

## Chapter – 77

## Qisas and Blood Money

(خون بهاء، دیت)

[وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ

إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَّدَّقُوا، (04:92)]

[وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا، (04:93)]

**No.****Hadith**

6420

A man asked, "O Allah's Prophet! Which sin is the greatest in Allah's Sight?" The Prophet said, "To set up a rival unto Allah though He Alone created you." The man said, "What is next?" The Prophet said, "To kill your son lest he should share your food with you." The man said, "What is next?" The Prophet said, "To commit illegal sexual intercourse with the wife of your neighbor." Then he recited the following Verse from Quran:

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ

وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا

{And those who invoke not with Allah, any other god, nor kill such life as Allah has forbidden, except for just cause, nor commit illegal sexual intercourse, and whoever does this shall receive the punishment (25.68)}

*Narrated: 'Amr bin Shirjeel.* (See Hadith - 6379).

6421/6422

Allah's Prophet said, "A faithful believer remains at liberty regarding his religion unless he kills somebody unlawfully."

*Narrated: Ibn 'Umer.*

6423

The Prophet said, "The first cases to be decided among the people (on the Day of Resurrection) will be those of bloodshed." *Narrated: 'Abdullah.*

**No.****Hadith**

- 6424 I asked the Prophet, "O Allah's Prophet! If I meet an unbeliever and we have a fight, and he strikes my hand with the sword and cuts it off, and then he takes refuge from me behind a hillock, and says, "I have surrendered to Allah (*embraced Islam*)." Now, may I kill him after he has said so?" Allah's Prophet said, "Do not kill him because if you kill him, he would be in the position in which you had been before you kill him, and you would be in the position in which he was before he said the sentence."  
*Narrated: Miqdad bin Kindi.*
- 6425 The Prophet said, "No human being is killed unjustly, but a part of responsibility for the crime is laid on the first son of Adam who invented the tradition of killing (*murdering*) on the earth. *Narrated: 'Abdullah.*  
(Compiler's Note: It is said that he was Qabil)
- 6426/6427 The Prophet said during Hajja-tul-Wada', "After me, do not become disbelievers, by striking (*cutting*) the necks of one another." *Narrated: 'Abdullah bin 'Umer and Jarir.*  
(See Hadith - 1632 to 1635).
- 6428/6429 The Prophet said, "the biggest sins are: (1) To Join others as partners in worship with Allah; (2) To be undutiful to one's parents; (3) To murder someone (*unlawfully*); (4) To give a false witness." *Narrated: 'Abdullah bin 'Umer and Anas bin Malik.*  
(See Hadith - 6244).
- 6430 Allah's Prophet sent us to fight against one of the sub-tribes of Juhaina. We reached there and defeated them. A man from the Ansar and I chased one of their men and when we attacked him, he said, لا اله الا الله (*None has the right to be worshipped but Allah*). But, I stabbed him with my spear till I killed him. ---- When we reached Madinah, we talked about this matter with the Prophet. He said to me, "O Usama! You killed him after he had said, 'None has the right to be worshipped but Allah?' I said, "O Allah's Prophet! He said so in order to save himself." The Prophet said, "You killed him after he had said, 'None has the right to be worshipped but Allah.'" The Prophet kept on repeating that statement till I wished I had not been a Muslim before that day.  
*Narrated: Usama bin Zaid bin Haritha.*

**No.****Hadith**

6431 We gave the oath of allegiance, that we would not join partners in worship besides Allah, would not steal, would not commit illegal sexual intercourse, would not kill a life which Allah has forbidden, and would not disobey (*Allah and His Prophet*). If we fulfilled this pledge we would have Paradise, but if we committed any one of these sins, then our case will be decided by Allah.

*Narrated: 'Ubada bin As-Samit.*

(See Hadith - 6352 and hadith-6370).

6432 Abu Musa mentioned, the Prophet said, "Whoever carries arms against us (*Muslims*) is not from us." *Narrated: 'Abdullah.*

6433 Abu Bakra narrates that the Noble Prophet said, "If two Muslims meet each other with their swords then both the killer and the killed one are in the Hell-Fire." I said, 'O Allah's Prophet! It is alright for the killer, but what about the killed one?' He said, 'The killed one was eager to kill his opponent.'" *Narrated: Ahnaf bin Qais.*

6434/6435 A Jew crushed the head of a girl between two stones. So, that Jew was brought to the Prophet. The Noble Prophet asked him "Have you really killed him?" The Jew confessed that he has killed. Whereupon his head was also crushed between the two stones.

*Narrated: Anas bin Malik.* (See Hadith - 2254).

6436 Allah's Prophet said, "The blood of a Muslim who confesses that none has the right to be worshipped but Allah and that I am His Prophet, should not be killed, except in three cases: (1) In Qisas for murder, (2) A married person who commits illegal sexual intercourse and (3) The one who reverts from Islam (*who apostates*)." *Narrated: 'Abdullah.*

6437 (*One girl's head was crushed by stone then the head of the beating person was also crushed in expiation*): This is a repeated hadith. See hadith-2554.

*Narrated: Anas bin Malik.* (See Hadith - 6434/6435).

6438 Allah's Prophet said, "(*Beware! Makkah is a sanctuary*)! So killing of anyone in Makkah is forbidden." And then said, "Fighting in Makkah was not permitted for anybody before me, nor it will be permitted for anybody after me. It was ----

**No.****Hadith**

permitted for me only for a while (*an hour or so*) of that day. Now Makkah is a sanctuary as before. So, its thorny shrubs should not be uprooted; its trees should not be cut down; Any fallen things should not be picked up, except by the one who would look for its owner. Izhkhir (*a special kind of grass*) may be used in houses and for graves."

*Narrated: Abu Hurairah.*

(See Hadith - 1265).

6439 In Bani Israel, the punishment for murder was Qisas only (*law of equal punishment*) and the payment of Blood Money was not available as an alternate. But Allah said to this nation (*Muslims*):

كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ

{Qisas (*Retribution*) is prescribed for you in case of murder, a freeman for a freeman, and a slave for a slave, and a female for a female; and for whom who is partly forgiven by his brother, seek compensation with courtesy and make payment in proper manner; this is a relief and a mercy upon you (02.178)}

فَاتَّبِعْ بِالْمَعْرُوفِ means that the demand should be reasonable and it is to be compensated with handsome gratitude.

*Narrated: Ibn Abbas.*

(See Hadith - 4163).

6440 The Prophet said, "The most hated persons to Allah are three: (1) An evil doer in the Haram of Makkah and Madinah; (2) A person who seeks that the traditions of the Pre-Islamic Period of Ignorance; (3) And a person who seeks to shed somebody's blood without just cause."

*Narrated: Ibn Abbas.*

6441 (*On the day of Uhad, in the beginning, nonbelievers were in a defeating situation but all of a sudden Iblis shouted "Kill who are at your back". They started killing without seeing that they are their own. Meanwhile, Huzifah shouted, "Look my father is at your back but nobody cared and killed him. Some of them ran from the battle field till they reach Taif*): This is a repeated hadith. See hadith-3558. *Narrated: 'Aisha.*

**No.****Hadith**

- 6442 (One girl's head was crushed by stone then the head of the beating person was also crushed in expiation): This is a repeated hadith. See hadith-2554.  
*Narrated: Anas bin Malik.*
- 6443 A Jew killed a girl in order to take her jewellery. The Noble Prophet ordered for killing that Jew in Qisas.  
*Narrated: Anas bin Malik.*
- 6444 We poured medicine into the mouth of the Prophet during his ailment. He signalled that don't pour medicine into my mouth. We thought that every patient usually shows his dislike for medicines, so we gave him the medicine. When he improved and felt better he said, "There is none of you but will be forced to take medicine, except 'Abbas, for he did not witness your deed."  
*Narrated: 'Aisha.* (See Hadith - 4124).
- 6445 Allah's Prophet said, "We (*Muslims*) are the last to come but will be the foremost on the Day of Resurrection."  
(See Hadith - 6198/6199).  
He also said, "If someone is looking secretly into your house without your permission, there will be no blame on you if you throw a stone at him and destroy his eyes.  
*Narrated: Abu Hurairah.*
- 6446 Anas bin Malik narrates that a man looked into the house of the Prophet secretly and the Prophet aimed an arrow head at him to hit him." *Narrated: Humaid.*
- 6447 (On the day of Uhad, in the beginning, nonbelievers were in a defeating situation but all of a sudden Iblis shouted "Kill who are at your back". They started killing without seeing that they are their own. Meanwhile, Huzifah shouted, "Look my father is at your back but nobody cared and killed him. Some of them ran from the battle field till they reach Taif ): This is a repeated hadith. See hadith-3558. *Narrated: 'Aisha.*
- 6448 We went out with the Prophet to Khyber for the battle. During journey people demanded to listen some poetry from 'Amir bin Akwa'. So he presented his poetry. The Prophet said, "May Allah bestow His Mercy on him." Next morning when the battle started 'Amir bin Akwa' was martyred. I ----

**No.****Hadith**

went to the Prophet and said, "O Allah's Prophet! The people claim that 'Amir's good deeds are lost." The Prophet raised his two fingers up, then said, "Whoever says so is a liar, because 'Amir will have a double reward as he exerted himself to obey Allah and fought in Allah's Cause. He was so attractive Mujahid."

*Narrated: Salama bin Akwa.*

(See Hadith - 3901 and hadith-5922).

6449/6450 A man bite another man's hand and the latter pulled his hand out of his mouth by force, causing two of his incisors teeth to fall out. They submitted their case to the Noble Prophet, who said, "One of you bite his brother as camel bites. Go away! there is no Blood-money for you."

*Narrated: 'Imran bin Husain and Ya'ala (from his father).*

6451 The daughter of Nazr slapped a girl and broke her incisor teeth. The relatives of that girl came to the Prophet. The Noble Prophet ordered for Qisas (*equal punishment*).

*Narrated: Anas.*

6452/6453 The Prophet said, "As regards ransom, a little finger and a thumb is equal." *Narrated: Ibn Abbas.*

6454 (*When the Prophet was seriously ill he was given medicine despite the Prophet resisted. He therefore became annoyed and said, "I kept on resisting for giving medicine but you did not listen. Now I say all of you present should take this medicine, except Abbas"*): This is a repeated hadith. See hadith-4124 and hadith-6444 above. *Narrated: 'Ubaidullah.*

6455 Narrated Sahl bin Abi Hathma Ansari: A few people from my tribe went to Khyber and then dispersed. Later, one of them was found murdered. They met the local people and asked, "Who have killed our Companion!" Those people said, "Neither we killed him, nor we know his killer." The bereaved group went to the Prophet and told the whole story about this murder. To start with, the Prophet said, "Let the older among you come forward and speak." Then he said to them, "Bring your proof against the killer." They said "We have no proof." The Prophet then asked, "Will the people from Khyber take an oath for this?"

**No.****Hadith**

They said, "We do not have faith on the oaths of the Jews." Thereupon, Allah's Prophet did not like that the Blood-money of the killed be lost without compensation, so he ordered to pay camels from the Zakat flock.

*Narrated: Bashir bin Yasar.*

(See Hadith - 5740).

6456

*(This is a long hadith and its gist is):*

- Once 'Umar bin 'Abdul 'Aziz was sitting on his throne in the courtyard of his house. He asked the people, "What do you think about Qasama (*Qisas on the basis of oath*)?" They said, "It is lawful to depend on Qasama for Qisas, as the previous Caliphs carried out Qisas depending on Qasama."
- Abu Qilafa was also sitting in this gathering. So he was asked about his opinion in this regard. He said, "I will ask you a question that if fifty of the chiefs of Damascus testify that a married man had committed illegal sexual intercourse but they had not seen him doing so, would you still stone him?" Or, if fifty of the gentlemen of Hamas testify that this man has steal but none of them has witnessed him doing this, would you still cut his hand?" 'Umer bin Abdul Aziz said, No! absolutely not. Abu Qilafa said, "Remember! the Noble Prophet has given orders of killing for Qisas in three conditions: (1) A person who killed somebody unjustly, (2) A married person who committed illegal sexual intercourse and (3) A man who fought against Allah and His Prophet and deserted Islam and became an apostate." In this context, Abu Qilafa also quoted the hadith narrated by Anas bin Malik.

(See Hadith - 231 and hadith 6371 to 6374).

- Abu Qilafa further said that once a murder was happened but neither any witness was available for that nor any oath was considered acceptable, so the Prophet paid them the Blood-money from Bait-ul-Mall." (See Hadith - 5740 and Hadith 6455 above).

**No.****Hadith**

- Abu Qilafa further described an event which was occurred during the Caliphate of 'Umer. A man from the tribe of Huzail stationed in the house of a Yemenite family. That Yemenite had killed that person. But there was no witness available for this happening, so 'Umer had gone for the oath (*Qasama*) of fifty persons in this regard. Many oaths came forward but all were found fake. The punishment from God for all these liars was, they were later caught in a cave and all were pressed inside it.

*Narrated: Abu Raja (Relative of Abu Qilaba).*

- 6457/6458 A man peeped into one of the dwelling places of the Prophet. The Prophet got up and aimed a sharp-edged arrow (*or wooden stick*) at him to poke.

*Narrated: Anas bin Malik and Sahl bin Sa'd Sa'adi.*

(See Hadith - 6446 above).

- 6459 The Prophet said, "If any person peeps in your house and do not take your permission to enter the house, then if you poke him with a stick and injure his eye, you will not be blamed."

*Narrated: Abu Hurairah.* (See Hadith - 6445 above).

- 6460 'Ali says that we have all such things which is in Quran, except the understanding of Quran, and this understanding is given to few people. In this Quran the orders are available related to Blood Money and manumit slaves. ---- Any Muslim will not be killed in expiation of any disbeliever.

*Narrated: Abu Juhaiifa.*

- 6461to6465 Two women fought with each other. One of them was pregnant as well. The other woman threw a stone at the other, causing her to have a miscarriage. Allah's Prophet gave his verdict that the killer of the fetus (*unborn offspring*) should give a male or female slave as compensation. Hadith-6464 narrates that the woman to whom the compensation was awarded also died immediately after. Then Allah's Prophet gave the verdict that her inheritance be given to her children and her husband and the Blood-money be paid by the relatives of the killer. *Narrated: Abu Hurairah, 'Umer, Hisham, and Abu Salama bin 'Abdur Rahman.*

**No.****Hadith**

- 6466 When Allah's Prophet arrived at Madinah, Abu Talha took hold of my hand and brought me to Allah's Prophet and said, "O Allah's Prophet! Anas is a sensible boy, so let him serve you." ---- (*Anas added*), "I served the Prophet at home and on journeys. By Allah! he never said to me, why have you done this like this or, why have you not done this like this?" *Narrated: Anas bin Malik.* (See Hadith - 2583).
- 6467/6468 Allah's Prophet said, "There is no Blood-money for persons who are killed by animals, or for the one who has been killed accidentally by falling into a well, or for the one killed in a mine. ---- If Rikaz (*buried treasures*) is found to anyone, one-fifth of Rikaz is to be given to the state."  
*Narrated: Abu Hurairah.*
- 6469 The Prophet said, "Whoever killed a Mujahid (*a person who is granted the pledge of protection by the Muslims*) shall not smell the fragrance of Paradise though its fragrance can be smelt at a distance of forty years of travelling."  
*Narrated: 'Abdullah bin 'Umar.*
- 6470 (*Hazrat 'Ali says that we have all such things which is in Quran, except "the understanding of Quran" which is given to the chosen people*): This is a repeated hadith. See hadith-6460 above.  
*Narrated: Abu Juhaiifa.*
- 6471/6472 A Jew said that among all the prophets, God has given priority to the Prophet Moosa. An Ansari Muslim asked him, "Even this precedence is above our Prophet Muhammad?" He said, "Yes!" After listening to this the Ansari man loosed his temper and slapped the Jew. That Jew came to the Prophet and complained about the Ansari man. Then the Prophet asked all about the happenings. Then he said, "Do not give me preference to other prophets."  
*Narrated: Abu Saeed Khudri.*  
. (See Hadith - 2252/2253).