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Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كتاب النّكاح

THE BOOK OF MARRIAGE (4)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

بَاب الرَّجُلِ يَفْسُقُ بِالْغُلَامِ فَيَتَزَوَّجُ ابْنَتَهُ أَوْ أُخْتَهُ

Chapter 74 – The man is immoral with the boy, so he marries his daughter, or his sister

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ حَمَّادِ بْنِ عُمَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ أَتَى غُلَامًا أَوْ تَحِلُّ لَهُ أُخْتُهُ قَالَ فَقَالَ إِنْ كَانَ تَقَبَّ فَلَا .

Al Hassan Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman who said,

'I said to Abu Abdullah^{asws}, 'A man went to a boy (to be immoral), would his sister be Permissible for him?' So he^{asws} said: 'If it was penetration, so no'.¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ يَعْْبَثُ بِالْغُلَامِ قَالَ إِذَا أَوْقَبَ حَرُمَتْ عَلَيْهِ ابْنَتُهُ وَ أُخْتُهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who tampered with the boy. He^{asws} said: 'If he has penetrated, his daughter and his sister would be Prohibited unto him'.²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ أَوْ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُوسَى بْنِ سَعْدَانَ عَنْ بَعْضِ رِجَالِهِ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَأَتَاهُ رَجُلٌ فَقَالَ لَهُ جُعِلَتْ لَكَ جُعِلَتْ فَذَلِكَ مَا تَرَى فِي شَاتَيْنِ كَأَنَّا مُضْطَجِعَيْنِ فَوَلَدَ لِهَذَا غُلَامٌ وَ لِلْآخَرِ جَارِيَةٌ أَوْ يَتَزَوَّجُ ابْنُ هَذَا ابْنَةَ هَذَا قَالَ فَقَالَ نَعَمْ سُبْحَانَ اللَّهِ لِمَ لَا يَحِلُّ فَقَالَ إِنَّهُ كَانَ صَدِيقًا لَهُ قَالَ فَقَالَ وَ إِنْ كَانَ فَلَا بَأْسَ قَالَ فَقَالَ فَإِنَّهُ كَانَ يَفْعَلُ بِهِ

Ali Bin Ibrahim, from his father, or from Muhammad Bin Ali, from Musa Bin Sa'dan, from one of his men who said,

'I was in the presence of Abu Abdullah^{asws}, so a man came over to him^{asws} and said to him^{asws}, 'May I be sacrificed for you^{asws}! What is your^{asws} view regarding two young men lying together, so there is a son for this one, and for the other one, a girl. Can the son of this one marry the daughter of this one?' So he^{asws} said: 'Yes, Glory be to Allah^{azwj}, why should it not be Permissible?' So he said, 'He was a friend of his'. So he^{asws} said: 'And even if he was, there is no problem'. So he said, 'But, he was doing it with him'.

قَالَ فَأَعْرَضَ بِوَجْهِهِ [عَنْهُ] ثُمَّ أَجَابَهُ وَ هُوَ مُسْتَتِرٌ بِذِرَاعِيهِ فَقَالَ إِنْ كَانَ الَّذِي كَانَ مِنْهُ دُونَ الْإِيْقَابِ فَلَا بَأْسَ أَنْ يَتَزَوَّجَ وَ إِنْ كَانَ قَدْ أَوْقَبَ فَلَا يَحِلُّ لَهُ أَنْ يَتَزَوَّجَ .

¹ Al Kafi – V 5 – The Book of Marriage Ch 74 H 1

² Al Kafi – V 5 – The Book of Marriage Ch 74 H 2

He (the narrator) said, 'So he^{asws} turned his^{asws} face away from him and answered him, and he^{asws} was veiling with his^{asws} arms, so he^{asws} said: 'If that which was from him was less than the penetration, so there is no problem if they marry, but if it was such that he had penetrated, then it would not be Permissible for them to be married'.³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ يَأْتِي أَخَا امْرَأَتِهِ فَقَالَ إِذَا أَوْقَبَهُ فَقَدْ حُرِّمَتْ عَلَيْهِ الْمَرْأَةُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who went to a brother of his wife. So he^{asws} said: 'If he penetrated him, so the wife is Prohibited unto him'.⁴

بَاب مَا يَحْرُمُ عَلَى الرَّجُلِ مِمَّا نَكَحَ ابْنُهُ وَ أَبُوهُ وَ مَا يَجِلُّ لَهُ

Chapter 75 – What is Prohibited upon the man, from what his son and his father can marry, and what is Permissible for him

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَلَامَسَهَا قَالَ مَهْرُهَا وَاجِبٌ وَ هِيَ حَرَامٌ عَلَى أَبِيهِ وَ ابْنِهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'I asked Abu Abdullah^{asws} about a man who married a woman, and he had touch her. He^{asws} said: 'Her dower is Obligated, and she is Prohibited unto his father and his son'.⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ فَيُقْبِلُهَا هَلْ تَحِلُّ لَوْلَدِهِ قَالَ بَشَهْوَةٍ قُلْتُ نَعَمْ قَالَ قَالَ مَا تَرَكَ شَيْئًا إِذَا قَبَّلَهَا بِشَهْوَةٍ ثُمَّ قَالَ ابْتِدَاءً مِنْهُ إِنْ جَرَدَهَا وَ نَظَرَ إِلَيْهَا بِشَهْوَةٍ حُرِّمَتْ عَلَى أَبِيهِ وَ ابْنِهِ قُلْتُ إِذَا نَظَرَ إِلَى جَسَدِهَا فَقَالَ إِذَا نَظَرَ إِلَى فَرْجِهَا وَ جَسَدِهَا بِشَهْوَةٍ حُرِّمَتْ عَلَيْهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail who said,

'I asked Abu Al-Hassan Al-Reza^{asws} about the man who happened to have the slave girl, so he kissed her. Would she be Permissible for his father?' He^{asws} said: 'With lust?' I said, 'Yes'. So he^{asws} said: 'He has not left anything when he kissed her with lust'. Then he^{asws} said initiating him: 'If he exposed her and looked at her with lust, so she is Prohibited unto his father and his son'. I said, 'When he looked at her body?' So he^{asws} said: 'When he looked at her private part, and her body with lust, she would be prohibited unto him (father and son)'.⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) الرَّجُلُ يَنْظُرُ إِلَى الْجَارِيَةِ يُرِيدُ شِرَاها أ تَحِلُّ لِابْنِهِ فَقَالَ نَعَمْ إِلَّا أَنْ يَكُونَ نَظَرٌ إِلَى عَوْرَتِهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj who said,

³ Al Kafi – V 5 – The Book of Marriage Ch 74 H 3

⁴ Al Kafi – V 5 – The Book of Marriage Ch 74 H 4

⁵ Al Kafi – V 5 – The Book of Marriage Ch 75 H 1

⁶ Al Kafi – V 5 – The Book of Marriage Ch 75 H 2

'I said to Abu Abdullah^{asws}, 'The man looks at the slave girl intending to buy her, would she be Permissible to his son?' So he^{asws} said: 'Yes, unless he happened to have looked at her nakedness'.⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَبْدِ اللَّهِ بْنِ يَحْيَى الْكَاهِلِيِّ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَأَنَا عِنْدَهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً وَ لَمْ يَمَسَّهَا فَأَمَرَتْ أُمُّهُ ابْنَهُ وَ هُوَ ابْنُ عَشْرِ سِنِينَ أَنْ يَفَعَ عَلَيْهَا فَوَفَعَ عَلَيْهَا فَمَا تَرَى فِيهِ فَقَالَ ابْنُ الْعُلَامِ وَ أَثِمْتُ أُمَّهُ وَ لَا أَرَى لِلْأَبِ إِذَا قَرَّبَهَا الْإِبْنَ أَنْ يَفَعَ عَلَيْهَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al hakam, from Abdullah Bin Yahya Al Kahily who said,

'Abu Abdullah^{asws} was asked and I was in his^{asws} presence, about a man who bought a slave girl and did not touch her. So his wife instructed his son, and he was a boy of ten years that he falls upon her. So he fell upon her. So what is your^{asws} view with regards to it?' So he^{asws} said: 'The boy has sinned, and his mother has sinned, and I^{asws} do not view for the father, when the son has been near to her, that he should fall upon her'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ يَكُونُ لَهُ جَارِيَةٌ فَيَضَعُ أَبُوهُ يَدَهُ عَلَيْهَا مِنْ شَهْوَةٍ أَوْ يَنْظُرُ مِنْهَا إِلَى مُحَرَّمٍ مِنْ شَهْوَةٍ فَكَرِهَ أَنْ يَمَسَّهَا ابْنَهُ .

He (the narrator) said, 'And I asked him^{asws} about a man who happened to have a slave girl for him, so his father laid his hand upon her out of desire, or looked at her Prohibited part out of desire. So he^{asws} disliked that the son should touch her'.⁸

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنِ ابْنِ أَبِي عَمِيرٍ عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا جَرَدَ الرَّجُلُ الْجَارِيَةَ وَ وَضَعَ يَدَهُ عَلَيْهَا فَلَا تَحِلُّ لِابْنِهِ .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, form Ibn Abu Umeyr, from Rabie Bin Abdullah, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man bares the slave girl and places his hand upon her, so she would not be Permitted unto his father'.⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنِ الْحَسَنِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قُلْتُ لَهُ رَجُلٌ تَزَوَّجَ امْرَأَةً فَلَمَسَهَا قَالَ هِيَ حَرَامٌ عَلَى أَبِيهِ وَ ابْنِهِ وَ مَهْرُهَا وَاجِبٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Ibn Muskan, from Al Hassan Bin iyad, from Muhammad Bin Muslim who said,

'I said to him^{asws}, 'A man married a woman, so he touches her'. He^{asws} said: 'She is Pohibited unto his father, and his son, and her dower is Obligated'.¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) إِذَا زَنَى رَجُلٌ بِامْرَأَةِ أَبِيهِ أَوْ جَارِيَةِ أَبِيهِ فَإِنَّ ذَلِكَ لَا يُحَرِّمُهَا عَلَى زَوْجِهَا وَ لَا تُحَرِّمُ الْجَارِيَةَ عَلَى سَيِّدِهَا إِنَّمَا يُحَرِّمُ ذَلِكَ

⁷ Al Kafi – V 5 – The Book of Marriage Ch 75 H 3

⁸ Al Kafi – V 5 – The Book of Marriage Ch 75 H 4

⁹ Al Kafi – V 5 – The Book of Marriage Ch 75 H 5

¹⁰ Al Kafi – V 5 – The Book of Marriage Ch 75 H 6

مِنْهُ إِذَا أَتَى الْجَارِيَةَ وَ هِيَ حَلَالٌ فَلَا تَحِلُّ تِلْكَ الْجَارِيَةُ أَبَدًا لِأَبِيهِ وَ لَا لِأَبِيهِ وَ إِذَا تَزَوَّجَ رَجُلٌ امْرَأَةً تَزْوِجًا حَلَالًا فَلَا تَحِلُّ تِلْكَ الْمَرْأَةُ لِأَبِيهِ وَ لِأَبِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara who said,

‘Abu Ja’far^{asws} said: ‘When a man commits adultery with a wife of his father, or a slave girl of his father, so that does not make her to be Prohibited unto her husband, nor does it make the slave girl to be Prohibited unto her master, If he goes to bed with a slave-girl who is lawful thereafter she becomes unlawful forever unto his son, and unto his father; and when the man marries a woman with a Permissible marriage, so that woman would not be Permissible unto his father, nor unto his son’.¹¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنْ مُرَازِمٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ سُئِلَ عَنْ امْرَأَةٍ أَمَرَتْ ابْنَهَا أَنْ يَقَعَ عَلَى جَارِيَةٍ لِأَبِيهِ فَوَقَعَ فَقَالَ أَيْمَنُ وَ أَيْمَ ابْنُهَا وَ قَدْ سَأَلَنِي بَعْضُ هَؤُلَاءِ عَنْ هَذِهِ الْمَسْأَلَةِ فَقُلْتُ لَهُ أَمْسِكْهَا إِنَّ الْحَلَالَ لَا يُفْسِدُهُ الْحَرَامُ .

A number of our companions, from Sahl Bin Ziyad, form Ahmad Bin Muhammad Bin Abu Nasr, from Hammad Bin Usman, from Murazim who said,

‘I heard Abu Abdullah^{asws} and he^{asws} had been asked about a woman who instructed her son that he falls upon a slave girl of his father, and he did. So he^{asws} said: ‘She sins and her son sinned, and one of them had asked me^{asws} about this problem, so I^{asws} said to him: ‘Keep her! The Permissible does not get spoilt by the Prohibited’.¹²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُوسَى بْنِ جَعْفَرٍ عَنْ عَمْرِو بْنِ سَعِيدٍ عَنْ مُصَدِّقِ بْنِ صَدَقَةَ عَنْ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ فَيَقَعُ عَلَيْهَا ابْنُ أَبِيهِ قَبْلَ أَنْ يَطَّأَهَا الْجَدُّ أَوْ الرَّجُلُ يَزْنِي بِالْمَرْأَةِ فَهَلْ يَحِلُّ لِأَبِيهِ أَنْ يَتَزَوَّجَهَا قَالَ لَا إِئِمَّا ذَلِكَ إِذَا تَزَوَّجَهَا الرَّجُلُ فَوَطَّئَهَا ثُمَّ زَنَى بِهَا ابْنُهُ لَمْ يَضُرَّهُ لِأَنَّ الْحَرَامَ لَا يُفْسِدُ الْحَلَالَ وَ كَذَلِكَ الْجَارِيَةُ .

A number of our companions, from Sahl Bin Ziyad, from Musa Bin Ja’far, from Amro Bin Saeed, from Musaddaq Bin Sadaqa, from Ammar,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who happened to have the slave girl for him, so the son of his son fell upon her before the grandfather had gone to bed with her; or the man commits adultery with the woman, so would it be Permissible for his father to marry her?’ He^{asws} said: ‘No. But rather, that is when the father marries her, so he sleeps with her, then his son commits adultery with her, he would not be harmed, because the Prohibited does not spoil the Permissible, and similar to that is the slave girl’.¹³

¹¹ Al Kafi – V 5 – The Book of Marriage Ch 75 H 7

¹² Al Kafi – V 5 – The Book of Marriage Ch 75 H 8

¹³ Al Kafi – V 5 – The Book of Marriage Ch 75 H 9

باب آخَرُ مِنْهُ وَ فِيهِ ذِكْرُ أَزْوَاجِ النَّبِيِّ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ)

Chapter 76 – Another chapter from it, and there is the mentioned of the wives of the Prophet^{saww}

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ قَالَ لَوْ لَمْ يَحْرُمْ عَلَى النَّاسِ أَزْوَاجَ النَّبِيِّ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) لَقَوْلَ اللهِ عَزَّ وَجَلَّ وَ مَا كَانَ لَكُمْ أَنْ تُؤَدُّوا رَسُولَ اللهِ وَ لَا أَنْ تُنْكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا حَرَمًا عَلَى الْحَسَنِ وَ الْحُسَيْنِ (عَلَيْهِمَا السَّلَامُ) لَقَوْلِ اللهِ عَزَّ وَجَلَّ وَ لَا تُنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ وَ لَا يَصْلِحُ لِلرَّجُلِ أَنْ يَنْكِحَ امْرَأَةً جَدَّهُ.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'Had the wives of the Prophet^{saww} not been Prohibited unto the people by the Words of Allah^{azwj} Mighty and Majestic [33:53] **and it does not behove you that you should hurt Rasool Allah, nor that you should marry his wives after him ever**, they were prohibited unto Al-Hassan^{asws} and Al-Husayn^{asws} due to the Words of Allah^{azwj} Mighty and Majestic [4:22] **And marry not the woman whom your fathers married**, nor is it correct for the man that he should marry a wife of his grandfather'.¹⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي الْجَارُودِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللهِ (عَلَيْهِ السَّلَامُ) يَقُولُ وَ ذَكَرَ هَذِهِ الْآيَةَ وَ وَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حُسْنًا فَقَالَ رَسُولُ اللهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) أَخَذُ الْوَالِدِينَ فَقَالَ عَبْدُ اللهِ بْنُ عَجَلَانَ مِنَ الْآخِرِ قَالَ عَلِيُّ (عَلَيْهِ السَّلَامُ) وَ نِسَاؤُهُ عَلَيْنَا حَرَامٌ وَ هِيَ لَنَا خَاصَّةٌ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Abu Al Jaroud who said,

'I heard Abu Abdullah^{asws} saying and he^{asws} mentioned this Verse [29:8] **And We have enjoined on human being goodness to his parents**, and he^{asws} said: 'Rasool-Allah^{saww} is one of the two parents'. So Abdullah Bin Al-Ajlan said, 'Who is the other one?' He^{asws} said: 'Ali^{asws}, and his^{asws} wives are Prohibited unto us^{asws}, and this is for us^{asws} in particular'.¹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدِينَةَ قَالَ حَدَّثَنِي سَعْدُ بْنُ أَبِي عُرْوَةَ عَنْ قَتَادَةَ عَنِ الْحَسَنِ الْبَصْرِيِّ أَنَّ رَسُولَ اللهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) تَزَوَّجَ امْرَأَةً مِنْ بَنِي عَامِرٍ بَيْنَ صَعْصَعَةَ يُقَالُ لَهَا سَنَى وَ كَانَتْ مِنْ أَجْمَلِ أَهْلِ زَمَانِهَا فَلَمَّا نَظَرَتْ إِلَيْهَا عَانِشُهُ وَ حَفْصَةُ قَالَتَا لَتَغْلِبِنَا هَذِهِ عَلَى رَسُولِ اللهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) بِجَمَالِهَا فَقَالَتَا لَهَا لَا يَرِي مِنْكَ رَسُولُ اللهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) جِرْصًا فَلَمَّا دَخَلَتْ عَلَى رَسُولِ اللهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) تَنَاوَلَهَا بِيَدِهِ فَقَالَتْ أَعُوذُ بِاللهِ فَانْقَبَضَتْ يَدُ رَسُولِ اللهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) عَنْهَا فَطَلَّقَهَا وَ أَلْحَقَهَا بِأَهْلِهَا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina who said, 'Sa'ad Bin Abu Urwat narrated to me, from Qatada, from Al Hassan Al Basry that,

'Rasool-Allah^{saww} married a woman called Sana from the Clan of Aamir Bin Sa'sa'at, and she was from the most beautiful of the people of her time. So when Ayesha and Hafsa looked at her, they both said, 'This one will overwhelm us upon Rasool-Allah^{saww} with her beauty'. So they both said to her, 'Rasool-Allah^{saww} does not see

¹⁴ Al Kafi – V 5 – The Book of Marriage Ch 76 H 1

¹⁵ Al Kafi – V 5 – The Book of Marriage Ch 76 H 2

any keenness from you'. So when she went over to Rasool-Allah^{saww}, he^{saww} held her by his^{saww} hand, so she said, 'I seek Refuge with Allah^{azwj}'. So Rasool-Allah^{saww} let go of her hand and divorced her, and attached her with her family.

وَتَزَوَّجَ رَسُولُ اللَّهِ (صلى الله عليه وآله) امْرَأَةً مِنْ كِنْدَةَ بِنْتِ أَبِي الْجَوْنِ فَلَمَّا مَاتَ إِبْرَاهِيمُ بْنُ رَسُولِ اللَّهِ (صلى الله عليه وآله) ابْنُ مَارِيَةَ الْقِبْطِيَّةِ قَالَتْ لَوْ كَانَ نَبِيًّا مَا مَاتَ ابْنُهُ فَالْحَقَّهَا رَسُولُ اللَّهِ (صلى الله عليه وآله) بِأَهْلِهَا قَبْلَ أَنْ يَدْخُلَ بِهَا

And Rasool-Allah^{saww} married a woman from Kinda, daughter of Abu Al-Jawn. So when Ibrahim^{as}, son^{as} of Rasool-Allah^{saww} passed away, the son^{as} of Mariah the Coptic, she said, 'Had he^{saww} been a Prophet^{saww} his^{saww} son^{as} would not have passed away'. So Rasool-Allah^{saww} attached her with her family before sleeping with her.

فَلَمَّا قُبِضَ رَسُولُ اللَّهِ (صلى الله عليه وآله) وَوَلِيَ النَّاسَ أَبُو بَكْرٍ أَتَتْهُ الْعَامِرِيَّةُ وَالْكِنْدِيَّةُ وَفَدَّ خُطْبَتَا فَاجْتَمَعَ أَبُو بَكْرٍ وَعُمَرُ فَقَالَا لَهُمَا اخْتَارَا إِنْ شِئْتُمَا الْحِجَابَ وَ إِنْ شِئْتُمَا الْبَاهَ فَاخْتَارَتَا الْبَاهَ فَتَزَوَّجَتَا فَجِذِمَ أَحَدُ الرَّجُلَيْنِ وَ جُنَّ الْآخَرُ.

So when Rasool-Allah^{saww} passed away, and Abu Bakr ruled the people, the Aamiriyya woman and the Kindiyya woman came over to him, and they had been proposed to (for marriage). So Abu Bakr and Umar got together, so they both said to them, 'Either both of you choose the veil if you so desire to, or if you so desire to you choose the sexual satisfaction'. So they both chose the sexual satisfaction, but one of the two men (husbands) became a leper, and the other one became insane' (even before touching them).

قَالَ عُمَرُ بْنُ أَدْبَنَةَ فَحَدَّثْتُ بِهَذَا الْحَدِيثِ زُرَّارَةَ وَ الْفَضِيلَ فَرَوِيَا عَنْ أَبِي جَعْفَرٍ (عليه السلام) أَنَّهُ قَالَ مَا نَهَى اللَّهُ عَزَّ وَجَلَّ عَنْ شَيْءٍ إِلَّا وَفَدَّ عُصِيَّ فِيهِ حَتَّى لَقَدْ نَكَحُوا أَزْوَاجَ النَّبِيِّ (صلى الله عليه وآله) مِنْ بَعْدِهِ وَ ذَكَرَ هَاتَيْنِ الْعَامِرِيَّةَ وَ الْكِنْدِيَّةَ

Umar Bin Azina (the narrator) said, 'So I narrated with this Hadeeth with Zurara and Al-Fuzayl, so they both reported from Abu Ja'far^{asws} that: 'Allah^{azwj} Mighty and Majestic did not Forbid from something except that He^{azwj} was disobeyed in it, so much so that they even married the wives of the Prophet^{saww}, after him^{saww}, and he^{asws} mentioned these two (women), the Aamiriyya woman and the Kindiyya woman.

ثُمَّ قَالَ أَبُو جَعْفَرٍ (عليه السلام) لَوْ سَأَلْتَهُمْ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا أَ تَحِلُّ لِابْنِهِ لَقَالُوا لَا فَرَسُولُ اللَّهِ (صلى الله عليه وآله) أَعْظَمَ حُرْمَةً مِنْ آبَائِهِمْ .

Then Abu Ja'far^{asws} said: 'If you were to ask them about a man who marries a woman, so he divorces her before going to bed with her, would she be Permissible to his son? They would said, 'No'. So, Rasool-Allah^{saww} is greater in sanctity than their own fathers'.¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) نَحْوَهُ وَ قَالَ فِي حَدِيثِهِ وَ لَا هُمْ يَسْتَحِلُّونَ أَنْ يَتَزَوَّجُوا أُمَّهَاتِهِمْ إِنْ كَانُوا مُؤْمِنِينَ وَ إِنْ أَزْوَاجَ رَسُولِ اللَّهِ (صلى الله عليه وآله) فِي الْحُرْمَةِ مِثْلُ أُمَّهَاتِهِمْ .

¹⁶ Al Kafi – V 5 – The Book of Marriage Ch 76 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara Bin Ayn,

(It has been narrated) from Abu Ja'far^{asws}, approximately it, and he^{asws} said in his^{asws} Hadeeth: 'And they are no permitting that they marry their own mothers if they were Believers, and the wives of Rasool-Allah^{saww}, regarding the sanctity, are like their own mothers'.¹⁷

بَابِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فَيَطْلُقُهَا أَوْ تَمُوتُ قَبْلَ أَنْ يَدْخُلَ بِهَا أَوْ بَعْدَهُ فَيَتَزَوَّجُ أُمَّهَا أَوْ بِنْتَهَا

Chapter 77 – The man marries the woman, so he divorces her, or she dies before he had slept with her, or after it, so he marries her mother or her daughter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ بَرَّاجٍ وَحَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْأُمُّ وَالْإِبْنَةُ سَوَاءٌ إِذَا لَمْ يَدْخُلْ بِهَا يَعْنِي إِذَا تَزَوَّجَ الْمَرْأَةَ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا فَإِنَّهُ إِنْ شَاءَ تَزَوَّجَ أُمَّهَا وَإِنْ شَاءَ تَزَوَّجَ ابْنَتَهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darrah, and Hammad Bin usman,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The mother and the daughter are equal, when he does not sleep with her, meaning when he marries the wife, then he divorces her before touching her. If he so desires to he marries her mother, and if he so desires to he marries her daughter'.¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ مُتْعَةً أَيْجَلُ لَهُ أَنْ يَتَزَوَّجَ ابْنَتَهَا قَالَ لَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ahmad Bin Muhammad Bin Abu Nasr who said,

'I asked Abu Al-Hassan^{asws} about the man who marries the woman with a temporary marriage, would it be Permissible for him that he marries her daughter?' He^{asws} said: 'No'.¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَنَظَرَ إِلَى رَأْسِهَا وَ إِلَى بَعْضِ جَسَدِهَا أَوْ يَتَزَوَّجَ ابْنَتَهَا فَقَالَ لَا إِذَا رَأَى مِنْهَا مَا يَحْرُمُ عَلَى غَيْرِهِ فَلَيْسَ لَهُ أَنْ يَتَزَوَّجَ ابْنَتَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}, said, 'I asked him^{asws} about a man who marries a woman, so he looks at her head, and to a part of her

¹⁷ Al Kafi – V 5 – The Book of Marriage Ch 76 H 4

¹⁸ Al Kafi – V 5 – The Book of Marriage Ch 77 H 1

¹⁹ Al Kafi – V 5 – The Book of Marriage Ch 77 H 2

body, can he marry her daughter?' So he^{asws} said: 'No. When he has seen from her what is Prohibited unto others, so it is not for him that he marries her daughter'.²⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ بْنِ بِيحْيَى عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَأَتَاهُ رَجُلٌ فَسَأَلَهُ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَمَاتَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا أَيْتَزَوَّجَ بِأُمِّهَا فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَدْ فَعَلَهُ رَجُلٌ مِنَّا فَلَمْ نَرِ بِهِ بَأْسًا

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Mansour Bin Hazim who said,

'I was in the presence of Abu Abdullah^{asws}, so a man came over to him^{asws} and asked him^{asws} about a man who married a woman, so she died before he had slept with her, can he be married with her mother?' So Abu Abdullah^{asws} said: 'A man from us^{asws} (a companion) had done it, so we^{asws} did not see any problem'.

فَقُلْتُ جُعِلَتْ فِدَاكَ مَا تَفْخَرُ الشَّيْبَةَ إِلَّا بِقَضَاءِ عَلِيٍّ (عَلَيْهِ السَّلَام) فِي هَذِهِ السَّمْحِيَّةِ الَّتِي أَفْتَاهَا ابْنُ مَسْعُودٍ أَنَّهُ لَا بَأْسَ بِذَلِكَ ثُمَّ أَتَى عَلِيًّا (عَلَيْهِ السَّلَام) فَسَأَلَهُ فَقَالَ لَهُ عَلِيٌّ (عَلَيْهِ السَّلَام) مِنْ أَيْنَ أَخَذْتَهَا فَقَالَ مِنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ رَبَائِكُمْ اللَّاتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَام) إِنْ هَذِهِ مَسْتَنَاءٌ وَ هَذِهِ مَرْسَلَةٌ وَ أُمَّهَاتُ نِسَائِكُمْ

So I said, 'May I be sacrificed for you^{asws}! The Shias do not pride themselves except with a judgement of Ali^{asws} regarding the Shamkhiyya woman about whom Ibn Masoud had issued a Fatwa upon that there is no problem with that. Then he went over to Ali^{asws} and asked him, so Ali^{asws} said to him: 'From where have you taken it?' So he said, 'From the Words of Allah^{azwj} Mighty and Majestic [4:23] and your step-daughters who are in your guardianship, (born) of your wives to whom you have gone in, but if you have not gone in to them, there is no blame on you (in marrying them)'. So Ali^{asws} said: 'This is an exclusion, and this is for copulation and mothers of your wives'.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) لِلرَّجُلِ أَمَا تَسْمَعُ مَا يَرُوي هَذَا عَنْ عَلِيٍّ (عَلَيْهِ السَّلَام) فَلَمَّا قُمْتُ نَدِمْتُ وَ قُلْتُ أَيُّ شَيْءٍ صَنَعْتُ يَقُولُ هُوَ قَدْ فَعَلَهُ رَجُلٌ مِنَّا فَلَمْ نَرِ بِهِ بَأْسًا وَ أَقُولُ أَنَا قَضَى عَلِيٌّ (عَلَيْهِ السَّلَام) فِيهَا فَلَقِينَهُ بَعْدَ ذَلِكَ فَقُلْتُ جُعِلَتْ فِدَاكَ مَسْأَلَةُ الرَّجُلِ إِنَّمَا كَانَ الَّذِي قُلْتُ يَقُولُ كَانَ زَلَّهُ مِنِّي فَمَا تَقُولُ فِيهَا فَقَالَ يَا شَيْخُ تُخْبِرُنِي أَنَّ عَلِيًّا (عَلَيْهِ السَّلَام) قَضَى بِهَا وَ تَسْأَلُنِي مَا تَقُولُ فِيهَا .

So Abu Abdullah^{asws} said to the man: 'Did you hear what this one is reporting from Ali^{asws}?'. So when I stood up, I was remorseful, and I said (to myself), 'What have I done? He^{asws} was saying, "A man from us^{asws} (a companion) had done it, so we^{asws} did not see any problem', and I was saying, 'Ali^{asws} had judged with regards to it'. So I met him^{asws} after that, so I said, 'May I be sacrificed for you^{asws}! The question of the man, that which I had said was a slip from me, so what are you^{asws} saying with regards to it?' So he^{asws} said: 'O Sheykh! You inform me^{asws} that Ali^{asws} has judged with it, and you are asking me^{asws} what I^{asws} am saying with regards to it?'²¹

مُحَمَّدُ بْنُ بِيحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي الرَّبِيعِ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَمَكَثَ أَيْامًا مَعَهَا لَا يَسْتَطِيعُهَا غَيْرَ أَنَّهُ قَدْ رَأَى مِنْهَا مَا يَحْرُمُ عَلَى غَيْرِهِ ثُمَّ يُطَلِّقُهَا أَوْ يَصْلُحُ لَهُ أَنْ يَتَزَوَّجَ ابْنَتَهَا فَقَالَ أَوْ يَصْلُحُ لَهُ وَ قَدْ رَأَى مِنْ أُمِّهَا مَا قَدْ رَأَى .

²⁰ Al Kafi – V 5 – The Book of Marriage Ch 77 H 3

²¹ Al Kafi – V 5 – The Book of Marriage Ch 77 H 4

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Khalid Bin Jareer, from Abu Al Rabie who said,

‘Abu Abdullah^{asws} was asked about a man who married a woman, so he stayed for days with her, not going to bed with her, apart from that he had seen from her what is Prohibited unto others. Then he divorced her. Is it correct for him that he marries her daughter?’ So he^{asws} said: ‘How can it be correct for him and he had seen from her mother what he had seen?’²²

بَابُ تَرْوِيجِ الْمَرْأَةِ الَّتِي تُطَلِّقُ عَلَى غَيْرِ السُّنَّةِ

Chapter 78 – Marriage of the woman who is divorced upon other than the Sunnah

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عُمَانَ بْنِ عَيْسَى عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ إِيَّاكُمْ وَذَوَاتِ الْأَزْوَاجِ الْمُطَلَّاقَاتِ عَلَى غَيْرِ السُّنَّةِ قَالَ قُلْتُ لَهُ فَرَجُلٌ طَلَّقَ امْرَأَتَهُ مِنْ هَوْلَاءٍ وَ لِي بِهَا حَاجَةٌ قَالَ فَتَلْقَاهُ بَعْدَ مَا طَلَّقَهَا وَ انْقَضَتْ عِدَّتُهَا عِنْدَ صَاحِبِهَا فَتَقُولُ لَهُ طَلَّقْتَ فُلَانَةَ فَإِذَا قَالَ نَعَمْ فَقَدْ صَارَ تَطْلِيقُهَا عَلَى طَهْرٍ فَدَعُوهَا مِنْ حَيْثُ طَلَّقَهَا تِلْكَ التَّطْلِيقَةَ حَتَّى تَنْقُضِيَ عِدَّتَهَا ثُمَّ تَرْوِجَهَا فَقَدْ صَارَتْ تَطْلِيقُهَا بَاطِنَةً.

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Usman Bin Isa, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Beware of the marriages of the women divorced upon other than the Sunnah’. I said to him^{asws}, ‘Supposing a man from them divorces his wife and there is a need for me with her?’ He^{asws} said, ‘So meet up with him after he has divorced her, and she has observed her waiting period with her companions, so you should be saying to him, ‘You have divorced so and so?’ So if he says, ‘Yes’, so it has become one divorce upon a pure period. So leave her from when he divorced her with that divorce until she has observed her waiting period. Then marry her, so that divorce would have made her to be irrevocably divorced’.²³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ شُعَيْبِ بْنِ الْحَدَّادِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ مِنْ مَوَالِيكَ يُفْرِنُكَ السَّلَامَ وَ قَدْ أَرَادَ أَنْ يَتَزَوَّجَ امْرَأَةً قَدْ وَافَقْتَهُ وَ أَعْجَبَهُ بَعْضُ شَأْنِهَا وَ قَدْ كَانَ لَهَا زَوْجٌ فَطَلَّقَهَا ثَلَاثًا عَلَى غَيْرِ السُّنَّةِ وَ قَدْ كَرِهَ أَنْ يُقَدِّمَ عَلَيَّ تَرْوِيجَهَا حَتَّى يَسْتَأْمَرَكَ فَتَكُونُ أَنْتَ تَأْمُرُهُ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) هُوَ الْفَرْجُ وَ أَمْرُ الْفَرْجِ شَدِيدٌ وَ مِنْهُ يَكُونُ الْوَلَدُ وَ نَحْنُ نَحْنُاطُ فَلَا يَتَزَوَّجَهَا .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Al nazar Bin Suweyd, from Muhammad Bin Abu Hamza, from Shuayb Al Haddad who said,

‘I said to Abu Abdullah^{asws}, ‘A man from your^{asws} friend conveys the greetings and has intended to marry a woman whom he finds as compatible and some of her nature has fascinated him, but she used to have a husband, who has divorced her upon other than the Sunnah, and he dislikes to proceed upon marrying her until he gets instructions from you^{asws}, so you^{asws} would happen to have instructed him so’. So Abu Abdullah^{asws} said: ‘It is the copulation, and the matter of the copulation is

²² Al Kafi – V 5 – The Book of Marriage Ch 77 H 5

²³ Al Kafi – V 5 – The Book of Marriage Ch 78 H 1

difficult, and from it the children occur, and we^{asws} are cautious, therefore he should not marry her'.²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثًا فَأَرَادَ رَجُلٌ أَنْ يَتَزَوَّجَهَا كَيْفَ يَصْنَعُ قَالَ يَدْعُهَا حَتَّى تَحْبِضَ وَتَطْهَرَ ثُمَّ يَأْتِيهِ وَمَعَهُ رَجُلَانِ شَاهِدَانِ فَيَقُولُ أ طَلَّقْتَ فُلَانَةَ فَإِذَا قَالَ نَعَمْ تَرَكَهَا ثَلَاثَةَ أَشْهُرٍ ثُمَّ خَطَبَهَا إِلَى نَفْسِهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from hafs in Al Bakhtary, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who divorced his wife three (divorces). So a man intended to marry her, how should he deal?' He^{asws} said: 'Leave her until she menstruates and is pure, then he should go to him (her husband) and with him should be two men as witnesses, so he should be saying, 'Did you divorce so and so? 'So when he says, 'Yes', he should leave her for three months, then propose to herself'.²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ عَلِيِّ بْنِ حَنْظَلَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِيَّاكَ وَ الْمُطَلَّاتِ ثَلَاثًا فِي مَجْلِسٍ فَأْتَهُنَّ ذَوَاتُ أَرْوَاجٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Ali Bin Hanzala,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Beware of the woman divorced with three (divorces) in one sitting, for they are with husbands'.²⁶

بَابُ الْمَرْأَةِ تُزَوِّجُ عَلَى عَمَّتِهَا أَوْ خَالَتِهَا

Chapter 79 – The woman marries (as an additional wife) upon her paternal aunt or her maternal aunt

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ لَا تُزَوِّجُ ابْنَةَ الْأَخِ وَ لَا ابْنَةَ الْأَخْتِ عَلَى الْعَمَّةِ وَ لَا عَلَى الْخَالَةِ إِلَّا بِإِذْنِهِمَا وَ تُزَوِّجُ الْعَمَّةُ وَ الْخَالَةُ عَلَى ابْنَةِ الْأَخِ وَ ابْنَةَ الْأَخْتِ بِغَيْرِ إِذْنِهِمَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Hassan Bin Ali Bin Fazzal, from Ibn Bukeyr, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} having said: 'You should neither marry a daughter of the brother, nor a daughter of the sister (as an additional wife) upon the paternal aunt, nor upon the maternal aunt, except with her permission; and the marriage of the paternal aunt and the maternal aunt (as an additional wife) upon a daughter of the brother and a daughter of the sister without her permission'.²⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي عُبَيْدَةَ الْحَدَّاءِ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَ لَا خَالَتِهَا إِلَّا بِإِذْنِ الْعَمَّةِ وَ الْخَالَةِ .

²⁴ Al Kafi – V 5 – The Book of Marriage Ch 78 H 2

²⁵ Al Kafi – V 5 – The Book of Marriage Ch 78 H 3

²⁶ Al Kafi – V 5 – The Book of Marriage Ch 78 H 4

²⁷ Al Kafi – V 5 – The Book of Marriage Ch 79 H 1

A number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin Mahboub, from Ali Bin Raib, from Abu Ubeyda Al Haza'a who said,

'I heard Abu Ja'far^{asws}, he^{asws} said: 'Do not marry the woman (as an additional wife) upon her paternal aunt, nor upon the maternal aunt, except with the permission of the paternal aunt, and the maternal aunt'.²⁸

بَابُ تَخْلِيلِ الْمُطَلَّاقَةِ لِزَوْجِهَا وَ مَا يَهْدِمُ الطَّلَاقَ الْأَوَّلَ

Chapter 80 – The Permissibility of the divorced woman to her husband and what demolishes the first divorce

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيزِ بْنِ مُحَمَّدٍ عَنْ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثًا ثُمَّ تَمَنَّعَ فِيهَا رَجُلٌ آخَرَ هَلْ تَحِلُّ لِلْأَوَّلِ قَالَ لَا .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, 'I asked him^{asws} about a man who divorces his wife with three (divorces), then another man had temporary marriage with her, would she be Permissible for the first one?' He^{asws} said: 'No'.²⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَسَنِ الصَّيْقَلِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ طَلَّاقًا لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ وَ تَزَوَّجَهَا رَجُلٌ مُنْعَةً أَيْحِلُّ لَهُ أَنْ يَنْكِحَهَا قَالَ لَا حَتَّى تَدْخُلَ فِي مِثْلِ مَا خَرَجَتْ مِنْهُ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Abdul Kareem, from Al Hassan Al Sayqal who said,

'I asked Abu Abdullah^{asws} about a man who divorces his wife with such a divorce that she would not be Permissible for him unless she marries another husband, and a man marries her with a temporary marriage, would she be Permissible for him if he marries her?' He^{asws} said: 'No, until she enters into what she has come out from'.³⁰

سَهْلُ بْنُ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنِ الْمُتَنِّيِّ عَنِ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ طَلَّاقًا لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَتَزَوَّجَهَا عَبْدٌ ثُمَّ طَلَّقَهَا هَلْ يَهْدِمُ الطَّلَاقُ قَالَ نَعَمْ لِقَوْلِ اللَّهِ عَزَّ وَ جَلَّ فِي كِتَابِهِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ وَ قَالَ هُوَ أَحَدُ الْأَرْوَاجِ .

Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Al Musna, from Is'haq Bin Ammar who said,

'I asked Abu Abdullah^{asws} about a man who divorced his wife with such a divorce that she was not Permissible for him unless she marries another husband. So a slave married her, then divorced her, is the divorced demolished?' He^{asws} said: 'Yes, due to

²⁸ Al Kafi – V 5 – The Book of Marriage Ch 79 H 2

²⁹ Al Kafi – V 5 – The Book of Marriage Ch 80 H 1

³⁰ Al Kafi – V 5 – The Book of Marriage Ch 80 H 2

the Words of Allah^{azwj} Mighty and Majestic in His^{azwj} Book [2:230] **until she marries another husband**. And he^{asws} said: 'He is one of the husbands'.³¹

سَهْلٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُتَنَّى عَنْ أَبِي جَائِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ الطَّلَاقَ الَّذِي لَا تَحِلُّ لَهُ حَتَّى تُنكِحَ زَوْجًا غَيْرَهُ ثُمَّ تَزَوَّجَهَا رَجُلٌ آخَرُ وَ لَمْ يَدْخُلْ بِهَا قَالَ لَا حَتَّى يَذُوقَ عُسَيْلَتَهَا .

Sahl, from Ahmad Biin Muhammad, from Musna, from Abu Hatim,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the man who divorces his wife with the divorce which did not permit her for him until she marries another husband. Then another man married her but did not sleep with her'. He^{asws} said: 'No, until he tastes her honey'.³²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ رَجُلٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقَةً وَاحِدَةً ثُمَّ تَرَكَهَا حَتَّى انْفَضَّتْ عِدَّتُهَا ثُمَّ تَزَوَّجَهَا رَجُلٌ غَيْرُهُ ثُمَّ إِنَّ الرَّجُلَ مَاتَ أَوْ طَلَّقَهَا فَرَجَعَهَا الْأَوَّلُ قَالَ هِيَ عِنْدَهُ عَلَى تَطْلِيقَتَيْنِ بَاقِيَتَيْنِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who divorces his wife with one divorce, then leaves her until she observes her waiting period. Then another man marries her. Then the man dies, or divorces her. So, can the former (husband) revert to her?' He^{asws} said: 'She would be with him upon two remaining divorces'.³³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزَبَانَ قَالَ كَتَبَ عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) رَوَى بَعْضُ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ عَلَى الْكِتَابِ وَ السُّنَّةِ فَتَبَيَّنَ مِنْهُ بِوَاحِدَةٍ فَتَزَوَّجَ زَوْجًا غَيْرَهُ فَيَمُوتُ عَنْهَا أَوْ يُطَلِّقَهَا فَتَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ أَنَّهُ تَكُونُ عِنْدَهُ عَلَى تَطْلِيقَتَيْنِ وَ وَاحِدَةٍ فَذُ مَضَتْ فَوْقَ (عَلَيْهِ السَّلَامُ) بِخَطِّهِ صَدَقُوا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Mahziyar who said,

'Abdullah Bin Muhammad wrote to Abu Al-Hassan^{asws} of a report of some of our companions, from Abu Abdullah^{asws} regarding the man who divorces his wife upon the Book and the Sunnah, so she becomes irrevocably divorced from him with one (divorce). So she marries another husband, and he dies from her, or divorces her, she can return to her former husband, for her to be with him upon two divorces and one (of it) having expired.' So he^{asws} signed with his^{asws} own handwriting: 'They speak the truth'.

وَ رَوَى بَعْضُهُمْ أَنَّهَا تَكُونُ عِنْدَهُ عَلَى ثَلَاثِ مُسْتَقْبَلَاتٍ وَ أَنَّ تِلْكَ الَّتِي طَلَّقَهَا لَيْسَتْ بِشَيْءٍ لِأَنَّهَا قَدْ تَزَوَّجَتْ زَوْجًا غَيْرَهُ فَوْقَ (عَلَيْهِ السَّلَامُ) بِخَطِّهِ لَا .

And some of them had reported that she would happen to be with him upon three future divorces, and that which he had divorced her with would not be with anything,

³¹ Al Kafi – V 5 – The Book of Marriage Ch 80 H 3

³² Al Kafi – V 5 – The Book of Marriage Ch 80 H 4

³³ Al Kafi – V 5 – The Book of Marriage Ch 80 H 5

because she had married another husband. So he^{asws} signed with his^{asws} own handwriting: 'No'.³⁴

باب الْمَرْأَةِ الَّتِي تَحْرُمُ عَلَى الرَّجُلِ فَلَا تَحِلُّ لَهُ أَبَدًا

Chapter 81 – The woman who is Prohibited unto the man, so she is not Permissible for him, ever

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ الْمُثَنَّى عَنْ زُرَّارَةَ بْنِ أَعْيَنَ وَ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أَنَسِ بْنِ مَالِكٍ الْهَرَوِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ الْمُلَاعَنَةُ إِذَا لَاعَتْهَا زَوْجَهَا لَمْ تَحِلَّ لَهُ أَبَدًا وَ الَّذِي يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا وَ هُوَ يَعْلَمُ لَا تَحِلُّ لَهُ أَبَدًا وَ الَّذِي يُطَلِّقُ الطَّلَاقَ الَّذِي لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ ثَلَاثَ مَرَّاتٍ وَ تَزَوَّجَ ثَلَاثَ مَرَّاتٍ لَا تَحِلُّ لَهُ أَبَدًا وَ الْمُحْرَمُ إِذَا تَزَوَّجَ وَ هُوَ يَعْلَمُ أَنَّهُ حَرَامٌ عَلَيْهِ لَمْ تَحِلَّ لَهُ أَبَدًا .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ahmad Bin Muhammad Bin Abu Nasr, from Al Musna, from Zurara Bin Ayn and Dawood Bin Sirhan,

from Abu Abdullah^{asws}, and Abdullah Bin Bukeyr, from Adeym Baya'a Al Harwy,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The accursed woman, when her husband curses her, would not be Permissible for him, ever; and the one who married the woman during her waiting period and he knows, she would not be Permissible for him, ever; and the one who divorces with the divorce after which she is not Permissible for him until she married another husband, having divorced her three times and married her three times, would not be Permissible for him, ever; and the one in *Ihraam*, when he marries and he knows that it is Prohibited upon him, she would not be Permissible for him, ever'.³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا تَزَوَّجَ الرَّجُلُ الْمَرْأَةَ فِي عِدَّتِهَا وَ دَخَلَ بِهَا لَمْ تَحِلَّ لَهُ أَبَدًا عَالِمًا كَانَ أَوْ جَاهِلًا وَ إِنْ لَمْ يَدْخُلْ بِهَا حَلَّتْ لِلْجَاهِلِ وَ لَمْ تَحِلَّ لِأَخْرٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man marries the woman during her waiting period and sleeps with her, she would not be Permissible for him, ever, whether he was knowing or ignorant; and if he does not copulate with her, she would be Permissible for the ignorant but would not be Permissible for the other (the knowing one)'.³⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعًا عَنْ صَفْوَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي إِبْرَاهِيمَ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا بِجَهَالَةٍ أَوْ هِيَ مِمَّنْ لَا تَحِلُّ لَهُ أَبَدًا فَقَالَ لَا أَمَّا إِذَا كَانَ بِجَهَالَةٍ فَلْيَتَزَوَّجْهَا بَعْدَ مَا تَنْقُضِي عِدَّتَهَا وَ قَدْ يُعْذَرُ النَّاسُ فِي الْجَهَالَةِ بِمَا هُوَ أَعْظَمُ مِنْ ذَلِكَ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether, from Safwan, from Abdul Rahman Bin Hajjaj,

³⁴ Al Kafi – V 5 – The Book of Marriage Ch 80 H 6

³⁵ Al Kafi – V 5 – The Book of Marriage Ch 81 H 1

³⁶ Al Kafi – V 5 – The Book of Marriage Ch 81 H 2

(It has been narrated) from Abu Ibrahim^{asws} (7th Imam^{asws}), said, 'I asked him^{asws} about the man who marries the woman during her waiting period out of ignorance, is she from the ones who is not Permissible for him, ever?' So he^{asws} said: 'No. If he was ignorant, so let him marry her after her having observed her waiting period, and the people are excused in the ignorance with what is greater than that'.

فَقُلْتُ يَا أَبَا الْجَهَّالَيْنِ يُعَدُّ بِجَهَالَتِهِ أَنْ يَعْلَمَ أَنَّ ذَلِكَ مُحَرَّمٌ عَلَيْهِ أَمْ بِجَهَالَتِهِ أَنَّهُ فِي عِدَّةٍ فَقَالَ إِجْدَى الْجَهَّالَيْنِ أَهْوَنُ مِنَ الْأُخْرَى الْجَهَّالَةُ بِأَنَّ اللَّهَ حَرَّمَ ذَلِكَ عَلَيْهِ وَ ذَلِكَ بَأَنَّهُ لَا يَقْدِرُ عَلَى الْإِحْتِيَاظِ مَعَهَا فَقُلْتُ فَهَوُ فِي الْأُخْرَى مَعْدُورٌ قَالَ نَعَمْ إِذَا انْقَضَتْ عِدَّتُهَا فَهَوُ مَعْدُورٌ فِي أَنْ يَنْزَوَّجَهَا فَقُلْتُ فَإِنْ كَانَ أَحَدُهُمَا مُتَعَمِّدًا وَ الْأُخْرَى يَجْهَلُ فَقَالَ الَّذِي تَعَمَّدَ لَا يَحِلُّ لَهُ أَنْ يَرْجِعَ إِلَى صَاحِبِهِ أَبَدًا .

So I said, 'By which of the two ignorances is he excused, with his ignorance of knowing that she is Prohibited unto him, or with his ignorance that she was in her waiting period?' So he^{asws} said: 'One of the two ignorance which is easier than the other ignorance, that Allah^{azwj} has Prohibited that upon him, and that he is not able upon the precaution with her'. So I said, 'So he is excused in the other?' He^{asws} said: 'Yes, when she has observed her waiting period, so he is excused therein he can marry her'. So I said, 'Supposing one of the two was deliberate, and the other one was ignorant?' So he^{asws} said: 'The one who was deliberate, it would not be Permissible for him that he returns to his companion, ever'.³⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْحُبْلَى يَمُوتُ زَوْجُهَا فَتَضَعُ وَ تَزَوِّجُ قَبْلَ أَنْ تَمْضِيَ لَهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَقَالَ إِنْ كَانَ دَخَلَ بِهَا فُرْقٌ بَيْنَهُمَا تَمَّ لَمْ تَحِلَّ لَهُ أَبَدًا وَ اعْتَدَتْ بِمَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ وَ اسْتَقْبَلَتْ عِدَّةَ أُخْرَى مِنَ الْأَخْرِ ثَلَاثَةَ قُرُوءٍ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرْقٌ بَيْنَهُمَا وَ اعْتَدَتْ بِمَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ وَ هُوَ خَاطِبٌ مِنَ الْخَطَّابِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the pregnant woman, her husband dies, so she places (gives birth), and she marries before four months and ten days have expired for her. So he^{asws} said: 'If he has slept with her, there would be separation between them both, then she would not be Permissible for him, ever, and she would observe the waiting period with what is remaining upon her from the former (husband), and she would face another waiting period from the other one, three pure period; and if he has not slept with her, there would be separation between them both and she would observe the waiting period with what is remaining upon her from the former (husband), and he would be a proposer from the proposers'.³⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الْمَرْأَةُ الْحُبْلَى يَتَوَفَّى عَنْهَا زَوْجُهَا فَتَضَعُ وَ تَزَوِّجُ قَبْلَ أَنْ تَعْتَدَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَقَالَ إِنْ كَانَ الَّذِي تَزَوَّجَهَا دَخَلَ بِهَا فُرْقٌ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَدًا وَ اعْتَدَتْ بِمَا بَقِيَ عَلَيْهَا مِنَ عِدَّةِ الْأَوَّلِ وَ اسْتَقْبَلَتْ عِدَّةَ أُخْرَى مِنَ الْأَخْرِ ثَلَاثَةَ قُرُوءٍ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرْقٌ بَيْنَهُمَا وَ انْتَمَتْ مَا بَقِيَ مِنْ عِدَّتِهَا وَ هُوَ خَاطِبٌ مِنَ الْخَطَّابِ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ahmad Bin Muhammad Bin Abu Nasr, from Abdul Kareem, from Muhammad Bin Muslim,

³⁷ Al Kafi – V 5 – The Book of Marriage Ch 81 H 3

³⁸ Al Kafi – V 5 – The Book of Marriage Ch 81 H 4

(It has been narrated) from Abu Ja'far^{asws}, said, 'I said to him^{asws}, 'The pregnant woman, her husband having died from her, so she places (gives birth), and she marries before she has observed the waiting period of four months and ten (days)'. So he^{asws} said: 'If it was such that the one who married her has slept with her, there would be separation between the two of them, and she would not be Permissible for him, ever, and she would observe the waiting period with what is remaining upon her from the first waiting period, and she would face another waiting period from the other one of three pure periods; but if he had not slept with her, there would be separation between them both, and she would complete what remains from her waiting period, and he would be a proposer from the proposers'.³⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عُمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ وَ ابْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فِي عِدَّتِهَا قَالَ يُفْرَقُ بَيْنَهُمَا وَ إِنْ كَانَ دَخَلَ بِهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَ يُفْرَقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَا شَيْءَ لَهَا مِنْ مَهْرِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Muhammad Bin Al Husayn, from Usman Bin Isa, from Sama'at, and Ibn Muskann, from Suleyman Bin Khalid, said,

'I asked him^{asws} about a man who marries a woman during her waiting period. He^{asws} said: 'There would be separation between them both, and if he had slept with her, so there would be the dower for her with what she had permitted from her private parts, and there would be separation between them both, and she would not be Permissible for him, ever; but if he did not happen to have slept with her, so there is nothing for her from her dower'.⁴⁰

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا طَلَّقَ الرَّجُلُ الْمَرْأَةَ فَتَزَوَّجَتْ ثُمَّ طَلَّقَهَا زَوْجَهَا الْأَوَّلَ ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ رَجُلًا ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ الْأَوَّلَ ثُمَّ طَلَّقَهَا زَوْجَهَا الْأَوَّلَ هَكَذَا ثَلَاثًا لَمْ تَحِلَّ لَهُ أَبَدًا .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, and Ali Bin Ibrahim, from his father, altogether from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws}, and Ibrahim Bin Abdul Hameed from Abu Abdullah^{asws} and Abu Al-Hassan^{asws} having said: 'When the man divorces the woman, so she marries. Then her husband divorces her, so she marries the first (husband). Then he divorces, so she marries a man. Then he divorces her, so she marries the first (husband). Then the first husband divorces her like this, three times, she would not be Permissible for him, ever'.⁴¹

أَحْمَدُ بْنُ مُحَمَّدٍ الْعَاصِمِيُّ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ عَمِّهِ يَعْقُوبَ بْنِ سَالِمٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فِي عِدَّتِهَا قَالَ إِنْ كَانَ دَخَلَ بِهَا فُرِّقَ بَيْنَهُمَا وَ لَمْ يَحِلَّ لَهُ أَبَدًا وَ أَنْمَتَ عِدَّتِهَا مِنَ الْأَوَّلِ وَ عِدَّةَ أُخْرَى مِنَ الْآخِرِ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرِّقَ بَيْنَهُمَا وَ أَنْمَتَ عِدَّتِهَا مِنَ الْأَوَّلِ وَ كَانَ خَاطِبًا مِنَ الْخَطَّابِ .

Ahmad Bin Muhammad Al Aasimy, from Ali Bin Al Hassan Bin Fazzal, from Ali Bin Asbaat, from his uncle Yaqoub Bin Salim, from Muhammad Bin Muslim,

³⁹ Al Kafi – V 5 – The Book of Marriage Ch 81 H 5

⁴⁰ Al Kafi – V 5 – The Book of Marriage Ch 81 H 6

⁴¹ Al Kafi – V 5 – The Book of Marriage Ch 81 H 7

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about the man who marries the woman during her waiting period. He^{asws} said: 'If he had slept with her, there would be separation between them both, and she would not be Permissible for him, ever, and she would complete her waiting period (from the deceased), and another waiting period from the other one (husband); but if he had not slept with her, there would be separation between them both, and she would complete her waiting period from the first (husband) and he would be a proposer from the proposers'.⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي رَجُلٍ نَكَحَ امْرَأَةً وَهِيَ فِي عِدَّتِهَا قَالَ يُفْرَقُ بَيْنَهُمَا ثُمَّ تَقْضَى عِدَّتُهَا فَإِنْ كَانَ دَخَلَ بِهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا وَ يُفْرَقُ بَيْنَهُمَا وَإِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَا شَيْءَ لَهَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man who married a woman and she was in her waiting period. He^{asws} said: 'There would be separation between them both, then she would observe her waiting period. So if he had slept with her, so for her would be the dower with what she had permitted from her private part, and there would be separation between them both; and if he had not slept with her, so there would not be anything for her'.

قَالَ وَ سَأَلْتُهُ عَنِ الَّذِي يُطَلِّقُ ثُمَّ يُرَاجِعُ ثُمَّ يُطَلِّقُ ثُمَّ يُرَاجِعُ ثُمَّ يُطَلِّقُ قَالَ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ فَيَنْزَوِجَهَا رَجُلٌ آخَرَ فَيُطَلِّقُهَا عَلَى السُّنَّةِ ثُمَّ تَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ فَيُطَلِّقُهَا ثَلَاثَ مَرَّاتٍ عَلَى السُّنَّةِ فَتَنْكِحُ زَوْجًا غَيْرَهُ فَيُطَلِّقُهَا ثُمَّ تَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ فَيُطَلِّقُهَا ثَلَاثَ مَرَّاتٍ عَلَى السُّنَّةِ ثُمَّ تَنْكِحُ فَيْلِكَ الَّتِي لَا تَحِلُّ لَهُ أَبَدًا وَ الْمُلَاعَنَةُ لَا تَحِلُّ لَهُ أَبَدًا .

He (the narrator) said, 'And I asked him^{asws} about the one who divorces, then reverts, then divorces, then reverts, then divorces. He^{asws} said: 'She would not be Permissible for him until she marries another husband. So another husband marries her, then divorces her upon the Sunnah, then she returns to the first (husband), so he divorces her three times upon the Sunnah. So she marries another husband, so he divorces her, then she returns to her first husband. So he divorces her three times upon the Sunnah, then she married. So that would be the one who is not Permissible for him, ever, and the accursed one (from her husband) would not be Permissible for him, ever'.⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي إِبْرَاهِيمَ (عَلَيْهِ السَّلَامُ) بَلَّغْنَا عَنْ أَبِيكَ أَنَّ الرَّجُلَ إِذَا تَزَوَّجَ الْمَرْأَةَ فِي عِدَّتِهَا لَمْ تَحِلَّ لَهُ أَبَدًا فَقَالَ هَذَا إِذَا كَانَ عَالِمًا فَإِذَا كَانَ جَاهِلًا فَارْقَهَا وَ تَعُدَّتْ ثُمَّ يَنْزَوِجَهَا نِكَاحًا جَدِيدًا .

Ali Bin Ibrahim, from his father, from Safwan, from Is'haq Bin Ammar who said,

'I said to Abu Ibrahim^{asws} (7th Imam^{asws}), 'It has reached us from your^{asws} father^{asws} that the man, when he marries the woman during her waiting period, she would not be Permissible for him, ever'. So he^{asws} said: 'This is when he has knowing. So if he

⁴² Al Kafi – V 5 – The Book of Marriage Ch 81 H 8

⁴³ Al Kafi – V 5 – The Book of Marriage Ch 81 H 9

was ignorant, they would be separated, and she would observe her waiting period, then he would marry her with a new marriage'.⁴⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ رَفَعَهُ أَنَّ الرَّجُلَ إِذَا تَزَوَّجَ الْمَرْأَةَ وَ عَلِمَ أَنَّ لَهَا زَوْجًا فُرِقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَدًا .

A number of our companions, from Ahmad Bin Muhammad, raising it,

'(He^{asws} said): 'The man, when he marries the woman and knows that there is a husband for her, separation would be effected between them both, and she would not be Permissible for him, ever'.⁴⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا حَطَبَ الرَّجُلُ الْمَرْأَةَ فَدَخَلَ بِهَا قَبْلَ أَنْ تَبْلُغَ تِسْعَ سِنِينَ فُرِقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَدًا .

A number of our companions, from Sahl Bin Ziyad, from Yaqoub Bin Yazeed, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man proposes to the woman, so he sleeps with her before she reaches nine years, separation would be effected between the two of them, and she would not be Permissible for him, ever'.⁴⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ إِذَا طَلَّقَ الرَّجُلُ الْمَرْأَةَ فَتَزَوَّجَتْ رَجُلًا ثُمَّ طَلَّقَهَا فَتَزَوَّجَهَا الْأَوَّلُ ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ رَجُلًا ثُمَّ طَلَّقَهَا فَتَزَوَّجَهَا الْأَوَّلُ ثُمَّ طَلَّقَهَا لَمْ تَحِلَّ لَهُ أَبَدًا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man divorces the woman, so a man marries her. Then he divorces her, so the first (husband) marries her. Then he divorces her, so a man marries her. Then he divorces her, so the first (husband) marries her. Then he divorces her, she would not be Permissible for him, ever'.⁴⁷

بَابُ الَّذِي عِنْدَهُ أَرْبَعُ نِسْوَةٍ فَيُطَلِّقُ وَاحِدَةً وَ يَتَزَوَّجُ قَبْلَ انْقِضَاءِ عِدَّتِهَا أَوْ يَتَزَوَّجُ خَمْسَ نِسْوَةٍ فِي عَقْدَةٍ

Chapter 82 – The one with whom are four wives, so he divorces one, and he marries (another) before the expiration of her waiting period, or he marries five women in a (marriage) tie

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنَ وَ مُحَمَّدَ بْنَ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا جَمَعَ الرَّجُلُ أَرْبَعًا فَطَلَّقَ إِحْدَاهُنَّ فَلَا يَتَزَوَّجُ الْخَامِسَةَ حَتَّى تَنْقُضِيَ عَدَّةَ الْمَرْأَةِ الَّتِي طَلَّقَ وَ قَالَ لَا يَجْمَعُ الرَّجُلُ مَاءَهُ فِي خَمْسٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Zurara Bin Ayn and Muhammad Bin Muslim,

⁴⁴ Al Kafi – V 5 – The Book of Marriage Ch 81 H 10

⁴⁵ Al Kafi – V 5 – The Book of Marriage Ch 81 H 11

⁴⁶ Al Kafi – V 5 – The Book of Marriage Ch 81 H 12

⁴⁷ Al Kafi – V 5 – The Book of Marriage Ch 81 H 13

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man gathers four (wives), so he divorces one of them, so he cannot marry the fifth until the expiration of the waiting period of the wife he has divorces'. And he^{asws} said: 'The man cannot gather his water (seed) in five (wives)'.⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَكُونُ لَهُ أَرْبَعُ نِسْوَةٍ فَيُطَلِّقُ إِحْدَاهُنَّ أَوْ يَتَزَوَّجُ مَكَانَهَا أُخْرَى قَالَ لَا حَتَّى تَنْقَضِيَ عِدَّتُهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza who said,

'I asked Abu Ibrahim^{asws} about the man who happens to have four wives, and he divorces one of them. Can he marry another in her place?' He^{asws} said: 'No, until her waiting period expires'.⁴⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ عَاصِمِ بْنِ جُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) يَقُولُ فِي رَجُلٍ كَانَتْ تَحْتَهُ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ وَاحِدَةً ثُمَّ تَكَحَّحَ أُخْرَى قَبْلَ أَنْ تَسْتَكْمَلَ الْمُطَلَّغَةُ الْعِدَّةَ قَالَ فَلْيُلْحِقْهَا بِأَهْلِهَا حَتَّى تَسْتَكْمَلَ الْمُطَلَّغَةُ أَجْلَهَا وَ تَسْتَقْبِلَ الْأُخْرَى عِدَّةَ أُخْرَى وَ لَهَا صَدَاقُهَا إِنْ كَانَ دَخَلَ بِهَا فَإِنْ لَمْ يَكُنْ دَخَلَ بِهَا فَلَهُ مَالُهُ وَ لَا عِدَّةَ عَلَيْهَا ثُمَّ إِنْ شَاءَ أَهْلُهَا بَعْدَ انْقِضَاءِ عِدَّتِهَا زَوَّجُوهُ وَ إِنْ شَاءُوا لَمْ يُزَوَّجُوهُ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Aasim Bin Humejd, from Muhammad Bin Qays who said,

'I heard Abu Ja'far^{asws} saying regarding a man under whom were four women, so he divorced one, then married another before the divorced one had completed the waiting period. He^{asws} said: 'So let him attach her with her family until the divorced woman completes her term, and the other one would face another waiting period, and for her would be her dower, if he had slept with her. So, if he did not happen to have slept with her, so for him would be his wealth, and there would be no waiting period upon her. Then, if her family so desires to, after the expiration of her waiting period, to get her married, and if they so desire to, they do not get her married'.⁵⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ عُنْبَسَةَ بْنِ مُصْعَبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ رَجُلٍ كَانَتْ لَهُ ثَلَاثُ نِسْوَةٍ فَتَزَوَّجَ عَلَيْهِنَّ امْرَأَتَيْنِ فِي عَقْدَةٍ فَدَخَلَ بِوَاحِدَةٍ مِنْهُمَا ثُمَّ مَاتَ قَالَ إِنْ كَانَ دَخَلَ بِالْمَرْأَةِ الَّتِي بَدَأَ بِاسْمِهَا وَ ذَكَرَهَا عِنْدَ عَقْدَةِ النِّكَاحِ فَإِنَّ نِكَاحَهَا جَائِزٌ وَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ وَ إِنْ كَانَ دَخَلَ بِالْمَرْأَةِ الَّتِي سَمَّيْتُ وَ ذَكَرْتُ بَعْدَ ذِكْرِ الْمَرْأَةِ الْأُولَى فَإِنَّ نِكَاحَهَا بَاطِلٌ وَ لَا مِيرَاثَ لَهَا وَ عَلَيْهَا الْعِدَّةُ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether, from Al Hassan Bin Mahboub, from Ali Bin Raib, from Anbasa Bin Mus'ab who said,

'I asked Abu Abdullah^{asws} about a man who had three women for him, so he married two women (as additional wives) upon them in one marriage tie. So he slept with one of them, then died. He^{asws} said: 'If he had slept with the wife whom he initiated with her name and mentioned her during the marriage tie, so her marriage is allowed, and for her is the inheritance and upon her is the waiting period; but if he slept with the wife whom he named, and mentioned after the mention of the first one, so her

⁴⁸ Al Kafi – V 5 – The Book of Marriage Ch 82 H 1

⁴⁹ Al Kafi – V 5 – The Book of Marriage Ch 82 H 2

⁵⁰ Al Kafi – V 5 – The Book of Marriage Ch 82 H 3

marriage is invalid, and there is no inheritance for her, and upon her is the waiting period'.⁵¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تَزَوَّجَ خَمْسًا فِي عَقْدَةٍ قَالَ يُخَلِّي سَبِيلَ أَيَّتُهُنَّ شَاءَ وَ يُمَسِّكُ الْأُخْرَى .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who marries five (women) in one marriage tie. He^{asws} said: 'He has to free the way (divorce) of whichever one he so desires to, and keep the four'.⁵²

باب الْجَمْعِ بَيْنِ الْأَخْتَيْنِ مِنَ الْحَرَائِرِ وَالْإِمَاءِ

Chapter 83 – The gathering between two sisters, from the free ones and the slaves

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ وَ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي أُخْتَيْنِ نَكَحَ إِحْدَاهُمَا رَجُلٌ ثُمَّ طَلَّقَهَا وَ هِيَ حُبْلَى ثُمَّ خَطَبَ أُخْتَهَا فَجَمَعَهُمَا قَبْلَ أَنْ تَضَعَ أُخْتَهَا الْمَطْلُوقَةَ وَ لَدَهَا فَأَمَرَهُ أَنْ يُفَارِقَ الْأُخْرَى حَتَّى تَضَعَ أُخْتَهَا الْمَطْلُوقَةَ وَ لَدَهَا ثُمَّ يَخْطُبُهَا وَ يُصَدِّقُهَا صَدَاقاً مَرَّتَيْنِ .

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Abu Najran, and Ahmad Bin Muhammad Bin Abu Nasr, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding two sisters, a man married one of them, then divorced her and she was pregnant, then he proposed to her sister, so he gathered the two of them before her divorced sister placed (gave birth) to her child. So he^{asws} ordered that there would be separation with the later one until her divorced sister places (gives birth to) her child. Then he should proposed to her, and assign a dower for her with a dower, being twice'.⁵³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بَكْرٍ الْحَضْرَمِيِّ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ نَكَحَ امْرَأَةً ثُمَّ أَتَى أَرْضاً فَتَكَحَّ أُخْتَهَا وَ هُوَ لَا يَعْلَمُ قَالَ يُمَسِّكُ أَيَّتُهُمَا شَاءَ وَ يُخَلِّي سَبِيلَ الْأُخْرَى .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Ibn Muskan, from Abu Bakr Al Hazramy who said,

'I said to Abu Ja'far^{asws}, 'A man married a woman, then he went over to a land, so he married her sister, and he did not know'. He^{asws} said: 'He can keep whichever of the two he so desires to, and he should free the way of the other one (divorce her)'.⁵⁴

⁵¹ Al Kafi – V 5 – The Book of Marriage Ch 82 H 4

⁵² Al Kafi – V 5 – The Book of Marriage Ch 82 H 5

⁵³ Al Kafi – V 5 – The Book of Marriage Ch 83 H 1

⁵⁴ Al Kafi – V 5 – The Book of Marriage Ch 83 H 2

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) أَنَّهُ قَالَ فِي رَجُلٍ تَزَوَّجَ أُخْتَيْنِ فِي عَقْدَةٍ وَاحِدَةٍ قَالَ هُوَ بِالْخِيَارِ يُمَسِّكُ أَيَّتَهُمَا شَاءَ وَ يُخَلِّي سَبِيلَ الْأُخْرَى

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, fro one of his companions,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said regarding a man who married two sisters in one marriage tie. He^{asws} said: 'He is with the choice. He can keep whichever of the two he so desires to, and free the way of the other one'.

وَقَالَ فِي رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ فَوَطَّنَهَا ثُمَّ اشْتَرَى أُمَّهَا أَوْ ابْنَتَهَا قَالَ لَا تَحِلُّ لَهُ [أَبْدًا] .

And he^{asws} said regarding a man who had a slave girl for him, so he slept with her, then bought her paternal aunt, or her daughter. He^{asws} said: 'She would not be Permissible for him, ever'.⁵⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ ابْنِ بُكَيْرٍ وَعَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ بْنِ أَعْيَنٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ تَزَوَّجَ بِالْعِرَاقِ امْرَأَةً ثُمَّ خَرَجَ إِلَى الشَّامِ فَتَزَوَّجَ امْرَأَةً أُخْرَى فَإِذَا هِيَ أُخْتُ امْرَأَةِ الَّتِي بِالْعِرَاقِ قَالَ يَفْرَقُ بَيْنَهُ وَ بَيْنَ الَّتِي تَزَوَّجَهَا بِالشَّامِ وَ لَا يَقْرَبُ الْمَرْأَةَ حَتَّى تَنْقُضِيَ عِدَّةَ الشَّامِيَّةِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Ibn Bukeyr, and Ali Bin Raib, from Zurara Bin Ayn who said,

'I asked Abu Ja'far^{asws} about a man who married a woman in Al-Iraq. Then he went out to Syria, so he married another woman. So she turned out to be a sister of the woman in Al-Iraq. He^{asws} said: 'There would be separation between him and the one who was in Syrian, and he would not go near the woman until the expiration of the waiting period of the Syrian woman'.

قُلْتُ فَإِنْ تَزَوَّجَ امْرَأَةً ثُمَّ تَزَوَّجَ أُمَّهَا وَ هُوَ لَا يَعْلَمُ أَنَّهَا أُمَّهَا قَالَ قَدْ وَضَعَ اللَّهُ عَنْهُ جَهْلَانَهُ بِذَلِكَ ثُمَّ قَالَ إِذَا عَلِمَ أَنَّهَا أُمَّهَا فَلَا يَقْرَبُهَا وَ لَا يَقْرَبُ الْإِبْنَةَ حَتَّى تَنْقُضِيَ عِدَّةَ الْأُمِّ مِنْهُ فَإِذَا انْقَضَتْ عِدَّةُ الْأُمِّ حَلَّ لَهُ نِكَاحُ الْإِبْنَةِ

I said, 'Supposing he were to marry a woman, then marry her mother, and he does not know that she was her mother?' He^{asws} said: 'Allah^{azwj} has Placed (aside the Punishment) from him due to his ignorance with that'. Then he^{asws} said: 'When he knows that she is her mother, so he should not go near her, nor go near the daughter, until the mother's waiting period expires from it. So when the waiting period of the mother expires, his marriage with the daughter would be Permissible'.

قُلْتُ فَإِنْ جَاءَتِ الْأُمُّ بِوَلَدٍ قَالَ هُوَ وَلَدُهُ وَ يَكُونُ ابْنَهُ وَ أَخَا امْرَأَتِهِ .

I said, 'Supposing the mother comes with a child?' He^{asws} said: 'It would be his child, and would happen to be his son, and a brother of his wife'.⁵⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ قَالَ قَرَأْتُ فِي كِتَابِ رَجُلٍ إِلَى أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَام) (جَعَلْتُ فِدَاكَ الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ مُنْعَةً إِلَى أَجَلٍ مُسَمًّى فَيَنْقُضِي الْأَجَلَ بَيْنَهُمَا هَلْ لَهُ أَنْ يَنْكِحَ أُخْتَهَا مِنْ قَبْلِ أَنْ تَنْقُضِيَ عِدَّتَهَا فَكَتَبَ لَا يَحِلُّ لَهُ أَنْ يَتَزَوَّجَهَا حَتَّى تَنْقُضِيَ عِدَّتَهَا .

⁵⁵ Al Kafi – V 5 – The Book of Marriage Ch 83 H 3

⁵⁶ Al Kafi – V 5 – The Book of Marriage Ch 83 H 4

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus who said,

'I read in a letter of a man to Abu Al-Hassan Al-Reza^{asws}, 'May I be sacrificed for you^{asws}! The man marries the woman in a temporary marriage to a specified term, and the term expires between the two of them. Is it for him that he can marry her sister from before the expiration of her waiting period?' So he^{asws} wrote: 'It is not Permissible for him that he marries her until her (after) waiting period has expired'.⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَزِيْعٍ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اخْتَلَعَتْ مِنْهُ امْرَأَتُهُ أَيْحُلُّ لَهُ أَنْ يَخْطُبَ أُخْتَهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا فَقَالَ إِذَا بَرِنَتْ عِصْمَتُهَا وَ لَمْ يَكُنْ لَهُ رَجْعَةٌ فَقَدْ حَلَّ لَهُ أَنْ يَخْطُبَ أُخْتَهَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Ismail Bin Bazie, from Muhammad Bin Al Fuzayl, from Abu Al Sabah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man whose wife was divorced from him by a mutual agreement, is it Permissible for him that he proposes to her sister before the expiration of her waiting period?' So he^{asws} said: 'When she has freed herself and there is no reversion for him, so it is Permissible for him that he proposes to her sister'.

قَالَ وَ سُئِلَ عَنْ رَجُلٍ عِنْدَهُ أُخْتَانِ مَمْلُوكَتَانِ فَوَطِئَ إِحْدَاهُمَا ثُمَّ وَطِئَ الْأُخْرَى قَالَ إِذَا وَطِئَ الْأُخْرَى فَقَدْ حُرِّمَتْ عَلَيْهِ الْأُولَى حَتَّى تَمُوتَ الْأُخْرَى قُلْتُ أَرَأَيْتَ إِنْ بَاعَهَا فَقَالَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِحَاجَةٍ وَ لَا يَخْطُرُ عَلَى بَالِهِ مِنَ الْأُخْرَى شَيْءٌ فَلَا أَرَى بِذَلِكَ بَأْسًا وَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِيَرْجِعَ إِلَى الْأُولَى فَلَا .

He (the narrator) said, 'And he was asked about a man with whom were two sisters, both owned slaves. So he slept with one of the two, then he slept with the other. He^{asws} said: 'When he slept with the other, so it has Prohibited unto him the first one until the other one dies'. I said, 'What is your^{asws} view if he were to sell her?' So he^{asws} said: 'If it was such that he has to sell her due to a need and not having any thoughts upon his sleeping with the other one, so I^{asws} do not see any problem with that; and if it was such that rather he sells her in order to revert to the first one, so no'.⁵⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ أَوْ اخْتَلَعَتْ أَوْ بَانَتْ أَلَهُ أَنْ يَنْزَوِجَ بِأُخْتِهَا قَالَ إِذَا بَرِنَتْ عِصْمَتُهَا وَ لَمْ يَكُنْ لَهُ عَلَيْهَا رَجْعَةٌ فَلَهُ أَنْ يَخْطُبَ أُخْتَهَا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who divorces his wife, or by mutually agreement divorce, or she becomes irrevocably divorced from him, is it for him that he marries her sister?' So he^{asws} said: 'When she has freed herself and there is no reversion for him upon her, so for him is that he proposes to her sister'.

قَالَ وَ سُئِلَ عَنْ رَجُلٍ كَانَتْ عِنْدَهُ أُخْتَانِ مَمْلُوكَتَانِ فَوَطِئَ إِحْدَاهُمَا ثُمَّ وَطِئَ الْأُخْرَى قَالَ إِذَا وَطِئَ الْأُخْرَى فَقَدْ حُرِّمَتْ عَلَيْهِ حَتَّى تَمُوتَ الْأُخْرَى قُلْتُ أَرَأَيْتَ إِنْ بَاعَهَا أَوْ تَجَلَّى لَهُ الْأُولَى قَالَ إِنْ كَانَ يَبِيعُهَا لِحَاجَةٍ وَ لَا يَخْطُرُ عَلَى قَلْبِهِ مِنَ الْأُخْرَى شَيْءٌ فَلَا أَرَى بِذَلِكَ بَأْسًا وَ إِنْ كَانَ إِنَّمَا يَبِيعُهَا لِيَرْجِعَ إِلَى الْأُولَى فَلَا وَ لَا كَرَامَةً .

⁵⁷ Al Kafi – V 5 – The Book of Marriage Ch 83 H 5

⁵⁸ Al Kafi – V 5 – The Book of Marriage Ch 83 H 6

He (the narrator) said, 'And he^{asws} was asked about a man who happened to have two sisters for him. Both owned slaves, so he slept with one of them, then slept with the other. He^{asws} said: 'When he slept with the other, she (the first one) becomes Prohibited unto him until the other one dies'. I said, 'What is your^{asws} view if he were to sell her, would the first one be Permissible for him?' He^{asws} said: 'If he sold her due to a need and not having any thoughts upon his heart from the other, so I^{asws} do not see a problem with that; and if it was such that rather he sold her in order to revert to the first one, so no, and there is no prestige'.⁵⁹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ وَ هِيَ حُبْلَى أَوْ يَنْزُوجُ أُخْتَهَا قَبْلَ أَنْ تَضَعَ قَالَ لَا يَنْزُوجُهَا حَتَّى يَخْلُوَ أَجْلَهَا .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who divorced his wife and she was pregnant, can he marry her sister before she places (gives birth)?' He^{asws} said: 'He cannot marry her until her term is cleared'.⁶⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَةً أَوْ يَنْزُوجُ أُخْتَهَا قَالَ لَا حَتَّى تَنْقُضِيَ عِدَّتَهَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza,

(It has been narrated) from Abu Ibrahim^{asws}, said, 'I asked him^{asws} about a man who divorces his wife, can he marry her sister?' He^{asws} said: 'No, until her waiting period has expired'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ مَلَكَ أُخْتَيْنِ أَوْ يَطْوُهُمَا جَمِيعًا قَالَ يَطْأُ إِحْدَاهُمَا وَ إِذَا وَطِئَ الثَّانِيَةَ حَرُمَتْ عَلَيْهِ الْأُولَى الَّتِي وَطِئَ حَتَّى تَمُوتَ الثَّانِيَةَ أَوْ يُفَارِقَهَا وَ لَيْسَ لَهُ أَنْ يَبِيعَ الثَّانِيَةَ مِنْ أَجْلِ الْأُولَى لِيَرْجِعَ إِلَيْهَا إِلَّا أَنْ يَبِيعَ لِحَاجَةٍ أَوْ يَتَصَدَّقَ بِهَا أَوْ تَمُوتَ

He (the narrator) said, 'And I asked him about a man who owned two sisters, can he sleep with both of them together?' He^{asws} said: 'He can sleep with one of the two, and when he sleeps with the second one, the first one which he slept with would be Prohibited unto him until the second one dies, or he separates from her; and it is not for him that he sells the second one due to the reason of the first in order to revert to her, except if he were to sell for a need, or he gives in charity with her, or she dies'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ امْرَأَةٌ فَهَلَكَتْ أَوْ يَنْزُوجُ أُخْتَهَا فَقَالَ مِنْ سَاعَتِهِ إِنْ أَحَبَّ .

He (the narrator) said, 'And I asked him^{asws} about a man who had a woman for him, so she died, can he marry her sister? So he^{asws} said: 'From that very moment if he so desires to'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ كَانَتْ لَهُ جَارِيَةٌ فَعَنَقَتْ فَتَزَوَّجَتْ فَوَلَدَتْ أَوْ يَصْلِحُ لِمَوْلَاهَا الْأُولَى أَنْ يَنْزُوجَ ابْنَتَهَا قَالَ هِيَ عَلَيْهِ حَرَامٌ وَ هِيَ ابْنَتُهُ وَ الْحُرَّةُ وَ الْمَمْلُوكَةُ فِي هَذَا سَوَاءٌ ثُمَّ قَرَأَ هَذِهِ الْآيَةَ وَ رَبَائِكُمْ اللَّاتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمْ .

⁵⁹ Al Kafi – V 5 – The Book of Marriage Ch 83 H 7

⁶⁰ Al Kafi – V 5 – The Book of Marriage Ch 83 H 8

⁶¹ Al Kafi – V 5 – The Book of Marriage Ch 83 H 9

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{asws} about a man who had a slave girl for him, so he freed her, and married her, so she gave birth. Is it correct for her former master that he marries her daughter?' He^{asws} said: 'She is Prohibited unto him, and she is his daughter, and the free woman and the owned slave girl, with regard to this, are equal'. Then he^{asws} recited this Verse **[4:23] and your step-daughters who are in your guardianship, (born) of your wives'**.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) مِثْلَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim, from one of the two (5th or 6th Imam^{asws}) – similar to it'.⁶²

أَحْمَدُ بْنُ مُحَمَّدٍ عَمَّنْ ذَكَرَهُ عَنِ الْحُسَيْنِ بْنِ بَشْرٍ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ تَكُونُ لَهُ الْجَارِيَةُ وَ لَهَا ابْنَةٌ فَيَقَعُ عَلَيْهَا أَوْ يَصْلُحُ لَهُ أَنْ يَقَعَ عَلَى ابْنَتِهَا فَقَالَ أَيْنُحُ الرَّجُلُ الصَّالِحُ ابْنَتَهُ .

Ahmad Bin Muhammad, from the one who mentioned it, from Al Husayn Bin Bashr who said,

'I asked Al-Reza^{asws} about the man who happened to have the slave girl for him, and for her is a daughter. So he fell upon her. It is correct for him that he falls upon her daughter?' So he^{asws} said: 'Would the righteous man marry his own daughter?'⁶³

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ عَبْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَكُونُ لَهُ الْجَارِيَةُ يُصِيبُ مِنْهَا أَوْ لَهُ أَنْ يَنْكِحَ ابْنَتَهَا قَالَ لَا هِيَ مِثْلُ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ رَبَابِكُمْ اللَّاتِي فِي حُجُورِكُمْ .

Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Al Qasim Bin Suleyman, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who happens to have the slave girl for him which he attained from. Is it for him that he marries her daughter?' He^{asws} said: 'No. She is like (the one in) the Words of Allah^{azwj} Mighty and Majestic **[4:23] and your step-daughters who are in your guardianship'**.⁶⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ رَجُلٌ طَلَّقَ امْرَأَتَهُ فَبَانَتْ مِنْهُ وَ لَهَا ابْنَةٌ مَمْلُوكَةٌ فَاشْتَرَاهَا أَوْ يَحِلُّ لَهُ أَنْ يَطَّأَهَا قَالَ لَا

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin yahya, from Ibn Muskan, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'A man divorces his wife, so she becomes irrevocably divorced from him, and for her is a daughter, an owned slave. So he buys her. Is it Permissible for him that he sleeps with her?' He^{asws} said: 'No'.

⁶² Al Kafi – V 5 – The Book of Marriage Ch 83 H 10

⁶³ Al Kafi – V 5 – The Book of Marriage Ch 83 H 11

⁶⁴ Al Kafi – V 5 – The Book of Marriage Ch 83 H 12

وَعَنِ الرَّجُلِ تَكُونُ عِنْدَهُ الْمَمْلُوكَةُ وَابْنَتُهَا فَيَطَأُ إِحْدَاهُمَا فَمُوتُ وَتَبَقِيَ الْأُخْرَى أَيْصَلِحُ لَهُ أَنْ يَطَأَهَا قَالَ لَا .

And about the man who happened to have the owned slave girl with him, and her daughter. So he sleeps with one of the two, and she dies, and the other one remains. Is it correct for him that he sleeps with her?' He^{asws} said: 'No'.⁶⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَجْبُوبٍ عَنْ ابْنِ رِثَابٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الرَّجُلُ يَسْتَتِرِي الْأَخْتَيْنِ فَيَطَأُ إِحْدَاهُمَا ثُمَّ يَطَأُ الْأُخْرَى بِجَهَالَةٍ قَالَ إِذَا وَطِئَ الْأُخْرَى بِجَهَالَةٍ لَمْ تَحْرُمَ عَلَيْهِ الْأُولَى وَ إِنْ وَطِئَ الْأُخْرَى وَ هُوَ يَعْلَمُ أَنَّهَا تَحْرُمُ عَلَيْهِ حَرَمْنَا عَلَيْهِ جَمِيعاً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'The man buys the two sisters, so he sleeps with one of the two. Then he sleeps with the other out of ignorance'. He^{asws} said: 'When he slept with the other one out of ignorance, the first one would not be Prohibited unto him, but if he slept with the other one and he knew that she is prohibited unto him, they would both together be Prohibited unto him'.⁶⁶

بَاب فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا الْآيَةَ

Chapter 84 – Regarding the Words of Allah^{azwj} Mighty and Majestic [2:235] but do not give them a promise in secret – The Verse

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ هُوَ الرَّجُلُ يَقُولُ لِلْمَرْأَةِ قَبْلَ أَنْ تَنْقُضِي عِدَّتَهَا أَوْاعِدُكَ بَيْتَ آلِ فُلَانٍ لِيُعْرِضَ لَهَا بِالْخُطْبَةِ وَ يَعْنِي بِقَوْلِهِ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا التَّعْرِيفُ بِالْخُطْبَةِ وَ لَا تَعَزِّمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic [2:235] but do not give them a promise in secret unless you speak in a goodly manner. He^{asws} said: 'He is the man who is saying to the woman before the expiration of her waiting period, 'I promise you a house of the family of so and so, in order to introduce her with the proposal; and the Meaning of His^{azwj} Words unless you speak in a goodly manner, is the introduction with the proposal, and do not confirm the marriage tie until the writing is fulfilled'.⁶⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَ لَا تَعَزِّمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ فَقَالَ السِّرُّ أَنْ يَقُولَ الرَّجُلُ مَوْعِدَكَ بَيْتَ آلِ فُلَانٍ ثُمَّ يَطْلُبُ إِلَيْهَا أَنْ لَا تَسْفِقَهُ بِنَفْسِهَا إِذَا انْقَضَتْ عِدَّتُهَا قُلْتُ قَوْلُهُ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا هُوَ طَلَبُ الْحَلَالِ فِي غَيْرِ أَنْ يَعَزِّمَ عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ .

⁶⁵ Al Kafi – V 5 – The Book of Marriage Ch 83 H 13

⁶⁶ Al Kafi – V 5 – The Book of Marriage Ch 83 H 14

⁶⁷ Al Kafi – V 5 – The Book of Marriage Ch 84 H 1

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ahmad Bin Muhammad Bin Abu Nasr, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[2:235] but do not give them a promise in secret unless you speak in a goodly manner and do not confirm the marriage tie until the writing is fulfilled.** So he^{asws} said: 'The secret is that the man in saying, 'I promise you the house of so and so family', then he seeks to her that she does not precede him (with someone else with marriage) when her waiting period expires'. I said, 'So (what about) His^{azwj} Words **unless you speak in a goodly manner,** (he^{asws} said: 'It is seeking of the Permissible without confirming the tie of marriage until the writing reaches its term'.⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمَزَةَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا قَالَ يَقُولُ الرَّجُلُ أَوْاعِدُكَ بَيْتَ آلِ فُلَانٍ يُعْرَضُ لَهَا بِالرَّفْقِ وَ يَرْفُثُ يَقُولُ اللَّهُ عَزَّ وَجَلَّ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَ الْقَوْلُ الْمَعْرُوفُ التَّعْرِيفُ بِالْخُطْبَةِ عَلَى وَجْهِهَا وَ جَلَّتْهَا وَ لَا تَعْرِضُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza who said,

'I asked Abu Al-Hassan^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[2:235] but do not give them a promise in secret (during their waiting period) unless you speak to them in a lawful manner and you must not decide to form terms of marriage until the appointed time is complete.** He^{asws} said: 'The man is saying the place of your date (with me) is the house of so and so family'. He makes advances to her and he is shameless. Allah^{azwj} Mighty and Majestic is Saying **unless you speak in a goodly manner,** and the goodly words is the introduction with the proposal upon its aspect, and its lawfulness **and do not confirm the marriage tie until the writing is fulfilled**'.⁶⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا قَالَ يَلْقَاهَا فَيَقُولُ إِنِّي فِيكَ لِرَاغِبٌ وَ إِنِّي لِلنِّسَاءِ لَمُكْرِمٌ فَلَا تَسْبِقْنِي بِنَفْسِكَ وَ السِّرُّ لَا يَخْلُو مَعَهَا حَيْثُ وَعَدَهَا .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad, from someone else, from Aban, from Abdul Rahman Bin Abu Abdullah,

(It has been narrated) from Abu Abdullah^{asws} regarding the Word of Allah^{azwj} Mighty and Majestic **[2:235] unless you speak in a goodly manner.** He^{asws} said: 'He meets her, so he is saying, 'I have a desire in you, and I am honourable to the women, so do not precede me (before someone else) with yourself', and the **secret** is that he should not be alone with her when he promises her'.⁷⁰

⁶⁸ Al Kafi – V 5 – The Book of Marriage Ch 84 H 2

⁶⁹ Al Kafi – V 5 – The Book of Marriage Ch 84 H 3

⁷⁰ Al Kafi – V 5 – The Book of Marriage Ch 84 H 4

باب نِكَاحِ أَهْلِ الذِّمَّةِ وَ الْمُشْرِكِينَ يُسَلِّمُ بَعْضُهُمْ وَ لَا يُسَلِّمُ بَعْضٌ أَوْ يُسَلِّمُونَ جَمِيعاً

Chapter 85 – The marriage of the *Ahl Al-Zimma*, and the Polytheists, some of them become Muslim, and some of them do not become Muslims, or they all become Muslims altogether

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ هَاجَرَ وَ تَرَكَ امْرَأَتَهُ مَعَ الْمُشْرِكِينَ ثُمَّ لَحِقَتْ بِهِ بَعْدَ أَنْ يُمَسِّكَهَا بِالنِّكَاحِ الْأَوَّلِ أَوْ تَنْقَطِعَ عِصْمَتُهَا قَالَ يُمَسِّكُهَا وَ هِيَ امْرَأَتُهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who emigrated and left his wife with the Polytheists. Then she met up with him afterwards. Can he keep her with the first marriage or has her chastity been cut off?' He^{asws} said: 'He can keep her and she is his wife'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا أَسْلَمَتِ امْرَأَةٌ وَ زَوْجُهَا عَلَى غَيْرِ الْإِسْلَامِ فَرَّقَ بَيْنَهُمَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When a woman becomes a Muslim and her husband is upon other than Al-Islam, so separation would be effected between the two of them'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ هَاجَرَ وَ تَرَكَ امْرَأَتَهُ فِي الْمُشْرِكِينَ ثُمَّ لَحِقَتْ بَعْدَ ذَلِكَ بِهِ أَوْ يُمَسِّكُهَا بِالنِّكَاحِ الْأَوَّلِ أَوْ تَنْقَطِعَ عِصْمَتُهَا قَالَ بَلْ يُمَسِّكُهَا وَ هِيَ امْرَأَتُهُ .

He (the narrator) said, 'And I asked him^{asws} about a man who emigrated and left his wife among the Polytheists, then she met up with him afterwards. Can he keep her with the first marriage, or has her chastity been cut off?' He^{asws} said : 'But, he can keep her and she is his wife'.⁷²

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَجُوسِيٍّ أَوْ مُشْرِكٍ مِنْ غَيْرِ أَهْلِ الْكِتَابِ كَانَتْ تَحْتَهُ امْرَأَةٌ فَاسْلَمَتْ أَوْ أَسْلَمَتْ قَالَ يُنْتَظَرُ بِذَلِكَ أَنْقِضَاءُ عِدَّتِهَا وَ إِنْ هُوَ أَسْلَمَ أَوْ أَسْلَمَتْ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا فَهِيَ عَلَى نِكَاحِهَا الْأَوَّلِ وَ إِنْ هُوَ لَمْ يُسَلِّمْ حَتَّى تَنْقَضِيَ الْعِدَّةُ فَقَدْ بَانَتْ مِنْهُ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Mansour Bin Hazim who said,

'I asked Abu Abdullah^{asws} about a Majusiy man, or a Polytheist from other than the People of the Book, under whom is a wife, so he becomes a Muslim, or she becomes a Muslim. He^{asws} said: 'He should await with that the expiration of her waiting period, and if he has become a Muslim, or she has become a Muslim before the expiration of her waiting period, so they are both upon their first marriage; and if

⁷¹ Al Kafi – V 5 – The Book of Marriage Ch 85 H 1

⁷² Al Kafi – V 5 – The Book of Marriage Ch 85 H 2

he does not become a Muslim until after the expiration of the waiting period, so she is irrevocably divorced from him'.⁷³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) فِي نَصْرَانِيٍّ تَزَوَّجَ نَصْرَانِيَّةً فَأَسْلَمَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ قَدْ انْقَطَعَتْ عِصْمَتُهَا مِنْهُ وَ لَا مَهْرَ لَهَا وَ لَا عِدَّةَ عَلَيْهَا مِنْهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Al-Hassan^{asws} regarding a Christian man who married a Christian woman. So she became a Muslim before he had slept with her. He^{asws} said: 'The hindrance from him on her way (divorce) is removed, and there is no 'مَهْر' (mahr -dower) for her, nor a waiting period upon her, from him'.⁷⁴

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلَهُ رَجُلٌ عَنْ رَجُلَيْنِ مِنْ أَهْلِ الذِّمَّةِ أَوْ مِنْ أَهْلِ الْحَرْبِ يَتَزَوَّجُ كُلُّ وَاحِدٍ مِنْهُمَا امْرَأَةً وَ أَمَهَرَهَا خَمْرًا وَ خَنَازِيرَ ثُمَّ أَسْلَمَا فَقَالَ النِّكَاحُ جَائِزٌ حَلَالٌ لَا يَحْرُمُ مِنْ قِبَلِ الْخَمْرِ وَ لَا مِنْ قِبَلِ الْخَنَازِيرِ قُلْتُ فَإِنْ أَسْلَمَا قَبْلَ أَنْ يَدْفَعَ إِلَيْهَا الْخَمْرَ وَ الْخَنَازِيرَ فَقَالَ إِذَا أَسْلَمَا عَلَيْهِ أَنْ يَدْفَعَ إِلَيْهَا شَيْئًا مِنْ ذَلِكَ وَ لَكِنْ يُعْطِيهَا صَدَاقَهَا .

Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Talha Bin Zayd,

(It has been narrated) from Abu Abdullah^{asws}, said, 'A man asked him^{asws} about two men from the *Ahl Al-Zimma*, or from the people of the war, each one of the two married a woman and dowered her with wine and pigs. Then they both became Muslim. So he^{asws} said: 'The marriage is allowed, Permissible and it is not unlawful due to the wine and pigs'. I said, 'Supposing they both become Muslim before they hand over to her the wine and the pigs?' So he^{asws} said: 'When they both became Muslim, it would be upon him that he hands over something to her and that is Mahr'.⁷⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي مَجُوسِيَّةٍ أَسْلَمَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا زَوْجُهَا فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لَزَوْجِهَا أَسْلَمَ فَأَبَى زَوْجُهَا أَنْ يُسَلَّمَ فَقَضَى لَهَا عَلَيْهَا نِصْفَ الصَّدَاقِ وَ قَالَ لَمْ يَزِدْهَا الْإِسْلَامُ إِلَّا عِزًّا .

Ali Bin Ibrahim, from his father, from Al NNowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said regarding a Magian woman who became a Muslim before her husband had slept with her. So Amir Al-Momineen^{asws} said to her husband: 'Become a Muslim'. But her husband refused to become a Muslim. So he^{asws} judged for her that upon him is half the *Mahr* (dower), and said: 'Al-Islam has not increased her in anything except for honour'.⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي مَجُوسِيٍّ أَسْلَمَ وَ لَهُ سَبْعُ نِسْوَةٍ وَ أَسْلَمْنَ مَعَهُ كَيْفَ يَصْنَعُ قَالَ يُمَسِّكُ أَرْبَعًا وَ يُطَلِّقُ ثَلَاثًا .

⁷³ Al Kafi – V 5 – The Book of Marriage Ch 85 H 3

⁷⁴ Al Kafi – V 5 – The Book of Marriage Ch 85 H 4

⁷⁵ Al Kafi – V 5 – The Book of Marriage Ch 85 H 5

⁷⁶ Al Kafi – V 5 – The Book of Marriage Ch 85 H 6

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} regarding a Magian man who became a Muslim, and for him were seven wives, and they all became Muslims along with him. How should he deal with (them)?'. He^{asws} said: 'He keeps four, and divorces three'.⁷⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ قَالَ الدَّمِيُّ تَكُونُ لَهُ الْمَرْأَةُ الدَّمِيَّةُ فَتُسَلِّمُ امْرَأَتَهُ قَالَ هِيَ امْرَأَتُهُ يَكُونُ عِنْدَهَا بِالنَّهَارِ وَلَا يَكُونُ عِنْدَهَا بِاللَّيْلِ قَالَ فَإِنْ أَسْلَمَ الرَّجُلُ وَ لَمْ تُسَلِّمِ الْمَرْأَةُ يَكُونُ الرَّجُلُ عِنْدَهَا بِاللَّيْلِ وَالنَّهَارِ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Isa, from Yunus who said,

'The *Zimmy* man happens to have the *Zimmy* wife for him. So his wife becomes a Muslim. She is his wife, to be with him by the day and not be with him at night'. He^{asws} said: 'So if the man had become a Muslim and the wife did not become a Muslim, the man can be with her at night and the day'.⁷⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ الْجَوْهَرِيِّ عَنْ رُوْمِيِّ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) النَّصْرَانِيُّ يَنْزُوخُ النَّصْرَانِيَّةَ عَلَى ثَلَاثِينَ دَنَّا مِنْ خَمْرٍ وَ ثَلَاثِينَ خِنْزِيرًا ثُمَّ أَسْلَمَا بَعْدَ ذَلِكَ وَ لَمْ يَكُنْ دَخَلَ بِهَا قَالَ يَنْظُرُ كَمْ قِيَمَةُ الْخَمْرِ وَ كَمْ قِيَمَةُ الْخَنَازِيرِ فَيُرْسِلُ بِهَا إِلَيْهَا ثُمَّ يَدْخُلُ عَلَيْهَا وَ هُمَا عَلَى نِكَاحِهِمَا الْأَوَّلِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from his father, from Al Qasim Bin Muhammad Al Jowhary, from Roumy Bin Zurara who said,

'I said to Abu Abdullah^{asws}, 'The Christian man marries the Christian woman upon thirty kegs of wine and thirty pigs. Then they both become Muslim after that, and he did not happen to have slept with her'. He^{asws} said: 'He would consider how much the value of the wine was, and how much the value of the pigs were, so he would send equivalent to it to her. Then he would sleep with her, and they would both be upon their first marriage'.⁷⁹

باب الرِّضَاعِ

Chapter 86 – The Breast-feeding

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ الْقَرَابَةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying: 'He is Prohibited from the breast-feeding what he was Prohibited from (blood) relationships'.⁸⁰

⁷⁷ Al Kafi – V 5 – The Book of Marriage Ch 85 H 7

⁷⁸ Al Kafi – V 5 – The Book of Marriage Ch 85 H 8

⁷⁹ Al Kafi – V 5 – The Book of Marriage Ch 85 H 9

⁸⁰ Al Kafi – V 5 – The Book of Marriage Ch 86 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ سُئِلَ عَنِ الرَّضَاعِ فَقَالَ يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws} having been asked about the breast-feeding, so he^{asws} said : 'He is Prohibited from the breast-feeding he is Prohibited from due to the lineage'.⁸¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from dawood Bin Sirham,

(It has been narrated) from Abu Abdullah^{asws} having said: 'He is Prohibited from the breast-feeding what he was Prohibited from due to the lineage'.⁸²

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ أَيَّانَ بْنِ عُثْمَانَ عَمَّنْ حَدَّثَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) عَرَضْتُ عَلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) ابْنَةَ حَمْزَةَ فَقَالَ أَمَا عَلِمْتَ أَنَّهَا ابْنَةُ أُخِي مِنَ الرَّضَاعِ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from the one who narrated it,

(It has been narrated) from Abu Abdullah^{asws} having said : 'Amir Al-Momineen^{asws} said: 'A daughter of Hamza^{as} was presented to Rasool-Allah^{saww}, so he^{saww} said: 'But, do you not know that she is a daughter of my^{saww} brother^{as} from the breast-feeding?'.⁸³

بَابُ حَدِّ الرَّضَاعِ الَّذِي يُحْرَمُ

Chapter 87 – Limit of the breast-feeding which (makes marriage to be) Prohibited

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوُشَائِيِّ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ لَا يُحْرَمُ مِنَ الرَّضَاعِ إِلَّا مَا أَنْبَتَ اللَّحْمَ وَشَدَّ الْعَظْمَ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{asws} saying: 'The breast-feeding does not make (a marriage to be) Prohibited except what builds the flesh and strengthens the bones'.⁸⁴

⁸¹ Al Kafi – V 5 – The Book of Marriage Ch 86 H 2

⁸² Al Kafi – V 5 – The Book of Marriage Ch 86 H 3

⁸³ Al Kafi – V 5 – The Book of Marriage Ch 86 H 4

⁸⁴ Al Kafi – V 5 – The Book of Marriage Ch 87 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ يَعْقُوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ عُبيدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الرَّضَاعِ مَا أَدْنَى مَا يُحْرَمُ مِنْهُ قَالَ مَا أَنْبَتِ اللَّحْمَ أَوْ الدَّمَ ثُمَّ قَالَ تَرَى وَاحِدَةً تُنْبِتُهُ فَقُلْتُ أَسْأَلُكَ أَصْلَحَكَ اللَّهُ [اثنان] قَالَ لَا فَلَمْ أَزَلْ أَعُدُّ عَلَيْهِ حَتَّى بَلَغْتُ عَشْرَ رَضَعَاتٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ali Bin Yaquob, from Muhammad Bin Muslim, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the breast-feeding, what is the least of what it Prohibits from (marriage). He^{asws} said: 'What builds the flesh, or the blood'. Then he^{asws} said: 'Do you see one (breast-feeding) would build it?' So I said, 'I ask you^{asws}, may Allah^{azwj} Keep you^{asws} well, (what about) two (sessions of breast-feeding)?' He^{asws} said: 'No'. So I did not cease to reiterate upon it until it reached ten breast feeding sessions'.⁸⁵

وَ عَنْهُ عَنِ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عُفَيْبَةَ عَنْ عُبيدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الرَّضَاعِ أَدْنَى مَا يُحْرَمُ مِنْهُ قَالَ مَا أَنْبَتِ اللَّحْمَ وَ الدَّمَ ثُمَّ قَالَ تَرَى وَاحِدَةً تُنْبِتُهُ فَقُلْتُ أَسْأَلُكَ أَصْلَحَكَ اللَّهُ اثنانِ فَقَالَ لَا وَ لَمْ أَزَلْ أَعُدُّ عَلَيْهِ حَتَّى بَلَغْتُ عَشْرَ رَضَعَاتٍ .

And from him, from Ibn Gazzal, from Ali Bin Uqba, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah^{asws} about the breast-feeding, the least of what it Prohibits from'. He^{asws} said: 'What builds the flesh, and the blood'. Then he^{asws} said: 'Do you see one (session of breast-feeding) building it?' So I said, 'I ask you^{asws}, may Allah^{azwj} Keep you^{asws} well, (what about) two?' So he^{asws} said: 'No'. And I did not cease to reiterate to him^{asws} until it reached ten breast-feeding sessions'.⁸⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ صَبَّاحِ بْنِ سَيَّابَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا بَأْسَ بِالرَّضْعَةِ وَ الرَضْعَتَيْنِ وَ الثَّلَاثِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya, from Muawiya Bin Ammar, from Sabbah Bin Sataba,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no problem with the breast-feeding, and the two breast-feedings, and the three'.⁸⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا يُحْرَمُ مِنَ الرَّضَاعِ إِلَّا مَا أَنْبَتِ اللَّحْمَ وَ الدَّمَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from hammad Bin Usman,

(It has been narrated) from Abu Abdullah^{asws} having said: 'It (marriage) is not Prohibited due to breast-feeding except what builds the flesh and the blood'.⁸⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ زِيَادِ الْقُنْدِيِّ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي الْحَسَنِ (عليه السلام) قَالَ قُلْتُ لَهُ يُحْرَمُ مِنَ الرَّضَاعِ الرَضْعَةُ وَ الرَضْعَتَانِ وَ الثَّلَاثَةُ فَقَالَ لَا إِلَّا مَا اشْتَدَّ عَلَيْهِ الْعَظْمُ وَ نَبَتِ اللَّحْمُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ziyad Al Qindy, from Abdullah Bin Sinan,

⁸⁵ Al Kafi – V 5 – The Book of Marriage Ch 87 H 2

⁸⁶ Al Kafi – V 5 – The Book of Marriage Ch 87 H 3

⁸⁷ Al Kafi – V 5 – The Book of Marriage Ch 87 H 4

⁸⁸ Al Kafi – V 5 – The Book of Marriage Ch 87 H 5

(It has been narrated) from Abu Al-Hassan^{asws}, said, 'I said to him^{asws}, 'He is Prohibited (from the marriage) from the breast-feeding, and the two breast-feedings, and the three?' So he^{asws} said: 'No, except what the bones are strengthened upon, and the flesh is built'.⁸⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنِ الرَّضَاعِ مَا يُحْرَمُ مِنْهُ فَقَالَ سَأَلَ رَجُلٌ أَبِي (عَلَيْهِ السَّلَام) عَنْهُ فَقَالَ وَاحِدَةً لَيْسَ بِهَا بَأْسٌ وَ ثِنْتَانِ حَتَّى بَلَغَ حَمْسَ رَضَعَاتٍ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya who said,

'I asked Abu Al-Hassan^{asws} about the breast-feeding, what he is Prohibited, from it'. So he^{asws} said: 'A man asked my^{asws} father^{asws} about it, so he^{asws} said: 'One (session), there is no problem with it, and two', until it reached five breast-feeding sessions'.

قُلْتُ مَتَوَالِيَاتٍ أَوْ مَصَّةً بَعْدَ مَصَّةٍ فَقَالَ هَكَذَا قَالَ لَهُ وَ سَأَلَهُ آخَرَ عَنْهُ فَأَنْتَهَى بِهِ إِلَى تِسْعٍ وَ قَالَ مَا أَكْثَرَ مَا أَسْأَلُ عَنِ الرَّضَاعِ فَقُلْتُ جُعِلْتُ فِدَاكَ أَخْبِرْنِي عَنْ قَوْلِكَ أَنْتَ فِي هَذَا عِنْدَكَ فِيهِ حَدٌّ أَكْثَرُ مِنْ هَذَا فَقَالَ قَدْ أَخْبَرْتُكَ بِالَّذِي أَجَابَ فِيهِ أَبِي قُلْتُ قَدْ عَلِمْتُ الَّذِي أَجَابَ أَبُوكَ فِيهِ وَ لَكِنِّي قُلْتُ لَعَلَّهُ يَكُونُ فِيهِ حَدٌّ لَمْ يُخْبِرْ بِهِ فَتُخْبِرُنِي بِهِ أَنْتَ فَقَالَ هَكَذَا قَالَ أَبِي

I said, 'Sequentially, or a sip after a sip?' So he^{asws} said: 'Such is what he^{asws} said to him, and another one asked about it, so he up to nine'. And he^{asws} said: 'And how frequently I^{asws} am asked about the breast-feeding!'. So I said, 'May I be sacrificed for you^{asws}! Inform me about your^{asws} words, are you^{asws} in this with a limit which is more than this?' So he^{asws} said: 'I^{asws} have already informed you with that which my^{asws} father^{asws} had answered with regards to it'. I said, 'I know of that which your^{asws} father^{asws} answered with regarding it, but I said it, perhaps there is a limit in it which he^{asws} did not inform with, so you^{asws} would inform me with it'. So he^{asws} said: 'Such is what my^{asws} father^{asws} said'.

قُلْتُ فَأَرَضَعْتُ أُمِّي جَارِيَةً بِلَبَنِي فَقَالَ هِيَ أُخْتُكَ مِنَ الرَّضَاعَةِ قُلْتُ فَتَجِلُّ لِأَخٍ لِي مِنْ أُمِّي لَمْ تُرَضِعْهَا أُمِّي بِلَبَنِي قَالَ فَالْفَحْلُ وَاحِدٌ قُلْتُ نَعَمْ هُوَ أَخِي لِأَبِي وَ أُمِّي قَالَ اللَّيْنُ لِلْفَحْلِ صَارَ أَبُوكَ أَبَاهَا وَ أُمُّكَ أُمُّهَا .

I said, 'So my mother has breast-fed a slave girl with my milk'. So he^{asws} said: 'She is your sister from the breast-feeding'. I said, 'So is she Permissible for a brother of mine from my mother whom my mother did not breast-feed him with his milk?' He^{asws} said: 'So the stallion (father) is one?' I said, 'Yes, he is my brother of my father and my mother'. He^{asws} said: 'The milk of the stallion (father) made your father to be her father, and your mother as her mother'.⁹⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَّالٍ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْعُلَامِ يَرْضَعُ الرَّضْعَةَ وَ الرَّضْعَتَيْنِ فَقَالَ لَا يُحْرَمُ فَعَدَدْتُ عَلَيْهِ حَتَّى أَكْمَلْتُ عَشْرَ رَضَعَاتٍ فَقَالَ إِذَا كَانَتْ مُتَفَرِّقَةً [فَلَا] .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali Bin Fazzal, from Abdullah Bin Sinan, from Umar Bin Yazeed who said,

⁸⁹ Al Kafi – V 5 – The Book of Marriage Ch 87 H 6

⁹⁰ Al Kafi – V 5 – The Book of Marriage Ch 87 H 7

'I asked Abu Abdullah^{asws} about the boy who is breast-fed the breast-feeding session, and the two breast-feeding sessions. So he^{asws} said: 'It does not make a Prohibition'. So I counted to him until I completed ten breast-feeding sessions. So he^{asws} said: 'If it was separated, so no'.⁹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ عُبيدِ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّا أَهْلُ بَيْتِ كَبِيرٍ فَرُبَّمَا كَانَ الْفَرْحُ وَالْحَزَنُ الَّذِي يَجْتَمِعُ فِيهِ الرَّجَالُ وَالنِّسَاءُ فَرُبَّمَا اسْتَحْيَتِ الْمَرْأَةُ أَنْ تَكْشِفَ رَأْسَهَا عِنْدَ الرَّجُلِ الَّذِي بَيْنَهَا وَبَيْنَهُ الرَّضَاعُ وَرُبَّمَا اسْتَحْفَفَ الرَّجُلُ أَنْ يَنْظُرَ إِلَى ذَلِكَ فَمَا الَّذِي يُحْرِمُ مِنَ الرَّضَاعِ فَقَالَ مَا أَنْبَتِ اللَّحْمَ وَالْدَّمَ فَقُلْتُ وَمَا الَّذِي يُنْبِتُ اللَّحْمَ وَالْدَّمَ فَقَالَ كَانَ يُقَالُ عَشْرُ رَضَعَاتٍ قُلْتُ فَهَلْ يُحْرِمُ عَشْرُ رَضَعَاتٍ فَقَالَ دَعْ ذَا وَقَالَ مَا يُحْرِمُ مِنَ النَّسَبِ فَهُوَ مَا يُحْرِمُ مِنَ الرَّضَاعِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Muawiya Bin Wahab, from Ubeyd Bin Zurara who said,

'I said to Abu Abdullah^{asws}, 'I am of a large family, so sometimes when it is the occasion of happiness and the sadness during which the men and the women gather, so sometimes the woman is embarrassed to uncover her head in the presence of the man which between her and him is the breast-feeding (relationship), and sometimes the man are fearful to look at that. So what is that which Prohibits from the breast-feeding?' So he^{asws} said: 'What builds the flesh and the blood'. So I said, 'So what is that which builds the flesh and the blood?' So he^{asws} said: 'It is said, ten breast-feeding sessions'. I said, 'So would ten breast-feeding sessions impose a Prohibition?' So he^{asws} said: 'Leave that'. And he^{asws} said: 'Whatever is a Prohibition due to the lineage, so it is what is prohibited from the breast-feeding'.⁹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بِنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يُحْرِمُ مِنَ الرَّضَاعِ إِلَّا مَا شَدَّ الْعِظْمَ وَأَنْبَتِ اللَّحْمَ وَأَمَّا الرَّضْعَةُ وَالرَضْعَتَانِ وَالثَّلَاثُ حَتَّى يَبْلُغَ عَشْرًا إِذَا كُنَّ مُتَفَرِّقَاتٍ فَلَا بَأْسَ .

Ali Bin Ibrahim, from Haroun Bin Muslim, from Mas'ada Bin Sadaqa,

(It has been narrated) from Abu Abdullah^{asws} having said; 'There is no Prohibition (resulting) from the breast-feeding except what strengthened the bones and builds the flesh; and as for the (one session of) breast-feeding, and the two breast-feeding sessions, and the three, until it reaches ten, when they happen to be separated (not in a series), so there is no problem'.⁹³

بَابُ صِفَةِ لَبَنِ الْفَحْلِ

Chapter 88 – Description of the milk of the stallion (father)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ لَبَنِ الْفَحْلِ قَالَ هُوَ مَا أَرْضَعَتْ أُمَّرَأَتُكَ مِنْ لَبَنِكَ وَ لَبَنِ وَلَدِكَ وَ لَدَ امْرَأَةٍ أُخْرَى فَهُوَ حَرَامٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abdullah Bin Sinan who said,

⁹¹ Al Kafi – V 5 – The Book of Marriage Ch 87 H 8

⁹² Al Kafi – V 5 – The Book of Marriage Ch 87 H 9

⁹³ Al Kafi – V 5 – The Book of Marriage Ch 87 H 10

'I asked Abu Abdullah^{asws} about the milk of the stallion (father). He^{asws} said: 'It is what your wife breast-feeds from your milk, and the milk of your child, (breast-fed to a) child of another, so it (brings about the) Prohibition'.⁹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَ لَهُ امْرَأَتَانِ فَوَلَدَتْ كُلُّ وَاحِدَةٍ مِنْهُمَا غُلامًا فَأَنْطَلَقَتْ إِحْدَى امْرَأَتَيْهِ فَأَرْضَعَتْ جَارِيَةً مِنْ غُرَضِ النَّاسِ أَيْ يَنْبَغِي لِابْنِهِ أَنْ يَنْزَوَّجَ بِهَذِهِ الْجَارِيَةِ قَالَ لَا لِأَنَّهَا أَرْضَعَتْ بِلَبَنِ الشَّيْخِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Usman Bin Isa, from Sama'at who said,

'I asked about a man who had two wives for him, so each one of them gave birth to a boy. So one of his wives went and breast-fed a girl from the display of the people. Is it befitting for his son that he marries with this girl?' He^{asws} said: 'No, because she has been breast-fed with the milk of the Sheykh'.⁹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ لَبَنِ الْفَحْلِ قَالَ مَا أَرْضَعَتْ امْرَأَتُكَ مِنْ لَبَنِ وَلَدِكَ وَلَدَ امْرَأَةٍ أُخْرَى فَهُوَ حَرَامٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Abdullah in Sinan who said,

'I asked Abu Abdullah^{asws} about the milk of the stallion (father). He^{asws} said: 'What your wife breast-feeds from the milk of your child (breast-fed to a) child of another, so it (brings about the) Prohibition'.⁹⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنْ امْرَأَةٍ أَرْضَعَتْ جَارِيَةً وَ لَزَّوَجَهَا ابْنٌ مِنْ غَيْرِهَا أَيْ يَجِلُّ لِلْغُلامِ ابْنِ زَوْجِهَا أَنْ يَنْزَوَّجَ الْجَارِيَةَ الَّتِي أَرْضَعَتْ فَقَالَ اللَّبَنِ لِلْفَحْلِ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad Bin Abu Nasr who said,

'I asked Abu Al-Hassan^{asws} about a woman who breast-feeds a girl and for her husband is a son from someone else. Is it Permissible for the boy, a son of her husband that he marries the girl whom she has breast-fed?' So he^{asws} said: 'The milk is of the stallion (father)'.⁹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَوَلَدَتْ مِنْهُ جَارِيَةً ثُمَّ مَاتَتِ الْمَرْأَةُ فَتَزَوَّجَ أُخْرَى فَوَلَدَتْ مِنْهُ وَلَدًا ثُمَّ إِنَّهَا أَرْضَعَتْ مِنْ لَبَنِهَا غُلامًا أَيْ يَجِلُّ لِذَلِكَ الْغُلامِ الَّذِي أَرْضَعَتْهُ أَنْ يَنْزَوَّجَ ابْنَةَ الْمَرْأَةِ الَّتِي كَانَتْ تَحْتَ الرَّجُلِ قَبْلَ الْمَرْأَةِ الْأَخِيرَةِ فَقَالَ مَا أَحَبُّ أَنْ يَنْزَوَّجَ ابْنَهُ فَحَلٍ قَدْ رَضَعَ مِنْ لَبَنِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Jameel Bin Salih, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who marries a woman, so she gives birth to a girl from him. Then the woman dies, so he marries another, so she gives birth to a son from him. Then she breast-feeds the boy from her milk. Is it

⁹⁴ Al Kafi – V 5 – The Book of Marriage Ch 88 H 1

⁹⁵ Al Kafi – V 5 – The Book of Marriage Ch 88 H 2

⁹⁶ Al Kafi – V 5 – The Book of Marriage Ch 88 H 3

⁹⁷ Al Kafi – V 5 – The Book of Marriage Ch 88 H 4

Permissible for that boy whom has been breast-fed that he marries the daughter of the wife who used to be under the man before the other wife?' So he^{asws} said: 'I^{asws} do not like it that he marries a daughter of the stallion (father) who has been breast-fed from his milk'.⁹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أُمُّ وَلَدِ رَجُلٍ أَرْضَعَتْ صَبِيًّا وَ لَهُ ابْنَةٌ مِنْ غَيْرِهَا أَيْجَلُ لِذَلِكَ الصَّبِيِّ هَذِهِ الْإِبْنَةُ فَقَالَ مَا أَحْبُّ أَنْ تَنْزَوِّجَ ابْنَةَ رَجُلٍ قَدْ رَضَعَتْ مِنْ لَبَنِ وَلَدِهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'I said to Abu Abdullah^{asws}, 'A mother of a child of a man breast-feeds a young child, and for him (the father) is a daughter from other than her. Is it Permissible for that child (to marry) this daughter?' So he^{asws} said: 'I^{asws} do not like it that he marries a daughter of a man who has been breast-fed from the milk of his son'.⁹⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ الْهَمْدَانِيِّ قَالَ قَالَ الرَّضَا (عَلَيْهِ السَّلَامُ) مَا يَقُولُ أَصْحَابُكَ فِي الرَّضَاعِ قَالَ قُلْتُ كَانُوا يَقُولُونَ اللَّبْنُ لِلْفَحْلِ حَتَّى جَاءَتْهُمْ الرَّوَايَةُ عَنْكَ أَنَّهُ يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ فَرَجَعُوا إِلَيَّ قَوْلِكَ قَالَ وَقَالَ وَ ذَلِكَ لِأَنَّ أَمِيرَ الْمُؤْمِنِينَ سَأَلَنِي عَنْهَا الْبَارِحَةَ فَقَالَ لِي اشْرَحْ لِي اللَّبْنُ لِلْفَحْلِ وَ أَنَا أَكْرَهُ الْكَلَامَ

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran, from Muhammad Bin Ubeyda Al Hamdany who said,

'Al-Reza^{asws} said: 'What are your companions saying regarding the breast-feeding?' I said, 'The used to say that the milk is of the stallion (father) until there came the report from you^{asws} that it is a Prohibition from the breast-feeding what is a Prohibition from the lineage, so they returned to your^{asws} words'. So he^{asws} said: 'And that is because the commander of the faithful (Caliph Al-Mamoun) asked me^{asws} about it yesterday, so he said to me, 'Explain to me the milk is of the stallion', and I^{asws} dislike the speech (talking to him).

فَقَالَ لِي كَمَا أَنْتَ حَتَّى أَسْأَلَكَ عَنْهَا مَا قُلْتَ فِي رَجُلٍ كَانَتْ لَهُ أُمَّهَاتُ أَوْلَادٍ سَنَى فَأَرْضَعَتْ وَاحِدَةً مِنْهُنَّ بِلَبَنِهَا غُلَامًا غَرِيبًا أَلَيْسَ كُلُّ شَيْءٍ مِنْ وَلَدِ ذَلِكَ الرَّجُلِ مِنْ أُمَّهَاتِ الْأَوْلَادِ السَّنَى مُحْرَمًا عَلَى ذَلِكَ الْغُلَامِ قَالَ قُلْتُ بَلَى قَالَ فَقَالَ أَبُو الْحَسَنِ (عَلَيْهِ السَّلَامُ) فَمَا بَالُ الرَّضَاعِ يَحْرُمُ مِنْ قِبَلِ الْفَحْلِ وَ لَا يَحْرُمُ مِنْ قِبَلِ الْأُمَّهَاتِ وَ إِنَّمَا الرَّضَاعُ مِنْ قِبَلِ الْأُمَّهَاتِ وَ إِنْ كَانَ لَبْنُ الْفَحْلِ أَيْضًا يَحْرُمُ .

He^{asws} said to me: 'Just as yourself, until I^{asws} asked about it. What do you say regarding a man who had mother of the various children, so one of them breast-fed a stranger boy with her milk. Is not everything from the children of that man, from the mothers of the various children, Prohibited unto that boy?' I said, 'Yes'. So Abu Al-Hassan^{asws} said: 'So what is the matter the breast-feeding from the stallion (father) (brings about) Prohibition, and does not (bring about) Prohibition from the mothers, and rather the breast-feeding is from the mothers? And even if it was the milk of the stallion (father) as well (would bring about) Prohibition'.¹⁰⁰

⁹⁸ Al Kafi – V 5 – The Book of Marriage Ch 88 H 5

⁹⁹ Al Kafi – V 5 – The Book of Marriage Ch 88 H 6

¹⁰⁰ Al Kafi – V 5 – The Book of Marriage Ch 88 H 7

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزِيَارَ قَالَ قَالَ سَأَلَ عَيْسَى بْنُ جَعْفَرٍ بِنُ عَيْسَى أَبَا جَعْفَرٍ الثَّانِي (عَلَيْهِ السَّلَام) أَنَّ امْرَأَةً أَرْضَعَتْ لِي صَبِيًّا فَهَلْ يَحِلُّ لِي أَنْ أَتَزَوَّجَ ابْنَتَهُ زَوْجَهَا فَقَالَ لِي مَا أَجُودَ مَا سَأَلْتَ مِنْ هَاهُنَا يُؤْتَى أَنْ يَقُولَ النَّاسُ حَرُمَتْ عَلَيْهِ امْرَأَتُهُ مِنْ قَبْلِ لَبَنِ الْفَحْلِ هَذَا هُوَ لَبْنُ الْفَحْلِ لَا غَيْرُهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Mahziyar who said,

'Isa Bin Ja'far Isa asked Abu Ja'far^{asws} the 2nd that, 'A woman breast-fed a child for me, so it is Permissible for me that I marry a daughter of her husband?' So he^{asws} said to me: 'What you are asking is from her that the people are saying, 'His wife is Prohibited unto him from the milk of the stallion (father)'. This is the milk of the stallion (father), not someone else'.

فَقُلْتُ لَهُ [إِنَّ] الْجَارِيَةَ لَيْسَتْ ابْنَةُ الْمَرْأَةِ الَّتِي أَرْضَعَتْ لِي هِيَ ابْنَتُهُ غَيْرَهَا فَقَالَ لَوْ كُنَّ عَشْرًا مُتَفَرِّقَاتٍ مَا حَلَّ لَكَ مِنْهُنَّ شَيْءٌ وَ كُنَّ فِي مَوْضِعِ بَنَاتِكَ .

So I said to him^{asws}, 'The girl is not a daughter of the woman whom breast-fed for me, she is a daughter of someone else.' So he^{asws} said: 'Even if there were ten different women, nothing would be Permissible from them, and they would be in the place of your daughters'.¹⁰¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَنْ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ بُرَيْدِ الْعُجْلِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ هُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَ صِهْرًا فَقَالَ إِنَّ اللَّهَ تَعَالَى خَلَقَ آدَمَ مِنَ الْمَاءِ الْعَذْبِ وَ خَلَقَ زَوْجَتَهُ مِنْ سِنِّهِ قَبْرَاهَا مِنْ أَسْفَلِ أَعْضَائِهِ فَجَرَى بِذَلِكَ الصَّلْعُ سَبَبٌ وَ نَسَبٌ ثُمَّ زَوَّجَهَا إِيَّاهُ فَجَرَى بِسَبَبِ ذَلِكَ بَيْنَهُمَا صِهْرٌ وَ ذَلِكَ قَوْلُهُ عَزَّ وَجَلَّ نَسَبًا وَ صِهْرًا فَالنَّسَبُ يَا أَخَا بَنِي عَجَلٍ مَا كَانَ بِسَبَبِ الرِّجَالِ وَ الصَّهْرُ مَا كَانَ بِسَبَبِ النِّسَاءِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether, from Ibn Mahboub, from Hisham Bin Salim, from Bureyd Al Ijaly who said,

'I asked Abu Ja'far^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[25:54] And He it is Who Created a human from the water, so He Made for him relationships of lineage and marriage.** So he^{asws} said: 'Allah^{azwj} the Exalted Created Adam^{as} from the fresh water and Created his^{as} wife^{as} for him^{as}. So He^{azwj} Created her from the lowest of his^{as} ribs. Thus, by that rib flowed the begetting and the lineages. The He^{azwj} got her^{as} to be married to him^{as}, and there flowed marriages by the cause of that (marriage) between the two of them^{as}, and these are the Words of the Mighty and Majestic **lineage and marriage.** So the lineage, O brother of the Clan of Ijal, what was by the cause of the men and the marriage, it was not by the cause of the women'.

قَالَ فَقُلْتُ لَهُ أَرَأَيْتَ قَوْلَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ فَسَرُّ لِي ذَلِكَ فَقَالَ كُلُّ امْرَأَةٍ أَرْضَعَتْ مِنْ لَبَنِ فَحْلِهَا وَوَلَدَ امْرَأَةً أُخْرَى مِنْ جَارِيَةٍ أَوْ غُلَامٌ فَذَلِكَ الرَّضَاعُ الَّذِي قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ كُلُّ امْرَأَةٍ أَرْضَعَتْ مِنْ لَبَنِ فَحْلَيْنِ كَانَا لَهَا وَاحِدًا بَعْدَ وَاحِدٍ مِنْ جَارِيَةٍ أَوْ غُلَامٍ فَإِنَّ ذَلِكَ رَضَاعٌ لَيْسَ بِالرَّضَاعِ الَّذِي قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ وَ إِنَّمَا هُوَ مِنْ نَسَبِ نَاحِيَةِ الصَّهْرِ رَضَاعٌ وَ لَا يَحْرُمُ شَيْئًا وَ لَيْسَ هُوَ سَبَبُ رَضَاعٍ مِنْ نَاحِيَةِ لَبَنِ الْفُحُولَةِ فَيَحْرُمُ .

He (the narrator) said, 'So I said to him^{asws}, 'What is your^{asws} view of the words of Rasool-Allah^{saww}: 'He is Prohibited from the breast-feeding what he is Prohibited from the lineages'? Explain that to me'. So he^{asws} said: 'Every woman who breast-

¹⁰¹ Al Kafi – V 5 – The Book of Marriage Ch 88 H 8

feeds from the milk of her stallion (husband) to a child of another woman, either a girl or a boy, so that is the breast-feeding which Rasool-Allah^{saww} spoke of; and every woman who breast-feeds from the milk of two stallions (husbands) which were for her, one after another, to a girl or a boy, so that breast-feeding is not with the breast-feeding which Rasool-Allah^{saww} spoke of saying: 'He is Prohibited from the breast-feeding what he is Prohibited from the lineages'. But rather, it is from the lineage, emanating from the marriage breast-feeding, and it does not Prohibit anything, and it is not a cause of the breast-feeding emanating from the milk of the stallions (fathers), so it would (bring about) a Prohibition'.¹⁰²

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابِطِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنْ غُلَامٍ رَضَعَ مِنْ امْرَأَةٍ أَيْجَلُ لَهُ أَنْ يَنْزَوَّجَ أُخْتَهَا لِأَبِيهَا مِنَ الرِّضَاعِ قَالَ فَقَدْ رَضَعَا جَمِيعًا مِنْ لَبَنِ فَحَلٍ وَاحِدٍ مِنْ امْرَأَةٍ وَاحِدَةٍ

Ibn Mahboub, from Hisham Bin Salim, from Ammar Al Sabaty who said,

'I asked Abu Abdullah about a boy breast-fed from a woman, is it Permissible for him that he marries her sister of her father from the breast-feeding?' He^{asws} said: 'No, for they have both together been breast-fed from the milk of one stallion (father), from one woman'.

قَالَ فَيَنْزَوِّجُ أُخْتَهَا لِأُمِّهَا مِنَ الرِّضَاعَةِ قَالَ فَقَالَ لَا بَأْسَ بِذَلِكَ إِنْ أُخْتَهَا الَّتِي لَمْ تُرَضِعْهُ كَانَ فَحَلُّهَا غَيْرَ فَحَلِّ الَّتِي أَرْضَعَتْ الْغُلَامَ فَأَخْتَلَفَ الْفَحْلَانِ فَلَا بَأْسَ .

He (the narrator) said, 'So he can marry his sister of her mother from the breast-feeding?' So he^{asws} said: 'There is no problem with that, if her sister did not breast-fed him, her stallion (husband) being another stallion (father) of the woman who breast-fed the boy. So if, the two stallions (fathers) are different, so there is no problem'.¹⁰³

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَرْضَعُ مِنْ امْرَأَةٍ وَهُوَ غُلَامٌ أَيْجَلُ لَهُ أَنْ يَنْزَوَّجَ أُخْتَهَا لِأُمِّهَا مِنَ الرِّضَاعَةِ فَقَالَ إِنْ كَانَتِ الْمَرْأَتَانِ رَضَعَتَا مِنْ امْرَأَةٍ وَاحِدَةٍ مِنْ لَبَنِ فَحَلٍ وَاحِدٍ فَلَا يَجِلُّ فَإِنْ كَانَتِ الْمَرْأَتَانِ رَضَعَتَا مِنْ امْرَأَةٍ وَاحِدَةٍ مِنْ لَبَنِ فَحْلَيْنِ فَلَا بَأْسَ بِذَلِكَ .

Ibn Mahboub, from Abu Ayoub Al Khazzaz, from Ibn Muskan, from Al halby who said,

'I asked Abu Abdullah^{asws} about the man who is breast-fed from a woman and he was a boy, is it Permissible for him that he marries her sister of her mother from the breast-feeding?' So he^{asws} said: 'If it was such that the two women were both breast-fed from one woman from the milk of one stallion (father), so it is not Permissible; and if it was two women who had both been breast-fed from one woman from the milk of two stallions (fathers), so there is no problem with that'.¹⁰⁴

¹⁰² Al Kafi – V 5 – The Book of Marriage Ch 88 H 9

¹⁰³ Al Kafi – V 5 – The Book of Marriage Ch 88 H 10

¹⁰⁴ Al Kafi – V 5 – The Book of Marriage Ch 88 H 11

باب أَنَّهُ لَا رِضَاعَ بَعْدَ فِطَامٍ

Chapter 89 – There is no breast-feeding after the weaning

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا رِضَاعَ بَعْدَ فِطَامٍ.

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no breast-feeding after weaning'.¹⁰⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي بَنِي عُثْمَانَ عَنِ الْفَضْلِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الرَّضَاعُ قَبْلَ الْحَوْلَيْنِ قَبْلَ أَنْ يُفْطَمَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Al Fazl Bin Abdul Malik,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The breast-feeding is before the two years (are complete), before he is weaned'.¹⁰⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ لَا رِضَاعَ بَعْدَ فِطَامٍ قَالَ فُلْتُ جُعِلَتْ فِدَاكَ وَ مَا الْفِطَامُ قَالَ الْحَوْلَانِ اللَّذَانِ قَالَ اللَّهُ عَزَّ وَ جَلَّ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Hammad Bin Usman who said,

'I heard Abu Abdullah^{asws} saying: 'There is no breast-feeding after weaning'. I said, 'May I be sacrificed for you^{asws}! And what is the weaning?' He^{asws} said: 'The two years which Allah^{azwj} Mighty and Majestic Speaks of'.¹⁰⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ حَلَبَتْ مِنْ لَبَنِهَا فَأَسْفَتَتْ زَوْجَهَا لِتَحْرُمَ عَلَيْهِ قَالَ أَمْسَكَهَا وَ أَوْجَعِ ظَهْرَهَا .

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, altogether, from Ibn Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Qays who said,

'I asked him^{asws} about a woman who milked herself from her own milk, and she quenched her husband in order for her to be Prohibited unto him. He^{asws} said: 'He would keep her, and her back would be (inflicted with) pain'.¹⁰⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا رِضَاعَ بَعْدَ فِطَامٍ وَ لَا وَصَالَ فِي صِيَامٍ وَ لَا يُتَمَّ بَعْدَ اخْتِلَامٍ وَ لَا صَمْتٌ يَوْمَ إِلَى اللَّيْلِ وَ لَا تَعْرُبُ بَعْدَ الْهَجْرَةِ وَ لَا هَجْرَةٌ بَعْدَ الْفَتْحِ وَ لَا طَلَاقٌ قَبْلَ النِّكَاحِ وَ لَا عَتَقٌ قَبْلَ مَلِكٍ وَ لَا يَمِينٌ لِلْوَالِدِ مَعَ وَالِدِهِ وَ لَا لِلْمَمْلُوكِ مَعَ مَوْلَاهُ وَ لَا لِلْمَرْأَةِ مَعَ زَوْجِهَا وَ لَا نَذْرٌ فِي مَعْصِيَةٍ وَ لَا يَمِينٌ فِي قَطْبِعَةٍ

¹⁰⁵ Al Kafi – V 5 – The Book of Marriage Ch 89 H 1

¹⁰⁶ Al Kafi – V 5 – The Book of Marriage Ch 89 H 2

¹⁰⁷ Al Kafi – V 5 – The Book of Marriage Ch 89 H 3

¹⁰⁸ Al Kafi – V 5 – The Book of Marriage Ch 89 H 4

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Mansour Bin Yunus, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Rasool-Allah^{saww} said: ‘There is no breast-feeding after weaning, nor copulation during Fasting, nor an orphan-hood after the puberty, nor a silence for a day up to the night, nor conforming to Arab customs after the emigration (Hijra), nor an emigration after the victory (conquest of Makkah), nor a divorce before the marriage, nor an emancipation (of a slave) before ownership, nor a swearing of an oath for the son with his father, nor for the owned slave with his master, nor for the woman with her husband, nor a vow regarding disobedience (to Allah^{azwj}), nor a swearing of an oath regarding cutting-off of relationships.

فَمَعْنَى قَوْلِهِ لَا رِضَاعَ بَعْدَ فِطَامٍ أَنَّ الْوَالِدَ إِذَا شَرِبَ مِنْ لَبَنِ الْمَرْأَةِ بَعْدَ مَا نَقَطْتُمُهَا لَا يُحْرِمُ ذَلِكَ الرِّضَاعَ التَّنَاقُحَ .

Thus, the Meaning of his^{saww} words: ‘There is no breast-feeding after weaning’, is that the child, when it drinks from the milk of the woman after she having weaning him, that breast-feeding would not (bring about a) Prohibition of the marriage’.¹⁰⁹

باب نَوَادِرَ فِي الرِّضَاعِ

Chapter 90 – Miscellaneous regarding the breast-feeding

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ أَبِي الْحَسَنِ الْمَاضِي (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ إِنِّي تَزَوَّجْتُ امْرَأَةً فَوَجَدْتُ امْرَأَةً قَدْ أَرْضَعْتَنِي وَ أَرْضَعْتُ أُخْتَهَا قَالَ فَقَالَ كَمْ قَالَ قُلْتُ شَيْئاً يَسِيرًا قَالَ بَارَكَ اللَّهُ لَكَ .

Ali Bin Ibrahim, from his father, from Muhammad Bin Abu Umeyr, from Abdullah Bin Al Mugheira,

(It has been narrated) from Abu Al-Hassal Al-Maazy^{asws} (7th Imam^{asws}), said, ‘I said to him^{asws}, ‘I married a woman, so I found that a woman had breast-fed me and breast-fed her sister’. He^{asws} said: ‘How much?’ I said, ‘Something little’. He^{asws} said: ‘May Allah^{azwj} Bless for you’.¹¹⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ تَزَوَّجَ أُخْتَهُ مِنَ الرِّضَاعَةِ فَقَالَ مَا أُجِبُ أَنْ أَتَزَوَّجَ أُخْتِ أَخِي مِنَ الرِّضَاعَةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from someone else, from Is'haq Bin Ammar,

(It has been narrated) from Abu Absullah^{asws} regarding a man who married a sister of his brother from the breast-feeding. So he^{asws} said: ‘I^{asws} do not like it that I^{asws} marry a sister of my^{asws} brother from the breast-feeding’.¹¹¹

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَبْدِ الصَّالِحِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ أَرْضَعْتُ أُمِّي جَارِيَةً بِلَبَنِي قَالَ هِيَ أُخْتُكَ مِنَ الرِّضَاعِ قَالَ فَقُلْتُ فَتَجِلُّ لِأَخِي مِنْ أُمِّي لَمْ تُرْضِعْهَا بِلَبَنِي يَعْنِي لَيْسَ بِهَذَا الْبَطْنِ وَ لَكِنْ بِبَطْنٍ آخَرَ قَالَ وَ الْفَحْلُ وَاحِدٌ قُلْتُ نَعَمْ هِيَ أُخْتِي لِأَبِي وَ أُمِّي قَالَ اللَّبْنُ لِلْفَحْلِ صَارَ أَبُوكَ أَبَاهَا وَ أُمُّكَ أُمَّهَا .

¹⁰⁹ Al Kafi – V 5 – The Book of Marriage Ch 89 H 5

¹¹⁰ Al Kafi – V 5 – The Book of Marriage Ch 90 H 1

¹¹¹ Al Kafi – V 5 – The Book of Marriage Ch 90 H 2

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya,

(It has been narrated) from Al-Abd Al-Salih^{asws} (7th Imam^{asws}), said, 'I said to him^{asws}, 'My mother breast-fed a girl with my milk'. He^{asws} said: 'She is your sister from the breast-feeding'. So I said, 'So would it be Permissible for my brother from my mother who did not breast-feed from his milk, meaning not with this pregnancy, but with another pregnancy'. He^{asws} said: 'And the stallion (father) is one?' I said, 'Yes, she is my sister of my father and my mother'. He^{asws} said: 'The milk is of the stallion (father). Your father has become her father, and your mother, as her mother'.¹¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَوْ أَنَّ رَجُلًا تَزَوَّجَ جَارِيَةً رَضِيعًا فَأَرْضَعَتْهَا امْرَأَتُهُ فَسَدَّ نِكَاحَهُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'If a man were to marry a girl having been breast-fed by his wife, so his marriage is void'.

قَالَ وَ سَأَلْتُهُ عَنِ امْرَأَةٍ رَجُلٍ أَرْضَعَتْ جَارِيَةً أَ تَصْلُحُ لَوْلَدِهِ مِنْ غَيْرِهَا قَالَ لَا قُلْتُ فَنَزَلَتْ بِمَنْزِلَةِ الْأُخْتِ مِنَ الرِّضَاعَةِ قَالَ نَعَمْ مِنْ قَبْلِ الْأَبِ .

He (the narrator) said, 'And I asked him^{asws} about a wife of a man who breast-feeds a girl, would she be correct for her children from someone else?' He^{asws} said: 'No'. I said, 'So she would have come down to be at the status of the sister from the breast-feeding?' He^{asws} said: 'Yes, from the direction of the father'.¹¹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ جَاءَ رَجُلٌ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ امْرَأَتِي حَلَبَتْ مِنْ لَبَنِهَا فِي مَكْوِكٍ فَأَسْقَتْهُ جَارِيَتِي فَقَالَ أَوْجِعِ امْرَأَتَكَ وَ عَلَيْنِكَ بِجَارِيَتِكَ وَ هُوَ هَكَذَا فِي قَضَاءِ عَلِيٍّ (عَلَيْهِ السَّلَام) .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'A man came over to Amir Al-Momineen^{asws}, so he said, 'O Amir Al-Momineen^{asws}! My wife milked from her own milk in a drinking cup, so she quenched my slave-girl'. So he^{asws} said: 'Your wife would be inflicted with pain, and it is upon you with your slave girl. And it is like this in the judgement of Ali^{asws}'.¹¹⁴

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ تَزَوَّجَ جَارِيَةً صَغِيرَةً فَأَرْضَعَتْهَا امْرَأَتُهُ أَوْ أُمُّ وَلَدِهِ قَالَ تَحْرُمُ عَلَيْهِ .

Ali, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby, and Abdullah Bin Sinan,

¹¹² Al Kafi – V 5 – The Book of Marriage Ch 90 H 3

¹¹³ Al Kafi – V 5 – The Book of Marriage Ch 90 H 4

¹¹⁴ Al Kafi – V 5 – The Book of Marriage Ch 90 H 5

(It has been narrated) from Abu Abdullah^{asws} regarding a man who married a young girl, so his wife breast-fed her, or a mother of his child. He^{asws} said: 'She is Prohibited unto him'.¹¹⁵

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الرَّضَاعُ الَّذِي يُنْبِتُ اللَّحْمَ وَالذَّمَّ هُوَ الَّذِي يَرْضِعُ حَتَّى يَتَمَلَّى وَ يَنْضَلَعُ وَ يَنْتَهِيَ نَفْسُهُ .

Ali, from his father, from Ibn Abu Umeyr, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The breast-feeding is that which builds the flesh and the blood. It is that which he breast-feeds until he is weary, and disinterested, and his breathing (sucking) ends'.¹¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ أَبِي يَحْيَى الْخَنَّاطِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّ ابْنِي وَ ابْنَةَ أَخِي فِي حَجْرِي وَ أَرَدْتُ أَنْ أُزَوِّجَهَا إِيَّاهُ فَقَالَ بَعْضُ أَهْلِي إِنَّا قَدْ أَرْضَعْنَاهُمَا قَالَ فَقَالَ كَمْ قُلْتُ مَا أُدْرِي قَالَ فَأَدْرَانِي عَلَى أَنْ أَوْقْتُ قَالَ فَقُلْتُ مَا أُدْرِي قَالَ فَقَالَ زَوْجُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Abu Yahya Al Hannat who said,

'I said to Abu Abdullah^{asws}, 'My son and a daughter of my brother are in my lap (care), and I intend to marry her to him, but one of my family members said, 'We have breast-fed both of them'. So he^{asws} said: 'How much?' I said, 'I don't know'. He^{asws} said: 'So let me^{asws} know the time period'. So I said, 'I don't know'. So he^{asws} said: 'Get him married'.¹¹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ تَزَعُمُ أَنَّهَا أَرْضَعَتِ الْمَرْأَةَ وَالْعُلَامَ ثُمَّ تَنْكِرُ قَالَ تَصَدَّقْ إِذَا أَنْكَرْتَ قُلْتُ فَإِنَّهَا قَالَتْ وَ أَدَعَتْ بَعْدَ بَأْتِي قَدْ أَرْضَعْتُهُمَا قَالَ لَا تُصَدِّقْ وَ لَا تَنْعَمْ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a woman who alleged that she had breast-fed the woman and the boy, then denied. He^{asws} said: 'You ratified her when she denied?' I said, 'But she said and claimed afterwards, 'I had breast-fed them both'. He^{asws} said: 'Do not ratify, nor is there a Blessing'.¹¹⁸

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَصْلُحُ لِلْمَرْأَةِ أَنْ يَنْكِحَهَا عَمَّهَا وَ لَا خَالَهَا مِنَ الرَّضَاعَةِ .

Ali, from his father, from Ibn Abu Umeyr, from Abdullah Bin Sinan,

¹¹⁵ Al Kafi – V 5 – The Book of Marriage Ch 90 H 6

¹¹⁶ Al Kafi – V 5 – The Book of Marriage Ch 90 H 7

¹¹⁷ Al Kafi – V 5 – The Book of Marriage Ch 90 H 8

¹¹⁸ Al Kafi – V 5 – The Book of Marriage Ch 90 H 9

(It has been narrated) from Abu Abdullah^{asws} having said: 'It is not correct for the woman that her paternal uncle marries her, nor her maternal uncle, from the breast-feeding'.¹¹⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمَنِيِّ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ)
عَنْ امْرَأَةٍ دَرَّ لَبْنُهَا مِنْ غَيْرِ وَلَادَةٍ فَأَرْضَعَتْ جَارِيَةً وَ غُلَامًا بِذَلِكَ اللَّبَنِ هَلْ يَحْرُمُ بِذَلِكَ اللَّبَنِ مَا يَحْرُمُ مِنَ الرِّضَاعِ قَالَ لَا .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad, from Ahmad Bin Al Hassan Al Maysami, from Yunus Bin Yaqoub,

(It has been narrated) from Abu Abdullah^{asws} about a woman who ejected her milk from without giving birth, so she breast-feeds a girl and a boy with that milk. Would there be a Prohibition due to that milk, what is Prohibited from the breast-feeding?' He^{asws} said: 'No'.¹²⁰

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ صَالِحِ بْنِ أَبِي حَمَّادٍ عَنْ عَلِيِّ بْنِ مَهْرِيَّارَ رَوَاهُ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قِيلَ لَهُ إِنَّ رَجُلًا
تَزَوَّجَ بِجَارِيَةٍ صَغِيرَةٍ فَأَرْضَعَتْهَا امْرَأَتُهُ ثُمَّ أَرْضَعَتْهَا امْرَأَةٌ لَهُ أُخْرَى فَقَالَ ابْنُ شُبْرَمَةَ حَرِّمَتْ عَلَيْهِ الْجَارِيَةَ وَ امْرَأَتَاهُ فَقَالَ
أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَخْطَأَ ابْنُ شُبْرَمَةَ حَرِّمَتْ عَلَيْهِ الْجَارِيَةَ وَ امْرَأَتَهُ الَّتِي أَرْضَعَتْهَا أَوْ لَا فَأَمَّا الْأَخِيرَةُ فَلَمْ تَحْرَمْ عَلَيْهِ
كَانَتْهَا أَرْضَعَتْ ابْنَتَهَا .

Ali Bin Muhammad, from Salih Bin Abu Hammad, from Ali Bin Mahziyar, reporting it,

(It has been narrated) from Abu Ja'far^{asws}, said, 'It was said to him^{asws} that a man married a young girl, so his wife breast-fed her, and another wife of his breast-fed her. So Ibn Shubrama (a judge) said that the girl and both his wife are Prohibited unto him'. So he^{asws} said: 'Ibn Shubrama has erred. The girl is Prohibited unto him and the wife who breast-fed her first. So, as for the last one, so she is not Prohibited unto him, as if she had breast-fed her own daughter'.¹²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ)
(أَنَّهُوَ نِسَاءَكُمْ أَنْ يُرْضِعْنَ يَمِينًا وَ شِمَالًا فَإِنَّهُنَّ يَنْسَيْنَ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'Forbid your womenfolk that they should breast-feed right and left (many children), for they tend to forget'.¹²²

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ رِبَاطٍ عَنِ ابْنِ مُسْكَانٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ
أَبِي جَعْفَرٍ أَوْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا رَضَعَ الْغُلَامُ مِنْ نِسَاءٍ شَتَّى فَكَانَ ذَلِكَ عِدَّةً أَوْ تَبَّتْ لَحْمُهُ وَ دَمُهُ عَلَيْهِ
حَرَّمَ عَلَيْهِ بَنَاتَهُنَّ كُلَّهُنَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ali Bin Al Hassan Bin Rabaat, from Ibn Muskan, from Muhammad Bin Muslim,

¹¹⁹ Al Kafi – V 5 – The Book of Marriage Ch 90 H 10

¹²⁰ Al Kafi – V 5 – The Book of Marriage Ch 90 H 11

¹²¹ Al Kafi – V 5 – The Book of Marriage Ch 90 H 12

¹²² Al Kafi – V 5 – The Book of Marriage Ch 90 H 13

(It has been narrated) from Abu Ja'far^{asws} or Abu Abdullah^{asws} having said: 'When the boy is breast-fed from various women, so that was a number, or builds his flesh and his blood upon it, they daughter would be Prohibited unto him, all of them'.¹²³

عَنْهُ عَنِ ابْنِ سِنَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُ وَ أَنَا حَاضِرٌ عَنْ امْرَأَةٍ أَرْضَعَتْ غُلَامًا مَمْلُوكًا لَهَا مِنْ لَبَنِهَا حَتَّى فَطَمَنَهُ هَلْ لَهَا أَنْ تَبِيعَهُ قَالَ فَقَالَ لَا هُوَ ابْنُهَا مِنَ الرِّضَاعَةِ حَرَمٌ عَلَيْهَا بَيْعُهُ وَ أَكْلُ ثَمَنِهِ قَالَ ثُمَّ قَالَ أَلَيْسَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ يَحْرُمُ مِنَ الرِّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ .

From him, from Ibn Sinan, from a man,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked and I was present, about a woman who breast-fed a boy of an owned slave of her from her milk until she weaned him. It is for her that she sells him'. So he^{asws} said: 'No, he is her son from the breast-feeding. It is Prohibited upon her to sell him, and consume his price'. Then he^{asws} said: 'Did not Rasool-Allah^{saww} say: 'He is Prohibited from the breast-feeding what he is Prohibited from the lineage?'¹²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ سَلَمَةَ بْنِ الْخَطَّابِ عَنْ عَبْدِ اللَّهِ بْنِ خِدَاشٍ عَنْ صَالِحِ بْنِ عَبْدِ اللَّهِ الْخُثْعَمِيِّ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) عَنْ أُمَّ وَ لَدِي لِي صَدُوقٍ زَعَمَتْ أَنَّهَا أَرْضَعَتْ جَارِيَةً لِي أَصَدَّقْتُهَا قَالَ لَا .

Muhammad Bin Yahya, from Salma Bin Al Khattab, from Abdullah Bin Khidash, from Salih Bin Abdullah Al Khash'amy who said,

'I asked Abu Al-Hassan Musa^{asws} about a mother of child of mine who is truthful, alleges that she had breast-fed a slave girl of mine. Shall I ratify her?' He^{asws} said: 'No'.¹²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ قَالَ كَتَبْتُ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَام) امْرَأَةً أَرْضَعَتْ وَدَّ الرَّجُلِ هَلْ يَجِلُّ لِذَلِكَ الرَّجُلِ أَنْ يَتَزَوَّجَ ابْنَةَ هَذِهِ الْمُرْضِعَةِ أَمْ لَا فَوَقَّعَ (عَلَيْهِ السَّلَام) لَا لَا تَحِلُّ لَهُ .

Muhammad Bin Yahya, from Abdullah Bin Ja'far who said,

'I wrote to Abu Muhammad^{asws}, 'A woman breast-fed a child of the man. Would it be Permissible for that man that he marries a daughter of this breast-feeder or not?' So he^{asws} signs: 'No, she is not Permissible unto him'.¹²⁶

باب في نحوه

Chapter 91 – Regarding approximately it (the previous chapter)

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) تَمَانِيَةٌ لَا تَحِلُّ مُنَاكَحَتُهُمْ أَمَّا أُمَّكَ أَوْ أُخْتُكَ أَمَّا أُمَّكَ وَ هِيَ عَمَّتُكَ مِنَ الرِّضَاعَةِ وَ أُمَّكَ وَ هِيَ خَالَتُكَ مِنَ الرِّضَاعَةِ أَمَّا وَ هِيَ أَرْضَعَتْكَ أَمَّا وَ قَدْ وَطِنَتْ حَتَّى تَسْتَبْرِئَهَا بِحَيْضَةِ أَمَّا وَ هِيَ حُبْلَى مِنْ غَيْرِكَ أَمَّا وَ هِيَ عَلَى سَوْمٍ أَمَّا وَ لَهَا زَوْجٌ .

¹²³ Al Kafi – V 5 – The Book of Marriage Ch 90 H 14

¹²⁴ Al Kafi – V 5 – The Book of Marriage Ch 90 H 15

¹²⁵ Al Kafi – V 5 – The Book of Marriage Ch 90 H 16

¹²⁶ Al Kafi – V 5 – The Book of Marriage Ch 90 H 17

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman Al Asamma, from Misma'a Bin Abdul Malik,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'Eight are not Permissible for marrying them – Your slave girl whose mother is your slave girl, or her sister is your slave girl; and your slave girl and she is your paternal aunt from the breast-feeding; and your slave girl and she is your maternal aunt from the breast-feeding; your slave girl and she is the one who breast-fed you; your slave girl and she had slept (with someone) until she is free with her menstruation; your slave girl and she is pregnant from someone else; your slave girl and she is upon an evaluation; your slave girl and for her is a husband'.¹²⁷

باب نِكَاحِ الْقَابِلَةِ

Chapter 92 – Marrying the midwife

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ خَلَادِ السُّنْدِيِّ عَنْ عَمْرِو بْنِ شِمْرٍ [عَنْ جَابِرٍ] عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الرَّجُلُ يَتَزَوَّجُ قَابِلَتَهُ قَالَ لَا وَ لَا ابْنَتَهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Khallad Al sindy, from Amro Bin Shimr, from Jabir,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'The man marries his midwife'. He^{asws} said: 'No, nor her daughter'.¹²⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي مُحَمَّدٍ الْأَنْصَارِيِّ عَنْ عَمْرِو بْنِ شِمْرٍ عَنْ جَابِرِ بْنِ يَزِيدَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الْقَابِلَةِ أَيْحِلُّ لِلْمَوْلُودِ أَنْ يَنْكَحَهَا فَقَالَ لَا وَ لَا ابْنَتَهَا هِيَ بَعْضُ أُمَّهَاتِهِ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Abu Muhammad Al Ansary, from Amro Bin Shimr, from Jabir Bin Yazeed who said,

'I asked Abu Ja'far^{asws} about the midwife, is it Permissible of the born boy that he marries her?' So he^{asws} said: 'No, and nor her daughter. She is one of his mothers'.

وَ فِي رِوَايَةٍ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ إِنْ قَبِلْتُ وَ مَرَّتْ فَأَلْقَوَابِلُ أَكْثَرُ مِنْ ذَلِكَ وَ إِنْ قَبِلْتُ وَ رَبَّتْ حَرَمْتُ عَلَيْهَا .

And in another report of Muawiya Bin Ammar, from Abu Abdullah^{asws} having said: 'If she is a midwife (during his birth) and moves on, so the midwives are many from that, and if she is a midwife (during his birth) and she nourishes, she would be Prohibited unto him'.¹²⁹

حُمَيْدُ بْنُ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ أَحْمَدَ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ زِيَادِ بْنِ عَيْسَى بِيَّاعِ السَّابِرِيِّ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا اسْتَقْبَلَ الصَّبِيُّ الْقَابِلَةَ بِوَجْهِهِ حَرَمْتُ عَلَيْهِ وَ حَرَمَ عَلَيْهِ وَادَّهَا .

Humeyd Bin Ziyad, from Abdullah Bin Ahmad, from Ali Bin Al Hassan, from Muhammad Bin Ziyad Bin Isa Baya'a Al Sabiry, from Aban Bin Usman, from Ibrahim,

¹²⁷ Al Kafi – V 5 – The Book of Marriage Ch 91 H 1

¹²⁸ Al Kafi – V 5 – The Book of Marriage Ch 92 H 1

¹²⁹ Al Kafi – V 5 – The Book of Marriage Ch 92 H 2

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the child faces the midwife with his face, she would be Prohibited unto him, and her children would be Prohibited unto him (as well)'.¹³⁰

¹³⁰ Al Kafi – V 5 – The Book of Marriage Ch 92 H 3