

for life, eye for eye, nose for nose, ear for ear, tooth for tooth and wounds equal for equal.' But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allāh has revealed, such are *Az-Zālimūn* (polytheists, oppressors and wrongdoers – of a lesser degree).” (V.5:45)

**6878.** Narrated ‘Abdullāh رضي الله عنه: Allāh’s Messenger ﷺ said, “The blood of a Muslim who confesses that *Lā ilāha illallāh* (none has the right to be worshipped but Allāh) and that I am the Messenger of Allāh, cannot be shed except in three cases: (1) Life for life, (in cases of intentional murders without right, i.e., in *Qisās* – Law of Equality in punishment); (2) a married person who commits illegal sexual intercourse, and (3) the one who turns renegade from Islām (apostate) and leaves the group of Muslims (by innovating heresy, new ideas and new things, etc. in the Islāmic religion).”

[See *Fath-Al-Bārī* for details].

#### (7) CHAPTER. Whoever punished (a killer) with a stone (in retaliation).

**6879.** Narrated Anas رضي الله عنه: A Jew killed a girl so that he may steal her ornaments. He struck her with a stone, and she was brought to the Prophet ﷺ while she was still alive. The Prophet ﷺ asked her, “Did such and such person strike you?” She gestured with her head, expressing denial. He asked her (naming such and such a person) for the second time, and she again gestured with her head, expressing denial. When he asked her for the third time, (naming such and such a person) she beckoned with her in the affirmative, as saying, “Yes.” So the Prophet ﷺ killed him

النفس بالنفس والعنزة بالعنزة  
[المائدة: ٤٥].

٦٨٧٨ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ : حَدَّثَنَا أَبِي : حَدَّثَنَا الْأَعْمَشُ ، عَنْ عَبْدِ اللَّهِ بْنِ مُرْوَةَ ، عَنْ مَسْرُوقٍ ، عَنْ عَبْدِ اللَّهِ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ يَشْهُدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ ، وَأَتَى رَسُولُ اللَّهِ إِلَّا بِإِخْدَى ثَلَاثَةِ النَّفْسِ بِالنَّفْسِ ، وَالثَّيْبُ الزَّانِي ، وَالْمُفَارِقُ لِدِينِهِ التَّارِكُ لِلْجَمَاعَةِ ». .

#### (٧) بابٌ من أفاد بالحجر

٦٨٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَّارٍ : حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا شَعْبَةُ ، عَنْ هِشَامِ ابْنِ زَيْدٍ ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ : أَنَّ يَهُودِيًا قَتَلَ جَارِيَةً عَلَى أَوْضَاحِهِ فَقَتَلَهَا بِحَجْرٍ فَجَيَءَ بِهَا إِلَى النَّبِيِّ ﷺ وَبِهَا رَمَقٌ فَقَالَ : أَفْقَلْتَكِ؟ فَأَشَارَتْ بِرَأْسِهَا أَنَّ لَا ، ثُمَّ قَالَ فِي الثَّالِثَةِ فَأَشَارَتْ بِرَأْسِهَا أَنَّ لَا ، ثُمَّ سَأَلَهَا الثَّالِثَةَ فَأَشَارَتْ بِرَأْسِهَا

(the Jew) with two stones.

أي نعم. فَقَتَلَهُ النَّبِيُّ ﷺ بِحَجَرَيْنِ.

[راجع: ٢٤١٣]

**(8) CHAPTER.** The relative of the killed person has the right to choose one of two compensations (i.e., to have the killer killed, or to accept blood-money).

(٨) بَابُ مَنْ قُتِلَ لَهُ قَتْلٌ فَهُوَ بِخَيْرِ الْنَّظَرَيْنِ

6880. Narrated Abū Hurairah رضي الله عنه: In the year of the conquest of Makkah, the tribe of Khuzā'a killed a man from the tribe of Banī Laith in revenge for a killed person belonging to them in the Pre-Islamic Period of Ignorance. So Allāh's Messenger ﷺ got up saying, "Allāh held back the (army having) elephants from Makkah, but He let His Messenger and the believers overpower the infidels (of Makkah). Beware! (Makkah is a sanctuary)! Verily! Fighting in Makkah was not permitted for anybody before me, nor will it be permitted for anybody after me. It was permitted for me only for a while (an hour or so) of that day. No doubt! It is at this moment a sanctuary; its thorny shrubs should not be uprooted; its trees should not be cut down; and its *Luqāta* (fallen things) should not be picked up except by the one who would look for its owner. And if somebody is killed, his closest relative has the right to choose one of two things, i.e., either the blood-money or retaliation by having the killer killed." Then a man from Yemen, called Abū Shāh, stood up and said, "Write (that) for me, O Allāh's Messenger!" Allāh's Messenger ﷺ said (to his Companions), "Write that for Abū Shāh." Then another man from Quraish got up, saying, "O Allāh's Messenger! Except *Al-Idhkhir* (a special kind of grass) as we use it in our houses and for graves." Allāh's Messenger ﷺ said, "Except *Al-Idhkhir*."<sup>(1)</sup>

٦٨٨٠ - حَدَّثَنَا أَبُو نُعَيْمٌ: حَدَّثَنَا شَيْبَانُ، عَنْ يَحْيَى، عَنْ أَبِي سَلْمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ خُزَاعَةَ قَتَلُوا رَجُلًا. وَقَالَ عَبْدُ اللَّهِ بْنُ رَجَاءَ: حَدَّثَنَا حَرْبٌ، عَنْ يَحْيَى: حَدَّثَنَا أَبُو سَلْمَةَ: حَدَّثَنَا أَبُو هُرَيْرَةَ: أَنَّهُ عَامَ فَتَحَ مَكَّةَ فَتَلَّتْ خُزَاعَةُ رَجُلًا مِنْ بَنِي لَيْثٍ يُقْتَلِي لَهُمْ فِي الْجَاهِلِيَّةِ، فَقَامَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «إِنَّ اللَّهَ حَبَّسَ عَنْ مَكَّةَ الْفَيلَ وَسَلَطَ عَلَيْهِمْ رَسُولَهُ وَالْمُؤْمِنِينَ، أَلَا وَإِنَّهَا لَمْ تَجِلْ لِأَحَدٍ قَبْلِيَّ، وَلَا تَجِلُّ لِأَحَدٍ بَعْدِي أَلَا وَإِنَّمَا أُجِلَّتْ لِي سَاعَةً مِنْ نَهَارٍ، أَلَا وَإِنَّهَا سَاعَتِي هَذِهِ حَرَامٌ، لَا يُخْتَلِي شَوْكُهَا وَلَا يُعَضُّ شَجَرُهَا وَلَا يُنْتَهَى سَاقِطَتِهَا إِلَّا مُشَيْدٌ. وَمَنْ قُتِلَ لَهُ قَتْلٌ فَهُوَ بِخَيْرِ النَّظَرَيْنِ، إِمَّا يُودَى وَإِمَّا يُقَادُ». فَقَامَ رَجُلٌ مِنْ أَهْلِ الْيَمِنِ يُقَالُ لَهُ: أَبُو شَاءِ، فَقَالَ: أَكْتُبْ لِي يَا رَسُولَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكْتُبُوا لِأَبِي شَاءِ». ثُمَّ قَامَ رَجُلٌ مِنْ قُرَيْشٍ فَقَالَ: يَا رَسُولَ اللَّهِ، إِلَّا

(1) (H. 6880) *Al-Idhkhir* is permitted to be cut in Makkah.

الإِذْخَرَ فَإِنَّمَا نَجْعَلُهُ فِي بُيُوتِنَا وَقُبُورِنَا. فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِلَّا إِلَّا إِذْخَرَ».

وابعه عَيْدُ اللَّهِ عَنْ سَيِّدِنَا وَآلهِ وَسَلَّمَ فِي الْفَيْلَ». وَقَالَ بَعْضُهُمْ عَنْ أَبِي نُعَيْمَ: «الْمَتْلَلُ»، وَقَالَ عَيْدُ اللَّهِ عَنْ يَقَادَ أَهْلُ الْقَتْلِ». [راجع: ١١٢]

٦٨٨١ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرُو، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَتْ فِي بَنِي إِسْرَائِيلَ قِصَاصٌ وَلَمْ تَكُنْ فِيهِمُ الدِّيَةُ، فَقَالَ اللَّهُ لِهِنْوَ الْأَمَةُ ۝ كُنُكَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى ۝ إِلَى هَذِهِ الْآيَةِ ۝ فَمَنْ عَفَ لَهُ مِنْ أَخِيهِ شَفَى ۝ قَالَ ابْنُ عَبَّاسٍ: فَالْعَفْوُ أَنْ يَقْبَلَ الدِّيَةَ فِي الْعَمَدِ، قَالَ: ۝ فَأَتَيْتُكُمْ بِالْمَعْرُوفِ ۝ أَنْ يَطْلُبَ بِمَعْرُوفٍ وَبِوَيْدَىٰ بِإِحْسَانٍ. [راجع: ٤٤٩٨]

**6881.** Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: For the Children of Isrāel, the punishment for crime was *Al-Qisās* only (i.e., the Law of Equality in punishment) and the payment of blood-money was not permitted as an alternate. But Allāh said to this nation (Muslims):

‘O you who believe! *Al-Qisās*<sup>(1)</sup> (the Law of Equality in punishment) is prescribed for you in case of murder, .. (up to)... But if the killer is forgiven by the brother (or the relatives) of the killed against blood-money...’ (V.2:178)

Ibn ‘Abbās added: Forgiveness in this Verse, means to accept the blood-money in an intentional murder. Ibn ‘Abbās added: The Verse :

“... (Then adhering to it) with fairness and payment of the blood-money to the heir should be made in fairness...” (V.2:178)

means that the demand should be reasonable and it is to be paid to the heir in fairness .

**(9) CHAPTER.** Whoever seeks to shed somebody’s blood without any right.

**6882.** Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: The Prophet ﷺ said, “The most hated persons to Allāh are three: (1) A person

٩) بَابُ مَنْ طَلَبَ دَمَ اُمْرَيْ بِغَيْرِ حَقٍّ

٦٨٨٢ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شَعِيبٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي

(1) (H. 6881) See the glossary.

who deviates from the right conduct (i.e., an evil-doer) in the *Haram* (sanctuaries of Makkah and Al-Madina); (2) a person who wants that the traditions of the Pre-Islamic Period of Ignorance should remain in Islām; (3) and a person who seeks to shed somebody's blood without any right."

حسين: حدثنا نافع بن جبير، عن ابن عباس: أن النبي ﷺ قال: «أبغض الناس إلى الله ثلاثة: ملحد في الحرام، وممتنع في الإسلام سنته الجاهلية، ومطلب دم أمرئٍ بغير حق ليهريق دمه». ٦٨٨٣

#### (10) CHAPTER. Excusing somebody who killed another by mistake.

#### (١٠) باب العفو في الخطأ بعد المؤت

**6883.** Narrated 'Āishah رضي الله عنها: *Al-Mushrikūn* were defeated on the day (of the battle) of Uhud.'

Satan shouted among the people on the day of Uhud, 'O Allāh's worshippers! Beware of what is behind you!' So, the front file of the army attacked the back files (mistaking them for the enemy) till they killed Al-Yamān. Hudhaifa (bin Al-Yamān) shouted, 'My father! My father!' But they killed him. Hudhaifa said, 'May Allāh forgive you.' (The subnarrator added: Some of the defeated *Mushrikūn* fled till they reached Tā'if).

عليه بن مسهر، عن هشام، عن أبيه، عن عائشة: هرم المشركون يوم أحد. وحدثني محمد بن حرب: حدثنا أبو مروان يحيى بن أبي زكريا، عن هشام، عن عروة، عن عائشة رضي الله عنها قالت: صرخ إبليس يوم أحد في الناس: يا عباد الله أخركم. فرجمت أولئك على أحرارهم حتى قتلوا اليمان. فقال حدائقه: أبي أبي، فقتلوا، فقال حدائقه: غفر الله لكم. قال: وقد كان أنهزَم منهم قوم حتى لحقوا بالطائف. [راجع: ٣٢٩٠]

**(11) باب قول الله تعالى:** «وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا حَطَّا» الآية [النساء: ٩٢]

#### (11) CHAPTER. The Statement of Allāh تعالى:

"It is not for a believer to kill a believer except (that it be) by mistake, and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money i.e., *Diya*) be given to the deceased's family, unless they remit it. If the deceased belonged to a people

at war with you and he was a believer; the freeing of a believing slave (is prescribed), and if he belonged to a people with whom you have a treaty of mutual alliance, compensation must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must observe fast for two consecutive months in order to seek repentance from Allāh. And Allāh is ever All-Knowing, All-Wise.” (V.4:92)

**(12) CHAPTER.** If a killer confesses once, he should be killed.

**6884.** Narrated Anas bin Mālik رضي الله عنه : A Jew crushed the head of a girl between two stones. It was said to her, “Who has done this to you, such and such person, such and such person?” When the name of the Jew was mentioned, she nodded with her head, agreeing. So the Jew was brought and he confessed. The Prophet ﷺ ordered that his head be crushed with the stones. (Hammām said, “with two stones”.)

**(١٢) بَابٌ:** إِذَا أَفْرَرَ بِالْقَتْلِ مَرَّةً قُتِلَ

**٦٨٨٤ - حَدَّثَنَا إِسْحَاقُ:** أَخْبَرَنَا حَبَّانُ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ: حَدَّثَنَا أَنَسُ ابْنُ مَالِكٍ أَنَّ يَهُودِيًا رَضَ رَأْسَ جَارِيَةً بَيْنَ حَجَرَيْنِ، فَقِيلَ لَهَا: مَنْ فَعَلَ بِكِ هَذَا؟ أَفْلَانْ؟ أَفْلَانْ؟ حَتَّى سُمِّيَ الْيَهُودِيُّ فَأَوْمَأَتْ يَرَاسَهَا، فَجِيءَ بِالْيَهُودِيِّ فَاعْتَرَفَ فَأَمْرَ بِهِ النَّبِيُّ ﷺ فَرُضَ رَأْسُهُ بِالْحِجَارَةِ. وَقَدْ قَالَ هَمَّامٌ: بِحَجَرَيْنِ.

[راجع: ٢٤١٣]

**(13) CHAPTER.** Killing a man for having killed a woman.

**6885.** Narrated Anas bin Mālik رضي الله عنه : The Prophet ﷺ killed a Jew for killing a girl in order to take her ornaments.

**(١٣) بَابُ قَتْلِ الرَّجُلِ بِالْمَرْأَةِ**

**٦٨٨٥ - حَدَّثَنَا مُسَدَّدٌ:** حَدَّثَنَا يَزِيدُ بْنُ رُزْبَعٍ: حَدَّثَنَا سَعِيدٌ، عَنْ قَتَادَةَ، عَنْ أَنَسِ ابْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ قَتَلَ يَهُودِيًّا بِجَارِيَةٍ، قَتَلَهَا عَلَى أَوْصَاحِهِ لَهَا.

[راجع: ٢٤١٣]

**(14) CHAPTER.** *Al-Qiṣāṣ* (Law of Equality in punishment) in cases of injury among men and women.

And religious learned people said, "A man should be killed if he has killed a woman."

It is related that 'Umar said, "A man should be punished with the law of *Al-Qiṣāṣ* for intentionally inflicting a woman with a wound or injury. Punishment may be the loss of his life or the receiving of similar wounds."

'Umar bin 'Abdul-'Azīz, Ibrāhīm, and Abū Az-Zinād agreed to that. The sister of Ar-Ruba'i wounded somebody whereupon the Prophet ﷺ gave the judgement of *Al-Qiṣāṣ*.

**6886.** Narrated 'Āishah: We poured medicine into the mouth of the Prophet ﷺ during his ailment. He said, "Don't pour medicine into my mouth." (We thought he said that) out of the aversion a patient usually has for medicines. When he improved and felt better he said, "There is none of you but will be forced to drink medicine, except Al-'Abbās, for he did not witness your deed."

**(15) CHAPTER.** Whoever took his right or retaliation from somebody without submitting the case to the ruler.

**6887.** Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ that he heard Allāh's Messenger ﷺ saying, "We (Muslims) are the last (to come) but (will be) the foremost (on the Day of Resurrection)."

**(١٤) بَابُ الْقِصَاصِ بَيْنَ الرِّجَالِ وَالسَّيَاءِ فِي الْجَرَاحَاتِ،**

وَقَالَ أَهْلُ الْعِلْمِ: يُقْتَلُ الرَّجُلُ بِالْمَرْأَةِ. وَيُذْكَرُ عَنْ عُمَرَ: تُفَادُ الْمَرْأَةُ مِنَ الرَّجُلِ فِي كُلِّ عَمْدٍ يَئْلُغُ نَفْسَهُ فِيمَا دُونَهَا مِنَ الْجِرَاجِ، وَفِيهِ قَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَإِبْرَاهِيمَ، وَأَبْوَ الزَّنَادِ عَنْ أَصْحَابِهِ. وَجَرَحَتْ أَخْتُ الرَّبِيعِ إِنْسَانًا، فَقَالَ التَّبَّيُّ بْنُ عَلِيٍّ بْنُ عَلِيٍّ: «الْقِصَاصُ».

**٦٨٨٦ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ:**  
حَدَّثَنَا يَحْيَى: حَدَّثَنَا سُعْدَانٌ: حَدَّثَنَا مُوسَى بْنُ أَبِي عَائِشَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَدَنَا التَّبَّيُّ بْنُ عَلِيٍّ فِي مَرَضِهِ فَقَالَ: «لَا تُلْدُونِي»، فَقَلَّتْ: كَرَاهِيَّةُ الْمَرِيضِ لِلِّدَوَاءِ، فَلَمَّا أَفَاقَ قَالَ: «لَا يَقْرَأُ أَحَدٌ مِنْكُمْ إِلَّا لَدَنَا لَدَنْتُمْ». [راجع: ٤٤٥٨]

**(١٥) بَابُ مَنْ أَخْذَ حَقَّهُ أَوْ اتَّصَّ دُونَ السُّلْطَانِ**

**٦٨٨٧ - حَدَّثَنَا أَبُو الْيَمَانِ:**  
أَخْبَرَنَا شَعِيبٌ: حَدَّثَنَا أَبُو الرَّنَادَ أَنَّ الْأَعْرَجَ حَدَّثَهُ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: إِنَّهُ سَمِعَ رَسُولَ اللَّهِ بِالْحَقِيقَةِ يَقُولُ: «نَحْنُ الْآخِرُونَ السَّابِقُونَ يَوْمَ الْقِيَامَةِ». [راجع: ٢٣٨]

**6888.** [H. 6887 contd.] Abu Hurairah added, "If someone is peeping (looking secretly) into your house without your permission, and you throw a stone at him and destroy his eyes, there will be no sin on you." (See H. 6902)

**6889.** Narrated Yaḥyā : Ḥumaid said, "A man peeped into the house of the Prophet ﷺ and the Prophet ﷺ aimed an arrow head at him to hit him." I asked, "Who told you that?" He said, "Anas bin Mālik."

[See *Hadīth* No.6241 and 6242].

#### (16) CHAPTER. If someone dies or is killed in a big crowd.

**6890.** Narrated ‘Āishah رضي الله عنها: When it was the day of (the battle of) Uhud, *Al-Mushrikūn* were defeated. Then Satan shouted, "O Allāh's worshippers! Beware of what is behind you!" So, the front files attacked the back files of the army. Hudhaifa looked, and behold, there was his father, Al-Yamān (being attacked)! He shouted (to his companions), "O Allāh's worshippers! My father! My father!" But by Allāh, they did not stop till they killed him (i.e., Hudhaifa's father). Hudhaifa said, "May Allāh forgive you." Urwa said, "Hudhaifa continued asking Allāh's forgiveness for the killer of his father till he died."

#### (17) CHAPTER. If someone kills himself by mistake then there is no *Diya* (blood-money) for him.

**6891.** Narrated Salama : We went out with the Prophet ﷺ to Khaibar. A man (from the Companions) said, "O ‘Āmir! Let us hear

٦٨٨٨ - وَيَأْسِنَا دِهْ: «لَوْ اطَّلَعَ فِي بَيْتِكَ أَحَدٌ وَلَمْ تَأْذِنْ لَهُ، خَدْفَتْهُ بِحَصَّةٍ فَفَقَأَتْ عَيْنَهُ مَا كَانَ عَلَيْكَ مِنْ جُنَاحٍ». [انظر: ٦٩٠٢]

٦٨٨٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ حُمَيْدٍ أَنَّ رَجُلًا اطَّلَعَ فِي بَيْتِ التَّبِيِّ فَسَدَّ إِلَيْهِ مِشْقَاصًا، فَقُلْتُ: مَنْ حَدَّثَكَ؟ قَالَ: أَنْسُ بْنُ

مَالِكٍ. [راجع: ٦٦٤٢]

(١٦) بَابٌ: إِذَا مَاتَ فِي الزَّحَامِ أَوْ قُتِلَ بِهِ

٦٨٩٠ - حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا أُبُو أَسَامَةَ قَالَ: هَشَّامٌ أَخْبَرَنَا عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا كَانَ يَوْمُ أُحْدِي هُزِمَ الْمُشْرِكُونَ فَصَاحَ إِلَيْهِنُ: أَيُّ عِبَادَ اللَّهِ، أَخْرَاكُمْ، فَرَجَعَتْ أُولَاهُمْ فَاجْتَلَدُتْ هِيَ وَأَخْرَاهُمْ فَنَظَرَ حُذَيْفَةَ فَإِذَا هُوَ بِأَبِيهِ الْيَمَانِ، فَقَالَ: أَيُّ عِبَادَ اللَّهِ، أَبِي أَبِي، قَالَتْ: فَوَاللهِ مَا احْتَجَزُوا حَتَّى قَتَلُوهُ، قَالَ حُذَيْفَةَ: غَفَرَ اللَّهُ لَكُمْ. قَالَ عُرْوَةُ: فَمَا زَالَتْ فِي حُذَيْفَةَ مِنْهُ بَقِيَّةٌ حَتَّى لَحِقَ بِاللهِ.

[راجع: ٣٢٩٠]

(١٧) بَابٌ: إِذَا قُتِلَ نَفْسَهُ خَطًّا فَلَا دِيَةَ لَهُ

٦٨٩١ - حَدَّثَنَا الْمَكْثُيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي عَبْيَدٍ،

some of your *Hudā* (camel-driving songs)". So he sang some of them (i.e., a lyric in harmony with the camels' footsteps). The Prophet ﷺ said, "Who is the driver (of these camels)?" They said, "‘Āmir." The Prophet ﷺ said, "May Allāh bestow His Mercy on him!"<sup>(1)</sup> The people said, "O Allāh's Messenger! Would that you let us enjoy his company longer!" Then ‘Āmir was killed the following morning. The people said, "The good deeds of ‘Āmir are lost as he has killed himself."<sup>(2)</sup> I returned at the time while they were talking about that. I went to the Prophet ﷺ and said, "O Allāh's Prophet! Let my father be sacrificed for you! The people claim that ‘Āmir's good deeds are lost." The Prophet ﷺ said, "Whoever says so is a liar, for ‘Āmir will have a double reward as he exerted himself to obey Allāh and fought in Allāh's Cause. No other way of killing would have granted him greater reward."

#### (18) CHAPTER. If somebody bites a man and has his one tooth broken.

**6892.** Narrated ‘Imrān bin Ḥuṣain : A man bit 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 Prophet ﷺ, who said, "One of you bit his brother as a male camel bites. (Go away), there is no *Diya* (blood-money) for you."

**6893.** Narrated Ya‘lā : I went out in one of

عَنْ سَلَمَةَ قَالَ: حَرَجْنَا مَعَ النَّبِيِّ ﷺ إِلَى خَيْرٍ فَقَالَ رَجُلٌ مِنْهُمْ: أَسْمَعْنَا يَا عَامِرُ مِنْ هُنَيَّاتِكَ، فَحَدَّا بِهِمْ. فَقَالَ النَّبِيُّ ﷺ: مَنِ السَّائِقُ؟ قَالُوا: عَامِرٌ، فَقَالَ: «رَحِمَةُ اللَّهِ»، فَقَالُوا: يَا رَسُولَ اللَّهِ، هَلَا أَمْتَعْتَنَا بِهِ؟ فَأَصَبَّ صَبِيحةً لَيْلَتِهِ، فَقَالَ الْقَوْمُ: حَبْطَ عَمَلُهُ، قَتَلَ نَفْسَهُ. فَلَمَّا رَجَعْتُ وَهُمْ يَتَحَدَّثُونَ أَنَّ عَامِرًا حَبْطَ عَمَلُهُ فَجِئْتُ إِلَى النَّبِيِّ ﷺ فَقُلْتُ: يَا نَبِيَّ اللَّهِ، فِدَاكَ أَبِي وَأُمِّي، زَعَمُوا أَنَّ عَامِرًا حَبْطَ عَمَلُهُ. فَقَالَ: «كَذَّبَ مَنْ قَالَهَا، إِنَّ لَهُ لَا جُرَيْنٌ اثْنَيْنِ: إِنَّهُ لَجَاهِدًا مُجَاهِدًا، وَأَئِيْ قُتِلَ يَزِيدُهُ عَلَيْهِ». [راجع: ٢٤٧٧]

#### (١٨) بَابٌ إِذَا عَضَ رَجُلًا فَوَقَعَتْ ثَنَيَاهُ

**6892** - حَدَّثَنَا آدُمُ: حَدَّثَنَا شُعبَةُ: حَدَّثَنَا قَنَادِهُ قَالَ: سَمِعْتُ زُرَارَةَ بْنَ أَوْفَى عَنْ عُمَرَانَ بْنِ حُصَيْنٍ: أَنَّ رَجُلًا عَضَ يَدَ رَجُلٍ فَتَرَعَ يَدُهُ مِنْ فِيمَا فَوَقَعَتْ ثَنَيَاهُ. فَاحْتَضَمُوا إِلَى النَّبِيِّ ﷺ فَقَالَ: «يَعْضُ أَحَدُكُمْ أَخَاهُ كَمَا يَعْضُ الْفَحْلُ! لَا دِيَةَ لَهُ». [٢٤٧٧]

**6893** - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ

(1) (H.6891) The Prophet ﷺ anticipated ‘Āmir's martyrdom.

(2) (H.6891) ‘Āmir tried to hit a Jew with his sword, but the sword accidentally turned towards himself and killed him, so he killed himself accidentally.

the *Ghazwa*<sup>(1)</sup> and a man bit another man and as a result, an incisor tooth of the former was pulled out. The Prophet ﷺ cancelled the case.

#### (19) CHAPTER. Tooth for tooth.

**6894.** Narrated Anas رضي الله عنه: The daughter of An-Nadr slapped a girl and broke her incisor tooth. They (the relatives of that girl), came to the Prophet ﷺ and he gave the order of *Al-Qisās* (equality in punishment).

#### (20) CHAPTER. The *Diya* for (cutting) fingers.

**6895.** Narrated Ibn ‘Abbās رضي الله عنهما: The Prophet ﷺ said, “This and this are the same.” He meant the little finger and the thumb.<sup>(2)</sup>

Narrated Ibn ‘Abbās رضي الله عنهما: I heard the Prophet ﷺ (saying the same as above).

#### (21) CHAPTER. If a group of people have killed or injured one man, will all of them have to give the *Diya* or be punished with the law of *Al-Qisās* (equality in punishment)?

Narrated Muṭarrif from Ash-Sha‘bī: Two men bore witness against a man whom they

ابن جريراً، عن عطاء، عن صفوان بن يعلى، عن أبيه قال: خرجت في غرفة فقصّ رجل فانزع ثيته فأبظلها النبي عليه السلام. [راجع: ١٨٤٧]

**(١٩) باب:** «واليس باليدين»  
[المائدة: ٤٥]

**٦٨٩٤** - حدثنا الأنصاري: حدثنا حميد، عن أبي رضي الله عنه أن ابنة النضر لطمته جارية فكسرت ثيتيها، فأتوا النبي عليه السلام فأمر بالقصاص.

**(٢٠) باب:** دية الأصابع

**٦٨٩٥** - حدثنا آدم: حدثنا شعبة، عن قتادة، عن عكرمة، عن ابن عباس عن النبي عليه السلام قال: «هذه وهذه سواء»، يعني الخنصر والإبهام.

حدثنا محمد بن بشير: حدثنا ابن أبي عدي، عن شعبة، عن قتادة، عن عكرمة، عن ابن عباس قال: سمعت النبي عليه السلام نحوه.

**(٢١) باب:** إذا أصاب قوم من رجال: هل يعاقب أو يقتضى منهم كلهم؟

وقال مطرف عن الشعبي في رجالين شهدا على رجل أنه سرق

(1) (H.6893) *Ghazwa*: A holy battle led by the Prophet ﷺ.

(2) (H.6895) The *Diya* (blood-money) is the same for each finger.

accused of theft. ‘Alī cut off his hand. Then they brought another man and said (to ‘Alī), “We have committed a mistake (by accusing the first man).” ‘Alī regarded their former witness as invalid and took from them the *Diya* for being the cause of cutting off the hand of the first man, and said, “If I were of the opinion that you have intentionally given a false witness, I would cut off your hands.”

**6896.** Ibn ‘Umar said: A boy was assassinated. ‘Umar said, “If all the people of *San‘ā*<sup>(1)</sup> took part in the assassination I would kill them all.”

Al-Mughira bin Ḥakim said that his father said, “Four persons killed a boy, and ‘Umar said (as above).”

Abū Bakr, Ibn Az-Zubair, ‘Alī and Suwaid bin Muqarrin gave the judgement of *Al-Qiṣāṣ* (equality in punishment) in cases of slapping. And ‘Umar carried out *Al-Qiṣāṣ* for a strike with a stick. And ‘Alī carried out *Al-Qiṣāṣ* for three lashes with a whip. And Shuraiḥ carried out for one lash and for scratching.

**6897.** Narrated ‘Aishah: We poured medicine into the mouth of Allāh’s Messenger ﷺ during his illness, and he pointed out to us intending to say, “Don’t pour medicine into my mouth.” We thought that his refusal was out of the aversion a patient usually has for medicine. When he improved and felt a bit better, he said (to us), “Didn’t I forbid you to pour medicine into my mouth?” We said, “We thought (you did so) because of the aversion one usually has for medicine.” Allāh’s Messenger ﷺ said,

فَقَطَعَهُ عَلَيْهِ، ثُمَّ جَاءَ بِآخَرَ وَقَالَ: أَخْطَلَنَا. فَأَبْطَلَ شَهَادَتَهُمَا وَأَخْذَ بِدِيَةِ الْأُولِي. وَقَالَ: لَوْ عَلِمْتُ أَنَّكُمَا تَعْمَدُتُمَا لَقَطَعْتُكُمَا.

٦٨٩٦ - (قَالَ لِي ابْنُ بَشَّارِ: حَدَّثَنَا يَحْيَى، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ عَلَامًا قُتِلَ غِيلَةً، فَقَالَ عُمَرُ: لَوْ اشْتَرَكَ فِيهَا أَهْلُ صَنْعَاءَ لَقَطَعْتُهُمْ. وَقَالَ مُغْبِرَةُ بْنُ حَكِيمٍ، عَنْ أَبِيهِ: إِنَّ أَرْبَعَةَ قَتَلُوا صَبِيًّا فَقَالَ عُمَرُ... مِثْلُهُ.

وَأَقَادَ أَبُو بَكْرٍ، وَابْنُ الرَّبِّيرِ، وَعَلَيْهِ، وَسُوئِيدُ بْنُ مُقَرِّنٍ مِنْ لَظْمَةً. وَأَقَادَ عُمَرُ مِنْ ضَرْبَةٍ بِالدَّرَّةِ. وَأَقَادَ عَلَيْهِ مِنْ ثَلَاثَةِ أَسْوَاطٍ. وَاقْتَضَ شُرِيعَ مِنْ سُوطٍ وَخُمُوشٍ.

٦٨٩٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ سُفِيَّانَ: حَدَّثَنَا مُوسَى بْنُ أَبِي عَائِشَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ قَالَ: قَاتَلْتُ عَائِشَةَ: لَدَنَا رَسُولُ اللَّهِ ﷺ فِي مَرَضِهِ وَجَعَلَ يُشَبِّهُ إِلَيْنَا: «لَا تَلْدُونِي»، قَالَ: فَقُلْنَا: كَرَاهِيَةُ الْمَرِيضِ بِالدَّوَاءِ، فَلَمَّا أَفَاقَ قَالَ: «أَلَمْ أَنْهَكُنَّ أَنْ تَلْدُونِي؟» قَالَ: قُلْنَا:

(1) (H. 6896) The capital of Yemen.