

Chapter – 46

Murder, Retribution and Blood Money

(قتل، قصاص اور دیت)

❖ وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا -

It is not rightful for a Muslim to kill Muslim, unless it occurs by mistake; and the one who mistakenly kills a Muslim must set free a Muslim slave and pay blood-money to the victim's family, except they forgo it; and if the victim is of a people who are hostile to you, and the killer is a Muslim, then only the setting free of a Muslim slave (is obligatory); and if the victim is from a people between whom and you there is a treaty, then the blood-money must be paid to his family and set free of a Muslim slave; But he who has no means must fast two consecutive months; this is his self-punishment before Allah; and Allah is all known, wise. (04:92)

❖ وَمَنْ يَقتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعْنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا -

And whoever kills a Muslim intentionally, his reward will be hell, to remain there forever, and Allah has anger upon him, and has annoyance with him, and kept prepared a terrible punishment for him. (04:93)

Dear People! Human being is a ‘Super-Creation’. When man was not created, this Universe was like a lifeless body. The ‘Magnificence of Rule’ was not uncovered. --- By the appearance of mankind all the names and attributes of Allah ﷻ are revealed. Man is a perfect exhibit of all the names and attributes of God. That is why murder of a man is the worst sin.

کھلونا سمجھ کر بگاڑو نہ ہم کو

کہ ہم بھی کسی کے بنائے ہوئے ہیں

(Treating as a toy don't bungle us
That we are also created by someone)

❖ *There are many types of Murder:*

1. **Deliberate Murder:** Killing somebody knowingly is a serious misdeed. Its punishment is **قصاص** (blood for blood). If someone from victim's relatives forgives, then the other party has to pay its compensation, **دیت** (blood money).
2. **Murder likely to be Intentional:** Someone kills with such thing which is virtually not made for killings, for example, stick or rod etc. --- On killing with gun, once there was a debate between Mr. Lutfu-Allah and Mr. Afzal Hussain. Mr. Lutfu-Allah was taking it as unintentional murder. Because, according to him gun is not an offensive weapon and bullet is not supposed to cut anything. Rather, death is a result of shock. Mr. Afzal was telling that bullet is the most effective item for killing someone. There is a possibility to be safe by the use of sword but it is not possible to be safe if gun is used.

It is my opinion that intension and its likelihood depends on your objective. Firing a bullet shows your clear cut intension of murder. The punishment is blood money or to free a bondman. If both are not possible then keep fasting for consecutive two months. Moreover, if the killer's name comes in the list of legal heir, he would not be entitled to get any share from it.

3. **Murder by Mistake:** This is killing by mistake or by chance. For example, during shooting one targets to kill a deer but when he goes near the target he finds a man. Similarly, during war if one aims at an enemy belonging to blasphemy, but afterwards he comes out as Muslim. Moreover, if someone was just practicing

on a target but by chance it hits to a man resulting to death. Yet, its punishment is also paying blood money and ineligibility of Inheritance. Other option is to free a slave, or if all not possible then keep fasting for two consecutive months.

4. **Doubtful Mistake:** This killing is equivalent to the killing by mistake. For example, a man while he was sleeping falls down on another man resulting to his death. So it will be treated as ‘murder by mistake’.
5. **Murder for any reason:** For example, somebody digs a well and later a man falls down in it and killed. In this case, according to Hanafi school of thought, there is no blood money, no compensation, even no any disqualification from the Inheritance. However, according to Shafi’i school of thought the punishment is paying compensation along with the ineligibility of Inheritance.

❖ **Retribution (قصاص):**

Nowadays there is a wave blowing in the name of false sympathy. They consider retribution or blood for blood is a very harsh and cruel punishment.

As such, for a deliberate murder, courts give punishment of life imprisonment or 20 years prison. But even for this what happens! On any Independence Day of the country, one announcement by the government comes out for the general pardon for prisoners. As a result, these culprits who kill men with all their brutality, they come out of the prison within few years.

Mind it! This is not any sympathy. In fact this is absolute injustice with poor who suffered severely and loosed life of their beloveds. God says:

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ

{And there is life for you in legal retribution. (02:179)}

When murderer realizes that if I will kill anybody, in the legal retribution, I will also be killed. As a result he will stop thinking to go for any murder. In this way two lives will be saved. One who is killed and the other one is the killer.

Some Islamic Scholars say that if a murder is guilty of killing someone only then he should be killed in retribution. But if he has not

only killed somebody but also has created chaos and destruction then he should not only be killed but after this, for the sake of lesson to others he should be hanged openly, or one hand and one leg of another side should be cut.

If anyone has frightened people then he should be ousted from the city or should be given imprisonment because his captivity will be equivalent to ousting. If, before arrest, he apologizes from all his misdeeds and feel sorrow for it then he may be considered for a grant of pardon. Otherwise, after arrest, court has to give punishment.

❖ **Compensation:** (ديت)

Hundred (100) camels, or thousand (1000) dinars, or ten thousand (10000) dirhams would be the compensation. Imam Shafi'i says twelve thousand (12000) dirhams is the compensation.

This compensation may be taken in three years from the family of the murderer, which is known as 'Aaqilah' (عاقلة). The members, not necessarily family, who are the shareholders in all the profits and losses they are called Aaqilah. Where Aaqilah do not exist the murderer himself is responsible to pay the full compensation.
