Moreover, a man cannot be rejected due to any physical defect."

[REFERENCES] Al-Kafi, Vol.5 p.410 • Man La Yahduruhu Al-Faqih, Vol.3 p.550 • Tahdhib Al-Ahkam, Vol.7 p.430 • Al-Wafi, Vol.22 p.572 • Wasa'il Al-Shi'ah, Vol.21 p.229

HADITH

4895 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي اَلرَّبِيعِ اَلشَّامِيِّ قَالَ: سُئِلَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ عَنْ رَجُلٍ تَزَوَّجَ اِمْرَأَةً فَمَكَثَ أَيَّاماً مَعَهَا وَ لاَ يَسْتَطِيعُ أَنْ يُجَامِعَهَا غَيْرَ أَنَّهُ قَدْ رَأَى مِنْهَا مَا يَحْرُمُ عَلَى غَيْرِهِ ثُمَّ طَلَّقَهَا أَ يَصْلُحُ لَهُ أَنْ يَتَزَوَّجَ اِبْنَتَهَا قَالَ «لاَ يَصْلُحُ لَهُ وَ قَدْ رَأَى مِنْ أُمِّهَا مَا رَأَى».

H.4895 - Al-Hasan ibn Mahbub narrated from Khalid ibn Jarir, from Abu Al-Rabi' Al-Shami, who said: Abu Abdullah {a.s} was asked about a man who married a woman and stayed with her for several days but was unable to consummate the marriage. However, he had seen from her what would make it forbidden for anyone else. Then he divorced her. He was asked whether it would be permissible for him to marry her daughter.
Imam {a.s} replied: "It is not permissible for him as he has seen from her mother what he has seen."

[REFERENCES] Al-Kafi, Vol.5 p.423 • Man La Yahduruhu Al-Faqih, Vol.3 p.550 • Tahdhib Al-Ahkam, Vol.7 p.280 • Al-Istibsar, Vol.3 p.162 • Al-Wafi, Vol.21 p.172 • Wasa'il Al-Shi'ah, Vol.20 p.460 • Tafsir Nur Al-Thaqalayn, Vol.1 p.464 • Tafsir Kanz Al-Daqaiq, Vol.3 p.364

HADITH

4896 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ قَالَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «مَنْ أَتَى اِمْرَأَةً مَرَّةً وَاحِدَةً ثُمَّ أُخِّذَ عَنْهَا فَلاَ خِيَارَ لَهَا».

H.4896 - In the narration of Al-Sakooni, it is reported that Imam Ali ibn Abi Talib {a.s} said:
"Whoever engages in intercourse with a woman even once and then is separated from her, she has no option (of annulment or separation) thereafter."

[REFERENCES] Al-Kafi, Vol.5 p.412 • Man La Yahduruhu Al-Faqih, Vol.3 p.551 • Tahdhib Al-Ahkam, Vol.7 p.430 • Al-Istibsar, Vol.3 p.250 • Al-Wafi, Vol.22 p.573 • Wasa'il Al-Shi'ah, Vol.21 p.230

HADITH

4897 - وَ سَأَلَهُ عَمَّارٌ اَلسَّابَاطِيُّ : عَنْ رَجُلٍ أُخِّذَ عَنِ اِمْرَأَتِهِ فَلاَ يَقْدِرُ عَلَى إِتْيَانِهَا قَالَ «إِنْ كَانَ لاَ يَقْدِرُ عَلَى إِتْيَانِ غَيْرِهَا مِنَ اَلنِّسَاءِ فَلاَ يُمْسِكُهَا إِلاَّ أَنْ تَرْضَى بِذَلِكَ وَ إِنْ كَانَ يَقْدِرُ عَلَى إِتْيَانِ غَيْرِهَا فَلاَ بَأْسَ بِإِمْسَاكِهَا».

H.4897 - Ammar Al-Sabati asked Imam Abu Abdullah {a.s} about a man who becomes unable to have intercourse with his wife.
Imam {a.s} replied: "If he is also unable to have intercourse with any other woman, then he should not keep her unless she is content with that. However, if he is able to have intercourse with other women, then there is no harm in him keeping her as his wife."

[REFERENCES] Al-Kafi, Vol.5 p.411 • Man La Yahduruhu Al-Faqih, Vol.3 p.551 • Tahdhib Al-Ahkam, Vol.7 p.429 • Al-Istibsar, Vol.3 p.250 • Al-Wafi, Vol.22 p.573 • Wasa'il Al-Shi'ah, Vol.21 p.230

HADITH

4898 - وَ رُوِيَ فِي خَبَرٍ آخَرَ: «أَنَّهُ مَتَى أَقَامَتِ اَلْمَرْأَةُ مَعَ زَوْجِهَا بَعْدَ مَا عَلِمَتْ أَنَّهُ عِنِّينٌ وَ رَضِيَتْ بِهِ لَمْ يَكُنْ لَهَا خِيَارٌ بَعْدَ اَلرِّضَا».

H.4898 - It is narrated in another report: "Whenever a woman continues to live with her husband after knowing that he is impotent and she accepts him in that condition, she no longer has the option to separate from him after her acceptance."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.551 • Al-Wafi, Vol.22 p.574 • Wasa'il Al-Shi'ah, Vol.21 p.232

CHAPTER 175 – CHAPTER ON MISCELLANEOUS MATTERS

بَابُ النَّوَادِرِ

HADITH 4899 – 4930

4899 - رُوِيَ عَنْ أَبِي سَعِيدٍ اَلْخُدْرِيِّ قَالَ: أَوْصَى رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ عَلِيَّ بْنَ أَبِي طَالِبٍ عَلَيْهِ اَلسَّلاَمُ «فَقَالَ يَا عَلِيُّ إِذَا دَخَلَتِ اَلْعَرُوسُ بَيْتَكَ فَاخْلَعْ خُفَّيْهَا حِينَ تَجْلِسُ وَ اِغْسِلْ رِجْلَيْهَا وَ صُبَّ اَلْمَاءَ مِنْ بَابِ دَارِكَ إِلَى أَقْصَى دَارِكَ فَإِنَّكَ إِذَا فَعَلْتَ ذَلِكَ أَخْرَجَ اَللَّهُ مِنْ بَيْتِكَ سَبْعِينَ أَلْفَ لَوْنٍ مِنَ اَلْفَقْرِ وَ أَدْخَلَ فِيهِ سَبْعِينَ أَلْفَ لَوْنٍ مِنَ اَلْبَرَكَةِ وَ أَنْزَلَ عَلَيْهِ سَبْعِينَ رَحْمَةً تُرَفْرِفُ عَلَى رَأْسِ اَلْعَرُوسِ حَتَّى تَنَالَ بَرَكَتُهَا كُلَّ زَاوِيَةٍ فِي بَيْتِكَ وَ تَأْمَنَ اَلْعَرُوسُ مِنَ اَلْجُنُونِ وَ اَلْجُذَامِ وَ اَلْبَرَصِ أَنْ يُصِيبَهَا مَا دَامَتْ فِي تِلْكَ اَلدَّارِ وَ اِمْنَعِ اَلْعَرُوسَ فِي أُسْبُوعِهَا مِنَ اَلْأَلْبَانِ وَ اَلْخَلِّ وَ اَلْكُزْبَرَةِ وَ اَلتُّفَّاحِ اَلْحَامِضِ مِنْ هَذِهِ اَلْأَرْبَعَةِ اَلْأَشْيَاءِ» فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «يَا رَسُولَ اَللَّهِ وَ لِأَيِّ شَيْءٍ أَمْنَعُهَا هَذِهِ اَلْأَشْيَاءَ اَلْأَرْبَعَةَ» قَالَ «لِأَنَّ اَلرِّحِمَ تَعْقَمُ وَ تَبْرُدُ مِنْ هَذِهِ اَلْأَرْبَعَةِ اَلْأَشْيَاءِ عَنِ اَلْوَلَدِ وَ لَحَصِيرٌ فِي نَاحِيَةِ اَلْبَيْتِ خَيْرٌ مِنِ اِمْرَأَةٍ لاَ تَلِدُ»

فَقَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ «يَا رَسُولَ اَللَّهِ مَا بَالُ اَلْخَلِّ تَمْنَعُ مِنْهُ» قَالَ «إِذَا حَاضَتْ عَلَى اَلْخَلِّ لَمْ تَطْهُرْ أَبَداً بِتَمَامٍ وَ اَلْكُزْبَرَةُ تُثِيرُ اَلْحَيْضَ فِي بَطْنِهَا وَ تُشَدِّدُ عَلَيْهَا اَلْوِلاَدَةَ وَ اَلتُّفَّاحُ اَلْحَامِضُ يَقْطَعُ حَيْضَهَا فَيَصِيرُ دَاءً عَلَيْهَا » ثُمَّ قَالَ «يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ فِي أَوَّلِ اَلشَّهْرِ وَ وَسَطِهِ وَ آخِرِهِ فَإِنَّ اَلْجُنُونَ وَ اَلْجُذَامَ وَ اَلْخَبَلَ لَيُسْرِعُ إِلَيْهَا وَ إِلَى وَلَدِهَا يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ بَعْدَ اَلظُّهْرِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ فِي ذَلِكَ اَلْوَقْتِ يَكُونُ أَحْوَلَ وَ اَلشَّيْطَانُ يَفْرَحُ بِالْحَوَلِ فِي اَلْإِنْسَانِ يَا عَلِيُّ لاَ تَتَكَلَّمْ عِنْدَ اَلْجِمَاعِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ لاَ يُؤْمَنُ أَنْ يَكُونَ أَخْرَسَ وَ لاَ يَنْظُرَنَّ أَحَدٌ إِلَى فَرْجِ اِمْرَأَتِهِ وَ لْيَغُضَّ بَصَرَهُ عِنْدَ اَلْجِمَاعِ فَإِنَّ اَلنَّظَرَ إِلَى اَلْفَرْجِ يُورِثُ اَلْعَمَى فِي اَلْوَلَدِ يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ بِشَهْوَةِ اِمْرَأَةٍ غَيْرِكَ فَإِنِّي أَخْشَى إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ أَنْ يَكُونَ مُخَنَّثاً أَوْ مُؤَنَّثاً مُخَبَّلاً يَا عَلِيُّ مَنْ كَانَ جُنُباً فِي اَلْفِرَاشِ مَعَ اِمْرَأَتِهِ فَلاَ يَقْرَأِ اَلْقُرْآنَ فَإِنِّي أَخْشَى أَنْ تَنْزِلَ عَلَيْهِمَا نَارٌ مِنَ اَلسَّمَاءِ فَتُحْرِقَهُمَا»

قَالَ مُصَنِّفُ هَذَا اَلْكِتَابِ رَحِمَهُ اَللَّهُ يَعْنِي بِهِ قِرَاءَةَ اَلْعَزَائِمِ دُونَ غَيْرِهَا «يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ إِلاَّ وَ مَعَكَ خِرْقَةٌ وَ مَعَ أَهْلِكَ خِرْقَةٌ وَ لاَ تَمْسَحَا بِخِرْقَةٍ وَاحِدَةٍ فَتَقَعَ اَلشَّهْوَةُ عَلَى اَلشَّهْوَةِ فَإِنَّ ذَلِكَ يُعْقِبُ اَلْعَدَاوَةَ بَيْنَكُمَا ثُمَّ يُؤَدِّيكُمَا إِلَى اَلْفُرْقَةِ وَ اَلطَّلاَقِ يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ مِنْ قِيَامٍ فَإِنَّ ذَلِكَ مِنْ فِعْلِ اَلْحَمِيرِ فَإِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ كَانَ بَوَّالاً فِي اَلْفِرَاشِ كَالْحَمِيرِ اَلْبَوَّالَةِ فِي كُلِّ مَكَانٍ يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ فِي لَيْلَةِ اَلْأَضْحَى فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ لَهُ سِتُّ أَصَابِعَ أَوْ أَرْبَعُ أَصَابِعَ يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ تَحْتَ شَجَرَةٍ مُثْمِرَةٍ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ جَلاَّداً قَتَّالاً أَوْ عَرِيفاً يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ فِي وَجْهِ اَلشَّمْسِ وَ تَلاَلُئِهَا إِلاَّ أَنْ تُرْخِيَ سِتْراً فَيَسْتُرَكُمَا فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ لاَ يَزَالُ فِي بُؤْسٍ وَ فَقْرٍ حَتَّى يَمُوتَ يَا عَلِيُّ لاَ تُجَامِعِ اِمْرَأَتَكَ بَيْنَ اَلْأَذَانِ وَ اَلْإِقَامَةِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ حَرِيصاً عَلَى إِهْرَاقِ اَلدِّمَاءِ يَا عَلِيُّ إِذَا حَمَلَتِ اِمْرَأَتُكَ فَلاَ تُجَامِعْهَا إِلاَّ وَ أَنْتَ عَلَى وُضُوءٍ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ أَعْمَى اَلْقَلْبِ بَخِيلَ اَلْيَدِ يَا عَلِيُّ لاَ تُجَامِعْ أَهْلَكَ فِي اَلنِّصْفِ مِنْ شَعْبَانَ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ مَشْئُوماً ذَا شَامَةٍ فِي وَجْهِهِ يَا عَلِيُّ لاَ تُجَامِعْ أَهْلَكَ فِي آخِرِ دَرَجَةٍ مِنْهُ إِذَا بَقِيَ يَوْمَانِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ عَشَّاراً أَوْ عَوْناً لِلظَّالِمِينَ وَ يَكُونُ هَلاَكُ فِئَامٍ مِنَ اَلنَّاسِ عَلَى يَدَيْهِ يَا عَلِيُّ لاَ تُجَامِعْ

أَهْلَكَ عَلَى سُقُوفِ اَلْبُيُوتِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ مُنَافِقاً مُرَائِياً مُبْتَدِعاً، يَا عَلِيُّ إِذَا خَرَجْتَ فِي سَفَرٍ فَلاَ تُجَامِعْ أَهْلَكَ مِنْ تِلْكَ اَللَّيْلَةِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يُنْفِقُ مَالَهُ فِي غَيْرِ حَقٍّ» وَ قَرَأَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ « «إِنَّ اَلْمُبَذِّرِينَ كَانُوا إِخْوَانَ اَلشَّيَاطِينِ »

يَا عَلِيُّ لاَ تُجَامِعْ أَهْلَكَ إِذَا خَرَجْتَ إِلَى سَفَرٍ مَسِيرَةَ ثَلاَثَةِ أَيَّامٍ وَ لَيَالِيهِنَّ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ عَوْناً لِكُلِّ ظَالِمٍ عَلَيْكَ يَا عَلِيُّ عَلَيْكَ بِالْجِمَاعِ لَيْلَةَ اَلْإِثْنَيْنِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ يَكُونُ حَافِظاً لِكِتَابِ اَللَّهِ رَاضِياً بِمَا قَسَمَ اَللَّهُ عَزَّ وَ جَلَّ يَا عَلِيُّ إِنْ جَامَعْتَ أَهْلَكَ فِي لَيْلَةِ اَلثَّلاَثَاءِ فَقُضِيَ بَيْنَكُمَا وَلَدٌ فَإِنَّهُ يُرْزَقُ اَلشَّهَادَةَ بَعْدَ شَهَادَةِ أَنْ لاَ إِلَهَ إِلاَّ اَللَّهُ وَ أَنَّ مُحَمَّداً رَسُولُ اَللَّهِ وَ لاَ يُعَذِّبُهُ اَللَّهُ مَعَ اَلْمُشْرِكِينَ وَ يَكُونُ طَيِّبَ اَلنَّكْهَةِ وَ اَلْفَمِ رَحِيمَ اَلْقَلْبِ سَخِيَّ اَلْيَدِ طَاهِرَ اَللِّسَانِ مِنَ اَلْغِيبَةِ وَ اَلْكَذِبِ وَ اَلْبُهْتَانِ يَا عَلِيُّ إِنْ جَامَعْتَ أَهْلَكَ، لَيْلَةَ اَلْخَمِيسِ فَقُضِيَ بَيْنَكُمَا وَلَدٌ فَإِنَّهُ يَكُونُ حَاكِماً مِنَ اَلْحُكَّامِ أَوْ عَالِماً مِنَ اَلْعُلَمَاءِ وَ إِنْ جَامَعْتَهَا يَوْمَ اَلْخَمِيسِ عِنْدَ زَوَالِ اَلشَّمْسِ عَنْ كَبِدِ اَلسَّمَاءِ فَقُضِيَ بَيْنَكُمَا وَلَدٌ فَإِنَّ اَلشَّيْطَانَ لاَ يَقْرَبُهُ حَتَّى يَشِيبَ وَ يَكُونُ قَيِّماً وَ يَرْزُقُهُ اَللَّهُ عَزَّ وَ جَلَّ اَلسَّلاَمَةَ فِي اَلدِّينِ وَ اَلدُّنْيَا يَا عَلِيُّ وَ إِنْ جَامَعْتَهَا لَيْلَةَ اَلْجُمُعَةِ وَ كَانَ بَيْنَكُمَا وَلَدٌ فَإِنَّهُ يَكُونُ خَطِيباً قَوَّالاً مُفَوَّهاً وَ إِنْ جَامَعْتَهَا يَوْمَ اَلْجُمُعَةِ بَعْدَ اَلْعَصْرِ فَقُضِيَ بَيْنَكُمَا وَلَدٌ فَإِنَّهُ يَكُونُ مَعْرُوفاً مَشْهُوراً عَالِماً وَ إِنْ جَامَعْتَهَا فِي لَيْلَةِ اَلْجُمُعَةِ بَعْدَ اَلْعِشَاءِ اَلْآخِرَةِ فَإِنَّهُ يُرْجَى أَنْ يَكُونَ اَلْوَلَدُ مِنَ اَلْأَبْدَالِ إِنْ شَاءَ اَللَّهُ تَعَالَى يَا عَلِيُّ لاَ تُجَامِعْ أَهْلَكَ فِي أَوَّلِ سَاعَةٍ مِنَ اَللَّيْلِ فَإِنَّهُ إِنْ قُضِيَ بَيْنَكُمَا وَلَدٌ لاَ يُؤْمَنُ أَنْ يَكُونَ سَاحِراً مُؤْثِراً لِلدُّنْيَا عَلَى اَلْآخِرَةِ يَا عَلِيُّ اِحْفَظْ وَصِيَّتِي هَذِهِ كَمَا حَفِظْتُهَا عَنْ جَبْرَئِيلَ عَلَيْهِ اَلسَّلاَمُ ».

H.4899 - It has been narrated from Abu Said al-Khudri that the Messenger of Allah {SWT} (peace and blessings be upon him and his family) advised Imam Ali ibn Abi Talib {a.s}, saying:

"O Ali {a.s}, when the bride enters your house, remove her shoes when she sits, wash her feet, and pour the water from the entrance of your house to the farthest part of your home. If you do this, Allah {SWT} will remove seventy thousand kinds of poverty from your house and bring in seventy thousand kinds of blessings. Seventy mercies will descend upon her, fluttering over her head, and their blessings will reach every corner of your house. The bride will be protected from insanity, leprosy, and vitiligo as long as she remains in that house.

Prevent the bride, during her first week, from consuming milk, vinegar, coriander, and sour apples.

Imam Ali ibn Abi Talib {a.s} asked: 'O Messenger of Allah {SWT}, why should I prevent her from these four things?'

He (peace and blessings be upon him and his family) said: 'Because the womb becomes barren and cold from these four things, which affect childbearing. A simple mat in the corner of the house is better than a woman who does not bear children.'"

Imam Ali ibn Abi Talib {a.s} asked: "O Messenger of Allah {SWT}, what is the reason for avoiding vinegar?"

He (peace and blessings be upon him and his family) said: "If she menstruates while consuming vinegar, she will never attain complete purity. Coriander provokes

menstruation in her womb and makes childbirth difficult for her. Sour apples cut off her menstruation and may cause illness for her."

Then he (peace and blessings be upon him and his family) said:

"O Ali {a.s}, do not approach your wife for intimacy at the beginning, middle, or end of the month, for insanity, leprosy, and mental disorder may affect her and your child.

O Ali {a.s}, do not engage in intimacy with your wife after noon, for if a child is conceived at that time, it may be cross-eyed, and Satan rejoices at cross-eyed humans.

O Ali {a.s}, do not speak during intimacy, for if a child is conceived, there is a risk that it may be born mute. And let no one look at the private parts of his wife; rather, he should lower his gaze during intimacy, for looking at the private parts causes blindness in the offspring.

O Ali {a.s}, do not engage in intimacy with your wife while imagining another woman, for I fear that if a child is conceived, it may be born as an effeminate or feminine-minded person.

O Ali {a.s}, if a person is in a state of major ritual impurity (junub) while in bed with his wife, he should not recite the Quran, for I fear that a fire from the sky may descend upon them and burn them."

The compiler of this book, may Allah {SWT} have mercy on him, explained that the prohibition refers specifically to the recitation of the verses of prostration (Ayat al-Aza'im), and not to other parts of the Quran.

The Messenger of Allah {SWT} (peace and blessings be upon him and his family) continued saying:

"O Ali {a.s}, do not engage in intimacy with your wife unless you have a cloth with you and she has a cloth with her, and do not wipe yourselves with the same cloth, for the desire will accumulate upon desire, which leads to enmity between you, eventually resulting in separation and divorce.

O Ali {a.s}, do not have relations with your wife while standing, for that is the behavior of donkeys. If a child is conceived in that state, he will urinate in the bed like donkeys that urinate everywhere.

O Ali {a.s}, do not have relations with your wife on the night of Eid al-Adha, for if a child is conceived, he may be born with six fingers or four fingers.

O Ali {a.s}, do not engage in intimacy with your wife under a fruit-bearing tree, for if a child is conceived in such a place, he may become a harsh and ruthless killer or a commander over others."

O Ali {a.s}, do not have relations with your wife in the presence of the sun and its brightness unless you lower a covering to conceal yourselves, for if a child is conceived in such a state, he will live in misery and poverty until he dies.

O Ali {a.s}, do not engage in intimacy with your wife between the call to prayer (adhan) and the commencement of prayer (iqamah), for if a child is conceived, he will be eager to shed blood.

O Ali {a.s}, when your wife is pregnant, do not have relations with her unless you are in a state of ablution (wudu), for if a child is conceived, he will be blind of heart and stingy in hand.

O Ali {a.s}, do not have relations with your wife on the night of the middle of Shaban, for if a child is conceived, he will be unfortunate and may have a mark on his face.

O Ali {a.s}, do not have relations with your wife in the final days of the month, when only two days remain, for if a child is conceived, he will become a tax collector or an aide to oppressors, and the destruction of many people will be at his hands.

O Ali {a.s}, do not have relations with your wife on the rooftops of buildings, for if a child is conceived, he will become a hypocrite, a show-off, and an innovator in religion.

O Ali {a.s}, when you set out on a journey, do not engage in intimacy with your wife on the night of your departure, for if a child is conceived, he will spend his wealth inappropriately.

The Messenger of Allah {SWT} (peace and blessings be upon him and his family) then recited: "Indeed, the spendthrifts are brothers of the devils."

O Ali {a.s}, do not have relations with your wife when you are leaving on a journey of three days and nights, for if a child is conceived, he will become a supporter of every oppressor against you.

O Ali {a.s}, engage in intimacy with your wife on Monday nights, for if a child is conceived, he will be a guardian of the Book of Allah {SWT} and content with what Allah {SWT}, the Mighty and Majestic, has decreed.

O Ali {a.s}, if you have relations with your wife on Tuesday night and a child is conceived, he will be granted martyrdom after bearing witness to La ilaha illa Allah {SWT} (There is no god but Allah {SWT}) and that Muhammad is the Messenger of Allah {SWT}. He will not be punished alongside the polytheists, and he will have a pleasant scent, a merciful heart, generous hands, and a tongue pure from gossip, lies, and false accusations.

O Ali {a.s}, if you have relations with your wife on Thursday night and a child is conceived, he will become a judge among judges or a scholar among scholars.

If you have relations with her on Thursday during the time when the sun is at its zenith, and a child is conceived, Satan will not approach him until he reaches old age. He will be righteous and Allah {SWT}, the Mighty and Majestic, will grant him safety in both religion and worldly matters.

O Ali {a.s}, if you have relations with her on Friday night and a child is conceived, he will become an eloquent speaker and a persuasive orator.

If you have relations with her on Friday after the afternoon (Asr) prayer and a child is conceived, he will be known, famous, and a scholar.

If you have relations with her on Friday night after the late evening (Isha) prayer, it is hoped that the child will be among the abdal (pious individuals), if Allah {SWT}, the Exalted, wills.

O Ali {a.s}, do not have relations with your wife in the early hours of the night, for if a child is conceived, there is a risk that he may become a sorcerer and one who prefers the worldly life over the Hereafter.

O Ali {a.s}, safeguard this advice of mine just as I have preserved it from Jibril {a.s}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.551 • Al-Amali (Lil-Saduq), Vol.1 p.566 • Makarim Al-Akhlaq, Vol.1 p.209

HADITH

4900 - وَ شَكَا رَجُلٌ مِنْ أَصْحَابِ أَمِيرِ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ نِسَاءَهُ فَقَامَ عَلَيْهِ اَلسَّلاَمُ خَطِيباً فَقَالَ «يَا مَعَاشِرَ اَلنَّاسِ لاَ تُطِيعُوا اَلنِّسَاءَ عَلَى حَالٍ وَ لاَ تَأْمَنُوهُنَّ عَلَى مَالٍ وَ لاَ تَذَرُوهُنَّ يُدَبِّرْنَ أَمْرَ اَلْعِيَالِ فَإِنَّهُنَّ إِنْ تُرِكْنَ وَ مَا أَرَدْنَ أَوْرَدْنَ اَلْمَهَالِكَ وَ عَدَوْنَ أَمْرَ اَلْمَالِكِ فَإِنَّا وَجَدْنَاهُنَّ لاَ وَرَعَ لَهُنَّ عِنْدَ حَاجَتِهِنَّ وَ لاَ صَبْرَ لَهُنَّ عِنْدَ شَهْوَتِهِنَّ اَلْبَذَخُ لَهُنَّ لاَزِمٌ وَ إِنْ كَبِرْنَ وَ اَلْعُجْبُ لَهُنَّ لاَحِقٌ وَ إِنْ عَجَزْنَ لاَ يَشْكُرْنَ اَلْكَثِيرَ إِذَا مُنِعْنَ اَلْقَلِيلَ يَنْسَيْنَ اَلْخَيْرَ وَ يَحْفَظْنَ اَلشَّرَّ يَتَهَافَتْنَ بِالْبُهْتَانِ وَ يَتَمَادَيْنَ فِي اَلطُّغْيَانِ وَ يَتَصَدِّيْنَ لِلشَّيْطَانِ فَدَارُوهُنَّ عَلَى كُلِّ حَالٍ وَ أَحْسِنُوا لَهُنَّ اَلْمَقَالَ لَعَلَّهُنَّ يُحْسِنَّ اَلْفِعَالَ».

H.4900 - A man from the companions of Commander of the Faithful {a.s} complained about his wife.
Commander of the Faithful {a.s} stood up to deliver a sermon and said:
"O people! Do not obey women in every matter and do not entrust them with wealth. Do not leave them to manage household affairs, for if they are left to act as they wish, they will lead to destruction and overstep the authority of the owner.
Indeed, we have found them lacking in piety when fulfilling their needs and impatient when pursuing their desires. Vanity is inherent in them even as they grow older, and pride clings to them even when they become weak.
They do not appreciate abundance when denied little; they forget the good but remember the bad. They rush into slander, persist in transgression, and align themselves with Satan. So, handle them with care in all circumstances and speak kindly to them so they may act righteously."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.554 • Ilal Al-Shara'i', Vol.2 p.512 • Al-Amali (Lil-Saduq), Vol.1 p.206 • Rawdat Al-Wa'izin, Vol.2 p.380 • Makarim Al-Akhlaq, Vol.1 p.203 • Makarim Al-Akhlaq, Vol.1 p.230 • Al-Wafi, Vol.22 p.806 • Wasa'il Al-Shi'ah, Vol.20 p.180 • Bihar Al-Anwar, Vol.100 p.223

HADITH

4901 - وَ رَوَى عَبْدُ اَللَّهِ بْنُ مُسْكَانَ عَنْ أَبِي عَبْدِ اَللَّهِ اَلصَّادِقِ عَ قَالَ: «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى خَصَّ رَسُولَهُ صَ بِمَكَارِمِ اَلْأَخْلاَقِ فَامْتَحِنُوا أَنْفُسَكُمْ فَإِنْ كَانَتْ فِيكُمْ فَاحْمَدُوا اَللَّهَ عَزَّ وَ جَلَّ وَ اِرْغَبُوا إِلَيْهِ فِي اَلزِّيَادَةِ مِنْهَا فَذَكَرَهَا عَشَرَةً اَلْيَقِينَ وَ اَلْقَنَاعَةَ وَ اَلصَّبْرَ وَ اَلشُّكْرَ وَ اَلْحِلْمَ وَ حُسْنَ اَلْخُلُقِ وَ اَلسَّخَاءَ وَ اَلْغَيْرَةَ وَ اَلشَّجَاعَةَ وَ اَلْمُرُوءَةَ ».

H.4901 - Abdullah ibn Muskan narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said:
"Indeed, Allah {SWT}, the Blessed and Exalted, distinguished His Messenger (peace be upon him and his family) with noble character traits.
Therefore, examine yourselves, and if you find these traits within you, then praise Allah {SWT}, the Mighty and Majestic, and seek from Him {SWT} an increase in them."
He {a.s} then mentioned ten traits: certainty (yaqin), contentment (qana'ah), patience (sabr), gratitude (shukr), forbearance (hilm), good manners (husn al-khuluq), generosity (sakha'), protective jealousy (ghayrah), courage (shuja'ah), and honor (muru'ah).

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.554 • Al-Khisal, Vol.2 p.431 • Ma'ani Al-Akhbar, Vol.1 p.191 • Al-Amali (Lil-Saduq), Vol.1 p.221 • Sifat Al-Shi'ah, Vol.1 p.47 • Makarim Al-Akhlaq, Vol.1 p.233 • Al-Wafi, Vol.3 p.707 • Wasa'il Al-Shi'ah, Vol.15 p.180 • Bihar Al-Anwar, Vol.66 p.368

HADITH

4902 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ :

«مَنْ أَرَادَ اَلْبَقَاءَ وَ لاَ بَقَاءَ فَلْيُبَاكِرِ اَلْغَدَاءَ وَ لْيُجَوِّدِ اَلْحِذَاءَ وَ لْيُخَفِّفِ اَلرِّدَاءَ وَ لْيُقِلَّ مُجَامَعَةَ اَلنِّسَاءِ، » قِيلَ يَا رَسُولَ اَللَّهِ وَ مَا خِفَّةُ اَلرِّدَاءِ قَالَ «قِلَّةُ اَلدَّيْنِ».

H.4902 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever desires longevity, though there is no permanence, should have an early breakfast, wear well-made shoes, wear a light cloak, and reduce intimacy with women."
It was asked: "O Messenger of Allah {SWT}, what is meant by wearing a light cloak?"
Imam {a.s} replied: "It means having little debt."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Makarim Al-Akhlaq, Vol.1 p.212 • Al-Wafi, Vol.26 p.558 • Wasa'il Al-Shi'ah, Vol.5 p.61 • Wasa'il Al-Shi'ah, Vol.18 p.316 • Wasa'il Al-Shi'ah, Vol.20 p.241

HADITH

4903 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «إِذَا قَامَتِ اَلْمَرْأَةُ عَنْ مَجْلِسِهَا فَلاَ يَجْلِسُ أَحَدٌ فِي ذَلِكَ اَلْمَجْلِسِ حَتَّى يَبْرُدَ».

H.4903 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"When a woman leaves her seat, no one should sit in that place until it has cooled down."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Makarim Al-Akhlaq, Vol.1 p.212

HADITH

4904 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «ثَلاَثَةٌ يَهْدِمْنَ اَلْبَدَنَ وَ رُبَّمَا قَتَلْنَ دُخُولُ اَلْحَمَّامِ عَلَى اَلْبِطْنَةِ وَ اَلْغِشْيَانُ عَلَى اَلاِمْتِلاَءِ وَ نِكَاحُ اَلْعَجَائِزِ».

H.4904 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Three things ruin the body and may even lead to death: entering the bathhouse on a full stomach, engaging in intercourse while the stomach is full, and marrying elderly women."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Al-Adab Al-Diniyyah, Vol.1 p.113 • Al-Wafi, Vol.22 p.729 • Wasa'il Al-Shi'ah, Vol.20 p.255

HADITH

4905 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «ثَلاَثَةٌ مَنِ اِعْتَادَهُنَّ لَمْ يَدَعْهُنَّ طَمُّ اَلشَّعْرِ وَ تَشْمِيرُ اَلثَّوْبِ وَ نِكَاحُ اَلْإِمَاءِ».

H.4905 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"There are three things that whoever becomes accustomed to them will never abandon them: trimming the hair, shortening the garment, and marrying bondwomen."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Al-Adab Al-Diniyyah, Vol.1 p.113 • Al-Wafi, Vol.21 p.333

HADITH

4906 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «هُلْكٌ بِذَوِي اَلْمُرُوءَةِ أَنْ يَبِيتَ اَلرَّجُلُ عَنْ مَنْزِلِهِ بِالْمِصْرِ اَلَّذِي فِيهِ أَهْلُهُ».

H.4906 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"It is a disgrace for a man of dignity to spend the night away from his home in the city where his family resides."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555

HADITH

4907 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «مَلْعُونٌ مَلْعُونٌ مَنْ ضَيَّعَ مَنْ يَعُولُ».

H.4907 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Cursed, cursed is the one who neglects those under his care."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Awali Al-La'ali, Vol.3 p.193 • Wasa'il Al-Shi'ah, Vol.20 p.171 • Bihar Al-Anwar, Vol.100 p.13

HADITH

4908 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «خَيْرُكُمْ خَيْرُكُمْ لِأَهْلِهِ وَ أَنَا خَيْرُكُمْ لِأَهْلِي».

H.4908 - The Messenger of Allah {SWT} (peace and blessings be upon him and his family) said: "The best among you is the one who is best to his family, and I am the best among you to my family."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Makarim Al-Akhlaq, Vol.1 p.216 • Kashf Al-Ghummah, Vol.1 p.137 • Awali Al-La'ali, Vol.1 p.270 • Wasa'il Al-Shi'ah, Vol.20 p.171 • Bihar Al-Anwar, Vol.27 p.104

HADITH

4909 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «عِيَالُ اَلرَّجُلِ أُسَرَاؤُهُ وَ أَحَبُّ اَلْعِبَادِ إِلَى اَللَّهِ عَزَّ وَ جَلَّ أَحْسَنُهُمْ صُنْعاً إِلَى أُسَرَائِهِ».

H.4909 - Imam {a.s} said: "A man's family are his captives, and the most beloved of servants to Allah {SWT}, the Mighty and Majestic, is the one who treats his captives (family) in the best manner."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.555 • Makarim Al-Akhlaq, Vol.1 p.217 • Al-Wafi, Vol.22 p.790 • Wasa'il Al-Shi'ah, Vol.20 p.171

HADITH

4910 - وَ قَالَ أَبُو اَلْحَسَنِ مُوسَى بْنُ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ : «عِيَالُ اَلرَّجُلِ أُسَرَاؤُهُ فَمَنْ أَنْعَمَ اَللَّهُ عَلَيْهِ نِعْمَةً فَلْيُوَسِّعْ عَلَى أُسَرَائِهِ فَإِنْ لَمْ يَفْعَلْ أَوْشَكَ أَنْ تَزُولَ تِلْكَ اَلنِّعْمَةُ».

H.4910 - Imam Abu al-Hasan Musa ibn Ja'far (peace be upon them) said:
"A man's family are his captives. So, whoever Allah {SWT} blesses with a blessing, let him expand (his provision) upon his captives (family). If he does not, that blessing is close to being taken away."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.556 • Man La Yahduruhu Al-Faqih, Vol.4 p.402 • Al-Amali (Lil-Saduq), Vol.1 p.442 • Rawdat Al-Wa'izin, Vol.2 p.371 • Makarim Al-Akhlaq, Vol.1 p.217 • Kashf Al-Ghummah, Vol.2 p.207 • Al-Wafi, Vol.22 p.790 • Wasa'il Al-Shi'ah, Vol.20 p.171 • Wasa'il Al-Shi'ah, Vol.21 p.541 • Bihar Al-Anwar, Vol.75 p.208

HADITH

4911 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ فِي وَصِيَّتِهِ لِابْنِهِ مُحَمَّدِ بْنِ اَلْحَنَفِيَّةِ : «يَا بُنَيَّ إِذَا قَوِيتَ فَاقْوَ عَلَى طَاعَةِ اَللَّهِ وَ إِذَا ضَعُفْتَ فَاضْعُفْ عَنْ مَعْصِيَةِ اَللَّهِ عَزَّ وَ جَلَّ وَ إِنِ اِسْتَطَعْتَ أَنْ لاَ تُمَلِّكَ اَلْمَرْأَةَ مِنْ أَمْرِهَا مَا جَاوَزَ نَفْسَهَا فَافْعَلْ فَإِنَّهُ أَدْوَمُ لِجَمَالِهَا وَ أَرْخَى لِبَالِهَا وَ أَحْسَنُ لِحَالِهَا فَإِنَّ اَلْمَرْأَةَ رَيْحَانَةٌ وَ لَيْسَتْ بِقَهْرَمَانَةٍ فَدَارِهَا عَلَى كُلِّ حَالٍ وَ أَحْسِنِ اَلصُّحْبَةَ لَهَا لِيَصْفُوَ عَيْشُكَ».

H.4911 - Commander of the Faithful {a.s} said in his will to his son Muhammad ibn al-Hanafiyyah:
"O my son, when you are strong, be strong in obedience to Allah {SWT}, and when you are weak, be weak in disobedience to Allah {SWT}, the Mighty and Majestic.
And if you can avoid giving a woman authority over anything beyond herself, then do so, for it preserves her beauty longer, brings more comfort to her mind, and improves her condition. Indeed, a woman is like a delicate flower, not a caretaker. So, be gentle with her in every situation and maintain good companionship with her so that your life may be peaceful."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.556 • Makarim Al-Akhlaq, Vol.1 p.218 • Al-Wafi, Vol.22 p.800

HADITH

4912 - وَ رُوِيَ عَنْ خَالِدِ بْنِ نَجِيحٍ عَنْ أَبِي عَبْدِ اَللَّهِ اَلصَّادِقِ عَلَيْهِ اَلسَّلاَمُ قَالَ: تَذَاكَرُوا اَلشُّؤْمَ عِنْدَهُ فَقَالَ «اَلشُّؤْمُ فِي ثَلاَثَةٍ فِي اَلْمَرْأَةِ وَ اَلدَّابَّةِ وَ اَلدَّارِ فَأَمَّا شُؤْمُ اَلْمَرْأَةِ فَكَثْرَةُ مَهْرِهَا وَ عُقُوقُ زَوْجِهَا وَ أَمَّا اَلدَّابَّةُ فَسُوءُ خُلُقِهَا وَ مَنْعُهَا ظَهْرَهَا وَ أَمَّا اَلدَّارُ فَضِيقُ سَاحَتِهَا وَ شَرُّ جِيرَانِهَا وَ كَثْرَةُ عُيُوبِهَا».

H.4912 - It is narrated from Khalid ibn Najeeh that Imam Abu Abdullah Al-Sadiq {a.s} said: They were discussing misfortune in his presence.
Imam {a.s} said: "Misfortune lies in three things: in a woman, in a mount, and in a house. As for the misfortune of a woman, it is in her high dowry and her disobedience to her husband.
As for the mount, it is in its bad temperament and its refusal to allow itself to be ridden. And as for the house, it is in its narrow space, its bad neighbors, and its many defects."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.556 • Al-Khisal, Vol.1 p.100 • Ma'ani Al-Akhbar, Vol.1 p.152 • Al-Amali (Lil-Saduq), Vol.1 p.239 • Rawdat Al-Wa'izin, Vol.2 p.386 • Makarim Al-Akhlaq, Vol.1 p.234 • Wasa'il Al-Shi'ah, Vol.21 p.252 • Bihar Al-Anwar, Vol.61 p.198 • Bihar Al-Anwar, Vol.73 p.149 • Bihar Al-Anwar, Vol.100 p.229

HADITH

4913 - وَ رُوِيَ عَنْ جَابِرِ بْنِ عَبْدِ اَللَّهِ اَلْأَنْصَارِيِّ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «قَالَتْ أُمُّ سُلَيْمَانَ بْنِ دَاوُدَ لِسُلَيْمَانَ عَلَيْهِ اَلسَّلاَمُ يَا بُنَيَّ إِيَّاكَ وَ كَثْرَةَ اَلنَّوْمِ بِاللَّيْلِ فَإِنَّ كَثْرَةَ اَلنَّوْمِ بِاللَّيْلِ تَدَعُ اَلرَّجُلَ فَقِيراً يَوْمَ اَلْقِيَامَةِ».

H.4913 - It is narrated from Jabir ibn Abdullah Al-Ansari that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"The mother of Prophet Sulayman ibn Dawud {a.s} said to Sulayman, 'O my son, beware of excessive sleep at night, for excessive sleep at night leaves a person poor on the Day of Judgment.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.556 • Al-Khisal, Vol.1 p.28 • Al-Amali (Lil-Saduq), Vol.1 p.233 • Rawdat Al-Wa'izin, Vol.2 p.419 • Al-Wafi, Vol.9 p.1595 • Wasa'il Al-Shi'ah, Vol.6 p.504 • Bihar Al-Anwar, Vol.14 p.134 • Bihar Al-Anwar, Vol.73 p.179 • Bihar Al-Anwar, Vol.84 p.152 • Tafsir Nur Al-Thaqalayn, Vol.4 p.179

HADITH

4914 - وَ رُوِيَ عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ اَلْبَصْرِيِّ عَنْ عَبْدِ اَللَّهِ بْنِ اَلْحُسَيْنِ بْنِ زَيْدِ بْنِ عَلِيِّ بْنِ اَلْحُسَيْنِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ صَلَوَاتُ اَللَّهِ عَلَيْهِمْ عَنْ أَبِيهِ عَنِ اَلصَّادِقِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى كَرِهَ لَكُمْ أَيَّتُهَا اَلْأُمَّةُ أَرْبَعاً وَ عِشْرِينَ خَصْلَةً وَ نَهَاكُمْ عَنْهَا كَرِهَ لَكُمُ اَلْعَبَثَ فِي اَلصَّلاَةِ وَ كَرِهَ اَلْمَنَّ فِي اَلصَّدَقَةِ وَ كَرِهَ اَلضَّحِكَ بَيْنَ اَلْقُبُورِ وَ كَرِهَ اَلتَّطَلُّعَ فِي اَلدُّورِ وَ كَرِهَ اَلنَّظَرَ إِلَى فُرُوجِ اَلنِّسَاءِ » وَ قَالَ «يُورِثُ اَلْعَمَى وَ كَرِهَ اَلْكَلاَمَ عِنْدَ اَلْجِمَاعِ » وَ قَالَ «يُورِثُ اَلْخَرَسَ وَ كَرِهَ اَلنَّوْمَ قَبْلَ اَلْعِشَاءِ اَلْآخِرَةِ وَ كَرِهَ اَلْحَدِيثَ بَعْدَ اَلْعِشَاءِ اَلْآخِرَةِ وَ كَرِهَ اَلْغُسْلَ تَحْتَ اَلسَّمَاءِ بِغَيْرِ مِئْزَرٍ وَ كَرِهَ اَلْمُجَامَعَةَ تَحْتَ اَلسَّمَاءِ وَ كَرِهَ دُخُولَ اَلْأَنْهَارِ بِلاَ مِئْزَرٍ» وَ قَالَ «فِي اَلْأَنْهَارِ عُمَّارٌ وَ سُكَّانٌ مِنَ اَلْمَلاَئِكَةِ وَ كَرِهَ دُخُولَ اَلْحَمَّامَاتِ إِلاَّ بِمِئْزَرٍ وَ كَرِهَ اَلْكَلاَمَ بَيْنَ اَلْأَذَانِ وَ اَلْإِقَامَةِ فِي صَلاَةِ اَلْغَدَاةِ حَتَّى تُقْضَى اَلصَّلاَةُ وَ كَرِهَ رُكُوبَ اَلْبَحْرِ فِي هَيَجَانِهِ وَ كَرِهَ اَلنَّوْمَ فَوْقَ سَطْحٍ لَيْسَ بِمُحَجَّرٍ»

وَ قَالَ «مَنْ نَامَ عَلَى سَطْحٍ غَيْرِ مُحَجَّرٍ بَرِئَتْ مِنْهُ اَلذِّمَّةُ وَ كَرِهَ أَنْ يَنَامَ اَلرَّجُلُ فِي بَيْتٍ وَحْدَهُ وَ كَرِهَ لِلرَّجُلِ أَنْ يَغْشَى اِمْرَأَتَهُ وَ هِيَ حَائِضٌ فَإِنْ غَشِيَهَا فَخَرَجَ اَلْوَلَدُ مَجْذُوماً أَوْ أَبْرَصَ فَلاَ يَلُومَنَّ إِلاَّ نَفْسَهُ وَ كَرِهَ أَنْ يَغْشَى اَلرَّجُلُ اَلْمَرْأَةَ وَ قَدِ اِحْتَلَمَ حَتَّى يَغْتَسِلَ مِنِ اِحْتِلاَمِهِ اَلَّذِي رَأَى فَإِنْ فَعَلَ وَ خَرَجَ اَلْوَلَدُ مَجْنُوناً فَلاَ يَلُومَنَّ إِلاَّ نَفْسَهُ وَ كَرِهَ أَنْ يُكَلِّمَ اَلرَّجُلُ مَجْذُوماً إِلاَّ أَنْ يَكُونَ بَيْنَهُ وَ بَيْنَهُ قَدْرُ ذِرَاعٍ» وَ قَالَ «فِرَّ مِنَ اَلْمَجْذُومِ فِرَارَكَ مِنَ اَلْأَسَدِ وَ كَرِهَ اَلْبَوْلَ عَلَى شَطِّ نَهَرٍ جَارٍ وَ كَرِهَ أَنْ يُحْدِثَ اَلرَّجُلُ تَحْتَ شَجَرَةٍ مُثْمِرَةٍ قَدْ أَيْنَعَتْ أَوْ نَخْلَةٍ قَدْ أَيْنَعَتْ يَعْنِي أَثْمَرَتْ وَ كَرِهَ أَنْ يَتَنَعَّلَ اَلرَّجُلُ وَ هُوَ قَائِمٌ وَ كَرِهَ أَنْ يَدْخُلَ اَلرَّجُلُ اَلْبَيْتَ اَلْمُظْلِمَ إِلاَّ أَنْ يَكُونَ بَيْنَ يَدَيْهِ سِرَاجٌ أَوْ نَارٌ وَ كَرِهَ اَلنَّفْخَ فِي اَلصَّلاَةِ».

H.4914 - It is narrated from Sulayman ibn Ja'far al-Basri from Abdullah ibn al-Husayn ibn Zayd ibn Ali ibn al-Husayn ibn Ali ibn Abi Talib {a.s} (peace be upon them) from his father from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} who said that the Messenger of Allah (peace and blessings be upon him and his family) said:

"Indeed, Allah {SWT}, the Blessed and Exalted, dislikes for you, O nation, twenty-four traits and has forbidden you from them.

He {SWT} dislikes frivolity during prayer, boasting in charity, laughing among graves, peeking into homes, and looking at the private parts of women."

He {saws} said: “It leads to blindness."

He {SWT} has disliked speaking during intercourse.

He {saws} said: "It leads to muteness."

He {SWT} has disliked sleeping before the last (‘Isha) prayer and disliked talking after the last (‘Isha) prayer.

He {SWT} has disliked bathing under the open sky without a loincloth, disliked intercourse under the open sky, and disliked entering rivers without a loincloth.

He {saws} said: "There are inhabitants and dwellers from among the angels in the rivers."

He {SWT} has disliked entering bathhouses without a loincloth, disliked talking between the adhan and the iqamah for the morning prayer until the prayer is completed,

disliked sailing in the sea during a storm, and disliked sleeping on a rooftop that is not enclosed."

He {saws} said: "Whoever sleeps on a rooftop that is not enclosed, the protection (of Allah) is lifted from him."

He {SWT} has disliked a man sleeping alone in a house and disliked a man approaching his wife while she is in menstruation. If he does so and the child is born with leprosy or vitiligo, then he should blame none but himself.

He {SWT} has disliked a man approaching a woman after having experienced a wet dream until he has performed ghusl from the dream he saw. If he does so and the child is born insane, then he should blame none but himself.

He {SWT} has disliked a man speaking to a leper unless there is a distance of at least one arm's length between them.

He {saws} said: "Flee from a leper as you would flee from a lion."

He {SWT} has disliked urinating on the bank of a flowing river and disliked relieving oneself under a fruit-bearing tree that has ripened, or a palm tree that has borne fruit.

He {SWT} has disliked putting on shoes while standing, disliked entering a dark house unless there is a lamp or fire in front of him, and disliked blowing (with the mouth) during prayer."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.556 • Al-Khisal, Vol.2 p.520 • Al-Amali (Lil-Saduq), Vol.1 p.301 • Makarim Al-Akhlaq, Vol.1 p.234 • Al-Wafi, Vol.5 p.1081 • Wasa'il Al-Shi'ah, Vol.15 p.344 • Bihar Al-Anwar, Vol.73 p.337

HADITH

4915 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لاَ يَحِلُّ لِأَحَدٍ أَنْ يُجْنِبَ فِي هَذَا اَلْمَسْجِدِ إِلاَّ أَنَا وَ عَلِيٌّ وَ فَاطِمَةُ وَ اَلْحَسَنُ وَ اَلْحُسَيْنُ وَ مَنْ كَانَ مِنْ أَهْلِي فَإِنَّهُ مِنِّي».

H.4915 - The Prophet (peace be upon him and his family) said:

"It is not permissible for anyone to be in a state of major ritual impurity (janabah) in this mosque except for Me {saws}, Ali {a.s}, Fatimah {s.a}, Hasan {a.s}, Husayn {a.s}, and whoever is from my family {a.s}, for He {a.s} is part of Me {saws}."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.557 • Uyun Al-Akhbar, Vol.2 p.60 • Al-Amali (Lil-Saduq), Vol.1 p.334 • Al-Wafi, Vol.3 p.736 • Wasa'il Al-Shi'ah, Vol.2 p.207 • Wasa'il Al-Shi'ah, Vol.20 p.256 • Al-Fusul Al-Muhimmah, Vol.2 p.27 • Bihar Al-Anwar, Vol.23 p.145 • Bihar Al-Anwar, Vol.39 p.20 • Bihar Al-Anwar, Vol.78 p.48

HADITH

4916 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «قِيلَ لِعِيسَى اِبْنِ مَرْيَمَ عَلَيْهِ اَلسَّلاَمُ مَا لَكَ لاَ تَتَزَوَّجُ فَقَالَ وَ مَا أَصْنَعُ بِالتَّزْوِيجِ قَالُوا يُولَدُ لَكَ قَالَ وَ مَا أَصْنَعُ بِالْأَوْلاَدِ إِنْ عَاشُوا فَتَنُوا وَ إِنْ مَاتُوا أَحْزَنُوا».

H.4916 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"It was said to Isa {a.s} (Jesus), the son of Mariyum {s.a} (Mary): 'Why do you not marry?'
Isa {a.s} replied: 'And what would I do with marriage?'
They said: 'Children would be born to you.'
Isa {a.s} said: 'And what would I do with children? If they live, they will lead to trials, and if they die, they will cause me sorrow.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.558 • Makarim Al-Akhlaq, Vol.1 p.234 • Al-Wafi, Vol.23 p.1433 • Bihar Al-Anwar, Vol.14 p.238 • Bihar Al-Anwar, Vol.100 p.219

HADITH

4917 - وَ كَانَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَقُولُ فِي دُعَائِهِ: « اَللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ وَلَدٍ يَكُونُ عَلَيَّ رَبّاً وَ مِنْ مَالٍ يَكُونُ عَلَيَّ ضَيَاعاً وَ مِنْ زَوْجَةٍ تُشَيِّبُنِي قَبْلَ أَوَانِ مَشِيبِي وَ مِنْ خَلِيلٍ مَاكِرٍ عَيْنَاهُ تَرَانِي وَ قَلْبُهُ يَرْعَانِي إِنْ رَأَى خَيْراً دَفَنَهُ وَ إِنْ رَأَى شَرّاً أَذَاعَهُ وَ أَعُوذُ بِكَ مِنْ وَجَعِ اَلْبَطْنِ صُمٌّ إِذَا سَمِعُوا خَيْراً ذُكِرْتُ بِهِ وَ إِنْ ذُكِرْتُ بِشَرٍّ عِنْدَهُمْ أَذِنُوا ».

H.4917 - The Prophet (peace be upon him and his family) used to say in his supplication:
"O Allah {SWT}, I seek refuge in You {SWT} from a child who becomes a master over me, from wealth that becomes a burden upon me, from a wife who causes me to grow old before my time, and from a deceitful friend whose eyes watch me while his heart harbors ill will toward me. If he sees good in me, he conceals it, and if he sees evil in me, he spreads it.
And I seek refuge in You {SWT} from the pain of the stomach, and from people who are deaf (in character), when they hear good about me, they forget it, and when they hear bad about me, they spread it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.558

HADITH

4918 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «ثَلاَثٌ مَنْ تَكُنْ فِيهِ فَلاَ يُرْجَى خَيْرُهُ أَبَداً مَنْ لَمْ يَخْشَ اَللَّهَ فِي اَلْغَيْبِ وَ لَمْ يَرْعَوِ عِنْدَ اَلشَّيْبِ وَ لَمْ يَسْتَحِ مِنَ اَلْعَيْبِ».

H.4918 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"There are three traits in a person from whom no good can ever be expected: one who does not fear Allah {SWT} in private, one who shows no restraint in old age, and one who feels no shame from committing faults."

[REFERENCES] Al-Kafi, Vol.8 p.219 • Man La Yahduruhu Al-Faqih, Vol.3 p.558 • Al-Amali (Lil-Saduq), Vol.1 p.412 • Rawdat Al-Wa'izin, Vol.2 p.460 • Mishkat Al-Anwar, Vol.1 p.234 • Majmu'at Warram, Vol.2 p.151 • A'lam Al-Din, Vol.1 p.90 • Al-Wafi, Vol.4 p.319 • Al-Wafi, Vol.4 p.319 • Wasa'il Al-Shi'ah, Vol.16 p.102

HADITH

4919 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «إِنَّ أَحَدَكُمْ لَيَأْتِي أَهْلَهُ فَتَخْرُجُ مِنْ تَحْتِهِ فَلَوْ أَصَابَتْ زِنْجِيّاً لَتَشَبَّثَتْ بِهِ فَإِذَا أَتَى أَحَدُكُمْ أَهْلَهُ فَلْيَكُنْ بَيْنَهُمَا مُدَاعَبَةٌ فَإِنَّهُ أَطْيَبُ لِلْأَمْرِ».

H.4919 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Indeed, one of you may approach his wife, and she departs from beneath him; if she were to encounter a black man, she would cling to him. Therefore, when one of you approaches his wife, there should be mutual foreplay between them, for it is more pleasant and better for intimacy."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.559 • Al-Adab Al-Diniyyah, Vol.1 p.113 • Makarim Al-Akhlaq, Vol.1 p.212 • Al-Wafi, Vol.22 p.721 • Wasa'il Al-Shi'ah, Vol.20 p.118

HADITH

4920 - وَ رَوَى سَمَاعَةُ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «فُضِّلَتِ اَلْمَرْأَةُ عَلَى اَلرَّجُلِ بِتِسْعَةٍ وَ تِسْعِينَ مِنَ اَللَّذَّةِ وَ لَكِنَّ اَللَّهَ عَزَّ وَ جَلَّ أَلْقَى عَلَيْهَا اَلْحَيَاءَ».

H.4920 - Sama'ah narrated from Abu Basir who said:
I heard Abu Abdullah {a.s} say: "The woman has been favored over the man with ninety-nine portions of pleasure, but Allah {SWT}, the Mighty and Majestic, has placed modesty upon her."

[REFERENCES] Al-Kafi, Vol.5 p.339 • Man La Yahduruhu Al-Faqih, Vol.3 p.559 • Makarim Al-Akhlaq, Vol.1 p.212 • Al-Wafi, Vol.21 p.78 • Wasa'il Al-Shi'ah, Vol.20 p.63 • Wasa'il Al-Shi'ah, Vol.20 p.109

HADITH

4921 - وَ قَالَ اَلنَّبِيُّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «لَنْ يَعْمَلَ اِبْنُ آدَمَ عَمَلاً أَعْظَمَ عِنْدَ اَللَّهِ عَزَّ وَ جَلَّ مِنْ رَجُلٍ قَتَلَ نَبِيّاً أَوْ هَدَمَ اَلْكَعْبَةَ اَلَّتِي جَعَلَهَا اَللَّهُ عَزَّ وَ جَلَّ قِبْلَةً لِعِبَادِهِ أَوْ أَفْرَغَ مَاءَهُ فِي اِمْرَأَةٍ حَرَاماً».

H.4921 - The Prophet (peace be upon him and his family) said:
"The son of Adam will not commit a deed greater in sin before Allah {SWT}, the Mighty and Majestic, than a man who kills a prophet, or demolishes the Kaaba which Allah {SWT}, has made as a Qibla for His {SWT} servants, or discharges his semen unlawfully in a woman."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.559 • Man La Yahduruhu Al-Faqih, Vol.4 p.20 • Al-Khisal, Vol.1 p.120 • Rawdat Al-Wa'izin, Vol.2 p.461 • Awali Al-La'ali, Vol.3 p.545 • Al-Wafi, Vol.15 p.213 • Wasa'il Al-Shi'ah, Vol.4 p.299 • Wasa'il Al-Shi'ah, Vol.20 p.318 • Al-Fusul Al-Muhimmah, Vol.2 p.73 • Al-Fusul Al-Muhimmah, Vol.2 p.340

HADITH

4922 - وَ رَوَى مُعَاوِيَةُ بْنُ وَهْبٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُهُ يَقُولُ: «اِنْصَرَفَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ مِنْ سَرِيَّةٍ كَانَ أُصِيبَ فِيهَا نَاسٌ كَثِيرٌ مِنَ اَلْمُسْلِمِينَ فَاسْتَقْبَلَهُ اَلنِّسَاءُ يَسْأَلْنَ عَنْ قَتْلاَهُنَّ فَدَنَتْ مِنْهُ اِمْرَأَةٌ فَقَالَتْ يَا رَسُولَ اَللَّهِ مَا فَعَلَ فُلاَنٌ قَالَ «وَ مَا هُوَ مِنْكِ» قَالَتْ أَخِي قَالَ «اِحْمَدِي اَللَّهَ وَ اِسْتَرْجِعِي فَقَدِ اُسْتُشْهِدَ» فَفَعَلَتْ ذَلِكَ ثُمَّ قَالَتْ يَا رَسُولَ اَللَّهِ مَا فَعَلَ فُلاَنٌ قَالَ «وَ مَا هُوَ مِنْكِ» قَالَتْ زَوْجِي قَالَ «اِحْمَدِي اَللَّهَ وَ اِسْتَرْجِعِي فَقَدِ اُسْتُشْهِدَ» فَقَالَتْ وَا ذُلاَّهْ فَقَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ «مَا كُنْتُ أَظُنُّ أَنَّ اَلْمَرْأَةَ تَجِدُ بِزَوْجِهَا هَذَا كُلَّهُ حَتَّى رَأَيْتُ هَذِهِ اَلْمَرْأَةَ» ».

H.4922 - Mu'awiyah ibn Wahb narrated from Abu Abdullah Imam Al-Sadiq {a.s} who said: "I heard him say: The Messenger of Allah {SWT} (peace be upon him and his family) returned from a military expedition in which many Muslims had been killed. The women came to meet him, asking about their slain relatives.
A woman approached him and said: 'O Messenger of Allah {SWT}, what happened to so-and-so?'
He {saws} replied: 'And what is he to you?'
She said: 'He is my brother.'
He {saws} said: 'Praise Allah {SWT} and say Inna lillahi wa inna ilayhi raji'un (Indeed, we belong to Allah {SWT} and to Him we shall return), for he has been martyred.'
She did so and then asked: 'O Messenger of Allah {SWT}, what about so-and-so?'
He {saws} said: 'And what is he to you?'
She said: 'He is my husband.'
He {saws} said: 'Praise Allah {SWT} and say Inna lillahi wa inna ilayhi raji'un, for he has been martyred.'
She then exclaimed, 'Oh, what a tragedy!'
The Messenger of Allah {SWT} (peace be upon him and his family) said: 'I never thought a woman would feel such grief over her husband until I saw this woman.'"

[REFERENCES] Al-Kafi, Vol.5 p.506 • Man La Yahduruhu Al-Faqih, Vol.3 p.559 • Makarim Al-Akhlaq, Vol.1 p.233 • Al-Wafi, Vol.22 p.771 • Bihar Al-Anwar, Vol.100 p.248 • Tafsir Nur Al-Thaqalayn, Vol.4 p.174 • Tafsir Kanz Al-Daqaiq, Vol.10 p.183

HADITH

4923 - وَ قَالَ بَعْضُ أَصْحَابِ اَلنَّبِيِّ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَا رَسُولَ اَللَّهِ مَا بَالُنَا نَجِدُ بِأَوْلاَدِنَا مَا لاَ يَجِدُونَ بِنَا فَقَالَ «لِأَنَّهُمْ مِنْكُمْ وَ لَسْتُمْ مِنْهُمْ».

H.4923 - Some of the companions of the Prophet (peace be upon him and his family) asked: "O Messenger of Allah {SWT}, why do we feel a stronger affection for our children than they feel for us?"
He {saws} replied: "Because they are from you, but you are not from them."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.559 • Al-Amali (Lil-Saduq), Vol.1 p.498 • Rawdat Al-Wa'izin, Vol.2 p.429

HADITH

4924 - وَ رُوِيَ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ اَلرَّبَعِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: قِيلَ لَهُ مَا بَالُ اَلْمُؤْمِنِ أَحَدُّ شَيْءٍ فَقَالَ «لِأَنَّ عِزَّ اَلْقُرْآنِ فِي قَلْبِهِ وَ مَحْضَ اَلْإِيمَانِ فِي صَدْرِهِ وَ هُوَ عَبْدٌ مُطِيعٌ لِلَّهِ وَ لِرَسُولِهِ مُصَدِّقٌ» قِيلَ لَهُ فَمَا بَالُ اَلْمُؤْمِنِ قَدْ يَكُونُ أَشَحَّ شَيْءٍ قَالَ «لِأَنَّهُ يَكْسِبُ اَلرِّزْقَ مِنْ حِلِّهِ وَ مَطْلَبُ اَلْحَلاَلِ عَزِيزٌ فَلاَ يُحِبُّ أَنْ يُفَارِقَهُ شَيْئُهُ لِمَا يَعْلَمُ مِنْ عِزِّ مَطْلَبِهِ وَ إِنْ هُوَ سَخَتْ نَفْسُهُ لَمْ يَضَعْهُ إِلاَّ فِي مَوْضِعِهِ» قِيلَ فَمَا بَالُ اَلْمُؤْمِنِ قَدْ يَكُونُ أَنْكَحَ شَيْءٍ قَالَ «لِحِفْظِهِ فَرْجَهُ عَنْ فُرُوجٍ لاَ تَحِلُّ لَهُ وَ لِكَيْلاَ تَمِيلَ بِهِ شَهْوَتُهُ هَكَذَا وَ لاَ هَكَذَا فَإِذَا ظَفِرَ بِالْحَلاَلِ اِكْتَفَى بِهِ وَ اِسْتَغْنَى بِهِ عَنْ غَيْرِهِ » وَ قَالَ عَلَيْهِ اَلسَّلاَمُ «إِنَّ قُوَّةَ اَلْمُؤْمِنِ فِي قَلْبِهِ أَ لاَ تَرَوْنَ أَنَّكُمْ تَجِدُونَهُ ضَعِيفَ اَلْبَدَنِ نَحِيفَ اَلْجِسْمِ وَ هُوَ يَقُومُ اَللَّيْلَ وَ يَصُومُ اَلنَّهَارَ».

H.4924 - It is narrated from Mas'adah ibn Sadaqah al-Raba'i from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s} that he was asked: "Why is the believer sometimes the sharpest in behavior?"
Imam {a.s} replied: “Because the honor of the Qur'an is in his heart, and pure faith is in his chest. He is a servant obedient to Allah {SWT} and His Messenger {saws}, and he is truthful."
Imam {a.s} was asked: “Why is the believer sometimes the most stingy?"
Imam {a.s} replied: “Because he earns his sustenance from lawful means, and seeking lawful sustenance is difficult. Therefore, he dislikes parting with it, knowing how precious it is. But if he is generous, he only spends it where it is appropriate."
Imam {a.s} was asked: “Why is the believer sometimes the most desirous in marriage?"
Imam {a.s} replied: “To protect his chastity from unlawful relations and so that his desires do not sway him in one direction or another. Thus, when he attains what is lawful, he suffices with it and feels no need for anything else."
Imam {a.s} also said: “The strength of the believer is in his heart. Do you not see that he may appear physically weak and thin, yet he stands in prayer at night and fasts during the day?"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.560 • Al-Wafi, Vol.5 p.783

HADITH

4925 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «كَانَ عَلِيُّ بْنُ اَلْحُسَيْنِ عَلَيْهِمَا اَلسَّلاَمُ إِذَا حَضَرَ وِلاَدَةُ اَلْمَرْأَةِ قَالَ «أَخْرِجُوا مَنْ فِي اَلْبَيْتِ مِنَ اَلنِّسَاءِ لاَ تَكُونُ اَلْمَرْأَةُ أَوَّلَ نَاظِرٍ إِلَى عَوْرَتِهِ»».

H.4925 - In the narration of Al-Sakuni from Jabir, from Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s}, he said: "When Imam Ali ibn Al-Hussain {a.s} was present at the time of a woman's childbirth, he would say:
'Remove all the women from the house so that a woman is not the first to look at the child's private parts.'"

[REFERENCES] Al-Kafi, Vol.6 p.17 • Man La Yahduruhu Al-Faqih, Vol.3 p.560 • Tahdhib Al-Ahkam, Vol.7 p.436 • Makarim Al-Akhlaq, Vol.1 p.234 • Al-Wafi, Vol.23 p.1315 • Wasa’il Al-Shi’ah, Vol.21 p.385 • Bihar Al-Anwar, Vol.101 p.125

HADITH

4926 - وَ فِي رِوَايَةِ اَلْحُسَيْنِ بْنِ عُلْوَانَ عَنْ عَمْرِو بْنِ خَالِدٍ عَنْ زَيْدِ بْنِ عَلِيٍّ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ عَنْ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَ: «ذَكَرَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ اَلْجِهَادَ فَقَالَتِ اِمْرَأَةٌ لِرَسُولِ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ يَا رَسُولَ اَللَّهِ فَمَا لِلنِّسَاءِ مِنْ هَذَا شَيْءٌ فَقَالَ» «بَلَى لِلْمَرْأَةِ مَا بَيْنَ حَمْلِهَا إِلَى وَضْعِهَا إِلَى فِطَامِهَا مِنَ اَلْأَجْرِ كَالْمُرَابِطِ فِي سَبِيلِ اَللَّهِ فَإِنْ هَلَكَتْ فِيمَا بَيْنَ ذَلِكَ كَانَ لَهَا مِثْلُ مَنْزِلَةِ اَلشَّهِيدِ».

H.4926 - In the narration of Al-Husayn ibn Alwan from Amr ibn Khalid from Zayd ibn Ali from his forefathers (peace be upon them) from Imam Ali ibn Abi Talib {a.s}, he said:
The Messenger of Allah {SWT} (peace be upon him and his family) mentioned jihad, and a woman said to the Messenger of Allah {SWT} (peace be upon him and his family): "O Messenger of Allah {SWT}, do women have any share in this?"
He {saws} replied: “Yes, for a woman, from the time of her pregnancy until she gives birth and until she weans her child, she receives a reward equal to that of a person stationed in the way of Allah {SWT}. And if she dies during that period, she will have the same status as a martyr."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.561 • Makarim Al-Akhlaq, Vol.1 p.234 • Al-Wafi, Vol.23 p.1294 • Bihar Al-Anwar, Vol.101 p.97

HADITH

4927 - : وَ ذُكِرَ اَلنِّسَاءُ عِنْدَ أَبِي اَلْحَسَنِ عَلَيْهِ اَلسَّلاَمُ فَقَالَ «لاَ يَنْبَغِي لِلْمَرْأَةِ أَنْ تَمْشِيَ فِي وَسَطِ اَلطَّرِيقِ وَ لَكِنَّهَا تَمْشِي إِلَى جَانِبِ اَلْحَائِطِ».

H.4927 - Women were mentioned in the presence of Abu al-Hasan {a.s}, and Imam {a.s} said:
"It is not appropriate for a woman to walk in the middle of the road; rather, she should walk along the side of the wall."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.561 • Wasa’il Al-Shi’ah, Vol.20 p.184

HADITH

4928 - وَ رَوَى حَفْصُ بْنُ اَلْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «لاَ يَنْبَغِي لِلْمَرْأَةِ أَنْ تَنْكَشِفَ بَيْنَ يَدَيِ اَلْيَهُودِيَّةِ وَ اَلنَّصْرَانِيَّةِ فَإِنَّهُنَّ يَصِفْنَ ذَلِكَ لِأَزْوَاجِهِنَّ».

H.4928 - Hafs ibn al-Bukhtari narrated from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s} who said: "It is not appropriate for a woman to uncover herself in front of a Jewish or Christian woman, for they describe that to their husbands."

[REFERENCES] Al-Kafi, Vol.5 p.519 • Man La Yahduruhu Al-Faqih, Vol.3 p.561 • Awali Al-La’ali, Vol.3 p.309 • Al-Wafi, Vol.22 p.816 • Tafsir Al-Safi, Vol.3 p.431 • Wasa’il Al-Shi’ah, Vol.20 p.184 • Tafsir Nur Al-Thaqalayn, Vol.3 p.593 • Tafsir Kanz Al-Daqaiq, Vol.9 p.284

HADITH

4929 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «زَوِّجُوا اَلْأَحْمَقَ وَ لاَ تَزَوَّجُوا اَلْحَمْقَاءَ فَإِنَّ اَلْأَحْمَقَ قَدْ يَنْجُبُ وَ اَلْحَمْقَاءُ لاَ تَنْجُبُ».

H.4929 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said: "Marry off the foolish man, but do not marry the foolish woman, for the foolish man may produce offspring, whereas the foolish woman does not bear children."

[REFERENCES] Al-Kafi, Vol.5 p.354 • Man La Yahduruhu Al-Faqih, Vol.3 p.561 • Tahdhib Al-Ahkam, Vol.7 p.406 • Al-Adab Al-Diniyyah, Vol.1 p.114 • Fiqh Al-Quran, Vol.2 p.132 • Al-Wafi, Vol.21 p.118 • Wasa'il Al-Shi'ah, Vol.20 p.84

HADITH

4930 - وَ رَوَى عَلِيُّ بْنُ رِئَابٍ عَنْ زُرَارَةَ بْنِ أَعْيَنَ أَوْ عَنْ غَيْرِهِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَرْبَعٌ لاَ يَشْبَعْنَ مِنْ أَرْبَعٍ أَرْضٌ مِنْ مَطَرٍ وَ أُنْثَى مِنْ ذَكَرٍ وَ عَيْنٌ مِنْ نَظَرٍ وَ عَالِمٌ مِنْ عِلْمٍ».

H.4930 - Ali ibn Ri'ab narrated from Zurara ibn A'yan or from someone else, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Four things are never satisfied with four: the earth with rain, a female with a male, the eye with looking, and a scholar with knowledge."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.561

CHAPTER 176 – CHAPTER ON RECOGNIZING THE MAJOR SINS FOR WHICH ALLAH {SWT}, THE ALMIGHTY, HAS THREATENED WITH HELLFIRE

بَابُ مَعْرِفَةِ الْكَبَائِرِ الَّتِي أَوْعَدَ اللَّهُ عَزَّ وَ جَلَّ عَلَيْهَا النَّارَ

HADITH 4931 – 4967

4931 - رَوَى عَلِيُّ بْنُ حَسَّانَ اَلْوَاسِطِيُّ عَنْ عَمِّهِ عَبْدِ اَلرَّحْمَنِ بْنِ كَثِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ اَلْكَبَائِرَ سَبْعٌ فِينَا أُنْزِلَتْ وَ مِنَّا اُسْتُحِلَّتْ فَأَوَّلُهَا اَلشِّرْكُ بِاللَّهِ اَلْعَظِيمِ وَ قَتْلُ اَلنَّفْسِ «اَلَّتِي حَرَّمَ اَللّٰهُ» عَزَّ وَ جَلَّ وَ أَكْلُ مَالِ اَلْيَتِيمِ وَ عُقُوقُ اَلْوَالِدَيْنِ وَ قَذْفُ اَلْمُحْصَنَةِ وَ اَلْفِرَارُ مِنَ اَلزَّحْفِ وَ إِنْكَارُ حَقِّنَا فَأَمَّا اَلشِّرْكُ بِاللَّهِ اَلْعَظِيمِ فَقَدْ أَنْزَلَ اَللَّهُ فِينَا مَا أَنْزَلَ وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِينَا مَا قَالَ فَكَذَّبُوا اَللَّهَ وَ كَذَّبُوا رَسُولَهُ فَأَشْرَكُوا بِاللَّهِ وَ أَمَّا قَتْلُ اَلنَّفْسِ «اَلَّتِي حَرَّمَ اَللّٰهُ»
فَقَدْ قَتَلُوا اَلْحُسَيْنَ بْنَ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ وَ أَصْحَابَهُ وَ أَمَّا أَكْلُ مَالِ اَلْيَتِيمِ فَقَدْ ذَهَبُوا بِفَيْئِنَا اَلَّذِي جَعَلَهُ اَللَّهُ عَزَّ وَ جَلَّ لَنَا فَأَعْطَوْهُ غَيْرَنَا وَ أَمَّا عُقُوقُ اَلْوَالِدَيْنِ فَقَدْ أَنْزَلَ اَللَّهُ تَبَارَكَ وَ تَعَالَى ذَلِكَ فِي كِتَابِهِ فَقَالَ عَزَّ وَ جَلَّ: ﴿ اَلنَّبِيُّ أَوْلىٰ بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ وَ أَزْوَاجُهُ أُمَّهَاتُهُمْ ﴾ فَعَقُّوا رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ فِي ذُرِّيَّتِهِ وَ عَقُّوا أُمَّهُمْ خَدِيجَةَ فِي ذُرِّيَّتِهَا وَ أَمَّا قَذْفُ اَلْمُحْصَنَةِ فَقَدْ قَذَفُوا فَاطِمَةَ عَلَيْهَا اَلسَّلاَمُ عَلَى مَنَابِرِهِمْ وَ أَمَّا اَلْفِرَارُ مِنَ اَلزَّحْفِ فَقَدْ أَعْطَوْا أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ بَيْعَتَهُمْ طَائِعِينَ غَيْرَ مُكْرَهِينَ فَفَرُّوا عَنْهُ وَ خَذَلُوهُ وَ أَمَّا إِنْكَارُ حَقِّنَا فَهَذَا مِمَّا لاَ يَتَنَازَعُونَ فِيهِ».

H.4931 - Ali ibn Hassan al-Wasiti narrated from his uncle, Abdur-Rahman ibn Kathir, from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, who said:
"Indeed, the major sins are seven, revealed concerning us and made permissible against us. The first of them is associating partners with Allah {SWT}, the Almighty, the killing of a soul 'which Allah {SWT} has forbidden' (Almighty and Majestic), consuming the wealth of an orphan, disobedience to parents, accusing a chaste woman, fleeing from the battlefield, and denying our (Ahlulbayt {a.s}) right.
As for associating partners with Allah {SWT}, the Almighty, Allah {SWT} has revealed regarding us what He {SWT} has revealed, and the Messenger of Allah {SWT} (peace and blessings be upon him and his family) has spoken about us what He {saws} has spoken. But they denied Allah {SWT} and denied His Messenger {saws}, thus associating partners with Allah {SWT}.
And as for the killing of a soul 'which Allah has forbidden', Indeed, they killed Imam Hussain ibn Ali {a.s} and his companions.
As for consuming the wealth of the orphan, they took away our (Ahlulbayt {a.s}) rightful share of the spoils that Allah {SWT}, the Almighty and Majestic, had assigned to us and gave it to others instead of us.

As for disobedience to parents, Allah {SWT}, the Blessed and Exalted, revealed this in His {SWT} Book, saying: *'The Prophet is closer to the believers than their own selves, and his wives are their mothers'* (Surah Al-Ahzab 33:6). Yet, they disobeyed the Messenger of Allah {SWT} (peace and blessings be upon him and his family) concerning his progeny, and they disobeyed their mother Khadijah through her children.
As for accusing a chaste woman, they accused Sayyida Fatimah {s.a} from their pulpits.
As for fleeing from the battlefield, they pledged allegiance to the Commander of the Faithful {a.s} willingly, without coercion, but they abandoned Him {a.s} and betrayed Him {a.s}.
As for denying Our (Ahlulbayt {a.s}) right, this is they do without dispute."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.561 • Al-Khisal, Vol.2 p.363 • Ilal Al-Shara'i', Vol.2 p.474 • Al-Manaqib, Vol.4 p.251 • Al-Wafi, Vol.2 p.241 • Bihar Al-Anwar, Vol.27 p.210 • Bihar Al-Anwar, Vol.76 p.5 • Tafsir Nur Al-Thaqalayn, Vol.5 p.163 • Tafsir Kanz Al-Daqaiq, Vol.12 p.502

HADITH

4932 - وَ رَوَى عَبْدُ اَلْعَظِيمِ بْنُ عَبْدِ اَللَّهِ اَلْحَسَنِيُّ عَنْ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيٍّ اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ سَمِعْتُ أَبِي مُوسَى بْنَ جَعْفَرٍ عَلَيْهِمَا اَلسَّلاَمُ يَقُولُ: «دَخَلَ عَمْرُو بْنُ عُبَيْدٍ اَلْبَصْرِيُّ عَلَى أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ فَلَمَّا سَلَّمَ وَ جَلَسَ تَلاَ هَذِهِ اَلْآيَةَ: «اَلَّذِينَ يَجْتَنِبُونَ كَبَائِرَ اَلْإِثْمِ» ثُمَّ أَمْسَكَ فَقَالَ أَبُو عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «مَا أَسْكَتَكَ» قَالَ أُحِبُّ أَنْ أَعْرِفَ اَلْكَبَائِرَ مِنْ كِتَابِ اَللَّهِ عَزَّ وَ جَلَّ فَقَالَ «نَعَمْ يَا عَمْرُو أَكْبَرُ اَلْكَبَائِرِ اَلشِّرْكُ بِاللَّهِ يَقُولُ اَللَّهُ تَبَارَكَ وَ تَعَالَى: ۞ إِنَّ اَللَّهَ لاٰ يَغْفِرُ أَنْ يُشْرَكَ بِهِ ۞ وَ يَقُولُ اَللَّهُ عَزَّ وَ جَلَّ: ۞ إِنَّهُ مَنْ يُشْرِكْ بِاللَّهِ فَقَدْ حَرَّمَ اَللَّهُ عَلَيْهِ اَلْجَنَّةَ وَ مَأْوٰاهُ اَلنّٰارُ وَ مٰا لِلظّٰالِمِينَ مِنْ أَنْصٰارٍ ۞ وَ بَعْدَهُ اَلْيَأْسُ مِنْ رَوْحِ اَللَّهِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۞ إِنَّهُ لاٰ يَيْأَسُ مِنْ رَوْحِ اَللَّهِ إِلاَّ اَلْقَوْمُ اَلْكٰافِرُونَ ۞ ثُمَّ اَلْأَمْنُ مِنْ مَكْرِ اَللَّهِ لِأَنَّ اَللَّهَ تَعَالَى يَقُولُ: ۞ فَلاٰ يَأْمَنُ مَكْرَ اَللَّهِ إِلاَّ اَلْقَوْمُ اَلْخٰاسِرُونَ ۞ وَ مِنْهَا عُقُوقُ اَلْوَالِدَيْنِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ جَعَلَ اَلْعَاقَّ جَبَّاراً شَقِيّاً فِي قَوْلِهِ تَعَالَى: «وَ بَرًّا بِوٰالِدَتِي وَ لَمْ يَجْعَلْنِي جَبّٰاراً شَقِيًّا» وَ قَتْلُ اَلنَّفْسِ «اَلَّتِي حَرَّمَ اَللّٰهُ» تَعَالَى «إِلاّٰ بِالْحَقِّ» لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ ۞ وَ مَنْ يَقْتُلْ مُؤْمِناً مُتَعَمِّداً فَجَزٰاؤُهُ جَهَنَّمُ خٰالِداً فِيهٰا ۞ » إِلَى آخِرِ اَلْآيَةِ «وَ قَذْفُ اَلْمُحْصَنَاتِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۞ إِنَّ اَلَّذِينَ يَرْمُونَ اَلْمُحْصَنٰاتِ اَلْغٰافِلاٰتِ اَلْمُؤْمِنٰاتِ لُعِنُوا فِي اَلدُّنْيٰا وَ اَلْآخِرَةِ وَ لَهُمْ عَذٰابٌ عَظِيمٌ ۞ وَ أَكْلُ مَالِ اَلْيَتِيمِ ظُلْماً لِقَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ۞ إِنَّ اَلَّذِينَ يَأْكُلُونَ أَمْوٰالَ اَلْيَتٰامىٰ ظُلْماً إِنَّمٰا يَأْكُلُونَ فِي بُطُونِهِمْ نٰاراً وَ سَيَصْلَوْنَ سَعِيراً ۞ وَ اَلْفِرَارُ مِنَ اَلزَّحْفِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۞ وَ مَنْ يُوَلِّهِمْ يَوْمَئِذٍ دُبُرَهُ إِلاّٰ مُتَحَرِّفاً لِقِتٰالٍ أَوْ مُتَحَيِّزاً إِلىٰ فِئَةٍ فَقَدْ بٰاءَ بِغَضَبٍ مِنَ اَللّٰهِ وَ مَأْوٰاهُ جَهَنَّمُ وَ بِئْسَ اَلْمَصِيرُ ۞ وَ أَكْلُ اَلرِّبَا لِأَنَّ اَللَّهَ تَعَالَى يَقُولُ: ۞ اَلَّذِينَ يَأْكُلُونَ اَلرِّبٰا لاٰ يَقُومُونَ إِلاّٰ كَمٰا يَقُومُ اَلَّذِي يَتَخَبَّطُهُ اَلشَّيْطٰانُ مِنَ اَلْمَسِّ ۞ وَ يَقُولُ اَللَّهُ عَزَّ وَ جَلَّ، ۞ يٰا أَيُّهَا اَلَّذِينَ آمَنُوا اِتَّقُوا اَللَّهَ وَ ذَرُوا مٰا بَقِيَ مِنَ اَلرِّبٰا إِنْ كُنْتُمْ مُؤْمِنِينَ. فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اَللّٰهِ وَ رَسُولِهِ ۞ وَ اَلسِّحْرُ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۞ وَ لَقَدْ عَلِمُوا لَمَنِ اِشْتَرٰاهُ مٰا لَهُ فِي اَلْآخِرَةِ مِنْ خَلاٰقٍ ۞ وَ اَلزِّنَا لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۞ وَ مَنْ يَفْعَلْ ذٰلِكَ يَلْقَ أَثٰاماً. يُضٰاعَفْ لَهُ اَلْعَذٰابُ يَوْمَ اَلْقِيٰامَةِ وَ يَخْلُدْ فِيهِ مُهٰاناً. إِلاّٰ مَنْ تٰابَ وَ آمَنَ ۞ » اَلْآيَةَ «وَ اَلْيَمِينُ اَلْغَمُوسُ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ۞ إِنَّ اَلَّذِينَ يَشْتَرُونَ بِعَهْدِ اَللّٰهِ وَ أَيْمٰانِهِمْ ثَمَناً قَلِيلاً أُولٰئِكَ لاٰ خَلاٰقَ لَهُمْ فِي اَلْآخِرَةِ ۞ اَلْآيَةَ وَ اَلْغُلُولُ قَالَ اَللَّهُ

تَعَالَى: ﴿ وَ مَنْ يَغْلُلْ يَأْتِ بِمٰا غَلَّ يَوْمَ اَلْقِيٰامَةِ ﴾ وَ مَنْعُ اَلزَّكَاةِ اَلْمَفْرُوضَةِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ﴿ يَوْمَ يُحْمىٰ عَلَيْهٰا فِي نٰارِ جَهَنَّمَ فَتُكْوىٰ بِهٰا جِبٰاهُهُمْ وَ جُنُوبُهُمْ وَ ظُهُورُهُمْ هٰذٰا مٰا كَنَزْتُمْ لِأَنْفُسِكُمْ فَذُوقُوا مٰا كُنْتُمْ تَكْنِزُونَ ﴾ وَ شَهَادَةُ اَلزُّورِ وَ كِتْمَانُ اَلشَّهَادَةِ، لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ﴿ وَ مَنْ يَكْتُمْهٰا فَإِنَّهُ آثِمٌ قَلْبُهُ ﴾ وَ شُرْبُ اَلْخَمْرِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ عَدَلَ بِهَا عِبَادَةَ اَلْأَوْثَانِ وَ تَرْكُ اَلصَّلاَةِ مُتَعَمِّداً أَوْ شَيْئاً مِمَّا فَرَضَ اَللَّهُ عَزَّ وَ جَلَّ لِأَنَّ رَسُولَ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ قَالَ «مَنْ تَرَكَ اَلصَّلاَةَ مُتَعَمِّداً فَقَدْ بَرِئَ مِنْ ذِمَّةِ اَللَّهِ عَزَّ وَ جَلَّ وَ ذِمَّةِ رَسُولِهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ » وَ نَقْضُ اَلْعَهْدِ وَ قَطِيعَةُ اَلرَّحِمِ لِأَنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ﴿ أُولٰئِكَ لَهُمُ اَللَّعْنَةُ وَ لَهُمْ سُوءُ اَلدّٰارِ ﴾ » قَالَ فَخَرَجَ عَمْرُو بْنُ عُبَيْدٍ وَ لَهُ صُرَاخٌ مِنْ بُكَائِهِ وَ هُوَ يَقُولُ هَلَكَ مَنْ قَالَ بِرَأْيِهِ وَ نَازَعَكُمْ فِي اَلْفَضْلِ وَ اَلْعِلْمِ».

H.4932 - Abdul-Azim ibn Abdullah al-Hasani narrated from Abu Ja'far Muhammad ibn 'Ali al-Ridha {a.s}, from his father {a.s}, who said:
I heard my father Imam Musa ibn Jafar Al-Kadhim {a.s} say:
'Amr ibn 'Ubayd al-Basri entered upon Abu Abdullah {a.s}. When he greeted him and sat down, he recited the verse: *"Those who avoid the major sins"* (Surah Al-Shura 42:37), then he stopped.
Imam {a.s} said to him: "What has made you stop?"
He replied: "I wish to know the major sins from the Book of Allah {SWT}, the Almighty and Majestic."
Imam {a.s} said: "Yes, O 'Amr, the greatest of the major sins is associating partners with Allah {SWT}.
Allah {SWT}, the Blessed and Exalted, says: *'Indeed, Allah does not forgive associating partners with Him'* (Surah An-Nisa 4:48).
And Allah {SWT}, the Almighty and Majestic, says: *'Indeed, whoever associates partners with Allah, then Allah has forbidden Paradise for him, and his abode is the Fire, and there are no helpers for the wrongdoers'* (Surah Al-Ma'idah 5:72).
After that is despairing of the mercy of Allah {SWT} - for Allah {SWT}, the Almighty and Majestic, says: *'Indeed, no one despairs of the mercy of Allah except the disbelieving people'* (Surah Yusuf 12:87).
Then, feeling secure from the plan of Allah {SWT}, for Allah {SWT}, the Exalted, says:
'None feels secure from the plan of Allah except the losing people' (Surah Al-A'raf 7:99).
Among them is disobedience to parents, for Allah {SWT}, the Almighty and Majestic, has made the disobedient one arrogant and wretched, as He {SWT} says in His {SWT} Book:
'And dutiful to my mother, and He did not make me an arrogant wretched one' (Surah Maryam 19:32)."
And the killing of a soul *'which Allah has forbidden, except by right'* (Surah Al-Isra 17:33), for Allah {SWT}, the Almighty and Majestic, says: *'And whoever kills a believer intentionally, his recompense is Hell, wherein he will abide eternally...'* (Surah An-Nisa 4:93) until the end of the verse.

And accusing chaste women, for Allah {SWT}, the Almighty and Majestic, says: *'Indeed, those who accuse chaste, unaware, believing women are cursed in this world and the Hereafter, and for them is a great punishment'* (Surah An-Nur 24:23).

And consuming the wealth of the orphan unjustly, for Allah {SWT}, the Almighty and Majestic, says: *'Indeed, those who consume the wealth of orphans unjustly are only filling their bellies with fire, and they will be burned in a Blaze'* (Surah An-Nisa 4:10).

And fleeing from the battlefield, for Allah {SWT}, the Almighty and Majestic, says: *'And whoever turns his back to them on that day, unless maneuvering for battle or joining another company, has certainly drawn upon himself the wrath of Allah, and his refuge is Hell - and wretched is the destination'* (Surah Al-Anfal 8:16).

And consuming usury, for Allah {SWT}, the Exalted, says: *'Those who consume usury will not stand except as one stands who is being beaten by Satan into insanity'* (Surah Al-Baqarah 2:275).

And Allah {SWT}, the Almighty and Majestic, says: *'O you who have believed, fear Allah and give up what remains [due to you] of usury, if you should be believers. But if you do not, then be informed of a war from Allah and His Messenger...'* (Surah Al-Baqarah 2:278-279).

And sorcery, for Allah {SWT}, the Almighty and Majestic, says: *'And they certainly knew that whoever purchased it would have no share in the Hereafter...'* (Surah Al-Baqarah 2:102).

And fornication, for Allah {SWT}, the Almighty and Majestic, says: *'And whoever does that shall meet a penalty. The punishment will be doubled for him on the Day of Resurrection, and he will abide therein humiliated - except for those who repent and believe...'* (Surah Al-Furqan 25:68-70).

And the false oath (al-yamin al-ghamus), for Allah {SWT}, the Almighty and Majestic, says: *'Indeed, those who exchange the covenant of Allah and their oaths for a small price will have no share in the Hereafter...'* (Surah Aal-e-Imran 3:77).

And misappropriation (ghulul), for Allah {SWT}, the Exalted, says: *'And whoever misappropriates [an item], he will bring forth what he misappropriated on the Day of Resurrection...'* (Surah Aal-e-Imran 3:161)."

And withholding the obligatory Zakat, for Allah {SWT}, the Almighty and Majestic, says: *'On the Day when it will be heated in the fire of Hell and their foreheads, their sides, and their backs will be branded with it: This is what you hoarded for yourselves, so taste what you used to hoard'* (Surah At-Tawbah 9:35).

And false testimony and concealing testimony, for Allah {SWT}, the Almighty and Majestic, says: *'And whoever conceals it, his heart is sinful'* (Surah Al-Baqarah 2:283).

And drinking intoxicants, for Allah {SWT}, the Almighty and Majestic, has equated it with the worship of idols.

And deliberately abandoning prayer or anything that Allah {SWT}, the Almighty and Majestic, has made obligatory, for the Messenger of Allah (peace and blessings be upon him and his family) said: *'Whoever deliberately abandons prayer has indeed removed himself from the protection of Allah, the Almighty and Majestic, and the protection of His Messenger (peace and blessings be upon him and his family).'*

And breaking covenants and severing family ties {SWT}, for Allah, the Almighty and Majestic, says: *'For them is the curse, and for them is the worst home'* (Surah Ar-Ra'd 13:25).

Then 'Amr ibn 'Ubayd left, crying loudly and saying, 'Perished is the one who speaks based on his own opinion and disputes with you (Imam {a.s}) in virtue and knowledge!'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.563 • Ilal Al-Shara'i', Vol.2 p.391 • Uyun Al-Akhbar, Vol.1 p.285 • Bihar Al-Anwar, Vol.76 p.6 • Tafsir Nur Al-Thaqalayn, Vol.5 p.160 • Tafsir Kanz Al-Daqaiq, Vol.12 p.499

HADITH

4933 - وَ رُوِيَ فِي خَبَرٍ آخَرَ: «أَنَّ اَلْحَيْفَ فِي اَلْوَصِيَّةِ مِنَ اَلْكَبَائِرِ».

H.4933 - And it has been narrated in another report: "Indeed, injustice in a will is among the major sins."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.565 • Man La Yahduruhu Al-Faqih, Vol.4 p.184 • Ilal Al-Shara'i', Vol.2 p.567 • Al-Wafi, Vol.5 p.1056 • Al-Wafi, Vol.24 p.60 • Wasa'il Al-Shi'ah, Vol.15 p.327 • Wasa'il Al-Shi'ah, Vol.19 p.268

HADITH

4934 - وَ كَتَبَ عَلِيُّ بْنُ مُوسَى اَلرِّضَا عَلَيْهِ اَلسَّلاَمُ إِلَى مُحَمَّدِ بْنِ سِنَانٍ فِيمَا كَتَبَ مِنْ جَوَابِ مَسَائِلِهِ: «حَرَّمَ اَللَّهُ قَتْلَ اَلنَّفْسِ لِعِلَّةِ فَسَادِ اَلْخَلْقِ فِي تَحْلِيلِهِ لَوْ أَحَلَّ وَ فَنَائِهِمْ وَ فَسَادِ اَلتَّدْبِيرِ وَ حَرَّمَ اَللَّهُ تَبَارَكَ وَ تَعَالَى عُقُوقَ اَلْوَالِدَيْنِ لِمَا فِيهِ مِنَ اَلْخُرُوجِ مِنَ اَلتَّوْقِيرِ لِلَّهِ عَزَّ وَ جَلَّ وَ اَلتَّوْقِيرِ لِلْوَالِدَيْنِ وَ كُفْرَانِ اَلنِّعْمَةِ وَ إِبْطَالِ اَلشُّكْرِ وَ مَا يَدْعُو مِنْ ذَلِكَ إِلَى قِلَّةِ اَلنَّسْلِ وَ اِنْقِطَاعِهِ لِمَا فِي اَلْعُقُوقِ مِنْ قِلَّةِ تَوْقِيرِ اَلْوَالِدَيْنِ وَ اَلْعِرْفَانِ بِحَقِّهِمَا وَ قَطْعِ اَلْأَرْحَامِ وَ اَلزُّهْدِ مِنَ اَلْوَالِدَيْنِ فِي اَلْوَلَدِ وَ تَرْكِ اَلتَّرْبِيَةِ لِعِلَّةِ تَرْكِ اَلْوَلَدِ بِرِّهِمَا وَ حَرَّمَ اَللَّهُ تَعَالَى اَلزِّنَا لِمَا فِيهِ مِنَ اَلْفَسَادِ مِنْ قَتْلِ اَلْأَنْفُسِ وَ ذَهَابِ اَلْأَنْسَابِ وَ تَرْكِ اَلتَّرْبِيَةِ لِلْأَطْفَالِ وَ فَسَادِ اَلْمَوَارِيثِ وَ مَا أَشْبَهَ ذَلِكَ مِنْ وُجُوهِ اَلْفَسَادِ وَ حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ قَذْفَ اَلْمُحْصَنَاتِ لِمَا فِيهِ مِنْ فَسَادِ اَلْأَنْسَابِ وَ نَفْيِ اَلْوَلَدِ وَ إِبْطَالِ اَلْمَوَارِيثِ وَ تَرْكِ اَلتَّرْبِيَةِ وَ ذَهَابِ اَلْمَعَارِفِ وَ مَا فِيهِ مِنَ اَلْكَبَائِرِ وَ اَلْعِلَلِ اَلَّتِي تُؤَدِّي إِلَى فَسَادِ اَلْخَلْقِ وَحَرَّمَ أَكْلَ مَالِ اَلْيَتِيمِ ظُلْماً لِعِلَلٍ كَثِيرَةٍ مِنْ وُجُوهِ اَلْفَسَادِ أَوَّلُ ذَلِكَ إِذَا أَكَلَ اَلْإِنْسَانُ مَالَ اَلْيَتِيمِ ظُلْماً فَقَدْ أَعَانَ عَلَى قَتْلِهِ إِذِ اَلْيَتِيمُ غَيْرُ مُسْتَغْنٍ وَ لاَ يَتَحَمَّلُ لِنَفْسِهِ وَ لاَ قَائِمٍ بِشَأْنِهِ وَ لاَ لَهُ مَنْ يَقُومُ عَلَيْهِ وَ يَكْفِيهِ كَقِيَامِ وَالِدَيْهِ فَإِذَا أَكَلَ مَالَهُ فَكَأَنَّهُ قَدْ قَتَلَهُ وَ صَيَّرَهُ إِلَى اَلْفَقْرِ وَ اَلْفَاقَةِ مَعَ مَا حَرَّمَ اَللَّهُ عَلَيْهِ وَ جَعَلَ لَهُ مِنَ اَلْعُقُوبَةِ فِي قَوْلِهِ عَزَّ وَ جَلَّ: «وَ لْيَخْشَ اَلَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعٰافاً خٰافُوا عَلَيْهِمْ فَلْيَتَّقُوا اَللّٰهَ وَ لْيَقُولُوا قَوْلاً سَدِيداً»

وَ لِقَوْلِ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ «إِنَّ اَللَّهَ أَوْعَدَ فِي أَكْلِ مَالِ اَلْيَتِيمِ عُقُوبَتَيْنِ عُقُوبَةً فِي اَلدُّنْيَا وَ عُقُوبَةً فِي اَلْآخِرَةِ» فَفِي تَحْرِيمِ مَالِ اَلْيَتِيمِ اِسْتِبْقَاءُ اَلْيَتِيمِ وَ اِسْتِقْلاَلُهُ لِنَفْسِهِ وَ اَلسَّلاَمَةُ لِلْعَقِبِ أَنْ يُصِيبَهُمْ مَا أَصَابَهُ لِمَا أَوْعَدَ اَللَّهُ عَزَّ وَ جَلَّ فِيهِ مِنَ اَلْعُقُوبَةِ مَعَ مَا فِي ذَلِكَ مِنْ طَلَبِ اَلْيَتِيمِ بِثَأْرِهِ إِذَا أَدْرَكَ وَ وُقُوعِ اَلشَّحْنَاءِ وَ اَلْعَدَاوَةِ وَ اَلْبَغْضَاءِ حَتَّى يَتَفَانَوْا وَ حَرَّمَ اَللَّهُ اَلْفِرَارَ مِنَ اَلزَّحْفِ لِمَا فِيهِ مِنَ اَلْوَهْنِ فِي اَلدِّينِ وَ اَلاِسْتِخْفَافِ بِالرُّسُلِ وَ اَلْأَئِمَّةِ اَلْعَادِلَةِ عَلَيْهِمُ اَلسَّلاَمُ وَ تَرْكِ نُصْرَتِهِمْ عَلَى اَلْأَعْدَاءِ وَ اَلْعُقُوبَةِ لَهُمْ عَلَى إِنْكَارِ مَا دُعُوا إِلَيْهِ مِنَ اَلْإِقْرَارِ بِالرُّبُوبِيَّةِ وَ إِظْهَارِ

اَلْعَدْلِ وَ تَرْكِ اَلْجَوْرِ وَ إِمَاتَتِهِ وَ اَلْفَسَادِ وَ لِمَا فِي ذَلِكَ مِنْ جُرْأَةِ اَلْعَدُوِّ عَلَى اَلْمُسْلِمِينَ وَ مَا يَكُونُ فِي ذَلِكَ مِنَ اَلسَّبْيِ وَ اَلْقَتْلِ وَ إِبْطَالِ حَقِّ دِينِ اَللَّهِ عَزَّ وَ جَلَّ وَ غَيْرِهِ مِنَ اَلْفَسَادِ وَ حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ اَلتَّعَرُّبَ بَعْدَ اَلْهِجْرَةِ لِلرُّجُوعِ عَنِ اَلدِّينِ وَ تَرْكِ اَلْمُؤَازَرَةِ لِلْأَنْبِيَاءِ وَ اَلْحُجَجِ عَلَيْهِمُ اَلسَّلاَمُ وَ مَا فِي ذَلِكَ مِنَ اَلْفَسَادِ وَ إِبْطَالِ حَقِّ كُلِّ ذِي حَقٍّ لاَ لِعِلَّةِ سُكْنَى اَلْبَدْوِ وَ لِذَلِكَ لَوْ عَرَفَ اَلرَّجُلُ اَلدِّينَ كَامِلاً لَمْ يَجُزْ لَهُ مُسَاكَنَةُ أَهْلِ اَلْجَهْلِ وَ اَلْخَوْفِ عَلَيْهِ لِأَنَّهُ لاَ يُؤْمَنُ أَنْ يَقَعَ مِنْهُ تَرْكُ اَلْعِلْمِ وَ اَلدُّخُولُ مَعَ أَهْلِ اَلْجَهْلِ وَ اَلتَّمَادِي فِي ذَلِكَ وَ عِلَّةُ تَحْرِيمِ اَلرِّبَا لِمَا نَهَى اَللَّهُ عَزَّ وَ جَلَّ عَنْهُ وَ لِمَا فِيهِ مِنْ فَسَادِ اَلْأَمْوَالِ لِأَنَّ اَلْإِنْسَانَ إِذَا اِشْتَرَى اَلدِّرْهَمَ بِالدِّرْهَمَيْنِ كَانَ ثَمَنُ اَلدِّرْهَمِ دِرْهَماً وَ ثَمَنُ اَلْآخَرِ بَاطِلاً فَبَيْعُ اَلرِّبَا وَ شِرَاؤُهُ وَكْسٌ عَلَى كُلِّ حَالٍ عَلَى اَلْمُشْتَرِي وَ عَلَى اَلْبَائِعِ فَحَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ عَلَى اَلْعِبَادِ اَلرِّبَا لِعِلَّةِ فَسَادِ اَلْأَمْوَالِ كَمَا حَظَرَ عَلَى اَلسَّفِيهِ أَنْ يُدْفَعَ إِلَيْهِ مَالُهُ لِمَا يُتَخَوَّفُ عَلَيْهِ مِنْ إِفْسَادِهِ حَتَّى يُؤْنَسَ مِنْهُ رُشْدُهُ فَلِهَذِهِ اَلْعِلَّةِ حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ اَلرِّبَا وَ بَيْعَ اَلرِّبَا بَيْعُ اَلدِّرْهَمِ بِالدِّرْهَمَيْنِ وَ عِلَّةُ تَحْرِيمِ اَلرِّبَا بَعْدَ اَلْبَيِّنَةِ لِمَا فِيهِ مِنَ اَلاِسْتِخْفَافِ بِالْحَرَامِ اَلْمُحَرَّمِ وَ هِيَ كَبِيرَةٌ بَعْدَ اَلْبَيَانِ وَ تَحْرِيمِ اَللَّهِ عَزَّ وَ جَلَّ لَهَا لَمْ يَكُنْ ذَلِكَ مِنْهُ إِلاَّ اِسْتِخْفَافاً بِالْمُحَرَّمِ اَلْحَرَامِ وَ اَلاِسْتِخْفَافُ بِذَلِكَ دُخُولٌ فِي اَلْكُفْرِ وَ عِلَّةُ تَحْرِيمِ اَلرِّبَا بِالنَّسِيئَةِ لِعِلَّةِ ذَهَابِ اَلْمَعْرُوفِ وَ تَلَفِ اَلْأَمْوَالِ وَ رَغْبَةِ اَلنَّاسِ فِي اَلرِّبْحِ وَ تَرْكِهِمْ لِلْقَرْضِ وَ اَلْقَرْضُ صَنَائِعُ اَلْمَعْرُوفِ وَ لِمَا فِي ذَلِكَ مِنَ اَلْفَسَادِ وَ اَلظُّلْمِ وَ فَنَاءِ اَلْأَمْوَالِ».

H.4934 - Imam Ali ibn Musa Ar-Ridha {a.s} wrote to Muhammad ibn Sinan in response to his questions:

"Allah {SWT} has forbidden the killing of a soul because of the corruption it would cause among creation if it were permitted, leading to their annihilation and the disruption of order.

Allah {SWT}, Blessed and Exalted, has forbidden disobedience to parents because it entails abandoning reverence for Allah {SWT}, the Mighty and Majestic, and respect for parents. It also involves ingratitude for blessings, the nullification of gratitude, and leads to a decrease and eventual cessation of offspring due to the lack of respect and recognition of parents' rights, the severing of family ties, and the parents' disinterest in their children, resulting in neglecting their upbringing due to the child's failure to honor them.

Allah {SWT}, the Exalted, has forbidden adultery because of the corruption it brings, such as the killing of souls, the loss of lineage, neglect in raising children, the disruption of inheritance, and other forms of corruption that arise from it.

And Allah {SWT}, the Mighty and Majestic, has forbidden the slandering of chaste women because it leads to the corruption of lineage, denial of children, disruption of inheritance, neglect in upbringing, and the loss of relationships and associations. It also includes grave sins and causes that lead to the corruption of creation.

Allah {SWT} has forbidden the consumption of an orphan's wealth unjustly due to many reasons related to corruption. The foremost of these is that when a person consumes the wealth of an orphan unjustly, it is as if he has contributed to the orphan's death. The orphan is not self-sufficient, cannot manage his own affairs, and has no one to

care for him as his parents would. Thus, when his wealth is consumed, it is as though he has been killed, leading him to poverty and destitution, in addition to what Allah {SWT} has forbidden and the punishment He has set, as Allah {SWT}, the Mighty and Majestic, says: *'And let those fear [injustice] who, if they left behind weak offspring, would be fearful for them. So let them fear Allah and speak words of appropriate justice'* (Surah An-Nisa 4:9).""

And Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} said: "Indeed, Allah {SWT} has promised two punishments for consuming the wealth of an orphan: a punishment in this world and a punishment in the Hereafter."

Thus, the prohibition of consuming the wealth of an orphan ensures the preservation of the orphan, their independence, and the safety of their descendants from facing the same consequences due to the punishment Allah {SWT}, the Mighty and Majestic, has promised. Additionally, it prevents the orphan from seeking revenge when they grow up and stops the spread of hatred, enmity, and hostility, which could lead to mutual destruction.

Allah {SWT} has forbidden fleeing from the battlefield because it weakens the religion, shows disregard for the messengers and just Imams (peace be upon them), and results in abandoning their support against enemies. It leads to punishment for denying what they called toward - acknowledging the Lordship {AZJ} of Allah {SWT}, establishing justice, and rejecting oppression - thus allowing oppression and corruption to prevail. Moreover, it emboldens the enemy against Muslims, leading to captivity, killing, and the nullification of Allah's {SWT} true religion and other forms of corruption.

Allah {SWT}, the Mighty and Majestic, has forbidden reverting to a nomadic life after migration because it entails turning away from religion, abandoning the support of prophets and divine proofs (peace be upon them), and causing corruption while nullifying the rights of those deserving them. This prohibition is not due to merely living in the desert. For this reason, if a person fully understands the religion, it is impermissible for them to live among the ignorant and those who instill fear, as there is a risk they may abandon knowledge, associate with the ignorant, and persist in ignorance.

The reason for the prohibition of usury is due to what Allah {SWT}, the Mighty and Majestic, has forbidden and because of the corruption it brings to wealth. When a person buys one dirham with two dirhams, the value of one dirham is legitimate while the other is invalid. Thus, both selling and buying through usury result in loss for both the buyer and the seller in every case. Therefore, Allah {SWT}, the Mighty and Majestic, has forbidden usury due to the corruption it causes in wealth, just as He has prohibited handing over wealth to the foolish because of the fear that they would squander it, until their sound judgment is observed. For this reason, Allah {SWT}, the Mighty and Majestic, has forbidden usury.

The sale involving usury is like selling one dirham for two dirhams. The reason for the prohibition of usury, even after clear evidence, is because it reflects disregard for what Allah {SWT} has forbidden. It becomes a major sin after clarification, and Allah's {SWT}

prohibition of it is only due to treating the sacred and forbidden lightly. Taking it lightly leads to disbelief.

The reason for the prohibition of deferred usury (riba al-nasi'ah) is because it leads to the loss of kindness, the destruction of wealth, people becoming overly focused on profit, abandoning loans, and neglecting charitable lending, which is a form of kindness. It results in corruption, oppression, and the eventual destruction of wealth."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.565 • Al-Wafi, Vol.5 p.1059

HADITH

4935 - وَ رَوَى هِشَامُ بْنُ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّهُ قَالَ: «إِنَّمَا حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ اَلرِّبَا كَيْلاَ يَمْتَنِعُوا مِنْ صَنَائِعِ اَلْمَعْرُوفِ».

H.4935 - Hisham ibn Salim narrated from Abu Abdillah {a.s} that he said:
"Indeed, Allah {SWT}, the Mighty and Majestic, only forbade usury so that people would not refrain from acts of kindness."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.566 • Wasa'il Al-Shi'ah, Vol.18 p.120

HADITH

4936 - وَ فِي رِوَايَةِ مُحَمَّدِ بْنِ عَطِيَّةَ عَنْ زُرَارَةَ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّمَا حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ اَلرِّبَا لِئَلاَّ يَذْهَبَ اَلْمَعْرُوفُ».

H.4936 - In the narration of Muhammad ibn Atiyyah from Zurara, from Abu Ja'far Imam Al-Baqir {a.s}, he said: "Indeed, Allah {SWT}, the Mighty and Majestic, only forbade usury so that acts of kindness would not disappear."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.566 • Ilal Al-Shara'i', Vol.2 p.483 • Al-Wafi, Vol.5 p.1062 • Wasa'il Al-Shi'ah, Vol.18 p.120

HADITH

4937 - وَ سَأَلَ هِشَامُ بْنُ اَلْحَكَمِ أَبَا عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : عَنْ عِلَّةِ تَحْرِيمِ اَلرِّبَا فَقَالَ «إِنَّهُ لَوْ كَانَ اَلرِّبَا حَلاَلاً لَتَرَكَ اَلنَّاسُ اَلتِّجَارَاتِ وَ مَا يَحْتَاجُونَ إِلَيْهِ فَحَرَّمَ اَللَّهُ اَلرِّبَا لِيَفِرَّ اَلنَّاسُ مِنَ اَلْحَرَامِ إِلَى اَلْحَلاَلِ وَ إِلَى اَلتِّجَارَاتِ وَ إِلَى اَلْبَيْعِ وَ اَلشِّرَاءِ فَيَبْقَى ذَلِكَ بَيْنَهُمْ فِي اَلْقَرْضِ».

H.4937 - Hisham ibn al-Hakam asked Abu Abdillah {a.s} about the reason for the prohibition of usury.
Imam {a.s} said: "If usury had been permissible, people would have abandoned trade and the things they need. Therefore, Allah {SWT} forbade usury so that people would turn away from what is unlawful toward what is lawful, engaging in trade, buying, and selling, allowing these practices to continue among them through lending."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.567

HADITH

4938 - وَ فِي رِوَايَةِ اَلسَّكُونِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَلَيْهِ اَلسَّلاَمُ قَالَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «سَاحِرُ اَلْمُسْلِمِينَ يُقْتَلُ وَ سَاحِرُ اَلْكُفَّارِ لاَ يُقْتَلُ» قِيلَ يَا رَسُولَ اَللَّهِ لِمَ لاَ يُقْتَلُ سَاحِرُ اَلْكُفَّارِ قَالَ «لِأَنَّ اَلشِّرْكَ أَعْظَمُ مِنَ اَلسِّحْرِ وَ لِأَنَّ اَلسِّحْرَ وَ اَلشِّرْكَ مَقْرُونَانِ».

H.4938 - In the narration of al-Sakooni from Imam Jafar ibn Muhammad Al-Sadiq {a.s} from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, it is reported that the Messenger of Allah {SWT} (peace be upon him and his family) said:
"The magician among the Muslims is to be executed, but the magician among the disbelievers is not to be executed."
It was asked: “O Messenger of Allah {SWT}, why is the magician among the disbelievers not executed?"
He {saws} replied: "Because polytheism is greater than magic, and indeed, magic and polytheism are closely linked."

[REFERENCES] Al-Kafi, Vol.7 p.260 • Man La Yahduruhu Al-Faqih, Vol.3 p.567 • Al-Ash’athiyat, Vol.1 p.128 • Tahdhib Al-Ahkam, Vol.10 p.147 • Al-Wafi, Vol.5 p.1062 • Al-Wafi, Vol.15 p.477 • Wasa’il Al-Shi’ah, Vol.17 p.146 • Wasa’il Al-Shi’ah, Vol.28 p.365 • Bihar Al-Anwar, Vol.76 p.212 • Mustadrak Al-Wasa’il, Vol.13 p.106

HADITH

4939 - وَ قَالَ أَبُو جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ : «حَرَّمَ اَللَّهُ عَزَّ وَ جَلَّ اَلْخَمْرَ لِفِعْلِهَا وَ فَسَادِهَا».

H.4939 - Abu Ja’far Imam Muhammad ibn Ali Al-Baqir {a.s} said:
"Allah {SWT}, the Mighty and Majestic, has forbidden alcohol because of its effects and its corruption."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.567 • Al-Wafi, Vol.5 p.1063 • Wasa’il Al-Shi’ah, Vol.25 p.303

HADITH

4940 - وَ رُوِيَ عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ جَابِرٍ عَنْ زَيْنَبَ بِنْتِ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ قَالَتْ قَالَتْ فَاطِمَةُ عَلَيْهَا اَلسَّلاَمُ فِي خُطْبَتِهَا فِي مَعْنَى فَدَكَ : «لِلَّهِ فِيكُمْ عَهْدٌ قَدَّمَهُ إِلَيْكُمْ وَ بَقِيَّةٌ اِسْتَخْلَفَهَا عَلَيْكُمْ ، كِتَابُ اَللَّهِ بَيِّنَةٌ بَصَائِرُهُ وَ آيٌ مُنْكَشِفَةٌ سَرَائِرُهُ وَ بُرْهَانٌ مُتَجَلِّيَةٌ ظَوَاهِرُهُ مُدِيمٌ لِلْبَرِيَّةِ اِسْتِمَاعُهُ وَ قَائِدٌ إِلَى اَلرِّضْوَانِ أَتْبَاعَهُ مُؤَدٍّياً إِلَى اَلنَّجَاةِ أَشْيَاعَهُ فِيهِ تِبْيَانُ حُجَجِ اَللَّهِ اَلْمُنَوَّرَةِ وَ مَحَارِمِهِ اَلْمَحْدُودَةِ وَ فَضَائِلِهِ اَلْمَنْدُوبَةِ وَ جُمَلِهِ اَلْكَافِيَةِ وَ رُخَصِهِ اَلْمَوْهُوبَةِ وَ شَرَائِعِهِ اَلْمَكْتُوبَةِ وَ بَيِّنَاتِهِ اَلْخَالِيَةِ فَفَرَضَ اَللَّهُ اَلْإِيمَانَ تَطْهِيراً مِنَ اَلشِّرْكِ وَ اَلصَّلاَةَ تَنْزِيهاً عَنِ اَلْكِبْرِ وَ اَلزَّكَاةَ زِيَادَةً فِي اَلرِّزْقِ وَ اَلصِّيَامَ تَبْيِيناً لِلْإِخْلاَصِ وَ اَلْحَجَّ تَسْنِيَةً لِلدِّينِ وَ اَلْعَدْلَ تَسْكِيناً لِلْقُلُوبِ وَ اَلطَّاعَةَ نِظَاماً لِلْمِلَّةِ وَ اَلْإِمَامَةَ لَمّاً مِنَ اَلْفُرْقَةِ وَ اَلْجِهَادَ عِزّاً لِلْإِسْلاَمِ وَ اَلصَّبْرَ مَعُونَةً عَلَى اَلِاسْتِيجَابِ وَ اَلْأَمْرَ بِالْمَعْرُوفِ مَصْلَحَةً لِلْعَامَّةِ وَ بِرَّ اَلْوَالِدَيْنِ وِقَايَةً عَنِ اَلسَّخَطِ وَ صِلَةَ اَلْأَرْحَامِ مَنْمَاةً لِلْعَدَدِ وَ اَلْقِصَاصَ حَقْناً لِلدِّمَاءِ وَ اَلْوَفَاءَ بِالنَّذْرِ تَعْرِيضاً لِلْمَغْفِرَةِ وَ تَوْفِيَةَ اَلْمَكَايِيلِ وَ اَلْمَوَازِينِ تَعْيِيراً لِلْبَخْسَةِ وَ قَذْفَ اَلْمُحْصَنَاتِ حَجْباً عَنِ اَللَّعْنَةِ

وَ تَرْكَ اَلسِّرِقَةِ إِيجَاباً لِلْعِفَّةِ وَ أَكْلَ أَمْوَالِ اَلْيَتَامَى إِجَارَةً مِنَ اَلظُّلْمِ وَ اَلْعَدْلَ فِي اَلْأَحْكَامِ إِينَاساً لِلرَّعِيَّةِ وَ حَرَّمَ اَللَّهُ اَلشِّرْكَ إِخْلَاصاً لَهُ بِالرُّبُوبِيَّةِ فَ «اِتَّقُوا اَللَّهَ حَقَّ تُقَاتِهِ» فِيمَا أَمَرَكُمُ اَللَّهُ بِهِ وَ اِنْتَهُوا عَمَّا نَهَاكُمْ عَنْهُ».

وَ اَلْخُطْبَةُ طَوِيلَةٌ أَخَذْنَا مِنْهَا مَوْضِعَ اَلْحَاجَةِ.

H.4940 - It is narrated from Isma'il ibn Mihran, from Ahmad ibn Muhammad, from Jabir, from Sayyidah Zaynab bint Ali {s.a}, who said that Sayyidah Fatimah {s.a}, peace be upon them all stated in her sermon regarding Fadak:

"Allah {SWT} has placed upon you a covenant that He {SWT} advanced to you and a successor He {SWT} has appointed over you - the Book of Allah {SWT}. Its insights are clear, its signs are evident, its inner meanings are unveiled, and its proofs are manifest. It is a guide whose listening is continuous for creation, a leader whose followers are led to Allah's {SWT} pleasure, and it brings salvation to its adherents.

Within it are the explanations of Allah's {SWT} illuminated arguments, His {SWT} defined prohibitions, His {SWT} encouraged virtues, His {SWT} comprehensive instructions, His {SWT} granted allowances, and His {SWT} prescribed laws.

Allah {SWT} has obligated faith as purification from polytheism, prayer as a means of distancing from arrogance, zakat as an increase in sustenance, fasting as a clarification of sincerity, Hajj as a strengthening of religion, justice as a source of comfort for hearts, obedience as a system for the community, leadership (Imamate) as a means to unite the people, jihad as an honor for Islam, patience as aid in seeking rewards, enjoining good as a benefit for the public, honoring parents as protection from Allah's {SWT} anger, maintaining family ties as a cause for increasing progeny, legal retribution as a safeguard for blood, fulfilling vows as a path to forgiveness, giving full measure and weight as a safeguard against cheating, avoiding the slander of chaste women as protection from curse, abstaining from theft as a guarantee of chastity, and refraining from consuming the wealth of orphans as protection from injustice.

Justice in rulings ensures comfort for the subjects, and Allah {SWT} has forbidden polytheism to ensure sincerity in His Lordship {AZJ}.

So, 'Fear Allah {SWT} as He {SWT} should be feared' in what Allah {SWT} has commanded you and refrain from what He has prohibited you from."

[AL SADUQ]

And the sermon is lengthy, and we have taken from it what was necessary.

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.567 • Al-Wafi, Vol.5 p.1063

HADITH

4941 - وَ فِي رِوَايَةِ أَبِي خَدِيجَةَ سَالِمِ بْنِ مُكْرَمٍ اَلْجَمَّالِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «اَلْكَذِبُ عَلَى اَللَّهِ وَ عَلَى رَسُولِهِ وَ عَلَى اَلْأَوْصِيَاءِ عَلَيْهِمُ اَلسَّلاَمُ مِنَ اَلْكَبَائِرِ».

H.4941 - In the narration of Abu Khadijah Salim ibn Mukarram al-Jammal from Abu Abdillah {a.s}, he said:
"Lying against Allah {SWT}, His Messenger {saws}, and the successors {a.s} (peace be upon them) is among the major sins."

[REFERENCES] Al-Muhasin, Vol.1 p.118 • Tafsir Al-'Ayyashi, Vol.1 p.238 • Man La Yahduruhu Al-Faqih, Vol.3 p.568 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.268 • Al-Wafi, Vol.5 p.1056 • Wasa'il Al-Shi'ah, Vol.15 p.327 • Tafsir Al-Burhan, Vol.2 p.69 • Bihar Al-Anwar, Vol.76 p.13 • Bihar Al-Anwar, Vol.76 p.14 • Mustadrak Al-Wasa'il, Vol.9 p.92

HADITH

4942 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «مَنْ قَالَ عَلَيَّ مَا لَمْ أَقُلْ فَلْيَتَبَوَّأْ مَقْعَدَهُ مِنَ اَلنَّارِ ».

H.4942 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Whoever attributes to Me {saws} something I did not say, let him prepare his seat in the Fire."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.569 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.268 • Wasa'il Al-Shi'ah, Vol.15 p.327 • Bihar Al-Anwar, Vol.2 p.117

HADITH

4943 - وَ رَوَى يُونُسُ بْنُ عَبْدِ اَلرَّحْمَنِ عَنْ عَبْدِ اَللَّهِ بْنِ سُلَيْمَانَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «مَنْ آمَنَ رَجُلاً عَلَى دَمِهِ، ثُمَّ قَتَلَهُ جَاءَ يَوْمَ اَلْقِيَامَةِ يَحْمِلُ لِوَاءَ اَلْغَدْرِ».

H.4943 - Yunus ibn Abd al-Rahman narrated from Abdullah ibn Sulayman, who said: I heard Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} say:
"Whoever grants a man safety over his life and then kills him will come on the Day of Judgment carrying the banner of treachery."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.569 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.256 • Bihar Al-Anwar, Vol.7 p.217

HADITH

4944 - وَ رَوَى أَحْمَدُ بْنُ اَلنَّضْرِ عَنْ عَبَّادٍ عَنْ كَثِيرٍ اَلنَّوَّاءِ قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ عَنِ اَلْكَبَائِرِ فَقَالَ «كُلُّ مَا أَوْعَدَ اَللَّهُ عَزَّ وَ جَلَّ عَلَيْهِ اَلنَّارَ».

H.4944 - Ahmad ibn al-Nadr narrated from Abbad, from Kathir al-Nawwa', who said:
I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} about the major sins.
He said: "Every sin for which Allah {SWT}, the Mighty and Majestic, has promised the Hellfire is a major sin."

[REFERENCES] Tafsir Al-'Ayyashi, Vol.1 p.239 • Man La Yahduruhu Al-Faqih, Vol.3 p.569 • Al-Wafi, Vol.5 p.1056 • Wasa'il Al-Shi'ah, Vol.15 p.317 • Wasa'il Al-Shi'ah, Vol.15 p.327 • Bihar Al-Anwar, Vol.76 p.13 • Bihar Al-Anwar, Vol.76 p.15

HADITH

4945 - وَ رَوَى زُرْعَةُ بْنُ مُحَمَّدٍ اَلْحَضْرَمِيُّ عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ سَمِعْتُهُ يَقُولُ: «إِنَّ اَللَّهَ تَبَارَكَ وَ تَعَالَى أَوْعَدَ فِي أَكْلِ مَالِ اَلْيَتِيمِ عُقُوبَتَيْنِ أَمَّا إِحْدَاهُمَا فَعُقُوبَةُ اَلْآخِرَةِ بِالنَّارِ وَ أَمَّا عُقُوبَةُ اَلدُّنْيَا فَهُوَ قَوْلُهُ عَزَّ وَ جَلَّ: ﴿ لْيَخْشَ اَلَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعٰافاً خٰافُوا عَلَيْهِمْ فَلْيَتَّقُوا اَللّٰهَ وَ لْيَقُولُوا قَوْلاً سَدِيداً ﴾ يَعْنِي بِذَلِكَ لِيَخْشَ أَنْ أَخْلُفَهُ فِي ذُرِّيَّتِهِ كَمَا صَنَعَ بِهَؤُلاَءِ اَلْيَتَامَى ».

H.4945 - Zurah ibn Muhammad al-Hadrami narrated from Samaah ibn Mihran, who said:
I heard Imam {a.s} say: "Indeed, Allah {SWT}, Blessed and Exalted, has promised two punishments for consuming the wealth of an orphan.
One is the punishment in the Hereafter, which is the Fire, and the other is the punishment in this world, as stated by Allah {SWT}, the Mighty and Majestic:
'And let those fear (Allah {SWT}) who, if they left behind weak offspring, would be afraid for them. So let them fear Allah {SWT} and speak words of appropriate justice.'
(Surah An-Nisa 4:9)
This means that one should fear that Allah {SWT} might deal with his own offspring as to what (wrong) he has done to these orphans."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.569 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.234 • Al-Wafi, Vol.5 p.1056 • Bihar Al-Anwar, Vol.76 p.269 • Tafsir Nur Al-Thaqalayn, Vol.1 p.447 • Tafsir Kanz Al-Daqaiq, Vol.3 p.337 • Tafsir Kanz Al-Daqaiq, Vol.3 p.341

HADITH

4946 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «سِبَابُ اَلْمُؤْمِنِ فِسْقٌ وَ قِتَالُهُ كُفْرٌ وَ أَكْلُ لَحْمِهِ مِنْ مَعْصِيَةِ اَللَّهِ وَ حُرْمَةُ مَالِهِ كَحُرْمَةِ دَمِهِ ».

H.4946 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Insulting a believer is wickedness, fighting him is disbelief, consuming his flesh (through backbiting) is disobedience to Allah {SWT}, and the sanctity of his wealth is like the sanctity of his blood."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.569 • Bihar Al-Anwar, Vol.72 p.320

HADITH

4947 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنِ اِكْتَحَلَ بِمِيلٍ مِنْ مُسْكِرٍ كَحَلَهُ اَللَّهُ بِمِيلٍ مِنْ نَارٍ».

H.4947 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever applies kohl with a stick dipped in an intoxicant, Allah will apply a stick of fire to his eyes."

[REFERENCES] Al-Kafi, Vol.6 p.414 • Man La Yahduruhu Al-Faqih, Vol.3 p.570 • Tahdhib Al-Ahkam, Vol.9 p.114 • A'lam Al-Din, Vol.1 p.405 • Awali Al-La'ali, Vol.3 p.463 • Al-Wafi, Vol.20 p.640 • Wasa'il Al-Shi'ah, Vol.25 p.349 • Al-Fusul Al-Muhimmah, Vol.3 p.155 • Bihar Al-Anwar, Vol.59 p.90

HADITH

4948 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: سَأَلَهُ رَجُلٌ فَقَالَ أَصْلَحَكَ اَللَّهُ شُرْبُ اَلْخَمْرِ شَرٌّ أَمْ تَرْكُ اَلصَّلاَةِ قَالَ «شُرْبُ اَلْخَمْرِ» ثُمَّ قَالَ «أَ وَ تَدْرِي لِمَ ذَلِكَ» قَالَ لاَ قَالَ «لِأَنَّهُ يَصِيرُ فِي حَالٍ لاَ يَعْرِفُ فِيهَا رَبَّهُ عَزَّ وَ جَلَّ».

H.4948 - Ibn Abi Umayr narrated from Isma'il ibn Salim, who reported from Abu Abdillah {a.s} that a man asked him:
"May Allah {SWT} rectify you, is drinking alcohol worse or abandoning prayer?"
Imam {a.s} replied: "Drinking alcohol."
Then Imam {a.s} said: "Do you know why that is?"
The man replied: "No."
Imam {a.s} said: "Because it leads a person to a state where he no longer recognizes his Lord {AZJ}, the Mighty and Majestic."

[REFERENCES] Al-Muhasin, Vol.1 p.125 • Al-Kafi, Vol.6 p.402 • Man La Yahduruhu Al-Faqih, Vol.3 p.570 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.243 • Al-Wafi, Vol.20 p.605 • Wasa'il Al-Shi'ah, Vol.25 p.313 • Bihar Al-Anwar, Vol.76 p.138

HADITH

4949 - وَ قَالَ عَلَيْهِ اَلسَّلاَمُ: «إِنَّ أَهْلَ اَلرَّيِّ فِي اَلدُّنْيَا مِنَ اَلْمُسْكِرِ يَمُوتُونَ عِطَاشاً وَ يُحْشَرُونَ عِطَاشاً وَ يَدْخُلُونَ اَلنَّارَ عِطَاشاً ».

H.4949 - Imam {a.s} said:
"Indeed, those who indulge in intoxicants in this world will die thirsty, be resurrected thirsty, and enter the Fire thirsty."

[REFERENCES] Al-Kafi, Vol.6 p.400 • Man La Yahduruhu Al-Faqih, Vol.3 p.570 • Al-Wafi, Vol.20 p.635 • Wasa'il Al-Shi'ah, Vol.25 p.327 • Wasa'il Al-Shi'ah, Vol.25 p.349

HADITH

4950 - وَ رَوَى أَبَانُ بْنُ عُثْمَانَ عَنِ اَلْفُضَيْلِ بْنِ يَسَارٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ يَقُولُ: «مَنْ شَرِبَ اَلْخَمْرَ فَسَكِرَ مِنْهَا لَمْ تُقْبَلْ لَهُ صَلاَةٌ أَرْبَعِينَ يَوْماً فَإِنْ تَرَكَ اَلصَّلاَةَ فِي هَذِهِ اَلْأَيَّامِ ضُوعِفَ عَلَيْهِ اَلْعَذَابُ لِتَرْكِهِ اَلصَّلاَةَ».

H.4950 - Aban ibn Uthman narrated from al-Fudayl ibn Yasar, who said:
I heard Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} say:
"Whoever drinks alcohol and becomes intoxicated by it, his prayer will not be accepted for forty days. And if he abandons prayer during these days, his punishment will be doubled for neglecting the prayer."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.570 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.243 • Al-Khisal, Vol.2 p.534 • Rawdat Al-Wa'izin, Vol.2 p.464 • Al-Wafi, Vol.20 p.617 • Wasa'il Al-Shi'ah, Vol.25 p.303 • Wasa'il Al-Shi'ah, Vol.25 p.330 • Bihar Al-Anwar, Vol.76 p.134 • Bihar Al-Anwar, Vol.81 p.319

HADITH

4951 - وَ فِي خَبَرٍ آخَرَ: «إِنَّ صَلاَتَهُ تُوقَفُ بَيْنَ اَلسَّمَاءِ وَ اَلْأَرْضِ فَإِذَا تَابَ رُدَّتْ عَلَيْهِ وَ قُبِلَتْ مِنْهُ».

H.4951 - And in another narration:
"Indeed, his prayer will be suspended between the sky and the earth. But if he repents, it will be returned to him and accepted from him."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.571

HADITH

4952 - وَ رَوَى إِبْرَاهِيمُ بْنُ هَاشِمٍ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ أَحْمَدَ بْنِ إِسْمَاعِيلَ اَلْكَاتِبِ عَنْ أَبِيهِ قَالَ: أَقْبَلَ مُحَمَّدُ بْنُ عَلِيٍّ عَلَيْهِ اَلسَّلاَمُ فِي اَلْمَسْجِدِ اَلْحَرَامِ فَقَالَ بَعْضُهُمْ لَوْ بَعَثْتُمْ إِلَيْهِ بَعْضَكُمْ يَسْأَلُهُ فَأَتَاهُ شَابٌّ مِنْهُمْ فَقَالَ لَهُ «يَا عَمِّ مَا أَكْبَرُ اَلْكَبَائِرِ» قَالَ «شُرْبُ اَلْخَمْرِ» فَأَخْبَرَهُمْ فَقَالُوا لَهُ عُدْ إِلَيْهِ فَلَمْ يَزَالُوا بِهِ حَتَّى عَادَ إِلَيْهِ فَسَأَلَهُ فَقَالَ لَهُ «أَ لَمْ أَقُلْ لَكَ يَا اِبْنَ أَخِي شُرْبَ اَلْخَمْرِ إِنَّ شُرْبَ اَلْخَمْرِ يُدْخِلُ صَاحِبَهُ فِي اَلزِّنَا وَ اَلسَّرِقَةِ وَ قَتْلِ اَلنَّفْسِ «اَلَّتِي حَرَّمَ اَللَّهُ» وَ فِي اَلشِّرْكِ بِاللَّهِ وَ أَفَاعِيلُ اَلْخَمْرِ تَعْلُو عَلَى كُلِّ ذَنْبٍ كَمَا تَعْلُو شَجَرَتُهَا عَلَى كُلِّ شَجَرَةٍ».

H.4952 - Ibrahim ibn Hashim narrated from Amr ibn Uthman, from Ahmad ibn Isma'il al-Katib, from his father, who said:
Imam Muhammad ibn Ali Al-Baqir {a.s} entered the Sacred Mosque (Masjid al-Haram), and some people said: “Why don’t you send one of you to ask him a question?"
So a young man from among them approached him and asked: “O uncle, what is the greatest of the major sins?"
Imam {a.s} replied: “Drinking alcohol."
The young man returned and informed them.
They said to him (the boy): "Go back to him."
They persisted until he returned to Imam {a.s} and asked again.
The Imam {a.s} said:
“Did I not already tell you, O son of my brother, that it is drinking alcohol? Indeed, drinking alcohol leads its drinker to adultery, theft, the killing of a soul which Allah {SWT} has forbidden, and associating partners with Allah {SWT}. The consequences of alcohol surpass every sin, just as its tree rises above all other trees."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.571

HADITH

4953 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنْ قَتَلَ نَفْسَهُ مُتَعَمِّداً فَهُوَ فِي نَارٍ « جَهَنَّمُ خٰالِداً فِيهٰا» ».

قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى ﴿ وَ لا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كانَ بِكُمْ رَحِيماً. وَ مَنْ يَفْعَلْ ذلِكَ عُدْواناً وَ ظُلْماً فَسَوْفَ نُصْلِيهِ ناراً وَ كانَ ذلِكَ عَلَى اللَّهِ يَسِيراً ﴾

H.4953 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever intentionally kills himself will be in the Fire of Hell, abiding therein forever."

[AL SADUQ]
Allah {SWT}, Blessed and Exalted, says: "*And do not kill yourselves. Indeed, Allah {SWT} is ever Merciful to you. And whoever does that in aggression and injustice - We will drive him into a Fire. And that is easy for Allah {SWT}.*" (Surah An-Nisa 4:29-30)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.571 • Man La Yahduruhu Al-Faqih, Vol.4 p.95 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.276 • Al-Wafi, Vol.16 p.568 • Wasa’il Al-Shi’ah, Vol.29 p.24 • Bihar Al-Anwar, Vol.101 p.376

HADITH

4954 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «كُلُّ بِدْعَةٍ ضَلاَلَةٌ وَ كُلُّ ضَلاَلَةٍ سَبِيلُهَا إِلَى اَلنَّارِ ».

H.4954 - The Messenger of Allah {SWT} (peace be upon him and his family) said:
"Every innovation is misguidance, and every misguidance leads to the Fire."

[REFERENCES] Al-Muhasin, Vol.1 p.207 • Al-Kafi, Vol.1 p.56 • Man La Yahduruhu Al-Faqih, Vol.3 p.572 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.258 • Al-Wafi, Vol.1 p.249 • Wasa’il Al-Shi’ah, Vol.16 p.270 • Wasa’il Al-Shi’ah, Vol.16 p.271 • Wasa’il Al-Shi’ah, Vol.16 p.272 • Al-Fusul Al-Muhimmah, Vol.1 p.529 • Bihar Al-Anwar, Vol.2 p.303

HADITH

4955 - وَ رَوَى مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَدْنَى اَلشِّرْكِ أَنْ يَبْتَدِعَ اَلرَّجُلُ رَأْياً فَيُحِبَّ عَلَيْهِ وَ يُبْغِضَ».

H.4955 - Muhammad ibn Muslim narrated from Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s} who said:
"The slightest form of polytheism is when a man invents an opinion and then loves and hates based on it."

[REFERENCES] Fiqh Al-Ridha, Vol.1 p.383 • Al-Muhasin, Vol.1 p.207 • Man La Yahduruhu Al-Faqih, Vol.3 p.572 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.258 • Al-Wafi, Vol.4 p.200 • Wasa'il Al-Shi'ah, Vol.16 p.270 • Bihar Al-Anwar, Vol.2 p.304 • Bihar Al-Anwar, Vol.2 p.308

HADITH

4956 - وَ رَوَى اَلْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ اَللَّهِ بْنِ سِنَانٍ عَنْ أَبِي حَمْزَةَ قَالَ: قُلْتُ لِأَبِي جَعْفَرٍ عَلَيْهِ اَلسَّلاَمُ مَا أَدْنَى اَلنَّصْبِ قَالَ «أَنْ يَبْتَدِعَ اَلرَّجُلُ شَيْئاً فَيُحِبَّ عَلَيْهِ وَ يُبْغِضَ عَلَيْهِ».

H.4956 - Al-Hasan ibn Mahbub narrated from Abdullah ibn Sinan, from Abu Hamzah, who said: I asked Abu Ja'far Imam Muhammad ibn Ali Al-Baqir {a.s}, "What is the least form of (nasb) hostility (towards the Ahlulbayt {a.s})?"
Imam {a.s} replied: "It is when a man innovates something, and then loves because of it and hates because of it."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.572 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.258 • Al-Wafi, Vol.4 p.200 • Bihar Al-Anwar, Vol.2 p.304

HADITH

4957 - وَ قَالَ عَلِيٌّ عَلَيْهِ اَلسَّلاَمُ : «مَنْ مَشَى إِلَى صَاحِبِ بِدْعَةٍ فَوَقَّرَهُ فَقَدْ سَعَى فِي هَدْمِ اَلْإِسْلاَمِ ».

H.4957 - Imam Ali ibn Abi Talib {a.s} said:
"Whoever walks towards a person of innovation and shows him respect has indeed contributed to the destruction of Islam."

[REFERENCES] Al-Muhasin, Vol.1 p.208 • Man La Yahduruhu Al-Faqih, Vol.3 p.572 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.258 • Al-Wafi, Vol.1 p.245 • Wasa'il Al-Shi'ah, Vol.16 p.267 • Wasa'il Al-Shi'ah, Vol.16 p.271 • Bihar Al-Anwar, Vol.2 p.304

HADITH

4958 - وَ رَوَى هِشَامُ بْنُ اَلْحَكَمِ وَ أَبُو بَصِيرٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ قَالَ: «كَانَ رَجُلٌ فِي اَلزَّمَنِ اَلْأَوَّلِ طَلَبَ اَلدُّنْيَا مِنْ حَلاَلٍ فَلَمْ يَقْدِرْ عَلَيْهَا وَ طَلَبَهَا مِنْ حَرَامٍ فَلَمْ يَقْدِرْ عَلَيْهَا فَأَتَاهُ اَلشَّيْطَانُ فَقَالَ لَهُ يَا هَذَا إِنَّكَ قَدْ طَلَبْتَ اَلدُّنْيَا مِنْ حَلاَلٍ فَلَمْ تَقْدِرْ عَلَيْهَا فَطَلَبْتَهَا مِنْ حَرَامٍ فَلَمْ تَقْدِرْ عَلَيْهَا أَ فَلاَ أَدُلُّكَ عَلَى شَيْءٍ تُكْثِرُ بِهِ دُنْيَاكَ وَ تُكْثِرُ بِهِ تَبَعَكَ فَقَالَ بَلَى قَالَ تَبْتَدِعُ دِيناً وَ تَدْعُو إِلَيْهِ اَلنَّاسَ فَفَعَلَ فَاسْتَجَابَ لَهُ اَلنَّاسُ فَأَطَاعُوهُ فَأَصَابَ مِنَ اَلدُّنْيَا ثُمَّ إِنَّهُ فَكَّرَ فَقَالَ مَا صَنَعْتُ اِبْتَدَعْتُ دِيناً وَ دَعَوْتُ اَلنَّاسَ إِلَيْهِ وَ مَا أَرَى لِي تَوْبَةً إِلاَّ أَنْ آتِيَ مَنْ دَعَوْتُهُ فَأَرُدَّهُ عَنْهُ فَجَعَلَ يَأْتِي أَصْحَابَهُ اَلَّذِينَ أَجَابُوهُ فَيَقُولُ إِنَّ اَلَّذِي دَعَوْتُكُمْ إِلَيْهِ بَاطِلٌ وَ إِنَّمَا اِبْتَدَعْتُهُ فَجَعَلُوا يَقُولُونَ كَذَبْتَ هُوَ اَلْحَقُّ وَ لَكِنَّكَ شَكَكْتَ فِي دِينِكَ فَرَجَعْتَ عَنْهُ فَلَمَّا رَأَى ذَلِكَ عَمَدَ إِلَى سِلْسِلَةٍ فَوَتَدَ لَهَا وَتِداً ثُمَّ جَعَلَهَا فِي عُنُقِهِ وَ قَالَ لاَ أَحُلُّهَا حَتَّى يَتُوبَ اَللَّهُ عَلَيَّ فَأَوْحَى اَللَّهُ عَزَّ وَ جَلَّ إِلَى نَبِيٍّ مِنَ اَلْأَنْبِيَاءِ «قُلْ لِفُلاَنٍ وَ عِزَّتِي وَ جَلاَلِي لَوْ دَعَوْتَنِي حَتَّى تَنْقَطِعَ أَوْصَالُكَ مَا اِسْتَجَبْتُ لَكَ حَتَّى تَرُدَّ مَنْ مَاتَ عَلَى مَا دَعَوْتَهُ إِلَيْهِ فَيَرْجِعَ عَنْهُ» ».

H.4958 - Hisham ibn al-Hakam and Abu Basir narrated from Abu Abdillah {a.s} who said: "There was a man in earlier times who sought worldly gains through lawful means but could not attain them. Then he sought them through unlawful means, yet still could not attain them.

So, Satan came to him and said: ‘O man, you have sought the world through lawful means and could not obtain it, and you sought it through unlawful means and still could not obtain it. Shall I guide you to something that will increase your worldly gains and followers?'

The man replied: ‘Yes.'

Satan said: ‘Invent a new religion and call people to it.'

So, the man did so, and the people responded to him and obeyed him, and he gained from the world. Then he reflected and said:

‘What have I done? I invented a religion and called people to it. I see no repentance for me except that I go to those I invited and turn them away from it.'

So, he began approaching his followers, saying: 'What I invited you to was false, and I only invented it.'

But they responded, 'You are lying! It is the truth, but you have doubted your religion and abandoned it.'

When he saw this, he took a chain, fixed it to a peg, placed it around his neck, and said: ‘I will not release it until Allah {SWT} accepts my repentance.'

Then Allah {SWT}, the Mighty and Majestic, revealed to a prophet from among the prophets:

'Say to so-and-so: By My {SWT} Might and My {SWT} Majesty, even if you call upon Me {SWT} until your limbs fall apart, I {SWT} will not respond to you until you return those who died upon what you called them to and turn them away from it.'"

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.572 • Thawab Al-A’mal wa Iqab Al-A’mal, Vol.1 p.257 • Ilal Al-Shara’i’, Vol.2 p.492 • Al-Wafi, Vol.5 p.847 • Wasa’il Al-Shi’ah, Vol.16 p.54 • Bihar Al-Anwar, Vol.2 p.297 • Bihar Al-Anwar, Vol.69 p.219

HADITH

4959 - وَ رَوَى بَكْرُ بْنُ مُحَمَّدٍ اَلْأَزْدِيُّ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ أَنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ قَالَ: «إِنَّ صَاحِبَ اَلشَّكِّ وَ اَلْمَعْصِيَةِ فِي اَلنَّارِ لَيْسَا مِنَّا وَ لاَ إِلَيْنَا ».

H.4959 - Bakr ibn Muhammad al-Azdi narrated from Abu Abdillah {a.s} that Commander of the Faithful {a.s} said:
"Indeed, the one who harbors doubt and persists in disobedience is in the Fire; they are neither from us nor connected to us."

[REFERENCES] Al-Muhasin, Vol.1 p.249 • Al-Kafi, Vol.2 p.400 • Man La Yahduruhu Al-Faqih, Vol.3 p.573 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.259 • Al-Wafi, Vol.4 p.232 • Wasa'il Al-Shi'ah, Vol.27 p.162 • Bihar Al-Anwar, Vol.69 p.127 • Bihar Al-Anwar, Vol.70 p.358

HADITH

4960 - وَ فِي رِوَايَةِ عَبْدِ اَللَّهِ بْنِ مَيْمُونٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَنْ أَبِيهِ عَنْ آبَائِهِ عَلَيْهِمُ اَلسَّلاَمُ قَالَ: «لِلزَّانِي سِتُّ خِصَالٍ ثَلاَثٌ فِي اَلدُّنْيَا وَ ثَلاَثٌ فِي اَلْآخِرَةِ فَأَمَّا اَلَّتِي فِي اَلدُّنْيَا فَإِنَّهُ يَذْهَبُ بِنُورِ اَلْوَجْهِ وَ يُورِثُ اَلْفَقْرَ وَ يُعَجِّلُ اَلْفَنَاءَ وَ أَمَّا اَلَّتِي فِي اَلْآخِرَةِ فَسَخَطُ اَلرَّبِّ وَ سُوءُ اَلْحِسَابِ وَ اَلْخُلُودُ فِي اَلنَّارِ».

H.4960 - In the narration of Abdullah ibn Maymun from Abu Abdullah Imam Jafar ibn Muhammad Al-Sadiq {a.s}, from his father, Imam Muhammad ibn Ali Al-Baqir {a.s}, from his forefathers (peace be upon them), it is reported that Imam {a.s} said:
"The adulterer has six traits, three in this world and three in the Hereafter.
As for those in this world: his face loses its brightness, he inherits poverty, and his destruction is hastened.
As for those in the Hereafter: the wrath of the Lord {AZJ}, a severe reckoning, and eternal residence in the Fire."

[REFERENCES] Al-Muhasin, Vol.1 p.106 • Al-Kafi, Vol.5 p.541 • Man La Yahduruhu Al-Faqih, Vol.3 p.573 • Al-Khisal, Vol.1 p.321 • Al-Wafi, Vol.15 p.209 • Wasa'il Al-Shi'ah, Vol.20 p.309 • Bihar Al-Anwar, Vol.76 p.22

HADITH

4961 - وَ رَوَى مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ عَنْ إِسْحَاقَ بْنِ هِلاَلٍ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ «أَنَّ أَمِيرَ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ قَالَ: «أَ لاَ أُخْبِرُكُمْ بِأَكْبَرِ اَلزِّنَا» قَالُوا بَلَى قَالَ «هِيَ اِمْرَأَةٌ تُوطِئُ فِرَاشَ زَوْجِهَا فَتَأْتِي بِوَلَدٍ مِنْ غَيْرِهِ فَتُلْزِمُهُ زَوْجَهَا فَتِلْكَ اَلَّتِي لاَ يُكَلِّمُهَا اَللَّهُ وَ لاَ يَنْظُرُ إِلَيْهَا يَوْمَ اَلْقِيَامَةِ وَ لاَ يُزَكِّيهَا وَ لَهَا عَذَابٌ أَلِيمٌ» ».

H.4961 - Muhammad ibn Abi Umayr narrated from Ishaq ibn Hilal, from Imam Abu Abdillah {a.s}:
"Indeed, Commander of the Faithful {a.s} said: 'Shall I not inform you of the gravest form of adultery?'
They said: 'Yes.'
Imam {a.s} said: 'It is when a woman brings another man onto her husband's bed and bears a child from him, then attributes that child to her husband. That woman is the one whom Allah {SWT} will neither speak to nor look at on the Day of Judgment, nor will He {SWT} purify her, and for her is a painful punishment.'"

[REFERENCES] Al-Kafi, Vol.5 p.543 • Man La Yahduruhu Al-Faqih, Vol.3 p.573 • Al-Wafi, Vol.15 p.212 • Wasa'il Al-Shi'ah, Vol.20 p.315 • Bihar Al-Anwar, Vol.76 p.26 • Tafsir Nur Al-Thaqalayn, Vol.1 p.356 • Tafsir Kanz Al-Daqaiq, Vol.3 p.138

HADITH

4962 - وَ رَوَى اِبْنُ أَبِي عُمَيْرٍ عَنْ سَعِيدٍ اَلْأَزْرَقِ عَنْ أَبِي عَبْدِ اَللَّهِ عَلَيْهِ اَلسَّلاَمُ : فِي رَجُلٍ قَتَلَ رَجُلاً مُؤْمِناً قَالَ «يُقَالُ لَهُ مُتْ أَيَّ مِيتَةٍ شِئْتَ يَهُودِيّاً وَ إِنْ شِئْتَ نَصْرَانِيّاً وَ إِنْ شِئْتَ مَجُوسِيّاً ».

H.4962 - Ibn Abi Umayr narrated from Sa'id al-Azraq, from Abu Abdillah {a.s}, regarding a man who killed a believing man.
Imam {a.s} said: "It will be said to him, 'Die in any manner you wish, either as a Jew, or if you wish, as a Christian, or if you wish, as a Magian (Zoroastrian).'"

[REFERENCES] Al-Kafi, Vol.7 p.273 • Man La Yahduruhu Al-Faqih, Vol.3 p.574 • Man La Yahduruhu Al-Faqih, Vol.4 p.96 • Thawab Al-A'mal wa Iqab Al-A'mal, Vol.1 p.277 • Tahdhib Al-Ahkam, Vol.10 p.165 • Awali Al-La'ali, Vol.3 p.578 • Al-Wafi, Vol.16 p.567 • Wasa'il Al-Shi'ah, Vol.29 p.19 • Bihar Al-Anwar, Vol.101 p.377

HADITH

4963 - وَ قَالَ رَسُولُ اَللَّهِ صَلَّى اَللَّهُ عَلَيْهِ وَ آلِهِ : «إِنَّمَا شَفَاعَتِي لِأَهْلِ اَلْكَبَائِرِ مِنْ أُمَّتِي».

H.4963 - The Messenger of Allah {SWT} (peace be upon him and his family) said: "Indeed, my intercession is for the sinners who commit major sins from my nation."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.574 • Shihab Al-Akhbar, Vol.1 p.74 • Al-Wafi, Vol.5 p.1104 • Wasa'il Al-Shi'ah, Vol.15 p.334

HADITH

4964 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «شَفَاعَتُنَا لِأَهْلِ اَلْكَبَائِرِ مِنْ شِيعَتِنَا وَ أَمَّا اَلتَّائِبُونَ فَإِنَّ اَللَّهَ عَزَّ وَ جَلَّ يَقُولُ: ﴿ مٰا عَلَى اَلْمُحْسِنِينَ مِنْ سَبِيلٍ ﴾ »

H.4964 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Our intercession is for the sinners who commit major sins from among our followers. As for those who repent, Allah {SWT}, the Mighty and Majestic, says: *'There is no blame upon the doers of good.'*" (Surah At-Tawbah 9:91)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.574 • Al-Wafi, Vol.5 p.1104 • Wasa'il Al-Shi'ah, Vol.15 p.334 • Tafsir Nur Al-Thaqalayn, Vol.2 p.252 • Tafsir Kanz Al-Daqaiq, Vol.5 p.516

HADITH

4965 - وَ قَالَ أَمِيرُ اَلْمُؤْمِنِينَ عَلَيْهِ اَلسَّلاَمُ : «لاَ شَفِيعَ أَنْجَحُ مِنَ اَلتَّوْبَةِ».

H.4965 - Commander of the Faithful Imam Ali ibn Abi Talib {a.s} said:
"There is no intercessor more successful than repentance."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.574 • Al-I'tiqadat, Vol.1 p.66 • Al-Wafi, Vol.5 p.1095 • Wasa'il Al-Shi'ah, Vol.15 p.334 • Bihar Al-Anwar, Vol.6 p.19 • Mustadrak Al-Wasa'il, Vol.11 p.366 • Mustadrak Al-Wasa'il, Vol.12 p.127

HADITH

4966 - : وَ سُئِلَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ عَنْ قَوْلِ اَللَّهِ عَزَّ وَ جَلَّ: ﴿ إِنَّ اَللّٰهَ لاٰ يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَ يَغْفِرُ مٰا دُونَ ذٰلِكَ لِمَنْ يَشٰاءُ ﴾ هَلْ تَدْخُلُ اَلْكَبَائِرُ فِي مَشِيئَةِ اَللَّهِ قَالَ «نَعَمْ ذَاكَ إِلَيْهِ عَزَّ وَ جَلَّ إِنْ شَاءَ عَذَّبَ عَلَيْهَا وَ إِنْ شَاءَ عَفَا».

H.4966 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} was asked about the saying of Allah {SWT}, the Mighty and Majestic:
"*Indeed, Allah {SWT} does not forgive associating partners with Him, but He forgives what is less than that for whom He wills*." (Surah An-Nisa 4:48)
Imam {a.s} was asked whether major sins are included in Allah's {SWT} will (to forgive).
Imam {a.s} replied: "Yes, that is up to Him {SWT}, the Mighty and Majestic. If He {SWT} wills, He {SWT} will punish for them, and if He {SWT} wills, He {SWT} will forgive."

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.574 • Al-Wafi, Vol.5 p.1031 • Wasa'il Al-Shi'ah, Vol.15 p.334 • Tafsir Al-Burhan, Vol.2 p.90 • Tafsir Nur Al-Thaqalayn, Vol.1 p.488

HADITH

4967 - وَ قَالَ اَلصَّادِقُ عَلَيْهِ اَلسَّلاَمُ : «مَنِ اِجْتَنَبَ اَلْكَبَائِرَ كَفَّرَ اَللَّهُ عَنْهُ جَمِيعَ ذُنُوبِهِ وَ ذَلِكَ قَوْلُهُ عَزَّ وَ جَلَّ: ۞ إِنْ تَجْتَنِبُوا كَبَائِرَ مٰا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنْكُمْ سَيِّئٰاتِكُمْ وَ نُدْخِلْكُمْ مُدْخَلاً كَرِيماً ۞ »

H.4967 - Imam Jafar ibn Muhammad Al-Sadiq {a.s} said:
"Whoever avoids the major sins, Allah {SWT} will forgive all his other sins. This is based on the saying of Allah {SWT}, the Mighty and Majestic:
'If you avoid the major sins which you are forbidden, We will remove from you your lesser sins and admit you to a noble entrance.'" (Surah An-Nisa 4:31)

[REFERENCES] Man La Yahduruhu Al-Faqih, Vol.3 p.575 • Al-Wafi, Vol.5 p.1031 • Wasa'il Al-Shi'ah, Vol.15 p.316 • Tafsir Al-Burhan, Vol.2 p.68 • Tafsir Nur Al-Thaqalayn, Vol.1 p.474 • Tafsir Kanz Al-Daqaiq, Vol.3 p.388

COMPLETION OF VOLUME THREE

والحمد لله {عز وجل} رب العالمين

Praise be to Allah {SWT}, the Lord {AZJ} of the worlds.

ACKNOWLEDGEMENT

التجميع الإنجليزي للجزء الثالث – الطبعة الأولى [2025] من كتاب
"من لا يحضره الفقيه" قد اكتمل، من تأليف
الشيخ السعيد أبو جعفر محمد بن علي بن الحسين بن موسى بن بابويه
القمي، قدس الله روحه ونور الله قبره

نقدم جهودنا في هذا التجميع في خدمة إمامنا الزمان، الإمام محمد بن الحسن
المهدي؛ القائم؛ الحجة؛ المنتظر؛ الخلف الصالح؛ الموعود؛ بقية الله؛ صاحب الزمان
وأسلافه المعصومين. والحمد لله رب العالمين،
والصلاة والسلام على سيدنا النبي محمد وعلى ذريته الطاهرة،
وخليفته أمير المؤمنين الإمام علي بن أبي طالب

هنا نختتم كلمتنا في هذا الجزء الثالث – الطبعة الأولى [2025]،
والحمد لله {عز وجل} رب العالمين

English translation of Volume 3 – Edition 2 [2025] of the book "Man La Yahduruhu Al Faqih" has been completed, authored by Shaykh Al-Saeed Abu Ja'far Muhammad ibn Ali ibn Al-Hussain ibn Musa ibn Babawayh Al-Qummi, may Allah {SWT} sanctify his soul and illuminate his grave.

We present our translational efforts in the service of our Imam al-Zaman, Imam Muhammad ibn Hassan Al-Mahdi; Al-Qa'im; Al-Hujjah; Al-Muntazar; Al-Khalaf al-Salih; Al-Maw'ud; Baqiyatullah; Sahib al-Zaman and His Infallible Forefathers.
And praise be to Allah {SWT}, the Lord {AZJ} of the worlds, and blessings [and peace] be upon our Masters Prophet Muhammad {saws} and his pure progeny, and his successor, the Commander of the Faithful Imam Ali ibn Abi Talib {a.s}.

Here we conclude our word on this Volume 3 – Edition 2 [2025].
Praise be to Allah {SWT}, the Lord {AZJ} of the worlds.



حيدر علي شيخ بن محمد

اللَّهُمَّ صَلِّ عَلَىٰ فَاطِمَةَ وَأَبِيهَا وَبَعْلِهَا وَبَنِيهَا وَالسِّرِّ الْمُسْتَوْدَعِ فِيهَا بِعَدَدِ مَا أَحَاطَ بِهِ عِلْمُكَ
يَا اللّٰهُ. يَا اللّٰهُ. يَا اللّٰهُ. يَا اللّٰهُ. يَا اللّٰهُ. يَا اللّٰهُ. يَا اللّٰهُ

Ya Allah {SWT} - Ya Ar-Rahmaan (The Beneficent) & Ar-Raheem (The Merciful), Ya Dhul-Jalaali-Wal-Ikram.

Ya Allah {SWT} - You are Al-Maajid (The Illustrious, the Magnificent) & Al-Mumeet (The Creator of Death);
by the waseelah of Mohammad Al Mustafa {saws}

Ya Allah {SWT} - You are Al-Awwal (The First) & Al-Akhir (The Last);
by the waseelah of Ali Al Murtadha {a.s}

Ya Allah {SWT} - You are Al-Fattaah (Chief Judge) & Al Fatiras-Samawati wal-ardh (Maker of Heavens & Earth);
by the waseelah of Fatima tuz Zahra {s.a}

Ya Allah {SWT} - You are Al-Haleem (The Most Forbearing) & Al-Hakeem (The All Wise);
by the waseelah of Hassan Al Mujtaba {a.s}

Ya Allah {SWT} - You are Al-Haq (The Absolute Truth) & Al-Hameed (The Praiseworthy);
by the waseelah of Hussain Ash-Shaheed {a.s}

Ya Allah {SWT} - You are Al-Mu'izz (The Honourer and Bestower) & Al-Muzil (The Dishonourer);
by the waseelah of Zain Al Abideen {a.s}

Ya Allah {SWT} - You are Al-Baqee (The Everlasting) & Al-Badee (The Incomparable Originator);
by the waseelah of Baqir Al Uloom {a.s}

Ya Allah {SWT} - You are Al-Jaami (The Gatherer & The Uniter) & Al-Jaleel (The Majestic);
by the waseelah of Jafar Al Sadiq {a.s}

Ya Allah {SWT} - You are Al-Khabeer (The All Aware) & Al-Kabeer (The Most Greatest);
by the waseelah of Musa Al Kadhim {a.s}

Ya Allah {SWT} - You are Ar-Ra'oof (The Most Kind) & Ar-Razzaq (The Provider);
by the waseelah of Ali Ibn Musa Ar Ridha {a.s}

Ya Allah {SWT} - You are At-Tawwab (The Ever Pardoning) & Al-Lateef (The Subtle One, The Most Gentle);
by the waseelah of Mohammad Taqi Al Jawad {a.s}

Ya Allah {SWT} - You are Al-Haseeb (The Reckoner) & Al-Hafeedh (The Preserver);
by the waseelah of Ali Naqi Al Hadi {a.s}

Ya Allah {SWT} - You are Al-Ahad (The Unique, The Only One) & Al-Alee (The Most High, The Exalted);
by the waseelah of Hassan Al Askari {a.s}

Ya Allah {SWT} - You are Malik-Ul-Mulk (Master of Kingdom, Owner of Dominion) & Al-Muntaqim (Avenger);
by the waseelah of Mohammad Al Mahdi Al Muntazar {ajf}

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ – بِحَقِّ مُحَمَّدٍ وَآلِ مُحَمَّدٍ

Rabbana atina fid dunya hasanatan wa fil Aakhirati hasanatan waqina 'adhaban-nar – behaqqe Muhamadin wa Alay Muhammad

"O' our Lord, grant us good in this world and good in the Hereafter, and save us from the punishment of the Fire – by the right and status of Muhammad {saws} and the Family of Muhammad {saws}."

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Man La Yahduruhu Al-Faqih

VOLUME 3



BAB UL QAIM
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