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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)
(2)

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

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

بَابُ الرَّجُلِ الْحُرِّ يَقْتُلُ مَمْلُوكَ غَيْرِهِ أَوْ يَجْرَحُهُ وَ الْمَمْلُوكُ يَقْتُلُ الْحُرَّ أَوْ يَجْرَحُهُ

Chapter 23 – The free man kills a slave of someone else, or injures him, and the slave kills the free or injures him

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ قُلْتُ لَهُ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ كَتَبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرِّ بِالْحُرِّ وَ الْعَبْدُ بِالْعَبْدِ وَ الْأَنْثَى بِالْأَنْثَى قَالَ فَقَالَ لَا يَقْتُلُ حُرٌّ بَعْدِي وَ لَكِنْ يُضْرَبُ ضَرْبًا شَدِيدًا وَ يُعْرَمُ ثَمَنُهُ دِيَّةَ الْعَبْدِ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, 'I said to him^{asws}, 'The Words of Allah^{azwj} Mighty and Majestic [2:178] **O you who believe! The retaliation is Prescribed for you in the matter of the slain, the free for the free, and the slave for the slave, and the female for the female.** So he^{asws} said: 'The free would not be killed due to the slave, but he would be whipped with intense whipping, and would be fined his value as wergild for the slave'.¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ يَقْتُلُ الْعَبْدُ بِالْحُرِّ وَ لَا يَقْتُلُ الْحُرُّ بِالْعَبْدِ وَ لَكِنْ يُعْرَمُ ثَمَنُهُ وَ يُضْرَبُ ضَرْبًا شَدِيدًا حَتَّى لَا يَعُودَ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Usman Bin Isa, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The Slave would be killed due to the free, and the free would not be killed due to the slave, but he would be fined his value, and he would be whipped with an intense whipping until he does not repeat'.²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ لَا يَقْتُلُ الْحُرُّ بِالْعَبْدِ وَ إِذَا قَتَلَ الْحُرُّ الْعَبْدَ عُرِمَ ثَمَنُهُ وَ ضُرِبَ ضَرْبًا شَدِيدًا .

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: 'The free would not be killed due to the slave. And when the free one kills the slave, he would be fined his value, and would be whipped with intense whipping'.³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَقْتُلُ حُرٌّ بَعْدِي وَ إِنْ قَتَلَهُ عَمْدًا وَ لَكِنْ يُعْرَمُ ثَمَنُهُ وَ يُضْرَبُ ضَرْبًا شَدِيدًا إِذَا قَتَلَهُ عَمْدًا وَ قَالَ دِيَّةَ الْمَمْلُوكِ ثَمَنُهُ .

¹ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 1

² Al Kafi – V 7 – The Book of Wergilds Ch 23 H 2

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

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

Abu Abdullah^{asws} has said: 'The free would not be killed due to a slave, even if he kills him deliberately, but he would be fined his price and would be whipped with an intense whipping when he kills him deliberately'. And he^{asws} said: 'The wergild of the slave is his value'.⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ دِيَّةُ الْعَبْدِ قِيَمَتُهُ فَإِنْ كَانَ نَفِيسًا فَأَفْضَلُ قِيَمَتِهِ عَشْرَةُ آلَافٍ دِرْهَمٍ وَ لَا يُجَاوِزُ بِهِ دِيَّةُ الْحُرِّ .

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

Abu Abdullah^{asws} has said: 'Wergild of the slave is his value. So if he was precious, so the highest of his value would be a thousand Dirhams, and the wergild of the free would not be exceeded by it'.⁵

يُونُسُ عَنْ أَبَانَ بْنِ تَغْلِبَ عَمَّنْ رَوَاهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَتَلَ الْعَبْدُ الْحُرَّ دُفِعَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَإِنْ شَاءُوا قَتَلُوهُ وَ إِنْ شَاءُوا حَبَسُوهُ وَ إِنْ شَاءُوا اسْتَرْقَوْهُ وَ يَكُونُ عَبْدًا لَهُمْ .

Yunus, from Aban Bin Taghlab, from the one who reported it,

Abu Abdullah^{asws} has said: 'When the slave kills the free, he would be handed over to the guardians of the killed. So if they so desire to, they kill him, and if they so desire to, they imprison him, and if they so desire to, or leave him and he can be a slave to them'.⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيزٍ عَنْ زُرَّارَةَ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي الْعَبْدِ إِذَا قَتَلَ الْحُرَّ دُفِعَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَإِنْ شَاءُوا قَتَلُوهُ وَ إِنْ شَاءُوا اسْتَرْقَوْهُ .

Ali Bin Ibrahim, from his father, from hammad Bin Isa, from Hareyz, from Zurara,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the slave when he kills the free, he would be handed over to the guardians of the killed one, so if they so desire to, they kill him, and if they so desire to they keep him (as a slave for them).⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَامُ) عَنْ مُدَبِّرٍ قَتَلَ رَجُلًا عَمْدًا فَقَالَ يُقْتَلُ بِهِ قَالَ قُلْتُ فَإِنْ قَتَلَهُ خَطَأً قَالَ فَيُدْفَعُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَيَكُونُ لَهُمْ رِقًا إِنْ شَاءُوا بَاعُوهُ وَ إِنْ شَاءُوا اسْتَرْقَوْهُ وَ لَيْسَ لَهُمْ أَنْ يَقْتُلُوهُ قَالَ نَمَّ قَالَ يَا أَبَا مُحَمَّدٍ إِنَّ الْمُدَبِّرَ مَمْلُوكٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about the 'Mudabbir' (slave promised freedom upon the death of his master), who killed a man deliberately. So he^{asws} said: 'He would be killed due to it'. I said, 'So if he killed him in error?' So he^{asws} said: 'He would be handed over to

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

⁵ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 5

⁶ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 6

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

the guardians of the killed one, so he would happen to be a slave for them, if they so desire to they can sell him, and if they so desire to they can keep him, and it is not for them that they kill him'. Then he^{asws} said: 'O Abu Muhammad! The 'Mudabbir' is a slave'.⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مُدَبِّرٌ قَتَلَ رَجُلًا خَطَأً مَنْ يَضْمَنُ عَنْهُ قَالَ يُصَالِحُ عَنْهُ مَوْلَاهُ فَإِنْ أَبِي دَفِعَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ يَخْدُمُهُمْ حَتَّى يَمُوتَ الَّذِي دَبَّرَهُ ثُمَّ يَرْجِعُ حُرًّا لَا سَبِيلَ عَلَيْهِ وَ فِي رِوَايَةٍ أُخْرَى وَ يُسْتَسْعَى فِي قِيَمَتِهِ .

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

'I said to Abu Abdullah^{asws}, 'A 'Mudabbir' (Slave promised freedom upon the death of his master), who killed a man in error, who is responsible from him?' He^{asws} said: 'His master has to reconcile from him. But, if they refuse, he would be handed over to the guardians of the killed one to serve them until he dies, the one who had promised him freedom. Then he is returned as free, there not being a way against him'. And in another report: 'And he has to work regarding his value'.⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي مُحَمَّدٍ الْوَابِشِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَوْمٍ ادَّعَوْا عَلَى عَبْدِ جَنَابَةٍ يُحْبِطُ بِرَقَبَتِهِ فَأَقْرَأَ الْعَبْدُ بِهَا قَالَ لَا يَجُوزُ إِفْرَارُ الْعَبْدِ عَلَى سَيِّدِهِ فَإِنْ أَقَامُوا الْبَيِّنَةَ عَلَى مَا ادَّعَوْا عَلَى الْعَبْدِ أَخَذَ الْعَبْدُ بِهَا أَوْ يَفْتَدِيهِ مَوْلَاهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Muhammad Al Wabishy who said,

'I asked Abu Abdullah^{asws} about a group which claimed upon a slave for a crime which (the damage of which) was more than his value. So the slave accepted with it. He^{asws} said; 'The confession of the slave upon his master is not allowed. So if the proof is established upon what is being claimed upon the slave, the slave would be seized for it, or his master has to ransom him'.¹⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَائِعٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَتَلَ الْحُرُّ الْعَبْدَ غَرَمَ قِيَمَتَهُ وَ أَدَبَ فَيْلٍ فَإِنْ كَانَتْ قِيَمَتُهُ عَشْرِينَ أَلْفَ دِرْهَمٍ قَالَ لَا يُجَاوِزُ بِقِيَمَةِ عَبْدٍ دِيَةَ الْأَحْرَارِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the free kills the slave, he would be fined his value, and be disciplined, so even if his value was twenty thousand Dirhams'. He^{asws} said: 'It is not allowed for the value of a slave to exceed the wergild of the free ones'.¹¹

وَ عَنْهُ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِعٍ عَنِ الْفَضْلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي عَبْدٍ جَرَّحَ حُرًّا قَالَ إِنْ شَاءَ الْحُرُّ افْتَصَّ مِنْهُ وَ إِنْ شَاءَ أَخَذَهُ إِنْ كَانَتْ الْجِرَاحَةُ تُحْبِطُ بِرَقَبَتِهِ وَ إِنْ كَانَتْ لَا تُحْبِطُ بِرَقَبَتِهِ افْتَدَاهُ مَوْلَاهُ فَإِنْ أَبِي مَوْلَاهُ أَنْ يَفْتَدِيَهُ كَانَ لِلْحُرِّ الْمَجْرُوحِ مِنَ الْعَبْدِ بِقَدْرِ دِيَةِ جِرَاحَتِهِ وَ الْبَاقِي لِلْمَوْلَى يُبَاغِ الْعَبْدُ فَيَأْخُذُ الْمَجْرُوحَ حَقَّهُ وَ يُرَدُّ الْبَاقِي عَلَى الْمَوْلَى .

⁸ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 8

⁹ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 9

¹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 10

¹¹ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 11

And from him, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Ali Bin Raib, from Al Fuzayl Bin Yasaar,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a slave having injured a free: 'If the free one so desires to he can retaliate from it, and if he so desires to he can seize him, if it was such that the injuries exceeded his freedom (price), and if it did not exceed his freedom price, his master has to ransom him. So if his master refuses to ransom him, there would be for the free one, the injured, a wergild of the measure of his injuries sustained, and the remainder would be for the master. The slave would be sold, so the injured would take his right, and return the remainder upon the master'.¹²

ابْنُ مَحْبُوبٍ عَنْ عَبْدِ الْعَزِيزِ الْعَبْدِيِّ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَجَّ عَبْدًا مُوضِحَةً قَالَ عَلَيْهِ نِصْفُ عَشْرِ قِيمَتِهِ .

Ibn Mahboub, from Abdul Aziz Al Abdy, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who fractured a bone of a slave. He^{asws} said: 'Upon him is half of the tenth of his price'.¹³

ابْنُ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ عَبْدٍ قَطَعَ يَدَ رَجُلٍ حُرٍّ وَ لَهُ ثَلَاثُ أَصَابِعٍ مِنْ يَدِهِ شَلَّلٌ فَقَالَ وَ مَا قِيمَةُ الْعَبْدِ فَلْتُ اجْعَلْهَا مَا شِئْتُمْ قَالَ إِنْ كَانَ قِيمَةُ الْعَبْدِ أَكْثَرَ مِنْ دِيَةِ الْإِصْبَعَيْنِ الصَّحِيحَتَيْنِ وَ الثَّلَاثِ أَصَابِعِ الشَّلَّلِ رَدَّ الَّذِي قُطِعَتْ يَدُهُ عَلَى مَوْلَى الْعَبْدِ مَا فَضَلَ مِنَ الْقِيمَةِ وَ أَخَذَ الْعَبْدَ وَ إِنْ شَاءَ أَخَذَ قِيمَةَ الْإِصْبَعَيْنِ الصَّحِيحَتَيْنِ وَ الثَّلَاثِ أَصَابِعِ الشَّلَّلِ

Ibn Mahboub, from Al Hassan Bin Salih who said,

'I asked Abu Abdullah^{asws} about a slave who cut-off the hand of a free man, and for him were three paralysed fingers from his hand. So he^{asws} said: 'And what is the value of the slave?' I said, 'Make it to be whatever you^{asws} like'. He^{asws} said: 'If the value of the slave was more than the wergild of the two correct fingers, and the three paralysed fingers, the one whose hand was cut off has to return to the master of the slave whatever was the remainder from the value, and seize the slave; and if he so desire to he can take the value of the two correct fingers and the three paralysed fingers'.

قُلْتُ وَ كَمْ قِيمَةُ الْإِصْبَعَيْنِ الصَّحِيحَتَيْنِ مَعَ الْكَفِّ وَ الثَّلَاثِ الْأَصَابِعِ [الشَّلَّلِ] قَالَ قِيمَةُ الْإِصْبَعَيْنِ الصَّحِيحَتَيْنِ مَعَ الْكَفِّ أَلْفًا دِرْهَمٌ وَ قِيمَةُ الثَّلَاثِ الْأَصَابِعِ الشَّلَّلِ مَعَ الْكَفِّ أَلْفٌ دِرْهَمٌ لِأَنَّهَا عَلَى الثَّلَاثِ مِنْ دِيَةِ الصَّحَّاحِ

I said, 'And how much is the value of the two correct fingers along with the palm, and the three paralysed fingers?' He^{asws} said: 'The value of the two correct fingers along with the palm is two thousand Dirhams, and the value of the three paralysed fingers along with the palm is a thousand Dirhams, because it is the third from the wergild of the correct (fingers).

قَالَ وَ إِنْ كَانَ قِيمَةُ الْعَبْدِ أَقَلَّ مِنْ دِيَةِ الْإِصْبَعَيْنِ الصَّحِيحَتَيْنِ وَ الثَّلَاثِ الْأَصَابِعِ الشَّلَّلِ دُفِعَ الْعَبْدُ إِلَى الَّذِي قُطِعَتْ يَدُهُ أَوْ يَفْتَدِيهِ مَوْلَاهُ وَ يَأْخُذُ الْعَبْدَ .

¹² Al Kafi – V 7 – The Book of Wergilds Ch 23 H 12

¹³ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 13

He^{asws} said: 'And if it was such that the value of the slave is less than the wergild of the two correct fingers, and the three paralysed fingers, the slave would be handed over to the one whose hand was cut off, or his master has to ransom him, and he can take the slave'.¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَمَّنْ رَوَاهُ قَالَ قَالَ يَلْزَمُ مَوْلَى الْعَبْدِ قِصَاصُ جِرَاحَةِ عَبْدِهِ مِنْ قِيَمَةِ دَيْتِهِ عَلَى حِسَابِ ذَلِكَ بِصِيرُ أَرُشِ الْجِرَاحَةِ وَإِذَا جَرَحَ الْحُرُّ الْعَبْدَ فَقِيَمَةُ جِرَاحَتِهِ مِنْ حِسَابِ قِيَمَتِهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from the one who reported it, said,

'He^{asws} said: 'It necessitates a master of the slave (to accept) the retaliation of an injury of his slave from the value of his wergild upon the accounting which comes to compensate for the injury; and when the free injures the slave, the value of his injury is from accounting of his (own) value'.¹⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ جَمِيلٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ حُمْرَانَ جَمِيعاً عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي مُدَبَّرٍ قَتَلَ رَجُلًا خَطَأً قَالَ إِنْ شَاءَ مَوْلَاهُ أَنْ يُؤَدِّيَ إِلَيْهِمُ الدِّيَةَ وَ إِلَّا دَفَعَهُ إِلَيْهِمْ بِخُدْمَتِهِمْ فَإِذَا مَاتَ مَوْلَاهُ يَعْنِي الَّذِي أَعْتَقَهُ رَجَعَ حُرًّا وَ فِي رِوَايَةِ يُونُسَ لَا شَيْءَ عَلَيْهِ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Jameel, and Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Muhammad Bin Humran,

(It has been narrated) both together from Abu Abdullah^{asws} regarding a *Mudabbir* (slave promised freedom upon the death of his master), who killed a man in error. He^{asws} said: 'If his master so desires to he can pay the wergild to them, or else hand him over to them, for him to serve them. So when his master dies, meaning the one who (promised to) free him, he would return as free'. And in another report of Yunus: 'There would be nothing upon him'.¹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ نَعِيمِ بْنِ إِبْرَاهِيمَ عَنْ مَسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أُمُّ الْوَلَدِ جِنَايَتُهَا فِي حُقُوقِ النَّاسِ عَلَى سَيِّدِهَا وَ مَا كَانَ مِنْ حُقُوقِ اللَّهِ عَزَّ وَ جَلَّ فِي الْأَحْدُودِ فَإِنَّ ذَلِكَ فِي بَدَنِهَا قَالَ وَ يُقَاصُّ مِنْهَا لِلْمَمَالِيكِ وَ لَا قِصَاصَ بَيْنَ الْحُرِّ وَ الْعَبْدِ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Nuaym Bin Ibrahim, from Misma'a Bin Abdul Malik,

Abu Abdullah^{asws} has said: 'A (slave) mother of the child, her crimes regarding the rights of the people are upon her master, and whatever was from the Rights of Allah^{azwj} Mighty and Majestic regarding the legal penalties (*Hadd*), so that would be upon her body; and there would be retaliation from it for the slaves, and there would be no retaliation between the free and the slave'.¹⁷

عَنْهُ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي عَبْدٍ فَقَأَ عَيْنَ حُرٍّ وَ عَلَى الْعَبْدِ دَيْنٌ إِنَّ عَلَى الْعَبْدِ حَدًّا لِلْمَقْضَى عَلَيْهِ وَ يَبْطُلُ دَيْنُ الْعُرْمَاءِ .

From him, from his father, from Al Nowfaly, from Al Sakuny,

¹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 13

¹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 15

¹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 16

¹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 17

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} said regarding a slave who blinded an eye of a free, and upon the slave was a debt: ‘Upon the slave is a legal penalty (*Hadd*) for the blinding of his eye, and it would invalidate the debt of the creditors’.¹⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ لَهُ مَمْلُوكَانِ قَتَلَ أَحَدَهُمَا صَاحِبَهُ أَلَهُ أَنْ يُقَيِّدَهُ بِهِ دُونَ السُّلْطَانِ إِنْ أَحَبَّ ذَلِكَ قَالَ هُوَ مَالُهُ يَفْعَلُ بِهِ مَا يَشَاءُ إِنْ شَاءَ قَتَلَهُ وَ إِنْ شَاءَ عَفَا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Is’haq Bin Ammar who said,

‘I asked Abu Abdullah^{asws} about a man for whom were two slaves. One of the two killed his companion, is it for him that he can retaliate with him besides the ruling authorities, if he so likes that?’ He^{asws} said: ‘He was his property. He can do whatsoever he so desires to with him. If he so desires to, he can kill him, and if he so desires to he can pardon’.¹⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنِ الْخَطَّابِ بْنِ سَلَمَةَ عَنْ هِشَامِ بْنِ أَحْمَرَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ مُدَبِّرٍ قَتَلَ رَجُلًا خَطَأً قَالَ أَيُّ شَيْءٍ رُوَيْتُمْ فِي هَذَا قَالَ قُلْتُ رُوَيْنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ يُنْتَلُ بِرَمْتِهِ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَإِذَا مَاتَ الَّذِي دَبَّرَهُ أُعْتِقَ قَالَ سُبْحَانَ اللَّهِ فَيَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ قَالَ قُلْتُ هَكَذَا رُوَيْنَا قَالَ قَدْ غَلَطْتُمْ عَلَى أَبِي يُنْتَلُ بِرَمْتِهِ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَإِذَا مَاتَ الَّذِي دَبَّرَهُ اسْتَسْعَى فِي قِيَمَتِهِ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from Al Khattab Bin Salama, from Hisham Bin Ahmad who said,

‘I asked Abu Al-Hassan^{asws} about a *Mudabbir* (slave promised freedom upon the death of his master), who killed a man in error. He^{asws} said: ‘Which thing are you all reporting with regards to this?’ I said, ‘We are reporting from Abu Abdullah^{asws} having said: ‘He would be completely handed over to the guardians of the killed one. So when the one who promised his freedom upon his own death were to die, he is free’. He^{asws} said: ‘Glory be to Allah^{azwj}! So the blood of a Muslim person has been invalidated?’ I said, ‘This is how we are reporting it’. He^{asws} said: ‘You are mistaken upon my^{asws} father^{asws}. He would be completely handed over to the guardians of the killed one. So when the one who promised him freedom upon his own death were to die, he has to work with regards to his value’.²⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي أَنْفِ الْعَبْدِ أَوْ ذَكَرَهُ أَوْ شَيْءٍ يُحْبِطُ بِتَمْنِيهِ أَنَّهُ يُؤَدِّي إِلَى مَوْلَاهُ قِيَمَةَ الْعَبْدِ وَ يَأْخُذُ الْعَبْدَ .

Ali Bin Ibrahim, from his father, from Ibn Fazzal, from Yunus Bin Yaqoub, from Abu Maryam,

(It has been narrated) from Abu Ja’far^{asws} having said: ‘Amir Al-Momineen^{asws} judged regarding a nose of the slave, or his manhood, or something which overcame his value, and he has to pay to his master the value of the slave, and take the slave’.²¹

بَابُ الْمَكَاتِبِ يَقْتُلُ الْحُرَّ أَوْ يَجْرَحُهُ وَ الْحُرُّ يَقْتُلُ الْمَكَاتِبَ أَوْ يَجْرَحُهُ

¹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 18

¹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 19

²⁰ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 20

²¹ Al Kafi – V 7 – The Book of Wergilds Ch 23 H 21

Chapter 24 – The contracted slave kills the free or injures him, and the free kills the contracted slave or injures him

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي مَكَاتِبٍ قُتِلَ قَالَ يُحْسَبُ مَا أَعْتَقَ مِنْهُ فَيُؤَدَّى دِيَةَ الْحُرِّ وَ مَا رَقَّ مِنْهُ فِدْيَةُ الْعَبْدِ.

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a contracted slave who was killed. He^{asws} said: 'It would be counted what (proportion) he was free from it, so he (the killer) would pay the wergild of the free, and what (proportion) he was still enslaved from it, is a ransom of the slave'.²²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادِ الْخَنَاطِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ مَكَاتِبٍ اشْتَرَطَ عَلَيْهِ مَوْلَاهُ حِينَ كَاتَبَهُ جَنَى إِلَى رَجُلٍ جِنَايَةً فَقَالَ إِنْ كَانَ أَدَى مِنْ مَكَاتِبِهِ شَيْئاً أَعْرَمَ فِي جِنَايَتِهِ بِقَدْرِ مَا أَدَى مِنْ مَكَاتِبِهِ لِلْحُرِّ فَإِنْ عَجَزَ عَنْ حَقِّ الْجِنَايَةِ شَيْئاً أَخَذَ ذَلِكَ مِنْ مَالِ الْمَوْلَى الَّذِي كَاتَبَهُ

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

'I asked Abu Abdullah^{asws} about a contracted slave, his master stipulated a condition upon him when he contracted him, he would pay to a man he commits a crime against. So he^{asws} said; 'If he has fulfilled something from his contract, he would be fined for his crime in accordance with what he has paid from his contract, to the free. So if he was frustrated from (paying) anything from the right of the crime, that would be taken from the wealth of the master who had contracted him'.

قُلْتُ فَإِنْ كَاتَبَ الْجِنَايَةَ لِلْعَبْدِ قَالَ فَقَالَ عَلَى مِثْلِ ذَلِكَ دُفِعَ إِلَى مَوْلَى الْعَبْدِ الَّذِي جَرَحَهُ الْمَكَاتِبُ وَ لَا تَقَاصَّ بَيْنَ الْمَكَاتِبِ وَ بَيْنَ الْعَبْدِ إِذَا كَانَ الْمَكَاتِبُ قَدْ أَدَى مِنْ مَكَاتِبِهِ شَيْئاً فَإِنْ لَمْ يَكُنْ أَدَى مِنْ مَكَاتِبِهِ شَيْئاً فَإِنَّهُ يُقَاصُّ الْعَبْدُ مِنْهُ أَوْ يُعْرَمُ الْمَوْلَى كُلُّ مَا جَنَى الْمَكَاتِبُ لِأَنَّهُ عَبْدُهُ مَا لَمْ يُؤَدِّ مِنْ مَكَاتِبِهِ شَيْئاً .

I said, 'If it was that the (compensation of the) crime was for the slave?' So he^{asws} said: 'A similar amount would be handed over to the master of the slave whom the contracted slave injured, and there would be no retaliation between the contracted slave and the (owned) slave when it was that the contracted slave had paid something off from his contract. So if he did not happen to have paid something off from his contract, so the slave would be retaliated from him, or the master would be fined for every crime which the contracted slave committed, because he is his slave, if he has not paid anything off from his contract'.²³

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ مَكَاتِبٍ قَتَلَ رَجُلًا خَطَأً قَالَ إِنْ كَانَ مَوْلَاهُ حِينَ كَاتَبَهُ اشْتَرَطَ عَلَيْهِ أَنْ عَجَزَ فَهُوَ رَدٌّ فِي الرِّقِّ فَهُوَ بِمَنْزِلَةِ الْمَمْلُوكِ يُدْفَعُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَإِنْ شَاءُوا قَتَلُوا وَ إِنْ شَاءُوا بَاعُوا وَ إِنْ كَانَ مَوْلَاهُ حِينَ كَاتَبَهُ لَمْ يَشْتَرِطْ عَلَيْهِ وَ قَدْ كَانَ أَدَى مِنْ مَكَاتِبِهِ شَيْئاً فَإِنَّ عَلِيّاً (عَلَيْهِ السَّلَامُ) كَانَ يَقُولُ يُعْتَقُ مِنَ الْمَكَاتِبِ بِقَدْرِ مَا أَدَى مِنْ مَكَاتِبِهِ

Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim who said,

²² Al Kafi – V 7 – The Book of Wergilds Ch 24 H 1

²³ Al Kafi – V 7 – The Book of Wergilds Ch 24 H 2

'I asked Abu Ja'far^{asws} about a contracted slave who killed a man in error. So he^{asws} said: 'If it was the case that his master had stipulated upon him when he contracted him, that if he was frustrated (from paying), so he would return it with regards to the slave, so he would be at the status of the owned slave. He would be handed over to the guardians of the killed one, so if they so desire to they can kill him, and if they so desire to they can sell him. And if it was that his master, when he contracted him, did not stipulate upon him, and it was such that he had paid something off from his contract, so Ali^{asws} was saying: 'He would be free from the contract in proportionate to what he has paid off from his contract'.

فَإِنَّ عَلَى الْإِمَامِ أَنْ يُؤَدِّيَ إِلَى أَوْلِيَاءِ الْمُقْتُولِ مِنَ الدِّيَةِ بِقَدْرِ مَا أُعْتِقَ مِنَ الْمُكَاتَبِ وَ لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ وَ أَرَى أَنْ يَكُونَ مَا بَقِيَ عَلَى الْمُكَاتَبِ مِمَّا لَمْ يُؤَدِّهِ رِقًّا لِأَوْلِيَاءِ الْمُقْتُولِ يَسْتَحْدِمُونَهُ حَيَاتَهُ بِقَدْرِ مَا بَقِيَ عَلَيْهِ وَ لَيْسَ لَهُمْ أَنْ يَبِيعُوهُ .

Thus it would be upon the Imam^{asws} that he^{asws} pays the wergild to the guardians of the killed one in accordance to what he has been freed from the contract, and the blood of a Muslim person would not be invalidated. And I^{asws} see that whatever remains upon the contracted slave, from what he has not paid off, he would be enslaved to the guardians of the killed one, to serve them for his life, in proportionate to what remains upon him, and it would not be for them that they sell him'.²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي مُكَاتَبٍ قَتَلَ رَجُلًا خَطَأً قَالَ عَلَيْهِ مِنْ دِيَّتِهِ بِقَدْرِ مَا أُعْتِقَ وَ عَلَى مَوْلَاهُ مَا بَقِيَ مِنْ قِيَمَةِ الْمَمْلُوكِ فَإِنْ عَجَزَ الْمُكَاتَبُ فَلَا عَاقِلَةَ لَهُ إِنَّمَا ذَلِكَ عَلَى إِمَامِ الْمُسْلِمِينَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said regarding a contracted slave who killed a man in error. He^{asws} said: 'Upon him from his wergild, is in proportion to what he is free, and upon his master is what remains from the value of the price. So if the contracted slave is frustrated (from paying), so there is no blood (compensation) for him. But rather, that is upon the Imam^{asws} of the Muslims'.²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ حُرٍّ قَتَلَ عَبْدًا قِيَمَتُهُ عَشْرُونَ أَلْفَ دِرْهَمٍ فَقَالَ لَا يَجُوزُ أَنْ يُتَجَاوَزَ بِقِيَمَةِ عَبْدٍ أَكْثَرَ مِنْ دِيَّةِ حُرٍّ .

Ali Bin Ibrahim, from his father, from Al Hassan Bin Mahboub, from Al Hassan Bin Salih,

(It has been narrated) from Abu Abdullah^{asws} regarding a free man who kills a slave who value is twenty thousand Dirham. So he^{asws} said: 'It is not allowed that the value of a slave should be more than the wergild of a free'.²⁶

²⁴ Al Kafi – V 7 – The Book of Wergilds Ch 24 H 3

²⁵ Al Kafi – V 7 – The Book of Wergilds Ch 24 H 4

²⁶ Al Kafi – V 7 – The Book of Wergilds Ch 24 H 5

بَابُ الْمُسْلِمِ يَقْتُلُ الدَّمِيَّ أَوْ يَجْرَحُهُ وَ الدَّمِيَّ يَقْتُلُ الْمُسْلِمَ أَوْ يَجْرَحُهُ أَوْ يَقْتَصُّ بَعْضُهُمْ بَعْضًا

Chapter 25 – The Muslim kills the *Zimmy* or injures him, and the *Zimmy* kills the Muslim or injures him, or they retaliate against each other

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ دِيَّةُ الْيَهُودِيِّ وَ النَّصْرَانِيِّ وَ الْمَجُوسِيِّ ثَمَانِمِائَةٌ دِرْهَمٌ .

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

Abu Abdullah^{asws} has said: 'Wergild of the Jew, and the Christian, and the Magian, is eight hundred Dirhams'.²⁷

وَ عَنْهُ عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا قَتَلَ الْمُسْلِمُ يَهُودِيًّا أَوْ نَصْرَانِيًّا أَوْ مَجُوسِيًّا فَأَرَادُوا أَنْ يُقِيدُوا رَدُّوا فَضْلَ دِيَّةِ الْمُسْلِمِ وَ أَقَادُوهُ .

And from him, from Ibn Muskan,

Abu Abdullah^{asws} has said: 'When the Muslim kills a Jew, or a Christian, or a Magian, so they intend that they retaliate, they have to return the excess wergild to the (guardians of the) Muslim, and retaliate him'.²⁸

وَ عَنْهُ عَنِ زُرْعَةَ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ مُسْلِمٍ قَتَلَ رَجُلًا مِنْ أَهْلِ الدِّمَّةِ فَقَالَ هَذَا حَدِيثٌ شَدِيدٌ لَا يَحْتَمِلُهُ النَّاسُ وَ لَكِنْ يُعْطَى الدَّمِيَّ دِيَّةَ الْمُسْلِمِ ثُمَّ يُقْتَلُ بِهِ الْمُسْلِمُ .

And from him, from Zurara, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws} regarding a Muslim man who kills a man from the *Zimmy* people. So he^{asws} said: 'This is a harsh Hadeeth, the people cannot bear it, but the *Zimmy* has to give the wergild of the Muslim, then the Muslim would be killed due to it'.²⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ أَوْ غَيْرِهِ عَنْ أَبِيَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ دِمَاءِ الْمَجُوسِ وَ الْيَهُودِ وَ النَّصَارَى هَلْ عَلَيْهِمْ وَ عَلَى مَنْ قَتَلَهُمْ شَيْءٌ إِذَا عَشُوا الْمُسْلِمِينَ وَ أَظْهَرُوا الْعَدَاوَةَ لَهُمْ قَالَ لَا إِلَّا أَنْ يَكُونَ مُتَعَوِّدًا لِقَتْلِهِمْ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, or someone else, from Aban, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about blood of the Magian, and the Jew, and the Christian, is there anything upon them and upon the one who kills them, when they overcome the Muslims and display enmity to them?' He^{asws} said: 'No, except if he is habitual in killing them'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمُسْلِمِ هَلْ يُقْتَلُ بِأَهْلِ الدِّمَّةِ وَ أَهْلِ الْكِتَابِ إِذَا قَتَلَهُمْ قَالَ لَا إِلَّا أَنْ يَكُونَ مُتَعَوِّدًا لِذَلِكَ لَا يَدْعُ قَتْلَهُمْ فَيُقْتَلُ وَ هُوَ صَاحِرٌ .

²⁷ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 1

²⁸ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 2

²⁹ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 3

He (the narrator) said: 'And I asked him^{asws} about the Muslim, would he be killed due to the Zimmy people, and the People of the Book, when he kills them?' He^{asws} said: 'No, except if it happens to be habitual for that, not leaving killing them, so he would be killed due to it, and he would be belittled'.³⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَام) مِثْلَهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Muhammad Bin Al Fuzayl,

(It has been narrated) from Abu Al Hassan Al Reza^{asws} – similat to it'.

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبَانَ بْنِ تَغْلِبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِبْرَاهِيمُ يَزْعُمُ أَنَّ دِيَةَ الْيَهُودِيِّ وَ النَّصْرَانِيِّ وَ الْمَجُوسِيِّ سَوَاءٌ فَقَالَ نَعَمْ قَالَ الْحَقُّ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Mansour Bin Hazim, from Aban Bin Taghlab who said,

'I said to Abu Abdullah^{asws}, 'Ibrahim is alleging that the wergild of the Jews, and the Christians, and the Magians, is the same'. So he^{asws} said: 'Yes, he said the truth'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) كَانَ يَقُولُ يُقْتَلُ لِلنَّصْرَانِيِّ وَ الْيَهُودِيِّ وَ الْمَجُوسِيِّ بَعْضُهُمْ مِنْ بَعْضٍ وَ يُقْتَلُ بَعْضُهُمْ بِبَعْضٍ إِذَا قَتَلُوا عَمْدًا .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} was saying: 'For the Christians, and the Jews, and the Magians, there would be retaliation from each other, and they would be killed for each other when they kill deliberately'.³²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَائِعٍ عَنْ ضُرَيْبِ بْنِ الْكُنَاسِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي نَصْرَانِيٍّ قَتَلَ مُسْلِمًا فَلَمَّا أَخَذَ أَسْلَمَ قَالَ أَقْتَلُهُ بِهِ قِيلَ وَ إِنْ لَمْ يُسَلِّمْ قَالَ يُدْفَعُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ [فَإِنْ شَاءُوا قَتَلُوا وَ إِنْ شَاءُوا عَفَوْا وَ إِنْ شَاءُوا اسْتَرْقَوْا وَ إِنْ كَانَ مَعَهُ مَالٌ دَفِعَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ] هُوَ وَ مَالُهُ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim from his father, both together from Ibn Mahboub, from Ibn Raib, from Zureys Al Kunasy,

(It has been narrated) from Abu Ja'far^{asws} regarding a Christian who killed a Muslim. So when he was seized, he became a Muslim. He^{asws} said: 'He would be killed due to it'. It was said: 'And if he had not become a Muslim?' He^{asws} said: 'He would be handed over to the guardians of the killed one (if they so desire to they kill him, and if they so desire to they pardon him, and if they so desire to they enslave him, and if there was wealth with him, it would be handed over to the guardians of the killed one), him and his wealth'.³³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ فَصَّالَةَ بْنِ أَيُّوبَ عَنْ أَبِي الْمَغْرَاءِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا قَتَلَ الْمُسْلِمُ النَّصْرَانِيَّ فَارَادَ أَهْلُ النَّصْرَانِيَّ أَنْ يَقْتُلُوهُ قَتَلُوهُ وَ آذُوا فَضَّلَ مَا بَيْنَ الدِّينَيْنِ .

³⁰ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 4

³¹ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 5

³² Al Kafi – V 7 – The Book of Wergilds Ch 25 H 6

³³ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 7

A number of our companions, from Ahmad Bin Muhammad, 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: 'When the Muslim kills the Christian, so the family of the Christian intend to kill him, they can kill him and pay the excess of what is between the two Wergilds'.³⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا يُقَادُ مُسْلِمٌ بِذَمِّي فِي الْقَتْلِ وَلَا فِي الْجَرَاحَاتِ وَ لَكِنْ يُؤْخَذُ مِنَ الْمُسْلِمِ جَنَائِئُهُ لِلذَّمِّيِّ عَلَى قَدْرِ دِيَّةِ الذَّمِّيِّ ثَمَانِمِائَةَ دِرْهَمٍ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'A Muslim would not be retaliated regarding the killing, nor with regards to the injuries, but (the compensation) for his crime would be taken from the Muslim for the *Zimmy*, in accordance with the wergild of the *Zimmy*, eight hundred Dirhams'.³⁵

ابْنُ مَحْبُوبٍ عَنْ ابْنِ رَبَائٍ عَنْ بُرَيْدِ الْعَجَلِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ مُسْلِمٍ فَقَالَ عَيْنٌ نَصْرَانِيٍّ فَقَالَ إِنَّ دِيَّةَ عَيْنِ النَّصْرَانِيِّ أَرْبَعُمِائَةَ دِرْهَمٍ .

Ibn Mahboub, from Ibn Raib, from Bureyd Al Ajaly who said,

'I asked Abu Abdullah^{asws} about a Muslim man who blinded an eye of a Christian. So he^{asws} said: 'The wergild of an eye of a Christian is four hundred Dirhams'.³⁶

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ وَ ابْنِ بُكَيْرٍ عَنْ لَيْثِ الْمُرَادِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ دِيَّةِ النَّصْرَانِيِّ وَ الْيَهُودِيِّ وَ الْمَجُوسِيِّ قَالَ دِيَّتُهُمْ جَمِيعاً سَوَاءً ثَمَانِمِائَةَ دِرْهَمٍ ثَمَانِمِائَةَ دِرْهَمٍ .

Ibn Mahboub, from Abu Ayoun, and Ibn Bukeyr, from Lays Al Murady who said,

'I asked Abu Abdullah^{asws} about the wergild of the Christian, and the Jew, and the Magian. He^{asws} said: 'Their wergilds are all the same – eight hundred Dirhams, eight hundred Dirhams'.³⁷

حُمَيْدُ بْنُ زِيَادٍ عَنْ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمِثَمِيِّ عَنْ أَبَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْمُسْلِمِ هَلْ يُقْتَلُ بِأَهْلِ الذَّمِّ قَالَ لَا إِلَّا أَنْ يَكُونَ مُعَوِّدًا لِقَتْلِهِمْ فَيُقْتَلُ وَ هُوَ صَاحِرٌ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ahmad Bin Al Hassan Al Maysami, from Aban, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about the Muslim, would he be killed due to the Zimmy people?' He^{asws} said: 'No, except if he happens to be habitual of killing them, so he would be killed, and he would be belittled'.³⁸

³⁴ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 8

³⁵ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 9

³⁶ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 10

³⁷ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 11

³⁸ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 12

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَضَى فِي جَنِينِ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ وَ الْمُجُوسِيَّةِ عَشْرَ دِينَةٍ أُمِّهِ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} judged regarding foetuses of the Jews, and the Christians, and the Magians to be a tenth of the wergild of its mother'.³⁹

بَاب مَا تَجِبُ فِيهِ الدِّيَّةُ كَامِلَةً مِنَ الْجَرَاحَاتِ الَّتِي دُونَ النَّفْسِ وَ مَا يَجِبُ فِيهِ نِصْفُ الدِّيَّةِ وَ التُّلْثُ وَ التُّلْثَانِ

Chapter 26 – Regarding what Obligates the complete wergild from the injuries which are less than fatal, and regarding what is Obligated half the wergild, and the third, and the two thirds

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ أَنَّهُ عَرَضَ عَلَى أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) كِتَابَ الدِّيَاتِ وَ كَانَ فِيهِ فِي ذَهَابِ السَّمْعِ كُلِّهِ أَلْفُ دِينَارٍ وَ الصَّوْتِ كُلِّهِ مِنَ الْعَنَنِ وَ الْبَحِّحِ أَلْفُ دِينَارٍ وَ شَلْلِ الْيَدَيْنِ كِلْتَيْهِمَا [وَ] الشَّلْلِ كُلِّهِ أَلْفُ دِينَارٍ وَ شَلْلِ الرَّجْلَيْنِ أَلْفُ دِينَارٍ وَ الشَّقَقَيْنِ إِذَا اسْتَوْصِلْنَا أَلْفُ دِينَارٍ وَ الظَّهْرِ إِذَا حَدَبَ أَلْفُ دِينَارٍ وَ الذِّكْرِ إِذَا اسْتَوْصِلَ أَلْفُ دِينَارٍ وَ الْبَيْضَتَيْنِ أَلْفُ دِينَارٍ وَ فِي صُدُغِ الرَّجُلِ إِذَا أُصِيبَ فَلَمْ يَسْتَطِعْ أَنْ يَلْتَفِتَ إِلَّا مَا انْحَرَفَ الرَّجُلُ نِصْفُ الدِّيَّةِ خَمْسِمِائَةَ دِينَارٍ فَمَا كَانَ دُونَ ذَلِكَ فَبِحِسَابِهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus and a number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Isa,

(It has been narrated) from Yunus who presented to Abu Al-Hassan Al-Reza^{asws} a book of the wergild, and there was in it for the loss of the hearing, all of it, a thousand Dinars, and (the loss of) the voice, all of it, from the sound of the nose and the hoarse sound, to be a thousand Dinars, and the paralysis of the two hands, of both of them, and the paralyses, all of it to be of a thousand Dinars, and paralyses of the two feet being a thousand Dinars, and the two lips when severed, being a thousand Dinars, and the back when it humps, a thousand Dinars, and the manhood when it is severed, a thousand Dinars, and the two testicles being a thousand Dinars, and regarding the temple of the man when it is hit, so he is not able to turn except by swerving, is half the wergild, five hundred Dinars. So whatever was less than that, that would be by its counting'.⁴⁰

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ عَنِ الرَّضَا (عَلَيْهِ السَّلَام) مِثْلَهُ .

Ali, from his father, from Ibn Fazzal,

(It has been narrated) from Al-Reza^{asws}, similar to it'.

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْيَدِ فَقَالَ نِصْفُ الدِّيَّةِ وَ فِي الْأُذُنِ نِصْفُ الدِّيَّةِ إِذَا قَطَعَهَا مِنْ أَصْلِهَا .

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

³⁹ Al Kafi – V 7 – The Book of Wergilds Ch 25 H 12

⁴⁰ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 1

'I asked about the hand, so he^{asws} said: 'Half the wergild, and regarding the ears, half the wergild when these are cut off from its roots'.⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي الرَّجُلِ يُكْسَرُ ظَهْرُهُ قَالَ فِيهِ الدِّيَةُ كَامِلَةٌ وَفِي الْعَيْنَيْنِ الدِّيَةُ وَفِي إِحْدَاهُمَا نِصْفُ الدِّيَةِ وَفِي الْأَذْنَيْنِ الدِّيَةُ وَفِي إِحْدَاهُمَا نِصْفُ الدِّيَةِ وَفِي الذَّكَرِ إِذَا قُطِعَتِ الْحَشْفَةُ وَ مَا فَوْقَ الدِّيَةِ وَفِي الْأَنْفِ إِذَا قُطِعَ الْمَارِنُ الدِّيَةُ وَفِي الشَّفَتَيْنِ الدِّيَةُ .

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 the man who broke his back. He^{asws} said: 'Regarding it is the complete wergild; and regarding the two eyes is the (complete) wergild, and regarding one of the two is half the wergild; and regarding the two ears is the (complete) wergild, and regarding of the two is half the wergild; and regarding the manhood when it's tip is cut off and what is above, is the (complete) wergild; and regarding the nose when the soft parts are cut off, and regarding the two lips is the (complete) wergild'.⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الْأَنْفِ إِذَا اسْتَوْصِلَ جُدْعُهُ الدِّيَةُ وَفِي الْعَيْنِ إِذَا قُوتَتْ نِصْفُ الدِّيَةِ وَفِي الْأَذْنِ إِذَا قُطِعَتْ نِصْفُ الدِّيَةِ وَفِي الْيَدِ نِصْفُ الدِّيَةِ وَفِي الذَّكَرِ إِذَا قُطِعَ مِنْ مَوْضِعِ الْحَشْفَةِ الدِّيَةُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the nose when its stump is eradicated, is the (complete) wergild; and regarding the eye when it is blinded is half the wergild; and regarding the ear when it is cut, is half the wergild; and regarding the hand is half the wergild; and regarding the manhood when it is cut off from the place of the tip, is the (complete) wergild'.⁴³

إِبْنُ مَحْبُوبٍ عَنْ أَبِي جَمِيلَةَ عَنْ أَبَانَ بْنِ تَغْلِبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي الشَّفَةِ السُّفْلَى سِتَّةَ آلَافٍ وَفِي الْعُلْيَا أَرْبَعَةَ آلَافٍ لِأَنَّ السُّفْلَى تُمْسِكُ الْمَاءَ .

Ibn Mahboub, from Abu Jameela, from Aban Bin Taghlab,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Regarding the lower lip is six thousand, and regarding the upper lip is four thousand, because the lower (lip) retains the water'.⁴⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ وَ مُحَمَّدِ بْنِ خَالِدٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنِ ابْنِ بُكَيْرٍ عَنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي الْيَدِ نِصْفُ الدِّيَةِ وَفِي الْيَدَيْنِ جَمِيعاً الدِّيَةُ وَفِي الرَّجُلَيْنِ كَذَلِكَ وَفِي الذَّكَرِ إِذَا قُطِعَتِ الْحَشْفَةُ وَ مَا فَوْقَ ذَلِكَ الدِّيَةُ وَفِي الْأَنْفِ إِذَا قُطِعَ الْمَارِنُ الدِّيَةُ وَفِي الشَّفَتَيْنِ الدِّيَةُ وَفِي الْعَيْنَيْنِ الدِّيَةُ وَفِي إِحْدَاهُمَا نِصْفُ الدِّيَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, and Muhammad Bin Khalid, from Al Qasim Bin Urwat, from Ibn Bukeyr, from Zurara,

⁴¹ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 2

⁴² Al Kafi – V 7 – The Book of Wergilds Ch 26 H 3

⁴³ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 4

⁴⁴ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 5

(It has been narrated) from Abu Abdullah^{asws} having said: 'Regarding the hand is half the wergild; and regarding the two hands together is the (complete) wergild; and regarding the two feet is similar to that; and regarding the manhood when the tip is cut off, and what is above that, is the (complete) wergild; and regarding the nose when the soft parts are cut off, is the (complete) wergild; and regarding the two lips is the (complete) wergild; and regarding the two eyes is the (complete) wergild, and regarding of the two is half the wergild'.⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجْلِ الْوَاحِدَةِ نِصْفُ الدِّيَةِ وَ فِي الْأُذُنِ نِصْفُ الدِّيَةِ إِذَا قَطَعَهَا مِنْ أَصْلِهَا وَإِذَا قَطَعَتْ طَرْفَهَا فَبِهَا قِيَمَةٌ عَدَلٍ وَ فِي الْأَنْفِ إِذَا قَطَعَتِ الدِّيَةَ كَامِلَةً وَ فِي الظُّهْرِ إِذَا انْكَسَرَ حَتَّى لَا يُنْزَلَ صَاحِبُهُ الْمَاءَ الدِّيَةَ كَامِلَةً وَ فِي الذَّكَرِ إِذَا قَطَعَتِ الدِّيَةَ كَامِلَةً وَ فِي اللِّسَانِ إِذَا قَطَعَتِ الدِّيَةَ كَامِلَةً .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Zurara, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws}: 'Regarding the one leg is half the wergild; and regarding the ear is half the wergild when it is cut off from its roots, and when it is cut from its surroundings, so regarding it is a just value; and regarding the nose when it is cut, is the complete wergild; and regarding the back when it is broken to the extents that its owner cannot bring down the semen, is the complete wergild; and regarding the manhood when it is cut off, is the complete wergild; and regarding the tongue when it is cut off is the complete wergild'.⁴⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي سُلَيْمَانَ الْحَمَّارِ عَنْ بُرَيْدِ الْعَجَلِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ كَسِرَ صُلْبُهُ فَلَا يَسْتَطِيعُ أَنْ يَجْلِسَ أَنَّ فِيهِ الدِّيَةَ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abu Suleyman Al Hammar, from Bureyd Al Ajaly,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who broke his back, so he was not able to sit, that regarding it is the (complete) wergild'.⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ الْعَلَاءِ بْنِ الْفُضَيْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَطَعَتِ الْأَنْفَ مِنَ الْمَارِنِ فَفِيهِ الدِّيَةُ تَامَةً وَ فِي أَسْنَانِ الرَّجُلِ الدِّيَةُ تَامَةً وَ فِي أُذُنَيْهِ الدِّيَةُ كَامِلَةً وَ الرَّجُلَانِ وَ الْعَيْنَانِ بَيْنَكَ الْمَنْزِلَةَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the nose is cut from the soft parts, so regarding it is the complete wergild; and regarding the teeth of the man is the complete wergild; and regarding his ears is the complete wergild; and the two feet, and the two eyes are at that status'.⁴⁸

⁴⁵ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 6

⁴⁶ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 7

⁴⁷ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 8

⁴⁸ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 9

عَلِيٌّ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ صَالِحِ بْنِ عُقْبَةَ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ تَزَوَّجَ جَارٌ لِي امْرَأَةً فَلَمَّا أَرَادَ مُوَاقَعَتَهَا رَفَسَتْهُ بِرِجْلِهَا فَفُتِقَتْ بَيْضَتُهُ فَصَارَ أَدْرَ فَكَانَ بَعْدَ ذَلِكَ يَنْكُحُ وَ يُؤَلِّدُ لَهُ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنْ ذَلِكَ وَ عَنْ رَجُلٍ أَصَابَ سُرَّةَ رَجُلٍ فَفَتَّقَهَا فَقَالَ (عَلَيْهِ السَّلَامُ) فِي كُلِّ فَتْقٍ ثُلُثُ الدِّيَةِ .

Ali Bin Muhammad Bin Isa, from Yunus, from Salih Bin Uqba, from Muawiya Bin Ammar who said,

‘A neighbour of mine married a woman. So when he intended to copulate with her, she kicked him with her leg and ruptured his testicles, so they became swollen. So after that he copulated with her and she gave birth to a child for him. So I asked Abu Abdullah^{asws} about that, and about a man whose navel was ruptured. So he^{asws} said: ‘Regarding all ruptures is a third of the wergild’.⁴⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ كَثِيرٍ بَعْضُ صُؤُوبِهِ فَلَمْ يَمْلِكِ اسْتِنَهُ فَمَا فِيهِ مِنَ الدِّيَةِ فَقَالَ الدِّيَةُ كَامِلَةٌ

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

‘I asked Abu Abdullah^{asws} about a man who broke his tail bone (coccyx), so he lost control of his excretion, so what was with regards to it from the wergild. So he^{asws} said: ‘The complete wergild’.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ وَقَعَ بِجَارِيَةٍ فَأَفْضَاهَا وَ كَانَتْ إِذَا نَزَلَتْ بِتِلْكَ الْمَنْزِلَةِ لَمْ تَلِدْ قَالَ الدِّيَةُ كَامِلَةٌ .

He (the narrator) said, ‘And I asked him^{asws} about a man who copulated with a slave girl, so he was rough with her, and when she came down from that situation, she could no longer give birth. He^{asws} said: ‘The complete wergild’.⁵⁰

عَلِيٌّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يُضْرَبُ عَلَى عِجَانِهِ فَلَا يَسْتَمْسِكُ غَائِطُهُ وَ لَا بَوْلُهُ إِنَّ فِي ذَلِكَ الدِّيَةَ كَامِلَةً .

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

‘I heard Abu Abdullah^{asws} saying: ‘Amir Al-Momineen^{asws} judged regarding the man who was struck upon his lower area, so he could no longer withhold his faeces nor his urine - regarding that is the complete wergild’.⁵¹

عَلِيٌّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي دَكْرِ الصَّبِيِّ الدِّيَةُ وَ فِي دَكْرِ الْعَيْنِ الدِّيَةُ .

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 male part of the child is the (complete) wergild, and regarding the male part of an impotent man is the (complete) wergild’.⁵²

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ بُرَيْدِ الْعَجَلِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ فِي دَكْرِ الْغُلَامِ الدِّيَةُ كَامِلَةٌ .

⁴⁹ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 10

⁵⁰ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 11

⁵¹ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 12

⁵² Al Kafi – V 7 – The Book of Wergilds Ch 26 H 13

Ibn Mahboub, from Abu Ayoub, from Bureyd Al Ajaly,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Regarding the manhood of the slave is the complete wergild'.⁵³

ابْنُ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَيَّابَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَوْ أَنَّ رَجُلًا قَطَعَ فَرْجَ امْرَأَةٍ لِأَعْرَمَتِهَا دَيْتَهَا فَإِنَّ لَمْ يُؤَدَّ إِلَيْهَا الدِّيَةَ قَطَعَتْ لَهَا فَرْجَهُ إِنَّ طَلَبْتَ ذَلِكَ .

Ibn Mahboub, from Abdul Rahman Bin Sayaba,

Abu Abdullah^{asws} has said: 'If a man were to cut the female part of a woman, I^{asws} would fine him her wergild. So if he were not to pay the wergild to her, I^{asws} would cut off his male part if she were to seek that'.⁵⁴

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) مَا تَرَى فِي رَجُلٍ ضَرَبَ امْرَأَةً شَاتَةً عَلَى بَطْنِهَا فَعَقَرَ رَحِمَهَا فَأَفْسَدَ طَمَثُهَا وَذَكَرَتْ أَنَّهَا قَدِ ارْتَفَعَتْ طَمَثُهَا عَنْهَا لِذَلِكَ وَ قَدْ كَانَ طَمَثُهَا مُسْتَقِيمًا قَالَ يُنْتَظَرُ بِهَا سَنَةٌ فَإِنْ رَجَعَتْ طَمَثُهَا إِلَى مَا كَانَ وَ إِلَّا اسْتُحْلِفَتْ وَ عُرِّمَ ضَارِبُهَا ثَلَاثَ دِيَّيْنَهَا لِفَسَادِ رَحِمِهَا وَ انْقِطَاعِ طَمَثِهَا .

Ibn Mahboub, from Hisham Bin Salim, from Abu baseer who said,

'I said to Abu Ja'far^{asws}, 'What is your^{asws} view regarding a man who struck a woman upon her belly, so her womb was misplaced and it spoilt her menstruation'; and I mentioned, 'It stopped her menstruation from her due to that, and her menstruations had been firm beforehand'. He^{asws} said: 'It would be awaited for her for a year, so if her menstruations were to come back to what they used to be, or else she would be made to wear an oath (for her state), and her attacker would be fined a third of the wergild due to spoiling her womb, and cutting off her menstruations'.⁵⁵

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ قَطَعَ نَدْيَ امْرَأَتِهِ قَالَ إِذْ أَعْرَمَتْ لَهَا يُصَفُّ الدِّيَةَ .

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 man who cut off a breast of his wife. He^{asws} said: 'Then he would be fined half a wergild for her'.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنِ الْحَارِثِ بْنِ مُحَمَّدِ بْنِ النُّعْمَانِ صَاحِبِ الطَّاقِ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَقْتَضَ جَارِيَةً يَعْنِي امْرَأَتَهُ فَأَقْضَاهَا قَالَ عَلَيْهِ الدِّيَةُ إِنْ كَانَ دَخَلَ بِهَا قَبْلَ أَنْ تَبْلُغَ تِسْعَ سِنِينَ قَالَ فَإِنْ كَانَ أَمْسَكَهَا وَ لَمْ يُطَلِّقْهَا فَلَا شَيْءَ عَلَيْهِ وَ إِنْ كَانَ دَخَلَ بِهَا وَ لَهَا تِسْعَ سِنِينَ فَلَا شَيْءَ عَلَيْهِ إِنْ شَاءَ أَمْسَكَ وَ إِنْ شَاءَ طَلَّقَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Al Haris Bin Muhammad Bin Al Noman Sahib Al Taaq, from Bureyd Bin Muawiya,

⁵³ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 14

⁵⁴ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 15

⁵⁵ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 16

⁵⁶ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 17

(It has been narrated) from Abu Ja'far^{asws} regarding a man who caused injuries to the genitals of his slave girl, meaning his wife. He^{asws} said: 'Upon him is the (complete) wergild if he had copulated with her before she had reached nine years of age'. He^{asws} said: 'If he were to keep her and not divorce her, so there is nothing upon him, and if he had copulated with her, and she was nine years of age, so there is nothing upon him; if he so desires to he keeps, and if he so desires to, he divorces'.⁵⁷

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي الْقَلْبِ إِذَا رَعَدَ فَطَارَ الدِّيَةُ قَالَ وَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي الصَّعْرِ الدِّيَةُ وَ الصَّعْرُ أَنْ يُنْتَى عُنُقُهُ فَيَصِيرَ فِي نَاحِيَةٍ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'Rasool-Allah^{saww} said: 'With regards to the heart when it is shaken so it is damaged, is the (complete) wergild'. He^{asws} said: 'And Rasool-Allah^{saww} said: 'With regards to the contortion of the neck is the (complete) wergild; and the contortion is that his neck gets bent and it comes to be on its side'.⁵⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي الرَّجْلِ يُضْرَبُ عَلَى عَجَانِهِ فَلَا يَسْتَمْسِكُ غَائِطُهُ وَ لَا بَوْلُهُ أَنَّ فِي ذَلِكَ الدِّيَةَ كَامِلَةً .

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

'I heard Abu Abdullah^{asws} saying: 'Amir Al-Momineen^{asws} judged regarding the man who was struck upon his lower part, so he was no longer able to withhold his faeces nor his urine, that with regards to that is the complete wergild'.⁵⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ صَالِحِ بْنِ عُقَيْبَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلَهُ رَجُلٌ وَ أَنَا عِنْدَهُ عَنْ رَجُلٍ ضَرَبَ رَجُلًا فَفُطِعَ بَوْلُهُ فَقَالَ إِنْ كَانَ الْبَوْلُ يَمُرُّ إِلَى اللَّيْلِ فَعَلَيْهِ الدِّيَةُ لِأَنَّهُ قَدْ مَنَعَهُ الْمَعِيشَةَ وَ إِنْ كَانَ إِلَى آخِرِ النَّهَارِ فَعَلَيْهِ الدِّيَةُ وَ إِنْ كَانَ إِلَى نِصْفِ النَّهَارِ فَعَلَيْهِ ثُلُثَا الدِّيَةِ وَ إِنْ كَانَ إِلَى ارْتِفَاعِ النَّهَارِ فَعَلَيْهِ ثُلُثُ الدِّيَةِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Ismail, from Salih Bin Uqba, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws}, said, 'A man asked him^{asws} and I was in his^{asws} presence, 'A man struck a man, so his urine was intermittent. So he^{asws} said: 'If it was that the urine trickled into the night, so upon him is the (complete) wergild, because it has prevented him from the livelihood; and if it was into the end of the day, so upon him is the (complete) wergild; and if it was into half the day, so upon him is a third of the wergild; and if it was into the raising of the day, so upon his is a third of the wergild'.⁶⁰

⁵⁷ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 18

⁵⁸ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 19

⁵⁹ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 20

⁶⁰ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 21

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَا كَانَ فِي الْجَسَدِ مِنْهُ اثْنَانِ فِي الْوَاحِدِ نِصْفُ الدِّيَةِ مِثْلُ الْيَدَيْنِ وَالْعَيْنَيْنِ

Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad Bin Abu Nasr, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is nothing in the body which are two, so with regards to one of them is half the wergild, like the two hands, and the two eyes'.

قَالَ فَقُلْتُ رَجُلٌ قُتِبَتْ عَيْنُهُ قَالَ نِصْفُ الدِّيَةِ قُلْتُ فَرَجُلٌ قُتِبَتْ يَدُهُ قَالَ فِيهِ نِصْفُ الدِّيَةِ قُلْتُ فَرَجُلٌ ذَهَبَتْ إِحْدَى بَيْضَتَيْهِ قَالَ إِنْ كَانَتْ الْيَسَارَ فَبِهَا الدِّيَةُ قُلْتُ وَ لِمَ أَلَيْسَ قُلْتُ مَا كَانَ فِي الْجَسَدِ اثْنَانِ فِي كُلِّ وَاحِدٍ نِصْفُ الدِّيَةِ قَالَ لِأَنَّ الْوَلَدَ مِنَ الْبَيْضَةِ الْيُسْرَى .

He (the narrator) said, 'So I said, 'A man was blinded with an eye. He^{asws} said: 'Half the wergild'. I said, 'So a man whose hand is cut off?' He^{asws} said: 'Regarding it is half the wergild'. I said, 'So the man, one of his testicles goes away?' He^{asws} said: 'If it was the left one, so with regards to it is the (complete) wergild'. I said, 'And why? Did you^{asws} not say; 'Whatever were two in the body, so with regards to each one is half the wergild?' He^{asws} said: 'Because the birth is from the left testicle'.⁶¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي اللَّحْيَةِ إِذَا حُلِقَتْ فَلَمْ تَنْبُتِ الدِّيَةُ كَامِلَةً فَإِذَا نَبَتَتْ قُنُتْ الدِّيَةُ.

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the beard when it is shaved-off, so it does not grow back, is the complete wergild. So if it does grow back, so it is a third of the wergild'.⁶²

سَهْلُ بْنُ زِيَادٍ عَنْ عَلِيِّ بْنِ خَالِدٍ عَنْ بَعْضِ رِجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ الرَّجُلُ يَدْخُلُ الْحَمَّامَ فَيَصُبُّ عَلَيْهِ صَاحِبُ الْحَمَّامِ مَاءً حَارًّا فَيَمْتَعَطُ شَعْرُ رَأْسِهِ فَلَا يَنْبُتُ فَقَالَ عَلَيْهِ الدِّيَةُ كَامِلَةً .

Sahl Bin Ziyad, from Ali Bin Khalid, from one of his men,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said, 'The man enters the (public) baths, so the owner of the baths splashes hot water upon him, so the hair of his head withers away, so it does not grow back'. So he^{asws} said: 'Upon him is the complete wergild'.⁶³

⁶¹ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 22

⁶² Al Kafi – V 7 – The Book of Wergilds Ch 26 H 23

⁶³ Al Kafi – V 7 – The Book of Wergilds Ch 26 H 24

بَاب الرَّجُلِ يَقْتُلُ الرَّجُلَ وَهُوَ نَاقِصُ الْخَلْقَةِ**Chapter 27 – The man kills the man and he is deficient of the creation (disabled)**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سَوْرَةَ بْنِ كَلْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سِئِلَ عَنْ رَجُلٍ قَتَلَ رَجُلًا عَمْدًا وَ كَانَ الْمَقْتُولُ أَقْطَعَ الْيَدِ الْيُمْنَى فَقَالَ إِنْ كَانَتْ يَدُهُ قُطِعَتْ فِي جَنَابَةِ جَنَاهَا عَلَى نَفْسِهِ أَوْ كَانَ قُطِعَ فَأَخَذَ دِيَّةَ يَدِهِ مِنَ الَّذِي قَطَعَهَا فَإِنْ أَرَادَ أَوْلِيَاؤُهُ أَنْ يَقْتُلُوا قَاتِلَهُ أَدُّوا إِلَى أَوْلِيَاءِ قَاتِلِهِ دِيَّةَ يَدِهِ الَّتِي قَبِدَ مِنْهَا وَ إِنْ كَانَ أَخَذَ دِيَّةَ يَدِهِ وَ يَقْتُلُوهُ وَ إِنْ شَاءُوا طَرَحُوا عَنْهُ دِيَّةَ يَدِهِ وَ أَخَذُوا الْبَاقِيَّ

Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together, from Ibn Mahboub, from Hisham Bin salim, from sowrat Bin Kuleyb,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about a man who killed a man deliberately, and the killed one was with the right hand cut off. So he^{asws} said; 'If it was such that his hand was cut off during a crime which was committed against himself, or it was cut so he took a wergild from the one who had cut it, so if his guardians (of the killed) one intend that they kill him (the killer), they can kill him and pay to the guardians of the killer a wergild of his hand which was retaliated from; even if it was that he had taken the wergild of his hand, and they kill him; and if they so desire to they subtract the wergild of his hand from it, and take the remainder'.

قَالَ وَ إِنْ كَانَتْ يَدُهُ قُطِعَتْ مِنْ غَيْرِ جَنَابَةِ جَنَاهَا عَلَى نَفْسِهِ وَ لَا أَخَذَ بِهَا دِيَّةً قَتَلُوا قَاتِلَهُ وَ لَا يُعْرَمُ شَيْئًا وَ إِنْ شَاءُوا أَخَذُوا دِيَّةً كَامِلَةً

He^{asws} said: 'If it was that his hand was cut from other than a crime committed against himself, and a wergild was not taken by it, his killer would be killed and would not be fined anything; and if they so desire to, they take the complete wergild'.

قَالَ وَ هَكَذَا وَجَدْنَا فِي كِتَابِ عَلِيِّ (عَلَيْهِ السَّلَامُ) .

He^{asws} said: 'And this is how we^{asws} have found it to be in the Book of Ali^{asws},⁶⁴

بَاب نَادِرٌ**Chapter 28 - Miscellaneous**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ الْعَبَّاسِ بْنِ الْحَرِيشِ عَنْ أَبِي جَعْفَرِ الثَّانِي (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَبُو جَعْفَرِ الْأَوَّلُ (عَلَيْهِ السَّلَامُ) لِعَبْدِ اللَّهِ بْنِ عَبَّاسٍ يَا أَبَا عَبَّاسٍ أَسْأَلُكَ اللَّهُ هَلْ فِي حُكْمِ اللَّهِ تَعَالَى اخْتِلَافٌ قَالَ فَقَالَ لَا قَالَ فَمَا تَرَى فِي رَجُلٍ ضَرَبَ رَجُلًا أَصَابِعُهُ بِالسَّيْفِ حَتَّى سَقَطَتْ فَذَهَبَتْ وَ أَتَى رَجُلٌ آخَرَ فَأَطَارَ كَفَّ يَدِهِ فَأَتَى بِهِ إِلَيْكَ وَ أَنْتَ قَاضٍ كَيْفَ أَنْتَ صَانِعٌ

A number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin Al Abbas Bin Al Hareysh,

(It has been narrated) from Abu Ja'far^{asws} the 2nd having said: 'Abu Ja'far^{asws} the 1st said to Abdullah Bin Abbas: 'O Ibn Abbas! I^{asws} hereby adjure you with Allah^{azwj}, is there a discrepancy in a Judgement of Allah^{azwj} the High?' He said, 'No'. He^{asws} said:

⁶⁴ Al Kafi – V 7 – The Book of Wergilds Ch 27 H 1

'So what is your view regarding a man who struck a man's fingers with the sword to the extent that they fell, so they were gone, and another man came over so he severs the palm of his hand. So they come up with him to you, and you are a judge. How would you deal with it?'

قَالَ أَقُولُ لِهَذَا الْقَاطِعِ أَعْطَاهُ دِيَّةَ كَفِّ وَ أَقُولُ لِهَذَا الْمُقْطُوعِ صَالِحُهُ عَلَى مَا نَبَّهْتَ أَوْ أَنْبَعْتَ إِلَيْهِمَا دَوِي عَدْلٌ فَقَالَ لَهُ جَاءَ الْإِخْتِلَافُ فِي حُكْمِ اللَّهِ وَ نَقَضْتَ الْقَوْلَ الْأَوَّلَ أَبِي اللَّهِ أَنْ يُحَدِّثَ فِي خَلْقِهِ شَيْءٌ مِنَ الْحُدُودِ وَ لَيْسَ تَفْسِيرُهُ فِي الْأَرْضِ أَقْطَعُ يَدَ قَاطِعِ الْكَفِّ أَصْلًا ثُمَّ أَعْطَاهُ دِيَّةَ الْأَصَابِعِ هَذَا حُكْمُ اللَّهِ تَعَالَى .

He said, 'I would say to this cutter to give a wergild for the palm, and I would say to his cut one that he should reconcile whatever he so desires to, or I would sent to them two just persons (for reconciliation)'. So he^{asws} said to him: 'There would be differing in the Judgement of Allah^{azwj} and the first words would be overturned. Allah^{azwj} has Refused that anything from the legal penalties (*Hadd*) be innovated among His^{azwj} creatures, and there is no interpretation for it in the earth. Cut off the hand of the palm cutter then give him a wergild for the fingers. This is the Judgement of Allah^{azwj} the High'.⁶⁵

بَابُ دِيَّةِ عَيْنِ الْأَعْمَى وَ يَدِ الْأَسْلَى وَ لِسَانِ الْأَخْرَسِ وَ عَيْنِ الْأَعْوَرِ

Chapter 29 – Wergild for the eye of the blind, and a hand of the paralytic, and a tongue of the mute, and an eye of the one-eyed

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَعْوَرَ أَصِيبَتْ عَيْنُهُ الصَّحِيحَةُ فَفَقَعَتْ أَنْ تُفَقِّأَ إِحْدَى عَيْنَيْ صَاحِبِهِ وَ يُعَقَّلَ لَهُ نِصْفُ الدِّيَّةِ وَ إِنْ شَاءَ أَخَذَ دِيَّةً كَامِلَةً وَ يُعْفَى عَنْ عَيْنِ صَاحِبِهِ .

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

'Abu Ja'far^{asws} said: 'Amir Al-Momineen^{asws} judged regarding a one-eyed man whose correct eye was hit, so it was blinded: 'He can blind an eye of his companions and pay him half the wergild, and if he so desires to, he can take the complete wergild, and forgive an eye of his companion'.⁶⁶

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 فِي عَيْنِ الْأَعْوَرِ الدِّيَّةُ .

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

Abu Abdullah^{asws} has said: 'With regards to an eye of the one-eyed, is the (complete) wergild'.⁶⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي عَيْنِ الْأَعْوَرِ الدِّيَّةُ كَامِلَةً .

⁶⁵ Al Kafi – V 7 – The Book of Wergilds Ch 28 H 1

⁶⁶ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 1

⁶⁷ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 2

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: 'With regards to an eye of the one-eyed, is the complete wergild'.⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ حَمَّادِ بْنِ زِيَادٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ فِي رَجُلٍ قَطَعَ يَدَ رَجُلٍ شَلَاءً قَالَ عَلَيْهِ ثُلُثُ الدِّيَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hammad Bin Ziyad, from Suleyman Bin Khalid –

With regards to a man whose paralysed hand was cut by a man. He^{asws} said: 'Upon him (the cutter) is a third of the wergild'.⁶⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُوسَى بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي جَمِيلَةَ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) [أَنَّهُ قَالَ] فِي الْعَيْنِ الْعُورَاءِ تَكُونُ قَائِمَةً فَتُخَسَفُ فَقَالَ قَضَى فِيهَا عَلِيُّ بْنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) نِصْفَ الدِّيَةِ فِي الْعَيْنِ الصَّحِيحَةِ .

Muhammad Bin Yahya, from Musa Bin Al Hassan, from Muhammad Bin Abdul Hameed, from Abu Jameela, from Abdullah Bin Suleyman, from Abdullah Bin Abu Ja'far,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the eye of the one-eyed which was firm, then it blurred out. So he^{asws} said: 'Ali^{asws} Bin Abu Talib^{asws} had judged with regards to it being half the wergild for the healthy eye'.⁷⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ فِي لِسَانِ الْأُخْرَسِ وَ عَيْنِ الْأَعْمَى وَ ذَكَرِ الْخَصِيِّ وَ أَنْتَيْهِ ثُلُثُ الدِّيَةِ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abu Ayoub Al Khazaz, from Bureyd Bin Muawiya,

(It has been narrated) from Abu Ja'far^{asws} having said: 'With regards to a tongue of the mute, and an eye of the blind, and one of castrated manhood and his testicles, is a third of the wergild'.⁷¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلَهُ بَعْضُ آلِ زُرَّارَةَ عَنْ رَجُلٍ قَطَعَ لِسَانَ رَجُلٍ أُخْرَسَ [قَالَ] إِنْ كَانَ وَلَدَتْهُ أُمُّهُ وَ هُوَ أُخْرَسٌ فَعَلَيْهِ ثُلُثُ الدِّيَةِ وَ إِنْ كَانَ لِسَانُهُ ذَهَبَ بِهِ وَجَعٌ أَوْ آفَةٌ بَعْدَ مَا كَانَ يَتَكَلَّمُ فَإِنَّ عَلَى الذِّي قَطَعَ لِسَانَهُ ثُلُثُ دِيَّةٍ لِسَانِهِ قَالَ وَ كَذَلِكَ الْقَضَاءُ فِي الْعَيْنَيْنِ وَ الْجَوَارِحِ

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

(It has been narrated) from Abu Ja'far^{asws}, said, 'One of the progeny of Zurara asked him^{asws} about a man who cut the tongue of a mute man. So he^{asws} said: 'If it was such that his mother gave birth to him and he was mute, so upon him is a third of the wergild; and if it was such that his tongue went with away by illness or affliction after

⁶⁸ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 3

⁶⁹ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 4

⁷⁰ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 5

⁷¹ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 6

him having spoken beforehand, so upon the one who cut his tongue is a third of the wergild of his tongue; and similar to that is the judgement regarding the two eyes, and the limbs’.

قَالَ هَكَذَا وَجَدْنَاهُ فِي كِتَابِ عَلِيٍّ (عليه السلام) .

He^{asws} said: ‘This is how we^{asws} found it to be in the Book of Ali^{asws}’.⁷²

عَلِيٌّ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ أَبِي جَمِيلَةَ عَنْ مُفَضَّلِ بْنِ صَالِحٍ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ فَقَأَ عَيْنَ رَجُلٍ ذَاهِبَةً وَ هِيَ قَائِمَةٌ قَالَ عَلَيْهِ رُبُعُ دِيَةِ الْعَيْنِ .

Ali, from his father, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela, from Mufazzal Bin Salih, from Abdullah Bin Suleyman,

(It has been narrated) from Abu Abdullah^{asws}, regarding a man who blinded an eye of a man, (whose vision) had gone, and it (the eye) was firm’. He^{asws} said: ‘Upon him is the quarter of the wergild of an eye’.⁷³

بَابُ أَنَّ الْجُرُوحَ قِصَاصٌ

Chapter 30 – (For) the injuries there is retaliation

عَلِيٌّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ عَنْ سُلَيْمَانَ الدَّهَّانِ عَنْ رِفَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ عُثْمَانَ أَتَاهُ رَجُلٌ مِنْ قَيْسِ بَمَوْلَى لَهُ قَدْ أَطَمَ عَيْنَهُ فَأَنْزَلَ الْمَاءَ فِيهَا وَ هِيَ قَائِمَةٌ لَيْسَ يُبْصِرُ بِهَا شَيْئًا فَقَالَ لَهُ أُعْطِيكَ الدِّيَةَ فَأَبَى

Ali Bin Ibrahim, from his father, from IBn Fazzal, from Suleyman Al Dahhan, from Rafa’at,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘They came to Usman with a man from Qays along with a master of his who had slapped his eye, so the water kept dripping in it, and it was firm but he could not visualise anything with it. So he said to him, ‘I can give you the wergild’. But, he refused.

قَالَ فَأَرْسَلَ بِهِمَا إِلَيَّ (عليه السلام) وَ قَالَ احْكُمْ بَيْنَ هَذَيْنِ فَاعْطَاهُ الدِّيَةَ فَأَبَى قَالَ فَلَمْ يَزَالُوا يُعْطُونَهُ حَتَّى أُعْطُوهُ دِيَّتَيْنِ قَالَ فَقَالَ لَيْسَ أُرِيدُ إِلَّا الْقِصَاصَ

He^{asws} said, ‘So he sent someone with both of them to Ali^{asws} and said, ‘Judge between these two’. So he^{asws} gave him the wergild, but he refused. So he^{asws} did not cease to give him until he^{asws} gave him two wergilds. So he said, ‘I do not want anything except for the retaliation’.

قَالَ فَدَعَا عَلِيٌّ بِمِرْآةٍ فَحَمَاهَا ثُمَّ دَعَا بِكُرْسُفٍ فَبَلَّهَ ثُمَّ جَعَلَهُ عَلَى أَشْفَارِ عَيْنَيْهِ وَ عَلَى حَوَالِيهَا ثُمَّ اسْتَقْبَلَ بِعَيْنَيْهِ عَيْنَ الشَّمْسِ قَالَ وَ جَاءَ بِالْمِرْآةِ فَقَالَ أَنْظِرْ فَنَظَرَ فَذَابَ الشُّحْمُ وَ بَقِيَتْ عَيْنُهُ قَائِمَةً وَ ذَهَبَ الْبُصْرُ .

He^{asws} said: ‘So Ali^{asws} called for a mirror, so he^{asws} heated it. Then he^{asws} called for the cotton, so he^{asws} put fuel in it, then made it to be upon the lids of his eyes, and around them. Then he^{asws} made him face with his eyes towards the sun, and came

⁷² Al Kafi – V 7 – The Book of Wergilds Ch 29 H 7

⁷³ Al Kafi – V 7 – The Book of Wergilds Ch 29 H 8

with the mirror. So he^{asws} said: 'Look (into this)!' So he looked, and the grease melted, and his eye remained firm, and his vision was gone'.⁷⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ تُقَطَّعُ يَدُ الرَّجُلِ وَ رِجْلُهُ فِي الْفَصَاصِ .

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

'I heard Abu Abdullah^{asws} saying: 'The hand of the man and his leg would be cut regarding the retaliation'.⁷⁵

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَعُورٌ فَقَالَ عَيْنٌ صَحِيحٌ فَقَالَ تَقْفَأُ عَيْنُهُ قَالَ قُلْتُ بِنَفْسِي أَعْمَى قَالَ الْحَقُّ أَعْمَاهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Qays who said,

'I said to Abu Ja'far^{asws}, 'A one-eye man blinded an eye of a correct one'. So he^{asws} said: 'His eye would be blinded'. I said, 'He would remain as blind'. He^{asws} said: 'It is the right (of the victim) who has been blinded'.⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ حَبِيبِ السَّجِسْتَانِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَطَعَ يَدَيْهِ لِرَجُلَيْنِ الْيَمِينَيْنِ قَالَ فَقَالَ يَا حَبِيبُ تُقَطَّعُ يَمِينُهُ لِلرَّجُلِ الَّذِي قَطَعَ يَمِينَهُ أَوَّلًا وَ تُقَطَّعُ يَسَارُهُ لِلرَّجُلِ الَّذِي قَطَعَ يَمِينَهُ آخِرًا لِأَنَّهُ إِنَّمَا قَطَعَ يَدَ الرَّجُلِ الْآخِيرِ وَ يَمِينُهُ قِصَاصٌ لِلرَّجُلِ الْأَوَّلِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Habeeb Al Sajistany who said,

'I asked Abu Ja'far^{asws} about a man who cut two right hands of two men. O Habeeb! His right hand would be cut for the first man whose right hand he had cut, and his left would be cut for the last man whose right hand he had cut, because he cut the hand of the last one, and his own right hand had already been cut in retaliation for the first man'.

قَالَ فَقُلْتُ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) إِنَّمَا كَانَ يَقَطُّعُ الْيَدَ الْيُمْنَى وَ الرَّجْلَ الْيُسْرَى قَالَ فَقَالَ إِنَّمَا كَانَ يُفْعَلُ ذَلِكَ فِيمَا يَجِبُ مِنْ حُقُوقِ اللَّهِ فَأَمَّا يَا حَبِيبُ حُقُوقُ الْمُسْلِمِينَ فَإِنَّهُ يُؤْخَذُ لَهُمْ حُقُوقُهُمْ فِي الْفِصَاصِ الْيَدُ بِالْيَدِ إِذَا كَانَتْ لِلْقَاطِعِ يَدٌ وَ الرَّجُلُ بِالْيَدِ إِذَا لَمْ يَكُنْ لِلْقَاطِعِ يَدٌ

He (the narrator) said, 'But rather, Ali^{asws} used to cut the right hand and the left leg?' So he^{asws} said: 'But rather, he^{asws} used to do that with regards to what was Obligated from the Rights of Allah^{azwj}. O Habeeb! So, as for the rights of the Muslims, he^{asws} used to take their rights for them with regards to the retaliation, the hand for the hand, if it was such that the cutter had a hand and a leg, and the leg for the hand when there did not happen to be a hand for the cutter'.

فَقُلْتُ لَهُ أَوْ مَا يَجِبُ عَلَيْهِ الدِّيَّةُ وَ يُتْرَكُ لَهُ رِجْلُهُ فَقَالَ إِنَّمَا يَجِبُ عَلَيْهِ الدِّيَّةُ إِذَا قَطَعَ يَدَ رَجُلٍ وَ لَيْسَ لِلْقَاطِعِ يَدَانِ وَ لَا رِجْلَانِ فَتَمَّ يَجِبُ عَلَيْهِ الدِّيَّةُ لِأَنَّهُ لَيْسَ لَهُ جَارِحَةٌ يُقَاصُّ مِنْهَا .

⁷⁴ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 1

⁷⁵ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 2

⁷⁶ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 3

So I said to him, 'Or does it not Obligate the wergild upon him, and his leg is left for him?' So he^{asws} said: 'But rather, it Obligated the wergild upon him when a hand of a man is cut, and there are no two hands or two legs for the cutter, so then the wergild would be Obligated upon him, because there is no limb for him to be retaliated from'.⁷⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِيمَا كَانَ مِنْ جِرَاحَاتِ الْجَسَدِ أَنْ فِيهَا الْقِصَاصُ أَوْ يَقْبَلُ الْمَجْرُوحُ دِيَّةَ الْجِرَاحَةِ فَيُعْطَاهَا .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged with regards to what was from the injuries of the body, that regarding these is the retaliation, or the injured one can accept the wergild for the injuries, so he should be given it'.⁷⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي رَجُلٍ كَسَرَ يَدَ رَجُلٍ ثُمَّ بَرَأَتْ يَدَ الرَّجُلِ قَالَ لَيْسَ فِي هَذَا قِصَاصٌ وَ لَكِنْ يُعْطَى الْأَرْضَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed, from Jameel Bin Darraj, from one of our companions,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding a man who broke a hand of a man, then the hand of the man was cured. He^{asws} said: 'There is no retaliation regarding this, but he would be given the compensation'.⁷⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ السِّنِّ وَ الذَّرَاعِ يُكْسَرَانِ عَمْدًا أَلَهُمَا أَرْضٌ أَوْ قَوْدٌ فَقَالَ قَوْدٌ قَالَ قُلْتُ فَإِنْ أضعَفُوا الدِّيَةَ فَقَالَ إِنْ أَرْضُوهُ بِمَا شَاءَ فَهُوَ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweud, from Aasim Bin Humejd, from Abu Baseer,

(The narrator) says, 'I asked Abu Abdullah^{asws} about the teeth and the arms which are both broken deliberately, is there a compensation for these two, or retaliation?' So he^{asws} said: 'Retaliation'. I said, 'So if they were to double the wergild?' So he^{asws} said: 'If they please him with whatever he so desires to, so it is for him'.⁸⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ عَلِيِّ بْنِ حَدِيدٍ جَمِيعاً عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ قَالَ فِي سِنِّ الصَّبِيِّ يَضْرِبُهَا الرَّجُلُ فَتَسْقُطُ ثُمَّ تَنْبُتُ قَالَ لَيْسَ عَلَيْهِ قِصَاصٌ وَ عَلَيْهِ الْأَرْضُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr and Ali Bin Hadeed both together, 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 with regards to teeth of a child, the man having struck these, so they fall off, then they

⁷⁷ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 4

⁷⁸ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 5

⁷⁹ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 6

⁸⁰ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 7

grow back: 'There is no retaliation upon him, and upon him is (payment of) the compensation'.

قَالَ عَلِيُّ وَ سَأَلَ جَمِيلٌ كَمْ الْأَرْضُ فِي سِنَّ الصَّيِّ وَ كَسَرَ الْيَدَ فَقَالَ شَيْءٌ يَسِيرٌ وَ لَمْ يَرَ فِيهِ شَيْئاً مَعْلوماً .

Ali^{asws} said, 'And Jameel asked, 'How much is the compensation regarding teeth of the child, and breaking a hand?' So he^{asws} said: 'Something small, and I^{asws} do not see anything definite with regards to it'.⁸¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ عَنْ أَبَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ أُعُورٍ فَقَالَ عَيْنٌ صَحِيحٌ مُنْعَمًا فَقَالَ تَفَقَّأَ عَلَيْهِ قُلْتُ يَكُونُ أَعْمَى قَالَ فَقَالَ الْحَقُّ أَعْمَاهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Saeed, from Fazalat, from Aban, from a man,

(The narrator) says, 'I asked Abu Abdullah^{asws} about a one-eyed man who blinded an eye of the healthy one deliberately. So he^{asws} said: 'His eye would be blinded'. I said, 'He would become (completely) blind'. So he^{asws} said: 'It is the right (of the victim) which would have been blinded by him'.⁸²

بَاب مَا يُمْتَحَنُ بِهِ مَنْ يُصَابُ فِي سَمْعِهِ أَوْ بَصَرِهِ أَوْ غَيْرِ ذَلِكَ مِنْ جَوَارِحِهِ وَ الْقِيَاسِ فِي ذَلِكَ

Chapter 31 – What he is tested with, the one who is hit regards to his hearing, or his sight, or other than that from his limbs, and the quantification regarding that

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي رَجُلٍ ضَرَبَ رَجُلًا فِي رَأْسِهِ فَتَقَلَّ لِسَانُهُ أَنَّهُ يُعْرَضُ عَلَيْهِ حُرُوفُ الْمُعْجَمِ كُلِّهَا ثُمَّ يُعْطَى الدِّيَةَ بِحِصَّةٍ مَا لَمْ يُفْصِحْ مِنْهَا .

Ali Bin Ibrahim, from his father, from Ibn Mahboub and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Suleyman Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having said: 'With regard to a man who struck a man in his head, so his tongue became heavy, there would be presented to him the letters of the alphabet, all of them. Then he would be given the wergild by the counting of what he could not pronounce correctly from these'.⁸³

عَنْهُ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغْبِرَةِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ ضَرَبَ رَجُلًا بَعْصاً عَلَى رَأْسِهِ فَتَقَلَّ لِسَانُهُ فَقَالَ يُعْرَضُ عَلَيْهِ حُرُوفُ الْمُعْجَمِ فَمَا أَفْصَحَ مِنْهُ بِهِ وَ مَا لَمْ يُفْصِحْ بِهِ كَانَ عَلَيْهِ الدِّيَةُ وَ هِيَ تِسْعَةٌ وَ عَشْرُونَ حَرْفًا .

From him, from his father, from Abdullah Bin Al Mugheira, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who struck a man with a stick upon his head, so his tongue became heavy. So he^{asws} said: 'There would be presented to him the letter of the alphabet, so whatever he pronounces eloquently

⁸¹ Al Kafi – V 7 – The Book of Wergilds Ch 30 H 8

⁸² Al Kafi – V 7 – The Book of Wergilds Ch 30 H 9

⁸³ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 1

from it, and whatever he cannot pronounce eloquently from it, the wergild would be (based) upon it, and these are twenty nine letters'.⁸⁴

عَنْهُ عَنْ أَبِيهِ وَ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي رَجُلٍ ضَرَبَ رَجُلًا فِي أُذُنِهِ بَعْظَمٍ فَادَّعَى أَنَّهُ لَا يَسْمَعُ قَالَ يُرْصَدُ وَ يُسْتَعْفَلُ وَ يُنْتَظَرُ بِهِ سَنَةٌ فَإِنْ سَمِعَ أَوْ شَهِدَ عَلَيْهِ رَجُلَانِ أَنَّهُ يَسْمَعُ وَ إِلَّا خَلَفَهُ وَ أَعْطَاهُ الدِّيَةَ

From him, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Abu Ayoub, from Suleyman Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having said with regards to a man who struck a man in his ear with a bone, so he claimed that he cannot hear. He^{asws} said: 'He would be placed under surveillance and would be awaited with for a year. So if he hears, or two men testify against him that he can hear, or else he would be made to swear an oath, and he would be given the wergild'.

قِيلَ يَا أَمِيرَ الْمُؤْمِنِينَ فَإِنْ عَثَرَ عَلَيْهِ بَعْدَ ذَلِكَ أَنَّهُ يَسْمَعُ قَالَ إِنْ كَانَ اللَّهُ عَزَّ وَ جَلَّ رَدَّ عَلَيْهِ سَمْعَهُ لَمْ أَرَ عَلَيْهِ شَيْئاً .

It was said, 'O Amir Al-Momineen^{asws}! So if it was discovered afterwards that he can hear?' He^{asws} said: 'If Allah^{azwj} Mighty and Majestic Returns his hearing, I^{asws} do not see anything upon him'.⁸⁵

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ وُجِيَ فِي أُذُنِهِ فَادَّعَى أَنَّ إِحْدَى أُذُنَيْهِ نَقَصَ مِنْ سَمْعِهَا شَيْءٌ قَالَ قَالَ تَسُدُّ الَّتِي ضَرَبْتَ سَدًّا شَدِيدًا وَ تُفْتَحُ الصَّحِيحَةَ فَيُضْرَبُ لَهَا بِالْجَرَسِ حِيَالَ وَجْهِهِ وَ يُقَالُ لَهُ اسْمَعْ فَإِذَا خَفِيَ عَلَيْهِ الصَّوْتُ عَلَّمَ مَكَانَهُ ثُمَّ يُضْرَبُ بِهِ مِنْ خَلْفِهِ وَ يُقَالُ لَهُ اسْمَعْ فَإِذَا خَفِيَ عَلَيْهِ الصَّوْتُ عَلَّمَ مَكَانَهُ ثُمَّ يُقَاسُ مَا بَيْنَهُمَا فَإِنْ كَانَا سَوَاءً عَلَّمَ أَنَّهُ قَدْ صَدَقَ

Ali, from his father, from Ibn Mahboub, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a man was hit in his ear, so he claimed that one of his ears is deficient from hearing anything. He^{asws} said: 'The struck ear would be covered up with an intense covering, and the correct ear would be kept open. So the bell would be sounded towards his face and it would be said to him, 'Listen'. So when the sound is hidden to him, its place would be noted. Then it (the bell) would be sounded from behind him, and it would be said to him, 'Listen'. So when the sound is hidden from him its place would be noted. Then it would be measured what is between the two. So if it was the same, it would be known that he is speaking the truth.

ثُمَّ يُؤْخَذُ بِهِ عَنْ يَمِينِهِ ثُمَّ يُضْرَبُ حَتَّى يَخْفَى عَلَيْهِ الصَّوْتُ ثُمَّ يُعَلَّمُ مَكَانَهُ ثُمَّ يُؤْخَذُ بِهِ عَنْ يَسَارِهِ فَيُضْرَبُ حَتَّى يَخْفَى عَلَيْهِ الصَّوْتُ ثُمَّ يُعَلَّمُ مَكَانَهُ ثُمَّ يُقَاسُ مَا بَيْنَهُمَا فَإِنْ كَانَ سَوَاءً عَلَّمَ أَنَّهُ قَدْ صَدَقَ

Then he would be seized by it from his right. Then it (the bell) would be sounded until the sound is hidden from him. Then its place would be noted. Then he would be seized by it from his left. So it (the bell) would be sounded until the sound is hidden from him. Then its place would be noted. There it would be measured what is between the two. So if it was the same, it would be known that he is speaking the truth.

⁸⁴ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 2

⁸⁵ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 3

قَالَ ثُمَّ تَفْتَحُ أُذُنَهُ الْمُعْتَلَّةَ وَ تُسَدُّ الْأُخْرَى سَدًّا جَيِّدًا ثُمَّ يُضْرَبُ بِالْجَرَسِ مِنْ قُدَامِهِ ثُمَّ يُعَلَّمُ حَيْثُ يَخْفَى عَلَيْهِ الصَّوْتُ يُصْنَعُ بِهِ كَمَا صُنِعَ أَوَّلَ مَرَّةٍ بِأُذُنِهِ الصَّحِيحَةَ ثُمَّ يُقَاسُ فَضْلُ مَا بَيْنَ الصَّحِيحَةِ وَالْمُعْتَلَّةِ بِحِسَابِ ذَلِكَ .

He^{asws} said: 'Then his damaged ear would be opened up, and the other one would be closed with a new covering. Then the bell would be struck from in front of him. Then the sounds would be hidden from him, and he would be dealt with just as he had been dealt with the first time around, with his healthy ear. Then to find the difference of the hearing (abilities) of both ears to calculate a fair compensation on the basis of the differences that may have happened between the two ears.⁸⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا ضُرِبَ الرَّجُلُ عَلَى رَأْسِهِ فَتَقَلَّ لِسَانُهُ عَرِضَتْ عَلَيْهِ حُرُوفُ الْمُعْجَمِ يُقْرَأُ ثُمَّ قُسِمَتِ الدِّيَةُ عَلَى حُرُوفِ الْمُعْجَمِ فَمَا لَمْ يُفْصِحْ بِهِ الْكَلَامَ كَانَتْ الدِّيَةُ بِالْقِيَاسِ مِنْ ذَلِكَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man is struck upon his head, so his tongues becomes heavy, the letters of the alphabet would be presented to him. He would read, then the wergild would be divided upon the letters of the alphabet. So whatever he could not pronounce eloquently with the speech, the wergild would be quantified by the measurement from that'.⁸⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنِ الْحَسَنِ بْنِ كَثِيرٍ عَنْ أَبِيهِ قَالَ قَالَ أُصَيْبُتْ عَيْنُ رَجُلٍ وَ هِيَ قَائِمَةٌ فَأَمَرَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فَرَبَطَتْ عَيْنَهُ الصَّحِيحَةَ وَ أَقَامَ رَجُلًا بِجِدَاهُ بِيَدِهِ بَيْضَةً يَقُولُ هَلْ تَرَاهَا قَالَ فَجَعَلَ إِذَا قَالَ نَعَمْ تَأَخَّرَ قَلِيلًا حَتَّى إِذَا خَفِيَتْ عَلَيْهِ عَلِمَ ذَلِكَ الْمَكَانَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from one of his companions, from Aban Bin Usman, from Al Hassan Bin Kaseer, from his father who said,

'An eye of a man was hit, and it was firm (in its place). So Amir Al-Momineen^{asws} ordered for his healthy eye to be tied up (blindfolded), and got a man to stand in front of him with an egg in his hand. He^{asws} said to him: 'Can you see it?' So when he said, 'Yes, he^{asws} made him to stand away a little more, (repeating the process) until it was hidden from him (could not see it anymore), he^{asws} noted that place.

قَالَ وَ عُصَبَتْ عَيْنُهُ الْمُصَابَةَ وَ جَعَلَ الرَّجُلُ يَتْبَاعِدُ وَ هُوَ يَنْظُرُ بِعَيْنِهِ الصَّحِيحَةَ حَتَّى إِذَا خَفِيَتْ عَلَيْهِ ثُمَّ قَيْسَ مَا بَيْنَهُمَا فَأُعْطِيَ الْأَرْضَ عَلَى ذَلِكَ .

He^{asws} said: 'And he^{asws} tied up (blindfolded) the struck eye and made the man to be remote, and he was looking with his healthy eye, until it was hidden to him (could not see it anymore). Then he^{asws} compared what was between the two, so he^{asws} gave him the compensation upon that'.⁸⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ مُحَمَّدِ بْنِ فُرَاتٍ عَنِ الْأَصْبَغِ بْنِ نُبَاتَةَ قَالَ سَأَلَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ضُرِبَ رَجُلًا عَلَى هَامَتِهِ فَادْعَى الْمَضْرُوبُ أَنَّهُ لَا يُبْصِرُ شَيْئًا وَ لَا يَشْمُ الرَّاحَةَ وَ أَنَّهُ قَدْ ذَهَبَ لِسَانُهُ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) إِنْ صَدَقَ فَلَهُ ثَلَاثَ دِيَّاتٍ

⁸⁶ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 4

⁸⁷ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 5

⁸⁸ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 6

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Muhammad Bin Al Waleed, from Muhammad Bin Furaat, from Al Asbagh Bin Nabata who said,

‘Amir Al-Momineen^{asws} was asked about a man who struck a man upon his head. So the struck one claimed that he could not visualise anything, nor smell the aromas, and that his tongue had gone. So Amir Al-Momineen^{asws} said: ‘If he is speaking the truth, there would be three wergilds for him’.

فَقِيلَ يَا أَمِيرَ الْمُؤْمِنِينَ وَ كَيْفَ يُعْلَمُ أَنَّهُ صَادِقٌ فَقَالَ أَمَا مَا ادَّعَاهُ أَنَّهُ لَا يَشْمُ الرَّائِحَةَ فَإِنَّهُ يُدْنِي مِنْهُ الْحُرَاقُ فَإِنْ كَانَ كَمَا يَقُولُ وَ إِلَّا نَحَى رَأْسَهُ وَ دَمَعَتْ عَيْنُهُ وَ أَمَا مَا ادَّعَاهُ فِي عَيْنِهِ فَإِنَّهُ يُقَابِلُ بِعَيْنِهِ الشَّمْسُ فَإِنْ كَانَ كَاذِبًا لَمْ يَتَمَالَكْ حَتَّى يُغْمَضَ عَيْنُهُ وَ إِنْ كَانَ صَادِقًا بَقِينَا مَفْتُوحَيْنِ وَ أَمَا مَا ادَّعَاهُ فِي لِسَانِهِ فَإِنَّهُ يُضْرَبُ عَلَى لِسَانِهِ بِإِبْرَةٍ فَإِنْ خَرَجَ الدَّمُ أَحْمَرَ فَقَدْ كَذَبَ وَ إِنْ خَرَجَ الدَّمُ أَسْوَدَ فَقَدْ صَدَقَ .

So it was said, ‘O Amir Al-Momineen^{asws}! And how does one know that he is truthful?’ So he^{asws} said: ‘As for what he claimed that he could not smell the aromas, the tinder (firewood) would be brought near him. So if it was as he is saying, or else he would turn his head away and his eyes would water. And as for what he is claiming regarding his eyes, so he would be made to turn to face the sun with his eyes. So if he was lying, he would not be able to control himself from closing his eyes, and if he was truthful, they would both remain open. And as for what he claims regarding his tongue, so he would be pricked by a needle upon his tongue, so if the red blood comes out, so he has lied, and if the black blood comes out, so he has spoken truthfully’.⁸⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُصَابُ فِي عَيْنِهِ فَيَذْهَبُ بَعْضُ بَصَرِهِ أَيْ شَيْءٍ يُعْطَى قَالَ تُرْبِطُ إِحْدَاهُمَا ثُمَّ يُوضَعُ لَهُ بَيْضَةٌ ثُمَّ يُقَالُ لَهُ أَنْظِرْ فَمَا دَامَ يَدْعِي أَنَّهُ يُبْصِرُ مَوْضِعَهَا حَتَّى إِذَا انْتَهَى إِلَى مَوْضِعِهَا قَالَ لَا أَبْصِرُ قَرِيبَهَا حَتَّى يُبْصِرَ ثُمَّ يُعْلَمُ ذَلِكَ الْمَكَانَ ثُمَّ يُقَاسُ بِذَلِكَ الْقِيَاسِ مِنْ خَلْفِهِ وَ عَنْ يَمِينِهِ وَ عَنْ شِمَالِهِ فَإِنْ جَاءَ سَوَاءً وَ إِلَّا قِيلَ لَهُ كَذَبْتَ حَتَّى يَصْدُقَ قَالَ قُلْتُ أَلَيْسَ يُؤْمَنُ قَالَ لَا وَ لَا كِرَامَةٌ وَ يُصْنَعُ بِالْعَيْنِ الْأُخْرَى مِثْلُ ذَلِكَ ثُمَّ يُقَاسُ ذَلِكَ عَلَى ذِيَةِ الْعَيْنِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Muawiya Bin Ammar who said,

‘I asked Abu Abdullah^{asws} about the man who was hit in his eye, so part of his vision was gone. Which thing would he be given?’ He^{asws} said: ‘One of it (eyes) would be covered and an egg would be placed for him, then it would be said to him, ‘Look!’ So for as long as he claims that he can see its place, (it would be moved away) until it ends up at a place that he is helpless (from seeing it), so he says, ‘I cannot see it’. It would be brought nearer until he can visualise it, then a note would be made of that place. Then it would be compared with that from behind him, and from his right, and from his left. So it comes to be the same, or else it would be said to him, ‘You are lying’, until he speaks the truth’. I said, ‘Can he not be trusted?’ He^{asws} said: ‘No, and there is no honour, and he would be dealt with the other eye similar to that. Then the wergild of the eye would be based upon that’.⁹⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ وَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَالٍ جَمِيعاً عَنْ أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَامُ) قَالَ يُونُسُ عَرَضْتُ عَلَيْهِ الْكِتَابَ فَقَالَ هُوَ صَحِيحٌ

⁸⁹ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 7

⁹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 8

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, and from his father, from Ibn Fazzal both together,

(It has been narrated) from Abu Al-Hassan Al-Reza^{asws}. Yunus said, 'I presented the book to him^{asws}, so he^{asws} said: 'It is correct'.

وَ قَالَ ابْنُ فَضَالٍ قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) إِذَا أُصِيبَ الرَّجُلُ فِي إِحْدَى عَيْنَيْهِ فَإِنَّهَا تُقَاسُ بِبَيْضَةِ تَرْبُطٍ عَلَى عَيْنِهِ الْمَصَابَةِ وَ يُنْظَرُ مَا يَنْتَهِي بِصَرِّ عَيْنِهِ الصَّحِيحَةِ ثُمَّ تُعْطَى عَيْنُهُ الصَّحِيحَةُ وَ يُنْظَرُ مَا تَنْتَهِي عَيْنُهُ الْمَصَابَةِ فَيُعْطَى دَيْتَهُ مِنْ حِسَابِ ذَلِكَ وَ الْقَسَامَةُ مَعَ ذَلِكَ مِنَ السَّنَةِ الْأَجْزَاءِ عَلَى قَدْرِ مَا أُصِيبَتْ مِنْ عَيْنِهِ

And Ibn Fazzal said, 'Amir Al-Momineen^{asws} judged: 'When the man is hit in one of his eyes, so it would be measured by an egg. The hit eye would be covered, and he would look what his correct eye can end up visualising. Then his correct eye would be covered, and he would look at what his hit eye can end up (visualising). So he would be given a wergild based upon that accounting. And the sworn endorsement along with that are from six parts, upon a measurement of what he has been hit from his eye.

فَإِنْ كَانَ سُدُسَ بَصَرِهِ فَقَدْ حَلَفَ هُوَ وَ وَحْدَهُ وَ أُعْطِيَ وَ إِنْ كَانَ ثُلُثَ بَصَرِهِ حَلَفَ هُوَ وَ حَلَفَ مَعَهُ رَجُلٌ آخَرُ وَ إِنْ كَانَ نِصْفَ بَصَرِهِ حَلَفَ هُوَ وَ حَلَفَ مَعَهُ رَجُلَانِ وَ إِنْ كَانَ ثَلَاثِي بَصَرِهِ حَلَفَ هُوَ وَ حَلَفَ مَعَهُ ثَلَاثَةُ نَفَرٍ وَ إِنْ كَانَ أَرْبَعَةَ أَخْمَاسَ بَصَرِهِ حَلَفَ هُوَ وَ حَلَفَ مَعَهُ أَرْبَعَةُ نَفَرٍ وَ إِنْ كَانَ بَصَرَهُ كُلَّهُ حَلَفَ هُوَ وَ حَلَفَ مَعَهُ خَمْسَةُ نَفَرٍ وَ كَذَلِكَ الْقَسَامَةُ كُلُّهَا فِي الْجُرُوحِ

So if it was such that a sixth of his vision had gone so he alone would have to swear an oath and he would be given; and if it was that a third of his vision had gone, he and another man along with him would have to swear an oath; and if it was that half of his vision had gone, he and two men along with him would swear an oath; and if it was that two-thirds of his vision had gone, he and three persons would swear an oath; and if it was that four-fifths of his vision had gone, he and four persons would have to swear an oath along with him; and if it was that all of it is gone, he and five persons along with him would have to swear an oath. And similar to that are the sworn endorsements, all of these regarding the injuries.

وَ إِنْ لَمْ يَكُنْ لِلْمَصَابِ بَصَرُهُ مِنْ يَخْلِفُ مَعَهُ ضَوْعَفَتْ عَلَيْهِ الْأَيْمَانُ إِنْ كَانَ سُدُسَ بَصَرِهِ حَلَفَ مَرَّةً وَاحِدَةً وَ إِنْ كَانَ ثُلُثَ بَصَرِهِ حَلَفَ مَرَّتَيْنِ وَ إِنْ كَانَ أَكْثَرَ عَلَى هَذَا الْحِسَابِ وَ إِنَّمَا الْقَسَامَةُ عَلَى مَبْلَغِ مُنْتَهَى بَصَرِهِ

And if there does not happen to be for the one whose eyesight was hit, anyone who would swear an oath along with him, the swearing would be additional upon him. If it was such that a sixth of his vision had gone, he would swear once; and if it was such that a third of his vision had gone, he would have to swear twice; and if it was more, it would be upon this counting. But rather, the sworn endorsements (compurgation) are upon to what extent his vision reaches.

وَ إِنْ كَانَ السَّمْعُ فَعَلَى نَحْوِ مَنْ ذَلِكَ غَيْرَ أَنَّهُ يُضْرَبُ لَهُ بِشَيْءٍ حَتَّى يُعْلَمَ مُنْتَهَى سَمْعِهِ ثُمَّ يُقَاسُ ذَلِكَ وَ الْقَسَامَةُ عَلَى نَحْوِ مَا يُنْقِصُ مِنْ سَمْعِهِ فَإِنْ كَانَ سَمْعُهُ كُلَّهُ فَخِيفَ مِنْهُ فَجُورٌ فَإِنَّهُ يُنْرَكُ حَتَّى إِذَا اسْتَقْلَّ نَوْمًا صِيحَ بِهِ فَإِنْ سَمِعَ قَاسَ بَيْنَهُمُ الْحَاكِمُ بِرَأْيِهِ

And if it was the hearing, so it would be approximate from that, apart from that something would be struck (to make a sound) to him, until the extent of his hearing is known. Then that would be compared, and the sworn endorsement would be

approximated based upon what his hearing had been measured. So if it was such that all of his hearing (was lost), and mischief was feared from him, so he would be left to sleep until when he had slept a little, he would be shrieked at. So if he were to hear, the judge would compare between them by his opinion.

وَ إِنْ كَانَ النِّقْصُ فِي العَضُدِ وَ الفَخْذِ فَإِنَّهُ يُعْلَمُ قَدْرُ ذَلِكَ يُقَاسُ رِجْلُهُ الصَّحِيحَةَ بِخَيْطٍ ثُمَّ يُقَاسُ رِجْلُهُ المُصَابَةَ فَيَعْلَمُ قَدْرُ مَا نَقَصَتْ رِجْلُهُ أَوْ يَدُهُ فَإِنْ أُصِيبَ السَّاقُ أَوْ السَّاعِدُ فَمِنَ الفَخْذِ وَ العَضُدِ يُقَاسُ وَ يَنْظُرُ الحَاكِمُ قَدْرَ فَخْذِهِ .

And if it was such that the deficiency was regarding the upper arms and the thighs, so that would be known by comparing the healthy leg by a cord. Then his hit leg would be compared. Thus it would be known, the measurement of the deficiency of his leg, or his hand. So if the injury was to the leg or the arm, so it is from (the measuring device) for the thigh and the upper arm that he would be compared, and the judge would look at the measurement of his thigh’.

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الحَسَنِ بْنِ ظَرِيفٍ عَنْ أَبِيهِ ظَرِيفِ بْنِ نَاصِحٍ عَنْ رَجُلٍ يُقَالُ لَهُ عَبْدُ اللَّهِ بْنُ أَيُّوبَ قَالَ حَدَّثَنِي أَبُو عَمْرٍو المُنْتَضِبُّ قَالَ عَرَضْتُ هَذَا الكِتَابَ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) .

A number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin Zareyf, from his father Zareyf Bin Nasih, from a man caled Abdullah Bin Ayoub,

(It has been narrated) from Abu Amro Al Mutatabbab who said, ‘I presented the book to Abu Abdullah^{asws}’.

وَ عَلِيُّ بْنُ فَضَّالٍ عَنِ الحَسَنِ بْنِ الجَهْمِ قَالَ عَرَضْتُهُ عَلَى أَبِي الحَسَنِ الرِّضَا (عَلَيْهِ السَّلَامُ) فَقَالَ لِي ارْزُؤُهُ فَإِنَّهُ صَحِيحٌ ثُمَّ ذَكَرَ مِثْلَهُ .

And Ali Bin Fazzal, from Al Hassan Bin Al Jahm who said,

‘I presented it to Abu Al-Hassan Al-Reza^{asws}, so he^{asws} said to me: ‘Report it, for it is correct’. Then he mentioned similar to it’.⁹¹

مُحَمَّدُ بْنُ يَحْيَى عَنِ مُحَمَّدِ بْنِ الحُسَيْنِ عَنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ صَالِحِ بْنِ عَفْبَةَ عَنِ رِفَاعَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا تَقُولُ فِي رَجُلٍ ضَرَبَ رَجُلًا فَفَقَصَ بَعْضَ نَفْسِهِ بِأَيِّ شَيْءٍ يُعْرَفُ ذَلِكَ قَالَ ذَلِكَ بِالسَّاعَاتِ قُلْتُ وَ كَيْفَ بِالسَّاعَاتِ قَالَ فَإِنَّ النَّفْسَ يَطْلُعُ الفَجْرُ وَ هُوَ فِي الشَّقِّ الأَيْمَنِ مِنَ الأنْفِ فَإِذَا مَضَتْ السَّاعَةُ صَارَ إِلَى الشَّقِّ الأَيْسَرِ فَتَنْتَظَرُ مَا بَيْنَ نَفْسِكَ وَ نَفْسِهِ ثُمَّ يُحْتَسَبُ فَيُؤَخَذُ بِحِسَابِ ذَلِكَ مِنْهُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Ismail, from Salih Bin Uqba, from Rafa’at who said,

‘I said to Abu Abdullah^{asws}, ‘What are you^{asws} saying regarding a man who struck a man, so some of his breathing was deficient. With what thing would that be known?’ He^{asws} said: ‘By the timing’. I said, ‘And how by the timing?’ He^{asws} said: ‘At the emergence of dawn, he is breathing, and it is from the right nostril. So when an hour goes by, he (comes to be) breathing by the left nostril. So you would look at what (difference) there is between your breathing, and his breathing. Then it would be reckoned, so he would be taking by that counting from it’.⁹²

⁹¹ Al Kafi – V 7 – The Book of Wergilds Ch 31 H 9

⁹² Al Kafi – V 7 – The Book of Wergilds Ch 31 H 10

بَابُ الرَّجُلِ يَضْرِبُ الرَّجُلَ فَيَذْهَبُ سَمْعُهُ وَبَصَرُهُ وَعَقْلُهُ

Chapter 32 – The man strikes the man, so his hearing, and his vision, and his intellect goes

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي عُبَيْدَةَ الْحَدَّاءِ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ضَرَبَ رَجُلًا بَعْمُودٍ فَسَطَّاطَ عَلَى رَأْسِهِ ضَرْبَةً وَاحِدَةً فَأَجَافَهُ حَتَّى وَصَلَتْ الضَّرْبَةُ إِلَى الدَّمَاعِ فَذَهَبَ عَقْلُهُ فَقَالَ إِنْ كَانَ الْمَضْرُوبُ لَا يَعْقِلُ مِنْهَا الصَّلَاةَ وَلَا يَعُولُ مَا قَالَ وَلَا مَا قِيلَ لَهُ فَإِنَّهُ يُنْتَظَرُ بِهِ سَنَةٌ فَإِنْ مَاتَ فِيهَا بَيْنَهُ وَبَيْنَ السَّنَةِ أَقِيدَ بِهِ ضَارِبُهُ وَإِنْ لَمْ يَمُتْ فِيهَا بَيْنَهُ وَبَيْنَ السَّنَةِ وَلَا يَرْجِعَ إِلَيْهِ عَقْلُهُ أُعْرِمَ ضَارِبُهُ الدِّيَةَ فِي مَالِهِ لِذَهَابِ عَقْلِهِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, both together, from Ibn Mahboub, from Jameel Bin Salih, from Abu Ubeyda Al Haza'a who said,

'I asked Abu Ja'far^{asws} about a man who struck a man with a pole of a tent, upon his head, with one strike. So it pierced him to the extent that it arrived to the brain. So his intellect went'. So he^{asws} said: 'If it was that the struck one did not have the intellect for the Prayer, nor any intellect of what he says, nor what is said to him, so he would be awaited with for a year. So if he were to die in what is between it and the year, his striker would be retaliated with; and if he does not die in what is between it and the year, and his intellect does not return to him, his striker would be fined the (complete) wergild in his wealth, due to the going away of his (victim's) intellect.

قُلْتُ لَهُ فَمَا تَرَى عَلَيْهِ فِي الشَّجَةِ شَيْئاً قَالَ لَا لِأَنَّهُ إِنَّمَا ضَرَبَهُ ضَرْبَةً وَاحِدَةً فَجَنَّتِ الضَّرْبَةُ جَنَائِثِينَ فَأَلْزَمَهُ أَغْلَظَ الْجَنَائِثِينَ وَ هِيَ الدِّيَةُ وَ لَوْ كَانَ ضَرَبَهُ ضَرْبَتَيْنِ فَجَنَّتِ الضَّرْبَتَانِ جَنَائِثِينَ لِأَلْزَمَتْهُ جَنَايَةَ مَا جَنَّتَا كَأَنَّ مَا كَانَتْمَا إِلَّا أَنْ يَكُونَ فِيهِمَا الْمَوْتُ فَيُقَادَ بِهِ ضَارِبُهُ [بِوَاحِدَةٍ وَ تُطْرَحُ الْأُخْرَى قَالَ وَ قَالَ] فَإِنْ ضَرَبَهُ ثَلَاثَ ضَرْبَاتٍ وَاحِدَةً بَعْدَ وَاحِدَةٍ فَجَنَّتِ ثَلَاثَ جَنَائِثٍ أَلْزَمَتْهُ جَنَايَةَ مَا جَنَّتِ الثَّلَاثُ ضَرْبَاتٍ كَأَنَّهَا مَا كَانَتْ مَا لَمْ يَكُنْ فِيهَا الْمَوْتُ فَيُقَادَ بِهِ ضَارِبُهُ قَالَ وَ قَالَ فَإِنْ ضَرَبَهُ عَشْرَ ضَرْبَاتٍ فَجَنَّتِ جَنَايَةَ وَاحِدَةً أَلْزَمَتْهُ تِلْكَ الْجَنَايَةَ الَّتِي جَنَّتْهَا الْعَشْرُ ضَرْبَاتٍ [كَأَنَّهَا مَا كَانَتْ] .

I said to him^{asws}, 'So what do you^{asws} view to be upon him for fracturing something?' He^{asws} said: 'No, because, rather he struck him with one strike. So the one strike committed two crimes. Therefore, it necessitates him the harshest of the two crimes, and it is the (complete) wergild. And had he struck him with two strikes, so the two strikes would have committed two crimes, it would necessitate him one crime, so whatever was it was, except if there happens to be the death in it, so his striker would be retaliated (due to one strike and the other would be dropped). So if he had struck him with three strokes, one after the other, so he would have committed three crimes, it would necessitate him with one crime what the three strikes had committed, as it if was such, for as long as there does not happen to be the death in it, so his striker would be retaliated with. So if he had struck him with ten strike, so it would be the one crime, even it ten strikes had committed, so he will be held for one crime – whatever it may be'.⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ خَالِدِ الْبُرْقِيِّ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ إِبْرَاهِيمَ بْنِ عُمَرَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ ضَرَبَ رَجُلًا بَعْصاً فَذَهَبَ سَمْعُهُ وَبَصَرُهُ وَ لِسَانُهُ وَ عَقْلُهُ وَ فَرَجُهُ وَ انْقَطَعَ جِمَاعُهُ وَ هُوَ حَيٌّ بِسِتِّ دِيَّاتٍ .

⁹³ Al Kafi – V 7 – The Book of Wergilds Ch 32 H 1

Ali Bin Ibrahim, from his father, from Muhammad Bin Khalid Al Barqy, from Hammad Bin Isa, from Ibrahim Bin Umar,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who struck a man with a stick, so his hearing, and his vision, and his tongue, and his intellect, and his private parts ceased to function and his (ability) to copulate went, but he was alive - (a judgement of) six wergilds'.⁹⁴

باب آخر

Chapter 33 – Another Chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي رَجُلٍ فَقَطَعَ عَيْنَيْ رَجُلٍ وَ قَطَعَ أُذُنَيْهِ ثُمَّ قَتَلَهُ فَقَالَ إِنْ كَانَ فَرَقَ بَيْنَ ذَلِكَ اقْتَصَصَ مِنْهُ ثُمَّ يُقْتَلُ وَ إِنْ كَانَ ضَرْبُهُ ضَرْبَةً وَاحِدَةً ضُرِبَتْ عُنُقُهُ وَ لَمْ يُقْتَصَّ مِنْهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Muhammad Bin Abu Hamza, from Muhammad Bin Qays,

(It has been narrated) from one of the two (5th or 5th Imam^{asws}) regarding a man who blinded an eye of a man and cut-off his ear, then killed him. So he^{asws} said: 'If there was a separation between that (different times), he would be retaliated from, then he would be killed. And if he had struck him with one strike, his neck would be struck, and he would not be retaliated from'.⁹⁵

باب دية الجراحات و الشجاج

Chapter 34 – Wergild for the injuries and the fractures

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مَسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي الْمَأْمُومَةِ ثُلُثَ الدِّيَةِ وَ فِي الْمُنْقَلَةِ خَمْسَ عَشْرَةَ مِنَ الْإِبِلِ وَ فِي الْمَوْضِحَةِ خَمْسًا مِنَ الْإِبِلِ وَ فِي الدَّامِيَةِ بَعِيرًا وَ فِي الْبَاضِعَةِ بَعِيرَيْنِ وَ قَضَى فِي الْمُتَلَجِمَةِ ثَلَاثَةَ أَبْعَرَةٍ وَ قَضَى فِي السَّمْحَاقِ أَرْبَعَةَ مِنَ الْإِبِلِ .

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

(It has been narrated) from Abu Abdullah^{asws} havind said: 'Amir Al-Momineen^{asws} said: 'Rasool-Allah^{saww} judged regarding *Al-Mamouma* (the skull fracture reaching the brain) for it being a third of the wergild; and regarding *Al Munqala* (bone displacing injury) for it being fifteen from the camels; and regarding *Al-Mowziha* (bone exposing injury) for it being five from the camels; and regarding *Al-Damiya* (bloody injury) for it being one camel; and regarding *Al-Baziya* (flesh exposing injury) for it being two camels. And he^{saww} judged regarding *Al-Mutalahima* (flesh injury) for it being three camels, and judged regarding *Al-Simhak* (injury reaching the bone) for it being four from the camels'.⁹⁶

⁹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 32 H 2

⁹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 33 H 1

⁹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 1

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّيَّاحِ الْكِنَانِيِّ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُمَرُو بْنِ عُثْمَانَ عَنْ الْمُفَضَّلِ بْنِ صَالِحٍ عَنْ زَيْدِ الشَّحَامِ قَالَا سَأَلْنَا أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ الشَّجَةِ الْمَأْمُومَةِ فَقَالَ فِيهَا ثَلَاثُ الدِّيَةِ وَ فِي الْجَائِفَةِ ثَلَاثُ الدِّيَةِ وَ فِي الْمَوْضِحَةِ خَمْسٌ مِنَ الْإِبِلِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kinany, and Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Al Mufazzal Bin Salih, from Zayd Al Shahham who both said,

'We both asked Abu Abdullah^{asws} about the Al-Mamouma fracture (the head fracture reaching the brain). So he^{asws} said: 'Regarding it is a third of the wergild, and regarding *Al-Jaifa* (skull injury reaching the inside of the brain) is a third of the wergild, and regarding *Al-Mowziha* (bone exposing injury) is five from the camels'.⁹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي الْمَوْضِحَةِ خَمْسٌ مِنَ الْإِبِلِ وَ فِي السَّمْحَاقِ أَرْبَعٌ مِنَ الْإِبِلِ وَ الْبَاضِعَةُ ثَلَاثٌ مِنَ الْإِبِلِ وَ الْمَأْمُومَةُ ثَلَاثٌ وَ ثَلَاثُونَ مِنَ الْإِبِلِ وَ الْجَائِفَةُ ثَلَاثٌ وَ ثَلَاثُونَ مِنَ الْإِبِلِ وَ الْمَنْقَلَةُ خَمْسٌ عَشْرَةَ مِنَ الْإِبِلِ .

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 *Al-Mowziha* (bone exposing injury) is five from the camels, and regarding *Al-Simhak* (injury reaching the bone) is four from the camels; and *Al-Bazia* (flesh exposing injury) is three from the camels; and *Al-Mamouma* (the skull fracture reaching the brain) is thirty three from the camels; and *Al-Jaifa* (skull injury reaching the inside of the brain) is thirty three from the camels; and *Al-Munqala* (bone displacing injury) is fifteen from the camels'.⁹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ الْحَسَنِ بْنِ صَالِحِ الثَّوْرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمَوْضِحَةِ فِي الرَّأْسِ كَمَا هِيَ فِي الْوَجْهِ فَقَالَ الْمَوْضِحَةُ وَ الشَّجَاعُ فِي الْوَجْهِ وَ الرَّأْسِ سَوَاءٌ فِي الدِّيَةِ لِأَنَّ الْوَجْهَ مِنَ الرَّأْسِ وَ لَيْسَ الْجِرَاحَاتُ فِي الْجَسَدِ كَمَا هِيَ فِي الرَّأْسِ .

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

(The narrator) says, 'I asked Abu Abdullah^{asws} about *Al-Mowziha* (bone exposing injury) is like what is in the face. So he^{asws} said: 'The bone-exposing injury, and the fracture in the face and the head are equal regarding the wergild, because the face is from the head, and there is none from the injuries in the body like it is in the head'.⁹⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) وَ عَنْهُ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ قَالَ عَرَضْتُ الْكِتَابَ عَلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) فَقَالَ هُوَ صَحِيحٌ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي دِيَةِ جِرَاحَاتِ الْأَعْضَاءِ كُلِّهَا فِي الرَّأْسِ وَ الْوَجْهِ وَ سَائِرِ الْجَسَدِ مِنَ السَّمْعِ وَ الْبَصَرِ وَ الصَّوْتِ وَ الْعَقْلِ وَ الْيَدَيْنِ وَ الرَّجْلَيْنِ فِي الْقَطْعِ وَ الْكُسْرِ وَ الصَّدْعِ وَ الْبُطِّ وَ الْمَوْضِحَةِ وَ الدَّامِيَةِ وَ نَقْلِ الْعِظَامِ وَ النَّاقِبَةِ يَكُونُ فِي شَيْءٍ مِنْ ذَلِكَ

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abu Al Hassan^{asws}, and from him, from his father, from Ibn Fazzal who said,

⁹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 2

⁹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 3

⁹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 4

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَجَّ رَجُلًا مُوضِحَةً ثُمَّ يَطْلُبُ فِيهَا فَوَهَبَهَا لَهُ ثُمَّ انْتَفَضَتْ بِهِ فَقَتَلَتْهُ فَقَالَ هُوَ ضَامِنٌ لِلدِّيَةِ إِلَّا قِيَمَةَ الْمَوْضِحَةِ لِأَنَّهُ وَهَبَهَا لَهُ وَ لَمْ يَهَبِ النَّفْسَ وَ فِي السَّمْحَاقِ وَ هِيَ الَّتِي دُونَ الْمَوْضِحَةِ حَمْسُمِائَةَ دِرْهَمٍ وَ فِيهَا إِذَا كَانَتْ فِي الْوَجْهِ ضِعْفُ الدِّيَةِ عَلَى قَدْرِ السِّنِّ وَ فِي الْمَأْمُومَةِ ثَلَاثُ الدِّيَةِ وَ هِيَ الَّتِي قَدْ نَفَذَتْ وَ لَمْ تَصِلْ إِلَى الْجَوْفِ فَهِيَ فِيمَا بَيْنَهُمَا وَ فِي الْجَائِفَةِ ثَلَاثُ الدِّيَةِ وَ هِيَ الَّتِي قَدْ بَلَغَتْ جَوْفَ الدَّمَاعِ وَ فِي الْمُنْقَلَةِ حَمْسَ عَشْرَةَ مِنَ الْإِبِلِ وَ هِيَ الَّتِي قَدْ صَارَتْ قَرْحَةً تَنْقَلُ مِنْهَا الْعِظَامُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who fractured a man exposing his bone. Then he sought (forgiveness) so he gifted it to him. Then it (injury) worsened, so it killed him. So he^{asws} said: 'He is responsible for the wergild except for the price of the bone exposed, because he had gifted it to him, and he had not gifted the self; and regarding the cut which reaches the bone, and it is less than the exposure, being of five hundred Dirhams, and with regards to it when it was in the face, it would be double the wergild upon the measurement of the shame (it caused); and regarding the skull fracture being a third of the wergild, and it is which had been plunged in and did not reach to the middle, so it is regarding what is between the two; and regarding the piercing of the hole is a third of the wergild, and it is which had reached the middle of the brain; and regarding the bone displacement being fifteen from the camels, and it is which had become a blister, the bone being displaced from it'.¹⁰³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنِ الْفَضِيلِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الذَّرَاعِ إِذَا ضُرِبَ فَانْكَسَرَ مِنْهُ الزَّنْدُ قَالَ إِذَا يَبَسَتْ مِنْهُ الْكَفُّ فَسَلَّتْ أَصَابِعُ الْكَفِّ كُلُّهَا فَإِنَّ فِيهَا ثَلَاثِي الدِّيَةِ دِيَةَ الْيَدِ قَالَ وَ إِنْ سَلَّتْ بَعْضُ الْأَصَابِعِ وَ بَقِيَ بَعْضُ فَإِنَّ فِي كُلِّ إِصْبَعٍ سَلَّتْ ثَلَاثِي دِيَّتِهَا قَالَ وَ كَذَلِكَ الْحَكْمُ فِي السَّاقِ وَ الْقَدَمِ إِذَا سَلَّتْ أَصَابِعُ الْقَدَمِ .

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 Al Fuzayl Bin Yasaar who said,

'I asked Abu Abdullah^{asws} about the upper-arms when it is hit, so the wrist breaks from it. So he^{asws} said: 'If the palm is dried up from it, so the fingers of the palm are paralysed, all of them, so regarding it is two-thirds of the wergild of the hand. And if some of the fingers are paralysed, and some remain (healthy), so with regards to each of the paralysed finger is two-thirds of its wergild. And like that is the judgement regarding the leg, and the feet, when the toes of the feet are paralysed'.¹⁰⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي الْإِصْبَعِ عُسْرُ الدِّيَةِ إِذَا قُطِعَتْ مِنْ أَصْلِهَا أَوْ سَلَّتْ

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 regard the fingers being a tenth of the wergild when they are cut off from their roots, or paralysed'.

قَالَ وَ سَأَلْتُهُ عَنِ الْأَصَابِعِ أَسَوَاءٌ هُنَّ فِي الدِّيَةِ قَالَ نَعَمْ

¹⁰³ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 8

¹⁰⁴ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 9

He (the narrator) said, 'And I asked him^{asws} about the fingers, are these equal regarding the wergild?' He^{asws} said: 'Yes'.

قَالَ وَ سَأَلْتُهُ عَنِ الْأَسْنَانِ فَقَالَ دِيْهُنَّ سَوَاءٌ .

He (the narrator) said, 'And I asked him^{asws} about the teeth, so he^{asws} said: 'Their wergild is the same'.¹⁰⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَصَابِعُ الْيَدَيْنِ وَالرِّجْلَيْنِ سَوَاءٌ فِي الدِّيَةِ فِي كُلِّ إِصْبَعٍ عَشْرٌ مِنَ الْإِبِلِ وَ فِي الظُّفْرِ خَمْسَةٌ دَنَانِيرٌ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The fingers of the two hands and the (toes of) the two legs are equal regarding the wergild. Regarding each finger is ten from the camels; and regarding the nail is five Dinars'.¹⁰⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي النَّاقِلَةِ يَكُونُ فِي الْعَضْوِ ثَلَاثُ دِيَّةٍ ذَلِكَ الْعَضْوُ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the displacement which happens to be in the bone, being a third of the wergild of that bone'.¹⁰⁷

بَابُ تَفْسِيرِ الْجَرَاحَاتِ وَالشَّجَاجِ

Chapter 35 – Classification of the injuries and the fractures

أَوَّلُهَا تُسَمَّى الْحَارِصَةَ وَ هِيَ الَّتِي تَخْدِشُ وَ لَا تُجْرِي الدَّمَ

The first to be named is *Al-Harisa* – and it is which scratches and the blood does not flow.

ثُمَّ الدَّامِيَةَ وَ هِيَ الَّتِي يَسِيلُ مِنْهَا الدَّمُ

Then it is *Al-Daima* – and it is from which the blood flows.

ثُمَّ الْبَاضِعَةَ وَ هِيَ الَّتِي تَبْضَعُ اللَّحْمَ وَ تَقْطَعُهُ

Then *Al-Bazi'a* – and it is which exposes the flesh and cuts it.

ثُمَّ الْمُتَالِحِمَةَ وَ هِيَ الَّتِي تَبْلُغُ فِي اللَّحْمِ

Then it is *Al-Mutalahima* – and it is which reaches into the flesh.

¹⁰⁵ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 10

¹⁰⁶ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 11

¹⁰⁷ Al Kafi – V 7 – The Book of Wergilds Ch 34 H 12

تُمُّ السَّمْحَاقُ وَ هِيَ الَّتِي تَبْلُغُ الْعِظْمَ وَ السَّمْحَاقُ جِلْدَةٌ رَقِيقَةٌ عَلَى الْعِظْمِ

Then it is *Al-Samhaak* – and it is which reaches the bone; and *Al-Samhaak* (reaching) the thin outer lining upon the bone.

تُمُّ الْمَوْضِحَةَ وَ هِيَ الَّتِي تُوضِحُ الْعِظْمَ

The *Al-Mowziha* – and it is which exposes the bone.

تُمُّ الْهَاشِمَةَ وَ هِيَ الَّتِي تَهْشِمُ الْعِظْمَ

Then *Al-Hashima* – and it is which shatters the bone.

تُمُّ الْمُنْقَلَةَ وَ هِيَ الَّتِي تُنْقَلُ الْعِظَامَ مِنَ الْمَوْضِعِ الَّذِي خَلَقَهُ اللَّهُ

The *Al-Munqala* – And it is which displaces the bone from the place which Allah^{azwj} had Created it to be in.

تُمُّ الْأَمَّةَ وَ الْمَأْمُومَةَ وَ هِيَ الَّتِي تَبْلُغُ أُمَّ الدِّمَاغِ

Then *Al-Ammat* and *Al-Mamouna* – and it is which reaches the top of the brain.

تُمُّ الْجَائِفَةَ وَ هِيَ الَّتِي تَصِيرُ فِي جَوْفِ الدِّمَاغِ .

Then *Al-Ja'ifa* – and it is which arrives to the inside of the brain.

بَابُ الْخَلْقَةِ الَّتِي تُقَسَّمُ عَلَيْهِ الدِّيَّةُ فِي الْأَسْنَانِ وَ الْأَصَابِعِ

Chapter 36 – The creation upon which the wergild is distributed, regarding the teeth and the fingers

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ زِيَادِ بْنِ سُوْفَةَ عَنِ الْحَكَمِ بْنِ عُنَيْبَةَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَصْلَحَكَ اللَّهُ إِنْ بَعْضَ النَّاسِ فِي فِيهِ اثْنَانِ وَ ثَلَاثُونَ سِنّاً وَ بَعْضُهُمْ لَهُمْ ثَمَانِيَةٌ وَ عِشْرُونَ سِنّاً فَعَلَى كَمْ تُقَسَّمُ دِيَّةُ الْأَسْنَانِ فَقَالَ الْخَلْقَةُ إِنَّمَا هِيَ ثَمَانِيَةٌ وَ عِشْرُونَ سِنّاً اثْنَتَا عَشَرَ فِي مَقَادِيمِ الْفَمِ وَ سِتَّةَ عَشَرَ سِنّاً فِي مَوَاحِيرِهِ فَعَلَى هَذَا قُسِمَتْ دِيَّةُ الْأَسْنَانِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Hishan Bin Salim, from Ziyad Bin Sowqat, from Al Hakam Bin Uteyba who said,

'I said to Abu Ja'far^{asws}, 'May Allah^{azwj} Keep you^{asws} well! Some of the people have thirty two teeth in their mouths, and for some of them are twenty eight teeth. So upon how much would be the distribution of wergild of the teeth?' So he^{asws} said: 'The creation, rather, it is of twenty eight teeth – twelve in the front of the mouth, and sixteen at the end of it. So it is upon this that the wergild of the teeth would be distributed.

فَدِيَّةُ كُلِّ سِنٍّ مِنَ الْمَقَادِيمِ إِذَا كُسِرَتْ حَتَّى يَذْهَبَ خَمْسُمِائَةَ دِرْهَمٍ فَدِيَّتُهَا كُلُّهَا سِتَّةَ آلَافِ دِرْهَمٍ وَ فِي كُلِّ سِنٍّ مِنَ الْمَوَاحِيرِ إِذَا كُسِرَتْ حَتَّى يَذْهَبَ فَإِنَّ دِيَّتَهَا مِائَتَانِ وَ خَمْسُونَ دِرْهَمًا وَ هِيَ سِتَّةَ عَشَرَ سِنّاً فَدِيَّتُهَا كُلُّهَا أَرْبَعَةُ آلَافِ دِرْهَمٍ فَجَمِيعُ دِيَّةِ

الْمَقَادِيمِ وَالْمَوَاحِيرِ مِنَ الْأَسْنَانِ عَشْرَةَ أَلْفٍ دِرْهَمٍ وَإِنَّمَا وُضِعَتِ الدِّيَّةُ عَلَى هَذَا فَمَا زَادَ عَلَى ثَمَانِيَةِ وَ عَشْرِينَ سِنًا فَلَا دِيَّةَ لَهُ وَ مَا نَقَصَ فَلَا دِيَّةَ لَهُ هَكَذَا وَجَدْنَاهُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام)

Ransom of every tooth from the front, when it breaks until it is gone, is of five hundred Dirhams, the ransom of all of these being six thousand Dirhams. And regarding every tooth from the back when it breaks until it is gone, so its wergild is two hundred and fifty Dirhams, and these are sixteen teeth, all of it being four thousand Dirhams. So the entire wergild of the front and the back from the teeth is of ten thousand Dirhams. But rather, the wergild would be placed upon this, so whatever increased upon twenty eight teeth, so there is no wergild for it, and whatever is deficient, so there is no wergild for it. This is how we^{asws} found it to be in the Book of Ali^{asws}

قَالَ فَقَالَ الْحَكَمُ فَقُلْتُ إِنَّ الدِّيَّاتِ إِنَّمَا كَانَتْ تُؤْخَذُ قَبْلَ الْيَوْمِ مِنَ الْإِبِلِ وَالْبَقَرِ وَالْعَنَمِ قَالَ فَقَالَ إِنَّمَا كَانَ ذَلِكَ فِي الْبَوَادِي قَبْلَ الْإِسْلَامِ فَلَمَّا ظَهَرَ الْإِسْلَامُ وَكَثُرَتِ الْوَرِقُ فِي النَّاسِ قَسَمَهَا أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) عَلَى الْوَرِقِ

He (the narrator) said, 'So Al-Hakam said, 'So I said, 'But rather, the wergilds used to be taken before today, from the camels, and the cows, and the sheep'. So he^{asws} said: 'But rather that used to be in the villages, before Al-Islam. So when Al-Islam appeared, and the currency became abundant among the people, so Amir Al-Momineen^{asws} named it upon the currency'.

قَالَ الْحَكَمُ فَقُلْتُ لَهُ أَرَأَيْتَ مَنْ كَانَ الْيَوْمَ مِنْ أَهْلِ الْبَوَادِي مَا الَّذِي يُؤْخَذُ مِنْهُمْ فِي الدِّيَّةِ الْيَوْمِ إِبِلٌ أَوْ وَرِقٌ قَالَ فَقَالَ الْإِبِلُ الْيَوْمَ مِثْلُ الْوَرِقِ بَلْ هِيَ أَفْضَلُ مِنَ الْوَرِقِ فِي الدِّيَّةِ إِنَّهُمْ كَانُوا يَأْخُذُونَ مِنْهُمْ فِي الدِّيَّةِ الْخَطَأَ مِائَةَ مِنَ الْإِبِلِ يُحْسَبُ بِكُلِّ بَعِيرٍ مِائَةَ دِرْهَمٍ فَذَلِكَ عَشْرَةُ أَلْفٍ دِرْهَمٍ قُلْتُ لَهُ فَمَا أَسْنَانُ الْمِائَةِ بَعِيرٍ قَالَ فَقَالَ مَا حَالَ عَلَيْهِ الْحَوْلُ ذَكَرَانَ كُلِّهَا .

Al-Hakam said, 'So I said to him^{asws}, 'What is your^{asws} view of the one who was from the people of the villages today. What is that which would be taken from him regarding the wergild today, camels or currency?' So he^{asws} said: 'The camels, today are like the currency. But it is preferable than the currency regarding the wergild. It used to be taken from them, regarding the wergild of the erroneous (killing), one hundred from the camels by the reckoning of every camel being one hundred Dirhams. So that is ten thousand Dirhams'. I said to him^{asws}, 'So what are the ages of the one hundred camels?' So he^{asws} said: 'Whatever a year has passed upon, males, all of them'.¹⁰⁸

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ زِيَادِ بْنِ سَوْقَةَ عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَام) عَنْ أَصَابِعِ الْيَدَيْنِ وَ أَصَابِعِ الرَّجْلَيْنِ أَرَأَيْتَ مَا زَادَ فِيهَا عَلَى عَشْرِ أَصَابِعٍ أَوْ نَقَصَ مِنْ عَشْرَةٍ فِيهَا دِيَّةٌ قَالَ لِي يَا حَكَمُ الْخَلْقَةُ الَّتِي قَسِمَتْ عَلَيْهَا الدِّيَّةُ عَشْرَةُ أَصَابِعِ فِي الْيَدَيْنِ فَمَا زَادَ أَوْ نَقَصَ فَلَا دِيَّةَ لَهُ وَ عَشْرَةُ أَصَابِعِ فِي الرَّجْلَيْنِ فَمَا زَادَ أَوْ نَقَصَ فَلَا دِيَّةَ لَهُ وَ فِي كُلِّ إِصْبَعٍ مِنْ أَصَابِعِ الْيَدَيْنِ أَلْفٌ دِرْهَمٍ وَ فِي كُلِّ إِصْبَعٍ مِنْ أَصَابِعِ الرَّجْلَيْنِ أَلْفٌ دِرْهَمٍ وَ كُلُّ مَا كَانَ مِنْ شَلَلٍ فَهُوَ عَلَى الثَّلَاثِ مِنْ دِيَّةِ الصَّحَّاحِ .

Ibn Mahboub, from Hisham Bin Salim, from Ziyad Bin Sowqat, from Al Hakam Bin Uteyba who said,

'I asked Abu Ja'far^{asws} about fingers of the two hands, and toes of the two feet, 'What is your^{asws} view with regards to these, upon ten fingers, or deficient from ten, regarding wergild?' So he^{asws} said to me: 'O Hakam! The creation upon which the wergild is to be distributed is ten fingers in the two hands. So whatever is additional

¹⁰⁸ Al Kafi – V 7 – The Book of Wergilds Ch 35 H 1

or deficient, so there is no wergild for it; and ten toes in the two feet, so whatever was additional or deficient, so there is no wergild for it; and regarding every finger from the fingers of the two hands, is a thousand Dirhams; and regarding every toe from the toes of the two feet, is a thousand Dirhams; and regarding everything what was from the paralysed, so it is upon the third from the wergild of the healthy'.¹⁰⁹

باب آخر

Chapter 37 – Another chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ جَمِيعاً قَالَا عَرَضْنَا كِتَابَ الْفَرَائِضِ عَنْ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) عَلَى أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) فَقَالَ هُوَ صَحِيحٌ .

Ali Bin Ibrahim, from his father, from Ibn Fazal and Muhammad Bin Isa, from Yunus, both together said,

'We presented a book of the Obligations, from Amir Al-Momineen^{asws} to Abu Al-Hassan Al-Reza^{asws}, so he^{asws} said: 'It is correct'.¹¹⁰

وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ ظَرِيفٍ عَنْ أَبِيهِ ظَرِيفِ بْنِ نَاصِحٍ قَالَ حَدَّثَنِي رَجُلٌ يُقَالُ لَهُ عَبْدُ اللَّهِ بْنُ أَيُّوبَ قَالَ حَدَّثَنِي أَبُو عَمْرٍو الْمُتَطَبِّبُ قَالَ عَرَضْتُهُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَقْتَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَكَتَبَ النَّاسُ فُتْيَاهُ وَ كَتَبَ بِهِ أَمِيرُ الْمُؤْمِنِينَ إِلَى أَمْرَائِهِ وَ رُءُوسِ أَجْنَادِهِ

A number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin zareyf, from his father Zareyf Bin Nasih, from a man called Abdullah Bin Ayoubm from Abu Amro Al Mutatabbab who said,

'I presented it (book of Obligations from Amir Al-Momineen^{asws}) to Abu Abdullah^{asws}. He^{asws} said: 'Amir Al-Momineen^{asws} issued Verdicts, so the people wrote down his^{asws} Verdicts, and (what) Amir Al-Momineen^{asws} wrote to his governors, and the heads of his^{asws} battalions.

فَمِمَّا كَانَ فِيهِ إِنْ أُصِيبَ شَفْرُ الْعَيْنِ الْأَعْلَى فَشَتْرَ فِدْيَتُهُ ثَلَاثُ دِيَّةِ الْعَيْنِ مِائَةَ دِينَارٍ وَ سِتَّةٌ وَ سِتُّونَ دِينَاراً وَ ثَلَاثَا دِينَاراً وَ إِنْ أُصِيبَ شَفْرُ الْعَيْنِ الْأَسْفَلِ فَشَتْرَ فِدْيَتُهُ نِصْفُ دِيَّةِ الْعَيْنِ مِائَةَ دِينَارٍ وَ خَمْسُونَ دِينَاراً وَ إِنْ أُصِيبَ الْحَاجِبُ فَذَهَبَ شَعْرُهُ كُلُّهُ فِدْيَتُهُ نِصْفُ دِيَّةِ الْعَيْنِ مِائَتَا دِينَارٍ وَ خَمْسُونَ دِينَاراً فَمَا أُصِيبَ مِنْهُ فَعَلَى حِسَابِ ذَلِكَ

So from what was in it – If an upper eyelid is hit, so it tears, its wergild is a third of the wergild of the eye, being one hundred and sixty-six and two-third Dinars. And if the lower eyelid is hit, so it tears, its wergild is half the wergild of the eye, being one hundred and fifty Dinars. And if the eyebrow is hit and all of its hair is gone, so its wergild is half the wergild of the eye, being two hundred and fifty Dinars. So whatever is hit from it, so it is based upon the accounting of that.

الْأَنْفُ فَإِنْ قُطِعَ رَوْتُهُ الْأَنْفِ وَ هِيَ طَرْفُهُ فِدْيَتُهُ خَمْسُمِائَةَ دِينَارٍ إِنْ أَنْفَذَتْ فِيهِ نَافِذَةٌ لَا تَنْسُدُ بِسَهْمٍ أَوْ رُمْحٍ فِدْيَتُهُ ثَلَاثُمِائَةَ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ إِنْ كَانَتْ نَافِذَةٌ قَبْرَاتٍ وَ التَّامَّتْ فِدْيَتُهَا خُمُسُ دِيَّةِ رَوْتَةِ الْأَنْفِ مِائَةَ دِينَارٍ فَمَا أُصِيبَ مِنْهُ فَعَلَى حِسَابِ ذَلِكَ

The nose – So if the side of the nose is cut, and it is its edge, so its wergild is five hundred Dinars. If it has been pierced by a piercing by an arrow or a spear, and does

¹⁰⁹ Al Kafi – V 7 – The Book of Wergilds Ch 35 H 2

¹¹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 36 H 1

not close, so its wergild is of three hundred and thirty three and a third Dinar; and it was pierced, so it was cured and was complete, so its wergild is a fifth of the wergild of the side of the nose, being one hundred Dinars. So whatever was hit from it, so it would be based upon the accounting of that.

وَ إِنْ كَانَتْ نَافِذَةً فِي إِحْدَى الْمُنْخَرَيْنِ إِلَى الْخَيْشُومِ وَ هُوَ الْحَاجِزُ بَيْنَ الْمُنْخَرَيْنِ فِدْيَتُهَا عَشْرُ دِيَّةِ رَوْتَةِ الْأَنْفِ خَمْسُونَ دِينَاراً لِأَنَّهُ النُّصْفُ وَ إِنْ كَانَتْ نَافِذَةً فِي إِحْدَى الْمُنْخَرَيْنِ أَوْ الْخَيْشُومِ إِلَى الْمُنْخَرِ الْأَخْرَ فِدْيَتُهَا سِتَّةٌ وَ سِتُّونَ دِينَاراً وَ ثَلَاثَا دِينَارٍ .

And if it was pierced in one of the two nostrils to the nasopharynx, and it is the barrier between the two nostrils, so its wergild is a tenth of the wergild of the nose, being fifty Dinars, because it is the half. And if it was pierced in one of the nostrils, or the nasopharynx to the other nostril, so its wergild is sixty-six Dinars and two-thirds of a Dinar'.¹¹¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَضَى فِي حَرَمِ الْأَنْفِ ثَلَاثَ دِيَّةِ الْأَنْفِ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} judged regarding (piercing of a) hole in the nose, being a third of the wergild of the nose'.¹¹²

¹¹¹ Al Kafi – V 7 – The Book of Wergilds Ch 36 H 2

¹¹² Al Kafi – V 7 – The Book of Wergilds Ch 36 H 3