

Al-Kafi
Volume 7 of 8
(Fru‘ al-Kafi)



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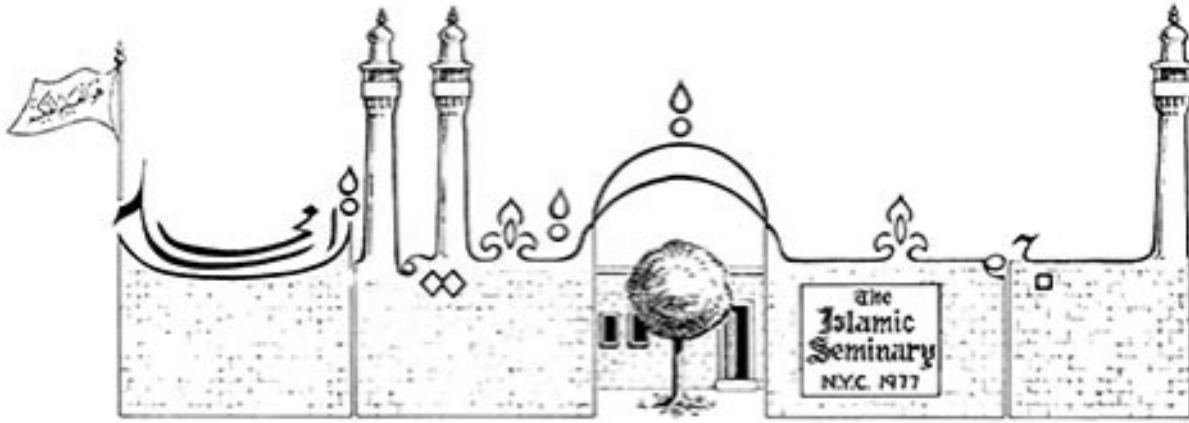
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Note to Readers

Dear Respected Readers, Please Note the Following:

The English Translation of al-Kafi is now, by the will of Allah, in your hands. It was only because of the beauty of the words of Ahl al-Bayt '*Alayhim al-Salam* that made it all possible. The volume of this project had become quite large and complex due to two language texts and it was sometimes difficult to handle. All comments, suggestions and corrections will be very much appreciated. In fact it will be your participation in the good cause and rewarding in the sight of Allah, most Majestic, most Glorious. Please send your comments, suggestions or corrections to the following e-mail address: info@theislamicseminary.org

With thanks,

-The Islamic Seminary

A Brief Note About the Concerns Regarding the Misuse and or Misunderstanding of An English Translation of Kitab al-Kafi

Certain scholars say that an English translation of Kitab al-Kafi should not be published because of the concerns regarding the misuse and or misunderstanding of an English translation of Kitab al-Kafi.

Such concerns may arise in the following issues:

Issue 1: Statements about the facts of the world and creation.

Issue 2: Statements apparently of discriminatory nature about certain people and or women.

Issue 3: Statements that certain people, due to their selfish agenda, consider very trivial or funny.

Issue 4: The issues of Sahih (authentic) or al-Da'if (not authentic Hadith) statements.

Issue 5: The issue of the need when one must follow fatwas instead of following one's own understanding of the issues of the laws of shari'ah, which are stated in Volumes 3 through Volume 7 of Kitab al-Kafi.

Each of these issues may require a great deal of argumentation, which is out of the limits of a brief note. My experience of translating twenty-thousand of such statements/Hadith from the Arabic language to English shows me with a great degree of force that the answer to all of the above issues with perfect validity exists completely within these twenty-thousand statements/Hadith if a reader, with fairness, reads all of them with a certain degree of education of ideologies of social nature, laws of human behaviors and science. It is a popular view that certain verses of al-Quran interpret and explain certain other ones. So also is the case with the statements of Hadith.

Answer to Issue 1: Consider for example, if one may become concerned about the meaning of Hadith #55 of Volume 8, he should not remain unaware of the meaning of Hadith # 143 of the same volume.

Answer to Issue 2: If one may think that there are discriminatory statements against certain people in this book, one should think about the meaning of Hadith #1 of Ch. 38, Volume 7 of this book. It speaks of the fact that one's share in the system of economy depends of one's participation in the system. Therefore, presenting testimony, issuing judgments and the shares of inheritance all have economic effects; therefore one must not demand for a share, which causes unwanted imbalance in the system. If men's share of inheritance is double so also are their household responsibilities in the Islamic system of economy. In the field of spiritual achievement, however, all human beings are said to have equal capabilities and possess equal potential for progress, depending on their degree of good deeds. Consider the following verses of the Holy Quran:

People, We have created you all male and female and have made you nations and tribes so that you would recognize each other. The most honorable among you in the sight of Allah is the most pious of you. Allah is All-knowing and All-aware. (49:13)

The people of Paradise and hell are not alike; the people of Paradise are the successful ones. (59:20)

Is a believer equal to an evil-doer? They are not equal at all. (32:18)

(Muhammad), say to them, “The pure and filthy are not the same even though the abundance of filth may attract you. Men of reason, have fear of Allah so that you may have eternal happiness.” (5:100)

Answer to Issue 3: People of intelligence, reason and education do not resort to uncivilized behavior.

Answer to Issue 4: About what is authentic and what is not so, one should take notice of the following Hadith:

H 203, Ch. 22, h 5

Muhammad ibn ‘Isma‘il from al-Fadl ibn Shadhan from ibn abu ‘Umayr from Hisham ibn al-Hakam and others from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has said the following:

“The Holy Prophet once addressed the people in Mina (a place in Makkah) saying, ‘O people, whatever comes to you in the form of my Hadith, if it agrees with the Holy Book of Allah, it is genuine, but whatever comes to you that does not agree with the book of Allah you must know that I have not said it.’”

There is great deal of discussion about al-Da’if and Sahih (authentic and not authentic Hadith) in the beginning of each volume which explains such matters are not the primary concern of a Mujtahid and not the concern of every reader and why a Mujtahid must deal with such issues.

Answer to Issue 5: About proper understanding of the meanings of Ahadith in Volumes 3 through Volume 7, especially the ones which deal with of issues of Wajib, Haram, *Makruh* and Mustahab, one who is not a Mujtahid (a specialist in dealing with the issues of the practical laws of Islam) must always consult the fatwa of the Mujtahid whom one follows.

Muhammad Sarwar

New York – April 14, 2012

Facts one MUST KNOW when intending to study Hadith

Hadith on the issues of Belief and Hadith on issues of *fiqh* (Islamic laws)

(A) Hadith on the issues of Belief:

The issues of *fiqh* (Islamic laws) are found in Fru' of al-Kafi in which case it is necessary for the readers to consult fatwa. In many places, small notes are incorporated to remind the readers of the need to consult fatwa on the contents of that Hadith.

In the case of Fru' of al-Kafi which consist of volumes three to volume seven, the readers must note that everything in these volumes is not of the issues that require fatwa of Marja' of Taqlid. In many parts in every volume there are sections which have such Ahadith that the readers must not miss to read.

For example in volume three the reader must not miss reading 'the book about the dying people', reward for visiting people suffering from an illness and much more. The excellence of *Salat* (prayer) in the beginning of the 'book of *Salat*' (prayer), optional matters in *Salat* (prayer) and many other sections of magnificent contents deal with tremendously beneficial matters. *Salat* (prayer) and Dua' of appealing before Allah to make one's wishes come true, cure for illnesses and for increase of one's sustenance and much more of the invaluable matters of guidance.

Volume four begins with the 'book of charity' with extremely invaluable Ahadith. Also in this volume is the book of fasting, its excellence and special Dua's and the book of Hajj, its history, excellence and special Du'as and especially one's renewal of the affirmation of one's belief in front of the Black stone and much more. The part dealing with ziyarat consists of such matters of great importance, that one must not miss reading.

Volume five begins with the book of Jihad. The reader must not neglect this part. It consists of extremely beautiful Ahadith. The book of business transactions consists of the virtue of business and its discipline. It has extremely important Ahadith, which a reader must not miss as well as the book of marriage, which consist of extremely valuable educational marital matters.

Volume 6 begins with issues of children, thze issues of food, drinks, dressing and much more.

Volume seven begins with the 'book of wills.' The first Hadith speaks loud in clear how beautiful the Ahadith of this volume is.

Therefore, a reader must not neglect reading the Ahadith of these volumes just because they deal with issues of *fiqh* (Islamic laws), which require consulting fatwas.

(B) Hadith on issues of *fiqh* (Islamic laws):

The study of Hadith requires a high degree of seriousness to gain its guidance in life and its constructive effects on the mind and one's power of reason. There is always falsehood against the truth, if you have come across certain negative words against hadith; learning the following information should help you to study hadith with a higher degree of understanding and to enjoy the sweetness of the truth you will find about various issues of human life and his final destination.

Chapter 8

The Reward for Providing Guidance, Teaching, the Excellence of the two tasks, the Excellence of Scholars and Blameworthiness of misleading and misguiding the People

Chapter 21

Discipline of Narrating Hadith

Chapter 23

'A'immah, 'Alayhim al-Salam, Possess the Substance of Knowledge and its Principles, they do not say anything of their own Opinion or Analogy, they have Inherited all of their Knowledge from the Holy Prophet, O Allah grant compensation to Muhammad and his family worthy of their services to your cause, they are the Trustees of Allah for His Secrets

Chapter 24

All the True Knowledge (Hadith) with People is from the Holy Prophet which have Reached the people through Ahl al-Bayt, 'Alayhim al-Salam

Chapter 25

Completion of Proof and Clarity of the Argumentation

Chapter 26

Their Hadith is Difficult and they are found to be Difficult; their Statements have Several Shades of Meaning, Excellence of Thinking about the Hadith of 'A'immah, 'Alayhim al-Salam, Submitting to them and Prohibition on Rejecting their Hadith

Chapter 27

The Reason For Which 'A'immah, 'Alayhim al-Salam Kept Certain Amounts of Knowledge (Hadith) and Rules Secret

Chapter 31

Holding Back in Doubtful Conditions and Remaining Cautious in matters of Religion

Chapter 8

The Reward for Providing Guidance, Teaching, the Excellence of the two task, the Excellence of Scholars and Blameworthiness of misleading and Misguiding the People

H 388, Ch. 8, h 2

Tafsir of Imam al-'Askariy: Al-Ihtijaj: Through the chain of his narrators has narrated from abu Muhammad al-'Askari, 'Alayhi al-Salam, who has narrated the following:

“Ali ibn abu Talib, 'Alayhi al-Salam, has said, ‘Whoever of our Shi’ah (follower) knows our Shari'ah and takes out the weak ones of our Shi’ah (followers) from the darkness of ignorance to the light of knowledge (Hadith) which we have gifted to them he on the Day of Judgment will come with a crown on his head. It will shine among the people of the gathering on the plain of resurrection. There will be a dress of beauty on him, which cannot be paid for even with the wealth of the whole world. A caller will announce this. O servants of Allah, this is a scholar of the students of the scholars of Ale (family)

Muhammad. Whoever he had taken out in the worldly life from the darkness of ignorance can hold to his light to be taken out of the darkness of the plain of resurrection to the garden (paradise). Then all those whomever he had taught in the worldly life anything of goodness, or had opened from his heart a lock of ignorance or had removed his doubts will come out.”

H 389, Ch. 8, h 3

Tafsir of Imam al-‘Askariy:

“Abu Muhammad al-‘Askari, *‘Alayhi al-Salam*, has said, ‘Once a woman came before al-Siddiqah, Fatimah, al-Zahra’ *‘Alayha al-Salam*, and said, “I have a weak mother and she is confused about her *Salat* (prayer). She has sent me to you to ask about it.” Al-Siddiqah, Fatimah, al-Zahra’, *‘Alayha al-Salam*, answered her question. She asked again and she received her answer. She asked again, and again up to ten questions and received her answer. Then she became shy because of so many questions and said, “I do not want to cause you more trouble by asking more questions, O daughter of the Messenger of Allah.” Fatimah, *‘Alayha al-Salam*, said this. “You can ask whatever questions you like to ask. What would you think about one who is hired to carry a load up to the roof for a payment of a hundred thousand dinars, will it be heavy for him?” She replied, “No, it will not be so.” She, (Fatimah, *‘Alayha al-Salam*) said this. “You hired me for every answer for a payment of more than the fill, between al-Thara’ to the Throne, of lu’lu (pearls). So it is not heavy on me. I heard my father, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, say, ‘The scholars of our Shi’ah (follower) will be resurrected and will be dressed with the dresses of honor proportionate to the degree of their knowledge and the degree of their efforts in guiding the servants of Allah. Some of them will receive up to a million dress of light. A caller of our Lord, most Majestic, most Glorious, then will announce this. O supporters of the orphans of Ale (family) Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, those who revived them (the orphans). (Those who revived them) when they were cut off from their parents, who were their Imam, these are your students and orphans whom you supported and revived. You can give them the dresses of knowledge in the worldly life. They will give to each of those orphans of the dresses proportionate to the degree of knowledge they had gained. Some of them receive even up to one hundred thousand dresses. So also those orphans give of such dresses to those who had learned from them (the orphans). Allah, most High, then will say, ‘You must go back and give to these scholars who supported the orphans until their dresses (rewards) are complete and are doubled for them so what they had before is complete. In the same manner it will happen to those after them and so on.’” Fatimah, *‘Alayha al-Salam*, then said, “O female servant of Allah, one thread of those dresses is better than everything upon which the sun shines a million times and more. However, all these (under sun shine) are subject to disfigurement and dirt.””

H 390, Ch. 8, h 4

Tafsir of Imam al-‘Askariy: Al-Ihtijaj: Through the chain of his narrators has narrated from al-‘Askari, *‘Alayhi al-Salam*, who has narrated the following:

“Al-Hassan ibn Ali, *‘Alayhima al-Salam*, has said the following. ‘There is one who supports an orphan of Ale (family) Muhammad, who is cut off from his masters in the condition of ignorance whom he (the supporter of such orphans) takes out of ignorance, explains for him what is confusing for him. The excellence of such person over the excellence of one who supports an orphan by providing him food and water is like the excellence of the sun over the faint star which is hardly visible.’”

H 391, Ch. 8, h 5

Tafsir of Imam al-‘Askariy: Al-Ihtijaj: Through the chain of his narrators he has narrated from abu Muhammad al-‘Askari, *‘Alayhi al-Salam*, who has narrated the following:

“Al-Husayn ibn Ali, *‘Alayhima al-Salam*, has said the following. ‘One may support one of our orphans who is cut off from us due to our protective love for him in our difficulties which caused us to cover (certain items of knowledge from him). If he cooperates with him by teaching him of our knowledge that has come down to him until he guides and educates him, Allah, most Majestic, most Glorious, then says this. “O My honorable, cooperating servant, I Am more worthy of honoring than you are. (O My angels, you must prepare for him in the garden (paradise) for every letter that he has taught a million castle and add to it whatever proper of the other bounties.””

H 392, Ch. 8, h 6

Tafsir of Imam al-‘Askariy:

“Abu Muhammad al-‘Askari, has said that Ali ibn Al-Husayn, *‘Alayhim al-Salam*, has said, ‘Allah, most High, sent revelation to Musa *‘Alayhi al-Salam*. It said, “Make my creatures to love Me and make them beloved to Me.” He asked, “O Lord, how can I do so?” He said, “Remind them of My bounties and favors to them so that they will love Me. If you can return a runaway from My door and one who is lost the direction to My courtyard it will be more excellent for you than worshipping for one hundred years in the form of fasting during its days and standing up for *Salat* (prayer) during its nights.” Musa then asked, ‘Who is this servant who has run away from your door.’” He replied, “He is a disobedient and rebellious one.” Musa then asked, “Who is he that has lost the direction to your courtyard?” He replied, ‘He is one who is ignorant about the Imam of his time whom you know, and the one whose Imam is disappeared after his knowing him but he is ignorant about the guidance and laws of his Imam but you know his Shari’ah and that by which he worships his Lord and gains His pleasure.’” Ali ibn Al-Husayn, *‘Alayhi al-Salam*, has said, ‘You can give the good news to the scholars of our Shi’ah about the greatest reward and sufficient compensation.’”

H 393, Ch. 8, h 7

Tafsir of Imam al-‘Askariy: Al-Ihtijaj: Through the chain of his narrators has narrated from abu Muhammad al-‘Askari, *‘Alayhi al-Salam*, who has narrated the following:

“Muhammad ibn Ali al-Baqir, *‘Alayhi al-Salam*, has said, ‘The case of a scholar is like one who has a candle in his hand that provides light for people. Whoever sees his candle prays for him for goodness. So also is the scholar who with his candle removes darkness of ignorance and confusion. To whomever he provides light by his candle, which helps him to come out of confusion, or is rescued from ignorance they are his freed ones from the fire. Allah will compensate him for every hair of the freed person with what is more important and excellent than giving charity by paying one hundred thousand qintar (one thousand dinars) in ways other than what Allah has commanded him to pay. In fact such charity can become a liability for the donor. However, Allah grants him (the guiding scholar) what is better than one hundred thousand *Rak‘at* before al-Ka’bah.’”

H 409, Ch. 8, h 24

Tafsir of Imam al-‘Askariy:

“Abu Muhammad al-‘Askari, *‘Alayhi al-Salam*, has said that once a man came to Ali ibn Al-Husayn,

‘*Alayhima al-Salam*, along with a man whom he thought had killed his father who confessed and equitable retaliation became due on him. He asked to forgive him so that Allah makes his reward greater. It seemed that he was not happy with it. Ali ibn Al-Husayn, ‘*Alayhi al-Salam*, said to the plaintiff, ‘If you know of any of his favors to you, you should forgive his crime and pardon him.’ He said, ‘O child of the Messenger of Allah, his favor to me is not to the limit of his killing my father.’ He (the Imam) asked, ‘What then you want?’ He replied, ‘I ask for Qawd (capital retaliation). If he wants a settlement for paying wergild, I can do so and forgive him.’ Ali ibn Al-Husayn ‘*Alayhi al-Salam*, then asked, ‘What is his favor to you?’ He replied, ‘He, O child of the Messenger of Allah dictated to me the statement about oneness of Allah, that Muhammad is the prophet of Allah and about the *Imamat* (leadership of Ali and ‘A‘immah, ‘*Alayhim al-Salam.*’ Ali ibn Al-Husayn, ‘*Alayhima al-Salam*, asked, ‘Is this not worth the wergild for your father? O yes, by Allah this is sufficient for the wergild of all the inhabitants of earth from the first to the last except the prophets and ‘A‘immah, ‘*Alayhim al-Salam*, because nothing is sufficient for their wergild.’ He said, ‘This is true.’ Ali ibn Al-Husayn, ‘*Alayhima al-Salam*, asked the man, ‘Will you give the reward for your teaching him to me if I pay the wergild to him to make you free of murder?’ He replied, ‘O child of the Messenger of Allah, I need them and you are wealthy. My sins are great, my sins of this murdered is between the murdered and I and not between his heir and I.’ Ali ibn Al-Husayn, ‘*Alayhi al-Salam*, asked, ‘Is your agreeing for Qawd (capital retaliation) more likeable to you than giving away the reward for your teaching him? He replied, ‘Yes, that is correct, O child of the Messenger of Allah.’ Ali ibn Al-Husayn then said to the heir of the person murdered. Compare the sin of this man with his favor to you. The murder of your father has deprived him of the worldly happiness and it has deprived you of enjoying the presence of your father therein. However, if you exercise patience and release the defendant your father will be in the garden (paradise). He taught you the principles of belief so the garden (paradise) of Allah is necessary for you and it is forever. He has rescued you from torment forever. His favor to you is greater many times than his crime against you. If you forgive him for his favor to you, I will narrate a Hadith of the excellence of the Messenger of Allah to you, which is better than all the goodness of the world, and all that is therein. If you disagree and refuse to forgive him unless I pay to you the wergild so you can settle it with him I then will narrate the Hadith for him alone without you. What you will miss of the benefits of that Hadith is greater than the world and all that is therein if only you consider it.’ The young man said, ‘O child of the Messenger of Allah I forgive him without wergild just for the sake of Allah and your advice in this matter. So please narrate for us the Hadith, O child of the Messenger of Allah.’ Ali ibn Al-Husayn, ‘*Alayhima al-Salam*, said, ‘When the Messenger of Allah was commissioned to preach. . . . (Hadith comes in the miracles of the Holy Prophet).’”

Chapter 21

Discipline of Narrating Hadith

H 969, Ch. 21, h 1

Al-‘Ikhtisas: For the names of narrators see Arabic text

“Abu Basir has narrated from abu Ja’far or abu ‘Abd Allah, ‘*Alayhima al-Salam*, about the meaning of the words of Allah, ‘Give the glad news to My servants who hear the words and follow the good ones.’ He (the Imam) said, ‘They are the ones who are submissive before Muhammad and Ale (family) Muhammad, ‘*Alayhim al-Salam* who on hearing Hadith narrate them as they have heard without addition or omissions.’”

H 970, Ch. 21, h 2

Munyatu al-Murid:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one likes Hadith for the worldly benefits he will not have any share in the next life. If one likes Hadith for the benefits of the next life, Allah gives him the goodness of the world and that of the next life as well.’”

H 972, Ch. 21, h 4

Maa’ni al-Akhbar: For the names of narrators see Arabic text

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘You must remain on your guard against the branched-out lies.’ It was asked, ‘What is a branched out lie?’ He (the Imam) replied, ‘It is when one narrates a Hadith for you from a certain narrator but you narrate it from someone other than the one from whom he narrated to you.’” Also see al-Kafi, vol. 1 part 2, Ch. 2 Ch. 2, h 150, Ch., 17, h12.

H 993, Ch. 21, h 25

Tafsir of al-‘Ayashi: For the names of narrators see Arabic text

“Abu Ja’far, has narrated from his father from Ali, *‘Alayhim al-Salam*, who has said, ‘Holding back in a doubtful issue is better than entering in destruction. Your not narrating a Hadith is better than your narrating a Hadith, which you have not studied thoroughly. On every truth, there is a reality. Above every right thing, there is a light. Whatever agrees with the book of Allah you must take it and whatever disagrees you must leave it alone.’”

Chapter 23

‘A’immah, ‘Alayhim al-Salam, Possess the Substance of Knowledge and its Principles, they do not say anything of their own Opinion or Analogy, they have Inherited all of their Knowledge from the Holy Prophet, O Allah grant compensation to Muhammad and his family worthy of their services to your cause, they are the Trustees of Allah for His Secrets

H 1007, Ch. 23, h 1

Al-‘Ikhtisas: Basa’ir al-Darajat: For the names of narrators see Arabic text

“Abu Ja’far, *‘Alayhi al-Salam*, once said to me, ‘O Jabir, had we spoken to you from our opinions and desires we would have been counted among those who are destroyed. We speak to you of the Ahadith which we treasure from the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, just as they treasure their gold and silver.’”

H 1011, Ch. 23, h 5

Basa’ir al-Darajat: For the names of narrators see Arabic text

“He (the narrator) has said that he once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, say, ‘By Allah had He not made our Walayah (guardianship of ‘A’immah with divine authority and knowledge), our love and close relation obligatory we would not allow you to come to our homes and would not give you our address. By Allah, we do not speak based on our desires and opinions. We do not say anything other than what our Lord has said.’”

H 1012, Ch. 23, h 6

Basa'ir al-Darajat: For the names of narrators see Arabic text

“He (the narrator) has said that once a man asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, a question which he (the Imam) answered. The man then said, ‘Had it been such and such the word about it would not have been such and such.’ He (the Imam) said, ‘When I answer you about something it is from the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. We do not say anything based on our own opinion in anything.’”

H 1013, Ch. 23, h 7

Al-‘Ikhtisas: Basa'ir al-Darajat: For the names of narrators see Arabic text

“He (the narrator) has said that abu Ja’far ‘*Alayhi al-Salam*, has said, ‘We speak based on truth from our Lord which He has explained to His prophet, O Allah grant compensation to Muhammad and his family worthy of their services to your cause, who has explained it to us.’”

H 1015, Ch. 23, h 9

Basa'ir al-Darajat: For the names of narrators see Arabic text

“I (the narrator) once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, ‘What is the source of the knowledge of your scholars?’ He (the Imam) replied, ‘It is inherited from the Messenger of Allah and Ali ibn abu Talib, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. People need us and we do not need people.’”

H 1017, Ch. 23, h 10

Basa'ir al-Darajat: For the names of narrators see Arabic text

“Abu Ja’far, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, called Ali, ‘*Alayhi al-Salam*, during his illness because of which he passed away. He (the Messenger of Allah) said, ‘Come close to me so I can say to you the secret that Allah has said to me, entrust you with that which Allah has entrusted me with. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, did for Ali, ‘*Alayhi al-Salam*, as he had said. Ali, ‘*Alayhi al-Salam*, then did the same to al-Hassan, ‘*Alayhi al-Salam*, and al-Hassan did the same to al-Husayn, al-Husayn did the same to my father who did the same to me.’”

Chapter 24

All the True Knowledge (Hadith) with People is from Ahl al-Bayt, ‘Alayhim al-Salam which have Reached them

H 1034, Ch. 24, h 1

Majalis al-Mufid: For the names of narrators see Arabic text

“Muhammad ibn Muslim has said that abu Ja’far, has said, ‘There is not anything of the truth or correctness with people except what they have taken from us Ahl al-Bayt. All the door to beginning and tradition of people’s judgments with truth and justice is ‘Amir al-Mu’minin, Ali ibn abu Talib, ‘*Alayhi al-Salam*. If the issues become confused the mistake was because of them when they missed the correct judgment and the right judgment was because of Ali ibn abu Talib, ‘*Alayhi al-Salam*, when they made the right judgment.’”

H 1035, Ch. 24, h 2

Majalis al-Mufid: For the names of narrators see Arabic text

“He (the narrator) has said that he heard Ja’far ibn Muhammad *‘Alayhima al-Salam*, say, when there were certain people from Kufah with him (the Imam), ‘It is strange of people. They say that they have taken their knowledge from the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, whereby they act and found guidance. They see that we, Ahl al-Bayt do not take the knowledge the Messenger of Allah and do not find guidance thereby although we are his descendents and members of his Ale (family). In our homes revelations descended and from us knowledge spread among people. Do you think they learned and found guidance but we remained ignorant and went stray? This is not possible.’”

Chapter 25

Completion of Proof and Clarity of the Argumentation

H 1038, Ch. 25, h 3

Qabas al-Misbah: For the names of narrators see Arabic text

“He (the narrator) has said that he heard abu Ja’far, *‘Alayhi al-Salam*, say, when he (the Imam) was asked about the meaning of the words of Allah, ‘Say, to Allah belongs the strongest proof.’ When it will be the Day of Judgment Allah, most High, will say to the slaves, ‘Did you know?’ If he will say, ‘Yes, I knew.’ He will be asked, ‘Why did you not act according to your knowledge?’ If he will say, ‘I was ignorant.’ He will be asked, ‘Why did you not learn.’ This is the strongest proof of Allah, most High.’”

H 1039, Ch. 25, h 4

Al-Khara’ij: For the names of narrators see Arabic text

“I (the narrator) once wrote to abu Muhammad, *‘Alayhi al-Salam*, about the differences of the friends and asked him (the Imam) to show a proof. He (the Imam) then wrote back to me saying, ‘Allah has addressed people of the power of reason. No one shows a miracle or a proof more than what the last prophet the master of the Messengers, O Allah grant compensation to Muhammad and his family worthy of their services to your cause, did but they said that he is a magician and a liar. However, those who wanted guidance found guidance. Many people seek comfort with proofs. It is because if Allah grants us permission to speak we do so, if He prohibits we remain silent. If Allah likes not to show our right, he it will not appear. Allah sent the prophets to give good news and warning to preach the truth when it is at its weak point and strong points. They speak at certain time so that Allah make His commands come to pass and execute His judgment. People are of different levels. There are those who find the truth for their salvation and hold to the truth so they cling to an original branch without any doubt or uncertainty, they do not find safety except with me. A group does not take the truth from the people of truth so they are like sailors on the sea who are calm when the sea is calm and they make waves when the sea is choppy. A group is dominated by Satan whose task is to reject the truth and repulse the truth by falsehood with their own desires. You must leave alone those who go left or right. It is like a shepherd who can bring together his flock of sheep with good deal of ease if he wants to do so. You have mentioned the difference of the friends. If there is the will and the elderly then there is no uncertainty. If one sits in the seat of ruling, he has more priority to rule. You must keep good care of the one whom you have taken as a caretaker. You must remain on your guard against publicizing

and seeking leadership because they call toward destruction. You have mentioned your willingness to travel to Persia. You can do so, may Allah grant you good health and it is what Allah has chosen for you. You will enter Egypt by the will of Allah safely. Convey Salam (the phrase of offering greeting of peace) to the friends whom you trust and command them to observe piety before Allah, the most Great, to safely return the trust and inform them that publicizing against us is like declaring war against us.’ When I read the letter ‘you will enter Egypt’ I could not understand the meaning. I went to Baghdad with the intention to travel to Persia but that did not become possible so I travelled to Egypt.’”

Chapter 26

Their Hadith is Difficult and they are found to be Difficult; their Statements have Several Shades of Meaning, Excellence of Thinking about the Hadith of ‘A’immah, ‘Alayhim al-Salam, Submitting to them and Prohibition on Rejecting their Hadith

Verses of al-Quran

4:64, 10:38, 18:66,67, 24:50, 33:22, 35,

H 1040, Ch. 26, h 1

Maa’ni al-Akhbar: Al-Khisal: Amali of al-Saduq: For the names of narrators see Arabic text

“He (the narrator) has said that he heard abu Ja’far, *‘Alayhi al-Salam*, say this. ‘Our Hadith is difficult and it is found to be difficult. No one can bear it except a close angel or prophet who is commissioned to preach or a slave of Allah whose heart is tested for belief or a fortified city,’ ‘Amr has said that he then asked Shu‘ayb , ‘What is al-Madinah al-Hasinah?’ He replied, ‘I asked al-Sadiq, *‘Alayhi al-Salam*, about it and he (the Imam) said, ‘It is the collected and focused heart.’”

H 1043, Ch. 26, h 4

Maa’ni al-Akhbar: For the names of narrators see Arabic text

“Abu ‘Abd Allah has said that abu Ja’far, *‘Alayhima al-Salam*, has said, ‘Son, you can determine the value of our Shi’ah (followers) by the amount of Hadith that they narrate from us and their understanding. Understanding means knowing the proper meaning of Hadith. By understanding the meaning of Hadith, a believer rises to the utmost high degree of belief. I have seen it in the book of Ali, *‘Alayhi al-Salam*. It says, “The value of a man is his understanding. Allah, most High, evaluates people on the basis of how much the power of reason He has given to them in the world.””

H 1044, Ch. 26, h 5

Maa’ni al-Akhbar: For the names of narrators see Arabic text

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘One Hadith that you understand is better than one thousand which you narrate. A man among you cannot be considered a faqih (scholar of the laws of Islam) until he has proper understanding of where our statements are applicable. One word of our statements may apply to seventy aspects for each of which there is for us a way out thereof.’”

H 1045, Ch. 26, h 6

Maa’ni al-Akhbar: For the names of narrators see Arabic text

“He (the narrator) has said that he wrote to abu Muhammad ‘*Alayhi al-Salam*, and asked, ‘It is narrated to us from your ancestors, ‘*Alayhim al-Salam*, that your Hadith is difficult and it is found to be difficult. No one is able to bear it except a close angel, a prophet who is commissioned to preach or a believer whose heart Allah has tested for belief.’ He (the narrator) has said that the answer came and it said, ‘It means that the angel wants to deliver it quickly to an angel like himself and so also is the case with the prophet who is commissioned to preach, as well as a believer. It means that because of its sweetness they do not want to keep it in their chest. They want to deliver it to others.’”

H 1046, Ch. 26, h 7

Maa’ni al-Akhbar: For the names of narrators see Arabic text

“He (the narrator) has said that he asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the words of ‘Amir al-Mu’minin, ‘*Alayhi al-Salam*, that say, ‘Our Hadith is difficult and it is found to be difficult. No one is able to bear it except a close angel, a prophet who is commissioned to preach or a believer whose heart Allah has tested for belief.’ He (the Imam) said, ‘Of the angel there are close ones and those who are not close. Of the prophets there are those who are commissioned to preach and those who are not commissioned. Of the believers there are those whose hearts are tested and those whose hearts are not tested for belief. Your belief (in the guardianship of ‘A’immah with divine authority and knowledge) was presented before the angels. Only the close angels affirmed it and so also was the case with the prophets and the believers of whom only those commissioned to preach and those of the believers whose hearts were tested for belief affirmed it.’ He (the narrator) has said that he (the Imam) said, ‘It is mentioned in your Hadith.’”

H 1047, Ch. 26, h 8

Al-Ihtijaj:

“Al-Rida’, ‘*Alayhi al-Salam*, has said, ‘In our Hadith there are Mutashabih (unclear ones) like those in al-Quran as well as Muhkam (clear ones) like those of al-Quran. You must refer the unclear ones to the clear ones.’”

H 1048, Ch. 26, h 9

‘Uyun Akhbar al-Rida’ Akhbar al-Rida’: For the names of narrators see Arabic text

“Al-Rida’, ‘*Alayhi al-Salam*, has said, ‘One who refers the unclear verses of al-Quran to the clear ones he finds guidance to the straight path. He (the Imam), ‘*Alayhi al-Salam*, then said. ‘In our Hadith there are Mutashabih (unclear ones) like those in al-Quran as well as Muhkam (clear ones) like those of al-Quran. You must refer the unclear ones to the clear ones and you must not follow the unclear ones without their clear ones because you will become.’”

H 1049, Ch. 26, h 10

Basa’ir al-Darajat: For the names of narrators see Arabic text

“Abu Basir has said that abu Ja’far or abu ‘Abd Allah, ‘*Alayhima al-Salam*, has said, ‘You must not consider a Hadith that comes to you as false because you do not know. Perhaps it is true, thus you have rejected Allah on His Throne.’”

H 1050, Ch. 26, h 11

Basa'ir al-Darajat: For the names of narrators see Arabic text

“He (the narrator) has said that abu al-Hassan, ‘*Alayhi al-Salam*, once wrote to him in a letter, ‘You must not consider a Hadith that is narrated to you from us or is ascribe to us as false. You must not do so, even though you may know something against it, because you do not know why we have said it and in what aspect and quality.’”

H 1051, Ch. 26, h 12

Basa'ir al-Darajat: For the names of narrators see Arabic text

“I (the narrator) once heard abu Ja'far, ‘*Alayhi al-Salam*, say, ‘By Allah, the most beloved to me of my companions is the most Wari’ (strictly law abiding) one among them, the most faqih (having proper understanding of Shari’ah, laws of Islam), and the one who is most secretive of our Hadith. The worst among them and most hated is one who on hearing Hadith ascribes it to us, narrates from us but does not understand it and his heart does not accept it. It shrinks in dislike, rejects it, and considers those who believe in it as unbelievers. He does not know, perhaps the Hadith has come out from us and to us it is ascribed and so he becomes out of our ’Amr (guardianship of ‘A’immah with divine authority and knowledge).’”

H 1052, Ch. 26, h 13

Basa'ir al-Darajat: For the names of narrators see Arabic text

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘Allah, most High, has prohibited His slaves by two verses of al-Quran. He has prohibited them saying anything until they learn and must not narrate what they do not know. Allah, most High, says, ‘Is a covenant not made with you about the book that you must not say anything about Allah except the truth.’ He has also said, ‘In fact they have spoken lies in that of which they do not have any knowledge and the interpretation for it has not yet come.’”

H 1053, Ch. 26, h 14

Basa'ir al-Darajat: For the names of narrators see Arabic text

“I (the narrator) once said to abu ‘Abd Allah, ‘*Alayhi al-Salam*, ‘May Allah keep my soul in service for your cause, a man comes to us from your side and informs us about you a great issue which causes us a great deal of stress so much so that we call him a liar. Abu ‘Abd Allah, ‘*Alayhi al-Salam*, then asked, ‘Does he not narrate to you from me?’ I replied, ‘Yes, he does so.’ He (the Imam) asked, ‘Does he say the night that it is not night and the day that it is not day?’ I replied, ‘No, he does not do so.’ He (the Imam) said, ‘You must leave it and refer it to us. It is because if you reject it you have rejected us.’”

H 1054, Ch. 26, h 15

Al-Khisal: For the names of narrators see Arabic text

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that Allah, most High, has taken an oath not to allow three kinds of people to live in His garden (paradise). Of such people are those who reject Allah, most Majestic, most Glorious, or the Imam of guidance and one who holds back the right of a Muslim man.’”

H 1055, Ch. 26, h 16

‘Ilal al-Shara’I’: For the names of narrators see Arabic text

“Abu Ja’far, or abu ‘Abd Allah, *‘Alayhima al-Salam*, has said, ‘You must not reject a Hadith ascribed to us by a Murji’a, a Qadri or Khariji (names of certain sects). You do not know, perhaps it is of the truth and you have rejected Allah, most Majestic, most Glorious, on His Throne.’”

H 1056, Ch. 26, h 17

Maa’ni al-Akhbar: For the names of narrators see Arabic text

“He (the narrator) has said that one who had asked al-Sadiq, *‘Alayhi al-Salam*, told me this. ‘Can disbelief be called equal to considering things as partners of Allah?’ He (the Imam) replied, ‘Disbelief is considering things as partners of Allah.’ He (the Imam) then moved to Masjid, then turned to me, and said, ‘Yes, a man carries a Hadith to his friend who does not recognize it so he rejects it. It is a bounty that he has rejected, but it is not up to the degree of shirk (considering things as partners of Allah).’”

H 1059, Ch. 26, h 20

Bayan: Arba’ah Mi’ah:

“Amir al-Mu’minin, *‘Alayhi al-Salam*, has said, ‘If you hear of our Hadith which you cannot recognize you must refer it to us, keep it on hold with you and accept it until the truth becomes clear to you. You must not act as quickly publicizing ones.’”

H 1060, Ch. 26, h 21

Basa’ir al-Darajat: For the names of narrators see Arabic text

“Abu Ja’far, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Hadith of Ale (family) Muhammad is difficult and it is found to be difficult. Only a close angel, a commissioned to preach prophet or a believer whose heart Allah has tested for belief is able to bear it. Whatever reaches you of Hadith of Ale (family) Muhammad, which makes your heart to feel warm and soft and you can recognize it you then should accept it. Whatever causes your heart to shrink in dislike you then refer it to Allah and the Messenger of Allah and to a scholar of Ale (family) Muhammad, *‘Alayhim al-Salam*. One, facing destruction, is he who narrates such Hadith, which he cannot bear and he then says, ‘By Allah this is not anything. Denial is disbelief.’”

H 1063, Ch. 26, h 24

Basa’ir al-Darajat: For the names of narrators see Arabic text

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Our Hadith is difficult and it is found to be difficult. Only well lighted chests, sound and safe hearts and good moral manners can bear it. Allah has made a covenant with our Shi’ah (followers) as well as with the children of Adam as He, most Majestic, most Glorious, has said, “When your Lord took all the offspring of Adam from their backs and made them to bear testimony against themselves about Allah being their Lord and they all agreed.’ Those who keep their commitment toward us Allah will keep His promise about granting them the garden (paradise) and those who dislike us and do not fulfill our rights on them will remain in the fire forever.’”

H 1074, Ch. 26, h 35

Basa’ir al-Darajat: For the names of narrators see Arabic text

“I (the narrator) once heard ’Amir al-Mu’minin, *‘Alayhi al-Salam*, say, ‘Our Hadith is difficult and it is found to be difficult. It is rough and harnessing. You may deliver something thereof to people. If they acknowledge then you can deliver more. If they dislike it then you must hold back. No one can bear it except three, a close angel or a prophet who is commissioned to preach, or a believer slave whose heart Allah has tested for belief.’”

H 1088, Ch. 26, h 50

Al-’Ikhtisas: For the names of narrators see Arabic text

“Abd al-A’la’ ibn a’yan has said that he and Ali ibn Hanzalah once visited abu ‘Abd Allah, *‘Alayhi al-Salam*. Ali ibn Hanzalah asked him (the Imam) and he (the Imam) give him the answer. Ali then asked, ‘What will happen if it is such and such?’ He (the Imam) answered him in a different way. Ali then asked, ‘What happens if it is as such and such?’ He (the Imam) answered him in a different way until four different answers for the same issue. Ali then turned to me and said, ‘We have gripped him.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, heard it and said, ‘O abu al-Hassan you should say not so. You are a Wara’ (strictly law abiding) man. Certain things are narrow to which only one aspect is applicable, of which is *Salat* (prayer) of Friday timing which is only the noontime. There are things of wider nature to which several aspects can apply. This is of those issues. By Allah, for this I can apply up to seventy aspects.’”

H 1098, Ch. 26, h 61

Basa’ir al-Darajat: For the names of narrators see Arabic text

“About the meaning of the words of Allah, ‘One who gains goodness We increase in it more goodness’ abu Ja’far, *‘Alayhi al-Salam*, has said this. ‘Gaining means submission to us and speaking true from us and not to ascribe lies to us.’”

H 1109, Ch. 26, h 71

Basa’ir al-Darajat: For the names of narrators see Arabic text

“Abu Ja’far, *‘Alayhi al-Salam*, has said, ‘Muslims have triumphed. Muslims are excellent people.’”

H 1112, Ch. 26, h 74

Basa’ir al-Darajat: For the names of narrators see Arabic text

“About the meaning of the words of Allah, ‘Those who have said, “Our Lord is Allah,” who then have remained steadfast, angels descend on them and tell them not to be afraid or sad,’ abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It refers to ’A’immah *’Alayhim al-Salam*. It applies to those of our Shi’ah (followers) who remain steadfast, submit to our command, keep our Hadith away from our enemies, do not publicize them among our enemies; the angels welcome them to the garden (paradise) with glade news. There lived people before you who believed as you do of religion, they submitted to our command, kept our secret and did not publicize among our enemies and did not doubt as you do. Then angels receive them with glade news from Allah about the garden (paradise).’”

H 1114, Ch. 26, h 76

Basa'ir al-Darajat: For the names of narrators see Arabic text

“Once I (the narrator) and al-Harith ibn al-Mughirah and others visited abu ‘Abd Allah, ‘*Alayhi al-Salam*, and al-Harith said to him (the Imam), ‘This man (Mansur al-Sayqal) does not want anything but to hear our Hadith. He by Allah does not know what to accept of whatever has come to him.’ Abu ‘Abd Allah, ‘*Alayhi al-Salam*, said, ‘This is a man from Muslims and Muslims are triumphant people.’”

H 1128, Ch. 26, h 90

Al-Khara'ij: For the names of narrators see Arabic text

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘Allah granted excellence to ‘Ulu al-‘Azm Messenger over those who were not ‘Ulu al-‘Azm (Messengers with determination). It was because of knowledge. We inherited their knowledge so we are more excellent than they are in their excellence. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, knew what they did not know. We learned the knowledge of the Messenger of Allah and we narrated to our Shi’ah (followers). Those of them who accepted are the more excellent among them. Wherever we live, our Shi’ah (followers) live with us.’”

H 1143, Ch. 26, h 105

For the names of narrators see Arabic text

“Ali ibn al-Husayn, ‘*Alayhima al-Salam*, once said to Aban ibn abu ‘Iyash, ‘O brother from ‘Abd Qays, if the issue becomes clear to you, then you must accept, otherwise, remain silent and refer its knowledge to Allah because you will have room bigger than the space between the sky and earth.’”

H 1150, Ch. 26, h 112

Munyat al-Murid: For the names of narrators see Arabic text

“The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘One who rejects a Hadith which has come to him from me I will be his opponent on the Day of Judgment. A Hadith may come to you from me which you cannot recognize. You must say, ‘Allah knows best.’”

Chapter 27

The Reason For Which ‘A’immah, ‘Alayhim al-Salam Kept Certain Amounts of Knowledge (Hadith) and Rules Secret

H 1153, Ch. 27, h 1

Basa'ir al-Darajat: For the names of narrators see Arabic text

“I (the narrator) heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, say, ‘My father was an excellent father. May Allah grant him mercy. He would say, ‘If I can find three groups who deserve to receive knowledge (Hadith) I will narrate for them something with which they will not anymore need to think about lawful and unlawful and whatever will come up to the day of Day of Judgment. Our Hadith is difficult and it is found to be difficult. No one believes in it except a believer slave whose heart Allah has tested for belief.’”

Chapter 31

Holding Back in Doubtful Conditions and Remaining Cautious in matters of Religion

Verses of al-Quran 42:10

H 1246, Ch. 31, h 1

Amali of al-Saduq: For the names of narrators see Arabic text

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘The issues are of three kinds. There is a matter, which is clearly of guidance, thus, you must follow it. There is another matter, which is clearly of misguidance, thus, you must avoid it. There is another matter which is doubtful, thus, you must refer it to Allah, most Majestic, most Glorious.’”

H 1257, Ch. 31, h 12

For the names of narrators see Arabic text

“Musa ibn Ja’far from his father, *‘Alayhima al-Salam*, has said the following. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, when counting the conditions in Islam, it is to hold back when facing a doubtful issue and referring it to the Imam; there is not anything doubtful before him (due to his comprehensive knowledge).”

H 1258, Ch. 31, h 13

“The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘You must follow the rules about lawful and unlawful matters, learn the rules and laws and refer the doubtful issues to its proper people. One who faces a case and he does not know the rule of law about it, has not learned it or heard from me he must ask Ali ibn abu Talib, *‘Alayhi al-Salam*. It is because he has learned the law as I taught to him, its apparent letters as well as its intrinsic meanings, the clear rules and the unclear ones.’”

H 1259, Ch. 31, h 14

Nahj al-Balagha:

“‘Amir al-Mu’minin, *‘Alayhi al-Salam*, has said, ‘Allah has made certain things obligatory on you, so you must not ignore them. He has made certain things prohibited to you, thus, you must not transgress and He has kept silent about certain matter, thus, you must not burden your selves.’”

H 1260, Ch. 31, h 15

“‘Amir al-Mu’minin, *‘Alayhi al-Salam*, has said, ‘No other form or Ware (strictly law abiding) is better than holding back on facing doubtful issues.’”

Who Should Read al-Kafi and Why?

Reading al-Kafi, the first and foremost comprehensive book of Hadith (the words of the Holy Prophet and A'imma (‘*Alayhim al-Salam*)) is an indispensable requirement to succeed in the following issues:

If you are afraid for the survival of your belief and religion, the religion and belief of your children, you must read al-Kafi thoroughly to find protection in the teachings of Ahl al-Bayt (‘*Alayhim al-Salam*)

If you wish to know about Allah you must read the words of the Holy Prophet and A'imma (Alayhim Al-Salam) about Him in al-Kafi, the first and foremost comprehensive book of Hadith.

If you wish to read or say anything about Ahl al-Bayt (‘*Alayhim al-Salam*) then reading or saying anything other than the Holy Quran and Hadith from al-Kafi or other authentic sources of Hadith is an absolute waste of time and a barrier to block people from al-Kafi, the first and foremost comprehensive book of Hadith of Ahl al-Bayt (‘*Alayhim al-Salam*)

If you wish to write anything about our principles of belief or moral discipline with the existence of al-Kafi it will become one more cover to hide al-Kafi from the followers of Ahl al-Bayt (‘*Alayhim al-Salam*)

If you wish to have the honor to be a narrator of the words of Ahl al-Bayt (‘*Alayhim al-Salam*) narrate from al-Kafi the first and foremost comprehensive collection of the words of Ahl al-Bayt (‘*Alayhim al-Salam*)

If you wish to progress spiritually then read al-Kafi thoroughly, you will enjoy tremendous satisfaction

If you wish to strengthen your love for Ahl al-Bayt (‘*Alayhim al-Salam*) then read al-Kafi you will experience the difference

If you wish to know about the greatness of Ahl al-Bayt (‘*Alayhim al-Salam*) read al-Kafi, you will sense the sweetness of your belief

If you wish to find how beloved Ahl al-Bayt (‘*Alayhim al-Salam*) are to Allah read al-Kafi, you will be amazed to learn all about it

If you wish to instruct your children in religious moral discipline and matters of the principles of belief, then ask them to read ‘Usul al-Kafi at least twice a year.

If you are afraid for the survival of your children’s and your own belief you all must read al-Kafi thoroughly to find protection in the teaching and traditions, way of life and the culture of Ahl al-Bayt (‘*Alayhim al-Salam*)

Who should read Kitab al-Kafi?

“This book (the Holy Quran), there is no doubt, is a guide for the pious people (only).” (The Holy Quran, 2:3)

In the case of kitab al-Kafi, primarily, only the Shia Muslims may gain a great deal of spiritual benefits. Of the Shia Muslims, in our time, even those who think their belief in Ahl al-Bayt (‘*Alayhim al-Salam*) is perfect and complete without reading kitab al-Kafi, after reading it properly will realize that they are suffering a great loss due to ignorance of the contents of kitab al-Kafi.

Certain people think ordinary individuals should not read kitab al-Kafi; this book speaks of extraordinary spiritual merits of Ahl al-Bayt (‘*Alayhim al-Salam*) and certain readers may not comprehend such matters.

The best way to benefit from reading al-Kafi is to read it from the beginning to the end over and over again so the reader can judge its contents with a view to all of the material therein. In one’s spiritual quest it helps one to realize the greatness of the spiritual teachings of Ahl al-Bayt and their extraordinary spiritual merits and knowledge.

The study of the Holy Quran and Hadith is a noble quest indeed. Wishing you success in this most noble task, we implore Almighty Allah to grant you the ability, intelligence, serenity, desire and willingness to study this presentation thoroughly, with the sole intention to become closer to Allah. Upon completion of these readings, you will certainly, without any shred of doubt, feel yourself to be a new person. You will be much more mature spiritually and in the matters of beliefs. The study of al-Kafi is the right choice. Thus you will begin living a meaningful life, a life of hope, well-protected, secure from fear, sadness, pressure and depression.

Al-Kafi consists of three major fields of the Islamic system of belief and practice: theology, practical laws, and guidelines for moral discipline. All three fields of the system are dealt with in the Holy Quran in principle and sometimes in good details.

Average Muslims, to certain degrees, do read and study the Holy Quran and Shari’ah, the practical laws of Islam. However, the reading and study of a collection of Hadith such as ‘Usul al-Kafi is ignored. Writers publish books on the subject of ethics and moral matters. This is the best proof of how badly ‘Usul al-Kafi is ignored. With the existence of ‘Usul al-Kafi, it is a total embarrassment to write anything on the subject of theology, ethics and moral discipline. The first volume of ‘Usul al-Kafi is the best and the only book one needs, besides the Holy Quran and other authentic sources of Hadith, to read on theology. One’s reading any other book, besides the Holy Quran and ‘Usul al-Kafi or other authentic sources of Hadith, on these topics is an absolute waste of time and energy.

The second volume of ‘Usul al-Kafi is the best and the only book needed, besides the Holy Quran and other authentic sources of Hadith, for complete instructions how to balance, improve, uplift and strengthen one’s spiritual faculties, merits and potentials. It shows the right form of guidance, realistic aims and pure spiritual ambitions. Hadith 14 of the first part of the first volume is one of a kind and does not exist in any other collection of Hadith with such form and quality. The remaining six volumes of al-Kafi, 8 volumes in all, are only explanation of different items of facts, mentioned in that marvelous Hadith, in practical perspectives.

It is regrettable that even the Shi’a Muslims do not read ‘Usul al-Kafi. For years I have been translating things to be used as textbooks of Islamic teaching to children in weekend schools. What a waste of time and energy it was! As mentioned above it is a total embarrassment to write anything on the subject of theology and moral discipline with the existence of ‘Usul al-Kafi. It is like teaching

Islam to people in the presence of Imam Ja'far al-Sadiq (*'Alayhim al-Salam*) You be the judge, what could be more improper than speaking of the matters of theology and moral discipline while Imam Muhammad al-Baqir (*'Alayhim al-Salam*) would be setting next to you. It is regrettable that 'Usul al-Kafi and the whole al-Kafi is not studied in weekend schools, it is not publicized to encourage the Shi'a people to read and study this valuable book. What could be more regrettable than writing tons of things or saying a whole lot more about the principles of Islamic belief and ethics and ignore what the Imam have already explained in the simplest authoritative manners? This is only 'Usul al-Kafi (Volumes 1 & 2). For the rest of the Divine treasures of guidance one would need to study the other six volumes of al-Kafi.

Abbreviations, Conventions, Special Terms and Symbols

A Work of the nature of al-Kafi requires a great deal of the use of special terms, conventions, and symbols. The translation work is still in progress. Of the available explanations the following are a few.

The Arabic phrase: **‘Alayhi / ‘Alayhim al-Salam** and the expression **“recipient of divine supreme covenant”**

The Holy Prophet and Ahl al-Bayt (the twelve A’immah and Fatimah al-Zahra) are infallible people. After the names and titles of infallible personalities, or Arabic expressions such as ‘abu’ or ‘ibn’, meaning father or son of so and so, in Arabic writings the use of the phrase, **‘Alayhi / ‘Alayhim al-Salam** is a usual practice. In this translation the phrase “recipient of divine supreme covenant” is used to convey the meaning of the said Arabic expression. Writers have used such words as ‘peace be on him / upon them, for the Arabic phrase **‘Alayhi / ‘Alayhim al-Salam** which is a literal translation and it fails to express the meaning of Arabic phrase **‘Alayhi / ‘Alayhim al-Salam** as explained in Hadith 39 of Chapter 111, Part Four of al-Kafi in volume 1. The expression, “peace be on him” seems to express a form of prayer. However, ‘recipient of divine supreme covenant’ is the mention of a special entitlement in Divine Providence and a prominent position.

Hadith and its plural Ahadith

The literal meaning of this term is a statement, conversation, a report or something new.

In the Islamic literature it sometimes is used to replace the word *"Sunnah"*. The *Sunnah* of Prophet Muhammad and the other infallible personalities consist of three issues.

- (a) Their statements
- (b) Their deeds
- (c) Their approval or disapproval of a certain act, practice or statement.

Ahadith of Man Balagha (whoever receives a Hadith)

In Wasa’il al-Shia vol. 1, Chapter 18 is about the Ahadith that say, “Whoever receives a Hadith, considered to be one of the Ahadith of the Holy Prophet, which says that if a servant of Allah performs such and such a deed or abstains from such and such act he or she will receive such and such reward from Allah. That person will receive the said reward even if such Hadith may not, in fact, be a Hadith of the Holy Prophet.

This is to remind those who just because of the allegation that certain Ahadith in al-Kafi are *Da‘if* deprive themselves of the benefits of reading the Ahadith of Ahl al-Bayt. In the next section, we have presented authentic information about different aspects of Hadith. Among other issues such information shows that the task of verifying whether a Hadith is *Da‘if* or not is beyond the capabilities of non-Mujatahid people. Avoiding to read books of Hadith just because of an allegation that many Hadith in al-Kafi is *Da‘if* is a terrible loss and it is a pitiful ignorance. It only makes Satan very happy. One may ask those who take the allegation of *Da‘if* Ahadith seriously the following questions to explain their own condition.

Question:

Do you (Mr. Husayn) have a bank account?

Mr. Husayn may answer, “Yes, I have a bank account.”

What is the proof that you have a bank account?

He may say, “I receive bank statements every month.”

Do you own a house?

He may say, “Yes, I own a house.”

What is the proof that you own one?

He may answer, “I have a deed for the house in my name.”

So without documented proof one is not considered the owner of a bank account or a house. One then may ask Mr. Husayn this: What is the documented proof that Allah or Prophet Muhammad appointed every one of the twelve A’immah as successor of the Holy Prophet with divine authority? Such document is in **H 1365, Ch. 126, h3** (al-Kafi vol.1 Chapter 126 Hadith no 3). Ignoring this document because of *Da‘if* Ahadith allegations, amounts to having a religion without proof and that is the worst thing that can ever happen to a person. We must not allow Satan to stop us from reading books of Hadith such as al-Kafi to benefit from the teachings of Ahl al-Bayt *‘Alayhim al-Salam*.

Muhammad Sarwar

New York – January 2, 2005

Translator's Introduction

In the Name of Allah, the Beneficent, the Merciful

In the following, an effort is made to provide essential information about this book to help the readers learn it with ease and satisfaction. The items below outline the basic matters to consider.

An introduction is similar to a definition of the introduced object. Essential matters to help one in learning about an object, within the rules of the workings of things around in nature, consists of the following elements:

- a. The form and shape of the object (formal cause) Volumes, Parts and chapter of the book
- b. The substance of the object (material cause) the issues dealt with in Ahadith
- c. The agent of the object (coefficient cause); the sources of Ahadith
- d. And the purpose of the object (goal and end cause) the reasons for which Ahadith were issued

a. The Form of al-Kafi (Formal Cause) Is Dealt With in the Following Six Sections

- 1. Number of Volumes and Sections
- 2. Time Line of Emergence and Sources of Hadith
- 3. Genuine and False Ahadith
- 4. Recording Ahadith in Written Form
- 5. Narrators of Hadith
- 6. A Brief Comparative Study of al-Kafi and Other Collection of Ahadith

b. Contents of al-Kafi (Material Cause)

Volume 1 (See Table of Contents of Volume 1)

- 1. Part 1 with 34 Haddith
- 2 Part 2 with 207 Hadith in 22 Chapters
- 3. Part 3 with 224 Hadith in 35 Chapters
- 4. Part 4 with 990 Hadith in 130 Chapters

Volume 2 (See Table of Contents of Volume 2)

- 1. Part 1 with 1601 Hadith in 203 Chapters

2. Part 2 with 407 Hadith in 60 Chapters

3-4 Parts 3 & 4 with 331 Hadith in 44 Chapters

c. The Authors of Ahadith (Coefficient Cause)

1. Allah
2. The Archangel (Jibril / Gabrael)
3. The Holy Prophet
4. The Deeds of the Holy Prophet
5. The Approvals of the Holy Prophet
6. Fatimah Al-Zahra' and the Twelve A'immah, '*Alayhim al-Salam*

d. The Purpose (Goal and End Cause) of Ahadith in 'Usul al-Kafi

1. To Explain Issues of the Fundamentals of Belief (Theology)
2. About Allah
3. About the Messenger of Allah
4. About the Successors of the Messenger of Allah
5. Intelligence and Knowledge
6. Rules of Ethics and Moral Discipline and How to Perfect One's Intelligence and Belief
7. The Holy Quran and Prayer

A. The Form of al-Kafi (Formal Cause)

Chapter One

Number of Volumes and Sections - Sub divisions of al-Kafi

Part 1 - Al 'Usul (Principles)

Volume 1:

This part of the book consists of Ahadith on the principles of beliefs and it is called 'Usul (principles) in al-Kafi.

The sections or chapters in volume 1 are as follows:

1. The Book of Intelligence and Ignorance (Kitab al 'Aql wa al Jahl)
2. The Book of the Excellence of Knowledge (Kitabu Fad al-'Ilm)
3. The Book on Oneness of Allah (Kitab al Tawhid)
4. The Book about the people who possess Divine Authority (Kitab al Hujja)

Volume 2:

Sections or Chapters in Volume 2:

5. The Book on Belief and Disbelief (Kitab al 'Iman wa al Kufr)
6. The Book on Prayers (Kitab al Du'a')
7. The Book on the Excellence of the Holy Quran (Kitabu Fadl al Quran)
8. The Book of Social Discipline (Kitab al 'Ishra)

PART 2 - Al Furu' (Branches)

Volumes 3-7:

This part consists of Ahadith on Islamic practical laws such as:

- The acts of worship ('Ibadat)
- Business transactions (mu'amalat)
- Judicial laws (al-Qada')

Furu' al-Kafi (volume 3 – 7): The rules of conduct, the practical laws of the Islamic system, consists of the following:

9. The Book of Laws of Cleanliness (Kitab al Tahara)
10. The Book of Laws of Menstruation (Kitab al *Hayd*)
11. The Book of Laws about the dying people and their burials (Kitab al Jana'iz)
12. The Book of Laws of Prayer (Kitab al *Salat*)
13. The Book of Laws of Charities, Taxes (Kitab al Zakat)
14. The Book of Laws of Fasting (Kitab al Siyam)
15. The Book of Laws of Pilgrimage (Kitab al Hajj)

16. The Book of Laws of Defense (Kitab al-Jihad)
17. The Book of Laws of Business (Kitab al Ma'ishah)
18. The Book of Laws of Marriage (Kitab al Nikah)
19. The Book of Laws about New-born (Kitab al ‘Aqiqa)
20. The Book of Laws of Divorce (Kitab al Talaq)
21. The Book of Laws of Emancipation of Slaves (Kitab al ‘Itq wa al Tadbir wa al Mukataba)
22. The Book of Laws of Hunting (Kitab al Sayd)
23. The Book of Laws of Slaughtering Animals for food (Kitab al Dhaba’ih)
24. The Book of Laws of Foods (Kitab al At‘imah)
25. The Book of Laws of Drinks (Kitab al Ashriba)
26. The Book of Laws of Dresses, Beautifying and the Ideal of Manhood (Kitab al Zay wa al Tajammul)
27. The Book of Laws of Animal Farming and Poultry (Kitab al Dawajin)
28. The Book of Laws of Wills (Kitab al Wasaya’)
29. The Book of Laws of Inheritances (Kitab al Mawarith)
30. The Book of Laws of Penalties (Kitab al Hudud)
31. The Book of Laws of Restitution for Bodily Injuries (Kitab al Diyat)
32. The Book of Laws of Testimony and Witnessing (Kitab al Shahadat)
33. The Book of Judicial Laws (Kitab al Qada’ wa al-Ahkam)
34. The Book of Laws of Oaths, Vows and Expiation (Kitab al ‘Ayman wa al Nudbur wa al Kaffarat)

PART 3 - Al-Rawdah (Garden of Flowers (Hadith))

Volume 8:

This part consists of miscellaneous Ahadith of both the ‘Usul and Furu‘ of al-Kafi. The topics are not arranged and organized as in the other volumes. The chapters are not in alphabetical order of Ahadith or narrators.

This volume comprises about six hundred Hadith on various topics and is a treasure of knowledge of the matters of belief, spiritual discipline, interpretations of many verses of the Holy Quran, accounts

of the noble manners of the Holy Prophet and infallible members of his family and information about the system of this and the next life.

Chapter Two

Time Line of Emergence and Sources of Hadith

The Source of Hadith

The following Hadith, in addition to other valuable information therein, points out the source wherefrom Ahadith have emerged:

“A number of our people have narrated from Ahmad ibn Muhammad, from ‘Abd Allah ibn al Hajjal, from Ahmad ibn ‘Umar al Halabi, from abu Basir who has said the following:

“Once I went to see abu ‘Abd Allah, *‘Alayhi al-Salam*, and said to him, ‘May Allah keep my soul in service for your cause, I like to ask you a question. Is there anyone else in this house who may hear my words?’

“The Imam, *‘Alayhi al-Salam*, then folded the curtain between his room and the next room and looked into it. Then the Imam, *‘Alayhi al-Salam*, said, ‘O abu Muhammad, ask whatever you wish.’

“I said, ‘May Allah keep my soul in service for your cause, your followers say that the Messenger of Allah taught Ali, *‘Alayhi al-Salam*, a thousand chapters of knowledge and from each chapter there opened a thousand chapters. I then said, ‘This, I swear by Allah, is knowledge.’ He would mark the ground with his staff (perhaps a sign of thinking) for a while. He then said, “That is knowledge but it is not that.” The narrator has said that the Imam, *‘Alayhi al-Salam*, said, ‘O abu Muhammad, with us there is al-Jami‘a. Do they know what al-Jami‘a is?’

“I asked, ‘May Allah keep my soul in service for your cause, what is al-Jami‘a?’ The Imam, *‘Alayhi al-Salam*, then said, “It is a parchment seventy yards long by the yards of the Messenger of Allah. It contains his dictations from his very own mouth that are recorded onto it in the handwriting of Ali, *‘Alayhi al-Salam*. It contains all the lawful and unlawful, and all matters that people need. Even the law of compensation for a scratch caused to a person.’ He then extended his hand towards me and asked, “May I, O abu Muhammad?” I replied, ‘May Allah keep my soul in service for your cause, I am entirely at your disposal.’ He pinched me with his hand and said, “The law of compensation, even for this much, is included therein.” He seemed angry. I said, ‘This, I swear by Allah is knowledge.’

The Imam, *‘Alayhi al-Salam*, then said, “It certainly is knowledge but not that one.” The Imam, *‘Alayhi al-Salam*, remained silent for a while and then said, ‘With us there is al-Jafr. Do they know what al-Jafr is?’

I asked, “What is al-Jafr?”

The Imam, *‘Alayhi al-Salam*, then said, ‘It is a container made of skin that contains the knowledge of the prophets and the executors of their wills. It is the knowledge of the scholars in the past from the Israelites.’

I said, “This certainly, is the knowledge.”

The Imam, *‘Alayhi al-Salam*, then said, ‘It certainly is knowledge but not that knowledge.’ The Imam, *‘Alayhi al-Salam*, remained silent for a while and then said, “With us there is the book (Mushaf) of Fatimah, *‘Alayha al-Salam*. Do they know what Mushaf of Fatimah is?” The Imam, *‘Alayhi al-Salam*, then said, ‘Mushaf of Fatimah is three times bigger than your Quran. There is not even a single letter therein from your Quran.’

I then said, “This, I swear by Allah, is the knowledge.”

The Imam, *‘Alayhi al-Salam*, then said, ‘This certainly is knowledge, but it is not that.’ The Imam, *‘Alayhi al-Salam*, remained silent for a while and then said, “With us there is the knowledge of whatever has been, and the knowledge of everything that will come into being to the Day of Judgment.”

I said, ‘May Allah keep my soul in service for your cause, this, I swear by Allah, certainly, is the knowledge.’

The Imam, *‘Alayhi al-Salam*, then said, “It certainly is knowledge but not that knowledge.”

I asked, ‘May Allah keep my soul in service for your cause, what is the knowledge?’

The Imam, *‘Alayhi al-Salam*, said, “It is whatever takes place during the night and during the day, one matter after the other matter, and one thing after the other to the Day of Judgment.” (Al-Kafi Vol. 1, H614, Ch. 40, h1)

The above Hadith confirms that A’immah, *‘Alayhim al-Salam*, had an enormous treasure of knowledge of Divine guidance and of the system of creation. Imam Ali, *‘Alayhi al-Salam*, had learned such knowledge from the Holy Prophet and had recorded it in writing. Such treasure of the knowledge of Divine guidance and wisdom was the source of the Ahadith of A’immah, *‘Alayhim al-Salam*.

The following Hadith is another evidence of the sources of the knowledge of A’immah, *‘Alayhim al-Salam*, and their Ahadith:

H 664, Ch. 45, h2

Muhammad ibn Yahya has narrated from ‘Abd Allah ibn Muhammad ibn ‘Isa from al Hassan ibn Mahbub from Ali ibn Ri’ab from Sadir al-Sayrafi who has said the following:

“I heard Humran ibn A’yan ask abu Ja’far, *‘Alayhi al-Salam*, about the words of Allah, the Most Holy, the Most High Allah, ‘. . . One Who is the Originator of the heavens and the earth . . .,’ (6:101) Abu Ja’far, *‘Alayhi al-Salam*, said, “Allah, the Most Holy, the Most High, originated all things through His knowledge. It was unprecedented. He invented the heavens and earth and there were no heavens and earths before. Have you not considered the words of Allah, ‘. . . His Throne existed on water. . . .’ (11:7)

Humran then said, “Have you considered His words, Majestic is Whose name, ‘He knows the unseen and He does not allow anyone to know His secrets . . .?’ (72:26)

“Abu Ja’far, *‘Alayhi al-Salam*, then said, “. . . except those of His Messengers whom He chooses. (72:26) Muhammad, *‘Alayhi al-Salam*, I swear by Allah, was one of those whom Allah had chosen. However, there are His words, ‘He knows the hidden facts.’ The fact that Allah, the Most Holy, the Most High, knows what is hidden from His creatures of the things that He measures and determines

and decrees in His knowledge before creating it and before assigning to the angels, it is because of the following: O Humran, there is the knowledge withheld before Him in which He has a wish. He then decrees it when He wills. Bada' may take place in it and He then will not decree it. The knowledge that, however, Allah, the Most Holy, the Most High, measures and determines and approves is the knowledge that reaches the Messenger of Allah and then it reaches us.'"

This is a remarkable Hadith about the created world. It states that once Allah creates a thing or things it or they comes in public. Thereafter, if one has the means he may know what it is or what they are and the Imam, '*Alayhi al-Salam*, says, "We know them all". Note the end of previous Hadith, 'I then asked, "May Allah keep my soul in service for your cause. What is the knowledge?"

"The Imam, '*Alayhi al-Salam*, said, 'It is whatever takes place during the night and during the day, one matter after the other matter, and one thing after the other to the Day of Judgment.'" No one has so far, in the history of man, has come up with such a statement. Knowledge and Hadith emerging from sources mentioned in the above Hadith is supernatural, above and beyond falsehood.

H 631, Ch. 40, h3

A number of our people have narrated from Ahmad ibn Muhammad from Ali ibn al Hakam from al Husayn ibn abu 'Ala' who has said that he heard abu 'Abd Allah, '*Alayhi al-Salam*, say the following:

"With me is the white Jafr." I (the narrator) then asked the Imam, '*Alayhi al-Salam*, "What is in it?" The Imam said, "In it there are the psalms of David, the Torah of Moses, the Gospel of Jesus, the Books of Abraham, the laws that explain the lawful and unlawful matters and the Mushaf of Fatimah, '*Alayha al-Salam*, in which I do not think there is anything from the Holy Quran. In it there is all that people need us to do for them, so that we would not need anyone else (for guidance). In it there is information even about a lash, half of a lash and one forth of a lash and about the amount of compensation for a scratch caused to someone.

"With me there is the red Jafr." I (the narrator) then asked the Imam, "What is in the red Jafr?" The Imam said, "In it there are the Armaments. It is because it only is opened for bloodshed. The owner of the sword opens it (to settle cases) of murder.

"The narrator has said that 'Abd Allah ibn abu Ya'fur asked the Imam, 'May Allah keep you well, do the descendents of al-Hassan, '*Alayhi al-Salam*, know this? The Imam, said, 'Yes, I swear by Allah, they know it just as they know the night that it is night and the day that it is day, but jealousy and worldly gains cause them to act in denial and rejection. Had they sought the truth with the truth it would have been better for them.'"

H 632, Ch. 40, h4

Ali ibn Ibrahim has narrated from Muhammad ibn 'Isa from Yunus from the person that he mentioned from Sulayman ibn Khalid from abu 'Abd Allah, '*Alayhi al-Salam*, who has said the following:

"The Jafr of which they speak certainly disappoints them because they (the Zaydis) do not speak the truth while Jafr does contain the truth. Allow them bring to light there-from the judgments of Ali, '*Alayhi al-Salam*, and his rules of inheritance if they are truthful. Ask them about (the inheritance) of paternal and maternal aunts. Allow them show (others) the Mushaf of Fatimah, '*Alayha al-Salam*. In it, certainly, there is the will of Fatimah, '*Alayha al-Salam*. With it there are the Armaments of the Messenger of Allah. Allah, the Most Holy, the Most High, has said, 'Bring me a Book, revealed before this Quran, or any other proof based on knowledge to support your belief, if indeed you are truthful.'" (46:4)

H 1602, CH 30, h 2

Ibn Mahbub has narrated from Jamil ibn Salih from Burayd ibn Mu'awiyah from abu Ja'far, *'Alayhi al-Salam*, who has said the following:

“We have found in the book of Ali, *'Alayhi al-Salam*, that the Messenger of Allah said from the pulpit, ‘I swear by the One besides Whom no one else deserves to be worshipped, a believer never receives any good in this life and in the hereafter, except because of his hopefulness toward Allah, his confidence in Allah, his good moral behavior and his abstaining from backbiting the believers. I swear by the One besides Whom no one else deserves to be worshipped, Allah does not punish a believer after his repenting and asking forgiveness except because of his despair toward Allah, his shortcoming in his hope from Allah, his bad moral behaviors and his backbiting of the believers. I swear by the One besides Whom no one else deserves to be worshipped that, hope of a believer does not exist without Allah running his affairs according to the hopeful intentions of the believer. It is because nobility is of the attributes of Allah; in His hand is all good, and He considers Himself indebted toward His believing servants who are hopeful about Him not to allow their hope to remain fruitless. Therefore, be hopeful about Allah and be interested with Him.’”

H 142, Ch. 17, h4

It is narrated from him from Ahmad ibn Muhammad ibn 'Isa from al-Husayn ibn Sa'id from al Qasim ibn Muhammad from Ali ibn abu Hamza from abu Basir who has said the following:

“Once I asked abu 'Abd Allah, *'Alayhi al-Salam*, ‘Can I narrate a Hadith I hear from you as a Hadith of your father or narrate what I have heard from your father as your Hadith?’ The Imam said, ‘It is all the same. However, I love if you narrate from my father.’ Abu 'Abd Allah, *'Alayhi al-Salam*, once said to Jamil, ‘What you hear from me you may narrate as a Hadith of my father also.’”

H 145, Ch. 17, h7

Ali ibn Ibrahim has narrated from his father from Ahmad ibn Muhammad ibn Khalid from al Nawfali from al Sakuni from abu 'Abd Allah, *'Alayhi al-Salam*, who has said the following:

“Amir al-Mu'minin, *'Alayhi al-Salam*, has said, ‘When you narrate a Hadith you must say who its narrator is. If it is true it will be for you and if it is false it will be his (the narrator's) responsibility.’”

H 146, Ch. 17, h8

Ali ibn Muhammad ibn 'Abd Allah has narrated from Ahmad ibn Muhammad from abu Ayyub al Madani from ibn abu 'Umayr from Husayn al-Ahmasi from abu 'Abd Allah, *'Alayhi al-Salam*, who has said the following:

“The heart relies on writing.”

H 147, Ch. 17, h9

Al Husayn ibn Muhammad has narrated from Mu'alla ibn Muhammad from al-Hassan ibn Ali al-Washsha' from 'Asim ibn Humayd from abu Basir who has said the following:

“Once I heard (Imam) abu 'Abd Allah, *'Alayhi al-Salam*, saying, ‘You must write it down; you will not memorize until you write it down.’”

H 148, Ch. 17, h10

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn 'Isa from al-Hassan ibn Ali ibn Faddal from ibn Bukayr from 'Ubayd ibn Zurara who has said the following:

“Once abu 'Abd Allah, *'Alayhi al-Salam*, said, ‘You must preserve your books; you will soon need them.’”

H 149, Ch. 17, h11

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid al Barqi from certain persons of his people from abu Sa'id al Khaybari from al Mufaddal ibn 'Umar who has said the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘You must write down (Hadith) and spread your knowledge among your brethren. If you die your children will inherit your books. A time will come when people will face chaos and they will find no comfort except in their books.’”

H 150, Ch. 17, h12

It is narrated through the same chain of narrators from Muhammad ibn Ali in a marfu‘ manner from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has said the following:

“Beware of the branched-out lies.” They asked the Imam, ‘What are branched-out lies?’ The Imam replied, ‘It is when a person narrates a Hadith to you and you ignore him and narrate it from the person from whom he had narrated the Hadith.’”

H 151, Ch. 17, h13

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Ahmad ibn Muhammad ibn abu Nasr from Jamil ibn Darraj who has said the following:

“Once, abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘Speak our Hadith clearly; we are an eloquent people.’”

H 152, Ch. 17, h14

Ali ibn Muhammad has narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ‘Umar ibn ‘Abd al ‘Aziz from Hisham ibn Salim, Hammed ibn ‘Uthman and others who have said the following.:

“Once we heard abu ‘Abd Allah, *‘Alayhi al-Salam*, say, ‘My Hadith is the Hadith of my father. The Hadith of my father is the Hadith of my grandfather. The Hadith of my grandfather is the Hadith of Imam Husayn. The Hadith of Imam al-Husayn is the Hadith of Imam al- Hassan. The Hadith of Imam al-Hassan is the Hadith of Imam Ali, *‘Alayhi al-Salam*. The Hadith of Imam Ali is the Hadith of the Holy Prophet, *‘Alayhi al-Salam*. The Hadith of the Holy Prophet is the words of Allah, the Majestic, the Glorious.’”

H 153, Ch. 17, h15

A number of our people have narrated from Ahmad ibn Muhammad from Muhammad ibn al-Hassan ibn abu Khalid Shaynula who has said the following:

“Once I said to abu Ja’far al-Thani, the second, *‘Alayhi al-Salam*, ‘May Allah keep my soul in your service, our shaykhs have narrated Hadith from Imam abu Ja’far and from Imam abu ‘Abd Allah, *‘Alayhim al-Salam*. At that time Taqiyah (fear) was intense. They concealed their books and did not narrate from them. When they died their books came to us.’ The Imam said, ‘You may narrate from them; they contain the truth.’” The above Ahadith speak of facts about the sources of Hadith and the manners they were preserved. They at the same time are solid evidence and basis in the issues of evaluating Ahadith for authenticity or otherwise.

Chapter Three

Genuine and false Ahadith

Mixing of genuine and false information has always been a serious concern in human beings’ interactions. The Holy Quran provides the following criteria for dealing with genuine and false Hadith:

“Believers, if one, who publicly commits sins, brings you any news, ascertain its truthfulness carefully, lest you harm people through ignorance and then regret for what you have done.” (49:6)

The Holy Prophet has also provided guidance how to find out what is a genuine Hadith or otherwise:

H 196, Ch. 22, h1

Ali ibn Ibrahim has narrated from his father from al Nawfali from al-Sakuni from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“The Holy Prophet, ‘*Alayhi al-Salam*, has said, ‘Over every truth there is a reality and above every valid issue there is light. Whatever agrees with the Holy Quran you must follow it and whatever does not agree disregard it.”

H 200, Ch. 22, h5

Muhammad ibn ‘Isma‘il from al Fadl ibn Shadhan from ibn abu ‘Umayr from Hisham ibn al Hakam and others from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“The Holy Prophet once addressed the people in Mina (a place in Makka) saying, ‘O people, whatever comes to you in the form of my Hadith, you must see if it agrees with the Holy Book of Allah, it is genuine, but whatever comes to you that does not agree with the book of Allah then know that I have not said it.”

H 198, Ch. 22, h3

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father from al Nadr ibn Suwayd from Yahya al-Halab from Ayyub ibn al Hurr who has said the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘Everything must be referred to the Holy Quran and the Sunnah, the noble traditions of the Holy Prophet, ‘*Alayhi al-Salam*. Any Hadith that does not agree with the Holy Quran it is a useless statement.”

H 151, Ch. 17, h14

Ali ibn Muhammad has narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ‘Umar ibn ‘Abd al ‘Aziz from Hisham ibn Salim, Hammed ibn ‘Uthman and others who have said the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘My Hadith is the Hadith of my father. The Hadith of my father is the Hadith of my grandfather. The Hadith of my grandfather is the Hadith of Imam Husayn. The Hadith of Imam al-Husayn is the Hadith of Imam al- Hassan. The Hadith of Imam al-Hassan is the Hadith of Imam Ali, ‘*Alayhi al-Salam*. The Hadith of Imam Ali is the Hadith of the Holy Prophet, ‘*Alayhi al-Salam*. The Hadith of the Holy Prophet is the words of Allah, the Majestic, the Glorious.”

H 168, Ch. 19, h14

It is narrated from him from Muhammad from Yunus from Aban from abu Shaybah who has said the following:

“I heard (Imam) abu ‘Abd Allah, ‘*Alayhi al-Salam*, say, ‘Ibn Shubrama’s knowledge is lost and void before al-Jami‘ah. It is a large book that was dictated by the Holy Prophet to Imam Ali, ‘*Alayhi al-Salam*, who wrote it with his own hands. Al-Jami‘ah has not left anything untold. In it (al-Jami‘ah) is the knowledge of all lawful and unlawful matters. The people of analogy (people who consider use of analogical reasoning as an authority in the matters of Shari‘ah) sought knowledge through analogy and it has not increased to their knowledge anything. Instead it has taken them away from knowledge. The religion of Allah is not of the matters to learn through analogy.”

In the following Imam Ali, ‘*Alayhi al-Salam*, has explained how to deal with false information and its consequences.

H 183, Ch. 20, h7

Muhammad ibn Yahya has narrated from certain persons of his people from Harun ibn Muslim from Mas‘ada ibn Sadaqa from abu ‘Abd Allah , ‘*Alayhi al-Salam*, who has said the following:

“Imam Ali, ‘*Alayhi al-Salam*, has said, ‘O people, Allah, the Most Holy, the Most High, has sent to you the Holy Prophet, ‘*Alayhi al-Salam*, and given him the book with truth while you all were

illiterate (ignorant) about the book and the One Who revealed it and about the Messenger and the One Who sent him in a period of time wherein no messenger had been sent, during a prolonged delinquency of the nations with widespread ignorance, over looming afflictions, the crumbling of the established social order, blindness toward the truth, the practice of injustice, the destruction of religion, the raging of wars, at the time of paling away of the gardens of the worldly life, the withering away of the branches therein, the scattering away of its protectors, the loss of hope of its fruits, the drying out of its waters and during the decadence of its lighthouses. At such a period of time the elements of wickedness had been manifest everywhere. The world seemed aggressive, rough and frowning at the face of its inhabitants, regressing instead of helping to progress and with wicked fruits. Its food was but carrion, its slogan fear and the swords as overall garments. You were totally crushed and the eyes of the inhabitants of the world had turned blind, and their day's dark. They had boycotted their relatives, caused much bloodshed and buried their baby-girls alive, expecting thereby goodness of life and worldly tranquility. They would not cherish any hope in the rewards of Allah or preserve any fear of the punishment of Allah. Their living was blind and filthy and their dead in the fire in total despair.

“At such time came to them a copy of what was in the ancient pages (of guidance) and a confirmation of what existed with them, containing a complete account of the lawful and unlawful matters. That is the Holy Quran. Ask it for the answers but it will not speak to you. I can tell you about it. In it there is the knowledge of the past and the knowledge of what comes in the future up to the Day of Judgment. Therein is the rule (needed) among you and to settle your disputes that may arise therein. If you ask me about it (meaning of the Holy Quran) I can certainly teach you”

(Readers, for further details, can see the following Hadith also. Hadith 187, Chapter 21, Hadith 1, Volume 1 Part 2 with this indication: H 187, Ch. 21, h1)

All Hadith are not genuine. Only what is in harmony with the Holy Quran is acceptable. The best and the most authentic Hadith are those that Imam Ali, *‘Alayhi al-Salam*, had received from the Holy Prophet. Such Ahadith were consequently transferred to the other A’immah, *‘Alayhim al-Salam*, who taught them to the people of their times.

***‘Da’if’* (weak) Hadith and Differences in al-Hadith**

1. Eliminating confusions about *‘Da’if’* (weak) Hadith
2. The issue of *‘Da’if’* Ahadith
3. Legitimate Difference
4. The Task of the Scholars of the Discipline of Ijtihad
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18. The Terminology, Four Categories of Hadith and the Definitions Thereof

19. The Creators of these Terminologies and Categories of Hadith

20. The Reason for and Purpose of Such Creation

21. Proof of Invalidity and Uselessness of Such Classification

22. Weakness of Reasoning to Support the Validity of the Classification of Hadith

23. 'Usuli Scholars

24. In al Tahrir al Tawusi

25. Al-Khoee rh (rahmatu Allah Alayhi)

26. Sources or basis of fatwa according to S.M Baqir al Sard (an 'Usuli scholar)

27. One Solution

28. Sahib-e Jami' al-Ruwat, (Allamah Muhammad ibn Ali al Ardabili)

29. The author then has said: A case study: Al-Kafi, H 591, Ch. 35, h5

30. Examples of A'imma's instruction how to verify the authenticity of Ahadith

1. Eliminating Confusions about '*Da'if*' (weak) Hadith

Followers of Ahl al-Bayt, aware of religious issues, who are not specialists in the Islamic law but love to learn Hadith, do not pay any attention to the expression “*Da’if* Hadith”; it is not applicable to their case and it is of no benefit to discuss; it amounts to speaking without knowledge which is a sin, a fact well substantiated in the details herein below. It (discussing *Da’if* Hadith) concerns only those who are able to issue fatwas.

Hadith, in the literature of the followers of Ahl al-Bayt, means a statement of an infallible person like the Prophets and A’immah (plural of Imam). Sometimes the word Hadith is used to mean the Sunnah. Sunnah stands for the following matters:

- a. The statements of the Prophet of Islam and A’immah
- b. The deeds and actions of the Prophet of Islam and A’immah
- c. The approvals of the Prophet of Islam and A’immah (things done in their presence and they did not make any comments about them).

All Ahadith (plural of Hadith) of the Holy Prophet and A’immah are, found today, recorded in the four major books of Hadith or five of which the first and most important is (1) al-Kafi of al Kulayni in 8 volumes, (2) Man la yahduruhu al Faqih and (2a) Madinatul 'Ilm of abu Ja'far al Saduq and (3) al Tahdhib and (4) al Istibsar of Shaykh al Tusi

2. The Issue of *Da’if* Ahadith

The issue of *Da’if* Ahadith is a topic of the discipline of Ijtihad (scholastic study of Shari’ah (law)). Evaluation of *Da’if* Ahadith is beyond the ability of non-Mujtahid (not a specialist in scholastic study of Shari’ah). This comes to light in the details below:

- Only a scholar (Mujtahid) in Shari’ah may, according to the rules of Ijtihad, consider a Hadith as *Da’if* Zahiran (apparently) but not *Da’if* in reality.
- To say that a Hadith is *Da’if* (weak) is not a proper statement. A Hadith is a statement. A statement is either true or false and there is no third logical alternative. In fact *Da’if* (weak) may apply to the narrators of Hadith. If a narrator is not known or his reliability is not known, he can be called *Da’if* of character.
- One may ask, “Why the scholars (Mujtahids) in Shari’ah do not decide, once and for all, which (of the 16000 or so) Hadith (in al-Kafi) is *Da’if* and which one is not *Da’if* and mark them as such to remove all confusions?” The answer is that it is not possible:
- From the Akhbari (a certain group of scholars) point of view there is no *Da’if* Hadith in any of the four Books of Hadith mentioned above.
- From ‘Usuli (another group of scholars) point of view, when on the basis of recognized rules in the discipline of Ijtihad (scholarly study of Shari’ah) the scholars of Shari’ah form their opinion or fatwa about an issue, Shari’ah recognizes such opinions and fatwas as authoritative only apparently, even if in reality it is not so. The authority of fatwa is effective and binding to

follow only for the scholar himself and those who follow him.

- For this reason it is not possible to mark all *Da'if* Hadith once and for all. One Hadith that is considered *Da'if* by one scholar may not be considered as such by another scholar and so forth and the rules of the discipline of Ijtihad considers both scholars' opinions or fatwas as authoritative and valid.

- One example is admissibility or otherwise of a testimony. According to the fatwa of Akhbari scholars (sahib-o Hada'iq being of such group) testimony of far' al-far' (copy of a copy of original testimony) is not admissible.

- According to the fatwa of 'Usuli scholars (Ayatullah abu al-Qasim al-khoee being of such group) it is admissible. It (admissibility or otherwise of a testimony) is based on a Hadith narrated by 'Amr ibn Jami' (Jumay' in nickname form). *Da'if* Hadith is not an issue for non-specialists in Shari'ah

3. Legitimate Difference

Differences in fatwa are facts of life and Shari'ah does not allow to blame those who follow different fatwas. Although 'Usuli scholars of Shari'ah show ultra cautious manners and hair-splitting form of arguments over the issue of *Da'if* Hadith, yet in practice, all of their fatwas are based on the text of the Holy Quran and Hadith, as is stated below in a quote from late Ayatullah Muhammad Baqir al-Sadr.

4. The Task of the Scholars of the Discipline of Ijtihad

Scholars of Shari'ah (Islamic laws) called Mujtahids deal with the rules of human being's voluntary actions to find out which act according to Shari'ah is (1) obligatory, (2) prohibited, (3) desirable, (4) disliked or (5) is permissible. The sources in the field of such studies are:

- To find out in which of the categories 1-5 one's acts fall. All non-specialist Shi'a Muslims must follow the fatwas of the specialists in Shari'ah, whether of Akhbari scholars of *fiqh* or 'Usuli ones.

- This takes the issue of *Da'if* Hadith, true or otherwise completely out of the way of non-Mujtahid Shi'a Muslims. Non-Mujtahid Shi'a Muslims are never told to be on guard about *Da'if* Hadith but they are always told to learn which act is obligatory, prohibited, desirable, disliked or permissible.

- The Holy Quran and Sunnah or Ahadith are the sources of such rules.

- The Holy Quran and Sunnah or Ahadith also provide extensive guidance how to discipline and balance human feelings and intentions. Human feelings and intentions are beyond the field of fatwas of the Mujtahids.

- The part of the Holy Quran or Ahadith dealing with the task in (1) is called the laws (Shari'ah) and the parts of the Holy Quran and Ahadith dealing with the matters in (2) are

theology and moral discipline.

- To sort out the issues of the laws by the help of the Holy Quran and Ahadith is a life long task for the Mujtahids. They work very hard to serve the Muslims through their extensive knowledge of Shari'ah. May Allah reward them handsomely for their very much needed services and very much needed fatwas.

- The task of balancing and properly disciplining one's feelings, will power and intentions is every one's own achievement. This can only be accomplished by properly following the guidance of the Holy Quran and Ahadith that can only come through proper reading and understanding of such parts of the Holy Quran and Ahadith mentioned in (2) above. It is a great loss not to read and understand the Holy Quran and Ahadith that deal with disciplining and balancing of human feelings and intentions. There are a great deal of Ahadith in different sections of the books of Hadith that provide enormous degrees of instructions to balance and discipline one's feelings and intentions.

5. This Presentation

The following notes are prepared to remove confusions spreading from the allegation that about 9000 of Hadith in al-Kafi are *Da'if* (weak). Ironically enough, in a booklet, Urdu translation, a prominent scholar of *fiqh* is quoted to have expressed such allegation in one of his scholarly works. In fact, he is of the group (al-Akhbari) who resolutely oppose those who think *Da'if* Hadith exists in any of the four books of Hadith, namely (1) al-Kafi, (2) Faqih, (3) Tahdhib and (4) Istibsar. In actuality, this prominent scholar of *fiqh* himself has quoted this allegation in protest. (The above scholar of *fiqh* is Sahib e Hada'iq (author of Hada'iq, a book in 25 volumes on *fiqh*).

On the other hand, even if such allegation is considerable, a prominent scholar of *fiqh* in his works of the biography of the narrators of Hadith, as will be noted below, maintains that by the help of his works more than 12000 Hadith, in whose chain of narrator one may think uncertainties exist, becomes free of all uncertainties and problems. Assuming that uncertainties may exist in the chain of narrators of Hadith, this scholar's works provide reasonable answer to the alleged problems. The legacy of A'immah (Ahadith in al-Kafi) remains accessible to their followers. (He is Allamah Muhammad Ali Ardabili (rh) author of Jami' al Ruwat (a biography of narrators of Hadith).

6. The Negative Effects of the Mention of the Term '*Da'if*' Hadith (Upon Non Scholars)

When people speak or hear the expression '*Da'if* Hadith', without knowing its meaning in this context, they develop a strong negative attitude toward Hadith in general. Such attitude deprives the would-be readers of the books of Hadith such as al-Kafi and so forth from the theological, intellectual, spiritual, moral and social benefits of reading such books. To help the readers overcome such affects, this brief presentation is prepared after the study and proper understanding of the viewpoints of the two groups of scholars of *fiqh* held in this regard.

Included in this presentation is also an outline of the methodology adopted by Allamah Muhammad Ali Ardabili (rh), a prominent 11th century A.H scholar of *fiqh*, that satisfies the requirements of the

viewpoint of the 'Usuli scholars of *fiqh* and its result agrees with the viewpoint of Akhbari scholars of *fiqh* about Ahadith.

7. Details

Details of this issue in the following may deal with certain technical expressions, however, efforts are made to state them in as much simple terms as possible; it is prepared after consulting a good deal of scholarly works related to this issue to ensure reliability of these notes. (See bibliography below)

8. Two View Points About Hadith in Shi'a Muslim Scholars of *Fiqh* (Law)

- a. Akhbari View Point
- b. The 'Usuli View Point

Before examining the above points of views it is helpful to keep in mind the following brief and general ideas:

All issues in Islam are either of 'Usul (fundamentals of belief) or of the practical matters.

(a) In the matters of 'Usul it is the responsibility of each and every adult individual to independently establish sufficient proof in support of the veracity of each issue of the fundamentals of his/her belief'

(b) Of the practical matters great, a deal of issues have become undeniably established facts such as daily prayers, fasting, Hajj and so forth.

(c) Certain details about the issues of distant branches in the practical matters, however, require specialized examination of a huge amount of literature.

The discipline dealing with such research is called Ijtihad. The final findings of the doctors or scholars in this discipline are called their fatwas. With the existence of certain other required qualifications in such scholars their fatwas then in Shari'ah/*fiqh* are considered authoritative for the non-scholars and binding, once accepted, to follow.

- One category of Ahadith as mentioned above is not subject to the discipline of Ijtihad.
- The authenticity of another category of Ahadith involved in the discipline of Ijtihad is undeniable
- There is yet another category of Ahadith which according to one group ('Usuli) scholars of *fiqh* must be examined to verify their issuance from A'immah.
- The other group (Akhbari) Shi'a scholars maintain that all the Ahadith of the four books of Hadith are authentic (issued from A'immah}.

The following is an account of each group's position in a shortest discourse possible.

9. Akhbari View Point of Hadith

Of the Akhbari scholars of *fiqh* mentioned herein are:

- (a) Saheb e (author of) Wasa'il al Shi'a (in 20 volumes on issues of Shari'ah (laws))
- (b) Saheb e (author of) al Hada'iq (a book in 25 volumes on *fiqh*).

10. (A) Saheb e (Author of) Wasa'il Al Shi'a

In the introduction, wasa'il al Shi'a volume 1 by Shaykh Muhammad ibn al Hassan al Hurr al 'Amili, under the title 'al Hadith' the following is stated:

"Shi'a Muslims from the very beginning of Islam were very keen to preserve the teachings of the Holy Prophet and his infallible successors. They struggled and strove hard to preserve this Islamic legacy and valuable source of knowledge. In it there was what they dearly cherished and they followed their leader and guardian, Imam Ali to promptly record them (Ahadith) in written form. They did this when other Muslims were in disagreement about recording Hadith in written form. Certain people among them disliked recording Hadith and considered it unlawful. Others among them considered it permissible and they narrated them. Still others among them prohibited narrating a great number of Hadith. They terrorized those who narrated Hadith from the Holy Prophet, punished and imprisoned well know companions of the Holy Prophet and in fact they prohibited speaking of the difficult passages of the Holy Quran and things that had not happened.

"The Shi'a Muslims, however, from the very beginning compiled books on Hadith and other matters of knowledge, before the others just as they were before the others in other matters of knowledge. Of such people were abu Rafi' al Qibty (Coptic), Salman al Farisi (from Persia), abu Dharr. . . ."

Thereafter four generations of Shi'a narrators up to the time of Imam Ja'far al Sadiq are mentioned.

"People narrating Hadith from this Imam (Ja'far al Sadiq) and his father were many. Among them were scholars of *fiqh*, authors of books and certain books called 'Usul (principles). They numbered up to 4000 people. Al Hassan ibn Ali al Washsha had met 900 of them at one time in the mosque of al Kufa, Iraq. Every one of them would say, 'I heard (Imam) Ja'far ibn Muhammad say so and so Hadith. . . .' Abu 'Abbass ibn 'Uqdah al Hafiz, of the trusted narrators of Hadith from Imam al Sadiq in his book of biography of narrators of Hadith has recorded 4000 people (as narrators of Hadith) whom he could account for. To account for all of them was not possible for him due to their being scattered all over distant places or being in hiding for fear (from the rulers) for which reason to account for their books was also not possible. However, it is clear from the statements of our people that the number of such books called 'Usul (principles) was not less than 400 books. Al 'Tabarsi (died 548 A.H.) in al A'lam al Wara' has said that 4000 well known scholars, from Imam al Sadiq, or his son, Imam Musa al Kazim, narrated Hadith that were their answers to people's questions. . . . Also other scholar like Muhaqqiq and Shahid al Awwal and so forth have said what al-Tabarsi has said above. Narrators, other than the compilers of the principle books, both Shi'a and non Shi'a, numbered over 4000. The compilations that are known to be trusted sources called 'Usul (principles) are these 400 ones which are other than what were written on other matters of knowledge. For a complete account of all of their books, one can find many others (compilers) on various topics and from people narrating Hadith from

other A'imma."

Note: Al Shaykh al Tusi in his works, al Fihris lists the Shi'a authors up to his own time (460 A.H.) It contains 900 authors of whom many were authors of many books. One such author was Muhammad ibn Ahmad al Junayd, a prominent scholar, the author of several books like Kitabu Tahdhib al Shi'a li Ahkam al Shari'ah. This book contained all the topics in Islamic laws and theology discussed today. He also had recorded 2000 questions on 2000 pages.

In al-Fihris, al-Tusi has recorded the number of books in al-Kafi compiled by al-Kulayniy to be 30 books.

Of the 900 People

The following is a list of a few out of 900 people who had compiled books on the same topics as those in al-Kafi:

1. Ali ibn Mahziyar al-Ahwaziy, thiqah (trusted) of the people of al-Riza, al-Jawad and al-Hadiy compiler of 33 books.
2. Al-Fadl ibn Shadhan, great faqih (trusted) theologian, honorable who had compiled great many books
3. Ali ibn al-Hassan ibn Faddal, thiqah, of Fathiy (belief) compiled 33 books.
4. Al-Husayn ibn Sa'id ibn Hammad, thiqah, of the people of al-Rida, al-Jawad and al-Hadiy, who compiled 30 books.
5. Muhammad ibn abu 'Umayr, most thiqah, of the people of Al-Sadiq and al-Kazim, wrote about 100 people of Imam al-Sadiq
6. Safwan ibn Yahya Bayya' al-Sabiriy, most thiqah, very pious, of the people of al-Rida, al-Jawad, narrated from 40 people of the people of al-Sadiq, '*Alayhi al-Salam*, his books are similar to those of al-Husayn ibn Sa'id, he has many questions answered from al-Kazim, '*Alayhi al-Salam*.
7. Isma'il ibn Musa ibn Ja'far, '*Alayhi al-Salam*, narrates from his father and ancestors, '*Alayhim al-Salam*, has books on all chapters and sections of *fiqh* and a book on al-Adab (discipline).
8. Isma'il ibn Mahran ibn Muhammad ibn abu Nasr al-Sakuniy, thiqah, narrates from a group of people from the people of al-Sadiq, '*Alayhi al-Salam*. He is of the people of al-Rida, '*Alayhi al-Salam*, has an Asl (principle book) and great many other books.
9. Musa ibn al-Qasm ibn Mu'awiyah ibn Wahab al-Bajaliy. Muhammad ibn al-Hassan al-Saffar narrates from him
10. Muhammad ibn Mas'ud al-'Ayashiy, a great scholar, has 200 books, narrates from the people of Ali ibn al-Hassan ibn Faddal, thiqah, truthful and a great scholar from Samarqand.

Al-Kafi that has 8 volumes and around 16000 Hadith, although today the only well publicized book of this nature available, is only one of the books of Hadith of which the above are only a small example,

was not the first and only collection of Hadith. The other books compiled before al-Kafi are very rare or not available today. It perhaps is either because of once a copy containing all or almost all issues and Ahadith were printed in multiple copies by means of printing press, as opposed to copying by handwriting, there was no need to print all other books or that attention was not paid toward such books due to limitation of resource and printing means.

The fact that there were so many books by so many authors during the first four centuries in such a small population, compared to today's cities with multimillion populations is solid ground to support the authenticity and availability of Ahadith from A'immah in abundant quantities well preserved by the pious and learned people.

11. Major Books of Hadith

"Thereafter (the time of Imam al-Sadiq) scholars compiled valuable principle books and compilations on the basis of certainty about their authenticity. Many other books out of these principle compilations and Ahadith narrated from other A'immah that were proofread before the Imam, especially Imam al Rida were also made available. Thereafter well known groups of our scholars, and trusted narrators arranged and organized certain books of Hadith called the four major books of Hadith or five of which the first and most important is (1) al-Kafi of al Kulayni, (2a) Man la yahduruhu al Faqih and (2b) Madinatul 'Ilm of abu Ja'far al Saduq and (3) al Tahdhib and (4) al Istibsar of Shaykh al Tusi . . ."

Sahib-e (compiler of) wasa'il then lists one category of books of Hadith saying that he has quoted Ahadith from them directly and that the authors of these books have testified in support of the authenticity of the Ahadith recorded in them. Such books are the four books al-Kafi, faqih. . . . and al-Mahasin of al-Barqi is number 20 in his list . . . up to 82 books compiled thereafter.

He then lists another category of books from which he has quoted indirectly which were compiled before al-Kafi. In this list he has mentioned 96 books in which number 1 is the book of Mu'awiyah ibn 'Ammar, the book of 'Ubayd Allah al-Halabi is number 16, the Asl of Hisham ibn Salim number 25, the book Masa'il of Ali ibn Yaqtin number 36, the book of Fadhl ibn Shaddhan number 69 and the book of al-Walayah of ibn 'Uqdah is number 86 and so forth. (See detail wasa'il al Shi'a volume 1 introduction)

Note: A principle book in the terminology of our people is a compilation of Hadith that the compiler had personally heard from the Imam

12. (B) Sahib e Hada'iq

The following are certain items of the arguments of sahib-o Hada'iq (a scholar of Akhbari group) against classification of Hadith. Contrary to the classification of Hadith he believed that such classification is meaningless, invalid, and illogical and does not apply to the Ahadith of our books of Hadith at all.

He disagrees with the creator of the classification mentioned below. The group consists of scholars like 'Allamah Hilli and his shaykh, Sayyid ibn Tawas. In volume 2 of 25 volumes of al Hada'iq the author in introduction 2 argues against the classification to prove it invalid, meaningless and illogical

in many ways. He calls it, “Istilah al 'Adim al Islah” (a hollow useless terminology and classification). It was formed much later than the compilation of the four earliest books of Hadith in Shi’a Muslim community. The following are excerpts from volume 2 of 25 volumes called al-Hada'iq al Nazirah.

13. The Ways Ahadith (Plural of Hadith) Were Made Available to Us

“The Ahadith available today in the major books of Hadith is due to the tremendous hard labor and efforts of the scholars whose eyes remained sleepless for so many nights to verify the authenticity of Ahadith, bodies were weakened due to hard works to rectify, crisscrossing great many territories to collect them and remained away from their children and families for long periods of times to acquire them (Ahadith), a fact that does not remain hidden from the study of historical issues in this regard.

“Historical evidence prove beyond doubts and free from objection and flaws that it was of the manners and customs of our people contemporary to A’immah up to the time of the three prominent narrators of Hadith (authors of the 4 major books of Ahadith such as al-Kafi and so forth) a period of more than three hundred years at the end of which the 12th Imam discontinued public contact with his followers to write down and record Ahadith in the very presence of A’immah. They would rush to write down whatever Hadith they hear to avoid mistakes and forgetfulness. They would rush to proofread them (the recorded Ahadith) in the presence of A’immah. They had compiled in this way the four hundred compilations know as the 400 ‘Usul (principle) compilations of Ahadith that came into being as copies of the answers of A’immah to the questions of people.

(The 400 principle books of Hadith, the total number of Ahadith in al-Kafi and the virtue of learning 40 Hadith. $400 \times 40 = 16000$ Hadith. Is it a deliberate plan or a mere coincident?)

“They did not consider it lawful to narrate anything until they were certain of the correctness of a Hadith as having come from A’immah. It is narrated that the book (of Hadith) of ‘Ubayd Allah ibn Ali al Halabi was proofread before Imam al Sadiq who praised and approved it. The book of Hadith of Yunus ibn 'Abd al Rahman and the book of al Fadl ibn Shadhan were proofread before Imam al Hassan al Askari who appreciated their effort and admired them.

“A’immah would inform about and warn their followers against the forgeries and people making lies in the form of Hadith. They (A’immah) commanded them to stay away from the liars and that they must verify the authenticity of Hadith by comparing them with the Holy Quran and the Ahadith narrated from the Holy Prophet to accept only a Hadith that agreed and reject whatever was against the Holy Quran and the Ahadith of the Holy Prophet.

“Consider their intense caution and abstinence from narrating what they could not verify as being authentic unless there were such indications that proved their authenticity. . . .” P 14 line 15

14. Is Ijazah (permission) to Narrate Hadith These Days Needed or it is Meaningless?

In the introduction of His book al Lu'lu'at al Bahrayn the author has said the following about the Ahadith of our A’immah:

“There is no doubt that the Ahadith recorded in the principle books known as clearly as the midday

(sun) especially the four books that have served as corner stones in all times and cities namely, (1) al-Kafi, (2) al faqih, (3) al Tabdhib and (4) al Istibsar are clear and correct. There is no need for Ijaza (permission from an authorized scholar to narrate Hadith) from these books for the task of verification thereof. Ijaza in such case is of no benefit and does not serve any purpose. It is because the authenticity and popularity in such case have come to undeniably genuine degrees. This is what a number of our virtuous scholars have also stated.”

The author of al Hadi’iq al Nazirah in volume 2 of 25 of his book quoting al Muhaqqiq al-Shaykh Hassan ibn al Shaykh al Shahid al Thani has said, “The effect of Ijaza (permission) to narrate Hadith from a scholar for practical purposes is needed only when Hadith is not mutawatir (unanimously narrated). In the case of mutawatir or similar to mutawatir condition such as being already recorded in books which in general are mutawatir in their form and the authenticity of their meaning is established through the indications of the circumstances, Ijaza in such cases mostly does not play any meaningful part.”

15. The Following Are Quotes from Lu’lu’at al Bahrayn From Introduction Onwards:

“. . . This book which I have named al Lu’lu al Bahrayn is the text of addendum to an Ijaza (authorization to narrate Hadith) from me to my two nephews, Shaykh ‘Abid and Shaykh Husayn, sons of my brothers. Appealing to Allah for help and assistance for success I first must say the following:

“There is no doubt that our Ahadith recorded in well known principle books are as the midday shining sun and especially the four books. . . .

“However, our issuing these Ijazat is just to follow the footsteps of our predecessor to seek blessings by being part of the noble chain of narrators with one end reaching the infallible members of Ahl al-Bayt . . .

1. “The first shaykh whom I have given the Ijaza to narrate Hadith is al Shaykh Husayn ibn al Shaykh Muhammad. He is number 123 down from Muhammad ibn Ya’qub al Kulayni, author of al-Kafi . . . from whom we narrate Ahadith through our chain of narrators . . .”

16. The Number of Ahadith Recorded in the Four Principle Books.

An Informative Note:

“Certain shaykhs of the latter generations have said that the total number of Hadith in al-Kafi is 16,199.

Of these according to the terminology of certain scholars of the latter generation, 5,072 Hadith are Sahih, 144 Hasan, 1,018 reliable, 302 strong and 9,485 Hadith are *Da’if*. . .” (See Lu’lu’at al Bahrayn pages 5, 395)

17. The Meaning of the Term ‘Da’if’ Hadith

The meaning of a *Da'if* Hadith is not a forged or false Hadith. It only is not Hujjah Zahiran (presently an authoritative ground for a fatwa). It does not mean that a *Da'if* Hadith in reality is not the statement of an infallible personality.

This terminology is also misused. It is used as a means of negative propaganda against the Ahadith of Ahl al-Bayt. Many Shi'a who are so lazy have also, without reading and making an honorable effort to understand the contents of books like al-Kafi, formed alliance with the enemies. The Holy Prophet left two heavy things amongst his followers: the Holy Quran and his Ahl al-Bayt. What represents Ahl al-Bayt today is their Hadith and al-Kafi is the only original and comprehensive book of Hadith. If people deprive themselves of the benefits of remaining close to Ahl al-Bayt by reading their Ahadith, because of an unreal excuse, it only is a bad loss. It is just like another scene shown in the movie about Imam Ali. In the movie one can see barren soil thrown out of a well in a barren ground. The person throwing out dirt, supposed to be Imam Ali, is not shown in the picture. Imam Ali who for 25 years did such works (being kept back from guiding people) could boldly say, "Ask me whatever you want I know the ways of skies better than the ways of earth." This Imam had a vast body of knowledge but people did not ask him important questions. We have books of Hadith of Ahl al-Bayt, full of their guidance and goodness with us, but being very lazy do not read them, instead, accuse them of being *Da'if*.

18. The Terminology, Four Categories of Hadith and the Definitions Thereof

“Ahadith, during the time of ‘Allamah al-Hilli were classified and categorized as follows:

1. “Sahih (correct) Ahadith (all narrators thereof being followers of A'immah proved to possess the noble character of justice in their dealings)
2. “Hasan (good) Ahadith (all narrators thereof being followers of A'immah praised for reliability without availability of qualified testimony to prove their possessing the noble character of justice in their dealings)
3. “Muwaththaq (reliable also called strong) Ahadith (the existence, in the chain of its narrators, of a person, although of corrupt belief about whose reliability our people's report is available)
4. “*Da'if* (weak) Ahadith (having one or more people in the chain of their narrators in whose case no supporting testimony is available to prove the existence of the above characteristics in them).

19. The Creators of these Terminologies and Categories of Hadith

The first time Ahadith were placed under four categories

“Jamal al Din ibn Tawus author of 52 books was the inventor of categorization of Ahadith into well propagated categories. (Sayyid Muhammad Baqir Musavi al Khunsari, Rawzat al-Jannat 1/66)

“Probably, during the time of al ‘Allamah al Hilli or his shaykh, Jamal al Din ibn Tawus, Died 673 A.H., Ahadith in terms of the requirements of the basis of fatwa were considered as falling under the above mentioned categories.”

20. The Reason for and Purpose of Such Creation

“The reason for such classification is said to be as follows:

“The scholars during the 8th century A.H – living so many centuries away from the time of narrators of Ahadith (people contemporary to A’immah) believed there was no way to establish certainty about the issuance of Ahadith from A’immah, except through the above procedure (classification of Ahadith). They took advantage of testimony of just people as being a standard in Shari’ah to prove or disprove a case or an issue and applied to the basis (Ahadith) of their fatwas for practical reasons. They would issue fatwas on the basis of 1 3 categories of Hadith but not on the basis of the 4th category.”

21. Proof of Invalidity and Uselessness of Such Classification

“The only way they (creators of four classes or categories of Hadith) can verify the veracity of a narrator or otherwise is to search and find testimony by two just people in favor of the existence of the needed qualifications in a narrator or against it. Their search field is the works of scholars of ‘Ilmu al Rijal (works of scholars on the biography of narrators of Hadith) who in fact were born many years after the narrators of Hadith.”

According to the author of al Had'iq categorizing Ahadith as those below, “Is no more than a null and void and meaningless terminology” which does not apply to the Ahadith that exist in our major collection of Ahadith such as al-Kafi and so forth due to reasons of which a few are as follows.

22. Weakness of Reasoning to Support the Validity of the Classification of Hadith

1. “The reason for differences among Ahadith is taqiyyah not forged Ahadith.

To overcome forged Hadith A’immah have already instructed to disregard those Ahadith that do not agree with the Holy Quran.

2. “Verification and otherwise on the basis of which they classified and categorized Hadith are based on the testimonies they were to find in the reports and statements of al Mutaqaddimin (people who lived during the first 260 A.H) and so also is the case with the Ahadith narrated about their (narrators of Hadith) conditions; their praise or otherwise. They need to find all of such matters in the reports of the first generations of the narrators of Hadith. If they can rely up such reports then why should they not rely upon their statement about the veracity of Ahadith they (early generation) has verified as Sahih Hadith as they have expounded upon. One can find in the introductions of al-Kafi and al Faqih as well as the statement of al Shaykh in al ‘Uddah and the books of Ahadith (compilers of four books of Hadith in their introduction have stated that all Ahadith therein are Sahih (problem free)). If they were of the people of justice in reporting the qualifications of the narrators they should be considered as such in all of their reports otherwise testimony for the case must be found in other sources, which is impossible to find

3. “Of the great scholars who approve the creation of the classification and terminology has said that

our Ahadith are all of "Sahih" (correct) category. Al Shaykh al Shahid, in his reasoning to prove that it is necessary to follow the religion of Ahl al-Bayt has stated this: 'From the answers of abu 'Abd Allah to people's questions 400 books were compiled by 400 hundred authors and of the narrators of Hadith 4000 well known persons from Iraq, al Hijaz, al-Khurasan and al Sham were registered. So also was the case with Imam al Baqir. The narrators from the rest of A'immah are well-known as well as their books. It is fair and correct to say that their narrations are from. A'immah.' He has mentioned many of the books of Hadith; if listed here becomes very lengthy. He has said, 'The chain of narrators thereof is all Sahih, Continuous, Rectified Hassan and Strong. Further argument therewith is only exaggerated and prejudice.'

4 "If we accept such categorization of Ahadith it will amount to invalidating the Shari'ah because of limiting .Ahadith in the first category or even accepting the second and third categories also. The 3rd category, weak category as they have called it, is an overwhelming part of Ahadith and it supports the allegations, "followers of forged Ahadith" against Shi'a Muslims.

5 "Proof of justice, praiseworthiness and reliability of narrators according to the creators of these terminology is based on the reports of the authors like al Kashshi, (original not available, but al Tusi, died 460, dictated to his students to form a book), al Najashi, (372 450), al-Fihris, by al Tusi, also by Muntajab al Din of 6th century) and al Khulasah (by Allamah al Hilli (648 726). None of these authors had any chance due to huge time difference to meet any of the narrator contemporary to Imam al Baqir or al Sadiq.

6 "It is an established fact, in the law, that testimony of a witness is admissible only if testified by the witness himself or one quoting a witness and it is not valid if a testimony is quoted from one who quotes the witness. The people who created such categories of Hadith were not able to quote any of the witnesses. They were only quoting the reports of the authors whose times were many years after the times of the narrators. . . ." The list of proofs against the invalidity of placing Ahadith in four categories goes on and on. (See volume 2 of 25 al Hada'iq pages of 2 25)

23. 'Usuli Scholars

'Usuli scholars, for practical purposes in issues of law, have maintained to place Ahadith recorded in the four above mentioned books in four categories which will be explained herein below The expression "*Da'if*" (weak) category leaves a negative impression in the mind of non scholar audience and readers, however, even according to 'Usuli scholars of *fiqh* "*Da'if*" Hadith does not mean that such Ahadith are necessarily false or forged ones. (In the process of issuing a fatwa the case of such Ahadith is similar to the case of the stolen coats of arm wherein Imam Ali was the plaintiff, the Christian man the defendant and Shurayh the judge. The Imam complained before the judge against the Christian man for his stealing Imam's coats of arm. On judicial basis the judge asked the Imam to present just witnesses. The Imam replied, "I do not have any witness." The judge decided in favor of the Christian man because the Imam did not present any witness. 'Usuli scholars also due to the procedure of issuing fatwa decide against Ahadith for the authenticity of the narrators of which they cannot find just witnesses to testify. Ahadith in '*Da'if*' category may in fact be what A'immah had issued but a scholar, due to lack of formal evidence is not able to issue a fatwa accordingly.

24. In al Tahrir al Tawusi

In al Tahrir al Tawusi the author has stated the following:

“You should take notice that I like to state herein a general rule to apply in the case of cross examining and for balancing Ahadith. It is necessary to follow this rule in the matters of Ahadith.

“The conditions of the narrators of Ahadith praised or criticized may happen to have one of the following three cases:

(a) “The narrators thereof are all praised only (b) or criticized only (c) or are praised as well as criticized.

In (a) either the path (chain of narrators) according to reason or law or both is (i) authoritative or (ii) is not authoritative. According to (i) (being authoritative) we must accept as basis of (our fatwa), in (ii) (not authoritative) what is said has no value (for a fatwa) and so also is the case of (b) (a Hadith whose narrator/s is/are criticized only).

“In the case of (a) which is the basis for categorization of Ahadith wherein the narrators are praised as well as criticized, either (1) both paths (chain of narrators) are authoritative or (2) both paths (chain of narrators) are devoid of authority or (3) one is authoritative and (4) the other is devoid of authority. In (I) (a) either anyone of the sources has preference over the other after being validly considered or (b) has no preference as such and if it is (a) then that is taken as basis of fatwa and if it is (b) it must be suspended from becoming basis of fatwa. If the case is that of (2) then it is of no value for a fatwa. If one of the paths (chain of narrators) is not flawless (has no preference over the other) then it cannot be taken as basis for a fatwa it is vice versa if it is the contrary (if the path (chain of narrators) has preference over the other) is flawless then the one with preference over the other is taken as basis of fatwa. . . .” (Tahrir al Tawusi page 9) The above condensed statement about categorizing Ahadith, compared to the pragmatic methodology of Allamah Ardabili, a prominent scholar of Shari’ah, seems to be very much abstract. It seems like preliminary steps toward the above-mentioned four classes or categories of Hadith.

25. Al-Khoee rh (rahmatu Allah Alayhi)

Of the ‘Usuli scholars of *Fiqh* late Ayatullah al Khoe'e's (rh) works of the biography of the narrators of Hadith is the latest and largest so far. His Mu'jam al Rijal, a 24 volume encyclopedia on this topic, is very similar to the works of Allamah Ardabili (rh) which combines the works of Astar-abadi and al Tafrashi.

Al khoe'e (rh) however has listed all the three fields of (a) all the sections of books where a Hadith is narrated by a particular narrator (b) all sources from whom he has narrated and (c) all narrators who have narrated from him. Through such a method Ardabili would identify narrators and to avoid lengthy details he has listed only a few examples of each of the three fields a, b, and c mentioned above.

Al khoe'e has said that it is necessary to examine every Hadith (of disputed narrators) before accepting or not accepting it as basis for a fatwa. He does not believe that the issuance of all Ahadith in four

books of Hadith from A'imma is free of the problems of 4th category so that one can issue fatwas on the basis of any Hadith recorded in the four books. He expresses his arguments with a great degree of confidence, which is his normal style, but all of them many not be able to remain valid. For example a Hadith, in al-Kafi vol. 1, Chapter on people of al-Dhikr, Hadith 4, is about verse 44 Chapter 43. It says, "It is a reminder for you and your people and you will soon be questioned." The Imam said, "Reminder is the Holy Prophet and his Ahl al-Bayt is questioned because they are the people of al-Dhikr (reminder)."

According to al Khoei (rh) it is confusing. Because it apparently amounts to saying, "You are a reminder for yourself and your family." Imam does not say things that cannot make sense therefore not only the issuance of this Hadith by Imam is doubtful but it is almost certain that it is not issued from Imam.

The problem with his arguments is that the, "It" refers to the words "alladhi 'Uhiya Ilayka" in 43:43 that means, "That which is revealed to you." This expression "that which" in the Quran among other things refers to a certain spirit also. Therefore, "It" mentioned above may refer to the particular spirit that Allah revealed or gave to the Holy Prophet. Thus, one's spirit is part of one's self that may remind one of things in the world. This weakens very much al Khoei's argument. In his arguments there are other similar conditions but, according to the school of Ijtihad, people have the logical right to hold to their opinions. In short, al Khoei's works and arguments seem impressive but they do suffer shortcomings and are far from being final.

Another problem with al Khoei's (rh) arguments against the Akhbari point of view is in his task of tawthiq al Ruwat (verifying the veracity of narrators) of Ahadith. The only way to accomplish this goal he accepts is the testimony, not the opinions, of the early generation of scholars of *fiqh*, namely those who lived before the four books of Hadith were made possible. In this matter he faces two very serious issues.

(a) One is the limitation according to Shari'ah on the admissibility of such testimony. In Shari'ah the original testimony and a copy, if original is not available, is admissible. Therefore, copy of the copy of original testimony is not admissible. If today one wants to use testimony to verify the veracity of narrators of Hadith he needs to rely on a copy that is a copy of a copy of a copy . . . far away from the original testimony. Even though there are Ahadith supporting inadmissibility of a copy of the first copy however, al Khoei and other 'Usuli scholar set aside such Ahadith by considering them as *Da'if* Ahadith. An example is the Hadith narrated by Amr ibn Jami' that says, "A testimony that is a copy of the copy of original testimony is not admissible." (wasa'il vol. 18 Ch 44 of sections on testimony, Hadith 6) In vol. 13 Mu'jam al Rijal when discussing the case of Amr ibn Jami' al Khoei says that although Yunus ibn 'Abd al-Rahman and 'Uthman ibn 'Isa who both are of the people of Ijma' (consensus) have narrated from Amr ibn Jami' and it is considered as proof of the veracity of a narrator, however, (in our view) it is not correct. Thus Amr ibn Jami' is unknown. (Note: There is consensus among scholars of *fiqh* that whatever is verified by a group of people, of whom the people mentioned above are members, is unquestionably authentic).

In fact the very issue of *Da'if* Hadith is disputed by the Akhbari scholars. (Al Khoei's methodology of verifying veracity of narrator, Mu'jam al Rijal vol., 1, Introduction number. 2, Chapter on Testimony vol. 1, Mabani of Minhaj al Salihin).

(b) The second problem is in his arguments about establishing testimony to prove veracity of the narrators. Admissible testimony in this case are such ones that come from al Kashshi's Rijal (works on biography of narrators) al Shaykh's Rijal or al-Fihris (list of Shi'a authors) and al Najashi or al Barqi's Rijal only. The delicate task in this issue is to prove that statements from these people about the veracity of narrators are their testimony and not their opinion. Al Khoei, in Mu'jam al Rijal vol. 1 introduction No 2 item 2, uses a lengthy argument to prove that the statements of Mutaqaddimin (early generation of scholars) are testimony and not their opinion. The need for such argument itself seems to work against the goal of the argument. The very fact that he needs to argue to prove them to be testimony and not opinion is a problem for him.

Testimony is to express only whatever one has seen, heard, touched, smelled or tasted.

In Arabic it is called “‘Ikhbar ‘An al-Hiss (making a statement about whatever one perceives through the above mentioned senses).”

Opinion is making a statement about one's conclusions drawn, by means of inference, from information perceived through the above senses (in Arabic it is called al-Hads).

Practically it is not a doubt free task to find if a statement is one's testimony or his opinion. If establishment of testimony for this purpose becomes so uncertain and the statements of the authors of the four books of Hadith that speak of the authenticity of the contents of their books are also not acceptable, as al-Khoei has maintained, then what else is left there to verify the authenticity of Ahadith? Whether making a statement of the fact that a person is just in his dealings or not, is a testimony or opinion is another delicate issue to settle. Besides, all the statements of the authors of biography of narrators in question are not their testimony. Their works consist of their testimony as well as their opinion, an additional complication to the issue.

26. Sources or Basis of Fatwa According to S.M Baqir Al Sard (an 'Usuli Scholar)

“It is necessary to mention here briefly the sources from which we have formed our fatwa in this "fatawa al wadihah (a collection of his fatwas)". They are as mentioned before the Holy Quran and the sunnah of the Holy Prophet with its extension in the form of Ahadith of A 'immah from his family as being one of the two heavy matters he left among his followers to hold to and to follow. We have not relied for our fatwa on anything else besides these two sources. People issue fatwas on other basis like analogy and the likeable matters and so forth. Due to lack of any reliable support in favor of such methods we have not considered such matters as basis of our fatwa and this is the way A'immah viewed them.

“The proof by means of reason, however, is called one of the sources and about which al-Mujtahidun and al Akhbaryum has had differences, on our part, although we consider it a valid source, however in practice have not found even a single rule that is proved by reason alone. In fact what is proved through reason at the same time has proof in the Holy Quran or Sunnah.

“What is called consensus is not a source of fatwa along side the Holy Quran and Sunnah and is not relied upon except that it is used as evidence to support statements of Sunnah in certain conditions.

“The only sources were therefore the Holy Quran and Sunnah and we appeal to Allah to make us of the

followers of the two sources. . . .” (Fatawa al Wadhiha, page 15).

27. One Solution and One of the Works on Hadith

One of the works on Hadith that discusses the issue of the term '*Da'if*' is the works of the author of Jami' al Ruwat (Allamah Muhammad Ali Ardabili) in his works, Jami' al Ruwat wa Izahat al Shubahat 'An al Truq wa al Asnad (a comprehensive work on narrators of Hadith to remove doubts about the integrity of the narrators and their links).

28. Sahib-e Jami' al-Ruwat, Allamah Muhammad ibn Ali al Ardabili

“ . . . I, Muhammad ibn Ali al Ardabili, to the best of my abilities, made it incumbent upon myself to study the narrators of Ahadith through reason and thorough investigation of the veracity or otherwise of the chain of narrators in terms of being *Da'if*, known, unknown, being good or trusted to find out the facts therein and solve the problem once for all. After stepping in this monumental task I faced huge difficulties due to the mention, before the text of a Hadith, of the names of narrators that are similar without properly identified or due to the fact that all books of Hadith did not have the same thing (names of narrators). The condition made me extremely confused and frustrated. Many Ahadith seemed to have unknown narrators. Many prominent scholars have experienced a similar case like what I faced. Therefore they did not base their fatwas on such Ahadith. They thus considered such Ahadith as *Da'if*. Due to the fact that such Ahadith are of a large number it weighed extremely heavy on me. I prayed and pleaded before Allah for help. After a long period of thinking and working, Allah made it possible to clarify the conditions of the narrators mentioned without complete details. Through following the procedure I have adopted in my works all ambiguities and complication in matters of dealing with Ahadith can be removed in a very logically credible manner. After considerable hard work and proper investigations I found out that the scholars of biography of narrators of Hadith have mostly mentioned the narrators without enough details to properly identify.

“There are cases where a narrator is mentioned by his surname or title which is not enough information to properly identify him.

“I decided to list all the narrators, a task that seemed impossible for me due to various obstacles and impediments however I placed my trust in Allah and began to list the narrators in proper orders. I read the four famous books of Hadith (1) al-Kafi, (2) al Faqih, (3) al-Tahdhib and (4) al Istibsar) the list of Shi'a authors (during the first 260 AH.) by al Shaykh al Tusi and the list of Shi'a Muslim authors by al Shaykh Muntajab al-Din who lists those Shi'a authors who came after al Shaykh al Tusi or were contemporary to him. I read the Mashikha of al Faqih, al Tahdhib and al Istibsar and the books of all the narrators mentioned in these books of Hadith. I also found out that many narrators of Hadith who were not considered as narrating from A'immah, in fact did narrate from them. I also found out that there were narrators whom the scholars of the biography of the narrators of Hadith considered as narrating from Imam al Sadiq to be such people who narrated from Imam al Kazim. I also found out that such narrators who were not considered as narrating from A'immah to have been narrating from them. I then listed such narrators also.

“I, for solid proof, have mentioned where exactly in the four books of Hadith such narrators are

mentioned. Even though such narrators may have been mentioned in the four books of Hadith in many places but I have mentioned as proof, to avoid unnecessary length, only 46 instances.

“During my investigations I discovered a good deal of advantageous points besides the ones mentioned above that I have mentioned in my works. One example is where the scholars have considered certain narrators as trusted but such narrators are not considered as narrating from A’immah. I however, have found that such narrators did narrate from A’immah. I thus listed such narrators to benefit there from when narrating a Hadith in a Muzmar manner. This method also helps find out if in a certain book a mistake is taken place in the mention of a narrator to correct it. Of such advantages one is that if several trusted narrators narrate from one person who is otherwise, it is proof that he is of a good (Hasan) condition or is the Shaykh of Ijaza.

“Of such advantages one is that it serves as preference points over an opposing Hadith. This work is open for comments. There is a Hadith that says, “Follow what is said and not who has said it” and there is the verse of the holy Quran, “Give good news to those of My servants who on receiving words follow only that which is good.” The readers may even, by the will of Allah, discover such advantages that no one had thought of before.”

The author thereafter has mentioned his method of how has he combined his works with the works of Sayyid Astar Abadi and al Tafrashi, thus turning three scholarly works into one work on the biography of the narrators of Hadith.

He then lists how has he coded his references to the four books of Hadith to each of A’immah, certain authors and so forth.

29. The Author Then Has Said:

“This work helps to prove more than 12000 Hadith that scholars commonly consider as coming from unknown sources, *Da’if* or as Mursalah to be of well known status and of the Sahih category. . . .” (‘Allamah Muhammad Ali Ardabili, (see for details Jami' al Ruwat, vol 1. p6).

A Case Study

The following is a case where author’s methodology is applied to identify the narrators of a given Hadith.

Al-Kafi, H 591, Ch. 35, h5

Muhammad ibn Yahya has narrated from Ahmad ibn abu Zahir from al Khashshab from Ali ibn Hass'an from 'Abd al Rahman ibn Kathir from abu 'Abd Allah, *‘Alayhi al-Salam*, who has said the following:

"The Imam, *‘Alayhi al-Salam*, reciting the following verse, ‘The one who had a certain amount of knowledge from the Book said, "I can bring it to you before you even blink your eye . . .”(27:40), opened his two fingers and placed them on his chest and then said, “With us, I swear by Allah, is the knowledge of the whole Book.’”

In the chain of the narrators of the above Hadith 'Abd al Rahman ibn Kathir is praised as well as criticized by the experts in the biography of the narrators of Hadith. Names like Ali ibn Hass'an and al Khashshab are also applied to more than one individual. Therefore, on precautionary basis one should

not issue a fatwa, unless proved otherwise, on the basis of this Hadith, were it to deal with a legal issue.

The author has listed a great deal of the books of Hadith, the Ahadith in the chain of narrators of which the above people are mentioned and works of the biographies of the narrators of Hadith that speak of praise or otherwise, of these people, to find unmistakably the proper identity of these narrators.

Therefore the author has identified Ahmad ibn abu Zahir to have been a lead scholar of the community of our scholars in Qum, Iran as well as al Khashshab (al Hassan ibn Musa al Khashshab) to have been one of our lead scholars. He was a person of great knowledge and Hadith. He was not ‘Imran ibn Musa al Khashshab.

Ali ibn Hass'an was a trusted narrator. He was not Ali ibn Hass'an al Wasity as some scholars have thought. He lived for about a hundred years and narrated Hadith from Imam Muhammad al Taqi al Jawed. 'Abd al Rahman ibn Kathir was his uncle.

Various trusted narrators have narrated from 'Abd al Rahman ibn Kathir on various topics dealt with in various parts of the books of Hadith. The theme of the Ahadith narrated by 'Abd al Rahman ibn Kathir is of common themes in the chapters they are found, namely, they do not seem to fail in meeting the universal criterion set by A'immah that says, "If a Hadith contradicts the Holy Quran or an accepted Hadith it must be considered as fraudulent and forged."

The author has thoroughly applied, wherever applicable, his method of investigation of which the above is only a small hint, and on such basis has concluded, "This work helps to prove more than 12000 Hadith that scholars commonly consider as coming from unknown sources, *Da'if* or as Mursalat to be of well known status and of the Sahih category. . . ."

30. Examples of A'immah's Instruction How to Verify the Authenticity of Ahadith and Following the Sunnah and Evidence of the Book

H 199, Ch. 22, hl al-Kafi vol. 1, part 2

Ali ibn Ibrahim has narrated from his father from al Nawfali from al Sakuni from abu 'Abd Allah, '*Alayhi al-Salam*, who has said the following:

"The Messenger of Allah, '*Alayhi al-Salam*, has said, 'Over every truth there is a reality and above every valid issue there is light. Whatever agrees with the Holy Quran you must follow it and disregard whatever does not agree (with the Holy Quran)."

H 200, Ch. 22, h2

Muhammad ibn Yabya has narrated from 'Abd Allah ibn Muhammad from Ali ibn al Hakam from Aban ibn 'Uthman from 'Abd Allah ibn abu Ya'fur who has said the following:

"In a meeting where ibn abu Ya'fur was also present I asked Imam abu 'Abd Allah, '*Alayhi al-Salam*, about the differences in Hadith narrated from people whom we trust and also from people we do not trust. The Imam replied, 'If you find a Hadith with evidence in the Holy Quran to support it or in Hadith of the Messenger of Allah (you may follow it). Otherwise, you follow the one that has come to you through the trustworthy narrator.'"

H 201, Ch. 22, h3

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father from al Nadr ibn Suwayd from Yahya al Halab from Ayyub ibn al Hurr who has said the following:

"I heard abu 'Abd Allah, ‘*Alayhi al-Salam*, saying, 'Everything must be referred to the Holy Quran and the Sunnah (the noble traditions of the Messenger of Allah, ‘*Alayhi al-Salam*). Any Hadith that does not agree with the Holy Quran is a useless statement.'"

H 202, Ch. 22, h4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn 'Isa from ibn Faddal from Ali ibn 'Uqba from Ayyub ibn Rashid from abu 'Abd Allah, ‘*Alayhi al-Salam*, who have said the following:

"Of Hadith whatever does not agree with the Holy Quran is a useless statement."

H 203, Ch. 22, h5

Muhammad ibn 'Isma'il has narrated from al Fadl ibn Shadhan from ibn abu 'Umayr from Hisham ibn al Hakam and others from abu 'Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

"The Holy Prophet once addressed the people in Mina (a place in Makka) saying, 'O people, whatever comes to you in the form of my Hadith, if it agrees with the Holy Book of Allah, it is genuine, but whatever comes to you that does not agree with the Book of Allah you must know that I have not said it.'"

H 204, Ch. 22, h6

It is narrated through the same chain of narrators from ibn abu 'Umayr from certain persons of his people who have said the following:

"I heard abu 'Abd Allah, ‘*Alayhi al-Salam*, saying, 'Whoever disagrees with the Book of Allah and the Sunnah of Prophet Muhammad, ‘*Alayhi al-Salam*, has certainly become an unbeliever.'"

H 205, Ch. 22, h7

Ali ibn Ibrahim has narrated from Muhammad ibn 'Isa ibn 'Ubayd from Yunus in a marfu' manner from Ali ibn al Husayn, ‘*Alayhi al-Salam*, who has said the following:

"The best deed in the sight of Allah is the one that is performed according to the Sunnah (the noble tradition of the Messenger of Allah, ‘*Alayhi al-Salam*), even if it is of a small degree."

Chapter Four

When were Ahadith of the Messenger of Allah recorded in written form?

The significance and value of Hadith in the interpretation of the Quran, its overwhelming role in *fiqh* (laws) and moral discipline is immense. It does not need any further emphasis. All the schools of *fiqh* of Muslims consider the Islamic system without Hadith incomplete.

Besides, and above all, the Holy Prophet, ‘*Alayhi al-Salam*, and the Holy Quran have also drawn people's attention to the importance of Hadith in the Islamic system. (See verses 33: 21, 59: 7 and 33: 36 Holy Quran) The issue to discuss herein is to examine how the amount of Hadith available was at the beginning documented and recorded in written form. In other words, how and when the sayings, the deeds and the approvals of the Holy Prophet, ‘*Alayhi al-Salam*, were documented and recorded in written form? Were they recorded in written form immediately after their issuance by the Holy Prophet, ‘*Alayhi al-Salam*, or not? This issue is of serious consequences on the matters of authenticity or otherwise of Hadith and the Sunnah as a whole. It is clear about the Holy Quran that soon after the revelation of every verse and chapter, without delay, they were very carefully documented in written forms. This (documentation of Hadith immediately), however, in the Sunni Muslim community, did not take place. The direct effects of Hadith on the social and political issues made different groups of

Muslims to show certain sensitivities toward Hadith. Despite the commandments of the Holy Prophet, *‘Alayhi al-Salam*, - to preach and preserve Hadith in written form - the documentation of Hadith was delayed. It created huge troubles for the future generations of Muslims in the task of the verification of the authentication of Hadith and complicated it immensely. It is important to examine how each of the two major schools of *fiqh*, the Shi’ah and Sunni Muslims, have dealt with this issue and how each have found solutions to verify the authenticity of each piece and items of the Sunnah. As historical evidence, as mentioned above, shows that Shi’ah Muslims from the very beginning were well aware of the urgent need to carefully record all the pieces and items of the Sunnah of the Holy Prophet, *‘Alayhi al-Salam*. Besides this the infallible A’immah, *‘Alayhim al-Salam*, were living among the people up to the middle of the third century A.H. With the existence of such advantages in their favor the Shi’ah Muslims did not suffer any weakness in this regard. Shi’ah Muslims as discussed before preserved the Sunnah safely.

Additional Evidence

The following are additional evidence of advantages Shi’ah Muslims enjoyed.

1. 'Alb'a ibn Ahmar has reported that once Imam Ali (a.s) was giving a speech from the pulpit wherein he said this, "Who wants to buy knowledge for one Dirham? Harith ibn A'war purchased some paper for one Dirham and came to Imam Ali, *‘Alayhi al-Salam*, and wrote on it a great deal of Knowledge. (Tabaqat al-Kubra Vol. 6, P 168, Taqyid al-'ilm P 89-90, Kanzul 'ummal vol. 10, P 156, Rabi' al-Abrar vol. 3, P 294)
2. Imam Hassan ibn Ali, *‘Alayhi al-Salam*, would say this to his children: “You are the children of a nation and you will become of the elders of this nation in future. You must acquire knowledge. Allow those of you who can not memorize Knowledge (Hadith) record it in written form and keep it at home.” (Behar al-Anwar vol 2 P 1522)
3. Hujr ibn 'Uday was one of the companions of the Holy Prophet, *‘Alayhi al-Salam*, and Imam Ali, *‘Alayhi al-Salam*. He would write down the Ahadith from Imam Ali in a book and whenever in need of knowing a rule of Shari’ah he would read about it in that book. (Tabaqat al-kubra vol. 6 P 220) The above are evidence of the fact that Imam Ali, *‘Alayhi al-Salam*, and his associates considered recording Hadith in written form a religious duty.
4. 'Umar ibn Ali has reported that a person asked Imam Ali, *‘Alayhi al-Salam*, “How is it that you narrate more Hadith from the Holy Prophet, *‘Alayhi al-Salam*, than the other companions of the Holy Prophet do?” The Imam replied, “The reason is that whenever I asked the Holy Prophet, *‘Alayhi al-Salam*, questions he replied and whenever I did not ask he would began to speak to me.” (Ansab al-Ashraf vol. 3 P 98 Hadith No 980 from Tarjamah of Imam Ali (a.s) in history of Damascus, Behar al-Anwar vol. 2 P 230, al-Fadael of ibn Hanbal Hadith No 222)
5. It is reported from Ali ibn Huwshab, who had heard Makhul, a scholar from Sham, Syria, saying, “Once the Holy Prophet, *‘Alayhi al-Salam*, recited verse 12 of Chapter 69. ‘ . . . and the listening ears will listen to it. . . . ‘ (Holy Quran 69:12) and he said to Ali, *‘Alayhi al-Salam*, “I prayed to Allah to mean thereby your ears.” Imam Ali, *‘Alayhi al-Salam*, has said that after that whatever Hadith or so I heard from the Holy Prophet I never forgot them. (Ansab al-Ashraf vol. 1 P 121, History of Damascus vol 38 P 202, Hulyatul Awliya vol. P 67, Shawahid al-Tanzil Hadith No. 1009)

6. 'Amr ibn Harith has said, "Ali, *'Alayhi al-Salam*, once turned his face to the sky and then assumed a normal posture and said, 'Allah and His messenger have told us the truth.' People asked him, "About what?" The Imam, *'Alayhi al-Salam*, then replied, 'I am experienced in wars and wars are won through deceit. If I fall from the sky and only birds come to help me, such a condition (of helplessness) is more preferable to me than forging things against the Messenger of Allah. Whatever you hear from me act up on them.'" (Ansab al-Ashraf vol. 2 P 145)

7. It is reported from Imam Ja'far al-Sadiq, *'Alayhi al-Salam*, who has said, "Write down and spread your knowledge among your brethren. When you die your children will inherit your books. A time will come when things will be chaotic only books will then be comfort and support for people."

8. It is also narrated from Imam Ja'far al-Sadiq, *'Alayhi al-Salam*, who has said, "Preserve your books; one day you will need them." Also he has said, "A proper support for the heart and memory is writing." (Behar al-Anwar vol. 2 P 152)

9. Abu Basir has narrated that Imam Ja'far al-Sadiq, *'Alayhi al-Salam*, said, "People from Basra asked certain Ahadith and wrote them down. Why do you not write them down?" Later the Imam, *'Alayhi al-Salam*, said, "Remember, you will not be able to preserve Hadith in your memories unless you write them down." (Behar al-Anwar vol. 2 P 153)

10. As it is mentioned in many Hadith A'imma, *'Alayhim al-Salam*, had books and booklets with them that they had received from their father in inheritance. (Makatib al-Rasul vol. 1 P 71-89, Ali Ahmadi Miyanchi)

11. It is reported from Imam Ali, *'Alayhi al-Salam*, who has said, "Document, and record down the knowledge in written form." He repeated this twice. (Taqyid al-'ilm P 89)

12. It is narrated from Jabir who has said, "Abu Hanifah used to call Imam Ja'far al-Sadiq a 'book-worm' because of reliance on books very often and the Imam would take pride in doing so." (Rawadat al-Jannat vol. 8 P 169)

13. According to reports Imam Muhammad al-Baqir had written down the Ahadith of the Holy Prophet, *'Alayhi al-Salam*, from Jabir ibn 'Abdallah al-Ansari. (Taqyid al-'ilm P 104)

This Imam was only five years old when Jabir died. Although it seems very unlikely but a possibility still exists.

'Allamah Sayyid Sharaf al-Din also writes, "Imam Ali, *'Alayhi al-Salam*, and his followers paid proper attention to documenting Hadith from the very early days. The first thing that Imam Ali did was documenting the whole Holy Quran in written form. Soon after the death of the Holy Prophet, *'Alayhi al-Salam*, he organized the verses and chapters of this Holy book the way they were revealed to the Holy Prophet, *'Alayhi al-Salam*. He did so with a mention of which word, phrase, sentence or verse was of a general, particular, absolute, stipulated, clear or of metaphorical sense. After completing such a documentation of the Holy Quran he worked on a book for Sayyidah Fatimah al-Zahr'a, *'Alayha al-Salam*. This book came to be popularly known to their descendents as the "Mushaf of Fatimah." After this Imam Ali wrote a book on the rules of compensation for losses due to criminal acts. It was called "Sahifah". Ibn Sa'd has recorded it at the end of his well known works "al-Jami'" as Musnad of Ali, *'Alayhi al-Salam*. (Al-Muraja'at P 305-306, A'lami. Beirut). Najashi also writes, "Of

the first generation of the Shi'ah Muslim authors was abu Rafi' *Mawla* of the Messenger of Allah. Muhammad ibn Sa'd has said in his works on history that he (abu Rafi') was one of the best individuals of the Shi'ah Muslim community. He participated in all the battles with Imam Ali and was the treasurer in Kufa, Iraq. . . . Abu Rafi' had written a book on Sunan, Ahkam and Judgments. The book is narrated by Muhammad ibn abi Rafi' from his father and from his grandfather. It begins with a chapter on prayer then Fasting, Zakat and judicial rules. In Kufa this book is narrated by Muhammad ibn Ja'far ibn Mubarak. Ali ibn abi Rafi' also had another book and he was of the Tabi'in, the second, generation and one of the best individuals in the Shi'ah Muslim community. He had a book on the subjects of *fiqh* and chapters on Wuzu, prayers and other chapters of *fiqh*. (Rijal of Najashi P 3-4, Qum)

Abu Hanifah would call Imam Ja'far al-Sadiq as a 'Kutubi' booker or bookworm. When this was mentioned to the Imam he smiled and said, "That he says I am a 'suhufi' is true. I have read the 'Suhuf', books of my father and grand fathers. (Qamus al-Rijal under Tarjamah of Muhammad ibn 'abd Allah ibn Hassan, Rawadat)

This report clearly shows that the Imam, '*Alayhi al-Salam*, had books compiled by his father or grand father or great grandfathers. This was at a time when the Sunni Muslim scholars had not paid any attention to compiling books on Hadith.

Another evidence for the existence of such books with A'immah, '*Alayhim al-Salam*, is the report from Sayrafi, "I with Hakam ibn 'uyaynah were in the presence of Imam Muhammad al-Baqir, '*Alayhi al-Salam*, and he asked questions from the Imam and the Imam paid particular attention to him. Hakam and I had a disagreement on certain issues and the Imam asked his son, "Please bring me that big book." He opened the book and turned several leaves until he found the answer and said, "This is the hand writing of Ali and the dictation of the Holy Prophet, '*Alayhim al-Salam*." (Rijal of Najashi P 255)

It is narrated from Imam abu Ja'far, '*Alayhi al-Salam*, who has said, "We found it in the book of Ali that the Holy Prophet, '*Alayhi al-Salam*, has said, 'If Zakat is not paid the blessings of the land goes away.'" (Fru' al-Kafi vol. 2 P 666, also Fru' al-Kafi vol. 7 P 77) It is narrated from Imam Ja'far al-Sadiq who has said, "My father has said, 'I read in the book of Ali that the Holy Prophet, '*Alayhi al-Salam*, ordered to write a covenant among the Muhajir, the immigrant Muslims, the Ansar, the Muslim people of Madina and other Muslims. In it, it was said, "The rules about a neighbor are like the rules applicable to ones own self. One must not do injustice to a neighbor. The protection of the respects of a neighbor is just like the protection of the respect for a mother." (Wasael al-Shi'ah, Kitab al-Zakat, also Makatib al-Rasul vol. P 73)

It is narrated from Imam Ja'far al-Sadiq who has said, "It is written in the book of Ali, '*Alayhi al-Salam*, 'This world is like a snake whose appearance is attractive but inside there is deadly poison. A person of reason stays away from it but a child may go close to it." (Wasael al-Shi'ah, Kitab al-Jihad, Makatib al-Rasul P 76)

It is also narrated that in the book of discipline of Imam Ali, '*Alayhi al-Salam*, it is said, "One must not use analogy in the matters of religion because the religion of Allah is not based on analogy. There will come a people who will use analogy. They, in fact, will do animosity to religion." (Wasael al-Shi'ah, Kitab al-Qada')

Zurarah has narrated, “I asked Imam Muhammad al-Baqir about the inheritance of a grand father and said, ‘I have not seen any body speak about it but that is based on personal opinions except Amirul Mu'minin Ali, ‘*Alayhi al-Salam*.’ I asked, “What has he said in this matter?” The Imam replied, “Come tomorrow so I can read it for you from the book.” I then requested, “Please say it to me in the form of Hadith because your Hadith is better for me than books.” “Do what I asked you to do, said the Imam. Come tomorrow and I will read for you from the book.” Zurarah has said, “I visited the Imam next day in the afternoon. Ja'far ibn Muhammad the son of the Imam came to me and the Imam asked him to read for me from the book.” (Fru' al-Kafi vol. 7 P 94)

Also it is narrated from Imam Ja'far al-Sadiq who has said, “It is written in the book of Ali, ‘*Alayhi al-Salam*, ‘One who drinks wine or any other kind of intoxicating substances must receive the same kind of penalty.” (Wasael al-Shi’ah, Kitab al-Hudud)

Muhammad ibn Muslim, a companion of Imam al-Baqir has said, “Abu Ja'far read for me from the book Fara'id that was a dictation of the Holy Prophet, ‘*Alayhi al-Salam*, written with the hand writing of Imam Ali.” (Fru' al-Kafi vol. 7 P 98)

These were just a few Hadith out of many more on the issue of recording in written form of Ahadith. The task of properly documenting Hadith was common practice under the guidance of A'immah, ‘*Alayhim al-Salam*. This noble practice had originated from Imam Ali under the guidance of the Holy Prophet, ‘*Alayhi al-Salam*. These Ahadith are Mutawatir according to Shi’ah Muslims and in Ahadith of the Sunni Muslims also they are mentioned to certain degrees. This practice is a great support for the reliability of Hadith of the Shi’ah Muslims. After the time of Imam Ja'far al-Sadiq people had written so many books that it is difficult to enumerate them. Just a quick examination of the works of Najashi will show that the students of A'immah had compiled a great deal of books as resources of *fiqh*. The resources of *fiqh* available to Shi’ah Muslims are quite rich because of the strong support of A'immah in the great and valuable task of recording in written form of Ahadith in proper times.

Such resources are distinct from those of the Sunni Muslims in two ways.

(a) A much larger quantity

(a) Its aloofness from the influence of the rulers and their power seeking struggles and politics

Chapter Five

A Berief Mention of History of Hadith in the Sunni Muslims Community

The works on Hadith available today, in Sunni Muslim community, were compiled and completed in the last parts of the second century and in the third century A.H (Islamic Calendar). Evidence shows that in the second century a very few reporters of Hadith possessed very little Hadith, which were not even organized properly. Later on those small writings became the source of large works of Hadith. Most of the Ahadith in major collections of Hadith were handed down to the new generations by the help of the reporter's memories. Before being recorded in the major works of Hadith the Ahadith did not exist in a written and recorded form anywhere else.

In our view of what history proves certain Caliphs for particular interests prevented the recording in

written form of the Ahadith and other Sahabah and Tabi'in (second generation Muslims) also followed such lead. As the saying goes, "People follow their rulers," people for a long time abstained from recording Hadith in written form. They only preserved the Ahadith (if they had any) in their memories.

It is interesting to note that abstention from recording Hadith in written form came from the rulers and the reason for recording Hadith in written form also came from the rulers.

The Case of So Called Hadith "Prohibiting Documentation of Hadith"

1. The Messenger of Allah is quoted to have said, "Do not write down any thing from me except the Holy Quran and those who have written must wipe them out." (Taqyid al-'ilm P 29-31, Musnad Ahmad vol. 3 P 12, 21, 39, Sunan al-Darimi vol. P 110)

The Narration of abu Hurayrah

1. It is narrated from abu Hurayrah who has said, "The Holy Prophet, *'Alayhi al-Salam*, came to us when we were writing down Hadith. He asked us, ' what is this you are writing?' We replied, "These are the matters that we have heard from you." He then said, 'Do you want a book other than the book of Allah? The nations before you were destroyed only for what they had written along with the book of Allah.' (Taqyid al-'ilm P 34)

2. 'Aishah is reported to have said, "My father had collected 500 Hadith of the Prophet. One morning he came to me and said, 'Bring the Ahadith that are with you.' I brought them to him. He burnt them all and said, "I am afraid, I may die and these are left with you." It is reported on the authority of al-Zuhri that 'Umar wanted to write the Prophet's Sunan. He thought about it for a month, seeking guidance from Allah in this regard. One morning he made a decision and declared, "I recalled the peoples who lived before you. They wrote certain things and were attracted to such writings so much so that they abandoned the Book of Allah." (Jami' bayan al-'ilm, I, 77; Taqyid al-'ilm, 53.)

3. Jabir reports that 'Umar ibn al-Khattab brought a copy of the Torah to the Holy Prophet and said, "This is a copy of the Torah which I read." The Holy Prophet was silent but the color of his face changed. Abu Bakr noticed this and said to 'Umar, "May thy mother mourn for thee, do you not see the face of the Holy Prophet?" 'Umar glanced at the face of the Holy Prophet and said, "I seek refuge with Allah from the anger of the Holy Prophet. I accept Allah as the Lord, Islam as the Din (religion) and Muhammad, *'Alayhi al-Salam*, as the prophet." Thereupon the Holy Prophet said, "By Allah, if Moses were to come here and were you to follow him and abandon me, you would have deviated from the straight path. If Moses were alive and had he seen me he would have followed Me." ('Abd al-Razzaq's al-Musannaf, XI, 110; Mizan al- 'i'tidal, I, 666; Lisan al-Mizan, II, 408; Bihar al-Anwar, XI 99; Gharib al-Hadith, IV, 49, III, 28, 29; al-Zamakhshari's al-Fa'iq, IV,114.)

4. It is reported from abu-Qallabah that once 'Umar ibn al-Khattab passed by a man who was reciting from a book. After listening for a while 'Umar liked what he read. He asked the man to write from that book for him. The man consented to do so. 'Umar then brought a leaf to him on which the man wrote filling both sides.

Later, he came to the Holy Prophet and read it out to him. Thereupon the color of the face of the Holy Prophet changed. Thereat a man belonging to the Ansar said to 'Umar, "May your mother mourn for

you. Do you not see the face of the Holy Prophet?" On this the Holy Prophet said, "I am raised as a prophet, as the opener (fatih) and the sealer (khatim), and I have brought everything that I should have had." (Gharib al-Hadith, IV, 262; al-Fa'iq, I, 651.)

5. It is reported on al-Zuhri's authority that Hafsa, 'Umar's daughter, brought a book to the Holy Prophet in which there were stories of Joseph. She began to read them to the Holy Prophet whose face reddened as he listened. Thereupon the Holy Prophet said "By Allah, if Joseph himself were to come here and were you to follow him and leave me you would have gone astray." (Sunan al-Darimi, I, 122; Taqyid al-'ilm, 53, 56.)

There are other reports which confirm this point that the prohibition of the Holy Prophet regarding 'setting another book by the side of the Book of Allah' relates to Isra'ili texts. It has been reported that when 'Abd Allah ibn Mas'ud heard that certain people had a book whose contents amazed them, he took it away and destroyed it. He said, "The people of the Book were ruined because they relied upon the writings of their scholars ('ulama') and neglected the Divine Scripture." (Jami' bayan al-'ilm, I, 76.) The following Hadith further clarifies this matter. Murrah al-Hamadani says, "Abu-Murrah al-Kindi brought a book from Syria (al-Sham) and gave it to Ibn Mas'ud. Ibn Mas'ud browsed through it, brought water and washed away its written contents. Then he said, 'The peoples who lived before you perished for following such books as this. They abandoned the Scripture of Allah.'" Al-Husayn says, "Indeed he would not have destroyed that writing had it been the Holy Quran or the Sunnah. Rather, it was a book belonging to the Ahl al-Kitab." (Bihar al-Anwar, II, 108.)

Imam Ali, '*Alayhi al-Salam*, is reported to have said, "Any of you who has a book should destroy it. The peoples who lived before you were destroyed for following the statements of their scholars and abandoning the Book of Allah." (Jami' bayan al-'ilm, II, 50)

Al-Imam al-Sadiq, '*Alayhi al-Salam*, is reported to have said, "Certain people search after the Hadith of Jews and Christians, seeking to increase their knowledge. The place of such people (seekers of knowledge) is in the bottommost level of Hell." ('Abd al-Razzaq's al-Musannaf, X, 314; Jami' bayan al-'ilm, II, 51.)

It is reported on the authority of 'Amr ibn Yahya ibn Ju'dah that when a book was brought to the Holy Prophet he said, "It is a great witlessness and misguidance for an ummah (nation) to neglect what her own prophet has brought to see what another prophet has brought." (Jami' bayan al-'ilm, II, 82, Fath al-Bari, Muqaddimah, p. 4, Taqyid al-'ilm, 57, Tarikh al-*Fiqh* al-Islami, 88.) This Hadith also reveals the kind of book that was brought to the Holy Prophet and explains the meaning of 'misleading books.'

Also, Ibn 'Abbass has said, "Why do you ask Ahl al-Kitab about your questions and problems when the Book of Allah is amongst you?" 146. (Adwa' 'ala al-Sunnat al-Muhammadiyah.)

These Ahadith are proof of the Holy Prophet's prohibiting, 'the setting up another book by the side of the Book of Allah' was related to dangerous diffusion of Isratiliyyat (Israelite tales). They did not, by any means, relate to his own Sunnah, complementary to the Holy Quran and laws that are wajib al-Ita'ah (must be obeyed). The existence of the acclaimed collections of Hadith, known as Sihah al-Sittah, further supports this point. The Muslim scholars of Hadith did at last write down and compile the Ahadith of the Holy Prophet. These scholars are honored for doing what the earlier generations

disliked. It was due to a serious misunderstanding on the part of those who like 'Urwah burnt the Ahadith that they had written with the rationale, “We do not want to set a book by the side of the Book of Allah.” 147 (Adwa' 'ala al-Sunnat al-Muhammadiyah.)

The Holy Prophet never issued any prohibition against recording his own hadith in written form. He only did so against writing down Israeliite tales. The reason for not recording Ahadith, for up to two centuries or so, was the attitudes of certain Khulafa' toward Ahadith that prevented Muslims from recording Ahadith in written form for those two or so centuries. One example is the saying of second Khalifa, “Hasbuna kitabu Allah.”

Chapter Six

Al-Kafi and Other Collection of Ahadith

The most important among these collections are:

1. Al Kafi of al Kulayni (D. 329/941)
2. Man la Yahduruhu al Faqih, of al Shaykh al-Saduq, abu Ja'far Muhammad ibn Ali ibn al Husayn ibn Babawayh al Qummi (306/919 381/991)
3. Al-Tahdhib al Ahkam and al Istibsar of al-Shaykh abu Ja'far Muhammad ibn al Hassan al Tusi (385/995 460/ 1076)
4. Jami' al Akhbar fi 'Idah al Istibsar of al Shaykh 'Abd al Latif ibn abu Jami' al Harithi al Hamdani al-'Amili, a student of Shaykh al-Baha' al-'Amili (d. 1050/1640)
5. Al Wafi of Muhammad *Muhsin* Fayd-e Kashani (1010/ 1599 1091/1690)
6. Tafsil Wasa'il al Shi'a 'Ila tahsil masa'il al Shari'ah of Muhammad ibn al Hassan al Hurr al 'Amili (1033/1625/1104/1693)
7. Bihar al Anwar, a collection of valuable Ahadith of Ahl al-Bayt, '*Alayhim al-Salam*, of Muhammad Baqir ibn Muhammad Taqi al Majlisi (1037/ 1928 1111/1700)
8. Al 'Awalim (in 100 volumes) of Shaykh 'Abd Allah ibn Nur Allah al Bahrani (contemporary of al Majlisi)
9. Al Shifa fi hadith Al al Mustafa of Shaykh Muhammad Rida ibn 'Abd al-Latif Tabrizi (D.1158/1745)
10. Jami' al Ahkam (in several volumes) of al Sayyid 'Abd Allah ibn Muhammad Rida Shubbar (1188/1774 1242/1827)
11. Mustadrak al Wasa'il wa Mustanbat, al Masa'il of al Hajj Mirza Husayn ibn Muhammad Taqi al Nuri Tabarsi (1254/ 1838 1320/1902)

Before al-Kafi and besides, al-Jami'a, Mushaf of Fatimah, '*Alayha al-Salam*, and the heritage of the prophets in the custody of A'immah, may other books of the Shi'a authors in the form of collections

of Hadith were available to public. However, al-Kafi was the largest and best organized book of Hadith. Al-Kafi is different from the four well known books of Hadith. It has the two volumes of ‘Usul which is not part of the other three books of Hadith. They are collections of Ahadith on the issues of Furu’ only.

B. Contents of al-Kafi (Material Cause) and the Issues Dealt With Therein

Chapter Seven

Al-Kafi Volumes 1-8 (See Table of Contents of volumes 1-8)

C. The Authors of Ahadith (coefficient cause)

Chapter Eight

1. The words, wahy (revelations) and messages of Allah to the Holy Prophet
2. The Archangel (Jibril / Gabriel)
3. The Words of the Holy Prophet
4. The deeds of the Holy Prophet
5. The approvals of the Holy Prophet
6. Fatimah Al-Zahra’ and the Twelve A’immah, ‘*Alayhim al-Salam*

1. Allah’s words, wahy (revelations) and messages expressed by the Holy Prophet, besides those in the form of the Holy Quran, are called Hadith; he did not speak anything out of his own desires. Whatever the Holy Prophet spoke of were those that were revealed to him through Divine revelations. (See Chapter 53 verses 1-18 the Holy Quran). This is explained in Ahadith as follows:

H 178, Ch. 20, h2

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Husayn ibn al Mundhir from ‘Umar ibn Qays from abu Ja’far, ‘*Alayhi al-Salam*, who has said the following:

“I heard Imam abu Ja’far, ‘*Alayhi al-Salam*, saying, ‘Allah, the Most Holy, the Most High, has not left any untold rule that the ’Umma, nation, would need. He has revealed in His book and has explained them to His messenger. He has made a limit for everything and an indication for it to point forward to it and He has made a limit for those who trespass those limits.’”

In the first two volumes of al-Kafi references are made to Holy Quran over a thousand times. In fact, all genuine Hadith are explanations of the verses of the Holy Quran.

2. The Archangel (Jibril / Gabriel)

Jibril has also a good share in making Ahadith available for the guidance of mankind:

“(Muhammad), tell the people, whoever is an enemy to Gabriel who has delivered the Book to your heart as a guide and as joyful news to the believers, (2:97) and as a confirmation of (original) Scripture and whoever is the enemy of Allah, His angels, His messengers, Gabriel and Michael, should know that Allah is the enemy of those who hide the Truth (2:98).”

H 3419, CH 60, h 25

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from Muhammad ibn Yahya al-Khath’ami from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has said the following:

“Once abu Dharr came to the Messenger of Allah while Jibril (Gabriel) was, in the form of Dihyah al-Kalbi (one of the companions of the Holy Prophet), in a private meeting with the Messenger of Allah. When he saw them he turned away from them and did not want to disrupt their conversation. Jibril (Gabriel) said, ‘O Muhammad this was abu Dharr passed by us and did not offer us the greeting of peace, had he done so we would have responded to his greeting. O Muhammad, he has a supplication with which he prays, and is well-known among the inhabitants of the heaven. When I will ascend ask him about it.’

“When Jibril (Gabriel) left, abu Dharr came to the Holy Prophet and the Messenger of Allah said to him, ‘O abu Dharr what stopped you from offering us the greeting of peace when you passed by?’ He said, ‘O the Messenger of Allah I thought the person with you was Dihyah al-Kalbi in a private meeting for something of your affairs.’ The Messenger of Allah said, ‘that was Jibril (Gabriel), O abu Dharr and he said, “had he (abu Dharr) offered us the greeting of peace we would have responded his greeting.” When abu Dharr learned that it was Jibril (Gabriel) he, Allah knows well, extremely regretted his not offering the greeting. The Messenger of Allah asked, ‘what is the supplication with which you pray? Jibril (Gabriel) has informed me that you have a prayer whereby implore and it is well-known in heaven’ He said, ‘Yes, O the Messenger of Allah, I say, “O Lord, I plead before You for peace and belief in You, affirmation of Your prophet, well-being and safety from all misfortunes, to be thankful for the well-being and safety and free of want from the people.’”

3. The Words of the Holy Prophet

“Call (the pagans) to the path of your Lord through wisdom and good advice and argue with them in the best manner. Allah knows well about those who stray from His path and those who seek guidance. (16:125)

“. . . Take only what the Messenger gives to you and desist from what he forbids you. Have fear of Allah; Allah is severe in His retribution (7).

“The Messenger of Allah is certainly a good example for those of you who have hope in Allah and in the Day of Judgment and who remember Allah very often. (33:21)

“Messenger, preach what is revealed to you from your Lord. If you will not preach, it would be as though you have not conveyed My message. Allah protects you from men. He does not guide the unbelieving people. (5:67)

“Say, ‘My prayer, sacrifice, life, and death are all for Allah, the Lord of the Universe (6:162).’”

4. The Deeds of the Holy Prophet

H 3740, CH 28, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Washsha' from Jamil ibn Darraj from abu 'Abd Allah, *'Alayhi al-Salam*, who has said the following:

“The Messenger of Allah would look to every one of his companions in equal proportions of time. He would look to this and then to that person. The Messenger of Allah was never seen stretching his legs in a gathering of his companions. When he would shake hands, with a person, the Messenger of Allah would not pull his hand back first. When they noticed it thereafter a man shaking hands with him would pull his hand away quickly.”

H 1989, CH 65, h 12

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn 'Isa from Ali ibn al-Hakam a number of our people from Ahmad ibn abu 'Abd Allah from Isma'il ibn Mehran all from Sayf ibn 'Umayrah from 'Abd Allah ibn Muskan from 'Ammar ibn Hayyan who has said the following:

“Once I explained to abu 'Abd Allah, *'Alayhi al-Salam*, how kind my son Isma'il was to me. The Imam said, 'I loved him before and this has increased my love for him. Once, the sister of the Messenger of Allah (through breast-feeding) visited him. When he saw her he became very happy to see her, prepared a seat for her, began to talk to her and smiled at her. She left and her brother came. The Holy Prophet did not behave toward him as he did to her. He was asked, 'O Messenger of Allah, you behaved toward his sister differently from the way you behaved toward him, and he is a man.' The Messenger of Allah said, 'it was because she was more kind to her parents than he was.'”

5. Things that the Holy Prophet Approved

Things that the Holy Prophet approved, although part of his Sunnah, are different from his statements. Examples of such kind are the practices in the society that were common and the Holy Prophet did not make any comments about them such as all business contracts and transactions besides those exceptionally dealt with by the new laws he sanctioned. One example is the prohibition on transactions involving Riba (unlawful interests) or certain items prohibited to buy or sell such as wine and intoxicating materials.

Since the main part of this task is to deal with the statements and deeds of the Holy Prophet, it is more proper to deal with further details of this item of Sunnah in its appropriate place.

6. Fatimah Al-Zahra' and the Twelve A'immah, *'Alayhim al-Salam*

Abu Ja'far Muhammad ibn Jarir ibn Rustam al-Tabari, in his works *Dala'il al-'Imama* has said the following. “A man, once, came to Fatima, *'Alayha al-Salam*, and asked, 'O daughter of the Messenger of Allah, has the Holy Prophet left anything with you (of Hadith) you could show me?' She called her housemaid to bring the scroll. The housemaid had difficulty to find it out. Fatima, *'Alayha al-Salam*, said, “Find it out. It is as dear to me as al-Hassan and al-Husayn.” The housemaid brought the scroll in a package and in it, of Hadith, one read as follows: 'Muhammad, *'Alayhi al-Salam*, the Holy Prophet has said, “One whose neighbor would not feel safe from his harms is not of the true believers. One who believes in Allah and the Day of Judgment must not harm his neighbor. One who believes in Allah and the Day of Judgment says good things or remains silent. Allah loves the doer of good deeds,

the forbearing and the chaste people. He dislikes those who spread evil, the avaricious, the covetous and haughty. Bashfulness is a sign of good faith and the place of faith is in paradise. Spreading evil is meanness and the place of meanness is hellfire.”

H 1365, Ch. 126, h 3

Muhammad ibn Yahya and Muhammad ibn ‘Abd Allah have narrated from ‘Abd Allah ibn Ja‘far from al-Hassan ibn Zarif and Ali ibn Muhammad from Salih ibn abu Hammad from Bakr ibn Salih from ‘Abd al-Rahman ibn Salim from abu Basir from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has said the following:

“Once, my father said to Jabir ibn ‘Abd Allah al-Ansari, ‘I need your help in a certain issue. When do you think it will be convenient for you we meet privately and I will ask you about it?’ He said, ‘Whenever you like it will be alright for me.’ One day when they met each other he, *‘Alayhi al-Salam*, said, ‘O Jabir, tell me about the tablet that you saw in the hand of my great-great-great grandmother, Fatimah, *‘Alayhi al-Salam*, daughter of the Messenger of Allah. Tell me of what she said to you about the tablet and the writing on it?’

“Jabir then said, ‘I ask Allah to testify (to the truth of what I experienced that day). Once I went to see your great-great-great grandmother, Fatimah, *‘Alayha al-Salam*, in the lifetime of the Messenger of Allah. I congratulated her for the birth of al-Husayn, *‘Alayhi al-Salam*, I saw in her hand a green tablet that I think was made of Emerald (precious gem). I saw on it a white writing that was shining like the color of sun.

“I then said to her, ‘may Allah keep my soul and the souls of my parents in service for your cause, O daughter of the Messenger of Allah, what is this tablet?’ She said, ‘this is a tablet that Allah has given as a gift to His Messenger. In it there is the name of my father, the name of my husband, the names of my two sons and the names of the executors of the wills of my (special) descendents. My father gave it to me as a gift and glad news.’

“Jabir then said, ‘Your great-great-great grandmother, *‘Alayhi al-Salam*, then gave the tablet to me. I read it and made a copy of it.’ My father then said, ‘O Jabir can you show that copy (that you made from the tablet) to me?’ He said, ‘yes, I can show it to you.’ My father went with him to his house and he brought to light a tablet of parchment. He then said, ‘O Jabir, look carefully at your writing to see how I read it for you.’ Jabir then kept looking at his handwriting while my father read and his reading was exactly letter by letter the same as what Jabir had in his copy. Jabir then said, ‘I ask Allah to testify to the truth of my words that this is what I saw was written on the tablet:

“(I begin) in the Name of Allah, the Beneficent, the Merciful

“This is a document from Allah, the Most Majestic, the Most Wise, for Muhammad, His Prophet, *‘Alayhi al-Salam*, His light, His ambassador, His barrier (Hijab) and His guide (for people). The trusted Spirit has brought it from the Lord of the worlds. O Muhammad acknowledge the greatness of My names and pay thanks for My bounties. Do not hide My favors. I Am Allah and no one deserves to be worshipped and obeyed besides Me. I break down the transgressors and grant wealth to the oppressed. I Am the One Who has established the religion. I Am Allah. No one deserves to be worshipped and obeyed besides Me. Whoever expects to receive any distinction from someone other than Me or have fear of the justice of someone other Me I will cause him to suffer a torment the like of which I will cause to no one else of the creatures of the world to suffer. Worship only Me and place your trust only in Me.

“I have not sent any prophet without, upon the completion of his days, appointing the executor of his will. I have given preference to you over the prophets and I have given preference to the executor of your will over the executors of the wills of the other prophets. I have granted you honor through your two brave grandsons, al-Hassan and al-Husayn, ‘*Alayhi al-Salam*. I have made al-Hassan, ‘*Alayhi al-Salam*, to be the treasurer of My knowledge after the completion of the time of his father. I have made al-Husayn, ‘*Alayhi al-Salam*, to be the keeper of My revelation Wahy (inspiration). I have granted him nobility through martyrdom and made his end triumphant. He will be the best of the martyrs and of the highest degree in the rank of the martyrs. I have kept My perfect word with him and My extremely clear authority and proof available for him. Through his descendent I will give good rewards to people or cause them suffer torments. The first of them will be Ali (ibn al-Husayn), master of the worshippers, and the beauty of My friends of the past. Then will be his son who will be very similar to his grandfather, the praised one, Muhammad al-Baqir, the one very deeply founded in My knowledge and the source and mine of My wisdom. Those who will have doubts about Ja‘far will soon be destroyed. Whoever rejects him will be like one who rejects Me. The true words have already come from Me that I will dignify the position of Ja‘far and will grant him joy and happiness for his followers, supporters and friends.

“After him Musa will live at the time of a blind, confusing and dark mischief. (He will live among the people) because the system of obedience to Me does not break down and my authority (proof of My existence) does not remain obscure. The thirst (for knowledge and guidance) of My friends will be quenched with sufficient measures. Whoever rejects anyone of them has rejected my favors. Whoever changes my signs and verses of my book has accused Me with lies.

“Woe is to those who fabricate lies and reject (the truth) after the completion of the time of Musa, My servant, My beloved, My chosen one about Ali (al-Rida). (Ali al-Rida) who is My wali (the one who possesses Divine Authority) My supporter, the one on whom I will place the task of prophet-hood and examine how he will deal with it. An arrogant devil will murder him. He will be buried in the city built by the virtuous servant (of Allah) next to the worst of My creatures. The words of truth have already been established that I will grant him joy and happiness with the birth of his son, Muhammad, his successor and the heir of his knowledge. He is the mine of My knowledge, the right place for My secrets and My authority over My creatures. Whoever believes in him I will make paradise his dwelling and will grant him the ability to intercede for seventy people from his family of whom everyone may have become subject to hell-fire.

“I will make the end for his son, Ali, to arrive at salvation. Ali is My wali (the one who possesses Divine Authority), My supporter, the testimony in My creatures and My trustee in My revelation. From him I will make to come out a preacher to My way and a treasure of My Knowledge, al-Hassan. I will complete it with his son (M.H.M.D.), a blessing for the worlds. Perfection of Musa (Moses), the beauty of Jesus and the patience of Ayyub will be found in him. My friends in his time will become weak. Their heads will be sent as gifts like the heads of the Turks and Daylam. They will be murdered and burned. They will live in fear, frightened and fearful. The earth will be stained with their blood and wailing and lamentations will become wide spread in their women. These will possess My authority and through them I will remove the blind and dark mischief. Through them I will remove uncertainties, sufferings and shackles. These are the ones upon whom the blessings and forgiveness of their Lord descend and they are the ones who provide guidance.”

“‘Abd al-Rahman ibn Salim has said that abu Basir said, ‘Even if you hear no other Hadith expect this it will be enough for you. Protect it against everyone except the deserving people.’”Once Imam Muhammad al Baqir, *‘Alayhi al-Salam*, said to Jabir, “O Jabir, by Allah, one Hadith that you would find from an authentic source about lawful or unlawful matters is better for you than everything over which the sun shines from dawn to dusk.”

Imam Ja‘far al-Sadiq, *‘Alayhi al-Salam*, has said, “One Hadith about the lawful and unlawful matters that you may receive is better for you than the whole world and all that it contains.”

Imam Muhammad al-Baqir, *‘Alayhi al-Salam*, has said, “If I see a young person of the Shi‘a who does not acquire proper understanding of religion I discipline him strictly even if it may take to make him suffer pains.”

H 175, Ch. 19, h21

Ali has narrated from Muhammad ibn ‘Isa from Yunus from Qutayba who has said the following:

“A man asked Imam abu ‘Abd Allah, *‘Alayhi al-Salam*, about an issue and the Imam replied to him. The man then said, ‘Have you considered if it had been so and so the opinion in it would not have been as such.’ The Imam then said, ‘Wait; whatever I said in answer was from the Holy Prophet, *‘Alayhi al-Salam*. We are not of the people, “have you considered” who need thinking.’” Note: The Imam pointed out that they did not need the common reasoning process and that all they said had come to them from the Holy Prophet, *‘Alayhi al-Salam*.

H 184, Ch. 20, h8

Muhammad ibn Yahya has narrated from Muhammad ibn ‘Abd al-Jabbar from ibn Faddal from Hammad ibn ‘Uthman from ‘Abd al ‘Ala’ ibn A‘yan who has said the following:

“I heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘I was born of the descendents of the Holy Prophet and I know the book of Allah wherein is the knowledge of how the world was first created and the knowledge of all that may come up to the Day of Judgment. Therein is the news of the heavens and the earth, the news of paradise and hell, the news of things of the past, and those that will come into existence. I know all of these just as I can see in the palm of my hands. Allah says, ‘In it there is an explanation of everything.’”

H 692, Ch. 55, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Musa ibn ‘Umar from Muhammad ibn Sinan from ‘Ammar ibn Marwan from al Munakhkhal from Jabir who has said the following:

“Once I asked abu Ja‘far, *‘Alayhi al-Salam*, about the knowledge of the scholar. He said, ‘O Jabir, in the prophets and in the executors of their will, there are five spirits. They are the (1) Holy Spirit, (2) the spirit of belief, (3) the spirit of life, (4) the spirit of power and (5) the spirit of desire. Through the Holy Spirit, O Jabir, they receive the knowledge of all that is below the Throne as well as what is below the land.’ He then said, ‘O Jabir, these four spirits are the kind of spirits that may become affected by the events that take place. Only the Holy Spirit is that which does not trifle and wander around.’”

H 693, Ch. 55, h 3

Al Husayn ibn Muhammad has narrated from al Mu‘alla ibn Muhammad from ‘Abd Allah ibn Idris from Muhammad ibn Sinan from al Mufaddal ibn ‘Umar who has said the following:

“I asked abu Ja‘far, *‘Alayhi al-Salam*, about the knowledge of A‘immah, *‘Alayhim al-Salam*, of the regions of the earth when he is in his house secluded behind the curtains. The Imam, *‘Alayhi al-Salam*,

then said, ‘O Mufaddal, Allah, the Most Holy, the Most High, has placed five spirits in the Prophet. Of such one is the spirit of life from which is movement and activities. There is the spirit of power from which is uprising and assiduousness and the spirit of desire from which is consumption of nutrients and reproduction in lawful ways. There is the spirit of belief from which is peace and justice. There is the Holy Spirit from which prophet-hood is carried. When the prophet passes away the Holy Spirit transfers and comes over to the Imam, ‘*Alayhi al-Salam*, The Holy Spirit does not sleep or become unaware. It does not trifle or maintain false hopes. The other four spirits sleep, become unaware, may maintain false hopes or trifle. With the Holy Spirit things are seen.’”

Examples of the Credentials of the Authors of Hadith in Ahadith

H1182, Ch. 111, h 17

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Hassan ibn Mahbub from Ishaq ibn Ghalib from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has the following:

In a special sermon in which he has described the Holy Prophet and A’immah (Leaders with Divine Authority) and their qualities as follows:

“The great sins and people’s bad deeds did not prevent Our Lord, due to His forbearance, caring and kindness, to chose for the people the best of His prophets. (The Lord chose) Muhammad ibn ‘Abd Allah, the most respectable one to Him, and he was born in an honorable environment and to a noble family. His association was unsuspecting and his lineage was not unknown to the people of knowledge to describe. The glad news of his coming was mentioned in the books of the prophets and spoken of in the words of the scholars and his qualities were discussed in the thinking of the people of wisdom. No person of Hashimite descent has ever reached the level of his discipline or paralleled to him and no person of the inhabitants of Abtah has ever climbed to his high position. Restraint (from meaningless matters) was of his attributes and generosity was part of his nature. He was made with the dignity of prophet-hood and its discipline. His nature was formed out of the qualities of Divine messenger and its wisdom. The means and measures of Allah brought him to the appointed time and the decree by the commands of Allah proceeded to their goals. The determined decision of Allah delivered him to their objects. Every nation gave the glad news about him to the one thereafter and every father delivered to the next one from one generation to the next. No indecency ever mixed his element and no conjugal relation ever made him unclean from Adam to his father, ‘Abd Allah. He was in the best group and of most honorable descent, the tribe of glory, in the well-preserved womb and in the best protective hands. Allah had chosen him as it pleased Him, selected him, and gave him the keys to knowledge and the sources of wisdom. He (the Lord) raised him as the mercy and blessings for His servants and as the season of spring for His lands. Allah sent to him the Book in which there is communication and explanations. It is a reading in Arabic free of complexities so that they (people) may perhaps observe piety (before Allah). He has explained it to people. He has arranged it into a system with the knowledge that explains in detail and a religion that He has clarified its obligations, determined its limits for the people and has clarified them.

“There are matters that He has stated to His servants openly. In it there is guidance to salvation and evidence to show the right guidance. The Messenger of Allah has preached the message that he had brought and demanded obedience to what he was ordered to preach and delivered the responsibilities of a prophet toward his followers. He exercised patience for the sake of his Lord and strove hard in the way of the Lord. He gave good advice to his followers and called them to salvation. He exhorted them

in the matters of al-Dhikr (reminder) and showed them the right guidance. He did so with systems and potentials that he established on certain foundations for the servants (of Allah) and with the sources of light for which he raised proper beacons. He did so, so that they will not be misled after him and he was very compassionate and kind to them.’”

H1184, Ch. 111, h 19

Al-Husayn ibn Muhammad al-Asha‘ari has narrated from Mu‘alla ibn Muhammad from Mansur ibn al-‘Abbass from Ali ibn Asbat from Ya‘qub ibn Salim from a man from abu Ja‘far, *‘Alayhi al-Salam*, who has said the following:

“When the Messenger of Allah passed away the family of Muhammad, *‘Alayhi al-Salam*, experienced the longest night. They had a feeling as if the sky does not provide them shadow and earth does not hold them up anymore. The Messenger of Allah had united all people just for the sake of Allah. In such a condition someone came to them whom they did not see but they could hear his words. He offered them greetings saying, ‘peace be with you, O members of the family of the Holy Prophet, *‘Alayhi al-Salam*, and may Allah’s mercy and blessings be with you. With Allah is the best of condolences for all kinds of suffering and the salvation from all forms of destruction and a remedy for the losses.

“He then read the words of Allah: ‘Every soul is destined to experience the agony of death. You (Muslims) will receive the recompense for your deeds on the Day of Judgment. To be saved from the fire and admitted to paradise is certainly a great triumph. The worldly life is no more than a deceitful possession.’ (3:185)

“He then continued, ‘Allah has selected you, granted you distinction, purified, and made you members of the family of His prophet. He has entrusted you with His knowledge and has made you inherit His book. He has made you the chest (Ark) of His knowledge and the staff of His Majesty. He has given for you an example of His light and has protected you from all sins and mistakes. He has protected you against all forms of mischief. Accept the condolences of Allah. Allah has not withdrawn His blessings away from you and He will never remove any of His bounties from you. You are the people of Allah, the Most Majestic, the Most Gracious, through whom the bounties increase, different groups become united and words receive harmony. You are His friends. Those who love you achieve success and those who do injustice to you will vanish. To love you is obligatory, because of the commands of Allah in His book, on His believing servants. Besides, Allah has full power to help and support you whenever He would wish. Exercise patience against the consequences of the matters because they all proceed to Allah. Allah has accepted you as the Holy Prophet, *‘Alayhi al-Salam*, has entrusted you with Him and He has entrusted you with His believing faithful friends on earth. Whoever is truthful to the trust with him, Allah will give him the reward for his truthfulness. You are the entrusted trust and to love you is obligatory on people and obedience to you is a duty. Allah has taken His Messenger away from this world and He has completed the religion for you. He has explained to you how to come out of (difficulties). He has not left any excuse for anyone.

“Whoever does not know or pretend to be ignorant, deny, forget or pretend to forget will be held accountable before Allah. Allah will always pursue to fulfill your needs. I entrust you with Allah. May peace and blessings be with you.’

“The narrator has said, ‘I asked the Imam, *‘Alayhi al-Salam*, “From whom did the condolences come?” The Imam, *‘Alayhi al-Salam*, then said, ‘They came from Allah, the Most Holy, the Most High.’”

H 697, Ch. 56, h 4

Ali has narrated from his father from ibn abu ‘Umayr from abu Ayyub al Khazzaz from abu Basir who has said the following:

“I heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, say, ‘They ask you about the Spirit. Say, “The Spirit comes by the command of my Lord . . .’” (17:85) The Imam, ‘*Alayhi al-Salam*, said, ‘He is a creature greater than Jibril and Mika’il. He was not present with anyone before except Muhammad, ‘*Alayhi al-Salam*. He is present with ‘A’immah, ‘*Alayhim al-Salam*. He protects them. In reality any and everything desired does not come by and is not possible for everyone to achieve.’”

H 3715 CH 24, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn Yahya from al-Husayn ibn Ishaq from Ali ibn Mahziyar from Ali ibn Faddal from Fadal ibn Ayyub all from Mu’awiyah ibn ‘Ammar from ‘Amr ibn ‘Akramah who has said the following:

“ . . . Once a man from Ansar (people of Madinah) came to the Messenger of Allah and said, ‘I have purchased a house in the neighborhood of such and such tribe. The nearest neighbor is as such that not only do I not have any hope for receiving any good from him, I do not feel safe from him also.’ The Imam said that the Messenger of Allah commanded Ali, ‘*Alayhi al-Salam*, Salman, abu Dharr and, I forgot the other one, I think he mentioned Miqdad, to announce in the Mosque at the top of their voices, ‘one from whose hands his neighbors are not safe has no belief and faith.’ They announced it three times. He then pointed out that each forty house in front back, right and left are neighbors.’”

H 3716, CH 24, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Muhammad ibn Yahya from Talhah ibn Zayd from abu ‘Abd Allah from his father, ‘*Alayhi al-Salam*, who has said the following:

“I have read in the book of Ali, ‘*Alayhi al-Salam*, that the Messenger of Allah wrote (and got it signed) for the people of Ansar and Muhajirin and people related to them from Yathrib: ‘The neighbor is like one’s soul that cannot be harmed or made to sin. The respect for the neighbor is like the respect for one’s mother.’ The Hadith in brief.’”

D. The Purpose of Ahadith in ‘Usul al-Kafi (the End Cause)

1. Guidance for Perfection and Issues of the Fundamentals of Belief (Theology)
2. About the Messenger of Allah
3. About the Successors of the Messenger of Allah
4. Intelligence and Knowledge
5. Rules of Ethics and Moral Discipline and How to Perfect One’s Intelligence and Belief
6. The Holy Quran and Prayer

Chapter Nine

1. Perfection and Fundamentals of Belief

a. Perfection in Ideology (theoretical wisdom)

b. Perfection in Moral Discipline (practical wisdom)

People with experience in the studies of ideology are aware of the huge works of many prominent scholars, Muslims and non-Muslims in philosophy (issues of theoretical wisdom) and ethics (issues of moral discipline and practical wisdom).

Such works may sound very promising for students who seek perfection. Unfortunately, they are inconclusive, impractical, confusing, unreliable and for the most part hollow and fruitless.

It is especially unfortunate on the part of the Muslims who have produced, laboriously, such huge works, on subject of ethics and moral discipline, despite the availability of ‘Usul al-Kafi that presents outstanding details of the guidance of the Holy Quran for those who seek perfection in both the theoretical and practical fields of wisdom.

What is more regrettable is not only that such works are inconclusive, impractical, confusing, unreliable, hollow and fruitless they block people from reaching the real source of guidance for perfection, the outstanding details of the Holy Quran, the teaching of the Holy Prophet and his Ahl Al-Bayt, preserved in ‘Usul al-Kafi and other similar collections of Ahadith.

In the task of seeking perfection one needs both kinds of wisdom (theoretical and practical) all the time as opposed to the knowledge of the rules of Shari’ah that is needed when in fact one faces a particular case in one’s daily activities.

It is indispensable for all seekers of perfection to study ‘Usul al-Kafi thoroughly and repeat his studies again and again.

(a-1) To Explain Who is Allah, the First of the Five Principles of Belief

Allah is first. To explain Who He is, ‘Usul al-Kafi begins with the book on Intelligence, Ignorance and knowledge. These are factors within human beings. Intelligence is considered a guide to Allah from within human beings. It therefore is necessary to strengthen one’s intelligence to know Allah better. Strong intelligence does guide one to Allah and knowing Allah properly is the ultimate success. “To those who have said, ‘Allah is our Lord,’ and who have remained steadfast to their belief, the angels will descend saying, "Do not be afraid or grieved. Receive the glad news of the Paradise which was promised to you. (41:30) We are your guardians in this world and in the life to come, where you will have whatever you call for.’” (41:31

The number of Ahadith of the book on ‘Intelligence and Ignorance’ is only 34 Hadith In reality these few Ahadith are a brief outline of the whole al-Kafi. Hadith 14 of which certain people think is only a symbolic example, in fact an extraordinary and matchless Hadith, literally lists, the headline in principle, the contents of all 8 volumes of al-Kafi where each item is explained in one or several chapters.

The second part of ‘Usul al-Kafi vol 1 consists of 170 Hadith in 22 chapters. The presentation therein is marvelously, profound, unique in details and one of a kind in beauty, authenticity, clarity, forcefulness and a source whereby the fountainhead of faith and belief gush forth.

In the following a few Hadith from this part is quoted as well as a few Hadith that speak of outstanding benefits of the existence of belief and faith in Allah with a person.

(a-2) The Minimum Degree of the Acknowledgement of the Existence of Allah

H 224, Ch. 4, h1 (‘Usul al-Kafi, Part Three Chapter 4)

Muhammad ibn al- Hassan has narrated from ‘Abd Allah ibn al-Hassan al-‘Alawi and Ali ibn Ibrahim from al-Mukhtar ibn Muhammad ibn al-Mukhtar al-Hamdani all from al- Fath ibn Yazid who said the following:

“Once, I asked (Imam) abu al-Hassan, *‘Alayhi al-Salam*, ‘What is the minimum required degree of acknowledgement of the existence of Allah?’ The Imam said, ‘To acknowledge that there is no other lord besides Him and that nothing is similar to Him or resembles Him and that He is Eternal, positively existing and not absent and that nothing is like Him.’”

H 258, Ch. 9, h7

Ahmad ibn Idris has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from ‘Asim ibn Humayd who said the following:

“Once I discussed with (Imam) abu ‘Abd Allah, *‘Alayhi al-Salam*, about what he says on witnessing Allah’s self. The Imam said, ‘The light of the sun has a ratio equal to one seventieth of the light of the Kursi (the throne). The same is the ratio of the light of Kursi to al-‘Arsh, the light of which is of the same ratio to that of al-Hijab the light of which is of the same ratio to the light of al-Satr (barrier). If they (people who say that eye-witnessing Allah is possible) tell the truth let them fill their eyes with the light of the sun without a curtain in between.’”

(b) Marvelous Benefits of Belief and faith in Allah:

H 2039, CH 71, h 13

Abu Ali al-Ash’ari has narrated from Muhammad ibn ‘Abd al-Jabbar from ibn Faddal from ‘Amr ibn Aban from Sa’id ibn al-Hassan who has said the following:

“Abu Ja’far, *‘Alayhi al-Salam*, once asked me, ‘Does your brother (in belief) come to you, stretch his hand in your pocket and take what he needs and you do not push him aside?’ I said, ‘I do not know that such things happen among us.’ Abu Ja’far, *‘Alayhi al-Salam*, then said, ‘there is nothing then.’ I said, ‘It is destruction then.’ The Imam said, ‘the people have not yet recieved their power of reason.’”

H 2102, CH 78, h 5

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from ‘Abd Allah ibn Sinan from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has said the following:

“Allah, the Most Majestic, the Most Holy, sent revelations to David that said, ‘One of my servants may come to Me with a good deed and I admit him in paradise.’ David asked, ‘Lord, what is that good deed?’ The Lord said, ‘It is bringing joy to the heart of my believing servant even if it is by one piece of date.’ David then said, ‘Lord, it is very true that one who comes to know You must not lose hope of Your kindness.’”

H 2103, CH 78, h 6

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father from Khalaf ibn Hammad from Mufaddal ibn ‘Umar from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has said the following:

“One of you must not think that when he brings joy to the heart of a believer he has brought joy to his heart only. I swear by Allah, in fact, he has done so to our hearts and also, I swear by Allah, he has

done so to (the heart of) the Messenger of Allah.”

H 2104, CH 78, h 7

Ali ibn Ibrahim has narrated from his father and Muhammad ibn Isma'il from Fadl ibn Shadhan all from ibn abu 'Umayr from Ibrahim ibn 'Abd al-Hamid from abu al-Jarud from abu Ja'far, *'Alayhi al-Salam*, who has said the following:

“I heard abu Ja'far, *'Alayhi al-Salam*, saying, ‘The most beloved of deeds to Allah, the Most Majestic, the Most Holy, is bringing joy to the heart of a believer, by means of satisfying his hunger or meeting one of his needs.’”

H 2065, CH 74, h 3

Ibn Faddal has narrated from Ali ibn 'Aqabah from Ayyub from al-Sumayda' from Malik ibn 'A'yun al-Juhni from abu Ja'far, *'Alayhi al-Salam*, who has said the following:

“Amir al-Mu'minin (Ali ibn abu Talib), *'Alayhi al-Salam*, has said, ‘When two believing people meet and shake hands Allah, the Most Majestic, the Most Holy, inserts His hand between their hands and faces the one whose love for his brother (in belief) is more intense. When Allah, the Most Majestic, the Most Holy, turns His face to them their sins begin to fall like leaves from trees.’”

H 2066, CH 74, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Hisham ibn Salim from abu 'Ubaydah al-Hadhdha' from abu Ja'far, *'Alayhi al-Salam*, who has said the following:

“Amir al-Mu'minin (Ali ibn abu Talib), *'Alayhi al-Salam*, has said, ‘When two believing people meet and shake hands Allah, the Most Majestic, the Most Holy, turns His face (direction, aspect) to them and sins began to fall from them like leaves fall from trees.’”

2. Who are Allah's Messengers?

The Necessity of the Presence of Divine Authority Among the People

The following one Hadith is solid evidence of the urgent need for the existence of one who can represent Divine Authority among people. One of the ways that helps one to find such a person among man is learning from the study of his life and teachings.

The 3,760 Hadith in 'Usul al-Kafi serves as a good form of interview of Prophet Muhammad. The facts in these Ahadith about the matters of ideological and practical wisdom have no parallel. They testify to the perfection of his belief in Allah, his intelligence and his being the best example and exemplar of a perfect person in all manners and respects. 'Usul al-Kafi serves this purpose best. It proves beyond any shred of doubt that Prophet Muhammad was infallible, the last Messenger of Allah, a mercy and blessing from Allah to the whole world and possessed perfectly the marvelous noble qualities of moral discipline. One can only feel and realize the sweetness of the discovery of this fact from a thorough study of all the 3760 or so Hadith recorded in 'Usul al-Kafi and by reading them over and over again.

H 412, Ch. 1, h1

The compiler of this book, Muhammad ibn Ya'qub al-Kulayni (may Allah grant him blessings) has said that narrated to us Ali ibn Ibrahim from his father from al-'Abbass ibn 'Umar al-Faqimi from Hisham ibn al-Hakam from abu 'Abd Allah, *'Alayhi al-Salam*, the following:

“An atheist asked the Imam, *'Alayhi al-Salam*) ‘How do you prove the truthfulness of the prophets and the messengers?’

“The Imam, *‘Alayhi al-Salam*, said, ‘It is a fact that we have established with sufficient evidence, proof of the existence of our Creator, the Most Holy, the Most High and Exalted above all creatures. It is a fact that this Creator is All-wise and Most High. His creatures cannot see, touch, associate and directly communicate with Him. It proves that His deputies must be present among His creatures. It is His deputies and ambassadors who speak to people for Him and provide them guidance to protect their interests, to tell them what is beneficial to them and what are the best means of survival and what may cause their destruction. This proves the presence among people of those who convey the commandments of the Creator, Who is All-wise, All-knowing Allah, the Most Holy, the Most High, to people. Such people are the prophets, *‘Alayhi al-Salam*, the chosen ones from among His creatures. They are the people of wisdom, disciplined with wisdom and sent to people with the message of wisdom. They are different from other people - although like them in physical form and shape - in their conditions of discipline and their receiving direct support from Allah, the Most Holy, the Most High and All-wise. This also proves their presence among people in all times to ensure the availability of the people with Divine Authority on earth who have the kind of knowledge that would establish their truthfulness and prove them to be of the people who possess the noble quality of justice.’”

3. Who Are the Successors of Prophet Muhammad?

H 413, Ch. 1, h2

Muhammad ibn Isma‘il has narrated from al-Fadl ibn Shadhan from Safwan ibn Yahya from Mansur ibn Hazim who has said the following:

“Once I said to Imam abu ‘Abd Allah, *‘Alayhi al-Salam*, ‘Allah is Most Majestic and Gracious. He cannot be defined by His creatures. In fact, the creatures are known through Allah.’ The Imam, *‘Alayhi al-Salam*, then said, ‘You have spoken the truth.’ I said, ‘One who knows his Lord must also learn that his Lord agrees with certain things and disagrees with certain other things. The only way one would know what He likes and dislikes, is revelation or a messenger. One who does not receive revelation must find the messengers and when he finds the messengers he will know that they are the Divine Authorities and that obedience to them is necessary.’

“I say to people, ‘Do you know that the Messenger of Allah was the Divine Authority over His creatures?’ They say, ‘Yes, he was the Divine Authority.’ I then ask, ‘after the Messenger of Allah who was the Divine Authority over His creatures?’ They say, ‘after the Messenger of Allah the Divine Authority is the Holy Quran.’

“I considered the Holy Quran and found out that various kinds of people consider this Holy Book as support for their beliefs. For example the Murji’a (people who say Allah has postponed punishment), the pre-determinists and the atheist who even do not believe in it but take it as the basis for their arguments against the others. I then learned that the Holy Quran cannot serve as Divine Authority without a guardian and supervisor whose words from and about the Holy Quran would reveal the truth.

“I then ask the people, ‘Who is the guardian and supervisor of the Holy Quran?’ They say, ‘ibn Mas‘ud knew the Holy Quran, ‘Umar knew it and Hudhayfa knew the Holy Quran.’ I ask them, ‘Did they know all of the Holy Quran?’ The people say, ‘no, they did not know all of it.’ I have not found anyone who knows all of the Holy Quran except Ali ibn abu Talib, *‘Alayhi al-Salam*, It is a fact that if any issue emerged that needed a Quranic solution, except for Imam Ali, *‘Alayhi al-Salam*, every one of the others would, in many cases, say, ‘I do not know.’ Only Imam Ali, *‘Alayhi al-Salam*, would say,

‘I know.’ I then acknowledge that Imam Ali, *‘Alayhi al-Salam*, is the guardian and supervisor of the Holy Quran and obedience to him is obligatory and he is the Divine Authority over the people after the Holy Prophet, *‘Alayhi al-Salam*, Whatever Imam Ali, *‘Alayhi al-Salam*, has said from the Holy Quran is the truth.’ The Imam, *‘Alayhi al-Salam*, then said, ‘I pray to Allah to grant you blessing.’” The above Hadith is one example of a straightforward assertion of the urgent need for the existence of an infallible person as the successor of the Holy Prophet.

Proof of such need is similar to one about the existence of the Messenger of Allah among mankind. The important issue in this case is to identify and acknowledge the infallible successor of the Holy Prophet. According to H 692- 693 an Imam is all the time supported by the Holy Spirit whose function and power is described therein. The power of a person supported by the Holy Spirit is tremendous. Examples of such power are the power Jesus exercised. A thorough study of 992 or so Ahadith of Part Four vol 1 of *‘Usul al-Kafi* is a priceless information about A’immah, *‘Alayhim al-Salam*, in addition to the rest of Ahadith in *‘Usul al-Kafi* and *al-Kafi* as a whole are the best resources that prove the existence of the extraordinary power, the infallibility and perfection of the personality of A’immah, *‘Alayhim al-Salam*.

Once the study of the Ahadith in the Book about the Oneness of Allah, and the Book about people who possess Divine Authority as Messenger of Allah and as infallible successors of the Messenger of Allah is thoroughly carried out it completes one’s basic task of the study of ideological wisdom.

4. What is Intelligence and Knowledge?

The following Ahadith - out of the 34 Hadith in this chapter of *‘Usul al-Kafi* – explain the value, benefit and the vital role of Intelligence in human life. However, in the task and the quest for perfection even all Ahadith in this part only serve an introductory purpose. A very good example is Hadith 14 in this part. The items listed in this Hadith can properly be understood only when the whole *al-Kafi* (all the 8 volumes) are thoroughly studied, fully understood and well practiced. In the next chapter it will be explained how *‘Usul al-kafi*’s goal of perfecting ‘Intelligence’ is dealt with.

Intelligence Mentioned in Ahadith

H 6, Ch. 1, h 6

Ahmad ibn Idris has narrated from Muhammad ibn Hassa’n from abu Muhammad al-Razi from Sayf ibn ‘Umayra from Ishaq ibn ‘Ammar from abu ‘Abd Allah, *‘Alayhi al-Salam*) who has said the following:

“One who has Intelligence has religion also and one who has religion enters paradise.”

H 8, Ch. 1, h 8

Ali ibn Muhammad ibn ‘Abd Allah has narrated from Ibrahim ibn Ishaq al-Ahmar from Muhammad ibn Sulayman al-Daylami his father who has said the following:

“Once I mentioned a certain person’s Intelligence, worship and religion before Imam abu ‘Abd Allah, *‘Alayhi al-Salam*. The Imam, *‘Alayhi al-Salam*, asked, ‘how is his Intelligence?’ I replied, ‘I do not know.’ The Imam then said, ‘The degree of reward is based on the degree of intelligence. A man of Banu Israel worshipped Allah on an island in the ocean. The island was lush green, with many trees and abundant water. Once an angel passed by the worshipper and asked Allah to show how much reward and blessings the worshipper would receive for his good deeds. Allah showed the rewards due to the worshipper to the angel and the angel considered it to be very little. Allah then told the angel to

stay with the worshipper as a companion. The angel then appeared to the worshipper in the form of a human being. The worshipper asked, “Who are you?” ‘I have heard about your great worships and your spiritual position at this place and I wish to join you to worship Allah along with you,’ the angel replied. He spent that day with the worshipper and the next day the angel said to the worshipper, ‘your place is beautiful and it should only be used for worship.’ “Yes, it is but it has one defect,” the worshipper responded. “What is that?” the angel inquired. “Our Lord does not have an animal. I wish He had a donkey so we would look after the donkey to graze all the grass around. All this grass is a waste,” the worshipper replied. “Is it true that your Lord does not have any donkeys?” asked the angel. “Had our Lord had a donkey all this grass would not have turned into waste,” the worshipper answered with sadness. Allah then revealed to the angel, “We will reward him according to the degree of his Intelligence.””

H 12, Ch. 1, h12

Abu ‘Abd Allah al-Ash‘ari has narrated from certain persons of our people in a marfu‘ manner from Hisham ibn al-Hakam who has said the following:

“Abu al-Hassan Musa ibn Ja’far stated to me as herein below. ‘O Hisham, Allah has given good news to the people of reason (intelligence) and understanding in His book in the following words, “Give the good news to those of My servants who hear certain words but follow only the good words. These are the ones whom Allah has given guidance and they are the people of understanding (intelligence).” (39:20 Holy Quran)

“O Hisham, it is certain that Allah, the Most Gracious, the Most High, has established complete criteria to discern right from wrong for people (to refer to) in the form of intelligence. He supported the messengers through the (ability) to communicate and has guided them to His own Lordship with proofs saying, ‘your Lord is the only Lord. No one deserves to be worshipped except Allah, the Beneficent, the Merciful.’ (2:163)

“(Of the signs of His existence are the creations of heavens and earth, the alternation of nights and days, the ships that sail in the sea for the benefit of the people. (Also of such signs are) the water that Allah sends from the sky to revive the dead earth where He has scattered all kinds of animals, the winds of all directions and the clouds that are rendered for service between the sky and the earth. Such are evidence (of His existence) for those who use their intelligence.” (2:164)

“O Hisham, Allah has mentioned the above facts as proof of His existence and that such facts depend upon the will of One who has designed them saying: ‘Allah has made the day and the night, the sun and the moon, and all the stars subservient to you by His command. In this there is evidence of the truth for people of understanding.’ (16:12)

“It is He Who created you from clay, turning it into a living germ, then into a clot of blood, and then brings you forth as a child. He then made you grow into manhood and become old. He causes certain ones of you to live for the appointed time and others of you to die before so that perhaps you may have understanding.” (40:67)

“In the heavens and the earth there is evidence (of the Truth) for the believers (45:3).” In your creation and in that of the beasts living on earth there is evidence of the Truth for the people who have strong faith (45:4). In the alternation of the night and the day, the sustenance, which Allah has sent down from the sky to revive the barren earth, and in the changing of the direction of the winds there is

evidence of the truth for the people of understanding.” (45:5)

“Know that Allah brings the dead earth back to life. We have explained Our revelations to you so that you may perhaps have understanding.” (57:17)

“In the earth there are adjacent pieces of land, vineyards, farms, date palms of single and many roots which are all watered by the same water. We have made some yield a better food than others. All this is evidence (of the existence of Allah) for the people who understand.” (13:4)

“Also, of the evidence of His existence are His showing you lightning, which gives you fear and hope, and His sending water down from the sky, which revives the earth after its death. In this there is evidence (of the truth) for the people of understanding.” (30:24)

“ (Muhammad), say, ‘Let me tell you about what your Lord has commanded: Do not consider anything equal to Allah; Be kind to your parents; Do not murder your children out of fear of poverty, for We give sustenance to you and to them. Do not even approach indecency either in public or in private. Take not a life, which Allah has made sacred except by way of justice and law. Thus does He command you that you may learn wisdom.’ (6:151)

“Allah has told you this parable about yourselves: Could your slaves share your wealth equally with you and could you fear them as you fear yourselves? Thus do We clarify the evidence (of the truth) for the people of understanding.” (30:28).

5. How to Perfect One’s Intelligence and Belief
Perfection of intelligence according to Ahadith comes from belief and piety. Therefore, the noble qualities mentioned in the following Ahadith are of the elements of the perfection of one’s intelligence.

H 2251, CH 95, h 2

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from Jamil ibn Salih from ‘Abd Allah ibn Ghalib from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘It is worthwhile of a believer to have eight qualities:

(a) Dignity in volatile conditions, (b) patience on facing a misfortune, (c) gratitude in comfortable conditions, (d) contentment with what Allah has given him for sustenance, (e) justice for enemies, (f) not to be a burden for the friends, (g) that his own body be tired of him and that (h) people be comfortable with him. Knowledge is the friend of the believer, forbearance is his secretary, patience is the commander of his army, courteousness is his brother and speaking softly is his father. ”

H 2254, CH 95, h 5

It is narrated from him (narrator of the Hadith above) from certain individuals of his people from in a marfu’ manner from one of them (abu Ja’far or abu ‘Abd Allah, ‘*Alayhi al-Salam*) who has said the following:

“Amir al-Mu’minin (Ali ibn abu Talib), ‘*Alayhi al-Salam*, once passed by a gathering of Quraysh where he found the people in white clothes, of clear complexion, frequently laughing and who pointed out their fingers to whoever passed them. Then he passed by a gathering of al-Aws and Khazraj where he found people of worn out bodies, whose necks were thinning, their colors had turned pale and were very humble in their words.

“Amir al-Mu’minin (Ali ibn abu Talib), ‘*Alayhi al-Salam*, wondered about his observation, he came to the Messenger of Allah and said, ‘may Allah keep my soul in service for your cause, I passed by a

gathering of the tribe of so and so.’ He described them for the Holy Prophet. He then said, ‘I also passed by a gathering of al-Aws and al-Khazraj.’ He described them for the Holy Prophet. He then said, ‘They all are believing people. O Messenger of Allah, describe for me the qualities of the believers.’

“The Messenger of Allah bent down his head for a while, then he raised his head and said, ‘There are twenty qualities in a believer without which his belief is not complete. Of the qualities of the believing people, O Ali, is their presence in prayer, quick payment of al-Zakat (charity), feeding the destitute, placing of their hand on the heads of the orphans (to comfort them), cleansing of their clothes, and their tying up their waist with covering. They are those who do not lie when speaking, do not disregard their promise, and do not violate their trust. They tell the truth when they speak up, at night they are monks and are lions during the day. During the days they fast and stand up for worship at night. They do not harm the neighbors and the neighbors do not feel any harm from them. They are those who walk on earth in humble manners, and their steps move to the homes of the widows (to help) and in the procession for funerals. May Allah make us of the pious ones.’”

6. The Holy Quran and Prayer

(a) The Holy Quran

Two parts in, ‘Usul al-Kafi, consist of Ahadith about prayer and the Holy Quran. The sixty chapters on prayer have a total of about 407 Hadith. There are about 126 Hadith in fourteen chapters in the part about the Holy Quran.

The following Ahadith represent certain aspects of value and status of the Holy Quran and its role of a source of Divine guidance for mankind.

H 3431, Ch 1, h 2

Ali ibn Ibrahim has narrated from his father al-Nawfali from al-Sakuni from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“The Messenger of Allah has said, ‘O people, you live in peacetime during a fast moving journey. You have seen night, day, sun and moon turn every new into old, every far near, and bring the time of every promise near at hand. Prepare the means for a long journey.’ The Imam said, ‘Miqdad ibn Aswad then stood up and asked, “O Messenger of Allah, what is the ‘peace time’?” The Messenger of Allah said, “it is the time to complete (the task) and cut off (from this world). When mischief confuses you like a dark night you must hold to the Holy Quran; it is an intercessor (an associate whose association is beneficial) whose intercession will be accepted and a solicitor whose words are believed. Whoever gives it the lead it will take him to paradise. Whoever leaves it behind will then drive him to the fire. It is a guide that shows the best path. It is the book that contains details and explanations, and accomplishments. It is a criterion and not a useless thing. It has face and hidden meanings. Its face meaning is law and its hidden meaning is knowledge. Its face meaning is unique and its hidden meaning is deep. It has stars and upon its stars there are stars. Its wonders do not end and its rare facts do not become old. In it there is the torch of guidance, and the lighthouses of wisdom. It serves as proof of veracity of knowledge (for one who wants to verify the truth of his Knowledge) and who has come to know the attribute, let him brighten his eyes to reach the attribute. It saves from destruction, and protects against danger. Thinking is life for the heart of an intelligent person; just as

in darkness one finds the way with help from light. Thus, your freedom (from worldly attractions) must be the best and your delays the shortest.’”

H 3432, Ch 1, h 3

Ali ibn Ibrahim has narrated from his father from ‘Abd Allah ibn al-Mughirah from Sama’a ibn Mehran who has said the following: “Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, the Majestic, the Almighty, has revealed to you His book. It is truthful and virtuous. In it there is news about you, the news of those before you, the news about those after you, the news about the heaven and earth and if one brings you such news, you are astonished.’”

H 3441, Ch 1, h 12

Ali ibn Ibrahim has narrated from his father and A number of our people have narrated have narrated from Ahmad ibn Muhammad and Sahl ibn Ziyad all from ibn Mahbub from Malik ibn ‘Atiyyah from Yunus ibn ‘Ammar who has said the following: “Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘on the Day of Judgment there will be three books of records: the book of the record of the good deeds, the book of the record of the bounties and the book of the record of the evil deeds. The records of the good deeds and the bounties will be compared and (in a particular case) the record of the bounties overwhelm all the good deeds and the record of the evil deeds will remain for the son of Adam’s accountability, however, the Holy Quran will come forward in the best form and say, “O Lord, this believing servant would tire himself in reciting me, spend long hours during the night reading from me. During his Tahajjud (special prayer at night) his eyes would flood with tears, O Lord, make him happy as he would make me happy.” The Imam said that the Most Majestic, the Almighty, will say, ‘my servant, open your right hand. He fills it up with contentment of Allah, the Most Majestic, the Almighty, his left hand with the favor of Allah and then it will be said to him, ‘this is paradise and it is permissible for you. Read (from the Holy Quran) and climb up.’ On reading a verse he will climb one degree (in happiness).’”

H 3443, Ch. 1, h 14

Ali ibn Ibrahim has narrated from his father ibn abu ‘Umayr from Ibrahim ibn ‘Abd al-Hamid from Ishaq ibn Ghalib who has said the following: “Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When Allah, the Most Majestic, the Most Holy, will gather together all the people of the past and later generation, a person the like of whom in beauty has never been seen will appear. The believing people look at him (the Holy Quran) they will say, ‘this is one of us, the best that we have ever seen. He will come to them and pass them. The martyrs will look at him, and he will pass them until the last one among them and they will say, ‘this is the Holy Quran.’ He will pass all of them toward the messengers who will say, ‘this is the Holy Quran,’ he will pass them toward the angels who will say, ‘this is the Holy Quran,’ and he will pass them until he will approach the right side of the Throne and stand up at that point. The Almighty will say, ‘I swear by my Majesty and Glory, and High status, this day I will honor those who had honored him and bring low those who had disregarded him.’”

(b) Prayer

Prayer explained in this part of ‘Usul al-Kafi is informal prayer as opposed to formal prayer such as the daily prayers the obligatory and optional ones.

The number of Ahadith in this part is about 407 in 60 chapters.

The following are just a few examples that explain the value of prayer, its significant role in human life, and its comforting and supportive measures to human soul.

H 3024, CH 1, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad Sulayman and ibn Mahbub all Hanan ibn Sadir from his father who has said the following:

“Once I asked abu Ja’far, ‘*Alayhi al-Salam*, ‘Which form of worship is better?’ The Imam said, ‘there is nothing more excellent before Allah, the Most Majestic, the Most Holy, than to ask and request Him to grant one from things He owns. Allah, the Most Majestic, the Most Holy, hates no one more than one who feels himself greater than to be in need of asking Allah for help, thus, he does not ask Him for help.’”

H 3024, CH 1, h 3

Abu Ali al-Ash’ari has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from Maysir ibn ‘Abd al-‘Aziz from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, once said to me, ‘O Maysir, pray and do not say that it is predetermined and it is all over. There is a position with Allah that is not accessible without praying to Him. If a servant keeps his mouth closed and does not plead to receive help, he will not receive anything. O Maysir, there is no door that is knocked repeatedly but that sooner or later it will open up.’”

H 3048, CH 5, h 2

A number of our people have narrated from Sahl ibn Ziyad from Ja’far ibn Muhammad al-Ash’ari from ibn al-Qaddah from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“Any servant (of Allah) who raises his hands toward Allah, the Most Majestic, the Compelling, Allah, the Most Majestic, the Most Holy, will be shy to turn him down emptyhanded, and without placing in it from His favors as He wills. After praying evryone of you should not return his hands to normal position before wiping them over his face and head.”

H 3051, CH 7, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Ali ibn al-Hakam from Hisham ibn Salim from abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has said the following:

“Whoever prays and pleads before Allah for help before the fall of misfortune, his prayer is accepted when the misfortune arrives. The angels will say, ‘it is a known voice and it is not barred from heaven.’ If one does not pray and plead before Allah for help before the fall of misfortune, his prayer will not be accepted when it falls upon him. The angels will say, ‘we do not know this voice.’”

H 3079, CH 13, h 9

It is narrated from him (narrator of the Hadith above) from al-Jamurani from al-Hassan ibn Ali ibn abu Hamza from Sandal from abu al-Sabbah al-Kinani from abu Ja’far, ‘*Alayhi al-Salam*, who has said the following:

“Allah, the Most Majestic, the Most Holy, from among his believing people loves every prayerful one. You should pray during the last part of the night until sunrise; it is the hour in which the doors of heaven open up, sustenance is distributed and people in need are granted help.”

Obviously, the goal for which Ahadith about prayer are issued, on the part of a reader can only be achieved after thorough study and practice of the instructions therein in full and complete measures.

Muhammad Sarwar

New York – 2005

Introduction to the Arabic Version

In the Name of Allah, the Beneficent, the Merciful
Materials in the beginning of this introduction are the same as those quoted from the introduction of wasa'il al-Shia. (See above under number 10. (A) Saheb e (Author of) Wasa'il Al Shi'a)

Biography of al Kulayni

Kulayn was born in a village 27 kilometers south west of the city of Ray, a well-known city in Iran. The ruins of the village still are near Tehran, Iran. Muhammad ibn Ya'qub al-Kulayni, the compiler of al-Kafi was born in this village.

Further evidence that he was born therein is the fact that in history he is called the religious scholar of Shi'a of Ray in his time.

Muhammad ibn Ya'qub ibn Ishaq al Kulayni al Razi al Baghdadi was from a noble family of Kulayn. Outstanding scholars in jurisprudence and Hadith came from this family. Al Kulayni himself was the most prominent religious figure of his time in Ray. He lived in Baghdad, Iraq also. He lived in the gate of Kufa, Baghdad, Iraq as the chief of the Shi'a scholars in jurisprudence during the rule of al Muqtadir, the 'Abbassid Caliph. Al Kulayni, of all other compilers of Hadith, alone was a contemporary of all the four successive special representatives and ambassadors of Imam al Mahdi, the twelfth Imam '*Alayhi al-Salam*. He had the chance to collect Hadith from the proper sources. Al Kafi, the book is a unique collection of Hadith. Al Kulayni compiled this book on request from a prominent Shi'a scholar (as mentioned in his introduction to al-Kafi).

Prominent scholars of Islamic studies in search of knowledge would meet him at his place to discuss, exchange notes and to confer with him for better understanding of the issues.

Al Kulayni was a great scholar, a reliable narrator of Hadith and a man of great learning. He was of the outstanding scholars of law and an authority in the science of Hadith. He was a man of great chastity, piety, integrity and holiness.

His book al-Kafi, no doubt, is a treasure of Islamic literature, Shari'ah (law), Divine commandments and prohibitions, in the form of texts of the Sunnah, the statements, actions and the approvals of the Holy Prophet and the twelve A'immah, '*Alayhim al-Salam*. It is a text of the basis of the Islamic education and culture.

Al Kulayni has himself prefaced his book, al-Kafi and has also provided certain explanatory notes in certain chapters, which shows his skill and proficiency in writing and in Arabic literature.

He was well versed in categorizing the narrators of Hadith and the texts of Hadith. He is the author of a book in the science of Hadith and an expert in scrutinizing the narrators. He was a great scholar of theology and he has written a book refuting al Qaramitah (one of the several names applied to the sect of Isma'ilies who were once very active in politics).

His two books (1) Letters of A'immah, '*Alayhim al-Salam*, and (2) poems in praises of the A'immah, '*Alayhim al-Salam*, show his interest in linguistics.

His book on the interpretation of dreams is of the best books on the subject.

Words of Appreciation for His Efforts

Al Najashi has said, "In our people al Kulayni was the chief scholar in Ray, Iran. He was the most reliable in the matters of Hadith." (ar-Rijal, an-Najashi, p.266)

Al ‘Allama al Hilli has confirmed this and ibn Dawud also has expressed similar words about him. (Khulasat al-aqwal, p.71. ar-Rijal, Ibn Dawud at the back of the leaf 48).

Al Tusi, the great scholar has called him the most dependable expert in Hadith, the man of highest esteem and a scholar in Hadith. (al-Fihrist, ash-Shaykh at-Tusi, p.135, 34. ar-Rijal, ash-Shaykh at-Tusi, at the back of the leaf 119.)

Al Sayyid Radi al Din ibn Tawus has said, "Muhammad ibn Ya‘qub al-Kulayni is universally accepted for his leadership and reliability." (al-Fihrist, ash-Shaykh at-Tusi, p.135.)

He has also said, “Muhammad ibn Ya‘qub, al Kulayni is the most eloquent and the most truthful in the knowledge of Hadith.”(Faraj al-Mahmum p.90.)

Ibn al Athir has called him to be of the outstanding leaders of the Shi‘a and their great scholar. (al-Kamil, Ibn al-Athir, vol.VIII, p.128.)

He has also described him as "A reformer of the Shi‘a at the end of the third century, as their leader and as a renown scholar among them." (Munth'a al-Maqa1, p.298; Rawdat al-jannat, p.551; Lulu'at al-bahrayn, p. 237; al-Wajizah, al-Baha’i al-'Amili, p.184).

Al Tayyibi has called him the reviver of the ‘Ummah, the whole Muslim community at the end of that century . . . He was among the most learned in Islamic jurisprudence. (Rawdat al-jannat, p.551)

Ibn Hajar has said, “He was one among the Shi‘a scholars of law and an author of their school.” (Lisan al-mizan, vol.V, p.433.)

He has also said, “Abu Ja'far Muhammad ibn Ya'qub al Kulayni was among the chief scholars of the Shi ‘a world in the days of al-Muqtadir.” (Rawdat al-jannat, p.551, quoted from al-Tabsir)

Al Shaykh Husayn ibn 'Abd al-Samad al Harithi al Hamdani has said, “Muhammad ibn Ya'qub al Kulayni was the religious chief of his time and an outstanding, noble minded and highly learned scholar. He was the most reliable person in Hadith, the best critic and the most conversant in it.” (Wusul al-akhyar, p.69.)

Al Qadi Nur Allah al Shushtari placed him at the top of the scholars of Hadith and the chief guardian thereof. (Majalis al-mu'minin, p.194)

Muhammad Taqi al Majlisi, the great scholar has said:

“He is unparalleled among all the scholars we have seen. The study of his compiling Hadith, his manner of editing them, proves him to be a divinely gifted scholar. May Allah grant him the highest

rewards reserved for the doers of the good for his services to Islam and the Muslim community.” (Sharh Mashyakhat, Man la yahduruhu al-faqih, p.267.)

He also has called him, “The shaykh (the chief) al Sadiq (the most truthful) and Thiqatu al-Islam (the most trustworthy in Islamic learning), as one acceptable to people of all classes. Both Shi‘a and non-Shi‘a have praised him.” (Mir‘a t al-'uqul, vol.11 p.3.)

Mirza ‘Abd Allah al Afandi has said, “The person generally referred to with the title Thiqatu al-Islam (the most trustworthy in Islamic issues) is Muhammad ibn Ya‘qub ibn Ishaq al Kulayni al Razi, the compiler of the book al-Kafi. He is the earliest religious chief of the Muslim world in the sight of the masses and the elite alike and the Mufti, scholar of law for both the Shi‘a and the Sunni Muslims.” (Riyaz al-'ulama ', p.226)

His Compilations

1. Kitab Tafsir al Ru’ya (al-Fihrist, at Tusi, p.135; ar-Rijal, an-Najashi, p.267; Ma'a-lim al-'ulama', p.88.)

2. Kitab al Rijal (ar-Rijal, an-Najashi, p.267)

3. Kitab al Radd ‘Ala al Qaramita. (ar-Rijal, an-Najashi, p.268; al-Fihrist, at-Tusi, p.125; Ma'alim al-'ulama' p.88; Kashf al-hujub wa'l-astar, p.442.)

4. Kitab al Rasa’il (al-Fihrist, at-Tusi, p.135; Ma'-alim al-'ulama', p.88; Kashf al-hujub, p.291.), Rasa’il al A’immah ‘*Alayhim al-Salam*, ar-Rijal, an-Najashi, p.267.)

5. Kitab al-Kafi (Kashf al-hujub wa'l-astar, p.418-420)

6. Kitab ma qila fi al A’immah, ‘*Alayhi al-Salam* (ar-Rijal, an-Najashi, p.267)

AI-KAFI

This book was known as al Kulayni (ibid p.266.) and also al-Kafi (. ar-Rijal, an-Najashi, p.266; at-Fihrist, at-Tusi, p.135; Ma'a-lim al- ulama', p.88). In reply to one of his friends, al Kulayni has explained why he compiled this book.

“Allah, the Most Majestic, the Most Gracious, has made the compilation of the book that you had wished for possible. I hope it will prove to be up to your expectations. It may have shortcomings but our intentions have not been insincere to provide good advice. Providing good advice to our people is obligatory. We also hoped to be considered as partners in all benefits of this book up to the end of time.” (Usul al-Kafi p.8)

It took twenty years to complete al-Kafi. (ar-Rijid, an-Najashi, p.266)

Distinctive Features

1. The compiler of al-Kafi, al Kulayni was a contemporary of the four successive special representatives of Imam al Mahdi '*Alayhi al-Salam*, as al Sayyid ibn Tawus has pointed out, "All the works and the collections (of Hadith) of al-Shaykh Muhammad ibn Ya'qub al Kulayni had been completed during the life time of the special representatives of Imam al Mahdi '*Alayhi al-Salam*. It is a ground to believe the veracity of his collection of Hadith." (Kashf al-mahajjah, p.159; Mustadrak al-wasa'il, vol.111, pp.532,533,546)
2. The compiler, except in the case of a few Hadith, has named the whole chain of narrators up to the infallible Imam, '*Alayhi al-Salam*. In certain cases he deletes the first narrator probably because he quotes from the original book that narrates directly from the Imam, '*Alayhi al-Salam*. (al-Wafi, vol.1, part 1, p.13)
3. Al-Kulayni's, according to great scholars, method of collecting and grading Ahadith in a chapter is by the order of the authenticity and the clarity of their meaning. It is, therefore, the last Hadith of every chapter that are always very general, unclear and problematic.⁷³
4. The compiler generally has avoided the Ahadith that are contradictory. Under the heading of a chapter he has recorded those Ahadith that relate best. (Rawdat al-jannat, pp.219, 222)

Commentaries of al-Kafi

The famous commentaries of al-Kafi are as follows:

The commentary of al *Mawla* Sadr al-Din Shirazi (D. 1050/1640)

The commentary of al *Mawla* Muhammad Salih Mazandarani (D.1081/1670); published in Tehran in twelve volumes in 1382/1962 1388/1968

Mir'at al 'Uqul fi sharh akhbar Al al Rasul of al *Mawla* Muhammad Baqir ibn Muhammad Taqi, al 'Allama al-Majlisi (1037/1628 111-1/1700) published in Tehran 1321/1903 in four volumes.

The Year of al Kulayni's Death

According to al Najashi, al Kulayni (the compiler) died in Baghdad 329/941, (ar-Rijal, an-Najashi, p.267; Khulasat al-aqwal, p.71) and according to al Tusi, he died in 328/940.(al-Fihrist, at-Tusi, p.126) However, al Tusi afterwards agreed with al Najashi as mentioned in his book al Rijal (ar-Rijal, at-Tusi, p.495) compiled later on.

Al-Sayyid Radi al-Din ibn Tawus has said, "Shaykh Muhammad ibn Ya'qub, al Kulayni was a contemporary of all the four special representatives of Imam al Mahdi, '*Alayhi al-Salam*, namely:

1. 'Uthman ibn Sa'id al 'Amri
2. Abu Ja'far Muhammad, son of al 'Amri

3. Abu al Qasim Husayn ibn Ruh

4. ‘Ali ibn Muhammad al Samuri

Al Samuri died after the death of al Kulayni. Al Samuri died in the month of Sha‘ban 329 AH. (941 AD.) and al Kulayni died in 328/940. Both died in Baghdad. (Kashf al-mahajjah, p.159)

Ibn al Athir and ibn Hajar both say that al Kulayni died in 328/940. (al-Kamil, Ibn al-Athir, vol.VIII, p.128; Lisan al-mizan, vol.V, p.433)

Al Shaykh al Baha’i al ‘Amili has said in his book al Wajiza that al Kulayni died in 329/941 or 330/942. (al-Wajizah, p.184)

His Grave in Baghdad

Al Kulayni was buried in Baghdad near Bab al Kufa. (ar-Rijal, at-Tusi, p.496; ar-Rijal, an-Najashi, p.267; Khulasat al-aqwa1, p.71, Luluat al-bahrayn, p.237; Nukhbat al-maqal, p.98) His shrine can be found in the eastern part of Baghdad on the bank of the River Tigris (Dajlah) near al Jisr al ‘Atiq, (the old bridge). (ar-Rijal, an-Najashi, p.267; al-Fihrist, at-Tusi, p.136; Khulasat al-aqwal)

A Note about Narrators

(a) Wherever al Kulayni says, “A number of our people have narrated from Ahmad ibn Muhammad ibn 'Isa”, people therein are:

Abu Ja‘far Muhammad ibn Yahya al ‘Attar al Qumi

Ali ibn Musa ibn Ja‘far al Kamandani

Abu Sulayman Dawud ibn Kawra al Qumi

Abu Ali Ahmad ibn Idris ibn Ahmad al Ash‘ari al Qumi

Abu al Hassan Ali ibn Ibrahim ibn Hashim al Qumi

(b) Wherever al Kulayni says, “A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid al Barqi”, the people therein are:

Abu al Hassan Ali ibn Ibrahim ibn Hashim al Qumi

Ali ibn Muhammad ibn ‘Abd Allah ibn ‘Udhayna

Ahmad ibn Abd Allah ibn ‘Umayya

Ali ibn al Husayn al Sa'd Abadi

(c) Wherever al Kulayni says, “A number of our people have narrated from Sahl ibn Ziyad”, the people therein are:

Abu al Hassan Ali ibn Muhammad ibn Ibrahim ibn Aban al Razi, known as ‘Allan al Kulayni

Abu al Husayn Muhammad ibn abu ‘Abd Allah Ja‘far ibn Muhammad ibn ‘Awn al Asadi al Kufi, resident of Ray

Muhammad ibn al Husayn ibn Farrukh al Saffar al Qumi

Muhammad ibn ‘Aqil al Kulayni

(d) Wherever al Kulayni says, “A number of our people have narrated from Ja‘far ibn Muhammad from al Hassan ibn Ali ibn Faddal,” of such people one is abu ‘Abd Allah al Husayn ibn Muhammad ibn ‘Imran ibn abu Bakr al Ash‘ari al Qumi.

Wherever al Kulayni says, “He, ‘*Alayhi al-Salam*, has said so and so,” it is a reference to the Holy Prophet.

Wherever al Kulayni says, “abu Ja‘far has said so and so,” it is a reference to Imam Muhammad ibn Ali Zayn al-‘Abidin.

Wherever al Kulayni says, “abu ‘Abd Allah has said so and so,” it is a reference to Imam Ja‘far al-Sadiq.

Wherever al Kulayni says, “abu al-Hassan has said so and so, “ it is a reference to Imam Musa al-Kazim.

Wherever al Kulayni says, “abu Ibrahim or the scholar or faqih or shaykh or the man has said so and so,” it is a reference to Imam Musa al-Kazim.

Wherever al Kulayni says, “abu Ja‘far al-Thani has said so and so,” it is a reference to Imam Muhammad ibn Ali, al-Taqi.

Wherever al Kulayni says, “abu al-Hassan al-Thani has said so and so,” it is a reference to Imam Ali al-Rida.

Wherever al Kulayni says, “abu al-Hassan al-Thalith has said so and so,” it is a reference to Imam Ali ibn Muhammad al-Hadi.

Wherever al Kulayni says, “al-‘Askari has said so and so,” it is a reference to Imam al-Hassan ibn Ali ibn Muhammad or his father very rarely which is understandable from existing indications.

Introduction by al-Kulayni

In Praise of Allah, the Beneficent, the Merciful

All praise belongs to Allah Who is praised for His bounties, worshipped for His Might, obeyed in His Rule and feared for His Majesty. He possesses all that is attractive; His commands pervade in all of His creation. He is High, the Most High. He is near in His Highness and the Most High above being seen. His being the first has had no beginning and He is eternal. He existed before the existence of all things and He is the eternal Who guards all things. He is the overwhelming power and the preservation of the things does not burden Him. He is the only Almighty in His kingdom and only power to compel what is to compel. Through wisdom He has revealed His authority over His creation. He created all things in their origin new and at the very beginning through His might and wisdom and nothing existed to invalidate His being the originator of all things. No other cause existed to compete His invention. He alone created what He wished as He wished to reveal His wisdom and the reality of His Lordship. Reason is not able to grasp Him. Imagination is not able to reach Him. Eyes are not able to see Him. Measurement is not able to limit Him. Statements fail to describe Him. Eyes turn dull in trying to see Him. Describing Him by means of qualities looses the right path.

He is veiled without any barrier and is concealed without any covering. He is known but is not seen and is described without a form. He is characterized without a body. There is no Lord except Allah, the Most Great, the Most High. Imagination looses the right path in trying to reach His reality. Intelligent becomes exhausted and is not able to reach Him. So also is the case with imaginations and eyesight. He is all hearing and all knowing. Allah has established His authority over His creatures through His messengers, *'Alayhi al-Salam*, and has explained things with evidence. He has sent His messengers with glad news and warnings. So that those who would find salvation would do so with proper evidence and those to be destroyed would become so for ignoring proper evidence. So that people may learn about their Lord what they are ignorant of and know Him through His Lordship after that they were ignorant of this fact, so that they believe in Him as the only One Lord after their considering other things to be like Him. I thank Him in a way that to be a cure for the souls, a thankfulness of a degree to please Him, enough to fulfil the duty to express gratitude for His favors to us in the form of His pleasant blessings, graceful bounties and beautiful trials.

I testify that there is no Lord except Allah alone Who has no partners. He is the only Lord, the only self-sufficient Who has no companion or children.

I testify that Muhammad, *'Alayhi al-Salam*, is His servant. He is His chosen one, His messenger whom He sent at a time of lapse of messengers and at the time of the long sleep of the nations, wide spread of ignorance, mischief and shortages of authority, blindness to the truth, prevailing injustice and the disappearance of religion.

Allah sent His book to him (Muhammad) that contains the statements and explanations, a reading in straightforward Arabic language so that people may become pious.

Allah has explained and organized this book for the people and with knowledge He has given the details. He has explained a religion in it, certain obligations are made obligatory therein and certain matters are declared for His creature in it. It contains signs that lead to salvation and evidence that call to guidance.

He (Muhammad), preached His message and executed His commands. He fulfilled his responsibilities with patience for the sake of his Lord. He worked hard for His cause, gave good advice to his followers and invited them to salvation. He encouraged them to speak of (Allah), gave them guidance to the right path after his passing away through a system, reason, basis for the people and signs that he established for them so that they are not misled after him. It was all due to his kindness and sympathy for them.

When his life ended and his days were over, Allah took his soul to Himself. With Allah he is well pleased for his deeds. His reward is a good deal and his position very great. He left this world leaving behind among his followers the Book of Allah and the executor of his will, Amir al-Mu'minin, Ali, '*Alayhi al-Salam*, the master of the believers and the leader (Imam) for pious people.

The twine that he left behind was a united companion. They each acknowledge and speak in support of the other.

The Imam speaks of Allah from the Book. He speaks of what Allah has made obligatory on His servants, of obedience to Him, of obedience to the Imam, '*Alayhi al-Salam*, and of the acknowledgement of Leadership with Divine Authority. He speaks of His rights that are meant to be for the completion of religion, His commandments, establishment of His authority, seeking guidance in His light from its mines, His chosen and select people who have received goodness from Him.

Allah through the A'immah of guidance from the family of His Prophet, '*Alayhi al-Salam*, has explained His religion. Through them He has clarified the ways of His system. Through them He has opened the inside of His knowledge. He has made them to be the path to know Him, the sources of knowledge of His religion, the medium between Him and His creatures, the gate that lead to know His rights and has given them the knowledge of His hidden secret.

Whenever, an Imam from them left this world He established a clearly known successor for that Imam for His creatures as a bright guide, an Imam and guardian with the truth and justice. Allah and those who preach for Him and supervise over His creatures have established their authority. Through their guidance people follow the religion and through their light people of the lands find their way.

Allah has made them, (A'immah) the life for people, the light in darkness, the key to the words and the pillars of Islam. He has based the system of His obedience and the fulfillment of obligation submission to them (A'immah) in all that one needs to know and ask them what one is ignorant of. He has prohibited others from engaging in what they are ignorant of and from rejecting what they do not know. It is because Allah has willed to save, from His creatures whoever He wills, from injustice and darkness.

May Allah grant blessings upon Muhammad, '*Alayhi al-Salam*, and the select members of his family whom Allah has thoroughly cleansed.

After my words about Allah and His Messenger in the above, herein below is my response to your note.

I have understood your concerns about the conditions of the people of our times who seem to have agreed up on ignorance to be the standard and authority in their dealings. They cooperate and work together to establish the ways and the manners of ignorance and distance themselves from knowledge

and the people of knowledge. Consequently, knowledge is almost banished and the sources of knowledge are about to depart the people. It is all because they rely so much on ignorance (ignorant people) and lose the (blessing of) people of knowledge.

You have asked, “Can the dealings of the people be considered proper in following a religion without knowing the rules and laws therein that show what is lawful or otherwise? Can they decide and settle all matters on the basis of what they feel is good and live a life in such a manner? Can they just do what their ancestors had been doing and rely on their own understanding of the issues great or small?”

To understand the answer to your question, note the following O brother in faith, may Allah grant you blessings:

Allah, the Most Holy, the Most High, has created human beings and has given them distinction over the animals. He has given them the ability to understand and distinguish good from bad. Human beings have been given the ability to understand Allah’s commands and prohibitions.

There are two kinds of people. (a) There are those who are physically and mentally safe and sound and (b) those who lack such abilities. Safe and sound people are held responsible to follow the commands and prohibitions of Allah. Those who lack such abilities are exempt because of their inability to learn, discipline and fulfill responsibilities. Allah, the Most Majestic, the Most Gracious, has designed education, good manners and moral discipline to serve as means of survival for the people who are safe and sound. Had it been permissible for safe and sound people to follow ignorance it would have been permissible for them not to become obligated to fulfill responsibilities. Such a condition amounts to make the coming of the Divine messengers and education useless. Ignoring the book of guidance, the Divine messengers and education destroys the whole civilization. This is a return to atheism. The justice and wisdom of Allah, the Most Majestic, the Most Gracious, required the creation of creatures, who can understand the commands and prohibitions of Allah so that people do not live a useless life. Instead they realize the greatness of Allah They acknowledge His Oneness and that He is the Lord. They must know that He is their Creator Who gives them sustenance. The proof of His existence is so clear and obvious. The signs of His authority are shining and manifest. His lighthouses are visible everywhere and call people to believe in Allah, the Most Majestic, and the Most Gracious. Each sign testifies to the existence of the Lord and the One Who deserves to be worshipped. Such proofs that exist in each sign are proofs of the effect of the creation in them. Each creature is a marvelous proof of His plan. He invites them to know Him so that they will not remain ignorant of His existence and ignorant of His religion and laws.

People of wisdom do not consider ignorance of his existence a permissible attitude, as is the case of denying His religion. Allah, the Most Majestic, the Most Gracious, said:

“Did they not make a covenant (with Allah) in the Book not to speak any thing other than the Truth about Allah and to study its contents well? (7:169) They call a lie something that is beyond the limit of their knowledge . . .” (10:39)

People are bound to obey the commands of Allah and His prohibitions. It is not permissible for them to follow ignorance (ignorant people).

It is obligatory for them to ask if they do not already know and to acquire proper understanding of

religion.

Allah, the Most Majestic, the Most Gracious, has said, “Not all believers have to become specialists in religious learning. Why do not certain people from each group of believers seek to become specialists in religious learning and, after completing their studies, guide their group so that they will have fear of Allah.” (9:122)

If people who are physically and mentally safe and sound were permitted to stay ignorant Allah would not have asked them to ask and learn. He did not need to send any messengers, books and guidance. In such case, they would have lived like animals or like people physically and mentally defective and if so they did not remain in existence even for a blinking of an eye.

In fact, it is not permissible for them to live without discipline and education. Thus, it became necessary for those physically and mentally sound to find instructors to educate and discipline them and provide answer to their questions.

The best and most important education for people of reason, the education worthwhile for one to study assiduously is the religious education. The education that teaches one about the Creator, His Oneness and how to worship Him, is the most important one. It is important to be educated in the issues of Shari’ah, His laws of guidance, His commandments, prohibitions, warnings and discipline. This is necessary because there is solid evidence to support the need for such education, that responsibility is real, life is short, indifference and procrastination is not acceptable.

The condition for a worship to be proper and acceptable is to fulfil all the obligations on the basis of certainty, knowledge and proper understanding. Only then the worshiper is considered praiseworthy in the sight of Allah and deserving rewards and His great blessings.

On the other hand, one who acts without proper knowledge and understanding does not know what and for what reason one is acting. Ignorant people do not have trust in what they do. They do not acknowledge any thing because acknowledgement does not come without doubt free knowledge of the subject to be acknowledged.

The person who has doubts is not like a person who has certainty of the matters of piety, humbleness before the Lord and the need to seek nearness to Him. Allah, the Most Majestic, the Most Gracious, has said, “Those who have witnessed the truth only they have proper knowledge.” (43:87)

Only the testimony of those who possess proper knowledge is accepted and it is because of the knowledge of the subject of the testimony. Without the knowledge of the subject of the testimony it is not accepted. The acceptance of the deeds of the people who act with doubts is up to Allah to decide. He may accept such deeds because of His grace or He may refuse to accept because of the absence of the conditions such as knowledge and certainty. It is Knowledge, proper understanding and certainty that separate one from those mentioned in the following words of Allah, the Most Majestic, the Most Gracious, “Certain people worship Allah to achieve worldly gains. They are confident when they are prosperous, but when they face hardships they turn away from (worship). They are lost in this life and will be lost in the life to come. Such loss is indeed destructive.” (22:11)

It is all because of acting without knowledge and certainty in the beginning and in the end.

The scholar has said, “One who accepts the faith with certainty remains in it steadfast and the faith benefits him. Those who accept the faith without certainty they leave it just as they came in.”

He has also said, “Those who get their religion from the Book of Allah and the Sunnah of the Messenger of Allah, the strength of their faith is as such that mountains may be destroyed but not their faith. Those who get their religion from the words of the people they may reject it”

He has also said, “Those who do not know us through the Holy Quran they fail to protect themselves against mischief.”

This is why so many religions have emerged in our times as well as disgraceful systems that almost have entered the level of disbelief. This is because of the opportunity that Allah has provided for every one. One whose faith in the will of Allah is to remain solid He makes the means that to make it so happen, available. He then gets his religion from the Book of Allah and the Sunnah of His Messenger, *‘Alayhi al-Salam*, with certainty and proper understanding. His religion is stronger than the heavy mountains. Those whose faith in the will of Allah is to be temporary and bound to failure, - may He grant us refuge- He gives them the opportunity to follow certain ideas that are devoid of Divine authority. They follow what seems good to one to follow and such other matters like following what others do, certain interpretations and so on without proper understand and certainty. In such case Allah may or may not accept their deeds. They may live as a believer in the morning and a unbeliever in the evening or vice versa. It is because such people may easily follow the influential elements in the society or act upon what they feel is good.

The scholar, *‘Alayhi al-Salam*, has said, “Allah, the Most Majestic, the Most Gracious, has created the prophets with prophet-hood they can be nothing but prophets. He has created the executors of the will of the prophets as the executors thus they can be nothing but the executors of the wills of the prophets. He has given temporary faith to certain people. He may complete it for them or remove it from them as mentioned in this expression of Quran, “The established faith the temporary faith.” (6:98)

You have mentioned that you are confused in the issues of the verification of Hadith due to the difference in variously narrated texts and that you know the reason for variation but you do not find reliable people to discuss with. You have said that you wish you had a book sufficient (Kafi) that contained all issues of the religion. A book that provides a student all the material that he needs is urgently needed. A book is needed that can help people to have proper guidance in the matters of religion to follow the correct instructions of the truthful people, *‘Alayhi al-Salam*, and the prevailing Sunnah, the basis of practices. So that one can fulfil his responsibilities toward Allah, the Most Majestic, the Most Gracious, and follow the Sunnah of (the Holy Prophet).

You have said, that you hope such a book, Allah willing, will help our brothers in faith to find the right guidance.

My brother in faith, may Allah grant you proper guidance, please note that there is no other way to sort out the confusion that comes from the variation of the narration of the scholars except by the help of the principles that the scholar, *‘Alayhi al-Salam*, has set. “Compare a narration with the text of the Holy Quran. Whatever agrees with the Holy Quran is acceptable and what does not agree is rejected.”

Also he has said, “Leave alone what agrees with the views of the others because the right is in what is

opposite to them.”

Also there are his (Imam's), *'Alayhi al-Salam*, words, “Follow what is unanimously agreed upon because there is no harm in what is unanimously agreed upon.”

We are only able to apply such principles to a very few of such cases. We do not find any thing better and more precautionary than to refer to the scholar (Imam), *'Alayhi al-Salam* and accept that which is within the limit of his (Imam's), *'Alayhi al-Salam*, words, “Whichever you follow in submission and obedience is excusable for you.”

Allah, the Most Majestic, the Most Gracious, has made the compilation of the book that you had wished for possible. I hope it will prove to be up to your expectations. It may have shortcomings, but our intentions have not been insincere to provide good advice because to provide good advice to our people is obligatory. We also hoped to be considered as partners in all benefits of this book up to the end of time.

The Lord is one, the Messenger is one, the last prophet, *'Alayhi al-Salam*, is one and the Shari'ah is one. What Muhammad, *'Alayhi al-Salam*, has made lawful will remain lawful up to the Day of Judgment and what he has made unlawful will remain unlawful to the Day of Judgment.

We extended the Book on ‘People with Divine Authority’ to a certain degree although not as it should have been done because we did not like to be deprived of the benefits thereof.

I hope Allah, the Most Majestic, the Most Gracious, will approve what is based on our intentions. If life will give us a chance we intend to compile a book of a bigger volume to serve the causes as they should be served, by the will of Allah, the Most High. From Him comes the power and means. From Him one expects help and increase in rewards and opportunity.

May Allah grant blessings up on Muhammad and his purified family.

The first thing is the book of Intelligence and the excellence of knowledge, the excellence of the people of knowledge, the defects of the people of ignorance and its harms. Intelligence is the focal point and the axes of the matters. On the basis of Intelligence come the rewards and sufferings and Allah is the best One to provide good opportunities.

In the name of Allah, the Beneficient, the Merciful

Part One: The Book of Wills

Chapter 1 - The Will and What it Must Consist of

H 12749, Ch. 1, h 1

Narrated to us Ali ibn Ibrahim from Ali ibn Ishaq from al-Hassan ibn Hazim al-Kalbiy son of the sister of Hisham ibn Salim from Sulayman ibn Ja'far who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah has said, ‘A person who does not make a proper will at the time of his death suffers from lack of kindness and proper understanding.’ It was then asked, ‘O messenger of Allah, what kind of will should a dying person make?’ The Messenger of Allah replied, ‘When one is about to die and people gather around him he should say:

“O Allah, the Inventor of the heavens and earth, who has the knowledge of the unseen and the present matters, the Beneficent, the Merciful. O Allah, I entrust You, in this world, with my testimony, ‘I testify that no one beside You (O Allah), who is One and has no partners, deserve to be worshipped. I also testify that Muhammad is your servant and Messenger. I testify that Paradise is true, Hellfire is true, Resurrection is true, that Accountability of everyone, on the Day of Judgment, is true, and Measurement and Balance are true. I testify that Religion is as You have described, that Islam is as You have established and the Word is as You have spoken, that the Quran is as You have sent down and that You are Allah, the manifest truth. I pray to Allah to compensate Muhammad, *‘Alayhi al-Salam*, with the best of compensations and welcome Muhammad and his family with the (promised) peace. O Allah, You are my means and resource at the time of my living in distress, and You are my companion at the time of my suffering hardships. You are the Benefactor of bounties I have enjoyed. You are my Lord and the Lord of my ancestors. Do not ever leave me to myself; not even for a blinking of an eye, for if You leave me to myself for a blinking of an eye, I become closer to wickedness and move away from goodness. Comfort me in the grave against my fear and make this an open covenant in my favor on the day when I will come into Your presence.’” Thereafter he should make his will about the matters that he may need. Such a will is based on the words of Allah, most Majestic, most Glorious, in the Chapter of the Holy Quran where Mary is mentioned. “No one will possess any intercession (Shafa‘ah) except those who have entrusted the Beneficent to bear witness to their testimony.””

“It is a right upon every Muslim to memorize this will and testimony and teach it. Amir al-Mu‘minin, *‘Alayhi al-Salam*, has said, ‘The Messenger of Allah taught me this will.’ The Messenger of Allah has said, ‘Jibril taught me this will.’”

H 12750, Ch. 1, h 2

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from al-Walid ibn Sabih who has narrated the following:

“Once a *Mawla*’ of abu ‘Abd Allah, *‘Alayhi al-Salam*, accompanied me (on a journey) and complained of illness for several days. Then it seemed as if he had no illness but very shortly, he died. I took his luggage to abu ‘Abd Allah, *‘Alayhi al-Salam*, and informed him (the Imam) that he complained for several days, then he seemed as if he had no illness at all, but shortly thereafter he died. He (the Imam) said, ‘That was the comfort of death. No one dies before, Allah, most Majestic, most Glorious, returns his ears, eyes and reason for making a will, regardless of whether he makes use of that opportunity or not.’”

H 12751, Ch. 1, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman who has narrated the following:
“Once, a man said to abu ‘Abd Allah, *‘Alayhi al-Salam*, ‘I once travelled to Makkah and my travel mate, who was a friend, on the way became ill very seriously and I looked after him. He began to feel very well and I thought he is fine. On the day that he died, he became extremely well but on the same day, he died.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘To anyone who is about to die, Allah, most Majestic, most Glorious, returns his hearing, seeing and reasoning abilities so that he can make a will, regardless of whether he makes a will or not. It is the comfort that is called the comfort of death and that is the right of every Muslim.’”

H 12752, Ch. 1, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma‘il from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the will. He (the Imam) said, ‘It is a right on every Muslim.’”

H 12753, Ch. 1, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad, from ibn Mahbub from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:
“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Making a will is a right that requires compliance. The Messenger of Allah, *‘Alayhi al-Salam*, made a will, thus it is proper for a Muslim to make a will.’”

Chapter 2 - The Witness for the Will

H 12754, Ch. 2, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma'il from al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Blessed, most High, ‘O believing people there must be two just (Muslim) witnesses when anyone of you is about to die or from other people.’ (5:106) I asked, ‘What is the meaning of ‘(there must be) two from other people?’ He (the Imam) said, ‘It means two non-Muslims.’ I then asked about ‘two just ones from among yourselves’, he (the Imam) said, ‘it means two Muslims.’”

H 12755, Ch. 2, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy from Muhammad ibn Muslim who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if it is permissible for a person of the religion to appoint a witness who is not of the people of his religion. He (the Imam) said, ‘Yes, it is permissible when witness from the people of his own religion is no available; destroying anyone’s right is not suitable.’”

H 12756, Ch. 2, h 3

Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan and Ali ibn Ibrahim has narrated from his father from all from ibn abu ‘Umayr from Hisham ibn al-Hakam who has narrated the following:

“About the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . and two people from others who are not of your people’ abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘This applies when he is in a place where Muslims are not available, then asking a non-Muslim to bear witness to a will is permissible.’”

H 12757, Ch. 2, h 4

Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan, from ibn abu ‘Umayr from Rib‘iy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if a woman’s bearing witness to the will of a man when no man is available is accepted. He (the Imam) said, ‘It is effective for one-fourth of what is willed according to her testimony.’”

H 12758, Ch. 2, h 5

Muhammad ibn Yahya has narrated from ‘Abd Allah ibn Muhammad from Ali ibn al-Hakam from Aban who has narrated the following:

“In the case of a will for which there is no witness except a woman, abu ‘Abd Allah, *‘Alayhi al-Salam*, accepted it (such witness) for one-fourth of the will according to her testimony.’”

H 12759, Ch. 2, h 6

Muhammad ibn Ahmad has narrated from ibn al-Salt from Yunus ibn ‘Abd al-Rahman from Yahya ibn Muhammad who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Majestic, most Glorious, ‘O believing people there must be two just (Muslim) witnesses when anyone of you is about to die or from other people.’ (5:106) Abu ‘Abd Allah, *‘Alayhi al-Salam*, said that in this verse, “‘The two from you”, means two Muslims and “the two from others”, means the people of the book. If two people from the followers of the bible are not found then two Zoroastrians can bear witness. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, established a *Sunnah* about Zoroastrians like that for the people of the

book in paying *al-Jizyah* (taxes). Thus, if one dies in loneliness in a strange land and cannot find two Muslims, he can appoint two men from the people of the book who are then kept in custody after *Salat* (prayer). They will take an oath on Allah, most Majestic, most Glorious, saying that they do not sell their oath in exchange for a small price, even in favor of their relatives, that they do not hide the testimony for the sake of Allah; in so doing they will be committing sins.’ He (the Imam) said, ‘This applies only when the heirs of the deceased doubt their testimony and it is found out that they have testified falsely. The heir cannot invalidate their testimony without presenting two witnesses who stand in place of the first two witnesses and take the oath on Allah that their testimony is more accurate than the testimony of the first two witnesses; if we transgress, we will be unjust. If this happens then the testimony of the first two becomes invalid and the testimony of the two later witnesses is admitted as valid. Allah, most Majestic, most Glorious, has said, “This will help preserve a proper testimony. The witnesses will be afraid of the rejection of their own testimony by a second pair of witnesses. Have fear of Allah and listen (properly). Allah does not guide the evil doing people.” (5:108)’”

H 12760, Ch. 2, h 7

Ali ibn Ibrahim has narrated from his people in a *marfu‘* manner has said the following:

“Tamim al-Dariy, ibn Baydiy and ibn Mariya once left for a journey. Tamim al-Dariy was a Muslim but ibn Baydiy and ibn Mariya were Christians and they were with Tamim al-Dariy who had certain assets and utensils, which were decorated with gold, and a necklace that he took for the Arab markets for sale. Tamim al-Dariy became ill severely and the time of his death came. He gave whatever he had to ibn Baydiy and ibn Mariya and asked them to deliver it to his heirs. The two came to al-Madinah, delivered the other things but they had taken the utensils and the necklace. The heirs found the utensils missing; so the family of Tamim asked the two men, ‘Did he (Tamim) remain ill for a long time and incurred a large amount of expenses?’ The two replied, ‘He remained ill only for few days.’ They then asked, ‘Was anything stolen from him during his journey?’ The two replied, ‘No, nothing was stolen from him during his journey.’ They then asked, ‘Did he make any business deals that caused him losses?’ The two replied, ‘No, he did not make any such deals.’ They then said, ‘The most expensive things are missing like the utensils decorated with gold and gems and a necklace.’ The two said, ‘Whatever he gave to us we have given to you.’ They then took the two before the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and he (the Messenger of Allah) judged that the two must take an oath. The two took an oath and they were released but the utensils and necklace were seen with them. The heirs of Tamim went to the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, saying, ‘O Messenger of Allah, our assets have been seen in the possession of ibn Baydiy and ibn Mariya.’ The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, waited to hear from Allah, most Majestic, most Glorious, a judgment in the case. Allah, most Blessed, most High, then revealed, ‘Believers, when death approaches any one of you, allow two just men from your own people (Muslims) or any two other men (people of the book), if incident of death befalls you on a journey, bear witness to the bequest. [Allah, most Majestic, most Glorious, applied the testimony of the people of the book about the will when it is on a journey and Muslims are not found] If you have any doubts about their (others’) honesty, detain them and allow them take an oath after the prayer, each one of them saying, “I swear by Allah that my testimony is true. I am not selling the Truth for a paltry price even though the beneficiary would be one of my relatives. I do not hide the testimony which is the right of Allah,

for then I will be one of the sinners.” (5:106)’ This is the testimony, which is sanctioned by the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. ‘If their honesty is challenged, [they took false oath], two others from the relatives of the deceased should swear in the same way and testify to the bequest saying, “We swear by Allah that our testimony is the more accurate one. We do not transgress in the matter lest we become unjust ones.” (5:107)’ The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, commanded the heirs of Tamim al-Dariy to take an oath according to His command. They took an oath and the Messenger of Allah took the utensils and the necklace from ibn Baydiy and ibn Mariya and returned them to the heirs of Tamim al-Dariy. This is the least in presenting the testimony as it is for fear of another oath’s rejection of their oath thereafter.”

Chapter 3 - A Man Makes a Will and Appoints an Executor but he Refuses to Accept it

H 12761, Ch. 3, h 1

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa from Rib‘iy from Muhammad ibn Muslim who has narrated the following:

“If one makes a will and appoints a certain person as the executor of the will who is not present in town he cannot refuse to accept the appointment, but if he is town he has the choice to accept or refuse it.”

H 12762, Ch. 3, h 2

Muhammad ibn `Isma‘il has narrated it from al-Fadl ibn Shadhan, from ibn abu ‘Umayr, from Rib‘iy, from Fudayl who has narrated the following:

“It is about the case of a man who is appointed in a will as the executor a will. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the appointment is sent to him from another town he cannot refuse to accept the appointment, but if it is from the same town then it is up to him to accept or reject it.’”

H 12763, Ch. 3, h 3

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Ali ibn al-Hakam from Sayf ibn `Amirah from Mansur ibn Hazim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a man makes a will in which he appoints his brother as the executor when he is absent, he cannot refuse the appointment for if he was present and refused, another person could have been appointed as the executor.’”

H 12764, Ch. 3, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from al-Qasim ibn al-Fudayl from Rib‘iy from al-Fudayl who has narrated the following:

“About the case of a man who is appointed as the executor of the will abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the appointment is sent from one town to another town he cannot refuse to accept the appointment.’”

H 12765, Ch. 3, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“About the case of a man who is appointed as the executor in a will but he dislikes it, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He must not betray him in such condition.’”

H 12766, Ch. 3, h 6

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn al-Rayyan who has narrated the following:

“I once wrote to abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who asks his father to accept his appointment as the executor of his will; if he can refuse to accept the appointment. He (the Imam) signed the answer that said, ‘He cannot refuse.’”

Chapter 4 - The Owner is more Rightful to his Property as Long as he is Living

H 12767, Ch. 4, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Hassan ibn Ali from Tha‘labah ibn Maymun from abu al-Hassan al-Sabatiy from ‘Ammar ibn Musa who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘The owner of the asset has a greater degree of rights in his assets as long as there is some spirit in him. He can do about it whatever he wants.’”

H 12768, Ch. 4, h 2

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from Ali ibn Asbat from Tha‘labah from abu al-Hassan ‘Umar ibn Shaddad al-Azdiy and al-Sariy all from ‘Ammar ibn Musa who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man is more rightful to his assets as long as there is the spirit in him and if he makes a will about all of it, it is permissible.’”

H 12769, Ch. 4, h 3

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from Ibrahim ibn abu Bakr al-Samal al-Asadiy from those who narrated to him who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘One who is about to die is more rightful to his assets as long as he is alive.’”

H 12770, Ch. 4, h 4

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from his brother, Ahmad ibn al-Hassan from ‘Amr ibn Sa‘id who has narrated the following:

“The brother of Romiy ibn ‘Umar made a will that said, ‘All of his assets must be given to abu Ja‘far, *‘Alayhi al-Salam*.’ ‘Amr has said that Romi narrated to me saying, ‘I placed the assets before abu Ja‘far, *‘Alayhi al-Salam*, and said, “This is what my brother has given to you in his will” and I began to read it for him.’ He (the Imam) said, ‘Wait; take this, I have given it to you as a gift and deliver that.’ I continued until the end of the will and found that he (the Imam) had taken only one-third. I then asked, ‘Have you commanded me to deliver to you one-third and keep two-thirds?’ He (the Imam) said, ‘Yes, that it is correct.’ I then asked, ‘Can I sell them and bring them to you?’ He (the Imam) said, ‘No, whenever possible for you do not sell anything.’”

H 12771, Ch. 4, h 5

Muhammad ibn Yahya and others has narrated from Muhammad ibn Ahmad from Ya‘qub _ibn Yazid from Yahya ibn al-Mubarak from ‘Abd Allah ibn Jabalah from Sama‘ah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has children; if he can assign his assets to his relatives. He (the Imam) said, ‘They are his assets, he can place it wherever he wants until death comes upon him.’”

H 12772, Ch. 4, h 6

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from and Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar all from Safwan from Murazim from certain persons of our people who has narrated the following:

“About the case of a man who gives a certain amount of his property during his illness, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If he keeps such assets aside, it then is permissible, but if he has only said so in his will then it is from one-third of his legacy.’”

H 12773, Ch. 4, h 7

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from ibn abu ‘Umayr from Murazim from ‘Ammar al-Sabatiy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who is about to die; if he is

more rightful to his assets as long as there is spirit in him. He (the Imam) said, ‘Yes, that is right but if he makes a will and it is more (than the one-third) it applies to one-third of his legacy only.’”

H 12774, Ch. 4, h 8

Muhammad ibn Yahya has narrated from Muhammad ibn al-Hassan from ‘Abd Allah ibn al-Mubarak from ‘Abd Allah ibn Jabalah from Sama‘ah from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has a son; if he can give his assets to his relatives. He (the Imam) said, ‘They are his assets, he can do to it whatever he wants until death comes upon him.’”

H 12775, Ch. 4, h 9

Ali ibn Ibrahim has narrated from his father from ‘Uthman ibn Sa‘id from abu al-Mahamil who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man is more rightful to his assets as long as there is spirit in his body.’”

H 12776, Ch. 4, h 10

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from ‘Abd Allah ibn al-Mubarak from ‘Abd Allah ibn Jabalah from Sama‘ah from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has a son; if he can give his assets to his relatives. He (the Imam) said, ‘They are his assets, he can do to them whatever he wants until death comes upon him; the owner can do whatever he wants as long as he is alive. He can give it as a gift or charity, or he can leave it until his death comes. If he makes a will it only applies to one-third of his legacy. It is more excellent for him not to neglect those who are his dependent and he must not harm the heirs. It is narrated that the Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, once criticized a man of al-Ansar who set free his slaves and no one was left for him, saying, ‘He has left behind small children to beg from people.’”

Chapter 5 - Making a Will for the Heir

H 12777, Ch. 5, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from abu al-Mighra’ from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if one can make a will for the heir. He (the Imam) said, ‘It is permissible.’”

H 12778, Ch. 5, h 2

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad from all from ibn Mahbub from abu Wallad al-Hannat who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if one can make a will about something for the heirs. He (the Imam) said, ‘Yes,’ or he said that ‘it is permissible.’”

H 12779, Ch. 5, h 3

Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from Safwan ibn Yahya from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Making a will for the heir is not harmful.’”

Al-Fadl ibn Shadhan from Yunus ‘Abd Allah ibn Bukayr from Muhammad ibn Muslim from abu Ja‘far, *‘Alayhi al-Salam*, has narrated a similar *Hadith*.

H 12780, Ch. 5, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Ali from ‘Abd Allah ibn Bukayr from Muhammad ibn Muslim who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about making a will for the heir. He (the Imam) said, ‘It is permissible.’”

H 12781, Ch. 5, h 5

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from ibn Bukayr from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about making a will for the heir. He (the Imam) said, ‘It is permissible.’ He (the Imam) then recited this verse. ‘If he leaves good things the will is for parents and relatives.’”

H 12782, Ch. 5, h 6

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar fn al-Hajjal from Th‘alabah from Muhammad ibn Qays who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who gives preference to certain ones of his children. He (the Imam) said, ‘Yes, he can do so, and his women.’”

Chapter 6 - The Matters for which one can Make a Will and what is Preferable in the Issue

H 12783, Ch. 6, h 1

Ali ibn Ibrahim has narrated from his father from and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from all ibn abu 'Umayr from Mu'awiyah ibn 'Ammar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that al-Bara’ ibn Ma’rur al-Ansariy lived in al-Madinah. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, lived in Makkah, and with his companions performed *Salat* (prayer) facing the direction of Bayt al-Maqdis. Al-Bara’ made a will that said, ‘His face in grave must be kept toward the direction to which the Holy Prophet performs *Salat* (prayer) and about one-third of his legacy and thus the *Sunnah* was established.’”

H 12784, Ch. 6, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad has said that Ahmad ibn Ishaq wrote to abu al-Hassan, *‘Alayhi al-Salam* saying:

“Durrah, daughter of Muqatil has died. She has left assets and pieces of land in several places. She had made a will for her master of the pieces of land, which was more than one-third of her legacy. We are the executors of her will and like to ask our master if he commands to approve that will as it is, so we can also approve; and if he commands other things we follow his command in all that he commands by the will of Allah. He (the narrator) has said that he (the Imam), *‘Alayhi al-Salam*, wrote in his own handwriting that said, ‘More than one-third is not obligatory on her legacy. If you have preferences and you are of the heirs it then is permissible for you by the will of Allah.’”

H 12785, Ch. 6, h 3

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa'id from Hammad ibn 'Isa from Shu'ayb from Ya'qub who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies and about what is for him from his legacy. He (the Imam) said, ‘One third of his legacy is for him and this applies to a woman also.’”

H 12786, Ch. 6, h 4

A number of our people have narrated from Sahl ibn Ziyad and Ali ibn Ibrahim has narrated from his father all from ibn abu Najran from 'Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja'far, *‘Alayhi al-Salam*, in this statement refers to the words of 'Amir al-Mu'minin. He (the Imam) said, ‘If I make a will about one-fifth of my legacy it is better than making a will about one-fourth of my legacy, and if I make a will about one-fourth of my legacy it is better than a will about one-third of my legacy. One who makes a will about one-third of his legacy and leaves nothing, he has exaggerated.’

“He (the Imam), *‘Alayhi al-Salam*, has said that 'Amir al-Mu'minin issued a judgment in the case of a man who had made a will about all of his legacy or most of it. He (the Imam) said, ‘The will is turned from unacceptable status into what is acceptable. If one does injustice to himself and comes up with an unacceptable will and an unjust one, it then is turned to an acceptable one to leave the legacy for the heirs.’ 'Amir al-Mu'minin has said, ‘If one makes a will about one-third of his legacy which does not leave anything for the heirs, he has reached the ultimate condition.’ He (the Imam) then said, ‘If one makes a will about one-fifth of his legacy it is more likable to me than a will about one-fourth.’”

H 12787, Ch. 6, h 5

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from al-Washsha’ from Hammad ibn ‘Uthaman who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one makes a will about one-third of his legacy he has harmed the heirs. Making a will about one-fifth or one-fourth of the legacy is better than making a will about one-third. If one makes a will about one-third he has not left anything (for the heirs).’”

H 12788, Ch. 6, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim and Hafs ibn al-Bakhtariy and Hammad ibn ‘Uthaman who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one makes a will about one-third has not left any legacy.’”

H 12789, Ch. 6, h 7

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that ‘Amir al-Mu’minin has said, ‘If one makes a will about one-third of his legacy, then is killed by mistake, one-third of the wergild for him becomes part of that which he has willed.’”

Chapter 7 - Another Chapter

H 12790, Ch. 7, h 1

Ali ibn Ibrahim has narrated from his father from Hammad, from Hariz, from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who makes a will in the presence of his heirs who give permission but when he dies they disregard it if they can take back what they had agreed, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘They cannot do so. The will about which the heirs agree in the lifetime of the deceased becomes permissible.’”

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar has narrated from Safwan ibn Yahya from Mansur ibn Hazim from abu ‘Abd Allah, *‘Alayhi al-Salam*, a similar *Hadith*.’”

Chapter 8 - A Man Makes a Will, then Cancels it

H 12791, Ch. 8, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ibn Bukayr from ‘Ubayd ibn Zurarah who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘One who makes a will has the right to cancel or leave it, regardless of his being in good health or in illness.’”

H 12792, Ch. 8, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from ibn Faddal from Ali ibn ‘Uqbah from Burayd al-‘Ijliy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The testator has the right to cancel or change his will in his life time.’”

H 12793, Ch. 8, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from ibn Muskan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that ‘Amir al-Mu’minin issued a judgment about *al-Mudabbbar* (slave to be set free with the death of the owner) as being part of one-third of the legacy and that a testator has the right to reduce or increase in his will as long as he is alive.’”

H 12794, Ch. 8, h 4

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from certain persons of his people who has narrated the following:

“Ali ibn al-Husayn, *‘Alayhim al-Salam*, has said, ‘A testator has the right to change his will, thus he can set free those whom he had willed to remain slaves or keep the slaves those that were freed in his will; give those who were deprived and deprive those whom he had given as long as he is alive.’”

Chapter 9 - If the Beneficiary of a Will dies before the Death of the Testator or before Taking Possession

H 12795, Ch. 8, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu‘minin* once issued a judgment, about the case of a man who made a will and the beneficiary who was absent, died before the testator, that the benefit belongs to the heir of the beneficiary.’ He (the Imam) said, ‘If one makes a will, regardless of his absence or presence, if the beneficiary dies before the testator, the benefit belongs to the heir of the beneficiary unless the testator changes his will before his death.’”

H 12796, Ch. 8, h 2

Muhammad ibn Yahya has narrated from ‘Imran ibn Musa from Musa ibn Ja‘far from ‘Amr ibn Sa‘id al-Mad‘iniy from Muhammad ibn ‘Umar al-Sabatiy who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who made a will that said I must give something to his uncle every year, but the uncle has died. He (the Imam), *‘Alayhi al-Salam*, wrote, ‘You must give it to his heirs.’”

H 12797, Ch. 8, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ayyub ibn Nuh from al-‘Abbas ibn *‘Amir* who has narrated the following:

“I once asked him (the Imam), *‘Alayhi al-Salam*, about the case of man in whose favor a will is made but he dies before taking possession and has not left any heirs. He (the Imam) said, ‘You must search for his heirs or master then give it to him.’ I then asked, ‘What happens if I cannot find any guardian for him?’ He (the Imam) said, ‘Try to find out his guardian and if you cannot find, and Allah, most Majestic, most Glorious, knows your effort, then give it in charity on his behalf.’”

Chapter 10 - Executing the Will as it Requires

H 12798, Ch. 10, h 1

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa from Hariz from Muhammad ibn Muslim who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has made a will to spend his assets in the way of Allah. He (the Imam) said, ‘You must give it to the designated beneficiary even if he is a Christian or a Jew; Allah, most Blessed, most High, says, “Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.” (2:181)’”

H 12799, Ch. 10, h 2

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Ali ibn al-Hakam from m al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“This is about the case of a man who has made a will to spend his asset in the way of Allah. One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘You must give it to the designated beneficiary even if he is a Christian or a Jew; Allah, most Blessed, most High, says, “Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.” (2:181)’”

H 12800, Ch. 10, h 3

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn Mahziyar from who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, wrote to Ja‘far and Musa, this instruction. ‘In the matter of my commanding you to appoint witnesses to so and so issues; it is because it is for your safety and protection in the next world in matters of executing the will, as it requires, that your parents have made to you and your being kind to your parents. You must remain prudent. You must not change their will and alter it from its original condition because they are no more. May Allah be happy with them. It, however, has remained on your shoulder. Allah, most Blessed, most High, has said in His book, “Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.” (2:181)’”

H 12801, Ch. 10, h 4

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn al-Walid from Yunus ibn Ya‘qub who has narrated the following:

“A man of Hamadan has said that his father died but he did not know this fact (the Divine Authority of *‘A’immah*). He made a will when he was about to die to give something in the way of Allah. He (the man from Hamadan) asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about it and that he did not know this fact (the Divine Authority of *‘A’immah*). He (the Imam) said, ‘If the man had appointed me to execute his will to give to a Jews or Christians, I would have given it to them because Allah, most Majestic, most Glorious, says, “Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.” (2:181) You must see who serves as guards and defenders of the borders; and give it to them.’”

H 12802, Ch. 10, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isa from Muhammad ibn Sulayman from al-Husayn ibn ‘Umar who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has made a will to spend in the way of Allah. He (the Imam) said to me to spend it for al-Hajj. I said that he has said to spend it

in the way of Allah. He (the Imam) said, ‘Spend for al-Hajj because I do not see anything in His way better than al-Hajj.’”

Chapter 11 - Another Chapter

H 12803, Ch. 11, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from Ali ibn al-Hakam from al-Hajjaj ibn al-Khashshab who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a woman who made a will to spend in the way of Allah. She was asked if it could be spent for al-Hajj. She said, ‘Spend it in the way of Allah.’ They asked, ‘Can we give to the family of Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause?*’ She said, ‘Spend it in the way of Allah.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, then said, ‘Spend in the way of Allah as you are required.’ I then said, ‘Command me how to spend it.’ He (the Imam) said, ‘Spend it as she has commanded you. Allah, most Blessed, most High, has said, “Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.” (2:181) You must consider if she had asked you to give it to a Jew, would you give it to a Christian?’ He (the narrator) has said. ‘I waited thereafter for three years; then I visited him (the Imam) and asked as I had asked him before. He (the Imam) remained quiet for a while, then said, ‘Send it.’ I then asked, ‘To who must I send it?’ He (the Imam) said, ‘Give it to ‘Isa Shalqan.’”

H 12804, Ch. 11, h 2

Muhammad ibn Ja‘far al-Raziy has narrated from Muhammad ibn ‘Isa and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa ibn ‘Ubayd from al-Hassan ibn Rashid who has narrated the following:

“I once asked al-‘Askariy, *‘Alayhi al-Salam*, in al-Madinah about the case of a man who has made a will to spend in the way of Allah. He (the Imam) said, ‘In the way of Allah is our Shi’ah (followers).’”

Chapter 12 - Another Chapter

H 12805, Ch. 12, h 1

Ali ibn Ibrahim has narrated from his father from abu Talib ‘Abd Allah ibn al-Salt who has narrated the following:

“Once, Khalil ibn Hashim wrote to Dhi al-Riyasatayn who was the governor of Nisabur and asked that a Zoroastrian man has died and has made a will about a certain amount from his assets for the poor. The judge of Nisabur took the amount and gave it to the poor Muslims. Dhu al-Riyasatayn asked Ma’mun about it. Ma’mun who did not have any answer for it asked abu al-Hassan, ‘*Alayhi al-Salam*, about it and abu al-Hassan, ‘*Alayhi al-Salam*, said, ‘A Zoroastrian man does not make a will for the poor Muslims. It is proper to take that amount from the treasury of charity and return it to the poor Zoroastrians.’”

H 12806, Ch. 12, h 2

Ali ibn Ibrahim has narrated from his father from al-Rayyan ibn Shabib who has narrated the following:

“Maridah made a will for the Christians who worked as maintenance people. Our people said to spend it on the poor believers of your people. I then asked al-Rida’, ‘*Alayhi al-Salam*, that my sister has made a will for Christian persons and I wanted to spend it for our Muslim people. He (the Imam) said, ‘You must execute the will as you are required. Allah, most Blessed, most High, has said, “Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.” (2:181)’”

Chapter 13 - A Will for Setting free Slaves, Charity or al-Hajj

H 12807, Ch. 13, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Ali ibn al-Nu‘man from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who makes a will about more than one-third of his legacy, or setting free a slave during his illness, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If it is more than one-third it is returned to one-third and setting free of slave is permissible.’”

H 12808, Ch. 13, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from al-Qasim ibn Muhammad from Ali ibn abu Hamzah from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a man when about to die sets free a servant, then makes another will, the will is dropped and the servant is set free from the one-third of his legacy except if the will exceeds one-third of the legacy.’”

H 12809, Ch. 13, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from `Isma‘il ibn Hammam who has narrated the following:

“This about the case of a man who makes a will when about to die, for relatives and setting free of a slave but the total exceeds one-third of the legacy and about how to deal with it. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘First it is executed about setting free of the slave then about the rest.’”

H 12810, Ch. 13, h 4

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Hakam from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who when about to die sets free his slave and makes a will but the total is more than one-third of his legacy, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is executed about the setting free of the slave and the deficit falls on the rest of the will.’”

H 12811, Ch. 13, h 5

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Muhammad ibn `Isma‘il from Ali al-Nu‘man from Suwayd al-Qala’ from abu Ayyub ibn al-Jumhur from abu Bakr al-Hadramiy who has narrated the following:

“I once said to abu ‘Abd Allah, *‘Alayhi al-Salam*, “Alqamah ibn Muhammad has made a will that I must set free a slave for him, and I set free for him a woman: if this is sufficient or must I set free for him from my own property.’ He (the Imam) said, ‘It is sufficient.’ He (the Imam) then said to me, ‘Fatimah, mother of my son, made a will that I set free for her a slave and I set free for her a woman.’”

H 12812, Ch. 13, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man once asked me about a woman who died without performing al-Hajj but made a will about an amount which is sufficient for al-Hajj. He asked if it is better to spend it on the needy people from the descendents of Fatimah, *‘Alayha al-Salam*, it will be done so; if performing al-Hajj is better al-Hajj would be performed for her. I said to him that if al-Hajj was obligatory on her, spending it for al-Hajj is more beloved to me than distributing on other things.’”

H 12813, Ch. 13, h 7

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from all ibn abu

‘Umayr from Mu‘awiyah ibn ‘Ammar who has narrated the following:

“This is about the case of a man who dies but makes a will to perform al-Hajj for him. He (the Imam), *‘Alayhi al-Salam*, has said, ‘If it is his first al-Hajj then al-Hajj is performed from the center of the legacy, but if it is not his first al-Hajj then it is paid for from the one-third of his legacy.’”

H 12814, Ch. 13, h 8

It is narrated from the narrator of the previous *Hadith* from Mu‘awiyah ibn ‘Ammar who has narrated the following:

“About the case of a woman who makes a will to set free a slave, pay charity and al-Hajj but there is not enough, he (the Imam), *‘Alayhi al-Salam*, said that first is al-Hajj because it is obligatory and if anything remains extra then spend something on charity and something for setting free a slave.’”

H 12815, Ch. 13, h 9

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Ali ibn abu Hamzah who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who has made a will about thirty dinars to set free a man from our people but it cannot be done with that much. (The Imam) said, ‘A slave then must be bought from other people for this purpose.’”

H 12816, Ch. 13, h 10

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from al-Qasim ibn Muhammad from Ali ibn abu Hamzah who has narrated the following:

“I once asked the virtuous servant of Allah, *‘Alayhi al-Salam*, about the case of a man who has made a will about thirty dinar to set free a Muslim slave but it cannot be done with that amount. He (the Imam) said, ‘They must then buy from the rest of the people as long as he is not hostile to *‘A’immah*, *‘Alayhi al-Salam*.’”

H 12817, Ch. 13, h 11

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Aban from Muhammad ibn Marwan who has narrated the following:

“The Shaykh, *‘Alayhi al-Salam*, has said that abu Ja‘far, *‘Alayhi al-Salam*, died and left sixty slaves of whom he set free one-third and I determined such slaves by raffle and took the one-third away.’”

H 12818, Ch. 13, h 12

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from al-Qasim ibn Muhammad and Ali ibn abu Hamzah from abu Basir who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about a slave-girl who was set free by my brother who served with slave-girls and was in his dependents. He made a will to spend for her from the center of the legacy. He (the Imam) said, ‘If she was with the slave-girls and managed them, then you must spend for her and execute the will.’”

H 12819, Ch. 13, h 13

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from abu Ayyub from Sama‘ah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who made a will to set free a slave for five hundred dirham from the one-third of his legacy. A slave was bought for less than five hundred dirham and something remained extra. What do you say about it? He (the Imam) said, ‘Give the extra to the slave before setting him free, then set him free for the deceased.’”

H 12820, Ch. 13, h 14

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Mu‘awiyah ibn ‘Ammar who has narrated the following:

“A woman of our family made a will about one-third of her legacy and asked to set free a slave,

perform al-Hajj and give charity; but the one-third was not sufficient. I asked abu Hanifah about it and he said, ‘Make it in three equal parts and spend one part for each cause.’ I then visited abu ‘Abd Allah, ‘*Alayhi al-Salam*, and said that a woman from our family has died and made a will about one-third of her legacy and has asked to set free a slave, perform al-Hajj and pay charity. I checked it but it is not sufficient. He (the Imam) said, ‘You must begin with al-Hajj because it is obligatory of the obligation to Allah, most Majestic, most Glorious, and make the remaining into two parts: one for setting free a slave and one for charity.’ I then informed abu Hanifah about the words of abu ‘Abd Allah, ‘*Alayhi al-Salam*. He changed his fatwa and accepted the words of abu ‘Abd Allah, ‘*Alayhi al-Salam*.”

H 12821, Ch. 13, h 15

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from abu Jamilah from Humran who has narrated the following:

“About the case of a man who at the time of his death makes a will to set free a slave so and so and so and so. I looked into the one-third of his legacy and found that it is not even equal to one-eighth of the five slaves whom he had mentioned, he (the Imam), ‘*Alayhi al-Salam*, said, ‘You must evaluate the slaves and begin setting free one, two, three, four and five. The slave (or slaves) whom he mentioned last cannot be freed if the one-third is not sufficient for his (or their) cost.’”

H 12822, Ch. 13, h 16

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from Dawud ibn abu Yazid who has narrated the following:

“Once abu ‘Abd Allah, ‘*Alayhi al-Salam*, was asked about the case of a man who on a journey was with a slave-girl and two slaves. He said to them, ‘You are free for the sake of Allah and bear witness that the child in the womb of the slave-girl is from me. She gave birth to a son. When they came back, the heir refused the will and kept them as slaves. The two slaves were later set free and they testified that their previous master had asked them to bear witness that the child in the womb of the slave-girl was his child. He (the Imam) said, ‘Their testimony is acceptable and the child about whom they testified cannot make them slaves because they proved his genealogical relation.’”

H 12823, Ch. 13, h 17

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Ahmad ibn Muhammad from ibn abu Nasr from Ahmad ibn Ziyad who has narrated the following:

“I once asked abu al-Hassan, ‘*Alayhi al-Salam*, about the case of a man who is about to die and sets free all of his slaves. He owns certain slaves and certain others with a partner and about the condition of the ones that he owns with a partner. He (the Imam) said, ‘His slaves of the partnership must be evaluated; if his share covers them, they are all free.’”

H 12824, Ch. 13, h 18

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from al-Nadr ibn Shu’ayb al-Mharibiy who has narrated the following:

“This is about the case of a man who dies and leaves as his legacy a slave-girl whose one-third he sets free and the executor of the will marries her before the distribution of the legacy. Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘She is appraised, then with her husband both are made to work to pay for the remaining of her cost after being appraised. Thereafter, whatever of her becomes free or remains in slavery applies to her child also.’”

Chapter 14 - The Executor of the Will must Correct the Possible Violation of the Law in the Will

H 12825, Ch. 14, h 1

Ali ibn Ibrahim has narrated from his father from his people who have said the following:

“He (the Imam), *‘Alayhi al-Salam*, has said that Allah, most Majestic, most Glorious, has given permission to the executor of the will to change a will into an acceptable form if any violation of the law exists in it. It is because of the meaning of the words of Allah, most Majestic, most Glorious. ‘One who is afraid of the testator's deviations and sin and settles the matter among the parties involved, he has not committed a sin. Allah is All-forgiving and All-merciful.’” (2:182)

H 12826, Ch. 14, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad al-Hassan ibn Mahbub from abu Ayyub from Muhammad ibn Sawqah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Majestic, most Glorious, ‘Whoever intentionally changes the will of a deceased person, has committed a sin. Allah is All-hearing and All-knowing.’ (2:181) He (the Imam) said, ‘The following verse is a (modified) copy of this verse: ‘One who is afraid of the testator's deviations and sin and settles the matter among the parties involved, he has not committed a sin. Allah is All-forgiving and All-merciful.’ (2:182) If the executor fears for the testator’s deviation from the law in his will, then it is not a sin for the executor to bring it in conformity with the truth according to the happiness of Allah and following the path of virtue.’”

Chapter 15 - An Executor of the Will is held Responsible for Changing a Lawful Will

H 12827, Ch. 15, h 1

Ali ibn Ibrahim has narrated from his father and Humayd ibn Ziyad has narrated from bud Allah ibn Ahmad all from ibn abu ‘Umayr from Zayd al-Narsiy from Ali ibn Farqad Sahib al-Sabiriy who has narrated the following:

“A man made a will and asked me to pay for al-Hajj from his legacy, but when I examined his legacy it was not sufficient. I then asked abu Hanifah and the jurists of al-Kufah. They said that I must give as charity on his behalf. When I performed al-Hajj, I met ‘Abd Allah ibn al-Hassan during tawaf. I asked him, saying, ‘A man of your followers of the people of al-Kufah has died and has made a will in which he has asked me to perform al-Hajj for him from his legacy, but when I examined his legacy, it is not sufficient for al-Hajj and I asked the jurist in our area. They said that I must pay charity for him and I did so. What do you say about it?’ He said, ‘This is Ja‘far ibn Muhammad in al-Hijr. Go and ask him.’ I went in al-Hijr and found abu ‘Abd Allah, *‘Alayhi al-Salam*, under *al-Mizab* facing the house and praying. He (the Imam) turned to me, saw me and asked, ‘What do you need?’ I then said, ‘I pray to Allah to keep my soul in service for your cause, I am a man from al-Kufah of your friends.’ He (the Imam) said, ‘Leave it. What do you need?’ I then said, ‘A man has died and has made a will that al-Hajj must be performed from his legacy. I examined it and it is not sufficient for al-Hajj. I then asked the jurists about it in our area. They said that I must pay charity on his behalf.’ He (the Imam) said, ‘What did you do with it?’ I replied, ‘I gave it in charity.’ He (the Imam) said, ‘You are responsible, unless it was not sufficient even for performing al-Hajj from Makkah, but if it was sufficient for performing al-Hajj from Makkah, then you are responsible.’”

H 12828, Ch. 15, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Sinan from ibn Muskan from abu Sa‘id who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about the case of a man who made a will for al-Hajj but the executor of his will spent it to set free an enslaved soul. He (the Imam) said, ‘The executor of the will is responsible to pay for his al-Hajj as the will required. Allah, most Blessed, most High, has said, ‘Whoever intentionally changes the will of a deceased person, he has committed a sin. Allah is All-hearing and All-knowing.’ (2:181)”

H 12829, Ch. 15, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Muhammad ibn Marid who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who made a will to set free a slave for six hundred dirham but the executor of his will gave six hundred dirham to perform al-Hajj for the deceased. He (the Imam) said, ‘As I see the executor of the will must pay six hundred dirham from his own assets to set free a slave for the deceased.’”

Chapter 16 - Al-Mudabbar (the Slave for whose Freedom Death of the Master is a Condition) is from One Third of the Legacy

H 12830, Ch. 16, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil from Zurarah who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), ‘*Alayhim al-Salam*, has said, ‘*Al-Mudabbar* is from one-third of the legacy.’”

H 12831, Ch. 16, h 2

It is narrated from the narrator of the previous *Hadith* from his father Ahmad ibn Muhammad from Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from all from ibn abu ‘Umayr from Hisham ibn al-Hakam who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who makes his slave a *Mudabbar*; if he can change such decision. He (the Imam) said, ‘Yes, he can do so because it is like the will.’”

H 12832, Ch. 61, h 3

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Ali ibn al-Hakam from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that *al-Mudabbar* is from one-third of the legacy.’ He (the Imam) said, ‘One can change his will about one-third of his legacy regardless of whether one is ill or in good health.’”

H 12833, Ch. 16, h 4

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from all from ibn abu ‘Umayr from Mu‘awiyah ibn ‘Ammar who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about *al-Mudabbar*. He (the Imam) said, ‘It is like will which one can change in whatever way one likes.’”

Chapter 17 - First the Shroud, then Debts, then Will is paid for from the Legacy

H 12834, Ch. 17, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The shroud is paid for from the whole of the legacy.’”

H 12835, Ch. 17, h 2

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ‘Abd Allah from ibn Mahbub from Ali ibn Ri’ab from Mu’ash from Zurarah who has narrated the following:

“I once asked him (the Imam), *‘Alayhi al-Salam*, about the case of a man who dies owing a debt which is equal to the cost of his shroud. He (the Imam) said, ‘His legacy must be spent to pay for his shroud unless people may come forward to use his legacy in business and pay for his shroud and debts.’”

H 12836, Ch. 17, h 3

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The first thing to pay for from the legacy is shroud, then debts, then will, then the shares of heirs.’”

Chapter 18 - The Will and Debts

H 12837, Ch. 18, h 1

Ali ibn Ibrahim has narrated from his father and A number of our people have narrated from Sahl ibn Ziyad all from ibn abu Najran ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu‘minin* has said, ‘A debt must be paid before the will, then the will is paid for. Thereafter are the shares of the heirs after the will, because the first judge in the case is the book of Allah, most Majestic, most Glorious.’”

H 12838, Ch. 18, h 2

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of his people from Aban ibn ‘Uthman from a man who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who makes a will and he is indebted. He (the Imam) said, ‘He (executor of the will) pays the debts first, then distributes the legacy among the heirs.’ I then asked, ‘What happens if what is assigned to pay debts is stolen and about who pays for the debt if it is deducted from the shares of the heirs?’ He (the Imam) said, ‘The heirs are not responsible for it but the executor of the will is responsible.’”

H 12839, Ch. 18, h 3

Ali ibn Ibrahim has narrated from his father and Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from all from ibn abu ‘Umayr from Jamil ibn Darraj from Zakariya ibn Yahya *al-Shu‘ayriy* from al-Hakam ibn ‘Utaybah who has narrated the following:

“Once we were with abu Ja‘far, *‘Alayhi al-Salam*. We were in a group waiting for him (the Imam) to come out. A woman came and asked, ‘Which one of you is abu Ja‘far?’ The people asked, ‘What for are you asking for him?’ She replied, ‘I want to ask him about an issue.’ They said, ‘This is the jurist of the people of Iraq. You can ask him your question.’ She said, ‘My husband has died and has left one thousand dirham as legacy. He owed me five hundred dirham as my *mahr* (dower) and my share of inheritance which I took from the legacy; but then a man came and said my husband owed him one thousand dirham and I testified in his favor.’ Al-Hakam has said, ‘I was counting it that abu Ja‘far, *‘Alayhi al-Salam*, came out and said, “Why is it that I see you move your fingers, O Hakam?” I replied, “This woman has mentioned that her husband has died. He has left one thousand dirham as legacy. He owed to her five hundred dirham as her dower. She took her dower and the share of her inheritance, but then a man came and said that her husband owed him one thousand dirham and she testified in his favor.”’ Hakam has said, ‘By Allah I had not completed my words that he (the Imam) said, “She has confessed to give back one-third of what she has in her hand and she does not have anything as her share of inheritance.”’ Hakam has said, ‘I had never seen, by Allah, anyone more intelligent than abu Ja‘far, *‘Alayhi al-Salam*.’”

H 12840, Ch. 18, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil from certain persons of our people who has narrated the following:

“This is about the case of a man who sells something to a man and the buyer takes possession of the goods but does not pay for it. Then the buyer dies and the goods exist as they were. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the goods exist as they were, they must be returned to its owner and other creditors do not have any right to dispute him.’”

H 12841, Ch. 18, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“About the case of a man who dies with debts on him and a guarantor takes responsibility to pay the

creditors, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the creditors agree, the deceased becomes free from responsibility.’”

H 12842, Ch. 18, h 6

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from Yahya al-Azraq who has narrated the following:

“About the case of a man who is killed and who owed debts, but has not left any legacy but his heirs received blood money (*wergild*) from his killer; if they must pay his debts, abu al-Hassan, *‘Alayhi al-Salam*, has said, ‘Yes, they must pay his debts.’ I then said, ‘He has not left any legacy.’ He (the Imam) said, ‘It is because they have received blood money, thus, they must pay his debts.’”

H 12843, Ch. 18, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from al-Hassan ibn al-Jahm who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who dies and I owe him a certain amount of money. He has left behind children, male, female, and smaller children. One of them once came to me and said, ‘You are free of the responsibility of what you owed to my father as much as my share is concerned and you are also free about the shares of my brothers and sister. I take the responsibility to obtain their agreement in your favor. He (the Imam) said, ‘You are relieved and you are free of responsibility.’ I then asked, ‘What happens if he did not give them?’ He (the Imam) said, ‘It is his responsibility.’ I then asked, ‘What happens if the heirs come to me and ask for payment of their rights?’ He (the Imam) said, ‘According to the way the case appears they can do so but between you and Allah, most Majestic, most Glorious, you are free from all responsibility toward them, when the man who has taken upon himself to obtain their agreement to what he has done, and he carries the responsibility for you.’ I then asked if a mother can take such responsibility for her child.’ He (the Imam) said, ‘Yes, it can happen if she has something with which she can make him agree.’ I then asked, ‘What happens if she does not have anything?’ He (the Imam) said, ‘It then is negative.’ I then said, ‘I have heard you saying that her waving is permissible.’ He (the Imam) said, ‘What I meant thereby is that if she has assets.’ I then asked, ‘Can a father take such responsibility for his son?’ He (the Imam) said to him, ‘We had no difficulty with abu al-Hassan, *‘Alayhi al-Salam*. He (the Imam) would do whatever he wanted.’ I then said, ‘The man has taken the responsibility for me about the right of the child and about his share. Am I free from responsibility if the man dies before the child becomes mature and he does not owe anything?’ He (the Imam) said, ‘It is permissible according to the condition he has undertaken for you.’”

Chapter 19 - One Who Sets Free a Slave and He is Indebted

H 12844, Ch. 19, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from and Abu Ali al-Ash'ariy has narrated from Muhammad ibn 'Abd al-Jabbar from Safwan and ibn abu 'Umayr from 'Abd al-Rahman ibn al-Hajjaj who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, once asked me, 'Is there a difference between ibn abu Layla' and ibn Shubramah?' I replied, 'It has come to my knowledge that a *Mawla* of 'Isa ibn Musa died with a great deal of debts on him. He possessed a number of slaves whom he set free at the time of his death. Had the slaves been sold, such a sale could pay all of his debts. 'Isa ibn Musa asked them (ibn abu Layla' and ibn Shubramah) about this case. Ibn Shubramah said, "In my opinion they must be made to work to pay their own price because they were freed at the time of his death." Ibn abu Layla' said, "In my opinion I sell them to pay the creditors because he did not have the right to free them at the time of his death with debts on him; the value of slaves could have covered his debts. These are people of al-Hijaz today. A man indebted greatly is not allowed to free his slaves at the time of his death." Ibn Shubramah then raised his hands to the sky and said, "Allah is free of all defects, O ibn abu Layla' when did you ever say so? You only say so in my opposition." Abu 'Abd Allah, *'Alayhi al-Salam*, then asked, 'Whose opinion was taken as the rule?' He (the narrator) has said that I said, 'It has come to my knowledge that it was the opinion of ibn abu Layla'. He liked it. He sold them and paid his debts.' He (the Imam) asked, 'With which one's opinion do you side?' I said, 'It is with ibn Shubramah and ibn abu Layla' later changed and accepted that of ibn Shubramah.' He (the Imam) said, 'By Allah, truth is with what ibn abu Layla' said, even though he changed it later.' I (the narrator) then said, 'This becomes invalid according to their al-Qiyas (analogy).' He (the Imam) said, 'Allow us to examine their analogy. Give us an example.' I then said, 'I debate you according to analogy.' He (the Imam) said, 'You must present the strongest example of analogy.' I then said, 'There is a man who dies and leaves a slave and no other assets. The value of the slave is six hundred dirham and his debt is five hundred dirham. He sets him free at the time of his death. How is the case settled?' He (the Imam) said, 'The slave must be sold. The creditors take five hundred and the heirs take the one hundred dirham.' I said, 'Is it not the case that one hundred is left extra over the debts?' He (the Imam) said, 'Yes, that is the case.' 'Is it not the case that one-third of it belongs to the deceased with which he can do whatever he wants?' He (the Imam) said, 'Yes, that is the case.' I then said, 'Is it not the case that at least one-third of the remaining one hundred belongs to the slave when he set him free?' He (the Imam) said, 'There is no will for the slave. The slave's assets belong to his guardians (heirs).' I then said, 'What happens if the value of the slave is six hundred and the debt is four hundred dirham?' He (the Imam) said, 'The slave is sold. The creditors take four hundred and the heirs take the two hundred and there is nothing for the slave.' I then said, 'The price of the slave is six hundred and the debt is three hundred.' He (the Imam) smiled and said, 'This is where your companions are proved incorrect. They have made all things as one thing without the knowledge of the *Sunnah*. When the debt and legacy are equal or the legacy is more than debts, the testator is not accused about his will and it is accepted as it is. Now it stops. One-half is for creditors, one-third for heirs and one-sixth is for him (the deceased).'"

H 12845, Ch. 19, h 2

Ali ibn Ibrahim has narrated from his father [from ibn abu 'Umayr] from Jamil ibn Darraj from Zurarah who has narrated the following:

"About the case of a man who frees his slave at the time of his death with debt on him, one of the two Imam, (abu Ja'far or abu 'Abd Allah), *'Alayhim al-Salam*, has said, 'If the value of the debt and slave

are equal, freeing is permissible, otherwise, it is not permissible.’”

H 12846, Ch. 19, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from ibn Faddal from al-Husayn Aban al-Jahm who has narrated the following:

“This is about the case of a man who frees his slave at the time of his death in front of witnesses. The price of the slave is six hundred dirham, his debt is three hundred dirham and he has no other legacy. I once heard abu al-Hassan, ‘*Alayhi al-Salam*, say, ‘One-sixth of him is free because he owns from him three hundred and the other three hundred is for the debt. Thus out of three hundred one-third is his which is one-sixth of the total.’”

Chapter 20 - The Will about a Contracted Slave

H 12847, Ch. 20, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“This is about the case of a contracted slave who is married to a free woman who in her will assigns something for him and the heirs disagree with her will, saying that he is not free but is only contracted and he cannot inherit. Abu Ja‘far, ‘*Alayhi al-Salam*, issued a judgment that he inherits proportionate to the degree of his freedom according to the contract. He (the Imam), ‘*Alayhi al-Salam*, judged in the case of a contracted slave for whom a will was made and the slave had paid one-half according to the contract. The judgment granted him one-half of the will. He (the Imam), ‘*Alayhi al-Salam*, judged one-fourth of the amount of will in favor of the slave who had paid one-fourth of the amount required according to the contract. About the case of a free man who had made a will for a contracted slave-girl who had paid one-sixth of what was required according to the contract, He (the Imam), ‘*Alayhi al-Salam*, judged in her favor proportionate to what was made free from her.

Chapter 21 – The Will of Immature Boys and Girls, the Lawful and Unlawful Matters in it

H 12848, Ch. 21, h 1

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad ibn ‘Isa from Safwan ibn Yahya from Musa ibn Bakr from Zurarah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘When a boy becomes ten years old it then is permissible for him to use his assets, like freeing, charity and making a will within the limits of law.’”

H 12849, Ch. 21, h 2

Ahmad ibn Muhammad has narrated from Ali ibn al-Hakam from Ali ibn al-Nu‘man from abu Ayyub from Muhammad ibn Muslim who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘When a boy is about to die his will is permissible in favor of the relatives but not in favor of the strangers.’”

H 12850, Ch. 21, h 3

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of his people from Aban ibn ‘Uthman from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a boy becomes ten years old his will is permissible.’”

H 12851, Ch. 21, h 4

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from ‘Abd Allah ibn Jabalah from abu al-Mighra’ from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a boy becomes ten years old and makes a will about one-third of his assets for a right cause, his will is permissible; but when he is seven years old his will about only a small amount of assets is permissible.’”

Chapter 22 - Will in Favor of Mothers of Children

H 12852, Ch. 22, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from Ahmad ibn Muhammad from ibn abu Nasr who has narrated the following:

“I once copied the following from a book with the handwriting of abu al-Hassan, ‘*Alayhi al-Salam*. It said, ‘So and so, your *Mawla*’ (friend), has died leaving behind a son of his brother, a mother of his child who does not have a child but he has assigned in his will one thousand for her; if such will is lawful and if freedom applies to her and her condition. It is a request for your opinion, I pray to Allah to keep my soul in service for your cause.’ He (the Imam), ‘*Alayhi al-Salam*, had written on it, ‘She is free in one-third and the will belongs to her.’”

H 12853, Ch. 22, h 2

Ahmad ibn Muhammad has narrated from ibn abu ‘Umayr from Husayn ibn Khalid who has narrated the following:

“I once wrote to abu al-Hassan, before this abu al-Hassan, ‘*Alayhi al-Salam*, about the case of a man who died and left behind a mother of child for whom he willed something in his lifetime, then died. He (the Imam) wrote, ‘She can have what her master had given her in his lifetime in an acceptable manner. The testimony of both man and woman is acceptable in it as well as the testimony of a servant who is not accused of wrong doing.’”

H 12854, Ch. 22, h 3

Muhammad ibn Yahya has narrated from those whom he has mentioned who have narrated the following:

“About the case of the mother of a child, when her master dies who has made a will for her, abu al-Hassan, al-Rida’, ‘*Alayhi al-Salam*, has said, ‘She becomes free in one-third and the will belongs to her.’”

H 12855, Ch. 22, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father from all from ibn Mahbub from Jamil ibn Salih from abu ‘Ubaydah who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who had a mother of a child from whom he had a boy; and at the time of his death, willed for her two thousand or more; if the heirs can keep her as a slave-girl. He (the Imam) said, ‘No, they cannot keep her as a slave. She becomes free in one-third of the legacy of the deceased and receives what is willed for her.’

“In the book of al-‘Abbas it is said that she is freed from the share of her son and what is willed for her is given from the one-third of his legacy.”

Chapter 23 - The Matters Permissible in Endowment, Charity, Gift, Present, Providing Conditional Housing and Matters Permissible or otherwise for a Child and others

H 12856, Ch. 23, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman who has narrated the following:
“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Giving charity or setting free a slave is not valid unless it is for the sake of Allah, most Majestic, most Glorious.’”

H 12857, Ch. 23, h 2

It is narrated from the narrator of the previous *Hadith* from his father from ibn abu ‘Umayr from Hisham and Hammad and ibn ‘Udhaynah and ibn Bukayr and others all of whom have said the following:
“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Giving charity or setting free a slave is not valid unless it is for the sake of Allah, most Majestic, most Glorious.’”

H 12858, Ch. 23, h 3

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad from al-Hassan ibn Mahbub from Ali ibn Ri’ab from Zurarah who has narrated the following:
“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Charity has emerged newly. In the time of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, people would give gifts and presents. It is not proper for one who has given something to Allah, most Majestic, most Glorious, to take it back.’ He (the Imam) has said, ‘A gift or present, which is not given for the sake of Allah can be taken back, regardless of whether the recipient has taken possession or not. If a man gives a gift to his wife, he must not take it back; also if a wife gives something to her husband, regardless of whether he has taken possession or not. Allah, most Blessed, most High, has said, “Do not take anything that you have given to them (your wives).” (2:229) Allah has said, “If they give you out of their pleasure then you can use it in good health.” (4:4) This applies to *mahr* (dower) and gifts.’”

H 12859, Ch. 23, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal Ahmad ibn al-Hassan ibn Bukayr Ahmad ibn al-Hassan ‘Ubayd ibn Zurarah who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who gives charity; if he can take it back. He (the Imam) said, ‘Charity is new. There were gifts and grants. One who provides a gift or a grant is able to take back the grant or gift, regardless of whether the recipient has taken it in his possession or not; but it is not proper to take back what one gives to Allah.’”

H 12860, Ch. 23, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who gives charity (which is not obligatory) to his small children; if he can take it back. He (the Imam) said, ‘No, because charity is for Allah, most Majestic, most Glorious.’”

H 12861, Ch. 23, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from abu al-Mighra’ from abu Basir who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about charity which is not distributed or possessed by the recipient. He (the Imam) said, ‘It is permissible (for the donor to use it); people had the intention to gift it but they made a mistake (in calling it a charity).’”

H 12862, Ch. 23, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“This is about the case of a man who gives charity to his grown up (mature) children. They do not take possession until he dies. Abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘It remains as part of the legacy; but if he gives it as charity to his small children, then it (giving such charity) is permissible; their father is the one who is their guardian (in matters of taking possession for them).’ He (the Imam) said, ‘The charity given for the sake of Allah, most Majestic, most Glorious, cannot be taken back.’ He (the Imam) said, ‘Gifts and grants can be taken back if one wants to do so, regardless, possession by the recipient has taken place or not, unless the recipient is a relative, in which case it cannot be taken back.’”

H 12863, Ch. 23, h 8

Ali ibn Ibrahim has narrated from his father from ‘Abd Allah ibn al-Mughirah from Mansur ibn Hazim who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘If you give charity, then do not take it back or buy it back unless it comes back to you in the form of an inherited legacy.’”

H 12864, Ch. 23, h 9

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“About the case of a man who gives something to his small children then he decides to make his other children share it with them, abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘It is not harmful.’”

H 12865, Ch. 23, h 10

Through the same chain of narrators as that of the previous *Hadith* the following is narrated from ibn abu ‘Umayr from ‘Abd al-Rahman who has narrated the following:

“This is about the case of a man who gives a slave-girl as charity to his small children. He then begins to like the slave-girl but the children are small as his dependents, if he can touch the slave-girl, or appraise her for a fair price, then make witnesses to bear testimony to his owing such price to his children, or he must stay away altogether. Abu al-Hassan, ‘*Alayhi al-Salam*, has said, ‘He can appraise her for a fair price and count it up on himself; then he can touch the slave-girl.’”

H 12866, Ch. 23, h 11

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil from abu ‘Abd Allah, ‘*Alayhi al-Salam*, and Hammad ibn ‘Uthaman from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘If the gift still exists as it was given, it can be taken back, otherwise, one cannot do so.’”

H 12867, Ch. 23, h 12

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Safwan from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“This is about the case of a man who has a slave-girl and his wife gives him trouble about her. Thus, he says, ‘She is charity for you.’ One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), ‘*Alayhim al-Salam*, has said, ‘If he has done so for the sake of Allah, most Majestic, most Glorious, he must comply with what he has said, but if he did not say it for the sake of Allah, he can reverse his decision.’”

H 12868, Ch. 23, h 13

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from ibn abu ‘Umayr from Mu‘awiyah ibn ‘Ammar who has narrated

the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man to whom another man owes a certain amount of dirham and he gives it as a gift to him (the indebted); if he can change his mind and take it back. He (the Imam) said, ‘No, he cannot do so.’”

H 12869, Ch. 23, h 14

A number of our people have narrated from Ahmad ibn abu ‘Abd Allah from ‘Uthman ibn ‘Isa from Sama‘ah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who gives a certain amount of charity to his friend; if he can change his mind and take it back from him. He (the Imam) said, ‘No, he cannot do so but if he needs he can take from other assets of his friend which is other than what he had given as charity to him.’”

H 12870, Ch. 23, h 15

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of our people from Aban ibn ‘Uthman from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who gives something in charity if he can inherit it, one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘Yes, he can do so.’”

H 12871, Ch. 23, h 16

A number of our people have narrated from Ahmad ibn abu as from ‘Uthman ibn ‘Isa from Sama‘ah who has narrated the following:

“I once asked him (the Imam), *‘Alayhi al-Salam*, about the case of a man who gives a gift to his mother and she dies. She had taken the gift away from him in her possession. He (the Imam) said, ‘He and the other heirs are the same in dealing with that item.’”

H 12872, Ch. 23, h 17

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from Muhammad ibn Muslim from Mas‘ud (a certain musical instrument) al-Ta‘iy who has narrated the following:

“I once said to abu al-Hassan, *‘Alayhi al-Salam*, that my mother gave me the house that belonged to her - or he said her share in a house - and told me to register it in my name. I then wrote that I have bought it from her. She has sold it to me and has received the payment. When she died, the heirs asked me to take an oath that I have bought it and made the payment. If I take an oath, I can take it but if I do not take an oath, they will not give it to me. He (the Imam) said, ‘You can take an oath and take what you have assigned to yourself.’”

H 12873, Ch. 23, h 18

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Ali ibn Faddal from ibn Bukayr from al-Hakam ibn abu *‘Aqilah* who has narrated the following:

“My father gave a house as charity to me and I took possession thereof but thereafter other children were born to him and he wanted to take the house back from me to give it to them. I explained the story to abu ‘Abd Allah, *‘Alayhi al-Salam*, who said, ‘Do not give it to him.’ I then said, ‘He will dispute it with me.’ He (the Imam) said, ‘You can become a defendant but do not raise your voice over his voice.’”

H 12874, Ch. 23, h 19

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a gift-giver receives something in exchange, he then cannot take back what he has given as gift.’”

H 12875, Ch. 23, h 20

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from more than one person from Aban from abu Maryam who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If one gives a charity it is permissible, regardless of whether the recipient takes possession or not, knows about it or does not know about it.’”

H 12876, Ch. 23, h 21

Aban has narrated from ‘Abd al-Rahman ibn abu ‘Abd Allah from Humran who has narrated the following:

“I once asked him (the Imam), *‘Alayhi al-Salam*, about *al-Sukna*’ and *al-‘Umra*’ (permission to use a house for a certain period of time). He (the Imam) said, ‘People must stand by their conditions. If his condition is permission to use the house for his life time, it then is for his life time. If it is for the life time of those whom he leaves behind, then it is for their life time after which they must return it to the owner of the house.’”

H 12877, Ch. 23, h 22

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma‘il from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about *al-Sukna*’ and *al-‘Umra*’ (permission to use a house for a certain period of time). He (the Imam) said, ‘If permission to use the house is given for his lifetime, then it must remain as the condition requires, if it is for his and the lifetime of those whom he leaves behind until they die, then they cannot sell it or inherit it, but they must return the house to its first owner.’”

H 12878, Ch. 23, h 23

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Safwan from Ya‘qub ibn Shu‘ayb who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has a servant who serves him and he says, ‘She will serve so and so as long as he lives, and when he dies she will be free. The servant runs away five or six years before he dies; then his heirs find her; if they can make her to serve them for the remaining time. He (the Imam) said, ‘When the man dies she becomes free.’”

H 12879, Ch. 23, h 24

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from Ahmad ibn ‘Umar al-Halabiy from his father who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about a house which is not yet distributed and a certain one of the people of the house gives his share as charity. He (the Imam) said, ‘It is permissible.’ I then asked, ‘What happens if it is a grant?’ He (the Imam) said, ‘It is permissible.’ I then asked him (the Imam) about a man who allows another man to use his house for his lifetime. He (the Imam) said, ‘It is permissible but he cannot evict him.’ I then asked, ‘Can it be for him and those whom he leaves behind?’ He (the Imam) said, ‘It is permissible.’ I then asked about the case in which one gives permission to another person to use a house without the mention of time duration. He (the Imam) said, ‘He can ask him to leave if he wants him to vacate the house.’”

H 12880, Ch. 23, h 25

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who allows another man to use a house and those whom he will leave behind. He (the Imam) said, ‘It is permissible but they cannot sell or inherit it.’ I asked if a man could allow another man to use a house for his lifetime. He (the Imam) said, ‘It is permissible.’ I then asked what happens if a man allows another man to use a house without the mention of time. He (the Imam) said, ‘It is permissible but he can ask him to vacate

if he wants.’”

H 12881, Ch. 23, h 26

Ahmad ibn Muhammad has narrated from al-‘Asemi from Ali ibn al-Hassan from Ali ibn Asbat from Muhammad ibn Humran from Zurarah who has narrated the following:

“About the case of a man who gives in charity what is owned in partnership, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘It is permissible.’”

H 12882, Ch. 23, h 27

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Umar ibn ‘Udhaynah who has narrated the following:

“I was witness that ibn abu Layla’ judged in the case of a man who had designated the income of a house for his relative without the mention of time limit. The man died and his heirs came to ibn abu Layla’ and his relative for whom the house was designated. Ibn abu Layla’ said, ‘I see that it must be left as its owner has left.’ Muhammad ibn Muslim al-Thaqafiy then said, ‘Ali ibn Abu Talib, *‘Alayhim al-Salam*, judged in the same Masjid opposite to what you have judged.’ He asked, ‘How do you know that?’ He replied, ‘I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, “‘Amir al-Mu’minin judged to return what is kept on hold and to execute the rules of inheritance.”’ Ibn abu Layla’ then asked, ‘Is this written in a book with you?’ He replied, ‘Yes, it is in a book.’ He said, ‘Send to bring it.’ Muhammad ibn Muslim said, ‘I will do so upon the condition that you will not read anything else in the book besides this *Hadith*.’ He said, ‘That is up to you.’ He (the narrator) has said that he showed him the *Hadith* from abu Ja‘far, *‘Alayhi al-Salam*, in the book and he took his judgment back.’”

H 12883, Ch. 23, h 28

A number of our people have narrated from Ahmad ibn abu ‘Abd Allah from his father from ‘Abd Allah ibn al-Mughirah from ‘Abd al-Rahman al-Khath‘amiy who has narrated the following:

“About an issue of a legacy for distribution I once faced differences with ibn abu Layla’. In that legacy, there was an item on hold and he opposed me. When it prolonged I complained before abu ‘Abd Allah, *‘Alayhi al-Salam*, and he said, ‘Did he not know that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, commanded to return items on hold and execute the rules of inheritance?’ I went to him and he did as before. I said, ‘I have complained before Ja‘far ibn Muhammad, *‘Alayhim al-Salam*, and he said so and so on the issue.’ Ibn abu Layla asked me to take oath that he (the Imam) has said so. I took the oath; then he judged accordingly.’”

H 12884, Ch. 23, h 29

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad from and Ali ibn Ibrahim has narrated from his father all from al-Hassan ibn Mahbub from Ali ibn Ri‘ab from Ja‘far ibn Hayyan who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who endowed an asset that belonged to him for his relatives from his father’s side as well as for those from his mother’s side. He assigned from the same asset three hundred dirham every year in his will for a man and his heirs with whom he had no relationship and that the rest must be distributed between the two relatives from the side of each of his parents. He (the Imam) said, ‘It is permissible for the ones in whose favor the will is made.’ I then asked, ‘What happens if the income is not more than five hundred?’ He (the Imam) said, ‘Is it not the case that three hundred must be given and the remaining is distributed between the two relatives?’ I replied, ‘Yes, that is the case.’ He (the Imam) said, ‘The relatives cannot take anything from the income until the three hundred is paid and thereafter they can distribute between themselves whatever is left.’ I then asked, ‘What happens if the one in whose favor the will is for three hundred dies?’ He (the Imam) said, ‘If he dies the three hundred goes to his heirs if there are any

heirs left, otherwise, the three hundred goes to the relatives of the deceased which will be taken from the endowment and will be distributed among them as they exist as well as the income.’ I then asked, ‘Can the relatives of the deceased sell the land when they need it if the income thereof is not enough?’ He (the Imam) said, ‘Yes, they can do so if they all agree and the sale is in their benefit.’”

H 12885, Ch. 23, h 30

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa and A number of our people have narrated from Sahl ibn Ziyad all from Ali ibn Mahziyar from who has narrated the following:

“I once wrote to abu Ja‘far *‘Alayhi al-Salam*, that so and so has bought a certain asset. He has made it an endowment of which one-fifth is designated for you. He seeks your opinion about selling your share of the land, or appraising and counting its price on himself for which he has bought or keep it as an endowment. He (the Imam), *‘Alayhi al-Salam*, wrote the answer that said, ‘Inform so and so that I command him to sell my share and send the proceeds to me, which is my opinion, by the will of Allah; or appraise it on his own account, if that is more suitable for him.’ I wrote to him (the Imam) that so and so has mentioned that among other beneficiaries of this endowment there are serious difference which may even increase further afterwards; if he (the Imam) considers it proper to sell the endowment and give everyone of the beneficiaries his share if he (the Imam) so commands. He (the Imam) then wrote in his own handwriting to me, ‘Inform him about my opinion that if he thinks the selling of the endowment is better because of the differences of the beneficiaries he can do so; differences can sometimes lead to destruction of properties and lives.’”

H 12886, Ch. 23, h 31

Ali ibn Mahziyar has said, “I asked him (the Imam), *‘Alayhi al-Salam*, that certain ones of your Mawali (friends or slaves) have narrated from your ancestors the following. ‘All endowments for a known period of time are binding upon the heirs, and all endowments for an unknown period of time are unknown, confusing and invalid that must be returned to the heirs. You know best the words of your ancestors.’ He (the Imam), *‘Alayhi al-Salam*, wrote the answer that said, ‘It, with me, is as such.’” (Apparently he (the Imam) left it unexplained.)

H 12887, Ch. 23, h 32

‘Abd al-Rahman ibn Muhammad al-Hamadaniy wrote to him (the Imam), *‘Alayhi al-Salam*, the following:

“‘A deceased person has made a will which says that to so and so man an amount must be given continuously of what is left of the one-third of his legacy but has not said to complete the one-third. Is it necessary for the executor of the will to make the one-third an endowment to continue executing the will?’ He (the Imam), *‘Alayhi al-Salam*, wrote, ‘The one-third must be spent and it must not be made an endowment.’”

H 12888, Ch. 23, h 33

Muhammad ibn Ja‘far al-Raziyy has narrated from Muhammad ibn ‘Isa from Ali ibn Sulayman who has narrated the following:

“I once wrote to him (the Imam), abu al-Hassan, *‘Alayhi al-Salam*, saying, ‘I pray to Allah to keep my soul in service for your cause, I do not have any children and I have assets that I inherited from my father and myself earned a certain amount, but I do not feel safe from something happening. If something happens to me and I have no children, what do you think I must do, I pray to Allah to keep my soul in service for your cause? Can I make a certain amount of it an endowment for the needy, of the oppressed brothers (in belief) or sell it and spend upon them in my lifetime? I fear that endowment may not be managed properly after I die and if I make an endowment for my own survival will I be able to eat thereof?’ He (the Imam), *‘Alayhi al-Salam*, wrote, ‘I understood your letter in the matter of

your assets. You cannot eat from charity (endowment), if so the law of endowment is not followed just as if you had heirs. You can sell and give as charity a certain amount of the proceeds in your lifetime. If you give as charity you can keep for yourself for your sustenance just as 'Amir al-Mu'minin had done.'”

H 12889, Ch. 23, h 34

Muhammad ibn Yahya has narrated the following:

“Certain persons of our people had written to abu Muhammad, *'Alayhi al-Salam*, about endowment and what is narrated about it. He (the Imam), *'Alayhi al-Salam*, signed the answer that said, ‘An endowment is according to what people making the endowment do (condition they set), by the will of Allah.’”

H 12890, Ch. 23, h 35

Muhammad ibn Ja'far al-Raziyy has narrated from Muhammad ibn 'Isa from abu Ali ibn Rashid who has narrated the following:

“I once asked abu al-Hassan, *'Alayhi al-Salam*, saying, ‘I pray to Allah to keep my soul in service for your cause, I have bought a land near by my assets for two thousand dirham. When I made payment, I was informed that the land is an endowment.’ He (the Imam) said, ‘Buying an endowment is not permissible. You must not include its income in your assets. Give it back to its beneficiaries.’ I then said, ‘I do not know the beneficiaries.’ He (the Imam) said, ‘Give its income in charity.’”

H 12891, Ch. 23, h 36

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Abu Ali al-Ash'ariyy has narrated from Muhammad ibn 'Abd al-Jabbar all from Safwan ibn Yahya who has narrated the following:

“I once asked abu al-Hassan, *'Alayhi al-Salam*, about the case of a man who makes a piece of his property an endowment, then decides to change it. He (the Imam) said, ‘If he has made it an endowment for his children and others and then appoints a supervisor for it, he cannot change it. If they are small and he has set a condition that the supervision will rest with them until they mature and so he has taken possession for them in this case also he cannot change it. If they are mature but he has not given it to them and they do not dispute with him until they take possession from him, then he can change it because they have not taken possession from him while they are mature.’”

H 12892, Ch. 23, h 37

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Musa ibn Ja'far from Ali ibn Muhammad ibn Sulayman al-Nawfaliyy who has narrated the following:

“I once wrote to abu Ja'far, al-Thaniyy, *'Alayhi al-Salam*, and asked about a land that my grandfather had made an endowment for the needy children of so and so who are of a large number in different places. He (the Imam), *'Alayhi al-Salam*, said, ‘You have mentioned the land that your grandfather had made an endowment for the needy children of so and so. It is for those of them who are in the area (town) in which the endowment exists and you do not have to search for everyone who is absent.’”

H 12893, Ch. 23, h 38

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from al-Husayn ibn al-Nu'aym who has narrated the following:

“I once asked abu al-Hassan, Musa, *'Alayhi al-Salam*, about the case of a man who has given a house to a man to live in for his lifetime, or it is for him and those whom he leaves behind, as the condition may be. I then said, ‘If needed can he then sell it?’ He (the Imam) said, ‘Yes, he can do so.’ I then asked, ‘Does such a sale cancel its being given to the man for his living a lifetime?’ He (the Imam) said, ‘The sale does not cancel its being given to one for living therein a lifetime. That is how I heard my father, *'Alayhi al-Salam*, say that abu Ja'far, *'Alayhi al-Salam*, has said, “Selling does not cancel

tenancy and rentals or being given to live a lifetime therein according to the condition and rent.” I then asked, ‘What happens if the tenant asks for his expenses, building and maintenance for what he has rented?’ He (the Imam) said, ‘If it is with mutual agreements then it is not harmful.’”

H 12894, Ch. 23, h 39

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Khalid ibn Rafi’ al-Bajaliy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has given a house to a man to live for the lifetime of the occupant of the house. When the owner dies, the heirs ask the occupant to leave the house; if they can do so. He (the Imam) said, ‘I see that the house must be appraised for a fair price as well as the one-third of the legacy of the deceased. If the one-third covers the price of the house, the heirs cannot ask the occupant to leave the house; but if the one-third of the legacy did not cover the price of the house, then they can ask him to leave.’ It then was asked from him (the Imam), ‘What happens if the man who had permission to live in the house for his lifetime dies after the death of the owner of the house; if those whom he has left behind can live in that house. He (the Imam) said, ‘No, they cannot live in that house.’”

H 12895, Ch. 23, h 40

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of his people from Aban from ‘Ajalan abu Salih who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, dictated to me the following:

“(I begin) in the name of Allah, the Beneficent, the Merciful. For the sake of Allah as charity this is what so and so son of so and so, who is in good health says: It is his house located among the houses of banu so and so with its limits, which will not be sold, given as a gift, or inherited until it is inherited by the One who inherits the skies and the earth. That he has allowed so and so and those whom he will leave behind to live therein as charity and when they are no more it is for the needy Muslims.”

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from Ahmad ibn ‘Udays from Aban from ‘Abd al-Rahman from abu ‘Abd Allah, *‘Alayhi al-Salam*, a similar *Hadith*.

H 12896, Ch. 23, h 41

Aban has narrated from abu al-Jarud who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘A man cannot buy what he has given as charity. If he gives as charity a house to a relative then if he likes he can live with them. If he gives in charity a servant to a relative he can serve him by the will of Allah.’”

Chapter 24 - The Will for a Part of One's Assets

H 12897, Ch. 24, h 1

Ali ibn Ibrahim has narrated from his father from and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from 'Abd Allah ibn Sinan from 'Abd al-Rahman ibn Sayabah who has narrated the following:

"A woman made a will to me that said, 'With one-third of my legacy my debts must be paid and part of it will be for so and so female.' I then asked ibn abu Layla' about it and he said, 'There is nothing for her because I do not know how much is *al-Juz*' (a part).' I then asked abu 'Abd Allah, '*Alayhi al-Salam*, about it afterwards and informed him (the Imam) how she had said it and what ibn abu Layla' had said. He (the Imam) said, 'Ibn abu Layla' has spoken falsely. She can have one-tenth of the one-third because Allah, most Majestic, most Glorious, said to Ibrahim '*Alayhi al-Salam*, "Place Juza' (a part) of it on every mountain" (2:260) the mountains at that time were ten, thus *al-Juz*' is one-tenth of something.'"

H 12898, Ch. 24, h 2

Ali ibn Ibrahim has narrated from his father from and A number of our people have narrated from Ahmad ibn Muhammad all from ibn Faddal from Th'alabah' ibn Maymun from Mu'awiyah ibn 'Ammar who has narrated the following:

"I once asked abu 'Abd Allah, '*Alayhi al-Salam*, about the case of a man who made a will about a part of his legacy. He (the Imam) said, 'A part is one-tenth because Allah, most Majestic, most Glorious, has said, 'Place a part on every mountain' the mountains were ten.'"

H 12899, Ch. 24, h 3

Ali ibn Ibrahim has narrated from his father from Hammad from Aban ibn Th'alabah who has narrated the following:

"Abu Ja'far, '*Alayhi al-Salam*, has said, 'A part is one-tenth because the mountains were ten and the birds were four.'"

Chapter 25 - The Will about Something of One's Legacy

H 12900, Ch. 25, h 1

A number of our people have narrated from Ahmad ibn abu 'Abd Allah from Muhammad ibn 'Amr from Jamil from Aban who has narrated the following:

“Ali ibn al-Husayn, *'Alayhim al-Salam*, was asked about the case of a man who made a will about something of his legacy. He (the Imam) said, ‘According to the book of Ali, *'Alayhi al-Salam*, it is one-sixth.’”

H 12901, Ch. 25, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn 'Isa from ibn Faddal or others from Jamil from Aban who has narrated the following:

“Ali ibn al-Husayn, *'Alayhim al-Salam*, was asked about the case of a man who made a will about something of his legacy. He (the Imam) said, ‘According to the book of Ali, *'Alayhi al-Salam*, it is one-sixth.’”

Chapter 26 - The Will about a Share of One's Legacy

H 12902, Ch. 26, h 1

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about the case of a man who makes a will about a share of his legacy. He (the Imam) said, ‘A share is one-eighth because of the meaning of the words of Allah, most Majestic, most Glorious, “Charity is only for the poor, destitute, Zakat collectors, people inclined to the religion, slaves, debtors, in the way of Allah and for those who deplete their supplies on journey.”’” (9:60)

H 12903, Ch. 26, h 2

Ali ibn Ibrahim has narrated from his father from Safwan from abu al-Hassan, al-Rida’, *‘Alayhi al-Salam*, and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Safwan and Ahmad ibn Muhammad from ibn abu Nasr who have said the following:

“We once asked abu al-Hassan, al-Rida’, *‘Alayhi al-Salam*, about the case of a man who has made a will about a share of his legacy and it is not known how much a share is. He (the Imam) asked, ‘Have you not received anything about it from Ja‘far, or abu Ja‘far, *‘Alayhim al-Salam*?’ We replied, ‘We pray to Allah to keep our souls in service for your cause, we have not heard our people mention anything about it from your ancestors.’ He (the Imam) said, ‘A share is one of eight.’ We said, ‘We pray to Allah to keep our souls in service for your cause, how it has become one of eight?’ He (the Imam) said, ‘Have you not read the book of Allah, most Majestic, most Glorious?’ I said, ‘I pray to Allah to keep my soul in service for your cause, I read but do not know in which passage it is.’ He (the Imam) said, ‘It is in the words of Allah, most Majestic, most Glorious, “Charity is only for the poor, destitute, Zakat collectors, people inclined to the religion, slaves, debtors, in the way of Allah and for those who deplete their supplies on a journey.” (9:60)’ He (the Imam) then formed eight with his hand and said, ‘This is how the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, distributed in eight shares, thus, a share is one out of eight.’”

Chapter 27 - One in His Illness Confesses His Indebtedness to One of his Heirs

H 12904, Ch. 27, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who confirms his owing a certain amount of debt to one of his heirs. He (the Imam) said, ‘It is permissible if immediate payment is not required.’”

H 12905, Ch. 27, h 2

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from Mansur ibn Hazim who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who confirms his owing a certain amount of debts to one of his heirs. He (the Imam) said, ‘If the deceased is one with whom people are happy, then you must pay to the one in whose favor the will is made.’”

H 12906, Ch. 27, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Ali ibn al-Nu‘man from ibn Muskan from al-‘Ala’ Bayya’ al-Sabiriy who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a woman who leaves a certain amount of assets in trust with a man; and at the time of her death she says to him that the asset in his trust belongs to so and so female, and she dies. Her heirs then come to the man saying that their woman had certain amount of assets but they do not find them except with him, therefore he must take an oath that her assets are not with him; if he can take an oath as they ask him to do. He (the Imam) said, ‘He can take the oath if she was trustworthy in his view; but if she was accused then he must not take the oath. He must deal with the issues as they are wherein one-third of the legacy belongs to her.’”

H 12907, Ch. 27, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Hisham ibn Salim from ‘Isma‘il ibn Jabir who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who confirms in his illness his owing a certain amount of debts to one of his heirs. He (the Imam) said, ‘It is permissible if the amount is less than one-third of the legacy.’”

H 12908, Ch. 27, h 5

Ibn Mahbub has narrated from abu Wallad who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who in his illness at the time of his death confirms his owing a certain amount of debts to one of his heirs. He (the Imam) said, ‘It is permissible.’ I asked about his confirming his owing ‘something’ to one of his heirs. He (the Imam) said, ‘It is permissible.’”

Chapter 28 - When certain ones of the Heirs Confirm Freeing of a Slave or Debts

H 12909, Ch. 28, h 1

Ali ibn Ibrahim has narrated from his father from `Isma'il ibn Marrar from Yunus from Mansur ibn Hazim who has narrated the following:

“About the case of a man who dies and leaves behind a slave and certain ones of his children testify that their father had freed the slave. He (the Imam) said, ‘His testimony is permissible, he is not required to compensate and the slave is not required to work to pay for his freedom from the other heirs.’”

H 12910, Ch. 28, h 2

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama'ah from certain persons of his people from Aban ibn 'Uthman from Mansur ibn Hazim who has narrated the following:

“I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of a man who dies and leaves behind an owned slave, but certain ones of the heirs testify that he is free. He (the Imam) said, ‘If the testifying person is an acceptable person his testimony is permissible on his share of the legacy and the slave is made to work to buy his freedom from the rest of the heirs.’”

H 12911, Ch. 28, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Muhammad ibn abu Hamzah and Husayn ibn 'Uthman from Ishaq ibn 'Ammar who has narrated the following:

“About the case of a man who dies and a certain one of his heir confirms his owing a certain amount. He (the Imam) said, ‘It become binding and applicable to his share in the legacy.’”

Chapter 29 - The Case of One Who Leaves very Little Legacy with a Larger Amount of Debt and Dependents

H 12912, Ch. 29, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn abu Nasr Through the same chain of narrators as that of the previous *Hadith* the following is narrated:

“He once asked him (the Imam); ‘*Alayhi al-Salam*, about the case of a man who dies leaving behind dependents and debts; if anything can be spent from the legacy for the dependents. He (the Imam) said, ‘If it is certain that his legacy covers the debt, then nothing can be spent for his dependents but if it is certain that the legacy cannot cover the debts, then it is permissible to spend thereof for the dependents.’”

H 12913, Ch. 29, h 2

Humayd ibn Ziyad has narrated from Sama‘ah from al-Husayn ibn Hashim and Muhammad ibn Ziyad all from ‘Abd al-Rahman ibn al-Hajjaj who has narrated a similar *Hadith* except that he has said this. ‘If it is certain that his legacy covers all of his debts then it is not spent on them but if it is not certain then from the center of the legacy their expenses are paid..’”

H 12914, Ch. 29, h 3

Humayd ibn Ziyad has narrated from Sama‘ah, from Sulayman ibn Dawud or certain persons of our people from [him] from Ali ibn abu Hamzah who has narrated the following:

“I once asked abu al-Hassan, ‘*Alayhi al-Salam*, about the case of a man who has died and left behind small children and something but owes debts. The creditors do not know it (his leaving something). If debts are paid, nothing is left for his children who do not have anything. He (the Imam) said, ‘Spend it for his children.’”

Chapter 30 - Another Chapter

H 12915, Ch. 30, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ahmad ibn Muhammad from ibn abu Nasr from abu Jamilah who has narrated the following:

“I once asked al-Rida’, *‘Alayhi al-Salam*, about the case of a man who has made a will for a man about a sword which is in a cover (sword sheathing) with decorations on it. The heirs said that only the sword is for him and not the asset (the valuable decorations). He (the Imam) said, ‘The sword and that in which it is belongs to him.’ I then asked about the case of a man who makes a will about a box for a man. The heirs say that only the box without its contents belongs to him. ‘Not only the box but its contents also belong to him’, said abu al-Hassan, *‘Alayhi al-Salam*.”

H 12916, Ch. 30, h 2

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Muhammad ibn ‘Abd Allah ibn Hilal from ‘Uqbah ibn Khalid who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has said that this ship belongs to so and so but has not identified its contents. There is food in it; if the ship with its content must be given to him. He (the Imam) said, ‘It belongs to him except; if its owner is accused (of wrong-doing) and the heirs do not have anything.’”

H 12917, Ch. 30, h 3

It is narrated from the narrator of the previous *Hadith* from Muhammad ibn al-Husayn from Ahmad ibn Muhammad from ibn abu Nasr from abu Jamilah al-Mufaddal ibn Salih who has narrated the following:

“I once wrote to abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who has made a will about a sword for a man and the heirs say that only the iron belongs to him but not the decoration. He (the Imam) wrote the answer that said, ‘The sword and decoration belong to him.’”

H 12918, Ch. 30, h 4

It is narrated from the narrator of the previous *Hadith* from Ali ibn ‘Uqbah from his father who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who makes a will about a box with assets in it for a man. The heirs say that only the box belongs to him and not its contents. He (the Imam) said, ‘The box and its contents belong to him.’”

Chapter 31 - The Adults whose Will is not Acceptable

H 12919, Ch. 31, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from abu Wallad who has narrated the following: “I once heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, saying, ‘One who kills himself intentionally is in the fire of hell forever.’ It was asked, ‘What happens if one makes a will, then kills himself in the same hour, if his will is acceptable.’ He (the Imam) said, ‘If his will takes place before his causing any injury or anything that perhaps may kill him, his will is permissible in one-third of his legacy; but if his will takes place after causing injuries or anything that may cause him to die, his will is not acceptable.’”

Chapter 32 - Distribution of What is Bequeathed *To Relatives*

H 12920, Ch. 32, h 1

A number of our people have narrated from Sahl ibn Ziyad who has narrated the following:

“I once wrote to abu Muhammad, ‘*Alayhi al-Salam*, and asked about the case of a man who has two sons. One of them dies, leaving behind male and female children, and the grandfather bequests for them the share of their father, if male and female in this share are equal or if the male has twice the share of the female. He (the Imam), ‘*Alayhi al-Salam*, signed the answer that said, ‘The will of their grandfather must be executed by the will of Allah.’ He (the narrator) has said that a man wrote to him (the Imam) about the case of a man who has male and female children and he confirms that a piece of property belongs to his children without mentioning if it is according to the share Allah, most Majestic, most Glorious, has determined or male and female share it equally.’ He (the Imam) signed the answer that said, ‘They must execute the will of their father according to what he has mentioned. However, if he has not mentioned anything they must refer to the book of Allah, most Majestic, most Glorious, and the *Sunnah* of the Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, by the will of Allah.’”

H 12921, Ch. 32, h 2

Muhammad ibn Yahya has narrated the following:

“Once Muhammad ibn al-Hassan wrote to abu Muhammad, ‘*Alayhi al-Salam*, about the case of a man who has bequeathed one-third of his legacy to his male and female slaves; if they share it equally or the share of the male is twice the share of female. He (the Imam) signed the answer that said, ‘It is binding and permissible for the deceased what he has bequeathed in the manner he has bequeathed, by the will of Allah.’”

H 12922, Ch. 32, h 3

A number of our people have narrated from Sahl ibn Ziyad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ibn Ri’ab from Zurarah who has narrated the following:

“This is about the case of a man who bequests one-third of his legacy to his paternal and maternal uncles. Abu Ja’far, ‘*Alayhi al-Salam*, has said, ‘The paternal uncle receive two-thirds and the maternal uncle receives one-third.’”

Chapter 33 - The Case of one who Makes a Bequest for an Adult with whom a Child must Share

H 12923, Ch. 33, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa ibn ‘Ubayd from his brother, Ja‘far ibn ‘Isa from Ali ibn Yaqtin who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who makes a bequest for a woman to share it with a child. He (the Imam) said, ‘It is permissible. The woman can execute the will and she does not have to wait until the child becomes mature. The child upon maturity cannot disagree unless the will is changed or altered, in which case the child can turn it back to comply with the will.’”

H 12924, Ch. 33, h 2

Muhammad has said the following:

“Once Muhammad ibn al-Hassan wrote to abu Muhammad, *‘Alayhi al-Salam*, about the case of a man who made a bequest for his children consisting of adults and minor ones, if it is lawful for the adults to execute the will, pay off his debts to the rightful creditors according to just witnesses before the minors become adults. He (the Imam) signed the answer that said, ‘The adult children must pay the debts of their father and they must not allow him to remain imprisoned thereby (the debts).’”

Chapter 34 - The Case of One's Appointing Two Executors for the Will, Each of whom Deals with a Certain Portion of the Legacy

H 12925, Ch. 34, h 1

Muhammad ibn Yahya has narrated the following:

“Muhammad ibn al-Hassan once wrote to abu Muhammad, ‘*Alayhi al-Salam*, about the case of a man who dies and appoints two people as executors of his will, if it is permissible for one of them to deal with one-half of the legacy and the other with the other half of the legacy. He (the Imam) signed the answer that said, ‘It is not suitable for them to oppose the deceased. They must work as they are instructed, by the will of Allah.’”

H 12926, Ch. 34, h 2

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from his two brothers, Muhammad and Ahmad from their father from Dawud ibn abu Yazid from Burayd ibn Mu‘awiyah who has narrated the following:

“A man died and appointed me and another man or two men as executors for his will. One of them said, ‘I will deal with one-half of the legacy but the other one opposed, and they asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about it. He (the Imam) said, ‘It is for him (to disagree).’”

Chapter 35 - Charities of the Holy Prophet, O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause, Fatimah and ‘A’immah, ‘Alayhim al-Salam

H 12927, Ch. 35, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad who has narrated the following:

“I once asked abu al-Hassan, al-Thani, ‘*Alayhi al-Salam*, about the seven walls (gardens) which were of the legacy of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, for Fatimah, ‘*Alayha al-Salam*. He (the Imam) said, ‘No, they were endowments. The Messenger of Allah would take thereof for his guests and maintenance as needed. When he (the Messenger of Allah) passed away, al-‘Abbas came to dispute Fatimah, ‘*Alayha al-Salam*, about it. So she presented Ali, ‘*Alayhi al-Salam*, and others who testified that they were endowments and she, ‘*Alayhi al-Salam*, was the beneficiary thereof. The gardens are called al-Dalal, al-‘Awaf, al-Husna’, al-Safiyah, Ma li ‘Umm Ibrahim, al-Maythab and al-Burqah.’”

H 12928, Ch. 35, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman from ‘Ubayd Allah al-Halabiy and Muhammad ibn Muslim who has narrated the following:

“We once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the charities of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and the charities of Fatimah, ‘*Alayha al-Salam*. He (the Imam) said, ‘Their charities are for banu Hashim and banu al-Muttalib.’”

H 12929, Ch. 35, h 3

It is narrated from the narrator of the previous *Hadith* from his father from ibn abu Najran from ‘Asem ibn Humayd from Ibrahim ibn abu Yahya al-Madiniy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has propounded the following. ‘Al-Maythab is that garden upon which Salman contracted for his freedom; then Allah, most Majestic, most Glorious, granted it to His messenger, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, as properties captured from the enemies; and it is in her charity.’” (The Messenger of Allah planted the garden. *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, Amir al-Mu‘minin, and Salam for the Jewish slave master which miraculously grew immediately as payment for the freedom of Salman)

H 12930, Ch. 35, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from Ahmad ibn ‘Umar from his father from abu Maryam who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the charities of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and the charities of Ali, ‘*Alayhi al-Salam*. He (the Imam) said, ‘It is lawful for us.’ He (the Imam) said, ‘Fatimah, ‘*Alayha al-Salam*, left her charities for banu Hashim and banu al-Muttalib.’”

H 12931, Ch. 35, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from abu Basir who has narrated the following:

“Once abu Ja‘far, ‘*Alayhi al-Salam*, decided to inform us about an important fact. He (the Imam) said, ‘Do you like if I read the will of Fatimah, ‘*Alayha al-Salam*, for you?’ I replied, ‘Yes, I like to hear.’ He (the Imam) then took out a box or a basket from which he took out a book (a letter) and read, ‘In

the name of Allah, the Beneficent, the Merciful. This is the will of Fatimah, daughter of Muhammad, the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. She; bequests all of her seven walls (gardens enclosed by walls), al-‘Awaf, al-Dalal, al-Burqah, al-Maythab, al-Husna’, al-Safiyah and Ma li ’Umm Ibrahim to Ali ibn abu Talib, *‘Alayhi al-Salam*. When Ali passes away it then is for al-Hassan, when al-Hassan passes away then it is for al-Husayn and when al-Husayn passes away then it is for the eldest of my children. Allah is witness thereof, al-Miqdad ibn Aswad, al-Zubayr ibn al-‘Awam and Ali ibn abu Talib are the scribes.’”

From the narrator of the previous *Hadith* from his father from ibn abu ‘Umayr from ‘Asem ibn Humayd a similar *Hadith* is narrated in which he has not mentioned box or basket and has said . . . ‘to the eldest of my children other than [not] your children.’

H 12932, Ch. 35, h 6

It is narrated from the narrator of the previous *Hadith* from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, once said, ‘Do you like if I read the will of Fatimah, *‘Alayha al-Salam*?’ I replied, ‘Yes, I like it.’ He (the Imam) took out a document. It said, “This is what Fatimah, daughter of Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has willed about her assets to Ali ibn abu Talib, *‘Alayhi al-Salam*. If he dies then it is for al-Hassan, if he dies then it is for al-Husayn and if al-Husayn dies then it is for the eldest of my children not your children. These walls (gardens enclosed by walls), are al-‘Awaf, al-Dalal, al-Burqah, al-Maythab, al-Husna’, al-Safiyah and Ma li ’Umm Ibrahim. Allah is witness thereof, al-Miqdad ibn Aswad and al-Zubayr ibn al-‘Awam.’”

H 12933, Ch. 35, h 7

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar and Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from Safwan ibn Yahya from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“Abu al-Hassan, *‘Alayhi al-Salam*, sent to me the will of *‘Amir al-Mu’minin*, *‘Alayhi al-Salam*, which reads as follows:

‘(I begin) in the name of Allah, the Beneficent, the Merciful.

‘This is the will and decision of the servant of Allah about his assets seeking thereby the pleasure of Allah so that He will admit him in the garden (paradise), keep away from him the fire and keep him away from the fire on the day when certain faces will be white and others will be black. The assets that belong to me in Yanba’ which are known to be my assets with its surroundings are endowed as charities as well as the slaves except Rabah, abu Nayzar and Jubayr who are set free and no one has any authority over them. They are my Mawali who will work for five years with the properties from which will be their sustenance, expenses and the expenses of their families. Besides these my properties in Wadi al-Qura’, all of it is of the assets of the children of Fatimah, *‘Alayha al-Salam*, and the slaves are charities. My assets in Daymah and its people are charities except Zurayq. For him is what I write for his companions. My assets in ‘Udhaynah and its people are charities and al-Fuqayrayn as you know are charities in the way of Allah. My assets that I have mentioned are charities in an obligatory sense, whether I will be living or dead. They will be used in the ways that will please Allah, for the cause of Allah, and for the sake of Allah, and for my relatives from banu Hashim, banu al-Muttalib, the nearer ones and the farther ones. Al-Hassan will supervise these properties. He will use

them for his lawful needs and will spend in the sight of Allah, most Majestic, most Glorious, in lawful ways. It is not unlawful for him to do so. If he deems necessary to sell from these assets to pay off debts, he can do so if he will so like. It is not unlawful for him. If he will like he can make them very attractive assets. The children of Ali, their Mawali and assets are under the authority of al-Hassan ibn Ali. If the house of al-Hassan ibn Ali will not be the house of charity and if he will so decide to sell it he can do so. It is not unlawful for him. If he will sell it, he will divide its price in three parts: one-third in the way of Allah, one-third for banu Hashim and banu al-Muttalib, and keep one-third in the assets of Ale abu Talib. He will manage it in the sight of Allah as he deems it lawful. If something will happen to al-Hassan and al-Husayn will be living, then al-Husayn ibn Ali will be the person in charge of his task. Al-Husayn will deal with these assets just as al-Hassan had been dealing. He will have for himself what I have written for al-Hassan. On him will also be what was on al-Hassan. For the children of (the two sons of) Fatimah, *‘Alayha al-Salam*, of the charities are whatever is for the children of Ali. I have prepared what I have prepared for the two sons of Fatimah, *‘Alayhi al-Salam*. It is for the sake of Allah, most Majestic, most Glorious, in the honor of the Messenger of Allah, O Allah, *grant compensation to Muhammad and his family worthy of their services to Your cause*, and for their greatness, in service of their nobility and pleasure. If something will happen to al-Hassan and al-Husayn, the last one of them will look among the children of Ali. If he will find among them one about whose guidance he is happy as well as his Islam and trustworthiness, he will designate him for the task if he will so wish. If he will not find among them anyone who can make him happy, he will designate someone from Ale abu Talib with whom he will be happy. If he will find all of Ale abu Talib, their elders and people of understanding have passed away, he then will designate a man from banu Hashim. He will place a condition on one to whom he will leave the assets that they must be left on their original basis, only their fruits will be spent as I have commanded, such as, in the way of Allah and for His sake, for the relatives of banu Hashim and banu al-Muttalib, those nearer and those farther. They must not be sold, gifted or inherited. The assets of Muhammad ibn Ali are on his side. It is for the two sons of Fatimah, *‘Alayha al-Salam*, to decide about it. My slaves whom I have listed in a small document are free.

‘This is what Ali ibn abu Talib has decided about his assets this morning of the day that he has arrived in Maskin (a place near al-Kufah on the bank of Euphrates) for the sake of Allah, seeking His pleasure, and for the dwelling in the next life. Allah is the support in all conditions. It is not lawful for a Muslim, who believes in Allah and the day to come, to say something about what I have decided about my assets or oppose me in my affairs of the people near or far.

‘Thereafter the mothers of my children with whom I maintain connections, seventeen of whom are mothers of children who are with their children, those of them who are pregnant and those who do not have children. My decision about them, if something happens to me is as follows: Those of them who do not have children and are not pregnant they are free for the sake of Allah, most Majestic, most Glorious. No one will have any authority over them. Those of them who have children or are pregnant must keep their children as their share. If her child will die and she is living she then is free and no one will have any authority on them. This is the decision that Ali has made about his assets this morning when he has arrived in Maskin. It is witnessed by abu Samar ibn Abrahah, Sa‘sa‘h ibn Suhan, Yazid ibn Qays and Hayyaj ibn abu Hayyaj and it is written by Ali ibn abu Talib with his own hand on tenth of Jamadi al-’Ula’, in the year thirty-seven.’”

There was another will (with the first one):

“In the name of Allah, the Beneficent, the Merciful

“This is the will of Ali ibn abu Talib, *‘Alayhi al-Salam*. I (Ali ibn abu Talib) testify that no one deserves worship except Allah alone, who has no partners, and Muhammad is His servant and Messenger. He sent him with guidance, true religion to make it dominant over all other religions even though the pagans dislike. *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. My *Salat* (prayer), good deeds, life and death are for Allah, Lord of the worlds who has no partners. I am commanded for this and I am the first Muslim.

“I make this will for you O al-Hassan and all members of my family, my children and those to whom my writing reaches, to be pious before Allah, your Lord, and do not die unless you are a Muslim. Hold firmly to the rope of Allah, all of you, and do not become scattered because of differences. I heard the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, saying, ‘Establishing reconciliation and peace between two disputing people is better than all *Salat* (prayer) and fasting. That denouncing (each other) is destructive to religion and the good relationship between two people. There is no power without Allah, most High, most Great. You must look after your relatives and maintain good relations with them; Allah will make your accounting very easy.’

“(I remind you of) Allah, (I remind you of) Allah, about the orphans. You must not remain ignorant of the condition of what they eat and you must not allow yourselves to see that they are lost and destroyed in your presence. I heard the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, saying, ‘If one supports an orphan until he is independent Allah, most Majestic, most Glorious, makes the garden (paradises) obligatory for him just as He makes the fire obligatory for those who consume the assets of the orphans.’

“(I remind you of) Allah, (I remind you of) Allah, about al-Quran, you must not give others the chance to excel you in acting according to it. (I remind you of) Allah, (I remind you of) Allah, about your neighbors; the Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has urged to take care of them and he (the Messenger of Allah) continued urging about them until we thought that he will command to inherit each other. (I remind you of) Allah, (I remind you of) Allah, about the house of your Lord. You must not leave it without your presence as long as you are here. If it is left alone, you will not be given a chance to visit the house. The least that one, who intends to visit the house, brings back is forgiveness of the past sins. (I remind you of) Allah, (I remind you of) Allah, about *Salat* (prayer); it is the best of deeds. It is the pillar of your religion. (I remind you of) Allah, (I remind you of) Allah, of Zakat because it extinguishes the anger of your Lord. (I remind you of) Allah, (I remind you of) Allah, about the month of Ramadan. Fasting in this month is the shield against the fire. (I remind you of) Allah, (I remind you of) Allah, about the poor and the destitute. You must share your financial resources with them. (I remind you of) Allah, (I remind you of) Allah, about Jihad by means of your wealth, your souls and your tongue. Two kinds of men complete the duty of Jihad, the Imam of guidance or one obedient to him who follows his guidance. (I remind you of) Allah, (I remind you of) Allah, about the descendents of your prophet. You must not allow their being subjected to injustice in your presence and before your eyes when you are able to defend them. (I remind you of) Allah, (I remind you of) Allah, about the companions of your Prophet, the companions who did not invent heresy or give protection to heretics. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your*

cause, has urged to be good to them, has condemned the heretics among them and others who protect heretics.

“(I remind you of) Allah, (I remind you of) Allah, about women and slaves. The last word your Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, spoke was, ‘I urge you to take care of the two weak kinds of people: the women and slaves.’ *Salat* (prayer), *Salat* (prayer), *Salat* (prayer). Do not fear the blame of blaming people; Allah is sufficient for you against their harming you and their rebelliousness against you. Speak to people about what is good as Allah, most Majestic, most Glorious, has commanded you. If you disregard urging people to do what is good and prohibit evil; Allah will make people of evil deeds to dominate you then you pray but it will not be answered in your favor. My sons, you must continue to maintain good relations, generosity and acting virtuously. You must not cut off good relations and turn away from each other because of differences. Cooperate with each other with virtuous deeds and piety and do not work together toward sin and animosity. Be pious before Allah because Allah’s punishment is intense and severe. I pray to Allah to protect you against harms, all of you, people of the house as He protected among you your Prophet. I leave you in the trust of Allah and offer you the greeting of peace, the kindness of Allah and His blessings.”

“He (the Imam) then continued saying Tahlil, (no one deserves worship except Allah), until he passed away. O Allah, grant compensation to him (the Imam) and blessings, in the third night of the last ten days in the end of the twenty-third night of the month of Ramadan, on Friday night in the year forty after the migration of the Holy Prophet, from Makkah to al-Madinah. He was injured in the nineteenth night of the month of Ramadan.”

H 12934, Ch. 35, h 8

Abu Ali *al-Ash‘ari* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan and Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from Safwan and Ali ibn Ibrahim has narrated from his father from Safwan and Muhammad ibn Yahya from Muhammad ibn al-Husayn from Safwan ibn Yahya from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“Abu al-Hassan, Musa, *‘Alayhi al-Salam*, sent to him the will of his father with his charity through abu ‘Isma‘il Musadif.

“In the name of Allah, the Beneficent, the Merciful

“This is the will of Ja‘far ibn Muhammad who testifies that no one deserves worship except Allah alone, who has no partners. To Him belongs the kingdom, to Him belongs all praise; He is living and does not die. In His hand is the good and He has power over all things, that Muhammad is His servant and Messenger, that the Hour is coming without any doubt and that Allah will raise all people from the graves. Upon this (belief) we live and upon this we die and before Him we all will be raised to live by the will of Allah. He has made this will to his sons that they must not die unless they are Muslims, they must remain pious before Allah, establish peaceful relations among themselves as much as they can; they will continue living in good conditions as long as they do so. It is an obligation for which they will be recompensed.

“He has made this will that if something happens to him if it is not changed, although he has the right to change as long as Allah keeps him living, that for so and so is such and such and for so and so and so and so is such and such that so and so is free. That he has made his will to so and so.”

“In the name of Allah, the Beneficent, the Merciful

“This is what Musa ibn Ja‘far has verified and certified to be in so and so land, with so and so limits (boundaries). All of its palm trees, its land, its waters, surroundings, its rights, watering paths, its threshing field, its hills, its courtyards, branches, dividing marks, drainage passages, the inhibited and uninhibited parts are all given as charity. Along with all of its rights for his own children of his own seed, male and female, which will be divided among them whatever Allah, most Majestic, most Glorious, will produce as its income after deducting the expenses of its maintenance, buildings, accessories. Thereafter thirty clusters must be kept to be divided among the destitute of the people of the town, who live with the children of Musa, for every male twice as much as the share of a female. If a female of the children of Musa marries, she will not have any right in this charity unless she comes back without her husband. If she did so, she will have the same share that she had before her marriage as being one of the daughters of Musa. Whoever of the children of Musa dies and leaves children, they will have the share of their father, each male will receive twice as much as the share of a female as Musa ibn Ja‘far has set as a condition in his children from his seeds. If any of the children of Musa dies and does not leave any children behind, his share will be given to the people of charity. The children of my daughters will not have any share in this much of my charity unless their father is of my children. No one else will have any share in my charity with my children or the children of my children and their descendents as long as anyone of them exists. If they are no more, then my charity will be for the children of my father from my mother as long as they exist, with the condition that I have set for my children and my descendents. If the children of my father from my mother all die, then my charity is for the children of my father and their descendents as long as any of them exist, with the condition that I have set upon my children and my descendents. When the children of my father are no more, then my charity is for the first and then the first in priority until Allah makes it inherit whom He will make to inherit; He is the best heir.

“Musa has given this charity when he is in good health, an irrevocable charity in a complete sense without doubt or return, perpetually for the sake of Allah, most Majestic, most Glorious, and the dwelling in the hereafter. It is not lawful for any believing one who believes in Allah and the last day to sell it or any part thereof, give it as gift, or grant, change anything thereof as I have set forth until Allah will inherit the earth and all that is on it.

“He has made this charity under the supervision of Ali and Ibrahim. When one of them is no more, al-Qasim joins the other. If then one of them is no more `Isma‘il will join the other one. If one of them is no more al-‘Abbas will join the other one, if one of them is no more, then the eldest of my children will join the other, if no one of my children will exist except one then he will deal with the task.” Abu al-Hassan has thought that his father made `Isma‘il before al-‘Abbas in the matters of charity who was younger than him.

H 12935, Ch. 35, h 9

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from al-Nadr ibn Suwayd from Yahya ibn ‘Imran al-Halabiy from Ayyub ibn ‘Atiyyah al-Hadhdha’ who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, distributed the assets captured from the enemy among the Muslims. The share of Ali, *‘Alayhi al-Salam*, was a piece of land. He dug a well and water gushed toward the sky like the neck of a camel. He called it Yanbu‘a. A bearer of good news came to him with good news and Ali, *‘Alayhi al-Salam*, said, “You must give the good news to the heirs. It is an irrevocable charity and complete for those who perform al-Hajj of

the house of Allah and the by-passers. It will not be sold, gifted or inherited. Those who buy or gift it, will be subjected to the condemnation of Allah, the angels and all people; and Allah will not divert it from him or accept ransom.”””

H 12936, Ch. 35, h 10

A number of our people have narrated from Ahmad ibn Muhammad from ibn Mahbub from Jamil ibn Salih from Hisham ibn Ahmar, Ali ibn Ibrahim has narrated from his father, and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan, from ibn abu ‘Umayr, from ‘Abd al-Rahman ibn ‘Abd al-Hamid all from Salimah *Mawlat* abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has narrated the following:

“I was with abu ‘Abd Allah, ‘*Alayhi al-Salam*, when he was about to leave this world. He fainted and then regained consciousness. He (the Imam) said, ‘You must give to al-Hassan ibn Ali ibn al-Husayn, who is al-Aftas, seventy dinar, give so and so such and such amount, and to so and so such and such amount.’ I then asked, ‘Do you want to give to the one who attacked you with the blade?’ He (the Imam) said, ‘Woe on you, have you not read the Quran?’ I replied, ‘Yes, I read it.’ He (the Imam) said, ‘Have you not heard the words of Allah, most Majestic, most Glorious, “. . . those who keep the relation that Allah has commanded to maintain and fear their Lord and fear the bad accounting.” (13:21)’” (Fainting and then regaining consciousness in the case of an Imam is a debatable issue.)

Ibn Mahbub has said in his *Hadith*, ‘. . . attacked you with the blade to kill you.’ He (the Imam) said, ‘Do you want me not to be of those about whom Allah, most Blessed, most High, has said, “. . . those who maintain the good relations that Allah has commanded them to maintain, fear their Lord and fear the bad accounting?” Yes, O Salimah, Allah has created the garden (paradises) and has made it good as well as its fragrance which can be sensed from a distance of two thousand years and those who suspend and cut off relations with relatives cannot sense it.’”

H 12937, Ch. 35, h 11

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar Ahmad ibn Muhammad from Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan all from Safwan from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once asked abu al-Hassan, ‘*Alayhi al-Salam*, about what people say concerning the will about one-third or one-fourth at the time of one’s death: if it is lawful and a good thing to do and how his father had done. He (the Imam) said, ‘The one-third is what my father, may Allah grant him kindness, had made the subject of his will.’”

H 12938, Ch. 35, h 12

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from Ja‘far ibn Sama‘ah and from more than one person from Aban from Muhammad ibn Marwan who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that abu Ja‘far, ‘*Alayhi al-Salam*, died and left sixty slaves, of whom he set free one-third. I picked up the ones to be free by means of casting a raffle.”

H 12939, Ch. 35, h 13

It is narrated from the narrator of the previous *Hadith* from ‘Abd Allah ibn Jabalah and others from Ishaq ibn ‘Ammar from abu Basir who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that abu Ja‘far, at the time of his passing away freed the mischievous ones among his slaves and kept the good ones. I asked, ‘Father, do you free these and keep these?’ He (the Imam) said, ‘These were subjected to my disciplining, thus, this is for that.’”

H 12940, Ch. 35, h 14

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from ‘Abd Allah ibn Sinan from ‘Umar ibn Yazid who has narrated the following:

“Ali ibn al-Husayn, ‘*Alayhim al-Salam*, became ill three times, each time he made a will and when he

recovered from his illness he approved his will.’”

Chapter 36 - Things that Reach a Deceased after his Death

H 12941, Ch. 36, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from Muhammad ibn ‘Isa from Mansur from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Nothing of the rewards follow a deceased after his death except three qualities: A charity that he established in his lifetime, it continues after his death; a *Sunnah* of guidance that he established upon which people act after his death; or a virtuous child who prays for him.’”

H 12942, Ch. 36, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Nothing follows a deceased after his death except three things: a charity that Allah has made to function in his lifetime which continues after his death, a *Sunnah* of guidance that one establishes which is acted upon after his death and virtuous children who pray for him.’”

Muhammad ibn ‘Isma’il has narrated from al-Fadl ibn Shadhan from Safwan from ibn Muskan from Muhammad al-Halabiy from abu ‘Abd Allah, a similar *Hadith* except that he (the Imam) said, ‘or a child who asks forgiveness for him.’”

H 12943, Ch. 36, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Ishaq ibn ‘Ammar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Nothing follows a deceased after his death except three things: a charity that Allah has made to function in his life time which continues after his death, a *Sunnah* of guidance that one establishes which is acted upon after his death and virtuous children who pray for him.’”

H 12944, Ch. 36, h 4

Muhammad ibn ‘Isma’il has narrated from al-Fadl ibn Shadhan from Safwan ibn Yahya from Mu‘awiyah ibn ‘Ammar who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about things that follow a deceased after his death. He (the Imam) said, ‘Of the things that follow a deceased after his death is his establishing a *Sunnah* of guidance which is acted upon after his death. He receives a reward just like the reward received by the one who has acted accordingly without any reduction in the reward of any one of them. Another issue is a perpetual charity that functions after his death, and a virtuous child who prays for his parents after their death, performs al-Hajj, gives charity on their behalf after their death, sets free slaves, fasts and performs *Salat* (prayer) on their behalf.’ I then asked if I can share my al-Hajj with them. He (the Imam) said, ‘Yes, you can do so.’”

H 12945, Ch. 36, h 5

A number of our people have narrated from Ahmad ibn abu ‘Abd Allah from Ya‘qub ibn Yazid from Muhammad ibn Shu‘ayb from abu Kahmas who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Six things follow a believing deceased after his death: a child that asks forgiveness for him, a book that he leaves behind, a plantation that he plants, a well that he digs, a charity that he establishes and a *Sunnah* which is acted upon after his death.’”

Chapter 37 - The Rare Ahadith

H 12946, Ch. 37, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from Ali ibn ‘Uqbah from Burayd ibn Mu‘awiyah who has narrated the following:

“I once said to abu ‘Abd Allah, *‘Alayhi al-Salam*, that a man made a will in which he appointed me as executor of the will. I asked him to appoint one more person of his relatives with me and he did. The testator told me that with the other executor of the will he has a bowl of silver, which is worth one hundred fifty dirham as a security item. When he dies the other executor of the will said that the testator owes him several Kur (a certain unit of measurement) of wheat. He (the Imam) said, ‘If he presents testimony he can have it, but not without testimony.’ I then asked, ‘Can he compensate from what is in his hand?’ He (the Imam) said, ‘It is not lawful for him.’ I then said, ‘If one due to animosity takes away one’s assets, then it becomes possible for him to compensate his loss from his assets: if he can do so.’ He (the Imam) said, ‘This is not like that.’”

H 12947, Ch. 37, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman who has narrated the following:

“A man made a will about thirty dinars for the children of Fatimah, *‘Alayha al-Salam*. Another man brought it to abu ‘Abd Allah, *‘Alayhi al-Salam*, who told him to give it to so and so old man of the descendents of Fatimah, *‘Alayha al-Salam*, who has a family to feed and is poor. The man said, ‘The man has a will for the children of Fatimah.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘It will not be appropriate by giving to the children of Fatimah, *‘Alayha al-Salam*. It will be appropriate to give it to this man who has a family to feed.’”

H 12948, Ch. 37, h 3

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Ali ibn Mahziyar from Ahmad ibn Hamzah who has narrated the following:

“I once said to him (the Imam), *‘Alayhi al-Salam*, ‘In our land people may make a will for Ale Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. They ask me to deliver it to you and I dislike carrying it to you before asking for your instructions.’ He (the Imam) said, ‘Do not carry them to me and do not bother about it.’”

H 12949, Ch. 37, h 4

Muhammad ibn Yahya has narrated in a *marfu‘* the following:

“*‘A‘immah*, *‘Alayhim al-Salam*, have said, ‘If one makes a will about one-third of his legacy it is counted as his Zakat.’”

H 12950, Ch. 37, h 5

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that about the case of a man who at the time of his death states that either one of so and so and so and so has one thousand dirham with me then he dies in such condition, *‘Amir al-Mu‘minin*, has issued the following decree. ‘Whoever presents testimony can receive the asset but if no one of them can present testimony they divide it half and half.’”

H 12951, Ch. 37, h 6

Ali ibn Ibrahim has narrated from his father from Harun ibn Muslim from Mas‘adah ibn Sadaqah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘One who maintains justice in his will is like one who has given in charity in his lifetime and one who is unjust in his will he, on the Day of Judgment, will come before Allah, most Majestic, most Glorious, who will shun him.’”

H 12952, Ch. 37, h 7

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn al-Rayyan who has narrated the following:

“I once wrote to abu al-Hassan, ‘*Alayhi al-Salam*, and asked him about a man who makes a will but the executor of the will executes only one item of it. What must he do about the other items? He (the Imam) signed the answer that said, ‘He can spend the other chapters (items) in good causes.’”

H 12953, Ch. 37, h 8

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn Mahziyar from certain persons of our people who have said the following:

“I once wrote to abu al-Hassan, ‘*Alayhi al-Salam*, saying, ‘I have made a piece of land an endowment for my children, for al-Hajj and for the ways and aspects of virtuous matters. There is your right after me and for the one after you and I have moved it from that course.’ He (the Imam) said, ‘It is lawful for you and you have the permission to do so.’” (It perhaps refers to the case before handing it over to endowment.)

H 12954, Ch. 37, h 9

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isa ibn ‘Ubayd m Ja‘far ibn ‘Isa who has narrated the following:

“I once wrote to abu al-Hassan, ‘*Alayhi al-Salam*, about the case of a man who made a will about a part of the one-third of his legacy after his death from the income of a certain asset that belonged to him. He instructed the executor of his will to spend half of it for the causes he mentioned every year and with the rest of the one-third he can do whatever he wanted. The executor of the will executed what the deceased wanted about the known causes. About the remaining he said that he has given it to so and so and so and so every year, for al-Hajj such and such amount, and for charity such and such amount every year. He then decided to change all of such causes. He said that he has decided to spend for causes other than those he wanted before; if he can do such changes and alterations of such nature reducing and including other causes if he wanted. He (the Imam) wrote the answer that said, ‘He can do whatever he wants except if he has written upon himself for doing certain things.’”

H 12955, Ch. 37, h 10

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan [ibn Ibrahim] ibn Muhammad al-Hamadaniy who has narrated the following:

“Once, Muhammad ibn Yahya wrote (to the Imam), ‘Is it lawful for an executor of the will to buy something from the assets of the deceased as the highest bidder? He (the Imam) said, ‘It is permissible if he buys it in an undamaged condition.’”

H 12956, Ch. 37, h 11

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isa from abu Ali ibn Rashid who has narrated the following:

“I once said to Sahib al-‘Askar, ‘*Alayhi al-Salam*, ‘I pray to Allah to keep my soul in service for your cause, something is brought to us and it is said “This is what was for abu Ja‘far, ‘*Alayhi al-Salam*.” How must we deal with it?’ He (the Imam) said, ‘Whatever was for abu Ja‘far because of *Imamat* (leadership with divine authority), it belongs to me, and whatever is because of other reasons, it then is legacy according to the book of Allah and the *Sunnah* of His Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*’”

H 12957, Ch. 37, h 12

It is narrated from the narrator of the previous *Hadith* from Muhammad ibn Ahmad from al-Husayn ibn Malik who has narrated the

following:

“I once wrote to him (the Imam), ‘*Alayhi al-Salam*, ‘A man has died who in his lifetime had made everything that he had for you and he did not have any children, thereafter a child was born to him and his assets are three thousand dirham. He has sent to you one thousand dirham. I like to know your decision in the matter so I can follow.’ He (the Imam), ‘*Alayhi al-Salam*, wrote the answer that said, ‘I leave it for them.’”

H 12958, Ch. 37, h 13

Muhammad ibn Yahya has narrated from ‘Abd Allah ibn Ja‘far from al-Husayn ibn Malik who has narrated the following:

“I once wrote to abu al-Hassan, ‘*Alayhi al-Salam*, saying, ‘My master, I inform you that the son of my brother has died and has made a will about a certain piece of property for you. He in his will has said that everything in his house must be given, even the pegs must be sold and the price sent to my master. He has made a will for al-Hajj. He has made a will for the poor of his family, for his aunt, for his sister to receive a certain amount of property and I have considered it to be more than one-third, perhaps about one-half of his legacy, and he has left behind a son who is three years old. He has left debts to pay. I want to know your opinion, my master, in the matter.’ He (the Imam) signed the answer that said, ‘His will must be limited within one-third of his legacy and it will be divided among the beneficiaries proportionate to each one’s share.’”

H 12959, Ch. 37, h 14

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from Sa‘d ibn ‘Isma‘il from his father who has narrated the following:

“I once asked al-Rida’, ‘*Alayhi al-Salam*, about the case of a man who at the time of his death made a will to his son and two brothers. The son was present at the time of his making the will but not the brothers. After several days they refused to accept acting as executors of the will for fear from the son and that, they may not be able to work, as they should. A son of an uncle guaranteed their safety when working with the son and with such condition they began the work but the son did not cooperate and they said that they are not responsible for the will. They want to leave it alone and must not be held obligated for anything. Is it permissible for them to leave whatever is in their hand and move out of the task? He (the Imam) said, ‘It is necessary for you to be kind in whatever way you can because you will receive the reward. Perhaps that is to arrive on his son.’”

H 12960, Ch. 37, h 15

Al-Husayn ibn Muhammad *al-Ash‘ariy* from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ Ahmad Muhammad ibn Yahya from Wasiy of Ali ibn al-Sariy who has narrated the following:

“I once said to abu al-Hassan, ‘*Alayhi al-Salam*, that Ali ibn al-Sariy has died and has made a will to me. He (the Imam) said, ‘May Allah grant him mercy.’ I then said that his son, Ja‘far ibn Ali, has fallen on a mother of his child. He has instructed me not to allow him receive anything from the legacy. He (the narrator) has said that he (the Imam) said, ‘Do not give him anything from the legacy. If what you say is true, he will soon be affected by confusion.’ He (the narrator) has said, ‘I returned and he took me before abu Yusuf, the judge and said to him, “May Allah keep you well, I am Ja‘far son of Ali ibn al-Sariy and this is the executor of the will of my father. Please command him to give to me legacy of my father.” Abu Yusuf, the judge said to me, “What do you say?” I said to him, “Yes, this is Ja‘far ibn Ali al-Sariy and I am the executor of the will of Ali ibn al-Sariy.” He said, “Give him his inheritance.” I said, “I like to speak to you.” He said, “Come close.” I went close to him so that no one could hear my words and said to him, “This has fallen on the mother of the child of his father. His father made a will not to give him anything from the legacy. I asked Musa ibn abu Ja‘far, ‘*Alayhi al-*

Salam, in al-Madinah, informed him about it and asked him. He (the Imam) instructed me not to allow him to receive any inheritance.” He said, “Allah, abu al-Hassan, has commanded you?” He (the narrator) has said that I said, “Yes, he (the Imam) has commanded me to do so.” He (the judge) made me to swear three times then he said, “Execute what abu al-Hassan, ‘*Alayhi al-Salam*, has commanded to do because the word is his words.”” The executor of the will has said, ‘He became confused thereafter.’ Abu Muhammad al-Hassan ibn Ali al-Washsha’ has said, ‘I saw him afterward and he had become confused.’”

H 12961, Ch. 37, h 16

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj from Khalid ibn Bukayr al-Tawil who has narrated the following:

“My father called me at the time of his death and said, ‘Son, take the assets of your small brothers and use them in business. Take half of the profit and give them the other half and you will not be held responsible.’ A mother of the child of my father took me, after the death of my father, before ibn abu Layla’ and said to him, ‘This person eats the property of my children.’ He (the narrator) has said, ‘I then told my story that my father had commanded me to do.’ Ibn abu Layla’ said, ‘If your father commanded you to do what is unlawful, I cannot allow it.’ Ibn abu Layla’ appointed a witness (to bear testimony) that if I moved it I will be held responsible. I then visited abu ‘Abd Allah, ‘*Alayhi al-Salam*, later and told my story, then asked about his opinion. He (the Imam) said, ‘I cannot reject the words of ibn abu Layla’, however, between you and Allah, most Majestic, most Glorious, you are not responsible.’”

H 12962, Ch. 37, h 17

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Ammar ibn Marwan who has narrated the following:

“I once said to abu ‘Abd Allah, ‘*Alayhi al-Salam*, ‘My father was about to die and he was told to make a will.’ He said, ‘This is my son, meaning, ‘Umar. Whatever he does is permissible.’ Abu ‘Abd Allah, ‘*Alayhi al-Salam*, said to him, ‘Your father has made a will and has made it concise.’ I said, ‘He has designated for you such and such amount.’ He (the Imam) said, ‘You can execute it.’ I then said that he made a will to free a believing well-informed slave but when we freed it was found out that the slave was born out of wedlock.’ He (the Imam) said, ‘It is sufficient. It is like one who buys an animal for sacrificial offering thinking that it is healthy, but finds it out to be skinnier but it is sufficient to meet the legal requirement.’”

H 12963, Ch. 37, h 18

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu’minin* has said, ‘If one makes a will without being unjust and harming anyone it is like giving it as charity in his lifetime.’”

H 12964, Ch. 37, h 19

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from al-Hassan ibn Ali ibn Yusuf from Muthanna’ ibn al-Walid from Muhammad ibn Muslim who has narrated the following:

“Once abu ‘Abd Allah, ‘*Alayhi al-Salam*, was asked about the case of a man who made a will about certain assets for his son and gave him permission at the time of his death to use the assets in business and share the profit. He (the Imam) said, ‘It is not harmful because his father gave permission when he was living.’”

H 12965, Ch. 37, h 20

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Salih ibn Razin from ibn ‘Ushaym who has

narrated the following:

“This is about the case of a people’s slave who has permission for doing business. A man gives him one thousand dirham to buy a slave and set him free on his behalf, perform al-Hajj on his behalf with the remainder of the asset. The owner of one thousand dirham dies and the slave buys his father, sets him free on behalf of the deceased, and gives the remaining asset to him to perform al-Hajj for the deceased, which he performs for him. However, then the masters of his father, his own masters and the heirs of the deceased learn about it who all dispute about the one thousand dirham, for which the masters of slave say, ‘You have bought your father with our funds.’ The masters of his father says, ‘You have bought your father with our funds.’ The heirs of the deceased say, ‘You have bought your father with our funds.’ Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Al-Hajj is completed and it does not return, but the freed slave goes back to slavery of the masters of his father and whichever of the two group presents testimony that the slave has bought his father with their funds, he becomes their slave.’”

H 12966, Ch. 37, h 21

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn abu Najran and others from “Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“I once said to abu Ja‘far, *‘Alayhi al-Salam*, that a man made a will to another man about his assets, one-third or one-fourth of his legacy, and then the testator is killed mistakenly. He (the Imam) said, ‘Funds must be kept aside for this will from his legacy and the wergild.’”

H 12967, Ch. 37, h 22

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Muhammad ibn Yahya who has said that narrated to him Mu‘awiyah ibn ‘Ammar the following:

“Mufaddal ibn Ghiyath’s sister died and she had made a will that said, ‘One-third must be given in the way of Allah, one-third to the destitute and one-third for al-Hajj.’ It was not enough for what she had asked. He and I went to ibn abu Layla’ and told him the story. He said, ‘Give one-third to this, one-third to this and one-third to this.’ Then we went to ibn Shubramah. He also said what ibn abu Layla’ had said. We then went to abu Hanifah who also said what the other two had said. We then left for Makkah and he asked me to ask abu ‘Abd Allah, *‘Alayhi al-Salam*, about it - she had not performed al-Hajj. I asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about it and he (the Imam) said, ‘Begin with al-Hajj because it is obligatory from Allah on her, and of the remaining, give something to this and something to that.’ He (the narrator) has said, ‘I moved toward the Masjid and I came face to face with abu Hanifah. I said to him, ‘I asked Ja‘far ibn Muhammad about the issue that I had asked you before and he said, “Begin with al-Hajj because it is obligatory on her from Allah and of the remaining give something to this and something to that.”’ He, by Allah, did not say anything to me good or bad. I then went to his circle where this issue was being discussed, and they said, ‘Abu Hanifah says that in such case you must begin with al-Hajj because it is obligatory on her from Allah.’ I then said to them, ‘By Allah this issue was so and so.’ They said, ‘He has told us this.’”

H 12968, Ch. 37, h 23

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Sa‘d ibn ‘Isma‘il ibn al-Ahwas from his father who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man whose death approaches him on a journey. He gives his assets to a man of the merchants saying, ‘This asset belongs to so and so son of so and so. Nothing of it, little or more, belongs to me. You must give it to him, he will place it as he wants’; and he dies, but his friend to whom he has sent the asset does not know anything, there is no instruction and the friend does not know why he has done so. How must he deal with it?’ He (the

Imam) said, ‘He can spend it as he likes when he has not received any instructions.’”

H 12969, Ch. 37, h 24

It is narrated from the narrator of the previous *Hadith* who has narrated the following:

“A man made a will to another man to give his relatives from his asset (land) such and such *Jarib* (a certain unit of measurement) of food. Many years passed but there was no extra in his asset; instead he needed to borrow and arrange for *al-‘Aynah* on the beneficiary of the will. Is it necessary to arrange a loan and *al-‘Aynah* for the beneficiary so that when in future there is a gain it is compensated for what he borrowed for them during the past years? He (the Imam) said, ‘I do not mind if he gives them or takes then pays off.’” (*al-‘Aynah*: merchandise sold on credit is purchased back for cash at a lower price called (*‘Aynah*), see details in Volume Five, Chapter 88)

H 12970, Ch. 37, h 25

It is narrated from the narrator of the previous *Hadith* who has narrated the following:

“A man has made a will which requires giving a certain amount to his relative. The heir becomes mature and tells the executor of the will to separate from the land an area that can meet the required amount by the will and that portion must not be included in what the heirs distribute among themselves. How must the executor of the will do?’ He (the Imam) said, ‘Yes, that (suggestion of the heirs) is proper.’”

H 12971, Ch. 37, h 26

Ahmad ibn Muhammad has narrated from ‘Abd al-‘Aziz ibn al-Muhtadiy [from his grandfather] from Muhammad ibn al-Hassan from Sa’d ibn Sa’d who has narrated the following:

“I once asked him [abu al-Hassan, al-Rida’, ‘*Alayhi al-Salam*] about the case of a man who has a son, whom he called his son then denied and removed him from the list of his heirs, and I am the executor of the will. What must I do? He, al-Rida’ ‘*Alayhi al-Salam*, said, ‘He is considered his son because of his confession in public. The executor of the will cannot remove him from anything that he knows.’”

H 12972, Ch. 37, h 27

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from ‘Abd Allah ibn Jabalah from Ishaq ibn ‘Ammar who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who has a certain amount of dinars with me and he is ill. He said to me that if something happens to him I must then give twenty dinar to so and so and the remaining to his brother. He died and I was not present at the time of his death. A truthful Muslim came to me saying that he is commanded to tell me to keep the dinars that were to be given to his brother, instead gives ten dinars out of it in charity to the Muslims, but his brother did not know that he has left something with me. He (the Imam) said, ‘I see that you must give ten dinars in charity as you are commanded to do.’”

H 12973, Ch. 37, h 28

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isma’il has narrated from al-Fadl ibn Shadhan from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once asked abu al-Hassan, ‘*Alayhi al-Salam*, about the case of a man who was indebted and he died. Certain ones of his sons took charge of what he did (business) and they suffered losses. They bought his house, which was of the legacy shared by other heirs, male and female who did not approve the sale and had not asked them to do the work, if they owe anything of the loss. He (the Imam) said, ‘If the house was because of his work and they suffered loss because of that work it is then upon all of the heirs.’”

H 12974, Ch. 37, h 29

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ibrahim ibn Mehzam from ‘Anbasah al-‘Abid who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, to give me an advice. He (the Imam) said, ‘Prepare your supplies, send them ahead of you, be the executor of your own will and do not say to others to send for you what is good for your well-being.’”

H 12975, Ch. 37, h 30

A number of our people have narrated from Sahl ibn Ziyad Ahmad ibn Muhammad from Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from Ali ibn Mahziyar from who has narrated the following:

“I wrote to abu Ja‘far, *‘Alayhi al-Salam*, to inform him (the Imam) that Ishaq ibn Ibrahim has endowed his asset for al-Hajj, the mother of his children and the extra for the needy; that Muhammad ibn Ibrahim appointed me as a witness upon himself for a certain amount of funds to be distributed among our brothers (in belief) and in banu Hashim who know the truth and say what we say who are needy. Will you consider it proper if I spend it on them when it is of the same nature as charity because endowment of Ishaq is charity? He (the Imam), *‘Alayhi al-Salam*, wrote as follows. ‘I understood what you, may Allah grant you blessings, have mentioned about the will of Ishaq. May Allah be pleased with him, and that Muhammad ibn Ibrahim, may Allah be pleased with him, has appointed you as witness for you. You have asked for instruction about sending certain amount of funds to those who incline with interest for banu Hashim who deserve and are needy. You can send to them. May Allah grant you blessings, because if they turn to this direction they are more deserving than others because of the reason that if I explain, you will understand it by the will of Allah.’”

H 12976, Ch. 37, h 31

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from Sa‘id ibn Yasar who has narrated the following:

“About the case of a man who has given a certain amount of assets to another man saying, ‘I give it to you to save it for my two daughters so and so and so and so.’ The old man later after giving the funds decided to take one hundred twenty-five dinar back to buy a slave-girl for his grandson. The old man then died; and dispute emerged between the two girls or one of them with the boy. They said, ‘If you go to bed with the slave-girl, it is unlawful because our father had bought with our funds that were kept with so and so; if you go to bed with her it is unlawful.’ The boy stayed away from the slave-girl. What is your opinion about this issue?’ He (the Imam) said, ‘Is it not the case that the person who gave the asset is the father of the two girls and the boy’s grandfather who bought the slave-girl?’ I replied, ‘Yes, that is the case.’ He (the Imam) said, ‘Say to the boy to go to his slave-girl if his grandfather is the one who has given and he is the one who has received.’”

Chapter 38 - The Case of One who Dies without a Will, Leaves behind Small Heirs and it is Sold upon Him

H 12977, Ch. 38, h 1

Muhammad ibn Yahya and others have narrated from Ahmad ibn Muhammad ibn ‘Isa from ‘Isma‘il ibn Sa‘d al-Ash‘ariy who has narrated the following:

“I once asked al-Rida’, *‘Alayhi al-Salam*, about the case of a man who dies without a will and leaves behind heirs of male and female, small boys and slave-girls and slaves if it is proper to sell the slave-girls. He (the Imam) said, ‘Yes, it is so.’

“I asked him (the Imam) about a man who accompanies a man on a journey, then the incident of death over takes him and he does not get a chance to make a will and how to deal with his assets. He has small and adult children, if it is permissible to give his assets and stumper to his grown-up children or to a judge. If he is in a place where there is no judge what must he do. If he gives his assets to his adult children but did not inform them and when he went, he could not return it what must he do? He (the Imam) said, ‘When the small children grow up and cannot get their assets back in any way but by the command of Sultan (they can do so).’

“I asked him (the Imam) about the case of a man who dies without a will and leaves behind heirs who are small ones as well as adults if it is lawful to buy his servants and goods without the supervision of the judge. The judge supervises with the consent of the parties involved, but without the instruction from the Khalifah, if buying is good or not. He (the Imam) said, ‘If the adults of his children are with him (judge) during the sale, then it is not harmful if the heirs agree to the sale and justice is maintained in it.’”

H 12978, Ch. 38, h 2

A number of our people have narrated from Sahl ibn Ziyad from ibn Mahbub from ibn Ri‘ab who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man with whom I have a relation of kinship, he dies leaving behind small children, slaves and slave-girls but has not made any will. ‘What do you say about buying a slave-girl for a mother of one’s child and what do you say about selling them?’ He (the Imam) said, ‘If they have a guardian who supervises for them the sale and looks after them, he will receive good rewards.’ I asked, ‘What do you say about one’s buying from them a slave-girl for a mother of one’s child?’ He (the Imam) said, ‘It is not harmful if it is executed by their guardian who looks after their interests and well-being; and they cannot change their mind about what the guardian has done for them who looks after their well-being.’”

H 12979, Ch. 38, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Zur‘ah from Sama‘ah, who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who without a will dies leaving behind male and female children. He has servants, slaves and assets. How the heirs must deal with the legacy? He (the Imam) said, ‘If a trustworthy man stands up to distribute it among them, it is not harmful.’”

Chapter 39 - The Executor of the Will Hands over the Assets of Children who were Small, now Adults, but they Refuse to Take Charge, the Children who Become Adults but are not Found to be of Proper Understanding, the Limit of Adulthood

H 12980, Ch. 39, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Sa‘d ibn ‘Isma‘il from his father who has narrated the following:

“I once asked al-Rida’, *‘Alayhi al-Salam*, about the executor of the will under whose supervision the orphans become adults and the executor of the will hands over their assets to them but they refuse to accept. What must he do? He (the Imam) said, ‘They are made to accept their assets.’”

H 12981, Ch. 39, h 2

Ahmad ibn Muhammad ibn ‘Isa has narrated from [Muhammad ibn ‘Isa] from Mansur from Hisham who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The orphan-hood of an orphan is over when he experiences wet-dream, and that is the time when he reaches manhood but if he experiences wet-dream and does not have proper understanding because of dimwittedness or weakness, then his guardian must keep his assets for him.’”

H 12982, Ch. 39, h 3

Humayd ibn Ziyad has narrated from al-Hassan ibn Sama‘ah from certain persons of his people from Muthanna’ ibn Rashid from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of an orphan who has read the Quran, his understanding is proper and his assets are in the hands of a man who wants to work using those assets in business in the manner of profit sharing (*al-Mudarabah*) to which the boy has agreed. He (the Imam) said, ‘It is not proper to use it in business until he experiences wet-dream, then hands over his assets to him. If he experiences wet-dream and does not have proper understanding, nothing must be given to him forever.’”

Humayd has narrated from al-Hassan ibn Ja‘far ibn Sama‘ah from Dawud ibn Sarhan from abu ‘Abd Allah, *‘Alayhi al-Salam*, a similar *Hadith*.

H 12983, Ch. 39, h 4

It is narrated from the narrator of the previous *Hadith* from al-Hassan ibn Muhammad ibn Sama‘ah from Ali ibn Ribat and al-Husayn ibn Hashim and from Safwan ibn Yahya from ‘Is ibn al-Qasim who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a female orphan; when her assets must be given to her. He (the Imam) said, ‘When you learn that she does not destroy it or lose it, then you can give it to her.’ I then asked, ‘What happens if she has married?’ He (the Imam) said, ‘When she marries then possession (authority) of executor of the will ends.’”

H 12984, Ch. 39, h 5

It is narrated from the narrator of the previous *Hadith* from al-Hassan from Safwan from Musa ibn Bakr from Zurarah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Do not go to bed with a (underage) girl before she becomes nine or ten years old.’”

H 12985, Ch. 39, h 6

It is narrated from the narrator of the previous *Hadith* from al-Hassan from Ja‘far ibn Sama‘ah from Adam, Bayya’ al-Lu’lu from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a boy become thirteen years old his doing good

deeds are written for him as well as bad deeds for which he will be punished. When a girl becomes nine years old it also is the same because she experiences *Hayd* (menses) when she is nine years old.’”

H 12986, Ch. 39, h 7

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Washsha’ from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a boy becomes strong when he is thirteen years old and has entered in his fourteenth, it becomes obligatory on him what is obligatory on those who experience wet-dream, regardless, he experiences wet-dream or not. Good deeds are written for him and all (lawful) things are permissible for him unless he is weak or dimwitted.’”

H 12987, Ch. 39, h 8

A number of our people have narrated from Ahmad ibn Muhammad from abu Muhammad al-Mad’iniy from Ali ibn Habib, Bayya’ al-Harawiy who has said that ‘Isa ibn Zayd narrated to me the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *’Amir al-Mu’minin* has said, ‘A child teethes at the seventh year; he must be instructed to perform *Salat* (prayer) at the ninth; their bed must be separated at the tenth; experiences wet-dream at the fourteenth; his growth stops at twenty-one and growth of his reasoning ability stops at twenty-nine except experience.’”

H 12988, Ch. 39, h 9

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Muhammad ibn ‘Isa from those who narrated to him who has narrated the following:

“This is about the case of a man who dies, with a will to a man, leaving behind a small son who becomes mature. He goes to the executor of the will asking him to handover to him his assets so he can marry. However, the executor of the will refuses and he goes to fornicate. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Two-thirds of the sins of fornication is upon the executor of the will because of his refusal to handover to him his assets so he can marry.’”

End of the Book of Wills, all praise belongs to Allah, Cherisher of the worlds, O Allah, grant compensation to the best of Your creatures, Muhammad and his purified family worthy of their services to Your cause, followed, if Allah wills, by the Book of Inheritance.

Part Two: The Book of Inheritance

Chapter 1 - The Ordained Shares

Allah, most Blessed, most High, has ordained the shares of heirs in four categories that can be distributed from six common denominators

Chapter 1 Introduction - The reasons which make one a heir or heirs are two: 1. Blood relations 2. Other relations

The first kind of relatives is of three categories: (a) There are two groups in (a): It consists of (1) the parents but not the grandparents (2) children male and female and their children as far downwards as they may go. (b) Consists of two groups: (1) the grandparents both male and female as far as upwards as they may be; (2) the brothers and sisters and their children downwards as far as they may go. (c) There is only one group in this category, namely, they are uncles and aunts even as far upwards as they may go and their children as far downwards as they may go from both parents' sides, provided, they could according to common sense be called relatives of the deceased.

The second reason which makes one an heir is of two kinds: The marital and guardianship relationships, and the latter one is of three kinds: (a) the guardianship of a slave-master (b) The guardianship of a guarantor (c) The guardianship of Imam, '*Alayhi al-Salam*, the highest spiritual leader

The Second Introduction

The heirs from another point of view are of five kinds:

(a) Those who receive a specified share of legacy all the time and nothing else, such as a wife who receives $\frac{1}{4}$ if the deceased has no surviving children and $\frac{1}{8}$ if there are surviving children and she does not receive anything besides the specified share. (b) There are those who always receive a special share and may also receive additional sums of the legacy. One example is the mother who receives $\frac{1}{6}$ with the existence of surviving children of the deceased and $\frac{1}{3}$ when there is no surviving child for the deceased and no other reasons prevent her from receiving $\frac{1}{3}$ of the legacy; she may also receive additional sums like when the specified shares are more than the payable shares. The husband receives $\frac{1}{4}$ with the children of the deceased wife and $\frac{1}{2}$ without her children and he receives additional sums when there are no other heirs besides the Imam, '*Alayhi al-Salam*, the highest spiritual leader. (c) Those who inherit a specified sum on one hand and additional sums as the relatives of the deceased like the father who receives a specified share when the deceased leaves surviving children and without the children as a relative. A daughter(s) with a son(s) receives her share as a blood relative and without a son, she receives a specified share. A sister or sisters from one or both parents with brothers receive their share as blood relatives and without them a specified share. Brothers from the mother's side only receive a specified share when there is no grandfather from the mother's side and as a blood relative with him. (d) Those who only receive a share as blood relatives like the sons of brothers from both parent's sides and only from the father's side and like grandfather and paternal and maternal uncles (e) Those who receive their share not as relatives but as guardians like the slave-master, the guarantor or the Imam, '*Alayhi al-Salam*.

(b) The specified sum is a share, which is specifically mentioned, in the Holy Quran, it is of six kinds, $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{2}{3}$, $\frac{1}{3}$, and $\frac{1}{6}$, and the recipients of such shares fall in thirteen groups of people. One-half ($\frac{1}{2}$) is for one surviving daughter, the sister from both parents and the father's side only when there is no brother(s), and the husband when the wife leaves no surviving children even downwards distantly. $\frac{1}{4}$ for a husband when the wife leaves surviving children even though many steps away downwards, and to a wife when the husband does not leave any surviving children in the same way as in the case of the husband, if there is more than one wife, they divide the $\frac{1}{4}$ in equal shares.

(c) One eighth, ($1/8$) is for a wife and or wives when the deceased husband leaves surviving children. Two-thirds ($2/3$) is for two or more daughters when there is no son of the same category as the daughters, and for one or two sisters or more from one or both parents when there is no brother surviving. One-third ($1/3$) is for a mother when the deceased leaves no surviving child downwards and no brothers or sister from the mother's side only when they are numerous. $1/6$ is for each parent when the deceased leaves surviving children downwards, and to the mother when there are brothers from both parents or the father's side only, and to one brother from the mother's side or one sister from her side only.

(d) When the heirs are numerous, they may all be inheriting specified shares or none has such share or a mix of both groups. The first case wherein all have fixed shares, such shares may be:

(a) Equal, (b) More, (c) Less than the legacy

In the case where heirs are parents each with one-sixth ($1/6$) and two daughters with $2/3$ equal a whole one unit $2/6$ plus $2/3$ is equal to. In the case wherein the heirs are a husband, the parents and two daughters where the specified shares are $1/4$, $2/6$ and $2/3$ total one and one-fourth which one-fourth more than a whole unit. This is a case, which is referred to as the case of facing deficit. According to non-Imamiah the amount of deficit is divided upon the specified shares involved proportionate to each share's ratio. However, according to Imamiah the deficit is compensated from certain specified shares, not all such shares. (a) When the heirs consist of the first category of heirs, the deficit is taken from the share of daughter or daughters. In the case of the second category heirs like (b) when they are a husband, a sister from both parents and two sisters from the mother's side only. In this case the husband's share is $1/2$, that of the sister's from both parents is $1/2$ and that of the sister's from the mother's side only is one-third. The total is more than one whole unit. In this case the deficit is compensated from the share of those who are nearest relatives to father. In the above case is the sister from both parents but not the husband or the sisters from the mother's only.

(c) If of the heirs there is only one daughter whose share is One-half the half of the legacy is extra. According to the non-Imamiyah the extra half is given to the males directly related to the deceased or through other male relatives. Sometimes females are also included according to certain details in the rules about them, but according to the Imamiyah laws, the extra is given to the heirs who have a specified share. In the above case one-half is given to the daughter as her specified share, the extra half is also given to her as an additional share. When no one of the heirs is a recipient of fixed shares, the legacy is divided according to certain details. When some heirs have fixed shares and others do not have any such shares, the legacy is divided among them after deducting the fixed shares according to certain details.

The Ordained Shares According to the Book of Allah

This is a commandment from your Lord: After the payment of debts or anything bequeathed, allow the male inherit twice as much as the female.

If there are more than two girls, they will have two-thirds of the legacy. If there is only one girl, she will inherit half of the legacy. Parents of the deceased will each inherit one-sixth of the legacy, if the deceased has a surviving child, however, if no children survive the deceased, and the heirs are the parents, the mother will receive one-third of the legacy. The mother will receive one-sixth of the legacy if the deceased has more than one surviving brother.

These are the decreed shares according to the laws of Allah. Regardless of how you feel about your parents or children, you do not know which of them is more beneficial to you. Allah is All-knowing and all-wise. (4:11)

If your wives die without any surviving children, you will inherit half of their legacy. If they have children, you will inherit one-fourth of their legacy after the debts and things bequeathed have been excluded from the legacy.

After the payment of debts and things bequeathed has been excluded from the legacy, your wives will inherit one-fourth of your legacy if you have no surviving children. If you leave a child, they will inherit one-eighth of your legacy.

If the deceased, either male or female, has no surviving heirs, such as parents or children, but has a brother or a sister, the brother or sister will each inherit one-sixth of the legacy.

If there is more than just a brother or a sister, they will share one-third of the legacy. This is after the payment of any debts and things bequeathed have been excluded from the legacy, so that no one will be made to suffer any loss. It is a guide from God, the All-knowing and Forbearing. (4:12)

It is in the book of abu Nu‘aym al-Tahhan who has narrated from Sharik from `Isma‘il ibn abu Khalid from Hakim ibn Jabir from Zayd ibn Thabit who has said that it is of judgment of the time of ignorance that men inherit but not the women.

H 12989, Ch. 1, h 1

Ali ibn Ibrahim has narrated from Salih al-Sindiyy from Ja‘far ibn Bashir from ‘Abd Allah ibn Bukayr from Husayn al-Raziyy who has narrated the following:

“I instructed a person to ask abu ‘Abd Allah, *‘Alayhi al-Salam*, if the legacy is for the nearest relative or for *al-‘Asabah* (the relatives from the father’s side only). He (the Imam) said, ‘The legacy is for the nearest relatives and for the mouth of relatives from the father’s side only is dirt (soil).’”

H 12990, Ch. 1, h 2

A number of our people have narrated from Ahmad ibn Muhammad from Sahl ibn Ziyad and Ali ibn Ibrahim has narrated from his father from Ahmad ibn Muhammad from Muhammad ibn Yahya from Ahmad ibn Muhammad all from ibn Mahbub from Hisham ibn Salim from Yazid al-Kunasiyy who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Your son is more deserving of you than your grandson, and your grandson is more deserving of you than your brother.’ He (the Imam) said, ‘Your brother from your both parents is more deserving of you than your brother from your father only. Your brother from your father is more deserving of you than your brother from your mother only.’ He (the Imam) said, ‘The son of your brother from your father is more deserving of you than your uncle.’ He (the Imam) said, ‘Your uncle from your father’s father and mother is more deserving of you than your uncle from your grandfather only.’ He (the Imam) said, ‘Your uncle who is a brother of your father from his

father only is more deserving of you than your uncle who is a brother of your father from his mother only.’ He (the Imam) said, ‘The son of your uncle who is a brother of your father from his both parents is more deserving of you than the son of your uncle who is a brother of your father from his mother only.’ He (the Imam) said, ‘The son of your uncle who is a brother of your father from his father only is more deserving of you than the son of your uncle who is a brother of your father from his mother only.’”

H 12991, Ch. 1, h 3

A number of our people have narrated from Ahmad ibn Muhammad from ibn Mahbub who has said that ibn Bukayr informed me from Zurarah who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying about the words of Allah, ‘. . .for everyone We have made Mawali (guardians, heirs) in what the parents and relatives leave behind,’ what is meant thereby are relatives in inheritance, not the benefactors who provide benefits. Thus the more deserving of a deceased is one who is nearest to him as a relative and womb, and the relationship which brings him toward it.’”

Chapter 2 -The Legacy Comes from the Share of the One Nearest in Relationship to Him and that the Owner of Ordained Share is more Deserving than those who do not have any Ordained Share

H 12992, Ch. 2, h 1

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah and a number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from abu Ayyub al-Khazzaz who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that it is in the book of Ali, *‘Alayhi al-Salam*, that every relative is like the kinship and womb that has established such relation unless there is one who is closer to the deceased than him who then becomes a barrier.’”

H 12993, Ch. 2, h 2

Ibn Mahbub from Hammad abu Yusuf al-Khazzaz from Sulayman ibn Khalid who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin* would say, ‘An heir who has an ordained share is more deserving of the legacy.’”

H 12994, Ch. 2, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from a man who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When relations overlay each other then the earliest is more deserving of legacy of his relative, and if they are equal then each one takes the place of one who is close to him.’”

Chapter 3 - Obligations are not Fulfilled without the Sword

H 12995, Ch. 3, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father from all from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘People do not behave properly in matters of obligations and divorce without the sword (enforcing authority).’”

H 12996, Ch. 3, h 2

Humayd ibn Ziyad from al-Hassan ibn Muhammad from certain persons of his people from Ibrahim ibn Muhammad ibn ‘Isma‘il from Durust ibn abu Mansur from Mu‘ammar ibn Yahya who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Obligations and divorce are not dealt with properly without the sword.’”

H 12997, Ch. 3, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Yahya al-Halabiy from Shu‘ayb al-Haddad from Yazid al-Sa’igh who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about women; if they inherit from the house. He (the Imam) said, ‘No, but they inherit from the value of the building.’ I (the narrator) then said, ‘People do not agree with it.’ He (the Imam) said, ‘When we will be in authority if people disagree we will use the sword and whip and if they will not behave properly we will strike them with the sword.’”

Chapter 4 - The Rare Ahadith

H 12998, Ch. 4, h 1

Abu Ali *al-Ash‘ariy* and al-Husayn from Muhammad have narrated from Ahmad ibn Ishaq from Sa‘d an ibn Muslim from more than one person of our people who has narrated the following:

“A man in Basrah brought a Sahifah (a booklet) and said, ‘O *’Amir al-Mu’minin*, look at this booklet; there is advice in it.’ He (the Imam) looked at it, then he looked at the face of the man and said, ‘If you are truthful we compensate you; if you are not truthful we will penalize you, if you want us to release you we will release you.’ He said, ‘Release me O *’Amir al-Mu’minin*.’ When the man left *’Amir al-Mu’minin* said, ‘You are the confused nation after your Prophet. Had you given priority to what Allah has given priority, kept back what Allah has kept back, placed people who possess divine authority and who inherit divine authority as Allah has placed, people who possess divine authority would not become needy. Obligations ordained by Allah would not remain neglected, two people would not quarrel [about a command of Allah and a nation would not fight over a command of Allah] but that the knowledge thereof is with us in the book of Allah. So taste the evil consequences of what your hands have sent ahead of you. Allah is not unjust to the servants. Very soon the unjust will find to what kind of returning place they have returned.’”

H 12999, Ch. 4, h 2

Ahmad ibn Muhammad has narrated from Ali ibn al-Husayn al-Taymiy from Muhammad ibn al-Walid from Yunus ibn Ya‘qub who has narrated the following:

“Abu ‘Abd Allah, *’Alayhi al-Salam*, has said that *’Amir al-Mu’minin* has said, ‘All praise belongs to Allah. What Allah places last no one is able to place it first, and no one is able to place last what He has placed first.’ He (the Imam) then tapped his one hand with the other hand. He said, ‘O confused nation after her Prophet, had you placed first what Allah had done so and had you placed last what Allah had placed last, had you placed people who possess divine authority and who inherit divine authority as Allah had done, people who possess divine authority would not become needy. Deficiency did not occur in the ordained obligations toward Allah. No two people ever disagree on an issue of the laws of Allah or a nation fight over a thing of the commandments of Allah. However, the answer to it and knowledge thereof is with us in the book of Allah. Thus, taste the evil consequences of your affairs and the excess that you committed by your hand’s sending ahead of you. Allah is not unjust to the servants and very soon the unjust will find to what terrible returning place they have returned.’”

Chapter 5 - Invalidity of Deficiency (in the Ordained Shares)

H 13000, Ch. 5, h 1

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of our people from Aban ibn ‘Uthman from abu Maryam al-Ansariy who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The one who knows the number of the grains of sand of a sand valley definitely knows that no deficiency takes place in the ordained shares which are not more than six.’”

H 13001, Ch. 5, h 2

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus ibn ‘Abd al-Rahman from Sama‘ah from abu Basir who has narrated the following:

“I once said to abu Ja‘far, *‘Alayhi al-Salam*, ‘The ordained shares may turn into one hundred or less or more.’ He (the Imam) said, ‘The ordained sharers do not exceed six.’ He (the Imam) said that *‘Amir al-Mu‘minin* would say, ‘The one who has enumerated the number of the grains of sand of a sand valley knows that the ordained shares do not exceed six: if you consider its aspects, it does not exceed six.’”

H 13002, Ch. 5, h 3

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from Muhammad ibn Yahya from Ali ibn ‘Abd Allah from Ya‘qub ibn Ibrahim ibn Sa‘d who has said that narrated to me my father from Muhammad ibn Ishaq who has said that narrated to me al-Zuhriy from ‘Ubayd Allah ibn ‘Utbah who has narrated the following:

“I sat with ibn al-‘Abbas that a mention of ordained shares of inheritance was made and ibn al-‘Abbas said, ‘Allah is free of all defects, the most great. Do you think that one who enumerates the number of the grains of sand in a sand valley has designated half and half and one-third? The two halves take away the legacy then where is the room for the one-third?’ Zufar ibn ‘Aws al-Basriy said, ‘O ibn al-‘Abbas, who was the first one who caused excess or deficiency in the ordained shares? He said, ‘It was ‘Umar ibn al-Khattab when several ordained shares were before him which he gave certain amount to certain people and he said, “I do not know which one of you is first and which one is last according to Allah and I do not find anything bigger to distribute this asset among you in shares.” So he deducted from each of those with ordained shares to offset for the deficiency. I swear by Allah had he placed first whom Allah had placed first and placed last whom Allah had placed last, then no deficiency would take place in the ordained shares.’ Zufar ibn ‘Aws then said to him, ‘What has He placed first and what has He placed last?’ He said, ‘Every ordained share that Allah, most Majestic, most Glorious, has not brought down from its being an ordained share except to another ordained share is what Allah has placed first. What Allah has placed last are such shares that when being moved from its status has no replacement except whatever is left, thus it is what Allah has placed last. The ordained shares that He has placed first are one-half, which is the share of a husband. When something is added to it then it is reduced to one-fourth and thereafter it is not removed to some other position. The share of a wife is one-fourth but when it is removed, it becomes one-eighth and then it remains without change. The share of a mother is one-third and when it is reduced, it becomes one-sixth and it then remains unchanged and these are the ordained shares that Allah, most Majestic, most Glorious, has placed first. Of the shares, that Allah has placed last is the share of two daughters and sisters, which are one-half and two-thirds. However, when they are removed from these positions they are not placed in another position with the remaining of the legacy. Thus, they are that which Allah has placed last. When the ones that are placed first and those, who are placed last come together, the ones that are placed first are given priority. A complete right is given to the beneficiary; then if anything left is

given to those whose shares Allah has placed last. If nothing remains then there is nothing for him.’ Zufar ibn ‘Aws then said to him (ibn Abbas), ‘What stopped you from giving this advice to ‘Umar?’ He (ibn Abbass) said, ‘It is his fearsomeness.’ Al-Zuhriy has said, ‘By Allah, had he (ibn Abbas) presented it before a just Imam, who based his command on justice and piety, who would approve it, (the idea of ibn Abbas) then it would pass (in practical form among people) because no two people have disputed over the knowledge of ibn al-‘Abbas.’”

Chapter 6 - Another Chapter on Invalidity of al-‘Awl (deficiency or excess) and the Ordained Shares are not more than Six

H 13003, Ch. 6, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan all from ibn abu ‘Umayr from ‘Umar ibn `Udhaynah from Muhammad ibn Muslim and al-Fudayl ibn Yasar and Burayd al-‘Ijliy and Zurarah ibn ‘A‘yan who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The ordained shares do not face deficiency and they are not more than six.’”

It is narrated from the narrator of the previous *Hadith* from Muhammad ibn ‘Isa ibn ‘Ubayd from Yunus ibn ‘Abd al-Rahman from ‘Umar ibn `Udhaynah a similar *Hadith*.

H 13004, Ch. 6, h 2

It is narrated from the narrator of the previous *Hadith* from Muhammad ibn ‘Isa from Yunus from Musa ibn Bakr from Ali ibn Sa‘id who has narrated the following:

“I once said to Zurarah that Bukayr ibn ‘A‘yan has narrated to me from abu Ja‘far, *‘Alayhi al-Salam*, that the shares do not face deficiency and they are not more than six. He said, ‘This is of things in which there are no differences among our people from abu ‘Abd Allah, and abu Ja‘far, *‘Alayhim al-Salam*.’”

H 13005, Ch. 6, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The ordained shares do not face deficiency.’”

H 13006, Ch. 6, h 4

It is narrated from the narrator of the previous *Hadith* from Ahmad ibn Muhammad from Ali ibn Hadid from Jamil ibn Darraj from Zurarah who has narrated the following:

“Abu Ja‘far, commanded abu ‘Abd Allah, *‘Alayhim al-Salam*, to make me read the booklet on ordained shares and I saw most of them were up to four shares.’”

H 13007, Ch. 6, h 5

A number of our people have narrated from Sahl ibn Ziyad from al-Hassan ibn Mahbub from abu Ayyub al-Khazzaz from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The ordained shares are not more than six.’”

H 13008, Ch. 6, h 6

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Aban ibn ‘Uthman from abu Basir who has narrated the following:

“I read before abu ‘Abd Allah, *‘Alayhi al-Salam*, the ordained shares (from the book of) according to Ali, *‘Alayhi al-Salam*. Many of them were from one-fifth or one-fourth and most of them were from one-sixth.’”

H 13009, Ch. 6, h 7

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from Khudhaymah ibn Yaqtin from ‘Abd al-Rahman ibn al-Hajjaj from Bukayr who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The roots of ordained shares are six. They do not increase or face deficiency and thereafter the legacy is for those whose shares are mentioned in the book (of Allah).’”

Chapter 7 - Knowing to Avoid Deficiency

H 13010, Ch. 7, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ibn `Udhaynah who has said that Zurarah has said, the following:

“If you wish to deal with deficiency it is compensated from the share of those who have more, like children and brothers from the father. The husband and brothers from the mother do not compensate the deficiency from their ordained shares which Allah has mentioned.”

H 13011, Ch. 7, h 2

Humayd ibn Ziyad from al-Hassan ibn Muhammad ibn Sama‘ah, from ‘Abd Allah ibn Jabalah from abu al-Mighra’ from Ibrahim ibn Maymun from Salim al-Ashal who has narrated the following:

“He had heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘Allah, most Majestic, most Glorious, has placed the parents with all other heirs and [nothing] from their one-sixth is reduced. He has placed husband and wife with heirs and [nothing] is reduced from one-fourth and one-eighth.’”

H 13012, Ch. 7, h 3

Ali ibn Ibrahim has narrated from his father from ‘Abd Allah ibn al-Mughirah from Ishaq ibn ‘Ammar from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Nothing is reduced from the ordained shares of four people: the parents and the husband and the wife.’”

H 13013, Ch. 7, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Durust ibn abu Mansur from abu al-Mighra’ from a man who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Allah, most Majestic, most Glorious, has placed parents with all other heirs who have ordained shares and nothing is reduced from their one-sixth for each parent and He has placed a husband and wife with all other heirs but nothing is reduced from one-fourth and one-eighth.’”

Chapter 8 - With the Existence of a Child and Parents no one Else Inherits Except a Husband and Wife

H 13014, Ch. 8, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa and a number of our people have narrated from Sahl ibn Ziyad all from ibn Mahbub from abu Ayyub al-Khazzaz and others from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘With the existence of a mother or father or son or daughter no one else inherits except the husband and wife. The one-half share of the husband is not reduced if there are no children; and from one-fourth of a wife nothing is reduced if there are no children; but if there is a child with them then one-fourth is the share of a husband and one-eighth is the share of a wife.’”

H 13015, Ch. 8, h 2

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa and Ali ibn Ibrahim has narrated from his father all from Ahmad ibn Muhammad from ibn abu Nasr from Jamil ibn Darraj from Zurarah who has narrated the following:

“If a deceased leaves behind his mother, or father, or his son or his daughter with one of these four then what Allah, most Majestic, most Glorious, has spoken about, ‘Allah gives you a fatwa about *al-Kalalah*’ (4:176) does not apply. With the existence of the mother, father, son or daughter no one of the creatures of Allah, most Majestic, most Glorious, inherits except the husband and wife.’”

Chapter 9 - The Reason Why Ordained Shares are not more than Six

(**Translator's Note:** This passage is of the words of Yunus, not a Hadith from 'A'immah *'Alayhim al-Salam*, thus, it is not translated.)

Chapter 10 - The Reason Why a Male's Share is Twice the Share of a Female

H 13016, Ch. 10, h 1

Ali ibn Ibrahim has narrated from his father from `Isma'il ibn Marrar from Yunus ibn 'Abd al-Rahman who has narrated the following:

“I once asked al-Rida', *'Alayhi al-Salam*, 'I pray to Allah to keep my soul in service for your cause, why is it that when a man dies his sons' shares of the legacy are twice as much as the share of his daughters even though females are less capable and weaker?' He (the Imam) said, 'It is because Allah, most Majestic, most Glorious, has preferred men over women and because women become dependents of men.'”

H 13017, Ch. 10, h 2

Ali ibn Muhammad has narrated from Muhammad ibn abu 'Abd Allah from Ishaq ibn Muhammad al-Nakha'iy who has narrated the following:

“Once, al-Fahfakiy asked abu Muhammad, *'Alayhi al-Salam*, 'Why is it that the destitute and weak woman's share of the legacy is half as much as the share of man?' Abu Muhammad, *'Alayhi al-Salam*, said, 'It is because there is no Jihad on women; maintenance expenses and wergild to be paid by the relatives of the murderer, it is on men.' I then said to myself that I was told about ibn abu al-'Awja's question to abu 'Abd Allah, *'Alayhi al-Salam*, about this issue and he had answered with this answer. Abu Muhammad, *'Alayhi al-Salam*, turned to me and said, 'Yes, this is the question of ibn abu al-'Awja' and the answer from us is one if the meaning of the question is the same. What applies to the last of us applies to the first of us. Our first and last in knowledge are the same, however, the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and *'Amir al-Mu'minin* have their excellence.'”

H 13018, Ch. 10, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Hammad from Hisham from al-Ahwal who has narrated the following:

“Once ibn abu al-'Awaja' asked me, 'Why is it that the destitute and weak woman's share of the legacy is half as much as the share of man?' He (the narrator) has said that certain persons of our people mentioned to abu 'Abd Allah, *'Alayhi al-Salam*, who said, 'It is because there is no Jihad on women and maintenance expenses and wergild to be paid by the relatives of the murderer; which is on men.'”

Chapter 11 - The Legacy is Just for the Eldest Son

H 13019, Ch. 11, h 1

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa from Hariz who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a man dies and leaves behind sons, the eldest son receives the sword, coat of arms, the ring and his (holy) book. If something happens to him then such items belong to the eldest son.’”

H 13020, Ch. 11, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ibn ‘Udhaynah from certain persons of his people who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘If a man leaves behind a sword and arms and sons, such items belong to the eldest son.’”

H 13021, Ch. 11, h 3

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from ibn abu ‘Umayr from ‘Rib‘iy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a man dies, his sword, holy book, his ring and coat of arms belong to his eldest son.’”

H 13022, Ch. 11, h 4

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father from Hammad ibn ‘Isa from ‘Rib‘iy ibn ‘Abd Allah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a man dies, his sword, ring, holy book, his books, his personal belongings, his stumper and clothes belong to his eldest son and if the eldest among his children is a girl then such items belong to the next eldest son.’”

Chapter 12 - The Share of Children from the Legacy

H 13023, Ch. 12, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj from Zurarah who has narrated the following: “Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Ali, *‘Alayhi al-Salam*, inherited the knowledge of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and Fatimah, *‘Alayha al-Salam*, inherited his legacy.’”

H 13024, Ch. 12, h 2

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from Ali ibn Asbat from al-Hassan ibn Ali ibn ‘Abd al-Malik, *Hayder* from Hamzah ibn Humran who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, ‘Who inherited the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause?*’ He (the Imam) said, ‘Fatimah, *‘Alayha al-Salam*, inherited his household assets and all that belonged to him (the Messenger of Allah).’”

H 13025, Ch. 12, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Ahmad ibn Muhammad from Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn abu ‘Umayr from Jamil ibn Darraj from Salmah ibn Muhriz who has narrated the following:

“I once said to abu ‘Abd Allah, *‘Alayhi al-Salam*, that an Armani man has died and has made a will to me. He (the Imam) asked, ‘What is Armaniy?’ I replied, ‘He is a Nabatiy from Nabatiy people of mountains who has died. He has made a will to me about his legacy and has left behind his daughter.’ He (the Imam) said to me, ‘Give her one-half.’ I then informed Zurarah about it and he said, ‘He (the Imam) has been protective (*taqiyah*) of you, otherwise, all the legacy belongs to the daughter.’ He (the narrator) has said that I then visited him (the Imam) afterwards and said, ‘I pray to Allah to keep you well, our people think that you have been protective with me.’ He (the Imam) said, ‘No, by Allah I have not been protective of you, but I have been protective against you to be held responsible; has anyone had any knowledge of it?’ I replied, ‘No, no one knows.’ He (the Imam) said, ‘Give her the rest of her legacy.’”

H 13026, Ch. 12, h 4

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from ‘Abd Allah ibn Khidash al-Minqariy who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who dies and leaves behind his daughter and his brother. He (the Imam) said, ‘The legacy belongs to his daughter.’”

H 13027, Ch. 12, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and a number of our people have narrated from Sahl ibn Ziyad all from ibn Mahbub from ibn Ri‘ab from Zurarah who has narrated the following:

“About the case of a man who dies and leaves behind his daughter and his sister from his father and mother, he (the Imam) said, ‘The legacy belongs to his daughter and there is nothing for the sister from his father and mother.’”

H 13028, Ch. 12, h 6

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from al-Qasim ibn Muhammad ibn ‘Urwah from Burayd al-‘Ijliy who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who dies and leaves behind his daughter and uncle. He (the Imam) said, ‘The legacy belongs to his daughter and there is nothing for the uncle, aunt’, or that he (the Imam) said, ‘There is nothing for the uncle with the existence of the

daughter.’”

H 13029, Ch. 12, h 7

Humayd ibn Ziyad has narrated from al-Husayn ibn Muhammad ibn Sama‘ah from ‘Abd Allah ibn Jabalah from ‘Abd Allah ibn Bukayr from Hamzah ibn Humran from ‘Abd al-Hamid al-Ta’iy from ‘Abd Allah ibn Muhriz Bayya‘ al-Qalanisiy who has narrated the following:

“A man made a will about five hundred dirhams or six hundred dirhams, leaving behind his daughter, and told me that his paternal relatives are in Sham. I asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about it and he (the Imam) said, ‘Give one-half to his daughter and the other half to his paternal relatives.’ When I returned to al-Kufah, I told our people about it and they said that he (the Imam) has said so because of *taqiyah* (fear). I then gave the other half to his daughter; then I went for al-Hajj and visited abu ‘Abd Allah, ‘*Alayhi al-Salam*. I informed him (the Imam) about what our people had said and that I have given the other half also to his daughter. He (the Imam) said, ‘You have done good. I gave the fatwa that I did because of fear for you from the paternal relatives.’”

H 13030, Ch. 12, h 8

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Umar ibn `Udhaynah from ‘Abd Allah ibn Muhriz who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who dies and leaves behind his daughter and his sister from his mother and father. He (the Imam) said, ‘The legacy belongs to his daughter and there is nothing for his sister from his mother and father.’”

H 13031, Ch. 12, h 9

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad al-Kindiy from Ahmad ibn al-Hassan al-Mithamiy from Aban ibn ‘Uthman from ‘Abd Allah ibn Muhriz who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who made a will to me and died, leaving behind his daughter. He (the Imam) said, ‘Give one-half to his daughter and leave the other half for al-Mawali (friends, guardians or masters).’ I then returned to our people and they said, ‘No, by Allah, there is nothing for al-Mawali.’ I went back to him (the Imam) and informed him that our people say, ‘There is nothing for al-Mawali. He (the Imam) has said so because of fear (*taqiyah*).’ He (the Imam) said, ‘No, by Allah, I did not do so because of fear (*taqiyah*) but I was afraid for you that you will be asked about one-half. If you are not afraid; give the other half also to his daughter and Allah will relieve you of the burden.’”

Chapter 13 - The Share of Grandchildren in the legacy

H 13032, Ch. 13, h 1

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from Sa'd ibn abu Khalaf who has narrated the following:

“Abu al-Hassan, al-Awwal, *‘Alayhi al-Salam*, has said, ‘Granddaughters replace their mother if the deceased does not leave behind any daughters and there is no other heir. Daughters of one’s son replace one’s son if the deceased does not leave behind any daughters of children and there are no other heirs besides them.’”

H 13033, Ch. 13, h 2

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama'ah from Muhammad ibn Sukayn from Ishaq ibn 'Ammar who has narrated the following:

“Abu 'Abd Allah, *‘Alayhi al-Salam*, has said, ‘Grandchildren take the place of their father.’”

H 13034, Ch. 13, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from 'Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“Abu 'Abd Allah, *‘Alayhi al-Salam*, has said, ‘Granddaughters from the daughter’s side take the place of their mother if other daughters of the deceased do not exist.’”

H 13035, Ch. 13, h 4

Muhammad ibn 'Isma'il has narrated from al-Fadl ibn Shadhan Safwan from 'Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“Abu 'Abd Allah, *‘Alayhi al-Salam*, has said, ‘Granddaughters from the daughter’s side keep the place of their mother if the deceased does not leave behind other daughters and there is no other heir besides them. Daughters of one’s son take the place of their father if the deceased does not leave behind a son and no one else inherits with them.’

“Al-Fadl has said, ‘Grandsons always keep the place of a deceased’s son; if a son from his seed does not exist [and] with them no one inherits except the parents of the deceased and husband and wife.’ If a deceased leaves behind a grandson and granddaughter from his son the legacy is given to them with the male receiving twice as much as the share of a female.

‘If a deceased leaves behind a grandson from the side of his son and a granddaughter from the side of his daughter the grandson from the side of the son receives two-thirds and the granddaughter from the side of the daughter receives one-third.

‘If a deceased leaves behind a granddaughter from his son and a granddaughter from his daughter, the granddaughter from his son receives two-thirds of the legacy and the granddaughter from his daughter receives one-third of the legacy. The rule in such case is like the rule for sons and daughters from one’s seed, for the children of one’s son is two-thirds and for the children of daughters is one-third. If a deceased leaves behind three sons or daughters of whom certain ones are of the next generation; the legacy in such case belongs to the generation before it. The next generation does not inherit anything because of the closest generation. The same is the case when all of them are daughters and in the next generation there is a boy, then the entire legacy belongs to the generation before, not for the next generation; the generation closer to the deceased is more deserving of the legacy. An example of this is when a deceased leaves behind a grandson from his daughter and a great grandson from the daughter of his son. The legacy in this case belongs to the grandson from his daughter because he is

the closest to the deceased. So also is the case if a deceased leaves behind daughter of his daughter and son of the daughter of his son. In this case, the legacy belongs to the daughter of his daughter because she is closest to the deceased. The same is the case when a deceased leaves behind a daughter of his daughter and his great grandson, in which case the entire legacy belongs to the granddaughter; she is of closest generation. The same is the case also if a deceased leaves behind a grandson from his daughter and granddaughter from his daughter, a woman and other relatives. The woman's share is one-eighth and the remaining is distributed between the granddaughter and grandson from his daughter; for each male twice as much as the share of a female. Thus, the legacy is made into twenty-four shares, one-eighth for the woman, which is three shares, for the granddaughter seven shares and for the grandson from the daughter fourteen shares.

'If a deceased leaves behind a husband, a granddaughter from his daughter and a grandson from his daughter, the share of the husband is one-fourth and the rest of the legacy belongs to the granddaughter and grandson; each male's share twice the share of the female which can be taken from four shares. The husband receives one share, the grandson from his daughter receives two shares and the granddaughter from his daughter receives one share.

'If a deceased leaves behind a son of her daughter, the son of her son and her husband, the husband receives one-fourth and the rest belongs to the son of her daughter and the son of her son. The share of the son of her daughter is the share of his mother, which is one-third. The share of the son of her son is the share of her son, which is two-thirds, and this also can be distributed from four shares.

'If a deceased leaves behind a husband and a daughter of her daughter the share of the husband is one-fourth and the rest of the legacy belongs to the daughter of her daughter.

'If a deceased leaves behind a daughter of a daughter and both parents, then the share of parents are two-sixths. The share of a daughter of a daughter is one-half. The one remaining share is given to them as the remaining returned proportionate to their shares. Thus, the remaining is made into five parts of which the parents receive two shares and the daughter of the daughter receives three shares. If a deceased leaves behind a son of a daughter and both parents whose shares are two-sixths and the share of the son of the daughter is one-half which also can be distributed from five shares of which two shares are for the parents and three shares are for the son of the daughter.

'If a deceased leaves behind a daughter of a son and both parents whose share is two-sixths and the remaining belongs to the daughter of the son, and this can be divided from six shares, of which two shares are for the parents and four shares for the daughter of the son.'

"Al-Fadl has said that one proof of the mistake that people make is in matters of inheritance of the children of daughters. They consider the children of daughters like the children of man from his seed in all rules except in inheritance. In this case they in consensus all say that wife of the son of the daughter is not lawful for a man or the wife of the son of son of a daughter. It is because of the words of Allah, most Majestic, most Glorious ' . . . women lawful for your sons who are from your seed.' (4:23) If in this case the son of the daughter is the son of a man from his seed; why does it not apply in inheritance to the son of the daughter? So also they have said, 'If a man divorces his wife before going to bed with her; that woman is not lawful for the son of his daughter because of the words of Allah, most Majestic, most Glorious, ' . . .do not marry whom your fathers (ancestors) have married of women.' (4:22) How then has man here become the father of the son of his daughter and he does not

become his father in matters of inheritance? So also, they have said, ‘It is unlawful to marry a woman who was married to the son of one’s daughter.’ In the same way, they have said that if one testifies for the father of one’s mother or for the son of a daughter, his testimony and similar testimony is not acceptable in many of their judgments. When they come to the issue of inheritance they say that the son of a daughter is not considered as one’s son and he is not considered his father, because of their following their ancestors who wanted to invalidate al-Hassan and al-Husayn, ‘*Alayhi al-Salam*, because of their mother but Allah is the supporter. This is what Allah has stated in His book in His words, ‘To everyone We gave guidance and We guided Nuh before and of the offspring of Dawud and Sulayman and Ayyub . . . and Jesus and ‘Ilyas qhow were all pious people.’ (6:84-85) He has called Jesus from the descendents of Adam and Nuh when he is the son of a daughter because Jesus had no father; then why is it that the children of a daughter of a man are not considered as one’s children? Yes, it is true if they want fairness and the truth, only Allah grants good opportunity.”

Chapter 14 - Inheritance of Parents

H 13036, Ch. 14, h 1

A number of our people have narrated from Sahl ibn Ziyad from ibn Mahbub, a number of our people have narrated from Ahmad ibn Muhammad, and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from Ali ibn Ri'ab and abu Ayyub al-Khazzaz from Zurarah who has narrated the following:

“About the case of a man who dies and leaves behind his parents, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The father receives two shares and the mother receives one share.’”

H 13037, Ch. 14, h 2

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from Hammad ibn ‘Isa who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who leaves behind his mother and brother. He (the Imam) said, ‘O Shaykh, do you want the answer according to the book?’ He (the narrator) has said that I said, ‘Yes, I want it according to the book.’ He (the Imam) said, ‘Ali, *‘Alayhi al-Salam*, would give the legacy to the nearest relative.’ I then asked, ‘So, the brother does not inherit?’ He (the Imam) said, ‘I just informed you that Ali, *‘Alayhi al-Salam*, would give the legacy to the nearest relative.’”

H 13038, Ch. 14, h 3

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad from Ali ibn al-Hassan ibn Hammad from ibn Miskin from Mushma‘il ibn Sa‘d from abu Basir who has narrated the following:

“About the case of a man who dies and leaves behind his parents, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is from three shares, one share for the mother and two for the father.’”

Chapter 15 - Inheritance of Parents with Brothers and Sisters from the Father and Brothers and Sisters from the Mother

H 13039, Ch. 15, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa from Yunus all from ‘Umar ibn ‘Udhaynah who has narrated the following:

“I once said to Zurarah, ‘Certain people have narrated to me from him (abu ‘Abd Allah, *‘Alayhi al-Salam*) and from his father, *‘Alayhi al-Salam*, about certain things regarding the ordained shares. I like to show them to you so you can tell me which is false and which is right and do not narrate this (what is false) and remain quiet.’ I said, ‘A man narrated from one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, about both parents and brothers from the side of mother that they are barred and do not inherit.’ He said, ‘This by Allah is false. I will inform you, do not narrate as such. What I say by Allah is the truth. If a deceased leaves behind his parents, the share of the mother is one-third and the father receives two-thirds according to the book of Allah, most Majestic, most Glorious. If he leaves behind brothers, that is, the deceased has brothers from both parents or brothers from the father’s side, the share of his mother is one-sixth and the share of the father is five-sixths. It is made available to the father because of his dependents. Brothers from the side of the mother, who are not from the father, do not bar the mother from her one-third and they do not inherit. If a man dies and leaves behind his mother and brothers and sisters from both parents and brothers and sisters from the mother’s side and the father is not alive, they do not inherit and do not bar her because *Kalalah* does not inherit.’”

H 13040, Ch. 15, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Sa‘d ibn abu Khalaf from abu al-‘Abbas who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a deceased leaves behind two brothers, they are considered more than two brothers of the deceased and they bar the mother from one-third. If there is one brother he does not bar the mother.’ He (the Imam) said, ‘If there are four sisters they bar the mother from one-third because they are like two brothers but if there are three sisters they do not bar the mother’s share.’”

H 13041, Ch. 15, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhassin ibn Ahmad from Aban ibn ‘Uthman from Fadl abu al-‘Abbas al-Baqbaq who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of both parents and two sisters from both parents; if they bar the mother from one-third of the legacy. He (the Imam) said, ‘No, they do not do so.’ I then asked, ‘What happens if they are three?’ He (the Imam) said, ‘No, they do not do so.’ I then asked, ‘What happens if they are four?’ He (the Imam) said, ‘Yes, they bar her from one-third.’”

H 13042, Ch. 15, h 4

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from abu Ayyub al-Khazzaz from Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A mother is not barred from receiving one-third if there is no son except because of two brothers or four sisters.’”

H 13043, Ch. 15, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ‘Abd Allah ibn Bukayr from Fadl abu al-‘Abbas al-Baqbaq who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A mother is not barred from receiving one-third except

because of two brothers or four sisters from both parents.’”

H 13044, Ch. 15, h 6

Through the same chain of narrators as that of the previous *Hadith* the following is narrated from ibn Faddal from ibn Bukayr from ‘Ubayd ibn Zurarah who has narrated the following:

“I once heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, saying, ‘Brothers from the mothers’ side do not bar the mother from one-third of the legacy.’”

H 13045, Ch. 15, h 7

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from ‘Abd Allah ibn Bahr from Hariz from Zurarah who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, once said to me, ‘O Zurarah, what do you say about the case of a man who leaves behind his both parents and brothers from his mother’s side?’ He (the narrator) has said that he said, ‘One-sixth is for the mother and the rest is for the father.’ He (the Imam) asked, ‘On what basis do you say so?’ I replied, ‘I have heard Allah, most Majestic, most Glorious, saying in His book, ‘. . . if there are brothers then one-sixth is for his mother.’ (4:11) He (the Imam) said, ‘Fie on you O Zurarah, they are brothers from the father’s side. If brothers are from the mother’s side, they do not bar the mother from receiving the one-third.’”

Chapter 16 - The Inheritance of a Son with both Parents

H 13046, Ch. 16, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa ibn ‘Ubayd from Yunus ibn ‘Abd al-Rahman all from Safwan or he said from ‘Umar ibn ‘Udhaynah from Muhammad ibn Muslim who has narrated the following:

“Once abu Ja‘far, *‘Alayhi al-Salam*, made me read the page of the book of ordained shares. It was according to the dictation of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and with the handwriting of Ali, *‘Alayhi al-Salam*. I found in it this, ‘If a deceased leaves behind his daughter and mother, the share of the daughter is one-half or three shares and for the mother one-sixth. The legacy is made in four parts, of which three are for the daughter and one is for the mother.’”

“He (the narrator) has said, ‘I read in it that, “If a deceased leaves behind his daughter and his father, the share of the daughter is one-half: three shares and the share of the father is one-sixth share. The legacy is made in four parts of which three are for the daughter and one is for the father.’”

“Muhammad has said, ‘I found in it that if a deceased leaves behind both parents and his daughter; the share of the daughter is one-half, three shares and the shares of parents are one-sixth for each. Such legacy can be made of five portions of which three are for the daughter and two for the parents.’”

H 13047, Ch. 16, h 2

A number of our people have narrated from Sahl ibn Ziyad from al-Hassan ibn Mahbub from Ali ibn Ri‘ab from Zurarah who has narrated the following:

“I found in the book of ordained shares that if a deceased leaves behind his daughter and both parents, the share of the daughter are three shares and the parents each receives one share. The legacy is made in five parts of which three are for the daughter and two for the parents, one share each.”

H 13048, Ch. 16, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa ibn ‘Ubayd from Yunus all from ‘Umar ibn ‘Udhaynah from Zurarah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the grandfather. He (the Imam) said, ‘I do not find anyone who has spoken about it but that they have spoken out of their opinion except *‘Amir al-Mu‘minin*, *‘Alayhi al-Salam*. I then asked, ‘I pray to Allah to keep you well, what has *‘Amir al-Mu‘minin* said about it?’ He (the Imam) said, ‘Tomorrow meet me so I can make you read it in a book.’ I then said, ‘I pray to Allah to keep you well, speak to me about it; I like your speaking more than making me read in a book.’ He (the Imam) said again, ‘Listen to what I say. Tomorrow meet me, so I will make you read in a book.’ The next day I went to see him (the Imam) after al-Zuhr (noontime) and it was the hour that I would meet him between al-Zuhr and al-‘Asr (afternoon time) and I did not like to ask him in the presence of people for fear of his answering in *taqiyah* (caution because of fear). When I met him (the Imam) his son Ja‘far, *‘Alayhi al-Salam*, came to me and he (the Imam) said to him, ‘Make Zurarah to read the book of ordained shares.’ He (the Imam) left for his siesta. Ja‘far, *‘Alayhi al-Salam*, and I were left in the house. He stood up and brought for me a book (which looked) like the thigh of a camel. He (Ja‘far, *‘Alayhi al-Salam*) said, ‘I will not allow you to read it until you promise before Allah that you will never tell anyone about what you will read in it until I will give permission’, and he did not say, ‘until my father gives you permission.’ I then said, ‘I pray to Allah to keep you well, why do you restrict me when your father has not commanded you to do so?’ He said, ‘You must not look in it on what is other than what I will tell you to read.’ I said, ‘That is up to you.’ I was a knowledgeable man in ordained shares of inheritance and wills and well aware of

them and in calculating them. I waited for quite a long time to find something about ordained shares and wills that I did not know and can deal with. When he placed a side of the book before me, it was a thick book and one can notice that it was of the books of earlier generations. I looked in it and I found it to be different from what is commonly accepted among people, such as matters of compensation and urging others to do good things, in which there is not any difference. I found the majority of it like that until the end of it, with a filthy soul, very little memorization and defective opinion; and I said, 'Do I (need) to read this?' It is false. I reached its end. I closed it and returned it to him (Ja'far, *'Alayhi al-Salam*). The next day I met abu Ja'far, *'Alayhi al-Salam*, and he asked me, 'Did you read the book of ordained shares?' I replied, 'Yes, I read it.' He (the Imam) then asked, 'How did you find what you read?' He (the narrator) has said that he said, 'It is false and it does not have any valid effect. It is against what people say and do.' He (the Imam) said, 'What you saw O Zurarah, by Allah, is the truth. What you saw is the dictation of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, in the handwriting of Ali, *'Alayhi al-Salam*.' Satan came to me with temptation in my chest and said, 'He does not know if it is the dictation of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and the handwriting of Ali, *'Alayhi al-Salam*. He (the Imam) said to me before I spoke, 'O Zurarah, do not doubt. Satan loved to make you doubt. How it is possible that I remain ignorant of its not being the dictation of the Messenger of Allah and the handwriting of Ali, *'Alayhi al-Salam*, when my father narrated to me from my grandfather *'Amir al-Mu'minin*, *'Alayhi al-Salam*, who narrated to him about it.' He (the narrator) has said that I said, 'No, I pray to Allah to keep my soul in service for your cause. I regretted for not reading what I did not read of the book. Had I read it and I had known it I would hope not to miss anything thereof; not even a single letter.'

“Umar ibn `Udhaynah has said, 'I said to Zurarah that people have spoken to me from him (the Imam) and from his father, *'Alayhim al-Salam*, about certain things on ordained shares. Can I present them before you so you can tell me what is false and what is true and do not narrate so I remain quiet? I narrated to him what Muhammad ibn Muslim had narrated from abu Ja'far, *'Alayhi al-Salam*, about the daughter and father and about a daughter and both parents. He said that it is true.

“Al-Fadl ibn Shadhan about a daughter and father has said, that the daughter receives one-half and the father receives one-sixth and the remaining is returned to them proportionate to their shares.

“So also is the case if a deceased leaves behind a daughter and mother. One-half belongs to the daughter, the mother receives one-sixth, and the remaining is returned to them proportionate to their shares. Certain people have said that the remaining belongs to the daughter because she is closer than both parents are. It is a mistake totally; the parents are close by themselves as the children are, but children are not closer than parents are. The correct thing is to return the remaining to all of them proportionate to their shares. They have received their shares and as nearest relatives the remaining asset belongs to them as relatives, thus it is divided among them according to the distribution of Allah, most Majestic, most Glorious, among them. Allah does not cause difference in His rule and His division does not change.'

“If a deceased leaves behind one daughter and both parents then one-half belongs to the daughter and the parents receive one-sixth. The remaining is returned to them proportionate to their shares because Allah, most Majestic, most Glorious, has not returned to one and not to the other one. He has made a share for women just as He has made a share for men. It is equal in this obligation between mother

and father. If a deceased leaves behind two daughters and both parents, the share of daughters is two-thirds and parents receive two-sixths. If a deceased leaves behind three daughters or more then the share of parents is two-sixths and the daughters receive two-thirds. If a deceased leaves behind parents and one son and one daughter, the parents receive two-sixths and the remaining is distributed among the son and daughter where the son receives twice as much as the share of the daughter.’”

Chapter 17 - Inheritance of the Son, with Husband and Woman and Both Parents

H 13049, Ch. 17, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from and Muhammad ibn 'Isa from Yunus ibn 'Abd al-Rahman all from 'Umar ibn 'Udhaynah who has narrated the following:

"I once said to Zurarah that I have heard Muhammad ibn Muslim and Bukayr narrating from abu Ja'far, *'Alayhi al-Salam*, about the husband, both parents and a daughter. The share of the husband is one-fourth, three shares out of twelve shares, the parents receive two-sixth, four shares out of twelve shares and the remaining five shares belong to the daughter because if she were a male she would not have more than five out of twelve shares. If they were two daughters, they would have five out of twelve shares because if they were two males they would not have anything other than the five remaining from twelve shares. Zurarah then said, 'This is right. If you face deficiency, you must not place deficiency on ordained shares. Deficiency is placed on those who have extra, like children and sisters from the side of the father and mother. Husband and brothers from the side of mother do not pay the deficiency from the ordained shares that Allah has made for them.'"

H 13050, Ch. 17, h 2

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from Ali ibn Ri'ab al-'Ala' ibn Razin from Muhammad ibn Muslim who has narrated the following:

"This is about the case of a woman who leaves behind her husband, both parents and a daughter. Abu Ja'far, *'Alayhi al-Salam*, has said, 'The husband receives one-fourth. It is three shares out of twelve. The parents each receives one-sixth, two shares out of twelve. The remaining five shares belong to the daughter because if she was a male she would not receive more than five shares out of twelve shares: the parents do not face deficiency. They each receive one-sixth and the husband does not face deficiency with his one-fourth share.'

H 13051, Ch. 17, h 3

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad from Sama'ah who has said that Safwan gave to him the book of Musa ibn Bakr which he read it before him and found Musa ibn Bakr narrating it from Sa'id from Zurarah who has said that there are no differences among our people about the following case. Abu 'Abd Allah, and abu Ja'far, *'Alayhim al-Salam*, were asked about a case in which a deceased woman left behind her husband, her mother and two daughters. He (the Imam) said, 'The husband receives one-fourth of the legacy, the mother receives one-sixth and the rest belongs to the two daughters. It is because if they were two men, they would not receive more than what remained after deducting the shares of the mother and husband, and the share of female is never more than the share of males.'

If a deceased leaves behind the mother, father and a daughter, the distribution is possible from twenty-four shares of which the shares of the woman is one-eighth, three out of twenty-four, each parent receives one-sixth, four shares out of twenty-four shares and the daughter receives one-half, twelve shares. The remaining are five shares which are returned to the daughter and one of the parents, proportionate to their shares and nothing is returned to the woman. If a deceased leaves behind both parents, a woman and daughter, this also can be distribution from twenty-four shares of which two-sixth, eight shares, is for the parents four for each, the woman receives one-eighth, three shares out of twenty-four and the daughter receives one-half, twelve shares. The remaining one share is returned to the daughter and both parents, proportionate to the ratio of their shares and nothing is returned to the woman. If a deceased leaves behind the father, husband and a daughter, the father receives two shares

out of twelve, which is one-sixth. The husband receives one-fourth, three shares out of twelve and the daughter receives one-half which are six shares out of twelve and one remaining share is returned to the daughter and father, proportionate to the ratio of their shares and nothing is returned to the husband. No one of the creatures of Allah inherits with a child except parents, husband and wife. If there are no children but the children of children, male or female, they keep the place of their parents. Children of sons are like the sons and inherit like sons and children of daughters keep the place of daughter, they inherit like daughter and bar parents, husband and wife from their shares of a larger amount, even if they are lower generations like one, two, three or more generations. They inherit what children from one's seed inherit and bar what the children from one's seed bar.'"

Chapter 18 - Inheritance of Parents with Husband and Wife

H 13052, Ch. 18, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhassin ibn Ahmad from Aban ibn ‘Uthman from `Isma‘il al-Ju‘fiy who has narrated the following:

“About the case of a woman who leaves behind her husband and parents, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The share of the husband is one-half, the share of mother is one-third and the remaining belongs to the father.’ About the case of a man who leaves behind a wife and both parents, he (the Imam) said, ‘The share of the wife is one-fourth, the share of the mother is one-third and the remaining belongs to the father.’”

H 13053, Ch. 18, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj from `Isma‘il ibn ‘Abd al-Rahman al-Ju‘fiy who has narrated the following:

“About the case of a woman who leaves behind her husband and both parents, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The share of the husband is one-half, the share of mother is one-third and the remaining belongs to the father.’”

H 13054, Ch. 18, h 3

It is narrated from the narrator of the previous *Hadith* from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa from Yunus all from ‘Umar ibn `Udhaynah from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, once made me (Muhammad ibn Muslim) to read the book of ordained shares which was dictated by the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, to Ali, *‘Alayhi al-Salam*, who wrote it with his own hand. I read in it about the case of a woman who leaves behind her husband and her both parents. In such case for the husband is one-half; three shares, for the mother is two shares, one complete third and one-sixth belongs to the father.’”

H 13055, Ch. 18, h 4

It is narrated from the narrator of the previous *Hadith* from his father from ibn abu ‘Umayr from ‘Umar ibn `Udhaynah who has narrated the following:

“I once said to Zurarah that certain people narrated to me from abu Ja‘far and abu ‘Abd Allah, *‘Alayhim al-Salam*, about certain things of ordained shares. I like to show them to you so you can tell me what is right and what is false; and about what is right, say that it is right but do not narrate and remain quiet, and I narrated to him what Muhammad ibn Muslim had narrated to me about husband and both parents. He said, ‘By Allah it is the truth.’”

H 13056, Ch. 18, h 5

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from Ali ibn al-Hassan ibn Ribat from ‘Abd Allah ibn Waddah from abu Basir who has narrated the following:

“About the case of a woman who leaves behind her husband, her mother and father, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is distributed from six shares, one-half, three shares for the husband, one-third, two shares for the mother and one-sixth is for the father.’

“Al-Fadl ibn Shadhan in this issue has said, ‘Of the proof that one-third of the legacy is for the mother is that all who oppose us have not said in this case that the mother receives one-sixth. They have said that mother receives one-third of what remains of the legacy. The remaining of the legacy is one-sixth but they do not allow opposing the words of the book, so they have kept the meaning of the words of the book, but they have opposed its law and it is against Allah and His book. The same is the case with

the inheritance of a woman with parents. In this case, the share of the woman is one-fourth, the share of mother is one-third complete and the remaining is for the father. Allah, glorious is whose remembrance, has mentioned this ordained share and in the case before it the share of the woman is one-fourth, the share of husband is one-half, the share of mother is one-third and nothing is mentioned for the father. He has only said, ‘His parents inherit him and for the mother is one-third.’ (4:11) The remaining belongs to the father, that is, the remaining of the legacy.’”

Chapter 19 - *Al-Kalalah* (Burdensome one's in Inheritance)

H 13057, Ch. 19, h 1

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from abu Ayyub and ‘Abd Allah ibn Bukayr from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If a deceased leaves behind his father and mother or his son or his daughter, if one of these four people is left behind, they are not of those about whom Allah, most Majestic, most Glorious, has said, “Say, Allah gives you a fatwa about *Kalalah* (burdensome people).”’”

H 13058, Ch. 19, h 2

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from Ali ibn Ribat from Hamzah ibn Humran who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about *Kalalah*. He (the Imam) said, ‘One who is not a son or a father.’”

H 13059, Ch. 19, h 3

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan all from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, *‘Kalalah* (burdensome people) is one who is not a son or a father.’”

Chapter 20 - Inheritance of Brothers and Sisters with Children

H 13060, Ch. 20, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from Muhammad ibn al-Hassan *al-Ash‘ariy* who has narrated the following:

“A dispute took place between two men of the sons of my uncle on a legacy. I pointed out for them to write to him (the Imam), ‘*Alayhi al-Salam*, about it to find out his opinion in the matter. They wrote, ‘We pray to Allah to keep our souls in service for your cause, what do you say about the case of a woman who leaves behind her husband and her daughter from her father and mother?’ I said, ‘I pray to Allah to keep my soul in service for your cause, if you consider it proper answer us with the bitter truth.’ A letter came to them that said, “*In the name of Allah, the Beneficent, the Merciful*. May Allah grant you and us good health and the best form. I understood your letter in which you have mentioned that a woman has left behind her husband, her daughter and a sister from her both parents. The ordained share of the husband is one-fourth and the rest belongs to the daughter.”

H 13061, Ch. 20, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Umar ibn ‘Udhaynah from ‘Abd Allah ibn Muhriz who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who dies and leaves behind his daughter and his sister from his father and mother. He (the Imam) said, ‘The entire legacy belongs to the daughter and there is nothing for the sister from his father and mother.’ I then said, ‘We need it. The deceased is from those people and his sister is a believing person, well-aware.’ He (the Imam) said, ‘Take one-half from them as they take from you according to their *Sunnah* and judgments.’ Ibn ‘Udhaynah has said, ‘I mentioned it to Zurarah and he said, “What ibn Muhriz has brought is certainly light.”’

H 13062, Ch. 20, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Umar ibn ‘Udhaynah from Zurarah who has narrated the following:

“Zurarah has said that al-‘Ammah (non-Shi‘ah) in their rules, decisions and ordained shares say something on consensus which is authoritative and binding upon them. In the case of a deceased who leaves behind his daughter or two daughters and his brother from his father and mother or his sister from his father and mother or his sister from father or his brother from his father, they give one-half to the daughter, two-thirds to the two daughters and the rest of legacy to his brother from his father and mother or his sister from his father or his sister from his father and mother, and not to the relatives from sons of his uncle or children of his brother. They do not give anything to the brothers from the mother. He (the narrator) has said that I said to them this is binding upon you. Allah has mentioned for brothers from the mother that *Kalalah* (burdensome people) inherit. Why do you not give them with a daughter anything when you give the sister from father, mother, and sister from father the rest of legacy instead of uncle and relatives? Allah, most Majestic, most Glorious, has mentioned them as *Kalalah* just as He has called brothers from mother as *Kalalah*. Allah, most Majestic, most Glorious, has said, ‘They ask your fatwa. Say Allah gives you a fatwa about *Kalalah*.’ Why you have separated them from each other? They say that it is because of *Sunnah* and consensus of the group. We ask, ‘Is it the *Sunnah* of Allah and the *Sunnah* of His messenger or the *Sunnah* of Satan and his friends?’ They say, ‘It is the *Sunnah* of so and so.’ We say, ‘You have followed us in two issues and opposed us in two issues. We say, ‘If a deceased leaves behind one of the four then *Kalalah* of the deceased does not inherit. If he leaves a father or a son, you say, ‘You are right.’ We

say, ‘If he leaves behind mother or a daughter.’ You deny it. You have followed us about the daughter. You do not give to brothers from mother anything and you have opposed us about mother. Why do you give one-third to brothers from the mother with the mother when she is living and they inherit because of her right and relation? Brothers and sisters from the father and mother and brothers and sisters from the mother do not inherit with the father (existing); they inherit because of the father, so also brothers and sisters from the mother do not inherit with the mother (existing). More strange is that you say, ‘Brothers from the mother do not inherit one-third, they bar the mother from one-third and she only receives one-sixth.’ It is due to ignorance and it is untrue. Consensus is falsely made about it. I then said to Zurarah, ‘Do you say it from your own opinion?’ He said, ‘If I say this from my opinion I will be a sinful person. I testify that it is the truth from Allah and the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to your cause.*’”

H 13063, Ch. 20, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa from Yunus all from ‘Umar ibn ‘Udhaynah from Bukayr ibn ‘A’yan who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a woman who has left behind her husband, brothers from her mother and brothers and sisters from her father. He (the Imam) said, ‘The share of husband is one-half, three shares, the share of brothers from her mother is one-third, male and female receive equal shares. The one remaining share belongs to brothers and sisters from the father. Each male receives twice as much as a female; ordained shares do not face deficiency. The share of husband does not reduce from one-half and the share of brothers from her mother, which is one-third, does not reduce. Allah, most Majestic, most Glorious, has said, ‘. . . if they are more than this they share the one-third, if there is one he receives one-sixth.’ (4:12) What Allah, most Blessed, most High, has meant by His words, ‘. . . if it is a man inherited by *Kalalah* (burdensome people) or a woman and has a brother or sister then everyone gets one-sixth and if they are more than this they share the one-third.’ By this Allah has meant brothers and sisters from mother only. Allah in the end of chapter four has said, ‘. . . they ask for a fatwa from you about *Kalalah*. If a man dies and has no children but has a sister [meaning sister from both parents and sister from the father] she receives one-half of the legacy and he inherits her, if she does not leave children. If they are brothers and sisters, the share of the male is twice as much as the share of female.’ They are the ones whose shares increase and decrease. So also are their children whose shares increase and decrease. If a woman dies and leaves behind her husband and brothers from her mother and two sisters from her father, the share of husband is one-half, three shares, brothers from the mother receive two shares and one remaining share is for the two sisters from her father. If she is one, it is for her like two sisters from her father; if they were brothers from the father, no increase would take place in the remaining. If she was one or in the place of one female, there was a brother no increase would take place in the remaining. There is no increase for sisters or for a child if he was a male.’”

H 13064, Ch. 20, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa from Yunus from ‘Umar ibn ‘Udhaynah from Bukayr who has narrated the following:

“Once a man came to abu Ja‘far, *‘Alayhi al-Salam*, and asked about a woman who has died and left behind her husband, brothers from her mother and her sister from her father. He (the Imam) said, ‘The share of the husband is one-half, three shares, brothers from her mother receive one-third, two shares and the sister from her father receives one-sixth which is one share.’ The man said to him (the Imam), ‘The laws of ordained shares of Zayd, the laws of ordained shares of ‘Ammah and judges are different, O abu Ja‘far. They say that the share of the sister from the father is three shares that are reduced from

six to eight.’ Abu Ja‘far, ‘*Alayhi al-Salam*, asked, ‘Why do they say so?’ He replied, ‘It is because of the words of Allah, most Majestic, most Glorious, ‘. . . and for him is a sister then her share is one-half of the legacy.’ Abu Ja‘far, then asked, ‘What is the rule if he was one brother instead of one sister?’ He replied, ‘He would have only one-sixth.’ Abu Ja‘far, ‘*Alayhi al-Salam*, said to him, ‘Why do you reduce the share of the brother if you argue to provide one-half for the sister, because Allah has mentioned one-half for her you must also take notice that Allah has mentioned *Kalalah* (burdensome people) of brothers more than one-half. Allah has said, ‘. . . her share is one-half.’ He has also said for the brother who inherits her, that is, all of her legacy if she does not have any children. So you do not give anything to the one for whom Allah has given all the legacy in certain laws of your ordained shares but you give complete to one whom Allah has given one-half.’ The man said, ‘I pray to Allah to keep you well, how do we give one-half to the sister and we do not give the male heir if she was a male?’ He (the Imam) said, ‘About a mother, husband, a brother from the mother and a sister from her father they give one-half to the husband. They give one-sixth to the mother, to the brothers from her mother one-third and to the sister from her father One-half of three. You can make nine and it is from six but is raised to nine. He (the Imam) said this is how you say it.’ He (man) said, ‘If she was a male and a brother from her father.’ He (the Imam) said, ‘There is nothing for him.’ The man then asked abu Ja‘far, ‘*Alayhi al-Salam*, saying ‘I pray to Allah to keep my soul in service for your cause, what do you say?’ He (the Imam) said, ‘There is nothing for brothers from her father and mother, brothers from her mother or brothers from her father with the existence of the mother.’ ‘Umar ibn `Udhaynah has said, ‘I heard Muhammad ibn Muslim narrate a similar *Hadith* like that of Bukayr with the same meaning, but I did not memorize its wordings in details, but I memorized its meaning. He has said, ‘I mentioned it to Zurarah who said, “It is true by Allah. They both have spoken the truth.”’”

H 13065, Ch. 20, h 6

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from al-‘Ala’ ibn Razin and abu Ayyub and ‘Abd Allah ibn Bukayr from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the case of a woman who has left behind her husband, brothers from her mother and brothers and sisters from her father. He (the Imam) said, ‘The share of the husband is one-half, three shares, the share of brothers from her mother is one-third which is two shares; male and female receive equal shares. The one remaining share belongs to brothers and sisters from the father. Each male receives twice as much as a female; ordained shares do not face deficiency. The share of the husband does not reduce from one-half and the share of brothers from her mother, which is one-third, does not reduce. Allah, most Majestic, most Glorious, has said, ‘. . . if they are more than this they share the one-third, if there is one he receives one-sixth.’ (4:12) What Allah, most Blessed, most High, has meant by His words, ‘. . . if it is a man inherited by *Kalalah* or a woman, and has a brother or sister then for everyone is one-sixth.’ By this Allah has meant brothers and sisters from the mother only. Allah in the end of chapter four has said, ‘. . . they ask for a fatwa from you about *Kalalah*. If a man dies and has no children but has a sister [meaning sister from mother and father] she receives one-half of the legacy and he inherits her if she does not leave children. If they are brothers, male and female the share of the male is twice as much as the share of the female.’ They are the ones whose shares increase and decrease. So also are their children whose shares increase and decrease. If a woman dies and leaves behind her husband and two sisters from her and two sisters from her father, the share of the husband is one-half, which is three shares, sisters from her mother one-third or two shares and for the sisters from her father one-sixth, one share. If she is one it is for her; two sisters from her father do not receive any increase from the remaining and if he was a brother

from father he would not receive any increase from the remaining.’”

H 13066, Ch. 20, h 7

Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from ibn abu ‘Umayr from Jamil ibn Darraj from Bukayr who has narrated the following:

“A man once asked abu Ja‘far, *‘Alayhi al-Salam*, about two sisters and a husband. He (the Imam) said, ‘It is half and half.’ The man then said, ‘I pray to Allah to keep you well, Allah has mentioned their share to be more than that. Their share is two-thirds.’ He then asked, ‘What do you say about a brother and husband?’ He (the Imam) said, ‘It is half and half.’ He asked, ‘Has Allah not given the entire legacy, saying, “. . . and he inherits her if she has no children.”?’”

H 13067, Ch. 20, h 8

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from Fadalab ibn Ayyub from Musa ibn Bakr from Ali ibn Sa‘id who has narrated the following:

“Zurarah once asked me, ‘What do you say about a man who leaves behind his parents and brothers from his mother?’ I replied, ‘The share of mother is one-sixth and the rest belongs to the father. ‘If there are brothers the share of the mother is one-sixth.’ He said, ‘These brothers are from the father. Brothers from father and mother receive the largest amount. Brothers from mother receive one-third and she receives one-sixth. It is one-sixth because brothers from father and brothers from father and mother bar her. The father spends on them so his share is expanded and the share of the mother is reduced for that reason. Brothers from the mother are not in it. They do not bar their mother from receiving one-third.’ I then asked, ‘Do brothers inherit from the mother anything?’ He said, ‘There is no doubt in it, it is just as I say to you.’”

H 13068, Ch. 20, h 9

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Ali from ‘Abd Allah ibn al-Mughirah from Musa ibn Bakr who has narrated the following:

“I once said to Zurarah that ibn Bukayr has narrated to me from abu Ja‘far, *‘Alayhi al-Salam*, that the shares of brothers from the father and sisters from father and mother increase and decrease. It is because their shares are not greater than the share of brothers and sisters from father and mother if they were in their place. Allah, most Majestic, most Glorious, says, ‘. . . if a man dies who does not leave behind a child and he has a sister, she receives one-half of the legacy and he receives the entire legacy if she does not leave behind any children.’ He says that he receives the entire legacy, which she leaves behind if she does not leave behind a child. Despite this, they give complete to one whose share Allah has mentioned as One-half and they give less than One-half to one whom Allah has given the entire legacy. The share of woman is never more than the share of man if he was in her place. He (the narrator) has said that Zurarah then said, ‘This is applied by our people without any difference.’”

H 13069, Ch. 20, h 10

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from Jamil from ‘Abd Allah ibn Muhammad who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies and leaves behind his daughter, his sister from his both parents. He (the Imam) said, ‘The entire legacy belongs to his daughter.’”

Al-Fadl has said, ‘Allah, most Majestic, most Glorious, has made a share for the sister if she does not leave behind a child saying, ‘. . . if a man dies and does not leave behind a child and has a sister her share is one-half of the legacy.’ If he leaves behind a child then there is nothing for her. If anyone

gives to her, it is opposing Allah and His messenger. The same is the case with the children of children male or female regardless how far below they may be. Brothers and sisters do not inherit with a child and so also is the case with the existence of one or both parents.

[Note: The words of al-Fadl continues for the next several pages of the Arabic text and are not translated.]

Chapter 21 - Inheritance of the Grandfather

H 13070, Ch. 21, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn ‘Isa from Yunus all from ‘Umar ibn ‘Udhaynah from Zurarah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the ordained share of grandfather. He (the Imam) said, ‘I do not know anyone who has spoken about it but that it is his own opinion except Ali, *‘Alayhi al-Salam*, who has spoken about it with the words of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*’”

Al-Husayn ibn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Aban ibn ‘Uthman from Zurarah from abu Ja‘far, *‘Alayhi al-Salam*, a similar *Hadith*.

H 13071, Ch. 21, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Umar ibn ‘Udhaynah from Zurarah and Bukayr and al-Fudayl and Muhammad and Burayd who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘The grandfather with brothers from the father’s side become like one of the brothers regardless of how many they are.’ He (the narrator) has said that I asked, ‘A man has left his brother from his mother and father and his grandfather’, or I asked, ‘He has left his grandfather, his brother from his father and mother.’ He (the Imam) said, ‘The legacy is given to them, regardless, one or one hundred thousand he (grandfather) receives the share of one brother.’ I then asked, ‘A man has left behind his grandfather and his sister.’ He (the Imam) said, ‘The male receives like the share of two females. If they are two sisters then one-half is for grandfather and the other one-half for the two sisters. However, if they are more, it then is like the above calculation, if he leaves brothers and sisters from father and mother and grandfather then the grandfather is like one of the brothers and the legacy among them is distributed, each male receiving twice the share of a female.’” Zurarah has said, ‘This is what I cannot be questioned for because I heard it from his father and from him (the Imam) before and we have no doubt about it or differences.’”

H 13072, Ch. 21, h 3

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from Hammad ibn ‘Uthman from ‘Isma‘il al-Ju‘fiy who has narrated the following:

“I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘The grandfather distributes the legacy with brothers, regardless of how many they are; even if they are one hundred thousand.’”

H 13073, Ch. 21, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from ibn Ri‘ab from abu ‘Ubaydah who has narrated the following:

“About the case of a man who dies and leaves behind his wife, sister and grandfather, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘This is distributed from four parts, one-fourth for the woman, one share for the sister and two shares for the grandfather.’”

H 13074, Ch. 21, h 5

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from ‘Abd Allah ibn Jabalah from Ishaq ibn ‘Ammar from abu Basir who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying about six brothers and a grandfather, ‘The grandfather is the seventh.’”

H 13075, Ch. 21, h 6

It is narrated from the narrator of the previous *Hadith* from ‘Ubays ibn Hisham from Mushma‘il ibn Sa‘d from abu Basir who has narrated the following:

“About the case of a man who leaves behind five brothers and a grandfather, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is distributed from six; one part for each’”

H 13076, Ch. 21, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from al-‘Ala’ ibn Razin from ‘Abd Allah ibn Bukayr from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The grandfather, that is, the father of the father distributes the legacy with brothers from both parents and brothers from the father. The grandfather is like one of them, of the male ones.’”

H 13077, Ch. 21, h 8

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya from Ahmad ibn Muhammad all from ibn Mahbub from Ali ibn Ri‘ab from Zurarah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who leaves behind his brother from his father and mother and his grandfather. He (the Imam) said, ‘The legacy between them is half and half. If they are two brothers or a hundred, the grandfather is with them like one of them. The grandfather with them receives a share like the share of one of the brothers.’ He (the Imam) said, ‘If he leaves behind a sister, then the shares of the grandfather are two shares and the sister receives one share, if the sisters were two, then one-half is for grandfather and one-half for the sisters.’ He (the Imam) said, ‘If he leaves behind brothers and sisters from his mother and father, the grandfather is like one of the brothers and each male receives twice as much as the share of a female.’”

H 13078, Ch. 21, h 9

Ibn Mahbub has narrated from ibn Ri‘ab from abu ‘Ubaydah who has narrated the following:

“About the case of a man who dies and leaves behind his wife, sister and his grandfather, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘It is distributed from four parts. The woman receives one-fourth, the sister receives one share and the grandfather receives two shares.’”

H 13079, Ch. 21, h 10

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthman and Jamil ibn Darraj from ‘Isma‘il ibn ‘Abd al-Rahman al-Ju‘fiy who has narrated the following:

“I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘The grandfather distributes the legacy with brothers in equal shares, no matter whatever the number of brothers is.’”

H 13080, Ch. 21, h 11

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about a brother from a father and grandfather. He (the Imam) said, ‘The legacy between them is distributed in equal shares.’”

Chapter 22 - Brothers from a Mother with the Grandfather

H 13081, Ch. 22, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from ibn Sinan who has narrated the following: “I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who leaves behind his brother from his mother. He (the Imam) said, ‘If he has not left other heirs besides him the legacy belongs to him.’ I then asked about a brother from a mother with a grandfather. He (the Imam) said, ‘One-sixth must be given to the brother from his mother and the rest is given to the grandfather.’ I then asked about a brother from the father and a grandfather. He (the Imam) said, ‘The legacy between them is in equal shares.’”

H 13082, Ch. 22, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma‘il and Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus all from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following: “I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of brothers from one’s mother, with a grandfather. He (the Imam) said, ‘The share of brothers from one’s mother with a grandfather is one-third.’”

H 13083, Ch. 22, h 3

It is narrated from the narrator of the previous *Hadith* from Ahmad ibn Muhammad from and Ali ibn Ibrahim has narrated from his father from ibn Mahbub from Husayn ibn ‘Umarah from Misma‘ abu Sayyar who has narrated the following: “I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies and leaves behind brothers and sisters from his mother and a grandfather. He (the Imam) said, ‘The grandfather is like a brother from the father. He receives two-thirds and brothers and sisters from one’s mother receive one-third who distribute it among themselves in equal shares.’”

H 13084, Ch. 22, h 4

Al-Husayn ibn Muhammad *al-Ash‘ariy* has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Aban ibn ‘Uthman from abu Basir who has narrated the following: “Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Two shares belong to the sisters from one’s mother if a grandfather is with them.’”

H 13085, Ch. 22, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Ali ibn Ri‘ab from ibn Muskan from al-Halabiy who has narrated the following: “About the case of brothers from one’s mother with a grandfather, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The share of brothers from one’s mother is one-third if a grandfather is with them.’”

H 13086, Ch. 22, h 6

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from Ja‘far ibn Sama‘ah and Salih ibn Khalid from abu Jamilah from Zayd who has narrated the following: “About the case of a man who leaves behind brothers from his mother with a grandfather, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The ordained shares of brothers from one’s mother is one-third if a grandfather is with them.’”

H 13087, Ch. 22, h 7

Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from Safwan from ibn Muskan from al-Halabiy who has narrated the following: “I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of brothers from one’s mother with a

grandfather. He (the Imam) said, ‘The ordained share of brothers from one’s mother is one-third if a grandfather is with them.’”

Chapter 23 - Son of a Brother with a Grandfather

H 13088, Ch. 23, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from abu Ayyub from Muhammad ibn Muslim who has narrated the following:

“Once, abu ‘Abd Allah, *‘Alayhi al-Salam*, made a book available to the public. I found in it that the son of a brother and a grandfather share a legacy in equal shares. I said, ‘I pray to Allah to keep my soul in service for your cause, the judges do not judge for the son of brothers with a grandfather anything.’ He (the Imam) said, ‘This book is in handwriting of Ali, *‘Alayhi al-Salam*, as dictated to him by the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*’”

H 13089, Ch. 23, h 2

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from al-Qasim ibn Muhammad ibn Sulayman who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that Ali, *‘Alayhi al-Salam*, would make the son of a brother to inherit the share of his father with a grandfather.’”

H 13090, Ch. 23, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that Jabir narrated to me from the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and he [Jabir] did not lie, that the son of a brother distributes the legacy with a grandfather.’”

H 13091, Ch. 23, h 4

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah who has said that abu Shu‘ayb has narrated from Rifa‘ah, from Aban ibn Taghlib who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a son of a brother and a grandfather. He (the Imam) said, ‘The legacy between them is half and half.’”

H 13092, Ch. 23, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from abu Ayyub al-Khazzaz from Muhammad ibn Muslim who has narrated the following:

“I once looked in a book in which abu Ja‘far, *‘Alayhi al-Salam*, was looking and I read therein that a son of a brother and grandfather share the legacy in equal ratios. I then said to abu Ja‘far, *‘Alayhi al-Salam*, ‘People around us do not judge with such judgment and they do not give to a son of a brother anything with a grandfather.’ Abu Ja‘far, *‘Alayhi al-Salam*, said, ‘This is the dictation of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, in the handwriting of Ali, *‘Alayhi al-Salam*, from the mouth of the Messenger of Allah with his (Ali’s) hand.’”

H 13093, Ch. 23, h 6

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from ‘Abd Allah ibn Jabalah from abu al-Mighra’ from Sama‘ah from abu Basir who has narrated the following:

“I once heard a man asking abu Ja‘far or abu ‘Abd Allah, *‘Alayhim al-Salam*, when I was with him (the Imam), about the son of a brother and a grandfather. He (the Imam) said, ‘The legacy is made half and half between the two of them.’”

H 13094, Ch. 23, h 7

Al-Fadl has narrated from ibn Mahbub from Sa‘d ibn abu Khalaf from certain persons of abu ‘Abd Allah, ‘*Alayhi al-Salam*, who has narrated the following:

“About the case of daughters of a sister and a grandfather, abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘The daughter of a sister receives one-third and the rest is for the grandfather; the daughters of the sister take the place of the sister and have made the grandfather like a brother.’”

H 13095, Ch. 23, h 8

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and a number of our people have narrated from Sahl ibn Ziyad all from ibn Mahbub from al-Hassan ibn Salih who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a woman who is married, but before going to bed with her husband, has died leaving behind her mother, two brothers from her father and mother and her grandfather, who is the father of her mother, and her husband. He (the Imam) said, ‘The husband receives one-half and the rest belongs to her mother. The grandfather does not receive anything; his daughter bars him from inheritance and brothers do not receive anything.’”

H 13096, Ch. 23, h 9

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Ali ibn abu Hamzah from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who dies and leaves behind his father, his uncle and grandfather. He (the Imam) said, ‘The father bars the grandfather. The legacy belongs to the father and there is nothing for the uncle and grandfather.’”

H 13097, Ch. 23, h 10

It is narrated from the narrator of the previous *Hadith* and Ali ibn ‘Abd Allah all from Ibrahim from ‘Abd Allah ibn Ja‘far who has narrated the following:

“I once wrote to abu Muhammad, ‘*Alayhi al-Salam*, and asked that a woman has died leaving behind her husband, her parents or her grandfather or her grandmother; how is the legacy distributed? He (the Imam), ‘*Alayhi al-Salam*, signed the answer that said, ‘The share of the husband is one-half and the rest belongs to the parents. It is also narrated that the Messenger of Allah, provided for the grandfather and grandmother one-sixth.’”

H 13098, Ch. 23, h 11

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, provided for the grandmother with one-sixth.’”

H 13099, Ch. 23, h 12

It is narrated from the narrator of the previous *Hadith* from Jamil ibn Darraj who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, provided for the grandmother, mother of the father, one-sixth when his son was alive and provided for the grandmother, mother of the mother, one-sixth when her daughter was alive.’”

H 13100, Ch. 23, h 13

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn Bukayr from Zurarah who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, provided for the grandmother one-sixth but did not sanction anything for her.’”

H 13101, Ch. 23, h 14

Ahmad ibn Muhammad has narrated from ibn Faddal from ‘Abd Allah ibn al-Mughirah from Musa ibn Bakr from Zurarah who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘The Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, provided for the grandmother one-sixth as food.’”

H 13102, Ch. 23, h 15

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Sa’d ibn abu Khalaf from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“I once visited abu ‘Abd Allah, *‘Alayhi al-Salam*, when Aban ibn Taghlib was with him (the Imam) and I said, ‘I pray to Allah to keep you well, my daughter has died and my mother is alive.’ Aban said, ‘There is nothing for your mother.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘Allah is free of all defects, give her one-sixth.’”

H 13103, Ch. 23, h 16

A number of our people have narrated from Ahmad ibn Muhammad from Ali ibn Asbat from ‘Isma‘il ibn Mansur from certain persons of his people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When four grandmothers come together, two from the side of the mother and two from the side of the father, one by means of raffle is reduced from the side of the mother, then one-sixth will be distributed among the three. Also if four grandfathers come together, one by means of raffle is reduced from the side of the mother, and the one-sixth is distributed among the three.’”

[Note: The next several pages of the Arabic text are the words of our scholars and are not translated.]

Chapter 24 - Inheritance of Relatives

H 13104, Ch. 24, h 1

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad from Muhammad ibn Yahya from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father and Humayd ibn Ziyad from al-Hassan ibn Muhammad all of them from ibn Mahbub from Ali ibn Ri'ab from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about certain issues of ordained shares of inheritance. He (the Imam) said, ‘Do you like if I show you the book of Ali, *‘Alayhi al-Salam*?’ I said, ‘But the book of Ali, *‘Alayhi al-Salam*, is no longer studied.’ He (the Imam) said, ‘O abu Muhammad, how can you say that the book of Ali, *‘Alayhi al-Salam*, is no longer studied?’ He (the Imam) brought it out and it was a magnificent book. I saw in it this case, ‘A man dies and leaves behind his paternal and maternal uncles.’ It said, ‘The paternal uncle receives two-thirds and the maternal uncle receives one-third.’”

H 13105, Ch. 24, h 2

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from abu Basir who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The maternal uncle and maternal aunt inherit if there are no other heirs. Allah, most Majestic, most Glorious, has said, ‘. . . relatives have priorities over other relatives according to the book of Allah.’(33:6)”

H 13106, Ch. 24, h 3

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from Wuhayb from abu Basir who has narrated the following:

“I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘Maternal uncle and maternal aunt inherit if there are no other heirs with them. Allah, most Majestic, most Glorious, has said, ‘. . . relatives have priorities over other relatives according to the book of Allah.’ (33:6)”

H 13107, Ch. 24, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhsin ibn Ahmad from Aban from abu Maryam who has narrated the following:

“About the case of the paternal aunt and maternal aunt, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘It is one-third and two-thirds; two-thirds for the paternal aunt and one-third for the maternal aunt.’”

Humayd ibn Ziyad, from al-Hassan ibn Muhammad, from al-Muthanna’, from Aban, from abu Maryam, from abu Ja‘far, *‘Alayhi al-Salam*, has narrated a similar *Hadith*.

H 13108, Ch. 24, h 5

Humayd ibn Ziyad has narrated from al-Hassan from Wuhayb from abu Basir who has narrated the following:

“About the case of a man who has left behind his paternal aunt and maternal aunt, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The paternal aunt receives two-thirds and the maternal aunt receives one-third.’”

H 13109, Ch. 24, h 6

Ali ibn Ibrahim has narrated from his father from Hammad from Hariz from Muhammad ibn Muslim who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies and leaves behind a maternal uncle, maternal aunt, paternal uncle, paternal aunt, his son, his daughter, his brother and sister. He (the Imam) said, ‘All of them inherit and protect. When there are the paternal aunt and maternal uncle, then the paternal aunt receives two-thirds and the maternal uncle receives one-third of the legacy.’”

H 13110, Ch. 24, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Sahl ibn Ziyad from al-Husayn ibn al-Hakam who has narrated the following:

“About the case of a man who dies leaving behind his two maternal aunts and relatives, abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘Relatives have priorities over each other. The legacy belongs to the two maternal aunts.’”

H 13111, Ch. 24, h 8

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Durust ibn abu Mansur from abu al-Mighra’ from a man who has narrated the following:

“Abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘If a man dies and leaves behind a paternal aunt and maternal aunt, the paternal aunt receives two-thirds and the maternal aunt receives one-third of the legacy.’”

Al-Fadl has said that if a deceased leaves behind two paternal uncles, one from both parents and the other from the father, the legacy belongs to the one who is from both parents. If a deceased leaves behind many uncles and aunts, the legacy among them is distributed by giving each male twice the share of a female. If a deceased leaves behind maternal uncles and aunts, the legacy is distributed between both male and female in equal shares. If he leaves behind a maternal uncle from both parents and one from mother’s side only, the legacy belongs to the uncle from both parents, and so is the case about paternal aunt and maternal aunt in this issue. The legacy belongs to the ones who are from both parents and not to the one who is just from the father’s side.

H 13112, Ch. 24, h 9

The Holy Prophet, O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause, has said, ‘A maternal uncle inherits one who has no other heirs.’”

[Note: The next several pages of the Arabic text are the words of al-Fadl and are not translated.]

Chapter 25 - A Woman Leaves Behind Just her Husband

H 13113, Ch. 25, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu Najran and Muhammad ibn ‘Isa from Yunus all from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“About the case of a woman who dies leaving behind her husband and no other known heirs, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The entire legacy belongs to the husband.’”

H 13114, Ch. 25, h 2

It is narrated from the narrator of the previous *Hadith* from Muhammad ibn ‘Isa from Yunus from Yahya al-Halabiy from Ayyub ibn al-Hurr from abu Basir who has narrated the following:

“I once was with abu ‘Abd Allah, *‘Alayhi al-Salam*, and he (the Imam) asked for al-Jami‘ah (the renown book of Ali, *‘Alayhi al-Salam*). We looked in it and found this case: ‘If a woman dies leaving behind just her husband and no other heirs, the entire legacy belongs to him (the husband).’”

H 13115, Ch. 25, h 3

Humayd ibn Ziyad al-Hassan ibn Muhammad ibn Sama‘ah, from Wuhayb from abu Basir who has narrated the following:

“About the case of a woman who dies leaving behind just her husband, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The entire legacy belongs to him (the husband) if no other heirs exist.’”

It is narrated from the narrator of the previous *Hadith* from ‘Abd Allah ibn Jabalah from Ali ibn abu Hamzah from abu Basir a similar *Hadith*.

H 13116, Ch. 25, h 4

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of his people from Aban from ‘Isma‘il ibn ‘Abd al-Rahman al-Ju‘fiy who has narrated the following:

“About the case of a woman who dies leaving behind just her husband, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The entire legacy belongs to him (the husband) if no other heirs exist.’”

H 13117, Ch. 25, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ibn Muskan from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a woman who dies and leaves behind just her husband. He (the Imam) said, ‘The legacy belongs to him.’ He said, ‘It means that there are no other heirs besides the husband.’”

H 13118, Ch. 25, h 6

Ali has narrated from Muhammad ibn ‘Isa from Yunus from abu Basir who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a woman who dies and does not leave behind any heirs except her husband. He (the Imam) said, ‘The legacy entirely belongs to him (the husband).’”

H 13119, Ch. 25, h 7

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn Asbat ‘Abd Allah ibn al-Mughirah from ‘Uyaynah Bayya’ al-Qasb from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a woman who dies leaving behind her husband. He (the Imam) said, ‘All of her asset belongs to her husband.’”

Chapter 26 - A Deceased Leaves behind Just his Wife

H 13120, Ch. 26, h 1

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from Muhammad ibn al-Hassan ibn Ziyad al-‘Attar from Muhammad ibn al-Nu‘aym al-Sahhaf who has narrated the following:

“Muhammad ibn abu ‘Umayr Bayya‘ al-Sabiriy died and he made a will to me. He left behind his wife and no other heirs. I wrote to the virtuous servant (of Allah) about it and he (the Imam) wrote to me the answer that said, ‘Give one-fourth to the woman (his wife) and deliver the rest to us.’”

H 13121, Ch. 26, h 2

It is narrated from the narrator of the previous *Hadith* from al-Hassan ibn Muhammad from Muhammad ibn Sukayn and Ali ibn abu Hamzah from Mushma‘il and ibn Ribat from Mushma‘il all of them from abu Basir who has narrated the following:

“Abu Ja‘far, ‘*Alayhi al-Salam*, once read for me (from the book) on the issue of ordained shares of inheritance the following: ‘A woman dies and leaves behind her husband,’ he (the Imam) said, ‘The entire legacy belongs to him. If a man dies and leaves behind his wife, he (the Imam) said that one-fourth belongs to her and the rest belongs to the Imam.’”

H 13122, Ch. 26, h 3

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad from Wuhayb ibn Hafs from abu Basir who has narrated the following:

“About the case of a woman who dies and leaves behind her husband, abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘One-fourth belongs to the woman and the rest belongs to the Imam.’”

H 13123, Ch. 26, h 4

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from Ali ibn Mahziyar who has narrated the following:

“Once Muhammad ibn Hamzah al-‘Alawiy wrote to abu Ja‘far, al-Thaniy, ‘*Alayhi al-Salam*, and asked, ‘One of your *Mawla* made a will to me about a hundred dirham and I heard him say, ‘Everything that belongs to me is for my *Mawla*.’ He died and left it but did not instruct to give anything from it. He has two women of whom one is in Baghdad whose address I do not know at this time and the other is in Qum; so what do you command me about the one hundred dirham?’ He (the Imam) wrote to him saying, ‘Find out how you can give from these dirham to the two wives of the man. Their rights in it is one-eighth if he has left any children but if he has not left any children, then it is one-fourth; and give the rest as charity to whomever you know is needy and deserving of charity, by the will of Allah.’”

H 13124, Ch. 26, h 5

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn Asbat from Khalaf ibn Hammad from Musa ibn Bakr from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who dies and leaves behind his wife, abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘One-fourth belongs to her and the rest must be given to us.’”

Chapter 27 - Women do not Inherit Anything from Real Property

H 13125, Ch. 27, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Muhammad ibn Humran from Zurarah from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Women do not inherit from land and real property anything.’”

H 13126, Ch. 27, h 2

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Humayd ibn Ziyad from ibn Sama‘ah, all from ibn Mahbub from Ali ibn Ri‘ab from Zurarah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘A woman does not inherit anything of the towns, houses, arms and stumper that her husband leaves behind; but she inherits from assets, furnishings, clothes, household items which he has left and the broken homes, doors, branches and reeds must be appraised to pay her right thereof.’”

H 13127, Ch. 27, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ibn `Udhaynah from Zurarah, Bukayr, Fadayl, Burayd and Muhammad ibn Muslim from abu Ja‘far and abu ‘Abd Allah, *‘Alayhim al-Salam*, and certain ones of them has narrated from abu ‘Abd Allah, and others have narrated who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘A woman does not inherit from the legacy of her husband in the form of land of his house or land. However, she can inherit from bricks and wood which must be appraised from the value of which one-fourth must be given to her or one-eighth, if she has children, of the value of bricks, branches and wood.’”

H 13128, Ch. 27, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil from Zurarah and Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Women do not inherit from the real property or land anything.’”

H 13129, Ch. 27, h 5

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn al-Hakam from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A woman inherits from bricks but does not inherit from residence anything.’ I then asked, ‘How is it that she inherits from branches but not from the roots?’ He (the Imam) said to me, ‘She does not have lineage because of which she can inherit. She is an addition to them thus she inherits from branches and not from the roots and no addition is made to them because of her.’”

H 13130, Ch. 27, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthman from Zurarah [or] and Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Women do not inherit from real property or houses anything but the building and bricks must be appraised to give one-eighth or one-fourth thereof to her.’ He (the Imam) said, ‘This is because women may get married and thus spoil the legacy for the heirs.’”

H 13131, Ch. 27, h 7

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from Hammad ibn ‘Uthaman who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The women’s share of legacy is sanctioned to be from the value of wood and brick of the house only, so that she after getting married will not spoil the legacy of the heirs.’”

H 13132, Ch. 27, h 8

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Yahya al-Halabiy from Shu‘ayb from Yazid al-Sa’igh who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of women if they inherit from land. He (the Imam) said, ‘No, but they inherit from the value of the building.’ I then said, ‘People do not agree with it.’ He (the Imam) said, ‘When we become in authority, if they did not agree, we will whip them and if they did not become straight we will use sword against them.’”

H 13133, Ch. 27, h 9

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah from his uncle Ja‘far ibn Sama‘ah from Muthanna’ from ‘Abd al-Malik ibn ‘A‘yan who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘Women do not receive anything from houses and real property.’”

H 13134, Ch. 27, h 10

Muhammad ibn abu ‘Abd Allah has narrated from Mu‘awiyah ibn al-Hakim from Ali ibn al-Hassan ibn Ribat from Muthanna’ from Yazid al-Sa’igh who has narrated the following:

“I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘Women do not inherit from the land or the house anything, however, they can have their share from the value of bricks and wood.’ He (the narrator) has said that I said to him (the Imam), ‘People do not follow it.’ He (the Imam) said, ‘When we become in authority, we will whip them, and if they will not desist we will use sword against them.’”

H 13135, Ch. 27, h 11

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn al-Hakam from Aban al-Ahmar who has said that I do not know it except from Muyassir Bayya’ al-Zuttiy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of women and their share of inheritance. He (the Imam) said, ‘They can have their share from the value of bricks, building, wood and reeds, but they cannot inherit land and real property.’ I asked about clothes. He (the Imam) said, ‘They can inherit from clothes.’ I then asked, ‘How is it that for this is the value and for this is the defined land?’ He (the Imam) said, ‘It is because women do not have their lineage whereby they can inherit. She is an addition on them. It is also because when she gets married and brings her husband or children from another people, it can cause trouble for the heirs.’”

Chapter 28 - Dispute of Man and Woman over Household Items

H 13136, Ch. 28, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from all from ibn abu 'Umayr from 'Abd al-Rahman ibn al-Hajjaj who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, once asked me, 'Does ibn abu Layla' reverse his judgments?' I replied, 'I have come to know that he issued a judgment about the assets of man and woman when one of them died and the living heirs claim it as well as the heirs of the dead, or when she is divorced then the men claim it as well as women. It is about four cases. He (the Imam) asked, 'What are they?' I replied, 'The first is that he issued judgment by the words of Ibrahim al-Nakha'iy. He (Ibrahim) would give the items that were especially for women to women and those for men to men and whatever was for both men and women, divide between them half-and-half. Then I came to know that he said, "Men are the owner of the house and women are additions on them. She is the plaintiff. All items belong to men except those especially for women which are for women." He then issued a judgment that if I had not experienced it I would not mention. A woman from us died and left behind her husband and assets. I took the case before him. He then asked us to list the goods. When he read it, he then said to the husband, "This is for both man and woman so we give it to the woman, except the balance because it is of the assets of man and it is for you." He (the Imam) asked, 'What is his judgment now?' I replied, 'He has reversed and now he says according to the words of Ibrahim al-Nakha'iy that the house is for man.' I then asked him (the Imam) what he (the Imam) said in the case. He (the Imam) said, 'It is the case that you experienced and that he then reversed.' I then asked, 'Do the items belong to the woman?' He (the Imam) said, 'Consider, if she were to present proof; how much proof would she need?' I replied, 'She needed two witnesses.' He (the Imam) said, 'Were you to ask from between the two mountains - we were in Makkah in those days - they tell you that the items and assets that are given as gifts publicly from the house of the woman to the house of her husband is what she has brought (belongs to her). He is the plaintiff and if he thinks that he has increased anything to it he must present testimony.'"

Chapter 29 - The Rare Ahadith

H 13137, Ch. 29, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from ibn Ri'ab from abu Basir who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who has married four women in one marriage contract or that he said in one session with different amounts of *mahr* (dower) for each one. He (the Imam) said, ‘It is permissible for them.’ I then asked, ‘What happens if he travels to a different town and divorces one of the four in the presence of witnesses from the people of that town who do not know the woman. He then marries a woman from that town after completion of *‘Iddah* (waiting period) of the woman he has divorced. Then he dies after going to bed with the woman whom he has married last; how his legacy is distributed? He (the Imam) said, ‘If he has children the share of the woman whom he has married last is one-fourth of one-eighth. If the woman divorced is identified in person and lineage, she will not receive any share and she must complete *‘Iddah* (waiting period).’ He (the Imam) said, ‘The other three women must distribute the remaining three-forths of one-eighth and they must complete their *‘Iddah* (waiting period). If the divorced woman cannot be identified, the four women distribute the three-forths of one-eighth among themselves and they all must complete their *‘Iddah* (waiting period).’”

Chapter 30 - Inheritance of a Boy and a Girl who are not yet Mature

H 13138, Ch. 30, h 1

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all al-Hassan ibn Mahbub from Ali ibn Ri'ab from abu 'Ubaydah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a boy and a girl who are not mature and whose guardians arrange their marriage. He (the Imam) said, ‘Their marriage is permissible and whoever of the two becomes mature has the right to choose the marriage or not. If they die before maturity there is no inheritance between them and no *mahr* (dower) unless they become mature and approve the marriage.’ I then asked, ‘What happens if one of them becomes mature before the other?’ He (the Imam) said, ‘It is permissible for him if he approves.’ I then asked, ‘What happens if the man becomes mature before the girl and approves the marriage, then dies before she becomes mature; if she inherits. He (the Imam) said, ‘Yes, her share must be kept aside until she becomes mature and swears by Allah that the reason for her claiming inheritance is because of her approving the marriage, then it is given to her with one-half of *mahr* (dower).’ I then asked, ‘What happens if the girl dies before her maturity; if she inherits the husband who is mature.’ He (the Imam) said, ‘No, because she has the choice upon her maturity.’ I then asked, ‘What happens if her father is the reason for her marriage before her maturity?’ He (the Imam) said, ‘Such a marriage is permissible for her and for the boy but *mahr* (dower) is due on the father for the girl.’”

H 13139, Ch. 30, h 2

A number of our people have narrated from Sahl ibn Ziyad from ibn Mahbub and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn 'Isa from ibn Mahbub from Nu'aym ibn Ibrahim from 'Abbad ibn Kathir who has narrated the following:

“I once asked abu 'Abd Allah, *‘Alayhi al-Salam*, about the case of a man who arranges marriage for his mature son with an orphan girl in his custody. He (the Imam) said, ‘She will inherit him if he dies because she has the choice to approve or disapprove the marriage after she becomes mature and there is no choice against her.’”

H 13140, Ch. 30, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from al-Qasim ibn Muhammad ibn 'Urwah from ibn Bukayr from 'Ubayd ibn Zurarah who has narrated the following:

“I once asked abu 'Abd Allah, *‘Alayhi al-Salam*, about the case of a child who marries a female child; if they inherit each other. He (the Imam) said, ‘If their fathers are the ones who have arranged their marriage then they inherit.’ I then asked, ‘Is their divorce by father permissible?’ He (the Imam) said, ‘No, it is not permissible.’”

Chapter 31 - The Inheritance of a Married and Mature Female before going to Bed

H 13141, Ch. 31, h 1

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from all from Safwan from ‘Abd al-Rahman ibn al-Hajjaj from a man who has narrated the following:

“About the case of a woman whose husband has died before going to bed with her, Ali ibn al-Husayn, *‘Alayhi al-Salam*, has said that she receives one-half of *mahr* (dower) and her share of inheritance and she must complete *‘Iddah* (waiting period).”

H 13142, Ch. 31, h 2

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from Aban ‘Uthman from ibn abu Ya’fur who has narrated the following:

“This is about the case of a man who dies before going to bed with his wife. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If *mahr* (dower) was assigned for her, she receives one-half as well as her share of inheritance but if *mahr* (dower) was not assigned she does not have any *mahr* (dower) but inherits from the legacy.’”

H 13143a, Ch. 31, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who dies and has a wife with whom he has not gone to bed, one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘She must receive one-half of her *mahr* (dower) and complete inheritance.’”

H 13143b, Ch. 31, h 4

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali and Muhammad ibn Yahya from ‘Abd Allah ibn Muhammad from Ali ibn al-Hakam from all from Aban ibn ‘Uthman from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“I asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies and has a wife with whom he has not gone to bed. He (the Imam) said, ‘She does not receive any *mahr* (dower) but she receives complete inheritance and he can inherit her legacy.’”

Chapter 32 - Inheritance of Women Divorced during Illness or without Illness

H 13144, Ch. 32, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If a woman is divorced and the husband dies during her *‘Iddah* (waiting period), she is no stranger to him and she inherits as long as she has not experienced her second cycle of *Hayd* (menses) after the first two time divorces. When she is divorced for the third time, then she does not receive any legacy from her husband and he does not inherit anything from her.’”

H 13145, Ch. 32, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn Bukayr from Zurarah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who divorces his wife. He (the Imam) said, ‘She inherits him and he inherits her as long as he has the right to go back to her.’”

H 13146, Ch. 32, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a man in good health divorces his wife as such wherein he does not have the right to go back to her, she then does not inherit him and he does not inherit her legacy.’ He (the Imam) said, ‘If he in a divorce has the right to go back to her then she inherits him and he inherits her until she experiences the third cycle of her *Hayd* (menses).’”

H 13147, Ch. 32, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Aban from a man who has narrated the following:

“About the case of a man who in good health divorces his wife twice, then divorces for the third time when he is ill, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘She inherits him as long as he is ill even if his illness lasts for one year.’”

H 13148, Ch. 32, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj from abu al-‘Abbas who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a man during his illness divorces his wife she inherits him during that illness even if her *‘Iddah* (waiting period) is complete unless he recovers from that illness.’ I then asked, ‘What happens if the illness prolongs?’ He (the Imam) said, ‘It is from that time (divorce) up to one year.’”

H 13149, Ch. 32, h 6

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of our people from Aban ibn ‘Uthman from al-Halabiy and abu Basir and abu al-‘Abbas all from abu ‘Abd Allah, *‘Alayhi al-Salam*, who have said the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘She inherits him but he does not inherit her (if divorce takes place in his illness) when *‘Iddah* (waiting period) is complete.’”

H 13150, Ch. 32, h 7

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from all from Safwan ibn Yahya from ‘Abd al-Rahman ibn al-Hajjaj from those who narrated to him who has narrated the following:

“About the case of a man who is ill and divorces his wife, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If he dies from that illness and she stays for him unmarried, she inherits him, but if she has married

then she has accepted what he has done, thus, there is no inheritance for her.’”

Chapter 33 - Inheritance of Relatives with Mawali

H 13151, Ch. 33, h 1

Ali ibn Ibrahim has narrated from his Muhammad ibn ‘Isa ibn ‘Ubayd from Yunus ibn ‘Abd al-Rahman from Zur’ah from Sama’ah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that Ali, *‘Alayhi al-Salam*, did not take the legacy of any of his Mawali upon their death; instead if he had a relative he (the Imam) would give it to them.’”

H 13152, Ch. 33, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, issued a judgment in the case of a maternal aunt who disputed against a *Mawla’* (master) of a man who had died. He read this verse, ‘. . . the relatives have priority over each other according to the book of Allah.’ (33:6) He (the Imam) gave the legacy to the maternal aunt instead of the *Mawla’* (Master).’”

H 13153, Ch. 33, h 3

Muhammad ibn Yahya and others have narrated from Ahmad ibn Muhammad from al-Hassan ibn al-Jahm from Hanan who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about what is for a *Mawla’* (Master). He (the Imam) said, ‘There is nothing for them (*Mawla’* (Masters)) except what Allah, most Majestic, most Glorious, has said, ‘. . . except if you do well-liked favor to your guardians.’ (33:6)”

H 13154, Ch. 33, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn abu al-Hamra’ who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about what *Mawla’* (Master) receives of inheritance. He (the Imam) said, ‘They receive nothing except soil, that is, dirt.’”

H 13155, Ch. 33, h 5

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from ‘Abd Allah ibn Sinan who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying that Ali, *‘Alayhi al-Salam*, upon the death of his slaves did not take anything from their legacy if they left any relatives, and he would say, ‘. . . relatives have priority to each other.’”

H 13156, Ch. 33, h 6

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan al-Tamimiy from Muhammad ibn Tasnim al-Katib from ‘Abd al-Rahman ibn ‘Amr al-Arzaq who has narrated the following:

“A man asked him (the Imam) about the case of a man who dies leaving behind the daughter of his sister and slaves. He has left one thousand dirham with him about which no one knows anything. The daughter of his sister came and left a holy book with him as a security deposit. He gave her thirty dirham. I heard abu ‘Abd Allah, *‘Alayhi al-Salam*, ask, ‘Does anyone know about?’ I replied, ‘No, no one knows anything about it.’ He (the Imam) said, ‘Give it to her piece by piece and do not inform anyone about it.’”

H 13157, Ch. 33, h 7

Humayd ibn Ziyad has narrated from al-Hassan ibn m h ibn Sama’ah from Muhammad ibn Ziyad from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that Ali, *‘Alayhi al-Salam*, did not take anything from

legacy of his slaves if they had relatives; and if the relatives were not of those who have the ordained shares, he would distribute the legacy among them (relatives).”

H 13158, Ch. 33, h 8

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from abu Thabit from Hanan from ibn abu ibn abu Ya’fur from Ishaq ibn ‘Ammar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that a slave of Ali ibn al-Husayn, *‘Alayhim al-Salam*, died. He asked to ascertain if he has left any relatives. It was said that he has two daughters in Yamamah who are owned. He (the Imam) bought them from the legacy of his slave who had died, then gave them the rest of the legacy.’”

H 13159, Ch. 33, h 9

Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan from abu Thabit from Hanan ibn Sadir from ibn abu Ya’fur from Ishaq who has narrated the following:

“A slave of Ali ibn al-Husayn, *‘Alayhim al-Salam*, died. He said, ‘You must look if you can find his heirs.’ It was said that he has two daughters in Yamamah who are owned. He (the Imam) bought them from the assets of the deceased and gave the rest of legacy to them.’”

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from abu Thabit a similar *Hadith*.

Chapter 34 - Inheritance of People Drowned and because of the Collapse of a Structure on them

H 13160, Ch. 34, h 1

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a people who drown with a ship or a house falls on them and they die; and it is not known who has died first. He (the Imam) said, ‘They inherit each other and that is how it is in the book of Ali, *‘Alayhi al-Salam*.’”

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from ‘Abd al-Rahman ibn al-Hajjaj a similar *Hadith* except that he has said, ‘This is how we found in the book of Ali, *‘Alayhi al-Salam*.’

H 13161, Ch. 34, h 2

Ali ibn Ibrahim has narrated from his father from and Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from all ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about a people on whom a house falls and they all die. It is not known who has died first. He (the Imam) said, ‘They all inherit each other.’ I then said, ‘Abu Hanifah has introduced something in it.’ He (the Imam) asked, ‘What has he introduced?’ I said, ‘Two men who were brothers, one of them was my *Mawla*’ (slave) and the other was a *Mawla*’ of another man. One of them had one hundred thousand dirham and the other did not have anything. They embarked on a ship but they drowned and it is not known which one died first, the legacy belongs to the heirs of the one who had nothing and the heirs of the one who had the asset does not receive anything.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘He (abu Hanifah) has heard it (the answer) and that is the way it is.’”

H 13162, Ch. 34, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from ‘Abd al-Rahman ibn al-Hajjaj and Humayd ibn Ziyad from ibn Sama‘ah from Muhammad ibn abu from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man and a woman on whom a wall falls and they die. He (the Imam) said, ‘The man inherits from the woman and the woman inherits from the man.’ I then said that abu Hanifah has introduced something in it.’ He (the Imam) asked, ‘What has he introduced in it?’ I said that in the case of two non-Arab men who were brothers and had no heirs except their *Mawla*’ (Master) of whom one had one hundred thousand dirham, which was well known, and the other did not have anything. They embarked on a ship and they were drowned. The one hundred thousand dirham was taken out for distribution. He said that it all must be given to the Mawali of the one who had nothing. He (the Imam) said, ‘I do not deny what he has introduced; it is true and that is how it is.’ He (the Imam) then said, ‘The asset must be given to the Mawali of the one who did not anything . The other brother did not have anything so that the Mawali of the other could inherit anything.’”

H 13163, Ch. 34, h 4

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa from Hariz who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said that *‘Amir al-Mu‘minin* issued a judgment in Yemen about a people on whom a house had collapsed and only two children were left, of whom one was owned and the other was free. He (the Imam) by means of raffle gave the assets to the one whose name came out and set the other one free.’”

H 13164, Ch. 34, h 5

Ali has narrated from Muhammad ibn ‘Isa from Yunus from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“About the case of a man and a woman on whom a house falls, abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘The woman inherits from the man and the man inherits from the woman, which means that they inherit from the original of each other’s assets and not from what they inherit from each other.’”

H 13165, Ch. 34, h 6

A number of our people have narrated from Ahmad ibn abu ‘Abd Allah in a *marfu‘* manner from ‘*Amir al-Mu’minin* who has narrated the following:

“About the case of a man and a woman who die together because of plague on one bed and the hand and leg of the man are found on the woman, ‘*Amir al-Mu’minin* issued a judgment that gave the assets to the man because of his death after the woman.’”

H 13166, Ch. 34, h 7

A number of our people have narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isma‘il from Hammad ibn ‘Isa from al-Husayn ibn al-Mukhtar who has narrated the following:

“Once abu ‘Abd Allah, ‘*Alayhi al-Salam*, said to abu Hanifah, ‘O abu Hanifah, what do you say about the case of a people who all die because of the fall of a house? Only two children remain, of whom one is free and the other is a slave of his companion but it is not known which is which’ Abu Hanifah said, ‘One-half of this and one-half of this is set free and the asset must be divided between the two.’ Abu ‘Abd Allah, ‘*Alayhi al-Salam*, said, ‘It is not as that. By means of raffle whoever’s name comes out is free and this one is set free to become the *Mawla*’ (master) for him.’”

Chapter 35 - Inheritance of People Killed, those who Inherit and those who do not Inherit from the Wergild

H 13167, Ch. 35, h 1

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from Hammad ibn ‘Isa from Sawwar from al-Hassan who has narrated the following:

“When Ali, *‘Alayhi al-Salam*, defeated Talhah and al-Zubayr, people came defeated and passed by a pregnant woman on the road who was frightened and miscarried her child who was alive but then died. She, because of shock died after the child. Ali, *‘Alayhi al-Salam*, and his people passed by where she with her child was left on the road. He (the Imam) asked them about her case and they said that she was pregnant. Because of shock on seeing the dead and defeated she has died. He (the Imam) then asked, ‘Who died first?’ They said, ‘The child died before her.’ He (the Imam) called her husband and made him to inherit his son for two-thirds of the wergild and the mother to inherit one-third of the wergild. He (the Imam) made the man to inherit from his dead wife one-half of the one-third, which she had inherited of the wergild of her son. The relatives of the dead woman inherited the remaining. He (the Imam) then made the husband to inherit also from the wergild of the dead woman, one-half which is two thousand and five hundred dirham. He (the Imam) allowed the relatives of the dead woman to inherit the other one-half, which was two thousand and five hundred dirham. This is because she did not have any children other than that whom she miscarried because of shock. He (the narrator) has said that he (the Imam) paid all of it from the public treasury of Basrah.”

H 13168, Ch. 35, h 2

Ibn Mahbub has narrated from abu Ayyub from Sulayman ibn Khalid who has narrated the following:

“*‘Amir al-Mu’minin*, *‘Alayhi al-Salam*, issued a judgment about the wergild of one slain that the heirs inherit from it according to the book of Allah their shares if there is no debt on the deceased except the brothers and sisters from the mother’s side who do not inherit from the wergild anything.”

H 13169, Ch. 35, h 3

Ibn Mahbub has narrated from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin* issued a judgment that said, ‘All heirs inherit from the wergild except brothers and sisters from the mother’s side.’”

H 13170, Ch. 35, h 4

It is narrated from the narrator of the previous *Hadith* who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin* issued a judgment that said, ‘All heirs inherit from the wergild except brothers and sisters from the mother’s side who do not inherit anything from the wergild.’”

H 13171, Ch. 35, h 5

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from ‘Asem ibn Hakim from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘From the wergild the heirs receive according to their ordained shares except brothers and sisters from the mother’s side who do not inherit anything thereof.’”

H 13172, Ch. 35, h 6

Humayd ibn Ziyad has narrated from ibn Sama‘ah from ‘Abd Allah ibn Jabalah and Ali ibn Ribat from ‘Abd Allah ibn Bukayr from ‘Ubayd ibn Zurarah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that brothers from mother’s side do not receive any share from the wergild.’”

H 13173, Ch. 35, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Nu’mān from Yahya al-Arzaq who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who is killed, leaving behind a debt and has left no assets but his heirs receive the wergild; if they must pay his debt. He (the Imam) said, ‘Yes, they must do so.’ I then asked, ‘Even if he does not leave anything they must pay his debts?’ He (the Imam) said, ‘Yes, because they have received the wergild, thus, they must pay his debt.’”

H 13174, Ch. 35, h 8

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from Dawud ibn al-Haseen from abu al-‘Abbas who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if brothers from mother’s side can receive any inheritance from the wergild. He (the Imam) said, ‘No, they cannot do so.’”

Chapter 36 - The Inheritance of a Killer

H 13175, Ch. 36, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from al-Qasim ibn Muhammad ibn Muhammad from Ali ibn abu Hamzah from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Two people of whom one has killed the other cannot inherit each other.’”

H 13176, Ch. 36, h 2

Al-Husayn ibn Sa‘id has narrated from al-Nadr ibn Suwayd from al-Qasim ibn Muhammad ibn Sulayman who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has killed his mother; if he can inherit her. He (the Imam) said, ‘I heard my father, *‘Alayhi al-Salam*, saying, “Whoever of the relatives kills one of his relatives he cannot inherit from that relative.”’”

H 13177, Ch. 36, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn Hadid all from Jamil ibn Darraj who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘A man who kills his son or father cannot inherit from him, but the legacy is for the heirs of the killer.’”

H 13178, Ch. 36, h 4

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from ibn Ri‘ab fn abu ‘Ubaydah who has narrated the following:

“About the case of a man who kills his mother, abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘He cannot inherit from her. Instead he is executed against his wishes and I do not think that his execution can remedy his sin.’”

H 13179, Ch. 36, h 5

Muhammad ibn Yahya has narrated from Ahmad and ‘Abd Allah sons of Muhammad from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said that a murderer cannot receive inheritance.’”

H 13180, Ch. 36, h 6

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from al-Hassan ibn Mahbub from ibn Ri‘ab from ‘Ubaydah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a woman who takes medicine when pregnant without informing her husband, and miscarries her child. He (the narrator) has said that he (the Imam) said, ‘If the child had grown bones and flesh then the wergild is due on her which she must pay to the father; but if the miscarriage takes place when the fetus has just formed or is an embryo she owes forty dinars or a slave to the father.’ I then asked, ‘Is it the case that she cannot inherit with the father?’ He (the Imam) said, ‘She cannot inherit because she has killed the child, so she cannot inherit.’”

H 13181, Ch. 36, h 7

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of his people from Hammad ibn ‘Uthaman from Fudayl ibn Yasar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man is not executed because of killing his son but a

son is executed because of killing his father; and a man cannot inherit from his father after killing him even if it is by mistake.’”

H 13182, Ch. 36, h 8

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘A woman inherits from the wergild of her husband and her husband inherits from the wergild of his wife as long as one of them does not kill the other partner.’”

H 13183, Ch. 36, h 9

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from Aban ibn ‘Uthman from ‘Abd Allah ibn abu Ya‘fur who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, if a woman can receive anything from the wergild of her husband or a man can receive anything from the wergild of his wife anything. He (the Imam) said, ‘Yes, they can do so as long as one of them does not kill the other partner.’”

H 13184, Ch. 36, h 10

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘If one kills his father, he is executed for him; but if his father kills him the father is not executed for his son’s murder, however he cannot inherit from him.’”

[Note: The next few passages of the Arabic text are the words of Fadl ibn Shadhan and are not translated.]

Chapter 37 - Inheritance of People of other Religions

H 13185, Ch. 37, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil from Hisham who has narrated the following:

“This is about what is narrated from the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*. He (the Messenger of Allah) has said that people of two religions do not inherit from each other. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘We inherit from them but they cannot inherit from us because al-Islam has not increased anything in his favor except sternness.’”

H 13186, Ch. 37, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘Jews and Christians cannot inherit from the Muslims but a Muslim can inherit from Jews and Christians.’”

H 13187, Ch. 37, h 3

Ali ibn Ibrahim has narrated from his father and Muhammad ibn ‘Isa from Yunus from Zur‘ah from Sama‘ah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if a Muslim can inherit from a pagan. He (the Imam) said, ‘Yes, but a pagan cannot inherit from the Muslim.’”

H 13188, Ch. 37, h 4

It is narrated from the narrator of the previous *Hadith* from Musa ibn Bakr from ‘Abd Allah ibn ‘A‘yan who has narrated the following:

“I once said to abu Ja‘far, *‘Alayhi al-Salam*, ‘I pray to Allah to keep my soul in service for your cause, if a Christian man dies and has a Muslim son, can he inherit from him?’ He (the Imam) said, ‘Yes, because Allah, most Majestic, most Glorious, through al-Islam has increased his honor, so we inherit from them but they cannot inherit from us.’”

H 13189, Ch. 37, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from al-Hassan ibn Salih who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The Muslim bars a *kafir* (non-Muslim) and inherits from him, but a *kafir* cannot bar the believer and cannot inherit from him (believing person).’”

H 13190, Ch. 37, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ibn Mahbub from abu Wallad who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘The Muslim inherits from his *Dhimmiy* (taxpayer) wife and she cannot inherit from him.’”

Chapter 38 - Another Chapter on Inheritance of People of other Religions

H 13191, Ch. 38, h 7

Ali ibn Ibrahim has narrated from his father Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and a number of our people have narrated from Sahl ibn Ziyad all from al-Hassan ibn Mahbub from Hisham ibn Salim from Malik ibn `A`yan, who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a Christian man who has died. The son of his brother is a Muslim and a son of his sister is a Muslim. The Christian man has children and a Christian wife. He (the Imam) said, ‘Two-thirds of his legacy must be given to the son of his brother. One-third must be given to the son of his sister if he does not have any children who are small. However, if he has small children, then the heirs must pay for the maintenance of the small children from the legacy their father has left behind until they become mature.’ It then was asked from him (the Imam), ‘How must the two spend?’ He (the Imam) said, ‘The one who has received two-thirds must pay two-thirds of the maintenance and the one who has received one-third must pay one-third of maintenance until they become mature at which time they can discontinue payment for them.’ It then was asked, ‘What happens if the children become Muslims when they are small?’ He (the Imam) said, ‘Whatever their father has left behind must be given to the Imam until they become mature. If they remain Muslims the Imam gives their legacy to them. However, if they did not remain Muslims when they become mature, the Imam gives the legacy to the son of his brother and the son of his sister who are Muslims. Two-thirds of what is left is given to the son of his brother and one-third of what is left to the son of his sister.’”

H 13192, Ch. 38, h 2

Ibn Mahbub has narrated from ibn Ri`ab from abu Basir who has narrated the following:

“I once asked abu Ja`far, *‘Alayhi al-Salam*, about the case of a Muslim man who has died and his mother is a Christian. He has a wife and Muslim children. He (the Imam) said, ‘If his mother becomes a Muslim before the legacy is distributed, she receives one-sixth.’ I then asked, ‘What happens if he does not have a wife and children or an heir with ordained shares in the book and his mother is a Christian and has other Christian relatives of those who have ordained shares in the book had they been Muslims. Who receives his legacy?’ He (the Imam) said, ‘If his mother becomes a Muslim, all of his legacy belongs to her; but if she did not become a Muslim instead certain others from his relatives become Muslims of those who have ordained shares according to the book, his legacy belongs to him. If no one from his relatives becomes a Muslim then his legacy belongs to the Imam.’”

H 13193, Ch. 38, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Abd Allah ibn Muskan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one becomes a Muslim before the legacy is distributed, he receives his share but if one becomes a Muslim after the legacy is distributed then there is nothing for him.’”

H 13194, Ch. 38, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Aban al-Ahmar from Muhammad ibn Muslim who has narrated the following:

“One of the two Imam, (abu Ja`far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘If one becomes a Muslim before the legacy is distributed the legacy belongs to him. If one becomes a Muslim after the legacy is distributed there is no legacy for him. If one is set free before the legacy is distributed it belongs to him but if one is set free after the legacy is distributed then there is no legacy for him.’ About the case of a woman he (the Imam) said, ‘If she becomes a Muslim before the legacy is

distributed she receives her share of the legacy.’”

Chapter 39 - The Inheritance of the People of Religion among them according to the Book of Allah and the Sunnah of His Holy Prophet

H 13195, Ch. 39, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad, a number of our people have narrated from Sahl ibn Ziyad, and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ibn Ri'ab from abu Hamzah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that Ali, *‘Alayhi al-Salam*, once issued a judgment. It was in the case of those who became Muslims and the legacy of pagans, which was not distributed before his becoming a Muslim. It gave men and women their shares according to the book of Allah, most Majestic, most Glorious, and the *Sunnah* of His Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*”

H 13196, Ch. 39, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that Ali, *‘Alayhi al-Salam*, issued judgment. It was in the case of those who became Muslims and the pagans of the legacy of pagans, which was not distributed before his becoming a Muslim. It gave such men and women their shares according to the book of Allah, most Majestic, most Glorious, and the *Sunnah* of His Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*” (According to the two above those who become Muslims before the distribution of the legacy, they receive their shares according to the book and *Sunnah*).

[Note: The next several passages of the Arabic text are the words of Yunus and al-Fadl and are not translated.]

Chapter 40 - If a Deceased Leaves Behind Muslim and non-Muslim Heirs

H 13197, Ch. 40, h 1

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan al-Tamimiyy from his brother Ahmad ibn al-Hassan from his father from Ja‘far ibn Muhammad from ibn Ribat in a *marfu’* manner has said, the following:

“`*Amir al-Mu’minin*, ‘*Alayhi al-Salam*, has said, ‘If a *Dhimmiy* (taxpayer) becomes a Muslim when his father is living who has children besides him, then the father dies, the Muslim inherits all of his legacy and his other children and wife do not inherit anything with a Muslim.’”

H 13198, Ch. 40, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from more than one person who has narrated the following:

“About the case of a Jew and a Christian who dies and has Muslim children and non-Muslim children, he (the Imam) said, ‘The laws of inheritance apply to them.’” (Only Muslims inherit).

Chapter 41 - Inheritance of Slaves

H 13199, Ch. 41, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from all from ibn abu 'Umayr from Hisham ibn Salim from Sulayman ibn Khalid who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, about the case of a free man who dies leaving behind his mother who is owned by someone, has said that she is bought with money from the legacy of her son, then is set free and then she is made to inherit him.’”

H 13200, Ch. 41, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn abu Najran from ‘Abd Allah ibn Sinan who has narrated the following:

“About the case of a man who dies leaving behind a certain amount of assets and a mother who is owned by someone, I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘His mother is bought, then the rest of the legacy is given to her.’”

H 13201, Ch. 41, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Ali from ibn Bukayr from certain persons of our people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a man dies leaving behind his father who is owned by someone or his mother who is owned by someone and the deceased is free, with his legacy, his father or relative is bought who then is made to inherit the remaining of the legacy.’”

H 13202, Ch. 41, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Jamil ibn Darraj who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies and leaves behind a son who is owned by someone. He (the Imam) said, ‘His son is bought, set free and the rest of the legacy is given to him.’”

H 13203, Ch. 41, h 5

Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from Safwan from ibn Muskan from Sulayman ibn Khalid who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that about the case of a free man who dies and leaves behind his mother who is owned by someone, *‘Amir al-Mu’minin* would say, ‘She is bought with the legacy of her son, then is set free and made to inherit her son.’”

H 13204, Ch. 41, h 6

Ali ibn Ibrahim has narrated from his father from Muhammad ibn Ja'far from ‘Abd Allah ibn Talhah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who dies leaving behind a large amount of assets, a mother and a sister who are owned by someone. He (the Imam) said, ‘They are bought with the assets of the deceased, set free and made to inherit him.’ I then asked, ‘What happens if the people of the slave-girl refuse?’ He (the Imam) said, ‘They cannot do so. They are appraised fairly, then their fairly appraised value is paid.’ I then asked, ‘What happens if they are bought, set free then made to inherit the deceased; if they die who will inherit them?’ He (the Imam) said, ‘The Mawali (relatives) of her son will inherit them because they were bought with the legacy of the son.’”

H 13205, Ch. 41, h 7

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has stated this about the judgment of ‘*Amir al-Mu’minin*. It is about the case of a man who dies leaving behind a mother, who is owned by someone and a certain amount of assets. He (the Imam) has said, ‘His mother must be bought with his legacy and the rest of the legacy must be given to her, if there are no other relatives who have ordained shares according to the book.’”

H 13206, Ch. 41, h 8

Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from abu Thabit from Hanan ibn Sadir from ibn abu Ya’fur from Ishaq ibn ‘Ammar who has narrated the following:

“Once, a *Mawla* (slave) of Ali, ‘*Alayhi al-Salam*, died. He said, ‘You must find out if there is anyone who inherits him.’ It was said that he has two daughters who are owned in Yamamah. He (the Imam) bought them from the assets of the deceased and gave to them the rest of the legacy.’”

[Note: The next several passages of the Arabic text are the words of Fadl ibn Shadhan and are not translated.]

Chapter 42 – The Free and Slaves do not Inherit each other

H 13207, Ch. 42, h 1

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Jamil ibn Darraj and Muhammad ibn Humran who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The free and slaves do not inherit each other.’”

H 13208, Ch. 42, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn abu Najran from Muhammad ibn Humran who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The free and slaves do not inherit each other.’”

H 13209, Ch. 42, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘The free and slaves do not inherit each other.’”

H 13210, Ch. 42, h 4

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from Ja‘far ibn Sama‘ah from al-Hassan ibn Hudhayfah from Jamil from al-Fudayl ibn Yasar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A slave does not inherit and a free person does not inherit from a slave.’” (It is because a slave does not own anything.)

Chapter 43 - Deceased leaves Behind One Free and One Owned Heir

H 13211, Ch. 43, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Mahbub from abu Ayyub from Mehzam who has narrated the following:

“About the case of a slave who is a Muslim and has a Christian mother and a free son, it was asked what happens if the mother of the slave dies leaving a certain amount of assets, abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘Her free grandson inherits it.’”

Chapter 44 - Another Chapter

H 13212, Ch. 44, h 1

A number of our people have narrated from Sahl ibn Ziyad from ibn Mahbub and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa and Ali ibn Ibrahim has narrated from his father from all ibn Mahbub from al-‘Ala’ ibn Razin from Muhammad ibn Muslim Muhammad who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who had a mother who was owned by someone. When it was the time of his death a certain person of our people went and bought his mother. He set the condition that he buys her and sets her free; if after the death of her son so and so, son of so and so, when she will inherit his legacy, she must pay him one-half of what she will inherit. She must promise before Allah and the Messenger of Allah to fulfil this agreement. She agreed and promised before Allah and the Messenger of Allah to act according to the agreement. The man bought and freed her according to the condition and her son died thereafter. She inherited him because there was no other heir except her. Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘He has done a favor to her and has his rewards for it. He is a scholar of *fiqh* (Islamic laws) and Muslims stand by their conditions. She must complete the agreement about which she has promised before Allah and His messenger.’”

H 13213, Ch. 44, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from certain persons of his people who has narrated the following:

“About the case of a man who made a contract with his slave and a condition that his legacy will be for him, which then was brought before *‘Amir al-Mu’minin*, *‘Alayhi al-Salam*, who annulled his condition saying that the condition of Allah is before your (the master’s) condition.’”

Chapter 45- The Inheritance Due to Special Contract

H 13214, Ch. 45, h 1

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from Mansur ibn Hazim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A contracting slave inherits proportionate to the amount he has paid.’”

(The above form of contracting is a contract between a slave and his master, which is an agreement that requires the slave to pay a certain amount to become free. Such contract can entail conditions and restrictions or is without restrictions).

[Note: Other *Ahadith* of this chapter are not translated because of not being applicable in our time.]

Chapter 46 - Inheritance of an Apostate

H 13215, Ch. 46, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Aban ibn ‘Uthman from those whom he has mentioned who has narrated the following:

“About the case of a man who dies as an apostate and has children, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘His legacy belongs to his Muslim children.’”

H 13216, Ch. 46, h 2

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from al-Hassan ibn Mahbub from abu Wallad al-Hannat who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has turned away from Islam and about who inherits him. He (the Imam) said, ‘His legacy is distributed according to the book of Allah, most Majestic, most Glorious.’”

H 13217, Ch. 46, h 3

Ibn Mahbub has narrated from Sayf ibn ‘Amirah from abu Bakr al-Hadramiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a man becomes an apostate (turns away from Islam), his wife becomes a stranger to him, like an irrevocably divorced woman. If he is killed or dies, before completion of *‘Iddah* (waiting period), she inherits during her *‘Iddah*. He does not inherit her if she dies when he turns away from Islam.’”

H 13218, Ch. 46, h 4

Ibn Mahbub has narrated from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about an apostate (one who turns away from Islam). He (the Imam) said, ‘If one turns away from Islam and rejects what Allah has revealed to Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, after his being a Muslim, his repentance has no effect. (After judicial due process) executing him is obligatory, his wife becomes stranger to him like an irrevocably divorced woman and his assets are distributed among his children.’”

Chapter 47 - Inheritance of One who is Lost

H 13219, Ch. 47, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa ibn ‘Ubayd from [Yunus] from Hisham ibn Salim who has narrated the following:

“Khattab al-A‘war asked abu Ibrahim, *‘Alayhi al-Salam*, when I was sitting, ‘A man worked on hire with my father and we lost him. A certain amount from his wages was left with us and we did not know any of his heirs. He (the Imam) said, ‘You must search for him.’ He said, ‘We searched but did not find him.’ He (the Imam) said, ‘Destitute people’, making a hand gesture with his both hands. The man repeated his question. He (the Imam) said, ‘Search and try hard if you can find him, otherwise, it is like your other assets until someone comes asking for it; and if something happens to you, make a will about it to give it to the one who may come asking for it (remaining wages).’”

H 13220, Ch. 47, h 2

Yunus ibn Thabit and ibn ‘Awn has narrated from Mu‘awiyah ibn Wahab who has narrated the following:

“This is about the case of a man who has a right on another man. However, he was lost and he did not know where to look for him, not knowing if he is dead or living. He does not know of anyone as his heir, or a town or lineage relation. He (the Imam) said, ‘He must search but if it becomes very long then he must give it in charity.’ He (the Imam) said, ‘You must search for him.’”

H 13221, Ch. 47, h 3

Yunus has narrated from Nasr ibn Habib Sahib al-Khan who has narrated the following:

“I once wrote to the virtuous servant (of Allah) about two hundred and four dirham which remained with me. I own a hotel. The owner of dirham has died and I do not know any heirs for him. I need your opinion on this matter and what must I do about it; I am depressed thereby. He (the Imam) wrote and said, ‘You can work with it and give it as charity little by little until it is complete.’”

H 13222, Ch. 47, h 4

Yunus has narrated from al-Haytham abu Ruh Sahib al-Khan who has narrated the following:

“I once wrote to the virtuous servant (of Allah) that I manage hotels. A man who stays in the hotel may die suddenly and I do not know his town and his heirs; and his assets remain with me. What must I do about it? He (the Imam) wrote back, ‘You must leave it in its condition.’”

H 13223, Ch. 47, h 5

Yunus has narrated from Ishaq ibn ‘Ammar who has narrated the following:

“Abu al-Hassan, *‘Alayhi al-Salam*, said to me, ‘The assets of a lost person must be kept for four years; then they are distributed.’”

H 13224, Ch. 47, h 6

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn Mahziyar from who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a house that belongs to a woman who had a son and a daughter. Her son disappeared in the ocean, the woman died and the daughter claimed that her mother had given the house to her and she sold certain parts of it. One portion was left next to the house of a man of our people, he did not like to buy it because of the disappearance of the son, and for fear that, it may not be lawful for him to buy it with no news from the son. He (the Imam) asked me, ‘For how long has he disappeared?’ I replied, ‘It is many years.’ He (the Imam) said, ‘One must wait for ten years, then buy it.’ I then asked, ‘Is it lawful to buy it after ten years?’ He (the Imam) said, ‘Yes, it is lawful.’”

H 13225, Ch. 47, h 7

Abu Ali *al-Ash'ariy* has narrated from Muhammad ibn 'Abd al-Jabbar from Safwan from Ishaq ibn 'Ammar who has narrated the following:

“I once asked him (the Imam), *'Alayhi al-Salam*, about the case of a man who had several sons, of whom one disappeared and he did not know where he was. The man died. What must be done with the share of the legacy for the son who has disappeared? He (the Imam) said, ‘It must be kept aside until he comes.’ I then said, ‘The man is lost (the father died) he did not come.’ He (the Imam) said, ‘If the heirs are trusted for his asset, they can distribute among themselves; and when he comes then give it to him.’”

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad ibn abu Nasr from Hammad from Ishaq ibn 'Ammar from abu Ibrahim *'Alayhi al-Salam*, a similar *Hadith*.

H 13226, Ch. 47, h 8

Humayd ibn Ziyad from al-Hassan ibn Muhammad ibn Sama'ah, from ibn Ribat and 'Abd Allah ibn Jabalah from Ishaq ibn 'Ammar who has narrated the following:

“I once asked abu al-Hassan, al-Awwal, *'Alayhi al-Salam*, about the case of a man who has several sons, of whom one disappeared and he did not know where he was. The man died. What must be done with his share of legacy from his father? He (the Imam) said, ‘It must be kept aside until he comes.’ I then asked if there is Zakat on his assets. He (the Imam) said, ‘No, there is no Zakat until he comes.’ I then asked if he must pay Zakat when he comes. He (the Imam) said, ‘No, until one year passes with the asset in his possession.’ I then said, ‘The man is lost and he has not come back.’ He (the Imam) said, ‘If the heirs of the man can be trusted about his assets, they can distribute it among themselves and when he comes give it to him.’”

H 13227, Ch. 47, h 9

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from 'Uthman ibn 'Isa from Sama'ah, who has narrated the following:

“Abu 'Abd Allah, *'Alayhi al-Salam*, has said, ‘The heirs must keep the assets of one who is lost for the duration of four years’ searching. If he is not found, his assets are distributed among the heirs. If he has children, the assets must be withheld and the expenses of his children must be provided during the four years.’”

Chapter 48 - Inheritance of the Crying Newborn Child

H 13228, Ch. 48, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan all from ibn abu 'Umayr from Rib'iy ibn 'Abd Allah who has narrated the following:

"I once heard abu 'Abd Allah, *'Alayhi al-Salam*, saying about newborn, 'If he moves, he inherits; perhaps he is speechless.'"

H 13229, Ch. 48, h 2

Ali has narrated from his father from Hammad ibn 'Isa from Rib'iy who has narrated the following:

"I once heard abu 'Abd Allah, *'Alayhi al-Salam*, saying, 'If a miscarried child falls off the womb of his mother and moves with clear movement, he inherits and is inherited; perhaps he is speechless so that he did not cry.'"

H 13230, Ch. 48, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and A number of our people have narrated from Sahl ibn Ziyad all from ibn Mahbub from 'Umar ibn Yazid who has narrated the following:

"I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of a man who dies leaving behind a woman who is pregnant. She gives birth after his death and the boy dies after falling on the ground. The female nurse saw and heard him crying when falling on the ground but then died. He (the Imam) said, 'It is up to the Imam to apply her testimony for the one-fourth of the legacy of the boy.'" (The testimony of the nurse is one out of four needed)

H 13231, Ch. 48, h 4

Ibn Mahbub has narrated from 'Abd Allah ibn Sinan who has narrated the following:

"I once heard abu 'Abd Allah, *'Alayhi al-Salam*, saying, 'The testimony of a female nurse about the crying of a newborn at the time of birth is effective for one-fourth of the legacy proportionate to the testimony of one woman.' I then asked, 'What happens if they are two women?' He (the Imam) said, 'It is effective for one-half of the legacy.'"

H 13232, Ch. 48, h 5

Humayd ibn Ziyad from al-Hassan ibn Muhammad ibn Sama'ah from Muhammad ibn Ziyad from 'Abd Allah ibn Sinan who has narrated the following:

"About the case of inheritance of a newborn from a wergild, abu 'Abd Allah, *'Alayhi al-Salam*, has said, 'He cannot inherit from a wergild anything unless he cries at birth and his crying is heard.'"

H 13233, Ch. 48, h 6

Ali ibn Ibrahim has narrated from Muhammad ibn 'Isa from Yunus from ibn 'Awn from certain persons of them who has narrated the following:

"I once heard him (the Imam), *'Alayhi al-Salam*, saying, 'A newborn does not inherit from a wergild anything unless he cries at the time of birth and his voice is heard.'"

Chapter 49 - Inheritance of Hermaphrodite

H 13234, Ch. 49, h 1

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya and Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan all from Safwan from ibn Muskan from Dawud ibn Farqad who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about the case of a newborn who has the reproductive organs of both male and female and about his inheritance. He (the Imam) said, ‘If urine comes from the male organ its inheritance is that which is for a male, and if urine comes from the female organ then her share is like the share of a female.’”

H 13235, Ch. 49, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Yahya from Talhah ibn Zayd who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu‘minin* determined the share of a Hermaphrodite of inheritance by the manner the person urinated.’”

(If urine comes from the male organ his inheritance is that which is for a male and if urine comes from the female organ then her share is like the share of a female).”

H 13236, Ch. 49, h 3

Ali ibn Ibrahim has narrated from his father and Muhammad ibn Yahya has narrated from ‘Abd Allah ibn Muhammad all from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a newborn who has the reproductive organs of both male and female. He (the Imam) said, ‘Such person inherits according to the reproductive organ from which urine comes first. If it comes from both at the same time then it is according to whichever sends with more pressure and if this is also equal then such person inherits the share of both male and female.’”

H 13237, Ch. 49, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn Bukayr from certain persons of our people who have narrated the following:

“About the case of a newborn who has the reproductive organs of both male and female, one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘Such person inherits according to the case of the organ from which the urine comes. If he urinates from the male organ he inherits the share of a male person; if she urinates from the female organ she inherits the share of a female.’ This is about a newborn who does not have an organ like male or female. However, has only a hole. One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said that such person inherits like a male; if it (urine) comes with a dart but if it does not reach far away then that person inherits like a female.’”

H 13238, Ch. 49, h 5

This is in another *Hadith* from abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a person who has the reproductive organs of both male and female and urinates from both of them at the same time. ‘He (the Imam) said that it is according to that from which urine comes first and if it is equal in this respect he (the Imam) said that it then is according to that which stops last and if this also is equal than it is according to that which sends farther.’”

Chapter 50 - Another Chapter

H 13239, Ch. 50, h 1

Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan and abu Ali *al-Ash'ariy* has narrated from Muhammad ibn 'Abd al-Jabbar all from Safwan ibn Yahya from 'Abd Allah ibn Muskan from Ishaq al-Fazariy who has narrated the following:

“Once abu 'Abd Allah, *'Alayhi al-Salam*, was asked, when I was with him, about the case of a newborn who is not a male or female but there is only the anus and how to deal with the inheritance of such person. He (the Imam) said, ‘The Imam and people come in a gathering, pray to Allah then arrange a raffle to see the name of which sex comes and deal with the case according to the result of the raffle. No other means is as fair as raffle; Allah, most Majestic, most Glorious, has said, ‘They cast raffle and he lost in the raffle.’” (37:141)

H 13240, Ch. 50, h 2

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad, all from ibn Mahbub from Ali ibn Ri'ab from Fudayl ibn Yasar who has narrated the following:

“I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of a newborn who does not have the male or female organ. He (the Imam) said, ‘The Imam or one who casts raffle settles it by means of casting a raffle. On one token, he writes ‘male servant of Allah’, on the other he writes ‘female servant of Allah’. Then the Imam or the one who is casting the raffle says, ‘O Lord, You are Allah, no one deserves worship except You. You have the knowledge of the apparent and the unseen. You decide among Your servants in matters where they have differences, so please guide us in the matter of this newborn about inheritance and about Your ordained shares for this newborn in the book.’ The two tokens then are mixed with other similar tokens, then one is picked up randomly until one of the two tokens comes out and accordingly the matter of inheritance is decided.’”

H 13241, Ch. 50, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal and al-Hajjal from Tha'labah ibn Maymun from certain persons of our people who has narrated the following:

“Once abu 'Abd Allah, *'Alayhi al-Salam*, was asked about the case of a newborn who is not a male or female except that the child has an anus and about the inheritance of such child. He (the Imam) said, ‘The Imam with Muslim people sits in a gathering and prays to Allah, most Majestic, most Glorious, then mixes the arrows (tokens) to find out thereby if the child must receive from the legacy as a male or a female person. Whichever's token or arrow comes out it then is taken as means of settlement. He (the Imam) then said, ‘No other means is as fair as raffle; Allah, most Majestic, most Glorious, has said, ‘They cast raffle and he was of those who failed in the raffle.’ (37:141)” He (the Imam) said, ‘For every matter about which two people dispute, there is a principle for it in the book of Allah but the power of reason of people cannot reach it.’”

Chapter 51- Another Chapter

H 13242, Ch. 51, h 1

Ali ibn Muhammad has narrated from Muhammad ibn Sa‘id al-Azarbayijaniy and Muhammad ibn Yahya from ‘Abd Allah ibn Ja‘far from al-Hassan ibn Ali ibn Kaysan all from Musa ibn Muhammad son of brother of abu al-Hassan, al-Thalith, ‘*Alayhi al-Salam*, who has narrated the following:

“Yahya ibn Aktham asked him (the Imam) questions; among the questions that he asked one was about hermaphrodite and the words of ‘*Amir al-Mu’minin* that a hermaphrodite inherits according to the manner of urinating and that who must look at the child (the person) when urinating and that the testimony of one who is unfair to himself is not accepted. That perhaps such person is a female and a man looks at her or that the person is a female and a man has looked at her, which is not lawful. Abu al-Hassan, al-Thalith, ‘*Alayhi al-Salam*, answered him saying, ‘The words of ‘*Amir al-Mu’minin* that a hermaphrodite inherits according to the manner of urinating, are as they are. People of justice must look at hermaphrodite, each one takes a mirror, and the hermaphrodite stands behind them. They see a form and judge accordingly.’”

Chapter 52 - Another Chapter

H 13243, Ch. 52, h 1

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad from Ali ibn Ahmad ibn `Ashyam from al-Qasim ibn Muhammad ibn Muhammad al-Jawhariy from Hariz ibn `Abd Allah who has narrated the following:

“Abu `Abd Allah, *‘Alayhi al-Salam*, has said that in the time of *‘Amir al-Mu`minin* a child was born with two heads and two chests on one groin. *‘Amir al-Mu`minin* was asked about it; if the child receives inheritance for one or for two. He (the Imam) said, ‘The child must be allowed to sleep then called to wake up. If both wake up at the same time the share of inheritance is one share but if one wakes up and the other remains sleeping it then is two shares of inheritance.’”

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father from al-Qasim ibn Muhammad ibn Muhammad al-Jawhariy from Hariz ibn `Abd Allah a similar *Hadith*.

H 13244, Ch. 52, h 2

It is narrated from the narrator of the previous *Hadith* from Ahmad ibn Muhammad from ibn abu Nasr from abu Jamilah who has narrated the following:

“In Fars I saw a woman who had two heads and two chests on one groin. She was married and one expressed jealousy toward the other. Other people have narrated to us that he saw a man as such.”

Chapter 53 - Inheritance of the Child of Parents who Condemn Each other (al-Mula‘*anah* (condemnation))

H 13245, Ch. 53, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Sayf ibn ‘Amirah from Mansur who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu’minin* has said, ‘If a child whose parents have condemned each other dies, leaving behind brothers, his legacy is distributed among them according to the shares that Allah has ordained.’”

H 13246, Ch. 53, h 2

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from Musa ibn Bakr from Zurarah who has narrated the following:

“Abu Ja‘far, ‘*Alayhi al-Salam*, has said the legacy of a child from parents who condemn each other belongs to his mother if she is living and if she is not living then it belongs to the people nearest to her, like maternal uncle.’”

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from Musa ibn Bakr from Ja‘far, ‘*Alayhi al-Salam*, a similar *Hadith*,’”

H 13247, Ch. 53, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“This is about the case of a man who decides to proceed with condemnation. He then calls himself as lying before the process of condemnation. Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘His woman is returned to him, he is made to suffer the applicable penalty; but if he refuses and proceeds with condemnation process she will never become lawful for him. If a man accuses his woman, he must suffer the penalty. If his son dies, his maternal uncle inherits him. If his father claims him, he is joined with him. If he dies his son inherits him but his father cannot inherit him (the son).’”

H 13248, Ch. 53, h 4

Al-Husayn from Muhammad has narrated from Mu‘alla’ ibn Muhammad from certain persons of his people from Aban ibn ‘Uthman from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a child of *Mula‘anah* and about who inherits such a child. He (the Imam) said, ‘The mother inherits the legacy of such child.’ I then asked, ‘Who inherits such child if the mother dies?’ He (the Imam) said, ‘The maternal uncle inherits the legacy of such child.’”

H 13249, Ch. 53, h 5

A number of our people have narrated from Sahl ibn Ziyad from ‘Abd al-Rahman ibn abu Najran from Muthanna’ al-Hannat from Muhammad ibn Muslim who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who forms *Mula‘anah* against his wife and rejects her child; then calls himself lying after forming *Mula‘anah* and thinks that her child is his child if she is returned to him. He (the Imam) said, ‘No, and it is not honorable. She is not returned to him and it is not lawful for him until the Day of Judgment.’ I then asked about who inherits the child. He (the Imam) said, ‘The mother inherits the child.’ I then said, ‘Suppose if the mother dies and the child inherits her then the child dies. Who inherits him?’ He (the Imam) said, ‘His maternal uncles inherit him.’ I then asked, ‘If the father confirms him as his child will he then inherit him?’ He (the Imam) said, ‘Yes, he will inherit him but the father cannot inherit from the legacy of the child.’”

H 13250, Ch. 53, h 6

Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from ibn abu `Umayr from Sayf ibn `Amirah from Mansur who has narrated the following:

“Abu `Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin* would say if the child of *Mula‘anah* dies and has brothers the legacy is distributed among them according to the shares ordained by Allah, most Majestic, most Glorious.’”

H 13251, Ch. 53, h 7

A number of our people have narrated from Sahl ibn Ziyad from ibn Mahbub from Ali ibn Ri'ab from al-Halabiy who has narrated the following:

“I once asked abu `Abd Allah, *‘Alayhi al-Salam*, about the case of a man who forms *Mula‘anah* against his wife when she is pregnant. When the child is born, he claims her child with confession and thinks that the child is his child. He (the Imam) said, ‘The child is returned to him but cannot inherit his legacy and he is not whipped because *Mula‘anah* has already taken place.’”

H 13252, Ch. 53, h 8

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad from Ja'far ibn Sama'ah and Ali ibn Khalid al-`A'quliy from Karram from ibn Muskan from abu Basir who has narrated the following:

“About the case of a man who forms *Mula‘anah* against his wife and denies her child, then calls himself a liar after forming *Mula‘anah* and thinks that the child is his child; if the child can be returned to him, abu `Abd Allah, *‘Alayhi al-Salam*, has said, ‘The child is returned to him. The child is not called his child, he does not leave any legacy for him (father) and the woman is not lawful for him forever.’ I then asked him (the Imam) about who inherits the child. He (the Imam) said, ‘His maternal uncles inherit him.’ I then asked, ‘What happens if the child’s mother dies and the child inherits her, then the child dies: who then inherits him?’ He (the Imam) said, ‘The relatives of his mother inherit him.’ I then asked, ‘Can he inherit his maternal uncles? He (the Imam) said, ‘Yes, he can do so.’”

H 13253, Ch. 53, h 9

It is narrated from the narrator of the previous *Hadith* and Wuhayb ibn Hafs from abu Basir who has narrated the following:

“I once asked abu `Abd Allah, *‘Alayhi al-Salam*, about the case of a man who forms *Mula‘anah* against his wife. He (the Imam) said, ‘The child is joined with his mother and his maternal uncle inherits his legacy but he cannot inherit them. I then asked, ‘What happens if he calls himself a liar?’ He (the Imam) said, ‘The child is joined with him.’”

H 13254, Ch. 53, h 10

Abu Ali *al-Ash'ariy* has narrated from al-Hassan ibn Ali al-Kufiy from `Ubays ibn Hisham from Thabit from abu Basir who has narrated the following:

“I once asked abu `Abd Allah, *‘Alayhi al-Salam*, about the case of a man who forms *Mula‘anah* against his wife, then they separate from each other. The husband thereafter says that the child is his child and he calls himself a liar. He (the Imam) said, ‘The woman cannot return to him but the child must be joined with him; he cannot skip the child. There is no inheritance for him and if his father does not claim him, then his maternal uncles inherit him but he does not inherit them (maternal uncles). If anyone calls him a son of fornication, such a person must be subjected to whipping as a penalty.’”

[Note: The next several passages of the Arabic text are words of al-Fadl and are not translated.]

Chapter 54 - Another Chapter about the Child of Mula‘anah (condemnation)

H 13255, Ch. 54, h 1

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from ibn Ri‘ab from abu ‘Ubaydah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The child involved in *Mula‘anah* (condemnation) of parents is inherited by his mother with a share of one-third and the rest of the legacy belongs to the Imam of the Muslims; the liability for his crime becomes a burden on the Imam.’”

Chapter 55 - Another Chapter

H 13256, Ch. 55, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus ibn ‘Abd al-Rahman who has narrated the following:
“Ishaq ibn ‘Ammar narrated to me that he once asked abu Ibrahim, ‘*Alayhi al-Salam*, about the case of a man against whom a woman without a man had laid a claim when their men were no more. When he became a man, the women married him and allowed him to enter their homes. A man had a house in his possession. The relatives of men and women who were no more asked him on oath not to give their right to those who do not have any right. The man who had the house in his possession knew the story of the man that he is being claimed as I mentioned but he is confused and does not know to whom he must give it; must he give it to the man or to the relatives of the women or to the relatives of men? He (the Imam) said, ‘He must give it to the one whom he knows is rightful to the best of his knowledge, that is, the relatives of the women because he does not know of any right for inheritance in favor of the man just because the women have claimed him.’”

Chapter 56 - Inheritance of a Child from Fornication

H 13257, Ch. 56, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:
“This is a pronouncement from abu ‘Abd Allah, *‘Alayhi al-Salam*. He (the Imam) has said, ‘If a man falls upon a slave-girl of a people unlawfully, then buys her and claims her child, he cannot inherit from such a child anything. It is because the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, “A child belongs to the bed (owner thereof) and for the fornicator is the stone (penalty by stoning to death with due judicial process).” A child born out of wedlock cannot be made to inherit except in the case of a man who claims the child of his newly purchased (already pregnant) slave-girl. Anyone who claims a child to be his child then rejects him, such child is not his and it is not honorable, his child is joined with him if the child is from his wife or (newly purchased) slave-girl.”

H 13258, Ch. 56, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn Sayf from Muhammad ibn al-Hassan *al-Ash‘ariy* who has narrated the following:
“Once certain persons of our people with me wrote to abu Ja‘far, al-Thaniy, *‘Alayhi al-Salam*, asking about a man who commits the indecent act with a woman, then marries her after she becomes pregnant and gives birth to a child who of all creatures is similar to him. He (the Imam) wrote back in his handwriting the answer that said, ‘A child born out of wedlock cannot be made to inherit.’”

H 13259, Ch. 56, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Ali ibn Salim from Yahya who has narrated the following:
“This is a pronouncement of abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who falls upon the slave-girl of a people in an unlawful manner. He then buys her and claims her child. He (the Imam) has said, ‘He cannot inherit from such child because the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, “A child belongs to the bed (owner thereof) and the fornicator deserve stones (to be stoned to death as penalty with due judicial process).” A child born out of wedlock cannot be inherited or made to inherit except in the case of a man who claims the child of his slave-girl.”

H 13260, Ch. 56, h 4

A number of our people have narrated from Sahl ibn Ziyad from Ali ibn Mahziyar from Muhammad ibn al-Hassan *al-Ash‘ariy* who has narrated the following:
“Once certain persons of our people with me wrote to abu Ja‘far, al-Thaniy, *‘Alayhi al-Salam*, asking about a man who commits the indecent act with a woman; then marries her after she becomes pregnant and gives birth to a child who of all creatures is similar to him. He (the Imam) wrote back in his handwriting the answer that said, ‘A child from the indecent act is not inherited.’”

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus who has narrated the following:

“Inheritance of a child born out of wedlock belongs to the relatives of his mother like inheritance of a child of *Mula‘anah* (condemnation). (This is not a *Hadith*. It is the fatwa of Yunus and none of the many Ahadith that we have read has discussed it.)

Chapter 57 - Another Chapter

H 13261, Ch. 57, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from ibn Ri’ab from Hanna ibn Sadir who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who commits the indecent act with a Christian woman; and she gives birth to a boy and he claims him to be his child; then he dies leaving behind no other heirs except that boy; if he can inherit him. He (the Imam) said, ‘Yes, he can inherit him.’”

H 13262, Ch. 57, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Muhammad ibn ‘Isma‘il ibn Bazi’ and al-Hassan ibn Mahbub from Hanan ibn Sadir who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a Muslim man who commits the indecent act with a Jewish woman who gives birth; then he dies leaving behind no other heirs. He (the Imam) said, ‘The legacy must be kept safe from the Jewish woman for the child.’ I then asked about a Christian man who commits the indecent act with a Muslim woman and she gives birth to a boy; then the Christian man dies, leaving behind an asset and about who inherits him? He (the Imam) said, ‘His legacy belongs to his child from the Muslim woman.’”

Chapter 58 - Another Chapter

H 13263, Ch. 58, h 1

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa'id from al-Qasim ibn Muhammad ibn Muhammad from Salim *Mawla* Tirbal from Hariz who has narrated the following:

“This is about the case of a man who goes to bed with his slave-girl and sends her to do certain works for him. She becomes pregnant; he [accuses] her and receives news of her misbehaving. He (the Imam) said, ‘When she gives birth he must keep the child and must not sell him but assign for him a share from his house [and assets].’ It was then asked about a man who goes to bed with his slave-girl, does not send her to work for him but he accuses her of misbehaving and she becomes pregnant. He (the Imam) said, ‘When she gives birth he must keep the child and must not sell but assign a share for the child from his house and assets. This is not like that.’”

H 13264, Ch. 58, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that once a man from al-Ansar (people of al-Madinah) came to my father and said, ‘I am facing a huge problem. I have a slave-girl and I would go to bed with her. One day I went to bed with her, then went out for a certain work after taking Ghusl (bath); but I had forgotten something so I returned back home and found my slave on her belly. I counted nine months from that day and she gave birth to a girl. My father said to him, ‘It is not proper for you to go close to her. Do not sell her. Spend for her from your assets as long as you live, and make a will to spend for her after your death from your assets until Allah makes a way out thereof.’”

Chapter 59 - The Case of a Child Carried away from his Birthplace (*al-Hamil*)

H 13265, Ch. 59, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from ibn abu 'Umayr and Safwan ibn Yahya all from 'Abd al-Rahman ibn al-Hajjaj who has narrated the following:

"I once asked abu 'Abd Allah, '*Alayhi al-Salam*, about the case of (*al-Hamil*) a child who is carried along. He (the Imam) asked, 'What is *al-Hamil* (carried along)?' I replied, 'A woman is taken captive. With her, there is a small child. She says that he is her child. A man is taken as a captive. He meets his brother and says that this is my brother but there is no testimony except their words.' He (the Imam) asked, 'What do people with you say about it?' I replied, 'They do not give them any share of inheritance; they have no proof about their birth and it is birth in paganism. He (the Imam) said, 'Allah is free of all defects, when she comes with her son or daughter, continues confirming their relationship and when he recognizes his brother, both of them are in good health and they continue confirming it; they must inherit from each other.'"

H 13266, Ch. 59, h 2

Abu Ali al-Ash'ariy has narrated from Muhammad ibn 'Abd al-Jabbar from Muhammad ibn `Isma'il from Ali ibn al-Nu'man from Sa'id al-A'raj who has narrated the following:

"I once asked abu 'Abd Allah, '*Alayhi al-Salam*, about the case of *Hamilayn* (two men) who are brought from the land of pagans, and one says to the other, 'You are my brother.' They then recognize each other, then they are released and they continue confirming their relationship as brothers, then one of them dies. He (the Imam) said, 'The legacy belongs to the brother and they must be considered truthful.'"

H 13267, Ch. 59, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and a number of our people have narrated from Sahl ibn Ziyad from al-Hassan ibn Mahbub from 'Abd al-Rahman ibn al-Hajjaj who has narrated the following:

"I once asked abu 'Abd Allah, '*Alayhi al-Salam*, about the case of a man who is *al-Hamil* (brought from other land). He (the Imam) asked, 'What is *al-Hamil*?'"

I then replied, 'A woman is taken captive from her land. With her is a small child and she says that he is her son. A man is taken as a captive, who meets his brother and says that he is his brother. They recognize each other but they do not have any proof and testimony except their words. He (the Imam) then asked, 'What do people with you say about it?' I replied, 'They do not give them any share of inheritance; they have no proof about their birth and it is birth in paganism.' He (the Imam) said, 'Allah is free of all defects, when she comes with her son or daughter, continues confirming their relationship and when he recognizes his brother, both of them are in good health and they continue confirming it; they must inherit from each other.'"

[Note: The next several passages of the Arabic text are words of al-Fadl and are not translated.]

Chapter 60 - Confirming of Certain Heir a Debt

H 13268, Ch. 60, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan all from ibn abu 'Umayr from Jamil ibn Darraj from Zakariya ibn Yahya from al-Shu'ayriy from al-Hakam ibn 'Utaybah who has narrated the following:

“Once we were with abu Ja‘far, *‘Alayhi al-Salam*. We were in a group waiting for him (the Imam) to come out. A woman came and asked, ‘Which one of you is abu Ja‘far?’ The people asked, ‘What for are you asking for him?’ She replied, ‘I want to ask him about an issue.’ They said, ‘This is the jurist of the people of Iraq. You can ask him your question.’ She said, ‘My husband has died and has left one thousand dirham as legacy. He owed me five hundred dirham as my *mahr* (dower) and my share of inheritance which I took from the legacy but then a man came and said my husband owed him one thousand dirham and I testified in his favor.’ Al-Hakam has said, ‘I was calculating it that abu Ja‘far, *‘Alayhi al-Salam*, came out and said, ‘Why is it that I see you move your fingers, O Hakam?’ I replied, ‘This woman has mentioned that her husband has died. He has left one thousand dirham as legacy. He owed to her five hundred dirham as her *mahr* (dower). She took her dower and the share of her inheritance but then a man came and said that her husband owed him one thousand dirham and she testified in his favor.’ Hakam has said, ‘By Allah I had not completed my words that he (the Imam) said, ‘She has confessed to give back one-third of what she has in her hand and she does not have anything as her share of inheritance.’ Hakam has said, ‘I had never seen, by Allah, anyone more intelligent than abu Ja‘far, *‘Alayhi al-Salam*.’”

[Note: The next several passages of the Arabic text are words of al-Fadl and are not translated.]

H 13269, Ch. 60, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Muhammad ibn Hamzah and Husayn ibn 'Uthman from Ishaq ibn 'Ammar who has narrated the following:

“About the case of a man who dies and certain ones of his heirs confirm his indebtedness to a man, abu 'Abd Allah, *‘Alayhi al-Salam*, has said, ‘It becomes binding upon them on their shares.’”

Chapter 61 - Another Chapter

H 13270, Ch. 61, h 1

A number of our people have narrated from Sahl ibn Ziyad from Marwak ibn ‘Ubayd who has narrated the following:

“I once visited abu al-Hassan al-Rida’, *‘Alayhi al-Salam*. I offered greeting of peace and asked saying, ‘I pray to Allah to keep my soul in service for your cause. What do you say about the case of a man who dies and has no other heirs except a brother who is due to breastfeeding; can he inherit him? He (the Imam) said, ‘Yes, my father narrated to me from my grandfather, the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, who has said, ‘One who drinks from our milk or gives milk to one of our children, we then are his fathers.’” (This is perhaps to protect one from tyrants).

Chapter 62 - One who Dies without Leaving Behind any Heirs

H 13271, Ch. 62, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one dies with indebtedness, on us is his debt and up to us are his dependents. If one dies leaving behind assets, it is for his heirs and if one dies leaving behind no guardians, his asset is part of public welfare fund.’”

H 13272, Ch. 62, h 2

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If one dies without leaving behind any heirs from his relatives or freeing master who has taken responsibility for his crimes, his legacy becomes part of the public welfare funds (state treasury).’”

H 13273, Ch. 62, h 3

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa from certain persons of our people who has narrated the following:

“Abu al-Hassan, al-Awwal, *‘Alayhi al-Salam*, has said, ‘Al-Imam is the heir of one who does not have any heirs.’”

H 13274, Ch. 62, h 4

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar Ahmad ibn Muhammad from Muhammad ibn ‘Isma‘il has narrated from al-Fadl ibn Shadhan from all from Safwan ibn Yahya from ibn Muskan from Muhammad al-Halabiy who has narrated the following:

“About the words of Allah, most Blessed, most High, ‘. . . they ask you about al-Anfal (assets captured from the enemy),’ (8:1) abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one dies without leaving behind any heirs his assets become part of al-Anfal.’”

Chapter 63 - Another Chapter

H 13275, Ch. 63, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from Dawud from those whom he has mentioned who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that in the time of ‘*Amir al-Mu’minin* a man died and had no heirs. ‘*Amir al-Mu’minin* gave his legacy to his *Hamshahrijah* (his fellow countryman).’”

H 13276, Ch. 63, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Khallad al-Sindi who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu’minin* would say, ‘If a man dies without leaving behind any heirs then give his legacy to *Hamshahrijah* (his fellow countryman)

Chapter 64 - The Guardianship of One who Sets One Free

H 13277, Ch. 64, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy and Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Guardianship rests in favor of one who sets one free.’”

H 13278, Ch. 64, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn Bukayr from Zurarah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, about *Hadith* of Burayrah has said, ‘The Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, said to ‘A’ishah, ‘Set a slave free because guardianship rests with the one who buys one’s freedom.’”

H 13279, Ch. 64, h 3

Abu Ali al-Al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from ‘Is ibn al-Qasim ibn Muhammad who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that ‘A’ishah once said to the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, ‘People of Burayrah have set her guardianship a condition.’ The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has issued this decree. ‘Guardianship rests with the one who buys one’s freedom.’”

H 13280, Ch. 64, h 4

Safwan has narrated from al-‘Is ibn al-Qasim ibn Muhammad who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who buys a slave who has children from a free woman who has set him free. He (the Imam) said, ‘The guardianship of his children rests with one who has bought his freedom.’”

H 13281, Ch. 64, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“About the case of a woman who freed a man and about with whom rests his guardianship and to who belongs his legacy, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Such things rest with the one who has bought his freedom, unless he has other heirs besides her.’”

H 13282, Ch. 64, h 6

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad from Safwan from ‘Abd al-Rahman ibn al-Hajjaj from those who narrated to him who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘When a *mawla* of Hamzah ibn ‘Abd al-Muttalib died, the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, gave his legacy to the daughter of Hamzah.’”

Al-Hassan has said that this proves that the *mawla* did not have any daughter as *al-‘A’ammah* narrate, and that women also inherit guardianship contrary to what *al-‘A’ammah* narrate.

Chapter 65 - Guardianship of *Sa'ibah* (Unconditionally Freed Slave)

H 13283a, Ch. 65, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Mahbub from 'Umar ibn Yazid who has narrated the following:

"I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of a man who wants to free his slave. His master takes a certain amount of tax from him every year about which both the master and slave had happily agreed. The slave in business earns a certain amount of assets besides what he gives to his master as tax. He (the Imam) said, 'If he pays to his master what was obligatory, thereafter what he earns belongs to the slave.' He (the Imam) then said, 'Is it not the case that Allah has made certain things obligatory on His servants and when they fulfill such obligations, He then does not ask for more?' I then asked, 'Can the slave give charity out of what he earns and set free after paying his dues to his master? He (the Imam) said, 'Yes, he can do so and the reward for it belongs to him.' I then asked, 'If he frees a slave with his earning which is other than his dues, with whom then rests guardianship because of setting him free? He (the Imam) said, 'He can go and find guardians that he likes. Whoever bails out his crimes and wergild such person becomes his guardian and heir.' I then asked, 'Is not it the case that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, "Guardianship rests with the one who buys one's freedom?"' He (the Imam) said, 'This is *Sa'ibah* (unconditionally freed slave). Guardianship over him will not rest with another slave like him.' I then asked, 'If the slave that he has freed guarantees and bails out his crime and liabilities, does it become binding and because of this becomes his guardian and inherits him? He (the Imam) said, 'That is not permissible because a slave cannot inherit one who is free.'"

H 13283b, Ch. 65, h 2

Ibn Mahbub has narrated from ibn Ri'ab from 'Ammar ibn abu al-Ahwas who has narrated the following:

"I once asked abu Ja'far, *'Alayhi al-Salam*, about *Sa'ibah* (unconditionally freed slave). He (the Imam) said, 'You must consider what is in the Quran, "setting free a slave" O 'Ammar, he is *Sa'ibah* (unconditionally freed slave) over whom there is no guardianship of anyone except Allah. Guardianship over whoever rests with Allah, such guardianship rests with His Messenger; and guardianship over whoever rests with the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, such guardianship rests with the Imam. His liabilities due to his crimes are on the Imam and his legacy is for the Imam.'"

H 13284, Ch. 65, h 3

Ali ibn Ibrahim has narrated from his father and Muhammad ibn 'Isma'il has narrated from al-Fadl ibn Shadhan from all from ibn abu 'Umayr from Hisham ibn Salim who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, has said, 'When a man is under the guardianship of a man for him is his legacy and on him is the liability for wergild.'"

H 13285, Ch. 65, h 4

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa'id from Hammad ibn 'Isa from Shu'ayb al-'Aqarqufiy from abu Basir who has narrated the following:

"Once abu 'Abd Allah, *'Alayhi al-Salam*, was asked about the slave who is freed as *Sa'ibah* (unconditionally freed slave). He (the Imam) said, 'He is free to find a guardian of his choosing and on whoever he chooses as his guardian are his liabilities for his crimes and for him is his legacy.' We then asked, 'What happens if he remains quiet until he dies and does not take anyone as his guardian?' He (the Imam) said, 'His legacy is placed in the treasury of the Muslims.'"

H 13286, Ch. 65, h 5

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one frees a slave by manner of *Sa’ibah* (unconditionally freed slave) he is not liable for his crimes and there is nothing for him from his legacy and he must arrange witnesses for it.’”

H 13287, Ch. 65, h 6

Ibn Mahbub has narrated from Khalid ibn Jarir from abu al-Rabi’ who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about *Sa’ibah* (unconditionally freed slave). He (the Imam) said, ‘He is a man who frees his slave, then says to him, “Go wherever you like. There is nothing for me from your legacy and I am not liable of anything because of your crimes.” He arranges witness to bear testimony thereof.’”

H 13288, Ch. 65, h 7

Ibn Mahbub has narrated from abu Ayyub from Burayd ibn Mu‘awiyah al-‘Ijliy who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who owed the freeing of a slave but he died before freeing a slave. His son then went to buy a man from his earnings and set him free on behalf of his father; the freed man earned an asset and then died; and about to whom belongs his legacy? He (the Imam) said, ‘If his father owed it because of *Zihar*, thanksgiving or it was obligatory on him then the freed is *Sa’ibah* (unconditionally freed slave) and no one has anything on him. If he found a guardian for himself from the Muslims before his death, who took upon himself his liabilities for his crimes, he is his guardian and heir; if no relatives of the freed man exists. If he did not find anyone of the Muslims as his guardian until he died, then his legacy is for the Imam of the Muslims if his relatives who can inherit him do not exist.’ He (the Imam) said, ‘If his father owed the freeing of a slave for optional reasons and his father had commanded him to free for him a soul, then the guardianship of freed man belongs to all heirs of the deceased of the male ones.’ He (the Imam) said, ‘The one who buys and frees him because of the command of his father is like one of the heirs; if the freed does not have any relative among the Muslims who are free to inherit him.’ He (the Imam) said, ‘If his son buys the slave and frees for his father from his asset after his father, optionally on his behalf without any command from his father, then guardianship and legacy belongs to the one who bought the slave from his asset to be freed who freed him for his father. This applies only when the freed one has not left behind any relatives.’”

H 13289, Ch. 65, h 8

Ali ibn Ibrahim has narrated from [his father] from Muhammad ibn ‘Isa ibn ‘Ubayd from Yunus from Hisham ibn Salim from Sulayman ibn Khalid who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the slave who is freed in the manner of *Sa’ibah* (unconditionally freed slave). He (the Imam) said, ‘He is free to choose a guardian whoever he likes to bail out his liabilities due to crime and then inherit his legacy.’ I then asked, ‘What happens if he remains quiet until he dies?’ He (the Imam) said, ‘His legacy is placed in the treasury of the Muslims.’”

H 13290, Ch. 65, h 9

Muhammad ibn Yahya and others have narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Abd al-Hamid from Hisham ibn Salim from abu Basir who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin* once issued a judgment. It was in the case of a slave whose master had caused him serious physical damage, that he (the slave) is free in the

manner of *Sa'ibah* (unconditionally freed slave) so that he can choose whomever he likes as his guardian to bail out his liabilities for his crimes and then inherit his legacy.’”

Chapter 66 - Another Chapter

H 13291, Ch. 66, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ahmad ibn al-Hassan ibn Ali from ‘Amr ibn Sa‘id from Musaddiq ibn Sadaqah from ‘Ammar al-Sabatiy who has narrated the following:

“About the case of a *Mukatabah* between two partners, of whom one frees his share and about what the servant must do, he (the Imam) said, ‘The servant serves one day the one who has not freed his share and one day works for himself.’ I then asked, ‘What happens if he dies and leaves assets?’ He (the Imam) said, ‘The asset is half and half between the one who freed his share and the one who has not freed his share.’”

H 13292, Ch. 66, h 2

It is narrated from the narrator of the previous *Hadith* from al-Hassan ibn Musa al-Khashshab from Ghiyath ibn Kallub from Ishaq ibn ‘Ammar who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that once a slave who had contracted his freedom came to ‘*Amir al-Mu’minin*, ‘*Alayhi al-Salam*, and said, ‘My master made a contract with me with the condition of several installment payments every year. I brought him all installments to pay at once and asked him to accept it and allow my freedom but he refused. ‘*Amir al-Mu’minin* summoned him and he said, ‘He has spoken the truth.’ He (the Imam) asked, ‘Why do you not accept the assets and approve his freedom?’ He replied, ‘I accept only in installments as the condition requires and I avoid his legacy.’ ‘*Amir al-Mu’minin* then said, ‘You have the right to stay with your condition.’”

End of the Book of Inheritance, all praise belongs to Allah Cherisher of the worlds, followed by the Book of Legal Penalties.

Part Three: The Book of Legal Penalties

[The Book of Legal Penalties and the Book of Compensations are not published due to the complicated nature of the issues dealt with that cannot be practiced in the absence of the Imam of the time.]

End of the Book of Penalties of al-Kafi followed by the Book of Compensations by the will of Allah.

Part Four: The Book of Compensations

[The Book of Legal Penalties and the Book of Compensations are not published due to the complicated nature of the issues dealt with that cannot be practiced in the absence of the Imam of the time.]

The end of the Book of Wergild and Compensation followed, by the will of Allah, the Book of Testimony.

Part Five: The Book of Testimony

Chapter 1 - The First Certificate that was Written on Earth

H 14104, Ch. 1, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father from Khalaf ibn Hammad from ‘Abd Allah ibn Sinan who has narrated the following:

“When abu ‘Abd Allah, *‘Alayhi al-Salam*, went to meet abu al-‘Abbas who was in al-Hirah (a place in Iraq), one day he came out for ‘Isa ibn Musa. They came face to face between al-Hirah and al-Kufah when ibn Shubramah, the judge, was also with him and he asked, ‘Where do you want to go, O abu ‘Abd Allah?’ He (the Imam) said, ‘I wanted to meet you.’ He then said, ‘Allah has shortened the distance of the journey for you because we are here.’ He (the Imam) then went along with him. Ibn Shubramah asked, ‘What do you say, O abu ‘Abd Allah, concerning something about which the Amir (the ruler) asked me but I had nothing about it?’ He (the Imam) asked, ‘What is it?’ He said, ‘He asked me about the first document that was written on earth.’ He (the Imam) said, ‘Yes, Allah, most Majestic, most Glorious, showed to Adam, *‘Alayhi al-Salam*, his offspring before his eyes in the form of particles, one Prophet after the other Prophet, king after king, believers after believers and unbelievers after unbelievers. When he reached Dawud *‘Alayhi al-Salam*, he asked, “Who is this one whom You have granted Prophet-hood and honor but his life is very short?” He (the Imam) said that Allah, most Majestic, most Glorious, sent him revelation that said, “This is your son Dawud and his life is for forty years, I have written the duration of lives, distributed sustenance and I can delete or write down whatever I want, as I want, because the mother of the book is with Me. If you want to donate something from your life to him, you can do so and I implement it.” He then said, “O Lord, I donate sixty years of my life to him so that he will live for one hundred years.” Allah, most Majestic, most Glorious, said to Jibril, Michael and the angel of death to write down a document about it because he will forget. He (the Imam) said that they wrote the document for it and sealed it with their wings which were from the *Tinah* (seed) of the ones high above.’ He (the Imam) said, ‘When it was the time for the death of Adam, *‘Alayhi al-Salam*, the angel of death came to him and Adam, *‘Alayhi al-Salam*, asked, “O angel of death, what brings you here?” The angel of death said, “I have come to take your soul.” He said, “I have another sixty years to live.” The angel said, “That much you donated to your son Dawud.”’ He (the Imam) said that Jibril then came and showed him the document. Abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘For that reason when a certificate is brought out to show the indebted he is humbled. Then he took away his soul.’”

H 14105, Ch. 1, h 2

Abu Ali *al-Ash‘ariy* has narrated from ‘Isa ibn Ayyub from Ali ibn Mahziyar from those whom he has mentioned who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that when Adam, *‘Alayhi al-Salam*, was shown his offspring, he looked at Dawud, he liked him and donated fifty years of his life to him. He (the Imam) said that Jibril and Michael came to him and the angel of death wrote a document about fifty years of his life being donated. When the time of his death came the angel of death came and Adam, *‘Alayhi al-Salam*, said that fifty years of his life still has remained, and he said, ‘What about fifty years that you donated to your son Dawud?’ He (the Imam) said, ‘It was because that he had forgotten or denied it. Jibril and Michael came and testified about the matter, then the angel of death took away his soul.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It was the first check (certificate or deed) that was ever written on earth.’”

Chapter 2 - The Case of Man who is Summoned to Testify

H 14106, Ch. 2, h 1

A number of our people have narrated from Ahmad ibn abu ‘Abd Allah from ‘Uthman ibn ‘Isa from Sama‘ah who has narrated the following:

“About the meaning of the words of Allah, ‘. . . the witnesses must not refuse to testify when they are summoned to testify,’ (2:282) abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is not proper for one who is called to testify to what he has witnessed to say, “I do not want to testify for you.”’”

H 14107, Ch. 2, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“About the meaning of the words of Allah, ‘. . . the witnesses must not refuse to testify when they are summoned to testify,’ (2:282) abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is not proper for one who is called to testify to what he has witnessed to say, “I do not want to testify for you.”’”

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman from al-Halabiy from abu ‘Abd Allah, *‘Alayhi al-Salam*, a similar *Hadith* and said that it is before the documentation.

H 14108, Ch. 2, h 3

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from Muhammad ibn al-Fudayl who has narrated the following:

“This is about the meaning of the words of Allah, most Majestic, most Glorious. ‘. . . the witnesses must not refuse to testify when they are summoned to testify,’ (2:282) abu al-Hassan, *‘Alayhi al-Salam*, has said, ‘When the man calls you to testify for him about a loan or a right, it is not proper for you to refuse and step back to delay.’”

H 14109, Ch. 2, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“This is about the meaning of the words of Allah, most Majestic, most Glorious. ‘. . . the witnesses must not refuse to testify when they are summoned to testify,’ (2:282) abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is before the presentation of testimony.’”

H 14110, Ch. 2, h 5

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Nadr ibn Suwayd from al-Qasim ibn Sulayman from Jarrah al-Madi’iniy who has narrated the following:

“He (the Imam), *‘Alayhi al-Salam*, has said, ‘When you are called to present your testimony you must accept to testify.’”

H 14111, Ch. 2, h 6

A number of our people have narrated from Sahl ibn Ziyad Ahmad ibn Muhammad from ibn abu Nasr from Dawud ibn Sarhan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Witnesses must not refuse to present their testimony when they are called before it (the case and testimony) is written down.’”

Chapter 3 - Hiding the Testimony

H 14112, Ch. 3, h 1

A number of our people have narrated from Ahmad ibn ‘Abd Allah from ‘Abd al-Rahman ibn abu Najran and Muhammad ibn Ali from abu Jamilah from Jabir who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said this. ‘One may hide a testimony, or testify to invalidate the case of the murder of a Muslim, or to turn away from its rightful course the assets of a Muslim. He on the Day of Judgment will be brought with darkness before him as far as eyes can see, with bruises on his face whom all creatures will know by his name and genealogy. One who presents the right testimony to revive a right of a Muslim, he on the Day of Judgment will be brought with light before him as far as the eye can see, and all creatures will know him by his name and genealogy.’ Abu Ja‘far, *‘Alayhi al-Salam*, then said, ‘Have you not seen that Allah, the most Blessed, the most High, says, ‘. . . you must present the testimony for Allah.’ (65:2)”

H 14113, Ch. 3, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“About the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . one who hides a testimony his heart is sinful,’ (2: 283) abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is after having witnessed a case.’”

H 14114, Ch. 3, h 3

A number of our people have narrated from Sahl ibn Ziyad from `Isma‘il ibn Mehran from Muhammad ibn Mansur al-Khuza‘iy from Ali ibn Suwayd al-Sa‘iy who has narrated the following:

“My father wrote to me in his letter and I asked abu al-Hassan, *‘Alayhi al-Salam*, about testimony for them. He (the Imam) said, ‘You must present a testimony for Allah, even if it is against your own soul or parents or relatives between you and them, but if you fear injustice to your brother then do not do so.’”

Al-Husayn from Muhammad has narrated from Muhammad ibn Ahmad al-Nahdiy from `Isma‘il ibn Mehran a similar *Hadith*.

Chapter 4 - The Case of a Man who hears a Testimony but does not Witness it

H 14115, Ch. 4, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a man hears a testimony but has not witnessed it, he has the choice to present it or not, but if he has witnessed it, has no choice but to present his testimony.’”

H 14116, Ch. 4, h 2

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If a man hears a testimony but has not witnessed it, he has the choice to testify or remain silent.’”

H 14117, Ch. 4, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If a man hears a testimony but has not witnessed it, he has the choice to testify or remain silent, unless he knows that a rightful party suffers injustice, in which case it is not lawful to remain silent.’”

H 14118, Ch. 4, h 4

Ali ibn Ibrahim has narrated from his father from ‘Isma‘il ibn Marrar and others from Yunus from certain persons of his people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a man hears a testimony but has not witnessed it, he has the choice to testify or remain silent, unless he knows that a rightful party suffers injustice, in which case it is not lawful to remain silent.’”

H 14119, Ch. 4, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If a man hears a testimony but has not witnessed it, he has the choice to testify or remain silent.’”

H 14120, Ch. 4, h 6

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Muhammad ibn ‘Abd Allah ibn Hilal from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who is present during the accounting of the two of them who ask him to bear witness to what he has heard from them. He (the Imam) said, ‘It is up to him to bear witness or not, but if he witnesses a true case which he has heard and does not testify, there is nothing against him if he did not testify because they had not asked him to bear witness.’”

Chapter 5 - The Case of a Man who Forgets his Bearing Testimony but Recognizes his Handwriting

H 14121, Ch. 5, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Ali ibn al-Nu'man from Hammad ibn 'Uthaman from 'Umar ibn Yazid who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who asks me to testify for a case and I recognize my handwriting and seal but do not remember anything of the rest, little or more. He (the Imam) said, ‘If the party is trustworthy and there is another trustworthy man, you can testify.’”

H 14122, Ch. 5, h 2

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa'id who has narrated the following:

“Ja‘far ibn ‘Isa wrote to him (the Imam), *‘Alayhi al-Salam*, and asked this question. ‘I pray to Allah to keep my soul in service for your cause. Our neighbor has brought to me a document thinking that they had appointed me as a witness for the case; in the document in which there is my name in my handwriting which I have recognized. However, I do not remember my witnessing the case; can I testify to my recognizing that my name is in the document, even though I do not remember my witnessing the case, or is it that testifying is not obligatory unless I remember witnessing the case, regardless, my name is in the document or not?’ He (the Imam) wrote the answer that said, ‘Do not testify.’”

H 14123, Ch. 5, h 3

Ahmad ibn Muhammad has narrated from Muhammad ibn Hassan from Idris ibn al-Hassan from Ali ibn Ghiyath who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Do not testify for a case unless you know it as you know your palm.’”

H 14124, Ch. 5, h 4

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Do not testify for a case which you do not remember to have witnessed, because if one likes, he can write a document or draw an insignia.’”

Chapter 6 - False Testimony

H 14125, Ch. 6, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from Ali ibn al-Hakam from Aban ‘Uthman from a man from Salih ibn Mitham who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Whoever presents a false testimony against the assets of a Muslim man to cut off his ownership, for such witnessing Allah writes a certificate for him to the fire.’”

H 14126, Ch. 6, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one presents a false testimony, his feet do not move before the fire is made obligatory for him.’”

H 14127, Ch. 6, h 3

Ali ibn Muhammad ibn Bandar has narrated from Ibrahim ibn Ishaq al-Ahmar from ‘Abd Allah ibn Hammad from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has pronounced this *Hadith*. ‘The words of one who presents false testimony do not end before the judge, until his seat is filled up with the fire; and so also is the case of one who hides a testimony.’”

Chapter 7 - The Case of One who Testifies, then Retracts it

H 14128, Ch. 7, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj from those who narrated to him who has narrated the following:

“About the case of witnesses who testify against a man, then retract their testimony when judgment is already issued against the man, they are held responsible for what they have testified to and to compensate, but if judgment is not yet issued, their testimony is made void and the witnesses are not held responsible for anything.”

H 14129, Ch. 7, h 2

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“About the case of a man who testifies falsely and upon his repenting, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He must pay for the assets that are gone due to his false testimony, like one-half or one-third if another one has testified with him.’”

H 14130, Ch. 7, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from Jamil who has narrated the following:

“About the case of false testimony abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the asset exists in its substance, it must be returned to its owner, but if it does not exist, then he is responsible for an amount equal to what is lost from the assets of the man.’”

H 14131, Ch. 7, h 4

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from certain persons of his people who has narrated the following:

“This is about the case of four men who testify against *al-Muhsin* (married male) to have committed fornication; then one of them retracts his testimony after the man is executed. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the fourth cites doubt, he is subjected to penalty, but if he says it was intentional then he is put to death.’”

H 14132, Ch. 7, h 5

Ibn Mahbub has narrated from Ibrahim ibn Nu‘aym al-‘Azdi who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of four witnesses who testify against a man to have committed fornication and when he is executed, one of them retracts his testimony. He (the Imam) said, ‘The fourth one among them is executed and the other three must pay three-fourth of wergild to his family of the fourth witness.’”

H 14133, Ch. 7, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil who has narrated the following:

“About the case of false testimony abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the asset exists, it must be returned to the owner, otherwise, equal to what of the assets of the man is lost must be paid to him.’”

H 14134, Ch. 7, h 7

Ibn abu ‘Umayr has narrated from Ibrahim ibn ‘Abd al-Hamid who has narrated the following:

“About the case of two witnesses who testify for a woman that her husband has divorced her and she marries; but her husband comes and denies the divorce, he (the Imam) has said, ‘The two must be subjected to penalty and held responsible for the *mahr* (dower) in favor of the husband; then she is returned to the first husband.’”

H 14135, Ch. 7, h 8

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“This is about the case of a man against whom two men had testified for theft, thus his hand was cut off and thereafter the two witnesses brought another man saying that this was the thief and not the one whose hand was cut off but we were only confused about it. Abu Ja‘far, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu‘minin*, Ali, ‘*Alayhi al-Salam*, issued a judgment. It required the two to pay one-half of the wergild and did not accept their testimony against the other man.’”

Chapter 8 - The Case of the Testimony of One Person and the Oath of the Plaintiff

H 14136, Ch. 8, h 1

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Hammad ibn ‘Uthaman who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying that in the case of a loan *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, would accept the testimony of one person with the oath of the plaintiff.”

H 14137, Ch. 8, h 2

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘My father has narrated to me that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, issued judgment on the basis of one witness and an oath.’”

H 14138, Ch. 8, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Zur‘ah from Sama‘ah from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has a certain claim on a man about which he has only one witness. He (the Imam) said, ‘The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, would issue judgment on the basis of one witness and an oath by the claimant in the issue of loan.’”

H 14139, Ch. 8, h 4

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from Mansur ibn Hazim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, would issue judgment on the basis of one witness and an oath by the claimant.”

H 14140, Ch. 8, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“Once al-Hakam ibn ‘Utaybah and Salmah ibn Kuhayl visited abu Ja‘far, *‘Alayhi al-Salam*, and asked about the testimony of one witness and a oath. He (the Imam) said, ‘The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, issued judgment on such basis as well as Ali, *‘Alayhi al-Salam*, before you in al-Kufah.’ They said, ‘This is against al-Quran because Allah, the most Blessed, the most High, says, “. . . two just people must testify.” (65:2) Abu Ja‘far, *‘Alayhi al-Salam*, then said to them, does, “. . . two just people must testify” (65:2) mean, do not accept the testimony of one witness with one oath? Besides, once Ali, *‘Alayhi al-Salam*, was sitting in the Masjid of al-Kufah that ‘Abd Allah ibn Qufi al-Tamimiyy carrying the shield of Talhah passed by, and Ali, *‘Alayhi al-Salam*, said, “This is the shield of Talhah which you have stolen from the items captured in the war on the day of Basrah.” ‘Abd Allah ibn Qufi said, “Find a judge to decide for us and he can be the judge whom you have appointed for the Muslims.” He (the Imam) then found Shurayh to judge for them. Ali, *‘Alayhi al-Salam*, stated that this shield belonged to Talhah. He (Qufi) had stolen it on the day of al-Basrah. Shurayh asked for proof and he (the Imam) brought al-Hassan, *‘Alayhi al-Salam*, as witness who testified that it was the shield of Talhah which Qufi had stolen on the day of al-Basrah. Shurayh said, “This is one witness and I do not issue a judgment with one witness unless there is another one.” He (the Imam) called Qanbar who testified saying, “This was the shield of Talhah which he had stolen on the day of al-Basrah.” Shurayh

said, “He is a slave and I do not issue judgment on the basis of the testimony of a slave.” `Amir al-Mu`minin, Ali, ‘*Alayhi al-Salam*, became angry and said, “You take it and it is an unjust judgment.” He (the Imam) said it three times. Shurayh then turned around and said, “I will not work as a judge between two people until you tell me on what basis you said three times that my judgment is unjust.” He (the Imam) said to him, “Woe is upon you”, or he (the Imam) said, “Fie up on you. When I said, ‘This is the shield of Talhah which he had stolen on the day of al-Basrah’, you said that I must present proof. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘If items stolen from assets captured in a war are found, they can be taken back without testimony.’ I said, ‘The man has not heard the *Hadith* of the Messenger of Allah.’ This is one. Then I brought al-Hassan before you who testified and you said, ‘This is one and I do not issue judgment on the basis of one witness until there is another one.’ The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, issued judgment based on one witness and an oath. This is two. I then brought Qanbar before you who testified that it is the shield of Talhah, which he had stolen on the day of al-Basrah. You said that he is a slave and that you do not issue judgment on the basis of the testimony of a slave. In fact it is not harmful to accept the testimony of a slave if he is a just person.”” He (the Imam) then said, ‘Woe is upon you’ or he (the Imam) said, ‘Fie upon you. Imam of the Muslims is trusted for issues much more important than this.’”

H 14141, Ch. 8, h 6

Certain persons of our people have narrated from Muhammad ibn ‘Abd al-Hamid from Sayf ibn `Amirah from Mansur ibn Hazim who has narrated the following:

“A trustworthy man narrated to me from abu al-Hassan, ‘*Alayhi al-Salam*, who has said that if two women testify for the right of someone with his (plaintiff’s) oath, it is an accepted proof.’”

H 14142, Ch. 8, h 7

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, accepted the testimony of women with the oath by the plaintiff in matters of loan. He swears by Allah that it is his right.’”

H 14143, Ch. 8, h 8

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Ali ibn al-Hakam from abu Ayyub al-Khazzaz from Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, in the matter of loan accepted the testimony of one man and the oath of the creditor. However, in the case of the sighting of new moon he would only accept two witnesses.’”

Chapter 9 - Another Chapter

H 14144, Ch. 9, h 1

Ali ibn Ibrahim has narrated from his father from and Ali ibn Muhammad al-Qasaniy all have narrated from al-Qasim ibn Yahya from Sulayman ibn Dawud from Hafs ibn Ghiyath who has narrated the following:

“Once a man asked abu ‘Abd Allah, *‘Alayhi al-Salam*, ‘If I see something in the hand of a man can I testify that it belongs to him?’ He (the Imam) said, ‘Yes, you can do so.’ The man then said, ‘I can testify that it is in his hand but how can I testify that it belongs to him, perhaps it belongs to someone else?’ He (the Imam) asked, ‘Is it lawful to buy it from him?’ The man replied, ‘Yes, it is lawful to buy it from him.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, then said, ‘It perhaps belongs to someone else; then how it becomes lawful for you to buy it from him and how can it become of your belongings? How after taking possession can you say that it belongs to you, you can swear and it would be unlawful to ascribe its ownership to one from whose possession its ownership is transferred to you?’ He (the Imam) said, ‘Had it been as you said, the Muslims could never establish a market.’”

H 14145, Ch. 9, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Mu‘awiyah ibn Wahab who has narrated the following:

“I once said to him (the Imam), *‘Alayhi al-Salam*, that ibn abu Layla’ asks me to testify that this is a house and so and so has died and has left it behind as his legacy and that there is no other heir for him except the ones in whose favor we have testified. He (the Imam) said, ‘You can testify about what you have knowledge thereof.’ I then said that ibn abu Layla’ makes us to swear falsely. He (the Imam) said, ‘You can swear about what you know.’”

H 14146, Ch. 9, h 3

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from ‘Uthman ibn ‘Isa from certain persons of his people who has narrated the following:

“I once said to abu ‘Abd Allah, *‘Alayhi al-Salam*, that I bear a testimony for one of our brothers but all of the judges around us do not grant it. He (the Imam) said, ‘If you know that it is right then you can correct it as such that can prove his right.’”

H 14147, Ch. 9, h 4

Ali ibn Ibrahim has narrated from his father from ‘Isma‘il ibn Marrar from Yunus from Mu‘awiyah ibn Wahab who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has a house and he remains absent from it for thirty years; but he leaves his family there, then news of his death comes. We do not know what may have happened in his house as well as to his children. We however, do not know of anything happening to his house and no birth of children has happened to him. This house is not divided among his heirs whom he had left in his house so that two just witnesses can testify that this house is the house of so and so son of so and so who has died and has left behind as legacy for so and so. Can we testify about it? He (the Imam) said, ‘Yes, you can do so.’ I then said that a man has a slave and slave woman. He says that his slave has run away, his slave woman has run away and they are found in the town. The judge asks for proof that this is the slave of so and so whom he has not sold or gifted; if we can testify about it if we are asked and we do not know if anything has happened or not. He (the Imam) said, ‘Whatever goes out of the hands of a Muslim man, slave or slave woman or is absent from you, do not testify about it.’”

Chapter 10 - Presenting Testimony for the Creditors

H 14148, Ch. 10, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from certain persons of his people who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man of truth whose claim is denied. The party swears that he does not owe anything in favor of the owner of right and the owner of right does not have any proof; if we can restore his right by false testimony if there is fear for the loss of his right. He (the Imam) said, ‘It is not permissible because of deception.’

H 14149, Ch. 10, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Khalid from Sa‘d ibn Sa‘d from Muhammad ibn al-Qasim ibn al-Fudayl who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about a man who is one of his followers and owes to a *Mukhalif* (opposing) man a certain amount of loan who wants to cause him difficulties and imprison him. He knows that he does not have anything to pay and he is not able to pay but his creditor has no proof, if it is permissible to swear to keep him away from himself until Allah grants him ease and if it is permissible to testify against him. He (the Imam) said, ‘It is not permissible to testify against him when he is not intending to be unjust to him.’”

Chapter 11 - Testimony of Children

H 14150, Ch. 11, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from abu Ayyub al-Khazzaz who has narrated the following:

“I once asked ‘Isma‘il ibn Ja‘far, ‘When it is permissible for a boy to testify?’ He said, ‘It is permissible when he becomes ten years old.’ I then asked, ‘Can he issue a command?’ He said, ‘The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, went to bed with ‘A‘ishah when she was ten years old and it is not permissible to go to bed with a girl unless she is a woman (‘A‘ishah was not underage). When a boy becomes ten years old his commanding is permissible and his testimony is admissible.’”

(They have mentioned his words perhaps to show his invalid analogizing effort)

H 14151, Ch. 11, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, if presenting testimony by children is permissible. He (the Imam) said, ‘Yes, in the case of murder his first words are accepted but not his second ones.’”

H 14152, Ch. 11, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from Muhammad ibn Humran who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the testimony of children. He (the Imam) said, ‘No, except in the case of murder, in which case his first words are accepted but his second words are not accepted.’”

H 14153, Ch. 11, h 4

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from al-‘Ala’ ibn Razin from Muhammad ibn Muslim who has narrated the following:

“About the case of a child if his bearing testimony to an existing testimony, he (the Imam) said, ‘If his reason can comprehend when he becomes mature that it is right, it then is permissible.’”

H 14154, Ch. 11, h 5

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu‘minin*, Ali, ‘*Alayhi al-Salam*, has said, ‘If children are asked to bear testimony if they did so as children it is permissible, when they grow up, to present it if they have not forgotten.’”

H 14155, Ch. 11, h 6

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from Jamil who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about a child if he can testify in the case of murder. He (the Imam) said, ‘His first words are accepted but his second words are not accepted.’”

Chapter 12 - Testimony of Slaves

H 14156, Ch. 12, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following: “Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘A slave’s testimony is not harmful if he is a just man.’”

H 14157, Ch. 12, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Khalid and al-Husayn ibn Sa‘id all from al-Qasim ibn Muhammad ibn ‘Urwah from ‘Abd al-Hamid al-Ta’iy from Muhammad ibn Muslim who has narrated the following: “About the testimony of a slave abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If he is a just man it is permissible. The first one who rejected the testimony of a slave was ‘Umar ibn al-Khattab. Once a slave was brought before him to testify and he said, ‘If I testify I fear for myself; if I hide, it is a sin for me before my Lord.’ He (‘Umar) then said, ‘Testify, but after you I will not allow any slave to testify.’”

H 14158, Ch. 12, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from al-Qasim ibn ‘Urwah from Burayd ibn Mu‘awiyah who has narrated the following: “I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if the testimony of a slave is acceptable. He (the Imam) said, ‘Yes, it is permissible and the first one who rejected the testimony of a slave was so and so.’”

Chapter 13 - That which is Acceptable of the Testimony of Women and that, which is not Acceptable

H 14159, Ch. 13, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj and Muhammad ibn Humran who has narrated the following:

“We asked abu ‘Abd Allah, *‘Alayhi al-Salam*, if testimony of women is acceptable in penalty cases. He (the Imam) said, ‘Only in murder cases it is acceptable. *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, would say, “The blood (life) of a Muslim cannot be invalidated.”’”

H 14160, Ch. 13, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad ibn ‘Uthaman from al-Halabiy who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked, if testimony by women is acceptable in the case of marriage?’ He (the Imam) said, ‘It is acceptable if there is a man with them. Ali, *‘Alayhi al-Salam*, would say, “I do not accept the testimony by women in divorce.”’ I then asked if testimony of women with a man is acceptable in matters of a loan. He (the Imam) said, ‘Yes, it is acceptable.’ I asked about the testimony of a nurse about childbirth. He (the Imam) said, ‘The testimony of one nurse is acceptable.’ He (the Imam) said, ‘Testimony of women in matters of a loan, childbirth and virginity is acceptable.’ Those who had heard from him (the Imam) narrated to me that his father had informed him that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, allowed testimony by women in matters of a loan with an oath by the plaintiff. He must swear by Allah that his claim is right.’”

H 14161, Ch. 13, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the testimony of women in the case of stoning. He (the Imam) said, ‘If there are three men and two women, but if there are two men and four women, stoning is not permissible.’”

H 14162, Ch. 13, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from Ali ibn abu Hamzah from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the testimony of women. He (the Imam) said, ‘It is acceptable in matters in which men cannot become a witness. It is acceptable about marriage if there is a man with them, but it is not acceptable in divorce or blood (life) except that it is acceptable in the penalty for fornication if there are three men and two women, but the testimony of two men and four women is not acceptable in this case.’”

H 14163, Ch. 13, h 5

Ali ibn Ibrahim has narrated from his father and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from Muhammad ibn al-Fudayl who has narrated the following:

“I once asked abu al-Hassan, al-Rida’, *‘Alayhi al-Salam*, if testimony of women is acceptable in marriage or divorce or stoning. He (the Imam) said, ‘It is acceptable in matters which men cannot witness (look at) and there is no man with them. Their testimony in marriage is acceptable if there is a man with them; and their testimony in the penalty for fornication is acceptable if there are three men and two women; but the testimony of two men and four women is not acceptable in this case and their testimony about divorce and blood (life) is not acceptable.’”

H 14164, Ch. 13, h 6

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from abu Ayyub al-Khazzaz from Muhammad ibn Muslim who has narrated the following:

“He (the Imam) has said that testimony of women about new moon is not acceptable as well as in divorce. I asked him (the Imam), ‘*Alayhi al-Salam*, if testimony of women is acceptable. He (the Imam) said, ‘Yes, it is acceptable about virginity and childbirth.’”

H 14165, Ch. 13, h 7

Yunus has narrated from ‘Abd Allah ibn Bukayr who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said testimony of women about virginity and every defect which men cannot look at is admissible.”

H 14166, Ch. 13, h 8

It is narrated from the narrator of the previous *Hadith* from ‘Abd Allah ibn Sinan who has narrated the following:

“I once heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, saying, ‘Testimony of women about the new moon is not acceptable. It is not acceptable in stoning with two men and four women but it is acceptable with three men and two women.’ He (the Imam) said, ‘The testimony of women without men is acceptable in matters that cannot be witnessed by men who are not allowed to look at it and the testimony of a nurse is admissible about childbirth.’”

H 14167, Ch. 13, h 9

A number of our people have narrated from Sahl ibn Ziyad from ibn abu Najran from Muthanna’ al-Hannat from Zurarah who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the testimony of women if it is acceptable in marriage. He (the Imam) said, ‘Yes, it is acceptable, but it is not acceptable about divorce.’ He (the Imam) said that Ali, ‘*Alayhi al-Salam*, has said, ‘Testimony of women is acceptable in stoning if there are three men and two women; but if there are four women and two men it is not acceptable about stoning.’ I asked, ‘Is testimony of women with men acceptable in blood (life) cases?’ He (the Imam) said, ‘No, it is not acceptable.’”

H 14168, Ch. 13, h 10

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Washsha’ from Aban ibn ‘Uthman from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a woman who is about to die and there is no one with her except a woman; if her testimony is admissible or not. He (the Imam) said, ‘Testimony of women is acceptable about childbirth and virginity.’”

H 14169, Ch. 13, h 11

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Ibrahim al-Harithiy who has narrated the following:

“I once heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, saying, ‘Testimony of women is acceptable in matters where men cannot witness and look to bear witness thereof. Testimony of women is acceptable about marriage but not about divorce or blood (life) and it is acceptable about the penalty for fornication if there are three men and two women but not if there are two men and four women and their testimony about stoning is not acceptable.’”

H 14170, Ch. 13, h 12

Ibn Mahbub has narrated from ‘Umar ibn Yazid who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who dies and leaves behind a

woman who is pregnant and gives birth after his death to a boy. Then the boy dies after falling on the ground and she who nursed witnesses it all. She says that he was alive and cried upon falling on the ground, then died. He (the Imam) said, ‘The Imam can allow her testimony about one-fourth of the legacy of the boy.’”

H 14171, Ch. 13, h 13

A number of our people have narrated from Sahl ibn Ziyad from ibn abu Nasr from Dawud ibn Sarhan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘I accept testimony of women about a boy who cried or did not cry, and about everything to which men cannot look, the testimony of women is acceptable.’”

Chapter 14 - Testimony of Woman for her Husband and the Testimony of Man for his Wife

H 14172, Ch. 14, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from abu al-Mighra' from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the testimony of a man is acceptable for his wife and testimony of a wife is acceptable for her husband if there are others with her.”

H 14173, Ch. 14, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from ibn Mahbub from Hisham ibn Salim from ‘Ammar ibn Marwan who has narrated the following:

“I or a certain persons of our people asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who presents testimony for his wife. He (the Imam) said, ‘If it is for a good cause it is permissible to testify for one’s wife.’”

Chapter 15 - Testimony of a Father for his Son or a Son's Testimony for his Father and Testimony of a brother for his Brother

H 14174, Ch. 15, h 1

Ali ibn Ibrahim has narrated from his father from Muhammad ibn 'Isa from Yunus from Zur'ah from Sama'ah from abu Basir who has narrated the following:

"I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the testimony of a father for his son or a son's testimony for his father and the testimony of a brother for his brother. He (the Imam) said, 'It is permissible.'"

H 14175, Ch. 15, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Hammad from al-Halabiy who has narrated the following:

"I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the testimony of a father for his son, the testimony of a son for his father and the testimony of a brother for his brother. He (the Imam) said, 'It is permissible.'"

H 14176, Ch. 15, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from abu al-Mighra' from al-Halabiy who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, has said, 'The testimony of a father for his son, the testimony of a son for his father and the testimony of a brother for his brother is permissible.'"

H 14177, Ch. 15, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Hisham ibn Salim from 'Ammar ibn Marwan who has narrated the following:

"I or a certain persons of our people asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of a man who testifies for his father or a father testifies for his son or for his brother. He (the Imam) said, 'It is not harmful if it is for a good cause. His testimony is permissible for his father as is the case with a father's testimony for his son or a brother's testimony for his brother.'"

Chapter 16 - Testimony of a Business Partner, one Wagerworker and the Executor of the Will

H 14178, Ch. 16, h 1

Abu Ali *al-Ash'ariy* has narrated from Ahmad ibn Muhammad ibn 'Isa and Humayd ibn Ziyad from al-Hassan ibn Muhammad ibn Sama'ah all from Ahmad ibn al-Hassan al-Mithamiy from Aban ibn 'Uthman from 'Abd al-Rahman ibn abu 'Abd Allah who has narrated the following:

“I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of three partners of whom two have testified against one. He (the Imam) said, ‘Their testimony is not admissible.’”

H 14179, Ch. 16, h 2

Muhammad ibn Yahya has narrated from al-Husayn ibn Ali ibn Ribat from Muhammad ibn al-Salt who has narrated the following:

“I once asked abu al-Hassan, al-Rida', *'Alayhi al-Salam*, about the case of certain friends who were on a journey when their road was blocked, and they caught the thieves, then certain ones of them testified against the others. He (the Imam) said, ‘Their testimony is not admissible unless the thieves confess or others testify against them.’”

H 14180, Ch. 16, h 3

Muhammad ibn Yahya has said that Muhammad ibn al-Hassan once wrote to abu Muhammad, *'Alayhi al-Salam*, asking if testimony of executor of the will is acceptable for the deceased about a loan that a man owes to the deceased with one more just witness. He (the Imam), *'Alayhi al-Salam*, signed the answer that said, ‘If one more just man testifies with him then the plaintiff must take an oath.’ He also wrote asking if it is permissible for an executor of the will to testify for an heir of the deceased, small or an adult in a right for him on the deceased or on others and he is the one who takes possession for the heir who is a minor and not an adult. He (the Imam), signed the answer that said, ‘Yes, it is proper for an executor of the will to testify for a right and he must not hide a testimony.’ He wrote asking that if the testimony of an executor of the will along with the testimony of another just man is admissible against the deceased. He (the Imam), *'Alayhi al-Salam*, signed the answer that said, ‘Yes, it is acceptable with an oath.’”

H 14181, Ch. 16, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn Musa from Ahmad ibn al-Hassan from Ali from his father from Ali ibn 'Uqbah from Musa ibn 'Ukayl al-Numayriy from al-'Ala' ibn Sayabah who has narrated the following:

“Abu 'Abd Allah, *'Alayhi al-Salam*, has said that *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, would not allow the testimony of a wage worker.’”

Chapter 17 - The Witnesses who are Rejected

H 14182, Ch. 17, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus ibn ‘Abd al-Rahman from ‘Abd Allah ibn Sinan who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the kind of witnesses whose testimony is rejected. He (the Imam) said, ‘Of such people are a pessimist and an accused.’ I then asked, ‘What about a sinful and a treacherous one?’ He (the Imam) said, ‘Such ones are included in “pessimist”.’”

H 14183, Ch. 17, h 2

It is narrated from the narrator of the previous *Hadith* from ‘Abd Allah ibn Muskan from Sulayman ibn Khalid who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the witnesses whose testimony is rejected. He (the Imam) said, ‘Of such people are a pessimist and an antagonist.’ I then asked, ‘What about a sinful and a treacherous one?’ He (the Imam) said, ‘Such ones are included in “pessimist”.’”

H 14184, Ch. 17, h 3

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Safwan from Shu’ayb from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the witnesses whose testimonies are rejected. He (the Imam) said, ‘He (the Imam) said, ‘Of such people are a pessimist, an accused and an antagonist.’ I then asked, ‘What about a sinful and a treacherous one?’ He (the Imam) said, ‘Such ones are included in “pessimist”.’”

H 14185, Ch. 17, h 4

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from Aban from abu Basir who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the testimony of one who is born out of wedlock if it is acceptable. He (the Imam) said, ‘No, it is not acceptable.’ I then said that al-Hakam ibn al-‘Utaybah considers it acceptable. He (the Imam) said, ‘O Lord, do not forgive his sin. Allah, most Majestic, most Glorious, has not said to al-Hakam ibn ‘Utaybah, ‘. . . it is a reminder for you and your people.’ (43:44)”

H 14186, Ch. 17, h 5

A number of our people have narrated from ands from al-Husayn ibn Sa‘id from al-Qasim ibn Sulayman from Jarrah al-Mad‘iniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘I do not accept the testimony of a sinful man except against his own-self.’”

H 14187, Ch. 17, h 6

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from abu Ayyub al-Khazzaz from Muhammad ibn Muslim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The testimony of one born out of wedlock is not admissible.’”

H 14188, Ch. 17, h 7

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu‘minin*, Ali, *‘Alayhi al-Salam*, would not accept the testimony of persons of offensive manners and those humiliated by law.”

H 14189, Ch. 17, h 8

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from ibn Faddal from Muhammad al-Ash‘ariy from ‘Ubayd ibn Zurarah from his father who has narrated the following:

“I once heard abu Ja‘far, *‘Alayhi al-Salam*, saying, ‘If four men among whom one is born out of wedlock testify before me against a man for fornication I will execute penalty on them all because his testimony is not acceptable and he cannot lead the people in *Salat* (prayer).’”

H 14190, Ch. 17, h 9

Muhammad ibn Yahya has narrated from Muhammad ibn Musa from Ahmad ibn al-Hassan ibn Ali from Ali ibn ‘Uqbah from Musa b ‘Ukayl al-Numayriy from al-‘Ala’ ibn Sayabah who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘Testimony of the following people is not acceptable. (Of such people is) one who plays dice, (backgammon), or the game played with fourteen pieces of tokens and a friend (player) of *Shahayn* (the two kings) which means chess who says, ‘No, by Allah and yes by Allah. His king by Allah is dead and his king is killed but it is not dead or killed.’”

H 14191, Ch. 17, h 10

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘The testimony of one who goes before al-Hujjaj (travelers for al-Hajj) as a precursor, is not acceptable because he kills his stumper, depletes his supplies, tires himself and treats his *Salat* (prayer) lightly.’ I then asked about the one who provides transportation for hire, camel man and boat operators. He (the Imam) said, ‘They are not bad and their testimony is acceptable if they are virtuous people.’”

H 14192, Ch. 17, h 11

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Performing *Salat* (prayer) behind one who asks payment for saying Adhan (call for *Salat* (prayer)) and *Salat* (prayer) and his testimony are not admissible.’”

H 14193, Ch. 17, h 12

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn al-Hassan Shammun from ‘Abd Allah ibn ‘Abd al-Rahman al-Asamm from Misma‘ ibn ‘Abd al-Malik who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, would not allow the testimony of one who moves before al-Hujjaj (pilgrims to Makkah) as a precursor.”

H 14194, Ch. 17, h 13

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from ibn Faddal from Hammad ibn ‘Uthaman from Hariz from Muhammad ibn Muslim who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, rejected the testimony of a beggar who extends his hand for help. It is because he does not believe in testimony in the sense that if one gives to him something he is happy and if he does not give anything he becomes angry.”

H 14195, Ch. 17, h 14

Muhammad ibn Yahya has narrated from al-‘Amrakiy ibn Ali from Ali ibn Ja‘far from his brother who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a beggar man who extends his hand for begging, if his testimony is acceptable. He (the Imam) said, ‘My father would not accept his testimony if he extended his hand for begging.’”

Chapter 18 - The Testimony of an Accuser and an Ex-convict

H 14196, Ch. 18, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma'il from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about an accuser who is convicted and subjected to penalty and about what his repentance is. He (the Imam) said, ‘He must call his soul a liar.’ I then asked, ‘If he calls his soul a liar and repents, is then his testimony acceptable?’ He (the Imam) said, ‘Yes, it then becomes acceptable.’”

H 14197, Ch. 18, h 2

Ahmad ibn Muhammad has narrated from al-Husayn ibn Sa'id from al-Nadr ibn Suwayd and Hammad from al-Qasim ibn Sulayman who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who accuses a man, then he is whipped as penalty then he repents and nothing but good is seen from him; if his testimony is acceptable. He (the Imam) said, ‘Yes, it is acceptable. What do people in your area say about it?’ I replied, ‘They say that his repentance is between him and Allah but his testimony is never acceptable.’ He (the Imam) said, ‘What they say is bad. My father would say that if he repents and nothing but good is seen from him his testimony is acceptable.’”

H 14198, Ch. 18, h 3

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, accepted the testimony of a man whose hand and foot was cut off, he had repented and his repentance had become known.”

H 14199, Ch. 18, h 4

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated:

“He (the Imam), *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘If one is subjected to penalty and he thereafter repents, his testimony becomes admissible.’”

H 14200, Ch. 18, h 5

Ali ibn Ibrahim has narrated from his father from `Isma'il ibn Marrar from Yunus from certain persons of his people who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who accuses married woman: if his testimony after his being subjected to penalty and his repenting is admissible. He (the Imam) said, ‘Yes, it is admissible.’ I then asked, ‘What is his repentance?’ He (the Imam) said, ‘He comes before the Imam and calls his soul a liar and says that he had fabricated against so and so and retracts what he had said,’”

H 14201, Ch. 18, h 6

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from ibn Sinan who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who is subjected to penalty; then he repents: if his testimony becomes acceptable. He (the Imam) said, ‘If he repents which is retracting what he has said and calls himself a liar before the Imam of the Muslims. When he does this then it is necessary for the Imam to accept his testimony thereafter.’”

Chapter 19 - Testimony of the Members of all other Nations

H 14202, Ch. 19, h 1

A number of our people have narrated from Sahl ibn Ziyad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ibn Ri'ab from abu 'Ubaydah who has narrated the following:

“Abu 'Abd Allah, *'Alayhi al-Salam*, has said that testimony of Muslims is admissible against the people of all other nations. The testimony of taxpayers is not admissible against Muslims.”

H 14203, Ch. 19, h 2

Ali ibn Ibrahim has narrated from Muhammad ibn 'Isa from Yunus from Zur'ah from Sama'ah who has narrated the following:

“I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the testimony of members of other nations. He (the Imam) said, ‘It is admissible only against the people of their nation, however, if no one can be found to bear witness about the will (of a Muslim), then their testimony is acceptable because invalidating one’s right is not proper.’”

H 14204, Ch. 19, h 3

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu 'Abd Allah, *'Alayhi al-Salam*, has said that *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, has said, ‘If Jews and Christians bear testimony then become Muslims, their testimony is admissible.’”

H 14205, Ch. 19, h 4

Ali has narrated from Muhammad ibn 'Isa from Yunus from Muhammad ibn Muslim who has narrated the following:

“I once asked one of the two Imam, (abu Ja'far or abu 'Abd Allah), *'Alayhim al-Salam*, about a child, a slave and a Christian who bear testimony; then the Christian becomes a Muslim, if his testimony becomes admissible. He (the Imam) said, ‘Yes, it becomes admissible.’”

H 14206, Ch. 19, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn abu Najran from Muhammad ibn Humran who has narrated the following:

“I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about a Christian man who bears a testimony, then becomes a Muslim if his testimony is acceptable. He (the Imam) said, ‘Yes, he is in the right position to testify.’”

H 14207, Ch. 19, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Hisham ibn al-Hakam who has narrated the following:

“About the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . or two from people other than your people,’ (5:106) abu 'Abd Allah, *'Alayhi al-Salam*, has said, ‘This applies when a man is away from his land where Muslims are not found, then appointing non-Muslims as witness to a will is permissible.’”

H 14208, Ch. 19, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn 'Isa from ibn Mahbub from abu Ayyub 'Abd al-'Aziz al- from Durays al-Kunasiy who has narrated the following:

“I once asked abu Ja'far, *'Alayhi al-Salam*, about the testimony of people of other nations if they can be appointed as witness. He (the Imam) said, ‘No, unless no one else can be found, in which case their bearing testimony about a will is permissible, because it is not proper to invalidate the right of a Muslim man and void his will.’”

H 14209, Ch. 19, h 8

Ibn Mahbub has narrated from Jamil ibn Salih from Hamzah ibn Humran who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . two just man from among you or two men from other people.’ (5:106) He (the Imam) said, ‘The ‘two from you’ means two Muslims, the ‘two from other people’ means from the followers of the book.’ He (the Imam) then said, ‘This can happen when a Muslim dies far away from his land where he cannot find two Muslim men, thus he can appoint two taxpayers of the followers of the book who are acceptable among their own people to bear witness to his will.’”

Chapter 20 - Another Chapter

H 14210, Ch. 20, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from b Sinan who has narrated the following:

“This is about the case of a man who bears testimony to the testimony of another witness but then the man says that he had not appointed him as witness. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The testimony of the one who is more just is admissible but if such man of justice is one man then his testimony is not acceptable because of fairness for both.’”

H 14211, Ch. 20, h 2

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Washsha’ from Aban ibn ‘Uthman from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“About the case of a man who bears testimony to the testimony of a witness but then the man says that he had not appointed him as witness, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘The testimony of the one who is more just is admissible.’”

Chapter 21 - Testimony of a Blind and Speechless

H 14212, Ch. 21, h 1

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from Tha‘labah ibn Maymun from Muhammad ibn Qays who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the testimony of a blind man. He (the Imam) said, ‘Yes, it is admissible if he has preserved it.’”

H 14213, Ch. 21, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Hajjal from Tha‘labah ibn Maymun from Muhammad ibn Qays who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the testimony of a blind man if it is admissible. He (the Imam) said, ‘Yes, it is admissible if he has preserved it.’”

H 14214, Ch. 21, h 3

A number of our people have narrated from Sahl ibn Ziyad from `Isma‘il ibn Mehran from Durust from Jamil who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the testimony of a speechless man in the case of murder. He (the Imam) said, ‘His first words are admissible and his second words are not admissible.’”

Chapter 22 - A Man Bears Testimony against a Woman without Looking at Her Face

H 14215, Ch. 22, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isa from his brother Ja‘far ibn ‘Isa ibn Yaqtin who has narrated the following:

“Abu al-Hassan, al-Awwal, *‘Alayhi al-Salam*, has pronounced this fatwa. ‘Bearing testimony to the confession of a woman, whose face is not open, if one knows her in person or the one who is present knows her, is not harmful. However, if she is not known in person and no one present knows her, then bearing testimony against her or against her confession is not permissible without her face being uncovered so that he can look at her face.’”

Chapter 23 - The Rare Ahadith

H 14216, Ch. 23, h 1

Ali ibn Ibrahim has narrated from Muhammad ibn 'Isa from Yunus from Mu'awiyah ibn Wahab who has narrated the following:

“The paved area where *Salat* (prayer) for the dead had been performed in the time of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, was called al-Batha' where people sold milk, ghee and cheese. A desert dwelling Arab once came with his horse and tied it there. The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, bought it from him. He (the Messenger of Allah) went inside to bring the price. Certain hypocrites asked the man, 'For how much did you sell your horse?' He replied, 'I have sold it for such and such amount.' They said, 'This is a bad deal. Your horse is better than this.' The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, then came out with the complete and nice price. The Arab man said, 'By Allah I did not sell it.' The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, said, 'Allah is free of all defects, yes, by Allah, you sold it to me.' Voices rose and certain people said, 'The Messenger of Allah is bargaining with a desert Arab man.' Many people gathered around. Abu 'Abd Allah, *'Alayhi al-Salam*, has said, 'With the Holy Prophet, there his companions were also present when Khudhaymah ibn Thabit Ansari came and moved people with his hand until he reached the Holy Prophet, and said, 'O Messenger of Allah, I testify that you bought from him.' The Arab man said, 'How can you testify, when you were not here present with us?' The Messenger of Allah asked, 'Did you see us concluding the sale?' Khudhaymah said, 'No, I was not here, but I know that you have bought it. I have believed in what you have brought from Allah and acknowledged your truthfulness; how can I not believe you against this filthy Arab? How that can happen?' He (the Imam) said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, liked his standpoint and said, 'O Khudhaymah, your testimony equals to two testimonies.'”

H 14217, Ch. 23, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Musa ibn Ja'far al-Baghdadiy from Ja'far ibn Yahya fn 'Abd Allah ibn 'Abd al-Rahman fn al-Husayn ibn Zayd who has narrated the following:

“Abu 'Abd Allah, has narrated from his father, *'Alayhim al-Salam*, who has said that once Qudamah ibn Maz'un was brought before 'Umar ibn al-Khattab because of drinking wine and two men testified against him. One, called 'Amr al-Tamimi, was castrated and the other one was Mu'alla' ibn al-Jarud. One of them testified that he saw him drinking wine and the other said that he saw him throwing out wine. 'Umar then sent for several people of the companions of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, among whom one was *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*. 'Umar then asked, 'What do you say, O abu al-Hassan? You are the one about whom the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, "He is the most knowledgeable one in the nation and the one who judges with the truth all the time." These have presented different testimonies.' He (the Imam) said there is no difference in their testimonies, he could not have thrown out wine without drinking it.' 'Umar then asked about the testimony of a castrated man. He (the Imam) said, 'His losing his beard is just like the loss of a certain part of his body.'”

H 14218, Ch. 23, h 3

A number of our people have narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma‘il from Mansur from Yunus from Musa ibn Bakr from al-Hakam ibn abu ‘Aqil who has narrated the following:

“I once said to abu ‘Abd Allah, *‘Alayhi al-Salam*, that my opponent brings a great deal of false testimony against me and I dislike to fight back. I do not know if it is the right thing that I do. He (the Imam) said to me, ‘Have you not noticed that *‘Amir al-Mu‘minin*, Ali, *‘Alayhi al-Salam*, would say, “Do not leave yourselves and assets hostage to the false testimonies.” If it is not an offense in religion and a sin against his Lord, then there is nothing wrong for a man to defend himself. It is like preventing unlawful sexual relations and unlawful bloodshed by one’s testimony which is good, so also is the case with defending one’s assets.’”

H 14219, Ch. 23, h 4

Muhammad ibn Yahya has narrated from Muhammad ibn al-Hassan who has narrated the following:

“I once wrote to abu Muhammad, *‘Alayhi al-Salam*, and asked about the case of a man who sells a piece of land to another man. He does not know its limits, and so he does not appoint any witness to the deal, saying that when the limits are defined then witnesses are appointed; if it is permissible to bear witness or not. He (the Imam), *‘Alayhi al-Salam*, signed the answer that said, ‘Yes, it is permissible, all praise belongs to Allah.’ A man wanted to leave for Makkah. He had certain pieces of land in a town, which was a certain distance away from his home. He did not define the limits of the land. He only knew the limits of the town, all of its four sides. He said to the witnesses to bear witness that he has sold the whole town of such and such limits of all four sides one, two, three and four, to so and so. In fact, he only owned a piece of land in the town; if buying as such is permissible, when he has confirmed for him the selling of the whole town. He (the Imam) signed the answer that said, ‘It is not permissible to sell what does not belong to him, however, the purchase of what he owns has become binding in favor of the buyer.’ A man wrote to him (the Imam) asking if it is permissible for the witnesses whom he had appointed to bear testimony for the selling of the whole town to testify about the limits of the land that he owns in the town. He may have come to know such limits of such land through the people of the town if they are just people. He (the Imam) signed the answer that said, ‘Yes, it is permissible about something which is known and understood.’ A man wrote saying that a man says to another man to bear witness that the whole of the house that he owns in such and such place with its limits, all of it is for so and so with all that is in the house of assets; if the buyer can have all that is in the house. He (the Imam), *‘Alayhi al-Salam*, signed the answer that said, ‘It is permissible for all that the buying has covered, by the will of Allah.’”

H 14220, Ch. 23, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Mahbub from Ayyub from Hariz who has narrated the following:

“This is about the case of four men who testified against an *al-Muhsin* (married man) due to fornication of whom two retracted their testimony and not the other two. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If the four are Muslims who are not known as falsely testifying people, the testimony of all four is admissible, and penalty must be applied on the one against whom they have testified, however, they must testify only to what they have seen and have the knowledge thereof. The person in authority must accept their testimony unless they are known to be sinful people.’”

H 14221, Ch. 23, h 6

Ali ibn Ibrahim has narrated from his father from al-Husayn ibn Sayf from Muhammad ibn Sulayman who has narrated the following:

“I once asked abu Ja‘far, al-Thaniy, *‘Alayhi al-Salam*, ‘How is it that when a man accuses his wife of

committing fornication his testimony is four testimonies by Allah? Why is it not permissible for those other than him, if someone other than husband accuses her, he is subjected to penalty even if he is a son or brother?’ He (the Imam) said, ‘Abu Ja‘far, ‘*Alayhi al-Salam*, was asked about it and he (the Imam) replied that suppose if a man accuses his wife he can be asked about how he has learned that his wife has behaved as such, his eyes have seen her doing it then his testimony is four testimonies by Allah. It is because of the possibility for a man to go in privacy where others cannot do so. A son or father cannot see as such in the night or day. For this reason, his testimony has become four testimonies by Allah if he says, “I have seen it with my eyes.” If he says, “I have not seen with my eyes” he is an accuser like other people and he is subjected to penalty unless he establishes testimony. If people other than the husband thinks, accuses and claims seeing it with his eyes he is then asked, “How did you see and who made it possible for you to be in such place where you alone saw it? You stand accused about your claim even if you speak truth, you are in the position of one being accused; and it is necessary to discipline you by penalty which Allah has made obligatory upon you.”’ He (the Imam) said, ‘The testimony of a husband has become four testimonies by Allah, in place of every witness one oath.’”

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from Muhammad ibn Aslam from certain ones of the people of Qum from abu al-Hassan al-Rida’, ‘*Alayhi al-Salam*, a similar *Hadith*.

H 14222, Ch. 23, h 7

Ali ibn Ibrahim has narrated from his father from Ahmad ibn Muhammad from ibn abu Nasr from ‘Isma‘il ibn abu Hanifah from abu Hanifah who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, ‘Why in a murder case only two witnesses are required, and in the case of fornication four witnesses are required when murder is more serious than fornication?’ He (the Imam) said, ‘It is because murder is one act and fornication is two acts, for this reason less than four witnesses is not admissible; two against man and two against the woman.’”

Certain one of our people have narrated from him (abu Hanifah) that then he (the Imam) asked, ‘What is with you, O abu Hanifah?’ I replied, ‘We have nothing about it except the *Hadith* of ‘Umar that says, ‘Allah has taken two words in the testimony against the people.’ He (the Imam) then said, ‘It is not as such, O abu Hanifah, in fornication there are two penalties. It is not permissible for less than two to testify against one, two against the man and two against the woman; penalty is obligatory on both man and woman, when in murder it is applied to the killer only and the one murdered is defended.’”

H 14223, Ch. 23, h 8

Al-Husayn from Muhammad has narrated from al-Sayyariy from Muhammad ibn Jumhur from those who narrated to him from ibn abu Ya‘fur who has narrated the following:

“I had to testify in a case before abu Yusuf, the judge, who said, ‘O ibn abu Ya‘fur I still say about you, when you are my neighbor, that I know you only as a truthful person of long nights (for worshipping Allah) except “that thing”.’ He then asked, ‘What is “that thing”?’ He (the judge) said, ‘It is your tendency to the *al-Rafidah* (rejectionists).’ Ibn abu Ya‘fur then wept until his tears flowed down and said, ‘O abu Yusuf, you are ascribing me to a community of people. I am afraid of not being of them.’ The judge then admitted his testimony.”

H 14224, Ch. 23, h 9

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn al-Hassan Shammun from ‘Abd Allah ibn ‘Abd al-

Rahman from Misma‘ ibn ‘Abd al-Malik who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, in the case of an atheist would issue a judgment. If two just and acceptable people testified against him and one thousand in his favor, he (the Imam) would accept the testimony of two people. He (the Imam) would reject the testimony of one thousand because it is a hidden religion.” (It is considered applicable when the testimonies are presented in different times.)

H 14225, Ch. 23, h 10

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, issued a judgment. It was in the case of a virgin woman who was accused of fornication. He (the Imam) commanded certain women to examine her. They reported about her to be a virgin. He (the Imam) issued a judgment that said, ‘I am not to penalize one on whom Allah, most Majestic, most Glorious, has placed a seal.’ He (the Imam) accepted the testimony of women in such cases.”

H 14226, Ch. 23, h 11

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from Ibrahim ibn abu al-Balad from Sa‘d al-Iskaf who has said that I know the following to be from abu Ja‘far, *‘Alayhi al-Salam*, only:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that among the Israelites there was a worshipper. Dawud *‘Alayhi al-Salam*, liked him for his worship. Allah, most Majestic, most Glorious, sent revelation to him and informed him that the worshipper is only a showoff person. The man died and Dawud *‘Alayhi al-Salam*, was informed about his death. He told them to bury him. The Israelites disliked it and said, ‘Why did you not attend his funeral?’ He (the Imam) said, ‘When Ghusl (bath) was complete fifty people testified by Allah that they did not know of him except good.’ He (the Imam) said, ‘When they performed *Salat* (prayer) for him then fifty people stood up and testified that they did not know anything about him except good.’ Allah, most Majestic, most Glorious, then sent revelation to Dawud, *‘Alayhi al-Salam*. It said, ‘What has stopped you from attending the funeral of so and so?’ He replied, ‘It is because of the information You gave me about him.’ He (the Imam) said, ‘Allah, most Majestic, most Glorious, sent him revelation saying that it was true but a people of learned men and monks testified that they did not know about him anything except good, so I admitted their testimony about him and forgave (overlooked, covered) My knowledge about him.’”

End of the Book of Testimonies of the book al-Kafi compiled by abu Ja‘far, Muhammad ibn Ya‘qub al-Kuklayniy, followed by the Book of Adjudication and Rules, by the will of Allah, most High.

Part Six: The Book of Adjudication and Rules

Chapter 1 - The Authority to Govern Rests with the Imam Only

H 14227, Ch. 1, h 1

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn ‘Isa from abu ‘Abd Allah al-Mu’min from ibn Muskan from Sulayman ibn Khalid who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Stay away from governing, it is only for the Imam who has the knowledge of adjudication with justice among the Muslims. It is for a Prophet or Executor of the will of a Prophet.’”

H 14228, Ch. 1, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ya‘qub ibn Yazid from Yahya ibn al-Mubarak from ‘Abd Allah ibn Jabalah from abu Jamilah from Ishaq ibn ‘Ammar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, once said to Shurayh, ‘You have sat in a place where no one can sit except a Prophet or an Executor of the will of a Prophet, or a wicked one.’”

H 14229, Ch. 1, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, appointed Shurayh as a judge with the condition that his judgments will take effect only after they are shown to him (Imam Ali, *‘Alayhi al-Salam*).”

Chapter 2 - Kinds of Judges

H 14230, Ch. 2, h 1

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from his father in a *marfu* manner who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Judges are of four kinds of whom three are in the fire and one is in the garden (paradises). There is a man who issues judgments unjustly and he knows it, so he is in the fire. There is a man who issues judgments unjustly but he does not know, he also is in the fire; and there is a man who issues judgments that are right but he does not have the knowledge, he also is in the fire. There is a man who issues the right kind of judgments, based on his right knowledge, thus he is in the garden (paradises).’

“He (the Imam), *‘Alayhi al-Salam*, has said, ‘Judgments are of two kinds: the judgments under rules of Allah and the judgments of ignorance. If one misses the law and judgment of Allah, he then has judged by the judgment of ignorance.’”

H 14231, Ch. 2, h 2

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from ibn Faddal from Tha‘labah ibn Maymun from abu Basir who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Judgments and laws are of two kinds: the judgment of Allah and the judgment of ignorance. Allah, most Majestic, most Glorious, has said, “. . . who is a better judge than Allah for a believing people.” (5:59) You all must bear testimony that Zayd ibn Thabit issued a judgment in matters of obligations according to the judgment of ignorance.’”

(In the case of a contracting slave-girl and her fornication Zayd judged opposite to the judgment of Ali, *‘Alayhi al-Salam*, in the time of ‘Uthman)

Chapter 3 - The Case of one who Judges by Means of what is other than what Allah, most Majestic, most Glorious, has Revealed

H 14232, Ch. 3, h 1

Ali ibn Ibrahim has narrated from his father from ibn Faddal from Tha‘labah from Sabbah al-Azraq from Hakam al-Hannat from abu Basir from abu Ja‘far, *‘Alayhi al-Salam*, and Hakam from ibn abu Ya‘fur from abu ‘Abd Allah, *‘Alayhi al-Salam*, who has narrated the following:

“The two Imam, *‘Alayhim al-Salam*, have made this pronouncement. ‘One who issues judgment and he is of the people who possess whip or stick (government). Even though it is about two dirham but it is by means of something other than what Allah, most Majestic, most Glorious, has sent, he is in denial of what Allah, most Majestic, most Glorious, has sent to Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*’”

H 14233, Ch. 3, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Muhammad ibn Humran from abu Basir who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘One who issues judgment on the basis of something other than what Allah, most Majestic, most Glorious, has sent is in denial of the existence of Allah, the most Great.’”

H 14234, Ch. 3, h 3

A number of our people have narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from certain persons of our people from ‘Abd Allah ibn Kathir from ‘Abd Allah ibn Muskan in a *marfu‘* manner who has narrated the following:

“He (the Imam), *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said this *Hadith*. ‘One who issues judgment even about two dirham by means of injustice then applies it by force is of those to whom this verse of the Quran applies, “. . . those who issue judgment but not according to the laws of Allah, they are of the unbelievers.” (5:44) I then said, ‘How does he enforce on him?’ He (the Imam) said, ‘He is one who has the whip and jail. He issues judgment against him to agree with his judgment, otherwise, he beats him up with his whip and confines him in his jail.’”

H 14235, Ch. 3, h 4

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn ‘Isa from ‘Abd Allah al-Mu‘min from Mu‘awiyah ibn Wahab who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘Any judge who issues a judgment between the two and makes a mistake, he falls into a depth farther than the sky.’”

H 14236, Ch. 3, h 5

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from ibn Faddal from Dawud ibn Farqad who has narrated the following:

“A man narrated to me from Sa‘id ibn abu al-Khasib al-Bajaliy who has said that once I was with ibn abu Layla’ as a travelmate until we arrived in al-Madinah. When we were in the Masjid of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, Ja‘far ibn Muhammad, *‘Alayhim al-Salam*, came in. I then said to ibn abu Layla’ to go to him (the Imam). He asked, ‘What will we do before him?’ I said, ‘Speak to him and ask him questions.’ He then said, ‘Stand up and allow us to go.’ We went before him (the Imam) and he asked me about my family and myself and asked, ‘Who is this man with you?’ I said, ‘This is ibn abu Layla’, the judge of the Muslims.’ He (the Imam) then asked, ‘Are you ibn abu Layla’ the judge of the Muslims?’ He replied, ‘Yes, I am he.’ He (the Imam) asked, ‘Do you take the assets of this and

give it to this one, (issue command to) kill and separate a man from his woman without being afraid of anyone?’ He replied, ‘Yes, I do so.’ He (the Imam) then asked, ‘By what means do you judge?’ He replied, ‘I judge by means of what has come to me from the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and from Ali, *‘Alayhi al-Salam*, from abu Bakr and ‘Umar.’ He (the Imam) asked, ‘Has it come to your notice that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, said, “Ali is the best among you to issue judgment.”’ He replied, ‘Yes, it has come to my notice.’ He (the Imam) asked, ‘Why then do you judge against the judgment of Ali, *‘Alayhi al-Salam*? You do it after knowing this fact. What will you say if an earth of gold will be brought and a sky of silver on one side? On the other hand the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, will hold your hand and make you stand before your Lord, and say, ‘This judged on the basis of something other than Your laws and judgment.’ The face of ibn abu Layla’ turned pale like saffron. He (the Imam) said to me, ‘Find another travelmate, otherwise, I will not speak to you, not even a word from my head.’”

Chapter 4(a) - One Who Issues Fatwa is Responsible

H 14237, Ch. 4a, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following: “Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was in the group of the circle of Rabi‘ah al-Ra’y when an Arab man came and asked Rabi‘ah al-Ra’iy a question and he replied. When he became quiet the Arab man asked, ‘Do you take responsibility for your answer?’ He remained quiet and did not respond. He repeated the question and he gave a similar answer and the Arab man asked, ‘Do you take the responsibility? But Rabi‘ah al-Ra’y remained quiet. Abu ‘Abd Allah, *‘Alayhi al-Salam*, said to him that it is his responsibility. He said, ‘Has He not said that everyone who issues a Fatwa is responsible for it?’”

H 14238, Ch. 4a, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from ibn Ri‘ab from abu ‘Ubaydah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘If one issues fatwas without knowledge and guidance from Allah, all angels, of mercy and angels of suffering condemn him and the sin of those who follow his fatwas will be attached to him.’”

Chapter 4(b) - Accepting a Bribe for Issuing Judgments

H 14239, Ch. 4b, h 1

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about a judge between two towns who receives his wages from al-Sultan. He (the Imam) said, ‘It is a sinful earning.’”

H 14240, Ch. 4b, h 2

A number of our people have narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from his brother al-Hassan from Zur‘ah from Sama‘ah, who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Accepting a bribe to issue a judgment is denial of the existence of Allah.’”

H 14241, Ch. 4b, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Sinan from ibn Muskan from Yazid ibn Farqad who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about *al-Suht* (sinful earning). He (the Imam) said, ‘It is accepting a bribe to issue judgments.’”

Chapter 5 - Committing Injustice in Issuing a Judgment

H 14242, Ch. 5, h 1

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘The hand of Allah waves over the head of a governor and a judge because of judgment; but when he acts unjustly then Allah leaves him to his own self.’”

H 14243, Ch. 5, h 2

A number of our people have narrated from Sahl ibn Ziyad and Ali ibn Ibrahim has narrated from his father from all from ibn Mahbub from abu Hamzah al-Thumaliy who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said among the Israelites there was a judge who judged with the truth. When his death approached, he said to his woman, ‘When I die, wash my body, shroud me, place me on my bed and cover my head so you do not see anything bad.’ When he died, she followed his instructions and waited for some time; then she opened his face to look at him and found a worm cutting his nostril. She was shocked because of it and at night he came in her dream and asked, ‘Did what you saw shock you?’ She replied, ‘Yes, it shocked me.’ He said, ‘That was because of your brother who had a dispute with another man and they came to me for judgment. Only in my heart, I said, ‘O Lord, make the right to be on his side.’ When they presented their case, the right was on the side of your brother, which I saw clearly in the rules of judgment. Just for what I said in my heart I face the suffering that shocked you even though it was in accordance with the truth.’”

Chapter 6 - The Undesirability of Sitting near the Unjust Judges

H 14244, Ch. 6, h 1

Ali ibn Ibrahim has narrated from his father from certain persons of our people from Muhammad ibn Muslim who has narrated the following:

“Once, in al-Madinah I was sitting before a judge, when abu Ja‘far and abu ‘Abd Allah, ‘*Alayhim al-Salam*, passed by. The next day I went to visit him (the Imam), he asked, ‘What was the gathering where I saw you?’ I said, ‘I pray to Allah to keep my soul in service for your cause, this judge honors me and sometimes I sit with him.’ He (the Imam) said, ‘What will protect you if condemnation falls up on such gathering to encompass you also?’”

Chapter 7 - The Undesirability of Taking a case before the Unjust Judges

H 14245, Ch. 7, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn Mahbub from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Any believing person who takes another believing person before a judge or Sultan of injustice who then judges by means of something other than what Allah has sent, he becomes his (judge’s) partner in the sin.’”

H 14246, Ch. 7, h 2

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Yazid ibn Ishaq from Harun ibn Hamzah al-Ghanawiy from Hariz from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If anyone may have a dispute with his brother about a certain right, he then calls him before one of his brothers to judge for them but he refuses. He takes him before these ones, he will be like the one about whom Allah, most Majestic, most Glorious, has said, “. . . have you considered those who think they have believed in what Allah has sent before you, they like to seek judgment before the transgressors when they are commanded to reject the transgressors, the devil.” (4:60)’”

H 14247, Ch. 7, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from ‘Abd Allah ibn Bahr from ‘Abd Allah ibn Muskan from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . do not consume your wealth among yourselves in falsehood and throw them to the rulers.’ (2:188) He (the Imam) said, ‘O abu Basir, Allah, most Majestic, most Glorious, knows that among the nations there are unjust rulers who commit injustice. He has not thereby meant the rulers of justice but He has meant the unjust rulers. O abu Muhammad, if you have a certain right on a man and you call him before the judges of justice but he refuses and wants to take you before the unjust rulers and judges for judgment for him, he is one of those who has gone for justice before the transgressors. This is mentioned in the words of Allah, most Majestic, most Glorious. “. . . have you considered those who think they have believed in what Allah has sent before you, they like to seek judgment before the transgressors when they are commanded to reject the transgressors, the devil.” (4:60)’”

H 14248, Ch. 7, h 4

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali from abu Khadijah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, once said to me, ‘Beware no one among you must take one another before the people of injustice. You must find among yourselves one who knows certain things of our judgment; then you must appoint him to judge for you; I have made him to judge for you and you must seek adjudication before him.’”

H 14249, Ch. 7, h 5

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Muhammad ibn ‘Isa from Safwan from Dawud ibn al-Haseen from ‘Umar ibn Hanzalah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about two of our people who have a dispute over a certain issue of religion or inheritance, and they go for judgment before the Sultan or a judge; if it is lawful. He (the Imam) said, ‘Whoever seeks judgment before *al-Taghut* (transgressors) who judges for him, whatever he then receives by such judgment is *al-suht* (sinful earning) even if it is his established

right; he has taken it through the judgment of *al-Taghut* (transgressors) when Allah has commanded to reject *al-Taghut*.' I then asked, 'What then should they do?' He (the Imam) said, 'You must find one among you who narrates our *Hadith* and has given thought about our lawful and unlawful matters and has learned our rules; then you must accept him as the judge among you; I have made him the judge and ruler over you. When he issues judgments according to our rules and it is not accepted from him, then the rule and laws of Allah are taken lightly and our rules are rejected. Those who reject us, they have rejected Allah and that is like taking things as partners of Allah.'"

Chapter 8 - Adjudication Disciplines

H 14250, Ch. 8, h 1

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from ‘Amr ibn abu al-Miqdam from his father Salmah ibn Kuhayl who has narrated the following:

“I heard *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, saying to Shurayh, ‘Keep an eye on those who delay payment of debts on them and on the procrastinators and on defending the rights of people against the capable and the affluent ones who throw the wealth of the Muslims to the ruling parties. Take the rights of people from them and sell for this purpose real properties and buildings; I heard the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, saying, “The procrastination of an affluent Muslim is injustice to the Muslim.” Those who do not own real properties and homes or other assets, there is no way against them. You must take notice that people cannot be made to do the right thing except by stopping them from falsehood. Be comforting for the Muslims by the appearance of your face, words and sitting manners so that people with nearness to you cannot expect you to be unjust and your adversary loses hope of your justice. Make a plaintiff to take an oath along with testimony; it clears up the blindness and confusion and solidifies the judgment. You must take notice that Muslims are all just people toward each other except those whipped for penalty who have not repented, those well-known for presenting false testimony and a doubting pessimist. You must always stay away from censuring and hurting people in an adjudicating session, for conducting of which Allah has made the recompense obligatory with good rewards for those who render the right judgment. You must keep in mind that arranging a settlement is permissible among the Muslims, except a settlement that makes the lawful as unlawful and the unlawful as lawful. You must set a time limit for those who claim to have absent witnesses. If they present such witnesses then restore their rights; but if they did not present such witnesses, then you must issue judgment against them. You must never issue a judgment in equitable retaliation or a penalty of the penalties, which Allah has sanctioned for the rights of the Muslims without first showing it to me, by the will of Allah. Do not sit (to eat) in the adjudicating session until you complete eating.’”

H 14251, Ch. 8, h 2

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘One whose task is adjudication he must not take his seat to adjudicate when angry.’”

H 14252, Ch. 8, h 3

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated:

“*‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘One who has the task of adjudication must comfort people by means of his gestures, look and seating positions.’”

H 14253, Ch. 8, h 4

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated:

“A man once became a guest of *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, and stayed with him for several days. He then presented a case before him (the Imam) for adjudication, which he had not mentioned to him (the Imam) before. He (the Imam) asked, ‘Are you the plaintiff?’ The man replied, ‘Yes, I am the plaintiff.’ He (the Imam) said, ‘You must move in another place for lodging; the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their*

services to Your cause, has prohibited entertaining a plaintiff as a guest without the presence of the defendant.’”

H 14254, Ch. 8, h 5

A number of our people have narrated from Ahmad ibn abu ‘Abd Allah in a *marfu*‘ manner who has narrated the following:
“`*Amir al-Mu’minin*, Ali, ‘*Alayhi al-Salam*, once said to Shurayh, ‘You must not please anyone in your adjudicating session, and if you become angry, you must stand up and must not issue a judgment when you are angry.’ Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘The tongue of a judge is behind his heart. If it is for him, he speaks; and if it is against him, he remains quiet.’”

H 14255, Ch. 8, h 6

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hajjal from Dawud ibn abu Yazid from the one who had heard from him (the Imam) who has narrated the following:
“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘If a judge, to those on his right or left side, says, “What do you think, what do you say?” He is condemned by Allah, the angels and all people. Why must he not move away and make them sit in his place?’”

Chapter 9 - Judgments must be Issued on the Basis of Testimony and Oath

H 14256, Ch. 9, h 1

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma'il has narrated from al-Fadl ibn Shadhan from all from ibn abu 'Umayr from Sa'd ibn Hisham ibn al-Hakam who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘I must judge among you on the basis of evidence and oath. Certain ones among you make more mistakes in their argument than others. For whomever I cut off (takes away) from the assets of his brother, I only cut off for him thereby a piece of the fire.’”

H 14257, Ch. 9, h 2

Ali has narrated from his father from certain persons of his people from ‘Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that once one of the prophets complained before his Lord saying, ‘How can I judge in matters about which I am not informed how to deal with.’ He said, ‘Leave them for Me and add them to My name by which they must swear and take an oath.’”

H 14258, Ch. 9, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from ibn Faddal ibn Ayyub from Aban ibn ‘Uthman from those who narrated to him who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that it is in the book of Ali, *‘Alayhi al-Salam*, that one of the Prophets complained before his Lord about adjudication saying, ‘How can I judge about what my eyes have not seen and my ears have not heard?’ He told him to judge among them by means of evidence and testimony and make them to swear by His name. He (the Imam) then said that Dawud *‘Alayhi al-Salam*, once said, ‘O Lord, show me the reality as it is so I can judge accordingly.’ The Lord said, ‘You will not be able to bear it.’ He insisted that the reality be shown to him. A man then came with a complaint against another man for taking his assets. Allah, most Majestic, most Glorious, revealed to Dawud *‘Alayhi al-Salam*, that the plaintiff has killed the father of the defendant and has taken his assets. He then issued a judgment that required the plaintiff to be executed and his assets must be given to the defendant. He (the Imam) said, ‘People were confused and they spoke about it until it reached Dawud *‘Alayhi al-Salam*. He felt uncomfortable about it so he prayed before the Lord to remove what he had asked for (showing the reality). Allah, most Majestic, most Glorious, then commanded him to judge on the basis of evidence and asking them to swear by His name.’”

H 14259, Ch. 9, h 4

It is narrated from the narrator of the previous *Hadith* from al-Nadr ibn Suwayd from Hisham ibn Salim from Sulayman ibn Khalid who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that it is in the book of Ali, *‘Alayhi al-Salam*, that one of the Prophets complained before his Lord saying, ‘O Lord, how can I judge among people what I have not witnessed?’ Allah, most Majestic, most Glorious, then sent him revelation that said, ‘Judge among them by means of my book and making them to swear by My name.’ He (the Imam) said, ‘This is in the case of those who cannot establish evidence and testimony.’”

Chapter 10 - Establishing Testimony is on the Plaintiff and Oath is on the Defendant

H 14260, Ch. 10, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy from Jamil and Hisham who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Establishing testimony (the burden of proof) is on the plaintiff and oath is on the defendant.’”

H 14261, Ch. 10, h 2

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from abu ‘Abd Allah, ibn Bukayr from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘In the matters of your blood (lives), Allah has judged differently from His judging in matters of your assets. In matters of your assets and belongings, He has judged by means of placing the establishment of testimony (burden of proof) on the plaintiff and oath on the defendant. In matters of your blood (lives), He has placed establishment of testimony (burden of proof) on the defendant, and oath on the plaintiff so that the blood (life) of a Muslim is not invalidated.’”

Chapter 11 - Complaint against a Deceased

H 14262, Ch. 11, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isa ibn ‘Ubayd from Yasin who has said that narrated to him ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“I once said to the Shaykh, *‘Alayhi al-Salam*, to instruct me about the case of a man who claims against another for owing him a certain right but has no testimony to prove it. He (the Imam) said, ‘The defendant then must take an oath; and if he did so then he does not have any right, if he did not take an oath his right is established. If the defendant has died and testimony is established against him, then the plaintiff must take an oath by Allah, besides whom no one deserves to be worshipped, that so and so has died and that his right is on him. If he takes such an oath, otherwise, he has no right; we do not know, perhaps the deceased may have paid him in the presence of witnesses that we do not know their place or without testimony, before his death. For this reason oath is on the plaintiff with testimony, but if he claims without testimony he has no right because the defendant is not living; had he been living he had to take an oath or pay the right or turn the oath on the plaintiff in which case the right would not have been proved against him.’”

Chapter 12 - One who Does not have Testimony, then Oath is Turned on Him

H 14263, Ch. 12, h 1

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“This is about the case of a man who brings a complaint against another but does not have testimony. One of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘He must ask him (defendant) to take an oath; and if he turns the oath on the plaintiff who does not take oath, then he has no right.’”

H 14264, Ch. 12, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from al-Husayn ibn Sa‘id from al-Nadr ibn Suwayd from al-Qasim ibn Sulayman from ‘Ubayd ibn Zurarah who has narrated the following:

“About the case of a man who brings a complaint against another but does not have testimony, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He must ask him (defendant) to take an oath, and if he turns the oath on the plaintiff who does not take the oath, then he has no right.’”

H 14265, Ch. 12, h 3

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from the one who narrated to him who has narrated the following:

“He (the Imam), *‘Alayhi al-Salam*, has said, ‘There are four ways to prove a case. One way to prove it is the testimony of two just men, if this is not available, then one man and two women, if this is not available, then it is the testimony of one man and the oath of the plaintiff; if there is no witness then the oath is on the defendant. If the defendant does not take the oath and turns it to plaintiff then it is obligatory on him to take the oath to receive his right, and if he declines, there is nothing for him.’”

H 14266, Ch. 12, h 4

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad ibn Sama‘ah, from certain persons of his people from Aban from a man who has narrated the following:

“This is about the case of a man who claims to have a right on another man but does not have any testimony. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He can ask the defendant to take an oath, but if he declines and asks the plaintiff to take an oath, then it is obligatory on him to take an oath to receive his right.’”

H 14267, Ch. 12, h 5

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the oath can be turned to the plaintiff.”

Chapter 13 - One who has Testimony there is no Oath on Him

H 14268, Ch. 13, h 1

Ali ibn Ibrahim has narrated from his father from certain persons of his people from ‘Asem ibn Humayd from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who has testimony; if it is obligatory on him to take an oath. He (the Imam) said, ‘No, it is not obligatory on him.’”

H 14269, Ch. 13, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam or others from Aban from abu al-‘Abbas who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a man presents testimony to prove his right, it then is not obligatory on him to take an oath; but if he does not present testimony and the defendant turns the oath to him and he (plaintiff) declines to take an oath, he then does not have any right.’”

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Aban from a man from abu ‘Abd Allah, *‘Alayhi al-Salam*, has narrated a similar *Hadith*.

Chapter 14 - If one Agrees with an Oath that is Taken, it Dismisses his Claim even if he has Testimony

H 14270, Ch. 14, h 1

Ali ibn Ibrahim has narrated from his father from ibn Faddal from Ali ibn ‘Uqbah from Musa ibn ‘Ukayl al-Numayriy from ibn abu Ya’fur who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If a plaintiff agrees with the defendant’s taking an oath who then swears that the plaintiff does not have any right on him, it abolishes the right of the plaintiff and the case is dismissed.’ I then asked, ‘What happens if he can present just testimony?’ He (the Imam) said, ‘Yes, even so, an oath by Allah fifty times abolishes and invalidates his claim because of which he had asked for an oath.’”

H 14271, Ch. 14, h 2

Ali ibn Ibrahim has narrated from his father and Muhammad ibn `Isma‘il has narrated from al-Fadl ibn Shadhan all from ibn abu ‘Umayr from Ibrahim ibn ‘Abd al-Hamid from Khidr al-Nakha’iy who has narrated the following:

“About the case of a man who has a certain right on another man who denies it, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If he has made him to take an oath, then he does not have any right; but if he has not made him to take an oath, then his right is in place.’”

H 14272, Ch. 14, h 3

Ali has narrated from his father from ‘Abd al-Rahman ibn Hammad from Ibrahim ibn ‘Abd al-Hamid from certain persons of his people who has narrated the following:

“This is about the case of a man to whom another man owes a certain amount of assets who denies and takes an oath that he does not owe him anything; if he (plaintiff) must be content with it or there is any remedy for him? He (the Imam), *‘Alayhi al-Salam*, has said, ‘He does not have any right thereafter and so also is the case if he (plaintiff) waives it for the sake of Allah, he does not have any right to ask for it anymore.’”

Chapter 15 - The Case of Two People who Claim for Something Each one with Testimony

H 14273, Ch. 15, h 1

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Safwan from Shu'ayb from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who comes to a certain people and claims the house. It is in their possession but he claims to be his house. The one who has the house in his possession presents testimony that he has inherited it from his father but does not know more about it. He (the Imam) said, ‘The party that has the greater degree of testimony is asked to take an oath and it then is given to him.’ He (the Imam) then mentioned that once a certain people came before Ali, *‘Alayhi al-Salam*. They had a dispute over a mule. There was testimony that this party had bred it in their barn, which they did not sell, or gift; and the other party presented testimony that they had bred it in their barn and had not sold or gifted. He (the Imam) issued a judgment in favor of the party with a greater degree of testimony and asked him to take an oath. I then asked about the one who claims a house to be his house. He (the Imam) said, ‘If the father of the one who lives there had taken it without price and the one living in it did not present testimony but that he has inherited it from his father’, he (the Imam) said, ‘if this is the case it then belongs to the one who has claimed it and has presented testimony.’”

(In al-Masalik it is said that when testimonies contradict and the asset is in their hand they each receive one-half)

H 14274, Ch. 15, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Khashshab from Ghiyath ibn Kallub from Ishaq ibn ‘Ammar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that once two men presented their case before *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, about a stumper in their hand and each presented testimony that it was bred in his facilities. He (the Imam) then asked them to take an oath. One party did not take oath, then he (the Imam) issued a judgment in favor of the one who had taken the oath. It then was asked, ‘What would have happened if it was not in the hand of anyone of them and both presented testimony?’ He (the Imam) said, ‘I would ask them to take an oath. If one party took the oath and the other refused, the one who took the oath wins the case. If both of them took oath I will make it for them half and half.’ It then was asked, ‘What happens if it is in the hand of one of them and they both present testimony?’ He (the Imam) said, ‘I would issue a judgment in favor of the one who has it in his hand and takes an oath.’”

H 14275, Ch. 15, h 3

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Washsha’ from Aban from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, whenever two people came before him with just witnesses in equal numbers, would cast a raffle about who must take the oath.’ He (the Imam) said that he (the Imam) would say, ‘O Lord of the seven heavens, whoever is right then make it available for him’ and he would decide in favor of the one whose raffle came out for taking the oath; if he took the oath.’”

H 14276, Ch. 15, h 4

It is narrated from the narrator of the previous *Hadith* from Mu‘alla’ ibn Muhammad ibn Muhammad from al-Washsha’ from Dawud

ibn Sarhan who has narrated the following:

“About the case of two witnesses who testify about one thing and two others testify differently, abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that a raffle must be arranged and whoever’s name comes out to take an oath then judgment must be issued in his favor.’”

H 14277, Ch. 15, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from abu Jamilah from Sammak ibn Harb from Tamim ibn Tarafah who has narrated the following:

“Once, two men recognized a camel and each one presented testimony. ‘*Amir al-Mu’minin*, Ali, ‘*Alayhi al-Salam*, made it half and half for them.’”

H 14278, Ch. 15, h 6

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Yahya from Ghiyath ibn Ibrahim who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that once two men presented their case before ‘*Amir al-Mu’minin*, Ali, ‘*Alayhi al-Salam*, about a stumper and both presented testimony that he has bred it in his facilities. He (the Imam) issued a judgment in favor of the one who had it in his possession saying, ‘Had it not been in his possession I would make it one-half for each one of them.’”

Chapter 16 - Another Chapter

H 14279, Ch. 16, h 1

Ali ibn Ibrahim has narrated from his father from certain persons of our people from Muthanna' al-Hannat from Zurarah who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the case of two men who testify in favor of a man to confirm that so and so owes him fifty dirham, then two other men testify and state that he owes him one hundred dirham and all of them testify at the same place. He (the Imam) said, ‘I (in such case) arrange a raffle and whoever’s name (of the defendant or the plaintiff) comes out I would ask him to take an oath to confirm that he has spoken the truth.’”

H 14280, Ch. 16, h 2

Ali has narrated from his father from ibn Faddal from Dawud ibn abu Yazid al-‘Attar from certain persons of his people who has narrated the following:

“This is about the case of a man who has a woman but a man comes with witnesses to prove her to be his woman, yet others come with testimony to prove her to be the woman of so and so and they all are just witnesses. Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘A raffle must be arranged and whoever’s name comes out is the rightful party with priority to her over the others.’”

Chapter 17 - Another Chapter

H 14281, Ch. 17, h 1

A number of our people have narrated from Sahl ibn Ziyad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ibn Ri'ab from Humran ibn 'Ayan who has narrated the following:

“I once asked abu Ja'far, '*Alayhi al-Salam*, about the case of a girl who is not mature. She is about seven years old. She lives with a man and a woman. The man claims her to be his slave and the woman claims her to be her daughter. He (the Imam) said that '*Amir al-Mu'minin*, Ali, '*Alayhi al-Salam*, had issued a judgment about it. I then asked, 'How did '*Amir al-Mu'minin*, Ali, '*Alayhi al-Salam*, judge it?' He (the Imam) said that he would say, 'People are all free except those who confess to their slavery in their maturity, or testimony is established in favor of one who claims a slave or slave-girl in which the slave or slave-girl must be given to the plaintiff as his slave.' I then asked, 'What do you say about it?' He (the Imam) said, 'I would ask the one who claims her to be his slave-girl to present testimony. If they testify that she is his slave-girl and have no knowledge if he has sold her or has gifted, then I would give her to him unless the woman presents testimony that she is her daughter and free like her mother; then she is taken from the man and is given to her.' I then asked, 'What happens if the man did not present testimony to prove her as his slave-girl?' He (the Imam) said, 'She is then taken away from him. If the woman presents testimony to prove her to be her daughter, she then is given to her and if neither one of the man and woman presented testimony to prove their claim, she then is left alone to go wherever she wants.'”

Chapter 18 - The Rare Ahadith

H 14282, Ch. 18, h 1

Ali ibn Ibrahim has narrated from his father and a number of our people have narrated from Sahl ibn Ziyad from ibn Mahbub from abu Hamzah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that once Dawud *‘Alayhi al-Salam*, asked his Lord to show him one of the cases of the next life being judged. Allah, most Majestic, most Glorious, sent him revelation. It said, ‘O Dawud, what you have asked Me is something about which no one of My creatures has known. It is not proper for any of My creatures to judge in that manner besides Me.’ He (the Imam) said that this did not stop him from asking Allah to show him a case and judgment of the cases and judgments of the next life. He (the Imam) said that Jibril, *‘Alayhi al-Salam*, then came to him and said, ‘O Dawud, you had asked your Lord for something that no other Prophet before you had asked. What you have asked is not known to anyone of His creatures and it is not proper for anyone to judge in that manner besides Him. However, Allah has accepted your prayer and has granted what you wanted. O Dawud, the case of the first two parties that will come to you tomorrow, is one of the cases of the next life.’ He (the Imam) said that next day when Dawud *‘Alayhi al-Salam*, took his seat in the adjudicating office, one old man who had grabbed a young boy with a bunch of grapes in his hand came to him. The old man said, ‘O Prophet of Allah, this young man entered my garden, destroyed my vineyard, ate from them without my permission and this bunch is what he has taken without my permission.’ Dawud then asked the young man, ‘What do you say?’ The young man confessed that he has done so. Allah, most Majestic, most Glorious, sent revelation to Dawud and said, ‘If I reveal before you a case of the cases of the next life and you judge between the old man and the young man your heart cannot bear it and your people will not agree. O Dawud, this old man entered on the father of this boy in his garden and killed him, usurped his garden, took from him forty thousand dirham and buried it on the side of the garden. Therefore, you must give a sword to the young man and command him to strike the neck of the old man, give the garden back to him, command him to dig such and such place and take his assets thereof. Dawud, *‘Alayhi al-Salam*, was shocked. He called the scholars of his companions, informed them of the news and then approved to issue the judgment as Allah, most Majestic, most Glorious, had revealed to him.’”

H 14283, Ch. 18, h 2

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Musa ibn Sa‘dan from al-Husayn ibn abu al-‘Ala’ from Ishaq who has narrated the following:

“This is about the case of a man to whom one man sends thirty dirham in a piece of cloth, another man sends him twenty dirham in a piece of cloth and they become mixed so much that he cannot distinguish. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He must give three-fifths of the value to the man of thirty dirham and two-fifths of the value to the other one.’ I then said the man with thirty has said to the man with twenty, take whichever you like. He (the Imam) said, ‘He has been fair.’”

H 14284, Ch. 18, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-‘Abbas ibn Ma‘ruf from abu Shu‘ayb al-Muhamiliy al-Rifa‘iy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who forms a contract with another man. It requires him to dig a well of ten heights of a man deep for ten dirhams of which he digs one height and could not do the rest. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He deserves one part out of fifty-five parts of a ten dirhams.’”

H 14285, Ch. 18, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from 'Umar ibn Yazid from abu Mu'alla', who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, has said that once a woman was brought before 'Umar. She was attached to a man of al-Ansar (people of al-Madinah) and loved him but was not able to achieve from him what she wanted. She plotted to use the white part of the egg, after removing the yolk, poured it on her cloth between her thighs and came to 'Umar saying, 'O *'Amir al-Mu'minin*, this man in such and such place caught, raped and disgraced me.' 'Umar then intended to subject al-Ansari to applicable penalty, but he (the accused) was swearing and denying the accusation, when *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, was also present, saying, 'O *'Amir al-Mu'minin*, why are you quiet in my case?' When the man pleaded a great deal 'Umar then said to *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, 'O abu al-Hassan, what do you say about him?' *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, looked at the white substance on her cloth between her thighs and he (the Imam) charged her with plotting a trick. He (the Imam) asked to bring water in boiling condition. When water in boiling condition was brought, he (the Imam) asked them to pour it on the white substance, which turned into a cooked shape. *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, picked up (a part) thereof, placed in his mouth and after recognizing the test, threw it out and then turned to the women until she confessed. Thus Allah, most Majestic, most Glorious, saved the man of al-Ansar from penalty of 'Umar.'"

H 14286, Ch. 18, h 5

Ali ibn Ibrahim has narrated from his father from certain persons of his people from Mansur ibn Hazim who has narrated the following:

"I once asked abu 'Abd Allah, *'Alayhi al-Salam*, about the case of ten people sitting in a certain place, among them there was a bag with a thousand dirham in it and they asked each other about whose bag is it. No one claimed it except one man. To whom does it belong?' He (the Imam) said, 'It belongs to the one who claimed it.'"

H 14287, Ch. 18, h 6

Ali ibn Muhammad has narrated from Ibrahim ibn Ishaq al-Ahmar who has said that narrated to me 'Isa ibn Yusuf ibn Muhammad a relative of Sa'id al-'Amraniy who has said that narrated to him Suwayd ibn Sa'id from 'Abd al-Rahman ibn Ahmad al-Farsiyy from Muhammad ibn Ibrahim ibn abu Layla' from 'Aytham ibn Jamil from Zuhayr from abu Ishaq al-Sabi'iy from Asem ibn Hamzah al-Saluliy who has said the following:

"I heard a boy in al-Madinah saying, 'O best of judges, judge between me and my mother.' 'Umar ibn al-Khattab asked, 'O boy, why do you pray against your mother?' He replied, 'O *'Amir al-Mu'minin*, she bore me in her womb for nine months and breastfed me until I began to move, learn to distinguish between good and bad, right and left. She then expelled me and disowned me as if she did not know me at all.' 'Umar asked, 'Where is your mother?' He replied, 'She is in Saqifah (meeting place) of banu so and so.' 'Umar commanded to bring her to him. They brought her before him with her four brothers and forty people who took an oath that she did not know the boy. The boy is an oppressive and aggressive boy who wants to disgrace her in her tribe, that she is a girl from Quraysh who has not married anyone and that she still has the seal of the Lord, on her. 'Umar then asked the boy, 'What do you say?' He replied, 'O *'Amir al-Mu'minin*, by Allah she is my mother who bore me for nine months in her womb, breastfed me for two years. When I began to move, learned what is good and what is bad and which is my right and my left she expelled me, disowned me and thought that she did not know me.' 'Umar then asked her, 'What does the boy say?' She replied, 'O *'Amir al-Mu'minin*, I swear by the One who is hidden in light, no eye can see Him and by the right of Muhammad and his progeny, that I do not know him and I do not know to which people does he belong except that he is a boy

whose claim disgraces me in my tribe. I am a girl from Quraysh and I am not yet married. I still have the seal (virginity) from my Lord on me.’ ‘Umar asked, ‘Do you have witnesses?’ She replied, ‘Yes, these people are my witnesses.’ Forty people came forward and took oath before ‘Umar that the boy’s claim was false, that he wanted to disgrace her in her tribe, that she is a girl from Quraysh who is not married yet and that she still has the seal (virginity) from the Lord on her.’ ‘Umar then ordered the boy to be jailed so that he can examine the witnesses if they are balanced then subject the boy to the penalty applicable to a falsely accuser. As they took the boy to jail ‘*Amir al-Mu’minin*, Ali, ‘*Alayhi al-Salam*, met them on the way and the boy cried, ‘O son of the uncle of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, I am an oppressed boy.’ He repeated the words of ‘Umar and said that ‘Umar has commanded to imprison him. Ali, ‘*Alayhi al-Salam*, then told them to return him back to ‘Umar. When they returned, ‘Umar said, ‘I commanded you to jail him but you have brought him back to me.’ They replied, ‘O ‘*Amir al-Mu’minin*, Ali ibn abu Talib has told us to return him back to you and we have heard you saying, “Do not disobey Ali ibn abu Talib, ‘*Alayhi al-Salam*.”’ At this time Ali, ‘*Alayhi al-Salam*, arrived and asked to bring the mother of the boy before him. She was then brought before Ali, ‘*Alayhi al-Salam*. Ali, ‘*Alayhi al-Salam*, asked, ‘What do you say, O boy?’ He repeated his words. Ali ‘*Alayhi al-Salam*, then asked ‘Umar, ‘Do you allow me to judge among them?’ ‘Umar replied, ‘Allah is free of all defects, how will I not allow you when I heard the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, saying, “The most knowledgeable among you is Ali ibn abu Talib.”’ Ali, ‘*Alayhi al-Salam*, then asked the woman, ‘Do you have witnesses?’ She replied, ‘Yes,’ and forty swearing men came forward who presented the testimony that they had done before. Ali, ‘*Alayhi al-Salam*, said, ‘Today I will judge with a judgment that will be acceptable to the Lord from above the throne in the way my beloved, the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has taught me.’ Ali, ‘*Alayhi al-Salam*, then asked her, ‘Do you have a guardian?’ She replied, ‘Yes, these are my brothers.’ He (the Imam) then asked her brothers, ‘Can I command your sister?’ They replied, ‘Yes, O son of the uncle of Muhammad, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, your command on us and on our sister is obligatory.’ Ali, ‘*Alayhi al-Salam*, said, ‘I hereby appoint Allah as witness and all the Muslims present that I pronounce this boy and this girl as wife and husband for a *mahr* (dower) of four hundred dirham which is payable from my assets. O Qanbar, bring for us the dirhams.’ Qanbar then brought the dirhams. He placed in the hand of the boy and said, ‘Take it, place it in the lap of your woman, and do not come back to us without signs of being married, after Ghusl (bath)’ The boy took the dirhams and placed them in the lap of the woman, then asked her to stand up. The woman cried, ‘It is the fire, it is the fire. O son of the uncle of Muhammad, why do you give me in marriage to my own son, this one? This by Allah is my son. My brothers gave me in marriage to a *Hajin* (ignoble) man from whom I gave birth to this boy. When he grew up, they commanded me to disown and expel him. This by Allah is my son, and my heart burns for my son in regret.’ She then took the hand of the boy and left and ‘Umar said aloud, ‘Woe is you O ‘Umar, if Ali would have not been present ‘Umar would have been destroyed.’”

H 14288, Ch. 18, h 7

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from Muhammad ibn Ali from Muhammad ibn al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that once a woman was brought before ‘Umar who was married to an old man who when going to bed with her had died on her belly. When she gave birth to a boy, his sons claimed that she has committed fornication and presented testimony against her. ‘Umar

commanded to stone her to death. Ali, *'Alayhi al-Salam*, passed by and she said, 'O son of the uncle of the Messenger of Allah, O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause, I have a proof.' He (the Imam) said, 'Show it to me.' She gave a document to him (the Imam) and he read it and said, 'This woman is informing you about the day she became married, the day she went to bed and how the sexual intercourse took place. You must return the woman back.' The next day he called the children of the same age along with the disputed child and asked them to play until they were tired. He (the Imam) told them to sit down until they had taken their places, then he (the Imam) called them to get up. The children stood up but the (disputed) child when getting up had to support himself by placing both of his palms on the ground. Ali, *'Alayhi al-Salam*, then made him to inherit his father and whipped his brothers one by one of falsely accusing his mother. 'Umar then asked him (the Imam), 'How did you do it?' He (the Imam) said, 'I found out the weakness of the old man in the boy's seeking support from his palms when getting up to stand upright.'"

H 14289, Ch. 18, h 8

Ali ibn Ibrahim has narrated from his father from 'Abd Allah ibn 'Uthman from a man who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, has said that in the time of the government of Ali, *'Alayhi al-Salam*, a man from the mountains with his slave went for al-Hajj. His slave committed a sin and his master beat him as a measure for discipline. He (the slave) said, 'You are not my master. I am your master.' They continued threatening each other. He told him, 'Wait until our arrival in al-Kufah, O enemy of Allah, and I will take you before *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*.' When they arrived in al-Kufah, they came to *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, and the one who had beaten the slave said, 'I pray to Allah to keep you well, this is my slave. He committed a sin and I beat him for discipline but he jumped on me.' The other one said, 'He by Allah is my slave. My father sent him for me for guidance but he jumped on me to claim and take away my assets.' They each began to swear and the other to refute. He (the Imam) told them to leave for the night, be truthful and come to me with the truth. The next day *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, asked Qanbar to make two holes in the wall. He (the Imam) said that *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, in the morning would remain reciting prayer after his morning *Salat* (prayer) until the sun would rise by the length of a spear. The two men then came and people gathered. They said that there is a case like no other case before him (the Imam), it is difficult and he (the Imam) may not be able to solve it. He (the Imam) then asked them, 'What do you say?' Each one swore and claimed that the other man is his slave. He (the Imam) then told them, 'You both stand up. I do not think you are speaking the truth.' He then told one of them to place his neck in the hole in the wall and pull out his head from the other side. Then he told the other one to do the same thing. He (the Imam) said, 'O Qanbar, bring for me the sword of the Messenger of Allah, O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause, quickly and of the two strike down the neck of the slave one.' He (the Imam) said that the slave quickly pulled his head out of the hole. Ali, *'Alayhi al-Salam*, asked him (slave), 'Did you not think that you were not a slave?' The other one remained with his head in the hole. He then said, 'Yes, but he beat me up and transgressed against me.' He (the Imam) said that *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, prepared a document for him and handed over the slave to him (the slave-master)."

H 14290, Ch. 18, h 9

Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Mu'awiyah ibn Wahab who has narrated the following:

"Abu 'Abd Allah, *'Alayhi al-Salam*, has said that once a girl was brought before 'Umar ibn al-Khattab

and testimony was presented against her for committing fornication. Her story was that she was an orphan with a man who very often remained absent from his family. The orphan girl matured and the woman feared her husband's being attracted to the young girl. She called certain of her neighbor women to hold the girl and she with her finger destroyed the virginity of the young girl in the absence of her husband and accused her of committing fornication, presented testimony of her neighbor women, who had helped her, before 'Umar who did not know how to deal with the case. 'Umar then asked the people, 'Allow us to go before Ali ibn abu Talib, *'Alayhi al-Salam.*' They came to Ali, *'Alayhi al-Salam*, and told him (the Imam) the story. He (the Imam) asked the wife of the man if she had testimony and evidence. She said, 'I have witnesses. These are my neighbors who testify against her about what I have said' and she brought them in. Ali, *'Alayhi al-Salam*, took the sword out of its sheath and placed it before him. He (the Imam) commanded to keep each one of them in a separate home. He (the Imam) called the woman of the man and questioned her in several ways but she remained firm on her accusation in her position. He (the Imam) then returned her to her room, called another one of the witnesses when he was sitting with his legs folded backward, and said, 'Do you know that I am Ali ibn abu Talib and this is my sword. The woman of the man has said what she said and turned to the truth. I granted her amnesty but if you will not tell me the truth I will fill you up with the sword.' She then turned to 'Umar and said, 'O *'Amir al-Mu'minin*, will you grant me amnesty?' *'Amir al-Mu'minin*, Ali, *'Alayhi al-Salam*, said, 'Tell the truth.' She said, 'No, by Allah, when she saw the beauty of the young girl, she feared that her husband may become attracted to her and that may destroy her relation with him. She then made her drink an intoxicating drink, called us to hold her down and she then destroyed her virginity with her finger.' Ali, *'Alayhi al-Salam*, said *Takbir* (Allah is great beyond description). He (the Imam) then said, 'I am the first one to separate the witnesses from each other besides Daniel, the Prophet.' He then subjected the women to the penalty applicable to falsely accusers and made all of them to pay *mahr* (dower) of the girl, which was four hundred dirham. He (the Imam) commanded the woman to be divorced by her husband and gave the girl in marriage to him. Ali, *'Alayhi al-Salam*, paid the *mahr* (dower) for him. 'Umar then asked, 'O abu al-Hassan, tell us about the story of Daniel. Ali, *'Alayhi al-Salam*, said that Daniel was an orphan, a boy without parents. Among the Israelites, there was an old woman who cared for him. One of the kings of the Israelites had two judges who had a virtuous friend. Their friend had a beautiful woman. He would meet the king and speak to him. The king needed a man to send for a task so he asked the judges to find for him someone for the task. They said that so and so is proper for this task. The man then said to the two judges, 'I ask you to look after the welfare of my wife in my absence.' They said, 'Yes, we will do so.' The man left and the two judges would go to the door of their friend at certain times and they fell in love with his woman. They tried to seduce her but she refused. They said to her, 'By Allah, if you do not agree with us we will testify before the king against you for fornication, then you will be stoned to death.' She said, 'You can do what you want.' They went to the king, informed him of their story, and testified before him against her for her committing fornication. The king was troubled a great deal with sadness. He also liked her. He then said to them, 'Your words are acceptable but stone her to death after three days.' He called people of the town where he lived to attend the stoning to death of so and so worshipper woman because of her committing fornication and that the two judges have testified against her, so great many people gathered. The king asked his vizier for help who said, 'I have no way out of this.' The vizier on the third day went out and it was the last day for her when he saw children playing naked and among them was Daniel whom he did not know. Daniel said to the children, 'O children allow me to be the king. You, so and so pretend to be the worshipper woman and so and so with so and so be the two witnessing judges against her.' He collected soil, made a sword out

of a piece of reed, and told the children, ‘Take the hand of this and move him away to so and so place.’ He then called the other and said to him, ‘Speak the truth because if you did not speak the truth I will put you to death.’ The vizier standing listened and watched it all. He said, ‘I testify that she committed fornication.’ He asked, ‘When was it?’ He replied, ‘It was on so and so day.’ He then said, ‘Take him away to his place and bring the other one.’ They took him away and brought the other one. He asked, ‘What do you say and how you testify?’ He said, ‘I testify that she committed fornication.’ He then asked, ‘When was it?’ He then asked, ‘With whom did she commit fornication?’ He replied, ‘He was so and so son of so and so.’ He asked, ‘Where did it happen?’ He replied, ‘It happened in such and such place.’ Thus they contradicted each other’s testimony and Daniel said, ‘*Takbir* (Allah is great beyond description) they have testified falsely. O so and so announce among people that they have testified falsely against her so come to witness their death as their penalty.’ The vizier quickly went to the king and informed him of his experience. He called the two judges and they contradicted each other in their testimony just as the children had found. The king announced among people to witness their (the two judges’) penalty in the form of death.”

H 14291, Ch. 18, h 10

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once heard ibn abu Layla’ speaking to his people. He said, ‘About the case of two men of whom one during a journey for their lunch took out of his supplies five loafs of bread, the other one took out three and a passerby, whom they invited joined them for lunch, ate with them so they finished all the loafs. The passerby gave them eight dirham for what he ate of their food. The owner of three said to the owner of five to divide it into half and half among them but the owner of five said that each one must take a number of dirham equal to the number of their bread loafs used. He said that they went to ‘*Amir al-Mu’minin*, Ali, ‘*Alayhi al-Salam*, who listened to their story and told them to reach a settlement in their small case. They insisted that he must judge among them with truth. He gave seven dirham to the owner of five and one dirham to the owner of three. He (the Imam) then asked, ‘Is it not the case that one of you took out five and the other took out three loafs of bread from his supplies?’ They replied, ‘Yes, that is true.’ He (the Imam) then asked, ‘Did your guest not eat equal to what each one of you did?’ They replied, ‘Yes, that is true.’ He (the Imam) then asked, ‘Is it not the case that each one of you ate three loafs less one-third of a loaf?’ They replied, ‘Yes, that is true.’ He (the Imam) asked, ‘Did you, owner of three, not eat three loafs less one-third of a loaf? Did you, the owner of five loafs, not eat three loafs less one-third of a loaf of bread and your guest ate three loafs less one-third of a loaf? Is it not the case, O owner of three loafs that only one-third of a loaf of your loafs of bread was left extra and two loafs and one-third of a loaf of the owner five? You ate three loafs less one-third.’ He gave to them for each one-third of a loaf one dirham so the owner of two loafs and one-third loaf received seven dirham and the owner of one-third of a loaf one dirham.”

H 14292, Ch. 18, h 11

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn ‘Isa from Yusuf ibn ‘Aqil from Muhammad ibn Qays who has narrated the following:

“Abu Ja‘far, ‘*Alayhi al-Salam*, has said that about the case of a man who had a sheep told his people, ‘If you eat all of it, it then is yours; but if you could not eat, then you must pay such and such amount.’ ‘*Amir al-Mu’minin*, Ali, issued a judgment that said, ‘It is invalid. There is nothing in eating food, more or less’; and he (the Imam) prohibited it.”

H 14293, Ch. 18, h 12

Al-Husayn Muhammad has narrated from Ahmad ibn Ali al-Katib from Ibrahim ibn Muhammad al-Thaqafiy from ‘Abd Allah ibn abu Shaybah from Hariz from ‘Ata’ ibn al-Sa’ib from Zadhan who has narrated the following:

“Two men once left something in trust with a woman and said, ‘Do not give it back unless we both are present.’ They remained absent; then one of them came to her and asked for the trust saying, ‘My friend has died.’ She refused and the argument became a great deal. She then gave it to him then the other one came and asked for the trust. She said, ‘Your friend took it saying that you have died.’ They brought it before ‘Umar who said, ‘I see that you are responsible,’ but she said, ‘We must leave it before Ali, *‘Alayhi al-Salam,*’ ‘Umar asked him (the Imam) to judge for them. Ali, *‘Alayhi al-Salam,* said, ‘She is in trust with me; you had commanded her not to give the trust to anyone of you without the presence of the other, so you must bring your friend (to get her).’ He (the Imam) did not hold her responsible. He (the Imam) said, ‘They only wanted to take away her assets.’”

H 14294, Ch. 18, h 13

Abu Ali al-Ash‘ariy has narrated from ‘Imran ibn Musa from Muhammad ibn Al-Husayn from Muhammad ibn ‘Abd Allah ibn Hilal from Ali ibn ‘Uqbah from his father Uqbah ibn Khalid who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam,* once said to me, ‘If you see Ghaylan ibn Jami‘ ask permission for a meeting with me, you should give him permission. I had information that he would meet with people of banu Hashim.’ When he sat down he said, ‘I pray to Allah to keep you well, I am Ghaylan ibn Jami‘ al-Muharibiy, judge of ibn Hubayrah.’ I (the narrator) then asked, ‘O Ghaylan, I do not think ibn Hubayrah appoints a judge other than one who is a scholar of law.’ He replied, ‘Yes, that is true.’ I then asked, ‘O Ghaylan, do you issue decree which brings a man together with his wife?’ He replied, ‘Yes, I do so.’ I asked, ‘Do you issue a decree that separates a man from his wife?’ He replied, ‘Yes, I do so.’ I asked, ‘Do you issue a decree which puts a man to death?’ He replied, ‘Yes, I do so.’ I asked, ‘Do you execute penalties?’ He replied, ‘Yes, I do so.’ I asked, ‘Do you issue decrees about the assets of the orphans?’ He replied, ‘Yes, I do so.’ I asked, ‘According to whose judgments do you judge?’ He replied, ‘I judge according to the judgment of ‘Umar, ibn Mas‘ud, ibn al-‘Abbas and the judgments of *‘Amir al-Mu‘minin,* Ali, *‘Alayhi al-Salam,* in a few things.’ I then asked, ‘O Ghaylan, did you not, O people of Iraq, think and believe that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause,* has said, “Ali, *‘Alayhi al-Salam,* is the best judge among you?”’ He replied, ‘Yes, that is true.’ I then asked, ‘Why is it then that you judge according to the judgment of Ali, *‘Alayhi al-Salam,* only in few things, when the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause,* has said, “Ali, *‘Alayhi al-Salam,* is the best judge among you?”’ I then asked, ‘How do you issue judgments, O Ghaylan?’ He replied, ‘I write, “This is the judgment issued by so and so son of so and so, on so and so day of so and so month of so and so year, and then keep it in the office (for the record).”’ I then said, ‘O Ghaylan, that indeed is necessary for a judge to do as you mentioned. What will you say when all people of the past and later generations will be brought in one place and you are found judging against the judgment of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause,* and Ali, *‘Alayhi al-Salam?*’ I swear by Allah, he began to sob. I then said, ‘Just keep your tongue balanced.’ He (the narrator) has said, ‘I then arrived in al-Kufah and stayed as Allah wanted, and then I heard a man in the town speaking, a close associate of ibn Hubayrah, saying, “One night I was with ibn Hubayrah when the guard came and said, ‘Ghaylan ibn Jami‘ is here.’ He said, ‘Allow him to come in.’ When he came in he (ibn Hubayrah) treated him with insults and asked, ‘How is the condition of the people and tell me, in a turbulent condition, who do you think is for them?’ He replied, ‘I did not see there anyone else for them besides Ja‘far ibn Muhammad, *‘Alayhi al-Salam.*’ He then asked, ‘Tell me about what you did

with the assets with you? It has come to my notice that he asked you but you refused.’ He replied, ‘I distributed it.’ ‘Why did you not give him what he had asked from you?’ He replied, ‘I was afraid to act against you.’ He then said, ‘I ask you by Allah, did I not ask you to allow him to be the first?’ He replied, ‘Yes, that is true.’ He then asked, ‘Did you then do so?’ He replied, ‘No, I did not do so.’ He then said, ‘Why did you oppose me in giving him of the assets as you opposed me in making him to be the last? By Allah, had you done it, you would still remain a great master. What do you need?’ He replied, ‘I ask for a private meeting.’ He said, ‘You must speak it out in public.’ He said, ‘I ask you to excuse me from performing the task of a judging.’ The associate said that he pulled his sleeves up to his elbows and said, ‘I am abu Khalid and you have found him to be a readily prepared box of assets. Yes, we have excused you from performing the task of judgeship and we appoint al-Hajjaj ibn ‘Asem instead.’”””

H 14295, Ch. 18, h 14

Muhammad ibn Yahya has narrated from Muhammad ibn Ahmad from abu ‘Abd Allah, al-Jamuraniy from al-Hassan ibn Ali ibn abu Hamzah from ‘Abd Allah ibn Waddah who has narrated the following:

“Once I had a business deal with a Jewish man and he cheated me in the deal for one thousand dirham. I took him before the governor and made him take an oath, which he did. I knew that it was a sinful oath, taking on his part. Afterward a profit of many dirham emerged for him with me, I wanted to compensate the one thousand dirham from his profits; so I wrote to abu al-Hassan, ‘*Alayhi al-Salam*, about it and informed him (the Imam) about my asking the Jewish man to take oath, and that he did take an oath. That now a certain amount of profit that belongs to him exists with me; if you permit, me I can offset thereof the one thousand dirham for which he took an oath. He (the Imam) wrote back the answer, ‘No, do not take anything thereof. If he did injustice to you, you must not do injustice to him. Had you not agreed to his taking an oath, I would have commanded you to compensate from what is in your hands; but you agreed that he must take an oath and it has taken with it whatever there was.’ I then was stopped by the letter of abu al-Hassan, ‘*Alayhi al-Salam*.”

H 14296, Ch. 18, h 15

Ali ibn Ibrahim has narrated from Muhammad ibn ‘Isa from Yunus from certain persons of his people who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about testimony when it is presented before a judge; if he can issue a judgment on the basis of the testimony, which he does not know, without asking? He (the Imam) said, ‘In five things it is obligatory on people to accept them for the face value of the rule: guardianship, marriage, inheritance slaughtered animals and testimonies. If they apparently are safe and clear, it then is permissible to accept the testimony, and there is no need to ask about its indepth details.’”

H 14297, Ch. 18, h 16

Muhammad ibn Yahya has narrated from Ali ibn ‘Isma‘il from Muhammad ibn ‘Amr from Ali ibn al-Hassan from Hariz from abu ‘Ubaydah who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the case of a man who gives one thousand dirham to a man to mix with his assets and use in trade. When he asks for payment, he says that the asset has gone along with an equal amount of assets that belongs to someone else with a great deal of funds of other people. He then asks, ‘What have the others done?’ He replies, ‘They took their assets.’ Abu Ja‘far, and abu ‘Abd Allah, ‘*Alayhim al-Salam*, both have said, ‘He can ask him (the trader) for his assets, who can then ask them for whatever (extra) they have taken.’”

H 14298, Ch. 18, h 17

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Yazid ibn Ishaq from Harun ibn Hamzah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of one who hires a man who because of not being able to trust each other, places the wages in the hand of another man who dies without any replacement and the wages vanish. He (the Imam) said, ‘The person hiring is responsible for the wages of the worker until he pays, unless the worker has told him to do so and agreed to give it to that person; if so then his right is where he agreed to be placed.’”

H 14299, Ch. 18, h 18

Muhammad ibn Ja‘far al-Kufiy has narrated from Muhammad ibn `Isma‘il from Ja‘far ibn ‘Isa who has narrated the following:

“I once wrote to abu al-Hassan, *‘Alayhi al-Salam*, saying, ‘I pray to Allah to keep my soul in service for your cause, a woman dies and her father claims that she had borrowed from him certain things of household materials; if his claim is acceptable without testimony.’ He (the Imam) wrote to him, ‘It is permissible to accept his claim without testimony.’ He wrote to him (the Imam) asking, ‘What happens if a husband claims against a dead woman or father of her husband or mother of her husband about her assets or her servants like what her father claimed which was in the form of borrowing; if it is like the claim of the father. He (the Imam), *‘Alayhi al-Salam*, wrote the answer, ‘No, it is not permissible.’”

H 14300, Ch. 18, h 19

Muhammad ibn Yahya has narrated from in a *marfu‘* manner from Hammad ibn ‘Isa who has narrated the following:

Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that a taxpayer slave who had become a Muslim was brought before *‘Amir al-Mu‘minin*, Ali, *‘Alayhi al-Salam*. He (the Imam) issued a judgment that said, ‘You (people of the state) must sell him to a Muslim and pay his price to his owner and do not leave him with him.’”

H 14301, Ch. 18, h 20

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from Ahmad ibn Muhammad from ibn ‘Abd Allah from abu Jamilah from `Isma‘il ibn abu Idris from al-Husayn ibn Damrah ibn abu Damrah from his father from his grandfather who has narrated the following:

“*‘Amir al-Mu‘minin* Ali, *‘Alayhi al-Salam*, has said, ‘The judicial laws of Muslims are based on three principles; Just witnesses or decisive oath or a tradition practiced by the Imam of guidance who have passed away.’”

H 14302, Ch. 18, h 21

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from Fadalab ibn Ayyub Dawud ibn Farqad from `Isma‘il ibn Ja‘far who has said the following:

“Once two men brought their case before Dawud *‘Alayhi al-Salam*, about a cow which both claimed to be his, and each one presented testimony. Dawud went to the temple and asked, ‘Lord, this case has tired me so You must decide.’ Allah, most Majestic, most Glorious, sent him revelation that said, ‘Take away the thigh of the cow from the hand of the one who has it in his hand, give it to the other one and strike his neck with sword.’ The Israelites raised a great deal of objections saying, ‘This one presented testimony and this one presented testimony. The one who had it in his hand was more rightful but he took it away from him and struck his neck with a sword then gave the cow to the other one.’ Dawud *‘Alayhi al-Salam*, went in the temple and said, ‘Lord, the Israelites have made much noise because of Your decree.’ His Lord sent him revelation and said that the one who had the cow in his hand met the father of the other one, killed him and took away his cow. So do not ask Me to issue a decree until the Day of Judgment.’”

H 14303, Ch. 18, h 22

A number of our people have narrated from Sahl ibn Ziyad from Mu‘awiyah ibn Hakim from ibn Shu‘ayb al-Muhamiliy al-Rifa‘iy who has said the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who hires a man to dig for him a well as deep as ten times the height of a man for ten dirham; but then he fails to do so because of weakness. He (the Imam) said, ‘Ten must be divided into fifty-five of which one is for the first length, two for the second and three for the third in the same way until the tenth.’”

H 14304, Ch. 18, h 23

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has said the following:

“This is about the case of two men who each had claimed a mule to be his mule. One of them presented two witnesses and the other one presented five witnesses. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin* Ali, *‘Alayhi al-Salam*, issued a judgment. It gave two shares to the one who presented two witnesses and five shares to the one who presented five witnesses.”

End of the Book of Adjudication and Rules of the book al-Kafi followed by the Book of Oaths, Vows and Expiations by the will of Allah, most High

Part Seven: The Book of Oaths, Vows and Expiations

Chapter 1 - The Undesirability of Swearing

H 14305, Ch. 1, h 1

A number of our people have narrated from Ahmad ibn Muhammad from ‘Uthman ibn ‘Isa from abu Ayyub al-Khazzaz who has said the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘Do not swear by Allah, regardless, you are truthful or not truthful; Allah, most Majestic, most Glorious, says, “Do not swear by Allah unnecessarily.”’ (2:224)”

H 14306, Ch. 1, h 2

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has said the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘One who delays in swearing by Allah, He grants him better than what he has lost because of the delay.’”

H 14307, Ch. 1, h 3

Ali ibn Ibrahim has narrated from his father from ‘Amr ibn ‘Uthman from ‘Abd Allah ibn Sinan who has said the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the disciples gathered around Jesus, *‘Alayhi al-Salam*, and said, ‘O teacher of good, give us advice.’ He said to them, ‘Musa, the Prophet of Allah has commanded you not to swear by Allah falsely, but I command you not to swear by Allah, regardless, you are truthful or false.’”

H 14308, Ch. 1, h 4

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from Yahya ibn Ibrahim from his father from abu Salam al-Salam al-Muta‘abbid who has said the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying to Sadir, ‘O Sadir, one who swears by Allah, most Majestic, most Glorious, falsely as well as one who swears by Allah truthfully has sinned; Allah, most Majestic, most Glorious, says, ‘Do not swear by Allah, unless you are obligated.’ (2:224)”

H 14309, Ch. 1, h 5

Ahmad ibn Muhammad has narrated from Ali ibn al-Hakam from Ali ibn abu Hamzah from abu Basir who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, once spoke to me about his father, *‘Alayhi al-Salam*. He (the Imam) was with a woman of al-Khawarij, I (the narrator) think he said, ‘banu Hanifah.’ His *mawla* (friend or servant) said to him (the Imam), ‘O child of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, you have a woman who denounces your grandfather.’ (Abu Ja‘far, *‘Alayhi al-Salam*, said) ‘My father divorced her. She presented a claim for her *mahr* (dower) against him (the Imam) and brought him (the Imam) before the Amir (governor) of al-Madinah who asked him (the Imam), “O Ali, you must take an oath or pay her right.” He (the Imam) asked me to go and bring four hundred dinars. I then asked, “Father, I pray to Allah to keep my soul in service for your cause, were you not the rightful party?” He (the Imam) replied, “Yes, son but I because of the Glory of Allah did not want to swear by Allah which is made binding upon me.””

H 14310, Ch. 1, h 6

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad ibn ‘Isa from Ali ibn al-Hakam from certain persons of our people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If someone brings a claim against you for a certain amount of assets which you do not owe to him, and he wants to make you to take an oath, if it is less than thirty dirham, you must pay and must not take an oath, but if it is more than that you can take an

oath and do not give the asset.’”

Chapter 2 - The False Oath

H 14311, Ch. 2, h 1

A number of our people have narrated from and from ibn Faddal from Tha‘labah ibn Maymun from Ya‘qub al-Ahmar who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one takes an oath which he knows is false he has opposed Allah, most Majestic, most Glorious.’”

H 14312, Ch. 2, h 2

A number of our people have narrated from Sahl ibn Ziyad from Ja‘far ibn Muhammad *al-Ash‘ariy* from ibn al-Qaddah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Swearing falsely and sinfully for a binding purpose leaves the town barren.’”

H 14313, Ch. 2, h 3

Ali ibn Muhammad ibn Bandar has narrated from Ahmad ibn abu ‘Abd Allah from Muhammad ibn Ali from Ali ibn ‘Uthman ibn Razin from Muhammad ibn Furat maternal uncle of abu ‘Ammar al-Sayrafiy from Jabir ibn Yazid who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘You must never take sinfully a false oath because it leaves the town barren.’”

H 14314, Ch. 2, h 4

Ali ibn Ibrahim has narrated from his father from Hanan from Fulayh ibn abu Bakr al-Shaybaniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Taking an oath which is false and binding causes poverty consequently.’”

H 14315, Ch. 2, h 5

Ali has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Allah has an angel whose legs are on the lowest earth. The length of his leg is a distance of five hundred years’ journey and his head is in the highest sky with a length of one thousand years’ journey. He says, “O Lord, You are free of all defects, O Lord, You are free of all defects, as ever You have been and how great You are!” He (the Messenger of Allah) then said, ‘Allah, most Majestic, most Glorious, sends revelation to him saying, “One who swears falsely by My name does not know this fact.”’”

H 14316, Ch. 2, h 6

Muhammad ibn Yahya has narrated from ‘Abd Allah ibn Muhammad from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A binding oath which is false leaves the town barren.’”

H 14317, Ch. 2, h 7

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn Hassan from Muhammad ibn Ali from Ali ibn Hammad from ibn abu Ya‘fur who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘One who takes a sinful oath can wait only for forty nights (before being struck by misfortune).’”

H 14318, Ch. 2, h 8

It is narrated from the narrator of the previous *Hadith* from Muhammad ibn Ali from Ali ibn Hammad from Hariz from certain persons of his people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Taking an oath sinfully is that which subjects one to the fire whereby a man holds back the right of a Muslim by seizing his assets.’”

H 14319, Ch. 2, h 9

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Malik ibn ‘Atiyyah from abu ‘Ubaydah al-Hadhdha’ who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that it is in the book of Ali, *‘Alayhi al-Salam*, that false oath and cutting off of good relations with relatives leave a town barren, empty of its inhabitants and destroys the reproducing continuum.’”

H 14320, Ch. 2, h 10

Ali ibn Ibrahim has narrated from his father from Muhammad ibn Yahya from Talhah ibn Zayd who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Sinful and false oath turns the womb barren.’ I then asked him (the Imam) about the meaning of the Arabic word *‘Tunghil’*. He (the Imam) said that it means turning fruitless.”

H 14321, Ch. 2, h 11

Ali has narrated from his father from al-Fadl ibn Shadhan all from ibn abu ‘Umayr from Ibrahim ibn ‘Abd al-Hamid from a Shaykh of our people called abu al-Hassan who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said that Allah, most Blessed, most High, has created a white rooster whose neck is under the throne and its legs in the center of the seventh earth, its one wing is in the east and one wing in the west. Other roosters do not crow until it crows. When it wants to crow it flaps its wings and says, *‘Tasbih* (Allah is free of all defects) and is the most great like whom there is no one.’” He (the Imam) said that ‘Allah, most Blessed, most High, in response says, “A lying person would never swear falsely by My name would he but know about what you say.’””

Chapter 3 - Another Chapter

H 14322, Ch. 3, h 1

A number of our people have narrated from Ahmad ibn Muhammad from ‘Uthman ibn ‘Isa from Wahab ibn ‘Abd Rabbihi who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘If one says, “Allah knows”, when he does not know something, the Throne of Allah vibrates as a sign of expressing His greatness.’”

H 14323, Ch. 3, h 2

It is narrated from the narrator of the previous *Hadith* from ibn Faddal from Tha‘labah from abu Jamilah, al-Mufaddal ibn Salih from Aban ibn Taghlib who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘When a servant says, “Allah has the knowledge” and he is not truthful in what he says, then Allah, most Majestic, most Glorious, says, “Why did you not find someone other than Me to ascribe a lie to him?”’”

H 14324, Ch. 3, h 3

Humayd ibn Ziyad has narrated from al-Hassan ibn Muhammad from Wahab ibn Hafs who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘If one says, “Allah has the knowledge”, when he does not know something, the Throne of Allah vibrates as a sign of expressing His greatness.’”

Chapter 4 - An Oath is not Valid except by Allah, One who does not Agree with Allah is not of Allah

H 14325, Ch. 4, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Mansur ibn Yunus from abu Hamzah who has narrated the following:

“Ali ibn al-Husayn, *‘Alayhim al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘Do not swear except by Allah and one who swears by Allah must be considered truthful. One must agree with an oath by Allah. If one does not agree with an oath by Allah, is not of Allah, most Majestic, most Glorious.’”

H 14326, Ch. 4, h 2

A number of our people have narrated from Ahmad ibn Muhammad from ‘Uthman ibn ‘Isa from abu Ayyub al-Khazzaz who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one swears by Allah it must be considered true, if one does not believe he is not of Allah. One must agree with an oath by Allah, if he does do so he is not of Allah, most Majestic, most Glorious.’”

Chapter 5 - The Detestability of Swearing in the form of Denouncing Allah and His Messenger, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*

H 14327, Ch. 5, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from in a *marfu*‘ manner who has narrated the following:
“The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, once heard a man saying, ‘I disown the religion of Muhammad.’ The Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, then asked saying, ‘Woe is upon you, if you are not a follower of the religion of Muhammad, then whose religion do you follow?’ He (the Imam) has said that as soon as the words of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, were complete, he (the man) dropped dead.’”

H 14328, Ch. 5, h 2

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Muhammad ibn `Isma‘il from Salih ibn ‘Uqbah from Yunus ibn Zabayan who has narrated the following:
“He (the Imam), *‘Alayhi al-Salam*, said to me, ‘O Yunus, do not swear to disown us, because if one does so, true or false, he is cut off from us.’”

Chapter 6 - Kinds of Swearing

H 14329, Ch. 6, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn Hadid from certain persons of our people who have narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Swearing is of three kinds. There is one kind of swearing, which does not require expiation, the kind that requires expiation, and the false swearing which causes the fire. The kind, which does not require expiation, is the swearing in which one has sworn by Allah for a good cause not to do it and its expiation is doing such thing. The kind of oath, which requires expiation, is that which a man takes for not to do a sinful deed but he does it, then expiation becomes obligatory. *Al-Ghumus* oath is that which causes the fire and is that in which a man swears against the right of a Muslim man to withhold his assets.’”

Ali ibn Ibrahim has said the following:

“He (the Imam), *‘Alayhi al-Salam*, has said that swearing is of three kinds. There is the kind of swearing because of which fire becomes obligatory, the oath, which makes expiation obligatory, and the kind, which does not make the fire or expiation obligatory. The kind of swearing which makes the fire obligatory is the swearing of a man who swears and denies the assets of another. In this way, he takes it away from him or swears against a Muslim man falsely to tangle him or seek the support of Sultan and so on against him in which he succeeds and causes the loss of his life or his assets. For this kind, fire becomes obligatory. The oath because of which expiation becomes obligatory is that which a man takes about a lawful act in the sight of Allah to do it or swears to do something, which is not lawful not to do it, then he repents, in such case expiation becomes obligatory. The kind of oath, which does not require expiation, is that which one takes to cut off good relations with relatives or the Sultan forces him or against his wishes his father or his wife urges him. He swears for an act which is in disobedience to Allah, he swears to do so although he commits a sin, but there is not any expiation on him.’”

Chapter 7 - The Binding Consequence of Oath and Vows

H 14330, Ch. 7, h 1

A number of our people have narrated from Sahl ibn Ziyad from Ja'far ibn Muhammad Abu Ali *al-Ash'ariy* from al-Qaddah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘There is no oath between a son and his father, a woman and her husband and between a slave and his master.’”

H 14331, Ch. 7, h 2

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Washsha’ from ‘Abd Allah ibn Sinan who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘It is not permissible to take an oath to make an unlawful matter lawful, a lawful matter unlawful or to cut off good relations with relatives.’”

H 14332, Ch. 7, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Khalid ibn Jarir from abu al-Rabi’ al-Shamiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It is not permissible to take an oath to make an unlawful matter lawful, a lawful matter unlawful or to cut off good relations with relatives.’”

H 14333, Ch. 7, h 4

Ahmad ibn Muhammad has narrated from ‘Isma’il ibn Sa’d al-Ash’ariy who has narrated the following:

“I once asked abu al-Hassan, al-Rida’, *‘Alayhi al-Salam*, about the case of a man who takes an oath to cut off relations with relatives. He (the Imam) said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘A vow for an unlawful matter is not valid and an oath to cut off relations with relatives is not valid.’ I then asked about a man who is made by Sultan to divorce or in other matters. He (the Imam) said, ‘It is not an offense on his part.’ I then asked about a man who fears from Sultan for his assets and takes an oath to protect them from him. He (the Imam) said, ‘It is not an offense on his part.’ I asked if a man could take an oath to protect the assets of his brothers as he does for himself. He (the Imam) said, ‘Yes, it is permissible.’”

H 14334, Ch. 7, h 5

Ahmad ibn Muhammad has narrated from Ali ibn al-Hakam from ‘Amr ibn al-Bara’ who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked, when I was listening, about the case of a man who has made obligatory upon himself to walk to the House of Allah and the offering animal, he has taken an oath in all severity not to ever speak to his father, testify about anything good for him. Never eat with him on one table or live with him under one roof. He then remained quiet. Abu ‘Abd Allah, *‘Alayhi al-Salam*, asked, ‘Is anything else left?’ He replied, ‘No, I pray to Allah to keep my soul in service for your cause.’ He (the Imam) said, ‘All manners of cutting relation with relatives is nothing (not permissible).’”

H 14335, Ch. 7, h 6

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Mansur ibn Hazim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘There is no swearing between a man and his father, a slave and his master, and between a woman and her husband. There is no vow for unlawful matters and there is no swearing to cut off relations with relatives.’”

H 14336, Ch. 7, h 7

A number of our people have narrated from Ahmad ibn Muhammad from ‘Uthman ibn ‘Isa from Sama‘ah ibn Mehran who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who has taken an oath. He takes an oath to walk to al-Ka’bah or to pay charity or free a slave, vow, or to offer an offering animal if he speaks to his father or mother or his brother or a relative. Alternatively, he takes an oath to cut off relation with relatives or for an unlawful reason or something, which is not proper for him to do. He (the Imam) said, ‘The Book of Allah is before taking an oath and there is no swearing in unlawful matters.’”

H 14337, Ch. 7, h 8

Abu Ali *al-Ash‘ariy* has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“A woman of the family of al-Mukhtar took an oath against her sister or a relative. She asked her to join her for food but she refused. She then took an oath and made it upon her-self to walk to the house of Allah, free a slave and never to live under one roof with her or eat with her on one table, and the other one did the same thing. ‘Umar ibn Hanzalah took this question before abu Ja‘far, *‘Alayhi al-Salam*, and he (the Imam) said, ‘I can judge this case. She must eat, live under one roof with her, must not walk or set free a slave. She must have fear of Allah, her Lord, and must not transgress in such issues; it is of temptations of Satan.’”

H 14338, Ch. 7, h 9

A number of our people have narrated from Sahl ibn Ziyad from Ahmad ibn Muhammad from ibn abu Nasr from Tha‘labah ibn Maymun from Mu‘ammar ibn ‘Umar who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who says there is a vow on him but does not specify anything. He (the Imam) said, ‘He does not owe anything.’”

H 14339, Ch. 7, h 10

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“About the case of a man who makes a vow on himself from Allah but does not specify, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If he specifies it then it is on him, if he has not specified then he does not owe anything.’”

H 14340, Ch. 7, h 11

Ali ibn Ibrahim has narrated from his father from Safwan ibn Yahya from Ishaq ibn ‘Ammar who has narrated the following:

“I once asked abu Ibrahim, *‘Alayhi al-Salam*, about the case of a man who says, ‘It is on me to walk to al-Ka’bah if I can buy certain things for my family on credit. He (the Imam) asked, ‘Is that difficult on them?’ I replied, ‘Yes, it is difficult for them not to take for them anything on credit.’ He (the Imam) said, ‘He must take for them on credit and he does not owe anything.’”

H 14341, Ch. 7, h 12

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“About the case of a man who takes an oath not to speak to a certain relative, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘It does not have any valid effect. He must speak to one about whom he has taken an oath not to speak.’ He (the Imam) then said, ‘Any oath which is not for the sake of Allah does not have any valid effect, whether it is in divorce or freeing a slave.’ He (the narrator) has said, ‘I then asked him (the Imam) about a woman who has made her assets for the house of Allah if certain woman borrows her certain items and also so and so woman, then certain ones allow her to borrow and others do not allow.’ He (the Imam) said, ‘There is an offering animal on her. Offering is what Allah

has made a gift for al-Ka’bah and for this reason it is offered if it is made for Allah. Such things are of no valid effect as well as such offering animal on which Allah, most Majestic, most Glorious, is not mentioned.’ He (the Imam) was asked about a man who says that there are one thousand camels on me when he is in the state of *Ihram*, or a thousand al-Hajj. He (the Imam) said, ‘Such things are of the temptation of Satan.’ About the case of a man who in the state of *Ihram* takes an oath for al-Hajj or that he says to offer this food. He (the Imam) said, ‘It does not have any valid effect.’ He (the Imam) said, ‘It does not have any valid effect; food cannot be offered. He may say that the camel slaughtered after it is slaughtered, he wants to offer it to the house of Allah.’ He (the Imam) said, ‘Camels are offered when they are living, not when it turns to flesh.’”

H 14342, Ch. 7, h 13

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Safwan from ibn Muskan from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Any oath which is not for the sake of Allah, most High, in divorce or freeing slaves does not have any valid effect.’”

H 14343, Ch. 7, h 14

Ahmad ibn Muhammad has narrated from ibn Faddal from ibn Bukayr from Zurarah who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who takes an oath very seriously not to buy for his family. He (the Imam) said, ‘He must buy for them and he does not owe anything because of his oath.’”

H 14344, Ch. 7, h 15

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from Sayf ibn `Amirah am abu al-Sabbah who has narrated the following:

“By Allah, Ja‘far ibn Muhammad, *‘Alayhim al-Salam*, said to me that Allah taught *Tanzil* and *Taw’il* (what was revealed and what it meant) to the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.* who taught it to Ali, *‘Alayhi al-Salam.*’ He (the Imam) said, ‘He by Allah taught to us. Thus, if you do certain things or take an oath and swear because of *taqiyah* (fear), then you are not under constraint.’”

H 14345, Ch. 7, h 16

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Musa ibn Sa‘dan from ‘Abd Allah ibn al-Qasim ibn Muhammad from Muhammad ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘Taking an oath in anger does not have any valid effect or to cut off relations with relatives, by *Jabr* (force) or *Ikrah* (coercion, dislike).’ I (the narrator) then asked saying, ‘I pray to Allah to keep you well, what is the difference between forced and coerced?’ He (the Imam) said, ‘Force is by Sultan, coercion or dislike is from the wife, mother or father and that does not have any valid effect.’”

H 14346, Ch. 7, h 17

Ali ibn Ibrahim has narrated from Muhammad ibn Ali from Musa ibn Sa‘dan from ‘Abd Allah ibn al-Qasim ibn Muhammad from ‘Abd Allah ibn Sinan who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘An oath in anger or to cut off relations with relatives, by *Jabr* (force) or *Ikrah* (coercion, dislike) does not have any valid effect.’ I (the narrator) then asked saying, ‘I pray to Allah to keep you well, what is the difference between forced and coerced?’ He (the Imam) said, ‘Force is by Sultan coercion or dislike is from the wife, mother or father and that does not have any valid effect.’”

H 14347, Ch. 7, h 18

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Sa'd ibn abu Khalaf who has narrated the following:

“I once said to abu al-Hassan, Musa, ‘*Alayhi al-Salam*, that I had bought a slave-girl secretly because of my wife and when she found out she went out of my home and refused to come back. I met her in the house of her people and said that what she has heard is false and the person who has told her is her enemy who wants to remove her from home. She said, ‘No, by Allah there will never be anything good between me and you until you swear to free all slave-girls that belong to you and give all of your assets in charity if you have bought something. You must free a slave-girl that still belongs to you.’ I took an oath as she asked and she made me repeat the oath and say, ‘Every slave-girl that belongs to me at this hour is free,’ and I said just as she had asked. I have separated my slave-girl. I thought to free and then marry her because I love her.’ He (the Imam) said, ‘You do not owe anything because of your oath and you must take notice that to free a slave or charity is not valid unless it is for the sake of Allah and for the reward from Him.’”

Chapter 8 - The Meaningless Matters

H 14348, Ch. 8, h 1

Ali ibn Ibrahim has narrated from Harun ibn Muslim from Mas'adah ibn Sadaqah who has narrated the following:

“I once heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, saying, about the meaning of the words of Allah, ‘. . . Allah will not hold you responsible for your meaningless oaths.’ (2:225) *Al-Laghw*, (meaningless) is a reference to a man’s saying, ‘*La wa Allah*, (No, by Allah) *Bala wa Allah-i*, (yes, by Allah)’ and it does not make anything binding.”

Chapter 9 - The Case when one Takes an Oath, then Finds something Better

H 14349, Ch. 9, h 1

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Aban ibn ‘Uthman from ‘Abd Allah al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one takes an oath about something when doing it is better than not doing it, he must do what is better and there is no expiation on him, it is only of the temptations of Satan.’”

H 14350, Ch. 9, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Sinan from those who narrated to him who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one takes an oath to do something then finds another thing better which he does, it is the expiation for his oath and he gains one good deed.’”

H 14351, Ch. 9, h 3

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Muhammad ibn `Isma‘il from Ali ibn al-Nu‘man from Sa‘id al-A‘raj who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who vows to do a certain thing then finds out that not doing it is better. If he disregards it, he is afraid of committing a sin. Can he disregard it? He (the Imam) said, ‘Have you not heard the words of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, “If you find something better than that for which you have taken an oath, then you can disregard it.”’”

H 14352, Ch. 9, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from certain persons of our people who have narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If one takes an oath to do something then finds another thing better which he does, he must do that which is better; he gains one good deed.’”

H 14353, Ch. 9, h 5

Ali ibn Ibrahim has narrated from his father from Ali ibn al-Nu‘man from Sa‘id al-A‘raj who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who vows to do a certain thing then finds out that not doing it is better, and if he did not disregard it he is afraid of committing a sin; if he can disregard it. He (the Imam) said, ‘Have you not heard the words of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, “If you find something better than that for which you have taken an oath you can disregard it.”’”

Chapter 10 - The Intention for an Oath

H 14354, Ch. 10, h 1

Ali ibn Ibrahim has narrated from Harun ibn Muslim from Mas'adah ibn Sadaqah who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, when he (the Imam) was asked about what is lawful and what is not lawful about intention and what is in one’s mind, saying, ‘In certain times it is lawful and in certain times it is not lawful. The lawful case is when one is oppressed in which case his oath is based on his intention. If one coerces then it is on the basis of the intention of the oppressed.’”

H 14355, Ch. 10, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from `Isma‘il ibn Sa‘d *al-Ash‘ariy* who has narrated the following:

“I once asked al-Rida’, *‘Alayhi al-Salam*, about the case of a man who swears but his mind is on something other than what he has taken oath for. He (the Imam) said, ‘The oath is for that which is in one’s mind.’”

H 14356, Ch. 10, h 3

Ali ibn Ibrahim has narrated from his father from Safwan ibn Yahya who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who swears but his mind is on something other than that for which he has taken the oath. He (the Imam) said, ‘Swearing is for that which is in one’s mind.’”

Chapter 11 - Tne must Take an Oath only for what He Knows

H 14357, Ch. 11, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man must not take an oath except for what he knows.’”

H 14358, Ch. 11, h 2

Ali ibn Ibrahim has narrated from his father from ‘Abd Allah ibn al-Mughirah from Khalid ibn Ayman al-Hannat from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man must not be asked to take an oath except for what he knows.’”

H 14359, Ch. 11, h 3

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn Salim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man must not be asked to take an oath except for what he knows.’”

H 14360, Ch. 11, h 4

Ali ibn Ibrahim has narrated from his father from `Isma‘il ibn Marrar from Yunus from certain persons of his people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man must not be asked to take an oath except for what he knows and that oath applies only to what he knows, regardless, one is asked to swear or not’”

Chapter 12 - The Oath that Obligates one to Pay Expiation

H 14361, Ch. 12, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn Bukayr from Zurarah who has narrated the following:

“Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Any oath that you take and it is for your benefits in the worldly or matters of hereafter, then there is nothing on you. Expiation is payable only when you take an oath in disobedience to Allah if you did not do it then you do it.’”

H 14362, Ch. 12, h 2

It is narrated from the narrator of the previous *Hadith* from ibn Mahbub from ‘Abd al-Rahman ibn al-Hajjaj who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘Every kind of oath does not make one liable to expiation. If the matter is what Allah has made obligatory on you to do and you take an oath not to do it but you do it there is no expiation on you. If it is not of the matters that Allah has made obligatory on you to do and you take an oath not to do it but you do it, then there is expiation on you.’”

H 14363, Ch. 12, h 3

It is narrated from the narrator of the previous *Hadith* from Sa‘d ibn Sa‘d from Muhammad ibn al-Qasim ibn al-Fudayl from Hamzah ibn Humran from Dawud ibn Farqad from Humran who has narrated the following:

“I once asked abu Ja‘far, and abu ‘Abd Allah, *‘Alayhim al-Salam*, about the kind of oath for which I owe expiation. They said, ‘It is when you take an oath for an act in which there is obedience to Allah if you do it and you do not do it, then there is expiation on you. If you take an oath for an act in which there is disobedience to Allah then its expiation is not to do it. An oath about the act which is not an obedience or disobedience does not have any valid effect.’”

H 14364, Ch. 12, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Jamil ibn Darraj from Zurarah who has narrated the following:

“I once asked one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, about the case of the kind of oath which requires one to pay an expiation. He (the Imam) said, ‘It is when you are obligated to do something and you take an oath not to do it but you do it then there is nothing on you when you do it. What is not obligatory on you to do and you take an oath not to do it then you do it, then there is expiation on you.’”

H 14365, Ch. 12, h 5

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from Fadal ibn Ayyub from ibn Muskan from Hamzah ibn Humran from Zurarah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the kind of oath that makes expiation obligatory. He (the Imam) said, ‘If you take an oath for doing something which is a virtuous deed, there is expiation if you do not do it. If you take an oath to do something which is an act of disobedience you do not owe anything if you did not do it; other than these which are not virtuous or of disobedience do not have any valid effect.’”

H 14366, Ch. 12, h 6

Al-Husayn Muhammad has narrated from Mu‘alla’ ibn Muhammad from al-Hassan ibn Ali al-Washsha’ from Aban ibn ‘Uthman from ‘Abd al-Rahman ibn abu ‘Abd Allah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who takes an oath for a man to eat food but does not eat; if there is expiation on him and the kind of oath that makes expiation obligatory. He (the Imam) said, ‘Expiation is obligatory when one takes an oath not to sell an asset or

buy but then he changes his mind. If one takes an oath about something which is better for him to do than not to do and he does what is good then there is no expiation on him, it is only of the temptations of Satan.’”

H 14367, Ch. 12, h 7

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from Fadalāh ibn Ayyub from al-Qasim ibn Yazid from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about oath and *Nadhr* (a commitment) and swearing about that which is an act of obedience to Allah. He (the Imam) said, ‘What is an act of obedience you must do it. If one makes a commitment then does not fulfill, one must pay expiation; but if it is an oath in sin, then it does not have any valid effect.’”

H 14368, Ch. 12, h 8

A number of our people have narrated from Sahl ibn Ziyad and Ahmad ibn Muhammad ibn ‘Isa all from Ahmad ibn Muhammad from ibn abu Nasr from Tha‘labah from Zurarah who has narrated the following:

“Abu Ja‘far, ‘*Alayhi al-Salam*, has said, ‘Every act for which one takes an oath not to do it and the act is beneficial in this and in the hereafter, there is no expiation for it. *Kaffarah* (expiation) becomes obligatory when one takes an oath and says, ‘By Allah I will not commit fornication, by Allah I will not drink wine, by Allah I will not steal, by Allah I will not act treacherously and so on and I will not disobey, but he does, then *Kaffarah* (expiation) becomes obligatory.’”

H 14369, Ch. 12, h 9

Ahmad ibn Muhammad from ibn abu Nasr has narrated from Jamil from Zurarah who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the kinds of oath for which *Kaffarah* (expiation) is obligatory. He (the Imam) said, ‘If something is obligatory for you to do and you take an oath not to do it, then you do it, you do not owe anything. If what is not obligatory on you to do and you take an oath not to do it but you do it, then *Kaffarah* (expiation) becomes obligatory on you.’”

H 14370, Ch. 12, h 10

Ahmad ibn Muhammad from ibn abu Nasr has narrated from Tha‘labah and narrated to us from those who narrated to him from Muyassir who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘The oath that makes expiation obligatory is that which is about an act that is necessary for you to do. However, you take an oath not to do it but you do it. Expiation is not due on you because your act is in obedience to Allah, most Majestic, most Glorious. If it is something that you must not do and you take an oath not to do but you do it, then expiation is obligatory on you.’”

Chapter 13 - Making an Exception in an Oath

H 14371, Ch. 13, h 1

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from abu Jamilah al-Mufaddal ibn Salih from Muhammad al-Halabiy and Zurarah and Muhammad ibn Muslim who has narrated the following:

“About the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . speak of your Lord if you forget’ (18:24) abu Ja‘far, and abu ‘Abd Allah, *‘Alayhim al-Salam*, have said that if one takes an oath and forgets to make an exception, he must make an exception (say, ‘if Allah wills’) when he remembers.”

H 14372, Ch. 13, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad and Ali ibn Ibrahim has narrated from his father all from ibn Mahbub from abu Ja‘far al-Ahwal from Salam ibn al-Mustanir who has narrated the following:

“This is about the meaning of the words of Allah, most Majestic, most Glorious. ‘. . . We made a covenant with Adam, *‘Alayhi al-Salam*, before but he forgot and We did not find in him firm determination.’ (20:115) Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘When Allah, most Majestic, most Glorious, said to Adam, *‘Alayhi al-Salam*, to enter in the garden (paradises) He said, “O Adam, you must not go near this tree.”’ He (the Imam) said that He showed it to him and Adam said to his Lord, “How will I go near the tree when You have prohibited me and my wife?” He (the Imam) said that Allah said to them not to go near the tree meaning do not eat thereof. Adam and his wife said, “Yes, Lord we will not go near the tree and will not eat”, but they did not make an exception (did not say, ‘if Allah wills’) when saying, “yes” Allah, in that matter left them on their own and to their memories.’ He (the Imam) said, ‘Allah, most Majestic, most Glorious, spoke to His Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, about a fact in the book. “. . . You must never say about anything, ‘I will do it tomorrow without saying, ‘unless Allah wills’ otherwise,” (18:23) and Allah decides that I must not do then I will not be able to do.’ He (the Imam) said that for this reason Allah, most Majestic, most Glorious, has said, ‘. . . you must speak of your Lord when you forget’, meaning make the act and the will of Allah an exception in your act.”

H 14373, Ch. 13, h 3

A number of our people have narrated from Sahl ibn Ziyad and Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad all from ibn Mahbub from ibn Ri‘ab from Hamzah ibn Humran who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . speak of your Lord if you forget.’ He (the Imam) said, ‘It is in taking oath when you say, ‘By Allah, I will not do so and so and when you remember that you have forgotten to make an exception then say, ‘if Allah so wills.’”

H 14374, Ch. 13, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from Hammad ibn ‘Isa from Husayn al-Qalanisiy or certain persons of his people who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A servant (of Allah) can make the exception up to forty days if he forgets.’”

H 14375, Ch. 13, h 5

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘If one makes the exception in taking an oath there is no violation or expiation.’”

H 14376, Ch. 13, h 6

A number of our people have narrated from Sahl ibn Ziyad from Ja‘far ibn Muhammad *al-Ash‘ariy* from ibn al-Qaddah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu‘minin*, Ali, *‘Alayhi al-Salam*, has said, ‘The forgotten exception in taking an oath must be made even if one remembers after forty mornings.’ He (the Imam) then read this verse, ‘. . . speak of your Lord if you forget.’”

H 14377, Ch. 13, h 7

Ali has narrated from his father from through the same chain of narrators as that of the previous *Hadith* the following is narrated from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, has said, ‘If one takes an oath privately, he must make the exception privately; and if one takes an oath in public, he must make the exception in public.’”

H 14378, Ch. 13, h 8

Ahmad ibn Muhammad has narrated from Ali ibn al-Hassan from Ali ibn Asbat from al-Husayn ibn Zurarah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of the words of Allah, most Majestic, most Glorious, ‘. . . speak of your Lord if you forget.’ He (the Imam) said, ‘It is when you take an oath and forget to make the exception (saying if Allah so wills), then you must make the exception when you remember.’”

Chapter 14 - It is not Permissible to take an Oath by anything other than by Allah, most Majestic, most Glorious

H 14379, Ch. 14, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from Muhammad ibn Muslim who has narrated the following:

“This is about the meaning of the words of Allah, most Majestic, most Glorious. ‘. . . I swear by the night when it becomes dark. . .’ (92:2) and ‘. . . I swear by the star when it descends down’ (52:2) and so on. Abu Ja‘far, *‘Alayhi al-Salam*, has said, ‘Allah, most Majestic, most Glorious, swears by anything of His creatures as He wants but His creatures can only swear and take oath by Allah.’”

H 14380, Ch. 14, h 2

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘I say that a man must take an oath and swear by Allah only. People’s saying, *la’ bal shane’uka* (no, but may your adversary be it) is of the expressions of the people of ignorance. If one takes an oath by such expressions and so on, he has ignored taking an oath by Allah. One’s expression, *Ya Hayahu* and *ya Hanahu* is only a pausing and punctuating effort to better articulate one’s idea. However, one’s saying *la’umr* Allah or *Lahahu* is swearing by Allah, most Majestic, most Glorious.’”

H 14381, Ch. 14, h 3

A number of our people have narrated from Sahl ibn Ziyad from ibn abu from ‘Abd al-Karim from Sama‘ah who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘I say that a man must take an oath and swear by Allah only. People’s saying, *la’ bal shane’uka* (no, but may your adversary be it) is of the expressions of the people of ignorance.’”

H 14382, Ch. 14, h 4

Ali ibn Ibrahim has narrated from Harun ibn Muslim from Mas‘adah ibn Sadaqah who has narrated the following:

“This is about the meaning of the words of Allah, most Majestic, most Glorious. ‘I do not swear by the places of the stars.’ (56:75) Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘People of the community of ignorance swore by the places of stars and Allah, most Majestic, most Glorious, said, “I do not swear by the places of stars.”’ He (the Imam) said that He called their swearing as such a grave thing. He (the Imam) has said that people of the time of ignorance held the month of Muharram to be a great thing. They would not swear thereby as well as the month of Rajab and did not disturb in these months those going and coming around even if he may have killed one’s father. They would not expel from *al-Haram* (the Sacred area) an animal or sheep or camel and so on. Allah, most Majestic, most Glorious, said to His Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, ‘I do not swear by this town and you are living in this town.’ (90:2-3) He (the Imam) said that their ignorance had climaxed to the level of making them to consider the killing of the Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, as lawful. On the contrary they held days of the month with greatness whereby they swore and stood by such oaths.’”

H 14383, Ch. 14, h 5

Ali ibn Ibrahim has narrated from his father from ‘Isma‘il ibn Marrar from Yunus from certain persons of our people who has narrated the following:

“I once asked him (the Imam), *‘Alayhi al-Salam*, about the meaning of the words of Allah, most

Majestic, most Glorious, ‘I do not swear by the places of the stars.’ (56:75) He (the Imam) said, ‘It is a great sin on one who swears thereby. The community of ignorance held *al-Haram* (the sacred area) with greatness. They did not swear thereby. They made lawful to disrespect Allah but they did not disturb those who were there and did not expel animals from there. Allah, most Blessed, most High, said, ‘I do not swear by this town despite your living in it and by the father and son.’ (90:2-3) He (the Imam) said, ‘They held the town with greatness to the extent that they swore thereby but made it lawful to disrespect the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause.*’”

Chapter 15 - Making the People of the Book to take Oath

H 14384, Ch. 15, h 1

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:
“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about how to make people of the book to take an oath. He (the Imam) said, ‘Do not make them to take oath by anything other than Allah, most Majestic, most Glorious.’”

H 14385, Ch. 15, h 2

A number of our people have narrated from Ahmad ibn Muhammad ibn Khalid from ‘Uthman ibn ‘Isa from Sama‘ah, who has narrated the following:
“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, if it is proper to make Jews, Christians and Zoroastrians take an oath by their deities. He (the Imam) said, ‘It is not proper for anyone to take oath by anything other than Allah, most Majestic, most Glorious.’”

H 14386, Ch. 15, h 3

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:
“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu’minin*, Ali, ‘*Alayhi al-Salam*, has said, ‘You must make a Jew to take an oath (if needed) by the Torah which was revealed to Musa ‘*Alayhi al-Salam*.’”

H 14387, Ch. 15, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa‘id from al-Nadr ibn Suwayd from Hisham ibn Salim from Sulayman ibn Khalid who has narrated the following:
“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that Jews, Christians and Zoroastrian are not made to take an oath by anything other than Allah, most Majestic, most Glorious, who says, ‘Judge among them by means of what Allah has revealed.’ (5:52)”

H 14388, Ch. 15, h 5

It is narrated from the narrator of the previous *Hadith* from al-Nadr ibn Suwayd from al-Qasim ibn Sulayman from Jarrah al-Mada’iniy who has narrated the following:
“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘An oath is not taken by anything other than by Allah.’ He (the Imam) said, ‘In the case of Jews, Christians and Zoroastrian, you must not make them to take an oath by anything other than by Allah, most Majestic, most Glorious.’”

Chapter 16 - *Kaffarah* (expiation) for Swearing

H 14389, Ch. 16, h 1

Abu Ali *al-Ash'ariy* has narrated from Muhammad ibn 'Abd al-Jabbar Ahmad ibn Muhammad from Muhammad ibn 'Isma'il has narrated from al-Fadl ibn Shadhan from all from Safwan ibn Yahya from ibn Muskan from al-Halabiy who has narrated the following:

“About the case of *Kaffarah* (expiation) because of oath abu 'Abd Allah, '*Alayhi al-Salam*, has said, 'It (expiation) is to feed ten destitute people each with one *mud* (a certain measurement) or a handful of wheat or flour, or clothe them with two pieces of clothes to each person, or free a slave. He has the choice for any one of the three that he may choose and if he cannot do anyone of them then he must fast for three days.’”

H 14390, Ch. 16, h 2

Ali ibn Ibrahim has narrated from his father from Safwan ibn Yahya from Ishaq ibn 'Ammar who has narrated the following:

“I once asked abu Ibrahim, '*Alayhi al-Salam*, about the expiation for oath mentioned in the words of Allah, most Majestic, most Glorious, '. . . if one cannot find then it is three days fasting.' (5:91) and about the limit of 'if one cannot find' and that a man asks for help (beggar) but he is not of 'if one cannot find'. He (the Imam) said, 'If one does not have more than what his dependents need, then “if one does not find” applies to him.’”

H 14391, Ch. 16, h 3

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Husayn ibn Sa'id from al-Qasim ibn Muhammad from Ali ibn abu Hamzah who has narrated the following:

“I once asked abu 'Abd Allah, '*Alayhi al-Salam*, about the expiation because of oath. He (the Imam) said, 'It is to set free a slave or clothing with two clothes or feeding ten destitute persons. Whichever of the three he chooses is sufficient, and if he cannot find any of them, then it is three consecutive days of fasting and in feeding ten destitute persons: it is one *mud* (a certain measurement) for everyone.’”

H 14392, Ch. 16, h 4

Ali ibn Ibrahim has narrated from his father from ibn abu Najran from 'Asem ibn Humayd from Muhammad ibn Qays who has narrated the following:

“Abu Ja'far, '*Alayhi al-Salam*, has said that Allah, most Majestic, most Glorious, has said to His Holy Prophet, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, 'O Prophet, why do you make unlawful what Allah has made lawful for you.' 'Allah has shown you how to absolve yourselves of your oaths.' (66:1-2) He made it an oath and the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, then paid expiation for it.' I then asked, 'By what means did he pay the expiation thereof?' He (the Imam) said, 'He fed ten destitute people one *mud* (a certain measurement) to each person.' We then asked about the limit of clothing. He (the Imam) said, 'It is such clothing which provides cover for his privacy.’”

H 14393, Ch. 16, h 5

Ali ibn Ibrahim has narrated from his father from Ahmad ibn Muhammad from ibn abu Nasr from abu Jamilah who has narrated the following:

“About the case of expiation due to an oath which is freeing a slave, or feeding ten destitute person of the average kind of food for your family or clothing them, abu 'Abd Allah, '*Alayhi al-Salam*, has said, 'The average kind of food is vinegar and oil, and a high quality is bread and meat. Charity is one *mud* (a certain measurement) of wheat for each destitute person and clothes are two pieces. If one cannot

find any of these, then he must fast for three consecutive days as Allah, most Majestic, most Glorious, has said, “. . . if one cannot find then he must fast for three days.””

H 14394, Ch. 16, h 6

Ali has narrated from his father from Ahmad ibn Muhammad from ibn abu Nasr and al-Hajjal from Tha‘labah ibn Maymun from Mu‘ammar ibn ‘Umar who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the case of a man who must clothe the needy because of expiation due to oath. He (the Imam) said, ‘It is a kind of clothing which can cover his privacy.’”

H 14395, Ch. 16, h 7

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“This is about the meaning of the words of Allah, most Majestic, most Glorious. ‘. . . it is of the average kind of food that you provide to your family.’ Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said, ‘It is just as it is at home. Certain people eat one *mud* (a certain measurement) and certain others less or in between. If you like you can prepare a certain kind of sauce, the least of which is salt, the middle is vinegar and oil, and of a high quality is meat.’”

H 14396, Ch. 16, h 8

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ali ibn al-Hakam from abu Hamzah al-Thumaliy who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of a man who has said by Allah, but has not remained firm about it. He (the Imam), ‘*Alayhi al-Salam*, said, ‘The *Kaffarah* (expiation) for it is to feed ten destitute people, one *mud* (a certain measurement) to each one of flour or wheat, or free a slave, or fast for three consecutive days if he cannot find the other remedies.’”

H 14397, Ch. 16, h 9

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hisham ibn al-Hakam who has narrated the following:

“About the *Kaffarah* (expiation) due to an oath which is one *mud* (a certain measurement) for each person abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that it must be a handful of food made into flour and cooked.’”

H 14398, Ch. 16, h 10

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said that ‘*Amir al-Mu‘minin*, Ali, ‘*Alayhi al-Salam*, has said, ‘If one cannot find ten destitute people at one time he can feed fewer people several times like this and in next day until it is equal to feeding ten destitute people.’”

H 14399, Ch. 16, h 11

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Faddal from ibn Bukayr from Zurarah who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about the *Kaffarah* (expiation) due to oath. He (the Imam) said, ‘It is fasting for three days.’ I then asked, ‘What happens if one feels weak and cannot do it?’ He (the Imam) said, ‘He can give charity to ten destitute people.’ I asked, ‘What happens if he cannot do it?’ He (the Imam) said, ‘He must ask forgiveness from Allah and must not do such thing again because the best is *Kaffarah* (expiation) in its highest and lowest form, so he must ask forgiveness from his Lord and express regret and repentance.’”

H 14400, Ch. 16, h 12

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Yahya from Ghiyath ibn Ibrahim who has narrated the following:

“Abu ‘Abd Allah, ‘*Alayhi al-Salam*, has said in paying expiation for an oath, feeding small people is not sufficient, however, two small ones are equal to one grown-up person.’”

H 14401, Ch. 16, h 13

Ali ibn Ibrahim has narrated from his father from Hammad ibn ‘Isa from Ibrahim ibn ‘Umar al-Yemaniy from abu Khalid al-Qammat who has narrated the following:

“I once heard abu ‘Abd Allah, ‘*Alayhi al-Salam*, saying, ‘If one is able to feed ten destitute people for expiation of an oath he cannot fast instead. He must feed ten destitute people, one *mud* (a certain measurement) to each one, and if one cannot do this, then he must fast for three days.’”

H 14402, Ch. 16, h 14

Ali has narrated from his father from ibn Mahbub from abu Ayyub from abu Basir who has narrated the following:

“I once asked abu Ja‘far, ‘*Alayhi al-Salam*, about, ‘. . . the average kind of food that you provide for your family.’ He (the Imam) said, ‘It is the kind of food which you feed your family, it must be of the middle of the two, high and low, quality that you provide for your family.’ I then asked, ‘What is the middle of such food?’ He (the Imam) said, ‘It is vinegar and oil and dates and bread to satisfy them once.’ I then asked about clothing them. He (the Imam) said, ‘It is one piece of cloth.’”

Chapter 17 - Forming a Commitment

H 14403, Ch. 17, h 1

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan from Mansur ibn Hazim who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘A man says, ‘It is obligatory on me to walk to the house of Allah’ when he is in the state of *Ihram* for al-Hajj. He may say, ‘It is obligatory on me to offer such and such offering.’ However, he does not owe anything until he says, ‘It is obligatory on me *from Allah* to walk to His house.’ Or says, ‘It is obligatory *from Allah* on me to assume the state of *Ihram* for al-Hajj.’ Or he says, ‘*From Allah* it is obligatory on me to offer an offering of such and such if I did not do such and such thing.’”

H 14404, Ch. 17, h 2

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn `Isma‘il from Muhammad al-Fudayl from abu al-Sabbah al-Kinaniy who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who says that there is a vow, a commitment on him (the Imam) said, ‘It does not have any valid effect until one specifies it, like fasting, charity, a gift or al-Hajj.’”

H 14405, Ch. 17, h 3

Ahmad ibn Muhammad from has narrated from Ali ibn al-Hakam from Ali ibn abu Hamzah from abu Basir who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who says that there is a vow, a commitment on him. He (the Imam) said, ‘It does not have any valid effect until he says, “There is fasting, or paying charity, or freeing a slave, or offering an animal offering.” If a man says, “I give this food as an offering,” it is not valid, because only a camel or so can become an animal offering.’”

H 14406, Ch. 17, h 4

Ahmad ibn Muhammad has narrated from al-Husayn ibn Sa‘id from al-Qasim ibn Muhammad from Jamil ibn Salih who has narrated the following:

“I had a girl in al-Madinah whose *Hayd* (menses) stopped. I then made a vow, a commitment before Allah for His sake if her *Hayd* (menses) becomes normal, I then fulfill the vow and commitment. I then learned that she experiences *Hayd* (menses) before my fulfilling the vow and commitment. I wrote to abu ‘Abd Allah, *‘Alayhi al-Salam*, when I was in al-Madinah and he (the Imam) replied, ‘If she experienced *Hayd* (menses) before your vow and commitment then you do not owe anything, but if she experienced *Hayd* (menses) after your vow and commitment then you must fulfill the vow and commitment.’”

H 14407, Ch. 17, h 5

Ali ibn Ibrahim has narrated from his father from Safwan from Ishaq ibn ‘Ammar who has narrated the following:

“I once said to abu ‘Abd Allah, *‘Alayhi al-Salam*, ‘I have made it upon myself to perform two *Rak‘at Salat* (prayer) as thanksgiving to Allah at home or on a journey’ if on a journey I can perform them during the day. He (the Imam) said, ‘Yes, you can do so.’ He (the Imam) then said, ‘I dislike a man’s making it obligatory upon himself.’ I then said, ‘I have not made them for Allah but I have made it upon myself to perform the two *Rak‘at* to thank Allah and I have not made it obligatory on myself if I can stop performing them when I wanted. He (the Imam) said, ‘Yes, you can do so.’”

H 14408, Ch. 17, h 6

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, was asked about a man who made a vow and commitment to walk to the house and he arrived on a crossing. He (the Imam) said, ‘He must remain standing until there is room to cross the crossing.’”

H 14409, Ch. 17, h 7

Ali ibn Ibrahim has narrated from his father from Safwan ibn Yahya from Ishaq ibn ‘Ammar who has narrated the following:

“I once asked abu Ibrahim, *‘Alayhi al-Salam*, about the case of a man who owed al-Hajjah al-Islam and wanted to perform al-Hajj. He was told to become married first, then perform al-Hajj. He said, ‘If I become married before al-Hajj my slave is free.’ He married before performing al-Hajj. He (the Imam) said, ‘He must free his slave.’ I then said, ‘He did not free his slave for the sake of Allah.’ He (the Imam) said, ‘It is a vow and commitment in the way of Allah and al-Hajj is of a greater priority than marriage and an obligation of a greater degree than marriage.’ I then asked, ‘What happens if al-Hajj is optional?’ He (the Imam) said, ‘Even if it is optional it is an act of obedience that has made his slave free.’”

H 14410, Ch. 17, h 8

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from Khalid ibn Hariz from abu al-Rabi’ who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who buys something and says, ‘I gift it to the Sacred House of Allah.’ He (the Imam) said, ‘It does not have any valid effect. It is a lie that he has spoken.’”

H 14411, Ch. 17, h 9

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hammad from al-Halabiy who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If you say, ‘It is from Allah upon me’ then its expiation is like that for an oath.’”

H 14412, Ch. 17, h 10

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Ali ibn Mahziyar from who has narrated the following:

“Bundar, *mawla* of Idris, once wrote, ‘My master, I made a vow and commitment to fast every Saturday; and if I did not fast what is the expiation?’ He (the Imam) wrote and I read it, ‘Do not stop fasting except because of illness, and you do not have to fast when on a journey or during your illness unless you had the intention to do so. If you stop fasting without illness and good reason, then pay charity for every day missed to seven destitute people, we ask Allah to grant good opportunity for doing what He loves and pleases.’”

H 14413, Ch. 17, h 11

It is narrated from the narrator of the previous *Hadith* from Ali ibn Mahziyar from who has narrated the following:

“I once asked abu al-Hassan, *‘Alayhi al-Salam*, about the case of a man who has made a vow and commitment that if Allah makes his wish to come true, he will pay a certain amount of dirham as charity. Allah then made his wish come true. He then made the dirham into gold and has sent to you; if that is sufficient or he has to do it again. He (the Imam) said, ‘He must do it again.’”

H 14414, Ch. 17, h 12

Muhammad ibn Ja‘far al-Razzaz has narrated from Muhammad ibn ‘Isa from Ali ibn Mahziyar from has said narrated a similar *Hadith* and he wrote to him (the Imam) the following:

“My master, a man has made a vow and commitment to fast on Fridays all the time. What happens if such days coincide with the day of ‘Id of Fitr, or Adha’, or days of al-Tashriq or a journey or illness; if he owes to fast on such days or its *Qada*’ (compensatory fasting) and what must he do, O my master?”

He (the Imam) wrote, ‘Allah has exempted him from fasting on all of these days and he can fast one day for (an alternate) one day, if Allah so wills.’ He wrote to him (the Imam) asking, ‘O my master, there is a man who had made a vow and commitment to fast a certain day and on that day he fell on his wife. What is the expiation for it?’ He (the Imam) wrote, ‘He must fast one day for one day and set free a believing slave.’”

H 14415, Ch. 17, h 13

Ali ibn Ibrahim has narrated from his father from al-Qasim ibn Muhammad from Sulayman ibn Dawud from Hafs ibn Ghiyath who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the expiation because of a vow and commitment. He (the Imam) said, *‘Kaffarah* (expiation) for a vow and commitment is like the expiation because of an oath. If one makes a vow and commitment to offer an animal for sacrifice he must find a camel, he must mark and collar it and stay with it in ‘Arafah. If one makes a vow and commitment to offer a *Jazur*, (a certain kind of camel) then he can slaughter by manner of *Nahr* (slaughtering from the upper part of the chest) wherever he wants.’”

H 14416, Ch. 17, h 14

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Hassan ibn al-Husayn al-Lu’lu’iy in a *marfu‘* manner who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who says, ‘There is a vow and commitment on me’, but does not specify. He (the Imam) said, ‘He owes one handful of wheat, regardless, he has taken it seriously or with great emphasis.’”

H 14417, Ch. 17, h 15

It is narrated from the narrator of the previous *Hadith* from Ya‘qub ibn Yazid from Yahya al-Mubarak from ‘Abd Allah ibn al-Jabalah from Ishaq ibn ‘Ammar who has narrated the following:

“About the case of a man who makes a vow and commitment to fast and is not able to do so, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘He must pay someone to fast for him and for every day it is two *mud* (a certain measurement) of food.’”

H 14418, Ch. 17, h 16

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated from ‘Abd Allah ibn Jundab who has narrated the following:

“‘Abbad ibn Maymun asked (abu ‘Abd Allah, *‘Alayhi al-Salam*) when I was present, about the case of a man who made a vow and commitment to fast and wanted to leave for Makkah. ‘Abd Allah ibn Jundab said, ‘I heard the one who narrated from abu ‘Abd Allah, *‘Alayhi al-Salam*, who was asked about a man who made a vow and commitment to fast. He became aware of his intention during his visiting abu ‘Abd Allah, *‘Alayhi al-Salam*, who said, ‘He can leave without fasting on the way and on his return arrange for *Qada’* (compensatory fasting).’”

H 14419, Ch. 17, h 17

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from Jamil ibn Salih from abu al-Hassan Musa, *‘Alayhi al-Salam*, who has narrated the following:

“Abu al-Hassan, *‘Alayhi al-Salam*, has said, ‘Whoever makes a vow and commitment to fast and then fails to do so, the expiation on him is like the *Kaffarah* (expiation) for an oath.’”

H 14420, Ch. 17, h 18

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Sindiyy ibn Muhammad from Safwan al-Jammal who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, ‘I pray to Allah to keep my soul in service for

your cause, I have made a vow and commitment to walk to the House of Allah. He (the Imam) said, ‘You must pay expiation for your oath, because you have made it on yourself and you have not made for Allah; you must then fulfill.’”

H 14421, Ch. 17, h 19

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Rif‘ah and Hafs who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who makes a vow and commitment to walk to the House of Allah barefoot. He (the Imam) said, ‘He must walk and if he becomes tired, he can ride.’”

H 14422, Ch. 17, h 20

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn ‘Abd al-Jabbar from Safwan ibn Yahya from al-‘Ala’ from Muhammad ibn Muslim who has narrated the following:

“I once asked one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, about the case of a man who has made a vow and commitment to walk to the House of Allah but cannot do so. He (the Imam) said, ‘He can perform al-Hajj and ride.’”

H 14423, Ch. 17, h 21

Ali ibn Ibrahim has narrated from his father from Hammad from Hariz from Muhammad ibn Muslim who has narrated the following:

“I once asked abu Ja‘far, *‘Alayhi al-Salam*, about the case of a man who makes a vow and commitment to walk to the House of Allah but cannot do so. He (the Imam) said, ‘He must perform al-Hajj riding.’”

H 14424, Ch. 17, h 22

Ali ibn Ibrahim has narrated from Harun ibn Muslim from Mas‘adah ibn Sadaqah who has narrated the following:

“I once heard abu ‘Abd Allah, *‘Alayhi al-Salam*, saying, when he (the Imam) was asked about the case of a man who took an oath to make a vow and commitment and his intention in his oath is about one dirham or less. He (the Imam) said, ‘If he has not made it for Allah, then it does not have any valid effect.’”

H 14425, Ch. 17, h 23

Ali ibn Ibrahim has narrated from his father from ibn Mahbub from Muhammad ibn Yahya al-Khath‘amiy who has narrated the following:

“Once we were with abu ‘Abd Allah, *‘Alayhi al-Salam*, in a group when a man came who was of the Mawali of abu Ja‘far, *‘Alayhi al-Salam*. He offered *Salam* (the phrase of offering greeting of peace), sat down, wept and said, I pray to Allah to keep my soul in service for your cause. I made a covenant with Allah that if He gives me recovery from my illness because of which I was afraid for my life, to give in charity all of my belongings and Allah, most Majestic, most Glorious, granted me recovery from the illness. I have moved my family from my house to a ruined dome of al-Ansar (people of al-Madinah). I have carried all of my belongings and I am selling my house and all that I own to give them in charity.’ Abu ‘Abd Allah, *‘Alayhi al-Salam*, said, ‘Go and appraise your house, all of your assets and belongings for a fair price and make it certain. Thereafter find a white sheet and write on it all that you have appraised, then find the most trustworthy person known to you among people around you, then give the sheet to him and make a will. Instruct him that if something happened to you (death), to sell your house and all that belongs to you and give in charity on your behalf. Thereafter move back to your house to live as before with your family and maintain your family as before, but make a list of what you spend and pay as charity, or gifts to relatives or for good causes, write them down all and calculate them. At the end of the year go to the executor of the will you have made and

instruct him to deduct from the total on the list what you have spent as such for charity as mentioned in that year. Thereafter, every year you must do the same things until you fulfill all of what you had committed to do for Allah in the form of vow and commitment. In this way your house will remain for you as well as your other assets, if Allah so wills.’ The man then said, ‘You have released me from my entanglement, O child of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, I pray to Allah to keep my soul in service for your cause.’”

H 14426, Ch. 17, h 24

Ali has narrated from his father from ibn Mahbub from ibn Ri’ab from Zurarah who has narrated the following:

“My mother had made a vow and commitment. She had made a commitment for Allah, most Majestic, most Glorious, about one of her children because of fear of something for him. She said that from that day on, she will fast all the time as long as she lives. She came out with us to Makkah, her fasting on the journey made us face questions, and she did not know if she must fast or not. I asked abu Ja’far, ‘*Alayhi al-Salam*, about it and he (the Imam) said, ‘She must not fast on a journey. Allah, most Majestic, most Glorious, has exempted her from His right during a journey; but she must fast otherwise for what she has committed herself to.’ I then asked, ‘What happens if she ignores her commitment? He (the Imam) said, ‘No, I fear that she may experience in her child that which made her to form such commitment.’”

H 14427, Ch. 17, h 25

It is narrated from the narrator of the previous *Hadith* from ibn Mahbub from ibn Ri’ab from Misma’ who has narrated the following:

“I once asked abu ‘Abd Allah, ‘*Alayhi al-Salam*, about the case of my girl who was pregnant and I made a vow and commitment for Allah, most Majestic, most Glorious, that if she gives birth to a boy, I will help him to perform al-Hajj or I will perform al-Hajj on his behalf. He (the Imam) said, ‘A man made a vow and commitment for Allah, most Majestic, most Glorious, about his son that if he matures he will perform al-Hajj for him or help him to perform al-Hajj. The father died and the boy became mature thereafter and came to the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, who commanded him to perform al-Hajj by means of what his father has left behind.’”

Chapter 18 - The Rare Ahadith

H 14428, Ch. 18, h 1

Ali ibn Ibrahim has narrated from Harun ibn Muslim from Mas'adah ibn Sadaqah who has narrated the following:

“A Shaykh of the children of ‘Adi ibn Hatim narrated from his father from his grandfather who was with *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, in his campaign against his adversaries. He has said that on the day *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, met Mu‘awiyah in Siffin, raised his voice to reach his companions and said, ‘By Allah I will fight and kill Mu‘awiyah and his people’, then said in the end of his words slowly, ‘if Allah wills.’ I was close nearby and I asked, ‘O *‘Amir al-Mu’minin*, you swore about what you said, then why did you make an exception to what you said?’ He (the Imam) said to me, ‘War is tricky and I am not an untruthful person before the believing people. I wanted to encourage my companions against them so they will not fail and keep an interest in their (enemy’s) defeat. The ones of most understanding among them will benefit thereby after this day, if Allah so wills. You must take notice that Allah, most Majestic, most Glorious, once said to Musa, *‘Alayhi al-Salam*, when He sent him to pharaoh, “The two of you speak to him softly so that perhaps he may learn or become afraid.” (20:44) He knew that he will not learn or become afraid but He wanted to encourage Musa *‘Alayhi al-Salam*, to go.’”

H 14429, Ch. 18, h 2

Abu Ali al-Ash‘ariy has narrated from Muhammad ibn Hassan from abu ‘Imran al-Armaniy from ‘Abd al-Hakam from ‘Isa ibn ‘Atiyah who has narrated the following:

“I once said to abu Ja‘far, *‘Alayhi al-Salam*, that I had taken an oath not to drink from the milk of my goat and not to eat its flesh; so I sold it but its offspring has remained with me. He (the Imam) said, ‘Do not drink from its milk and do not eat from its flesh; it is from that.’”

H 14430, Ch. 18, h 3

Muhammad ibn Yahya has narrated from Muhammad ibn al-Husayn from Muhammad ibn ‘Abd Allah ibn Hilal from ‘Uqbah ibn Khalid who has narrated the following:

“An indebted man who was held by his creditor said, ‘All lawful things will be unlawful for me if I leave you, unless you agree to allow me to go.’ However, he then leaves without his creditor agreeing, about this and what he might do because of not knowing the condition of his oath and swearing, when in reality he did not have the intention to swear, he (the Imam) said, ‘It does not have any valid effect.’”

H 14431, Ch. 18, h 4

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from al-Qasim ibn Yahya from his grandfather al-Hassan ibn Rashid from Najiyah al-‘Attar who has narrated the following:

“I once travelled with abu Ja‘far, *‘Alayhi al-Salam*, to Makkah and he (the Imam) commanded his slave to do something but he disobeyed and abu Ja‘far, *‘Alayhi al-Salam*, said, ‘By Allah, I will beat you, O *ghulam* (servant).’ I however, did not see him beating the *ghulam*, thus, I asked, ‘I pray to Allah to keep my soul in service for your cause, you swore to beat him but I did not see you do so.’ He (the Imam) said, ‘Is it not a fact that Allah, most Majestic, most Glorious, says, “If you forgive it is closer to piety.” (2:237)’”

H 14432, Ch. 18, h 5

Ali ibn Ibrahim has narrated from his father from certain persons of his people from ‘Asem ibn Hamid ibn Humayd from abu Basir who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has stated this *Hadith*. ‘If one fails to pay an expiation which is

due on him or setting free of a slave or charity because of an oath or a vow and commitment or murder and so forth or causes for which expiation is obligatory on him, then asking forgiveness is his choice in place of paying expiation. However, in the case of an oath due to *Zihar*, if one cannot find anything to pay as expiation, going to bed with her remains unlawful and they must stay away from each other unless the woman agrees with his living with her without going to bed.’”

H 14433, Ch. 18, h 6

Ali ibn Ibrahim has narrated from his father from Safwan ibn Yahya from Ishaq ibn ‘Ammar who has narrated the following:
“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that in the case of *al-Zihar* if the man fails to pay the expiation, he must then ask forgiveness from his Lord and keep his intention not to repeat it again before going to bed and then go to bed, it is sufficient for expiation. When he finds a way to pay the expiation in one of the days, he then must pay the expiation. If he pays charity, feeds himself and his family, it is sufficient if he is needy. If he cannot find, then he must ask forgiveness from his Lord and keep his intention not to repeat it again; it then is enough, by Allah as the expiation.’”

H 14434, Ch. 18, h 7

Muhammad ibn Yahya has narrated the following:
“Muhammad ibn al-Hassan once wrote to abu Muhammad, *‘Alayhi al-Salam*, that a man has sworn to disown Allah and the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, and he then opposed his oath and about what is his repentance and expiation. He (the Imam), *‘Alayhi al-Salam*, signed the answer that said, ‘He must feed ten destitute people with one *mud* (a certain measurement) to each one and ask forgiveness from Allah, most Majestic, most Glorious.’”

H 14435, Ch. 18, h 8

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:
“Abu ‘Abd Allah, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘If one swears saying, “No, by the Lord of the book”, then opposes it, he must pay one *Kaffarah* (expiation).’”

H 14436, Ch. 18, h 9

Through the same chain of narrators as that of the previous *Hadith*, the following is narrated:
“*‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, was asked, ‘Can the *Kaffarah* (expiation) because of an oath be fed to the destitute from the flesh of the offering animals for al-Hajj?’ He (the Imam) said, ‘No, because it is sacrifice for Allah.’”

H 14437, Ch. 18, h 10

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Sahl from Muhammad ibn Sinan from Ishaq ibn ‘Ammar who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who is under oath and his creditor makes him to take an oath with all seriousness not to leave the town without his knowledge. He (the Imam) said, ‘He must not leave the town without his knowledge.’ I then said that if he informs, he would not allow him to go out. He (the Imam) said, ‘If informing him is harmful to him and his family he can go out and he does not owe anything.’”

H 14438, Ch. 18, h 11

Ahmad ibn Muhammad has narrated from al-Husayn ibn Sa‘id from Ali ibn al-Nu‘man from ‘Abd Allah ibn Muskan from al-‘Ala’ Bayya’ al-Sabiriy who has narrated the following:
“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a woman who leaves in trust with a man a certain amount of assets; and when the time of her death comes, she tells him that the asset she

has left with him belongs to so and so female person. The woman dies and her people come to him and ask him to take an oath that she has not left anything with him. Must he take an oath in such case? He (the Imam) said, ‘If he trusts her he can take an oath but if she is accused, he must not take an oath and instead leave the matter as is; only one-third belongs to her, after all.’”

H 14439, Ch. 18, h 12

Ahmad ibn Muhammad has narrated from ibn Faddal from Hafs and from more than one person of our people who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about the case of a man who swears by his brother. He (the Imam) said, ‘It does not have any valid effect on him; he only wanted to honor and respect him.’”

H 14440, Ch. 18, h 13

Ahmad ibn Muhammad has narrated from ibn Mahbub from ibn Ri’ab from al-Halabiy who has narrated the following:

“Once abu ‘Abd Allah, *‘Alayhi al-Salam*, was asked about the case of a man who falls on his wife during her experiencing *Hayd* (menses). He (the Imam) said, ‘If he has done so in the beginning of her *Hayd* (menses) he must ask forgiveness from Allah and give charity, to seven people of the believing ones, of one day’s meals and must not repeat. If it is in the end of her *Hayd* (menses) before her taking Ghusl (bath), then he does not owe anything.’”

H 14441, Ch. 18, h 14

Ali ibn Ibrahim has narrated from his father from ibn abu ‘Umayr from Hafs ibn Sawqah from ibn Bukayr from Zurarah who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the meaning of: ‘there is no vow and commitment in sinful matters’. He (the Imam) said, ‘Whatever is beneficial to you in the worldly matters or the hereafter, there is no violation in it.’”

H 14442, Ch. 18, h 15

Ali ibn Ibrahim has narrated from his father from Ahmad ibn Muhammad from ibn abu Nasr and ibn abu ‘Umayr all from Mu’ammār ibn Yahya who has narrated the following:

“I once asked abu ‘Abd Allah, *‘Alayhi al-Salam*, about the case of a man who involves himself in *al-Zihar* against his wife; if it is permissible to free a newborn slave for *Kaffarah* (expiation). He (the Imam) said, ‘Every kind of *Kaffarah* (expiation) that requires freeing of a slave, freeing of a newborn slave is sufficient for it except for murder; Allah, most Majestic, most Glorious, says, “. . . then set free a believing slave.” (4:92) He has meant thereby one who affirms the faith and is of the age of being held responsible for violating an oath.’”

H 14443, Ch. 18, h 16

Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Ahmad ibn al-Husayn from ‘Amr ibn Sa‘id from Musaddiq ibn Sadaqah from ‘Ammār al-Sabatiy who has narrated the following:

“About the case of a man who makes it upon himself to free a slave then sets free a paralyzed or lame one, abu ‘Abd Allah, *‘Alayhi al-Salam*, has said, ‘If he is sellable, it is sufficient unless he has specified, in which case he must meet the condition.’”

H 14444, Ch. 18, h 17

Ali ibn Ibrahim has narrated from his father from ‘Isma‘il ibn Marrar from Yunus from certain persons of his people who has narrated the following:

“About the case of a man who swears because of *taqiyah* (fear), one of the two Imam, (abu Ja‘far or abu ‘Abd Allah), *‘Alayhim al-Salam*, has said, ‘If you fear for your belongings or life, you can swear if

it can spare it; but if you see that it cannot avert anything, then do not swear.’”

H 14445, Ch. 18, h 18

A number of our people have narrated from Sahl ibn Ziyad from Muhammad ibn al-Hassan Shammun from ‘Abd Allah ibn ‘Abd al-Rahman al-Asamm from Misma‘ ibn ‘Abd al-Malik who has narrated the following:

“Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, was asked about a man who makes a vow and commitment without specifying anything, has said, ‘If he wants he can perform two *Rak‘at Salat* (prayer) or fast for one day or give one loaf of bread for charity.’”

H 14446, Ch. 18, h 19

Ali ibn Ibrahim has narrated from his father from al-Nawfaliy from al-Sakuniy who has narrated the following:

“This is about the case of a man who after being asked, ‘Did you do such and such work?’ says, ‘No, by Allah, I have not done it’ when in fact he has done it. Abu ‘Abd Allah, *‘Alayhi al-Salam*, has said that *‘Amir al-Mu’minin*, Ali, *‘Alayhi al-Salam*, has said, ‘It is a lie that he has spoken and he must ask Allah for forgiveness.’”

H 14447, Ch. 18, h 20

A number of our people have narrated from Sahl ibn Ziyad from al-Nawfaliy from ‘Isa ibn ‘Abd Allah ibn Muhammad ibn ‘Umar ibn Ali from his father from his grandfather who has narrated the following:

“Of the oath of the Messenger of Allah, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, was his saying, ‘No, and I ask Allah for forgiveness.’”

H 14448, Ch. 18, h 21

Ali ibn Ibrahim has narrated from his father from certain persons of his people whom he has mentioned who has narrated the following:

“Al-Mutawakkil specified a vow and commitment that if he recovers he will give in charity *kathir* (a great deal of) assets. When he recovered, he asked the scholars of law about the limit of *kathir* (great deal) but they had different opinions. Certain ones among them said that it is a hundred thousand; others said that it is ten thousand, and they cited different things as proof in the matter. It all became confusing for him. One of his officers called Saf‘an said, ‘Why do you not send this black to ask him about it?’ Al-Mutawakkal asked, ‘Who do you mean thereby? Woe upon you!’ He replied, ‘I mean ibn al-Rida.’ He asked, ‘Is he good in it?’ He (the officer) replied, ‘If he takes you out of this, you then must pay me so and so much; or you can whip me one hundred times.’ Al-Mutawakkal said, ‘I agree. O Ja‘far ibn Mahmud, go to him and ask him about the limit of *kathir* (a great deal of asset).’ Ja‘far ibn Mahmud went to abu al-Hassan, Ali ibn Muhammad, *‘Alayhim al-Salam*, and asked him about the limit of *al-Kathir* (great deal of assets). He (the Imam) said, ‘It is eighty.’ Ja‘far asked, ‘O my master, he will ask me for a reason.’ Abu al-Hassan, *‘Alayhi al-Salam*, said, ‘Allah, most Majestic, most Glorious, says, ‘We have helped you in *Mawatin al-Kathirah* (in a great many places)’ and we counted them, they were eighty such places.’”

End of the Book of Oaths, Vow and Commitment and *Kaffarah* (expiations); with this ends the Book of al-Fru‘ of al-Kafi, compiled by abu Ja‘far Muhammad ibn Ya‘qub, al-Raziyy, al-Kulayniyy.

All praise belongs to Allah, Cherisher of the worlds, *O Allah, grant compensation to Muhammad and his family worthy of their services to Your cause*, our master and Prophet Muhammad and his purified family with *Salam* and submission a great deal, followed by the Book of al-Rawdah of al-Kafi, if Allah so wills.