

# بحار الأنوار

## BIHAR AL-ANWAAR

الجزء الحادي بعد المائة

Volume 101

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**Bihar Al-Anwaar – The summary of the pearls of the  
Ahadeeth of the Pure Imams<sup>-asws</sup>**

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Author – The Allama, the pride of the community, the Mullah, the Sheikh Muhammad  
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## CHAPTER 41 – THE OATH OF ‘AL QASAMAH’

1- ع، علل الشرائع ن، عيون أخبار الرضا عليه السلام في علل ابن سنان عن الرضا ع أنه كتب إليه العلة في أن البيّنة في جميع الحُقوق على المدعي و البيّين على المدعى عليه ما خلا الدّم لأنّ المدعى عليه جاحدٌ و لا يمكن إقامة البيّنة على الجحود لأنّه مجهول

(The book) ‘Ilal Al-Sharaie’, ‘Uyoun Akhbar Al-Reza<sup>-asws</sup>’, the greeting be upon him<sup>-asws</sup>, in ‘Ilal’ of Ibn Sinan, from Al-Reza<sup>-asws</sup> having written to him the reason regarding all matters of rights, the evidence is upon the claimant and the oath is upon the one who denies, except in cases of blood. This is because the one accused of bloodshed is a denier, and it is not possible to establish evidence against denial, since it is unknown.

و صارت البيّنة في الدّم على المدعى عليه و البيّين على المدعي لأنّه حوطٌ يخطأ به المسلمون لئلا يبطل دم امرئ مسلمٍ و ليكون ذلك زاجراً و ناهياً للقاتل لشدّة إقامة البيّنة عليه لأنّ من يشهد على أنّه لم يفعل قليلٌ

Therefore, the evidence in cases of blood is upon the accused, and the oath is upon the claimant. This is to safeguard the Muslims, so that the blood of a Muslim person is not lost in vain, and to serve as a deterrent and warning to the killer due to the difficulty of establishing proof against him, for there are few who would testify that he did not do it.

و أمّا علة القسامة أن جعلت خمسين رجلاً فلما في ذلك من التعليل و التشديد و الاحتياط لئلا يهدر دم امرئ مسلمٍ.

As for the reason that the oath in ‘Qasamah’ is made by fifty men, it is because of the gravity, emphasis, and precaution involved, so that the blood of a Muslim person is not disregarded’.<sup>1</sup>

2- ب، قرب الإسناد أبو البخترى عن الصادق ع عن أبيه ع أنه أتى عليّ ع يقبل و وجد بالكوفة مقطّعا فقال سلوا عليه ما قدرتم عليه بيّنة

(The book) ‘Qurb Al Isnaad’ – Abu Al Bkahtari,

From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup>: ‘Ali<sup>-asws</sup> was brought a killed one found at Al-Kufa, mutilated. He<sup>-asws</sup> said: ‘Ask around about him whatever you are able upon, for any proof!’

ثم استخلفهم قسامة بالله ما قتلنا و لا علمنا قاتلاً و ضمنهم الدية.

Then he<sup>-asws</sup> made them swear an oath of ‘Qasamah’, ‘By Allah<sup>-azwj</sup>, neither did we kill nor do we know the killer’, and he<sup>-asws</sup> made them responsible for the wergild’.<sup>2</sup>

3- ع، علل الشرائع أبي عن سعد عن محمد بن الحسين عن ابن أبي عمير عن ابن أذينة عن بُريد عن أبي عبد الله ع قال: سألتُه عن القسامة فقال الحُقوق كُلُّها البيّنة على المدعي و البيّين على المدعى عليه إلا في الدماء خاصة فإنّ رسول الله ص بيّنا هو بخير إذ فقدت الأنصار رجلاً منهم فوجدوه قتيلاً فقالت الأنصار فلان اليهودي قتل صاحبنا

<sup>1</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 1

<sup>2</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 2

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Muhammad Bin Al Husayn, from Ibn Abu Umeyr, from Ibn Uzina, from Bureyd,

From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the 'Qasamah'. He<sup>-asws</sup> said: 'In all rights the proof is upon the claimant and the oath is upon the one claimed against except specifically in blood, for while Rasool-Allah<sup>-saww</sup> was at Khaybar the Helpers lost a man of theirs and found him slain, and the Helpers said, 'So and so the Jew killed our companion!'

فَقَالَ رَسُولُ اللَّهِ ص لِلطَّلَبِينَ أَقِيمُوا رَجُلَيْنِ عَدْلَيْنِ مِنْ غَيْرِكُمْ أَقْدَهُ بِرُمَّتَيْهِ فَإِنْ لَمْ تَجِدُوا شَاهِدَيْنِ فَأَقِيمُوا قَسَامَةَ خَمْسِينَ رَجُلًا أَقْدَهُ بِهِ بِرُمَّتَيْهِ

And Rasool-Allah<sup>-saww</sup> said to the claimants: 'Appoint two just men from outside yourselves and bring him bound by his garment, and if you do not find two witnesses then establish the *Qasamah* of fifty men and bring him bound by his cloak!'

فَقَالُوا يَا رَسُولَ اللَّهِ ص مَا عِنْدَنَا شَاهِدَانِ مِنْ غَيْرِنَا وَإِنَّا لَنَكْرَهُ أَنْ نُقْسِمَ عَلَى مَا لَمْ نَرَهُ

They said, 'O Rasool-Allah<sup>-saww</sup>! We do not have two witnesses with us, apart from us two, and we dislike swearing about what we did not see!'

فَوَدَّاهُ رَسُولُ اللَّهِ ص مِنْ عِنْدِهِ

So Rasool-Allah<sup>-saww</sup> paid the wergild from himself<sup>-saww</sup>.

ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ رَسُولَ اللَّهِ ص إِذَا رَأَى الْفَاجِرَ الْفَاسِقَ فُرْصَةً مِنْ عَدُوِّهِ حَجَزَهُ خَافَةَ الْقَسَامَةِ أَوْ يُقْتَلُ بِهِ فَيَكْفُ عَنْ قَتْلِهِ وَإِلَّا حَلَفَ الْمُدَّعَى عَلَيْهِمْ قَسَامَةَ خَمْسِينَ رَجُلًا مَا قَتَلْنَا وَلَا عَلِمْنَا قَاتِلًا ثُمَّ أَعْرَمُوا الدِّيَةَ إِذَا وَجَدُوا قَتِيلًا بَيْنَ أَظْهُرِهِمْ إِذَا لَمْ يُقْسِمِ الْمُدَّعُونَ.

Then Abu Abdullah<sup>-asws</sup> said: 'Rasool-Allah<sup>-saww</sup> only preserved the blood of Muslims by the *Qasamah* so that if the wicked and sinful sees an opportunity against his enemy he would be restrained by fear of the *Qasamah* or be killed by it and thus desist from killing, otherwise the accused would swear the *Qasamah* of fifty men, 'we did not kill him and we do not know a killer' and then they would be liable to pay the wergild if they found a slain among their ranks when the claimants did not swear'.<sup>3</sup>

4- ع، علل الشرائع أَبِي عَنْ سَعْدِ بْنِ أَبِي عَيْسَى عَنِ ابْنِ أَبِي نُجْرَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنِ الْقَسَامَةِ قَالَ هِيَ حَقٌّ وَ لَوْ لَا ذَلِكَ لَقَتَلَ النَّاسُ بَعْضُهُمْ بَعْضًا وَ لَمْ يَكُنْ بَيْنَهُمْ وَ إِذَا الْقَسَامَةُ حَوَظٌ يَحْتَاطُ بِهَا النَّاسُ.

(The book) 'Ilal Al Sharaie' – My father, from Sa'ad, from Ibn Isa, from Ibn Abu Najran, from Abdullah Bin Sinan,

From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about the 'Qasamah'. He<sup>-asws</sup> said: 'It is right (rightful law), and had it not been that, people would kill one another without consequence. The *Qasamah* is a safeguard by which people are protected'.<sup>4</sup>

<sup>3</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 3

<sup>4</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 4

5- ع، علل الشرائع ماجيلويه عن محمد العطار عن سهل عن اليقطيني عن يونس عن ابن سنان قال سمعت أبا عبد الله ع يقول إنما وضعت القسامة لعل الخوط يختاط به على الناس لكي إذا رأى الفاجر عدوه فر منه مخافة القصاص.

(The book) 'Ilal Al Sharaih' – Majaylawiya, from Muhammad Al Attar, from Sahl, from Al Yaqteeny, from Yunus, from Ibn Sinan who said,

'I heard Abu Abdullah<sup>-asws</sup> saying: 'But rather, the *Qasamah* has been placed for the reason of protection, as a safeguard for the people, so that when a wicked man sees his enemy, he will avoid him out of fear of retaliation'.<sup>5</sup>

6 سن، المحاسن أبي عن يونس مثله.

(The book) 'Al Mahasin' – My father, from Yunus, similar to it.<sup>6</sup>

7- ضا، فقه الرضا عليه السلام وقد جعل للجسد كله ست فرائض النفس والبصر والسمع والكلام والشلل من اليدين والرجلين وجعل مع كل واحد من هذه قسامة على نحو ما قضت الديته

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'It has been established that for the entire body there are six main obligations - life, sight, hearing, speech, and paralysis of the hands and feet. With each of these, there is a prescribed oath (*Qasamah*) corresponding to the division of blood money.

فجعل للنفس على العمد من القسامة خمسون رجلاً وعلى الحنط خمسون وعشرون رجلاً على ما يبلغ دية كاملة ومن الجروح ستة نفر فما كان دون ذلك فحسابه من الستة نفر

For intentional killing, the *Qasamah* consists of fifty men, and for accidental killing, twenty-five men, corresponding to the amount of a full wergild. For wounds, six men are required, and for fewer than that, it is proportionate to the six.

والبينة في جميع الحقوق على المدعي فقط واليمين على من أنكر إلا في الدم فإن البينة أولاً على المدعي وهو شاهدا عدل من غير أهله إن ادعى عليه قتله فإن لم يجد شاهدين عدلين فقسامته وهي خمسون رجلاً من خيارهم يشهد بالقتل

In all claims of rights, the evidence is upon the claimant only, and the oath is upon the one who denies, except in cases of blood. In those, the evidence is first upon the claimant, of two just witnesses from outside his own people, if he claims that the accused killed him. If he cannot produce two just witnesses, then *Qasamah* is required of fifty of his upright men testifying to the killing.

فإن لم يكن ذلك طوالب المدعي عليه بالبينة أو بالقسامة أنه لم يقتله فإن لم يجد حلف المتهم خمسين يمينا أنه ما قتله ولا علم له قاتلاً فإن حلف فلا شيء عليه ثم يؤدى الديته أهل الحجر والقبيلة فإن أبي أن يحلف الزم الدم

<sup>5</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 5

<sup>6</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 6

If that cannot happen, then the accused must bring evidence or take the oath of *Qasamah* that he did not kill him. If he cannot bring witnesses, then the accused swears fifty oaths that he did not kill him and does not know the killer. If he swears, nothing is due from him, and the wergild is paid by the clans and tribe of the slain. But if he refuses to swear, then he is held responsible for the blood.

فَإِنْ قُتِلَ فِي عَسْكَرٍ أَوْ سُوقٍ فَدَيْتُهُ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ.

And if he was killed in a (military) camp or a marketplace, the wergild is paid from the public treasury of the Muslims'.<sup>7</sup>

8- ين، كتاب حسين بن سعيد و النوادر أحمد بن محمد عن عبد الله بن سنان عن أبي عبد الله ع أنه سأله عن القسامة هل جرت فيها سنة

The book of Haseen Bin Saeed, and 'Al Nawadir' – Ahmad Bin Muhammad, from Abdullah Bin Sinan,

From Abu Abdullah<sup>-asws</sup>, he<sup>-asws</sup> was asked about the *Qasamah*, 'Has the Sunnah flowed regarding it?'

قَالَ نَعَمْ كَانَ رَجُلَانِ مِنَ الْأَنْصَارِ يُصِيبَانِ الرِّمَارَ فَتَفَرَّقَا فَوُجِدَ أَحَدُهُمَا مَيِّتًا فَقَالَ أَصْحَابُهُ قَتَلَ صَاحِبَنَا الْيَهُودُ

He<sup>-asws</sup> said: 'Yes. There were two men from the helpers who went to gather fruit. They separated, and one of them was found dead. His companion said, 'The Jews have killed our companions!'

فَقَالَ لَهُمْ رَسُولُ اللَّهِ اخْلِفُوا الْيَهُودَ

Rasool-Allah<sup>-saww</sup> said to them: 'Get the Jews to swear oaths!'

قَالُوا كَيْفَ نَخْلِفُ عَلَى أَخِينَا قَوْمًا كُفَّارًا

They said, 'How can we make a group of Kafirs to swear oaths upon our brother?'

فَقَالُوا اخْلِفُوا أَنْتُمْ

He<sup>-saww</sup> said: 'They you swear the oaths!'

قَالُوا كَيْفَ نَخْلِفُ عَلَى مَا لَا نَعْلَمُ وَ لَمْ نَشْهَدْ

They said, 'How can we swear upon what we don't know and did not witness?'

فَوَدَّاهُ رَسُولُ اللَّهِ ص

So Rasool-Allah<sup>-saww</sup> paid it (wergild)'.  
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<sup>7</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 7

فُلْتُ كَيْفَ كَانَتْ الْقَسَامَةُ

I said, 'How did the *Qasamah* come to be?'

قَالَ هِيَ حَقٌّ لَوْ لَا ذَلِكَ لَقَتَلَ النَّاسُ بَعْضُهُمْ بَعْضًا وَإِنَّمَا الْقَسَامَةُ حَوْطٌ يُحَاطُ بِهِ النَّاسُ.

He<sup>-asws</sup> said: 'It is right (rightful law). Had it not been that, the people would have killed each other, and rather the *Qasamah* is a protection to protect the people with'.<sup>8</sup>

9- وَ عَنْهُ فِي رَجُلٍ مَاتَ وَ هُوَ جَالِسٌ مَعَ قَوْمٍ أَوْ وَجَدَ مَيِّتاً أَوْ قَبِيلاً فِي قَبِيلَةٍ مِنَ الْقَبَائِلِ أَوْ عَلَى بَابِ دَارِ قَوْمٍ قَالَ لَيْسَ عَلَيْهِمْ شَيْءٌ وَ لَا يُبْطَلُ دِينُهُ وَ لَكِنْ يَعْقَلُ.

And from him<sup>-asws</sup> regarding a man who died while he was seated with a people, or was found dead, or killed in a tribe from the tribes, or at the door of a house of a people. He<sup>-asws</sup> said: 'There isn't anything upon them, and his wergild will not be nullified, but it will be preserved!'<sup>9</sup>

باب 42 الجناية بين المسلم والكافر و الحر و العبد و بين الوالد و الولد و الرجل و المرأة

## CHAPTER 42 – THE FELONIES BETWEEN THE MUSLIM AND THE KAFIR, AND THE FREE AND THE SLAVE, AND BETWEEN THE FATHER AND THE SON, AND THE MAN (HUSBAND) AND THE WOMAN (WIFE)

1- ب، قرب الإسناد عليّ عن أخيه ع قال: سألتُهُ عن قَوْمٍ أَحْرَارٍ وَ مَمَالِكٍ اجْتَمَعُوا عَلَى قَتْلِ مَمْلُوكٍ مَا حَاهُمُ

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Musa Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about a group of free men and slaves gathered upon killing a slave, 'What is their state?'

قَالَ يُقْتَلُ مَنْ قَتَلَهُ مِنَ الْمَمَالِكِ وَ تُعْدِيهِ الْأَحْرَارُ.

He<sup>-asws</sup> said: 'The ones from the slaves who killed him will be killed, and the free ones can be ransomed'.<sup>10</sup>

2- وَ سَأَلْتُهُ عَ عَنْ قَوْمٍ مَمَالِكٍ اجْتَمَعُوا عَلَى قَتْلِ حُرٍّ مَا حَاهُمُ

And I asked him<sup>-asws</sup> about a group of slaves gathered upon killing a free man, 'What is their state?'

قَالَ يُقْتَلُونَ بِهِ.

<sup>8</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 8

<sup>9</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 41 H 9

<sup>10</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 1

He<sup>-asws</sup> said: 'They would be killed for it'.<sup>11</sup>

3- وَ سَأَلْتُهُ عَنْ قَوْمٍ أَحْرَارٍ اجْتَمَعُوا عَلَى قَتْلِ مَمْلُوكٍ مَا حَالُهُمْ

And I asked him<sup>-asws</sup> about a group of free men gathered upon killing a slave, 'What is their state?'

قَالَ يُؤَدُّونَ ثَمَنَهُ.

He<sup>-asws</sup> said: 'They have to pay his price (wergild)'.<sup>12</sup>

4- قَالَ: وَ سَأَلْتُهُ عَنْ مُكَاتَبٍ جَنَى جَنَائِيَّ عَلَى مَنْ مَا جَنَى

He said, 'And I asked him<sup>-asws</sup> about a contracted slave who commits a crime, 'Upon whom is what he had committed?'

قَالَ عَلَى الْمُكَاتَبِ.

He<sup>-asws</sup> said: 'Upon the contracted slave'.<sup>13</sup>

5- سن، المحاسن أبي عن صفوان عن عبد الرحمن بن الحجاج عن أبان بن تغلب قال: قلت لأبي عبد الله ع رجل قطع إصبع امرأة

(The book) 'Al Mahasin' – From Safwan, from Abdul Rahman Bin Al Hajjaj, from Aban Bin Tabligh who said,

'I said to Abu Abdullah<sup>-asws</sup>, 'A man cuts a finger of a woman'.

فَقَالَ فِيهَا عَشْرَةٌ مِنَ الْإِبِلِ

He<sup>-asws</sup> said: 'Regarding it are ten camels (compensation)'.

قُلْتُ قَطَعَ اثْنَتَيْنِ

I said, 'He cuts two?'

قَالَ فِيهِمَا عِشْرُونَ مِنَ الْإِبِلِ

He<sup>-asws</sup> said: 'Regarding it are twenty camels'.

قُلْتُ قَطَعَ ثَلَاثَ أَصَابِعَ

I said, 'He cuts three fingers?'

<sup>11</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 2

<sup>12</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 3

<sup>13</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 4

قَالَ فِيهَا ثَلَاثُونَ مِنَ الْإِبِلِ

He<sup>-asws</sup> said: 'Regarding it are thirty camels'.

فُلْتُ فَطَعَّ أَرْبَعًا

I said, 'He cuts four?'

قَالَ فِيهِنَّ عِشْرُونَ مِنَ الْإِبِلِ

He<sup>-asws</sup> said: 'Regarding it are twenty camels'.

فُلْتُ أَيْ يَطْعُ ثَلَاثًا وَ فِيهِنَّ ثَلَاثُونَ مِنَ الْإِبِلِ وَ يَطْعُ أَرْبَعًا وَ فِيهَا عِشْرُونَ مِنَ الْإِبِلِ

I said, 'He cuts three and regarding these are thirty camels, and he cuts four, and regarding these are twenty camels?'

قَالَ نَعَمْ إِنَّ الْمَرْأَةَ إِذَا بَلَغَتِ الثُّلُثَ مِنْ دِيَّةِ الرَّجُلِ سَقَلَتِ الْمَرْأَةُ وَ ارْتَفَعَ الرَّجُلُ إِنَّ السُّنَّةَ - لَا تُقَاسُ أَلَّا تَرَى أَهْمًا تُؤْمَرُ بِقِضَاءِ صَوْمِهَا وَ لَا تُؤْمَرُ بِقِضَاءِ صَلَاتِهَا

He<sup>-asws</sup> said: 'Yes. When a woman reaches the third of the wergild of a man, the woman is lowered and the man is raised. The Sunnah cannot be analogised! Can't you see that she has been Commanded to make up her (missed) fasts while she has not been Commanded to make up for her (missed) Salats?'

يَا أَبَانُ أَخَذْتَنِي بِالْقِيَاسِ وَ إِنَّ السُّنَّةَ إِذَا قِيسَتْ مُحِقَّ الدِّينِ.

O Aban! You tried to seize me<sup>-asws</sup> with the analogy, and when the Sunnah is analogised, it obliterates the religion!<sup>14</sup>

6- ضا، فقه الرضا عليه السلام المرأة ديئتها نصف دية الرجل و هو خمسمائة دينار و ديات الجراحات اعطيت بها ما لم يبلغ الثلث من دية الرجل فإذا جازت الثلث ردت إلى النصف

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'A woman's wergild is half that of a man, which is five hundred Dinars. The wergild for injuries is given for those that do not reach one-third of a man's blood money. When it reaches one-third, it is returned to half.'

نظير الأصبع من أصابع اليد للرجل و المرأة هما ستة في الدية و هي الإجماع مائة و ستة و ستون ديناراً و ثلثان و المرأة و الرجل في دية هذه الأصابع سوى لأنها إذا لم تجاوز الثلث فإن قطع للمرأة زيادة أصبع و هو ثلاثة و ثمانون ديناراً و ثلث حتى يصير الجميع أربعمائة و ستة عشر ديناراً و ثلثي دينار و حب لها من جميع ذلك مائتا دينار و ثمانين ديناراً و ثلث و ردت من بعد الثلث إلى النصف

<sup>14</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 5

For a finger of the hand, there are six in the wergild for both men and women. The thumb is valued at one hundred sixty-six and two-thirds Dinars, and the man and woman are equal in the wergild for these fingers. If it does not exceed one-third, and a finger is cut from a woman, the additional finger is eighty-three and one-third Dinars, until the total becomes four hundred sixteen and two-thirds Dinars. She is entitled to two hundred eighty-three and one-third Dinars, and after reaching one-third it is restored to half.

وَ دِيَّةُ الْعَبْدِ قِيمَتُهُ يَعْنِي ثَمَنُهُ وَ كَذَلِكَ دِيَّةُ الْأَمَةِ إِلَّا أَنْ يَتَجَاوَزَ ثَمَنُهَا دِيَّةَ الْحُرِّ فَإِنْ تَجَاوَزَ ذَلِكَ رُدَّ إِلَى دِيَّةِ الْحُرِّ وَ لَمْ يَتَجَاوَزْ بِالْعَبْدِ عَشْرَةَ آلَافٍ وَ بِالْأَمَةِ خَمْسَةَ آلَافٍ

The wergild of a slave is equal to his value, and likewise for a female slave, except if her value exceeds that of a free person, in which case it is returned to the wergild of a free person. It does not exceed ten thousand for a male slave, and five thousand for a female slave.

وَ مَنْ أَخَذَ مِمَّنْ عَضُوٍّ مِنْ أَعْضَائِهِ ثُمَّ قُبِلَ فَرَضِيٌّ وَرَثَتُهُ بَنِمَنْ ذَلِكَ الْعَضُوِّ إِنْ اخْتَارُوا قَتْلَ قَاتِلِهِ وَ إِنْ اخْتَارُوا الدِّيَّةَ فَإِنَّ دِيَّةَ النَّفْسِ وَحَدَهَا كَمَا بَيَّنَّاهُ عَشْرَةَ آلَافٍ دِرْهَمٍ وَ ذَلِكَ مَا تَلَزَمُ مِنَ الدِّيَّاتِ بِالْبَيِّنَةِ وَ الْإِقْرَارِ

Whoever takes the price of a body part from another's body, and then is killed, his heirs inherit the price of that body part if they choose the wergild, or if they choose the killing, the wergild for the life alone is ten thousand Dirhams as explained. This is what is required of wergild by evidence and confession.

فَإِنْ مَاتَ الْجُنَاةُ وَ أُفِيضَتْ فِيهِمْ الْحُدُودُ فَقَدْ طَهَّرُوا فِي الدُّنْيَا وَ الْآخِرَةِ وَ إِنْ لَمْ يَتُوبُوا كَانَ الْوَعِيدُ عَلَيْهِمْ بَاقِيًا بِحَالِهِ وَ حَسْبُهُمْ اللَّهُ جَلَّ وَ عَزَّ إِنْ شَاءَ عَذَابٌ وَ إِنْ شَاءَ عَقَابٌ

If the criminals die and the legal penalties are established upon them, they are purified in this world and the Hereafter. If they do not repent, the warning remains upon them as it is, and Allah<sup>-azwj</sup> Majestic and Mighty is Sufficient for them. if He<sup>-azwj</sup> Desires, He<sup>-azwj</sup> Punishes, and if He<sup>-azwj</sup> Desires, He<sup>-azwj</sup> forgives.

وَ لَا يُقَادُ الْوَالِدُ بِوَالِدِهِ وَ يُقَادُ الْوَالِدُ بِوَالِدِهِ.

A parent cannot be retaliated for his child, and the child cannot be retaliated for his parent'.<sup>15</sup>

7- شي، تفسير العياشي عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع فِي قَوْلِهِ الْحُرُّ بِالْحُرِّ وَ الْعَبْدُ بِالْعَبْدِ وَ الْأُنْثَى بِالْأُنْثَى قَالَ لَا يُقْتَلُ حُرٌّ بِعَبْدٍ وَ لَكِنْ يُضْرَبُ ضَرْبًا شَدِيدًا وَ يُعْرَمُ دِيَّةُ الْعَبْدِ وَ إِنْ قَتَلَ رَجُلٌ امْرَأَةً فَأَرَادَ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَقْتُلُوهُ أَدَّوْا نِصْفَ دِيَّتِهِ إِلَى أَهْلِ الرَّجُلِ.

Tafseer Al Ayyashi – From Sama'at,

From Abu Abdullah<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **the free with the free, and the slave with the slave, and the female with the female [2:178]**. He<sup>-asws</sup> said: 'A free man cannot be killed for the slave, but he would be struck a severe strike and penalised wergild of the slave; and if

<sup>15</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 6

a man were to kill a woman and the guardians of the killed one want to kill him, they will have to pay half the wergild to the family of the man'.<sup>16</sup>

8- قب، المناقب لابن شهر آشوب ابن بطة و شريك بإسنادهما عن ابن أبي عمير قال: إن علياً ع رفع إليه مملوك قتل حراً قال يدفع إلى أولياء المقتول

(The book) 'Al Manaqib' of Ibn Shehr Ashoub – Ibn Buttah and Shareek, by their chains from Ibn Abjar Al Bajali who said,

'Ali<sup>-asws</sup>, (the case of) a slave killing a free man was raised to him<sup>-asws</sup>. He<sup>-asws</sup> said: 'You kill a man and become free!'

فَدَفِعَ إِلَيْهِمْ فَعَفَوْا عَنْهُ فَقَالَ لَهُ النَّاسُ قَتَلْتَ رَجُلًا وَ صِرْتَ حُرًّا

He was handed to them, and they pardoned him. The people said to him<sup>-asws</sup>, 'He killed a man and became free!'

فَقَالَ ع لَا هُوَ رَدُّ عَلَى مَوْلَاهِ.

He<sup>-asws</sup> said: 'No, he was returned to his guardians'.<sup>17</sup>

9- الْعَلَلُ، لِمُحَمَّدِ بْنِ عَلِيٍّ بْنِ إِبْرَاهِيمَ قَالَ: الْعِلَّةُ فِي أَنْ لَا يُقْتَلَ وَالِدٌ بِوَلَدِهِ أَنَّ الْوَلَدَ مَمْلُوكٌ لِلْأَبِ لِقَوْلِ رَسُولِ اللَّهِ ص أَنْتَ وَ مَالُكَ لِأَبِيكَ وَ هُوَ عِنْدَ النَّاسِ حُرٌّ.

(The book) 'Al Ilal' of Muhammad Bin Ali Bin Ibrahim who said,

'The reason regarding that a father cannot be killed for his son is that the son is a slave of the father due to words of Rasool-Allah<sup>-saww</sup>, 'You and your wealth are for your father', and in the presence of the people he is free'.<sup>18</sup>

باب 43 الدية و مقاديرها و أحكامها و حكم العاقلة

## CHAPTER 43 – THE WERGILD AND ITS AMOUNT, AND ITS RUINGS, AND RULING OF THE RELATIVES RESPONSIBLE

1- ع، علل الشرائع عن سعد بن عيسى عن ابن محبوب عن أبي ولاد عن أبي عبد الله ع قال: ليس بين أهل الذمة معاقله فيما يجنون من قتل أو جراح إنما يؤخذ ذلك من أموالهم فإن لم يكن لهم أموال رجعت الجناية إلى إمام المسلمين لأنهم يؤدون الجزية إليه كما يؤدى العبد الضريبة إلى سيده

(The book) 'Ilal Al Sharaie' – from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abu Wallad,

From Abu Abdullah<sup>-asws</sup> having said: 'There is no mutual responsibility between the Zimmy people regarding what crimes they commits, killing or injuring. But rather that is taken from their wealth. If there does not happen to be any wealth for them, the crime is returned to the

<sup>16</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 7

<sup>17</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 8

<sup>18</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 42 H 9

imam of the Muslims because they are paying the tax to him just as the slave pays the profits to his master’.

قَالَ وَ هُمْ مَمَالِكُ لِلْإِمَامِ فَمَنْ أَسْلَمَ مِنْهُمْ فَهُوَ حُرٌّ.

He<sup>-asws</sup> said: ‘And they are slave of the Imam. The one from them who becomes a Muslim, he is free’.<sup>19</sup>

2- ل، الخصال القَطَّانُ عَنِ السُّكَّرِيِّ عَنِ الْجَوْهَرِيِّ عَنِ ابْنِ عُمَارَةَ عَنْ أَبِيهِ عَنْ جَابِرِ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ ع قَالَ: مِيرَاثُ الْمَرْأَةِ نِصْفُ مِيرَاثِ الرَّجُلِ وَ دِيَّتُهَا نِصْفُ دِيَةِ الرَّجُلِ وَ تُعَاقَلُ الْمَرْأَةُ الرَّجُلَ فِي الْجِرَاحَاتِ حَتَّى تَبْلُغَ ثُلُثَ الدِّيَةِ فَإِذَا زَادَتْ عَلَى الثُّلُثِ اِرْتَفَعَ الرَّجُلُ وَ سَقَلَتِ الْمَرْأَةُ.

(The book) ‘Al Khisaal’ – Al Qattan, from Al Sukari, from Al Jowhari, from Ibn Umarah, from his father, from Jabir Al Ju’fy,

From Abu Ja’far<sup>-asws</sup>, having said: ‘The woman has half the inheritance of the man, and her wergild is half the wergild of the man, and a woman and a man are equal in compensation for injuries until it reaches one-third of the full blood money. When it exceeds one-third, the man’s amount increases and the woman’s decreases’.<sup>20</sup>

3- ل، الخصال فيما أوصى به النبي ص علياً ع أَنَّ عَبْدَ الْمُطَّلِبِ سَنَّ فِي الْجَاهِلِيَّةِ فِي الْقَتْلِ مِائَةَ مِنَ الْإِبِلِ فَأَجْرَى اللَّهُ عَزَّ وَ جَلَّ ذَلِكَ فِي الْإِسْلَامِ.

(The book) ‘Al Khisaal’ –

Among what the Prophet<sup>-saww</sup> advised Ali<sup>-asws</sup> with: ‘Abdul Muttalib<sup>-as</sup> established a practice (Sunnah) during the pre-Islamic period for one hundred camels (compensation) regarding the murder. Allah<sup>-azwj</sup> Mighty and Majestic Flowed than in Al-Islam’.<sup>21</sup>

4- ع، علل الشرائع ابْنُ الْمُتَوَكَّلِ عَنْ سَعْدِ بْنِ عَيْسَى عَنِ ابْنِ مُحَمَّدٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ مُسْلِمٍ قُتِلَ وَ لَهُ أَبٌ نَصْرَانِيٌّ لِمَنْ تَكُونُ دِيَّتُهُ قَالَ تُؤْخَذُ دِيَّتُهُ فَتُجْعَلُ فِي بَيْتِ مَالِ الْمُسْلِمِينَ لِأَنَّ جِنَايَتَهُ عَلَى بَيْتِ مَالِ الْمُسْلِمِينَ.

(The book) ‘Ilal Al Sharaie’ – Ibn Al Mutawakkil, from Sa’ad, from Ibn Isa, from Ibn Mahboub, from Malik Bin Atiyya, from Suleyman Bin Khalid,

From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, ‘I asked him<sup>-asws</sup> about a Muslim man who was killed and for him was a Christian father for whom would be his wergild. He<sup>-asws</sup> said: ‘His wergild would be taken and made to be in the public treasury of the Muslims because his crimes were upon the public treasury of the Muslims’.<sup>22</sup>

5- ضا، فقه الرضا عليه السلام وَ الدِّيَةُ فِي النَّفْسِ أَلْفُ دِينَارٍ أَوْ عَشْرَةُ آلَافٍ دِرْهَمٍ وَ إِنْ كَانُوا مِنْ أَهْلِ الْإِبِلِ فَمِائَةٌ مِنَ الْإِبِلِ وَ كُلُّ مَا فِي الْإِنْسَانِ مِنْهُ وَاحِدٌ فَفِيهِ دِيَةٌ كَامِلَةٌ.

<sup>19</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 1

<sup>20</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 2

<sup>21</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 3

<sup>22</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 4

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'And the wergild regarding the soul is a thousand Dinars, or ten thousand Dirham, and if it was from the camels, it is a hundred camels, and all what is within a human being one from him (every single limb), there is complete wergild regarding it'.<sup>23</sup>

6- شي، تفسير العياشي عن ابن سنان عن أبي عبد الله ع قال: قضى أمير المؤمنين ع في أبواب الديات في الخطأ شبه العمد إذا قتل بالعصا أو بالسوط أو بالحجارة يعطى دينه وهو مائة من الإبل أربعون خلفه بين ثنية إلى بازل عامها و ثلاثون حقة و ثلاثون بنت لبون

Tafseer Al Ayyashi – from Ibn Sinan,

From Abu Abdullah<sup>-asws</sup> having said: 'Amir Al-Momineen<sup>-asws</sup> ruled in matters of wergild that in cases of accidental killing resembling intentional killing, when a person is killed with a stick, a whip, or stones, the wergild is made more severe, being one hundred camels - forty of them pregnant she-camels between the age of a 'Saniya' and one that has completed its year, thirty 'Hiqqah' (three-year-old she-camels), and thirty 'Bint Labun' (two-year-old she-camels).

و قال في الخطأ دون العمد يكون فيه ثلاثون حقة و ثلاثون بنت لبون و عشرون بنت مخاض و عشرون ابن لبون

He<sup>-asws</sup> also said that in pure accidental killing (that is not like intentional killing), the compensation is thirty 'Hiqqah', thirty 'Bint Labun', twenty 'Bint Mahaz' (one-year-old she-camels), and twenty male 'Ibn Labun'.

ذكر و قيمة كل بعير من الورق مائة درهم و عشرة دنانير و من الغنم إذا لم يكن بقيمة ناب الإبل لكل بعير عشرون شاة.

He<sup>-asws</sup> mentioned: 'The value of each camel in silver is one hundred Dirhams and ten Dinars; and if payment is made in sheep instead of camels, and their value does not reach that of camels with full-grown teeth, then for each camel there shall be twenty sheep'.<sup>24</sup>

7- شي، تفسير العياشي عن عبد الرحمن عن أبي عبد الله ع قال: كان علي ع يقول في الخطأ خمس و عشرون بنت لبون و خمس و عشرون بنت مخاض و خمس و عشرون حقة و خمس و عشرون جدعة

Tafseer Al Ayyashi – From Abdul Rahman,

From Abu Abdullah<sup>-asws</sup> having said: 'Ali<sup>-asws</sup> had said regarding accidental killing: 'Twenty-five 'Bint Labun' (two-year-old she-camels), twenty-five 'Bint Makhaz' (one-year-old she-camels), twenty-five 'Hiqqah' (three-year-old she-camels), and twenty-five 'Jazah' (four-year-old she-camels)'.<sup>24</sup>

و قال في شبه العمد ثلاث و ثلاثون جدعة بين الثنية إلى بازل عامها كلها خلفه و أربع و ثلاثون ثنية.

<sup>23</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 5

<sup>24</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 6

And he<sup>-asws</sup> said regarding killing that resembles intentional killing: ‘Thirty-three ‘Jazah’ between ‘Saniya’ and those that have completed their year, all of them pregnant, and thirty-four ‘Saniya’.<sup>25</sup>

8- شي، تفسير العياشي عن علي بن أبي حمزة عن أبي عبد الله ع قال: دية الخطأ إذا لم يرد الرجل مائة من الإبل أو عشرة آلاف من الوريق أو ألف من الشاة

(The book) ‘Tafseer Al Ayyashi’ – From Ali Bin Abu Hamza,

From Abu Abdullah<sup>-asws</sup> having said: ‘The wergild for accidental killing, when the man did not intend it, is one hundred camels, or ten thousand silver Dirhams, or one thousand sheep’.

و قال دية المغلظة التي شبه العمد و ليس بعمد أفضل من دية الخطأ بأستان الإبل ثلاث و ثلاثون حقة و ثلاثون جعة و ثلاثون جعة و أربع و ثلاثون ثبئة كلها طروقة القمل.

He<sup>-asws</sup> said: ‘The aggravated wergild, which is for killing that resembles intentional killing but is not intentional, is greater than that of accidental killing in the ages of the camels - thirty-three ‘Hiqqah’ (three-year-old she-camels), thirty-three ‘Jazah’ (four-year-old she-camels), and thirty-four ‘Saniya’ (five-year-old she-camels), all of them having been mounted by a male’.<sup>26</sup>

9- شي، تفسير العياشي عن مسعدة بن صدقة قال: سئل جعفر بن محمد ع عن قول الله - و ما كان للمؤمن أن يقتل مؤمناً إلا خطأ و من قتل مؤمناً خطأ فتنحيره رقبة مؤمنة و دية مسلمة إلى أهله

Tafseer Al Ayyashi – From Mas’ada Bin Sadaqa who said,

‘Ja’far<sup>-asws</sup> Bin Muhammad<sup>-asws</sup> was asked about Words of Allah<sup>-azwj</sup>: ‘**And it was not for a Momin that he kills a Momin except in error; and the one who kills a Momin in error, so he should free a Momin slave and give wergild of a Muslim to his family [4:92].**

قال أما تنحيره رقبة مؤمنة فبيما بينه و بين الله و أما الدية المسلمة إلى أولياء المقتول - فإن كان من قوم عدو لكم

He<sup>-asws</sup> said: ‘As for freeing a Momin slave it is regarding what is between him and Allah<sup>-azwj</sup>; and as for the wergild of a Muslim to guardians of the killed one, **But if he was from a people inimical to you [4:92]’.**

قال و إن كان من أهل الشرك الذين ليس لهم في الصلح - و هو مؤمن فتنحيره رقبة فيما بينه و بين الله و ليس عليه الدية - و إن كان من قوم بينكم و بينهم ميثاق و هو مؤمن فتنحيره رقبة فيما بينه و بين الله و دية مسلمة إلى أهله.

He<sup>-asws</sup> said: ‘And if he was from the Polytheist people, those not having the reconciliation for them: **and he is a Momin, so he should free a Momin slave**, regarding what is between him and Allah<sup>-azwj</sup>, and the wergild isn’t upon him; **And if he was from a people who, between you**

<sup>25</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 7

<sup>26</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 8

**and them is a covenant**, regarding what is between him and Allah<sup>-azwj</sup>: **and give wergild of a Muslim to his family [4:92]**.<sup>27</sup>

10- شي، تفسير العياشي عن حفص بن البختري عن ذكره عن أبي عبد الله ع في قوله و ما كان للمؤمن أن يقتل مؤمناً إلا خطأ إلى قوله فإن كان من قوم عدو لكم و هو مؤمن

Tafseer Al Ayyashi – From Hafs Bin Al Bakhtari, from the one who mentioned it,

From Abu Abdullah<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **And it was not for a Momin that he kills a Momin except in error** - up to His<sup>-azwj</sup> Words: **But if he was from a people inimical to you, and he is a Momin [4:92]**.

قَالَ إِذَا كَانَ مِنْ أَهْلِ الشِّرْكِ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ لَيْسَ عَلَيْهِ دِيَّةٌ - وَ إِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَ بَيْنَهُمْ مِيثَاقٌ فَلِدِيَّةٍ مُسَلَّمَةً إِلَى أَهْلِهِ وَ تَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ

He<sup>-asws</sup> said: ‘And if he was from the Polytheist people, it is freeing of a Momin neck regarding what is between him and Allah<sup>-azwj</sup> and there isn’t any wergild upon him: **And if he was from a people who, between you and them is a covenant, so it is giving of wergild to his family and freeing a Momin slave [4:92]**’.

قَالَ تَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ دِيَّةٌ مُسَلَّمَةٌ إِلَى أَوْلِيَائِهِ.

He<sup>-asws</sup> said: ‘Freeing a Momin slave in what is between him and Allah<sup>-azwj</sup>, and wergild of a Muslim is to his guardians’.<sup>28</sup>

11- شي، تفسير العياشي عن سماعة بن مهران عن أبي عبد الله ع أو أبي الحسن ع قال: سألت أحدهما عن قتل مؤمناً هل له توبة

Tafseer Al Ayyashi – From Sama’at Bin Mihran,

From Abu Abdullah<sup>-asws</sup> or Abu Al-Hassan<sup>-asws</sup>, he (the narrator) said, ‘I asked one of the two about the one who kills a Momin, ‘Is there repentance for him?’

قَالَ لَا حَتَّى يُؤَدِّيَ دِيَّتَهُ إِلَى أَهْلِهِ وَ يُعْتِقَ رَقَبَةً مُؤْمِنَةً وَ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ يَسْتَغْفِرَ رَبَّهُ وَ يَتَضَرَّعَ إِلَيْهِ فَأَرْجُو أَنْ يُتَابَ عَلَيْهِ إِذَا هُوَ فَعَلَ ذَلِكَ

He<sup>-asws</sup> said: ‘No, until he pays his wergild to his family, and liberates a Momin neck, and fasts two months consecutive, and he seeks Forgiveness of his Lord<sup>-azwj</sup> and beseeches to Him<sup>-azwj</sup>, so I<sup>-asws</sup> will hope that He<sup>-azwj</sup> would Turn (Mercifully) to him when he has done that’.

قُلْتُ إِنْ لَمْ يَكُنْ لَهُ يُؤَدِّي دِيَّتَهُ

I said, ‘If there does not happen to be for him to pay his wergild?’

<sup>27</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 9

<sup>28</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 10

قَالَ يَسْأَلُ الْمُسْلِمِينَ حَتَّى يُؤَدِّيَ دَيْنَهُ إِلَى أَهْلِهِ.

He<sup>-asws</sup> said: 'He should ask (borrow from) the Muslims until he pays off his wergild to his family'.<sup>29</sup>

12- شي، تفسير العياشي عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ - فَمَنْ عَفِيَ لَهُ مِنْ أَحِيهِ شَيْءٌ فَاتَّبَاعَ بِالْمَعْرُوفِ وَ أَدَاءٍ إِلَيْهِ بِإِحْسَانٍ

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about Words of Allah<sup>-azwj</sup>: **But the one who has pardon for him from his brother with something, so he should pursue it with the reasonableness, and pay to him with goodness [2:178].**

قَالَ يَبْنِي لِلَّذِي لَهُ الْحَقُّ أَلَّا يُعَسِّرَ أَحَاهُ إِذَا كَانَ قَادِرًا عَلَى دَيْنِهِ وَ يَبْنِي لِلَّذِي عَلَيْهِ الْحَقُّ [بِالْمَعْنَى أَصْلَحْتُ] أَنْ لَا يُبَاطِلَ أَحَاهُ إِذَا قَدَرَ عَلَى مَا يُعْطِيهِ وَ يُؤَدِّيَ إِلَيْهِ بِإِحْسَانٍ

He<sup>-asws</sup> said: 'It is befitting for the one who has the right (to receive) not to make things difficult for his brother if he is (un)able to pay his blood money, and it is proper for the one upon whom the right is due not to delay his brother when he is able to give what is required, but to pay it with kindness'.

قَالَ يَعْنِي إِذَا وَهَبَ الْقَوْدَ أَتْبَعُوهُ بِالذِّبَةِ إِلَى أَوْلِيَاءِ الْمَمْتُولِ لِكَيْ لَا يَبْطُلَ دَمُ امْرِئٍ مُسْلِمٍ.

He<sup>-asws</sup> said: 'The meaning that when the right of retaliation is forgiven, they should follow it with the payment of wergild to the heirs of the slain so that the blood of a Muslim person is not nullified'.<sup>30</sup>

13- شي، تفسير العياشي عَنِ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا ع فِي قَوْلِهِ فَمَنْ عَفِيَ لَهُ مِنْ أَحِيهِ شَيْءٌ مَا ذَلِكَ

Tafseer Al Ayyashi – From Abu Baseer,

From one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>-asws</sup>) regarding His<sup>-azwj</sup> Words: **But the one who has pardon for him from his brother with something [2:178], 'What is that?'**

قَالَ هُوَ الرَّجُلُ يَقْبَلُ الذِّبَةَ فَأَمَرَ اللَّهُ الَّذِي لَهُ الْحَقُّ أَنْ يَتَّبِعَهُ بِمَعْرُوفٍ وَ لَا يُعَسِّرَهُ وَ أَمَرَ اللَّهُ الَّذِي عَلَيْهِ الذِّبَةُ أَنْ لَا يَطْلُهُ وَ أَنْ يُؤَدِّيَ إِلَيْهِ بِإِحْسَانٍ إِذَا أُيسَرَ.

He<sup>-asws</sup> said: 'He is the man who accepts the wergild, so Allah<sup>-azwj</sup> Commanded the one having the right for him that he pursues it with kindness and not bankrupt him, and Allah<sup>-azwj</sup>

<sup>29</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 11

<sup>30</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 12

Command the one upon him is payment of the wergild that he should not delay it and to pay it to him with goodness when he is affluent'.<sup>31</sup>

14- شي، تفسير العياشي عن الحلبي عن أبي عبد الله ع قال: سألتُهُ عن قول الله - فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ قَالَ هُوَ الرَّجُلُ يَقْبَلُ الدِّيَةَ أَوْ يَغْفُو أَوْ يُصَالِحُ ثُمَّ يَعْتَدِي فَيَقْتُلُ فَلَهُ عَذَابٌ أَلِيمٌ

Tafseer Al Ayyashi – From Al Halby,

From Abu Abdullah<sup>-asws</sup>, he (the narrator) said, 'I asked him<sup>-asws</sup> about Words of Allah<sup>-azwj</sup>: **So the one who exceeds after that, for him would be a painful Punishment [2:178]**. He<sup>-asws</sup> said: 'He is the man who accepts the wergild, or pardons, or reconciles, then he exceeds, so he kills, for him is the painful Punishment'.

وَ فِي سُخْرَةٍ أُخْرَى فَيَلْقَى صَاحِبَهُ بَعْدَ الصُّلْحِ فَيَمْتَلِكُ بِهِ فَلَهُ عَذَابٌ أَلِيمٌ.

And in another copy: 'He meets his companion after the reconciliation, and he mutilates him. For him is the painful punishment'.<sup>32</sup>

15- قب، المناقب لابن شهر آشوب الأحكام الشرعية عن الحزاز القمي قال: أُنِيَ أمير المؤمنين ع بِرَجُلٍ قَدْ قَتَلَ رَجُلًا حَطًّا فَقَالَ ع لَهُ مَنْ عَشِيرَتُكَ وَ قَرَابَتُكَ

(The book) 'Al Manaqib' of Ibn shehr Ashub, (and) 'Al Ahkam Al Sharia' – from Al Khazzan Al Qummi who said, 'Salama Bin Kuheyl who said,

'Amir Al-Momineen<sup>-asws</sup> was brought a man who had killed a man accidentally. He<sup>-asws</sup> said to him: '(Where are) your clan members and your relatives?'

قَالَ قَرَابَتِي بِالْمَوْصِلِ

He said, 'My relatives are in Mosul'.

قَالَ فَسَأَلَ عَنْهُ أَمِيرُ الْمُؤْمِنِينَ ع فَلَمْ يَجِدْ لَهُ قَرَابَةً فَكَتَبَ إِلَى عَامِلِهِ بِالْمَوْصِلِ أَنَا بَعْدُ فَإِنَّ فُلَانَ بَنَ فُلَانَ وَ جَلِيئُهُ كَذَا وَ كَذَا قَتَلَ رَجُلًا مِنَ الْمُسْلِمِينَ حَطًّا فَذَكَرَ أَنَّهُ مِنَ أَهْلِ الْمَوْصِلِ وَ أَنَّ لَهُ بِهَا قَرَابَةً وَ أَهْلَ بَيْتِ

He (the narrator) said, 'Amir Al-Momineen<sup>-asws</sup> asked about him but could not find any relative for him. He<sup>-asws</sup> wrote to his<sup>-asws</sup> office bearer in Mosul: 'As for after, so and so son of so and so, and his appearance is such and such, killed a man from the Muslims accidentally. He mentioned that he is from the people of Mosul and there are relatives of his at it and family members.

<sup>31</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 13

<sup>32</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 14

وَقَدْ بَعَثْتُ بِهِ إِلَيْكَ مَعَ رَسُولِي فَلَانَ بْنِ فُلَانٍ وَ جَلِيئُهُ كَذَا وَ كَذَا فَإِذَا وَرَدَ عَلَيْكَ إِذَا شَاءَ اللَّهُ وَ قَرَأْتَ كِتَابِي فَافْحَصْ عَنْ أَمْرِهِ وَ سَلْ عَنْ قَرَابَتِهِ مِنَ الْمُسْلِمِينَ

And I<sup>-asws</sup> am sending him to you with my<sup>-asws</sup> messenger so and so, son of so and so, and his appearance is such and such, when it arrives to you, if Allah<sup>-azwj</sup> so Desires, and you have ready my<sup>-asws</sup> letter, then check out his matter and ask about his relatives from the Muslims.

فَإِنْ كَانَ مِنْ أَهْلِ الْمُؤَصِّلِ مِمَّنْ وُلِدَ بِهَا وَ أَصَبَتْ لَهُ بِهَا قَرَابَةٌ مِنَ الْمُسْلِمِينَ فَاجْمَعُهُمْ ثُمَّ انظُرْ إِنْ كَانَ مِنْهُمْ رَجُلٌ يَرْتُهُ لَهُ سَهْمٌ فِي الْكِتَابِ - لَا يَحْجُبُهُ عَنْ مِيرَاثِهِ أَحَدٌ مِنْ قَرَابَتِهِ وَ كَانُوا قَرَابَتَهُ سَوَاءً فِي النَّسَبِ وَ كَانَ لَهُ قَرَابَةٌ مِنْ قِبَلِ أَبِيهِ وَ قَرَابَةٌ مِنْ قِبَلِ أُمِّهِ مِنَ الرِّجَالِ الْمَدْكُورِينَ مِنَ الْمُسْلِمِينَ

If he was from Mosul, from the ones born in it and relation to him from the Muslims is correct, then gather them. Then looking whether from them was a man there is inheritance for him in the Book - no one of his relatives bars him from his inheritance, and they were equally related to him by lineage, and he had kin on his father's side and kin on his mother's side among the men mentioned among the Muslims.

ثُمَّ اجْعَلْ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أَبِيهِ ثُلُثِي الدِّيَّةِ وَ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أُمِّهِ ثُلُثَ الدِّيَّةِ وَ إِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ مِنْ قِبَلِ أَبِيهِ فَفُضِّصَ الدِّيَّةَ عَلَى قَرَابَتِهِ مِنْ قِبَلِ أُمِّهِ مِنَ الرِّجَالِ الْمَدْكُورِينَ مِنَ الْمُسْلِمِينَ ثُمَّ خُذْهُمْ بِهَا وَ اسْتَأْذِهِمُ الدِّيَّةَ فِي ثَلَاثِ سِنِينَ

Then allot two-thirds of the wergild upon his relatives on his father's side and one-third to his relatives on his mother's side; and if he has no relatives on his father's side then distribute the wergild among his maternal relatives from the aforementioned Muslim men. Then take it from them and collect the wergild from them over three years.

فَإِنْ لَمْ يَكُنْ لَهُ قَرَابَةٌ مِنْ قِبَلِ أُمِّهِ وَ لَا قَرَابَةٌ مِنْ قِبَلِ أَبِيهِ فَفُضِّصَ الدِّيَّةَ عَلَى أَهْلِ الْمُؤَصِّلِ مِمَّنْ وُلِدَ بِهَا وَ نَشَأَ فَلَا تُدْخِلْ فِيهِمْ غَيْرَهُمْ مِنْ أَهْلِ الْبَلَدِ ثُمَّ اسْتَأْذِ ذَلِكَ مِنْهُمْ فِي ثَلَاثِ سِنِينَ فِي كُلِّ سَنَةٍ نَحْمَ حَتَّى تَسْتَوْفِيَهُ إِنْ شَاءَ اللَّهُ

And if he has neither relatives on his mother's side nor relatives on his father's side then divide the wergild among the people of Mosul who were born and raised there and admit no others of the townspeople into them. Then collect that from them in three years in annual instalments until you complete it, if Allah<sup>-azwj</sup> so Desires.

وَ إِنْ لَمْ يَكُنْ لِفُلَانِ بْنِ فُلَانٍ قَرَابَةٌ مِنْ أَهْلِ الْمُؤَصِّلِ وَ لَا يَكُونُ مِنْ أَهْلِهَا فَرُدَّهُ إِلَيَّ مَعَ رَسُولِي فَلَانَ بْنِ فُلَانٍ إِنْ شَاءَ اللَّهُ وَ أَنَا وَ لِيُهِ وَ الْمُؤَدِّي عَنْهُ وَ لَا أُبْطِلُ دَمَ امْرِئٍ مُسْلِمٍ.

And if so and so son of so and so has no kin among the people of Mosul and is not one of them then return him to me<sup>-asws</sup> with my messenger so and so son of so and so, if Allah<sup>-azwj</sup> so Desires, and I<sup>-asws</sup> am his guardian and the one who will pay on his behalf, and I<sup>-asws</sup> will not annul the blood of a Muslim person'.<sup>33</sup>

<sup>33</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 15

16- ضا، فقه الرضا عليه السلام أبي سمع أبا عبد الله ع يقول قال أمير المؤمنين في أبواب الدية قال الخطاء شبه العمد أن يقتل الرجل بسوط أو عصا أو بالحجارة و دية ذلك يغلظ و هو مائة من الإبل منها أربعون خلفه تخلفت عن الحمل أو الخلفة التي لقيحت بين ثنية إلى نازل عامها و ثلاثون حقة و ثلاثون ابنة لبون التي تتبع أخوها [أخاها] أو أمها

(The book) 'Fiqh Al-Reza<sup>asws</sup>', may the greeting be upon him<sup>asws</sup> (said): 'My<sup>asws</sup> father<sup>asws</sup> heard Abu Abdullah<sup>asws</sup> saying: 'Amir Al-Momineen<sup>asws</sup> said: 'The error resembling intentional killing is that a man kills with a whip or a stick or with stones, and the wergild for that is aggravated, being one hundred camels, of which forty are 'khilfah' that failed to conceive or the 'khilfah' that was impregnated between 'Saniya' and 'Bazil' of its year, thirty 'Hiqqah', and thirty 'Bint Labun', the one that follows its brother or its mother.

و الخطأ يكون فيه ثلاثون حقة و ثلاثون بنت لبون و ثلاثون بنت مخاض التي إخوانها في بطن أمها و عشرة ابن [بنات] لبون ذكر و قيمة كل بعير من الورق مائة و عشرون درهماً أو عشرة دنانير و من الغنم قيمة إناث من الإبل عشرون شاة.

And the accidental (non-graded) case consists of thirty 'Hiqqah', thirty 'Bint Labun', and thirty 'Bint Makhaz' who are uterine sisters, and ten 'Ibn Labun' males; the value of each warq camel is one hundred and twenty Dirhams or ten dinars, and from sheep the value equivalent to a female camel is twenty sheep'.<sup>34</sup>

17- ختص، الإختصاص الحسن بن محبوب عن هشام بن سالم عن زياد بن سوفة عن الحكم بن عتيبة قال: قلت لأبي جعفر ع إن الديات إنما كانت تؤخذ قبل اليوم من الإبل و الغنم

(The book) 'Al Ikhtisaas' – Al Hassan Bin Mahboub, from Hisham Bin Salim, from Ziyad Bin Sowqah, from Al Hakam Bin Uteyba who said,

'I said to Abu Ja'far<sup>asws</sup>, 'The wergilds have rather been taken before today, from the camels and the sheep!'

قال فقال إنما كان ذلك في البوادي قبل الإسلام فلما ظهر الإسلام و كثرت الورق في الناس قسّمها أمير المؤمنين علي بن أبي طالب ع على الورق

He (the narrator) said, 'He<sup>asws</sup> said: 'But rather, that happened in the valleys before Al-Islam. When Al-Islam appeared and the silver (Dirhams) were a lot among the people, Amir Al-Momineen Ali<sup>asws</sup> Bin Abu Talib<sup>asws</sup> divided it based upon the silver''.

قال الحكم فقلت له أ رأيت من كان أهل البوادي ما الذي يؤخذ منه في الدية إبل أو ورق

Al Hakam said, 'I said to him<sup>asws</sup>, 'What is your<sup>asws</sup> view of the one who was from people of the valleys, what is that which would be taken from him in the wergild, camels or silver (Dirhams)?'

قال فقال الإبل اليوم مثل الورق بل هي أفضل من الورق في الدية إنهم إنما كان يؤخذ منهم في دية الخطأ مائة من الإبل بحسب لكل بعير مائة درهم فذلك عشرة آلاف درهم

<sup>34</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 16

He (the narrator) said, 'He<sup>-asws</sup> said: 'The camels today are like the silver (Dirhams) today. But these are better than the silver (Dirhams) regarding the wergild. But rather, they used to take from them in wergild of the accidental killing, one hundred camels in calculation for every camel being one hundred Dirhams. So that is ten thousand Dirhams''.

فُلْتُ لَهُ فَمَا أَسْنَانُ الْمِائَةِ الْبَعِيرِ

I said to him<sup>-asws</sup>, 'So what are the ages of the hundred camels?'

قَالَ فَقَالَ مَا حَالَ عَلَيْهِ الْحَوْلُ ذُكْرَانُ كُلُّهَا

He (the narrator) said, 'He<sup>-asws</sup> said: 'What a year has passed upon, all males!''

قَالَ الْحَكَمُ فَسَأَلْتُهُ مَا تَقُولُ فِي الْعَمْدِ وَالْحَطَأِ فِي الْقَتْلِ وَالْجِرَاحَاتِ

Al Hakam said, 'I asked him<sup>-asws</sup>, 'What are you<sup>-asws</sup> saying regarding the intentional and the unintentional regarding the killing and the injuries?'

قَالَ فَقَالَ لَيْسَ الْحَطَأُ مِثْلَ الْعَمْدِ فِي الْقَتْلِ وَالْجِرَاحَاتِ فِيهِ الْقَصَاصُ وَالْحَطَأُ فِي الْقَتْلِ وَالْجِرَاحَاتِ فِيهِ الدِّيَاثُ

He (the narrator) said, 'He<sup>-asws</sup> said: 'The mistake isn't like the deliberate. The deliberate in the killing and the injuries there is retaliation in it, while the mistake in the killing and injuring, the wergilds are in it''.

قَالَ ثُمَّ قَالَ يَا حَكَمُ إِذَا كَانَ الْحَطَأُ مِنَ الْقَتْلِ وَالْجِرَاحَاتِ وَكَانَ بَدْوِيًّا فَدِيَتُهُ مَا جَاءَ الْبَدْوِيُّ مِنَ الْحَطَأِ عَلَى أَوْلِيَائِهِ مِنَ الْبَدْوِيِّينَ

He (the narrator) said, 'Then he<sup>-asws</sup> said: 'O Hakam! When the mistake happens, from the killing and the injuries, and he was a Bedouin (from the valleys), his wergild of the mistake the Bedouin had committed would be upon his guardians from the Bedouins'.

قَالَ وَ إِذَا كَانَ الْقَاتِلُ أَوْ الْجَارِحُ قَرْوِيًّا فَإِنَّ دِيَتَهُ مَا جَاءَ مِنَ الْحَطَأِ عَلَى أَوْلِيَائِهِ مِنَ الْقَرْوِيِّينَ.

He<sup>-asws</sup> said: 'And when the killer or the injurer were townspeople, then the wergild of what mistake he had committed would upon his guardians from the townspeople'.<sup>35</sup>

18- كِتَابُ مَقْصَدِ الرَّغِيبِ، لِيَعْنِي قُدَمَاءُ الْأَصْحَابِ عَنْ حَنْبَلِ بْنِ إِسْحَاقَ عَنْ هَبَةَ بْنِ الْحَصْبِيِّ عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ الْمَذْهَبِ عَنْ أَحْمَدَ بْنِ جَعْفَرِ بْنِ مَالِكٍ عَنِ الْفَضْلِ بْنِ الْحُبَابِ عَنْ إِبْرَاهِيمَ بْنِ بَشِيرٍ عَنْ سُفْيَانَ عَنِ الْأَجْلَحِ بْنِ عَبْدِ اللَّهِ الْكِنْدِيِّ [الْكِنْدِيِّ] عَنِ الشَّعْبِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْحَلِيلِ عَنْ زَيْدِ بْنِ أَرْقَمٍ قَالَ: أُنِّي عَلِيٌّ عِ بِنَاتِلَةَ نَفَرٍ وَقَعُوا عَلَى جَارِيَةٍ فِي طَهْرٍ وَاحِدٍ فَوَلَدَتْ وَلَدًا فَأَدَعَوْهُ

(The book) 'Maqсад Al Raghib' of one of our ancient companions, from Hanbal Bin Is'haq, from Hibbat Bin Al Husayn, from al Husayn Bin Ali Al Mazhab, from Ahmad Bin Ja'far Bin Malik, from Al Fazl Bin Al Hubab, from Ibrahim Bin Bashir, from Sufyan, from Al Ajlah Bin Abdul Al Kadany, from Al Shaby, from Abdullah Bin Al Khaleel, from Zayd Bin Arqam who said,

<sup>35</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 17

‘They came with three persons to Ali<sup>-asws</sup> who had fallen upon (had marital relations with) a slave girl during one purity (menses-free period). She gave birth to a child. They (all) claimed it.

فَقَالَ عَلِيُّ ع لِأَحَدِهِمْ تَطِيبُ بِهِ نَفْسُكَ هَذَا

Ali<sup>-asws</sup> said to one of them: ‘Does your soul feel good for this?’

قَالَ لَا

He said, ‘No’.

وَ قَالَ لِأَخْرٍ تَطِيبُ بِهِ نَفْسُكَ هَذَا

And he<sup>-asws</sup> said to the other: ‘Does your soul feel good for this?’

قَالَ لَا

He said, ‘No’.

وَ قَالَ لِأَخْرٍ تَطِيبُ بِهِ نَفْسُكَ هَذَا

And he<sup>-asws</sup> said to the other: ‘Does your soul feel good for this?’

قَالَ لَا

He said, ‘No’.

قَالَ أَرَأَيْتُمْ شُرَكَاءَ مُتَشَاكِسُونَ إِلَيَّ مُفْرَعٌ بَيْنَكُمْ فَأَيُّكُمْ أَصَابَهُ الْفُرْعَةُ أَعْرَفْتُهُ ثُلثِي الْقِيَمَةِ وَ أَلْزَمْتُهُ الْوَلَدَ

He<sup>-asws</sup> said: ‘I<sup>-asws</sup> see you being contentious partners! I<sup>-asws</sup> shall draw lots between you, so whichever of you achieves the lot, I<sup>-asws</sup> shall penalise him two-thirds of the price and give him the child’.

فَدَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ص فَقَالَ مَا أَجِدُ فِيهَا إِلَّا مَا قَالَ عَلِيُّ ع.

They mentioned that to Rasool-Allah<sup>-saww</sup>. He<sup>-saww</sup> said: ‘I<sup>-saww</sup> do not find in it except what Ali<sup>-asws</sup> said’.<sup>36</sup>

19- وَ بِهِ عَنِ الْقُطَيْبِيِّ عَنِ عَبْدِ اللَّهِ بْنِ الْحَسَنِ عَنِ مَالِكِ بْنِ سُلَيْمَانَ عَنِ إِسْمَاعِيلِ بْنِ عَبَّاشٍ عَنِ صَفْوَانَ بْنِ عُمَرَ عَنِ حُمَيْدِ عَنِ عَبْدِ اللَّهِ أَنَّهُ قَالَ: دُكِرَ عِنْدَ النَّبِيِّ ص قَضَاءُ قَضَاهُ عَلِيُّ ع فَأَعْجَبَ النَّبِيُّ ص وَ قَالَ الْحَمْدُ لِلَّهِ الَّذِي جَعَلَ فِيْنَا الْحِكْمَةَ أَهْلَ الْبَيْتِ ع.

<sup>36</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 18

And by him from 'Al Qatie', from Abdullah Bin Al Hassan, from Malik Bin Suleyman, from Ismail Bin Ayyash, from Safwan Bin Umar, from Humeyd, from Abdullah having said:

'A judgment judged by Ali<sup>-asws</sup> was mentioned in the presence of the Prophet<sup>-saww</sup>. The Prophet<sup>-saww</sup> was amazed and said: 'The Praise is for Allah<sup>-azwj</sup> Whom Made the wisdom to be among us<sup>-asws</sup>, People<sup>-asws</sup> of the Household!'"<sup>37</sup>

20- كِتَابُ مَقْصَدِ الرَّغِيبِ، وَ مِنْ قَضَايَا أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ رَفَعَ إِلَيْهِ أَنَّ رَجُلًا ضَرَبَ رَجُلًا عَلَى هَامَتِهِ فَادَّعَى الْمَضْرُوبُ أَنَّهُ لَا يُبْصِرُ بِعَيْنَيْهِ شَيْئًا وَ أَنَّهُ لَا يَشْمُ رَائِحَةً وَ أَنَّهُ قَدْ خَرَسَ فَلَا يَنْطِقُ

(The book) 'Kitab Maqsad Al Raghīb' –

And from judgments by Amir Al-Momineen<sup>-asws</sup>, a case was raised to him of a man who had struck a man upon his skull. The struck one claimed that he could no longer see anything with his eyes, and he could not smell any aroma, and he had been muted so he could not speak.

فَقَالَ أَمِيرُ الْمُؤْمِنِينَ ع إِنَّ كَانَ صَادِقًا فَقَدْ وَجِبَ لَهُ ثَلَاثُ دِيَّاتٍ

Amir Al-Momineen<sup>-asws</sup> said: 'If he was truthful, three wergilds are obligated for him!'

فَقِيلَ لَهُ وَ كَيْفَ يُسْتَبْرَأُ مِنْهُ يَا أَمِيرَ الْمُؤْمِنِينَ حَتَّى يُعْلَمَ صِدْقُهُ

It was said to him<sup>-asws</sup>, 'And how can it be verified from him, O Amir Al-Momineen<sup>-asws</sup>, until his truthfulness is known?'

فَقَالَ أَمَّا مَا ادَّعَاهُ فِي عَيْنَيْهِ أَنَّهُ لَا يُبْصِرُ بِهِنَّ شَيْئًا فَإِنَّهُ يُسْتَبْرَأُ ذَلِكَ بِأَنْ يُقَالَ لَهُ انظُرْ إِلَى عَيْنِ الشَّمْسِ فَإِنْ كَانَ صَحِيحًا لَنْ يَتَمَالَكَ أَنْ يُغْمِضَ عَيْنَيْهِ وَ إِلَّا بَقِيَّتَا مَفْتُوحَتَانِ

He<sup>-asws</sup> said: 'As for what he claimed about his eyes he can no longer see anything with them, that can be verified by it being said to him, 'Look at the eye of the sun!' If he was healthy (of eyes), he will never be able to control himself from closing his eyes, or else they will remain open.

وَ أَمَّا مَا ادَّعَاهُ فِي خِيَاشِيمِهِ فَإِنَّهُ يُسْتَبْرَأُ بِحُرَاقِ يَدْنِ مَنْ أَنْفِهِ فَإِنْ كَانَ صَحِيحًا وَصَلَتْ رَائِحَةُ الْحُرَاقِ إِلَى رَأْسِهِ فَدَمَعَتْ عَيْنَاهُ وَ نَحَى رَأْسَهُ

And as for what he claimed regarding his nostrils, it is verified by holding a burning ember close to his nose. If he is truthful and the smell of the ember reaches his head, his eyes will water and he will turn his head away.

وَ أَمَّا مَا ادَّعَاهُ فِي لِسَانِهِ وَ أَنَّهُ لَا يَنْطِقُ فَإِنَّهُ يُسْتَبْرَأُ بِإِبْرَةِ تُضْرَبُ عَلَى لِسَانِهِ فَإِنْ خَرَجَ الدَّمُ أَحْمَرَ فَقَدْ كَذَبَ وَ إِنْ خَرَجَ الدَّمُ أَسْوَدَ فَهُوَ صَادِقٌ.

<sup>37</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 19

And as for what he claimed regarding his tongue that he can not speak, it can be verified by a needle struck pricking upon his tongue. If the blood emerges as red, he has lied, and if the blood emerges as black, he is truthful'.<sup>38</sup>

21- كِتَابُ مَقْصَدِ الرَّغِيبِ، وَ مِنْ قَضَايَا أَمِيرِ الْمُؤْمِنِينَ ع أَنَّهُ مَاتَ رَجُلٌ عَلَى عَهْدِ عَلِيِّ ع وَ أُوصِيَ إِلَى رَجُلٍ وَ دَفَعَ إِلَيْهِ أَلْفَ دِينَارٍ وَ قَالَ تَصَدَّقْ مِنْهَا بِمَا أَحْبَبْتَ وَ أَحْبَسِ الْبَاقِي لِنَفْسِكَ

(The book) 'Kitab Maqsad Al Raghīb' –

And from judgments by Amir Al-Momineen<sup>-asws</sup> – In the era of Ali<sup>-asws</sup> a man died and had bequeathed to a man, and handed a thousand Dinars to him and said, 'Donate in charity from it with whatever you like, and keep the rest for yourself!'

فَتَصَدَّقَ الرَّجُلُ بِمِائَةِ دِينَارٍ وَ حَبَسَ لِنَفْسِهِ تِسْعِمِائَةَ دِينَارٍ فَقَالَ وَرَثَةُ الْمَيِّتِ لِلْوَصِيِّ تَصَدَّقْ عَنْ أَيْنَا حَمْسِمِائَةَ دِينَارٍ وَ أَحْبَسِ لِنَفْسِكَ الْبَاقِي

So, the man donated one hundred Dinars and kept nine hundred for himself. Heirs for the deceased said to him, 'Donate five hundred Dinars on behalf of our father and keep the remainder for yourself!'

فَأَبَى فَاحْتَضَمُوا إِلَى أَمِيرِ الْمُؤْمِنِينَ ع فَقَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ دَفَعَ أَبُوْنَا إِلَى هَذَا الرَّجُلِ أَلْفَ دِينَارٍ وَ قَالَ لَهُ تَصَدَّقْ مِنْهَا بِمَا أَحْبَبْتَ وَ أَحْبَسِ لِنَفْسِكَ الْبَاقِي - فَتَصَدَّقَ مِنْهَا بِمِائَةِ دِينَارٍ وَ حَبَسَ لِنَفْسِهِ تِسْعِمِائَةَ دِينَارٍ وَ نَحْنُ نَسْأَلُهُ أَنْ يَتَصَدَّقَ مِنْهَا بِحَمْسِمِائَةِ وَ يَحْبَسَ لِنَفْسِهِ حَمْسِمِائَةَ

He refused. They brought the dispute to Amir Al-Momineen<sup>-asws</sup>. They said, 'O Amir Al-Momineen<sup>-asws</sup>! Our father had handed a thousand Dinars to his man and said to him, 'Donate from it whatever you like and keep the rest for yourself'. So he donated one hundred Dinars from these and kept nine hundred Dinars for him, and we asked him to donate five hundred from it and he can keep five hundred for himself!'

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ ع أَجِبْهُمْ إِلَى ذَلِكَ

Amir Al-Momineen<sup>-asws</sup> said to him, 'Answer them to that!'

فَأَبَى

He refused.

فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ يَجِبُ عَلَيْكَ أَنْ تَتَصَدَّقَ بِتِسْعِمِائَةِ دِينَارٍ فَإِنَّ الَّذِي أَحْبَبْتَ تِسْعِمِائَةَ دِينَارٍ وَ الْمِائَةُ دِينَارٍ لَكَ مِنْ جُمْلَةِ أَلْفِ دِينَارٍ.

Amir Al-Momineen<sup>-asws</sup> said to him: 'It obligates upon you to donate nine hundred Dinars, for that which you 'liked' was nine hundred Dinars, and the hundred Dinars are for you from the total of a thousand Dinars'.<sup>39</sup>

<sup>38</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 20

<sup>39</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 21



فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ وَ مَا كُنْتُ أَصْنَعُ وَ هَلْ كَانَ يَنْفَعُنِي الْإِنْكَارُ وَ قَدْ أَخَذْتُ وَ بِيَدِي سِكِّينٌ مُتَلَطِّخٌ بِالدَّمِ وَ أَنَا عَلَى رَجُلٍ مُتَشَحِّطٍ فِي دَمِهِ وَ قَدْ شَهِدَ عَلَيَّ مِثْلَ ذَلِكَ وَ أَنَا رَجُلٌ كُنْتُ دَبَّحْتُ شَاةً بِجَنْبِ الْحَرَبَةِ فَأَخَذَنِي الْبَوْلُ فَدَخَلْتُ الْحَرَبَةَ فَالرَّجُلُ مُتَشَحِّطٌ فِي دَمِهِ وَ أَنَا عَلَى الْحَالِ.

He said, ‘O Amir Al-Momineen<sup>-asws</sup>, and what could have I done, and what the denial have benefitted me and I had been seized with a knife in my hand dripping blood, and I was stained in his blood, and they had testified upon me similar to that? And I am a man who had slaughtered a sheep by a side of the ruins. The urination seized me so I entered the ruins and the man was soaked in his blood, and I am upon the situation’.<sup>40</sup>

[باب 44 ديات المنافع و الأطراف و أحكامها](#)

## CHAPTER 44 – WERGILDS FOR THE (LOSS OF) BENEFITS, AND THE LIMBS, AND THEIR RULINGS

1- يد، التوحيد ن، عيون أخبار الرضا عليه السلام النفاش عن ابن عوف عن علي بن الحسين بن فضال عن أبيه عن الرضا ع قال: إن أول ما خلق الله عز و جل لي عرف به خلقه الكتابة حروف المعجم

(The book) ‘Al Tawheed’, and ‘Uyoun Akhbar Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – from Ibn Uqdah, from Ali Bin Al Hassan Bin Fazal, from his father,

From Al-Reza<sup>-asws</sup> having said: ‘The first of what Allah<sup>-azwj</sup> Mighty and Majestic Created for Him<sup>-azwj</sup> to Introduce Himself<sup>-azwj</sup> to His<sup>-azwj</sup> creatures, is the writing, letters of the Alphabet.

وَ إِنَّ الرَّجُلَ إِذَا ضُرِبَ رَأْسُهُ بِعَصَا فَرَعَمَ أَنَّهُ لَا يُفْصِحُ بَعْضَ الْكَلَامِ فَالْحُكْمُ فِيهِ أَنْ تُعْرَضَ عَلَيْهِ حُرُوفُ الْمُعْجَمِ ثُمَّ يُعْطَى الدِّيَةَ بِقَدْرِ مَا لَمْ يُفْصِحْ مِنْهَا.

And when a man is struck on the head with a stick and claims that he can no longer pronounce some words clearly, the ruling in his case is that the letters of the alphabet should be presented to him, and he shall be given blood money in proportion to the number of letters he is unable to articulate clearly’.<sup>41</sup>

2- ب، قرب الإسناد أبو البخاري عن الصادق ع عن أبيه ع قال: إن رجلاً ضرب على رأسه فسلس بؤله فرفع إلى علي ع فقضى عليه الدية في ماله.

(The book) ‘Qurb Al Isnaad’ – Abu Al Bakhtari,

From Al-Sadiq<sup>-asws</sup>, from his<sup>-asws</sup> father<sup>-asws</sup> having said: ‘A man was struck on the head, and his urine began to flow uncontrollably. He was brought before Ali<sup>-asws</sup>, peace be upon him, and Ali<sup>-asws</sup> ruled that full blood money be paid for him from the offender’s property’.<sup>42</sup>

3- ضا، فقه الرضا عليه السلام كل ما في الإنسان منه واحد ففيه دية كاملة و كل ما في الإنسان منه اثنان ففيهما الدية تامة و في إحداهما النصف و جعل دية الجراح في الأعضاء على حسب ذلك فدية كسره نصف دية و دية موضحة رقع دية كسره

<sup>40</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 43 H 22

<sup>41</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 1

<sup>42</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 2

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'All what in the human being there is one (single) from him, in it is the complete wergild, and all what in the human being there are two from him, regarding these is the complete wergild, and regarding one of these is the half, and wergild of the injury is made to be upon that calculation. So, the wergild of a break (of a bone) its wergild is half, and the wergild of an injury exposing a bone is a quarter wergild of its break.

بَابُ الْعَيْنِ فَإِذَا أُصِيبَ الرَّجُلُ فِي إِحْدَى عَيْنَيْهِ بَعْلَةً مِنَ الرَّمْيِ أَوْ غَيْرِهِ فَإِنَّمَا تُقَاسُ بِبَيْضَةِ تَرْتَبُ عَلَى عَيْنِهِ الْمُضَابَةِ فَيَنْظُرُ مَا مُنْتَهَى بَصَرِ عَيْنِهِ الصَّحِيحَةِ ثُمَّ يُعْطَى عَيْنَهُ الصَّحِيحَةَ فَيَنْظُرُ مَا مُنْتَهَى عَيْنِهِ الْمُضَابَةِ فَيُعْطَى دِيْنَتَهُ بِحِسَابِ ذَلِكَ

**Subject of the eye** - If a man's eye is injured by an arrow or something else, his sight is to be measured by placing an egg-shaped covering over the injured eye and observing the extent of vision in his sound eye. Then his healthy eye is covered, and the extent of vision in the injured eye is observed. He is then given wergild in proportion to that measure.

وَالْقَسَامَةُ عَلَى هَذِهِ السَّنَةِ تَقْرُ فَإِنْ كَانَ مَا ذَهَبَ مِنْ بَصَرِهِ السُّدُسَ حَلَفَ وَخَدَهُ وَ أُعْطِيَ وَ إِنْ كَانَ ثُلُثَ بَصَرِهِ حَلَفَ وَ حَلَفَ مَعَهُ رَجُلٌ وَ إِنْ كَانَ نِصْفَ بَصَرِهِ حَلَفَ وَ حَلَفَ مَعَهُ رَجُلَانِ وَ إِذَا كَانَ ثُلُثِي بَصَرِهِ حَلَفَ وَ حَلَفَ مَعَهُ ثَلَاثَ رِجَالٍ وَ إِنْ كَانَ بَصَرُهُ كُلَّهُ حَلَفَ وَ حَلَفَ مَعَهُ خَمْسَةَ رِجَالٍ فَإِنْ لَمْ يُوجَدْ مَنْ يَحْلِفُ مَعَهُ وَ عِيِي عَلَيْهِ بِحَدِّ الْحِسَابِ لَمْ يُعْطَ إِلَّا مَا حَلَفَ عَلَيْهِ

The oath (Qasamah) is determined by these six degrees - if one-sixth of his sight is gone, he swears alone and is given wergild; if one-third of his sight is gone, he swears and another man swears with him; if half his sight is gone, he swears along with two men; if two-thirds of his sight is gone, he swears with three men; and if all his sight is gone, he swears with five men. If no one can be found to swear with him, and he cannot establish his case by this measure, he is given wergild only for what he swore to.

بَابُ الْأُذُنِ وَ فِي الْأُذُنِ الْقِصَاصُ وَ دِيْنَتُهَا خَمْسِمِائَةَ دِينَارٍ وَ فِي شَحْمَةِ الْأُذُنِ ثَلَاثًا دِيْنَةَ الْأُذُنِ فَإِنْ أَصَابَهُ [أَصَابَ] السَّمْعَ شَيْءٌ فَعَلَى قِيَاسِ الْعَيْنِ يُصَوِّتُ لَهُ بِشَيْءٍ يُصَوِّتُ وَ يُقَاسُ ذَلِكَ وَ الْقَسَامَةُ عَلَى مَا يُنْقُصُ مِنَ السَّمْعِ فَعَلَى مَا شَرَحْنَاهُ مِنَ الْبَصَرِ -

**Subject of the ear** - In the case of the ear, there is retaliation, and its full wergild is five hundred Dinars. For the earlobe, the wergild is two-thirds of the ear's wergild. If the hearing is affected, it is measured in the same manner as the eye - a sound is sounded for him, and the degree of his hearing is tested and assessed accordingly. The oaths (Qasamah) are based on the extent to which the hearing has diminished, as explained in the case of vision.

بَابُ الصُّدْعِ فَإِذَا أُصِيبَ الصُّدْعُ فَلَمْ يَسْتَطِعْ أَنْ يَلْتَفِتَ حَتَّى يَنْحَرِفَ بِكُلِّيَّتِهِ نِصْفُ الدِّيَةِ وَ مَا كَانَ دُونَ ذَلِكَ فَحِسَابِيهِ -

**Subject of the temple** - If the temple is injured and the person can no longer turn his head without turning his whole body, half the wergild is due; and if the injury is less than that, the wergild is calculated in proportion (to the degree of impairment).

بَابُ أَشْفَارِ الْعَيْنِ فَإِنْ أُصِيبَ الشُّفْرُ الْأَعْلَى حَتَّى يَصِيرَ أَشْتَرَ فِدْيَتُهُ ثُلُثُ دِيَةِ الْعَيْنِ إِذَا كَانَ مِنْ فَوْقِ وَ إِذَا كَانَ مِنْ أَسْفَلٍ فِدْيَتُهُ نِصْفُ دِيَةِ الْعَيْنِ -

**Subject of the eyelashes** - If the upper eyelid is injured causing the eye to appear deformed, its wergild is one-third of the full wergild for the eye; and if the injury is to the lower eyelid, its wergild is half of the eye's wergild.

بَابُ الْحَاجِبِ إِذَا أُصِيبَ الْحَاجِبُ فَذَهَبَ شَعْرُهُ كُلُّهُ فَدَيْتُهُ نِصْفُ دِيَةِ الْعَيْنِ فَإِنْ نَقَصَ مِنْ شَعْرِهِ شَيْءٌ حَسِبَ عَلَى هَذَا الْحِسَابِ -

**Subject of the eyebrows** - If the eyebrow is injured and all its hair is lost, its wergild is half the wergild of the eye; and if only part of the hair is lost, the wergild is calculated proportionally.

بَابُ الْأَنْفِ فَإِنْ قُطِعَتْ أَرْزَبَةُ الْأَنْفِ فَدَيْتُهَا خَمْسُمِائَةِ دِينَارٍ فَإِنْ أَنْفَذَتْ مِنْهُ نَافِذَةً فَمَثَلْنَا دِيَةَ الْأَرْزَبَةِ فَإِنْ بَرَأَتْ وَالتَّامَتْ وَ لَمْ يَنْخَرِمِ فَحُمُسُ دِيَةِ الْأَرْزَبَةِ وَ إِنْ كَانَتْ النَّافِذَةُ فِي إِحْدَى الْمُنْخَرِنِينَ إِلَى الْحَيْشُومِ وَ هُوَ الْحَاجِزُ بَيْنَ الْمُنْخَرِنِينَ فَدَيْتُهَا عُشْرُ دِيَةِ الْأَنْفِ -

**Subject of the Nose** - If the tip of the nose is cut-off, its wergild is five hundred Dinars. If it is pierced through, then two-thirds of the wergild for the tip of the nose is due. If it heals and closes without any defect, then one-fifth of the wergild for the tip of the nose is due. If the piercing occurs in one of the nostrils reaching the septum, which is the partition between the two nostrils, then its wergild is one-tenth of the full wergild of the nose.

بَابُ الشَّقَّةِ فَإِذَا قُطِعَ مِنَ الشَّقَّةِ الْعُلْبَا أَوْ السُّغْلَى شَيْءٌ فَيَحْسَابُ دِيَتَهَا بِكُونِ الْقِسْمَةِ -

**Subject of the lip** - If any part of the upper or lower lip is cut off, its wergild is calculated according to the value of its wergild.

بَابُ الْحَدِّ إِذَا كَانَتْ فِيهِ نَافِذَةٌ يُرَى مِنْهَا جَوْفُ الْقَمِّ فَدَيْتُهَا مِائَتَا دِينَارٍ وَ إِذَا بَرَأَ أَوْ التَّامَ وَ بِهِ أَثَرٌ بَيْنَ دَيْتَيْهِ خَمْسُونَ دِينَاراً وَ إِنْ كَانَتْ نَافِذَةً فِي الْحَدَّيْنِ كِلَيْهِمَا فَدَيْتُهَا مِائَةٌ دِينَارٍ وَ إِنْ كَانَتْ رَمِيَةً فِي الْعِظْمِ حَتَّى يَنْفُذَ إِلَى الْحَنَكِ فَدَيْتُهَا مِائَةٌ وَ خَمْسُونَ دِينَاراً وَ إِنْ لَمْ يَنْفُذْ فَدَيْتُهَا مِائَةٌ دِينَارٍ

**Subject of the cheek** - If there is a wound in it that penetrates through so that the inside of the mouth can be seen, its wergild is two hundred Dinars. If it heals or closes up but leaves a visible mark, its wergild is fifty Dinars. If there are penetrating wounds in both cheeks, the wergild is one hundred Dinars.

وَ إِنْ كَانَتْ مُوضِحَةً فِي الْوَجْهِ فَدَيْتُهَا خَمْسُونَ دِينَاراً وَ إِنْ كَانَ بِهَا شَيْءٌ فَدَيْتُهُ دِيَةُ الْمَوْضِحَةِ فَإِنْ كَانَ جُرْحاً لَمْ يُوضِحْ ثُمَّ بَرَأَ وَ كَانَ فِي الْحَدَّيْنِ فَدَيْتُهُ عَشْرُ دَنَانِيرٍ

If it is an injury to the bone that reaches through to the jaw, its wergild is one hundred and fifty Dinars, but if it does not reach through, its wergild is one hundred Dinars. If it is a wound on the face that exposes the bone, its wergild is fifty Dinars. If there is a blemish as a result, the wergild is that of a wound exposing the bone. If it is a wound that does not expose the bone and then heals, and it is in the cheeks, its wergild is ten Dinars.

فَإِنْ كَانَ فِي الْوَجْهِ صَدْعٌ فِي الْعِظْمِ فَدَيْتُهُ ثَمَانُونَ دِينَاراً وَ إِنْ سَقَطَتْ مِنْهُ جِلْدَةٌ مِنْ لَحْمِ الْحَدِّ وَ لَمْ يُوضِحْ فَكَانَ مَا سَقَطَ وَزَنَ الدَّرْهَمِ فَمَا فَوْقَ ذَلِكَ فَدَيْتُهُ ثَلَاثُونَ دِينَاراً وَ دِيَةُ السَّجَّةِ الْمَوْضِحَةِ فِي الرَّأْسِ وَ هِيَ الَّذِي يُوضِحُ الْعِظْمَ أَرْبَعُونَ دِينَاراً -

If there is a fracture in the bone of the face, its wergild is eighty Dinars. If a piece of flesh from the cheek falls off without exposing the bone, and the fallen piece weighs a Dirham or more, its wergild is thirty Dinars. The wergild for a head wound that exposes the bone is forty Dinars.

بَابُ اللِّسَانِ سَأَلْتُ الْعَالِمَ عَ عَنْ رَجُلٍ طَرَفَ لُغْلَامٍ فَقَطَعَ بَعْضَ لِسَانِهِ فَأَفْصَحَ بَعْضَ الْكَلَامِ وَ لَمْ يُفْصِحْ بَعْضَ فَقَالَ يَفْرَأُ حُرُوفَ الْمُعْجَمِ فَمَا أَفْصَحَ بِهِ طَرِحَ مِنَ الدِّيَةِ وَ مَا [لَمْ] يُفْصِحَ بِهِ الرِّمَ مِنَ الدِّيَةِ

**Subject of the tongue** - I asked the Imam<sup>-asws</sup>, about a man who struck a boy and cut off part of his tongue, and as a result, the boy could pronounce some words clearly but not others. He<sup>-asws</sup> said: 'He should be asked to recite the letters of the alphabet. For those letters he can pronounce clearly, a corresponding portion of the wergild is deducted, and for those he cannot pronounce clearly, the remaining portion of the wergild is due'.

فَقُلْتُ كَيْفَ ذَلِكَ

I asked, 'How is that (calculated)?'

قَالَ بِحِسَابِ الْجُمَّلِ وَ هُوَ حُرُوفُ أَبِي جَادٍ مِنْ وَاحِدٍ إِلَى أَلْفٍ وَ عَدَدُ حُرُوفِهِ ثَمَانِيَةٌ وَ عِشْرُونَ حَرْفًا فَيُقَسَّمُ لِكُلِّ حَرْفٍ جُزْءٌ مِنَ الدِّيَةِ الْكَامِلَةِ ثُمَّ يُحِطُّ مِنْ ذَلِكَ مَا بَيَّنَّ عَنْهُ وَ يُلْزَمُ الْبَاقِي وَ دِيَةُ اللِّسَانِ دِيَةٌ كَامِلَةٌ-

He<sup>-asws</sup> said: 'According to the numerical value of the letters, which are the letters of 'Abjad', from one to one thousand, and the total number of letters is twenty-eight. Thus, each letter represents a portion of the full wergild. The amount corresponding to the letters he can pronounce is deducted, and he is liable for the remainder, and wergild of tongue is a complete wergild'.

بَابُ الأَسْنَانِ اعْلَمْ أَنَّ دِيَةَ الأَسْنَانِ سَوَاءٌ وَ هِيَ اثْنَتَا عَشْرَةَ سِنًا سِتٌّ مِنْ فَوْقٍ وَ سِتٌّ مِنْ أَسْفَلٍ مِنْهَا أَرْبَعٌ ثَنَائِيًا وَ أَرْبَعٌ أَثْنَابٌ وَ أَرْبَعٌ رَبَاعِيَاتٌ

**Subject of the teeth** - Know that the wergild for the teeth is the same for all. There are twelve front teeth, six on the upper jaw and six on the lower, four incisors, four canines, and four lateral teeth.

دِيَةُ كُلِّ وَاحِدَةٍ مِنْ هَذِهِ الاثْنَتَيْ عَشْرَةَ حَمْسُونَ دِينَارًا فَذَلِكَ سِتُّمِائَةٌ دِينَارٍ وَ إِنَّ دِيَةَ الأَضْرَاسِ وَ هِيَ سِتَّةٌ عَشْرَ ضَرْسًا إِنْ كَانَتْ الدِّيَةُ مُقْسُومَةً عَلَى ثَمَانِي وَ عِشْرِينَ سِنًا كَانَ مَا يُرَادُ مِنَ الأَرْبَعَةِ المُسَمَّاةِ

The wergild for each of these twelve teeth is fifty Dinars, making a total of six hundred Dinars. The wergild for the molars, which are sixteen in number, if the total wergild is divided among the twenty-eight teeth, it corresponds to the same proportion as the other four named types.

وَ إِنْ انْكَسَرَ مِنْهَا شَيْءٌ فَيَحْسَابُهُ مِنَ الحَمْسِينَ الدِّيَارِ - [دِينَارًا] وَ كَذَلِكَ مَا يَزَالُ [يُزَاوِلُ] الأَضْرَاسَ مِنْ سَوَادٍ وَ صَدَعٍ وَ كَسْرٍ فَيَحْسَابُهُ مِنَ الحَمْسَةِ وَ عِشْرِينَ الدِّيَارِ وَ مَا نَقَصَ مِنْ أَضْرَاسِهِ أَوْ أَسْنَانِهِ عَنِ الثَّمَانِ وَ العِشْرِينَ حُطُّ مِنْ أَصْلِ الدِّيَةِ بِمُقْدَارِ مَا نَقَصَ مِنْهُ

And if a part of it is broken, then wergild shall be calculated proportionally from fifty Dinars. Likewise, for any damage to the molars such as blackening, cracking, or breaking, wergild shall be calculated proportionally from twenty-five Dinars. If the number of a person's molars or teeth decreases from twenty-eight, the total blood money is reduced in proportion to the number lost. It is also reported that if a tooth changes colour to black, its wergild is six Dinars; if it changes to red, three dinars; and if it changes to green, one and a half Dinars.

و رُوِيَ إِذَا تَغَيَّرَتِ السِّنُّ إِلَى السَّوَادِ دِيْنُهُ سِتَّةُ دِنَانِيْرٍ وَ إِذَا تَغَيَّرَتْ إِلَى الْخُمْرَةِ فَثَلَاثَةُ دِنَانِيْرٍ وَ إِذَا تَغَيَّرَتْ إِلَى الْخَضِرَةِ فَدِيْنَانٍ وَ نِصْفُ

And it is reported that if a tooth changes to black, its wergild is six Dinars; if it changes to red, three Dinars; and if it changes to green, one and a half Dinars.

**بَابُ الرَّأْسِ فِي مَوَاضِحِ الرَّأْسِ وَ إِحْدَاهَا مُوَضِحَةُ خُمْسُونَ دِيْنَارًا وَ إِنْ نُقِلَتْ مِنْهُ الْعِظَامُ مِنْ مَوْضِعٍ إِلَى مَوْضِعٍ فَدِيْنَتُهَا مِائَةٌ وَ خُمْسُونَ دِيْنَارًا فَإِنْ كَانَتْ ثَاقِبَةً فَتِلْكَ تُسَمَّى الْمَأْمُومَةَ وَ فِيهَا ثُلُثُ الدِّيَةِ ثَلَاثِمِائَةٌ وَ ثَلَاثٌ وَ ثَلَاثُونَ دِيْنَارًا وَ ثُلُثٌ**

**Subject of the head** - For wounds on the head that expose the bone, each such wound requires wergild of fifty Dinars. If the bones of the head are displaced from their position to another, the wergild is one hundred and fifty Dinars. If the wound penetrates through the bone, it is called a 'Ma'mumah', and its wergild is one-third of the wergild, that is, three hundred and thirty-three and one-third Dinars.

فَإِذَا صُبَّ عَلَى الرَّأْسِ مَاءٌ مَغْلِيٌّ فَسَحَطَ شَعْرُهُ حَتَّى لَا يَنْبُتَ جَمِيعُهُ فَدِيْنَتُهُ كَامِلَةٌ وَ إِنْ نَبَتَ بَعْضُهُ أَخَذَ مِنَ الدِّيَةِ بِحِسَابِ مَا نَبَتَ وَ جَمِيعُ شِجَاجِ الرَّأْسِ عَلَى حِسَابِ مَا وَصَفْنَا مِنْ أَمْرِ الْخَدَّيْنِ

If boiling water is poured on the head and it causes the hair to fall out entirely so that it never grows again, the wergild is a full wergild. If some of the hair grows back, the wergild is reduced proportionally according to the amount that has regrown. All head wounds follow the same calculation as described regarding the cheeks.

وَ مَنْ حَلَقَ رَأْسَ رَجُلٍ فَلَمْ يَنْبُتْ فَعَلَيْهِ مِائَةٌ دِيْنَارٍ وَ إِنْ حَلَقَ لِحْيَتَهُ فَلَمْ تَنْبُتْ فَعَلَيْهِ الدِّيَةُ وَ إِنْ نَبَتَ فَطَالَتْ بَعْدَ نَبَاتِهَا فَلَا شَيْءَ لَهُ-

Whoever shaves another man's head and the hair does not grow back must pay one hundred Dinars. If he shaves his beard and it does not grow back, he must pay a full wergild. But if it grows back and becomes as it was before, then nothing is due.

**بَابُ التَّرْفُؤَةِ وَ إِنْ انْكَسَرَتِ التَّرْفُؤَةُ فَجَبِرَتْ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ فَدِيْنَتُهَا أَرْبَعُونَ دِيْنَارًا فَإِنْ انْصَدَعَتْ فَدِيْنَتُهَا أَرْبَعَةُ أَخْمَاسِ كَسْرِهَا اثْنَانِ وَ ثَلَاثُونَ دِيْنَارًا وَ إِذَا أَوْضَحَتْ فَدِيْنَتُهَا خُمْسٌ وَ عِشْرُونَ دِيْنَارًا وَ إِنْ نُقِلَتِ الْعِظَامُ مِنْهَا فَدِيْنَتُهَا نِصْفُ دِيَةِ كَسْرِهَا عِشْرُونَ دِيْنَارًا وَ إِنْ نُقِبَتْ فَدِيْنَتُهَا رُبْعُ دِيَةِ كَسْرِهَا عِشْرَةٌ دِنَانِيْرٍ-**

**Subject of the collar bone** – If the collarbone is broken and heals properly without any deformity or defect, its wergild is forty Dinars. If it is cracked, the wergild is four-fifths of that of a full break, which is thirty-two Dinars. If the wound exposes the bone, its wergild is twenty-five Dinars. If the bone is displaced from its place, the wergild is half that of a complete break,

which is twenty Dinars. If it is pierced, the wergild is one-fourth of that of a full break, which is ten Dinars.

**بَابُ الْمَنْكِبَانِ [الْمَنْكِبَيْنِ]** دِيَّةُ الْمَنْكِبِ إِذَا كَسِرَ حُمُسُ دِيَّةِ الْيَدِ مِائَةٌ دِينَارٍ وَ إِنْ كَانَ فِي الْمَنْكِبِ صَدْعٌ فَدِيَّتُهُ أَرْبَعَةُ أَهْمَاسِ دِيَّةِ كَسْرِهِ تَمَّائُونَ دِينَاراً وَ إِنْ وَصَحَ فَدِيَّتُهُ رُبْعُ دِيَّةِ كَسْرِهِ حَمْسَةٌ وَ عِشْرُونَ دِينَاراً فَإِنْ نُقِلَتْ مِنْهُ الْعِظَامُ فَدِيَّتُهُ مِائَةٌ دِينَارٍ لِلْكَسْرِ وَ حَمْسُونَ لِنَقْلِ الْعِظَامِ وَ حَمْسَةٌ وَ عِشْرُونَ دِينَاراً لِلْمَوْضِحَةِ

**Subject of the shoulders** - The wergild for the shoulder, if it is broken, is one-fifth of the wergild for the hand, which is one hundred Dinars. If there is a crack in the shoulder, the wergild is four-fifths of that of a complete break, which is eighty Dinars. If the bone is exposed, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the bones are displaced from their position, the wergild is one hundred Dinars for the break, fifty Dinars for the displacement of the bones, and twenty-five Dinars for the exposed bone.

وَ إِنْ كَانَتْ نَاقِبَةً فَدِيَّتُهَا رُبْعُ دِيَّةِ كَسْرِهَا حَمْسَةٌ وَ عِشْرُونَ دِينَاراً فَإِنْ رُضِيَ الْمَنْكِبُ فَعَمَّتْ فَدِيَّتُهُ ثُلُثُ دِيَّةِ النَّعْسِ فَإِنْ فُكَّ فَدِيَّتُهُ ثَلَاثُونَ دِينَاراً-

If the wound pierces the shoulder, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the shoulder is crushed and becomes deformed, its wergild is one-third of the full wergild. If it is dislocated, its wergild is thirty Dinars.

**بَابُ الْعَضِدِ دِيَّةُ الْعَضِدِ إِذَا كُسِرَتْ فَجَبِرَتْ عَلَى عَجْرِ عَتَمٍ حُمُسُ دِيَّةِ الْيَدِ مِائَةٌ دِينَارٍ وَ مَوْضِحَتُهَا رُبْعُ كَسْرِهَا حَمْسٌ وَ عِشْرُونَ دِينَاراً وَ دِيَّةُ نَقْلِ الْعِظَامِ نِصْفُ دِيَّةِ كَسْرِهَا حَمْسُونَ دِينَاراً وَ دِيَّةُ نَقْلِهَا رُبْعُ دِيَّةِ كَسْرِهَا حَمْسٌ وَ عِشْرُونَ دِينَاراً وَ كَذَلِكَ الْمِرْفَقُ وَ الذِّرَاعُ-**

**Subject of the upper arm** - The wergild for the upper arm, if it is broken and heals properly without deformity, is one-fifth of the wergild for the hand, which is one hundred Dinars. If the wound exposes the bone, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the bones are displaced, the wergild is half that of a complete break, which is fifty Dinars. If it is pierced, the wergild is one-fourth of that of a complete break, which is twenty-five Dinars. The same rulings apply to the elbow and the forearm.

**بَابُ زَنْدِ الْبَيْدِ وَ الْكَفِّ إِذَا رُضِيَ الزُّنْدُ فَجَبِرَ عَلَى عَجْرِ عَتَمٍ وَ لَا عَتَبَ فَعِيهِ ثُلُثُ دِيَّةِ الْبَيْدِ فَإِنْ فُكَّ الْكَفُّ فُتِلْتُ دِيَّةُ الْبَيْدِ وَ فِي مَوْضِحَتِهَا رُبْعُ كَسْرِهَا حَمْسٌ وَ عِشْرُونَ دِينَاراً وَ فِي نَقْلِ عِظَامِهَا نِصْفُ دِيَّةِ كَسْرِهَا وَ فِي نَاقِبَتِهَا رُبْعُ دِيَّةِ كَسْرِهَا-**

**Subject of the wrist and the palm** - If the wrist is crushed and heals properly without deformity or defect, its wergild is one-third of the wergild for the hand. If the palm is dislocated, its wergild is also one-third of the wergild for the hand. If the wound exposes the bone, its wergild is one-fourth of that of a complete break, which is twenty-five Dinars. If the bones are displaced, the wergild is half that of a full break. If the wound penetrates through, its wergild is one-fifth of the wergild for the hand. If it is pierced, its wergild is one-fourth of that of a full break.

**بَابُ الْأَصَابِعِ وَ الْعَضِدِ وَ الْأَشْجَاعِ فِي الْإِهْتَامِ إِذَا قُطِعَ ثُلُثُ دِيَّةِ الْبَيْدِ وَ دِيَّةُ أَعْصَبَةِ الْإِهْتَامِ الَّتِي فِيهَا الْكَفُّ إِذَا جَبِرَتْ عَلَى عَجْرِ عَتَمٍ وَ لَا عَتَبَ حُمُسُ دِيَّةِ الْإِهْتَامِ وَ دِيَّةُ صَدْعِهَا سِتَّةٌ وَ عِشْرُونَ دِينَاراً وَ ثَلَاثَانِ وَ دِيَّةُ مَوْضِحَتِهَا ثَلَاثَةٌ دِينَارٍ وَ ثُلُثُ**

Subject of the fingers, and the upper arm and the joints – The wergild for cutting off the thumb is one-third of the wergild for the hand. The wergild for the tendons of the thumb located in the palm, if they heal properly without deformity or defect, is one-fifth of the wergild for the thumb. The wergild for a crack in it is twenty-six and two-thirds Dinars. The wergild for a wound that exposes the bone is three and one-third Dinars.

وَ دِيَّةُ فَكِّهَا عَشْرُ دَنَائِرٍ وَ دِيَّةُ الْمَفْصِلِ الثَّانِي مِنْ أَعْلَى الْإِجْهَامِ إِذَا جَبِرَ عَلَى غَيْرِ عَظْمٍ وَ لَا عَيْبٍ سِتَّةَ عَشَرَ دِينَاراً وَ دِيَّةُ الْمُوضِحَةِ فِي الْعُلْمَا أَرْبَعُ دَنَائِرٍ وَ ثُلُثٌ وَ دِيَّةُ نَقْلِ الْعِظَامِ خَمْسُ دَنَائِرٍ وَ مَا قُطِعَ مِنْهُ فَبِحِسَابِهِ

The wergild for dislocation is ten Dinars. The wergild for the second joint at the top of the thumb, if it heals properly without deformity or defect, is sixteen Dinars. The wergild for an exposed bone in the upper part is four and one-third Dinars, and for the displacement of the bones, five Dinars. Whatever portion of the thumb is cut off, its wergild is calculated proportionally.

وَ فِي كُلِّ الْأَصَابِعِ الْأَرْبَعِ وَ فِي كُلِّ إِصْبَعٍ سُدُسُ دِيَّةِ الْيَدِ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً وَ ثُلُثٌ وَ دِيَّةُ كَسْرِ كُلِّ مَفْصِلٍ مِنَ الْأَصَابِعِ الْأَرْبَعَةِ الَّتِي يَلِي الْكَفَّ سِتَّةَ عَشَرَ دِينَاراً وَ ثُلُثٌ وَ فِي نَقْلِ عِظَامِهَا ثَلَاثَةٌ دَنَائِرٍ وَ ثُلُثٌ وَ فِي مُوضِحَتِهَا أَرْبَعَةٌ دَنَائِرٍ وَ فِي نَقْبِهِ أَرْبَعُ دَنَائِرٍ وَ فِي فَكِّهِ خَمْسَةٌ دَنَائِرٍ

For each of the four fingers, the wergild for each entire finger is one-sixth of the wergild for the hand, which is thirty-three and one-third Dinars. The wergild for a fracture in each joint of the four fingers adjacent to the palm is sixteen and one-third Dinars. For the displacement of the bones, it is three and one-third Dinars. For an exposed bone, four Dinars. For piercing, four Dinars. For dislocation, five Dinars.

وَ دِيَّةُ الْمَفْصِلِ الْأَوْسَطِ مِنَ الْأَصَابِعِ إِذَا قُطِعَ خَمْسُ وَ خَمْسُونَ دِينَاراً وَ ثُلُثٌ وَ فِي كَسْرِهَا أَحَدَ عَشَرَ دِينَاراً وَ ثُلُثٌ وَ فِي صَدْعِهِ ثَمَانِيَةَ دَنَائِرٍ وَ نِصْفٌ وَ فِي مُوضِحَتِهَا دِينَارٌ وَ ثُلُثَانٌ وَ فِي نَقْلِ عِظَامِهِ خَمْسَةٌ دَنَائِرٍ وَ ثُلُثٌ وَ فِي نَقْبِهِ دِينَارٌ وَ ثُلُثَانٌ وَ فِي فَكِّهِ ثَلَاثَةٌ دَنَائِرٍ وَ ثُلُثٌ وَ فِي الْمَفْصِلِ الْأَعْلَى مِنَ الْأَصَابِعِ الْأَرْبَعِ إِذَا قُطِعَ فَسْبَعٌ [فَسْبَعَةٌ] وَ عِشْرُونَ دِينَاراً أَوْ نِصْفُ رُبْعٍ وَ عِشْرُونَ دِينَاراً [أَوْ نِصْفُ دِينَارٍ وَ رُبْعُ عَشْرِ دِينَارٍ]

The wergild for cutting off the middle joint of a finger is fifty-five and one-third Dinars. For a fracture in it, eleven and one-third Dinars. For a crack, eight and a half Dinars. For an exposed bone, one and two-thirds Dinars. For the displacement of the bones, five and one-third Dinars. For piercing, one and two-thirds Dinars. For dislocation, three and one-third Dinars. For the upper joint of the four fingers, if it is cut off, the wergild is twenty-seven Dinars, or half a quarter and a fraction of a Dinar.

وَ فِي كَسْرِهِ خَمْسَةٌ دَنَائِرٍ وَ أَرْبَعَةُ أَحْمَاسِ دِينَارٍ وَ إِذَا أَصِيبَتْ ظُفْرُ إِجْهَامِ الْيَدَيْنِ عَلَى مَا يُوجِبُ النَّقْعَةَ وَ فِي كُلِّ وَاحِدَةٍ مِنْهَا ثُلُثُ دِيَّةِ أَظْفَارِ الْيَدِ وَ دِيَّةُ أَظْفَارِ كُلِّ يَدٍ مِائَتَانِ وَ خَمْسُونَ دِينَاراً الثُّلُثُ مِنْ ذَلِكَ ثَلَاثَةٌ وَ ثَمَانُونَ دِينَاراً وَ ثُلُثٌ

For a fracture in it, five and four-fifths Dinars. If the nails of both thumbs are damaged in a way that requires treatment, the wergild for each is one-third of the total wergild for the nails of the hand. The wergild for all the nails of one hand is two hundred and fifty Dinars; thus, one-third of that is eighty-three and one-third Dinars.

وَ دِيَّةُ الْأَصَابِعِ الْأَرْبَعِ فِي كُلِّ يَدٍ مِائَةٌ وَسِتَّةٌ وَ ثَلَاثُونَ الرَّبْعِ مِنْ ذَلِكَ وَاحِدٌ وَ أَرْبَعُونَ دِينَاراً وَ ثَلَاثَانِ وَ دِيَّةُ أَظْفَارِ الرَّجُلَيْنِ كَذَلِكَ رُويَ أَنَّ عَلَى كُلِّ ظُفْرٍ ثَلَاثِينَ دِينَاراً وَ الْعَمَلُ فِي دِيَّةِ الْأَظْفَارِ فِي اليَدَيْنِ وَ الرَّجُلَيْنِ عَلَى كُلِّ وَاحِدٍ ثَلَاثُونَ دِينَاراً-

The wergild for the four fingers of each hand is one hundred and thirty-six and two-thirds Dinars; one-fourth of that is forty-one and two-thirds Dinars. The wergild for the toenails is the same. It is also reported that the wergild for each nail is thirty Dinars, and the established practice is that the wergild for each nail of both the hands and feet is thirty Dinars.

بَابُ الصَّدْرِ وَ الظَّهْرِ وَ الْأَكْتَافِ وَ الْأَضْلَاعِ وَ إِذَا انْكَسَرَ الصَّدْرُ وَ انْتَفَى شِقَاؤُهُ دِيَّةُهُ حَمْسِمِائَةٌ دِينَارٍ وَ دِيَّةُ إِحْدَى شِقَائِهِ إِذَا انْتَفَى مِائَتَانِ وَ حَمْسُونَ دِينَاراً وَ إِذَا انْتَفَى الصَّدْرُ وَ الْكَيْفَانِ فَدِيَّتُهُ مِنْ الْكَيْفَيْنِ أَلْفُ دِينَارٍ وَ إِذَا انْتَفَى إِحْدَى الْكَيْفَيْنِ مَعَ شِقِّ الصَّدْرِ فَدِيَّتُهُ حَمْسِمِائَةٌ دِينَاراً

Subject of the chest, and the back, and the shoulders, and the ribs - If the chest is broken and both sides are bent inward, the wergild is five hundred Dinars. If only one side of the chest is bent, the wergild is two hundred and fifty Dinars. If both the chest and the shoulders are bent, the wergild for the shoulders is one thousand Dinars. If one shoulder is bent along with one side of the chest, the wergild is five hundred Dinars.

وَ دِيَّةُ الْمُوضِحَةِ فِي الصَّدْرِ حَمْسٌ وَ عِشْرُونَ دِينَاراً وَ إِذَا اعْتَرَى الرَّجُلَ صَعْرٌ حَتَّى لَا يَقْدِرَ أَنْ يَلْتَفِتَ فَدِيَّتُهُ حَمْسِمِائَةٌ دِينَارٍ وَ إِذَا كُسِرَ الصُّلْبُ فَجَبِرَ عَلَى عَيْرِ عَيْبٍ فَدِيَّتُهُ مِائَةٌ دِينَارٍ وَ إِذَا عَمَّ فَدِيَّتُهُ أَلْفُ دِينَارٍ وَ فِي الْأَضْلَاعِ فِيمَا خَالَطَ الْقَلْبَ إِذَا كُسِرَ مِنْهَا ضِلْعٌ فَدِيَّتُهُ حَمْسٌ وَ عِشْرُونَ دِينَاراً

The wergild for a wound that exposes the bone in the chest is twenty-five Dinars. If a man develops a stiffness in the neck so that he cannot turn his head, the wergild is five hundred Dinars. If the spine is broken and heals properly without defect, the wergild is one hundred Dinars; but if it results in deformity or disability, the wergild is one thousand Dinars. For the ribs near the heart, if one rib is broken, the wergild is twenty-five and a half Dinars.

وَ نِصْفٌ وَ دِيَّةُ نَقْلِ عِظَامِهِ سَبْعَةٌ دَنَانِيرَ وَ نِصْفٌ وَ دِيَّةُ مُوضِحَتِهِ رُبْعٌ دِيَّةِ كُسْرِهِ وَ نَقْبُهُ مِثْلُ ذَلِكَ وَ فِي الْأَضْلَاعِ مِمَّا يَلِي الْعِضْدَيْنِ دِيَّةُ كُلِّ ضِلْعٍ عَشْرَةٌ دَنَانِيرَ إِذَا كُسِرَ وَ دِيَّةُ صَدْعِهِ عَشْرٌ دَنَانِيرَ وَ دِيَّةُ نَقْلِ عِظَامِهِ حَمْسٌ دَنَانِيرَ وَ مُوضِحَتُهُ كُلِّ ضِلْعٍ رُبْعٌ دِيَّةِ كُسْرِهِ دِينَارَانِ وَ نِصْفٌ

For the displacement of its bones, the wergild is seven and a half Dinars. For a wound that exposes the bone, the wergild is one-fourth of that for a fracture, and the same applies to a pierced wound. For the ribs near the upper arms, the wergild for each rib if broken is ten Dinars; for a crack, ten Dinars; for displacement of its bones, five Dinars; and for a wound exposing the bone, one-fourth of that for a fracture, which is two and a half Dinars.

فَإِنْ نُقِبَ ضِلْعٌ مِنْهَا فَدِيَّتُهُ دِينَارَانِ وَ نِصْفٌ وَ فِي عَيْبِهِ إِذَا بَرَأَ الرَّجُلُ مِائَةٌ دِينَارٍ وَ حَمْسَةٌ وَ عِشْرُونَ دِينَاراً-

If a rib is pierced, its wergild is also two and a half Dinars. If a man heals with some defect, the wergild is one hundred and twenty-five Dinars.

بَابُ الْبُطْنِ فِي الْجَائِفَةِ ثَلَاثُ دِيَّةِ النَّفْسِ وَ إِذَا نَقَذَتْ مِنَ الْجَانِبَيْنِ فَأَرْبَعُمِائَةٌ دِينَارٍ وَ ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَاراً-

**Subject of the abdomen** - For a penetrating wound to the abdomen, the wergild is one-third of the full wergild. If the wound passes through from one side to the other, the wergild is four hundred and thirty-three Dinars.

بَابُ الْوَرِكِ وَ فِي الْوَرِكِ إِذَا كُسِرَ فَجَبِرَ عَلَى غَيْرِ عَثْمٍ وَ لَا عَيْبٍ حُمُسُ دِيَةِ الرَّجُلِ [الرَّجُلَيْنِ] مِائَتَا دِينَارٍ فَإِنْ صَدَعَ الْوَرِكُ فَأَرْبَعَةُ أَحْمَاسِ دِيَةِ كَسْرِهِ فَإِنْ وَصَحَتْ فَرْبَعُ دِيَةِ كَسْرِهِ وَ إِنْ نُقِلَ عِظَامُهُ فَمِائَةُ دِينَارٍ وَ حُمُسُ وَ سَبْعُونَ دِينَاراً وَ دِيَةُ فَكِّ الْوَرِكِ ثَلَاثُونَ دِينَاراً فَإِنْ رُضَّ فَعَتَمَ ثَلَاثُ دِيَةِ النَّفْسِ -

**Subject of the hip** - If the hip is broken and heals properly without deformity or defect, its wergild is one-fifth of the wergild for the leg, which is two hundred Dinars. If the hip is cracked, the wergild is four-fifths of that for a complete break. If the bone is exposed, the wergild is one-fourth of that for a complete break. If the bones are displaced, the wergild is one hundred and seventy-five Dinars. The wergild for dislocation of the hip is thirty Dinars. If it is crushed and becomes deformed, the wergild is one-third of the full wergild.

بَابُ الذَّكَرِ وَ الْأَنْبِيَانِ [الْأَنْبِيَيْنِ] الْبِيضَانِ [الْبَيْضَتَانِ] أَلْفُ دِينَارٍ وَ قَدْ رُوِيَ أَنَّ أَحَدَهُمَا يَفْضَلُ عَلَى الْأُخْرَى وَ أَنَّ الْفَاضِلَةَ هِيَ الْبَيْسَرَى لِمَوْضِعِ الْوَلَدِ فَإِنْ فَحَجَّ فَلَمْ يُغْدِرْ عَلَى الْمَشْيِ إِلَّا شَيْئاً لَا يَنْفَعُهُ فَأَرْبَعَةُ أَحْمَاسِ دِيَةِ النَّفْسِ ثَمَانِمِائَةَ دِينَارٍ وَ فِي الذَّكَرِ أَلْفُ دِينَارٍ -

**Subject of the male organ and the testicles** - The wergild for both testicles is one thousand Dinars. It is reported that one of them is superior to the other, and the superior one is the left, for it is the place of reproduction. If a man becomes crippled and can only walk in a way that does not benefit him, the wergild is four-fifths of the full blood money, which is eight hundred Dinars. The wergild for the manhood is one thousand Dinars.

بَابُ الْفَخْذَيْنِ دِيَتُهُمَا أَلْفُ دِينَارٍ دِيَةُ كُلِّ وَاحِدٍ مِنْهُمَا حَمْسِمِائَةُ دِينَارٍ فَإِذَا كُسِرَتِ الْفَخْذُ فَجَبِرَتْ عَلَى غَيْرِ عَثْمٍ وَ لَا عَيْبٍ فَحُمُسُ دِيَةِ الرَّجُلِ [الرَّجُلَيْنِ] مِائَتَا دِينَارٍ وَ إِنْ عَتَمَتْ الْفَخْذُ فَدِيَتُهَا ثَلَاثُ دِيَةِ النَّفْسِ وَ دِيَةُ مَوْضِعِ الْعَتَمِ أَرْبَعَةُ أَحْمَاسِ دِيَةِ كَسْرِهَا وَ إِنْ كَانَتْ قَرْحَةً لَا تَبْرَأُ فَثَلَاثُ دِيَةِ كَسْرِهَا وَ مَوْضِعِهَا رُبْعُ دِيَةِ كَسْرِهَا -

**Subject of the thighs** - The wergild for both thighs together is one thousand Dinars, and for each thigh individually five hundred Dinars. If a thigh is broken and heals without deformity or defect, its wergild is one-fifth of the wergild for the leg, which is two hundred Dinars. If the thigh becomes deformed, its wergild is one-third of the full wergild. The wergild for the site of the deformity is four-fifths of the wergild for a break. If there is an ulcer that does not heal, the wergild is one-third of the wergild for a break, and for an open wound exposing bone, it is one-fourth of the wergild for a break.

بَابُ الرَّكْبَتَيْنِ وَ فِي الرَّكْبَتَيْنِ إِذَا كُسِرَتْ وَ جَبِرَتْ عَلَى غَيْرِ عَثْمٍ حُمُسُ دِيَةِ الرَّجُلِ فَإِنْ انْصَدَعَتْ فَدِيَتُهَا أَرْبَعَةُ أَحْمَاسِ دِيَةِ كَسْرِهَا وَ مَوْضِعِهَا رُبْعُ دِيَةِ كَسْرِهَا وَ نَقْلَ عِظَامِهَا مِائَةُ دِينَارٍ وَ دِيَةُ نَقْلِهَا رُبْعُ دِيَةِ كَسْرِهَا فَإِنْ رُضَّتْ فَعَتَمَتْ فَثَلَاثُ دِيَةِ النَّفْسِ فَإِنْ فَكَّتْ فَثَلَاثُونَ دِينَاراً -

**Subject of the knees** - If both knees are broken and heal without deformity, the wergild is one-fifth of the wergild for the leg. If they are cracked, the wergild is four-fifths of the wergild for a break, and for an open wound, one-fourth of the wergild for a break. The wergild for displaced bones is one hundred Dinars. The wergild for a puncture is one-fourth of the wergild

for a break. If they are crushed and deformed, the wergild is one-third of the full blood money. If dislocated, the wergild is thirty Dinars.

بَابُ السَّاقَيْنِ إِذَا كُسِرَتِ السَّاقَانِ فَجُجِرَتْ عَلَى غَيْرِ عَظْمٍ وَلَا عَيْبٍ فَيَبِيهَمَا مِائَتًا دِينَارٍ وَ دِيَةٌ صَدْعِيهَا أَرْبَعَةُ أَهْمَاسِ دِيَةِ كَسْرِهَا وَ مُوضِحَتِيهَا رُبْعُ دِيَةِ كَسْرِهَا وَ ثَقْلُ عِظَامِهَا مِثْلُ ذَلِكَ رُبْعُ دِيَةِ كَسْرِهَا وَ فِي نَفْسِهَا رُبْعُ دِيَةِ مُوضِحَتِيهَا وَ هُوَ خَمْسَةٌ وَ عِشْرُونَ دِينَارًا وَ الْفَرْحَةُ الَّتِي لَا تَبْرَأُ فِيهَا ثَلَاثَةٌ وَ ثَلَاثُونَ دِينَارًا فَإِنْ عَثَمَتِ السَّاقُ فَتُلُتْ دِيَةُ النَّفْسِ

**Subject of the shins** - If both shins are broken and heal without deformity or defect, the wergild is two hundred Dinars. The wergild for a crack is four-fifths of that for a break. The wergild for an open wound exposing bone is one-fourth of the wergild for a break, and for displaced bones, the same, one-fourth of the wergild for a break. The wergild for a puncture is one-fourth of that for an open wound, which equals twenty-five Dinars. For an ulcer that does not heal, the wergild is thirty-three Dinars. If the shin becomes deformed, the wergild is one-third of the full wergild.

وَ فِي الْكَعْبِ وَ الْقَدَمِ إِذَا رُضَّ فَجُجِرَ عَلَى غَيْرِ عَظْمٍ فَتُلُتْ دِيَةُ النَّفْسِ وَ الْقَدَمُ إِذَا كُسِرَتْ فَجُجِرَتْ عَلَى غَيْرِ عَظْمٍ خُمُسُ دِيَةِ النَّفْسِ وَ دِيَةُ مُوضِحَتِيهَا رُبْعُ دِيَةِ كَسْرِهَا وَ فِي نَاقِبَتِيهَا رُبْعُ دِيَةِ الْكَسْرِ -

For the ankle and foot, if they are crushed and heal without deformity, the wergild is one-third of the full blood money. If the foot is broken and heals properly, the wergild is one-fifth of the full blood money. The wergild for an open wound exposing bone is one-fourth of that for a break. For a deep penetrating wound, the wergild is one-fifth of that for a break, and for a puncture, one-fourth of that for a break.

بَابُ الْأَصَابِعِ مِنَ الرَّجْلِ وَ الْعَصَبِ الَّتِي فِيهَا الْقَدَمُ فِي خَمْسِ أَصَابِعٍ مِثْلُ مَا فِي أَصَابِعِ الْيَدِ مِنَ الْإِبْهَامِ وَ الْمَفَاصِلِ وَ دِيَةُ الرَّجْلِ الشَّلَاءِ مِثْلُ دِيَةِ الصَّحِيحَةِ وَ الرِّوَايَةُ مِنَ الْأَصَابِعِ وَ غَيْرِهَا وَ التَّوَاقُصُ لَا دِيَةَ فِيهَا مَوْضُوعَةٌ مِنْ جُمْلَةِ الدِّيَةِ -

**Subject of the toes of the foot and the nerves within it** - The wergild for the five toes is the same as that for the fingers of the hand, including the thumb and joints. The wergild for a paralysed foot is equal to that of a healthy one. As for extra or missing toes or other parts, there is no separate wergild for them; they are considered as part of the total wergild.

بَابُ دِيَةِ النَّفْسِ دِيَةُ النَّفْسِ أَلْفُ دِينَارٍ وَ دِيَةُ نُقْصَانِ النَّفْسِ فَالْحُكْمُ أَنَّ تُحْسَبَ الْأَنْفَاسُ التَّامَّةُ وَ يُعَدُّ مِنْهَا سَاعَةٌ ثُمَّ يُحْسَبُ أَنْفَاسُ نَاقِصِ النَّفْسِ وَ يُعْطَى مِنَ الدِّيَةِ بِمِقْدَارِ مَا يَنْقُصُ مِنْهَا.

**Subject of the wergild for breath (life)** - The full wergild for life is one thousand Dinars. For partial loss of breath, the ruling is that full breaths are counted over a measured time, then the breaths of the person with reduced respiration are counted in the same period, and the wergild is given in proportion to the amount of reduction in breathing.<sup>43</sup>

<sup>43</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 3

4- شي، تفسير العياشي عن ابن سنان عن أبي عبد الله ع قال: قضى أمير المؤمنين ع دية الأنف إذا استؤصل مائة من الإبل ثلاثون حقة و ثلاثون بنت لبون و عشرون بنت مخاض و عشرون ابن لبون ذكر [ذكر]

Tafseer Al Qummi – From Ibn Sinan,

From Abu Abdullah<sup>-asws</sup> ruled that the wergild for the complete removal of the nose is one hundred camels - thirty that are fully mature (hiqqah), thirty that are young but have begun to bear milk (bint labun), twenty that are younger she-camels (bint makhaz), and twenty young male camels (Ibn Labun).

و دية العين إذا فقت خمسون من الإبل و دية ذكر الرجل إذا قطع من الحشفة مائة من الإبل على أسباب الخطأ دون العمد و كذلك دية الرجل و كذلك دية اليد إذا قطعت خمسون من الإبل و كذلك دية الأذن إذا قطعت فجدعت خمسون من الإبل

The wergild for the loss of an eye is fifty camels. The wergild for the penis, if cut from the glans, is one hundred camels, in cases of accidental injury rather than intentional harm. The same applies to the wergild for a leg, and likewise for a hand if it is cut-off, the wergild is fifty camels. Similarly, the wergild for an ear that is cut and completely severed is fifty camels.

قال و ما كان من ذلك من جروح أو تنكيل ف يحكم به ذو عدل منكم يعني به الإمام

He<sup>-asws</sup> said, 'As for any wounds or mutilations arising from such cases, **The possessor of justice from you would judge with it [5:95]** – meaning by it the Imam<sup>-asws</sup>.

قال و من لم يحكم بما أنزل الله فأولئك هم الكافرون.

He<sup>-asws</sup> said: '**And the ones who do not judge with what Allah Revealed, so them, they are the Kafirs [5:44]**'.<sup>44</sup>

5- شي، تفسير العياشي عن ابن سنان عن أبي عبد الله ع قال: دية الأنف إذا استؤصل مائة من الإبل و العين إذا فقت خمسون من الإبل و اليد إذا قطعت خمسون من الإبل و في الذكر إذا قطع مائة من الإبل و في الأذن إذا جدعت خمسون من الإبل و ما كان من ذلك جرحاً دون المثلات و الإصبع و شبهه – يحكم به ذو عدل منكم – و من لم يحكم بما أنزل الله فأولئك هم الكافرون.

Tafseer Al Ayyashi – From Ibn Sinan,

From Abu Abdullah<sup>-asws</sup> having said: 'The wergild for the complete removal of the nose is one hundred camels. For an eye that is destroyed, the wergild is fifty camels. For a hand that is cut off, the wergild is fifty camels. For the penis that is severed, the wergild is one hundred camels. For an ear that is completely cut off, the wergild is fifty camels. As for wounds that are less than mutilation, such as the loss of a finger or similar injuries, the judgment

<sup>44</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 4

concerning them is to be made by a just person among you. **And the ones who do not judge with what Allah Revealed, so them, they are the Kafirs [5:44]**.<sup>45</sup>

6- ضا، فقه الرضا عليه السلام دية الأنف إذا استؤصل مائة من الإبل و اليد إذا قطعت خمسون من الإبل و في الجراحات في الجائفة ثلث الدية

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'The wergild for the complete removal of the nose is one hundred camels. For a hand that is cut off, the wergild is fifty camels. For wounds, the wergild for a deep wound that reaches the internal cavity is one-third of the full wergild.

و هي التي تبلغ الجوف و كذلك في المأمومة و هي التي تبلغ أم الدماغ و المنقولة خمس عشرة و هي التي تنقل منها العظام و في الشجة التي لم توضح و قد كادت أن توضح أربع من الإبل و الموضحة التي توضح العظام و دية السرة خمس من الإبل و دية الإصبع عشرون من الإبل

The same applies to a head wound that reaches the membrane surrounding the brain. For a wound where bones are exposed and removed, the wergild is fifteen camels. For a head wound that almost exposes the bone but does not fully do so, the wergild is four camels. For a wound that exposes the bone, its wergild is likewise determined. The wergild for a tooth is five camels, and for a finger, twenty camels.

و قال أبو جعفر في الرجل يضرب المرأة فتطرح النطفة عليه عشرون ديناراً فإن كانت علقة فعليه أربعون ديناراً فإن كانت مضعة فعليه ستون ديناراً فإن كانت عظماً فعليه الدية.

And Abu Ja'far<sup>-asws</sup> said: 'If a man strikes a woman and she miscarries a foetus in the form of a sperm-drop, he must pay twenty Dinars; if it was a clot, forty Dinars; if it was a piece of flesh (a small lump), sixty Dinars; and if it had developed bones, then the full wergild is due'.<sup>46</sup>

7- ختص، الإختصاص الحسن بن محبوب عن هشام بن سالم عن زياد بن سوفة عن الحكم بن عتيبة قال: قلت لأبي جعفر ع أصلحك الله إن بغض الناس له في فمه اثنتان و ثلاثون سنناً و بعضهم له ثمانين و عشرون فعلى كم تُقسم دية الأسنان

(The book) 'Al Ikhtisas' – Al Hassan Bin Mahboub, from Hisham Bin Salim, from Ziyad Bin Sowqah, from Al Hakam Bin Uteyba who said,

'I said to Abu Ja'far<sup>-asws</sup>, 'May Allah<sup>-azwj</sup> keep you<sup>-asws</sup> well! Some of the people have thirty-two teeth, and some of them have twenty-eight. Upon how much is wergild of the teeth to be divided?'

فقال الخليفة إنما هي ثمانين و عشرون سنناً - اثنتان عشرة في مقادير النعم و ست عشرة سنناً في مواخيرها فعلى هذا فسمت دية الأسنان فدية كل سنن من المقادير إذا كسرت حتى يذهب فإن ديتها خمسمائة درهم و هي اثنتان عشرة سنناً فديتها ستة آلاف درهم و دية كل سنن من الأضراس حتى يذهب على نصف من دية المقادير ففي كل سنن كسرت حتى يذهب فإن ديتها مائتان و خمسون درهماً و هي ستة عشر ضرساً فديتها كلها أربعة آلاف درهم

<sup>45</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 5

<sup>46</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 6

He<sup>-asws</sup> said: ‘The creation (of the dentition) rather is of twenty-eight teeth - twelve in the front of the mouth and sixteen in the molars. Based on this, the wergild for the teeth was divided. The wergild for each front tooth, if broken completely, is five hundred Dirhams, as there are twelve front teeth, making a total of six thousand Dirhams. The wergild for each molar tooth, if broken completely, is half the wergild of a front tooth. Each broken molar is valued at two hundred and fifty Dirhams, and there are sixteen molars, making their total wergild four thousand Dirhams.

فَجَمِيعُ دِيَةِ الْمَقَادِيمِ وَالْمَوَاحِرِ مِنَ الْأَسْنَانِ عَشْرَةُ آلَافٍ دِرْهَمٍ وَإِنَّمَا وُضِعَتِ الدِّيَةُ عَلَى هَذَا فَمَا زَادَ عَلَى ثَمَانِي وَعِشْرِينَ سِنًا فَلَا دِيَةَ لَهُ وَ مَا نَقَصَ فَلَا دِيَةَ لَهُ وَ هَكَذَا وَجَدْنَاهُ فِي كِتَابِ عَلِيِّ ع.

Thus, the total wergild for all the front and molar teeth is ten thousand Dirhams. The wergild was set in this manner, so anything beyond twenty-eight teeth has no wergild, and anything missing also has no wergild. This is how we found it recorded in the book of Ali<sup>-asws</sup>.<sup>47</sup>

8- قَالَ: وَ سَأَلْتُهُ عَنْ أَصَابِعِ الْيَدَيْنِ وَ أَصَابِعِ الرَّجُلَيْنِ أَرَأَيْتَ مَا زَادَ مِنْهَا عَلَى عَشْرَةِ أَصَابِعٍ أَوْ نَقَصَ مِنْ عَشْرَةِ فِيهَا دِيَةَ

He said, ‘And I asked him<sup>-asws</sup> about fingers of the hands and toes of the legs, ‘What is your<sup>-asws</sup> view of what is additional from these over ten fingers (or toes), or deficient from ten, is there wergild in it?’

قَالَ فَقَالَ لِي يَا حَكَمُ الْخَلْقَةُ الَّتِي قُسِمَتْ عَلَيْهَا الدِّيَةُ عَشْرَةُ أَصَابِعٍ فِي الْيَدَيْنِ فَمَا زَادَ أَوْ نَقَصَ فَلَا دِيَةَ لَهُ وَ عَشْرَةُ أَصَابِعٍ فِي الرَّجُلَيْنِ فَمَا زَادَ أَوْ نَقَصَ فَلَا دِيَةَ لَهُ

He (the narrator) said, ‘He<sup>-asws</sup> said: ‘O Hakam! The creation upon which the wergild is divided is ten fingers in the hands. So, whatever is additional or deficient, there is no wergild for it; and ten toes in the legs. So, whatever is additional to it or deficient, there is no wergild for it.

وَ فِي كُلِّ إِصْبَعٍ مِنْ أَصَابِعِ الْيَدَيْنِ أَلْفٌ دِرْهَمٍ وَ فِي كُلِّ إِصْبَعٍ مِنْ أَصَابِعِ الرَّجُلَيْنِ أَلْفٌ دِرْهَمٍ وَ كُلُّ مَا كَانَ فِيهَا شَلًّا فَهُوَ عَلَى الثُّلُثِ مِنْ دِيَةِ الصِّحَاحِ.

And regarding each finger from fingers of the hands is a thousand Dirhams, and in each toe from toes of the legs is a thousand Dirhams, and all that is paralysis in it, it is upon the third of the wergild of the healthy.<sup>48</sup>

9- مَقْصَدُ الرَّغِيبِ، قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي رَجُلٍ قَطَعَ قَرْجَ امْرَأَةٍ فَأَلْزَمَهُ دِيَتَهَا وَ أَجْبَرَهُ عَلَى إِمْسَاكِهَا.

(The book) Maqsad Al Raghib’ –

<sup>47</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 7

<sup>48</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 8

Amir Al-Momineen<sup>-asws</sup> judged regarding a man who cut the private part of a woman. He<sup>-asws</sup> necessitated him her wergild and compelled him upon keeping her'.<sup>49</sup>

10- وَ قَضَى ع فِي جَارِيَتَيْنِ دَخَلْنَا الْحَمَّامَ فَاقْتَصَّتْ وَاحِدَةً الْأُخْرَى بِإِصْبَعِهَا فَأَلَزَمَهَا الْمَهْرَ وَحَدَا وَ قَالَ تَمَسَّكُوا بِقَضَائِي حَتَّى تَلْقُوا رَسُولَ اللَّهِ ص فَيَكُونَ الْقَاضِي بَيْنَكُمَا

And he<sup>-asws</sup> judged regarding two slave girls who entered the bathhouse. One deflowered the other with her fingers, so he<sup>-asws</sup> necessitated the dowry alone and said: 'Hold on with my<sup>-asws</sup> judgment until you meet Rasool-Allah<sup>-saww</sup>, so he<sup>-saww</sup> would be the judge between the two of you!'

فَوَافُوا رَسُولَ اللَّهِ ص فَتَأَرَوْا إِلَيْهِ فَحَدَّثُوهُ حَدِيثَهُمْ فَاحْتَبَى بِبُرْدَةٍ عَلَيْهِ ثُمَّ قَالَ أَنَا أَقْضِي بَيْنَكُمَا إِنْ شَاءَ اللَّهُ

They went to Rasool-Allah<sup>-saww</sup> and approached him<sup>-saww</sup>. They narrated to him<sup>-saww</sup> their narration. He<sup>-saww</sup> covered himself<sup>-saww</sup> with a cloak, then said: 'I<sup>-saww</sup> will judge between you two, if Allah<sup>-azwj</sup> so Desires!'

فَنَادَى رَجُلٌ مِّنَ الْقَوْمِ أَنَّ عَلِيًّا قَدْ قَضَى فِي ذَلِكَ بِقَضَائِي

A man from the people called out, 'Ali<sup>-asws</sup> had already judged regarding that with a judgment!'

فَقَالَ ص هُوَ كَمَا قَضَى عَلِيٌّ ع فَرَضُوا.

He<sup>-saww</sup> said: 'It is just as Ai<sup>-asws</sup> has judged'. They agreed.<sup>50</sup>

11- الْهِدَايَةُ، كُلُّ مَا كَانَ فِي الْإِنْسَانِ وَاحِدٌ فِيهِ الدِّيَّةُ كَامِلَةً وَ كُلُّ مَا كَانَ فِيهِ اثْنَانِ فَفِيهِمَا الدِّيَّةُ كَامِلَةً وَ فِي وَاحِدٍ مِنْهُمَا نِصْفُ الدِّيَّةِ إِلَّا الشَّفَتَيْنِ فَإِنَّ دِيَّةَ الشَّفَةِ الْغُلْيَا أَرْبَعَةُ آلَافٍ دِرْهَمٍ وَ دِيَّةُ السُّفْلَى سِتَّةُ آلَافٍ لِأَنَّ السُّفْلَى تُمْسِكُ الْمَاءَ وَ دِيَّةُ الْبَيْضَةِ الْيُمْنَى ثُلُثُ الدِّيَّةِ وَ دِيَّةُ الْيُسْرَى ثُلُثَا الدِّيَّةِ لِأَنَّ الْيُسْرَى مِنْهَا الْوَلَدُ

(The book) 'Al Hidayah' –

Whatever exists in a single person carries the full wergild, and whatever exists in two people carries the full wergild between them, with each of them responsible for half, except for the lips. The wergild for the upper lip is four thousand Dirhams, and for the lower lip six thousand Dirhams, because the lower lip holds water. The wergild of the right testicle is one-third of the wergild, and the left testicle two-thirds because the offspring come from it.

<sup>49</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 9

<sup>50</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 10

وَ قَتْلُ الْعَمْدِ فِيهِ الْقَوْدُ إِلَّا أَنْ يَرْضَى بِالِدِّيَّةِ وَ قَتْلُ الْخَطَا فِيهِ الدِّيَّةُ وَ الْعَمْدُ هُوَ أَنْ يُرِيدَ الرَّجُلُ شَيْئاً فَيُصِيبُهُ وَ الْخَطَأُ أَنْ يُرِيدَ شَيْئاً فَيُصِيبَ غَيْرَهُ وَ لَوْ أَنَّ رَجُلًا لَطَمَ رَجُلًا فَمَاتَ مِنْهُ لَكَانَ قَتْلُ عَمْدٍ وَ دِيَّةُ الْخَطَا تُسْتَأَدَى مِنَ الْعَاقِلَةِ فِي ثَلَاثِ سِنِينَ وَ دِيَّةُ الْعَمْدِ عَلَى الْقَاتِلِ فِي مَالِهِ تُسْتَأَدَى مِنْهُ فِي سَنَةٍ وَ لَا تَعْقَلُ الْعَاقِلَةُ إِلَّا مَا قَامَتْ عَلَيْهِ الْبَيِّنَةُ

Intentional killing incurs full wergild unless the offender agrees to pay it, while accidental killing incurs (some) wergild. Intentional means a man intends something and causes harm; accidental means he intends one thing but harms another. If a man slaps another and he dies, it is intentional killing, and the unintentional wergild is to be paid by the responsible group within three years. The wergild for intentional killing is paid by the killer from his property within a year, and the accountable group only covers what evidence confirms.

وَ الدِّيَّةُ عَلَى أَصْحَابِ الْإِبِلِ مِائَةٌ مِنَ الْإِبِلِ وَ عَلَى أَصْحَابِ الْعَنَمِ أَلْفُ شَاةٍ وَ عَلَى أَصْحَابِ الْبَقَرَةِ مِائَتَا بَقْرَةٍ وَ عَلَى أَصْحَابِ الْعِزِينَ أَلْفُ دِينَارٍ وَ عَلَى أَصْحَابِ الْوَرَقِ عَشْرَةُ آلَافٍ دِرْهَمٍ وَ فِي النَّطْفَةِ عِشْرُونَ دِينَاراً وَ فِي الْعَلَقَةِ أَرْبَعُونَ دِينَاراً وَ فِي الْمُضْغَةِ سِتُّونَ دِينَاراً وَ فِي الْعَظْمِ ثَمَانُونَ دِينَاراً فَإِذَا كُسِيَ الْعَظْمُ اللَّحْمَ فَمِائَةٌ ثُمَّ هِيَ مِائَةٌ حَتَّى يَسْتَهْلَ فَإِذَا اسْتَهَلَ فَالدِّيَّةُ كَامِلَةٌ وَ الْإِسْتِهْلَالُ الصَّوْتُ

Wergild for owners of camels is one hundred camels, for sheep one thousand sheep, for cattle two hundred cows, for humans one thousand Dinars, for silver ten thousand Dirhams. For a sperm emission, twenty dinars; for a leech-like conception, forty dinars; for a lump of flesh, sixty Dinars; for a bone, eighty Dinars; if the bone is covered by flesh, one hundred Dinars until the initial sound begins. When the initial sound is made, the full wergild applies.

وَ الْأَسْنَانُ الَّتِي يُقَسَّمُ عَلَيْهَا الدِّيَّةُ ثَمَانِي وَ عِشْرُونَ سِنّاً اثْنَتَيْ عَشْرَةَ فِي مَقَادِيمِ الْفَمِ وَ سِتُّ عَشْرَةَ فِي مَآخِرِهِ فَدِيَّةُ كُلِّ سِنٍَّ مِنَ الْمَقَادِيمِ إِذَا كُسِرَ حَتَّى يَذْهَبَ خَمْسُونَ دِينَاراً وَ دِيَّةُ كُلِّ سِنٍَّ مِنَ الْمَآخِرِ إِذَا كُسِرَ حَتَّى يَذْهَبَ عَلَى النِّصْفِ مِنْ دِيَّةِ الْمَقَادِيمِ خَمْسَةٌ وَ عِشْرُونَ دِينَاراً يَكُونُ ذَلِكَ أَلْفَ دِينَارٍ وَ لَا يُقْتَلُ الْحُرُّ بِالْعَبْدِ وَ لَكِنْ يُلْزَمُ دِيَّتَهُ وَ دِيَّةُ الْعَبْدِ ثَمْنُهُ وَ لَا يُجَاوِزُ بِقِيَمَةِ الْعَبْدِ دِيَّةَ حُرٍّ

The teeth used to calculate wergild are twenty-eight - twelve in the front and sixteen in the back. The wergild for each broken front tooth is fifty Dinars, for each back tooth broken until it is gone, twenty-five Dinars. This totals one thousand Dinars. A free person is not killed for a slave, but the slave's wergild is obligatory. The wergild of a slave is its value and cannot exceed the wergild of a free person.

وَ لَا يُقْتَلُ الْمُسْلِمُ بِالذَّمِيِّ وَ لَكِنْ يُؤْخَذُ مِنْهُ الدِّيَّةُ وَ دِيَّةُ الْيَهُودِيِّ وَ النَّصْرَانِيِّ وَ الْمَجُوسِيِّ وَ وَلَدُ الرِّبَا ثَمَانِيَةٌ دِرْهَمٍ.

A Muslim is not killed for a non-Muslim, but the wergild is taken from him. The wergild for a Jew, Christian, Magian, or child born of adultery is eight hundred Dirhams'.<sup>51</sup>

[باب 45 دية الجنين و قطع رأس الميت](#)

## CHAPTER 45 – WERGILD OF THE FOETUS AND THE CUT HEAD OF A DECEASED

<sup>51</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 44 H 11

1 لي، الأماالي للصدوق ابن الوليد عني الصفار عني ابن معروف عني ابن مهزيار عني فضالة عني أبان عني محمد بن مسلم عني أبي جعفر الباقر ع قال: بعث رسول الله ص خالد بن الوليد إلى حي يقال لهم بنو المصطلق من بني جذيمة وكان بينهم وبين بني مخزوم إحنة في الجاهلية

(The book) 'Al Amaali' of Al Sadouq – Ibn Al Waleed, from Al Saffar, from Ibn Marouf, from Ibn Mahziyar, from Fazalah, from Aban, from Muhammad Bin Muslim,

From Abu Ja'far Al-Baqir<sup>-asws</sup> having said: 'Rasool-Allah<sup>-saww</sup> sent Khalid Bin Al-Waleed to a tribe called the clan of Al-Mustaliq from the clan of Juzeyma, and between them, and him, and the clan of Makhzum there was hostility during the pre-Islamic period.

فلما ورد عليهم كانوا قد أطاعوا رسول الله ص وأخذوا منه كتاباً فلما ورد عليهم خالد أمر منادياً فتأدى بالصلاة فصلى وصلى فلما كان صلاة الفجر أمر مناديه فتأدى فصلى وصلى ثم أمر الحنبل فشنوا فيهم الغارة فقتل وأصاب

When he arrived to them, they had already obeyed (submitted to) Rasool-Allah<sup>-saww</sup> and had taken an agreement from him<sup>-saww</sup>. When Khalid arrived to them, he ordered a caller to call out with the Salat. He prayed and they prayed. When it was Al-Fajr Salat, he ordered a caller. He called out, so he prayed and they prayed. Then he ordered the cavalry to make raids among them. He killed and injured (many).

فطلبوا كتابهم فوجدوه فأتوا به النبي ص وحدثوه بما صنع خالد بن الوليد فاستقبل ع القبلة ثم قال اللهم إني أبرأ إليك مما صنع خالد بن الوليد

They sought their agreement and found it. They came with it to the Prophet<sup>-saww</sup> and narrated to him<sup>-saww</sup> with what Khalid Bin Al-Waleed had done. He<sup>-saww</sup> faced the Qiblah, then said: 'O Allah<sup>-azwj</sup>! I<sup>-saww</sup> disavow to You<sup>-azwj</sup> from what Khalid Bin Al-Waleed has done!'

قال ثم قدم على رسول الله ص بئر [بئر] ومتاع فقال لعلي ع يا علي أنت بني جذيمة من بني المصطلق فأرضهم بما صنع خالد

He<sup>-asws</sup> said: 'Then spoils of war and chattels arrived to Rasool-Allah<sup>-saww</sup>. He<sup>-saww</sup> said to Ali<sup>-asws</sup>: 'O Ali<sup>-asws</sup>! Go to the clan of Juzeyma of the clan of Al-Mustaliq and pleased them from what Khalid has done!'

ثم رفع ع قدميه فقال يا علي اجعل قضاء أهل الجاهلية تحت قدميك

Then he<sup>-saww</sup> raised his<sup>-saww</sup> feet. He<sup>-saww</sup> said: 'O Ali<sup>-asws</sup>! Make judgments of the people of the pre-Islamic period to be under your<sup>-asws</sup> feet!'

فأتاهم علي ع فلما انتهى إليهم حكم بينهم بحكم الله فلما رجع إلى النبي ص قال يا علي أحرزني بما صنعت

Ali<sup>-asws</sup> came to them. When he<sup>-asws</sup> ended to them, he<sup>-asws</sup> judged between them with the Judgment of Allah<sup>-azwj</sup>. When he<sup>-asws</sup> returned to the Prophet<sup>-saww</sup>, he<sup>-saww</sup> said: 'O Ali<sup>-asws</sup>! Informed with what you<sup>-asws</sup> did!'

فَقَالَ يَا رَسُولَ اللَّهِ عَمَدْتُ فَأَعْطَيْتُ لِكُلِّ دَمٍ دِيَّةً وَ لِكُلِّ جَنِينٍ عُزَّةً وَ لِكُلِّ مَالٍ مَالًا وَ فَضَلْتُ مَعِيَ فَضْلَةً فَأَعْطَيْتُهُمْ لِمَبْلَغَةِ كَلَابِهِمْ وَ جُلَّةِ رُعَاتِهِمْ وَ فَضَلْتُ مَعِيَ فَضْلَةً

He<sup>-asws</sup> said: ‘O Rasool-Allah<sup>-saww</sup>! I<sup>-asws</sup> deliberated and gave wergild for every blood (killing and injury), and for every foetus killed unintentionally, and wealth for every wealth, and there still remained a surplus with me<sup>-asws</sup>. So, I<sup>-asws</sup> gave them (compensation) for feeding utensils of their dogs and for the fodder for their shepherds, and there still remained a surplus with me<sup>-asws</sup>.

فَأَعْطَيْتُهُمْ لِرُوعَةِ نِسَائِهِمْ وَ فَرَعِ صَبِيَّائِهِمْ وَ فَضَلْتُ مَعِيَ فَضْلَةً فَأَعْطَيْتُهُمْ لِمَا يَعْلَمُونَ وَ لِمَا لَا يَعْلَمُونَ وَ فَضَلْتُ مَعِيَ فَضْلَةً فَأَعْطَيْتُهُمْ لِيَرْضَوْا عَنْكَ يَا رَسُولَ اللَّهِ

So, I<sup>-asws</sup> gave them (compensation) for frightening their womenfolk and panicking their children, and there, still, remained a surplus with me<sup>-asws</sup>. So I<sup>-asws</sup> gave them (compensation) for what they knew of and for what they did not even know of, and there, still, remained a surplus with me<sup>-asws</sup>. So I<sup>-asws</sup> gave them for them to be pleased with you<sup>-saww</sup> O Rasool-Allah<sup>-saww</sup>!

فَقَالَ ص يَا عَلِيُّ أُعْطَيْتُهُمْ لِيَرْضَوْا عَنِّي رَضِيَ اللَّهُ عَنْكَ يَا عَلِيُّ إِنَّمَا أَنْتَ مِنِّي بِمَنْزِلَةِ هَارُونَ مِنْ مُوسَى إِلَّا أَنَّهُ لَا نَبِيَّ بَعْدِي.

He<sup>-saww</sup> said: ‘O Ali<sup>-asws</sup>! You<sup>-asws</sup> gave them to be pleased with me<sup>-saww</sup>, may Allah<sup>-azwj</sup> be Pleased with you<sup>-asws</sup>! O Ali<sup>-asws</sup>! But rather, you<sup>-asws</sup> are from me<sup>-saww</sup> at the status of Haroun<sup>-as</sup> from Musa<sup>-as</sup> except that there be no Prophet<sup>-as</sup> after me<sup>-saww</sup>!’<sup>52</sup>

Tafseer Al Qummi –

2- فس، تفسير القمي قَوْلُهُ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ مِنْ طِينٍ- ثُمَّ جَعَلْنَاهُ نُطْقَةً فِي قَرَارٍ مَكِينٍ إِلَى قَوْلِهِ ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ

His<sup>-azwj</sup> Words: **And We have Created the human being from an extract of clay [23:12] Then We Made him a seed in a firm resting place [23:13]** – up to His<sup>-azwj</sup> Words: **then We Grow it as another creation [23:14]**.

فَهِيَ سِتَّةُ أَجْزَاءٍ وَ سِتَّةُ اسْتِحَالَاتٍ وَ فِي كُلِّ جُزْءٍ وَ اسْتِحَالَةٍ دِيَّةٌ مَحْدُودَةٌ فِيهِ النُّطْقَةُ عَشْرُونَ دِينَارًا وَ فِي الْعَلَقَةِ أَرْبَعُونَ دِينَارًا وَ فِي الْمَضْغَةِ سِتُّونَ دِينَارًا وَ فِي الْعَظْمِ ثَمَانُونَ دِينَارًا وَ إِذَا كُتِبِيَ لِحَمَاءِ فَمِائَةٌ دِينَارٍ حَتَّى يَسْتَهْلَ إِذَا اسْتَهَلَ فَالِدِيَّةُ كَامِلَةٌ فَحَدَّثَنِي بِذَلِكَ أَبِي عَنْ سُلَيْمَانَ بْنِ خَالِدٍ- عَنْ أَبِي عَبْدِ اللَّهِ ع

It is of six stages and six transformations, and for each stage and transformation there is a fixed wergild. For the stage of the sperm-drop it is twenty Dinars, for the clot is forty Dinars, for the lump of flesh is sixty Dinars, for the bone is eighty Dinars, and when it is covered with flesh is one hundred Dinars, until it gives its first cry. When it gives its first cry, the full wergild

<sup>52</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 1

becomes due. My father narrated with that to me from Sulayman ibn Khalid, from Abu Abdullah<sup>-asws</sup>.

قَالَ قُلْتُ فَإِنْ خَرَجَ فِي النُّطْفَةِ قَطْرَةٌ دَمٍ

He (the narrator) said, 'I said, 'Supposing a drop of blood emerges in the sperm-drop?'

قَالَ فِي الْقَطْرَةِ عَشْرُ النُّطْفَةِ فِيهَا اثْنَانِ وَ عِشْرُونَ دِينَاراً

He<sup>-asws</sup> said: 'Regarding the drop, it is tenth of the seed-drop, in it are twelve Dinars'.

قُلْتُ فَفَقَطْرَتَانِ

I said, 'Two drops?'

قَالَ أَرْبَعَةٌ وَ عِشْرُونَ دِينَاراً

He<sup>-asws</sup> said: 'Twenty-four Dinars'.

قُلْتُ فَثَلَاثٌ

I said, 'Three?'

قَالَ سِتَّةٌ وَ عِشْرُونَ دِينَاراً

He<sup>-asws</sup> said: 'Twenty-six Dinars'.

فَقُلْتُ فَأَرْبَعَةٌ

I said, 'Four?'

قَالَ ثَمَانِيَةٌ وَ عِشْرُونَ دِينَاراً

He<sup>-asws</sup> said: 'Twenty-eight Dinars'.

قُلْتُ فَخَمْسٌ

I said, 'Five?'

قَالَ ثَلَاثُونَ دِينَاراً وَ مَا زَادَ عَلَى التَّصْنِيفِ فَعَلَى هَذَا الْحِسَابِ حَتَّى يَصِيرَ عَلَقَةً فَيَكُونُ فِيهَا أَرْبَعُونَ دِينَاراً

He<sup>-asws</sup> said: 'Thirty Dinars, and whatever is additional is upon the half and upon this calculation until it becomes a clot, so there would be Forty Dinars regarding it'.

قُلْتُ فَإِنْ خَرَجَتِ الْعَلَقَةُ مُخْضَخَةً [مُنْخَصَصَةً] بِالدَّمِ

I said, 'Supposing the clot emerges as soaked in blood?'

قَالَ قَدْ عَلِقَتْ إِنْ كَانَ دَمٌ صَافٍ فَفِيهَا أَرْبَعُونَ دِينَاراً وَ إِنْ كَانَ دَمٌ أَسْوَدٌ فَذَلِكَ مِنَ الْجَوْفِ فَلَا شَيْءَ عَلَيْهِ عَزْرُ التَّعْزِيرِ لِأَنَّهُ مَا كَانَ مِنْ دَمٍ صَافٍ ذَلِكَ لِلْوَلَدِ وَ مَا كَانَ مِنْ دَمٍ أَسْوَدٌ فَذَلِكَ مِنَ الْجَوْفِ

He<sup>-asws</sup> said: 'It has already become a clot, if the blood was clear, there is (wergild of) Forty Dinars in it, and if the blood was black, so that is from the interior, so there will be nothing upon it apart from the disciplinary punishment because whatever was from clear blood, that is of the child, and whatever was from black blood, that is from the interior'.

قَالَ فَقَالَ أَبُو شَيْبَةَ فَإِنَّ الْعَلَقَةَ صَارَتْ مِنْهَا شَبِيهَةُ الْعُرُوقِ وَ اللَّحْمِ

He (the narrator) said, 'Abu Shibl said, 'Supposing the clot has become such, there are the veins and the flesh from it?'

قَالَ اثْنَانِ وَ أَرْبَعُونَ دِينَاراً وَ الْعُشْرُ

He<sup>-asws</sup> said: 'Forty-two Dinars and the tenth'.

قُلْتُ فَإِنَّ عَشْرَ الْأَرْبَعِينَ أَرْبَعَةٌ

I said, 'But the tenth of forty is four!'

قَالَ لَا إِنَّمَا هُوَ عَشْرُ الْمُضْغَةِ إِنَّمَا ذَهَبَ عَشْرُهَا فَكُلَّمَا زَادَتْ زِيدَ حَتَّى تَبْلُغَ السِّتِينَ

He<sup>-asws</sup> said: 'No. But rather, it is a tenth of the lump. But rather, its tenth has gone. Every time it increased, it would increase until it reached sixty.

قُلْتُ فَإِنْ رَأَتْ فِي الْمُضْغَةِ مِثْلَ الْعُقْدَةِ عَظْمٍ يَابِسٍ [عَظْمًا يَابِسًا]

I said, 'Supposing there is seen in the lump like the dry bone?'

قَالَ إِنَّ ذَلِكَ عَظْمٌ أَوَّلُ مَا يَبْتَدِئُ فِيهِ أَرْبَعَةُ الدَّنَائِرِ فَإِنْ زَادَ فَرِدَ أَرْبَعَةً حَتَّى تَبْلُغَ الثَّمَانِينَ

He<sup>-asws</sup> said: 'Then that is the beginning of a bone. In it is Forty Dinars. If it increases, it increases by four until it reaches eighty.

قُلْتُ فَإِنْ كُسِيَ الْعَظْمُ لَحْمًا

I said, 'Supposing the bone is covered by flesh?'

قَالَ كَذَلِكَ إِلَى مِائَةٍ

He<sup>-asws</sup> said: 'Like that up to a hundred (Dinars)'.

قُلْتُ فَإِنْ وَكَّرَهَا فَسَقَطَ الصَّبِيُّ- لَا يُدْرَى حَيًّا كَانَ أَوْ مَيِّتًا

I said, 'Supposing she is poked and the child is miscarried, it is not known whether it was alive or dead?'

قَالَ هَيْهَاتَ يَا أَبَا شَيْبَلٍ إِذَا بَلَغَ أَرْبَعَةَ أَشْهُرٍ فَقَدْ صَارَ فِيهِ الْحَيَاءُ وَ قَدْ اسْتَوْجَبَ الدِّيَةَ.

He<sup>-asws</sup> said: 'Far from it, O Abu Shibl! When it reaches four months, the life has come into it and it obligates the (full) wergild.<sup>53</sup>

3- وَ فِي رِوَايَةِ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ ع فِي قَوْلِهِ ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ فَهُوَ نَفْحُ الرُّوحِ فِيهِ.

And in a report by Abu Al Jaroud,

From Abu Ja'far<sup>-asws</sup> regarding His<sup>-azwj</sup> Words: **then We Grow it as another creation [23:14]**. It is blowing of the soul into it'.<sup>54</sup>

4- ع، علل الشرائع أَبِي عَنْ مُحَمَّدِ الْعَطَّارِ عَنِ الْأَشْعَرِيِّ عَنِ ابْنِ هَاشِمٍ عَنِ عُمَرَ بْنِ عُثْمَانَ عَنِ بَعْضِ أَصْحَابِهِ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ عَنِ أَبِي الْحَسَنِ ع قَالَ: دِيَةُ الْجَنِينِ إِذَا ضُرِبَتْ أُمُّهُ فَسَقَطَ مِنْ بَطْنِهَا قَبْلَ أَنْ يُنْشَأَ فِيهِ الرُّوحُ مِائَةٌ دِينَارٍ فَهِيَ لَوْرَثَتِهِ وَ دِيَةُ الْمَيِّتِ إِذَا قُطِعَ رَأْسُهُ وَ شُقَّ بَطْنُهُ فَلَيْسَ هِيَ لَوْرَثَتِهِ إِنَّمَا هُوَ لَهُ دُونَ الْوَرِثَةِ

(The book) 'Ilal Al Sharaie' – My father, from Muhammad Al Attar, from Al Ashary, from Ibn Hashim, from Umar Bin Usman, from one of his companions, from Al Husayn Bin Khalid,

From Abu Al Hassan<sup>-asws</sup> having said: 'The wergild of a foetus, when its mother has been struck so it falls from her belly before the soul has spread into it, is one hundred Dinars. It is for its inheritors while wergild of the deceased when its head is cut off and its belly is split, it isn't for his inheritors. But rather, it is for him besides the inheritors'.

قُلْتُ وَ مَا الْفَرْقُ بَيْنَهُمَا

I said, 'And what is the difference between the two?'

فَقَالَ إِنَّ الْجَنِينَ أَمْرٌ مُسْتَقْبِلٌ مُرَجَى نَفْعُهُ وَ إِنَّ هَذَا أَمْرٌ قَدْ مَضَى وَ ذَهَبَتْ مَنَفَعَتُهُ فَلَمَّا مُتِلَّ بِهِ بَعْدَ وَقَاتِهِ صَارَتْ دِيَةُ الْمَثَلَةِ لَهُ- لَا لِغَيْرِهِ يُجْحُ بِهَا عَنْهُ وَ يُفْعَلُ بِهِ أَبْوَابُ الْبِرِّ مِنْ صَدَقَةٍ وَ غَيْرِ ذَلِكَ.

<sup>53</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 2

<sup>54</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 3

He<sup>-asws</sup> said: 'The foetus is a matter of the future, its benefits are hoped for, while this is a matter of the past and its benefits are gone. When it is mutilated with after his expiry, the wergild of the mutilation becomes for him, not for others. Hajj can be performed on his behalf and matters of righteousness can be done with it, from the charity and other than that'.<sup>55</sup>

5- سن، المحاسن أبي عن إسماعيل بن مهران عن حسين بن خالد قال: سئل أبو عبد الله ع عن رجل قطع رأس رجل ميت فقال إن الله حرم منه ميتاً كما حرم منه حياً فمن فعل بميت فعلاً يكون في مثله اجتياح نفس الحي فعليه الدية كاملةً

(The book) 'Al Mahasin' – My father, from Ismail Bin Mihran, from Husayn Bin Khalid who said,

'Abu Abdullah<sup>-asws</sup> was asked about a man who cut off the head of a dead man. He<sup>-asws</sup> said: 'Allah<sup>-azwj</sup> has Sanctified from Him<sup>-azwj</sup> a dead person just as He<sup>-azwj</sup> has Sanctified from him a living one. So the one who does an act with a dead person, which would result in the annihilation of the soul of a living one, upon him is the complete wergild'.

فَسَأَلْتُ عَنْ ذَلِكَ أَبَا الْحُسَيْنِ ع فَقَالَ صَدَقَ أَبُو عَبْدِ اللَّهِ ع هَكَذَا قَالَ رَسُولُ اللَّهِ ص

I asked Abu Al Hassan<sup>-asws</sup> about that. He<sup>-asws</sup> said: 'Abu Abdullah<sup>-asws</sup> spoke the truth. That is how Rasool-Allah<sup>-saww</sup> had said'.

فُلْتُ فَمَنْ قَطَعَ رَأْسَ مَيِّتٍ أَوْ شَقَّ بَطْنَهُ أَوْ فَعَلَ بِهِ مَا يَكُونُ فِيهِ اجْتِيَاخُ نَفْسِ الْحَيِّ فَعَلَيْهِ دِيَةُ النَّفْسِ كَامِلَةً

I said, 'So the one who cuts off the head of a dead person, or splits his belly, or does with him what would have resulted in annihilation of the soul of a living person, upon him is the full wergild of the soul?'

قَالَ لَا وَ لَكِنْ دِيَةُ دِيَةِ الْجَنِينِ فِي بَطْنِ أُمِّهِ قَبْلَ أَنْ يُنْشَأَ فِيهِ الرُّوحُ وَ ذَلِكَ مِائَةٌ دِينَارٍ وَ هِيَ لَوْرَثَتِهِ وَ دِيَةُ هَذَا هِيَ لَهُ لَا لِلْوَرَثَةِ

He<sup>-asws</sup> said: 'No, but his wergild is wergild of the foetus in the belly of its mother before the soul has been blown into it, and that is a hundred Dinars, and it is for his inheritors, while wergild of this one, it is for him, not for his inheritors'.

فُلْتُ فَمَا الْفَرْقُ بَيْنَهُمَا

I said, 'So what is the difference between the two?'

قَالَ إِنَّ الْجَنِينَ أَمْرٌ مُسْتَقْبَلٌ مُرْجُو نَفْعُهُ وَ هَذَا أَمْرٌ قَدْ مَضَى وَ ذَهَبَتْ مَنَفَعَتُهُ فَلَمَّا مُتِلَّ بِهِ بَعْدَ مَوْتِهِ صَارَتْ دِيَةُ تِلْكَ لَهُ لَا لِغَيْرِهِ يُحْجَجُ بِمَا عَنْهُ وَ يُفْعَلُ بِهَا أَبْوَابُ الْحَيِّ وَ الْبِرِّ مِنْ صَدَقَةٍ أَوْ غَيْرِهِ

He<sup>-asws</sup> said: 'The foetus is a matter of the future, its benefits are hoped for, while this is a matter which has passed and its benefits are gone. When he is mutilated with after his death,

<sup>55</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 4

his wergild becomes for him not for others. Hajj can be performed on his behalf, and matters of goodness and righteousness can be done with it, from charity or something else’.

قُلْتُ فَإِنْ أَرَادَ الرَّجُلُ أَنْ يَخْفِرَ لَهُ بِرَأْسِهِ لِيُغْسِلَهُ فِي الْخُفْرَةِ فَيُدِيرُ [فَدِيرًا] بِهِ فَمَالَتْ مِنْ يَدِهِ فَأَصَابَ بَطْنَهُ فَشَقَّهُ فَمَا عَلَيْهِ

I said, ‘Supposing a man wanted to dig a pit to wash the body in it, and while doing so his shovel slipped in his hand and struck the abdomen of the corpse, tearing it open, what is upon him?’

قَالَ إِذَا كَانَ هَكَذَا فَهُوَ خَطَأٌ وَكَفَّارَتُهُ عَتَقُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ صَدَقَةٌ عَلَى سِتِّينَ مِسْكِينًا مُدًّا لِكُلِّ مِسْكِينٍ بِمُدِّ النَّبِيِّ ص.

He<sup>-asws</sup> said: ‘If that was the case, then it is an accident, and its expiation is the freeing of a slave, or fasting for two consecutive months, or giving charity to sixty poor persons, each receiving one measure (Mudd) according to the measure (Mudd) of the Prophet<sup>-saww</sup>’.<sup>56</sup>

6- ضا، فقه الرضا عليه السلام اعلم يرحمك الله أن الله عز وجل جعل في الفصاح حياة طويلاً منه ورحمة لئلا يتعدى الناس حدود الله فيتفانون

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> - Know, may Allah<sup>-azwj</sup> Mercy you! Allah<sup>-azwj</sup> Mighty and Majestic has placed in retribution a long life and mercy so that people do not exceed the limits of Allah<sup>-azwj</sup> and annihilate themselves!

فَجَعَلَ فِي النُّطْقَةِ إِذَا ضَرَبَ الرَّجُلُ الْمَرْأَةَ وَ أَلْقَتْهَا عَشْرِينَ دِينَارًا فَإِنْ أَلْقَتْ مَعَ النُّطْقَةِ قَطْرَةً دَمٍ جَعَلَ لِيَلِكِ الْقَطْرَةَ دِينَارَيْنِ ثُمَّ لِكُلِّ قَطْرَةٍ دِينَارَانِ إِلَى تَمَامِ أَرْبَعِينَ دِينَارًا وَ هِيَ الْعَلَقَةُ

He<sup>-azwj</sup> has Made regarding the sperm-drop that if a man strikes a woman and she miscarries it, the wergild is twenty Dinars. If she miscarries along with the sperm-drop, a drop of blood, then for that drop the wergild is two Dinars, and for each additional drop two Dinars, up to a total of forty Dinars, and it is a clot.

فَإِنْ أَلْقَتْ عَلَقَةً وَ هِيَ قِطْعَةٌ دَمٍ مُجْتَمِعَةٌ مُشَبَّكَةٌ فَعَلَيْهِ أَرْبَعُونَ دِينَارًا ثُمَّ فِي الْمُضْغَةِ سِتُّونَ دِينَارًا ثُمَّ فِي الْعَظْمِ الْمُكْتَسَبِيِّ لِحَمًا ثَمَانُونَ دِينَارًا ثُمَّ لِلصُّورَةِ وَ هِيَ الْجَيْبُ مِائَةٌ دِينَارٍ فَإِذَا وُلِدَ الْمَوْلُودُ وَ اسْتَهَلَّ وَ اسْتَهْلَأَهُ بِكَأْوِهِ فِدْيَتُهُ إِذَا قُبِلَ مُتَعَدِّدًا أَلْفٌ دِينَارٍ أَوْ عَشْرَةُ أَلْفٍ دِرْهَمٍ وَ الْأُنْثَى حَمْسَةُ أَلْفٍ دِرْهَمٍ إِذْ كَانَ لَا فَرْقَ بَيْنَ دِيَةِ الْمَوْلُودِ وَ الرَّجُلِ

If she miscarries a clot, which is a combined and interlaced piece of blood, the wergild is forty Dinars. Then for the lump of flesh it is sixty Dinars, then for the bone covered with flesh eighty Dinars, and for the formed fetus (the embryo) one hundred Dinars. When the child is born and gives its first cry, its wergild if deliberately killed, is one thousand Dinars or ten thousand Dirhams, and for a female five thousand Dirhams, because there is no difference between the wergild of the newborn and that of a man.

<sup>56</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 5

فَإِذَا قَتَلَ الرَّجُلُ الْمَرْأَةَ وَ هِيَ حَامِلٌ مُتِمٌّ وَ لَمْ تُسْقِطْ وَلَدَهَا وَ لَمْ يُعْلَمْ ذَكَرٌ هُوَ أَوْ أَنْتَى فِدْيَتُهُ سِوَى دِيَّتِهَا نِصْفَانِ نِصْفُ دِيَّةِ الذَّكَرِ وَ نِصْفُ دِيَّةِ الْأُنْثَى.

If a man kills a pregnant woman and she is full-term but her child is not miscarried, and it is not known whether it is male or female, its wergild is separate from hers - half the wergild of a male and half the wergild of a female'.<sup>57</sup>

7- شأ، الإرشاد قَضَى أَمِيرُ الْمُؤْمِنِينَ ع فِي رَجُلٍ ضَرَبَ امْرَأَتَهُ فَأَلْقَتْ عَلَقَةً أَنْ عَلَيْهِ دِيَّتُهَا أَرْبَعِينَ دِينَاراً وَ تَلَا قَوْلَهُ عَزَّ وَ جَلَّ- وَ لَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سَلَالَةٍ مِنْ طِينٍ- ثُمَّ جَعَلْنَاهُ نُطْفَةً فِي قَرَارٍ مَكِينٍ- ثُمَّ خَلَقْنَا النُّطْفَةَ عَلَقَةً فَخَلَقْنَا الْعَلَقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ عِظَاماً فَكَسَوْنَا الْعِظَامَ لَحْمًا ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ

(The book) 'Al Irshad' –

Amir Al-Momineen<sup>asws</sup> judged regarding a man who struck his wife, so she miscarried a clot, upon him is her wergild of forty Dinars, and he<sup>asws</sup> recited the Words of Mighty and Majestic: ***And We have Created the human being from an extract of clay [23:12] Then We Made him a seed in a firm resting place [23:13] Then We Created the seed to be a clot, then We Created the clot to be a lump of flesh, then We Created the lump as bones, then We Clothed the bones with flesh, then We Grow it as another creation. So Blessed is Allah, the best of the Creators [23:14]***'.

ثُمَّ قَالَ فِي النُّطْفَةِ عِشْرُونَ دِينَاراً وَ فِي الْعَلَقَةِ أَرْبَعُونَ دِينَاراً وَ فِي الْمُضْغَةِ سِتُّونَ دِينَاراً وَ فِي الْعِظْمِ قَبْلَ أَنْ يَسْتَوِيَ خَلْقًا ثَمَانُونَ دِينَاراً وَ فِي الصُّورَةِ قَبْلَ أَنْ تَلْبَسَ الرُّوحَ مِائَةَ دِينَارٍ وَ إِذَا وَلَجَتْهَا الرُّوحُ كَانَ فِيهِ أَلْفٌ دِينَارٍ.

Then he<sup>asws</sup> said: 'For the seed-drop is (wergild of) twenty Dinars, for the clot is forty Dinars, for the lump of flesh is sixty Dinars, for the bone before it is fully formed is eighty Dinars, and for the formed foetus before the soul enters it one hundred Dinars. When the soul enters it (at four months), its wergild is one thousand Dinars'.<sup>58</sup>

8- قب، المناقب لابن شهر آشوب تَفْسِيرُ عَلِيِّ بْنِ هَاشِمِ الْقُمِيِّ قَالَ سَعِيدُ الْمُسَيَّبِ سَأَلْتُ عَلِيَّ بْنَ الْحُسَيْنِ ع عَنْ رَجُلٍ ضَرَبَ امْرَأَتَهُ حَامِلًا بِرِجْلِهِ فَطَرَحَتْ مَا فِي بَطْنِهَا مَيْتًا فَقَالَ ع إِذَا كَانَ نُطْفَةً فَإِنَّ عَلَيْهِ عِشْرِينَ دِينَاراً وَ هِيَ الَّتِي وَقَعَتْ فِي الرَّحِمِ وَ اسْتَقَرَّتْ فِيهِ أَرْبَعِينَ يَوْماً

(The book) 'Al Manaqib' of Ibn Shehr Ashub, (and) Tafseer of Ali Bin Hashim Al Qummi – Saeed Al Musayyib said,

'I asked Ali Bin Al Husayn<sup>asws</sup> about a man who struck his pregnant wife with his leg so whatever was in her belly dropped dead. He<sup>asws</sup> said: 'When it was the sperm-drop, upon him is (wergild of) twenty Dinars, and it is which occurs in the womb and settles in it for forty days.

وَ إِنْ طَرَحَتْهُ وَ هُوَ عَلَقَةٌ فَإِنَّ عَلَيْهِ أَرْبَعِينَ دِينَاراً وَ هِيَ الَّتِي وَقَعَتْ فِي الرَّحِمِ وَ اسْتَقَرَّتْ فِيهِ ثَمَانِينَ يَوْماً وَ إِنْ طَرَحَتْهُ مُضْغَةً فَإِنَّ عَلَيْهِ سِتِّينَ دِينَاراً وَ هِيَ الَّتِي إِذَا وَقَعَتْ فِي الرَّحِمِ اسْتَقَرَّتْ فِيهِ مِائَةً وَ عِشْرِينَ يَوْماً وَ إِنْ طَرَحَتْهُ وَ هُوَ نَسَمَةٌ مُخَلَّقَةٌ لَهُ لَحْمٌ وَ عِظْمٌ مُرْتَلٌّ الْجَوَارِحِ وَ قَدْ نَفَخَ فِيهِ رُوحَ الْحَيَاةِ وَ الْبُغْيَاءِ فَإِنَّ عَلَيْهِ دِيَّةً كَامِلَةً.

<sup>57</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 6

<sup>58</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 7

And if it dropped while it was a clot, upon him are forty Dinars, and it is which occurs in the womb and settles in it for eighty days; and if it drops while it is a lump, upon him are sixty Dinars, and it is which occurs in it and settles in it for one hundred and twenty-days; and if it dropped while it is a person, flesh and bones have been Created for it, complete in its parts, and the soul of life has been breathed into it, then upon him is the full wergild'.<sup>59</sup>

9- قب، المناقب لابن شهر آشوب أبو علي بن راشد و غيره قالوا كتبت جماعة الشيعة إلى موسى بن جعفر ع ما يقول العالم في رجل نبش قبر ميت و قطع رأس الميت و أخذ الكفن

(The book) 'Al Manaqib' of Ibn Shehr Ashub – Abu Ali Bin Rashid and others who said,

'A group of Shias wrote to Musa<sup>-asws</sup> Bin Ja'far<sup>-asws</sup>, 'What does the Scholar (Imam<sup>-asws</sup>) say regarding who exhumes a grave of a deceased and cut-off the head of the deceased and took the shroud?'

الجواب بخطه يقطع السارق لأخذ الكفن من وراء الحُرز و يلزم مائة دينار لقطع رأس الميت لأننا جعلناه بمنزلة الجنين في بطن أمه قبل أن يُنفخ فيه الروح فجعلنا في النطفة عشرين ديناراً إلى آخر المسألة.

The answer in his<sup>-asws</sup> handwriting: 'The thief is to have his hand cut for taking the shroud from behind the protection, and he is liable to a wergild of one hundred Dinars for cutting off the dead man's head, because we<sup>-asws</sup> make him to be at the status of the foetus in its mother's womb before the soul is breathed into it, so we<sup>-asws</sup> set in the seed-drop twenty Dinars' - up to the end of the question.<sup>60</sup>

10- قب، المناقب لابن شهر آشوب أبا الربيع أبا جعفر المنصور و هو في الطواف فقال يا أمير المؤمنين مات فلان مولاك البارحة فقطع فلان رأسه بعد موته

(The book) 'Al Manaqib' of Ibn Shehr Ashub –

Al-Rabie came to (the caliph) Abu Ja'far Al-Mansour while he was in the Tawaaf. He said, 'O commander of the faithful! Your freed slave so and so died yesterday, and so and so cut off his head after his death!'

قال فاستشاط و غضب و قال لابن شبرمة و ابن أبي ليلى و عددي من القضاة و الفقهاء ما تقولون في هذا

He (the narrator) said, 'He was enraged and angered, and he said to Ibn Shubrumah and Ibn Abu Layli and a number of judges and the jurists, 'What are you saying regarding this?'

فكل قال ما عندنا في هذا شيء

<sup>59</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 8

<sup>60</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 9

All of them said, 'There is nothing with us regarding this!'

فَكَانَ يُقُولُ أَ قَتَلَهُ أَمْ لَا

He said, 'Did he kill him or not?'

فَقَالُوا قَدْ دَخَلَ جَعْفَرُ الصَّادِقُ صَلَوَاتُ اللَّهِ وَ سَلَامُهُ عَلَيْهِ فِي السَّعْيِ

They said, 'Ja'far Al-Sadiq<sup>-asws</sup>, may the Salawaat of Allah<sup>-azwj</sup> and His<sup>-azwj</sup> Greeting be upon him<sup>-asws</sup>, has entered into performance of the Sa'ee'.

فَقَالَ الْمَنْصُورُ لِلرَّبِيعِ اذْهَبْ إِلَيْهِ وَ سَلْهُ عَنْ ذَلِكَ

Al-Mansour said to Al-Rabie, 'Go to him<sup>-asws</sup> and ask him<sup>-asws</sup> about that!'

فَقَالَ ع فَقُلْ لَهُ عَلَيْهِ مِائَةٌ دِينَارٍ فَأَبْلَعَهُ ذَلِكَ

He<sup>-asws</sup> said: 'Say to him, upon him is a hundred Dinars (wergild)'.

فَقَالُوا لَهُ فَسَلْهُ كَيْفَ صَارَ عَلَيْهِ مِائَةٌ دِينَارٍ

He delivered that. They said to him, 'Ask him<sup>-asws</sup> how it came to be one hundred Dinars'.

فَقَالَ أَبُو عَبْدِ اللَّهِ ع فِي التُّطْفَةِ عِشْرُونَ وَ فِي الْعَلَقَةِ عِشْرُونَ وَ فِي الْمُضْغَةِ عِشْرُونَ وَ فِي الْعِظْمِ عِشْرُونَ وَ فِي اللَّحْمِ عِشْرُونَ ثُمَّ أَنْشَأَهُ خَلْقًا آخَرَ وَ هَذَا وَ هُوَ مَبْتَأٌ مَبْتَأٌ - [بِمَنْزِلِهِ] قَبْلَ أَنْ يُنْفَخَ الرُّوحُ فِي بَطْنِ أُمِّهِ جَنِينًا

Abu Abdullah<sup>-asws</sup> said: 'Regarding the seed-drop is twenty (Dinars as wergild), and in the clot is twenty, and in the lump is twenty, and in the bone is twenty, and in the flesh is twenty. Then it grows as another creation, and this while it is dead, is at the status of its status of a fetus before blowing of the soul into it in the belly of its mother'.

قَالَ فَرَجَعَ إِلَيْهِ فَأَحْبَرَهُ بِالْجَوَابِ فَأَعْجَبَهُمْ ذَلِكَ فَقَالُوا ارْجِعْ إِلَيْهِ وَ سَلْهُ الدَّيْتَةَ لِمَنْ هِيَ لَوْرَثْتِهِ أَمْ لَا

He (the narrator) said, 'He returned to him with the answer. That surprised them, so they said, 'Return to him<sup>-asws</sup> and ask him<sup>-asws</sup> about the wergild. For whom is it, for its inheritor or not?'

فَقَالَ أَبُو عَبْدِ اللَّهِ ع لَيْسَ لَوْرَثْتِهِ فِيهَا شَيْءٌ لِأَنَّهُ أَتَى إِلَيْهِ فِي بَدَنِهِ بَعْدَ مَوْتِهِ يُحْيِي بِهَا عَنَّهُ أَوْ يُتَصَدَّقُ بِهَا عَنَّهُ أَوْ تَصِيرُ فِي سَبِيلِ مَنْ سُبُلَ الْحَيْرِ.

Abu Abdullah<sup>-asws</sup> said: ‘There isn’t anything in it for its inheritors because he had been come to in his body after his death. Hajj can be performed on his behalf, or donated in charity with it on his behalf, or it can be in a way from the ways of goodness.<sup>61</sup>

11- ضا، فقه الرضا عليه السلام قَالَ أَبُو جَعْفَرٍ ع فِي الرَّجُلِ يَضْرِبُ الْمَرْأَةَ فَتَطْرُقُ التُّطْفَةَ عَلَيْهِ عَشْرُونَ دِينَاراً فَإِنْ كَانَتْ عَلَقَةً فَعَلَيْهِ أَرْبَعُونَ دِينَاراً فَإِنْ كَانَتْ مُضْعَةً فَعَلَيْهِ سِتُّونَ دِينَاراً فَإِنْ كَانَتْ عِظَاماً فَعَلَيْهِ الدِّيَةُ.

(The book) ‘Fiqh Al-Reza<sup>-asws</sup>’, may the greeting be upon him<sup>-asws</sup> – Abu Ja’far<sup>-asws</sup> said regarding the man who had struck the woman, so the seed-drop dropped: ‘Upon him is (wergild of) twenty Dinars. If it were a clot, upon him is forty Dinars. If it were a lump, upon him is Sixty Dinars. If it were bones, upon him is the (full) wergild.<sup>62</sup>

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<sup>61</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 10

<sup>62</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 45 H 11

**CHAPTER 46 – WERGILDS OF THE MUTILATIONS**

1- مع، معاني الأخبار ابن الوليد عن ابن أبي عمير عن الحسين بن سعيد عن القاسم بن عروة عن ابن بكير عن زارة عن أبي عبد الله ع قال: في الموضحة خمس من الإبل وفي السّمحاق أربع من الإبل وفي الباضعة ثلاث من الإبل وفي المأمومة ثلاث وثلاثون من الإبل وفي الجائفة ثلاث وثلاثون من الإبل وفي المنقلة خمس عشرة من الإبل.

(The book) 'Ma'any Al Akhbaar' – Ibn Al Waleed, from Ibn Aban, from Al Husayn Bin Saeed, from Al Qasim Bin Urwah, from Ibn Bukeyr, from Zurara,

From Abu Abdullah<sup>-asws</sup> having said: 'For a wound revealing the bone is (wergild of) five camels; for a wound not reaching the bone is (wergild of) four camels, for a wound splitting the skin and not blood flow is (wergild of) three camels; for a wound piercing the bone (wergild of) thirty-three camels; for a wound piercing the abdomen is (wergild of) thirty-three camels; and for a wound resulting in broken bone is (wergild of) fifteen camels'.<sup>63</sup>

**CHAPTER 47 – THE WERGILD OF A ZIMMY**

1- ب، قرب الإسناد علي عن أخيه ع قال: سألته عن دية اليهودي والمجوسي والنصراني كم هي سواء

(The book) 'Qurb Al Isnaad' –

Ali, from his brother (Musa Al-Kazim<sup>-asws</sup>), he said, 'I asked him<sup>-asws</sup> about wergild of the Jew, and the Magian, and the Christian, 'How much is it, the same?'

قال ثمانمائة ثمانمائة لكل رجل منهم.

He<sup>-asws</sup> said: 'Eight hundred, eight hundred (Dirhams), each man from them'.<sup>64</sup>

2- ضا، فقه الرضا عليه السلام دية الذمي الرجل ثمانمائة درهم والمرأة على هذا الحساب أربعمائة درهم.

(The book) 'Fiqh Al-Reza<sup>-asws</sup>', may the greeting be upon him<sup>-asws</sup> – 'Wergild of the Zimmy man is eight hundred Dirhams, and the woman is based upon this calculation, four hundred Dirhams'.<sup>65</sup>

3- و روي أن دية الذمي أربعة آلاف درهم.

<sup>63</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 46 H 1

<sup>64</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 47 H 1

<sup>65</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 47 H 2

And it is reported that the wergild of a Zimmy is four thousand Dirhams.<sup>66</sup>

[باب 48 دية الكلب](#)

## CHAPTER 48 – THE WERGILD OF A DOG

1- ل، الخصال أبي عن سعد عن البرقي عن ابن فضال عن ابن بكير عن عبد الأعلى بن أعين عن أبي عبد الله ع قال: في كتاب علي ع دية كلب الصبيد أربعون درهماً.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Al Barqy, from Ibn Fazzal, from Ibn Bukeyr, from Abdul A'ala Bin Ayn,

From Abu Abdullah<sup>-asws</sup> having said: 'In the Book of Ali<sup>-asws</sup>: 'Wergild of the hunting dog is forty Dirhams''<sup>67</sup>

2- ل، الخصال ابن الوليد عن الصفار عن البرقي عن أبيه عن ابن أبي عمير عن إبراهيم بن عبد الحميد عن الوليد بن صبيح عن أبي عبد الله ع قال: دية الكلب السلوقي أربعون درهماً كما أمر رسول الله ص به ليني جديمة.

(The book) 'Al Khisaal' – Ibn Al Waleed, from Al Saffar, from Al Barqy, from his father, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Al Waleed Bin Sabeeh,

From Abu Abdullah<sup>-asws</sup> having said: 'The wergild of the Arabian greyhound is forty Dirhams just as Rasool-Allah<sup>-saww</sup> had ordered with, for the clan of Juzeyma'.<sup>68</sup>

3- فس، تفسير القمي أحمد بن إدريس عن أحمد بن محمد بن عيسى عن البرقي عن الرضا ع في قول الله عز وجل - وَ شَرَوْهُ بِثَمَنٍ بَخْسٍ دَرَاهِمٍ مَعْدُودَةٍ قَالَ كَانَتْ عِشْرِينَ دِرْهَمًا وَ الْبُخْسُ النَّقْصُ وَ هِيَ قِيمَةُ كَلْبِ الصَّبِيدِ إِذَا قُتِلَ كَانَ قِيمَتُهُ عِشْرِينَ دِرْهَمًا.

Tafseer Al Qummi – Ahmad Bin Idrees, from Ahmad Bin Muhammad Bin Isa, from Al Bazanty,

From Al-Reza<sup>-asws</sup> regarding Words of Allah<sup>-azwj</sup> Mighty and Majestic: **And they sold him cheaply for a number of Dirhams [12:20]**. He<sup>-asws</sup> said: 'These were twenty Dirham, and the 'cheaply' is the reduced amount, and it is value of a hunting dog when it is killed, its price (of wergild) would be twenty Dirhams'.<sup>69</sup>

4 ص، قصص الأنبياء عليهم السلام بالإسناد عن الصدوق عن ابن الوليد عن الصفار عن ابن عيسى مثله

(The book) 'Qasas Al Anbiya<sup>-as</sup>', may the greeting be upon them<sup>-as</sup> – By the chains from Al Sadouq, from Ibn Al Waleed, from Al Saffar, from Ibn Isa, similar to it.<sup>70</sup>

<sup>66</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 47 H 3

<sup>67</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 1

<sup>68</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 2

<sup>69</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 3

<sup>70</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 4

5 شي، تفسير العياشي عَنِ الرِّضَا عٍ مِثْلَهُ.

Tafseer Al Ayyashi, from Al-Reza<sup>asws</sup>, similar to it.<sup>71</sup>

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<sup>71</sup> Bihar Al-Anwaar V 101 – The Book of Rulings – CH 48 H 5