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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

كِتَابُ الدِّيَاتِ

THE BOOK OF WERGILDS (COMPENSATIONS)
(1)

TABLE OF CONTENTS

THE BOOK OF WERGILDS (COMPENSATIONS) (1)	1
Chapter 1 – The killing	3
Chapter 2 – Another chapter from it	7
Chapter 3 – The one who kills a Believer upon his Religion, so there is no repentance for him	9
Chapter 4 – Deliberate killing, and somewhat deliberate, and the erroneous (killing)	11
Chapter 5 – The wergild regarding the deliberate killing, and the erroneous	14
Chapter 6 – The group gathers upon killing one	18
Chapter 7 – The man orders a man with the killing of a man	21
Chapter 8 – The man kills two men or more	22
Chapter 9 – The man discharged from the retaliation being Obligated upon him	23
Chapter 10 – The man restrains the man, so another one kills him	23
Chapter 11 – The man falls upon the man so he kills him	26
Chapter 12 - Miscellaneous.....	26
Chapter 13 – The one for whom there is no wergild	29
Chapter 14 – The man of correct intellect kills the insane	34
Chapter 15 – The man kills, so the testimony is no established against him, he goes mad	35
Chapter 16 – Regarding the killer intending the repentance	35
Chapter 17 – Killing the burglar	37
Chapter 18 – The man kills his son, and the son kills his father and his mother	38
Chapter 19 – The man kills the woman, and the woman kills the man, and the remainder of the wergild of the man over the wergild of the woman regarding the (killing of) the soul and the injuries	39
Chapter 20 – The one whose error is (like) deliberate, and one whose deliberation is (like) an error	44
Chapter 21 - Miscellneous.....	45
Chapter 22 – The man kills his slave, or tortures him	45

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.

باب القتل

Chapter 1 – The killing

حَدَّثَنِي عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِي خَالِدِ الْقَمَاطِ عَنْ حُمْرَانَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) مَا مَعْنَى قَوْلِ اللَّهِ عَزَّ وَجَلَّ مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا قَالَ قُلْتُ وَكَيْفَ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا فَإِنَّمَا قَتَلَ وَاحِدًا فَقَالَ يُوضَعُ فِي مَوْضِعٍ مِنْ جَهَنَّمَ إِلَيْهِ يَنْتَهِي شِدَّةُ عَذَابِ أَهْلِهَا لَوْ قَتَلَ النَّاسَ جَمِيعًا إِنَّمَا كَانَ يَدْخُلُ ذَلِكَ الْمَكَانَ قُلْتُ فَإِنَّهُ قَتَلَ آخَرَ قَالَ يُضَاعَفُ عَلَيْهِ.

Ali Bin Ibrahim narrated to me, from his father, from Ibn Abu Umeyr, from Ali Bin Uqba, from Abu Khalid Al Qammat, from Humran who said,

‘I said to Abu Abdullah^{asws}, ‘What is the Meaning of the Words of Allah^{azwj} Mighty and Majestic [5:32] **For this reason did We Prescribe to the Children of Israel that whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all the people.** I said, ‘And how come it is as if he has killed all the people, for he has (only) killed one?’ So he^{asws} said: ‘He would be placed in a place of Hell where the harshest of Punishments would end up to be upon its inhabitants, had he killed the people altogether. But rather, he would enter that place’. I said, ‘So if he were to kill another one?’ He^{asws} said: ‘It would be doubled upon him’.¹

عَلِيُّ عَنْ أَبِيهِ عَنِ عَمْرِو بْنِ عُثْمَانَ عَنِ الْمُفَضَّلِ بْنِ صَالِحٍ عَنْ جَابِرِ بْنِ يَزِيدَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَوَّلُ مَا يَحْكُمُ اللَّهُ فِيهِ يَوْمَ الْقِيَامَةِ الدِّمَاءُ فَيُوقَفُ ابْنُ آدَمَ فَيَفْصَلُ بَيْنَهُمَا ثُمَّ الَّذِينَ يَلُونَهُمَا مِنْ أَصْحَابِ الدِّمَاءِ حَتَّى لَا يَبْقَى مِنْهُمْ أَحَدٌ ثُمَّ النَّاسَ بَعْدَ ذَلِكَ حَتَّى يَأْتِيَ الْمَقْتُولُ بِقَاتِلِهِ فَيَتَشَخَّبُ فِي دَمِهِ وَجْهَهُ فَيَقُولُ هَذَا قَتَلَنِي فَيَقُولُ أَنْتَ قَتَلْتَهُ فَلَا يَسْتَطِيعُ أَنْ يَكْتُمَ اللَّهَ حَدِيثًا .

Ali, from his father, from Amro Bin Usman, from Al Mufazzal Bin Salih, from Jabir Bin Yazeed,

Abu Ja'far^{asws} has said that Rasool-Allah^{saww} said: ‘The first of what Allah^{azwj} would Judge on the Day of Judgement would be regarding the blood-shed. So He^{azwj} would Pause the two sons of Adam^{as}, so He^{azwj} would Decide between the two of them. Then it would be those from the committers of the blood-shed who stained themselves by what they (the sons of Adam^{as}) did, until there does not remain anyone from them. Then it would be the (other) people after that, to the extent that the murdered one would come with his murderer, so his face would be soaked in his blood, so he would be saying, ‘This one killed me’. So He^{azwj} would be Saying: “Did you kill him?’ So he would not be able to conceal any statement from Allah^{azwj},²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ مَا مِنْ نَفْسٍ نُقِلَتْ بَرَّةً وَ لَا فَاجِرَةً إِلَّا وَ هِيَ تُحْسَرُ يَوْمَ الْقِيَامَةِ مُتَعَلِّقَةً بِقَاتِلِهِ بِيَدِهِ الْيَمْنَى وَ رَأْسُهُ بِيَدِهِ الْيُسْرَى وَ أُوْدَاجُهُ تَشَخَّبُ دَمًا يَقُولُ

¹ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 1

² Al Kafi – V 7 – The Book of Wergilds Ch 1 H 2

يَا رَبِّ سَلْ هَذَا فِيمَ قَتَلْتَنِي فَإِنْ كَانَ قَتَلَهُ فِي طَاعَةِ اللَّهِ أَثِيبَ الْقَاتِلِ الْجَنَّةَ وَ أُذْهِبَ بِالْمَقْتُولِ إِلَى النَّارِ وَ إِنْ قَالَ فِي طَاعَةِ فَلَانٍ قِيلَ لَهُ أَقْتَلُهُ كَمَا قَتَلْتَكَ ثُمَّ يَفْعَلُ اللَّهُ عَزَّ وَ جَلَّ فِيهِمَا بَعْدُ مَشِيئَةً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sinan, from Abu Al Jaroud,

Abu Ja'far^{asws} has said: 'There is none from the killed soul, righteous or immoral, except that it would be Resurrected on the Day of Judgement holding on to his murderer by right hand, and his (own severed) head in his left hand and his veins streaming blood. He would be saying, 'O Lord^{azwj}! Ask this one, why did he kill me?' So if it was such that his killing was in obedience of Allah^{azwj}, they would bring the killer to the Paradise and go with the killed one to the Fire; and if it was in obedience to so and so (other than Allah^{azwj}), it would be said to him, 'Kill him just as he had killed you'. Then Allah^{azwj} Mighty and Majestic would Deal with the two of them afterwards as He^{azwj} Wishes to'.³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنْ أَبِي حَمْرَةَ الثَّمَالِيِّ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا يُعْرَنُكُمْ رَحْبُ الدَّرَاعَيْنِ بِالدَّمِ فَإِنَّ لَهُ عِنْدَ اللَّهِ عَزَّ وَ جَلَّ قَاتِلًا لَا يَمُوتُ قَالُوا يَا رَسُولَ اللَّهِ وَ مَا قَاتِلٌ لَا يَمُوتُ فَقَالَ النَّارُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Mansour Bin Yunus, from Abu Hamza Al Sumaly,

(It has been narrated) from Ali^{asws} Bin Al-Husayn^{asws} having said: 'Rasool-Allah^{saww} said: 'Do not be deceived by the embrace of the two arms with the blood, for it, in the Presence of Allah^{azwj} Mighty and Majestic is a killer who does not die'. They said, 'O Rasool-Allah^{saww}! And what is the killer who does not die?' So he^{saww} said: 'The Fire (of Hell)'.⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا يُعْجِبُكَ رَحْبُ الدَّرَاعَيْنِ بِالدَّمِ فَإِنَّ لَهُ عِنْدَ اللَّهِ قَاتِلًا لَا يَمُوتُ .

A number of our companions, from Sahl Bin Ziyad, from Abdul Rahman Bin Abu Najran, from Aasim Bin Humeyd, from Abu Ubeyda,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Rasool-Allah^{saww} said: 'Do not let the embrace of the two arms with the blood cause you to wonder, for it, in the Presence of Allah^{azwj}, is a killer who does not die'.⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعًا عَنْ حَمَادِ بْنِ عَيْسَى عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ... فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا قَالَ لَهُ فِي النَّارِ مَقْعَدٌ لَوْ قَتَلَ النَّاسَ جَمِيعًا لَمْ يَرِدْ إِلَّا إِلَى ذَلِكَ الْمَقْعَدِ .

Ali Bin Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Hammad Bin Isa, from Rabie Bin Abdullah, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[5:32] whoever slays a soul, unless it be for manslaughter . . . it is as though he slew**

³ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 3

⁴ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 4

⁵ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 5

all the people. He^{asws} said: 'For him is a seat in the Fire, had he killed the people altogether, he would not have been Returned, except to that (very) place'.⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا يَزَالُ الْمُؤْمِنُ فِي فُسْحَةٍ مِنْ دِينِهِ مَا لَمْ يُصِبْ دَمًا حَرَامًا وَقَالَ لَا يُؤَفَّقُ قَاتِلُ الْمُؤْمِنِ مُتَعَمِّدًا لِلتَّوْبَةِ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ibn Abu Umeyr, from Hisham Bin Salim,

Abu Abdullah^{asws} has said: 'The Believer does not cease to be in ample space (leeway) in his Religion for as long as he does not shed blood unlawfully'. And he^{asws} said: 'The killer of the Believer deliberately, would not be given the opportunity for the repentance'.⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنْ أَبِي حَمْرَةَ عَنْ أَحَدِهِمَا (عليهما السلام) قَالَ أَتَيْتُ رَسُولَ اللَّهِ (صلى الله عليه وآله) فَقِيلَ لَهُ يَا رَسُولَ اللَّهِ قَتِيلٌ فِي جَهَنَّمَ فَقَامَ رَسُولُ اللَّهِ (صلى الله عليه وآله) يَمْشِي حَتَّى أَنْتَهَى إِلَى مَسْجِدِهِمْ قَالَ وَتَسَامَعُ النَّاسُ فَاتَوْهُ فَقَالَ مَنْ قَتَلَ ذَا قَالُوا يَا رَسُولَ اللَّهِ مَا نَدْرِي فَقَالَ قَتِيلٌ بَيْنَ الْمُسْلِمِينَ لَا يُدْرَى مَنْ قَتَلَهُ وَالَّذِي بَعَثَنِي بِالْحَقِّ لَوْ أَنَّ أَهْلَ السَّمَاءِ وَالْأَرْضِ شَرِكُوا فِي دَمِ امْرِئٍ مُسْلِمٍ وَرَضُوا بِهِ لَأَكْبَهُمُ اللَّهُ عَلَى مَنَاحِرِهِمْ فِي النَّارِ أَوْ قَالَ عَلَى وُجُوهِهِمْ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: '(Someone) came to Rasool-Allah^{azwj}, so he said to him^{saww}: 'O Rasool-Allah^{saww}! There has been killing in Juhayna'. So Rasool-Allah^{saww} arose, and walked until he^{saww} ended up in their Masjid. He^{saww} said, and the people heard him^{saww}, so they came over, so he^{saww} said: 'Who had done that killing?' They said, 'O Rasool-Allah^{saww}! We do not know'. So he^{saww} said: 'There has been killing in between the Muslims, and it is not known who killed? By the One Who^{azwj} Sent me^{saww} with the Truth, if the inhabitants of the sky and the earth were to participate in shedding the blood of a Muslim person, and were pleased with it, Allah^{azwj} would Fling them upon their nostrils, into the Fire!' – or he^{saww} said: 'Upon their faces!'.⁸

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ سَعِيدِ الْأَزْرَقِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ قَتَلَ رَجُلًا مُؤْمِنًا قَالَ يُقَالُ لَهُ مَتَّ أَيَّ مِيتَةٍ شِئْتَ إِنْ شِئْتَ يَهُودِيًّا وَإِنْ شِئْتَ نَصْرَانِيًّا وَإِنْ شِئْتَ مَجُوسِيًّا .

Ali, from his father, from Ibn Abu Umeyr, from Saeed Al Arzaq,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who killed a Believing man. He^{asws} said: 'It would be said to him: 'Die whichever death you like – if you so like, as a Jew, and if you so like, as a Christian, and if you so like, as a Magian!'.⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ إِنْ الرَّجُلُ لِيَأْتِي يَوْمَ الْقِيَامَةِ وَمَعَهُ قَدْرٌ مَخْجَمَةٌ مِنْ دَمٍ فَيَقُولُ وَاللَّهِ مَا قَتَلْتُ وَلَا شَرِكْتُ فِي دَمِ قَاتِلِي دَكَرْتُ عَبْدِي فَلَنَا فَتَرَفِّي ذَلِكَ حَتَّى قُتِلَ فَأَصَابَكَ مِنْ دَمِهِ .

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

⁶ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 6

⁷ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 7

⁸ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 8

⁹ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 9

(It has been narrated) from Abu Ja'far^{asws} having said that the man would be brought on the Day of Judgement, and on him would be the (minimum amount of) blood - of the measurement of a cup, so he would be saying, 'By Allah^{azwj}! I did not kill, nor did I participate in (shedding of his) blood!' He^{azwj} would Say: "Yes (you did)! You mentioned My^{azwj} so and so servant, so that led to him being killed, therefore you are responsible for his blood (shedding)".¹⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنِ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنِ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَدْخُلُ الْجَنَّةَ سَافِكُ الدَّمِ وَلَا شَارِبُ الْخَمْرِ وَلَا مَسَاءٌ بِنَمِيمٍ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Abdullah Bin Sinan, from a man,

Abu Abdullah^{asws} has said: 'He would not be entering the Paradise, the one who shed the blood, nor the one who drank the wine, nor a slandering backbiter'.¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أُسَامَةَ زَيْدِ الشَّحَّامِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَقَفَ بِمِنَى حِينَ قَضَى مَنَاسِكَهَا فِي حَجَّةِ الْوَدَاعِ فَقَالَ أَيُّهَا النَّاسُ اسْمَعُوا مَا أَقُولُ لَكُمْ وَاعْقِلُوا عَنِّي فَإِنِّي لَا أَدْرِي لَعَلِّي لَا أَلْقَاكُمْ فِي هَذَا الْمَوْقِفِ بَعْدَ عَامِنَا هَذَا

Ali Bin Ibrahi, from his father, from Ibn Abu Umeyr, from Abu Asama Zayd Al Shaham,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} paused at Mina where he^{saww} fulfilled his^{saww} rituals during the Farewell Hajj. So he^{saww} said: 'O you people! Listen to what I^{saww} am saying to you all, and understand from me^{saww}, for I^{saww} do not know, perhaps I^{saww} would not meet you all again during this year of ours'.

ثُمَّ قَالَ أَيُّ يَوْمٍ أَعْظَمَ حُرْمَةً قَالُوا هَذَا الْيَوْمُ قَالَ فَأَيُّ شَهْرٍ أَعْظَمَ حُرْمَةً قَالُوا هَذَا الشَّهْرُ قَالَ فَأَيُّ بَلَدٍ أَعْظَمَ حُرْمَةً قَالُوا هَذَا الْبَلَدُ قَالَ فَإِنَّ رِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا فِي شَهْرِكُمْ هَذَا فِي بَلَدِكُمْ هَذَا إِلَى يَوْمٍ تَلْقَوْنَهُ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ

Then he^{saww} said: 'Which day is greatest in sanctity?' They said, 'This day!'. He^{saww} said: 'So which month is greatest in sanctity?' They said, 'This month!' He^{saww} said: 'So which city is greatest in sanctity?' They said, 'This city!' He^{saww} said: 'So your blood, and your wealth are sacred upon you like the sacredness of this day of yours, in this month of yours, in this city of yours, up to the day you meet Him^{azwj}, so He^{azwj} would be Questioning you about your deeds.

أَلَا هَلْ بَلَّغْتُ قَالُوا نَعَمْ قَالَ اللَّهُمَّ اشْهَدْ أَلَا مَنْ كَانَتْ عِنْدَهُ أَمَانَةٌ فَلْيُؤَدِّهَا إِلَى مَنْ أُتِّمِنَتْ عَلَيْهَا فَإِنَّهُ لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ وَلَا مَالُهُ إِلَّا بِطَيْبَةٍ نَفْسِيهِ وَلَا تَطْلُمُوا أَنْفُسَكُمْ وَلَا تَرْجِعُوا بَعْدِي كُفَّارًا .

Indeed! Have I^{saww} delivered (the Message)?' They said: 'Yes!' He^{saww} said: 'O Allah^{azwj}! Be Witness! The one with whom is an entrustment, so let him pay it to the one who had entrusted it upon him, for the blood of a Muslim person and his wealth

¹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 10

¹¹ Al Kafi – V 7 – The Book of Wergilds Ch 1 H 11

are not Permissible except if he himself agrees to it; and do not do injustice to yourselves (commit sins), and do not return to Infidelity after me^{saww}!¹²

بَابُ آخِرُ مِنْهُ

Chapter 2 – Another chapter from it

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنِ مُنْتَنَى عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ وَجَدَ فِي قَائِمِ سَيْفِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) صَحِيفَةً إِنَّ أَعْتَى النَّاسِ عَلَى اللَّهِ عَزَّ وَجَلَّ الْقَاتِلُ غَيْرَ قَاتِلِهِ وَ الضَّارِبُ غَيْرَ ضَارِبِهِ وَ مَنْ ادَّعَى لِغَيْرِ أَبِيهِ فَهُوَ كَافِرٌ بِمَا أَنْزَلَ اللَّهُ عَلَى مُحَمَّدٍ وَ مَنْ أَحَدَّثَ حَدَّثًا أَوْ أَوْى مُحَدِّثًا لَمْ يَقْبَلِ اللَّهُ عَزَّ وَجَلَّ مِنْهُ يَوْمَ الْقِيَامَةِ صِرْفًا وَ لَا عَدْلًا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Musny,

Abu Abdullah^{asws} has said: ‘A parchment was found in the sheath of the sword of Rasool-Allah^{saww} (which said): ‘The most troublemaker of the people to Allah^{azwj} Mighty and Majestic, is the one who killed other than the one who (was trying to) kill him, and having struck someone other than the one who struck him, and the one who claims to other than his (biological) father, so he is a disbeliever with what Allah^{azwj} Revealed unto Muhammad^{saww}; and the one who initiates an event (killing), or shelters an initiator (of a killing), Allah^{azwj} Mighty and Majestic would not Accept from him on the Day of Judgement, neither any exchange (for himself) nor any ransom’.¹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنَّ أَعْتَى النَّاسِ عَلَى اللَّهِ عَزَّ وَجَلَّ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ وَ مَنْ ضَرَبَ مَنْ لَمْ يَضْرِبْهُ .

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

Abu Abdullah^{asws} has said: ‘Rasool-Allah^{saww} said: ‘The most trouble-maker of the people to Allah^{azwj} Mighty and Majestic, is the one who killed someone other than his (attempted) killer, and the one who struck someone who did not strike him’.¹⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعًا عَنِ الْوَشَاءِ قَالَ سَمِعْتُ الرَّضَا (عَلَيْهِ السَّلَام) يَقُولُ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَعَنَ اللَّهُ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ أَوْ ضَرَبَ غَيْرَ ضَارِبِهِ وَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَعَنَ اللَّهُ مَنْ أَحَدَّثَ حَدَّثًا أَوْ أَوْى مُحَدِّثًا قُلْتُ وَ مَا الْمُحَدِّثُ قَالَ مَنْ قَتَلَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad and a number of our companions, from Sahl Bin Ziyad, altogether from Al Washa who said,

‘I heard Al-Reza^{asws} saying: ‘Rasool-Allah^{saww} said: ‘May Allah^{azwj} Curse the one who killed someone other than his (attempted) killer, or struck someone other than the one who struck him’. And Rasool-Allah^{saww} said: ‘May Allah^{azwj} Curse the one who initiates an event (killing), or shelters an initiator (of a killing)’. I said, ‘And what is the initiator?’ He^{saww} said: ‘The one who kills’.¹⁵

¹² Al Kafi – V 7 – The Book of Wergilds Ch 1 H 12

¹³ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 1

¹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 2

¹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 3

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي بَانَ عَنْ أَبِي إِسْحَاقَ بْنِ إِبْرَاهِيمَ الصَّيْقَلِيِّ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عليه السلام) (وَجَدَ فِي دَوَابَةِ سَيْفِ رَسُولِ اللَّهِ (صلى الله عليه وآله) صَحِيفَةً فَإِذَا فِيهَا بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ إِنَّ أَعْتَى النَّاسَ عَلَى اللَّهِ عَزَّ وَجَلَّ يَوْمَ الْقِيَامَةِ مَنْ قَتَلَ غَيْرَ قَاتِلِهِ وَ الضَّارِبُ غَيْرَ ضَارِبِهِ وَ مَنْ تَوَلَّى غَيْرَ مَوْلِيهِ فَهُوَ كَافِرٌ بِمَا أَنْزَلَ اللَّهُ عَلَى مُحَمَّدٍ وَ مَنْ أَحَدَثَ حَدِيثًا أَوْ أَوَى مُحَدِّثًا لَمْ يَقْبَلِ اللَّهُ عَزَّ وَجَلَّ مِنْهُ يَوْمَ الْقِيَامَةِ صِرْفًا وَ لَا عَدْلًا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Abu Is'haq Ibrahim Al Sayqal who said,

'Abu Abdullah^{asws} said to me: 'A parchment was found to be in a handle of a sword of Rasool-Allah^{saww} in which was (inscribed): 'In the Name of Allah^{azwj} the Beneficent, the Merciful. The most troublesome of the people to Allah^{azwj} Mighty and Majestic on the Day of Judgement would be the one who killed someone other than his (attempted) killer, and the striker of someone other than the one who struck him, and the one who befriended other than his friends, so he is a disbeliever with what Allah^{azwj} Revealed upon Muhammad^{saww}. And the one who initiates an event (killing), or shelters an initiator, Allah^{azwj} Mighty and Majestic would not Accept from him on the Day of Judgement, neither any exchange nor a ransom'.

قَالَ ثُمَّ قَالَ لِي أَ تَدْرِي مَا يَعْنِي مَنْ تَوَلَّى غَيْرَ مَوْلِيهِ قُلْتُ مَا يَعْنِي بِهِ قَالَ يَعْنِي أَهْلَ الدِّينِ .

(He - the narrator) said, 'Then he^{asws} said to me: 'Do you know what is the meaning of the who befriends other than his friends?' I said, 'What is the meaning of it?' He^{asws} said: 'It means the people of the Religion'.

وَ الصَّرْفُ التَّوْبَةُ فِي قَوْلِ أَبِي جَعْفَرٍ (عليه السلام) وَ الْعَدْلُ الْفِدَاءُ فِي قَوْلِ أَبِي عَبْدِ اللَّهِ (عليه السلام) .

And the 'exchange' is the repentance in the words of Abu Ja'far^{asws}, and the 'ransom' is the sacrifice in the words of Abu Abdullah^{asws},¹⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) وَقَفَ بَيْنِي حِينَ قَضَى مَنَاسِكَهُ فِي حَجَّةِ الْوَدَاعِ فَقَالَ أَيُّهَا النَّاسُ اسْمَعُوا مَا أَقُولُ لَكُمْ فَاعْمَلُوا عَنِّي فَإِنِّي لَا أَدْرِي لَعَلِّي لَا أَلْقَاكُمْ فِي هَذَا الْمَوْقِفِ بَعْدَ عَامِنَا هَذَا

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from his brother Al Hassan, from Zur'at Bin Muhammad, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws} having said that Rasool-Allah^{azwj} paused at Mina where he fulfilled his^{saww} rituals during the farewell Hajj. So he^{saww} said: 'O you people!, Listen to what I^{saww} am saying to you all, therefore understand from me^{saww}, for I^{saww} do not know perhaps I^{saww} will not meet you all in this pausing place after this year of ours'.

ثُمَّ قَالَ أَيُّ يَوْمٍ أَعْظَمُ حُرْمَةً قَالُوا هَذَا الْيَوْمُ قَالَ فَأَيُّ شَهْرٍ أَعْظَمُ حُرْمَةً قَالُوا هَذَا الشَّهْرُ قَالَ فَأَيُّ بَلَدٍ أَعْظَمُ حُرْمَةً قَالُوا هَذَا الْبَلَدُ قَالَ فَإِنَّ بِلَادَكُمْ وَ أَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا فِي شَهْرِكُمْ هَذَا فِي بَلَدِكُمْ هَذَا إِلَى يَوْمِ تَلْقَوْنَهُ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ

Then he^{saww} said: 'Which day is greatest in sanctity?' They said, 'This day'. He^{saww} said: 'So which month is the greatest in sanctity?' They said, 'This month'. He^{saww} said: 'Which city is greatest in sanctity?' They said, 'This city'. He^{saww} said: 'So your

¹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 4

blood and your wealth is sacred upon you all like the sacredness of this days of yours, in this month of yours, in this city of yours, up to the Day you meet Him^{azwj}, so He^{azwj} would be Questioning you all about your deeds.

أَلَا هَلْ بَلَغْتُ قَالُوا نَعَمْ قَالَ اللَّهُمَّ اشْهَدْ أَلَا وَمَنْ كَانَتْ عِنْدَهُ أَمَانَةٌ فَلْيُؤَدِّهَا إِلَى مَنْ انْتَمَنَ عَلَيْهَا فَإِنَّهُ لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ وَلَا مَالُهُ إِلَّا بِطَيْبَةِ نَفْسِهِ وَلَا تَظْلِمُوا أَنْفُسَكُمْ وَلَا تَرْجِعُوا بَعْدِي كُفَّارًا .

Indeed! Have I^{saww} delivered (the Message)?' They said, 'Yes'. He^{saww} said: 'O Allah^{azwj}! Be Witness! Indeed, and the one with whom was deposited an entrustment, so let him pay it back to the one who had entrusted it upon him, for neither the blood of a Muslim person nor his wealth is Permissible except by him agreeing it himself, and do not be unjust to yourselves (commit sins), nor return to be disbelievers after me^{saww},¹⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ جَمِيلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَمِعْتُهُ يَقُولُ لَعَنَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ أَحَدَثَ بِالْمَدِينَةِ حَدَثًا أَوْ آوَى مُحَدِّثًا قُلْتُ مَا الْحَدِيثُ قَالَ الْقَتْلُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Jameel,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying: 'Rasool-Allah^{saww} cursed at Al-Medina, the one who initiated an event or sheltered an initiator (of a killing)'. I said, 'And what is the 'event'?' He^{asws} said: 'The killing'.¹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ كُتَيْبِ الْأَسَدِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ وَجَدَ فِي دُوَابَةِ سَيْفِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) صَحِيفَةً مَكْتُوبٌ فِيهَا لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ عَلَى مَنْ أَحَدَثَ حَدَثًا أَوْ آوَى مُحَدِّثًا وَمَنْ أَدْعَى إِلَى غَيْرِ أَبِيهِ فَهُوَ كَافِرٌ بِمَا أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ وَمَنْ أَدْعَى إِلَى غَيْرِ مَوْلِيهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Kuleyb Al Asady,

(It has been narrated) from Abu Abdullah^{asws} having said: 'A parchment was found in the handle of a sword of Rasool-Allah^{saww}, in which was written: 'The Curse of Allah^{azwj} and the Angels is upon the one who initiates an event (killing), or shelters an initiator (of a killing), and the one who claims to other than his (biological) father, so he is a disbeliever with what Allah^{azwj} Mighty and Majestic Revealed; and the one who calls (for help) to other than his friends (people of the Religion), so upon him is the Curse of Allah^{azwj}.¹⁹

بَابُ أَنْ مَنْ قَتَلَ مُؤْمِنًا عَلَى دِينِهِ فَلَيْسَتْ لَهُ تَوْبَةٌ

Chapter 3 – The one who kills a Believer upon his Religion, so there is no repentance for him

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيْسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ [خَالِدًا فِيهَا] قَالَ مَنْ قَتَلَ مُؤْمِنًا عَلَى دِينِهِ فَذَلِكَ الْمُتَعَمِّدُ الَّذِي قَالَ اللَّهُ عَزَّ وَجَلَّ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا قُلْتُ فَالرَّجُلُ يَقَعُ بَيْنَهُ وَبَيْنَ الرَّجُلِ شَيْءٌ فَيَضْرِبُهُ بِسِنِيهِ فَيَقْتُلُهُ قَالَ لَيْسَ ذَلِكَ الْمُتَعَمِّدُ الَّذِي قَالَ اللَّهُ عَزَّ وَجَلَّ .

¹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 5

¹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 6

¹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 2 H 7

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic [4:93] **And whoever kills a Believer deliberately, his Punishment is Hell; he shall abide in it eternally**, said: 'The one who kills a Believer upon his Religion, so that is the deliberation which Allah^{azwj} Mighty and Majestic Speaks of **and Prepare for him a Painful Punishment**. I said, 'So what happens if something takes place between two persons, so he strikes him with his sword, so he kills him?' He^{asws} said: 'That is not the deliberation (pre-meditated killer) whom Allah^{azwj} Mighty and Majestic Speaks of'.²⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ وَ ابْنِ بُكَيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سُئِلَ عَنِ الْمُؤْمِنِ يَقْتُلُ الْمُؤْمِنَ مُنْعَمًا أَلَهُ تَوْبَةٌ فَقَالَ إِنْ كَانَ قَتَلَهُ لِإِيمَانِهِ فَلَا تَوْبَةَ لَهُ وَ إِنْ كَانَ قَتَلَهُ لِعُضَبٍ أَوْ لِسَبَبٍ شَيْءٍ مِنْ أَمْرِ الدُّنْيَا فَإِنْ تَوْبَتَهُ أَنْ يُقَادَ مِنْهُ وَ إِنْ لَمْ يَكُنْ عَلِمَ بِهِ أَنْطَلَقَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَأَقْرَّ عَنْدَهُمْ بِقَتْلِ صَاحِبِهِمْ فَإِنْ عَفَوْا عَنْهُ فَلَمْ يَقْتُلُوهُ أَعْطَاهُمُ الدِّيَةَ وَ أَعْتَقَ نَسَمَةً وَ صَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ أَطْعَمَ سِتِّينَ مِسْكِينًا تَوْبَةً إِلَى اللَّهِ عَزَّ وَ جَلَّ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub from Abdullah Bin Sinan and Ibn Bakeyr,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about the Believer who kills the Believer deliberately, is there repentance for him? So he^{asws} said: 'If he killed him for his beliefs, so there is no repentance for him, and if had killed him due to anger, or for a reason for something from the affairs of the world, so his repentance is that he would be retaliated from it, and if he does not know of it, so he should go to the guardians of the killed one, so he confesses in their presence of the murder of their companions. So if they were to forgive from it, then he would not be killed, and he would give them the wergild, and emancipate a slave, and Fast for two moths consecutively, and feed sixty poor (people) as a repentance to Allah^{azwj} Mighty and Majestic'.²¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ قَتَلَ مُؤْمِنًا وَ هُوَ يَعْلَمُ أَنَّهُ مُؤْمِنٌ غَيْرَ أَنَّهُ حَمَلَهُ الْعُضَبُ عَلَى قَتْلِهِ هَلْ لَهُ تَوْبَةٌ إِذَا أَرَادَ ذَلِكَ أَوْ لَا تَوْبَةَ لَهُ فَقَالَ يُقَادُ بِهِ وَ إِنْ لَمْ يُعْلَمَ بِهِ أَنْطَلَقَ إِلَى أَوْلِيَائِهِ فَأَعْلَمَهُمْ أَنَّهُ قَتَلَهُ فَإِنْ عَفَوْا عَنْهُ أَعْطَاهُمُ الدِّيَةَ وَ أَعْتَقَ رَقَبَةً وَ صَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ تَصَدَّقَ عَلَى سِتِّينَ مِسْكِينًا .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Al Nazar Bin Suwed, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having been asked about a man who killed a Believer and he knew he was a Believer, besides that it was anger that carried him upon killing him. Is there repentance for him when he intends for that, or there is no repentance for him?' So he^{asws} said: 'He would be retaliated with, and if he does not know, he should go to his (killed one's) guardians, so he would let them know that he has killed him. So if they were to forgive him, he would give them the

²⁰ Al Kafi – V 7 – The Book of Wergilds Ch 3 H 1

²¹ Al Kafi – V 7 – The Book of Wergilds Ch 3 H 2

wergild, and emancipate a slave, and Fast for two months consecutively, and give charity upon sixty poor ones'.²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حُسَيْنِ بْنِ أَحْمَدَ الْمَنْقَرِيِّ عَنْ عَيْسَى الضَّرِيرِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ قَتَلَ رَجُلًا مُتَعَمِّدًا مَا تَوْبَتُهُ قَالَ يُمَكِّنُ مِنْ نَفْسِهِ قُلْتُ يَخَافُ أَنْ يَقْتُلُوهُ قَالَ فَلْيُعْطِهِمُ الدِّيَةَ قُلْتُ يَخَافُ أَنْ يَعْلَمُوا بِذَلِكَ قَالَ فَلْيَنْظُرْ إِلَى الدِّيَةِ فَلْيَجْعَلْهَا صُرْرًا ثُمَّ لِيَنْظُرْ مَوَاقِبَتِ الصَّلَوَاتِ فَلْيُلْقِهَا فِي دَارِهِمْ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Husayn Bin Ahmad Al Minqary, from Isa Al Zareyr who said,

'I said to Abu Abdullah^{asws}, 'A man kills a man deliberately, what is his repentance?'. He^{asws} said: 'He should make himself available (to the guardians of the killed one)'. I said, 'He is afraid that they might kill him'. He^{asws} said: 'So let him give them the wergild'. I said, 'He is afraid that they would come to know (it was him) due to that'. He^{asws} said: 'So let him be secretive with the wergild, so let him make it as small packages, then place it during the Prayer timings (in their homes), so they can be with the wergild'.²³

بَابُ قَتْلِ الْعَمْدِ وَ شِبْهِ الْعَمْدِ وَ الْخَطَا

Chapter 4 – Deliberate killing, and somewhat deliberate, and the erroneous (killing)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ وَ ابْنِ أَبِي عُمَيْرٍ جَمِيعاً عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ قَتَلَ الْعَمْدُ كُلُّ مَا عَمَدَ بِهِ الضَّرْبُ فَعَلَيْهِ الْقَوْدُ وَ إِنَّمَا الْخَطَا أَنْ يُرِيدَ الشَّيْءَ فَيُصِيبُ غَيْرَهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed and Ibn Abu Umeyr, altogether from Jameel Bin Darraj, from one of his companions,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'The deliberate killing is all of what the strike is deliberated with, so upon him is the retaliation, and rather, the erroneous (killing) is that he intends the thing, so he hits another (person)'.
وَ قَالَ إِذَا أَقْرَّ عَلَى نَفْسِهِ بِالْقَتْلِ قُتِلَ وَ إِنْ لَمْ يَكُنْ عَلَيْهِ بَيِّنَةٌ .

And he^{asws} said: 'When he confesses upon himself with the killing, he would be killed, and even if there does not happen to be a proof against him'.²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الْعَمْدُ كُلُّ مَا اعْتَمَدَ شَيْئاً فَأَصَابَهُ بِحَدِيدَةٍ أَوْ بِحَجَرٍ أَوْ بِعَصَاٍ أَوْ بِوَكْرَةٍ فَهَذَا كُلُّهُ عَمْدٌ وَ الْخَطَا مَنْ اعْتَمَدَ شَيْئاً فَأَصَابَ غَيْرَهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abdullah Bin Muskan, from Al Halby who said,

²² Al Kafi – V 7 – The Book of Wergilds Ch 3 H 3

²³ Al Kafi – V 7 – The Book of Wergilds Ch 3 H 4

²⁴ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 1

'Abu Abdullah^{asws} said: 'The deliberation is all of what something is anticipated, so he hits it with an iron, or with a rock, or with a stick, or with a nudge, so all of these are deliberate; and the error is from anticipating something, so he hits something else'.²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ صَفْوَانَ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ جَمِيعاً عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يُخَالِفُ يَحْيَى بْنَ سَعِيدٍ فَضَانَتَكُمْ قُلْتُ نَعَمْ قَالَ هَاتِ شَيْئاً مِمَّا اخْتَلَفُوا فِيهِ قُلْتُ افْتَتَلَ غُلَامَانِ فِي الرَّحْبَةِ فَعَضَّ أَحَدُهُمَا صَاحِبَهُ فَعَمَدَ الْمَعْضُوضُ إِلَى حَجَرٍ فَضَرَبَ بِهِ رَأْسَ صَاحِبِهِ الَّذِي عَضَهُ فَشَجَّهُ فَكَّرَ فَمَاتَ فَرُفِعَ ذَلِكَ إِلَى يَحْيَى بْنِ سَعِيدٍ فَأَقَادَهُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Safwan and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, altogether fro, Abdul Rahman Bin Al Hajjaj who said,

'Abu Abdullah^{asws} said to me: 'Does Yahya Bin Saeed oppose your judges?' I said, 'Yes'. He^{asws} said: 'Give me something from what he differed in'. I said, 'Two boys fought each other in the open, so one of them bit his companions. So the bitten one deliberated to pick up a stone, so he struck by it the head of his companion who had bitten him. So it split (his head), and (the wound) exacerbated, so he died. So that was raised to Yahya Bin Saeed, so he judged for the retaliation (revenge).

فَعَظَّمَ ذَلِكَ عَلَى ابْنِ أَبِي لَيْلَى وَ ابْنِ شُبْرَمَةَ وَ كَثُرَ فِيهِ الْكَلَامُ وَ قَالُوا إِنَّمَا هَذَا الْخَطَأُ فَوَدَاهُ عَيْسَى بْنُ عَلِيٍّ مِنْ مَالِهِ قَالَ فَقَالَ إِنَّ مَنْ عِنْدَنَا لَيُقِيدُونَ بِالْوَكْرَةِ وَ إِنَّمَا الْخَطَأُ أَنْ يُرِيدَ الشَّيْءَ فَيُصِيبَ غَيْرَهُ .

So that was grievous upon Ibn Abu Layli, and Ibn Shabrama (other judges), and they spoke a lot with regards to it, and they said, 'But rather, this is an error'. So Isa Bin Ali paid him from his own wealth'. He^{asws} said: 'From our^{asws} (judgement), let there be retaliation for the (fatal) wounding. But rather, the error is when he intended with something, so he hit something else'.²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ جَمِيعاً عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْنَاهُ عَنْ رَجُلٍ ضَرَبَ رَجُلًا بَعْصًا فَلَمَّ يَقْلَعُ عَنْهُ حَتَّى مَاتَ أ يُدْفَعُ إِلَى وَلِيِّ الْمَقْتُولِ فَيَقْتُلُهُ قَالَ نَعَمْ وَ لَا يُتْرَكُ يَعْثَبُ بِهِ وَ لَكِنْ يُجِيزُ عَلَيْهِ بِالسَّيْفِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Mhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kanany, both together,

(It has been narrated) from Abu Abdullah^{asws}, both said, 'We asked him^{asws} about a man who struck a man with a stick. So he had not stop (hitting him), until he died. Should he be handed over to a guardian of the killed one?' He^{asws} said: 'Yes, and he should not be left to be abused with it, but the sword should be allowed upon him'.²⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ الْحُصَيْنِ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْخَطِئِ الَّذِي فِيهِ الدِّيَةُ وَ الْكُفَّارَةُ أ هُوَ أَنْ يَتَعَمَّدَ ضَرْبَ رَجُلٍ وَ لَا يَتَعَمَّدَ قَتْلَهُ قَالَ نَعَمْ قُلْتُ رَمَى شاةً فَأَصَابَ إِنْسَانًا قَالَ ذَلِكَ الْخَطِئُ الَّذِي لَا شَكَّ فِيهِ عَلَيْهِ الدِّيَةُ وَ الْكُفَّارَةُ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Dawood Bin Al Husayn, from Abu Al Abbas,

²⁵ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 2

²⁶ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 3

²⁷ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 4

(The narrator) says, 'I asked Abu Abdullah^{asws} about the (killing in) error in which is the wergild and the expiation, is it he who intends to strike a man, but does not anticipate killing him?' He^{asws} said: 'I said, 'A sheep is fired (an arrow) at, so a human being is hit?' He^{asws} said: 'That is the error in which there is no doubt, upon him would be the wergild and 'الْكَفَّارَةُ' the expiation'.²⁸

سَهْلُ بْنُ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ مُوسَى بْنِ بَكْرِ عَنْ عَبْدِ صَالِحٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ ضَرَبَ رَجُلًا بِعَصَا فَلَمْ يَرْفَعْ الْعَصَا حَتَّى مَاتَ قَالَ يُدْفَعُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ وَ لَكِنَّ لَا يُنْرَكُ يُتَلَدَّدُ بِهِ وَ لَكِنَّ يُجَازُ عَلَيْهِ بِالسَّيْفِ .

Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu nasr, from Musa Bin Bakr,

(It has been narrated) from Abd Salih^{asws} (7th Imam^{asws}), regarding a man who struck a man with a stick, so he did not raise the stick (stop) until he died. He^{asws} said: 'He would be handed over to the guardian of the killed one, but he should not be left to enjoy the pleasure of it, but the sword should be allowed upon him'.²⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَوْ أَنَّ رَجُلًا ضَرَبَ رَجُلًا بِخَرْفَةٍ أَوْ بِأَجْرَةٍ أَوْ بِعُودٍ فَمَاتَ كَانَ عَمْدًا .

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

'Abu Abdullah^{asws} said: 'If a man were to strike a man with pottery, or with a brick, or with a plank (of wood), so he dies, it would be a deliberate (killing)'.³⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفَضِيلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْعَمْدُ الَّذِي يَضْرِبُ بِالسَّلَاحِ أَوْ الْعَصَا لَا يَقْلَعُ عَنْهُ حَتَّى يُقْتَلَ وَ الْخَطَأُ الَّذِي لَا يَتَعَمَّدُهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Muhammad Bin Sinan, from Al A'ala Bin Al Fuzayl,

Abu Abdullah^{asws} has said: 'The deliberation is in which he strikes with the sword, or the stick (and) does not stop from it until he kills; and the error is in which he does not anticipate it (the killing)'.³¹

يُونُسُ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنْ ضَرَبَ رَجُلًا رَجُلًا بِعَصَا أَوْ بِحَجَرٍ فَمَاتَ مِنْ ضَرْبِهِ وَاحِدَةً قَبْلَ أَنْ يَتَكَلَّمَ فَهُوَ شِبْهُ الْعَمْدِ فَالَّذِي عَلَى الْقَاتِلِ وَ إِنْ عَلَاهُ وَ أَلْحَ عَلَيْهِ بِالْعَصَا أَوْ بِالْحِجَارَةِ حَتَّى يَقْتُلَهُ فَهُوَ عَمْدٌ يُقْتَلُ بِهِ وَ إِنْ ضَرَبَهُ ضَرْبَةً وَاحِدَةً فَتَكَلَّمَ ثُمَّ مَكَتَ يَوْمًا أَوْ أَكْثَرَ مِنْ يَوْمٍ ثُمَّ مَاتَ فَهُوَ شِبْهُ الْعَمْدِ .

Yunus, from one of his companions,

Abu Abdullah^{asws} has said: 'If a man strikes a man with a stick, or with a rock, so he dies from his one strike before he speaks, so it is somewhat deliberate, therefore the wergild is upon the killer; and if he pounces upon him and hits him incessantly (nonstop) with the stick, or with the rock until he kills him, so he was deliberately

²⁸ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 5

²⁹ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 6

³⁰ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 7

³¹ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 8

killed with; and if he were to strike him with one strike, so he speaks, then remains (alive) for a day or more from (that) day, then dies, so it is somewhat deliberate'.³²

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ وَ مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمِثْمِيِّ عَنْ أَبِي بَنٍ عُثْمَانَ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ أَرْمِي الرَّجُلَ بِالشَّيْءِ الَّذِي لَا يُقْتَلُ بِمِثْلِهِ قَالَ هَذَا خَطَأٌ ثُمَّ أَخَذَ حَصَاةً صَغِيرَةً فَرَمَى بِهَا قُلْتُ أَرْمِي بِهَا الشَّاةَ فَأَصَابَتْ رَجُلًا قَالَ هَذَا الْخَطَأُ الَّذِي لَا شَكَّ فِيهِ وَ الْعَمْدُ الَّذِي يَضْرِبُ بِالشَّيْءِ الَّذِي يُقْتَلُ بِمِثْلِهِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ahmad Bin Al Hassan Al Maysami, from Aban Bin Usman, from Abu Al Abbas,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'I threw something at a man, the likes of which does not kill (but he dies)?' He^{asws} said: 'This is erroneous (killing)'. Then he^{asws} picked up a small pebble, so he threw it. I said, 'I threw it at the sheep but it hit a man?' He^{asws} said: 'This is the error in which there is no doubt, and the deliberate is that which he strikes with something, the likes of which could kill'.³³

باب الدية في قتل العمد و الخطأ

Chapter 5 – The wergild regarding the deliberate killing, and the erroneous

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَمِعْتُ ابْنَ أَبِي لَيْلَى يَقُولُ كَانَتْ الدِّيَةُ فِي الْجَاهِلِيَّةِ مِائَةً مِنَ الْإِبِلِ فَأَقْرَهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) ثُمَّ إِنَّهُ فَرَضَ عَلَى أَهْلِ الْبُقْرَةِ مِائَتَيْ بَقْرَةٍ وَ فَرَضَ عَلَى أَهْلِ الشَّاةِ أَلْفَ شَاةٍ نَتِيَّةٍ وَ عَلَى أَهْلِ الذَّهَبِ أَلْفَ دِينَارٍ وَ عَلَى أَهْلِ الْوَرِقِ عَشْرَةَ أَلْفٍ دِرْهَمٍ وَ عَلَى أَهْلِ الْبَيْتِ الْحُلَّ مِائَةَ حُلَّةٍ

Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Abdul Rahman Bin Al Hajjaj who said,

'I heard Ibn Abu Layli saying, 'The wergild during the Pre-Islamic period was a hundred camels. So Rasool-Allah^{saww} accepted it. Then he^{asws} necessitated upon the owner of the cows, (wergild of) two hundred cows, and upon the owners of the sheep (wergild of) a thousand sheep (or) male goats; and upon the owners of the gold (wergild of) a thousand Dinars; and upon owners of the currency, (a wergild) of ten thousand Dirhams; and upon the clothes merchants of Al-Yemen, a hundred garments'.

قَالَ عَبْدُ الرَّحْمَنِ بْنُ الْحَجَّاجِ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَمَّا رَوَى ابْنُ أَبِي لَيْلَى فَقَالَ كَانَ عَلِيُّ (عَلَيْهِ السَّلَام) يَقُولُ الدِّيَةُ أَلْفُ دِينَارٍ وَ قِيَمَةُ الدِّينَارِ عَشْرَةُ دِرَاهِمٍ وَ عَشْرَةُ أَلْفٍ [دِرْهَمٍ] لِأَهْلِ الْأَمْصَارِ وَ عَلَى أَهْلِ الْبُؤَادِي الدِّيَةُ مِائَةٌ مِنَ الْإِبِلِ وَ لِأَهْلِ السُّوَادِ مِائَتَا بَقْرَةٍ أَوْ أَلْفَ شَاةٍ .

Abdul Rahman Bin Al-Hajjaj (the narrator) said, 'So I asked Abu Abdullah^{asws} about what Ibn Abu Layli is reporting, so he^{asws} said: 'Ali^{asws} was saying: 'The wergild is a thousand Dinars, and the value of the Dinar is ten Dirhams, and a thousand Dirhams being for the people of the city, and upon the people of the valleys is the wergild of

³² Al Kafi – V 7 – The Book of Wergilds Ch 4 H 9

³³ Al Kafi – V 7 – The Book of Wergilds Ch 4 H 10

one hundred camels, and for the vast majority of the people (wergild of) two hundred cows, or a thousand sheep'.³⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) دِيَّةُ الْخَطَا إِذَا لَمْ يَرِدِ الرَّجُلُ مِائَةً مِنَ الْإِبِلِ أَوْ عَشْرَةَ آلَافٍ مِنَ الْوَرِقِ أَوْ أَلْفَ مِنَ الشَّاةِ

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

'Abu Abdullah^{asws} said: 'Wergild of the erroneous (killing) when the man did not intend, is one hundred from the camels, or ten thousand (Dirhams) from the (owners of) the foliage, or a thousand from the sheep'.

وَقَالَ دِيَّةُ الْمُعَاطَةِ الَّتِي تُشْبِهُ الْعَمْدَ وَ لَيْسَ بِعَمْدٍ أَفْضَلُ مِنْ دِيَّةِ الْخَطَا بِأَسْنَانِ الْإِبِلِ ثَلَاثٌ وَ ثَلَاثُونَ حِقَّةً وَ ثَلَاثٌ وَ ثَلَاثُونَ جَذَعَةً وَ أَرْبَعٌ وَ ثَلَاثُونَ تَنِيَّةً كُلُّهَا طَرُوقَةُ الْفَحْلِ

And he^{asws} said: 'The harsh wergild of that which resembles the deliberation, and it is not with deliberation, is higher than the wergild of the erroneous (killing) by the years (ages) of the camel – thirty three *Hiqqa* (four years old), and thirty *Jaz'a* (five years old), and thirty four *Saniyya* (six years old), all of these being easily manageable stallions'.

قَالَ وَ سَأَلْتُهُ عَنِ الدِّيَةِ فَقَالَ دِيَّةُ الْمُسْلِمِ عَشْرَةَ آلَافٍ مِنَ الْفِضَّةِ أَوْ أَلْفُ مِثْقَالٍ مِنَ الذَّهَبِ أَوْ أَلْفُ مِنَ الشَّاةِ عَلَى أَسْنَانِهَا أَثَلَاثًا وَ مِنَ الْإِبِلِ مِائَةً عَلَى أَسْنَانِهَا وَ مِنَ الْبَقَرِ مِائَتَانِ .

He (the narrator) said, 'And I asked him^{asws} about the wergild, so he^{asws} said: 'Wergild of the Muslim is ten thousand from the silver, or a thousand *Misqaal* (unit or measurement) of gold, or a thousand from the sheep based upon their years being three years, and from the camels based upon their years, and from the cows two hundred'.³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي الْخَطَا شِبْهُ الْعَمْدِ أَنْ يَقْتُلَ بِالسُّوْطِ أَوْ بِالْعَصَا أَوْ بِالْحِجَارَةِ إِنَّ دِيَّةَ ذَلِكَ تُعْلَظُ وَ هِيَ مِائَةٌ مِنَ الْإِبِلِ فِيهَا أَرْبَعُونَ خَلْفَةً [مَا بَيْنَ تَنِيَّةٍ إِلَى بَازِلٍ عَامِهَا وَ ثَلَاثُونَ حِقَّةً وَ ثَلَاثُونَ بِنْتِ لَبُونٍ وَ الْخَطَا يَكُونُ فِيهِ ثَلَاثُونَ حِقَّةً وَ ثَلَاثُونَ ابْنَةَ لَبُونٍ وَ عَشْرُونَ ابْنَةَ مَخَاضٍ وَ عَشْرُونَ ابْنَ لَبُونٍ ذَكَرًا وَ قِيمَةُ كُلِّ بَعِيرٍ مِنَ الْوَرِقِ مِائَةٌ وَ عَشْرُونَ دِرْهَمًا أَوْ عَشْرَةَ دَنَابِيرٍ وَ مِنَ الْعَنَمِ قِيمَةُ كُلِّ نَابٍ مِنَ الْإِبِلِ عَشْرُونَ شَاةً .

Ali Bin Ibrahim, from his father, from one of his companions, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{asws} saying: 'Amir Al-Momineen^{asws} said regarding the erroneous (killing) resembling the deliberate, if he kills with the whip, or with the stick, or with the rocks. The wergild of that is harsh, and it is one hundred from the camels in which there are forty 'Khalifat' what is between a 'Saniya' (six years old) to 'Bazil' (nine years old), and thirty 'Hiqqa' (four years old), and thirty 'Bint Laboun' (three years old female). And for the erroneous (killing) there should be thirty 'Hiqqa' (four years old), and thirty 'Bint Laboun' (three years old), and twenty 'Ibnat Makhazin' (two years old females), and twenty 'Ibn Laboun' (three years old males), and the value of each camel in terms of foliage is one hundred and twenty Dirhams,

³⁴ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 1

³⁵ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 2

or ten Dinars; and from the sheep, the value of each sheep, for every camel is twenty sheep'.³⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ فِي الدِّيَةِ قَالَ أَلْفٌ دِينَارٍ أَوْ عَشْرَةُ آلَافٍ دِرْهَمٍ وَ يُؤْخَذُ مِنْ أَصْحَابِ الْحَلَلِ الْحَلَّلُ وَ يُؤْخَذُ مِنْ أَصْحَابِ الْإِبِلِ الْإِبِلُ وَ مِنْ أَصْحَابِ الْعَنَمِ الْعَنَمُ وَ مِنْ أَصْحَابِ الْبَقَرِ الْبَقَرُ .

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

(It has been narrated) from Jameel Bin Darraj regarding the wergild, he^{asws} (6th Imam^{asws}) said: 'A thousand Dinar, or ten thousand Dirhams, and the garments would be seized from the owner of the garments, and the camels would be seized from the owners of the camels, and the sheep from the owners of the sheep, and the cows from the owners of the cows'.³⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ وَ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الدِّيَةُ عَشْرَةُ آلَافٍ دِرْهَمٍ أَوْ أَلْفٌ دِينَارٍ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The wergild is then thousand Dirhams, or a thousand Dinars'.

قَالَ جَمِيلٌ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الدِّيَةُ مِائَةٌ مِنَ الْإِبِلِ .

Jameel (the narrator) said: 'Abu Abdullah^{asws} said: 'The wergild is one hundred from the camels'.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ كَلْبِ بْنِ الْأَسَدِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُقْتَلُ فِي الشَّهْرِ الْحَرَامِ مَا دِيَّتُهُ قَالَ دِيَةٌ وَ ثَلَاثٌ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Kuleyb Al Asady who said,

'I asked Abu Abdullah^{asws} about the man who kill during the Sacred Month, what is its wergild?' He^{asws} said: 'A wergild and a one-third (of it in addition)'.³⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفُضَيْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) (أَنَّهُ قَالَ فِي قَتْلِ الْخَطَا مِائَةٌ مِنَ الْإِبِلِ أَوْ أَلْفٌ مِنَ الْعَنَمِ أَوْ عَشْرَةُ آلَافٍ دِرْهَمٍ أَوْ أَلْفٌ دِينَارٍ فَإِنْ كَانَ الْإِبِلُ فَخَمْسٌ وَ عَشْرُونَ ابْنَةَ مَخَاضٍ وَ خَمْسٌ وَ عَشْرُونَ ابْنَةَ لَبُونٍ وَ خَمْسٌ وَ عَشْرُونَ حِقَّةً وَ خَمْسٌ وَ عَشْرُونَ جَذَعَةً

Ali Bin Ibrahim, form Muhammad Bin Isa, from Yunus, from Muhammad Bin Sinan, from Al A'la Bin Al Fuzayl,

(It has been narrated) from Abu Abdullah^{asws} having said: 'With regards to the erroneous killing, it (wergild) is a hundred from the camels, or a thousand from the sheep, or ten thousand Dirhams, or a thousand Dinars. So if it was the camels, so twenty-five should be *Ibnat Makhaz* (two year old females), and twenty five *Ibnat*

³⁶ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 3

³⁷ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 4

³⁸ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 5

³⁹ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 6

Laboun (three year old females), and twenty five *Hiqqa* (four year old females), and twenty five *Jaz'a* (five year old females).

وَالدِّيَّةُ الْمَعْلُوظَةُ فِي الْخَطَا الَّذِي يُشْبِهُ الْعَمْدَ الَّذِي يَضْرِبُ بِالْحَجَرِ أَوْ بِالْعَصَا الضَّرْبِيَّةِ وَالضَّرْبَتَيْنِ لَا يُرِيدُ قَتْلَهُ فَهِيَ أَثَلَاثُ ثَلَاثٌ وَثَلَاثُونَ حِقَّةً وَثَلَاثٌ وَثَلَاثُونَ جَدَعَةً وَارْبَعَةٌ وَثَلَاثُونَ ثَنِيَّةً كُلُّهَا خَلْفَةٌ طَرُوقَةُ الْفَحْلِ وَإِنْ كَانَ مِنَ الْعَنَمِ فَأَلْفٌ كَبَشٍ

And the harsh wergild regarding the erroneous (killing) is that which resembles the deliberate which he struck with the rock, or with the stick, the single strike or two strikes not intending to kill him, so it is a third being thirty-three (four year old females), and thirty-three (five year old females), and thirty-four *Saniyya* (six year old females), all of these being capable of bearing the stallion (mount); and if it was from the sheep, so it is a thousand rams.

وَالْعَمْدُ هُوَ الْقَوْدُ أَوْ رِضَا وَلِيِّ الْمَقْتُولِ .

And (as for) the deliberate (killing), it is the retaliation or (as per) the pleasure of the guardian of the killed one'.⁴⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ وَابْنِ أَبِي عُمَيْرٍ جَمِيعاً عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ وَزُرَّارَةَ وَغَيْرِهِمَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي الدِّيَّةِ قَالَ هِيَ مِائَةٌ مِنَ الْإِبِلِ وَ لَيْسَ فِيهَا دَنَانِيرٌ وَ لَا ذَرَاهِمٌ وَ لَا غَيْرُ ذَلِكَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed and Ibn Abu Umeyr, both together from Jameel Bin Darraj, from Muhammad Bin Muslim and Zurara, and others besides these two,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the wergild. He^{asws} said: 'It is one hundred from the camels, and there are neither Dinars in it nor Dirhams, nor (anything) other than that'.⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ بُرَيْدِ بْنِ أَبِي عَصَابَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ مَنْ قَتَلَ مُؤْمِناً مُتَعَمِّداً فَإِنَّهُ يُقَادُ بِهِ إِلَّا أَنْ يَرْضَى أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْبَلُوا الدِّيَّةَ أَوْ يَتْرَضُوا بِأَكْثَرِ مِنَ الدِّيَّةِ أَوْ أَقَلَّ مِنَ الدِّيَّةِ فَإِنْ فَعَلُوا ذَلِكَ بَيْنَهُمْ جَارٍ وَ إِنْ تَرَجَعُوا أَقْبَدُوا وَ قَالَ الدِّيَّةُ عَشْرَةُ أَلْفٍ دِرْهَمٍ أَوْ أَلْفُ دِينَارٍ أَوْ مِائَةٌ مِنَ الْإِبِلِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who kills a Believer deliberately, so he would be retaliated with (the same), except if the guardians of the killed one happy with accepting the wergild, or if he makes them to be pleased with more than the wergild, or less than the wergild. So if he were to do that between them, it is allowed, and if they were to retract (from accepting the wergild), it would be retaliation'. And he^{asws} said: 'The wergild is ten thousand Dirhams, or a thousand Dinars, or one hundred from the camels'.⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَام) يَقُولُ تُسْتَأْدَى دِيَّةُ الْخَطَا فِي ثَلَاثِ سِنِينَ وَ تُسْتَأْدَى دِيَّةُ الْعَمْدِ فِي سَنَةٍ .

⁴⁰ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 7

⁴¹ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 8

⁴² Al Kafi – V 7 – The Book of Wergilds Ch 5 H 9

Muhammad Bin Yahya from Ahmad Bin Muhammad, and Ali Bin Ibrahim from his father, both together from Ibn Mahboub, from Abu Wallad,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Ali^{asws} was saying: ‘You have to pay the wergild of the erroneous (killing) within three years, and you have to pay the wergild of the deliberate (killing) within one year’.⁴³

باب الْجَمَاعَةِ يَجْتَمِعُونَ عَلَى قَتْلِ وَاحِدٍ

Chapter 6 – The group gathers upon killing one

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي عَشْرَةِ اشْتَرَكُوا فِي قَتْلِ رَجُلٍ قَالَ يُخَيَّرُ أَهْلَ الْمَقْتُولِ فَأَيُّهُمْ شَاءُوا قَتَلُوا وَ يَرْجِعُ أَوْلِيَاؤُهُ عَلَى الْبَاقِينَ بِسَعَةِ الدِّيَةِ .

Ali Bin Ibrahim from his father, and Muhammad Bin Yahya from Ahmad Bin Muhammad, both together from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding ten (people) who participated in killing a man. He^{asws} said: ‘The family of the killed one can choose whichever one they so desire (from the ones who) killed, and his guardians has recourse to the remaining ones for nine-tenths of the wergild’.⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلَيْنِ قَتَلَا رَجُلًا قَالَ إِنْ أَرَادَ أَوْلِيَاءُ الْمَقْتُولِ قَتْلَهُمَا أَدَّوْا دِيَّةً كَامِلَةً وَ قَتَلُوهُمَا وَ تَكُونُ الدِّيَةُ بَيْنَ أَوْلِيَاءِ الْمَقْتُولَيْنِ فَإِنْ أَرَادُوا قَتْلَ أَحَدِهِمَا فَقَتَلُوهُ أَدَّى الْمُنْرُوكُ نِصْفَ الدِّيَةِ إِلَى أَهْلِ الْمَقْتُولِ وَ إِنْ لَمْ يُوَدَّ دِيَّةَ أَحَدِهِمَا وَ لَمْ يَقْتُلْ أَحَدَهُمَا قَبْلَ الدِّيَةِ صَاحِبُهُ مِنْ كِلَيْهِمَا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abdullah Bin Muskan,

(It has been narrated) from Abu Abdullah^{asws} regarding two men who both killed one man. He^{asws} said: ‘If the guardians of the killed one intend to kill both of them, or they have to pay the complete wergild (of one person), and kill them both, and the wergild would happen to be between the guardians of the two who are executed. So if they were to intend to execute one of the two, so they can kill him and the remaining one has to pay half the wergild to the family of the executed one; and if they do not want the payment of the wergild of one of the two and they do not kill any one of the two, the guardian of the killed (one) can accept the (half) wergild from each of the two’.⁴⁵

عَنْهُ عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا قَتَلَ الرَّجُلَانِ وَ الثَّلَاثَةُ رَجُلًا فَإِنْ أَرَادَ أَوْلِيَاؤُهُ قَتْلَهُمْ تَرَادَوْا فَضَلَّ الدِّيَاتِ وَ إِلَّا أَخَذُوا دِيَّةَ صَاحِبِهِمْ .

From him, from Ibn Muskan,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘When two or three men kill one man, so if his guardians wants to, he can execute them (all), (but) he would

⁴³ Al Kafi – V 7 – The Book of Wergilds Ch 5 H 10

⁴⁴ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 1

⁴⁵ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 2

have to pay the excess wergilds, or he can take a wergild of his (killed) companion'.⁴⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمَنِيِّ عَنْ أَبِيَانَ عَنِ الْفَضْلِيِّ بْنِ بَسَارٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَشْرَةَ قَتَلُوا رَجُلًا فَقَالَ إِنْ شَاءَ أَوْلِيَاؤُهُ قَتَلُوهُمْ جَمِيعًا وَغَرَمُوا تِسْعَ دِيَّاتٍ وَ إِنْ شَاءُوا تَخَيَّرُوا رَجُلًا فَقَتَلُوهُ وَ أَدَى التَّسْعَةَ الْبَاقُونَ إِلَى أَهْلِ الْمَقْتُولِ الْأَخِيرِ عَشْرَ الدِّيَةِ كُلِّ رَجُلٍ مِنْهُمْ قَالَ نَمَّ إِنَّ الْوَالِيَّ بَعْدُ يَلِي أَدْبَهُمْ وَ حَبَسَهُمْ .

Ali Bin Ibrahim, from his father, from Ahmad Bin Al Hassan Al Maysami, from Aban, from Al Fuzayl Bin Yasaar who said,

'I said to Abu Ja'far^{asws}, 'Ten kill one man?' So he^{asws} said: 'If his guardian so desires to, he can kill them altogether, and pay nine wergilds, and if so desires to he can choose one man, so he kills him and the remaining ones pay to the family of the last one killed, one-tenth of the wergild each man from them'. He^{asws} said: 'Then the ruler afterwards follows it up by disciplining them, and imprisoning them'.⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ بَحْبِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنِ ابْنِ أَبِي تَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي أَرْبَعَةِ شَرِبُوا فَسَكِرُوا فَأَخَذَ بَعْضُهُمْ عَلَى بَعْضِ السَّلَاحِ فَأَقْتَتَلُوا قَتَلُوا اثْنَانِ وَ جُرِحَ اثْنَانِ فَأَمَرَ بِالْمَجْرُوحِينَ فَضْرَبَ كُلُّ وَاحِدٍ مِنْهُمَا ثَمَانِينَ جَلْدَةً وَ قَضَى بِدِيَةِ الْمَقْتُولِينَ عَلَى الْمَجْرُوحِينَ وَ أَمَرَ أَنْ يُقَاسَ جِرَاحَهُ الْمَجْرُوحِينَ فَتُرْفَعُ مِنَ الدِّيَةِ فَإِنْ مَاتَ الْمَجْرُوحَانِ فَلَيْسَ عَلَى أَحَدٍ مِنْ أَوْلِيَاءِ الْمَقْتُولِينَ شَيْءٌ .

Ali Bin Ibrahim from his father, and Muhammad Bin Yahya from Ahmad Bin Muhammad, both together from Ibn Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding four who had drunk (wine) so they were intoxicated. So they took weapons upon each other and fought. So two were killed and two were wounded. So he^{asws} ordered for the two injured ones, so each one of them were whipped eighty lashes, and judged with regards to the wergild of the two killed ones to be upon the two injured ones, and ordered that surgery be performed on the injuries, so it was reimbursed from the wergild. So if the two injured ones died, so there would be nothing upon anyone from the guardians of the two killed ones'.⁴⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ رُفِعَ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) سِتَّةُ غُلَمَانَ كَانُوا فِي الْفُرَاتِ فَغَرِقَ وَاحِدٌ مِنْهُمْ فَشَهِدَ ثَلَاثَةٌ مِنْهُمْ عَلَى اثْنَيْنِ أَنَّهُمَا غَرَقَاهُ وَ شَهِدَ اثْنَانِ عَلَى الثَّلَاثَةِ أَنَّهُمْ غَرَقُوهُ فَقَضَى (عَلَيْهِ السَّلَامُ) بِالذِّيَةِ أَلْحَمَاسًا ثَلَاثَةً أَلْحَمَاسٍ عَلَى الْإِثْنَيْنِ وَ خُمُسَيْنِ عَلَى الثَّلَاثَةِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'It was raised to Amir Al-Momineen^{asws}, six boys were in the Euphrates, so one of them drowned. So three from them testified against the two that these two drowned him, and the two testified against the three that they drowned him. So he^{asws} judged with the wergild be five (parts), three-fifths be upon the two, and two-fifths be upon the three'.⁴⁹

⁴⁶ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 3

⁴⁷ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 4

⁴⁸ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 5

⁴⁹ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 6

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي مَرْيَمَ الْأَنْصَارِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلَيْنِ اجْتَمَعَا عَلَى قَطْعِ يَدِ رَجُلٍ قَالَ إِنْ أَحَبَّ أَنْ يَقَطْعَهُمَا أَدَى إِلَيْهِمَا دِيَّةً يَدٍ فَأَقْتَسَمَا تَمَّ يَقَطْعُهُمَا وَ إِنْ أَحَبَّ أَحَدُ مِنْهُمَا دِيَّةً يَدٍ قَالَ وَ إِنْ قَطَعَ يَدَ أَحَدِهِمَا رَدَّ الَّذِي لَمْ يَقَطَعْ يَدَهُ عَلَى الَّذِي قَطَعَتْ يَدَهُ رُبْعَ الدِّيَّةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Hassan Bin Mahboub, from Hisham Bin Salim, from Abu Maryam Al Ansary,

(It has been narrated) from Abu Ja'far^{asws} regarding two men who both gathered upon cutting a hand of a man. He^{asws} said: 'If he likes he can cut the hand of both of them and pay to them both a wergild of one hand, so it would be divided between the two of them, then cut a hand of both of them; and if he so likes, he can take a wergild from both of them for one hand'. He^{asws} said: 'And if he cuts a hand of (just) one of the two, the one who is not cut would have to pay the one who has been cut, a quarter of the wergild'.⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي حَائِطِ اشْتَرَكَ فِي هَدْمِهِ ثَلَاثَةَ نَفَرٍ فَوَقَعَ عَلَى وَاحِدٍ مِنْهُمْ فَمَاتَ فَضَمَّنَ الْبَاقِينَ دِيَّتَهُ لِأَنَّ كُلَّ وَاحِدٍ مِنْهُمْ ضَامِنٌ صَاحِبِهِ .

Ali Bin Ibrahim, from his father, from one of his companions, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding three who had participated in demolishing it upon one of them, so he died. So the remaining ones had to take the responsibility for his wergild because each one of them was responsible for his companion'.⁵¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ أَبِي الْعَبَّاسِ وَ غَيْرِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا اجْتَمَعَتِ الْعِدَّةُ عَلَى قَتْلِ رَجُلٍ وَاحِدٍ حَكَمَ الْوَالِي أَنْ يُقْتَلَ أَيُّهُمْ شَاءُوا وَ لَيْسَ لَهُمْ أَنْ يَقْتُلُوا أَكْثَرَ مِنْ وَاحِدٍ إِنْ أَرَادَ اللَّهُ عَزَّ وَ جَلَّ يَقُولُ وَ مَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيِهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Al Qasim Bin Urwa, from Abu Al Abbas and someone else,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When a number gather upon killing one man, the guardians (of the deceased) decide which one of them they would like to kill, and it is not for them that they kill more than one. Allah^{azwj} Mighty and Majestic is Saying **[17:33] and whoever is killed unjustly, We have indeed Given to his heir authority, so let him not be excessive with regards to the killing**'.⁵²

مُحَمَّدُ بْنُ يَحْيَى عَنْ بَعْضِ أَصْحَابِهِ عَنْ يَحْيَى بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي جَمِيلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي عَبْدِ وَ حُرٍّ قَتَلَا رَجُلًا حُرًّا قَالَ إِنْ شَاءَ قَتَلَ الْحُرُّ وَ إِنْ شَاءَ قَتَلَ الْعَبْدُ فَإِنْ اخْتَارَ قَتَلَ الْحُرُّ ضَرْبَ جَنْبِي الْعَبْدِ .

Muhammad Bin Yahya, from one of his companions, from Yahya Bin Al Mubarak, from Abdullah Bin Jabala, from Abu Jameela, from Is'haq Bin Ammar,

⁵⁰ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 7

⁵¹ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 8

⁵² Al Kafi – V 7 – The Book of Wergilds Ch 6 H 9

(It has been narrated) from Abu Abdullah^{asws} regarding a slave and a free both killed a free man. He^{asws} said: 'If he (guardian of the deceased) so desires to, he can kill the free one, and if he so desires to he can kill the slave. So if he were to choose to kill the free one, he should whip the side of the slave'.⁵³

بَاب الرَّجُلِ يَأْمُرُ رَجُلًا بِقَتْلِ رَجُلٍ

Chapter 7 – The man orders a man with the killing of a man

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِعٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَمَرَ رَجُلًا بِقَتْلِ رَجُلٍ فَقَتَلَهُ فَقَالَ يُقْتَلُ بِهِ الَّذِي قَتَلَهُ وَ يُحْبَسُ الْأَمْرُ بِقَتْلِهِ فِي السَّجْنِ حَتَّى يَمُوتَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and a number of our companions, from Sahl Bin Ziyad, both together from Ibn Mahboub, from Ibn Raib, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who orders a man with the killing of a man, so he killed him. So he^{asws} said: 'The one who killed him should be killed, and the one who ordered with killing him should be held in the prison until he dies'.⁵⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَمَرَ عَبْدَهُ أَنْ يَقْتُلَ رَجُلًا فَقَتَلَهُ قَالَ فَقَالَ يُقْتَلُ السَّيِّدُ بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who ordered his slave that he should kill a man, so he killed him. So he^{asws} said: 'The master should be killed due to it'.⁵⁵

عَلِيُّ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَمَرَ عَبْدَهُ أَنْ يَقْتُلَ رَجُلًا فَقَتَلَهُ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) وَ هَلْ عَبْدُ الرَّجُلِ إِلَّا كَسَوْطِهِ أَوْ كَسَيْفِهِ يُقْتَلُ السَّيِّدُ بِهِ وَ يُسْتَوْدَعُ الْعَبْدُ السَّجْنَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said regarding a man who ordered his slave that he should kill a man, so he killed him. So Amir Al-Momineen^{asws} said: 'And is a slave of the man anything except like his whip, or like his sword? The master would be killed due to it, and the slave would be left in the prison'.⁵⁶

⁵³ Al Kafi – V 7 – The Book of Wergilds Ch 6 H 10

⁵⁴ Al Kafi – V 7 – The Book of Wergilds Ch 7 H 1

⁵⁵ Al Kafi – V 7 – The Book of Wergilds Ch 7 H 2

⁵⁶ Al Kafi – V 7 – The Book of Wergilds Ch 7 H 3

باب الرَّجُلِ يَقْتُلُ رَجُلَيْنِ أَوْ أَكْثَرَ

Chapter 8 – The man kills two men or more

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنِ ابْنِ مُسْكَانَ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا قَتَلَ الرَّجُلُ الرَّجُلَيْنِ أَوْ أَكْثَرَ مِنْ ذَلِكَ قُتِلَ بِهِمْ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Ibn Muskan, from the one who mentioned it,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man kills two men or more than that, he would be killed by them (guardians of the deceased)'.⁵⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّ قَوْمًا احْتَفَرُوا زُبَيْةَ لِأَسَدٍ بِالْيَمَنِ فَوَقَعَ فِيهَا الْأَسَدُ فَازْدَحَمَ النَّاسَ عَلَيْهَا يَنْظُرُونَ إِلَى الْأَسَدِ فَوَقَعَ فِيهَا رَجُلٌ فَتَعَلَّقَ بِأَخْرَ فَتَعَلَّقَ الْأَخْرَ بِأَخْرَ وَ الْأَخْرَ بِأَخْرَ فَجَرَحَهُمُ الْأَسَدُ فَمِنْهُمْ مَنْ مَاتَ مِنْ جِرَاحَةِ الْأَسَدِ وَ مِنْهُمْ مَنْ أُخْرِجَ فَمَاتَ

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} that a group of people dug a pit for the lion at Al-Yemen. So the lion fell into it, and the people thronged (crowded) upon it to look at the lion. So a man fell into it, so he grabbed another. So the other one grabbed another, and the another one to another one. So the lion wounded them, and among them was one (of them) who died from the injuries caused by the lion, and among them was one who came out, so he died (later on).

فَتَسَاجَرُوا فِي ذَلِكَ حَتَّى أَخَذُوا السُّيُوفَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) هَلُمُّوا أَقْضِي بَيْنَكُمْ فَقَضَى أَنْ لِلأَوَّلِ رُبْعَ الدِّيَةِ وَ لِلثَّانِي ثُلُثَ الدِّيَةِ وَ لِلثَّلَاثِ نِصْفَ الدِّيَةِ وَ لِلرَّابِعِ دِيَّةً كَامِلَةً وَ جَعَلَ ذَلِكَ عَلَى قَبَائِلِ الدِّيَةِ أَرْذَحَمُوا فَرَضِي بَعْضُ الْقَوْمِ وَ سَخَطَ بَعْضٌ فَرَفَعَ ذَلِكَ إِلَى النَّبِيِّ (صلى الله عليه وآله) وَ أَخْبَرَ بِقَضَاءِ أَمِيرِ الْمُؤْمِنِينَ (عليه السلام) فَأَجَازَهُ .

So they quarreled with regards to that to the extent that they grabbed the swords. So Amir Al-Momineen^{asws} said: 'Come, I^{asws} shall judge between you all'. So he^{asws} judged that the for the first one is a quarter wergild, and for the second one is a third of the wergild, and for the third is half the wergild, and for the fourth is a complete wergild, and made all that to be upon the tribe which had thronged (crowded) over there. So some of the people were happy and some of them were angry. So they raised that to the Prophet^{saww} and informed him^{saww} of the judgement of Amir Al-Momineen^{asws}, so he^{saww} endorsed it'.⁵⁸

وَ فِي رَوَايَةٍ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي أَرْبَعَةِ نَفَرٍ أَطْلَعُوا فِي زُبَيْةِ الْأَسَدِ فَخَرَّ أَحَدُهُمْ فَاسْتَمْسَكَ بِالثَّانِي وَ اسْتَمْسَكَ الثَّانِي بِالثَّلَاثِ وَ اسْتَمْسَكَ الثَّلَاثِ بِالرَّابِعِ حَتَّى اسْقَطَ بَعْضُهُمْ بَعْضًا عَلَى الْأَسَدِ فَتَقَاتَلَهُمُ الْأَسَدُ فَقَضَى بِالأَوَّلِ فَرِيْسَةَ الْأَسَدِ وَ عَرَّمَ أَهْلَهُ ثُلُثَ الدِّيَةِ لِأَهْلِ الثَّانِي وَ عَرَّمَ أَهْلَ الثَّانِي لِأَهْلِ الثَّلَاثِ ثَلَاثِي الدِّيَةِ وَ عَرَّمَ الثَّلَاثِ لِأَهْلِ الرَّابِعِ دِيَّةً كَامِلَةً .

And in a report of Muhammad Bin Qays,

⁵⁷ Al Kafi – V 7 – The Book of Wergilds Ch 8 H 1

⁵⁸ Al Kafi – V 7 – The Book of Wergilds Ch 8 H 2

(It has been narrated) from Abu Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding four persons who came over to a pit of the lion, so one of them fell, so he attached himself with the second, and the second one attached himself with the third, and the third attached himself with the fourth until they fell with each other upon the lion. So the lion killed them (all). So he^{asws} judged with the first one as being the victim of the lion and fined his family a third of the wergild for the family of the second, and fined the family of the second on in favour of the family of the third one, a third of the wergild, and fined the third one for the family of the fourth, a complete wergild'.⁵⁹

باب الرَّجُلِ يُخَلِّصُ مَنْ وَجِبَ عَلَيْهِ الْقَوْدُ

Chapter 9 – The man discharged from the retaliation being Obligated upon him

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ حَرِيزِ بْنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَتَلَ رَجُلًا عَمْدًا فَرَفَعَ إِلَى الْوَالِي فَدَفَعَهُ الْوَالِي إِلَى أَوْلِيَاءِ الْمَقْتُولِ لِيَقْتُلُوهُ فَوَتَبَ عَلَيْهِمْ قَوْمٌ فَخَلَّصُوا الْقَاتِلَ مِنْ أَيْدِي الْأَوْلِيَاءِ فَقَالَ أَرَى أَنْ يُحْبَسَ الَّذِينَ خَلَّصُوا الْقَاتِلَ مِنْ أَيْدِي الْأَوْلِيَاءِ حَتَّى يَأْتُوا بِالْقَاتِلِ قِيلَ فَإِنْ مَاتَ الْقَاتِلُ وَ هُمْ فِي السِّجْنِ قَالَ فَإِنْ مَاتَ فَعَلَيْهِمُ الدِّيَةُ يُؤَدُّونَهَا جَمِيعاً إِلَى أَوْلِيَاءِ الْمَقْتُولِ .

Muhammad Bin Yahya from Ahmad Bin Muhammad and Ali Bin Ibrahim from his father, both together from Ibn Mahboub, from Abu Ayoub, from Hareyz,

(The narrator) says: 'I asked Abu Abdullah^{asws} about a man who killed a man deliberately. So it was raised to the governor. So the governor handed him over to the guardians of the killed one to let them kill him. So a group of people leapt upon them, so they had the killer released from the hands of the guardians. So he^{asws} said: 'I^{asws} see that the one who released the killer from the hands of the guardians should be imprisoned until they can come up with the killer'. It was said, 'So if the killer died and they are (still) in prison?' He^{asws} said: 'So if he dies, then upon them is the wergild, which they all have to pay it together to the guardians of the killed one'.⁶⁰

باب الرَّجُلِ يُمْسِكُ الرَّجُلَ فَيَقْتُلُهُ آخَرَ

Chapter 10 – The man restrains the man, so another one kills him

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنْ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلَيْنِ أَمْسَكَ أَحَدُهُمَا وَ قَتَلَ الْآخَرَ قَالَ يُقْتَلُ الْقَاتِلُ وَ يُحْبَسُ الْآخَرُ حَتَّى يَمُوتَ غَمًّا كَمَا كَانَ حَبَسَهُ عَلَيْهِ حَتَّى مَاتَ غَمًّا .

Ali Bin Ibrahim from his father, and Muhammad Bin Yahya from Ahmad Bin Muhammad, both together from Ibn Umeyr, from Hammad Bin Usman, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding two men, one of whom restrained, and the other one killed. He^{asws}

⁵⁹ Al Kafi – V 7 – The Book of Wergilds Ch 8 H 3

⁶⁰ Al Kafi – V 7 – The Book of Wergilds Ch 9 H 1

said: 'The killer would be killed, and the other one would be imprisoned until he dies in anguish just as he held him until he died in anguish'.⁶¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَدَّ عَلَى رَجُلٍ لِيَقْتُلَهُ وَ الرَّجُلُ فَارٌّ مِنْهُ فَاسْتَقْبَلَهُ رَجُلٌ آخَرَ فَأَمْسَكَهُ عَلَيْهِ حَتَّى جَاءَ الرَّجُلُ فَفَتَلَهُ فَفَتَلَ الرَّجُلَ الَّذِي قَتَلَهُ وَ قَضَى عَلَى الْآخَرِ الَّذِي أَمْسَكَهُ عَلَيْهِ أَنْ يُطْرَحَ فِي السَّجْنِ أَبَدًا حَتَّى يَمُوتَ فِيهِ لِأَنَّهُ أَمْسَكَهُ عَلَى الْمَوْتِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Zur'at, from Sama'at who said,

'Amir Al-Momineen^{asws} judged regarding a man who was intense upon a man in order to kill him, and the man fled from him, so another man came across him, so he restrained him until the other man came over, so he killed him. So he^{asws} said: 'The man who killed him would be killed, and the judgement upon the other one who restrained him is that he would be thrown into the prison forever until he dies in it, because he restrained him to the death'.⁶²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ بَعْضِ أَصْحَابِهِ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ عَمْرِو بْنِ أَبِي الْمَقْدَامِ قَالَ كُنْتُ شَاهِدًا عِنْدَ النَّبِيِّ الْحَرَامِ وَ رَجُلٌ يَنَادِي بِأَبِي جَعْفَرِ الْمَنْصُورِ وَ هُوَ يَطُوفُ وَ يَقُولُ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ هَذَيْنِ الرَّجُلَيْنِ طَرَقَا أَخِي لَيْلًا فَأَخْرَجَاهُ مِنْ مَنْزِلِهِ فَلَمْ يَرْجِعْ إِلَيَّ وَ اللَّهُ مَا أَدْرِي مَا صَنَعَا بِهِ فَقَالَ لَهُمَا مَا صَنَعْتُمَا بِهِ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ كَلَّمْنَاهُ فَرَجَعَ إِلَى مَنْزِلِهِ فَقَالَ لَهُمَا وَافِيَانِي عِدَا صَلَاةِ الْعَصْرِ فِي هَذَا الْمَكَانِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from one of his companions, from Muhammad Bin Al Fuzayl, from Amro Bin Abu Al Miqdam who said,

'I was present at the Sacred House (Kabah) and a man called out to Abu Ja'far Al Mansour (the Caliph), and he was circumambulating, and he was saying, 'O commander of the faithful! These two men went to my brother at night and took him out from his house, and he has not returned to me. By Allah^{azwj}! I do not know what these two have done with him'. So he said to the two, 'What did you two do to him?' So they both said, 'O commander of the faithful! We (only) spoke to him and returned him back to his home'. So he said to them both, 'Meet me tomorrow after Al-Asr Prayer, and this very place'.

فَوَاقُوهُ مِنَ الْعِدَّةِ صَلَاةِ الْعَصْرِ وَ حَضَرْتُهُ فَقَالَ لِأَبِي عَبْدِ اللَّهِ جَعْفَرِ بْنِ مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) وَ هُوَ قَابِضٌ عَلَى يَدِهِ يَا جَعْفَرُ أَفْضُ بَيْنَهُمْ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ أَفْضُ بَيْنَهُمْ أَنْتَ فَقَالَ لَهُ بِحَقِّي عَلَيْكَ إِلَّا قَضَيْتَ بَيْنَهُمْ

So they both came the next day after Al-Asr Prayer, and he was present. So he said to Ja'far Bin Muhammad^{asws}, and he had grabbed his^{asws} hand, 'O Ja'far^{asws}! Judge between them'. So he^{asws} said, 'O commander of the faithful, you judge between them'. So he said to him^{asws}, 'By my right upon you^{asws}, (it shall not be) except that you^{asws} would judge between them'.

قَالَ فَخَرَجَ جَعْفَرُ (عَلَيْهِ السَّلَامُ) فَطَرَحَ لَهُ مُصَلًى فَصَبَّ فَجَلَسَ عَلَيْهِ ثُمَّ جَاءَ الْخُصَمَاءُ فَجَلَسُوا قُدَّامَهُ فَقَالَ مَا تَقُولُ قَالَ يَا ابْنَ رَسُولِ اللَّهِ إِنَّ هَذَيْنِ طَرَقَا أَخِي لَيْلًا فَأَخْرَجَاهُ مِنْ مَنْزِلِهِ فَوَ اللَّهُ مَا رَجَعَ إِلَيَّ وَ اللَّهُ مَا أَدْرِي مَا صَنَعَا بِهِ فَقَالَ مَا تَقُولَانِ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ كَلَّمْنَاهُ ثُمَّ رَجَعَ إِلَى مَنْزِلِهِ

He (the narrator) said, 'So Ja'far^{asws} came out, and a Prayer mat of reeds was spread out for him^{asws}, and he^{asws} sat upon it. Then the disputants came over, so

⁶¹ Al Kafi – V 7 – The Book of Wergilds Ch 10 H 1

⁶² Al Kafi – V 7 – The Book of Wergilds Ch 10 H 2

they sat facing him^{asws}. So he^{asws} said: 'What are you saying? 'He said, 'O son^{asws} of Rasool-Allah^{saww}! These two went over to my brother at night, so they brought him out from his home. By Allah^{azwj}, he has not returned to me, and by Allah^{azwj}, I do not know what they both did to him'. So he^{asws} said: 'So what are you two saying?' So they both said, 'O son^{asws} of Rasool-Allah^{saww}! We spoke to him, then he returned to his home'.

فَقَالَ جَعْفَرُ (عَلَيْهِ السَّلَامُ) يَا غُلَامُ اكْتُبْ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) كُلُّ مَنْ طَرَقَ رَجُلًا بِاللَّيْلِ فَأَخْرَجَهُ مِنْ مَنْزِلِهِ فَهُوَ لَهُ ضَامِنٌ إِلَّا أَنْ يُعَيِّمَ الْبَيِّنَةَ أَنَّهُ قَدْ رَدَّهُ إِلَى مَنْزِلِهِ يَا غُلَامُ نَحْ هَذَا فَاضْرِبْ عُنُقَهُ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ وَاللَّهِ مَا أَنَا قَتَلْتُهُ وَ لَكِنِّي أَمْسَكْتُهُ ثُمَّ جَاءَ هَذَا فَوَجَّاهُ فَقَتَلْتُهُ فَقَالَ أَنَا ابْنُ رَسُولِ اللَّهِ يَا غُلَامُ نَحْ هَذَا وَ اضْرِبْ عُنُقَ الْآخَرَ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ وَاللَّهِ مَا عَذَّبْتُهُ وَ لَكِنِّي قَتَلْتُهُ بِضَرْبَةٍ وَاحِدَةٍ

So Ja'far^{asws} said: 'O slave, write! In the Name of Allah^{azwj} the Beneficent, the Merciful! Rasool-Allah^{saww} said: 'Everyone who comes to a man at night, so he brings him out from his home, so he is responsible for him except if the proof is established that he has returned him to his home'. O slave! Seize this one, so strike his neck!' So he said, 'O son^{asws} of Rasool-Allah^{saww}! By Allah^{azwj}, it was not I that killed him, but I restrained him, then this one came over, so he ambushed him and killed him'. So he^{asws} said: 'I^{asws} am son^{asws} of Rasool-Allah^{saww}, O slave! Seize this one, and strike the neck of the other one'. So he (the other one) said, 'O son^{asws} of Rasool-Allah^{saww}! By Allah^{azwj}, I did not torment him, but I killed him with one strike'.

فَأَمَرَ أَخَاهُ فَضْرَبَ عُنُقَهُ ثُمَّ أَمَرَ بِالْآخَرَ فَضْرَبَ جَنْبِيهِ وَ حَبَسَهُ فِي السَّجْنِ وَ وَقَعَ عَلَى رَأْسِهِ يُحْبَسُ عُمُرَهُ وَ يُضْرَبُ فِي كُلِّ سَنَةٍ خَمْسِينَ جَلْدَةً.

So he^{asws} ordered his (deceased's) brother, so he struck off his neck. Then he^{asws} ordered for the other one, so he struck his side, and to be withheld in the prison, and wrote upon his head: 'To be held for his life, and he should be whipped every year with fifty lashes'.⁶³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ ثَلَاثَةَ نَفَرٍ رُفِعُوا إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) وَاحِدٌ مِنْهُمْ أَمْسَكَ رَجُلًا وَ أَقْبَلَ آخَرَ فَقَتَلَهُ وَ الْآخَرَ يَرَاهُمْ فَقَضَى فِي الرُّوْيَةِ أَنْ تُسْمَلَ عَيْنَاهُ وَ فِي الَّذِي أَمْسَكَ أَنْ يُسَجَّنَ حَتَّى يَمُوتَ كَمَا أَمْسَكَهُ وَ قَضَى فِي الَّذِي قَتَلَ أَنْ يُقْتَلَ .

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

(It has been narrated) from Abu Abdullah^{asws} that (the matter of) three persons was raised to Amir Al-Momineen^{asws}, one of them had restrained a man, and the other faced him so he killed him, and the other one watched them. He^{asws} judged regarding the on-looker that his eyes be gouged out, and regarding the one who restrained that he should be imprisoned until he dies just as he had restrained him, and judged regarding the one who killed, that he should be killed'.⁶⁴

⁶³ Al Kafi – V 7 – The Book of Wergilds Ch 10 H 3

⁶⁴ Al Kafi – V 7 – The Book of Wergilds Ch 10 H 4

باب الرَّجُلِ يَقَعُ عَلَى الرَّجُلِ فَيَقْتُلُهُ**Chapter 11 – The man falls upon the man so he kills him**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ وَقَعَ عَلَى رَجُلٍ فَقَتَلَهُ فَقَالَ لَيْسَ عَلَيْهِ شَيْءٌ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Raib, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah^{asws} about a man who falls upon a man, so he kills him, so he^{asws} said: 'There is nothing upon him'.⁶⁵

ابْنُ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ وَ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ دَفَعَ رَجُلًا عَلَى رَجُلٍ فَقَتَلَهُ فَقَالَ الدِّيَةُ عَلَى الَّذِي وَقَعَ عَلَى الرَّجُلِ فَقَتَلَهُ لِأَوْلِيَاءِ الْمَقْتُولِ قَالَ وَ يَرْجِعُ الْمُدْفُوعُ بِالْذِيَّةِ عَلَى الَّذِي دَفَعَهُ قَالَ وَ إِنْ أَصَابَ الْمُدْفُوعُ شَيْءٌ فَهُوَ عَلَى الدَّافِعِ أَيْضًا .

Ibn Mahboub, from Ibn Raib and Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who pushed a man upon another man, so he got killed (by) him. So he^{asws} said: 'The wergild is upon the one who fell upon the man who got killed, for the guardians of the killed one'. He^{asws} said: 'And the pushed one can demand the wergild from the one who pushed him (at the first place)'. He^{asws} said: 'But if the pushed-one was also hit by anything (so got injured), so it would be upon the pusher (to compensate) him as well'.⁶⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ بْنِ عَثْمَانَ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ وَقَعَ عَلَى رَجُلٍ مِنْ فَوْقِ الْبَيْتِ فَمَاتَ أَحَدُهُمَا فَقَالَ لَيْسَ عَلَى الْأَعْلَى شَيْءٌ وَ عَلَى الْأَسْفَلِ شَيْءٌ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban Bin Usman, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah^{asws} about a man who fell upon a man from the top of the house, so one of the two died. So he^{asws} said: 'There is not upon the higher one, anything, and there is not upon the lower one, anything'.⁶⁷

باب نَادِرٌ**Chapter 12 - Miscellaneous**

مُحَمَّدُ بْنُ بَحْبِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ وَجَدَ مَقْتُولًا فَجَاءَ رَجُلَانِ إِلَى وَجْهِهِ فَقَالَ أَحَدُهُمَا أَنَا قَتَلْتُهُ عَمْدًا وَ قَالَ الْآخَرُ أَنَا قَتَلْتُهُ خَطَأً فَقَالَ إِنْ هُوَ أَخَذَ بِقَوْلِ صَاحِبِ الْعَمْدِ فَلَيْسَ لَهُ عَلَى صَاحِبِ الْخَطَا سَبِيلٌ وَ إِنْ أَخَذَ بِقَوْلِ صَاحِبِ الْخَطَا فَلَيْسَ لَهُ عَلَى صَاحِبِ الْعَمْدِ سَبِيلٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, form Al Hassan Bin Mahboub, from Al Hassan Bin Salih who said,

⁶⁵ Al Kafi – V 7 – The Book of Wergilds Ch 11 H 1

⁶⁶ Al Kafi – V 7 – The Book of Wergilds Ch 11 H 2

⁶⁷ Al Kafi – V 7 – The Book of Wergilds Ch 11 H 3

'I asked Abu Abdullah^{asws} about a man who was found killed, so two men came over to his guardian, so one of the two said, 'I killed him deliberately', and the other one said, 'I killed him in error'. So he^{asws} said: 'If he takes to the words of the one with the deliberation, so there is no way for him upon the one with the error; and if he were to take to the words of the one with the error, so there is no way for him against the one with the deliberation'.⁶⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ قَالَ أَخْبَرَنِي بَعْضُ أَصْحَابِنَا رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَتَيْتُ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِرَجُلٍ وَجَدَ فِي خَرَبَةٍ وَبِيَدِهِ سِكِّينٌ مُلَطَّخٌ بِالدَّمِ وَإِذَا رَجُلٌ مَذْبُوحٌ يَنْسَحَطُ فِي دَمِهِ فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَا تَقُولُ قَالَ يَا أَمِيرَ الْمُؤْمِنِينَ أَنَا قَتَلْتُهُ قَالَ أَذْهَبُوا بِهِ فَأَقْتُلُوهُ بِهِ فَلَمَّا ذَهَبُوا بِهِ لِيَقْتُلُوهُ بِهِ أَقْبَلَ رَجُلٌ مُسْرِعًا فَقَالَ لَا تَعْجَلُوا وَرُدُّوهُ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَرُدُّوهُ

Ali Bin Ibrahim, from his father, from one of our companions,

Abu Abdullah^{asws} has said: 'They came to Amir Al-Momineen^{asws} with a man (who was found in) some ruins, and in his hand was a knife soaked in blood, and there was a slaughtered man soaked in his blood. So Amir Al-Momineen^{asws} said to him: 'What are you saying?' He said, 'O Amir Al-Momineen^{asws}! I killed him'. He^{asws} said: 'Go away with him, so kill him'. So when they went away with him in order to kill him, a man came over in haste, so he said, 'Do not be hasty, and return him to Amir Al-Momineen^{asws}!' So they returned him.

فَقَالَ وَ اللَّهُ يَا أَمِيرَ الْمُؤْمِنِينَ مَا هَذَا صَاحِبِهِ أَنَا قَتَلْتُهُ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لِلأَوَّلِ مَا حَمَلَكَ عَلَى إِفْرَارِكَ عَلَى نَفْسِكَ وَ لَمْ تَفْعَلْ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ وَ مَا كُنْتُ أَسْتَطِيعُ أَنْ أَقُولَ وَ قَدْ شَهِدَ عَلَيَّ أَمْثَالُ هَؤُلَاءِ الرِّجَالِ وَ أَخَذُونِي وَ بِيَدِي سِكِّينٌ مُلَطَّخٌ بِالدَّمِ وَ الرَّجُلُ يَنْسَحَطُ فِي دَمِهِ وَ أَنَا قَائِمٌ عَلَيْهِ وَ خِفْتُ الصَّرْبَ

So he said, 'By Allah^{azwj}, O Amir Al-Momineen^{asws}! This one is not its perpetrator, it was I who killed him'. So Amir Al-Momineen^{asws} said to the first one: 'What carried you upon your confession against your own self, and you did not do it?' So he said, 'O Amir Al-Momineen^{asws}, and I did not have the ability that I should be saying (anything in my defense), and there had testified against me the likes of these men, and they seized me, and in my hand was a knife soaked with the blood, and the man was soaked in his blood, and I was standing over him, and I feared the beating.

فَأَقْرَرْتُ وَ أَنَا رَجُلٌ كُنْتُ دَبِحْتُ بِجَنْبِ هَذِهِ الْخَرَبَةِ شَاةً وَ أَخَذَنِي التُّبُولُ فَدَخَلْتُ الْخَرَبَةَ فَرَأَيْتُ الرَّجُلَ يَنْسَحَطُ فِي دَمِهِ فَمَمْتُ مُعْجَبًا فَدَخَلَ عَلَيَّ هَؤُلَاءِ فَأَخَذُونِي

So I confessed, and I am a man who had gone to slaughter a sheep by the side of these ruins, and I was seized (by the need for) the urination. So I entered the ruins, and I saw the man soaked in his blood. So I stood there wondering, and they came over to me, so they seized me'.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) خُذُوا هَذَيْنِ فَأَذْهَبُوا بِهِمَا إِلَى الْحَسَنِ وَ قُصُّوا عَلَيْهِ قِصَّتَهُمَا وَ قُولُوا لَهُ مَا الْحُكْمُ فِيهِمَا فَذَهَبُوا إِلَى الْحَسَنِ (عَلَيْهِ السَّلَام) وَ قُصُّوا عَلَيْهِ قِصَّتَهُمَا فَقَالَ الْحَسَنُ (عَلَيْهِ السَّلَام) قُولُوا لِأَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) (إِنَّ هَذَا إِنْ كَانَ دَبِحَ ذَلِكَ فَقَدْ أَحْيَا هَذَا وَ قَدْ قَالَ اللَّهُ عَزَّ وَ جَلَّ وَ مَنْ أَحْبَابَهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا يُخْلَى عَنْهُمَا وَ تُخْرَجَ دِيَّةُ الْمَذْبُوحِ مِنْ بَيْتِ الْمَالِ .

⁶⁸ Al Kafi – V 7 – The Book of Wergilds Ch 12 H 1

So Amir Al-Momineen^{asws} said: 'Take these two and go with them both to Al-Hassan^{asws}, and related both their stories to him^{asws} and say to him^{asws}: 'What is the decision with regards to these two?' So they went to Al-Hassan^{asws} and related the both their stories to him^{asws}. So Al-Hassan^{asws} said: 'Say to Amir Al-Momineen^{asws}, 'If this one has killed him so he has revived this one, and Allah^{azwj} Mighty and Majestic Says **[5:32] and whoever keeps it alive, it is as though he kept alive all men.** Free them both and take the wergild of the slaughtered one from the public treasury'.⁶⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَتَلَ فَحَمَلَ إِلَى الْوَالِي وَجَاءَهُ قَوْمٌ فَشَهِدُوا عَلَيْهِ الشُّهُودُ أَنَّهُ قَتَلَهُ عَمْدًا فَدَفَعَ الْوَالِي الْقَاتِلَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ لِيُقَادَ بِهِ فَلَمْ يَرْتَمُوا حَتَّى آتَاهُمْ رَجُلٌ فَأَقْرَعَ عِنْدَ الْوَالِي أَنَّهُ قَتَلَ صَاحِبَهُمْ عَمْدًا وَ أَنَّ هَذَا الرَّجُلَ الَّذِي شَهِدَ عَلَيْهِ الشُّهُودُ بَرِيءٌ مِنْ قَتْلِ صَاحِبِكُمْ فَلَا تَقْتُلُوهُ بِهِ وَ خُذُونِي بِدَمِهِ

Muhammad Bin Yahya from Ahmad Bin Muhammad and Ali Bin Ibrahim from his father, both together from Ibn Mahboub, from Hisham Bin Salim, from Zurara,

(The narrator) says, 'I asked Abu Ja'far^{asws} about a man who killed, so they carried him to the governor, and a group came so the witnesses testified against him that they killed him deliberately. So the governor handed over the killer to the guardians of the killed one in order for them to retaliate (revenge) against him. So, they had not begun with him when a man came over and confessed in the presence of the governor that he had killed their companion deliberately, and that this man against whom the witnesses had testified is free from the killing of so and so companion of yours, therefore he should not be killed for it, and seize me (instead) for his blood'.

قَالَ فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) إِنْ أَرَادَ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْتُلُوا الَّذِي أَقْرَعَ عَلَى نَفْسِهِ فَلْيَقْتُلُوهُ وَ لَا سَبِيلَ لَهُمْ عَلَى الْآخَرَ ثُمَّ لَا سَبِيلَ لَوَرَثَةِ الَّذِي أَقْرَعَ عَلَى نَفْسِهِ عَلَى وَرَثَةِ الَّذِي شَهِدَ عَلَيْهِ وَ إِنْ أَرَادُوا أَنْ يَقْتُلُوا الَّذِي شَهِدَ عَلَيْهِ فَلْيَقْتُلُوهُ وَ لَا سَبِيلَ لَهُمْ عَلَى الَّذِي أَقْرَعَ ثُمَّ لِيُؤَدَّ الدِّيَةَ الَّذِي أَقْرَعَ عَلَى نَفْسِهِ إِلَى أَوْلِيَاءِ الَّذِي شَهِدَ عَلَيْهِ نَصْفَ الدِّيَةِ

He (the narrator) said, 'So Abu Ja'far^{asws} said: 'If the guardians of the killed one intend to kill the one who confessed against himself, so let them kill him, and there would be no way for them against the other one. Then there is no way for the inheritors of the one who confessed against himself against the inheritors of the one testified against. And if they intend to kill the one who has been testified against, so let them kill him, and there would be no way for them against the one who confessed. Then the one who confessed against himself should pay the wergild to the guardians of the one testified against, of half the wergild'.

قُلْتُ أَرَأَيْتَ إِنْ أَرَادُوا أَنْ يَقْتُلُوهُمَا جَمِيعاً قَالَ ذَلِكَ لَهُمْ وَ عَلَيْهِمْ أَنْ يَدْفَعُوا إِلَى أَوْلِيَاءِ الَّذِي شَهِدَ عَلَيْهِ نَصْفَ الدِّيَةِ خَاصَّةً دُونَ صَاحِبِهِ ثُمَّ يَقْتُلُوهُمَا

I said, 'What is your^{asws} view if they intend to they should kill both of them together?' He^{asws} said: 'That is for them, and upon them would be that they should hand over half the wergild to the guardians of the one testified against in particular, besides his companion. Then they can kill both of them'.

قُلْتُ إِنْ أَرَادُوا أَنْ يَأْخُذُوا الدِّيَةَ قَالَ فَقَالَ الدِّيَةُ بَيْنَهُمَا نَصْفَانِ لِأَنَّ أَحَدَهُمَا أَقْرَعَ وَ الْآخَرَ شَهِدَ عَلَيْهِ

⁶⁹ Al Kafi – V 7 – The Book of Wergilds Ch 12 H 2

I said, 'What is your^{asws} view if they intend to take the wergild?' So he^{asws} said: 'The wergild is in two halves in between them both, because one of the two confessed, and the other one has been testified against'.

قُلْتُ كَيْفَ جُعِلَتْ لِأَوْلِيَاءِ الَّذِي شُهِدَ عَلَيْهِ عَلَى الَّذِي أَقْرَّ عَلَى نَفْسِهِ نِصْفُ الدِّيَةِ حِينَ قُتِلَ وَ لَمْ تُجْعَلْ لِأَوْلِيَاءِ الَّذِي أَقْرَّ عَلَى
أَوْلِيَاءِ الَّذِي شُهِدَ عَلَيْهِ وَ لَمْ يُقْتَلْ

I said, 'How come you^{asws} made half the wergild to be for the guardians of the one who was testified against, over the one who confessed against himself that he had killed, and did not make it for the guardians of the one who confessed against himself over the one who was testified against, and he did not kill?'

قَالَ فَقَالَ لِأَنَّ الَّذِي شُهِدَ عَلَيْهِ لَيْسَ مِثْلَ الَّذِي أَقْرَّ الَّذِي شُهِدَ عَلَيْهِ لَمْ يُقْرَّ وَ لَمْ يُبْرَأْ صَاحِبُهُ وَ الْأَخْرُ أَقْرَّ وَ أَبْرَأَ صَاحِبُهُ
فَلَزِمَ الَّذِي أَقْرَّ وَ أَبْرَأَ صَاحِبُهُ مَا لَمْ يَلْزِمَ الَّذِي شُهِدَ عَلَيْهِ وَ لَمْ يُقْرَّ وَ لَمْ يُبْرَأْ صَاحِبُهُ .

So he^{asws} said: 'Because the one who was testified against is not similar to the one who confessed. The one who was testified against did not confess and did not free his companions, and the one other confessed and freed his companion. Therefore, it necessitates that the one who confessed and freed his companion that does not necessitate the one who was testified against, and did not confess and did not free his companion'.⁷⁰

بَاب مَنْ لَا دِيَةَ لَهُ

Chapter 13 – The one for whom there is no wergild

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ أَيُّمَا رَجُلٍ قَتَلَهُ الْحَدُّ فِي الْفِصَاصِ فَلَا دِيَةَ لَهُ وَ قَالَ أَيُّمَا رَجُلٍ عَدَا عَلَى رَجُلٍ لِيَضْرِبَهُ فَدَفَعَهُ عَنْ نَفْسِهِ فَجَرَحَهُ أَوْ قَتَلَهُ فَلَا شَيْءَ عَلَيْهِ وَ قَالَ أَيُّمَا رَجُلٍ أَطَّلَعَ عَلَى قَوْمٍ فِي دَارِهِمْ لِيَنْظُرَ إِلَى عَوْرَاتِهِمْ فَرَمَوْهُ فَفَقَفُوا عَيْنَيْهِ أَوْ جَرَحُوهُ فَلَا دِيَةَ لَهُ وَ قَالَ مَنْ بَدَأَ فَاغْتَدَى فَاغْتَدَى عَلَيْهِ فَلَا قَوْلَ لَهُ .

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: 'Whichever man killed by the legal penalty (*Hadd*) regarding the retaliation, so there is no wergild for him'. And he^{asws} said: 'Whichever man attacks upon a man, so he defends himself, so he injures him or kills him (in self-defense) so there is nothing upon him'. And he^{asws} said: 'Whichever man looks upon a people in their houses, in order to look at their nakedness, so they pelt him, so it blinds his eye, or injures it, so there is no wergild for him'. And he^{asws} said: 'The one who initiates (an attack), so he is attacked against, so there is no retaliation for him'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ فِي رَجُلٍ أَرَادَ امْرَأَةً عَلَى نَفْسِهَا حَرَاماً فَرَمْتُهُ بِحَجَرٍ فَأَصَابَ مِنْهُ مَقْتلاً قَالَ لَيْسَ عَلَيْهَا شَيْءٌ فِيمَا بَيْنَهَا وَ بَيْنَ اللَّهِ عَزَّ وَ جَلَّ وَ إِنْ قُدِّمَتْ إِلَى إِمَامٍ عَادِلٍ أَهْدَرَ دَمَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and a number of our companions, from Sahl Bin Ziyad, both together from Al Hassan Bin Mahboub, from Abdullah Bin Sinan who said,

⁷⁰ Al Kafi – V 7 – The Book of Wergilds Ch 12 H 3

⁷¹ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 1

'I heard Abu Abdullah^{asws} saying regarding a man who intended upon a woman unlawfully, so she pelts him with a rock, and he is hit from it and is killed. He^{asws} said: 'There is nothing upon her regarding what is between her and Allah^{azwj} Mighty and Majestic, and if she is brought to a just Imam^{asws}, he^{asws} would stave off his blood (wergild)'.⁷²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُفَضَّلِ بْنِ صَالِحٍ عَنْ زَيْدِ الشَّحَامِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قَتَلَهُ الْقِصَاصُ هَلْ لَهُ دِيَّةٌ قَالَ لَوْ كَانَ ذَلِكَ لَمْ يُقْتَصَّ مِنْ أَحَدٍ وَ مَنْ قَتَلَهُ الْاُدُّ فَلَا دِيَّةَ لَهُ .

Ali Bin Ibrahim, from his father, from Muhammad Bin Isa, from Yunus, from Mufazzal Bin Salih, from Zayd Al Shahaam who said,

'I asked Abu Abdullah^{asws} about a man killed by 'القصاص' the retaliation, is there a wergild for him?' He^{asws} said: 'If it was like that, no one would be retaliated from, and the one who is killed by the legal penalty (*Hadd*), so there is no wergild for him'.⁷³

عَنْهُ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفُضَيْلِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِذَا أَرَادَ رَجُلٌ أَنْ يَضْرِبَ رَجُلًا ظُلْمًا فَاتَّقَاهُ الرَّجُلُ أَوْ دَفَعَهُ عَنْ نَفْسِهِ فَاصَابَهُ ضَرْرٌ فَلَا شَيْءَ عَلَيْهِ .

From him, from Muhammad Bin Sinan, from Al A'ala Bin Al Fuzyal who said,

'Abu Abdullah^{asws} said: 'When a man intends to strike a man unjustly, so the man fights or defends himself and causes him harm, so there is nothing upon him'.⁷⁴

وَ عَنْهُ عَنِ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفُضَيْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا أَطَّلَعَ رَجُلٌ عَلَى قَوْمٍ يُشْرَفُ عَلَيْهِمْ أَوْ يَنْظُرُ إِلَيْهِمْ مِنْ خَلَلِ شَيْءٍ لَهُمْ فَرَمَوْهُ فَاصَابُوهُ فَفَقَّتُوهُ أَوْ فَفَقَّتُوا عَيْنَهُ فَلَيْسَ عَلَيْهِمْ عَرْمٌ وَ قَالَ إِنَّ رَجُلًا أَطَّلَعَ مِنْ خَلَلِ حُجْرَةِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَجَاءَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِمَشْقَصٍ لِيَفْقَأَ عَيْنَهُ فَوَجَدَهُ قَدْ انْطَلَقَ فَقَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَيَّ حَبِيبٍ أَمَا وَ اللَّهِ لَوْ تَبَّتْ لِي لَفَقَأْتُ عَيْنَيْكَ .

And from him, from Muhammad Bin Sinan, from Al A'la Bin Al Fuzayl,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When a man emerges upon a people to overlook upon them, or look at them from a crack of something of them, so they pelt him and it hits him, so he is either killed or blinds his eye, so there is no penalty upon them'. And he^{asws} said: 'A man peeked at Rasool-Allah^{saww} from a crack of his^{saww} chamber, so Rasool-Allah^{saww} came over with an arrow in order to poke his eyes, so he^{saww} found him to have gone away. So Rasool-Allah^{saww} said: 'Where is the filthy one? But, by Allah^{azwj}, had he remained for me^{saww}, I^{saww} would have poked his eyes'.⁷⁵

يُونُسُ عَنْ أَبِيَانَ بْنِ عُمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ ضَرَبَ رَجُلًا ظُلْمًا فَرَدَّهُ الرَّجُلُ عَنْ نَفْسِهِ فَاصَابَهُ شَيْءٌ أَنَّهُ قَالَ لَا شَيْءَ عَلَيْهِ .

Yunus, from Aban Bin Usman,

⁷² Al Kafi – V 7 – The Book of Wergilds Ch 13 H 2

⁷³ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 3

⁷⁴ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 4

⁷⁵ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 5

(It has been narrated) from Abu Abdullah^{asws} regarding a man who struck a man unjustly, so the man repulsed him from himself, so he was hit by something. He^{asws} said: 'There is nothing upon him'.⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَرِيعٍ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ صَبِيحًا فِي زَمَنِ عَلِيٍّ (عَلَيْهِ السَّلَام) يَلْعَبُونَ بِأَخْطَارِهِمْ فَرَمَى أَحَدُهُمُ الْآخَرَ بِخَطَرِهِ فَدَقَّ رِبَاعِيَّةً صَاحِبِهِ فَرَفَعَ ذَلِكَ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَأَقَامَ الرَّامِي الْبَيِّنَةَ بِأَنَّهُ قَالَ حَدَارٍ حَدَارٍ فَدَرَأَ عَنْهُ الْفِصَاصَ ثُمَّ قَالَ قَدْ أَعْدَرَ مَنْ حَدَرَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail Bin Bazie, from Muhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kinani,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There were two young boys in the era of Ali^{asws} who were playing with their toys, so one of them pelted the one with his toy, so he broke his four front teeth. So that (matter) was raised to Amir Al-Momineen^{asws}. So the pelter established the evidence that he had said, 'Beware, beware!' So he^{asws} staved off the retaliation from him, then said: 'He has been excused, the one who cautioned'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ قَتَلَهُ الْفِصَاصُ هَلْ لَهُ دِيَّةٌ فَقَالَ لَوْ كَانَ ذَلِكَ لَمْ يَفْتَصَّ أَحَدٌ مِنْ أَحَدٍ وَ مَنْ قَتَلَهُ الْحَدُّ فَلَا دِيَّةَ لَهُ .

He (the narrator) said, 'And I asked him^{asws} about a man killed by 'الفِصَاصُ' the retaliation, is there wergild for him?' So he^{asws} said: 'If it was that, no one would be retaliated from; and the one who is killed by the legal penalty (*Hadd*), so there is no wergild for him'.⁷⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ أَطَّلَعَ رَجُلٌ عَلَى النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مِنَ الْجَرِيدِ فَقَالَ لَهُ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَوْ أَعْلَمَ أَنَّكَ تَنْتَبِئُ لِي لَفَمْتُ إِلَيْكَ بِالْمَشْقَصِ حَتَّى أَفْقَأَ بِهِ عَيْنَكَ قَالَ فَقُلْتُ لَهُ أ ذَاكَ لَنَا فَقَالَ وَيْحَكَ أَوْ وَتِلْكَ أَقُولُ لَكَ إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَعَلَ تَقُولُ ذَلِكَ لَنَا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Ibn Bukeyr, from Ubeyd Bin Zurara who said,

'I heard Abu Abdullah^{asws} saying: 'A man peeked at the Prophet^{saww} from the reeds, so the Prophet^{saww} said to him: 'If I^{saww} knew you would be standing still for me^{saww}, I^{saww} would have come to you with the arrow until I^{saww} poke your eyes with it'. So I said to him^{asws}, 'Is that for us (as well)?' So he^{asws} said: 'Woe be unto you!', or 'Suffering be upon you!' I^{asws} am saying to you that Rasool-Allah^{saww} did it. You are saying, 'Is that for us?'⁷⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ مَنْ بَدَأَ فَاغْتَدَى فَاغْتَدَى عَلَيْهِ فَلَا قَوْلَ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

⁷⁶ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 6

⁷⁷ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 7

⁷⁸ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 8

'I heard Abu Abdullah^{asws} saying; 'The one who initiates (a killing), so he attacks and get counter-attacked, so there is no retaliation for him'.⁷⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحِ الثَّوْرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَام) يَقُولُ مَنْ ضَرَبْنَا حَدًّا مِنْ حُدُودِ اللَّهِ فَمَاتَ فَلَا دِيَّةَ لَهُ عَلَيْنَا وَ مَنْ ضَرَبْنَا حَدًّا فِي شَيْءٍ مِنْ حُقُوقِ النَّاسِ فَمَاتَ فَإِنَّ دِيَّتَهُ عَلَيْنَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al Hassan Bin Salih Al Sowry,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Ali^{asws} was saying: 'The one we^{asws} hit the legal penalty (*Hadd*) upon and he dies, so there is no wergild for him upon us^{asws}, and the one we^{asws} hit the legal penalty (*Hadd*) upon regarding something from the rights of the people, and he dies, so his wergild is upon us^{asws}.⁸⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ الْمُخْتَارِ عَنْ عُبيدِ بْنِ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ بَيْنَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي حُجْرَاتِهِ مَعَ بَعْضِ أَرْوَاجِهِ وَ مَعَهُ مَعَازِلُ لَهُ يَقْبَلُهَا إِذْ بَصُرَ بِعَيْنَيْنِ تَطْلِعَانِ فَقَالَ لَوْ أَعْلَمُ أَنَّكَ تَنْتَبِئُ لِي لَقُمْتُ حَتَّى أَبْحَسَكَ فَقُلْتُ نَفَعَلْنَا نَحْنُ مِثْلَ هَذَا إِنْ فَعَلْنَا مِثْلَهُ بِنَا قَالَ إِنْ خَفِيَ لَكَ فَاَفْعَلُهُ .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Al Husayn Bin Al Mukhtar, from Ubeyd Bin Zurara who said,

'I heard Abu Abdullah^{asws} saying: 'While Rasool-Allah^{saww} was in his^{saww} chamber with one of his^{saww} wives, and with him^{asws} was a spindle of his^{saww} which he^{saww} was turning, when he^{saww} saw two eye peaking at him^{saww}. So he^{saww} said: 'If I^{saww} knew that you would remain there for me^{saww}, I^{saww} would arise until I^{saww} blind you'. So I said, 'Shall we do the like of this, if the like of this is done with us?' He^{asws} said: 'If it is hidden for you (you are not seen), so do it'.⁸¹

عَلِيُّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ حَفْصِ بْنِ عَبْدِ اللَّهِ بْنِ طَلْحَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ سَارِقٍ دَخَلَ عَلَى امْرَأَةٍ لِيَسْرِقَ فَلَمَّا جَمَعَ الثِّيَابَ تَابَعَتْهُ نَفْسُهُ فَكَابِرَهَا عَلَى نَفْسِهَا فَوَاقَعَهَا فَتَحَرَّكَ ابْنُهَا فَقَامَ فَقَتَلَهُ بِفَأْسٍ كَانَ مَعَهُ فَلَمَّا فَرَّغَ حَمَلَ الثِّيَابَ وَ ذَهَبَ لِيَخْرُجَ حَمَلَتْ عَلَيْهِ بِالْفَأْسِ فَقَتَلَتْهُ فَجَاءَ أَهْلُهُ يَطْلُبُونَ بَدْمِهِ مِنَ الْعَدُوِّ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَفْضُ عَلَى هَذَا كَمَا وَصَفْتَ لَكَ

Ali, from his father, from Muhammad Bin Hafs, from Abdullah Bin Talha,

(The narrator) says, 'I asked Abu Abdullah^{asws} him^{asws} about a male thief who entered upon a woman in order to steal her belongings. So when he gathered the clothes, he followed his soul, so he overcame her and fell upon her. So her son stirred, so he (the thief), stood up and killed him with an axe which was with him. So when he was free, he carried the clothes and gold in order to exit. She attacked him with the axe, so she killed him. So his family members came over in the morning seeking his blood. So Abu Abdullah^{asws} said: 'I^{asws} shall judge upon this just as it has been described to you'.

⁷⁹ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 9

⁸⁰ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 10

⁸¹ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 11

فَقَالَ يَضْمَنُ مَوَالِيَهُ الَّذِينَ يَطْلُبُونَ بِدَمِهِ دِيَةَ الْغُلَامِ وَ يَضْمَنُ السَّارِقُ فِيمَا تَرَكَ أَرْبَعَةَ آلَافِ دِرْهَمٍ بِمُكَابَرَتِهَا عَلَى فَرْجِهَا أَنَّهُ زَانٌ وَ هُوَ فِي مَالِهِ عَرِيمُهُ وَ لَيْسَ عَلَيْهَا فِي قَتْلِهَا إِيَّاهُ شَيْءٌ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ كَابَرَ امْرَأَةً لِيَفْجُرَ بِهَا فَقَتَلْتُهُ فَلَا دِيَةَ لَهُ وَ لَا قَوْدَ .

So he^{asws} said: 'His guardians, those who were seeking his blood are responsible for the wergild of the boy, and the thief is responsible with regards to what he has left (as legacy), four thousand Dirhams due to him having forced himself upon her chastity. It is adultery, and it's fine is upon his wealth, and there is nothing upon her regarding her having killed him. Rasool-Allah^{saww} said: 'The one who forces himself upon a woman in order to be immoral with her, so she kills him, so there is no wergild for him, nor a retaliation'.⁸²

وَ عَنْهُ قَالَ قُلْتُ رَجُلٌ تَزَوَّجَ امْرَأَةً فَلَمَّا كَانَ لَيْلَةُ الْبِنَاءِ عَمَدَتِ الْمَرْأَةُ إِلَى رَجُلٍ صَدِيقٍ لَهَا فَأَدْخَلَتْهُ الْحَجَلَةَ فَلَمَّا دَخَلَ الرَّجُلُ يُبَاضِعُ أَهْلَهُ نَارَ الصَّدِيقِ فَأَقْتَتَلَا فِي الْبَيْتِ فَقَتَلَ الزَّوْجَ الصَّدِيقُ وَ قَامَتِ الْمَرْأَةُ فَضَرَبَتِ الزَّوْجَ ضَرْبَةً فَقَتَلَتْهُ بِالصَّدِيقِ فَقَالَ تَضْمَنُ الْمَرْأَةُ دِيَةَ الصَّدِيقِ وَ نُقْتَلُ بِالزَّوْجِ .

And from him, he said, 'I said, 'A man married a woman. So when it was the night of the consummation, the woman brought a male friend of hers so she entered him into (one of) the rooms. So when the man entered in order to copulate with his wife, the friend leapt and they both fought in the house. So the husband killed the friend, and the woman stood up, so she struck the husband with a strike, so she killed him for the (killing of) the friend'. So he^{asws} said: 'The woman is responsible for the wergild of the friend, and she would be killed for (having killed her) husband'.⁸³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُنِلَ عَنْ رَجُلٍ أَتَى رَجُلًا وَ هُوَ رَافِدٌ فَلَمَّا صَارَ عَلَى ظَهْرِهِ أَيْقَنَ بِهِ فَبَعَجَهُ بَعْجَةً فَقَتَلَهُ فَقَالَ لَا دِيَةَ لَهُ وَ لَا قَوْدَ .

Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Al Husayn Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about a man who came to a man while he was asleep. So when he came to be upon his back, he woke up due to it, so he poked him with a knife, so he killed him'. So he^{asws} said: 'There is neither a wergild for him, nor a retaliation'.⁸⁴

عَلِيُّ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْنَفَ عَلَى امْرَأَتِهِ أَوْ امْرَأَةً أَعْنَفَتْ عَلَى زَوْجِهَا فَقَتَلَ أَحَدُهُمَا الْأُخْرَى قَالَ لَا شَيْءَ عَلَيْهِمَا إِذَا كَانَا مَأْمُونَيْنِ فَإِنْ أَتَاهُمَا الزَّمَمُ الْيَمِينِ بِاللَّهِ أَنَّهُمَا لَمْ يُرِيدَا الْقَتْلَ .

Ali, from his father, from Salih Bin Saeed, from Yunus, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who was harsh upon his wife, or a woman who was harsh upon her husband. So one of the two killed the other. He^{asws} said: 'There is nothing upon both of them when they both trusted each other. So if they were to complain, it would necessitate them to swear an oath with Allah^{azwj}, that they did not intend the killing'.⁸⁵

⁸² Al Kafi – V 7 – The Book of Wergilds Ch 13 H 12

⁸³ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 13

⁸⁴ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 14

⁸⁵ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 15

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ الْمُخْتَارِ بْنِ مُحَمَّدِ بْنِ الْمُخْتَارِ وَ مُحَمَّدُ بْنُ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ الْعُلَوِيِّ جَمِيعاً عَنِ الْفَتْحِ بْنِ يَزِيدَ الْجُرْجَانِيِّ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ دَخَلَ عَلَى دَارِ آخَرَ لِلتَّلْصُصِ أَوْ الْفُجُورِ فَقَتَلَهُ صَاحِبُ الدَّارِ أَوْ يُقْتَلُ بِهِ أَمْ لَا فَقَالَ اعْلَمْ أَنَّ مَنْ دَخَلَ دَارَ غَيْرِهِ فَقَدْ أَهْدَرَ دَمَهُ وَ لَا يَجِبُ عَلَيْهِ شَيْءٌ .

Ali Bin Ibrahim, from Al Mukhtar Bin Muhammad Bin Al Mukhtar, and Muhammad Bin Al Hassan, from Abdullah Bin Al Hassan Al Alawy, both together from Al Fatah Bin Yazeed Al Jurjany,

(It has been narrated) from Abu Al-Hassan^{asws} regarding a man who entered a house of another in order to steal, or the immorality, so the owner of the house killed him. Would he be killed due to it, or not?' So he^{asws} said: 'Know, the one who enters a house of someone else, so his blood has been spared, and there does not Obligate anything upon him'.⁸⁶

بَابِ الرَّجُلِ الصَّحِيحِ الْعَقْلِ يَقْتُلُ الْمَجْنُونِ

Chapter 14 – The man of correct intellect kills the insane

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَتَلَ رَجُلًا مَجْنُونًا فَقَالَ إِنْ كَانَ الْمَجْنُونُ أَرَادَهُ فَدَفَعَهُ عَنْ نَفْسِهِ فَقَتَلَهُ فَلَا شَيْءَ عَلَيْهِ مِنْ قَوْدٍ وَ لَا دِيَّةٍ وَ يُعْطَى وَرَثَتُهُ دِيَّتَهُ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ قَالَ وَ إِنْ كَانَ قَتَلَهُ مِنْ غَيْرِ أَنْ يَكُونَ الْمَجْنُونُ أَرَادَهُ فَلَا قَوْدَ لِمَنْ لَا يَقَادُ مِنْهُ فَارَى أَنَّ عَلَى قَاتِلِهِ الدِّيَّةَ مِنْ مَالِهِ يَدْفَعُهَا إِلَى وَرَثَةِ الْمَجْنُونِ وَ يَسْتَغْفِرُ اللَّهَ وَ يَتُوبُ إِلَيْهِ .

A number of our companions, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Ali Bin Raib, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about a man who killed an insane man. So he^{asws} said: 'If it was that the insane intended (to kill) him, so he defended himself, so he killed him, then there is nothing upon him from a retaliation, nor a wergild, and his inheritors would be given his wergild from the public treasury of the Muslims. If his killing was from other than the insane happened to have intended (to kill) him, so there is no retaliation for the one from whom there is no retaliation. So I^{asws} see the wergild to be upon his killer from his own wealth, to be handed over to the inheritors of the insane, and he should seek Forgiveness of Allah^{azwj} and repent to Him^{azwj}.⁸⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنْ أَبِي الْوَرْدِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ أَوْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَصْلَحَكَ اللَّهُ رَجُلٌ حَمَلَ عَلَيْهِ رَجُلٌ مَجْنُونٌ فَضْرَبَهُ الْمَجْنُونُ فَضْرَبَهُ السَّيْفُ مِنَ الْمَجْنُونِ فَضْرَبَهُ فَقَتَلَهُ فَقَالَ أَرَى أَنْ لَا يُقْتَلَ بِهِ وَ لَا يُغْرَمَ دِيَّتُهُ وَ تَكُونُ دِيَّتُهُ عَلَى الْإِمَامِ وَ لَا يَبْطُلُ دَمُهُ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Ibn Raib, from Abu Al Wardi who said,

'I said to Abu Abdullah^{asws}, or Abu Ja'far^{asws}, 'May Allah^{azwj} Keep you^{asws} well! An insane man attacks a man, so the insane one strikes with a strike, so the man grabs the sword from the insane, so he strikes him and kills him'. So he^{asws} said: 'I^{asws} see that he would not be killed due to it, nor fined his wergild, and his wergild would happen to be upon the Imam^{asws}, and his blood would not be invalidated'.⁸⁸

بَابِ الرَّجُلِ يَقْتُلُ فَلَمْ تَصِحَّ الشَّهَادَةُ عَلَيْهِ حَتَّى خُوِطَ

⁸⁶ Al Kafi – V 7 – The Book of Wergilds Ch 13 H 16

⁸⁷ Al Kafi – V 7 – The Book of Wergilds Ch 14 H 1

⁸⁸ Al Kafi – V 7 – The Book of Wergilds Ch 14 H 2

Chapter 15 – The man kills, so the testimony is no established against him, he goes mad

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَخْبُوبٍ عَنْ خَاصِرِ الصَّيْرَفِيِّ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ الْعِجْلِيِّ قَالَ سَأَلَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَتَلَ رَجُلًا عَمْدًا فَلَمْ يُقَمْ عَلَيْهِ الْحَدُّ وَ لَمْ تَصِحَّ الشَّهَادَةُ عَلَيْهِ حَتَّى حَوَّلَ وَ ذَهَبَ عَقْلُهُ ثُمَّ إِنَّ قَوْمًا آخَرِينَ شَهِدُوا عَلَيْهِ بَعْدَ مَا حَوَّلَ أَنَّهُ قَتَلَهُ فَقَالَ إِنْ شَهِدُوا عَلَيْهِ أَنَّهُ قَتَلَهُ حِينَ قَتَلَهُ وَ هُوَ صَاحِحٌ لَيْسَ بِهِ عِلَّةٌ مِنْ فَسَادِ عَقْلِهِ قُتِلَ بِهِ وَ إِنْ يَشْهَدُوا عَلَيْهِ بِذَلِكَ وَ كَانَ لَهُ مَالٌ يُعْرِفُ دَفْعَ إِلَى وَرَثَةِ الْمُقْتُولِ الدِّيَّةَ مِنْ مَالِ الْقَاتِلِ وَ إِنْ لَمْ يَثْرِكْ مَالًا أُعْطِيَ الدِّيَّةَ مِنْ بَيْتِ الْمَالِ وَ لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Hazir Al Sayrafi, from Bureyd Bin Muawiya Al Ajaly who said,

‘Abu Ja’far^{asws} was asked about a man who killed a man deliberately. So the legal penalty (*Hadd*) had not been established upon him, and the testimonies had not been reckoned against him, he became mad and his intellect went away. Then another group testified against him after he had gone mad that he had killed him’.

(He^{asws}) said: ‘When he killed him, he was correct, there was no reason from the spoiling of his intellect, (thus) he would be killed due to it. And if he is testified against with that, and there was known wealth for him, it would be handed over to the inheritors of the killed one. The wergild is from the wealth of the killer. And if he did not leave wealth, the wergild would be given from the public treasury, and there would be no invalidation of the blood of a Muslim person’.⁸⁹

باب فِي الْقَاتِلِ يُرِيدُ التَّوْبَةَ

Chapter 16 – Regarding the killer intending the repentance

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حُسَيْنِ بْنِ أَحْمَدَ الْمَنْقَرِيِّ عَنْ عَيْسَى الضَّعِيفِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ قَتَلَ رَجُلًا مُتَعَمِّدًا مَا تَوْبَتُهُ قَالَ يُمَكِّنُ مِنْ نَفْسِهِ قُلْتُ يَخَافُ أَنْ يَقْتُلُوهُ قَالَ فَلْيُعْطِهِمُ الدِّيَّةَ قُلْتُ يَخَافُ أَنْ يَعْلَمُوا بِذَلِكَ قَالَ فَلْيَنْظُرْ إِلَى الدِّيَّةِ فَلْيَجْعَلْهَا صُرراً ثُمَّ لِيَنْظُرْ مَوَاقِبَتِ الصَّلَاةِ فَلْيُلْقِهَا فِي دَارِهِمْ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Husayn Bin Ahmad Al Minqari, from Isa Al Zaif who said,

‘I said to Abu Abdullah^{asws}, ‘A man kills a man deliberately, what is his repentance?’ He^{asws} said: ‘Make himself available (to the guardians of the killed one)’. I said, ‘He fears that they would kill him’. He^{asws} said: ‘So let him give them the wergild’. I said, ‘He fears that they would come to know him due to that’. He^{asws} said: ‘So let him consider the wergild, so let him make it as small packages, then await the timings of the Prayers, so let him cast these in their houses’.⁹⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي الْخَزْرَجِ قَالَ حَدَّثَنِي فَضَيْلُ بْنُ عُمَانَ الْأَعْرُورُ عَنِ الرَّهْرِيِّ قَالَ كُنْتُ عَامِلًا لِنَبِيِّ أُمِّيَّةٍ فَقَتَلْتُ رَجُلًا فَسَأَلْتُ عَلِيَّ بْنَ الْحُسَيْنِ (عَلَيْهِ السَّلَامُ) بَعْدَ ذَلِكَ كَيْفَ أَصْنَعُ بِهِ فَقَالَ الدِّيَّةَ اعْرِضْهَا عَلَى قَوْمِهِ قَالَ فَعَرَضْتُ فَأَبَوْا وَ جَهَدْتُ فَأَبَوْا

A number of our companions, from Ahmad Bin Abu Abdullah, from Abu Al Khazraj, from Fuzayl Bin Usman Al Awr, from Al Zahry who said,

⁸⁹ Al Kafi – V 7 – The Book of Wergilds Ch 15 H 1

⁹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 16 H 1

'I was an office bearer for the Clan of Umayya, so I killed a man. So I asked Ali^{asws} Bin Al-Husayn^{asws} after that, how I should deal with it, so he^{asws} said: 'Present the wergild to his people'. So I presented it, but they refused, and I strived, but they (still) refused.

فَأَخْبَرْتُ عَلِيَّ بْنَ الْحُسَيْنِ (عَلَيْهِ السَّلَام) بِذَلِكَ فَقَالَ أَذْهَبَ مَعَكَ بِنْفَرٍ مِنْ قَوْمِكَ فَأَشْهَدُ عَلَيْهِمْ قَالَ فَفَعَلْتُ فَأَبَوْا فَسَهَدُوا عَلَيْهِمْ فَرَجَعْتُ إِلَى عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَام) فَأَخْبَرْتُهُ قَالَ فَخِذِ الدِّيَةَ فَصِرْهَا مُنْفَرَةً ثُمَّ أَنْتِ الْبَابَ فِي وَقْتِ الظُّهْرِ أَوْ الْفَجْرِ فَأَلْقِهَا فِي الدَّارِ فَمَنْ أَخَذَ شَيْئًا فَهُوَ يُحْسَبُ لَكَ فِي الدِّيَةِ فَإِنْ وَقَّتِ الظُّهْرَ وَالْفَجْرَ سَاعَةً يَخْرُجُ فِيهَا أَهْلُ الدَّارِ

So I informed Ali^{asws} Bin Al-Husayn^{asws} of that, so he^{asws} said: 'Go with a number of your people, so let them bear witness upon them'. So I did it, but they refused. So they bore witness upon them. So I returned to Ali^{asws} Bin Al-Husayn^{asws} and informed him^{asws}. He^{asws} said: 'Take the wergild and make separate packages of these, then go to the door (of the guardians of the killed one) during the time of *Al-Zuhr*, or *Al-Fajr*, so throw these in the doorways. So the one who takes anything, so it would be counted for you with regards to the wergild. So when it is the time of *Al-Zuhr* and *Al-Fajr*, during these timings the people of the house come out'.

قَالَ الزُّهْرِيُّ فَفَعَلْتُ ذَلِكَ وَ لَوْ لَا عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) لَهَلَكْتُ

Al-Zahry said, 'I did that, and had it not been for Ali^{asws} Bin Al-Husayn^{asws}, I would have been destroyed'.

قَالَ وَ حَدَّثَنِي بَعْضُ أَصْحَابِنَا أَنَّ الزُّهْرِيَّ كَانَ ضَرَبَ رَجُلًا بِهِ قُرُوحٌ فَمَاتَ مِنْ ضَرْبِهِ .

He (the narrator) said, 'And one of our companions has narrated to me that Al-Zahry had struck a man with ulcerated wounds, so he had died from his strike'.⁹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ وَ ابْنِ بُكَيْرٍ وَ غَيْرِ وَاحِدٍ قَالُوا كَانَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) فِي الطَّوَافِ فَنظَرَ فِي نَاحِيَةِ الْمَسْجِدِ إِلَى جَمَاعَةٍ فَقَالَ مَا هَذِهِ الْجَمَاعَةُ فَقَالُوا هَذَا مُحَمَّدُ بْنُ شِهَابِ الزُّهْرِيِّ اخْتَلَطَ عَقْلُهُ فَلَيْسَ يَتَكَلَّمُ فَأَخْرَجَهُ أَهْلُهُ لَعَلَّهُ إِذَا رَأَى النَّاسَ أَنْ يَتَكَلَّمَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, and Ibn Bukeyr and someone else who said,

'Ali^{asws} Bin Al-Husayn^{asws} was in the circumambulation (of the Kaaba), so he^{asws} looked at a group around the Masjid. So he^{asws} said: 'What is this group?' So they said, 'This is Muhammad Bin Shihab Al-Zahry. His intellect is muddled up, so he does not speak. So his family have brought him out, perhaps when he sees the people he would speak'.

فَلَمَّا قَضَى عَلِيُّ بْنُ الْحُسَيْنِ طَوَافَهُ خَرَجَ حَتَّى دَنَا مِنْهُ فَلَمَّا رَأَاهُ مُحَمَّدُ بْنُ شِهَابِ عَرَفَهُ فَقَالَ لَهُ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) مَا لَكَ فَقَالَ وَ لَيْتَ وَ لَيْتَ فَأَصَبْتُ دَمًا فَفَتَلْتُ رَجُلًا فَدَخَلَنِي مَا تَرَى فَقَالَ لَهُ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) لَأَنَا عَلَيْكَ مِنْ بَأْسِكَ مِنْ رَحْمَةِ اللَّهِ أَشَدُّ خَوْفًا مِنِّي عَلَيْكَ مِمَّا أَتَيْتَ ثُمَّ قَالَ لَهُ أَعْطِهِمُ الدِّيَةَ قَالَ قَدْ فَعَلْتُ فَأَبَوْا فَقَالَ اجْعَلْهَا صُرْرًا ثُمَّ انْظُرْ مَوَاقِيَتِ الصَّلَاةِ فَأَلْقِهَا فِي دَارِهِمْ .

So when Ali^{asws} Bin Al-Husayn^{asws} fulfilled his^{asws} circumambulation, he^{asws} went out until he^{asws} approached him. So when Muhammad Bin Shihab saw him^{asws}, he recognised him^{asws}. So Ali^{asws} Bin Al-Husayn^{asws} said to him: 'What is the matter with

⁹¹ Al Kafi – V 7 – The Book of Wergilds Ch 16 H 2

you?’ So he said, ‘I was given the governorship, so I shed blood. I killed a man, so there entered into me what you^{asws} see’. So Ali^{asws} Bin Al-Husayn^{asws} said to me: ‘I^{asws} have more intense fear of your despair from the Mercy of Allah^{azwj} from what you have come to’. Then he^{asws} said: ‘Give them the wergild’. He said, ‘I have done it, but they refused (to accept it)’. So he^{asws} said: ‘Make it as small packages, then wait for the timings of the Prayers, so throw these in their houses’.⁹²

بَابُ قَتْلِ اللَّصِّ

Chapter 17 – Killing the burglar

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ إِذَا قَدَرْتَ عَلَى اللَّصِّ فَأَبْدِرْهُ وَأَنَا شَرِيكَكَ فِي دَمِهِ .

Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad Bin Abu Nasr, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘When you are able over the burglar, so surprise him, and I^{asws} would be a participant in his blood’.⁹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُقَاتِلُ عَنْ مَالِهِ فَقَالَ إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ مَنْ قَتَلَ دُونَ مَالِهِ فَهُوَ بِمَنْزِلَةِ شَهِيدٍ فَقُلْنَا لَهُ أَيْ قَاتِلُ أَفْضَلُ فَقَالَ إِنَّ لَمْ تُقَاتِلْ فَلَا بَأْسَ أَمَا أَنَا فَلَوْ كُنْتُ لَتَرَكْتُهُ وَلَمْ أَقَاتِلْ .

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

‘I asked Abu Ja’far^{asws} about the man who fights about his wealth. So he^{asws} said: ‘Rasool-Allah^{saww} said: ‘The one who fights for (to protect) his wealth, so he is at the status of a martyr’. So we said to him^{asws}, ‘So fighting him is better?’ So he^{asws} said: ‘If you do not fight, so there is no problem. As for myself^{asws}, So if it was I^{asws}, I^{asws} would leave him and would not fight’.⁹⁴

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ قَالَ سَمِعْتُهُ يَقُولُ وَ قَدْ تَجَارَيْنَا ذَكَرَ الصَّعَالِيكَ فَقَالَ عَبْدُ اللَّهِ بْنُ عَامِرٍ حَدَّثَنِي هَذَا وَ أَوْمَأَ إِلَى أَحْمَدَ بْنِ إِسْحَاقَ أَنَّهُ كَتَبَ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) يَسْأَلُ عَنْهُمْ فَكَتَبَ إِلَيْهِ أَقْتَلُهُمْ .

Ali Bin Muhammad, from one of our companions, from Abdullah Bin Amir who said,

‘I heard him saying, and there had flowed among us a mentioned of the vagabonds, so Abdullah Bin Amir said, ‘This one narrated to me’ – and he gestured towards Ahmad Bin Is’haq that he wrote to Abu Muhammad^{asws}, asking him^{asws} about it, so he^{asws} wrote back to him: ‘Kill him’.⁹⁵

وَ عَنْهُ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ وَ غَيْرِهِ أَنَّهُ كَتَبَ إِلَيْهِ يَسْأَلُهُ عَنِ الْأَكْرَادِ فَكَتَبَ إِلَيْهِ لَا تُنْبَهُوهُمْ إِلَّا بِحَدِّ السَّيْفِ .

And from him, from Ahmad Bin Abu Abdullah, and someone else,

⁹² Al Kafi – V 7 – The Book of Wergilds Ch 16 H 3

⁹³ Al Kafi – V 7 – The Book of Wergilds Ch 17 H 1

⁹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 17 H 2

⁹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 17 H 3

He having wrote to him^{asws} asking him^{asws} about the Kurds, so he^{asws} wrote back: 'Do not awaken them except by a limit of the sword'.⁹⁶

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ الْفَلَانِسِيِّ عَنْ أَحْمَدَ بْنِ الْفَضْلِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ فَرَازَةَ عَنْ أَنَسِ بْنِ هُرَيْثٍ بْنِ الْبَرَاءِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الْأَصُّ يَدْخُلُ عَلَيَّ فِي بَيْتِي يُرِيدُ نَفْسِي وَ مَالِي فَقَالَ فَاقْتُلْهُ فَأَشْهَدُ اللَّهُ وَ مَنْ سَمِعَ أَنْ دَمَهُ فِي عُنُقِي

Ahmad Bin Muhammad, from Muhammad Bin Ahmad Al Qalanasy, from Ahmad Bin Al Fazl, from Abdullah Bin Jabala, from Fazara, from Ans, or Haysam Bin Al Bara'a,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I said to him^{asws}, 'The burglar entered upon me in my house intending (killing) me and (taking) my wealth'. So he^{asws} said: 'So kill him, for I^{asws} keep Allah^{azwj} as a Witness along with the one who hears me^{asws}, that his blood is upon my neck'.

قَالَ قُلْتُ أَصْلَحَكَ اللَّهُ فَأَيُّنَ عَلَامَةٌ هَذَا الْأَمْرِ فَقَالَ أَرَى بِالصُّبْحِ مِنْ خَفَاءٍ قَالَ قُلْتُ لَا قَالَ فَإِنَّ أَمْرَنَا إِذَا كَانَ كَانَ أَتَيْنَ مِنْ قَلْبِ الصُّبْحِ

He (the narrator) said, 'I said, 'May Allah^{azwj} Keep you^{asws} well! So where is the sign of this matter (Al-Qaim^{asws})?' So he^{asws} said: 'Do you see the morning from concealment?' I said, 'No'. He^{asws} said: 'So, our^{asws} matter, when it would be, would be clearer than the break of dawn in the morning'.

قَالَ ثُمَّ قَالَ مَرَاوَلَةُ جَبَلٍ يَظْفِرُ أَهْوُونَ مِنْ مَرَاوَلَةِ مُلْكٍ لَمْ يَنْقُضِ أَكْلُهُ فَاتَّقُوا اللَّهَ تَبَارَكَ وَ تَعَالَى وَ لَا تَقْتُلُوا أَنْفُسَكُمْ لِلظَّالِمَةِ .

He (the narrator) said, 'Then he^{asws} said: 'Achievement by engaging with a mountain is easier than engaging with a kingdom whose consumption is yet to expire. Therefore, fear Allah^{azwj} Blessed and High, and do not kill yourselves for the unjust ones'.⁹⁷

بَابِ الرَّجُلِ يُقْتَلُ ابْنَهُ وَ الْإِبْنُ يُقْتَلُ أَبَاهُ وَ أُمَّهُ

Chapter 18 – The man kills his son, and the son kills his father and his mother

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ حُمْرَانَ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ لَا يُفَادُ وَالدُّ بَوْلُهُ وَ يُقْتَلُ الْوَلَدُ إِذَا قَتَلَ وَالِدَهُ عَمْدًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, form his father, both together from Al Hassan Bin Mahboub, from Abu Ayoub Al Khazaz, from Humran,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'The father would not be retaliated due to (killing) his son, but the son would be killed when he kills his father deliberately'.⁹⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِعٍ عَنْ أَبِي عُبَيْدَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَتَلَ أُمَّهُ قَالَ يُقْتَلُ بِهَا صَاحِرًا وَ لَا أَطْنَ قَتَلَهُ كَفَارَةً لَهُ وَ لَا يَرْتَهَا .

⁹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 17 H 4

⁹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 17 H 5

⁹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 18 H 1

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Raib, from Abu Umeida who said,

'I asked Abu Ja'far^{asws} about a man who killed his mother. He^{asws} said: 'He would be killed due to it, belittled, and I^{asws} do not think killing him would be an expiation for him, and he would not inherit her'.⁹⁹

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) قَالَ لَا يُقْتَلُ الْوَالِدُ بِأَبْنِهِ إِذَا قَتَلَهُ وَ يُقْتَلُ الْإِبْنُ بِأَبِيهِ إِذَا قَتَلَ أَبَاهُ .

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: 'The father would not be killed due to killing of his son, but the son would be killed if he kills his father'.¹⁰⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَقْتُلُ ابْنَهُ أَوْ يُقْتَلُ بِهِ قَالَ لَا .

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

(The narrators) says: 'I asked Abu Abdullah^{asws} about the man who killed his son, would he be killed due to it?' He^{asws} said: 'No'.¹⁰¹

عَلِيُّ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنِ ابْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفُضَيْلِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا يُقْتَلُ الْوَالِدُ بِوَالِدِهِ وَ يُقْتَلُ الْوَالِدُ بِوَالِدِهِ وَ لَا يَرِثُ الرَّجُلُ الرَّجُلَ إِذَا قَتَلَهُ وَ إِنْ كَانَ خَطَاً .

Ali, from Muhammad Bin Isa, from Yunus, from Ibn Sinan, from Al A'la Bin Al Fuzayl who said,

'Abu Abdullah^{asws} said: 'The father would not be killed due to his son, but the son would be killed due to (killing of) his father; and the man would not inherit the man when he kills him, even though it (were to) be in error'.¹⁰²

بَابُ الرَّجُلِ يَقْتُلُ الْمَرْأَةَ وَ الْمَرْأَةُ تَقْتُلُ الرَّجُلَ وَ فَضْلُ دِيَّةِ الرَّجُلِ عَلَى دِيَّةِ الْمَرْأَةِ فِي النَّفْسِ وَ الْجَرَاحَاتِ

Chapter 19 – The man kills the woman, and the woman kills the man, and the remainder of the wergild of the man over the wergild of the woman regarding the (killing of) the soul and the injuries

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَتَلَتِ الْمَرْأَةُ رَجُلًا قُتِلَتْ بِهِ وَ إِذَا قَتَلَ الرَّجُلُ الْمَرْأَةَ فَإِنْ أَرَادَ الْقَوْدَ أَتَوَا فَضْلَ دِيَّةِ الرَّجُلِ وَ أَقَادُوهُ بِهَا وَ إِنْ لَمْ يَفْعَلُوا قَبِلُوا مِنَ الْقَاتِلِ الدِّيَّةَ دِيَّةَ الْمَرْأَةِ كَامِلَةً وَ دِيَّةَ الْمَرْأَةِ نِصْفَ دِيَّةِ الرَّجُلِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abdullah Bin Muskan,

⁹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 18 H 2

¹⁰⁰ Al Kafi – V 7 – The Book of Wergilds Ch 18 H 3

¹⁰¹ Al Kafi – V 7 – The Book of Wergilds Ch 18 H 4

¹⁰² Al Kafi – V 7 – The Book of Wergilds Ch 18 H 5

(It has been narrated) from Abu Abdullah^{asws} having said: 'When a woman kills a man, she would be executed due to it, and when the man kills the woman, so if the retaliation is intended, they (her heirs) have to pay the remainder of the wergild of the man, and retaliate him by it, and if they do not do it, they can accept the wergild from the killer, the complete wergild for the woman, and the wergild of the woman is half the wergild of the man'.¹⁰³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي رَجُلٍ يَقْتُلُ الْمَرْأَةَ مُتَعَمِّدًا فَأَرَادَ أَهْلُ الْمَرْأَةِ أَنْ يَقْتُلُوهُ قَالَ ذَلِكَ لَهُمْ إِذَا أَدَّوْا إِلَى أَهْلِهِ نَصَفَ الدِّيَةَ وَ إِنْ قَبِلُوا الدِّيَةَ فَلَهُمْ نَصَفُ دِيَةِ الرَّجُلِ وَ إِنْ قَتَلَتِ الْمَرْأَةُ الرَّجُلَ قُتِلَتْ بِهِ وَ لَيْسَ لَهُمْ إِلَّا نَفْسُهَا

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 regarding a man who killed the woman deliberately. So the family of the woman intended to kill him. He^{asws} said: 'That is for them. When he gives half the wergild to her family, and if they accept the wergild, so for them is half the wergild which is for the man. And if the woman kills the man, she would be killed due to it, and there would be nothing for them except for her soul'.

وَ قَالَ جِرَاحَاتُ الرَّجَالِ وَ النِّسَاءِ سَوَاءٌ سِنَّ الْمَرْأَةِ بِسِنَّ الرَّجُلِ وَ مُوضِحَةُ الْمَرْأَةِ بِمُوضِحَةِ الرَّجُلِ وَ إِصْبَعُ الْمَرْأَةِ بِإِصْبَعِ الرَّجُلِ حَتَّى تَبْلُغَ الْجِرَاحَةَ ثَلَاثُ الدِّيَةِ فَإِذَا بَلَغَتْ ثَلَاثَ الدِّيَةِ أضعِفَتْ دِيَةُ الرَّجُلِ عَلَى دِيَةِ الْمَرْأَةِ .

And he^{asws} said: 'The injuries of the men and the women are equal, tooth of the man with the tooth of the woman, and a bone of the man and a bone of the man, and a finger of the woman with a finger of the man, until the injuries reach a third of the wergild. So when they reach a third of the wergild, the wergild of the man is double over the wergild of the woman'.¹⁰⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْجِرَاحَاتِ فَقَالَ جِرَاحَةُ الْمَرْأَةِ مِثْلُ جِرَاحَةِ الرَّجُلِ حَتَّى تَبْلُغَ ثَلَاثَ الدِّيَةِ فَإِذَا بَلَغَتْ ثَلَاثَ الدِّيَةِ سَوَاءٌ أضعِفَتْ جِرَاحَةُ الرَّجُلِ ضِعْفَيْنِ عَلَى جِرَاحَةِ الْمَرْأَةِ وَ سِنَّ الرَّجُلِ وَ سِنَّ الْمَرْأَةِ سَوَاءٌ

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

'I asked Abu Abdullah^{asws} about the injuries, so he^{asws} said: 'The injuries of the woman are like the injuries of the man until it reaches a third of the wergild. So when it reaches to be the same as a third of the wergild, the injuries of the man is additional by double upon the injuries of the woman; but a tooth of the man and a tooth of the woman are equal'.

وَ قَالَ إِنْ قَتَلَ رَجُلٌ امْرَأَةً عَمْدًا فَأَرَادَ أَهْلُ الْمَرْأَةِ أَنْ يَقْتُلُوا الرَّجُلَ رَدُّوا إِلَى أَهْلِ الرَّجُلِ نَصَفَ الدِّيَةَ وَ قَتَلُوهُ

And he^{asws} said: 'If a man kills a woman deliberately, so the family of the woman intend that they kill the man, they should return half the wergild to the family of the man, and they can kill him'.

¹⁰³ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 1

¹⁰⁴ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 2

قَالَ وَ سَأَلْتُهُ عَنِ امْرَأَةٍ قَتَلَتْ رَجُلًا قَالَ تُقْتَلُ بِهِ وَ لَا يُعْرَمُ أَهْلُهَا شَيْئًا .

He (the narrator) said, 'And I asked him^{asws} about a woman who kills a man. He^{asws} said: 'She would be killed due to it, and there her family would not be fined anything'.¹⁰⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ فِي رَجُلٍ قَتَلَ امْرَأَةً مُتَعَمِّدًا فَقَالَ إِنْ شَاءَ أَهْلُهَا أَنْ يَقْتُلُوهُ وَ يُرَدُّوا إِلَى أَهْلِهِ نِصْفَ الدِّيَةِ وَ إِنْ شَاءُوا أَخَذُوا نِصْفَ الدِّيَةِ خَمْسَةَ آلَافٍ دِرْهَمٍ وَ قَالَ فِي امْرَأَةٍ قَتَلَتْ زَوْجَهَا مُتَعَمِّدًا فَقَالَ إِنْ شَاءَ أَهْلُهُ أَنْ يَقْتُلُوهُ قَتَلُوهَا وَ لَيْسَ يَجْزِي أَحَدًا أَكْثَرَ مِنْ جِنَايَتِهِ عَلَى نَفْسِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{asws} saying regarding a man who killed a woman deliberately. So he^{asws} said: 'If her family so desire to they can kill him, and pay half the wergild to his family; and if they so desire, they can take half the wergild of five thousand Dirhams'. And he^{asws} said regarding a woman who killed her husband deliberately, so he^{asws} said: 'If his family so desire to, they can kill her for his killing, and no one reaps more than the crime upon himself'.¹⁰⁶

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنِ الْحَلْبِيِّ وَ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنْ رَجُلٍ قَتَلَ امْرَأَةً خَطَأً وَ هِيَ عَلَى رَأْسِ الْوَلَدِ تَمَخُّضٌ قَالَ عَلَيْهِ الدِّيَةُ خَمْسَةَ آلَافٍ دِرْهَمٍ وَ عَلَيْهِ لِلَّذِي فِي بَطْنِهَا غُرَّةٌ وَ صَيْفٌ أَوْ وَصِيفَةٌ أَوْ أَرْبَعُونَ دِينَارًا .

Ibn Mahboub, from Abu Ayoun, from Al Halby, and Abu Ubeyda,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about a man who killed a woman in error, and she was pregnant with a child. He^{asws} said: 'Upon him is the wergild of five thousand Dirhams (for killing her), and upon him for that which was in her belly for negligence, is a male servant, or a female servant, or forty Dinars'.¹⁰⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبَانَ بْنِ تَغْلِبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا تَقُولُ فِي رَجُلٍ قَطَعَ إصْبَعًا مِنْ أَصَابِعِ الْمَرْأَةِ كَمْ فِيهَا قَالَ عَشْرٌ مِنَ الْإِبِلِ قُلْتُ قَطَعَ اثْنَيْنِ قَالَ عَشْرُونَ قُلْتُ قَطَعَ ثَلَاثًا قَالَ ثَلَاثُونَ قُلْتُ قَطَعَ أَرْبَعًا قَالَ عَشْرُونَ

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, both together from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj, from Aban Bin Taghlab who said,

'I said to Abu Abdullah^{asws}, 'What are you^{asws} saying regarding a man who cut-off a finger from the fingers of a woman, how much (compensation) is regarding it?' He^{asws} said: 'Ten from the camels'. I said, 'He cuts off two?' He^{asws} said: 'Twenty'. I said, 'He cuts off three?' He^{asws} said: 'Thirty'. I said, 'He cuts off four?' He^{asws} said: 'Twenty'.

¹⁰⁵ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 3

¹⁰⁶ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 4

¹⁰⁷ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 5

فَلْتُ سُبْحَانَ اللَّهِ يَقْطَعُ ثَلَاثًا فَيَكُونُ عَلَيْهِ ثَلَاثُونَ وَ يَقْطَعُ أَرْبَعًا فَيَكُونُ عَلَيْهِ عَشْرُونَ إِنَّ هَذَا كَانَ يَبْلُغُنَا وَ نَحْنُ بِالْعِرَاقِ قَنَبِرًا مِمَّنْ قَالَهُ وَ يَقُولُ الَّذِي جَاءَ بِهِ شَيْطَانٌ فَقَالَ مَهَلًا يَا أَبَانَ هَكَذَا حَكَّمَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنَّ الْمَرْأَةَ تُقَابِلُ الرَّجُلَ إِلَى تُلْتِ الدِّيَةِ فَإِذَا بَلَغَتِ الثَّلَاثَ رَجَعَتْ إِلَى النِّصْفِ يَا أَبَانَ إِنَّكَ أَخَذْتَنِي بِالْقِيَاسِ وَ السُّنَّةِ إِذَا قَيْسَتْ مُحَقِّقَ الدِّينِ .

I said, ‘Glory be to Allah^{azwj}! He cuts-off three, so there happens to be thirty upon him, and he cuts-off four, so there happens to be twenty upon him. This had reached us and we were at Al-Iraq, so we distanced ourselves from the one who said it, and we were saying that the one who comes with it is a devil’. So he^{asws} said: ‘Shh! No Aban, it is not like this. Rasool-Allah^{saww} judged that the woman would be equal to the man up to a third of the wergild. So when it reaches the third, she returns to the half. O Aban! You (attempted to) seize me^{asws} with the analogy, but (it’s) the Sunnah, (remember) when it is analogised, (it) destroys the Religion’.¹⁰⁸

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْمَرْأَةِ بَيْنَهَا وَ بَيْنَ الرَّجُلِ قِصَاصٌ قَالَ نَعَمْ فِي الْجِرَاحَاتِ حَتَّى تَبْلُغَ الثَّلَاثَ سِوَاءَ فَإِذَا بَلَغَتِ الثَّلَاثَ ارْتَفَعَ الرَّجُلُ وَ سَفَلَتِ الْمَرْأَةُ .

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

‘I asked Abu Abdullah^{asws} about the woman between her and the man was retaliation. He^{asws} said: ‘Yes, with regards to the injuries until it reaches the third (of the wergild), it is the same. So when it reaches the third, the man is higher and the woman is lower’.¹⁰⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِعٍ عَنِ الْحَلْبِيِّ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْجِرَاحَاتِ الرَّجَالِ وَ النِّسَاءِ فِي الدِّيَاتِ وَ الْقِصَاصِ فَقَالَ الرَّجَالُ وَ النِّسَاءُ فِي الْقِصَاصِ سِوَاءَ السُّنِّ بِالسُّنِّ وَ الشَّجَّةُ بِالشَّجَّةِ وَ الإِصْبَعُ بِالإِصْبَعِ سِوَاءَ حَتَّى تَبْلُغَ الْجِرَاحَاتُ ثَلَاثَ الدِّيَةِ فَإِذَا جَاوَزَتِ الثَّلَاثَ صِيرَتْ دِيَةَ الرَّجُلِ فِي الْجِرَاحَاتِ ثَلَاثِي الدِّيَةِ وَ دِيَةَ النِّسَاءِ ثَلَاثُ الدِّيَةِ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Raib, from Al Halby who said,

‘Abu Abdullah^{asws} was asked about injuries of the men and the women regarding the wergild and the retaliation, so he^{asws} said: ‘The men and the women regarding the retaliation are equal, the tooth with the tooth, and the fracture with the fracture, and the finger with the finger, same, until the injuries reach a third of the wergild. So when it exceeds the third, the wergild of the men with regards to the injuries become two-third of the wergild and a wergild of the women, a one-third of the wergild’.¹¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ عَنْ أَبِي مَرْيَمَ الأَنْصَارِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ أَتَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بَرَجَلٌ قَدْ ضَرَبَ امْرَأَةً حَامِلًا بِعَمُودِ الفُسْطَاطِ فَفَتَلَهَا فَخَيْرَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَوْلِيَاءَهُمَا أَنْ يَأْخُذُوا الدِّيَةَ خَمْسَةَ آلَافٍ دِرْهَمٍ وَ عُرَّةٌ وَصِيفٌ أَوْ وَصِيفَةٌ لِلَّذِي فِي بَطْنِهَا أَوْ يَدْفَعُوا إِلَى أَوْلِيَاءِ الْقَاتِلِ خَمْسَةَ آلَافٍ [دِرْهَمٍ] وَ يَقْتُلُوهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abu Wallad, from Abu Maryam Al Ansary,

¹⁰⁸ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 6

¹⁰⁹ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 7

¹¹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 8

(It has been narrated) from Abu Ja'far^{asws} having said: 'They came to Rasool-Allah^{saww} with a man who has struck a pregnant woman with a pole of a tent, so he killed her. So Rasool-Allah^{saww} gave a choice to her guardians that they can take the wergild of five thousand Dirhams, and for negligence, a male servant or a female servant for that which was in her belly, or hand over five thousand Dirham to the guardians of the killer, and they can kill him'.¹¹¹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ قُتِلَ لَهُ رَجُلٌ قَتَلَ امْرَأَةً فَقَالَ إِنْ أَرَادَ أَهْلُ الْمَرْأَةِ أَنْ يَقْتُلُوهُ أَدَّوْا نِصْفَ دِيَّتِهِ وَ قَتَلُوهُ وَ إِلَّا قَبِلُوا الدِّيَّةَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Is'haq Bin Ammar, from Abu Baseer,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, 'I said to him^{asws}, 'A man kills a woman'. So he^{asws} said: 'If the family of the woman intend to kill him, they have to pay half his wergild and kill him, or else accept the wergild (five thousand Dirhams)'.¹¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ جَرَاحَاتُ الْمَرْأَةِ وَالرَّجُلِ سَوَاءٌ إِلَيَّ أَنْ تَبْلُغَ ثَلَاثَ الدِّيَّةِ فَإِذَا جَارَ ذَلِكَ تَضَاعَفَتْ جِرَاحَةُ الرَّجُلِ عَلَى جِرَاحَةِ الْمَرْأَةِ ضِعْفَيْنِ .

Ali Bin Ibrahim, from his father, from Usman Bin Isa, from Sama'at, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The injuries of the woman and the man are equal until it reaches a one-third of the wergild. So when it exceeds that, it is added for the injuries of the man, over the injuries of the woman, by double'.¹¹³

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْجَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي رَجُلٍ فَقَأَ عَيْنَ امْرَأَةٍ فَقَالَ إِنْ يَشَاءُوا أَنْ يَقْتُلُوا عَيْنَهُ وَ يُؤَدُّوا إِلَيْهِ رُبْعَ الدِّيَّةِ وَ إِنْ شَاءَتْ أَنْ تَأْخُذَ رُبْعَ الدِّيَّةِ

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who blinded an eye of the woman. So he^{asws} said: 'If they so desire they can blind his eye, and pay him a quarter of the wergild; and if they so desire to that they can take the quarter of the wergild'.

وَ قَالَ فِي امْرَأَةٍ فَقَأَتْ عَيْنَ رَجُلٍ أَنَّهُ إِنْ شَاءَ فَقَأَ عَيْنَهَا وَ إِلَّا أَخَذَ دِيَّةَ عَيْنِهِ .

And he^{asws} said regarding a woman who blinded an eye of a man: 'If he so desires he can blind her eye or else take a wergild for his eye'.¹¹⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ إِنْ قَتَلَ رَجُلٌ امْرَأَةً وَ أَرَادَ أَهْلُ الْمَرْأَةِ أَنْ يَقْتُلُوهُ أَدَّوْا نِصْفَ الدِّيَّةِ إِلَى أَهْلِ الرَّجُلِ .

¹¹¹ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 9

¹¹² Al Kafi – V 7 – The Book of Wergilds Ch 19 H 10

¹¹³ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 11

¹¹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 12

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

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'If a man kills a woman and the family of the woman intend that they kill him, they should pay half the wergild to the family of the man'.¹¹⁵

مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ عَبْدِ الْكَرِيمِ عَنِ ابْنِ أَبِي بَعْفُورٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَطَعَ إصْبَعَهُ حَتَّى يَنْتَهِيَ إِلَى ثُلُثِ الدِّيَةِ فَإِذَا جَازَ الثُّلُثَ كَانَ فِي الرَّجُلِ الضَّعْفُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Abdul Kareem, from Ibn Abu Yafour who said,

'I asked Abu Abdullah^{asws} about a man who cut a finger of a woman. He^{asws} said: 'His finger would be cut until it ends up to a third of the wergild. So when it exceeds the third, there would be double regarding the man'.¹¹⁶

بَابُ مَنْ خَطَّوهُ عَمْدًا وَمَنْ عَمَدَهُ خَطًّا

Chapter 20 – The one whose error is (like) deliberate, and one whose deliberation is (like) an error

مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سُنِلَ عَنْ غُلَامٍ لَمْ يَدْرِكْ وَ امْرَأَةً قَتَلَا رَجُلًا خَطًّا فَقَالَ إِنَّ خَطًّا الْمَرْأَةِ وَ الْغُلَامِ عَمْدٌ فَإِنْ أَحَبَّ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْتُلُوهُمَا قَتَلُوهُمَا وَ يُؤَدُّوا إِلَى أَوْلِيَاءِ الْغُلَامِ خَمْسَةَ آلَافٍ دِرْهَمٍ وَ إِنْ أَحَبُّوا أَنْ يَقْتُلُوا الْغُلَامَ قَتَلُوهُ وَ تَرُدُّ الْمَرْأَةَ إِلَى أَوْلِيَاءِ الْغُلَامِ رُبْعَ الدِّيَةِ وَ إِنْ أَحَبَّ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْتُلُوا الْمَرْأَةَ قَتَلُوهَا وَ يَرُدُّ الْغُلَامَ عَلَى أَوْلِيَاءِ الْمَرْأَةِ رُبْعَ الدِّيَةِ قَالَ وَ إِنْ أَحَبَّ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَأْخُذُوا الدِّيَةَ كَانَ عَلَى الْغُلَامِ نِصْفُ الدِّيَةِ وَ عَلَى الْمَرْأَةِ نِصْفُ الدِّيَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad and Ali Bin Ibrahim, from his father, both together from Al Hassan Bin Mahboub, from Hisham Bin Salim, from Abu Baseer,

(It has been narrated) from Abu Ja'far^{asws} having been asked about a boy who had yet to mature and a woman, both killed a man in error. So he^{asws} said: 'The error of the woman and the boy is (considered) deliberate. So if the guardians of the killed one like to kill both of them, they can kill them both and pay five thousand Dirhams to the guardians of the boy; and if they like to kill the boy, they kill him and the guardians of the woman return a quarter of the wergild to the guardians of the boy; and if the guardians of the killed one kill the woman, and the boy return a quarter of the wergild to the guardians of the woman; and if the guardians of the killed one like to take the wergild, upon the boy is half the wergild, and upon the woman is half the wergild'.¹¹⁷

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ ضُرَيْبِ بْنِ الْكُنَاسِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ امْرَأَةٍ وَ عَمْدٍ قَتَلَا رَجُلًا خَطًّا فَقَالَ إِنَّ خَطًّا الْمَرْأَةِ وَ الْعَمْدِ مِثْلُ الْعَمْدِ فَإِنْ أَحَبَّ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْتُلُوهُمَا قَتَلُوهُمَا فَإِنْ كَانَ قِيَمَةُ الْعَمْدِ أَكْثَرَ مِنْ خَمْسَةِ آلَافٍ دِرْهَمٍ فَلْيُرَدُّوا إِلَى سَيِّدِ الْعَمْدِ مَا يَفْضَلُ بَعْدَ الْخَمْسَةِ آلَافِ دِرْهَمٍ وَ إِنْ أَحَبُّوا أَنْ يَقْتُلُوا الْمَرْأَةَ وَ يَأْخُذُوا الْعَمْدَ أَخَذُوا الْآلَافَ يَكُونُ قِيَمَتُهُ أَكْثَرَ مِنْ خَمْسَةِ آلَافِ دِرْهَمٍ فَلْيُرَدُّوا عَلَى مَوْلَى الْعَمْدِ مَا يَفْضَلُ بَعْدَ الْخَمْسَةِ آلَافِ دِرْهَمٍ وَ يَأْخُذُوا الْعَمْدَ أَوْ يَفْتَدِيَهُ سَيِّدُهُ وَ إِنْ كَانَتْ قِيَمَةُ الْعَمْدِ أَقَلَّ مِنْ خَمْسَةِ آلَافِ دِرْهَمٍ فَلْيَسَّرْ لَهُمُ إِلَّا الْعَمْدُ .

¹¹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 13

¹¹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 19 H 14

¹¹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 20 H 1

Ibn Mahboub, from Abu Ayoub, from Zureys Al Kunasy who said,

'I asked Abu Abdullah^{asws} about a woman and a slave who both kill a man in error. So he^{asws} said: 'The error of the woman and the slave is like the deliberate. So if the guardians of the killed one like to kill both of them, they can kill both of them. So if it was such that the value of the slave is more than five thousand Dirhams, so let it be returned to the master of the slave what remains after the five thousand Dirhams; and if they like to kill the woman and take the slave, or ransom him by his master; and if the value of the slave is less than the five thousand Dirhams, so there is nothing for them except for the slave'.¹¹⁸

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابِاطِيِّ عَنْ أَبِي عُبَيْدَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَام) عَنْ أَعْمَى فَقَالَ عَيْنٌ صَحِيحٌ [مُتَعَمِّدًا] قَالَ فَقَالَ يَا أَبَا عُبَيْدَةَ إِنَّ عَمَدَ الْأَعْمَى مِثْلُ الْخَطِإِ هَذَا فِيهِ الدِّيَّةُ مِنْ مَالِهِ فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ فَإِنَّ دِيَّتَهُ عَلَى الْإِمَامِ وَلَا يَبْطُلُ حَقُّ مُسْلِمٍ .

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

'I asked Abu Ja'far^{asws} about a blind (man) who blinded an eye of a correct one deliberately. So he^{asws} said: 'O Abu Ubeyda! The deliberation of the blind is like the error. In this in the wergild from his own wealth. So if there does not happen to be wealth for him, so his wergild is upon the Imam^{asws}, and a right of a Muslim would not be invalidated'.¹¹⁹

باب نادر

Chapter 21 - Miscellaneous

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ وَغُلَامٍ اشْتَرَكَا فِي قَتْلِ رَجُلٍ فَقَتَلَاهُ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) إِذَا بَلَغَ الْغُلَامُ خَمْسَةَ أَشْبَارٍ اقْتَصَّ مِنْهُ وَإِنْ لَمْ يَكُنْ بَلَغَ خَمْسَةَ أَشْبَارٍ فَضِي بِالْذِّيَّةِ .

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 regarding a man and a boy both having participated in killing a man, so they both killed him. So Amir Al-Momineen^{asws} said: 'When the boy reaches five open palm widths (In height), he would be retaliated from, and if he does not happen to reach five open palm widths (in height), he would be judged with the wergild'.¹²⁰

باب الرَّجُلِ يَقْتُلُ مَمْلُوكَهُ أَوْ يُنَكِّلُ بِهِ

Chapter 22 – The man kills his slave, or tortures him

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَتَلَ مَمْلُوكًا لَهُ قَالَ يُعْتَقُ رَقَبَةً وَ يَصُومُ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يَتُوبُ إِلَى اللَّهِ .

¹¹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 20 H 2

¹¹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 20 H 3

¹²⁰ Al Kafi – V 7 – The Book of Wergilds Ch 21 H 1

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who kills a slave of his. He^{asws} said: 'He emancipates a neck, and Fasts for two months consecutively, and repents to Allah^{azwj}'.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ مِثْلَهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Zurara, from Sama'at - similar to it'.¹²¹

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ فِي الرَّجُلِ يَقْتُلُ مَمْلُوكَهُ مُتَعَمِّدًا قَالَ يُعْجِبُنِي أَنْ يُعْتِقَ رَقَبَةً وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يُطْعِمَ سِتِّينَ مَسْكِينًا ثُمَّ تَكُونَ التَّوْبَةُ بَعْدَ ذَلِكَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said regarding the man who kills his slave deliberately. He^{asws} said: 'I^{asws} would like it if he would emancipate a neck, and Fasts for two months consecutively, and feed sixty poor (persons), then there would happen to be repentance (for him) after that'.¹²²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أُبُوبٍ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَقْتُلُ مَمْلُوكًا لَهُ قَالَ يُعْتِقُ رَقَبَةً وَ يَصُومُ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يَتُوبُ إِلَى اللَّهِ عَزَّ وَ جَلَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Humran,

(It has been narrated) from Abu Ja'far^{asws} regarding the man who kills a slave of his. He^{asws} said: 'He has to emancipate a neck, and Fast for two months consecutively, and repents to Allah^{azwj} Mighty and Majestic'.¹²³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أُبُوبٍ عَنْ أَبِي الْمَغْرَاءِ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ قَتَلَ عَبْدَهُ مُتَعَمِّدًا فَعَلَيْهِ أَنْ يُعْتِقَ رَقَبَةً وَ أَنْ يُطْعِمَ سِتِّينَ مَسْكِينًا وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Abu Al Magra, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who kills his slave deliberately, so upon him is that he should emancipate a neck, and that he should feed sixty poor (persons), and Fasts for two months consecutively'.¹²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ الْمُخْتَارِ بْنِ مُحَمَّدِ بْنِ الْمُخْتَارِ وَ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ الْعُلَوِيِّ جَمِيعًا عَنِ الْفَتْحِ بْنِ يَزِيدَ الْجُرْجَانِيِّ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ قَتَلَ مَمْلُوكَهُ أَوْ مَمْلُوكَهُ قَالَ إِنْ كَانَ الْمَمْلُوكُ لَهُ أَدَبٌ وَ حُبْسٌ إِلَّا أَنْ يَكُونَ مَعْرُوفًا بِقَتْلِ الْمَمَالِكِ فَيُقْتَلُ بِهِ .

¹²¹ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 1

¹²² Al Kafi – V 7 – The Book of Wergilds Ch 22 H 2

¹²³ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 3

¹²⁴ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 4

Ali Bin Ibrahim, from Al Mukhtar Bin Muhammad Bin Al Mukhtar, and Muhammad Bin Al Hassan, from Abdullah Bin Al Hassan Al Alawy, both together, from Al Fatah Bin Yazeed Al Jurjany,

(It has been narrated) from Abu Al-Hassan^{asws} regarding a man who kills his slave girl or slave man. He^{asws} said: 'If it was the owned slave of his, he would be disciplined and imprisoned, except if he happens to be well known with the killing of the slaves, so he would be killed due to it'.¹²⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مَسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) رَفَعَ إِلَيْهِ رَجُلٌ عَذَّبَ عَبْدَهُ حَتَّى مَاتَ فَضَرَبَهُ مِائَةً نَكَالًا وَ حَبَسَهُ سَنَةً وَ أَعْرَمَهُ قِيَمَةَ الْعَبْدِ فَتَصَدَّقَ بِهَا عَنْهُ .

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} that Amir Al-Momineen^{asws}, a matter was raised to him of a man who punished his slave until he died. So he^{asws} whipped him one hundred as a punishment, and imprisoned him for a year, and fined him the price of the slave, so it was give out in charity from him'.¹²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلِ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْهُمْ (عَلَيْهِمُ السَّلَامُ) قَالَ سُئِلَ عَنْ رَجُلٍ قَتَلَ مَمْلُوكَهُ قَالَ إِنْ كَانَ غَيْرَ مَعْرُوفٍ بِالْقَتْلِ ضُرِبَ ضَرْبًا شَدِيدًا وَ أُخِذَ مِنْهُ قِيَمَةُ الْعَبْدِ وَ يُدْفَعُ إِلَى بَيْتِ مَالِ الْمُسْلِمِينَ وَ إِنْ كَانَ مُتَعَوِّدًا لِلْقَتْلِ قُتِلَ بِهِ .

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

(It has been narrated) from them^{asws} (one of the Imams^{asws}) having been asked about a man who killed a slave of his. He^{asws} said: 'If he was not well known with the killing (of the slaves), he would be struck with intense strikes, and the price of the slave would be taken from him to the public treasury of the Muslims; and if he was habitual in the killing, he would be killed due to it'.¹²⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ قَطَعَتْ نَدْيَ وَ لَيْدَتِهَا أَنَّهَا حُرَّةٌ لَا سَبِيلَ لِمَوْلَاتِهَا عَلَيْهَا وَ قَضَى فِي مَنْ نَكَلَ بِمَمْلُوكِهِ فَهُوَ حُرٌّ لَا سَبِيلَ لَهُ عَلَيْهِ سَائِبَةٌ يَذْهَبُ فَيَنْوَلِي إِلَى مَنْ أَحَبَّ فَإِذَا ضَمِنَ جَرِيرَتَهُ فَهُوَ يَرْتَهُ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Hisham Bin Salim, from Abu Baseer,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a woman who cut off a breast of her child-bearing slave girl: 'She is free. There is no way for her mistress upon her'. And he^{asws} judged regarding the one who tortured his slave: 'So he is free, there is no way for him upon him. He is a 'Sa'iba' (unconditionally free), he can go and give his mastership to the one he so likes to. So when he takes the responsibility of his crimes, so he would inherit him'.¹²⁸

¹²⁵ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 5

¹²⁶ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 6

¹²⁷ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 7

¹²⁸ Al Kafi – V 7 – The Book of Wergilds Ch 22 H 8