

الكافي

AL-KAFI

ج 7

Volume 7

للمحدث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة
الإسلام الكليني المتوفى سنة 329 هجرية

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 الدِّيَّاتِ

THE BOOK OF WERGILDS (COMPENSATIONS)
(3)

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بسم الله الرحمن الرحيم الحمد لله رب العالمين، وصلى الله على سيدنا محمد وآله الطاهرين، وسلم تسليماً.

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

باب الشَّفَتَيْنِ

Chapter 38 – The two lips

وَبِالْإِسْنَادِ الْأَوَّلِ قَالَ وَ إِذَا قُطِعَتِ الشَّفَةُ الْعُلْيَا وَ اسْتُصِلَتْ فَدِيْنُهَا خَمْسُمِائَةِ دِينَارٍ فَمَا قُطِعَ مِنْهَا فَبِحِسَابِ ذَلِكَ فَإِذَا انْشَقَّتْ حَتَّى تَبْدُوَ مِنْهَا الْأَسْنَانُ ثُمَّ دُوِيَتْ وَ بَرَأَتْ وَ التَّامَّتْ فَدِيْنُهَا مِائَةُ دِينَارٍ فَذَلِكَ خُمْسُ دِيْنَةِ الشَّفَةِ إِذَا قُطِعَتْ فَاسْتُصِلَتْ وَ مَا قُطِعَ مِنْهَا فَبِحِسَابِ ذَلِكَ فَإِنْ شَرِثَتْ فَشِيْنَتْ شَيْئاً قَبِيحاً فَدِيْنُهَا مِائَةُ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلْثُ دِينَارٍ

And by the first chain,

He^{asws} said: ‘And when the upper lip is cut and is eradicated, so its wergild is five hundred Dinars. So whatever was cut from it, so its accounting would be based upon that. So, when it is cut to the extent that the teeth emerge from it, then medication is applied and it is cured and complete, so its wergild is one hundred Dinars. So that is a fifth of the wergild of the lip when it is cut and is eradicated, and whatever was cut from it, so its accounting would be by that. So if it is torn, so it manifests an ugliness, so its wergild is one hundred and thirty three Dinars and one-third of a Dinar.

وَ دِيْنَةُ الشَّفَةِ السُّفْلَى إِذَا اسْتُصِلَتْ ثُلْثَا الدِّيَةِ سِتْمِائَةِ وَ سِتُّهُ وَ سِتُّونَ دِينَاراً وَ ثُلْثَا دِينَارٍ فَمَا قُطِعَ مِنْهَا فَبِحِسَابِ ذَلِكَ فَإِنْ انْشَقَّتْ حَتَّى تَبْدُوَ الْأَسْنَانُ مِنْهَا ثُمَّ بَرَأَتْ وَ التَّامَّتْ فَدِيْنُهَا مِائَةُ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلْثُ دِينَارٍ وَ إِنْ أَصِيبَتْ فَشِيْنَتْ شَيْئاً قَبِيحاً فَدِيْنُهَا ثَلَاثُمِائَةِ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلْثُ دِينَارٍ وَ ذَلِكَ نِصْفُ دِيْنَتِهَا

And wergild of the lower lip when it is eradicated, is one-third of the wergild, being six hundred and sixty six Dinars and two-thirds of a Dinar. So whatever is cut from it, so it would be based upon that accounting. So if it is torn to the extent that the teeth emerge from it, then it is cured and complete, so its wergild is one hundred and thirty three Dinars and one-third of a Dinar. And if it is hit, so it manifests an ugliness, so its wergild is three hundred and thirty three Dinars and one-third of a Dinar, and that is half its wergild’.

وَ فِي رَوَايَةِ ظَرِيفِ بْنِ نَاصِحٍ قَالَ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَلِكَ فَقَالَ بَلَّغْنَا أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَضَّلَهَا لِأَنَّهَا تُمَسِّكُ الطَّعَامَ مَعَ الْأَسْنَانِ فَلِذَلِكَ فَضَّلَهَا فِي حُكْمَتِهِ .

And in a report of Zareyf Bin Nasih who said, ‘So I asked Abu Abdullah^{asws} about that, so he^{asws} said: ‘It has reached us^{asws} that Amir Al-Momineen^{asws} preferred it (the lower lip) because it withholds the food along with the teeth, therefore it was due to that, that he^{asws} preferred it in his^{asws} judgements’.¹

¹ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 1 & 2

الْخُدُّ

The Cheek

وَفِي الْخُدِّ إِذَا كَانَ فِيهِ نَافِذَةٌ يُرَى مِنْهَا جَوْفُ الْفَمِ فَدِيَّتُهَا مِائَتَا دِينَارٍ وَ إِنْ نُوِي قَبْرًا وَ التَّمَّ وَ بِهِ أَثَرٌ بَيِّنٌ وَ شَتْرٌ فَاحِشٌ فَدِيَّتُهُ خَمْسُونَ دِينَارًا فَإِنْ كَانَتْ نَافِذَةٌ فِي الْخَدَّيْنِ كُلَيْهِمَا فَدِيَّتُهَا مِائَةُ دِينَارٍ وَ ذَلِكَ نِصْفُ دِيَّةِ الْتِي يُرَى مِنْهَا الْفَمُ

And regarding the cheek, when there is a rupture in it from which the inside of the mouth can be seen, so its wergild is two hundred Dinars; and if medication is applied so it is cured, and complete, and due to it there is a clear mark and an obscene tear, so its wergild is fifty Dinars. So if there was piercing in both of the cheeks, so its wergild is one hundred Dinars. And that is half the wergild of that from which the (inside of) the mouth can be seen.

فَإِنْ كَانَتْ رَمِيَّةٌ بَنَصْلٍ يَنْتُبُ فِي الْعَظْمِ حَتَّى يَنْفُذَ إِلَى الْحَنَكِ فَدِيَّتُهَا مِائَةُ وَ خَمْسُونَ دِينَارًا جُعِلَ مِنْهَا خَمْسُونَ دِينَارًا لِمُوضِحَتِهَا وَ إِنْ كَانَتْ نَاقِيَةً وَ لَمْ يَنْفُذْ فِيهَا فَدِيَّتُهَا مِائَةُ دِينَارٍ فَإِنْ كَانَتْ مُوضِحَةً فِي شَيْءٍ مِنَ الْوَجْهِ فَدِيَّتُهَا خَمْسُونَ دِينَارًا فَإِنْ كَانَ لَهَا شَيْءٌ فَدِيَّةُ شَيْئِهِ مَعَ دِيَّةِ مُوضِحَتِهِ

So if it had been jabbed at with a blade which affirmed into the bone to the extent that it pierced into the jaw, so its wergild is one hundred and fifty Dinars, fifty of which have been made to be for exposing it (the bone); and if it had caused a blister and did not get affirmed in it, so its wergild is one hundred Dinars; so if it had exposed something from the face, so its wergild would be fifty Dinars; so if it was that it had ugliness for it, so its wergild would be for it along with the wergild for the exposure (of the bone).

فَإِنْ كَانَ جُرْحًا وَ لَمْ يُوضِحْ ثُمَّ بَرَأَ وَ كَانَ فِي الْخَدَّيْنِ فَدِيَّتُهُ عَشْرَةُ دَنَانِيرٍ فَإِنْ كَانَ فِي الْوَجْهِ صَدْعٌ فَدِيَّتُهُ تَمَانُونَ دِينَارًا فَإِنْ سَقَطَتْ مِنْهُ جُذْمَةٌ لَحْمٍ وَ لَمْ يُوضِحْ وَ كَانَ قَدَرُ الدَّرْهِمِ فَمَا فَوْقَ ذَلِكَ فَدِيَّتُهُ ثَلَاثُونَ دِينَارًا وَ دِيَّةُ السَّجَّةِ إِذَا كَانَتْ تُوضِحُ أَرْبَعُونَ دِينَارًا إِذَا كَانَتْ فِي الْخُدِّ

So if it has been a wound and did not expose (a bone), then it was cured, and it was in the two cheeks, so its wergild would be ten Dinars; so if it was in the face as a fracture, its wergild would be eighty Dinars; so if a piece of the flesh had fallen from it, and it did not expose bone), and it was the size of the Dirham, and it was not above that, its wergild would be thirty Dinars; and a wergild of the piercing when it had exposed (the bone) is forty Dinars, when it was in the cheek.

وَ فِي مُوضِحَةِ الرَّأْسِ خَمْسُونَ دِينَارًا فَإِنْ نُقِلَ مِنْهَا الْعِظَامُ فَدِيَّتُهَا مِائَةُ وَ خَمْسُونَ دِينَارًا فَإِنْ كَانَتْ نَاقِيَةً فِي الرَّأْسِ فَتِلْكَ الْمَأْمُومَةُ دِيَّتُهَا ثَلَاثِمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَارًا وَ ثَلَاثُ دِينَارٍ.

And with regards to exposure (of the bone) in the head, it is fifty Dinars; so if the bone had been displaced from it, its wergild is one hundred and fifty Dinars. So if it had been pierced in the head, so that would be *Al-Mamouma* (the skull fracture reaching the brain), its wergild is three hundred and thirty three Dinars and one-third of a Dinar.²

² Al Kafi – V 7 – The Book of Wergilds Ch 37 H 3

اللَّطْمَةُ**The slap**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي اللَّطْمَةِ يَسْوَدُّ أَثَرُهَا فِي الْوَجْهِ أَنَّ أَرُشَهَا سِتَّةُ دَنَانِيرَ فَإِنْ لَمْ تَسْوَدَّ وَ اخْضَرَّتْ فَإِنَّ أَرُشَهَا ثَلَاثَةُ دَنَانِيرَ فَإِنْ احْمَرَّتْ وَ لَمْ تَخْضَرْ فَإِنَّ أَرُشَهَا دِينَارٌ وَ نِصْفٌ .

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

(It has been narrated) from Abu abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the slap, blackening in the face by its impact, that its compensation is six Dinars. So if it does not blacken, and it becomes green, so its compensation is three Dinars; so if it reddens and does not become green, so its compensation is a Dinar and a half'.³

الْأُذُنُ**The ear**

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنْ عَلِيًّا (عليه السلام) قَضَى فِي شَحْمَةِ الْأُذُنِ ثُلُثَ دِيَّةِ الْأُذُنِ .

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

Abu Abdullah^{asws} has said: 'Ali^{asws} judged regarding an ear lobe, being one-third of the wergild of the ear'.

وَ بِالْإِسْنَادِ الْأَوَّلِ فِي الْأُذُنَيْنِ إِذَا قُطِعَتْ إِحْدَاهُمَا فَدِيَّتُهَا خَمْسُمِائَةِ دِينَارٍ وَ مَا قُطِعَ مِنْهَا فَبِحَسَابِ ذَلِكَ .

And by the first chain regarding the two ears when one of them is cut, so its wergild is five hundred Dinars, and whatever is cut from it, it would be by the accounting of that'.

الْأَسْنَانُ**The teeth**

قَالَ وَ فِي الْأَسْنَانِ فِي كُلِّ سِنٍّ خَمْسُونَ دِينَاراً وَ الْأَسْنَانُ كُلُّهَا سَوَاءٌ وَ كَانَ قَبْلَ ذَلِكَ يَقْضِي فِي الثَّنِيَّةِ خَمْسُونَ دِينَاراً وَ فِي الرَّبَاعِيَّةِ أَرْبَعُونَ دِينَاراً وَ فِي النَّابِ ثَلَاثُونَ دِينَاراً وَ فِي الضَّرْسِ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً

He^{asws} said: 'And regarding the teeth, for every tooth is fifty Dinars, and all the teeth are equal; and before that it was judged with regards to the incisors being fifty Dinars, and regarding the quadrilaterals is forty Dinars, and regarding the canines is thirty Dinars, and regarding the molars is twenty five Dinars.

³ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 4

فَإِنْ اسْوَدَّتِ السِّنُّ إِلَى الْحَوْلِ وَ لَمْ تَسْقُطْ فَدَيْنُهَا دِيَّةُ السَّاقِطَةِ خَمْسُونَ دِينَاراً وَ إِنْ انْصَدَعَتْ وَ لَمْ تَسْقُطْ فَدَيْنُهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ مَا انْكَسَرَ مِنْهَا مِنْ شَيْءٍ فَبِحِسَابِهِ مِنَ الْخَمْسِينَ دِينَاراً فَإِنْ سَقَطَتْ بَعْدَ وَ هِيَ سَوْدَاءُ فَدَيْنُهَا اثْنَا عَشَرَ دِينَاراً وَ نِصْفُ دِينَارٍ فَمَا انْكَسَرَ مِنْهَا مِنْ شَيْءٍ فَبِحِسَابِهِ مِنَ الْخَمْسَةِ وَ الْعَشْرِينَ دِينَاراً .

If the tooth blackens to its surroundings and does not fall off, so its wergild is the wergild of the falling, being fifty Dinars; and if it cracks and does not fall off, so its wergild is twenty Dinars, and whatever breaks from it, from something, so it would be by its accounting from the fifty Dinars. So if it falls off afterwards and it has blackened, so its wergild is twelve Dinars and a half a Dinar. So whatever breaks from it from something, so its accounting would be from the twenty five Dinars'.⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْأَسْنَانُ كُلُّهَا سَوَاءٌ فِي كُلِّ سِنٍّ خَمْسُمِائَةِ دِرْهَمٍ .

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

Abu Abdullah^{asws} has said: 'The teeth, all of them are equal, regarding each tooth is five hundred Dirhams'.⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ أَوْ غَيْرِهِ عَنْ أَبَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) يَقُولُ إِذَا اسْوَدَّتِ التَّنِيَّةُ جُعِلَ فِيهَا الدِّيَّةُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, or someone else, from Aban, from one of his companions,

Abu Abdullah^{asws} has said: 'Amir Al-Momineen^{asws} was saying: 'When the incisors blacken, the wergild would be applicable regarding it'.⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْأَسْنَانِ فَقَالَ هِيَ فِي الدِّيَّةِ سَوَاءٌ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Usma Bin Isa, from Sama'at who said,

'I asked him^{asws} about the teeth, so he^{asws} said: 'These, with regards to the wergild, are the same'.⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ السِّنُّ إِذَا ضُرِبَتْ انْتَضَرَ بِهَا سَنَةٌ فَإِنْ وَقَعَتْ أُغْرِمَ الضَّارِبُ خَمْسُمِائَةِ دِرْهَمٍ وَ إِنْ لَمْ تَقَعْ وَ اسْوَدَّتْ أُغْرِمَ ثُلَاثِي دَيْنِهَا .

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

Abu Abdullah^{asws} has said: 'The tooth, when it is stuck, would be awaited with for a year. So if it falls off, the striker would be fined five hundred Dirhams, and if it does not fall off and blackens, he would be fined two-thirds of its wergild'.⁸

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

⁵ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 6

⁶ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 7

⁷ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 8

⁸ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 9

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ عَلِيًّا (عليه السلام) قَضَى فِي سِنَّ الصَّبِيِّ قَبْلَ أَنْ يَنْجَرَّ بَعِيرًا بَعِيرًا فِي كُلِّ سِنَّ .

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

Abu Abdullah^{asws} has said: 'Ali^{asws} judged regarding a tooth of a child before it extrudes, with a camel, a camel regarding each tooth'.

الترقوة

The clavicle (collar-bone)

رَجَعَ إِلَى الْإِسْنَادِ الْأَوَّلِ قَالَ وَ فِي التَّرْقُوتِ إِذَا انْكَسَرَتْ فَجُبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ أَرْبَعُونَ دِينَاراً فَإِنْ انْصَدَعَتْ فَدَيْنُهَا أَرْبَعَةُ أَخْمَاسٍ كَسْرُهَا اثْنَانِ وَ ثَلَاثُونَ دِينَاراً فَإِنْ أَوْضَحَتْ فَدَيْنُهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ ذَلِكَ خَمْسَةُ أَجْزَاءٍ مِنْ ثَمَانِيَةٍ مِنْ دَيْنِهَا إِذَا انْكَسَرَتْ فَإِنْ نَقِلَ مِنْهَا الْعِظَامُ فَدَيْنُهَا نِصْفُ دَيْنِ كَسْرِهَا عَشْرُونَ دِينَاراً فَإِنْ نُقِبَتْ فَدَيْنُهَا رُبْعُ دَيْنِ كَسْرِهَا عَشْرَةُ دَنَانِيرٍ .

Referring to the first chain, he^{asws} said: 'And regarding the clavicle when it breaks, so it is bandaged upon and becomes flawless, is forty Dinars. So if it cracks, its wergild is four fifths for its breaking, being thirty-two Dinars. So if it is exposed, its wergild is twenty-five Dinars, and this is a fifth part from one-eighth from its wergild, when it breaks. So if the bone is displaced from it, its wergild is half the wergild of its breaking, being twenty Dinars. So if it is pierced, its wergild is a quarter of the wergild of its breaking, being ten Dinars'.

المنكب

The shoulder

وَ دَيْنُ الْمُنْكَبِ إِذَا كُسِرَ الْمُنْكَبُ خُمُسُ دَيْنِ الْيَدِ مِائَةُ دِينَارٍ فَإِنْ كَانَ فِي الْمُنْكَبِ صَدْعٌ فَدَيْنُهُ أَرْبَعَةُ أَخْمَاسٍ دَيْنِ كَسْرِهِ ثَمَانُونَ دِينَاراً فَإِنْ أَوْضَحَ فَدَيْنُهُ رُبْعُ دَيْنِ كَسْرِهِ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً فَإِنْ نَقِلَتْ مِنْهُ الْعِظَامُ فَدَيْنُهُ مِائَةُ دِينَارٍ وَ خَمْسَةٌ وَ سَبْعُونَ دِينَاراً مِنْهَا مِائَةُ دِينَارٍ دَيْنِ كَسْرِهِ وَ خَمْسُونَ دِينَاراً لِنَقْلِ عِظَامِهِ وَ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً لِمُوضِحَتِهِ فَإِنْ كَانَتْ نَاقِبَةً فَدَيْنُهَا رُبْعُ دَيْنِ كَسْرِهِ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً فَإِنْ رُضَّ فَعَتَمَ فَدَيْنُهُ ثَلَاثُ دَيْنِ النَّفْسِ ثَلَاثِمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ فَإِنْ فَكَّ فَدَيْنُهُ ثَلَاثُونَ دِينَاراً .

And a wergild of the shoulder, when the shoulder breaks, is one-fifth of the wergild of the hand, being one hundred Dinars. So if there was a crack in the shoulder, so its wergild would be four-fifths of the wergild of its breaking, being eighty Dinars. So if it is exposed, so its wergild is one-quarter of the wergild of its breaking, being twenty-five Dinars. So if the bone is displaced from it, so its wergild is one hundred Dinars plus seventy-five Dinars, of which one hundred Dinars being for its breaking, and fifty Dinars for the displacement of its bone, and twenty-five Dinars being for its exposure. So it was pierced, so its wergild is a quarter of its breaking, being twenty-five Dinars. So if it is bruised, so it is defective, so its wergild is one-third of the wergild of the soul, being three hundred and thirty three Dinars and one-third of a Dinar. So if it is disjointed, so its wergild is thirty Dinars'.

العضد

The (upper) arms

وَفِي الْعُضْدِ إِذَا انْكَسَرَتْ فَجُبِرَتْ عَلَى غَيْرِ عَظْمٍ وَلَا عَيْبٍ فَدِيَّتُهَا خُمُسُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ وَ دِيَّةُ مُوضِحَتِهَا رُبْعُ دِيَّةِ كَسْرِهَا خَمْسَةٌ وَ عِشْرُونَ دِينَاراً وَ دِيَّةُ نَقْلِ عِظَامِهَا نِصْفُ دِيَّةِ كَسْرِهَا خَمْسُونَ دِينَاراً وَ دِيَّةُ نَقْبِهَا رُبْعُ دِيَّةِ كَسْرِهَا خَمْسَةٌ وَ عِشْرُونَ دِينَاراً .

And regarding the arm, when it breaks, so it is bandaged upon and there is no fault, so its wergild is a fifth of the wergild of the hand, being one hundred Dinars; and wergild for its exposure is a quarter of the wergild of its breaking, being twenty-five Dinars; and wergild for the displacement of its bone is half the wergild of its breaking, being fifty Dinars; and wergild of its being pierced is a quarter of the wergild of its breaking, being twenty-five Dinars’.

الْمِرْفَقُ

The elbow

وَفِي الْمِرْفَقِ إِذَا كُسِرَ فَجُبِرَ عَلَى غَيْرِ عَظْمٍ وَلَا عَيْبٍ فَدِيَّتُهُ مِائَةُ دِينَارٍ وَ ذَلِكَ خُمُسُ دِيَّةِ الْيَدِ فَإِنْ انْصَدَعَ فَدِيَّتُهُ أَرْبَعَةُ أَخْمَاسِ كَسْرِهِ ثَمَانُونَ دِينَاراً فَإِنْ نُقِلَ مِنْهُ الْعِظَامُ فَدِيَّتُهُ مِائَةُ دِينَارٍ وَ خَمْسَةٌ وَ سَبْعُونَ دِينَاراً لِلْكَسْرِ مِائَةُ دِينَارٍ وَ لِنَقْلِ الْعِظَامِ خَمْسُونَ دِينَاراً وَ لِلْمُوضِحَةِ خَمْسَةٌ وَ عِشْرُونَ دِينَاراً فَإِنْ كَانَتْ نَاقِبَةً فَدِيَّتُهَا رُبْعُ دِيَّةِ كَسْرِهَا خَمْسَةٌ وَ عِشْرُونَ دِينَاراً فَإِنْ رُضِّنَ الْمِرْفَقُ فَعَتَمَ فَدِيَّتُهُ ثُلُثُ دِيَّةِ النَّفْسِ ثَلَاثُمِائَةِ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ فَإِنْ كَانَ فُكٌّ فَدِيَّتُهُ ثَلَاثُونَ دِينَاراً .

And regarding the elbow, when it breaks, so it is bandaged upon and there is no fault, so its wergild is one hundred Dinars, and that is a fifth of the wergild of the hand. So if it cracks, its wergild is four-fifths of its breaking, being eighty Dinars. So if the bone was displaced from it, its wergild is one hundred Dinar plus seventy-five Dinars, for the breaking being one hundred Dinars, and for the displacement of the bone being fifty Dinars, and for the exposure being twenty-five Dinars. So if was pierced, its wergild is one-quarter of its breaking, being twenty-five Dinars. So if it is bruised and becomes defective, its wergild is one-third of the wergild of the soul, being three hundred and thirty three Dinars and one-third of a Dinar. So it was disjointed, its wergild is thirty Dinars’.

السَّاعِدُ

The forearm

وَفِي السَّاعِدِ إِذَا كُسِرَ ثُمَّ جُبِرَ عَلَى غَيْرِ عَظْمٍ وَلَا عَيْبٍ فَدِيَّتُهُ ثُلُثُ دِيَّةِ النَّفْسِ ثَلَاثُمِائَةِ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ فَإِنْ كُسِرَ إِحْدَى الْقَصَبَتَيْنِ مِنَ السَّاعِدِ فَدِيَّتُهُ خُمُسُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ فَإِنْ كُسِرَتْ قَصَبَتَا السَّاعِدِ فَدِيَّتُهَا خُمُسُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ .

And regarding the forearm, when it breaks, then is bandaged upon and there is no fault, so its wergild is one-third of a wergild of the soul, being three hundred and thirty three Dinars and one-third of a Dinar. So if one of the two bones of the forearm breaks, its wergild is a fifth of the wergild of the hand, being one hundred Dinars. So if both the bones of the forearm were to break, its wergild is (still) a fifth of the wergild of the hand, being one hundred Dinars.

و فِي الْكَسْرِ لِأَحَدِ الرَّئِدَيْنِ خَمْسُونَ دِينَاراً وَ فِي كُلِّهِمَا مِائَةُ دِينَارٍ فَإِنْ انْصَدَعَتْ إِحْدَى الْقَصَبَتَيْنِ فَفِيهَا أَرْبَعَةُ أَخْمَاسِ دِيَّةٍ إِحْدَى قَصَبَتَيِ السَّاعِدِ أَرْبَعُونَ دِينَاراً وَ دِيَّةٌ مُوضِحَتِهَا رُبْعُ دِيَّةٍ كَسَرَهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ دِيَّةٌ نَقَلِ عِظَامِهَا رُبْعُ دِيَّةٍ كَسَرَهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ دِيَّةٌ نَقَبَهَا نِصْفُ دِيَّةٍ مُوضِحَتِهَا اثْنَا عَشَرَ دِينَاراً وَ نِصْفُ دِينَارٍ وَ دِيَّةٌ نَافِذَتِهَا خَمْسُونَ دِينَاراً فَإِنْ كَانَتْ فِيهِ قَرْحَةٌ لَا تَبْرَأَ فِدِيَّتُهَا ثَلَاثُ دِيَّةِ السَّاعِدِ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ ذَلِكَ ثَلَاثُ دِيَّةِ الَّذِي هِيَ فِيهِ .

And regarding the breaking of one of the two wrists, it is fifty Dinars, and regarding both of these is one hundred Dinars. So if one of the two bones cracks, so regarding it is four-fifths of the wergild of one of the two bones of the forearms, being forty Dinars; and the wergild for its exposure is a quarter of the wergild of its breaking, being twenty five Dinars; and wergild of the displacement of its bones is a quarter of the wergild of its breaking, being twenty five Dinars; and the wergild of its piercing is half the wergild of its exposure, being twelve Dinars and half a Dinar; and wergild of its being jabbed is fifty Dinars. So if there was a scar in it which does not get cured, so its wergild is one-third of the wergild of the forearm, being thirty-three Dinars, and one-third of a Dinar, that is one-third of the wergild of that which is in it'.

الرُّصْغُ

The wrist

وَ دِيَّةُ الرُّصْغِ إِذَا رُضَّ فُجِرَ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ ثَلَاثُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ وَ سِتَّةٌ وَ سِتُّونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ .

And the wergild for the wrist, when it is bruised, so it is bandaged upon and there is no fault, is one-third of the wergild of the hand, being one hundred and sixty-six Dinars, and one-third of a Dinar'.

الْكَفُّ

The palm

وَ فِي الْكَفِّ إِذَا كُسِرَتْ فَجُبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ فِدِيَّتُهَا خُمُسُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ وَ إِنْ فَكَّ الْكَفُّ فِدِيَّتُهَا ثَلَاثُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ وَ سِتَّةٌ وَ سِتُّونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ فِي مُوضِحَتِهَا رُبْعُ دِيَّةٍ كَسَرَهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ دِيَّةٌ نَقَلِ عِظَامِهَا خَمْسُونَ دِينَاراً نِصْفُ دِيَّةٍ كَسَرَهَا وَ فِي نَافِذَتِهَا إِنْ لَمْ تَنْسُدْ خُمُسُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ فَإِنْ كَانَتْ نَاقِبَةً فِدِيَّتُهَا رُبْعُ دِيَّةٍ كَسَرَهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً

And regarding the palm when it breaks, so it is bandaged upon and there is no fault, so its wergild is a fifth of the wergild of the hand, being one hundred Dinars; and if the palm is disjointed, so its wergild is one-third of the wergild of the hand, being one hundred and sixty-six Dinars and two-thirds of a Dinar; and regarding its exposure is a quarter of the wergild of its breaking, being twenty five Dinars; and a wergild for the displacement of its bones is fifty Dinars, being half the wergild for its breaking; and regarding its piercing, if it not sealed up, is a fifth of the wergild of the hand, being one hundred Dinars. So if it was pierced, its wergild is a quarter of the wergild of its breaking, being twenty-five Dinars.

وَ فِي دِيَّةِ الْأَصَابِعِ وَ الْقَصَبِ الَّتِي فِي الْكَفِّ فِي الْإِبْهَامِ إِذَا قُطِعَ ثَلَاثُ دِيَّةِ الْيَدِ مِائَةُ دِينَارٍ وَ سِتَّةٌ وَ سِتُّونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ دِيَّةٌ قَصَبَةِ الْإِبْهَامِ الَّتِي فِي الْكَفِّ تُجْبَرُ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ خُمُسُ دِيَّةِ الْإِبْهَامِ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ إِذَا اسْتَوَى جِرُّهَا وَ ثَبَّتَ وَ دِيَّةٌ صَدَعَهَا سِتَّةٌ وَ عَشْرُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ دِيَّةٌ مُوضِحَتِهَا ثَمَانِيَةُ دَنَانِيرٍ وَ ثَلَاثُ دِينَارٍ وَ دِيَّةٌ نَقَلِ عِظَامِهَا سِتَّةٌ عَشَرَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ دِيَّةٌ نَقَبَهَا ثَمَانِيَةُ دَنَانِيرٍ وَ ثَلَاثُ دِينَارٍ نِصْفُ دِيَّةٍ نَقَلِ عِظَامِهَا

And regarding the wergild of the fingers and the bones which are in the palm, so regarding the thumb when it is cut-off, there is one-third of the wergild of the hand, being one hundred and sixty-six Dinars and two-thirds of a Dinar; and wergild of the bone of the thumb which is in the palm, is bandaged upon and there is no fault, is one-fifth of the wergild of the thumb, being thirty-three Dinars and one-third of the Dinar, when its bones are set and evened, and it is firm; and the wergild of its cracking is twenty-six Dinars and two-thirds of a Dinar; and the wergild for its exposure is eighty Dinars and one-third of a Dinar; and wergild of the displacement of its bone is sixteen Dinar and two-thirds of a Dinar; and wergild for its piercing is eight Dinars and one-third of a Dinar, being half the wergild of the displacement of its bones;

و دِيَّةُ مُوَضِّحَتِهَا نِصْفُ دِيَّةِ نَاقِلَتِهَا ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ دِيَّةُ فَكِّهَا عَشْرَةُ دَنَانِيرٍ وَ دِيَّةُ الْمَفْصِلِ الثَّانِي مِنْ أَعْلَى الْإِبْهَامِ إِنْ كُسِرَ فَجَبَرَ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ سِتَّةُ عَشَرَ دِينَاراً وَ ثُلُثَا دِينَارٍ وَ دِيَّةُ الْمُوَضِّحَةِ إِنْ كَانَتْ فِيهَا أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسُ دِينَارٍ وَ دِيَّةُ صَدْعِهَا ثَلَاثَةُ عَشَرَ دِينَاراً وَ ثُلُثُ دِينَارٍ وَ دِيَّةُ نَقْلِ عِظَامِهَا خَمْسَةُ دَنَانِيرٍ فَمَا قُطِعَ مِنْهَا فَبِحِسَابِهِ .

And a wergild of its exposure is half the wergild of its displacement, being eight Dinars and one-third of a Dinar; and the wergild of it being disjointed is ten Dinars; and wergild of the second joint from the top of the thumb, if it breaks, so it is bandaged upon and there is no fault, is sixteen Dinars and one-third of a Dinar; and wergild of the exposure, if there was in it, is four Dinars and one-sixth of a Dinar; and wergild of its cracking is thirteen Dinars and one-third of a Dinar; and wergild of the displacement of its bones is five Dinars. So whatever was cut from it, so it would be by its accounting'.

الأصابع

The fingers

وَ فِي الْأَصَابِعِ فِي كُلِّ إصْبَعٍ سُدُسُ دِيَّةِ الْيَدِ ثَلَاثَةٌ وَ ثَمَانُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ وَ دِيَّةُ قَصَبِ أَصَابِعِ الْكَفِّ سِوَى الْإِبْهَامِ دِيَّةُ كُلِّ قَصَبَةٍ عَشْرُونَ دِينَاراً وَ ثُلُثَا دِينَارٍ وَ دِيَّةُ كُلِّ مُوَضِّحَةٍ فِي كُلِّ قَصَبَةٍ مِنَ الْقَصَبِ الْأَرْبَعِ أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسُ دِينَارٍ وَ دِيَّةُ نَقْلِ كُلِّ قَصَبَةٍ مِنْهُنَّ ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ دِيَّةُ كَسْرِ كُلِّ مَفْصِلٍ مِنَ الْأَصَابِعِ الْأَرْبَعِ الَّتِي تَلِي الْكَفَّ سِتَّةُ عَشَرَ دِينَاراً وَ ثُلُثَا دِينَارٍ وَ فِي صَدْعٍ كُلِّ قَصَبَةٍ مِنْهُنَّ ثَلَاثَةُ عَشَرَ دِينَاراً وَ ثُلُثُ دِينَارٍ

And regarding the fingers, for every finger is a sixth of the wergild of the hand, being eighty three Dinars and one-third of a Dinar; and wergild for the fingers bones of the palm beside the thumb, is a wergild of all bones being twenty Dinars and one-third of a Dinar; and wergild of every exposure regarding each of the bone from the four bones is four Dinars and one-sixth of a Dinar; and wergild of displacement of every bone from these is eight Dinars and one-third of a Dinar; and wergild of breaking of every joint from the four fingers which emerge from the palm is sixteen Dinars and one-third of a Dinar; and regarding a crack in each bone from these is thirteen Dinars and one-third of a Dinar.

فَإِنْ كَانَ فِي الْكَفِّ قَرْحَةٌ لَا تَبْرَأُ فِدِيَّتُهَا ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ وَ فِي نَقْلِ عِظَامِهِ ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ فِي مُوَضِّحَتِهِ أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسُ دِينَارٍ وَ فِي نَقْبِهِ أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسُ دِينَارٍ وَ فِي فَكِّهِ خَمْسَةُ دَنَانِيرٍ

So if there was a sore in the palm which does not get cured, so its wergild is thirty-three Dinars and one-third of a Dinar; and regarding the displacement of its bone is eighty Dinars and one-third of a Dinar; and regarding the exposure is four Dinars and

one-sixth of a Dinar; and regarding a piercing is four Dinars and one-sixth of a Dinar; and regarding a disjuncting is five Dinars;

وَدِيَّةُ الْمَفْصِلِ الْاَوْسَطِ مِنَ الْاَصَابِعِ الْاَرْبَعِ اِذَا قُطِعَ فِدْيَتُهُ خَمْسَةٌ وَخَمْسُونَ دِينَارًا وَ ثُلُثُ دِينَارٍ وَ فِي كَسْرِهِ اَحَدَ عَشَرَ دِينَارًا وَ ثُلُثُ دِينَارٍ وَ فِي صَدْعِهِ ثَمَانِيَةَ دَنَانِيرٍ وَ نِصْفُ دِينَارٍ وَ فِي مُوضِحَتِهِ دِينَارَانِ وَ ثُلَاثَا دِينَارٍ وَ فِي نَقْلِ عِظَامِهِ خَمْسَةٌ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ فِي نَقْبِهِ دِينَارَانِ لَنَا دِينَارٍ وَ فِي فَكِهِ ثَلَاثَةُ دَنَانِيرٍ وَ ثُلَاثَا دِينَارٍ

and wergild of the middle joint from the four fingers, when it is cut, so its wergild is fifty-five Dinars and one-third of a Dinar; and regarding the breaking of one (finger) is ten Dinars and one-third of a Dinar; and regarding its cracking is eight Dinars and half a Dinar; and regarding exposure are two Dinars and one-third of a Dinar; and regarding the displacement of its bone is five Dinars and one-third of a Dinar; and regarding a piercing are two Dinars and one-third of a Dinar; and regarding is disjuncting is three Dinars and two-thirds of a Dinar;

وَ فِي الْمَفْصِلِ الْاَعْلَى مِنَ الْاَصَابِعِ الْاَرْبَعِ اِذَا قُطِعَ سَبْعَةٌ وَ عَشْرُونَ دِينَارًا وَ وَ ثُلُثُ نِصْفٍ وَ رُبُعٍ وَ نِصْفُ عَشْرِ دِينَارٍ وَ فِي كَسْرِهِ خَمْسَةٌ دَنَانِيرٍ وَ اَرْبَعَةُ اَخْمَاسِ دِينَارٍ وَ فِي صَدْعِهِ اَرْبَعَةُ دَنَانِيرٍ وَ خُمُسُ دِينَارٍ وَ فِي مُوضِحَتِهِ دِينَارَانِ وَ ثُلُثُ دِينَارٍ وَ فِي نَقْلِ عِظَامِهِ خَمْسَةٌ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ فِي نَقْبِهِ دِينَارَانِ وَ ثُلَاثَا دِينَارٍ وَ فِي فَكِهِ ثَلَاثَةُ دَنَانِيرٍ وَ ثُلَاثَا دِينَارٍ وَ فِي ظَفْرِ كُلِّ اِصْبَعٍ مِنْهَا خَمْسَةٌ دَنَانِيرٍ

and regarding the upper joint from the four fingers, when it is cut, is twenty-seven Dinars and a half, and one-quarter, and half of a tenth of a Dinar; and regarding breaking it is five Dinars and four-fifth of a Dinar; and regarding its cracking is four Dinars and a fifth of a Dinar; and regarding its exposure are two Dinars and one-third of a Dinar; and regarding displacement of its bone is five Dinars and one-third of a Dinar; and regarding its piercing are two Dinars and one-third of a Dinar; and regarding its disjuncting is three Dinars and one-third of a Dinar; and regarding a nail of each finger from these, is five Dinars;

وَ فِي الْكَفِّ اِذَا كُسِرَتْ فَجَبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ فِدْيَتُهَا اَرْبَعُونَ دِينَارًا وَ دِيَّةُ صَدْعِهَا اَرْبَعَةُ اَخْمَاسِ دِيَّةِ كَسْرِهَا اِثْنَانِ وَ ثَلَاثُونَ دِينَارًا وَ دِيَّةُ مُوضِحَتِهَا خَمْسَةٌ وَ عَشْرُونَ دِينَارًا وَ دِيَّةُ نَقْلِ عِظَامِهَا عَشْرُونَ دِينَارًا وَ نِصْفُ دِينَارٍ وَ دِيَّةُ نَقْبِهَا رُبُعُ دِيَّةِ كَسْرِهَا عَشْرَةُ دَنَانِيرٍ وَ دِيَّةُ قَرْحَةٍ لَا تَبْرَأُ ثَلَاثَةُ عَشَرَ دِينَارًا وَ ثُلُثُ دِينَارٍ .

And regarding the palm when it breaks, so it is bandaged upon and there is no fault, so its wergild is forty Dinars; and wergild of its cracking it four-fifths of the wergild of its breaking, being thirty-two Dinars; wergild of its exposure is twenty-five Dinars; and wergild of displacement of its bone is twenty Dinars and half a Dinar; and wergild of its piercing is a quarter of the wergild of its breaking, being ten Dinars; and wergild of its sore which does not get cured, is ten Dinars and one-third of a Dinar'.⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْخَزَّازِ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الْإِصْبَعِ الزَّائِدَةِ إِذَا قُطِعَتْ ثُلُثُ دِيَّةِ الصَّحِيحَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya Al Khazzaz, from Ghayas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{asws} regarding the excessive finger when it is cut-off, is one-third of the wergild of the healthy (finger)'.

⁹ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 10

الصَّدرُ**The chest**

وَبِالْإِسْنَادِ الْأَوَّلِ قَالَ وَ فِي الصَّدرِ إِذَا رُضَّ فَتَنَى شَقِيهَ كُلِّيهِمَا فَدِيئُهُ خَمْسُمِائَةِ دِينَارٍ وَ دِيَّةُ أَحَدِ شَقِيهِ إِذَا انْتَنَى مِائَتَانِ وَ خَمْسُونَ دِينَاراً وَ إِذَا انْتَنَى الصَّدرُ وَ الْكَتِفَانِ فَدِيئُهُ أَلْفُ دِينَارٍ وَ إِنْ انْتَنَى أَحَدُ شَقِي الصَّدرِ وَ إِحْدَى الْكَتِفَيْنِ فَدِيئُهُ خَمْسُمِائَةِ دِينَارٍ وَ دِيَّةُ مُوضِحَةِ الصَّدرِ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ دِيَّةُ مُوضِحَةِ الْكَتِفَيْنِ وَ الظَّهْرِ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ إِنْ اغْتَرَى الرَّجُلُ مِنْ ذَلِكَ صَعَرَ لَا يَسْتَطِيعُ أَنْ يَلْتَفِتَ فَدِيئُهُ خَمْسُمِائَةِ دِينَارٍ فَإِنْ انْكَسَرَ الصُّلْبُ فَجَبَرَ عَلَى غَيْرِ عَمٍ وَ لَا عَيْبٍ فَدِيئُهُ مِائَةُ دِينَارٍ وَ إِنْ عَمَّ فَدِيئُهُ أَلْفُ دِينَارٍ وَ فِي حَلْمَةِ تَدْيِ الرَّجُلِ ثَمَنُ الدِّيَةِ مِائَةُ وَ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً .

And by the first chain, he^{asws} said: 'And regarding the chest when it is bruised, so both of its sides are bent, its wergild is five hundred Dinars; and wergild of one side when it is bent, is two hundred and fifty Dinars; and when the chest and the two shoulders are bent, its wergild is one thousand Dinars; and if one of the side of the chest is bent and one of the shoulders, so its wergild is five hundred Dinars; and wergild of the exposure of the chest is twenty-five Dinars; and wergild of the exposure of the shoulder and the back is twenty five Dinars; and if the man gets twisted from that, not being able to turn around, so its wergild is five hundred Dinars. So if the spine breaks, and it is bandaged upon and there is no fault, so its wergild is one hundred Dinars; and if there remains a flaw, so its wergild is one thousand Dinars; and regarding the nipple of the breast of the man is damaged, the wergild is one hundred and twenty five Dinars'.

الأضلاع**The ribs**

وَ فِي الْأضلاعِ فِيمَا خَالَطَ الْقَلْبَ مِنَ الْأضلاعِ إِذَا كُسِرَ مِنْهَا ضِلْعٌ فَدِيئُهُ خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ فِي صَدْعِهِ اثْنَا عَشَرَ دِينَاراً وَ نَصْفٌ وَ دِيَّةُ نَقْلِ عِظَامِهِ سَبْعَةُ دَنَانِيرٍ وَ نَصْفٌ وَ مُوضِحَتِهِ عَلَى رُبْعِ كُسْرِهِ وَ نَقْبِهِ مِثْلُ ذَلِكَ وَ فِي الْأضلاعِ مِمَّا يَلِي الْعَضْدَيْنِ دِيَّةُ كُلِّ ضِلْعٍ عَشْرَةُ دَنَانِيرٍ إِذَا كُسِرَ وَ دِيَّةُ صَدْعِهِ سَبْعَةُ دَنَانِيرٍ وَ دِيَّةُ نَقْلِ عِظَامِهِ خَمْسَةُ دَنَانِيرٍ وَ مُوضِحَةِ كُلِّ ضِلْعٍ مِنْهَا رُبْعُ دِيَّةِ كُسْرِهِ دِينَارَانِ وَ نَصْفٌ

And with regards to the ribs, regarding what is mingled with the hear from the ribs, when a rib from these breaks, so its wergild is twenty-five Dinars; and regarding its fracture is twelve Dinars and half a Dinar; and wergild of the displacement of its bone is seven Dinars and a half; and its exposure is upon a quarter of its breaking, and its piercing is like that; and with regards to the ribs from what follow from the two upper arms, wergild of each rib is ten Dinars when it breaks; and wergild of its fracture is seven Dinars; and wergild of the displacement of its bone is five Dinars; and the exposure of each rib from it is a quarter of the wergild of its breaking, being two dinars and a half;

فَإِنْ نُقِبَ ضِلْعٌ مِنْهَا فَدِيئُهَا دِينَارَانِ وَ نَصْفٌ وَ فِي الْجَائِفَةِ ثُلُثُ دِيَةِ النَّفْسِ ثَلَاثُمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ فَإِنْ نَفَذَتْ مِنَ الْجَانِبَيْنِ كُلِّيهِمَا رَمِيَةً أَوْ طَعْنَةً فَدِيئُهَا أَرْبَعُمِائَةِ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً [وَ ثُلُثُ دِينَارٍ] .

So if a rib from it were to be pierced, so its wergild is two Dinars and a half; and regarding the injury reaching to the inside, is one-third of the wergild of the soul, three hundred and thirty-three Dinars and one-third of a Dinar. So if there is a penetration from both the two sides, by an arrow or a jab, so its wergild is four hundred and thirty-three Dinars and one-third of a Dinar.

الورك**The hip**

و فِي الْوَرَكِ إِذَا كُسِرَ فَجُبِرَ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ خُمُسُ دِيَةِ الرَّجُلِ مِائَتَا دِينَارٍ وَ إِنْ صُدِعَ الْوَرَكُ فَدِيَتُهُ مِائَةٌ وَ سِتُونَ دِينَاراً أَرْبَعَةُ أَخْمَاسٍ دِيَةِ كُسْرِهِ فَإِنْ أَوْضَحَتْ فَدِيَتُهُ رُبْعُ دِيَةِ كُسْرِهِ خَمْسُونَ دِينَاراً وَ دِيَةُ نَقْلِ عِظَامِهِ مِائَةٌ وَ خَمْسَةٌ وَ سَبْعُونَ دِينَاراً مِنْهَا لِكُسْرِهَا مِائَةٌ دِينَارٍ وَ لِنَقْلِ عِظَامِهَا خَمْسُونَ دِينَاراً وَ لِمُوضِحَتِهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ دِيَةُ فَكِّهَا ثَلَاثُونَ دِينَاراً فَإِنْ رُضَّتْ فَعَتَمَتْ فَدِيَتُهَا ثَلَاثُمِائَةِ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ .

And regarding the hip, when it breaks, so it is bandaged upon and there is no fault, is one-fifth of the wergild of the leg, being one hundred Dinars; and if the hip is fractured, so its wergild is one hundred and sixty Dinars, being four-fifths of the wergild of its breaking. So it is exposed, its wergild is one-quarter of its breaking, being fifty Dinars; and wergild of the displacement of its bone is one hundred and seventy-five Dinars, from it for its break is one hundred Dinars, and for the displacement of its bone is fifty Dinars, and for its exposure is twenty-five Dinars; and wergild of its disjuncting is thirty Dinars. So if it is bruised, and becomes defective, so its wergild is three hundred and thirty-three Dinars and one-third of a Dinar.

الفخذ**The thigh**

و فِي الْفَخْذِ إِذَا كُسِرَتْ فَجُبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ خُمُسُ دِيَةِ الرَّجُلِ مِائَتَا دِينَارٍ فَإِنْ عَتَمَتْ فَدِيَتُهَا ثَلَاثُمِائَةِ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ ذَلِكَ ثَلَاثُ دِيَةِ النَّفْسِ وَ دِيَةُ صَدْعِ الْفَخْذِ أَرْبَعَةُ أَخْمَاسٍ دِيَةِ كُسْرِهَا مِائَةٌ دِينَارٍ وَ سِتُونَ دِينَاراً فَإِنْ كَانَتْ قَرَحَةً لَا تَبْرَأُ فَدِيَتُهَا ثَلَاثُ دِيَةِ كُسْرِهَا سِتَّةً وَ سِتُونَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ دِيَةُ مُوضِحَتِهَا رُبْعُ دِيَةِ كُسْرِهَا خَمْسُونَ دِينَاراً وَ دِيَةُ نَقْلِ عِظَامِهَا نِصْفُ دِيَةِ كُسْرِهَا مِائَةٌ دِينَارٍ وَ دِيَةُ نَقْبِهَا رُبْعُ دِيَةِ كُسْرِهَا مِائَةٌ وَ سِتُونَ دِينَاراً .

And regarding the thigh, when it breaks, so it is bandaged upon and there is no fault, is one-fifth of the wergild of the left, being two hundred Dinars. So if there is a flaw, so its wergild is three hundred and thirty-three Dinars and one-third of a Dinar, and that is one-third of the wergild of the soul; and wergild of a fracture of the thigh is four-fifths of the wergild of its breaking, being one hundred and sixty Dinars. So if it was a wound that does not get cured, so its wergild is one-third of the wergild of its breaking, being sixty-six Dinars and two-thirds of a Dinar; and wergild of its exposure is a quarter of the wergild of its breaking, being fifty Dinars; and wergild of the displacement of its bone is half the wergild of its breaking, being one hundred Dinars; and wergild of its piercing is a quarter of the wergild of its breaking, being one hundred and sixty Dinars'.

الرُّكْبَةُ**The knee**

و فِي الرُّكْبَةِ إِذَا كُسِرَتْ فَجُبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ خُمُسُ دِيَةِ الرَّجُلِ مِائَتَا دِينَارٍ فَإِنْ انْصَدَعَتْ فَدِيَتُهَا أَرْبَعَةُ أَخْمَاسٍ دِيَةِ كُسْرِهَا مِائَةٌ وَ سِتُونَ دِينَاراً وَ دِيَةُ مُوضِحَتِهَا رُبْعُ دِيَةِ كُسْرِهَا خَمْسُونَ دِينَاراً وَ دِيَةُ نَقْلِ عِظَامِهَا مِائَةٌ دِينَارٍ وَ خَمْسَةٌ وَ سَبْعُونَ دِينَاراً مِنْهَا دِيَةُ كُسْرِهَا مِائَةٌ دِينَارٍ وَ فِي نَقْلِ عِظَامِهَا خَمْسُونَ دِينَاراً وَ فِي مُوضِحَتِهَا خَمْسَةٌ وَ عَشْرُونَ دِينَاراً وَ فِي قَرَحَةٍ فِيهَا لَا تَبْرَأُ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ فِي نُفُوذِهَا رُبْعُ دِيَةِ كُسْرِهَا خَمْسُونَ دِينَاراً وَ دِيَةُ نَقْبِهَا رُبْعُ دِيَةِ

كَسَرَهَا خَمْسُونَ دِينَاراً فَإِنْ رُضَّتْ فَعَلِمَتْ فَوَيْهَا ثَلَاثُ دِيَةِ النَّفْسِ ثَلَاثُمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ فَإِنْ فُكَّتْ فَوَيْهَا ثَلَاثَةُ أَجْزَاءٍ مِنْ دِيَةِ الْكَسْرِ ثَلَاثُونَ دِينَاراً .

And with regards to the knee, when it breaks, so it is bandaged upon and there is no fault, is one-fifth of the wergild of the leg, being two hundred Dinars. So if it is fractured, its wergild is four-fifths of the wergild of its breaking it, being one hundred and sixty Dinars; and wergild of its exposure is one-quarter of the wergild of its breaking, being fifty Dinars; and wergild of the displacement of its bones is one hundred and seventy-five Dinars, from it the wergild of its breaking is one hundred Dinars, and regarding the displacement of its bone is fifty Dinars, and regarding its exposure is twenty-five Dinars; and regarding bruising in it which does not get cured, is thirty-three Dinars and one-third of a Dinar; and regarding its piercing is one-quarter of the wergild of its breaking, being fifty Dinars; and wergild of its bruising is one-quarter of the wergild of its breaking, being fifty Dinars. So if it is bruised and becomes defective, so regarding it is one-third of the wergild of the soul, being three hundred and thirty-three Dinars and one-third of a Dinar. So if it was disjointed, so regarding it is three parts from the break, being thirty Dinars.

السَّاقُ

The leg

وَ فِي السَّاقِ إِذَا كُسِرَتْ فَجَبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ خُمُسُ دِيَةِ الرَّجْلِ مِائَتَا دِينَارٍ وَ دِيَةُ صَدْعِهَا أَرْبَعَةُ أَخْمَاسِ دِيَةِ كَسْرِهَا مِائَةٌ وَ سِتُونَ دِينَاراً وَ فِي مُوَضِحَتِهَا رُبْعُ دِيَةِ كَسْرِهَا خَمْسُونَ دِينَاراً وَ فِي نَقَبِهَا نِصْفُ دِيَةِ مُوَضِحَتِهَا خَمْسَةٌ وَ عِشْرُونَ دِينَاراً وَ فِي نَقْلِ عِظَامِهَا رُبْعُ دِيَةِ كَسْرِهَا خَمْسُونَ دِينَاراً وَ فِي نُفُوذِهَا رُبْعُ دِيَةِ كَسْرِهَا خَمْسُونَ دِينَاراً وَ فِي قَرْحَةٍ فِيهَا لَا تَبْرَأُ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ فَإِنْ عَثِمَ السَّاقُ فِدِيَتُهَا ثَلَاثُ دِيَةِ النَّفْسِ ثَلَاثُمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ .

And regarding the leg, when it breaks, so it is bandaged upon and there is no fault, is one-fifth of the wergild of the leg, being two hundred Dinars; and wergild of its fracture is four-fifths of the wergild of its breaking, being one hundred and sixty Dinars; and regarding its exposure is one-quarter of the wergild of its breaking, being fifty Dinars; and regarding its piercing is half the wergild of its exposure, being twenty-five Dinars; and regarding the displacement of its bone is one-quarter of the wergild of its breaking, being fifty Dinars; and regarding its piercing is one-quarter of the wergild of its breaking, being fifty Dinars; and regarding a bruising in it which does not get cured is thirty-three Dinars and one-third of a Dinar. So if the leg becomes defective, so its wergild is one-third of the wergild of the soul, being three hundred and thirty-three Dinars and one-third of a Dinar.

الْكَعْبُ

The heel

وَ فِي الْكَعْبِ إِذَا رُضَّ فَجَبِرَ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ ثَلَاثُ دِيَةِ الرَّجْلِ ثَلَاثُمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ .

And regarding the heel when it is bruised, so it is bandaged upon and there is no fault, is one-third of the wergild of the leg, being three hundred and thirty-three Dinars and one-third of a Dinar.

الْقَدَمُ**The foot**

وَفِي الْقَدَمِ إِذَا كُسِرَتْ فَجُبِرَتْ عَلَى غَيْرِ عَظْمٍ وَلَا عَنِيبٍ خُمُسُ دِيَةِ الرَّجُلِ مِائَتَا دِينَارٍ وَ دِيَةُ مُوَضِحَتِهَا رُبْعُ دِيَةِ كَسْرِهَا خَمْسُونَ دِينَاراً وَ فِي نَقْلِ عِظَامِهَا مِائَةُ دِينَارٍ يُصْفُ دِيَةُ كَسْرِهَا وَ فِي نَافِذَةٍ فِيهَا لَا تَنْسُدُّ خُمُسُ دِيَةِ الرَّجُلِ مِائَتَا دِينَارٍ وَ فِي نَاقِيَةٍ فِيهَا رُبْعُ دِيَةِ كَسْرِهَا خَمْسُونَ دِينَاراً .

And regarding the foot, when it beaks, so it is bandaged upon without defect and there is no fault, is one-fifth of the wergild of the leg, being two hundred Dinars; and wergild of its exposure is one-quarter of the wergild of its breaking, being fifty Dinars; and regarding the displacement of its bone is one hundred Dinars, half the wergild of breaking it; and regarding the piercing in it which does not get filled, is one-fifth of the wergild of the leg, being two hundred Dinars; and regarding a bruising in it is one-quarter of the wergild of its breaking, being fifty Dinars.

الْأَصَابِعُ وَالْقَصَبُ**The toes and the (foot) bones**

الَّتِي فِي الْقَدَمِ وَ الْإِبْهَامِ دِيَةُ الْإِبْهَامِ ثُلُثُ دِيَةِ الرَّجُلِ ثَلَاثُمِائَةٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ وَ دِيَةُ كَسْرِ قَصَبَةِ الْإِبْهَامِ الَّتِي تَلِي الْقَدَمَ خُمُسُ دِيَةِ الْإِبْهَامِ سِتَّةٌ وَ سِتُّونَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ فِي نَقْلِ عِظَامِهَا سِتَّةٌ وَ عَشْرُونَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ فِي صَدْعِهَا سِتَّةٌ وَ عَشْرُونَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ فِي مُوَضِحَتِهَا ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ فِي نَقْبِهَا ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ فِي فَكِّهَا عَشْرَةُ دَنَانِيرٍ

(That) which is in the feet and the big toe – Wergild of the big toe is one-third of the wergild of the leg, being three hundred and thirty-three Dinars and one-third of a Dinar; and wergild of the breaking of the bone of the big toe which emerges from the foot is one-fifth of the wergild of the big toe, being sixty-six Dinars and two-thirds of a Dinar; and regarding the displacement of its bone is twenty-six Dinars and two-third of a Dinar; and regarding its fracture is twenty-six Dinars and two-thirds of a Dinar; and regarding its exposure is eighty Dinars and one-third of a Dinar; and regarding its piercing is eighty Dinars and one-third of a Dinar; and regarding its disjoints is ten Dinars;

وَ دِيَةُ الْمَفْصِلِ الْأَعْلَى مِنَ الْإِبْهَامِ وَ هُوَ الثَّانِي الَّذِي فِيهِ الظُّفْرُ سِتَّةٌ عَشَرَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ فِي مُوَضِحَتِهِ أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسٌ وَ فِي نَقْلِ عِظَامِهِ ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ فِي نَاقِيَتِهِ أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسٌ وَ فِي صَدْعِهَا ثَلَاثَةُ عَشَرَ دِينَاراً وَ ثُلُثُ دِينَارٍ وَ فِي فَكِّهَا خَمْسَةُ دَنَانِيرٍ وَ فِي ظُفْرِهِ ثَلَاثُونَ دِينَاراً وَ ذَلِكَ لِأَنَّهُ ثُلُثُ دِيَةِ الرَّجُلِ

And wergild of the upper joint from the big toe, and it is the second in which is the nail, is sixteen Dinars; and regarding its exposure is four Dinars and one-sixth; and regarding the displacement of its bone is eighty Dinars and one-third of a Dinar; and regarding its piercing is four Dinars and one-sixth; and regarding its fracture is thirteen Dinars and one-third of a Dinar; and regarding its disjoints is five Dinars; and regarding its nail is thirty Dinars, and that is because it is one-third of the wergild of the leg;

وَ دِيَةُ الْأَصَابِعِ دِيَةُ كُلِّ إِصْبَعٍ مِنْهَا سُدُسُ دِيَةِ الرَّجُلِ ثَلَاثَةٌ وَ ثَمَانُونَ دِينَاراً وَ ثُلُثُ دِينَارٍ وَ دِيَةُ قَصَبَةِ الْأَصَابِعِ الْأَرْبَعِ سِوَى الْإِبْهَامِ دِيَةُ كُلِّ قَصَبَةٍ مِنْهُمْ سِتَّةٌ عَشَرَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ دِيَةُ مُوَضِحَةِ قَصَبَةِ كُلِّ إِصْبَعٍ مِنْهُمْ أَرْبَعَةُ دَنَانِيرٍ وَ سُدُسٌ دِينَارٍ وَ دِيَةُ نَقْلِ عِظَمِ كُلِّ قَصَبَةٍ مِنْهُمْ ثَمَانِيَةُ دَنَانِيرٍ وَ ثُلُثُ دِينَارٍ وَ دِيَةُ صَدْعِهَا ثَلَاثَةُ عَشَرَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ دِيَةُ نَقْبِ

كُلِّ قَصْبَةٍ مِنْهُنَّ أَرْبَعَةُ دَنَانِيرَ وَ سُدُسُ دِينَارٍ وَ دِيَّةُ قَرْحَةٍ لَا تَنْبَرَأُ فِي الْقَدَمِ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ دِيَّةُ كَسْرِ كُلِّ مَفْصِلٍ مِنَ الْأَصَابِعِ الْأَرْبَعِ الَّتِي تَلِي الْقَدَمَ سِتَّةَ عَشَرَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ دِيَّةُ صَدْعِهَا ثَلَاثَةٌ عَشَرَ دِينَاراً وَ ثَلَاثُ دِينَارٍ وَ دِيَّةُ نَقْلِ عِظَامِ كُلِّ قَصْبَةٍ مِنْهُنَّ ثَمَانِيَةَ دَنَانِيرَ وَ ثَلَاثُ دِينَارٍ وَ دِيَّةُ مُوضِحَةِ كُلِّ قَصْبَةٍ مِنْهُنَّ أَرْبَعَةُ دَنَانِيرَ وَ سُدُسُ دِينَارٍ وَ دِيَّةُ نَقْبِهَا أَرْبَعَةُ دَنَانِيرَ وَ سُدُسُ دِينَارٍ وَ دِيَّةُ فَكِّهَا خَمْسَةُ دَنَانِيرَ

And wergild of the toes – wergild of each toe from it is one-sixth of the wergild of the left, being eighty three Dinars and one-third of a Dinar; and wergild of the bones of the four toes are equal to the big toe, the wergild from each toe from these is sixteen Dinars and one-third of a Dinar; and wergild of the exposure of the bone of each of the toe from these is four Dinars and one-sixth of a Dinar; and wergild of the displacement of a bone of each of the bones from these is eighty Dinars and one-third of a Dinar; and wergild of its fracture is thirteen Dinars and two-thirds of a Dinar; and wergild of the piercing of each bone from these is four Dinars and one-sixth of a Dinar; and wergild of a bruise in the foot which does not get cured is thirty-three Dinars and one-third of a Dinar; and wergild for breaking of each joint from the four toes which emerge from the foot is sixteen Dinars and one-third of a Dinar; and wergild for its fracture is thirteen Dinars and one-third of a Dinar; and wergild of the displacement of a bone of each bones from these is eighty Dinars and one-third of a Dinar; and wergild for the exposure of each bone from these is four Dinars and one-sixth of a Dinar; and wergild for its piercing is four Dinars and one-sixth of a Dinar; and wergild for its disjuncting is five Dinars;

وَ فِي الْمَفْصِلِ الْأَوْسَطِ مِنَ الْأَصَابِعِ الْأَرْبَعِ إِذَا قُطِعَ فِدْيَتُهُ خَمْسَةٌ وَ خَمْسُونَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ دِيَّةُ كَسْرِهِ أَحَدَ عَشَرَ دِينَاراً وَ ثَلَاثَا دِينَارٍ وَ دِيَّةُ صَدْعِهِ ثَمَانِيَةَ دَنَانِيرَ وَ أَرْبَعَةُ أَخْمَاسِ دِينَارٍ وَ دِيَّةُ مُوضِحَتِهِ دِينَارَانِ وَ دِيَّةُ نَقْلِ عِظَامِهِ خَمْسَةُ دَنَانِيرَ وَ ثَلَاثَا دِينَارٍ وَ دِيَّةُ نَقْبِهِ دِينَارَانِ وَ ثَلَاثَا دِينَارٍ وَ دِيَّةُ فَكِّهِ ثَلَاثَةُ دَنَانِيرَ

And regarding the middle joints from the four toes when it is cut-off, so its wergild is fifty-five Dinars and two-thirds of a Dinar; and wergild of the breaking is eleven Dinars and two-thirds of a Dinar; and wergild of its fracture is eighty Dinars and four-fifths of a Dinar; and wergild of its exposure is two Dinars; and wergild of the displacement of its bone is five Dinars and two-thirds of a Dinar; and wergild of its piercing is two Dinars and two-thirds of a Dinar; and wergild of its disjuncting is three Dinars;

وَ فِي الْمَفْصِلِ الْأَعْلَى مِنَ الْأَصَابِعِ الْأَرْبَعِ الَّتِي فِيهَا الظُّفُرُ إِذَا قُطِعَ فِدْيَتُهُ سَبْعَةٌ وَ عَشْرُونَ دِينَاراً وَ أَرْبَعَةُ أَخْمَاسِ دِينَارٍ وَ دِيَّةُ كَسْرِهِ خَمْسَةُ دَنَانِيرَ وَ أَرْبَعَةُ أَخْمَاسِ دِينَارٍ وَ دِيَّةُ صَدْعِهِ أَرْبَعَةُ دَنَانِيرَ وَ خُمُسُ دِينَارٍ وَ دِيَّةُ مُوضِحَتِهِ دِينَارٌ وَ ثَلَاثُ دِينَارٍ وَ دِيَّةُ نَقْلِ عِظَامِهِ دِينَارَانِ وَ خُمُسُ دِينَارٍ وَ دِيَّةُ نَقْبِهِ دِينَارٌ وَ ثَلَاثُ دِينَارٍ وَ دِيَّةُ فَكِّهِ دِينَارَانِ وَ أَرْبَعَةُ أَخْمَاسِ دِينَارٍ وَ دِيَّةُ كُلِّ ظَفَرٍ عَشْرَةُ دَنَانِيرَ .

And regarding the upper joint from the four toes in which are the nails, when it is cut-off, so its wergild is twenty-seven Dinars and four-fifths of a Dinar; and wergild of its breaking is five dinars and four-fifths of a Dinar; and wergild of its fracture is four Dinars and a fifth of a Dinar; and wergild of its exposure is a Dinar and one-third of a Dinar; and wergild of the displacement of its bone is two Dinars and one-fifth of a Dinar; and wergild of its piercing is a Dinar and one-third of a Dinar; and wergild of its disjuncting is two Dinars and a four-fifths of a Dinar; and wergild of each nail is ten Dinars'.¹⁰

¹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 11

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي الظُّفْرِ إِذَا قُلِعَ وَ لَمْ يَنْبُتْ وَ خَرَجَ أَسْوَدٌ قَاسِداً عَشْرَةَ دَنَانِيرٍ فَإِنْ خَرَجَ أَبْيَضٌ فَخَمْسَةُ دَنَانِيرٍ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the nails, when it is ripped out and does not grow back, and blackness emerges and it rots, is ten Dinars. So if whiteness emerges, so it is five Dinars'.

رَجَعَ إِلَى الْإِسْنَادِ الْأَوَّلِ قَالَ وَ قَضَى فِي مُوَضِّعَةِ الْأَصَابِعِ ثُلُثَ دِيَّةِ الْإِصْبَعِ فَإِنْ أُصِيبَ رَجُلٌ فَأَذَرَ خُصْيَتَاهُ كِلْتَاهُمَا فِدْيَتُهُ أَرْبَعُمِائَةِ دِينَارٍ فَإِنْ فَجَّحَ فَلَمْ يَسْتَطِعِ الْمَشْيَ إِلَّا مَشْيًا بَسِيرًا لَا يَنْفَعُهُ فِدْيَتُهُ أَرْبَعُمِائَةِ أَخْمَاسِ دِيَّةِ النَّفْسِ ثَمَانِمِائَةِ دِينَارٍ فَإِنْ أَحْدَبَ مِنْهَا الظَّهْرُ فَحَبِيبُ دِيَّتِهِ أَلْفُ دِينَارٍ وَ الْقَسَامَةُ فِي كُلِّ شَيْءٍ مِنْ ذَلِكَ سِتَّةُ نَفَرٍ عَلَى مَا بَلَغَتْ دِيَّتُهُ وَ دِيَّةُ الْبُجْرَةِ إِذَا كَانَتْ فَوْقَ الْعَانَةِ عَشْرُ دِيَّةِ النَّفْسِ مِائَةُ دِينَارٍ فَإِنْ كَانَتْ فِي الْعَانَةِ فَخَرَقَتْ الصَّفَاقَ فَصَارَتْ أَدْرَةً فِي إِحْدَى الْبَيْضَتَيْنِ فِدْيَتُهَا مِائَتَا دِينَارٍ خُمُسُ الدِّيَّةِ .

Referring to the first chain, he^{asws} said: 'And he (Amir Al-Momineen^{asws}) judged regarding exposure of the toes being one-third of the wergild of the toes. So if a man is hit and both his testicles turn around, so its wergild is four hundred Dinars. So if he has to straddle and is not able to walk except for a simple walk, which is not beneficial to him, so its wergild is four-fifths of the wergild of the soul, being a hundred Dinars. So if he becomes hunch backed from it, so this is where is the complete wergild, being a thousand Dinars; and the sworn endorsements regarding everything from that is six people upon whatever his wergild reaches; and wergild of the rupture above the pubic area is a tenth of the wergild of the soul, being one hundred Dinars. So if it was in the pubic area, so it violates the abdominal membrane, so there occurs a swelling in one of the testicles, so its wergild is two hundred Dinars, being a fifth of the (complete) wergild'.¹¹

باب دِيَّةِ الْجَنِينِ

Chapter 39 – Wergild of the foetus

وَ بِهِذَا الْإِسْنَادِ عَنْ أَمِيرِ الْمُؤْمِنِينَ (عليه السلام) قَالَ جَعَلَ دِيَّةُ الْجَنِينِ مِائَةُ دِينَارٍ وَ جَعَلَ مَنِيَّ الرَّجُلِ إِلَى أَنْ يَكُونَ جَنِينًا خَمْسَةَ أَجْزَاءٍ فَإِذَا كَانَ جَنِينًا قَبْلَ أَنْ تَلْجُهُ الرُّوحُ مِائَةُ دِينَارٍ وَ ذَلِكَ أَنَّ اللَّهَ عَزَّ وَ جَلَّ خَلَقَ الْإِنْسَانَ مِنْ سَلَالَةٍ وَ هِيَ النُّطْفَةُ فَهَذَا جُزْءٌ ثُمَّ عَلَقَةٌ فَهُوَ جُزْءَانِ ثُمَّ مُضْغَةٌ فَهُوَ ثَلَاثَةُ أَجْزَاءٍ ثُمَّ عَظْمٌ فَهُوَ أَرْبَعَةُ أَجْزَاءٍ ثُمَّ يُكْسَى لَحْمًا فَحَبِيبُ دِيَّتِهِ ثَمَانِمِائَةِ دِينَارٍ فَكَمَلَتْ لَهُ خَمْسَةُ أَجْزَاءٍ مِائَةُ دِينَارٍ وَ الْمِائَةُ دِينَارٍ خَمْسَةُ أَجْزَاءٍ فَجَعَلَ لِلنُّطْفَةِ خُمُسَ الْمِائَةِ عَشْرِينَ دِينَارًا وَ لِلْعَلَقَةِ خُمُسَ الْمِائَةِ أَرْبَعِينَ دِينَارًا وَ لِلْمُضْغَةِ ثَلَاثَةَ أَخْمَاسِ الْمِائَةِ سِتِّينَ دِينَارًا وَ لِلْعَظْمِ أَرْبَعَةَ أَخْمَاسِ الْمِائَةِ ثَمَانِينَ دِينَارًا فَإِذَا كُسِيَ اللَّحْمُ كَانَتْ لَهُ مِائَةُ دِينَارٍ كَامِلَةً

And by this chain, from Amir Al-Momineen^{asws} having said: 'The wergild of the foetus is made to be one hundred Dinars, and the sperm of the man up to the stage it happens to be a foetus is of five segments. So if it was a foetus before the spirit enters into it, is one hundred Dinars, and that is that Allah^{azwj} Mighty and Majestic Created the human being from an extract, and it is the seed. So this is a segment. Then a clot, so it is a segment. Then a lump, so these are three segments. Then

¹¹ Al Kafi – V 7 – The Book of Wergilds Ch 37 H 12

bones, so this is a fourth segment. Then flesh grows upon it, so this is where the foetus is complete. So when the five segments are completed for it, it is one hundred Dinars, and the one hundred Dinars is of five segment. So for the seed is made to be one-fifth of the hundred, being twenty Dinars; and for the clot being two-fifths of the hundred, being forty Dinars; and for the lump being three-fifths of the hundred, being sixty Dinars; and for the bones is four-fifths of the hundred, being eighty Dinars. So when the flesh covers it, there would be one hundred Dinars for it, complete.

فَإِذَا نَشَأَ فِيهِ خَلْقٌ آخَرٌ وَهُوَ الرُّوحُ فَهُوَ جَبْنِيذٌ نَفْسٌ فِيهِ أَلْفُ دِينَارٍ دِيَّةً كَامِلَةً إِنْ كَانَ ذَكَرًا وَ إِنْ كَانَ أُنْثَى فَخَمْسُمِائَةٍ دِينَارٍ وَ إِنْ قُتِلَتْ امْرَأَةٌ وَ هِيَ حُبْلَى فَلَمْ يَسْقُطْ وَلَدُهَا وَ لَمْ يُعْلَمْ أ ذَكَرٌ هُوَ أَمْ أُنْثَى وَ لَمْ يُعْلَمْ أ بَعْدَهَا مَاتَ أَوْ قَبْلَهَا فَدِيَّتُهُ نِصْفَانِ نِصْفُ دِيَّةِ الذَّكَرِ وَ نِصْفُ دِيَّةِ الْأُنْثَى وَ دِيَّةُ الْمَرْأَةِ كَامِلَةٌ بَعْدَ ذَلِكَ وَ ذَلِكَ سِتَّةُ أَجْزَاءٍ مِنَ الْجَنِينِ

So when another creation prevails in it, and it is the spirit, so this is where there it is a soul, regarding it is a thousand Dinars complete, if it was a male; and if it was a female, so it is five hundred Dinars. So if a woman is killed, and she is pregnant, so it was complete, but it did not miscarry, and it was not know whether it was a male or a female, and it is not know whether it died after her or before her, so its wergild is in two halves, being half the wergild of the male, and half the wergild of the female, and wergild of the woman is complete after that, and that is of six segments from the foetus.

وَ أَقْتَى (عليه السلام) فِي مَنِيِّ الرَّجُلِ يُفْرَغُ مِنْ عَرْسِهِ فَيَعْزَلُ عَنْهَا الْمَاءُ وَ لَمْ يَرُدَّ ذَلِكَ نِصْفُ خُمُسِ الْمِائَةِ عَشْرَةَ دَنَانِيرَ وَ إِذَا أَفْرَغَ فِيهَا عَشْرِينَ دِينَارًا

And he^{asws} issued a verdict regarding the seed of the man which flows out from his bride, so the water is isolated from her and that is not returned, being half of the fifth of the hundred, being ten Dinars; and when it is poured from her, being twenty Dinars'.

وَ قَضَى فِي دِيَّةِ جِرَاحِ الْجَنِينِ مِنْ حِسَابِ الْمِائَةِ عَلَى مَا يَكُونُ مِنْ جِرَاحِ الذَّكَرِ وَ الْأُنْثَى الرَّجُلِ وَ الْمَرْأَةِ كَامِلَةً وَ جَعَلَ لَهُ فِي قِصَاصِ جِرَاحَتِهِ وَ مَعْقَلَتِهِ عَلَى قَدْرِ دِيَّتِهِ وَ هِيَ مِائَةُ دِينَارٍ .

And he^{asws} judged regarding wergild of the injuries from the foetus from the accounting of the one hundred based upon what it happens to be, from the injury of the male and the female, the man and the woman (proportion of its completion), and made for it regarding its retaliation of its injuries and its blood relations based upon the measurement of its wergild, and it is one hundred Dinars'.¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ أَوْ غَيْرِهِ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ دِيَّةُ الْجَنِينِ خَمْسَةُ أَجْزَاءٍ خُمُسٌ لِلنُّطْفَةِ عَشْرُونَ دِينَارًا وَ لِلْعَلَقَةِ خُمُسَانِ أَرْبَعُونَ دِينَارًا وَ لِلْمُضْغَةِ ثَلَاثَةُ أَخْمَاسٍ سِتُونَ دِينَارًا وَ لِلْعَظْمِ أَرْبَعَةُ أَخْمَاسٍ ثَمَانُونَ دِينَارًا فَإِذَا نَمَّ الْجَنِينُ كَانَتْ لَهُ مِائَةُ دِينَارٍ فَإِذَا أَنْشَى فِيهِ الرُّوحُ فَدِيَّتُهُ أَلْفُ دِينَارٍ أَوْ عَشْرَةُ أَلْفٍ بِرْهِمٍ إِنْ كَانَ ذَكَرًا وَ إِنْ كَانَ أُنْثَى فَخَمْسُمِائَةٍ دِينَارٍ وَ إِنْ قُتِلَتِ الْمَرْأَةُ وَ هِيَ حُبْلَى فَلَمْ يَدْرَ أ ذَكَرًا كَانَ وَلَدُهَا أَوْ أُنْثَى فَدِيَّةُ الْوَلَدِ نِصْفَانِ نِصْفُ دِيَّةِ الذَّكَرِ وَ نِصْفُ دِيَّةِ الْأُنْثَى وَ دِيَّتُهَا كَامِلَةٌ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, or someone else, from Ibn Muskan,

Abu Abdullah^{asws} has said: 'Wergild of the foetus is of five segments, one-fifth for the seed being twenty Dinars; and two-fifths for the clot being forty dinars; and three-

¹² Al Kafi – V 7 – The Book of Wergilds Ch 38 H 1

fifths for the lump, being sixty Dinars; and four-fifths for the bones, being eighty Dinars. So when the foetus is complete, there would be one-hundred Dinars for it. So when the spirit prevails in it, so its wergild would be a thousand Dinars, or ten thousand Dirhams, if it was a male; and if it was a female, so it would be five hundred Dinars. And if the woman is killed and she is pregnant, so it is not know whether her child was a male or a female, so the wergild of the child is in two halves – half the wergild of the male, and half the wergild of the female, and her wergild would be complete'.¹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْزَةَ عَنْ دَاوُدَ بْنِ فَارْقٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ جَاءَتْ امْرَأَةٌ فَاسْتَعْدَتْ عَلَى أَعْرَابِيٍّ قَدْ أَفْرَعَهَا فَأَلْقَتْ جَنِينًا فَقَالَ الْأَعْرَابِيُّ لَمْ يَهْلَ وَ لَمْ يَصِحَّ وَ مِثْلُهُ يُطَلُّ فَقَالَ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) اسْكُتْ سَجَاعَهُ عَلَيْكَ غُرَّةٌ وَصَيْفٌ عَبْدٌ أَوْ أَمَةٌ .

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

Abu Abdullah^{asws} has said: 'A woman came across a Bedouin who terrified her, so she miscarried a foetus. So the Bedouin said, 'I neither scared her nor shouted at her, for the like of it to happen'. So the Prophet^{saww} said: 'Be silent! The compensation is upon you for surprising her (and) negligence, a servant (male) or a maid (female) (to serve her for life)'.¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنْ ضَرَبَ رَجُلٌ بَطْنَ امْرَأَةٍ حُبْلَى فَأَلْقَتْ مَا فِي بَطْنِهَا مَيِّتًا فَإِنَّ عَلَيْهِ غُرَّةً عَبْدٍ أَوْ أَمَةٍ يَدْفَعُهَا إِلَيْهَا .

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

Abu Abdullah^{asws} has said: 'If a man were to strike the belly of a woman, so she miscarries whatever was in her belly as dead, so upon him would be the fine of providing a male or a female servant, and (to be) handing over to her'.¹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ نَعِيمِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي سَيَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ قَتَلَ جَنِينَ أَمَةً لِقَوْمٍ فِي بَطْنِهَا فَقَالَ إِنْ كَانَ مَاتَ فِي بَطْنِهَا بَعْدَ مَا ضَرَبَهَا فَعَلَيْهِ نِصْفُ عَشْرِ قِيَمَةِ أُمَةٍ وَ إِنْ كَانَ ضَرَبَهَا فَأَلْقَتْهُ حَيًّا فَمَاتَ فَإِنَّ عَلَيْهِ عَشْرَ قِيَمَةِ أُمَةٍ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who killed a foetus of a slave girl in her belly, (which was) for a people (not belong to him). So he^{asws} said: 'If it died inside her belly after her having been struck, so upon him is half of the price of his slave girl, and if she had been struck, so it was miscarried alive, so it died (afterwards), so upon him is a tenth of the price of his slave girl'.¹⁶

ابْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ شَرَبَتْ دَوَاءً وَ هِيَ حَامِلٌ لِتَطْرَحَ وَلَدَهَا فَأَلْقَتْ وَلَدَهَا فَقَالَ إِنْ كَانَ عَظْمًا قَدْ نَبَتَ عَلَيْهِ اللَّحْمُ وَ شَقَّ لَهُ السَّمْعُ وَ الْبَصَرُ فَإِنَّ عَلَيْهَا دِيْنَتَهُ تُسَلَّمُهَا إِلَى أَبِيهِ قَالَ وَ

¹³ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 2

¹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 3

¹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 4

¹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 5

إِنْ كَانَ جَنِينًا عُلْقَةً أَوْ مُضْغَةً فَإِنَّ عَلَيْهَا أَرْبَعِينَ دِينَارًا أَوْ غُرَّةً تُسَلِّمُهَا إِلَى أَبِيهِ قُلْتُ فَبِئْسَ مَا تَرِثُ مِنْ وَلَدِهَا مِنْ دِينِهِ قَالَ لَا لِأَنَّهَا قَتَلَتْهُ .

Ibn Mahboub, from Ali Bin Raib, from Abu Ubeyda,

(It has been narrated) from Abu Ja'far^{asws} regarding a woman who drank medication and she was pregnant, in order to abort her child. So she miscarried her child (as a result). So he^{asws} said: 'If it was bones and flesh had grown upon it, and the hearing and the sight had been pierced for it, so upon her is its wergild to be submitted to its father. And if it was a foetus, either a clot or a lump, so upon her would be forty Dinars, a compensation to be submitted to its father'. I said, 'So she would not be inheriting from her child, from its wergild?' He^{asws} said: 'No, because she killed it'.¹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي جَنِينِ الْهَلَالِيَّةِ حَيْثُ رُمِيَ بِالْحَجَرِ فَأَلْقَتْ مَا فِي بَطْنِهَا غُرَّةً أَوْ أَمَةً .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged regarding a foetus of Al-Hilaliya when she was pelted by a rock, so she miscarried what was in her belly, a compensation of a (male) servant, or a (female) servant'.¹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ رَجُلٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ الرَّجُلُ يَضْرِبُ الْمَرْأَةَ فَتَطْرَحُ النَّطْفَةُ قَالَ عَلَيْهِ عَشْرُونَ دِينَارًا فَإِنْ كَانَتْ عُلْقَةً فَعَلَيْهِ أَرْبَعُونَ دِينَارًا وَ إِنْ كَانَتْ مُضْغَةً فَعَلَيْهِ سِتُونَ دِينَارًا وَ إِنْ كَانَ عَظْمًا فَعَلَيْهِ الدِّيَّةُ .

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

(The narrator) says, 'I said to Abu Ja'far^{asws}, 'The man strikes a woman, so she dropped the seed'. He^{asws} said, 'Upon him is twenty Dinars. So if it was a clot, so upon him is forty Dinars; and if it was a lump, so upon him is sixty Dinars; and if it was bones, so upon him is the (complete) wergild'.¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ صَالِحِ بْنِ عُقْبَةَ عَنْ سُلَيْمَانَ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي النَّطْفَةِ عَشْرُونَ دِينَارًا وَ فِي الْعُلْقَةِ أَرْبَعُونَ دِينَارًا وَ فِي الْمَضْغَةِ سِتُونَ دِينَارًا وَ فِي الْعَظْمِ ثَمَانُونَ دِينَارًا فَإِذَا كُسِيَ اللَّحْمُ فَمِائَةُ دِينَارٍ ثُمَّ هِيَ دِيْنُهُ حَتَّى يَسْتَهْلَ فَإِذَا اسْتَهْلَ فَالدِّيَّةُ كَامِلَةٌ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Ismail, from Salih Bin Uqba, from Suleyman Bin Salih,

(It has been narrated) from Abu Abdullah^{asws} regarding the seed being twenty Dinars, and regarding the clot being forty Dinars, and regarding the lump being sixty Dinars, and regarding the bones being eighty Dinars. So when the flesh covers it, so it is a hundred Dinars. Then it is its wergild until it commences (living). So when it commences, so it is the complete wergild (a thousand Dinars).²⁰

¹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 6

¹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 7

¹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 8

²⁰ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 9

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ الرَّجُلِ يَضْرِبُ الْمَرْأَةَ فَتَطْرَحُ النُّطْفَةُ فَقَالَ عَلَيْهِ عَشْرُونَ دِينَاراً فَقُلْتُ يَضْرِبُهَا فَتَطْرَحُ الْعَلَقَةُ فَقَالَ عَلَيْهِ أَرْبَعُونَ دِينَاراً قُلْتُ فَيَضْرِبُهَا فَتَطْرَحُ الْمُضْغَةُ قَالَ عَلَيْهِ سِتُّونَ دِينَاراً قُلْتُ فَيَضْرِبُهَا فَتَطْرَحُهُ وَ قَدْ صَارَ لَهُ عَظْمٌ فَقَالَ عَلَيْهِ الدِّيَّةُ كَامِلَةً وَ بِهَذَا قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ)

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Abu Ayoub Al Khazaz, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the man who struck the woman, so she dropped the seed. So he^{asws} said: 'Upon him is twenty Dinars'. So I said, 'He hits her and she drops the clot?' So he^{asws} said: 'Upon him is forty Dinars'. I said, 'So he hits her, and she drops the lump?' He^{asws} said: 'Upon his is sixty Dinars'. I said, 'So he hits her, she drops it, and bones had occurred upon it?' So he^{asws} said: 'Upon him is the complete wergild, and it is by this that Amir Al-Momineen^{asws} judged'.

قُلْتُ فَمَا صِفَةُ خِلْقَةِ النُّطْفَةِ الَّتِي تُعْرَفُ بِهَا فَقَالَ النُّطْفَةُ تَكُونُ بَيَضَاءً مِثْلَ النَّخَامَةِ الْغَلِيظَةِ فَتَمُكُّتُ فِي الرَّجْمِ إِذَا صَارَتْ فِيهِ أَرْبَعِينَ يَوْماً ثُمَّ تَصِيرُ إِلَى عَلَقَةٍ قُلْتُ فَمَا صِفَةُ خِلْقَةِ الْعَلَقَةِ الَّتِي تُعْرَفُ بِهَا فَقَالَ هِيَ عَلَقَةٌ كَعَلَقَةِ الدَّمِ الْمَحْجَمَةِ الْجَامِدَةِ تَمُكُّتُ فِي الرَّجْمِ بَعْدَ تَحْوِيلِهَا عَنِ النُّطْفَةِ أَرْبَعِينَ يَوْماً ثُمَّ تَصِيرُ مُضْغَةً

I said, 'So what is the description of the creation of the seed which it is recognised by?' So he^{asws} said: 'The seed happens to be white, like the thick phlegm. So it remains in the womb. When forty days pass over it, then it becomes a clot'. I said, 'So what is the description of the creation of the clot which it is recognised by?' So he^{asws} said: 'It is a clot like the clot of the coagulated blood, solidified, remaining in the womb after its conversion from the seed, for forty days, then it becomes a lump'.

قُلْتُ فَمَا صِفَةُ الْمُضْغَةِ وَ خِلْقَتِهَا الَّتِي تُعْرَفُ بِهَا قَالَ هِيَ مُضْغَةٌ لَحْمٌ حَمْرَاءُ فِيهَا عُرُوقٌ خَضِرٌ مُشْتَبِكَةٌ ثُمَّ تَصِيرُ إِلَى عَظْمٍ قُلْتُ فَمَا صِفَةُ خِلْقَتِهِ إِذَا كَانَ عَظْماً فَقَالَ إِذَا كَانَ عَظْماً شَقَّ لَهُ السَّمْعُ وَ الْبَصَرُ وَ رُتِبَتْ جَوَارِحُهُ فَإِذَا كَانَ كَذَلِكَ فَإِنَّ فِيهِ الدِّيَّةَ كَامِلَةً .

I said, 'So what is the description of the lump and its creation which it is recognised by?' He^{asws} said: 'It is a lump of red flesh in which are green veins, entangled. Then it becomes bones'. I said, 'So what is the description of its creation when it was bones?' So he^{asws} said: 'When it was bones, there are formed limbs for it, the hearing, and the sight, and arrangement of its limbs. So when it was like that, so regarding it is the complete wergild'.²¹

صَالِحُ بْنُ عُقْبَةَ عَنْ يُونُسَ الشَّيْبَانِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَإِنْ خَرَجَ فِي النُّطْفَةِ قَطْرَةٌ دَمٍ قَالَ الْقَطْرَةُ عَشْرُ النُّطْفَةِ فِيهَا اثْنَانِ وَ عَشْرُونَ دِينَاراً قُلْتُ فَإِنْ قَطَرَتْ قَطْرَتَيْنِ قَالَ أَرْبَعَةٌ وَ عَشْرُونَ دِينَاراً قَالَ قُلْتُ فَإِنْ قَطَرَتْ ثَلَاثَ قَالَ فِسِيئَةٌ وَ عَشْرُونَ دِينَاراً قُلْتُ فَأَرْبَعُ قَالَ فَتَمَانِيَةٌ وَ عَشْرُونَ دِينَاراً وَ فِي خَمْسٍ ثَلَاثُونَ دِينَاراً وَ مَا زَادَ عَلَى النُّصْفِ فَعَلَى حِسَابِ ذَلِكَ حَتَّى تَصِيرَ عَلَقَةً فَإِذَا صَارَتْ عَلَقَةً فَفِيهَا أَرْبَعُونَ

Salih Bin Uqba, from Yunus Al Shaybani who said,

'I said to Abu Abdullah^{asws}, 'Suppose a drop of blood comes out in the seed?' He^{asws} said: 'The drop is a tenth of the seed, regarding it is twenty two Dinars'. I said, 'So if the drop are two drops?' He^{asws} said: 'Twenty four Dinars'. I said, 'So if there are three drops?' He^{asws} said: 'Twenty-six Dinars'. I said, 'So, four?' He^{asws} said: 'Twenty-eight Dinars; and regarding five is thirty Dinars; and whatever increases upon the

²¹ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 10

half. So it would be based upon the accounting of that until it becomes a clot. So when it becomes a clot, so with regards to it is forty (Dinars)'.

فَقَالَ لَهُ أَبُو شَيْبَلٍ وَ أَخْبَرَنَا أَبُو شَيْبَلٍ قَالَ حَضَرْتُ يُونُسَ وَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يُخْبِرُهُ بِالدِّيَّاتِ قَالَ قُلْتُ فَإِنَّ النُّطْفَةَ خَرَجَتْ مُتَحَصِّصَةً بِالْدَّمِ قَالَ فَقَالَ لِي فَقَدْ عَلِقَتْ إِنْ كَانَ دَمًا صَافِيًا فَفِيهَا أَرْبَعُونَ دِينَارًا وَ إِنْ كَانَ دَمًا أَسْوَدَ فَلَا شَيْءَ عَلَيْهِ إِلَّا التَّعْزِيرُ لِأَنَّهُ مَا كَانَ مِنْ دَمٍ صَافٍ فَذَلِكَ لِلْوَلَدِ وَ مَا كَانَ مِنْ دَمٍ أَسْوَدَ فَذَلِكَ مِنَ الْجَوْفِ

So Abu Shibl asked him^{asws}, and Abu Shibl informed us saying, 'Yunus was present and Abu Abdullah^{asws} informed him with the wergilds. I said, 'So if the seed comes out submerged in the blood?' So he^{asws} said to me: 'So it has clotted, if it was clear blood. Therefore with regards to it is forty Dinars; and if it was black blood, so there is nothing upon it except for the reprimanding, because whatever was from clear blood, so that is for the child, and whatever was from the black blood, so that is from the inside'.

قَالَ أَبُو شَيْبَلٍ فَإِنَّ الْعَلَقَةَ صَارَ فِيهَا شِبْهُ الْعِرْقِ مِنْ لَحْمٍ قَالَ اثْنَانِ وَ أَرْبَعُونَ الْعُشْرُ قَالَ قُلْتُ فَإِنَّ عَشَرَ الْأَرْبَعِينَ أَرْبَعَةٌ فَقَالَ لَا إِنَّمَا هُوَ عَشْرُ الْمُضْغَةِ لِأَنَّهُ إِنَّمَا ذَهَبَ عَشْرُهَا فَكُلَّمَا زَادَتْ زِيدَ حَتَّى تَبْلُغَ السَّتِينَ قَالَ قُلْتُ فَإِنَّ رَأَيْتُ فِي الْمُضْغَةِ شِبْهُ الْعُقْدَةِ عَظْمًا يَابِسًا قَالَ فَذَلِكَ عَظْمٌ كَذَلِكَ أَوَّلُ مَا يَبْدُو الْعَظْمُ فَيَبْدُو بِخَمْسَةِ أَشْهُرٍ فَفِيهِ أَرْبَعَةُ دَنَانِيرٍ فَإِنْ زَادَ فَزِدْ أَرْبَعَةَ أَرْبَعَةٍ حَتَّى يَبْلُغَ الثَّمَانِينَ

Abu Shibl said, 'So if the clot is such that there happen to be in it resembling the veins from the flesh?' He^{asws} said: 'Forty-two and the one-tenth'. I said, 'So if the tenth is forty-four?' So he^{asws} said: 'No! But rather, it is a tenth of the lump, because its one-tenth has gone. So whatever is increased, it increased until it reaches the sixty'. I said, 'So what is your^{asws} view regarding the lump with nodes resembling the dry bones?' He^{asws} said: 'So that is the bone. It is like that in the beginning, what is the beginning of (the formation of) the bones, by five months. Therefore, with regards to it is forty Dinars. So if it is additional, so it increases by four, four, until it is completed at eighty'.

قَالَ قُلْتُ وَ كَذَلِكَ إِذَا كُيِّمَ الْعَظْمُ لَحْمًا قَالَ (عَلَيْهِ السَّلَام) كَذَلِكَ قُلْتُ فَإِذَا وَكَّرَهَا فَسَقَطَ الصَّبِيُّ وَ لَا يُدْرَى أَمْ كَانَ أَمْ لَا قَالَ هِيَ هَاتِ يَا أَبَا شَيْبَلٍ إِذَا مَضَتْ الْخَمْسَةُ الْأَشْهُرُ فَقَدْ صَارَتْ فِيهِ الْحَيَاةُ وَ قَدْ اسْتَوْجَبَ الدِّيَّةَ .

I said, 'And similar to that when the bones attain flesh?' He^{asws} said: 'It is like that'. I said, 'So when she is punched (in the belly) and the child is dropped, and it is not known whether it was alive, or not?' He^{asws} said: 'Far be it! O Abu Shibl, when five months elapse, so the life has come into it, and the wergild is Obligated'.²²

صَالِحُ بْنُ عُقْبَةَ عَنْ يُونُسَ الشَّيْبَانِيِّ قَالَ حَضَرْتُ أَنَا وَ أَبُو شَيْبَلٍ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَسَأَلْتُهُ عَنْ هَذِهِ الْمَسَائِلِ فِي الدِّيَّاتِ ثُمَّ سَأَلَ أَبُو شَيْبَلٍ وَ كَانَ أَشَدَّ مُبَالَغَةً فَخَلَّيْتُهُ حَتَّى اسْتَنْظَفَ .

Salih Bin Iqba, from Yunus Al Shaybani who said,

'I and Abu Shibl were present in the presence of Abu Abdullah^{asws}, so I asked him^{asws} about these questions regarding the wergild. The Abu Shibl asked, and he was speaking intensely about it. So I left him until he grasped it'.²³

²² Al Kafi – V 7 – The Book of Wergilds Ch 38 H 11

²³ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 12

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) (إِنَّ الْعُرَّةَ تَكُونُ بِثَمَانِيَةِ دَنَانِيرَ وَ تَكُونُ بِعَشْرَةِ دَنَانِيرَ فَقَالَ بِخَمْسِينَ .

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

‘I said to Abu Abdullah^{asws}, ‘The commencement (of the foetus) happens with eight Dinars, and happens with ten Dinars?’ So he^{asws} said: ‘By fifty’.²⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ ضَرَبَ ابْنَتَهُ وَ هِيَ حُبْلَى فَأَسْقَطَتْ سَقْطاً مَيِّتاً فَاسْتَعْدَى زَوْجُ الْمَرْأَةِ عَلَيْهِ فَقَالَتْ الْمَرْأَةُ لِرَوْجِهَا إِنْ كَانَ لِهَذَا السَّقْطِ دِيْنَةٌ وَ لِي فِيهِ مِيرَاثٌ فَإِنَّ مِيرَاثِي مِنْهُ لِأَبِي فَقَالَ يَجُوزُ لِأَبِيهَا مَا وَهَبَتْ لَهُ .

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

(The narrator) says, ‘I asked Abu Abdullah^{asws} about a man who struck his daughter, and she was pregnant. So she dropped a dead (foetus). So the husband of the woman antagonised against him. So the woman said to her husband, ‘If there was a wergild for this aborted (foetus), and for me with regards to it is inheritance, so my inheritance from it is for my father’. So he^{asws} said: ‘It is allowed for her father whatever she gifts for him’.²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ غَالِبٍ عَنْ أَبِيهِ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ سَأَلْتُ عَلِيَّ بْنَ الْحُسَيْنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ضَرَبَ امْرَأَةً حَامِلاً بِرِجْلِهِ فَطَرَحَتْ مَا فِي بَطْنِهَا مَيِّتاً فَقَالَ إِنْ كَانَ نُطْفَةٌ فَإِنَّ عَلَيْهِ عَشْرِينَ دِينَاراً قُلْتُ فَمَا حُدُّ النُّطْفَةِ فَقَالَ هِيَ الَّتِي إِذَا وَقَعَتْ فِي الرَّحِمِ فَاسْتَقَرَّتْ فِيهِ أَرْبَعِينَ يَوْماً

Ali Bin Ibrahim, from his father, from Ibn Mahboun, from Abdullah Bin Ghalib, from his father, from Saeed Bin Al Musayyab who said,

‘I asked Ali Bin Al-Husayn^{asws} about a man who struck a pregnant woman by his leg, so she dropped what was in her belly, as dead’. So he^{asws} said: ‘So if it was seed, so upon is twenty Dinars’. I said, ‘So what is the limit for the seed?’ So he^{asws} said: ‘It is which, when it fall in the womb, so it rests in it for forty days’.

قَالَ وَ إِنْ طَرَحَتْهُ وَ هُوَ عَلَقَةٌ فَإِنَّ عَلَيْهِ أَرْبَعِينَ دِينَاراً قُلْتُ فَمَا حُدُّ الْعَلَقَةِ فَقَالَ هِيَ الَّتِي إِذَا وَقَعَتْ فِي الرَّحِمِ فَاسْتَقَرَّتْ فِيهِ ثَمَانِينَ يَوْماً

He^{asws} said: ‘And if she dropped it and it was a clot, so upon him is forty Dinars’. I said, ‘So what is the limit of the clot?’ So he^{asws} said: ‘It is which, when it falls in the womb, so it settles in it for eighty days’.

قَالَ وَ إِنْ طَرَحَتْهُ وَ هُوَ مُضْغَةٌ فَإِنَّ عَلَيْهِ سِتِّينَ دِينَاراً قُلْتُ فَمَا حُدُّ الْمُضْغَةِ فَقَالَ هِيَ الَّتِي إِذَا وَقَعَتْ فِي الرَّحِمِ فَاسْتَقَرَّتْ فِيهِ مِائَةً وَ عَشْرِينَ يَوْماً

He^{asws} said: ‘And if she dropped it, and it was a lump, so upon him is sixty Dinars’. I said, ‘So what is the limit of the lump?’ So he^{asws} said: ‘It is which, when it falls in the womb, so it settles in it for one hundred and twenty days’.

²⁴ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 13

²⁵ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 14

قَالَ وَ إِن طَرَحْتُهُ وَ هُوَ نَسَمَةٌ مُخَلَّقَةٌ لَهُ عَظْمٌ وَ لَحْمٌ مُزَيَّلَ الْجَوَارِحِ قَدْ نَفَخَ فِيهِ رُوحُ الْعَقْلِ فَإِنَّ عَلَيْهِ دِيَّةً كَامِلَةً قُلْتُ لَهُ أَرَأَيْتَ تَحَوَّلَهُ فِي بَطْنِهَا إِلَى حَالٍ أَوْ بِرُوحٍ كَانَ ذَلِكَ أَوْ بَعِيرٍ رُوحٌ قَالَ بِرُوحٍ عَذَا الْحَيَاةِ الْقَدِيمِ الْمَقُولِ فِي أَصْلَابِ الرِّجَالِ وَ أَرْحَامِ النِّسَاءِ وَ لَوْ لَا أَنَّهُ كَانَ فِيهِ رُوحٌ عَذَا الْحَيَاةِ مَا تَحَوَّلَ عَنْ حَالٍ بَعْدَ حَالٍ فِي الرَّحِمِ وَ مَا كَانَ إِذَا عَلَى مَنْ يَقْتُلُهُ دِيَّةٌ وَ هُوَ فِي تِلْكَ الْحَالِ .

He^{asws} said: 'And if she dropped it, and it is a person for whom is Created the bones, and the flesh, distinguishable limbs, and there has been Blown into it the spirit of the intellect, so upon him is the complete wergild'. I said to him^{asws}, 'So what is your^{asws} view if it is transforming in her belly to a state, would it be with a spirit, or without a spirit?' He^{asws} said: 'With a spirit except for the old life which gets transferred in the loins of the men and the wombs of the women. And if it were not so that there was spirit in it except for the life, it would not have converted from a state after a state, in the womb, and there would not have been a wergild upon the one who kills it, and it would be in that state'.²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ الْغُرَّةَ تَزِيدُ وَ تَنْقُصُ وَ لَكِنْ قِيَمَتُهَا أَرْبَعُونَ دِينَارًا .

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

Abu Abdullah^{asws} has said: 'The commencement of the foetus increases and (sometimes) it is deficient, but its value is forty Dinars'.²⁷

بَابُ الرَّجُلِ يَفْطَعُ رَأْسَ مَيِّتٍ أَوْ يَفْعَلُ بِهِ مَا يَكُونُ فِيهِ اجْتِيَاخُ نَفْسِ الْحَيِّ

Chapter 40 – The man cuts-off the head of a deceased, or does with him what annihilated the self of the live

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ الْحُسَيْنِ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ الصَّبَّاحِ عَنْ بَعْضِ أَصْحَابِنَا قَالَ أَتَى الرَّبِيعُ أَبَا جَعْفَرٍ الْمَنْصُورَ وَ هُوَ خَلِيفَةُ فِي الطَّوَافِ فَقَالَ لَهُ يَا أَمِيرَ الْمُؤْمِنِينَ مَاتَ فُلَانٌ مَوْلَاكَ الْبَارِحَةَ فَقَطَّعَ فُلَانٌ رَأْسَهُ بَعْدَ مَوْتِهِ قَالَ فَاسْتَشْطَاطَ وَ غَضِبَ قَالَ فَقَالَ لِابْنِ شُبْرُمَةَ وَ ابْنِ أَبِي لَيْلَى وَ عِدَّةٍ مَعَهُ مِنَ الْقُضَاةِ وَ الْفُقَهَاءِ مَا تَقُولُونَ فِي هَذَا فُكُلٌ قَالَ مَا عِنْدَنَا فِي هَذَا شَيْءٌ قَالَ فَجَعَلَ يُرَدِّدُ الْمَسْأَلَةَ فِي هَذَا وَ يَقُولُ أَقْتُلُهُ أَمْ لَا فَقَالُوا مَا عِنْدَنَا فِي هَذَا شَيْءٌ

Ali Bin Ibrahim, from his father, from Al Husayn Bin Musa, from Muhammad Bin Al Sabbah, from one of our companions who said,

'Al-Rabie came over to Abu Ja'far Al-Mansour and he was the caliph, during him being in the circumambulation. So he said to him, 'O commander of the faithful! So and so slave of yours died last night, so and so slave of yours cut-off his head after his death'. So he was fuming and angry, and said to Ibn Shabrama, and Ibn Abu Layli, and a number who were with him, from the judges, 'What are you all saying regarding this?' So all of them said, 'There is nothing with us with regards to this, anything'. So he repeated the question regarding this, and he was saying, 'Shall I kill him or not?' So they said, 'There is nothing with us with regards to this, anything'.

قَالَ فَقَالَ لَهُ بَعْضُهُمْ قَدْ قَدِمَ رَجُلٌ السَّاعَةَ فَإِنْ كَانَ عِنْدَ أَحَدٍ شَيْءٌ فَعِنْدَهُ الْجَوَابُ فِي هَذَا وَ هُوَ جَعْفَرُ بْنُ مُحَمَّدٍ وَ قَدْ دَخَلَ الْمَسْعَى فَقَالَ لِلرَّبِيعِ اذْهَبْ إِلَيْهِ فَقُلْ لَهُ لَوْ لَا مَعْرِفَتُنَا بِشُعْلِ مَا أَنْتَ فِيهِ لَسَأَلْنَاكَ أَنْ تَأْتِيَنَا وَ لَكِنْ أَجَبْنَا فِي كَذَا وَ كَذَا

²⁶ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 15

²⁷ Al Kafi – V 7 – The Book of Wergilds Ch 38 H 16

He (the narrator) said, 'So, one of them said to him, 'At the moment a man has set foot here, so if there was anyone who had anything with regards to this, the answer would be with him^{asws}, and he^{asws} is Ja'far^{asws} Bin Muhammad^{asws}, and he^{asws} has entered into (performance of) Al-Sa'ee'. So he said to Al-Rabie, 'Go to him^{asws}, and say to him^{asws}, 'Had we not know what you^{asws} are occupied in, we would have asked you^{asws} to come over, but answer us regarding such and such'.

قَالَ فَأَتَاهُ الرَّبِيعُ وَهُوَ عَلَى الْمَرَّةِ فَأَبْلَغَهُ الرِّسَالَةَ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَدْ تَرَى شُغْلَ مَا أَنَا فِيهِ وَ قَبْلَكَ الْفُقَهَاءُ وَ الْعُلَمَاءُ فَسَلُّهُمْ قَالَ فَقَالَ لَهُ قَدْ سَأَلْتُهُمْ وَ لَمْ يَكُنْ عِنْدَهُمْ فِيهِ شَيْءٌ قَالَ فَرَدَّهُ إِلَيْهِ فَقَالَ أَسْأَلُكَ إِلَّا أَجَبْتَنَا فِيهِ فَلَيْسَ عِنْدَ الْقَوْمِ فِي هَذَا شَيْءٌ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) حَتَّى أَفْرُغَ مِمَّا أَنَا فِيهِ

He (the narrator) said, 'So Al-Rabie went over, and he^{asws} was at Al-Marwa. So he delivered the message to him^{asws}. So Abu Abdullah^{asws} said to him: 'You have seen what I^{asws} am occupied in, and in front of you are the judges and the scholars, so ask them'. So he said to him^{asws}, 'He has asked them, and there did not happen to with anything with them regarding it'. So he^{asws} responded (similarly) to him. So he said, 'I ask you^{asws} only to answer us with regards to it, for there is nothing with the people regarding this'. So Abu Abdullah^{asws} said: 'Until after I^{asws} are free from what I^{asws} am occupied in (Al-Sa'ee)'.

قَالَ فَلَمَّا فَرَغَ جَاءَ فَجَلَسَ فِي جَانِبِ الْمَسْجِدِ الْحَرَامِ فَقَالَ لِلرَّبِيعِ اذْهَبْ فَقُلْ لَهُ عَلَيْهِ مِائَةُ دِينَارٍ قَالَ فَأَبْلَغَهُ ذَلِكَ فَقَالُوا لَهُ فَسَلُّهُ كَيْفَ صَارَ عَلَيْهِ مِائَةُ دِينَارٍ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي النَّطْفَةِ عِشْرُونَ وَ فِي الْعَلَقَةِ عِشْرُونَ وَ فِي الْمُضْغَةِ عِشْرُونَ وَ فِي الْعَظْمِ عِشْرُونَ وَ فِي اللَّحْمِ عِشْرُونَ ثُمَّ أَنْشَأَنَاهُ خُلُقًا آخَرَ وَ هَذَا هُوَ مَيِّتٌ بِمَنْزِلَتِهِ قَبْلَ أَنْ يُنْفَخَ فِيهِ الرُّوحُ بِطْنِ أُمِّهِ جَنِينًا

He (the narrator) said, 'So when he^{asws} was free, he^{asws} came and sat by the side of the Sacred Masjid. He^{asws} said to Al-Rabie: 'Go and say to him, 'Upon him is (wergild of) one hundred Dinars'. So he delivered that. So they said, 'Ask him^{asws} how it came to be one hundred Dinars upon him'. So Abu Abdullah^{asws} said: 'With regards to the seed is twenty, and regarding the clot is twenty, and regarding the lump is twenty, and regarding the bone is twenty, and regarding the flesh is twenty. The it grows to another creation, and this deceased is at its status, before the spirit has been Blown into it, in the belly of its mother, as a foetus'.

قَالَ فَرَجَعَ إِلَيْهِ فَأَخْبَرَهُ بِالْجَوَابِ فَأَعْجَبَهُمْ ذَلِكَ وَ قَالُوا ارْجِعْ إِلَيْهِ فَسَلُّهُ الدَّانِيَةَ لِمَنْ هِيَ لَوَرَّتِيهِ أَمْ لَا فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) لَيْسَ لَوَرَّتِيهِ فِيهَا شَيْءٌ إِنَّمَا هَذَا شَيْءٌ أَتَى إِلَيْهِ فِي بَدْنِهِ بَعْدَ مَوْتِهِ يُحْجُ بِهَا عَنْهُ أَوْ يُتَصَدَّقُ بِهَا عَنْهُ أَوْ تَصِيرُ فِي سَبِيلِ مَنْ سُبُلِ الْخَيْرِ

He (the narrator) said, 'So he returned to him and informed him of the answer. So that astounded them, and they said, 'Return to him^{asws}, and ask him^{asws} about the Dinars, for who it is to be, for his (of the decapitated deceased) inheritors or not?' So Abu Abdullah^{asws} said: 'There is not for his inheritors, anything. But rather this is a thing which came upon him in his body after his death. It would be (utilised for) performing Hajj on his behalf, or given in charity by it on his behalf, or it would be made to be in a way from the ways of the goodness'.

قَالَ فَرَعَ الرَّجُلُ أَنَّهُمْ رَدُّوا الرَّسُولَ إِلَيْهِ فَأَجَابَ فِيهَا أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) بِسِتَّةٍ وَ ثَلَاثِينَ مَسْأَلَةً وَ لَمْ يَحْفَظِ الرَّجُلُ إِلَّا قَدَرَهُ هَذَا الْجَوَابِ .

He (the narrator) said, 'The man claimed that the messenger returned (many a time), so Abu Abdullah^{asws} answered regarding it with thirty-six questions, and the man did not memorise except to the measurement of this answer'.²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ قُطِعَ رَأْسُ الْمَيِّتِ أَشَدُّ مِنْ قُطْعِ رَأْسِ الْحَيِّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel, from someone else from our companions,

Abu Abdullah^{asws} has said: 'Cutting-off of the head of the deceased is harsher than cutting a head of the living'.²⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ رَجُلٌ قَطَعَ رَأْسَ مَيِّتٍ فَقَالَ حُرْمَةُ الْمَيِّتِ كَحُرْمَةِ الْحَيِّ .

Muhammad Bin Yahya, from Ahmad, from Muhammad Bin Sinan, from the one who informed him,

Abu Abdullah^{asws}, said, 'I said, 'A man cuts-off the head of a deceased'. So he^{asws} said: 'The sanctity of the dead is like the sanctity of the living'.³⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ حَفْصٍ عَنْ الْحُسَيْنِ بْنِ خَالِدٍ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قَطَعَ رَأْسَ رَجُلٍ مَيِّتٍ فَقَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ حَرَّمَ مِنْهُ مَيِّتًا كَمَا حَرَّمَ مِنْهُ حَيًّا فَمَنْ فَعَلَ بِمَيِّتٍ فَعَلًا يَكُونُ فِي مِثْلِهِ اجْتِيَا حِ نَفْسِ الْحَيِّ فَعَلَّيْهِ الدَّبِيَّةُ

Ali Bin Ibrahim, from his father, from Muhammad Bin Hafs, from Al Husayn Bin Khalid who said,

'Abu Abdullah^{asws} was asked about a man who cut off the head of a dead man. So he^{asws} said: 'Allah^{azwj} Mighty and Majestic has Sanctified from it for a dead just as He^{azwj} has Sanctified from it for a living. So the one who deals with a dead with a deed which violates it is similar to violating a living. Thus, upon him would be the wergild'.

فَسَأَلْتُ عَنْ ذَلِكَ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) فَقَالَ صَدَقَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) هَكَذَا قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قُلْتُ فَمَنْ قَطَعَ رَأْسَ مَيِّتٍ أَوْ شَقَّ بَطْنَهُ أَوْ فَعَلَ بِهِ مَا يَكُونُ فِيهِ اجْتِيَا حِ نَفْسِ الْحَيِّ فَعَلَّيْهِ دِيَّةُ النَّفْسِ كَامِلَةً فَقَالَ لَا وَ لَكِنْ دِيَّةُ دِيَّةِ الْجَنِينِ فِي بَطْنِ أُمِّهِ قَبْلَ أَنْ تُنْشَأَ فِيهِ الرُّوحُ وَ ذَلِكَ مِائَةُ دِينَارٍ وَ هِيَ لَوْرَتِيَّةٌ وَ دِيَّةُ هَذَا هِيَ لَهُ لَا لِلْوَرَثَةِ

So I asked Abu Al-Hassan^{asws} about that, so he^{asws} said: 'Abu Abdullah^{asws} spoke truthfully. Such is what Rasool-Allah^{saww} said'. I said, 'So the one who cut of the head of a dead, or pierces his belly, or does with him what happens to be a violation in it of a living soul, so upon him is the complete wergild of the soul?' So he^{asws} said: 'No, but its wergild is the wergild of the foetus which is in the belly of its mother, before the spirit is Breathed into it, and that is one hundred Dinars, and it is for its (foetus's) inheritors, while the wergild of this one (deceased), it is for him, not for his inheritors.

قُلْتُ فَمَا الْفَرْقُ بَيْنَهُمَا قَالَ إِنَّ الْجَنِينَ أَمْرٌ مُسْتَقْبِلٌ مَرَجُو نَفْعُهُ وَ هَذَا قَدْ مَضَى وَ ذَهَبَتْ مَنَفَعَتُهُ فَلَمَّا مِثْلَ بِهِ بَعْدَ مَوْتِهِ صَارَتْ دِيَّةُ بَنِيكَ الْمُتَلَّةِ لَهُ لَا لِغَيْرِهِ يُحَجُّ بِهَا عَنْهُ وَ يُفَعَّلُ بِهَا أَبْوَابُ الْخَيْرِ وَ الْبِرِّ مِنْ صَدَقَةٍ أَوْ غَيْرِهَا

²⁸ Al Kafi – V 7 – The Book of Wergilds Ch 39 H 1

²⁹ Al Kafi – V 7 – The Book of Wergilds Ch 39 H 2

³⁰ Al Kafi – V 7 – The Book of Wergilds Ch 39 H 3

I said, 'So what is the difference between the two?' He^{asws} said: 'The foetus is a matter of the future, its benefit is hoped for, and this one has passed and its benefit has gone. So when his is tortured with after his death, his wergild comes to be for the torture of his, not for someone else. It (wergild) would be utilised for performing Hajj with it on his behalf, and would be done with it from the doors of goodness and the righteousness, from charity or other than it.'

قُلْتُ فَإِنْ أَرَادَ رَجُلٌ أَنْ يَحْفَرَ لَهُ لِيُغْسِلَهُ فِي الْحُفْرَةِ فَسَدِرَ الرَّجُلُ مِمَّا يَحْفَرُ فَدِيرَ بِهِ فَمَالَتْ مِسْحَاتُهُ فِي يَدِهِ فَأَصَابَ بَطْنَهُ فَشَقَّهُ فَمَا عَلَيْهِ فَقَالَ إِذَا كَانَ هَكَذَا فَهُوَ خَطَأٌ وَكَفَّارَتُهُ عِنَقُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ صَدَقَةٌ عَلَى سِتِّينَ مِسْكِينًا مُدًّا لِكُلِّ مِسْكِينٍ بِمُدِّ النَّبِيِّ (صلى الله عليه وآله) .

I said, 'So if a man intends that he digs a grave for him in order to wash him in his grave, so the man shovel from what he digs, and the shovel in his hand touches his belly so it pierces. So what would be upon him?' So he^{asws} said: 'When it is like that, so it is a mistake, and its expiation is the freeing of a neck, or Fasting for two months consecutively, or charity upon sixty poor ones, a handful (*Mudd*) for each poor, by a handful (*Mudd*) of the Prophet^{saww},³¹

بَاب مَا يَلْزَمُ مَنْ يَحْفَرُ الْبُئْرَ فَيَقَعُ فِيهَا الْمَارُّ

Chapter 41 – What necessitates the one who digs the well, so there falls in it the passer-by

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَحْفَرُ الْبُئْرَ فِي دَارِهِ أَوْ فِي أَرْضِهِ فَقَالَ أَمَا مَا حَفَرَ فِي مَلِكِهِ فَلَيْسَ عَلَيْهِ ضَمَانٌ وَ أَمَا مَا حَفَرَ فِي الطَّرِيقِ أَوْ فِي غَيْرِ مَا يَمْلِكُهُ فَهُوَ ضَامِنٌ لِمَا يَسْقُطُ فِيهِ .

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

'I asked him^{asws} about the man who dug the well in his own home, or in his own land. So he^{asws} said: 'As for what he dug in his kingdom, so there is no responsibility upon him, and as for what he digs in the road, or in other than what he owns, so he is responsible for whatever falls into it'.³²

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

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

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الشَّيْءِ يُوضَعُ عَلَى الطَّرِيقِ فَنَمَرَ الدَّابَّةُ فَتَنْفَرُ بِصَاحِبِهَا فَتَقْعُرُهُ فَقَالَ كُلُّ شَيْءٍ يُضِرُّ بِطَرِيقِ الْمُسْلِمِينَ فَصَاحِبُهُ ضَامِنٌ لِمَا يُصِيبُهُ .

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

(The narrator) says: 'I asked Abu Abdullah^{asws} about the thing which is placed on the road, so the animal passes by, so it panics and fells its rider. So he^{asws} said:

³¹ Al Kafi – V 7 – The Book of Wergilds Ch 39 H 4

³² Al Kafi – V 7 – The Book of Wergilds Ch 40 H 1

'Everything which harms the Muslims by a road, so its perpetrator is responsible for what (harm) it causes'.³³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ النُّعْمَانِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) مَنْ أَضَرَ بِشَيْءٍ مِنْ طَرِيقِ الْمُسْلِمِينَ فَهُوَ لَهُ ضَامِنٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Noman, from Abu Al Sabbah Al Kanany who said,

'Abu Abdullah^{asws} said: 'The one who harms with something from the roads of the Muslims, so he is responsible for it'.³⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الرَّجُلِ يَحْفَرُ الْبُئْرَ فِي دَارِهِ أَوْ فِي مَلِكِهِ فَقَالَ مَا كَانَ حَفَرَ فِي دَارِهِ أَوْ فِي مَلِكِهِ فَلَيْسَ عَلَيْهِ ضَمَانٌ وَ مَا حَفَرَ فِي الطَّرِيقِ أَوْ فِي غَيْرِ مَلِكِهِ فَهُوَ ضَامِنٌ لِمَا يَسْقُطُ فِيهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'I asked Abu Abdullah^{asws} about the man who dug the well in his house, or in his kingdom. So he^{asws} said: 'Whatever he had dug in his house or in his kingdom, so there is no responsibility upon him, and whatever he dug in the road, or in other than is kingdom, so he is responsibility to whatever falls into it'.³⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ حَمَلَ مَتَاعًا عَلَى رَأْسِهِ فَأَصَابَ إِنْسَانًا فَمَاتَ أَوْ انْكَسَرَ مِنْهُ فَقَالَ هُوَ ضَامِنٌ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Dawood Bin Sirhan,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who carried provisions upon his head, so they struck a human being and he died, or something broke from him. So he^{asws} said: 'He is responsible'.³⁶

سَهْلٌ وَ ابْنُ أَبِي نَجْرَانَ جَمِيعًا عَنْ ابْنِ أَبِي نَصْرٍ عَنْ مُتَنَّى الْحَنَاطِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَوْ أَنَّ رَجُلًا حَفَرَ بُئْرًا فِي دَارِهِ ثُمَّ دَخَلَ رَجُلٌ فَوَقَعَ فِيهَا لَمْ يَكُنْ عَلَيْهِ شَيْءٌ وَ لَا ضَمَانٌ وَ لَكِنْ لِيُعْطَهَا .

Sahl and Ibn Abu Najran, both together from Ibn Abu Nasr, from Musanna Al Hannat, from Zurara,

(It has been narrated) from Abu Abdullah^{asws} having said: 'If a man were to dig a well in his house, then a man enters and falls into it, there is nothing upon him, and no responsibility, but for covering it'.³⁷

ابْنُ أَبِي نَجْرَانَ عَنْ مُتَنَّى الْحَنَاطِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قُلْتُ لَهُ رَجُلٌ حَفَرَ بُئْرًا فِي غَيْرِ مَلِكِهِ فَمَرَّ عَلَيْهَا رَجُلٌ فَوَقَعَ فِيهَا قَالَ فَقَالَ عَلَيْهِ الضَّمَانُ لِأَنَّ كُلَّ مَنْ حَفَرَ فِي غَيْرِ مَلِكِهِ كَانَ عَلَيْهِ الضَّمَانُ .

Ibn Abu Najran, from Musanna Al Hannat, from Zurara,

³³ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 2

³⁴ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 3

³⁵ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 4

³⁶ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 5

³⁷ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 6

(The narrator) says, 'I said to Abu Abdullah^{asws}, 'A man digs a well in other than his kingdom. So a man passed by it and fell into it'. So he^{asws} said: 'Upon him is the responsibility, because everyone who digs in other than his own kingdom, upon him would be the responsibility'.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ أَخْرَجَ مِيزَاباً أَوْ كَنْيَفاً أَوْ أَوْتَدَ وَتِدَاً أَوْ أَوْتَقَ دَابَّةً أَوْ حَفَرَ بُئْراً فِي طَرِيقِ الْمُسْلِمِينَ فَأَصَابَ شَيْئاً فَعَطِبَ فَهُوَ لَهُ ضَامِنٌ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The one who extracts a water spout, or a toilet (enclosure), or fixes a peg, or fastens an animal, or digs a well in the road of the Muslims, so something is damaged, so he would be responsible for it'.³⁹

بَابُ ضَمَانِ مَا يُصِيبُ الدَّوَابَّ وَمَا لَا ضَمَانَ فِيهِ مِنْ ذَلِكَ

Chapter 42 – Responsibility of what hits the animals and what is not a responsibility regarding it from that

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ بِهَيْمَةَ الْأَنْعَامِ لَا يَغْرَمُ أَهْلُهَا شَيْئاً مَا دَامَتْ مُرْسَلَةً .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from a man,

Abu Abdullah^{asws} has said: 'The animals, cattle, its owner would not be fined for as long as they are left free to roam'.⁴⁰

يُونُسُ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفَضْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سُئِلَ عَنْ رَجُلٍ يَسِيرُ عَلَى طَرِيقٍ مِنْ طَرُقِ الْمُسْلِمِينَ عَلَى دَابَّةٍ فَتُصِيبُ بِرَجْلِهَا فَقَالَ لَيْسَ عَلَيْهِ مَا أَصَابَتْ بِرَجْلِهَا وَ عَلَيْهِ مَا أَصَابَتْ بِبَيْدِهَا وَإِذَا وَقَفَتْ فَعَلَيْهِ مَا أَصَابَتْ بِبَيْدِهَا وَ رَجْلِهَا أَيْضاً .

Yunus, from Muhammad Bin Sinan, from Al A'ala Bin Al Fazl,

(It has been narrated) from Abu Abdullah^{asws} being asked about a man who travelled upon a road from the Muslim roads upon his animal, so it hit someone with its (hind) legs. So he^{asws} said: 'There is nothing upon him what it hits by its (hind) legs, and when he pauses it, so upon him is what it hits by its hands (front legs) and its (hind) legs, and even if he is ushering it, so upon him is what it hits by its hands (front legs) and its (hind) legs, as well'.⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَمُرُّ عَلَى طَرِيقٍ مِنْ طَرُقِ الْمُسْلِمِينَ فَتُصِيبُ دَابَّتَهُ إِنْسَاناً بِرَجْلِهَا فَقَالَ لَيْسَ عَلَيْهِ مَا أَصَابَتْ بِرَجْلِهَا وَ لَكِنْ عَلَيْهِ مَا أَصَابَتْ بِبَيْدِهَا لِأَنَّ رَجُلَهَا خَلْفَهُ إِنْ رَكِبَ وَ إِنْ كَانَ قَائِدهَا فَإِنَّهُ يَمْلِكُ بِإِذْنِ اللَّهِ يَدَهَا يَضَعُهَا حَيْثُ يَشَاءُ

³⁸ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 7

³⁹ Al Kafi – V 7 – The Book of Wergilds Ch 40 H 8

⁴⁰ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 1

⁴¹ Al Kafi – V 7 – The Book of Wergilds Ch 41 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 been asked about the man who passes upon a road from the roads of the Muslim, so his animal hits a human being by its (hind) legs. So he^{asws} said: 'There is nothing upon him what it hit by its (hind) legs, but upon him is what it hits by its hands (front legs), because its (hind) legs are behind him if he is riding, and if he was guiding it, so he was in control of its hands (front legs), by the Permission of Allah^{azwj}, to place these wherever he so wishes to'.

قَالَ وَ سُئِلَ عَنْ بُخْتِيٍّ اغْتَلَمَ فَخَرَجَ مِنَ الدَّارِ فَقَتَلَ رَجُلًا فَجَاءَ أَخُو الرَّجُلِ فَضَرَبَ الْفَحْلَ بِالسَّيْفِ فَعَقَرَهُ فَقَالَ صَاحِبُ
الْبُخْتِيٍّ ضَامِنٌ لِلدَّيَّةِ وَ يَقْبِضُ ثَمَنَ بُخْتِيٍّ

He (the narrator) said, 'And he^{asws} was asked about a camel in heat, so it went out from the house and killed a man. So a brother of the man came and struck the stallion with the sword and he slew it. So he^{asws} said: 'The owner of the camel is responsible of the wergild and would seize the price of his camel'.

وَ عَنْ الرَّجُلِ يَنْفَرُ بِالرَّجُلِ فَيَعْقِرُهُ وَ تَعْقُرُ دَابَّتُهُ رَجُلًا آخَرَ فَقَالَ هُوَ ضَامِنٌ لِمَا كَانَ مِنْ شَيْءٍ .

And about the man who caused the man to flee, so another man slew him and his animal. So he^{asws} said: 'He is responsible for whatever was from something'.⁴²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رِثَابٍ عَنْ أَبِي
عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ حَمَلَ عَبْدَهُ عَلَى دَابَّةٍ قَوِطُنَتْ رَجُلًا قَالَ الْغَرْمُ عَلَى مَوْلَاهُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who carried his slave upon an animal, so it trampled a man. He^{asws} said: 'The fine is upon his master'.⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ شَيْخٍ مِنْ أَهْلِ الْكُوفَةِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ قُلْتُ
جُعِلَتْ فِدَاكَ رَجُلٌ دَخَلَ دَارَ رَجُلٍ قَوْنَبَ كَلْبٍ عَلَيْهِ فِي الدَّارِ فَعَقَرَهُ فَقَالَ إِنْ كَانَ دُعِيَ أَهْلُ الدَّارِ أَرْضُ الْخَدَشِ وَ إِنْ
كَانَ لَمْ يُدْعَ فَدَخَلَ فَلَا شَيْءَ عَلَيْهِمْ .

Ali Bin Ibrahim, from his father, from Sheykh from the people of Al Kufa, from one of our companions,

(The narrator) says, 'I asked Abu Abdullah^{asws} saying, 'May I be sacrificed for you^{asws}! A man enters a house of a man, so a dog leaps upon him in the house, so it injures him'. So he^{asws} said: 'If he was invited, so it is upon the people of the house, the compensation of the scratch; and if he was not invited, so he entered (of his own accord), so there is nothing upon them'.⁴⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ أَبِي الْخَزَرَجِ عَنْ مُصْعَبِ بْنِ سَلَامٍ التَّمِيمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ أَبِيهِ (عَلَيْهِ السَّلَام) أَنَّ ثَوْرًا قَتَلَ جِمَارًا عَلَى عَهْدِ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَرُفِعَ ذَلِكَ إِلَيْهِ وَ هُوَ فِي أَنْاسٍ مِنْ أَصْحَابِهِ فِيهِمْ
أَبُو بَكْرٍ وَ عُمَرُ فَقَالَ يَا أَبَا بَكْرٍ أَقْضِ بَيْنَهُمْ فَقَالَ يَا رَسُولَ اللَّهِ بِهِمَةَ قَتَلَتْ بِهِمَةَ مَا عَلَيْهَا شَيْءٌ فَقَالَ يَا عُمَرُ أَقْضِ بَيْنَهُمَا
فَقَالَ مِثْلَ قَوْلِ أَبِي بَكْرٍ

⁴² Al Kafi – V 7 – The Book of Wergilds Ch 41 H 3

⁴³ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 4

⁴⁴ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 5

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Abu Al Khazzaz, from Mos'ab Bin Sallam Al Tameemi,

(It has been narrated) from Abu Abdullah^{asws}, from his^{asws} father^{asws}: 'A bull killed a donkey during the era of the Prophet^{saww}, so that (matter) was raised to him^{saww}, and he^{asws} was among the people from his companions, among whom were Abu Bakr, and Umar. So he^{saww} said: 'O Abu Bakr! Judge between the two'. So he said, 'O Rasool-Allah^{saww}! An animal has killed an animal, there is nothing upon it'. So he^{saww} said: 'O Umar! Judge between the two'. So he spoke similar to the words of Abu Bakr'.

فَقَالَ يَا عَلِيُّ أَقْضِ بَيْنَهُمْ فَقَالَ نَعَمْ يَا رَسُولَ اللَّهِ إِنَّ كَانَ الثَّوْرُ دَخَلَ عَلَى الْجَمَارِ فِي مُسْتَرَاحِهِ ضَمِنَ أَصْحَابُ الثَّوْرِ وَ إِنْ كَانَ الْجَمَارُ دَخَلَ عَلَى الثَّوْرِ فِي مُسْتَرَاحِهِ فَلَا ضَمَانَ عَلَيْهِمَا

So he^{saww} said: 'O Ali^{asws}! Judge between the two'. So he^{asws} said: 'Yes, O Rasool-Allah^{saww}! If the bull entered upon the donkey in its resting place, the owner of the bull is responsible; and if it was the donkey which had entered upon the bull in its resting place, so there is no one responsible upon the two'.

قَالَ فَرَفَعَ رَسُولُ اللَّهِ (صلى الله عليه وآله) يَدَهُ إِلَى السَّمَاءِ فَقَالَ الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ مِنِّي مَنْ يَفْضِي بِقَضَاءِ النَّبِيِّينَ .

He (the narrator) said, 'So Rasool-Allah^{saww} raised his^{saww} hands towards the sky, so he^{saww} said: 'The Praise is for Allah^{azwj} Whom Made from me^{saww}, one who judges by the judgements of the Prophets^{as}'.⁴⁵

عَنْهُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ صَبَّاحِ الْحَدَّاءِ عَنْ رَجُلٍ عَنْ سَعْدِ بْنِ طَرِيفٍ الْإِسْكَافِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ أَتَى رَجُلٌ رَسُولَ اللَّهِ (صلى الله عليه وآله) فَقَالَ إِنَّ ثَوْرًا قَتَلَ جَمَارِي فَقَالَ لَهُ النَّبِيُّ (صلى الله عليه وآله) أَنْتَ أَبَا بَكْرٍ فَسَلْهُ فَأَتَاهُ فَسَأَلَهُ فَقَالَ لَيْسَ عَلَى الْبَهَائِمِ قَوْلٌ فَرَجَعَ إِلَى النَّبِيِّ (صلى الله عليه وآله) فَأَخْبَرَهُ بِمَقَالَةِ أَبِي بَكْرٍ

From him, from Abdul Rahman Bin Abu Najran, from Sabbah, from a man, from Sa'ad Bin Tareyf Al Iskaaf,

(It has been narrated) from Abu Ja'far^{asws} having said: 'A man came over to Rasool-Allah^{saww}, so he said, 'A bull of so and so killed my donkey!' So the Prophet^{saww} said to him; 'Go to Abu Bakr, so ask him'. So he went to him, so he said, 'There is nothing upon the animals'. So he returned to the Prophet^{as} and informed him^{saww} of the words of Abu Bakr.

فَقَالَ لَهُ النَّبِيُّ (صلى الله عليه وآله) أَنْتَ عُمَرُ فَسَلْهُ فَأَتَاهُ فَسَأَلَهُ فَقَالَ مِثْلَ مَقَالَةِ أَبِي بَكْرٍ فَرَجَعَ إِلَى النَّبِيِّ (صلى الله عليه وآله) فَأَخْبَرَهُ

So the Prophet^{saww} said to him: 'Go to Umar, so ask him'. So he asked him, and he said similar to the words of Abu Bakr. So he returned to the Prophet^{saww} and informed him^{saww}.

فَقَالَ لَهُ النَّبِيُّ (صلى الله عليه وآله) أَنْتَ عَلِيٌّ (عليه السلام) فَسَلْهُ فَأَتَاهُ فَسَأَلَهُ فَقَالَ عَلِيٌّ (عليه السلام) إِنْ كَانَ الثَّوْرُ الدَّاخلُ عَلَى جَمَارِكَ فِي مَنَامِهِ حَتَّى قَتَلَهُ فَصَاحِبُهُ ضَامِنٌ وَإِنْ كَانَ الْجَمَارُ هُوَ الدَّاخلُ عَلَى الثَّوْرِ فِي مَنَامِهِ فَلَيْسَ عَلَى صَاحِبِهِ ضَمَانٌ

⁴⁵ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 6

So the Prophet^{saww} said to him: 'Go to Ali^{asws}, so ask him^{asws}'. So he asked him^{asws}, so Ali^{asws} said: 'If the bull had entered upon your donkey in his sleeping place until it killed it, so its owner is responsible; but if it was that the donkey was the one who entered upon the bull in his sleeping place, so there is no responsibility upon its owner'.

قَالَ فَرَجَعَ إِلَى النَّبِيِّ (صلى الله عليه وآله) فَأَخْبَرَهُ فَقَالَ النَّبِيُّ (صلى الله عليه وآله) (الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ مِنْ أَهْلِ بَيْتِي مَنْ يَحْكُمُ بِحُكْمِ الْأَنْبِيَاءِ).

He^{asws} said: 'So he returned to the Prophet^{saww} and informed him^{saww}. So the Prophet^{saww} said: 'The Praise is for Allah^{azwj} Who Made from the People^{asws} of my^{saww} Household one who judges by the judgements of the Prophets^{as}'.⁴⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ عَنْ عُبَيْدِ اللَّهِ الْحَلْبِيِّ عَنْ رَجُلٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ بَعَثَ رَسُولُ اللَّهِ (صلى الله عليه وآله) عَلِيًّا (عليه السلام) إِلَى الْيَمَنِ فَأَقْلَتَ فَرَسٌ لِرَجُلٍ مِنْ أَهْلِ الْيَمَنِ وَ مَرَّ يَعْذُو فَمَرَّ بِرَجُلٍ فَتَفَحَّهُ بِرَجْلِهِ فَقَتَلَهُ فَجَاءَ أَوْلِيَاءُ الْمَقْتُولِ إِلَى الرَّجُلِ فَأَخَذُوهُ وَ رَفَعُوهُ إِلَى عَلِيٍّ (عليه السلام) فَأَقَامَ صَاحِبُ الْفَرَسِ الْبَيْتَةَ عِنْدَ عَلِيٍّ (عليه السلام) أَنْ فَرَسَهُ أَقْلَتَ مِنْ ذَارِهِ وَ نَفَحَ الرَّجُلُ فَأَبْطَلَ عَلِيٌّ (عليه السلام) دَمَ صَاحِبِهِمْ

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Ubeydullah Al Halby, from a man,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Rasool-Allah^{asws} sent Ali^{asws} to Al-Yemen. A horse of a man from the people of Al-Yemen had escaped, and it had passed galloping by a man, and kicked him with its feed, so it had killed him. So the guardians of the killed one went over to the man and seized him, and brought him to Ali^{asws}. So the owner of the horse established the evidence in the presence of Ali^{asws} that his horse had escaped from his house and kicked the man'. So Ali^{asws} invalidated the blood (compensation) of their companion.

فَجَاءَ أَوْلِيَاءُ الْمَقْتُولِ مِنَ الْيَمَنِ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَقَالُوا يَا رَسُولَ اللَّهِ إِنَّ عَلِيًّا (عليه السلام) ظَلَمَنَا وَ أَبْطَلَ صَاحِبَنَا فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) إِنَّ عَلِيًّا (عليه السلام) لَيْسَ بِظَلَامٍ وَ لَمْ يَخْلُقْ لِلظُّلْمِ إِنَّ الْوَلَايَةَ لِعَلِيٍّ (عليه السلام) مِنْ بَعْدِي وَ الْحُكْمُ حُكْمُهُ وَ الْقَوْلُ قَوْلُهُ وَ لَا يَرُدُّ وَ لَا يَنْتَه وَ قَوْلُهُ وَ حُكْمُهُ إِلَّا كَافِرٌ وَ لَا يَرْضَى وَ لَا يَنْتَه وَ قَوْلُهُ وَ حُكْمُهُ إِلَّا مُؤْمِنٌ

So the guardians of the killed one came over from Al-Yemen, to Rasool-Allah^{asws}, so they said, 'O Rasool-Allah^{asws}! Ali^{asws} has been unjust to us and invalidated (the wergild) of our companion'. So Rasool-Allah^{saww} said: 'Ali^{asws} is not with injustice and had not been Created for the injustice. Verily, the Wilayah is for Ali^{asws} from after me^{saww}, and the (final) judgement is his^{asws} judgement, and the (final) words are his^{asws} words, and none would repudiate (deny) his^{asws} Wilayah, and his^{asws} words, and his^{asws} judgement except for an Infidel; and none would be pleased with his^{asws} Wilayah, and his^{asws} words, and his^{asws} judgements except for a Believer'.

فَلَمَّا سَمِعَ الْيَمَانِيُّونَ قَوْلَ رَسُولِ اللَّهِ (صلى الله عليه وآله) فِي عَلِيٍّ (عليه السلام) قَالُوا يَا رَسُولَ اللَّهِ رَضِينَا بِحُكْمِ عَلِيٍّ (عليه السلام) وَ قَوْلِهِ فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) هُوَ تَوْبَتُكُمْ مِمَّا قُلْتُمْ.

So when the Yemenis heard the words of Rasool-Allah^{saww} regarding Ali^{asws}, they said, 'O Rasool-Allah^{saww}! We are pleased with the judgement of Ali^{asws}, and his^{asws} words'. So Rasool-Allah^{saww} said: 'It is your repentance from what you had said'.⁴⁷

⁴⁶ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 7

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ أَيُّمَا رَجُلٍ فَرَعَ رَجُلًا عَنِ الْجِدَارِ أَوْ نَقَرَ بِهِ عَنْ دَابَّتِهِ فَخَرَّ قَمَاتَ فَهُوَ ضَامِنٌ لِذِيَّتِهِ وَإِنْ انْكَسَرَ فَهُوَ ضَامِنٌ لِذِيَّتِهِ مَا يَنْكَسِرُ مِنْهُ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whichever man panics a man from the wall, or dislodges him from his animal, so he falls off and dies, so he is responsible for his wergild; and if he (the rider) breaks something, so he is responsible of the wergild of whatever has been broken from him'.⁴⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائٍ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ حَمَلَ عَبْدَهُ عَلَى دَابَّةٍ فَأَوْطَأَتْ فَقَالَ الْغَرَمُ عَلَى مَوْلَاهُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who carried his slave upon an animal, so it trampled (someone). So he^{asws} said: 'The fine is upon his master'.⁴⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي صَاحِبِ الدَّابَّةِ أَنَّهُ يَضْمَنُ فِي مَا وَطِئَتْ بِيَدِهَا وَ رِجْلُهَا وَ مَا نَفَحَتْ بِرِجْلِهَا فَلَا ضَمَانَ عَلَيْهِ إِلَّا أَنْ يَضْرِبَهَا إِنْسَانٌ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the owner of the animal that he is responsible regarding whatever it tramples by its hands (front legs), and its (hind) legs; and whatever it kicks with its (hind) legs, so there is no responsibility upon him except if a human being strikes it'.⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ أَنَّ امْرَأَةً نَذَرَتْ أَنْ تُقَادَ مَرْمُومَةً فَدَفَعَهَا بَعِيرٌ فَخَرَمَ أَنْفَهَا فَاتَتْ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) تُخَاصِمُ صَاحِبَ الْبَعِيرِ فَأَبْطَلَهُ وَ قَالَ إِنَّمَا نَذَرْتُ لَيْسَ عَلَيْكَ ذَلِكَ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} that a woman had vowed to be le bridled, so she was pushed by a camel and her nose was pierced. So she came over to Amir Al-Momineen^{asws} to dispute against the owner of the camel. But, he^{asws} invalidated it (her claim) and said: 'But rather, she had vowed (to be bridles), and that is not upon you (the camel owner)'.⁵¹

⁴⁷ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 8

⁴⁸ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 9

⁴⁹ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 10

⁵⁰ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 11

⁵¹ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 12

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) كَانَ إِذَا صَالَ الْفَحْلُ أَوَّلَ مَرَّةٍ لَمْ يُضْمَنْ صَاحِبُهُ فَإِذَا تَنَّى ضَمَّنَ صَاحِبُهُ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} assails (attacks) for the first time, its owner is not responsible. So when it is the second (time), its owner is responsible'.⁵²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي رَجُلٍ دَخَلَ دَارَ قَوْمٍ بَغَيْرِ إِذْنِهِمْ فَعَقَرَهُ كَلْبُهُمْ قَالَ لَا ضَمَانَ عَلَيْهِمْ وَإِنْ دَخَلَ بِإِذْنِهِمْ ضَمِنُوا .

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} judged regarding a man who entered a house of a people without their permission. So their dog injured him. He^{asws} said: 'There is no responsibility upon them, and if he had entered with their permission, they would have been responsible'.⁵³

عَنْهُ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ ضَمَّنَ الْقَائِدَ وَ السَّائِقَ وَ الرَّائِبَ فَقَالَ مَا أَصَابَ الرَّجُلَ فَعَلَى السَّائِقِ وَ مَا أَصَابَ الْيَدَ فَعَلَى الْقَائِدِ وَ الرَّائِبِ .

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

(It has been narrated) from Abu Abdullah^{asws} that the guide, and the usher, and the rider is responsible, so he^{asws} said: 'Whatever the (hind) legs hit, so it is upon the usher, and whatever the hands (front legs) hit, so it is upon the guide and the rider'.⁵⁴

بَابُ الْمَقْتُولِ لَا يُدْرَى مَنْ قَتَلَهُ

Chapter 43 – The killed one, it being not known who killed him

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ وَ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ جَمِيعاً عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي رَجُلٍ وَجِدَ مَقْتُولاً لَا يُدْرَى مَنْ قَتَلَهُ قَالَ إِنْ كَانَ عُرِفَ وَ كَانَ لَهُ أَوْلِيَاءُ يَطْلُبُونَ دِيْنَهُ أَعْطُوا دِيْنَهُ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ وَ لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ لِأَنَّ مِيرَاثَهُ لِلْإِمَامِ (عليه السلام) فَكَذَلِكَ تَكُونُ دِيْنُهُ عَلَى الْإِمَامِ وَ يُصَلُّونَ عَلَيْهِ وَ يَدْفِنُونَهُ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who found a killed person and it was not known who killed him. He^{asws} said: 'If it was known and there were guardians who were seeking his wergild, they would be given his wergild from the public treasury of the Muslims, and the blood of a Muslim person would not be invalidated, because his inheritance is for

⁵² Al Kafi – V 7 – The Book of Wergilds Ch 41 H 13

⁵³ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 14

⁵⁴ Al Kafi – V 7 – The Book of Wergilds Ch 41 H 15

the Imam^{asws}. Thus, like that, his wergild would happen to be upon the Imam^{asws}, and he^{asws} would Pray over him, and bury him’.

قَالَ وَ قَضَى فِي رَجُلٍ زَحَمَهُ النَّاسُ يَوْمَ الْجُمُعَةِ فِي زِحَامِ النَّاسِ فَمَاتَ أَلَّ دَيْتُهُ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ .

He^{asws} said: ‘And he^{asws} judged regarding a man who was crushed by the crowd in the throng of the people, so he said, ‘His wergild is from the public treasury of the Muslims’.⁵⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ حَمَّادِ بْنِ عِيسَى عَنْ سَوَّارٍ عَنِ الْحَسَنِ قَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَام) لَمَّا هَزَمَ طَلْحَةَ وَ الزُّبَيْرَ أَقْبَلَ النَّاسُ مُنْهَزِمِينَ فَمَرُّوا بِامْرَأَةٍ حَامِلٍ عَلَى الطَّرِيقِ فَفَزِعَتْ مِنْهُمْ فَطَرَحَتْ مَا فِي بَطْنِهَا حَيًّا فَاضْطَرَبَ حَتَّى مَاتَ ثُمَّ مَاتَتْ أُمُّهُ مِنْ بَعْدِهِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hammad Bin Isa, from Sawwar, from Al Hassan who said,

‘When Ali^{asws} defeated Talha and Al-Zubeyr, the people came back defeated, so they passed by a pregnant woman upon the road. So she panicked from them, and aborted what was in her belly, alive. So it was restless until it died. Then its mother died from after it’.

فَمَرَّ بِهَا عَلِيٌّ (عَلَيْهِ السَّلَام) وَ أَصْحَابُهُ وَ هِيَ مَطْرُوحَةٌ وَ وَلَدُهَا عَلَى الطَّرِيقِ فَسَأَلَهُمْ عَنْ أَمْرِهَا فَقَالُوا لَهُ إِنَّهَا كَانَتْ حَامِلًا فَفَزِعَتْ حِينَ رَأَتْ الْقِتَالَ وَ الْهَزِيمَةَ قَالَ فَسَأَلَهُمْ أَيُّهُمَا مَاتَ قَبْلَ صَاحِبِهِ فَقَالُوا إِنَّ ابْنَهَا مَاتَ قَبْلَهَا قَالَ فَدَعَا بِرَوْحِهَا أَبِي الْعَلَامِ الْمَيْتِ فَوَرَّثَهُ مِنْ ابْنِهِ ثُلْثِي الدِّيَةِ وَ وَرَثَ أُمُّهُ ثُلْثَ الدِّيَةِ ثُمَّ وَرَثَ الرَّوْجُ مِنْ أُمِّهَا الْمَيْتَةِ نِصْفَ ثُلْثِ الدِّيَةِ الَّذِي وَرَّثَتْهُ مِنْ ابْنِهَا الْمَيْتِ وَ وَرَثَ قَرَابَةُ الْمَيْتِ الْبَاقِي

So Ali^{asws} and his companions passed by her and she and her child were lying upon the road. So he^{asws} asked them about her matter, so they said to him^{asws}, ‘She was pregnant, so she panicked when she was the fighting and the defeat’. So he^{asws} asked them: ‘Which of the two died before its companion?’ So they said, ‘Her son dies before her’. So he^{asws} called for her husband, father of the deceased boy, so he^{asws} made him inherit two-thirds wergild from his son, and her mother to inherit one-third of his wergild. Then the husband inherited from his dead wife, half of the wergild which she had inherited from her dead son, and the relatives of the deceased inherited the remainder’.

قَالَ ثُمَّ وَرَثَ الرَّوْجُ أَيْضاً مِنْ دِيَةِ الْمَرْأَةِ الْمَيْتَةِ نِصْفَ الدِّيَةِ وَ هُوَ أَلْفَانِ وَ خَمْسُمِائَةِ دِرْهَمٍ وَ ذَلِكَ أَنَّهُ لَمْ يَكُنْ لَهَا وَلَدٌ غَيْرُ الَّذِي رَمَتْ بِهِ حِينَ فَزِعَتْ

He (the narrator) said, ‘Then the husband inherited as well from the wergild of the deceased wife, half the wergild, and it was two thousand and five hundred Dirhams, and that is because there did not happen to be any child for her except for the one who had been thrown with, when she had panicked’.

قَالَ وَ أَدَّى ذَلِكَ كُلَّهُ مِنْ بَيْتِ مَالِ الْبَصْرَةِ .

He (the narrator) said, ‘And he^{asws} (Amir Al-Momineen^{asws}) paid all of that from the public treasury of the Muslims’.⁵⁶

⁵⁵ Al Kafi – V 7 – The Book of Wergilds Ch 42 H 1

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنَّ مَا أَخْطَأَتِ الْقَضَاةُ فِي دَمٍ أَوْ قَطَعَ فَعَلَى بَيْتِ مَالِ الْمُسْلِمِينَ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged that whatever erroneous judgement (is made) regarding blood, or cutting, so it is upon the public treasury of the Muslims'.⁵⁷

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 السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَالَ مَنْ مَاتَ فِي زِحَامِ النَّاسِ يَوْمَ الْجُمُعَةِ أَوْ يَوْمَ عَرَفَةَ أَوْ عَلَى جِسْرِ لَا يَعْلَمُونَ مَنْ قَتَلَهُ فَدَيْتُهُ مِنْ بَيْتِ الْمَالِ .

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} said: 'The one who dies in the throng (crowd) of the people on the day of Friday, or day of Arafaat, or upon a bridge, not being know who killed him, so his wergild is upon the public treasury'.⁵⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ أَرَدَحَمَ النَّاسُ يَوْمَ الْجُمُعَةِ فِي إِمْرَةٍ عَلِيٍّ (عَلَيْهِ السَّلَام) بِالْكُوفَةِ فَقَتَلُوا رَجُلًا فَوَدَى دَيْتُهُ إِلَى أَهْلِهِ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} having said: '(Whenever) the people thronged on the day of Friday during the emirate of Ali^{asws} at Al-Kufa, so a man got killed, his wergild was paid to his family from the public treasury of the Muslims'.⁵⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) (لَيْسَ فِي الْهَائِشَاتِ عَقْلٌ وَ لَا قِصَاصٌ وَ الْهَائِشَاتُ الْفَزَعَةُ تَقَعُ بِاللَّيْلِ وَ النَّهَارِ فَيَسْجُ الرَّجُلُ فِيهَا أَوْ يَقَعُ قَتِيلٌ لَا يُدْرَى مَنْ قَتَلَهُ وَ شَجَّهُ)

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: 'There is no compensation (to be paid) by relative with regards to the mischief, nor retaliation, and the mischievous terrifying, occurring by the night and the day, so the man is scarred during it, or falls being killed, not known who killed him and scarred him'.

وَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي حَدِيثٍ آخَرَ يَرْفَعُهُ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَوَدَاهُ مِنْ بَيْتِ الْمَالِ .

And Abu Abdullah^{asws} said, in another Hadeeth, raising it to Amir Al-Momineen^{asws}: 'So it would be paid from the public treasury'.⁶⁰

⁵⁶ Al Kafi – V 7 – The Book of Wergilds Ch 42 H 2

⁵⁷ Al Kafi – V 7 – The Book of Wergilds Ch 42 H 3

⁵⁸ Al Kafi – V 7 – The Book of Wergilds Ch 42 H 4

⁵⁹ Al Kafi – V 7 – The Book of Wergilds Ch 42 H 5

باب آخر منه**Chapter 44 – Another chapter from it**

عَلِيٌّ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) يَقُولُ لَوْ أَنَّ رَجُلًا قُتِلَ فِي قَرْيَةٍ أَوْ قَرِيبٍ مِنْ قَرْيَةٍ وَ لَمْ تَوْجَدْ بَيِّنَةً عَلَى أَهْلِ تِلْكَ الْقَرْيَةِ أَنَّهُ قُتِلَ عَنْدهُمْ فَلَيْسَ عَلَيْهِمْ شَيْءٌ .

Ali, from his father, from one of his companions, from Aasim Bin Humeyd, from Muhammad Bin Qays who said,

'I heard Abu Ja'far^{asws} saying: 'If a man is killed in a town, or near to the town, and no evidence is found upon the people of that town that he was killed in their presence, so there would not be anything upon them'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي رَجُلٍ كَانَ جَالِسًا مَعَ قَوْمٍ فَمَاتَ وَ هُوَ مَعَهُمْ أَوْ رَجُلٍ وَجَدَ فِي قَبِيلَةٍ أَوْ عَلَى بَابِ دَارٍ قَوْمٌ فَادَّعَى عَلَيْهِمْ قَالَ لَيْسَ عَلَيْهِمْ شَيْءٌ وَ لَا يَبْطُلُ دَمُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man who was seated with a group of people, so he died and he was with them, or a man was found (dead) among his tribe, or upon a door of a people, so it was claimed against them. He^{asws} said: 'There is nothing upon them, nor would his blood be invalidated'.⁶²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصير عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنْ وَجَدَ قَتِيلٌ بِأَرْضٍ فَلَا أَدْبِتَ دِيْنَهُ مِنْ بَيْتِ الْمَالِ فَإِنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) كَانَ يَقُولُ لَا يَبْطُلُ دَمُ أَمْرٍ مُسْلِمٍ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'A dead body was found in the wilderness, is wergild is paid from the public treasury, for Amir Al-Momineen^{asws} was saying: 'Blood of a Muslim person would not be invalidated'.⁶³

باب آخر منه**Chapter 45 – Another chapter from it**

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُوْجَدُ قَتِيلًا فِي الْقَرْيَةِ أَوْ بَيْنَ قَرْيَتَيْنِ فَقَالَ يُقَاسُ مَا بَيْنَهُمَا فَأَيُّهُمَا كَانَتْ أَقْرَبَ ضُمَّتْ .

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

⁶⁰ Al Kafi – V 7 – The Book of Wergilds Ch 42 H 6

⁶¹ Al Kafi – V 7 – The Book of Wergilds Ch 43 H 1

⁶² Al Kafi – V 7 – The Book of Wergilds Ch 43 H 2

⁶³ Al Kafi – V 7 – The Book of Wergilds Ch 43 H 3

(The narrator) says, 'I asked Abu Abdullah^{asws} about the man who was found killed in the town, or in between two towns. So he^{asws} said: 'It would be compared what is between the two, so whichever of the two was nearer, would be responsible'.⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلُهُ .

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

(It has been narrated) from Abu Abdullah^{asws}, similar to it'.

بَابُ الرَّجُلِ يُقْتَلُ وَلَهُ وَلِيَّانِ أَوْ أَكْثَرُ فَيَعْفُو أَحَدُهُمْ أَوْ يَقْبَلُ الدِّيَّةَ وَبَعْضُ يُرِيدُ الْقَتْلَ

Chapter 46 – The man is killed and for him are two guardians, or more, so one of them forgives or accepts the wergild, and one wants the (retaliatory) killing

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ وَابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ رَفَعَهُ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ قُتِلَ وَلَهُ وَلِيَّانِ فَعَفَا أَحَدُهُمَا وَابْنُ الْآخَرِ أَنْ يَعْفُو قَالَ إِنْ أَرَادَ الَّذِي لَمْ يَعْفُ أَنْ يَقْتُلَ قَتْلَ وَرَدَّ نِصْفَ الدِّيَّةِ عَلَى أَوْلِيَاءِ الْمَقْتُولِ الْمَقَادِ مِنْهُ .

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

(It has been narrated) that it was asked from Amir Al Momineen^{asws} regarding a man who was killed and for him were two guardians. So one of them forgave and the other one refused to forgive. He^{asws} said: 'If the one who did not forgive want him to be killed, he kills and returns half the wergild to the guardians of the killed one for the retaliation from it'.⁶⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَدِ الْحَنَاطِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قُتِلَ وَلَهُ أُمُّ وَ أَبٌ وَ ابْنٌ فَقَالَ الْإِبْنُ أَنَا أُرِيدُ أَنْ أَقْتُلَ قَاتِلَ أَبِي وَ قَالَ الْأَبُ أَنَا أَعْفُو وَ قَالَتِ الْأُمُّ أَنَا أُرِيدُ أَنْ أَخَذَ الدِّيَّةَ قَالَ فَقُلِيعُ الْإِبْنِ أَمْ الْمَقْتُولِ السُّدُسُ مِنَ الدِّيَّةِ وَ يُعْطَى وَرَثَةُ الْقَاتِلِ السُّدُسُ مِنَ الدِّيَّةِ حَقَّ الْأَبِ الَّذِي عَفَا وَ لِيُقْتَلَهُ .

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

'I asked Abu Abdullah^{asws} about a man who was killed and for him was a mother and a father and a son. So the son said, 'I want that the killer of my father be killed'. And the father said, 'I forgive'. And the mother said, 'I want that I should take the wergild'. He^{asws} said: 'So let the son pay the mother of the killed one, one-sixth of the wergild, and give to the inheritors of the killer, one-sixth from the wergild, a right of the father who forgave, and (then) let him kill him'.⁶⁶

ابْنُ مَحْبُوبٍ عَنْ أَبِي وَ لَدِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قُتِلَ وَلَهُ أَوْلَادٌ صِغَارٌ وَ كِبَارٌ أَرَأَيْتَ إِنْ عَفَا الْأَوْلَادُ الْكِبَارُ قَالَ فَقَالَ لَا يُقْتَلُ وَ يَجُوزُ عَفْوُ الْأَوْلَادِ الْكِبَارِ فِي حَصَصِهِمْ فَإِذَا كَبِرَ الصِّغَارُ كَانَ لَهُمْ أَنْ يَطْلُبُوا حَصَصَهُمْ مِنَ الدِّيَّةِ .

⁶⁴ Al Kafi – V 7 – The Book of Wergilds Ch 44 H 1

⁶⁵ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 1

⁶⁶ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 2

Ibn Mahboub, from Abu Wallad who said,

'I asked Abu Abdullah^{asws} about a man who was killed and for him were young children, and older ones. What is your^{asws} view that if the older children forgive?' So he^{asws} said: 'He would not be killed, and the forgiveness of the older children is allowed regarding their share. So when the young ones become older, it would be for them to invalidate (forgive) their shares from the wergild'.⁶⁷

ابْنُ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قُتِلَ وَ لَهُ أَخٌ فِي دَارِ الْهَجْرَةِ وَ لَهُ أَخٌ فِي دَارِ الْبَدْوِ وَ لَمْ يُهَاجِرْ أَرَأَيْتَ إِنْ عَفَا الْمُهَاجِرِيُّ وَ أَرَادَ الْبَدَوِيُّ أَنْ يَقْتُلَ أَلَيْسَ لِلْبَدَوِيِّ أَنْ يَقْتُلَ مُهَاجِرِيًّا حَتَّى يُهَاجِرَ قَالَ وَ إِذَا عَفَا الْمُهَاجِرِيُّ فَإِنَّ عَفْوَهُ جَائِزٌ قُلْتُ فَلِلْبَدَوِيِّ مِنَ الْمِيرَاثِ شَيْءٌ قَالَ أَمَّا الْمِيرَاثُ فَلَهُ حَظُّهُ مِنْ دِيَّةِ أَخِيهِ إِنْ أَخَذَتْ .

Ibn Mahboub, from Ali Bin Raib, from Zurara who said,

'I asked Abu Ja'far^{asws} about a man who was killed, and for him is a brother in the house of the migration, and for him is a brother in the house of the Bedouins who did not migrate. What is your^{asws} view if the emigrant forgive and the Bedouin want that he be killed. Is that for him (to do)? It is not for the Bedouin that he kills an emigrant until he emigrates'. He^{asws} said: 'If the emigrant forgives, so his forgiveness is allowed'. I said, 'So is there for the Bedouin anything from the inheritance?' He^{asws} said: 'As for the inheritance, so for him is his share from the wergild of his brother, if he takes it'.⁶⁸

أَحْمَدُ بْنُ مُحَمَّدٍ الْكُوفِيُّ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ النَّهْدِيِّ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ أَبَانٍ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَيْسَ لِلنِّسَاءِ عَفْوٌ وَ لَا قَوْدٌ .

Ahmad Bin Muhammad Al Kufy, from Muhammad Bin Ahmad Al Nahdy, from Muhammad Bin Ali Waleed, from Aban, from Abu Al Abbas,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is neither forgiveness nor retaliation for the women'.⁶⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِيمَنْ عَفَا مِنْ ذِي سَهْمٍ فَإِنَّ عَفْوَهُ جَائِزٌ وَ قَضَى فِي أَرْبَعَةِ إِخْوَةٍ عَفَا أَحَدُهُمْ قَالَ يُعْطَى بِقِيَّتِهِمُ الدِّيَّةُ وَ يُرْفَعُ عَنْهُمْ بِحَصَّةِ الَّذِي عَفَا .

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 the one with a share who forgave, so his forgiveness is allowed; and he^{asws} judged regarding four brothers, one of them forgave, he^{asws} said: 'He would be given the wergild, and from the remaining ones, (the wergild) would be raised from them by the share of the one who forgave'.⁷⁰

⁶⁷ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 3

⁶⁸ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 4

⁶⁹ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 5

⁷⁰ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 6

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَلِيِّ بْنِ حَبِيبٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي رَجُلَيْنِ قَتَلَا رَجُلًا عَمْدًا وَ لَهُ وَلَيَّانِ فَعَفَا أَحَدُ الْوَلِيِّينَ فَقَالَ إِذَا عَفَا عَنْهُمَا بَعْضُ الْأَوْلِيَاءِ دُرِيَ عَنْهُمَا الْقَتْلُ وَ طَرِحَ عَنْهُمَا مِنَ الدِّيَةِ بِقَدْرِ حِصَّةٍ مَنْ عَفَا وَ أَدْيَا الْبَاقِيَ مِنْ أَمْوَالِهِمَا إِلَى الَّذِي لَمْ يَغْفُ وَ قَالَ عَفُو كُلِّ ذِي سَهْمٍ جَائِزٌ .

Ali Bin Ibrahim, from his father, from Ali Bin Hadeed, from Jameel Bin Darraj, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding two men who killed a man deliberately, and for him were two guardians, so one of the guardians forgave. So he^{asws} said: 'When one of the two guardians forgives both of them, the killing would be staved off from them, and the wergild would be dropped from both of them by the measurement of the share of the one who forgave, and the remaining would be paid from their two guardians to the one who did not forgive'. And he^{asws} said: 'Forgiveness of every one with a share, is allowed'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَتَلَ رَجُلَيْنِ عَمْدًا وَ لَهُمَا أَوْلِيَاءُ فَعَفَا أَوْلِيَاءُ أَحَدِهِمَا وَ أَبِي الْآخَرُونَ قَالَ فَقَالَ يَقْتُلُ الَّذِي لَمْ يَغْفُ وَ إِنْ أَحْبَبُوا أَنْ يَأْخُذُوا الدِّيَةَ أَخَذُوا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abdul Rahman,

(The narrator) says, 'I asked Abu Abdullah^{asws} about a man who killed two men deliberately, and for both of them were guardians. So the guardians of one of the two forgave and the other ones refused. So he^{asws} said: 'The ones who did not forgive can kill him, and if they so like to take the wergild, they can take it'.

قَالَ عَبْدُ الرَّحْمَنِ فَقُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) فَرَجُلَانِ قَتَلَا رَجُلًا عَمْدًا وَ لَهُ وَلَيَّانِ فَعَفَا أَحَدُ الْوَلِيِّينَ قَالَ فَقَالَ إِذَا عَفَا بَعْضُ الْأَوْلِيَاءِ دُرِيَ عَنْهُمَا الْقَتْلُ وَ طَرِحَ عَنْهُمَا مِنَ الدِّيَةِ بِقَدْرِ حِصَّةٍ مَنْ عَفَا وَ أَدْيَا الْبَاقِيَ مِنْ أَمْوَالِهِمَا إِلَى الَّذِي لَمْ يَغْفُوا.

Abdul Rahman said, 'So I said to Abu Abdullah^{asws}, 'So two men both kill a man deliberately, and for him are two guardians, so one of the guardians forgives?' So he^{asws} said: 'When one of the guardians forgives, the killing is staved off from them both, and the wergild would be dropped from both of them by the measurement of the share of the one who forgave, and the remainder would be paid from both their wealth to the one who did not forgive'.⁷²

بَابُ الرَّجُلِ يَتَصَدَّقُ بِالدِّيَةِ عَلَى الْقَاتِلِ وَ الرَّجُلُ يَغْتَدِي بَعْدَ الْعَفْوِ فَيَقْتُلُ

Chapter 47 – The man gives the wergild in charity upon the killer, and the man assaults after the forgiveness, so he kills

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ فَقَالَ يُكَفِّرُ عَنْهُ مِنْ ذُنُوبِهِ بِقَدْرِ مَا عَفَا

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic [5:45] **but he who foregoes it, it shall be an**

⁷¹ Al Kafi – V 7 – The Book of Wergilds Ch 45 H 7

⁷² Al Kafi – V 7 – The Book of Wergilds Ch 45 H 8

expiation for him. So he^{asws} said: 'It would expiate from his sins by the measurement of what he forgave'.

وَسَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ عَفَى لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعُ بِالْمَعْرُوفِ وَ أَدَاءُ إِلَيْهِ بِإِحْسَانٍ قَالَ يَنْبَغِي لِلَّذِي لَهُ الْحَقُّ أَنْ لَا يُعَسِّرَ أَخَاهُ إِذَا كَانَ قَدْ صَالَحَهُ عَلَى دِيَّةٍ وَ يَنْبَغِي لِلَّذِي عَلَيْهِ الْحَقُّ أَنْ لَا يَمْطُلَ أَخَاهُ إِذَا قَدَّرَ عَلَى مَا يُعْطِيهِ وَ يُؤَدِّي إِلَيْهِ بِإِحْسَانٍ

And I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[2:178] but if any remission is made to any one by his (aggrieved) brother then prosecution (for the blood wit) should be made according to usage, and payment should be made to him in a good manner.** He^{asws} said: 'It is befitting for the one for whom is the right that he should not (financially) constrain his brother when he has reconciled with him upon the wergild, and if it befitting for the one upon whom is the (payable) right that he should not delay his brother when he has the ability upon what he has to be given, and he should pay it to him in a good manner'.

قَالَ وَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ فَقَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَّةَ أَوْ يَغْفِرُ أَوْ يُصَالِحُ ثُمَّ يَعْتَدِي فَيَقْتُلُ فَلَهُ عَذَابٌ أَلِيمٌ كَمَا قَالَ اللَّهُ عَزَّ وَ جَلَّ .

He (the narrator) said, 'And I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[2:178] so whoever exceeds the limit after this he shall have a painful Punishment.** So he^{asws} said: 'He is the man who accepts the wergild, or forgives, or reconciles, then exceeds, so he kills. Thus, for him is the painful Punishment just as Allah^{azwj} Mighty and Majestic Says'.⁷³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ قَالَ يُكَفِّرُ عَنْهُ مِنْ ذُنُوبِهِ بِقَدْرِ مَا عَفَا مِنْ جِرَاحٍ أَوْ غَيْرِهِ

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

'I asked Abu Abdullah^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[5:45] but he who foregoes it, it shall be an 'كَفَّارَةٌ' expiation for him.** He^{asws} said: 'It would expiate from him his sins by the measurement of whatever he forgives from the injuries or other than it'.

قَالَ وَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ عَفَى لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعُ بِالْمَعْرُوفِ وَ أَدَاءُ إِلَيْهِ بِإِحْسَانٍ قَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَّةَ فَيَنْبَغِي لِلطَّالِبِ أَنْ يَرْفُقَ بِهِ فَلَا يُعَسِّرَهُ وَ يَنْبَغِي لِلْمَطْلُوبِ أَنْ يُؤَدِّيَ إِلَيْهِ بِإِحْسَانٍ وَ لَا يَمْطُلَهُ إِذَا قَدَّرَ .

He (the narrator) said, 'And I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[2:178] but if any remission is made to any one by his (aggrieved) brother then prosecution (for the blood wit) should be made according to usage, and payment should be made to him in a good manner'**. He^{asws} said: 'He is the man who accepts the wergild, so it is befitting for the seeker that he should be kind with it, so he should not (financially) constrain him, and it is befitting for the sought that he should pay to him with the goodly manner and not delay it when (he is) able to do so'.⁷⁴

⁷³ Al Kafi – V 7 – The Book of Wergilds Ch 46 H 1

⁷⁴ Al Kafi – V 7 – The Book of Wergilds Ch 46 H 2

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ أَبِي جَمِيلَةَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ فَقَالَ الرَّجُلُ يَعْفُو أَوْ يَأْخُذُ الدِّيَةَ ثُمَّ يَجْرَحُ صَاحِبَهُ أَوْ يَقْتُلُهُ فَلَهُ عَذَابٌ أَلِيمٌ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[2:178] so whoever exceeds the limit after this he shall have a painful Punishment.** So he^{asws} said: 'The man who forgives, or takes the wergild, then injures his companion (the killer), or kills him, so for him is a painful Punishment'.⁷⁵

أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَمَنْ عَفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَعَ بِالْمَعْرُوفِ وَ آدَاءٌ إِلَيْهِ بِإِحْسَانٍ مَا ذَلِكَ الشَّيْءُ قَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَةَ فَأَمَرَ اللَّهُ عَزَّ وَ جَلَّ الرَّجُلَ الَّذِي لَهُ الْحَقُّ أَنْ يَتَّبِعَهُ بِمَعْرُوفٍ وَ لَا يُعْسِرَهُ وَ أَمَرَ الَّذِي عَلَيْهِ الْحَقُّ أَنْ يُؤَدِّيَ إِلَيْهِ بِإِحْسَانٍ إِذَا أَيْسَرَ

Ahmad Bin Muhammad Bin Abu Nasr, from Abdul Kareem, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[2:178] but if any remission is made to any one by his (aggrieved) brother then prosecution (for the blood wit) should be made according to usage, and payment should be made to him in a good manner,** what is that thing?' He^{asws} said: 'He is the man who accepts the wergild, so Allah^{azwj} Mighty and Majestic has Command the man for who is the right that he should follow it with the goodness and not (financially) constrict him, and Commanded the one upon whom is the (payment of) right that he should pay it with the goodness when he is financially solvent' (capable).

فَأُتِيَ أَرَأَيْتَ قَوْلُهُ عَزَّ وَ جَلَّ فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ قَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَةَ أَوْ يُصَالِحُ ثُمَّ يَجِيءُ بَعْدَ ذَلِكَ قَبِيْلًا أَوْ يَقْتُلُ قَوْمَهُ اللَّهُ عَذَابًا أَلِيمًا .

I said, 'What is your view of the Words of the Mighty and Majestic **[2:178] so whoever exceeds the limit after this he shall have a painful Punishment?**' He^{asws} said: 'He is the man who accepts the wergild, or reconciles, then comes after that, so he tortures him or kills, so Allah^{azwj} has Promised him a painful Punishment'.⁷⁶

باب

Chapter 48 – A chapter

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ الْحَنَاطِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ مُسْلِمٍ قَتَلَ رَجُلًا مُسْلِمًا عَمْدًا فَلَمْ يَكُنْ لِلْمَقْتُولِ أَوْلِيَاءُ مِنَ الْمُسْلِمِينَ إِلَّا أَوْلِيَاءُ مِنْ أَهْلِ الدِّمَةِ مِنْ قَرَابَتِهِ فَقَالَ عَلَى الْإِمَامِ أَنْ يَعْزِضَ عَلَى قَرَابَتِهِ مِنْ أَهْلِ بَيْتِهِ الْإِسْلَامَ فَمَنْ أَسْلَمَ مِنْهُمْ فَهُوَ وَلِيُّهُ يَدْفَعُ الْقَاتِلَ إِلَيْهِ فَإِنْ شَاءَ قَتَلَ وَ إِنْ شَاءَ عَفَا وَ إِنْ شَاءَ أَخَذَ الدِّيَةَ

⁷⁵ Al Kafi – V 7 – The Book of Wergilds Ch 46 H 3

⁷⁶ Al Kafi – V 7 – The Book of Wergilds Ch 46 H 4

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

'I asked Abu Abdullah^{asws} about a Muslim man who killed a Muslim man deliberately. So there did not happen to be for the killed one any guardians from the Muslims except for guardians from the *Ahl Zimmi* (people under the responsibility) from his relatives. So he^{asws} said: 'It would be upon the Imam^{asws} to present Al-Islam to his relatives from his family. So the one who became a Muslim from them, so he would be his guardian, the killer would be handed over to him. So if he so desires to he kills, and if he so desires to he excuses, and if he so desires to he takes the wergild.

فَإِنْ لَمْ يُسَلِّمْ أَحَدٌ كَانَ الْإِمَامُ وَلِيَّ أَمْرِهِ فَإِنْ شَاءَ قَتَلَ وَ إِنْ شَاءَ أَخَذَ الدِّيَّةَ يَجْعَلُهَا فِي بَيْتِ مَالِ الْمُسْلِمِينَ لِأَنَّ جَنَايَةَ الْمَقْتُولِ كَانَتْ عَلَى الْإِمَامِ فَكَذَلِكَ يَكُونُ دِيْنُهُ لِلْإِمَامِ الْمُسْلِمِينَ

So if no one were to become a Muslim, the Imam^{asws} would be the guardian of his affairs. So if he^{asws} so desires to he^{asws} kills, and if he^{asws} so desires to he takes the wergild. He^{asws} would make it to be in the public treasury of the Muslims, because the crime of the killed would be to be resolved by the Imam^{asws}. So, like that, his wergild would happen to be for the Imam^{asws} of the Muslims'.

قُلْتُ فَإِنْ عَفَا عَنْهُ الْإِمَامُ قَالَ فَقَالَ إِنَّمَا هُوَ حَقُّ جَمِيعِ الْمُسْلِمِينَ وَ إِنَّمَا عَلَى الْإِمَامِ أَنْ يَقْتُلَ أَوْ يَأْخُذَ الدِّيَّةَ وَ لَيْسَ لَهُ أَنْ يَعْفُو .

I said, 'So if the Imam^{asws} excuses him from it?' So he^{asws} said: 'But rather, it is a right of the Muslims, and rather it is upon the Imam^{asws} that he^{asws} either kills or he^{asws} takes the wergild, and it is not for him^{asws} that he^{asws} excuses'.⁷⁷

باب

Chapter 49 – A chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَخْبَرَهُ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ أَتَيْتُ عُمرَ بْنَ الْخَطَّابِ بِرَجُلٍ قَدْ قَتَلَ أَخَا رَجُلٍ فَدَفَعَهُ إِلَيْهِ وَ أَمَرَهُ بِقَتْلِهِ فَضْرَبَهُ الرَّجُلُ حَتَّى رَأَى أَنَّهُ قَدْ قَتَلَهُ فَحَمَلَ إِلَى مَنْزِلِهِ فَوَجَدُوا بِهِ رَمْعًا فَعَالَجُوهُ قَبْرًا

Ali Bin Ibrahim, from his father, from one of his companions, from Aban Bin Usman, from the one who informed him,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'They came to Umar Bin Al-Khattab with a man who had killed a brother of a man, so he handed him over to him, and ordered him with his killing. So the man struck him until he saw that he had killed him. So he carried him over to his house. So they found him to be barely alive. So they treated him and he was cured.

فَلَمَّا خَرَجَ أَخَذَهُ أَخُو الْمَقْتُولِ الْأَوَّلِ فَقَالَ أَنْتَ قَاتِلُ أَخِي وَ لِي أَنْ أَقْتُلَكَ فَقَالَ قَدْ قَتَلْتَنِي مَرَّةً فَانْطَلَقَ بِهِ إِلَى عُمرَ فَأَمَرَهُ بِقَتْلِهِ فَخَرَجَ وَ هُوَ يَقُولُ وَ اللَّهُ قَتَلْتَنِي مَرَّةً

So when he went out, the brother of the first killed one seized him, so he said, 'You are the killer of my brother, and it is for me that I kill you'. So he said, 'You have

⁷⁷ Al Kafi – V 7 – The Book of Wergilds Ch 47 H 1

already killed me once'. So he went with him to Umar. So he ordered him to be killed. So he went out and was saying: 'By Allah^{azwj}! I have already been killed once'.

فَمَرُّوا عَلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَأَخْبَرَهُ خَبْرَهُ فَقَالَ لَا تَعْجَلْ حَتَّى أَخْرُجَ إِلَيْكَ فَدَخَلَ عَلَى عُمَرَ فَقَالَ لَيْسَ الْحُكْمُ فِيهِ هَكَذَا فَقَالَ مَا هُوَ يَا أَبَا الْحَسَنِ فَقَالَ يُقْتَصُّ هَذَا مِنْ أَخِي الْمَقْتُولِ الْأَوَّلِ مَا صَنَعَ بِهِ ثُمَّ يَقْتُلُهُ بِأَخِيهِ فَتَنْظَرُ الرَّجُلُ أَنَّهُ إِنْ أَقْتَصَّ مِنْهُ أَتَى عَلَى نَفْسِهِ فَعَفَا عَنْهُ وَتَنَارَكَ .

So they passed by Amir Al-Momineen^{asws}. So they informed him^{asws} of his news, so he^{asws} said: 'Do not be hasty until I^{asws} come out to you'. So he^{asws} went over to Umar, so he^{asws} said: 'The judgement regarding him is not like this!' So he said, 'And what is it, O Abu Al-Hassan^{asws}?' So he^{asws} said: 'He has the right to do to the brother of the deceased what he has done to the killer, then he can subject the killer to retaliation for his deceased brother. Then he would be killed by his brother'. So the man (brother of the deceased) realised that if he retaliates, it would come upon his soul. So, he forgave him, and they both left'.⁷⁸

باب الْقَسَامَةِ

Chapter 50 – The compurgation (sworn endorsements)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْقَسَامَةِ كَيْفَ كَانَتْ فَقَالَ هِيَ حَقٌّ وَ هِيَ مَكْتُوبَةٌ عِنْدَنَا وَ لَوْ لَا ذَلِكَ لَقَتَلْنَا النَّاسَ بَعْضُهُمْ بَعْضًا ثُمَّ لَمْ يَكُنْ شَيْءٌ وَ إِنَّمَا الْقَسَامَةُ نَجَاةٌ لِلنَّاسِ .

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

(The narrator) says, 'I asked Abu Abdullah^{asws} about the compurgation (sworn endorsements), how it was to be?' So he^{asws} said: 'It is truth, and it is written with us^{asws}. And had it not been for that, the people would have killed each other, then nothing would happen. But rather, the compurgation (sworn endorsements) is a salvation for the people'.⁷⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْقَسَامَةِ هَلْ جَرَتْ فِيهَا سُنَّةٌ قَالَ فَقَالَ نَعَمْ خَرَجَ رَجُلَانِ مِنَ الْأَنْصَارِ يُصَيِّبَانِ مِنَ الثَّمَارِ فَتَقَرَّقَا فَوَجَدَ أَحَدُهُمَا مَيِّتًا فَقَالَ أَصْحَابُهُ لِرَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنَّمَا قَتَلْنَا صَاحِبِنَا الْيَهُودَ فَقَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) تَحْلَفُ الْيَهُودُ فَقَالُوا يَا رَسُولَ اللَّهِ كَيْفَ نَحْلَفُ الْيَهُودَ عَلَى أَخِينَا وَ هُمْ قَوْمٌ كُفَّارٌ قَالَ فَاحْلِفُوا أَنْتُمْ قَالُوا كَيْفَ نَحْلَفُ عَلَى مَا لَمْ نَعْلَمْ وَ لَمْ نَشْهَدْ

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah^{asws} about the compurgation (sworn endorsements), did the Sunnah flow with regards to it?' So he^{asws} said: 'Yes. Two men from the Helpers went out to collect fruits. So they separated, and one of the two was found to be dead. So his companion said to Rasool-Allah^{saww}, 'But rather, the Jews killed our companion'. So Rasool-Allah^{saww} said: 'The Jews should swear an oath'. So they said, 'O Rasool-Allah^{saww}! How can we get the Jews to swear upon our brother, and they are an Infidel people?' He^{saww} said: 'So you all swear an oath'. They said, 'How can we swear upon what we do not know, and did not witness?'

⁷⁸ Al Kafi – V 7 – The Book of Wergilds Ch 48 H 1

⁷⁹ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 1

قَالَ قَوْدَاهُ النَّبِيُّ (صلى الله عليه وآله) مِنْ عِنْدِهِ قَالَ قُلْتُ كَيْفَ كَانَتْ الْقَسَامَةُ قَالَ فَقَالَ أَمَا إِنَّهَا حَقٌّ وَ لَوْ لَا ذَلِكَ لَقَتَلَ النَّاسُ بَعْضُهُمْ بَعْضًا وَ إِنَّمَا الْقَسَامَةُ حَوْطٌ يُحَاطُ بِهِ النَّاسُ .

He^{asws} said: 'So the Prophet^{saww} paid him from himself^{saww}. I said, 'How did the compurgation (sworn endorsements) come to be?' So he^{asws} said: 'But, it is the truth, and had it not been for that, the people would have killed each other. But rather, the compurgation (sworn endorsements) is a safeguard which the people are safeguarded by'.⁸⁰

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الْقَسَامَةِ هَلْ جَرَتْ فِيهَا سُنَّةٌ قَالَ فَذَكَرَ مِثْلَ حَدِيثِ ابْنِ سِنَانَ قَالَ وَ فِي حَدِيثِهِ هِيَ حَقٌّ وَ هِيَ مَكْتُوبَةٌ عِنْدَنَا .

From him, from Abdullah Bin Muskam, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{asws} about the compurgation (sworn endorsements), has the Sunnah flowed regarding it?' He (the narrator) said, 'So he^{asws} mentioned a Hadeeth similar to the one of Ibn Sinan, and said in his^{asws} Hadeeth: 'It is the truth, and it is written with us^{asws},⁸¹

عَلَيْ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدْنَانَ عَنْ بَرِيدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْقَسَامَةِ فَقَالَ الْحَقُّ كُلُّهَا الْبَيِّنَةُ عَلَى الْمُدَّعِي وَ الْيَمِينُ عَلَى الْمُدَّعَى عَلَيْهِ إِلَّا فِي الدَّمِ خَاصَّةً فَإِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) يَتَنَمَّا هُوَ بِخَيْرٍ إِذْ فَقَدَتِ الْأَنْصَارُ رَجُلًا مِنْهُمْ فَوَجَدُوهُ قَتِيلًا فَقَالَتِ الْأَنْصَارُ إِنَّ فُلَانًا الْيَهُودِيُّ قَتَلَ صَاحِبَنَا فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) لِلطَّالِبِينَ أَقِيمُوا رَجُلَيْنِ عَذْلَيْنِ مِنْ غَيْرِكُمْ أَقِيدُوهُ بِرُمَّتِهِ فَإِنْ لَمْ تَجِدُوا شَاهِدَيْنِ فَأَقِيمُوا قَسَامَةَ خَمْسِينَ رَجُلًا أَقِيدُوهُ بِرُمَّتِهِ فَقَالُوا يَا رَسُولَ اللَّهِ مَا عِنْدَنَا شَاهِدَانِ مِنْ غَيْرِنَا وَ إِنَّا لَنَكْرَهُ أَنْ نُقْسِمَ عَلَى مَا لَمْ نَرَهُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Bureyd Bin Muawiya,

(The narrator) says: 'I asked Abu Abdullah^{asws} about the compurgation (sworn endorsements), so he^{asws} said: 'With regards to the right, all of them, the burden of proof is upon the claimant, and the swearing of the oath is upon the defendant, except regarding the blood, in particular, for Rasool-Allah^{saww} was in Khyber when the Helpers missed a man from them, so he was found killed. So the Helpers said, 'So and so the Jew killed our companion'. So Rasool-Allah^{saww} said to the seekers: 'Establish two just men from others, I^{saww} shall retaliate by its entirety. So if you do not find two witnesses, so establish compurgation (sworn endorsements) of fifty men, I^{saww} shall retaliate by its entirety'. So they said, 'O Rasool-Allah^{saww}! There are no two witnesses with us from others, and we hate that we swear upon what we have not seen'.

قَوْدَاهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) مِنْ عِنْدِهِ وَ قَالَ إِنَّمَا حَقٌّ دِمَاءُ الْمُسْلِمِينَ بِالْقَسَامَةِ لِكَيْ إِذَا رَأَى الْفَاجِرُ الْفَاسِقُ فُرْصَةً مِنْ عَدُوِّهِ حَجَزَهُ مَخَافَةُ الْقَسَامَةِ أَنْ يُقْتَلَ بِهِ فَكَفَّ عَنْ قَتْلِهِ وَ إِلَّا حَلَفَ الْمُدَّعَى عَلَيْهِ قَسَامَةَ خَمْسِينَ رَجُلًا مَا قَتَلْنَا وَ لَا عَلِمْنَا قَاتِلًا وَ إِلَّا أَعْرَمُوا الدِّيَةَ إِذَا وَجَدُوا قَتِيلًا بَيْنَ أَظْهُرِهِمْ إِذَا لَمْ يُقْسِمِ الْمُدَّعُونَ .

So Rasool-Allah^{saww} paid it from himself^{saww}, and said: 'But rather, the blood of the Muslims is saved by the compurgation, perhaps when the immoral mischievous one might see a chance from his enemy, would keep aside in fear of the compurgation (sworn endorsements), that he himself would be killed by it. So he would restrain

⁸⁰ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 2

⁸¹ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 3

from killing him, or else the claimant would swear an oath against him, a compurgation (sworn endorsement) of fifty men, 'We have neither killed nor do we know the killer', or else be fined the wergild. When the killer is found in their presence, when the claimants do not swear'.⁸²

ابن أبي عمير عن عمر بن أذينة عن زُرارة قال سألت أبا عبد الله (عليه السلام) عن القَسَامَةِ فَقَالَ هِيَ حَقٌّ إِنَّ رَجُلًا مِنَ الْأَنْصَارِ وَجَدَ قَتِيلًا فِي قَلْبٍ مِنْ قُلُبِ الْيَهُودِ فَاتَّوَا رَسُولَ اللَّهِ (صلى الله عليه وآله) فَقَالُوا يَا رَسُولَ اللَّهِ إِنَّا وَجَدْنَا رَجُلًا مِمَّا قَتِيلًا فِي قَلْبٍ مِنْ قُلُبِ الْيَهُودِ فَقَالَ أَنْتَوْنِي بِشَاهِدَيْنِ مِنْ غَيْرِكُمْ قَالُوا يَا رَسُولَ اللَّهِ مَا لَنَا شَاهِدَانِ مِنْ غَيْرِنَا فَقَالَ لَهُمْ رَسُولُ اللَّهِ (صلى الله عليه وآله) فَلْيُقْسِمِ خَمْسُونَ رَجُلًا مِنْكُمْ عَلَى رَجُلٍ نَدْفَعُهُ إِلَيْكُمْ قَالُوا يَا رَسُولَ اللَّهِ وَكَيْفَ نُقْسِمُ عَلَى مَا لَمْ نَرَهُ قَالَ فَيُقْسِمُ الْيَهُودُ قَالُوا يَا رَسُولَ اللَّهِ وَكَيْفَ نَرْضَى بِالْيَهُودِ وَ مَا فِيهِمْ مِنَ الشَّرِّ أَكْثَرُ فَقَوَّاهُ رَسُولُ اللَّهِ (صلى الله عليه وآله)

Ibn Abu Umeyr, from Umar Bin Aina, from Zurara who said,

'I asked Abu Abdullah^{asws} about the compurgation (sworn endorsements), so he^{asws} said: 'It is truth. A man from the Helpers was found killed in a well from the wells of the Jews. So they came to Rasool-Allah^{saww}, so they said, 'O Rasool-Allah^{saww}! We found a man from us killed in a well from the wells of the Jews'. So he^{saww} said: 'Come to me with two witnesses from other than you all'. They said, 'O Rasool-Allah^{saww}! There are no two witnesses for us from others'. So Rasool-Allah^{saww} said to them: 'So let fifty men from you swear upon a man, we shall hand him over to you'. They said, 'O Rasool-Allah^{saww}! And how can we swear upon what we have not seen?' He^{saww} said: 'So the Jew should swear'. So they said, 'O Rasool-Allah^{saww}! And how can we be pleased with the Jew and what is among them from the grievous Polytheism?' So Rasool-Allah^{saww} paid it'.

قَالَ زُرَّارَةُ قَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) إِنَّمَا جُعِلَتِ الْقَسَامَةُ احْتِيَاظًا لِدِمَاءِ النَّاسِ لِكَيْمَا إِذَا أَرَادَ الْفَاسِقُ أَنْ يَقْتُلَ رَجُلًا أَوْ يَقْتُلَ رَجُلًا حَيْثُ لَا يَرَاهُ أَحَدٌ خَافَ ذَلِكَ وَ امْتَنَعَ مِنَ الْقَتْلِ .

Zurara said, 'Abu Abdullah^{asws} said; 'But rather, the compurgation (sworn endorsements) has been made to be as a precaution for the blood of the people so that when the immoral intends to kill a man, or assassinate a man where no one would see him, he would fear that, and be prevented from the killing'.⁸³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ بُكَيْرٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ حَكَمَ فِي دِمَائِكُمْ بِغَيْرِ مَا حَكَمَ بِهِ فِي أَمْوَالِكُمْ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Allah^{azwj} Mighty and Majestic has Judged with regards to your blood (lives) with other than what He^{azwj} has Judged with regards to your wealth.

حَكَمَ فِي أَمْوَالِكُمْ أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعِي وَ الْبَيِّنَةَ عَلَى مَنْ ادَّعَى عَلَيْهِ وَ حَكَمَ فِي دِمَائِكُمْ أَنَّ الْبَيِّنَةَ عَلَى مَنْ ادَّعَى عَلَيْهِ وَ الْبَيِّنَةَ عَلَى مَنْ ادَّعَى لِكَيْلَا يَبْطُلَ دَمُ امْرِئٍ مُسْلِمٍ .

⁸² Al Kafi – V 7 – The Book of Wergilds Ch 49 H 4

⁸³ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 5

A Judgement with regards to your wealth is that the burden of proof is upon the claimant, and the swearing is upon the defendant; and a Judgement with regards to your blood (life) is that the burden of proof is upon the defendant, but the swearing is upon the one who claims, so that the blood of a Muslim is not lost'.⁸⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَرِيعٍ عَنْ حَنَانِ بْنِ سَدِيرٍ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) (سَأَلَنِي ابْنُ شُبْرُمَةَ مَا تَقُولُ فِي الْقَسَامَةِ فِي الدَّمِ فَأَجَبْتُهُ بِمَا صَنَعَ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ أَرَأَيْتَ لَوْ أَنَّ النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَمْ يَصْنَعْ هَكَذَا كَيْفَ كَانَ الْقَوْلُ فِيهِ قَالَ فَقُلْتُ لَهُ أَمَا مَا صَنَعَ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَدْ أَخْبَرْتُكَ بِهِ وَ أَمَا مَا لَمْ يَصْنَعْ فَلَا عِلْمَ لِي بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail Bin Bazie, from hanan Bin Sudeyr who said,

'Abu Abdullah^{asws} said to me^{asws}, 'Ibn Shabrama asked me^{asws}, 'What are you^{asws} saying regarding the compurgation (sworn endorsements) with regards to the blood?' So I^{asws} answered him: 'With what the Prophet^{saww} dealt with'. So he said, 'What is your^{asws} view if the Prophet^{saww} had not done it like this, how would have been the word (of judgement) with regards to it?' So I^{asws} said: 'As far as what the Prophet^{saww} did do, so I^{asws} have informed you of it; and as for what he^{saww} did not do, so there is no knowledge for me^{asws} of it'.⁸⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْقَسَامَةِ أَيْنَ كَانَ يَدُوهَا قَالَ كَانَ مِنْ قَبْلِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) (لَمَّا كَانَ بَعْدَ فَتْحِ خَيْبَرَ تَخَلَّفَ رَجُلٌ مِنَ الْأَنْصَارِ عَنْ أَصْحَابِهِ فَرَجَعُوا فِي طَلَبِهِ فَوَجَدُوهُ مُتَشَحِّطًا فِي دَمِهِ قَتِيلًا فَجَاءَتْ الْأَنْصَارُ إِلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَتْ يَا رَسُولَ اللَّهِ قَتَلْتَ الْيَهُودَ صَاحِبِنَا فَقَالَ لِيُقْسِمَ مِنْكُمْ خَمْسُونَ رَجُلًا عَلَى أَنَّهُمْ قَتَلُوهُ قَالُوا يَا رَسُولَ اللَّهِ كَيْفَ نُقْسِمُ عَلَى مَا لَمْ نَرَهُ قَالَ فَيُقْسِمُ الْيَهُودُ فَقَالُوا يَا رَسُولَ اللَّهِ مَنْ يُصَدِّقُ الْيَهُودَ فَقَالَ أَنَا إِذَا أَدَى صَاحِبُكُمْ

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

'I asked Abu Abdullah^{asws} about the compurgation (sworn endorsements), 'Where was its beginning?' He^{asws} said: 'It was from before Rasool-Allah^{saww}. When it was after the victory of Khyber, a man from the Helpers was left behind from his companions. So they returned to seek him, and they found him covered in his blood, killed. So the Helpers came over to Rasool-Allah^{saww}, so they said, 'The Jews have killed our companion'. So he^{saww} said: 'Let fifty men from you swear upon that it is they who killed him'. They said, 'O Rasool-Allah^{saww}! How can we swear upon what we have not seen?' He^{saww} said: 'So the Jew should swear'. So they said, 'O Rasool-Allah^{saww}! Who would ratify the Jew?' So he^{saww} said: 'I^{saww} would then pay your companion'.

فَقُلْتُ لَهُ كَيْفَ الْحُكْمُ فَقَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ حَكَمَ فِي الدِّمَاءِ مَا لَمْ يَحْكَمْ فِي شَيْءٍ مِنْ حُقُوقِ النَّاسِ لِتَعْظِيمِهِ الدِّمَاءَ لَوْ أَنَّ رَجُلًا ادَّعَى عَلَى رَجُلٍ عَشْرَةَ آلَافٍ دِرْهَمٍ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ لَمْ يَكُنِ الْيَمِينُ لِلْمُدَّعَى وَ كَانَتْ الْيَمِينُ عَلَى الْمُدَّعَى عَلَيْهِ فَإِذَا ادَّعَى الرَّجُلُ عَلَى الْقَوْمِ بِالْأَمْرِ أَنَّهُمْ قَتَلُوا كَانَتْ الْيَمِينُ لِلْمُدَّعَى الدَّمِ قَبْلَ الْمُدَّعَى عَلَيْهِمْ فَعَلَى الْمُدَّعَى أَنْ يَجِيءَ بِخَمْسِينَ رَجُلًا يَخْلِفُونَ أَنْ فُلَانًا قَتَلَ فُلَانًا فَيُدْفَعُ إِلَيْهِمُ الَّذِي خَلَفَ عَلَيْهِ فَإِنْ شَاءُوا عَفَوْا وَ إِنْ شَاءُوا قَتَلُوا وَ إِنْ شَاءُوا قَبِلُوا الدِّيَةَ

⁸⁴ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 6

⁸⁵ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 7

So I said to him^{asws}, 'How is the judgement?' So he^{asws} said: 'Allah^{azwj} Mighty and Majestic Judged regarding the blood what He^{azwj} did not Judge regarding anything from the rights of the people, due to the reverence of the blood.

If a man were to claim upon a man ten thousand Dirhams, or less than that, or more, there would not be swearing for the claimant, and the swearing was upon the defendant. So when the man claims upon a group with the blood that they killed him, the swearing would be for the claimant of the blood before the defendant. Thus, it would be upon the claimant that he comes with fifty men swearing on oath that so and so killed so and so. So he would be handed over to them, the one who has been sworn against. So if they so desire to they may excuse, and if they so desire to they may kill, and if they so desire to they accept the wergild.

وَ إِنْ لَمْ يُقْسَمُوا فَإِنَّ عَلَى الَّذِينَ ادَّعَى عَلَيْهِمْ أَنْ يَحْلِفَ مِنْهُمْ خَمْسُونَ مَا قَتَلْنَا وَلَا عَلِمْنَا لَهُ قَاتِلًا فَإِنْ فَعَلُوا وَدَى أَهْلُ الْقَرْيَةِ الَّذِينَ وَجَدَ فِيهِمْ وَإِنْ كَانَ بِأَرْضٍ فَلَاةٍ أَدَيْتْ دِيْنَهُ مِنْ بَيْتِ الْمَالِ فَإِنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) يَقُولُ لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ .

And if they do not swear, so it would be upon the defendant that he should get fifty of them (the accusers) to swear, 'We neither have killed nor do we know his killer'. So if they do that, it is the people of the town where he (the killed one) was found to be among them, should pay, and if (he was found) in the land of wilderness, his wergild would be paid from the public treasury, for Amir Al-Momineen^{asws} was saying: 'There would be no invalidation of the blood of a Muslim'.⁸⁶

عَلَى بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ وَ مُحَمَّدٍ بْنِ عِيْسَى عَنْ يُونُسَ جَمِيعاً عَنِ الرُّضَا (عليه السلام) وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ ظَرْيَفٍ عَنْ أَبِيهِ ظَرْيَفِ بْنِ نَاصِحٍ عَنْ عَبْدِ اللَّهِ بْنِ أَيُّوبَ عَنْ أَبِي عَمْرٍو الْمُتَطَبِّبِ قَالَ عَرَضْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عليه السلام) مَا أَقْتَى بِهِ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي الدِّيَاتِ فِيمَا أَقْتَى بِهِ أَقْتَى فِي الْجَسَدِ وَ جَعَلَهُ سِتَّةَ فَرَائِضِ النَّفْسِ وَ الْبَصَرِ وَ السَّمْعِ وَ الْكَلَامِ وَ نَقْصُ الصَّوْتِ مِنَ الْغَنَنِ وَ الْبَحْجِ وَ الشَّلَلِ مِنَ الْيَدَيْنِ وَ الرَّجْلَيْنِ ثُمَّ جَعَلَ مَعَ كُلِّ شَيْءٍ مِنْ هَذِهِ قَسَامَةٌ عَلَى نَحْوِ مَا بَلَغَتْ الدِّيَةُ وَ الْقَسَامَةُ جَعَلَ فِي النَّفْسِ عَلَى الْعُمْدِ خَمْسِينَ رَجُلًا

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

(It has been narrated) both together from Al-Reza^{asws},

and and number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin Zareyf, from his father Zareyf Bin Naih, from Abdullah Bin Ayoun, from Abu Amro Al Mutatayyab who said,

'I presented to Abu Abdullah^{asws} the verdict of Amir Al-Momineen^{asws} regarding the wergild. So from what he^{asws} had issued verdict with regarding the body, and made it six obligations of the self, and the sight, and the hearing, and the speech, and deficiency of the voice from the croaking, and the paralysis of the two hands, and the two legs.

وَ جَعَلَ فِي النَّفْسِ عَلَى الْخَطَا خَمْسَةً وَ عَشْرِينَ رَجُلًا وَ عَلَى مَا بَلَغَتْ دِيْنُهُ مِنَ الْجُرُوحِ أَلْفَ دِينَارٍ سِتَّةَ نَفَرٍ فَمَا كَانَ دُونَ ذَلِكَ فَيَجْسَابِهِ مِنْ سِتَّةِ نَفَرٍ وَ الْقَسَامَةُ فِي النَّفْسِ وَ السَّمْعِ وَ الْبَصَرِ وَ الْعُقْلِ وَ الصَّوْتِ مِنَ الْغَنَنِ وَ الْبَحْجِ وَ نَقْصُ الْيَدَيْنِ وَ الرَّجْلَيْنِ فَهُوَ مِنْ سِتَّةِ أَجْزَاءِ الرَّجُلِ .

⁸⁶ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 8

And he^{asws} made to be regarding the self upon the erroneous (killing), being twenty-five men (swearing), and upon what his wergild reached from the injuries sustained, a thousand Dinars, being six persons (swearing). So whatever was less than that, it would be by that counting, from six persons (swearing). And the compurgation (sworn endorsements) regarding the self, and the hearing and the sight, and the intellect, and the voice, from the croaking, and the deficiency of the two hands and the two legs, so it is from six parts of the man'.⁸⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الْقَسَامَةِ خَمْسُونَ رَجُلًا فِي الْعَمْدِ وَفِي الْخَطَا خَمْسَةٌ وَعِشْرُونَ رَجُلًا وَ عَلَيْهِمْ أَنْ يَخْلِفُوا بِاللَّهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abdullah Bin Sinan who said,

'Abu Abdullah^{asws} said regarding the compurgation (sworn endorsements) being fifty men regarding the deliberate (killing), and regarding the erroneous, being twenty-five men, and upon them is that they should be swearing by Allah^{azwj}'.⁸⁸

بَابُ ضَمَانِ الطَّبِيبِ وَالْبَيْطَارِ

Chapter 51 – Responsibility of the doctor and the veterinarian

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ أَبِي السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَنْ تَطَبَّبَ أَوْ تَبَيَّطَرَ فَلْيَأْخُذْ الْبَرَاءَةَ مِنْ وَلِيِّهِ وَإِلَّا فَهُوَ لَهُ ضَامِنٌ .

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: 'The one who treats people (doctor) or treats animals (vet), so let him take the waiver from his guardian, or else he would be held responsible for him'.⁸⁹

بَابُ الْعَاقَلَةِ

Chapter 52 – The (wergild paid by) the blood relatives

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَلَادٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَيْسَ بَيْنَ أَهْلِ الذِّمَّةِ مُعَاقَلَةٌ فِيمَا يَجْنُونَ مِنْ قَتْلِ أَوْ جَرَاخَةٍ إِنَّمَا يُؤْخَذُ ذَلِكَ مِنْ أَمْوَالِهِمْ فَإِنْ لَمْ يَكُنْ لَهُمْ مَالٌ رَجَعَتِ الْجَنَايَةُ عَلَى إِمَامِ الْمُسْلِمِينَ لِأَنَّهُمْ يُؤَدُّونَ إِلَيْهِ الْجَزْيَةَ كَمَا يُؤَدِّي الْعَبْدُ الضَّرْبِيَّةَ إِلَى سَيِّدِهِ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no (payment of the wergild) by the blood relatives between the people under the responsibility (*Ahl Al-Zimma*), regarding what crimes they commit from killing or injuries. But rather, that would be taken from their wealth. So if there does not happen to be wealth for them, the crime would be referred to Imam^{asws} of the Muslims, because they would be paying the tax to him^{asws}, just like the slave pays whatever he earns to his master'.

⁸⁷ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 9

⁸⁸ Al Kafi – V 7 – The Book of Wergilds Ch 49 H 10

⁸⁹ Al Kafi – V 7 – The Book of Wergilds Ch 50 H 10

قَالَ وَ هُمْ مَمَالِيكُ الْإِمَامِ فَمَنْ أَسْلَمَ مِنْهُمْ فَهُوَ حُرٌّ .

He^{asws} said: 'And they are the owned slaves of the Imam^{asws}, so the one who becomes a Muslim from them, so he is free'.⁹⁰

ابْنُ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِيهِ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ قَالَ أَتَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِرَجُلٍ قَدْ قَتَلَ رَجُلًا خَطَأً فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَنْ عَشِيرَتُكَ وَ قَرَابَتُكَ فَقَالَ مَا لِي بِهِذِهِ الْبَلَدَةِ عَشِيرَةٌ وَ لَا قَرَابَةٌ قَالَ فَقَالَ فَمِنْ أَيِّ أَهْلِ الْبُلْدَانِ أَنْتَ فَقَالَ أَنَا رَجُلٌ مِنْ أَهْلِ الْمُوصِلِ وَلِدْتُ بِهَا وَ لِي بِهَا قَرَابَةٌ وَ أَهْلُ بَيْتِ

Ibn Mahboub, from Malik Bin Atiyya, from his father, from Salma Bin Kuheyl who said,

'They came to Amir Al-Momineen^{asws} with a man who had killed a man in error. So Amir Al-Momineen^{asws} said to him: 'Who are your clan and your relatives?' So he said, 'There is neither a clan nor any relatives for me in this city'. So he^{asws} said: 'So from which of the cities are you?' So he said, 'I am a man from the people of Mosul, born in it and for me are relatives and family'.

قَالَ فَسَأَلَ عَنْهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَلَمْ يَجِدْ لَهُ بِالْكَوْفَةِ قَرَابَةً وَ لَا عَشِيرَةً قَالَ فَكَتَبَ إِلَى عَامِلِهِ عَلَى الْمُوصِلِ أَمَّا بَعْدُ فَإِنَّ فُلَانًا بَنَ فُلَانًا وَ حَلِيَّتُهُ كَذَا وَ كَذَا قَتَلَ رَجُلًا مِنَ الْمُسْلِمِينَ خَطَأً فَذَكَرَ أَنَّهُ رَجُلٌ مِنَ الْمُوصِلِ وَ أَنَّ لَهُ بِهَا قَرَابَةً وَ أَهْلًا بَيْتًا وَ قَدْ بَعَثْتُ بِهِ إِلَيْكَ مَعَ رَسُولِي فُلَانُ بْنُ فُلَانٍ وَ حَلِيَّتُهُ كَذَا وَ كَذَا فَإِذَا وَرَدَ عَلَيْكَ مِنْ شَاءَ اللَّهِ وَ قَرَأْتَ كِتَابِي فَافْحَصْ عَنْ أَمْرِهِ وَ سَلْ عَنْ قَرَابَتِهِ مِنَ الْمُسْلِمِينَ فَإِنْ كَانَ مِنْ أَهْلِ الْمُوصِلِ مِمَّنْ وَلِدَ بِهَا وَ أَصْنَبَتْ لَهُ بِهَا قَرَابَةٌ مِنَ الْمُسْلِمِينَ فَاجْمَعْهُمْ إِلَيْكَ ثُمَّ انْظُرْ فَإِنْ كَانَ مِنْهُمْ رَجُلٌ يَرِثُهُ لَهُ سَهْمٌ فِي الْكِتَابِ لَا يَحْجُبُهُ عَنْ مِيرَاثِهِ أَحَدٌ مِنْ قَرَابَتِهِ فَلَرِّمُهُ الدِّيَّةَ وَ خُذْ بِهَا نَجُومًا فِي ثَلَاثِ سِنِينَ

He (the narrator) said, 'So Amir Al-Momineen^{asws} asked about him, but they did not find at Al-Kufa, neither relatives nor a clan. So he^{asws} wrote to his^{asws} office-bearer in Al-Mosul: 'As for afterwards, so and so son of so and so, and his appearance is such and such, killed one (person) from the Muslim in error. So, he mentioned that he is a man from Al-Mosul, and that for him, at it, are relatives and a family, and I^{asws} am sending him to you with my^{asws} so and so son of so and so messenger, and his appearance is such and such. So when they come over to you, Allah^{azwj} Willing, and you read my^{asws} letter, so examine his matter and ask about his relatives from the Muslims. So if there was one from the people of Al-Mosul, from the ones who were born at it, and relationships were established by it from the Muslims, so gather them to you. Then look around, so if there was among them a man who would inherit a share from him, in the Book (Quran), no one from his relatives barring him from his inheritance, so necessitate the wergild, and take it by instalments over three years.

فَإِنْ لَمْ يَكُنْ لَهُ مِنْ قَرَابَتِهِ أَحَدٌ لَهُ سَهْمٌ فِي الْكِتَابِ وَ كَانُوا قَرَابَتُهُ سَوَاءً فِي النَّسَبِ وَ كَانَ لَهُ قَرَابَةٌ مِنْ قِبَلِ أَبِيهِ وَ أُمِّهِ فِي النَّسَبِ سَوَاءً فَفَضَّ الدِّيَّةَ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أَبِيهِ وَ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أُمِّهِ مِنَ الرِّجَالِ الْمُدْرِكِينَ الْمُسْلِمِينَ ثُمَّ اجْعَلْ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أَبِيهِ ثُلْثِي الدِّيَّةِ وَ اجْعَلْ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أُمِّهِ ثُلْثَ الدِّيَّةِ

So if there does not happen to be a relative of his for whom there is a share in the Book (Quran), and that his relatives were equal in their kinship, and there was for him a relative from his father and his mother being equal in the kinship, so divide the payable wergild upon his relatives from his father, and upon the relatives from his mother, from the adult Muslim males. Then make it upon his relatives (female) from

⁹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 51 H 1

his father, two-thirds of the wergild, and make it upon his relatives from his mother, one-third of the wergild.

وَ إِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ مِنْ قَبْلِ أَبِيهِ فَقُضِيَ الدِّيَّةُ عَلَى قَرَابَتِهِ مِنْ قَبْلِ أُمِّهِ مِنَ الرِّجَالِ الْمُدْرِكِينَ الْمُسْلِمِينَ ثُمَّ خُذُّهُمْ بِهَا وَ اسْتَأْذِهِمُ الدِّيَّةَ فِي ثَلَاثِ سِنِينَ فَإِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ مِنْ قَبْلِ أُمِّهِ وَ لَا قَرَابَةٌ مِنْ قَبْلِ أَبِيهِ فَقُضِيَ الدِّيَّةُ عَلَى أَهْلِ الْمَوْصِلِ مِمَّنْ وُلِدَ بِهَا وَ نَسَأَ وَ لَا تَدْخُلَنَّ فِيهِمْ غَيْرُهُمْ مِنْ أَهْلِ الْبَلَدِ ثُمَّ اسْتَأْذِ ذَلِكَ مِنْهُمْ فِي ثَلَاثِ سِنِينَ فِي كُلِّ سَنَةٍ نَجْمًا حَتَّى تَسْتَوْفِيَهُ إِنْ شَاءَ اللَّهُ

And if there do not happen to be relatives for him from his father, so divide the payable wergild upon his relatives from his mother, from the adult Muslim males. Then seize them by it, and make them pay the wergild during three years. So if there do not happen to be relatives for him from his mother, nor any relatives for him from his father, so divide the payable wergild upon the people of Al-Mosul from the one who were born at it, and grew up, and do not include others among them from the people of the city. Then make it payable from them over three years, an instalment in each year, until they have fulfilled it, Allah^{azwj} Willing.

وَ إِنْ لَمْ يَكُنْ لِفُلَانِ بْنِ فُلَانٍ قَرَابَةٌ مِنْ أَهْلِ الْمَوْصِلِ وَ لَا يَكُونُ مِنْ أَهْلِهَا وَ كَانَ مُبْتَطَلًا فَرُدَّهُ إِلَيَّ مَعَ رَسُولِي فُلَانِ بْنِ فُلَانٍ إِنْ شَاءَ اللَّهُ فَأَنَا وَلِيُّهُ وَ الْمُؤَدِّي عَنْهُ وَ لَا أَبْطُلُ دَمَ امْرِئٍ مُسْلِمٍ .

And if there do not happen to be relatives for so and so, son of so and so, from the people of Al-Mosul. And if he does not happen to be from its people, and he has falsified it, so return him to me^{asws} along with my^{asws} messenger, so and so, son of so and so, Allah^{azwj} willing, for I^{asws} am his guardian, and the claimant from him, and I^{asws} will not invalidate the blood of a Muslim person'.⁹¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمَنِيِّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قَتَلَ رَجُلًا مُتَعَمِّدًا ثُمَّ هَرَبَ الْقَاتِلُ فَلَمْ يُقَدَّرْ عَلَيْهِ قَالَ إِنْ كَانَ لَهُ مَالٌ أَخَذْتَ الدِّيَّةَ مِنْ مَالِهِ وَ إِلَّا فَمِنْ الْأَقْرَبِ فَلَا أَقْرَبَ فَإِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ وَدَاهُ الْإِمَامُ فَإِنَّهُ لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ .

Humeyd Bin Ziyad, from Al Hazzan Bin Muhammad Bin Sama'at, from Ahmad Bin Al Hassan Al Maysami, from Aban Bin Usman, from Abu Baseer who said,

'I asked Abu Abdullah^{asws} about a man who killed a man deliberately, then the killer fled and they were not able over him (to catch him). He^{asws} said: 'If there was wealth for him, the wergild would be taken from his wealth, or else from the relatives, if there are relatives. So if there do not happen to be relatives for him, the Imam^{asws} would pay it, for the blood of a Muslim person would not be invalidated'.

وَ فِي رِوَايَةٍ أُخْرَى ثُمَّ لِلْوَالِي بَعْدُ حَبْسُهُ وَ أَدْبُهُ .

And in another report: 'The it would be for the ruler afterwards to imprison him, and discipline him'.⁹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قُضِيَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنَّهُ لَا يُحْمَلُ عَلَى الْعَاقِلَةِ إِلَّا الْمُوضِحَةُ فَصَاعِدًا وَ قَالَ مَا دُونَ السَّمْحَاقِ أَجْرُ الطَّيِّبِ سِوَى الدِّيَّةِ .

⁹¹ Al Kafi – V 7 – The Book of Wergilds Ch 51 H 2

⁹² Al Kafi – V 7 – The Book of Wergilds Ch 51 H 3

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged that there would be no burden upon the (wergild payable by) the blood relatives except for the bone exposing injury upwards'. And he^{asws} said: 'What is below bone reaching injury, the fees of the doctor is in addition to the wergild'.⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ لَا تَضْمَنُ الْعَاقِلَةُ عَمْدًا وَلَا إِقْرَارًا وَلَا صَلْحًا.

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'The blood relatives are not guarantors in deliberate (killing), nor confession, nor a reconciliation'.⁹⁴

باب

Chapter 53 – A chapter

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 (عليه السلام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) قَضَى فِي أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ أَنَّهُمْ رَأَوْهُ مَعَ امْرَأَةٍ يُجَامِعُهَا فَبَرَّجَمَ ثُمَّ يَرْجِعُ وَاحِدٌ مِنْهُمْ قَالَ يُعْرَمُ رُبْعَ الدِّيَةِ إِذَا قَالَ شُبَّهَ عَلَى فَإِنْ رَجَعَ اثْنَانِ وَقَالَ شُبَّهَ عَلَيْنَا غُرْمًا نِصْفَ الدِّيَةِ وَإِنْ رَجَعُوا جَمِيعًا وَقَالُوا شُبَّهَ عَلَيْنَا غُرْمُوا الدِّيَةَ وَإِنْ قَالُوا شَهِدْنَا بِالزُّورِ قُتِلُوا جَمِيعًا.

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 four witnesses upon a man who had seen him copulating with a woman. So he was stoned. Then one of them retracted (his statement). He^{asws} said: 'He would be fined a quarter of the wergild, when he says, 'It was doubtful to me'. So if two were to retract, and they both say, 'It was doubtful upon us', they would both be fined half the wergild. And if all of them were to retract, and they say, 'It was doubtful upon us', they would be fined the (complete) wergild. But if they were to say, 'We testified falsely', they would be killed all together'.⁹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ مُحْصَنٍ بِالزَّوْنِ ثُمَّ رَجَعَ أَحَدُهُمْ بَعْدَ مَا قُتِلَ الرَّجُلُ قَالَ إِنْ قَالَ الرَّابِعُ وَهَمْتُ ضَرْبَ الْحَدِّ وَغُرْمَ الدِّيَةِ وَإِنْ قَالَ تَعَمَّدْتُ قُتِلَ.

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from one of his companion,

(It has been narrated) from Abu Abdullah^{asws} regarding four who testified upon a married man with the adultery. Then one of them retracted after the man had been killed. He^{asws} said : 'If the fourth one says, 'I was delusional', he would be struck the

⁹³ Al Kafi – V 7 – The Book of Wergilds Ch 51 H 4

⁹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 51 H 5

⁹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 1

legal penalty (*Hadd*), and fined the wergild. And if he says, 'I was deliberate', he would be killed'.⁹⁶

ابْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ بْنِ نُعَيْمٍ الْأَزْدِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ بِالزَّنى فَلَمَّا قُتِلَ رَجَعَ أَحَدُهُمْ عَنْ شَهَادَتِهِ قَالَ فَقَالَ يُقْتَلُ الرَّابِعُ وَ يُؤَدَّى الثَّلَاثَةُ إِلَى أَهْلِهِ ثَلَاثَةَ أَرْبَاعِ الدِّيَةِ .

Ibn Mahboub, from Ibrahim Bin Nuaym Al Azdy who said,

'I asked Abu Abdullah^{asws} about four who testified upon a man with the adultery. So when he was killed, one of them retracted from his testimony. So he^{asws} said: 'The fourth one would be killed, and the (other) three would pay three-quarters of the wergild to his family'.⁹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ الْمُخْتَارِ بْنِ مُحَمَّدٍ وَ مُحَمَّدُ بْنُ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ الْعُلَوِيِّ جَمِيعاً عَنِ الْفَتْحِ بْنِ يَزِيدَ الْجُرْجَانِيِّ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ أَنَّهُ زَنَى فَرَجِمَ ثُمَّ رَجَعُوا وَقَالُوا قَدْ وَهَمْنَا بِلَزْمِ الدِّيَةِ وَإِنْ قَالُوا إِنَّا تَعَمَّدْنَا قَتَلَ أَيُّ الْأَرْبَعَةِ شَاءَ وَلِيُّ الْمَقْتُولِ وَ رَدَّ الثَّلَاثَةُ ثَلَاثَةَ أَرْبَاعِ الدِّيَةِ إِلَى أَوْلِيَاءِ الْمَقْتُولِ الثَّانِي وَ يُجْلَدُ الثَّلَاثَةُ كُلُّ وَاحِدٍ مِنْهُمْ ثَمَانِينَ جَلْدَةً وَ إِنْ شَاءَ وَلِيُّ الْمَقْتُولِ أَنْ يَقْتُلَهُمْ رَدَّ ثَلَاثَ دِيَّاتٍ عَلَى أَوْلِيَاءِ الشُّهُودِ الْأَرْبَعَةِ وَ يُجْلَدُونَ ثَمَانِينَ كُلُّ وَاحِدٍ مِنْهُمْ ثُمَّ يَقْتُلُهُمُ الْإِمَامُ

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

(It has been narrated) from Abu Al-Hassan^{asws} regarding four who testified upon a man that he had committed adultery. So he was stoned. Then they retracted and said, 'We had imagined'. (He^{asws} said): 'They would be necessitated the (payment of) wergild. And if they say, 'We were deliberate', whichever of the four the guardian of the killed one so desires to kill, and the three would pay three quarters of the wergild to the guardians of the second one killed, and the three would be whipped eighty (lashes), each one from them, then the Imam^{asws} would kill them'.

وَ قَالَ فِي رَجُلَيْنِ شَهِدَا عَلَى رَجُلٍ أَنَّهُ سَرَقَ فَقُطِعَ ثُمَّ رَجَعَ وَاحِدٌ مِنْهُمَا وَ قَالَ وَهَمْتُ فِي هَذَا وَ لَكِنْ كَانَ غَيْرُهُ يُلْزَمُ نِصْفَ دِيَةِ الْيَدِ وَ لَا تُقْبَلُ شَهَادَتُهُ فِي الْآخِرِ فَإِنْ رَجَعَا جَمِيعاً وَ قَالَا وَهَمْنَا بَلْ كَانَ السَّارِقُ فَلَانَا أَلْزَمَا دِيَةَ الْيَدِ وَ لَا تُقْبَلُ شَهَادَتُهُمَا فِي الْآخِرِ

And he^{asws} said regarding two men who testified upon a man that he had stolen. So he (his hand) was cut. Then one of the two retracted and said, 'I imagined it with regards to this, but it was someone else: 'He would be necessitated (payment of) half the wergild of the hand, and his testimony with regards to the others would not be accepted. So if both of them were to retract and both say, 'We imagined it, but so and so was the thief', they would both be necessitated (payment of) the wergild of the hand and both their testimonies with regards to the others would not be acceptable.

وَ إِنْ قَالَا إِنَّا تَعَمَّدْنَا قُطِعَ يَدُ أَحَدِهِمَا بِيَدِ الْمَقْطُوعِ وَ يُؤَدَّى الَّذِي لَمْ يُقْطَعْ رُبْعَ دِيَةِ الرَّجُلِ عَلَى أَوْلِيَاءِ الْمَقْطُوعِ الْيَدِ فَإِنْ قَالَ الْمَقْطُوعُ الْأَوَّلُ لَا أَرْضَى أَوْ تُقْطَعُ أَيْدِيهِمَا مَعَ رَدِّ دِيَةِ يَدٍ فَتَنْفَسَمُ بَيْنَهُمَا وَ تُقْطَعُ أَيْدِيهِمَا .

And if both say, 'We were deliberate', the hand of one of the two would be cut by the one whose hand was cut, but the one whose (hand) was not cut would pay a quarter

⁹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 2

⁹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 3

of the wergild to the guardians of the one whose hand was cut. So if the first one (whose hand was) cut says, 'I am not pleased until the hands of both of them are to be cut together, he has to return the wergild of one hand to be divided between the two of them, and he can cut (hands of) both of them'.⁹⁸

بَابُ فِيمَا يُصَابُ مِنَ الْبَهَائِمِ وَغَيْرِهَا مِنَ الدَّوَابِّ

Chapter 54 – Regarding what is hit from the cattle and others from the animals

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي عَيْنِ فَرَسٍ فَقُتِلَتْ عَيْنُهَا بِرُبْعِ ثَمَنِهَا يَوْمَ فَقُتِلَتْ عَيْنُهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Aasim Bin Humeid, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding an eye of a horse which was blinded (by someone), by a quarter of its price on the day its eye was blinded (price when horse had both eyes)'.⁹⁹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ عَلِيًّا (عَلَيْهِ السَّلَام) قَضَى فِي عَيْنٍ دَابَّةٍ رُبْعَ الثَّمَنِ .

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

(It has been narrated) from Abu Abdullah^{asws} that Ali^{asws} judged regard an eye of an animal, being a quarter of its price'.¹⁰⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي الْعَبَّاسِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَنْ فَقَا عَيْنَ دَابَّةٍ فَعَلَيْهِ رُبْعُ ثَمَنِهَا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban Bin Usman, from Abu Al Abbas who said,

'Abu Abdullah^{asws} said: 'The one who blinds an eye of an animal, so upon him is a quarter of its price'.¹⁰¹

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 السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) رَفَعَ إِلَيْهِ رَجُلٌ قَتَلَ خَنْزِيرًا فَضَمَّنَهُ قِيَمَتَهُ وَرَفَعَ إِلَيْهِ رَجُلٌ كَسَرَ بَرَبْطًا فَأَبْطَلَهُ .

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}, a matter was raised to him^{asws} of a man who killed a pig, so he^{asws} made him responsible for

⁹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 4

⁹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 53 H 1

¹⁰⁰ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 2

¹⁰¹ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 3

its price, and a matter was raised to him^{asws} of a man who had broken a guitar (musical instrument), so he^{asws} invalidated it (dismissed the case)'.¹⁰²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنِ الْوَلِيدِ بْنِ صَبِيحٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي دِيَةِ الْكَلْبِ السَّلَاقِيِّ أَرْبَعُونَ دِرْهَمًا أَمَرَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَنْ يَدِيَهُ لِبَنِي جَذِيمَةَ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazal Bin Shazaan, both together, from Ibn Abu Umeir, from Ibrahim Bin Abdul Hameed, from Al Waleed Bin Sabeeh,

(It has been narrated) from Abu Abdullah^{asws} having said regarding wergild of the greyhound dog being forty Dirhams. Rasool-Allah^{saww} ordered it to be paid to the Clan of Juzayma'.¹⁰³

عَلِيُّ بْنُ أَبِيهِ عَنْ مُحَمَّدِ بْنِ حَفْصٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) أَنَّهُ قَالَ دِيَةُ الْكَلْبِ السَّلَاقِيِّ أَرْبَعُونَ دِرْهَمًا جَعَلَ ذَلِكَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ دِيَةُ كَلْبِ الْغَنَمِ كَنْشٌ وَ دِيَةُ كَلْبِ الزَّرْعِ حَرِيبٌ مِنْ بُرٍّ وَ دِيَةُ كَلْبِ الْأَهْلِيِّ قَفِيزٌ مِنْ تُرَابٍ لِأَهْلِهِ .

Ali, from his father, from Muhammad Bin Hafs, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'Wergild of the greyhound dog is forty Dirhams, Rasool-Allah^{saww} made it to be that, and wergild of the shepherd dog, and the wergild of the plantation guard dog being a 'Jareyb' (unit of measurement) from the wheat; and wergild of domesticated dog being a 'Qafeez' (Unit of measurement) from the soil of its owners'.¹⁰⁴

عَلِيُّ بْنُ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِيمَنْ قَتَلَ كَلْبَ الصَّيِّدِ قَالَ يُقَوَّمُ وَ كَذَلِكَ الْبَارِي وَ كَذَلِكَ كَلْبُ الْغَنَمِ وَ كَذَلِكَ كَلْبُ الْحَائِطِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said regarding the one who killed the hunting dog: 'It would be evaluated, and similar to that is the falcon, and similar to that is the sheep dog, and similar to that is the wall (guard) dog'.¹⁰⁵

النَّوْفَلِيُّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي جَنِينِ الْبُهِيمَةِ إِذَا ضُرِبَتْ فَازْلَقَتْ عَشْرَ ثَمَنِهَا .

Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said regarding a foetus of the animal when it is truck, so it aborts it, (the compensation is) being one-tenth of its price'.¹⁰⁶

¹⁰² Al Kafi – V 7 – The Book of Wergilds Ch 54 H 4

¹⁰³ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 5

¹⁰⁴ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 6

¹⁰⁵ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 7

¹⁰⁶ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 8

أَحْمَدُ بْنُ مُحَمَّدٍ الْكُوفِيُّ عَنْ إِبْرَاهِيمَ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ خَلْفٍ عَنْ مُوسَى بْنِ إِبْرَاهِيمَ الْمَرْزُوقِيِّ عَنْ أَبِي الْحَسَنِ مُوسَى (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي فَرَسَيْنِ اصْطَدَمَا فَمَاتَ أَحَدُهُمَا فَضَمَّنَ الْبَاقِي دِيَةَ الْمَيِّتِ .

Ahmad Bin Muhammad Al Kufy, from Ibrahim Bin Al Hassan, from Muhammad Bin Khalaf, from Musa Bin Ibrahim Al Marouzy,

(It has been narrated) from Abu Al-Hassan Musa^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding two horses collided, so one of the two dies. So the responsibility is upon the (owner of the) remaining one, wergild of the dead (horse)'.¹⁰⁷

باب النوادر

Chapter 55- The Miscellaneous

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنِ الْحُسَيْنِ بْنِ يُوسُفَ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ أَبِي الْحَسَنِ الثَّانِي (عليه السلام) وَ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ وَ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ قَالَا سَأَلْنَا أَبَا الْحَسَنِ الرُّضَا (عليه السلام) عَنْ رَجُلٍ اسْتَعَاثَ بِهِ قَوْمٌ لِيُنْقِذَهُمْ مِنْ قَوْمٍ يُغِيرُونَ عَلَيْهِمْ لِيَسْتَبِيحُوا أَمْوَالَهُمْ وَ يَسْبُوا ذُرَارِيَهُمْ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Al Husayn Bin Yusuf, from Muhammad Bin Suleyman,

(It has been narrated) from Abu Al-Hassan^{asws} the 2nd and Muhammad Bin Ali, from Muhammad Bin Aslam, from Muhammad Bin Suleyman and Yunus Bin Abdul Rahman who both said, 'We both asked Abu Al-Hassan Al-Reza^{asws} about a man who was sought for help by a group of people to rescue them from a group of people who were attacking them, looting their wealth and capturing their children.

فَخَرَجَ الرَّجُلُ يَعْدُو بِسِلَاحِهِ فِي جَوْفِ اللَّيْلِ لِيُغِيثَ الْقَوْمَ الَّذِينَ اسْتَعَاثُوا بِهِ فَمَرَّ بِرَجُلٍ قَائِمٍ عَلَى شَفِيرِ بئرٍ يَسْتَقِي مِنْهَا فَدَفَعَهُ وَ هُوَ لَا يُرِيدُ ذَلِكَ وَ لَا يَعْلَمُ فَسَقَطَ فِي الْبئرِ فَمَاتَ وَ مَضَى الرَّجُلُ فَاسْتَنْقَذَ أَمْوَالَ أُولَئِكَ الْقَوْمِ الَّذِينَ اسْتَعَاثُوا بِهِ

So the man went out prepared with his weapons, in the middle of the night in order to help the people who had sought his help, So (on the way) he passed by the brink of a well where someone was quenching himself from it. So he inadvertently pushed him, and he was not aware of that and did not know. So he fell into the well and died, and the man went (on his way). So he rescued the wealth of those people who had sought his help.

فَلَمَّا انْصَرَفَ إِلَى أَهْلِهِ قَالُوا لَهُ مَا صَنَعْتَ قَالَ قَدْ انْصَرَفَ الْقَوْمُ عَنْهُمْ وَ آمَنُوا وَ سَلِمُوا قَالُوا لَهُ أَ شَعَرْتَ أَنَّ فُلَانًا بَنَ فُلَانٍ سَقَطَ فِي الْبئرِ فَمَاتَ قَالَ أَنَا وَ اللَّهُ طَرَحْتُهُ قِيلَ وَ كَيْفَ ذَلِكَ فَقَالَ إِنِّي خَرَجْتُ أَعْدُو بِسِلَاحِي فِي ظُلْمَةِ اللَّيْلِ وَ أَنَا أَخَافُ الْقَوْتَ عَلَى الْقَوْمِ الَّذِينَ اسْتَعَاثُوا بِي فَمَرَرْتُ بِفُلَانٍ وَ هُوَ قَائِمٌ يَسْتَقِي فِي الْبئرِ فَزَحَمْتُهُ وَ لَمْ أَرِدْ ذَلِكَ فَسَقَطَ فِي الْبئرِ فَمَاتَ فَعَلَى مَنْ دِيَةُ هَذَا

So when he went to his family, they said to him, 'What did you do?' He said, 'I dispersed the people from them, and made them secure and safe'. They said to him, 'Are you aware that so and so fell into the well, so he died?' He said, 'By Allah^{azwj}! I tossed him'. It was said, 'And how was that?' So he said, 'I went out prepared with my weapons in the darkness of the night, and I feared the death upon the people who had sought my help. So I passed by so and so, and he was standing quenching

¹⁰⁷ Al Kafi – V 7 – The Book of Wergilds Ch 52 H 9

himself from the well. So I bumped into him, and I did not intend that. So he fell into the well, so he died. So upon whom is the wergild for this one?’

فَقَالَ دَيْئُهُ عَلَى الْقَوْمِ الَّذِينَ اسْتَنْجَدُوا الرَّجُلَ فَأَنْجَدَهُمْ وَ أَنْقَذَ أَمْوَالَهُمْ وَ نِسَاءَهُمْ وَ ذُرَارِيَهُمْ أَمَا إِنَّهُ لَوْ كَانَ أَجَرَ نَفْسِهِ بِأُجْرَةِ لَكَانَتْ الدِّيَةُ عَلَيْهِ وَ عَلَى عَاقِلَتِهِ دُونَهُمْ وَ ذَلِكَ أَنَّ سُلَيْمَانَ بْنَ دَاوُدَ (عليه السلام) أَنَّتُهُ امْرَأَةٌ عَجُوزٌ تَسْتَعْدِيهِ عَلَى الرِّيحِ فَقَالَتْ يَا نَبِيَّ اللَّهِ إِنِّي كُنْتُ قَائِمَةً عَلَى سَطْحٍ لِي وَ إِنَّ الرِّيحَ طَرَحَتْني مِنَ السَّطْحِ فَكَسَرَتْ يَدِي فَأَعْدِنِي عَلَى الرِّيحِ

So he^{asws} said: ‘His wergild is upon the group which the man rescued. So he rescued them, and saved their wealth, and their womenfolk, and their children. But, had he employed himself with a wage (to be paid by the group he had saved), the wergild would have been upon himself, and upon his blood relatives, besides them; and that is that Suleyman Bin Dawood^{as}, an old woman came over to him^{as}, making a claim against the wind, so she said, ‘O Prophet^{as} of Allah^{azwj}! I was standing upon the roof of mine, and the wind pushed me from the roof, so my hand broke. Therefore, support me against the wind’.

فَدَعَا سُلَيْمَانُ بْنُ دَاوُدَ (عليه السلام) الرِّيحَ فَقَالَ لَهَا مَا دَعَاكِ إِلَى مَا صَنَعْتَ بِهِذِهِ الْمَرْأَةِ فَقَالَتْ صَدَقْتَ يَا نَبِيَّ اللَّهِ إِنَّ رَبَّ الْعِزَّةِ جَلَّ وَ عَزَّ بَعَثَنِي إِلَى سَفِينَةِ بَنِي فُلَانٍ لِأَنْقِذَهَا مِنَ الْغَرَقِ وَ قَدْ كَانَتْ أَشْرَفَتْ عَلَى الْغَرَقِ فَخَرَجْتُ فِي سَنَنِي وَ عَجَلْتِي إِلَى مَا أَمَرَنِي اللَّهُ عَزَّ وَ جَلَّ بِهِ فَمَرَرْتُ بِهِذِهِ الْمَرْأَةِ وَ هِيَ عَلَى سَطْحِهَا فَعَثَرْتُ بِهَا وَ لَمْ أَرِدْهَا فَسَقَطَتْ فَأَنْكَسَرَتْ يَدُهَا

So Suleyman Bin Dawood^{as} called the wind over, so he^{as} said to it: ‘What invited you what you did with this woman?’ So it said, ‘She speaks the truth, O Prophet^{as} of Allah^{azwj}! The Lord^{azwj} of Honour, Mighty and Majestic had Sent me to a ship of the Clan of so and so, in order to rescue it from the drowning, and it had come close to the drowning. So I went out in my way, and my haste to what Allah^{azwj} Mighty and Majestic had Commanded me with. So I passed by this woman, and she was upon her roof. So I bumped into her, and I did not intend her. So she fell and she broke her hand’.

قَالَ فَقَالَ سُلَيْمَانُ يَا رَبِّ بِمَا أَحْكُمُ عَلَى الرِّيحِ فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ يَا سُلَيْمَانُ احْكُمِ بِأَرْشِ كَسْرِ يَدِ هَذِهِ الْمَرْأَةِ عَلَى أَرْبَابِ السَّفِينَةِ الَّتِي أَنْقَذْتُهَا الرِّيحُ مِنَ الْغَرَقِ فَإِنَّهُ لَا يُظْلَمُ لَدَيَّ أَحَدٌ مِنَ الْعَالَمِينَ .

He^{asws} said: ‘So Suleyman Bin Dawood^{as} said: ‘O Lord^{azwj}! With what shall I^{as} judge with, upon the wind?’ So Allah^{azwj} Mighty and Majestic Revealed upon him^{as}: “O Suleyman^{as}! Judge with the compensation of the breaking of the hand of this woman, upon the lords of the ship, which the wind rescued it from the drowning, for I^{azwj} am not the least unjust to the claim of anyone from the worlds’.¹⁰⁸

عَنْهُ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ هَارُونَ بْنِ الْجَهْمِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عليه السلام) أَيْمًا ظَنِرُ قَوْمٍ قَتَلَتْ صَبِيًّا لَهُمْ وَ هِيَ نَائِمَةٌ فَأَنْقَلَبَتْ عَلَيْهِ فَقَتَلَتْهُ فَإِنَّ عَلَيْهَا الدِّيَةَ مِنْ مَالِهَا خَاصَّةً إِنْ كَانَتْ إِيْمًا ظَاءَرَتْ طَلَبَ الْعِزِّ وَ الْفَخْرِ وَ إِنْ كَانَتْ إِيْمًا ظَاءَرَتْ مِنَ الْفَقْرِ فَإِنَّ الدِّيَةَ عَلَى عَاقِلَتِهَا .

From him, from Muhammad Bin Aslam, from Haroun Bin Al Jaham, from Muhammad Bin Muslim who said,

‘Abu Ja’far^{asws} said: ‘Whichever wet-nurse of the people who kills a child of their whilst in her sleep, turning over upon it, so she kills it, then upon her is the wergild from her wealth in particular, if she was wet-nursing seeking the honour and the

¹⁰⁸ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 1

pride; and if she was rather wet-nursing out of poverty, so the wergild is upon her blood relatives'.¹⁰⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي الْعَاسِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا لِلرَّجُلِ يُعَاقِبُ بِهِ مَمْلُوكَهُ فَقَالَ عَلَى قَدَرِ ذَنْبِهِ قَالَ فَقُلْتُ فَقَدْ عَاقَبْتُ حَرِيرًا بِأَعْظَمَ مِنْ جُرْمِهِ فَقَالَ وَيْلَكَ هُوَ مَمْلُوكٌ لِي وَ إِنَّ حَرِيرًا شَهَرَ السَّيْفَ وَ لَيْسَ مِنِّي مِنْ شَهَرَ السَّيْفَ .

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

'I said to Abu Abdullah^{asws}, 'What is for the man he can punish his slave with?' So he^{asws} said: 'Upon the measurement of his sin'. So I said, 'So I have punished Hareza with greater than his offence'. So he^{asws} said: 'Woe be unto you! He was a slave of mine^{asws}, and Hareyz brandished the sword, and the one who brandishes the sword is not from me^{asws}'.¹¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ عَنْ بَعْضِ أَصْحَابِهِ رَفَعَهُ قَالَ كَانَتْ فِي رَمَنِ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) امْرَأَةً صِدُوقٌ يَقَالُ لَهَا أُمُّ قَيْيَانٍ فَاتَّاهَا رَجُلٌ مِنْ أَصْحَابِ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَسَلَّمَ عَلَيْهَا قَالَ فَرَأَاهَا مُهْتَمَةً فَقَالَ لَهَا مَا لِي أَرَاكِ مُهْتَمَةً فَقَالَتْ مَوْلَاةٌ لِي دَفَنْتُهَا فَتَبَدَّتْهَا الْأَرْضُ مَرَّتَيْنِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Ibrahim Bin Abu Al Balad, from one of his companions, raising it, said,

'There was a truthful woman in the era of Amir Al-Momineen^{asws} called Umm Qayyan. So, a man from the companions of Amir Al-Momineen^{asws} came over to her, so he greeted her. He saw her as worried, so he said to her, 'What is the matter I see you to be worried?' So she said, 'I buried a slave girl of mine, but the earth rejected her twice'.

فَدَخَلْتُ عَلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَأَخْبَرْتُهُ فَقَالَ إِنَّ الْأَرْضَ لَتَقْبَلُ الْيَهُودِيَّ وَ النَّصْرَانِيَّ فَمَا لَهَا إِلَّا أَنْ تَكُونَ تُعَذِّبُ بَعْدَآبِ اللَّهِ ثُمَّ قَالَ أَمَا إِنَّهُ لَوْ أَخَذْتُ تُرْبَةً مِنْ قَبْرِ رَجُلٍ مُسْلِمٍ فَأَلْقَيْتُ عَلَى قَبْرِهَا لَقَرَّتْ

So I went over to Amir Al-Momineen^{asws} and informed him^{asws} of it, so he^{asws} said: 'The earth accepts the Jews and the Christian, so what is for her except that she is being Punished by the Punishment of Allah^{azwj}'. Then he^{asws} said: 'If she were to take the sand from a grave of a Muslim man, so let her throw it upon her grave, in order to calm it'.

قَالَ فَاتَّيْتُ أُمَّ قَيْيَانٍ فَأَخْبَرْتُهَا فَأَخَذُوا تُرْبَةً مِنْ قَبْرِ رَجُلٍ مُسْلِمٍ فَأَلْقَيْتُ عَلَى قَبْرِهَا فَفَرَّتْ فَسَأَلْتُ عَنْهَا مَا كَانَتْ حَالُهَا فَقَالُوا كَانَتْ شَدِيدَةً الْحُبِّ لِلرَّجَالِ لَا تَزَالُ قَدْ وَلَدَتْ فَأَلْقَتْ وَلَدَهَا فِي النَّتُورِ .

He (the narrator) said, 'So I went over to Umm Qayyan and informed her of it. So she took some sand from a grave of a Muslim man, so she threw it upon her grave. So it settled. So I asked (people) about her, what her situation used to be, so they said, 'She used to intensely love the man. She would not stop giving birth, so she used to throw her children into the oven (to kill them)'.¹¹¹

¹⁰⁹ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 2

¹¹⁰ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 3

¹¹¹ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 4

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ النَّبِيَّ (صلى الله عليه وآله) كَانَ يَحْبِسُ فِي تَهْمَةِ الدَّمِ سِتَّةَ أَيَّامٍ فَإِنْ جَاءَ أَوْلِيَاءُ الْمَقْتُولِ بِبَيِّنَةٍ وَإِلَّا خَلَّى سَبِيلَهُ .

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

(It has been narrated) from Abu Abdullah^{asws} having said that the Prophet^{saww} used to imprison for six days with regards to the one (who was) accused of the blood (killing). So if the guardians of the killed-one were to come over (to seek blood money), or else he^{saww} would release his way'.¹¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عليهما السلام) قَالَ إِذَا مَاتَ وَلِيُّ الْمَقْتُولِ قَامَ وَلَدُهُ مِنْ بَعْدِهِ مَقَامَهُ بِالْأَمِّ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'When a guardian of the killed-one dies, his son stands from after him in his place, with the blood (wergild)'.¹¹³

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ سَبْفِ بْنِ عَمِيرَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عليه السلام) إِنْ اللَّهُ عَزَّ وَجَلَّ يَقُولُ فِي كِتَابِهِ وَ مَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيِهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا فَمَا هَذَا الْإِسْرَافُ الَّذِي نَهَى اللَّهُ عَزَّ وَجَلَّ عَنْهُ قَالَ نَهَى أَنْ يَقْتُلَ غَيْرَ قَاتِلِهِ أَوْ يُمَتِّلَ بِالْقَاتِلِ

Ali Bin Muhammad, from one of his companions, from Muhammad Bin Suleyman, from Sayf Bin Umeyra, from Is'haq Bin Ammar who said,

'I said to Abu Al-Hassan^{asws} that Allah^{azwj} Mighty and Majestic is Saying in His^{azwj} Book [17:33] **And do not kill any one whom Allah has Forbidden, except with the right; and whoever is killed unjustly, We have indeed Given to his heir authority, so let him not be excessive with regards to the killing; surely he would always be Aided.** So what is this excessiveness which Allah^{azwj} Mighty and Majestic has Forbidden from?' He^{asws} said: 'Forbidden that he should kill anyone other than his killer, or dismembering the killer'.

قُلْتُ فَمَا مَعْنَى قَوْلِهِ إِنَّهُ كَانَ مَنْصُورًا قَالَ وَ أَيْ نُصْرَةً أَعْظَمَ مِنْ أَنْ يُدْفَعَ الْقَاتِلُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَيَقْتُلَهُ وَ لَا تَبِعَةَ تَلْزَمُهُ مِنْ قَتْلِهِ فِي دِينٍ وَ لَا دُنْيَا .

I said, 'So what is the Meaning of His^{azwj} Words **surely he would always be Aided.** He^{asws} said: 'And which Aid is greater than that the killer should be handed over to the guardians of the killed-one, so they can kill him and there would be no follow-up (consequences) from killing him (the killer), neither in Religion nor in the world'.¹¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ دَخَلَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) الْمَسْجِدَ فَاسْتَقْبَلَهُ شَابٌّ يَبْكِي وَ حَوْلَهُ قَوْمٌ يُسْكِنُونَهُ فَقَالَ عَلِيُّ (عليه السلام) مَا أَبْكَاكَ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ شَرِيحًا قَضَى عَلَيَّ بِقَضِيَّةٍ مَا أَذْرِي مَا هِيَ إِنْ هُوَ لَاءِ النَّفَرِ خَرَجُوا بِأَبِي مَعَهُمْ فِي السَّفَرِ فَرَجَعُوا وَ لَمْ يَرْجِعْ أَبِي فَسَأَلْنَاهُمْ عَنْهُ فَقَالُوا مَاتَ فَسَأَلْنَاهُمْ عَنْ مَالِهِ فَقَالُوا مَا تَرَكَ مَالًا فَقَدَّمْتُهُمْ إِلَى شَرِيحٍ فَاسْتَحْلَفَهُمْ وَ قَدْ عَلِمْتُ يَا أَمِيرَ الْمُؤْمِنِينَ أَنَّ أَبِي خَرَجَ وَ مَعَهُ مَالٌ كَثِيرٌ

¹¹² Al Kafi – V 7 – The Book of Wergilds Ch 54 H 5

¹¹³ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 6

¹¹⁴ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 7

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} entered the Masjid, so a young man came across him crying, and around him was a group calming him down. So Ali^{asws} said: 'What makes you weep?' So he said, 'O Amir Al-Momineen^{asws}! Shurayh judged upon me with a judgement, I do not know what it is. These persons went out with my father being with them in a journey. So they came back, and my father did not return. So I asked them about him. So they said, 'he died'. So I asked them about his wealth. So they said, 'He did not leave any wealth'. So I proceeded with them to Shurayh. So he made them swear oaths; and I know well, O Amir Al-Momineen^{asws}, that my father went out, and with him was a lot of wealth.

فَقَالَ لَهُمْ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) ارْجِعُوا فَرَجِعُوا وَ الْفَتَى مَعَهُمْ إِلَى شُرَيْحٍ فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) يَا شُرَيْحُ كَيْفَ قَضَيْتَ بَيْنَ هَؤُلَاءِ فَقَالَ يَا أَمِيرُ الْمُؤْمِنِينَ ادْعَى هَذَا الْفَتَى عَلَى هَؤُلَاءِ النَّفَرِ أَنَّهُمْ خَرَجُوا فِي سَفَرٍ وَ أَبُوهُ مَعَهُمْ فَرَجِعُوا وَ لَمْ يَرْجِعْ أَبُوهُ فَسَأَلْتُهُمْ عَنْ مَالِهِ فَقَالُوا مَاتَ خَلَفَ مَا خَلَفَ مَا لَا فَقُلْتُ لِلْفَتَى هَلْ لَكَ بَيْنَهُ عَلَى مَا تَدْعِي فَقَالَ لَا فَاسْتَحْلَفْتُهُمْ فَحَلَفُوا

So Amir Al-Momineen^{asws} said to them: 'Return to Shurayh, and the youth was with them. So Amir Al-Momineen^{asws} said to him: 'O Shurayh! How did you judge between these people?' So he said, 'O Amir Al-Momineen^{asws}! This youth claimed against these persons that they had gone out in a journey, and his father was with them. So they returned, and his father did not return. So he asked them about him, so they said, 'Died'. So he asked them about his wealth, so they said, 'He did not leave behind any wealth'. So I said to the youth, 'Is there any evidence with you upon what you are claiming?' So he said, 'No'. So I made them swear an oath, so they oathed'.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) هَيْهَاتَ يَا شُرَيْحُ هَكَذَا تَحْكُمُ فِي مِثْلِ هَذَا فَقَالَ يَا أَمِيرُ الْمُؤْمِنِينَ كَيْفَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) وَ اللَّهُ لَا أَحْكَمَنَّ فِيهِمْ بِحُكْمٍ مَا حَكَمَ بِهِ خَلْقٌ قَبْلِي إِلَّا دَاوُدَ النَّبِيَّ (عَلَيْهِ السَّلَام) يَا قَنْبَرُ ادْعُ لِي شَرْطَةَ الْخَمِيسِ فَدَعَاهُمْ فَوَكَّلَ بِكُلِّ رَجُلٍ مِنْهُمْ رَجُلًا مِنَ الشَّرْطَةِ ثُمَّ نَظَرَ إِلَى وُجُوهِهِمْ فَقَالَ مَا تَقُولُونَ أَمْ تَقُولُونَ إِنِّي لَا أَعْلَمُ مَا صَنَعْتُمْ بِأَبِي هَذَا الْفَتَى إِنِّي إِذَا لَجَاهِلٌ ثُمَّ قَالَ فَرَّقُوهُمْ وَ غَطُوا رُءُوسَهُمْ

So Amir Al-Momineen^{asws} said: 'Far be it! O Shurayh, is it like this that you judge for the likes of this?' So he said, 'O Amir Al-Momineen^{asws}! So how?' So Amir Al-Momineen^{asws} said: 'By Allah^{azwj!} I^{asws} shall not be judging regarding them with a judgement what a creature before me^{asws} has judged with except for the Prophet Dawood^{as}. O Qanbar! Call the thursday policemen for me!' So he called them over. So he^{asws} allocated with each men from them, with a man from the police. Then he^{asws} looked at their faces, so he^{asws} said; 'What is that which you are saying? Are you saying that I^{asws} do not know what you have done with the father of this youth, that I^{asws} am ignorant?' Then he^{asws} said: 'Separate them and cover their heads!'.

قَالَ فَفَرَّقَ بَيْنَهُمْ وَ أَقِيمَ كُلَّ رَجُلٍ مِنْهُمْ إِلَى أَسْطُوَانَةٍ مِنْ أَسَاطِينِ الْمَسْجِدِ وَ رُءُوسُهُمْ مَعْطَاةٌ بَيْنَابِهِمْ ثُمَّ دَعَا بَعْبِيدَ اللَّهِ بْنِ أَبِي رَافِعٍ كَاتِبَهُ فَقَالَ هَاتِ صَحِيفَةً وَ دَوَاةَ وَ جَلَسَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ فِي مَجْلِسِ الْقَضَاءِ وَ جَلَسَ النَّاسُ إِلَيْهِ فَقَالَ لَهُمْ إِذَا أَنَا كَبَّرْتُ فَكَبِّرُوا ثُمَّ قَالَ لِلنَّاسِ اخْرُجُوا ثُمَّ دَعَا بِوَاحِدٍ مِنْهُمْ فَأَجْلَسَهُ بَيْنَ يَدَيْهِ وَ كَشَفَ عَنْ وَجْهِهِ ثُمَّ قَالَ لِعَبِيدِ اللَّهِ بْنِ أَبِي رَافِعٍ اكْتُبْ إِفْرَارَهُ وَ مَا يَقُولُ

He (Abu Ja'far^{asws}) said: 'So he^{asws} separated them and stood each one of the man from them to a pillar from the pillars of the Masjid, and their head were covered by their own clothes. Then he called for Ubeydullah Bin Abu Rafi'e, his^{asws} scribe. So

he^{asws} said: 'Give me a parchment, and ink'. And Amir Al-Momineen^{asws} sat in the seat of the judges, and the people sat facing him^{asws}. So he^{asws} said to them: 'When I^{asws} exclaim (Takbeer) so you all exclaim (as well)'. Then he^{asws} said to the people: 'Go out'. Then he called one of them, so he^{asws} made him sit in front of him^{asws}, and uncovered his face. Then he^{asws} said to Ubeydullah Bin Abu Rafi'e: 'Write down his confession and whatever he is saying'.

ثُمَّ أَقْبَلَ عَلَيْهِ بِالسُّؤَالِ فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي أَيِّ يَوْمٍ خَرَجْتُمْ مِنْ مَنَازِلِكُمْ وَ أَبُو هَذَا الْفَتَى مَعَكُمْ فَقَالَ الرَّجُلُ فِي يَوْمٍ كَذَا وَ كَذَا قَالَ وَ فِي أَيِّ شَهْرٍ قَالَ فِي شَهْرٍ كَذَا وَ كَذَا قَالَ فِي أَيِّ سَنَةٍ قَالَ فِي سَنَةٍ كَذَا وَ كَذَا قَالَ وَ إِلَى أَيْنَ بَلَّغْتُمْ فِي سَفَرِكُمْ حَتَّى مَاتَ أَبُو هَذَا الْفَتَى قَالَ إِلَى مَوْضِعٍ كَذَا وَ كَذَا قَالَ وَ فِي مَنْزِلٍ مِنْ مَنَازِلِكُمْ قَالَ فِي مَنْزِلِ فُلَانِ بْنِ فُلَانٍ قَالَ وَ مَا كَانَ مَرَضُهُ قَالَ كَذَا وَ كَذَا قَالَ وَ كَمْ يَوْمًا مَرَضَ قَالَ كَذَا وَ كَذَا قَالَ فِي أَيِّ يَوْمٍ مَاتَ وَ مَنْ غَسَلَهُ وَ مَنْ كَفَّنَهُ وَ بِمَا كَفَّنْتُمُوهُ وَ مَنْ صَلَّى عَلَيْهِ وَ مَنْ نَزَلَ قَبْرَهُ

Then he^{asws} faced him with the questioning, so Amir Al-Momineen^{asws} said: 'In which day did you all go from your houses, and the father of this youth was with you?' So the man said, 'In such and such a day'. He^{asws} said: 'And in which month?' He said, 'In such a such a month'. He^{asws} said; 'In which year?' He said, 'In such a such a year'. He^{asws} said: 'And to where did you reach in your journey until the father of this youth died?' He said, 'To such and such a place'. He^{asws} said: 'And in whose house did he died?' He said, 'In the house of so and so, son of so and so'. He^{asws} said: 'And what was his illness?' He said, 'Such and such'. He^{asws} said: 'And for how many days was he ill?' He said, 'For such and such number of days'. He^{asws} said: 'And in which day did he die? And who washed him? And who shrouded him? And with what did you shroud him with? And who Prayed over him? And who descended into his grave?'

فَلَمَّا سَأَلَهُ عَنْ جَمِيعِ مَا يُرِيدُ كَبَّرَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) وَ كَبَّرَ النَّاسُ جَمِيعًا فَارْتَابَ أُولَئِكَ الْبَاقُونَ وَ لَمْ يَشْكُرُوا أَنَّ صَاحِبَهُمْ قَدْ أَقْرَأَ عَلَيْهِمْ وَ عَلَى نَفْسِهِ فَأَمَرَ أَنْ يُعْطَى رَأْسُهُ وَ يُنْطَلَقَ بِهِ إِلَى السَّجْنِ

So when he^{asws} had questioned him about the entirety of what he^{asws} had intended to, Amir Al-Momineen^{asws} exclaimed (Takbeer), and the people exclaimed altogether. So the remaining ones (accused) suspected that did not doubt that their companion had confessed against them, and against himself. So he^{asws} ordered for his head to be covered and be taken to the prison.

ثُمَّ دَعَا بِأَخَرٍ فَأَجْلَسَهُ بَيْنَ يَدَيْهِ وَ كَشَفَ عَنْ وَجْهِهِ ثُمَّ قَالَ كَلَّا زَعَمْتُمْ أَنِّي لَا أَعْلَمُ مَا صَنَعْتُمْ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ مَا أَنَا إِلَّا وَاحِدٌ مِنَ الْقَوْمِ وَ لَقَدْ كُنْتُ كَارِهًا لِقَتْلِهِ فَأَقْرَأَ ثُمَّ دَعَا بِوَاحِدٍ بَعْدَ وَاحِدٍ كُلُّهُمْ يُقْرَأُ بِالْقَتْلِ وَ أَخَذَ الْمَالَ ثُمَّ رَدَّ الَّذِي كَانَ أَمَرَ بِهِ إِلَى السَّجْنِ فَأَقْرَأَ أَيْضًا فَأَلَزَمَهُمُ الْمَالُ وَ الدَّمُ

Then he^{asws} called for the other one and made him to sit in front of him^{asws}, and uncovered (the covering) from his face, then said: 'All of you are thinking that I^{asws} do not know what you have done'. So he said, 'O Amir Al-Momineen^{asws}! I was not except one of a group, and I had detested his killing. So he confessed. Then he called for one after the other. All of them confessed with the killing, and he^{asws} seized the wealth, then returned the one he^{asws} had ordered to be in the prison. So he confessed as well. So he^{asws} necessitated upon them the wealth and the blood'.

فَقَالَ شُرَيْحٌ يَا أَمِيرَ الْمُؤْمِنِينَ وَ كَيْفَ حَكَمَ دَاوُدُ النَّبِيُّ (عَلَيْهِ السَّلَام) فَقَالَ إِنَّ دَاوُدَ النَّبِيَّ (عَلَيْهِ السَّلَام) مَرَّ بِغُلَامَةٍ يَبْعُونَ وَ يُنَادُونَ بَعْضُهُمْ بِنَا مَاتَ الدِّينُ فَيُجِيبُ مِنْهُمْ غُلَامٌ قَدْ عَاهَمَ دَاوُدُ (عَلَيْهِ السَّلَام) فَقَالَ يَا غُلَامُ مَا اسْمُكَ قَالَ مَاتَ الدِّينُ فَقَالَ لَهُ دَاوُدُ (عَلَيْهِ السَّلَام) مَنْ سَمَّاكَ بِهَذَا الْإِسْمِ فَقَالَ أُمِّي

So Shurayh said, 'O Amir Al-Momineen^{asws}! And how was the judgement of the Prophet Dawood^{as}?' So he^{asws} said: 'The Prophet Dawood^{as} passed by boys who were playing and one of them called out, O Maat Al-Deen' (O Religion is dead)! So a boy from them responded. So Dawood^{as} called him over and said: 'O boy! What is your name?' He said, 'Maat Al-Deen'. So Dawood^{as} said to him: 'Who has named you with this name?' So he said, 'My mother'.

فَانْطَلَقَ دَاوُدُ (عليه السلام) إِلَى أُمِّهِ فَقَالَ لَهَا يَا ابْنَتُهَا الْمَرْأَةُ مَا اسْمُ ابْنِكَ هَذَا قَالَتْ مَاتَ الدِّينُ فَقَالَ لَهَا وَمَنْ سَمَاهُ بِهِذَا قَالَتْ أَبُوهُ قَالَ وَكَيْفَ كَانَ ذَلِكَ قَالَتْ إِنَّ أَبَاهُ خَرَجَ فِي سَفَرٍ لَهُ وَمَعَهُ قَوْمٌ وَهَذَا الصَّبِيُّ حَمْلٌ فِي بَطْنِي فَأَنْصَرَفَ الْقَوْمُ وَلَمْ يَنْصَرِفْ زَوْجِي فَسَأَلْتُهُمْ عَنْهُ فَقَالُوا مَاتَ فَقُلْتُ لَهُمْ فَأَيْنَ مَا تَرَكَ قَالُوا لَمْ يَخْلَفْ شَيْئًا فَقُلْتُ هَلْ أَوْصَاكُمْ بِوَصِيَّةٍ قَالُوا نَعَمْ زَعَمَ أَنَّكَ حَبْلِي فَمَا وَلَدْتَ مِنْ وَلَدٍ جَارِيَةٍ أَوْ غُلَامٍ فَسَمِيَهُ مَاتَ الدِّينُ فَسَمَّيْتُهُ

So Dawood went with him to his mother, so he^{as} said to her: 'O you woman! What is the name of this son of yours?' She said, 'Maat Al-Deen'. So he^{as} said to her: 'And who named him with this name?' She said, 'His father'. He^{as} said: 'And how was that'. She said, 'His father had gone out in a journey of his and with him was a group, and this is the boy whom I was carrying in my belly. So the group left and my husband did not. So I asked them about him, so they said, 'Died'. So I said to them, 'What did he leave?' They said, 'He did not leave anything'. So I said, 'Did he bequeath you all with a bequest?' They said, 'Yes. He claimed that you were pregnant, so whatever is born, a girl or a boy, so name him Maat Al-Deen. So I named him' (like that after his birth).

قَالَ دَاوُدُ (عليه السلام) وَتَعْرِيفِينَ الْقَوْمَ الَّذِينَ كَانُوا خَرَجُوا مَعَ زَوْجِكَ قَالَتْ نَعَمْ قَالَ فَأَحْيَاءُ هُمْ أَمْ أَمْوَاتٌ قَالَتْ بَلْ أَحْيَاءُ قَالَ فَاَنْطَلَقْتُ بَنَاتِي إِلَيْهِمْ ثُمَّ مَضَى مَعَهَا فَاسْتَخْرَجَهُمْ مِنْ مَنَازِلِهِمْ فَحَكَمَ بَيْنَهُمْ بِهَذَا الْحُكْمِ بَعَيْنِهِ وَاتَّبَعَ عَلَيْهِمُ الْمَالَ وَالدَّمَ وَ قَالَ لِلْمَرْأَةِ سَمِي ابْنُكَ هَذَا عَاشَ الدِّينُ ثُمَّ إِنَّ الْفَتَى

Dawood^{as} said: 'And would you recognise the people who had gone out with your husband?' She said, 'Yes'. He^{as} said: 'So are they alive, or dead?' She said, 'But, (they are) alive'. He^{as} said: 'So come with us to them'. So he^{as} went with her and made them come out from their houses. So he^{as} judged between them with this judgement, exactly, and established against them the wealth, and the blood, and said to the woman: 'Name this son of yours 'Aash Al-Deen (Religion is alive)'.

وَالْقَوْمَ اخْتَلَفُوا فِي مَالِ الْفَتَى كَمْ كَانَ فَاخَذَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) خَاتَمَهُ وَ جَمِيعَ خَوَاتِيمٍ مَنْ عِنْدَهُ ثُمَّ قَالَ أَجِيبُوا هَذَا السَّهَامَ فَأَيْكُمْ أَخْرَجَ خَاتَمِي فَهُوَ صَادِقٌ فِي دَعْوَاهُ لِأَنَّهُ سَهُمُ اللَّهِ وَ سَهُمُ اللَّهِ لَا يَخِيبُ .

And the people differed with regards to the wealth of the youth, how much it was, so Amir Al-Momineen^{asws} took his^{asws} ring and the all of the rings from his^{asws} presence (from people), then said: 'Make these as the arrows, so whichever one of you extracts my^{asws} ring, so he is truthful in his claim, because it is a divination of Allah^{azwj}, and the divination of Allah^{azwj} is not unsuccessful'.¹¹⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ إِسْحَاقَ بْنِ إِبْرَاهِيمَ الْكِنْدِيِّ قَالَ حَدَّثَنَا خَالِدُ النَّوْفَلِيُّ عَنِ الْأَصْبَغِ بْنِ نُبَاتَةَ قَالَ لَقَدْ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فَاسْتَقْبَلَهُ شَابٌ يَبْكِي وَ حَوْلَهُ قَوْمٌ يُسْكِنُونَهُ فَلَمَّا رَأَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) قَالَ يَا أَمِيرُ الْمُؤْمِنِينَ إِنَّ شَرِيحًا قَضَى عَلَيَّ قَضِيَّةً مَا أَدرِي مَا هِيَ فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) مَا هِيَ فَقَالَ الشَّابُّ إِنَّ هَؤُلَاءِ النَّفَرَ خَرَجُوا بِأَبِي مَعَهُمْ فِي سَفَرٍ فَرَجَعُوا وَلَمْ يَرْجِعْ فَسَأَلْتُهِمْ عَنْهُ فَقَالُوا مَاتَ فَسَأَلْتُهِمْ عَنْ مَالِهِ فَقَالُوا مَا تَرَكَ مَالًا فَقَدَّمْتُهُمْ إِلَى شَرِيحٍ فَاسْتَحْلَفَهُمْ وَقَدْ عَلِمْتُ أَنَّ أَبِي خَرَجَ وَمَعَهُ مَالٌ كَثِيرٌ

¹¹⁵ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 8

A number of our companions, from Ahmad Bin Abu Abdullah, from Is'haq Bin Ibrahim Al Kindy, from Khalid Al Nowfaly, from Al Asbagh Bin Nubata who said,

'Amir Al-Momineen^{asws} had judged, and a youth came across him^{asws} and he was weeping, and round him was a group calming him. So when he saw Amir Al-Momineen^{asws}, he said, 'O Amir Al-Momineen^{asws}! Shuray (the judge) has judged upon me with a judgement, I do not know what it is'. So Amir Al-Momineen^{asws} said to him: 'What is it?' So the youth said, 'These persons went out with my father being with them, in a journey. So they returned and he did not return. So I asked them about him, so they said, 'Died'. So I asked them about his wealth, so they said, 'He did not leave any wealth'. So I proceeded with them to Shurayh. He made them swear oaths, and I know that my father went out and with him was a lot of wealth'.

فَقَالَ لَهُمْ ارْجِعُوا فَرَجِعُوا وَ عَلَيَّ (عَلَيْهِ السَّلَام) يَقُولُ. أَوْرَدَهَا سَعْدٌ وَ سَعْدٌ يَشْتَمِلُ مَا هَكَذَا تَوَرَّدَ يَا سَعْدُ الْإِبِلُ مَا يُغْنِي قَضَاؤُكَ يَا شَرِيحُ ثُمَّ قَالَ وَ اللَّهُ لَأَحْكَمَنَّ فِيهِمْ بِحُكْمِ مَا حَكَمَ أَحَدٌ قَبْلِي إِلَّا دَاوُدَ النَّبِيَّ (عَلَيْهِ السَّلَام) يَا قَنْبَرُ ادْعُ لِي شُرْطَةَ الْخَمِيسِ قَالَ فَدَعَا شُرْطَةَ الْخَمِيسِ فَوَكَّلَ بِكُلِّ رَجُلٍ مِنْهُمْ رَجُلًا مِنَ الشُّرْطَةِ ثُمَّ دَعَا بِهِمْ فَنَظَرَ إِلَى وُجُوهِهِمْ ثُمَّ ذَكَرَ مِثْلَ حَدِيثِ الْأَوَّلِ إِلَى قَوْلِهِ سَمِيَ ابْنُكَ هَذَا عَاشَ الدِّينَ

So he^{asws} said to them: 'Return!' So they returned, and Ali^{asws} was saying: '(A proverb) 'Sa'ad ushered them and Sa'ad incorporated them. It is not like this you should be ushering the camels, O Sa'ad'. Your judgement did not suffice them, O Shurayh'. Then he^{asws} said: 'By Allah^{azwj}! I^{asws} shall judge among them with a judgement, which no one has judged by before me^{asws} except for the Prophet Dawood^{as}. O Qanbar! Call the Thursday policemen for me'. So he called over the Thursday police and he^{asws} allocated with each man from them with a man from the police. Then he called for them and looked at their faces' – then he (the narrator) mentioned a Hadeeth similar to the first one, until his (Prophet Dawood^{as}'s) words: 'Name this son of your Aash Al-Islam (Religion is alive)'.

فَقُلْتُ جُعِلْتُ فِدَاكَ كَيْفَ تَأْخُذُهُمْ بِالْمَالِ إِنْ ادَّعَى الْعُلَامُ أَنَّ أَبَاهُ خَلَّفَ مِائَةَ أَلْفٍ أَوْ أَقَلَّ أَوْ أَكْثَرَ وَ قَالَ الْقَوْمُ لَا بَلْ عَشْرَةَ أَلْفٍ أَوْ أَقَلَّ أَوْ أَكْثَرَ فَلَهُوْا لَهُ قَوْلٌ وَ لِهَذَا قَوْلٌ قَالَ فَإِنِّي أَخَذَ خَاتَمَهُ وَ خَوَاتِيمَهُمْ وَ أَلْفَيْهَا فِي مَكَانٍ وَاحِدٍ ثُمَّ أَقُولُ أُجِيلُوا هَذِهِ السَّهْمَ فَأَيْكُمْ خَرَجَ سَهْمُهُ فَهُوَ الصَّادِقُ فِي دَعْوَاهُ لِأَنَّهُ سَهْمُ اللَّهِ وَ سَهْمُ اللَّهِ لَا يَخِيبُ .

So I said, 'May I be sacrificed for you^{asws}! How did he^{as} seize them with the wealth, if the boy claimed that his father left behind one hundred thousand, or less, or more, and the group said, 'No, but it was ten thousand', or less or more. So for them would be their word, and for this one would be his word'. He^{asws} said: 'So I^{asws} would take his ring and their rings and throw them in one place. Then I^{asws} would be saying: 'Make these to be the arrows. So whichever one of you extract his right, so he is the truthful in his claim because it is a divination of Allah^{azwj}, and a divination of Allah^{azwj} is not unsuccessful'.¹¹⁶

عَلَيْ بَنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ خَرَجَ رَجُلٌ مِنَ الْمَدِينَةِ يُرِيدُ الْعِرَاقَ فَأَتَبَعَهُ أَسْوَدَانِ أَحَدُهُمَا غُلَامٌ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَلَمَّا أَتَى الْأَعْوَصَ نَامَ الرَّجُلُ فَأَخَذَا صَخْرَةً فَشَدَخَا بِهَا رَأْسَهُ فَأَخَذَا فَاتَيَا بِهِمَا مُحَمَّدُ بْنُ خَالِدٍ وَ جَاءَ أَوْلِيَاءُ الْمُقْتُولِ فَسَأَلُوهُ أَنْ يُقْبِلَهُمْ فَكَرِهَ أَنْ يَفْعَلَ فَسَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ذَلِكَ فَلَمْ يُجِبْهُ

Ali Bin Ibrahim, from his father, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj who said,

¹¹⁶ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 9

'A man went out from Al-Medina intending for Al-Iraq. So two black men followed him, one of them being a slave of Abu Abdullah^{asws}. So when he came to Al-Aws, the man slept. So they both took a rock and cracked his head with it. So they were both seized, and Muhammad Bin Khalid came with them both, and the guardians of the killed-one came over and asked him for the retaliation, but he did not like that to be done. So Abu Abdullah^{asws} was asked about that, but he^{asws} did not answer him.

قَالَ عَبْدُ الرَّحْمَنِ فَظَنَنْتُ أَنَّهُ كَرِهَ أَنْ يُجِيبَهُ لِأَنَّهُ لَا يَرَى أَنْ يُقْتَلَ اثْنَانِ بِوَاحِدٍ فَشَكَأَ أَوْلِيَاءُ الْمَقْتُولِ مُحَمَّدَ بْنَ خَالِدٍ وَ صَنِيعَهُ إِلَى أَهْلِ الْمَدِينَةِ فَقَالَ لَهُمْ أَهْلُ الْمَدِينَةِ إِنْ أَرَدْتُمْ أَنْ يُقِيدَكُمْ مِنْهُ فَاتَّبِعُوا جَعْفَرَ بْنَ مُحَمَّدٍ (عليه السلام) فَاشْكُوا إِلَيْهِ ظِلَامَتَكُمْ

Abdul Rahman said, 'So I guessed that he^{asws} did not like answering him because he^{asws} did not view that two should be killed for one. So the guardians of the killed-one complained of Muhammad Bin Khalid and his dealings, to the people of Al-Medina. So the people of Al-Medina said to him, 'If you intend the retaliation from him, so follow Ja'far^{asws} Bin Muhammad^{asws}. So complain to him^{asws} of your grievances.

فَفَعَلُوا فَقَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) أَقْدَهُمْ فَلَمَّا أَنْ دَعَاهُمْ لِيُقِيدَهُمْ اسْوَدَّ وَجْهُ غُلَامٍ أَبِي عَبْدِ اللَّهِ (عليه السلام) حَتَّى صَارَ كَأَنَّهُ الْمَادُ فَذَكَرَ ذَلِكَ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) فَقَالُوا أَصْلَحَكَ اللَّهُ إِنَّهُ لَمَّا قُدِّمَ اسْوَدَّ وَجْهُهُ حَتَّى صَارَ كَأَنَّهُ الْمَادُ فَقَالَ إِنَّهُ كَانَ يَكْفُرُ بِاللَّهِ جَهْرَةً فَقَتِلَا جَمِيعاً .

So they did it. So Abu Abdullah^{asws} said: 'Retaliate them'. So when they called them over for their retaliation, the face of the slave of Abu Abdullah^{asws} turned black until it became as if it was the ink. So that was mentioned to Abu Abdullah^{asws}, so they said, 'May Allah^{azwj} Keep you^{asws} well! When he was brought forward to be killed, his face blackened until it became as if it was the ink'. So he^{asws} said: 'He had disbelieved in Allah^{azwj} openly'. So both of them were killed'.¹¹⁷

أَحْمَدُ بْنُ مُحَمَّدٍ الْعَاصِمِيُّ عَنْ عَلِيِّ بْنِ الْحَسَنِ الْمَيْمُونِيِّ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ عَمِّهِ يَعْقُوبَ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ كَانَتْ امْرَأَةٌ بِالْمَدِينَةِ تُؤْتِي ذَلِكَ عُمَرَ فَبِعَتْ إِلَيْهَا فَرَوَعَهَا وَ أَمَرَ أَنْ يُجَاءَ بِهَا إِلَيْهِ فَفَزَعَتْ الْمَرْأَةُ فَأَخَذَهَا الطَّلُقُ فَأَنْطَلَقَتْ إِلَى بَعْضِ الدُّورِ فَوَلَدَتْ غُلَاماً فَاسْتَهَلَ الْغُلَامُ ثُمَّ مَاتَ فَدَخَلَ عَلَيْهِ مِنْ رَوْعَةِ الْمَرْأَةِ وَ مِنْ مَوْتِ الْغُلَامِ مَا شَاءَ اللَّهُ فَقَالَ لَهُ بَعْضُ جُلَسَائِهِ يَا أَمِيرَ الْمُؤْمِنِينَ مَا عَلَيْكَ مِنْ هَذَا شَيْءٍ وَ قَالَ بَعْضُهُمْ وَ مَا هَذَا

Ahmad Bin Muhammad Al Asamy, from Ali Bin Al Hassan Al Maysami, from Ali Bin Asbaat, from his uncle Yaquob Bin Salim,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There used to be a woman at Al-Medina to whom (visitors used to come to frequently). So the news of that reached Umar, so he sent a messenger to awe her and ordered that he should come with her to him. So the woman panicked, and she was seized by the pangs of childbirth. So she went to one of the rooms and gave birth to a boy. So the boy was alive but then died. So there entered upon him (Umar) dread of the woman and from the death of the boy, what Allah^{azwj} so Desired. So one from his gathering said, 'O commander of the faithful! There is nothing upon you from this thing'. And one of the said, 'And what is this (it is of no consequence)'.

قَالَ سَلُوا أَبَا الْحَسَنِ فَقَالَ لَهُمْ أَبُو الْحَسَنِ (عليه السلام) لَئِنْ كُنْتُمْ اجْتَهَدْتُمْ مَا أَصَبْتُمْ وَ لَئِنْ كُنْتُمْ قُلْتُمْ بِرَأْيِكُمْ لَقَدْ أَخْطَأْتُمْ ثُمَّ قَالَ عَلَيْكَ دِيَةُ الصَّبِيِّ .

¹¹⁷ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 10

He (Umar) said, 'Ask Abu Al-Hassan^{asws}'. So Abu Al-Hassan^{asws} said to them: 'If you did your Ijtihad you did not hit the truth, and if you spoke by your opinion, so you have erred'. Then he^{asws} said: 'Upon you (Umar) is the (payment of the) wergild of the child'.¹¹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَفَ عَلَى امْرَأَتِهِ أَوْ امْرَأَةٍ أَعْتَفَتْ عَلَى زَوْجِهَا فَقَتَلَ أَحَدُهُمَا الْآخَرَ قَالَ لَا شَيْءَ عَلَيْهِمَا إِذَا كَانَا مَأْمُونَيْنِ فَإِنْ أَتَاهُمَا الزِّمَامُ الْيَمِينُ بِاللَّهِ أَتَاهُمَا لَمْ يُرِيدَا الْقَتْلَ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who was fierce upon his woman, or a woman who was fierce upon her husband, so one of the them killed the other one. He^{asws} said: 'There is nothing upon both of them, when they were two trustworthy ones. So if they are brought, the swearing of oath by Allah^{azwj} would be necessitated upon them both that they did not intend the killing'.¹¹⁹

مُحَمَّدُ بْنُ يَحْيَى رَفَعَهُ فِي غُلَامٍ دَخَلَ دَارَ قَوْمٍ فَوَقَعَ فِي الْبُئْرِ فَقَالَ إِنْ كَانُوا مُتَّهِمِينَ ضَمُّوْا .

Muhammad Bin Yahya, raising it,

Regarding a boy who entered a house of a people, so he fell down into well. So he^{asws} said: 'If they were suspicious, they would be responsible'.¹²⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ بُرَيْدِ الْعَجَلِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ مُؤْمِنٍ قَتَلَ رَجُلًا نَاصِبًا مَعْرُوفًا بِالنَّصَبِ عَلَى دِينِهِ غَضَبًا لِلَّهِ تَبَارَكَ وَتَعَالَى أَمْ هُوَ لَا؟ فَيَقْتُلُونَهُ بِهِ وَ لَوْ رُفِعَ إِلَى إِمَامٍ عَادِلٍ ظَاهِرٍ لَمْ يَقْتُلْهُ بِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Bureyd Al Ajaly who said,

'I asked Abu Abdullah^{asws} about a Believer who kills a well-known Hostile one (Nasibi), upon his Religion, being angry for the Sake of Allah^{azwj} Blessed and High, would he be killed due to it?' He^{asws} said: 'As for them (rulers), so they would kill him for it, but if it were raised to a Just Imam^{asws} present, he would not be killed for it'.

قُلْتُ فَيَبْطُلُ دَمُهُ قَالَ لَا وَ لَكِنْ إِنْ كَانَ لَهُ وَرَثَةٌ فَعَلَى الْإِمَامِ أَنْ يُعْطِيَهُمُ الدِّيَّةَ مِنْ بَيْتِ الْمَالِ لِأَنَّ قَاتِلَهُ إِنَّمَا قَتَلَهُ غَضَبًا لِلَّهِ عَزَّ وَ جَلَّ وَ لِلْإِمَامِ وَ لِدِينِ الْمُسْلِمِينَ .

I said, 'So his blood would be invalidated'. He^{asws} said: 'No, but if there were inheritors for him, so it would be upon the Imam^{asws} that he^{asws} gives them the wergild from the public treasury of the Muslims, because his killer, but rather his killing was an (act of) anger for the Sake of Allah^{azwj} Mighty and Majestic, and for the Imam^{asws}, and for the Religion of the Muslims'.¹²¹

¹¹⁸ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 11

¹¹⁹ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 12

¹²⁰ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 13

¹²¹ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 14

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ رَبَاطٍ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي مَخْلَدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كُنْتُ عِنْدَ دَاوُدَ بْنِ عَلِيٍّ فَأَتَانِي بِرَجُلٍ قَدْ قَتَلَ رَجُلًا فَقَالَ لَهُ دَاوُدُ بْنُ عَلِيٍّ مَا تَقُولُ قَتَلْتَ هَذَا الرَّجُلَ قَالَ نَعَمْ أَنَا قَتَلْتُهُ قَالَ فَقَالَ لَهُ دَاوُدُ وَ لِمَ قَتَلْتُهُ قَالَ فَقَالَ إِنَّهُ كَانَ يَدْخُلُ عَلَى مَنْزِلِي بِغَيْرِ إِذْنِي فَاسْتَعْدَيْتُ عَلَيْهِ الْوَلَاةَ الَّذِينَ كَانُوا قَبْلَكَ فَأَمَرُونِي أَنْ هُوَ دَخَلَ بِغَيْرِ إِذْنٍ أَنْ أَقْتُلَهُ فَقَتَلْتُهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, and Ali Bin Ibrahim, from his father, both together, from Ibn Mahboub, from Ali Bin Al Hassan Bin Rabaat, from Ibn Muskan, from Abu Makhlad,

(It has been narrated) from Abu Abdullah^{asws}, having said, 'I^{asws} was in the presence of Dawood Bin Ali, so they came with a man who had killed a man. So Dawood Bin Ali said to him, 'What are you saying, having killed this man?' He said, 'Yes, I did kill him'. So Dawood said to him, 'And why did you kill him?' So he said, 'He used to enter into my house without my permission. So I made claims against him to the rules who were before you, so they instructed me that if he were to enter without my permission so I should kill him. So I killed him'.

قَالَ فَأَلْتَقَيْتُ دَاوُدَ إِلَيَّ فَقَالَ يَا أَبَا عَبْدِ اللَّهِ مَا تَقُولُ فِي هَذَا قَالَ قَتَلْتُ لَهُ أَرَى أَنَّهُ قَدْ أَقَرَّ بِقَتْلِ رَجُلٍ مُسْلِمٍ فَأَقْتُلْتُهُ قَالَ فَأَمَرَ بِهِ فَقَتَلَ

He^{asws} said: 'So Dawood turned towards me, so he said, 'O Abu Abdullah^{asws}! What are you^{asws} saying regarding this?' So I^{asws} said to him: 'I^{asws} view that he has confessed with the killing of a Muslim man, so kill him'. So he ordered for it, so he was killed.

ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّ أَنْاسًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) كَانَ فِيهِمْ سَعْدُ بْنُ عُبَادَةَ فَقَالُوا يَا سَعْدُ مَا تَقُولُ لَوْ ذَهَبْتَ إِلَى مَنْزِلِكَ فَوَجَدْتَ فِيهِ رَجُلًا عَلَى بَطْنِ امْرَأَتِكَ مَا كُنْتَ صَانِعًا بِهِ قَالَ فَقَالَ سَعْدُ كُنْتُ وَ اللَّهُ أَضْرِبُ رَقَبَتَهُ بِالسَّيْفِ

Then Abu Abdullah^{asws} said: 'There were people from the companions of Rasool-Allah^{azwj}, and among when was Sa'ad Bin Ubada. So they said, 'O Sa'ad! What are you saying, if you were to go to your house, so you find in it a man upon the belly of your wife, what would you do with him?' So Sa'ad said, 'By Allah^{azwj}! I would strike his neck with the sword'.

قَالَ فَخَرَجَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ هُمْ فِي هَذَا الْكَلَامِ فَقَالَ يَا سَعْدُ مَنْ هَذَا الَّذِي قُلْتَ أَضْرِبُ عَنْقَهُ بِالسَّيْفِ قَالَ فَأَخْبَرَهُ بِالَّذِي قَالُوا وَ مَا قَالَ سَعْدُ قَالَ فَقَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عِنْدَ ذَلِكَ يَا سَعْدُ فَأَتَيْنَ الشُّهُودُ الْأَرْبَعَةَ الَّذِينَ قَالَ اللَّهُ عَزَّ وَ جَلَّ فَقَالَ سَعْدُ يَا رَسُولَ اللَّهِ بَعْدَ رَأْيِ عَيْنِي وَ عِلْمِ اللَّهِ فِيهِ أَنَّهُ قَدْ فَعَلَ فَقَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِي وَ اللَّهُ يَا سَعْدُ بَعْدَ رَأْيِ عَيْنِكَ وَ عِلْمِ اللَّهِ عَزَّ وَ جَلَّ إِنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ جَعَلَ لِكُلِّ شَيْءٍ حَدًّا وَ جَعَلَ عَلَى مَنْ تَعْدَى حُدُودَ اللَّهِ حَدًّا وَ جَعَلَ مَا دُونَ الشُّهُودِ الْأَرْبَعَةِ مَسْئُورًا عَلَى الْمُسْلِمِينَ .

He^{asws} said: 'So Rasool-Allah^{saww} came out, and they were in this speech, so he^{saww} said: 'O Sa'ad! Who is this one whom you are speaking that, 'I would strike his neck with the sword?' So he informed him^{saww} with that which they had said, and what Sa'ad had said. So Rasool-Allah^{saww} said during that: 'O Sa'ad! So where are the four witnesses whom Allah^{azwj} Mighty and Majestic Speaks of?' So Sa'ad said, 'O Rasool-Allah^{saww}! After my having seen with my own eyes, and Allah^{azwj} Knows that he has done it?' So Rasool-Allah^{saww} said: 'Yes, by Allah^{azwj}, O Sa'ad! After your eyes have seen, and Allah^{azwj} Mighty and Majestic Knows. Allah^{azwj} Mighty and Majestic has Made a Limit for everything, and Made for everyone who exceeds the

Limits of Allah^{azwj} a legal penalty (*Hadd*), and Made whatever was less than the four witnesses as a veil upon the Muslims'.¹²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ رَجُلٍ مِنْ أَصْحَابِنَا عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ لَنَا جَاراً مِنْ هَمْدَانَ يُقَالُ لَهُ الْجَعْدُ بْنُ عَبْدِ اللَّهِ وَهُوَ يَجْلِسُ إِلَيْنَا فَتَذْكُرُ عَلَيَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) وَفَضْلَهُ فَيَقْعُ فِيهِ أَفْتَادُنْ لِي فِيهِ فَقَالَ لِي يَا أَبَا الصَّبَّاحِ أَفَكُنْتَ فَاعِلًا فَقُلْتُ إِي وَ اللَّهِ لَئِنْ أَذْنْتُ لِي فِيهِ لَأَرْصُدَنَّهُ فَإِذَا صَارَ فِيهَا أَفْتَحَمْتُ عَلَيْهِ بِسَيْفِي فَخَبِطْتُهُ حَتَّى أَقْتُلَهُ قَالَ فَقَالَ يَا أَبَا الصَّبَّاحِ هَذَا الْفَتْكُ وَ قَدْ نَهَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنِ الْفَتْكِ يَا أَبَا الصَّبَّاحِ إِنَّ الْإِسْلَامَ قَيْدُ الْفَتْكِ وَ لَكِنْ دَعُهُ فَسُكِّفِي بِغَيْرِكَ

Ali Bin Ibrahim, form his father, from Ibn Mahboub, from a man from our companions, from Abu Al Sabbah Al Kinany who said,

'I said to Abu Abdullah^{asws} that we have a neighbour from Hamdan called Al-Ja'd Bin Abdullah, and he was sitting with us. So we mentioned Ali^{asws} Amir Al-Momineen^{asws}, and his^{asws} merits, but he falls out with us with regards to it (quarrels with us). Do you^{asws} permit me with regards to (killing) him?' So he^{asws} said to me: 'O Abu Al-Sabbah! Will you do it?' So I said, 'Yes, by Allah^{azwj}! If you^{asws} were to permit me with regards to it, I would ambush him. So when the time comes, I would storm upon him with my sword and strike him until I kill him'. He^{asws} said: 'O Abu Al Sabbah, this is the assassination, and Rasool-Allah^{saww} has forbidden from the assassination. O Abu Al-Sabbah! Al-Islam retaliates the assassination. But, leave him, so it would be sufficed by other than you'.

قَالَ أَبُو الصَّبَّاحِ فَلَمَّا رَجَعْتُ مِنَ الْمَدِينَةِ إِلَى الْكُوفَةِ لَمْ أَلْبَثْ بِهَا إِلَّا ثَمَانِيَةَ عَشَرَ يَوْماً فَخَرَجْتُ إِلَى الْمَسْجِدِ فَصَلَّيْتُ الْفَجْرَ ثُمَّ عَقَبْتُ فَإِذَا رَجُلٌ يَحْرُكُنِي بِرِجْلِهِ فَقَالَ يَا أَبَا الصَّبَّاحِ الْبُشْرَى فَقُلْتُ بَشْرَكَ اللَّهُ بِخَيْرٍ فَمَا ذَاكَ فَقَالَ إِنَّ الْجَعْدَ بْنَ عَبْدِ اللَّهِ بَاتَ الْبَارِحَةَ فِي دَارِهِ الَّتِي فِي الْجَبَانَةِ فَأَيَّقَطُوهُ لِلصَّلَاةِ فَإِذَا هُوَ مِثْلُ الزُّقِّ الْمُنْفُوخِ مَيِّتاً فَذَهَبُوا يَحْمِلُونَهُ فَإِذَا لَحْمُهُ يَسْقُطُ عَنْ عَظْمِهِ فَجَمَعُوهُ فِي نَطْعٍ فَإِذَا تَحْتَهُ أَسْوَدٌ فَذَفَقُوهُ

Abu Al-Sabbah said, 'So when I returned from Al-Medina to Al-Kufa, there had not elapsed except for eighteen days, when I went out to the Masjid, so I Prayed Al-Fajr, then optional, so there was a man to stirred me with his left, so he said, 'O Abu Al-Sabbah! The good news'. So I said, 'May Allah^{azwj} Give you good news with the goodness, so what is that'. So he said, 'Al-Ja'd Bin Abdullah was sleeping last night in his house in al-Jabanah, so (they came) to wake him up was for the Prayer, but there he was all puffed up like the balloon and dead. So they went to carry him, but his flesh kept falling off from his bones. So they gathered him in a leather rug, and there was a black (snake) underneath him. So they buried him'.¹²³

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ ابْنِ مَحْبُوبٍ مِثْلُهُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ibn Mahboub – similar to it.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ رَفَعَهُ عَنْ بَعْضِ أَصْحَابِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَظُنُّهُ أَبَا عَاصِمٍ السَّجِسْتَانِيَّ قَالَ زَامَلْتُ عَبْدَ اللَّهِ بْنَ النَّجَّاشِيِّ وَكَانَ يَرَى رَأْيَ الزَّيْدِيَّةِ فَلَمَّا كُنَّا بِالْمَدِينَةِ ذَهَبَ إِلَى عَبْدِ اللَّهِ بْنِ الْحَسَنِ وَ ذَهَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَلَمَّا أَنْصَرَفَ رَأَيْتُهُ مُغْتَمًا فَلَمَّا أَصْبَحَ قَالَ لِي اسْتَأْذِنْ لِي عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَدَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ قُلْتُ إِنَّ عَبْدَ اللَّهِ بْنَ النَّجَّاشِيِّ يَرَى رَأْيَ الزَّيْدِيَّةِ وَ إِنَّهُ ذَهَبَ إِلَى عَبْدِ اللَّهِ بْنِ الْحَسَنِ وَ قَدْ سَأَلَنِي أَنْ اسْتَأْذِنَ لَهُ عَلَيْكَ فَقَالَ أُنْذِرْ لَهُ

¹²² Al Kafi – V 7 – The Book of Wergilds Ch 54 H 15

¹²³ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 16

Ali Bin Ibrahim, from his father, raising it,

(It has been narrated) from one of the companions of Abu Abdullah^{asws}, I guess it was Abu Aasim Al-Sajistany who said, 'I was a fellow traveller of Abdullah Bin Al-Najjashy, and he viewed by the opinion of Al-Zaydiyya. So when we were at Al-Medina, he went to Abdullah Bin Al-Hassan (Al Basry), and I went to Abu Abdullah^{asws}. So when I left, I saw him gloomy. So when it was the morning he said to me, 'Get me permission to (see) Abu Abdullah^{asws}. So I went over to Abu Abdullah^{asws} and said, 'Abdullah Bin Al-Najjashy, who views by the opinions of Al-Zaydiyya, and he had gone to Abdullah Bin Al-Hassan, and has asked me that I seek permission for him, to (see) you^{asws}. So he^{asws} said; 'Give permission to him'.

فَدَخَلَ عَلَيْهِ فَسَلَّمَ فَقَالَ يَا ابْنَ رَسُولِ اللَّهِ إِنِّي رَجُلٌ أَتَوَّلَاكُمْ وَأَقُولُ إِنَّ الْحَقَّ فِيكُمْ وَقَدْ قَتَلْتُ سَبْعَةً مِنْ سَمِيعَتِهِ بِشَيْءٍ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) فَسَأَلْتُ عَنْ ذَلِكَ عَبْدَ اللَّهِ بْنَ الْحَسَنِ فَقَالَ لِي أَنْتَ مَأْخُودٌ بِدِمَائِهِمْ فِي الدُّنْيَا وَالْآخِرَةِ فَقُلْتُ فَعَلَامَ نُعَادِي النَّاسَ إِذَا كُنْتُ مَأْخُودًا بِدِمَاءِ مَنْ سَمِيعَتُهُ يَشْتُمُ عَلَيَّ بْنُ أَبِي طَالِبٍ (عليه السلام)

So he came over to him^{asws}, so he said, 'O son^{asws} of Rasool-Allah^{saww}! I am a man who has befriended you^{asws}, and I am saying that the truth is among you^{asws}, and I have killed seven from the ones whom I heard insulting Amir Al-Momineen^{asws}. So I asked Abdullah Bin Al-Hassan about that, so he said to me, 'You will be seized for their blood in the world and the Hereafter'. So I said, 'So why do the people antagonise me when I am to be seized with the blood of the one I hear insulting Ali^{asws} Bin Abu Talib^{asws}?'

فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عليه السلام) فَكَيْفَ قَتَلْتَهُمْ قَالَ مِنْهُمْ مَنْ جَمَعَ بَيْنِي وَبَيْنَهُ الطَّرِيقَ فَقَتَلْتُهُ وَمِنْهُمْ مَنْ دَخَلْتُ عَلَيْهِ بَيْتَهُ فَقَتَلْتُهُ وَقَدْ خَفِيَ ذَلِكَ عَلَيَّ كُلُّهُ قَالَ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عليه السلام) يَا أَبَا خَدَّاشٍ عَلَيْكَ بِكُلِّ رَجُلٍ مِنْهُمْ قَتَلْتُهُ كَبِشَ تَذْبُحُهُ بِمَنَى لِأَنَّكَ قَتَلْتَهُمْ بِغَيْرِ إِذْنِ الْإِمَامِ وَلَوْ أَنَّكَ قَتَلْتَهُمْ بِإِذْنِ الْإِمَامِ لَمْ يَكُنْ عَلَيْكَ شَيْءٌ فِي الدُّنْيَا وَالْآخِرَةِ.

So Abu Abdullah^{asws} said to him: 'So how did you kill them?' He said, 'Among them was one whom there was a gathering between me and him, on the road, so I killed him. And among them was one whom I went over to, in his house, so I killed him, and that is concealed (matter) upon me, all of it'. So Abu Abdullah^{asws} said to him: 'O Abu Jidash! It is upon you, with each man you killed from them, a ram. You should slaughter it at Mina, because you killed them without permission from the Imam^{asws}. And had you kill them with the permission of the Imam^{asws}, there would not happen to be upon you anything in the world and the Hereafter'.¹²⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ الْهَيْثَمِ بْنِ أَبِي مَسْرُوقٍ النَّهْدِيِّ عَنْ مَرْوَكِ بْنِ عُبَيْدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ مَنصُورِ بْنِ حَازِمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) كُنْتُ أَخْرَجُ فِي الْحَدَاثَةِ إِلَى الْمَخَارِجَةِ مَعَ شَبَابِ أَهْلِ الْحَيِّ وَإِنِّي بُلِيْتُ أَنْ ضَرَبْتُ رَجُلًا ضَرْبَةً بَعْضًا فَقَتَلْتُهُ فَقَالَ أَ كُنْتُ تَعْرِفُ هَذَا الْأَمْرَ إِذْ ذَاكَ قَالَ قُلْتُ لَا فَقَالَ لِي مَا كُنْتُ عَلَيْهِ مِنْ جَهْلِكَ بِهَذَا الْأَمْرِ أَشَدَّ عَلَيْكَ مِمَّا دَخَلْتُ فِيهِ.

A number of our companions, from Sahl Bin Ziyad, from Al Haysam Bin Abu Masrouq Al nahdy, from Marouk Bin Ubeyd, from one of our companions, from Mansour Bin Hazim who said,

'I said to Abu Abdullah^{asws}, 'I had gone out with regards to the need to the outskirts with youths of the people of Al-Hayy, and I had a misadventure that I struck a man with a strike of a stick, so I killed him'. So he^{asws} said: 'Did you recognise this matter (Al-Wilayah) when that (happened)?' I said, 'No'. So he^{asws} said to me: 'What you

¹²⁴ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 17

were upon from your ignorance with this matter (Al-Wilayah) is severer upon you from what you have entered into'.¹²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مَرْوَكِ بْنِ عُبَيْدٍ مِثْلَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Marouk Bin Ubeyd – similar to it.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ مَنْ أَقْتَصَّ مِنْهُ فَهُوَ قَتِيلُ الْقُرْآنِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who is retaliated from it (Al-Wilayah), so he is killed (by the) Quran'.¹²⁶

وَبِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) الْبُئْرُ جُبَارٌ وَالْعَجْمَاءُ جُبَارٌ وَالْمَعْدِنُ جُبَارٌ .

And by this chain,

He^{asws} said: 'Rasool-Allah^{saww} said: '(Being killed by) the well is 'Jubarru', (no wergild for it), and (being killed by) the beasts, is 'Jubarru' (no wergild for it), and (being killed by) the mines, is 'Jubarru' (no wergild for it'.¹²⁷

وَبِهَذَا الْإِسْنَادِ قَالَ رَفَعَ إِلَى أَمِيرِ الْمُؤْمِنِينَ (صلوات الله عليه) رَجُلٌ دَاسَ بَطْنٍ رَجُلٍ حَتَّى أَحْدَثَ فِي ثِيَابِهِ فَقَضَى (عليه السلام) عَلَيْهِ أَنْ يُدَاسَ بَطْنُهُ حَتَّى يُحْدِثَ فِي ثِيَابِهِ كَمَا أَحْدَثَ أَوْ يَغْرَمَ ثُلُثَ الدِّيَةِ .

And by this chain, said,

'(A matter) was raised to Amir Al-Momineen^{asws} of a man who squeezed the stomach of a man until he defecated in his clothes. So he^{asws} judged upon him that he (also) be squeezed in the stomach until he defecate in his clothes, just as he (the other one) had defecated, or he is fined one-third of the wergild'.¹²⁸

هَذَا آخِرُ كِتَابِ الدِّيَاتِ وَ يَتْلُوهُ إِنْ شَاءَ اللَّهُ تَعَالَى كِتَابُ الشَّهَادَاتِ .

This is the end of the Book of the Wergilds, and it would be followed, Allah^{azwj} the Exalted Willing, by the book of the testimonies.

¹²⁵ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 18

¹²⁶ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 19

¹²⁷ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 20

¹²⁸ Al Kafi – V 7 – The Book of Wergilds Ch 54 H 21